LOCAL PLANNING PANEL AGENDA

25 March 2024

LIVERPOOL CITY COUNCIL

LIVERPOOL THE GREAT SOUTH WEST

MATTERS FOR THE LOCAL PLANNING PANEL'S DETERMINATION

Monday, 25 March 2024

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

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

Should you wish to address the Panel, please advise Amanda Merchant, Panel Support Officer on 8711 7712, by 4pm, 22nd March 2024.

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

Liverpool Local Planning Panel / Liverpool City Council (nsw.gov.au)

ITEM No.	SUBJECT	PAGE No.
1	**DEVELOPMENT APPLICATION DA-120/2023** **DEMOLITION OF EXISTING STRUCTURES, PARTIAL TREE REMOVAL AND CONSTRUCTION OF A SIX-STOREY RESIDENTIAL FLAT BUILDING COMPRISING 21 UNITS WITH TWO LEVELS OF BASEMENT CARPARKING, ASSOCIATED LANDSCAPING AND CIVIL WORKS. THE APPLICATION IS IDENTIFIED AS AFFORDABLE HOUSING UNDER STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021.** **LOTS 176 & 177 DP 216017** **7 & 9 SUTTON ROAD, ASHCROFT**	**4-205**

ITEM No.	SUBJECT	PAGE No.
2	**DEVELOPMENT APPLICATION DA-23/2023** **ALTERATIONS TO THE UPPER LEVEL OF AN APPROVED RESIDENTIAL FLAT BUILDING (DA-1305/2021) INVOLVING THE CONSTRUCTION OF THREE ADDITIONAL UNITS ABOVE THE FOURTH STOREY TO BE PROVIDED AS AFFORDABLE RENTAL HOUSING UNDER SEPP (HOUSING) 2021, MINOR FAÇADE CHANGES, THE ADDITION OF NINE CARPARKING SPACES, REARRANGEMENT OF THE BASEMENT CARPARK AND A MODIFICATION TO THE APPROVED COMMUNAL OPEN SPACE.** **LOTS 82 & 83 DP244786** **2 & 3 WILGA CLOSE, CASULA**	**206-433**

ITEM No.	SUBJECT	PAGE No.
3	**DEVELOPMENT APPLICATION DA-48/2022** **DEMOLITION OF EXISTING STRUCTURES, REMEDIATION WORKS, SUBDIVISION OF ONE (1) EXISTING LOT INTO TWENTY (20) RESIDENTIAL LOTS AND ONE (1) RESIDUE LOT, ROAD CONSTRUCTION AND ASSOCIATED CIVIL WORKS AND LANDSCAPING OVER THREE STAGES.** **THE APPLICATION IS IDENTIFIED AS INTEGRATED DEVELOPMENT PURSUANT TO SECTION 4.46 OF THE *RURAL FIRES ACT 1997* REQUIRING GENERAL TERMS OF APPROVAL FROM THE NSW RURAL FIRE SERVICE.** **LOT 6332 DP 1263964** **75 THIRTEENTH AVENUE, AUSTRAL**	**434-537**

Item Number:	**1**
Application Number:	DA-120/2023
Proposed Development:	Demolition of existing structures, partial tree removal and construction of a six-storey residential flat building comprising 21 units with two levels of basement carparking, associated landscaping and civil works. The application is identified as affordable housing under State Environmental Planning Policy (Housing) 2021.
Property Address	Nos. 7-9 Sutton Road, Ashcroft
Legal Description:	Lots 176 and 177 DP 216017
Applicant:	Mrs G Bernard Tambasco
Land Owner:	Mr P Tambasco and Mrs G B Tambasco
Cost of Works:	$6,297,357
Recommendation:	Approved subject to conditions of consent
Assessing Officer:	Robert Micallef

1 EXECUTIVE SUMMARY

Council has received a development application (DA-120/2023) seeking consent for the demolition of existing structures, partial tree removal and construction of a six-storey residential flat building comprising 21 units with two levels of basement carparking, associated landscaping and civil works at nos. 7-9 Sutton Road, Ashcroft. The application is identified as affordable housing under State Environmental Planning Policy (Housing) 2021.

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

The proposal contains a submitted Clause 4.6 Variation to Clause 4.3 – Height of Buildings under LLEP 2008. The proposal seeks a height variation of 1m or 5.55%, which is acceptable as it is considered that compliance with the height of buildings development standard is unreasonable or unnecessary due to the circumstances of this case and that there are sufficient environmental planning grounds to justify contravening the development standard. The increase in the height proposed ensures that better amenity would be provided to the future occupants of the buildings with sufficient floor to floor heights being maintained, which allows for the minimum floor to ceiling heights to be achieved as well as space for services between floors.

The proposed development is compliant with the provisions of the Apartment Design Guideline, other relevant State Environmental Planning Polices and is consistent with relevant development control plans.

The application was notified between 24 March and 12 April 2023 in accordance with the Liverpool City Council Community Engagement Strategy 2022. One submission was received during this notification period, which was in support of the subject development.

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

Sensitive Development

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

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 conditions of consent.

2. SITE DESCRIPTION AND LOCALITY

2.1 The site

The subject land for this application consists of two parcels of land which are known as nos. 7 and 9 Sutton Road, Ashcroft, legally described as Lots 176 and 177 DP 216017. The site is 1265.4sqm in area with a primary frontage of 31.09m to Sutton Road, a site depth of approximately 40.7m and a maximum fall of 2.1m from the rear (north-east) to the front (south-west).

The site is currently used for residential purposes with dwelling houses and associated structures over the lots. A significant street tree is also located within the Council verge fronting number 9, which is proposed to be retained. The location of the site can be seen in the aerial view in the figure below.



Figure 1: Aerial view of subject site

2.2 The locality

The subject site and its immediate locality are within an urban residential area. The proposed development represents the type of development that the established planning controls have been put in place to achieve a high-density residential setting. In the immediate vicinity to the site, there are an array of Land and Housing NSW residential flat buildings with heights varying between two and three-storeys and multi-dwelling housing units. This development would be the first significant building of this type in the area as opposed to the Land and Housing two and three-storey RFBs around, built in the 1960s and 1970s, and would set a precedent for new development within the R4 zone in this locality.

The site is located opposite Gard Park which leads to other parkland which surrounds Cabramatta Creek, approximately 250m east of the property. A set of neighbourhood shops are located 210m south-west of the site and Ashcroft Public School is 350m to the south-east. Elizabeth Drive, one of the main connecting thoroughfares, is 400m to the east and Maxwells Avenue is 150m to the south. The locality is also within the Georges River Catchment area. The locality of the subject site can be found in figures 2 and 3 below.



Figure 2: Locality and location of nearby land housing RFBs (two and three storeys) and multi dwellings.



Figure 3: Locality surrounding the proposed development

3. BACKGROUND/HISTORY

3.1 Design Excellence Panel

The application was presented to the Liverpool Design Excellence Panel on 8 June 2023 and 12 October 2023 where the panel supported the proposal at the later meeting. The minutes of that meeting were provided to the applicant to address and incorporate matters into the design of the development, subject to Council approval. The key issues raised by the DEP were as follows:

- Architect/ Designer of the project.
- Design response to Gard Park.
- Tree retention in the front street verge.
- Corridor windows and screening.
- Internal layouts of units.
- Windows design and locations.
- Balcony designs and roof for unit 13 balcony.
- Private open space size excluding AC units.
- Substation.
- Front communal open space design.
- Sustainability measures including ceiling fans, PV Panels and rainwater tank.
- Landscape design.
- Garbage room and CPTED.
- Colours and materials.

The applicant responded to the issues raised by the DEP and supplied amended architectural plans, which have been reviewed by Council and are considered acceptable. A summary of the Design Excellence Panel's comments from the October meeting with a comment are provided below.

General Notes

- *The discussion around the design process and required qualification was discussed during the meeting. The Panel notes Apartment buildings (SEPP 65) legally requires a suitably qualified person (an Architect registered in NSW) to oversee all facets of the design and documentation of the project; assuming full responsibility for the design through all stages of the project, signing off on the building at the OC stage. The Design & Building Practitioners Act (2020) will need to be adhered to.*

  Council Comment: The applicant's architect has clarified the matter and their registration with the Architects Board and has provided amended documentation to reference the correct details.

Context

- *The Panel reiterates the importance of implementing a visionary city-making strategy to guide the site planning, contributing to the long-term development and improvement of the area.*

  Council Comment: The proposed development is designed to facilitate the desired future character of the area and is in accordance with the relevant planning controls. The proposed development appropriately resolves the outstanding issues raised by the panel and adequately responds to the anticipated transition of the locality in the future, contributing to the long-term development and improvement of the area.

- *The provision of affordable housing components by the applicant is appreciated, demonstrating a positive intention for the development. Achieving design excellence will further enhance the proposal, making it a better place for its community and a best practice example.*

  Council Comment: The affordable housing element is a positive outcome for the locality and housing options within the LGA. By meeting the comments raised by the panel, it is deemed that this development achieves design excellence and would be beneficial for the community and future developments.

- *The Panel clarifies with the applicant the indicated building envelopes for the surrounding area that differ from the proposed development, with the top two floors further recessed back. The applicant explains that these are indicative only and showing the compliant developments as per the ADG separation requirement. The proposed development for the site maintains an overall 9m setback to the rear boundary. Confirm the adjacent apartment buildings would receive compliant (SEPP 65) sunlight.*

  Council Comment: The applicant has provided amended plans which demonstrate better compliance with the ADG for the development and adjoining sites, especially with the shadow diagrams which show potential building envelopes for adjoining sites capable of achieving solar access compliance.

- *The applicant showed a context plan that showed each site's development envelope with no consideration of how each might work together to make a better urban design outcome. The design should demonstrate how it can contribute positively to the development of the whole area, influence the development of nearby blocks, create view and potential pedestrian links, connect positively to other aspects of the area such as the park and schools.*

  Council Comment: Context analysis is provided in the amended documents package and demonstrates how the proposal would contribute to a positive urban design outcome for this area. The site is connected well with existing services and local infrastructure as well as community facilities such as parks and schools, provides pedestrian links and public transport. A range of alternative designs were made for the proposal and have been influenced into the final design outcome for the site.

- *The Panel seeks clarification from the applicant regarding the design response to the neighbouring Gard Park to the south, as the revised scheme proposes the substation at the frontage facing the park. In response, the applicant highlights that the proposed landscape treatment along with the streetscape design is intended to reference the park opposite. This misses an opportunity to link this block with the park by putting pedestrian access int the block opposite the park and visually connecting the landscape of this side of the block with the park opposite. Noting the substation location blocks off this possibility.*

  Council Comment: The design has been amended to relocate the substation to allow for more open space fronting the building. A clear landscape connection to Gard Park is established, however further amendments with the position of the stepping-stones in the circulation path would be requested in the plans as conditions of consent.

- *The Panel acknowledges the inclusion of a future scenario in the revised submission, detailing potential developments in the adjoining sites. However, there are concerns about the feasibility and impact of the indicated developments. Refer to 4.1.3 for more details.*

  Council Comment: The applicant has provided amended plans and details which clearly demonstrate the future built form envelopes of adjoining sites.

- *No options provided. This is considered a lost opportunity by the panel but, acknowledge that the applicant is not interested in improving the design in this way.*

  Council Comment: The applicant has provided amended plans which demonstrate compliance with the ADG, LEP and DCPs. Opportunities are provided for tree retention and landscaped area with common open space surrounding the building and alternative options were provided by the applicant leading to the proposed design.

- *The applicant has not amended the design to take advantage of this possibility.*

  Council Comment: As above.

- *The panel appreciates that the preservation of the street tree (T8) does not impact the proposed driveway. We recommend Council, impose a bond on the tree.*

  Council Comment: The tree fronting the development next to the driveway has been retained and is considered acceptable. A condition has been applied regarding bonding of the tree.

- *The applicant has chosen not to make changes to take advantage of this possibility.*

  Council Comment: No changes in the building plate were made and pushing the building closer to the boundaries would result in a more problematic outcome for the built form of the development in terms of building separation and compliance with the ADG.

The development as proposed would ensure a high level of residential amenity is achieved and any potential impacts on adjoining lots are reduced in the interim and the future scenarios.

- *The panel appreciates that the driveway has been narrowed to accommodate retention of the street tree.*

  Council Comment: As above regarding the tree retention.

Built Form and Scale

- *The Panel appreciates the affordable housing contribution.*

  Council Comment: Noted.

- *It is noted that the applicant still incorporates vertical screening but is simpler than previously proposed, however recommendation for openable windows was not taken on board.*

  Council Comment: Glazed openable windows have been provided to the proposed development.

- *Not addressed. The panel requires a hood to all windows and doors, except under balconies. These are to be noted on plans, elevations and 3D imagery which is to be supplied to Council for assessment.*

  Council Comment: The design has been improved, however further conditions of consent would apply for rain and sun hoods to be incorporated into all external windows.

- *The Panel expresses concern about the internal layouts, particularly the study rooms in Units 1, 4, 8, and 12, which lack windows. It is recommended that these be replaced with more functional spaces such as spacious bathrooms or storage rooms.*

  Council Comment: Plans have been amended to replace the study areas with more spacious bathrooms or storage areas.

- *The Panel highlights that ensuring a compliant layout is important, but prioritizing an enhanced residential amenity is of utmost importance.*

  Council Comment: The proposal is deemed to achieve a high quality of residential amenity.

- *To further improve the residential amenity, it is suggested considering incorporating a window opening from the kitchen area to the street for units 6, 10, and 14. This will be seen on the Southern (Sutton Rd) elevation.*

Council Comment: Amended plans have included windows to the kitchen areas of these units.

- *To provide the natural ventilation, it is suggested providing translucent windows in the bathroom and ensuite for Unit 1 and any other bathroom with access to external walls.*

  Council Comment: Amended plans indicate a translucent window for the ensuite and the bathroom is relocated.

- *The roof for the balcony of unit 13 on the sun eye diagram is missing – this needs to be added. The Panel highlights that building services, including waterproof areas and water egress and as such, are integral parts of the overall amenity that also need to be carefully considered.*

  Council Comment: Amendments have been made to the roof over the balcony.

- *The Panel acknowledged that the solid / partially solid balconies have been incorporated into the revised design.*

  Council Comment: Noted.

- *Units 16 and 19 have 11.2m2 POS including AC units but require 12m2. Increase to meet minimum requirements.*

  Council Comment: All private open space areas now comply with the minimum ADG requirements excluding AC Unit areas.

- *The positioning of the substation facing Gard Park is a concern. It is recommended that the substation be relocated or that appropriate landscape treatments be implemented to enhance the public domain.*

  Council Comment: The design has been amended to relocate the substation to allow for more open space fronting the building. A clear landscape connection to Gard Park is established, however further amendments with the position of the stepping stones in the circulation path will be requested into plans as conditions of consent.

- *The Panel supports the proposal for a library near the front and recommends incorporating a kitchenette within this space to the entrance, maximising the use of this communal space.*

  Council Comment: A kitchenette has been included into the library area and common internal space. Conditions of consent would be applied to ensure that the library area is marked as common space in any future strata subdivision and that this area is not to be used as a separate domicile.

Density

- *The Panel clarifies with the applicant the indicated building envelopes for the surrounding area that differ from the proposed development, with the top two floors further recessed back. The applicant explains that these are indicative only and showing the compliant developments as per the ADG separation requirement. The proposed development for the site maintains an overall 9m setback to the rear boundary. Confirm the adjacent apartment buildings would receive compliant (SEPP65) sunlight.*

  Council Comment: The applicant has provided amended plans which demonstrate improved compliance with the ADG for the development and adjoining sites, especially with the shadow diagrams which show potential building envelopes for adjoining sites capable of achieving solar access compliance.

Sustainability

- *Ceiling fans are proposed for bedrooms only, not all habitable rooms (e.g. living) - Provide ceiling fans to living room ceiling.*

  Council Comment: Amended plans indicate that ceiling fans would be provided.

- *The panel considers this matter not yet resolved or not. A minimum of 20,000L must be provided connected to all garden taps/ hoses, and all toilet flushing.*

  Council Comment: The applicant has proposed a 5,000litre water tank into the stormwater design for the proposal which would be used for water reuse on the site. The applicant discussed this matter with the assessing officer as a 20,000litre tank was deemed to be excessive. Based on previous examples of this form of development, the proposed rainwater tank is satisfactory.

Landscape

- *The Panel appreciated that the street tree (T8) has been preserved in the revised plan.*

  Council Comment: Noted.

- *The Panel clarifies with the applicant regarding the necessity of a common circulation path to the north boundary and suggests increasing the balcony of Unit 1 to the boundary, if possible, to better utilise the space and maximize the residential amenity.*

  Council Comment: The circulation path in the north is for fire egress and residential amenity is maximised with the design of the private open spaces and common open space areas.
- *The Panel raises concerns about the retaining wall around the existing tree (T9), as it may lead to incidental issues. It is recommended to utilize the wall for multiple purposes, such as providing seating.*

Council Comment: The landscape plan is amended to include seating around the retaining wall of this tree.

- *There is a concern regarding the proposed canopy trees between the south boundary and the driveway, noting that they may not effectively provide the intended shade and canopies for the area. As an alternative, the Panel recommends relocating these trees to the other side of the driveway, facing the pedestrian paths, library and garage room, as this would achieve a better outcome.*

  Council Comment: The landscape plan has been amended to relocate canopy trees along the southern boundary.

- *The applicant has made some vegetation choices to attempt an alignment with Country, however it is not considered that the applicant has allowed an influence of Country on this proposal.*

  Council Comment: The applicant has advised they have undertaken consultation with first nations representatives and design elements in the landscape relate to the natural environment and is in line with NSW Architect and Policy Design with country.

- *The Panel appreciates the revisions made to the landscape plan, particularly regarding tree retentions, species selections, and the incorporation of a sizeable deep soil zone (DSZ). Additionally, it is recommended to include more trees with canopies near the main pedestrian entry and the substation for enhanced aesthetics and shading purposes. Suggest native / endemic trees.*

  Council Comment: The landscape plan has been amended to include more canopy trees and a wider variety of vegetation selection, especially near the front boundary of the site and near the substation.

- *The Panel acknowledged that the proposed COS at the southern part of the site, which is not desired but acceptable for summertime. The Panel recommends additional design considerations should be provided to enhance the visual privacy for units facing the COS.*

  Council Comment: The landscape plan is amended to include vertical batten screening near unit 1.

Amenity

- *It is suggested considering implementing screening treatment for the air-conditioning units on the balcony.*

  Council Comment: Screening of air conditioning units is provided with the use of obscure glazing on balustrades or solid walls.

Safety

- *The design has been improved, however, there may still be a CPTED issue with the area around the garbage room. Please provide a response to this issue.*

  Council Comment: CPTED provisions would be provided into the building construction and conditioned as part of any consent. Concerns with safety around the garbage room have been improved, however, conditions of consent would also be made to have the gate to the garbage room to be in line with the front building line (in line with the communal powder room).

Housing Diversity and Social Interaction

N/A

Aesthetics

- *The Panel appreciates the use of various materials in the facade design. However, it is recommended that material changes should align with changes in the internal layout or building plate adjustments, rather than being solely surface treatments. For example, in areas where there are no corresponding plate changes on the building sides, material changes might be unnecessary.*

  Council Comment: The northeast facade has been revised accordingly to unify the material, particularly in areas where no changes to the building plate have been made. The southwest façade remains unchanged. This is considered acceptable as it contributes to visually breaking down the massing.

OUTCOME

The Panel requires the Applicant to positively respond to the requirements of these minutes for final support. Council will determine whether the lack of response to some requests from the previous minutes will require more work to provide a satisfactory outcome.

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

Council Comment: Based on the amended plans provided, it is considered that the proposal provides a development that adequately addresses the concerns raised by the panel and has achieved design excellence.

3.2 Assessment History

Date	Event
3 August 2022	Pre-DA held (PL-55/2022)
9 March 2023	Subject DA lodged
24 March - 12 April 2023	Application notified and one submission received.
8 June 2023	Design Excellence Panel 1 held
5 July 2023	Request for information letter sent to applicant regarding: • DEP comments. • Design matters to address. • Floor Space Ratio clarification. • Tree retention. • ADG matters. • Side wall lengths. • Affordable Housing element. • Plan clarifications and amendments. • Balcony amendments. • Fencing details. • Stormwater details. • Waste management plan. • Garbage chute and waste room. • Plan of management. • Substation design.
16 August 2023	Amended information package submitted
12 October 2023	Design Excellence Panel 2 held
3 November 2023	Request for information letter sent to applicant regarding: • DEP comments. • Registered Architect details. • Amendments required to Clause 4.6 variation for height. • Balcony design. • Roof details. • Plan and information consistency. • Waste management information. • Substation design.
1 December 2023	Amended information package received

4. DETAILS OF THE PROPOSAL

This development application seeks the development consent for the demolition of existing structures, partial tree removal and construction of a six-storey residential flat building comprising 21 units with two levels of basement carparking, associated landscaping and civil works.

Specifically, the proposal includes:

Basement

- 30 car parking spaces with the following allocation:
  - 26 residential car spaces (inclusive of two accessible parking spaces).
  - Three visitor car spaces.
  - One EV charging space.
- Residential storage cages
- Bicycle parking.
- Mechanical plant room.

Residential Flat Buildings

The unit mix proposed is:

- Four x 1-bedroom units
- 13 x 2-bedroom units
- Four x 3-bedroom units

11 of the 21 units would be allocated as affordable housing units in accordance with the provisions of the SEPP (Housing) 2021.

Other elements of proposal

- Outdoor communal open space located on the ground floor around north and west of the property with a communal room (library, powder room and kitchenette) located on the ground floor facing Sutton Road with associated terrace along the south.
- Landscaping and stormwater works.

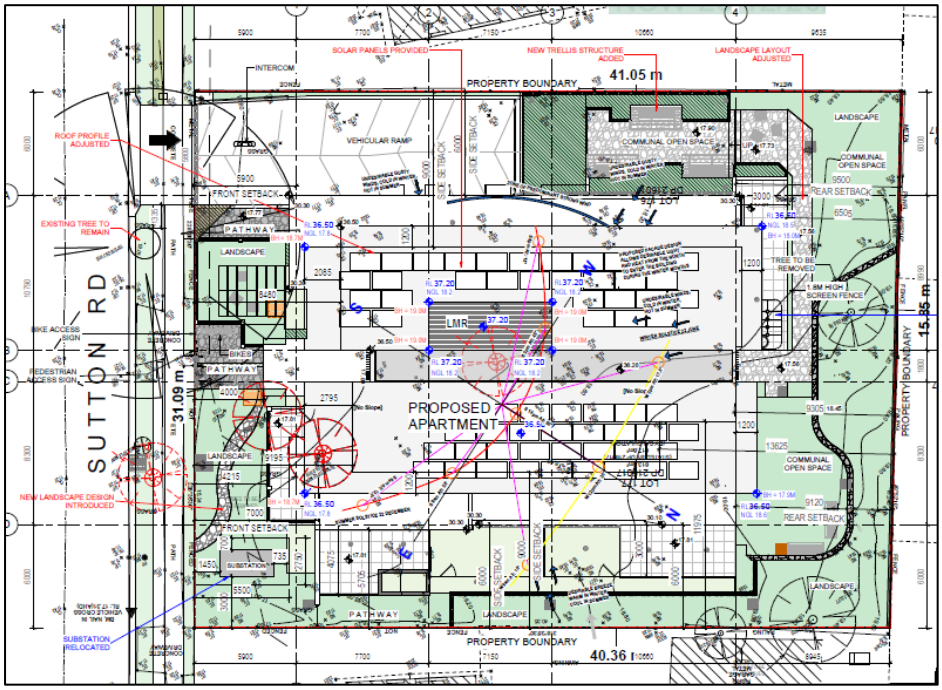


Figure 4: Proposed site plan



Figure 5: North-west elevation

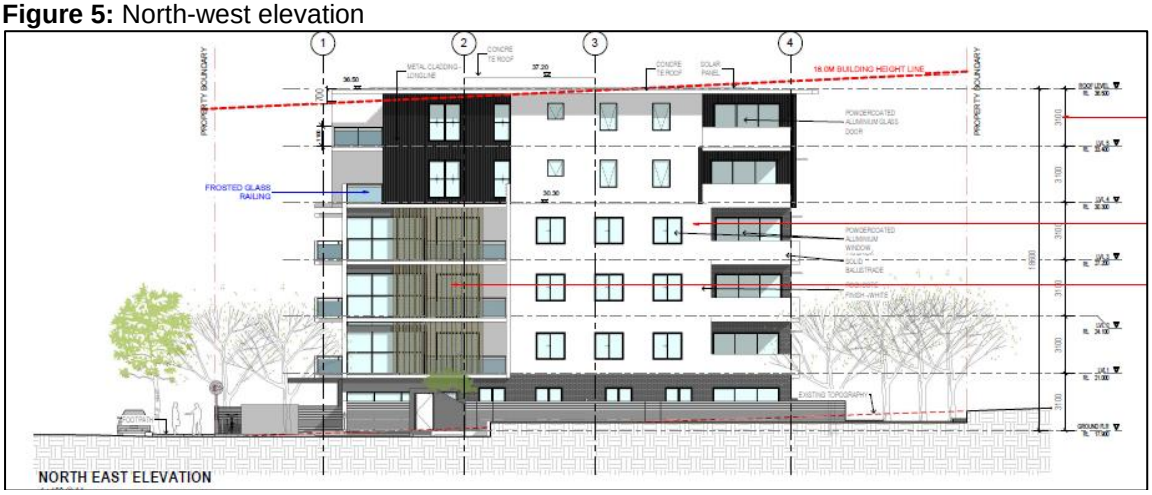


Figure 6: North-east elevation



Figure 7: South-east elevation (Frontage to Sutton Road)



Figure 8: South-west elevation

5. STATUTORY CONSIDERATIONS

5.1 Relevant matters for consideration

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

Environmental Planning Instruments (EPI's)

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

Development Control Plan

- Liverpool Development Control Plan 2008.
  - Part 1: General Controls for All Development; and
  - Part 3.7: Residential Flat Buildings in the R4 Zone (Outside Liverpool City Centre).

Contributions Plans

- Liverpool Contributions Plan 2018 – Established Areas

6. ASSESSMENT

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 and the Apartment Design Guidelines (ADG)

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 nine 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.

The following table provides an assessment from the Applicant of the proposal in accordance with the nine key design quality principles of SEPP 65, as follows:

Design Quality Principle	Comment
Principle One – Context and Neighbourhood Character	
Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions. *Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.* *Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.*	The subject site falls within a precinct which has been rezoned to accommodate high density housing under an R4 High Density Residential in the Liverpool Local Environmental Plan 2008. The proposed development provides a desired built form envisaged by the zoning objectives and controls. It complements and responds to the surrounding buildings and future character. Issues relating to setbacks, height, and appropriateness of the development relative to adjoining properties have been appropriately resolved in developing the massing. The proposed design ensures reasonable spatial separation would be established between developments. The location of the site is nestled in a grid road pattern residential community. The topography of the site is relatively flat. It has approximately a 1m rise towards the northern boundary. Public amenities include pedestrian access across Sutton Road to Gard Park to the south. The pedestrian links Cary Grant Oval. The site connects to the west accessing Sutton Park, Holt Park and Sinclair Park next to community shops. Other amenities include Ashcroft Public School, and it is proximity to a place of worship. Bus stops are located on Sutton Road and across Gard Park on Maxwells Avenue.

Design Quality Principle	Comment
	The proposed development would contribute to the desired future character of the street and surrounding buildings given its height, bulk/scale and setbacks. It is anticipated that neighbouring sites would be developed in a similar bulk that would not influence the proposal to have adequate solar exposure and ventilation. The proposal would be a focal point seen from a distant view from the park looking north. The provision of apartments building on the site would have access to existing public amenities of the precinct and ensures the objectives of the zone are met which seek to provide for the housing needs of the community within a high-density residential environment. It would provide for a high concentration of housing with good access to transport, services and facilities and provide a variety of housing types within a high-density residential environment. It would be a positive contribution to the local fabric and set a high standard for future development. In view of the above, the proposed development is appropriate in its context.
Design Principle 2 – Built form and scale	
Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings. *Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.* *Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.*	The proposed development is consistent with the development controls guiding built form. As such the proposed design is representative of the desired future character of the locality. The proposed building is compliant with the principal numerical controls of the LEP and where variations are proposed, it has been demonstrated that the built form continues to meet objectives of applicable controls and results in no adverse impact on the site or surrounding development. The proportion of the building block is appropriately designed contributing to the overall vision of the built environment having regard to the potential future development of adjoining properties. The building's facades, massing and depth are well articulated and create interesting and strong forms. It represents a cohesive compilation of fragmented

Design Quality Principle	Comment
	elements that are similar bulk to the scale of the streetscape. The aim is to create activation and interest in the façade that would define the contemporary personality of the desired image. At ground level, the private courtyards activate the street while the internal common open spaces accessed through the foyer encourage recreational and passive activities by residents. Generous setback to the northern boundary ensures solar exposure to the and ample separation to the potential building to the rear. The integration of landscaping and open pedestrian links through the site would contribute to the public domain. The design is guided by the height and setback requirements of the LEP and ADG, ensuring proportion of the building is appropriate to the site. Setback compliance also ensures that overshadowing is minimised and privacy is maximised between properties. The achievement of a slimline building profile with a complying design whilst achieving building separation, cross ventilation, privacy and solar access without compromising adjoining future developments with shadow impacts is an example of design excellence. It sets an improved tone and texture to the area and for the future aesthetic of Sutton Road.
Design Principle 3 – Density	
Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context. *Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.*	The proposed density of the development and associated floor space yield is appropriate for the site and its location. The site is zoned R4 High Density Residential, and the proposal provides a positive design response to the future street alignment to achieve the intended density of the site and its surroundings. The proposed density is proportionate with the land size and presents a viable form of development for the site. The building was developed to comply with the desired building envelope for the precinct.

Design Quality Principle	Comment
	The site is 1265.48m2. The FSR is 1.2:1 with an affordable housing bonus of 0.5:1 bringing the total to 1.7:1. The development provides a mix of apartments as follows: • Four x 1 Bedroom units • Thirteen x 2 Bedroom units • Four x 3 Bedroom units A total of 21 dwelling units of which 11 apartments would be dedicated to affordable housing. Two basement levels would provide a total of 30 car parking spaces including two disabled spaces, three visitor spaces and 13 bicycle parking. The site has ample access to a range of community facilities and public open spaces and parks. The density proposed does not give rise to any significant impacts on the adjoining properties (current or future) in terms of overshadowing, loss of privacy or visual impact and would provide a high level of amenity for future residents of the development.
Design Principle 4 – Sustainability	
Good design combines positive environmental, social and economic outcomes. *Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and 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*	The proposed design solution is entirely consistent with the sustainability principles through the orientation and design of the building considering the solar access, cross ventilation and the choice of construction achieved. 100% of units have cross ventilation and 76% enjoy solar access. The placement of apartments aims to optimise ideal position for orientation and other climatic influences to allow for light penetration to the apartments and encourage cross ventilation to units. Due to efficient space planning, all units enjoy natural ventilation supplemented by ceiling fans if required. Low use lighting and appliances have been recommended. Low water fixtures and appliances have also been selected. The elaborate landscape design features significant planting and retention of mature trees where possible on multiple levels of the development capable of

Design Quality Principle	Comment
	holding the moisture during dry day minimising the need for watering. The adequate soil height and deep soil areas allow for the introduction of mature trees and dense vegetation that also bring additional natural environment into the proposal. Rainwater harvesting tanks are included in the proposal for landscape irrigation. The proposed apartments meet the energy efficiency requirements and specifically, energy sustainable solutions are defined in the BASIX report with emphasis on thermal mass, use of appliances, water conservation and management. Waste management solution highlights the disposal system for recycled waste and general waste and readily available recycled materials would be used in its construction and energy efficient appliances would be supplied and fitted. Compliance with the accompanying BASIX certificate would be required. It is considered that the proposed development provides positive living conditions, whilst providing more efficient land use and utilising surrounding infrastructure. Given the above, the development can be considered a positive contribution to the area by minimising its footprint on the environment.
Design Principle 5 – Landscape	
Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood. *Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the*	The landscape and building design have been designed as an integrated system, resulting in high aesthetic quality and amenity for both residents and the general community. The proposed landscape design has been prepared with the intent of achieving the following: • Retention of existing trees where possible. • All hard and soft treatments on the ground plane are carefully designed to ensure the site would create a positive and compatible contribution to the public domain. • Plant selection to the communal and private open spaces have been carefully considered maximising potential for amenity while ensuring resident privacy and minimising water usage. • Mid to large trees are proposed in the rear deep

Design Quality Principle	Comment
local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks. *Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, and respect for neighbours' amenity and provides for practical establishment and long term management.*	soil zones to create instant impact and shade for residents. • Soft treatments and canopy forming trees have been incorporated wherever possible to mitigate the negative micro-climate impact of large expanses of hard areas. • Minimises maintenance by using robust landscape elements. • The common recreation spaces are embellished with street furniture like benches, seating, and barbeque area and play area as well as a native feature garden. • The design includes opportunities for residents to utilise raised garden beds as kitchen gardens. The development complies with the numeric controls for landscaping, private open space and common open space. Common open spaces will benefit from more than 50% direct solar access. A track is introduced at the front setback to provide both a visual and physical connection to the entry of Gard Park across the road from the site. This is characterised as primitive informal compact gravel track edge by natural tall grass symbolizing a creek running through native vegetation. The intent is to pay tribute to aboriginal ground texture.
Design Principle 6 – Amenity	
Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing. *Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.*	Site layout of apartments combined with generous setback and landscape provision assist in maintaining high levels of amenity between properties. Ground floor apartments are elevated above external paths and common open spaces to protect the amenity of residents. The proposed design aims for high internal amenity by providing smart internal designs in conjunction with ample solar access and cross-ventilation of the apartments. In terms of solar access to apartments the design exceeds compliance with the provision 76% of apartments achieving direct solar access for a minimum of two hours in in accordance with the ADG. Natural ventilation achieves 100%-unit compliance. The living areas have been designed with a maximum depth of 8m to achieve the above.

Design Quality Principle	Comment
	The practical floor layout of the units has a direct connectivity to their private open spaces in compliance with the minimum private open areas of 1 Bedroom= 8 square meters 2 Bedroom= 10 square meters 3 Bedroom= 12 square meters The proposal would facilitate disable access from the street to the building entries. Three adaptable apartments have been included in the proposal together with the provision of two disable parking. Such is compliant with the provision of 10% adaptable apartments being provided in the development. All apartments are provided with storage located internally within the apartments together with secure basement storage. For the benefit of the residents the common open space would cater for outdoor passive areas for relaxation and a facility for barbeque. In addition, a library with kitchenette and toilet is introduced at the front of the property. The residents would benefit from the use of this room for home study or office activities. This room is enhanced by its outdoor pocket garden. The informal track from the front entry of the building through native gardens provides a connection to the entry to Gard Park connecting residents to the local park.
Design Principle 7 – Safety	
Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety. *A positive relationship between public and private spaces is achieved through*	Safer by design principles are adapted in this development which include the following: • Security systems with motion activated lighting and surveillance cameras shall be utilised. The activation of the street frontages and frontages to common open areas ensure casual security surveillance. • Ground floor apartments offer direct access to the street and promote active surveillance for optimum security. Units above ground floor have street facing. • Windows and balconies providing passive surveillance creating a more secure domain for

Design Quality Principle	Comment
clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.	residents and the local area in general. • Passive surveillance of the street and internal communal spaces is possible from within each dwelling and from the private open spaces. • Convex mirrors are installed in the basement for traffic safety. • Security access to the pedestrian entry foyers and common areas within the development would be restricted to the use of residents and their visitors. • The carpark entry is also secured providing entry only available to pass holders. • Potential hiding places and niches have been avoided. • Sight-lines are largely unobstructed throughout communal spaces minimising opportunities for concealment
Design Principle 8 – Housing Diversity and Social Interaction	
Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. *Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.* *Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.*	The locality has been zoned to permit the scale and density of development proposed. The development incorporates an affordable housing component under the provisions of the Housing SEPP. The proposed development contains 21 apartments offering an appropriate mix of design and sizes. The diversity of unit types offers a balanced mix of accommodation which considers both current and future market demands and demographic trends. This mix of household types meets the demands of different occupants across a range of affordability. The proposed apartments have not been over designed to ensure housing affordability. In addition, two adaptable units are included in the development, to cater for the elderly or disabled. By creating and planning for a diverse range of people in Liverpool, the proposal seeks to meet the demand for affordable housing, as well as to encourage an increasing population, proximity to facilities including public transport, healthcare, supermarkets, educational and leisure facilities.
Design Principle 9 – Aesthetics	
Good design achieves a built form that has good proportions and a balanced	The stepping of the built form by indenting the upper levels achieves a clear top middle and base of the

Design Quality Principle	Comment
composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures. *The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.*	development. The building would sit in a well landscaped environment and would be a feature of the streetscape. The base body top typology is adopted in composing the built form. The solid to void proportion equates to a ratio of 60% solid and 40% void. A collection of elements recognises the scale and sizes of existing structures currently on the site. These elements are organized in a vertical composition. The elements are disciplined in geometric shapes as a blade, a cube, a tube, a flat plate, and vertical strips. The basic expressions of horizontal and vertical lines are represented in thick plates and narrow thin lines. The careful selection of materials promotes contrast in colours and texture. The brick as general material is a product from the ground represent the textural finish which is also a connection to country consideration. The other contrasting texture is the smooth finish of a glass and medium tones of the rendered surfaces. The colour contrast is expressed in dark and light colours with mid tone colours on glazing and timber elements. The proposed building and finishes would ensure the building does not compete or dominate any nearby structures. The proposed design reflects contemporary design initiatives, which would make the development a feature of the street. The design has considered many aspects including the future development of the area. It aims to set a high design standard for the future of the suburb. The articulation of the design provides visual interest and is in line with the ADG design principles. The aim was to create an appealing street frontage to benefit both the street front and the site.

The design of the residential flat building has also been reviewed by the Design Excellence Panel and their comments earlier in this report have been addressed by the applicant. The statement provided from the applicant is also agreed with by Council in achieving the design principles. Therefore, the development application is deemed to sufficiently address the 9 design quality principles within the SEPP and enables a development which achieves design excellence.

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 proposed development is fully compliant with the provisions of the ADG. The compliance tables for the ADG can be found in attachment 1.

(b) State Environmental Planning Policy (Housing) 2021

The following table assessment has been provided in relation to Housing SEPP 2021:

State Environmental Planning Policy (Housing) 2021 **Division 1 In-fill affordable housing**			
Provision	**Requirement**	**Proposed**	**Comment**
16 Development to which Division applies	Division applies to residential development if: - development permitted with consent under another EPI, and - the percentage of the gross floor area of the development that is to be used for the purposes of affordable housing is at least 20% - for development on land in the Greater Sydney region, Newcastle region or Wollongong region—all or part of the development is within an accessible area	The proposed development is for a residential flat building which is a form of residential development and is permissible within the R4 – High Density Residential zone pursuant to LLEP 2008. The percentage of the GFA dedicated to affordable housing is 49.2%. The subject site is located approximately 160m from the nearest bus stops along Maxwells Avenue and is serviced by the 804-bus service. This service is frequent, which is excess of the amounts of services required to deem the site as being within an accessible area.	Complies
17 Floor space Ratio	(1) The maximum floor space ratio for development to which	*Denotes affordable housing	Complies

	this Division applies is the maximum permissible floor space ratio for residential accommodation on the land plus an additional floor space ratio of— (a) if the maximum permissible floor space ratio is 2.5:1 or less— (i) if at least 50% of the gross floor area of the building resulting from the development will be used for affordable housing—0.5:1, or (ii) if less than 50% of the gross floor area of the building will be used for affordable housing—Y:1, where— AH is the percentage of the gross floor area of the building that is used for affordable housing. Y= AH ÷ 100	LEP FSR maximum = 1.2:1 *AH= 49.2% (964sqm ARH / 1959sqm total GFA) Y= 49.2/100 1.2 + (49.2/100) = 1.692:1 The permitted FSR is 1.692:1. Site Area – 1265.4sqm Proposed FSR- 1.548:1	
18 Non-discretionary development standards	**2(a) Site area** Site area – 450sqm	Site area – 1265.4sqm	Complies
	2(c) Landscaped area Landscaped - 30% site	Landscaped area– 48% (610sqm)	Complies
	2(d) Deep soil zones Deep soil – 15% site Minimum dimension of 3m If practicable, at least 65% of the deep soil zone is located at the rear of the site	21.9% deep soil area (265sqm) Minimum 3m dimension Deep soil landscaping is located mostly in the rear yards which is along the side of the site.	Complies
	2(e) Solar access Living rooms and POS for 70% dwellings receive 3 hours sunlight between 9am and 3pm mid-winter.	16 units achieve three hours of sunlight to at least 50% of the private open space and living areas. This is 76% of the development.	Complies
	2(g) *Parking (Non-social housing provider)* 0.5 parking spaces- 1 bedroom dwelling 1 parking spaces- 2-bedroom dwelling	Four x 1-bedroom x 0.5 = 2 13 x 2-bedroom units x 1 = 13 Four x 3-bedroom units x 1.5 = 6	Complies

	1.5 parking space- 3 or more bedrooms dwelling	Required: 21 spaces 30 spaces provided, inclusive of three visitor spaces.	
	2(h) & 2(i) dwelling size (h) for development for the purposes of residential flat buildings—the minimum internal area specified in the Apartment Design Guide for each type of apartment, (i) for development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces)—the minimum floor area specified in the Low-Rise Housing Diversity Design Guide,	All proposed unit sizes comply with the minimum requirements under the ADG.	Complies
	2(j) Dwelling size if paragraphs (h) and (i) do not apply, the following minimum floor areas— (i) for each dwelling containing 1 bedroom—65m2, or (ii) for each dwelling containing 2 bedrooms—90m2, or (iii) for each dwelling containing at least 3 bedrooms—115m2 plus 12m2 for each bedroom in addition to 3 bedrooms.	Clause 2(h) applies to this development.	Not Applicable
19 Design Requirements	(1) Development consent must not be granted to development to which this Division applies unless the consent authority has considered the following, to the extent to which they are not inconsistent with this Policy— (a) the Seniors Living Policy: Urban Design Guidelines for Infill Development published by the Department of Infrastructure, Planning and Natural Resources in March 2004,	Subsection (1) does not apply to this development as SEPP 65 applies to the proposal.	Not Applicable
	(2) Subsection (1) does not	Subsection (1) does not	Complies

	apply to development to which State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development applies.	apply to this development as SEPP 65 applies to the proposal.	
	(3) Development consent must not be granted to development to which this Division applies unless the consent authority has considered whether the design of the residential development is compatible with— (a) the desirable elements of the character of the local area, or (b) for precincts undergoing transition—the desired future character of the precinct.	Proposed development complies with this requirement. See discussion below (1)	Complies. See discussion below (1)
20 Continued application of SEPP 65	Nothing in this Policy affects the application of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development to any development to which this Division applies.	Noted.	N/A
21 Must be used for affordable housing for at least 15 years	(1) Development consent must not be granted under this Division unless the consent authority is satisfied that for a period of at least 15 years commencing on the day an occupation certificate is issued— (a) the affordable housing component of the residential development will be used for affordable housing, and (b) the affordable housing component will be managed by a registered community housing provider. (2) Subsection (1) does not apply to development on land owned by a relevant authority or	A condition of consent to be imposed to ensure that prior to occupation certificate, a restriction to be registered against the title requiring the following: (a) for 15 years from the date of the issue of the occupation certificate: i. Units 1-9, 16 and 19 are to be used for the purposes of affordable housing, and ii. all accommodation that is used for affordable housing would be managed by a registered community housing provider.	Complies by condition

	to a development application made by, or on behalf of, a public authority. (3) In this section— ***affordable housing component***, in relation to development to which this Division applies, means the dwellings used for the purposes of affordable housing in accordance with section 16(1)(b).		
22 Subdivision	Land on which development has been carried out under this Division may be subdivided with the consent of the consent authority	Strata subdivision is not proposed as part of the application but is likely to be in the future.	Complies

(1) - Clause 19(3) Character Analysis

The SEPP ARH requires the consent authority to take into consideration whether the proposal is compatible with the character of the local area.

In these cases, the planning principle in *Project Venture Developments v Pittwater Council* is adopted which poses the following two questions in relation to the character of a locality:

- *Are the proposal's physical impacts on surrounding development acceptable? The physical developments include constraints on the development potential of surrounding sites.*
- *Is the proposal's appearance in harmony with the buildings around it and the character of the street?*

The impacts of the subject proposal relate to the proposed height, the bulk and scale of the building in context to the site and the development controls for the desired character of the area.

The streetscape of Sutton Road and surrounding streets contains a mix of residential flat buildings, multi-dwelling housing, single and double storey dwelling houses.

The development is appropriate in relation to size and scale for this area which is envisioned to undergo a transition in character and density based upon the existing planning controls for the site and surrounding locality. The application achieves satisfactory required street setbacks and building separation requirements and is consistent with the future envisioned character of the area. The proposal also intends to retain a significant tree in the street verge

and maintain part of the existing character and assists in a more visually appealing streetscape design.

Although this development is the first of its kind in the locality to adopt the higher scale planning controls, the applicant has considered the future development in the locality and the proposal is deemed to be within the future envisioned bulk and scale for developments. Furthermore, the height exceedance, consisting of the lift overrun and a small portion of the roof form due to the topography of the site, is deemed to be acceptable and does not detract from the visual amenity of the streetscape or create additional bulk which would be out of character with the surroundings.

While it is not the exact same as surrounding developments, it is compatible with the existing and desired future streetscape. It is also consistent with the desired future character of the areas, as outlined in the DCP and LEP.

The desired or future character of the area can be gathered from the relevant zone objectives and DCP objectives and as such, the proposed development is in harmony with the existing and desired future character of the locality.

The following comment was made by the applicant in relation to character:

> *The proposed development has been designed to facilitate the desired future high density residential character of the area as intended by the applicable planning controls. The development will provide a key development signifying the transition of the area to higher density development.*
>
> *The design, scale and height proposed within this application is generally consistent with the current developments and desired future character of the site having regard to its location and site context. The elevations have been carefully designed to achieve an aesthetic outcome and composition based on the developments interface with Sutton Road and the adjoining properties. The facades and numerous architectural features provide articulation and interest to the elevations and result in a high-quality built form that contributes positively to the streetscape and the emerging built form.*
>
> *The vision for the site is to deliver a well-designed high density residential development that provides housing choice and affordability for the existing and planned future community within Ashcroft. The key aims of the project can be summarised as follows:*
>
> - *Provision of affordable rental housing in accordance with the relevant provision of State Environmental Planning Policy (Housing) 2021 that will increase housing choice and affordability for the area.*
> - *Ensure that a high level of residential amenity is achieved within the site.*
> - *Provision of communal open space within the site to encourage the creation of a connected community.*

- *To provide a development that is with the bulk, scale and design of development envisaged within the high-density residential area of Ashcroft.*

The proposed development incudes an exceedance of the applicable 18m height limit of the site with achieving a six-storey built form on the site as envisaged by the 18m control and accommodating the additional floor space provided under State Environmental Planning Policy (Housing) 2021 for the affordable rental housing component of the development.

The height exceedance will only consist of the lift overrun, will not contain any habitable floor space and will not be apparent from the public domain.

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

The application was 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 potable 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: 1365253M)** has been submitted for the proposed development. The proposal is satisfactory with relation to water, energy efficiency and thermal comfort.

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

The proposal has been assessed under the relevant provisions of SEPP (Resilience and Hazards) 2021 as the proposal involves a change of use of land with the potential under the SEPP 55 (previous) guidelines to be a site that could be contaminated (*agricultural/horticultural activities)*. Therefore, under the SEPP 55 (previous) guidelines the subject site is identified as a site that could be contaminated.

The objectives of SEPP (Resilience and Hazards) 2021 are:

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

Pursuant to the above SEPP, Council must consider:

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

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

Aerial images from 1991 found on Council's GIS system illustrate the presence of the existing dwellings, which suggests the site has principally been used for residential purposes for at least the past 31 years.

Council's internal record and customer request system (pathway) includes no records of any dumping or contamination complaints or activities associated to the subject address. A phase 1 preliminary site investigation was also carried out by the applicant which concluded that no further investigation was necessary, and the site is deemed suitable for the proposed use.

Pursuant to Clause 4.6 of SEPP (Resilience and Hazards) 2021, Council is also required to undertake a merit assessment of the proposed development. The following table summarises the matters for consideration in determining a development application (Clause 4.6).

Clause 4.6 Contamination and remediation to be considered in determining development application	**Comment**
(1) A consent authority must not consent to the carrying out of any development on land unless:	
(a) it has considered whether the land is contaminated, and	A phase 1 preliminary site investigation was carried out by the applicant which concluded that no further investigation was necessary, and the site is deemed suitable for the proposed use. The application was reviewed by Council's environmental health section, who have advised that the development is satisfactory subject to conditions.
(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	The site is suitable for the proposed development.

is proposed to be carried out, and	
(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 site is suitable for the proposed development.

Based on the above assessment, there is no evidence to suggest that the land has been or is contaminated and a formal land contamination assessment is not considered to be necessary. It is considered that the proposal is satisfactory for the site and the relevant objectives and provisions of SEPP (Resilience and Hazards) 2021 through the imposition of appropriate conditions of consent relating to any unexpected finds.

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

Note: Chapters 7 – 12 of State Environmental Planning Policy (Biodiversity and Conservation) 2021 were repealed on 21 November 2022 relating to the former catchment areas.

The subject land is located within the Georges River Catchment and as such the State Environmental Planning Policy (Biodiversity and Conservation) 2021 - Chapter 6 Water Catchments, applies to the application. The Biodiversity and Conservation SEPP aims to protect the environment of the Georges River Catchment by ensuring that water quality impacts are considered.

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

Part 6.2 – Development in Regulated Catchments	
Division 2 – Controls on development generally	**Comment**
6.6 – Water quality and quantity	Stormwater concept plans were submitted and reviewed by Council's land development engineering section and considered satisfactory subject to conditions.
6.7 – Aquatic ecology	The works are not located on environmentally sensitive land and is unlikely to impact on aquatic ecology.
6.8 – Flooding	The site is not affected by mainstream or overland flooding.

6.9 – Recreation and public access	The development is unlikely to impact on recreational lands or public access to and around foreshores.
6.10 – Total catchment management	Environmental planning consideration through the provisions of the Liverpool LEP has considered the impact of the residentially zoned land within the catchment.
Division 3 – Controls on development in specific areas	**Comment**
6.11 – Land within 100m of natural waterbody	The site is not within 100m of a natural watercourse.
6.12 – Riverine scenic areas	Not applicable.
6.13 – Hawkesbury-Nepean conservation area sub-catchments	Not applicable.
6.14 – Temporary use of land in Sydney Harbour Catchment	Not applicable.
Division 4 – Controls on development for specific purposes	**Comment**
6.15 – Aquaculture	Not applicable
6.16 – Artificial waterbodies	Not applicable
6.17 – Heavy and hazardous industries	Not applicable
6.18 – Marinas	Not applicable
6.19 – Moorings	Not applicable
6.20 – On-site domestic sewerage systems	Not applicable
6.21 – Stormwater management	Stormwater concept plans were submitted and reviewed by Council's land development engineering section and considered satisfactory subject to conditions.
6.22 – Waste or resource management facilities	Not applicable
6.23 – Demolition on certain land	Not applicable – although demolition is proposed, the land is mapped under the provisions of Liverpool LEP.

It is considered that the proposal satisfies the provisions of the SEPP (Biodiversity and Conservation) 2021 subject to appropriate sedimentation and erosion controls during construction. The development would have minimal impact on the Georges River Catchment.

(f) Liverpool Local Environmental Plan 2008

(i) Zoning

The site is zoned R4 – High Density Residential pursuant to Liverpool Local Environmental Plan 2008 (LLEP 2008). An extract of the zoning map is provided in the figure below.

(ii) Permissibility

The proposed development is for a *residential flat building,* which is defined as follows:

Residential flat building *means a building containing 3 or more dwellings but does not include an attached dwelling or multi dwelling housing.*

The proposed development satisfies the definition of a *residential flat building* as it is a building which contains more than three dwellings and is not defined as attached dwelling or multi dwelling housing. This form of development is permissible within the R4 High Density Residential zone.

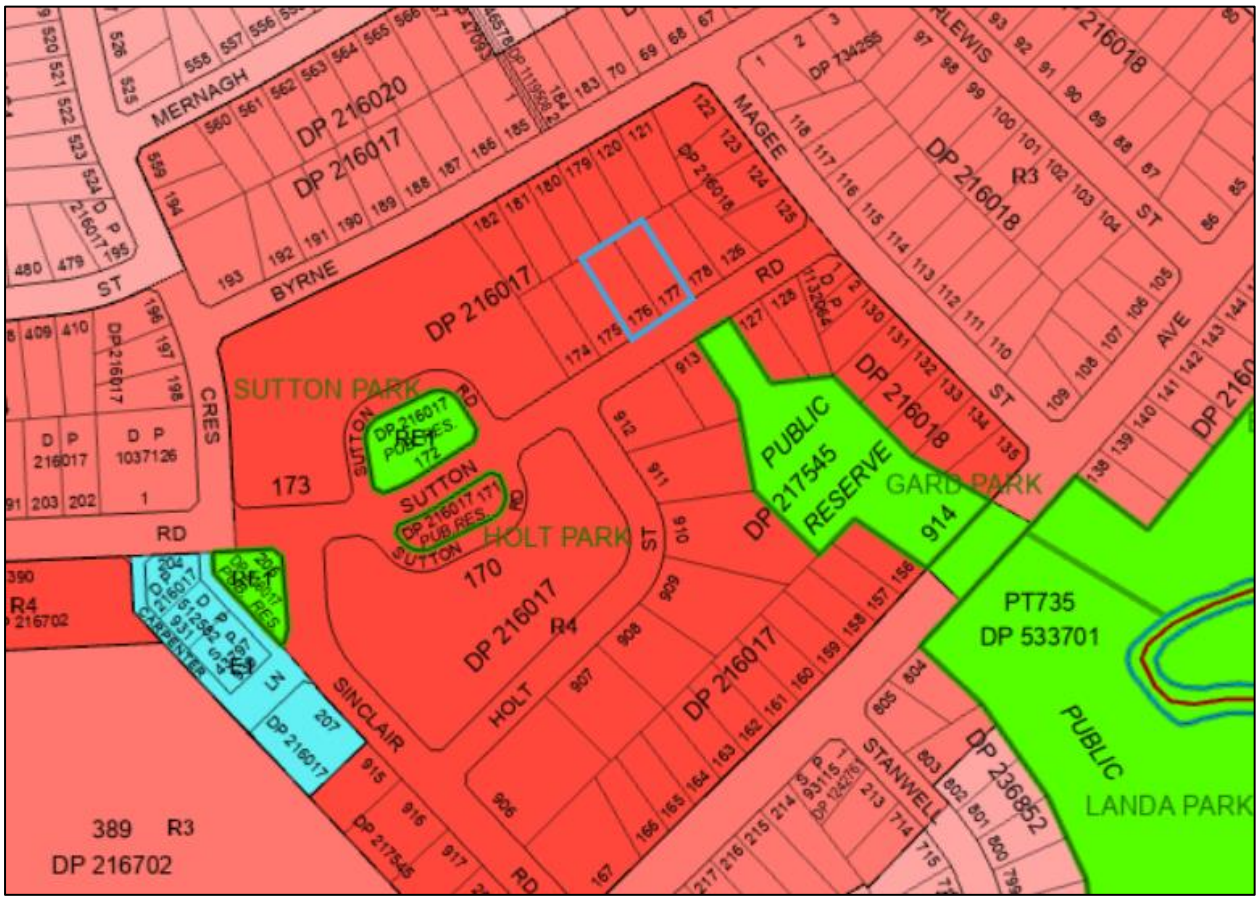


Figure 9: Extract of LLEP 2008 zoning map

(iii) Objectives of the zone

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

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

The proposed development would meet and satisfy the above objectives. Specifically, the building would provide a total of 21 dwellings and the site is located in an area identified for urban renewal and transformation, in close proximity to transport, services and facilities.

(iv) Principal Development Standards

The LLEP 2008 contains provisions which are relevant to the proposal. An assessment of the application against the relative provisions is provided below.

Clause	Provision	Compliance
Clause 2.7 Demolition	The demolition of a building or work may be carried out only with development consent	**Complies** Development consent is sought for the demolition of existing structures on site. A demolition plan has been submitted.
Clause 4.1 Minimum Subdivision Lot Size	The size of any lot resulting from a subdivision of land is not to be less than 1000m^2.	**N/A** No subdivision is sought.
Clause 4.3 Height of Buildings	Maximum height of 18m	**See Clause 4.6 - Variation assessment below.** A maximum building height of 19m is proposed.
Clause 4.4 Floor Space Ratio	Maximum FSR of 1.2:1	**Not Applicable** Refer to SEPP (Housing) 2021 for FSR provisions and bonuses. Proposed FSR is 1.548:1
Clause 4.6 Exceptions to development standards	Provisions relating to exceptions to development standards	**See Clause 4.6 Discussion Below** Clause 4.6 request to vary Clause 4.3 Height of Buildings considered as part of this application.

Clause 5.21 Flood Planning	Provisions relating to flood affected land.	**Not Applicable** The site is not identified as flood prone land.
Clause 6.5 Public Utility Infrastructure	Public utility infrastructure must be available	**Complies** The site has or has made suitable arrangements to provide public utility infrastructure.
Clause 7.14 Minimum Building Street Frontage	Development consent must not be granted to development for the purposes of any of the following buildings, unless the site on which the buildings is to be erected has at least one street frontage to a public street (excluding service lanes) of at least 24 metres: - any residential flat building.	**Complies** A street frontage of 31.09m is provided to Sutton Road. Further, the adjoining sites would also be able to amalgamate together to create sites which achieve the required 24m frontage.
Clause 7.31 Earthworks	Provisions relating to bulk earthworks	**Complies** No bulk earthworks are proposed other than those ancillary to the development being excavation for the proposed basement, which is deemed to be acceptable for a proposal of this nature.

Clause 4.6 - Exceptions to development standards

(Variation to Clause 4.3 - Height of Buildings)

Clause 4.3 of the Liverpool Local Environmental Plan (LLEP) 2008 states:

"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 subject proposal seeks a variation to the maximum 18m height of buildings development standard contained in LLEP 2008. The subject development has a maximum building height of 19m, relating to the proposed lift overrun at the southern section of the building and the proposal also includes a height of 18.7m to a small portion of the roof and at level 6 at the front of the building.

The maximum extent of the variation is 1m, or 5.55% over the development standard. The extent of the variation can be found in the figure below.

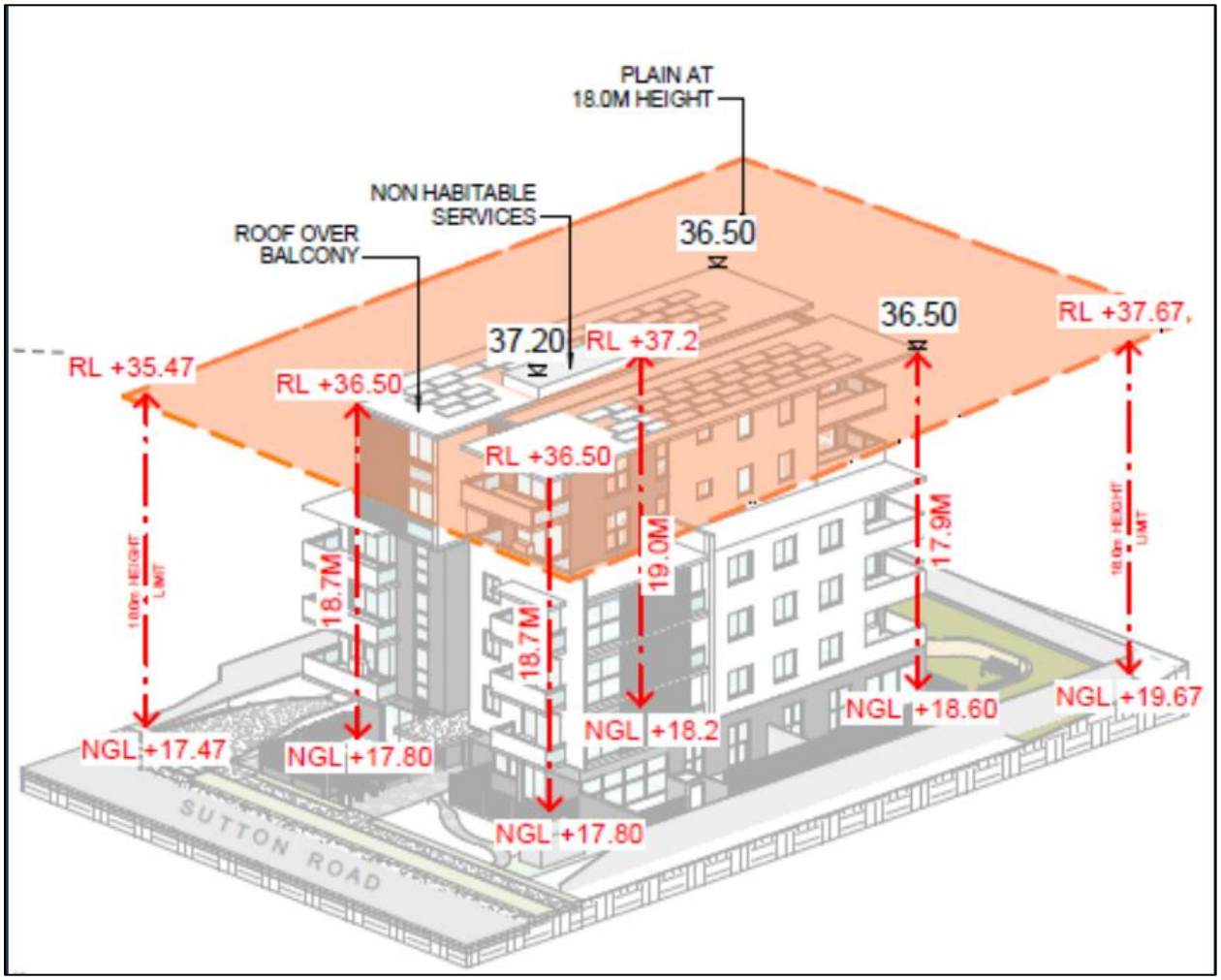


Figure 10: Height Plane of the development showing extent of the building height encroachment

Consequently, pursuant to Clause 4.6 of the LLEP 2008, the applicant has submitted a written request seeking a variation to the maximum height of buildings as prescribed by Clause 4.3.

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

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

(3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

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

The applicant submitted a Clause 4.6 Variation Statement to the Height of Buildings development standard to justify the variation described above. This document provides the following justifications based on the merits of the proposal:

Variation to Height of Buildings, Clause 4.3:

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

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

The applicant has provided the following justification for the contravention of the development standard:

Applicant Comment

The common ways in which an applicant might demonstrate that compliance with a development standard is unreasonable or unnecessary are summarised by Preston CJ in Wehbe v Pittwater Council (2007) 156 LGERA 446 [42]-[51] and repeated in Initial Action [17]-[21]. Although Wehbe concerned a SEPP 1 objection, the common ways to demonstrate that compliance with a development standard is unreasonable or unnecessary in Wehbe are equally applicable to cl 4.6 (Initial Action [16]):

1. *The objectives of the development standard are achieved notwithstanding noncompliance with the standard;*

2. *The underlying objective or purpose of the development standard is not relevant to the development, so that compliance is unnecessary;*
3. *Underlying objective or purpose would be defeated or thwarted if compliance was required, so that compliance is unreasonable;*

4. *The development standard has been abandoned by the council; or*

5. *The zoning of the site was unreasonable or inappropriate so that the development standard was also unreasonable or unnecessary (note this is a limited way of establishing that compliance is not necessary as it is not a way to effect general planning changes as an alternative to strategic planning powers).*

The five ways to demonstrate compliance is unreasonable/unnecessary are not exhaustive, and it may be sufficient to establish only one way (Initial Action [22]).

The environmental planning grounds relied on in the written request under cl 4.6 must be sufficient to justify contravening the development standard. The focus is on the aspect of the development that contravenes the development standard, not the development as a whole.

Therefore, the environmental planning grounds advanced in the written request must justify the contravention of the development standard and not simply promote the benefits of carrying out the development as a whole (Initial Action [24]).

There are no adverse impacts as a result of the proposed contravention. The proposed exceedance does not result in any visual impacts and is consistent with the desired future character of the area, as detailed below.

Visual Impacts
From a visual perspective, an appropriate composition of building elements, material textures and colours have been utilised to reflect the building's residential use character.

The external appearance of the building reflects consideration to various development controls and the articulation of the building along with its massing composition reflects the desired future character of the area.

The massing of Sutton Road has been designed to achieve an aesthetic outcome to fit within a desired building envelope. Its facades are all designed with various architectural elements to provide articulation, depth, shade and a pleasing aesthetic.

The development is considered to represent a positive contribution to the streetscape and its siting design and location of car parking with a basement ensures the amenity of adjoining residents is not unduly compromised.

The height variation only relates to the lift overrun and roof parapet and does not contain any habitable floor space.

Solar Access

The proposed development and associated variation do not result in any adverse impacts on surrounding development. A key consideration in the design of the proposal was the amenity of adjoining properties and the future context of the surrounding area.

The proposed development has been sited and designed to ensure an appropriate level of solar access is maintained for adjoining properties and to ensure they can be redeveloped in line with the applicable development controls for the site.

As detailed in the Shadow Analysis provided in the Architectural Plans (Appendix F) the proposed development does not adversely impact the solar access of adjoining properties.

The proposed height variation does not result in any increased solar access impacts from a development demonstrating strict compliance with the 18m height limit.

Strict compliance with the height limit would not result in reduced solar access impacts and therefore the proposed variation is deemed to be reasonable.

The Site Context
Site context is a key consideration when determining the appropriateness and necessity of a development standard. The site is zoned R4 High Density Residential under the provisions of the Liverpool LEP 2008.

The surrounding area comprises a range of low and medium density residential developments in the form of dwellings, multi dwelling housing and older style residential flat buildings.

Based on the zoning of the site it is expected that the area will transition to higher density forms of development in the near future and the subject site represents a unique opportunity to lead the redevelopment of the area to achieve the desired future high density residential development for the site and surrounding area.

The following details recently approved high density residential developments within the Liverpool LGA that have been approved with a height exceedance:

Table 2: Recently Approved Developments in Proximity to the Subject Site that Varied Council's Maximum Building Height Control			
DA No & Address	**Proposed**	**Comment**	**Approved**
DA-220/2020 **18 Randwick Close, Casula**	Construction of a Seniors Housing Development involving a 142-room residential care facility & 93 Independent living units in 3 buildings over Basement parking and retail shops	The development exceeded the maximum building height by 3m (20%). The development was approved with the height variation as the exceedance was located away from adjoining development, it did not adversely impact surrounding development, the development complied with the FSR and the development was consistent with the zone objectives and objectives of the height standard.	27 July 2021
DA-639/2019 **Bigge Street, Warwick Farm**	Construction of an 11-storey residential flat building containing 52 apartments (comprising a mix of one and two bedroom units) above 1 level of basement/ parking and the removal of all vegetation on the site and associated landscaping and civil works.	The development exceeded the maximum building height by 1.5m (4.2%). The development was approved with the variation as the variation only related to the lift overrun and roof parapet and the development had been designed to minimise impacts on surrounding development and achieved the zone objectives and objectives of the height standard.	21 May 2020
DA-257/2019 **127-129 Flowerdale Road, Liverpool**	The demolition of existing structures, construction of a five (5) storey residential flat building comprising of 39 units to be used wholly for the purposes of affordable rental housing with at-grade parking and associated landscape and site works	The development exceeded the maximum building height by 3.1m (20%). The development was approved with the variation as the variation only related to the lift overrun and roof parapet and the development had been designed to minimise impacts on surrounding development, provided affordable rental housing in an accessible location and achieved the zone objectives and objectives of the height standard.	10 February 2020

Table 2: Recently Approved Developments in Proximity to the Subject Site that Varied Council's Maximum Building Height Control			
DA No & Address	**Proposed**	**Comment**	**Approved**
DA-552/2018 **31 Harvey Avenue, Moorebank**	Demolition of existing structures and construction of two 5-storey Residential Flat Buildings above basement car park containing 76 apartments pursuant to SEPP (Affordable Rental Housing) 2009	The development exceeded the maximum building height by 2.515m (14%). The development was approved with the variation as the variation only related to the rooftop communal open space and the development had been designed to minimise impacts on surrounding development, provided affordable rental housing in an accessible location and achieved the zone objectives and objectives of the height standard.	10 February 2020

As detailed the above high density residential developments were approved due to the variations only relating to lift overruns and roof structures, the developments being consistent with development in the area, the variation not resulting in any adverse impacts or additional bulk.

The proposed development is consistent with the recently approved high density residential developments approved by Council with a variation to the maximum height limit as the variation only relates the lift overrun and roof parapet and does not contain any habitable floor space, the variation does not result in noticeable bulk, height or scale, as viewed from the public domain, and will not result in additional solar access, view loss or privacy and the development is consistent with the desired future character of the area.

As detailed in the section above, the proposal provides a built form that is reflective of the future higher density-built form envisaged for the area. The numeric increase in building height for the proposed development is approximately 1m. The proposed height exceedance is deemed to be reasonable as it involves a minimal percentage of the building volume, only relates lift overruns and roof parapet and it does not result in adverse impacts on surrounding development.

The proposed development, including the proposed building elements that exceed the height limits, will continue to achieve the objectives of the standard. It is therefore considered that the objectives of the development standard are met notwithstanding the breach of the height of buildings standard.

Public Interest
Clause 4.6(4)(a)(ii) of Liverpool LEP 2008 requires that development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

The proposed development has been assessed against the objectives for the R4 High Density Residential zone below. Despite the proposed variation to the maximum building height development standard, the proposal is considered in the public interest as it satisfies the objectives of the zone and the objectives of the development standard.

Council Comment

In response to the applicant's justification raised above, Council provides the following comments:

- The extremities of the height exceedance occur at the lift overrun of the building. The lift overrun is located further towards the centre on the roof of the building and is not readily visible when viewed from the street and does not generate additional overshadowing on adjoining properties.

- The proposed development is of an appropriate bulk and scale and is consistent with the design principles and relevant standards and objectives of the ADG. The extent of the variation is 5.55%, which is considered minor in this instance and would not contribute to additional visual bulk and scale of the development.

- The development does achieve a high-quality urban form, notwithstanding the contravention of the development standard as it has been endorsed by the Design Excellence Panel.

- The development provides a consistent floor to floor height of 3.1m, which exceeds the minimum in the ADG. The additional height provides added amenity for the units by enabling better solar access and cross-ventilation and enables a better urban design outcome. The floor-floor height may be reduced to achieve a height compliance, however, would result in a less the ideal design outcome.

- The development is deemed to appropriately respond to the site topography, considering majority of the built form is below the height limit, however where the site slopes most towards the street, a small portion of the building encroaches within the height limit.

- No significant visual or acoustic privacy impacts would occur due to the contravention of the development standard.

- The development provides for a mostly compliant height of the building, notwithstanding full compliance with the ADG and the floor space ratio bonus provided under SEPP (Housing) 2021. The design of the building is commendable noting that the additional floor space afforded to the development does not result in non-compliances with the ADG and extra floor plates/ levels in the building.

Compliance with the standard is unreasonable in this case as the development can be sited with adherence to local provisions and any future development on the allotments would still be able to provide a valuable housing product suitable for the area and provide for the housing needs for the community.

Based on the applicant's comments and investigation into the 4.6 variation to the building height, and the review of the potential impact of the height extrusion, it is considered that strict compliance is unlikely to reduce any impact and that it is argued the height variation provides improved amenity for future residents and does not negatively impact on the local area in terms of additional overshadowing or determinantal impact to the design of the building. Further, the additional height is not contributing to any detrimental increases in bulk and scale over the site including compliance with the floor space ratio provisions for the development.

Compliance with the standard is unreasonable in this case as a development can be constructed on the site that adheres with the planning controls and provisions for a form of development that is consistent with the future anticipated high density residential character. Having regard to the above, it is considered that there are sufficient environmental planning grounds to vary Clause 4.3 – Height of Buildings in this instance.

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

Applicant Comment

It is our opinion that there are sufficient environmental planning grounds to justify contravening the building height standard in this instance. These are as follows:

- *The proposed development is consistent with the objectives of the zone and the objectives of the building height control.*
- *The proposal does not result in any adverse impacts on adjoining properties.*
- *The height variation only includes a minor portion of the building located away from adjoining properties.*
- *The area of exceedance does not contribute to the visual bulk of the development and is not readily apparent from the public domain; and*
- *The area of exceedance only consists of the lift overrun and roof parapet and does not contain any habitable floor space.*

It is considered the objectives of the LEP height standard are achieved in this instance where the proposal produces a high quality-built form that ensures a high level of amenity for residents.

Whilst the built form exceeds the building height control applicable to the site, it is considered that the proposed design does not unreasonably detract from the amenity of adjacent residents or the existing quality of the environment as demonstrated in architectural plans prepared by Noy Santiago Pty Ltd.

Strict compliance with the building height development standard would result in a development that does not achieve the desired development density for the site and would be inconsistent with the desired future character of the area.

Council Comment

It is considered that compliance with the height of buildings development standard is unreasonable or unnecessary due to the circumstances of this case and that there are sufficient environmental planning grounds to justify contravening the development standard. The increase in the height proposed ensures that better amenity can be provided to the future occupants of the buildings with sufficient floor to floor heights being maintained, which allows for the minimum floor to ceiling heights to be achieved as well as space for services between floors.

The objectives of the Height of Buildings LEP clause have been addressed, as well as the objectives of the zone.

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

The objectives of Clause 4.3 and assessment are as follows:

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

The Clause 4.6 application provides response as to the consistency of the development with the objectives of Clause 4.3 as follows:

(b) to establish the maximum height limit in which buildings can be designed and floor space can be achieved,

Applicant Comment: *The proposed development provides a compliant floor space ratio in accordance with State Environmental Planning Policy (Housing) 2021 and provides a built form that facilitates the desired future high density residential character of the area as intended by the applicable planning controls.*

Council Comment: The breach in building height does not result in a breach in floor space ratio and is consistent with this objective.

(b) to permit building heights that encourage high quality urban form,

Applicant Comment: *The development will provide a key development signifying the transition of the area to higher density development. The design, scale and height proposed within this application is generally consistent with the current developments and desired future character of the site having regard to its location and site context. The elevations have been carefully designed to achieve an aesthetic outcome and composition based on the developments interface with Sutton Road and the adjoining properties.*

The facades and numerous architectural features provide articulation and interest to the elevations and result in a high-quality built form that contributes positively to the streetscape and the emerging built form.

Council Comment: The building demonstrates design excellence and the breach in building height is unlikely to adversely impact on the quality of the urban form sought. The height would also assist in providing a higher quality design and providing better residential amenity for future occupants of the units.

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

Applicant Comment: *The proposed development has been sited and designed to ensure an appropriate level of solar access is maintained for adjoining properties and to ensure*

they can be redeveloped in line with the applicable development controls for the site. As detailed in the Shadow Analysis provided in the Architectural Plans the proposed development does not adversely impact the solar access of adjoining properties.

Council Comment: The variation to building height would not cause issue to adjoining sites as they would still be able to receive adequate solar access to their living rooms and private open spaces in their low-density residential form as well as in the future as a developed site with appropriate building separation. The increase in roof form for the lift overrun element or the roof parapet would not exacerbate shadowing from that of a compliant building.

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

Applicant Comment: *The site is zoned R4 High Density Residential under the provisions of the Liverpool Local Environmental Plan (LEP) 2008. The surrounding area comprises a range of low and medium density residential development in the form of dwellings, multi dwelling housing and older style residential flat buildings.*

The proposed development has been designed to facilitate the desired future high density residential character of the area as intended by the applicable planning controls. The development will provide a key development signifying the transition of the area to higher density development.

The design, scale and height proposed within this application is generally consistent with the current developments and desired future character of the site having regard to its location and site context. The elevations have been carefully designed to achieve an aesthetic outcome and composition based on the developments interface with Sutton Road and the adjoining properties. The facades and numerous architectural features provide articulation and interest to the elevations and result in a high-quality built form that contributes positively to the streetscape and the emerging built form.

Council Comment: The breach in building height would provide an appropriate built form in the locality, which has the same zoning and height limits. The variation is unlikely to cause noticeable visual issues when viewed from the streetscape and the building footprint and floor space ratio is consistent with SEPP (Housing) 2021, the ADG, the LEP and the desired future character of the locality.

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

Consistency with objectives of the zone – R4 High Density Residential

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

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

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

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

The proposed development provides for the housing needs in a well-designed high density residential environment consistent with the desired future character of the area envisaged by the applicable controls.

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

The proposed development provides a range of unit types in a well-designed high density residential environment consistent with the desired future character of the area envisaged by the applicable controls.

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

The proposed development is not inconsistent with this objective as it does not preclude the ability for other land uses that provide facilities or services to be developed in the area.

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

The proposed development provides high density residential development in an accessible location in proximity to a range of pubic open space areas and good access to bus services.

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

The proposed development has been sited and designed to ensure the surrounding area can be developed in line with the applicable controls. This has been achieved through compliance with the relevant controls of the Housing SEPP, Apartment Design Guide and the Liverpool DCP 2008.

Council Comments

The proposed variation in height does not prevent the ability of the proposed development to provide the housing needs for the community. The proposed development also provides an opportunity for the provision of a variety of housing types and densities in a developing area. Additionally, the development is amalgamating two sites which would reduce land fragmentation in the area and would achieve a high-density development. Having regard to the above it is considered that the proposed development is consistent with the objectives of the R4 High Density Residential zone.

Consistency with Clause 4.6 objectives

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

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

Conclusion and Recommendation

The proposed variation to Clause 4.3 – Height of Buildings, adequately addresses the provisions of Clause 4.6 including the objectives of Clause 4.3 – Height of Buildings and the R4 – High Density Residential zone. The proposal would not be contrary to the public interest and is therefore supported in this instance.

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

There are no draft environmental planning instruments which apply to the development.

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

(a) Liverpool Development Control Plan (LDCP) 2008

The proposed development is subject to the Liverpool Development Control Plan 2008 (LDCP) 2008. The proposed subdivision has been assessed under the following parts of the LDCP 2008:

- Part 1 of the LDCP 2008, which covers general controls relating to all types of development within the Liverpool LGA.
- Part 3.7: Residential Flat Buildings in the R4 zone (outside Liverpool City Centre).

The proposal is consistent with the key controls outlined in the Liverpool Development Control Plan 2008. All relevant compliance tables for the LDCP 2008 can be found within report attachment 2. Where variations are sought to the DCP, they can be found in the table below.

LDCP 2008 Part 3.7: Residential Flat Buildings in the R4 Zone

Control	Provision	Comment
Fencing	The maximum height of a front fence is 1.2m. The maximum height of side boundary fencing within the setback to the street is 1.2m	**No, however considered acceptable** A partial 1.5m front fence is provided within the area of the verandah in the front setback. This is deemed to be acceptable considering this area is part of the communal open space and provides some privacy to the enjoyment of occupants in the open space. This fence is also a portion of the frontage being approximately 5m of the frontage and does not detract from the overall streetscape presentation of the development. Further, this fence is in line with where the retained street tree is and the visual impact on the streetscape is not considered to be significant. As such, the 1.5m fence in this area along the front boundary is acceptable.
Fencing	Fences should not prevent surveillance by the dwelling's occupants of the street or communal areas, be 30% transparent and shall be constructed in masonry, timber, metal pickets and/or vegetation and must be compatible with the proposed design of the dwelling.	**No, however considered acceptable** The front fence is of masonry with infill panelling and although it may not be 30% transparent, it would enable privacy to the residents, however, would be of a height in which passive surveillance could still occur.

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

There are no planning agreements which apply to the development.

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

The Environmental Planning and Assessment Regulation 2021 requires the consent authority to consider the provisions of the National Construction Code. Accordingly, appropriate conditions of consent would be imposed where compliance with the NCC is required as well as compliance with the Australian Standards for demolition works.

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

(a) Natural Environment

Impacts on the natural environment have been assessed as part of the development application. The retention of a significant tree within the street verge is a positive outcome. The proposal is unlikely to result in any detrimental impact on the natural environment surrounding the subject sites, or to any endangered and non-endangered species of flora and fauna.

(b) Built Environment

It is considered that the proposed development would have minimal impact on the built environment given that it is located within the R4 Zone which is zoned for high density residential development. Therefore, it is consistent with the current and future character of the locality, especially as the building has been designed to comply with the ADG.

The design has been able to mitigate potential impacts with adjoining properties while at the same time ensuring that internal amenity for future residents is prioritised and provided to a high standard. As such, the proposed bulk and scale of the development represents a desirable and meritorious planning outcome for the site.

(c) Social Impacts

The proposed development would have a positive social impact in the area through increasing housing choice in the locality. It would assist in promoting lifestyle choice which is close to services and public transport options as well as local community facilities. It is considered that the proposal is unlikely to generate any unreasonable social impacts on the surrounding area.

(d) Economic Impacts

The short term positive economic impacts development that results are from construction spending and employment opportunities generated during the construction phase. Other, more enduring impacts should come as the local population increases and access local shops and services.

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

The subject site is suitable for the proposed development. The proposal is compliant with the provisions of LLEP 2008, relevant environmental planning instruments, the ADG and LDCP 2008, as outlined in this report. The identified variations have been considered and are supported as they do not result in any adverse impacts to the locality and would not be contrary to the public interest. Overall, the development is considered to satisfy the relevant controls for site selection.

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

(a) Internal Referrals

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

DEPARTMENT	COMMENTS
Land Development Engineering	Supported, subject to conditions
Flooding	Site not flood affected. No further comments required.
Building	Supported, subject to conditions
Fire Safety	Substation located close to building. Compliance with BCA conditions would apply. Endeavour Energy were also satisfied with the subject application. A condition would apply to ensure no blast walls are proposed.
Environmental Health	Supported, subject to conditions
Landscaping	Supported, subject to conditions
Traffic	Supported, subject to conditions
Waste Management	Supported, subject to conditions
Urban Design and Public Domain	Supported, subject to conditions
Community	Supported

(b) External Referrals

AGENCY	COMMENTS
Endeavour Energy	No objection, subject to conditions
Sydney Water	No objection, subject to conditions
WaterNSW	General Terms of Approval provided

(c) Community Consultation

The development application was advertised between 1 September and 30 September 2021 in accordance with Liverpool Community Participation Plan 2019. One submission was received, which was in support of the subject development.

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 high quality development for the locality. The development provides additional housing opportunities within close proximity to employment opportunities, services and public transport. Given the assessment undertaken, the proposal would not be contrary to the public interest.

7. DEVELOPMENT CONTRIBUTIONS

Section 7.11 Development Contributions are applicable to the proposed development in accordance with the Liverpool Contributions Plan 2018 – Established Areas. The contribution would be imposed as a condition of consent.

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 applicable State Environmental Planning Policies, Liverpool LEP 2008, LDCP 2008, and relevant codes and policies of Council.

The proposed development is unlikely to result in adverse impacts upon adjoining 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-120/2023 be **approved subject to conditions of consent.**

ATTACHMENTS

1. Apartment Design Guide Tables
2. Liverpool Development Control Plan 2008 Tables
3. Plans of the Proposal
4. Clause 4.6 variation request for Height
5. Design Excellence Panel Minutes of Meeting 12 October 2023
6. Draft Conditions of Consent

APARTMENT DESIGN GUIDE COMPLIANCE TABLE

Required	Proposed	Compliance
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	A detailed site analysis plan has been provided.	Complies
3B Orientation		
Building types and layouts respond to the streetscape and site while optimising solar access within the development Overshadowing of neighbouring properties is minimised during mid-winter. Solar Access to living rooms, balconies and private open spaces of neighbours should be considered. If the proposal will significantly reduce the solar access of neighbours, building separation should be increased beyond the minimums contained in section 3F Visual Privacy Overshadowing should be minimised to the south or downhill by increased upper level setbacks. A minimum of 4 hours of solar access should be retained to solar collectors on neighbouring buildings.	The building type is appropriate for the streetscape. Overshadowing of neighbouring properties is minimised during mid-winter and the proposal is consistent with the future desired character of the area.	Complies
3C Public Domain Interface		
Transition between private and public domain is achieved without compromising safety and security. Amenity of the public domain is retained and, enhanced.	The transition from the public to private domain is made in a way that achieves a safe design with security for the future residents, without compromising on the amenity of the public and private domains.	Complies
3D Communal and public open space		
Communal open space has a minimum area equal to 25% of the site 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)	Outdoor communal open space located on the ground floor around north and west of the property with a communal room (library, powder room and kitchenette) located on the ground floor facing Sutton Road with associated terrace along the south. The total amount of communal open space is 330sqm or 26.1% of the site along the east and northern setbacks and with an	Complies

<table>
<tr><th>Required</th><th>Proposed</th><th>Compliance</th></tr>
<tr><td>Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting.

Communal open space should be co-located with deep soil areas.

Where communal open space cannot be provided at ground level, it should be provided on a podium or roof</td><td>additional 54sqm of indoor and verandah open space in the frontage along Sutton Road, allowing for 30.3% of the site being for COS.

The COS areas are provided with planter boxes, communal facilities, BBQs, sitting areas and pergolas for shading. The COS also has a library room with communal facilities.

The COS achieves solar access to the minimum of 50% of the space for 2 hours in mid-winter.</td><td></td></tr>
<tr><td>3E Deep soil zones</td><td></td><td></td></tr>
<tr><td>Deep soil zones are to meet the following minimum requirements:<table><tr><th>Site Area</th><th>Minimum Dimension</th><th>Deep Soil Zone (% site area)</th></tr><tr><td>Less than 650m^2</td><td>-</td><td rowspan="4">7%</td></tr><tr><td>650m^2 to 1500m^2</td><td>3m</td></tr><tr><td>Greater than 1500m^2</td><td>6m</td></tr><tr><td>Greater than 1500m^2 with significant tree cover</td><td>6m</td></tr></table></td><td>Proposal provides 268m^2 of deep soil zone, which is 21% of the site area and exceeds the minimum 7% requirement.

The deep soil zones have minimum dimensions of 3m.</td><td>Complies</td></tr>
<tr><td>3F Visual Privacy</td><td></td><td></td></tr>
<tr><td>Minimum separation distances from buildings to the side and rear boundaries are as follows:<table><tr><th>Building Height</th><th>Habitable Rooms and Balconies</th><th>Non Habitable Rooms</th></tr><tr><td>Up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr><tr><td>12m to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr></table></td><td>North: 9m min all floors.
West: 6m up to Level 3, 9m above
East: 6m up to Level 3, 9m above.</td><td>Complies</td></tr>
<tr><td>3G Pedestrian Access and Entries</td><td></td><td></td></tr>
<tr><td>Building entries and pedestrian access connects to and addresses the public domain</td><td rowspan="3">The development site has reasonably clear and defined pedestrian entries to Sutton Road.</td><td rowspan="3">Complies</td></tr>
<tr><td>Access, entries and pathways are accessible and easy to identify</td></tr>
<tr><td>Large sites provide pedestrian links for access to streets and connection to destinations</td></tr>
<tr><td></td><td></td><td></td></tr>
</table>

Required	Proposed	Compliance
3H Vehicle Access		
Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes	Vehicle access point is in a satisfactory location and retains a higher quality streetscape with the retention of the existing street tree near the driveway.	Complies
3J Bicycle and Car Parking		
For development in the following locations: - on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or - on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments (GTTGD), or the car parking requirement prescribed by the relevant council, whichever is less. The car parking needs for a development must be provided off street	Bicycle and car parking is provided in accordance with the requirements of Part 1 - Section 20 of the LDCP 2008. All parking is provided within the one basement level. The application was referred to Council's traffic section who were satisfied with the application subject to conditions.	Complies with conditions
Parking and facilities are provided for other modes of transport		
Car park design and access is safe and secure		
Visual and environmental impacts of underground car parking are minimised		
Visual and environmental impacts of on-grade car parking are minimised		
Visual and environmental impacts of above ground enclosed car parking are minimised		
4A Solar and Daylight Access		
Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas	There are 16 units that receive at least two hours sunlight between 9am and 3pm during mid-winter to living rooms and private open spaces. This equates to 76% of the units.	Complies
A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter	All units are considered to achieve some form of direct sunlight between 9am and 3pm.	Complies
Courtyards, skylights and high-level windows (with sills of 1,500mm or greater) are used only as a secondary light source in habitable rooms	Noted	Noted

<table>
<tr><th>Required</th><th>Proposed</th><th>Compliance</th></tr>
<tr><td colspan="2">4B Natural Ventilation</td><td></td></tr>
<tr><td>All habitable rooms are naturally ventilated</td><td rowspan="4">All units achieve cross ventilation.</td><td rowspan="4">Complies</td></tr>
<tr><td>The layout and design of single aspect apartments maximises natural ventilation</td></tr>
<tr><td>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</td></tr>
<tr><td>Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line</td></tr>
<tr><td colspan="2">4C Ceiling Heights</td><td></td></tr>
<tr><td>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:

<table><tr><td colspan="2">Minimum ceiling height</td></tr><tr><td>Habitable rooms</td><td>2.7m</td></tr><tr><td>Non-habitable</td><td>2.4m</td></tr><tr><td>For 2 storey apartments</td><td>2.7m for main living area floor
2.4m for second floor, where its area does not exceed 50% of the apartment area</td></tr><tr><td>Attic spaces</td><td>1.8m at edge of room with a 30 degree minimum ceiling slope</td></tr><tr><td>If located in mixed use areas</td><td>3.3m from ground and first floor to promote future flexibility of use</td></tr></table></td><td rowspan="3">A 3.1m floor to floor heights are proposed which allows for the minimum 2.7m floor to ceiling heights to be achieved as well as space for services between floors.</td><td rowspan="3">Complies</td></tr>
<tr><td>Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms</td></tr>
<tr><td>Ceiling heights contribute to the flexibility of building use over the life of the building</td></tr>
</table>

<table>
<tr><th>Required</th><th>Proposed</th><th>Compliance</th></tr>
<tr><td colspan="2">4D Apartment Size and Layout</td><td></td></tr>
<tr><td>Apartments are required to have the following minimum internal areas:

<table><tr><td>Apartment Type</td><td>Minimum Internal Area</td></tr><tr><td>Studio</td><td>35m^2</td></tr><tr><td>1 bedroom</td><td>50m^2</td></tr><tr><td>2 bedroom</td><td>70m^2</td></tr><tr><td>3 bedroom</td><td>90m^2</td></tr></table>
The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m^2 each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m^2 each</td><td>All units meet their minimum internal area requirements.</td><td>Complies</td></tr>
<tr><td>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</td><td>Habitable rooms are provided with windows of sufficient glass areas.</td><td>Complies</td></tr>
<tr><td>Habitable room depths are limited to a maximum of 2.5 x the ceiling height</td><td>Habitable rooms are generally limited to 2.5m x the ceiling height.</td><td>Complies</td></tr>
<tr><td>In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window</td><td>Kitchens of all units are less than 8m from a window.</td><td>Complies</td></tr>
<tr><td>Master bedrooms have a minimum area of 10m^2 and other bedrooms 9m^2 (excluding wardrobe space)</td><td>All bedrooms are of sufficient size.</td><td>Complies</td></tr>
<tr><td>Bedrooms have a minimum dimension of 3m (excluding wardrobe space)</td><td>Bedrooms of all units have a minimum dimension of 3m.</td><td>Complies</td></tr>
<tr><td>Living rooms or combined living/dining rooms have a minimum width of:
- 3.6m for studio and 1-bedroom apartments
- 4m for 2 and 3-bedroom apartments</td><td>Sufficient widths are provided to living rooms/dining rooms.</td><td>Complies</td></tr>
<tr><td colspan="2">4E Private Open Space and Balconies</td><td></td></tr>
<tr><td>All apartments are required to have primary balconies as follows:

<table><tr><td>Dwelling Type</td><td>Minimum Area</td><td>Minimum Depth</td></tr><tr><td>Studio</td><td>4m^2</td><td>-</td></tr><tr><td>1 bedroom</td><td>8m^2</td><td>2m</td></tr><tr><td>2-bedroom</td><td>10m^2</td><td>2m</td></tr><tr><td>3-bedroom</td><td>12m^2</td><td>2.4m</td></tr></table>
The minimum balcony depth to be counted as contributing to the balcony area is 1m</td><td>All apartments provide the minimum required balcony areas and depths.</td><td>Complies</td></tr>
<tr><td>For apartments at ground level or on a podium or similar structure, a private open</td><td>All ground floor units provide a courtyard private open space of</td><td>Complies</td></tr>
</table>

Required	Proposed	Compliance
space is provided instead of a balcony. It must have a minimum area of 15m^2 and a minimum depth of 3m	greater than 15sqm and a depth of 3m.	
4F Common Circulation and Spaces		
The maximum number of apartments off a circulation core on a single level is eight	Single lift core provided per building. Maximum of 4 units per level are proposed off one lift.	Complies
For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40	Not applicable.	N/A
Daylight and natural ventilation should be provided to all common circulation spaces that are above ground. Windows should be provided in common circulation spaces and should be adjacent to the stair or lift core or at the ends of corridors	The lift lobby area has louvred openings in external walls for natural light and ventilation.	Complies
4G Storage		
In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: Dwelling Type / Storage Size Volume Studio / 4m^3 1 bedroom / 6m^3 2 bedroom / 8m^3 3 bedroom / 10m^3 At least 50% of the required storage is to be located within the apartment.	Adequate storage has been provided for all units as indicated on the individual unit floor plans and basement plan.	Complies
4H Acoustic Privacy		
Noise transfer is minimised through the siting of buildings and building layout Noise impacts are mitigated within apartments through layout and acoustic treatments	The unit layouts have generally aligned like for like uses to ensure acoustic privacy.	Complies
4K Apartment Mix		
A range of apartment types and sizes is provided to cater for different household types now and into the future The apartment mix is distributed to suitable locations within the building	The proposed unit mix is acceptable. It is noted that there is no requirement for apartment mix outside of the Liverpool City Centre and the DEP deemed the mix to be acceptable.	Complies
4L Ground Floor Apartments		
Street frontage activity is maximised where ground floor apartments are located Design of ground floor apartments delivers amenity and safety for residents	All ground floor units have direct access to a courtyard as well as access from the foyer. The ground floor treatment to the building, including landscaping and fencing would assist in providing an active	Complies

Required	Proposed	Compliance
	environment to the street while preserving privacy.	
4M Facades		
Building facades provide visual interest along the street while respecting the character of the local area	Building façades are articulated and modulated through use of balconies, varying windows and recessed elements. Ground floor building entries are clearly defined and articulated by the façades.	Complies
Building functions are expressed by the facade		
4N Roof Design		
Roof treatments are integrated into the building design and positively respond to the street	The rooftop is integrated with the building and is designed to positively respond to the streetscape. The roof for the is an acceptable design and photovoltaic panels are provided.	Complies
Opportunities to use roof space for residential accommodation and open space are maximised		
Roof design incorporates sustainability features		
4O Landscape Design		
Landscape design is viable and sustainable	An aesthetically pleasing landscape design has been proposed which corresponds well with the built form. The landscape design is considered appropriate. The DA has been reviewed by Council's landscape officer and urban design and public domain section who has raised no objections to the landscape design, subject to conditions.	Complies with conditions
Landscape design contributes to the streetscape and amenity		
4P Planting on Structures		
Appropriate soil profiles are provided	As above. Planting on structures or in planter boxes where required is considered acceptable.	Complies
Plant growth is optimised with appropriate selection and maintenance		
Planting on structures contributes to the quality and amenity of communal and public open spaces		
4Q Universal Design		
Universal design features are included in apartment design to promote flexible housing for all community members	The development provides units 1 and 2 as adaptable units in accordance with the Australian Standard *AS 4299-1995 Adaptable Housing*. Additionally, access to common corridors and each unit is wheelchair accessible.	Complies
A variety of apartments with adaptable designs are provided		
Apartment layouts are flexible and accommodate a range of lifestyle needs		
4R Adaptive Reuse		
New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place	The DA is for the development of a new building and not the adaptive reuse of an existing building.	N/A
Adapted buildings provide residential amenity while not precluding future adaptive reuse		

Required	Proposed	Compliance
4S Mixed Use		
Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement	The DA does not propose a mixed - use development.	N/A
Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents		
4T Awnings and Signage		
Awnings are well located and complement and integrate with the building design	Awnings are integrated with the building design where proposed.	Complies
Signage responds to the context and desired streetscape character	Building address signage could be integrated into the building design.	
4U Energy Efficiency		
Development incorporates passive environmental design.	The proposal is accompanied by a BASIX certificate. Additionally, photovoltaic panels are indicated to be provided on the rooftop.	Complies
Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer		
Adequate natural ventilation minimises the need for mechanical ventilation		
4V Water Management and Conservation		
Potable water use is minimised	The proposal is accompanied by a BASIX certificate. The proposal has been reviewed by Council engineer who raised no issues in relation to stormwater subject to conditions.	Complies with conditions
Urban stormwater is treated on site before being discharged to receiving waters		
Flood management systems are integrated into site design		
4W Waste Management		
Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents	Waste storage facilities are provided and would be maintained by the caretaker / building manager. The application was referred to Council's waste management section who have indicated that the waste management of the development is considered to be acceptable subject to conditions of consent.	Complies with conditions
Domestic waste is minimized by providing safe and convenient source separation and recycling		
4X Building Maintenance		
Building design detail provides protection from weathering	The development is in accordance with these objectives.	Complies
Systems and access enable ease of maintenance		
Material selection reduces ongoing maintenance costs		

LIVERPOOL DEVELOPMENT CONTROL PLAN 2008 COMPLIANCE TABLES

LDCP 2008 - Part 1 General Controls for all Development

Development Control	Provision	Comment	Complies
Section 2. Tree Preservation	Controls relating to the preservation of trees	The proposed development is retaining one significant street tree and incorporating it into the landscape design. A condition to bond the tree would be made prior to a CC to ensure it is protected and maintained throughout the whole construction process.	Complies with condition
Section 3. Landscaping and Incorporation of Existing Trees	Controls relating to landscaping and the incorporation of existing trees.	A landscape plan was submitted with the application demonstrating the landscape design for the site. The DA has been reviewed by Council's landscape officer and urban design and public domain section who has raised no objections to the landscape design, subject to conditions.	Complies with conditions
Section 4 Bushland and Fauna Habitat Preservation	Controls relating to bushland and fauna habitat preservation	The site is not mapped as containing significant bushland or habitat.	Complies
Section 5. Bush Fire Risk	Controls relating to development on bushfire prone land.	The site is not mapped as bushfire prone land.	N/A
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.	This aspect has been reviewed by Council's land development engineer, who has raised no issues subject to conditions.	Complies with 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.	The proposal is not within 40m of a watercourse.	N/A
Section 8. Erosion and Sediment Control	Erosion and sediment control plan to be submitted.	An erosion and sediment control plan were submitted. In the event of any approval, the plan would be conditioned.	Complies with conditions.

Development Control	Provision	Comment	Complies
Section 9. Flooding Risk	Provisions relating to development on flood prone land.	The site is not identified as flood prone land.	N/A
Section 10. Contaminated Land Risk	Provisions relating to development on contaminated land.	As per SEPP (Resilience and Hazards) 2021, the site has been deemed suitable for the future use of the land.	Complies
Section 11. Salinity Risk	Provisions relating to development on saline land.	Salinity to comply with the provisions of the BCA.	Complies with conditions
Section 12. Acid Sulphate Soils	Provisions relating to development on acid sulphate soils	The development site is not identified as containing acid sulphate soils.	N/A
Section 13. Weeds	Provisions relating to sites containing noxious weeds.	The site is not identified as containing noxious weeds.	N/A
Section 14. Demolition of Existing Development	Provisions relating to demolition works	Development consent is sought for the demolition of the existing structures on site. A demolition plan has been submitted and conditions would apply for demolition works.	Complies by conditions
Section 15. On Site Sewage Disposal	Provisions relating to OSMS.	OSMS is not proposed. Site is sewered.	N/A
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.	The development site is not mapped as a potential area containing Aboriginal archaeology.	Complies
Section 17. Heritage and Archaeology	Provisions relating to heritage sites.	The development site is not identified as a heritage item or located within proximity to a heritage item.	Complies
Section 20. Car Parking and Access	<u>Car Parking Controls</u> <u>Residential & Business Zones</u> 1 space per small dwelling (<65sqm) or 1 bedroom 1.5 spaces per medium dwelling (65-110sqm) or 2 bedrooms 2 car spaces per large dwelling (>110sqm) or 3 or more bedrooms 1 visitor car space for every 4 dwellings or part thereof.	In accordance with the LDCP, the proposed development would require 32 residential spaces plus six visitor spaces. The proposed development provides parking which is compliant with the provisions of SEPP (Housing) 2021 for 30 car spaces, which includes three visitor spots.	Complies

Development Control	Provision	Comment	Complies
	Bicycles – Residential Flat Buildings Residents: 1 per 2 units, or 1 for every 4 bedrooms (whichever is greater) Visitors: 1 per 10 units	Required: 11 spaces for residents plus two spaces for visitors. Proposed: 14 bicycle spaces	Complies
Section 21. Subdivision of Land and Buildings	Provisions relating to the subdivision of land.	No subdivision proposed.	N/A
Section 22 and Section 23. Water Conservation and Energy Conservation	New dwellings, are to demonstrate compliance with State Environmental Planning Policy – Building Sustainability Index (BASIX).	The application has been accompanied by a BASIX certificate. The current certificate does not reflect the amended scheme. In the event of an approval, an amended certificate would be conditioned.	Complies with conditions
Section 25. Waste Disposal and Re-use Facilities	Provisions relating to waste management during construction and on-going waste.	Waste storage facilities are provided, and Council's waste management section has reviewed the waste management plan and conditions of consent were provided.	Complies with conditions
Section 26. Outdoor Advertising and Signage	Provisions relating to signage.	No signage proposed.	N/A
Section 27. Social Impact Assessment	Provisions relating to social impact.	A social impact comment had been provided for the development. The application was reviewed by Council's community planning section and is considered acceptable.	Complies

LDCP 2008 Part 3.7: Residential Flat Buildings in the R4 Zone

Development Control	Provision	Comment
2. Frontage and Site Area	The minimum lot width is 24m	**Complies** The site has a frontage of 31.09m
3. Site Planning	The building should relate to the site's topography with minimal earthworks, except for basement car parking.	**Complies** The building has been designed to address the topography of the site as well as the frontage to Sutton Road.
	Siting of buildings should provide usable and efficient spaces, with consideration given to energy efficiency in the building design.	**Complies** Where possible, ground level private open space, upper-level balconies and windows have been orientated to the north to maximise solar access and

Development Control	Provision	Comment
		improve energy efficiency of the building.
	Site layout should provide safe pedestrian, cycle and vehicle access to and from the street.	**Complies** Safe access is provided to the building and parking.
	Siting of buildings should be sympathetic to surrounding development, taking specific account of the streetscape in terms of scale, bulk, setbacks, materials and visual amenity.	**Complies** Whilst the surrounding development is still low-density housing in scale, the site is zoned R4, which allows for residential flat buildings, and in this location up to a height of 18m. As such, the proposed development complies with these requirements and is in accordance with the desired future character of the area. Furthermore, the matter of character and context of the site and the proposed building have been considered by the design excellence panel in which they are supportive of the proposal.
	Stormwater from the site must be able to be drained satisfactorily. Where the site falls away from the street, it may be necessary to obtain an easement over adjoining property to drain water satisfactorily to a Council stormwater system. Where stormwater drains directly to the street, there may also be a need to incorporate on-site detention of stormwater where street drainage is inadequate.	**Complies with conditions.** Stormwater discharge is proposed to be drained via on-site detention systems to the street. Council's land development engineering section have reviewed the application and has no objections to the proposal subject to the imposition of conditions of consent.
	The development will need to satisfy the requirements of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development.	**Complies** As demonstrated within this report, the development demonstrates compliance with SEPP 65.
4. Setbacks	Front and Secondary setback: 5.5m	**Complies** Front setback of the main building line is 7m.
	Side and rear setback: < 10m – Side 3m; Rear 8m > 10m – Side 8m; Rear 8m	**Complies** Side and rear setbacks are in accordance with the building separation provisions of the ADG.
5. Landscaped Area and Private Open Space	A minimum of 25% of the site area shall be landscaped area.	**Complies** The development complies with the minimum provisions for landscaping under SEPP (Housing) 2021.

Development Control	Provision	Comment
	A minimum of 50% of the front setback area shall be landscaped area.	**Complies** As above. Landscaping provisions comply with the requirements of SEPP (Housing) 2021.
	Optimise the provision of consolidated landscaped area within a site by: - Design of basement and sub-basement car parking, so as not to fully cover the site. - Use of front and side setbacks. - Optimise the extent of landscaped area beyond the site boundaries by locating them contiguous with the landscaped area of adjacent properties.	**Complies** Landscaped areas are consolidated within the front, sides and rear setback areas.
	Promote landscape health by supporting for a rich variety of vegetation type and size.	**Complies** The proposed landscape plans have been considered acceptable by the design excellence panel and urban design section and the planting selections and use of species is considered acceptable.
	Increase the permeability of paved areas by limiting the area of paving and/or using pervious paving materials.	**Complies** Paving across the landscaped areas is minimised.
	Provide communal open space, which is appropriate and relevant to the context and the building's setting.	**Complies** Communal open space would be appropriate and relevant to the context and the building's setting.
	Where communal open space is provided, facilitate its use for the desired range of activities by: - Locating it in relation to buildings to optimise solar access to dwellings. - Consolidating open space on the site into recognisable areas with reasonable space, facilities and landscape. - Designing its size and dimensions to allow for the range of uses it will contain. - Minimising overshadowing. - Carefully locating ventilation duct outlets from basement car parking.	**Complies** The communal open space in the rear of the site is orientated to receive sun throughout the day and is of a size to allow for a range of uses. The communal open space achieved compliance with the ADG in terms of size, location, solar access and functionality.
	Locate open space to increase the potential for residential amenity.	**Complies** The communal open space helps to provide good residential amenity.

Development Control	Provision	Comment
	Private open space shall be provided for each dwelling. Private open space may be provided as a courtyard for ground floor dwellings or as balconies for dwellings above the ground floor. Private open space areas should be an extension of indoor living areas and be functional in size to accommodate seating and the like. Private open space should be clearly defined for private use	**Complies** Private open space is provided to each unit in accordance with the ADG, including courtyards at ground floor, and balconies on the upper floors.
6. Building Design, Streetscape and Layout	Building Height: 18m	**Considered Acceptable** A maximum height of 19m is proposed. See Clause 4.6 Variation within report.
Building Appearance and Streetscape	Residential Flat Buildings shall comply with State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development and should consider the Residential Flat Design Code.	**Complies** The proposal meets the requirements of SEPP 65 and the ADG.
	Building facades shall be articulated and roof form is to be varied to provide visual variety.	**Complies** Articulation and interest are provided to all elevations.
	The pedestrian entrance to the building shall be emphasised.	**Complies** Entry points to the building are visible and emphasised.
	A sidewall must be articulated if the wall has a continuous length of over 14m.	**Complies** Side walls are all articulated.
	Where possible vehicular entrances to the basement car parking shall be from the side of the building. As an alternative a curved driveway to an entrance at the front of the building may be considered if the entrance is not readily visible from the street	**Complies** The basement driveway is in a suitable location and located in a position to retain the existing significant street tree.
	Driveway walls adjacent to the entrance of a basement car park are to be treated so that their appearance is consistent with the basement or podium walls.	**Complies** The entrance to the basement is of the same design and materials as the main building.
	Sensitive design of basement car parking areas can assist in ensuring that podiums and vehicle entry areas do not dominate the overall design of the building or the streetscape and optimise areas for deep soil planting.	**Complies** The basement entry is minimal and does not dominate the front elevation.

Development Control	Provision	Comment
	The integration of podium design should be an integral part of the design of the development, and as far as possible should not visibly encroach beyond the building footprint.	**Not applicable** No podium proposed.
	A master antenna shall be provided for any development of more than three dwellings and be located so that it is not visible from the street or any public open space.	**Complies with conditions**
	Consider the relationship between the whole building form and the facade and / or building elements. The number and distribution of elements across a façade determine simplicity or complexity. Columns, beams, floor slabs, balconies, window openings and fenestrations, doors, balustrades, roof forms and parapets are elements, which can be revealed or concealed and organised into simple or complex patterns.	**Complies** The building has been designed with attention to detail, and has been reviewed by the design excellence panel, who supported the design and features of the building. The applicant has amended the design of the proposal in accordance with the comments provided by the panel and the amendments are deemed to satisfy the panel's comments.
	Compose facades with an appropriate scale, rhythm and proportion, which respond to the building's use and the desired contextual character. This may include but are not limited to: - Defining a base, middle and top related to the overall proportion of the building. - Expressing key datum lines in the context using cornices, a change in materials or building set back. - Expressing the internal layout of the building, for example, vertical bays or its structure, such as party wall-divisions. - Expressing the variation in floor-to-floor height, particularly at the lower levels. - Articulating building entries with awnings, porticos, recesses, blade walls and projecting bays. - Selecting balcony types which respond to the street context, building orientation and residential amenity.	

Development Control	Provision	Comment
	- Cantilevered, partially recessed, wholly recessed, or Juliet balconies will all create different facade profiles. - Detailing balustrades to reflect the type and location of the balcony and its relationship to the façade detail and materials	
	Design facades to reflect the orientation of the site using elements such as sun shading, light shelves and bay windows as environmental controls, depending on the facade orientation.	
	Express important corners by giving visual prominence to parts of the facade, for example, a change in building articulation, material or colour, roof expression or increased height.	
	Co-ordinate and integrate building services, such as drainage pipes, with overall facade and balcony design.	
	Co-ordinate security grills/screens, ventilation louvres and car park entry doors with the overall facade design	
Roof Design	Relate roof design to the desired built form. This may include: - Articulating the roof, or breaking down its massing on large buildings, to minimise the apparent bulk or to relate to a context of smaller building forms. - Using a similar roof pitch or material to adjacent buildings, particularly in existing special character areas or heritage conservation areas. - Minimising the expression of roof forms gives prominence to a strong horizontal datum in the adjacent context, such as an existing parapet line. - Using special roof features, which relate to the desired character of an area, to express important corners.	**Complies** The roof is relatively flat and incorporates photovoltaic panels.
	Design the roof to relate to the size and scale of the building, the	

Development Control	Provision	Comment
	building elevations and three-dimensional building form. This includes the design of any parapet or terminating elements and the selection of roof materials.	
	Design roofs to respond to the orientation of the site, for example, by using eaves and skillion roofs to respond to sun access.	
	Minimise the visual intrusiveness of service elements by integrating them into the design of the roof. These elements include lift over-runs, service plants, chimneys, vent stacks, telecommunication infrastructures, gutters, downpipes and signage.	
	Where habitable space is provided within the roof optimise residential amenity in the form of attics or penthouse dwellings.	
Building Entry	Improve the presentation of the development to the street by: - Locating entries so that they relate to the existing street and subdivision pattern, street tree planting and pedestrian access network. - Designing the entry as a clearly identifiable element of the building in the street. - Utilising multiple entries-main entry plus private ground floor dwelling entries-where it is desirable to activate the street edge or reinforce a rhythm of entries along a street.	**Complies** All entrances are accessible and in a clearly identifiable location. The applicant has allowed for the building to be entered from the street frontage and visual interest is provided with the entry and landscaping.
	Provide as direct a physical and visual connection as possible between the street and the entry	
	Achieve clear lines of transition between the public street, the shared private, circulation spaces and the dwelling unit.	
	Ensure equal access for all	**Complies** A ramped area is provided to ensure equal access to the building.
	Provide safe and secure access by: - Avoiding ambiguous and publicly accessible small spaces in entry areas.	**Complies with condition.** Safe and secure access is provided to the buildings, with clear entry points to the development for pedestrians and vehicles. As specified previously,

Development Control	Provision	Comment
	- Providing a clear line of sight between one circulation space and the next. - Providing sheltered well-lit and highly visible spaces to enter the building, meet and collect mail.	concerns with safety around the garbage room have been improved, however, conditions of consent would also be made to have the gate to the garbage room to be in line with the front building line (in line with the communal powder room).
	Generally provide separate entries from the street for: - Pedestrians and cars. - Different uses, for example, for residential and commercial users in a mixed-use development. - Ground floor dwellings, where applicable.	**Complies** The proposal provides separate vehicle and pedestrian access points.
	Provide and design letterboxes to be convenient for residents and not to clutter the appearance of the development from the street by: - Locating them adjacent to the major entrance and integrated into a wall, where possible. - Setting them at 90 degrees to the street, rather than along the front boundary.	**Complies** Letterboxes would be located backing onto the communal verandah area in the front setback, 90 degrees to the street.
Balconies	Balconies may project up to 1m from the façade of a building.	**Complies** Compliance with the ADG is provided for balconies in which minimum depths are required to be achieved and are mostly integrated into the façade. Building separation and setbacks are still maintained and overshadowing and privacy is not exacerbated by the design.
	Balustrades must be compatible with the façade of the building.	**Complies** Balustrades compatible with the façade of the building.
	Ensure balconies are not so deep that they prevent sunlight entering the dwelling below.	**Complies** Balconies of a depth to allow solar access.
	Design balustrades to allow views and casual surveillance of the street.	**Complies** Balconies provide views and surveillance to the street.
	Balustrades on balconies at lower levels shall be of solid construction. Solid or semi solid louvres are permitted.	**Complies** The privacy measures implemented for balconies are of a construction and material which is compatible with the development and allow for privacy and solar access compliance to be achieved.
	Noise attenuation measures on balconies facing a Classified Road should be considered.	**Not applicable** Site does not front a classified road.

Development Control	Provision	Comment
	Balconies should be located on the street frontage, boundaries with views and onto a substantial communal open space.	**Complies** Majority of balconies are all on the external facades of the building, there are some internal balconies, however, these are setback in accordance with the separation requirements.
	Primary balconies should be: - Located adjacent to the main living areas, such as living room, dining room or kitchen to extend the dwelling living space; - Sufficiently large and well proportioned to be functional and promote indoor/outdoor living. A dining table and two chairs (smaller dwelling) and four chairs (larger dwelling) should fit on the majority of balconies in any development.	**Complies** Balconies are located off main living spaces and are of good sizes and dimensions to be fit for purpose in accordance with the ADG.
	Consider secondary balconies, including Juliet balconies or operable walls with balustrades, for additional amenity and choice in larger dwellings, adjacent to bedrooms or for clothes drying, site balconies off laundries or bathrooms.	**Complies** Some units in the south-east corner provide secondary balconies to encourage passive surveillance of the street, however, compliance with the ADG is achieved for the primary balconies in terms of size and solar access.
	Design and detail balconies in response to the local climate and context thereby increasing the usefulness of balconies. This may be achieved by: - Locating balconies facing predominantly north, east or west to provide solar access. - Utilising sunscreens, pergolas, shutters and operable walls to control sunlight and wind. - Providing balconies with operable screens, Juliet balconies or operable walls/sliding doors with a balustrade in special locations where noise or high winds prohibit other solutions - along rail corridors, on busy roads or in tower buildings - choose cantilevered balconies, partially cantilevered balconies and/or recessed balconies in response to daylight, wind, acoustic privacy and visual privacy.	**Complies** Balconies designed in accordance with climate and context requirements.

Development Control	Provision	Comment
	Provide primary balconies for all dwellings with a minimum depth of 2m.	**Complies** All main balconies have minimum width of 2m.
	Ensuring balconies are not so deep that they prevent sunlight entering the dwelling below.	**Complies** All balconies allow for adequate solar access.
	Design balustrades to allow views and casual surveillance of the street while providing for safety and visual privacy. Design considerations may include: - Detailing balustrades using a proportion of solid to transparent materials to address site lines from the street, public domain or adjacent development. Full glass balustrades do not provide privacy for the balcony or the dwelling's interior, especially at night. - Detailing balustrades and providing screening from the public, for example, for a person seated looking at a view, clothes drying areas, bicycle storage or air conditioning units	**Complies** Southern facing balconies provide views and surveillance to the street.
	Operable screens increase the usefulness of balconies by providing weather protection, daylight control and privacy screening.	**Complies** Balconies are consistent with the ADG requirements.
Daylight Access	Plan the site so that new residential flat development is oriented to optimise northern aspect.	**Complies** The building maximises the northern aspect where possible.
	Ensure direct daylight access to communal open space between March and September and provide appropriate shading in summer.	**Complies** The communal open spaces receive adequate daylight, with the opportunity for shading.
	Optimise the number of dwellings receiving daylight access to habitable rooms and principal windows. Ensure daylight access to habitable rooms and private open space, particularly in winter - use skylights, clerestory windows and fanlights to supplement daylight access.	**Complies** Main rooms and windows receive daylight in accordance with the ADG requirements.
	Promote two-storey and mezzanine, ground floor dwellings or locations where daylight is	**Not applicable**

Development Control	Provision	Comment
	limited to facilitate daylight access to living rooms and private open spaces.	
	Ensure single aspect, single-storey dwellings have a northerly or easterly aspect - locate living areas to the north and service areas to the south and west of the development. Avoid south facing dwellings.	**Complies** The number of units receiving direct daylight and sunlight is accordance with the ADG requirements. Additionally, all units have a minimum of two aspects and able to receive some sunlight during the day.
	Design for shading and glare control, particularly in summer: - Using shading devices, such as eaves, awnings, colonnades, balconies, pergolas, external louvres and planting. - Optimising the number of north-facing living spaces. - Providing external horizontal shading to north-facing windows. - Providing vertical shading to east or west windows.	**Complies with conditions.** Balconies are covered by the roof and balcony structure above it allows for some shading. Conditions would apply for rain and sun hoods to be incorporated into all external windows
	Consider higher ceilings and higher window heads to allow deeper sunlight penetration.	**Complies** Ceilings are in line with the minimum requirements of the ADG.
	On west facing windows, vertical louvre panels or sliding screens protect from glare and low afternoon sun.	**Complies** Balconies are consistent with the ADG requirements.
	On north facing windows, projecting horizontal louvres admit winter sun while shading summer sun.	**Complies** Balconies are consistent with the ADG requirements.
Internal Design	Minimise the length of common walls between dwellings.	**Complies** Common walls are minimised through the development.
	Basement car parking shall be located beneath the building footprint.	**Complies** Basement car parking is located below the building and provides enough room for the site to comply with deep soil requirements and ensure compliance with parking and manoeuvring.
	Design building layouts to minimise direct overlooking of rooms and private open spaces adjacent to dwellings	**Complies** The building has been designed generally in accordance with the ADG building separation requirements.
	Minimise the location of noise sensitive rooms such as bedrooms adjoining noisier rooms such as bathrooms or kitchens or common corridors and stairwells.	**Complies** Noise generating rooms are clustered where possible.

