

LOCAL PLANNING PANEL AGENDA

28 July 2025

MS TEAMS

LIVERPOOL
CITY
COUNCIL



MATTERS FOR THE LOCAL PLANNING PANEL'S DETERMINATION

Monday, 28 July 2025

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, Thursday 24th July 2025.

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

[Liverpool Local Planning Panel / Liverpool City Council \(nsw.gov.au\)](https://liverpoolcitycouncil.nsw.gov.au/liverpool-local-planning-panel)

ITEM No.	SUBJECT	PAGE No.
1	DEVELOPMENT APPLICATION DA-601/2024 DEMOLITION OF EXISTING STRUCTURES, TORRENS TITLE SUBDIVISION OF 46 RESIDENTIAL LOTS AND 1 RESIDUE LOT WITH ASSOCIATED DAM-DEWATERING, EARTHWORKS, CIVIL WORKS AND LANDSCAPING. THE PROPOSED DEVELOPMENT IS IDENTIFIED AS INTEGRATED DEVELOPMENT REQUIRING APPROVAL FROM NSW RURAL FIRE SERVICE UNDER <i>RURAL FIRES ACT 1997</i>. THE PROPOSED IS IDENTIFIED AS NOMINATED INTEGRATED DEVELOPMENT REQUIRING APPROVAL FROM WATERSNSW UNDER THE <i>WATER MANAGEMENT ACT 2000</i>. LOT 1098 IN DP 2475, LOT 1 IN DP 1227914 , LOT 2 IN DP 1227914 , LOT 3 IN DP 1227914 5 FIFTH AVENUE, AUSTRAL, 25 FIFTH AVENUE, AUSTRAL, 110 SIXTH AVENUE, AUSTRAL , 120 SIXTH AVENUE, AUSTRAL NSW 2179	4 - 106

ITEM No.	SUBJECT	PAGE No.
2	DEVELOPMENT APPLICATION DA-137/2025 PROPOSED ALTS & ADDS TO EXISTING SPA BUSINESS AND SHOP TOP HOUSING (01 DWELLING). LOT 134, DP 26304 66 MARSH PARADE, CASULA 2170	107 - 195

Item Number:	1
Application Number:	DA-601/2024
Proposed Development:	Demolition of existing structures, Torrens title subdivision of 46 residential lots and 1 residue lot with associated dam-dewatering, earthworks, civil works and landscaping. The proposed development is identified as Integrated Development requiring approval from NSW Rural Fire Service under <i>Rural Fires Act 1997</i> . The proposed is identified as nominated integrated development requiring approval from WaterNSW under the <i>Water Management Act 2000</i> .
Property Address	5 Fifth Avenue, Austral 25 Fifth Avenue, Austral 110 Sixth Avenue, Austral 120 Sixth Avenue, Austral
Legal Description:	Lot 1098 in DP 2475 Lot 1 in DP 1227914 Lot 2 in DP 1227914 Lot 3 in DP 1227914
Applicant:	North Western Surveys Pty Ltd
Land Owner:	25 Fifth Project Pty Ltd Hx. Tenth Austral Holding Pty Ltd H X Tenth Austral Holding Pty Ltd
Cost of Works:	\$3,770,088
Recommendation:	Approved subject to conditions of consent
Assessing Officer:	Eunice David

1 EXECUTIVE SUMMARY

Council received a Development Application (ref. DA-601/2024) seeking consent for demolition of existing structures, Torrens title subdivision to create 46 residential lots and 1 residue lot with associated dam-dewatering, earthworks, civil works and landscaping at 5 & 25 Fifth Avenue, Austral and 110 & 120 Sixth Avenue, Austral, legally known as 1098 in DP 2475 and Lot 1-3 in DP 1227914.

The proposed development is identified as Integrated Development requiring approval from NSW Rural Fire Service under *Rural Fires Act 1997*. The proposed is identified as nominated integrated development requiring approval from WaterNSW under the *Water Management Act 2000*.

The land is zoned R2 – Low Density Residential under the State and Environmental Planning Policy (Precincts – Western Parkland City) 2021. The proposed subdivision is permissible with consent under the SEPP.

The key issues associated with the proposal relate to a Clause 4.6 variation request to Clause 4.1B Residential Density of the SEPP (Precincts – Western Parkland City) 2021 in relation to residential density proposing a 18.7% 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 development application was advertised/notified between the 22 January 2025 and 21 February 2025 in accordance with the Liverpool's Community Engagement Strategy and Community Participation Plan 2022. One submission was received during this period.

The application has been assessed pursuant to the provisions of the *Environmental Planning and Assessment Act 1979*. It is recommended that the application, DA-601/2024 be approved, subject to conditions.

2. SITE DESCRIPTION AND LOCALITY

2.1 Site Description



Figure 1: Aerial view of the Subject site (Source: Geocortex - Council's internal system)

The subject site is an irregular shaped allotment located within a developing residential area. At the time of lodgement, the site was identified as 5 & 25 Fifth Avenue, Austral and 110 & 120 Sixth Avenue, Austral, legally known as 1098 in DP 2475 and Lot 1-3 in DP 1227914. However, during the assessment stage, the lot and DP details changed due to subdivision works commencing under the parent subdivision approval DA-382/2021.

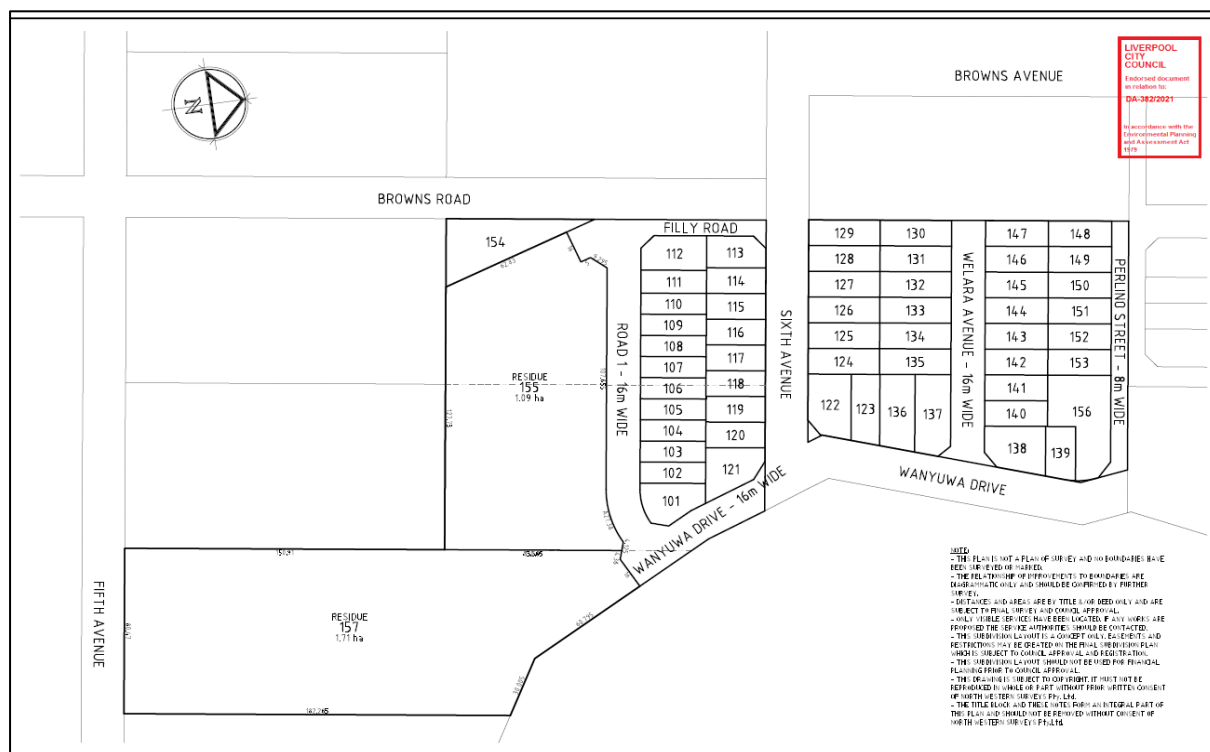


Figure 2: Extract of approved Subdivision Plan of DA-382/2021

The site to be developed is Residue Lot 155 and Lot 157, which was approved under DA-382/2021 (refer to Figure 2). The developable site has a total area of 2.89ha. Subdivision works has commenced on Residue Lot 155, which is limited to earthworks. No dwelling structures are currently present on this portion of the site. Under the subject application, the site will have vehicle access via Sabino Street and Fifth Avenue and is intended to be integrated with the surrounding road and lot layout established through the parent subdivision.

In addition, Residue Lot 157 which has a frontage and access to Fifth Avenue, is currently has an existing dual occupancy and associated ancillary structures. A number of mature trees are also located on this lot.

The site adjoins the Upper Canal to the north-east of the site, and is mapped as bushfire prone land, overland flooding, and bio-certified land.

2.2 Site Locality



Figure 3: Locality surrounding the proposed development (Source: Geocortex - Council's internal system)

The general locality is dominated by a mixture of large lot rural-residential development. Due to the number of approved subdivision developments, the locality is considered land in transition to urban residential neighbourhoods.

The site is situated within an emerging residential area within the Southwest Growth Centre precinct of Austral. The site is located in the southeast portion of Austral, and the land immediately surrounding the subject allotment is currently characterised by R2 Low Density Residential Land, on which a number of Development Applications have been lodged for residential subdivision.

In addition, the site is situated in an area that benefits from its proximity to the RE1 – Public Recreation zone to the further west and the C4 – Environmental Living zone to the south-west, followed by the B5 – Business Development zone further south-west. Additionally, Bringelly Road (an upgraded classified road) is located approximately 320m south from the site which provides access to further services and employment opportunities.

2.3 Site Constraints

Are there any constraints or affectations on the site: • Bushfire • Heritage Items • Aboriginal heritage • Environmentally Significant Land	• Bushfire Prone Land • Threatened Ecological Communities • Moderate Salinity • Adjacent the Upper Canal • Gas Pipeline
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• Threatened Species/ Flora/ Habitat/ Critical Communities • Acid Sulphate Soils • Aircraft Noise • Flight Paths • Railway Noise • Road Noise/ Classified Road • Significant Vegetation • Contamination • Gas pipelines	
Are there any restrictions on title?	Nil

3. BACKGROUND/ HISTORY OF THE SITE

3.1 Background of the Site

The following table presents the relevant history associated with the subject site:

Development Application	Lodgement Date	Proposed	Comment
DA-382/2021	26 April 2021	Demolition of Existing Structures, Site Remediation, Dam Dewatering, Subdivision of Existing Allotment into a Torrens Title Subdivision Of 53 Residential Lots and 4 Residue Lots , and Construction of Roads and Associated Civil Works	Approved 14 April 2023
DA-382/2021/A	27 June 2023	Modification to Development Consent DA-382/2021 Under Section 4.55(1) of the <i>Environmental Planning and Assessment Act 1979</i> , to correct an error made by Council. Details are as follows: The land listed in the Notice of Determination is missing Lot 1 in DP1227914.	Approved 06 July 2023

3.2 History of the Development Application

The following table presents the relevant procedures of the subject application:

Date	Action
13 February 2025	Additional information request (14 Day letter) sent to the applicant
21 February 2025	Applicant requested extension of time for flooding matter to be submitted on 7 March 2025
21 February 2025	Extension granted; The flooding items to be submitted on 7 March 2025, whereas the remaining items are due on 27 February 2025.
27 February 2025	Applicant submitted revised plans
28 March 2025	Applicant submitted flooding items
20 May 2025	Additional information request (14 Day letter) sent to the applicant; Dwelling Density Variation and Flooding Matters
27 May 2025	Applicant submitted additional information

4. DETAILS OF THE PROPOSED DEVELOPMENT

The proposal involves the demolition of the existing structures, dam-dewatering, remediation, earthworks, landscaping, road construction and subdivision of the site to create 46 residential lots, 1 residue lot for the purposes of temporary on-site detention drainage facility.

Note: The temporary on-site detention basin will be decommissioned under a future application, which will include remediation of the land for residential purposes and its future subdivision.

Details of the proposed Lots are provided in the table below.

Lot Number	Street Frontage (m)	Area (m ²)
301 (Cnr)	Primary Frontage: 9.82 Secondary Frontage: 18.275 Splay: 8.485	450.8
302	10	329.1
303	9.105	413.8
304	10.715	321.4
305	10.715	321.4
306	10.715	321.4
307	10.715	321.4
308	10.715	321.4
309	10.715	321.4
310	10.715	321.4
311 (Cnr)	Primary Frontage: 7.06 Secondary Frontage: 32.215	500.1

	Splay: 9.295	
312	10.4	300.1
313	12.27	300.1
314 (Cnr)	Primary Frontage: 6.45 Secondary Frontage: 21.98 Splay: 10.14	450.1
315	10.005	300.1
316	10.005	300.1
317	10.005	300.1
318	10.005	300.1
319	10.005	300.1
320	10.005	300.1
321	10.005	300.1
322	10.005	300.1
323	14.42	329.8
324	15.855	329.8
325	10.25	300.1
326	12.235	300.1
327 (Cnr)	Primary Frontage: 11.05 Secondary Frontage: 18.525 Splay: 8.485	400.1
328 (Cnr)	Primary Frontage: 10.675 Secondary Frontage: 29.125	501.1
329	14.235	424.7
330 (Cnr)	Primary Frontage: 13.75 Secondary Frontage: 17.135 Splay: 9.965	500.1
331	10	322.3
332	10	322.3
333	10	322.3
334	10	322.3
335	10	322.3
336	10	322.3
337	10	322.3
338	10	322.3
339	10	322.3
340	10	322.3
341	10	322.3
342	10	322.3
343 (Cnr)	Primary Frontage: 10.44 Secondary Frontage: 22.5 Splay: 8.485	450.5
344	10.53	300.1
345	10.53	300.1
346	10.53	300.1
347 (residue)	Primary frontage: 24.44	5524

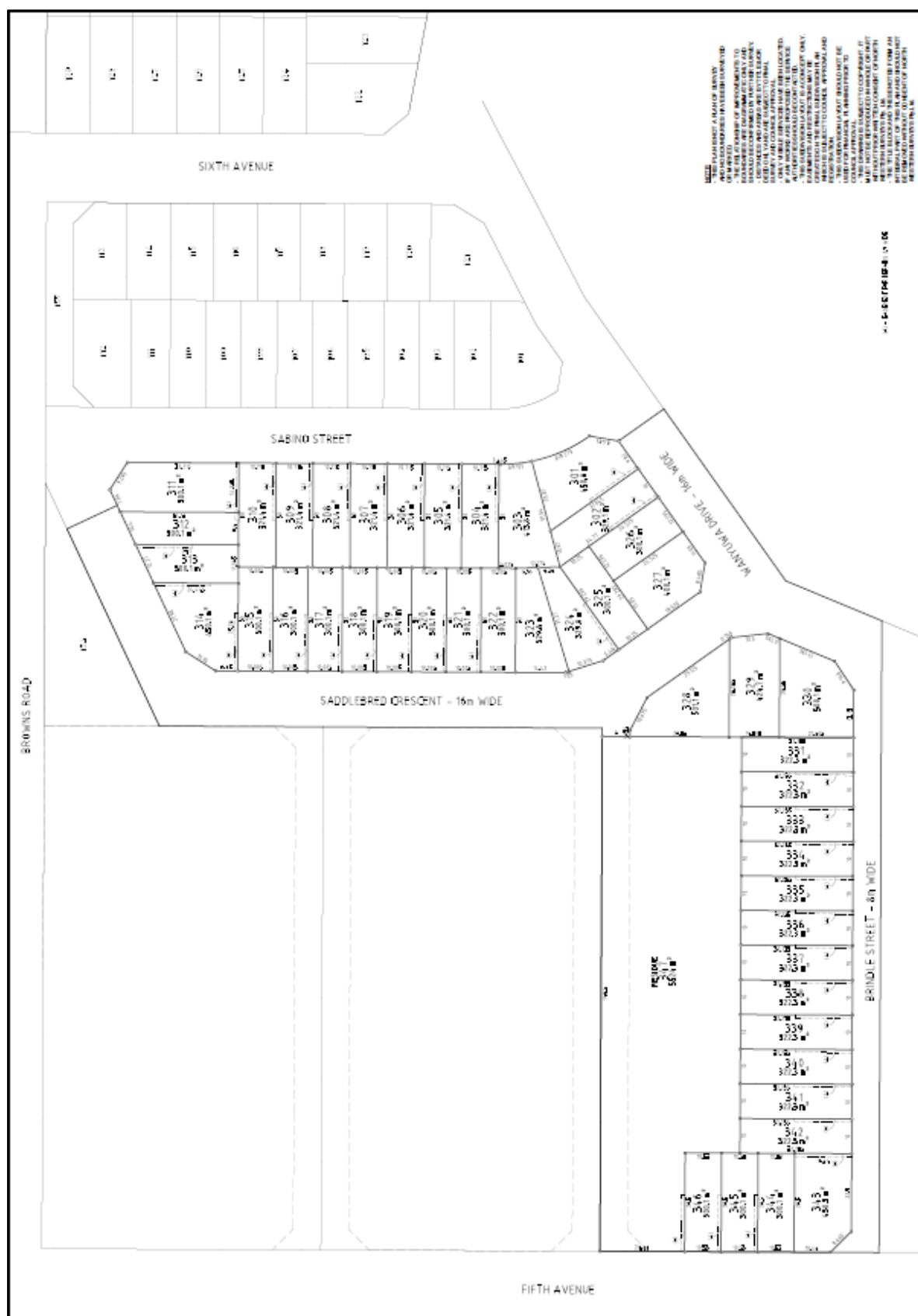


Figure 4: Extract of proposed Subdivision Plan in association with the approved subdivision plan (DA-382/2021)

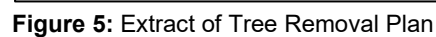




Figure 6: Extract of street tree planting

5. STATUTORY CONSIDERATIONS

The following planning instruments and plans are relevant to the proposed development:

- State Environmental Planning Policy (Precincts—Western Parkland City) 2021;
- State Environmental Planning Policy (Transport and Infrastructure) 2021;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- State Environmental Planning Policy (Resilience and Hazards) 2021;
- Liverpool Growth Centre Precincts Development Control Plan 2021.

6. ASSESSMENT

The Development Application has been assessed in accordance with the relevant matters of consideration prescribed by Section 4.15 of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2021*, as follows:

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

(a) State Environmental Planning Policy (Precincts – Western Parkland City) 2021

(i) Zoning

The development site is zoned R2 Low Density Residential pursuant to State Environmental Planning Policy (Precincts – Western Parkland City) 2021 - Appendix 4 Liverpool Growth Centres Precinct Plan.

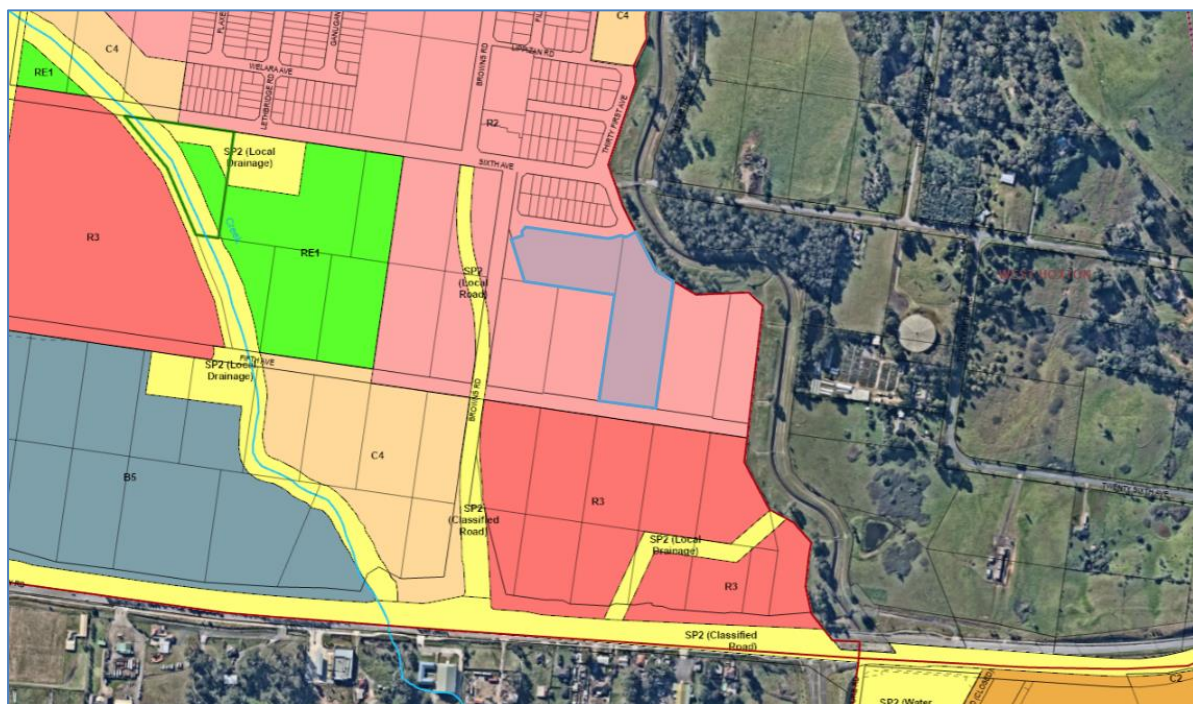


Figure 7: Extract of zoning image of the site (Source: Geocortex - Council's internal system)

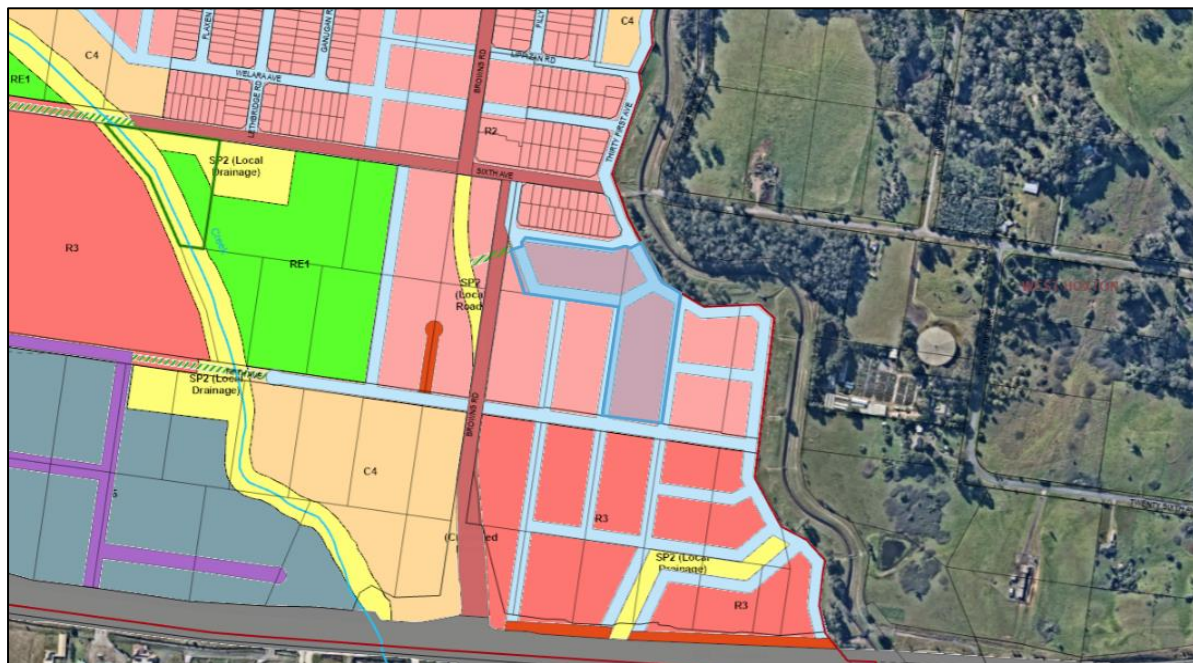


Figure 8: Extract of the Indicative Layout Plan Road Network for the precinct (Source: Geocortex - Council's internal system)

(ii) Permissibility

The proposed development within the R2 zone is defined as *subdivision, roads, and earthworks*. Subdivision and the construction of associated roads, drainage and earthworks are permissible pursuant to Clause 2.6 of Appendix 4 of the State Environmental Planning Policy (Precincts – Western Parkland City) 2021 (SEPP). Demolition is permitted with consent pursuant to Clause 2.7 of Appendix 4 of the SEPP.

(iii) Objectives of the zones

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.

(iv) Summary of Relevant SEPP: State Environmental Planning Policy (Precincts – Western Parkland City) 2021 Provisions

The State Environmental Planning Policy (Precincts - Western Parkland City) 2021 contains a number of provisions which are relevant to the proposal. Assessment of the application against the applicable provisions is provided below.

Note: The Liverpool Local Environmental Plan 2008 does not apply to this proposal, as the land is located within a Growth Centre Precinct. The applicant is instead assessed against the SEPP and the Liverpool Growth Centre Precincts DCP 2021.

Clause	Provision	Proposed	Compliance
2.6 Subdivision	Subdivision of land may only be carried out with development consent	The proposal is seeking consent for the subdivision of land to create 46 residential lots and 1 residue lot. Subdivision plans have been submitted in support of the application.	Complies
2.7 Demolition	Demolition works may only be carried out with consent	The development proposed the demolition of existing structures on site. A demolition plan and waste management plan has been submitted with the application and appropriate conditions of consent will be applied.	Complies
4.1AA Subdivision resulting in lots between 225-300m ²	Development consent may be granted to lots with an area less than 300m ² (but not less than 225m ²)	All proposed lots are over 300m ² .	Complies
4.1AB Minimum lot size for residential development in Zone R2 Low Density	300m ² for a dwelling house in dwelling density band of 20 dwellings per hectare	Based on all of the architectural plans and civil engineering plans, all lot sizes exceed 300m ² .	Complies

Clause	Provision	Proposed	Compliance
Residential and Zone R3 Medium density residential			
4.1B Residential Density	The site is subject to a minimum dwelling density of 20dw/ha	Site area: 2.89ha (this includes the half road construction along Fifth Avenue) Proposed lots: 47 lots (this is inclusive of the residue lot) Calculation: $47/2.88 = 16.26dw/Ha$ The proposal is deficient by 3.74 (18.7%)	Does not comply <i>Please refer to 4.6 discussion below.</i>
4.6 Exceptions to development standards	(2) Development consent may, subject to this section, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this section does not apply to a development standard that is expressly excluded from the operation of this section.	A Clause 4.6 variation request has been submitted by the Applicant. Please refer to Cl. 4.6 discussion below.	
5.1 Relevant Acquisition Authority	Land to be acquired as identified on the Land Reservation Acquisition Map	The site is not identified as required for acquisition on the Land Reservation Acquisition map.	Not applicable
5.9 Preservations of trees or vegetation	Consent is required to remove trees or vegetation.	An Arboricultural Impact Assessment and Tree Protection Plan, prepared by Vertical Tree Management and Consultancy, dated 25 February 2025 was submitted with the	Complies by condition

Clause	Provision	Proposed	Compliance
		application. The removal of trees in these areas are considered appropriate as it accommodates the development consistent with the objectives of the R2 zone. Note: On the tree removal plan, it appears that 5 trees are subject to be removed on the adjoining site known as 35 Fifth Avenue, Austral. Given that no adjoining owners' consent has been provided, a condition shall be imposed to ensure that the trees identified to be removed on the adjoining site shall be retained.	
5.10 Heritage conservation	Conservation of environmental heritage and consent requirements	The subject site is identified as partially moderate to high Aboriginal heritage area. An Aboriginal Due Diligence Assessment Report, prepared by Apex Archaeology, dated October 2024 was provided with the application. The application was referred to Council's Heritage officer and no objections were raised, subject to conditions of consent.	Complies by condition
6.1 Public Utility	The consent authority must not grant	The requirements of Sydney Water and	Complies by condition

Clause	Provision	Proposed	Compliance
Infrastructure	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 that infrastructure available when required	Endeavour Energy have been provided to Council and will be imposed 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.	
6.2 & 6.3 Development Controls – Native Vegetation Areas and Existing Native Vegetation	These controls relate only to the clearing of native vegetation within a native vegetation retention area.	The site is not identified within a native vegetation retention area on the Native Vegetation Protection Map, or within an existing native vegetation retention area on the Native Vegetation Protection Map.	Not applicable

Clause 4.6 – Exceptions to Development Standard (Variation to Clause 4.1B Residential Density)

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.”

Based on the Minimum Dwelling Density map, the site has a minimum dwelling density of 20dw/ha, as shown in the map below.

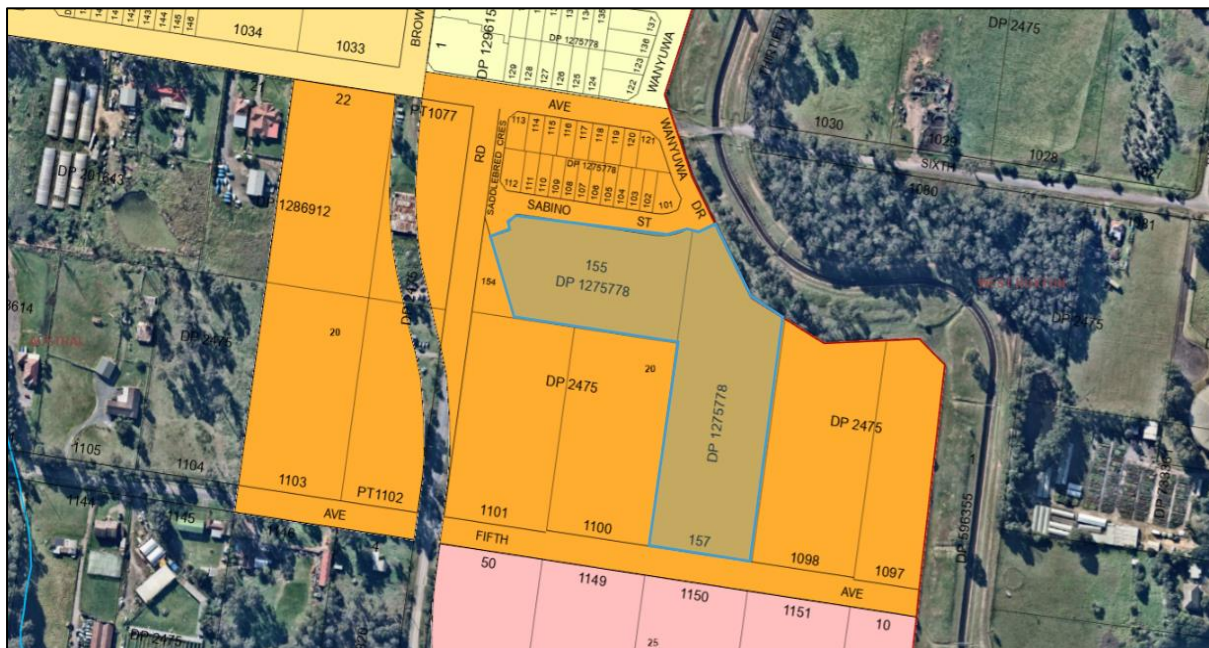


Figure 9: Extract of the Dwelling Density Map (Source: Geocortex - Council's internal system)

Clause 4.6 Exceptions to development standards (variation to clause 4.1B Residential Density)

The proposed development site has a minimum dwelling density of 20dw/ha applying to the land. The proposal provides a dwelling density of 16.26 over the net developable area of 2.89hectares. Given that the proposal provides a 18.7% variation to the dwelling density, the applicant was requested to provide a justification for this in accordance with Clause 4.6 of the SEPP, which has been provided and discussed below.

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.

4.6 Exceptions to development standards

- (1) *The objectives of this section 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:

- (3) *Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant for development consent 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 the contravention of 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 23 May 2025 in order to justify the variation described above. The Variation Statement can be found in Report Attachment 1. The document provides the following justification based on the merits of the proposal:

Applicant's response

"The intention is to vary the interpretation of the following definition included within 4.1B (4):

"net developable area means the land occupied by the development, including internal streets, but excluding land that is not zoned for residential purposes."

*The above development standard interpretation is to be varied to consider the orderly development of residual land subject to future development consent(s). The way in which the definition is to be interpreted, should be aligned with the Department of Planning's implementation of the Special Infrastructure Contribution **net developable area** definition, which reads as follows (taken from **Environmental Planning and Assessment (Special Infrastructure Contribution - Western Sydney Growth Areas) Determination 2011**):*

12 Net developable area not to include any residue lot or super lot

The net developable area for a relevant development comprising subdivision of land does not include any lot that the Director-General has, having regard to relevant planning controls, certified to the consent authority is a lot that will be further subdivided in accordance with a further development consent (or approval under Part 3A of the Act) for the purpose of the orderly development of the land for urban purposes in the future.

6. Achieving Compliance with the Development Standard

*By varying the definition of **net developable area** listed in Clause 4.1B, we are able to achieve compliance, with the following justifications:*

1. *Development Application DA-601/2024 proposes to create a large residual lot (Proposed Lot 347) which is subject to future development consent, which is to be lodged subsequent to obtaining the necessary adjoining owner's consent. This residual land should not be considered in the minimum dwelling density calculation as part of the net developable area, as the subsequent development application over residue lot 347 would*

also be subject to Clause 4.1B compliance. This consideration is vital to facilitate orderly development of the zoned land.

2. *DA-601/2024 is a proposed development over 2 residual lots that were created under DA-382/2021, and those large residual lots created under DA-382/2021 were not included in the net developable area or dwelling density calculation, as they would be subject to future development consent (in this case, DA-601/2024). This is precedence that has been set throughout the precinct, to exclude residual land from the **net developable area**.*

Dwelling Density (Clause 4.1B Test)

Developable Area:	Proposed Lots	Dwelling Density per Hectare requirement under LGC Precinct Plan	Proposed Density	Compliance with Clause 4.1B
<i>Proposed Lots 301-346, including any internal roads or half existing access streets: 2.30ha</i>	46	<i>Minimum 20dw/ha</i>	20.0dw/ha	Yes
<i>Proposed Lots 301-346 plus orderly development of residue lot 347, including any internal roads or half existing access roads: 2.89ha</i>	59	<i>Minimum 20dw/ha</i>	20.4dw/ha	Yes

The dwelling density requirement will be met by the proposed development, both individually over two separate development consents, and holistically. DA-601/2024 proposes 46 lots over 2.30hectares of land, producing 20 dwellings per hectare. The future development consent over residue lot 347 can demonstrate a subdivision layout compliant with the prescribed development standards to bring the total yield up to 59 lots over 2.89hectares of land, resulting in a dwelling density of 20.4 dwellings per hectare.”

Council’s assessment of variation proposed

The site is subject to a minimum dwelling density of 20dw/ha. The development proposes a residential density of 16.26. The applicant has states that the proposed development complies with the Residential Density, however a discrepancy between the applicant’s and Council’s calculation is evident with counting the full road width of the proposed road identified as Saddlered Crescent, full length of Fifth Avenue and the inclusion of the residue lot 347 as ‘net developable area.’

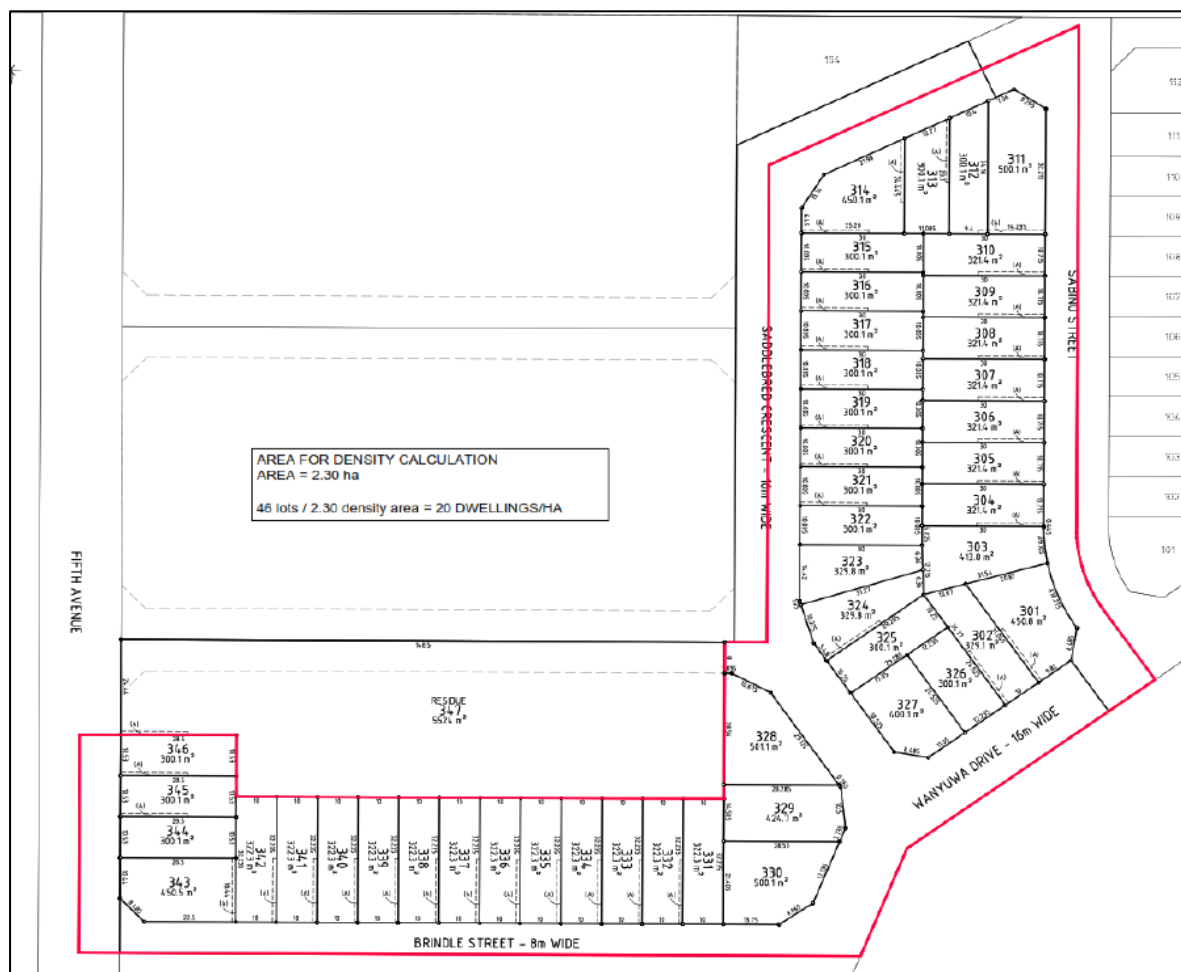


Figure 10. Extract of Applicant's net developable area calculation

Under 4.1B(4) of the SEPP(Precincts – Western Parkland City) 2021, net developable area is defined as follows:

'net developable area means the land occupied by the development, including internal streets, but excluding land that is not zoned for residential purposes.'

In addition, pursuant to Section 1.5 of the *Environmental Planning and Assessment Act 1979*, development is defined as:

- (1) For the purposes of this Act, development is any of the following –
 - (a) The use of the land,
 - (b) **The subdivision of land,**
 - (c) The erection of a building,
 - (d) **The carrying out of a work,**
 - (e) **The demolition of a building or work,**
 - (f) Any other act, matter does not include any act, matter or thing that may be controlled by any environmental planning instruments.

The proposal includes the construction of all roads identified in the Indicative Layout Plan (ILP) applicable to the site, as well as the half-road construction of Fifth Avenue. This excludes the half-road fronting proposed Residue Lot 347 and a portion of Fifth Avenue also fronting Residue Lot 347.

As all proposed roads shown on the density map are located within the site, the full width of these roads has been included in the density calculation (please see figure 10 below). It is noted that the road construction are to serve the dominant purpose of residential subdivision and dwellings. *Note: Sabino street (northern road) has been excluded from the calculation as road construction has been completed and dedicated to Council.*

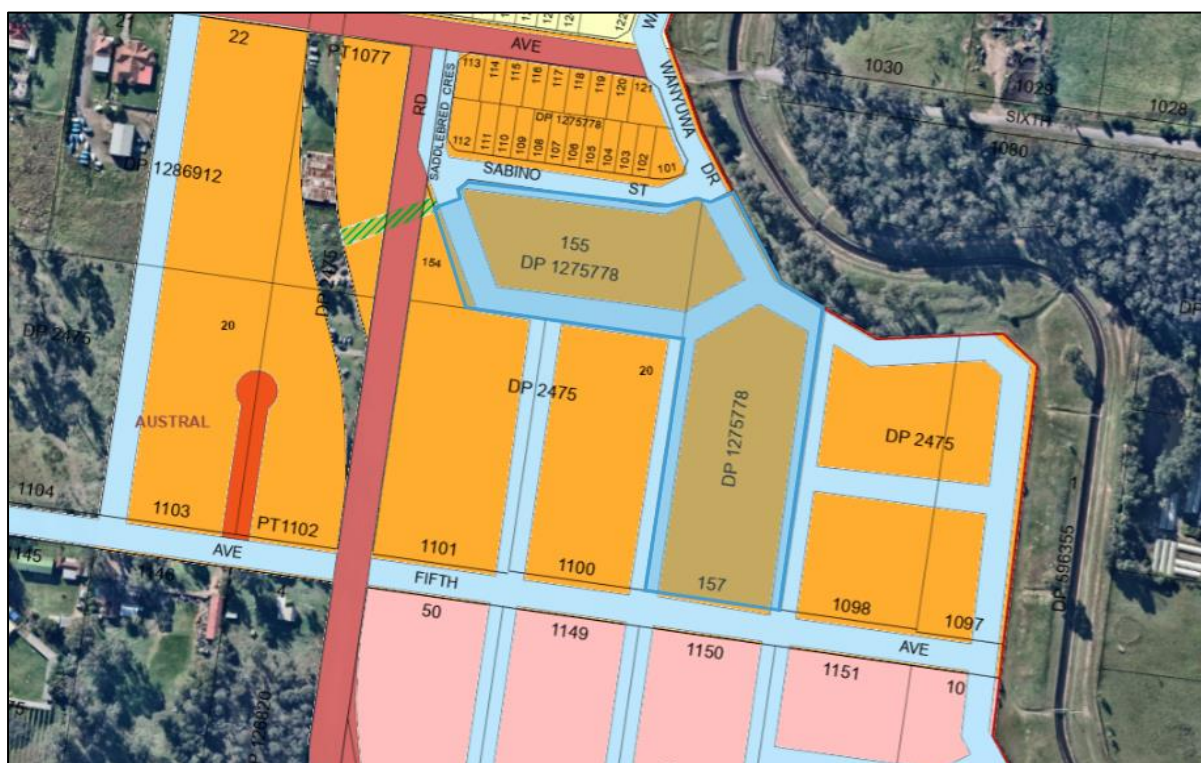


Figure 11. Extract of ILP and Density Maps

The applicant had advised that the proposed residue lot 347 should be excluded from the dwelling density calculation as a subsequent development application shall be lodged over the residue lot 347.

Under the *Environmental Planning and Assessment Act 1979*, 'development' includes subdivision, the carrying out of works or demolition, irrespective of whether the land is identified as a residue lot. In this case, works are being undertaken on residue lot 347, including the removal of existing trees, construction of a temporary on-site detention (OSD) system, and other associated earthworks, along with the creation of a residue lot through subdivision. Accordingly, residue lot 347 has been included in the dwelling density calculation.

In essence, the application relates to the deficiency of four allotments in achieving the minimum residential density of 20dw/ha. Despite the deficiency of the four allotments, the

proposal achieves full compliance with the development standards under the SEPP (Precinct Western Parkland) 2021 and subsequent policies.



Figure 12: Extract of the ILP in proximity to the existing adjoining dwelling house

The proposal seeks to retain Lot 347 as a residue lot, to remain undeveloped and be subdivided under a future development application in conjunction with the adjoining site to facilitate orderly development. Based on the ILP map applying to the site, residue lot 347 has a half road fronting the residue lot. It is noted that the adjoining site to the west is currently under private ownership, which would limit the ability to provide adequate road access to the potential lots within residue Lot 347 if subdivision were to occur at this stage. Furthermore, construction of road access may impact the amenity of the existing resident on the adjoining site.

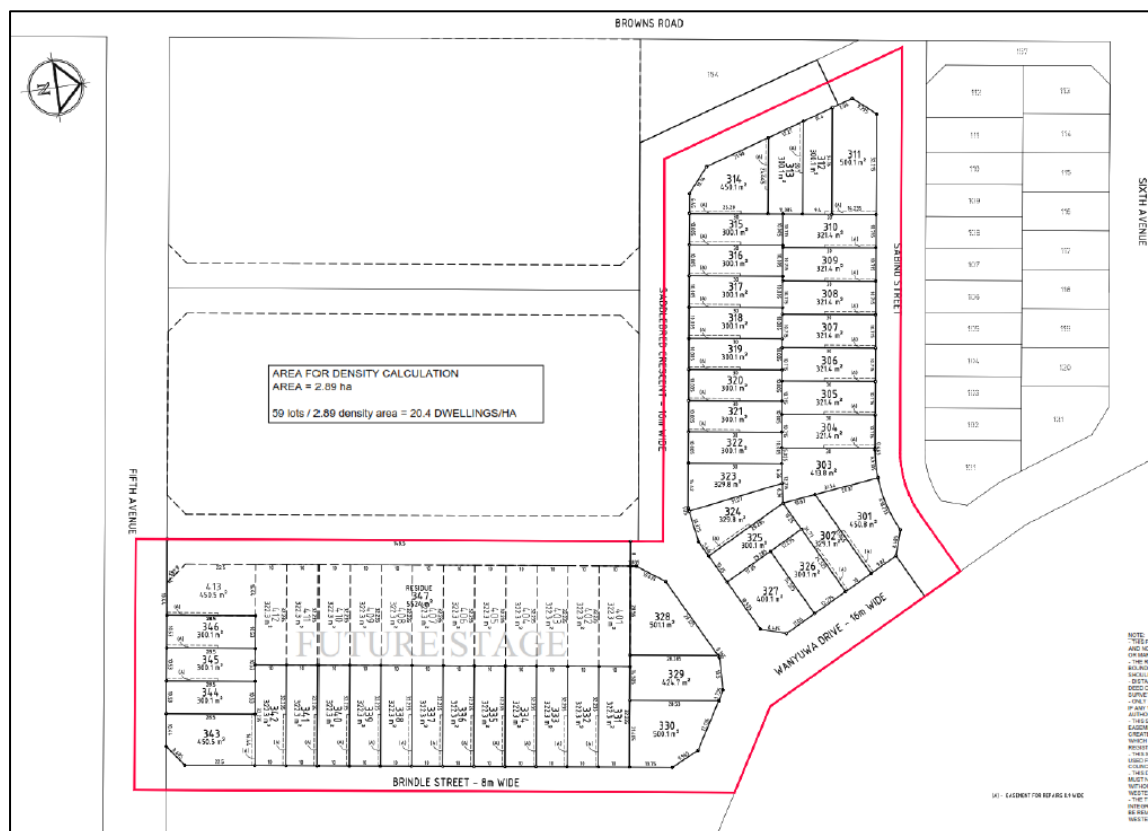


Figure 13. Extract of indicative subdivision layout of residue lot 347

It should be considered that in accordance with control 10 under Section 3.3.7 Temporary Vehicular Access, half road-construction is generally not recommended to serve more than ten residential lots. Based on the indicate subdivision plan, the proposed residue lot 347 can accommodate up to thirteen residential lots and contribute to the available new housing in accordance with Part 4 of this DCP. Given that the site is mapped as bushfire prone land, reliance on a half road construction may restrict access for larger emergency vehicles, including fire trucks and waste collection vehicles.

The site is considered capable of achieving the proposed dwelling density being 20dw/ha under the current application. However, the delivery of a portion of the site – specifically residue lot 347 is intended to occur at a later stage, under a separate development application. This staged approach is considered appropriate as it allows for coordinated access and serving arrangements with the adjoining land, thereby promoting orderly and planned development within the locality. In this regard, refusing the application based on non-compliance with the minimum dwelling density is unlikely to provide additional benefit to the locality. Therefore, compliance with the development standard is considered unreasonable or unnecessary in the circumstances.

As a result of the assessment above, it is appropriate in this instance to apply a degree of flexibility when applying the minimum residential density requirement given the above discussion. In addition, it is considered that compliance with the 4.1B residential density

development standard provides sufficient environmental planning grounds to justify contravening the development standard.

Recommendation

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.

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

The proposal has been assessed under the relevant provisions of State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land which applies to the DA.

The objectives of Chapter 4 of the SEPP are:

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

Pursuant to clause 4.6 of the SEPP, the consent authority must consider:

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

The site is identified as having a Medium Potential Contamination Risk within the Liverpool Growth Centres Precincts DCP, Schedule 1 – Austral and Leppington North Precinct. A Preliminary and Detailed Site Investigation, prepared by Geotest Services, dated 14 November 2016, has been submitted in support of the application. Additionally, a Remedial Action Plan prepared by Sydney Environmental Group, dated 9 September 2024 was submitted with the application.

The assessment of the site concluded that the site is suitable for the proposed development in its current form. In addition, the application has been referred to Council's Environmental Health section and raised no objections, subject to conditions.

Pursuant to Chapter 4 of the SEPP, the consent authority is required to consider the provisions in Clause 4.6 of the SEPP shown in the following table in determining 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	The land is identified as having Medium Potential Contamination Risk within Schedule One – Austral and Leppington North Precinct. A Preliminary and Detailed Site Investigation report, prepared by Geotest Services, dated 14 November 2016 has been submitted with the application, which concluded that further remediation of the site is required in order for the development to be suitable for 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	The Remedial Action Plan (RAP) prepared by Sydney Environmental Group, dated 9 September 2024 confirms that once the recommendations of the report are implemented and validated, the site will be suitable for proposed residential land use.
(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 details the guidelines and recommendations which will ensure the site can be made suitable for future residential land use. The RAP was reviewed by Council's Environmental Health Officer who raised no objection to the development subject to conditions of consent.

Based on the above assessment, the proposal is considered to satisfy the relevant objectives and provisions of SEPP (Resilience and Hazards) 2021 Chapter 4 Remediation of Land, and the consent authority can be satisfied that the subject site is suitable for the proposed development.

(c) State Environmental Planning Policy (Transport and Infrastructure) 2021



Figure 14: Extract of affected land pursuant to Clause 2.163 of the SEPP (Transport and Infrastructure) 2021 (Source: Geocortex - Council's internal system)

Pursuant to Clause 2.163 of the SEPP (Transport and Infrastructure) 2021, the land is identified as “affected land” under the State Environmental Planning Policy (Infrastructure) 2007 Water Supply Infrastructure Map. The application was referred to WaterNSW who reviewed the proposal and raised no objections, subject to conditions of consent.

In addition, Council’s Land Development Engineer and Floodplain Engineer have reviewed the proposal and raised no objections, subject to conditions.

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

Chapter 6 of the Biodiversity and Conservation SEPP establishes the requirements for the various water catchments across the greater Sydney region. The subject site is located within the Hawkesbury-Nepean River Catchment. This chapter generally aims to protect the environment of the water catchment, specifically, the Hawkesbury Nepean River system by ensuring that impacts of future land uses are considered in a state, regional and local context.

When a consent authority determines a development application, planning principles are to be applied (Chapter 6). Accordingly, a table summarising the matters for consideration in determining development applications, and compliance with such, is provided below.