Development Control	Provision	Comment
	Where a site has frontage to a Classified Road, locate bedrooms away from the front of the site.	**Not applicable**
	Where common walls are provided they must be carried to the underside of the roof and be constructed in accordance with Part F5 of the Building Code of Australia.	**Complies**
	Locate active use rooms or habitable rooms with windows overlooking communal/public areas.	**Complies** Habitable rooms overlook open space where possible.
Ground Floor Dwellings	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.	**Complies** The landscaping to the front of the site would provide an attractive frontage to the street.
	Create more pedestrian activity along the street and articulate the street edge by: - Balancing privacy requirements and pedestrian accessibility. - Providing appropriate fencing, lighting and/ or landscaping to meet privacy and safety requirements of occupants while contributing to a pleasant streetscape. - Utilising a change in level from the street to the private garden or terrace to minimise site lines from the streets into the dwelling for some dwellings. - Increasing street surveillance with doors and windows facing onto the street.	**Complies** The ground floor treatment to the building, including would assist in providing an active environment to the street.

Development Control	Provision	Comment
	Ground floor dwellings are special because they offer the potential for direct access from the street and on-grade private landscape areas. They also provide opportunities for the dwelling building and its landscape to respond to the streetscape and the public domain at the pedestrian scale. Ground floor dwellings also support housing choice by providing accessibility to the elderly and/or disabled and support families with small children. Optimise the number of ground floor dwellings with separate entries and consider requiring an appropriate percentage of accessible units. This relates to the desired streetscape and topography of the site. Provide ground floor dwellings with access to private open space, preferably as a courtyard.	**Complies** Ground floor apartments are designed to be consistent with the provisions of the ADG.
Security	Entrances to buildings should be orientated towards the front of the site and facing the street. The main entrance to dwellings or other premises should not be from rear lanes and should be designed with clear directions and signage.	**Complies** The entrance to the street is oriented appropriately and designed to be clear and visible.
	Blank walls in general that address street frontages or public open space are discouraged. Where they are unavoidable building elements or landscaping must be used to break up large expanses of walls. In some cases an anti-graffiti coating will need to applied to the wall to a height of 2 metres.	**Complies** No blank walls are proposed.
	Minimise the number of entry points to buildings.	**Complies** One main entry point to the building is made through the front entrance as well as the side passageway along the east.
	Reinforce the development boundary to strengthen the distinction between public and private space by: - Employing a level change at the site and/or building threshold	**Complies** The building steps is mostly in line with the streetscape and an array of fencing, landscaping and entry treatment is provided to distinguish the development form the street.

Development Control	Provision	Comment
	(subject to accessibility requirements). - Signage. - Entry awnings. - Fences, walls and gates. - Change of material in paving between the street and the development	
	Optimise the visibility, functionality and safety of building entrances by: - Orienting entrances towards the public street. - Providing clear lines of sight between entrances, foyers and the street. - Providing direct entry to ground level dwellings from the street rather than through a common foyer. - Direct and well-lit access between car parks and dwellings, between car parks and lift lobbies and to all unit entrances.	**Complies** Entrances are noticeable and the access ways are prominent to the streets.
	Improve the opportunities for casual surveillance by: - Orienting living areas with views over public or communal open spaces, where possible. - Using bay windows and balconies, which protrude beyond the main facade and enable a wider angle of vision to the street. - Using corner windows, which provide oblique views of the street. - Providing casual views of common internal areas, such as lobbies and foyers, hallways, recreation areas and car parks.	**Complies** The upper floor balconies would provide for casual surveillance.
	Minimise opportunities for concealment by: - Avoiding blind or dark alcoves near lifts and stairwells, at the entrance and within indoor car parks, along corridors and walkways. - Providing well-lit routes throughout the development. - Providing appropriate levels of illumination for all common areas. - Providing graded illumination to car parks and illuminating	**Complies with conditions.** The access points are well laid out and are to be well lit, and do not provide opportunities for concealment. As specified previously, concerns with safety around the garbage room have been improved, however, conditions of consent would also be made to have the gate to the garbage room to be in line with the front building line (in line with the communal powder room).

Development Control	Provision	Comment
	entrances higher than the minimum acceptable standard.	
	Control access to the development by: - Making dwellings inaccessible from the balconies, roofs and windows of neighbouring buildings. - Separating the residential component of a development's car parking from any other building use and controlling car park access from public and common areas. - Providing direct access from car parks to dwelling lobbies for residents.	**Complies** Dwellings would be inaccessible from neighbouring buildings. The car park is also to be a secure basement and there is to be direct access from the car park to the lobbies via the lift.
Natural Ventilation	Utilise the building layout and section to increase the potential for natural ventilation. Design solutions may include: - Facilitating cross ventilation by designing narrow building depths and providing dual aspect dwellings, for example, cross through dwellings and corner dwellings. - Facilitating convective currents by designing units, which draw cool air in at lower levels and allow warm air to escape at higher levels, for example, maisonette and two-storey dwellings.	**Complies** Cross ventilation and natural ventilation are in accordance with the ADG requirements.
	Provide narrow building depths to support cross ventilation.	**Complies** Refer to ADG discussion for building depths. Additionally, all units are dual aspect and are cross ventilated.
	Avoid single-aspect dwellings with a southerly aspect.	**Complies** All units are dual aspect.
Building Layout	The layout of dwellings within a residential flat building should minimise the extent of common walls.	**Complies** Common walls are minimised through the development.
Storage Areas	A secure storage space is to be provided for each dwelling with a minimum volume 8 m3 (minimum dimension 1m2). This must be set aside exclusively for storage as part of the basement or garage. Storage areas must be adequately lit and secure. Particular attention must be given to security of	**Complies** Storage is provided in accordance with ADG requirements.

Development Control	Provision	Comment
	basement and garage storage areas.	
7. Landscaping and Fencing	The setback areas are to be utilised for canopy tree planting. The landscape design for all development must include canopy trees that will achieve a minimum 8 m height at maturity within front and rear setback areas.	**Complies** Canopy trees are proposed in the front and rear setbacks.
	Landscape planting should be principally comprised of native species to maintain the character of Liverpool and provide an integrated streetscape appearance. Species selected in environmentally sensitive areas should be indigenous to the locality. However, Council will consider the use of deciduous trees	**Complies** The landscape plan is made up of predominantly native species.
	The landscaping shall contain an appropriate mix of canopy trees, shrubs and groundcovers. Avoid medium height shrubs (600 – 1800mm) especially along paths and close to windows and doors.	**Complies** A mixture of plant types and sizes is proposed.
	Landscaping in the vicinity of a driveway entrance should not obstruct visibility for the safe ingress and egress of vehicles and pedestrians.	**Complies** Minimal landscaping is proposed in the vicinity of the driveway.
	Tree and shrub planting alongside and rear boundaries should assist in providing effective screening to adjoining properties.	**Complies** Planting is proposed along the side and rear boundaries.
	Landscaping on any podium level or planter box shall be appropriately designed and irrigated. Landscaping on podium levels and planter boxes should be accessible from habitable areas of dwellings or elsewhere as appropriate for gardener access in other forms of development.	**Complies** Landscaping with planter boxes have been appropriately designed.
	The development must be designed around significant vegetation on the site. It is important to retain significant vegetation to maintain an existing streetscape and enhance the visual appearance of new dwellings.	**Complies with condition.** The subject site retains a significant street tree in the front street verge next to the driveway and a condition to bond the tree would be made prior to a CC to ensure it is protected and maintained throughout the whole construction process.

Development Control	Provision	Comment
	Trees adjacent to private open space areas and living rooms should provide summer shade and allow winter sun entry.	**Complies** Canopy tress would provide shade.
	Where landscaping is used to control overlooking, species selected are to be a kind able to achieve privacy within 3 years.	**Not applicable**
	Any tree with a mature height over 8m should be planted a minimum distance of 3m from the building or utility services.	**Complies** Trees over 3m from building.
	Contribute to streetscape character and the amenity of the public domain by: - Relating landscape design to the desired proportions and character of the streetscape. - Using planting and landscape elements appropriate to the scale of the development. - Mediating between and visually softening the bulk of large development for the person on the street. Planting design solutions include: - Trees for shading low-angle sun on the eastern and western sides of a dwelling. - Trees that do not cast a shadow over solar collectors at any time of the year. - Deciduous trees for shading of windows and open space areas in summer. methods. - 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. Minimum soil depths will vary depending on the size of the plant. However, soil depths greater than 1.5 m are unlikely to have any benefits for tree growth. - Providing square or rectangular planting areas rather than long narrow linear areas.	**Complies** An aesthetically pleasing landscape design has been proposed which corresponds well with the built form. The landscape design is considered appropriate and able to receive the required solar access.

Development Control	Provision	Comment
	Design landscape which contributes to the site's particular and positive characteristics, for example by: - Enhancing habitat and ecology. - Retaining and incorporating trees, shrubs and ground covers endemic to the area, where appropriate. - Retaining and incorporating changes of level, visual markers, views and any significant site elements Design for optimum conditions for plant growth by: - Providing soil depth, soil volume and soil area appropriate to the size of the plants to be established. - Providing appropriate soil conditions and irrigation	**Complies with conditions.** An aesthetically pleasing landscape design has been proposed which corresponds well with the built form. The landscape design is considered appropriate and able to receive the required solar access. The DA has been reviewed by Council's landscape officer and urban design and public domain section who have raised no objections to the landscape design, subject to conditions.
Fencing	The maximum height of a front fence is 1.2m. The maximum height of side boundary fencing within the setback to the street is 1.2m	**Considered Acceptable** A partial 1.5m front fence is provided within the area of the verandah in the front setback. This is deemed to be acceptable considering that this area is part of the communal open space and provides some privacy to the enjoyment of occupants in the open space. This fence is also a portion of the frontage being approximately 5m of the frontage and does not detract from the overall streetscape presentation of the development. Further, this fence is in line with where the retained street tree is and the visual impact on the streetscape is not considered to be significant. As such, the 1.5m fence in this area along the front boundary is acceptable.
	Fences should not prevent surveillance by the dwelling's occupants of the street or communal areas, be 30% transparent and shall be constructed in masonry, timber, metal pickets and/or vegetation and must be compatible with the proposed design of the dwelling.	**Considered Acceptable** The front fence is of masonry with infill panelling and although it may not be 30% transparent, it would enable privacy to the residents, however, be of a height in which passive surveillance could still occur of the streetscape.
	For side walls or fences along the secondary frontage, a maximum height of 1.2m is required for the first 9m measured from the front	**Complies** No secondary frontage

Development Control	Provision	Comment
	boundary, the remaining fence / wall may then be raised to a maximum of 1.8m. The secondary setback is the longest length boundary.	
8. Car parking and access	Visitor car parking shall be clearly identified and may not be stacked car parking. Visitor car parking shall be located between any roller shutter door and the front boundary.	**Complies** Visitor car parking provided in accordance with Part 1 of LDCP 2008 and SEPP (Housing) 2021.
	Pedestrian and driveways shall be separated.	**Complies** Separate access points are provided.
	Where possible vehicular entrances to the basement car parking shall be from the side of the building. As an alternative a curved driveway to an entrance at the front of the building may be considered if the entrance is not readily visible from the street.	**Complies** Vehicle access from the western boundary of the site.
	Give preference to underground parking, whenever possible by: - Retaining and optimising the consolidated areas of deep soil zones. - Facilitating natural ventilation to basement and sub-basement car parking areas, where possible. - Integrating ventilation grills or screening devices of car park openings into the facade design and landscape design. - Providing safe and secure access for building users, including direct access to residential dwellings, where possible. - Providing a logical and efficient structural grid. There may be a larger floor area for basement car parking than for upper floors above ground. Upper floors, particularly in slender residential buildings, do not have to replicate basement car parking widths.	**Complies** Basement parking proposed.

Development Control	Provision	Comment
	Where above ground enclosed parking cannot be avoided, ensure the design of the development mitigates any negative impact on streetscape and street amenity by: - Avoid exposed parking on the street frontage. - Hiding car parking behind the building facade. Where wall openings (windows, fenestrations) occur, ensure they are integrated into the overall facade scale, proportions and detail.	**Not applicable** No above ground parking proposed.
	Promote equity by: - Ensuring the main building entrance is accessible for all from the street and from car parking areas. - Integrating ramps into the overall building and landscape design. - Design ground floor dwellings to be accessible from the street, where applicable, and to their associated private open space.	**Complies** Ramp provided to access building.
	Maximise the number of accessible and adaptable dwellings in a building by: - Providing more than one accessible entrance where a development contains clusters of buildings. - Separating and clearly distinguish between pedestrian accessways and vehicle accessways. - Locating vehicle entries away from main pedestrian entries and on secondary frontages.	**Complies** Units 1 and 2 are capable of being adaptable units.
9. Amenity and Environmental Impact	Adjoining properties must receive a minimum of three hours of sunlight between 9am and 5pm on 21 June to at least: - One living, rumpus room or the like; and - 50% of the private open space.	**Complies** The shadow diagrams indicate that the adjoining properties would receive three hours of sunlight to 50% of the POS and living rooms between 9.00am and 5.00pm.

Development Control	Provision	Comment
	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. 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.	**Complies** The building complies with the ADG separation requirements.
	Landscaping should be used where possible to increase visual privacy between dwellings and adjoining properties.	**Complies** Appropriate shrubs and tree planting is proposed along the site boundaries.
	Design building layouts to minimise direct overlooking of rooms and private open spaces adjacent to dwellings by: - Balconies to screen other balconies and any ground level private open space. - Separating communal open space, common areas and access routes through the development from the windows of rooms, particularly habitable rooms. - Changing the level between ground floor dwellings with their associated private open space, and the public domain or communal open space. Use detailed site and building design elements to increase privacy without compromising access to light and air by: - Offsetting windows of dwellings in new development and adjacent development windows. - Recessed balconies and/or vertical fins between adjacent balconies. - Solid or semi-solid balustrades to balconies - louvres or screen panels to windows and/or balconies.	**Complies** The building complies with ADG separation requirements.

Development Control	Provision	Comment
	- Fencing. - Vegetation as a screen between spaces. - Incorporating planter boxes into walls or balustrades to increase the visual separation between areas. - Utilising pergolas or shading devises to limit overlooking of lower dwellings or private open space.	
	Noise attenuation measures should be incorporated into building design to ensure acoustic privacy between on-site and adjoining buildings.	**Complies** An acoustic assessment has been provided which recommends how the proposed development can be designed and managed to assist in mitigating acoustic issues for the proposal. The acoustic report was reviewed by Councils environmental health department and raised no objection to the acoustic report, subject to conditions.
	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.	**Complies** The site is not mapped as within proximity to a classified road or railway.
	The proposed buildings must comply with the Environment Protection Authority criteria and the current relevant Australian Standards for noise and vibration and quality assurance.	**Complies with conditions**
	Arrange dwellings within a development to minimise noise transition between dwellings by: - Locating busy, noisy areas next to each other and quieter areas next to other quiet areas, for example, living rooms with living rooms, bedrooms with bedrooms - Using storage or circulation zones within an dwelling to buffer noise from adjacent dwellings, mechanical services or corridors and lobby areas	**Complies with conditions.** An acoustic assessment has been provided which recommends how the proposed development can be designed and managed to assist in mitigating acoustic issues for the proposal. The acoustic report was reviewed by Councils environmental health department and raised no objection to the acoustic report, subject to conditions.

Development Control	Provision	Comment
	- Minimising the amount of common walls with other dwellings. - Design the internal dwelling layout to separate noisier spaces from quieter spaces by grouping uses within a dwelling - bedrooms with bedrooms and service areas like kitchen, bathroom, and laundry together.	
10. Site Services	Letterboxes shall be provided for each dwelling on site, easily accessible from the street, able to be securely locked and provided in accordance with Australia Post's requirements.	**Complies with conditions.** Letterboxes would be located adjacent to the main entry at 90 degrees to the street. Advisory conditions to apply regarding compliance with Australia Post requirements.
	Residential numbering should be attached to the letterbox so that it is clearly visible from the street frontage. Numbers should be 75mm in height, reflective and in contrast to the backing material.	**Complies with condition**
	Waste disposal facilities shall be provided for development. These shall be located adjacent to the driveway entrance to the site.	**Complies** Waste storage facilities are provided and would be maintained by the caretaker. Councils waste management officer has reviewed the waste management plan and conditions of consent have been provided.
	Any structure involving waste disposal facilities shall be located as follows: Setback 1 m from the front boundary to the street. Landscaped between the structure and the front boundary and adjoining areas to minimise the impact on the streetscape. Not be located adjacent to an adjoining residential property.	
	Where a footpath, road shoulder or new or enlarged access driveway is required to be provided this shall be provided at no cost to Council.	**Complies with condition.**
	Council must be notified of any works that may threaten Council assets. Council must give approval for any works involving Council infrastructure.	**Complies with condition**
	Where there are no existing street trees in front of the site and contributions have not been collected for street tree planting it may be a condition of consent that	**Complies** Street tree planting is proposed as part of the landscape design for Sutton Road and is satisfactory.

Development Control	Provision	Comment
	street trees be provided in the footpath area immediately in front of the site.	

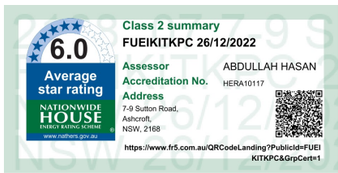
CONTENTS

NO	DESCRIPTION
DA 00	COVER PAGE
DA 01	SITE ANALYSIS & LOCATION
DA 02	CONTEXT DIAGRAMS
DA 03	SITE PLAN / ROOF
DA 04	GFA CALCULATIONS
DA 05	AFFORDABLE UNITS DISTRUBUTION
DA 06	LANDSCAPE DIAGRAMS
DA 07	ADG COMPLIANCE, NATHERS & SITE DEMOLITION PLAN
DA 08	LOWER BASEMENT FLOOR
DA 09	UPPER BASEMENT FLOOR
DA 10	GROUND FLOOR PLAN
DA 11	FLR PLAN _ LVL 01- LVL 03
DA 12	FLR PLAN _ LVL 04- LVL 05
DA 13	ELEVATIONS 01
DA 14	ELEVATIONS 02
DA 15	SECTIONS
DA 16	MATERIAL & COLOUR SCHEDULES
DA 17	SHADOW DIAGRAMS - 21ST JUNE
DA 18	SHADOW DIAGRAMS - 21ST JUNE
DA 19	SUN EYE DIAGRAMS 01
DA 20	SUN EYE DIAGRAMS 02
DA 21	SUN EYE DIAGRAMS 03
DA 22	SUN EYE DIAGRAMS 04
DA 23	SUN EYE DIAGRAMS - COS 01
DA 24	SUN EYE DIAGRAMS - COS 02
DA 25	SWEPT PATH ANALYSIS GROUND FLOOR
DA 26	SWEPT PATH ANALYSIS UPPER BASEMENT
DA 27	SWEPT PATH ANALYSIS LOWER BASEMENT
DA 28	SITE DEMOLITION PLAN
DA 29	SITE EROSION & SEDIMENT CONTROL PLAN



7-9

SUTTON ROAD
Ashcroft, NSW



NOY SANTIAGO PTY LTD

Josefino 'Noy' Santiago
Nominated architect nswarbn 5968

ISSUE	DATE	AMENDMENT
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CAD Plans PTY LTD
DESIGN Solutions
39 Cumberland Rd Auburn NSW 2144
[redacted]
ABN 88 606 740 381

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DEVELOPMENT APPLICATION

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SHEET TITLE:
COVER PAGE

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NOY /NASR	AH/SMS	NOV 2023	A1 - 1:100 A3 - 1:200

PROJECT :
RESIDENTIAL APARTMENT DEVELOPMENT

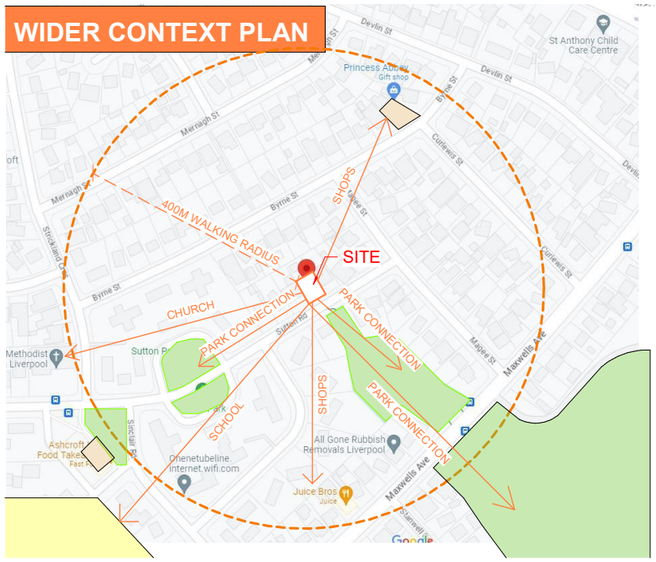
SITE ADDRESS:
7-9 SUTTON ROAD, ASHCROFT NSW 2168
LOT 176 & 177, DP 216017
CITY OF LIVERPOOL

ISSUE:
D

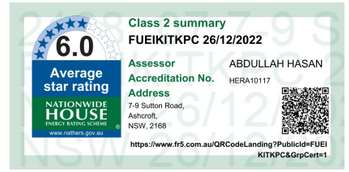
SHEET NUMBER:
DA 00

PROJECT SUMMARY			
01. SITE AREA	CONTROL / ALLOWABLE	PROPOSED	COMPLIANCE
	-	DEVELOPABLE SITE AREA = 1265.48m²	-
02. ZONE	R4	HIGH DENSITY	-
03. BUILDING HEIGHT	MAX. 18m	19.0m	NO (Refer to clause 4.6)
04. FSR	MAIN = 1.2:1 AFFORDABLE HOUSING BONUS = 0.5:1 TOTAL = 1.7:1	1.51:1	YES
05. NUMBER OF UNIT	-	AFFORDABLE RENTAL UNIT 1 BEDROOM = 02 2 BEDROOM = 05 3 BEDROOM = 04 — 11 = 52.38% 0THERS UNIT 2 BEDROOM = 08 1 BEDROOM = 02 — 10 = 47.62% TOTAL = 21	-
06. CAR SPACE & BICYCLE	***FOR AFFORDABLE RENTAL UNITS*** 1 BEDROOM = 0.5 per UNIT = 0.5 x 02 = 01 2 BEDROOM = 1.0 per UNIT = 1.0 x 05 = 05 3 BEDROOM = 1.5 per UNIT = 1.5 x 04 = 06 12 ***FOR OTHER UNITS*** 2 BEDROOM = 1.5 per UNIT = 1.5 x 08 = 12 1 BEDROOM = 1.0 per UNIT = 1.0 x 02 = 02 14 ***VISITOR PARKING*** VISITOR CAR SPACES REQUIRED = 10/4 = 2.5 ~ 3 ***TOTAL PARKING REQUIRED = 29*** BICYCLE SPACES REQUIRED (RESIDENT)= 21/2 = 10.5 BICYCLE SPACES REQUIRED (VISITOR) = 21/10 = 2.1 12.6 ~ 13	TOTAL CAR SPACES PROVIDED = 30 BICYCLE SPACES PROVIDED = 14	YES YES
07. SOLAR ACCESS (min 3 hrs between 9am and 3pm SEPP housing 2021 requirement.)	70%	76%(16/21 UNITS)	YES
08. CROSS VENTILATION	60%	100%(21/21 UNITS)	YES
09. ADAPTABLE UNIT	10% OF 21 UNITS = 2.1 UNITS	2 UNITS (UNIT 01 & UNIT 02)	YES
10. SITE COVERAGE	MAX. 632.74m² (50% OF SITE)	592.27m²/ 46.81% OF 1265.48m² PROVIDED OPEN SPACE: 673.21m² /53.19% OF SITE	YES
11. DEEP SOIL ZONE	189.82m² 15% OF SITE AREA MIN DIMENSION 3M (AS PER SEPP HOUSING 2021) 320.0m² / 25% PROVIDED	88.57m² 7% OF SITE AREA MIN DIMENSION 6M (AS PER SEPP 65) 300.0m² / 23% PROVIDED	316.37m² 25% OF SITE AREA NO MIN DIMENSION (AS PER LDCP 2008) 323.0m² / 26% PROVIDED	YES
12. LANDSCAPE	379.64m² 30% OF SITE AREA	450.0m² 35% OF SITE AREA	YES
13.COMMON OPEN SPACE	316.37m² 25% OF SITE AREA	325.0m² 25.68% OF SITE AREA	YES

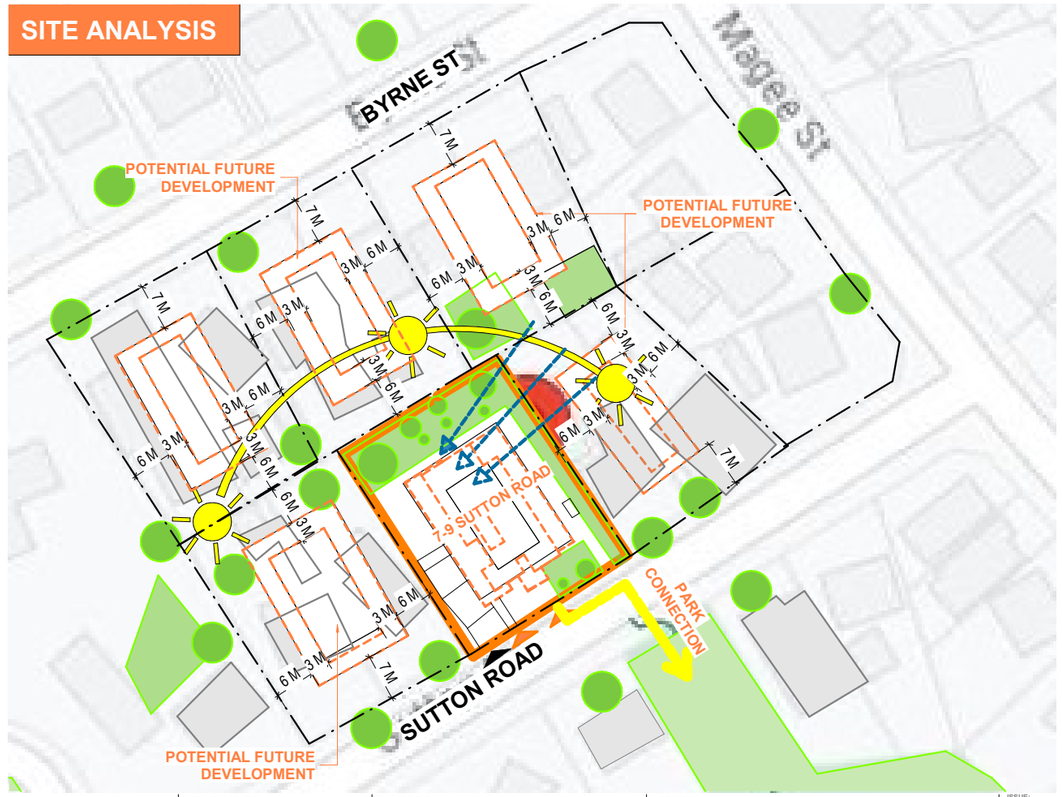
WIDER CONTEXT PLAN



- PROPOSED DEVELOPEMENT SITE
- EDUCATION FACILITY
- PUBLIC OPEN SPACE
- LOCAL SHOPS
- HERITAGE LISTED ITEM
- RAILWAY LANE



SITE ANALYSIS



NOY SANTIAGO PTY LTD

Josefino 'Noy' Santiago
Nominated architect nswarbn 5968

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SHEET TITLE: SITE ANALYSIS & LOCATION

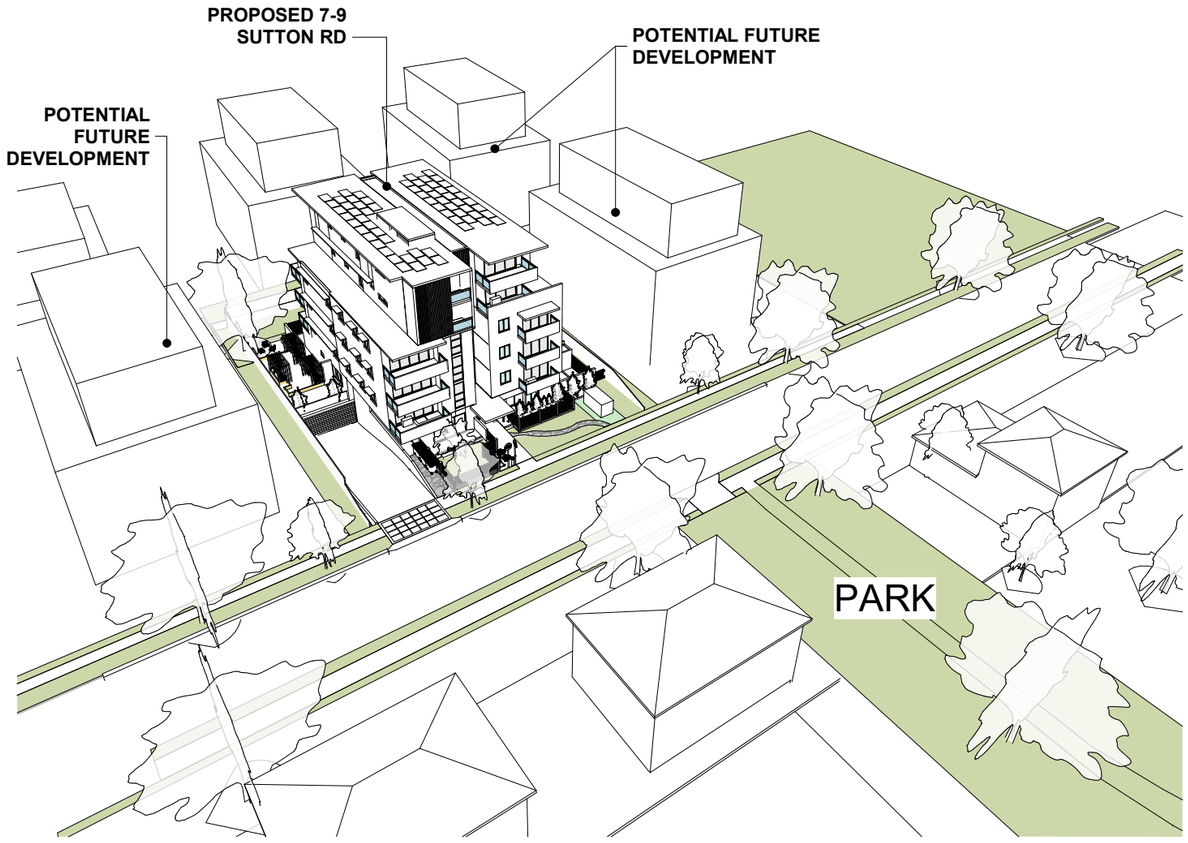
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NOY /NASR	AH/SMS	NOV 2023	A1 - 1:100 A3 - 1:200

PROJECT : RESIDENTIAL APARTMENT DEVELOPMENT

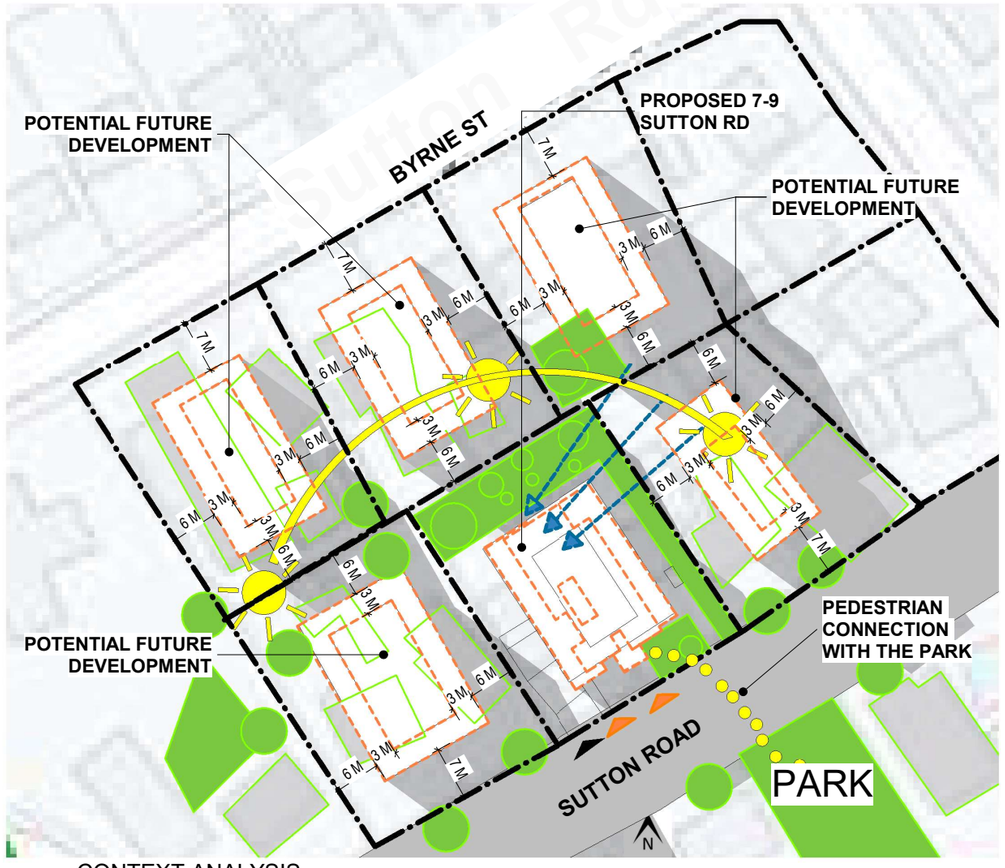
SITE ADDRESS: 7-9 SUTTON ROAD, ASHCROFT NSW 2168
LOT 176 & 177, DP 216017
CITY OF LIVERPOOL

ISSUE: D

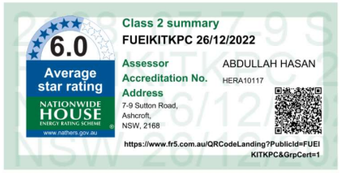
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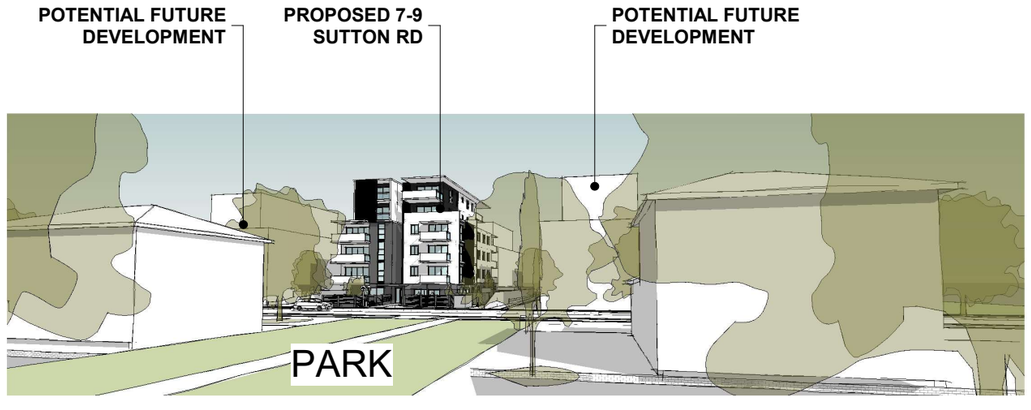


3 CONTEXT



4 CONTEXT ANALYSIS
1 : 35





1 VIEW FROM THE PARK.

NOY SANTIAGO PTY LTD

Josefino 'Noy' Santiago
Nominated architect nswarbn 5968

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DESIGN Solutions
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CONTEXT DIAGRAMS

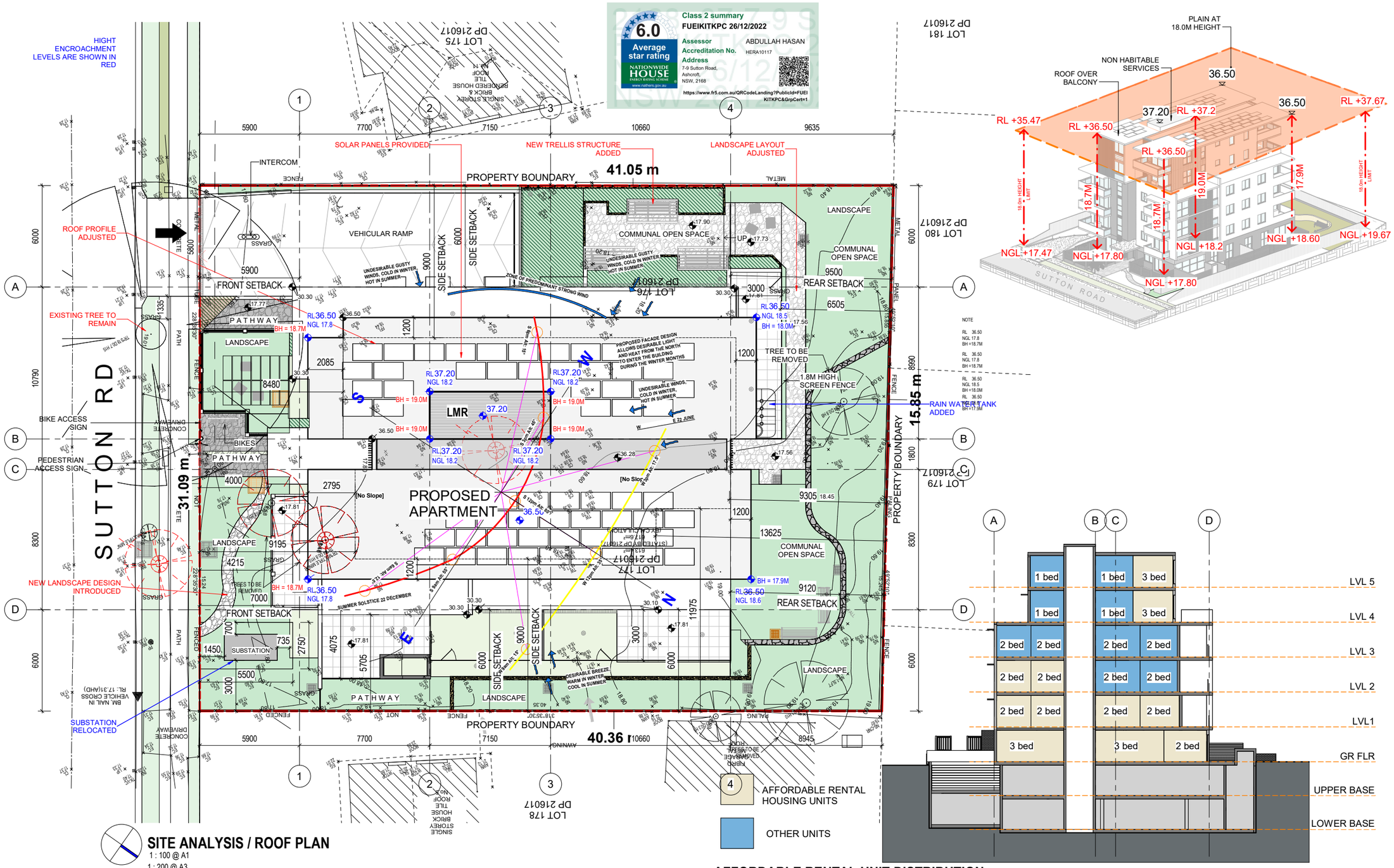
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PROJECT :
RESIDENTIAL APARTMENT DEVELOPMENT

SITE ADDRESS:
7-9 SUTTON ROAD, ASHCROFT
NSW 2168
LOT 176 & 177, DP 216017
CITY OF LIVERPOOL

ISSUE: D

SHEET NUMBER: DA 02



Class 2 summary
FUEIKITKPC 26/12/2022
6.0 Average star rating
Assessor ABDULLAH HASAN
Accreditation No. HERA10117
Address 7-9 Sutton Road, Ashcroft, NSW, 2168
https://www.fr5.com.au/QRCodeLanding?PublicId=FUEIKITKPC&GrpCert=1

NOY SANTIAGO PTY LTD

Josefino 'Noy' Santiago
Nominated architect nswarbn 5968

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SHEET TITLE: SITE PLAN / ROOF

DESIGNER: NOY /NASR | DRAWN: AH/SMS | DATE: NOV 2023 | SCALE: A1 - 1:100 A3 - 1:200

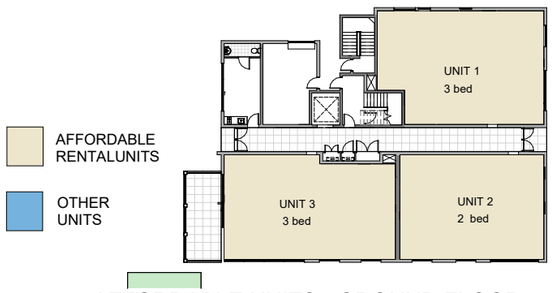
PROJECT : RESIDENTIAL APARTMENT DEVELOPMENT

SITE ADDRESS: 7-9 SUTTON ROAD, ASHCROFT NSW 2168

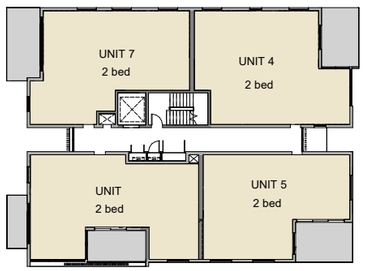
LOT 176 & 177, DP 216017
CITY OF LIVERPOOL

ISSUE: D

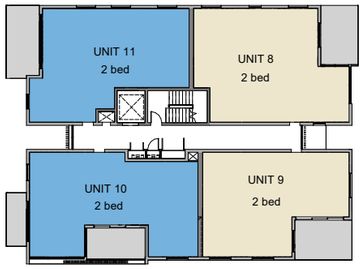
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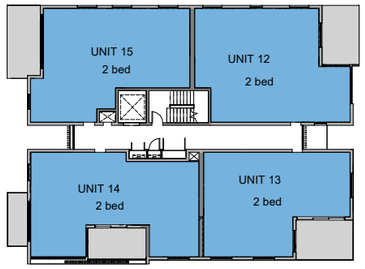
1 AFFORDABLE UNITS - GROUND FLOOR
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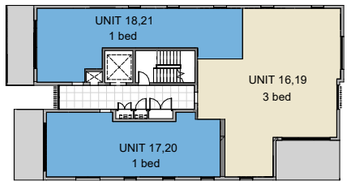
2 AFFORDABLE UNITS - LEVEL 1
1 : 200



3 AFFORDABLE UNITS - LEVEL 2
1 : 200



4 AFFORDABLE UNITS - LEVEL 3
1 : 200



5 AFFORDABLE UNITS - LEVEL 4 & 5
1 : 200

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Josefino 'Noy' Santiago
Nominated architect nswarbn 5968

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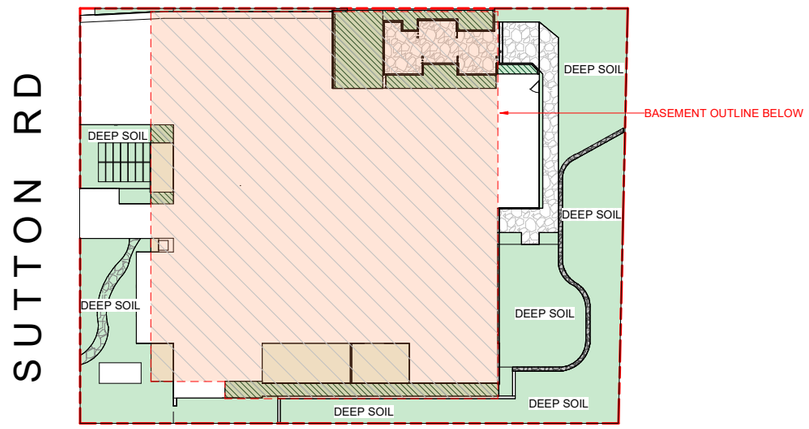
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NOY /NASR	AH/SMS	NOV 2023	A1 - 1:100 A3 - 1:200

PROJECT :
RESIDENTIAL APARTMENT DEVELOPMENT

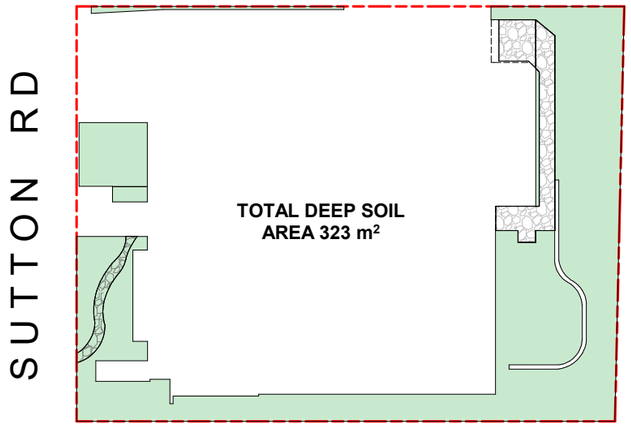
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ISSUE:
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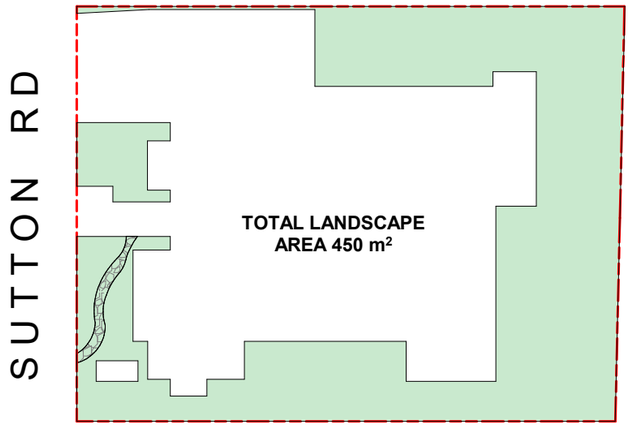
SHEET NUMBER:
DA 05



LANDSCAPE DIAGRAM
1 : 200 @ A1
1 : 400 @ A3



DEEP SOIL AREAS & CALCULATION
1 : 200 @ A1
1 : 400 @ A3



LANDSCAPE AREAS & CALCULATION
1 : 200 @ A1
1 : 400 @ A3

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SHEET TITLE:
LANDSCAPE DIAGRAMS

DESIGNER: NOY /NASR | DRAWN: AH/SMS | DATE: NOV 2023 | SCALE: A1 - 1:100 A3 - 1:200

PROJECT:
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7-9 SUTTON ROAD, ASHCROFT NSW 2168
LOT 176 & 177, DP 216017
CITY OF LIVERPOOL

ISSUE: D

SHEET NUMBER: DA 06

ADG COMPLIANCE TABLE

UNIT NO	NO OF BED	UNIT AREA (m²)	BALCONY AREA (m²)	SOLAR ACCESS (min 3 hrs between 9am and 3pm SEPP housing requirement.)	SOLAR ACCESS (max 15% recieve no solar access)	CROSS VENTILATION	STORAGE UNIT (m^3)	STORAGE BASEMENT (m^3)	STORAGE TOTAL (m^3)
U01	3	103	30	YES	COMPLIES	YES	8.0 (m^3)	5.4 (m^3)	13.4 (m^3)
U02	2	85	32	YES	COMPLIES	YES	8.0 (m^3)	5.4 (m^3)	13.4 (m^3)
U03	3	97	56	YES	COMPLIES	YES	5.0 (m^3)	5.4 (m^3)	10.4 (m^3)
U04	2	86	12	YES	COMPLIES	YES	9.6 (m^3)	5.4 (m^3)	10.0 (m^3)
U05	2	75	11	YES	COMPLIES	YES	8.0 (m^3)	5.4 (m^3)	13.4 (m^3)
U06	2	84	16	YES	COMPLIES	YES	6.6(m^3)	5.4 (m^3)	12.0 (m^3)
U07	2	81	11	NO	COMPLIES	YES	5.9 (m^3)	5.4 (m^3)	11.3 (m^3)
U08	2	86	12	YES	COMPLIES	YES	9.6 (m^3)	5.4 (m^3)	10.0 (m^3)
U09	2	75	11	YES	COMPLIES	YES	8.0 (m^3)	5.4 (m^3)	13.4 (m^3)
U10	2	84	16	YES	COMPLIES	YES	6.6 (m^3)	5.4 (m^3)	12.0 (m^3)
U11	2	81	11	NO	COMPLIES	YES	5.9 (m^3)	5.4 (m^3)	11.3 (m^3)
U12	2	86	12	YES	COMPLIES	YES	9.6 (m^3)	5.4 (m^3)	10.0 (m^3)
U13	2	75	11	YES	COMPLIES	YES	8.0 (m^3)	5.4 (m^3)	13.4 (m^3)
U14	2	84	16	YES	COMPLIES	YES	6.6 (m^3)	5.4 (m^3)	12.0 (m^3)
U15	2	81	11	NO	COMPLIES	YES	5.9 (m^3)	5.4 (m^3)	11.3 (m^3)
U16	3	96	13	YES	COMPLIES	YES	5.4 (m^3)	5.4 (m^3)	10.8 (m^3)
U17	1	59	11	YES	COMPLIES	YES	4.0 (m^3)	5.4 (m^3)	9.4 (m^3)
U18	1	58	11	NO	COMPLIES	YES	3.0 (m^3)	5.4 (m^3)	8.4 (m^3)
U19	3	96	13	YES	COMPLIES	YES	5.4 (m^3)	5.4 (m^3)	10.8 (m^3)
U20	1	59	11	YES	COMPLIES	YES	4.0 (m^3)	5.4 (m^3)	9.4 (m^3)
U21	1	58	11	NO	COMPLIES	YES	3.0 (m^3)	5.4 (m^3)	8.4 (m^3)

TOTAL NUMBER OF UNITS: 21

NatHERS Thermal Performance Specifications (BASIX Thermal Comfort)

7-9 Sutton Rd, Ashcroft NSW 2168

Note :
These are the specifications upon which the NatHERS Assessment is based. If details included in these specifications vary from other drawings or written specifications, these specifications shall take precedence. If only one specification option is detailed for a building element, that specification must apply to all instances of that element for the project.

Windows	*Glass*	*Frame*	*Type*	*U Value*	*SHGC*	*Unit Numbers*
ALM-001-01 A	Single glazed	Aluminium	Awning	6.7	0.7	U1/U5/U9/U12/U13/U16/U17/U19
ALM-002-01 A	Single glazed	Aluminium	Sliding	6.7	0.57	U1/U4/U5/U8/U9/U12/U13/U16/U17/U19
ALM-002-04 A	Single glazed	Aluminium	Sliding	5.6	0.41	U2
ALM-002-03 A	Single glazed	Aluminium	Sliding	5.4	0.58	U18/U20
ALM-001-03 A	Single glazed	Aluminium	Awning	5.4	0.49	U18/U20
ALM-004-03 A	Double glazed	Aluminium	Sliding	4.3	0.53	U21
ALM-003-03 A	Double glazed	Aluminium	Sliding	4.3	0.47	U4/U8/U21
JWL-010-01 A	Double glazed	Aluminium	Sliding	2.94	0.6	U3/U6/U7/U10/U11/U14/U15
REY-029-03 A	Double glazed	Aluminium	Sliding	1.8	0.3	U3/U6/U7/U10/U11/U12/U14/U15
TND-038-03 A	Double glazed	Aluminium	Awning	3.16	0.54	U7/U11/U15

External Walls	*Construction*	*Added Insulation*	*Detail*
230mm Double Brick		None	Within units (U1 – U15)
Single Brick with metal Cladding externally		R1.0	Within units (U16 – U21)

Internal Walls	*Construction*	*Added Insulation*	*Detail*
Plasterboard on studs		None	Within units

Party Walls	*Construction*	*Added Insulation*	*Detail*
350mm Double Brick		R3.0	Within units

Floors	*Construction*	*Added Insulation*	*Covering*	*Detail*
Concrete		None	Carpet generally/Tiles in wet areas	Generally

Ceilings	*Construction*	*Added Insulation*	*Detail*
Plasterboard		R1.0	Generally
Plasterboard		R6.0 & Dark paint on roof	U15 & U12

Roof	*Construction*	*Added Insulation*	*Detail*
Concrete		(refer to ceiling detail above)	

Other Requirements
All exhaust fans and downlights (if installed) to be sealed to prevent air infiltration



Accredited assessor
ABDULLAH HASAN
A.A HASAN & S.M SIDDIQUA
archalhasan@gmail.com
+10469027539
Accreditation No. HERA10117
Assessor Accrediting Organisation HERA

HERA
House Energy Raters Association

NOY SANTIAGO PTY LTD

Josefino 'Noy' Santiago
Nominated architect nswarbn 5968

ISSUE	DATE	AMENDMENT
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PROJECT STATUS: DEVELOPMENT APPLICATION

SHEET TITLE: ADG COMPLIANCE, NATHERS & SITE DEMOLITION PLAN

DESIGNER: NOY /NASR | DRAWN: AH/SMS | DATE: NOV 2023 | SCALE: A1 - 1:100 A3 - 1:200

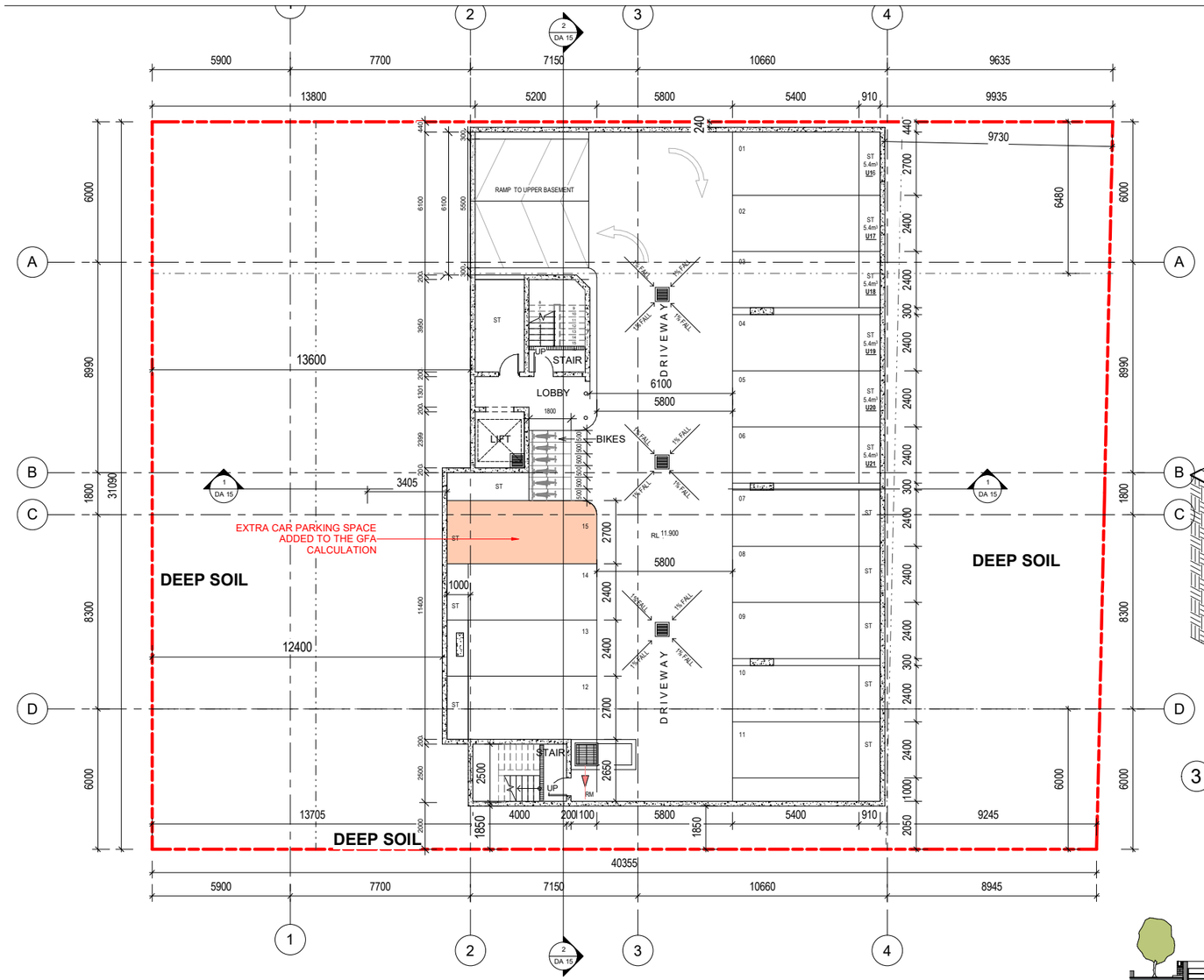
PROJECT : RESIDENTIAL APARTMENT DEVELOPMENT

SITE ADDRESS: 7-9 SUTTON ROAD, ASHCROFT NSW 2168

LOT 176 & 177, DP 216017
CITY OF LIVERPOOL

ISSUE: D

SHEET NUMBER: DA 07



LOWER BASEMENT FLOOR

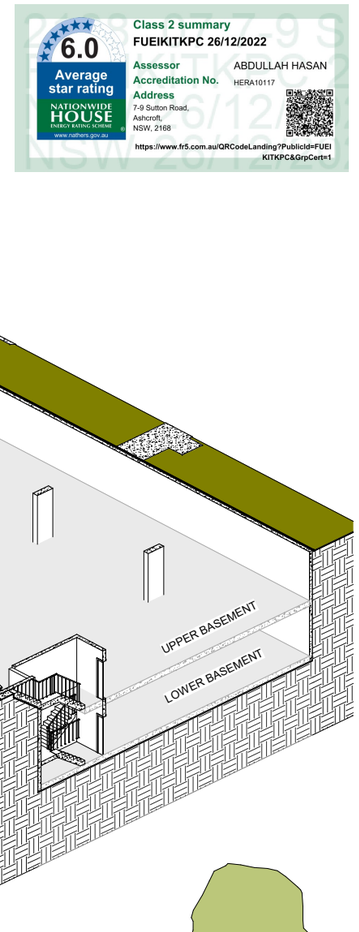
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1 : 200 @ A3

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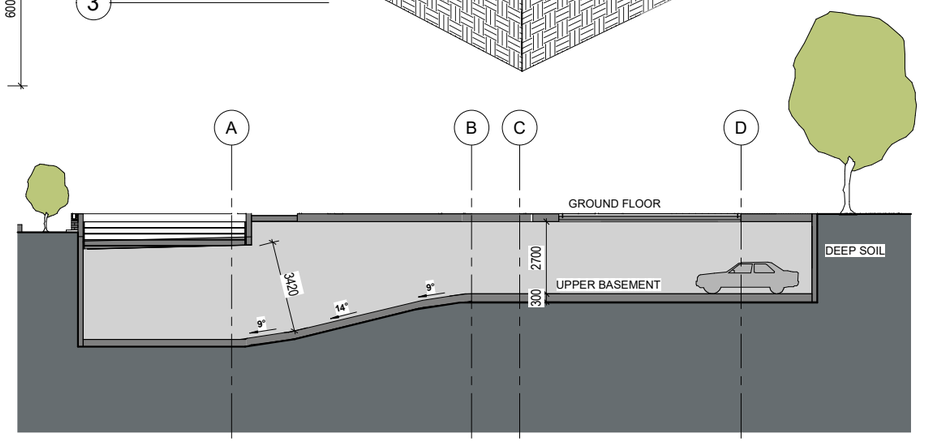
VISITOR PARKING = 00

DISABLE APT PARKING = 00

TOTAL PARKING = 15



3 BASEMENT VIEW 2



BASEMENT SECTION 2

1 : 100 @ A1
1 : 200 @ A3

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Josefino 'Noy' Santiago
Nominated architect nswarbn 5968

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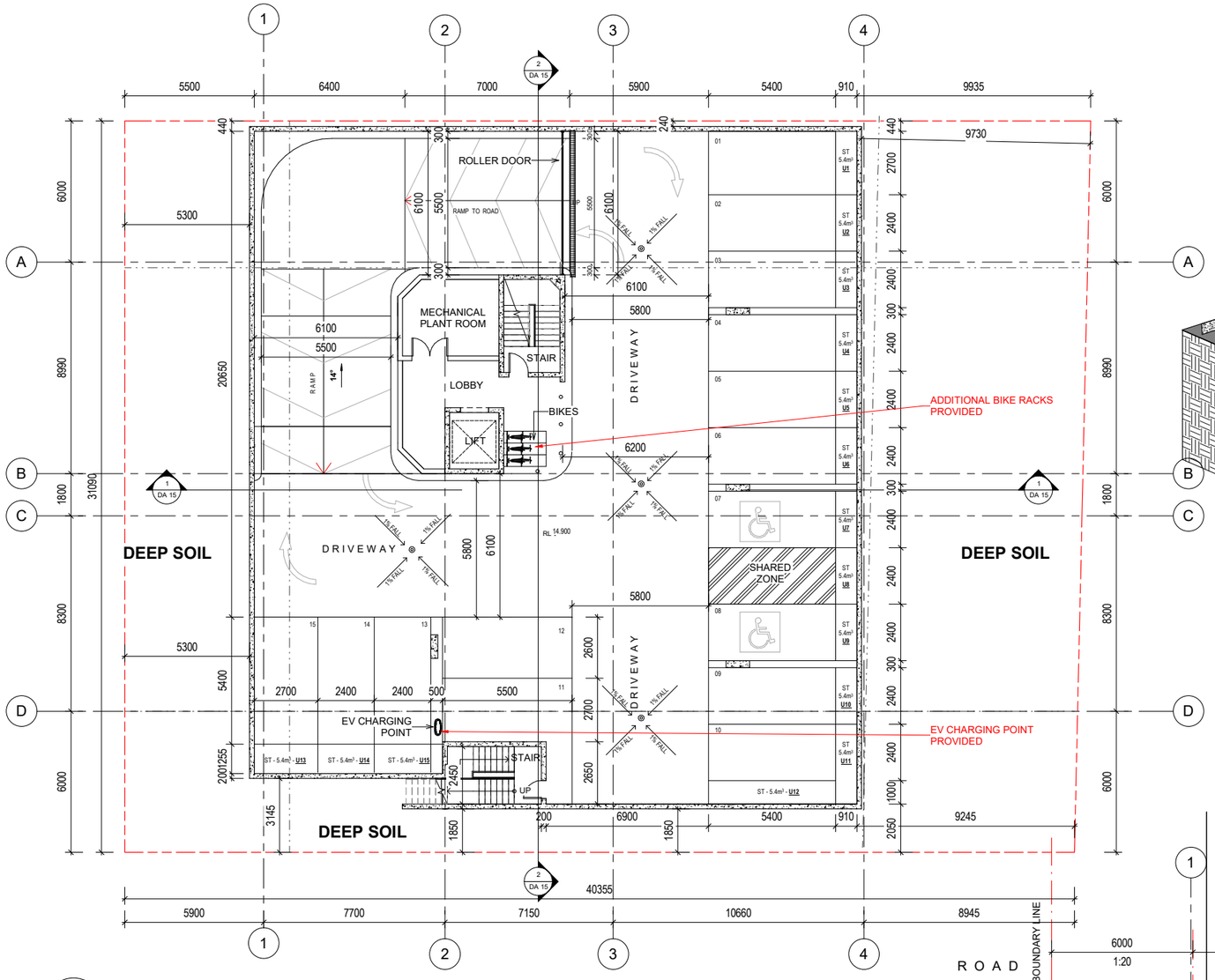
PROJECT :
RESIDENTIAL APARTMENT DEVELOPMENT

SITE ADDRESS:
7-9 SUTTON ROAD, ASHCROFT
NSW 2168

LOT 176 & 177, DP 216017
CITY OF LIVERPOOL

ISSUE: D

SHEET NUMBER: DA 08



UPPER BASEMENT FLOOR

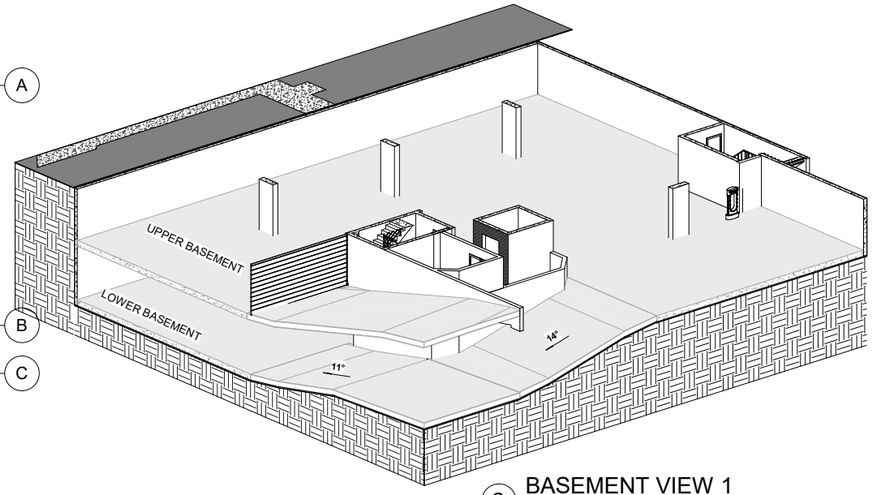
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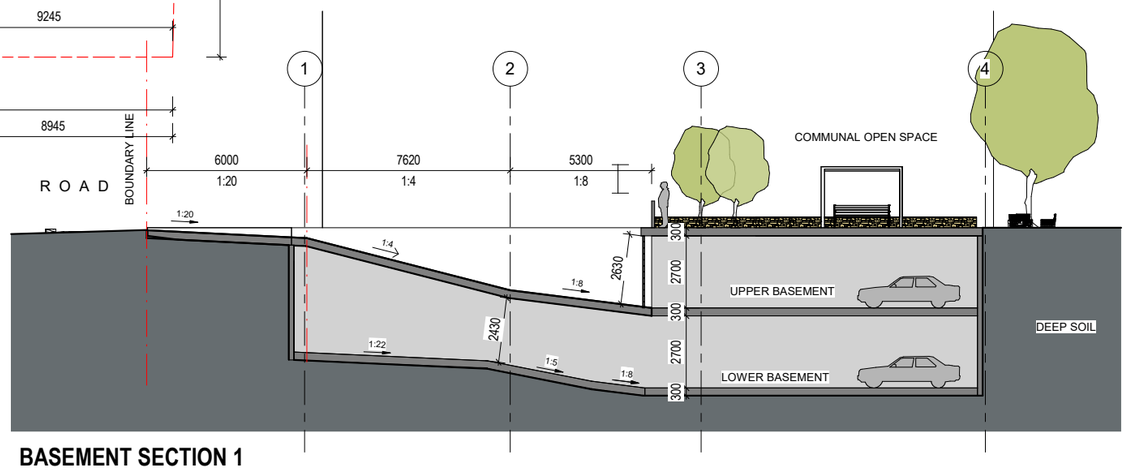
VISITOR PARKING = 05

DISABLE APT PARKING = 02

TOTAL PARKING = 15



2 BASEMENT VIEW 1



BASEMENT SECTION 1

1 : 100 @ A1
1 : 200 @ A3

Class 2 summary
FUEIKITKPC 26/12/2022
6.0 Average star rating
Assessor ABDULLAH HASAN
Accreditation No. HERA10117
Address 7-9 Sutton Road, Ashcroft, NSW, 2168
https://www.fr5.com.au/QRCodeLanding?PublicId=FUEIKITKPC&GrpCert=1

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NOY SANTIAGO PTY LTD

Josefino 'Noy' Santiago
Nominated architect nswarbn 5968

CLIENT: OWNER

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SHEET TITLE: UPPER BASEMENT FLOOR

DESIGNER: NOY /NASR | DRAWN: AH/SMS | DATE: NOV 2023 | SCALE: A1 - 1:100 A3 - 1:200

PROJECT : RESIDENTIAL APARTMENT DEVELOPMENT

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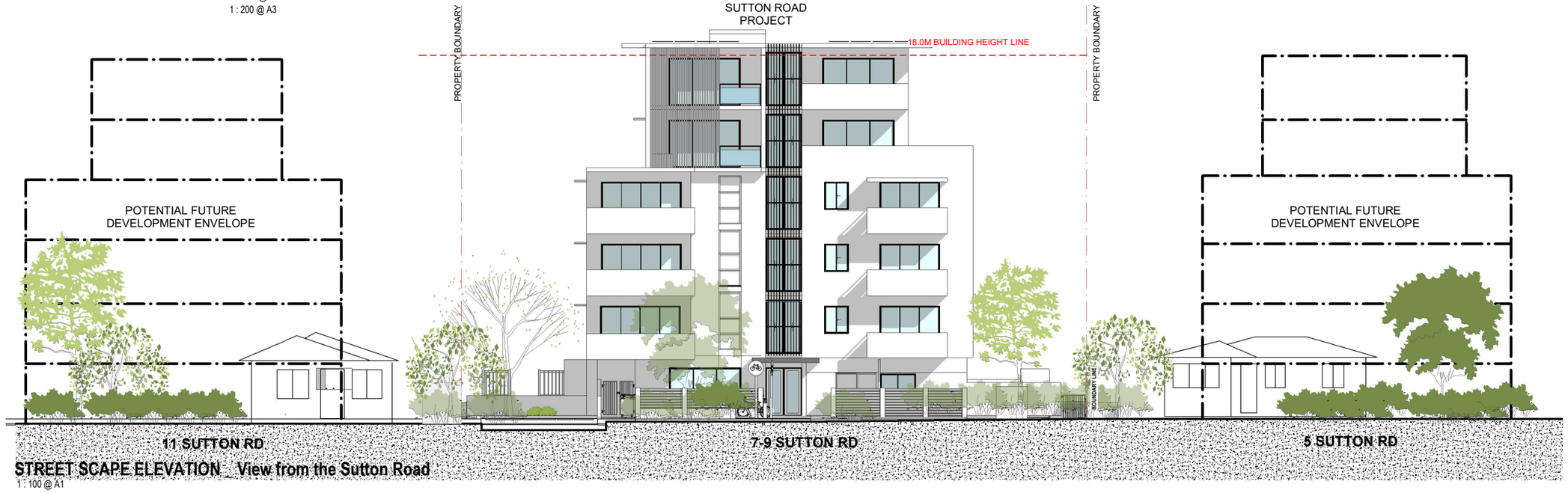
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CITY OF LIVERPOOL

ISSUE: D

SHEET NUMBER: DA 09



SOUTH WEST ELEVATION
1 : 100 @ A1
1 : 200 @ A3



STREET SCAPE ELEVATION _ View from the Sutton Road
1 : 100 @ A1
1 : 200 @ A3

Class 2 summary
FUEIKITKPC 26/12/2022
6.0 Average star rating
NATIONWIDE HOUSE ENERGY RATING SCHEME www.nathers.gov.au
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Nominated architect nswarbn 5968

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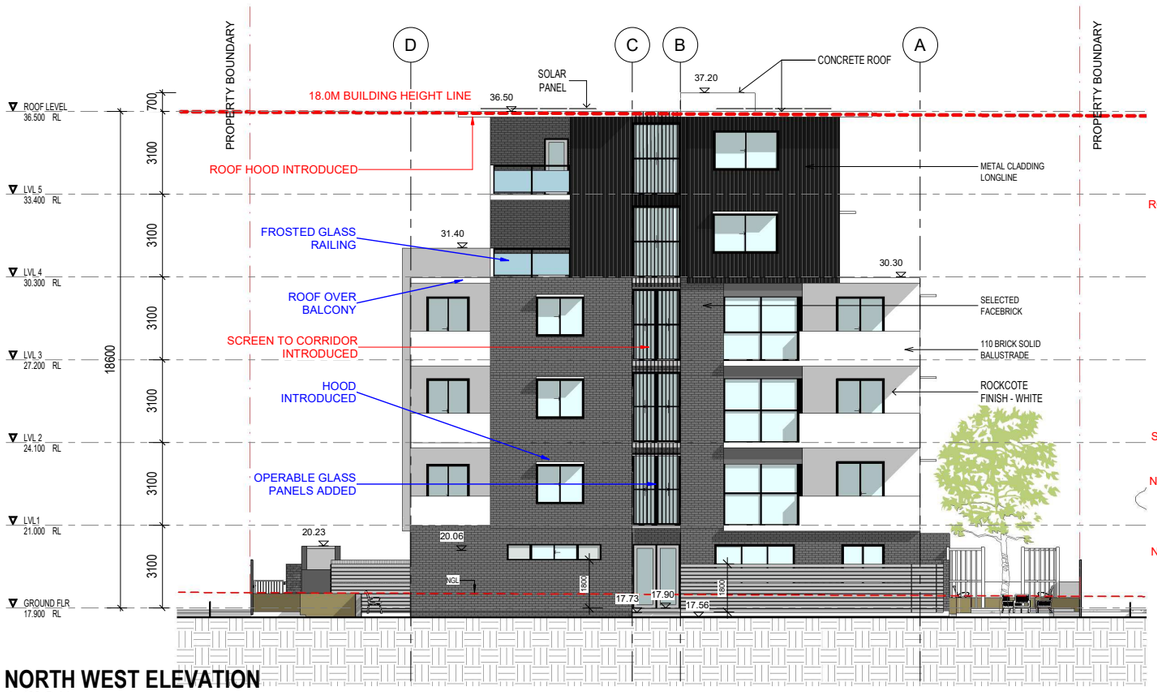
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PROJECT : RESIDENTIAL APARTMENT DEVELOPMENT
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LOT 176 & 177, DP 216017
CITY OF LIVERPOOL

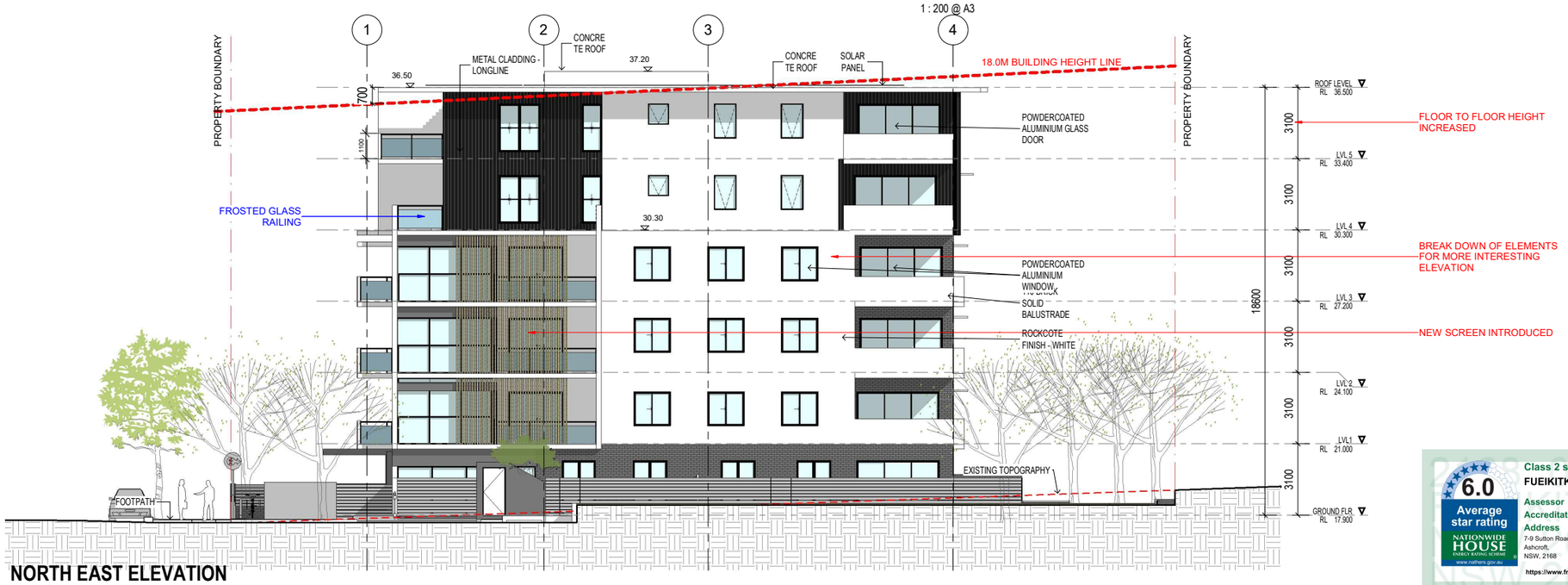
ISSUE: D
SHEET NUMBER: DA 13



NORTH WEST ELEVATION
1 : 100 @ A1
1 : 200 @ A3



SOUTH EAST ELEVATION
1 : 100 @ A1
1 : 200 @ A3



NORTH EAST ELEVATION
1 : 100 @ A1
1 : 200 @ A3

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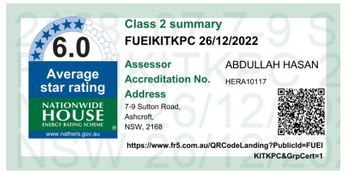
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NOY /NASR	AH/SMS	NOV 2023	A1 - 1:100 A3 - 1:200

PROJECT :
RESIDENTIAL APARTMENT DEVELOPMENT

SITE ADDRESS:
7-9 SUTTON ROAD, ASHCROFT
NSW 2168
LOT 176 & 177, DP 216017
CITY OF LIVERPOOL

ISSUE: D

SHEET NUMBER: DA 14





SOUTH EAST VIEW
@ A1
1 : 200 @ A3



NORTH WEST VIEW
@ A1
1 : 200 @ A3

COLOUR SCHEDULE AND FINISHES

1 ROCKCOTE FINISH - WHITE



2 SELECTED FACEBRICK



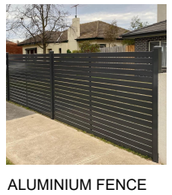
3 METAL CLADDING - LONGLINE



4 TIMBER LOOK SCREEN



5 ALUMINIUM FENCE



6 FROSTED GLASS BALUSTRADE



7 GREY APPLIED TEXTURED FINISH

8 ALIMINIUM VERTICAL SCREEN



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Josefino 'Noy' Santiago
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SHEET TITLE:
MATERIAL & COLOUR SCHEDULES

DESIGNER:	DRAWN:	DATE:	SCALE:
NOY /NASR	AH/SMS	NOV 2023	A1 - 1:100 A3 - 1:200

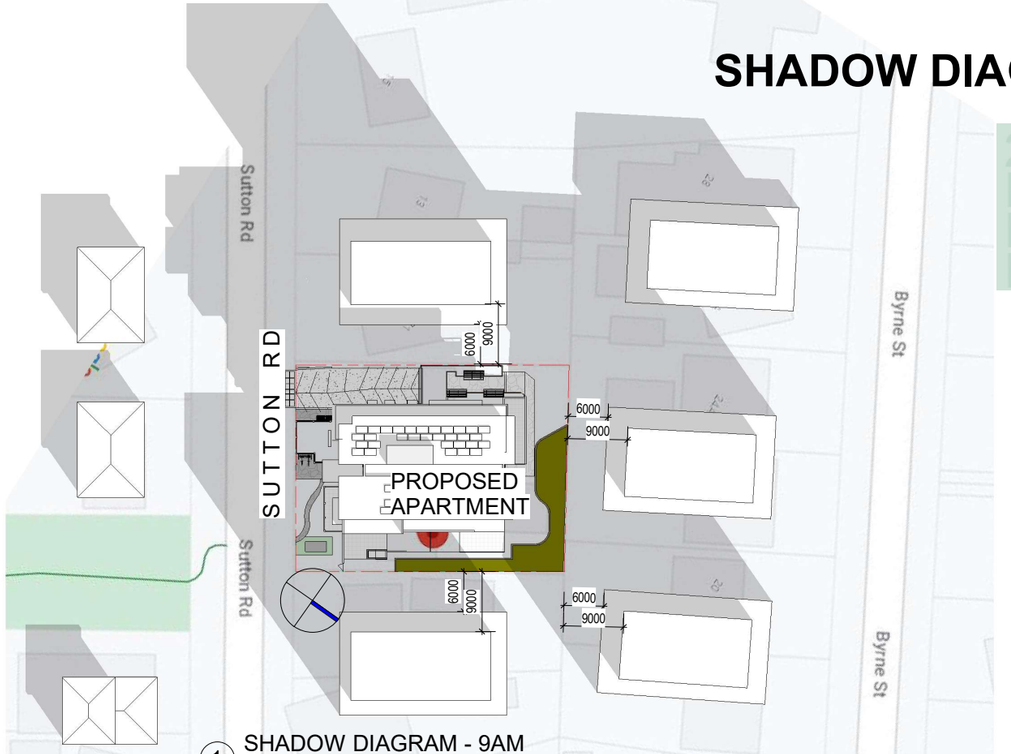
PROJECT :
RESIDENTIAL APARTMENT DEVELOPMENT

SITE ADDRESS:
7-9 SUTTON ROAD, ASHCROFT NSW 2168
LOT 176 & 177, DP 216017
CITY OF LIVERPOOL

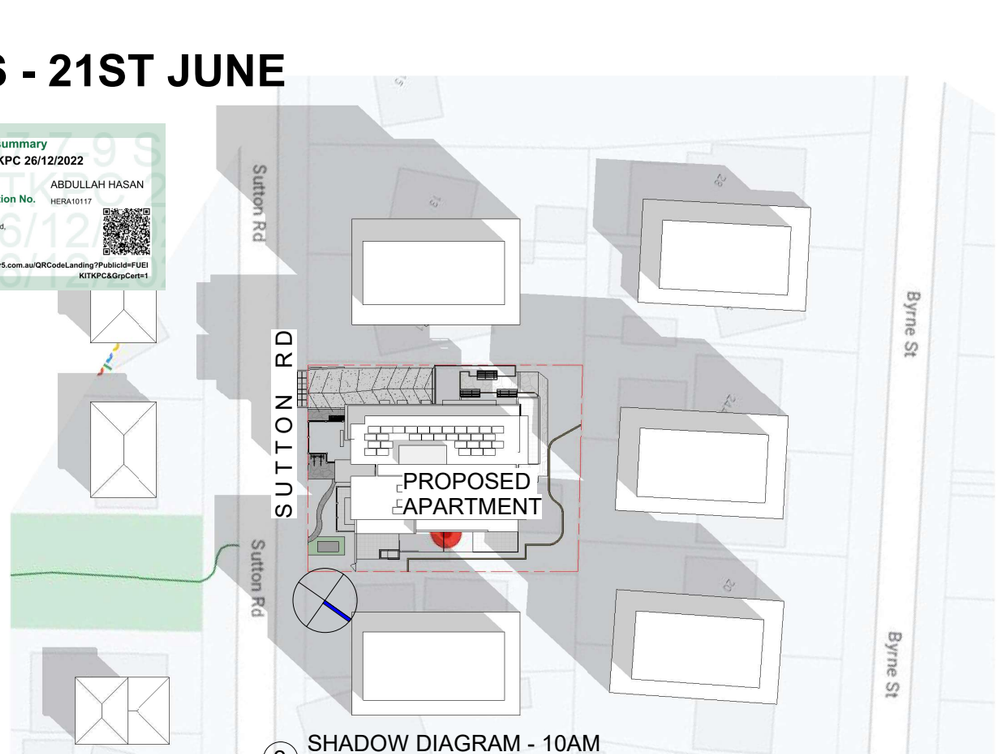
ISSUE:
D

SHEET NUMBER:
DA 16

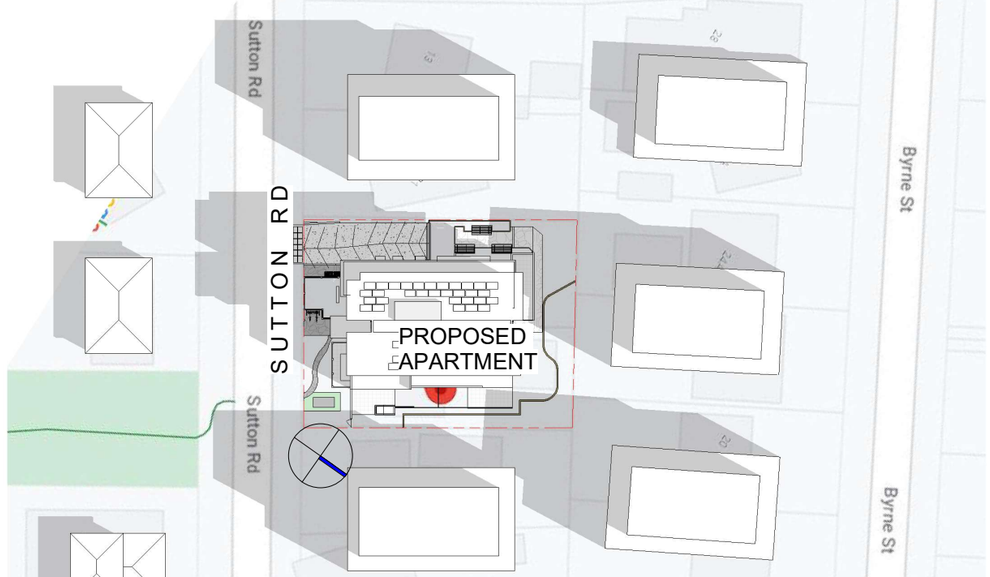
SHADOW DIAGRAMS - 21ST JUNE



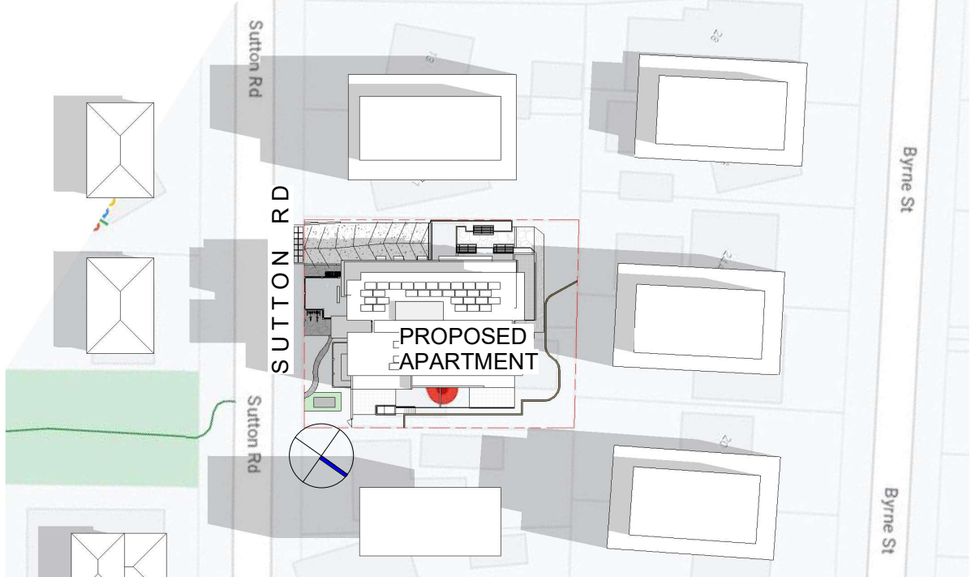
1 SHADOW DIAGRAM - 9AM
1 : 400



2 SHADOW DIAGRAM - 10AM
1 : 400



SHADOW DIAGRAM - 11AM
1 : 400 @ A1
1 : 200 @ A3



SHADOW DIAGRAM - 12PM
1 : 400 @ A1
1 : 200 @ A3

Class 2 summary
FUEIKITKPC 26/12/2022
6.0 Average star rating
NATIONWIDE HOUSE ENERGY RATING SCHEME
Assessor ABDULLAH HASAN
Accreditation No. HERA10117
Address 7-9 Sutton Road, Ashcroft, NSW, 2168
https://www.fr5.com.au/QRCodeLanding?PublicId=FUEIKITKPC&GrpCert=1

NOY SANTIAGO PTY LTD
Josefino 'Noy' Santiago
Nominated architect nswarbn 5968

ISSUE	DATE	AMENDMENT
D	27/11/23	AMENDMENTS AS PER COUNCIL'S COMMENTS
C	15/08/23	AMENDMENTS AS PER COUNCIL'S COMMENTS
B	28/02/23	ISSUED FOR THE DEVELOPMENT APPLICATION
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CLIENT:
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NOTES:
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4 FIGURED DIMENSIONS TO TAKE PRECEDENCE OVER SCALED DIMENSIONS. IF IN DOUBT CALL CAD PLANS PTY LTD
5 ALL TIMBER CONSTRUCTION IS TO BE IN ACCORDANCE WITH THE NATIONAL TIMBER FRAMING CODE AS 1684 - 1992.
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8 DRAWING NOT TO BE USED FOR CONSTRUCTION UNLESS MARKED 'ISSUED FOR CONSTRUCTION'

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DESIGN Solutions
39 Cumberland Rd Auburn NSW 2144
ABN 88 606 740 381
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PROJECT STATUS:
DEVELOPMENT APPLICATION

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SHADOW DIAGRAMS - 21ST JUNE

DESIGNER:	DRAWN:	DATE:	SCALE:
NOY /NASR	AH/SMS	NOV 2023	A1 - 1:100 A3 - 1:200

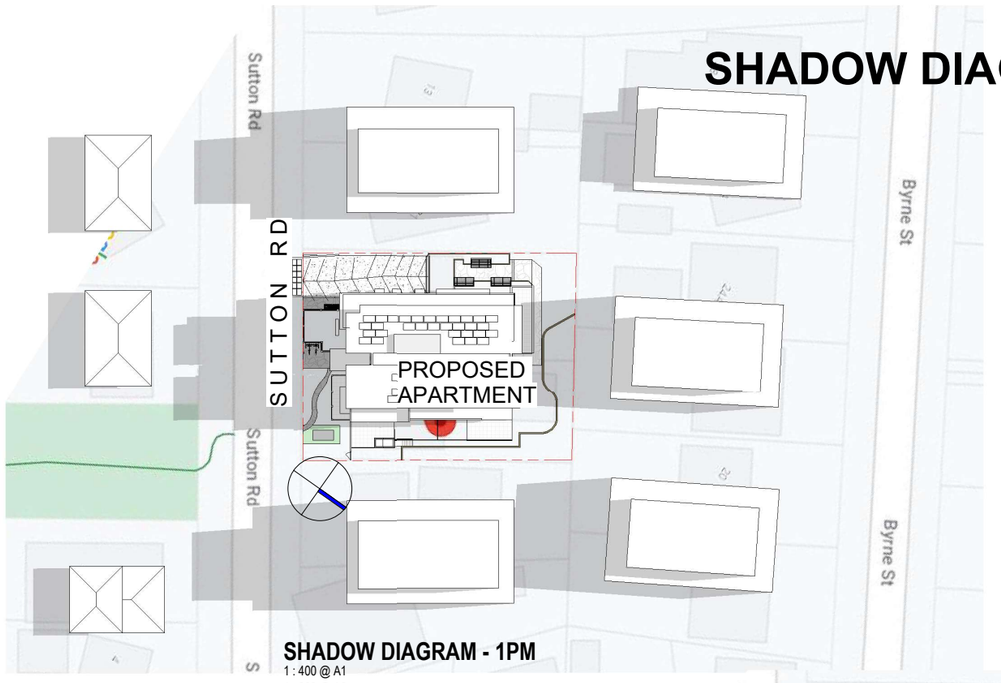
PROJECT:
RESIDENTIAL APARTMENT DEVELOPMENT

SITE ADDRESS:
7-9 SUTTON ROAD, ASHCROFT
NSW 2168
LOT 176 & 177, DP 216017
CITY OF LIVERPOOL

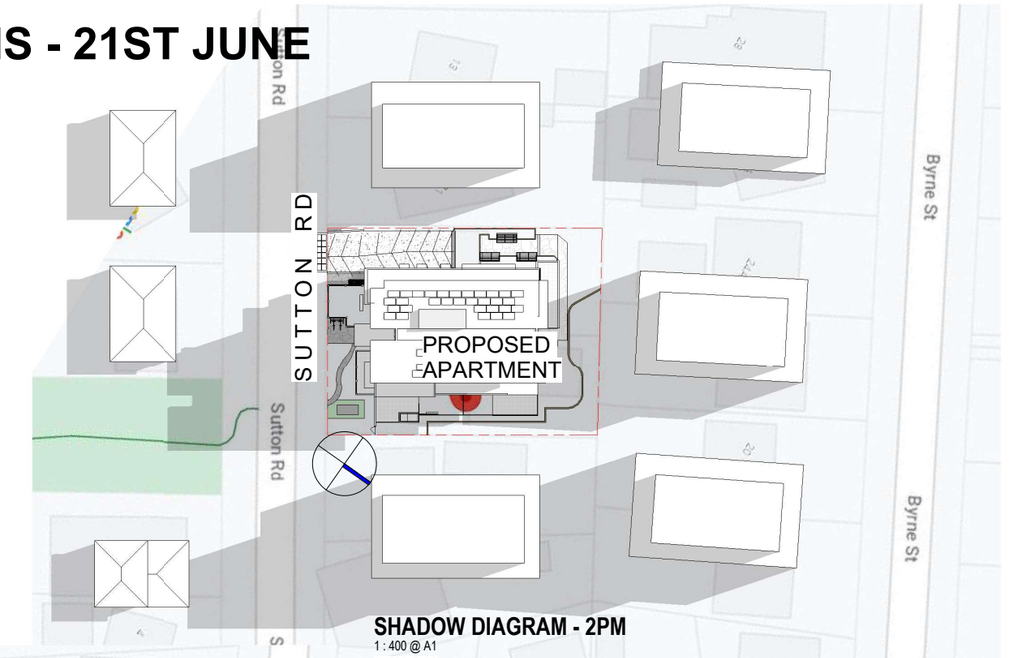
ISSUE: D

SHEET NUMBER: DA 17

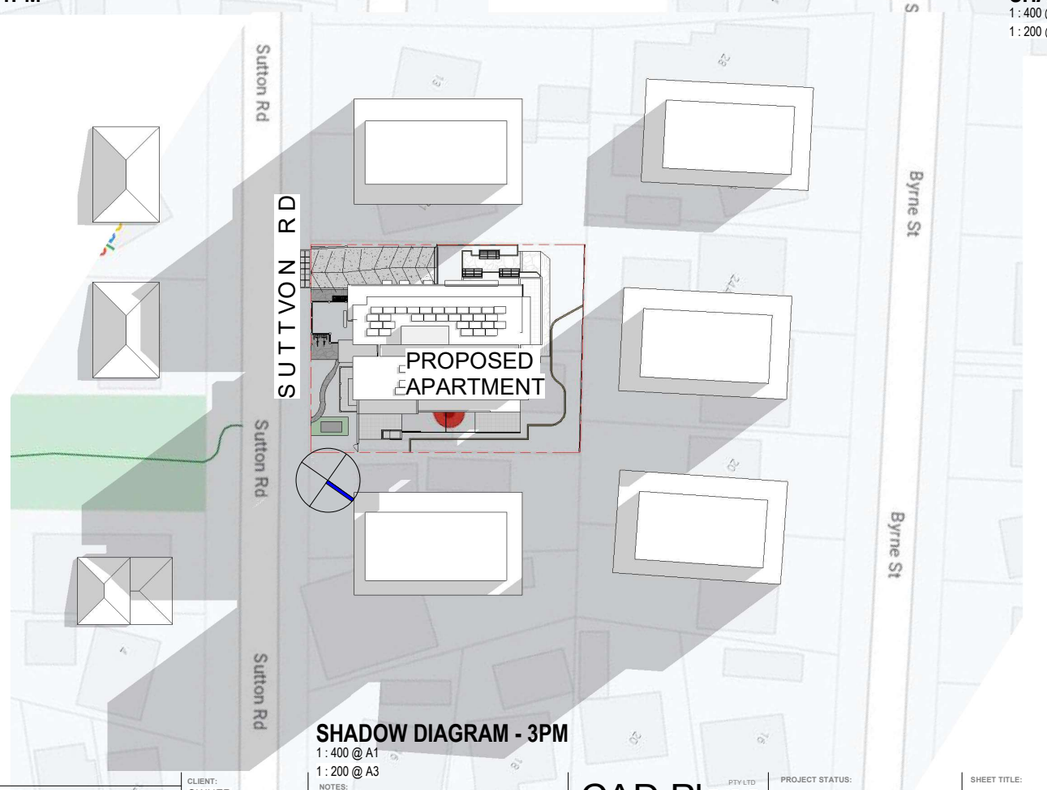
SHADOW DIAGRAMS - 21ST JUNE



SHADOW DIAGRAM - 1PM
1 : 400 @ A1
1 : 200 @ A3



SHADOW DIAGRAM - 2PM
1 : 400 @ A1
1 : 200 @ A3



SHADOW DIAGRAM - 3PM
1 : 400 @ A1
1 : 200 @ A3

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NOY SANTIAGO PTY LTD

Josefino 'Noy' Santiago
Nominated architect nswarbn 5968

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SHEET TITLE: SHADOW DIAGRAMS - 21ST JUNE

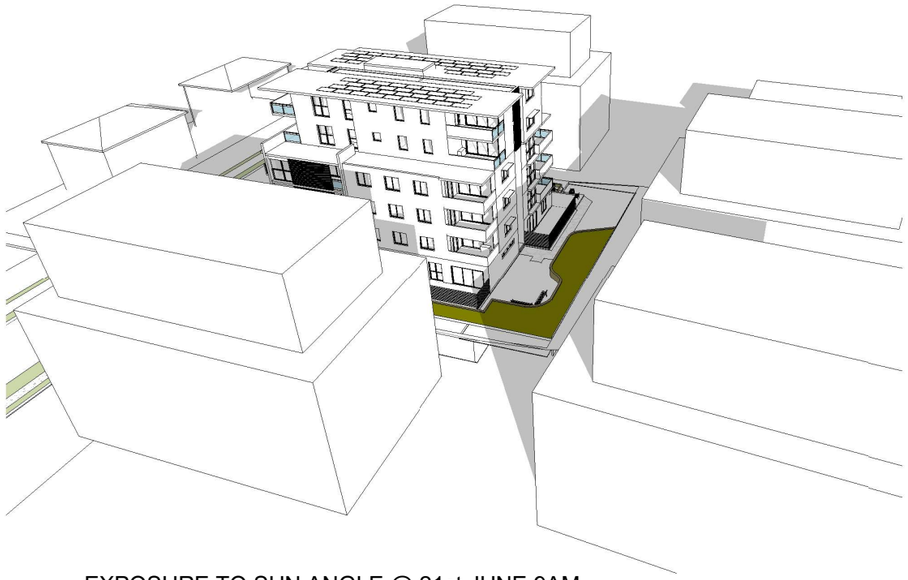
DESIGNER: NOY /NASR | DRAWN: AH/SMS | DATE: NOV 2023 | SCALE: A1 - 1:100, A3 - 1:200

PROJECT : RESIDENTIAL APARTMENT DEVELOPMENT

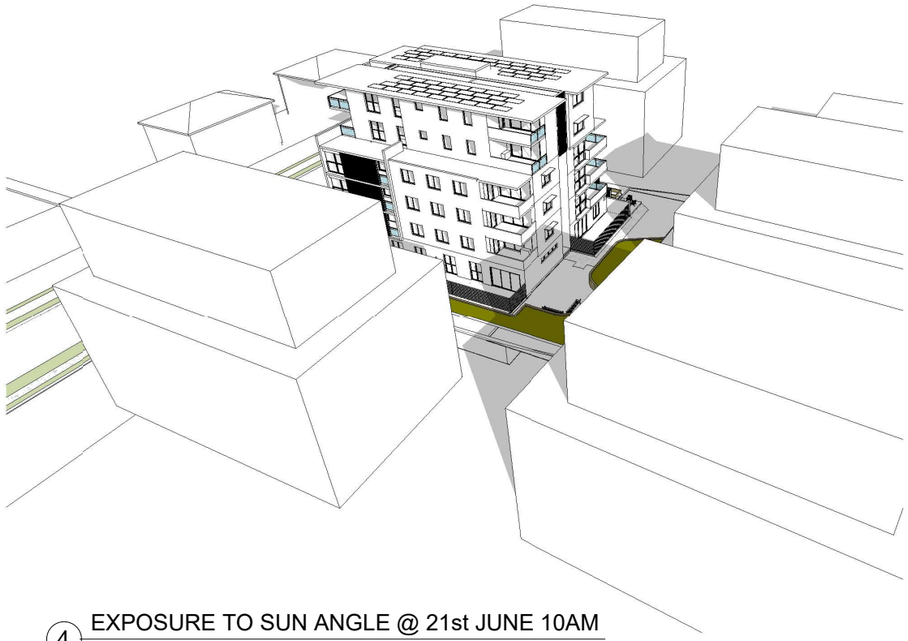
SITE ADDRESS: 7-9 SUTTON ROAD, ASHCROFT NSW 2168
LOT 176 & 177, DP 216017
CITY OF LIVERPOOL

ISSUE: D

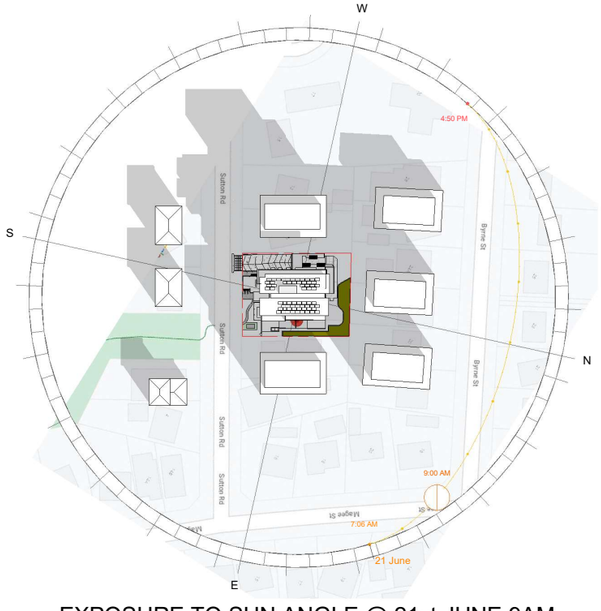
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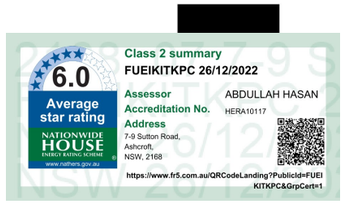


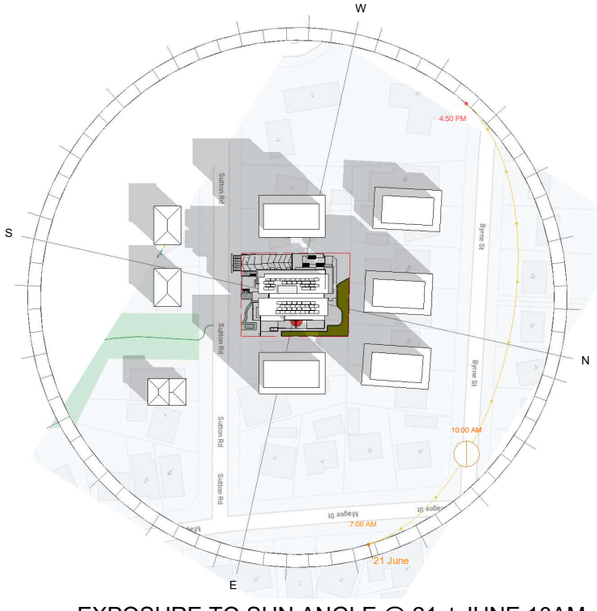
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2 EXPOSURE TO SUN ANGLE @ 21st JUNE 9AM
1 : 1000

[redacted]





3 EXPOSURE TO SUN ANGLE @ 21st JUNE 10AM
1 : 1000

NOY SANTIAGO PTY LTD

Josefino 'Noy' Santiago
Nominated architect nswarbn 5968

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DESIGN Solutions
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SHEET TITLE:
SUN EYE DIAGRAMS 01

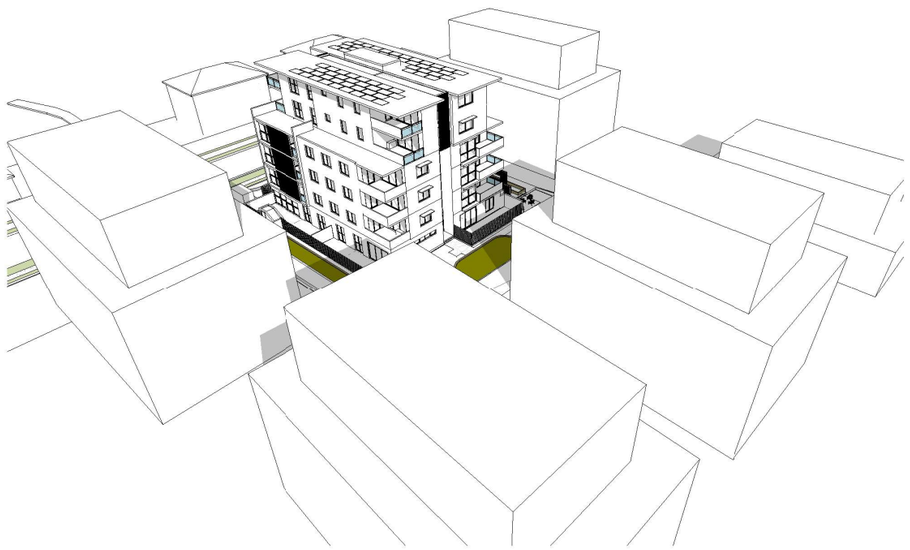
DESIGNER: NOY /NASR | DRAWN: AH/SMS | DATE: NOV 2023 | SCALE: A1 - 1:100 A3 - 1:200

PROJECT :
RESIDENTIAL APARTMENT DEVELOPMENT

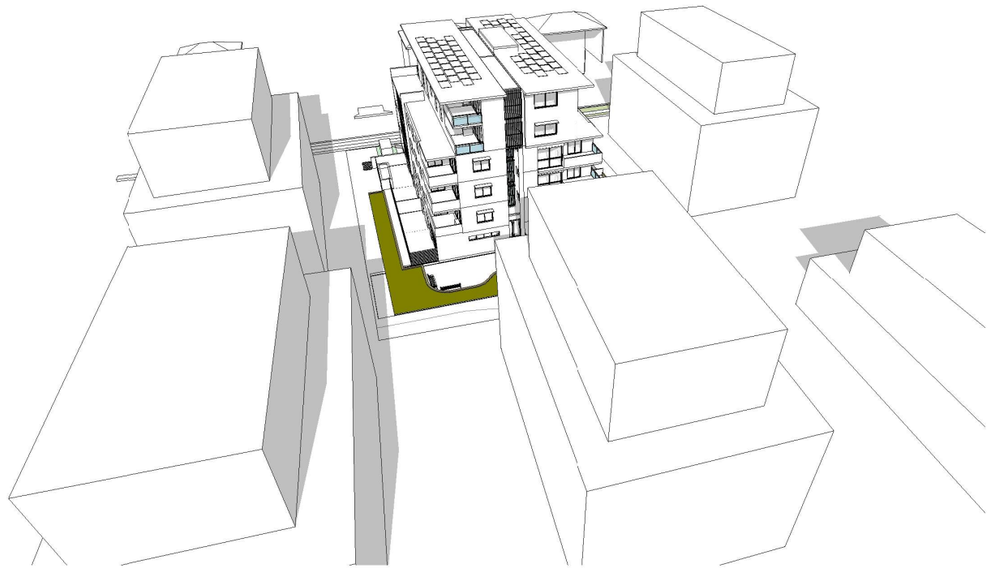
SITE ADDRESS:
7-9 SUTTON ROAD, ASHCROFT
NSW 2168
LOT 176 & 177, DP 216017
CITY OF LIVERPOOL

ISSUE: D

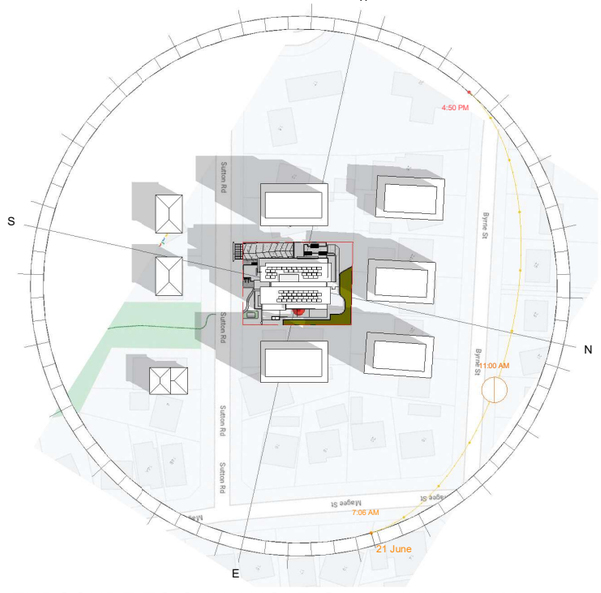
SHEET NUMBER: DA 19



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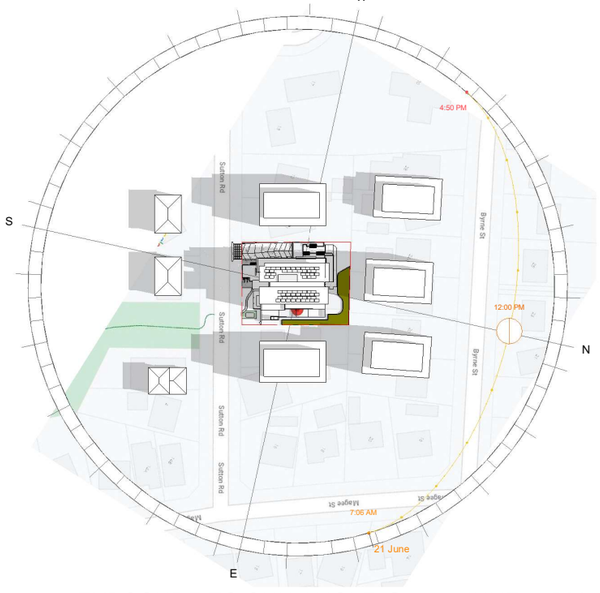


1 EXPOSURE TO SUN ANGLE @ 21st JUNE 12PM



4 EXPOSURE TO SUN ANGLE @ 21st JUNE 11AM
1 : 1000





2 EXPOSURE TO SUN ANGLE @ 21st JUNE 12PM
1 : 1000

NOY SANTIAGO PTY LTD

Josefino 'Noy' Santiago
Nominated architect nswarbn 5968

ISSUE	DATE	AMENDMENT
D	27/11/23	AMENDMENTS AS PER COUNCIL'S COMMENTS
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6. ROOF WATER AND SUB SOIL DRAINAGE TO BE DISPOSED OF IN THE APPROVED MANNER AS PER COUNCIL REQUIREMENTS. ALL DOWNPIPES TO BE CONNECTED TO RAINWATER TANK
7. ALL STRUCTURAL DETAILS TO BE DESIGNED BY AN APPROVED STRUCTURAL ENGINEER
8. DRAWING NOT TO BE USED FOR CONSTRUCTION UNLESS MARKED 'ISSUED FOR CONSTRUCTION'

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DESIGN Solutions
39 Cumberland Rd Auburn NSW 2144
[redacted]
ABN 88 606 740 381

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SHEET TITLE:
SUN EYE DIAGRAMS 02

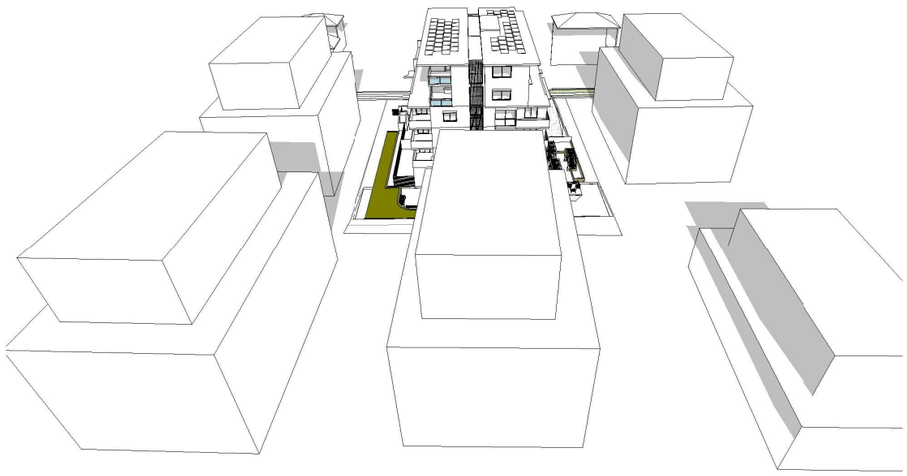
DESIGNER: NOY /NASR | DRAWN: AH/SMS | DATE: NOV 2023 | SCALE: A1 - 1:100 A3 - 1:200

PROJECT :
RESIDENTIAL APARTMENT DEVELOPMENT

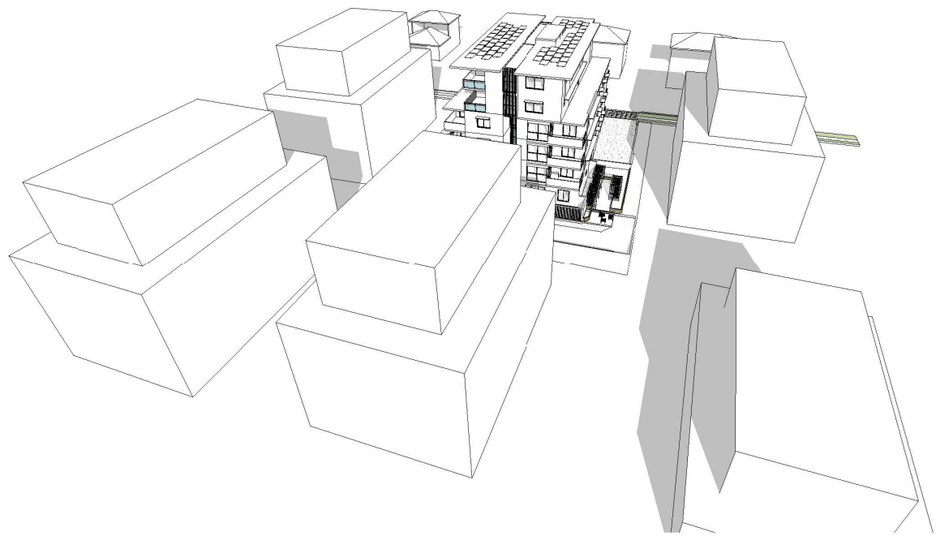
SITE ADDRESS:
7-9 SUTTON ROAD, ASHCROFT NSW 2168
LOT 176 & 177, DP 216017
CITY OF LIVERPOOL

ISSUE: D

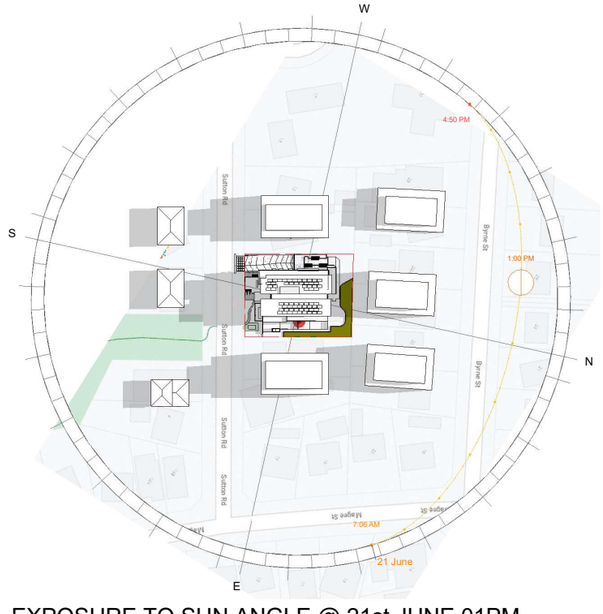
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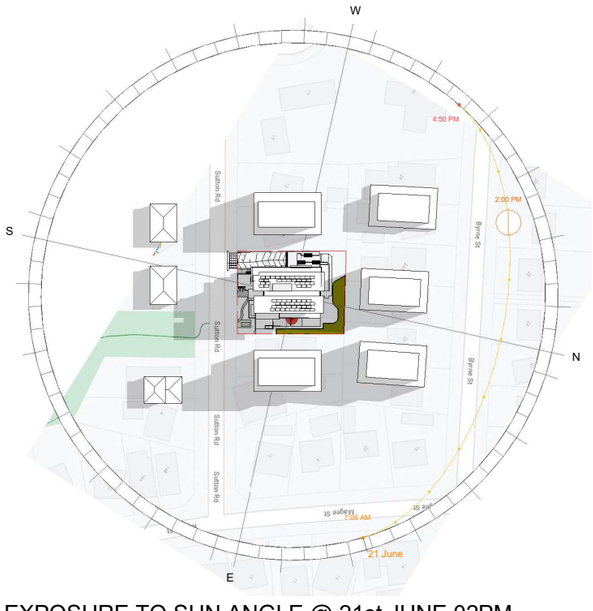
1 EXPOSURE TO SUN ANGLE @ 21st JUNE 01PM



2 EXPOSURE TO SUN ANGLE @ 21st JUNE 02PM



3 EXPOSURE TO SUN ANGLE @ 21st JUNE 01PM
1 : 1000



4 EXPOSURE TO SUN ANGLE @ 21st JUNE 02PM
1 : 1000

Class 2 summary
FUEIKITKPC 26/12/2022
Assessor ABDULLAH HASAN
Accreditation No. HERA10117
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https://www.fr5.com.au/QRCodeLanding?PublicId=FUEIKITKPC&GrpCert=1

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SHEET TITLE:
SUN EYE DIAGRAMS 03

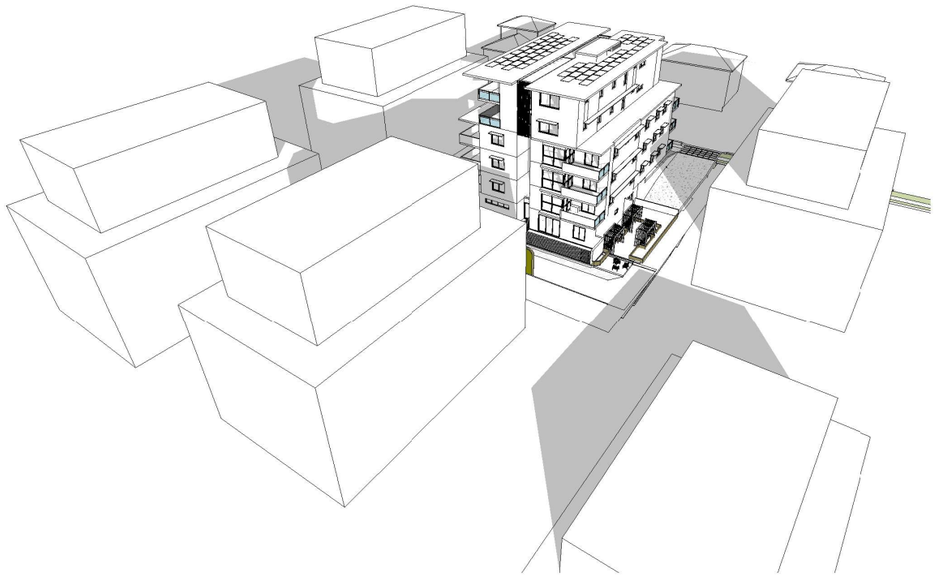
DESIGNER: NOY /NASR | DRAWN: AH/SMS | DATE: NOV 2023 | SCALE: A1 - 1:100 A3 - 1:200

PROJECT :
RESIDENTIAL APARTMENT DEVELOPMENT

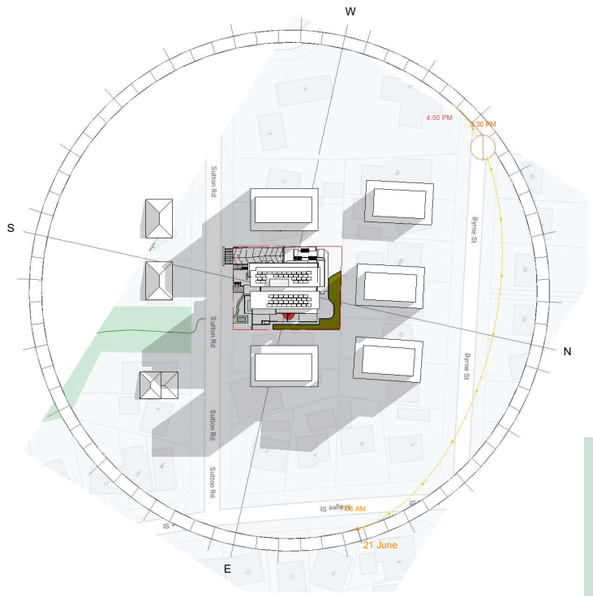
SITE ADDRESS:
7-9 SUTTON ROAD, ASHCROFT NSW 2168
LOT 176 & 177, DP 216017
CITY OF LIVERPOOL

ISSUE: D

SHEET NUMBER: DA 21



2 EXPOSURE TO SUN ANGLE @ 21st JUNE 03PM



1 EXPOSURE TO SUN ANGLE @ 21st JUNE 03PM
1 : 1000



NOY SANTIAGO PTY LTD

Josefino 'Noy' Santiago
Nominated architect nswarbn 5968

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DESIGN Solutions
39 Cumberland Rd Auburn NSW 2144 [redacted] ABN 88 606 740 381

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SHEET TITLE:
SUN EYE DIAGRAMS 04

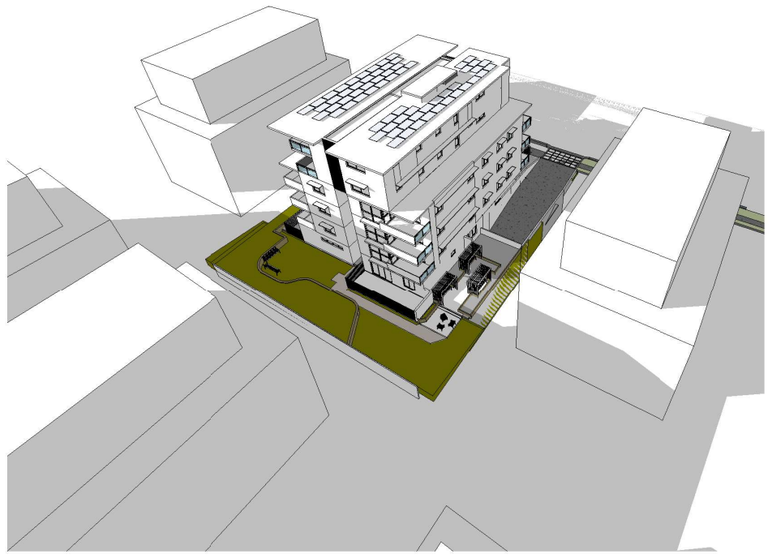
DESIGNER: NOY /NASR | DRAWN: | DATE: 023 | SCALE: A1 - 1:100 A3 - 1:200

PROJECT:
RESIDENTIAL APARTMENT DEVELOPMENT

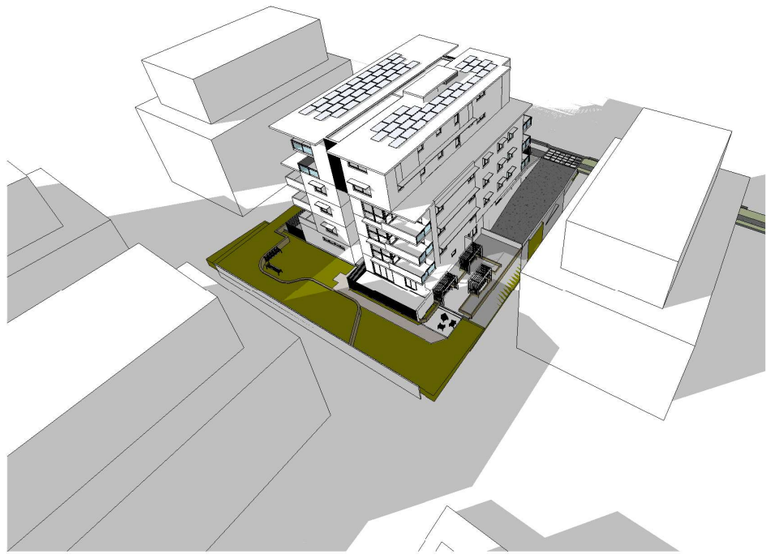
SITE ADDRESS:
7-9 SUTTON ROAD, ASHCROFT
NSW 2168
LOT 176 & 177, DP 216017
CITY OF LIVERPOOL

ISSUE: D

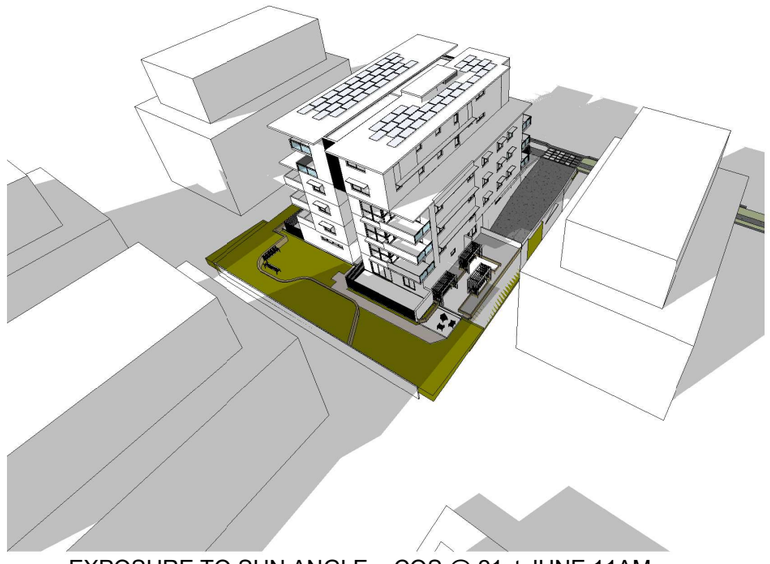
SHEET NUMBER: DA 22



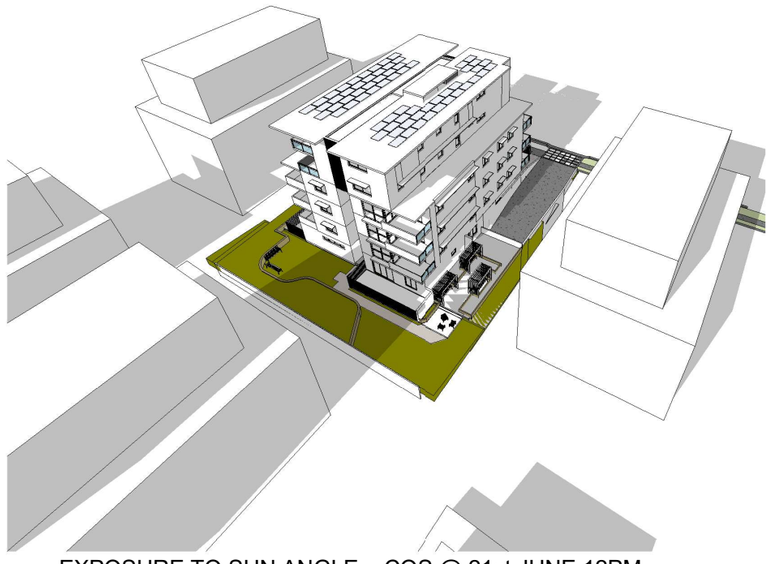
1 EXPOSURE TO SUN ANGLE _ COS @ 21st JUNE 09AM



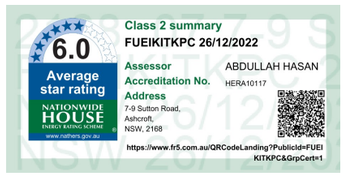
2 EXPOSURE TO SUN ANGLE _ COS @ 21st JUNE 10AM



3 EXPOSURE TO SUN ANGLE _ COS @ 21st JUNE 11AM



4 EXPOSURE TO SUN ANGLE _ COS @ 21st JUNE 12PM



NOY SANTIAGO PTY LTD

Josefino 'Noy' Santiago
Nominated architect nswarbn 5968

ISSUE	DATE	AMENDMENT
D	27/11/23	AMENDMENTS AS PER COUNCIL'S COMMENTS
C	15/08/23	AMENDMENTS AS PER COUNCIL'S COMMENTS
B	28/02/23	ISSUED FOR THE DEVELOPMENT APPLICATION
A	16/06/22	ISSUED FOR PRE DA MEETING

CLIENT:
OWNER

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7 ALL STRUCTURAL DETAILS TO BE DESIGNED BY AN APPROVED STRUCTURAL ENGINEER
8 DRAWING NOT TO BE USED FOR CONSTRUCTION UNLESS MARKED ISSUED FOR CONSTRUCTION

CAD Plans PTY LTD
DESIGN Solutions
39 Cumberland Rd Auburn NSW 2144
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ABN 88 606 740 381

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DEVELOPMENT APPLICATION

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SHEET TITLE:
SUN EYE DIAGRAMS - COS 01

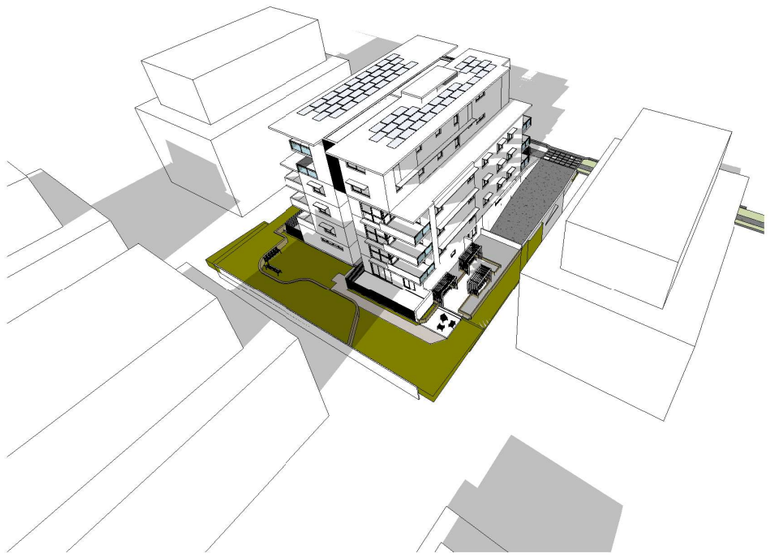
DESIGNER: NOY /NASR
DRAWN: AH/SMS
DATE: NOV 2023
SCALE: A1 - 1:100 A3 - 1:200

PROJECT:
RESIDENTIAL APARTMENT DEVELOPMENT

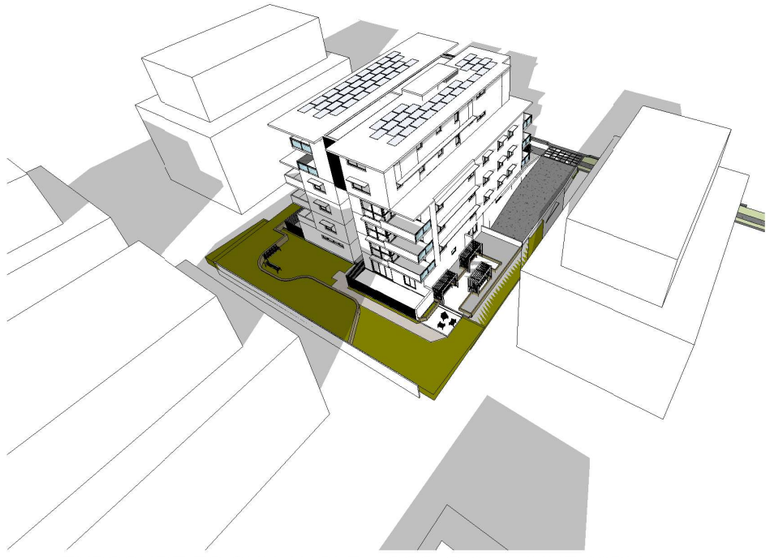
SITE ADDRESS:
7-9 SUTTON ROAD, ASHCROFT NSW 2168
LOT 176 & 177, DP 216017
CITY OF LIVERPOOL

ISSUE: D

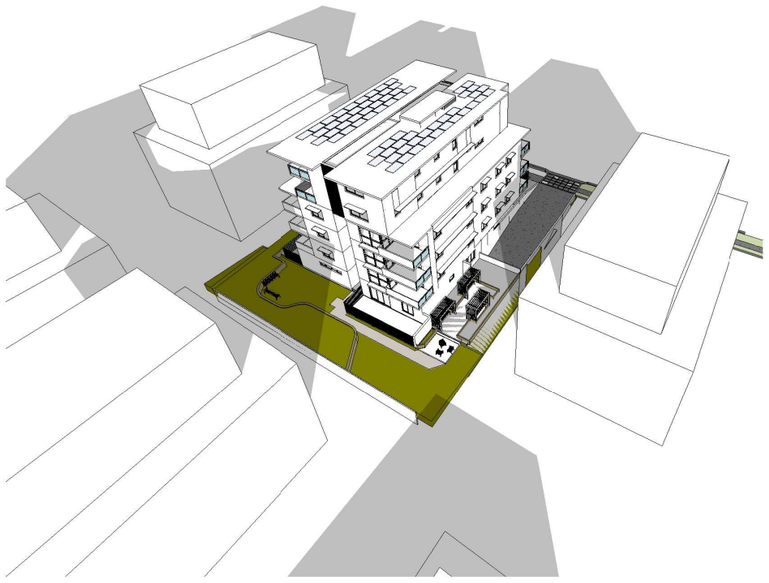
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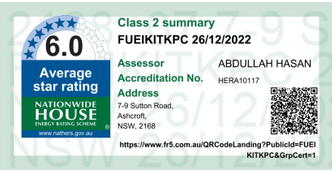
1 EXPOSURE TO SUN ANGLE _ COS @ 21st JUNE 01PM



2 EXPOSURE TO SUN ANGLE _ COS @ 21st JUNE 02PM



3 EXPOSURE TO SUN ANGLE _ COS @ 21st JUNE 03PM



NOY SANTIAGO PTY LTD

Josefino 'Noy' Santiago
Nominated architect nswarbn 5968

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DESIGN Solutions
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SHEET TITLE:
SUN EYE DIAGRAMS - COS 02

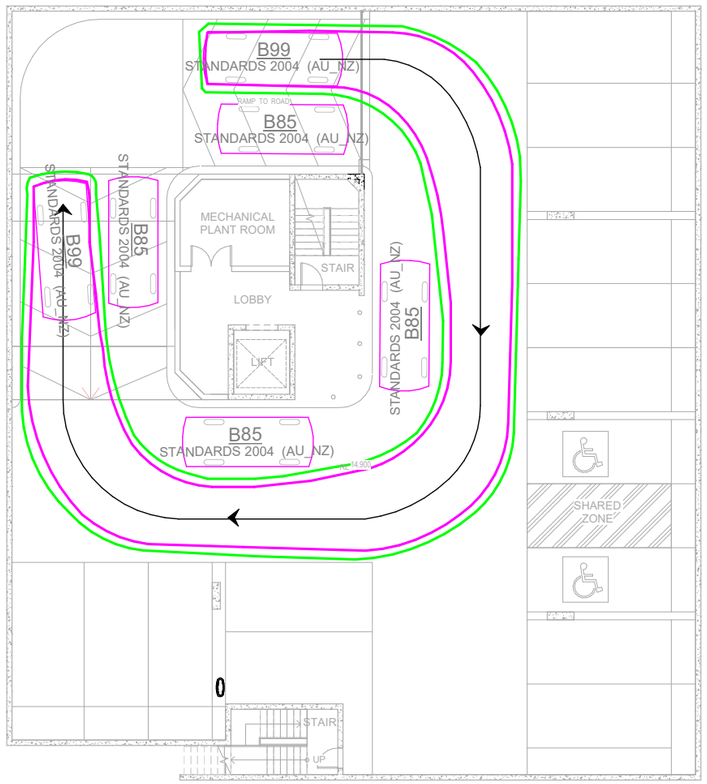
DESIGNER: NOY /NASR | DRAWN: | DATE: 2023 | SCALE: A1 - 1:100 A3 - 1:200

PROJECT:
RESIDENTIAL APARTMENT DEVELOPMENT

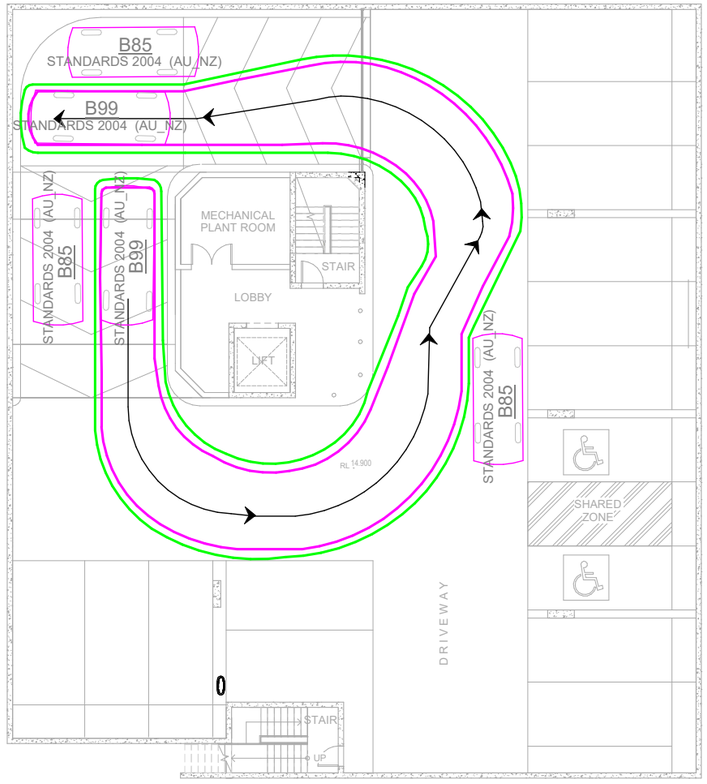
SITE ADDRESS:
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NSW 2168
LOT 176 & 177, DP 216017
CITY OF LIVERPOOL

ISSUE: D

SHEET NUMBER: DA 24



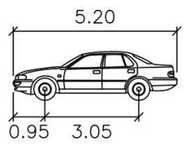
01 SWEPT PATH ANALYSIS UPPER BASEMENT
1 : 100 @ A1
1 : 200 @ A3



02 SWEPT PATH ANALYSIS UPPER BASEMENT
1 : 100 @ A1
1 : 200 @ A3

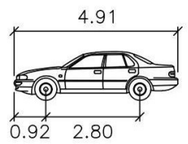
SWEPT PATH KEY:

- VEHICLE CENTRE LINE
- VEHICLE TYRE PATH
- VEHICLE BODY PATH
- 300mm CLEARANCE FROM VEHICLE BODY



B99

	meters
Width	: 1.94
Track	: 1.84
Lock to Lock Time	: 6.0
Steering Angle	: 33.9



B85

	meters
Width	: 1.87
Track	: 1.77
Lock to Lock Time	: 6.0
Steering Angle	: 34.1



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Josefino 'Noy' Santiago
Nominated architect nswarbn 5968

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DESIGN Solutions
[redacted]144
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SHEET TITLE:
SWEPT PATH ANALYSIS UPPER BASEMENT

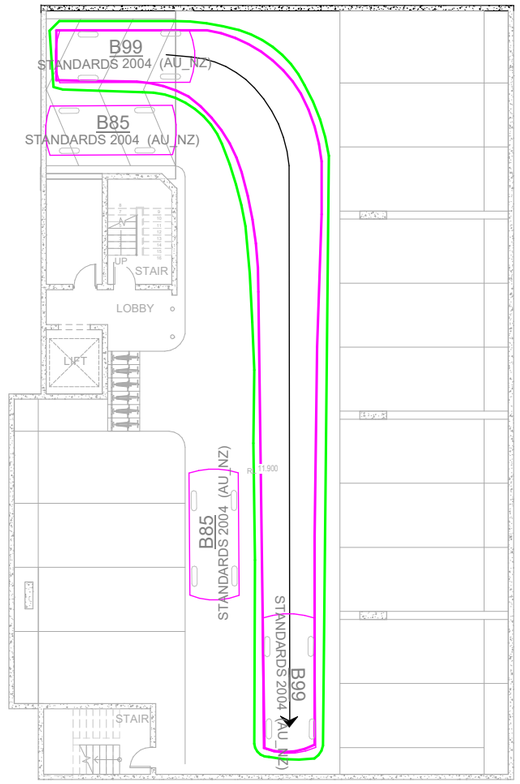
DESIGNER:	DRAWN:	DATE:	SCALE:
NOY /NASR	AH/SMS	NOV 2023	A1 - 1:100 A3 - 1:200

PROJECT :
RESIDENTIAL APARTMENT DEVELOPMENT

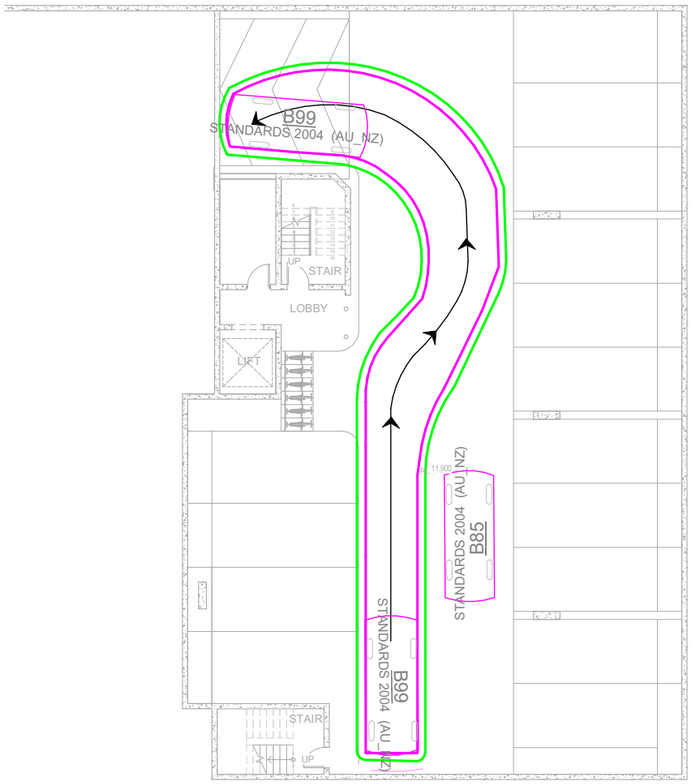
SITE ADDRESS:
7-9 SUTTON ROAD, ASHCROFT NSW 2168
LOT 176 & 177, DP 216017
CITY OF LIVERPOOL

ISSUE: D

SHEET NUMBER: DA 26



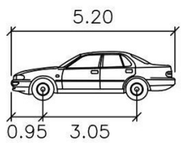
01 SWEPT PATH ANALYSIS LOWER BASEMENT
1 : 100 @ A1
1 : 200 @ A3



02 SWEPT PATH ANALYSIS LOWER BASEMENT
1 : 100 @ A1
1 : 200 @ A3

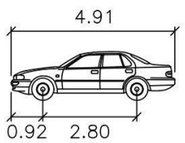
SWEPT PATH KEY:

- VEHICLE CENTRE LINE
- VEHICLE TYRE PATH
- VEHICLE BODY PATH
- 300mm CLEARANCE FROM VEHICLE BODY



B99

	meters
Width	: 1.94
Track	: 1.84
Lock to Lock Time	: 6.0
Steering Angle	: 33.9



B85

	meters
Width	: 1.87
Track	: 1.77
Lock to Lock Time	: 6.0
Steering Angle	: 34.1



NOY SANTIAGO PTY LTD

Josefino 'Noy' Santiago
Nominated architect nswarbn 5968

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SHEET TITLE:
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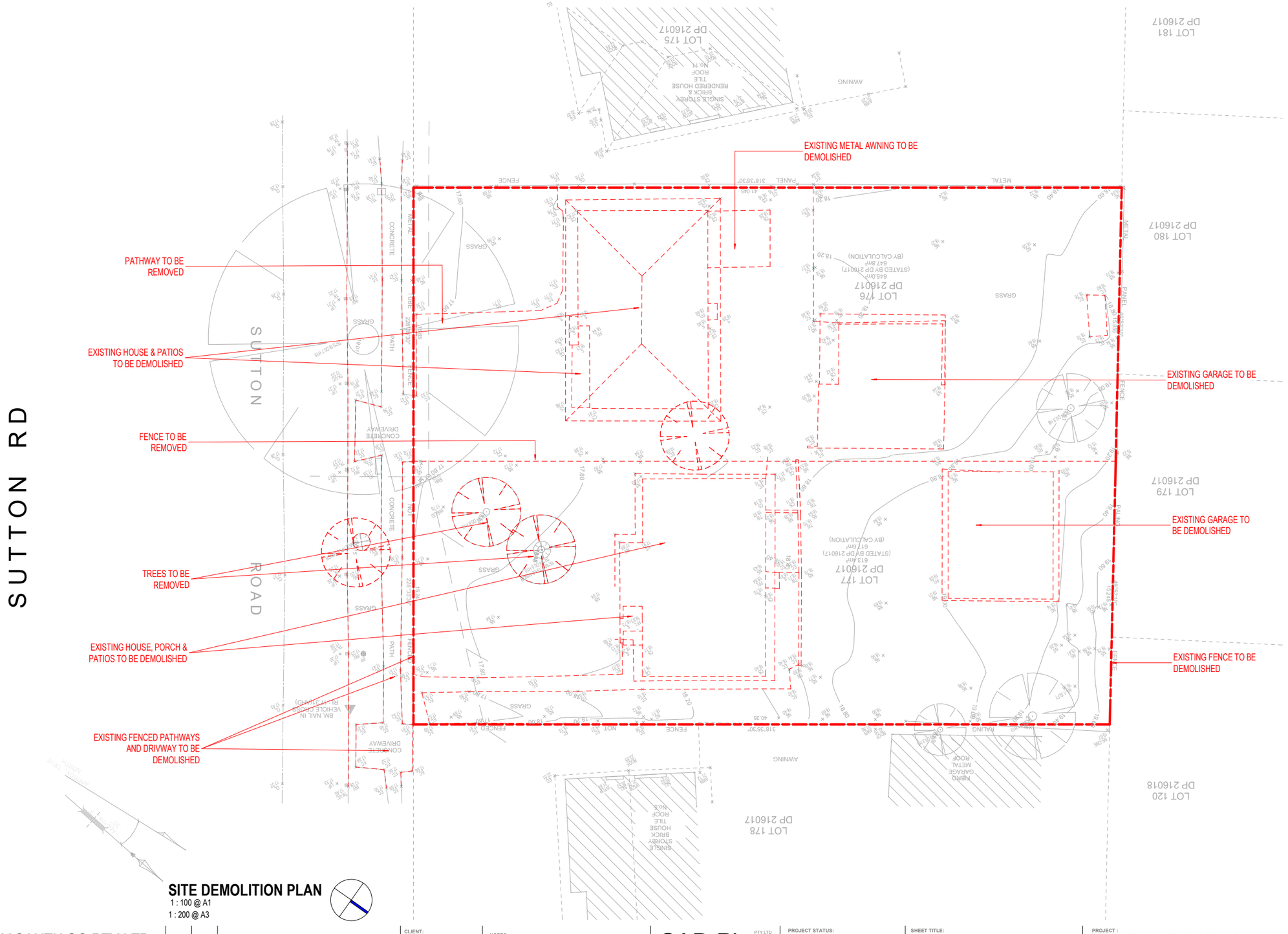
DESIGNER:	DRAWN:	DATE:	SCALE:
NOY /NASR	AH/SMS	NOV 2023	A1 - 1:100 A3 - 1:200

PROJECT :
RESIDENTIAL APARTMENT DEVELOPMENT

SITE ADDRESS:
7-9 SUTTON ROAD, ASHCROFT
NSW 2168
LOT 176 & 177, DP 216017
CITY OF LIVERPOOL

ISSUE:
D

SHEET NUMBER:
DA 27



SITE DEMOLITION PLAN

1 : 100 @ A1
1 : 200 @ A3

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Josefino 'Noy' Santiago
Nominated architect nswarbn 5968

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SHEET TITLE: SITE DEMOLITION PLAN

DESIGNER: NOY /NASR | DRAWN: AH/SMS | DATE: NOV 2023 | SCALE: A1 - 1:100 A3 - 1:200

PROJECT : RESIDENTIAL APARTMENT DEVELOPMENT

SITE ADDRESS: 7-9 SUTTON ROAD, ASHCROFT NSW 2168

LOT 176 & 177, DP 216017
CITY OF LIVERPOOL

ISSUE: D

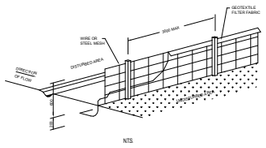
SHEET NUMBER: DA 28

SEDIMENT CONTROL LEGEND

- SILT BARRIER FENCE
- SITE TOILET
- SITE SHED
- STABILIZED SITE ACCESS
- SITE ACCESS
- MATERIAL STORAGE
- WASTE STORAGE
- DIVERSION CHANNEL

A GEOTEXTILE FENCE SHALL BE CONSTRUCTED BY STRETCHING A GEOTEXTILE OVER POSTS. THE GEOTEXTILE SHALL BE SUPPORTED ACROSS THE DOWNSLOPE FACE BY WIRE MESH. ACCESS TO DISTRICT DRIVE, TO THE CONSTRUCTION SHALL LEAD TO A STRAW BALE LOCATED AT THE REAR OF THE SITE.

ALL VEHICLES TO HAVE WHEELS WASHED DOWN PRIOR TO LEAVING THE SITE.



SEDIMENT FENCE

SUTTON RD

SEDIMENT FENCE SHOWN OUTSIDE THE BOUNDARY FOR CLARITY

CONSTRUCT STABILISED ENTRY/EXIT TO COUNCIL'S REQUIREMENTS

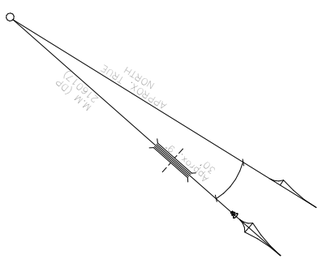
LOADING AND UNLOADING TO BE DONE USING HIAB ON TRUCK

TEMPORARY CONSTRUCTION LOADING ZONE AREA

PROPOSED APARTMENT

SITE SHED

BM VEHICLE CROSS RL: 17.31(AHD)



SITE EROSION & SEDIMENT CONTROL PLAN

1 : 100 @ A1
1 : 200 @ A3

NOY SANTIAGO PTY LTD

Josefino 'Noy' Santiago
Nominated architect nswarbn 5968

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SHEET TITLE: SITE EROSION & SEDIMENT CONTROL PLAN

DESIGNER: NOY /NASR | DRAWN: AH/SMS | DATE: NOV 2023 | SCALE: A1 - 1:100 A3 - 1:200

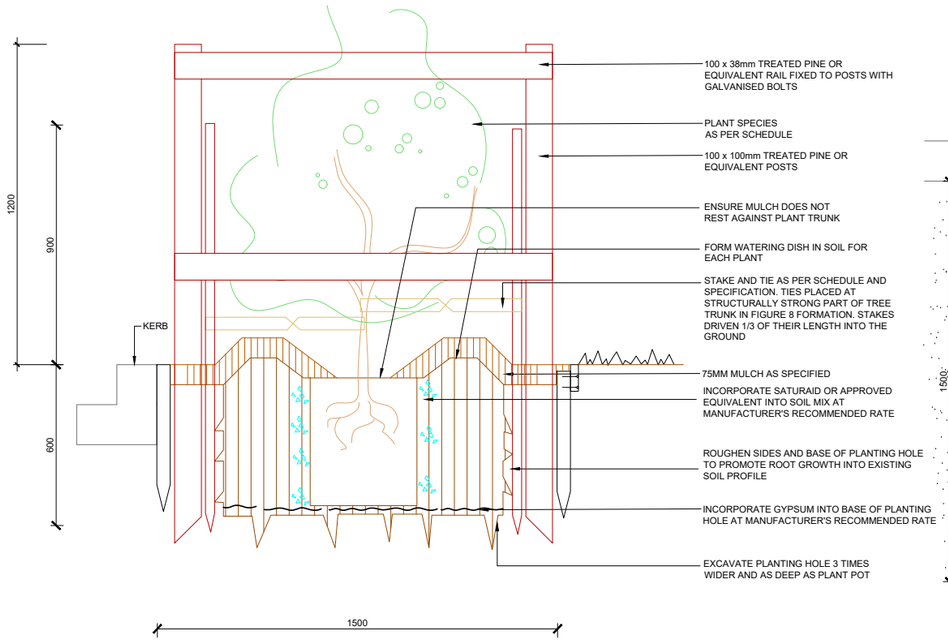
PROJECT : RESIDENTIAL APARTMENT DEVELOPMENT

SITE ADDRESS: 7-9 SUTTON ROAD, ASHCROFT NSW 2168

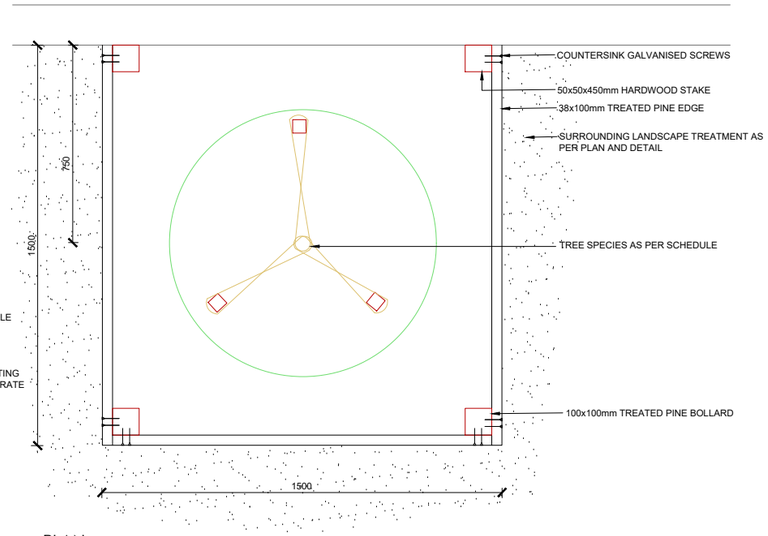
LOT 176 & 177, DP 216017
CITY OF LIVERPOOL

ISSUE: D

SHEET NUMBER: DA 29



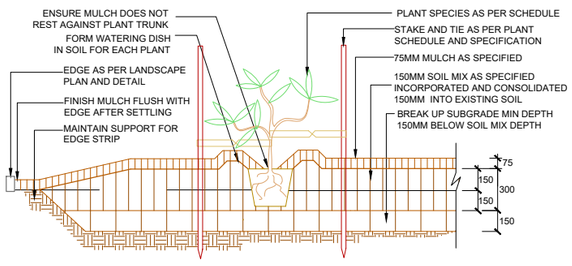
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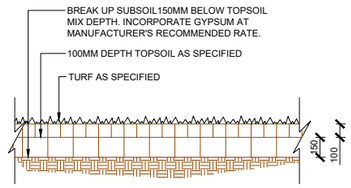
PLAN

1 STREET TREE PLANTING
NTS

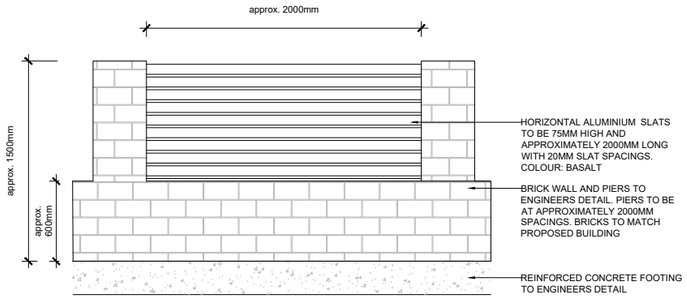
NOTE:
STREET TREE DETAIL TO LIVERPOOL CITY COUNCIL'S DCP DETAIL.



2 MASS PLANTING
1:20



3 TURF
1:20



4 INDICATIVE BRICK AND SLAT FENCE ALONG STREET FRONTAGE
1:20

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issue	issue date	issue description	des	dwn	app
H	30/11/23	Development Application 2. amended to reflect Council comments (Request for further information)	KP	KP	DN

scale: AS SHOWN AT A1
project: PROPOSED RESIDENTIAL DEVELOPMENT 7 - 9 SUTTON ROAD, ASHCROFT
dwg title: LANDSCAPE CONCEPT PLAN LANDSCAPE DETAILS
date: 07/11/2022
[redacted]
dwg no.: LC04/08
project no.: 22213

LANDSCAPE SPECIFICATION NOTES

SERVICES
Services locations shown are indicative only. The contractor must investigate and confirm the location of all services prior to commencement of construction.

WEED ERADICATION
Generally: eradicate non-endemic plants using accepted bush regeneration practises.Eradicate weeds using non-residual glyphosate based herbicide at the manufacturer's recommended rate and according to manufacturer's directions. Ensure herbicide does not contact plants to be retained. Do not spray during windy weather.
Non-woody groundcovers: spray or slash large areas. Leave in place.
Shrubs and woody groundcovers: brush cut to remove bulk of above ground plant parts. Apply herbicide by spraying or painting.
Trees: remove above ground parts. Paint herbicide onto stump within 60 seconds of cutting.
Remove vegetative spoil from site and dispose of spoil according to regulatory authorities requirements.

STOCKPILES
Stockpiles are to be located clear of any drainage lines and within soil and erosion control measures and shall not encroach upon Council's footpath and road reserve.

SOIL
All imported planting soil is to comply with with requirements of AS 4419:2018 'Soils for Landscaping and Garden Use. All planting soil has to be free of materials, rubbish, debris and substances that are toxic to living organisms or would otherwise be declared contaminated. All imported garden soil shall be free of weed seeds. All planting soil to be consolidated but not compacted and have particle sizes greater than the subsoil.

Topsoil shall mean soil which is free from organic matter, supports plant life, is free from unwanted matter such as stones, clay lumps, weeds, tree roots, sticks, rubbish, material toxic to growth and the like. Site topsoil must be stockpiled and protected from erosion for later re-use in landscaping. Subsoil and soil layers must be seperated for later re-use in appropriate soil profile layers. Soil structure must be suitable for vegetative rehabilitation and must not be compacted.

Planting Mix shall consist of a homogenous blend of:
50% approved site topsoil or imported topsoil
30% compost (Certified to AS4454. Composted garden organics screened to a fine texture - Go Compost Premium as available from Soilco or similar product).
20% D/W sand
Ensure pH 6.5 - 7.

RAISED PLANTER BOX PLANTING MIX
Shall consist of a homogenous blend of:
30% imported topsoil
20% composted hardwood sawdust
30% D/W sand
10% graded ash
10% composted pine bark
Ensure pH 6.5 - 7.

MULCH
Any soil conditioners shall comply with AS4454:2018 'Composts, Soil Conditioners and Mulches. Mulch shall be: 15mm - 40mm Forest Blend or an uncomposted 100% recycled wood waste, with a particle size of 15mm to 40mm with no fines and good air filled porosity. It should have an organic matter (%) of 98 - 100 with a bulk density (kg/l) < 0.35. It should have the following chemical analysis: pH 5.0 - 6.0, EC (dS/m) < 0.35, Total nitrogen < 0.3, Calcium (%) < 2.0, Magnesium < 0.5

PLANT MATERIAL
All trees shall comply with AS2303:2018 'Tree stock for landscape use' and 'Specifying Trees: a guide to assessment of tree quality' (Natspec). Inspect and approve all plants immediately after being unloaded to check for quaintity, quality, vigour, health and other requirements. The contractor shall furnish a warranty from the supplier that the plants are true to the specified species and type, free from diseases, pests, weeds and the like.

PLANT STORAGE
Wherever possible, plants shall be planted immediately following delivery to the site. If this is not possible, keepplants in good condition by appropriate storage methods or as directed by the landscape designer. prevent theft, drying out or damage from any cause including frost, wind, sun, vermin, animals and the like.

PLANTING CONDITIONS
Do not plant in unsuitable weather such as extreme wind, cold heat or rain. Suspend excavation in soils other than sandy soils when soil is wet.

SETTING OUT
Deliver plants to the site as close to the time of planting as possible. Handle plants in such a manner as to avoid damage to them. Planting shall be in accordance with the landscape plan. Remove the plant container and gently tease outer roots away from the soil mass to prevent their continual inward growth. Remove all containers from the site immediately after planting and thoroughly clean and tidy all areas at the close of each day's planting.

PLANTING
Provide minimum backfill of 200mm for all planted stock. Excavate a hole sufficient to allow the backfill required to all sides of the excavation. Post hole diggers shall not be used. Break up the sides and base of the hole to prevent confinement of the roots to the hole. The plant shall be positioned so that the top of the root ball lies flush with surrounding soil after lightly tamping and settling the backfill topsoil. Refer to relevant detail. Advanced trees must be positioned to face the same aspect as when grown in the nursery.

WATERING
Thoroughly water the plants prior to planting, immediately after planting and prior to mulching.

STAKING
Stakes shall be hardwood, straight, free from knots or twisting and pointed at the base. They shall be driven into the ground one third of their length. Stakes shall be placed so that they do not damage the plant rootball or foliage. Refer to plant schedule for number of stakes per plant. Stakes sizing shall be according to plant pot size as follows.

25L - 75L pot	35x35x1500mm
100L pot and larger	50x50x1800mm

TURF
Turf shall be sourced from a specialist grower. It shall be true to species, of even thickness with roots intact, free from weeds and other extraneous material. It shall be healthy and free of pests and diseases. Lay turf within 6 hours of delivery to site. Lay in stretcher bond configuration with ends and sides close butted and joints staggered. Water immediately after laying. Apply top dressing mix to 5mm depth and lightly roll in.
Turf shall be Stenotaphrum secundatum.

FERTILISER
Fertiliser shall be obtained from a specialist manufacturer and suited to the application in mass planted beds, turf or advanced plants in individual planting holes. It must be applied strictly in accordance with the manufacturer's specification.

FENCE
- Boundary fence shall be a 1.8m Colorbond fence or client approved equivalent. Colour: Basalt.
- Fences and gates to courtyards: 1.8m high horizontal aluminium slat fence or client approved equivalent. Slats to be 75mm wide with 20mm spacings. Colour: Basalt.
- Fence along Sutton Road to be a brick retaining wall with 1.5m high piers. Bricks to match proposed building. Horizontal aluminium slat screen between piers. Slats to be 75mm wide with 20mm spacings. Colour: Basalt.
- Gates along Sutton Road to be 1.5m high horizontal aluminium slat fence or client approved equivalent. Slats to be 75mm wide with 20mm spacings. Colour: Basalt.

PAVING
- Pavement to BBQ area: Euro Classic (400mm x 400mm x 42mm) as available from Adbri Masonry or client approved equivalent. Colour: Prague.
- Stepping Stones: Euro Classic (400mm x 400mm x 42mm) as available from Adbri Masonry or client approved equivalent. Colour: Prague.
- Permeable pavement to library verandah & walkway to BBQ area: Deco-Granite Brown as available from ANL or client approved equivalent.
- Pavement to entry area: Euro Classic (400mm x 400mm x 42mm) as available from Adbri Masonry or client approved equivalent. Colour: Prague and Cyprus .

FURNITURE:
- Bench seat within BBQ area: Linea bench 445w x 430h x 1500l, subsurface fixed, Frame colour: Monument, Batten colour: Eco-certified hardwood as available from Street Furniture Australia or client approved equivalent.
- Tables within BBQ area: Linea table 750w x 720h x 1600l, subsurface fixed, Frame colour: Monument, Batten colour: Eco-certified hardwood as available from Street Furniture Australia or client approved equivalent.
- Seat cubes: Linea cube 445w x 430h x 445l, freestanding, Frame colour: Monument, Batten colour: Eco-certified hardwood as available from Street Furniture Australia or client approved equivalent.
- Platform seat: Linea platform 1430w x 430h x1430l, freestanding, Frame colour: Monument, Batten colour: Eco-certified hardwood as available from Street Furniture Australia or client approved equivalent.
- BBQ: to be a single accessible barbecue cabinet as available from Christie Barbecues or client approved equivalent.

IRRIGATION:
Irrigation scope
Supply, install, balance, commission and maintain an irrigation system to meet the water needs of the on-structure and on-grade trees, plants, and groundcovers / turf to the extent indicated on the drawings. The works are to include the supply and installation of all valves, sprinklers, drip lines, automatic control equipment, rain shut down devices, soil moisture sensors, copper tubing and fittings, uPVC tubing and fittings, conduits and clips for cabling, control cable and valve boxes as needed to complete a professional and reliable system. It is also to include provision of suitable conduits under landscape pathways or through walls to facilitate pipework to all areas documented as having irrigation.

The Contractor will be expected to co-operate closely with the Contract Manager, and other trades, to ensure that the landscaped areas are watered utilising the automatic irrigation system as soon as they have been prepared. In areas where planting has already taken place and the landscape construction has been completed, it is expected that the irrigation contractor will take extreme care and make good any damage that may occur. This includes replenishment of mulches, gravels, steppers etc.

Damages caused to other services during installation, such as waterproof membranes, vertical & horizontal drainage layers etc., are to be reported to the Contract Manager. It will be the responsibility of the Contractor to locate such services by co-ordinating with the Contract Manager and other trades prior to commencement of irrigation works.

Irrigation Design Performance
The irrigation system shall have the following features:-
- Present the landscaping at peak condition at all times by having the capacity to apply a Summer Weekly Target Application Rate of 10mm/m2/week, and provide for foliage wash-off where appropriate.
- Fully automatic, night -time, unattended operation.
- Low maintenance equipment.
- Placement of fittings and heads that are not subject to easily avoidable and foreseeable damage or can cause trip hazards
- Vandal and accidental damage resistant.
- Water conservation and water quality protection (via back flow prevention).
- Capable of monitoring soil moisture.

LANDSCAPE MAINTENANCE NOTES

Landscape contractor must carry out maintenance for a minimum period of 1 year from the date of practical completion of landscape works to ensure the full establishment of plant material. Maintenance is to include but not be limited to watering, weeding, mowing, rubbish removal, staking and tying, fertilising, pest and disease control, replacement of dead plant material and turf, renovation, pruning, cultivation and reinstatement of mulch.

DURATION AND ATTENDANCE
Landscape contractor is to attend the site weekly for the duration of the stated maintenance or plant establishment period and maintain the site to the satisfaction of Council.

RUBBISH
Remove rubbish from site at each weekly maintenance visit to ensure neat presentation of site at all times.

WATERING
Water grass, trees, shrubs , groundcovers and turf to ensure their establishment and continued healthy, vigorous growth.

PLANT MATERIAL
Replace all dead, damaged or missing plant material at contractor's cost. Replacement plant are to be identical to those originally installed unless otherwise approved by Landscape Designer. Replacements shall be made within 2 weeks of the plant failing or being removed.

STAKING
Replace or adjust stakes and ties as required or directed by Landscape Architect. Remove stakes and ties at end of maintenance period or as directed by Landscape Architect.

MULCH
Reinstate mulch to maintain 75mm depth. Ensure mulch does not contact plant stems.

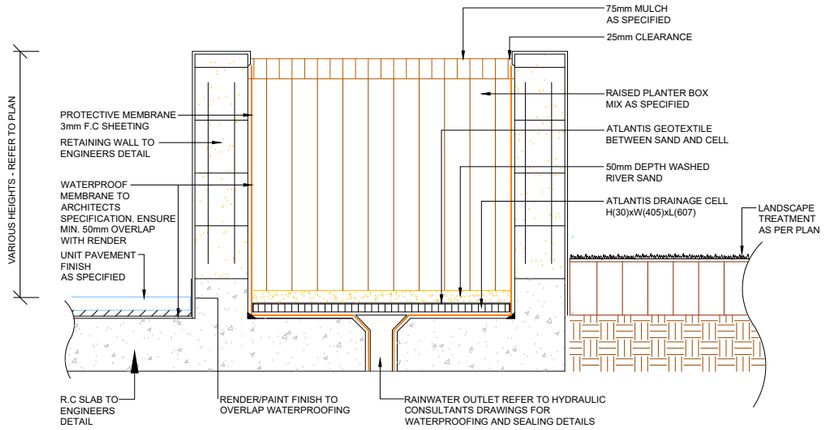
PESTS AND DISEASES
Report detection of pests and diseases to Landscape Architect as soon as they are noticed. Treat with accepted horticultural methods including but not limited to spraying according to manufacturer's recommendations to control infestations of pests and diseases.

PRUNING
Remove dead, diseased or damaged plant material to improve the health, vigour and foliage density of the plant material. Remove and dispose of prunings away site according to relevant authorities regulations.

TURF AREAS
Maintain turf by accepted horticultural practices including but not limited to watering, weeding, aerating, fertilising with specified fertiliser according to manufacturer's recommendations for application, spraying for broadleaf weeds according to manufacturer's recommendations. Mow grass and turf to maintain a healthy vigorous sward. Mowing height 30-50mm.

WEED REMOVAL
Remove all above and below ground parts of weed plants either by hand or by application of non-residual glyphosate based herbicide applied according to manufacturer's recommendations. Ensure herbicide does not contact plant material to be retained. Remove grass and other vegetation from an area 750mm diameter around the base of trees in grass. Eradication of weeds is to be continuous throughout the duration of the maintenance or plant establishment period and is to be carried out at each weekly maintenance visit.

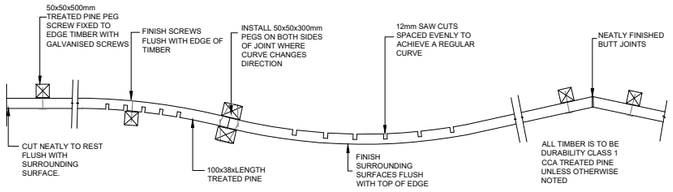
SOIL SUBSIDENCE
Reinstate soil to finished design levels following any erosion or subsidence.



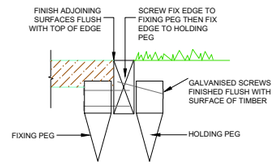
600MM SOIL DEPTH - ALLOWS FOR SHRUB AND GROUNDCOVER PLANTING

800MM SOIL DEPTH - ALLOWS FOR SMALL TREES, SHRUBS AND GROUNDCOVER (REQUIRED SOIL VOLUM FOR SMALL TREES IS 9M³ / 3.5M X 3.5M OR EQUIVALENT.

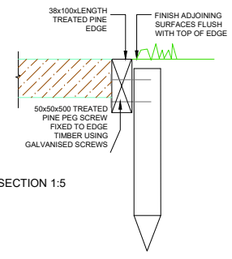
5 RAISED PLANTER BOX - TYPICAL DETAIL
1:10



PLAN CURVED TIMBER EDGE 1:10



SECTION THROUGH JOINTS 1:5



TYPICAL SECTION 1:5

6 TIMBER EDGE
1:5 / 1:10

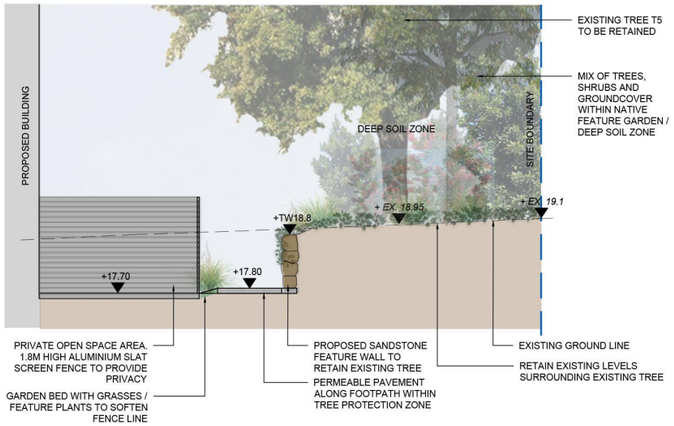
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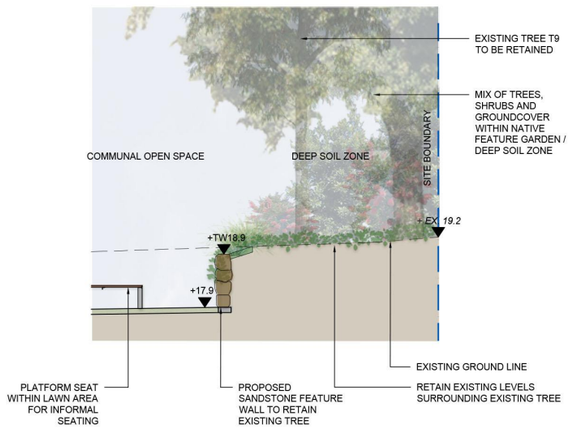
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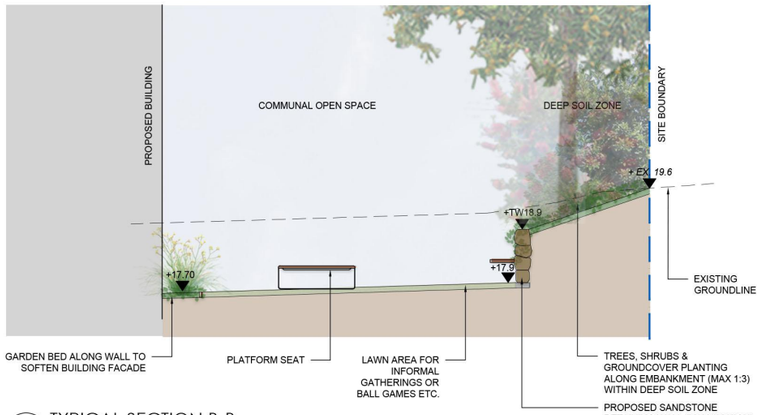
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project: PROPOSED RESIDENTIAL DEVELOPMENT
7 - 9 SUTTON ROAD, ASHCROFT
dwg title: LANDSCAPE CONCEPT PLAN
LANDSCAPE DETAILS & NOTES
date: 07/11/2022
[redacted]
dwg no. LC05/08
project no. 22213



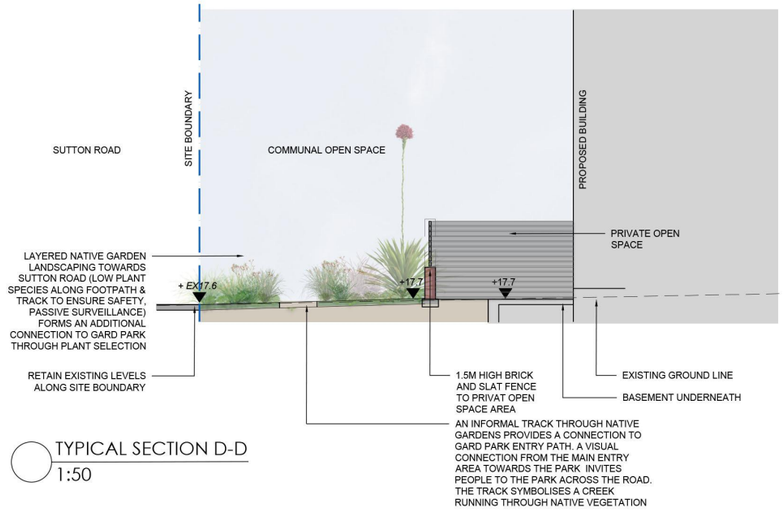
TYPICAL SECTION A-A
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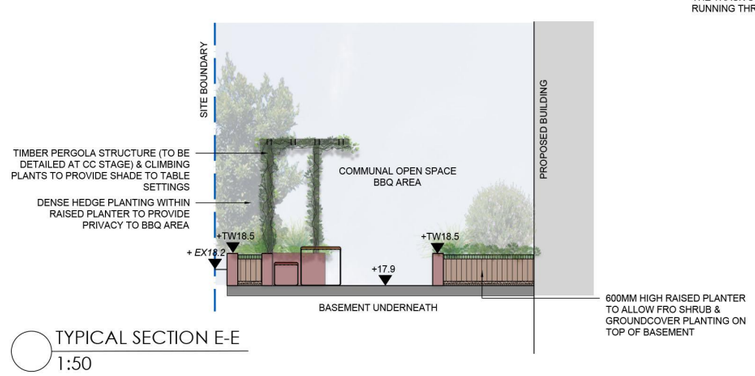
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TYPICAL SECTION B-B
1:50



TYPICAL SECTION D-D
1:50



TYPICAL SECTION E-E
1:50

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7 - 9 SUTTON ROAD, ASHCROFT
dwg title: LANDSCAPE CONCEPT PLAN
LANDSCAPE SECTIONS
date: 07/11/2022
[redacted]
dwg no. LC06/08
project no. 22213

LANDSCAPE CHARACTER IMAGES

MATERIALS & FURNITURE

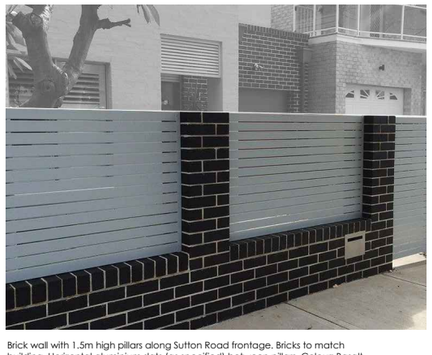
REFER TO SPECIFICATION NOTES ON SHEET LC05 FOR ADDITIONAL INFORMATION ON MATERIALS AND FINISHES.

DESIGN INTENT

- Use of predominantly native plant species (with a small number of exotic species) to create sustainable, interesting and usable landscape spaces.
- Landscaping along street frontage to provide visual connection to Gard Park and passive suveillance.
- A native feature garden forms the focal point within the Communal Open Space Area. The native feature garden includes a medium size Spotted Gum with small Flowering Gums framing the garden area. There is an opportunity to install a sculpture / art work (e.g. connect to Country theme) as focal point.
  The native feature garden is a landscape 'island' where residents can pause and reflect. It is a place where you can 'listen to Country' - listen to conversations between the earth (sandstone boulders & native plants), the sky (sound of the breeze through the leaves), the building and themselves.
- The paved BBQ area is located above the basement to minimise impervious areas. Shrubs within the raised garden bed surrounding the BBQ area provide privacy to residents. Opportunity exists to use parts of the raised garden bed as kitchen garden to provide residents with herbs / vegetables.



Sandstone retaining wall (feature wall) within communal open space area. The retaining wall creates useable spaces within the communal open space area. The sandstone boulders symbolise a connection to the earth.



Brick wall with 1.5m high pillars along Sutton Road frontage. Bricks to match building. Horizontal aluminium slats (as specified) between pillars. Colour: Basalt.



Permeable pavement within tree protection zone of existing tree T8 (library verandah area) to be decomposed granite. Refer to specification notes on sheet LC05.



Large scale pavers within bbq area.
Refer to Specification Notes on Sheet LC05.



Bench Seat throughout Communal Open Space - Refer to Specification Notes on Sheet LC05.
All furniture: Frame colour: Monument, batten colour: Eco-certified hardwood.



Bench and Table Setting within BBQ area - Refer to Specification Notes on Sheet LC05.
All furniture: Frame colour: Monument, batten colour: Eco-certified hardwood.



Platform Seat within Communal Open Space Area for informal seating.
Refer to Specification Notes on Sheet LC05.
All furniture: Frame colour: Monument, batten colour: Eco-certified hardwood.



Cube seats provide flexible seating options throughout Communal Open Space Area.
Refer to Specification Notes on Sheet LC05.
All furniture: Frame colour: Monument, batten colour: Eco-certified hardwood.



Glochidion ferdinandii



Elaeocarpus reticulatus



Corymbia 'Summer Red' flowers attract native birds.



Lomandra longifolia 'Tanika'



Anigozanthos 'Big Red'

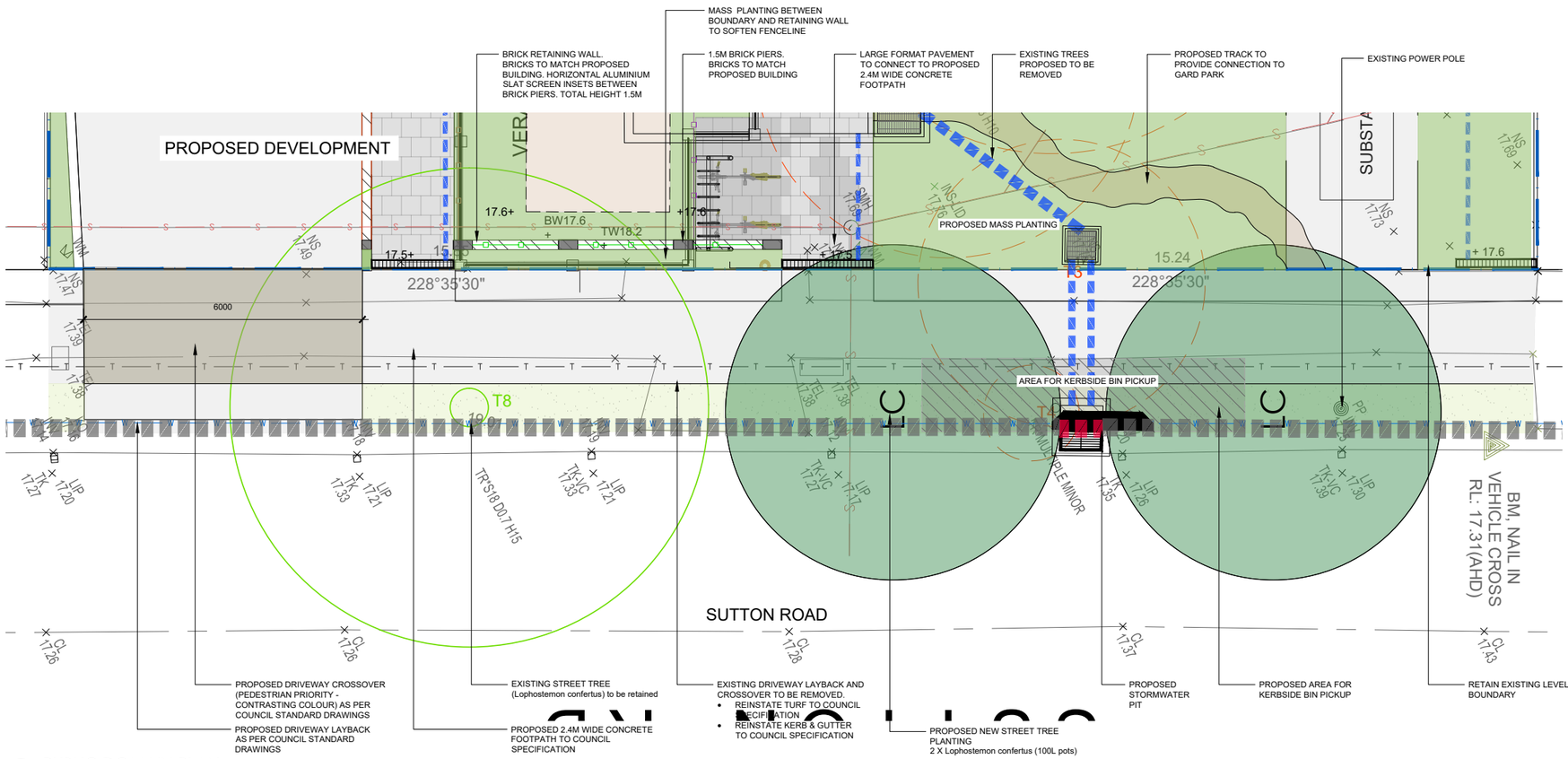
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LANDSCAPE CHARACTER IMAGE
date: 07/11/2022
[redacted]
dwg no.: LC07/08
project no.: 22213



PUBLIC DOMAIN PLAN
1:50

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PUBLIC DOMAIN PLAN
date: 07/11/2022
[redacted]
dwg no.: LC08/08
project no.: 22213

THE PLANNINGHUB
by Hawes & Swan

AMENDED REQUEST UNDER CLAUSE 4.6 OF LIVERPOOL LEP 2008

Proposed Residential Flat Building,
7-9 Sutton Road, Ashcroft

Amended Clause 4.6 Variation Request
7-9 Sutton Road, Ashcroft

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1.0 The Proposal

This request is written in support of a development application (DA) that proposes the construction of a six-storey residential flat building and associated works at 7-9 Sutton Road, Ashcroft.

This Clause 4.6 Request relates to a variation proposed to Council's Maximum Building Height control as prescribed by Liverpool Local Environmental Plan (LEP) 2008.

1.1 Relevant Case Law

Clause 4.6 of the Liverpool Local Environmental Plan 2008 allows the consent authority to grant consent for development even though the development contravenes a development standard imposed by the LEP.

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

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

Further Clause 4.6(4) provides that:

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

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

The clause aims to provide an appropriate degree of flexibility in applying certain development standards to achieve better outcomes for and from development.

Assistance on the approach to justifying a contravention to a development standard is also to be taken from the applicable decisions of the NSW Land and Environment Court (the Court) and the NSW Court of Appeal in:

1. Wehbe v Pittwater Council [2007] NSW LEC 827;
2. Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009;
3. Randwick City Council V Micaul Holdings Pty Ltd [2016] NSWLEC 7;

4. Brigham v Canterbury-Bankstown Council [2018] NSWLEC 1406;
5. Initial Action v Woollahra Municipal Council [2018] NSWLEC 118; and
6. Turland v Wingercarribee Shire Council [2018] NSWLEC 1511.

The common ways in which an applicant might demonstrate that compliance with a development standard is unreasonable or unnecessary are summarised by Preston CJ in *Wehbe v Pittwater Council* (2007) 156 LGERA 446 [42]-[51] and repeated in *Initial Action* [17]-[21]. Although Wehbe concerned a SEPP 1 objection, the common ways to demonstrate that compliance with a development standard is unreasonable or unnecessary in Wehbe are equally applicable to cl 4.6 (*Initial Action* [16]):

1. The objectives of the development standard are achieved notwithstanding noncompliance with the standard;
2. The underlying objective or purpose of the development standard is not relevant to the development, so that compliance is unnecessary;
3. Underlying objective or purpose would be defeated or thwarted if compliance was required, so that compliance is unreasonable;
4. The development standard has been abandoned by the council; or
5. The zoning of the site was unreasonable or inappropriate so that the development standard was also unreasonable or unnecessary (note this is a limited way of establishing that compliance is not necessary as it is not a way to effect general planning changes as an alternative to strategic planning powers).

The five ways to demonstrate compliance is unreasonable/unnecessary are not exhaustive, and it may be sufficient to establish only one way (*Initial Action* [22]).

The environmental planning grounds relied on in the written request under cl 4.6 must be sufficient to justify contravening the development standard. The focus is on the aspect of the development that contravenes the development standard, not the development as a whole. Therefore, the environmental planning grounds advanced in the written request must justify the contravention of the development standard and not simply promote the benefits of carrying out the development as a whole (*Initial Action* [24]).

1.2 Relevant Development Standard

The relevant development standard to which this objection relates to is Clause 4.3 Height of Buildings. Clause 4.3 Height of Buildings sets out the following:

(1) The objectives of this clause are as follows:

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

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

Comment:

The applicable maximum building height for the site is 18m. The development proposes a portion of the building which exceeds the height control by a maximum of 1m.

1.3 Is the Planning Control in Question a Development Standard?

'Development Standards' are defined under Section 1.4(1) of the EP&A Act as follows:

> *"development standards means provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development, including, but without limiting the generality of the foregoing, requirements or standards in respect of: …*
>
> *(a) the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of a building or work,…"*

Comment:

The maximum building height control under Clause 4.3 of the Liverpool LEP 2008 is clearly a development standard.

2.0 The Contravention

The proposal results in the following variation to Council's Maximum Building Height Control as demonstrated in the table below:

Table 1: Variation to Council's Maximum Building Height Control		
	Control	**Proposed**
Maximum Building Height	18m	19m
Variation	-	1m 5.55%

As described in the Statement of Environmental Effects (SEE) and identified on the Architectural Drawings prepared by Noy Santiago Pty Ltd, the height of the proposed development will exceed the maximum

building height of 18m by 1m, which equates to a variation of 5.55%. The proposed variation accommodates a minimal percentage of the total building volume proposed.

The principal reason for the exceedance in maximum building height limit is the provisions of building services on the roof. The exceedance only consists of the lift overrun and roof parapet and does not contain any habitable floor space, as detailed in **Figure 1** below.

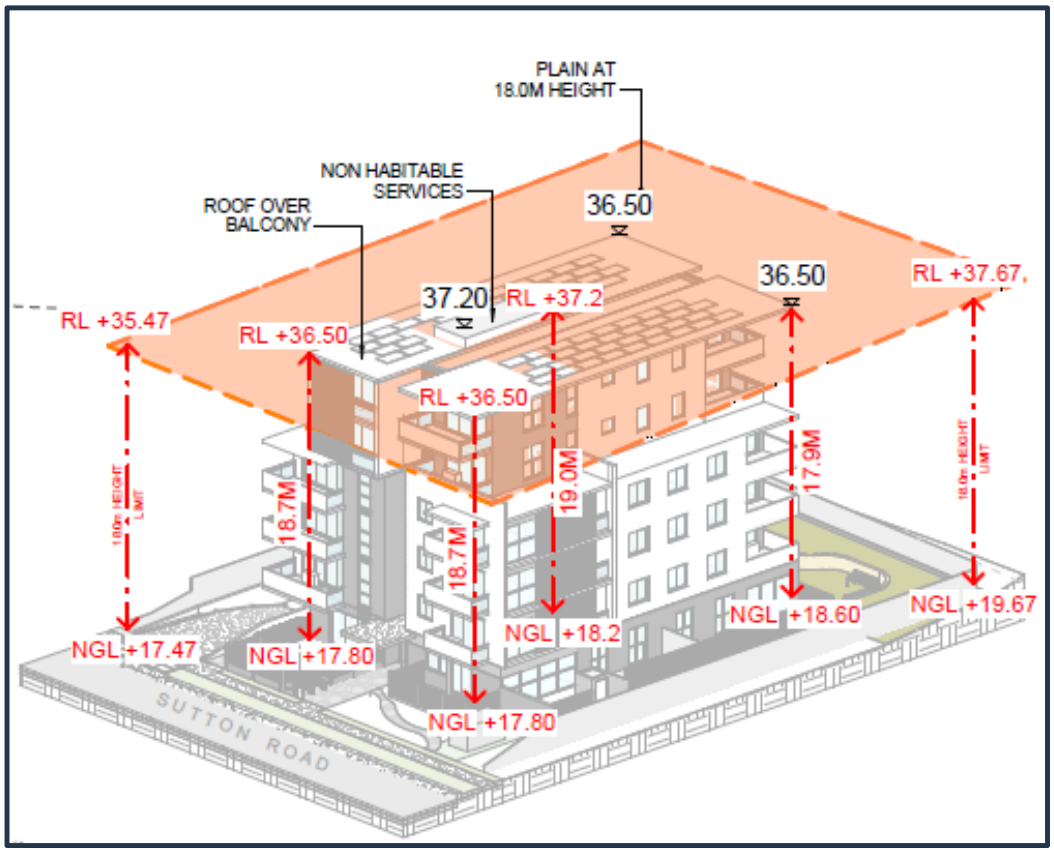


Figure 1: 3D Height Plane & Section demonstrating the proposed exceedance of the building height control (Source: Noy Santiago Pty Ltd)

2.1 Impacts of the Contravention

There are no adverse impacts as a result of the proposed contravention. The proposed exceedance does not result in any visual impacts and is consistent with the desired future character of the area, as detailed below.

Visual Impacts

From a visual perspective, an appropriate composition of building elements, material textures and colours have been utilised to reflect the building's residential use character.

The external appearance of the building reflects consideration to various development controls and the articulation of the building along with its massing composition reflects the desired future character of the area.

The massing of Sutton Road has been designed to achieve an aesthetic outcome to fit within a desired building envelope. Its facades are all designed with various architectural elements to provide articulation, depth, shade and a pleasing aesthetic.

The development is considered to represent a positive contribution to the streetscape and its siting design and location of car parking with a basement ensures the amenity of adjoining residents is not unduly compromised.

The height variation only relates to the lift overrun and roof parapet and does not contain any habitable floor space.

Solar Access

The proposed development and associated variation do not result in any adverse impacts on surrounding development. A key consideration in the design of the proposal was the amenity of adjoining properties and the future context of the surrounding area. The proposed development has been sited and designed to ensure an appropriate level of solar access is maintained for adjoining properties and to ensure they can be redeveloped in line with the applicable development controls for the site.

As detailed in the Shadow Analysis provided in the Architectural Plans (**Appendix F**) the proposed development does not adversely impact the solar access of adjoining properties.

The proposed height variation does not result in any increased solar access impacts from a development demonstrating strict compliance with the 18m height limit. Strict compliance with the height limit would not result in reduced solar access impacts and therefore the proposed variation is deemed to be reasonable.

3.0 Justification of the Contravention

3.1 The Site Context

Site context is a key consideration when determining the appropriateness and necessity of a development standard. The site is zoned R4 High Density Residential under the provisions of the Liverpool LEP 2008. The surrounding area comprises a range of low and medium density residential developments in the form of dwellings, multi dwelling housing and older style residential flat buildings.

Based on the zoning of the site it is expected that the area will transition to higher density forms of development in the near future and the subject site represents a unique opportunity to lead the redevelopment of the area to achieve the desired future high density residential development for the site and surrounding area.

The following details recently approved high density residential developments within the Liverpool LGA that have been approved with a height exceedance:

Table 2: Recently Approved Developments in Proximity to the Subject Site that Varied Council's Maximum Building Height Control			
DA No & Address	**Proposed**	**Comment**	**Approved**
DA-220/2020 **18 Randwick Close, Casula**	Construction of a Seniors Housing Development involving a 142-room residential care facility & 93 Independent living units in 3 buildings over Basement parking and retail shops	The development exceeded the maximum building height by 3m (20%). The development was approved with the height variation as the exceedance was located away from adjoining development, it did not adversely impact surrounding development, the development complied with the FSR and the development was consistent with the zone objectives and objectives of the height standard.	27 July 2021
DA-639/2019 **Bigge Street, Warwick Farm**	Construction of an 11-storey residential flat building containing 52 apartments (comprising a mix of one and two bedroom units) above 1 level of basement/ parking and the removal of all vegetation on the site and associated landscaping and civil works.	The development exceeded the maximum building height by 1.5m (4.2%). The development was approved with the variation as the variation only related to the lift overrun and roof parapet and the development had been designed to minimise impacts on surrounding development and achieved the zone objectives and objectives of the height standard.	21 May 2020
DA-257/2019 **127-129 Flowerdale Road, Liverpool**	The demolition of existing structures, construction of a five (5) storey residential flat building comprising of 39 units to be used wholly for the purposes of affordable rental housing with at-grade parking and associated landscape and site works	The development exceeded the maximum building height by 3.1m (20%). The development was approved with the variation as the variation only related to the lift overrun and roof parapet and the development had been designed to minimise impacts on surrounding development, provided affordable rental housing in an accessible location and achieved the zone objectives and objectives of the height standard.	10 February 2020

Table 2: Recently Approved Developments in Proximity to the Subject Site that Varied Council's Maximum Building Height Control			
DA No & Address	**Proposed**	**Comment**	**Approved**
DA-552/2018 **31 Harvey Avenue, Moorebank**	Demolition of existing structures and construction of two 5-storey Residential Flat Buildings above basement car park containing 76 apartments pursuant to SEPP (Affordable Rental Housing) 2009	The development exceeded the maximum building height by 2.515m (14%). The development was approved with the variation as the variation only related to the rooftop communal open space and the development had been designed to minimise impacts on surrounding development, provided affordable rental housing in an accessible location and achieved the zone objectives and objectives of the height standard.	10 February 2020

As detailed the above high density residential developments were approved due to the variations only relating to lift overruns and roof structures, the developments being consistent with development in the area, the variation not resulting in any adverse impacts or additional bulk.

The proposed development is consistent with the recently approved high density residential developments approved by Council with a variation to the maximum height limit as the variation only relates the lift overrun and roof parapet and does not contain any habitable floor space, the variation does not result in noticeable bulk, height or scale, as viewed from the public domain, and will not result in additional solar access, view loss or privacy and the development is consistent with the desired future character of the area.

3.2 Public Interest

Clause 4.6(4)(a)(ii) of Liverpool LEP 2008 requires that development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

The proposed development has been assessed against the objectives for the R4 High Density Residential zone below. Despite the proposed variation to the maximum building height development standard, the proposal is considered in the public interest as it satisfies the objectives of the zone and the objectives of the development standard.

3.3 Consistency with R4 High Density Residential Zone

The consistency of the proposal against the objectives of the R4 High Density Residential zone is outlined below.

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

  The proposed development provides for the housing needs in a well-designed high density residential environment consistent with the desired future character of the area envisaged by the applicable controls.

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

  The proposed development provides a range of unit types in a well-designed high density residential environment consistent with the desired future character of the area envisaged by the applicable controls.

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

  The proposed development is not inconsistent with this objective as it does not preclude the ability for other land uses that provide facilities or services to be developed in the area.

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

  The proposed development provides high density residential development in an accessible location in proximity to a range of pubic open space areas and good access to bus services.

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

  The proposed development has been sited and designed to ensure the surrounding area can be developed in line with the applicable controls. This has been achieved through compliance with the relevant controls of the Housing SEPP, Apartment Design Guide and the Liverpool DCP 2008.

3.4 Consistency with Objectives of the Building Height Development Standard

The consistency of the proposal against the objectives of the maximum building height standard is outlined below.

- ***To establish the maximum height limit in which buildings can be designed and floor space can be achieved***

  The proposed development provides a compliant floor space ratio in accordance with State Environmental Planning Policy (Housing) 2021 and provides a built form that facilitates the desired future high density residential character of the area as intended by the applicable planning controls.

- ***To permit building heights that encourage high quality urban form***

The development will provide a key development signifying the transition of the area to higher density development.

The design, scale and height proposed within this application is generally consistent with the current developments and desired future character of the site having regard to its location and site context. The elevations have been carefully designed to achieve an aesthetic outcome and composition based on the developments interface with Sutton Road and the adjoining properties. The facades and numerous architectural features provide articulation and interest to the elevations and result in a high-quality built form that contributes positively to the streetscape and the emerging built form.

- ***To ensure buildings and public areas continue to receive satisfactory exposure to the sky and sunlight***

The proposed development has been sited and designed to ensure an appropriate level of solar access is maintained for adjoining properties and to ensure they can be redeveloped in line with the applicable development controls for the site.

As detailed in the Shadow Analysis provided in the Architectural Plans (*Appendix F*) the proposed development does not adversely impact the solar access of adjoining properties.

- ***To nominate heights that will provide an appropriate transition in built form and land use intensity.***

The site is zoned R4 High Density Residential under the provisions of the Liverpool Local Environmental Plan (LEP) 2008. The surrounding area comprises a range of low and medium density residential development in the form of dwellings, multi dwelling housing and older style residential flat buildings.

The proposed development has been designed to facilitate the desired future high density residential character of the area as intended by the applicable planning controls. The development will provide a key development signifying the transition of the area to higher density development.

The design, scale and height proposed within this application is generally consistent with the current developments and desired future character of the site having regard to its location and site context. The elevations have been carefully designed to achieve an aesthetic outcome and composition based on the developments interface with Sutton Road and the adjoining properties. The facades and numerous architectural features provide articulation and interest to the elevations and result in a high-quality built form that contributes positively to the streetscape and the emerging built form.

4.0 Is Compliance with the Development Standard Unreasonable or Unnecessary in the Circumstances of the Case (Clause 4.6(3)(a))?

Clause 4.6(3)(a) of Liverpool LEP 2008 requires the departure from the development standard to be justified by demonstrating:

- ***Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case***

Comment

As detailed in the section above, the proposal provides a built form that is reflective of the future higher density-built form envisaged for the area. The numeric increase in building height for the proposed development is approximately 1m. The proposed height exceedance is deemed to be reasonable as it involves a minimal percentage of the building volume, only relates lift overruns and roof parapet and it does not result in adverse impacts on surrounding development.

The proposed development, including the proposed building elements that exceed the height limits, will continue to achieve the objectives of the standard. It is therefore considered that the objectives of the development standard are met notwithstanding the breach of the height of buildings standard.

5.0 Are there Sufficient Environmental Planning Grounds to Justify Contravening the Development Standard (Clause 4.6(3)(b))?

Clause 4.6(3)(b) of Liverpool LEP 2008 requires the departure from the development standard to be justified by demonstrating:

- ***There are sufficient environmental planning grounds to justify contravening the development standard***

Comment

It is our opinion that there are sufficient environmental planning grounds to justify contravening the building height standard in this instance. These are as follows:

- The proposed development is consistent with the objectives of the zone and the objectives of the building height control.
- The proposal does not result in any adverse impacts on adjoining properties.
- The height variation only includes a minor portion of the building located away from adjoining properties;
- The area of exceedance does not contribute to the visual bulk of the development and is not readily apparent from the public domain; and
- The area of exceedance only consists of the lift overrun and roof parapet and does not contain any habitable floor space.

It is considered the objectives of the LEP height standard are achieved in this instance where the proposal produces a high quality-built form that ensures a high level of amenity for residents.

Whilst the built form exceeds the building height control applicable to the site, it is considered that the proposed design does not unreasonably detract from the amenity of adjacent residents or the existing quality of the environment as demonstrated in architectural plans prepared by Noy Santiago Pty Ltd.

Strict compliance with the building height development standard would result in a development that does not achieve the desired development density for the site and would be inconsistent with the desired future character of the area.

6.0 Conclusion

The proposed contravention of the 18m maximum building height is based on the reasons outlined in this request that are summarised as follows:

- It is considered that this proposal represents an individual circumstance in which Clause 4.6 was intended and to be available to set aside compliance with unreasonable or unnecessary development standards.
- The proposed development will not create an undesirable precedent.
- The proposed development is consistent with the objectives of Clause 4.3 and Clause 4.6 of Liverpool LEP 2008 and therefore is in the public interest pursuant to clause 4.6(4).

In view of the above, it is considered that this written request has adequately addressed the matters required by Clause 4.6(3) of the Liverpool LEP 2008 and Council's support to contravene the maximum building height development standard of Clause 4.3 is therefore sought.

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LIVERPOOL CITY COUNCIL

Minutes

MINUTES OF DESIGN EXCELLENCE PANEL MEETING
Thursday the 12th of October 2023

DEP PANEL MEMBERS PRESENT:

Shaun Carter	Chairperson	Carter Williamson Architects
Lee Hillam	Panel Member	DunnHillam Architecture + Urban Design
Garth Paterson	Panel Member	Paterson Design Studio Landscape Architects

APPLICANT REPRESENTATIVES:

Nasr Attie	Drafting Consultant	CAD Plans
Noy Santiago	Architect	Noysworks
Zak Krcic	Architect	Shore House Projects
Lachlan Rodgers	Planner	The Planning Hub
Katrin Plogstert	Landscape Architect	Siteplus

OBSERVERS:

Amanda Merchant	Panel Support Officer	Liverpool City Council
Joshua Walters	A/Senior Urban Designer	Liverpool City Council
Robert Micallef	Senior Planner	Liverpool City Council
Di Wu	Convenor	Liverpool City Council

ITEM DETAILS:

Item Number: 1

Application Reference Number: DA-120/2023

Property Address: 7 and 9 Sutton Road, Ashcroft NSW 2168

Council's Planning Officer: Robert Micallef

Applicant: Mrs G Bernard Tambasco

Proposal: Demolition of existing structures, tree removal and construction of a six (6) storey residential flat building comprising 21 residential units over a two (2) level basement car park for 30 vehicles and associated works. The application is identified as Affordable Housing under the State Environmental Planning Policy (Housing) 2021.

Meeting Venue: Microsoft Teams Meeting

1.0 WELCOME, ATTENDANCE, APOLOGIES AND OPENING

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

LIVERPOOL CITY COUNCIL

Minutes

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

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

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

2.0 DECLARATIONS OF INTEREST

NIL.

3.0 PRESENTATION

The applicant presented their proposal for DA-120/2023, 7 and 9 Sutton Road, Ashcroft NSW 2168.

4.0 DEP PANEL RECOMMENDATIONS

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

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

General Notes:

- The discussion around the design process and required qualification was discussed during the meeting. The Panel notes Apartment buildings (SEPP65) legally requires a suitably qualified person (an Architect registered in NSW) to oversee all facets of the design and documentation of the project; assuming full responsibility for the design through all stages of the project, signing off on the building at the OC stage. The Design & Building Practitioners Act (2020) will need to be adhered to.

Previous DEP Recommendations *(DEP Meeting held on 8 June 2023)*	**Latest DEP Recommendations** (DEP Meeting held on 12 October 2023)
4.1. Context	**4.1. Context**
4.1.1 The Panel acknowledges that this building will be setting a benchmark, as the first significant building in the area.	4.1.1 The Panel reiterates the importance of implementing a visionary city-making strategy to guide the site planning, contributing to the long-term development and improvement of the area.
4.1.2 The Panel encourages the applicant to approach the design of the development with ambition for design excellence. The Panel recommends the examination of a variety of high-quality architectural	4.1.2 The provision of affordable housing components by the applicant is

LIVERPOOL CITY COUNCIL

Minutes

Previous DEP Recommendations *(DEP Meeting held on 8 June 2023)*		**Latest DEP Recommendations** (DEP Meeting held on 12 October 2023)	
	precedents, to raise the standard for buildings of this typology within the area.		appreciated, demonstrating a positive intention for the development. Achieving design excellence will further enhance the proposal, making it a better place for its community and a best practice example.
4.1.3	*The Panel recommends the applicant consider the consequences of the selected design approach, when applied to the surrounding lots. The Panel questions the success of the current design, when replicated at the broader neighbourhood scale.*	4.1.3	The Panel clarifies with the applicant the indicated building envelopes for the surrounding area that differ from the proposed development, with the most top two floors further recessed back. The applicant explains that these are indicative only and are showing the compliant developments as per the ADG separation requirement. The proposed development for the site maintains an overall 9m setback to the rear boundary. Confirm the adjacent apartment buildings would receive compliant (SEPP65) sunlight.
4.1.4	*The Panel requires the applicant to revisit site and contextual analysis, to provide an accurate representation and demonstrated understanding of the site and its context. This information should inform the following design process.*	4.1.4	The applicant showed a context plan that showed each site's development envelope with no consideration of how each might work together to make a better urban design outcome. The design should demonstrate how it can contribute positively to the development of the whole area, influence the development of nearby blocks, create view and potential pedestrian links, connect positively to other aspects of the area such as the park and schools.
4.1.5	*The Panel requires that the applicant to provide an analysis of a number of site planning options and design process as part of the revised submission.*	4.1.5	No options provided. See note above 4.1.4.
4.1.6	*The applicant is encouraged to reference 'Appendix 1 – Site Analysis Checklist' within the Apartment Design Guidelines (ADG), to help inform the above design process.*	4.1.6	NIL.
4.1.7	*The Panel recommends that the adjacent Gard Park be used as a reference point for the design of the development and strongly encourages greater response to the surrounding open space network within the site layout, architectural and landscape proposals. The proposed development should better capitalise on the surrounding assets.*	4.1.7	The Panel seeks clarification from the applicant regarding the design response to the neighbouring Gard Park to the south, as the revised scheme proposes the substation at the frontage facing the park. In response, the applicant highlights that the proposed landscape treatment along with the streetscape design is intended to reference the park opposite. This misses an opportunity to link this block with the park by putting pedestrian access int the block opposite the park and visually connecting the landscape of this side of the block with
4.1.8	*The Panel notes that the overall design pays great attention to the internal planning, however, lacks understanding of the wider context, to inform the proposal. Reference to the surrounding predominantly 2-3 story building typology is to be considered only as a part of the context, as it is generally not of a comparable density and/or reflective of the future typology. Likely future development patterns should also be considered.*		
4.1.9	*The Panel acknowledges the applicant's compliance with the ADG setbacks,*		

LIVERPOOL CITY COUNCIL

Minutes

Previous DEP Recommendations *(DEP Meeting held on 8 June 2023)*	**Latest DEP Recommendations** (DEP Meeting held on 12 October 2023)
however, encourages further exploration of the design opportunities within the constraints of the ADG. The Panel recommends the testing of different models to better utilise the site width and to explore opportunities for the amalgamation of deep soil zones, more functional / useable communal spaces, and potential for interlocking of tree canopies both within the site and with surrounding lots. *4.1.10 Where non-habitable rooms and/or habitable rooms with no windows facing the boundary, the ADG allows for a decreased setback. This would enable the building to better utilise the width of the block and permit a convincing continuity of deep soil, communal open spaces, vegetation, and tree canopies within the site.* *4.1.11 The Panel does not support the removal of the large, healthy and well-established Lephostemon confertus street tree (i.e. T8, as per the AIA), within the frontage of the site. The Panel requires the retention of this street tree and acknowledges the flow on effects of this decision, including the likely relocation of the driveway.* *4.1.12 Explore the opportunities of pushing the building towards the southwest of the site and opening the landscape options within other areas of the site.* *4.1.13 The Panel acknowledges Councils preference for driveways to be integrated into the building and set underneath the floorplate, however, in consideration of the site constraints and high regard for tree retention, the panel endorses an allowance for the driveway to be located partially outside of the building footprint, if required by the revised design.*	the park opposite. Noting the substation location blocks off this possibility. 4.1.8 The Panel acknowledges the inclusion of a future scenario in the revised submission, detailing potential developments in the adjoining sites. However, there are concerns about the feasibility and impact of the indicated developments. Refer to 4.1.3 for more details. 4.1.9 No options provided. This is considered a lost opportunity by the panel but acknowledge that the applicant is not interested in improving the design in this way. 4.1.10 The applicant has not amended the design to take advantage of this possibility. 4.1.11 The Panel appreciates that the preservation of the street tree (T8) does not impact the proposed driveway. We recommend Council impose a bond on the tree. 4.1.12 The applicant has chosen not to make changes to take advantage of this possibility. 4.1.13 The panel appreciates that the driveway has been narrowed to accommodate retention of the street tree.
4.2. Built Form + Scale *4.2.1 The Panel commends the proposals affordable housing contribution.* *4.2.2 The Panel commends the genuine achievement of natural lighting and cross ventilation to the common areas,*	**4.2. Built Form + Scale** 4.2.1 The Panel appreciates the affordable housing contribution. 4.2.2 NIL. 4.2.3 It is noted that the applicant still incorporates vertical screening but is

LIVERPOOL CITY COUNCIL

Minutes

Previous DEP Recommendations *(DEP Meeting held on 8 June 2023)*	**Latest DEP Recommendations** (DEP Meeting held on 12 October 2023)
incorporated within the design of the floor plan, particularly within the central corridor.	more simpler than previously proposed, however recommendation for openable windows was not taken on board.
4.2.3 The Panel recommends the removal of the vertical screening. A cleaner and simpler solution to accentuate the break in the built form is preferred by the Panel (e.g., fully glazed with openable windows but no screen).	4.2.4 Addressed.
4.2.4 The Panel notes that enclosing the corridor space and therefore counting it within the FSR, will likely still be below the maximum FSR, when considering the applicable affordable housing allowances.	4.2.5 Not addressed. The panel requires hood to all windows and doors, except under balconies. These are to be noted on plans, elevations and 3D imagery which to be supplied to Council for assessment.
4.2.5 The Panel requires sun and rain hoods to be incorporated into the proposal for all external windows, noting that contrasting positions may require different types of hoods. For example, rain hoods may be suitable for the windows with a southerly aspect and sun protection suitable for a northeasterly and/or westerly aspect.	4.2.6 • The Panel expresses concern about the internal layouts, particularly the study rooms in Units 1, 4, 8, and 12, which lack windows. It is recommended that these be replaced with more functional spaces such as spacious bathrooms or storage rooms. • The Panel highlights that ensuring a compliant layout is important, but prioritizing an enhanced residential amenity is of utmost importance. • To further improve the residential amenity, it is suggested considering incorporating a window opening from the kitchen area to the street for units 6, 10, and 14. This will be seen on the Southern (Sutton Rd) elevation. • To provide the natural ventilation, it is suggested providing translucent windows in the bathroom and ensuite for Unit 1 and any other bathroom with access to external walls. • The roof for the balcony of unit 13 on the sun eye diagram is missing – this needs to be added. The Panel highlights that building services, including waterproof areas and water egress and as such, are integral parts of the overall amenity that also need to be carefully considered.
4.2.6 The Panel commends the elegant / efficient spatial and internal planning, including the approach to fitting the apartments within each floorplate. It reflects a strong understanding of the way in which people live and use space. The Panel urges the applicant to extend this design methodology to all aspects of the proposal including POS balconies, COS etc.	
4.2.7 The Panel requires adequate outdoor hanging space to be provided for each apartment. This should be a defined location with good access to the sun and wind, but shielded from view from the street.	4.2.7 Addressed. See note below.
4.2.8 To facilitate outdoor hanging space as well as better visual privacy and amenity for future residents, the Panel recommends the incorporation of solid or partially solid balustrades for each apartments POS balcony.	4.2.8 The Panel acknowledged that the solid / partially solid balconies have been incorporated into the revised design.
4.2.9 The Panel advises that when considering all the required services, a 3m floor to floor height is not sufficient	4.2.9 Addressed. 4.2.10 Addressed. Clause 4.6 Report has been provided to address this. 4.2.11 Units 16 and 19 have 11.2m^2 POS including AC units but require 12m^2.

LIVERPOOL CITY COUNCIL

Minutes

Previous DEP Recommendations *(DEP Meeting held on 8 June 2023)*	**Latest DEP Recommendations** (DEP Meeting held on 12 October 2023)
for a development of this typology. This will likely result in a ceiling height of less than 2.7m for living areas, which is not supported by the Panel. A minimum 3.1m floor to floor height is required by the Panel. Alternatively, the Panel is open to the submission of a well resolved and detailed strategy for the methodology of incorporating all services and a minimum 2.7 floor to ceiling height within a 3m floor to floor height. *4.2.10 The Panel acknowledges that the height will likely be increased with the adoption of a 3.1m floor to floor height. The applicant will need to respond to this in the updated submission. The current minor height overrun would likely be acceptable, but is seen as being unachievable.* *4.2.11 The Panel notes some POS balconies do not meet the minimum ADG requirements.* *4.2.12 The Panel notes that some apartments were shown to have inadequate light in living spaces.* *4.2.13 The Panel notes, the 3-bedroom units 16 and 19 are short of the 95sqm of floor area required with 3-bedroom plus 2 bathrooms, being 92.8sqm.* *4.2.14 The Panel does not support the prominent location of the Garbage Room, NBN/Security Room and Substation within the frontage of the site, which greatly reduces the presentation of developments interface with the streetscape and public domain. Relocation to the basement level is encouraged.*	Increase to meet minimum requirements. 4.2.12 The panel considers this matter resolved. 4.2.13 The panel considers this matter resolved. 4.2.14 The positioning of the substation facing Gard Park is a concern. It is recommended that the substation be relocated or that appropriate landscape treatments be implemented to enhance the public domain. The Panel supports the proposal for a library near the front and recommends incorporating a kitchenette within this space to the entrance, maximising the use of this communal space.
4.3. Density *4.3.1 As discussed above in Principle 1, the Panel acknowledges the developments benchmark status, as the first significant building of this density, in the area. Reference should be made to examples of architectural excellence within comparable scale developments, rather than simply the surrounding built form.*	**4.3. Density** 4.3.1 Refer to 4.1.3

LIVERPOOL CITY COUNCIL

Minutes

Previous DEP Recommendations *(DEP Meeting held on 8 June 2023)*	**Latest DEP Recommendations** (DEP Meeting held on 12 October 2023)
4.4. Sustainability	**4.4. Sustainability**
4.4.1 The development should incorporate water sensitive urban design measures to reduce stormwater run off and support planting.	4.4.1 The panel considers this matter resolved.
4.4.2 Provision of ceiling fans to all habitable areas is encouraged as a low energy alternative to any A/C system.	4.4.2 Ceiling fans are proposed for bedrooms only, not all habitable rooms (e.g. living) - Provide ceiling fans to living room ceiling.
4.4.3 The applicant is encouraged to include a rooftop photovoltaic system for environmental benefits and for use in power/lighting of common areas.	4.4.3 Solar panels, A/C systems have been incorporated in the revised scheme.
4.4.4 Provision of a rainwater tank shall be required to allow water collection, storage, and reuse for irrigation of landscape and other uses within the site, such as toilet flushing etc.	4.4.4 The panel considers this matter not yet resolved or not. A minimum of 20,000L must be provided connected to all garden taps/ hoses, and all toilet flushing.
4.5. Landscape	**4.5. Landscape**
4.5.1 The Panel commends the allocation of deep soil within the proposal.	4.5.1 Addressed.
4.5.2 The removal of the street tree - T8 (as per Arborists Report) is not supported by the Panel. This is a significant street tree within the streetscape of good health and a long-life expectancy. The Panel requires the applicant to work with the consulting arborist to retain the Lephostemon confertus street tree (i.e., Brush Box - T8) within the frontage of the site.	4.5.2 The Panel appreciated that the street tree (T8) has been preserved in the revised plan.
4.5.3 The Panel recommends further consideration for the design of the communal open space which may impact on the amenity of the ground floor apartments. The panel acknowledges the difficulties of designing for the connection between these spaces and recommends consideration of a rooftop COS, subject to height restrictions.	4.5.3 • The Panel clarifies with the applicant regarding the necessity of a common circulation path to the north boundary and suggests increasing the balcony of Unit 1 to the boundary, if possible, to better utilise the space and maximize the residential amenity. • The Panel raises concerns about the retaining wall around the existing tree (T9), as it may lead to incidental issues. It is recommended to utilize the wall for multiple purposes, such as providing seating. • There is a concern regarding the proposed canopy trees between the south boundary and the driveway, noting that they may not effectively provide the intended shade and canopies for the area. As an alternative, the Panel recommends relocating these trees to the other side of the driveway, facing the pedestrian paths, library and garage room, as this would achieve a better outcome.
4.5.4 The design of the GF passive green space should optimise tree retention, the amalgamation of deep soil, the incorporation of native vegetation and the continuity of tree canopies.	
4.5.5 The Panel commends the consideration for 'designing with Country' as part of the design process and proposal, however, recommends this aspect of	

LIVERPOOL CITY COUNCIL

Minutes

Previous DEP Recommendations *(DEP Meeting held on 8 June 2023)*	**Latest DEP Recommendations** (DEP Meeting held on 12 October 2023)
the proposal to be revisited and evolved further, to better consider all aspects. The broader considerations for designing with country need to be incorporated throughout the entire landscape design. This includes both cultural and country aspects (e.g., planting selections, habitat provisions, topography, visual or physical connections to other parts of the landscape etc). *4.5.6 The Panel recommends engaging a local expert/consultant to provide guidance on 'designing with Country' to ensure the proposal is meaningful, in this regard.* *4.5.7 The Panel supports the scale of the trees proposed, the species are of a good size and provided ample deep soil provisions at the rear of the site and will make a significant contribution to the inter-lot canopy.* *4.5.8 The Panel notes that further embellishment of the COS may be required to make it a more attractive and usable space, including additional seating and shading areas around the BBQ area.* *4.5.9 Any future provisions for rooftop COS will need to provide functional design with a high level of amenity and adequate facilities (that cater for a variety of age groups), including (but not limited to), seating, BBQ, shade, kitchenette, vegetation, and an accessible W/C etc.*	4.5.4 The panel considers this matter resolved. 4.5.5 The applicant has made some vegetation choices to attempt an alignment with Country, however it is not considered that the applicant has allowed an influence of Country on this proposal. 4.5.6 Not considered. 4.5.7 The Panel appreciates the revisions made to the landscape plan, particularly regarding tree retentions, species selections, and the incorporation of a sizeable deep soil zone (DSZ). Additionally, it is recommended to include more trees with canopies near the main pedestrian entry and the substation for enhanced aesthetics and shading purposes. Suggest native / endemic trees. 4.5.8 The Panel acknowledged that the proposed COS at the southern part of the site, which is not desired but acceptable for summertime. The Panel recommends additional design considerations should be provided to enhance the visual privacy for units facing the COS. 4.5.9 No rooftop COS is proposed.
4.6. Amenity *4.6.1 No discussion*	**4.6. Amenity** 4.6.1 It is suggested considering implementing screening treatment for the air-conditioning units on the balcony.
4.7. Safety *4.7.1 The Panel notes a CPTED issue for proposed pedestrian pathway that leads around blind corner, connecting to the fire stairs and garbage room. This is a CPTED concern, as it does not provide adequate visibility and/or discourage loitering. The development design does*	**4.7. Safety** 4.7.1 The design has been improved, however, there may still be a CPTED issue with the area around the garbage room. Please provide a response to this issue.

LIVERPOOL CITY COUNCIL

Minutes

Previous DEP Recommendations *(DEP Meeting held on 8 June 2023)*	**Latest DEP Recommendations** (DEP Meeting held on 12 October 2023)
not maximise natural surveillance or negate opportunities for concealment, in this regard.	
4.8. Housing Diversity + Social Interaction *4.8.1 No discussion.*	**4.8. Housing Diversity + Social Interaction** 4.8.1 No discussion.
4.9. Aesthetics *4.9.1 The Panel acknowledges the general material choices within the proposal.* *4.9.2 The Panel commends the use of brick material and encourages the applicant to explore the potential for a full brick expression for the lower volume (rather than rendering half, and face brick half), using variations in brick materials to articulate the different components. The Panel supports the change in expression to light weight for the higher volume, and recommends a review of window protection treatments as noted above.* *4.9.3 The use of the brick material could also form part of the development's contextual connection to the area. The Panel encourages the exploration of creative strategies to incorporate this material throughout the proposal.*	**4.9. Aesthetics** 4.9.1 NIL. 4.9.2 The Panel appreciates the use of various materials in the facade design. However, it is recommended that material changes should align with changes in the internal layout or building plate adjustments, rather than being solely surface treatments. For example, in areas where there are no corresponding plate changes on the building sides, material changes might be unnecessary. 4.9.3 NIL.
5.0 OUTCOME *The panel have determined the outcome of the DEP review and have provided final direction to the applicant as follows:* *The proposal is not supported by the DEP and must return to the panel, with all feedback incorporated or addressed.*	**5.0 OUTCOME** The Panel requires the Applicant to positively respond to the requirements of these minutes for final support. Council will determine whether the lack of response to some requests from the previous minutes will require more work to provide a satisfactory outcome. Refer to below.

LIVERPOOL CITY COUNCIL

Minutes

5.0 OUTCOME

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

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

DRAFT CONDITIONS OF APPROVAL

ATTACHMENT 1 – CONDITIONS OF APPROVAL

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

A. THE DEVELOPMENT

Approved Plans

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

   (a) Architectural plans, prepared by Noy Santiago Pty Ltd & CAD Plans, including the following:

Plan Name	Sheet Number	Issue	Date
Site Plan / Roof Plan	DA 03	D	27/11/23
Affordable Units Distribution	DA 05	D	27/11/23
Lower Basement Floor	DA 08	D	27/11/23
Upper Basement Floor	DA 09	D	27/11/23
Ground Floor Plan	DA 10	D	27/11/23
Flr Plan_Lvl 01-Lvl 03	DA 11	D	27/11/23
Flr Plan_Lvl 04-Lvl 05	DA 12	D	27/11/23
Elevations 01	DA 13	D	27/11/23
Elevations 02	DA 14	D	27/11/23
Sections	DA 15	D	27/11/23
Material & Colour Schedules	DA 16	D	27/11/23
Site Demolition Plan	DA 28	D	27/11/23
Site Erosion & Sediment Control Plan	DA 29	D	27/11/23

   (b) Landscape plans, prepared by distinctive Site Plus Pty Ltd, Project No. 22213, including the following:

Plan Name	Drawing No.	Issue	Date
Landscape Concept Plan Layout Plan	LC01/08	H	30/11/23
Landscape Concept Plan Planting Plan	LC02/08	H	30/11/23
Landscape Concept Plan Hardscape & DSZ Plan	LC03/08	H	30/11/23
Landscape Concept Plan Landscape Details	LC04/08	H	30/11/23
Landscape Concept Plan Landscape Details & Notes	LC05/08	H	30/11/23
Landscape Concept Plan Landscape Sections	LC06/08	H	30/11/23
Landscape Concept Plan Landscape Character Image	LC07/08	H	30/11/23
Landscape Concept Plan Public Domain Plan	LC08/08	H	30/11/23

   (c) Documents

Report Name	Date	Reference	Prepared by
Design Verification Statement	30 November 2023	-	Josefino 'Noy' Santiago
Waste Management Plan	27 November 2023	Revision 4	Brosnan & Moore
BASIX Certificate	27 December 2022	1365253M	A.A Hasan & S.M Siddiqua
Traffic & Parking Impact Assessment	February 2023	22-161	Stanbury Traffic Planning

7-9 Sutton Road, Ashcroft, Multi-Residential Development- Development Application Acoustic Report	14 November 2022	3200-D02, Release 1	Sebastian Giglio Acoustic Consultant
Arboricultural Impact Statement	09 August 2023	-	Temporal Tree Management Pty Ltd
Preliminary Site Investigation	30 September 2022	E22167-1, Revision 1	Geotechnical Consultants Australia Pty Ltd
CENVP SC Review of Preliminary Site Investigation Report, 7 - 9 Sutton Road, Ashcroft, Nsw 2168	29 September 2022	-	Harwood Environmental Consultants
Geotechnical Investigation Report	8 November 2022	G22471-1-Rev A	Geotechnical Consultants Australia Pty Ltd

Water NSW Requirements

2. The development is to demonstrate compliance with all relevant requirements issued by Water NSW, issued 5 July 2023 (Attachment 3).

Endeavour Energy Requirements

3. The development is to demonstrate compliance with all relevant requirements issued by Endeavour Energy, issued 3 June 2023 and 22 December 2023 (Attachment 4).

Sydney Water Requirements

4. The development is to demonstrate compliance with all relevant requirements issued by Endeavour Energy, issued 6 April 2023 (Attachment 5).

Comply with EP&A Act

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

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

Prescribed Condition

6. In accordance with section 4.16(11) of the Environmental Planning & Assessment Act 1979 and clause 69 of the Environmental Planning & Assessment Regulation 2021, it is a prescribed condition that all building work must be carried out in accordance with the applicable Performance Requirements of the National Construction Code. Compliance with the Performance Requirements can only be achieved by:

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

Works at no cost to Council

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

B. PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

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

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

8. Due to this development, Council has identified an increased demand for public amenities and public services. The following payment is imposed in accordance with Liverpool Contributions Plan 2018 – Established Areas as amended.

   The total contribution is **$222,228** and will be adjusted at the time of payment in accordance with the contributions plan.

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

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

   Payment must be accompanied by the attached form (Attachment 2).

Plan Amendments

9. Prior to the issue of a construction certificate, the construction certificate plans are to be amended to demonstrate the following to the satisfaction of the Principal Certifying Authority:

   (a) Sun and rain hoods are to be provided to all external windows to further enhance the residential amenity.
   (b) The 5,000litre water tank is to be demonstrated on the plans for all stages of the development; and
   (c) Reintroduce the stepping stones along the eastern side access area to establish a defined pedestrian circulation path.

Access

10. 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.

Site Development Work

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

Fee Payments

12. 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 $250,000 or more, at the rate of 0.25% 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.

13. 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.

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 contact is entered into for the work to be done by a different licensee, Council must be immediately informed.

S138 Roads Act – Minor Works in the public road

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

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

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

Council's specifications.

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

S138 Roads Act – roadworks requiring approval of civil drawings

16. 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 stormwater drainage works in Sutton Road.

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

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

On-Site Detention

17. On-Site Detention shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Site Plus., reference number 22213., revision C, dated 15.11.2023.

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

    Engineering plans and supporting calculations for the onsite 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 onsite detention system has been designed in accordance with Liverpool City Council's Design Guidelines and Liverpool City Council's On-Site Stormwater Detention policy and Technical Specification.

Stormwater Discharge – Basement Car parks

18. 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

19. 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.

Dilapidation Report

20. Prior to the issue of a Construction Certificate, a dilapidation report of all infrastructure fronting the development in Sutton Road 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.

Dilapidation Report Private Property (Excavations)

21. 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. A copy is also to be provided to the affected adjoining property owner/s.

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

    If access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must:

    (a) Undertake as much as possible the survey from the development site, public areas and/or adjoining private property, and
    (b) Demonstrate in writing to the satisfaction of the Principal Certifier 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.

    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.

Basement Construction

22. All basement walls must be situated wholly within the boundary of consolidated lots comprising the site, including footings and subsoil drainage lines. Construction of basement walls or associated drainage works along common boundaries shall not compromise the structural integrity of any existing structures. Basement walls shall be designed by a practising structural engineer.

    Where it is proposed to provide shoring to support an adjoining property, which involves encroachment of ancillary structural elements onto adjoining land to provide structural support of the shoring via rock anchors or the like, owner's consent for the encroachment from the affected property owner shall be provided with the engineering drawings of the basement wall(s) and any ancillary structural elements, and submitted to the Certifying Authority prior to the issue of a Construction Certificate for commencement of works on the basement walls.

Bond

23. Prior to the issue of any Construction Certificate, a bond is to be lodged with Liverpool City Council for the protection and maintenance of the existing street tree to be retained in Sutton Road prior to and during the construction works until an Occupation Certificate is issued.

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

    Note: Contact Council's Land Development Section for further information relating to bond requirements.

BASIX

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

Cladding

25. 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 satisfaction of the PCA prior to issue of a construction certificate, demonstrating that the proposed attachments, cladding material and systems 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.

Products banned under the Building Products (Safety) Act 2017

26. 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.

Fire Safety Measures

27. 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.

28. The substation is to be located so that no blast walls are required as part of the design.

Retaining Walls on Boundary

29. 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.

Access, Car Parking and Manoeuvring

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

    The Certifying Authority shall also ensure and certify that a traffic warning system (traffic signal) is provided to govern traffic flow over the narrow sections of the ramp to ensure there is no conflict between oncoming vehicles.

31. 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) Vehicular access and internal manoeuvring have been designed for the longest vehicle expected to service the development site, in accordance with AS2890,
    (c) Sight distance at the street frontage has been provided in accordance with AS 2890.1, and
    (d) All vehicles can enter and exit the site in a forward direction.

Traffic and Parking

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

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

33. Works within the public road reserve shall not commence until the design drawings including the associated signs and line marking scheme have been approved.

    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.

Construction Traffic Management Plan

34. A construction traffic management plan (CTMP) prepared by a suitably qualified person is to be submitted to and endorsed by Liverpool City Council's Transport Management Section for endorsement. The CTMP is to be submitted via an application form available on Council's website.

    A copy of the endorsed CTMP and traffic control plans are to be available on the works site for inspection at any time by an authorised Council officer.

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

Garbage Services

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

Waste Storage Area – Construction

36. 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 coved 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

37. Any bin bays must be:

    (a) Provided with mechanical ventilation,
    (b) Provided with a hose cock for hosing the garbage bin bay and a sewered 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, and
    (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.

Recommendations of Acoustic Report

38. The recommendations provided in the approved acoustic report titled 7-9 Sutton Road, Ashcroft, Multi-Residential Development- Development Application Acoustic Report (Ref: 3200-D02, Release 1) prepared by Sebastian Giglio Acoustic Consultant dated 14th November 2022 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 is a member of the Australian Acoustical Society or employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.

Mechanical Plant and Equipment

39. 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 7-9 Sutton Road, Ashcroft, Multi-Residential Development-Development Application Acoustic Report (Ref: 3200-D02, Release 1) prepared by Sebastian Giglio Acoustic Consultant dated 14th November 2022.

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

Street Lighting

40. The applicant/developer shall engage the services of an Endeavour Energy accredited ASP Level 3 service provider to assess adequacy of street Lighting along Sutton Road and submit a report on whether the existing street lighting needs to be upgraded.

    If upgrade is required, the ASP Level 3 service provider is to submit a Public Lighting Design Brief to Council's Transport Management Section, to specify design requirements for the required upgrade.

    A street Lighting design plan prepared by the accredited service provider is to be submitted to and approved by Council's Transport Management Section and the electricity service provider (currently Endeavor Energy), prior to construction.

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

Provision of Services

41. 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.

42. 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.

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

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

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

Design Verification Statement

44. 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.

Site works

45. 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.

Crime Prevention Through Environmental Design

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

    (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

47. 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 to the satisfaction of the PCA.

Construction Environmental Management Plan (CEMP)

48. 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.

C. PRIOR TO WORKS COMMENCING

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

Commencement of Building work

49. 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.

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

Construction Certificates

51. 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.

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

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

Notification/Principal Certifying Authority

53. 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.

Residential Building Work

54. 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.

Demolition Works

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

    (a) Prior to the commencement of any works on the land, a detailed demolition work plan designed in accordance with the Australian Standard AS 2601- 2001 The

Demolition of Structures, prepared by a suitably qualified person with suitable expertise or experience, shall be submitted to and approved by the PCA and shall include the identification of any hazardous materials, method of demolition, precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials,

(b) Prior to commencement of any works on the land, the demolition Contractor(s) licence details must be provided to Council, and

(c) The handling or removal of any asbestos product from the building/site must be carried out by a SafeWork NSW licensed contractor irrespective of the size or nature of the works. Under no circumstances shall any asbestos on site be handled or removed by a non-licensed person. The licensed contractor shall carry out all works in accordance with SafeWork NSW requirements.

56. At least one week before demolition work commences, written notice must be provided to council and the occupiers of neighbouring premises of the work commencing. The notice must include:
    a) Name
    b) address,
    c) contact telephone number,
    d) licence type and license number of any demolition waste removal contractor and, if applicable, asbestos removal contractor, and
    e) the contact telephone number of council and
    f) the contact telephone number of SafeWork NSW (4921 2900).

57. Before demolition work commences, all services, such as water, telecommunications, gas, electricity and sewerage, must be disconnected in accordance with the relevant authority's requirements.

Site Notice Board

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

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

Construction Requirements

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

Site Facilities

60. 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.