Division 2 Controls on development generally	Comment
6.6 Water Quality and Quantity (2) Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied the development ensures— (a) the effect on the quality of water entering a natural waterbody will be as close as possible to neutral or beneficial, and (b) the impact on water flow in a natural waterbody will be minimised.	Stormwater Concept plans have been submitted with the application DA-601/2024. Council's Land Development Engineers and Floodplain Management Engineers have reviewed the proposal and raised no objections, subject to conditions of consent.
6.7 Aquatic Ecology (2) Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied of the following— (a) the direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation will be kept to the minimum necessary for the carrying out of the development, (b) the development will not have a direct, indirect or cumulative adverse impact on aquatic reserves, (c) if a controlled activity approval under the <i>Water Management Act 2000</i> or a permit under the <i>Fisheries Management Act 1994</i> is required in relation to the clearing of riparian vegetation—the approval or permit has been obtained, (d) the erosion of land abutting a natural waterbody, or the sedimentation of a natural waterbody will be minimised, (e) the adverse impact on wetlands that are not in the coastal wetlands and littoral rainforests area will be minimised.	As above.
6.8 Flooding (2) Development consent must not be granted to development on flood liable land in a regulated catchment unless the	The site is not affected by mainstream flooding, however, affected by overland flooding during large storm events.

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 natural recession of floodwaters into wetlands and other riverine ecosystems.	Council's Floodplain Management Engineers have reviewed the proposed and raised no objections, subject to conditions of consent.
6.9 Recreation and public access (2) Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied of the following— a. the development will maintain or improve public access to and from natural waterbodies for recreational purposes, including fishing, swimming and boating, without adverse impact on natural waterbodies, watercourses, wetlands or riparian vegetation, b. new or existing points of public access between natural waterbodies and the site of the development will be stable and safe, c. if land forming part of the foreshore of a natural waterbody will be made available for public access as a result of the development but is not in public ownership—public access to and use of the land will be safeguarded.	Not applicable

It is considered that the proposal does achieve the objectives of the Biodiversity and Conservation SEPP.

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

There are no draft EPIs applicable to the site.

6.3 Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

(a) Liverpool City Council Growth Centre Precincts Development Control Plan

The application has been considered against the controls contained in the Liverpool Growth Centre Precincts Development Control Plan (DCP) in particular:

- Part 2: Precinct Planning Outcomes.
- Part 3: Neighbourhood and Subdivision Design; and
- Schedule 1: Austral Leppington North

The proposal does not comply with the Residential Density applying to the land, however, please refer to the 4.6 variation discussion above. All relevant controls demonstrating compliance are found in the relevant attachment to this report.

Part 3 Neighbourhood and Subdivision Design			
Development Control	Provision	Comment	Compliance
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.	Site Area: 2.89ha (this includes the half road construction along Fifth Avenue) Proposed lots: 47 lots (this is inclusive of the residue lot) Calculation: $47/2.89 = 16.26dw/Ha$ The proposal is deficient by 3.74 (18.7%)	Does not comply See 4.6 discussion above.

6.4 Section 4.15(1)(a)(iia) – Any Planning Agreement or Draft Planning Agreement

There is no planning agreement or draft planning agreement applying to the site.

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 Building Code of Australia and Australian Standards with respect to demolition. Accordingly, appropriate conditions of consent will be imposed.

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

(a) Natural and Built Environment

Impacts on the natural environment have been assessed as part of the development application and the required Precinct Planning outcomes. It is considered that the development will not result in adverse impacts on the natural environment as General Terms

of Approval have been obtained from the NSW Rural Fire Services, and an arborist report has been submitted with the application to justify the removal of the existing trees.

The proposal will facilitate residential development consistent with the desired future built character of the locality. Consideration has been given to site-specific and broader issues such as but not limited to site remediation works and Aboriginal and European Heritage and future built form.

(b) Social Impacts and Economic Impacts

The proposal would result in a positive economic impact in the locality through the capital investment value of the development and is unlikely to generate any identifiable detrimental social impacts, being consistent with the desired development type in the locality.

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

The 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 access to the site from Fifth Avenue.

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 relation to the Development

(a) Internal Referrals

DEPARTMENT	COMMENTS
Environmental Health	Approval subject to conditions
Floodplain Engineers	Approval, subject to conditions
Land Development Engineers	Approval, subject to conditions
Traffic & Transport Engineers	Approval subject to conditions
City Design Heritage	Approval subject to conditions
Waste Management	Approval subject to conditions

(b) External Referrals

DEPARTMENT	COMMENTS
Sydney Water	Supported subject to conditions of consent.
Endeavour Energy	Supported subject to conditions of consent.
WaterNSW	General Terms of Approval submitted.
NSW Rural Fire Service	General Terms of Approval submitted.

(c) Community Consultation

The development application was advertised/notified between the 22 January 2025 and 21 February 2025 in accordance with the Liverpool's Community Engagement Strategy and Community Participation Plan 2022. One submission were received during this period.

Issue 1: There are possums living on this property. Under the *Biodiversity Conservation Act 2016*, possums are protected in New South Wales, and it is illegal to kill, harm, trap and/or relocate them without a license/permit.

Council Comments: A condition shall be imposed to ensure that relocation of the possums shall be conducted by a qualified ecologist or a member of a wildlife rescue organisation, with necessary permits, prior to the commencement of subdivision works.

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

The proposal fails to satisfy the relevant planning considerations and controls. Therefore, is not considered to be in the public interest.

7. DEVELOPER CONTRIBUTIONS

Section 7.11 contributions will be imposed in accordance with the Liverpool City Council Section 7.11 – Austral and Leppington North Contributions Plan 2021. A special infrastructure contribution condition is also required as the SIC Levy applies to the site. As the SIC is in place in this location, a housing and productivity contribution is not required for the proposed development. The Section 7.11 contribution calculations have been confirmed as correct by Council's contributions accountant.

Note: The residue lots have not been included as part of this calculation and will be subject to future contribution payments when developed. Appropriate restrictions on title have been placed on applicable residue lots.

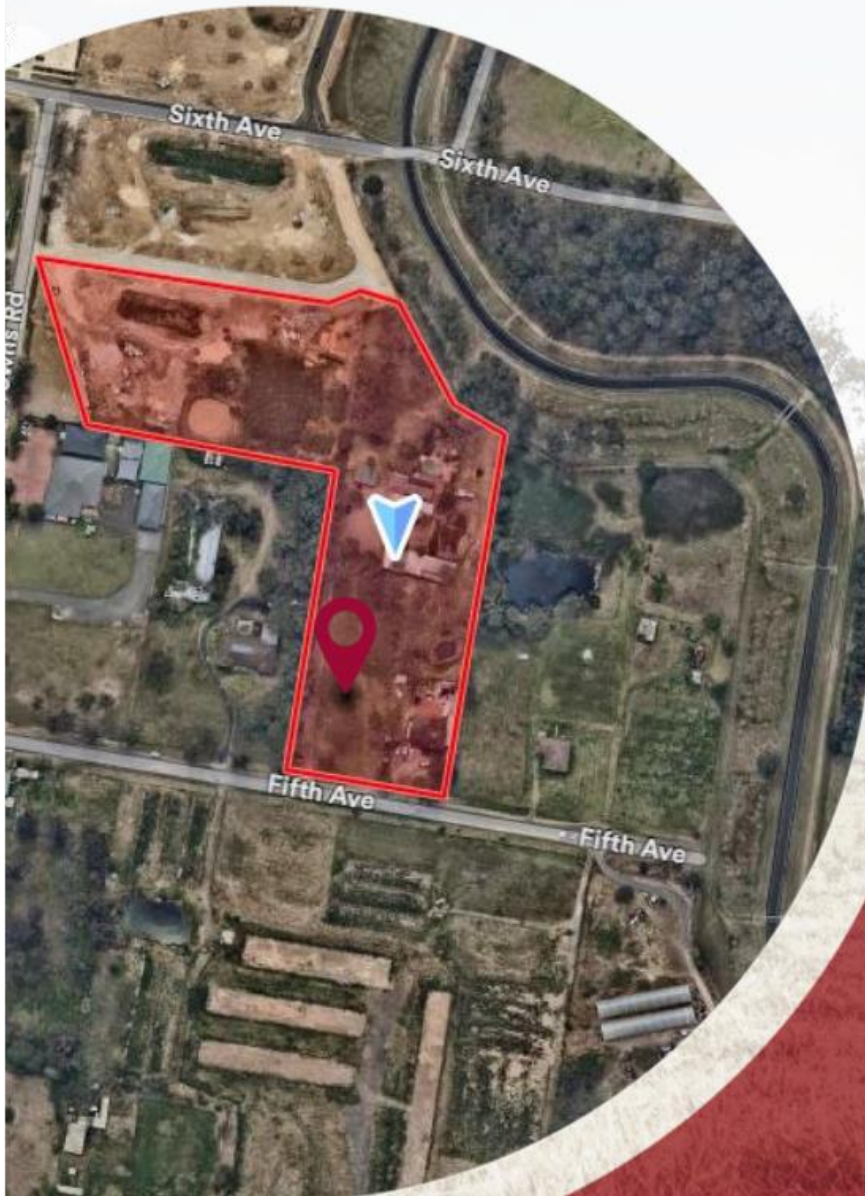
8. RECOMMENDATION

That pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979*, Development Application DA-601/2024 be approved, subject to conditions.

ATTACHMENTS

1. Applicants Clause 4.6 variation request
2. Liverpool DCP Assessment Tables DA-601/2024
3. Draft Determination Documents
4. Draft Conditions of Consent

CLAUSE 4.6 VARIATION



DATE: 23/05/2025
PROJECT NO: 20985

25 FIFTH AVENUE
AUSTRAL NSW 2179

SURVEYING + CIVIL ENGINEERING + PROJECT MANAGEMENT + SUPERINTENDENCY + WATER SERVICING COORDINATION



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REV	DESCRIPTION	AUTHOR	REVIEWER	DATE
00	Clause 4.6 Variation	JC	SP	27/05/2025

SURVEYING + CIVIL ENGINEERING + PROJECT MANAGEMENT + SUPERINTENDENCY + WATER
SERVICING COORDINATION

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CLAUSE 4.6 VARIATION TO DEVELOPMENT STANDARD: PARTICULARS**1. Relevant Environmental Planning Policy**

SEPP (Precincts—Western Parkland City) 2021 – Liverpool Growth Centres Precinct Plan

2. Land Zoning Objectives

Under the Western Parkland City SEPP 2021, each zone has a series of objectives that need to be considered when assessing a development application, below identifies the objectives of the land zoning applicable to this Development Application:

R2 Low Density Residential Objectives:

- 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.

3. Development Standard to be Varied**4.1B Residential density (State Environmental Planning Policy (Precincts—Western Parkland City) 2021)****4. Objectives of Development Standard being Varied**

- (1) The objectives of this section are—
 - (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.
- (2) This section applies to residential development of the kind referred to in section 4.1AB or 4.1AC that—
 - (a) is carried out on land to which this Precinct Plan applies that is shown on the Residential Density Map, and
 - (b) requires development consent, and
 - (c) is carried out after the commencement of this Precinct Plan.
- (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.
- (4) In this section—

CLAUSE 4.6 VARIATION

25 FIFTH AVE, AUSTRAL – REF:20985

density means the net developable area in hectares of the land on which the development is situated divided by the number of dwellings proposed to be located on that land.

net developable area means the land occupied by the development, including internal streets, but excluding land that is not zoned for residential purposes.

5. Particulars of the Proposed Development Standard Variation

The intention is to vary the interpretation of the following definition included within 4.1B (4):

“net developable area means the land occupied by the development, including internal streets, but excluding land that is not zoned for residential purposes.”

The above development standard interpretation is to be varied to consider the orderly development of residual land subject to future development consent(s). The way in which the definition is to be interpreted, should be aligned with the Department of Planning’s implementation of the Special Infrastructure Contribution **net developable area** definition, which reads as follows (taken from **Environmental Planning and Assessment (Special Infrastructure Contribution - Western Sydney Growth Areas) Determination 2011**):

12 Net developable area not to include any residue lot or super lot

The net developable area for a relevant development comprising subdivision of land does not include any lot that the Director-General has, having regard to relevant planning controls, certified to the consent authority is a lot that will be further subdivided in accordance with a further development consent (or approval under Part 3A of the Act) for the purpose of the orderly development of the land for urban purposes in the future.

6. Achieving Compliance with the Development Standard

By varying the definition of **net developable area** listed in Clause 4.1B, we are able to achieve compliance, with the following justifications:

1. Development Application DA-601/2024 proposes to create a large residual lot (Proposed Lot 347) which is subject to future development consent, which is to be lodged subsequent to obtaining the necessary adjoining owners consent. This residual land should not be considered in the minimum dwelling density calculation as part of the net developable area, as the subsequent development application over residue lot 347 would also be subject to Clause 4.1B compliance. This consideration is vital to facilitate orderly development of the zoned land.
2. DA-601/2024 is a proposed development over 2 residual lots that were created under DA-382/2021, and those large residual lots created under DA-382/2021 were not included in the net developable area or dwelling density calculation, as they would be subject to future development consent (in this case, DA-601/2024). This is precedence that has been set throughout the precinct, to exclude residual land from the **net developable area**.

7. Dwelling Density Test

Dwelling Density (Clause 4.1B Test)

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Net Developable Area:	Proposed Lots	Dwelling Density per Hectare requirement under LGC Precinct Plan	Proposed Density	Compliance with Clause 4.1B
Proposed Lots 301-346, including any internal roads or half existing access streets: 2.30ha	46	Minimum 20dw/ha	20.0dw/ha	Yes
Proposed Lots 301-346 plus orderly development of residue lot 347, including any internal roads or half existing access roads: 2.89ha	59	Minimum 20dw/ha	20.4dw/ha	Yes

8. Conclusion

The dwelling density requirement will be met by the proposed development, both individually over two separate development consents, and holistically. DA-601/2024 proposes 46 lots over 2.30hectares of land, producing 20 dwellings per hectare. The future development consent over residue lot 347 can demonstrate a subdivision layout compliant with the prescribed development standards to bring the total yield up to 59 lots over 2.89hectares of land, resulting in a dwelling density of 20.4 dwellings per hectare.

The current Density Plan covering proposed lots 301-346 is shown in Appendix 1.

The orderly Density Plan covering proposed lots 301-346, and the future subdivision of Residue Lot 347 is shown in Appendix 2.

We believe that the proposed development under DA-601/2024 is made in the public interest, and is compliant with all development control standards as understood through this Clause 4.6 variation. We are recommending that this application be granted consent under delegated authority.

Joel Cotter
Senior Project Manager
B.CompSci

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AREA FOR DENSITY CALCULATION
AREA = 2.30 ha
46 lots / 2.30 density area = 20 DWELLINGS/HA

PROPOSED CRESCENT - 16m WIDE

WANTUNA DRIVE - 16m WIDE

BRIDGE STREET - 8m WIDE

LOT 1, 2 & 3
LOT 1279/14
LOT 1279/15
LOT 1279/16
LOT 1279/17
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Attachment 2 – Liverpool City Council Growth Centre Precincts Development Control Plan

The application has been considered against the controls contained in the Liverpool Growth Centre Precincts Development Control Plan (DCP) in particular:

- Part 2: Precinct Planning Outcomes.
- Part 3: Neighbourhood and Subdivision Design; and
- Schedule 1: Austral Leppington North

The key controls are discussed in the following tables:

Part 2 Precinct Planning Outcomes			
Development Control	Provision	Comment	Compliance
2.2 The Indicative Layout Plan (ILP)	All development applications are to be generally in accordance with the Indicative Layout Plan.	The proposed subdivision and road layout is generally in accordance with the ILP. A portion of the ILP is located on the residue lot 347. The proposal seeks to retain Lot 347 as a residue lot. This is considered acceptable as Lot 347 shall remain undeveloped and be subdivided under a future development application in conjunction with the adjoining site to facilitate orderly development.	Complies
2.3.1 Flooding	This section controls relating to development on flood prone land	The site is not affected by mainstream flooding, however, affected by overland flooding during large storm events. Council's Floodplain Engineers have reviewed the proposed and have raised no objections, subject to conditions.	Complies by conditions
2.3.2 Water Cycle Management	This section contains controls relating to stormwater management.	Council's Land Development Engineer and have reviewed the Stormwater Concept Design and have raised no objections, subject to	Complies by conditions

Part 2 Precinct Planning Outcomes			
Development Control	Provision	Comment	Compliance
		conditions. As such, sufficient infrastructure is available to manage the urban water cycle.	
2.3.3 Salinity and Soil Management	This section contains controls relating to salinity and soil management.	The site is identified as having medium salinity risk. A Detailed Site Investigation and Salinity Assessment, prepared by Econ Environmental, has been submitted with the application. The application was referred to Council's Land Development Engineers who have raised no objections.	Complies
2.3.4 Aboriginal and European Heritage	This section contains controls relating to the management of Aboriginal heritage values and to ensure areas identified as European cultural heritage sites or archaeological sites are managed.	The subject site is identified as partially moderate to high Aboriginal heritage area. An Aboriginal Due Diligence Assessment Report, prepared by Apex Archaeology, dated October 2024 was provided with the application. The application was referred to Council's Heritage officer who has raised no objection, subject to conditions of consent.	Complies by condition
2.3.5 Native Vegetation and Ecology	This section contains controls relating to the conservation and rehabilitation of native vegetation.	The proposed development is generally consistent with the ILP and the land zoning. Vegetation within the R2 zoned area 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	Complies

Part 2 Precinct Planning Outcomes			
Development Control	Provision	Comment	Compliance
		Biodiversity Certification Order.	
2.3.6 Bushfire Hazard Management	This section contains controls relating to development on bushfire prone land.	The site is mapped as bushfire prone land. The proposed development is identified as Integrated Development requiring approval from NSW Rural Fire Service under <i>Rural Fires Act 1997</i>. NSW Rural Fire Service has provided General Terms of Approval, which will form part of the conditions of consent.	Complies by condition
2.3.7 Site Contamination	This section contains controls relating to development on potentially contaminated land.	Refer to State Environmental Planning Policy (Resilience and Hazards) 2021 section of this report.	Complies by condition
2.3.8 Development on and adjacent to electricity and gas easements	This section contains controls relating to development on and adjacent to electricity and gas easements.	No electricity or gas easements are identified on, or adjacent to the site.	Complies
2.3.9 Noise	This section contains controls relating to ensuring acoustic privacy is achieved for future residential development.	The site is not identified as being impacted by road noise within Schedule 1 – Austral and Leppington North Precinct. An internal referral was made to Council's Environmental Health Department who have reviewed the proposal and have not raised any objection.	Complies
2.3.10 Odour Assessment and Control	This section relates to land deemed by Council to be affected by an odour source.	Council's records indicate that the proposed development is not likely to be impacted by odour as a result of surrounding land	Complies

Part 2 Precinct Planning Outcomes			
Development Control	Provision	Comment	Compliance
		uses that potentially generate odour. As a result, an air quality and odour assessment are not required.	
2.3.11 Air Quality	This section contains controls relating to preserving air quality in relation to industrial and/or employment development	The DA does not propose industrial or employment development.	Not applicable
2.4 Demolition	This section contains controls relating to demolition of buildings	All demolition shall be required to comply with standard conditions of consent for demolition.	Complies by condition
2.5 Crime Prevention Through Environmental Design	This section contains controls relating to the principles of CPTED.	The proposed development is unlikely to contravene the principles of CPTED.	Complies
2.6 Earthworks & Dam De-watering	This section contains controls relating to earthworks	An existing dam is located on the site. Conditions of consent are imposed to ensure that appropriate measures are implemented during dam de-watering. Council's Land Development Engineers have reviewed the earthwork component and have raised no objections, subject to conditions of consent.	Complies by condition

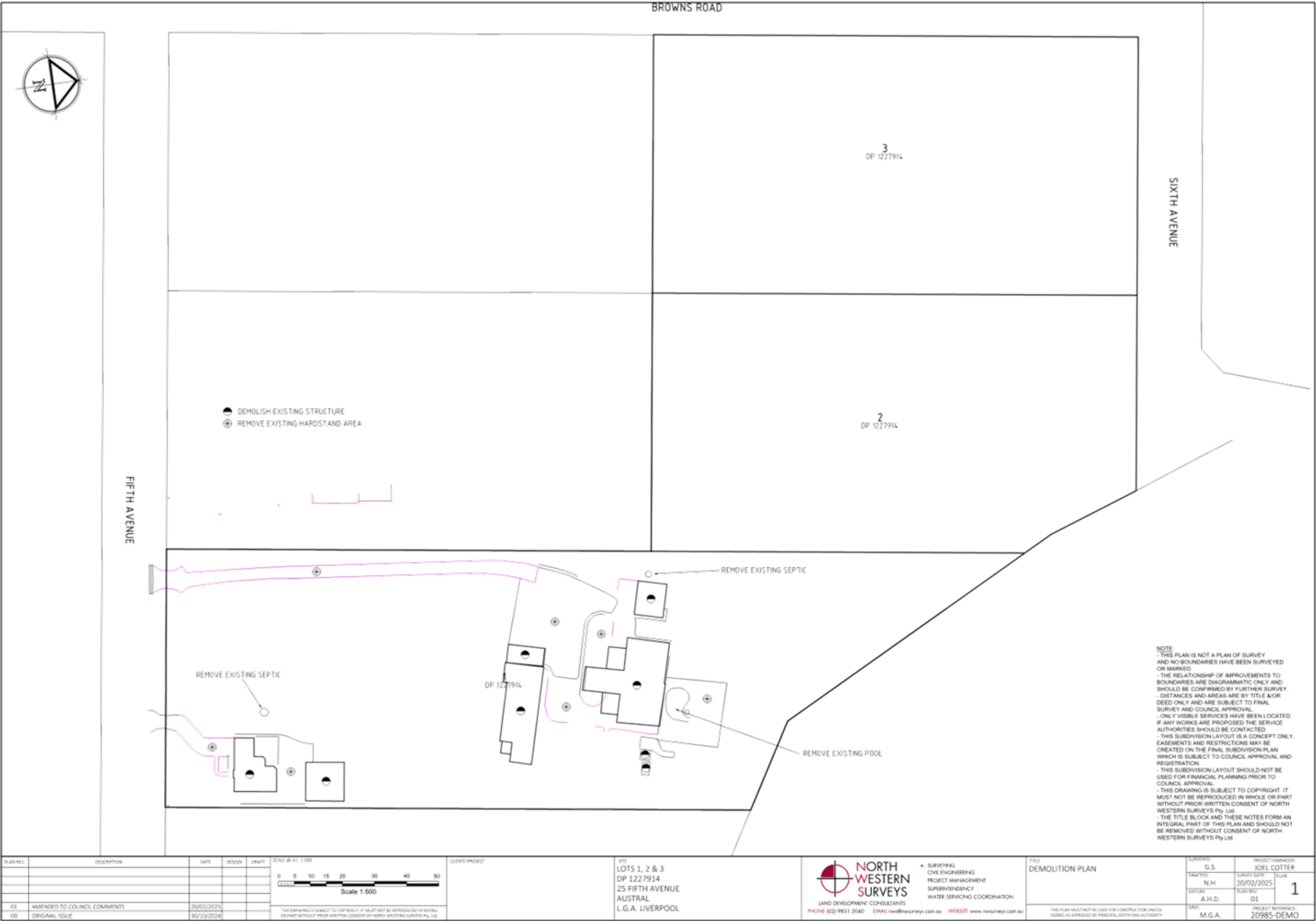
Part 3 Neighbourhood and Subdivision Design			
Development Control	Provision	Comment	Compliance
3.1.1 Residential Density	All applications for residential subdivision and the construction of residential buildings are to demonstrate that the	Site Area: 2.89ha (this includes the half road construction along Fifth Avenue)	Does not comply See 4.6 discussion in

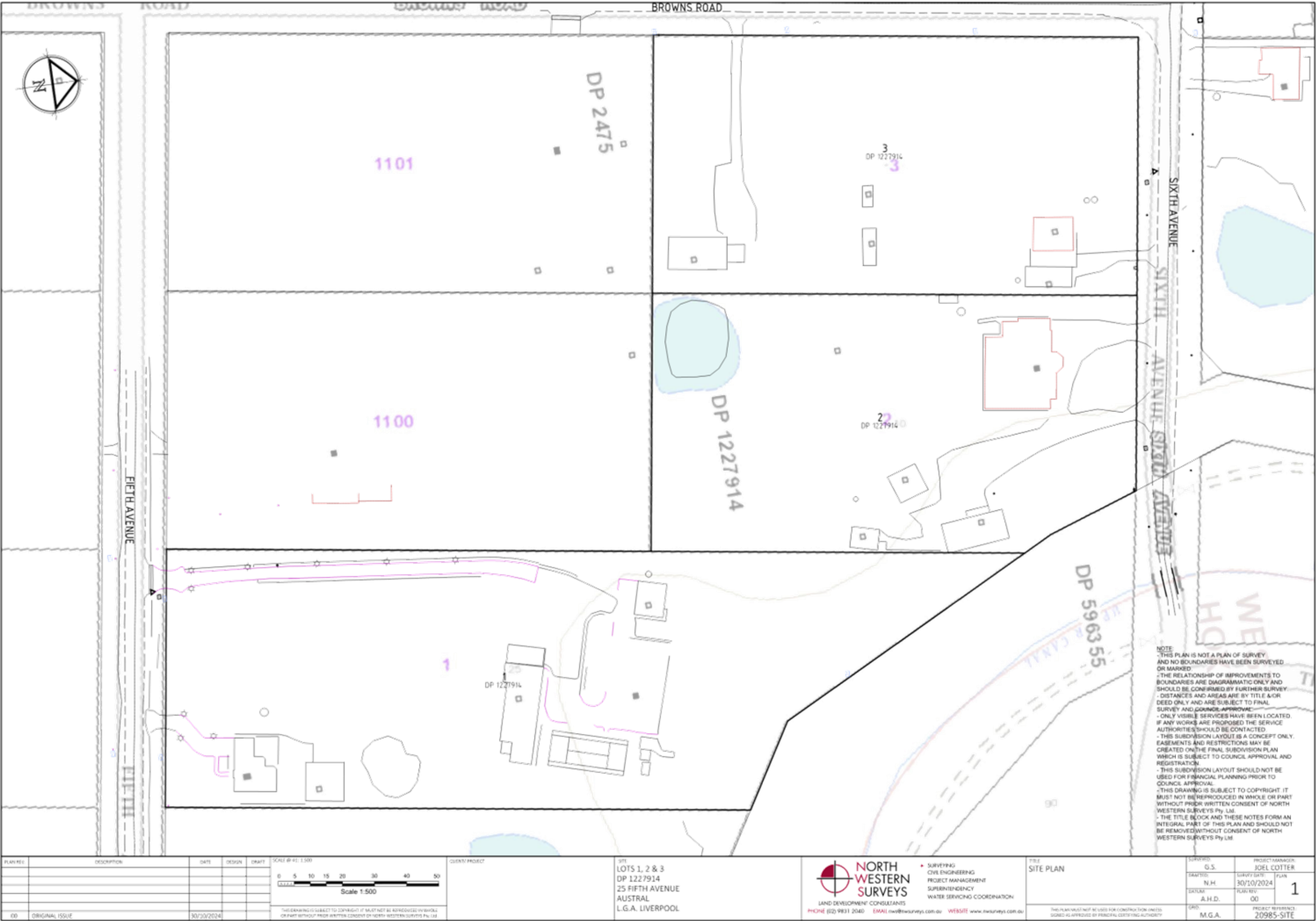
Part 3 Neighbourhood and Subdivision Design			
Development Control	Provision	Comment	Compliance
	proposal meets the minimum residential density requirements of the relevant Precinct Plan and contributes to meeting the overall dwelling target in the relevant Precinct.	Proposed lots: 47 lots (this is inclusive of the residue lot) Calculation: $47/2.88 = 16.26\text{dw}/\text{Ha}$ The proposal is deficient by 3.74 dwellings (18.7%)	<i>the main report.</i>
3.1.2 Block and Lot Layout	Minimum lot size of 300m ² for density band 20.	All lot sizes exceed 300m ² .	Complies
	Minimum frontage width of 7m for front loaded in 20dw/ha.	All lots provide a street frontage width greater than 7m.	Complies
	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.	A range of residential lots sizes and widths are provided which support a range of housing types.	Complies
	In areas with a minimum residential density of $\leq 20\text{dw}/\text{ha}$ no more than 40% of the total residential lots proposed in any one street block may have a frontage of less than 10m wide.	No lots have a frontage less than 10m.	Complies
	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.	All proposed lots are rectangular in shape, except for the corner lots, which feature splays to enhance vehicular access.	Complies

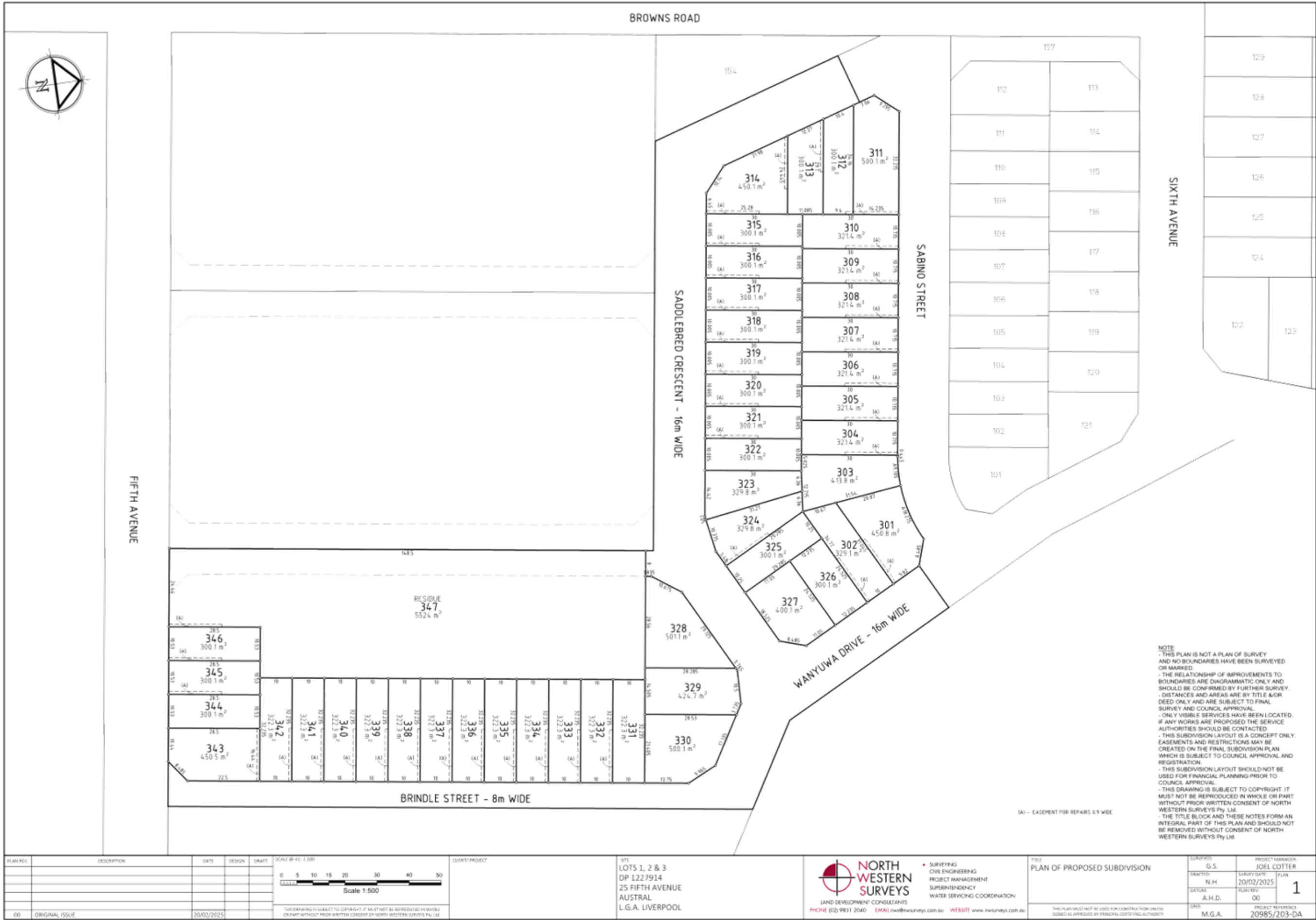
Part 3 Neighbourhood and Subdivision Design			
Development Control	Provision	Comment	Compliance
		Lots are oriented in accordance with the road layout.	
3.1.3 Battle-axe Lots	Provides controls for Battle-axe lots	No battle-axe lots are proposed as part of the application.	Not applicable
3.1.4 Corner Lots	Corner lots, including splays and driveway location, are to be designed in accordance with AS 2890 and Council's Engineering Specifications.	The proposed subdivision includes corner lots which feature splays. The application has been reviewed by Council's Land Development Engineers who have raised no issues.	Complies
	Corner lots are to be designed to allow dwellings to positively address both street frontages.	Future dwellings on corner lots will be required to address both street frontages as part of a future application.	Complies
	Plans of subdivision are to show the location of proposed or existing substations, kiosks, sewer man holes and/or vents affecting corner lots.	The site is not identified as featuring future substations. No substations are proposed within the subject site.	Complies
3.1.5 Subdivision in the Environmental Living Zone	Provides controls for subdivision in E2 and E4 zones.	The site is zoned R2 - Low Density Residential	Not applicable
3.2 Subdivision Approval Process	The land subdivision approval process is to be consistent with the requirements of Table 3-4.	The DA complies with Pathway A1.	Complies
	Building Envelope Plans (BEPs) to provide appropriate details as listed in the DCP.	Building Envelope Plans are not required.	Not Applicable
	Public Domain Plan to show elements of the Public Domain including Street Trees, vehicular crossovers, and	The DA is in accordance with the controls for street network layout. Road reserve widths are in accordance with ILP and the	Complies

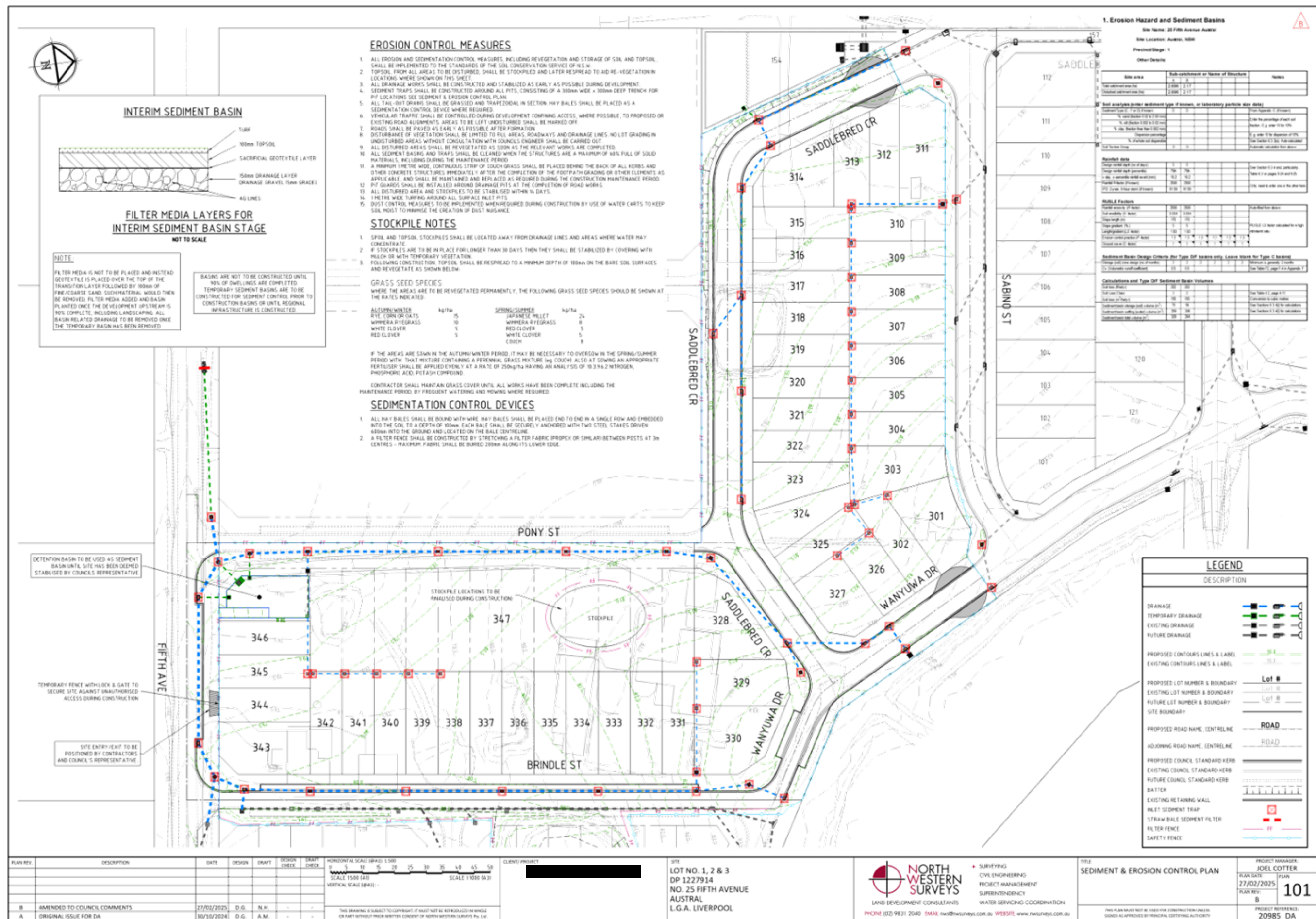
Part 3 Neighbourhood and Subdivision Design			
Development Control	Provision	Comment	Compliance
	indicative building footprints.	DCP. In addition, a Landscaping Plan demonstrates street tree planting. Conditions of consent will be imposed to ensure that correct carriage way widths, verge widths, footpath widths and the plant of trees are provided.	
3.3.1 Street Network Layout and Design	This section contains controls relating to street network layout and design, including requirements for street trees.	The DA is in accordance with the controls 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 Fifth Avenue, which fronts the site. In additional, the half road construction adjoining residue lot 347 will be delivered under a future development application, in conjunction with the adjoining site.	Complies
3.3.2 Street Furniture	Provides controls for street furniture	Not applicable (none proposed)	Not applicable
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 conform to Austroads Guide to Traffic Management Part 8 (Local Area Traffic Management).	Not required	Not applicable

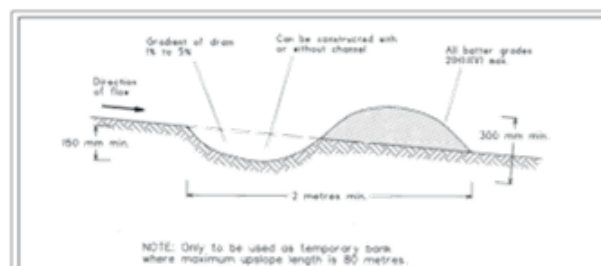
Part 3 Neighbourhood and Subdivision Design			
Development Control	Provision	Comment	Compliance
3.3.4 Laneways	Provides controls for laneways	Not applicable (none proposed)	Not applicable
3.3.6 Pedestrian and Cycle Network	This section contains controls relating to the implementation of pedestrian and cycle networks.	The design of the pedestrian pathways is consistent with the requirements for local streets as set out in the DCP.	Complies
3.3.8 Access to arterial roads, sub-arterial roads and transit boulevards	Provides controls for Temporary Vehicular Access	No temporary vehicle access is proposed.	Not applicable
3.4 Construction Environmental Management	This section contains controls relating to the implementation of a construction environmental management plan.	Conditions of consent will be imposed on the application, ensuring that construction environmental management plan is implemented throughout the development.	Complies by condition









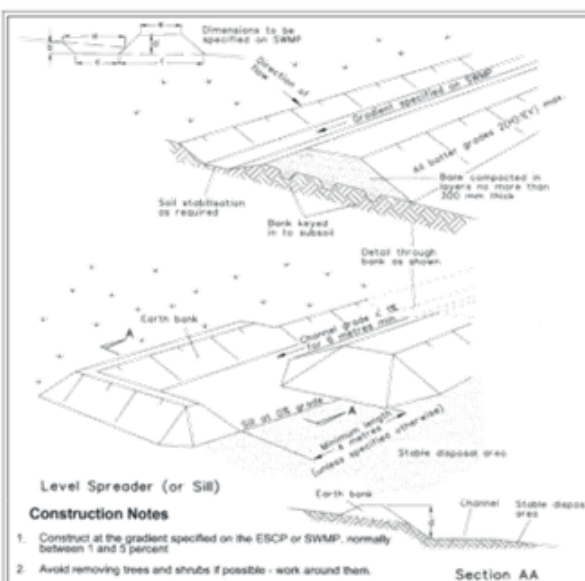


Construction Notes

1. Build with gradients between 1 percent and 5 percent.
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 the banks are properly compacted to prevent failures.
6. Complete permanent or temporary stabilisation within 10 days of construction.

EARTH BANK (LOW FLOW)

SD 5-5

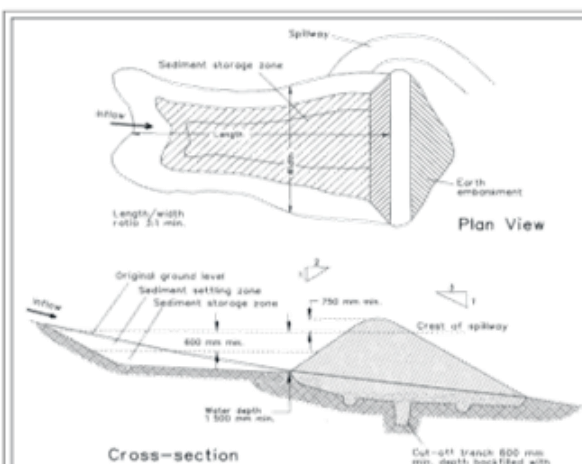


Construction Notes

1. Construct at the gradient specified on the ESCP or SWMP, normally between 1 and 5 percent
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, at the dimensions shown on the SWMP
5. Ensure the banks are properly compacted to prevent failure.
6. Complete permanent or temporary stabilisation within 10 days of construction following Table 5.2 in Landoni (2004).
7. Where discharging to erodible lands, ensure they outlet through a properly constructed level spreader.
8. Construct the level spreader at the gradient specified on the ESCP or SWMP normally less than 1 percent or level.
9. Where possible, ensure they discharge waters onto either stabilised or undisturbed disposal sites within the same subcatchment area from which the water originated. Approval might be required to discharge from one subcatchment to another.

EARTH BANK (HIGH FLOWS)

SD 5-6



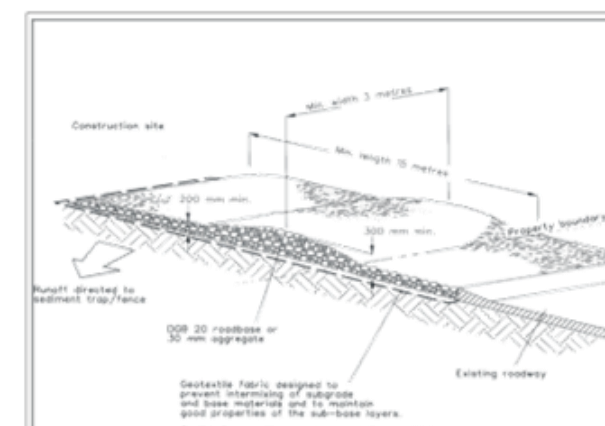
Construction Notes

1. Remove all vegetation and topsoil from under the dam wall and from within the storage area.
2. Construct a cut-off trench 500 mm deep and 1,200 mm wide along the centreline of the embankment extending to a point on the gully wall level with the riser crest.
3. Maintain the trench free of water and compact the materials with equipment as specified in the SWMP to 95 per cent Standard Proctor Density.
4. Select fill following the SWMP that is free of roots, wood, rock, large stone or foreign material.
5. Prepare the site under the embankment by ripping to at least 100 mm to help bond compacted fill to the existing substrate.
6. Spread the fill in 100 mm to 150 mm layers and compact it at optimum moisture content following the SWMP.
7. Construct the emergency spillway.
8. Rehabilitate the structure following the SWMP.

EARTH BASIN - WET

APPLIES TO TYPE D AND TYPE E SOILS ONLY

SD 6-4

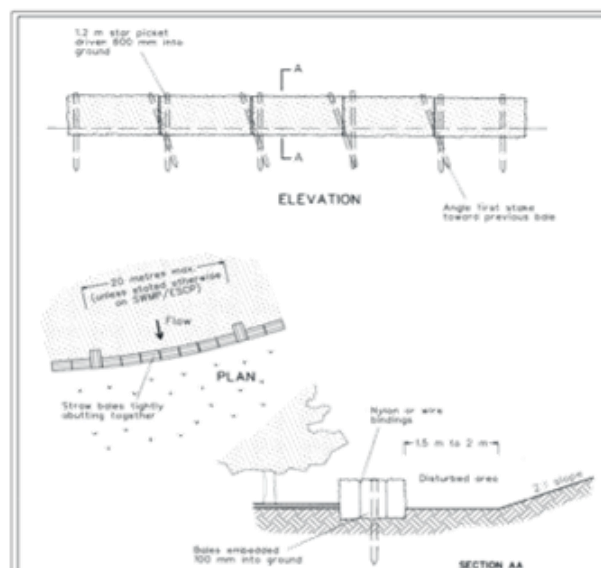


Construction Notes

1. Strip the topsoil, level the site and compact the subgrade.
2. Cover the area with needle-punched geotextile.
3. Construct a 200-mm thick pad over the geotextile using road base or 30-mm 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 the sediment fence.

STABILISED SITE ACCESS

SD 6-14

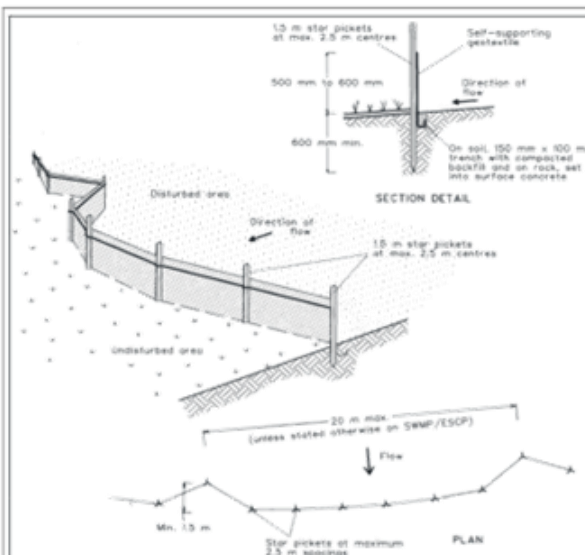


Construction Notes

1. Construct the straw bale filter as close as possible to being parallel to the contours of the site.
2. Place bales lengthwise in a row and end tightly abutting. Use straw to fill any gaps between bales. Straws are to be placed parallel to ground.
3. Ensure that the maximum height of the filter is one bale.
4. Embed each bale in the ground 75 mm to 100 mm and anchor with two 1 metre straw packets or stakes. Align the first stake or stake in each bale towards the previously laid bale. The second stake must be placed in the middle of the top of the bales. Where straw packets are used and they protrude above the bales, ensure they are fitted with safety caps.
5. Where a straw bale filter is constructed downslope from a disturbed batter, ensure the bales are placed 1 to 2 metres downslope from the toe.
6. Establish a maintenance program that ensures the integrity of the bales is retained; they could require replacement every 12 months.

STRAW BALE FILTER

SD 6-7

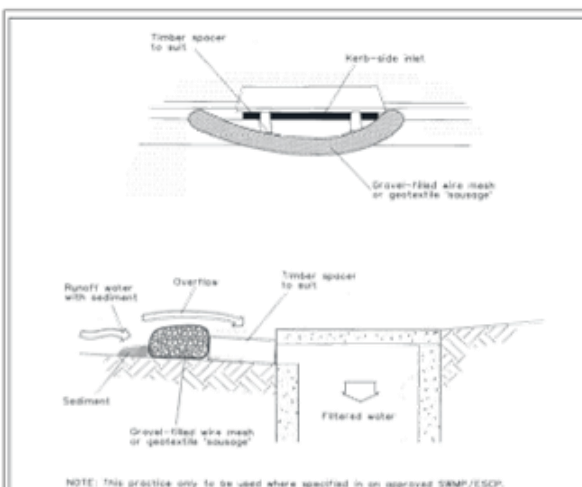


Construction Notes

1. Construct sedimentences 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 sediment should be spread enough to limit the sediment concentration to about 100 tonnes per 500 m² per second in the design storm event (usually the 10-year event).
2. Cut a 150-metre deep trench along the upslope line of the fence for the bottom of the fabric to be entrenched.
3. Drive 1.5 metre long star pickets into ground at 2.5 metre 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 the 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 150-mm overlap.
6. Backfill the trench over the base of the fabric and compact it thoroughly over the geotextile.

SEDIMENT FENCE

SD 6-8

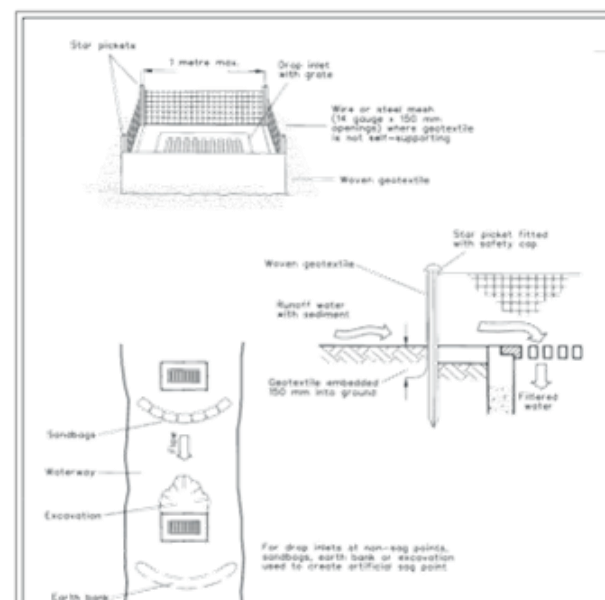


Construction Notes

1. Install filters to keels only at egg points.
2. Fabricate a sleeve made from geotextile or wire mesh longer than the length of the inlet pit and fill it with 25 mm to 50 mm gravel.
3. Form an elliptical cross-section about 150 mm high x 400 mm wide.
4. Place the filter at the opening leaving at least a 100-mm space between it and the herb inlet. Maintain the opening with spacer blocks.
5. Form a seal with the herb to prevent sediment bypassing the filter.
6. Sand bags filled with gravel can substitute for the mesh or geotextile providing they are placed so that they do not allow sediment to pass between the filter and the inlet.