Refuse Disposal

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

Waste Management

62. Prior to works commencing, any domestic waste bins issued by Liverpool City Council that may be present on the site, must be returned to Council. Please ring 1300 36 2170 to advise of any bins which are empty and ready to be removed – the removal will be noted on Council's rates system.

Sydney Water

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

"DIAL BEFORE YOU DIG"

64. 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

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

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

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

Sediment & Erosion Control

66. Prior to commencement of works sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate and to ensure

compliance with the Protection of the Environment Operations Act 1997 and Landcom's publication "Managing Urban Stormwater – Soils and Construction (2004)" – also known as "The Blue Book".

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

Traffic Management

67. 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.

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

    - Road Occupancy Application Form
    - Road Opening Application Form

    The Road Occupancy permit and Road Opening approval application, is to include Traffic Control Plans including details for pedestrian management, 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.

    The road occupancy permit and road opening approval with approved traffic control measures shall be implemented during construction. A copy of the road occupancy permit and road opening approval shall be available on site at all times. Note: A copy of the road occupancy permit and road opening approval shall accompany the Notice of Commencement to Liverpool City Council.

Work Zone

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

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

Traffic Control Plan

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

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

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

Environmental Management

71. 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.

72. 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:

Demolition Inspections

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

    (a) Immediately prior to the commencement of the demolition or handling of any building structure that contains asbestos. The applicant shall also notify the occupants of the adjoining premises and SafeWork NSW prior to the commencement of any works. Please note that demolition works are not permitted to commence on site until such time as a satisfactory inspection result is obtained from Council.
    (b) Immediately following completion of the demolition. Please note that proof of appropriate disposal of demolition materials (including asbestos) may be required at this time in accordance with the approved Waste Management Plan.

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

Handling of Asbestos during demolition

74. While demolition work is being carried out, any work involving the removal of asbestos must comply with the following requirements:

    (a) Only an asbestos removal contractor who holds the required class of asbestos Licence issued by SafeWork NSW must carry out the removal, handling and disposal of any asbestos material;
    (b) Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW Environment Protection Authority to accept asbestos waste; and
    (c) Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m² or more of asbestos sheeting must be registered with the EPA online reporting tool WasteLocate.

Building Inspections

75. The building works must be inspected by the Principal Certifying Authority, in accordance with section 6.5 of the EP&A Act 1979 and Clause 61 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.

76. 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

77. 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.

78. 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

79. 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.

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

Hours of Construction Work and Deliveries

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

Construction Noise and Vibration

82. 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

83. Prior to the commencement of Construction and during works, the Applicant must ensure that the following is available for the life of the Development:

(a) a postal address to which written complaints may be sent;
(b) an email address to which electronic complaints may be transmitted; and
(c) a telephone contact line to enable complaints associated with the Development to be registered by the community.

84. 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.

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

Craning and Hoardings

85. 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.

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

Security Fence

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

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

Removal of Dangerous and/or Hazardous Waste

88. 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.

Contamination

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

90. Filling material must be limited to the following:

(a) Virgin excavated natural material (VENM)
(b) Excavated natural material (ENM) certified as such in accordance with Protection of the Environment Operations (Waste) Regulation 2014; and/or

(c) Material subject to a Waste Exemption under Clause 91 and 92 Protection of the Environment Operations (Waste) Regulation 2014 and recognised by the NSW Environment Protection Authority as being "fit for purpose" with respect to the development subject of this application.

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

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

Record Keeping of Imported Fill

91. The following records of accepted waste derived fill material must be submitted to the Principal Certifying Authority at the completion of earth works:

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

Unidentified Contamination

92. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately after discovery.

A Section 4.55 Application under the EP&A Act shall be made for any proposed works outside the scope of the approved development consent.

Environmental Controls

93. 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.

94. All disturbed areas shall be progressively stabilised and/or revegetated so that no areas remain exposed to potential erosion damage for a period of greater than 14 days.

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

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

97. All existing trees and areas of native vegetation not identified for removal on approved plans of the proposed development shall be protected from damage during site works. This protection shall consist of 1800mm high protective fencing, securely installed beneath the outer canopy of any tree to be retained. Trees may be fenced off in clusters where it is not practical to fence off individual trees. There shall be no storing materials, washing machinery or changes to existing soil levels within the fenced areas.

98. Prior to the removal of each tree (including dead trees), they shall be examined by a qualified ecologist for the presence of hollows or active nests of birds. The removal of trees with hollows or active nests shall be undertaken under the supervision of a qualified and appropriately licenced ecologist, in a manner recommended by the ecologist to minimise potential harm to fauna. Any native fauna encountered shall be relocated by a qualified ecologist, or member of a wildlife rescue organisation, with necessary permits.

Air Quality

99. Dust screens shall be erected and maintained in good repair around the perimeter of the area being remediated for the duration of works and until such time as dust nuisance is unlikely.

100. During construction where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, the consent holder is to ensure dust is 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.

101. 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.

102. All activities and operations shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined under the Protection of the Environment Operations Act 1997.

Major Fill / Earthworks

103. 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.

Drainage Connection

104. 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.

Aboriginal Heritage

105. 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.

106. In the event that skeletal remains are uncovered, work must cease immediately in that area and the area secured. NSW Police must be contacted and no further action taken until written advice has been provided by the NSW Police. If the remains are determined to be of Aboriginal origin, the Office of Environment and Heritage must be notified by ringing the Enviroline 131 555 and a management plan prior to works re-commencing must be developed in consultation with relevant Aboriginal stakeholders.

Protection of Adjoining Sites

107. In the event that proposed works damages any adjoining land or building on adjoining land, any rectification works are the responsibility of the developer.

Waste Management

108. 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.

109. Any asbestos materials encountered during the demolition work, must be removed, handled, wrapped and disposed of in accordance with the relevant legislation, regulations and safe work practices, of the NSW EPA and SafeWork NSW, in force at the time. The licenced disposal facility for any asbestos that is found, must be advised to both Council and the PCA.

110. All solid and liquid waste is to be removed from the site by a registered waste contractor.

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

112. All solid waste stored on site is to be covered at all times.

113. 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.

114. 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.

Water Quality

115. 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

116. 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.

117. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.

Ventilation

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

119. 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.

Traffic Management

120. If a works zone is required, an application must be made to Council's Traffic and Transport Section. The application is to indicate the exact location required and the applicable fee is to be included. If parking restrictions are in place, an application to have the restrictions moved, will need to be made.

121. Notice must be given to Council's Traffic and Transport Section of any interruption to pedestrian or vehicular traffic within the road reserve, caused by the construction of this development. A Traffic Control Plan, prepared by an accredited practitioner must be submitted for approval, 48 hours to prior to implementation. This includes temporary closures for delivery of materials, concrete pours etc.

122. Applications must be made to Council's Traffic & Transport Section for temporary 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. Applications prepared by a suitably qualified person, are to specify the date and times of proposed closures, traffic control plans, insurances and any other relevant information. This activity may require a seven (7) days advance notice to be installed near the site and/or advertisement in local newspapers and websites to Council's satisfaction.

123. Construction activities affecting adjoining road reserves require submission of a road occupancy application to Council along with traffic control plan/s and public liability insurance. The traffic control plan/s must be prepared by a qualified professional and

to be in accordance with the RMS Traffic Control at Worksites Manual, the Austroads Guide to Traffic Management, the RMS Supplements for Austroads Guide to Traffic Management and Australian Standard 1742.

124. All works within the road reserve, including the approved sign and line making scheme, are to be at the applicant cost and all signage is to be in accordance with the RMS Traffic Control at Worksites Manual and the RMS Guide to Signs and Markings.

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

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

Street Lighting

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

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

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

Car Parking Areas

128. 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 resdent/visitor parking areas are to be clearly signposted limiting car parking for residents/visitors 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

129. 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.

Construction Environmental Management Plan (CEMP)

130. The CEMP requirements must remain in place, adhered to and be maintained throughout the period of the development.

External

131. Switchboards for utilities shall not be attached to the street and/or road elevations of the development.

132. The mailboxes are to be consistent with the design and colours and materials for the development.

133. Photovoltaic panels are to be installed on the roof of the proposed buildings and in accordance with the manufacturers specifications.

134. All pedestrian gateways are to open internally within the property boundary as to not create a potential hazard within the public domain.

Windows

135. The reflectivity index of glass used in the external facade of the building is not to exceed 20%.

136. The windows of all bathrooms, W.C. and ensuites shall be fitted with translucent obscure glazing to the satisfaction of the PCA.

Graffiti

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

Security and Safety

138. Adequate lighting is required at the entrances and main foyers or the building, basement carpark, and mailbox area.

139. Surveillance cameras are required to be installed covering the building entrances and exits and main areas of the car park.

140. The underground car park is required to be locked with access to be provided to residents only.

Vegetation and Landscaping

141. Premium quality organic garden soil shall be incorporated into all planting areas in sufficient quantity to achieve optimum plant growing conditions.

142. All garden/planting areas shall be mulched to a depth of not less than 75mm using weed free leaf mulch, wood chip or similar, not pine bark.

E. PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

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

Occupation Certificates

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

Fire Safety Certificate

144. 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

145. 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

146. 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.

147. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the PCA.

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

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

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

Cladding

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

Liverpool City Council clearance – Roads Act/ Local Government Act

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

Works as executed – General

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

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

Stormwater Compliance

152. Prior to the issue of an Occupation Certificate the Principal Certifying Authority shall ensure that the on-site detention system/s and basement carpark pump-out system:

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

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

Restriction as to User and Positive Covenant

153. Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the on-site detentions 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 Liverpool City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

Affordable Housing

154. A restriction shall be registered, before the date of issue of the Occupation Certificate (Interim or Final), against the title of the property on which the development is to be carried out, pursuant to Section 88E of the Conveyancing Act 1919, in the following terms:

Terms of the Restriction on Use

The restriction applies for fifteen (15) years from the date of issue of the Occupation Certificate pursuant to Notice of determination of Development Application No. DA-120/2023 issued by Liverpool City Council.

The restrictions are:

(a) Units 1, 2, 3, 4, 5, 6, 7, 8, 9, 16 & 19, in accordance with the approved Affordable Units Distribution Plan, prepared by Noy Santiago Pty Ltd & CAD Plans, Sheet Number DA 05, Issue D, dated 27/11/23, will be used for the purposes of affordable housing as defined in State Environmental Planning Policy (Housing) 2021;
(b) All accommodation that is used for affordable housing will be managed by a registered community housing provider;
(c) Name of authority empowered to release, very or modify the above restriction is Liverpool City Council; and

Evidence is to be submitted to Liverpool City Council that restrictions (a) and (b) have been complied with prior to the issue of an Occupation Certificate.

Rectification of Damage

155. 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 Sutton Road will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing.

Dilapidation Report

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

157. At completion of works a survey and report must be undertaken and submitted to the Principal Certifier and affected adjoining property owner/s, commenting on the risk of latent damage (if any) to the existing building caused by the excavation and construction activities.

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

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

If access for undertaking the survey is denied by an adjoining owner, the applicant must:

(a) Undertake as much as possible the survey from the development site, public areas and/or adjoining private property.
(b) Demonstrate in writing to the satisfaction of the Principal Certifier 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.

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.

Land Consolidation

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

Footpaths

159. Prior to the issue of an occupation certificate, construction of 1.5m wide by 100mm thick (with one layer of SL72 reinforcing mesh) is to be constructed along the site frontage along Sutton Road.

Landscape

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

Traffic

161. All road and traffic management works, including required public street lights, directional signage and linemarking, are to be completed to Council's satisfaction.

Recommendations of Acoustic Report

162. Upon completion of works and prior to the issue of any Occupation Certificate, written certification prepared by a suitably qualified acoustic consultant shall be submitted to 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 7-9 Sutton Road, Ashcroft, Multi-Residential Development-Development Application Acoustic Report (Ref: 3200-D02, Release 1) prepared by Sebastian Giglio Acoustic Consultant dated 14th November 2022. 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 is a member of the Australian Acoustical Society or employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.

Noise & Vibration Control – Residential Basement Car Park

163. Before the issue of an occupation certificate the principal certifier must be satisfied that the proposed garage/security door fitted to the underground car parking entrance must be independently mounted on rubber pads or otherwise installed to prevent noise and transmission of noise through the concrete walls and/or columns.

Access Report

164. A Compliance Certificate or other documentation deemed suitable to the PCA is to be submitted to the PCA prior to the issue of an Occupation Certificate, detailing compliance with the following:

(a) Certification is to be obtained from a qualified access consultant certifying that the building has been constructed to meet the access criteria in accordance with the National Construction Code and Australian Standards and the approved access report and that all recommendations have been adopted.

Design Verification Statement

165. In accordance with the Environmental Planning and Assessment Regulation 2021 and State Environmental Planning Policy (SEPP) 65 "Design Quality of Residential Apartment Development", the subject development must be undertaken or directed by a 'qualified designer' (i.e., a registered architect under the Architects Act). In this regard, a design verification statement shall be submitted to the PCA assessing the development, upon completion of all works subject of this consent and its accompanying CC. The PCA shall ensure that the statement prepared by the qualified designer provides the following:

(a) A valid and current chartered architect's certificate number (as issued by the Board of Architects of NSW);
(b) That the completed development achieves the design quality of the development as shown in the plans and specifications submitted and approved with the CC, having regard to the design principles set out in Part 2 of SEPP 65.

BASIX

166. 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.

Display of Street Numbers

167. 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.

Waste Management

168. Prior to issue of an Occupation Certificate, the required waste equipment (with the exception of the waste bins themselves), is to be installed and commissioned, and all permanent waste signage necessary is to be installed.

169. Prior to issue of an Occupation Certificate, both the PCA and Council are to be provided with copies of all waste transport and disposal dockets, demonstrating that waste materials associated with the project, have been taken to and recycled at the waste facilities nominated in the approved waste management plan.

170. Prior to the issue of an Occupation Certificate, the strata by-laws will be drafted in a manner that clearly places the requirement to correctly separate and dispose of waste upon all residents, and ensures that appropriate lawful penalties can be imposed upon any party failing to do so.

G. CONDITIONS RELATING TO USE

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

Car Parking and Basement

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

173. A total of thirty (30) off street parking spaces (including two accessible spaces) and fourteen (14) bicycle spaces must be provided in accordance with Council's requirements The car parking spaces shall be allocated as follows:

    (a) Twenty-six (26) spaces for residents;
    (b) Three (3) spaces designated for visitor parking; and
    (c) One (1) EV charging space.

174. All line marking and sign posting is to be maintained in good condition at all times, to the satisfaction of Council.

175. Visitor parking spaces must not be allocated, sold or leased to an owner, occupier or any other person or entity. In any strata subdivision, visitor parking spaces must be retained within the common property.

176. All vehicles must enter and exit the site in a forward direction.

177. The operation of the pump system shall not give rise to an equivalent continuous (LAeq) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background LA90 level (in the absence of the noise under consideration.

Affordable Housing

178. Units 1, 2, 3, 4, 5, 6, 7, 8, 9, 16 & 19, in accordance with the approved Affordable Units Distribution Plan, prepared by Noy Santiago Pty Ltd & CAD Plans, Sheet Number DA 05, Issue D, dated 27/11/23, are to be used for the purposes of affordable housing for 15 years from the date of issue of the Occupation Certificate. In addition, all accommodation that is used for affordable housing shall be managed by a registered community housing provider.

    Note: *Affordable housing means housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.* A household is taken to be a very low income household, low income household or moderate income household if the household:

    (a) Has a gross income that is less than 120 per cent of the median household income for the time being for the Greater Sydney (Greater Capital City Statistical Area) (according to the Australian Bureau of Statistics) and pays no more than 30 per cent of that gross income in rent, or

    (b) Is eligible to occupy rental accommodation under the National Rental Affordability Scheme and pays no more rent than that which would be charged if the household were to occupy rental accommodation under that scheme.

179. Prior to each anniversary date for the fifteen-year period, evidence shall be provided to Council by way of letter from a Registered Community Housing provider confirming that the identified Affordable Rental Housing dwellings are managed in accordance with DA-120/2023.

Landscaping

180. 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.

Use of air conditioner/s on residential premises

181. Any air conditioner/s used on the residential premises shall comply with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2017 and shall not:

    (a) emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):

        i. before 8:00am or after 10:00pm on any Saturday, Sunday or public holiday; or
        ii. before 7:00am or after 10:00pm on any other day; or

    (b) cause “offensive noise” as defined by the Protection of the Environment Operations Act 1997; or
    (c) emit a sound pressure level as measured over a 15-minute period (LAeq (15 minute)) at the boundary of any other residential property, at a time other than those specified in (i) and (ii) above, which exceeds the background (LA90 (15 minute)) by more than 5 dB(A).

Unreasonable Noise and Vibration

182. The proposed use of the premises and/or machinery equipment installed must not give rise to 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 a suitably qualified acoustic consultant and an acoustic report is to be submitted to Council for review. Any noise attenuation recommendations approved by Council must be implemented.

    Note: ‘Suitably qualified acoustic consultant’ means a consultant who is a member of the Australian Acoustical Society or employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.

Noise - Silent Alarm System

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

Noise - General

184. 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, equipment, public address system or other amplified sound 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, equipment, public address system or other amplified sound equipment installed on the premises shall not cause:

i. The emission of noise as measured over a 15 minute period ($L_{Aeq\ (15\ minute)}$) that exceeds the $L_{A90\ (15\ minute)}$ 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
iv. Transmission of vibration to any place of different occupancy greater than specified in AS 2670.

Environment

185. 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.

Use of Library and Indoor Common Open Space

186. The library area and indoor common open space within the front of the building is not to be utilised as a separate domicile and is to be used only for communal open space purposes for residents of the building.

Mail-boxes

187. The mailboxes must not be accessed by universal keys and must each have their own keys for private access.

188. Vegetation must not cover or obstruct natural surveillance to the mailboxes.

Washing on Balconies

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

Lighting

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

Waste Management

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

192. 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.

193. 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.

194. Under current collection arrangements, the development will be issued with a total of 4 x 660 litre general waste bins and 4 x 660 litre recycling bins, to be emptied once per week. Additional bins are available at extra cost. Arrangements regarding bin sizes and numbers may be subject to change in the future, when FOGO waste services are instituted. No dedicated green (garden) waste bins or services will be provided. Green waste must be removed from site as it is generated, and disposed of lawfully by the garden maintenance contractor. Upon commencement of a FOGO service at the property, green (garden) waste may at that time be added to the FOGO bins, along with solid food waste.

195. All green (garden) waste from the common area gardens must be removed from site as it is generated, by the garden maintenance contractor appointed by the strata, and disposed of legally. No garden waste is to be disposed of in the building's bins.

196. Once the Occupation Certificate has been issued, but at least one week prior to residents moving in, Council is to be contacted to arrange delivery of the 660 litre domestic waste and recycling bins. Please contact Council on 1300 36 2170 to arrange delivery of the bins. All other bins are the responsibility of the developer to provide, after which they are the responsibility of the strata/owner's corporation to maintain and replace.

197. Agents of the strata must present waste and recycling bins for emptying to the kerbside of Sutton Road, with lids fully closed and wheel locks on, no earlier than the afternoon before collection. After emptying, all bins must be removed from the kerbside as soon as possible, and no later than 24 hours after collection, and placed back into bin storage rooms.

198. Waste bin storage rooms and intermediate waste spaces on each level must be kept tidy at all times. Bins must not be stored or allowed to overflow in parking or landscaping areas, and must not obstruct the exits of the buildings.

199. Signage, with a graphic illustrative content of at least 50%, is to be prominently displayed in each waste storage area, or waste service space as appropriate, indicating:

    i. That waste is to be placed wholly into the recycling bins or general waste chutes provided,
    ii. That only recyclable materials accepted by Council are to be placed within the recycling bins,
    iii. That the area must be kept tidy,
    iv. What the directions are for disposal of bulky household items.

200. The waste chute systems, bin lifting device and all other equipment required for the correct separation and disposal of waste, must be kept operable and maintained in accordance with manufacturer's instructions. Upon any equipment break down, it must either be promptly repaired, or replaced as necessary. Any bin hitches or other attachments to connect bins to the bin mover are to be supplied, installed and maintained privately.

201. The management of the building, including the strata manager, building manager and any cleaner or maintenance persons, shall jointly ensure that residents are provided with feedback, guidance, and correction if necessary, with regard to their waste practices, including correct waste separation. The building management shall be responsible for ensuring residents use the bulky household waste room provided, and for making clean-up bookings with Council for the removal of the contents of the bulky waste store room, as needed.

202. The bin lifting device and any other required equipment must be used only by persons trained and insured to do so.

203. Residents must ensure that all materials placed in the yellow-lid recycling bins are acceptable for recycling through that means, and all materials placed in recycling bins must be loose, unbagged and easily separable.

204. Maximum limits for bulky household waste collections apply, and the types of materials accepted will be as per the council conditions at the time. Household materials may be put out for collection at the kerbside no earlier than 24 hours before a booked clean-up is due.

205. Sufficient space shall be provided within each dwelling for the storage of a minimum of the one day's waste and recycling.

206. A separate storage area must be allocated for the holding of bulk waste prior to collection.

H. ADVISORY

(a) Section 4.53 of the EP&A Act provides that unless otherwise stated by a condition of this consent, this consent will lapse if development is not physically commenced within five years of the date of this notice.

(b) Section 8.2 of the EP&A Act provides that an applicant may request, within six (6) months of the date of the determination of the Development Application, that Council review its determination (this does not relate to designated development or Crown development).

An application under Section 8.2 of the EP&A Act cannot be reviewed/determined after 6 months of the date of determination. Therefore, the submission of a Section 8.2 Application must allow sufficient time for Council to complete its review within the prescribed timeframe, including the statutory requirement for public notification.

(c) Section 8.7 of the EP&A Act provides that an applicant who is dissatisfied with the determination of a Development Application, may appeal to the Land and Environment Court within six (6) months of the date of determination, or as otherwise prescribed by the EP&A Act.

(d) Section 8.8 of the EP&A Act provides that an objector who is dissatisfied with the determination of the consent authority to grant consent to a Development Application for Designated Development (including any State significant development that would be designed development but for Section 4.10(2) of the EP&A Act), may, within 28 days after the date on which the application is taken to have been determined, appeal to the Land and Environment Court, against the determination.

(e) The Commonwealth Disability Discrimination Act 1992 may apply to this proposal. Approval of this application does not imply or infer compliance with this Act. Applicants and owners are required to satisfy themselves as to compliance and make their own enquiries to the Human Rights and Equal Opportunity Commission. Attention is also drawn to the provisions of Australian Standard 1428 – Design for Access and Mobility.

(f) The requirements of all authorities including the Environmental Protection Authority and the Work Cover Authority shall be met in regard to the operation of the building.

(g) "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.

(h) 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.

(i) 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 has been made by Council. 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.

(j) 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.

(k) 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 letter box positioning and dimensions.

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

ATTACHMENT 2 – SECTION 7.11 PAYMENT FORM

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

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

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

APPLICATION NO: DA-120/2023

PROPOSAL: Demolition of existing structures, partial tree removal and construction of a six (6) storey residential flat building comprising twenty-one (21) units with two (2) levels of basement carparking and associated landscaping and civil works. The application is identified as Affordable Housing under the State Environmental Planning Policy (Housing) 2021.

Facilities	Amount ($)	Job No.
Liverpool Contributions Plan 2018 Established Areas		
Community Facilities - works		
Central	$19,129	GL.10000001870.10099
District Sporting Fields - works		
Central	$64,332	GL.10000001869.10211
District Passive Open Space - works		
Central	$40,208	GL.10000001869.10093
Local Passive Open Space - works		
Miller Area	$56,291	GL.10000001869.10096
Transport - Bikeways - works		
Central	$7,817	GL.10000001865.10207
Transport - Traffic management - works		
Central	$22,274	GL.10000001865.10213
Drainage - works		
Central	$8,893	GL.10000001866.10209
Administration	$3,284	GL.10000001872.10104
TOTAL	**$222,228**	

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

RECORD OF PAYMENT
Total Amount paid: _____
Date:_____

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

ATTACHMENT 3 – WATER NSW GENERAL TERMS OF APPROVAL

Contact: Simone Tonkin
Phone: 0427 138 188
Email: simone.tonkin@waternsw.com.au

Liverpool City Council

Our ref: IDAS1149160
Your ref: DA120-2023

micallefr@liverpool.nsw.gov.au

5 July 2023

Dear Applicant,

RE: Integrated Development Referral – General Terms of Approval
Proposed Development DA120/2023
Lot Lot 176 and 177 DP 2216017
ADDRESS: 7-9 Sutton Road Ashcroft NSW 2168

I refer to your recent request regarding an integrated Development Application (DA) proposed for the above location. Please find attached the WaterNSW General Terms of Approval (GTA) for part of the proposed development requiring a Water Supply Work approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 4.47 (3) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) which requires a consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, WaterNSW requests these GTA be included (in their entirety) in Council's development consent. Please also note WaterNSW requests notification:

- if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works or activities that relate to any excavation which interferes with an aquifer. WaterNSW will ascertain from the notification if the amended plans require review of the GTA. This requirement applies even if the amendment is part of Council's proposed consent conditions and do not appear in the original documentation.
- if Council receives an application under s4.55 of the EP&A Act to modify the development consent and the modifications change the proposed work or activities described in the original DA.

- of any legal challenge to the consent.

As the proposed work or activity cannot commence before the applicant applies for and obtains an approval, WaterNSW recommends the following condition be included in the development consent:

The attached GTA issued by WaterNSW do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to WaterNSW for a Water Supply Work approval **after consent** has been issued by Council **and before** the commencement of any work or activity.

A completed application form must be submitted to WaterNSW together with any required plans, documents, application fee, and proof of Council's development consent.

Application forms are available from the WaterNSW website which can be found here.

WaterNSW requests that Council provides a copy of this letter to the development consent holder.

WaterNSW also requests a copy of the determination for this development application be provided by Council as required under section 4.47 (6) of the EP&A Act.

Information to the proponent:

- An extraction limit will be determined by the Department of Planning and Environment (DPE) following a further hydrogeological assessment and included on the conditions applied to the approval authorisation for the dewatering activity.

- Detailed information required to permit the hydrogeological assessment to be carried out is to be provided by the applicant otherwise the issue of the authorisation will be subject to delay. The Minimum requirements for building site groundwater investigations and reporting (DPE Oct 2022) identify what data needs to be collected and supplied.

- Detailed information required to permit a hydrogeological assessment to be carried out by the Department of Planning and Environment is to be provided for any further application related to the subject property according to the minimum requirements for building site groundwater investigations and reporting.
- An extraction limit will be determined by the Department of Planning and Environment following the hydrogeological assessment using the detailed information provided and the extraction limit will be included on the conditions applied to the approval for the dewatering activity.
- The approval will be issued for the purpose of temporary construction dewatering only and it does not constitute any form of permission for ongoing pumping of groundwater from basement levels after the building is issued an occupation certificate.

- The authorisation will be issued for the purpose of temporary construction dewatering only and it does not constitute any form of approval for ongoing pumping of groundwater from basement levels after the building is issued an occupation certificate.

Yours sincerely



SIMONE TONKIN
Water Regulation Specialist
WaterNSW

WaterNSW

General Terms of Approval

for proposed development requiring approval under s89, 90 or 91 of the Water Management Act 2000

Reference Number:	IDAS1149160
Issue date of GTA:	05 July 2023
Type of Approval:	Water Supply Work
Description:	80mm submersible pump
Location of work/activity:	7 Sutton Road Ashcroft NSW 2168
DA Number:	120-2023 CNR-53453
LGA:	Liverpool City Council
Water Sharing Plan Area:	Greater Metropolitan Region Groundwater Sources 2011

The GTA issued by WaterNSW do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to WaterNSW for the relevant approval **after development consent** has been issued by Council **and before** the commencement of any work or activity.

Condition Number	Details
	Dewatering
GT0115-00001	Groundwater must only be pumped or extracted for the purpose of temporary construction dewatering at the site identified in the development application. For clarity, the purpose for which this approval is granted is only for dewatering that is required for the construction phase of the development and not for any dewatering that is required once construction is completed.
GT0116-00001	Before any construction certificate is issued for any excavation under the development consent, the applicant must: 1. apply to WaterNSW for, and obtain, an approval under the Water Management Act 2000 or Water Act 1912, for any water supply works required by the development; and 2. notify WaterNSW of the programme for the dewatering activity to include the commencement and proposed completion date of the dewatering activity Advisory Note: 3. An approval under the Water Management Act 2000 is required to construct and/or install the water supply works. For the avoidance of doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant, any required Water Access Licence (WAL). A WAL is required to lawfully take more than 3ML of water per water year as part of the dewatering activity. 4. A water use approval may also be required, unless the use of the water is for a purpose for which a development consent is in force.
GT0117-00001	A water access licence, for the relevant water source, must be obtained prior to extracting more than 3ML per water year of water as part of the construction dewatering activity. Advisory Notes: 1. This approval is not a water access licence. 2. A water year commences on 1 July each year. 3. This approval may contain an extraction limit which may also restrict the ability to take more than 3ML per water year without further information being provided to WaterNSW. 4. Note that certain water sources may be exempted from this requirement - see paragraph17A, Schedule 4 of the Water Management (General) Regulation 2018.
GT0118-00001	If no water access licence is obtained for the first 3ML / year (or less) of water extracted, then, in accordance with clause 21(6), Water Management (General) Regulation 2018, the applicant must: (a) record water taken for which the exemption is claimed, and (b) record the take of water not later than 24 hours after water is taken, and (c) make the record on WAL exemption form located on WaterNSW website "Record of groundwater take under exemption", and (d) keep the record for a period of 5 years, and (e) give the record to WaterNSW either via email to Customer.Helpdesk@waternsw.com.au or post completed forms to - PO Box 398 Parramatta NSW 2124 (i) not later than 28 days after the end of

WaterNSW

General Terms of Approval

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	the water year (being 30 June) in which the water was taken, or (ii) if WaterNSW directs the person in writing to give the record to WaterNSW on an earlier date, by that date.
GT0119-00001	All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement.
GT0120-00001	The design and construction of the building must prevent: (a)any take of groundwater, following the grant of an occupation certificate (and completion of construction of development), by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation; (b)obstruction to groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight structure to ensure that any groundwater mounding shall not be greater than 10 % above the pre-development level; and (c)any elevated water table from rising to within 1.0 m below the natural ground surface.
GT0121-00001	Construction phase monitoring bore requirements GTA: a) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW. b) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW with the water supply work application. c) The monitoring bores must be installed and maintained as required by the water supply work approval. d) The monitoring bores must be protected from construction damage.
GT0122-00001	Construction Phase Monitoring programme and content: a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW): i. Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW. ii. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater; iii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW; iv. QA: Include details of quality assurance and control v. Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories. b) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme)
GT0123-00001	(a) Prior to the issuing of the occupation certificate, and following the completion

WaterNSW

General Terms of Approval

for proposed development requiring approval under s89, 90 or 91 of the Water Management Act 2000

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LGA:	Liverpool City Council
Water Sharing Plan Area:	Greater Metropolitan Region Groundwater Sources 2011

	of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW. (b) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW): 1) All results from the Approved Monitoring Programme; and 2) Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website. c) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website www.waternsw.com.au/customer-service/water-licensing/dewatering
GT0150-00001	The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June). The applicant may apply to WaterNSW to increase the extraction limit under this condition. Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological assessment. Advisory note: Any application to increase the extraction limit should include the following: - Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation - Survey plan showing ground surface elevation across the site - Architectural drawings showing basement dimensions - Environmental site assessment report for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS)) - Laboratory test results for soil sampling testing for ASS - If ASS, details of proposed management and treatment of soil and groundwater. Testing and management should align with the NSW Acid Sulphate Soil Manual
GT0151-00001	Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise agreed in writing by WaterNSW (Term of the dewatering approval). Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
GT0152-00001	This approval must be surrendered after compliance with all conditions of this approval, and prior to the expiry of the Term of the dewatering approval, in condition GT0151-00001. Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
GT0155-00001	The following construction phase monitoring requirements apply (Works Approval): a. The monitoring bores must be installed in accordance with the number and location shown, as modified by this approval, unless otherwise agreed in writing with WaterNSW. b. The applicant must comply with the monitoring programme as amended by this approval (Approved Monitoring Programme). c. The applicant must submit all results from the Approved Monitoring Programme, to WaterNSW, as part of the Completion Report

SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by WaterNSW for integrated development associated with 120-2023 CNR-53453 as provided by Council:

- GCA Geotechnical Consultants Geotech Report 8 November 2022.
- The Planning Hub, Statement of Environmental Effects 27 February 2023.

ATTACHMENT 4 – ENDEAVOUR ENERGY REQUIREMENTS

Development Application and Planning Proposal Review
NSW Planning Portal Concurrence and Referral

Endeavour Energy

Authority	Authority's Reference	Agency Concurrence and Referral	Authority Contact	Authority Notification	Submission Due	Submission Made
Liverpool City Council	DA-120/2023	CNR-53453	Robert Micallef	24/05/2023	14/06/2023	3/06/2023

Address	Land Title
7 - 9 SUTTON ROAD ASHCROFT 2168	Lots 176 & 177 DP 216017

Scope of Development Application or Planning Proposal

Demolition of existing buildings and construction of proposed residential flat building (21 units) and associated works.

As shown in the below site plan from Endeavour Energy's G/Net master facility model:

There are:

- No easements benefitting Endeavour Energy (active easements are indicated by red hatching).
- Low voltage overhead power lines coming from the opposite side of the road to a pole on the road verge (fitted with a streetlight) from which there is a low voltage overhead service conductor going to the customer connection point for the existing dwelling on 7 Sutton Road (Lot 177 DP 216017).
- Low voltage overhead service conductor coming from a pole on the opposite side of the road verge going to the customer connection point for the existing dwelling on 9 Sutton Road (Lot 176 DP 216017).

POWER together

Endeavour Energy
ABN 11 247 365 823
T 133 718
51 Huntingwood Drive
Huntingwood NSW 2148
PO Box 811, Seven Hills NSW 1730
endeavourenergy.com.au

Relevant / applicable clause numbers from Endeavour Energy's standard conditions for Development Application and Planning Proposal Review indicated by ☒ .

Cond-ition	Advice	Clause No.	Issue	Detail
☐	☐	1	Adjoining Sites	Adjoining or nearby development / use should be compatible with the use of Endeavour Energy's sites.
☐	☐	2	Asbestos	Area identified or suspected of having asbestos or asbestos containing materials (ACM) present in the electricity network.
☐	☒	3	Asset Planning	Applicants should not assume adequate supply is immediately available to facilitate their proposed development.
☐	☐	4	Asset Relocation	Application must be made for an asset relocation / removal to determine possible solutions to the developer's requirements.
☐	☒	5	Before You Dig	Before commencing any underground activity the applicant must obtain advice from the Before You Dig service.
☐	☐	6	Bush Fire	Risk needs to be managed to maintain the safety of customers and the communities served by the network.
☐	☐	7	Construction Management	Integrity of electricity infrastructure must be maintained and not impacted by vehicle / plant operation, excessive loads, vibration, dust or moisture penetration.
☐	☐	8	Contamination	Remediation may be required of soils or surfaces impacted by various forms of electricity infrastructure.
☐	☒	9	Demolition	All electricity infrastructure shall be regarded as live and care must be taken to not interfere with any part of the electricity network.
☐	☐	10	Dispensation	If a proposal is not compliant with Endeavour Energy's engineering documents or standards, the applicant must request a dispensation.
☐	☐	11	Driveways	For public / road safety and to reduce the risk of vehicle impact, the distance of driveways from electricity infrastructure should be maximised.
☐	☒	12	Earthing	The construction of any building or structure connected to or in close proximity to the electrical network must be properly earthed.
☐	☐	13	Easement Management	Preference is for no activities to occur in easements and they must adhere to minimum safety requirements.
☐	☐	14	Easement Release	No easement is redundant or obsolete until it is released having regard to risks to its network, commercial and community interests.
☐	☐	15	Easement Subdivision	The incorporation of easements into to multiple / privately owned lots is generally not supported.
☐	☒	16	Emergency Contact	Endeavour Energy's emergency contact number 131 003 should be included in any relevant risk and safety management plan.
☐	☐	17	Excavation	The integrity of the nearby electricity infrastructure shall not be placed at risk by the carrying out of excavation work.
☐	☐	18	Flooding	Electricity infrastructure should not be subject to flood inundation or stormwater runoff.
☐	☐	19	Hazardous Environment	Electricity infrastructure can be susceptible to hazard sources or in some situations be regarded as a hazardous source.
☐	☐	20	Modifications	Amendments can impact on electricity load and the contestable works required to facilitate the proposed development.
☐	☐	21	Network Access	Access to the electricity infrastructure may be required at any time particularly in the event of an emergency.
☒	☐	22	Network Asset Design	Design electricity infrastructure for safety and environmental compliance consistent with safe design lifecycle principles.
☒	☐	23	Network Connection	Applicants will need to submit an appropriate application based on the maximum demand for electricity for connection of load.

Cond-ition	Advice	Clause No.	Issue	Detail
☐	☐	24	Protected Works	Electricity infrastructure without an easement is deemed to be lawful for all purposes under Section 53 'Protection of certain electricity works' of the *Electricity Supply Act 1995* (NSW).
☐	☒	25	Prudent Avoidance	Development should avert the possible risk to health from exposure to emissions form electricity infrastructure such as electric and magnetic fields (EMF) and noise.
☐	☒	26	Public Safety	Public safety training resources are available to help general public / workers understand the risk and how to work safely near electricity infrastructure.
☐	☒	27	Removal of Electricity	Permission is required to remove service / metering and must be performed by an Accredited Service Provider.
☐	☒	28	Safety Clearances	Any building or structure must comply with the minimum safe distances / clearances for the applicable voltage/s of the overhead power lines.
☐	☐	29	Security / Climb Points	Minimum buffers appropriate to the electricity infrastructure being protected need to be provided to avoid the creation of climb points.
☐	☒	30	Service Conductors	Low voltage service conductors and customer connection points must comply with the 'Service and Installation Rules of NSW'.
☐	☐	31	Solar / Generation	The performance of the generation system and its effects on the network and other connected customers needs to be assessed.
☐	☒	32	Streetlighting	Streetlighting should be reviewed and if necessary upgraded to suit any increase in both vehicular and pedestrian traffic.
☐	☒	33	Sustainability	Reducing greenhouse gas emissions and helping customers save on their energy consumption and costs through new initiatives and projects to adopt sustainable energy technologies.
☐	☐	34	Swimming Pools	Whenever water and electricity are in close proximity, extra care and awareness is required.
☐	☐	35	Telecommunications	Address the risks associated with poor communications services to support the vital electricity supply network Infrastructure.
☒	☐	36	Vegetation Management	Landscaping that interferes with electricity infrastructure is a potential safety risk and may result in the interruption of supply.
Completed by:				**Decision**
Cornelis Duba				Approve (with conditions)

Cornelis Duba | Development Application Specialist

M 0455250981
E cornelis.duba@endeavourenergy.com.au
51 Huntingwood Drive, Huntingwood NSW 2148. Dharug Country

endeavourenergy.com.au |



Endeavour Energy respectfully acknowledges the Traditional Custodians on whose lands we live, work, and operate and their Elders past, present and emerging.

Reason(s) for Conditions / Decision (If applicable)

- The Statement of Environmental Effects includes the following addressing whether electricity services are available and adequate for the proposed development.

  1.0 Introduction

  The development will feature earthworks, basement car parking, construction of a six (6) storey residential flat building, ancillary landscaping, drainage and associated site works. Consent is sought for the erection and use of the following buildings and works:

  - Key support infrastructure including electrical, stormwater, hard and soft landscaping and additional parking facilities for visitors.

- To ensure an adequate / suitable connection, the applicant will need to engage an Accredited Service Provider (ASP) of an appropriate level and class of accreditation to assess the electricity load and the proposed method of supply for the development.

- An extension and / or augmentation of the existing local network may be required. Whilst there are existing pole mounted substations in the area (including pole mounted substation no. 2402 on the opposite side of Sutton Road) which are likely to have some spare capacity, it is not unlimited and may not be sufficient to supply the proposed development.

  Other factors such as the size and rating / load on the conductors and voltage drop (which can affect the quality of supply particularly with long conductor runs) etc. need to be assessed. However the extent of any works required will not be determined until the final load assessment is completed.

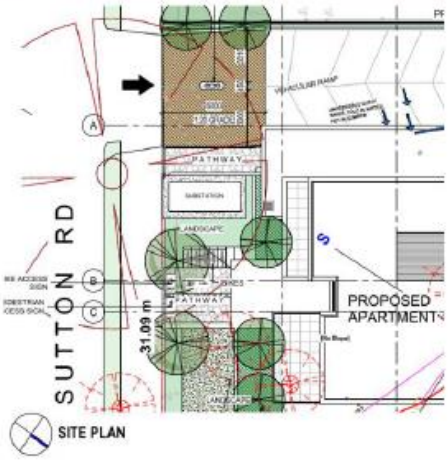
- Any required padmount substation will need to be located within the property (in a suitable and accessible location) and be protected with an appropriate form of property tenure as detailed in the attached copy of Endeavour Energy's 'Land Interest Guidelines For Network Connection'.

  Generally it is the Level 3 Accredited Service Provider's (ASP) responsibility (engaged by the developer) to make sure substation location and design complies with Endeavour Energy's standards the suitability of access, safety clearances, fire ratings, flooding etc.

  For further information please also refer to the attached copies of Endeavour Energy's:

  - Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'.
  - Guide to Fencing, Retaining Walls and Maintenance Around Padmount Substations.

- The following extract of the Site Plan shows provision for a 'Substation' to the north western corner of the site.





STREET SCAPE ELEVATION _ View from the Sutton Road

- Endeavour Energy's network asset design policy is generally to progressively underground all new urban developments. All new cabling / reticulation infrastructure must be of an underground construction type. Where existing overhead construction is present on or in proximity of the site, it may require undergrounding as the development proceeds.

- Endeavour Energy is urging applicants /customers to engage with an Electrical Consultant / Accredited Service Provider (ASP) 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.

- The minimum required safety clearances and controls for building and structures (whether temporary or permanent) and working near overhead power lines must be maintained at all times. If there is any doubt whatsoever regarding the safety clearances to the overhead power lines, the applicant will need to have the safety clearances assessed by a suitably qualified electrical engineer / Accredited Service Provider (ASP).

  Even if there is no issue with the safety clearances to the building and structures, consideration must be given to WorkCover (now SafeWork NSW) 'Work Near Overhead Power Lines Code of Practice 2006' eg. ordinary persons must maintain a minimum safe approach distance of 3.0 metres to all voltages up to and including 132,000 volts / 132 kilovolt (kV) and includes the following requirements for work near low voltage overhead power / service lines.

TABLE 4

Approach distances for work near low voltage overhead service lines

Ordinary Persons (m)				
Hand held tools	Operation of crane or mobile plant	Handling of metal materials (Scaffolding, roofing, guttering, pipes, etc)	Handling of non-conductive materials (Timber, plywood, PVC pipes and guttering, etc)	Driving or operating vehicle
0.5	3.0	4.0	1.5	0.6

- The planting of large / deep rooted trees to near electricity infrastructure is opposed by Endeavour Energy. Existing trees which are of low ecological significance in proximity of electricity infrastructure should be removed and if necessary replaced by an alternative smaller planting. The landscape designer will need to ensure any planting near electricity infrastructure achieves Endeavour Energy's vegetation management requirements.

  No planting of trees is allowed in the easement for a padmount substation. Screening vegetation around a padmount substation should be planted a minimum distance of 800mm plus half of the mature canopy width from the substation easement and have shallow / non-invasive roots. This is to avoid trees growing over the easement as falling branches may damage the cubicle and tree roots the underground cables. All vegetation is to be maintained in such a manner that it will allow unrestricted access by electrical workers to the substation easement all times.

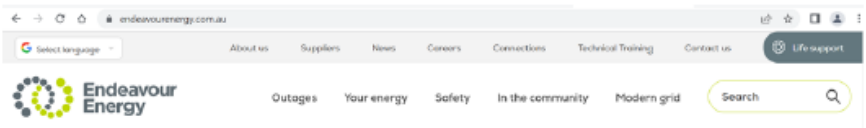
- Not all the conditions / advice marked may be directly or immediately relevant or significant to the Development Application. However, Endeavour Energy's preference is to alert proponents / applicants of the potential matters that may arise should development within closer proximity of the existing and/or required electricity infrastructure needed to facilitate the proposed development on or in the vicinity of the site occur.

Condition or Advice
With Endeavour Energy's Development Application and Planning Proposal Review process / system the intent of the 'Standard Conditions' being indicated as either a 'Condition' or 'Advice' essentially depends on the risk associated with the matter. If the matter is one that is likely or very likely to be an issue / needed to be addressed by the applicant and may require corrective action, then it is marked as a 'Condition'. If the matter is less likely and the consequences of the applicant not addressing it are lower or can be readily rectified, then it is marked as 'Advice'. If the matter is considered to be not applicable / relevant then it is not marked as either.

For example, the obtaining advice from the Before You Dig service in accordance with the requirements of the *Electricity Supply Act 1995* (NSW) and associated Regulations is a standard / regulatory requirement. It will be generally indicated as 'Advice'. If the Site Plan from Endeavour Energy's G/Net Master Facility Model indicates there is some uncertainty over the extent or location of the underground cables on or near the site, it would then be indicated as 'Condition' and require action to be undertaken by the applicant eg. the use of an underground asset locating device or a certified locator to verify the asset location.

Decision
In the NSW Planning Portal for the 'Agency response', as Endeavour Energy is not a concurring authority under the provision of the *Environmental Planning and Assessment Act 1979* (NSW), it does not 'Approve' or 'Refuse' a Development Application in the Portal. It will 'Approve (with conditions)' (which may 'Object' in the submission and detail the matters requiring resolution), or if all the matters in the submission are marked are for 'Advice', the outcome of the assessment will also be 'Advice'.

Further Advice
The 'Standard Conditions' include additional advice and contact details and further information is also available on Endeavour Energy's website at https://www.endeavourenergy.com.au/ .



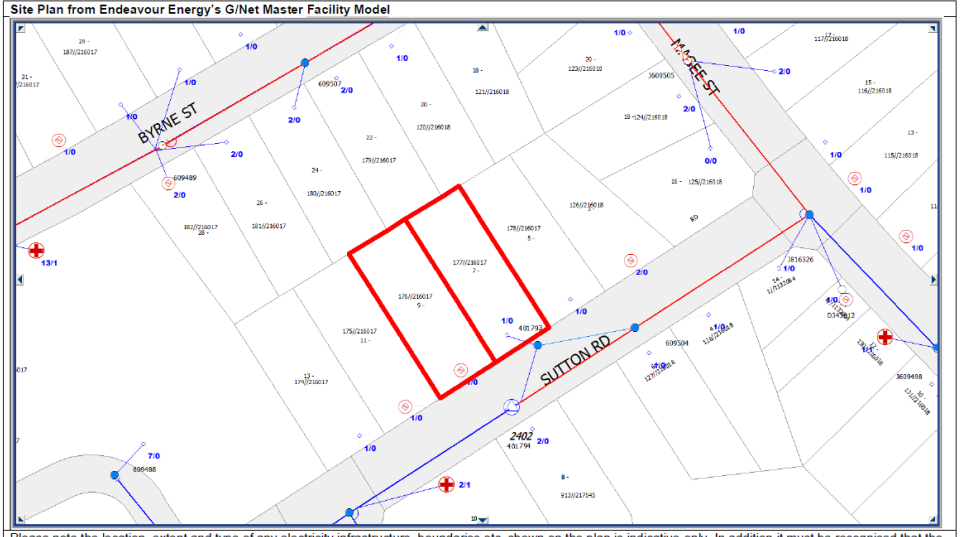
The following contacts can be reached by calling Endeavour Energy via Head Office enquiries on business days from 9am - 4:30pm on telephone: 133 718 or (02) 9853 6666.

Branch / Section	Matters	Email
Customer Network Solutions	Electricity supply or asset relocation who are responsible for managing the conditions of supply with the applicant and their Accredited Service Provider (ASP).	cicadmin@endeavourenergy.com.au
Easement Officers	Easement management or protected works / assets.	Easements@endeavourenergy.com.au
Property	Property tenure eg. the creation or release of easements.	network_property@endeavourenergy.com.au
Field Operations (to the relevant Field Service Centre).	Safety advice for building or working near electrical assets in public areas (including zone and transmission substations).	Construction.Works@endeavourenergy.com.au

Please note Endeavour Energy's above contacts do not have access to the NSW Planning Portal. To resolve any matters direct contact should be made with the responsible contact. This will avoid double handling and possible delays in responding to the applicant / Council.

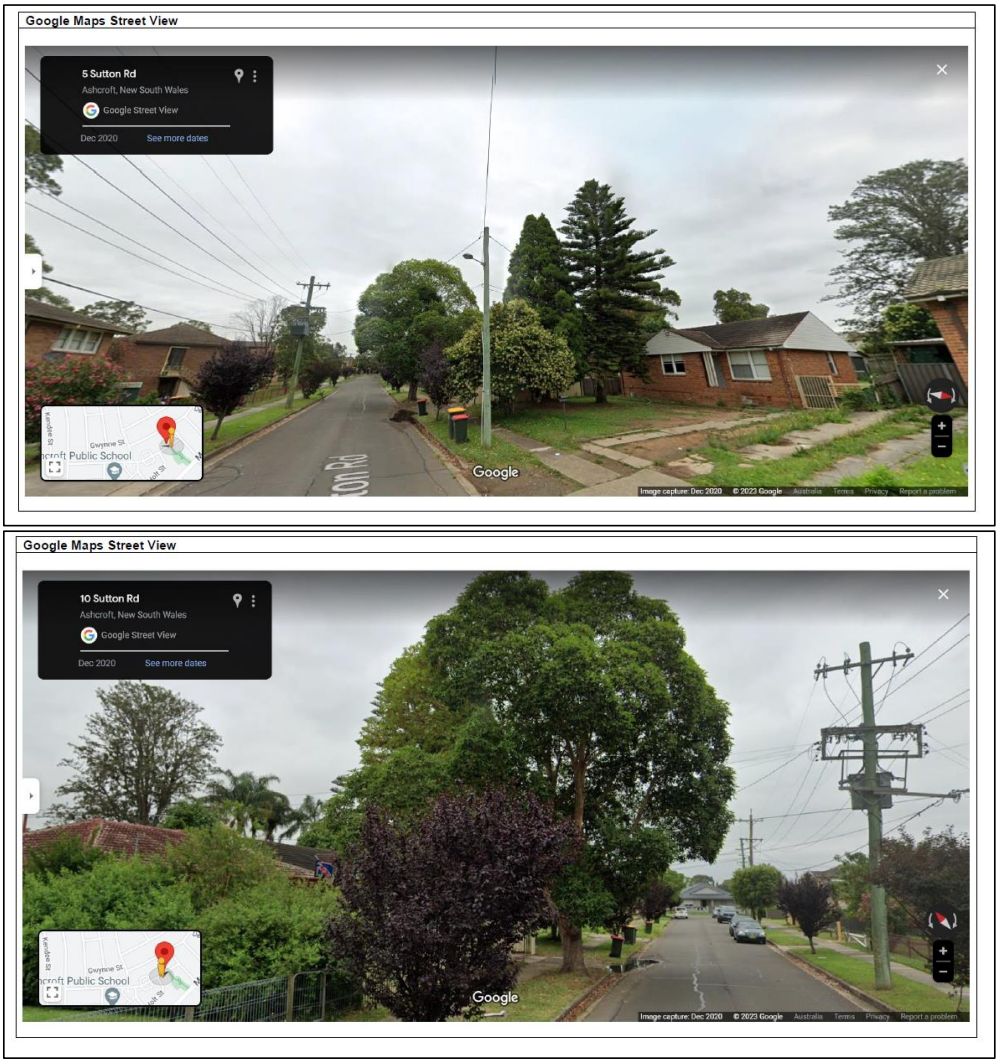
Details of the Accredited Service Provider (ASP) Scheme which accredits organisations to perform contestable work on the NSW electricity distribution network are available via the following link to the Energy NSW website at https://www.energysaver.nsw.gov.au/get-energy-smart/dealing-energy-providers/installing-or-altering-your-electricity-service .

Site Plan from Endeavour Energy's G/Net Master Facility Model



Please note the location, extent and type of any electricity infrastructure, boundaries etc. shown on the plan is indicative only. In addition it must be recognised that the electricity network is constantly extended, augmented and modified and there is a delay from the completion and commissioning of these works until their capture in the model. Easements benefitting Endeavour Energy are indicated by red hatching. 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 does not constitute the provision of information on underground electricity power lines by network operators under Part 5E 'Protection of underground electricity power lines' of the *Electricity Supply Act 1995* (NSW).

LEGEND	
PS	Padmount substation
I	Indoor substation
G	Ground substation
K	Kiosk substation
COT	Cottage substation
	Pole mounted substation
HC	High voltage customer substation
MU	Metering unit
SS	Switch station
ISS	Indoor switch station
AT	Voltage regulator
	Customer connection point
	Low voltage pillar
	Streetlight column
	Life support customer
	Tower
	Pole
	Pole with streetlight
	Customer owned / private pole
	Cable pit
LB	Load break switch
AR	Recloser
	Proposed removed
	Easement
	Subject site


Google Maps Street View
5 Sutton Rd
Ashcroft, New South Wales
Google Street View
Dec 2020
See more dates
Google
Google Maps Street View
10 Sutton Rd
Ashcroft, New South Wales
Google Street View
Dec 2020
See more dates
Google

Endeavour Energy
ABN 11 247 365 823
T 133 718
Level 40-42, 8 Parramatta Square
10 Darcy Street
Parramatta NSW 2150
PO Box 811, Seven Hills NSW 1730

22 December 2023

Chief Executive Officer
Liverpool City Council

ATTENTION: Robert Micallef

Dear Sir or Madam

DA-120/2023 at 7 - 9 SUTTON ROAD ASHCROFT 2168

I refer to the referral of 22 December 2023 from NSW Planning & Environment regarding NSW Government concurrence and referral request CNR-53453 for Liverpool City Council Development Application DA-120/2023 at 7 - 9 SUTTON ROAD ASHCROFT 2168 (Lots 176 & 177 DP 216017) for additional information for 'Demolition of existing buildings and construction of proposed residential flat building (21 units) and associated works'. Submissions need to be made to Council by 12 January 2024.

Please refer to Endeavour Energy's previous submission made to Council on 3 June 2023 via the NSW Planning Portal regarding DA-120/2023. Notwithstanding the additional information provided the conditions and advice provided therein essentially remain valid.

The Response to the Request for Additional Information prepared by The Planning Hub dated 30 November 2023 includes the following advice.

> 11. ***Fire Safety*** *- The amended architectural site plan does not show the dimensions of the proposed electrical substation and setbacks from the subject building in accordance with Endeavour Energy Document No MCI 0006. It appears the pad mount substation footing is within 3m of the building.*
>
> *The site plan is to be amended to provide the appropriate setbacks, easement boundary and plinth dimensions to ensure compliance with the document and to ensure that blast walls are not required for the proposed development.*
>
> Comment
>
> The design of the development has been amended to relocate the substation to comply with Endeavour Energy Requirements and minimise impacts on Gard Park in line with the DEP comments.

The following extract of the amended Site Analysis / Roof Plan shows provision for the padmount substation has been made to the south eastern corner of the site with a 3 metre clearance to the side boundary to allow for the required fire rating restriction within the site.



As previously advised, for any required padmount substation, generally it is the Level 3 Accredited Service Provider's (ASP) responsibility (engaged by the developer) to make sure substation location and design complies with Endeavour Energy's standards the suitability of access, safety clearances, fire ratings, flooding etc.

The other matters included in the Response to the Request for Additional Information do not appear to have a direct or significant impact on the existing electricity infrastructure or that required to facilitate the proposed development.

Please find attached for the applicant's reference a copy of Endeavour Energy's Standard Conditions for Development Applications and Planning Proposals, Version 9, August 2023.For further advice the applicant can call Endeavour Energy via Head Office enquiries on business days from 9am - 4: 30pm on telephone: 133 718 or (02) 9853 6666 and the following contacts:

- Customer Network Solutions Branch for matters related to the electricity supply or asset removal / relocation who are responsible for managing the conditions of supply with the applicant and their Accredited Service Provider (ASP). Alternatively contact can be made by email cicadmin@endeavourenergy.com.au .
- Easements Officers for matters related to easement management, protected works or other forms of property tenure / interests. Alternatively contact can be made by email Easements@endeavourenergy.com.au .
- Property Branch for matters related to property tenure. Alternatively contact can be made by email network_property@endeavourenergy.com.au (underscore between 'network' and 'property').
- Field Operations Branch for safety advice for building or working near electrical assets in public areas. The site is in the area covered by Hoxton Park Field Service Centre. Alternatively contact can be made by email Construction.Works@endeavourenergy.com.au .

Should you wish to discuss this matter, or have any questions, please do not hesitate to contact me or the contacts identified above or in Endeavour Energy's previous submission 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
M 0455250981
E cornelis.duba@endeavourenergy.com.au

We have moved: Level 40-42, 8 Parramatta Square, 10 Darcy Street
Parramatta NSW 2150.

Dharug/Wiradjuri/Dharawal/Gundungurra/Yuin Country

endeavourenergy.com.au |



Endeavour Energy respectfully acknowledges the Traditional Custodians on whose lands we live, work, and operate and their Elders past and present.

ATTACHMENT 5 – SYDNEY WATER REQUIREMENTS

Sydney WATER

6 April 2023

Patrick Curmi
Council Assessing Officer
Liverpool City Council
curmip@liverpool.nsw.gov.au

RE: Development Application DA-120/2023 at 7-9 Sutton Road, Ashcroft

Thank you for notifying Sydney Water of DA-120/2023 at 7-9 Sutton Road, Ashcroft, which proposes construction of a residential flat building with 21 apartments, provision of a two-level basement car parking comprising 30 car spaces and provision of communal open space on the ground floor comprising 387.12m².

Sydney Water has reviewed the application based on the information supplied and provides the following Sydney Water requirements to assist in planning the servicing needs of the proposed development.

Sydney Water position:	**No objection – Condition of Consent applies.**
Condition of Consent which applies:	**Section 73 and Building Plan Approval required**
Requirement:	**Attached information sheet detailing Sydney Water next steps should be provided to Proponent.**
Additional comments:	Adjustments/Deviations to the 150mm wastewater main traversing the site may be required. Maintenance structures located within the property boundary will need to be protected/access maintained. **We recommend that the proponent contacts Sydney Water as soon as possible as adjustment works may take some time.**

This advice is not formal approval of our servicing requirements. Detailed requirements, including any potential extensions or amplifications, will be provided once the development is referred to Sydney Water for a Section 73 application where required. More information about the Section 73 application process is available on our web page in the Land Development Manual.

Appendix 1 is included for Council reference. The information sheet should be provided to all proponents as part of their condition of consent and will be uploaded onto the NSW Planning Portal as part of Sydney Water's referral advice.

If you require any further information, please contact the Growth Planning Team at urbangrowth@sydneywater.com.au.

Yours sincerely,

Growth Planning Team
City Growth and Development, Business Development Group
Sydney Water, 1 Smith Street, Parramatta NSW 2150

The advice in this letter has been prepared under Section 78 of the *Sydney Water Act 1994*. This advice is not formal approval of our servicing requirements and is to be forwarded from Council to the Applicant as part of the development application referral process.
Sydney Water Corporation ABN 49 776 225 038
1 Smith St Parramatta 2150 | PO Box 399 Parramatta 2124 | DX 14 Sydney | T 13 20 92 | www.sydneywater.com.au
Delivering essential and sustainable water services for the benefit of the community

Sydney WATER

Appendix 1

Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.

The proponent is advised to make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs.

Applications must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

Building Plan Approval

The approved plans must be submitted to the Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

The Tap in™ service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's Tap in™ online service is available at: https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm

Sydney Water recommends developers apply for Building Plan approval early as in some instances the initial assessment will identify that an Out of Scope Building Plan Approval will be required.

The advice in this letter has been prepared under Section 78 of the *Sydney Water Act 1994*. This advice is not formal approval of our servicing requirements and is to be forwarded from Council to the Applicant as part of the development application referral process.
Sydney Water Corporation ABN 49 776 225 038
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Sydney WATER

Out of Scope Building Plan Approval

Sydney Water will need to undertake a detailed review of building plans:

1. That affect or are likely to affect any of the following:
   - Wastewater pipes larger than 300mm in size
   - Pressure wastewater pipes
   - Drinking water or recycled water pipes
   - Our property boundary
   - An easement in our favour
   - Stormwater infrastructure within 10m of the property boundary.

2. Where the building plan includes:
   - Construction of a retaining wall over, or within the zone of influence of our assets
   - Excavation of a basement or building over, or adjacent to, one of our assets
   - Dewatering – removing water from solid material or soil.

The detailed review is to ensure that:

- our assets will not be damaged during, or because of the construction of the development
- we can access our assets for operation and maintenance
- your building will be protected if we need to work on our assets in the future.

The developer will be required to pay Sydney Water for the costs associated with the detailed review.

Tree Planting

Certain tree species placed in close proximity to Sydney Water's underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Sydney Water requires that all proposed or removed trees and vegetation included within the proposal adhere to the specifications and requirements within Section 46 of the Sydney Water Act (1994) and *Diagram 5 – Planting Trees* within our Technical guidelines – Building over and adjacent to pipe assets. Please note these guidelines include more examples of potential activities impacting our assets which may also apply to your development.

If any tree planting proposed breaches our policy, Sydney Water may need to issue an order to remove every tree breaching the act, or directly remove every tree breaching the Act and bill the developer or Council for their removal.

The advice in this letter has been prepared under Section 78 of the *Sydney Water Act 1994*. This advice is not formal approval of our servicing requirements and is to be forwarded from Council to the Applicant as part of the development application referral process.
Sydney Water Corporation ABN 49 776 225 038
1 Smith St Parramatta 2150 | PO Box 399 Parramatta 2124 | DX 14 Sydney | T 13 20 92 | www.sydneywater.com.au
Delivering essential and sustainable water services for the benefit of the community

Sydney WATER

Sydney Water DA Referral Information Sheet

Sydney Water has provided advice to Council on your development application. Further steps are required before Sydney Water connections and final approvals can be issued. Without relevant Sydney Water approval, your Construction Certificate may not be issued. Please read the information below to assist with your development. Further information can also be found on our website: (sydneywater.com.au)

Building Plan Approval

Why have I been advised a Building Plan Approval?

Building, excavation, and landscaping projects all have the potential to damage or limit access to our water, wastewater or stormwater services. That's why we need to assess and approve your building plans before you start any work.

How do I apply for a Building Plan Approval?

The approved plans must be submitted to the Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

Sydney Water's Tap in™ online service is available at: Sydney Water Tap in

Sydney Water recommends developers apply for Building Plan approval early as in some instances the initial assessment will identify that an Out of Scope Building Plan Approval will be required. This will result in Sydney Water undertaking a detailed review of your building plans.

The developer will be required to pay Sydney Water for the costs associated with the detailed review.

Section 73

Why have I been advised a Section 73 application?

If you are developing or subdividing land, you may need to apply for a Section 73 Compliance Certificate.

If we have noted a requirement for a Section 73 Compliance Certificate in our advice to Council, one must be obtained from Sydney Water under the Sydney Water Act 1994. These include secondary dwellings with a GFA greater than 60m².

For further information on Section 73 requirements for secondary dwellings, refer to the Quick Links at the end of this fact sheet.

How do I apply for a Section 73 Compliance Certificate?

You can choose to use a water servicing coordinator for works of any size. If you only have minor works, you can apply directly through Sydney Water Developer Direct.

We suggest you lodge an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services, buildings, driveways, or landscape designs.

Feasibility

Why have I been advised to carry out a Feasibility enquiry?

If the development presents potentially large water servicing demands or impacts are anticipated, further investigation may be required to determine the servicing requirements for the site. It is recommended that a Water Servicing Coordinator is engaged, and a Feasibility application is lodged with Sydney Water prior to a Section 73 application being made. We advise you do this as soon as possible to prevent potential delays to your development approvals or servicing.

How do I apply for a Feasibility?

To apply for a Feasibility, you will need to contact a Water Servicing Coordinator. Tell them you have been advised to lodge a Feasibility as part of your DA application.

Quick Links

Quick Links
Building plan approvals
Section 73 Compliance Certificates
Water servicing coordinators
Steps for first time developers
Section 73 requirements for secondary dwellings

Trade Waste

My development will generate trade waste. What do I do?

If your development is going to generate trade wastewater, the property owner must request permission to discharge trade wastewater to Sydney Water's sewerage system. You must obtain Sydney Water approval for this permit before any business activities can commence. It is illegal to discharge Trade Wastewater into the Sydney Water sewerage system without permission.

Contact businesscustomers@sydneywater.com.au for further information.

Water Servicing Coordinator

What is a Water Servicing Coordinator?

Water Servicing Coordinators are accredited providers who can manage your Sydney Water applications for you.

They can design new pipes, manage applications for Section 73 Compliance Certificates and Feasibilities, applications for approval to move our extend our pipes, design and construction of new pipes, and applications for approval to build over or next to assets.

All Water Servicing Coordinators have designer accreditation and can provide design services.

How do I find a Water Servicing Coordinator?

Please follow this link to find a list of Water Servicing Coordinators: Water servicing coordinators (sydneywater.com.au)

Item Number:	**2**
Application Number:	DA-23/2023
Proposed Development:	Alterations to the upper level of an approved residential flat building (DA-1305/2021) involving the construction of three additional units above the fourth storey to be provided as affordable rental housing under SEPP (Housing) 2021, minor façade changes, the addition of nine carparking spaces, rearrangement of the basement carpark and a modification to the approved communal open space.
Property Address	2-3 Wilga Close, Casula
Legal Description:	Lots 82 & 83 in DP244786
Applicant:	Multipart Property Pty Ltd
Land Owner:	Matthew Zappia (Multipart Property)
Cost of Works:	$1,477,067
Recommendation:	Approval subject to the imposition of conditions
Assessing Officer:	Greg Mottram

1. EXECUTIVE SUMMARY

Council has received a Development Application (DA-23/2023) seeking consent for alterations to the upper level of an approved residential flat building (DA-1305/2021). The proposal seeks consent to allow for the construction of a fifth level, which will contain three additional units, including minor facade changes, modifications to the approved communal open space, the addition of parking spaces and the rearrangement of the basement carpark.

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

The proposed development is generally consistent with the objectives and development standards of the LLEP 2008 and the provisions of the Liverpool Development Control Plan 2008 (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), State Environmental Planning Policy (Housing) 2021 (Housing SEPP) and the design requirements of the Apartment Design Guide (ADG). This application was made to alter the originally approved 16 unit residential flat building to add additional units and therefore FSR which are permitted under the provisions of the Housing SEPP.

The key issues associated with the proposal relate to the utilisation bonus floor space provisions allowable under the Housing SEPP, on the basis that 20.6% of the proposed floor space will be made available for affordable housing, granting an additional 0.206:1 FSR. The LLEP 2008 FSR for the site is mapped as 1:1. The total permitted FSR of 1.206:1 in

accordance with the provisions of the Housing SEPP make the proposed total FSR of 1.137:1 compliant.

The development includes a written request to vary the Height of Buildings development standard (Clause 4.3 of the LLEP) to a maximum exceedance of 1.2m being the location of the lift overrun on the roof and minor encroachments in the roof level. This variation represents an 8% variation over the permitted 15m Height of Building mapped for the site and is considered acceptable.

The development also includes a written request to vary the Minimum Street Frontage development standard (Clause 7.14 of the LLEP), which requires the site to have a street frontage to a public street of at least 24m. It should be noted that this variation was similarly considered and approved by the Liverpool Local Planning Panel (LLPP) under DA-1305/2021. The variation to the required 24m is 2.14m or 8.9% of control. A Clause 4.6 variation request was provided by the applicant which is considered to be acceptable in this instance.

The development application was advertised/notified for a period of 14 days from 27 February to 14 March 2023 in accordance with Liverpool Community Participation Plan 2022. As a result, one submission was received regarding the proposed development. This submission is discussed further in the report.

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

Sensitive Development

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

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

2. SITE DESCRIPTION AND LOCALITY

2.1 The locality

The site is located in Casula, an area characterised by low-density residential development. The immediate locality has been rezoned as R4 High Density Residential. It is bounded by the Hume Highway to the east and the South-Western Motorway to its west. The site is also close by to shopping facilities at Casula Mall and is close to Jardine Park.



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

2.2 The site

The subject site is identified as Lots 82 and 83 in DP244786 and is located at 2-3 Wilga Close, Casula. The site is an irregular shaped allotment with a total area of 1,210m², a frontage of 21.865m to Wilga Close and a lot depth of 44.5m. The site is located on the eastern side of a residential cul-de-sac.

The topography of the site slopes towards its north, from a maximum RL 44.41 at the site's south to a minimum RL 42.62 at the site's north.

The site features minimal landscaping, with 6 x small trees and shrubs throughout, and grass groundcover in the front, rear and side setbacks of the site. Vehicular access to the site is provided from Wilga Close at the head of the cul-de-sac.



Figure 2: Aerial view of the subject site (Source: Nearmaps)

2.3 Site Constraints

Are there any constraints or affectations on the site: • Bushfire • Heritage Items • Aboriginal heritage • Environmentally Significant Land • Threatened Species/ Flora/ Habitat/ Critical Communities • Acid Sulphate Soils • Aircraft Noise • Flight Paths • Railway Noise • Road Noise/ Classified Road • Significant Vegetation • Contamination	**Site Constraints:** • The site is not identified as bush fire prone land. • The site is not within a Heritage Conversation Area nor is a European or Aboriginal Heritage Item. • The site is not within Environmentally Significant Land. • The site is not an area identified with threatened species of any kind. • The site is not within any classed zone of Acid Sulphate Soils. • The site is not subject to noise exposure from aircrafts, trains, or main roads. • Site contains moderate salinity potential.
Are there any restrictions on title?	There are no known restriction or easements on the title.

3. BACKGROUND/HISTORY

A brief DA history is presented below:

Date	Details
31 October 2022	DA-1305/2021 Approved by Local Planning Panel at its meeting of 31st October 2022 for the demolition of existing structures and construction of a four-storey residential flat building comprising 16 flats, with one level of basement car parking, and associated landscaping.
17 January 2023	DA-23/2023 lodged with council for the alterations to the upper level of an approved residential flat building (DA-1305/2021) involving the construction one floor above the approved RFB. The development proposes an additional four units to be provided as affordable rental housing under State Environmental Planning Policy (Housing) 2021.
27 February 2023	The DA was notified from 27 February to 14 March 2023. One submission was received regarding the application.
20 July 2023	Council issued RFI requesting the amendments on the following information: Height of Building • The proposed application must be amended to a maximum height exceedance of 0.6m • The SEE is to be amended to reconsider environmental impacts on neighbouring dwellings. Car Parking and Access • The Traffic Report and Architectural Plans must be consistent regarding the amount of car spaces provided. • The SEE is to include information surrounding the two (2) visitor bicycle parking spaces provided on plans. • Dimensions of the proposed driveway and ramp layout and turning paths of vehicles • Details demonstrating the driveway is perpendicular to the cul-de-sac and is in line with the proposed access ramp. • The plans must be amended to include service access for removalists and garbage servicing. Landscaped Area and Deep Soil Zone • Landscape plans are required to demonstrate the dimensions of landscaping and deep soil zones. • Landscape plans to be amended to provide a percentage of landscaped area within the front setback. Waste management plan • Waste management plan to be updated to include demolition, construction and operational waste of the additional 4 units. • Bin room arrangements are required.

	The application will be referred to bother the Design Excellence and Liverpool Local Planning Panel.
01 August 2023	Applicant responded to most recent comments.
14 September 2023	Design Excellence Panel held; the Panel has requested the following information: • The panel recommends that the design be reconsidered to provide more practical apartment and balcony spaces. • The development must provide 2.7m floor to ceiling heights within all top floor apartments. • Extension of basement to southern boundary to be reflected on the ground floor and landscape plans. • The development should provide space for the air drying of clothes. • Planting schedule to be included on landscape plans. • The Panel does not support the entire relocation of Community Open Space within the residual setback. Some COS must be provided within the topmost floor. • Rooftop COS should be improved through provision of a unisex accessible toilet, outdoor kitchen/barbecue, shaded areas, seating, planter boxes, outdoor clothes drying area and other landscape design features. • Any COS that remains on the ground level should not be directly adjacent to windows of the ground level apartments. • The ground floor WC should be relocated so that the door does not open on to the entry. • The new apartments must be reorganised to not combine living, dining and kitchen areas. • The Panel discussed the use of darker grey tones (such as 'Monument') for the top floor, preferring its substitution with a lighter tone / colour.
3 November 2023	Applicant responded to most recent comments.
14 December 2023	Design Excellence Panel held; the Panel has requested the following information: • The Panel strongly encourages the applicant to incorporate best practices for sustainable measures. • Details of the proposed screening does not seem to be indicated in the elevations and it is noted that the ground floor units do not indicate provision for the air drying of clothes. • The Panel recommends increasing the boundary planting at the rear where the retaining walls are situated. • Connection to Country should be considered particularly in the selection of planting species where landscape areas provide protection and forage for native bird, reptile, and insect species. • It is recommended that the applicant should provide the numerical consistency with Part 4G Storage. • The Panel recommends that the windows should be added within the fire stairs to allow natural light and ventilation. • Unit 1 should relocate windows.

	• Revised architectural documentation should identify locations of A/C condenser units and other mechanical equipment.
8 February 2024	Applicant responded to most recent comments.

3.1 Design Excellence Panel

The application was presented to the Liverpool Design Excellence Panel on 14 September 2023 and 14 December 2023 where the panel supported the proposal at the later meeting and minutes of that meeting were provided to the applicant to address and incorporate into the design of the development subject to Council approval. The key issues raised by the DEP were as follows:

- Design excellence to be maintained
- Fire exit requirements for basement and provision of additional landscaping
- Kitchen designs/ layout
- Use of photovoltaic panels
- Ceiling Fans in habitable rooms
- Landscaping species and design across site

The applicant responded to the issues raised by the DEP at its September meeting and supplied amended architectural plans, which have been reviewed by Council and are considered acceptable. A summary of the Design Excellence Panel's comments from the December meeting with a comment to each are provided below.

Design Excellence Topic	**DEP Comments**	**Council Assessment**
Context	4.1.1-4.1.4 All of the comments from the previous DEP have been acknowledged.	The applicant has provided amended plans which demonstrate better compliance with the DEP comments and design excellence provisions.
Built Form + Scale	14/9/2023 DEP comments 4.2.1 There have been no major concerns raised by the Panel about the lift overrun exceeding the HOB limit. 4.2.2 The building appears to have been designed by the setbacks. This creates strangely shaped balconies and rooms that will be hard to furnish. The panel recommends that the design be reconsidered to provide more practical apartment and balcony spaces. Some non-compliances of balconies with regards to set backs could be considered if no negative impact is	

	created to the neighbouring sites. 14/12/2023 DEP Comments All issues identified in the September meeting have been addressed in the revised architectural plans and the Panel raised no further Built Form & Scale issues from the December meeting assessment. 4.3 Density 14 December 2023 DEP Comments 4.3.1 Nil	 Noted Noted
Sustainability	4.4.1 Details of the proposed screening does not seem to be indicated in the elevations and it is noted that the ground floor units do not indicate provision for the air drying of clothes. 4.4.2 The Panel strongly encourages the applicant to incorporate best practices for sustainable measures, such as ceiling fans, photovoltaic system, rainwater tanks, and other sustainability measures for water, energy and waste efficiency	This issue has been conditioned to be complied with. This issue has been conditioned to be complied with.
Landscape	Nine points of consideration were raised in the Panel's September meeting. Five of these have been addressed in the plans provided for December meeting. The remainder are discussed below: 4.5.2 Soil volumes have been provided in the amended landscape plans. Sections and calculations of soil volumes for podium planting are to be provided as part of the Landscape DA Package. 4.5.3 It is suggested to prepare a landscaping maintenance strata plan at a later stage, ensuring that future residents are obligated to maintain the landscaping work in the planters near their private balconies. 4.5.8 The Panel recommends	 This issue has been conditioned to be complied with. This issue has been conditioned to be complied with. This issue has been conditioned

	increasing the boundary planting at the rear where the retaining walls are situated. This enhancement would facilitate passive landscaping, minimise paving area and contribute to a more favourable interface with the neighbouring site.	to be complied with.
	4.5.9 Connection to Country should be considered particularly in the selection of planting species here landscape areas provide protection and forage for native bird, reptile and insect species.	This issue has been conditioned to be complied with.
	• The Panel notes that the landscape plan proposes Angophora species trees along the eastern boundary fence. The Panel requires the applicant to distribute the trees within the grassed area and provide additional tree canopy with a mix of tree species including Eucalypts and other endemic species at ground level so as not to cause an issue with retaining walls as shown and away from boundaries.	The applicant has onboarded the landscaping comments and has incorporated them into the landscape plans. Additional tree canopy cover has been provided and mix of trees amended.
	• The Panel recommends the applicant to consider removing one the fire stairs exiting on to the landscaped are to achieve a better design outcome.	Where the fire exit was removed, the passageway has been landscaped and is considered to be acceptable.
	• The Panel requires the applicant to have a closer look at the relationship of communal open space (COS) with the private open spaces (POS) and the community garden areas. Panel requires the applicant to consider the actual functioning of the communal areas and its impact to the POS and living areas for ground floor units. Panel recommends the applicant	The applicant has onboarded the landscaping comments and has incorporated them into the landscape plans. Greater POS areas have been provided for ground floor units. A condition of consent will be applied as the landscape plan indicates a significant amount of hard paved area on the ground floor, which will be conditioned and marked up to be landscaped

	to consider converting some of the communal areas into POS to minimise potential competition / conflict within these spaces.	such as turfing.
	• The Panel supports the overall amenity being provided as part of the rooftop communal open space (COS).	Noted.
	• The Panel notes that the landscape plan indicates retaining walls for the ground floor units which can be avoided. The Panel recommends the applicant to minimise the extents of retaining walls and grade the soil to achieve the required levels.	The retaining walls have been removed.
	• The Panel requires the applicant to ensure adequate soil volume for the trees to sustain a long-term health and growing environment for the trees.	Planter box details provided and are sufficiently sized for trees.
	• The Panel noted that if one less fire exit is required the applicant should explore more screen planting on the Northern Boundary.	Screen planting hedging provided along Northern boundary with the removal of the fire exit.
Amenity	The panel raised eleven points regarding amenity in its September meeting with all been satisfied in the amended plans apart from the two listed below: 4.6.10 The Panel recommends that the applicant should add windows within the fire stairs to allow natural light and ventilation, subject further fire engineering and NCC advice. 4.6.11 The Panel suggests that the applicant re-visits the placement of a large window facing the driveway for Unit 1, taking into account both solar	Amenity and solar access for the units is acceptable and compliant with the ADG provisions. Amendments made to address concerns raised by Panel and amenity is considered acceptable for the development.

	amenity and visual amenity.	
Safety	14/12/2023 DEP Comments 4.7.1 and 4.7.2 - The Panel understands that the applicant relies on fire engineering performance solution in terms of the proposed fire egress from the basement. The Panel would support the proposed configuration if reviewed by a suitably qualified NCC consultant.	Noted - Conditions of consent has been imposed to satisfy this requirement.
Housing Diversity + Social Interaction	4.8.1 The applicant's response to the previous DEP comment is noted. 4.8.2 The Panel is informed by the assessment planner regarding the reduction in affordable housing provision. This reduction is due to one of the proposed units, nominated as affordable housing, being removed from the proposal to allow for the rooftop Community Open Space (COS). As a result, the percentage of affordable housing units is now reduced to 3 out of 19 units, accounting for 15.78% of the overall development. The Panel does not raise any objections to this	Noted - however this does not achieve the requirements of SEPP housing which requires 20% of the gross floor area to be affordable housing. The applicant has subsequently nominated 4 of the 19 units equating to 20.6% of the gross floor area of the development to be affordable rental housing.
Aesthetics	14/12/2023 DEP Comments *4.9.1* The Panel supports the revised external finishes and colour scheme, proposed in-line with the Panel's previous recommendations. 4.9.2 Revised architectural documentation should identify locations of A/C condenser units and other mechanical equipment. These should not be located on balconies (unless thoughtfully screened), front garden areas or anywhere apparent from the public domain.	Noted Noted
OUTCOME	The panel have determined the outcome of the DEP review and have provided final direction to the applicant as follows:	Based on the amended plans provided, and the recommended conditions of consent being imposed, it is considered that the proposal provides a development that

	The project is supported. Respond to recommendations made by the panel, then the plans are to be reviewed/approved by Council.	adequately addresses the concerns raised by the panel and has design excellence.

4. DETAILS OF THE PROPOSAL

The Development Application (DA) seeks to construct three additional units above the fourth storey of the approved residential flat building (approved under DA-1305/2021), various façade changes, the addition of four carparking spaces, rearrangement of the basement carpark and changes to the location of the approved communal open space.

The proposal changes the form of the approved building from a 4-storey construction to a 5-storey construction, providing a recessed top-floor area that does not protrude to the building's edges of the below 4 levels. Additional car parking spaces to accommodate the needs of the extra apartments are also proposed, with minimal changes to the already approved bulk earthworks.

Details of the proposal are provided as follows:

Element	Proposed
Site Area	1,210m^2
FSR	Site area= 1210m^2 Proposed GFA = 1376m^2 FSR = 1.137:1
Residential Units	Total of 19 residential units, including four units which will be used as affordable housing. Dwelling mix as follows: • 8 x 1 bedroom (including 1 x affordable housing) • 11 x 2 bedroom (including 3 x affordable housing)
Height	Approximately 16.2m to the lift overrun (This is 1.2m exceedance of the Maximum HOB and a clause 4.6 variation has been requested and assessed in this report)
Storeys	Four (4) storeys and One (1) underground basement carpark
Front Setbacks to street boundaries	6.5m (Ground Floor) 7.4m (Fourth Floor)
Side Setback (southern boundary)	6m (Ground Floor) 5.8m (Fourth Floor)
Side Setback (northern boundary)	6.4m (Ground Floor) 5.7m (Fourth Floor)
Rear Setback	6m (Ground Floor) 5.7m (Fourth Floor)
Car parking spaces	Vehicle Spaces: 31 Bicycle Spaces: 10 for residents, 2 for visitors, 1 for service vehicle

Affordable housing

The applicant has nominated 4 out of the 19 proposed units to be operated as affordable rental housing units to comply with SEPP(Housing)2021. The units nominated are Units, 5, 6, 7 and 8 totalling 20.6% of the gross floor area of the development.

Demolition, Tree Removal and Excavation

All demolition, tree removal and excavation has been previously proposed and approved under DA-1305/2021 and forms part of this development.

Access and Parking

The proposal includes the construction of a basement level, with access provided from Wilga Close at the western end of the site. The basement levels include the following:

- 25 residential parking spaces (including 2 accessible car spaces).
- 5 visitor parking spaces.
- 23 Storage cages suspended above the vehicle space.
- 10 residential bicycle parking spaces.
- 2 visitor bicycle parking spaces.
- 1 space has been provided for a service vehicle.

Communal Open Space (COS) and Landscaping

The proposal provides Communal Open Space (COS) at the rear of the site and within its side setbacks. It also provides a component of rooftop COS in place one of the four proposed additional units for this application. The total COS provided is 436sqm, which equals 36% of the site area.

The development incorporates a variety of landscaping throughout the site which includes large and small plantings within deep soil zones at ground level and outdoor dining areas at higher levels.

Materials and finishes

The proposal incorporates a natural concrete finish, black aluminium window frames, non-combustible aluminium black screen fencing and wall stone cladding. These finishes present a contemporary building finish and are compatible with other high-density developments in the locality.

Stormwater Management

The DA includes a stormwater management plan that includes basement pump out, on-site detention tanks and a discharge to the kerb inlet pit in Wilga Close.

Architectural Plans

The proposed development is illustrated in the following architectural plans.

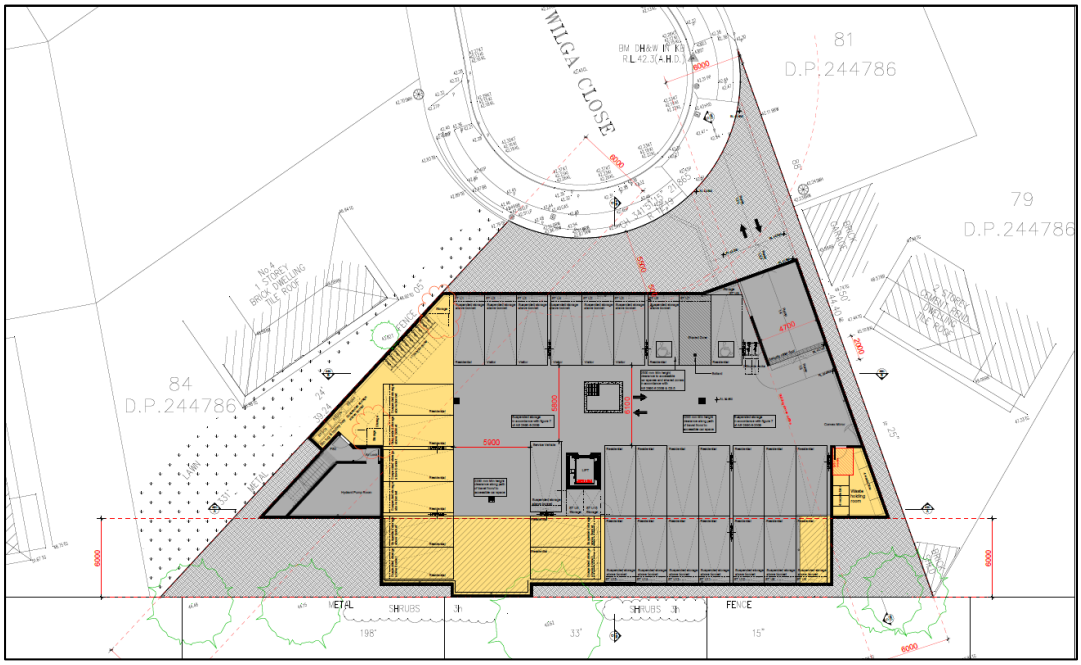


Figure 3 – Basement Plan (Source: Arch & Co)

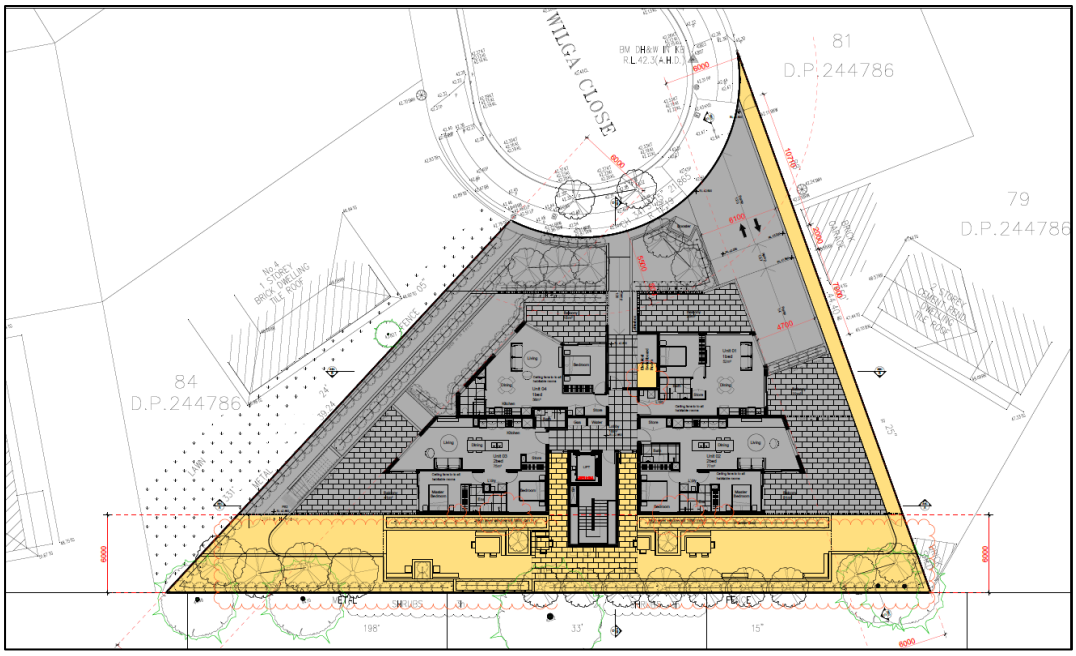


Figure 4 – Ground Level Plan (Source: Arch & Co)

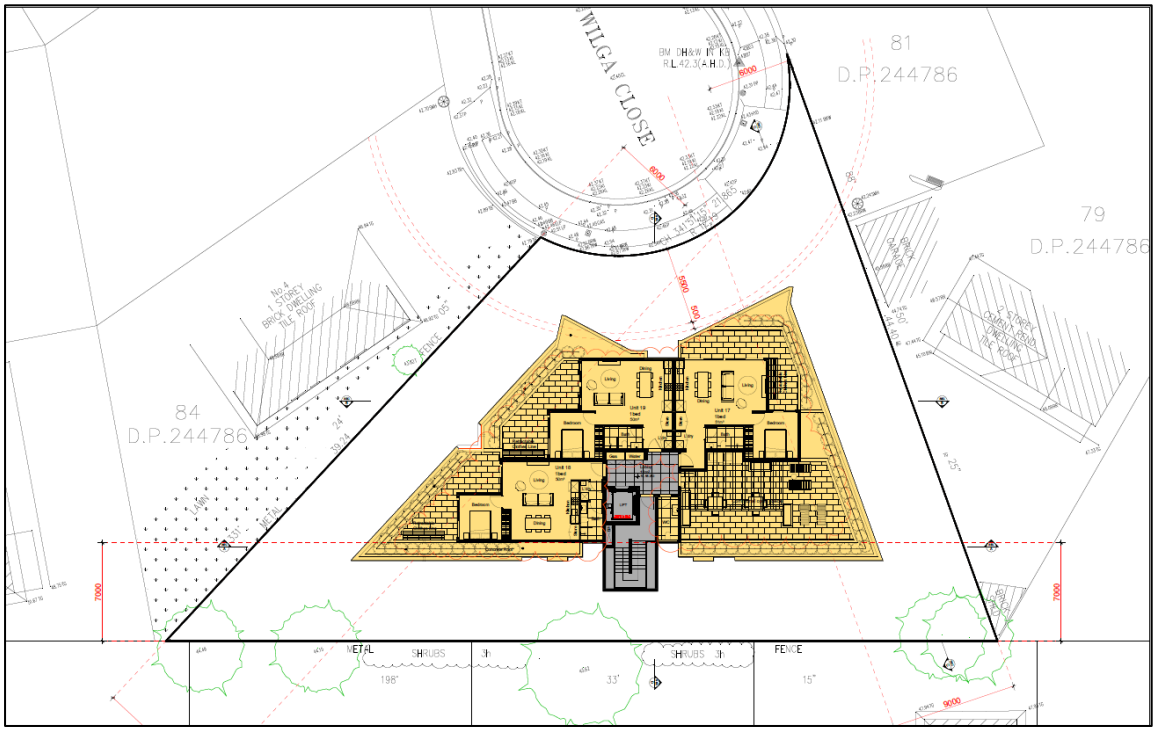


Figure 5 – Fourth Level Plan (Source: Arch & Co)

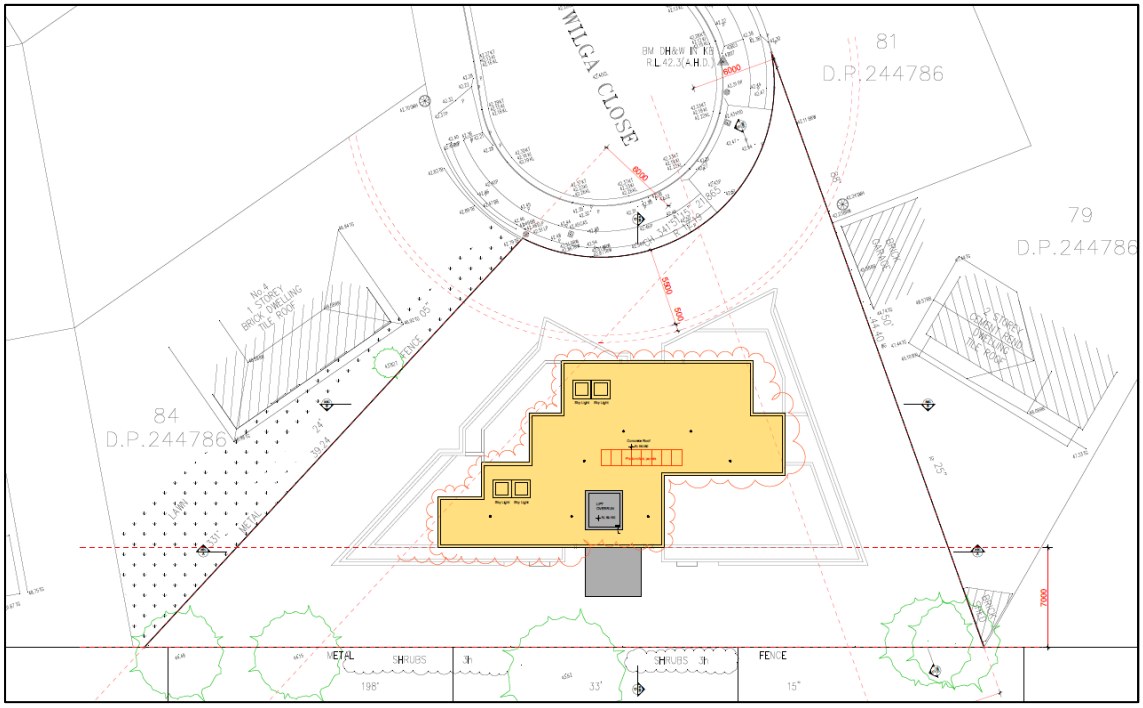


Figure 6 – Roof Plan (Source: Arch & Co)



Figure 7 – North & South Elevations (Source: Arch & Co)



Figure 8 – East & West Elevations (Source: Arch & Co)

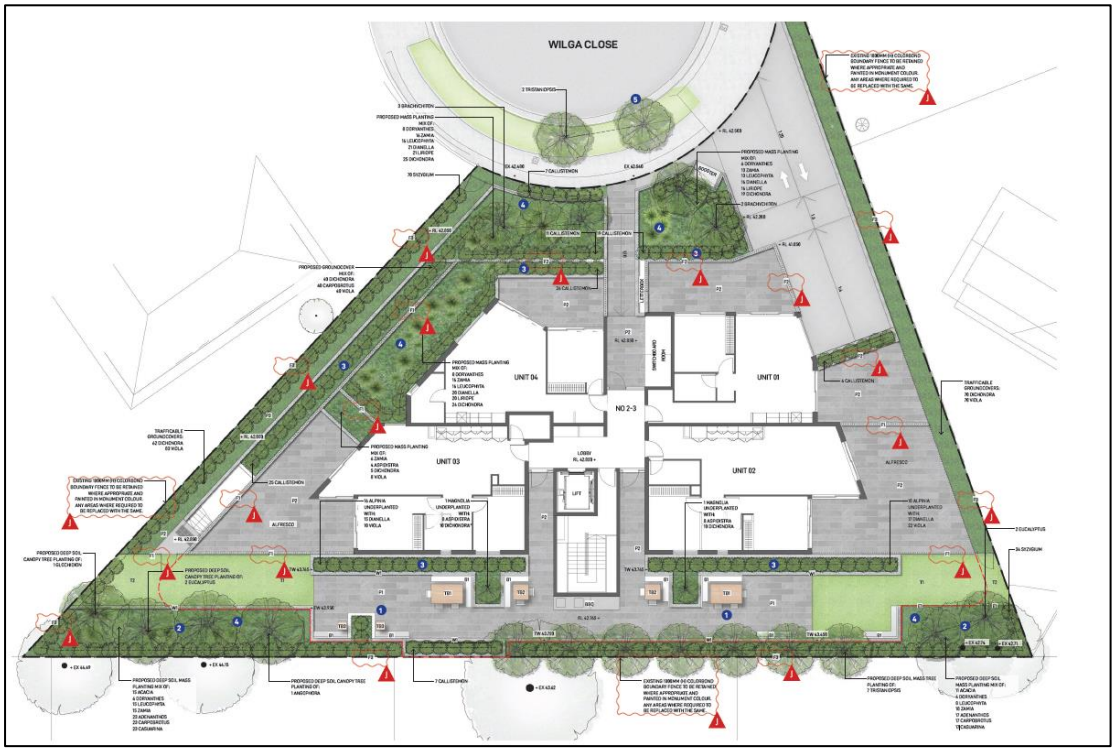


Figure 9 – Landscape Plan (Source: Arch & Co)

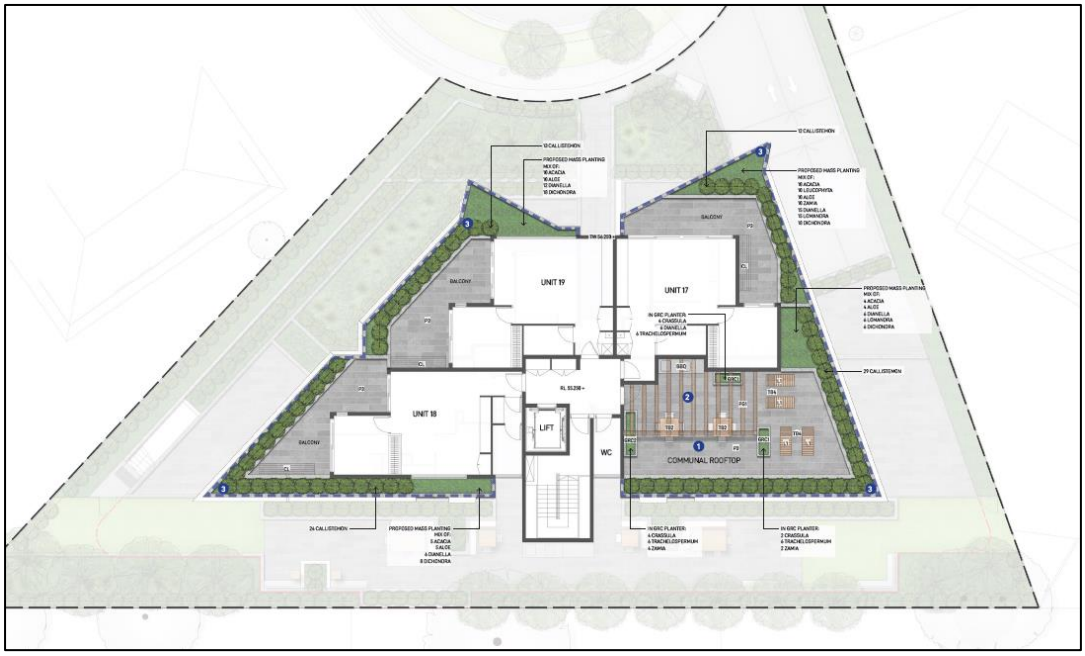


Figure 10 – Fourth Floor Landscape Plan (Source: Arch & Co)

5. STATUTORY CONSIDERATIONS

5.1 Relevant matters for consideration

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

Environmental Planning Instruments (EPI's)

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

Draft Environmental Planning Instruments

- No draft Environmental Planning Instruments apply to the site.

Development Control Plans

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

6. ASSESSMENT

The development application has been assessed in accordance with the relevant matters of consideration prescribed by Section 4.15 Evaluation of the EP&A 1979 and the Environmental Planning and Assessment Regulation 2021, as follows:

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

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

Note: The State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development was repealed on 16 December 2023. However, in accordance with Schedule 7A (Savings and transitional provisions) of the State Environmental Planning Policy (Housing) 2021, the repealed SEPP 65 continues to apply to a development application such as this DA-23/2023 which was made, but is not yet determined, on or before the repeal date.

Therefore, the State Environmental Planning Policy No. 65 applies to the proposal.

The DA has been referred to Council's Design Excellence Panel which supports the proposed development subject to recommended design changes which have now been incorporated in the amended plans submitted by the applicant.

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

The applicant has provided an assessment of the proposal in accordance with the 9 key design quality principles of SEPP 65. This is provided within Attachment 1 for review.

Further to the nine (9) design quality principles outlined in SEPP 65, Clause 30(2) of SEPP 65 also requires residential flat development to be designed in accordance with the Apartment Design Guide (ADG). Refer to the compliance table in Attachment 1 of this report which outlines compliance with the ADG, where numerical requirements ('controls') are specified.

The nine design quality principles under SEPP 65 are discussed below.

Schedule 1 - Design quality principles
Principle 1 – Context and neighbourhood character *Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.* *Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.* *Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.*
Comment The immediate locality of the development site has been rezoned to R4 High Density Residential, however no sites in the vicinity of the subject site are yet to be redeveloped from the existing low-density residential uses. It is anticipated that sites in the Zone will eventually be redeveloped in line with the rezoning. The site is well-serviced by public transport services, particularly bus services, that travel to and from the CBD. The South-Western Motorway and Hume Highway are each within 500m from the site and Casula train station is 900m from the site.

The development proposes rendered brick retaining walls and planters to the street boundaries which will contribute to Wilga close streetscape. The soft landscaping within the front contribute to the buffer zone between the development and its neighbours.

Principle 2 – Built Form
Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.

Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.

Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

Comment
The area has been rezoned to R4 High Density Residential, however no sites in the vicinity of the subject site are yet to be redeveloped from the existing low-density residential uses. It is anticipated that sites in the zone will eventually be redeveloped in line with the R4 classification.

The bulk of the built form is designed to effectively moderate the scale of the building when viewed from the street and surrounding locations. It includes facades with face brick walls and rendered balconies and the use of various architectural elements such as façade recesses that give the building a distinct form.

Pedestrian entry is accessed directly from the street to provide a clear sense of address articulated by rendered brick retaining walls and planter boxes allowing the proposal to integrate with the streetscape.

Principle 3 - Density
Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.

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

Comment
There is a total of 19 apartments in the development, comprising of 11 x 2-bedroom apartments and 8 x 1-bedroom apartments. The apartment layout is functional, well organised and provides a high standard of amenity.

The density of the development is considered sustainable within the existing and future availability of infrastructure, public transport, community and culturally significant facilities and environmental qualities on the site. As such the proposal provides an appropriate density for a residential development in the immediate context.

Principle 4 - Sustainability
Good design combines positive environmental, social and economic outcomes.

Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and 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.

Comment
The applicant notes the following general inclusions as part of the proposal:

- Five and a half metre setback from Wilga Close provided to allow for deep soil vegetation.
- Six metre setback to the rear to allow for deep soil vegetation.
- Natural cross ventilation to all apartment is achieved and all habitable rooms are naturally ventilated.
- Habitable areas and balconies of all apartments have been designed to face north and west to maximise the solar access to all apartments.
- Several bathrooms are naturally ventilated, and all others will be mechanically exhausted to the façade or roof.
- Appropriate overhang depths and recessed balconies provide shade in summer and promote thermal heat gain during winter months.
- Low maintenance, long lifecycle and reusable materials proposed such as bricks and concrete.

Principle 5 – Landscape
Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.

Good landscape design enhances the development's environmental performance by retaining

positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.

Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long-term management.

Comment
The development successfully integrates built form and landscaping, with selective low maintenance planting on the ground level and fourth floor terrace.

The soft landscaping within the front contribute to the buffer zone between the development and its neighbours.

Principle 6 - Amenity

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

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

Comment
The development is functional and provides a high level of amenity for all residents and neighbours.

81% of apartments receive minimum of three hours sunlight and all apartments within the development are naturally cross ventilated.

All bedrooms share appropriate dimensions and are square or rectangular shaped. All balconies face the street or building structures to increase privacy and avoid overlooking adjoining private open space.

Principle 7 - Safety

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

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

Comment

Identifiable main building entrances from Wilga Close and open entry areas allow for adequate surveillance.

All apartments include a keyed system incorporating a high level of occupant security. Basement parking is also keyed access, including clear circulation paths in the basement that allow safe pedestrian movement.

The development creates clear definition between public and private spaces with clear, safe access points and adequate lighting of entrances and pedestrian areas.

Principle 8 - Housing diversity and social interaction

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

Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.

Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.

Comment

Diverse elevations are proposed to adapt to sunlight, setbacks, and the site, while incorporating environmental considerations and landscape integration.

The project's apartments are thoughtfully sized and configured to align to provide sufficient internal amenity and to fit the desired future character of the area.

Ample lobby widths have been incorporated into the design for easy and sufficient accessibility. A building lift will provide access to upper levels apartments.

Principle 9: Aesthetics

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

The visual appearance of a well-designed apartment development responds to the existing or

future local context, particularly desirable elements and repetitions of the streetscape.
Comment The built form and scale of the building respond to the existing context but also align with the envisioned future character of the R4 precinct. Varied elevations address the need for solar access and cross ventilation for the units and present modern external aesthetic. Environmental controls, site responsiveness, and integrated landscape elements further enhance the building's design. The proposal incorporates common materials that effectively harmonise with both the current context and the desired future character of the area. All selected materials prioritise durability and resilience, ensuring the development will maintain its aesthetic appeal over time. The composition of building elements, textures, materials, colours, internal design, and structure positively contribute to the envisioned future character of the vicinity.

Based on this assessment, the proposed development is considered to adequately satisfy the design objectives and criteria in the Apartment Design Guide.

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

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

The objectives of SEPP (Resilience and Hazards) 2021 are:

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

Pursuant to the above SEPP, Council must consider:

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

A Preliminary Site Investigation (PSI) was undertaken by EI Australia under DA-1305/2021. The PSI concludes that: "*the potential for contamination to exist on the site was low, and acceptable for users of a residential with minimal soil access land use scenario as defined by NEPC (2013). With consideration of SEPP 55, the site was found to be suitable for the proposed medium to high density residential development, without the need for further investigation or remediation*".

Pursuant to Clause 4.6 of SEPP (Resilience and Hazards) 2021, Council is required to consider the matters in the table below in determining a development application.

Clause 4.6 - Contamination and remediation to be considered in determining development application	**Comment**
(1) A consent authority must not consent to the carrying out of any development on land unless:	
(a) it has considered whether the land is contaminated, and	As established under DA-1305/2021, it is unlikely that the land is contaminated as it is an existing residential zoned allotment with a history of residential use.
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and	As above.
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.	The land does not require remediation.

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

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

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

A BASIX certificate (No. 1245933M_02) has been submitted with the development.

However, the development has been altered since the submission of this BASIX (removing one of the proposed roof top units). Conditions of consent have been imposed that require that an amended BASIX certificate is to be submitted prior to the issuing of a Construction Certificate.

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

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

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

The proposed development will be supported by an integrated stormwater management system comprising of a connection of underground pipes, rainwater tanks and surface pits which direct all stormwater into the existing kerb drainage outlet.

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

Part 6.2 Development in Regulated Catchments	
Division 2 Controls on Development Generally	**Comment**
6.6 Water Quality and Quantity In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the following— whether the development will have a neutral or beneficial effect on the quality of water entering a waterway, whether the development will have an adverse impact on water flow in a natural waterbody whether the development will increase the amount of stormwater run-off from a site, whether the development will incorporate on-site stormwater retention, infiltration or reuse, the impact of the development on the level and quality of the water table,	The proposed development has considered the relevant matters listed under subsections (1) and (2) in this clause. Adequate stormwater management measures are proposed including installing new drainage pipes, pits and rainwater tanks to convey stormwater flows to stormwater drainage outlets on the site. The development will not impact the quality of groundwater. Council's Land Development Engineer has reviewed the proposal and is satisfied that no adverse impacts will arise in regard to water quality and quantity within the Georges River catchment, subject to conditions of consent.

the cumulative environmental impact of the development on the regulated catchment, whether the development makes adequate provision to protect the quality and quantity of ground water. (2) Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied the development ensures— the effect on the quality of water entering a natural waterbody will be as close as possible to neutral or beneficial, and the impact on water flow in a natural waterbody will be minimised.	
6.7 Aquatic Ecology	This clause is not applicable as there is no aquatic ecology present on site.
6.8 Flooding (1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the likely impact of the development on periodic flooding that benefits wetlands and other riverine ecosystems. (2) Development consent must not be granted to development on flood liable land in a regulated catchment unless the consent authority is satisfied the development will not— (a) if there is a flood, result in a release of pollutants that may have an adverse impact on the water quality of a natural waterbody, or (b) have an adverse impact on the	The site is not flood prone.

natural recession of floodwaters into wetlands and other riverine ecosystems.	
6.9 Recreation and public access 1. In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider— (a) the likely impact of the development on recreational land uses in the regulated catchment, and (b) whether the development will maintain or improve public access to and around foreshores without adverse impact on natural waterbodies, watercourses, wetlands or riparian vegetation.	This clause is not applicable as the proposal is not for recreational uses and is not situated within the vicinity of recreational waterfronts.
6.10 Total catchment management In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consult with the council of each adjacent or downstream local government area on which the development is likely to have an adverse environmental impact.	The proposed development is not likely to have an adverse impact on the Georges River catchment, therefore no consultation is required.

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

(h) State Environmental Planning Policy (Housing) 2021

The proposal has been assessed under the relevant provisions of State Environmental Planning Policy (Housing) 2021 (the SEPP), specifically Chapter 2 – Affordable Housing.

In accordance with Section 2 of Schedule 7A Savings and transitional provisions of the SEPP, the following in noted:

(1) This Policy does not apply to the following matters—
(a) a development application made, but not yet determined, on or before the

commencement date,

And

(2) The provisions of a repealed instrument, as in force immediately before the repeal of the repealed instrument, continue to apply to a matter referred to in subsection (1).

Additionally,

8. State Environmental Planning Policy Amendment (Housing) 2023
(1) An amendment made to this policy by the amending policy does not apply to a development application made but not finally determined before the commencement date.

(3) In this section—
***amending policy** means State Environmental Planning Policy Amendment (Housing) 2023.*
***commencement date** means the date on which the amending policy, Schedule 1 commences.*

Schedule 1 of SEPP(Housing) 2023 states that

2 Commencement
This policy commences as follows—
(a) for Schedule 3.21[1]—on 30 June 2024,
(b) otherwise—on the day this policy is published on the NSW legislation website.

As the provisions of the State Environmental Planning Policy Amendment (Housing) 2023 do not come into force until 30 June 2024, the provisions of previous version SEPP(Housing) 2021 are applicable to this development.

Chapter 2 Affordable housing

Affordable Housing is defined within Section *1.4 – Definitions* of the Environmental Planning and Assessment Act (1979):

> ***affordable housing** means housing for very low-income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.*

The State Environmental Planning Policy (Housing) in Chapter 2 – Affordable Housing further defines low-moderate income households as per the following:

A household which has *a:*

(i) gross income within the following ranges of percentages of the median

household income for Greater Sydney or the Rest of NSW—

(A) very low income household—less than 50%,
(B) low income household—50–less than 80%,
(C) moderate income household—80–120%, and
(ii) pays no more than 30% of the gross income in rent

15 Requirement for imposition of conditions—the Act, s 7.32(3)(a)

Before imposing a condition under the Act, section 7.32, the consent authority must consider the following—
(a) affordable housing must aim to create mixed and balanced communities,
(b) affordable housing must be created and managed so that a socially diverse residential population, representative of all income groups, is developed and maintained in a locality,
(c) affordable housing must be made available to very low, low and moderate income households, or a combination of the households,
(d) affordable housing must be rented to appropriately qualified tenants and at an appropriate rate of gross household income,
(e) land provided for affordable housing must be used for the purposes of the provision of affordable housing,
(f) buildings provided for affordable housing must be managed to maintain their continued use for affordable housing,
(g) affordable housing must consist of dwellings constructed to a standard that, in the opinion of the consent authority, is consistent with other dwellings in the area.

It is considered that the proposed development and the mix of nominated units meets the above requirements.

Conditions of consent will need to be imposed to ensure that the allocated affordable housing units are to be managed by a registered housing provider and maintained as such for a period of 15 years from the issue of the occupation certificate.

The application proposes a total of 19 residential units, including four (4) of which will be used as affordable housing. The proposal exceeds the LEP's FSR requirement of 1:1 by 0.137:1, (i.e. an additional 168m^2 or 13.7%) of floorspace above the LEP limit is proposed. The proposal seeks to allocate 4 units (21% of its units, or 20.056% of its GFA) for affordable housing purposes, which is consistent with the bonus floorspace allowable under the SEPP, granting the development an additional 0.206 FSR which equals 1.206:1.

Additionally, pursuant to Division 1 In-fill affordable housing of SEPP (Housing) 2021, Council is required to consider the matters in the table below in determining a development application.

Division 1 - In-fill affordable housing	
16 Development to which Division applies (1) This Division applies to residential development if—	
(a) the development is permitted with consent under another environmental planning instrument, and	16. (1)(a) residential flat building are permitted with consent in the R4 High Density Residential Zone - Complies
(b) at least 20% of the gross floor area of the building resulting from the development will be used for the purposes of affordable housing, and	16. (1)(b) 20.056% of the gross floor area will be used for affordable housing - Complies
(c) for development on land in the Greater Sydney region, Newcastle region or Wollongong region—all or part of the development is within an accessible area	16. (1)(c) the development is located within an accessible area – Complies please see discussion on the accessibility of the site below.

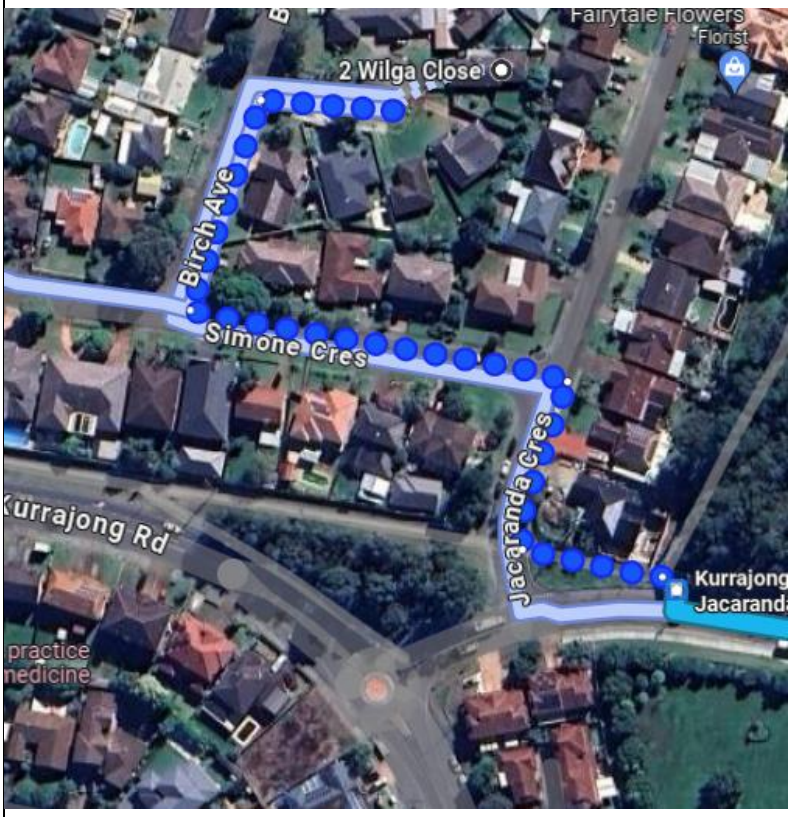


Figure 13: Accessible Area – Walking distance to bus stop (Google Maps)

The subject site is within 400m (306m) of a bus stop (Kurrajong Road after Jacaranda Cres) that is serviced by Bus Route 872 Campbell to Liverpool via Macquarie Fields 857 Narellan to Liverpool and 870 Campbelltown to Liverpool via Glenfield. The site is also located 350m of a bus stop (Kurrajong Road opposite Jacaranda Cres) that is serviced by Bus Route 865 Casula Mall to Liverpool via Lurnea Shops, 866 Casula to Liverpool. The bus routes provide regular bus services between 06:51 and 22:00 each day from Monday to Friday (both days inclusive) and between 07:35 and 21:30 on Saturday and Sunday.

On weekdays bus route 872, 857 and 870 has a service which runs through the subject bus stops as follows:

- Approximately every 30-40 minutes between 06:51 and 16:57 and then hourly unit 22:00

On Saturday's bus route 872 has a service which runs as follows:

- every 30 minutes between 07.35 – 19.30-
- every hour between 17:00 – 20:00

On Sundays and public holidays bus route 872 has a service which runs as follows:

- every 60 minutes between 06:30 – 21:30

Therefore it is considered that the site is located in an "accessible area" as defined by the SEPP (Housing) 2021.

17 Floor space ratio (1) The maximum floor space ratio for development to which this Division applies is the maximum permissible floor space ratio for residential accommodation on the land plus an additional floor space ratio of— (a) if the maximum permissible floor space ratio is 2.5:1 or less— (i) if at least 50% of the gross floor area of the building resulting from the development will be used for affordable housing—0.5:1, or (ii) if less than 50% of the gross floor area of the building will be used for affordable housing—Y:1, where— AH is the percentage of the gross floor area of the building that is used for affordable housing. Y= AH ÷ 100	In accordance with the formula, the development benefits from an additional Floor Space Ratio of 0.206:1 giving a total FSR of 1.206:1. The development proposes an FSR of 1.137:1 so is therefore compliant.
18 - Non-discretionary development standards—the Act, s 4.15	Comment
(2) The following are non-discretionary development standards in relation to the residential development to which this division applies— (a) a minimum site area of 450m2,	The site has an area of 1,210sqm. – Complies
(b) for a development application made by a social housing provider—at least 35m^2 of landscaped area per dwelling, (i) 35m2 per dwelling, or	Not applicable - The development has not been made by a social housing provider

(c) if paragraph (b) does not apply—at least 30% of the site area is landscaped area,	Landscaped area calculations: Total site area: 1,210m² Total landscaped area: 585m² (48%) of the site area - Complies Front setback landscape 127m² (50.4%) Front setback hard surfaces 125m²
(d) a deep soil zone on at least 15% of the site area, where— (i) each deep soil zone has minimum dimensions of 3m, and (ii) if practicable, at least 65% of the deep soil zone is located at the rear of the site,	Complies
(e) living rooms and private open spaces in at least 70% of the dwellings receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter,	Complies
(f) for a development application made by a social housing provider for development on land in an accessible area— (i) for each dwelling containing 1 bedroom—at least 0.4 parking spaces, (ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces, (iii) for each dwelling containing at least 3 bedrooms— at least 1 parking space,	Not applicable - the development is not proposed by a social housing provider.