MESH AND GRAVEL INLET FILTER

SD 6-11



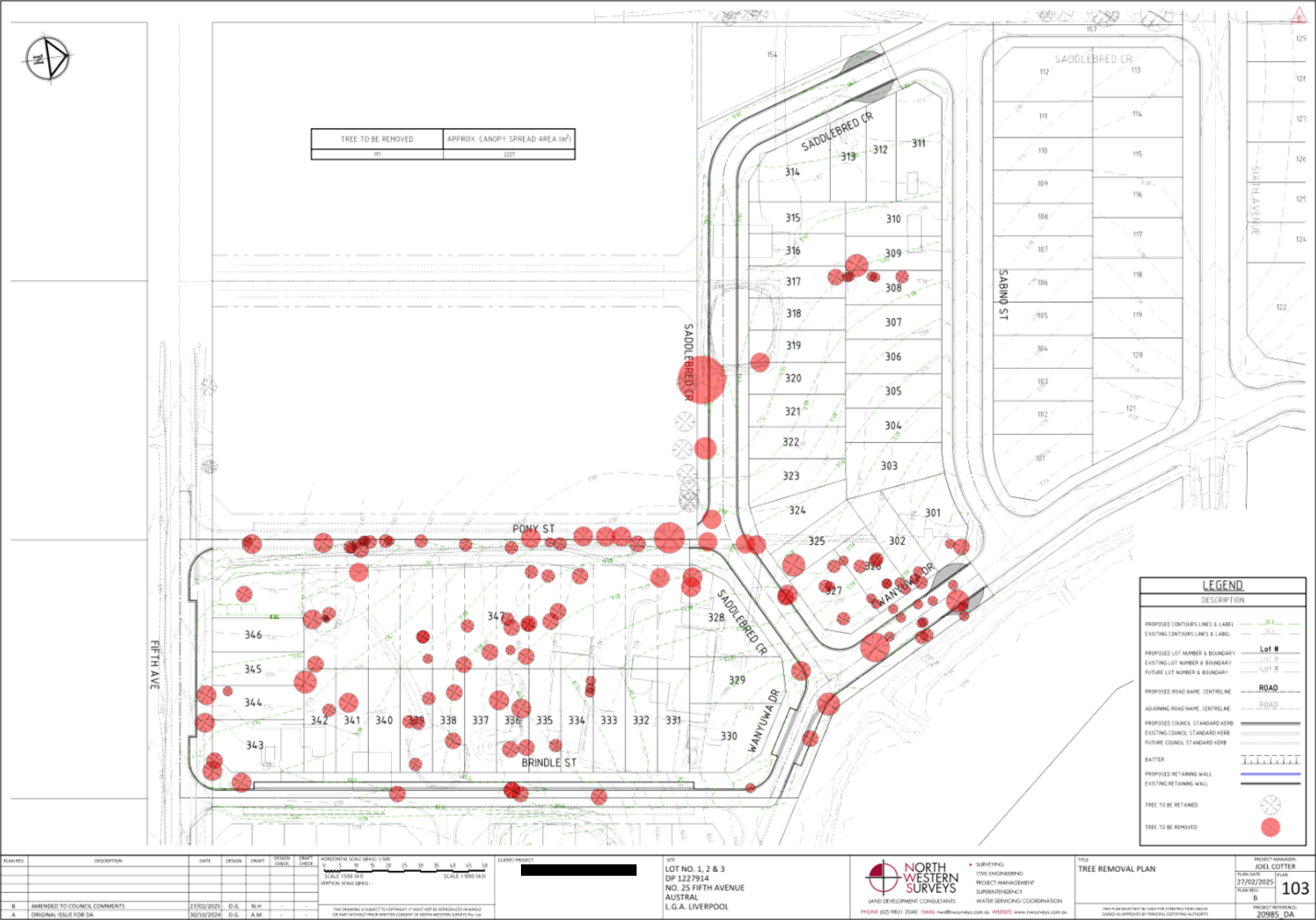
Construction Notes

1. Fabricate a sediment barrier made from geotextile or straw bales.
2. Follow Standard Drawing 6-7 and Standard Drawing 6-8 for installation procedures for the straw bales or geotextile. Reduce the picket spacing to 1 metre centres.
3. In waterways, artificial sag points can be created with sandbags or earth banks as shown in the drawing.
4. Do not cover the inlet with geotextile unless the design is adequate to allow for all waters to bypass it.

GEOTEXTILE INLET FILTER

SD 6-12

PLAN REV	DESCRIPTION	DATE	DESIGN	DRAFT	DESIGN CHECK	DRAFT CHECK	HORIZONTAL SCALE (H&S) : VERTICAL SCALE (V&S) :
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LANDSCAPE AND PLANTING SPECIFICATION FOR SCREENING TREES

IN ORDER TO ENSURE OPTIMAL SURVIVAL AND GROWTH RATES FOR NEWLY PLANTED TREES, IT IS IMPORTANT THAT PLANTING IS CARRIED OUT IN ACCORDANCE WITH RECOMMENDED HORTICULTURAL PRACTICES. GUIDELINES FOR TREE PLANTING ARE SET OUT BELOW:

a) PLANTING SEASON - DEPENDING ON THE LEVEL OF CARE AVAILABLE, TREES ARE ONLY TO BE PLANTED BETWEEN MARCH AND NOVEMBER OF EACH YEAR. HOWEVER, CLOSE CONSIDERATION SHOULD BE GIVEN TO THE FOLLOWING POINTS:

OPTIMUM PLANTING TIME IS SPRING OR EARLY AUTUMN.

BARE ROOTED DECIDUOUS SPECIES MAY BE PLANTED IN WINTER.

PLANTING CLOSER TO SUMMER WILL REQUIRE ADDITIONAL WATERING, THUS ADDING SIGNIFICANTLY TO COSTS.

b) PLANT MATERIAL - ENSURE ALL PLANTS ARE VIGOROUS, TRUE TO TYPE, WELL ESTABLISHED, HARDENED OFF, OF GOOD FORM, FREE FROM DISEASE AND WITH LARGE HEALTHY ROOT SYSTEMS. TREES SHALL HAVE A SINGLE LEADING SHOOT.

c) ROOTING BARRIERS - INSTALL ROOT DIRECTORS TO MANUFACTURER'S SPECIFICATIONS. TO PLANTING IN ALL FULL WIDTH CONCRETE/ASPHALT FOOTPATHS AND MAIN STREETS. ROOT DIRECTORS ARE TO BE INSTALLED FOR ALL PLANTINGS ADJACENT TO A

ROADSIDE KERB.

d) SOIL CONDITIONER - "TERRA-COTTEHW" OR ITS EQUIVALENT IS TO BE INCORPORATED INTO THE PLANTING MEDIUM WHEN PLANTING.

e) TOP SOIL - PROVIDE A MINIMUM 200MM FINISHED DEPTH OF TOPSOIL.

f) PLANTING HOLES - CREATE TREE PLANTING HOLES 15 TIMES THE DIAMETER AND TWICE THE DEPTH OF THE ROOT BALL TO ENCOURAGE DEEP

ROOTING OF TREES, TO ENHANCE TREE STABILITY AND TO MINIMISE WATERING DEMANDS.

g) MULCH - ENSURE PLANTING BEDS AND TREES MAINTAIN A DEPTH OF 75MM OF MULCH AND LEVEL FINISH WITH ADJACENT SURFACES. MULCH

MULCH TO BE FREE FROM SOIL, ROCKS, PLANT GROWTH INHIBITORS, WEEDS AND EXTRANEOUS MATERIAL. ACCEPTABLE MULCHES INCLUDE: FOREST LITTER OR PINE PARK.

h) WATERING DISH - CREATE A SMALL DEPRESSION AROUND THE BASE OF ALL SINGLE TREE PLANTINGS TO ACT AS A WATER RESERVOIR.

i) TURFING - ALL TURF AND GRASSED AREAS TO APPROPRIATE FALLS AND PLUSH WITH ADJACENT SURFACE TREATMENTS. SOIL TO BE CULTIVATED AND SLIGHTLY COMPACTED PRIOR TO REPLACEMENT OF TOP SOIL. TURF TYPE TO BE RECOGNISED AS BUFFALO.

j) STAKING - SECURE TREE LOOSELY TO STAKES WITH FLEXIBLE MATERIAL, PREFERABLY HESSIAN TIE OR ITS EQUIVALENT, MINIMUM 25MM

WIDE WOUND IN "FIGURE 8" FASHION.

RESIDENTIAL AREAS: 2 HARDWOOD STAKES 50 X 50 X 1800MM TO BE INSTALLED.

COMMERCIAL AREAS: 2 HARDWOOD STAKES 50 X 50 X 2400MM TO BE INSTALLED.

LARGER SPECIES INSTALLATIONS SHOULD REQUIRE NO STAKING.

STAKING IS TO BE REMOVED AFTER 12 MONTHS OR EARLIER IF THE TREES HAVE ESTABLISHED WELL ENOUGH.

k) ROOT CONTROL GUIDELINES - LISTED BELOW ARE A NUMBER OF GUIDELINES WHICH CAN BE IMPLEMENTED TO PREVENT NEW TREE

PLANTINGS CAUSING DAMAGE IN THE FUTURE AND PREVENT EXISTING TREES FROM DOING DAMAGE.

PROVIDE AMPLE GROWING SPACE FOR ROOT SYSTEMS, KEEPING TREES AND STRUCTURES WELL APART.

PREPARE LARGE, WELL AERATED PLANTING HOLES OR STRIPS WITH DRAINAGE PROVIDED IF APPROPRIATE.

INSTALL ROOT BARRIERS PARALLEL TO KERBS AND FOOTPATHS WHERE NEW TREES ARE TO BE PLANTED IN NARROW FOOTPATHS.

THESE PHYSICAL BARRIERS DEFLECT ROOT GROWTH DOWNWARD AND THUS MINIMISE DAMAGE TO NEARBY STRUCTURES.

INSTALL LINEAR ROOT BARRIERS PARALLEL TO KERBS AND FOOTPATHS WHERE EXISTING TREES ARE PRESENT TO DEFLECT ROOT

GROWTH DOWNWARD AND THUS MINIMISE DAMAGE TO NEARBY STRUCTURES.

CONTAIN THE ROOTS OF THE TREE WITHIN A GIVEN AREA WHILE STILL PROVIDING FOR ITS GROWTH REQUIREMENTS. THIS CAN BE

ACHIEVED BY PROVIDING A LARGER PLANTING HOLE TO ENCOURAGE ROOTS TO FORAGE FOR WATER AND NUTRIENTS AT A LOWER

LEVEL.

WHERE APPROPRIATE, CONSTRUCT ROOT RESISTANT PAVEMENTS, FOUNDATIONS AND PIPES.

INSPECTIONS, PRACTICAL COMPLETION AND MAINTENANCE SPECIFICATIONS FOR OPEN SPACE.

A REPRESENTATIVE FROM COUNCIL'S PARK AND TREE MAINTENANCE UNIT TO INSPECT INSTALLATION OF TREES AT TIME OF PLANTING TO ENSURE

CORRECT PROCEDURES RELATED TO ROOT BARRIERS, PLANT SPECIES, TOP SOIL AND PLANTING DEPTH AND WIDTH. RETURN OF BOND WILL DEPEND ON

THIS INSPECTION.

TREE TO BE PLANTED AS THE FINAL STAGE OF SUBDIVISION.

COUNCIL'S PTM UNIT TO RECEIVE WRITTEN REQUEST 10 DAYS PRIOR TO TREE PLANTING SCHEDULED DATE.

COUNCIL TO RECEIVE PRACTICAL COMPLETION INSPECTION REQUEST OR LINES RELEASE REQUEST ONE MONTH IN ADVANCE IN WRITING AND REQUEST

FOR HANDOVER INSPECTION TWO MONTHS IN ADVANCE. IN WRITING.

UNACCEPTABLE OR FAILED PLANTING WILL REQUIRE TREE REPLACEMENT AND A FURTHER 12 MONTH MAINTENANCE BOND. FAILURE OF PLANT

ESTABLISHMENT AFTER SECOND MAINTENANCE PERIOD, COUNCIL WILL EXERCISE TREE BOND CONDITIONS.

NOTES:

- WIDTH AND POSITION OF PATH PAVING TO BE IN ACCORDANCE WITH COUNCIL'S STANDARDS AND SUBJECT TO CONFIRMATION

BY COUNCIL'S ENGINEERING.

- ENSURE PATH PAVING ARRANGEMENT AROUND KERB RETURNS IS IN ACCORDANCE WITH COUNCIL STANDARDS.

- EDGING IS TO BE PROVIDED AROUND STREET TREE PITS.

- PERMANENT SIGNS TO BE INSTALLED IN ACCORDANCE WITH AS 1743.

- ENSURE ALL VEHICULAR CROSSING AND LAYBACKS ARE A MINIMUM 1 METRE CLEAR OF POWER AND LIGHT POLES,

STORMWATER PITS (INCLUDING LINTELS) AND ARE 6 METRES CLEAR OF KERB RETURN TANGENT POINTS.

- VEHICULAR CROSSING LOCATIONS ARE TO DEMONSTRATE ACCESS INTO EACH LOT ONLY.

- VEHICULAR CROSSING TO BE 10m FROM SIDE BOUNDARY.

- VEHICULAR CROSSING TO BE 30m WIDE AT FRONT BOUNDARY.

- VEHICULAR CROSSING TO BE 40m WIDE AT KERB.

LEGEND

DESCRIPTION

DRAINAGE

TEMPORARY DRAINAGE

EXISTING DRAINAGE

FUTURE DRAINAGE

PROPOSED LOT NUMBER & BOUNDARY

EXISTING LOT NUMBER & BOUNDARY

FUTURE LOT NUMBER & BOUNDARY

PROPOSED ROAD NAME, CENTRELINE

ADJOINING ROAD NAME, CENTRELINE

PROPOSED COUNCIL STANDARD KERB

EXISTING COUNCIL STANDARD KERB

FUTURE COUNCIL STANDARD KERB

PROPOSED RETAINING WALL

EXISTING RETAINING WALL

PROPOSED FOOTPATH/SHARED PATH

EXISTING FOOTPATH/SHARED PATH

FUTURE FOOTPATH/SHARED PATH

PROPOSED DRIVEWAY AND CROSSING

EXISTING DRIVEWAY AND CROSSING

FUTURE DRIVEWAY AND CROSSING

PROPOSED TREE LOCATION

AN APPROVED ROOT BARRIER

TREATMENT IS TO BE INSTALLED

WITH STREET TREES TO PREVENT

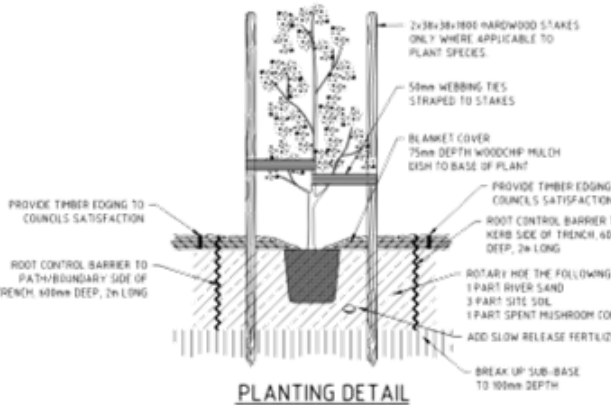
DAMAGE TO CIVIL ASSETS.

EASEMENTS:

(A) - PROPOSED EASEMENT FOR DRAINAGE, 15m WIDE & VARIABLE

(B) - EASEMENT FOR REPAIRS 3.0m WIDE

PLANTING SCHEDULE		
ROAD	TREE TYPE	QUANTITY
BRINDLE ST	ELAEODARPUS RETICULUS (BLUEBERRY ASH)	16
FIFTH AVE	ELAEODARPUS RETICULUS (BLUEBERRY ASH)	3
SABINO ST	ELAEODARPUS RETICULUS (BLUEBERRY ASH)	17
SADDELBRED CR	ELAEODARPUS RETICULUS (BLUEBERRY ASH)	18
WANYUWA DR	ELAEODARPUS RETICULUS (BLUEBERRY ASH)	1
SUBJECT TO SEPARATE COUNCIL APPROVAL		



PLAN REV.	DESCRIPTION	DATE	DESIGN	DRAFT	DESIGN CHECK	DRAFT CHECK	HORIZONTAL SCALE (1:500) VERTICAL SCALE (1:400) -	CLIENT/PROJECT	SITE	LAND DEVELOPMENT CONSULTANTS	SURVEYING	TITLE	PROJECT MANAGER
B	AMENDED TO COUNCIL COMMENTS	27/02/2025	D.G.	N.H.	-	-			LOT NO. 1, 2 & 3 DP 1227914 NO. 25 FIFTH AVENUE AUSTRAL L.G.A. LIVERPOOL	 LAND DEVELOPMENT CONSULTANTS	+ SURVEYING CIVIL ENGINEERING PROJECT MANAGEMENT SUPERINTENDENCY WATER SERVICING COORDINATION	FILE LOT CALCULATION & STREET TREE PLAN	PROJECT MANAGER JOEL COTTER
A	ORIGINAL ISSUE FOR DA	30/10/2024	D.G.	A.M.	-	-							
THIS DRAWING IS SUBJECT TO COPYRIGHT. IT MUST NOT BE REPRODUCED IN WHOLE OR PART WITHOUT PRIOR WRITTEN CONSENT OF NORTH WESTERN SURVEYS Pty. Ltd.													
PROJECT REFERENCE: 20985 DA													

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20985 DA

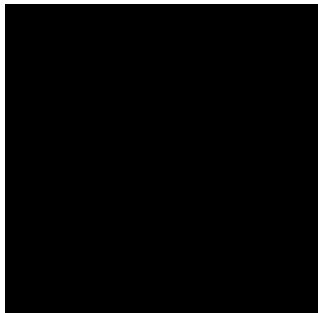
Preliminary Salinity Assessment Report

Fifth and Sixth Avenue, Austral NSW (Multiple Lots)

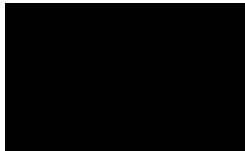
Lots 1031, 1078, 1079 and 1099 in DP 2475;
105, 120 and 110 Sixth Avenue & 25 Fifth Avenue, Austral
NSW

Project Ref. 30601.2

14th November 2016



Report Approved by:



General Manager



ABN: 39 089 302 009

18/24 Garling Road, Kings Park NSW 2148

Tel: (02) 9671 4443 Fax: (02) 9671 4343



Vertical
Tree Management & Consultancy

ARBORICULTURAL IMPACT ASSESSMENT & TREE PROTECTION PLAN

COMMISSIONED BY:



Site: 25 Fifth Avenue, Austral, NSW 2179
Within: Liverpool City Council
Date of Inspection: 25 February 2025
Version: 1.0

PREPARED BY:

Vertical Tree Management & Consultancy Pty Ltd
Level 5 Consulting Arborist
QTRA – Quantified Tree Risk Assessment



admin@verticaltreemanagement.com.au

ABN: 18660808846



1300 310 602

25 FIFTH AVENUE, AUSTRAL NSW

ABORIGINAL DUE DILIGENCE ASSESSMENT

LGA: Liverpool

October 2024

**APEX**
ARCHAEOLOGYPO Box 236, Nowra, NSW 2541 | heritage@apexarchaeology.com.au | www.apexarchaeology.com.au

ABN 56 625 618 993



EXECUTIVE SUMMARY

Apex Archaeology has been engaged to assist [REDACTED] on behalf of [REDACTED] in the Aboriginal due diligence assessment for a proposed residential subdivision of a property located at 25 Fifth Avenue, Austral, NSW. This assessment has been prepared to inform a Development Application (DA) for the site.

This report has been produced in accordance with the 2010 *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (the Due Diligence Code of Practice).

The study area is located within the suburb of Austral at 25 Fifth Avenue, legally defined as Lot 1 DP 1227914, part lot 2 DP 1227941 & part Lot 3 DP 1227941. The study area is located 36 km west of Sydney. It is located within the Liverpool Local Government Area (LGA). The study area comprises approximately 2.9ha. The study area is bound by Fifth Ave to the south, existing residential lots to the east and west, and partially by Sixth Avenue to the north.

A site visit was conducted in September of 2024. No previously registered archaeological sites were located within the study area. No newly identified archaeological material was identified during the survey.

Ground surface visibility (GSV) was low throughout the study area. GSV was rated at 20% overall. Extensive site disturbance and bulk earthworks have occurred within part lot 2 DP 1227941 & part Lot 3 DP 1227941 reducing any effective visual archaeological assessment of these areas to nil. No remnant land surface remains within these lots. No raw material sources were identified within the study area.

Ground disturbance was extremely high throughout the majority of the study area due to historic vegetation clearance, subsequent agricultural development, landscape modification, residential development and pre development site earthworks. The study area is situated on a gentle slope from Sixth Avenue downslope to the south to Fifth Avenue and has been heavily modified by ground disturbance relating to the various uses over the years.

The level of disturbance from prior land clearing activities, agriculture, landscape modification and current land use is prevalent throughout the study area. Landscape modification has reduced the potential for any intact archaeological sub-surface deposits within the study area to nil.

It is recommended that:

- No further Aboriginal archaeological assessment is required prior to the commencement of works as described in this report. No Aboriginal Heritage Impact Permit (AHIP) application is necessary.



- This due diligence assessment must be kept by H.X. Development Pty Ltd so that it can be presented, if needed, as a defence from prosecution under Section 86(2) of the *National Parks and Wildlife Act 1974*.
- The results of this assessment fulfil the requirement for archaeological assessment in accordance with the OEH 2010 *Guide to Investigation, assessing and reporting on Aboriginal cultural heritage in NSW* and the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (Code of Practice). Works may proceed with caution.
- The proposed works must be contained to the area assessed during this archaeological assessment, as shown on Figure 1. If the proposed location is amended, further archaeological assessment may be necessary to determine if the proposed works will impact any Aboriginal objects or archaeological deposits.
- Should unanticipated archaeological material be encountered during site works, all work must cease and an archaeologist contacted to make an assessment of the find. Further archaeological assessment and Aboriginal community consultation may be required prior to the recommencement of works. Any objects confirmed to be Aboriginal in origin must be reported to Heritage NSW.



Apex Archaeology would like to acknowledge the Aboriginal people who are the traditional custodians of the land in which this project is located. Apex Archaeology would also like to pay respect to Elders both past and present.

DOCUMENT CONTROL

The following register documents the development and issue of the document entitled '25 Fifth Avenue, Austral NSW – Aboriginal Due Diligence Assessment', prepared by Apex Archaeology in accordance with its quality management system.

Revision	Prepared by	Reviewed by	Comment	Issue Date
1 – Draft	Leigh Bate	Jenni Bate	Issue for client review	22 October 2024
2 – Final	Leigh Bate	NWS	Final issued to client	25 October 2024

Bushfire Hazard Assessment Lots 1, 2 & 3 in DP1227914, Austral. NSW 2179
21st October 2024

Steve Brooks Bushfire Consultant

Rural Fires Act 100B Bushfire Hazard Assessment Report

For Proposed.

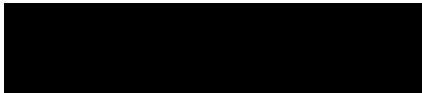
48 Lot Residential Subdivision

Lots 1, 2 & 3 in DP1227914, Austral. NSW 2179



21st October 2024

Prepared By:
Steve Brooks



Bushfire Hazard Assessment Lots 1, 2 & 3 in DP1227914, Austral. NSW 2179
21st October 2024

Steve Brooks Bushfire Consultant

Bushfire Risk Assessment Certificate

This form is to be completed by a recognised consultant in Bushfire Risk Assessment in accordance with Section 4.14 of the Environmental Planning and Assessment Act 1979

<i>Property Address</i>	Lots 1, 2 & 3 in DP1227914, Austral. NSW 2179
<i>Description of the Proposal</i>	45 Lot Residential Subdivision
<i>Plan Reference</i>	21 st October 2024 - 1
<i>BAL Rating</i>	BAL-29
<i>Does Proposal rely on Alternate Solutions?</i>	No
<i>Is Referral to NSW RFS Required</i>	Yes

I, Steve Brooks have carried out a Bushfire Risk Assessment on the above-mentioned property and the proposed development. A detailed Bushfire Assessment Report is attached which includes the requirements set out in Appendix 1 of Planning for Bushfire Protection 2019.

I hereby certify that in accordance with Section 4.14 of the Environmental Planning and Assessment Act 1979, I am a person recognised by the NSW Rural Fire Service as a qualified consultant in bushfire risk management. The bushfire risk assessment report for the development conforms to the relevant specifications and requirements of Planning for Bushfire Protection 2019.

I acknowledge that the Bushfire Assessment Report prepared for the above-mentioned property will be submitted and relied upon by Council in support of the proposed Development Application as the basis for ensuring that the bushfire requirement aspects of the proposed development have been met in accordance with Planning for Bushfire Protection 2019.

BPAD - Certification No. 40765
Graduate Diploma Bushfire Planning and Design (UWS)
Graduate Certificate in Fire Investigation (CSU)



Bushfire Hazard Assessment Lots 1, 2 & 3 in DP1227914, Austral. NSW 2179
21st October 2024

Terms and Conditions

This Bushfire Hazard Assessment Report may only be copied, distributed, or forwarded to other parties in its original format with the permission of Steve Brooks. This document cannot be altered in any way unless given permission by myself, Steve Brooks.

Disclaimer

Quote from Standards Australia "It should be borne in mind that measures contained in this Standard cannot guarantee that a building will survive a bushfire event on every occasion. This is substantially due to the degree of vegetation management, the unpredictable nature of behaviour of fire, and extreme weather conditions.

This report has been prepared with all honesty and the opinions contained in this report are provided in good faith and all comments and opinions are not misleading.

AS 3959-2018 is designed to improve the performance of buildings in designated Bushfire Prone Areas but there is no guarantee of a structure surviving a bushfire event due to the sometimes erratic and unpredictable behaviour of bushfires.

Steve Brooks is therefore not liable to any person or company for any damage or loss incurred in a bushfire event due to a person or company taking actions in respect to advice or statements contained within this Bushfire Hazard Assessment Report.

Document Control

Document Name	Project Ref	Date	Author	Status
Lots 1, 2 & 3 in DP1227914	1	21/10/2024	S.Brooks	Complete

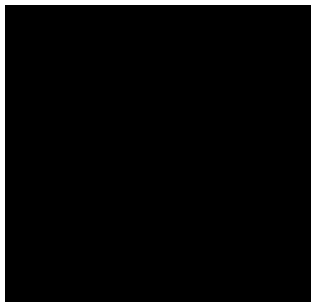
Preliminary & Detailed Site Investigation Report

Fifth and Sixth Avenue, Austral NSW (Multiple Lots)

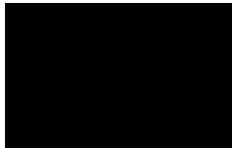
**Lots 1031, 1078, 1079 & 1099 in DP 2475;
105, 120 & 110 Sixth Avenue and 25 Fifth Avenue
Austral NSW**

Project Ref. P30601.1_R01

14th November 2016



Report Approved by:



General Manager



ABN: 39 089 302 009

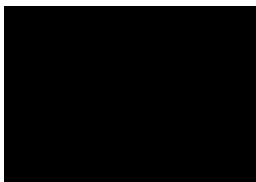
18/24 Garling Road, Kings Park NSW 2148

Tel: (02) 9671 4443 Fax: (02) 9671 4343



ABN: 39 089 302 009
18/24 Garling Road, Kings Park NSW 2148
P (02) 9671 4443 F (02) 9671 4343
E admin@geotestservices.com.au

14th November 2016



Covering Letter for Detailed Site Investigation Report; Austral, NSW

Dear Joel,

Please find enclosed the combined Preliminary and Detailed Site Investigation report prepared by Geotest Services comprising four individual properties at Fifth and Sixth Avenue in Austral NSW. Should you have any queries regarding the report and its contents please do not hesitate to be in contact with the undersigned.

We look forward to assisting North Western Surveys and their clients in future developments.

Kind regards,

Alan Halpin

Environmental Operations Manager





**Sydney
Environmental**
Group

Remedial Action Plan

Portion of 110-120 Sixth Avenue & 25 Fifth Avenue, Austral NSW

Report No: 2728-RAP-01-060924.v1f

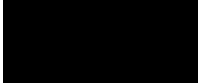
Report Date: 9 September 2024

📍 **Sydney Environmental Group Pty Ltd PO Box
A1420, Sydney South NSW**
📧 **Info@sydneyenvironmental.com.au**

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DOCUMENT RECORD

Revision	Date	Author	Reviewer
v1f	6 September 2024	Isabelle Figatowski	Steven Wallace

Author Signature		Reviewer Signature	
Name	Isabelle Figatowski	Name	Steven Wallace
Credentials	B. Sci. (Env. Consulting)	Credentials	CEnvP, M.Sc.Envir.Sci, B.Sc. Meteorology
Title	Environmental Consultant	Title	Senior Environmental Scientist

Document Title:	Remedial Action Plan, Portion of 110-120 Sixth Avenue & 25 Fifth Avenue, Austral NSW
Site Address:	Portion of 110-120 Sixth Avenue & 25 Fifth Avenue, Austral NSW
Client Name:	North Western Surveys Pty Ltd
Site Size:	≈ 2.83 ha
Reference Number:	2728-RAP-01-060924.v1f
Project Type:	Remedial Action Plan
Project Type Abbreviation:	RAP
Document Draft:	FINAL
Document Revision No.	v1

Prepared by Sydney Environmental Group Pty Ltd ABN: 14 631 026 214

WASTE MANAGEMENT PLAN



PREPARED ON BEHALF OF



DATE: 20/10/2024
PROJECT No: 20985

25 FIFTH AVENUE
AUSTRAL NSW 2179

SURVEYING + CIVIL ENGINEERING + PROJECT MANAGEMENT + SUPERINTENDENCY + WATER SERVICING COORDINATION



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REV	DESCRIPTION	AUTHOR	REVIEWER	DATE
A	Waste Management Plan	SP	JC	20/10/2024

SURVEYING + CIVIL ENGINEERING + PROJECT MANAGEMENT + SUPERINTENDENCY + WATER SERVICING COORDINATION

NORTH WESTERN SURVEYS ABN 60 003 336 829
 OFFICE Unit 1, 11 Romford Road, Kings Park NSW 2148 POSTAL PO Box 1045, Blacktown NSW 2148
 PHONE (02) 9831 2040 EMAIL nws@nwsurveys.com.au WEBSITE www.nwsurveys.com.au

Without prejudice draft conditions

General Conditions**1. (A002) Approved plans and supporting documentation**

Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

Approved plans

Plan number	Revision number	Plan title	Drawn by	Date of plan
Demolition Plan	01	20985-DEMO	North Western Surveys	20 February 2025
Site Plan	00	20985-SITE	North Western Surveys	30 October 2024
Plan of proposed subdivision	00	20985/203-DA	North Western Surveys	20 February 2025
Sediment & Erosion Control Plan	B	20985_DA	North Western Surveys	27 February 2025
Sediment & Erosion Control Notes	B	20985_DA	North Western Surveys	27 February 2025
Tree Removal	B	20985_DA	North Western Surveys	27 February 2025
Lot Calculation & Street Tree Plan	B	20985_DA	North Western Surveys	27 February 2025

Approved documents

Document title	Project or revision Reference	Prepared by	Date of document
Preliminary Salinity and Assessment Report	30601.2	Geotest Services	14 November 2016
Arboricultural Impact Assessment & Tree Protection Plan	1.0	Vertical Tree Management & Consultancy Pty Ltd	25 February 2025
Aboriginal Due Diligence Assessment	2	Apex Archaeology	October 2024
Rural Fires Act 100B Bushfire Hazard Assessment Report	1	Steve Brooks Bushfire Consultant	21 October 2024
Preliminary & Detailed Site Investigation Report	P30601.1_R01	Geotest Services	14 November 2016
Remedial Action Plan	2728-RAP-01-060924.v1f	Sydney Environmental Group Pty Ltd	9 September 2024
Waste Management Plan	20985	North Western Surveys	20 October 2024

In the event of any inconsistency between the approved plans and documents, the approved Plans prevail.

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

2. (A015) General Terms of Approval

All General Terms of Approval and/ or requirements issued by external agencies, shall be complied with prior, during, and at the completion of subdivision works, as required in accordance with the General Terms of Approval and/ or requirement as follows:

1. NSW Rural Fire Services, dated 13 March 2025
2. WaterNSW, dated 11 February 2025
3. Endeavour Energy, dated 11 February 2025
4. Sydney Water, dated 14 February 2025

A copy of these GTAs/ requirements are able to be downloaded from the NSW Planning Portal.

Without prejudice draft conditions

Condition reason: To ensure General Terms of Approvals are fulfilled in accordance with the relevant agency requirements.	
3.	(A025) Comply with EP&A Act
The requirements and provisions of the <i>Environmental Planning & Assessment Act 1979</i> and <i>Environmental Planning & Assessment Regulation 2021</i> , 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.	
Condition reason: This condition is imposed to ensure compliance with legislative requirements.	
4.	(A050) Works at no cost to Council
All roadworks, drainage works and dedications, required to effect the consented development shall be undertaken at no cost to Liverpool City Council.	
Condition reason: To ensure fairness, transparency and probity.	
5.	(A060) Erection of signs
1. This section applies to a development consent for development involving building work, subdivision work or demolition work. 2. It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out— 1. showing the name, address and telephone number of the principal certifier for the work, and 2. showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and 3. stating that unauthorised entry to the work site is prohibited. 3. The sign must be— 1. maintained while the building work, subdivision work or demolition work is being carried out, and 2. removed when the work has been completed. 4. This section does not apply in relation to— 1. building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or 2. Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.	
Condition reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.	
6.	(A130) Council Wastewater Requirements
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.	
Condition reason: To promote orderly development supported by adequate infrastructure.	
7.	(A950) No consent
No consent is expressed or implied for any works on the adjoining land known as 35 Fifth Avenue, Austral, legally identified as Cnr 110 in DP 2475.	
Condition reason: To ensure fairness, transparency and probity.	

Subdivision Work Before Issue of a Subdivision Work Certificate

8.	(B054) Retaining Walls on Boundary
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	

Without prejudice draft conditions

	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.
	Condition reason: To ensure fairness, transparency and probity.
9.	(B055) S138 Roads Act - roadworks requiring approval of civil drawings
	Prior to the issue of a Subdivision Work Certificate for building or subdivision works the Certifying Authority shall ensure that a <i>S138 Roads Act</i> 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 and Drainage works in Fifth 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 Work Certificate.
	Condition reason: To ensure fairness, transparency and probity.
10.	(B075) Fee Payments
	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. 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.
	These fees are reviewed annually and will be calculated accordingly.
	Condition reason: To ensure statutory or associated fees are paid prior to construction commencing.
11.	(B081) Site Development Work
	Site development work in the form of excavation, underpinning or shoring works must not take place, until such time as a Subdivision Work Certificate has been issued.
	Condition reason: To prevent unauthorised commencement of building works.
12.	(B095) Long Service Levy
	Before the issue of a Subdivision Works Certificate, the long service levy must be paid to the Long Service Corporation under the Building and Construction industry <i>Long Service Payments Act 1986</i> , section 34, and evidence of the payment is to be provided to certifier.
	Condition reason: To ensure the long service levy is paid.
13.	(B112) Notification
	In the event that Council is not the Principal Certifier (PC), the PC 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.
	Condition reason: To advise Council of the details of licensed contractors or owner-builder for the approved development.
14.	(B125) Erosion and sediment control plan

Without prejudice draft conditions

	Before the issue of a Subdivision Works Certificate, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the certifier: a) Council's relevant development control plan, b) the guidelines set out in 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time), and c) the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time). Condition reason: To ensure no substance other than rainwater enters the stormwater system and waterways.
15.	(B135) Provision of Services - Sydney Water Prior to the issue of a Subdivision Works Certificate, an application to obtain a Section 73 Compliance Certificate under the <i>Sydney Water Act 1994</i>, 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. Condition reason: To ensure fairness, transparency and probity.
16.	(B136) Provision of Services - Endeavour Energy Prior to the issue of a Subdivision Works Certificate, a 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 Principal Certifier. Condition reason: To ensure fairness, transparency and probity.
17.	(B137) Provision of Services - Telecommunications Prior to the issue of a Subdivision Works Certificate, the Principal Certifier shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following requirements of the <i>Telecommunications Act 1997</i>: 1. For a fibre ready facility, the NBN Co's standard specifications current at the time of installation, and 2. 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. Condition reason: To ensure fairness, transparency and probity.
18.	(B149) S138 Roads Act - Minor Works in the public road Prior to the issue of a Subdivision Work Certificate, a <i>Section 138 Roads Act</i> 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.

Without prejudice draft conditions

Note: Approvals may also be required from the Transport for NSW for classified roads.	
Condition reason: To ensure fairness, transparency and probity.	
19. (B160) Dam De-Watering	Prior to the issue of a Subdivision Work Certificate, the applicant shall prepare a dam de-watering plan for the waterbody located within the development site. Measures must be taken in accordance with the Biodiversity Conservation Act 2016 and ensure that any harm caused to fauna inhabiting the waterbody is minimised. Condition reason: To minimise harm caused to fauna during dam de-watering.
20. (B168) Subdivision Work Certificate	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 North Western Surveys, reference number 20985_DA, revision B, dated 27/02/2025 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 The Subdivision Work Certificate must be supported by engineering plans, calculations, specifications and any certification relied upon. Condition reason: To ensure fairness, transparency and probity.
21. (B322) Inter-allotment Drainage	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. Condition reason: To ensure fairness, transparency and probity.
22. (B360) Construction Environmental Management Plan (CEMP)	Prior to issue of a subdivision work 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: 1. Asbestos Management Plan; 2. Project Contact Information;

Without prejudice draft conditions

3. Site Security Details;
4. Timing and Sequencing Information;
5. Site Soil and Water Management Plan;
6. Noise and Vibration Control Plan;
7. Dust Control Plan;
8. Air Monitoring;
9. Odour Control Plan;
10. Health and Safety Plan;
11. Waste Management Plan;
12. Incident management Contingency; and
13. 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

Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.

23. (B361) Construction Site Management Plan

Before the issue of a Subdivision Works Certificate, a construction site management plan must be prepared, and provided to the certifier. The plan must include the following matters:

1. The location and materials for protective fencing and hoardings on the perimeter of the site;
2. Provisions for public safety;
3. Pedestrian and vehicular site access points and construction activity zones;
4. Details of construction traffic management including:
 - a) Proposed truck movements to and from the site;
 - b) Estimated frequency of truck movements; and
 - c) Measures to ensure pedestrian safety near the site;
 - d) Details of bulk earthworks to be carried out;
 - e) The location of site storage areas and sheds;
 - f) The equipment used to carry out works;
 - g) The location of a garbage container with a tight-fitting lid;
 - h) Dust, noise and vibration control measures;
 - i) The location of temporary toilets;
 - j) The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with:
 - AS 4970 – Protection of trees on development sites;
 - An applicable Development Control Plan;
 - An arborist's report approved as part of this consent

A copy of the construction site management plan must be kept on-site at all times while work is being carried out.

Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.

24. (B400) Road design criteria table

Prior to the issue of a Subdivision Work 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 (1.5m wide)	ESA
Saddlebred Crescent	16m	9.0	3.5	both sides	3X10^5
Wanyuwa Drive	16m	9.9	3.05	one side	3x10^5
Brindle Street	10.75m	7.7	3.05	one side	3x10^5

Without prejudice draft conditions

Fifth Avenue	10.058m	5.2	4.86	one side	3x10^5
Saddlebred Crescent	16m	9.0	3.5	one side	3x10^5
Sabino Street	-	-	3.5	one side	3x10^5

Condition reason: To ensure fairness, transparency and probity.

25. **(B404) Road Safety Audit**

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.

Condition reason: To ensure fairness, transparency and probity.

26. **(B408) Access, Car Parking and Manoeuvring - General**

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.

Condition reason: To ensure that the design of the facilities is in accordance with the required specifications.

27. **(B410) Access, Car Parking and Manoeuvring - Detail**

The Certifying Authority shall ensure and certify that:

1. Off street access and parking complies with AS2890.1,
2. Vehicular access and internal manoeuvring have been designed for the longest vehicle expected to service the development site, in accordance with AS2890.1 & 2,
3. Sight distance at the street frontage has been provided in accordance with AS 2890.1,
4. All vehicles can enter and exit the site in a forward direction, and/or
5. 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.

Condition reason: To ensure that the design of the access arrangement, car parking and maneuvering are in accordance with the required specifications including AS2890.

28. **(B456) On-Site Detention**

On-Site Detention shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by North Western Surveys, reference number 20985-DA, revision B, dated 27-02-2025.

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.

Condition reason: To ensure fairness, transparency and probity.

29. **(B462) Water Quality**

Prior to the issue of a Subdivision Work 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.

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	The Subdivision Works Certificate must be supported by: - Specification & installation details of the stormwater pre-treatment system - 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. Condition reason: To ensure fairness, transparency and probity.
30.	(B464) Temporary Access Roads The proposed temporary turning head/s shall be constructed in accordance with the requirements of NSW RFS, as outlined in the Planning for Bushfire Protection 2019 guidelines. Condition reason: To ensure fairness, transparency and probity.
31.	(B532) Waste Management Plan requirements Before the issue of a Subdivision Work Certificate, a waste management plan for the development must be prepared and provided to the principal certifier. The plan must be prepared in accordance with - the Environment Protection Authority's Waste Classification Guidelines as in force from time to time; and - a development control plan that provides for waste management that applies to the land on which the work or the clearing of vegetation is carried out; and - include the following information - - the contact details of the person removing waste; - an estimate of the type and quantity of waste; - whether waste is expected to be reused, recycled or sent to landfill; - the address of the disposal location for waste. A copy of the waste management plan must be kept on-site at all times while work approved under the development consent is being carried out. Condition reason: To ensure resource recovery is promoted and local amenity protected during construction.
32.	(B555) Detailed Design Drawings The applicant is to undertake detailed design of the proposed new roads including half road widening of Fifth Avenue fronting the development, traffic facilities, signs and linemarking in the existing and/or proposed public domain. The plans should include, but not be limited to: - All proposed new roads (Saddlebred Cr, Wanyuwa Dr, Brindle Cr) - Half road widening of Fifth Avenue fronting the site - Temporary turning head at the junction of Saddlebred Crescent and the proposed Pony Street. - Temporary one-way traffic flow arrangement on Brindle Street 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. <i>NOTE: It is advised that the applicant discuss with Council's Traffic Management Section of the traffic requirements prior to preparation of the detailed design drawings.</i> Condition reason: To ensure that detailed design of the required traffic facilities is submitted and approved.
33.	(B560) Road Works 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

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	Section.
	Condition reason: To ensure that works on the public road reserve are approved prior to commencement of works.
34.	(B590) Public Domain Works – Street Lighting
	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.
	Condition reason: To ensure adequate street lighting is provided for the development.
35.	(B953) Floodplain Engineering Matters
	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:
	1. The proposed development shall be in accordance with Concept Engineering Plans, Rev B, dated 27/02/2025 and Flood Impact Assessment report dated March 2025, both by North Western Surveys.
	2. The ultimate stormwater drainage plan shall be accordance to (Project Reference: 20985_DA Rev A, Plan 717) dated 26/05/2025 by North Western Surveys.
	3. There shall be no overland flooding impact on adjoining upstream lands to the northeast and east, and downstream sites to the west and south due to the proposed work. Existing overland flow from the upstream catchment shall be captured and accommodated into the proposed stormwater system as proposed up to the 1% AEP storm event.
	4. The major/minor stormwater system must be designed to accommodate external catchment flows through the site for range of storm events, up to the 1% AEP event.
	5. The major system (roads) shall consider overland flows through the site up to the 1% AEP event, ensuring that flood depths do not exceed 0.2m and that velocity-depth criteria comply with the safety threshold of <0.4m ² /s.
	6. The proposed interim OSDs shall control post development storm flow discharges from the development site to no greater than the pre-development flow for range of storm event up to the 1%AEP storm.
	7. Interim water quality treatment measures shall be incorporated into the OSDs, as proposed to treat stormflow before discharging into the receiving waters. These measures must achieve Council's stormwater treatment targets and be designed using MUSIC modelling software. Water quality treatment performance shall be verified using Council's MUSIC Link.
	8. The interim OSDs and water quality basin treatment measures shall remain and cannot be decommissioned until the regional flood detention and water quality basins are constructed. Written consent from Council must be required for decommissioning of the OSD.
	9. Streetscape raingardens are required at the locations marked as "Proposed Raingarden Locations" presented in Schedule 1- Austral & Leppington North Precinct DCP. Interim silt trap devices must be installed at these locations, with designs conforming to the Liverpool Growth Centre Precinct DCP (dated 18 June 2021) or the Streetscape Raingarden Masterplan for Austral and Leppington North.
	10. Detailed design plans and drawings of proposed stormwater drainage work, the OSDs and water quality treatment facilities shall be submitted at CC Stage for review and approval.
	11. Electronic copies of DRAINS and MUSIC models with results files along with music link report shall be submitted for review and approval.
	Condition reason: To ensure fairness, transparency and probity.
Before Subdivision Work Commences	
36.	(C005) Subdivision Work Certificates

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	Prior to the commencement of any subdivision works, the following requirements must be complied with: (a) Subdivision Work 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 Subdivision Work 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 Subdivision Work 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 (PC) must be appointed to carry out the necessary inspections and to issue a subdivision certificate, and (e) The PC 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. Condition reason: To require approval to proceed with building work.
37.	(C012) Commencement of building works Subdivision work shall not commence prior to the issue of a Subdivision Works Certificate. Subdivision work as defined under Section 1.4 of the <i>Environmental Planning and Assessment Act 1979</i> means any physical activity authorised to be carried out in connection with a subdivision under the conditions of a development consent for the subdivision of land. Condition reason: To require approval to proceed with building work.
38.	(C027) Matters to be addressed prior to commencement of Subdivision Works Work on the subdivision shall not commence until: (a) a Subdivision Work 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. Condition reason: To ensure fairness, transparency and probity.
39.	(C055) Site Facilities 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. Condition reason: To ensure the required site management measures are implemented before the commencement of building work.
40.	(C070) "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. Condition reason: To ensure building works do not impact local underground assets.
41.	(C117) Erosion and sediment controls in place

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	Before any site work commences, the principal certifier, must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time). Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.
42.	(C126) Environmental Management 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: 1. Siltation fencing; 2. Protection of the public stormwater system; and 3. Site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place. Condition reason: To ensure fairness, transparency and probity.
43.	(C155) Work Zone 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. Condition reason: To ensure that road occupancy is approved by council to minimise traffic impacts on the road.
44.	(C158) Construction Traffic Management Plan (CTMP) 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. Condition reason: To ensure that the impact of construction traffic associated with the development on the surrounding road network is minimized.
45.	(C201) Road Occupancy Permit 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 Condition reason: To ensure that road occupancy is approved by council to minimise traffic impacts on the road.
46.	(C466) Dilapidation report Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in Fifth Avenue and Sabino Street is to be submitted to Liverpool City Council. The report is to include, but not limited to, the road pavement, kerb and gutter, footpath, services and street trees and is to extend 10m either side of the development. Condition reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and

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	council are provided with the dilapidation report.
47.	(C501) Return of existing bins Prior to commencing demolition or site clearing works, any existing domestic waste bins that have been issued to 25 Fifth Avenue, Austral, 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 Council's rates system. Condition reason: To protect against Council-issued residential waste bins being used and potentially damaged by builders using them as site waste bins for waste building materials.
48.	(C950) Vegetation Clearing - Fauna Protection Prior to the removal of each tree, they shall be examined by a qualified ecologist for the presence of hollows, active nests of birds or fauna. 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. Any native fauna encountered shall be relocated by a qualified ecologist, or member of a wildlife rescue organisation, with necessary permits. Condition reason: To ensure fairness, transparency and probity.

Before Subdivision Work

49.	(D038) Toilet Facilities Toilet facilities must be available or provided at the work site and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must: (a) be a standard flushing toilet connected to a public sewer, or (b) have an on-site effluent disposal system approved under the Local Government Act 1993, or (c) be a temporary chemical closet approved under the Local Government Act 1993. Condition reason: To ensure the required site management measures are implemented during construction.
50.	(D045) Hours of work 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. Condition reason: To protect the amenity of the surrounding area.
51.	(D049) Security Fence A temporary security fence to WorkCover Authority requirements is to be provided to the property during the course of construction. Note: Fencing is not to be located on Council's reserve area. Condition reason: To ensure the required site management measures are implemented during construction.
52.	(D055) Refuse Disposal 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. Condition reason: To ensure the required site management measures are implemented during construction.
53.	(D063) Craning and Hoardings 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.

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	Condition reason: To ensure the required traffic management measures are implemented during construction.
54. (D070) Notification of Damage	
	The applicant/ builder shall be responsible to report to the Council of 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 and maintained the area until completion of the construction activities. Arrangements to the satisfaction of Council are to be made for making safe by temporary repairs to Council's footpath and road carriageway until permanent restoration and repair can be organised with Council at the applicant's cost.
	Condition reason: To ensure any damage to public infrastructure is rectified.
55. (D125) General Site Works - Sediment	
	The development, including construction, shall not result in any increase in sediment deposition into any water body, wetland, bushland or environmentally significant land.
	Condition reason: To minimise impacts to adjacent vegetation and habitat.
56. (D130) Removal of dangerous and/or hazardous waste	
	All dangerous and/or hazardous material must be removed by a suitably qualified and experienced contractor licensed by SafeWork NSW. The removal of such material must be carried out in accordance with the requirements of SafeWork NSW and the material must be transported and disposed of in accordance with NSW Environment Protection Authority requirements.
	Condition reason: To ensure safe removal and disposal of dangerous and/or hazardous material.
57. (D165) Public Domain Works	
	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'.
	Condition reason: To ensure that the development covers all required costs associated with the development.
58. (D170) Council On Street Assets	
	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.
	Condition reason: To ensure that the development covers all required costs associated with the development.
59. (D180) Waste management	
	While site work is being carried out:
	1. all waste management must be undertaken in accordance with the waste management plan; and
	2. upon disposal of waste, records of the disposal must be compiled and provided to principal certifier, detailing the following:
	• The contact details of the person(s) who removed the waste; • The waste carrier vehicle registration; • The date and time of waste collection; • A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill; • The address of the disposal location(s) where the waste was taken; • The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.
	If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the principal certifier and Council.
	Condition reason: To require records to be provided, during site work, documenting the lawful disposal of waste.
60. (D260) Dam De-watering	

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A qualified ecologist or wildlife carer is required to oversee dam de-watering activities and to relocate fauna or take fauna into care where required. Dam de-watering methods are to be in accordance with the dam de-watering plan and advice provided by the qualified ecologist or wildlife carer.

Condition reason: To minimise harm caused to fauna during dam de-watering.

61. **(D425) Site Remediation Works**

The site must be remediated in accordance with:

1. **Remedial Action Plan Portion of 110-120 Sixth Avenue & 25 Fifth Avenue, Austral NSW Report No. 2728-RAP-01-060924.v1f prepared by Sydney Environmental Group Pty Ltd dated 9th September 2024;**
2. State Environmental Planning Policy (Resilience and Hazards) 2021;
3. National Environment Protection (Assessment of Site Contamination) Measure (ASC NEPM, 1999 as amended 2013); and
4. The guidelines in force under the Contaminated Land Management Act 1997.

A suitably qualified environmental consultant must be engaged to supervise all aspects of site remediation and validation works in accordance with the approved remediation Action Plan.

Liverpool City Council must be informed in writing of any proposed variation to the remediation works. Liverpool City Council must approve these variations in writing prior to commencement/ recommencement of works.

Note: The 'suitably qualified environmental consultant' must be 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.

Condition reason: To ensure the suitability of land for the proposed development.