(g) the following number of parking spaces for dwellings not used for affordable housing— (i) for each dwelling containing 1 bedroom—at least 0.5 parking spaces, (ii) for each dwelling containing 2 bedrooms—at least 1 parking space, (iii) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces,	A total of 19 residential units will be provided. Dwelling mix as follows: • 8 x 1 bedroom • 11 x 2 bedroom The proposal includes the construction of a basement level, with access provided from Wilga Close at the western end of the site. The basement level includes the following: • 25 residential parking spaces (including 2 accessible car spaces). • 5 visitor parking spaces. An additional space has been provided for a service vehicle. The development utilises the provisions of SEPP (Housing) 2021 the parking requirement for the dwellings is reduced to 15 spaces plus those required for visitor and service vehicles. Therefore the proposed development complies.
(h) the minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development,	This has been assessed under State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development and complies
(i) for development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces)—the minimum floor area specified in the Low Rise Housing Diversity Design Guide,	Development is not a dual occupancy, manor houses or multi dwelling housing (terraces).

(j) if paragraphs (g) and (h) do not apply, the following minimum floor areas— (i) for each dwelling containing 1 bedroom—65m^2, (ii) for each dwelling containing 2 bedrooms—90m^2, (iii) for each dwelling containing at least 3 bedrooms—115m^2 plus 12m^2 for each bedroom in addition to 3 bedrooms.	Paragraph (h) applies. Therefore, this section does not apply.
19. Design requirements	
(1) Development consent must not be granted to development to which this Division applies unless the consent authority has considered the following, to the extent to which they are not inconsistent with this Policy— (a) the Seniors Living Policy: Urban Design Guidelines for Infill Development published by the Department of Infrastructure, Planning and Natural Resources in March 2004, (b) for development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces)—the Low Rise Housing Diversity Design Guide. (2) Subsection (1) does not apply to development to which State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development applies. (3) Development consent must not be granted to development to which this Division applies unless the consent authority has considered whether the design of the residential development is compatible with— (a) the desirable elements of the character of the local area, or (b) for precincts undergoing transition—the desired future character of the precinct.	(2) Subsection (1) does not apply as the development has been designed in accordance with the provisions of SEPP 65. (3) (a) The development is located in an R4 High Density Residential area and while it is the first of its kind in the vicinity is considered a desirable outcome providing affordable housing and additional housing to the area. The development is well serviced by a local shopping centre and schools as well as access to public transport. (3)(b)the development is in a precinct that is zoned as undergoing transition and is largely the same development as that approved by the LLPP under DA-1305/2021 so is considered to represent the desired future character of the precinct.

21 Must be used for affordable housing for at least 15 years	
(1) Development consent must not be granted to development under this division unless the consent authority is satisfied that for a period of at least 15 years commencing on the day an occupation certificate is issued for the development— (a) the affordable housing component will be used for affordable housing, and (b) the affordable housing component will be managed by a registered community housing provider.	The development benefits from section 16 of the State Environmental Planning Policy (Housing) 2021. Conditions of consent have been imposed to ensure the requirements of this section are provided.

(i) Liverpool Local Environmental Plan 2008

(i) Zoning

The subject site is zoned R4 High Density Residential pursuant to Liverpool Local Environmental Plan 2008 (Liverpool LEP 2008). An extract of the zoning map is provided in Figure 15 below.

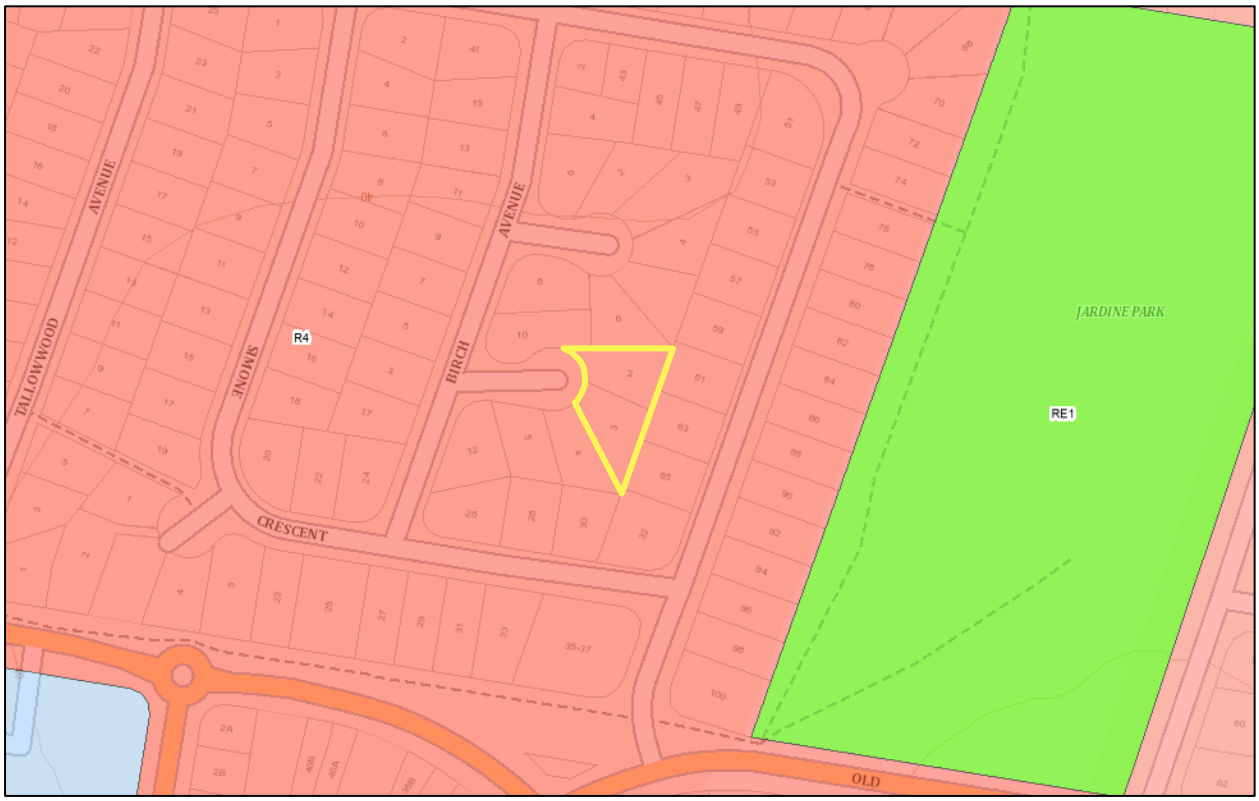


Figure 15: Zoning Map (source: Liverpool LEP 2008)

(ii) Permissibility

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

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

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

(iii) Objectives of the zone

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

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

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

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

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

(j) Liverpool Local Environmental Plan 2008

(ii) Principal Development Standards

The following principal development standards of Liverpool LEP 2008 apply to the proposal:

Clause	Provision	Proposed	Comment
2.6 Subdivision	Subdivision may be carried out with development consent.	No subdivision is proposed.	**Not applicable**
2.7 Demolition requires consent	The demolition of a building or work may be carried out only with development consent.	The existing structures are proposed to be demolished. A demolition plan has been submitted.	**Complies**
4.3 Height of Buildings (as per HOB Map)	The site is subject to a maximum building height of 15m.	The proposed RFB has a building height of 16.2m above NGL which is a variation of 8% over the control. The applicant has lodged a clause 4.6 variation which is discussed	**Considered acceptable – see Clause 4.6 - Variation assessment below.**

		below. The application has been reviewed by Council's Design Excellence Panel, who approve of this aspect of the application. It is noted that control 18 of SEPP Housing permits additional height of buildings but only where the provisions of this SEPP for additional FSR are not utilised. As the application is seeking the benefit of additional FSR, additional height cannot be applied to the development to offset the proposed exceedance.	
4.4 Floor Space Ratio	The site is subject to an FSR of 1.0:1.	The FSR is as follows: Site area= 1,210m^2 Proposed GFA = 1,376m^2 FSR = 1.137:1 SEPP(Housing) in accordance with the controls permitted by the savings provisions in Schedule 7A of the current legislation, an increase to the permitted FSR is applicable as 20% of the development is proposed to be affordable housing. The increase is calculated from the percentage of the affordable GFA of the development being 20.56% resulting in a bonus FSR of 0.2056. with a total FSR of 1.2056:1, the	**Complies**

		proposed development has a compliant FSR.	
4.6 Exceptions to development standards		A variation to Clause 4.3 Height of Buildings and Clause 7.14 Minimum Street Frontage has been requested under this clause as discussed below.	**See below for discussion.**
5.21 Flood Planning	Development is to consider the flood status of the land.	The site is not flood prone.	**Not applicable**
6.5 Public Utility Infrastructure	Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.	The application proposes the addition of three affordable dwellings in addition to the sixteen units approved under DA-1305/2021 which demonstrated that adequate infrastructure can be made available to that development. It is not anticipated that the three additional single bedroom units will prevent the development from being appropriately serviced and in that regard, Council is satisfied adequate servicing arrangements have been made.	**Complies**
7.14 Minimum Building Street Frontage	Development consent must not be granted to development for the purposes of any of the following buildings unless the site on which the buildings is to be erected has at least one street frontage to a public street (excluding service lanes) of at least 24 metres for any	The site's street frontage is irregular in shape. The total frontage length is 21.86m. This represents a variation to the control of 2.14m or 8.9% of the control.	**Considered Acceptable Refer to C4.6 discussion.**

	residential flat building.		
7.31 Earthworks	Before granting development consent for earthworks, the consent authority must consider the following matters— (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,	The application was referred to Council's Land Development Engineer who had no objection to the development subject to conditions of consent.	**Complies subject to conditions of consent.**
	(b) the effect of the proposed development on the likely future use or redevelopment of the land,	The application was referred to Council's Land Development Engineer who had no objection to the development subject to conditions of consent.	**Complies subject to conditions of consent.**
	(c) the quality of the fill or the soil to be excavated, or both,	The application was referred to Council's Land Development Engineer who had no objection to the development subject to conditions of consent.	**Complies subject to conditions of consent.**
	(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,	The application was referred to Council's Land Development Engineer who had no objection to the development subject to conditions of consent.	**Complies**
	(e) the source of any fill material and the destination of any excavated material,	The application was referred to Council's Land Development Engineer who had no objection to the development subject to conditions of consent.	**Complies**
	(f) the likelihood of disturbing relics,	Conditions of consent can be imposed which will ensure that works will cease should unexpected finds be uncovered.	**Complies by condition**

	(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.	As discussed in this report, the potential impacts on the Georges River Catchment have been considered.	**Complies**

Clause 4.6 - Exceptions to development standards

(Variation to Clause 4.3 - Height of Buildings)

Clause 4.3 of the Liverpool Local Environmental Plan (LLEP) 2008 states:

"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 subject proposal seeks a variation to the maximum 15m height of buildings development standard contained in LLEP 2008. The subject development has a maximum building height of 16.2m, relating to the proposed lift overrun at the southern section of the building and the proposal also includes a height of 15.5m to a small portion of the roof of the building.

The maximum extent of the variation is 1.2m, or 8% over the development standard. The extent of the variation can be found in the figure below.

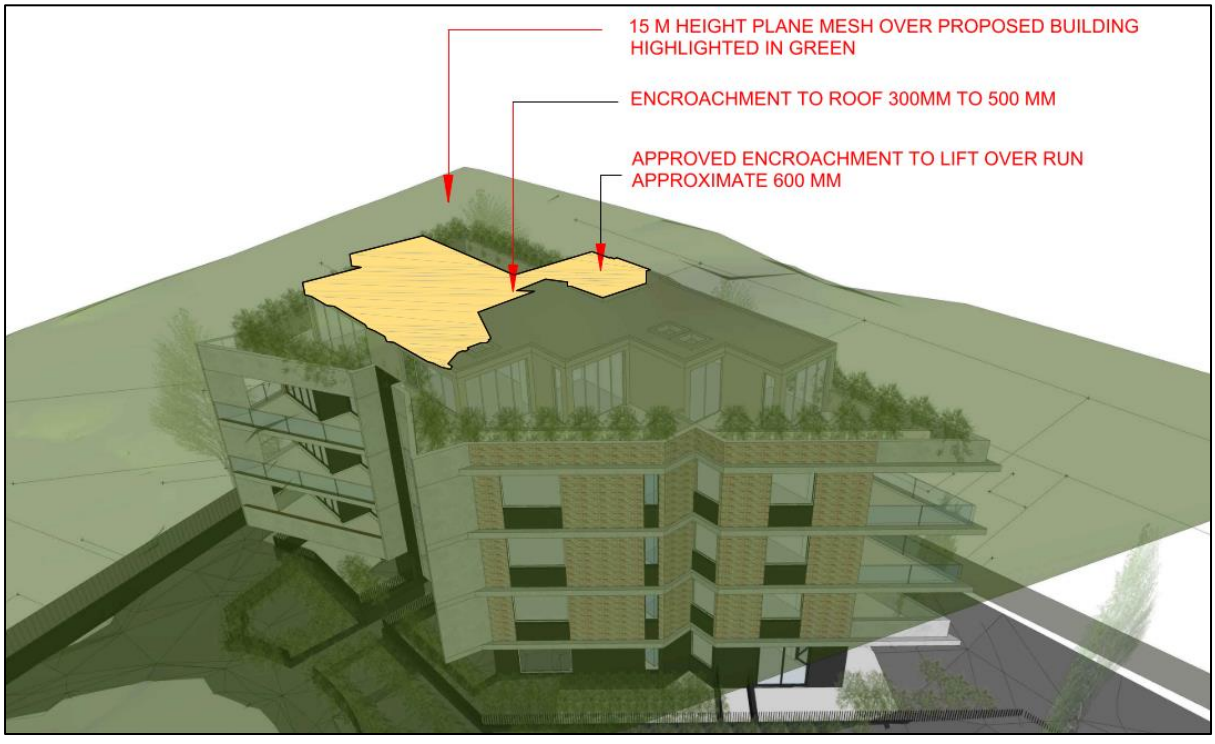


Figure 11: Height Plane of the development showing extent of the building height encroachment

Consequently, pursuant to Clause 4.6 of the LLEP 2008, the applicant has submitted a written request seeking a variation to the maximum height of buildings as prescribed by Clause 4.3.

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

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

(3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
  (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
  (b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) *Development consent must not be granted for development that contravenes a development standard unless:*
  (a) the consent authority is satisfied that:
    (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
    (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
  (b) the concurrence of the Planning Secretary has been obtained.

The applicant submitted a Clause 4.6 Variation Statement to the Height of Buildings development standard in order to justify the variation described above. This document provides the following justifications based on the merits of the proposal:

Variation to Height of Buildings, Clause 4.3:

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

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

The applicant has provided the following justification for the contravention of the development standard:

Applicant Comment

In Wehbe V Pittwater Council (2007) NSW LEC 827 Preston CJ sets out ways of establishing that compliance with a development *standard is unreasonable or unnecessary. This list is not exhaustive. It states, inter alia:*
Policy in a variety of ways. The most commonly invoked way is to establish that compliance with the development *standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard.*
The Judgment goes on to state that:
'The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. Compliance with a development standard is fixed as the usual means by which the relevant environmental or planning objective is able to be achieved. However, if the proposed development proffers an alternative means of achieving the objective strict compliance with the standard would be unnecessary(it is achieved anyway) and unreasonable (no purpose would be servied) Preston CJ in the Judgment then expressed the view that there are 5 different ways in which an objection may be well founded and that approval of the objection may be consistent with the aims of the policy, as follows (with emphasis placed on number 1 for the purposes of this Clause 4.6 variation [our underline]):
1. The objectives of the standard are achieved notwithstanding non-compliance with the standard;
2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;
3. The underlying object or purpose would be defeated or thwarted if compliance was required and therefore
compliance is unreasonable;
4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;
5. The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard that would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.

Relevantly, in Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118 (paragraph 16), Preston CJ makes reference to Wehbe and states:
' although that was said in the context of an objection under State Environmental Planning Policy No 1 - Development Standards to compliance with a development standard, the discussion is equally applicable to a written request under cl 4.6 demonstrating that compliance with a development standard is unreasonable or unnecessary.'

Compliance with the maximum Height of Buildings development standard is considered to be unreasonable and unnecessary as the objectives of that standard are achieved for the reasons set out in this Statement.

The proposed development provides a built form that is of a scale, density, landscaped setting and external appearance that is compatible with the future desired character for the local area that is anticipated by Liverpool Local Environmental Plan 2008. The building will comply with the maximum height limit with the exception of a small 0.6m non-compliance arising from a lift overrun and between 0.1m to 0.3m associated with the provision of four affordable housing dwellings on the upper floor of the building.

Council Comment

In response to the applicant's justification raised above, Council provides the following comments:

- The extremities of the height exceedance occurs at the lift overrun of the building. The lift overrun is located further towards the centre on the roof of the building and is not readily visible when viewed from the street and does not generate additional overshadowing on adjoining properties.

- The proposed development is considered to be of an appropriate bulk and scale and is consistent with the design principles and relevant standards and objectives of the ADG. The extent of the variation is 8.0% and will not contribute to additional visual bulk and scale of the development.

- The development does achieve a high-quality urban form, notwithstanding the contravention of the development standard.

- The development provides a consistent floor to floor height of 3.1m, which exceeds the minimum in the ADG. The additional height provides added amenity for the units by enabling better solar access and cross-ventilation and enables a better urban design outcome. The floor-floor height may be reduced to achieve a height compliance, however, will result in a less the ideal design outcome.

- The development is deemed to appropriately respond to the site topography, considering the majority of the built form is below the height limit, however where the site slopes most towards the street, a small portion of the building encroaches within the height limit.

- No significant visual or acoustic privacy impacts would occur as a consequence of the contravention of the development standard.

- The development provides for a mostly compliant height of the building, notwithstanding full compliance with the ADG and the floor space ratio bonus provided under the SEPP (Housing) 2021. The design of the building is commendable noting that the additional floor space afforded to the development does not result in non-compliances with the ADG and extra floor plates/ levels in the building.

- It is noted that Council's Design Excellence Panel was supportive of the proposed exceedance of height as it generally pertains to the lift overrun and roof elements.

Compliance with the standard is considered unreasonable in this case as the development is generally in accordance with the building approved by the LLPP under DA-1305/2021 with the addition of three Affordable Housing units on the top floor of the building and any future development on the allotments would still be able to provide a valuable housing product suitable for the area and provide for the housing needs for the community.

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

Further, the additional height is not contributing to any detrimental increases in bulk and scale over the site including compliance with the floor space ratio provisions for the development. Compliance with the standard is unreasonable in this case as a development can be constructed on the site that generally adheres with the planning controls and provisions for a form of development that is consistent with the future anticipated high density residential character.

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

Applicant Comment

Having regard to Clause 4.6 (3)(b) and the need to demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard, as demonstrated in Preston CJ in Initial Action Pty Ltd V Woollahra Municipal Council [2018] NSW LEC 118 (paragraph 24)

The assessment of this numerical non-compliance is also guided by the decisions of the NSW LEC in Four2Five Pty td v Ashfield Council [2015] NSW LEC 90 and Four2Five Pty Ltd v Ashfield Council [2015] NSW CA 248 whereby Justice Pain ratified the original decision of Commissioner Pearson.

The following planning grounds are submitted to justify the variation to the maximum Height of Buildings development standard:
1. The height non-compliance is associated only with the proposed lift overrun which provides for access to a four affordable housing dwellings.
2. The height non-compliance is less than that previously approved in DA-1305/2021.
3. The variation to the Height of Buildings development standard does not result in any other non-compliances.
The proposal is compliant with all other development standards under the Liverpool Local Environmental Plan and Liverpool Development Control Plan 2008.
4. The location of the non-compliance being located in the centre of the building will have no greater overshadowing impact on adjoining properties compared to a compliant proposed.

Council Comment

It is considered that compliance with the height of buildings development standard is unreasonable or unnecessary due to the circumstances of this case and that there are sufficient environmental planning grounds to justify contravening the development standard. The increase in the height proposed ensures that better amenity can be provided to the

future occupants of the buildings with sufficient floor to floor heights being maintained, which allows for the minimum floor to ceiling heights to be achieved as well as space for services between floors. Having regard to the above, it is considered that there are sufficient environmental planning grounds to vary Clause 4.3 – Height of Buildings in this instance.

The objectives of the Height of Buildings clause, as per the Liverpool LEP 2008, have also been addressed, as well as the objectives of the zone.

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

The objectives of Clause 4.3 and assessment are as follows:

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

The Clause 4.6 application provides response as to the consistency of the development with the objectives of Clause 4.3 as follows:

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

Applicant Comment: *Objective (a) is satisfied and the proposal is fully compliant with the FSR development standard and only involves a minor variation to the Height of Buildings development standard.*

Council Comment: The breach in building height does not result in a breach in floor space ratio as permitted by SEPP Housing and is consistent with this objective.

(b) to permit building heights that encourage high quality urban form,

Applicant Comment: *The proposed residential apartment building has been designed to be consistent with the R4 High Density Residential zoning of the site and the future desired character of the local area that is undergoing transition. The design of the development has been informed by the objectives and design criteria set out in SEPP 65 and the ADG.*

Council Comment: The building demonstrates design excellence and the breach in building height is unlikely to impact on the urban form. The height will also assist in providing a higher quality design and also providing better residential amenity for future occupants of the units.

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

Applicant Comment: *Objective (c) seeks to avoid adverse environmental impacts on adjoining properties and the public domain. Having regard to its design and scale, the proposal creates no additional overshadowing to nearby properties when compared to a compliant building envelope. Given the site orientation and topography, the proposal does not result in any additional privacy impacts and does not result in any adverse traffic or parking impacts above those arising from the existing building.*

Council Comment: The variation to building height will not cause unsatisfactory issues on adjoining sites as they will still be able to receive adequate solar access to their living rooms and private open spaces in their low density residential form as well as in the future as a developed site with appropriate building separation. The increase in roof form for the lift overrun element or the roof parapet will not exacerbate shadowing from that of a compliant building.

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

Applicant Comment: *All of the land surrounding the subject site is zoned R4 High Density Residential and has comparable density and building height controls under Liverpool Local Environmental Plan 2008. Therefore, there is no requirement to transition the height of the building down to that of a lesser zone and height limit.*

Council Comment: The breach in building height would provide an appropriate built form in the locality, which has the same zoning and height limits. The variation is unlikely to cause noticeable visual issues when viewed from the streetscape and the building footprint and floor space ratio is consistent with the SEPP (Housing) 2021, ADG, provisions of the LEP and the desired future character of the locality.

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

Consistency with objectives of the zone – R4 High Density Residential

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

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

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

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

Applicant Comment

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

The proposed development will contribute to the supply of housing in an appropriate location and at an appropriate density.

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

The proposal will contribute towards the diversity of housing types in the Liverpool LGA at a density that is commensurate with the planning controls applying to the site.

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

Not appliable as this development is providing housing.

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

The proposed development will contribute to the supply of housing at an appropriate density that is located close to transport, retail and professional services and community facilities.

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

The proposed development is one of the first high density developments in the local area and will not fragment adjacent land so as to prevent the LEP's objectives from being achieved.

Council Comments

The proposed variation in height does not prevent the ability of the proposed development to provide the housing needs for the community. The proposed development also provides an opportunity for the provision of a variety of housing types and densities in a developing

area. Additionally, the development is amalgamating two sites which will reduce land fragmentation in the area and achieves a high-density development. Having regard to the above it is considered that the proposed development is consistent with the objectives of the R4 High Density Residential Zone.

Consistency with Clause 4.6 objectives

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

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

Conclusion and Recommendation

It is considered that the proposed variation to Clause 4.3 – Height of Buildings, would adequately address the provisions of Clause 4.6 including the objectives of the development standard and the zone. The proposal is also considered to be in the public interest and is therefore supported in this instance.

(Variation to Clause 7.14 Minimum Building Street Frontage)

Clause 7.14 of the Liverpool Local Environmental Plan (LLEP) 2008 states;

"Development consent must not be granted to development for the purposes of any of the following buildings, unless the site on which the buildings is to be erected has at least one street frontage to a public street (excluding service lanes) of at least 24 metres—

(a) any building on land in Zone B3 Commercial Core or B4 Mixed Use, or
(b) any building of more than 2 storeys on land in Zone R4 High Density Residential, B1 Neighbourhood Centre or B2 Local Centre, or
(c) any residential flat building.."

The subject proposal seeks a variation to the minimum building street frontage contained in Clause 7.14 of the LLEP 2008. The minimum building street frontage is to be 24m for the residential flat building. The subject development is applying for a variation to the minimum building street frontage, in which the front boundary to Wilga Close for the subject development is 21.865m. This equates to a variation of 2.135m, which is expressed in a percentage as 8.9% to the development standard. The extent of the variation can be found in the Figure below.

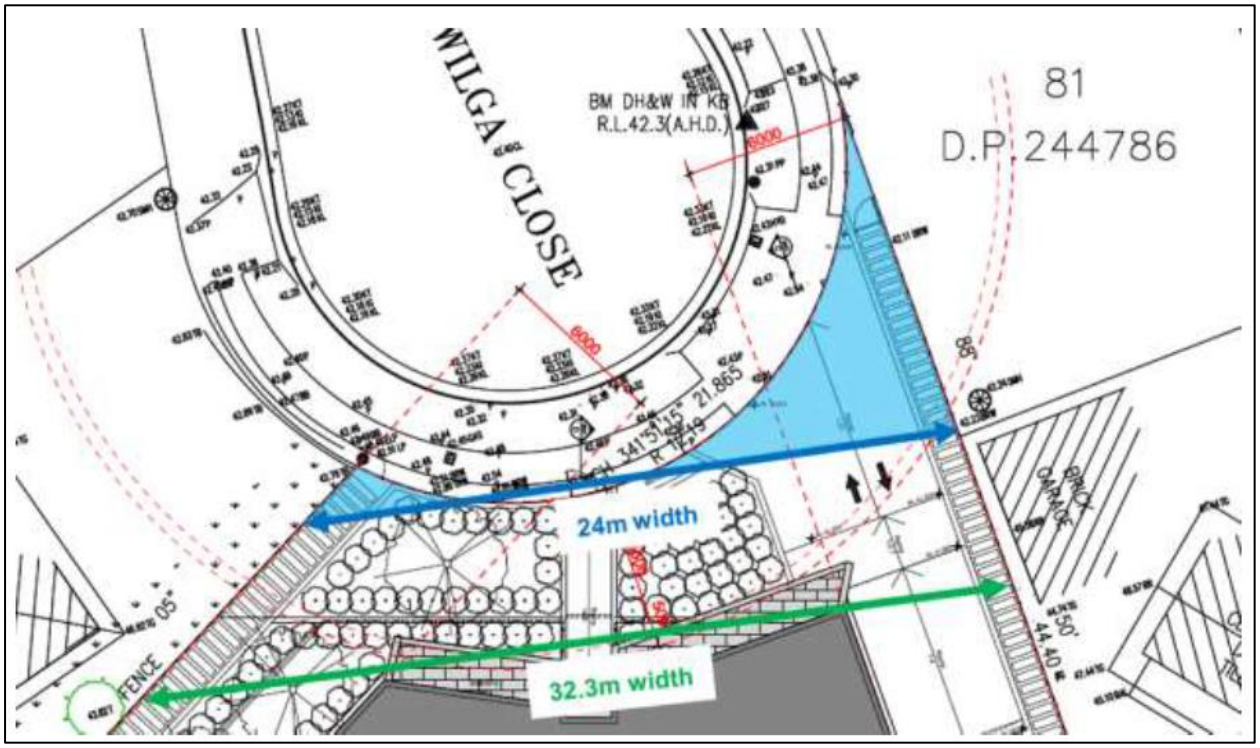


Figure 6 – Frontage dimensions showing where a 24m width is as well as the width at the building line.

Consequently, pursuant to Clause 4.6 of the LLEP 2008, the applicant has submitted a written request seeking a variation to the minimum building street frontage as prescribed by Clause 7.14.

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

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

(3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
  (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
  (b) that there are sufficient environmental planning grounds to justify contravening the development standard.

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

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

The applicant submitted a Clause 4.6 Variation Statement to the minimum building street frontage development standard, in order to justify the variation described above. This document provides the following justifications based on the merits of the proposal:

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

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

Applicant Comment

In *Wehbe V Pittwater Council* (2007) NSW LEC 827 Preston CJ sets out ways of establishing that compliance with a development standard is unreasonable or unnecessary. This list is not exhaustive. It states, inter alia:

> *"An objection under SEPP 1 may be well founded and be consistent with the aims set out in clause 3 of the Policy in a variety of ways. The most commonly invoked way is to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard"*

The judgement goes on to state that:

> *"The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. Compliance with a development standard is fixed as the usual means by which the relevant environmental or planning objective is able to be achieved. However, if the proposed development proffers an alternative means of achieving the objective strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served)".*

Preston CJ in the judgement then expressed the view that there are five different ways in which an objection may be well founded and that approval of the objection may be consistent with the aims of the policy, as follows (with emphasis placed on number 1 for the purpose of this Clause 4.6 variation [our underline]):.

1. The objectives of the standard are achieved notwithstanding non-compliance with the standard;
2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;
3. The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable.
4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.
5. The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable or unnecessary as it applies to the land and compliance with the standard that would be unreasonable. That is, the particular parcel of land should not have been included in the particular zone.

Relevantly, in *Initial Action Pty Ltd V Woollahra Municipal Council [2018] NSW LEC* (paragraph 16), Preston CJ, refers to *Wehbe* and states:

"…Although that was said in the context of an objection under State Environmental Planning Policy No 1 – Development Standards to compliance with a development standard, the discussion is equally applicable to a written request under cl. 4.6 demonstrating that compliance with a development standard is unreasonable or unnecessary".

Objective (a): *to ensure that, visually, buildings have an appropriate overall horizontal proportion compared to their vertical proportions,*

As outlined in Section 1 of this variation request, the subject site is generally in excess of 24m in width, with only a small portion of the front of the site being less than 24m wide. Accordingly, the area of the site where the building is proposed to be located is in excess of 24m wide, with the width of the site at the front building line being 32.3m. This enables a building to be proposed on site that achieves a high level of compliance with the applicable planning controls under the Apartment Design Guide, LLEP and LDCP 2008. The high level of compliance results in a building envelope that is generally anticipated by the controls and consistent with the desired future character of the site.

In particular, the development complies with the applicable maximum height and FSR under LLEP, and building setbacks prescribed under LDCP 2008. Furthermore, the development achieves excellent levels of amenity for future occupants and complies with the majority of requirements under the ADG, including in relation too deep soil and communal open space.

In respect of the scale and form of the development, the Proposal is achieves a sensible and well-considered balance between vertical and horizontal proportions, despite the minimum building street frontage variation. The proposed building will be 4 storeys and is compliant

with the maximum height prescribed under LLEP. The uppermost storey utilises a change in materiality to provide additional vertical expression. This is balanced out by vertical banding incorporated into the design and articulation of the building, including the form of the front balconies. Compliant setbacks, including 6m side setbacks and a large landscaped front setback enable the Proposal to achieve a landscaped setting, with screen planting provided to further soften the appearance of the development.

Overall, the scale and form of the development is in keeping with the size and shape of the subject site and compatible with the desired future character of the locality. As illustrated in Figure 12 below, the proposed development provides a well-balanced building form that has an appropriate horizontal proportion compared to its vertical proportions. Thus, it will provide a high quality development that is not visually jarring and will enhance the appearance of the site and streetscape, and will set a strong precedent for future high density residential development in the locality. The Proposal therefore achieves Objective (a).



Objective (b): ***to ensure that vehicular access is reasonably spaced and separated along roads and lanes*****,**

The site currently contains two lots, each of which contains a detached dwelling house with off-street parking accessed via a driveway directly from Wilga Close. These driveways dominate the frontage of the site (as illustrated in **Figure 13** below). The proposal includes one vehicle access from Wilga Close on the northern side of the site, in a similar location to the existing driveway to No. 2 Wilga Close. In addition, the proposal will reinstate the footway, nature strip, kerb and gutter along the rest of the frontage of the site. This will have obvious benefits in enhancing the visual appearance of the streetscape, reducing the visual clutter of additional driveways, and increasing on-street parking capacity.

Furthermore, the proposed driveway will be set away from existing driveways accessing adjoining neighbouring properties, including Nos. 4 and 5 Wilga Close to the south and No. 10 Birch Avenue to the north. This will ensure that vehicle accesses on the street include

reasonable visual separation from one another. Accordingly, despite the minimum building street frontage variation, the Proposal achieves Objective (b).



Figure 13 Existing driveways accessing the site

Objective (c): *to provide appropriate dimensions for the design of car parking levels*,

The proposed development includes a basement level for car parking, which is typical of modern residential flat building development throughout Liverpool LGA and the wider Sydney Region. The car park has been designed to accord with the relevant requirements of Section 8 in Part 3.7 of Liverpool DCP 2008. Furthermore, the geometric design layout of the car park is capable of complying with *AS2890.1:2004 Parking facilities: Part 1 - Off-street car parking* and *AS2890.6:2009 Parking facilities: Part 6 - Off-street car parking for People with Disabilities*. This is confirmed in the Traffic and Parking Assessment Report prepared by Varga Traffic Planning Pty Ltd.

Therefore, despite the minimum building street frontage variation, the Proposal provides a car parking area that will allow for safe and efficient access, parking and manoeuvring for future occupants and complies with the parking rates outlined in the DCP. The Proposal therefore satisfies Objective (c).

Objective (d): *to encourage larger development of commercial office, business, residential and mixed use buildings provided for under this Plan*.

The subject site is located in a part of Casula that has recently been rezoned to R4 High Density Residential, with an expectation that existing low density residential built form (as exists on the site) will be replaced with 4 and 5 storey residential flat buildings (as proposed). As discussed in Section 1 above, the subject site is generally in excess of 24m wide, with the non-compliant (less than 24m wide) parts being confined to the very front of the site. The point of the site where the front building line is proposed is some 32.3m wide; 8.3m wider than the minimum requirement under Clause 7.14 of LLEP.

As a result, the subject site is capable of accommodating the proposed development, which provides a scale and form that is compatible with the desired future character of the locality, being for high density residential development. As outlined throughout this Statement of Environmental Effects, the proposed development achieves a high level of compliance with the applicable planning controls, including the Apartment Design Guide, LLEP and LDCP 2008.

Despite the minimum building street frontage variation, the Proposal therefore achieves Objective (d) by enabling a high density residential development on the site that is consistent with the objectives of the R4 zone (as outlined in Section 5 below) and will set a precedent for high quality development in the locality.

Summary

The above adequately demonstrates that compliance with the Minimum building street frontage is unreasonable or unnecessary in the circumstances in this case where the Proposal achieves the objectives of the standard, notwithstanding the Variation.

Compliance with the minimum building street frontage development standard is considered to be unreasonable and unnecessary as the objectives of that standard are achieved for the reasons set out above. For the same reasons, the objection is considered to be well-founded as per the first method underlined above.

Notably, under Clause 4.6(4)(a)(ii) a consent authority must now be satisfied that the contravention of a development standard will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out. The objectives of the zone are addressed in Section 5 below.

Council Comment

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

- The extent of the variation is 8.9%, which is considered minor in this instance given the unique shape of the lot and is only a non-compliant element for approximately the first 1.8m along the southern boundary and 14.8m along the northern boundary.

- The site is in excess of 24m where the building line is situated, being 32.3m wide, which is also wider than a number of residential flat building applications in the LGA.

- The frontage width does not impact on the ability for the proposed development to provide a high quality of residential amenity to the future occupants of the building. The development application is still able to provide a building which portrays design

excellence and the reduced frontage perimeter does not impact on the built form that can be produced.

- The reduced lot frontage is a direct correlation with being on a cul-de-sac head, with a narrower street frontage and a wider rear.

- The development is able to meet the objectives of the development standard.

- The proposed development does not create any detrimental overshadowing or privacy impacts on the adjoining developments.

- The proposed development is considered to be of an appropriate bulk and scale and is consistent with the design principles and relevant standards and objectives of the ADG.

- The applicant is also proposing to amalgamate two sites to gain a greater frontage width and the width of the site at the rear boundary is almost 2.5 times larger than the minimum frontage requirement of 24m.

- The reduced lot frontage to the street does not limit the operations of the development including waste collection and access arrangements.

Compliance with the standard is unreasonable in this case as the development can be sited with adherence to local provisions and any future development on the allotments would still be able to provide housing suitable for the area and provide for the housing needs for the community.

Based on the applicant's comments and investigation into the 4.6 variation, it is considered that strict compliance is unlikely to reduce any impacts and that it is argued that the variation to the minimum requirement for lot frontage would not cause any detrimental impacts on the amenity of future occupants as well as those currently on adjoining sites and the desired locational character in the future. Compliance with the standard is unreasonable in this case as a development can be constructed on the site that generally adheres with the planning controls and provisions for a form of development that is consistent with the future anticipated high density residential character. Having regard to the above, it is considered that there are sufficient environmental planning grounds to vary Clause 7.14 – Minimum Building Street Frontage in this instance.

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

Applicant Comment

Having regard to Clause 4.6(3)(b) and the need to demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard, as discussed above it is considered that, despite non-compliance with the Minimum building

street frontage, the proposed scale and form of the development is compatible with the desired future character of the locality and fits well within the streetscape.

It is important to reiterate here that the Variation (or contravention) is 2.135m or 8.9%.

It has been held in *Eather v Randwick City Council* [2021] NSWLEC 1075 that a particularly small departure from the actual numerical standard which lacks any material impacts consequential of the departure will be a sufficient environmental planning ground to justify contravening the development standard.

It is considered that the Variation is particularly small. This particularly small departure is also considered not to have any material impact, which arises as a consequence of the Variation, on the amenity or the environmental values of surrounding properties, the amenity of future building occupants and on the character of the locality. Specifically:

- Despite the Variation, the Proposal provides a building that has a scale, form and design that achieves a high degree of compliance with the ADG, LLEP (including maximum height and FSR), and relevant building envelope controls in the LDCP 2008. Accordingly, the Proposal provides a building envelope that is anticipated by the applicable controls and responds well to the site context. It will enhance the visual appearance of the site and streetscape and will set a high quality precedent for future development in the locality.
- The Variation is a result of the irregular shape of the subject site and only applies to a small portion of the front of the site. The vast majority of the site exceeds 24m in width, including the area where the building is proposed to be located (as illustrated in Section 1 of this variation request), where the site is 32.3m wide at the proposed front building line. As a result, the Variation does not result in development that is not able to achieve compliant setbacks, landscaping, or vehicle access.
- The Proposal will not result in any isolated sites on adjoining lots, despite the Variation. Adjoining sites to the north, east and south either already have at least a 24m minimum building street frontage or are capable of amalgamating with other adjoining lots in order to achieve a 24m minimum building street frontage. Accordingly, each of these adjoining lots are capable of being redeveloped for high density residential uses, consistent with the applicable R4 zoning and planning controls. This will not be affected by the proposed Variation on the subject site.
- The Proposal provides compliant car parking, safe and efficient vehicle and pedestrian access, and is capable of being serviced, including for waste collections, despite the Variation. This is confirmed in Traffic and Parking Assessment Report prepared by Varga Traffic Planning Pty Ltd and submitted under a separate cover.
- Despite the Variation, the Proposal will provide high levels of internal and external residential amenity to future occupants of the subject development, in particular:
    - The Proposal complies with the communal open space and deep soil requirements in accordance with Parts 3D and 3E of the ADG;
    - The proposed building complies with the building separation requirements in accordance with Part 3F of the ADG, with the exception of angled side windows and the POS of Unit 03, which do not give rise to any opportunities for adverse cross-views towards neighbouring properties.

  - Accordingly, all of the proposed apartments will achieve a high level of visual privacy, consistent with Objective 3F-1 of the ADG; 13 out of 16 (81%) of proposed apartments will receive at least 2 hours of direct sunlight to private open space and main living rooms between 9am and 3pm on 21 June, in accordance with Part 4A of the ADG;
  - All 16 (100%) of proposed apartments will achieve natural cross ventilation in accordance with Part 4B of the ADG; and
  - All of the apartments complies or exceeds the internal and private open space size requirements in the ADG.
- Despite the Variation, the Proposal will not unduly impact neighbouring residential amenity, as follows:
  - The Proposal does not give rise to any adverse overshadowing of neighbouring properties, compared to a development on a site with a compliant minimum building street frontage. Shadow diagrams submitted with the application illustrate that the Proposal does give rise to some overshadowing of neighbouring properties to the south and west between 9am and 3pm on 21 June. However, these neighbouring properties will still achieve compliant levels of winter sunlight and therefore, the level of overshadowing is entirely reasonable in light of the applicable planning controls;
  - As outlined above, the Proposal does not result in any adverse cross-views towards neighbouring properties, given that generally compliant building setbacks are provided and windows and balconies are generally orientated to the front or rear of the site. Furthermore, the proposal will not give rise to any adverse acoustic impacts on neighbouring properties, with COS located in the rear setback at ground level;
  - The Variation will not result in any significant or unreasonable view loss. The proposed development will not result in any material loss of views or outlook when compared to a building with a compliant minimum building street frontage. No important views are obtained over the site and the proposed building scale and form is consistent with the applicable building envelope controls. Therefore, any impacts on neighbouring views and outlook are entirely reasonable.

Accordingly, the Variation is justifiable.

Further the following discussion provides that not only does the Variation advance the objects of the *Environmental Planning and Assessment Act 1979*, but also advances an environmental and planning benefit:

- The Proposal replaces two dated dwelling houses with a high quality residential flat building that is consistent with the R4 zoning of the site and the applicable planning controls, which seeks high density residential development in the locality. As outlined above, the Proposal achieves a high level of compliance with the applicable building envelope controls and will enhance the visual appearance of the site and the streetscape. Accordingly, the Proposal is consistent with the desired future character of the locality and will set a strong precedent for future high density developments in the area.
- The existing buildings on the Site include two driveways that dominate the site frontage and minimise the level of landscaping that can be provided within the front setback of the Site. In contrast, the Proposal will provide a single driveway access

from Wilga Close, with the remained for the site frontage reinstated with footway, nature strip, kerb and gutter. This will enhance the visual appearance of the streetscape and allow for street tree planting. In addition, the rest of the front setback within the Site, other than for pedestrian access, is dedicated to soft landscaped area to allow for dense vegetation planting, including canopy trees. This will soften the overall appearance of the Site and provide a landscaped setting for the Proposal.

- The Variation advances the objects in Section 1.3 of the EPA Act, specifically:
  - The redevelopment of the site, which is enabled through the Variation, promotes the orderly and economic use and development of land by replacing dated low density housing with a high quality residential flat building that is compatible with the desired future character of the locality. The redevelopment for high density residential purposes is consistent with the objectives of the R4 zone and the Proposal will set a strong precedent for future development of neighbouring sites in the locality (1.3(c));
  - The proposed development promotes good design and amenity of the built environment through a well-considered design which is responsive to its setting and context, and the desired future character of the locality (1.3(g)).

The above environmental planning grounds are not general propositions and are unique circumstances to the proposed development, particularly the fact that the vast majority of the Site has a width in excess of 24m. The proposed Variation does not materially impact the amenity of the neighbouring properties (when compared to a compliant development) and has the Proposal has designed in such a way to ensure that the development achieves high levels of amenity for future occupants and is of a scale and form that is compatible with the streetscape and is not visually jarring from the public domain.

It is noted that in *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118,* Preston CJ clarified what items a Clause 4.6 does and does not need to satisfy. Importantly, there does not need to be a "better" planning outcome:

> *"86. The second way is in an error because it finds no basis in cl 4.6. Clause 4.6 does not directly or indirectly establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development. This test is also inconsistent with objective (d) of the height development standard in cl 4.3(1) of minimising the impacts of new development on adjoining or nearby properties from disruption of views or visual intrusion. Compliance with the height development standard might be unreasonable or unnecessary if the noncompliant development achieves this objective of minimising view loss or visual intrusion. It is not necessary, contrary to what the Commissioner held, that the non-compliant development have no view loss or less view loss than a compliant development.*
>
> *87. The second matter was in cl 4.6(3)(b). I find that the Commissioner applied the wrong test in considering this matter by requiring that the development, which contravened the height development standard, result in a "better environmental planning outcome for the site" relative to a development that complies with the height development standard (in [141] and [142] of the judgment). Clause 4.6 does not*

directly or indirectly establish this test. The requirement in cl 4.6(3)(b) is that there are sufficient environmental planning grounds to justify contravening the development standard, not that the development that contravenes the development standard have a better environmental planning outcome than a development that complies with the development standard."

As outlined above, it is considered that in many respects, the Variation will provide for a better or similar planning outcome than a Minimum building street frontage compliant development.

Accordingly the Variation is justifiable.

Council Comment

As a result of the assessment above, it is also considered that compliance with the Minimum Building Street Frontage development standard is unreasonable or unnecessary due to the circumstances of this case and that there are sufficient environmental planning grounds to justify contravening the development standard. The narrower street frontage in this case due to the cul-de-sac head does not cause detrimental impacts on the design of the building and ensures that a high quality building with a high level of residential amenity can be achieved. It is also noted that this site is wider internally and the non-compliant element is present for approximately the first 1.8m along the southern boundary and 14.8m along the northern boundaries and the site is a unique shape, in which the development is able to meet the design principles and relevant standards and objectives of the ADG. The objectives of the Minimum Building Street Frontage clause, as per the Liverpool LEP 2008, have also been addressed, as well as the objectives of the zone.

Having regard to the above, it is considered that there are sufficient environmental planning grounds to vary Clause 7.14 – Minimum Building Street Frontage in this instance.

Notably, under Clause 4.6(4)(a)(ii) a consent authority must now be satisfied that the contravention of a development standard will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out. The objectives of the zone are addressed below.

Consistency with objectives of the development standard Clause 7.14 – Minimum Building Street Frontage

The objectives of Clause 7.14 and assessment are as follows:

(a) to ensure that, visually, buildings have an appropriate overall horizontal proportion compared to their vertical proportions,

(b) to ensure that vehicular access is reasonably spaced and separated along roads and lanes,
(c) to provide appropriate dimensions for the design of car parking levels,
(d) to encourage larger development of commercial office, business, residential and mixed use buildings provided for under this Plan.

Applicant Comment:

Objective (a): *to ensure that, visually, buildings have an appropriate overall horizontal proportion compared to their vertical proportions,*

As outlined in Section 1 of this variation request, the subject site is generally in excess of 24m in width, with only a small portion of the front of the site being less than 24m wide. Accordingly, the area of the site where the building is proposed to be located is in excess of 24m wide, with the width of the site at the front building line being 32.3m. This enables a building to be proposed on site that achieves a high level of compliance with the applicable planning controls under the Apartment Design Guide, LLEP and LDCP 2008. The high level of compliance results in a building envelope that is generally anticipated by the controls and consistent with the desired future character of the site.

In particular, the development complies with the applicable maximum height and FSR under LLEP, and building setbacks prescribed under LDCP 2008. Furthermore, the development achieves excellent levels of amenity for future occupants, and complies with the majority of requirements under the ADG, including in relation too deep soil and communal open space.

In respect of the scale and form of the development, the Proposal is achieves a sensible and well-considered balance between vertical and horizontal proportions, despite the minimum building street frontage variation. The proposed building will be 4 storeys and is compliant with the maximum height prescribed under LLEP. The uppermost storey utilises a change in materiality to provide additional vertical expression. This is balanced out by vertical banding incorporated into the design and articulation of the building, including the form of the front balconies. Compliant setbacks, including 6m side setbacks and a large landscaped front setback enable the Proposal to achieve a landscaped setting, with screen planting provided to further soften the appearance of the development.

Overall, the scale and form of the development is in keeping with the size and shape of the subject site and compatible with the desired future character of the locality. As illustrated in Figure 12 below, the proposed development provides a well-balanced building form that has an appropriate horizontal proportion compared to its vertical proportions. Thus, it will provide a high quality development that is not visually jarring and will enhance the appearance of the site and streetscape, and will set a strong precedent for future high density residential development in the locality. The Proposal therefore achieves Objective (a).



Objective (b): ***to ensure that vehicular access is reasonably spaced and separated along roads and lanes*****,**

The site currently contains two lots, each of which contains a detached dwelling house with off-street parking accessed via a driveway directly from Wilga Close. These driveways dominate the frontage of the site (as illustrated in **Figure 13** below). The proposal includes one vehicle access from Wilga Close on the northern side of the site, in a similar location to the existing driveway to No. 2 Wilga Close. In addition, the proposal will reinstate the footway, nature strip, kerb and gutter along the rest of the frontage of the site. This will have obvious benefits in enhancing the visual appearance of the streetscape, reducing the visual clutter of additional driveways, and increasing on-street parking capacity.

Furthermore, the proposed driveway will be set away from existing driveways accessing adjoining neighbouring properties, including Nos. 4 and 5 Wilga Close to the south and No. 10 Birch Avenue to the north. This will ensure that vehicle accesses on the street include reasonable visual separation from one another. Accordingly, despite the minimum building street frontage variation, the Proposal achieves Objective (b).



Figure 13 Existing driveways accessing the site

Objective (c): ***to provide appropriate dimensions for the design of car parking levels*****,**

The proposed development includes a basement level for car parking, which is typical of modern residential flat building development throughout Liverpool LGA and the wider Sydney Region. The car park has been designed to accord with the relevant requirements of Section 8 in Part 3.7 of Liverpool DCP 2008. Furthermore, the geometric design layout of the car park is capable of complying with *AS2890.1:2004 Parking facilities: Part 1 - Off-street car parking* and *AS2890.6:2009 Parking facilities: Part 6 - Off-street car parking for People with Disabilities*. This is confirmed in the Traffic and Parking Assessment Report prepared by Varga Traffic Planning Pty Ltd.

Therefore, despite the minimum building street frontage variation, the Proposal provides a car parking area that will allow for safe and efficient access, parking and manoeuvring for future occupants and complies with the parking rates outlined in the DCP. The Proposal therefore satisfies Objective (c).

Objective (d): ***to encourage larger development of commercial office, business, residential and mixed use buildings provided for under this Plan*****.**

The subject site is located in a part of Casula that has recently been rezoned to R4 High Density Residential, with an expectation that existing low density residential built form (as exists on the site) will be replaced with 4 and 5 storey residential flat buildings (as proposed). As discussed in Section 1 above, the subject site is generally in excess of 24m wide, with the non-compliant (less than 24m wide) parts being confined to the very front of the site. The point of the site where the front building line is proposed is some 32.3m wide; 8.3m wider than the minimum requirement under Clause 7.14 of LLEP.

As a result, the subject site is capable of accommodating the proposed development, which provides a scale and form that is compatible with the desired future character of the locality,

being for high density residential development. As outlined throughout this Statement of Environmental Effects, the proposed development achieves a high level of compliance with the applicable planning controls, including the Apartment Design Guide, LLEP and LDCP 2008.

Despite the minimum building street frontage variation, the Proposal therefore achieves Objective (d) by enabling a high density residential development on the site that is consistent with the objectives of the R4 zone (as outlined in Section 5 below) and will set a precedent for high quality development in the locality.

The above adequately demonstrates that compliance with the Minimum building street frontage is unreasonable or unnecessary in the circumstances in this case where the Proposal achieves the objectives of the standard, notwithstanding the Variation.

Compliance with the minimum building street frontage development standard is considered to be unreasonable and unnecessary as the objectives of that standard are achieved for the reasons set out above. For the same reasons, the objection is considered to be well-founded as per the first method underlined above.

Notably, under Clause 4.6(4)(a)(ii) a consent authority must now be satisfied that the contravention of a development standard will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out. The objectives of the zone are addressed in Section 5 below.

Council Comment:

It is considered that the proposed development is consistent with the objectives of Clause 7.14 in that the proposed development encourages high quality urban form and development is able to meet the design principles and relevant standards and objectives of the ADG and SEPP 65. Despite the minor non-compliance, the proposed development achieves a high quality of residential amenity and portrays design excellence. The exceedance does not add any additional FSR, density or bulk and scale with the proposed development providing an appropriate density outcome for the site. The development provides a visually appropriate scale that is proportionate horizontally and vertically given the site is much wider at the building line. Additionally, vehicular access to the site is considered to be acceptable and car parking in the basement is adequate for this style of development.

Consistency with objectives of the zone – R4 High Density Residential

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

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

Applicant Comment

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

- Provides a high density residential building that contains 19 apartments, which achieve excellent levels of residential amenity. This includes a range of apartment types and sizes, including adaptable apartments that will add to housing choice in the locality and will provide for the housing needs to the local community.
- Includes 19 apartments (8 x 1-beds and 11 x 2-beds) in a range of sizes and includes 2 x adaptable apartments that will add to the variety of housing types in the locality within a suitable high density residential environment. The development proposes 3 affordable rental housing units,
- Will not affect any other land uses that provide facilities or services to meet the day to day needs of residents.
- Is located in an accessible within 300m of bus stops on Kurrajong Road that provide frequent bus services to a number of suburbs, centres and transport nodes in Southwest Sydney. The Site also has convenient access to Casula Mall, providing a number of shops and services, as well as nearby employment, education and recreational facilities. The Site is therefore well-suited for a high density residential development such as the Proposal.
- As outlined throughout this variation request, the Proposal provides a highly compliant development despite the proposed Variation. The vast majority of the site exceeds 24m in width and is thus capable of supporting a high quality residential flat building. Furthermore, the Proposal does not result in the isolation of any neighbouring sites, all of which are capable of being redeveloped for high density residual uses, either on their own or as part of larger amalgamated sites. Therefore, the development does not result in the fragmentation of land that would prevent the achievement of high density residential development on neighbouring sites or in the wider locality.

For these reasons the Proposal is consistent the relevant objectives for development in Zone R4. Accordingly, the consent authority can be satisfied that the Proposal is in the

public interest, because it is consistent with the objectives of both the development standard and the zone.

Council Comments

The proposed variation in site frontage does not prevent the ability of the proposed development to provide the housing needs for the community. The proposed development also provides an opportunity for the provision of a variety of housing types and densities in a developing area. Additionally, the development is amalgamating two sites which will reduce land fragmentation in the area and achieves a high-density development. Having regard to the above it is considered that the proposed development is consistent with the objectives of the R4 High Density Residential Zone.

Consistency with Clause 4.6 objectives

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

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

Recommendation

With considerations to the discussion above, the proposed variation to Clause 7.14– Minimum Building Street Frontage, adequately addresses the provisions of Clause 4.6 including the objectives of the development standard and the zoning. The proposal is also considered to be in the public interest and is therefore supported in this instance.

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

There are no draft Environmental Planning Instruments that apply to the site.

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* 3.7 – Residential Flat Buildings in the R4 Zone. The compliance tables can be viewed in Attachment 6 of this report.
The only minor variation to the DCP controls was in regard to Building Design, Style and Streetscape specifically in relation to Balconies as identified below:

Development Control	Required	Provided	Compliance
Balconies	Balconies may project up to 1m from the façade of a building.	The maximum extent of the balcony's protrusion from the facade is along the western (front) facade which is 3.39m.	**Considered Acceptable** Compliance with the ADG is provided for balconies in which minimum depths are required to be achieved. Balconies project more than 1m from the building façade in some instances, however, building separation and setbacks are still maintained and overshadowing and privacy is not exacerbated by this design. No objections were made by the Design Excellence Panel with regard to this outcome noting that the balconies have remained the same as the original approval for the first four levels.

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

6.4 Section 4.15(1)(a)(iiia) – Planning Agreement or any Draft Planning Agreement

There are no Planning Agreements which apply to the development.

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

The Environmental Planning and Assessment Regulation 2021 requires the consent authority to consider the provisions of the National Construction Code. Accordingly, appropriate conditions of consent will be imposed where compliance with the NCC is required as well as compliance with the Australian Standards for demolition works.

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

Built Environment

It is considered that the proposed development will have minimal impact on the built environment given that it is located within the R4 Zone which is zoned for high density residential development. Therefore, it is considered to be consistent with the current and future character of the locality, especially as the building has been designed to comply with the ADG.

The design has been able to mitigate potential impacts with adjoining properties while at the same time ensuring that internal amenity for future residents is prioritised and provided to a high standard. As such, the proposed bulk and scale of the development represents a desirable and meritorious planning outcome for the site.

Natural Environment

Impacts on the natural environment have been assessed as part of the development application. The proposal is unlikely to result in any detrimental impact on the natural environment surrounding the subject sites, or to any endangered and non-endangered species of flora and fauna.

Social Impacts and Economic Impacts

The proposed development will have a positive social impact in the area through increasing housing choice and affordable housing within the locality. It will assist in promoting lifestyle choice which is close to retail services and public transport options as well as local community facilities. It is considered that the proposal is unlikely to generate any unreasonable social impacts on the surrounding area.

The short term positive economic impacts development that result from construction spending and employment opportunities generated during the construction phase are generally recognised. Other, more enduring impacts should come as the local population increases and use local shopping and services.

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

The site is considered to be suitable for the proposed development. The proposal is generally compliant with the provisions of the Liverpool LEP 2008, the relevant Environmental Planning Instruments, the Apartment Design Guidelines and Liverpool DCP 2008, as outlined in this report. The identified variations have been considered and are supported as they do not result in any adverse impacts to the locality and are within the public interest. Overall, the development is considered to satisfy the relevant controls for site selection.

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
Traffic and Transport	Application Deferred – Conditions of consent have been imposed to address the requirements of the deferral.
Building	Supported subject to conditions
Land Development Engineering	Supported subject to conditions

(b) External Referrals

Nil

(c) Community Consultation

The development application was advertised/notified for a period of 14 days from 27 February to 14 March 2023 in accordance with Liverpool Community Participation Plan 2022. One submission was received regarding the proposed development objecting to the proposal. The key issues in the submission relate to:

- Affordable Housing
- Rezoning
- Parking and Traffic
- Increase in Crime

ISSUE 1: Affordable Housing

Council Comment: The provisions for infill affordable housing in SEPP(Housing) 2021 is a State Government Initiated Environmental Planning Instrument. The proposal has been assessed under the relevant provisions of State Environmental Planning Policy (Housing) 2021 (the SEPP), specifically Chapter 2 – Affordable Housing in which the proposal demonstrates consistency with the provisions of the Environmental Planning Instrument.

ISSUE 2: Rezoning

Council Comment: The rezoning to R4 High Density Residential occurred in 2008. No further consideration to the merits of this rezoning can be made under the assessment of this application. A residential flat building development is a land use that is permissible within the zone and the immediate locality.

ISSUE 3: Parking and Traffic

Council Comment: The proposed development requires 19 residential car spaces in accordance with the provisions of Part 2 Division 1 Clause 18 (2) (g)(Non-discretionary development standards) of State Environmental Planning Policy (Housing) 2021 and 30 car parking spaces and 1 service vehicle space are provided. Therefore, the development provides adequate car parking spaces with regards to NSW legislation.

The application was also accompanied by traffic impact assessment which was assessed by Councils Traffic Section. Council's Traffic Engineer reviewed the submitted traffic impact assessment and had no objection, upon considering the generated traffic within the locality. As such, traffic generation associated with the proposal is considered acceptable for the locality based upon Council's Traffic engineers review and for partial affordable housing development of this nature.

ISSUE 4: Increase in Crime

Council Comment: In regard to an increase in Crime, any matters are to be reported to NSW Police. Crime can occur with any use and there is no evidence to suggest that the proposed use would increase anti-social or criminal activity.

6.9 Section 4.15(1) - The Public Interest

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

The subject proposal seeks to utilise bonus floor space provisions available under the Housing SEPP where a minimum percentage of affordable housing is included as part of the overall project. The additional (fifth) level of the building is proposed on this basis and incorporates 3 x affordable units.

The additional building level is set back from the building edges so as to reduce its overall impact on building scale and height, especially when viewed from the street or adjacent properties.

The additional floor space is sympathetically accommodated and does not impose any additional shadow or visual impact on adjoining lands.

In all, the bonus floorspace is provided in a manner anticipated by the Housing SEPP, whilst serving the public's interest through the provision of additional affordable housing stock in the LGA.

7. DEVELOPMENT CONTRIBUTIONS

A Section 7.11 Development Contributions is applicable to the proposed development in accordance with the Liverpool Contributions Plan 2018 – Established Areas. The contribution will be imposed as a condition of consent.The development attracts a total contribution of $172,147.00.

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, Liverpool DCP 2008, and the relevant codes and policies of Council.

The environmental impacts of the proposed development are consistent with the planning objectives and expectations in the zone. Based on the assessment of the application, it is recommended that the application be approved subject to the imposition of conditions.

9. RECOMENDATION

That Development Application DA-23/2023 be approved subject to conditions of consent.

ATTACHMENTS

1. Apartment Design Guide Compliance Table
2. Liverpool Development Control Plan 2008 Compliance Tables
3. Plans of the Proposal
4. Clause 4.6 Request (Height)
5. Clause 4.6 Request (Minimum Frontage)
6. Design Excellence Panel Minutes -14 September 2023
7. Design Excellence Panel Minutes - 14 December 2023
8. Draft Conditions of Consent

REPORT ATTACHMENT 1 – APARTMENT DESIGN GUIDE COMPLIANCE TABLE

Apartment Design Guide		
Provisions	**Proposed**	**Compliance**
2E Building Depth		
Suggested maximum of 12-18m	Maximum building depth proposed is approximately 16.3m.	**Complies**
2F Building Separation		
Minimum separation distances for buildings are: Up to four storeys (approximately 12m): • 6m between non-habitable rooms • 9m between habitable and non-habitable rooms • 12m between habitable rooms / balconies Five to eight storeys (approximately 25m): • 9m between non-habitable rooms • 12m between habitable and non-habitable rooms • 18m between habitable rooms / balconies Nine storeys and above (over 25m): • 12m between non-habitable rooms • 18m between habitable and non-habitable rooms • 24m between habitable rooms /	**Northern Boundary Separation**: Level 01 (Ground) separation of 9.9m to the neighbouring dwelling is proposed. Level 04 separation of 9.5m to the neighbouring dwelling is proposed. **Southern Boundary Separation**: Level 01 (Ground) separation of 9.45m to the boundary is proposed. Level 04 separation of 8.5m to the neighbouring dwelling is proposed. The proposed separation distances for levels 01 to 04 are acceptable through the provision of adequate setbacks.	**Complies**

Apartment Design Guide		
Provisions	**Proposed**	**Compliance**
balconies **Note:** It is generally applicable that half the building separation distance is provided, as adjoining development would provide the other half of the separation distance to ensure compliance At the boundary between a change in zone from apartment buildings to a lower density area, increase the building setback from the boundary by 3m.		
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	The proposed development is considered appropriate for the future context of the area.	**Complies**
3B Orientation		
Building types and layouts respond to the streetscape and site while optimising solar access within the development. Overshadowing of neighbouring properties is minimised during mid-winter	The proposal meets the objectives as demonstrated in the submitted shadow diagram study. Shadows cast by the proposal do not adversely impact adjoining properties.	**Complies**
3C Public domain interface		
Transition between private and public	The proposal interfaces well with	**Complies**

Apartment Design Guide		
Provisions	**Proposed**	**Compliance**
domain is achieved without compromising safety and security. Amenity of the public domain is retained and enhanced. Key components to consider include entries, private terraces or balconies, fences and walls, changes in level, services locations and planting. Design can influence safety and security, opportunities for social interaction and the identity of the development when viewed from the public domain.	the public domain and meets the objectives of this provision. The entry to the building is clearly defined by the pathway and balconies provide passive surveillance to the streetscape. The proposed landscape buffers at the site frontage soften the visual impact of the development. The proposed materials and finishes reflect a contemporary architectural design that presents an attractive built form to the public domain.	
3D Communal and public open space		
Communal open space has a minimum area equal to 25% of the site. 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) Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting Communal open space is designed to maximise safety. Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood.	The proposal provides Communal Open Space (COS) at the rear of the site and within its side setbacks. The total COS provided is 436sqm, which equals 36% of the site area. The submitted plans demonstrate that the communal open space receive direct sunlight between 10am and 2pm in mid-winter. The development incorporates a variety of landscaping throughout the site which includes large and small plantings within deep soil zones at ground level and outdoor dining areas at higher levels.	**Complies**

<table>
<tr><th colspan="3">Apartment Design Guide</th></tr>
<tr><th>Provisions</th><th>Proposed</th><th>Compliance</th></tr>
<tr><td colspan="2">3E Deep soil zones</td><td></td></tr>
<tr><td>Deep soil zones are to meet the following minimum requirements:
<table><tr><td>Site area</td><td>Minimum dimension</td><td>Deep soil Zone</td></tr><tr><td>600m^2 - 1,500m^2</td><td>3m</td><td>7%</td></tr></table>7% of the site area is to be for Deep Soil zone.</td><td>Site area = 1210sqm.

Deep soil area = 186sqm.

This means 15.3% of the site is provided for deep soil planting.</td><td>Complies</td></tr>
<tr><td colspan="2">3F Visual Privacy</td><td></td></tr>
<tr><td>Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum separation distances from buildings to the side and rear boundaries are as follows:

<table><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>12m to 25m (5-8 storeys)</td><td>6m</td><td>4.5m</td></tr><tr><td>Over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr></table>Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room (see figure 3F.2) Gallery access circulation</td><td>See 2F above.</td><td>Complies</td></tr>
</table>

Apartment Design Guide		
Provisions	**Proposed**	**Compliance**
should be treated as habitable space when measuring privacy separation distances between neighbouring properties Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space		
3G Pedestrian Access and Entries		
Building entries and pedestrian access connects to and addresses the public domain.	The proposed primary building entry is clearly defined from the street and is easy to identify.	**Complies**
Access, entries and pathways are accessible and easy to identify.		
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	The proposal meets the objectives. The car park entry point is adjoined by landscaping and the driveway is recessed beneath the built form.	**Complies**
3J Bicycle and Car Parking		
Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas For development in the following locations: - on sites that are within 800 metres	The site is not within 800m of a railway station or light rail stop. Additionally, the site is not within 400m from B3 Commercial Core, B4 Mixed Use zones. The proposal includes the	**Complies**

Apartment Design Guide		
Provisions	**Proposed**	**Compliance**
of a railway station or light rail stop in the Sydney Metropolitan Area; or - on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre. The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less. The car parking needs for a development must be provided off street.	construction of a basement level, with access provided from Wilga Close at the western end of the site. The basement levels include the following: • 25 residential parking spaces (including 2 accessible car spaces). • 5 visitor parking spaces. • 1 parking space for services • 23 Storage cages suspended above the vehicle space. • 10 residential bicycle parking spaces. • 2 visitor bicycle parking spaces. The visual and environmental impacts of the basement carpark and been minimised as far as practical. Car park design and access is safe and secure.	
Parking and facilities are provided for other modes of transport		
Car park design and access is safe and secure		
Visual and environmental impacts of underground car parking are minimised		
Visual and environmental impacts of on-grade car parking are minimised		
Visual and environmental impacts of above ground enclosed car parking are minimised.		

Apartment Design Guide		
Provisions	**Proposed**	**Compliance**
4A Solar and Daylight Access		
Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas	Total number of units proposed: 19 units. Apartments receive a minimum of 2 hours of direct sunlight between 9am and 3pm at mid-winter proposed: 15 units. Apartments with solar access: 78% The submitted plans demonstrate that the communal open space receive direct sunlight between 10am and 2pm in mid-winter.	**Complies**
In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid-winter		
A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter	All apartments receive at least 1 hour of sunlight in mid-winter.	**Complies**
4B Natural Ventilation		
All habitable rooms are naturally ventilated to create healthy indoor living environments	All apartments achieve cross ventilation and have multiple aspects that promote air flow through each unit.	**Complies**
At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed		
Overall depth of a cross-over or cross-through apartment does not		

<table>
<tr><th colspan="3">Apartment Design Guide</th></tr>
<tr><th>Provisions</th><th>Proposed</th><th>Compliance</th></tr>
<tr><td>exceed 18m, measured glass line to glass line</td><td rowspan="2"></td><td rowspan="2"></td></tr>
<tr><td>The layout and design of single aspect apartments maximises natural ventilation</td></tr>
<tr><td colspan="2">4C Ceiling Heights</td><td></td></tr>
<tr><td>Measured from finished floor level to finished ceiling level, minimum ceiling heights are 2.7m for habitable rooms and 2.4m for non-habitable rooms.</td><td>Proposed residential units achieve a minimum floor-to-floor height of 3.1m.</td><td>Complies</td></tr>
<tr><td colspan="2">4D Apartment Size and Layout</td><td></td></tr>
<tr><td>1. Apartments are required to have the following minimum internal areas:

<table><tr><td>Apartment Type</td><td>Minimum Internal Area</td></tr><tr><td>Studio</td><td>35m^2</td></tr><tr><td>1 bedroom</td><td>50m^2</td></tr><tr><td>2 bedroom</td><td>70m^2</td></tr><tr><td>3 bedroom</td><td>90m^2</td></tr></table>
The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m^2 each.

A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m^2 each</td><td><table><tr><td>Unit</td><td>Beds</td><td>Area</td><td>Bathrooms</td></tr><tr><td colspan="4">Ground Floor</td></tr><tr><td>01</td><td>1</td><td>52</td><td>1</td></tr><tr><td>02</td><td>2</td><td>77</td><td>2</td></tr><tr><td>03</td><td>2</td><td>75</td><td>2</td></tr><tr><td>04</td><td>1</td><td>56</td><td>1</td></tr><tr><td colspan="4">Level 1</td></tr><tr><td>05</td><td>2</td><td>75</td><td>2</td></tr><tr><td>06</td><td>2</td><td>77</td><td>2</td></tr><tr><td>07</td><td>2</td><td>75</td><td>2</td></tr><tr><td>08</td><td>1</td><td>56</td><td>1</td></tr><tr><td colspan="4">Level 2</td></tr><tr><td>09</td><td>2</td><td>75</td><td>2</td></tr><tr><td>10</td><td>2</td><td>77</td><td>2</td></tr><tr><td>11</td><td>2</td><td>75</td><td>2</td></tr><tr><td>12</td><td>1</td><td>56</td><td>1</td></tr><tr><td colspan="4">Level 3</td></tr><tr><td>13</td><td>2</td><td>75</td><td>2</td></tr><tr><td>14</td><td>2</td><td>77</td><td>2</td></tr><tr><td>15</td><td>2</td><td>75</td><td>2</td></tr><tr><td>16</td><td>1</td><td>56</td><td>1</td></tr><tr><td colspan="4">Level 4</td></tr><tr><td>17</td><td>1</td><td>51</td><td>1</td></tr></table></td><td>Complies</td></tr>
</table>

<table>
<tr><th colspan="3">Apartment Design Guide</th></tr>
<tr><th>Provisions</th><th>Proposed</th><th>Compliance</th></tr>
<tr><td></td><td>
<table>
<tr><td>18</td><td>1</td><td>50</td><td>1</td></tr>
<tr><td>19</td><td>1</td><td>50</td><td>1</td></tr>
</table>

All apartments and their layouts comply with the outlined minimum requirements.</td><td rowspan="2"></td></tr>
<tr><td>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</td><td>Windows are provided within habitable rooms.</td></tr>
<tr><td>Habitable room depths are limited to a maximum of 2.5 x the ceiling height.

Note: For single aspect open plans with combined living, dining and kitchen = 8m

In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window</td><td>.

<table>
<tr><th>Unit</th><th>Depth</th><th>Layout</th></tr>
<tr><td colspan="3">Ground Floor</td></tr>
<tr><td>01</td><td>6.2</td><td>Open plan</td></tr>
<tr><td>02</td><td>8.5</td><td>Open plan</td></tr>
<tr><td>03</td><td>10.2</td><td>Open plan</td></tr>
<tr><td>04</td><td>6.4</td><td>Open plan</td></tr>
<tr><td colspan="3">Level 1</td></tr>
<tr><td>05</td><td>4.1</td><td>Open plan</td></tr>
<tr><td>06</td><td>6.0</td><td>Open plan</td></tr>
<tr><td>07</td><td>5.3</td><td>Open plan</td></tr>
<tr><td>08</td><td>4.2</td><td>Open plan</td></tr>
<tr><td colspan="3">Level 2</td></tr>
<tr><td>09</td><td>4.1</td><td>Open plan</td></tr>
<tr><td>10</td><td>6.0</td><td>Open plan</td></tr>
<tr><td>11</td><td>5.3</td><td>Open plan</td></tr>
</table></td><td>Complies</td></tr>
</table>

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<tr><th>Provisions</th><th>Proposed</th><th>Compliance</th></tr>
<tr><td></td><td>
<table>
<tr><td>12</td><td>4.2</td><td>Open plan</td></tr>
<tr><td colspan="3">Level 3</td></tr>
<tr><td>13</td><td>4.1</td><td>Open plan</td></tr>
<tr><td>14</td><td>6.0</td><td>Open plan</td></tr>
<tr><td>15</td><td>5.3</td><td>Open plan</td></tr>
<tr><td>16</td><td>4.2</td><td>Open plan</td></tr>
<tr><td colspan="3">Level 4</td></tr>
<tr><td>17</td><td>7.6</td><td>Open plan</td></tr>
<tr><td>18</td><td>7.19</td><td>Open plan</td></tr>
<tr><td>19</td><td>6.3</td><td>Open plan</td></tr>
</table>

Units 02 and 03 exceed the 8m habitable room depth requirement. The application has been referred to the Design Excellence Panel who approve of this aspect of the application.</td><td></td></tr>
<tr><td>Master bedrooms have a minimum area of 10m^2 and other bedrooms 9m^2 (excluding wardrobe space)</td><td rowspan="3">All master bedrooms (i.e., bedroom with an ensuite) exceed 10sqm in area.

All other bedrooms exceed 9sqm in area.

All apartments have a minimum living/dining room width of 4m.</td><td rowspan="3"></td></tr>
<tr><td>Bedrooms have a minimum dimension of 3m (excluding wardrobe space)</td></tr>
<tr><td>Living rooms or combined living/dining rooms have a minimum width of:
- 3.6m for studio and 1 bedroom apartments
- 4m for 2- and 3-bedroom apartments</td></tr>
<tr><td colspan="2">4E Private Open Space and Balconies</td><td></td></tr>
<tr><td>All apartments are required to have primary balconies as follows:

<table>
<tr><td>Dwelling Type</td><td>Minimum Area</td><td>Minimum Depth</td></tr>
<tr><td>Studio</td><td>4m^2</td><td>-</td></tr>
</table></td><td>
<table>
<tr><td>Unit</td><td>Beds</td><td>Area</td><td>Depth</td></tr>
<tr><td colspan="4">Ground</td></tr>
<tr><td>01</td><td>1</td><td>52</td><td>5.8</td></tr>
<tr><td>02</td><td>2</td><td>51</td><td>8.6</td></tr>
</table></td><td>Complies</td></tr>
</table>

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<tr><td>
<table>
<tr><td>1 bedroom</td><td>8m^2</td><td>2m</td></tr>
<tr><td>2 bedroom</td><td>10m^2</td><td>2m</td></tr>
<tr><td>3 bedroom</td><td>12m^2</td><td>2.4m</td></tr>
</table>
The minimum balcony depth to be counted as contributing to the balcony area is 1m

For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m^2 and a minimum depth of 3m.
</td><td>
<table>
<tr><td>03</td><td>2</td><td>41</td><td>8.4</td></tr>
<tr><td>04</td><td>1</td><td>15</td><td>2.8</td></tr>
<tr><td colspan="4">Level1</td></tr>
<tr><td>05</td><td>2</td><td>17</td><td>2.1</td></tr>
<tr><td>06</td><td>2</td><td>11.6</td><td>2.9</td></tr>
<tr><td>07</td><td>2</td><td>10</td><td>2.5</td></tr>
<tr><td>08</td><td>1</td><td>10.1</td><td>2.0</td></tr>
<tr><td colspan="4">Level 2</td></tr>
<tr><td>09</td><td>2</td><td>17</td><td>2.1</td></tr>
<tr><td>10</td><td>2</td><td>11.6</td><td>2.9</td></tr>
<tr><td>11</td><td>2</td><td>10</td><td>2.5</td></tr>
<tr><td>12</td><td>1</td><td>10.1</td><td>2.0</td></tr>
<tr><td colspan="4">Level 3</td></tr>
<tr><td>13</td><td>2</td><td>17</td><td>2.1</td></tr>
<tr><td>14</td><td>2</td><td>11.6</td><td>2.9</td></tr>
<tr><td>15</td><td>2</td><td>10</td><td>2.5</td></tr>
<tr><td>16</td><td>1</td><td>10.1</td><td>2.0</td></tr>
<tr><td colspan="4">Level 4</td></tr>
<tr><td>17</td><td>1</td><td>51</td><td>2</td></tr>
<tr><td>18</td><td>1</td><td>50</td><td>3</td></tr>
<tr><td>19</td><td>1</td><td>50</td><td>3</td></tr>
</table>
Minimum areas and depths of balconies and private open space meet or exceed the minimum requirements of the ADG.

Primary balconies open directly from living spaces.
</td><td></td></tr>
<tr><td>4F Common Circulation and Spaces</td><td></td><td></td></tr>
<tr><td>The maximum number of apartments off a circulation core on a single level is eight</td><td>1 (one) lift is provided to service the apartments.

The proposal features one circulation core that services a maximum of 4 apartments per level.</td><td>Complies</td></tr>
<tr><td>For buildings of 10 storeys and over, the maximum number of apartments</td><td>The proposed building does not</td><td></td></tr>
</table>

<table>
<tr><th colspan="3">Apartment Design Guide</th></tr>
<tr><th>Provisions</th><th>Proposed</th><th>Compliance</th></tr>
<tr><td>sharing a single lift is 40</td><td>exceed 10 storeys.</td><td rowspan="2"></td></tr>
<tr><td>Common circulation spaces promote safety and provide social interaction between residents</td><td>Common circulation spaces are designed to provide secured, safe, legible spaces to foster interaction and harmony between residents.

The ground floor lobby entry is well defined and legible.

Upper-level circulation spaces (lift lobby and hallways) are provided with natural light and ventilation.</td></tr>
<tr><td colspan="2">4G Storage</td><td></td></tr>
<tr><td>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:

<table><tr><td>Dwelling Type</td><td>Storage SizeVolume</td></tr><tr><td>Studio</td><td>4m^3</td></tr><tr><td>1 bedroom</td><td>6m^3</td></tr><tr><td>2 bedroom</td><td>8m^3</td></tr><tr><td>3 bedroom</td><td>10m^3</td></tr></table>
At least 50% of the required storage is to be located within the apartment.</td><td><table><tr><td>Unit</td><td>Beds</td><td>Storage</td></tr><tr><td colspan="3">Ground Floor</td></tr><tr><td>01</td><td>1</td><td>8.8m^3</td></tr><tr><td>02</td><td>2</td><td>14m^3</td></tr><tr><td>03</td><td>2</td><td>9m^3</td></tr><tr><td>04</td><td>1</td><td>11m^3</td></tr><tr><td colspan="3">Level 1</td></tr><tr><td>05</td><td>2</td><td>9.8m^3</td></tr><tr><td>06</td><td>2</td><td>8.15m^3</td></tr><tr><td>07</td><td>2</td><td>4.04m^{3*}</td></tr><tr><td>08</td><td>1</td><td>6m^3</td></tr><tr><td colspan="3">Level 2</td></tr><tr><td>09</td><td>2</td><td>9.8m^3</td></tr><tr><td>10</td><td>2</td><td>7.66m^3</td></tr><tr><td>11</td><td>2</td><td>4.77m^3*</td></tr><tr><td>12</td><td>1</td><td>4.05m^3 *</td></tr><tr><td colspan="3">Level 3</td></tr><tr><td>13</td><td>2</td><td>9.8m^3</td></tr><tr><td>14</td><td>2</td><td>8.15m^3</td></tr><tr><td>15</td><td>2</td><td>10.98m^3</td></tr><tr><td>16</td><td>1</td><td>7.35m^3</td></tr><tr><td colspan="3">Level 4</td></tr></table></td><td>Complies

Complies by condition</td></tr>
</table>

<table>
<tr><th colspan="3">Apartment Design Guide</th></tr>
<tr><th>Provisions</th><th>Proposed</th><th>Compliance</th></tr>
<tr><td></td><td><table>
<tr><td>17</td><td>1</td><td>8.8m^3</td></tr>
<tr><td>18</td><td>1</td><td>6.75m^3</td></tr>
<tr><td>19</td><td>1</td><td>8.8m^3</td></tr>
</table>
*It is considered that there is sufficient floor area in the apartment for the developer to provide additional storage in the indicated unit by way of a condition. . Additional storage is provided within the basement of the dwelling.</td><td></td></tr>
<tr><td>Additional storage is conveniently located, accessible and nominated for individual apartments</td><td>All storage is located within the apartment unit or the basement of the dwelling.</td><td>Complies</td></tr>
<tr><td>4H Acoustic Privacy</td><td></td><td></td></tr>
<tr><td>Noise transfer is minimised through the siting of buildings and building layout</td><td rowspan="2">The proposal has considered noise mitigation methods within apartments.
Noisy areas within the proposed development including building entries and corridors are generally located above each other and quieter areas above quieter areas.
Where possible, bedrooms of adjacent apartments will be located next to each other and likewise with living area.
Storage, circulation areas and non-habitable rooms will be located to buffer noise from living areas and common areas.</td><td rowspan="2">Complies</td></tr>
<tr><td>Noise impacts are mitigated within apartments through layout and acoustic treatments</td></tr>
<tr><td>4J Noise and pollution</td><td></td><td></td></tr>
<tr><td>In noisy or hostile environments, the impacts of external noise and</td><td>Site is not located within a noisy or hostile environment.</td><td>Not Applicable</td></tr>
</table>

Apartment Design Guide		
Provisions	**Proposed**	**Compliance**
pollution are minimised through the careful siting and layout of buildings	Building is carefully situated to minimize further noise disturbances.	
Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission	Building is carefully designed to minimize further noise disturbances.	**Complies**
4K Apartment Mix		
A range of apartment types and sizes is provided to cater for different household types now and into the future	The proposal includes the following mix of apartments: • 8 x 1 bedroom units • 11 x 2 bedroom units	**Complies**
The apartment mix is distributed to suitable locations within the building		
4L Ground Floor Apartments		
Street frontage activity is maximised where ground floor apartments are located. Direct street access should be provided to ground floor apartments.	Direct access to ground floor apartments has not been provided in this instance. This is due to the irregular shape of the allotment and the position of balconies and the driveway entry on the ground level.	**Complies**
Design of ground floor apartments delivers amenity and safety for residents	The ground floor apartments are considered to achieve sufficient amenity and safety.	
4M Facades		
Building facades provide visual interest along the street while respecting the character of the local area	The building façade designs include articulated elements expressing the building function and providing some visual interest.	**Complies**

Apartment Design Guide		
Provisions	**Proposed**	**Compliance**
Building functions are expressed by the facade	Balconies are the defining feature of the streetscape and have been designed to exhibit architectural excellence.	
4N Roof Design		
Roof treatments are integrated into the building design and positively respond to the street	The roof includes photovoltaic panels for solar electricity generation which is a sustainable roof element.	**Complies**
Opportunities to use roof space for residential accommodation and open space are maximised		
Roof design incorporates sustainability features		
4O Landscape Design		
Landscape design is viable and sustainable	The proposed landscape design is appropriate. Sufficient landscaped buffers are provided along site boundaries to ensure privacy is maintained at the ground level. Landscaping treatments at the street frontage soften the development's impact and provide visual interest.	**Complies**
Landscape design contributes to the streetscape and amenity		
4P Planting on Structures		
Appropriate soil profiles are provided	The landscape plan shows raised planter beds on concrete slab on	**Complies**
Plant growth is optimised with		

Apartment Design Guide		
Provisions	**Proposed**	**Compliance**
appropriate selection and maintenance	the fourth floor facing the front façade which contributes to landscape amenity.	
Planting on structures contributes to the quality and amenity of communal and public open spaces		
4Q Universal Design		
Universal design features are included in apartment design to promote flexible housing for all community members	The apartments are all designed to encourage open style living. This style will provide a variety of styles which will accommodate a range of lifestyle needs.	**Complies**
A variety of apartments with adaptable designs are provided		
Apartment layouts are flexible and accommodate a range of lifestyle needs		
4T Awnings and Signage		
Awnings are well located and complement and integrate with the building design	No awnings are proposed. No signage is proposed.	**Not applicable**
Signage responds to the context and desired streetscape character		
4U Energy Efficiency		
Development incorporates passive environmental design	Natural light will be provided to all habitable rooms. The massing, internal layouts and orientation have been arranged to provide natural daylight and solar access into the primary living spaces and external living areas. Additionally, the sites massing accommodates for good natural	**Complies**
Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer		
Adequate natural ventilation minimises the need for mechanical		

Apartment Design Guide		
Provisions	**Proposed**	**Compliance**
ventilation	ventilation. The western façade incorporates box frames to improve sun shading and reduce heat absorption within units.	
4V Water Management and Conservation		
Potable water use is minimised	The development will incorporate water efficient fittings. Plant selections are designed for the microclimate and are typically low-water use.	**Complies**
Urban stormwater is treated on site before being discharged to receiving waters	All urban stormwater has been proposed and approved under DA-1305/2021.	
Flood management systems are integrated into site design	Not Applicable.	
4W Waste Management		
Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents	An enclosed waste storage area for residents is provided within the Basement with separate bins for recyclable and non-recyclable waste. All dwellings will be designed to have sufficient internal space for the holding of waste and recycling as required under DCP. The proposed waste storage and management systems have been reviewed by Council's Waste officer who is supportive of the proposal, subject to conditions.	**Complies**
Domestic waste is minimised by providing safe and convenient source separation and recycling		

Apartment Design Guide		
Provisions	**Proposed**	**Compliance**
4X Building Maintenance		
Building design detail provides protection from weathering	Building materials are selected to weather gracefully. Painted and applied finishes are minimised. Suitable access is available for maintenance throughout the building. The majority of windows can be cleaned from inside or from balconies.	**Complies**
Systems and access enable ease of maintenance		
Material selection reduces ongoing maintenance costs		

REPORT ATTACHMENT 2 – LIVERPOOL DCP COMPLIANCE TABLES

LDCP 2008 Part 1: General Controls for All Development			
Development Control	**Required**	**Provided**	**Compliance**
2. Tree Preservation	Controls relating to the preservation of trees	The development proposes tree removal under DA-1305/2021. This aspect of the development has been approved and is not subject to amendment under this DA.	**Complies**
3. Landscaping and Incorporation of Existing Trees	Controls relating to landscaping and the incorporation of existing trees.	The development proposes tree removal under DA-1305/2021. This aspect of the development has been approved and is not subject to amendment under this DA.	**Complies**
4. Bushland and Fauna Habitat Preservation	Controls relating to bushland and fauna habitat preservation	No bushland or significant habitat for flora or fauna is situated on site.	**Not applicable**
5. Bush Fire Risk	Controls relating to development on bushfire prone land	The site is not bushfire prone.	**Not applicable**
6. Water Cycle Management	Stormwater runoff shall be connected to Council's drainage system by gravity means. A stormwater drainage concept plan is to be submitted.	The proposal was referred to Council's Land Development Engineers for comments. The proposed stormwater management and treatment systems are supported. No objection is raised to the proposed development subject to conditions.	**Complies**
7. Development Near a Watercourse	If any works are proposed near a water course, the Water	The site is not located nearby to a water course.	**Not applicable**

LDCP 2008 Part 1: General Controls for All Development			
Development Control	**Required**	**Provided**	**Compliance**
	Management Act 2000 may apply, and you may be required to seek controlled activity approval from the NSW Office of Water.		
8. Erosion and Sediment Control	Erosion and sediment control plan to be submitted.	An erosion and sediment control plan has been submitted in support of the application.	**Complies**
9. Flooding Risk	Provisions relating to development on flood prone land.	The site is not affected by flood planning and therefore flood related development controls are not applicable.	**Not applicable**
10. Contaminated Land Risk	Provisions relating to development on contaminated land.	Given the site has been historically residential in use, it is considered that contamination is unlikely.	**Complies**
11. Salinity Risk	Provisions relating to development on saline land.	The site is mapped for moderate salinity potential. Standard conditions of consent will be imposed to manage effects. Complies by Condition.	**Complies by Condition**
12. Acid Sulphate Soils	Provisions relating to development on acid sulphate soils	The site is not affected by Acid Sulfate Soils	**Not applicable**
13. Weeds	Provisions relating to sites containing noxious weeds.	No noxious weeds are on site.	**Not applicable**
14. Demolition of Existing Development	Provisions relating to demolition works	The development proposes demolition DA-1305/2021. This aspect of the development has been approved and is not subject to amendment under this DA.	**Complies**
15. On Site Sewage	Provisions relating to OSMS.	The site is connected to mains sewer.	**Not applicable**

LDCP 2008 Part 1: General Controls for All Development			
Development Control	**Required**	**Provided**	**Compliance**
Disposal			
16. Aboriginal Archaeology	An initial investigation must be carried out to determine if the proposed development or activity occurs on land potentially containing an item of aboriginal archaeology.	The site is unlikely that it would contain Aboriginal Archaeology. If any Aboriginal relics/artefacts are uncovered during the course of any construction works including excavation, work is to cease immediately. Condition to be imposed.	**Complies by condition**
17. Heritage and Archaeological Sites	Provisions relating to heritage sites.	The site is not identified as a heritage item or within the immediate vicinity of a heritage item.	**Not applicable**
19. Used Clothing Bins	Provisions relating to used clothing bins.	The DA does not propose used clothing bins.	**Not applicable**
20. Car Parking and Access	Residents: 1 per 2 units, or 1 for every 4 bedrooms (whichever is greater). Visitors: 1 per 10 units. Therefore, the development must provide: Residents: 10 Visitors: 2	The proposal includes the construction of a basement level, with access provided from Wilga Close at the western end of the site. The basement levels include the following: • 25 residential parking spaces (including 2 accessible car spaces). • 5 visitor parking spaces. • 1 service vehicle space. • 23 Storage cages suspended above the vehicle space. • 10 residential bicycle parking spaces. • 2 visitor bicycle parking spaces.	**Complies**
21. Subdivision of Land and Buildings	Minimum Subdivision Lot Size: any lot size shown on the Lot Size Map greater than 300sqm	Subdivision is not proposed.	**Not applicable**
22. and 23 Water	New dwellings are to demonstrate	A BASIX certificate (No. 1245933M_02) has been submitted	**Complies by condition**

LDCP 2008 Part 1: General Controls for All Development			
Development Control	**Required**	**Provided**	**Compliance**
Conservation and Energy Conservation	compliance with State Environmental Planning Policy – Building Sustainability Index (BASIX).	with the development. However, the development has been altered since the submission of this BASIX. Council has permitted that an amended BASIX certificate is to be submitted prior to the issuing of a Construction Certificate. The proposal is considered to be satisfactory with regard to water and energy efficiency and thermal comfort.	
23. Reflectivity	Provisions relating to the use of reflective materials on the exterior of buildings.	Highly reflective materials are not proposed.	**Complies**
25. Waste Disposal and Re-use Facilities	Provisions relating to waste management during construction and on-going waste.	A Waste Management Plan was submitted in support of the application. The proposal has been reviewed by Council's Waste officer who is supportive and has provided conditions of consent.	**Complies by condition**
26 Outdoor Advertising and Signage	Provisions relating to signage.	The DA does not propose any signage.	**No applicable**
27. Social Impact Assessment	A social impact comment (SIC) shall be submitted for residential flat buildings greater than 20 units.	The proposal accommodates 19 units. No SIC is required to be prepared.	**Not applicable**

Part 3.7 – Residential Flat Buildings in the R4 Zone			
Development Control	**Required**	**Provided**	**Complies**
2 Frontage and Site Area	Minimum lot width of 24m	The site's street frontage is irregular in shape. The total frontage length is 21.86m. The application has been referred to the design excellence panel who stated that the designated site for development was considered acceptable. **A clause 4.6 variation request has been made as discussed in LLEP section of this report which concludes that the lot frontage is acceptable in this instance.**	**Considered acceptable in this instance. Refer to clause 4.6 variation.**
3 Site Planning	The building should relate to the site's topography with minimal earthworks, except for basement car parking.	The application was referred to Council's Land Development Engineer who had no objection to the development subject to conditions of consent.	**Complies**
	Siting of buildings should provide usable and efficient spaces, with consideration given to energy efficiency in the building design	The building is sited to accommodate useable and efficient space. As discussed, a BASIX certificate (No. 1245933M_02) has been submitted with the development. However, the development has been altered since the	**Complies by condition.**

		submission of this BASIX. Council has permitted that an amended BASIX certificate is to be submitted prior to the issuing of a Construction Certificate. The proposal is considered to be satisfactory with regard to water and energy efficiency and thermal comfort.	
	Site layout should provide safe pedestrian, cycle and vehicle access to and from the street.	The proposal accommodates pedestrian pathways to the street (Wilga Close), which provide a point of connection for the development to the street.	**Complies**
	Siting of buildings should be sympathetic to surrounding development, taking specific account of the streetscape in terms of scale, bulk, setbacks, materials and visual amenity.	The development is sited sympathetically to surrounding development. The design is of a quality that will provide a positive contribution to the street and preserve visual amenity.	**Complies**
	Storm water from the site must be able to be drained satisfactorily. Where the site falls away from the street, it may be necessary to obtain an easement over adjoining property to drain water satisfactorily to a Council storm water system. Where storm	The application was referred to Council's Land Development Engineer who had no objection to the development subject to conditions of consent.	**Complies**

	water drains directly to the street, there may also be a need to incorporate on-site detention of storm water where street drainage is inadequate		
	The development will need to satisfy the requirements of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development	The proposal satisfies key requirements of SEPP 65 as discussed in compliance table provided in Part 6.1(a) of this report.	**Complies**
4. Setbacks			
Front Setback	Front building setback of 5.5m is required from the street.	The front setback proposed is 6.5m (Ground Floor) and 7.4m (Fourth Floor)	**Complies**
	Verandahs, eaves and other sun control devices may encroach on the front and secondary setback by up to 1m	No encroachment is proposed.	**Not applicable**
	The secondary setback is along the longest length boundary.	The site does not have a secondary street frontage.	**Not applicable**
Side and Rear Setback	Boundary to land in R4 zone (First 10m in height, excluding roof/attic): 3m to side 8m to rear	All setbacks comply with the building separation distances required under the Apartment Design Guide as assessed in Section 6.1 of this report.	**Complies with ADG**

	Boundary to land in R4 zone (Greater than 10m in height): 8m to side 8m to rear	All setbacks comply with the building separation distances required under the Apartment Design Guide as assessed in Section 6.1 of this report.	**Complies with ADG**
8. Landscaped Area and Private Open Space			
Landscaped area	A minimum of 25% of the site area shall be landscaped area.	Landscaped area calculations: Total site area: 1210m² Total landscaped area: 585m² (48%) of the site area.	**Complies**
	A minimum of 50% of the front setback area shall be landscaped area.	Landscaped area calculations: Total site area: 1,210m² Front setback landscape 127m² (50.4%) Front setback hard surfaces 125m²	**Complies**
	Optimise the provision of consolidated landscaped area within a site by: - the design of basement and sub-basement car parking, so as not to fully cover the site. - the use of front and side setbacks. - optimise the extent of landscaped area beyond the site boundaries by locating them contiguous with	Landscaped areas are continuous throughout all side setbacks and encircle the built form appropriately,	**Complies**

	the landscaped area of adjacent properties.		
	Promote landscape health by supporting for a rich variety of vegetation type and size.	A variety of vegetation types are provided within the proposed landscape scheme.	**Complies**
	Increase the permeability of paved areas by limiting the area of paving and/or using pervious paving materials.	Paved areas are limited throughout the development and are limited to the paved communal area within the rear setback.	**Complies**
Open Space	Where communal open space is provided, facilitate its use for the desired range of activities by: - locating it in relation to buildings to optimise solar access to dwellings. - consolidating open space on the site into recognizable areas with reasonable space, facilities and landscape. - Designing its size and dimensions to allow for the range of uses it will contain. - minimizing overshadowing. - Carefully locating ventilation duct outlets from basement car parking.	The proposed communal open space is located within the rear setback and ensures that dwellings receive optimal solar access. Additionally, communal open space is provided on the fourth floor in the form of a rooftop garden. The communal open space area does not contribute to overshadowing.	**Complies**
	Locate open space to increase the potential	Communal open space is suitably located to preserve	**Complies**

	for residential amenity.	residential amenity.	
Private Open Space	Private Open Space shall be provided in accordance with Table 3.	Complies with the private open space requirements in the SEPP 65 ADG. Refer to section 6.1 of this report for ADG compliance.	**Complies with ADG**
Drying areas	Clothes drying facilities must be provided at a rate of 5 lineal m of line per unit. Clothes drying areas should not be visible from a public place and should have solar access.	Clothes drying can be undertaken on balconies which is acceptable in this regard.	**Complies**
Building Design, Style and Streetscape			
Building Appearance and Streetscape	Residential Flat Buildings shall comply with State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development and should consider the Residential Flat Design Code.	A detailed assessment of the proposal against the requirements of SEPP 65 and the ADG is provided within Section 6.1 of this report.	**Complies**
	Building facades shall be articulated and roof form is to be varied to provide visual variety.	The facades are well-articulated and provide visual variety through balconies and stepped building design.	**Complies**
	The pedestrian entrance to the building shall be emphasised.	The pedestrian entry is easily identifiable from the street.	**Complies**
	A sidewall must be articulated if the wall has a continuous length of over 14 m.	The development incorporates a natural concrete finish, black aluminium window frames, non-combustible aluminium	**Complies**

		black screen fencing and wall stone cladding. These finishes present a contemporary building finish and are compatible with other high-density developments in the locality.	
	Where possible vehicular entrances to the basement car parking shall be from the side of the building. As an alternative a curved driveway to an entrance at the front of the building may be considered if the entrance is not readily visible from the street.	The proposed basement access is provided at the primary frontage.	**Complies**
	Driveway walls adjacent to the entrance of a basement car park are to be treated so that their appearance is consistent with the basement or podium walls.	The proposed driveway walls are appropriately treated and will be consistent with the basement walls.	**Complies**
	Sensitive design of basement car parking areas can assist in ensuring that podiums and vehicle entry areas do not dominate the overall design of the building or the streetscape and optimise areas for deep soil planting.	The design of the carpark is not highly visible and will not impede the developments presentation the street.	**Complies**
	The integration of podium design should be an integral part of	No podium proposed.	**Not applicable**

	the design of the development, and as far as possible should not visibly encroach beyond the building footprint.		
	Consider the relationship between the whole building form and the facade and / or building elements. The number and distribution of elements across a façade determine simplicity or complexity. Columns, beams, floor slabs, balconies, window openings and fenestrations, doors, balustrades, roof forms and parapets are elements, which can be revealed or concealed and organised into simple or complex patterns.	The development integrates vertical elements that aid in articulating the built form.	**Complies**
	Compose facades with an appropriate scale, rhythm and proportion, which respond to the building's use and the desired contextual character. This may include but are not limited to: - Defining a base, middle and top related to the overall proportion of the building. - Expressing key datum lines in the context using cornices, a change in materials or building set back.	The development is well articulated, and facades are of an appropriate scale, rhythm and proportion. Currently, the development is situated among low density residential dwellings. This is forecasted to change with projected population growth. The development will form a positive contribution to the future character of the street.	**Complies**

	- Expressing the internal layout of the building, for example, vertical bays or its structure, such as party wall-divisions. - Expressing the variation in floor-to-floor height, particularly at the lower levels. - Articulating building entries with awnings, porticos, recesses, blade walls and projecting bays. - Selecting balcony types which respond to the street context, building orientation and residential amenity. - Cantilevered, partially recessed, wholly recessed, or Juliet balconies will all create different facade profiles. - Detailing balustrades to reflect the type and location of the balcony and its relationship to the façade detail and materials.		
	Design facades to reflect the orientation of the site using elements such as sun shading, light shelves and bay windows as environmental controls, depending on the facade orientation.	The development is oriented to maximise solar access, with 78% of units receiving a minimum of 2 hours of direct sunlight between 9am and 3pm at mid-winter. The submitted plans demonstrate that the communal open space receive direct sunlight between 10am and 2pm in mid-winter.	**Complies**

	Co-ordinate and integrate building services, such as drainage pipes, with overall facade and balcony design.	Drainage pipes and building services will be integrated into the design and will not be an 'eyesore' to the streetscape.	**Complies with condition**
	Co-ordinate security grills/screens, ventilation louvres and car park entry doors with the overall facade design.	Noted.	**Complies**
Roof Design	Relate roof design to the desired built form. This may include: - Articulating the roof, or breaking down its massing on large buildings, to minimise the apparent bulk or to relate to a context of smaller building forms. - Using a similar roof pitch or material to adjacent buildings, particularly in existing special character areas or heritage conservation areas. - Minimising the expression of roof forms gives prominence to a strong horizontal datum in the adjacent context, such as an existing parapet line. - Using special roof features, which relate to the desired character of an area, to express	The proposed roof design contributes positively to the design of the building. A flat roof is proposed with small parapet walls.	**Complies**

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

	in the street. - Utilising multiple entries-main entry plus private ground floor dwelling entries-where it is desirable to activate the street edge or reinforce a rhythm of entries along a street		
	Provide as direct a physical and visual connection as possible between the street and the entry.	The proposal provides pedestrian pathways along Wilga Close.	**Complies**
	Achieve clear lines of transition between the public street, the shared private, circulation spaces and the dwelling unit.	Clear lines of transition are provided from the public street, common circulation areas and private dwellings.	**Complies**
	Ensure equal access for all	Conditions of consent will be imposed to ensure that the development is compliant regarding access and Australian Standards is met.	**Complies by condition**
	Provide safe and secure access by: - Avoiding ambiguous and publicly accessible small spaces in entry areas. - Providing a clear line of sight between one circulation space and the next. - Providing sheltered well-lit and highly visible spaces to enter the building, meet and	Publicly accessible space is provided at the entry. The entrance is well lit and is highlight visible through the implementation of lighting and dense vegetation at the entrance point.	**Complies**

	collect mail.		
	Generally provide separate entries from the street for: - Pedestrians and cars. - Different uses, for example, for residential and commercial users in a mixed use development. - Ground floor dwellings, where applicable.	Separate entries for pedestrians and cars are provided. Ground floor dwellings cannot be accessed directly from the street.	**Complies**
	Design entries and associated circulation space of an adequate size to allow movement of furniture between public and private spaces.	The entry and circulation space is of an adequate size to enable movement.	**Complies**
	Provide and design letterboxes to be convenient for residents and not to clutter the appearance of the development from the street by: - Locating them adjacent to the major entrance and integrated into a wall, where possible. - Setting them at 90 degrees to the street, rather than along the front boundary.	Letterboxes will be located adjacent to the main entry at 90 degrees to the street.	**Complies**
Balconies	Balconies may project up to 1m from the façade of a building.	The maximum extent of the balcony's protrusion from the facade is along the western (front) facade which is 3.39m.	**Considered Acceptable** Compliance with the ADG is provided for

			balconies in which minimum depths are required to be achieved. Balconies project more than 1m from the building façade in some instances, however, building separation and setbacks are still maintained and overshadowing and privacy is not exacerbated by this design. No objections were made by the Design Excellence Panel with regard to this outcome noting that the balconies have remained the same as the original approval for the first four levels.
	Balustrades must be compatible with the façade of the building.	The proposed balustrades are well-integrated with the facade.	**Complies**
	Ensure balconies are not so deep that they prevent sunlight entering the dwelling below.	The depth of balconies is not so deep it would obstruct solar access.	**Complies**
	Design balustrades to allow views and casual surveillance of the street.	Views will be available from above the balustrades.	**Complies**
	Balustrades on	The proposed balustrades	**Complies**

	balconies at lower levels shall be of solid construction.	are of solid construction.	
	Balconies should be located on the street frontage, boundaries with views and onto a substantial communal open space.	Balconies are concentrated along the primary frontage and side boundaries. All balconies that are situated along side boundaries are reasonably setback from the boundary and neighbouring dwellings. Additionally, these balconies have views over communal open space.	**Complies**
	Primary balconies should be: - Located adjacent to the main living areas, such as living room, dining room or kitchen to extend the dwelling living space; - Sufficiently large and well-proportioned to be functional and promote indoor/outdoor living. A dining table and two chairs (smaller dwelling) and four chairs (larger dwelling) should fit on the majority of balconies in any development.	Balconies are located adjacent to living rooms and are of a proportion that is functional and will enable seamless indoor/outdoor living. All balconies are also compliant with ADG minimum area requirements.	**Complies**
	Design and detail balconies in response to the local climate and context thereby increasing the	The proposed development site benefits from its north, south and west aspects which maximise solar access.	**Complies**

	usefulness of balconies. This may be achieved by: - Locating balconies facing predominantly north, east or west to provide solar access. - Utilising sunscreens, pergolas, shutters and operable walls to control sunlight and wind. - Providing balconies with operable screens, Juliet balconies or operable walls/sliding doors with a balustrade in special locations where noise or high winds prohibit other solutions - along rail corridors, on busy roads or in tower buildings - choose cantilevered balconies, partially cantilevered balconies and/or recessed balconies in response to daylight, wind, acoustic privacy and visual privacy.	The submitted solar access diagrams indicate that compliant solar access is available to the apartments, as required under the ADG. Balconies are orientated to the north, south and west to capture morning and afternoon sunlight.	
Daylight Access	Plan the site so that new residential flat development is oriented to optimise northern aspect.	The proposal achieves compliance with the minimum solar access requirements prescribed by the ADG.	**Complies**
Internal Design	Minimise the length of common walls between dwellings.	The length of common walls is appropriate.	**Complies**

	Basement car parking shall be located beneath the building footprint.	Basement parking is located beneath the building footprint.	**Complies**
	Design building layouts to minimise direct overlooking of rooms and private open spaces adjacent to dwellings	Privacy screening is integrated to mitigate privacy impacts to the eastern primary street frontage. No habitable windows are provided on the northern or southern boundaries to minimise privacy impacts.	**Complies**
Ground Floor Dwellings	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.	The proposed development incorporates a natural concrete finish, black aluminium window frames, non-combustible aluminium black screen fencing and wall stone cladding. These finishes present a contemporary building finish and are compatible with other high-density developments in the locality. Additionally, diverse street planting is proposed within the front setback. Individual entries are not provided for ground floor units. However, a clear entrance point has been provided.	**Complies**
	Create more pedestrian activity along the street	The proposed development has a balanced and	**Complies**

	and articulate the street edge by: - Balancing privacy requirements and pedestrian accessibility. - Providing appropriate fencing, lighting and/ or landscaping to meet privacy and safety requirements of occupants while contributing to a pleasant streetscape. - Utilising a change in level from the street to the private garden or terrace to minimise site lines from the streets into the dwelling for some dwellings. - Increasing street surveillance with doors and windows facing onto the street.	articulated street edge that meets privacy requirements and pedestrian accessibility and activity with appropriate fencing, landscaping, lighting and change in level from the street to the private gardens and terraces.	
	Provide ground floor dwellings with access to private open space, preferably as a courtyard.	All units are provided with direct access to private open space. Additionally, communal open space is accessible on both ground and fourth floors.	**Complies**
Security	Entrances to buildings should be orientated towards the front of the site and facing the street.	The entrance to the building is clearly defined and identifiable from Wilga Close. This contributes to causal surveillance opportunities in addition to the balconies already provided.	**Complies**
	Blank walls in general that address street frontages or public	No blank walls are proposed to the street frontage.	**Complies**

	open space are discouraged. Where they are unavoidable building elements or landscaping must be used to break up large expanses of walls. In some cases an anti-graffiti coating will need to be applied to the wall to a height of 2 metres.		
	Reinforce the development boundary to strengthen the distinction between public and private space by: - Employing a level change at the site and/or building threshold (subject to accessibility requirements). - Signage. - Entry awnings. - Fences, walls and gates. - Change of material in paving between the street and the development.	Development boundary is reinforced by the proposed fencing and landscape scheme. Additionally, a different paving is used between the street and the development.	**Complies**
Natural Ventilation	Utilise the building layout and section to increase the potential for natural ventilation. Design solutions may include: - Facilitating cross ventilation by designing narrow building depths and providing dual	The submitted plans indicate that 100% of apartments (19 apartments) achieve the cross-ventilation requirement prescribed by the SEPP 65 ADG.	**Complies**

	aspect dwellings, for example, cross through dwellings and corner dwellings. - Facilitating convective currents by designing units, which draw cool air in at lower levels and allow warm air to escape at higher levels, for example, maisonette dwellings and two-storey dwellings.		
Building Layout	The layout of dwellings within a residential flat building should minimise the extent of common walls. Figure 9 shows layouts that are not preferred and options that are considered acceptable.	The proposed building layout with an open common linear corridor maximises natural light and ventilation. Common walls are avoided to the most practical extent.	**Complies**
Storage Areas	A secure storage space is to be provided for each dwelling with a minimum volume 8 m3 (minimum dimension 1m2). This must be set aside exclusively for storage as part of the basement or garage.	Complies with the storage requirements in the SEPP 65 ADG	**Not applicable according to clause 6A of SEPP 65**
Landscaping and Fencing			
Landscaping	The setback areas are to be utilised for canopy tree planting. The landscape design for all development must include canopy trees that will achieve a minimum 8 m height at maturity within front and	Canopy tree plantings are provided within all setbacks.	**Complies**

	rear setback areas.		
	Landscape planting should be principally comprised of native species to maintain the character of Liverpool and provide an integrated streetscape appearance. Species selected in environmentally sensitive areas should be indigenous to the locality. However, Council will consider the use of deciduous trees.	Species selection is considered to be appropriate in the local context.	**Complies**
	The landscaping shall contain an appropriate mix of canopy trees, shrubs and groundcovers. Avoid medium height shrubs (600 – 1800mm) especially along paths and close to windows and doors.	A mix of canopy trees, shrubs and groundcovers are provided within the proposed landscape scheme.	**Complies**
	Landscaping in the vicinity of a driveway entrance should not obstruct visibility for the safe ingress and egress of vehicles and pedestrians.	Landscaping adjoining the driveway has been selected so as to preserve sight lines.	**Complies**
	Tree and shrub planting alongside and rear boundaries should assist in providing effective screening to adjoining properties.	Plantings along property boundaries will screen the development from adjoining properties.	**Complies**

	Landscaping on any podium level or planter box shall be appropriately designed and irrigated. Landscaping on podium levels and planter boxes should be accessible from habitable areas of dwellings or elsewhere as appropriate for gardener access in other forms of development.	Planter boxes for level 04 and the ground floor are accessible for maintenance from windows.	**Complies**
	The development must be designed around significant vegetation on the site.	All tree removal and excavation has been proposed and approved under DA-1305/2021.	**Complies**
	It is important to retain significant vegetation to maintain an existing streetscape and enhance the visual appearance of new dwellings.	Noted.	**Noted**
	Any tree with a mature height over 8m should be planted a minimum distance of 3m from the building or utility services.	New canopy plantings meet this minimum distance requirement.	**Complies**
	Contribute to streetscape character and the amenity of the public domain by: - Relating landscape design to the desired proportions and character of the	The proposed landscaping scheme will contribute positively to streetscape character and amenity through provision of planting at an appropriate scale that will soften the presentation of the development.	**Complies**

	streetscape. - Using planting and landscape elements appropriate to the scale of the development. - Mediating between and visually softening the bulk of large development for the person on the street		
Fencing – Primary Frontage	The maximum height of a front fence is 1.2m.	A 1.2m open palisade fence is proposed.	**Complies**
	The front fence may be built to a maximum height of 1.5m if the fence is setback 1m from the front boundary with suitable landscaping in front of the proposed fence.	Not applicable	**Not applicable**
	The front fence must be 30% transparent.	Palisade fencing is transparent.	**Complies**
	Front fences shall be constructed in masonry, timber, metal pickets and/or vegetation and must be compatible with the proposed design of the dwelling.	The front fencing is a metal palisade fence.	**Complies**
	The front fence may be built to a maximum of 1.8m only if: • The primary frontage is situated on a Classified Road. • The fence is articulated by 1m for 50% of its length and have landscaping in front of the	Not applicable as the front fence is 1.2m	**Not applicable**

	articulated portion. • The fence does not impede safe sight lines from the street and from vehicles entering and exiting the site.		
Car Parking and Access			
Car Parking	Visitor car parking shall be clearly identified and may not be stacked car parking.	Visitor parking is clearly identified and not provided within a stacked arrangement.	**Complies**
	Visitor car parking shall be located between any roller shutter door and the front boundary.	Visitor parking is provided within the basement.	**Complies**
	Where possible vehicular entrances to the basement car parking shall be from the side of the building. As an alternative a curved driveway to an entrance at the front of the building may be considered if the entrance is not readily visible from the street.	Vehicle entry to the basement is provided at the primary street front due to site location constraints. There is only one street frontage which would permit vehicle entry.	**Complies**
Pedestrian Access	Utilise the site and it's planning to optimise accessibility to the development.	Common pedestrian access is provided at grade from Wilga Close	**Complies**
	Provide high quality accessible routes to public and semi-public areas of the building and the site, including major entries, lobbies, communal open space, site facilities, parking	Accessible routes are provided throughout the site.	**Complies**

	areas, public streets and internal roads.		
	Promote equity by: - Ensuring the main building entrance is accessible for all from the street and from car parking areas. - Integrating ramps into the overall building and landscape design. - Design ground floor dwellings to be accessible from the street, where applicable, and to their associated private open space.	The main building entrance is accessible from Wilga Close and from within the basement carpark.	**Complies**
Amenity and Environmental Impact			
Privacy	Building siting, window location, balconies and fencing should take account of the importance of the privacy of onsite and adjoining buildings and outdoor spaces.	Privacy has been considered within the development. There are no habitable room windows to either the northern or southern elevations to preserve the privacy of adjacent residential lots. Balconies are concentrated along the primary frontage and side boundaries. All balconies that are situated along side boundaries are reasonably setback from the boundary and neighbouring dwellings. Additionally, these balconies have views over communal open space.	**Complies**

	Windows to habitable rooms should be located so they do not overlook such windows in adjoining properties, other dwellings within the development or areas of private open space.	There are no habitable room windows to either the northern or southern elevations to preserve the privacy of adjacent residential lots.	**Complies**
	Landscaping should be used where possible to increase visual privacy between dwellings and adjoining properties.	Landscape screening is proposed at property boundaries.	**Complies**
	Design building layouts to minimise direct overlooking of rooms and private open spaces adjacent to dwellings by: - Balconies to screen other balconies and any ground level private open space. - Separating communal open space, common areas and access routes through the development from the windows of rooms, particularly habitable rooms. - Changing the level between ground floor dwellings with their associated private open space, and the public domain or communal open space.	Refer above.	**Complies**
	Use detailed site and building design	Refer above.	**Complies**

	elements to increase privacy without compromising access to light and air by: - Offsetting windows of dwellings in new development and adjacent development windows. - Recessed balconies and/or vertical fins between adjacent balconies. Liverpool Development Control Plan 2008 Amenity and Environmental Impact Part 3.7 36 - Solid or semi-solid balustrades to balconies – louvres or screen panels to windows and/or balconies. - Fencing. - Vegetation as a screen between spaces. - Incorporating planter boxes into walls or balustrades to increase the visual separation between areas. - Utilising pergolas or shading devises to limit overlooking of lower dwellings or private open space		
Acoustic Impact	Noise attenuation measures should be incorporated into building design to	The development locates high-use areas proximate to each other and locates more sensitive areas proximately	**Complies**

	ensure acoustic privacy between on-site and adjoining buildings.	to preserve acoustic privacy.	
Site Services			
Letterboxes	Letterboxes shall be provided for each dwelling on site, easily accessible from the street, able to be securely locked and provided in accordance with Australia Post's requirements.	Letterbox details were not provided as part of this application. Apartment design and layout was approved under DA-1305/2021.	**Complies**
Waste Management	Waste disposal facilities shall be provided for development. These shall be located adjacent to the driveway entrance to the site.	A waste room is located at the basement level and will provide for bin storage.	**Complies**
Electricity Substation	In some cases it may be necessary to provide an electricity substation at the front of the development adjacent to the street frontage. This will involve dedication of the area as a public road to allow access by the electricity provider. The front boundary treatment used elsewhere on the street frontage	No electricity substation is proposed.	**Not applicable**

PROPOSED RESIDENTIAL FLAT BUILDING AT 2-3 WILGA CLOSE, CASULA NSW 2170



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AMENDMENTS:

issue	description	date

NOTES:

WORK TO COMPLY WITH BUILDING CODE OF AUSTRALIA,RELEVANT AUSTRALIAN BUILDING STANDARDS AND STATUTORY AUTHORITIES & LOCAL GOVERNMENT REQUIREMENT. BUILDER TO ENSURE COMPLIANCE WITH ALL WORK COVER REQUIREMENTS. CHECK ALL TIMBER, STEEL AND CONCRETE WORK WITH A STRUCTURAL ENGINEER AND HAVE ALL STRUCTURAL STEEL WORK AND CONCRETE WORK DESIGNED BY A STRUCTURAL ENGINEER WHEN A PROPRIETARY PRODUCTS ARE REFERRED TO.
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PROJECT DETAILS:
PROPOSED RESIDENTIAL FLAT BUILDING AT 2&3 WILGA CLOSE CASULA, NSW 2170
LOTS 82 & 83 IN D.P 244786

DRAWING No:	S4.55-100
SCALE:	N.T.S@A1
REVISION:	B
DATE:	27-10-2023
JOB No:	11220
DRAWN:	DC CHECKED:

Client: MULTIPART PROPERTY

DRAWING TITLE:
COVER SHEET

2 & 3 Wilga Close, Casula, NSW 2170

DRAWING LIST:

S4.55-100 COVER SHEET
S4.55-101 DRAWING LIST & URBAN CONTEXT
S4.55-102 SITE PLAN
S4.55-103 BASEMENT LEVEL PLAN
S4.55-104 GROUND LEVEL PLAN
S4.55-105 FIRST LEVEL PLAN
S4.55-106 SECOND LEVEL PLAN
S4.55-107 THIRD LEVEL PLAN
S4.55-108 FOURTH LEVEL PLAN
S4.55-109 ROOF PLAN
S4.55-110 EAST & WEST ELEVATIONS
S4.55-111 NORTH & SOUTH ELEVATIONS
S4.55-112 SECTIONS A-A & B-B
S4.55-113 SECTIONS C-C & D-D
S4.55-114 FINISHES SCHEDULE
S4.55-115 CROSS VENTILATION DIAGRAMS
S4.55-116 SOLAR ACCESS DIAGRAMS
S4.55-117 PRIVATE OPEN SPACE DIAGRAMS
S4.55-118 COMMUNAL OPEN SPACE DIAGRAM
S4.55-119 DEEP SOIL AREA DIAGRAM
S4.55-120 LANDSCAPE AREA DIAGRAM
S4.55-121 FSR & GFA CALCULATIONS
S4.55-123 SHADOW DIAGRAM SHEET 1 OF 7
S4.55-124 SHADOW DIAGRAM SHEET 2 OF 7
S4.55-125 SHADOW DIAGRAM SHEET 3 OF 7
S4.55-126 SHADOW DIAGRAM SHEET 4 OF 7
S4.55-127 SHADOW DIAGRAM SHEET 5 OF 7
S4.55-128 SHADOW DIAGRAM SHEET 6 OF 7
S4.55-129 SHADOW DIAGRAM SHEET 7 OF 7
S4.55-131 STREETSCAPE PHOTOMONTAGE
S4.55-135 HEIGHT PLANE DIAGRAM
S4.55-136 DETAILS

Site Details
2 & 3 Wilga Close, Casula 2170
Lots: 82&83 DP: 244786
Site Area: 1210m²*
Zoning :R4 High Density
FSR: 1:1 LEP
Height: 15 M
Approved GFA calculations:

Ground Level	284m² + WC 3m²
First Level	307m²
Second Level	307m²
Third Level	307m²
Total GFA	1208m²

FSR0.998:1
Proposed Fourth Level 168m²

Total GFA 1376m²
FSR 1.137:1

Apartment Mix
8 x 1 Bed
11 x 2 Bed
19 Total

Communal open space calculations:
436m² (36%) of the site area.
Deep Soil Calculations: 186m² 15.30% of the site area. (Required 7%)
Landscape Area Calculations: 520m² 43% of the site area (Required 25%)
Solar Access: 15 of 19 (78%) units receive minimum of 3 hours of sunlight
Cross Ventilation: 19 of 19 (100%) units are naturally cross ventilated
Car park Calculations:
1 space per 1 bed unit = 9
1.5 space per 2 bed unit = 16.5
1 space per 4 units (20 / 4) = 5
Total spaces provided = 31
Car spaces required 30.5

December 2022 — **BSA Reference: 16576**

Building Sustainability Assessments — Ph: (02) 4962 3439
enquiries@buildingsustainability.net.au — **www. buildingsustainability.net.au**

Important Note

The following specification was used to achieve the thermal performance values indicated on the Assessor Certificate. If the proposed construction varies to those detailed below than the Assessor and NatHERS certificates will no longer be valid. Assessments assume that the BCA provisions for building sealing & ventilation are complied with at construction.
In NSW both BASIX & the BCA variations must be complied with, in particular the following:
- Thermal construction in accordance with Vol 1 Section J1.2 or Vol 2 Part 3.12.1.1
- Thermal breaks for Class 1 dwellings in accordance with Part 3.12.1.2(c) & 3.12.1.4(d)
- Floor insulation for Class 1 dwellings as per Part 3.12.1.5(a)(ii), (iii) & (e) or (c), (d) & (e)
- Building sealing in accordance with Section J3 or Part 3.12.3.1 to 3.12.3.6.

Thermal Performance Specifications (does not apply to garage)

External Wall Construction		*Added Insulation*
Brick Veneer		R2.0
Internal Wall Construction		*Added Insulation*
Plasterboard on studs (internal to units)		None
Plasterboard + studs + 75mm AAC + studs + Plasterboard (party walls)		None
200mm Concrete + Plasterboard (walls adjacent to lifts and lobbies)		None
Ceiling Construction		*Added Insulation*
Plasterboard	R3.5 to ceilings adjacent to roof space and decks above	
Roof Construction	*Colour (Solar Absorptance)*	*Added Insulation*
Concrete	Any	None
Floor Construction	*Covering (if not noted default values used)*	*Added Insulation*
Concrete	As drawn	R2.0 to floors adjacent to basement carpark

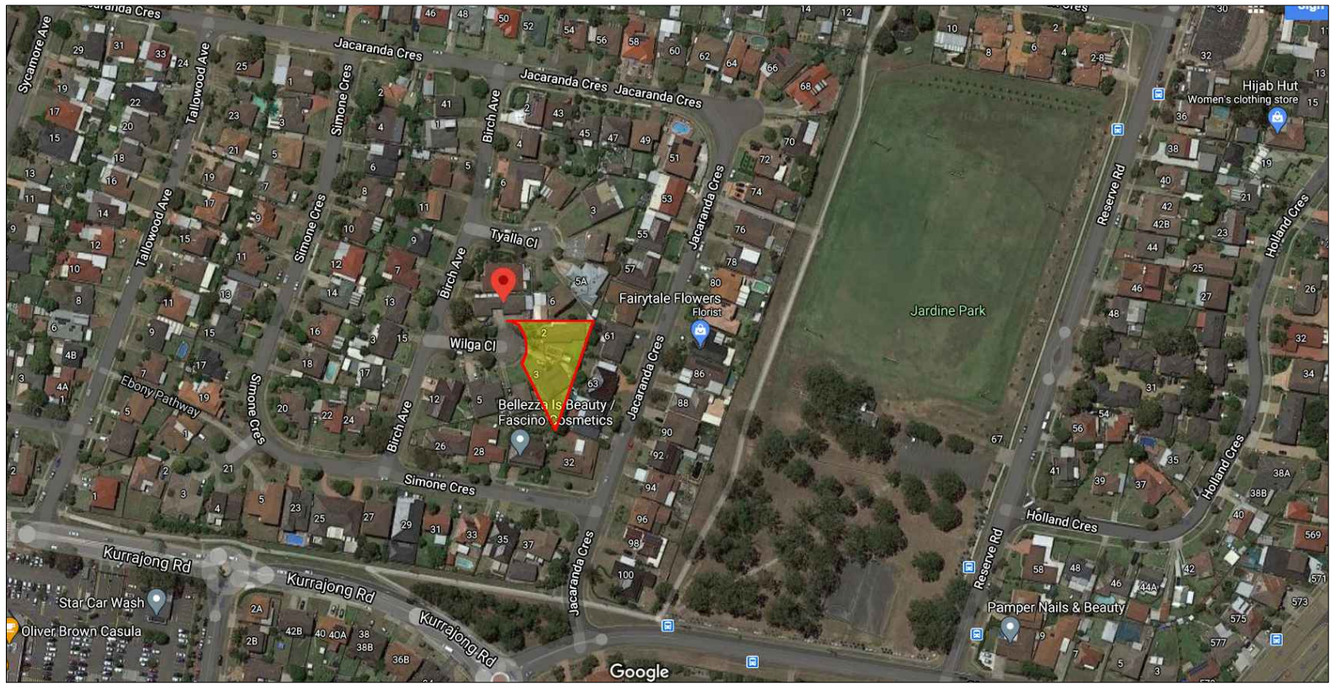
Windows	*Glass and frame type*	*U value*	*SHGC Range*	*Area sq m*
Performance glazing type A		*3.60*	*0.21 - 0.25*	to units 17, 18, 19 & 20
Performance glazing type B		*3.60*	*0.27 - 0.33*	to units 17, 18, 19 & 20
Performance glazing type A		*4.80*	*0.46 - 0.56*	to all other units UNO
Performance glazing type B		*4.80*	*0.53 - 0.65*	to all other units UNO

Type A windows are awning windows, bifolds, casements, tilt 'n turn' windows, entry doors, french doors
Type B windows are double hung windows, sliding windows & doors, fixed windows, stacker doors, louvres

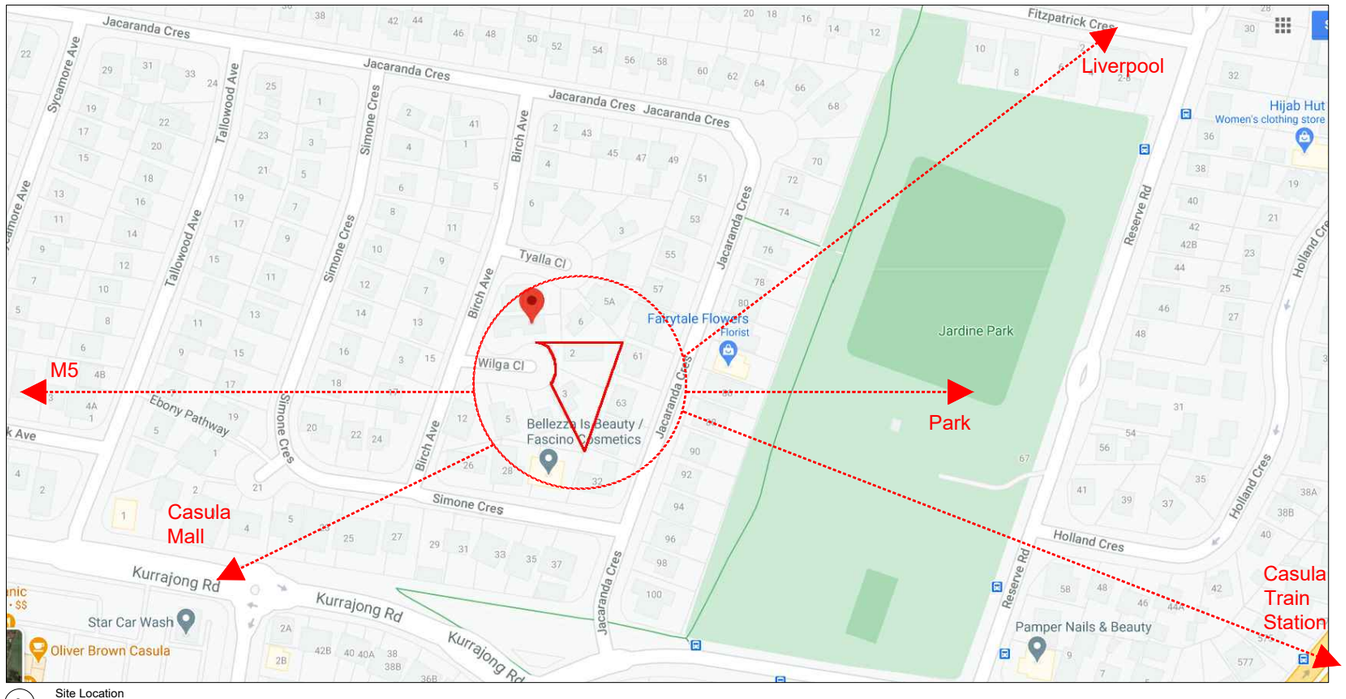
Skylights	*Glass and frame type*	*U*	*SHGC*	*Area sq m*	*Detail*
Double glazed in aluminium frames			As drawn		

U and SHGC values are according to AFRC. Alternate products may be used if the U value is lower & the SHGC is within the range specified

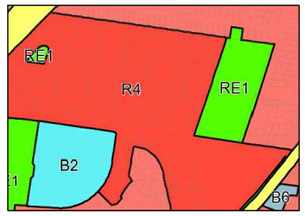
Shade elements	*(eaves, verandahs, awnings etc)*
All shade elements modelled as drawn	
Ceiling Penetrations	*(downlights, exhaust fans, flues etc)*
Modelled as drawn and/or to comply with the ventilation and sealing requirements of the BCA	
Ducting is modelled at 150mm. No insulation losses from downlighting have been modelled.	
Ceiling Fans used in the Modelling and to be installed in the following areas:	
Units 17, 18, 19 & 20 only: Living areas: 2x 1400mm; Bedrooms: 1x 1400mm.	



1 Site Location
Source: Google Maps



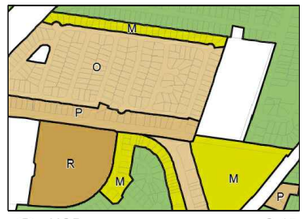
2 Site Location
Source: Google Maps



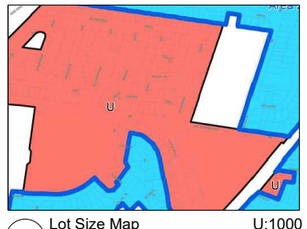
3 Land Zoning Map — R4
Source: Liverpool LEP 2008



4 Floor Space Ratio Map — N 1:1
Source: Liverpool LEP 2008



5 HOB — O:15
Source: Liverpool LEP 2008



6 Lot Size Map — U:1000
Source: Liverpool LEP 2008

The recommendations made in the CPTED to be incorporated in the detailed design prior to construction

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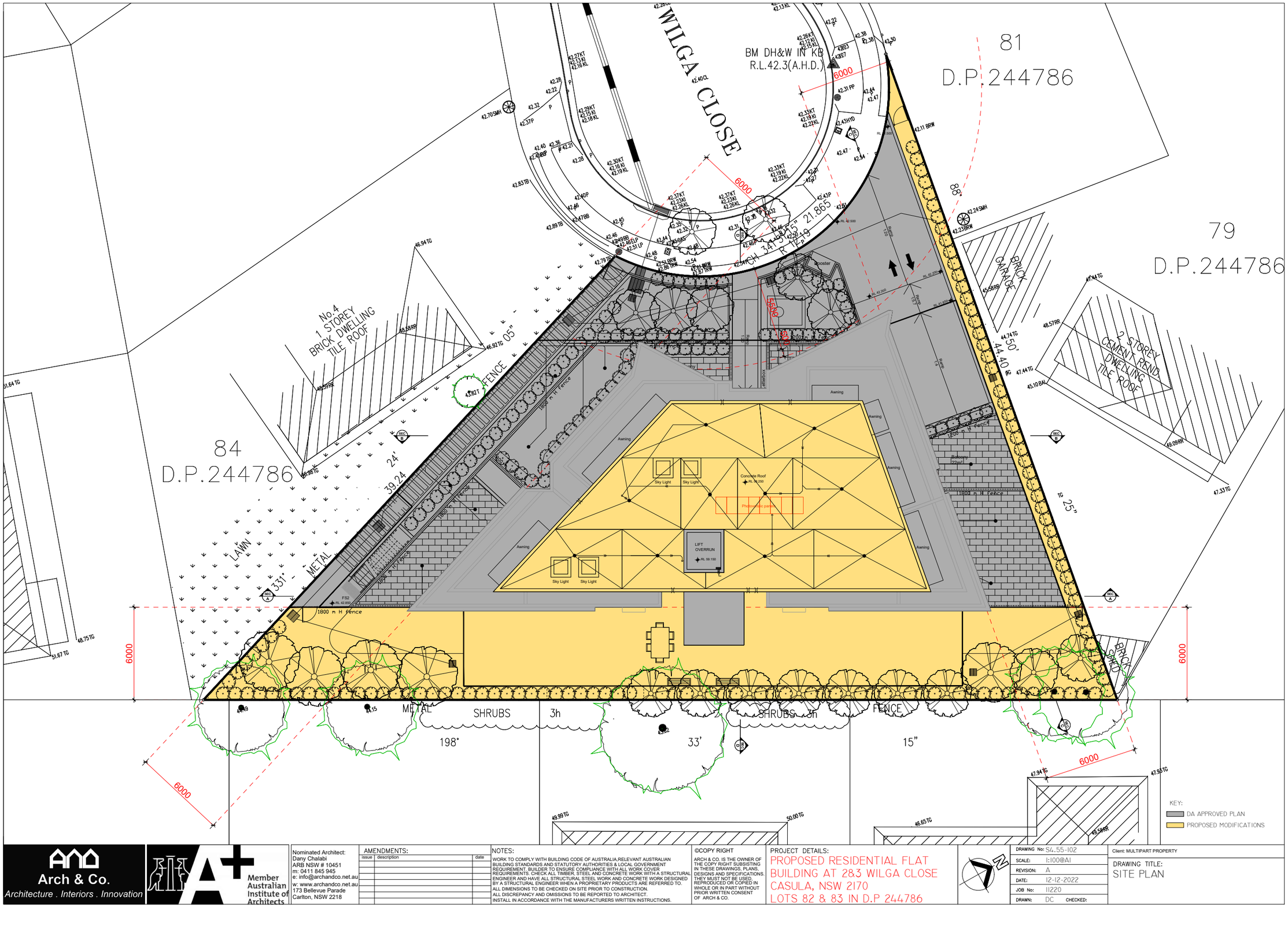
PROJECT DETAILS:
PROPOSED RESIDENTIAL FLAT BUILDING AT 2&3 WILGA CLOSE CASULA, NSW 2170
LOTS 82 & 83 IN D.P 244786

N

DRAWING No:	S4.55-101
SCALE:	N.T.S@A1
REVISION:	B
DATE:	27-10-2023
JOB No:	11220
DRAWN:	DC CHECKED:

Client: MULTIPART PROPERTY

DRAWING TITLE:
DRAWING LIST & URBAN CONTEXT



Arch & Co.
Architecture . Interiors . Innovation

Member Australian Institute of Architects

Nominated Architect:
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AMENDMENTS:

issue	description	date

NOTES:
WORK TO COMPLY WITH BUILDING CODE OF AUSTRALIA,RELEVANT AUSTRALIAN BUILDING STANDARDS AND STATUTORY AUTHORITIES & LOCAL GOVERNMENT REQUIREMENT. BUILDER TO ENSURE COMPLIANCE WITH ALL WORK COVER REQUIREMENTS. CHECK ALL TIMBER, STEEL AND CONCRETE WORK WITH A STRUCTURAL ENGINEER AND HAVE ALL STRUCTURAL STEEL WORK AND CONCRETE WORK DESIGNED BY A STRUCTURAL ENGINEER WHEN A PROPRIETARY PRODUCTS ARE REFERRED TO.
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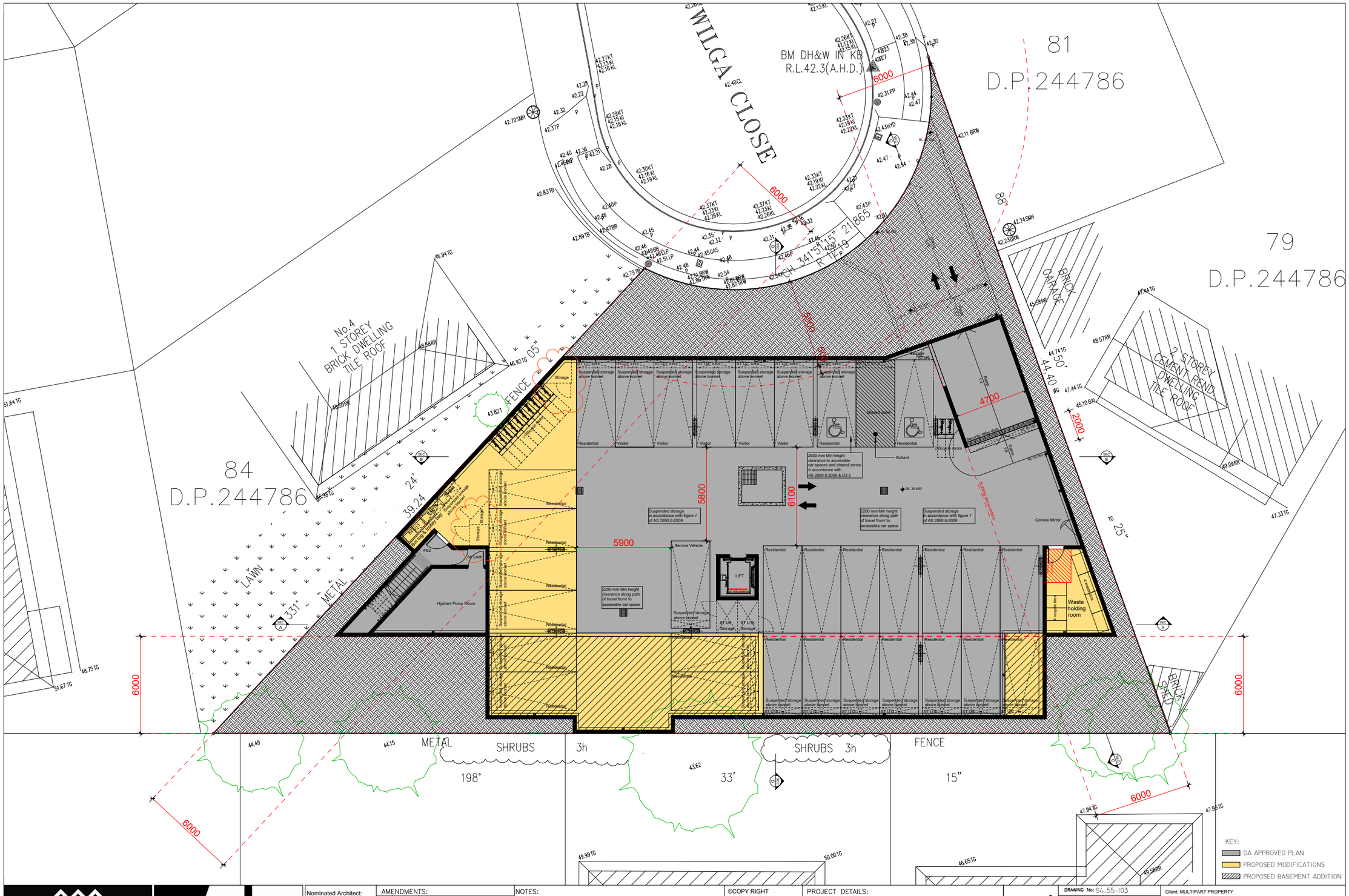
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PROJECT DETAILS:
PROPOSED RESIDENTIAL FLAT BUILDING AT 2&3 WILGA CLOSE CASULA, NSW 2170
LOTS 82 & 83 IN D.P 244786

DRAWING No:	S4.55-102
SCALE:	1:100@A1
REVISION:	A
DATE:	12-12-2022
JOB No:	11220
DRAWN:	DC CHECKED:

Client: MULTIPART PROPERTY

DRAWING TITLE:
SITE PLAN



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AMENDMENTS:

issue	description	date

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PROJECT DETAILS:
PROPOSED RESIDENTIAL FLAT BUILDING AT 2&3 WILGA CLOSE CASULA, NSW 2170
LOTS 82 & 83 IN D.P 244786

DRAWING No:	S4.55-103
SCALE:	1:100@A1
REVISION:	C
DATE:	27-10-2023
JOB No:	11220
DRAWN:	DC CHECKED:

Client: MULTIPART PROPERTY

DRAWING TITLE:
BASEMENT LEVEL PLAN

WILGA CLOSE

BM DH&W IN KP
R.L.42.3(A.H.D.)

81
D.P.244786

79
D.P.244786

84
D.P.244786

No.4
1 STOREY
BRICK DWELLING
TILE ROOF

2 STOREY
CEMENT REND.
DWELLING
TILE ROOF

BRICK GARAGE

BRICK SHED

FENCE

METAL

LAWN

SHRUBS

Concrete Roof
RL 58.350

Photovoltaic panels

Sky Light

LIFT OVERRUN
RL 59.150

CH 3.41*S 15°15" 21.865
R 17.249

6000

5500

500

9000

7000

88.

39.24

24'

33'

198°

15"

25"

331°

50.44

KEY:
DA APPROVED PLAN
PROPOSED MODIFICATIONS

Arch & Co.
Architecture . Interiors . Innovation

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AMENDMENTS:

issue	description	date

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PROJECT DETAILS:
PROPOSED RESIDENTIAL FLAT BUILDING AT 2&3 WILGA CLOSE
CASULA, NSW 2170
LOTS 82 & 83 IN D.P 244786

DRAWING No:	S4.55-109
SCALE:	1:100@A1
REVISION:	B
DATE:	27-10-2023
JOB No:	11220
DRAWN:	DC CHECKED:

Client: MULTIPART PROPERTY

DRAWING TITLE:
ROOF PLAN



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AMENDMENTS:

issue	description	date

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PROJECT DETAILS:
PROPOSED RESIDENTIAL FLAT BUILDING AT 2&3 WILGA CLOSE CASULA, NSW 2170
LOTS 82 & 83 IN D.P 244786

DRAWING No: S4.55-110
SCALE: 1:100@A1
REVISION: B
DATE: 27-10-2023
JOB No: 11220
DRAWN: DC CHECKED:

Client: MULTIPART PROPERTY

DRAWING TITLE:
NORTH & SOUTH ELEVATIONS



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AMENDMENTS:

issue	description	date

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PROJECT DETAILS:
PROPOSED RESIDENTIAL FLAT BUILDING AT 2&3 WILGA CLOSE CASULA, NSW 2170
LOTS 82 & 83 IN D.P 244786

DRAWING No: S4.55-111
SCALE: 1:100@A1
REVISION: B
DATE: 27-10-2023
JOB No: 11220
DRAWN: DC CHECKED:

Client: MULTIPART PROPERTY

DRAWING TITLE:
EAST & WEST ELEVATIONS



LEGEND:

FB	**FACE BRICK AUSTRAL SAN SELMO RECLAIMED ORIGINAL**
R1	**RENDERED WALL DULUX MONUMENT**
R2	**RENDERED WALL DULUX EVENING HAZE**
C	**EXPOSED CONCRETE SLAB / WALL**
GB	**GLASS BALUSTRADE TRANSPARENT**
FR	**METAL FRAMING AROUND WINDOWS POWDER COATED DULUX BRONZE PEARL**

ALL WINDOW AND DOOR FRAMING (POWDER COATED MONUMENT)
ALL PRIVACY SCREENS, METAL FENCING, DOWN PIPES & GUTTERS (POWDER COATED MONUMENT)

KEY:
PROPOSED MODIFICATIONS

Arch & Co.
Architecture . Interiors . Innovation

Member Australian Institute of Architects

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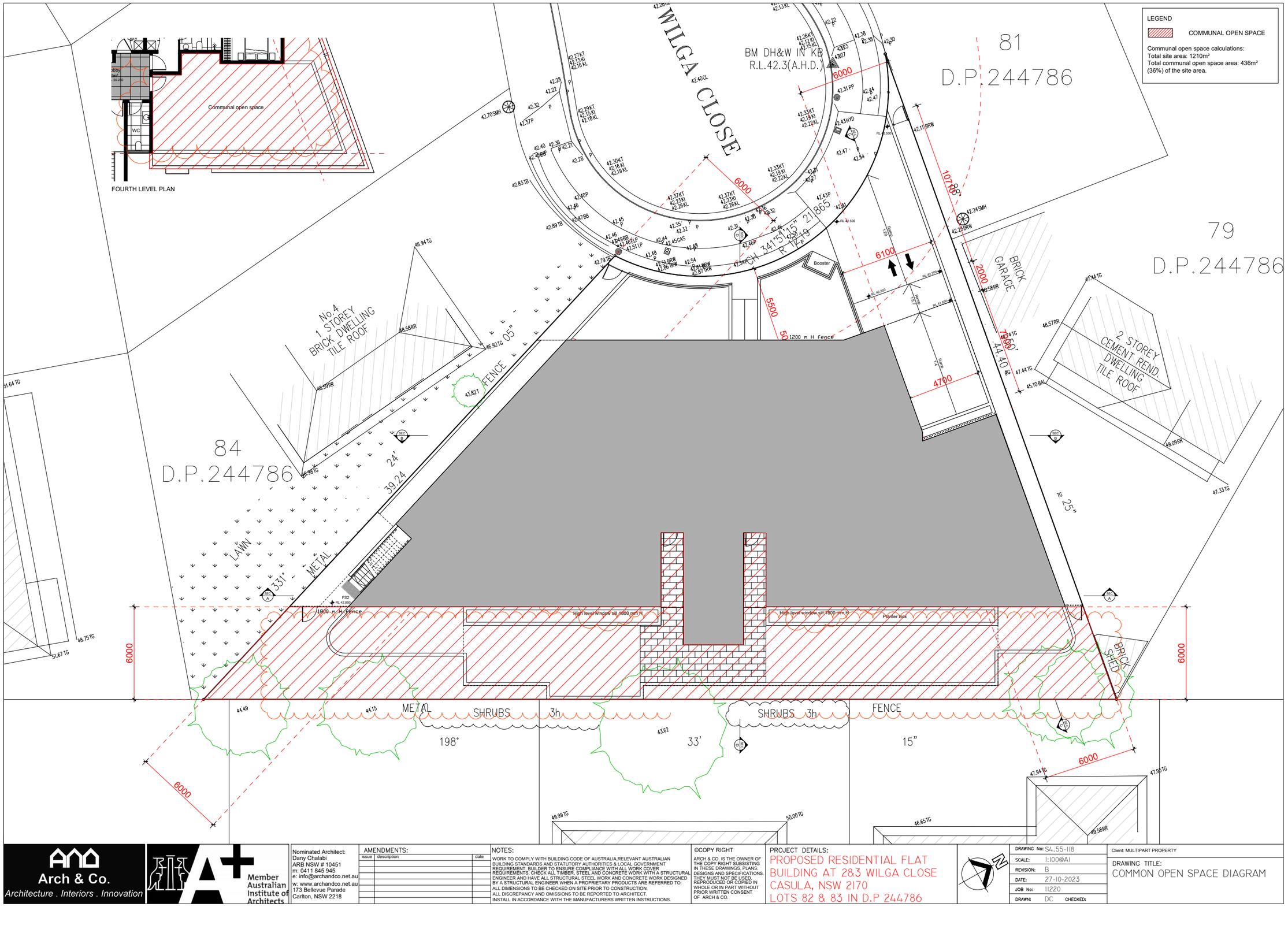
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PROJECT DETAILS:
PROPOSED RESIDENTIAL FLAT BUILDING AT 2&3 WILGA CLOSE CASULA, NSW 2170
LOTS 82 & 83 IN D.P 244786

DRAWING No: S4.55-114
SCALE: N.T.S@A1
REVISION: B
DATE: 27-10-2023
JOB No: 11220
DRAWN: DC CHECKED:

Client: MULTIPART PROPERTY

DRAWING TITLE:
FINISHES SCHEDULE



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AMENDMENTS:

issue	description	date

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PROPOSED RESIDENTIAL FLAT BUILDING AT 2&3 WILGA CLOSE CASULA, NSW 2170
LOTS 82 & 83 IN D.P 244786

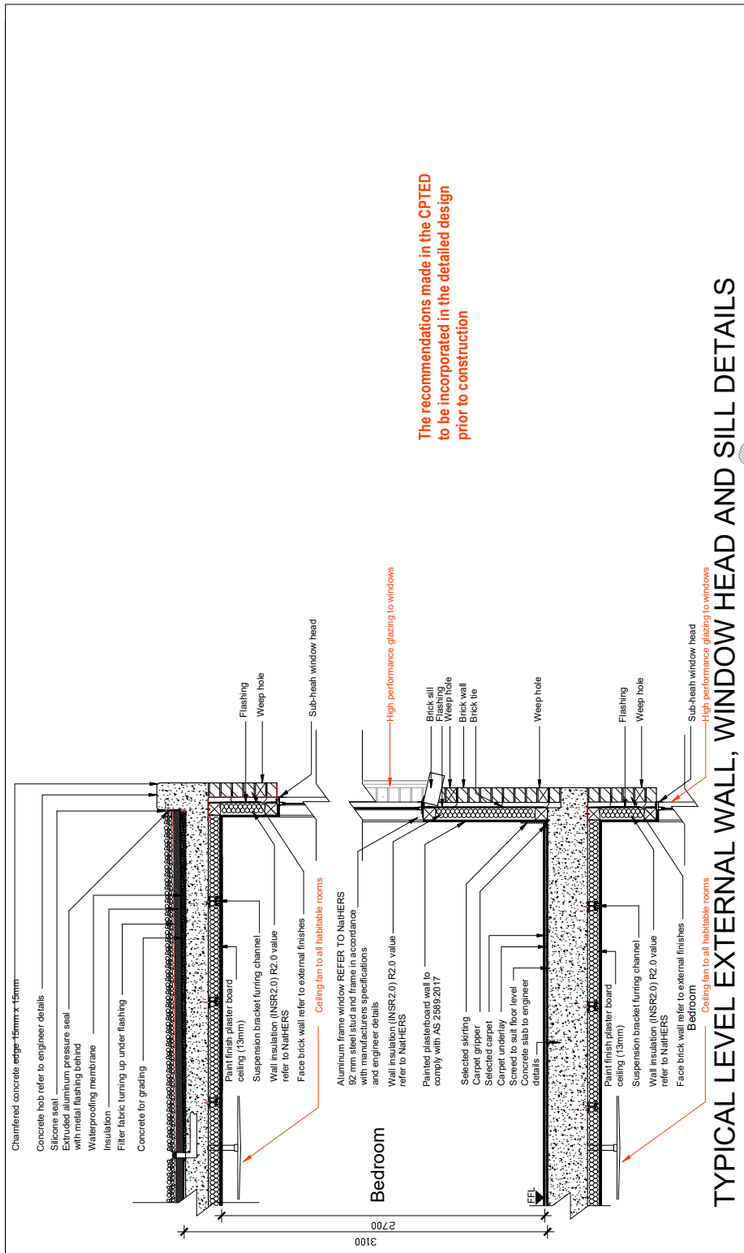
DRAWING No: S4.55-118
SCALE: 1:100@A1
REVISION: B
DATE: 27-10-2023
JOB No: 11220
DRAWN: DC CHECKED:

Client: MULTIPART PROPERTY

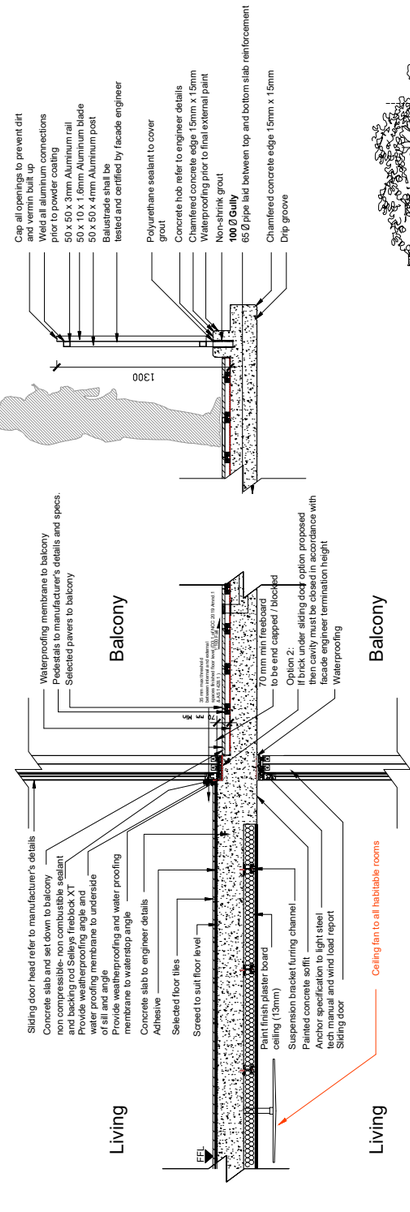
DRAWING TITLE:
COMMON OPEN SPACE DIAGRAM

The recommendations made in the CPTED to be incorporated in the detailed design prior to construction

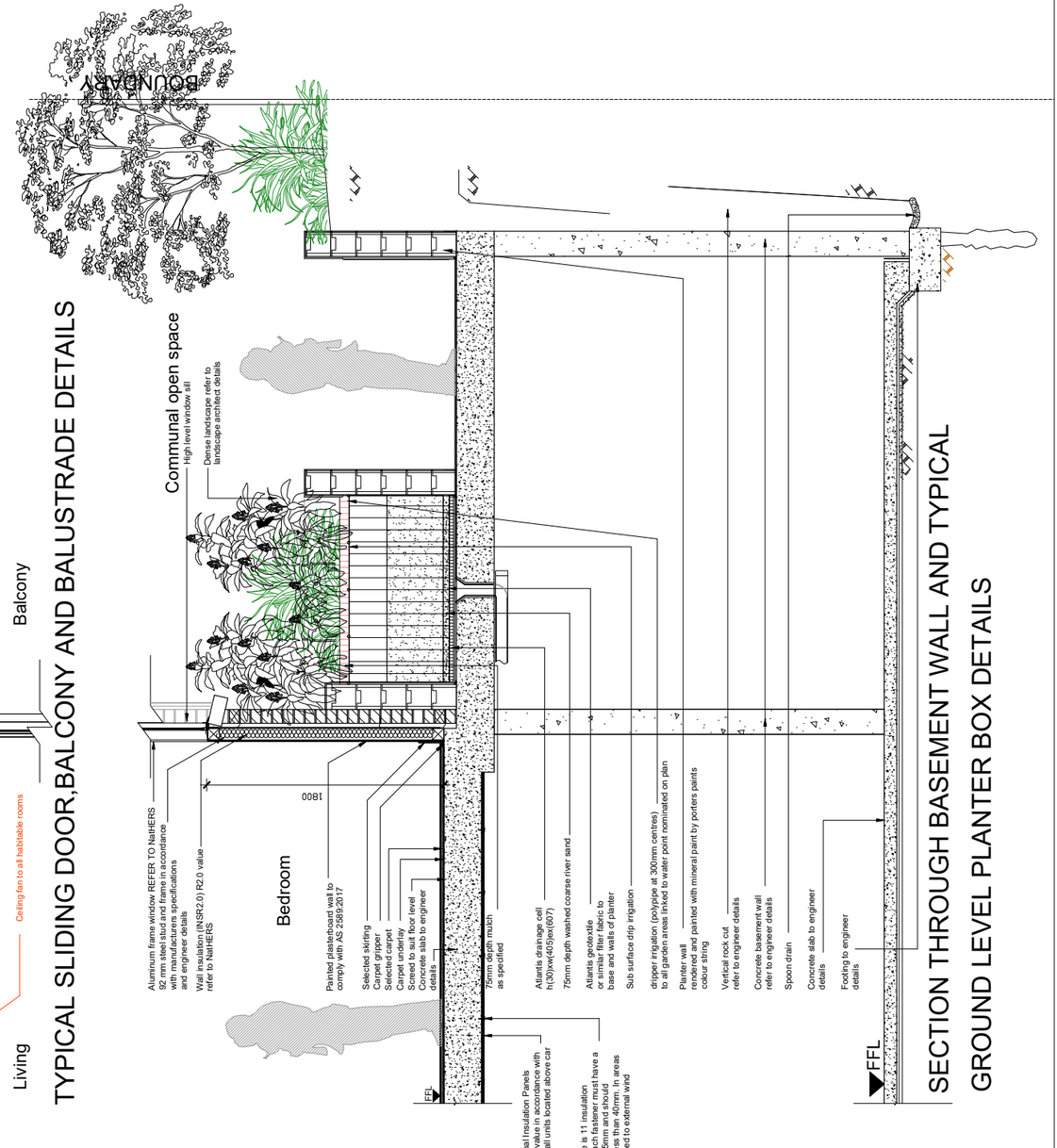
TYPICAL LEVEL EXTERNAL WALL, WINDOW HEAD AND SILL DETAILS



TYPICAL BALCONY AND BALUSTRADE DETAILS



TYPICAL SLIDING DOOR,BALCONY AND TYPICAL SECTION THROUGH BASEMENT WALL AND TYPICAL GROUND LEVEL PLANTER BOX DETAILS



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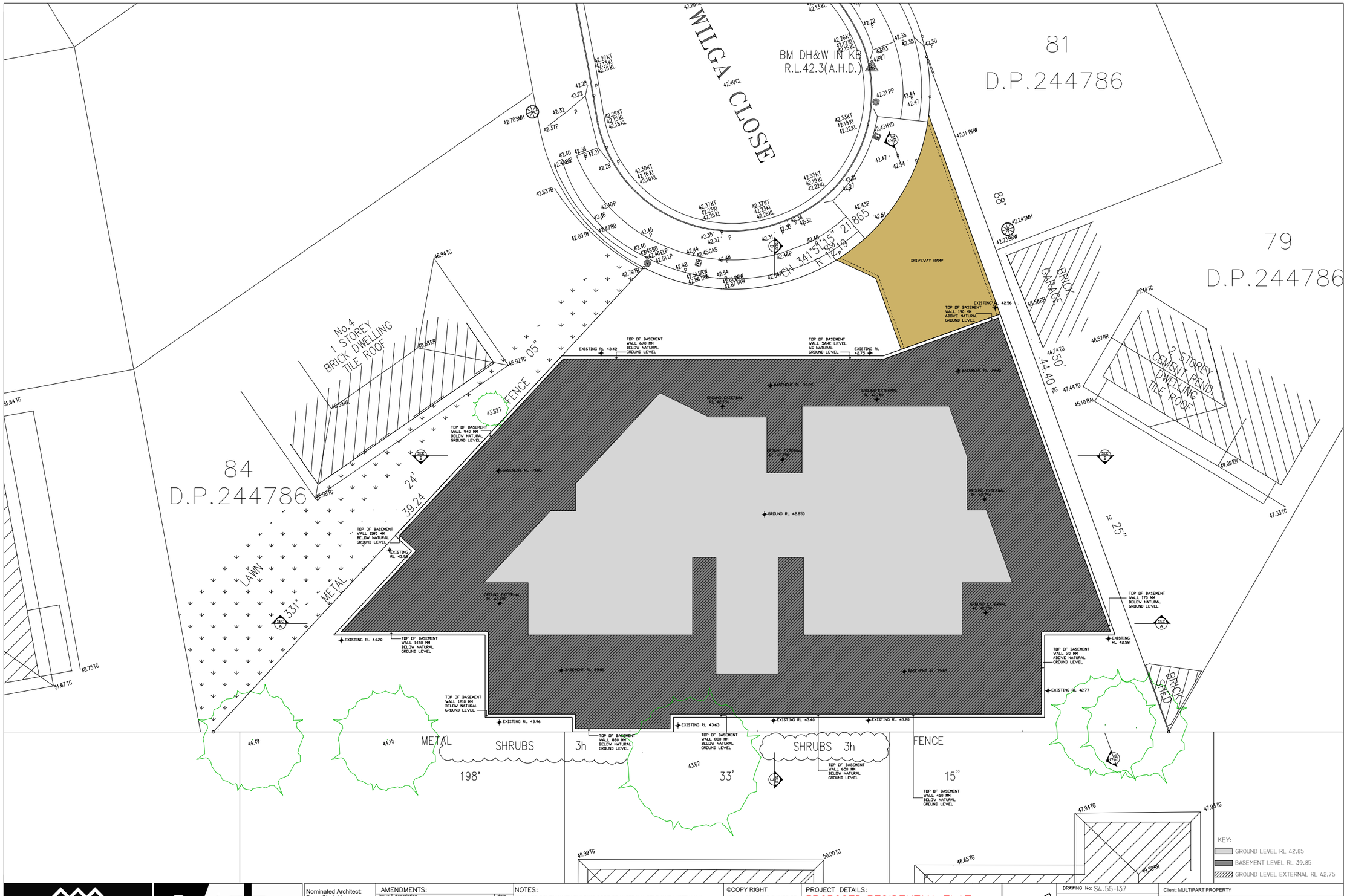
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PROJECT DETAILS:
PROPOSED RESIDENTIAL FLAT BUILDING AT 2&3 WILGA CLOSE
CASULA, NSW 2170
LOTS 82 & 83 IN D.P 244786

DRAWING No:	S4.55-136
SCALE:	N.T.S@A1
REVISION:	A
DATE:	27-10-2023
JOB No:	11220
DRAWN:	DC CHECKED:

Client: MULTIPART PROPERTY

DRAWING TITLE:
TYPICAL FACADE DETAILS



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AMENDMENTS:

issue	description	date

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PROJECT DETAILS:
PROPOSED RESIDENTIAL FLAT BUILDING AT 2&3 WILGA CLOSE
CASULA, NSW 2170
LOTS 82 & 83 IN D.P 244786

DRAWING No:	S4.55-137
SCALE:	1:100@A1
REVISION:	A
DATE:	06-02-2024
JOB No:	11220
DRAWN:	DC CHECKED:

Client: MULTIPART PROPERTY

DRAWING TITLE:
BULK EXCAVATION PLAN

2-3 WILGA CLOSE

CASULA, NSW 2170

LANDSCAPE DA DOCUMENTATION

EXISTING SITE PLAN



DOCUMENT REGISTER

DRAWING NUMBER	DRAWING NAME	SCALE / DRAWING SIZE
LDA-001	LANDSCAPE COVER SHEET	N/A
LDA-101	LANDSCAPE MASTERPLAN	1:100 / A1
LDA-102	FOURTH FLOOR LANDSCAPE PLAN	1:100 / A1
LDA-201	LANDSCAPE DETAILS	N/A

LANDSCAPE ARCHITECT

GROUND INK

SUITE 201, 75 ARCHER ST, CHATSWOOD NSW 2067 PH. (02) 9411 3279
WWW.GROUNDINK.COM.AU ABN 55 163 025 456 ACN 163 025 456

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NOTE

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ISSUE	DATE	DESCRIPTION	DRAWN	CHECKED
C	21.10.21	ISSUE FOR DA	MT	RL
D	22.04.22	ISSUE FOR DA	ML	RL
E	28.04.22	ISSUE FOR DA	MT	RL
F	15.07.22	ISSUE FOR DA	MT	RL
G	08.12.22	ISSUE FOR DA	ML	RL
H	14.12.22	ISSUE FOR DA	ML	RL
I	01.11.23	ISSUE FOR DA	AG	ML
J	07.02.24	ISSUE FOR DA	JJ	RL

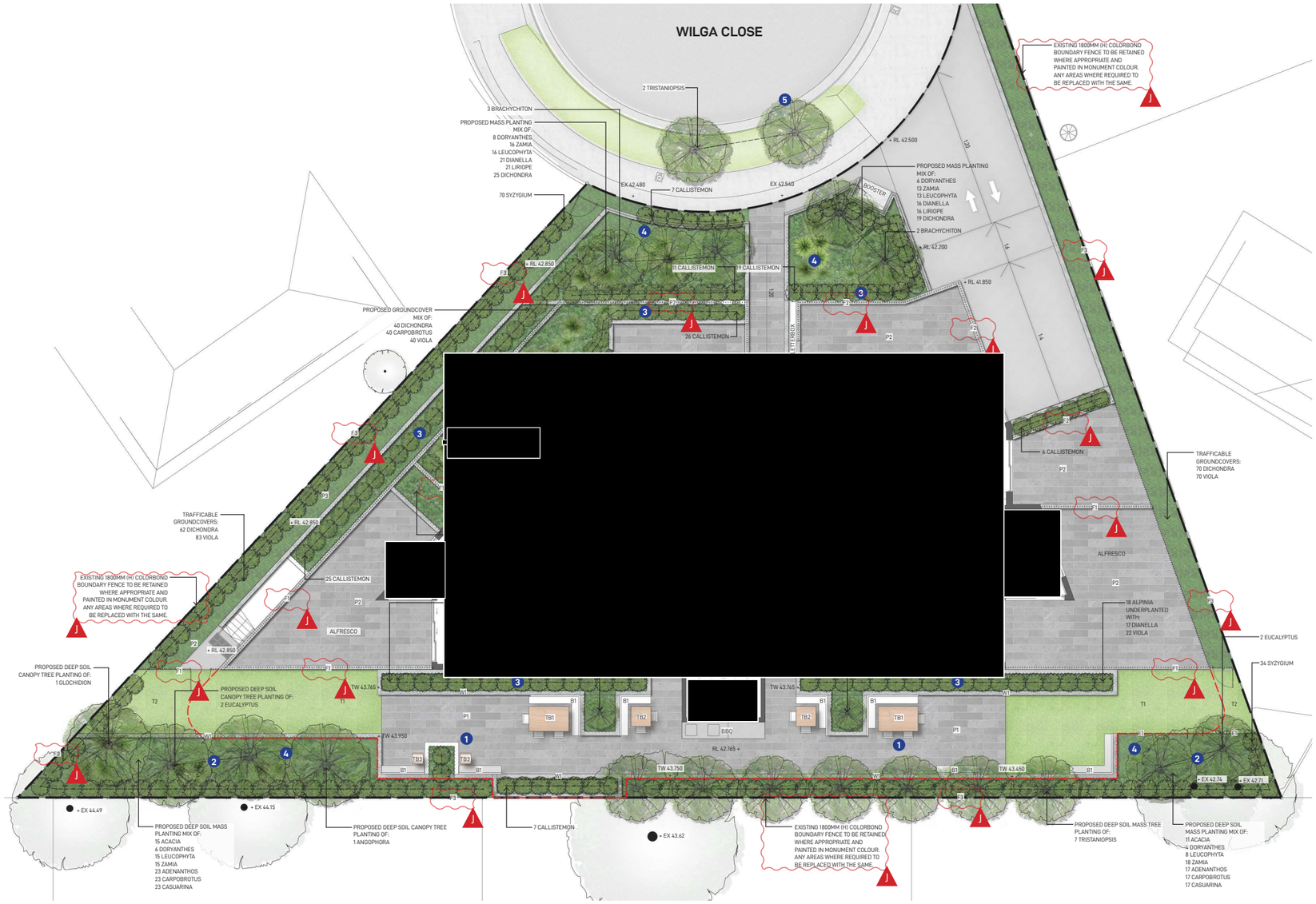
DRAWING TITLE

LANDSCAPE COVER SHEET

DATE	JOB NUMBER	DRAWN	CHECKED	DRAWING NUMBER
07-FEB-24	20210904	AG	ML	LDA-001

PROJECT
2-3 WILGA CLOSE
CASULA, NSW 2170

SCALE **N/A** REV **I**



LEGEND

- SITE BOUNDARY
- LINE OF BUILDING ABOVE
- LINE OF BASEMENT BELOWV
- FFL + FINISHED FLOOR LEVEL
- RL + PROPOSED SPOT LEVEL
- EX + EXISTING SPOT LEVEL
- 1 PROPOSED COMMUNAL OUTDOOR AREA WITH GRANITE PAVING & SEATING OPPORTUNITIES
- 2 PROPOSED NATIVE CANOPY TREE PLANTING IN DEEP SOIL PROVIDING SHADING & SCREENING ON BOUNDARY
- 3 PROPOSED SCREEN PLANTING PROVIDING GREENING AMENITY AND PRIVACY TO PRIVATE BALCONIES
- 4 PROPOSED FEATURE MASS PLANTING GARDEN BED
- 5 PROPOSED STREET TREES IN ACCORDANCE WITH COUNCIL SPECIFICATIONS

GROUND FLOOR MATERIAL SCHEDULE

CODE	DESCRIPTION	SIZE	FINISH	COLOUR	SUPPLIER
B1	VERGE BENCH SEAT	1800 X 450MM	POWDERCOATED/ ENVIROSLAT WOODGRAIN	DULUX MATT OYSTER	COMMERCIAL SYSTEMS
BBQ	DOUBLE EDGE BBQ	1900 X 800MM	STAINLESS STEEL	-	GRILLEX
E1	GARDEN EDGING	H 75MM	POWDER COATED	MATTE BLACK	LINK EDGE
F1	METAL PALISADE FENCING	H 1800MM	POWDER COATED	MONUMENT	PROTECTIVE FENCING
F2	METAL PALISADE FENCING	H 1200MM	POWDER COATED	MONUMENT	PROTECTIVE FENCING
F3	COLORBOND BOUNDARY FENCING	H 1800MM	PAINTED BY OTHERS	MONUMENT	-
P2	GRANITE PAVING	400 X 600 X 40MM	EXFOLIATED GRANITE	VEGA BLACK	CINAIUS
T1	TURF ON SLAB	-	-	-	LAWN SOLUTIONS AUSTRALIA
T2	TURF ON GRADE	-	-	-	LAWN SOLUTIONS AUSTRALIA
TB1	TOWN TABLE SETTING	1800 X 775MM	COMPOSITE TIMBER	DULUX MATT OYSTER	COMMERCIAL SYSTEMS
TB2	ALFRESCO CAFE SEATING	600 X 740MM	POWDERCOATED/ ENVIROSLAT WOODGRAIN	DULUX MATT OYSTER	COMMERCIAL SYSTEMS
TB3	WALL MOUNTED SIDE TABLE	350MM X 350MM	POWDERCOATED/ ENVIROSLAT WOODGRAIN	DULUX MATT OYSTER	COMMERCIAL SYSTEMS
W1	BLOCK RETAINING WALL	BY OTHERS	RENDER TO MATCH ARCHITECT'S SPEC.	DULUX MONUMENT	SUPPLIER TO MATCH ARCHITECT'S SPEC

INDICATIVE MATERIAL IMAGES


B1: VERGE BENCH SEAT


BBQ: DOUBLE EDGE BBQ


P2: GRANITE PAVING


TOWN TABLE SETTING


CAFE SEATING


WALL MOUNTED SIDE TABLE

GROUND FLOOR PLANT SCHEDULE

BOTANICAL NAME	NATIVE	HEIGHT	INSTALL SIZE	SPACING	QUANTITY
TREES					
ANGOPHORA COSTATA (SMOOTH BARKED APPLE)	✓	25M+	200L	AS SHOWN	1
BRACHYCHITON ACERIFOLIUS (FLAME TREE)	✓	10-20M	100L	AS SHOWN	5
EUCALYPTUS TERETICORNIS (RED RIVER GUM)	✓	15-20M	100L	AS SHOWN	4
GLOCHIDION FERDINANDI (CHEESE TREE)	✓	15M	100L	AS SHOWN	1
MAGNOLIA 'TEDDY BEAR'		4M	100L	AS SHOWN	2
TRISTANIOPSIS LAURINA (WATER GUM)	✓	10M	100L	AS SHOWN	9
SHRUBS					
ACACIA 'MINI COG'	✓	1M	200mm	4/M2	26
ALPINIA CAERULEA (NATIVE GINGER)	✓	2.5M	300mm	4/M2	34
CALLISTEMON 'SCARLET FLAME'	✓	1.5M	300mm	AS SHOWN	101
DORYANTHES EXCELSA (GYMEA LILY)	✓	2M	300mm	2/M2	32
LEUCOPHYTA BROWNII (CUSHION BUSH)	✓	1M	200mm	4/M2	68
SYZYGIUM 'GOODBYE NEIGHBOURS'	✓	6M	300mm	AS SHOWN	104
ZAMIA FURFURACEA (CARDBOARD PALM)		1M	200mm	4/M2	84
GRASSES AND GROUNDCOVERS					
ADENANTHOS 'CORAL CARPET'	✓	0.3M	150mm	5/M2	40
ASPIDISTRA ELATIOR (CAST IRON PLANT)		0.9M	150mm	4/M2	20
CARPOBROTUS 'WHITE HOT'	✓	0.3M	150mm	6/M2	80
CASUARINA 'COUSIN IT'	✓	0.2M	150mm	5/M2	40
DIANELLA 'CASSA BLUE'	✓	0.5M	150mm	5/M2	89
DICHONDRA REPENS (KIDNEY PLANT)	✓	0.8M	150mm	6/M2	271
LIRIOPE 'BIG BLUE'		0.3M	150mm	5/M2	57
VIOLA HEDERACEA (NATIVE VIOLET)	✓	0.3M	150mm	8/M2	233

TREES


ANGOPHORA


BRACHYCHITON


EUCALYPTUS


GLOCHIDION


MAGNOLIA


TRISTANIOPSIS

SHRUBS

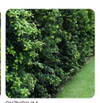

ACACIA


ALPINIA


CALLISTEMON


DORYANTHES


LEUCOPHYTA


SYZYGIUM

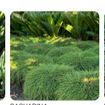

ZAMIA

GRASSES & GROUNDCOVERS

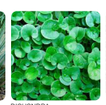

ADENANTHOS


ASPIDISTRA

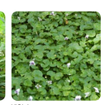

CARPOBROTUS


CASUARINA


DIANELLA


DICHONDRA


LIRIOPE


VIOLA

LANDSCAPE ARCHITECT

GROUND INK

SUITE 201, 75 ARCHER ST, CHATSWOOD NSW 2067 PH. (02) 9411 3279
WWW.GROUNDINK.COM.AU ABN 55 163 025 456 ACN 163 025 456

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J	07.02.24	ISSUE FOR DA	JJ	RL

DRAWING TITLE

LANDSCAPE MASTERPLAN

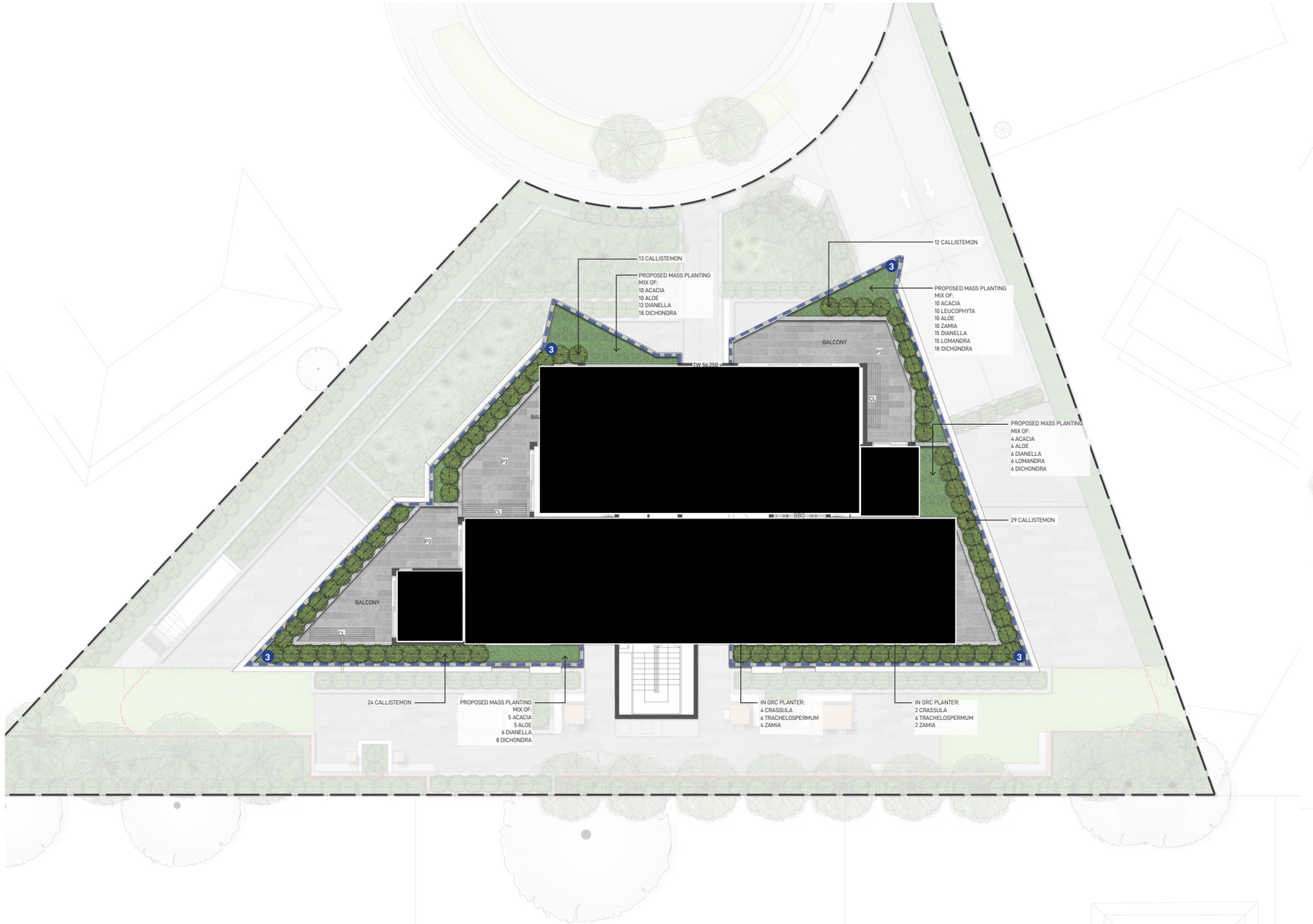
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07-FEB-24	20210904	AG	ML	LDA-101

PROJECT
2-3 WILGA CLOSE
CASULA, NSW 2170

NORTH

SCALE
1:100 / A1
0 1 2 3M

REV
I



LEGEND

- SITE BOUNDARY
- LINE OF BASEMENT BELOW
- LINE OF BUILDING ABOVE
- PROPOSED 1200MM HIGH BALUSTRADE TO MATCH ARCHITECTURAL FENCING SPECIFICATIONS
- FFL + FINISHED FLOOR LEVEL
- RL + PROPOSED SPOT LEVEL
- EX + EXISTING SPOT LEVEL
- 1 PROPOSED COMMUNAL ROOFTOP AREA WITH GRANITE PAVING & LOUNGING OPPORTUNITIES
- 2 PROPOSED WOODEN PERGOLA TO PROVIDE SHADE AND FRAME FOR CLIMBING PLANTS
- 3 LOW MAINTENANCE, DROUGHT HARDY PLANTS TO ROOFTOP EDGES TO VISUALLY SOFTEN ROOFTOP APPEARANCE.

ROOFTOP MATERIAL SCHEDULE

CODE	DESCRIPTION	SIZE (MM)	FINISH	COLOUR	SUPPLIER
BBQ	DOUBLE EDGE BBQ	1900 X 800MM	STAINLESS STEEL	-	GRILLEX
CL	CLOTHES LINE	BY OTHERS			
GRC1	GRC TROUGH PLANTER	1400 X 700 X 600MM	-	CONCRETE GREY	QUATRO DESIGN
GRC2	GRC TROUGH PLANTER	2500 X 700 X 600MM	-	CONCRETE GREY	QUATRO DESIGN
P3	GRANITE PAVING	600 X 600 X 40MM	EXFOLIATED GRANITE	VEGA BLACK	CINAIUS
PG1	CUSTOM COMPOSITE PERGOLA	REFER TO PLAN	-	-	-
L1	PARK RECLINER	1600 X 560 X 950MM	POWDERCOATED/ ENVIROSLAT WOODGRAIN	WOODGRAIN	COMMERCIAL SYSTEMS
TB2	ALFRESCO CAFE SEATING	600 X 740MM	POWDERCOATED/ ENVIROSLAT WOODGRAIN	DULUX MATT COVE	COMMERCIAL SYSTEMS
TB4	DRUM STOOL	350 X 350 X 450	POWDERCOATED/ ENVIROSLAT WOODGRAIN	DULUX MATT COVE	COMMERCIAL SYSTEMS

INDICATIVE MATERIAL IMAGES


DOUBLE EDGE BBQ


GRC PLANTER


GRANITE PAVING


PARK RECLINER


CAFE SEATING


DRUM STOOL

SHRUBS


ACACIA


CALLISTEMON


CRASSULA


LEUCOPHYTA


ZAMIA

GRASSES & GROUNDCOVERS


ALOE


DICHONDRA


DIANELLA


TRACHELOSPERMUM


LOMANDRA

ROOFTOP PLANT SCHEDULE

BOTANICAL NAME	NATIVE	HEIGHT	INSTALL SIZE	SPACING	QUANTITY
SHRUBS					
ACACIA 'MINI COG'	✓	1M	200MM	4/M2	29
CALLISTEMON 'SCARLET FLAME'	✓	1.5M	300MM	AS SHOWN	78
CRASSULA 'MAX COOK'		1.2M	300MM	4/M2	
LEUCOPHYTA BROWNII (CUSHION BUSH)	✓	1M	200MM	4/M2	10
ZAMIA FURFURACEA (CARDBOARD PALM)		1M	200MM	4/M2	16
GRASSES AND GROUNDCOVERS					
ALOE 'MIGHTY ORANGE'		0.5M	150MM	4/M2	22
DIANELLA 'CASSA BLUE'	✓	0.5M	150MM	5/M2	45
DICHONDRA REPENS (KIDNEY PLANT)	✓	0.8M	150MM	6/M2	50
LOMANDRA 'LIME TUFF'	✓	0.4M	150MM	5/M2	24
TRACHELOSPERMUM JASMINOIDES		3-4M (CLIMBING)	200MM	6/M2	18

LANDSCAPE ARCHITECT

GROUND INK

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WWW.GROUNDINK.COM.AU ABN 55 163 025 456 ACN 163 025 456

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H	14.12.22	ISSUE FOR DA	ML	RL
I	01.11.23	ISSUE FOR DA	AG	ML
J	07.02.24	ISSUE FOR DA	JI	RL

DRAWING TITLE

FOURTH FLOOR
LANDSCAPE PLAN

DATE	JOB NUMBER	DRAWN	CHECKED	DRAWING NUMBER
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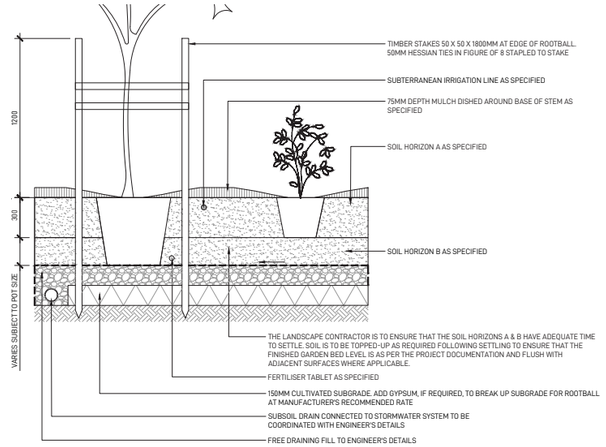
PROJECT
2-3 WILGA CLOSE
CASULA, NSW 2170

NORTH

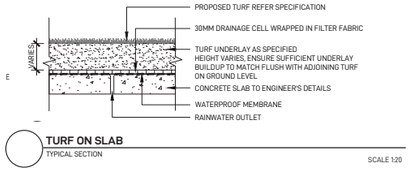
SCALE
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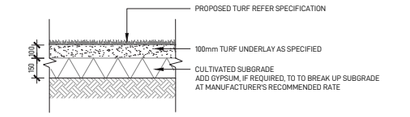
TYPICAL LANDSCAPE DETAILS



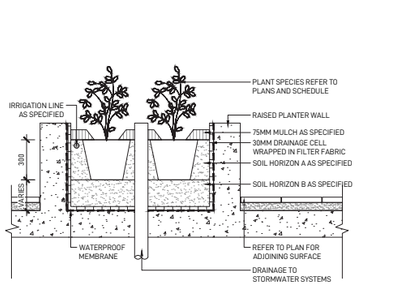
MASS PLANTING AND TREE DETAIL
TYPICAL SECTION
SCALE 1:20



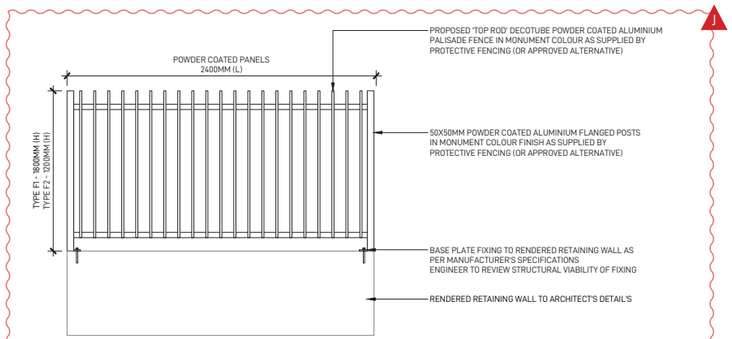
TURF ON SLAB
TYPICAL SECTION
SCALE 1:20



TURF ON NATURAL GROUND
TYPICAL SECTION
SCALE 1:20



ON SLAB PLANTER BOX
TYPICAL SECTION
SCALE 1:20



PALISADE FENCE ELEVATION ON RETAINING WALL
TYPICAL ELEVATION
SCALE 1:20

OUTLINE LANDSCAPE SPECIFICATION

GENERAL
MAINTENANCE SHALL MEAN THE CARE AND MAINTENANCE OF THE LANDSCAPE WORKS BY ACCEPTED HORTICULTURAL PRACTICE AS RECTIFYING ANY DEFECTS THAT BECOME APPARENT IN THE LANDSCAPE WORKS UNDER NORMAL USE. THE LANDSCAPE CONTRACTOR SHALL ATTEND THE SITE ON A WEEKLY BASIS TO MAINTAIN THE LANDSCAPE WORKS FOR THE FULL TERM APPROVED AT CC STAGE OF THE MAINTENANCE PERIOD (COMMENCING FROM PRACTICAL COMPLETION).

RUBBISH REMOVAL
DURING THE TERM OF THE MAINTENANCE PERIOD THE LANDSCAPE CONTRACTOR SHALL UNDERTAKE RUBBISH REMOVAL FROM THE SITE ON A WEEKLY BASIS TO ENSURE THE SITE REMAINS IN TIDY CONDITION.

WEED ERADICATION
WEED GROWTH THAT MAY OCCUR IN, PLANTED OR MULCHED AREAS IS TO BE REMOVED USING ENVIRONMENTALLY ACCEPTABLE METHODS I.E. NON-RESIDUAL GLYPHOSATE HERBICIDE, (E.G. 'ROUNDUP', APPLIED IN ACCORDANCE WITH THE MANUFACTURER'S DIRECTIONS) OR HAND WEEDING.

TREE REPLACEMENT
TREES SHALL SHOW SIGNS OF HEALTHY VIGOROUS GROWTH AND BE FREE FROM DISEASE AND NOT EXHIBIT SIGNS OF STRESS PRIOR TO HANDOVER TO THE CLIENT. ANY TREES OR PLANT THAT DIE OR FAIL TO THRIVE, OR ARE DAMAGED OR STOLEN WILL BE REPLACED. REPLACEMENT MATERIAL SHALL HAVE THE MAINTENANCE PERIOD EXTENDED IN ACCORDANCE WITH THE LANDSCAPE CONTRACT CONDITIONS. TREES AND PLANT MATERIALS SHALL BE EQUAL TO THE MINIMUM REQUIREMENTS OF SPECIES SPECIFIED AND APPROVED MATERIAL DELIVERED TO SITE. SHOULD THE CONDITION DECLINE FROM THE APPROVED SAMPLE THE SUPERINTENDENT RESERVES THE RIGHT TO REJECT THE TREE / PLANTS.
FREQUENCY: AS REQUIRED.

PRUNING
SELECTIVE PRUNING MAY BE REQUIRED DURING THE ESTABLISHMENT PERIOD TO PROMOTE A BALANCED CANOPY STRUCTURE. THESE ACTIVITIES SHALL BE CARRIED OUT TO THE BEST HORTICULTURAL AND INDUSTRY PRACTICE. ALL PRUNED MATERIAL IS TO BE REMOVED FROM SITE.

IRRIGATION
A LOW VOLUME DRIP IRRIGATION SYSTEM MAY BE INSTALLED AT THE DISCRETION OF THE DEVELOPER. POSITION OF CONTROL BOX, SOLENOIDS AND IRRIGATION CONDUITS TO BE DESIGNED BY QUALIFIED IRRIGATION ENGINEER AT CC STAGE. CONTROLLERS SHALL BE MOUNTED ON A STABLE WALL, POWER RACK, OR FORMED AND CONSTRUCTED CONCRETE BASED PEDESTAL MOUNT. PERFORMANCE SPECIFICATION TO BE PROVIDED BY LANDSCAPE ARCHITECT, NOMINALLY 25MM DELIVERED TO PLANT AREAS EACH WEEK DURING ESTABLISHMENT (DEPENDING ON WEATHER CONDITIONS). AFTER ESTABLISHMENT, IRRIGATION RATES CAN BE DECREASED IN CERTAIN AREAS OF THE LANDSCAPE DEPENDING ON THE SPECIES.

WATERING
IMPLEMENT AN APPROPRIATE HAND WATERING REGIME TO MAINTAIN PLANT HEALTH AND VIGOUR. THE PROGRAM SHALL REFLECT SEASONAL CONDITIONS AND PLANT SPECIES.
FREQUENCY: WEEKLY OR AS REQUIRED.

DRAINAGE
ALL LANDSCAPE AREAS ARE TO HAVE POSITIVE DRAINAGE TO SW SYSTEMS. IF AREAS OF POOR DRAINAGE ARE IDENTIFIED ON SITE THEN THIS SHOULD BE BROUGHT TO THE SITE SUPERINTENDENTS ATTENTION. INSTALL AGG LINES IF REQUIRED.

SOILS
HORIZON A - GARDEN BEDS ON NATURAL GROUND
A SANDY LOAM TO CLAY LOAM TOPSOIL MIX DESIGNED FOR GENERAL PURPOSE, ON-GRADE LANDSCAPE GARDEN BED PLANTING OF GRASSES, WOODY AND HERBACEOUS ANNUALS AND PERENNIALS THAT HAVE HIGH NUTRIENT REQUIREMENT FOR SUSTAINED OPTIMUM GROWTH, AND ARE NOT SUBJECT TO COMPACTION BY PEDESTRIAN AND OTHER FOOT TRAFFIC. HEAVIER TEXTURED SOILS IN THIS SPECIFICATION MAY REQUIRE ENGINEERED SOLUTIONS WHERE EXCESSIVE WETNESS IS ANTICIPATED. NOTE THAT ORGANIC SOIL VARIANT SHOULD NOT BE CHOSEN FOR LOW PLANTINGS AND SHOULD NOT BE USED BELOW 300MM. PLANTING METHODS INCLUDE DIRECT SEEDING, TUBE AND POTTED SPECIMENS UP TO 45L.

HORIZON B – LARGER POTTED PLANTING BELOW 300MM
A SANDY, WELL DRAINED MEDIUM WITH LOW ORGANIC MATTER FOR BACKFILLING BELOW 300MM FROM THE SURFACE IN LARGER POTTED SPECIMENS OVER 45L OR 400MM DEPTH OF ROOT BALL. ENHANCED, ADVANCED AND SUPER ADVANCED TREE PLANTING. THE SPECIFICATION MAY USE A SMALL PROPORTION OF SITE WON TOPSOIL OR SUBSOIL, PROVIDED THE ORGANIC MATTER UPPER LIMIT IS NOT EXCEEDED.

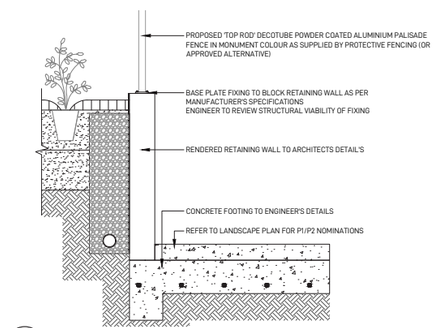
CULTIVATION
ALL GARDEN BEDS TO BE CULTIVATED TO A MIN DEPTH OF 150MM AND TREE PITS TO THE DEPTH OF THE ROOT BALL ONLY. IF ADDITIVES SUCH AS GYPSUM ARE REQUIRED CONDUCT THIS AFTER CULTIVATION INTO THE TOP 100MM OF SOIL.

PLANTING
ALL PLANTING TO BE GROWN TO NATSPEC SPECIFICATIONS. CONTRACTOR TO PREPARE SITE FOR PLANTING INCLUDING WATERING, HANDLING, SETTING OUT AND EXCAVATION. EXCAVATE A HOLE FOR EACH PLANT LARGE ENOUGH TO PROVIDE NOT LESS THAN 100MM ALL AROUND THE ROOT SYSTEM OF THE PLANT. FOR TREE PLANTING EACH HOLE SHALL BE DUG WITH A SHOVEL, BACKHOE OR SIMILAR TOOL. INDIVIDUAL HOLES SHALL BE EXCAVATED TO ALLOW ROOT SYSTEM TO SIT FLAT ON THE EXCAVATED HOLE AND 400MM TO EACH SIDE OF THE ROOT SYSTEM. BACKFILL PLANTING HOLES WITH EXISTING SITE SOIL AND TOPSOIL AS DESCRIBED IN SECTION 'SOIL'. PLANT / TREE SHALL BE SET PLUMB, WITH THE ROOT BALL SET SLIGHTLY BELOW THE FINAL SOIL LEVEL.

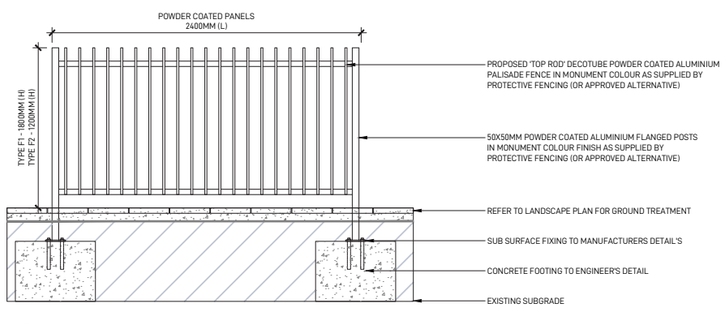
MULCHING
THE LANDSCAPE CONTRACTOR SHALL SUPPLY AND INSTALL 10MM PINE BARK MULCH TO ALL GARDEN BEDS SHOWN ON THE LANDSCAPE PLANS, TO A MINIMUM DEPTH OF 75MM. ALL MULCH IS TO BE FREE OF DELETERIOUS MATTER SUCH AS SOIL, WEEDS AND STICKS. MULCHED SURFACES ARE TO BE KEPT CLEAN AND TIDY AND FREE OF ANY DELETERIOUS MATERIAL AND FOREIGN MATTER. REINSTATE DEPTHS TO A UNIFORM LEVEL OF 75MM WITH MULCH AS SPECIFIED, MULCH TO BE FREE OF ANY WOOD MATERIAL IMPREGNATED WITH CCA OR SIMILAR TOXIC TREATMENT. MAINTAIN WATERING RINGS AROUND TREES. TOP UP MULCH LEVELS PRIOR TO HANDOVER TO CLIENT.

PEST AND DISEASE CONTROL
THE LANDSCAPE CONTRACTOR SHALL SPRAY FOR PESTS AND DISEASE INFESTATIONS WHEN THE PEST AND FUNGAL ATTACK HAS BEEN POSITIVELY IDENTIFIED AND WHEN THEIR POPULATIONS HAVE INCREASED TO A POINT THAT WILL BECOME DETRIMENTAL TO PLANT GROWTH. APPLY ALL PESTICIDES TO MANUFACTURER'S DIRECTIONS.
FREQUENCY: WEEKLY INSPECTION

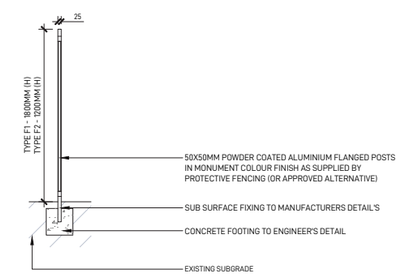
FERTILISING
PELLETS SHALL BE IN THE FORM INTENDED TO UNIFORMLY RELEASE PLANT FOOD ELEMENTS FOR A PERIOD OF APPROXIMATELY NINE MONTHS EQUAL TO SHIRLEYS KOKEI PELLETS, ANALYSIS 6.3:1.8:2.9 OR SIMILAR APPROVED. KOKEI PELLETS SHALL BE PLACED AT THE TIME OF PLANTING TO THE BASE OF THE PLANT, 50MM MINIMUM FROM THE ROOT BALL AT A RATE OF TWO PELLETS PER 300MM OF TOP GROWTH TO A MAXIMUM OF 8 PELLETS PER TREE. GENERALLY CHECK FOR SIGNS OF NUTRIENT DEFICIENCIES (YELLOWING OF LEAVES, FAILURE TO THRIVE), AND ADAPT FERTILISER REGIME TO SUIT. FERTILISER SHOULD BE APPLIED AT THE BEGINNING AND THE END OF THE (SUMMER) GROWING SEASON.



PALISADE FENCE ELEVATION ON RETAINING WALL
TYPICAL SECTION
SCALE 1:20



PALISADE FENCE ELEVATION ON GRADE
TYPICAL ELEVATION
SCALE 1:20



PALISADE FENCE ELEVATION ON GRADE
TYPICAL SECTION
SCALE 1:20

LANDSCAPE ARCHITECT

GROUND INK

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J	07.02.24	ISSUE FOR DA	JJ	RL

DRAWING TITLE

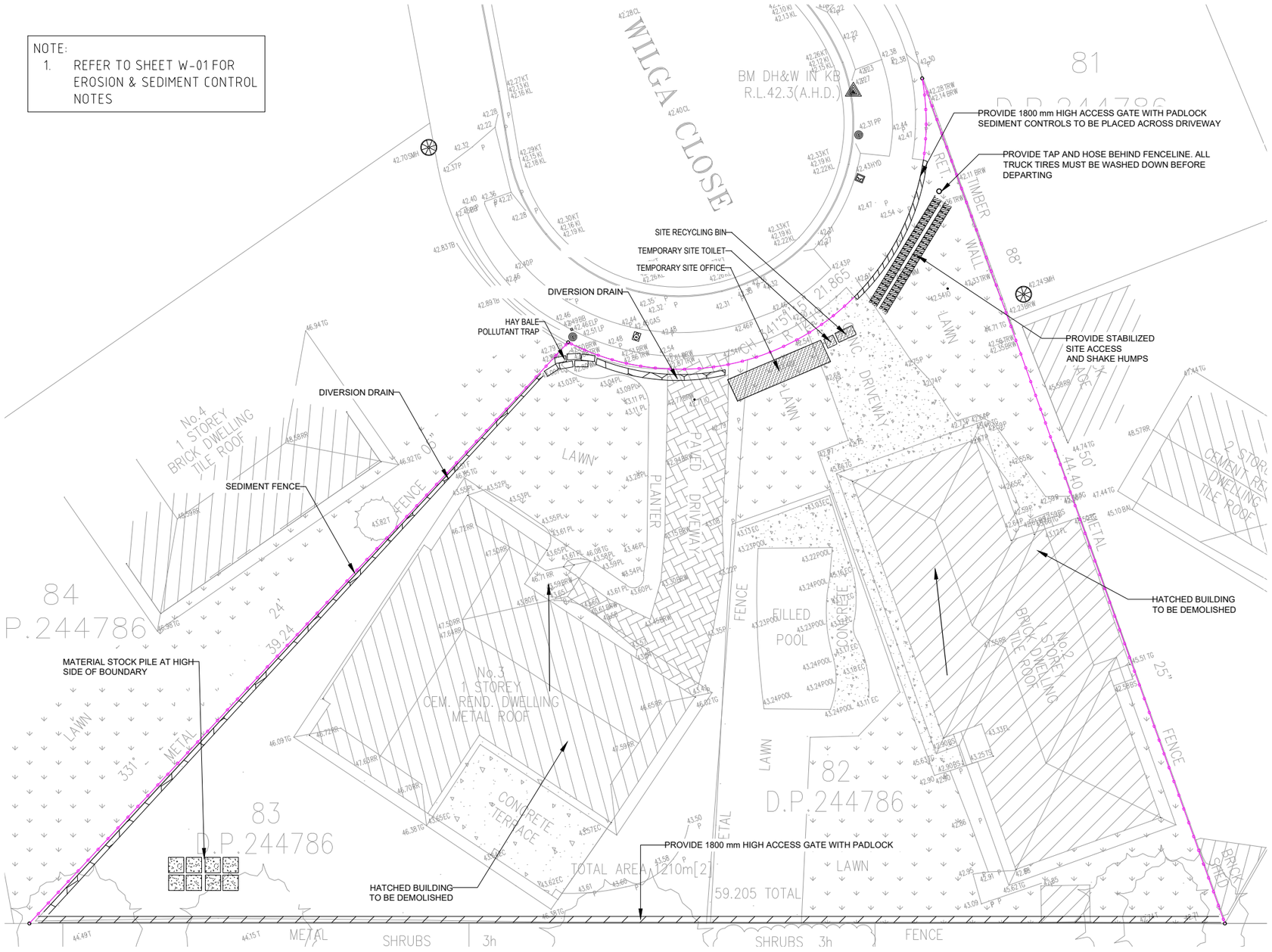
LANDSCAPE DETAILS

DATE	JOB NUMBER	DRAWN	CHECKED	DRAWING NUMBER
07-FEB-24	20210904	AG	ML	LDA-201

PROJECT
2-3 WILGA CLOSE
CASULA, NSW 2170

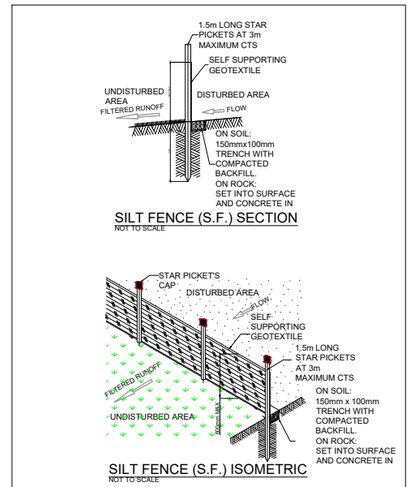
SCALE **N/A**
REV **I**

NOTE:
1. REFER TO SHEET W-01 FOR EROSION & SEDIMENT CONTROL NOTES



SEDIMENT & EROSION CONTROL PLAN

SCALE 1:100



LEGEND:

- SAFETY FENCE
- SEDIMENT FENCE
- STOCK PILES
- SHAKE HUMPS
- DIVERSION DRAIN
- STORMWATER PIT WITH SEDIMENT BARRIER
- FLOW DIRECTION

NOT FOR CONSTRUCTION

REV.	DES.	DATE	VER.	DATE	DESCRIPTION
D	S.U	15/07	H.N	15/07	RFI ISSUE
C	S.U	12/07	H.N	12/07	RFI ISSUE
B	S.U	26/04	H.N	26/04	AMENDED AS PER COUNCIL COMMENTS
A	S.U	18/10	H.N	18/10	ISSUED FOR DA

ADDRESS: Suite 1, Level 2, 96 Phillip St, Parramatta NSW 2150
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HORIZON ENGINEERS

DESIGNED	S.U	DATE	15/07/2022
VERIFIED	H. N.	DATE	15/07/2022
DRAWN	S.U	SCALE @ A1	1:100

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ADDRESS	2 & 3 WILGA CL, CASULA, NSW 2170
SHEET TITLE	EROSION & SEDIMENT CONTROL PLAN
PROJECT NO.	156-W21
DRAWING NO.	W-09
REVISION	D

ANNEXURE C

Clause 4.6 Variation Request –
Building Height

Clause 4.6 Variation Statement – Building Height (Clause 4.3)

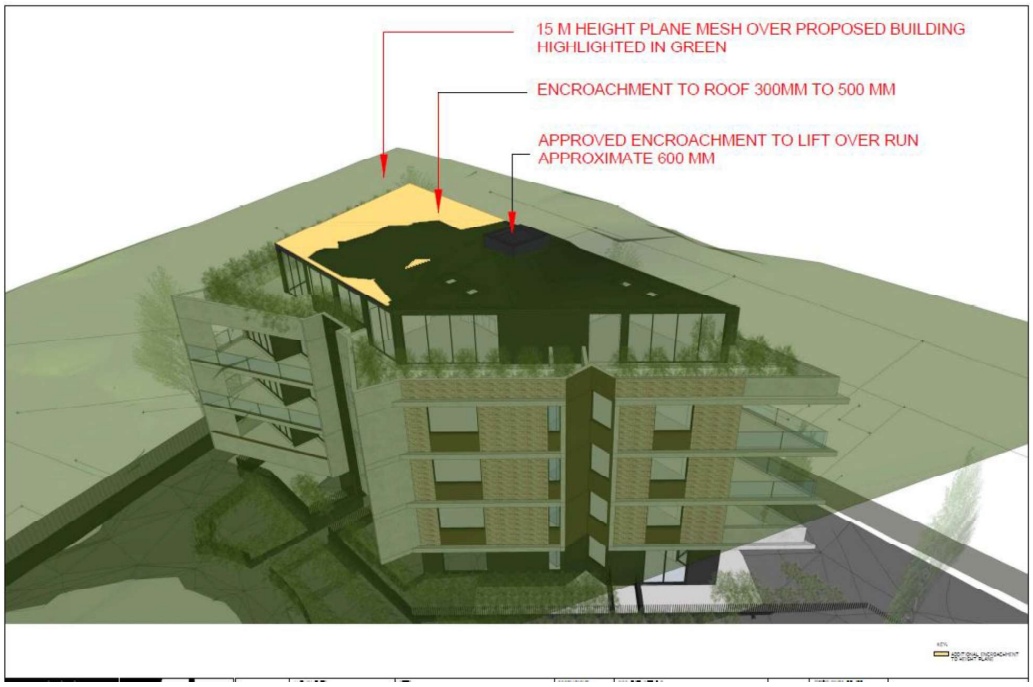
1. INTRODUCTION

Clause 4.3(2) of *Liverpool Local Environmental Plan 2008* applies to the site. The Clause states as follows:

"The height of a building on any land is not to exceed the maximum building height shown for the land on the Height of Buildings Map".

2. PROPOSED VARIATION

The maximum Height of Buildings applying to the site is 15m. This proposal proposal involves a maximum height of 15.6m above existing ground level. The extent of the variation is 0.6m, representing a 4% variation, and is indicated below in Figure 1.



3. OBJECTIVES AND PROVISIONS OF CLAUSE 4.6

The objectives and provisions of Clause 4.6 of LLEP are relevantly as follows:

> ***4.6 Exceptions to development standards***
>
> *(1) The objectives of this clause are as follows—*
>
> *(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
>
> *(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

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

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

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

(a) the consent authority is satisfied that—

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

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

(b) the concurrence of the Planning Secretary has been obtained.

(5) In deciding whether to grant concurrence, the Planning Secretary must consider—

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.

(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if—

(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or

(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

Note—

When this Plan was made it did not include all of these zones.

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

(8) This clause does not allow development consent to be granted for development that would contravene any of the following—

(a) a development standard for complying development,

(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,

(c) clause 5.4,

(ca) clause 6.4, 6.5, 6.6, 7.5A, 7.22, 7.23, 7.24, 7.25, 7.26, 7.26A, 7.27, 7.28, 7.29 or 7.30.

Clause 4.3 of LLEP is not excluded from the application of Clause 4.6.

Preston CJ in *Initial Action Pty Ltd v Woollahra Municipal Council* details how Clause 4.6(4)(a) needs to be addressed (paragraphs 15 and 26 are rephrased below):

The first opinion of satisfaction, in clause 4.6(4)(a)(i), is that a written request seeking to justify the contravention of the development standard has adequately addressed the matters required to be demonstrated by clause 4.6(3). These matters are twofold: first, that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case (clause 4.6(3)(a)) and, secondly, that there are sufficient environmental planning grounds to justify contravening the development standard (clause 4.6(3)(b)). This written request has addressed Clause 4.6(3)(a) in Section 4.1 below. Clause 4.6(3)(b) is addressed in Section 4.2 below.

The second opinion of satisfaction, in clause 4.6(4)(a)(ii), is that the proposed development will be in the public interest because it is consistent with the objectives of the particular development standard that is contravened and the objectives for development for the zone in which the development is proposed to be carried out. The second opinion of satisfaction under cl 4.6(4)(a)(ii) differs from the first opinion of satisfaction under clause 4.6(4)(a)(i) in that the consent authority, or the Court on appeal, must be directly satisfied about the matter in clause 4.6(4)(a)(ii), not indirectly satisfied that the applicant's written request has adequately addressed the matter in clause 4.6(4)(a)(ii). The matters in Clause 4.6(4)(a)(ii) are addressed in Section 5 .

4. MATTERS REQUIRED BY CL.4.6(3) ARE REQUIRED TO BE ADEQUATELY DEMONSTRATED – CLAUSE 4.6(4)(a)(i)

In *Wehbe V Pittwater Council* (2007) NSW LEC 827 Preston CJ sets out ways of establishing that compliance with a development standard is unreasonable or unnecessary. This list is not exhaustive. It states, inter alia:

> *"An objection under SEPP 1 may be well founded and be consistent with the aims set out in clause 3 of the Policy in a variety of ways. The most commonly invoked way is to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard."*

The Judgment goes on to state that:

> *" The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. Compliance with a development standard is fixed as the usual means by which the relevant environmental or planning objective is able to be achieved. However, if the proposed development proffers an alternative means of achieving the objective strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served)."*

Preston CJ in the Judgment then expressed the view that there are 5 different ways in which an objection may be well founded and that approval of the objection may be consistent with the aims of the policy, as follows (with emphasis placed on number 1 for the purposes of this Clause 4.6 variation [our underline]):

1. *The objectives of the standard are achieved notwithstanding non-compliance with the standard;*
2. *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*

3. *The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*
4. *The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*
5. *The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard that would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.*

Relevantly, in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 (paragraph 16), Preston CJ makes reference to Wehbe and states:

> *"…Although that was said in the context of an objection under State Environmental Planning Policy No 1 – Development Standards to compliance with a development standard, the discussion is equally applicable to a written request under cl 4.6 demonstrating that compliance with a development standard is unreasonable or unnecessary."*

Compliance with the maximum Height of Buildings development standard is considered to be unreasonable and unnecessary as the objectives of that standard are achieved for the reasons set out in this Statement.

The proposed development provides a built form that is of a scale, density, landscaped setting and external appearance that is compatible with the future desired character for the local area that is anticipated by *Liverpool Local Environmental Plan 2008.* The building will comply with the maximum height limit with the exception of a small 0.6m non-compliance arising from a lift overrun and between 0.1m to 0.3m associated with the provision of four affordable housing dwellings on the upper floor of the building.

5. SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS TO JUSTIFY CONTRAVENING THE DEVELOPMENT STANDARD (CLAUSE 4.6(3)(b))

Having regard to Clause 4.6 (3)(b) and the need to demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard, Preston CJ in *Initial Action Pty Ltd V Woollahra Municipal Council [2018] NSW LEC 118* (paragraph 24) states:

> *"The environmental planning grounds relied on in the written request under cl. 4.6 must be "sufficient". There are two respects in which the written request need to be "sufficient". First the environmental planning grounds advanced in the written request must be sufficient "to justify contravening the development standard". The focus of clause 4.6(3)(b) is on the aspect or element of the development that contravenes the development standard, not on the development as a whole, and why that contravention is justified on environmental planning grounds. The environmental planning grounds advanced in the written request must justify the contravention of the development standard, not simply promote the benefits of carrying out the development as a whole: see Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248 at [15]. Second, the written request must demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard so as to enable the consent authority to be satisfied under clause 4.6(a)(i) that the written request has adequately addressed this matter: see Four2Five Pty Ltd v Ashfield Council [2015] NSW LEC 90 at [31].*

The assessment of this numerical non-compliance is also guided by the decisions of the NSW LEC in *Four2Five Pty Ltd v Ashfield Council* [2015] NSW LEC 90 and *Four2Five Pty Ltd v Ashfield Council* [2015] NSW CA 248 whereby Justice Pain ratified the original decision of Commissioner Pearson. The following planning grounds are submitted to justify the variation to the maximum Height of Buildings development standard:

1. The height non-compliance is associated only with the proposed lift overrun which provides for access to a four affordable housing dwellings.
2. The height non-compliance is less than that previously approved in DA-1305/2021.

3. The variation to the Height of Buildings development standard does not result in any other non-compliances. The proposal is compliant with all other development standards under the Liverpool Local Environmental Plan and Liverpool Development Control Plan 2008.

4. The location of the non-compliance being located in the centre of the building will have no greater overshadowing impact on adjoining properties compared to a compliant proposed.

6. The Applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3). (Clause 4.6(a)(i)

Preston CJ in *Initial Action Pty Ltd v Woollahra Municipal Council* details how Clause 4.6(4)(a) needs to be addressed (paragraphs 15 and 26 are rephrased below):

The first opinion of satisfaction, in clause 4.6(4)(a)(i), is that a written request seeking to justify the contravention of the development standard has adequately addressed the matters required to be demonstrated by clause 4.6(3). These matters are twofold: first, that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case (clause 4.6(3)(a)) and, secondly, that there are sufficient environmental planning grounds to justify contravening the development standard (clause 4.6(3)(b)). This written request has addressed Clause 4.6(3)(a) in Section 5 above (and furthermore in terms of meeting the objectives of the development standard this is addressed in 7a below). Clause 4.6(3)(b) is addressed in Section 5 above..

The second opinion of satisfaction, in clause 4.6(4)(a)(ii), is that the proposed development will be in the public interest because it is consistent with the objectives of the particular development standard that is contravened and the objectives for development for the zone in which the development is proposed to be carried out. The second opinion of satisfaction under cl 4.6(4)(a)(ii) differs from the first opinion of satisfaction under clause 4.6(4)(a)(i) in that the consent authority, or the Court on appeal, must be directly satisfied about the matter in clause 4.6(4)(a)(ii), not indirectly satisfied that the applicant's written request has adequately addressed the matter in clause 4.6(4)(a)(ii). The matters in Clause 4.6(4)(a)(ii) are addressed in Section 7 below.

7. THE PROPOSED DEVELOPMENT WILL BE IN THE PUBLIC INTEREST BECAUSE IT IS CONSISTENT WITH THE OBJECTIVES OF THE PARTICULAR STANDARD, AND THE OBJECTIVES OF THE ZONE (CLAUSE 4.6(4)(a)(ii))

Objectives of the Height of Buildings Development Standard in Clause 4.3

The objectives of clause 4.3 for a maximum Height of Buildings 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"*

In order to address the requirements of subclause 4.6(4)(a)(ii), the objectives of clause 4.3 are addressed below:

a) To establish the maximum height limit in which buildings can be designed and floor space can be achieved.

Objective (a) is satisfied and the proposal is fully compliant with the FSR development standard and only involves a minor variation to the Height of Buildings development standard.

b) To permit building heights that encourage high quality urban form.

The proposed residential apartment building has been designed to be consistent with the R4 High Density Residential zoning of the site and the future desired character of the local area that is undergoing transition. The design of the development has been informed by the objectives and design criteria set out in SEPP 65 and the ADG.

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

Objective (c) seeks to avoid adverse environmental impacts on adjoining properties and the public domain. Having regard to its design and scale, the proposal creates no additional overshadowing to nearby properties when compared to a compliant building envelope. Given the site orientation and topography, the proposal does not result in any additional privacy impacts and does not result in any adverse traffic or parking impacts above those arising from the existing building.

d) To nominate heights that will provide an appropriate transition in built form and land use intensity.

All of the land surrounding the subject site is zoned R4 High Density Residential and has comparable density and building height controls under Liverpool Local Environmental Plan 2008. Therefore, there is no requirement to transition the height of the building down to that of a lesser zone and height limit.

Objectives for Development in Zone R4 High Density Residential

The objectives for all development in Zone R4 High Density Residential are set out in Liverpool LEP 2008 and are listed below along with comments demonstrating the ways in which the proposal is consistent with the relevant objectives:

Objective "To provide for the housing needs of the community within a high density residential environment."

The proposed development will contribute to the supply of housing in an appropriate location and at an appropriate density.

Objective "To provide for a variety of housing types within a high density residential environment"

The proposal will contribute towards the diversity of housing types in the Liverpool LGA at a density that is commensurate with the planning controls applying to the site.

Objective: "To enable other land uses that provide facilities or services to meet the day to day needs of residents"

Not applicable.

Objective: "To provide for a high concentration of housing with good access to transport, services and facilities"

The proposed development will contribute to the supply of housing at an appropriate density that is located close go transport, retail and professional services and community facilities.

Objective: "To minimise the fragmentation of land that would prevent the achievement of high density residential development."

The proposed development is one of the first high density developments in the local area and will not fragment adjacent land so as to prevent the LEP's objectives being achieved.

6. THE CONCURRENCE OF THE SECRETARY HAS BEEN OBTAINED (CLAUSE 4.6(4)(b)

The issue of the concurrence of the Secretary of the Department of Planning and Environment is dealt with by Planning Circular PS 20-002 'Variations to development standards', dated 5 May 2020. This circular is a notice under 55 of the *Environmental Planning and Assessment Regulation 2021*. A consent granted by a consent authority that has assumed concurrence is as valid and effective as if concurrence had been given.

The circular provides for assumed concurrence.

Concurrence cannot be assumed for a request for a variation to a numerical standard by more than 10 per cent if the function is to be exercised by a delegate of the consent authority. This restriction does not apply to decisions made by local planning panels, who exercise consent authority functions on behalf of councils but are not legally delegates of the council. As such, it is anticipated that the development application will be determined by the local planning panel.

The Secretary can be assumed to have given concurrence to the variation.

7. CONCLUSION

Having regard to all of the above, it is our opinion that compliance with the maximum Height of Buildings development standard is unnecessary in the circumstances of this case as the development meets the objectives of that standard and the zone objectives.

Therefore, insistence upon strict compliance with that standard would be unreasonable. On this basis, the requirements of clause 4.6(3) are satisfied.

PLANNING
INGENUITY

Clause 4.6 Variation –
Minimum Building Street Frontage

Clause 4.6 Variation Statement – Minimum building street frontage (Clause 7.14)

1. INTRODUCTION

This Variation Statement has been prepared in support of a development application for alterations and additions to an approved Residential Flat Building (**Proposal**) approved under DA 1305/2021 at Nos. 2 & 3 Wilga Close, Casula (**Site**).

Clause 7.14(2) of Liverpool Local Environmental Plan 2008 (**LLEP**) is a development standard that relates to the minimum building street frontage requirements for the site and provides that the minimum building street frontage to a public street on any land where a residential flat building is proposed is not to be less than 24 metres (**Development Standard**).

The full clause is provided below:

> *"(2) Development consent must not be granted to development for the purposes of any of the following buildings, unless the site on which the buildings is to be erected has at least one street frontage to a public street (excluding service lanes) of at least 24 metres—*
>
> *(a) any building on land in Zone E2 Commercial Centre or MU1 Mixed Use, or*
>
> *(b) any building of more than 2 storeys on land in Zone R4 High Density Residential, E1 Local Centre, or*
>
> *(c) any residential flat building."*

Although the proposal will contravene Clause 7.14, clause 4.6 of LLEP provides that development consent may, be granted for development even though the development would contravene a development standard, upon consideration of a written request that seeks to justify the contravention of the development standard.

2. BACKGROUND

On 31 October 2022, Liverpool City Council granted consent to DA-1305/2021 described as development for the purpose of "*Demolition of existing structures and construction of a four-storey residential flat building comprising 16 flats, with one level of basement car parking, and associated landscaping".*

On 16 January 2023, DA-23/2023 was lodged with Liverpool City Council for Alterations to the upper level of an approved residential flat building (DA1305/2021) involving the construction of an additional four units to be provided as affordable rental housing under State Environmental Planning Policy (Housing) 2021.

3. PROPOSED VARIATION

The site is located in the R4 High Density Residential zone and proposes alterations and additions to an approved RFB. More specifically, the proposal involves the addition of one (1) additional storey above the previously approved four (4) storey RFB.

As such, Clause 7.14 is applicable to the proposal, pursuant to subclauses (2)(b) and (2)(c).

Due to the irregular shape of the site, the vast majority of the site is in excess of 24m wide, with the rear (eastern) boundary being 59.205m in width. As outlined in **Figure 11** below, the point of the site where the front building line is proposed (delineated by the green line) is 32.3m wide.

However, the very front part of the site (highlighted blue) has a width of less than 24m in width, with the minimum street frontage to Wilga Close being 21.865m. As such, the site contravenes the minimum building street frontage development standard by 2.135m or 8.9% (**Variation**).

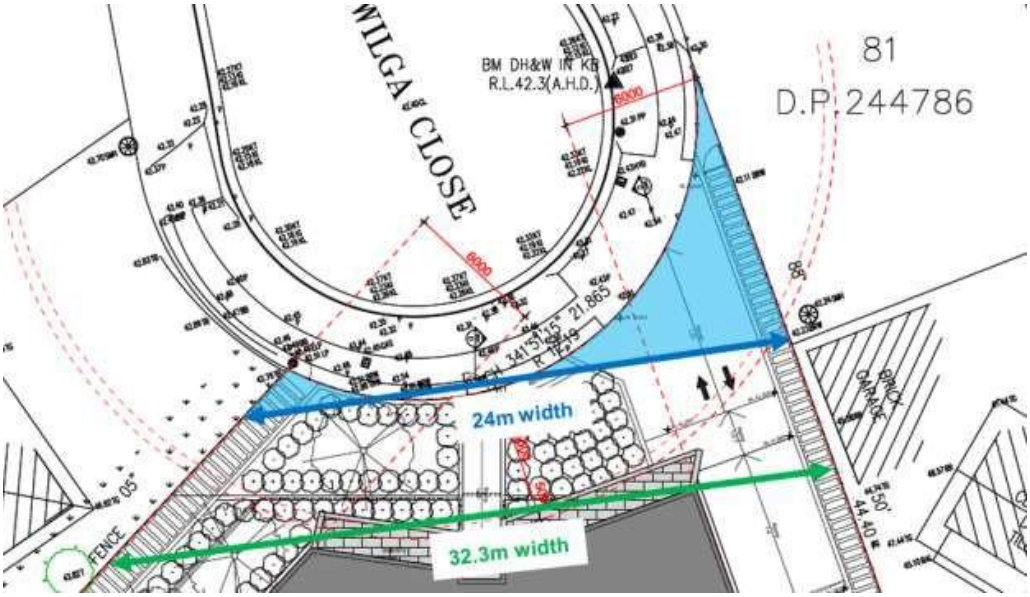


Figure 11 Extract from Site Plan illustrating the parts of the site that are less than 24m wide

3. OBJECTIVES AND PROVISIONS OF CLAUSE 4.6

The objectives and provisions of Clause 4.6 of LLEP at the time are relevantly as follows:

> ***4.6 Exceptions to development standards***
>
> *(1) The objectives of this clause are as follows—*
>
> *(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
>
> *(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
>
> *(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
>
> *(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that --*
>
> *(a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
>
> *(b) there are sufficient environmental planning grounds to justify contravening the development standard.*
>
> *(4) The consent authority must keep a record of its assessment carried out under subclause (3).*
> *(5) Repealed*
> *(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—*
>
> *(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a*

development standard, or

(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

Note—

When this Plan was made it did not include all of these zones.

(7) Repealed

(8) This clause does not allow development consent to be granted for development that would contravene any of the following—

(a) a development standard for complying development,

(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,

(c) clause 5.4,

(caa) clause 5.5,

(ca) clause 6.4, 6.5, 6.6, 7.5A, 7.22, 7.23, 7.24, 7.25, 7.26, 7.26A, 7.27, 7.28, 7.29 or 7.30.

Clause 7.14 of LLEP is not excluded from the application of Clause 4.6.

The focus for the consent authority's satisfaction is cl.4.6(3).

Preston CJ in *Initial Action Pty Ltd v Woollahra Municipal Council* details how this clause needs to be addressed (paragraphs 15 and 26 are rephrased below):

The first opinion of satisfaction, in clause 4.6(4)(a)(i), is that a written request seeking to justify the contravention of the development standard has adequately addressed the matters required to be demonstrated by clause 4.6(3). These matters are twofold: first, that compliance with the development standard is unreasonable or unnecessary in the

circumstances of the case (clause 4.6(3)(a)) and, secondly, that there are sufficient environmental planning grounds to justify contravening the development standard (clause 4.6(3)(b)). This written request has addressed Clause 4.6(3)(a) in Section 4.1 below. Clause 4.6(3)(b) is addressed in Section 4.2 below.

The second opinion of satisfaction, in clause 4.6(4)(a)(ii), is that the proposed development will be in the public interest because it is consistent with the objectives of the particular development standard that is contravened and the objectives for development for the zone in which the development is proposed to be carried out. The second opinion of satisfaction under cl 4.6(4)(a)(ii) differs from the first opinion of satisfaction under clause 4.6(4)(a)(i) in that the consent authority, or the Court on appeal, must be directly satisfied about the matter in clause 4.6(4)(a)(ii), not indirectly satisfied that the applicant's written request has adequately addressed the matter in clause 4.6(4)(a)(ii). The matters in Clause 4.6(4)(a)(ii) are addressed in Section 5 .

4. MATTERS REQUIRED BY CL.4.6(3) ARE REQUIRED TO BE ADEQUATELY DEMONSTRATED
4.1. THAT COMPLIANCE WITH THE DEVELOPMENT STANDARD IS UNREASONABLE OR UNNECESSARY IN THE CIRCUMSTANCES OF THE CASE (CLAUSE 4.6(3)(a))

In *Wehbe V Pittwater Council* (2007) NSW LEC 827 Preston CJ sets out ways of establishing that compliance with a development standard is unreasonable or unnecessary. This list is not exhaustive. It states, inter alia:

> *"An objection under SEPP 1 may be well founded and be consistent with the aims set out in clause 3 of the Policy in a variety of ways. The most commonly invoked way is to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard."*

The Judgment goes on to state that:

> *" The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. Compliance with a development standard is fixed as the usual means by which the relevant environmental or planning objective is able to be achieved. However, if the proposed development proffers an alternative means of achieving the objective strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served)."*

Preston CJ in the Judgment then expressed the view that there are 5 different ways in which an objection may be well founded and that approval of the objection may be consistent with the aims of the policy, as follows (with emphasis placed on number 1 for the purposes of this Clause 4.6 variation [our underline]):

1. *The objectives of the standard are achieved notwithstanding non-compliance with the standard;*
2. *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*
3. *The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*
4. *The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*
5. *The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard that would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.*

Relevantly, in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 (paragraph 16), Preston CJ makes reference to Wehbe and states:

> *"…Although that was said in the context of an objection under State Environmental Planning Policy No 1 – Development Standards to compliance with a development standard, the discussion is equally applicable to a written request under cl 4.6 demonstrating that compliance with a development standard is unreasonable or unnecessary."*

Clause 7.14(1) provides:

> *(1) The objectives of this clause are as follows—*
>
> *(a) to ensure that, visually, buildings have an appropriate overall horizontal proportion compared to their vertical proportions,*
>
> *(b) to ensure that vehicular access is reasonably spaced and separated along roads and lanes,*
>
> *(c) to provide appropriate dimensions for the design of car parking levels,*
>
> *(d) to encourage larger development of commercial office, business, residential and mixed use buildings provided for under this Plan.*

These objectives are addressed in turn below.

Objective (a): *to ensure that, visually, buildings have an appropriate overall horizontal proportion compared to their vertical proportions,*

As outlined in Section 1 of this variation request, the subject site is generally in excess of 24m in width, with only a small portion of the front of the site being less than 24m wide. Accordingly, the area of the site where the building is proposed to be located is in excess of 24m wide, with the width of the site at the front building line being 32.3m. This enables a building to be proposed on site that achieves a high level of compliance with the applicable planning controls under the Apartment Design Guide, LLEP and LDCP 2008. The high level of compliance results in a building envelope that is generally anticipated by the controls and consistent with the desired future character of the site.

In particular, the development complies with the applicable maximum height and FSR under LLEP, and building setbacks prescribed under LDCP 2008. Furthermore, the development achieves excellent levels of amenity for future occupants, and complies with the majority of requirements under the ADG, including in relation to deep soil and communal open space.

In respect of the scale and form of the development, the proposed design achieves a sensible and well-considered balance between vertical and horizontal proportions, despite the minimum building street frontage variation. The proposed building will be 5 storeys and is compliant with the maximum height prescribed under LLEP. The fourth storey utilises a change in materiality to provide additional vertical expression. This is balanced out by vertical banding incorporated into the design and articulation of the building, including the form of the front balconies. Compliant setbacks, including 6m side setbacks and a large, landscaped front setback enables the Proposal to achieve a landscaped setting, with screen plantings provided to further soften the appearance of the development.

Overall, the scale and form of the development is in keeping with the size and shape of the subject site and compatible with the desired future character of the locality. As detailed in **Figure 12** below, the proposed development provides a well-balanced building form that has an appropriate horizontal proportion compared to its vertical proportions. Thus, it will provide a high-quality development that is not visually jarring and will enhance the appearance of the site and streetscape and will set a strong precedent for future high density residential development in the locality. The proposal therefore achieves Objective (a).



Figure 12 Perspective view of additional fifth storey

Objective (b): ***to ensure that vehicular access is reasonably spaced and separated along roads and lanes*****,**

The site currently contains approval under DA 1305/20 for a four (4) storey RFB with basement parking. This proposal proposes one (1) additional residential storey above the previous approval. Vehicular access to and from the site will not be altered as a result of this proposal and will continue to be reasonably spaced and separated along Wilga Close.

The proposal will have obvious benefits in enhancing the visual appearance of the streetscape through a modern architecturally designed addition that will increase housing stock in the locality.

Accordingly, despite the minimum building street frontage variation, the proposal achieves Objective (b).

Objective (c): ***to provide appropriate dimensions for the design of car parking levels*****,**

The proposed development involves the development of one (1) additional residential storey to an approved RFB. The car park has been designed and updated to reflect the relevant requirements of Section 8 in Part 3.7 of Liverpool DCP 2008. Furthermore, the geometric design layout of the car park is capable of complying with *AS2890.1:2004 Parking facilities: Part 1 - Off-street car parking* and *AS2890.6:2009 Parking facilities: Part 6 - Off-street car parking for People with Disabilities*. This was confirmed in the Traffic and Parking Assessment Report prepared by Varga Traffic Planning Pty Ltd for the original DA.

Therefore, despite the minimum building street frontage variation, the proposal provides additional car parking spaces that will allow for safe and efficient access, parking and manoeuvring for future occupants and complies with the parking rates outlined in the DCP. The proposal therefore satisfies Objective (c).

Objective (d): ***to encourage larger development of commercial office, business, residential and mixed use buildings provided for under this Plan*****.**

As discussed in Section 1 above, the subject site is generally in excess of 24m wide, with the non-compliant (less than 24m wide) part being confined to the very front of the site. The point of the site where the front building line is proposed is some 32.3m wide; 8.3m wider than the minimum requirement under Clause 7.14 of LLEP. This proposal of an additional storey to be erected above an approved four (4) storey RFB will further support the need for growing housing stock in the locality.

As a result, the subject site is capable of accommodating this proposal, an additional residential storey which provides a scale and form that is compatible with the desired future character of the locality, being for high density residential development. The proposed development achieves a high level of compliance with the applicable planning controls, including the Apartment Design Guide, LLEP and LDCP 2008.

Despite the minimum building street frontage variation, the proposal therefore achieves Objective (d) by enabling a high-density residential development on the site that is consistent with the objectives of the R4 zone (as outlined in Section 5 below) and will set a precedent for high quality development in the locality.

Summary

The above adequately demonstrates that compliance with the minimum building street frontage is unreasonable or unnecessary in the circumstances in this case where the proposal achieves the objectives of the standard, notwithstanding the Variation.

Compliance with the minimum building street frontage development standard is considered to be unreasonable and unnecessary as the objectives of that standard are achieved for the reasons set out above. For the same reasons, the objection is considered to be well-founded as per the first method underlined above.

Notably, under Clause 4.6(4)(a)(ii) a consent authority must now be satisfied that the contravention of a development standard will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out. The objectives of the zone are addressed in Section 5 below.

4.2. SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS TO JUSTIFY CONTRAVENING THE DEVELOPMENT STANDARD (CLAUSE 4.6(3)(b))

Having regard to Clause 4.6(3)(b) and the need to demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard, as discussed above it is considered that, despite non-compliance with the Minimum building street frontage, the proposed scale and form of the development is compatible with the desired future character of the locality and fits well within the streetscape.

It is important to reiterate here that the variation (or contravention) is 2.135m or 8.9%.

It has been held in *Eather v Randwick City Council* [2021] NSWLEC 1075 that a particularly small departure from the actual numerical standard which lacks any material impacts consequential of the departure will be a sufficient environmental planning ground to justify contravening the development standard.

It is considered that the variation is particularly small. This particularly small departure is also considered not to have any material impact, which arises as a consequence of the variation, on the amenity or the environmental values of surrounding properties, the amenity of future building occupants and on the character of the locality. Specifically:

- Despite the variation, the proposal provides an additional residential storey that has a scale, form and design that achieves a high degree of compliance with the ADG, LLEP (including maximum height and FSR), and relevant building envelope controls in the LDCP 2008. Accordingly, the Proposal provides a building envelope that is anticipated by the applicable controls and responds well to the site context. It will enhance the visual appearance of the site and streetscape and will set a high-quality precedent for future development in the locality.
- The variation is a result of the irregular shape of the subject site and only applies to a small portion of the front of the site. The vast majority of the site exceeds 24m in width, including the area where the building is proposed to be located (as illustrated in Section 1 of this variation request), where the site is 32.3m wide at the proposed front building line. As a result, the variation does not result in development that is not able to achieve compliant setbacks, landscaping, or vehicle access.
- The proposal will not result in any isolated sites on adjoining lots, despite the variation. Adjoining sites to the north, east and south either already have at least a 24m minimum building street frontage or are capable of amalgamating with other adjoining lots in order to achieve a 24m minimum building street frontage. Accordingly, each of these adjoining lots are capable of being redeveloped for high density residential uses, consistent with the applicable R4 zoning and planning controls. This will not be affected by the proposed variation on the subject site.
- The proposal provides compliant car parking, safe and efficient vehicle and pedestrian access, and is capable of being serviced, including for waste collections, despite the variation. This is confirmed in Traffic and Parking Assessment Report prepared by Varga Traffic Planning Pty Ltd for the original DA.
- Despite the variation, the proposal will provide high levels of internal and external residential amenity to future occupants of the subject development.