62. **(D426) Soil management**

While site work is being carried out, the **principal certifier** must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:

1. All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the **principal certifier**.
1. All fill material imported to the site must be:
 1. Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997*; or
 2. a material identified as being subject to a resource recovery exemption by the NSW EPA; or
 3. a combination of Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* and a material identified as being subject to a resource recovery exemption by the NSW EPA

Condition reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants.

63. **(D430) Unidentified Contamination**

Any new information which arises during remediation, demolition or construction works that has the potential to alter previous conclusions about site contamination and remediation must be immediately

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	notified in writing to the certifier and Liverpool City Council.
	A section 4.55 Application under the Environmental Planning and Assessment Act 1979 must be made for any proposed works outside the scope of the approved development consent.
	Condition reason: To ensure the suitability of land for the development.
64.	(D445) Air Quality
	Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.
	Condition reason: To ensure fairness, transparency and probity.
65.	(D450) Air Quality
	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.
	Condition reason: To ensure site works are managed appropriately and do not result in air pollution.
66.	(D552) Implementation of the site management plans
	While site work is being carried out:
	1. the measures required by the construction site management plan and the erosion and sediment control plan (plans) must be implemented at all times; and
	2. a copy of these plans must be kept on site at all times and made available to Council officers upon request.
	Condition reason: To ensure site management measures are implemented during the carrying out of site work.
67.	(D553) Erosion & Sediment Control
	Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised. 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.
	Condition reason: To ensure fairness, transparency and probity.
68.	(D554) Erosion & Sediment Control
	The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.
	Condition reason: To ensure fairness, transparency and probity.
69.	(D555) Erosion Control - Maintenance
	Sediment and erosion control measures are to be adequately maintained during the works until the establishment of grass.
	Condition reason: To ensure the required site management measures are implemented during construction.
70.	(D560) Erosion Control
	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.
	Condition reason: To ensure the required site management measures are implemented during construction.
71.	(D565) Water Quality
	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.

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	Condition reason: To ensure site works are managed appropriately and do not result in water pollution.
72.	(D570) Pollution Control - Site Operations During construction, building operations including but not limited to brick cutting, mixing mortar and the washing of tools, paint brushes, form-work, concrete trucks and the like must 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. Condition reason: To mitigate potential risks to the environment during construction and facilitate compliance with legislative requirements.
73.	(D574) Pollution Control - Truck Movements The loading and unloading of all vehicles associated with the development must be undertaken within the property boundary of the premises subject to this consent. Measures must be implemented to prevent tracking of sediment by vehicles onto roads. Vehicle loads must be covered when entering and exiting the site with material. Condition reason: To mitigate potential risks to the environment during construction and facilitate compliance with legislative requirements.
74.	(D581) Historic Archaeology Should any relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the <i>Heritage Act 1977</i> Condition reason: To ensure fairness, transparency and probity.
75.	(D582) Aboriginal Cultural Heritage - Staff and Contractors All relevant on-site staff and contractors should be made aware of their statutory obligations for heritage under NSW <i>National Parks and Wildlife Act 1974</i> and the NSW <i>Heritage Act 1977</i> . They are to be informed of what the potential heritage on the site will be and its significance. The site supervisor is to maintain a record of who has completed the heritage induction and this is to be provided to Council prior to Issue of Occupation Certificate. Condition reason: To ensure fairness, transparency and probity.
76.	(D583) Aboriginal Cultural Heritage - Unexpected Finds The National Parks and Wildlife Act 1974 protects all Aboriginal Cultural Heritage in New South Wales. Where a proposal has the potential to impact on Aboriginal Cultural Heritage objects and places, whether the presence is known or not, a permit is to be sought from Heritage NSW. In the event that Aboriginal Cultural Heritage objects or places are encountered/discovered, works must cease immediately and Council and Heritage NSW notified. The finds are to be investigated by an experienced archaeologist and no works are to recommence onsite until approved by Heritage NSW and Liverpool City Council. Condition reason: To ensure fairness, transparency and probity.
77.	(D584) Skeletal Remains 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. Condition reason: To ensure fairness, transparency and probity.
78.	(D590) Public Domain Works - Street Lighting Street lights are to be installed in accordance with the Endeavour Energy certified plans to their

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	satisfaction.
	Condition reason: To ensure that the development covers all required costs associated with the development.
79.	(D597) Major Filling/ Earthworks
	All earthworks shall be undertaken in accordance with AS 3798 and Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.
	The level of testing shall be determined by the Geotechnical Testing Authority/ Superintendent in consultation with the Principal Certifying Authority.
	Condition reason: To ensure fairness, transparency and probity.
80.	(D598) Soil testing - Subdivisions
	Soil Testing is to be carried out to enable each lot to be classified according to AS2870 "Residential Slabs and Footings".
	Condition reason: To ensure fairness, transparency and probity.
81.	(D600) Correct waste separation and removal
	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.
	Condition reason: To ensure that separation of waste by type is undertaken in an ongoing basis throughout the building process, and that the wastes are kept separate and not mixed, to facilitate waste management and recycling.
82.	(D605) Containment of site wastes during building
	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.
	Condition reason: To ensure that waste materials from the demolition, excavation or construction are kept appropriately contained on site, irrespective of weather conditions, and do not make their way into the environment as pollutants.
83.	(D660) Construction Noise and Vibration
	Noise and vibration associated with excavation, demolition and construction activities shall comply with the management levels detailed within the 'Interim Construction Noise Guideline' published by the Department of Environment and Climate Change NSW (DECC 2009/265) dated July 2009 and acceptable vibration values prescribed within the Environmental Noise Management Assessing Vibration: A Technical Guideline (Department of Environment and Conservation, 2006).
	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 Environmental Management Plan (CEMP).
	Condition reason: To protect the amenity of the neighbourhood during construction.
84.	(D662) Demolition of Septic Tank and Effluent Disposal Area
	Any existing effluent disposal area is to be demolished and back filled with Virgin Excavated Natural Material (VENM).
	Any septic tank, collection well or aerated wastewater treatment system is to be removed or reused in accordance with NSW Advisory Note 3 – Destruction, Removal or Reuse of Septic Tanks, Collection Wells and Aerated Wastewater Treatment Systems and other Sewage Management Facility Vessels available from the NSW Health website (www.health.nsw.gov.au).
	Condition reason: To ensure fairness, transparency and probity.

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85. (D664) Contamination	The development, including all civil works and demolition, must comply with the requirements of the Contaminated Land Management Act 1997, State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 4, and Managing Land Contamination – Planning Guidelines (Planning NSW/EPA 1998). Condition reason: To ensure fairness, transparency and probity.
86. (D666) Record Keeping of Imported Fill	Records of the following must be submitted to the principal certifying authority monthly and at the completion of earth works: 1. 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; 2. The results of a preliminary contamination assessment carried out on any fill material used in the development. 3. The results of any chemical testing of fill material. Condition reason: To ensure fairness, transparency and probity.

Land Subdivision Before Issue of an Subdivision Certificate

87. (F006) Payment of Development Contributions

Payment of section 7.11 contributions

Before the release of the first subdivision certificate (Linen Plan), the applicant must pay a total contribution of \$3,753,323 as calculated at the date of this consent to Council under section 7.11 of the EP&A Act in accordance with the City of Liverpool s7.11 Austral and Leppington North Contributions Plan 2021.

A breakdown of the contributions payable is found in the following table:

Facilities	Amount (\$)	Job No.
Liverpool Contributions Plan 2021 ALN		
Local Community Facilities - Land	\$34,527	GL.3011210001870.10227
Local Recreation - Land	\$1,474,762	GL.3011210001869.10228
Local Recreation - Works	\$424,626	GL.3011210001869.10229
Local Transport Facilities - Land Residential	\$114,988	GL.3011210001865.10230
Local Transport Facilities - Works Residential	\$268,655	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	\$584,953	GL.3011210001866.10232
Local Drainage Facilities - Works	\$829,118	GL.3011210001866.10233
Administration	\$21,694	GL.3011210001872.10234
TOTAL	\$3,753,323	

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	Payment of section 7.11 contributions must be made directly to Liverpool City Council. Contact Liverpool City Council for the current amount payable (contributions are indexed quarterly) on the day of payment. Contributions can be paid on any date after the issue of this notice of determination, prior to the mandatory timing. A copy of the development contributions plan is available on Council's website. Condition reason: To ensure development contributions are paid to address increased demand for public amenities and services or to address increased demand for regional infrastructure or to ensure any planning agreement is finalised at the specified time.
88.	(F007) Special Infrastructure Contribution (SIC) The applicant is to make a special infrastructure contribution in accordance with any determination made by the Minister administering the Environmental Planning and Assessment Act 1979 under Section 7.23 of that Act and is in force on the date of this consent, and must obtain a certificate to that effect from the Department of Planning (Growth Centres Commission) before a subdivision certificate, is issued in relation to any part of the development to which this consent relates. Condition reason: To ensure any SIC is finalised at the specified time.
89.	(F015) Linen Plans and 88B Instruments 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). Condition reason: To ensure fairness, transparency and probity.
90.	(F020) Linen Plans and 88B Instruments The applicant shall pay the standard fee for purpose of subdivision certificate administration of plan checking and release. Condition reason: To ensure fairness, transparency and probity.
91.	(F030) Linen Plans and 88B Instruments 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. Condition reason: To ensure fairness, transparency and probity.
92.	(F035) Linen Plans and 88B Instruments 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). Condition reason: To ensure fairness, transparency and probity.
93.	(F037) Liverpool City Council clearance - Roads Act/ Local Government Act 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. Condition reason: To ensure fairness, transparency and probity.
94.	(F080) Linen Plans and 88B Instruments The final plan of subdivision must be supported by an 88B Instrument. This instrument must burden the corner lots, with a restriction as to user that driveway crossings must be located on the secondary frontage and must not be located closer than 6m to the kerb and gutter tangent point.

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Condition reason: To ensure fairness, transparency and probity.	
95.	(F105) Service Providers The following documentation must be provided before the issue of a 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 must be submitted to the certifier before the issue of a Subdivision Certificate. Council will not issue a Subdivision Certificate unless the method of sewerage disposal is by gravity reticulation mains to either Sydney Water branch and trunk sewers or Sydney Water point of treatment. Council will not accept any temporary facilities to service the site, including pump-out wet-wells. (b) Notification of arrangement for the development from Endeavour Energy must 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 must 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. Condition reason: To promote orderly development supported by adequate infrastructure.
96.	(F130) Bonds 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. Condition reason: To ensure fairness, transparency and probity.
97.	(F150) Dilapidation Report Any rectification works required by Council regarding the condition of Council infrastructure shall be undertaken, at full cost to the developer. Condition reason: To ensure fairness, transparency and probity.
98.	(F160) Validation Report Before the issue of a subdivision certificate, a detailed validation report must be submitted to the certifier. The Report must be prepared in accordance with: 1. NSW Contaminated Land Planning Guidelines (1998); 2. Relevant EPA guidelines. In particular the Contaminated Land Guidelines – Consultants Reporting on Contaminated Land (NSW EPA 2020); and 3. 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 environmental consultant. The report's cover or title page of the document must 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 Remediation Action Plan.

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Note: The 'suitably qualified environmental consultant' must be 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.

Condition reason: To ensure the suitability of land, mitigate potential risks to human health and the environment and facilitate compliance with legislative requirements.

99. **(F180) Decommissioning of On-Site Sewage Management System/s**

Following the decommissioning of the on-site sewage management system and before the issue of a subdivision certificate, a certificate must be submitted to Liverpool City Council 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). A template decommissioning certificate can be found on Council's website www.liverpool.nsw.gov.au

Condition reason: To mitigate potential risks to human health and the environment.

100. **(F200) Completion of Subdivision Works**

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.

Condition reason: To ensure fairness, transparency and probity.

101. **(F205) Street Naming**

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.

Condition reason: To ensure new street names are approved and displayed in accordance with Council's Street Naming Policy.

102. **(F216) Outstanding Works Bond for Temporary OSD/Stormwater Pre-Treatment Systems**

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.

Condition reason: To ensure fairness, transparency and probity.

103. **(F225) Linemarking & Signage**

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.

Condition reason: To ensure fairness, transparency and probity.

104. **(F230) Rectification of Damage**

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 Fifth Ave will require a Roads Act application. The application is to be

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	submitted and approved by Liverpool City Council prior to such works commencing.
	Condition reason: To ensure fairness, transparency and probity.
105.	(F235) Subdivision Compliance 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: Nominate (a) Work as Executed (WAE) drawings of all civil works. The WAE drawings shall be marked in red on copies of the stamped Subdivision Works 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 Exceedence 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: 1. Compaction reports for road pavement construction, 2. Compaction reports for bulk earthworks and lot regrading, 3. Soil classification for all residential lots, and 4. Statement of Compliance. Condition reason: To ensure fairness, transparency and probity.
106.	(F240) Footpaths 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. Condition reason: To ensure fairness, transparency and probity.
107.	(F250) Restriction as to User and Positive Covenant Prior to the issue of a Subdivision Certificate a restriction as to user and positive covenant relating to the: (a) On-site detention system/s (b) Stormwater pre-treatment system/s 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. Condition reason: To ensure fairness, transparency and probity.
108.	(F590) Street Lighting in New Subdivisions 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

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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.

Condition reason: To ensure adequate street lighting is provided for the development.

Demolition Work Before Demolition Work Commences

109.	(C040) Demolition Works Demolition works shall be carried out in accordance with the following: (a) Prior to the commencement of any works on the land, a detailed demolition work plan designed in accordance with the Australian Standard AS 2601-2001 – The Demolition of Structures, prepared by a suitably qualified person with suitable expertise or experience, shall be submitted to and approved by Council and shall include the identification of any hazardous materials, method of demolition, precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials. (b) Prior to commencement of any works on the land, the demolition Contractor(s) licence details must be provided to Council. (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. Condition reason: To ensure that the demolition of buildings is carried out without impacting on public and environmental safety.
110.	(C055) Site Facilities 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. Condition reason: To ensure the required site management measures are implemented before the commencement of building work.
111.	(C117) Erosion and sediment controls in place Before any site work commences, the principal certifier, must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time). Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.
112.	(C466) Dilapidation report Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in Fifth Avenue and Sabino Street is to be submitted to Liverpool City Council. The report is to include, but not limited to, the road pavement, kerb and gutter, footpath, services and street trees and is to extend 10m either side of the development. Condition reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report.
113.	(C501) Return of existing bins Prior to commencing demolition or site clearing works, any existing domestic waste bins that have been issued to 25 Fifth Avenue, Austral 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 Council's rates system.

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	Condition reason: To protect against Council-issued residential waste bins being used and potentially damaged by builders using them as site waste bins for waste building materials.
114.	(C502) Remove and destroy refrigerants Prior to any works commencing, any air-conditioning or refrigeration systems fitted to the buildings or outbuildings to be demolished, must have the refrigerants present in those systems extracted into a durable, air-tight container by a licensed air-conditioning technician. This container and its contents must be sent intact, for secure destruction, to a facility licensed to destroy such refrigerants. Documentary evidence that this has been completed, if these systems are present, must be sighted by the Principal Certifying Authority and included as part of the Occupation Certificate documentation. Condition reason: To ensure that development activities do not result in the liberation of CFC or HFC refrigerants that contribute to global warming and damage the environment, and requires any refrigerants to be captured and destroyed at a facility licensed to do that.
During Demolition Work	
115.	(D045) Hours of work 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. Condition reason: To protect the amenity of the surrounding area.
116.	(D049) Security Fence A temporary security fence to WorkCover Authority requirements is to be provided to the property during the course of construction. Note: Fencing is not to be located on Council's reserve area. Condition reason: To ensure the required site management measures are implemented during construction.
117.	(D055) Refuse Disposal 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. Condition reason: To ensure the required site management measures are implemented during construction.
118.	(D070) Notification of Damage The applicant/ builder shall be responsible to report to the Council of 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 and maintained the area until completion of the construction activities. Arrangements to the satisfaction of Council are to be made for making safe by temporary repairs to Council's footpath and road carriageway until permanent restoration and repair can be organised with Council at the applicant's cost. Condition reason: To ensure any damage to public infrastructure is rectified.
119.	(D076) Handling of asbestos during demolition While demolition work is being carried out, any work involving the removal of asbestos must comply with the following requirements: 1. 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; 2. 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 3. Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m² or more of asbestos sheeting must be registered with the EPA on-line reporting tool WasteLocate. Condition reason: To ensure that the removal of asbestos is undertaken safely and professionally

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120.	(D130) Removal of dangerous and/or hazardous waste All dangerous and/or hazardous material must be removed by a suitably qualified and experienced contractor licensed by SafeWork NSW. The removal of such material must be carried out in accordance with the requirements of SafeWork NSW and the material must be transported and disposed of in accordance with NSW Environment Protection Authority requirements. Condition reason: To ensure safe removal and disposal of dangerous and/or hazardous material.
121.	(D180) Waste management While site work is being carried out: - all waste management must be undertaken in accordance with the waste management plan; and - upon disposal of waste, records of the disposal must be compiled and provided to principal certifier, detailing the following: - The contact details of the person(s) who removed the waste; - The waste carrier vehicle registration; - The date and time of waste collection; - A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill; - The address of the disposal location(s) where the waste was taken; - The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste. If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the principal certifier and Council. Condition reason: To require records to be provided, during site work, documenting the lawful disposal of waste.
122.	(D426) Soil management While site work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements: - All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier. - All fill material imported to the site must be: - Virgin Excavated Natural Material as defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i>; or - a material identified as being subject to a resource recovery exemption by the NSW EPA; or - a combination of Virgin Excavated Natural Material as defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i> and a material identified as being subject to a resource recovery exemption by the NSW EPA Condition reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants.
123.	(D430) Unidentified Contamination Any new information which arises during remediation, demolition or construction works that has the potential to alter previous conclusions about site contamination and remediation must be immediately notified in writing to the certifier and Liverpool City Council. A section 4.55 Application under the Environmental Planning and Assessment Act 1979 must be made for any proposed works outside the scope of the approved development consent.

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	Condition reason: To ensure the suitability of land for the development.
124.	(D450) Air Quality 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. Condition reason: To ensure site works are managed appropriately and do not result in air pollution.
125.	(D552) Implementation of the site management plans While site work is being carried out: - the measures required by the construction site management plan and the erosion and sediment control plan (plans) must be implemented at all times; and - a copy of these plans must be kept on site at all times and made available to Council officers upon request. Condition reason: To ensure site management measures are implemented during the carrying out of site work.
126.	(D555) Erosion Control - Maintenance Sediment and erosion control measures are to be adequately maintained during the works until the establishment of grass. Condition reason: To ensure the required site management measures are implemented during construction.
127.	(D565) Water Quality 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. Condition reason: To ensure site works are managed appropriately and do not result in water pollution.
128.	(D574) Pollution Control - Truck Movements The loading and unloading of all vehicles associated with the development must be undertaken within the property boundary of the premises subject to this consent. Measures must be implemented to prevent tracking of sediment by vehicles onto roads. Vehicle loads must be covered when entering and exiting the site with material. Condition reason: To mitigate potential risks to the environment during construction and facilitate compliance with legislative requirements.
129.	(D584) Skeletal Remains 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. Condition reason: To ensure fairness, transparency and probity.
130.	(D600) Correct waste separation and removal 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. Condition reason: To ensure that separation of waste by type is undertaken in an ongoing basis throughout the building process, and that the wastes are kept separate and not mixed, to facilitate waste management and recycling.

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131.	(D605) Containment of site wastes during building
	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.
	Condition reason: To ensure that waste materials from the demolition, excavation or construction are kept appropriately contained on site, irrespective of weather conditions, and do not make their way into the environment as pollutants.

Remediation Work Before Remediation Work Commences

132.	(C055) Site Facilities
	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.
	Condition reason: To ensure the required site management measures are implemented before the commencement of building work.
133.	(C117) Erosion and sediment controls in place
	Before any site work commences, the principal certifier, must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time).
	Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.
134.	(C466) Dilapidation report
	Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in Fifth Avenue and Sabino Street is to be submitted to Liverpool City Council. The report is to include, but not limited to, the road pavement, kerb and gutter, footpath, services and street trees and is to extend 10m either side of the development.
	Condition reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report.

During Remediation Work

135.	(D045) Hours of work
	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.
	Condition reason: To protect the amenity of the surrounding area.
136.	(D049) Security Fence
	A temporary security fence to WorkCover Authority requirements is to be provided to the property during the course of construction.
	Note: Fencing is not to be located on Council's reserve area.
	Condition reason: To ensure the required site management measures are implemented during construction.
137.	(D055) Refuse Disposal
	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

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	approval relates to.
	Condition reason: To ensure the required site management measures are implemented during construction.
138.	(D130) Removal of dangerous and/or hazardous waste All dangerous and/or hazardous material must be removed by a suitably qualified and experienced contractor licensed by SafeWork NSW. The removal of such material must be carried out in accordance with the requirements of SafeWork NSW and the material must be transported and disposed of in accordance with NSW Environment Protection Authority requirements. Condition reason: To ensure safe removal and disposal of dangerous and/or hazardous material.
139.	(D180) Waste management While site work is being carried out: - all waste management must be undertaken in accordance with the waste management plan; and - upon disposal of waste, records of the disposal must be compiled and provided to principal certifier, detailing the following: - The contact details of the person(s) who removed the waste; - The waste carrier vehicle registration; - The date and time of waste collection; - A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill; - The address of the disposal location(s) where the waste was taken; - The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste. If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the principal certifier and Council. Condition reason: To require records to be provided, during site work, documenting the lawful disposal of waste.
140.	(D425) Site Remediation Works The site must be remediated in accordance with: Remedial Action Plan Portion of 110-120 Sixth Avenue & 25 Fifth Avenue, Austral NSW Report No. 2728-RAP-01-060924.v1f prepared by Sydney Environmental Group Pty Ltd dated 9th September 2024; - State Environmental Planning Policy (Resilience and Hazards) 2021; - National Environment Protection (Assessment of Site Contamination) Measure (ASC NEPM, 1999 as amended 2013); and - The guidelines in force under the Contaminated Land Management Act 1997. A suitably qualified environmental consultant must be engaged to supervise all aspects of site remediation and validation works in accordance with the approved remediation Action Plan. Liverpool City Council must be informed in writing of any proposed variation to the remediation works. Liverpool City Council must approve these variations in writing prior to commencement/recommencement of works. Note: The 'suitably qualified environmental consultant' must be 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. Condition reason: To ensure the suitability of land for the proposed development.

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141.	(D426) Soil management
	While site work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:
	- All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier. - All fill material imported to the site must be: - Virgin Excavated Natural Material as defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i>; or - a material identified as being subject to a resource recovery exemption by the NSW EPA; or - a combination of Virgin Excavated Natural Material as defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i> and a material identified as being subject to a resource recovery exemption by the NSW EPA
	Condition reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants.
142.	(D430) Unidentified Contamination
	Any new information which arises during remediation, demolition or construction works that has the potential to alter previous conclusions about site contamination and remediation must be immediately notified in writing to the certifier and Liverpool City Council.
	A section 4.55 Application under the Environmental Planning and Assessment Act 1979 must be made for any proposed works outside the scope of the approved development consent.
	Condition reason: To ensure the suitability of land for the development.
143.	(D450) Air Quality
	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.
	Condition reason: To ensure site works are managed appropriately and do not result in air pollution.
144.	(D552) Implementation of the site management plans
	While site work is being carried out:
	- the measures required by the construction site management plan and the erosion and sediment control plan (plans) must be implemented at all times; and - a copy of these plans must be kept on site at all times and made available to Council officers upon request.
	Condition reason: To ensure site management measures are implemented during the carrying out of site work.
145.	(D555) Erosion Control - Maintenance
	Sediment and erosion control measures are to be adequately maintained during the works until the establishment of grass.
	Condition reason: To ensure the required site management measures are implemented during construction.
146.	(D565) Water Quality
	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.

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	Condition reason: To ensure site works are managed appropriately and do not result in water pollution.
147.	(D574) Pollution Control - Truck Movements The loading and unloading of all vehicles associated with the development must be undertaken within the property boundary of the premises subject to this consent. Measures must be implemented to prevent tracking of sediment by vehicles onto roads. Vehicle loads must be covered when entering and exiting the site with material. Condition reason: To mitigate potential risks to the environment during construction and facilitate compliance with legislative requirements.
148.	(D584) Skeletal Remains 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. Condition reason: To ensure fairness, transparency and probity.
149.	(D600) Correct waste separation and removal 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. Condition reason: To ensure that separation of waste by type is undertaken in an ongoing basis throughout the building process, and that the wastes are kept separate and not mixed, to facilitate waste management and recycling.
150.	(D605) Containment of site wastes during building 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. Condition reason: To ensure that waste materials from the demolition, excavation or construction are kept appropriately contained on site, irrespective of weather conditions, and do not make their way into the environment as pollutants.

Without prejudice draft conditions

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [Conditions of development consent: advisory notes](#). The consent should be read together with the Conditions of development consent: advisory notes to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

Without prejudice draft conditions

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the Building and Development Certifiers Act 2018.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

Council means LIVERPOOL CITY COUNCIL.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means LIVERPOOL LOCAL PLANNING PANEL.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

the collection of stormwater,

the reuse of stormwater,

the detention of stormwater,

the controlled release of stormwater, and

connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

Sydney district or regional planning panel means SYDNEY WESTERN CITY PLANNING PANEL.

Item Number:	2
Application Number:	DA-137/2025
Proposed Development:	Proposed alterations & additions to existing spa business and shop top housing (01 dwelling).
Property Address	66 Marsh Parade, Casula 2170
Legal Description:	Lot 134, DP 26304
Applicant:	A & K ENGINEERING GROUP PTY LTD
Land Owner:	Ms J Channoom
Cost of Works:	\$1,306,676.00
Recommendation:	Refusal
Assessing Officer:	Anna Stephenson

1 EXECUTIVE SUMMARY

Council has received a Development Application (DA-137/2025) seeking consent for alterations and additions to an existing spa business and construction of one shop-top housing dwelling at 66 Marsh Parade, Casula.

The site is zoned E1 Local Centre pursuant to Liverpool Local Environmental Plan 2008 and the proposed development is permissible with consent.

The development application was notified for a period of 14 days from 28 March 2025 to 14 April 2025 in accordance with Community Participation Plan 2022. One submission was received during the public consultation period objecting to the proposal. The issues of concern raised in the submissions can be summarised as follows: privacy impacts to adjoining residential allotments due to positions of windows on the first and second floors.

The development application was not required to be placed on public exhibition in accordance with Liverpool Development Control Plan 2008, and no submissions were received.

The key issues associated with the proposal relate to the proposed variation to development standard Clause 7.14 of the Liverpool Local Environmental Plan 2008, as well as traffic and carparking issues as well as concerns relating to land contamination, acoustic impacts and health standards for beauty premises.

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

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

2. SITE DESCRIPTION AND LOCALITY

2.1 The locality

The site is situated to the east of the Hume Highway, in a predominantly residential area bounded by the railway to the east and the highway to the west. The locality is characterised by low to medium density residential development, ranging from detached dwelling houses to multi-dwelling housing, with some small-scale commercial development along Marsh Parade.

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

North (front)	Marsh Parade, a single-storey dwelling house at No. 31 Marsh Parade
East (side)	Commercial premises at No. 64 Marsh Parade
South (rear)	Multi-dwelling housing at Nos. 1 and 5 Lang Road
West (side)	A single-storey detached dwelling at No. 68 Marsh Parade

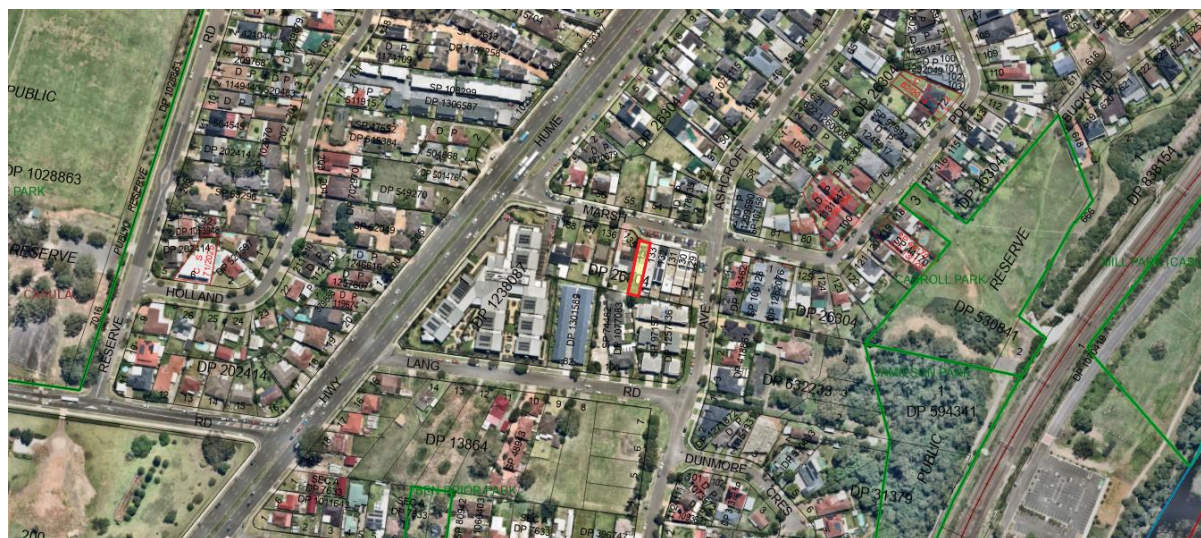


Figure 1: Locality Surrounding the Proposed Development (Source: Geocortex)

2.2 The site

The subject site is identified as Lot 134 in DP 26304 and is known as 66 Marsh Parade, Casula. It is rectangular in shape with a frontage of 7.62 metres to Marsh Parade and a depth of 39.624 metres, with a total area of 301.9m².

Currently, the subject site contains a single-storey day spa.

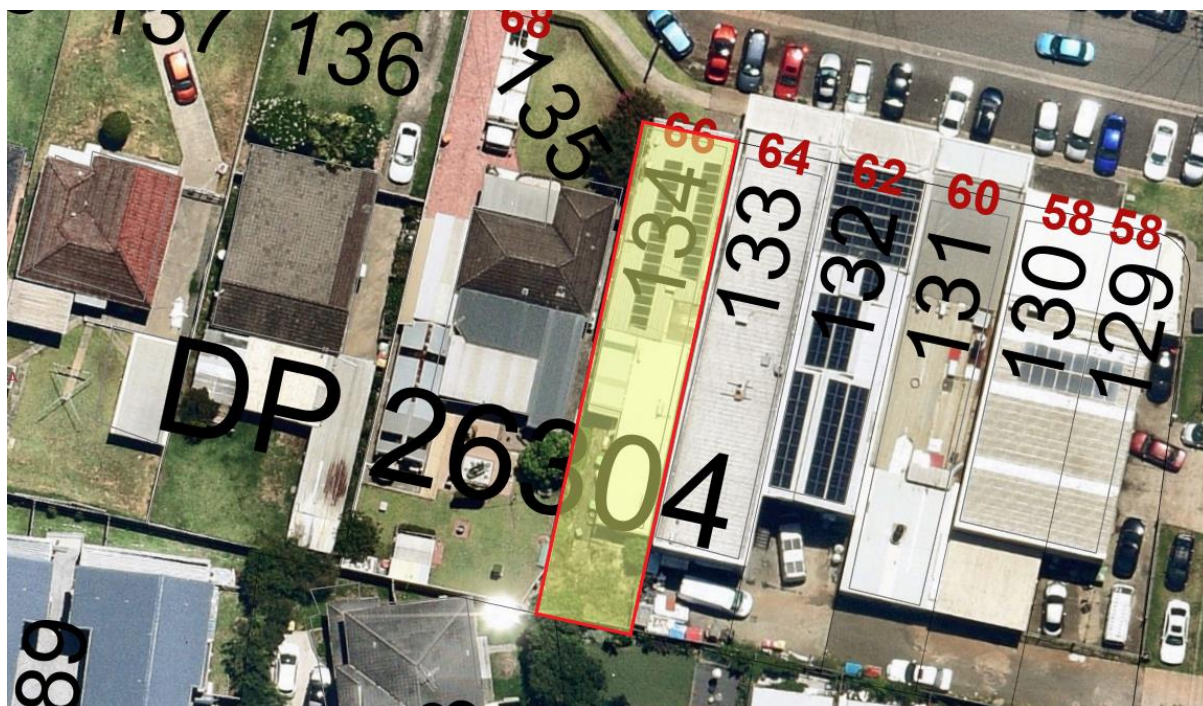


Figure 2: Aerial view of the site (Source: Geocortex)

3. BACKGROUND/HISTORY

- The subject DA was lodged with Council on 25 March 2025.
- On 5 May 2025, the application was deferred requesting: Traffic and carparking report, preliminary site investigation, acoustic assessment, noise management plan, amended architectural plans, and further information around waste management, beauty treatments and operating details.
- Amended plans received 10 June 2025, with further Acoustic Report and Traffic Report provided 11 June 2025.

4. DETAILS OF THE PROPOSAL

The proposed development consists of the following:

Partial **demolition** of existing structures and internal walls:

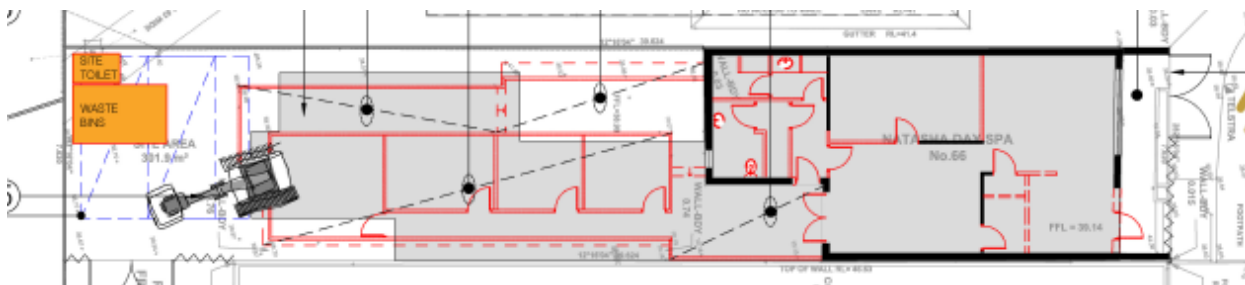


Figure 3: Demolition Plan

Construction of alterations and additions to the existing spa business, resulting in the following:

- Ground floor: Reception, 2 change rooms, 3 treatment rooms, dry sauna, shower, steam room, unisex bathroom, disabled bathroom, customer lounge, pool, jacuzzi spa, hot tub, cold tub, ice bath, staff bathroom, WC, shower, bins;
- First floor: 2 treatment spaces, ice bath, sauna, bathroom, laundry, storeroom.

Construction of one shop-top housing unit containing:

- Ground floor: Front entry and rear entry;
- First floor: Living, dining, kitchen, bathroom, Bed 1 with built-in wardrobe and ensuite, Bed 2 with built-in wardrobe, sun balcony, balcony;
- Second floor: Living, Master bed with ensuite and walk-in wardrobe.

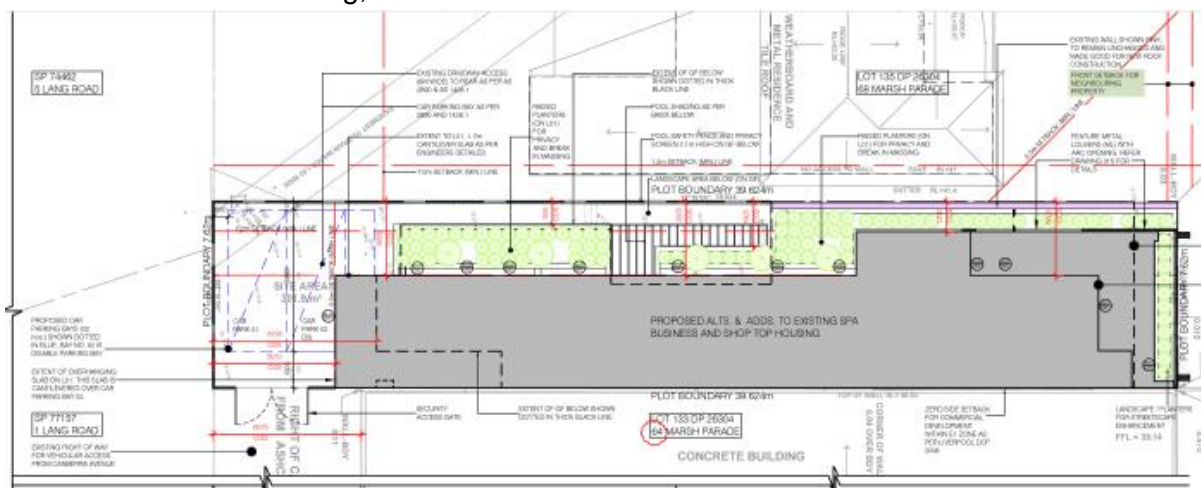


Figure 4: Proposed site plan

5. STATUTORY CONSIDERATIONS

5.1 Relevant matters for consideration

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

- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Sustainable Buildings) 2022
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- Liverpool Local Environmental Plan (LLEP) 2008;
- Liverpool Development Control Plan (LDCP) 2008;

Contributions Plans

- Liverpool Contributions Plan 2018 – Established Areas applies to the proposed residential 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 (Transport and Infrastructure) 2021

The subject site is located within 100m of a classified road (the Hume Highway) and as such *Clause 2.120 Impact of road noise or vibration on non-road development* of the *SEPP (Transport and Infrastructure) 2021* applies to the development. This clause requires the consent authority to be satisfied that appropriate measures will be taken to ensure the relevant LAeq levels are not exceeded within the residential accommodation.

The applicant has submitted an acoustic report in support of the application, however the provided acoustic report does not address the impact of road noise on the proposed residential development. Therefore, it is considered that the consent authority cannot be satisfied that appropriate measures will be taken to ensure compliance with the SEPP, and as such the proposal does not comply with the SEPP (Transport and Infrastructure) 2021.

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

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

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	There is insufficient information available to determine whether the land is or is not contaminated. The Preliminary Site Investigation indicates that a Detailed Site Investigation is required.

(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and	The Preliminary Site Investigation found that a Detailed Site Investigation is required in order to determine if the site is suitable for the proposed uses with or without remediation.
(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.	Because it is unknown whether the site is contaminated (and if so, what by) there is insufficient information to determine whether the land will require remediation to be suitable for the proposed use.

The applicant submitted a Preliminary Site Investigation Report which finds that the site requires a Detailed Site Investigation and potentially a Remediation Action Plan, as there is potential for hazardous contamination on the site.

Based on the above assessment, the proposal does not comply with the provisions of Clause 4.6 of the SEPP (Resilience and Hazards) 2021.

(c) State Environmental Planning Policy (Sustainable Buildings) 2022

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

A BASIX Certificate with associated NatHERS Certificate has been submitted for the proposed development.

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

(d) 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, applies to the application.

The submitted Civil Engineering Plans have been reviewed by Council's Land Development Engineering section, who have advised the development is supported subject to imposition of conditions of consent.

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 development applications (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	Council's Land Development Engineering section 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.
6.7 Aquatic Ecology	This clause is not applicable as there is no aquatic ecology present on site.
6.8 Flooding	The site is not located in a flood plain area.
6.9 Recreation and public access	This proposed development will not adversely affect access to recreation and public access.
6.10 Total catchment management	The proposed development is not likely to have an adverse impact on other parts of the Georges River catchment, therefore no consultation is required.

(d) Liverpool Local Environmental Plan 2008

(i) Zoning

The subject site is zoned E1 Local Centre pursuant to the LLEP 2008. An extract of the zoning map is provided in Figure 3 below.

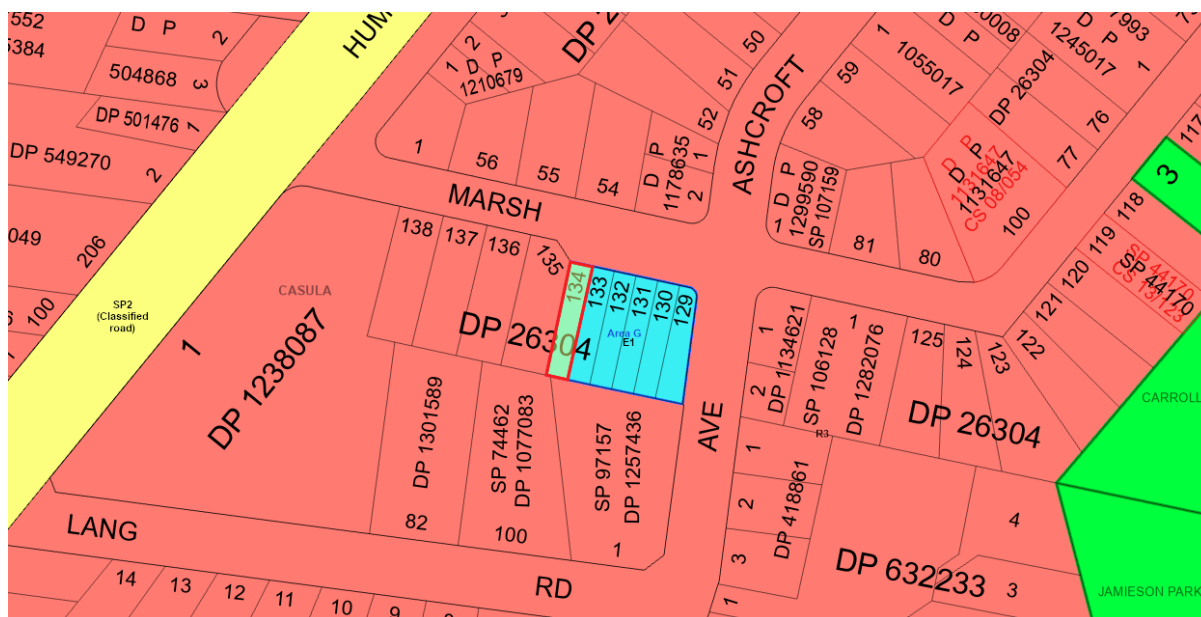


Figure 3: Zoning Map (source: Geocortex)

(ii) Permissibility

The proposed development is best defined by the standard instrument as alterations and additions to “business premises”, and “shop top housing”, which are identified as permitted land uses with consent within the E1 Local Centre zone under Liverpool Local Environment Plan 2008.

business premises means a building or place at or on which—

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
- (b) a service is provided directly to members of the public on a regular basis, and includes funeral homes, goods repair and reuse premises and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

shop top housing means one or more dwellings located above the ground floor of a building, where at least the ground floor is used for commercial premises or health services facilities.

(iii) Objectives of the zone

The objectives of the E1 Local Centre zone are as follows:

- To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.

- *To encourage investment in local commercial development that generates employment opportunities and economic growth.*
- *To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.*
- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*
- *To facilitate a high standard of urban design and a unique character that contributes to achieving a sense of place for the local community.*
- *To maximise public transport patronage and encourage walking and cycling.*

The proposal is considered to be consistent with the objectives of the zone in that:

- The proposed development provides a business use to serve the needs of people who live in, work in or visit the area;
- The proposed development is an investment in local commercial development that will generate employment opportunities;
- The proposed development includes residential development consistent with Council's strategic planning for residential development in the area;
- The proposed development includes business uses on the ground floor;
- The proposed development facilitates a high standard of urban design and a unique character, contributing to the sense of place of the local area.

(iv) Principal Development Standards

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

Development Provision	Requirement	Proposed	Comment
Part 2 Permitted or prohibited development			
2.7 Demolition	The demolition of a building or work may be carried out only with development consent	Partial demolition of existing structures is proposed as part of the application	Complies
Part 4 Principal Development Standards			
4.3 Height of Buildings	15m	10.48m maximum height	Complies
4.4 Floor Space Ratio	1.2:1	GF: 176.313sqm FF: 140.474sqm SF: 42.396sqm FSR: 359.183 / 301.9 = 1.1897:1	Complies
4.6 Exceptions to	Development	The applicant has	Considered

development standards	consent must not be granted to 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 the contravention of the development standard.	submitted a written request to contravene Clause 7.14 of the LLEP 2008, which is addressed below.	acceptable – see Clause 4.6 Variation assessment below
7.7 Acid sulfate soils	Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.	Site is not affected by Acid Sulphate Soils	Not Applicable
7.14 Minimum building street frontage	Development consent must not be granted to development for the purposes of	Street frontage is 7.62m, representing a variation of 68.25% to this development standard. The applicant has made	Considered acceptable – see Clause 4.6 Variation assessment below

	any building of more than 2 storeys on land in Zone E1 Local Centre, 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 Clause 4.6 Variation Request to vary this clause.	
7.16 Ground floor development in Zones E1 and MU4	Development consent must not be granted for development for the purposes of a building on land to which this clause applies unless the consent authority is satisfied that the ground floor of the building— (a) if the development is on land in Zone E1 Local Centre—will not be used for the purposes of residential accommodation, and (b) will have at least one entrance and at least one other door or window on the front of the building facing a street other than a service lane.	(a) Ground floor is to be used for business premises, not residential accommodation; (b) Entrances on the front of the building facing a street other than a service lane are provided.	Complies

Clause 4.6 – Exceptions to development standards

(Variation to Clause 7.14 – Minimum building street frontage)

Clause 7.14(2) of the Liverpool Local Environmental Plan 2008 (LLEP) states:

(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 or E1 Local Centre, or*
- (c) any residential flat building.*

The subject proposal seeks a variation to the minimum building street frontage under the LLEP 2008. The minimum street frontage for a building of more than 2 storeys on land in E1 Local Centre is required to be at least 24 metres. The subject development proposes a street frontage of 7.62m. This equates to a variation of 16.38m, which is expressed in a percentage as 68.25% of the development standard.

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 LLEP 2008 are as follows:

(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.*

(3) Development consent must not be granted to 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 the contravention of the development standard.*

The applicant submitted a Section 4.6 Variation Request, dated 24 February 2025, 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 contravention of the development standard

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

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

Applicant Comment

Wehbe v Pittwater Council [2007] NSWLEC 827 and Williams v Kuring-gai Municipal Council [2017] NSWLEC 1098 identified several approaches of establishing that compliance with a development standard might be unreasonable and unnecessary. Wehbe Test 1, as described in Williams, is relevant to the proposed variation to the FSR development standard:

- *Wehbe Test 1: The objectives of the standard are achieved notwithstanding noncompliance with the standard.*

Furthermore, it is noted that in Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118, it was determined that a development does not have to demonstrate that the noncompliant aspect should have a neutral or beneficial effect, relative to a compliant development.

Wehbe Test 1 – Objectives of the standard

An assessment against the objectives of the development standard is provided below:

(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,***

A two-storey shop-top housing development is proposed, featuring a pitched roof that incorporates an attic floor level. The first two storeys of the proposal have been thoughtfully designed to align with the vertical and horizontal proportions of the adjoining properties at 62 and 64 Marsh Parade, ensuring consistency with the established commercial character. A pitched roof is proposed above the first floor to reflect the roof forms characteristic of surrounding residential structures.

While some habitable floor space in the attic extends beyond the roofline, both the roof and attic are well recessed from the first floor, sit substantially below the maximum height limit and will be effectively screened by the front feature louvres, helping to maintain the primacy of the two-storey form within the streetscape. Accordingly, the design results in a proposed development that is compatible with the existing and desired character of the locality.

- (b) to ensure that vehicular access is reasonably spaced and separated along roads and lanes,***

Vehicular access to the site is currently provided via a right of carriageway off Ashcroft Avenue, and this arrangement will remain unchanged as part of the proposed development. Importantly, the introduction of the attic floor level will not affect the functionality of the existing access nor create a need for additional vehicular access. The current access will continue to adequately service both the subject site and the adjoining commercial properties.

(c) to provide appropriate dimensions for the design of car parking levels,

The proposal incorporates two additional parking spaces at the rear of the site to accommodate the proposed dwelling house. It is important to note that at least two parking spaces are required for the dwelling house, regardless of the attic floor level.

(d) to encourage larger development of commercial office, business, residential and mixed use buildings provided for under this Plan.

Amalgamation of adjoining properties is not considered necessary in this instance. The reasons for this are outlined in further detail below.

The proposed development comprises a single dwelling above ground-floor commercial space. However, unlike 62 Marsh Parade, where the entire dwelling was built from boundary to boundary on one level, this proposal incorporates an attic floor level. This attic floor level has been proposed because the subject site adjoins a residential property to the west, preventing a similar zero-setback approach to 62 Marsh Parade. In the circumstances, it is not reasonable to expect strict compliance with the development standard.

Furthermore, it is not considered that the proposed development results in the isolation of adjoining commercial properties. The commercial properties between 58–64 Marsh Parade have the potential to amalgamate with each other in order to achieve a combined site frontage of 24 metres. Additionally, it is considered that some of these properties have already been reasonably developed in accordance with applicable planning objectives and controls, meaning there is no real incentive to amalgamate into a larger development site.

More specifically, with regard to the commercial properties closest to the subject site:

- *62 Marsh Parade – comprises a shop-top housing development with an FSR of 1.15:1 that was approved by Council as recent as 2015, and*
- *64 Marsh Parade – comprises a two-storey commercial development that has already maximised its building footprint. This property could also be converted to a shop-top housing development, similar to 62 Marsh Parade.*

While it could be argued that the property at 60 Marsh Parade is isolated, it has already been isolated by virtue of the shop top housing development at 62 Marsh Parade. Nevertheless, this property still has the option to amalgamate with 58 Marsh Parade or be developed for shop-top housing in a manner like 62 Marsh Parade.

Given the above, the proposed development is consistent with this objective of the development standard.

Council Comment

In response to the comments raised above, the following justification is provided as to why the imposition of the applicable standard is unreasonable or unnecessary in this instance:

- Objective a) – The proposed development has horizontal and vertical proportions in keeping with the character of the area, comprising two- to three-storey commercial premises with shop-top housing or commercial development on the upper storeys and being built to the boundary.
- Objective b) – Vehicular access to the residential portion of the site occurs from the rear, over a right of carriageway from Ashcroft Avenue. Therefore, the development of shop-top housing on this site would not impact the spacing of vehicular access in the area.
- Objective c) – Residential car parking is proposed to the rear of the site at ground level and achieves the minimum required dimensions to comply with the relevant standards.
- Objective d) – Given the highly fragmented nature of this commercial precinct, it is considered that amalgamation would be unlikely, and single-dwelling shop-top housing developments are more commensurate with the scale and character of the locality.

As such, it is considered that compliance with the standard would be unreasonable or unnecessary in the circumstances of the case.

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

The applicant has provided the following comment as to how there are sufficient environmental planning grounds to justify contravening the development standard:

Applicant Comment

The shop top housing development at 62 Marsh Parade did not need to consider the minimum building frontage requirement, as the dwelling was fully contained on the first floor by building boundary to boundary. However, as the subject site adjoins a residential property, it is prevented from adopting a similar boundary-to-boundary approach, resulting in an attic floor level. It is unreasonable to enforce strict compliance with the development standard due to this circumstance.

Furthermore, although the proposed habitable space within the attic extends beyond the roofline, it remains part of the dwelling house. In this case, the attic and roof are both well recessed from the first floor, sit substantially below the maximum height limit and will be effectively screened by the front feature louvres. The proposed

development remains visually compatible with its surroundings while minimising any adverse amenity impacts.