- Despite the variation, the proposal will not unduly impact neighbouring residential amenity, as follows:
    - The proposal does not give rise to any adverse overshadowing of neighbouring properties, compared to a development on a site with a compliant minimum building street frontage. Shadow diagrams submitted with the application illustrate that the Proposal does give rise to some overshadowing of neighbouring properties to the south and west between 9am and 3pm on 21 June. However, these neighbouring properties will still achieve compliant levels of winter sunlight and therefore, the level of overshadowing is entirely reasonable in light of the applicable planning controls;
    - As outlined above, the proposal does not result in any adverse cross-views towards neighbouring properties, given that generally compliant building setbacks are provided and windows and balconies are generally orientated to the front or rear of the site. Furthermore, the Proposal will not give rise to any adverse acoustic impacts on neighbouring properties, with COS located in the rear setback at ground level;
    - The variation will not result in any significant or unreasonable view loss. The proposed development will not result in any material loss of views or outlook when compared to a compliant scheme. No important views are obtained over the site and the proposed scale and form is of the additional floor is consistent with the approved building envelope controls. Therefore, any impacts on neighbouring views and outlook are entirely reasonable.

Accordingly, the variation to Clause 7.14 is justifiable.

Further the following discussion provides that not only does the variation advance the objects of the *Environmental Planning and Assessment Act 1979*, but also advances an environmental and planning benefit:

- The Proposal seek alterations and additions to an approved RFB, specifically the addition of one (1) additional residential storey to accommodate four (4) additional residential dwellings. The one (1) additional storey will be of high quality and is consistent with the site's R4 High Density Residential zoning and the applicable planning controls, which seeks high density residential development in the locality. As outlined above, the proposal achieves a high level of compliance with regard to the approved building envelope controls and will enhance the visual appearance of the site and the streetscape. Accordingly, the proposal is consistent with the desired future character of the locality and will set a strong precedent for future high-density developments in the area.
- The existing buildings on the site include two driveways that dominate the site frontage and minimise the level of landscaping that can be provided within the front setback of the site. In contrast, the proposal will continue to provide a single driveway access from Wilga Close and will not impact the levels of approved landscaping and plantings that have been approved for the site. The proposal will not impact pedestrian access within the vicinity of the site and will continue to soften the overall appearance of the site and provide a landscaped setting for the proposal.
- The variation advances the objects in Section 1.3 of the EPA Act, specifically:
    - The redevelopment of the site. Alterations and additions to the site, will continue to promote orderly and economic use and development of land by means of an additional floor of residential accommodation that will contribute to housing stock in the locality. The development for additional residential purposes is consistent with the objectives of the R4 zone and the Proposal will set a strong precedent for future development of neighbouring sites in the locality (1.3(c));
    - The proposal promotes good design and amenity of the built environment through a well-considered design which is responsive to its setting and context, and the desired future character of the locality (1.3(g)).

The above environmental planning grounds are not general propositions and are unique circumstances to the proposed development, particularly the fact that the vast majority of the Site has a width in excess of 24m. The proposed Variation does not materially impact the amenity of the neighbouring properties (when compared to a compliant development) and has the proposal has designed in such a way to ensure that the development achieves high levels of amenity for future occupants and is of a scale and form that is compatible with the streetscape and is not visually jarring from the public domain.

It is noted that in *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118,* Preston CJ clarified what items a Clause 4.6 does and does not need to satisfy. Importantly, there does not need to be a "better" planning outcome:

> *"86. The second way is in an error because it finds no basis in cl 4.6. Clause 4.6 does not directly or indirectly establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development. This test is also inconsistent with objective (d) of the height development standard in cl 4.3(1) of minimising the impacts of new development on adjoining or nearby properties from disruption of views or visual intrusion. Compliance with the height development standard might be unreasonable or unnecessary if the non-compliant development achieves this objective of minimising view loss or visual intrusion. It is not necessary, contrary to what the Commissioner held, that the non-compliant development have no view loss or less view loss than a compliant development.*
>
> *87. The second matter was in cl 4.6(3)(b). I find that the Commissioner applied the wrong test in considering this matter by requiring that the development, which contravened the height development standard, result in a "better environmental planning outcome for the site" relative to a development that complies with the height development standard (in [141] and [142] of the judgment). Clause 4.6 does not directly or indirectly establish this test. The requirement in cl 4.6(3)(b) is that there are sufficient environmental planning grounds to justify contravening the development standard, not that the development that contravenes the development standard have a better environmental planning outcome than a development that complies with the development standard."*

As outlined above, it is considered that in many respects, the Variation will provide for a better or similar planning outcome than a minimum building street frontage compliant development. Accordingly the variation is justifiable.

5. CONCLUSION

The Proposal requests a variation to the minimum building street frontage standard to ensure that approved RFB is capable of accommodating additional appropriate high density residential development dwellings that achieves a scale and form that enhances the visual appearance of Wilga Close and is compatible with the desired future character of the locality. The proposed development achieves a high level of compliance with the applicable building envelope controls and will achieve excellent levels of amenity for future occupants and without having any unreasonable adverse impact on the amenity of adjoining properties.

The proposal is entirely compatible with the desired high density character of the locality and will set a strong precedent for future development within the locality, as the area transitions from low density to high density residential development, consistent with the R4 zoning and applicable planning controls. Furthermore, the proposal will not inhibit the future redevelopment of neighbouring sites.

The site is located within an accessible area and the proposal provides compliant levels of car parking on site, as well as safe and efficient vehicle and pedestrian access to the Site.

Therefore, insistence upon strict compliance with that standard would be unreasonable or unnecessary. On this basis, the requirements of Clause 4.6(3) are satisfied and the variation should be supported.

LIVERPOOL CITY COUNCIL

Minutes

MINUTES OF DESIGN EXCELLENCE PANEL MEETING
Thursday the 14th of September 2023DEP PANEL MEMBERS PRESENT:

Lee Hillam	Chairperson	DunnHillam Architects
David Moir	Panel Member	Moir Landscape Architecture
Vishal Lakhia	Panel Member	Vishal Lakhia Architect

APPLICANT REPRESENTATIVES:

Dany Chalabi	Project Architect	Arch&CO.
Matthew Zappia	Landowner	Multipart Property Pty Ltd
Troy Loveday	Planner	Planning Ingenuity

OBSERVERS:

Amanda Merchant	Panel Support Officer	Liverpool City Council
Joshua Walters	Convenor / A Senior Urban Designer	Liverpool City Council
Greg Mottram	Senior Planner	Liverpool City Council
Di Wu	Senior Urban Design Advisor	Liverpool City Council

ITEM DETAILS:

Item Number: 1

Application Reference Number: DA-23/2023

Property Address: 2 & 3 Wilga Close, Casula NSW 2170

Council's Planning Officer: Greg Mottram

Applicant: Mr M Zappia

Proposal: Alterations to the upper level (including relocation of private space to ground level) of an approved residential flat building (approved under DA-1305/2021) involving the construction of an additional four units (Unit 17-20) on Level 4 to be provided as affordable rental housing under State Environmental Planning Policy (Housing) 2021.

Meeting Venue: Microsoft Teams Meeting

1.0 WELCOME, ATTENDANCE, APOLOGIES AND OPENING

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

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

LIVERPOOL CITY COUNCIL

Minutes

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

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

2.0 DECLARATIONS OF INTEREST

NIL.

3.0 PRESENTATION

The applicant presented their proposal for DA-23/2023**,** 2 & 3 Wilga Close, Casula NSW 2170.

4.0 DEP PANEL RECOMMENDATIONS

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

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

4.1. Context

- The Panel thanks the applicant for providing a comprehensive set of architectural drawings, 3D views and the planning report.
- The Panel acknowledges that a previous development consent applies to the subject site and that only new work not previously approved should be reviewed by the Panel as part of this session.
- In this regard, the Panel acknowledges that the urban design outcome of the proposal is fixed, and at the same time has also been informed by Council's assessment officer that this proposal is not a modification and has been lodged as a new development application.
- The Panel acknowledges the previous DEP recommendations provided for the previous development application on the subject site, which were provided to the Panel .

4.2. Built Form + Scale

- There have been no major concerns raised by the Panel about the lift overrun exceeding the HOB limit.
- The building appears to have been designed by the setbacks. This creates strangely shaped balconies and rooms that will be hard to furnish. The panel recommends that the design be reconsidered to provide more practical apartment and balcony spaces. Some non-compliances of balconies with regards to set backs could be considered if no negative impact is created to the neighbouring sites.
- The Panel expressed concern regarding 3m floor-to-floor, as they appear inadequate for achieving compliance with the Design & Building Practitioners Act 2020, whilst achieving

LIVERPOOL CITY COUNCIL

Minutes

a minimum 2.7m floor-to-ceiling heights within all habitable spaces of the top floor apartments.

- The Panel is aware that the NCC provisions require only 2.4m floor-to-ceiling heights, however, the Panel recommends that the proposal should comply with the ADG Part - 4C Ceiling heights to achieve the expected residential quality.
- In order to achieve the 2.7m ceiling heights, cross falls (for drainage), roof edges, downpipes, roof materials, insulation, ceiling type and finish, mechanical and services horizontal ducting and risers should be documented as part of 1:20 construction sections, to demonstrate compliance with the relevant provisions.
- The Panel encourages the applicant to consider this new development application as a further opportunity to achieve the full resolution of building services in terms of alignment and allocation of horizontal and vertical ducts and services. Similarly, building services on the ground floor plane should be confirmed - substation (if required), fire hydrant booster assembly, meters, fire indicator panel, so the ground floor amenity is not further compromised as part of the construction documentation process.
- The extension of the basement to the southern boundary is not reflected on the ground floor plan or landscape plan. This presents challenges as any planting here will require planter walls that will extend above the ground plane on the boundary. Sections demonstrating how this is being addressed need to be included in the architectural and landscape DA documentation.

4.3. Density

NIL.

4.4. Sustainability

- The applicant should provide space for the air drying of clothes. This can be on balconies if screened from view from public spaces, COS or neighbouring sites

4.5. Landscape

- It is noted, limited information has been provided on the submitted Landscape Plan, which only shows the deep soil calculation. The Panel requires the applicant to provide a more comprehensive landscape package detailing all proposed landscape elements including plant palette, urban furniture, and materials schedules, etc.
- The landscape plan should also demonstrate that appropriate soil volumes have been provided to support any proposed planting on podium.
- It is preferable management of planting on private balconies is the responsibility of the strata. Consideration should be given for access to balconies for maintenance purposes.
- The Panel does not support the entire relocation of COS within the residual setback areas of the site and recommends that a primary COS be offered within the northern portion of the topmost floor (Fourth Level Plan). The Panel notes that 2 northern apartments will be required to be removed to meet this recommendation.
- Additionally, the amenity of the rooftop COS should be improved through provision of a unisex accessible toilet, outdoor kitchen/barbecue, shaded areas, seating, planter boxes, outdoor clothes drying area and other landscape design features.

LIVERPOOL CITY COUNCIL

Minutes

- Any COS that remains on the ground level should not be directly adjacent to windows of the ground level apartments and should receive enough direct sunlight to support good plant health and provide a pleasant space to be.
- The applicant should demonstrate consistency with the ADG in terms of guidance offered within Parts 4O - Landscape design and 4P - Planting on structures.

4.6. Amenity

- The new location and quality of the COS were discussed extensively at the meeting.
- The Panel notes that the previous rooftop COS has now been removed and replaced with 4 new apartments.
- The COS is now relocated within the side and rear setbacks on the ground floor. While the COS meets numerical compliance with the ADG, the Panel considers that the location and quality will not provide sufficient direct sunlight or privacy from the ground floor apartments.
- The adjacencies of the COS with the ground floor apartments is problematic as it compromises visual and acoustic privacy within the bedrooms.
- The Panel recommends that the applicant re-introduces the rooftop COS.
- The ground floor WC should be relocated so that the door does not open on to the entry.
- The Panel expresses concern that the combined living, dining and kitchen areas within the new apartments - 17, 18, 19 and 20 appear constrained to allow comfortable movement around furniture.
- Furthermore, the kitchen location is not consistent with the guidance offered by Objective 4D-1 of the ADG. The kitchen aisle should not overlap with the main apartment circulation corridor.
- The Panel recommends layouts of these apartments needs a greater degree of resolution. The applicant should also consider provision of both - internal and external apartment storage volumes compliance with Part 4G Storage of the ADG.

4.7. Safety

- The Panel discussed that fire egress from the basement could be problematic unless this has been reviewed by a suitably qualified NCC consultant. Typically, 2 exits are required to satisfy the ‘alternative and point of choice’ provision.
- The Panel has reviewed the comments offered at the previous meeting/s and notes that the previous recommendation for removal of the additional fire stairs was made with the objective of improving the landscape design quality. The Panel would support such redundancy in egress only if reviewed by a NCC consultant. If redundancy in the number of exits cannot be supported, then the applicant should ensure that the quality of landscape design outcome of ground floor is not further diminished whilst achieving compliance with the NCC provisions.

4.8. Housing Diversity + Social Interaction

- The Panel notes that 4 new apartments are added as part of the modification under the affordable housing provisions. The applicant should confirm details of the Community Housing Provider, perpetuity of the arrangement and other relevant details for the affordable housing arrangement as part of this development application.

LIVERPOOL CITY COUNCIL

Minutes

4.9. Aesthetics

- The Panel discussed about use of darker grey tones (such as 'Monument') for the top floor, and prefers a replacement to a lighter colour. A colour with a Solar Absorptance (SA) rating below 0.7 is preferred as it avoids thermal loading issues for the top floor which will be fully exposed to harsh sun during warmer months.

5.0 OUTCOME

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

The proposal is not supported by the DEP and must return to the panel, with all feedback incorporated or addressed.

LIVERPOOL CITY COUNCIL

Minutes

MINUTES OF DESIGN EXCELLENCE PANEL MEETING
Thursday the 14th of December 2023

DEP PANEL MEMBERS PRESENT:

Kim Crestani	Chairperson	Order Architects Pty Ltd
David Moir	Panel Member	Moir Landscape Architecture
Vishal Lakhia	Panel Member	Vishal Lakhia Architect

APPLICANT REPRESENTATIVES:

Matthew Zappia	Landowner	Multipart Property
Dany Chalabi	Project Architect	Arch&CO.

OBSERVERS:

Amanda Merchant	Panel Support Officer	Liverpool City Council
Di Wu	Convenor	Liverpool City Council
Greg Mottram	Senior Planner	Liverpool City Council

ITEM DETAILS:

Item Number: 2

Application Reference Number: DA-23/2023

Property Address: 2 & 3 WILGA CLOSE, CASULA NSW 2170

Council's Planning Officer: Greg Mottram

Applicant: Mr M Zappia

Proposal: Alterations to the upper level (including relocation of private space to ground level) of an approved residential flat building (approved under DA-1305/2021) involving the construction of an additional four units (Unit 16-19) on Level 3 & 4 to be provided as affordable rental housing under *State Environmental Planning Policy (Housing) 2021.*

Meeting Venue: Microsoft Teams Meeting

1.0 WELCOME, ATTENDANCE, APOLOGIES AND OPENING

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

LIVERPOOL CITY COUNCIL

Minutes

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

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

2.0 DECLARATIONS OF INTEREST

NIL.

3.0 PRESENTATION

The applicant presented their proposal for DA-23/2023 - 2 & 3 Wilga Close, Casula NSW 2170.

4.0 DEP PANEL RECOMMENDATIONS

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

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

Previous DEP Recommendations *(DEP Meeting held on 14 September 2023)*	**Latest DEP Recommendations** (DEP Meeting held on 14 December 2023)
4.1. Context	**4.1. Context**
4.1.1 The Panel thanks the applicant for providing a comprehensive set of architectural drawings, 3D views and the planning report.	4.1.1-4.1.4 The comments from the previous DEP have been acknowledged.
4.1.2 The Panel acknowledges that a previous development consent applies to the subject site and that only new work not previously approved should be reviewed by the Panel as part of this session.	
4.1.3 In this regard, the Panel acknowledges that the urban design outcome of the proposal is fixed, and at the same time has also been informed by Council's assessment officer that this proposal is not a modification and has been lodged as a new development application.	
4.1.4 The Panel acknowledges the previous DEP recommendations provided for the previous development application on	

LIVERPOOL CITY COUNCIL

Minutes

Previous DEP Recommendations *(DEP Meeting held on 14 September 2023)*	**Latest DEP Recommendations** (DEP Meeting held on 14 December 2023)
the subject site, which were provided to the Panel.	
4.2. Built Form + Scale	**4.2. Built Form + Scale**
4.2.1 There have been no major concerns raised by the Panel about the lift overrun exceeding the HOB limit.	4.2.1 Noted.
4.2.2 The building appears to have been designed by the setbacks. This creates strangely shaped balconies and rooms that will be hard to furnish. The panel recommends that the design be reconsidered to provide more practical apartment and balcony spaces. Some non-compliances of balconies with regards to set backs could be considered if no negative impact is created to the neighbouring sites.	4.2.2 The Panel supports the proposal.
4.2.3 The Panel expressed concern regarding 3m floor-to-floor, as they appear inadequate for achieving compliance with the Design & Building Practitioners Act 2020, whilst achieving a minimum 2.7m floor-to-ceiling heights within all habitable spaces of the top floor apartments.	4.2.3 Addressed. The floor-to-floor height has been increased to 3.1m per floor.
4.2.4 The Panel is aware that the NCC provisions require only 2.4m floor-to-ceiling heights, however, the Panel recommends that the proposal should comply with the ADG Part - 4C Ceiling heights to achieve the expected residential quality.	4.2.4 Noted.
4.2.5 In order to achieve the 2.7m ceiling heights, cross falls (for drainage), roof edges, downpipes, roof materials, insulation, ceiling type and finish, mechanical and services horizontal ducting and risers should be documented as part of 1:20 construction sections, to demonstrate compliance with the relevant provisions.	4.2.5 Detailed sections at 1:20 scale have been provided.
4.2.6 The Panel encourages the applicant to consider this new development application as a further opportunity to achieve the full resolution of building services in terms of alignment and allocation of horizontal and vertical ducts and services. Similarly, building services on the ground floor plane	4.2.6 The Panel supports the proposal. 4.2.7 Addressed.

LIVERPOOL CITY COUNCIL

Minutes

Previous DEP Recommendations *(DEP Meeting held on 14 September 2023)*	**Latest DEP Recommendations** (DEP Meeting held on 14 December 2023)
should be confirmed - substation (if required), fire hydrant booster assembly, meters, fire indicator panel, so the ground floor amenity is not further compromised as part of the construction documentation process. *4.2.7 The extension of the basement to the southern boundary is not reflected on the ground floor plan or landscape plan. This presents challenges as any planting here will require planter walls that will extend above the ground plane on the boundary. Sections demonstrating how this is being addressed need to be included in the architectural and landscape DA documentation.*	
4.3. Density *4.3.1 NIL.*	**4.3. Density** 4.3.1 NIL.
4.4. Sustainability *4.4.1 The applicant should provide space for the air drying of clothes. This can be on balconies if screened from view from public spaces, COS or neighbouring sites.*	**4.4. Sustainability** 4.4.1 Details of the proposed screening does not seem to be indicated in the elevations and it is noted that the ground floor units do not indicate provision for the air drying of clothes. The applicant should address this in the next submission. 4.4.2 The Panel strongly encourages the applicant to incorporate best practices for sustainable measures, such as ceiling fans, photovoltaic system, rainwater tanks, and other sustainability measures for water, energy and waste efficiency.
4.5. Landscape *4.5.1 It is noted, limited information has been provided on the submitted Landscape Plan, which only shows the deep soil calculation. The Panel requires the applicant to provide a more comprehensive landscape package detailing all proposed landscape elements including plant palette, urban furniture, and materials schedules, etc.* *4.5.2 The landscape plan should also demonstrate that appropriate soil*	**4.5. Landscape** 4.5.1 Addressed. A landscape plan package has been provided by the applicant. 4.5.2 Soil volumes have been provided in the amended landscape plans. Sections and calculations of soil volumes for podium planting are to be provided as part of the Landscape DA Package. 4.5.3 It is suggested to prepare a landscaping maintenance strata plan at a later stage, ensuring that future residents are

LIVERPOOL CITY COUNCIL

Minutes

Previous DEP Recommendations *(DEP Meeting held on 14 September 2023)*	**Latest DEP Recommendations** (DEP Meeting held on 14 December 2023)
volumes have been provided to support any proposed planting on podium. *4.5.3 It is preferable management of planting on private balconies is the responsibility of the strata. Consideration should be given for access to balconies for maintenance purposes.* *4.5.4 The Panel does not support the entire relocation of COS within the residual setback areas of the site and recommends that a primary COS be offered within the northern portion of the topmost floor (Fourth Level Plan). The Panel notes that 2 northern apartments will be required to be removed to meet this recommendation.* *4.5.5 Additionally, the amenity of the rooftop COS should be improved through provision of a unisex accessible toilet, outdoor kitchen/barbecue, shaded areas, seating, planter boxes, outdoor clothes drying area and other landscape design features.* *4.5.6 Any COS that remains on the ground level should not be directly adjacent to windows of the ground level apartments and should receive enough direct sunlight to support good plant health and provide a pleasant space to be.* *4.5.7 The applicant should demonstrate consistency with the ADG in terms of guidance offered within Parts 4O – Landscape design and 4P – Planting on structures.*	obligated to maintain the landscaping work in the planters near their private balconies. 4.5.4 The Panel appreciates the applicant for providing the COS at the rooftop and considers the proposed size is acceptable for effective functionality. 4.5.5 Addressed, except for clothes drying area. 4.5.6 Addressed. It is appreciated that landscaping buffer has been provided between ground level units and the ground level COS. 4.5.7 This has been addressed. Consideration of the recommendations of the ADG is to be referenced in the submitted DA Package. 4.5.8 The Panel recommends increasing the boundary planting at the rear where the retaining walls are situated. This enhancement would facilitate passive landscaping, minimise paving area and contribute to a more favourable interface with the neighbouring site. 4.5.9 Connection to Country should be considered particularly in the selection of planting species where landscape areas provide protection and forage for native bird, reptile and insect species.
4.6. Amenity *4.6.1 The new location and quality of the COS were discussed extensively at the meeting.* *4.6.2 The Panel notes that the previous rooftop COS has now been removed and replaced with 4 new apartments.* *4.6.3 The COS is now relocated within the side and rear setbacks on the ground floor. While the COS meets numerical compliance with the ADG, the Panel considers that the location and quality will not provide sufficient direct sunlight*	**4.6. Amenity** 4.6.1 Noted. 4.6.2 COS has been reintroduced on the rooftop, consistent with the Panel's advice. 4.6.3 Addressed. 4.6.4 Addressed The landscaping buffer zones have been proposed to address visual and acoustic privacy concerns. 4.6.5 Addressed. 4.6.6 Addressed. The ground floor WC has been removed from the foyer area.

LIVERPOOL CITY COUNCIL

Minutes

Previous DEP Recommendations *(DEP Meeting held on 14 September 2023)*	**Latest DEP Recommendations** (DEP Meeting held on 14 December 2023)
or privacy from the ground floor apartments. *4.6.4 The adjacencies of the COS with the ground floor apartments is problematic as it compromises visual and acoustic privacy within the bedrooms.* *4.6.5 The Panel recommends that the applicant re-introduces the rooftop COS.* *4.6.6 The ground floor WC should be relocated so that the door does not open on to the entry.* *4.6.7 The Panel expresses concern that the combined living, dining and kitchen areas within the new apartments – 17, 18, 19 and 20 appear constrained to allow comfortable movement around furniture.* *4.6.8 Furthermore, the kitchen location is not consistent with the guidance offered by Objective 4D-1 of the ADG. The kitchen aisle should not overlap with the main apartment circulation corridor.* *4.6.9 The Panel recommends layouts of these apartments needs a greater degree of resolution. The applicant should also consider provision of both – internal and external apartment storage volumes compliance with Part 4G Storage of the ADG.*	4.6.7 Addressed. The Panel appreciates the reconfiguration of Units 17, 18 and 19. It is noted that Unit 20 has been removed to accommodate a rooftop COS. 4.6.8 Addressed. A better internal configuration is proposed. 4.6.9 Addressed. Both internal and external storage areas have been indicated on the plans. It is recommended that the applicant should provide the numerical consistency with *Part 4G Storage* of the ADG in the later stage. 4.6.10 The Panel recommends that the applicant should add windows within the fire stairs to allow natural light and ventilation, subject further fire engineering and NCC advice. 4.6.11 The Panel suggests that the applicant re-visits the placement of a large window facing the driveway for Unit 1, taking into account both solar amenity and visual amenity. Overall, the Panel thanks the applicant for thoughtful and positive responses to the previous recommendations.
4.7. Safety *4.7.1 The Panel discussed that fire egress from the basement could be problematic unless this has been reviewed by a suitably qualified NCC consultant. Typically, 2 exits are required to satisfy the 'alternative and point of choice' provision.* *4.7.2 The Panel has reviewed the comments offered at the previous meeting/s and notes that the previous recommendation for removal of the additional fire stairs was made with the objective of improving the landscape design quality. The Panel would support such redundancy in egress only if reviewed by a NCC consultant. If redundancy in the number of exits cannot be supported, then the applicant should*	**4.7. Safety** 4.7.1 and 4.7.2 - The Panel understands that the applicant relies on fire engineering performance solution in terms of the proposed fire egress from the basement. The Panel would support the proposed configuration if reviewed by a suitably qualified NCC consultant.

LIVERPOOL CITY COUNCIL

Minutes

Previous DEP Recommendations *(DEP Meeting held on 14 September 2023)*	**Latest DEP Recommendations** (DEP Meeting held on 14 December 2023)
ensure that the quality of landscape design outcome of ground floor is not further diminished whilst achieving compliance with the NCC provisions.	
4.8. Housing Diversity + Social Interaction *4.8.1 The Panel notes that 4 new apartments are added as part of the modification under the affordable housing provisions. The applicant should confirm details of the Community Housing Provider, perpetuity of the arrangement and other relevant details for the affordable housing arrangement as part of this development application.*	**4.8. Housing Diversity + Social Interaction** 4.8.1 The applicant's response to the previous DEP comment is noted. 4.8.2 The Panel is informed by the assessment planner regarding the reduction in affordable housing provision. This reduction is due to one of the proposed units, nominated as affordable housing, being removed from the proposal to allow for the rooftop Community Open Space (COS). As a result, the percentage of affordable housing units is now reduced to 3 out of 19 units, accounting for 15.78% of the overall development. The Panel does not raise any objections to this adjustment. 4.8.3 The applicant is required to provide clarification regarding the details of the nominated Affordable Housing in the next submission in terms of the affordable housing provider, the nominated apartment/s and the perpetuity.
4.9. Aesthetics *4.9.1 The Panel discussed about use of darker grey tones (such as 'Monument') for the top floor, and prefers a replacement to a lighter colour. A colour with a Solar Absorptance (SA) rating below 0.7 is preferred as it avoids thermal loading issues for the top floor which will be fully exposed to harsh sun during warmer months.*	**4.9. Aesthetics** 4.9.1 The Panel supports the revised external finishes and colour scheme, proposed in-line with the Panel's previous recommendations. 4.9.2 Revised architectural documentation should identify locations of A/C condenser units and other mechanical equipment. These should not be located on balconies (unless thoughtfully screened), front garden areas or anywhere apparent from the public domain.
5.0 OUTCOME *The panel have determined the outcome of the DEP review and have provided final direction to the applicant as follows:*	**5.0 OUTCOME** Refer below.

LIVERPOOL CITY COUNCIL

Minutes

Previous DEP Recommendations *(DEP Meeting held on 14 September 2023)*	**Latest DEP Recommendations** (DEP Meeting held on 14 December 2023)
The proposal is not supported by the DEP and must return to the panel, with all feedback incorporated or addressed.	

5.0 OUTCOME

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

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

LIVERPOOL CITY COUNCIL LOCAL PLANNING PANEL ASSESSMENT REPORT
25 March 2024

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 other conditions of this consent.

(a) Architectural Plans

Plan Name	Plan Number	Date	Rev	Prepared By
Cover Sheet	100	27/10/2023	B	Arch & Co
Urban Context	101	27/10/2023	B	Arch & Co
Site Plan	102	12/12/2022	A	Arch & Co
Basement level Plan	103	27/10/2023	C	Arch & Co
Ground Level Plan	104	27/10/2023	C	Arch & Co
First Level Plan	105	12/12/2022	A	Arch & Co
Second Level Plan	106	12/12/2022	A	Arch & Co
Third Level Plan	107	12/12/2022	A	Arch & Co
Fourth Level Plan	108	27/10/2023	B	Arch & Co
Roof Plan	109	27/10/2023	B	Arch & Co
North & South Elevations	110	27/10/2023	B	Arch & Co
East & West Elevations	111	27/10/2023	B	Arch & Co
Section A-A & B-B	112	27/10/2023	B	Arch & Co
Section C-C & D-D	113	27/10/2023	B	Arch & Co
Finishes Schedule	114	27/10/2023	B	Arch & Co
Common Open Space Diagrams	118	27/10/2023	B	Arch & Co

LIVERPOOL CITY COUNCIL LOCAL PLANNING PANEL ASSESSMENT REPORT
25 March 2024

Typical Facade Details	136	27/10/2023	A	Arch & Co
Bulk Excavation Plan	137	06/02/2024	A	Arch & Co

(b) Landscape Plans

Plan Name	Plan Number	Date	Issue	Prepared By
Landscape Plan	LDA-001, LDA-101, LDA-102 and LDA-201	07/02/2024	J	Ground Ink

(c) Sediment and Erosion Control Plans

Title	Job No	Revision/Issue	Date	Prepared By
Sediment and Erosion Control Plan	156-W21 Drawing number W-09	E	07/12/2022	Horizon Engineers

(d) Reports

Report Name	Date	Reference	Prepared By
Waste Management Plan	February 2024	21208	Dickens Solutions
Traffic and Parking Assessment Report	9/12/2022	21564	Varga Traffic Planning
BASIX Certificate	15/12/2022	1245933M_02	Building Sustainability Assessments
Preliminary Site Investigation	7/10/2021	E25336.E01_Rev0	eiaustralia
Construction Noise & Vibration Management Plan	13/10/2021	20211013	Michael Phillips Acoustics
Access 2019 A1 & Adaptable Housing Indicative Compliance Report for DA Lodgement	26/10/2021	PRO-06888-P6H2	Building Innovations Australia
BCA 2019 A1 Indicative Compliance Report For DA Lodgement	26/10/2021	PRO-06887-B1S6	Building Innovations Australia

LIVERPOOL CITY COUNCIL LOCAL PLANNING PANEL ASSESSMENT REPORT
25 March 2024

Comply with EP&A Act

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

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

Comply with NCC

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

   (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).

LIVERPOOL CITY COUNCIL LOCAL PLANNING PANEL ASSESSMENT REPORT
25 March 2024

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.

Special Conditions

4. The following amendments to the proposed application must be prepared and provided to the satisfaction of the PCA **prior** to the issuing of a construction certificate:

   (a) The submitted ground level plan (Drawing No: S4 55-104 Revision C) shows the ramp to the basement parking to be 4.7m wide. Accordingly, the applicant will be required to provide a car waiting bay at the entrance of the basement car park and traffic signal system to alert drivers of oncoming vehicles.
   (b) A new BASIX certificate is to be provided reflecting the removal of the unit on the fourth floor and any other changes required by the conditions of this consent.
   (c) The PCA shall be satisfied that the proposed egress from the development's basement parking area is compliant with the safety provisions of the BCA. Additional information in regard to the Landscape Plans shall be provided to the satisfaction of the PCA that address the following:
      i) Sections and calculations of soil volumes for podium planting are to be provided.
      ii) The Landscape Plan (Job Number 20210904) shall be amended to demonstrate an increase of rear boundary planting on the ground floor.
      iii) Connection to Country should be considered particularly in the selection of planting species where landscape areas provide protection and forage for native bird, reptile and insect species.

   (d) The Architectural Plans (Job Number 11220) shall be updated to include windows within the fire stairs to allow natural light and ventilation.
   (e) The Architectural Plans (Job Number 11220) shall be updated regarding the window overlooking the basement entrance in Unit 1 be reviewed to ensure that there are no visual privacy impacts to the unit and there is appropriate solar access. Any changes are to be accounted for in the revised BASIX certificate required by condition 4(b).
   (f) The Architectural Plans (Job Number 11220) shall be updated to provide the area for storage for each unit as required by the SEPP and Apartment Design Guideline.

   (g) Revised architectural documentation must identify locations of A/C condenser units and other mechanical equipment. These should not be located on balconies (unless thoughtfully screened), front garden areas or anywhere apparent from the public domain.
   (h) Screening details are to be indicated on all elevation plans.
   (i) Amended plans shall be provided that incorporate best practices for sustainable measures, such as ceiling fans, photovoltaic system, rainwater tanks, and other sustainability measures for water, energy and waste efficiency.
   (j) Ground floor units must demonstrate a location for the air drying of clothes.

Stormwater Plans

5. Prior to the issue of a Construction Certificate, amended stormwater plans shall be provided to the satisfaction of the PCA that specifies that the stormwater pipe from property boundary to proposed kerb inlet pit shall be 375mm reinforced concrete pipe.

6. Prior to the issue of a Construction Certificate, amended plans shall be provided to the satisfaction of the PCA that include details of the required 1.2m high retaining wall along the southwest boundary, including appropriate structural engineering details.

7. Prior to the issue of a Construction Certificate, amended stormwater plans shall also demonstrate, to the satisfaction of Council, that the upstream flows that are required to be conveyed through the site, will not be obstructed by the retaining wall required by condition 6 of this consent.

Fee Payments

8. Unless otherwise prescribed by this consent, all relevant fees or charges must be paid. Where Council does not collect these payments, copies of receipts must be provided. For the calculation of payments such as Long Service Levy, the payment must be based on the value specified with the 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 $250,000 or more, at the rate of 0.35% of the cost of the works. The required Long Service Levy payment, under the *Building and Construction Industry Long Service Payments Act 1986*, is to be forwarded to the Long Service Levy Corporation or the Council, prior to the issuing of a Construction Certificate, in accordance with Section 109F of the *Environmental Planning & Assessment Act 1979.*

Section 7.11 Payment (Liverpool Contributions Plan 2018 Established Areas)

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

LIVERPOOL CITY COUNCIL LOCAL PLANNING PANEL ASSESSMENT REPORT 25 March 2024

The total contribution is **$172,147.00** 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. Payment must be accompanied by the form.

The Contributions Plan may be inspected online at:

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

Construction Certificates

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

Building Work

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

Site Development Work

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

Accessibility

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

Cladding

14. 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 and relevant Australian Standards. The certifier must be able to demonstrate compliance with evidence of suitability as per clause

LIVERPOOL CITY COUNCIL LOCAL PLANNING PANEL ASSESSMENT REPORT 25 March 2024

A2.2 of the NCC for all products/systems proposed.

Notification

15. 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.

Construction Environmental Management Plan (CEMP)

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

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

Waste Storage Area

17. Any bin bays must be:
    a) Provided with mechanical ventilation,
    b) Provided with a hose cock for hosing the garbage bin bay and a sewered drainage point in or adjacent to the bin storage area. The drainage point should have a fine grade drain cover sufficient to prevent coarse pollutants

from entering the sewer. If the hose cock is located inside the bin storage bay, it is not to protrude into the space indicated for the placement of bins,

c) Provided with sufficient light to permit usage at night,
d) Allocated with sufficient space within the bin bay to allow for access to all required bins by residents and waste collectors, as well as manoeuvring of bins within the bay and for the removal and return of bins by the waste collector,
e) Bin bay signs are available from Council
f) Operation, maintenance and cleaning of the garbage chutes and associated waste cupboards, rooms, or equipment is the responsibility of the strata management or body corporate, and not of Council, and
g) Provided with signage to be prominently displayed in each bin bay, or waste service room, as appropriate indicating that:
    i. Garbage is to be placed wholly within the garbage bins provided,
    ii. Only recyclable materials accepted by Council are to be placed within the recycling bins,
    iii. The area is to be kept tidy,
    iv. A phone number to be displayed for arranging disposal of bulky items; and
    v. 50% of all messages are to be displayed using graphic illustrative content.

Waste Condition

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

Security Access to car park

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

S138 Roads Act – Minor Works in the public road

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

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

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

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

Retaining Walls on Boundary

21. 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.

Waste Materials

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

No loading on easements

23. 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.

Dilapidation Report

24. Prior to the issue of a Construction Certificate, a dilapidation report of all infrastructure fronting the development in Wilga Close 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 to all of the road reserve for the full length of Wilga Close.

LIVERPOOL CITY COUNCIL LOCAL PLANNING PANEL ASSESSMENT REPORT
25 March 2024

Dilapidation Report Private Property (Excavations)

25. A full dilapidation survey and report on the visible and structural condition, with comment on the footings and foundations, of all neighbouring structures within the 'zone of influence' of the required excavations must be submitted to the Principal Certifier 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, survey and comments are to be prepared by a consulting structural/geotechnical engineer agreed to by both the applicant and the owner of any affected adjoining property. A copy is also to be provided to the affected adjoining property owner/s.

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

    If access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must:

    (a) Undertake as much as possible the survey from the development site, public areas and/or adjoining private property, and
    (b) Demonstrate in writing to the satisfaction of the Principal Certifier 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.

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

On-Site Detention

26. On-Site Detention shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Horizon Engineers P/L, reference number 156-W21, Drawing Nos. W-01, W-02, W-02A, W-03, W-03A, W-03B W-04, W-05, W-06, W-06A, W-07, W-08 dated 07/12/2022.

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

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

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

Stormwater Discharge – Basement Car Parks

26. 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.

Water Quality

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

    The Construction Certificate must be supported by:

    1. Specification & installation details of the stormwater pre-treatment system

    2. The approval of an operation and maintenance manual/ schedule for the stormwater pre-treatment system

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. The Certifying Authority shall ensure and certify that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development have been designed and are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Council's Development Control Plan.

30. The Certifying Authority shall ensure and certify that:

a) Off street access and parking complies with AS2890.1,
b) Vehicular access and internal manoeuvring have been designed for the longest (B-Double/ Heavy Rigid / Medium Rigid) vehicle expected to service the development site, in accordance with AS2890.2,
c) Sight distance at the street frontage has been provided in accordance with AS 2890.1,
d) All vehicles can enter and exit the site in a forward direction, and/or
e) Requirements of the Disability Discrimination Act 2002, Disability Standards for Accessible Public Transport and the Guidelines for assessing compliance of bus stops with the Disability Standards for Accessible Public Transport 2002.

Detailed Design Drawings

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

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

Road Works

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

Street Lighting

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

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

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

The upgrade shall include undergrounding of existing aerial power lines, communication cables and replacement of existing street light poles with Endeavour

Energy approved Macarthur Poles as specified by Council in the public lighting design brief.

Public Domain Works – Street Lighting

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

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

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

Provision of Services

35. 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.

36. 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.

37. 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.

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

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

    Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes,

and conduits to accommodate the future connection of optic fibre technology telecommunications.

Crime Prevention Through Environmental Design

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

    (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.

40. The recommendations in the approved Crime Prevention Through Environmental Design report are to be incorporated into the building.

LIVERPOOL CITY COUNCIL LOCAL PLANNING PANEL ASSESSMENT REPORT
25 March 2024

C. PRIOR TO WORKS COMMENCING

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

Commencement of Building work

41. 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.

42. 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.

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

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

Demolition Works

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

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

Waste Classification and Disposal of Contaminated Soil and Material

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

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

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

Sediment & Erosion Control

46. 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.

LIVERPOOL CITY COUNCIL LOCAL PLANNING PANEL ASSESSMENT REPORT 25 March 2024

Notification/Principal Certifying Authority

47. 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.

48. 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

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

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

Waste Classification

50. Prior to the exportation of waste (including fill or soil) from the site, the material shall be classified in accordance with the provisions of the POEO Act and NSW DECCW, (EPA) 'Environmental Guidelines: Assessment, Classification and Management of Non-Liquid Wastes'. The classification of the material is essential to determine

where the waste may be legally taken. The POEO Act provides for the commission of an offence for both the waste owner and transporters if waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid and non-liquid waste advice should be sought from the DECCW (EPA).

Construction Traffic Management Plan (CTMP)

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

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

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

Work Zone

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

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

Road Occupancy Permit

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

    - Road Occupancy Application Form
    - Road Opening Application Form

Hoarding

54. If the work is likely to cause pedestrian or vehicular traffic in a public area to be obstructed or rendered inconvenient; or if craning of materials is to occur across a public area or road reserve area a construction hoarding must be erected to prevent

any substance from, or in connection with the construction site, falling onto a public area as follows:

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

Craning

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

Site Facilities

56. 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

57. 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.

Demolition Inspections

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

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

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

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

Cladding

59. 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

60. 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

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

Site Facilities

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

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

Waste Management

63. Prior to any works commencing, all Council-issued domestic waste bins serving the existing houses to be demolished at 2 and 3 Wilga Close Casula, must be returned to Liverpool City Council. Please ring Council on 1300 36 2170 to advise that the bins are empty and ready to be removed, so their removal can be noted on the rates system.

64. Prior to any works commencing, any air-conditioning or refrigeration systems fitted to the dwellings or outbuildings to be demolished, must have the refrigerants present in those systems extracted into a durable, air-tight container by a licensed air-

conditioning technician. This container and its contents must be sent intact, for secure destruction, to a facility licensed to destroy such refrigerants. Documentary evidence that this has been completed, if indeed these systems are fitted to the dwellings, must be sighted by the Principal Certifying Authority and included as part of the Occupation Certificate documentation.

"DIAL BEFORE YOU DIG"

66. 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.

Traffic Management

67. 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.

68. Applications must be submitted to and approved by Council's Transport Management Section, under Section 138 of the NSW Roads Act, for any works within or occurring from the public road reserve. Approval is issued via a Road Occupancy Permit and/or Road Opening Approval, which can be located on Council's Website.

    The Road Occupancy Permit and Road Opening Approval applications are to include Traffic Control Plans, also detailing pedestrian management, prepared in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Transport for NSW publication "Traffic Control at Worksites" and must be certified by a suitably qualified person.

    The Road Occupancy Permit and Road Opening Approval, with approved traffic control measures, shall be implemented during the associated construction activities. A copy of the Road Occupancy Permit and Road Opening Approval shall be available on site at all times.

It is the responsibility of the applicant to ensure adequate time is allowed for Council to assess and issue approval for any permits. All minimum assessment periods are included on the applicable forms.

Note: A copy of the road occupancy permit and road opening approval shall accompany the Notice of Commencement to Liverpool City Council.

Traffic Control Plan

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

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

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

Environmental Management

70. 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.

71. 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.

LIVERPOOL CITY COUNCIL LOCAL PLANNING PANEL ASSESSMENT REPORT
25 March 2024

D. DURING CONSTRUCTION

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

Building Inspections

72. 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 2021, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.

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

Notification/Principal Certifying Authority

74. 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.

75. 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.

76. 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.

77. Retaining walls or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated subsoil drainage and surface stormwater drainage measures, shall be designed strictly in accordance with the manufacturers details or by a practising structural engineer. Retaining walls on any boundary are to be of masonry construction.

Construction Waste

78. Any asbestos materials encountered during the demolition work, must be removed, handled, wrapped and disposed of in accordance with the relevant legislation, regulations and safe work practices, of the NSW EPA and WorkCover NSW, in force at the time. The licenced disposal facility of any asbestos that is found, must be advised to both Council and the PCA.

79. All demolition, excavation and construction wastes must be separated as they are generated and kept separate bays, builder's site bins and/or skips.

80. 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.

Refuse Disposal

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

Removal of dangerous and/or hazardous waste

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

Imported Fill Material

83. Filling material must be limited to the following:
    a) Virgin excavated natural material (VENM)

b) Excavated natural material (ENM) certified as such in accordance with Protection of the Environment Operations (Waste) Regulation 2014, and/or
c) Material subject to a Waste Exemption under Clause 91 and 92 Protection of the Environment Operations (Waste) Regulation 2014 and recognised by the NSW Environment Protection Authority as being ”fit for purpose” with respect to the development subject of this application.

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

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

Record Keeping of Imported Fill

84. The following records of accepted waste derived fill material must be submitted to the Principal Certifying Authority at the completion of earth works:

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

Unidentified Contamination

85. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination and remediation must be immediately notified to Council and the Principal Certifying Authority in writing.

A Section 4.55 Application under the EP&A Act shall be made for any proposed works outside the scope of the approved development consent.

Air Quality

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

Where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, dust is to be suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Where

wind velocity exceeds five knots the Principal Certifying Authority may direct that such work is not to proceed.

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

Erosion Control Stabilisation

87. All disturbed areas shall be progressively stabilised and/or revegetated so that no areas remain exposed to potential erosion damage for a period of greater than 14 days.

Erosion Control Maintenance

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

Erosion Control

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

Water Quality

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

Pollution Control – Truck Movements

91. 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.

Construction Noise and Vibration

LIVERPOOL CITY COUNCIL LOCAL PLANNING PANEL ASSESSMENT REPORT
25 March 2024

92. Noise and vibration associated with excavation, demolition and construction activities shall comply with the management levels detailed within the 'Interim Construction Noise Guideline' published by the Department of Environment and Climate Change NSW (DECC 2009/265) dated July 2009 and acceptable vibration values prescribed within the Environmental Noise Management Assessing Vibration: A Technical Guideline (Department of Environment and Conservation, 2006).

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

Car Parking Areas

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

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

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

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

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

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

Directional Signage

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

Public Domain Works

LIVERPOOL CITY COUNCIL LOCAL PLANNING PANEL ASSESSMENT REPORT 25 March 2024

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

Public Domain Works – Street Lighting

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

Waste

97. 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.

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

Waste Management Plan

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

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

Security Fence

100. 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

101. 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

LIVERPOOL CITY COUNCIL LOCAL PLANNING PANEL ASSESSMENT REPORT 25 March 2024

Drainage Connection

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

Major Filling/Earthworks

103. 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

104. 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.

105. 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

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 the discharge of materials into Council's stormwater drainage system.

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

108. 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.

109. 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.

110. 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.

111. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated “spoil” material.

112. All dangerous and/or hazardous material shall be removed by a suitably qualified and experienced contractor, licensed by WorkCover NSW. The removal of such material shall be carried out in accordance with the requirements of WorkCover NSW. The material shall be transported and disposed of in accordance with DECCW (EPA) requirements.

Contamination

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

Ventilation

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

115. 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.

116. 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

117. Switchboards for utilities shall not be attached to the street and/or road elevations of the development.

118. The mailboxes are to be consistent with the design and colours and materials for the development.

119. 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.

120. The reflectivity index of glass used in the external facade of the building is not to exceed 20%.

121. The windows of all bathrooms, W.C. and ensuites shall be fitted with translucent obscure glazing to the satisfaction of the PCA.

Graffiti

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

Display of Street Numbers

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

Security and Safety

124. Adequate lighting is required at the entrances and main foyers or the building, basement carpark, and mailbox area.

125. Surveillance cameras are required to be installed covering the entrance and exit and main areas of the car park.

126. The underground car park is required to be locked with access to be provided to residents only.

127. All openable windows that are located two metres or more above the ground level and have a sill height less than 1.7m above the internal floor level shall be fitted with devices that lock the window opening at less than 12.5m.

Vegetation and Landscaping

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

129. 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.

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.

Demolition Inspections

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

    (a) Immediately prior to the commencement of the demolition or handling of any building structure that contains asbestos. The applicant shall also notify the occupants of the adjoining premises and SafeWork NSW prior to the commencement of any works. Please note that demolition works are not permitted to commence on site until such time as a satisfactory inspection result is obtained from Council.
    (b) Immediately following completion of the demolition. Please note that proof of appropriate disposal of demolition materials (including asbestos) may be required at this time in accordance with the approved Waste Management Plan.

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

Identification Survey Report

133. 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.

134. 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.

Craning and Hoardings

135. 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.

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

Removal of Dangerous and/or Hazardous Waste

137. 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.

Environmental Controls

138. 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.

139. 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.

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

Aboriginal Heritage

141. 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.

142. In the event that skeletal remains are uncovered, work must cease immediately in that area and the area secured. NSW Police must be contacted and no further action taken until written advice has been provided by the NSW Police. If the remains are determined to be of Aboriginal origin, the Office of Environment and Heritage must be notified by ringing the Enviroline 131 555 and a management plan prior to works re-commencing must be developed in consultation with relevant Aboriginal stakeholders.

Protection of Adjoining Sites

143. In the event that proposed works damages any adjoining land or building on adjoining land, any rectification works are the responsibility of the developer.

Traffic Management

144. Where a work zone is required, an application must be submitted to and approved by Council's Transport Management Section. The application is to indicate the exact location required and the applicable fee is to be included. If parking restrictions are in place, an application to have the restrictions temporarily altered will need to be submitted to and approved by Council's Liverpool Local Traffic Committee.

145. Notice must be given to Council's Transport Management 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.

146. Applications must be made to Council's Transport Management Section for temporary 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. Applications prepared by a suitably qualified person, are to specify the date and times of proposed closures, traffic control plans, insurances and any other relevant information. This activity may require a seven (7) days advance notice to be installed near the site and/or advertisement in local newspapers and websites to Council's satisfaction.

LIVERPOOL CITY COUNCIL LOCAL PLANNING PANEL ASSESSMENT REPORT 25 March 2024

147. Construction activities affecting adjoining road reserves require submission of a road occupancy application to Council along with traffic control plan/s and public liability insurance. The traffic control plan/s must be prepared by a qualified professional and to be in accordance with the RMS Traffic Control at Worksites Manual, the Austroads Guide to Traffic Management, the RMS Supplements for Austroads Guide to Traffic Management and Australian Standard 1742.

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

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

Road Works (Laybacks)

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

Car Parking Areas

151. 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

152. 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.

Construction Environmental Management Plan (CEMP)

153. The CEMP requirements must remain in place, adhered to and be maintained throughout the period of the development.

External

154. The mailboxes are to be consistent with the design and colours and materials for the development.

155. Photovoltaic panels are to be installed on the roof of the proposed building and in accordance with the manufacturers specifications.

156. All pedestrian gateways are to open internally within the property boundary as to not create a potential hazard within the public domain.

Windows

157. The reflectivity index of glass used in the external facade of the building is not to exceed 20%.

158. The windows of all bathrooms, W.C. and ensuites shall be fitted with translucent obscure glazing to the satisfaction of the PCA.

LIVERPOOL CITY COUNCIL LOCAL PLANNING PANEL ASSESSMENT REPORT
25 March 2024

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

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

In-fill affordable housing

177. A restriction shall be registered, before the date of issue of the Occupation Certificate (Interim or Final), against the title of the property on which the development is to be carried out, pursuant to Section 88E of the Conveyancing Act 1919, in the following terms:

Terms of the Restriction on Use

The restriction applies for fifteen (15) years from the date of issue of the Occupation Certificate pursuant to Notice of determination of Development Application No. DA-23/2023 issued by Liverpool City Council.

The restrictions are:

1. Units 5, 6, 7 and 8, as noted in approved First Level Plan Rev A drawing S4.55-105 dated 12/12/2022, will be used for the purposes of affordable housing as defined in State Environmental Planning Policy (Housing) 2021;
2. All accommodation that is used for affordable housing will be managed by a registered community housing provider;
3. Name of authority empowered to release, very or modify the above restriction is Liverpool City Council; and

4. Evidence is to be submitted to Liverpool City Council that restrictions in accordance with Section 82, 3 (a) and (b) of the Environmental Planning and Assessment Regulation 2021 have been complied with prior to the issue of an Occupation Certificate.

178. Prior to the issue of an Occupation Certificate, full details of the registered community housing provider are to be provided to the satisfaction of the PCA.
179. Prior to the issue of an Occupation Certificate, a restriction must be registered, in accordance with the *Conveyancing Act 1919*, section 88E, against the title of the

property relating to the development, which will ensure the requirements of subsection (3)(a) and (b) are met, and

180. Evidence of an agreement with a registered community housing provider for the management of the affordable housing component must be given to the Registrar of Community Housing, including the name of the registered community housing provider, and

181. Evidence that the requirements of paragraphs (a) and (b) have been met must be given to the consent authority.

182. During the relevant period—
    a. the affordable housing component must be used for affordable housing, and
    b. the affordable housing component must be managed by a registered community housing provider, and
    c. notice of a change in the registered community housing provider who manages the affordable housing component must be given to the Registrar of Community Housing and the consent authority no later than 3 months after the change, and
    d. the registered community housing provider who manages the affordable housing component must apply the affordable Housing Guidelines.

In this section—
Affordable *housing component* has the same meaning as in *State Environmental Planning Policy (Housing)* 2021, section 21.
Relevant period means a period of 15 years commencing on the day on which an occupation certificate is issued for all parts of the building or buildings to which the development consent relates.

Fire Safety Certificate

179. 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

180. 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.

Land Consolidation

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

Building/Compliance

182. The premises must not be utilised until an Occupation Certificate is issued by the Principal Certifying Principal Certifying Authority. Copies of all documents relied upon for the issue of the Occupation Certificate must be attached to the Occupation Certificate and registered with Liverpool City Council.

183. Details of *critical stage* inspections carried out by the principal certifying authority together with any other certification relied upon must be provided to Liverpool City Council with the occupation certificate.

Cladding

184. 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.

Public Domain Works – Street Lighting

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

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

Liverpool City Council clearance – Roads Act/ Local Government Act

186. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that all works associated with a S138 Roads Act approval or S68 Local

Government Act approval have been inspected and signed off by Liverpool City Council.

Works as Executed

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

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

Structural Engineer Certificate

188. 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

189. Prior to the issue of an Occupation Certificate the PCA shall ensure that the:

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

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

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

Restriction as to User and Positive Covenant

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

a. On-site detention system
b. Stormwater pre-treatment system/s

c. Basement Carpark pump-out system:

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

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

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

Roadworks

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

Bonds

193. A maintenance bond in the form of a bank guarantee or cash bond, 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.

Footpaths

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

Service Providers

195. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the PCA prior to issue of Occupation Certificate.

196. Notification of arrangement for the development from Endeavour Energy shall be submitted to Council.

LIVERPOOL CITY COUNCIL LOCAL PLANNING PANEL ASSESSMENT REPORT 25 March 2024

197. Prior to the issue of an occupation certificate, written certification from all relevant service providers that the telecommunications infrastructure is installed in accordance with:

(a) The requirements of the Telecommunications Act 1997;
(b) For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
(c) For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

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

Waste Management

198. Prior to issue of an Occupation Certificate, all permanent waste signage necessary for the correct separation and disposal of waste items by residents, is to be installed.

199. Prior to issue of an Occupation Certificate, both the PCA and Council are to be provided with records of all waste transport and disposal dockets, demonstrating that waste materials from the project, have been disposed of at the waste facilities nominated in the approved waste management plan.

200. Prior to issue of an Occupation Certificate, the strata by-laws will be drafted in a manner that places the requirement to correctly separate and dispose of waste correctly upon all residents, and ensures that any additional costs incurred by the strata as a result of a failure to do so, can be recovered from the parties responsible.

Garbage Services

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

Dilapidation Report

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

203. At completion of works, a survey and report must be undertaken and submitted to the Principal Certifier and affected adjoining property owner/s, commenting on the risk of latent damage (if any) to the existing building caused by the excavation and construction activities.

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

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

    If access for undertaking the survey is denied by an adjoining owner, the applicant must:

    (a) Undertake as much as possible the survey from the development site, public areas and/or adjoining private property.
    (b) Demonstrate in writing to the satisfaction of the Principal Certifier 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.

    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.

Rectification of Damage

204. 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 Wilga Close will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing.

BASIX

205. 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.

Access Report

LIVERPOOL CITY COUNCIL LOCAL PLANNING PANEL ASSESSMENT REPORT
25 March 2024

206. A Compliance Certificate or other documentation deemed suitable to the PCA is to be submitted to the PCA prior to the issue of an Occupation Certificate, detailing compliance with the following:

    (a) Certification is to be obtained from a qualified access consultant certifying that the building has been constructed to meet the access criteria in accordance with the National Construction Code and Australian Standards and the approved access report and that all recommendations have been adopted.

Display of Street Numbers

207. 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.

LIVERPOOL CITY COUNCIL LOCAL PLANNING PANEL ASSESSMENT REPORT
25 March 2024

F. CONDITIONS RELATING TO USE

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

Affordable Housing

208. Approved Units 5, 6, 7 and 8, as noted in approved First Level Plan Rev A drawing S4.55-105 dated 12/12/2022, are to be used for the purposes of affordable housing for 15 years from the date of issue of the Occupation Certificate. In addition, all accommodation that is used for affordable housing shall be managed by a registered community housing provider.

Note: *Affordable housing means housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.* A household is taken to be a very low income household, low income household or moderate income household if the household:

(a) Has a gross income that is less than 120 per cent of the median household income for the time being for the Greater Sydney (Greater Capital City Statistical Area) (according to the Australian Bureau of Statistics) and pays no more than 30 per cent of that gross income in rent, or

(b) Is eligible to occupy rental accommodation under the National Rental Affordability Scheme and pays no more rent than that which would be charged if the household were to occupy rental accommodation under that scheme.

209. Prior to each anniversary date during the fifteen-year relevant period, evidence shall be provided to Council by way of letter from a Registered Community Housing provider confirming that the identified Affordable Rental Housing dwellings are managed in accordance with DA-23/2023.

Car Parking / Loading

210. A total of thirty one (31) off street car parking inclusive of five (5) visitor, one service vehicle space and two (2) disabled spaces must be provided.

211. 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.

212. All line marking and sign posting is to be maintained in good condition at all times, to the satisfaction of Council.

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

Landscaping

214. 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.

Parking Spaces

215. The following parking spaces should be used solely for the purpose it has been provided.
    a) Unrestricted resident car parking
    b) Visitor car parking
    c) Accessible car parking
    d) Motorcycle parking
    e) Cycle parking
    f) Delivery area
    g) Garbage pick-up area
    h) Washing bay

Loading Areas

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

Vehicle Access

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

Lighting

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

LIVERPOOL CITY COUNCIL LOCAL PLANNING PANEL ASSESSMENT REPORT 25 March 2024

Use of building intruder alarm/s

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

Use of air conditioner/s on residential premises

220. Any air conditioner/s used on the residential premises shall comply with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2017 and shall not:
    a) Emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
        i. Before 8:00am or after 10:00pm on any Saturday, Sunday or public holiday; or
        ii. Before 7:00am or after 10:00pm on any other day; or
    b) Cause “offensive noise” as defined by the Protection of the Environment Operations Act 1997; or
    c) Emit a sound pressure level as measures over a 15 minute period (LAeq (15 minute)) at the boundary of any other residential property, at a time other than those specified in (i) and (ii) above, which exceeds the background (LA90 (15 minute)) by more than 5 dB(A).

Use of pump/s on residential premises

221. Any pump/s used on the residential premises including but not limited to swimming pool pumps, spa pumps, solar water pumps, rainwater tank pumps and associated equipment must comply with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2017 and shall not:
    a) emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
        i. before 8:00am or after 8:00pm on any Saturday, Sunday or public holiday; or
        ii. before 7:00am or after 8:00pm on any other day; or
    b) cause “offensive noise” as defined by the Protection of the Environment Operations Act 1997; or
    c) emit a sound pressure level as measured over a 15 minute period (LAeq (15 minute)) at the boundary of any other residential property, at a time other than those specified in (i) and (ii) above, which exceeds the background (LA90 (15 minute)) by more than 5 dB(A).

Use of heat pump water heater/s on residential premises

222. Any heat pump water heater/s used on the residential premises must comply with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2017 and shall not:
    a) emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
        i. before 8:00am or after 10:00pm on any Saturday, Sunday or public holiday; or
        ii. before 7:00am or after 10.00pm on any other day; or
    b) cause “offensive noise” as defined by the Protection of the Environment Operations Act 1997; or
    c) emit a sound pressure level as measured over a 15 minute period (LAeq (15 minute)) at the boundary of any other residential property, at a time other than those specified in (i) and (ii) above, which exceeds the background (LA90 (15 minute)) by more than 5 dB(A)

Mailboxes

223. The mailboxes must not be accessed by universal keys and must each have their own keys for private access.

224. Vegetation must not cover or obstruct natural surveillance to the mailboxes.

Noise and Environmental Emissions

225. The use of the dwellings including music, mechanical plant and equipment and the like shall not give rise to the emission of "offensive noise" as defined under the Protection of the Environment Act 1997.

226. The use of the site shall not give rise to the emission into the surrounding environment of gases, vapours, dusts, odours or other impurities which are a nuisance, injurious or prejudicial to health.
227. 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.

Washing on Balconies

LIVERPOOL CITY COUNCIL LOCAL PLANNING PANEL ASSESSMENT REPORT
25 March 2024

228. 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.

Waste Management

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

230. 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.

231. 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.

232. Under current collection arrangements, the property will be issued by Council with 3 x 660L general waste bins and 3 x 660L recycling bins. No green waste bins or services will be supplied. These arrangements re bin sizes and types may be subject to change in future, as FOGO waste services are adopted. All other bins, including waste separation bins to the units themselves, are to be supplied by the developer.

233. All green (garden) waste from the common area gardens must be removed from site as it is generated, by the garden maintenance contractor appointed by the strata, and disposed of legally. No garden waste is to be disposed of in the building's bins.

234. Once the Occupation Certificate has been issued, but at least seven days prior to residents moving in, Council is to be contacted to arrange delivery of the domestic bulk waste bins to this property. Please contact Council on 1300 36 2170 to arrange the delivery of bins.

235. Agents of the strata must present the waste bins for emptying to the kerbside of Wilga Close, no earlier than the afternoon before collection. After emptying, all bins must be removed from the kerbside as soon as possible, and no later than 24 hours after collection, and placed back into the basement bin storage room.

236. Waste and recycling bulk bins are to be presented on the kerbside nature strip ready for emptying with wheel locks engaged.

237. Signage is to be prominently displayed in each waste storage area, or waste service room, as appropriate, indicating that:
    - Waste is to be placed wholly within the waste bins provided,
    - Only recyclable materials accepted by Council are to be placed, loose and unbagged within the recycling bins,
    - The area is to be kept tidy,
    - Graphic illustrative content is to to be ay least 50%

LIVERPOOL CITY COUNCIL LOCAL PLANNING PANEL ASSESSMENT REPORT
25 March 2024

238. The powered bin towing device and trailer provided by the developer are to be used on all occasions that bins are required to be moved up and down the driveway ramp. It must be of a sufficient power/rating to move a full 660 litre general waste bin up the maximum slope of the driveway ramp. These pieces of equipment must be maintained according to the manufacturer's instructions and be available in an operable condition when needed. If this equipment breaks down, it must either be repaired promptly, or replaced as needed.

239. The powered bin mover and trailer must be operated by persons who are trained and insured to use them.

240. Residents must ensure that all materials placed in the yellow-lid recycling bins are acceptable for recycling through that means, and all materials placed in recycling bins must be loose, unbagged and easily separable.

241. Maximum limits for bulky household waste collections apply, and the types of materials accepted will be as per the council conditions at the time. Household materials may be put out for collection at the kerbside no earlier than 24 hours before a booked clean-up is due.

242. The building manager/strata manager is responsible for providing monitoring and feedback to residents on correct waste performance, including contamination of recycling bins, and instituting corrective actions to address non-conformance where necessary.

243. Sufficient space shall be provided within each dwelling for the storage of a minimum of the one day's waste and recycling.

LIVERPOOL CITY COUNCIL LOCAL PLANNING PANEL ASSESSMENT REPORT
25 March 2024

G. ADVISORY

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

b) Under Sections 8.7 & 8.10 of the Environmental Planning and Assessment Act 1979 applicants who are dissatisfied with the outcome of a consent authority have a right of appeal to the Land and Environment Court. This right must be exercised within six (6) months from the date of this notice of determination.

c) In accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979, unless otherwise stated by a condition of this consent, this consent will lapse unless the development is commenced within five years of the date of this notice.

d) To confirm the date upon which this consent becomes effective, refer to Section 4.20 of the Environmental Planning and Assessment Act, 1979. Generally the consent becomes effective from the determination date shown on the front of this notice. However if unsure applicants should rely on their own enquiries.

e) To confirm the likelihood of consent lapsing, refer to Section 4.53 of the Act. Generally consent lapses if the development is not commenced within five years of the date of approval. However if a lesser period is stated in the conditions of consent, the lesser period applies. If unsure applicants should rely on their own enquiries.

f) The approval of this application does not imply or infer compliance with the Disability Discrimination Act and that the applicant should investigate their liability under the Act.

g) The requirements of all authorities including the Environmental Protection Authority and the Work Cover Authority shall be met in regards to the operation of the building.

h) “DIAL BEFORE YOU DIG”

Underground assets may exist in the area that is subject to your application. In the interest of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au 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.

LIVERPOOL CITY COUNCIL LOCAL PLANNING PANEL ASSESSMENT REPORT
25 March 2024

ATTACHMENT 2 – SECTION 7.11 PAYMENT FORM

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

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

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

APPLICATION NO: DA-23/2023

PROPOSAL: Demolition of existing structures and construction of a five-storey residential flat building comprising 19 flats, with one level of basement car parking, and associated landscaping.

Facilities	Amount ($)	Job No.
Liverpool Contributions Plan 2018 Established Areas		
Community Facilities - works		
Central	$14,779	GL.10000001870.10099
District Sporting Fields - works		
Central	$49,704	GL.10000001869.10211
District Passive Open Space - works		
Central	$31,065	GL.10000001869.10093
Local Passive Open Space - works		
Casula	$43,491	GL.10000001869.10094
Transport - Bikeways - works		
Central	$5,878	GL.10000001865.10207
Transport - Traffic management - works		
Central	$16,750	GL.10000001865.10213
Drainage - works		
Central	$7,935	GL.10000001866.10209
Administration	$2,544	GL.10000001872.10104
TOTAL	**$172,147**	

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

RECORD OF PAYMENT
Total Amount paid: _____
Date:_____

LIVERPOOL CITY COUNCIL LOCAL PLANNING PANEL ASSESSMENT REPORT
25 March 2024

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

Item Number:	**3**
Application Number:	DA-48/2022
Proposed Development:	Demolition of existing structures, remediation works, subdivision of one (1) existing lot into twenty (20) residential lots and one (1) residue lot, road construction and associated civil works and landscaping over three stages. The application is identified as Integrated Development pursuant to Section 4.46 of the *Rural Fires Act 1997* requiring General Terms of Approval from the NSW Rural Fire Service.
Property Address	Lot 6332 DP 1263964 75 Thirteenth Avenue, Austral *(Civil works are to be carried over the adjoining property 65 Thirteenth Avenue, Austral (Lot 632 in DP 2475), 79 Thirteenth Avenue, Austral (Lot 6331 in DP 1263964), 85 Thirteenth Avenue, Austral (Lot 634 in DP 2745) and 90 Fourteenth Avenue, Austral (Lot 10 in DP 1269225)).*
Legal Description:	Lot 6332 DP 1263964
Applicant:	The Burton and Field Unit Trust
Land Owner:	Buraq Affordable Homes Pty Ltd
Cost of Works:	$1,574,512.00
Recommendation:	Approved, subject to conditions of consent
Assessing Officer:	Greg Mottram

1 EXECUTIVE SUMMARY

Council has received a Development Application No. 48/2022 seeking consent for demolition of existing structures, remediation works, subdivision of one (1) existing lot into twenty (20) residential lots and one (1) residue lot, road construction and associated civil works and landscaping over three stages at Lot 6332 Thirteenth Avenue, Austral, legally known as, Lot 6332 DP 1263964.

In addition, the application is identified as Integrated Development pursuant to the *Rural Fires Act 1997* requiring General Terms of Approval from the NSW Rural Fire Service.

The site is zoned R2 Low Density Residential (90%) and R3 Medum Density Residential (10%) pursuant to State Environmental Planning Policy (Precincts – Western Parkland City) 2021 and the proposed development is permissible with consent.

The proposal was not required to be notified/ advertised in accordance with the Liverpool Community Engagement Strategy and Community Participation Plan 2022. No submissions have been received.

The key issues associated with the proposal relate to a Clause 4.6 variation to Clause 4.1B Residential Density of the SEPP (Precincts – Western Parkland City) 2021 in relation to residential density proposing a 62.4% departure from the development standard. A Clause 4.6 variation statement has been submitted by the applicant, which is addressed below. The variation is supported due to the proposal's consistencies with the objectives of the zone and the development standard. It is also considered that the submitted Clause 4.6 request contains sufficient environmental planning grounds to justify the departure from the development standard.

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

Departure from Development Standards

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

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

2. SITE DESCRIPTION AND LOCALITY

2.1 The locality

The area is characterised by low density residential transitioning into a medium density residential area, within an emerging residential area in the Southwest Growth Centre of Austral. The land surrounding the subject allotment is currently characterised by large lot rural- residential development. Due to a number of approved subdivision developments approved to the south-west and north-east, the locality is considered land in transition to urban residential neighbourhoods.

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

South (front)	84 Thirteenth Avenue - A two storey dwelling house, with ancillary structures on site.
North (rear)	90 Fourteenth Ave Large rural allotment with a dwelling house and ample trees. This site is subject to a consent for residential subdivision.
West (side)	79 Thirteenth Avenue - A single storey dwelling house with ample landscaping within the front setbacks.
West (side)	85 thirteenth Avenue, Lot 634 DP 2475 Land with consent for residential subdivision.
East (side)	65 Thirteenth Avenue - A single storey dwelling house and ancillary structures on site.

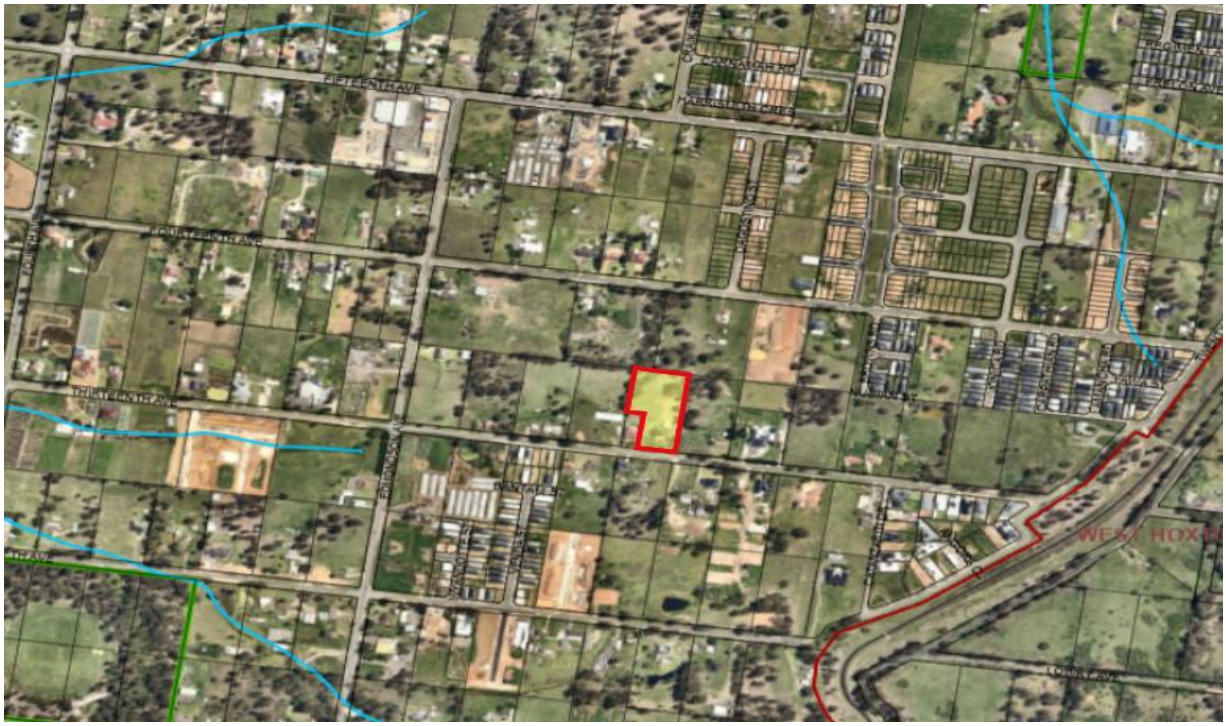


Figure 1: Locality Surrounding the Proposed Development (Source: Geocortex)

2.2 The site

The subject site is identified as Lot 6332 in DP 1263964 and is known as 75 Thirteenth Avenue, Austral. It is regular in shape with a frontage of 56 metres to Thirteenth Avenue and a depth of 151 metres, with a total area of 1.046ha.

Currently, the subject site contains an existing dwelling house with ancillary structures.



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

On the 10 January 2024, a site inspection was conducted. Please see the following pictures:



Figure 3: The subject site.



Figure 4: Adjoining site to the east



Figure 5: Adjoining site to the west



Figure 6: Site to the South

2.3 Site Constraints

Are there any constraints or affectation on the site: - Bushfire - Georges River Catchment - Flooding - Heritage Items - Aboriginal Heritage - Environmentally significant Land - Threatened Species/Flora/Habitat/Critical Communities - Acid Sulphate Soils - Aircraft Noise - Flight Paths	The site is affected by: - Partially flood prone land - Bushfire prone land - Biodiversity Certified - High/ moderate salinity potential - Jemena gas pipeline

- Railway Noise - Road Noise/ Classified Road - Significant Vegetation - Contamination - Salinity	
Are there any restriction on title?	- Easement for drainage of water 1.5m wide - Use of land restriction

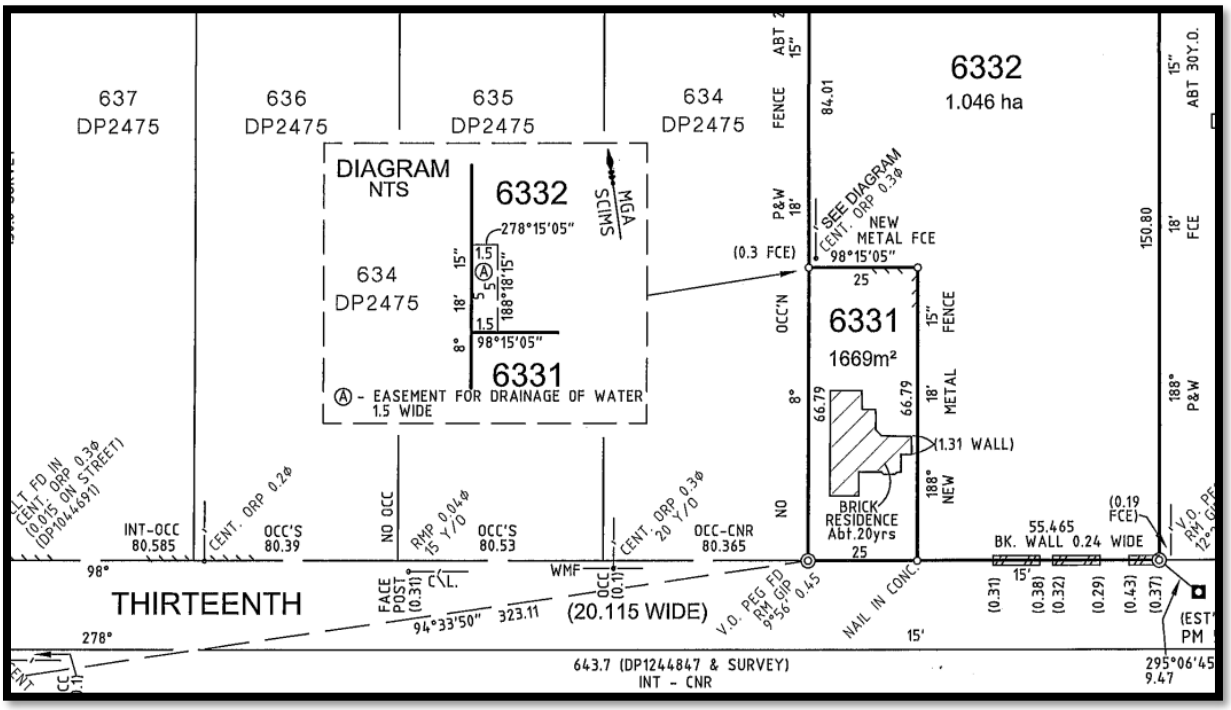


Figure 7: Extract of the Deposited Plans

3. BACKGROUND/HISTORY

Below is a brief history of the subject application:

Date	Action
17 January 2022	Application lodged to Council
10 February 2023	Request for additional information – 14 days
20 February 2023	Applicant partially addressed Council's 14day letter.
3 April 2023	Request for additional information – 7 days follow up letter
6 April 2023	Applicant provided additional information
19 May 2023	Request for additional information – 7 days follow up letter
25 May 2023	Application provided additional information

4. DETAILS OF THE PROPOSAL

The proposed development consists of the following:

Subdivision of the existing lot into twenty (20) residential lots and one (1) residue lot. The proposed subdivision consists of residential allotments that range in size from 300.1m^2 to 536.7m^2. The construction of the site will occur in the following three stages:

- **Stage One:** demolition of existing structures, subdivision of the existing allotment to create 17 residential lots and 4 residue lots (Lot 7 – 8 (temporary road), Lot 13 (temporary OSD) and lot 14 (developed with adjoining site)), with associated earthworks, construction of roads, civil works and landscaping.
- **Stage Two:** Decommissioning of the temporary road over lots 7 and 8, rehabilitation of these lots for residential purposes once vehicular road access in accordance with the Indicative Road Layout has been provided from Thirteenth Avenue.
- **Stage Three:** Decommissioning of the site detention basin on Lot 13 and rehabilitation for residential purposes.

Note: To ensure that a coherent outcome in the locality is achieved, lot 14 must be developed in conjunction with the adjoining site. As such, proposed lot 14 will require to remain as a residue lot with restrictions on title, restricting the development on the lot until such time the site can be developed in conjunction with the adjoining site to the west.



Figure 8: Extract of Subdivision Layout of subject site

The following works are proposed on the adjoining sites to facilitate the development:

79 Thirteenth Avenue (*Lot 6331 in DP 1263964)***:*** interallotment drainage works in connection with temporary sediment basin.

85 Thirteenth Avenue *(Lot 634 in DP 2475)***:** temporary turning head in the case where the approved development on that site has not occurred and impacts of overland flowpaths.

65 Thirteenth Avenue *(Lot 632 in DP 2475)***:** battering works if the development on this site has not proceeded and impacts of overland flowpaths.

90 Fourteenth Avenue *(Lot 10 in DP 1269225)***:** roadworks and related stormwater and civil work and impacts of overland flowpaths.

5. STATUTORY CONSIDERATIONS

5.1 Relevant matters for consideration

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

- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Precincts – Western Parkland City) 2021

Other Plans and Policies

- Liverpool Growth Centres Precincts Development Control Plan 2021

Contributions Plans

- Liverpool Contributions Plan 2021 – Austral and Leppington North applies to all development pursuant to Section 7.11 of the EPA & Act.

6. ASSESSMENT

The development application has been assessed in accordance with the relevant matters of consideration prescribed by Section 4.15 Evaluation of the EP&A 1979 and the *Environmental Planning and Assessment Regulation 2021*, as follows:

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

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

The proposal has been assessed under the relevant provisions of SEPP (Resilience and Hazards). The objectives of the SEPP are:

- *to provide for a state wide planning approach to the remediation of contaminated land.*

- *to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.*

Pursuant to the above SEPP, Council must consider:

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

Clause 4.6 - Contamination and remediation to be considered in determining development application	**Comment**
(1) A consent authority must not consent to the carrying out of any development on land unless:	
(a) it has considered whether the land is contaminated, and	The site currently contains a single storey residential dwelling and a large pen paddock at the rear of the property. The DSI prepared by Greencap confirms there is contamination on the site.
(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	A Remedial Action Plan has been prepared to address the contamination on the site which provides a strategy for remediation of the contaminated areas of the site.
(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 RAP confirms the site can be made suitable for the proposed development.

The applicant submitted a Preliminary Site Investigation prepared by Greencap has been submitted with the application, confirming that there is contamination on-site exceeding the adopted site criteria, due to the presence of localised bonded asbestos within fill soils, within two areas in the southern portion of the site. No other unacceptable human health or ecological risks associated with the soil quality on site were identified.

In addition, a Stage 2 Environmental Site Assessment and Remedial Action Plan prepared by Greencap has been provided as part of the application which provides the remediation strategy to make the site suitable for the proposed development. The DSI and RAP have been reviewed by Council's Environmental Health Officer and raises no objections to the proposal, subject to conditions.

Based on the above assessment, the proposal is considered to satisfy the relevant objectives and provisions of SEPP (Resilience and Hazards) 2021, therefore, it is considered that the subject site is suitable for the proposed development.

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

Note: Chapters 7 – 12 of State Environmental Planning Policy (Biodiversity and Conservation) 2021 were repealed on 21 November 2022. However, the savings and transitional provisions in Part 6.6 of the SEPP (Biodiversity and Conservation) 2021 state these former repealed provisions of the SEPP continue to apply to a development application made, but not yet determined, before the date of the repeal. Given that DA-48/2022 was lodged and not determined before the repeal date of 21 November 2022, the former Chapter 9 of the SEPP (Biodiversity and Conservation) 2021 applies to this DA.

The subject land is located within the Hawkesbury-Nepean Catchment and as such Chapter 9 – Hawkesbury-Nepean River of the State Environmental Planning Policy (Biodiversity and Conservation) 2021.

The SEPP (Biodiversity and Conservation) 2021 generally aims to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

When a consent authority determines a development application, planning principles are to be applied (Clause 9.3). Accordingly, a table summarising the matters for consideration in determining development applications (Clause 9.4 and Clause 9.5), and compliance with such is provided below.

9.4 General Planning Considerations	Comment
(a) the aims of this plan,	This chapter aims generally to maintain and improve the water quality and river flows of the Hawkesbury-Nepean River and its tributaries. The proposed is unlikely to have an adverse impact on water quality as sufficient stormwater management is proposed.
(b) the strategies listed in the Action Plan of the Hawkesbury-Nepean Environmental Planning Strategy	The strategies are applied to this planning assessment in the table under clause 9.5.
(c) whether there are any feasible alternatives to the development or other proposal concerned	The proposed development is consistent with the Indicative Layout Plan and the proposed drainage solutions are consistent with a number of similar developments within the Austral area. As such, the proposed subdivision, road construction, stormwater works, and demolition are appropriate and no alternatives need be considered.

(d) the relationship between the different impacts of the development or other proposal and the environment, and how those impacts will be addressed and monitored	A stormwater concept plan was submitted and reviewed by Council's Land Development Engineer and Floodplain Engineers, who raised no objections. The imposition of conditions will be implemented which aim to improve the quality of expected stormwater discharge from the site.
9.5 Specific Planning Policies and Recommended Strategies	**Comment**
(1) Total catchment management	Environmental Planning consideration through SEPP (Precincts – Western Sydney Parklands) 2021 has considered the impact of the residentially zoned land within the catchment.
(2) Environmentally sensitive areas	The location of works are not part of an Environmentally Sensitive area as defined in this plan.
(3) Water quality	Council's Land Development Engineers and Floodplain Engineers have provided conditions of consent aimed to improve the quality of expected stormwater discharge from the site.
(4) Water quantity	Council's Floodplain Engineers have provided conditions of consent aimed to reduce the impact from the expected stormwater runoff and flow characteristics through the site, on down-stream aquatic ecosystems.
(5) Cultural heritage	The subject site is identified as partially moderate to high Aboriginal heritage area. An Aboriginal Due Diligence Report was provided with the application. The application was referred to Council's Heritage officer and raised no objections, subject to conditions of consent.
(6) Flora and fauna	The site is identified as Bio-certified and otherwise not containing threatened species of flora and fauna.
(7) Riverine scenic quality	Not applicable.
(8) Agriculture/aquaculture and fishing	Not applicable.
(9) Rural residential development	Not applicable.

(10) Urban development	The site is zoned for residential purposes. The subdivision proposal provides variable lot sizes and is generally consistent with planning controls and guidelines for urban development including the controls for managing stormwater. The application has been referred to Council's Land Development Engineers for assessment, who have supported the application, and provided conditions of consent to manage erosion and sediment to improve the quality of expected stormwater discharge from the site.
(11) Recreation and tourism	Not applicable.
(12) Metropolitan strategy	The proposal is consistent with the Metropolitan Strategy by contributing to greenfield development in the South West Growth Centre.

It is considered that the proposal satisfies the key provisions of SEPP (Biodiversity and Conservation) 2021, subject to appropriate sedimentation and erosion conditions being implemented during subdivision works.

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

(i) Zoning

The subject site is zoned **R2 Low Density Residential and R3 Medium Density Residential** pursuant to the SEPP (Precincts – Western Parkland City) 2021 – Appendix 4 Liverpool Growth Centres Precinct Plan. An extract of the zoning map is provided in Figure 9 below.



Figure 9: Zoning Map and Indicative Layout Plan Road Network (source: Geocortex)

(ii) Permissibility

The proposed development is categorised as a subdivision. Subdivision and the construction of associated roads, drainage and earthworks are permissible pursuant to Clause 2.6 of Appendix 4 the SEPP.

(iii) Objectives of the zone

Objectives of the R2 Low Density Residential 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 allow people to carry out a reasonable range of activities from their homes, where such activities are not likely to adversely affect the living environment of neighbours.*
- *To support the well-being of the community by enabling educational, recreational, community, religious, and other activities where compatible with the amenity of a low density residential environment.*

The proposed subdivision is for future residential development and is consistent with the objectives of the R2 – Low Density zone in that it will contribute to the future provision of housing to meet the needs of the community within an area of Liverpool LGA designated for future residential development growth. The proposed allotments vary in size and meet the minimum allotment size requirements. The proposed allotments will facilitate the delivery of

viable housing types within close proximity to future local parks and infrastructure, to cater to the various needs of the community.

Objectives of the R3 Medium Residential Zone are:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a medium density residential environment.*

Despite the shortfall of the minimum density requirements for a medium residential area, the proposed subdivision is unlikely to have a significant impact in addressing future housing needs within the Liverpool LGA. Lot 14 will remain as a residue lot and will be developed in conjunction with the adjoining sites to ensure a coherent outcome. This will ensure that all future development provides a high level of residential amenity within a medium density residential environment.

(iv) Principal Development Standards

The SEPP (Precincts – Western Parkland City (2021) – Appendix 4 Liverpool Growth Centres Precincts plan contains a number of principal development standards which are relevant to the proposal, as detailed below.

Development Provision	Requirement	Proposed	Comment
2.6 Subdivision consent requirements	Land may only be subdivided with development consent.	This application is seeking consent for the subdivision of land into 21 residential lots (including 1 residue lot).	Complies
2.7 Demolition	The demolition of a building or work may be carried out only with development consent	This application is seeking consent for the demolition of existing structure. Conditions will be imposed to ensure demolitions is conducted in accordance with the Australian Standards.	Complies
4.1 Minimum subdivision lot size	The size of any lot resulting from any subdivision of land to	There is no minimum lot size shown on the Lot Size Map for the subject	Not applicable

	which this clause applies is not be less than the minimum size shown on the Lot Size Map in relation to that land.	site.	
4.1AA - Subdivision resulting in lots between 225-300m2	Development consent may be granted to the subdivision of land which this section applies resulting in the creation of a lot that has an area less than 300m2 (but not less than 225m2) if the consent authority is satisfied that the lot will contain a sufficient building envelope to enable the erection of a dwelling house on a lot.	All proposed lots are greater than 300m^2. As such, a building envelope is not required to be submitted.	Not applicable
4.1AB -Minimum lot sizes for residential development in zone R2 Low Density Residential and Zone R3 Medium Density Residential	The minimum lot size for a dwelling house in a density band of 15dw/ha and 25dw/ha is 300m^2.	All proposed residential lots exceed 300m^2. The lot sizes range from 300.1m^2 to 536.7m^2.	Complies
4.1AD - Exceptions to minimum lot sizes for dwelling houses	The minimum lot size for a dwelling house in a lot in the R3 zone is not less than 225m^2, as long as the development involves the subdivision of land into 2 or more lots and the erection of a dwelling house on one of the lots	All proposed lots are greater than 300m^2.	Complies

	resulting from the subdivision.		
4.1B -Residential Density	Minimum density is 15dw/ha in R2 Low Density residential and 25dw/ha in R3 Medium Density Residential.	<u>15 Dwelling density band</u> Net developable area = 0.99 Proposed lots = 20 lots Calculation: 20/0.99 = 20dw/ha *Note: The developable area is inclusive of the half road along Thirteenth Avenue.* <u>25 Dwelling density band</u> Net developable area = 0.1 Proposed lots = 1 residue lot Calculation 1/0.1= 9.4dw/ha *Note: It has been advised by the applicant that lot 14 will remain as a residue lot and will be developed in conjunction with the adjoining sites. This is to ensure that a coherent outcome in the locality is achieved.*	Does not comply
4.6 Exceptions to Development Standards	Provisions relating to exceptions to development standards	Clause 4.6 request to vary 4.1B Residential Density considered as part of this application.	See 4.6 discussion below
5.9 Preservation of Trees or Vegetation	Consent is required for tree and vegetation removal.	The site contains trees that are proposed for removal. The subject site is identified as 'certified' pursuant to the Sydney	Complies

		Region Growth Centres 2006 Biodiversity Certification Order, and the removal of trees in these areas are considered appropriate where they accommodate development consistent with the objectives of the R2 and R3 zone.	
5.10 Heritage Conservation	Development consent required for any proposed development that will affect any Aboriginal or European heritage.	An Aboriginal Due Diligence Report has been submitted in support of this application. The application has been referred to Council's Heritage Officer and raised no objections and has recommended conditions in relation to unexpected finds.	Complies by conditions
6.1 Public Utilitiy Infrastructure	The consent authority must not grant development consent to development on land to which this Precinct Plan applies unless it is satisfied that any public utility infrastructure (supply of water, electricity and disposal/management of sewage) that is essential for the proposed development is available or that adequate arrangements have been made to make	Referral comments have been received from Sydney Water, which advises that wastewater servicing to the site will not be available until 2025/2026 as the site falls within the Upper South Creek Advanced Water Recycling Centre catchment. Sydney Water have also provided correspondence to Council, which provides further confidence in their anticipated timeframe for delivery of wastewater in the Austral Leppington Precinct, including progress in the critical state significant	Complies by condition

	that infrastructure available when required.	infrastructure process for the Upper South Creek Advanced Water Recycling Centre. As such, to enable the development industry to coordinate their housing in accordance with servicing timescales, Sydney Water has enabled Council to have assurance that the servicing arrangements of critical public utility infrastructure for wastewater servicing can be available for the development. Thus, conditions of consent will apply regarding wastewater servicing of the development and connection to the reticulated sewer system prior to the issue of a Subdivision Certificate. The requirements of Endeavour Energy as provided to Council, will be made as conditions of consent of any approval. Council will apply standard conditions regarding the supply of water, wastewater, telecommunications and electricity to be satisfied prior to the issue of a Subdivision Certificate for each allotment.	

As demonstrated in the above compliance table and 4.6 variation discussion below, the proposed development is consistent with the provisions of SEPP – (Precincts – Western Parkland City) 2021.

Clause 4.6 Exceptions to development standards (variation to clause 4.1B Residential Density)

The proposed development site include two areas of minimum dwelling density that are required to be provided which are 15dw/Ha and 25dw/Ha. The majority of the site is mapped as required to provide a minimum of 15dw/Ha which has been demonstrated. There is a small portion of 25dw/Ha. Due to the indicative road layout plan, this portion of the site is quite irregular which would prevent the subdivision of this portion of the site to achieve the required two lots which are technically required by this standard.

As the proposed shortfall of 1 lot represents a variation of the development standard, the applicant was requested to provide justification for this in accordance with Clause 4.6 of the SEPP which has been provided and discussed below:

Clause 4.1B(3) of the SEPP (Precincts – Western City Parklands) 2021 states the following:

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

The subject proposal seeks a variation to the minimum residential density within the R3 Medium Density Residential component of the site. Under the provisions of the SEPP, the site is zoned R2 Low Density Residential and R3 Medium Density Residential, as shown on the map below.



Figure 11: Extract of Zoning Map

Based on the zoning, the R2 portion of the site has a minimum density requirement of 15 dwellings per hectare (shown in yellow) and the R3 portion of the site has a minimum density requirement of 25 dwellings per hectare.



Figure 12: Extract of Residential Density Map

The subject proposal seeks a variation to the minimum residential density under the Western Parkland City SEPP. Under the provisions of the Western Parkland City SEPP, the minimum residential density is 25 dwellings per hectare (dw/ha), within the R3 zoned land portion. The proposal provides a dwelling density of 9.4dw/ha over the net developable area of 0.1ha. Therefore, a variation of 15.6dw/ha (62.4%) is proposed to the minimum required dwelling density.

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

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

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

Clause 4.6(3) prescribes:

"Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from

the applicant that seeks to justify the contravention of the development standard by demonstrating:

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

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

The applicant submitted a Clause 4.6 Variation Statement, dated November 2023, in order to justify the variation described above. The Variation Statement can be found in Report Attachment 1. The document provided provides the following justification based on the merits of the proposal:

Variation to Residential Density, Clause 4.1B:

(a) That compliance with the development standard is unreasonable or unnecessary in the circumstance of the case, and

Applicant's Response:

The focus of clause 4.6(3)(a) of the LEP which requires demonstration that compliance with the development standard is unreasonable or unnecessary is on whether the compliance with the specified control itself is unreasonable or unnecessary.
The contravention of the development standard for the proposed development achieves the objectives of the standard, notwithstanding non-compliance with the standard as detailed below.
Justification for the variation of the dwelling density standard contained under Clause 4.1B is established against the provisions of Clause 4.6, as follows:

Objectives of Clause 4.1B Residential density
The objectives of the Residential density development standard are stated as:

(1) The objectives of this section are—
(a) to establish minimum density requirements for residential development, and
The vast majority of the site is zoned R2 Low Density Residential and is mapped with a dwelling density requirement of 15 dwellings/hectare and complies. It is only the extreme north western corner portion of the site that is zoned R3 Medium Density Residential and mapped with a dwelling density of 25 dwellings/hectares that requires a variation to the development standard.
Proposed lot 14 is a residual allotment that will likely be subject a future boundary adjustment /land swap arrangement with the adjoining property to the north and be further subdivided or developed for medium density purposes.
In the circumstances, flexibility in applying the development standard is appropriate.

(b) to ensure that residential development makes efficient use of land and infrastructure, and contributes to the availability of new housing, and
The subdivision layout is consistent with Council's adopted road layout under Liverpool City Council Growth Centre Precincts Development Control Plan which achieves an efficient use of the site and infrastructure for new housing. Proposed lot 14 will be subject to further subdivision or development that will achieve the required dwelling density of 25 dwellings per hectare.
(c) to ensure that the scale of residential development is compatible with the character of the precinct and adjoining land.
The subdivision layout incorporates a number of smaller allotments that are consistent with the character of the precinct and adjoining lands. Proposed lot 14 is capable of being redeveloped for medium density development subject to a boundary adjustment with the adjoining northern property.

It is therefore unnecessary to require compliance with the dwelling density development standard due to the following reasons:
- *The development provides additional housing and housing choice consistent with the Liverpool City Council Growth Centre Precincts Development Control Plan.*
- *Proposed lot 14 will be subject to further subdivision in accordance with the prevailing dwelling density requirements to achieve the required the dwelling density.*
- *The proposal will not prejudice future low and medium density development of the site in accordance with prevailing planning instruments.*
- *The proposal is consistent with the adopted road layout under the provisions of Liverpool City Council Growth Centre Precincts Development Control Plan.*
- *The proposed lots can be suitably serviced with utilities in accordance with relevant Service Authority requirements.*

This clause 4.6 variation request establishes that compliance with the development standard is unreasonable or unnecessary in the circumstances of the proposed development because the objectives of the standard are achieved and accordingly justifies the variation to the dwelling density pursuant to the First Way outlined in Wehbe. Thus, it is considered that compliance with Clause 4.6(3)(a) is satisfied.

(b) That there are sufficient environmental planning grounds to justify contravening the development standard.

Applicant's response:

Pain J held in Four2Five vs Ashfield Council [2015] NSWLEC 90 that to satisfy clause 4.6(3)(b), a clause 4.6 request must do more than demonstrate that the development meets the objectives of the development standard and the zone – it must also demonstrate that there are other environmental planning grounds that justify contravening the development standard, preferably being grounds that are specific to the site.

Pursuant to clause 4.6(3)(b) of the LEP, there are sufficient environmental planning grounds to justify the variation to the dwelling density development standard because:
- *Proposed lot 14 is an irregular shaped allotment that is practically not suitable to accommodate a single dwelling. It can be further subdivided with a land swap/boundary*

adjustment with the adjoining northern property to achieve a superior allotment configuration that is suitable for medium density development.

- *Proposed lot 14 can be further subdivided with a boundary adjustment of the adjoining northern property that achieves a development which is more in keeping with the desired future medium density character of the area.*
- *The proposed subdivision is consistent with the adopted DCP road layout and represents orderly and economic development of land.*
- *The proposed subdivision will not result in unreasonable amenity impacts to adjoining properties or the public domain.*

Council's assessment of variation proposed

In essence, the application relates to the deficiency of two allotments in achieving the minimum residential density of 25dw/ha. Despite the deficiency of the two allotments, the proposal achieves full compliance with the development standards under the SEPP (Precinct Western Parkland) 2021 and subsequent policies.

The proposed lot 14 can accommodate a dwelling and achieve appropriate amenity based on full compliance with the relevant state policies. However, to ensure that a coherent outcome in the locality is achieved, lot 14 will be developed in conjunction with the adjoining sites (ref. lot 12). Please see the extract of the adjoining site approved under DA-1120/2021, below.

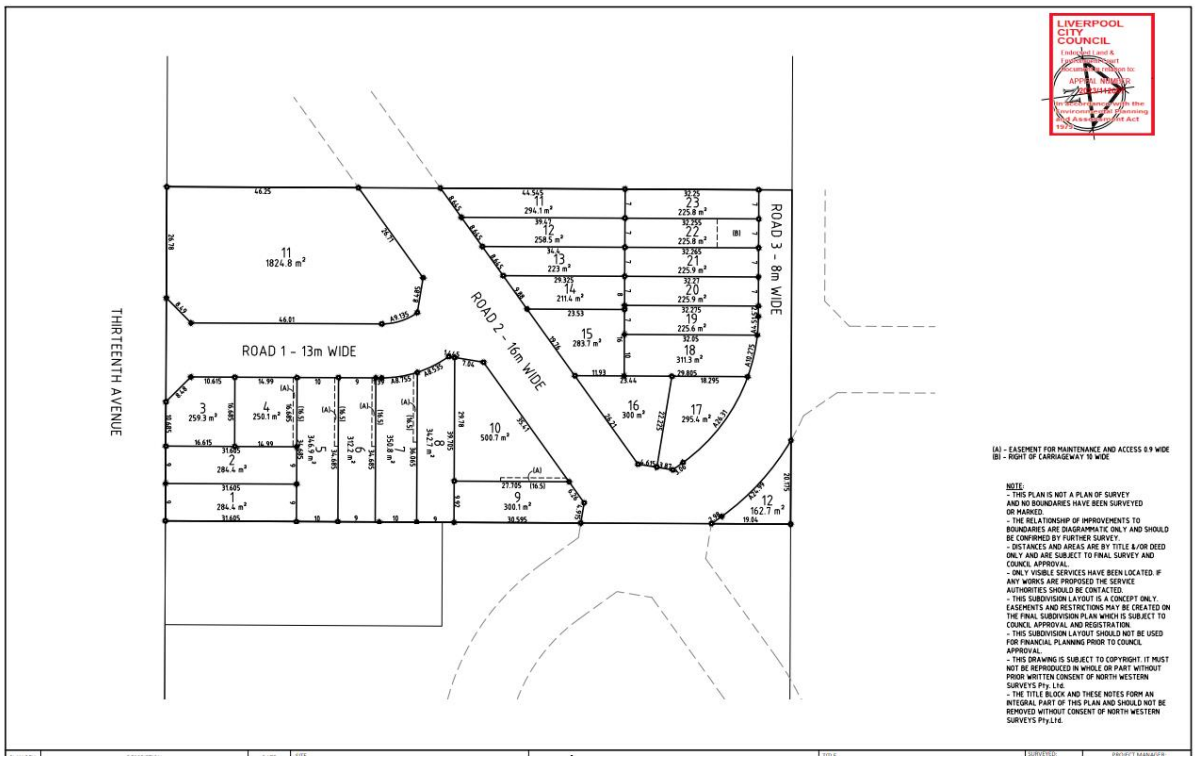


Figure 13: Extract of approved subdivision under DA-1120/2021

Due to the lot size and irregular shape, the adjoining lot 12 cannot achieve appropriate amenities for residential development in its current form. At this stage, lot 14 of this subject application will remain as a residue lot and will be developed in conjunction with the adjoining sites to prevent land fragmentation and contribute to the available of new housing in accordance with Part 4 of this DCP.

In addition, the proposed subdivision pattern would provide a coherent lot pattern with the character of the precinct and to the allotments on the adjoining land. In this regard, refusing the application based on non-compliance with the minimum dwelling density is unlikely to provide additional benefit to the locality.

As a result of the assessment above, it is considered that compliance with the 4.1B residential density development standard provides sufficient environmental planning grounds to justify contravening the development standard.

- The development is considered to satisfy all of the relevant heads of consideration as per Section 4.15 (1) of the Act.

As a result of the assessment above, it is also considered that compliance with the minimum lot size development standard is unreasonable or unnecessary due to the circumstances of this case and that there are sufficient environmental planning grounds to justify contravening the development standard. The objectives of the Minimum Dwelling Density clause have also been addressed, as well as the objectives of the zone.

Having regard to the above, it is considered that there are sufficient environmental planning grounds to vary Clause 4.1B Minimum dwelling density in this instance.

Objectives of Clause 4.1B – Residential Density Development 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

It is considered sufficient environmental planning grounds have been provided to vary Clause 4.1B Residential density. The objectives of the Residential density clause are discussed below:

> *(a) to establish minimum density requirements for residential development, and*
> *(b) to ensure that residential development makes efficient use of land and infrastructure, and contributes to the availability of new housing, and*

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

It is considered that the proposed development meets the objectives of the development standard as listed below:

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

Applicant's response:

Proposed lot 14 is a residual allotment that will likely be subject a future boundary adjustment /land swap arrangement with the adjoining property to the north and be further subdivided or developed for medium density purposes.
In the circumstances, flexibility in applying the development standard is appropriate.

Council Comment: The site is located on land with two residential densities. Whilst the minimum residential density is not achieved in the R3 zone, it is considered acceptable for lot 14 to remain as a residue lot until such time the adjoining sites are developed to prevent land fragmentation. This will enable a coherent subdivision pattern that is consistent with the precinct vision for the locality.

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

Applicant's response:

The subdivision layout is consistent with Council's adopted road layout under Liverpool City Council Growth Centre Precincts Development Control Plan which achieves an efficient use of the site and infrastructure for new housing. Proposed lot 14 will be subject to further subdivision or development that will achieve the required dwelling density of 25 dwellings per hectare.

Council Comment: Proposed lot 14 to be retained as a residue lot and developed in conjunction with the adjoining sites would facilitate efficient land utilisation for future residential development. Furthermore, the approach would enable a more coherent approach in developing the locality, making it suitable for a medium residential area and prevent land fragmentation.

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

Applicant's response

The subdivision layout incorporates a number of smaller allotments that are consistent with the character of the precinct and adjoining lands. Proposed lot 14 is capable of being redeveloped for medium density development subject to a boundary adjustment with the adjoining northern property.
It is therefore unnecessary to require compliance with the dwelling density development standard due to the following reasons:

- *The development provides additional housing and housing choice consistent with the Liverpool City Council Growth Centre Precincts Development Control Plan.*
- *Proposed lot 14 will be subject to further subdivision in accordance with the prevailing dwelling density requirements to achieve the required the dwelling density.*
- *The proposal will not prejudice future low and medium density development of the site in accordance with prevailing planning instruments.*
- *The proposal is consistent with the adopted road layout under the provisions of Liverpool City Council Growth Centre Precincts Development Control Plan.*
- *The proposed lots can be suitably serviced with utilities in accordance with relevant Service Authority requirements.*

This clause 4.6 variation request establishes that compliance with the development standard is unreasonable or unnecessary in the circumstances of the proposed development because the objectives of the standard are achieved and accordingly justifies the variation to the dwelling density pursuant to the First Way outlined in Wehbe.
Thus, it is considered that compliance with Clause 4.6(3)(a) is satisfied.
There are sufficient environmental planning grounds to justify contravening the development standard
Pain J held in Four2Five vs Ashfield Council [2015] NSWLEC 90 that to satisfy clause 4.6(3)(b), a clause 4.6 request must do more than demonstrate that the development meets the objectives of the development standard and the zone – it must also demonstrate that there are other environmental planning grounds that justify contravening the development standard, preferably being grounds that are specific to the site.
Pursuant to clause 4.6(3)(b) of the LEP, there are sufficient environmental planning grounds to justify the variation to the dwelling density development standard because:

- *Proposed lot 14 is an irregular shaped allotment that is practically not suitable to accommodate a single dwelling. It can be further subdivided with a land swap/boundary adjustment with the adjoining northern property to achieve a superior allotment configuration that is suitable for medium density development.*
- *Proposed lot 14 can be further subdivided with a boundary adjustment of the adjoining northern property that achieves a development which is more in keeping with the desired future medium density character of the area.*
- *The proposed subdivision is consistent with the adopted DCP road layout and represents orderly and economic development of land.*
- *The proposed subdivision will not result in unreasonable amenity impacts to adjoining properties or the public domain.*

The subdivision layout incorporates a number of smaller allotments that are consistent with the character of the precinct and adjoining lands. Proposed lot 14 is capable of being

redeveloped for medium density development subject to a boundary adjustment with the adjoining northern property.

Council Comment: Proposed lot 14 to be developed with the adjoining land will ensure that future residential development is able to accommodate a dwelling house consistent with the Part 4 of the DCP 2021, which is considered to be compatible with the character of the precinct.

Consistency with objectives of the Zone – Medium Density Residential

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a medium density residential environment.*

Comment: Based on the assessment of Clause 4.6 Variation provided above, the development is considered to be consistent with the objectives of the R3 – Medium Density Residential zone.

Objectives of Clause 4.6 Exceptions to development standards:

(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 appropriate in this instance to apply a degree of flexibility when applying the minimum residential density requirement given the above discussion. It is considered that achieving a reduced minimum dwelling density in this instance is unlikely to result in detrimental impacts to the built and natural environments and the development is consistent with the characteristics of the zone, locality and density envisioned for the area.

Recommendation:

With considerations to the discussion above, the proposed variation to Clause 4.1B – Minimum Residential Density, adequately addresses Clause 4.6 Variation. It is considered that achieving a reduced minimum residential density in this instance is unlikely to result in detrimental impacts to the built and natural environments and the development is consistent with the characteristics of the zone, locality and density envisioned for the area. The proposal is also considered to be in the public interest and is therefore supported in this instance.

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

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

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

(a) Liverpool Growth Centres Precincts Development Control Plan 2021

The application has also been assessed against the relevant controls of the Liverpool Growth Centres Precinct DCP 2021.

The proposal is considered to be consistent with the key controls outlined in the Liverpool Growth Centres Precinct DCP 2021. All relevant compliance tables for the Liverpool Growth Centres Precinct DCP 2021 in Attachment 3 of the report. Matters where variations to the development controls occur are also provided below.

Development Provision	Requirement	Proposed	Comment
Section 3.1.1 Residential Density	All applications for residential subdivision and the construction of residential buildings are to demonstrate that the proposal meets the minimum residential density requirements of the relevant Precinct Plan and contributes to meeting the overall dwelling target in the relevant Precinct.	<u>15 Dwelling density band</u> Net developable area = 0.99 Proposed lots = 20 lots Calculation: 20/0.99 = 20dw/ha *Note: The developable area is inclusive of the half road along Thirteenth Avenue.* <u>25 Dwelling density band</u> Net developable area = 0.1 Proposed lots = 1 residue lot Calculation 1/0.1= 9.4dw/ha	Considered acceptable. Please see 4.6 variation discussion above.

		It is noted that the minimum dwelling density of 25 is not achieved. This is considered acceptable as lot 14 will be subject to a future application where residue lot 14 will be developed in conjunction with the adjoining sites to achieve a development which is more aligned with the desired future medium density character of the area.	
Section 3.3.7 Temporary Vehicular Access	This section enables development to progressively occur in Precincts where current land ownership or other development staging constraints temporarily limit road access to properties in accordance with this DCP.	The site has no vehicular access from Thirteen Avenue. A 10-metre width temporary vehicular road access is proposed within lot 7 and 8. A restriction will be imposed to ensure that the temporary road will be decommissioned until the adjoining land to the west has been developed or legal road access can occur through other means. In addition, lots 7 and 8 will be remediated for residential purposes. The application was	Complies by condition

		referred to Council's Traffic Section and Land Development Engineers to review the temporary road component, and raised no objections, subject to conditions.	

Overall, the proposal is considered to be consistent with the key controls outlined in the Liverpool Growth Centres Precinct DCP 2021.

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

There are no Planning Agreements which apply to the development.

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

The *Environmental Planning and Assessment Regulation* 2021 requires the consent authority to consider the provisions of the BCA and the Safety standards for demolition (AS 2601 – 2001). Accordingly, appropriate conditions of consent will be imposed.

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

a) Natural Environment

The proposal has also been assessed against the natural features of the site which include bushfire and vegetation. It was found that the proposal is unlikely to create a detrimental impact on the natural environment surrounding the subject site, or to any endangered and non-endangered species of flora and fauna.

In addition, a Preliminary and Detailed Site Investigation Report was submitted with the application concludes that further remediation of the site is required in order for the development to be suitable for residential purposes. Condition have been imposed to ensure that remediation occurs prior to the release of subdivision certificate.

b) Built Environment

The proposed development is unlikely to create any adverse impacts on the surrounding built environment. The proposal will facilitate future low density residential dwelling construction which is consistent with the desired future character of the locality of an R2 Low Density Residential zone and R3 Medium Density Residential zone. Consideration has been given to site-specific and broader issues such as, but not limited to, Aboriginal and European Heritage, Traffic and Infrastructure and the development is satisfactory, subject to conditions of consent.

c) Social Impacts and Economic Impacts

The proposed residential subdivision will facilitate the future construction of dwellings which is consistent with the developing residential neighbourhoods in the precinct area. The proposed subdivision will result in a positive economic impact in the locality through the capital investment value of the development and in generating economic activity and employment in the construction industry and is unlikely to generate any identifiable detrimental social impacts and would generate housing for the community in the LGA.

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

The site is considered to be suitable for the proposed development of residential subdivision. The site has sufficient area and dimensions for the proposed development and will have a temporary access to the site from Thirteenth Avenue. The temporary access will not be decommissioned until the adjoining site to the east is developed or alternate vehicular access can be provided.

In addition, the Preliminary and Detailed Site Investigation submitted with the application concludes that further remediation of the site is required in order for the development to be suitable for residential purposes. There are no additional environmental constraints identified which would reduce the suitability of the site 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 Officer	Approval subject to conditions of consent / objection to the proposal
Development Engineer	Approval subject to conditions of consent / objection to the proposal
Landscape Officer	Approval subject to conditions of consent / objection to the proposal
Traffic Engineer	Approval subject to conditions of consent / objection to the proposal

(b) External Referrals

The following comments have been received from external Agencies:

DEPARTMENT	COMMENTS
NSW Rural Fires	General terms of approval provided.
Endeavour Energy	Approval subject to conditions of consent.
Sydney Water	Approval subject to conditions of consent / objection to the proposal
Jemena Gas Networks	No objections to the proposed development application in proximity to its high pressure pipelines.

(c) Community Consultation

The proposal was not required to be advertised/notified in accordance with the Community Participation Plan 2022, and no submissions were received.

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

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

7. DEVELOPMENT CONTRIBUTIONS

A Section 7.11 Development Contributions is applicable to the proposed development in accordance with Liverpool Contributions Plan 2021 Austral and Leppington North and will be imposed as a condition of consent of any approval for the proposed development.

A Special Infrastructure Contribution condition is also required.

8. CONCLUSION

Having regard to the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979*, the proposed development is considered to be satisfactory with the following matters noted:

- The proposed development complies with the relevant provisions of the State Environmental Planning Policy (Precincts – Western Parkland City) 2021 and the Liverpool Growth Centre Precincts Development Control Plan 2021.
- Conditions of consent will be imposed to minimise any potential negative environmental impacts resulting from the development.
- The proposed development is appropriate for the site and approval is in the public interest.

- Development contributions have been applied to the development in accordance with Liverpool Contributions Plan 2021 Austral and Leppington North.

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 No. 48/2022 be **approved subject to conditions of consent.**

ATTACHMENTS

1. Draft Conditions of Consent
2. Plans of the Proposal
3. Liverpool Growth Centre Precinct Development Control Plans

ATTACHMENT 1 – CONDITIONS OF APPROVAL

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

A. THE DEVELOPMENT

Staged Approval

The conditions referenced in the below table apply to each stage of the development as identified.

Stage	Development Works	Part Reference	Condition Reference
1	Demolition of existing structures, subdivision of the existing allotment to create 17 residential lots and 4 residue lots (Lot 7 – 8 (temporary road), Lot 13 (temporary OSD) and residue lot 14, with associated earthworks, construction of roads, civil works and landscaping.	All Parts	All conditions as relevant to the stage
2	Decommissioning of the temporary road over lots 7 and 8, rehabilitation of these lots for residential purposes once vehicular road access in accordance with the Indicative Road Layout has been provided from Thirteenth Avenue.	All Parts	All conditions as relevant to the stage
3	Decommissioning of the site detention basin on Lot 13 and rehabilitation for residential purposes.	All Parts	All conditions as relevant to the stage

Approved Plans

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

(a) Subdivision Plans

Plan Name	Drawing no.	Date	Revision	Prepared by
Plan of Proposed Subdivision	S2711-74235	04/04/2023	D	Burton & Field Pty Ltd
Landscape Plan	LP01	24/04/2023	E	Siva Projects Pty Ltd
Landscape Notes and Legend	LP02	24/04/2023	E	Siva Projects Pty Ltd

(b) Civil Engineering Plans

Plan Name	Drawing no.	Date	Revision	Prepared by
Erosion and Sediment Control Plan	DA03	06/04/2023	C	Diversi Consulting Pty Ltd
Erosion and Sediment Control Details	DA04	06/04/2023	C	Diversi Consulting Pty Ltd
Demolition and Clearing Plan	DA05	06/04/2023	C	Diversi Consulting Pty Ltd

(c) Supporting Documentation

Document Name	Reference no.	Date	Prepared by
Soil Salinity Assessment	2052-SSA-01-300323.v1f	30 March 2023	Sydney Environmental Group Pty Ltd
Preliminary Site Investigation	J144086	June 2016	Greencap-NAA Pty Ltd
Stage 2 Environmental Site Assessment	J166312	February 2020	Greencap-NAA Pty Ltd
Remediation Action Plan	1246-RAP-01-240521.v1f	23 June 2021	Sydney Environmental Group Pty Ltd
Arboricultural Impact Assessment & Tree Protection Plan	-	22 May 2023	Tree Survey
Odour Assessment	23021546_75_Thirteenth_Ave_Austral_AQ_230308.docx	8 March 2023	Todoroski Air Sciences
Traffic Impact Assessment	-	20 February 2023	Amber Organisation
Bushfire Protection Assessment	21SYD_18939	5 October 2021	Eco logical Australia Pty Ltd
Aboriginal Heritage Due Diligence Assessment	SYD21 - 20227	15 October 2021	Eco logical Australia Pty Ltd
Demolition Statement	74235_Demolition Statement	12 January 2022	Burton & Field Pty Ltd
Waste Management Plan	-	-	Burton & Field Pty Ltd

NSW Rural Fire Service (RFS) General Terms of Approval (GTAs)

2. The development is to demonstrate compliance with all relevant General Terms of Approval issued by the NSW Rural Fire Service, dated 9 May 2022 (attachment 3).

Endeavour Energy Requirements

3. The development is to demonstrate compliance with all relevant requirements issued by Endeavour Energy, issued 27 March 2022 (Attachment 4)

Sydney Water Requirements

4. The development is to demonstrate compliance with all relevant requirements issued by Sydney Water, issued 19 April 2022 (Attachment 5)

Council Waste-Water Requirements

5. The development must provide for a physical sewerage connection to each created allotment to enable the method of sewage disposal by gravity reticulation mains to either, Sydney Water branch and trunk sewers or Sydney Water point of treatment. Liverpool City Council will not accept any temporary facilities to service the site, including pump-out sewage systems.

Works at no cost to Council

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

EP&A Act Compliance

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

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

Stages of consent

8. This consent approves development with respect to the Stages of Consent as follows;
   a. Stage 1 to be completed prior to the beginning of any works for any other stage.
   b. Stage 2 not being consequential of Stage 1 and only occurring once legal road access through the connecting roads on the adjoining site known as 85 Thirteenth Avenue, Austral (Lot 634 in DP 2475) have been completed and dedicated to Council.
   c. Stage 3 not being consequential of Stage 1 and Stage 2, and only occurring once temporary stormwater treatment facilities are no longer required for the site.