Moreover, it is noted that the proposal will not result in the isolation of adjoining commercial properties or hinder any potential future amalgamation should owners decide it in their interest to do so. Enforcing strict compliance with the development standard offers no clear planning benefit when the proposal aligns with the objectives of the standard, and strict compliance would lead to the unnecessary loss of development potential.

In conclusion, the proposed development achieves the orderly and economical use of the site while delivering a high-quality design outcome that is unlikely to adversely impact its surroundings.

Council Comment

In response to the applicant's comments listed above, Council has provided the following commentary as to why there are sufficient environmental planning grounds to justify the contravention of the development standard:

- The proposal complies with the objectives of the E1 Local Centre zone, and all other LLEP 2008 development standards;
- The proposal complies with the relevant controls of the LDCP 2008;
- The contravention to the development standard does not impact upon the compliance of the development with any other development standards, controls or other requirements.

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.

The applicant's written request has demonstrated the proposed development is an orderly and economic use and development of the land, therefore satisfying cl 1.3 (c) of the EP&A Act 1979. Therefore, the applicant's written request has adequately demonstrated compliance is unreasonable or unnecessary and there are sufficient environmental planning grounds to justify contravening the development standard. Therefore, Council is satisfied the written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3).

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

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

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

(a) Liverpool Development Control Plan (LDCP) 2008

The application has also been assessed against the relevant controls of the LDCP 2008, particularly *Part 1 General Controls for all Development* and *Part 6 Development in Business Zones*.

The development does not comply with the provisions of the LDCP 2008 in relation to land contamination, car parking and access, and acoustic impacts as detailed within the tables in Attachment 3 of the report. Key non-compliance and issues considered acceptable on merit are detailed below:

Part 1 General Controls for all Development			
Control	Requirement	Comment	Compliance
Section 10 – Contaminated Land Risk	Previous use to be considered in assessing risk	Insufficient information has been provided to demonstrate the site would be suitable under the SEPP (Resilience and Hazards) 2021	Does not comply
Section 20 – Car Parking and Access	7 parking spaces required for day spa	Not provided	Does not comply
	2 parking spaces required for dwelling	2 parking spaces provided.	Complies
Part 6 – Development in Business Zones			
Control	Requirement	Comment	Compliance
Subdivision, Frontage and Allotment Size	20m minimum street frontage for E1 zone	This requirement arises from the LLEP 2008 and has been addressed by the applicant's Clause 4.6 Variation Request. A variation is considered to be acceptable given the site context.	Considered acceptable on merit
Setbacks	Side setback to E1 – 0m Side setback to residential zone – setback equal to height of floors above ground floor	0m GF 0m E1 / 1.2m R2 FF 0m E1 / 4.025m R2 SF Strictly does not comply but considered acceptable on merit as no unreasonable impacts to adjoining lot	Considered acceptable on merit

	Front setbacks to align with existing development Floors above first floor to be setback equal to the height of the floors.	Second floor is contained within roof form, setback varies from 2.5m (at base) to 7.8m (at apex of roof form)	Considered acceptable on merit
Building Form, Streetscape and Layout	Where the ground floor of a business development, mixed-use development, and shop-top housing faces the street, the ground floor must incorporate shopfront style windows with clear glazing so that pedestrians can see into the premises and vice versa.	Ground floor does not have shopfront style windows. This would be inappropriate for the proposed use (spa business).	Considered acceptable on merit
	Provide continuous street frontage awnings to all new developments	Not a new development; awning would be visually obtrusive considering the site adjoins residential development – lack of awning would not be detrimental to the streetscape considering the existing situation	Considered acceptable on merit
Part 6, Section 12 - Shop Top Housing			
Control	Requirement	Comment	Compliance
Acoustic Impact	Buildings affected by traffic noise must incorporate the appropriate noise and vibration mitigation measures into the design	Unclear whether site is affected by traffic noise as acoustic report does not address the impacts of the Hume Highway	Insufficient Information

While the proposal complies with the majority of controls in the LDCP 2008, the noncompliances are considered to be severe.

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

Natural and Built Environment

It is unclear whether the proposed development will have unreasonable detrimental impacts on the natural and built environments, due to insufficient information being provided in relation to land contamination and acoustic impacts.

Social Impacts and Economic Impacts

The proposal would result in a positive economic impact in the locality through the capital investment value of the development but may result in detrimental social impacts due to acoustic impacts not being adequately addressed in the development application.

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

The proposal does not comply with the relevant planning controls and the site is not considered to be suitable for the proposed development.

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

(a) Internal Referrals

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

DEPARTMENT	COMMENTS
Building Compliance	Approval subject to conditions of consent
Land Development Engineering	Approval subject to conditions of consent
Environmental Health	Not supported.
Traffic & Transport	Not supported.
Flood Engineering	Approval subject to conditions of consent

(b) External Referrals

Nil.

(c) Community Consultation

The proposal was notified for a period of 14 days from 28 March 2025 to 14 April 2025 in accordance with Community Participation Plan 2022. 1 submission was received in response to the public consultation process.

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

ISSUE 1: Privacy impacts to adjoining lots

Comment: The proposal incorporates obscured glazing for windows on the first floor below 1.5m above floor level, preventing overlooking of the adjoining residential lot. All windows on the second floor have raised sills at least 1.5m in height.

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

The proposed development is considered not to be in the public interest.

7. DEVELOPMENT CONTRIBUTIONS

Section 7.11 Development Contributions would be applicable if the application were to be approved. However, as the application is to be refused, contributions do not apply in this instance.

8. CONCLUSION

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

Based on the assessment of the application, it is recommended that the application be **refused**.

9. RECOMMENDATION

That Development Application No DA-137/2025 be **refused**.

ATTACHMENTS

1. LDCP 2008 Compliance Tables
2. Architectural Plans
3. Clause 4.6 Variation Request
4. Refusal Reasons

LDCP 2008 Compliance Tables – DA-137/2025

Part 1 General Controls for all Development			
Control	Requirement	Comment	Compliance
Section 2 – Tree Preservation	Consider impact of development on existing vegetation	No existing significant vegetation on site, therefore not applicable	Not Applicable
Section 3 – Landscaping and Incorporation of Existing Trees	Incorporation of existing trees into development where appropriate.	No existing trees on site, therefore not applicable.	Not Applicable
Section 4 – Bushland and Habitat Preservation	Consider impact of development on bushland and habitats	Not in proximity to bushland or habitat	Not Applicable
Section 5 – Bushfire Risk	Land on or adjacent to bushfire prone land to comply with RFS requirements	Not affected by bushfire	Not Applicable
Section 6 – Water Cycle Management	Consideration of stormwater and drainage	Satisfactory stormwater drainage proposed as per Land Development Engineering comments	Complies
Section 7 – Development Near a Watercourse	Consideration of impact to riparian corridors	Not in proximity to watercourse	Not Applicable
Section 8 – Erosion and Sediment Control	The development application shall be accompanied by either a Soil and Water Management Plan (SWMP) or an Erosion and Sediment Control Plan (ESCP).	Satisfactory Erosion and Sediment Control Plan provided.	Complies
Section 9 – Flooding Risk	Flood affectation of property to be considered	Referred to and supported by Council's Flooding section	Complies
Section 10 – Contaminated Land Risk	Previous use to be considered in assessing risk	Insufficient information has been provided to demonstrate the site would be suitable under the SEPP (Resilience and Hazards) 2021	Does not comply
Section 11 – Salinity Risk	Salinity Management Response required for affected properties.	Site is not significantly affected by salinity.	Not Applicable
Section 12 – Acid Sulfate Soils Risk	Affected properties to consider impact of development on soils.	Not affected by Acid Sulphate Soils.	Not Applicable

Section 13 – Weeds	Noxious weeds to be removed as part of the development where applicable	Standard condition of consent to be imposed.	Complies by condition
Section 14 – Demolition of Existing Developments	Must comply with AS 2601-2001	Standard condition of consent to be imposed.	Complies by condition
Section 15 – Onsite Sewage Disposal	S68 Application required where connection to sewer not available	Site is connected to sewer.	Not Applicable
Section 16 – Aboriginal Archaeology	AHIA required where items of Aboriginal archaeology exist	Site is not mapped as archaeologically significant	Not Applicable
Section 17 – Heritage and Archaeology	Consideration of the impact on the heritage significance of any heritage buildings, sites, streetscapes and areas	Not a heritage item or in proximity to heritage item/area	Not Applicable
Section 19 – Used Clothing Bins	Applies to any charity bins located on either private or Council land.	Not proposed	Not Applicable
Section 20 – Car Parking and Access	7 parking spaces required for day spa	Not provided	Does not comply
	2 parking spaces required for dwelling	Provided	Complies
Section 21 – Subdivision of Land and Buildings	Controls for subdivision	No subdivision proposed	Not Applicable
Section 22 – Energy Conservation	Must comply with NCC energy efficiency provisions.	Condition of consent to be imposed	Complies by condition
Section 23 – Reflectivity	Façade must be comprised of low-reflectivity materials.	Façade is suitably non-reflective	Complies
Section 24 – Landfill	Cut and fill of land should minimise impacts on environment	Cut and fill proposed minimises impacts on environment.	Complies
Section 25 – Waste Disposal & re-use Facilities	Development should minimise waste production during all phases of development.	Satisfactory waste management plan provided	Complies
Section 26 – Outdoor Advertising and Signage	Controls around advertising and signage.	No signage proposed under this application	Not Applicable
Section 27 – Social Impact Assessment	Applications for particular development require a social impact comment or comprehensive social impact assessment.	Not a relevant development type	Not Applicable
Section 28 – Shopping Trolleys	Controls to prevent abandonment of shopping trolleys	Development does not involve providing	Not Applicable

		shopping trolleys to customers	
Section 29 – Safety and Security	CPTED assessment required for new retail and commercial development.	Not a new retail development.	Not Applicable
Section 30 – Additional Uses	Controls for particular uses	Not Applicable	Not Applicable
Part 6 – Development in Business Zones			
Control	Requirement	Comment	Compliance
Subdivision, Frontage and Allotment Size	20m minimum street frontage for E1 zone	This requirement arises from the LLEP 2008 and has been addressed by the applicant's Clause 4.6 Variation Request. A variation is considered to be acceptable given the site context.	Considered acceptable on merit
Site Planning	Siting of buildings and the development should provide safe access from the street, be compatible with nearby residential development, address the street and consider its impacts on existing and potential pedestrian links.	The proposed development provides safe access from the street, does not have unreasonable impacts on adjoining residential development and does not have any potential for pedestrian links	Complies
	Building siting must also be compatible with surrounding business development and assist in the creation of a main street environment	The proposed development is compatible with the adjoining business developments and would facilitate the improvement of the main street environment	Complies
Setbacks	Rear (no lane access) – 5m for non-residential components up to 10m high; 8m for all other components	6.7m GF, 5.01m FF, SF > 8m	Complies
	Side setback to E1 – 0m Side setback to residential zone – setback equal to height of floors above ground floor	0m GF 0m E1 / 1.2m R2 FF 0m E1 / 4.025m R2 SF Strictly does not comply but considered acceptable on merit as no unreasonable impacts to adjoining lot	Considered acceptable on merit
	Front setbacks to align with existing development Floors above first floor to be setback equal to the height of the floors.	Second floor is contained within roof form, setback varies from 2.5m (at base) to 7.8m (at apex of roof form)	Considered acceptable on merit

Landscaped Areas and Pedestrian Areas	Pedestrian areas should minimise any changes in levels and allow wheelchair access to the shops from the car parking area and public footpaths.	Existing levels to be maintained – ramp proposed.	Complies
	Pedestrian areas should be separate from loading areas.	No loading areas	Not Applicable
	Sufficient area shall be provided to permit landscaping and tree planting within pedestrian areas and car parking areas	No pedestrian/car parking areas	Not Applicable
	Outdoor Eating Areas may be permitted in public footpath areas. Refer to the section on Outdoor Eating Areas	Not applicable	Not Applicable
Building Form, Streetscape and Layout	Articulate building walls addressing the street to add visual interest	Sufficient articulation provided to front façade	Complies
	Development adjoining open space shall address the open space and avoid blank walls	Development does not adjoin open space	Not Applicable
	Highly reflective finishes are not permitted above the ground floor	Finishes above ground floor are not highly reflective	Complies
	Colour & materials of the building shall be consistent with the existing adjoining development	Colour and materials are consistent with adjoining commercial developments	Complies
	Orientate entrances to buildings towards the public street and provide clear lines of sight between entrances, foyers and the street	Entrance faces street	Complies
	The common lobby to a home unit development should face the street	Not applicable – single dwelling proposed	Not Applicable
	Where the ground floor of a business development, mixed-use development, and shop-top housing faces the street, the ground floor must incorporate shopfront style windows with clear glazing so that pedestrians can see into the premises and vice versa.	Ground floor does not have shopfront style windows. This would be inappropriate for the proposed use (spa business).	Considered acceptable on merit

Ground floor uses are to be at the same general level as the footpath and be accessible directly from the street	Ground floor use is accessible directly from the street.	Complies
Provide predominantly glazed shop fronts to all ground floor retail areas	Not a retail development	Not Applicable
Developments on corner sites shall address the corner and the secondary street frontage	Not a corner site	Not Applicable
Avoid blank or solid walls and the use of dark or obscured glass on street frontages	Blank walls, dark glass both avoided on street frontage	Complies
Roller shutters that obscure windows are not permitted	No roller shutters proposed	Complies
Provide opportunities for table seating along shop frontages	Not applicable	Not Applicable
Any ATM must be located in a highly visible location at street level and must be well lit at night and incorporate mirrors or reflective materials so users can observe people behind them	No ATM proposed	Not Applicable
The street number of a building must be visible from the street and made of a reflective material to allow visitors and emergency vehicles to easily identify the location of the building	Condition of consent to be imposed	Complies by condition
Provide continuous street frontage awnings to all new developments	Not a new development; awning would be visually obtrusive considering the site adjoins residential development – lack of awning would not be detrimental to the streetscape considering the existing situation	Considered acceptable on merit
Wrap awnings around corners on street corner buildings	Not a corner lot	Not Applicable
Awnings must be complementary to each other	No awning proposed	Not Applicable
Canvas blinds along the street edge are permitted	Not proposed	Not Applicable

	Minimise the bulk and mass of roofs and the potential for overshadowing from roofs.	Proposed roof would not result in any unreasonable overshadowing to adjoining lots	Complies
	Provide eaves with a minimum length of 400mm in dwellings with pitched roofs	Flat roof proposed, not applicable	Not Applicable
	Where flat roofs are proposed, lift overruns and rooftop plant and machinery are to be obscured from view by parapets or designed to be incorporated within rooftop activities/features.	Services are not visible from the street.	Complies
	Incorporate lift overruns and service plant etc into the design of the roof	No lift overrun, service plant on ground/basement	Not Applicable
	Wherever possible provide landscaped and shaded areas on roofs to serve as communal private open space for residents of the building	Landscaping provided where possible on roof	Complies
	All new commercial buildings are to demonstrate on the architectural plans that the rooftop is designed to enable the installation of solar panels	Not a new commercial building.	Not Applicable
	Avoid expanses of any single material	Varied materials proposed	Complies
	Use high quality and durable materials and finishes, such as face brick with/without coloured render; and plain glass windows	Various high quality materials proposed	Complies
	Avoid large wall tiles, rough textured render, polished metal and curtain walls or reflective glass	None of these materials are proposed	Complies
Dwellings above shops	Dwellings and balconies in upper storeys shall address the street, rear laneway and any adjacent open space	Balcony addresses street	Complies
	Access to dwellings above shops must be from the front street	Dwelling is accessed from both front and rear of site	Complies

	Dwellings above shops should be designed to facilitate flow through ventilation	Dwelling design facilitates cross-ventilation	Complies
	Entrances shall be designed to accommodate movement of furniture	Dwelling layout facilitates movement of furniture in and out of the dwelling.	Complies
Adjoining residential areas	Development should minimise impact on the privacy of adjoining and nearby dwellings	Development has appropriate measures to prevent privacy impacts to adjoining dwellings.	Complies
	Development should be compatible with any adjoining and nearby dwellings	Development is compatible with adjoining dwellings	Complies
Links to nearby Community Facilities and Open Space	Developments should incorporate opportunities for pedestrian links to adjoining Community Facilities and Open Space	Development is not near any community facilities or open space	Not Applicable
Landscaping and Fencing	Where trees are planted around high use facilities such as car park areas, children's play areas and walkways, they should have clean trunks to a height of 1.8m	No trees proposed	Not Applicable
	Landscaping on any podium level or planter box shall be appropriately designed and irrigated	Condition of consent to be imposed	Complies by condition
	Mulched garden beds shall incorporate ground cover plants	Garden beds to incorporate appropriate planting	Complies
	Large shrubs shall be used as screen planting where there is a need to screen certain areas such as outside storage	Screen planting not required or proposed	Not Applicable
	Shrubs shall only be planted in mulched garden beds	Shrubs to be planted in garden beds	Complies
Car Parking and Access	Car parking and loading areas shall be located off rear laneways where there is a rear laneway and existing car parking is located off the rear laneway. Council may consider the provision of car parking in front of a development if there is an existing car parking area provided in front of adjacent developments.	Car parking for residential component is accessed from rear right of carriageway over adjoining lots.	Complies

Amenity and Environmental Impact	Development shall be designed to minimise overlooking of adjoining and nearby residential development	Development minimises overlooking of adjoining residential development through use of obscured glazing and high sills	Complies
	Dwellings above shops shall be designed to maximise solar access	Dwelling maximises solar access	Complies
	Dwellings should be located to minimise the impact of noise from car parking and loading areas	Dwelling location minimises impact of noise from car parking and loading areas	Complies
	External lighting to a development must give consideration to the impact of glare on the amenity of adjoining and nearby residents	Condition of consent to be imposed to ensure compliance with Australian Standards relating to impacts of lighting	Complies by condition
Site Services	A common letterbox structure must be located close to the main pedestrian entrance of a building	Condition of consent to be imposed	Complies by condition
	The street number of a building must be visible from the street and made of a reflective material to allow visitors and emergency vehicles to easily identify the location of the building	Condition of consent to be imposed	Complies by condition
	Where a footpath, road shoulder, new or enlarged access driveway or is required to be provided this shall be provided at no cost to Council. Council must be notified of any works that may threaten Council assets. Council must give approval for any works involving Council infrastructure	Condition of consent to be imposed	Complies by condition
	Development involving dwellings shall provide at least two waste storage areas to separately cater for the dwelling/s and non-residential uses on an allotment	Provided	Complies
	A development must locate a waste storage area inside the building, or adjacent to a lane where it is convenient and safe for residents, tenants and waste collection	Provided	Complies

	trucks to access the waste storage area		
Part 6, Section 12 - Shop Top Housing			
Control	Requirement	Comment	Compliance
General Controls	A minimum of 16sqm of open space in the form of a balcony shall be provided for each dwelling with a minimum width of 2.4m	Provided	Complies
	Private open space areas should be an extension of indoor living areas and be functional in size to accommodate seating and the like	POS is directly accessed from living area and is functional in size	Complies
	If there is little or no ground floor private open space, a minimum 4sqm fully or partially covered space (2 x 2m minimum) must be provided for clothes drying within the dwelling. This drying space must not be able to be clearly seen from the street, but have access to at least one large window if the space is fully covered, to provide for sufficient airflow for clothes drying. This drying space does not count towards the minimum 16 sqm of open space	Clothes drying area provided within balcony space	Complies
Building Appearance and Streetscape	Shop top housing shall comply with State Environmental Planning Policy No 65 – Design Quality of Shop top housing, and should consider the Residential Flat Design Code	The proposal is for a single shop-top dwelling and therefore the SEPP (Housing) 2021 does not apply.	Not Applicable
	Building facades shall be articulated and roof form is to be varied to provide visual interest	Building façade is articulated with varied roof form	Complies
	The pedestrian entrance to shop top housing shall be from the front of the site	Pedestrian access from front of site	Complies
	Consider the relationship between the whole building form and the façade; compose facades with an appropriate scale, rhythm and proportion which respond to the building's	Façade is appropriate to building form, use and context	Complies

	use and desired contextual character		
	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 façade orientation.	Façade reflects orientation of site through use of shading elements and windows	Complies
	Express important corners by giving visual prominence to parts of the façade, e.g. a change in building articulation, material or colour, roof expression or increased height.	No corners	Not Applicable
	Coordinate and integrate building services with overall façade and balcony design	Services are integrated into building design	Complies
Roof Design	Relate roof design to the desired built form; design the roof to relate to the size and scale of the building, the building elevations and three-dimensional building form. This includes the design of any parapet or terminating elements and the selection of roof materials.	Roof design is appropriate to built form in relation to size and scale, material	Complies
	Design roofs to respond to the orientation of the site, e.g. using eaves and skillion roofs to respond to sun access	Roof appropriately responds to sun access	Complies
	Minimise the visual intrusiveness of service elements by integrating them into the design of the roof	Service elements are integrated	Complies
	Where habitable space is provided within the roof optimise residential amenity in the form of attics or penthouse dwellings	"Attic" space is better described as a second storey, as it has a separate roof form.	Complies
	All new shop top housing developments are to demonstrate on the architectural plans that the rooftop is designed to enable the installation of solar panels.	Rooftop is capable of having solar panels installed.	Complies

Building Entry	Provide as direct a physical and visual connection as possible between the street and the entry	Direct connection between street and entry provided	Complies
	Achieve clear lines of transition between the public street, the shared private circulation spaces and the dwelling unit	Clear separation between public and private	Complies
	Generally provide separate entries from the street for different uses (e.g. residential and commercial)	Separate entries provided for both uses	Complies
	Design entries and associated circulation spaces to allow movement of furniture between public and private spaces.	Circulation spaces in dwelling allow movement of furniture	Complies
Balconies	Balconies may project up to 1m from the façade of a building	Balcony does not project from façade.	Not Applicable
	Balustrades must be compatible with the façade of the building	Balustrade is integrated into façade	Complies
	Ensure balconies are not so deep they prevent sunlight entering the dwelling below	No dwellings below	Not Applicable
	Design balustrades to allow views and casual surveillance of the street	Balustrade does not impede surveillance of street	Complies
	Balustrades on balconies at lower levels shall be of solid construction	Balustrade is of solid construction (landscape planter)	Complies
	Balconies should where possible be located above ground level to maximise privacy for occupants, particularly from the street	Balcony is located on first floor	Complies
	Solid or semi solid louvres are permitted	Louvres proposed	Complies
	Balconies should be located on the street frontage and boundaries with views	Balcony is on street frontage, partially wraps around to side but is forward of the building line of the adjoining lot.	Complies
	Primary balconies should be located adjacent to the main living areas, sufficiently large and well proportioned to be functional and promote indoor/outdoor living.	Balcony is directly adjacent to living area	Complies
	Consider secondary balconies for additional	No second balcony	Not Applicable

	amenity and choice in larger dwellings		
	Design and detail balconies in response to the local climate and context, e.g. facing north, east or west for solar access, using screens, shutters, etc to control sunlight and wind	Balcony considers local climate and context	Complies
	Provide primary balconies for all dwellings with a minimum depth of 2m	Balcony has minimum depth > 2m	Complies
Daylight Access	Plan the site so new shop top housing is oriented to optimise northern aspect	Housing is oriented north	Complies
	Ensure direct daylight access to communal open space between March and September and provide appropriate shading in summer	No communal open space – POS receives sufficient solar access	Complies
	Optimise the number of dwellings receiving daylight to habitable rooms and windows	Dwelling receives appropriate amount of daylight	Complies
	Design for shading and glare control in summer	Dwelling considers shading and glare	Complies
Internal Design	All staircases should be internal	Staircases are all internal	Complies
	Minimise the length of common walls between dwellings	Only one dwelling	Not Applicable
	Basement car parking shall be located beneath the building footprint	No basement car parking	Not Applicable
	Where possible natural ventilation shall be provided to basement car parking		
	Design building layouts to minimise direct overlooking of rooms and private open spaces adjacent to dwellings	Building is designed to minimise overlooking of adjoining dwellings	Complies
	Minimise the co-location of noise sensitive rooms such as bedrooms and noisier rooms such as bathrooms, kitchens, common corridors or stairwells	Noise-sensitive rooms and noisier rooms are generally not co-located	Complies
	Locate active use rooms or habitable rooms with windows overlooking communal and public areas	Habitable rooms overlook public street	Complies

Security	Entrances to buildings should be orientated towards the front of the site and facing the street	Entrance is oriented to street	Complies
	The main entrance to dwellings or other premises should not be from rear lanes and should be designed with clear directions and signage	Main entrance is from street	Complies
	Blank walls addressing the street frontage and other public places should be avoided	No blank walls addressing street	Complies
	Minimise the number of entry points to buildings	Entry points to building minimised where possible	Complies
	Reinforce the development boundary by employing a level change, signage, entry awnings, fences, walls and gates, change of material in paving, etc.	Level changes, etc employed to delineate development boundary	Complies
	Improve opportunities for casual surveillance through habitable rooms facing the street, bay windows, balconies	Casual surveillance opportunities provided by balcony and living areas at front of dwelling	Complies
	Minimise opportunities for concealment by avoiding blind or dark alcoves near lifts and stairwells, at the entrance and along corridors and walkways	Minimal opportunities for concealment	Complies
	Control access to the development in relation to car parking	Car parking access is secure	Complies
Storage Areas	Minimum 8m ³ secure storage space to be provided in basement/garage/dwelling.	Provided	Complies
Landscaping and Fencing – Planting on Structures	Provide soil depths/volumes adequate for type of planting proposed.	Proposed planters are of appropriate depths and volumes for proposed planting.	Complies
Car Parking	Private car parking for shop top housing residents must be clearly identified and separated from regular business car parking	No customer parking proposed, therefore sufficient separation of residential parking	Complies
	Visitor car parking shall be clearly identified and may not be stacked car parking	No customer/visitor parking proposed	Not Applicable

	Driveways shall be designed to accommodate removalist vehicles	Driveway is wide enough for a removalist vehicle	Complies
	Where above ground parking cannot be avoided, ensure the design of the development mitigates any negative impact on the streetscape and street amenity	Parking is at rear of site	Complies
Privacy	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	Privacy of adjoining buildings and outdoor spaces maintained by proposed development	Complies
	Landscaping should be used where possible to increase visual privacy between dwellings and adjoining properties	Landscaping used to improve privacy of this dwelling and adjoining lots	Complies
	Design building layouts to minimise direct overlooking of rooms and private open spaces adjacent to dwellings	Building minimises overlooking of POS and rooms of adjoining dwellings	Complies
Acoustic Impact	Noise attenuation measures should be incorporated into building design to ensure acoustic privacy between on-site and adjoining buildings	Compliance with Australian Standards to be imposed as condition of consent	Complies by condition
	Buildings affected by traffic noise must incorporate the appropriate noise and vibration mitigation measures into the design	Unclear whether site is affected by traffic noise as acoustic report does not address the impacts of the Hume Highway	Insufficient Information
	Proposal must comply with EPA criteria and relevant Australian standards for noise and vibration	Standard condition of consent to be imposed	Complies by condition

**LIST OF ATTACHMENTS - FOR COUNCIL RFI No. 01
(DATED 05 MAY 2025)**

ATTACHMENT NO.	DESCRIPTION
Attachment A	Title Search & Deposit Plan
Attachment B	Revised Architectural Drawings [H]
Attachment C	Traffic and Parking Impact Study
Attachment D	Preliminary Site Investigation (PSI) Report
Attachment E	Acoustic Report
Attachment F	Left blank
Attachment G	Demolition & Construction Waste Management Plan
Attachment H	Operational Waste Management Plan
Attachment I	Landscape Design
Attachment J	Pool Plantroom Design [P2]
Attachment K	Pool Structure Layout [P1]
Attachment L	Building Services Spatial - Fire & Electrical [1]
Attachment M	Building Services Spatial - Wet Fire & Hydraulic [1]
Attachment N	Building Services Assessment - Wet Fire & Hydraulic [1]
Attachment O	Building Services Spatial - Mech. Ventilation [1]
Attachment P	Building Specifications [P]
Attachment Q	Building Specifications Status Report
Attachment R	Turntable - D00029 [1]
Attachment S	Turntable - E00066-3 (CTX45 specifications)

LIST OF CONSULTANTS

S.No.	SERVICES DESCRIPTION	COMPANY NAME	DOCUMENTATION TYPE	ISSUE
01	TRAFFIC ASSESSMENT	NK TRAFFIC PTY LTD	REPORT	1
02	ACOUSTIC ASSESSMENT	WEST & ASSOCIATES PTY LTD	REPORT	1
03	WASTE MANAGEMENT PLANS (DEMO & CONST. & ONGOING)	LID CONSULTING PTY LTD	REPORT	1
04	ENVIRONMENTAL ASSESSMENT (PSI)	ALLIANCE GEOTECHNICAL PTY LTD	REPORT	1
05	BUILDING SPECIFICATIONS (FULL)	ARCHI ASSIST PTY LTD	REPORT	P
06	LANDSCAPE DESIGN	ZENITH LANDSCAPE PTY LTD	DRAWINGS	1
07	ACCESS ASSESSMENT	ACCESSIBILITY SOLUTIONS (NSW) PTY LTD	REPORT, TBC.	-
08	POOL ENGINEERING & ASSESSMENT (INCL. SERVICES)	BUILT ENVIRONMENT COLLECTIVE (BEC) PTY LTD	DRAWINGS	P2
09	BUILDING SERVICES DESIGN	HHH CONSULTING PTY LTD	DRAWINGS	1
10	STRUCTURAL ENGINEERING	A&K ENGINEERING GROUP PTY LTD	DRAWINGS, TBC.	-
11	GEOTECHNICAL ENGINEERING	GREEN GEOTECHNICS PTY LTD	REPORT, TBC.	-
12	BASIX	FRYS BUILDING CONSULTANCY PTY LTD	REPORT	1
13	BCA ASSESSMENT	J SQUARED ENGINEERING PTY LTD	REPORT	A
14	QUANTITY SURVEYING (QS)	BUILDING DESIGN & COST CONSULTANT PTY LTD	REPORT	1
15	STORMWATER ENGINEERING	CK ENGINEERING SERVICES PTY LTD	DRAWINGS	0
16	SITE SURVEY	JOHN LOWE & ASSOCIATES (LIVERPOOL) PTY LTD	DRAWING	1
17	PLANNING ASSESSMENT	PLANWAVE PTY LTD	REPORT	B
18	ARCHITECTURAL DESIGN	STUDIO RHIZOME PTY LTD	DRAWINGS	H
19	TURNTABLE (CAR PARKING) DESIGN	THE AUSTRALIAN TURNTABLE COMPANY PTY LTD	DRAWINGS	1

**DEVELOPMENT APPLICATION ISSUE
66 Marsh Parade Casula NSW 2170**



1. LOCATION PLAN

TABLE OF CONTENTS

DWG No.	DESCRIPTION	SCALE	SIZE	DATE
000	TITLE PAGE	NYS	A3	H
110A	PROPOSED TO RENDR	NYS	A3	A
000	PROPOSED ADD-BUILDING	NYS	A3	A
112	SITE PHOTOS-01	NYS	A3	A
113	SITE PHOTOS-02	NYS	A3	A
114	LEFT BLANK	NYS	A3	-
210	DEVELOPMENT PLAN	1:200	A3	B
211	BASIS COMMITMENTS	NYS	A3	A
212	EXISTING PLAN - GP	1:500	A3	A
213	EXISTING DWELLING PLAN - 001	1:500	A3	A
214	PROPOSED PLAN - GP	1:500	A3	B
214A	PROPOSED PLAN - GP (SITE INFO SHOWN)	1:500	A3	H
215	PROPOSED PLAN - GP - SHEET 01	1:500	A3	A
215A	PROPOSED PLAN - SPORTS INFO (SHEET 02)	1:500	A3	A
216	PROPOSED PLAN - 001	1:500	A3	C
217	PROPOSED PLAN - 002	1:500	A3	C
218	PROPOSED ROOF PLAN	1:500	A3	A
219	PROPOSED SPA PLAN	AS SHOWN	A3	A
220	PROPOSED EXTERNAL WORKS	1:500	A3	A
221	PROPOSED GARAGE DETAILS	1:500	A3	A
222	PROPOSED BASEMENT - PLAN 001 GP	1:500	A3	B
000	EXISTING ELEVATION-1	1:500	A3	A
001	EXISTING ELEVATION-2	1:500	A3	A
002	EXISTING ELEVATION-3	1:500	A3	A
003	EXISTING ELEVATION-4	1:500	A3	A
004	PROPOSED ELEVATION-1	1:500	A3	E
005	PROPOSED ELEVATION-2	1:500	A3	E
006	PROPOSED ELEVATION-3	1:500	A3	A
007	PROPOSED ELEVATION-4	1:500	A3	A
008	SECTION A	AS SHOWN	A3	A
009	SECTION B	1:500	A3	A
010	SECTION C	1:500	A3	A
011	SECTION D	1:500	A3	B
012	SECTION E	1:500	A3	B
013	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
014	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
015	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
016	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
017	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
018	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
019	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
020	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
021	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
022	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
023	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
024	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
025	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
026	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
027	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
028	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
029	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
030	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
031	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
032	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
033	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
034	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
035	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
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039	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
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041	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
042	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
043	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
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045	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
046	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
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048	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
049	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
050	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
051	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
052	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
053	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
054	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
055	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
056	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
057	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
058	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
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061	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
062	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
063	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
064	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
065	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
066	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
067	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
068	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
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072	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
073	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
074	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
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091	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
092	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
093	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
094	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
095	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
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144	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
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148	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
149	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
150	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
151	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
152	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
153	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
154	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
155	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
156	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
157	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
158	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
159	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
160	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
161	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
162	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
163	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
164	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
165	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
166	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
167	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
168	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
169	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
170	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
171	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
172	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
173	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
174	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
175	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
176	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
177	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
178	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B
179	SHADOWS 21.6 JUNE 11AM - PLAN FORM	AS SHOWN	A3	B

PROPOSED 3D RENDER (LOT 134 DP 26304) SKETCH - 02



1 PROPOSED 3D RENDER - STREET VIEW WITH CLOSED METAL LOUVER SHUTTERS
SCALE 1:NTS

FOR DA ISSUE & CONSULTANTS COORDINATION

RHIZOME		Rev:	Notes:	Date:	Project:		Drawing Title:				Job No.	Dwg No.	Rev.
		A	FOR DA ISSUE	14.01.25	Proposed Alts&Add's & ShopTop Housing 66 Marsh Parade Causala NSW 2170		PROPOSED 3D RENDER 01 (SKETCH-02)				052/24	110a OF 35 SHEETS	A
					Client:		Drawn by	Date:	Scale:				
							ST/AK	28.06.24	AS SHOWN @ A3				

PROPOSED 3D RENDER (LOT 134 DP 26304) SKETCH - 02

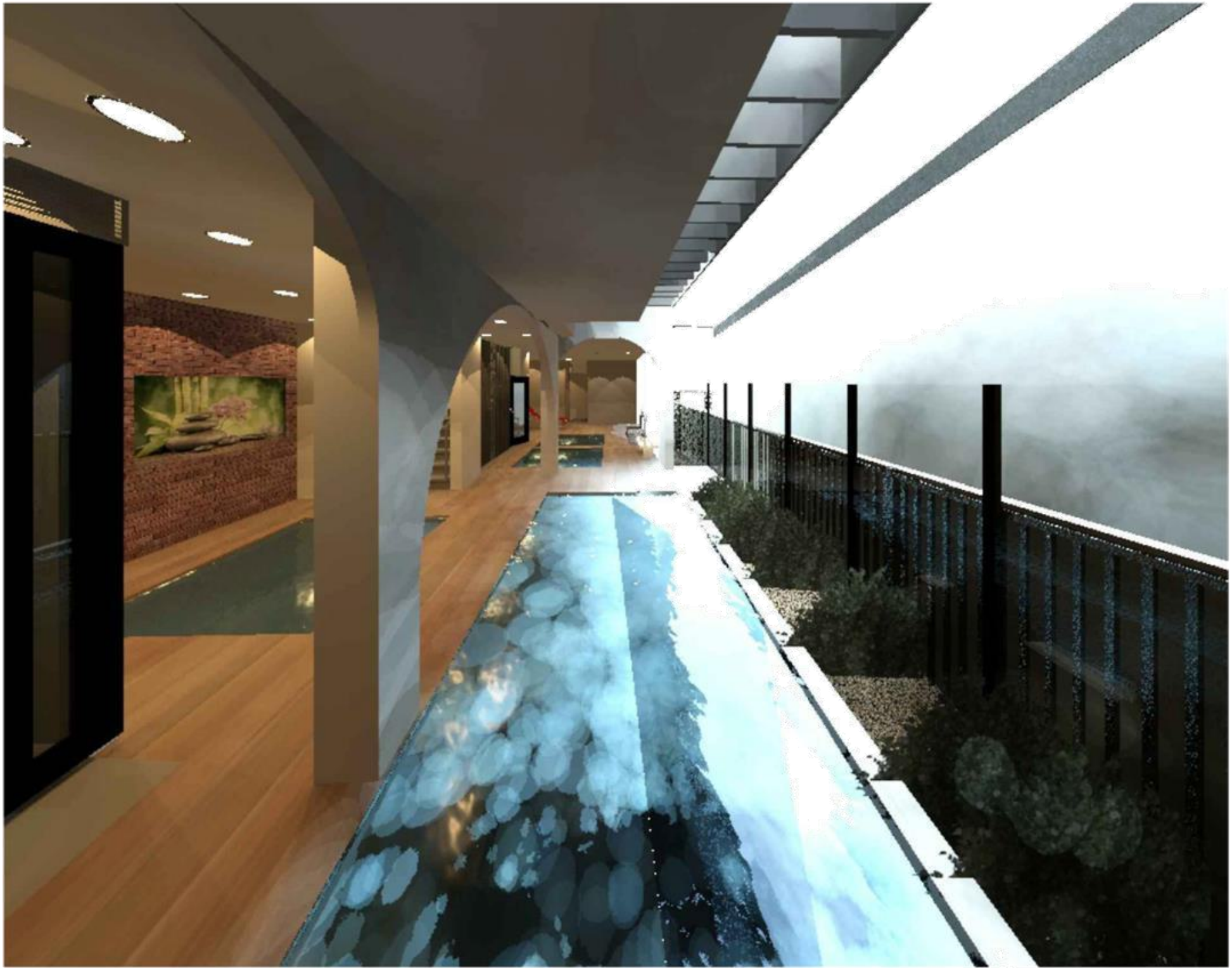


1 PROPOSED 3D RENDER - STREET VIEW WITH OPEN METAL LOUVER SHUTTERS
SCALE 1:NTS

FOR DA ISSUE & CONSULTANTS COORDINATION

RHIZOME		Rev:	Notes:	Date:	Project:	Drawing Title:				Job No.	Dwg No.	Rev.
		A	FOR DA ISSUE	14.01.25	Proposed Alts&Add's & ShopTop Housing 66 Marsh Parade Causala NSW 2170	PROPOSED 3D RENDER 02 (SKETCH-02)				052/24	110b OF 35 SHEETS	A
					Client:	Drawn by	Date:	Scale:				
						ST/AK	28.06.24	AS SHOWN @ A3				

P R O P O S E D 3 D R E N D E R (L O T 1 3 4 D P 2 6 3 0 4) S K E T C H - 0 2

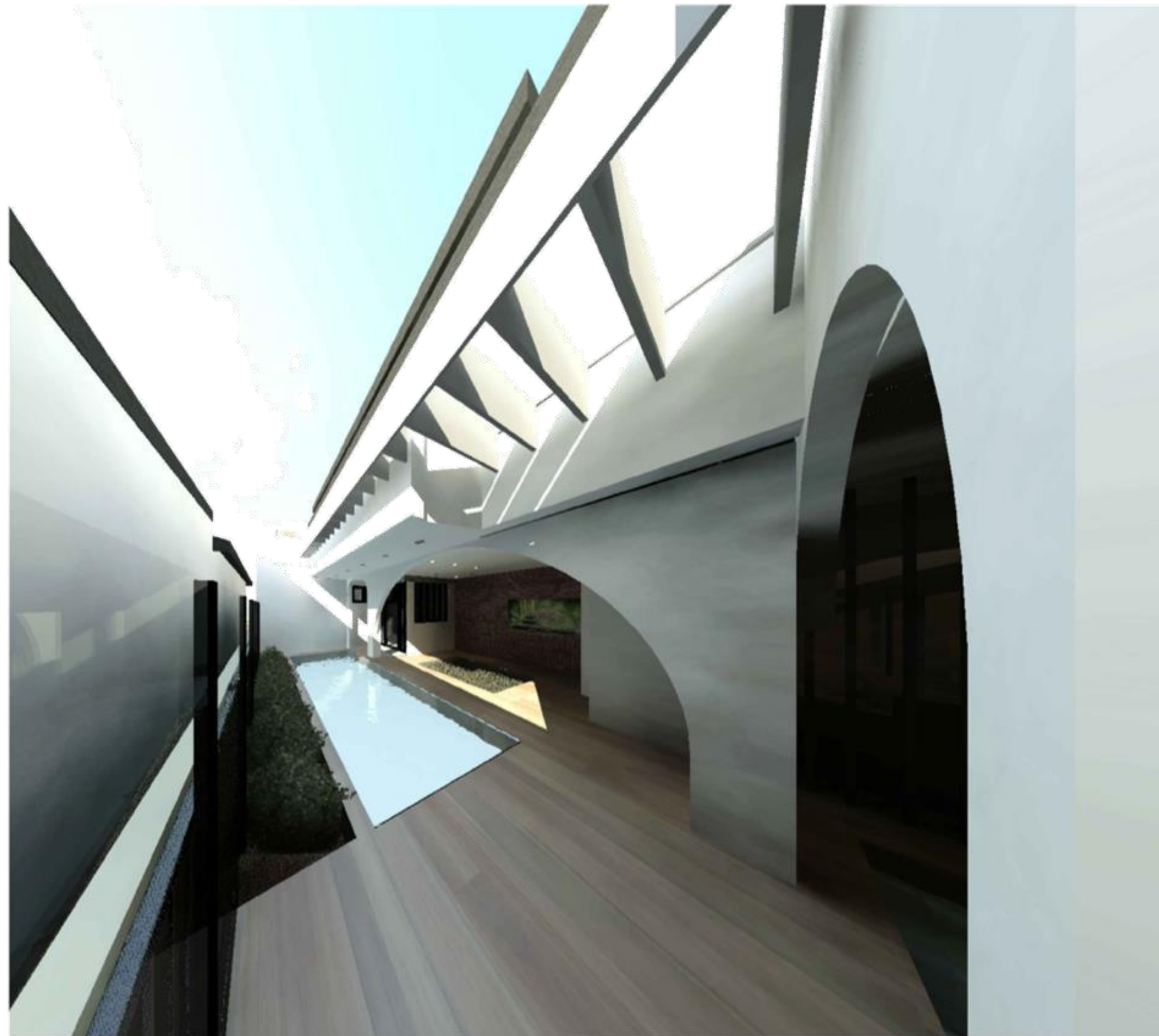


1 PROPOSED 3D RENDER SHOWING POOL AND COURTYARD
SCALE 1:NTS

FOR DA ISSUE & CONSULTANTS COORDINATION

RHIZOME		Rev:	Notes:	Date:	Project:		Drawing Title:				Job No.	Dwg No.	Rev.
		A	FOR DA ISSUE	14.01.25	Proposed Alts&Add's & ShopTop Housing 66 Marsh Parade Causala NSW 2170		PROPOSED 3D RENDER 03 (SKETCH-02)				052/24	110c OF 35 SHEETS	A
					Client:		Drawn by	Date:	Scale:				
					[REDACTED]		ST/AK	28.06.24	AS SHOWN @ A3				

PROPOSED 3D RENDER (LOT 134 DP 26304) SKETCH-02



1 PROPOSED 3D RENDER SHOWING POOL AND SHADING ABOVE
SCALE 1:NTS

FOR DA ISSUE & CONSULTANTS COORDINATION

RHIZOME		Rev:	Notes:	Date:	Project:	Drawing Title:				Job No.	Dwg No.	Rev.
		A	FOR DA ISSUE	14.01.25	Proposed Alts&Add's & ShopTop Housing 66 Marsh Parade Causala NSW 2170	PROPOSED 3D RENDER 04 (SKETCH-02)				052/24	110d OF 35 SHEETS	A
					Client:	Drawn by	Date:	Scale:				
						ST/AK	28.06.24	AS SHOWN @ A3				

PROPOSED 3D RENDER (LOT 134 DP 26304) SKETCH - 02



1 PROPOSED 3D VIEW FROM NEIGHBOURING PROPERTY
SCALE 1:NTS

FOR DA ISSUE & CONSULTANTS COORDINATION

RHIZOME		Rev:	Notes:	Date:	Project:		Drawing Title:				Job No.	Dwg No.	Rev.
		A	FOR DA ISSUE	14.01.25	Proposed Alts&Adds & ShopTop Housing 66 Marsh Parade Causala NSW 2170		PROPOSED 3D RENDER 05 (SKETCH-02)				052/24	110e OF 35 SHEETS	A
					Client:		Drawn by	Date:	Scale:				
							ST/AK	28.06.24	AS SHOWN @ A3				

PROPOSED 3D RENDER (LOT 134 DP 26304) SKETCH - 02



1 PROPOSED 3D RENDER SHOWING JACUZZI SPA AND POOL
SCALE 1:NTS

FOR DA ISSUE & CONSULTANTS COORDINATION

RHIZOME		Rev:	Notes:	Date:	Project:	Drawing Title:				Job No.	Dwg No.	Rev.
		A	FOR DA ISSUE	14.01.25	Proposed Alts&Add's & ShopTop Housing 66 Marsh Parade Causala NSW 2170	PROPOSED 3D RENDER 06 (SKETCH-02)				052/24	110f OF	A
					Client:	Drawn by	Date:	Scale:			35 SHEETS	
						ST/AK	28.06.24	AS SHOWN @ A3				

PROPOSED 3D RENDER (LOT 134 DP 26304) SKETCH - 02



1 PROPOSED 3D RENDER SHOWING COLD TUB AND HOT TUB
SCALE 1:NTS

FOR DA ISSUE & CONSULTANTS COORDINATION

RHIZOME		Rev:	Notes:	Date:	Project:		Drawing Title:				Job No.	Dwg No.	Rev.
		A	FOR DA ISSUE	14.01.25	Proposed Alts&Adds & ShopTop Housing 66 Marsh Parade Causala NSW 2170		PROPOSED 3D RENDER 07 (SKETCH-02)				052/24	110g OF 35 SHEETS	A
					Client:		Drawn by	Date:	Scale:				
							ST/AK	28.06.24	AS SHOWN @ A3				

ST/AK

28.06.24

AS SHOWN @ A3

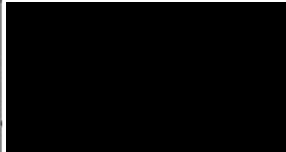
P R O P O S E D 3 D R E N D E R (L O T 1 3 4 D P 2 6 3 0 4) S K E T C H - 0 2

NOTE - PROPOSED
METAL LOUVERS
SHOWN TRANSPARENT
TO CLARIFY BUILDING
MASSING BEHIND



1 PROPOSED 3D RENDER - STREET VIEW WITH HIGH SIGHT LINE
SCALE 1:NTS

FOR DA ISSUE & CONSULTANTS COORDINATION

RHIZOME		Rev:	Notes:	Date:	Project:	Drawing Title:				Job No.	Dwg No.	Rev.
		A	FOR DA ISSUE	14.01.25	Proposed Alts&Adds & ShopTop Housing 66 Marsh Parade Causala NSW 2170	PROPOSED 3D RENDER 08 (SKETCH-02)				052/24	110h OF 35 SHEETS	A
					Client:	Drawn by	Date:	Scale:				
						ST/AK	28.06.24	AS SHOWN @ A3				

S I T E P H O T O S (L O T 1 3 4 D P 2 6 3 0 4) S K E T C H - 0 2



1. STREET VIEW FROM NORTH WEST (MARSH PARADE)



2. EXISTING STREET FRONT (MARSH PARADE)



3. EXISTING STREET FRONT (MARSH PARADE)



4. EXISTING STREET FRONT SHOWING NEIGHBOURING BUILDINGS (MARSH PARADE)

FOR DA ISSUE & CONSULTANTS COORDINATION

RHIZOME		Rev:	Notes:	Date:	Project:	Drawing Title:				Job No.	Dwg No.	Rev.	
		A	FOR DA ISSUE	14.01.25	Proposed Alts&Add's & ShopTop Housing 66 Marsh Parade Causala NSW 2170	SITE PHOTOS - 01 (SKETCH-02)				052/24	112	OF 35 SHEETS	A
						Client:	Drawn by	Date:					
						ST/AK	28.06.24	NTS @ A3					

S I T E P H O T O S (L O T 1 3 4 D P 2 6 3 0 4) S K E T C H - 0 2



1. VIEW OF STREET SHOWING NEIGHBOURING BUILDINGS (MARSH PARADE)



2. VIEW OF VEHICULAR CROSSING (CANBERRA AVENUE)



3. VIEW OF RIGHT OF CARRIAGEWAY (CANBERRA AVENUE)



4. REAR VIEW OF EXISTING SHOP TOP HOUSING (LOT 132, DP 26304, 62 MARSH PARADE)

FOR DA ISSUE & CONSULTANTS COORDINATION

		Rev:	Notes:	Date:	Project:		Drawing Title:				Job No.	Dwg No.	Rev.				
		A	FOR DA ISSUE	14.01.25	Proposed Alts&Adds & ShopTop Housing 66 Marsh Parade Causala NSW 2170		SITE PHOTOS - 02 (SKETCH-02)				052/24	113	OF				
					Client:		Drawn by	Date:	Scale:					A			
									ST/AK						28.06.24	NTS @ A3	
															35 SHEETS		

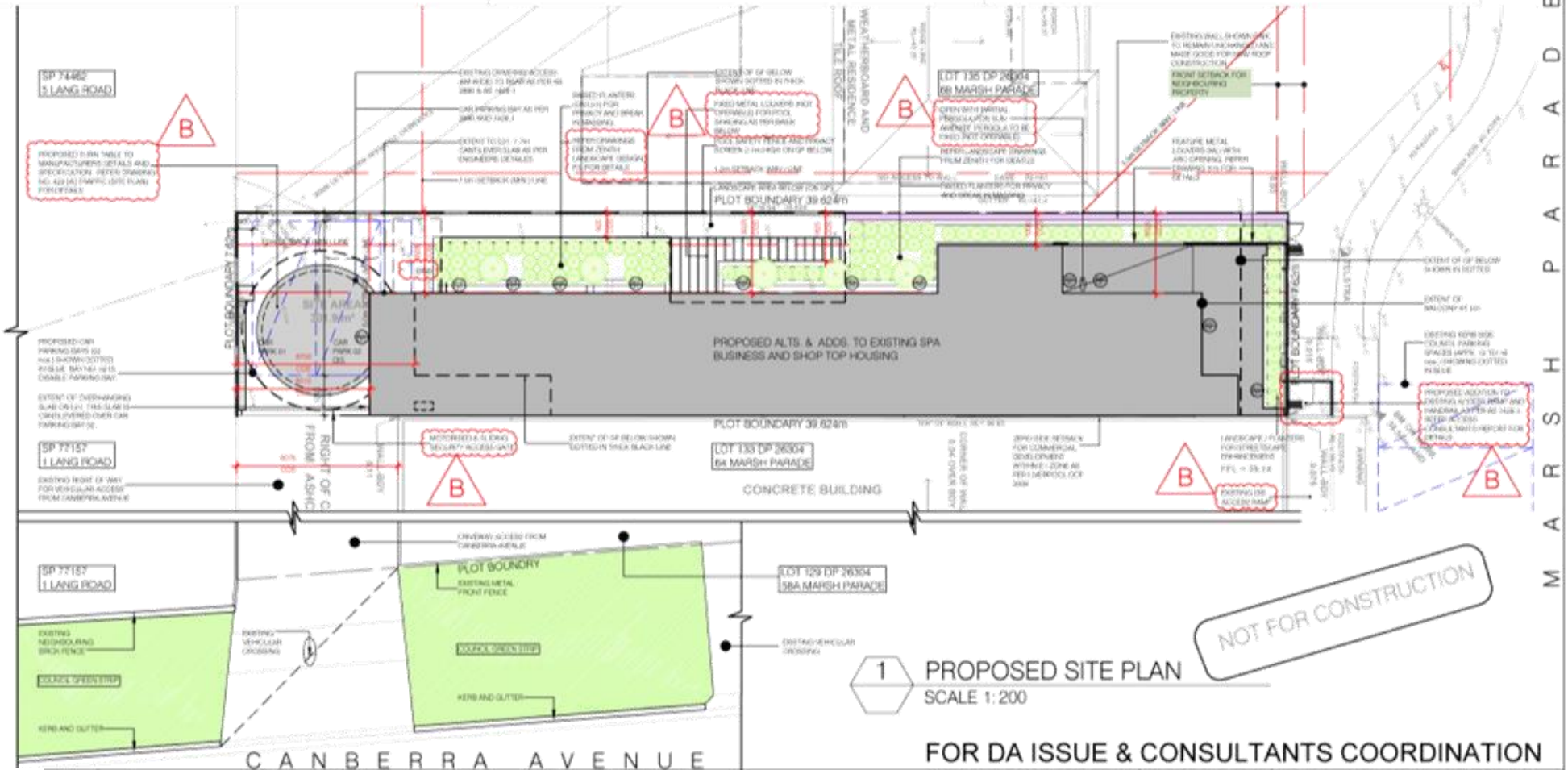
P R O P O S E D S I T E P L A N (L O T 1 3 4 D P 2 6 3 0 4) S K E T C H - 0 2

DEVELOPMENT SUMMARY:							
TOTAL SITE AREA	- 301.9sqm	PERMISSIBLE GROUND COVERAGE	- N.A.	MIN. LANDSCAPE AREA	- N.A.	MIN. POS AREA DIMENSION 2.4m (MIN)	- 20sqm
PERMISSIBLE GFA	- 362.28sqm						
EXISTING GFA	- 193.00sqm	ACHIEVED GROUND COVERAGE	- N.A.	PROPOSED LANDSCAPE AREA	- N.A.	PROPOSED POS AREA	- 30sqm
PROPOSED ADDED GFA	- 177.62sqm			{1+2+3+4+5+6+7}			
TOTAL PROPOSED GFA	- 370.62sqm	COVERED VERANDAH & PORCH	- N.A.	PROPOSED DEEP SOIL ZONE	- N.A.		
PERMISSIBLE FSR	- 1:1.20			(4mX4m minimum dimension)			
ACHIEVED FSR	- 1:1.22						

TOTAL PROPOSED IMPERVIOUS AREA - N.A.
 TOTAL BUILDUP AREA - N.A.

[illegible][illegible][illegible][illegible][illegible]

Energy Commitments	Score on the process	Score on 100% of plans & actions	Overall result
The applicant must submit a written strategy on/after 12/1/2016 on how to develop its climate strategy.	☒	☒	☒
Other:			
The applicant must submit a written strategy on/after 12/1/2016 on how to develop its climate strategy.		☒	
The applicant must submit a plan outlining & identify steps to the strategy of the strategy.		☒	
The applicant must submit a final written strategy during the 1st part of the development.			



NOT FOR CONSTRUCTION

1 PROPOSED SITE PLAN
SCALE 1:200

FOR DA ISSUE & CONSULTANTS COORDINATION



Job No.	Dwg No.	Rev.
052/24	210 OF 35 SHEETS	B

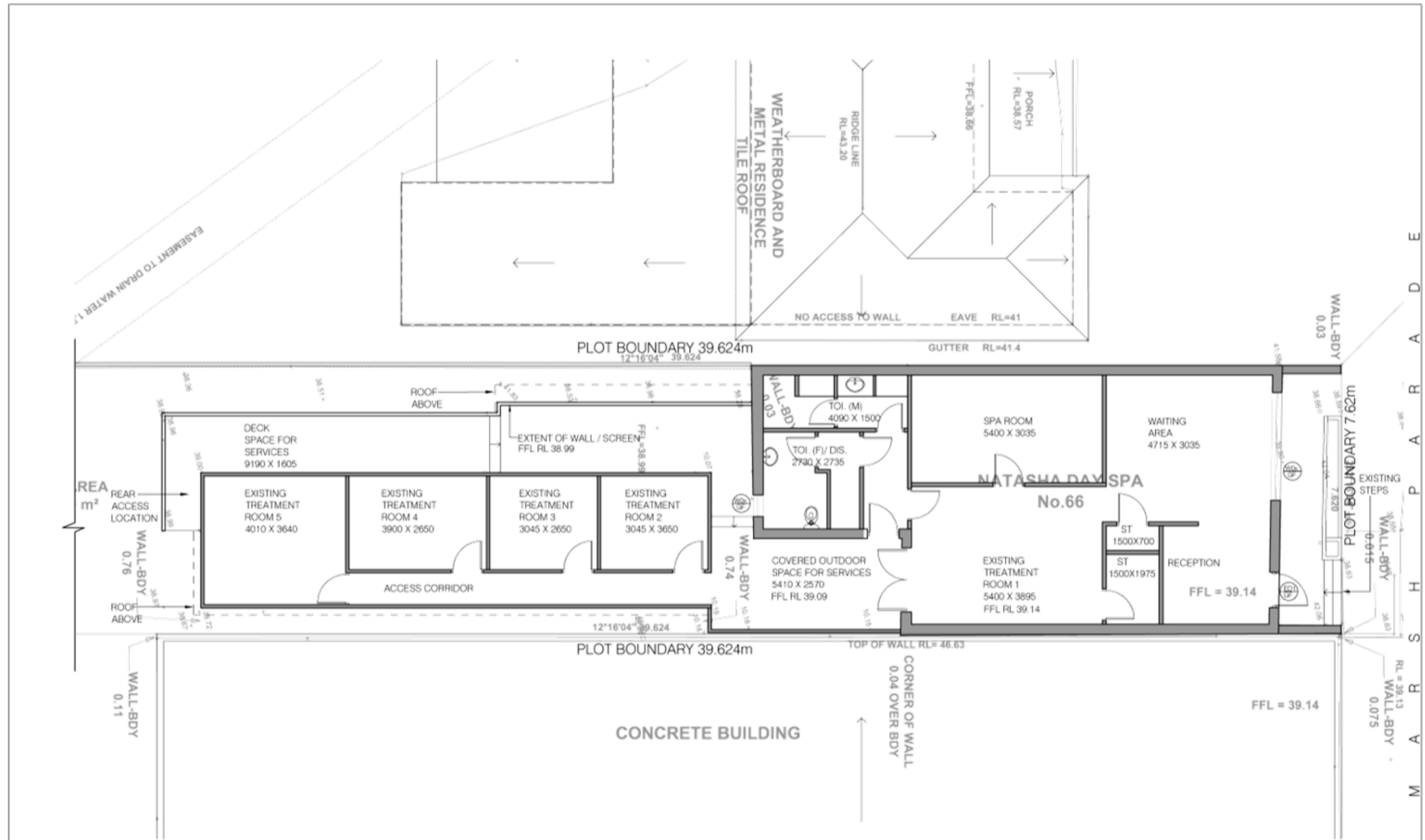
RHIZOME

Rev:	Notes:	Date:	Project:
A	FOR DA ISSUE	14.01.25	Proposed Alts&Adds & ShopTop Housing 66 Marsh Parade Causal NSW 2170
B	FOR RFA NO.01 (5 MAY 25) ISSUE	06.06.25	
			Client:

Drawing Title: PROPOSED SITE PLAN (SKETCH-02)		
Drawn by: ST/AK	Date: 28.06.24	Scale: 1:200 @ A2

Job No.	Dwg No.	Rev.
052/24	211 OF 35 SHEETS	A

EXISTING PLAN - GF (LOT 134 DP 26304) S K E T C H - 0 2

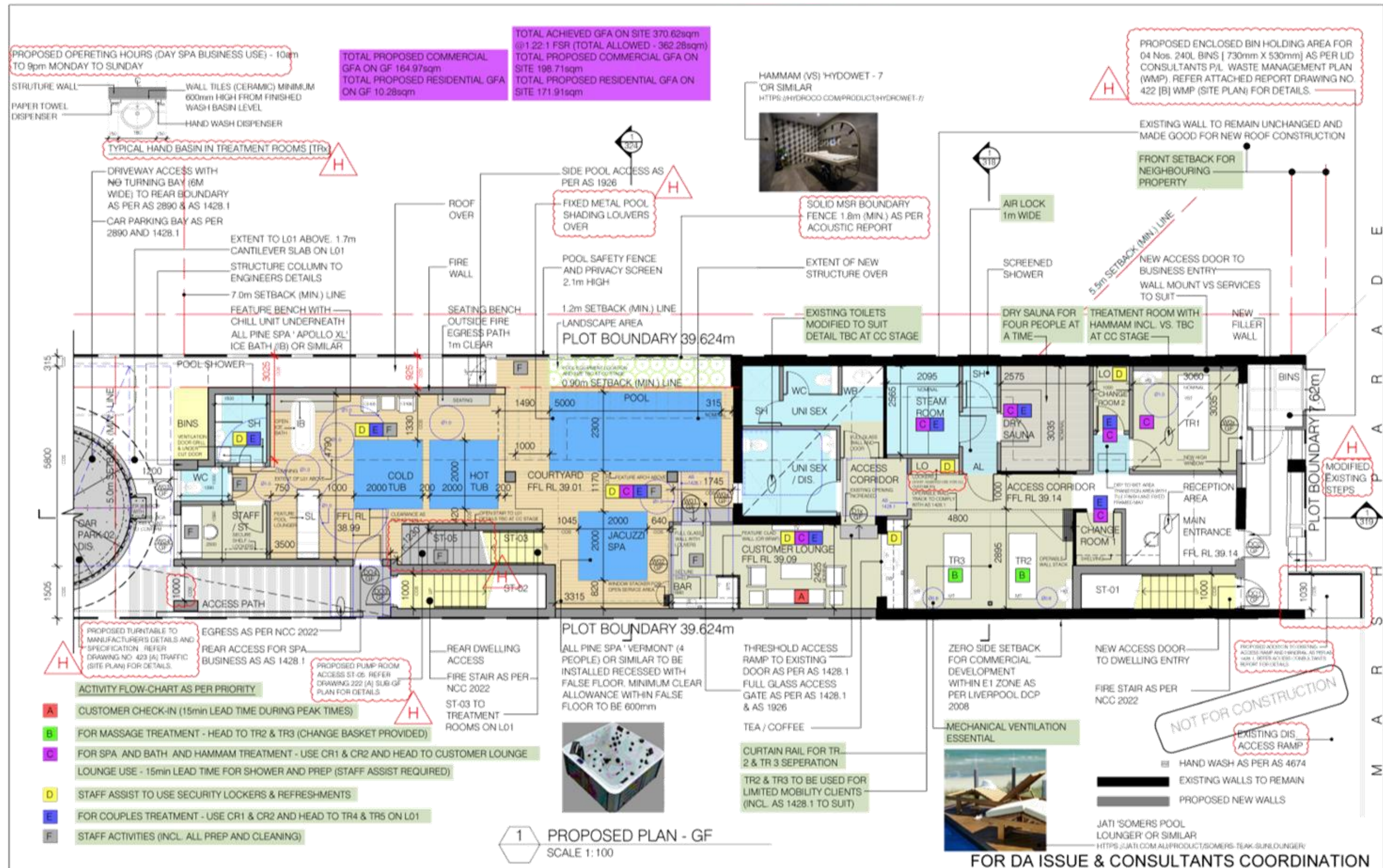


1 EXISTING PLAN - GF
SCALE 1:100

FOR DA ISSUE & CONSULTANTS COORDINATION

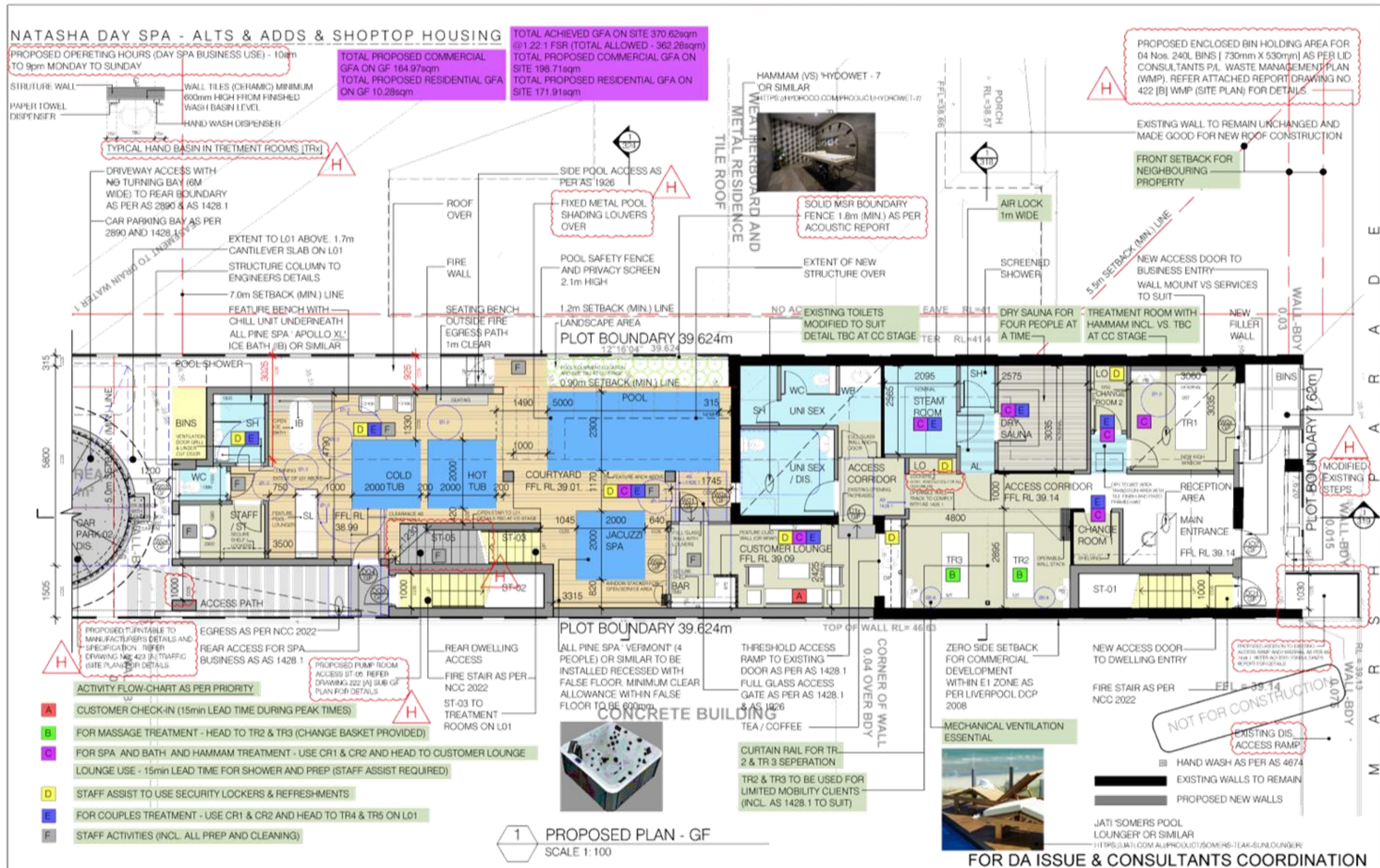
 	Rev:	Notes:	Date:	Project:	Drawing Title:				Job No.	Dwg No.	Rev.
	A	FOR DA ISSUE	14.01.25	Proposed Alts&Adds & ShopTop Housing 66 Marsh Parade Causal NSW 2170	EXISTING PLAN - GF (SKETCH-02)				052/24	212 OF 35 SHEETS	A
				Client:	Drawn by	Date:	Scale:				
					ST/AK	28.06.24	1:100 @ A3				

PROPOSED GF PLAN (LOT 134 DP 26304) SKETCH - 02



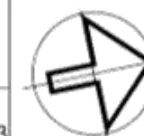
RHIZOME		Rev:	Notes:	Date:	Project:	Drawing Title:				Job No.	Dwg No.	Rev.	
		A	FOR DA ISSUE	14.01.25	Proposed Alts&Adds & ShopTop Housing 66 Marsh Parade Causala NSW 2170	PROPOSED PLAN - GF (SKETCH-02)				052/24	214 OF 35 SHEETS	B	
		B	FOR RFL NO.01 (5 MAY 25) ISSUE	06.06.25									
						Client:	Drawn by	Date:					Scale:
							ST/AK	28.06.24					1:100 @ A3

PROPOSED GF PLAN (LOT 134 DP 26304) S K E T C H - 0 2



Rev:	Notes:	Date:	Project:
E	AMENDMENTS AS PER DM No 03 REF: 16/04/2016 (17/04/2016) SUBMITTAL 26	26 11 24	Proposed Alts&Adds & ShopTop Housing 66 Marsh Parade Causal NSW 2170
F	FOR BASIX & QA & COORDINATION REF: 16/04/2016 (17/04/2016) SUBMITTAL 26	16 12 24	
G	FOR DA ISSUE	14 01 25	
H	FOR RPLS NO 01 (5 MAY 25) ISSUE	06 06 25	Client:

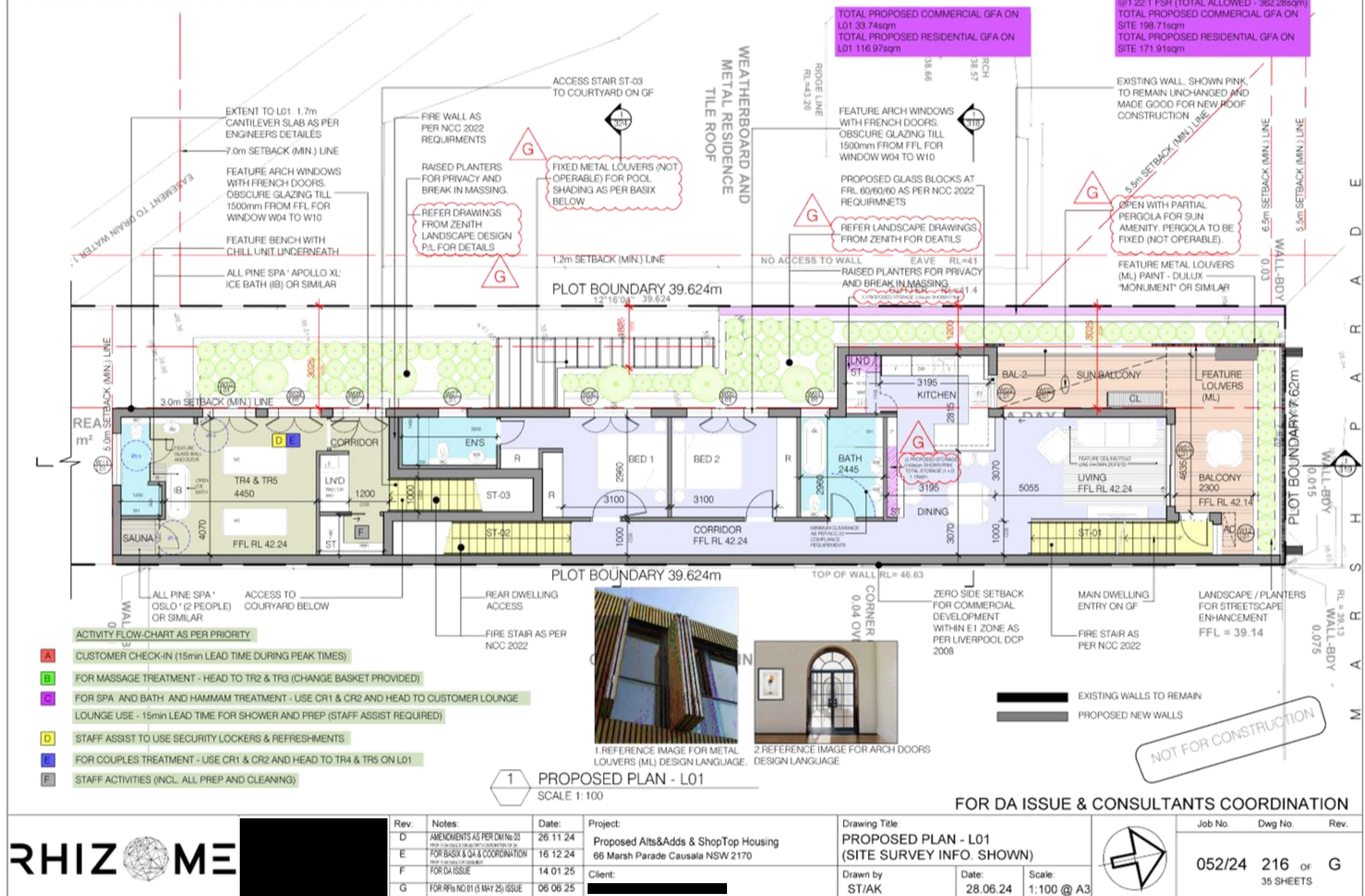
Drawing Title: PROPOSED PLAN - GF (SITE SURVEY INFO. SHOWN)		
Drawn by ST/AK	Date: 28.06.24	Scale: 1:100 @ A3



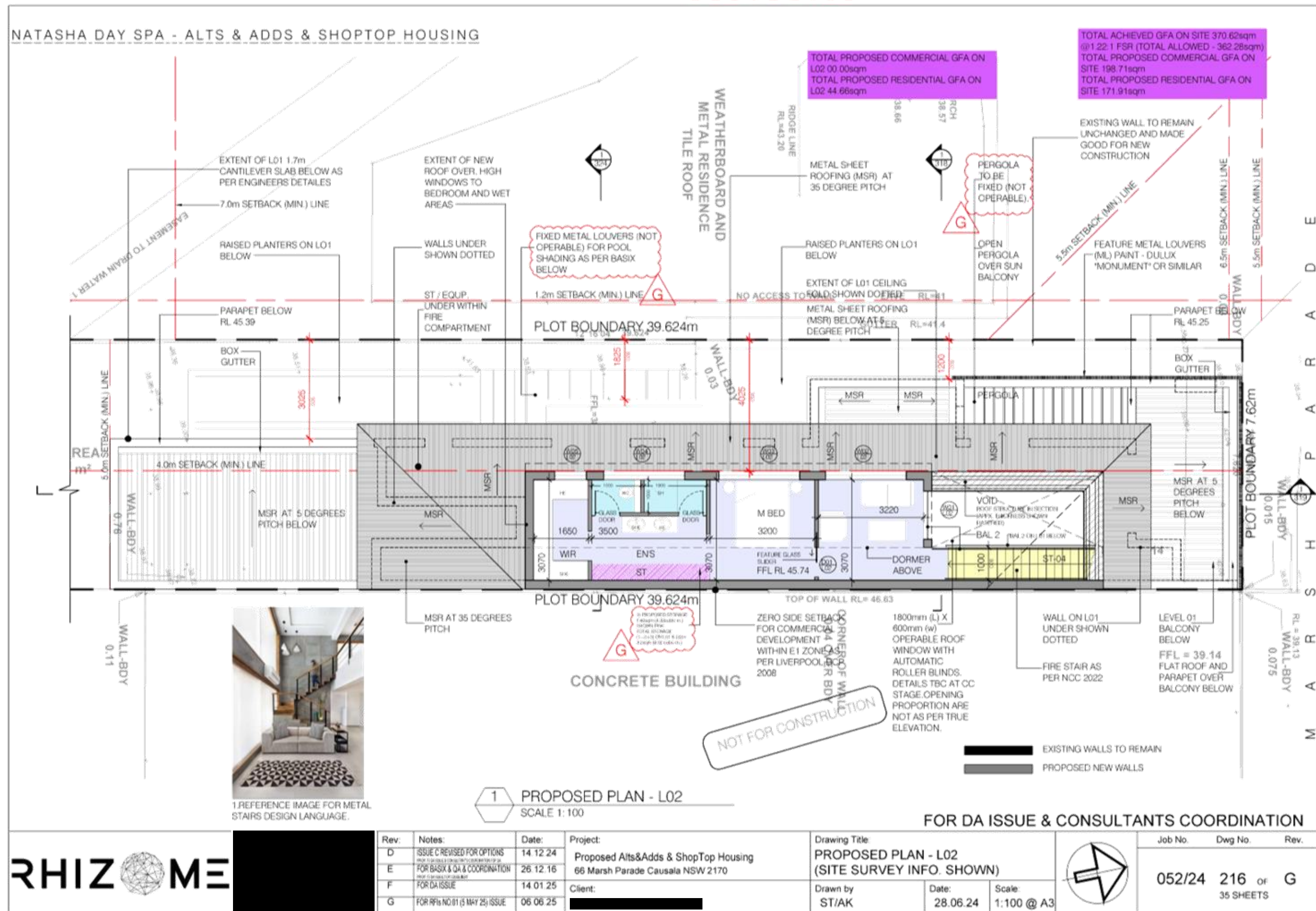
Job No.	Dwg No.	Rev.
052/24	214a OF 35 SHEETS	H

P R O P O S E D L 0 1 P L A N (L O T 1 3 4 D P 2 6 3 0 4) S K E T C H - 0 2

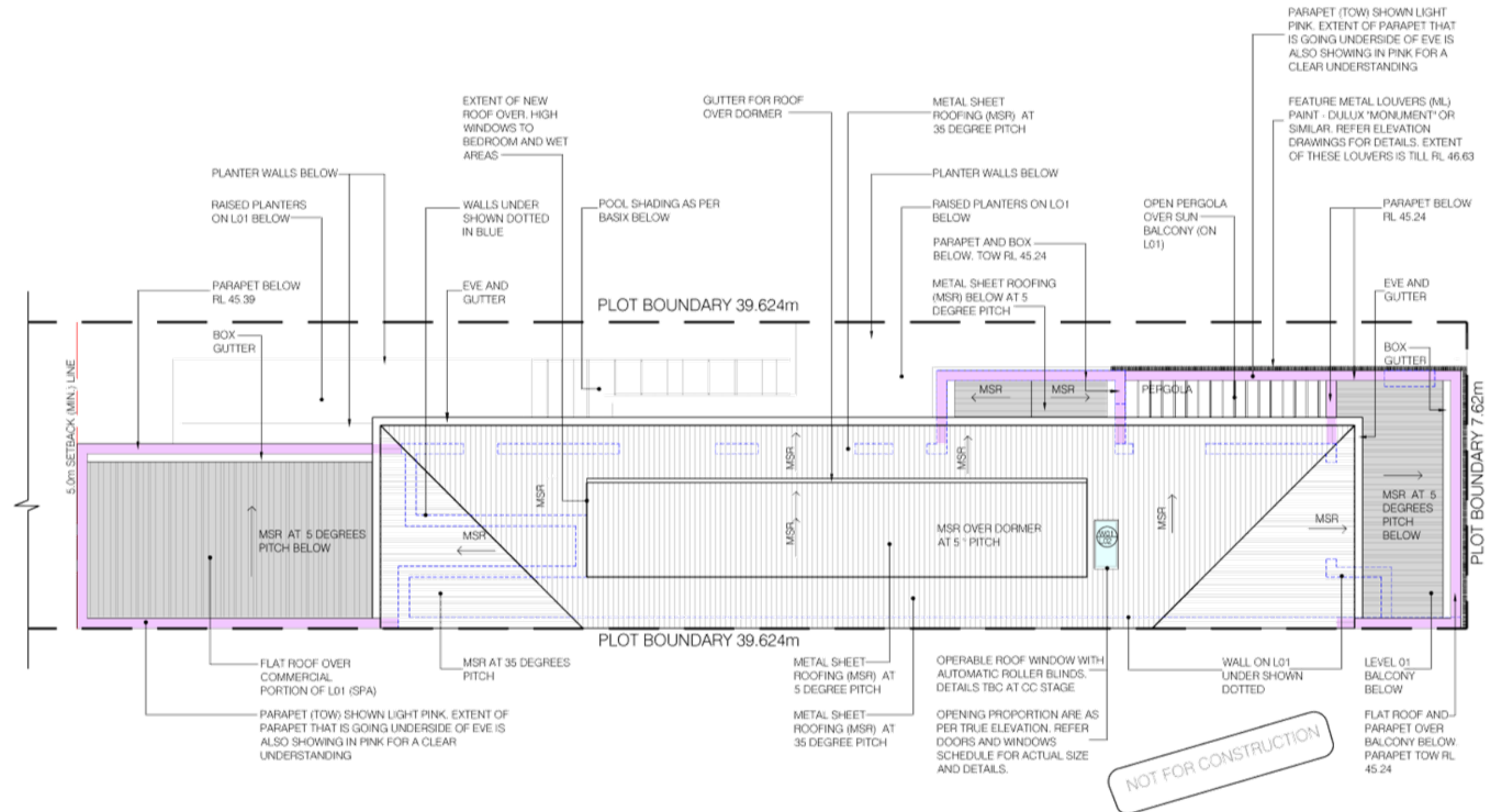
NATASHA DAY SPA - ALTS & ADDS & SHOPTOP HOUSING



PROPOSED L02 PLAN (LOT 134 DP 26304) SKETCH - 02



P R O P O S E D R O O F P L A N (L O T 1 3 4 D P 2 6 3 0 4) S K E T C H - 0 2



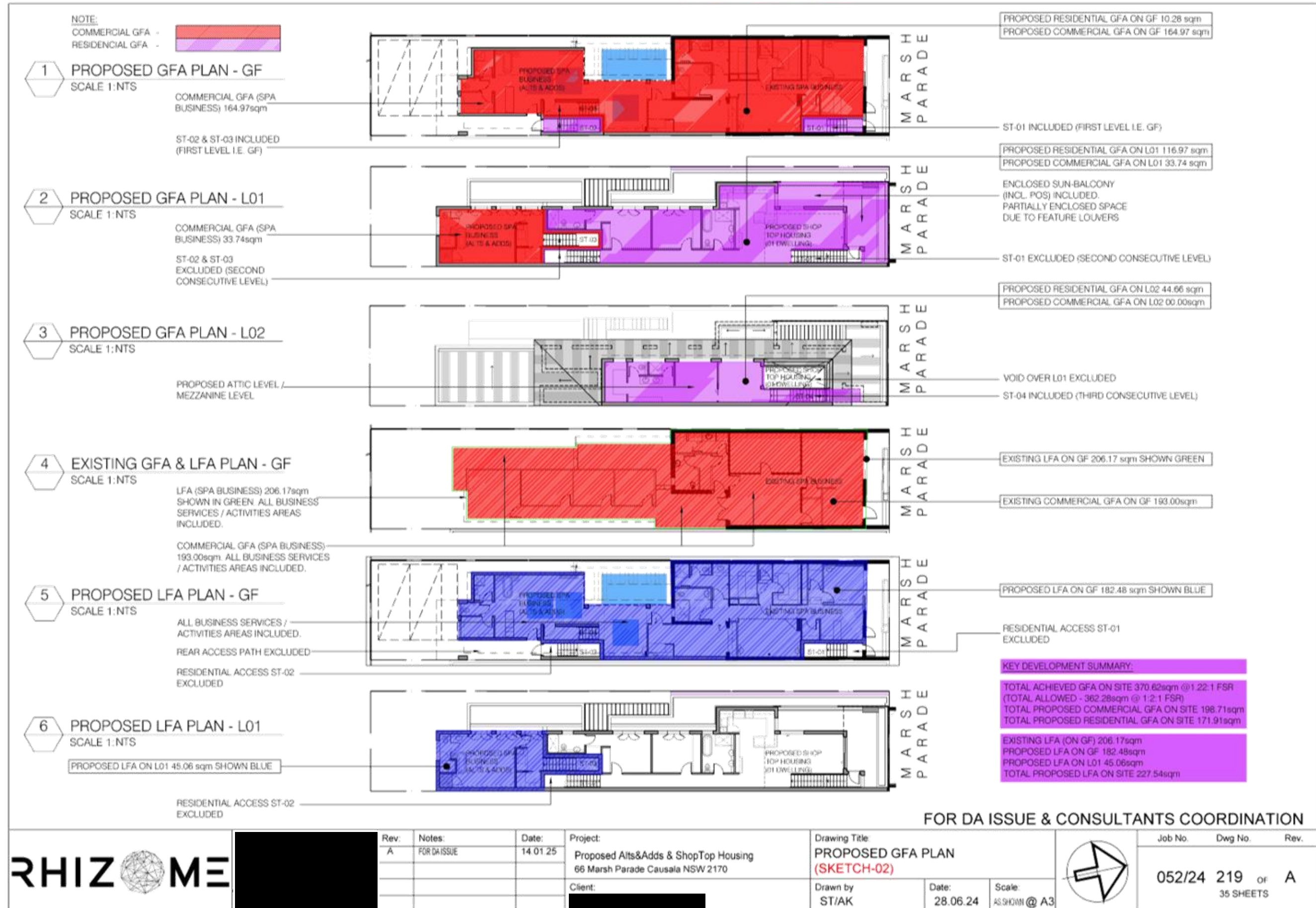
NOT FOR CONSTRUCTION

1 PROPOSED PLAN - ROOF
SCALE 1:100

FOR DA ISSUE AND CONSULTANTS COORDINATION

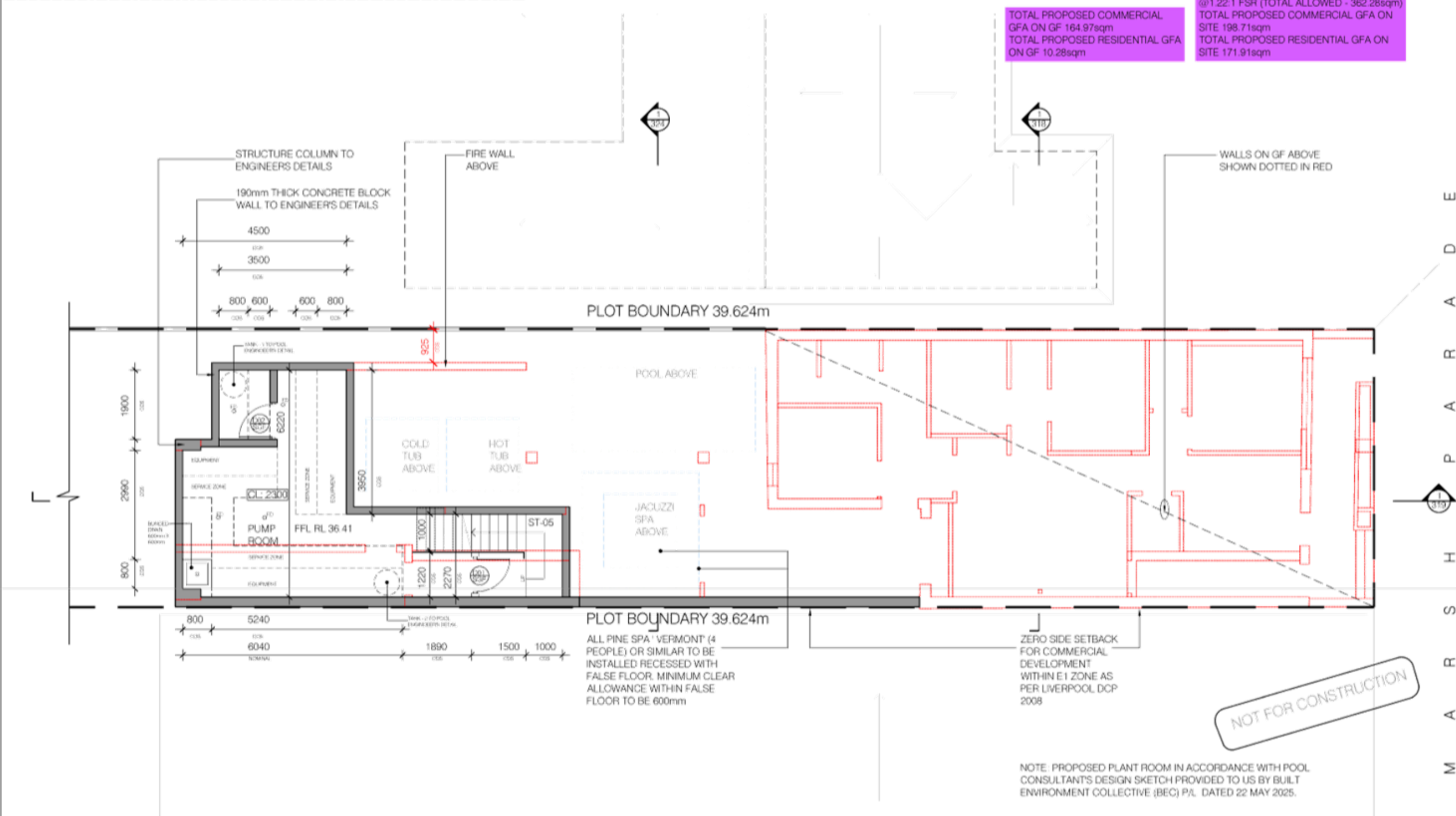
		Rev: A	Notes: FOR DISCUSS	Date: 14.01.25	Project: Proposed Alts&Adds & ShopTop Housing 66 Marsh Parade Causal NSW 2170	Drawing Title: PROPOSED PLAN - ROOF (SKETCH-02)				Job No.	Dwg No.	Rev.
					Client: 	Drawn by: ST/AK	Date: 28.06.24	Scale: 1:100 @ A3		052/24	218 OF 35 SHEETS	A

PROPOSED GFA PLAN (LOT 134 DP 26304) SKETCH-02



PROPOSED SUB - GF PLAN (LOT 134 DP 26304) SKETCH - 02

NATASHA DAY SPA - ALTS & ADDS & SHOPTOP HOUSING

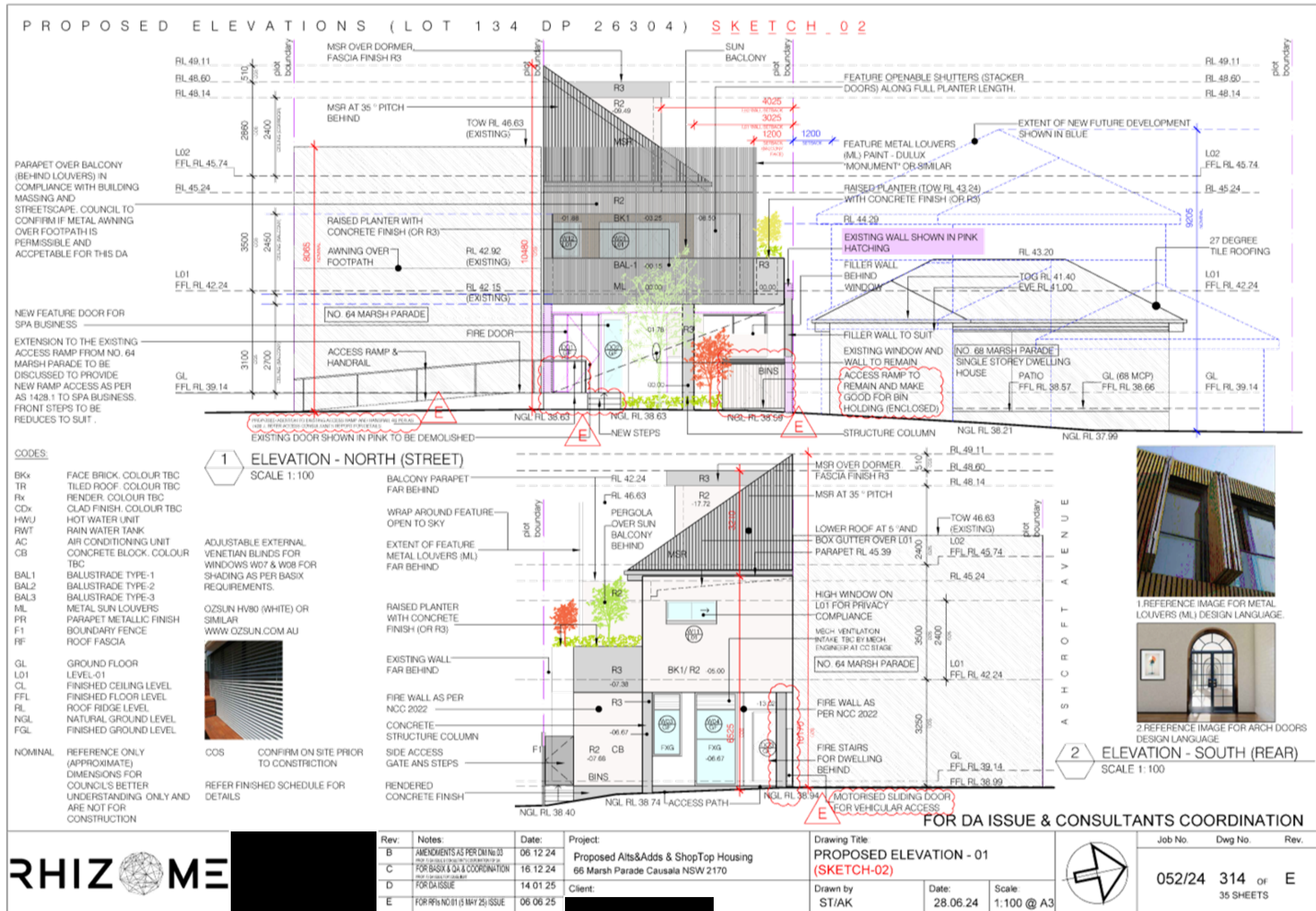


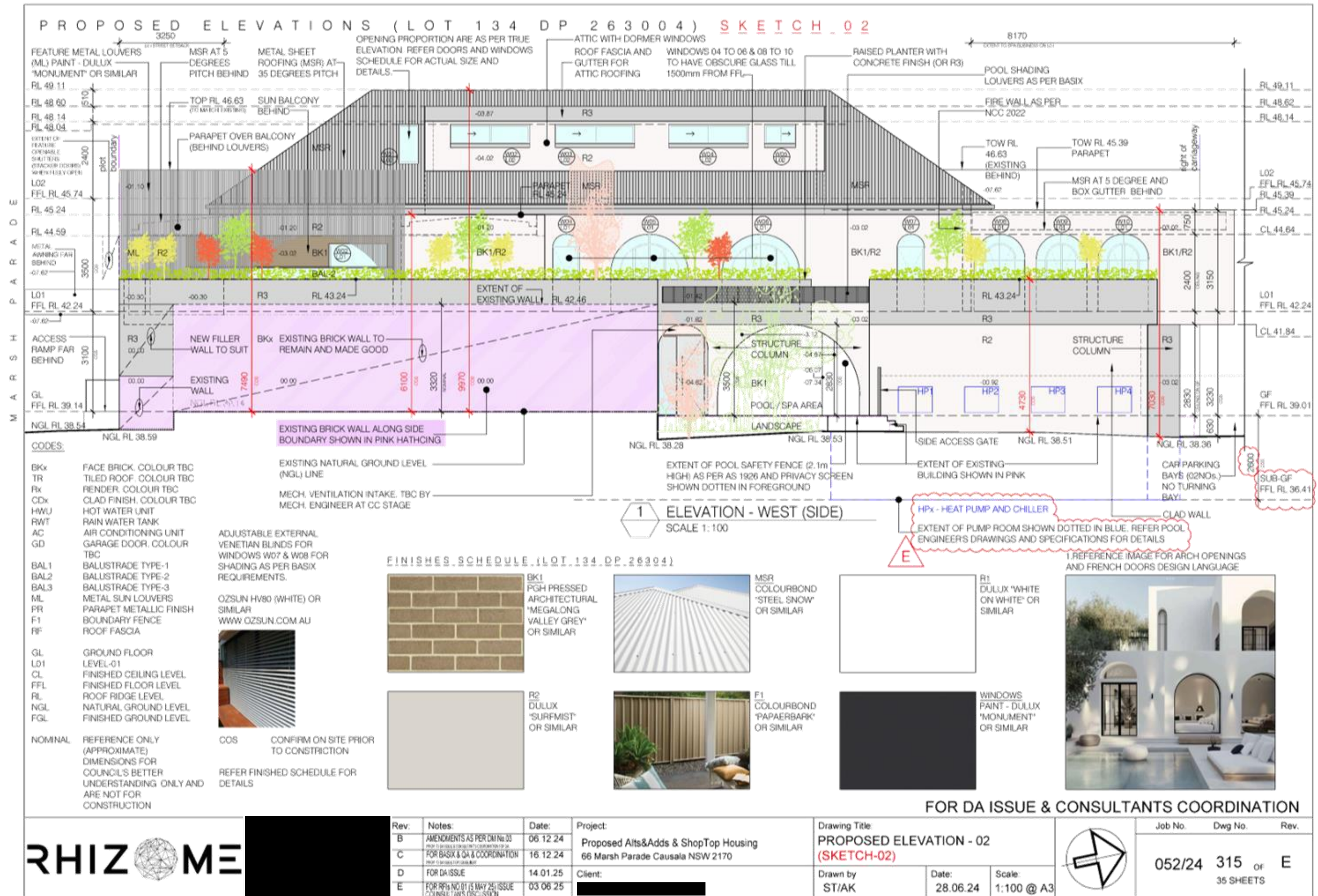
1 PROPOSED PLAN - SUB - GF (PLANT ROOM)
SCALE 1:100

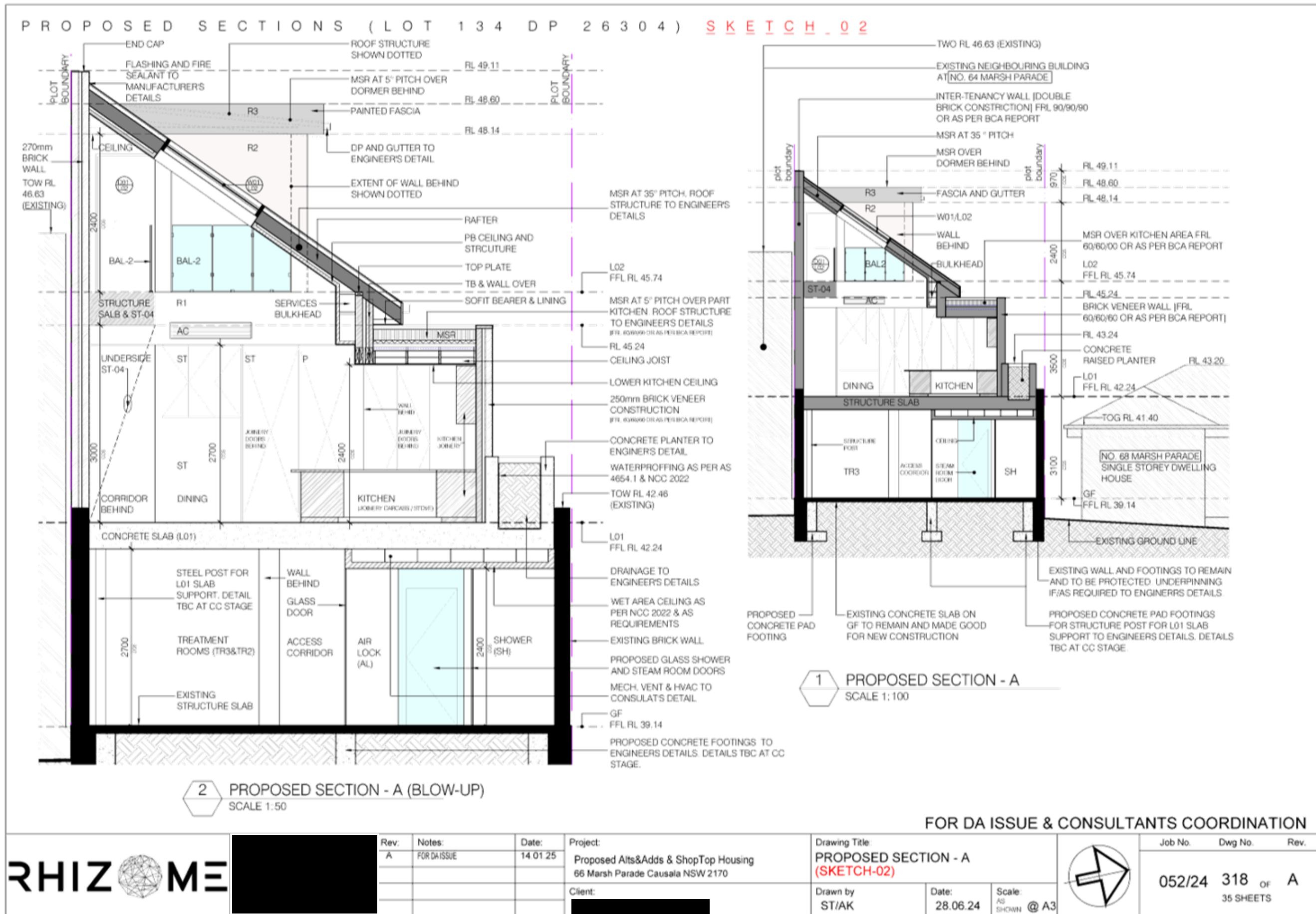
FD - FLOOR DRAIN TO ENGINEER'S DETAILS

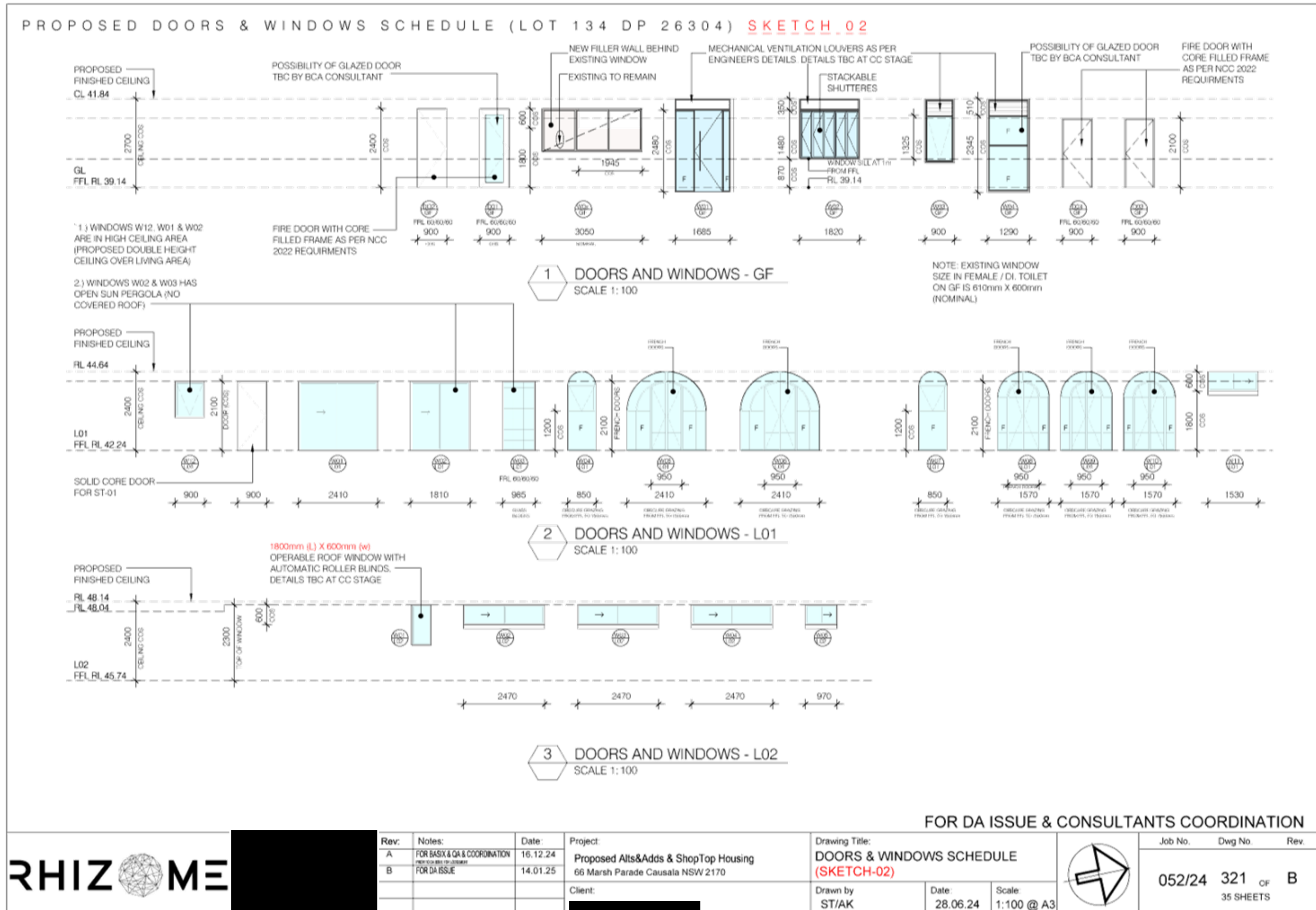
FOR DA ISSUE & CONSULTANTS COORDINATION

RHIZOME	[Redacted]	Rev:	Notes:	Date:	Project:	Drawing Title:			Job No.	Dwg No.	Rev.
		A	FOR RFR NO 01 (5 MAY 25) ISSUE CONSULTANTS DISCUSSION	02.06.25	Proposed Alts&Adds & ShopTop Housing 66 Marsh Parade Causala NSW 2170	BASEMENT - PLAN SUB-GF (SITE SURVEY INFO. SHOWN)			052/24	222 OF 35 SHEETS	B
		B	FOR RFR NO 01 (5 MAY 25) ISSUE	06.06.25		Client:	Drawn by ST/AK	Date: 28.06.24	Scale: 1:100 @ A3		