B. PRIOR TO ISSUE OF A SUBDIVISION WORKS CERTIFICATE

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

Submission of Information

9. Prior to the issue of a Subdivision Works Certificate, a revised Subdivision Plan is to be submitted and endorsed to the satisfaction of Liverpool City Council's Team Leader Development Assessment to remove residue lot 24 from the plans.

Site Development Work

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

Fee Payments

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/Subdivision Works 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.
    (c) Long Service Levy – based on 0.25% of the cost of building work where the costing of the SWC is $250,000 or more.

    These fees are reviewed annually and will be calculated accordingly.

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 PCA. A separate form must be submitted in conjunction with payment of the fees. The fees include the standard road opening permit fee and any restoration fees that may be required as a result of the works.

Notification

13. The Principal 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.

S138 Roads Act – Minor Works in the public road

14. Prior to the issue of a Subdivision Works 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 Transport for NSW for classified roads.

No Loading on Easements

15. Prior to the issue of a Subdivision Works 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.

Retaining Walls on Boundary

16. 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 subdivision works certificate must be obtained prior to commencement of works on the retaining wall.

S138 Roads Act – Roadworks requiring approval of civil drawings

17. Prior to the issue of a subdivision works certificate the Certifying Authority shall ensure that a S138 Roads Act application, including the payment of application and inspection fees, has been lodged with Liverpool City Council (being the Roads Authority under the Roads Act), for provision of road works in Thirteenth Avenue.

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

    Note: 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 Subdivision Works Certificate.

Subdivision Work Certificate

18. Prior to the issue of a Subdivision Work Certificate the Certifying Authority shall ensure that engineering plans are consistent with the stamped approved concept plan/s prepared by Diversi, reference number 21057, revision C, dated 06/04/2023 and that all subdivision works have been designed in accordance with conditions of this consent, Liverpool City Council's Design Guidelines and Construction Specification for Civil Works, any Roads Act approval issued, Austroad Guidelines and best engineering practice.

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

a) Public and private roads
b) Stormwater drainage including water quantity and quality treatment measures
c) Interallotment drainage
d) Private access driveways
e) Sediment and erosion control measures
f) Overland flowpaths
g) Flood control measures
h) Traffic facilities including roundabouts, intersection treatments, car parks, bus stops, cycleways, pathways etc.
i) Earthworks
j) Bridges, culverts, retaining walls and other structures
k) Landscaping and embellishment works
l) All works required for conversion of the proposed sediment basin to a bio retention function
m) All works required for the decommissioning temporary OSD systems including pipe removal, basin filling and works to existing pit structures if required
n) All works required for the decommissioning temporary OSD systems including pipe removal, basin filling and works to existing pit structures if required.

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

Waste Management Plan

19. Prior to the issue of a subdivision works certificate, a Waste Management Plan for the development must be provided to the Principal Certifying Authority for approval. Once approved, the Waste Management Plan 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.

Detail Design Drawings

20. Detailed design drawings of the subdivision roads, prepared in accordance with the revised DCP (2021) including the following to both Council's Development Engineering Section and Transport Management Section for approval. It is to include intersection treatments, pram ramps, entry threshold and other traffic calming devices as appropriate, including at road bends and temporary turning heads. The design needs to ensure the proposed temporary turning head can accommodate largest waste collection trucks.

Road design criteria table

21. Prior to the issue of a Subdivision Works Certificate the Certifying Authority shall ensure that the proposed roads have been designed in accordance with Liverpool City Council's Design Guidelines and Construction Specification for Civil Works and the following criteria:

Road No.	Road Reserve Width	Carriageway Width	Verge	Footpath	ESA

Thirteenth Avenue	20m	5.5m (1/2 road)	4.5m	2.5m	2×10^6
Road 1, Road 2,	16m	9.9m	3.05m	1.5m	3×10^5
Temporary Road	10m	6.5m	0.5m/3.0m	-	3×10^5

Road Safety Audit

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

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

Access, Car Parking and Manoeuvring – General

23. Prior to the issue of a Subdivision Works Certificate the Certifying Authority shall ensure and certify that vehicle access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development have been designed and are in accordance with AS2890.1, AS290.2, AS2890.6 and Council's Development Control Plan.

On-site Detention

24. On-Site Detention shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Diversi, reference number 21057, revision C, dated 06/04/2023.

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

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

    Prior to the issue of a Subdivision Works 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.

Floodplain Requirements

25. Prior to the issue of a Subdivision Works Certificate, detailed design plans, drawings and reports are required and shall be submitted for Council's review and approval demonstrating the following:

    a) The proposed development and post-development stormwater management shall be carried out as indicated in the flood impact assessment report by GRC Hydro Pty Ltd (Ref: Project No: 230029, Flood Assessment: 75 Thirteenth Avenue Austral, Version: 1, dated: 25 May 2023), and stormwater management report by Diversi Consulting Pty

Ltd (Ref: 21057-RPT01-A1-SWMP, Stormwater Management Strategy: Residential Subdivision - 75 Thirteenth Avenue Austral, dated: 26 November 2021).

b) Existing overland flows running through the site shall be captured and managed into the stormwater system of the proposed development.

c) The stormwater system of the proposed subdivision shall have adequate capacity to convey upstream post-development flows.

d) The stormwater trunk line (1500x900 box culvert) proposed along Road 2 shall be consistent with the final detailed concept design of Drainage System B20 prepared by SMEC Pty Ltd (Project No. 30011388, dated 23/11/2018). The design of the stormwater trunk line shall be consistent with the adjoining developments.

e) Finished land surface levels of the proposed subdivision lots shall be no lower than the 1% AEP flood levels obtained from the overland flood modelling by GRC Hydro Pty Ltd (Ref: Project No: 230029, Flood Assessment: 75 Thirteenth Avenue Austral, Version: 1, dated: 25 May 2023).

f) Finished floor level of future residential dwelling shall be no lower than the 1% AEP flood plus 300mm freeboard. The flood levels shall be obtained from the overland flood modelling by GRC Hydro Pty Ltd (Ref: Project No: 230029, Flood Assessment: 75 Thirteenth Avenue Austral, Version: 1, dated: 25 May 2023).

g) During the 1% AEP storm event, the depth of flooding and velocity*depth on the road shall not exceed 0.2m and 0.4 m^2/s respectively.

h) Stormwater flows generated from the proposed development site shall be attenuated through the interim on-site detention (OSD) basin as indicated in the stormwater management plans by Diversi Consulting Pty Ltd (Ref: Project No. 21057, Drawing Nos. DA09, DA17 & DA18, Revision: C, dated: 06/04/2023). The basin shall provide adequate flow attenuation to ensure that the peak post-development discharges from the development site do not exceed peak pre-development discharges for the 20%, 5% and 1% AEP storm events. The design shall demonstrate that the site discharge will drain by gravity to the point of discharge. The onsite detention (OSD) basin shall be maintained at the site until Basin 20 is constructed and the stormwater network is established. The OSD basin cannot be removed without Council's written consent.

i) Interim on-site water quality treatment facilities shall be provided to ensure that stormwater runoffs leaving the site comply with Council's water quality standards (Ref: 21057-RPT01-A1-SWMP, Stormwater Management Strategy: Residential Subdivision – 75 Thirteenth Avenue Austral, dated: 26 November 2021; and Drawing Nos. DA09, DA17 & DA18, Revision: C, dated: 06/04/2023, Diversi Consulting Pty Ltd). Interim water quality treatment facilities shall be maintained at the site until Basin 20 and streetscape raingardens are constructed as per Council's masterplan.

j) Interim streetscape silt trap devices shall be provided at the proposed raingarden locations (marked as "Proposed Raingarden Locations" in Schedule 1 - Austral & Leppington North Precinct DCP, 18 June 2021). The design of silt trap shall be in accordance with interim silt trap device construction details provided in Liverpool Growth Centre Precincts DCP, 18 June 2021 and/or detailed design of streetscape raingarden presented in Development of Streetscape Raingarden Masterplan for Austral and Leppington North.

Water Quality

26. Prior to the issue of a Subdivision Works 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 Subdivision Works 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 Subdivision Works Certificate issue.

No Loading on Easements

27. 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.

Temporary Access Roads

28. The proposed temporary access road through lots 7 and 8 shall be constructed with of permanent quality road construction standard as per Council's Subdivision and Construction specifications. The temporary access road carriageway over lots 7 and 8 shall be bounded on both sides by standard kerb and gutter extending with standard geometric returns into the proposed permanent road reserves.

Inter-allotment Drainage

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

Dilapidation Report

30. Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in Thirteenth Avenue is to be submitted to Liverpool City Council. The report is to include, but not limited to, the road pavement, kerb and gutter, footpath, services and street trees and is to extend 20m either side of the development.

Dilapidation Report Private Property (Excavations)

31. 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.

Land Development Engineer Matters

32. Road drainage system shall be designed to accommodate the flows from catchment upstream to the site. Details shall be provided on the plans accompanying with a Subdivision Works Certificate.

Street Lighting

33. 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 the issue of a Subdivision Works Certificate. 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.

Provision of Services – Sydney Water

34. Prior to the issue of a Subdivision Works Certificate, an application to obtain a Section 73 Compliance Certificate under the *Sydney Water Act 1994*, is to 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, prior to the issue of a Subdivision Works Certificate.

Provision of Services – Endeavour Energy

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, prior to the issue of a Subdivision Works Certificate.

Provision of Services – Telecommunications

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

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

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

Construction Environmental Management Plan (CEMP)

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

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

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

C. PRIOR TO WORKS COMMENCING

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

Commencement of work

38. Building work shall not commence prior to the issue of a Subdivision Works 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.

Subdivision Works Certificate

39. Detailed engineering plans and specifications relating to the work shall be endorsed with a SWC, in accordance with Section 4.19, 6.6, 6.7, 6.12, 6.13, 6.14 of the EP&A Act, and a copy submitted to Council, with payment of any relevant fees.

40. Any SWC 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.

41. Where this consent requires both engineering and building works to be undertaken, a separate Subdivision Works Certificate shall be issued for each category of works i.e., a separate Civil Engineering SWC and a separate Building SWC.

Demolition Works

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

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

Notification/Principal Certifying Authority

43. The applicant shall advise Council of the name, address and contact number of the Accredited Certifier, in accordance with Section 6.12 of the EP&A Act.

44. The PCA must advise Council of the intended date to commence work which is the subject of the consent, by completing a notice of commencement of building works or subdivision works form, available from Council's Customer Service Centre. A minimum period of two (2) working days notice must be given.

45. 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.

46. 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.

Environmental Management

47. 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.

Erosion and sediment controls in place

48. Prior to commencement of works sediment and erosion control measures shall be installed in accordance with the approved Subdivision Works 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.

Site Notice Board

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

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

"DIAL BEFORE YOU DIG"

50. 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.

Site Facilities

51. 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.

Facilities

52. 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*.

Work Zone

53. Where a work zone is required, an application must be submitted to and approved by Council's Transport Management Section. The application is to indicate the exact location required and the applicable fee is to be included. If parking restrictions are in place, an application to have the restrictions temporarily altered will need to be submitted to and approved by Council's Liverpool Local Traffic Committee.
    A Works Zone Application Form is available on Council website and can be lodged online by attaching all required documents indicated on the application form.

Road Occupancy Permit

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

    - Road Occupancy Application Form
    - Road Opening Application Form

Road Works

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

Street Lighting

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

Traffic Control Plan

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

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

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

Matters to be addressed prior to commencement of Subdivision Works

58. Work on the subdivision shall not commence until:

    (a) A Subdivision Works Certificate (if required) has been issued,
    (b) a Principal Certifying Authority has been appointed for the project, and
    (c) any other matters prescribed in the development consent for the subdivision and the Environmental Planning and Assessment Act and Regulation have been complied with.

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

Waste Classification and Disposal of Contaminated Soil and Material

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

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

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

D. DURING CONSTRUCTION

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

Inspections

60. The building works must be inspected by the Principal Certifying Authority, in accordance with section 6.5 of the EP&A Act 1979 and *Clause 61 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, to monitor compliance with the relevant standards of construction, Council's development consent and the Subdivision Works Certificate.

61. 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).

Demolition Inspections

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

    (a) Immediately prior to the commencement of the demolition or handling of any building or structure that contains asbestos. The applicant shall also notify the occupants of the adjoining premises and SafeWork NSW prior to the commencement of any works.

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

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

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

Implementation of the site management plans

63. While site work is being carried out:

    (a) the measures required by the construction site management plan and the erosion and sediment control plan (plans) must be implemented at all times, and
    (b) a copy of these plans must be kept on site at all times and made available to council officers upon request.

Construction Requirements

64. 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.

Construction Noise and Vibration

65. 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).

66. The approved site-specific Construction Noise, Vibration Assessment and Management Plan shall be implemented, adhered to and maintained at all times during the construction period.

Hours of Construction Work and Deliveries

67. 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.

Security Fence

68. A temporary security fence to SafeWork NSW 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.

Drainage Connection

69. 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.

Unidentified Contamination

70. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination and remediation must be immediately notified to Council and the Principal Certifying Authority in writing.

A Section 4.55 Application under the EP&A Act shall be made for any proposed works outside the scope of the approved development consent.

Contamination

71. The development, including all civil works and demolition, must comply with the requirements of the *Contaminated Land Management Act 1997*, *State Environmental Planning Policy (Resilience and Hazards) 2021*, Chapter 4, and Managing Land Contamination – Planning Guidelines (Planning NSW/EPA 1998).

Site Remediation Works

72. The site must be remediated in accordance with:

a) Remediation Action Plan (J166312) prepared by Nicole Boukarim and reviewed by Matthew Barberson, dated April 2020;
b) *State Environmental planning Policy (Resilience and Hazards) 2021*;
c) National Environment Protection (Assessment of Site Contamination) Measure (ASC NEPM, 1999 as amended 2013); and
d) The guidelines in force under the *Contaminated Land Management Act 1997*.

The applicant must engage an appropriately qualified and experienced environmental consultant to supervise all aspects of site remediation and validation works in accordance with the approved Remedial Action Plan.

Council must be informed in writing of any proposed variation to the remediation works. Council must approve these variations in writing prior to commencement/ recommencement of works.

Imported Fill Material

73. 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

74. 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.

Major Filling/ Earthworks

75. 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.

Removal of Dangerous and/or Hazardous Waste

76. 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.

Air Quality

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.

    During construction where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, the consent holder is to ensure dust is 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 Certifier may direct that work is not to proceed.

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

Water Quality

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

Pollution Control – Site Operations

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

Pollution Control – Truck Movements

80. 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.

Traffic Management

81. All works within the road reserve are to be at the applicant cost and all signage is to be in accordance with the RMS Traffic Control at Worksites Manual and the RMS Interim Guide to Signs and Markings.

82. 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.

83. Notice must be given to Council's Traffic and Transport Section of any interruption to pedestrian or vehicular traffic within the road reserve, caused by the construction of this development. A Traffic Control Plan, prepared by an accredited practitioner must be submitted for approval, 48 hours prior to implementation. This includes temporary closures for delivery of material, concrete pours etc.

84. 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.

85. The endorsed Construction Traffic Management Plan is to be implemented during the entire construction phase.

Footpaths

86. Construction of 1.5m wide by 100mm thick (with one layer of SL72 reinforcing mesh) concrete path paving on both sides of all residential streets, unless where varied by other conditions in this consent.

Vegetation – Existing Vegetation

87. All existing trees and areas of native vegetation not identified for removal on approved plans of the proposed development shall be protected from damage during site works. This protection shall consist of 1800mm high protective fencing, securely installed beneath the outer canopy of any tree to be retained. Trees may be fenced off in clusters where it is not practical to fence off individual trees. There shall be no storing materials, washing machinery or changes to existing soil levels within the fenced areas.

Vegetation – Weeds

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

89. 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.

90. Any imported soil and/or mulch shall be free of contaminants, seed and propagules of weeds and undesirable species. Mulch shall not be used on flood liable land.

Street Trees

91. The street trees to be used can be any or all of the following in the locations as shown on the approved landscaped plan endorsed by Council prior to the issues of a Subdivision Works Certificate:

    (a) Eleocarpus reticulatus (Blue Berry Ash)
    (b) Fraxinus griffithii (Evergreen Ash)
    (c) Tristianopsis Laurina (Luscious Water Gum)
    (d) Lophostemon Confertus (Brush Box)

Each tree is to have a minimum pot size of 100lt or if the approved landscape plan specifies larger, the larger pot size is to be adopted. The tree will need to be formatively pruned so that the tree has a straight trunk clear of any branches to minimum height of 1m above soil level.

General Site Works

92. The applicant shall install erosion and sediment control measures in accordance with the approved Soil Erosion and Sediment Control plan at the commencement of works on the site. Erosion control management procedures in accordance with the manual "Managing Urban Stormwater: Soils and Construction" (also known as "The Blue Book) by the NSW Department – Office of Environment and Heritage, must be practices at all times throughout the construction.

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

94. All disturbed areas shall be progressively stabilised and/or revegetated so that no areas remain exposed to potential erosion damage for a period of greater than 14 days.

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

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

97. 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.

98. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.

Craning and Hoardings

99. If the work is likely to cause pedestrian or vehicular traffic in a public area to be obstructed or rendered inconvenient; or if craning of materials is to occur across a public 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.

Waste Management Plan

100. The approved Waste Management Plan 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.

Public Domain Works – Street Lighting

101. To mitigate potential risks to human health and facilitate compliance with legislative requirements.

Soil testing – subdivisions

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

Aboriginal Cultural Heritage – Unexpected Finds

103. 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.

Aboriginal Cultural Heritage – Staff and Contractors

104. All relevant on-site staff and contractors should be made aware of their statutory obligations for heritage under NSW *National parks and Wildlife Act 1974* and the NSW *Heritage Act 1977*. They are to be informed of what the potential heritage on the site will be and the significant of the heritage. The site supervisor is to maintain a record of who has completed the heritage induction and this is to be provided to Council prior to Issue of Subdivision Certificate.

Skeletal Remains

105. In the event that skeletal remains are uncovered, work must cease immediately in that area and the area secured. NSW Police must be contacted and no further action taken until written advice has been provided by the NSW Police. If the remains are determined to be of Aboriginal origin, the Office of Environment and Heritage must be notified by ringing the Enviroline 131 555 and a management plan prior to works re-commencing must be developed in consultation with relevant Aboriginal stakeholders.

106. Copies of all relevant Aboriginal Archaeological assessments and reports (including summary excavation and analysis reports) are to be provided to Liverpool City Council, Liverpool City Library and the relevant Local Aboriginal Land Councils.

E. PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

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

Special Infrastructure Contribution

107. A special infrastructure contribution is to be made in accordance with the *Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Growth Areas) Determination 2011*, as in force when this consent becomes operative. Information about this special infrastructure contribution can be found on the Department of Planning and Environment regarding arrangements for the making of a payment.

SECTION 7.11 PAYMENT - Liverpool Contributions Plan 2021 Austral & Leppington North

108. As a consequence of this development, Council has identified an increased demand for public amenities and public services. The following payment is imposed in accordance with above Liverpool Contributions Plan 2021 Austral & Leppington North as amended.

The total contribution is **$1,440,572.00** and will be adjusted at the time of payment in accordance with the contributions plan.
Stage 1 = $1,216,721.00
Stage 2 = $142,977.00
Stage 3 = $80,874.00

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.

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

109. Prior to the issue of a Subdivision 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.

Completion of Subdivision Works

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

Stormwater Compliance

111. Prior to the issue of an Subdivision Certificate the Principal Certifying Authority shall ensure that the:

a) On-site detention system/s
b) Stormwater pre-treatment system/s
c) Overland flow path works

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

Zero Lot Easements

112. For any "zero lot" development, the applicant shall create an easement for maintenance and access 900mm wide for single storey development and 1200mm wide for two-storey development, and in accordance with the requirement of Liverpool City Council Growth Centre DCP. The benefitted and burdened lots area identified on the approved plans.

Restriction as to User and Positive Covenant

113. Prior to the issue of a Subdivision Certificate a restriction as to user and positive covenant relating to the on-site detention system/s, stormwater pre-treatment system/s and overland flow path works shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Liverpool City Council's standard wording as detailed in Liverpool City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

Rectification of Damage

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

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

Linemarking & Signage

115. Prior to the issue of select (an Occupation Certificate / a Subdivision 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.

Street Naming

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

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

Notes: Allow eight (8) weeks for notification, advertising and approval.

Outstanding Works Bond for Temporary OSD/Stormwater Pre-Treatment Systems

117. Prior to the issue of the Subdivision Certificate an Outstanding Works Bond for the decommissioning of the temporary OSD/Water Quality systems including pipe removal, basin filling and works to existing pit structures shall be lodged with Liverpool City Council.

The Outstanding Works bond will be refunded once the OSD/stormwater pre-treatment treatment system works have been decommissioned to Council's satisfaction and a

separate Maintenance Bond has been lodged with Liverpool City Council.

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

Outstanding Works Bond for Temporary Access Roads

118. A management plan shall be prepared for the eventual decommissioning of the temporary access road works. The plan is to include the relocation of any temporary services and shall be signed off by the relevant service authorities, which has elected to utilise the temporary access road corridor over lots 7 and 8. A schedule of works with quantities and estimates of construction and restoration, including any temporary services shall be provided.

The Outstanding Works bond will be refunded once an alternate public road access has been provided and the temporary access road works have been decommissioned to Council's satisfaction and a separate Maintenance Bond has been lodged with Liverpool City Council.

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

Subdivision Compliance

119. Prior to the issue of a Subdivision Certificate the following compliance documentation shall be submitted to the Principal Certifying Authority. A copy of the following documentation shall be provided to Council where Council is not the Principal Certifying Authority:

a) Work as Executed (WAE) drawings of all civil works. The WAE drawings shall be marked in red on copies of the stamped Construction Certificate drawings signed, certified and dated by a registered surveyor or the design engineer. The Work as Executed drawings shall be prepared in accordance with Council's Design Guidelines. Electronic copies of the WAE shall be provided in PDF format and a DXF format to Council along with two hard copies of the WAE plans,
b) The WAE drawings shall clearly indicate the 1% Annual Excedence Probability flood lines (local and mainstream flooding),
c) The WAE drawings shall be accompanied by plans indicating the depth of fill for the entire development site. The plans must show, by various shadings or cross hatchings, the depth of any fill within 0.3m depth ranges,
d) CCTV footage in DVD format to Council's requirements and a report in "SEWRAT" format for all drainage within future public roads and public land. Inspections are to be carried out in accordance with the Conduit Inspection Reporting Code of Australia WSA 05-2006. Any damage that is identified is to be rectified in consultation with Liverpool City Council,
e) Surveyor's Certificate certifying that all pipes and services are located wholly within the property or within appropriate easements and that no services encroach boundaries,
f) Documentation for all road pavement materials used demonstrating compliance with Council Design Guidelines and Construction Specification,
g) Structural Engineer's construction certification of all structures, and
h) A Geotechnical Report certifying that all earthworks and road formation have been completed in accordance with AS3798 and Council's Design Guidelines and Construction specifications. The report shall include:

i. Compaction reports for road pavement construction,
ii. Compaction reports for bulk earthworks and lot regrading,
iii. Soil classification for all residential lots, and
iv. Statement of Compliance.

Linen Plans and 88b Instruments

120. In order to enable a Subdivision Certificate to be issued for submission to the LPI Service, the applicant is required to lodge a separate application along with one (1) original and ten (10) copies of the proposed plan of subdivision and one (1) original and two (2) copies of the proposed 88b instrument (where proposed).

121. The applicant shall pay the standard fee for purpose of subdivision certificate administration of plan checking and release.

122. The final plan of subdivision must be supported by an 88B Instrument, approved by Council. The 88B instrument shall properly reflect the requirements of the conditions of development consent, the plans forming part of the consent, and Council's standards, codes and policy's. Part 2 of the 88B instrument shall contain a provision that any easements, right of ways or covenants shall not be extinguished or altered without the written consent of Council.

123. Where common drainage lines or other drainage lines are required, a drainage easement shall be created in accordance with Council's minimum widths as scheduled in Council's Design Specification for Subdivisions (as amended).

124. Correct notation concerning easements is required. The prepared 88B Instrument should be forwarded initially to Council. The land value of the easement and costs associated with checking the instrument are to be borne by the applicant. Part 2 of the 88B Instrument shall contain a provision that the easement may not be extinguished or altered without the written consent of Council.

125. A Restriction as to User over Proposed Lots 7, 8 and 13 is to be created under Section 88B of the *Conveyancing Act 1919* in the following terms:

    No further development of the lot burdened is to take place unless it is approved by a Development Consent. Such approval is likely to require, but not be restricted to, construction of road and drainage works, the provision of lot fill, and payment of Section 7.11 Contributions and Special Infrastructure Contributions.

    The Restriction as to User may not be extinguished or altered except with the consent of Liverpool City Council.

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

126. The Temporary Access Road over lots 7 and 8 shall have a restrictive covenant preventing sale of the land without Council's permission. Council shall not reasonably withhold permission for removal of the covenant over lots 7 and 8 when proper legal access is completed over neighbouring lands and the temporary access road works and services demolished or relocated to Council's satisfaction.

127. The final plan of subdivision must be supported by an 88B Instrument. This instrument must burden the corner lots, with a striction as to user that driveway crossings must not be located closer than 6m to the kerb and gutter tangent point.

Validation Report

128. Prior to issue of the Subdivision Certificate a detailed Validation report must be submitted to the Principal Certifying Authority. The Report must be prepared in accordance with:

a) *NSW Contaminated Land Planning Guidelines (1998)*;
b) Relevant EPA guidelines. In particular the Contaminated Land Guidelines – Consultants Reporting on Contaminated Land (NSW EPA 2020); and
c) *National Environmental Protection (Assessment of Site Contamination) Measure 1999* (as amended 2013).

The Validation Report must be prepared or reviewed and approved by a suitably qualified and experienced contaminated land consultant.

The report's cover or title page of the document shall include a personalised electronic seal for either the CEnvP(SC) or CPSS CSAM scheme.

The Validation report must verify that the land is suitable for the purposed use(s), and that the remediation and validation of the site has been undertaken in accordance with the approved Remedial Action Plan.

Note: 'Suitably qualified and experienced contaminated land consultant' means someone who is certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) Scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) Scheme.

Decommissioning of on-site sewage management system/s

129. Following the decommissioning of the on-site sewage management system, a certificate certifying that the system was decommissioned in accordance with NSW Health Advisory Note 3 – Destruction, Removal or Reuse of Septic Tanks, Collection Wells and Aerated Wastewater Treatment Systems (AWTS) and other Sewage Management Facilities (SMF), shall be submitted to Council. A template decommissioning certificate can be found on Councils website www.liverpool.nsw.gov.au

Waste Management

130. 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.

Service Providers

131. The following documentation is to be provided prior to the release of the subdivision certificate.
(a) Written evidence of suitable arrangements with Sydney Water (Section 73 Compliance Certificate) for the supply of water and sewerage services to the

development is to be submitted to the PCA prior to the issue of a Subdivision Certificate.
Council will not issue a Subdivision Certificate unless the method of sewerage disposal is by gravity reticulation mains to either Sydney Water branch and trunk sewers or Sydney Water point of treatment.

(b) Notification of arrangement for the development from Endeavour Energy shall be submitted to Council.

(c) Written certification from the relevant service providers that the telecommunications infrastructure is installed in accordance with:

i. The requirements of the *Telecommunications Act 1997*;
ii. For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
iii. For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

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

Bonds

132. A maintenance bond in the form of a bank guarantee or cash bond ($TBA), shall be lodged with Council prior to the issue of a subdivision certificate. The bond shall cover maintenance and any damage to roads, drainage lines, public reserves or other council property or works required as a result of work not in accordance with Council's standards, and /or development consent conditions. The bond will be held by Council for a minimum period of 6 months from the date of Council's acceptance of final works.

F. ADVISORY

a) Section 4.53 of the EP&A Act provides that unless otherwise stated by a condition of this consent, this consent will lapse if development is not physically commenced within five years of the date of this notice.

b) Section 8.2 of the EP&A Act provides that an applicant may request, within six (6) months of the date of the determination of the Development Application, that Council review its determination (this does not relate to designated development or Crown development).

An application under Section 8.2 of the EP&A Act cannot be reviewed/determined after 6 months of the date of determination. Therefore, the submission of a Section 8.2 Application must allow sufficient time for Council to complete its review within the prescribed timeframe, including the statutory requirement for public notification.

c) Section 8.7 of the EP&A Act provides that an applicant who is dissatisfied with the determination of a Development Application, may appeal to the Land and Environment Court within six (6) months of the date of determination, or as otherwise prescribed by the EP&A Act.

d) Section 8.8 of the EP&A Act provides that an objector who is dissatisfied with the determination of the consent authority to grant consent to a Development Application for Designated Development (including any State significant development that would be designed development but for Section 4.10(2) of the EP&A Act), may, within 28 days after the date on which the application is taken to have been determined, appeal to the Land and Environment Court, against the determination.

e) The Commonwealth Disability Discrimination Act 1992 may apply to this proposal. Approval of this application does not imply or infer compliance with this Act. Applicants and owners are required to satisfy themselves as to compliance and make their own enquiries to the Human Rights and Equal Opportunity Commission. Attention is also drawn to the provisions of Australian Standard 1428 – Design for Access and Mobility.

f) The requirements of all authorities including the Environmental Protection Authority and the Work Cover Authority shall be met in regard to the operation of the building.

g) "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.

h) 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.

i) 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 has been made by Council. 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.

j) 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.

k) 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 letter box positioning and dimensions.

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

If you have any further enquiries, please contact Eunice Pedrosa on the abovementioned contact details.

William Attard
Manager
DEVELOPMENT ASSESSMENT

Attachment 2 – Section 7.11 Payment Forms

CONTRIBUTIONS PURSUANT TO SECTION 7.11 OF THE *ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979*
Liverpool Contribution Plan 2021 Austral and Leppington North

When remitting payment as specified in the Conditions of Consent to the approval, this Form must be submitted with your payment. **These figures have been calculated to the most recent CPI quarter and will be adjusted at the time of payment in accordance with the conditions of consent.**

APPLICATION NO: **DA-48/2022 (Stage 1)**

APPLICANT: **The Burton & Field Unit Trust**

PROPERTY: **Lot 6332 Thirteenth Avenue, Austral**

Lot 6332 DP 1263964

PROPOSAL: **Demolition of existing structures, remediation works, subdivision of one (1) existing lot into twenty (20) residential lots and one (1) residue lot, road construction and associated civil works and landscaping over three stages.**

The development is identified as an integrated development pursuant to Section 4.46 of the *Environmental Planning and Assessment Act 1979* requiring approval from the NSW Rural Fire Services under the *Rural Fires Act 1997.*

Stage 1: Demolition of existing structures, subdivision of the existing allotment to create 17 residential lots and 4 residue lots (Lot 7 – 8 (temporary road), Lot 13 (temporary OSD) and lot 14 (developed with adjoining site)), with associated earthworks, construction of roads, civil works and landscaping.

Facilities	Amount ($)	Job No.
Liverpool Contributions Plan 2021 ALN		
Local Community Facilities - Land	$13,353	GL.3011210001870.10227
Local Recreation - Land	$570,342	GL.3011210001869.10228
Local Recreation - Works	$145,513	GL.3011210001869.10229
Local Transport Facilities - Land Residential	$44,470	GL.3011210001865.10230
Local Transport Facilities - Works Residential	$92,064	GL.3011210001865.10231
Local Transport Facilities - Land Non Residential	$0	GL.3011210001865.10230
Local Transport Facilities - Works Non Residential	$0	GL.3011210001865.10231
Local Drainage Facilities - Land	$153,344	GL.3011210001866.10232
Local Drainage Facilities - Works	$192,595	GL.3011210001866.10233
Administration	$5,039	GL.3011210001872.10234
TOTAL	**$1,216,721**	

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

RECORD OF PAYMENT

Total Amount paid: _____Date:_____

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

CONTRIBUTIONS PURSUANT TO SECTION 7.11 OF THE *ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979*
Liverpool Contribution Plan 2021 Austral and Leppington North

When remitting payment as specified in the Conditions of Consent to the approval, this Form must be submitted with your payment. **These figures have been calculated to the most recent CPI quarter and will be adjusted at the time of payment in accordance with the conditions of consent.**

APPLICATION NO: **DA-48/2022 (Stage 2)**

APPLICANT: **The Burton & Field Unit Trust**

PROPERTY: **Lot 6332 Thirteenth Avenue, Austral**

Lot 6332 DP 1263964

PROPOSAL: **Demolition of existing structures, remediation works, subdivision of one (1) existing lot into twenty (20) residential lots and one (1) residue lot, road construction and associated civil works and landscaping over three stages.**

The development is identified as an integrated development pursuant to Section 4.46 of the *Environmental Planning and Assessment Act 1979* requiring approval from the NSW Rural Fire Services under the *Rural Fires Act 1997.*

***Stage 2:* Decommissioning of the temporary road over lots 7 and 8, rehabilitation of these lots for residential purposes once vehicular road access in accordance with the Indicative Road Layout has been provided from Thirteenth Avenue.**

Facilities	Amount ($)	Job No.
Liverpool Contributions Plan 2021 ALN		
Local Community Facilities - Land	$1,669	GL.3011210001870.10227
Local Recreation - Land	$71,293	GL.3011210001869.10228
Local Recreation - Works	$18,189	GL.3011210001869.10229
Local Transport Facilities - Land Residential	$5,559	GL.3011210001865.10230
Local Transport Facilities - Works Residential	$11,508	GL.3011210001865.10231
Local Transport Facilities - Land Non Residential	$0	GL.3011210001865.10230
Local Transport Facilities - Works Non Residential	$0	GL.3011210001865.10231
Local Drainage Facilities - Land	$15,187	GL.3011210001866.10232
Local Drainage Facilities - Works	$19,074	GL.3011210001866.10233
Administration	$499	GL.3011210001872.10234
TOTAL	**$142,977**	

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

RECORD OF PAYMENT

Total Amount paid: _____Date:_____

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

CONTRIBUTIONS PURSUANT TO SECTION 7.11 OF THE *ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979*
Liverpool Contribution Plan 2021 Austral and Leppington North

When remitting payment as specified in the Conditions of Consent to the approval, this Form must be submitted with your payment. **These figures have been calculated to the most recent CPI quarter and will be adjusted at the time of payment in accordance with the conditions of consent.**

APPLICATION NO: DA-48/2022 (Stage 3)

APPLICANT: **The Burton & Field Unit Trust**

PROPERTY: **Lot 6332 Thirteenth Avenue, Austral**

Lot 6332 DP 1263964

PROPOSAL: **Demolition of existing structures, remediation works, subdivision of one (1) existing lot into twenty (20) residential lots and one (1) residue lot, road construction and associated civil works and landscaping over three stages.**

The development is identified as an integrated development pursuant to Section 4.46 of the *Environmental Planning and Assessment Act 1979* requiring approval from the NSW Rural Fire Services under the *Rural Fires Act 1997.*

***Stage 3:* Decommissioning of the site detention basin on Lot 13 and rehabilitation for residential purposes.**

Facilities	Amount ($)	Job No.
Liverpool Contributions Plan 2021 ALN		
Local Community Facilities - Land	$835	GL.3011210001870.10227
Local Recreation - Land	$35,646	GL.3011210001869.10228
Local Recreation - Works	$9,095	GL.3011210001869.10229
Local Transport Facilities - Land Residential	$2,779	GL.3011210001865.10230
Local Transport Facilities - Works Residential	$5,754	GL.3011210001865.10231
Local Transport Facilities - Land Non Residential	$0	GL.3011210001865.10230
Local Transport Facilities - Works Non Residential	$0	GL.3011210001865.10231
Local Drainage Facilities - Land	$11,694	GL.3011210001866.10232
Local Drainage Facilities - Works	$14,687	GL.3011210001866.10233
Administration	$384	GL.3011210001872.10234
TOTAL	**$80,874**	

---------- OFFICE USE ONLY ----------
RECORD OF PAYMENT
Total Amount paid: _____Date:_____
Receipt No.:_____ Cashier:_____

ATTACHMENT 3 – NSW RURAL FIRE SERVICES – GENERAL TERMS OF APPROVAL

NSW GOVERNMENT

NSW RURAL FIRE SERVICE

Liverpool City Council
Locked Bag 7064
LIVERPOOL BC NSW 1871

Your reference: CNR-37228 DA-48/2022
Our reference: DA20220325006486-Original-1

ATTENTION: Akshay Bishnoi

Date: Monday 9 May 2022

Dear Sir/Madam,

Integrated Development Application
s100B – Subdivision – Torrens Title Subdivision
65 Thirteenth Avenue Austral NSW 2179, 632//DP2475

I refer to your correspondence dated 31/03/2022 seeking general terms of approval for the above Integrated Development Application.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted. General Terms of Approval, under Division 4.8 of the *Environmental Planning and Assessment Act 1979*, and a Bush Fire Safety Authority, under section 100B of the *Rural Fires Act 1997*, are now issued subject to the following conditions:

Asset Protection Zones
Intent of measures: to provide sufficient space and maintain reduced fuel loads to ensure radiant heat levels at the buildings are below critical limits and prevent direct flame contact.

1. At the issue of a subdivision certificate and in perpetuity, the entire site must be managed as an inner protection area (IPA) in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*.
When establishing and maintaining an inner protection area, the following requirements apply:
- tree canopy cover should be less than 15% at maturity,
- trees at maturity should not touch or overhang the building,
- lower limbs should be removed up to a height of 2m above the ground,
- tree canopies should be separated by 2 to 5m,
- preference should be given to smooth-barked and evergreen trees,
- large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings,
- shrubs should not be located under trees,
- shrubs should not form more than 10% ground cover,
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation,

Postal address
NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address
NSW Rural Fire Service
4 Murray Rose Ave
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555
F (02) 8741 5550
www.rfs.nsw.gov.au

- grass should be kept mown (as a guide, grass should be kept to no more than 100mm in height), and
- leaves and vegetation debris should be removed.

2. At the issue of a subdivision certificate, if the land immediately to the west, north west, north, north east and east of the subject lot has not been developed for residential purposes and the bush fire hazard removed, a suitably worded instrument(s) must be created pursuant to section 88 of the *Conveyancing Act 1919* along the western, northern and north eastern site boundary over the proposed residential lots 8, 13 - 15 and 21 - 23 which creates an Asset Protection Zone (APZ) for a distance of 12 meters as generally demonstrated in Figure 2 - Bushfire Hazard Assessment of the submitted bush fire report prepared by EcoLogical Australia (dated: 05/10/2021 referenced: 21SYD_18939) and prohibits the construction of buildings other than class 10b structures within the proposed APZ. The instrument may be lifted upon commencement of any future proposed development on the adjoining land, but only if the bush fire hazard is removed as part of the proposal. The name of authority empowered to release, vary or modify the instrument shall be Liverpool City Council.
The APZ must be managed as an inner protection area (IPA) in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*. When establishing and maintaining an IPA the following requirements apply:

- tree canopy cover should be less than 15% at maturity,
- trees at maturity should not touch or overhang the building,
- lower limbs should be removed up to a height of 2m above the ground,
- tree canopies should be separated by 2 to 5m,
- preference should be given to smooth-barked and evergreen trees,
- large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings,
- shrubs should not be located under trees,
- shrubs should not form more than 10% ground cover,
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation,
- grass should be kept mown (as a guide, grass should be kept to no more than 100mm in height), and
- leaves and vegetation debris should be removed.

3. At the issue of a subdivision certificate, if the land immediately to the south east of the subject lot has not been developed for residential purposes and the bush fire hazard removed, a suitably worded instrument(s) must be created pursuant to section 88 of the *Conveyancing Act 1919* along the south eastern site boundary over the proposed residential lots 7 and 8 and which creates an Asset Protection Zone (APZ) for a distance of 10 meters as generally demonstrated in Figure 2 - Bushfire Hazard Assessment of the submitted bush fire report prepared by EcoLogical Australia (dated: 05/10/2021 referenced: 21SYD_18939) and prohibits the construction of buildings other than class 10b structures within the proposed APZ. The instrument may be lifted upon commencement of any future proposed development on the adjoining land, but only if the bush fire hazard is removed as part of the proposal. The name of authority empowered to release, vary or modify the instrument shall be Liverpool City Council.
The APZ must be managed as an inner protection area (IPA) in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*. When establishing and maintaining an IPA the following requirements apply:

- tree canopy cover should be less than 15% at maturity,
- trees at maturity should not touch or overhang the building,
- lower limbs should be removed up to a height of 2m above the ground,
- tree canopies should be separated by 2 to 5m,
- preference should be given to smooth-barked and evergreen trees,
- large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings,
- shrubs should not be located under trees,
- shrubs should not form more than 10% ground cover,
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation,
- grass should be kept mown (as a guide, grass should be kept to no more than 100mm in height), and

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

- leaves and vegetation debris should be removed.

Access – Public Roads
Intent of measures: to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area.

4. Access roads for subdivision developments must comply with the following requirements of Table 5.3b of *Planning for Bush Fire Protection 2019*:

- property access roads are two-wheel drive, all-weather roads;
- traffic management devices are constructed to not prohibit access by emergency services vehicles;
- maximum grades for sealed roads do not exceed 15 degrees and an average grade of not more than 10 degrees or other gradient specified by road design standards, whichever is the lesser gradient;
- dead end roads are not recommended, but if unavoidable, are not more than 200 metres in length, incorporate a minimum 12 metres outer radius turning circle, and are clearly sign posted as a dead end;
- where kerb and guttering is provided on perimeter roads, roll top kerbing should be used to the hazard side of the road;
- one way only public access roads are no less than 3.5 metres wide and have designated parking bays with hydrants located outside of these areas to ensure accessibility to reticulated water for fire suppression;
- the capacity of perimeter and non-perimeter road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes); bridges/causeways are to clearly indicate load rating;
- hydrants are located outside of parking reserves and road carriageways to ensure accessibility to reticulated water for fire suppression;
- hydrants are provided in accordance with the relevant clauses of *AS 2419.1:2005 - Fire hydrant installations System design, installation and commissioning*; and
- there is suitable access for a Category 1 fire appliance to within 4m of the static water supply where no reticulated supply is available.

5. Non-perimeter roads must comply with the general requirements of Table 5.3b of *Planning for Bush Fire Protection 2019 and the following:*

- minimum 5.5m carriageway width kerb to kerb;
- parking is provided outside of the carriageway width;
- hydrants are located clear of parking areas;
- curves of roads have a minimum inner radius of 6m;
- the road cross fall does not exceed 3 degrees; and
- a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.

6. Temporary turning heads must be provided to temporary dead end roads incorporating either a minimum 12 metre radius turning circle or turning heads compliant with A3.3. Vehicle turning head requirements of *Planning for Bush Fire Protection 2019*. The turning areas may be removed upon opening of future proposed through roads.

Water and Utility Services
The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

7. The provision of water, electricity and gas must comply with the following in accordance with Table 5.3c of *Planning for Bush Fire Protection 2019*:

- reticulated water is to be provided to the development where available;

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- fire hydrant, spacing, design and sizing complies with the relevant clauses of Australian Standard AS 2419.1:2005;
- hydrants are not located within any road carriageway;
- reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter roads;
- fire hydrant flows and pressures comply with the relevant clauses of AS 2419.1:2005;
- all above-ground water service pipes are metal, including and up to any taps;
- where practicable, electrical transmission lines are underground;
- where overhead, electrical transmission lines are proposed as follows:
  - lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
  - no part of a tree is closer to a power line than the distance set out in accordance with the specifications in *ISSC3 Guideline for Managing Vegetation Near Power Lines.*
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
- reticulated or bottled gas is installed and maintained in accordance with *AS/NZS 1596:2014 - The storage and handling of LP Gas*, the requirements of relevant authorities, and metal piping is used;
- all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
- connections to and from gas cylinders are metal; polymer-sheathed flexible gas supply lines are not used; and
- above-ground gas service pipes are metal, including and up to any outlets.

Landscaping Assessment
Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

8. Landscaping within the required asset protection zone must comply with Appendix 4 of Planning for Bush Fire Protection 2019. In this regard, the following principles are to be incorporated:

- A minimum 1 metre wide area (or to the property boundary where the setbacks are less than 1 metre), suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;
- Planting is limited in the immediate vicinity of the building;
- Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
- Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do no touch or overhang buildings;
- Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
- Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
- Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
- Avoid climbing species to walls and pergolas;
- Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
- Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
- Low flammability vegetation species are used.

General Advice – Consent Authority to Note
This approval is for the subdivision of the land only. Future development applications lodged on lots created within this subdivision may be subject to further assessment under the *Environmental Planning & Assessment Act 1979.*

For any queries regarding this correspondence, please contact Surbhi Chhabra on 1300 NSW RFS.

Yours sincerely,

Kalpana Varghese

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Supervisor Development Assessment & Plan
Built & Natural Environment

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Web www.liverpool.nsw.gov.au **NRS** 13 36 77 **ABN** 84 181 182 471

NSW RURAL FIRE SERVICE

BUSH FIRE SAFETY AUTHORITY

Subdivision – Torrens Title Subdivision
65 Thirteenth Avenue Austral NSW 2179, 632//DP2475
RFS Reference: DA20220325006486-Original-1
Your Reference: CNR-37228 DA-48/2022

This Bush Fire Safety Authority is issued on behalf of the Commissioner of the NSW Rural Fire Service under s100b of the Rural Fires Act (1997) subject to the attached General Terms of Approval.

This authority confirms that, subject to the General Terms of Approval being met, the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under *s100b of the Rural Fires Act 1997*.

Kalpana Varghese
Supervisor Development Assessment & Plan
Built & Natural Environment

Monday 9 May 2022

ATTACHMENT 4 – ENDEAVOUR ENERGY REQUIREMENTS

Development Application and Planning Proposal Review
NSW Planning Portal Concurrence and Referral

Endeavour Energy

Authority	Authority's Reference	Agency Concurrence and Referral	Authority Contact	Authority Notification	Submission Due	Submission Made
Liverpool City Council	DA-48/2022	CNR-37228	Akshay Bishnoi	25/03/2022	15/04/2022	27/03/2022

Address	Land Title
75 THIRTEENTH AVENUE AUSTRAL 2179	LOT 6332 DP 1263964

Scope of Development Application or Planning Proposal
Demolition of existing structures, earthworks, construction of roads, drainage & on-site detention works and Staged 21 Lot Torrens Title Subdivision.

As shown in the below site plan from Endeavour Energy's G/Net master facility model:
There are: • No easements benefitting Endeavour Energy (active easements are indicated by red hatching). • Low voltage overhead power lines coming from the opposite side of the road going to a pole on the road verge from which there is a low voltage overhead service conductor going to the customer connection point for the existing dwelling.

51 Huntingwood Drive, Huntingwood, NSW 2148
PO Box 811, Seven Hills, NSW 1730
T: 133 718

endeavourenergy.com.au
ABN 11 247 365 823

Relevant / applicable clause numbers from Endeavour Energy's standard conditions for Development Application and Planning Proposal Review indicated by ☒ .

Cond-ition	Advice	Clause No.	Issue	Detail
☐	☐	1	Adjoining Sites	Adjoining or nearby development / use should be compatible with the use of Endeavour Energy's sites.
☐	☐	2	Asbestos	Area identified or suspected of having asbestos or asbestos containing materials (ACM) present in the electricity network.
☐	☒	3	Asset Planning	Applicants should not assume adequate supply is immediately available to facilitate their proposed development.
☐	☐	4	Asset Relocation	Application must be made for an asset relocation / removal to determine possible solutions to the developer's requirements.
☐	☒	5	Bushfire	Risk needs to be managed to maintain the safety of customers and the communities served by the network.
☐	☐	6	Construction Management	Integrity of electricity infrastructure must be maintained and not impacted by vehicle / plant operation, excessive loads, vibration, dust or moisture penetration.
☐	☒	7	Contamination	Remediation may be required of soils or surfaces impacted by various forms of electricity infrastructure.
☐	☒	8	Demolition	All electricity infrastructure shall be regarded as live and care must be taken to not interfere with any part of the electricity network.
☐	☒	9	Dial Before You Dig	Before commencing any underground activity the applicant must obtain advice from the Dial Before You Dig 1100 service.
☐	☐	10	Dispensation	If a proposal is not compliant with Endeavour Energy's engineering documents or standards, the applicant must request a dispensation.
☐	☐	11	Driveways	For public / road safety and to reduce the risk of vehicle impact, the distance of driveways from electricity infrastructure should be maximised.
☐	☒	12	Earthing	The construction of any building or structure connected to or in close proximity to the electrical network must be properly earthed.
☐	☒	13	Easement Management	Preference is for no activities to occur in easements and they must adhere to minimum safety requirements.
☐	☐	14	Easement Release	No easement is redundant or obsolete until it is released having regard to risks to its network, commercial and community interests.
☐	☐	15	Easement Subdivision	The incorporation of easements into to multiple / privately owned lots is generally not supported.
☐	☒	16	Emergency Contact	Endeavour Energy's emergency contact number 131 003 should be included in any relevant risk and safety management plan.
☐	☐	17	Excavation	The integrity of the nearby electricity infrastructure shall not be placed at risk by the carrying out of excavation work.
☐	☒	18	Flooding	Electricity infrastructure should not be subject to flood inundation or stormwater runoff.

Cond-ition	Advice	Clause No.	Issue	Detail
☐	☐	19	Hazardous Environment	Electricity infrastructure can be susceptible to hazard sources or in some situations be regarded as a hazardous source.
☐	☐	20	Modifications	Amendments can impact on electricity load and the contestable works required to facilitate the proposed development.
☐	☐	21	Network Access	Access to the electricity infrastructure may be required at any time particularly in the event of an emergency.
☐	☒	22	Network Asset Design	Design electricity infrastructure for safety and environmental compliance consistent with safe design lifecycle principles.
☒	☐	23	Network Connection	Applicants will need to submit an appropriate application based on the maximum demand for electricity for connection of load.
☐	☐	24	Protected Works	Electricity infrastructure without an easement is deemed to be lawful for all purposes under Section 53 'Protection of certain electricity works' of the *Electricity Supply Act 1995* (NSW).
☐	☒	25	Prudent Avoidance	Development should avert the possible risk to health from exposure to emissions form electricity infrastructure such as electric and magnetic fields (EMF) and noise.
☐	☒	26	Public Safety	Public safety training resources are available to help general public / workers understand the risk and how to work safely near electricity infrastructure.
☐	☒	27	Removal of Electricity	Permission is required to remove service / metering and must be performed by an Accredited Service Provider.
☐	☒	28	Safety Clearances	Any building or structure must comply with the minimum safe distances / clearances for the applicable voltage/s of the overhead power lines.
☐	☐	29	Security / Climb Points	Minimum buffers appropriate to the electricity infrastructure being protected need to be provided to avoid the creation of climb points.
☐	☐	30	Service Conductors	Low voltage service conductors and customer connection points must comply with the 'Service and Installation Rules of NSW'
☐	☐	31	Solar / Generation	Need to assess the performance of the generation system and its effects on the network and other connected customers.
☐	☐	32	Streetlighting	Streetlighting should be reviewed and if necessary upgraded to suit any increase in both vehicular and pedestrian traffic.
☐	☒	33	Sustainability	Reducing greenhouse gas emissions and helping customers save on their energy consumption and costs through new initiatives and projects to adopt sustainable energy technologies.
☐	☐	34	Swimming Pools	Whenever water and electricity are in close proximity, extra care and awareness is required.
☐	☐	35	Telecommunications	Address the risks associated with poor communications services to support the vital electricity supply network Infrastructure.
☐	☒	36	Vegetation Management	Landscaping that interferes with electricity infrastructure is a potential safety risk and result in the interruption of supply.

Cond-ition	Advice	Clause No.	Issue	Detail
			Other	

Endeavour Energy	
Completed by:	**Decision**
Cornelis Duba	Approve (with conditions)
Reason(s) for Conditions / Objection (If applicable)	

- The Essential Services Infrastructure Report includes the following addressing whether the available electricity services are adequate for the proposed development.

4.2 ENDEAVOUR ENERGY:

Endeavour Energy currently supplies overhead services to the existing property as a rural supply. This overhead system is expected to be supplied by the recently commissioned North Leppington Zone Substation.

The overhead line will need to be replaced by underground services.
The number of lots in the subdivision is expected to require a minimum of one substation within the development. The exact location will be determined at the design stage, and will be subject to status of adjoining developments.

There is activity in the vicinity regarding applications to Council for development. The exact requirements may change over time. Endeavour Energy will be contacted when the development is approved by Council to confirm the exact design requirements.

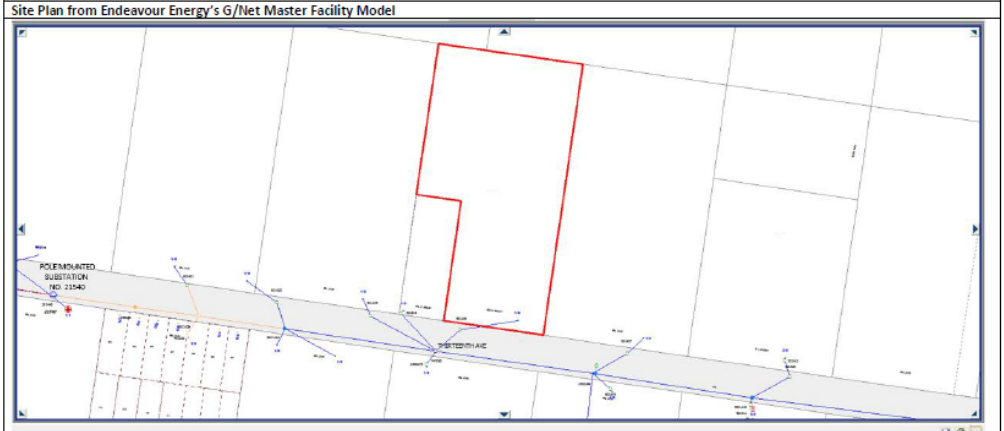
- The Plan of Proposed Subdivision does not appear to show any provision for a padmount substation.
- To ensure an adequate connection, the applicant will need to engage an Accredited Service Provider (ASP) of an appropriate level and class of accreditation to assess the electricity load and the proposed method of supply for the development.
- An extension and / or augmentation of the existing local network is likely to be required. As well as the availability / capacity of distribution substations in the area, other factors such as the size and rating / load on the conductors and voltage drop (which can affect the quality of supply particularly with long conductor runs) etc. need to be assessed. The closest existing 11,000 volt / 11 kV high voltage conductor needed to supply a padmount substation is located approximately 216 metres to the west at pole mounted substation no. 21540 and would need to be extended to the site. However the extent of any works required will not be determined until the final load assessment is completed.
- 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'.
- The minimum required safety clearances and controls for buildings and structures and working near overhead power lines must be maintained at all times.
- The planting of large / deep rooted trees to near electricity infrastructure is opposed by Endeavour Energy. The landscape designer will need to consider the proposed plantings achieve Endeavour Energy's vegetation management requirements.

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

Yours faithfully
Cornelis Duba
Development Application Specialist
Sustainability & Environment
M: 0455 250 981
E: cornelis.duba@endeavourenergy.com.au
51 Huntingwood Drive, Huntingwood NSW 2148
www.endeavourenergy.com.au

Endeavour Energy

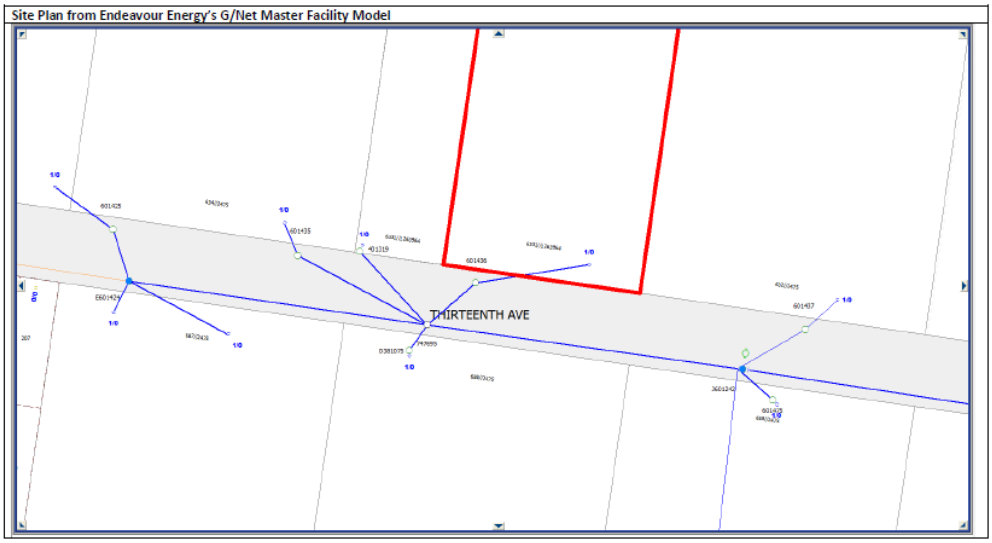
Site Plan from Endeavour Energy's G/Net Master Facility Model



G3E_FID	Feature Name	Component Name	G3E_CID	G3E_ID	LOT	SECTION	DP
83483328	Crown Parcel	Crown Parcel Find	1	2426095	6332		1263964

Please note the location, extent and type of any electricity infrastructure, boundaries etc. shown on the plan is indicative only. In addition it must be recognised that the electricity network is constantly extended, augmented and modified and there is a delay from the completion and commissioning of these works until their capture in the model. Easements benefitting Endeavour Energy are indicated by red hatching. 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 of Part 5E 'Protection of underground electricity power lines' of the *Electricity Supply Act 1995* (NSW).

Site Plan from Endeavour Energy's G/Net Master Facility Model



LEGEND	
PS	Padmount substation
I	Indoor substation
G	Ground substation
K	Kiosk substation
COT	Cottage substation
	Pole mounted substation
HC	High voltage customer substation
MU	Metering unit
SS	Switch station
ISS	Indoor switch station
	Customer connection point
	Low voltage pillar
	Streetlight column
	Life support customer
	Tower
	Pole
	Pole with streetlight
	Customer owned / private pole
	Cable pit
	Subject site



ATTACHMENT 5 – SYDNEY WATER REQUIREMENTS

Sydney WATER

19 April 2022 Our Ref: 194174

Akshay Bishnoi
Liverpool City Council
bishnoia@liverpool.nsw.gov.au

RE: Development Application DA-48/2022 65 Thirteenth Avenue, Austral

Thank you for notifying Sydney Water of DA-48/2022 at 65 Thirteenth Avenue Austral, which proposes Torrens title subdivision of the existing lot into 21 residential lots and the demolition of existing structures, earthworks, construction of roads. Sydney Water has reviewed the application based on the information supplied and provides the following comments to assist in planning the servicing needs of the proposed development.

Water Servicing

- Potable water servicing should be available via a 200mm DICL watermain (laid in 1959) on Thirteenth Avenue.
- Amplifications, adjustments, and/or minor extensions may be required.

Wastewater Servicing

- Wastewater servicing is currently unavailable to this property.
- The development falls within an initial wastewater servicing area for Austral/Leppington, where Sydney Water is planning for services by the end of Q1 2023. The area however has a capacity constraint that limits the number of dwellings that can be connected to the system before FY 2025/2026 and this development is not within the allocated capacity.
- Sydney Water is planning to construct the Upper South Creek Advanced Water Recycling Centre (AWRC) to support population and economic growth in Western Sydney, and this facility and associated trunk infrastructure will have capacity to fully service this development. We anticipate this will be available by FY 2025/2026.
- Between now and FY 2025/2026, Sydney Water will actively seek opportunities to provide wastewater services above the capped limit and/or ahead of proposed timescales, where suitable. Therefore, we encourage all proponents to lodge an application with Sydney Water via the WSC process to ensure that we are fully aware of all developments and can endeavour to provide services as quickly as feasible and/or in line with the AWRC. A development staging plan should be provided to Sydney Water as part of their application.
- To keep up to date with any future opportunities, the proponent should continue to liaise with their case manager.
- Sydney Water will continue to communicate with Council and the development industry regarding timescales and potential future capacity uplifts where applicable. The Council account manager will keep you up to date on our timescales as we progress the AWRC. You can keep up-to date by visiting our AWRC projects page on our Sydney Water Talk projects website: Upper South Creek Advanced Water Recycling Centre | Sydney Water Talk

Sydney WATER

This advice is not formal approval of our servicing requirements. Detailed requirements, including any potential extensions or amplifications, will be provided once the development is referred to Sydney Water for a Section 73 application. More information about the Section 73 application process is available on our web page in the Land Development Manual.

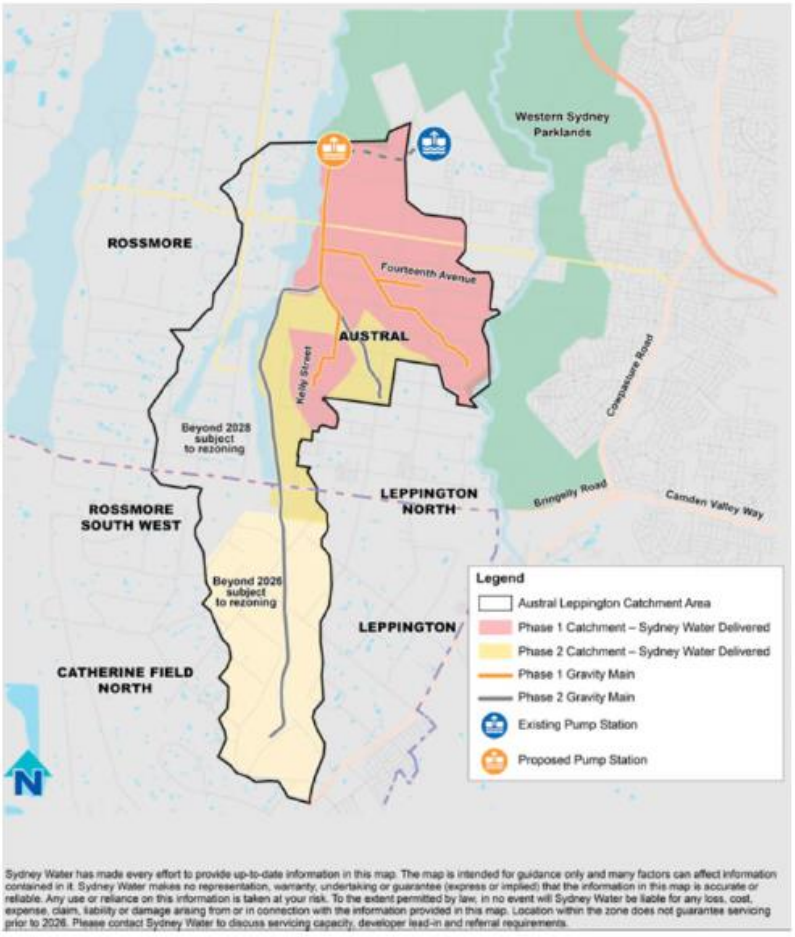
Further advice and requirements for this proposal are in Attachment 1. If you require any further information, please contact the Growth Planning Team at urbangrowth@sydneywater.com.au.

Yours sincerely,

Kristine Leitch
Commercial Growth Manager
City Growth and Development, Business Development Group
Sydney Water, 1 Smith Street, Parramatta NSW 2150

Sydney WATER

Attachment 1



Sydney Water has made every effort to provide up-to-date information in this map. The map is intended for guidance only and many factors can affect information contained in it. Sydney Water makes no representation, warranty, undertaking or guarantee (express or implied) that the information in this map is accurate or reliable. Any use or reliance on this information is taken at your risk. To the extent permitted by law, in no event will Sydney Water be liable for any loss, cost, expense, claim, liability or damage arising from or in connection with the information provided in this map. Location within the zone does not guarantee servicing prior to 2026. Please contact Sydney Water to discuss servicing capacity, developer lead-in and referral requirements.

Sydney WATER

Attachment 2

Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.

The proponent is advised to make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs.

Applications must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

Building Plan Approval

The approved plans must be submitted to the Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

The Tap in™ service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's Tap in™ online service is available at: https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm

Sydney Water recommends developers apply for Building Plan approval early as in some instances the initial assessment will identify that an Out of Scope Building Plan Approval will be required.

Sydney WATER

Out of Scope Building Plan Approval

Sydney Water will need to undertake a detailed review of building plans:

1. That affect or are likely to affect any of the following:
   - Wastewater pipes larger than 300mm in size
   - Pressure wastewater pipes
   - Drinking water or recycled water pipes
   - Our property boundary
   - An easement in our favour
   - Stormwater infrastructure within 10m of the property boundary.

2. Where the building plan includes:
   - Construction of a retaining wall over, or within the zone of influence of our assets
   - Excavation of a basement or building over, or adjacent to, one of our assets
   - Dewatering – removing water from solid material or soil.

The detailed review is to ensure that:

- our assets will not be damaged during, or because of the construction of the development
- we can access our assets for operation and maintenance
- your building will be protected if we need to work on our assets in the future.

The developer will be required to pay Sydney Water for the costs associated with the detailed review.

Tree Planting

Certain tree species placed in close proximity to Sydney Water's underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Sydney Water requires that all proposed or removed trees and vegetation included within the proposal adhere to the specifications and requirements within Section 46 of the Sydney Water Act (1994) and *Diagram 5 – Planting Trees* within our Technical guidelines – Building over and adjacent to pipe assets. Please note these guidelines include more examples of potential activities impacting our assets which may also apply to your development.

If any tree planting proposed breaches our policy, Sydney Water may need to issue an order to remove every tree breaching the act, or directly remove every tree breaching the Act and bill the developer or Council for their removal.

Sydney Water Corporation ABN 49 776 225 038
1 Smith St Parramatta 2150 | PO Box 399 Parramatta 2124 | DX 14 Sydney | T 13 20 92 | www.sydneywater.com.au
Delivering essential and sustainable water services for the benefit of the community

DRAFT

Ⓐ EASEMENT FOR DRAINAGE OF WATER 1.5 WIDE
Ⓑ TEMPORARY RIGHT OF PUBLIC ACCESS 10 & 11 WIDE
Ⓑ TEMPORARY EASEMENT FOR SERVICES 10 & 11 WIDE
EASEMENT NOTED Ⓑ TO EXTINGUISHED WHEN VEHICULAR ACCESS IS AVAILABLE TO EITHER THIRTEENTH OR FOURTEENTH AVENUES THROUGH ADJOINING DEVELOPMENT
Ⓒ LOT 14 IS A RESIDUE LOT, RESTRICTION ON THE USE OF LAND WILL REQUIRE LOT 14 TO BE AMALGAMATED WITH R3 ZONE LAND ON THE ADJOINING PROPERTIES
Ⓓ RESIDUE LOT 24 WILL BE CONSTRUCTED & DEDICATED AS PUBLIC ROAD WHEN THE LAND TO THE WEST IS DEVELOPED BEING LOT 634 IN DP 2475
Ⓕ PROPOSED EASEMENT FOR ACCESS & MAINTENANCE 0.9 WIDE

SCHEDULE of CURVED BOUNDARIES

No	Bearing	Chord	Arc	Radius
1	99°48'55"	2.735	2.735	58
2	105°54'15"	9.585	9.595	58
3	115°33'50"	9.95	9.96	58
4	126°13'50"	11.62	11.64	58
5	103°00'40"	6.54	6.545	42
6	122°03'15"	21.145	21.375	42
7	144°45'15"	11.865	11.905	42
8	67°39'00"	9.81	9.835	42
9	82°10'15"	11.425	11.465	42
10	94°07'10"	6.055	6.06	42
11	142°21'35"	20.895	21.01	58



DRAFT SUBDIVISION ONLY
1. THIS PLAN HAS BEEN PREPARED FROM INFORMATION PROVIDED TO BURTON & FIELD.
2. THIS PLAN IS DRAFT ONLY AND IS NOT CHECKED OR REGISTERED BY THE LAND TITLES OFFICE. MINOR ALTERATIONS MAY BE REQUIRED PRIOR TO ACCEPTANCE & REGISTRATION.
3. THE BOUNDARY POSITIONS & DIMENSIONS MAY CHANGE PRIOR TO REGISTRATION.
4. EASEMENTS, RESTRICTIONS ETC MAY CHANGE PRIOR TO REGISTRATION.
5. THIS PLAN IS SUBJECT TO COUNCIL APPROVAL.
6. THIS PLAN IS SUBJECT TO ENGINEERING DESIGN, DRAINAGE AND ROAD FORMATION HAS NOT BEEN INVESTIGATED.

CAUTION:
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BURTON & FIELD
surveying & land development

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Web: www.burtonandfield.com.au

REVISION		
D	04/04/2023	NOTES ADDED ~ JMK
C	12/01/2022	OWNER DETAILS
B	25/08/2021	FINAL ~JMK
A	22/08/2021	LOTS NUMBERS, AREAS AMENDED & EASEMENTS ADDED ~JMK

DATE: 12-01-2022 | REF: S2711-74235 | SURVEYED: DRAWN: DC CHECKED: SS

CLIENT: BURAQ AFFORDABLE HOMES P/L
PROJECT: PLAN OF PROPOSED SUBDIVISION OF LOT 6332 IN DP 1263964 AT 75 THIRTEENTH AVENUE, AUSTRAL
LGA: LIVERPOOL
COMP REF: J:\74235\...\lot layout 27-11-2020\MGA2020\74235_JLL (REV B) FINAL (MGA2020) | SIZE: A1

ISSUE: A
SHEET: 1 OF 1 SHEETS
DATUM: N/A
SCALE: 1:400



- 1 LANDSCAPE PLAN
1 : 750

Rev	Date	Revision Description	Approval
A	02/12/2021	PRELIM DRAWING	VM
B	03/12/2021	PRELIM DRAWING	VM
C	25/12/2021	PRELIM DRAWING	VM
D	20/04/2023	DA ISSUE	VM
E	24/04/2023	DA ISSUE	VM

CLIENT

DIVERSI CONSULTING

DRAWINGS & DESIGN PREPARED BY

SIVA PROJECTS
SUITE 213 TOWER B
20 LEXINGTON DRIVE
BELLAVISTA, NSW 2153
M: 0409823641
ABN : 25659917969

MASTERPLANNING / FEASIBILITY
CONCEPT/ DETAILED DESIGN
PROJECT MANAGEMENT

Project Number SIVA-090

Scale	1 : 750
Datum	

TITLE	NAME	DATE
Drawn	**UHK**	**29/11/21**
Design	**VM**	**29/11/21**
Checked	**VM**	**29/11/21**

SHEET NAME
LANDSCAPE PLAN

LOT NO.	DP NO.	SHEET NUMBER	REV NO.
16332	**1263964**	LP01	E

SITE ADDRESS
75 THIRTEENTH AVENUE, AUSTRAL

A3

NOTES:

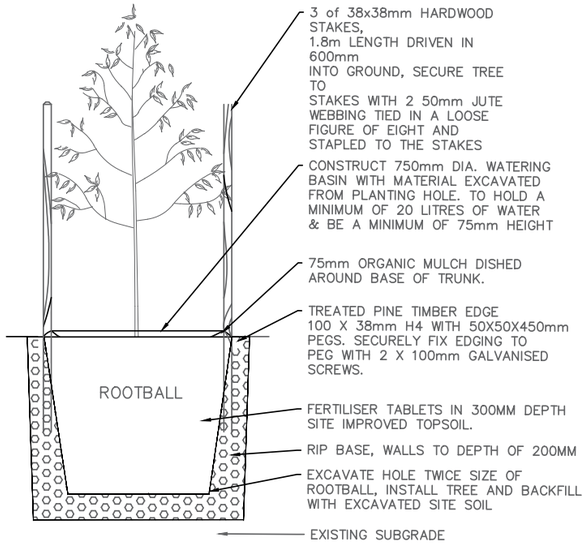
1. ALL SERVICES TO BE LOCATED PRIOR TO WORKS COMMENCING. CLEARANCES AS REQUIRED TO BE OBTAINED FROM ALL RELEVANT AUTHORITIES. LOCATION OF ALL DESIGNED AND AS BUILT SERVICES TO BE TO LATEST PLANS AS AVAILABLE FROM THE HEAD CONTRACTOR OR PROJECT MANAGER AND TO BE LOCATED PRIOR TO WORKS COMMENCING.
2. THE CONTRACTOR SHALL ALLOW IN THEIR OVERALL RATES FOR ERECTION AND LATER DISMANTLING OF TREE PROTECTION FENCING, LANDSCAPE PROTECTION FENCING AND OTHER APPROPRIATE ENVIRONMENTAL PROTECTION MEASURES TO BE UNDERTAKEN DURING CONSTRUCTION WORKS WHERE DIRECTED, EXCAVATION BY HAND WITHIN THE DRIP LINE OF EXISTING TREES IS TO BE UNDERTAKEN WHERE MACHINE DAMAGE TO TREES IS UNAVOIDABLE.
   ENSURE ANY PAVING, GRASSING AND LANDSCAPED AREAS ARE FREE DRAINING AND DO NOT RESULT IN ANY PONDING OF WATER.
3. AVOID CULTIVATION, TOPSOILING OR GRADING WHEN TOPSOIL IS WET TO AVOID OVER COMPACTION. THE CONTRACTOR SHALL ALLOW FOR ANY STOPPAGES DIRECTED BY THE SUPERINTENDENT IF THIS WET SOIL CONDITIONS OCCURS AT RELEVANT WORK STAGES.
4. THE CONTRACTOR IS RESPONSIBLE FOR THE REINSTATEMENT OF ALL DAMAGE INCURRED TO LAND, VEGETATION, SERVICES, PATHS AND ROADS AS A RESULT OF THIS CONSTRUCTION WORK. ALL WORKS ARE TO BE REINSTATED TO MEET COUNCIL STANDARDS.
5. ALL LANDSCAPE AREAS TO BE MAINTAINED WEED FREE DURING CONSOLIDATION OF THE WORKS. THIS IS TO BE DONE WITH AN APPROVED HERBICIDE AND WEED ERADICATION MEASURES AS NECESSARY. ALLOW FOR SUITABLE WEED CONTROL PRIOR TO LANDSCAPE WORKS COMMENCEMENT.
6. ALL PAVED AREAS TO HAVE A MINIMUM 2% AND MAXIMUM 5% CROSSFALL, UNLESS OTHERWISE NOMINATED. SETOUT AND SPACING TO BE TO APPROVAL OF THE LANDSCAPE ARCHITECT.
7. ALL PLANTS TO BE OF GOOD FORM AND SIZE FOR THE NOMINATED CONTAINER TO THE APPROVAL OF THE SUPERINTENDENT.
8. DIMENSIONS TAKE PRECEDENCE OVER SCALES ON DETAILS.
9. REFER TO CONSTRUCTION AND BULK EARTHWORKS LEVELS DETAILED ON THE ENGINEERING PLANS AS APPLICABLE.
10. BULK EARTHWORK SHALL BE COMPLETED PRIOR TO LANDSCAPING, ALTHOUGH THE LANDSCAPE CONTRACTOR SHOULD ASSESS BULK EARTHWORKS LEVELS AND ALLOW FOR ANY DISCREPANCIES WITHIN THEIR OVERALL RATES TO SUITABLY COMPLETE LANDSCAPE WORKS.
11. ALL LANDSCAPE WORKS TO HAVE A 13 WEEK CONSOLIDATION PERIOD AND TO BE MAINTAINED UNTIL HANDOVER.
12. ALL FOOTPATH AREAS WITHIN THE ROAD RESERVES THAT ARE NOT CONCRETE SHALL BE TURFED WITH ST85 BUFFALO OR 'SIR WALTER'.
13. AN ANALYSIS OF EXISTING SOIL SHALL BE PREPARED BY A SOIL LABORATORY PROVIDING RECOMMENDATIONS FOR SITE SOIL REUSE. THE NATURAL SOIL PROFILE SHALL BE PROTECTED AND RECONSTRUCTED AS REQUIRED. EXISTING SOIL SHALL BE CAREFULLY STOCKPILED IN HORIZON LAYERS FOR REUSE. SOIL STOCKPILES SHALL BE A MAXIMUM ONE METRE IN HEIGHT.
14. SITE TOPSOIL SHALL BE CULTIVATED TO A DEPTH OF 300MM AND IMPROVED WITH THE ADDITION OF APPROPRIATE SOIL CONDITIONERS TO MANUFACTURER'S SPECIFICATIONS. WHERE THERE IS INSUFFICIENT SITE TOPSOIL, 300MM DEPTH OF IMPORTED SOIL MIX CONSISTING OF A FRIABLE LOAM, WITH A PH OF 5-7, IMPROVED BY THE ADDITION OF AN ORGANIC FERTILISER TO MANUFACTURER'S RECOMMENDATIONS, SHALL BE PROVIDED.
15. FOLLOWING PLANTING, SUITABLE MULCH SHALL BE INSTALLED AT A MINIMUM OF 100MM THICK. EROSION CONTROL FABRIC SHALL BE PROVIDED AS REQUIRED TO MANUFACTURER'S SPECIFICATIONS.
16. TURF SHALL BE 'SIR WALTER', OBTAINED FROM AN APPROVED COMMERCIAL GROWER OF CULTIVATED TURF. TURF SHALL BE OF UNIFORM QUALITY AND WITH A WEED FREE MAT OF 25-50MM THICKNESS.
17. TURF SHALL BE LAID ON A PREPARED SUB-GRADE INCLUDING A TURF UNDERLAY MIX OF MINIMUM 100MM THICKNESS.
18. SUFFICIENT TOPDRESSING IN THE APPROPRIATE SEASON SHALL BE CARRIED OUT TO ACHIEVE A SMOOTH SURFACE WITH NO MOUNDS OR HOLLOWS TO ALLOW FREE POSITIVE DRAINAGE. A MINIMUM THICKNESS OF 10MM SHALL BE ALLOWED. TOPDRESSING SHALL CONSIST OF 80:20 RATIO OF SAND TO SOIL.
19. MAINTENANCE SHALL INCLUDE, BUT NOT BE LIMITED TO, REGULAR MOWING AND TRIMMING OF EDGES TO MAINTAIN GRASS AT PRESCRIBED HEIGHTS, CARE OF GRASS AND GARDEN BEDS TO KEEP THEM FREE OF WEEDS AND DISEASES, ALL WATERING NECESSARY TO MAINTAIN HEALTHY GROWTH OF ALL PLANT MATERIAL, FERTILISING AND PRUNING OF ALL PLANT MATERIAL, STRAIGHTENING AND REPLACEMENT OF STAKES AS NECESSARY, MAINTENANCE OF BARRIER FENCING AND SWEEPING OF PAVED AREAS. DEAD OR DYING PLANT MATERIAL SHALL BE REPLACED ON AN ONGOING BASIS UNTIL THE CERTIFIED END OF THE MAINTENANCE PERIOD. A MAINTENANCE SCHEDULE SHALL BE SUBMITTED FOR COUNCIL'S APPROVAL PRIOR TO THE WORKS BEING CERTIFIED AS COMPLETE AND THE COMMENCEMENT OF THE MAINTENANCE PERIOD.

EROSION CONTROL NOTES

1. ALL EROSION AND SEDIMENT CONTROL MEASURES TO BE INSTALLED PRIOR TO SITE DISTURBANCE
2. STRIPPING OF GRASS, VEGETATION FROM THE SITE TO BE KEPT TO A MINIMUM
3. TOPSOIL FROM ALL AREAS THAT WILL BE DISTURBED TO BE SCRAPED AND STOCKPILED ON SITE
4. ALL SEDIMENT EROSION CONTROL MEASURES TO BE INSPECTED AFTER EACH RAINFALL EVENT FOR STRUCTURAL DAMAGE AND ALL TRAPPED SEDIMENT TO BE REMOVED TO THE NOMINATED STOCKPILED AREA

PLANTING AND MAINTENANCE NOTES

1. PLANTS SHOULD BE PLANTED STRAIGHT WITH THE TOP OF ROOT BALL LEVEL WITH OR SLIGHTLY LOWER THAN THE SOIL SURFACE
2. PLANTS SHOULD BE WATERED AS SOON AS POSSIBLE AFTER PLANTING
3. PLANTING SHOULD BE AVOIDED AT THE HEIGHT OF SUMMER DEC– JAN
4. PLANTS SHOULD BE WATERED AT LEAST WEEKLY FOR 6 WEEKS TO AID ESTABLISHMENT. WATER CRYSTALS MAYBE USED TO REDUCE THE CONSUMPTION OF WATER
5. IF A FERTILIZER IS TO BE APPLIED, A SLOW RELEASE 8–9 MONTH PLANT FOOD WOULD BE APPROPRIATE AT A RATE OF 5–10 GMS PER PLANT
6. ONLY SPECIES WITHIN THE LANDSCAPE PLAN SHOULD BE PLANTED. PERMISSION TO BE SOUGHT BEFORE ALTERING A SPECIES WITH THE SUPERINTENDENT.
7. PLANTING STOCK SHOULD BE FREE OF PESTS, DISEASES AND WEEDS. PLANTS SHOULD BE ACTIVELY GROWING WITH HEALTHY ROOTS AND NOT POT BOUND
8. REPLACEMENT PLANTS SHOULD BE MADE AVAILABLE FOR ANY LOSSES OF PLANT STOCK THAT MAY OCCUR FOR A MINIMUM OF 12 MONTH PERIOD
9. PEST OR DISEASE SAMPLES TO THE LOCAL NUSRSERY FOR IDENTIFICATION AND APPROPRIATE REMEDY.



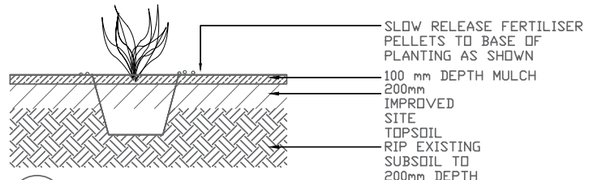
TYPICAL PLANTING DETAIL IN TURF/GRASS

NTS

PLANT SCHEDULE

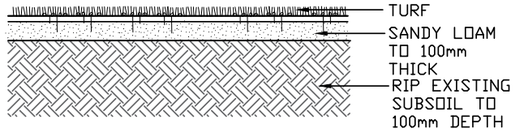
SYM	BOTANICAL NAME	COMMON NAME	QUANTITY	POT SIZE
	GRASS			
	TREES			
	TRISTANIOPSIS LAURINA	WATER GUM	19	200 L
	EXISTING TREES TO BE RETAINED			
	TREES TO BE REMOVED			

	ALL TREE LOCATIONS TO HAVE ROOT BARRIERS
	RAIN GARDEN AS ENGINEER'S DRAWINGS



TYPICAL PLANTING DETAIL - MASS PLANTING BED

NTS



TYPICAL TURF DETAIL NTS

Rev	Date	Revision Description	Approval
A	02/12/2021	PRELIM DRAWING	VM
B	03/12/2021	PRELIM DRAWING	VM
C	25/12/2021	PRELIM DRAWING	VM
D	20/04/2023	DA ISSUE	VM
E	24/04/2023	DA ISSUE	VM

CLIENT

DIVERSI CONSULTING

DRAWINGS & DESIGN PREPARED BY

SIVA PROJECTS
SUITE 213 TOWER B
20 LEXINGTON DRIVE
BELLAVISTA, NSW 2153
M: 0409823641
ABN : 25659917969
MASTERPLANNING / FEASIBILITY
CONCEPT/ DETAILED DESIGN
PROJECT MANAGEMENT

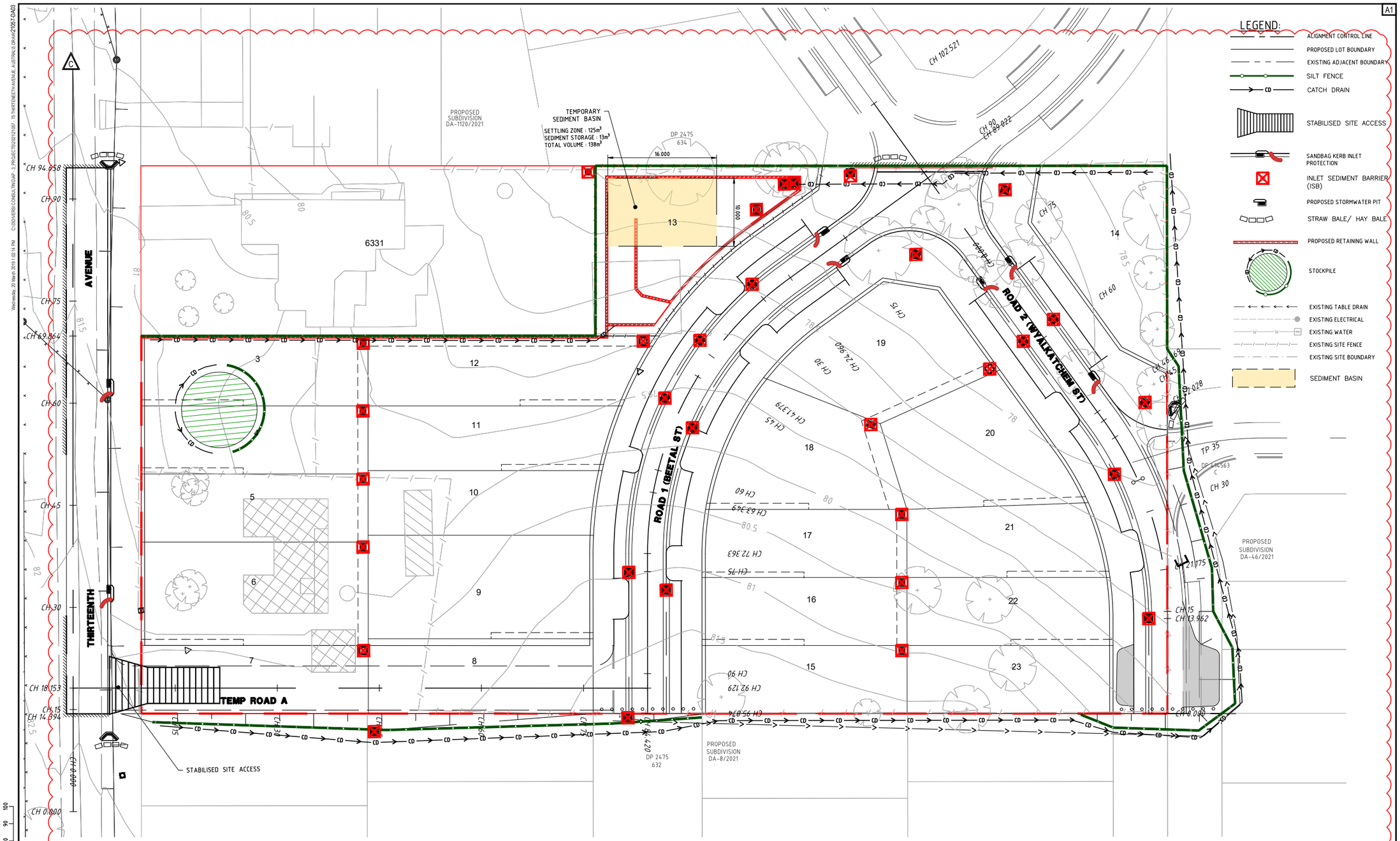
Project Number	SIVA-090	
Scale	NTS	
Datum		
TITLE	NAME	DATE
Drawn	UHK	29/11/21
Design	VM	29/11/21
Checked	VM	29/11/21

SHEET NAME
LANDSCAPE NOTES AND LEGEND

LOT NO.	DP NO.	SHEET NUMBER	REV NO.
16332	1263964	LP02	E

SITE ADDRESS 75 THIRTEENTH AVENUE, AUSTRAL

A3



REV	DATE	AMENDMENT / DESCRIPTION	DRN	DES	CHK	APP
C	6/04/2023	UPDATE TO NEW DCP	JGC	JGC	PDG	PDG
B	11/01/2022	ISSUE FOR DA APPROVAL	JGC	JGC	PDG	PDG
A	26/11/2021	ISSUE FOR DA APPROVAL	JGC	JGC	AL	PDG

SCALE: 1:250 (A1) | 1:500 (A3)

DRAWING DIMENSIONS IN METRES UNLESS NOTED OTHERWISE

CLIENT: BURAQ AFFORDABLE HOMES

FOR DA APPROVAL

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W www.diversi.com.au

PROJECT: **75 THIRTEENTH AVENUE**
PROPOSED RESIDENTIAL SUBDIVISION

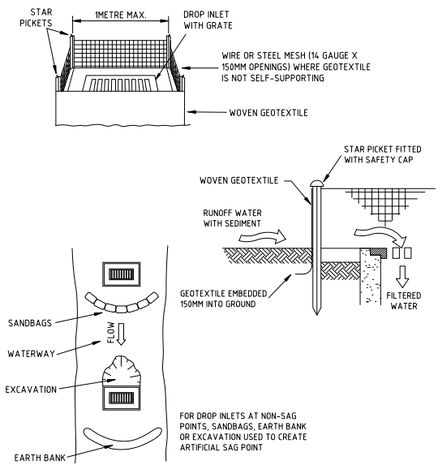
TITLE: EROSION AND SEDIMENT CONTROL PLAN

PROJECT No.: 21057 | ORG No.: DA03 | REV.: C

Wednesday, 20 March 2019 1:02:14 PM C:\DIDI\VERSI CONSULTING\AP - 3_PROJECTS\2021\21057 - 75 THIRTEENTH AVENUE, AUSTRALIS.DRAW\21057-DA03

Wednesday, 20 March 2019 1:02:14 PM C:\DIVERSI\CONSULTING\AP - 3_PROJECTS\21057\21057 - 75 THIRTEENTH AVENUE, AUSTRAL\3_DRAW\21057-DA04

A1



CONSTRUCTION NOTES

1. FABRICATE A SEDIMENT BARRIER MADE FROM GEOTEXTILE OR STRAW BALES.
2. SUPPORT GEOTEXTILE WITH MESH TIED TO POSTS SPACED AT 1 METRE CENTRES.
3. DO NOT COVER INLET WITH GEOTEXTILE.
4. CONSTRUCTION DETAILS ARE SIMILAR TO STANDARD DRAWING 6-6 AND 6-7.

INLET SEDIMENT BARRIER (ISB)

SCALE N.T.S.

4. Volume of Sediment Basins, *Type D* and *Type F* Soils

Basin volume = settling zone volume + sediment storage zone volume

Settling Zone Volume

The settling zone volume for *Type F* and *Type D* soils is calculated to provide capacity to contain all runoff expected from up to the y-percentile rainfall event. The volume of the basin's settling zone (V) can be determined as a function of the basin's surface area and depth to allow for particles to settle and can be determined by the following equation:

$$V = 10 \times C_v \times A \times R_{x\text{-day},\ y\text{-\%ile}}\ (m^3)$$

where:

10 = a unit conversion factor

C_v = the volumetric runoff coefficient defined as that portion of rainfall that runs off as stormwater over the x-day period

$R_{x\text{-day},\ y\text{-\%ile}}$ = is the x-day total rainfall depth (mm) that is not exceeded in y percent of rainfall events. (See Sections 6.3.4(d), (e), (f), (g) and (h)).

A = total catchment area (ha)

Sediment Storage Zone Volume

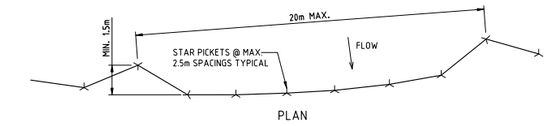
In the detailed calculation on Soil Loss Classes 1 to 4 lands, the sediment storage zone can be taken as 50 percent of the settling zone capacity. Alternately designers can design the zone to store the 2-month soil loss as calculated by the RUSLE (Section 6.3.4(i)(ii)). However, on Soil Loss Classes 5, 6 and 7 lands, the zone must contain the 2-month soil loss as calculated by the RUSLE (Section 6.3.4(i)(iii).

Place an "X" in the box below to show the sediment storage zone design parameters used here:

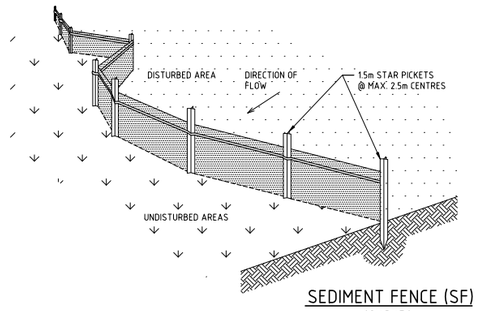
	50% of settling zone capacity,
X	2 months soil loss calculated by RUSLE

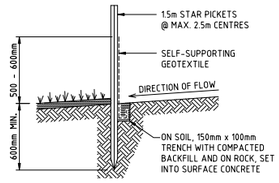
Total Basin Volume

Site	C_v	$R_{x\text{-day},\ y\text{-\%ile}}$	Total catchment area (ha)	Settling zone volume (m^3)	Sediment storage volume (m^3)	Total basin volume (m^3)
1	0.50	19.2	1.3	124.8	13	137.8



PLAN

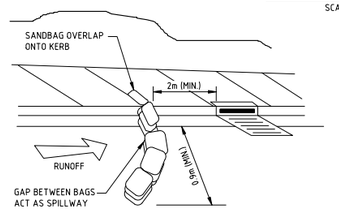




SECTION DETAIL

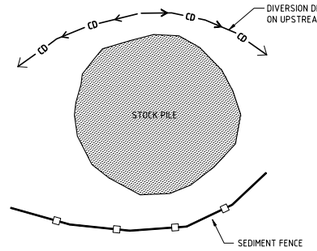
SEDIMENT FENCE (SF)

SCALE N.T.S.



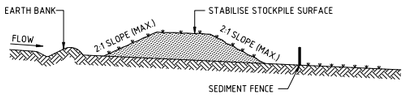
SANDBAG KERB INLET PROTECTION

SCALE N.T.S.



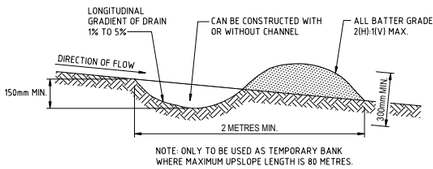
STOCKPILE PLAN

SCALE N.T.S.



STOCKPILE SECTION

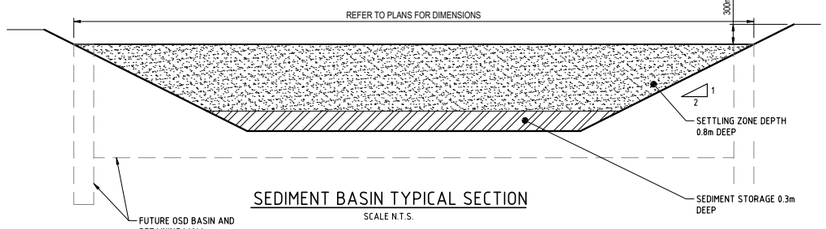
SCALE N.T.S.



NOTE: ONLY TO BE USED AS TEMPORARY BANK WHERE MAXIMUM UPSLOPE LENGTH IS 80 METRES.

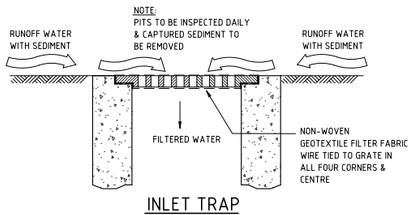
CATCH DRAIN (CD)

SCALE N.T.S.



SEDIMENT BASIN TYPICAL SECTION

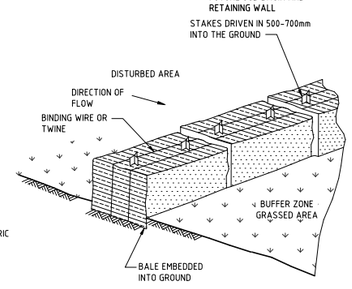
SCALE N.T.S.



INLET TRAP

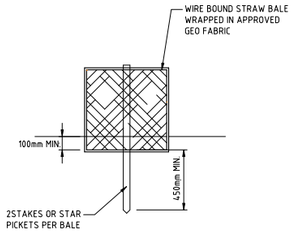
SCALE N.T.S.

NOTE:
TO BE USED IN PAVED AREAS WHERE TRAFFIC ACCESS IS REQUIRED



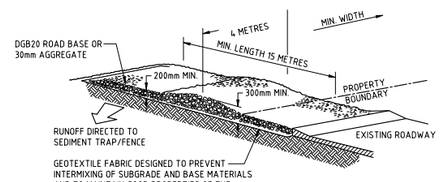
TYPICAL STRAW BALE BUND

SCALE N.T.S.



HAY BALE DETAIL

SCALE N.T.S.



GEOTEXTILE FABRIC DESIGNED TO PREVENT INTERMIXING OF SUBGRADE AND BASE MATERIALS AND TO MAINTAIN GOOD PROPERTIES OF THE SUBBASE LAYERS.

GEOTEXTILE MAYBE WOVEN OR NEDDLE PUNCHED PRODUCT WITH A MINIMUM CBR BURST STRENGTH (AS3706.4-90) OF 2500 N.

STABILISED SITE ACCESS

SCALE N.T.S.

SEDIMENT FENCE CONSTRUCTION NOTES:

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

STOCKPILE CONSTRUCTION NOTES:

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

STABILISED SITE ACCESS CONSTRUCTION NOTES:

1. STRIP THE TOPSOIL, LEVEL THE SITE AND COMPACT THE SUBGRADE.
2. COVER THE AREA WITH NEEDLE - PUNCHED GEOTEXTILE.
3. CONSTRUCT A 200mm THICK PAD OVER THE GEOTEXTILE USING ROAD BASE OR 30mm AGGREGATE.
4. ENSURE THE STRUCTURE IS AT LEAST 15 METRES LONG OR TO BUILDING ALIGNMENT AND AT LEAST 3 METRES WIDE.
5. WHERE A SEDIMENT FENCE JOINS ONTO THE STABILISED ACCESS, CONSTRUCT A HUMP IN THE STABILISED ACCESS TO DIVERT WATER TO SEDIMENT FENCE.

INLET SEDIMENT BARRIER NOTES:

1. FABRICATE A SEDIMENT BARRIER MADE FROM GEOTEXTILE OR STRAW BALES.
2. SUPPORT GEOTEXTILE WITH MESH TIED TO POSTS SPACED AT 1 METRE ICENTRES. 3. DO NOT COVER INLET WITH GEOTEXTILE.
3. DO NOT COVER INLET WITH GEOTEXTILE.
4. CONSTRUCTION DETAILS ARE SIMILAR TO STANDARD DRAWING 6-6 AND 6-7.

EARTH BANK CONSTRUCTION NOTES:

1. BUILD WITH GRADIENTS BETWEEN 1% AND 5%.
2. AVOID REMOVING TREES AND SHRUBS IF POSSIBLE - WORK AROUND THEM.
3. ENSURE THE STRUCTURES ARE FREE OF PROJECTIONS OR OTHER IRREGULARITIES THAT COULD IMPEDE WATER FLOW.
4. BUILD THE DRAINS WITH CIRCULAR, PARABOLIC OR TRAPEZOIDAL CROSS-SECTIONS, NOT "V" SHAPED.
5. ENSURE BANKS ARE PROPERLY COMPACTED TO PREVENT FAILURE.
6. COMPLETE PERMANENT OR TEMPORARY STABILISATION WITHIN 10 DAYS OF CONSTRUCTION.

EROSION AND SEDIMENT CONTROLS

1. ALL WORK SHALL BE GENERALLY CARRIED OUT IN ACCORDANCE WITH THESE DOCUMENTS AND
   - A LOCAL AUTHORITY REQUIREMENTS
   - B EPA REQUIREMENTS
   - C NSW DEPARTMENT OF HOUSING MANUAL 'MANAGING URBAN STORM WATER , SOILS AND CONSTRUCTION', 4TH EDITION, MARCH 2004.
2. MAINTAIN THE EROSION CONTROL DEVICES INDICATED TO THE SATISFACTION OF THE SUPERINTENDENT AND THE LOCAL AUTHORITY.
3. WHEN STORM WATER PITS ARE CONSTRUCTED , PREVENT SITE RUNOFF ENTERING UNLESS SILT FENCES ARE ERECTED AROUND THE PITS.
4. CONTRACTOR IS TO ENSURE ALL EROSION AND SEDIMENTATION CONTROL DEVICES ARE MAINTAINED IN GOOD WORKING ORDER AND OPERATE EFFICIENTLY. REPAIRS AND/OR MAINTENANCE SHALL BE UNDERTAKEN AS REQUIRED , PARTICULARLY FOLLOWING STORM EVENTS.
5. CONTRACTOR TO PROVIDE 1m WIDE TURF STRIPED BEHIND ALL KERBS.

REV	DATE	AMENDMENT / DESCRIPTION	DRN	DES	CHK	APP
C	6/04/2023	UPDATE TO NEW DCP	JGC	JGC	PDG	PDG
B	11/01/2022	ISSUE FOR DA APPROVAL	JGC	JGC	PDG	PDG
A	26/11/2021	ISSUE FOR DA APPROVAL	JGC	JGC	AL	PDG

SCALE: NOT TO SCALE

DRAWING DIMENSIONS IN METRES UNLESS NOTED OTHERWISE

CLIENT: BURAQ AFFORDABLE HOMES

FOR DA APPROVAL

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PROJECT: **75 THIRTEENTH AVENUE**
PROPOSED RESIDENTIAL SUBDIVISION

TITLE: EROSION AND SEDIMENT CONTROL DETAILS

PROJECT No: 21057 | DRG No: DA04 | REV: C

Wednesday, 20 March 2019 1:02:14 PM C:\DIVERSI CONSULTING\AP - 3_PROJECTS\21057\21057 - 75 THIRTEENTH AVENUE, AUSTRALIS.DRAW\21057-DA05

A1

AVENUE

THIRTEENTH

EXISTING OVERHEAD ELECTRICAL LINE AND POWER POLES TO BE REMOVED AND RELOCATED

REMOVE EXISTING FENCE

REMOVE EXISTING SEPTIC TANK AND ABSORPTION TRENCH

REMOVE EXISTING DRIVEWAY

REMOVE EXISTING TREES

EXISTING STRUCTURES TO BE REMOVED

REMOVE EXISTING TREES

LEGEND

- ALIGNMENT CONTROL LINE
- LIMIT OF WORKS
- PROPOSED SITE WORKS BOUNDARY
- EXISTING LOT BOUNDARY
- EXISTING TREES TO BE RETAINED
- EXISTING TREES TO BE REMOVED
- EXISTING STRUCTURES TO BE REMOVED
- EXISTING PAVEMENT/ CONCRETE TO BE REMOVED

TREE REMOVAL NOTES:

1. ALL TREES TO BE INSPECTED BY ECOLOGIST PRIOR TO REMOVAL.
2. TREE REMOVAL TO INCLUDE EXCAVATION AND REMOVAL OF ALL STUMPS. STUMPS TO BE DISPOSED OFF SITE.
3. ALL LEAFY MATERIAL AND BRANCHES UNDER 250mm DIAMETER TO BE CHIPPED AND STOCKPILED ON SITE FOR REMOVAL BY OTHERS.
4. ALL BRANCHES AND TREE TRUNKS OVER 250mm DIAMETER TO BE CUT TO 2m LENGTHS AND STOCKPILED ON SITE FOR REMOVAL BY OTHERS.

NOTE:

CONTRACTOR TO REMOVE ALL EXISTING BUILDINGS, SHEDS, SERVICES, TREES, VEGETATION, GARDEN, WALLS, FENCE, TANKS, STRUCTURES, PAVEMENT, HARDSTAND, SERVICES AND ALL OTHER ITEMS AS REQUIRED TO CONSTRUCT PROPOSED WORKS IE EARTHWORKS, ROADWORKS, STORMWATER DRAINAGE, SERVICES ETC.

NOTE:

CONTRACTOR TO UNDERTAKE ALL NECESSARY INVESTIGATION INCLUFING DBYD AND/OR POTHOLING TO INDENTIFY AND PROTECT ALL EXISTING ABOVE AND BELOW GROUND SERVICES.

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REV	DATE	AMENDMENT / DESCRIPTION	DRN	DES	CHK	APP
C	6/04/2023	UPDATE TO NEW DCP	JGC	JGC	PDG	PDG
B	11/01/2022	ISSUE FOR DA APPROVAL	JGC	JGC	PDG	PDG
A	26/11/2021	ISSUE FOR DA APPROVAL	JGC	JGC	AL	PDG

SCALE: 1:250 (A1) | 1:500 (A3)

1:250 5.0m 2.5 0 5.0 10.0 15.0m

DRAWING DIMENSIONS IN METRES UNLESS NOTED OTHERWISE

CLIENT: BURAQ AFFORDABLE HOMES

FOR DA APPROVAL

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PROJECT: **75 THIRTEENTH AVENUE**
PROPOSED RESIDENTIAL SUBDIVISION

TITLE: DEMOLITION AND CLEARING PLAN

PROJECT No. 21057 | DRG No. DA05 | REV: C

ATTACHMENT 3 - LIVERPOOL GROWTH CENTRE PRECINCT DEVELOPMENT CONTROL PLANS

The proposed development is subject to the Liverpool Growth Centres Precincts Development Control Plan 2021 (DCP) in particular:

- Part 2: Precinct Planning Outcome; and
- Part 3: Neighbourhood and Subdivision Design

The assessment has identified that the proposal generally demonstrates compliance with the relevant code requirements. The key controls are discussed in the following table:

Part 2 Precinct Planning Outcomes		
Control	**Provision**	**Comment**
Liverpool Growth Centre Precinct – Main Body		
Section 2.2 The Indicative Layout Plan	To ensure that development in the Precinct occurs in a coordinated manner consistent with the Precinct's Indicative Layout Plan.	**Complies** The proposed development is generally consistent with the Indicative Layout Plan.
Section 2.3.1 Flood	Flood affection of property to be considered.	**Complies by condition** The site is identified as flood affected. The proposal has been considered by Council's Floodplain Engineers who raised no objections, subject to conditions.
Section 2.3.2 Water Cycle Management	Consideration of stormwater and drainage.	**Complies by condition** The subject site is located within the catchment of Tributary 2 of Kemps Creek and is affected by overland flooding. A Stormwater Management Plan has been provided. Council's Land Development Engineer and Floodplain Engineers has reviewed the application and raises no objection, subject to conditions.
Section 2.3.3 Salinity and Soil Management	Salinity and Soil Management response required for affected properties.	**Complies by condition** The site is potentially affected by a moderate to high level of salinity. A Salinity Assessment Report prepared by Sydney Environmental Group, dated 30 March 2023, was submitted with the application and indicated that

		construction management techniques are required as the site potentially has moderate to high saline soils. Council's Land Development Engineers have reviewed the proposed development and raised no issues subject to conditions.
Section 2.3.4 Aboriginal and European Heritage	Aboriginal Heritage Management report required for affected properties.	**Complies by condition** An Aboriginal Due Diligence Assessment was submitted and considered it unlikely that the site contains any significant heritage. Council's Heritage Officer reviewed the application and had no objection, subject to conditions.
Section 2.3.5 Native Vegetation and Ecology	Consider impact to native vegetation and trees within the relevant Precinct.	**Complies** The proposed development is consistent with the objectives of the SEPP and the native vegetation on-site cannot be retained and rehabilitated as the clearing is required for essential infrastructure such as roads and drainage, and the clearing is consistent with the Growth Centres Biodiversity Certification Order.
Section 2.3.6 Bushfire Hazard Management	Land on or adjacent to bushfire prone land address Planning for Bushfire Protection 2006.	**Complies, subject to General Terms of Approval** The site is mapped as bushfire prone land and the NSW Rural Fire Service have provided General Terms of Approval for the proposal, which will form part of the conditions of consent.
Section 2.3.7 Site Contamination	Previous use to be considered in assessing risk of contaminated land.	**Complies** Refer to State Environmental Planning Policy (Resilience and Hazards) 2021 section of this report.
Section 2.3.8 Development on and Adjacent to Electricity and Gas Easements	Consider location of development in relation to electrical and gas easements.	**Not Applicable** There are no electrical and/or gas easements running through the site.

Section 2.3.9 Noise	Consider impact of noise from major transport infrastructure, industrial and employment areas on residential amenity.	**Not Applicable** The subject site is not located near major transport infrastructure or industrial and employment areas.
Section 2.3.10 Odour Assessment and Control	Odour Management is subject to the Protection of the Environmental Operations Act 1997.	**Complies** The proposed development will not generate an odour that will impact the surrounding environment. The site is not located near any odour generating source. The application was referred to Council's Environmental Health section and raised no objections.
Section 2.3.11 Air Quality	Ensure air quality is preserved and pollution is minimised.	**Complies** The proposed development will not impact the air quality. The DA does not propose industrial or employment development.
Section 2.4 Demolition	Demolition must comply with the Australian Standard AS2601 – 1991, The Demolition of Structures.	**Complies by condition** Demolition plan and waste management plan has been submitted with the application. Appropriate conditions will be imposed to ensure demolition occurs in accordance with the Australian Standard.
Section 2.5 Crime Prevention through Environmental Design	Consider CPTED principles.	**Complies** The proposed development application is for a subdivision. The proposed development is unlikely to contravene the principals of CPTED.
Section 2.6 Earthworks	Consider the impact of earthworks on the natural environment, local drainage patterns and flood.	**Complies by condition** This aspect has been reviewed by Council's Land Development Engineers, who raised no issues to the earthworks, subject to conditions. No existing dams are present on site.

Part 3 Neighbourhood and Subdivision Design		
Development Control	**Provision**	**Comment**
Section 3.1.1 Residential Density	Residential development is to be generally consistent with the residential structure as set out in the Residential Structure Figure in the relevant Precinct Schedule, the typical characteristics of the corresponding Density Band in Table 3-1.	**Complies** The proposed lots and configuration have been appropriately designed with consideration of the ILP and approved/proposed adjoining subdivisions.
Section 3.1.2 Block and Lot Layout	Minimum lot sizes for each dwelling type will comply with the minimum lot size provisions permitted by the Sydney Region Growth Centres SEPP, summarised here as Table 3-2. In certain density bands, variations to some lot sizes may be possible subject to clauses in the Sydney Region Growth Centres SEPP.	**Complies** All lots are 300sqm or more. The proposed subdivision provides a lot size range from 300.1sqm to 536.7sqm
	Minimum lot frontages applying to each density band will comply with Table 3-3. Lot frontage is measured at the street facing building line as indicated in Figure 3-3. 15dw/ha = 9m 20 to 45dw/ha = 7m	**Complies** The proposed development complies with the requirements of this control, with all lots having a frontage equal to or greater than 9.5m.
	A range of residential lot types (area, frontage, depth, zero lot and access) must be provided to ensure a mix of housing types and dwelling sizes and to create coherent streetscapes with distinctive garden suburban, suburban and urban characters across a neighbourhood.	**Complies** A range of residential lot sizes and widths are provided to support a range of future housing types at the site.
	In areas with a minimum residential density of ≤20dw/ha no more than 40% of the total residential lots proposed in any one street block may have a frontage of less than 10m wide.	**Complies** Lots 10 and 11 within the 15 dwelling density band have a frontage less than 10m, which equate to 16.7%.

	In density bands ≤25dw/Ha, total lot frontage for front accessed lots greater than or equal to 7m and less than 9m should not exceed 20% of any block length due to garage dominance and on-street parking impacts.	**Complies** The one lot within the R3 zone has a frontage greater than 9m. *Note: Lot 14 will remain as a residue lot until the adjoining site to the west will be developed.*
	Lots should be rectangular. Where lots are an irregular shape, they are to be large enough and oriented appropriately to enable dwellings to meet the controls in this DCP.	**Complies** 16 lots are rectangular shape. Lots 13, 14, 18 19 and 20 are irregular in shape. The lots are large enough to be orientated to the street and can accommodate a compliant dwelling house in accordance with Part 4 of this DCP.
	Where residential development adjoins land zoned RE1 Public Recreation or SP2 Drainage, subdivision is to create lots for the dwelling and main residential entry to front the public space.	**Not applicable** The site does adjoin RE1 or SP2 zoned land.
Zero Lot Lines	The location of a zero lot line is to be determined primarily by topography and should be on the low side of the lot to minimise water penetration and termite issues. Other factors to consider include dwelling design, adjoining dwellings, landscape features, street trees, vehicle crossovers and the lot orientation as illustrated at Figure 4-8.	**Complies** Zero lot lines are annotated on the plan of subdivision.
	On all lots where a zero lot line is permitted, the side of the allotment that may have a zero lot alignment must be shown on the approved subdivision plan.	**Complies** All proposed zero lot lines are illustrated on the subdivision plan.
	Where a zero lot line is nominated on an allotment on the subdivision plan, the adjoining (burdened) allotment is to include a 900mm easement for single storey zero lot walls and 1200mm for two storey zero lot walls to enable servicing, construction and maintenance of	**Complies by condition** Zero lot line easements for access and maintenance have been provided and a condition will be imposed to ensure the easement will remain unobstructed.

	the adjoining dwelling. No overhanging eaves, gutters or services (including rainwater tanks, hot water units, air-conditioning units or the like) of the dwelling on the benefited lot will be permitted within the easement. Any services and projections permitted under Clause 4.2.4 (6) within the easement to the burdened lot dwelling should not impede the ability for maintenance to be undertaken to the benefitted lot	
	The S88B instrument for the subject (benefited) lot and the adjoining (burdened) lot shall include a note identifying the potential for a building to have a zero lot line. The S88B instrument supporting the easement is to be worded so that Council is removed from any dispute resolution process between adjoining allotments.	**Noted**
Subdivision for Attached or Abutting Dwellings	Subdivision of lots for Torrens title attached or abutting dwellings must take into account that construction will be in 'sets'. A 'set' is a group of attached or abutting dwellings built together at the same time that are designed and constructed independently from other dwellings.	**Not applicable**
	The maximum number of attached or abutted dwellings permissible in a set is six.	**Not applicable**
	The composition of sets needs to be determined in the subdivision design to take into account the lot width required for a side setback to the end dwellings in each set. Examples of lot subdivisions for sets are illustrated in Figure 3-5.	**Not applicable**
Section 3.1.3 Battle-axe Lots	Consideration of accessibility to battle-axe lots.	**Not Applicable**

		The subject site is not a battle-axe lot. Battle axe lots are not proposed.
Section 3.1.4 Corner Lots	Corner lots, including splays and driveway locations, are to be designed in accordance with AS 2890 and Council's Engineering Specifications.	**Complies by condition** The proposed subdivision includes corner lots which feature splays. The application has been reviewed by Council's Land Development Engineers, who raised no issues subject to conditions of consent.
	Corner lots are to be designed to allow dwelling to positively address both street frontages.	**Complies** Future dwellings on corner lots will be required to address both street frontages as part of a future application. The proposed lot size and widths allow for future development to address both frontages.
	Plans of subdivision are to show the location of proposed or existing substations, kioks, sewer man holes and/ or vents affecting corner lots.	**Complies** The site is not identified as featuring future substations. No substations are proposed within the subject site.
Section 3.1.5 Subdivisions in the Environmental Living Zone	Ensure subdivisions are consistent with environmental qualities.	**Not Applicable** The subject site is not located in the Environmental Living Zone.
Section 3.2 Subdivision Approval Process	Ensure the land subdivision approval process is consistent with Table 3-4.	**Complies** All proposed lots have a lot size of 300sqm or greater, which is consistent with Pathway A1.
	Public Domain Plan to show elements of the Public Domain including Street Trees, vehicular cross-overs, and indicative building footprints.	**Complies by condition** A landscaping plan as well as civil plans showing driveways have been submitted with the application. The landscaping plan demonstrates that street trees are proposed to be planted as part of the application. A condition of consent will be imposed on the application to ensure that all street trees are to be planted.

Section 3.3.1 Street network layout and design	Provide safe and interconnected streets.	**Complies** The DA is in accordance with the control for the street network layout Road reserve widths set out in the ILP. The proposed development will include the required upgrades to the half width of Thirteenth Avenue which the site fronts.
Section 3.3.2 Street Furniture	Establish an interesting and attractive streetscape which enriches visual amenity.	**Complies** The proposal is satisfactory from a streetscape perspective, with appropriate conditions of consent able to be applied relating to street trees and presentation of the streetscape.
Section 3.3.3 Local Area Traffic Management	A local area traffic management (LATM) plan shall be submitted with any development which involves the opening of a new road(s), or modifications to existing roads. Design solutions shall confirm to Austroads Guide to Traffic Management Part 8 (Local Area Traffic Management.)	**Complies by condition** The proposal includes the opening of two new roads and one temporary road, which will connect to Thirteenth Avenue. A condition will be imposed for a LATM to be provided.
Section 3.3.4 Laneways	Ensure the design and construction of laneways is consistent with Figure 3-22 and Department of Planning and Environment Delivery Note: Laneways.	**Not Applicable** Laneways are not proposed.
Section 3.3.5 Shared Driveways	Shared driveways are consistent with the examples displayed in Figure 3-25.	**Not Applicable** Shared driveways are not proposed.
Section 3.3.6 Pedestrian and Cycle Network	Provides controls for Temporary Vehicular Access	**Complies** The design of pedestrian pathways is consistent with the requirements for local streets as set out in the DCP.
3.3.7 Temporary Vehicular Access	Provides controls for Temporary Vehicular Access	**Complies by conditions** Temporary turning arrangements are proposed at dead-end streets and a temporary access road is proposed through the site until such time that through traffic is made with the site from the road

		network. The application was referred to Council's Traffic Engineers and Land Development Engineers, who raised no objection to the proposal, subject to conditions
Section 3.3.8 Access to arterial roads, sub-arterial roads and transit boulevards	To restrict direct property access to higher order roads to provide for the safe and efficient movement of vehicles on these roads.	**Complies** The site does not have direct access to a arterial road, sub-arterial road or transit boulevard.
Section 3.4 Construction Environmental Management	This section contains controls relating to the implementation of a construction environmental management plan.	**Complies by condition** In the event consent is granted, conditions of consent will be imposed ensuring the implementation of a construction environmental management plan prior to issue of SWC.

Having regard to the above, the proposal is considered to be consistent with a number of key controls the Liverpool Growth Centre Precincts DCP.