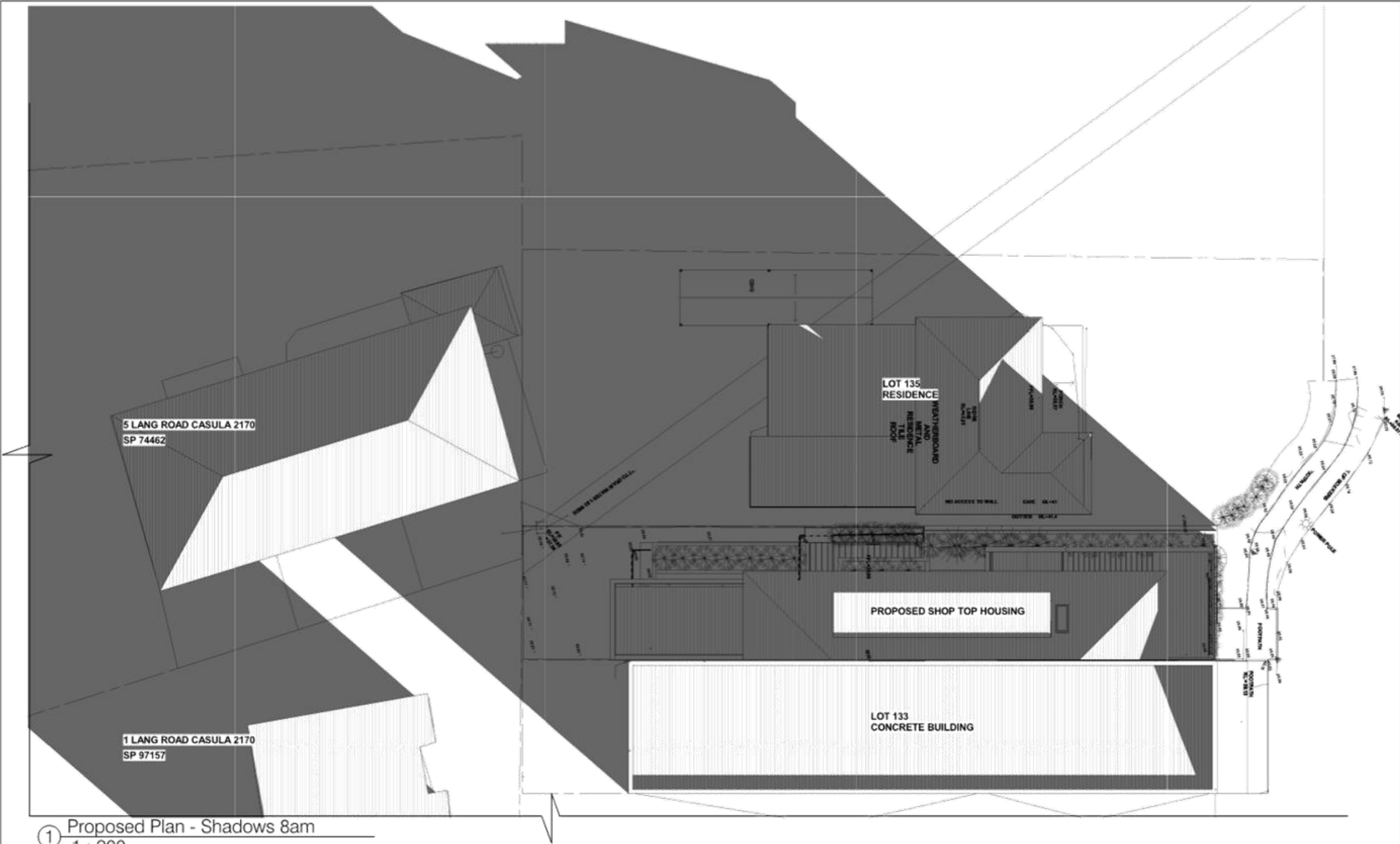








PROPOSED SHADOWS PLAN(LOT 134 DP 26304) - SITE SURVEY INFORMATION SHOWN



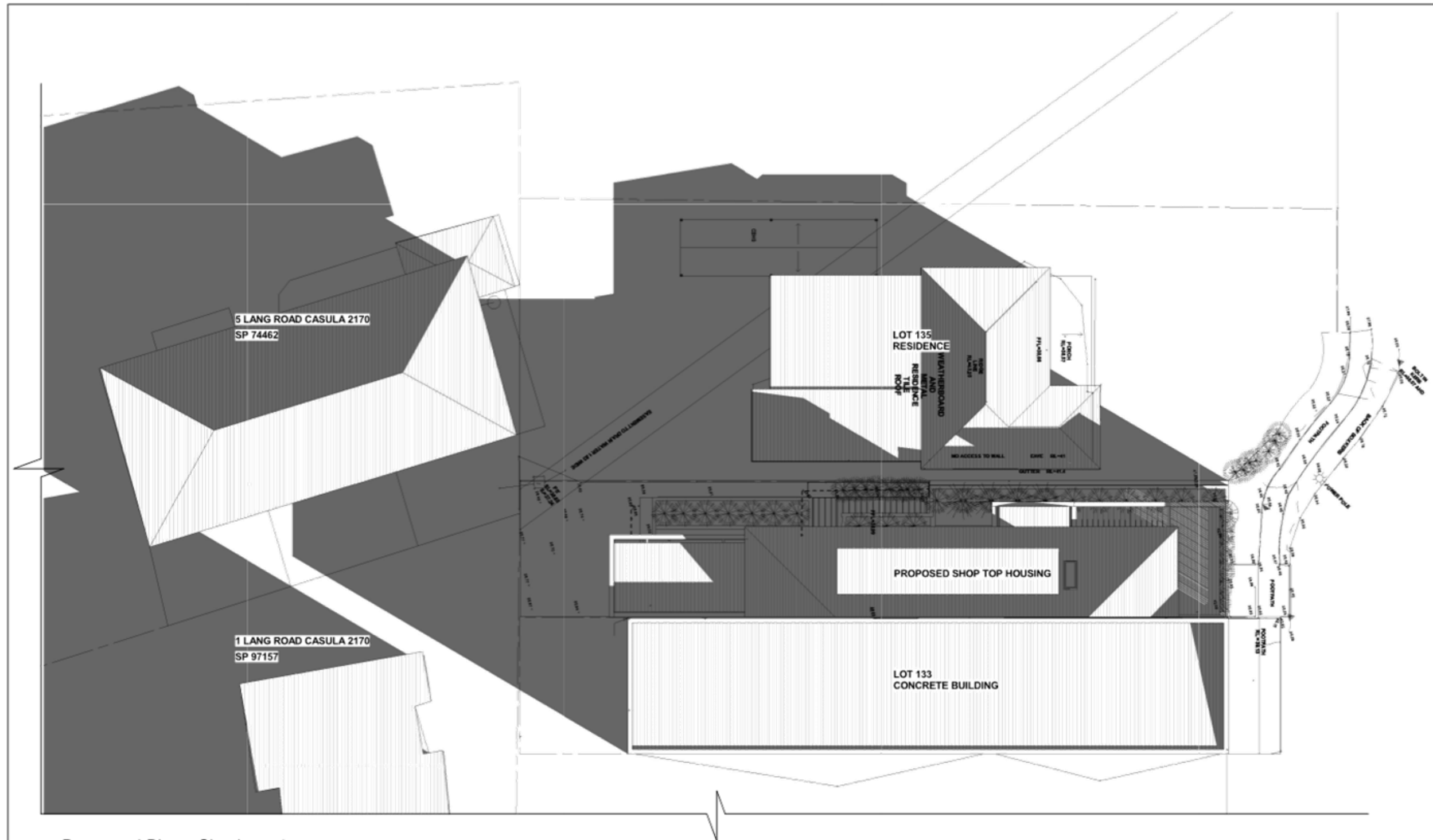
① Proposed Plan - Shadows 8am
1 : 200

PROPOSED SHADOWS ON 21 JUNE (MID- WINTER)

DEVELOPMENT APPLICATION(DA) ISSUE & CONSULTANTS CO-ORDINATION

RHIZOME		Rev:	Notes:	Date:	Project:	Drawing Title:				Job No.	Dwg No.	Rev.
		A	FOR REVIEW & COMMENTS	16.10.24	Proposed Alts&Adds & Shop Top Housing 66 Marsh Parade Causala NSW 2170	SHADOWS - 21 JUNE 8AM				052/24	410a OF 35 SHEETS	B
		B	FOR DA ISSUE	14.01.25								
					Client:	Drawn by/Checked by	Date:	Scale:				
						ST/AK	28.06.2024	AS SHOWN @ A3				

PROPOSED SHADOWS PLAN(LOT 134 DP 26304) - SITE SURVEY INFORMATION SHOWN



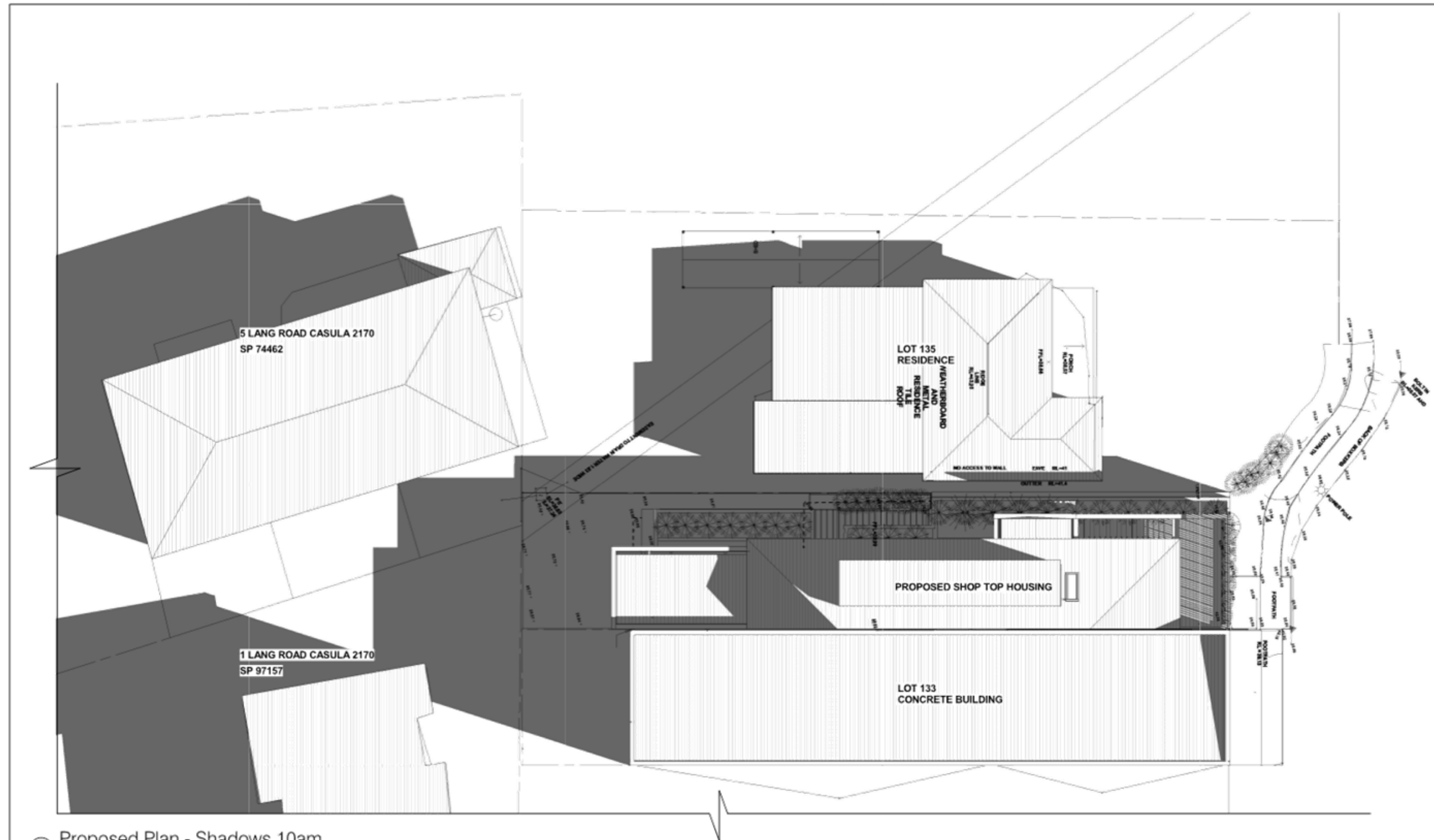
① Proposed Plan - Shadows 9am
1 : 200

PROPOSED SHADOWS ON 21 JUNE (MID- WINTER)

DEVELOPMENT APPLICATION(DA) ISSUE & CONSULTANTS CO-ORDINATION

RHIZOME	Rev:	Notes:	Date:	Project:	Drawing Title:			Job No.	Dwg No.	Rev.
	A	FOR REVIEW & COMMENTS	16.10.24	Proposed Alts&Adds & Shop Top Housing	SHADOWS - 21 JUNE 9AM			052/24	410b OF	B
	B	FOR DA ISSUE	14.01.25	66 Marsh Parade Causala NSW 2170	Drawn by/Checked by	Date:	Scale:			
				Client:	ST/AK	28.06.2024	AS SHOWN @ A3		35 SHEETS	

PROPOSED SHADOWS PLAN(LOT 134 DP 26304) - SITE SURVEY INFORMATION SHOWN



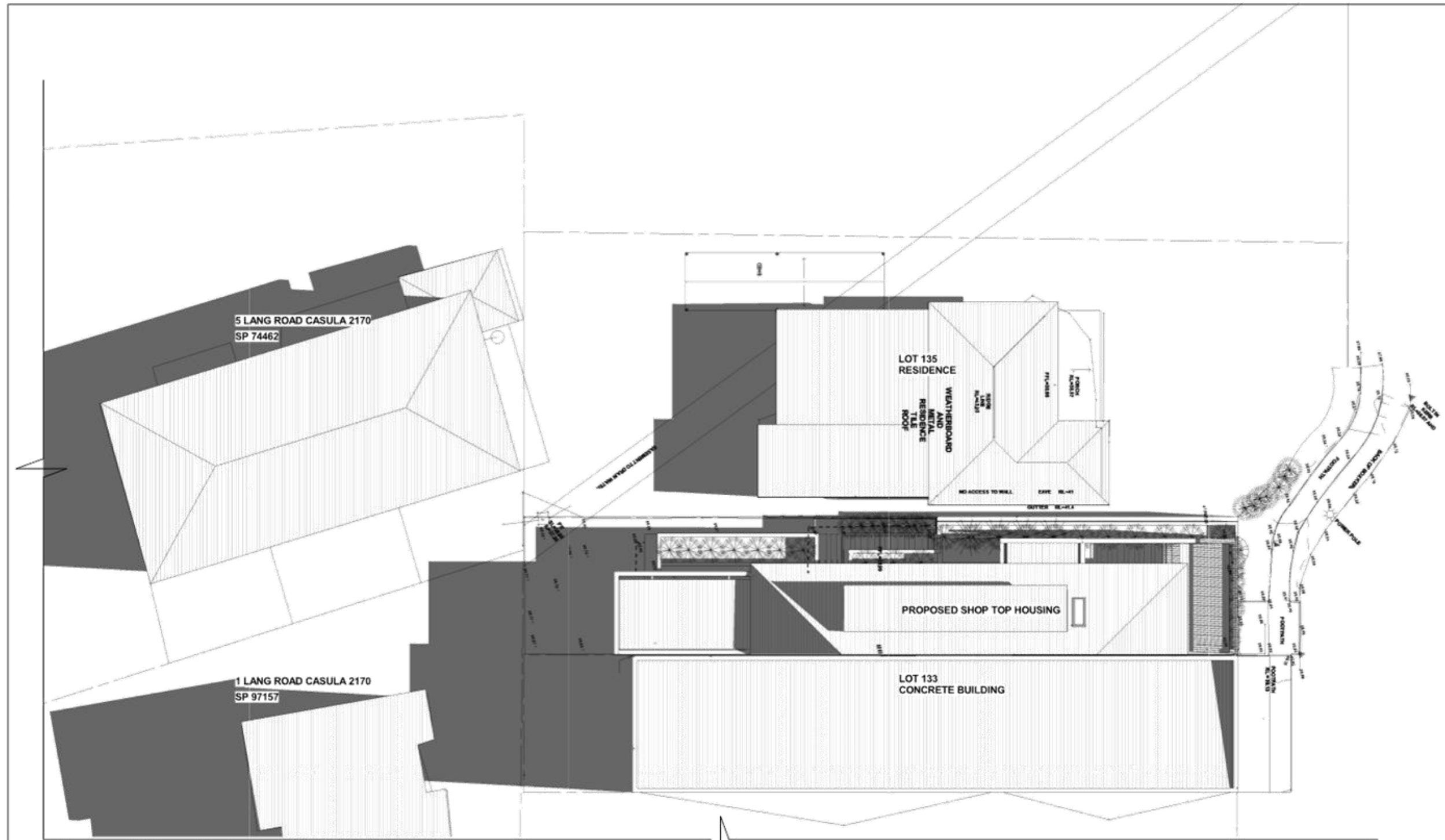
① Proposed Plan - Shadows 10am
1 : 200

PROPOSED SHADOWS ON 21 JUNE (MID- WINTER)

DEVELOPMENT APPLICATION(DA) ISSUE & CONSULTANTS CO-ORDINATION

RHIZOME		Rev:	Notes:	Date:	Project:	Drawing Title:				Job No.	Dwg No.	Rev.
		A	FOR REVIEW & COMMENTS	16.10.24	Proposed Alts&Adds & Shop Top Housing 66 Marsh Parade Causal NSW 2170	SHADOWS - 21 JUNE 10AM				052/24	410c OF 35 SHEETS	B
		B	FOR DA ISSUE	14.01.25								
				Client:		Drawn by/Checked by	Date:	Scale:				
						ST/AK	28.06.2024	AS SHOWN @ A3				

PROPOSED SHADOWS PLAN(LOT 134 DP 26304) - SITE SURVEY INFORMATION SHOWN



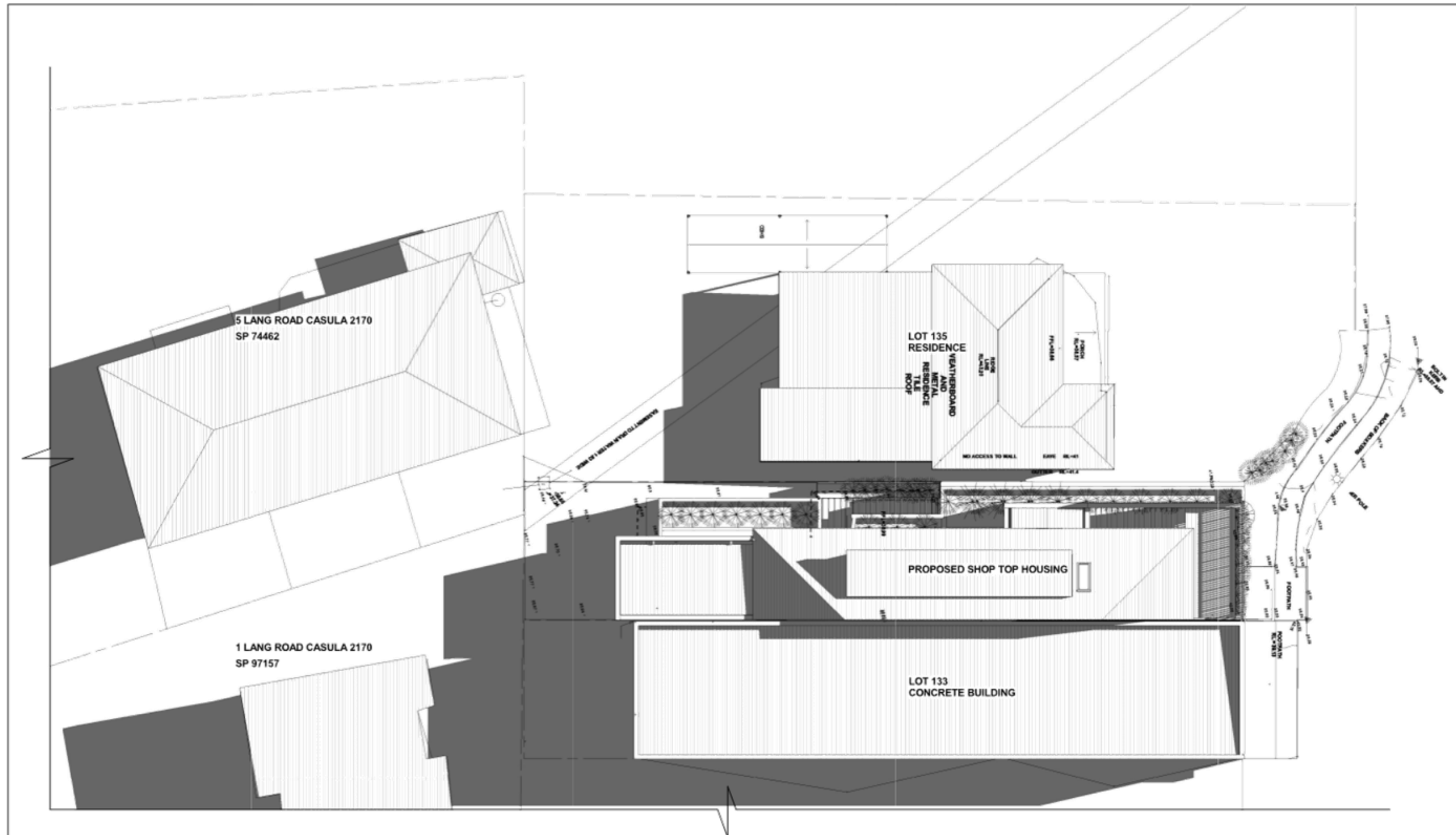
① Proposed Plan - Shadows 11am
1 : 200

PROPOSED SHADOWS ON 21 JUNE (MID- WINTER)

DEVELOPMENT APPLICATION(DA) ISSUE & CONSULTANTS CO-ORDINATION

RHIZOME	Rev:	Notes:	Date:	Project:	Drawing Title:			Job No.	Dwg No.	Rev.
	A	FOR REVIEW & COMMENTS	16.10.24	Proposed Alts&Adds & Shop Top Housing	SHADOWS - 21 JUNE 11AM			052/24	411a OF	B
	B	FOR DA ISSUE	14.01.25	66 Marsh Parade Casula NSW 2170	Drawn by/Checked by	Date:	Scale:			
				Client:	ST/AK	28.06.2024	AS SHOWN @ A3		35 SHEETS	

PROPOSED SHADOWS PLAN(LOT 134 DP 26304) - SITE SURVEY INFORMATION SHOWN



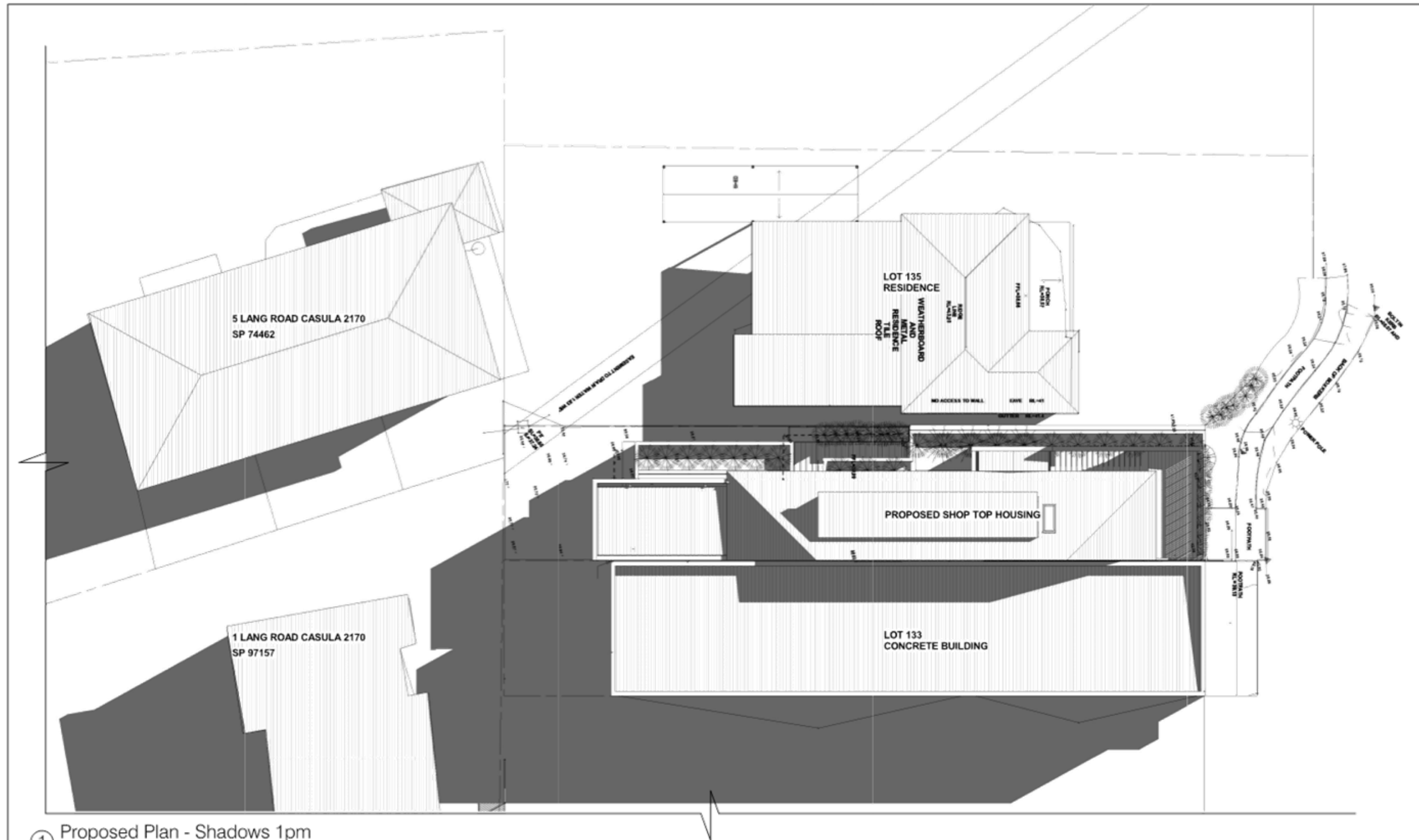
① Proposed Plan - Shadows 12pm
1 : 200

PROPOSED SHADOWS ON 21 JUNE (MID- WINTER)

DEVELOPMENT APPLICATION(DA) ISSUE & CONSULTANTS CO-ORDINATION

RHIZOME	Rev:	Notes:	Date:	Project:	Drawing Title:			Job No.	Dwg No.	Rev.
	A	FOR REVIEW & COMMENTS	16.10.24	Proposed Alts&Adds & Shop Top Housing	SHADOWS - 21 JUNE 12PM			052/24	411b OF	B
	B	FOR DA ISSUE	14.01.25	66 Marsh Parade Casula NSW 2170	Drawn by/Checked by	Date:	Scale:			
				Client:	ST/AK	28.06.2024	AS SHOWN @ A3		35 SHEETS	

PROPOSED SHADOWS PLAN(LOT 134 DP 26304) - SITE SURVEY INFORMATION SHOWN



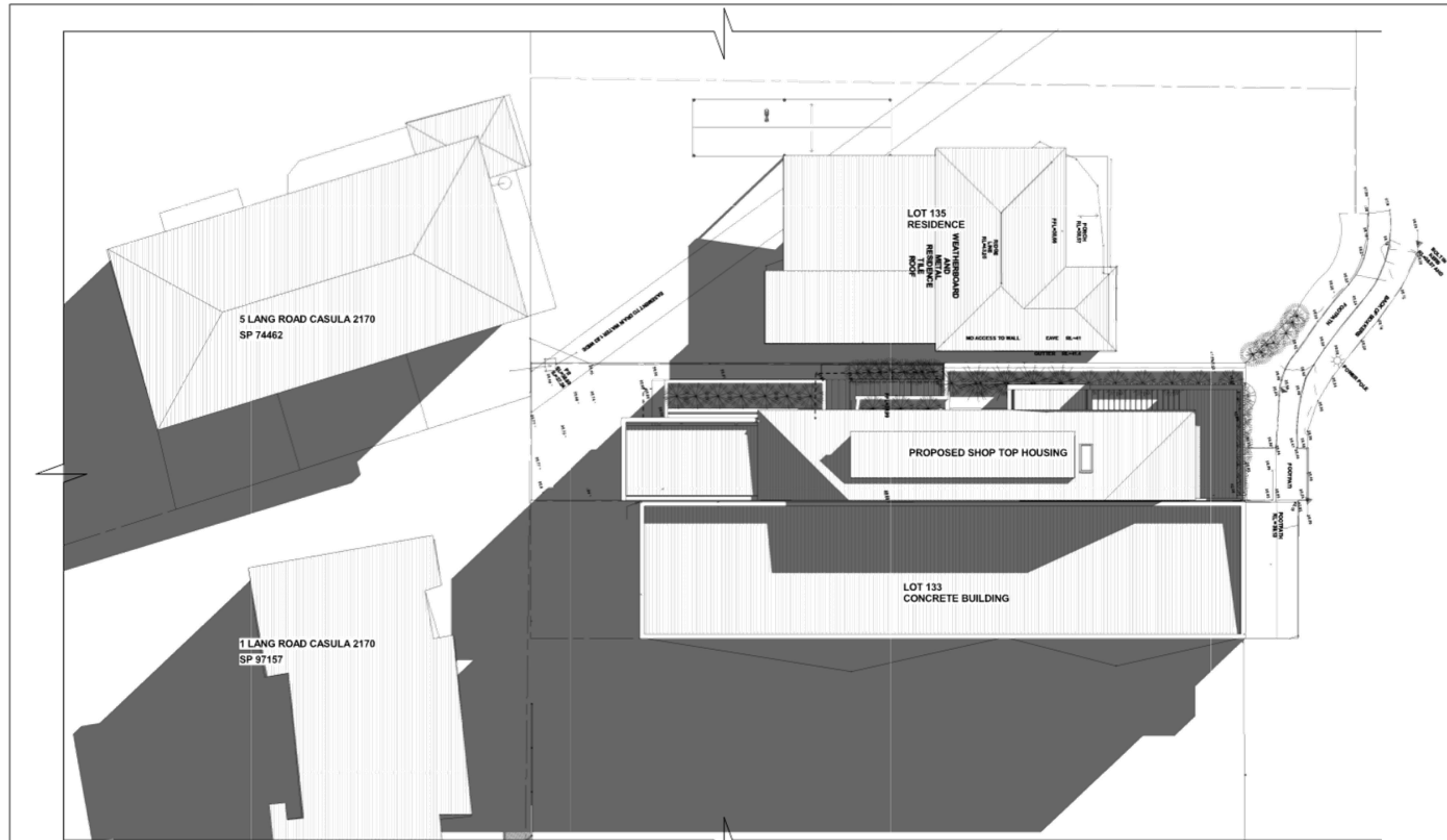
① Proposed Plan - Shadows 1pm
1 : 200

PROPOSED SHADOWS ON 21 JUNE (MID- WINTER)

DEVELOPMENT APPLICATION(DA) ISSUE & CONSULTANTS CO-ORDINATION

RHIZOME		Rev:	Notes:	Date:	Project:	Drawing Title:				Job No.	Dwg No.	Rev.
		A	FOR REVIEW & COMMENTS	16.10.24	Proposed Alts&Adds & Shop Top Housing 66 Marsh Parade Causala NSW 2170	SHADOWS - 21 JUNE 1PM				052/24	411c OF 35 SHEETS	B
		B	FOR DA ISSUE	14.01.25								
					Client:		Drawn by/Checked by ST/AK	Date: 28.06.2024		Scale: AS SHOWN @ A3		

PROPOSED SHADOWS PLAN(LOT 134 DP 26304) - SITE SURVEY INFORMATION SHOWN



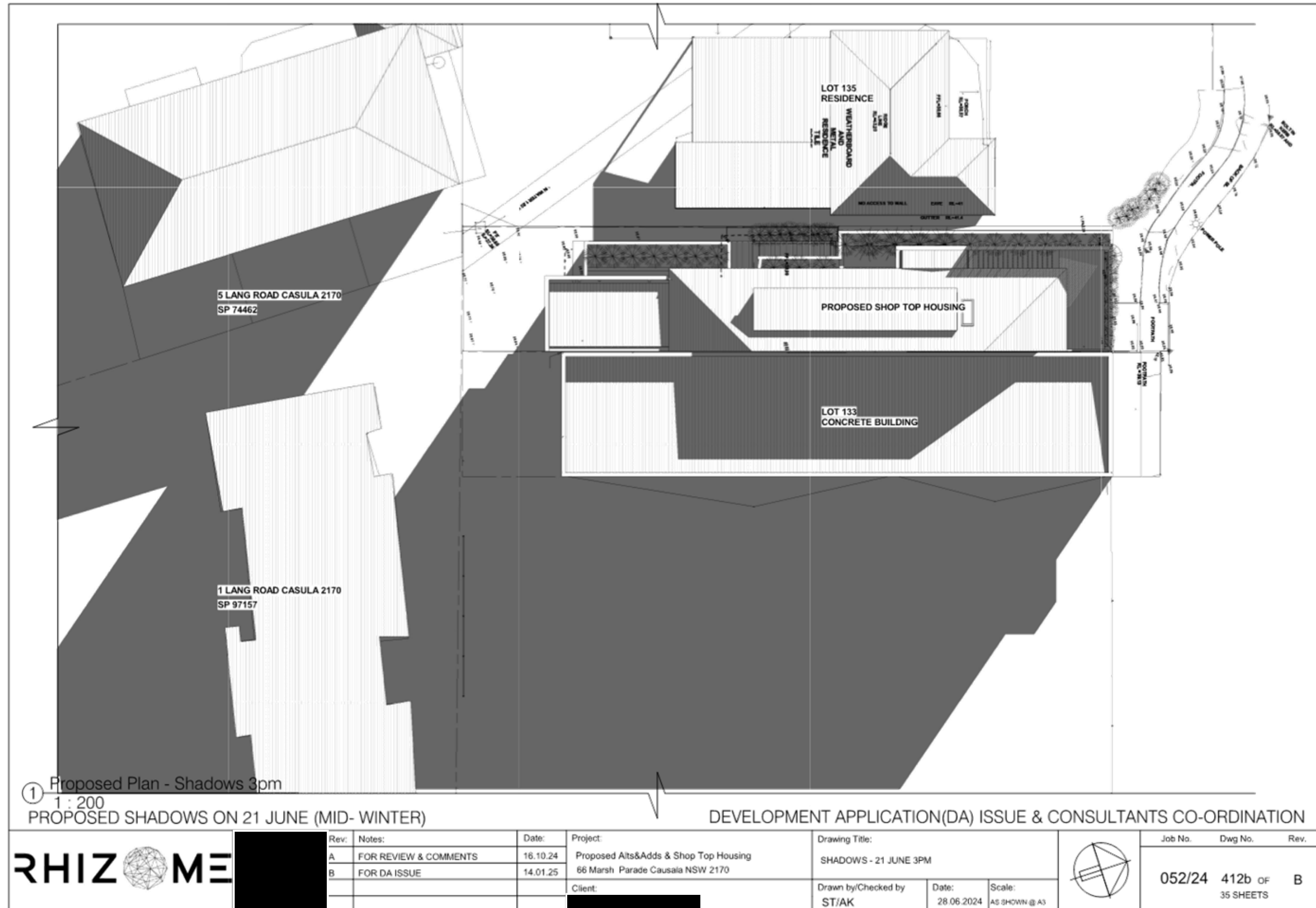
① Proposed Plan - Shadows 2pm
1 : 200

PROPOSED SHADOWS ON 21 JUNE (MID- WINTER)

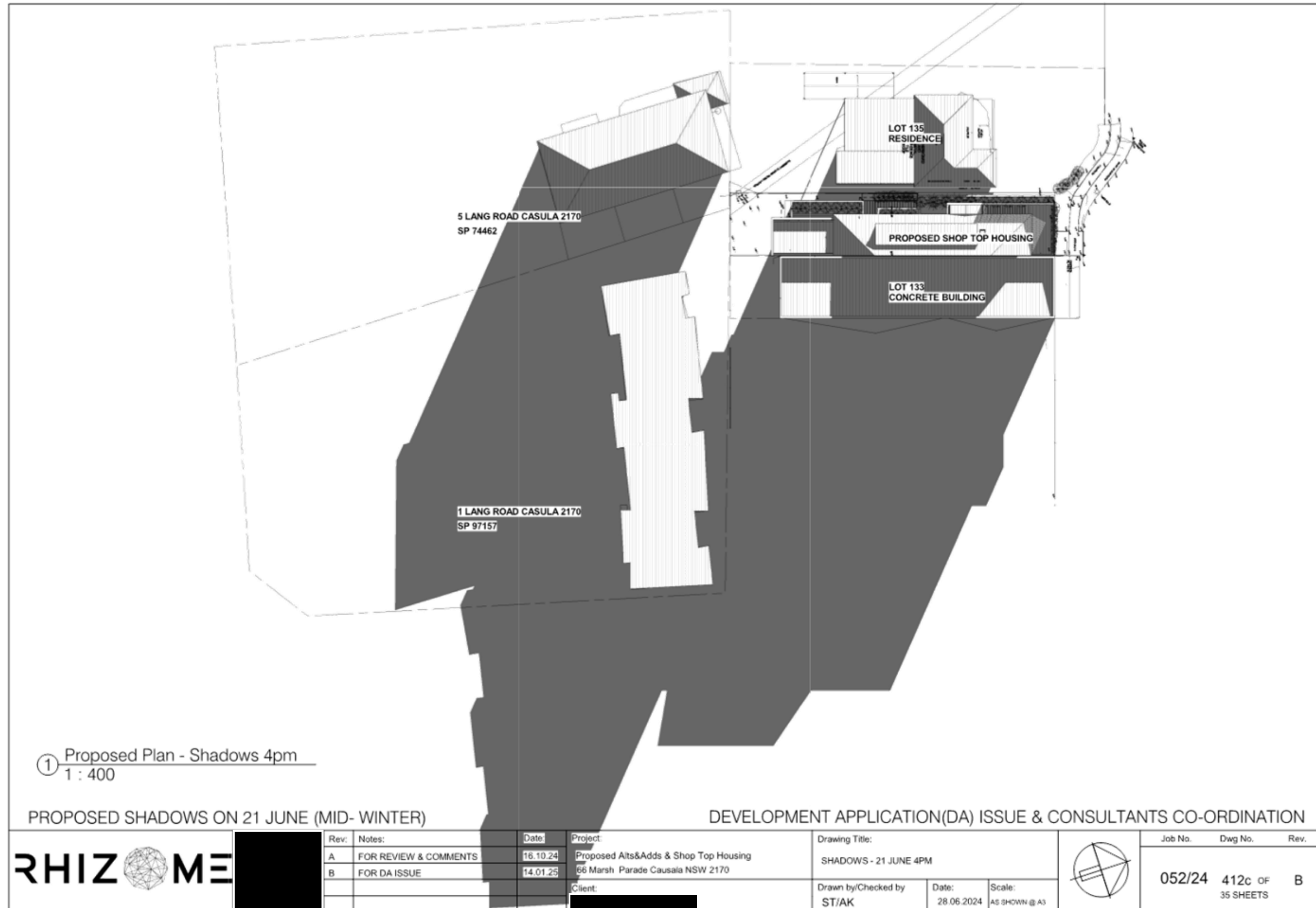
DEVELOPMENT APPLICATION(DA) ISSUE & CONSULTANTS CO-ORDINATION

RHIZOME	Rev:	Notes:	Date:	Project:	Drawing Title:			Job No.	Dwg No.	Rev.
	A	FOR REVIEW & COMMENTS	16.10.24	Proposed Alts&Adds & Shop Top Housing	SHADOWS - 21 JUNE 2PM			052/24	412a OF	B
	B	FOR DA ISSUE	14.01.25	66 Marsh Parade Causala NSW 2170	Drawn by/Checked by	Date:	Scale:			
				Client:	ST/AK	28.06.2024	AS SHOWN @ A3		35 SHEETS	

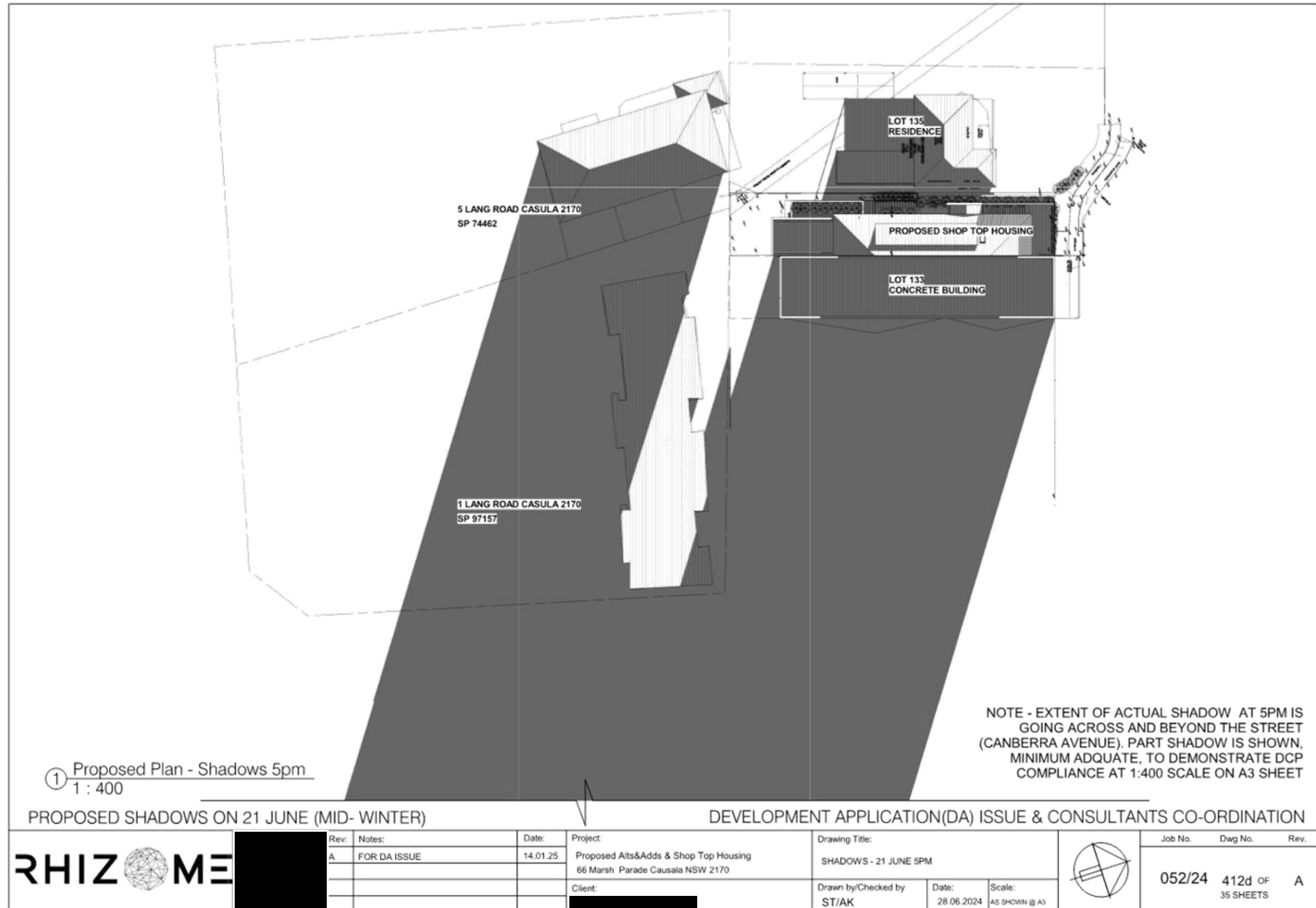
PROPOSED SHADOWS PLAN(LOT 134 DP 26304) - SITE SURVEY INFORMATION SHOWN



PROPOSED SHADOWS PLAN(LOT 134 DP 26304) - SITE SURVEY INFORMATION SHOWN



PROPOSED SHADOWS PLAN(LOT 134 DP 26304) - SITE SURVEY INFORMATION SHOWN



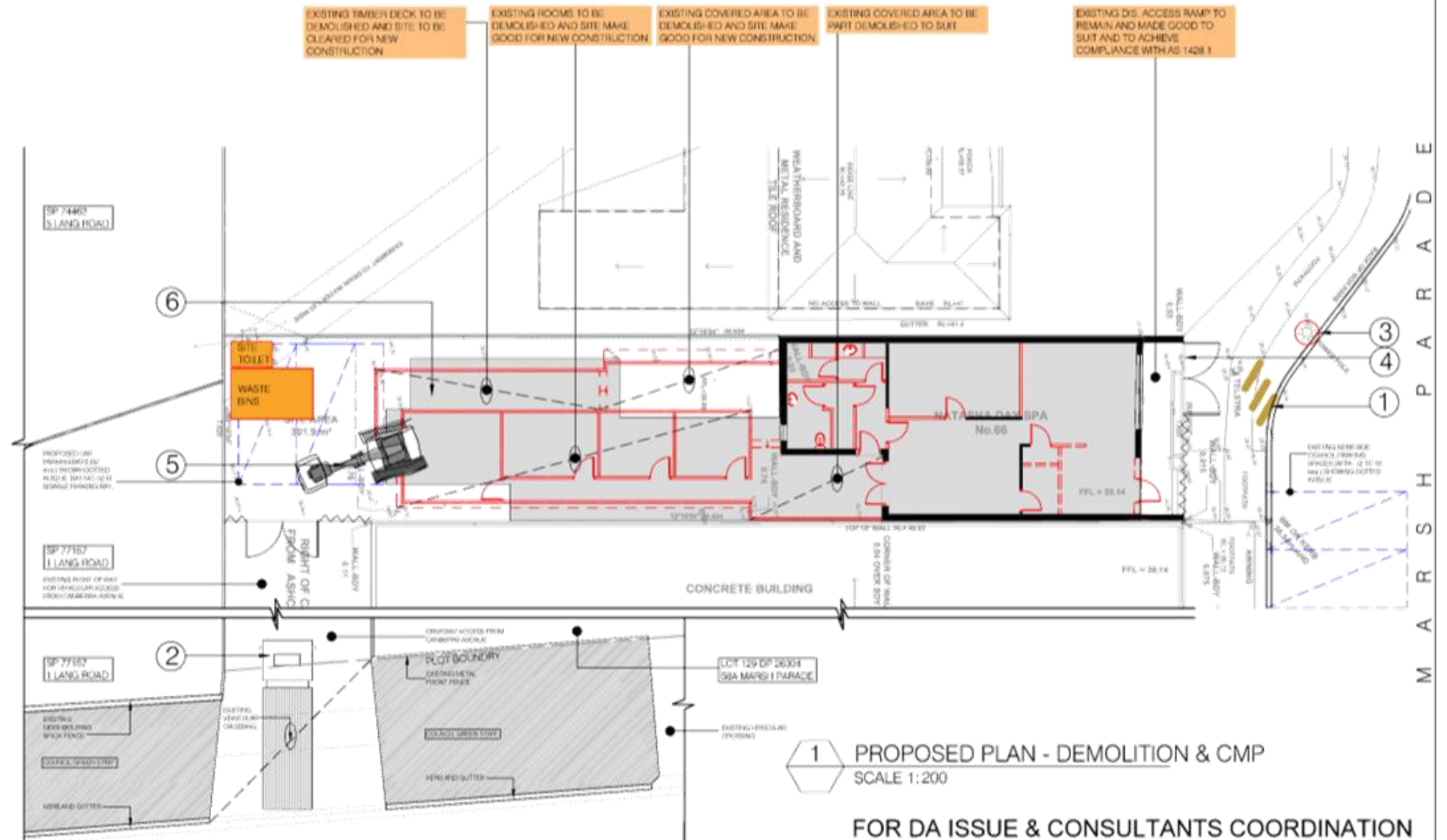
PROPOSED DEMOLITION PLAN (LOT 134 DP 26304) SKETCH-02

DEVELOPMENT SUMMARY:

TOTAL SITE AREA	- 301.9sqm	PERMISSIBLE GROUND COVERAGE	- N.A.	MIN. LANDSCAPE AREA	- N.A.	MIN. POS AREA DIMENSION 2.4m (MIN)	- 20sqm	TOTAL PROPOSED IMPERVIOUS AREA - N.A.
PERMISSIBLE GFA	- 362.28sqm	ACHIEVED GROUND COVERAGE	- N.A.	PROPOSED LANDSCAPE AREA (1+2+3+4+5+6+7)	- N.A.	PROPOSED POS AREA	- 30sqm	TOTAL BUILDUP AREA - N.A.
EXISTING GFA	- 193.00sqm							
PROPOSED ADDED GFA	- N.A.							
TOTAL PROPOSED GFA	- 370.62sqm							
PERMISSIBLE FSR	- 1:1.20	COVERED VERANDAH & PORCH	- N.A.	PROPOSED DEEP SOIL ZONE (4mX4m minimum dimension)	- N.A.			
ACHIEVED FSR	- 1:1.22							

CMP LEGEND

- ① SAND FILLET GUTTER BOOM
- ② 10 TONNE TRUCK DRIVE ON DRIVE OFF
- ③ PP TO BE PROTECTED
- ④ EXISTING ACCESS GATE TO BE USED AS SAFETY ACCESS GATE
- ⑤ DIGGER (SMALL)
- ⑥ PROPOSED DEVELOPMENT



RHIZOME

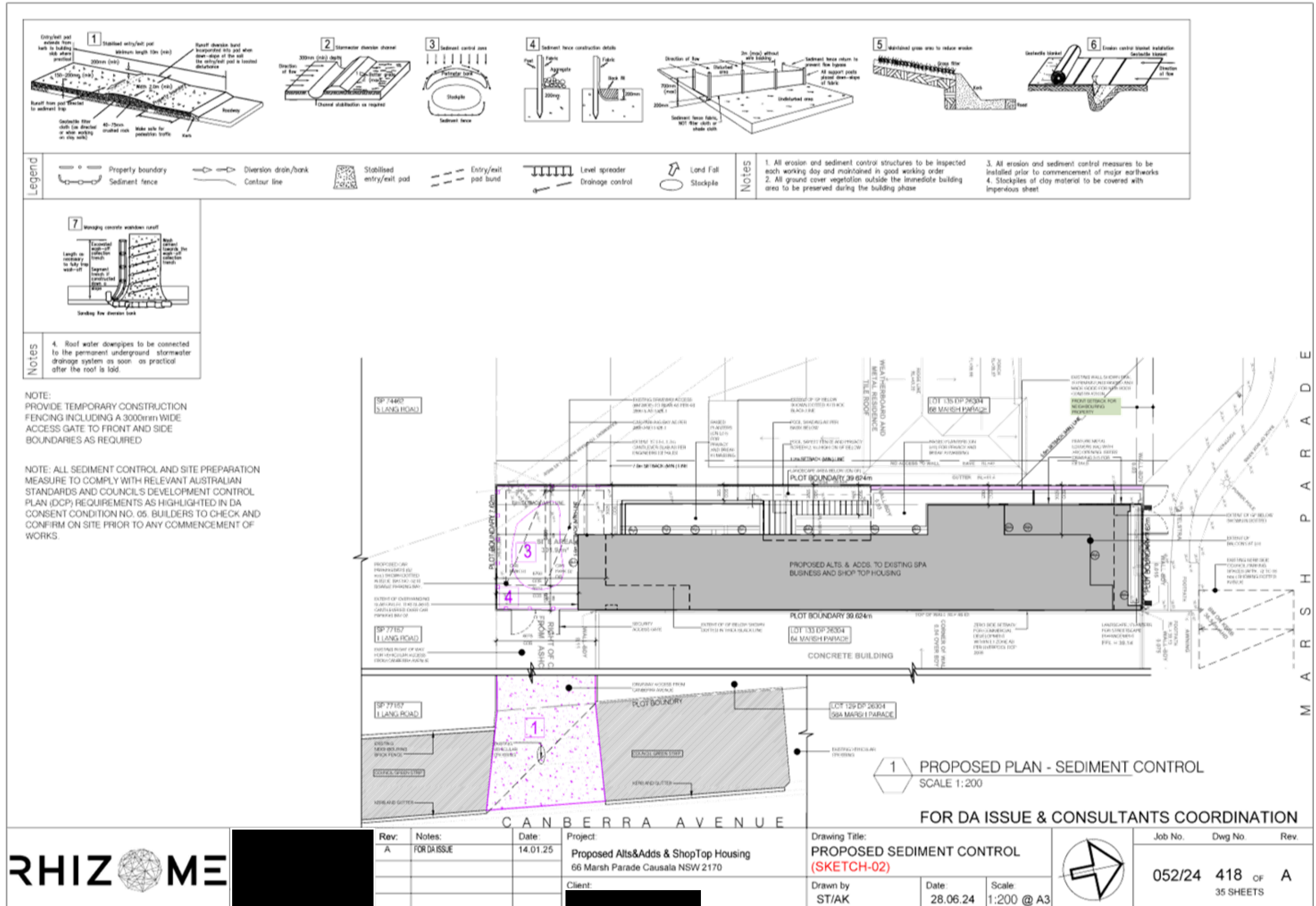
Rev:	Notes:	Date:	Project:
A	DA ISSUE	14.01.25	Proposed Alts&Add's & ShopTop Housing 66 Marsh Parade Causala NSW 2170
			Client:

Drawing Title:	Date:	Scale:
PROPOSED DEMOLITION PLAN & CONSTRUCTION MANAGEMENT PLAN	28.06.24	1:200 @ A3
Drawn by:		
ST/AK		



Job No.	Dwg No.	Rev.
052/24	417	A
	35 SHEETS	

PROPOSED SEDIMENT & EROSION CONTROL PLAN (LOT 134 DP 26304) **SKETCH-02**

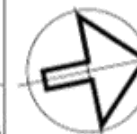
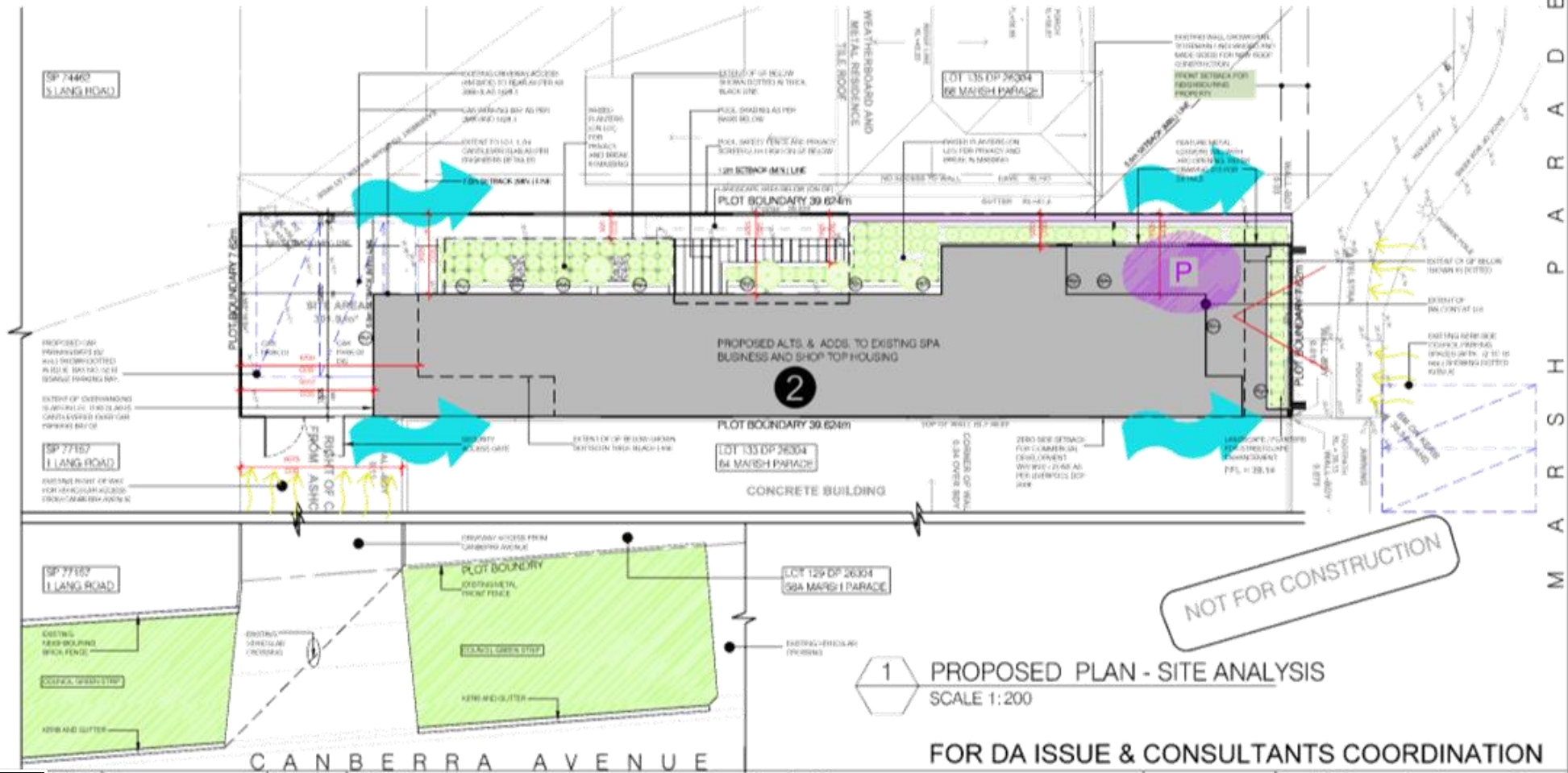


PROPOSED SITE ANALYSIS PLAN (LOT 134 DP 26304) SKETCH-02

DEVELOPMENT SUMMARY:

TOTAL SITE AREA	- 301.9sqm	PERMISSIBLE GROUND COVERAGE	- N.A.	MIN. LANDSCAPE AREA	- N.A.	MIN. POS AREA DIMENSION 2.4m (MIN)	- 20sqm	TOTAL PROPOSED IMPERVIOUS AREA - N.A.
PERMISSIBLE GFA	- 362.28sqm	ACHIEVED GROUND COVERAGE	- N.A.	PROPOSED LANDSCAPE AREA (1+2+3+4+5+6+7)	- N.A.	PROPOSED POS AREA	- 30sqm	TOTAL BUILDUP AREA - N.A.
EXISTING GFA	- 193.00sqm							
PROPOSED ADDED GFA	- N.A.							
TOTAL PROPOSED GFA	- 370.62sqm							
PERMISSIBLE FSR	- 1:1.20							
ACHIEVED FSR	- 1:1.22							

Site Analysis Plan for Shop Top Housing
at 66 Marsh Parade Casula NSW 2170



PROPOSED LANDSCAPE PLAN (LOT134 DP 26304) SKETCH-02

DEVELOPMENT SUMMARY:							
TOTAL SITE AREA	- 301.9sqm	PERMISSIBLE GROUND COVERAGE	- N.A.	MIN. LANDSCAPE AREA	- N.A.	MIN. POS AREA DIMENSION 2.4m (MIN)	- 20sqm
PERMISSIBLE GFA	- 362.28sqm						
EXISTING GFA	- 193.00sqm	ACHIEVED GROUND COVERAGE	- N.A.	PROPOSED LANDSCAPE AREA	- N.A.	PROPOSED POS AREA	- 30sqm
PROPOSED ADDED GFA	- N.A.			(1+2+3+4+5+6+7)			
TOTAL PROPOSED GFA	- 370.62sqm	COVERED VERANDAH & PORCH	- N.A.	PROPOSED DEEP SOIL ZONE	- N.A.		
PERMISSIBLE FSR	- 1:1.20			(4mX4m minimum dimension)			
ACHIEVED FSR	- 1:1.22						

TOTAL PROPOSED IMPERVIOUS AREA - N.A.
TOTAL BUILDUP AREA - N.A.

GENERAL NOTES

CULTIVATION

Cultivate all planting and turf areas by deep ripping to a depth of 300mm. Apply gypsum at a rate of 1kg/m² to ripped soil. Apply organic matter 200mm deep over ripped soil. Apply imported soil to prepared planting holes

IMPORTED SOILS

Imported soils to be standard "Allgrow/Garden King" premium garden blend or similar to AS4419 consisting of 60% composted organics, 40% mineral components and a pH of 6.0 - 7.0 and LawnCare to AS4419 consisting of 70% composted organics, 30% mineral components, and a pH of 6.0 - 7.0

PLANTING

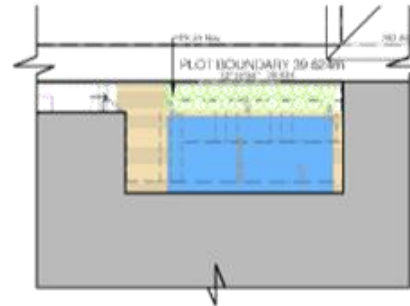
Plants shall be container grown, well formed, pest and disease free, true to species and nominated size. Apply agriform or similar slow release 10g fertilizer tablets 20-4, 3-4, 1. NPK to all plants at the following rates:

125mm pots - 1 tablet
140-200mm pots - 2 tablets
300mm pot - 3 tablets
45 litre bag - 4 tablets.

Plants are to be watered adequately to sustain healthy growth at a minimum of three times weekly for the first 12 weeks and once weekly when established.

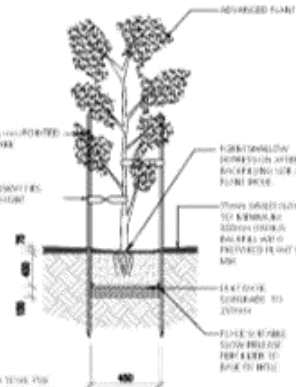
MULCHING

All garden areas to be mulched to a depth of 100mm with an organic mulch, e.g pine bark fines. Finish mulch flush with adjoining edges and ensure mulch depth is reduced around stem of plants. all weed matter should be removed prior to placement of mulches. Separate organic mulch from foundations and structures with a 300mm deep aggregate termite barrier.

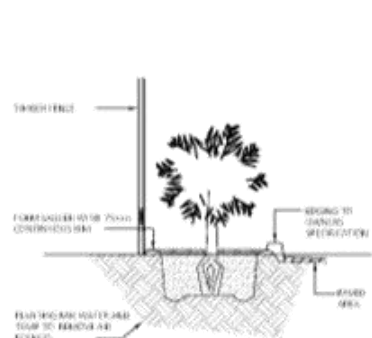


SYMBOL	BOTANICAL NAME	COMMON NAME	MATURE HEIGHT	Nos
BN	Blanfordia Nobilis	Christmas Bells	0.6m	5
PX	Philodendron Xandadu	Giant Winterbourn	0.5m	24 (GF)
PX	Philodendron Xandadu	Giant Winterbourn	0.5m	94 (L01)

1 PROPOSED LANDSCAPE PLAN - GF PART PLAN
SCALE 1:200

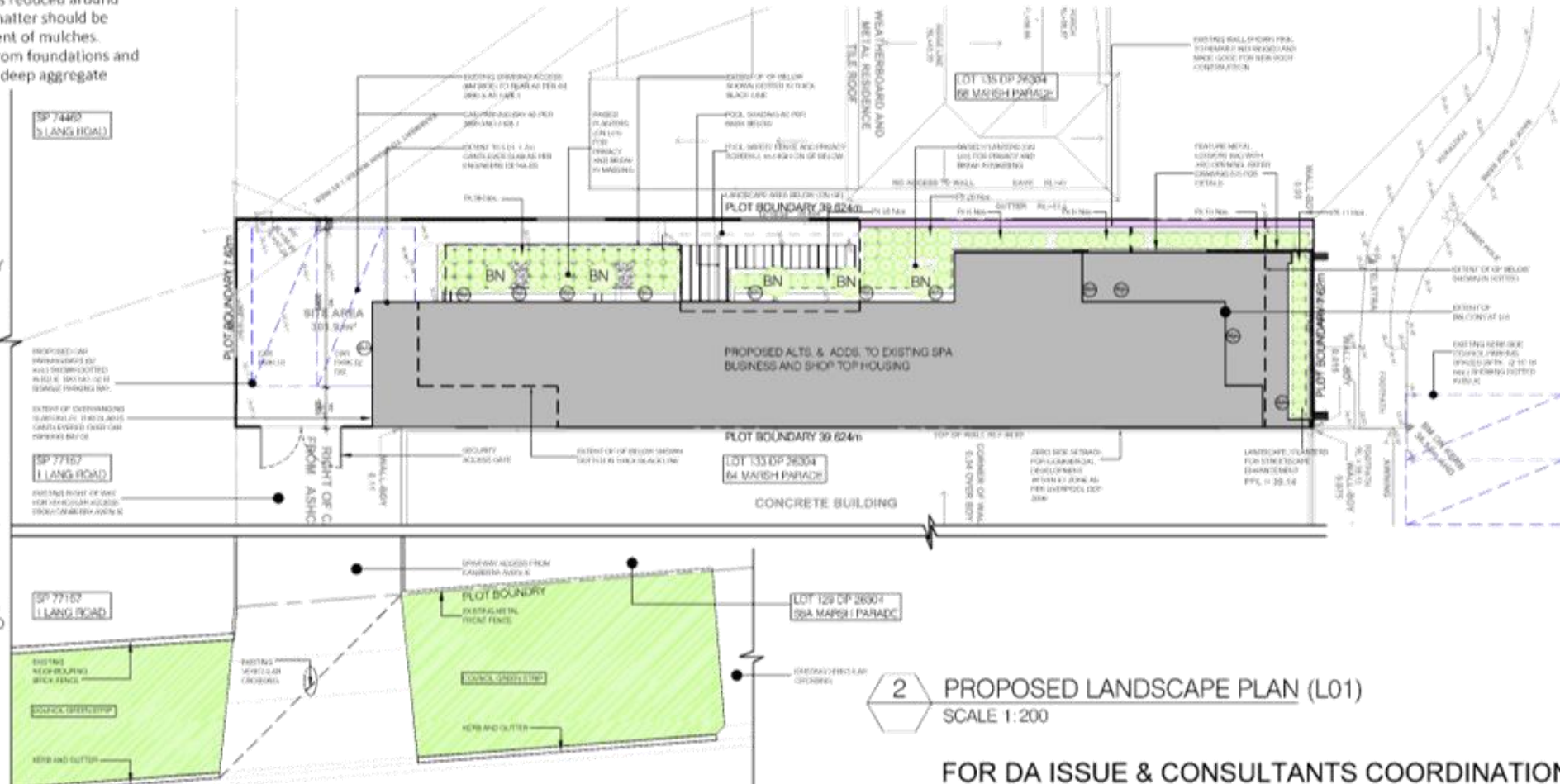


SHRUB PLANTING - MASS PLANTED AREAS
NOT TO SCALE

 NEW TREES
TO BE PLANTED

EXISTING TREES
TO REMAIN

EXISTING TREES
TO BE REMOVED



2 PROPOSED LANDSCAPE PLAN (L01)
SCALE 1:200

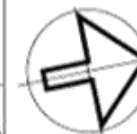
FOR DA ISSUE & CONSULTANTS COORDINATION



Rev:	Notes:	Date:	Project:
A	FOR DRAISSUE	14.01.25	Proposed Alts&Adds & ShopTop Housing 66 Marsh Parade Causala NSW 2170
			Client:

Drawing Title:
PROPOSED CONCEPT LANDSCAPE
(SKETCH-02)

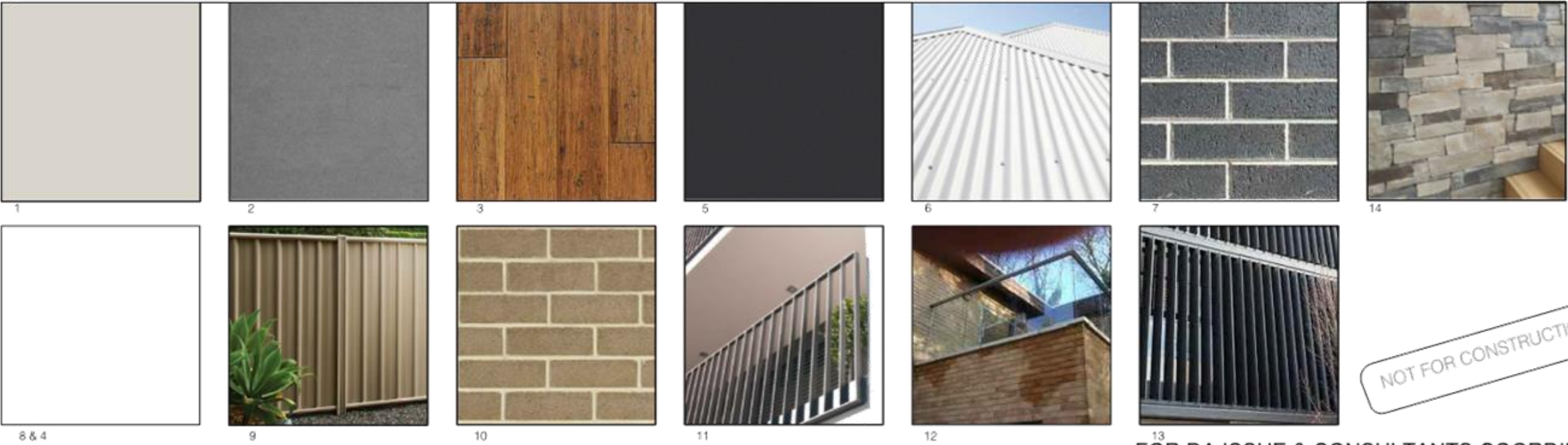
Drawn by ST/AK	Date: 28.06.24	Scale: 1:200 @ A3
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Job No.	Dwg No.	Rev.
052/24	420 OF 35 SHEETS	A

SCHEDULE OF MATERIALS AND FINISHES

ELEVATION / PLAN NOTATION	ELEMENT	MATERIAL	FINISH
WALL			
1.	PAINTED WALLS	FRAMED WALLS	PAINT - DULUX 'SURFMIST' OR SIMILAR
2.	TILED WALLS	TILES GLUED TO PLASTERBOARD WALL	TILES - CLASSIC CERAMICS 'FRASSINO' OR SIMILAR
FLOOR			
3.	LAMINATE FLOORING	BAMBOO FLOORING GLUED TO CONCRETE FLOOR	GENESIS 'BALINESE TEAK' OR SIMILAR
CEILING			
4.	PAINTED CEILING	SET PLASTERBOARD	PAINT - DULUX 'CEILING WHITE1' OR SIMILAR
WINDOWS			
5.	PAINTED WINDOWS	ALUMINUM POWDERCOTE	PAINT - DULUX 'MONUMENT' OR SIMILAR
ROOF			
6.	METAL SHEET ROOFING	ROOF STRUCTURE BASE	COLOURBOND 'STEEL SNOW' OR SIMILAR
WALL			
7.	EXTERNAL WALL	DOUBLE BRICK	PGH 'PEWTER' OR SIMILAR
WALL			
8.	EXTERNAL WALL	RENDERED BRICK / RENDERED FRAMED	PAINT - DULUX 'WHITE ON WHITE' OR SIMILAR
FENCE			
9.	PRE FINISHED FENCE	COLOURBOND	PAINT - 'PAPERBARK' OR SIMILAR
WALL			
10.	EXTERNAL WALL	DOUBLE BRICK	PGH 'MEGALONG VALLEY GREY' OR SIMILAR
BALCONY - BALUSTRADE			
11.	METAL BALUSTRADE	ALUMINUM POWDER COATED FRAME AND HANDRAIL	PAINT - DULUX 'MONUMENT' OR SIMILAR
BALCONY - BALUSTRADE			
12.	PRE FINISHED GLASS BALUSTRADE	SEMI-FRAMELESS GLASS IN ALUMINUM POWDER COATED FRAME AND HANDRAIL	SEMI-FRAMELESS GLASS PAINT - DULUX 'MONUMENT' OR SIMILAR
SUN LOUVERS (ML)			
13.	PRE FINISHED FIXED METAL LOUVERS	SLATTED ALUMINUM POWDERCOAT	'LOUVERTEC SUN LOUVERS' OR SIMILAR PAINT - DULUX 'MONUMENT' OR SIMILAR
WALL			
14.	EXTERNAL WALL	STONE CLADDED BRICK	STONE CLAD-PPM STONES 'STACKSTONES' OR SIMILAR



NOT FOR CONSTRUCTION

FOR DA ISSUE & CONSULTANTS COORDINATION

		Rev:	Notes:	Date:	Project:	Drawing Title:				Job No.	Dwg No.	Rev.
		A	FOR REVIEW & COMMENTS	16.10.24	Proposed Alts&Adds & ShopTop Housing 66 Marsh Parade Causala NSW 2170	FINISHES & MATERIAL BOARD (SKETCH - 02)				052/24	421	OF B
		B	FOR DA ISSUE	14.01.25								
					Client:		Drawn by	Date:		Scale:	35 SHEETS	
				ST/AK	28.06.24	NTS @ A3						

P R O P O S E D W M P (L O T 1 3 4 D P 2 6 3 0 4) S K E T C H - 0 2

DEVELOPMENT SUMMARY:

TOTAL SITE AREA	-	301.9sqm
PERMISSIBLE GFA	-	362.28sqm
EXISTING GFA	-	193.00sqm
PROPOSED ADDED GFA	-	177.62sqm
TOTAL PROPOSED GFA	-	370.62sqm
PERMISSIBLE FSR	-	1:1.20
ACHIEVED FSR	-	1:1.22

PERMISSIBLE GROUND COVERAGE

- N.A.

MIN. LANDSCAPE AREA

- N.A.

MIN. POS AREA DIMENSION 2.4m (MIN)

- 20sqm

TOTAL PROPOSED IMPERVIOUS AREA - N.A.
TOTAL BUILDUP AREA - N.A.

ACHIEVED GROUND COVERAGE

- N.A.

PROPOSED LANDSCAPE AREA
(1+2+3+4+5+6+7)

- N.A.

PROPOSED POS AREA

- 30sqm

COVERED VERANDAH & PORCH

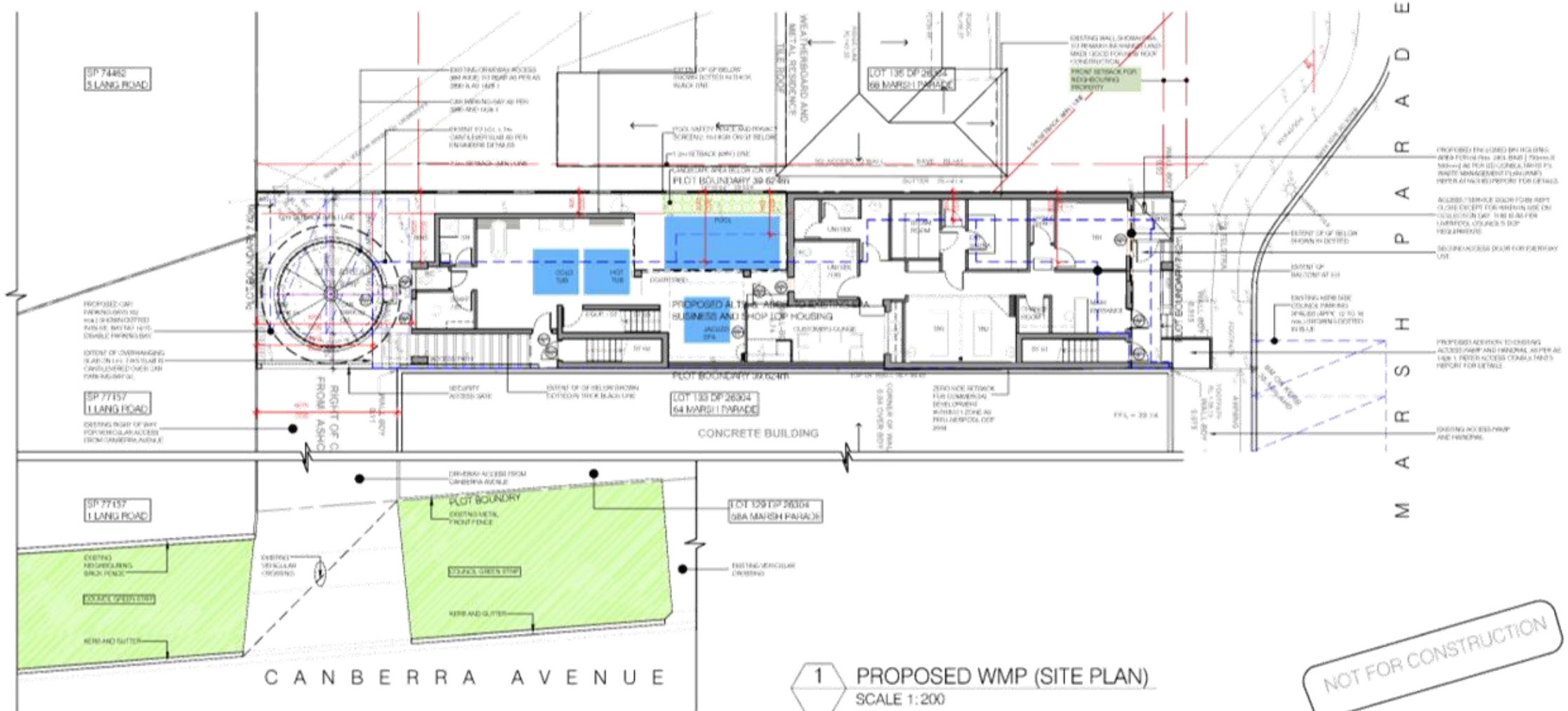
- N.A.

PROPOSED DEEP SOIL ZONE
(4mX4m minimum dimension)

- N.A.

NOTE 1:

SOME INFORMATION, THAT IS RELATED TO PROPOSED LOT1, HAS BEEN REMOVED FROM THIS DRAWING FOR EASY AND FOR AVOIDING CONFUSION. REFER SITE PLAN DWG. NO. 210 [A] FOR DETAILS.



1 PROPOSED WMP (SITE PLAN)
SCALE 1:200

NOTE 2:

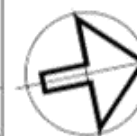
ALL PROPOSED WASTE MANAGEMENT AND OR WASTE PICK-UP RELATED INFORMATION FOR 66 MARSH PDE (JOB SITE) IS AS PER WMP REPORT PREPARED BY LID CONSULTING P/L. THIS DRAWING, DWG NO. 422 [A], IS ONLY FOR LID CONSULTING'S USE (AND COUNCIL'S REFERENCE). NO CONSENT IS GIVEN BY US FOR ANY THIRD PARTY USE.

FOR DA ISSUE & CONSULTANTS COORDINATION

RHIZOME

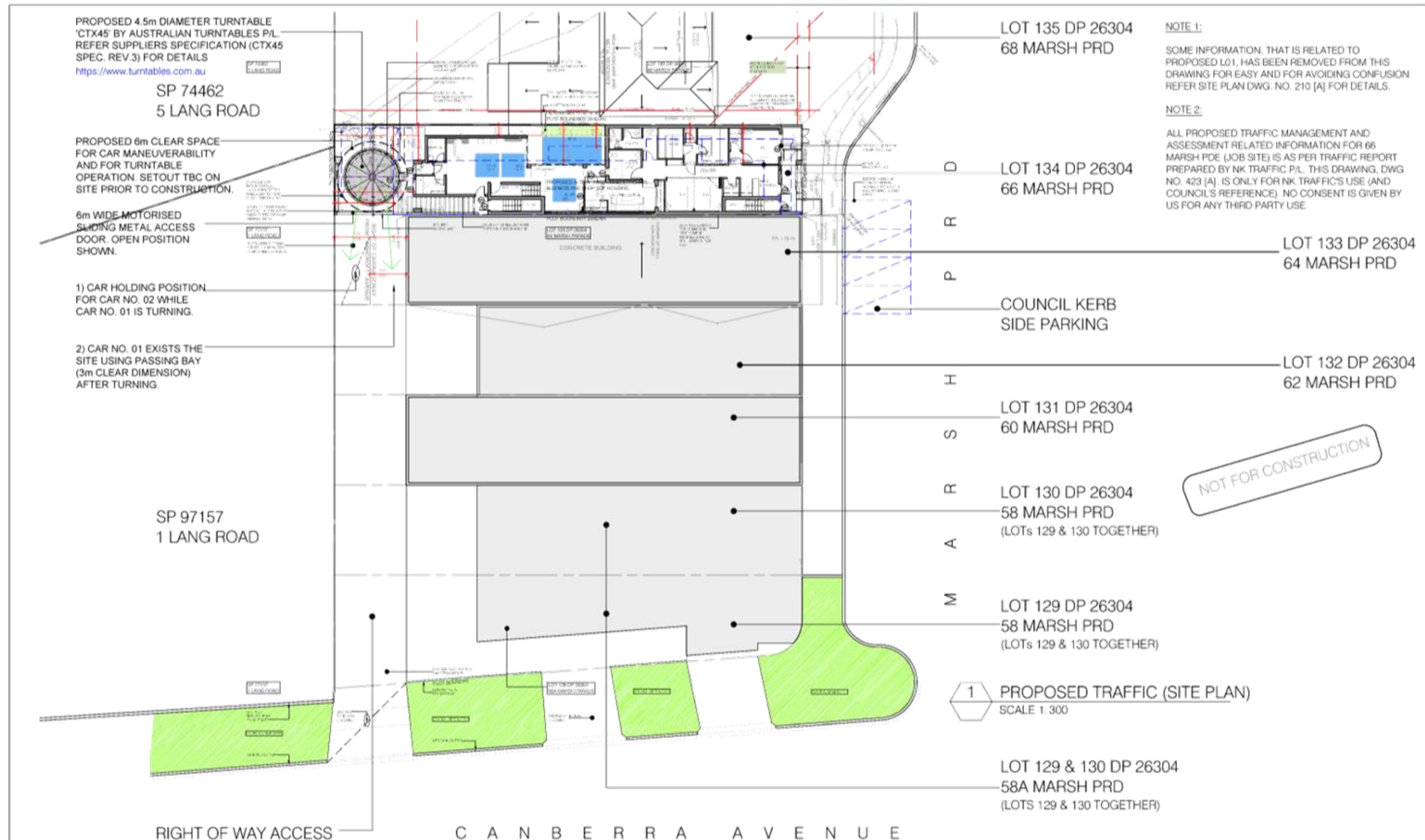
Rev.	Notes	Date	Project
A	FOR RFPs NO.01 (5 MAY 25) ISSUE	13.05.25	Proposed Apts&Adds & ShopTop Housing 66 Marsh Parade Casula NSW 2170
B	FOR RFPs NO.01 (5 MAY 25) ISSUE	03.06.25	
			Client:

Drawing Title:	PROPOSED WMP (SITE PLAN) (SKETCH-02)
Drawn by:	ST/AK
Date:	28.06.24
Scale:	1:200 @ A3



Job No.	Dwg No.	Rev.
052/24	422	OF B
		35 SHEETS

PROPOSED TRAFFIC (SITE PLAN) (LOT 134 DP 26304) **SKETCH-02**

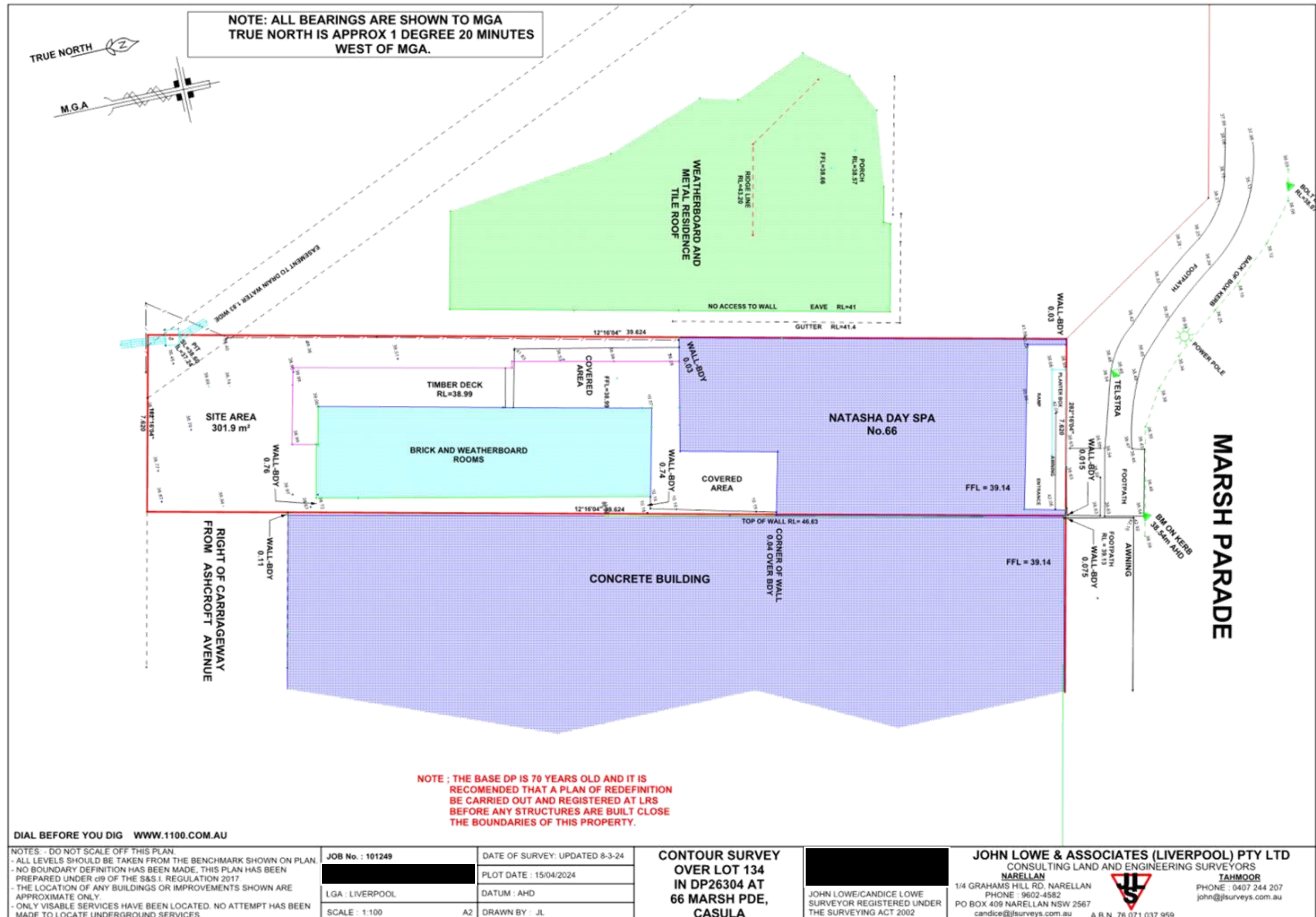


NOTE 1:
SOME INFORMATION, THAT IS RELATED TO PROPOSED LOT 1, HAS BEEN REMOVED FROM THIS DRAWING FOR EASY AND FOR AVOIDING CONFUSION. REFER SITE PLAN DWG. NO. 210 [A] FOR DETAILS.

NOTE 2:
ALL PROPOSED TRAFFIC MANAGEMENT AND ASSESSMENT RELATED INFORMATION FOR 66 MARSH PDE (JOB SITE) IS AS PER TRAFFIC REPORT PREPARED BY NK TRAFFIC P/L. THIS DRAWING, DWG NO. 423 [A], IS ONLY FOR NK TRAFFIC'S USE (AND COUNCIL'S REFERENCE). NO CONSENT IS GIVEN BY US FOR ANY THIRD PARTY USE.

FOR DA ISSUE & CONSULTANTS COORDINATION

RHIZOME		Rev:	Notes:	Date:	Project:	Drawing Title:				Job No.	Dwg No.	Rev.
		A	FOR RFPs NO 01 (5 MAY 25) ISSUE	29.05.25	Proposed A/Is&Adds & ShopTop Housing 66 Marsh Parade Causala NSW 2170	PROPOSED TRAFFIC (SITE PLAN) (SKETCH-02)				052/24	423	C
		B	TURNABLE MARK-UP FOR CONSULTANTS DISCUSSION	30.05.25		Drawn by ST/AK	Date: 28.06.24	Scale: 1:300 @ A3				
		C	FOR RFPs NO 01 (5 MAY 25) ISSUE	03.06.25								

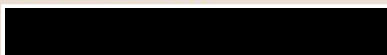




CLAUSE 4.6 VARIATION FOR BUILDING FRONTAGE

Alterations and additions to an existing single storey commercial premises for the purpose of a shop top housing development.

On Behalf Of



Prepared By
Planwave Pty Ltd

Project Site

66 Marsh Parade,
Casula



Planwave Pty Ltd

ABN: 24 671 937 474
contact@planwave.com.au
www.planwave.com.au

Report Contact

Boris Santana
Managing Director



24 February 2025

Revision history		
Issue Reference	Issue Date	Issue Status
A	21 February 2025	Draft
B	24 February 2025	Final

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1. Introduction

This Clause 4.6 Variation Request relates to the Development Application (DA) for alterations and additions to an existing single-storey commercial premises to accommodate a shop-top housing development at 66 Marsh Parade, Casula. This written request seeks to vary the development standard for minimum building street frontage under Clause 7.14 of the Liverpool Local Environmental Plan (LLEP) 2008.

Please note that this request should be read after familiarising oneself with the Statement of Environmental Effects (SEE), as it contains key information that should be kept in mind when considering the merits of the Clause 4.6 variation request.

This Clause 4.6 Variation Request demonstrates that compliance with the development standard is unreasonable and unnecessary in the circumstances of this particular case. The variation allows for a development that represents the orderly and economic use of the land, in a manner that is appropriate when considering the site's context, and therefore provides a good outcome on environmental planning grounds.

This Clause 4.6 Variation Request demonstrates that, notwithstanding the noncompliance, the proposed development:

- is consistent with and achieves the objectives of the development standard in Clause 7.14 of LLEP 2008 (Wehbe Test 1); and
- provides sufficient environmental planning grounds to justify the contravention.

Accordingly, the proposed development can be approved as proposed, in accordance with Clause 4.6 of LLEP 2008.

2. Clause 4.6 Exceptions to Development Standards

Clause 4.6 of LLEP 2008 permits the consent authority to grant development consent for a development even though the development would contravene a development standard imposed by LLEP 2008. The objectives in Clause 4.6 are as follows:

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

The Clause goes on to provide the following:

- 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 is satisfied that 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.*

Note—

The Environmental Planning and Assessment Regulation 2021 requires a development application for development that proposes to contravene a development standard to be accompanied by a document setting out the grounds on which the applicant seeks to demonstrate the matters in paragraphs (a) and (b).

This document constitutes the written request required by Clause 4.6(3) in relation to the proposal's breach of the minimum building street frontage.

3. The Development Standard to be Varied

As noted earlier, this Clause 4.6 Variation Request has been prepared as a written request seeking to vary Clause 7.14 under LLEP 2008. Clause 7.14(1)-(2) states the following:

- 1) *The objectives of this clause for the control of building frontage to streets 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.*
- 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 or E1 Local Centre, or*
 - c) *any residential flat building.*

The subject site has a street frontage of 7.6 metres and proposes a two-storey development plus an attic floor level. The variation sought is 16.4 metres (a 68.3% variation from the required street frontage).

4. Planning Assessment

4.1. Clause 4.6(3)(a) – Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

Wehbe v Pittwater Council [2007] NSWLEC 827 and Williams v Kuring-gai Municipal Council [2017] NSWLEC 1098 identified several approaches of establishing that compliance with a development standard might be unreasonable and unnecessary. Wehbe Test 1, as described in Williams, is relevant to the proposed variation to the FSR development standard:

- Wehbe Test 1: The objectives of the standard are achieved notwithstanding noncompliance with the standard.

Furthermore, it is noted that in Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118, it was determined that a development does not have to demonstrate that the noncompliant aspect should have a neutral or beneficial effect, relative to a compliant development.

Wehbe Test 1 – Objectives of the standard

An assessment against the objectives of the development standard is provided below:

(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,

A two-storey shop-top housing development is proposed, featuring a pitched roof that incorporates an attic floor level. The first two storeys of the proposal have been thoughtfully designed to align with the vertical and horizontal proportions of the adjoining properties at 62 and 64 Marsh Parade, ensuring consistency with the established commercial character. A pitched roof is proposed above the first floor to reflect the roof forms characteristic of surrounding residential structures.

While some habitable floor space in the attic extends beyond the roofline, both the roof and attic are well recessed from the first floor, sit substantially below the maximum height limit and will be effectively screened by the front feature louvres, helping to maintain the primacy of the two-storey form within the streetscape. Accordingly, the design results in a proposed development that is compatible with the existing and desired character of the locality.

(b) to ensure that vehicular access is reasonably spaced and separated along roads and lanes,

Vehicular access to the site is currently provided via a right of carriageway off Ashcroft Avenue, and this arrangement will remain unchanged as part of the proposed development. Importantly, the introduction of the attic floor level will not affect the functionality of the existing access nor create a need for additional vehicular access. The current access will continue to adequately service both the subject site and the adjoining commercial properties.

(c) to provide appropriate dimensions for the design of car parking levels,

The proposal incorporates two additional parking spaces at the rear of the site to accommodate the proposed dwelling house. It is important to note that at least two parking spaces are required for the dwelling house, regardless of the attic floor level.

(d) to encourage larger development of commercial office, business, residential and mixed use buildings provided for under this Plan.

Amalgamation of adjoining properties is not considered necessary in this instance. The reasons for this are outlined in further detail below.

The proposed development comprises a single dwelling above ground-floor commercial space. However, unlike 62 Marsh Parade, where the entire dwelling was built from boundary to boundary on one level, this proposal incorporates an attic floor level. This attic floor level has been proposed because the subject site adjoins a residential property to the west, preventing a similar zero-setback approach to 62 Marsh Parade. In the circumstances, it is not reasonable to expect strict compliance with the development standard.

Furthermore, it is not considered that the proposed development results in the isolation of adjoining commercial properties. The commercial properties between 58–64 Marsh Parade have the potential to amalgamate with each other in order to achieve a combined site frontage of 24 metres. Additionally, it is considered that some of these properties have already been reasonably developed in accordance with applicable planning objectives and controls, meaning there is no real incentive to amalgamate into a larger development site.

More specifically, with regard to the commercial properties closest to the subject site:

- 62 Marsh Parade – comprises a shop-top housing development with an FSR of 1.15:1 that was approved by Council as recent as 2015, and

- 64 Marsh Parade – comprises a two-storey commercial development that has already maximised its building footprint. This property could also be converted to a shop-top housing development, similar to 62 Marsh Parade.

While it could be argued that the property at 60 Marsh Parade is isolated, it has already been isolated by virtue of the shop top housing development at 62 Marsh Parade. Nevertheless, this property still has the option to amalgamate with 58 Marsh Parade or be developed for shop-top housing in a manner like 62 Marsh Parade.

Given the above, the proposed development is consistent with this objective of the development standard.

4.2. Clause 4.6(3)(b) – Are there sufficient environmental planning grounds to justify contravening the development standard?

The shop top housing development at 62 Marsh Parade did not need to consider the minimum building frontage requirement, as the dwelling was fully contained on the first floor by building boundary to boundary. However, as the subject site adjoins a residential property, it is prevented from adopting a similar boundary-to-boundary approach, resulting in an attic floor level. It is unreasonable to enforce strict compliance with the development standard due to this circumstance.

Furthermore, although the proposed habitable space within the attic extends beyond the roofline, it remains part of the dwelling house. In this case, the attic and roof are both well recessed from the first floor, sit substantially below the maximum height limit and will be effectively screened by the front feature louvres. The proposed development remains visually compatible with its surroundings while minimising any adverse amenity impacts.

Moreover, it is noted that the proposal will not result in the isolation of adjoining commercial properties or hinder any potential future amalgamation should owners decide it in their interest to do so. Enforcing strict compliance with the development standard offers no clear planning benefit when the proposal aligns with the objectives of the standard, and strict compliance would lead to the unnecessary loss of development potential.

In conclusion, the proposed development achieves the orderly and economical use of the site while delivering a high-quality design outcome that is unlikely to adversely impact its surroundings.

5. Conclusion

This written request under Clause 4.6 of LLEP 2008 seeks to vary the minimum building frontage of 24m applicable to the proposal. The variation sought is 16.4 metres (a 68.3% variation to the required street frontage). The proposal will provide a good planning outcome without adverse environmental impacts.

The written request demonstrates:

- The proposed development is consistent with and achieves the objectives of the development standard under Clause 7.14 of the LLEP 2008 (Wehbe Test 1);
- There are sufficient environmental planning grounds to justify the contravention of this development standard;
- The proposed development is consistent with Section 1.3 of the EP&A Act 1979 including, to promote both the orderly and economic use and development of the land, as well as good design and the amenity of the built environment.

Having regard to the above and considering the findings from our assessment of the matters for consideration listed under Section 4.15(1) of the EP&A Act, it is recommended the proposed development be considered favourably by Liverpool City Council.

LIVERPOOL CITY COUNCIL
NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION
Attachment A: Reasons for Refusal

Application number	DA-137/2025 PAN-518404
Applicant	A AND K ENGINEERING GROUP PTY LTD PO BOX 213 GREENACRE NSW 2190
Description of development	Proposed Alts & Adds to existing Spa Business and Shop Top Housing (01 dwelling).
Property	66 MARSH PARADE CASULA NSW 2170 LOT 134 DP 26304
Determination:	Refused Consent Authority - Local Planning Panel
Date of determination	28/07/2025

Under section 4.18(1) of the EP&A Act, notice is given that the above development application has been determined by refusing consent using the power in section 4.16(1)(b) of the EP&A Act, for the reasons specified below:

Reasons for refusal

1. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with the requirements of Clause 2.120 of the State Environmental Planning Policy (Transport and Infrastructure) 2021, as the consent authority cannot be satisfied that appropriate measures will be taken to ensure compliance with the clause.
2. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with the requirements of Clause 4.6 of the State Environmental Planning Policy (Resilience and Hazards) 2021, as the consent authority cannot be satisfied that the land is not contaminated, or is suitable in a contaminated state for the proposed use, or can be remediated to be made suitable for the proposed use.
3. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with the provisions of the Liverpool Development Control Plan 2008, in relation to the following sections:
 - a) Part 1 - General Controls for all Development:
 - i. Section 10 - Contaminated Land Risk, as the applicant has not adequately demonstrated that the subject site is either not contaminated, able to be remediated or suitable in a contaminated state for the proposed development;
 - ii. Section 20 - Car Parking and Access, as the proposed development does not meet the parking provision requirements;
 - b) Part 6 - Development in Business Zones:
 - i. Section 12 - Shop Top Housing, Sub-section 12.4 Amenity and Environmental Impact, as the applicant has not adequately demonstrated that the subject site is not adversely affected by road noise or that road noise will be appropriately mitigated.
4. Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, insufficient information has been provided to demonstrate the proposed development would not have a detrimental impact on the natural and built environments, and detrimental social impacts, due to a lack of clarity around land contamination and acoustic impacts.
5. Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, insufficient information has been provided to demonstrate the site would be suitable for the proposed development, due to potential land contamination and acoustic impacts.
6. Pursuant to Section 4.15(1)(d) of the Environmental Planning and Assessment Act 1979, the proposed development has been deemed unsatisfactory by Council's Environmental Health and Traffic and Transport sections due to insufficient information.
7. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed

development is not considered to be in the public interest.

Right of appeal / review of determination

If you are dissatisfied with this determination:

Request a review

You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 6 months from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.