MATTERS FOR
LIVERPOOL LOCAL PLANNING PANEL
DETERMINATION

Monday 25th November 2019

To be held at the
"Gold Room, Liverpool Library"
170 George Street
Liverpool

Doors open at **1:45 PM** to commence at **2:00 PM**

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

Should you wish to address the Panel, please advise Danielle Hijazi, Panel Support Officer on 8711 7627 or 1300 36 2170, by 4pm, Friday, 22nd November 2019.

LIVERPOOL CITY COUNCIL

LOCAL PLANNING PANEL REPORT

25 November 2019

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

ITEM No.	SUBJECT	PAGE No.
1	**Development Application DA-995/2017** Demolition of two (2) existing dwellings, construction of residential flat building with twenty three (23) units over five (5) storeys with basement carparking Lots 18 & 19 DP 236405 32 - 34 Mckay Avenue, Moorebank	**2-86**

Item no:	1
Application Number:	DA-995/2017
Proposed Development:	Demolition of two (2) existing dwellings, construction of residential flat building with twenty three (23) units over five (5) storeys with basement carparking.
Property Address	32 - 34 Mckay Avenue, Moorebank
Legal Description:	Lots 18 & 19 DP 236405
Applicant:	Fab Siqueira Pty Ltd
Land Owner:	Mr William Bradley, Brad and Ainsley Thompson
Cost of Works:	$5,755,970
Recommendation:	Approve subject to conditions of consent
Assessing Officer:	Emmanuel Torres

1. EXECUTIVE SUMMARY

Council has received a Development Application (DA-995/2017) seeking consent for the demolition of two (2) existing dwellings, construction of residential flat building with twenty three (23) units over five (5) storeys with basement carparking at 32 - 34 Mckay Avenue, Moorebank.

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

The development application was advertised/notified for a period of 14 days from 6 to 20 December 2017 in accordance with Liverpool Development Control Plan 2008. 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:

- waste disposal;
- increased population & traffic management;
- not in the public interest;
- adequate and appropriate trees and landscaping; and
- bulk and scale.

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 sensitive development as the application is for a development to which State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development applies and is 4 or more storeys.

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

2. SITE DESCRIPTION AND LOCALITY

2.1 The locality

The area is characterised by low density residential development. The site is located in Moorebank directly across the local public school (Nuwarra Public School) and approximately 100m from the Moorebank Library and Community Centre, 200m from the local shopping centre (Moorebank Plaza) and 850m to the nearest public high school (Moorebank High School) to the northeast. It is approximately 3.2 km from Liverpool Railway Station with access to connecting bus services.

The subject site is surrounded by single storey dwelling houses on large lots. The houses generally have deep front setbacks and sizeable back yards. An aerial photograph of the locality is provided below:

Figure 1 – View of the site from Mckay Avenue (Source: Geocortex)

2.2 The site

The subject site is identified as Lots 18 & 19 of DP 236405 and is located at 32-34 Mckay Avenue, Moorebank. The location and zoning of the site is shown below in Figures 1 and 2. The subject site has a total land area of 1391.1m² with a frontage width 37.045m to McKay Avenue to the south. The side boundaries are 40.850m and 37.53m and to the east and west, respectively. The rear boundary is 37.53m.

The site slopes approximately 3.6% from its highest point on the rear northeast corner (24.48AHD) to the southwest corner at its lowest point (22.33 AHD).

Figure 2: No.32-34 Mckay Avenue (View from the street looking west)

3. BACKGROUND/HISTORY

The current DA was lodged on 20 November 2017. Prior to that, additional information was requested by Council for lack of complete documentation for the application to progress. Subsequently, a number of design changes occurred to respond DEP issues and comments from various Council departments.

The current plans are now updated to achieve design improvements in relation to a number of issues such as amenity, accessibility, floor plan layouts, setbacks, crime and prevention and car parking.

3.1 Design Excellence Panel

The application was considered by the Design Excellence Panel (DEP) on 17 May and 18 October 2018. In addition, two subsequent electronic reviews were conducted by the DEP with minutes provided for Review 1 on 18 December 2018 1 and Review 2 held on 8 February 2019.

A summary of the DEP comments and applicant's responses or Council's comments are outline in the following tables.

17 May 2018 DEP Meeting	
DEP Comments	**Response**
The proposed 4.6m wide ramp connecting the 2 basement levels appears unworkable. Turning onto the ramp, transition and cars passing each other appears to be problematic. The applicant will need to demonstrate that the ramp design complies with the relevant Australian Standard. The applicant advised that a safety mirror will be introduced to the ramp to increase drivers' visibility.	The revised plans shows a relocated ramp with a width of 6m. A detailed cross section of the ramp was also provided with the proposed gradients. Council traffic engineer has reviewed the plans including access and car parking design and considered it to be acceptable.

The Panel appreciates that the ADG encourages open corridors for light and ventilation purposes. Open corridors are supported by the Panel. There were discussions on whether open corridors should be included as floor area when calculating FSR. The Panel is of the view that extended open corridors should be included as floor area for the purposes of FSR calculation.	The revised plans were reviewed and the gross floor area calculations that included the open corridors and lift lobby areas as per the DEP's comment are as follows: Ground Level = 393.3m^2 Levels 1-3 = 1,179.9 (393.3m^2 x 3) Level 4 = 272.8m^2 Total GFA = 1,846m^2 Site Area =1,397m^2 Proposed FSR = 1,846m^2/1,397m^2 = 1.32 > Maximum FSR for the site is 1:1.2; the proposal provides 0.12 FSR or 167.64m^2 over the LLEP 2008 development standard. <u>Council Comment</u> The applicant did not adopt the calculation methodology proposed by the Panel as a result of a meeting with Council staff on 1 October 2019. The adopted methodology **excludes** the corridors and lift lobby areas. The reason being both ends of corridors from levels 1, 2, 3 and one end of Ground and Level 4 are not enclosed are excluded in GFA calculations. The revised calculations, excluding corridors provides the following: GFA = 1655.30/ Site area =1397 = 1.185:1 FSR < 1:1.2 FSR. Complies. Notwithstanding comments from the DEP, Council is of the opinion that the FSR of the proposal is acceptable and achieves compliance with the LLEP 2008.

<table>
<tr>
<td>The Panel notes that the setbacks to the side and rear boundaries do not comply with the ADG on the top level (Level 4). A minimum of 9m setback to the outer balcony edges is required to the side and rear boundary in accordance with the ADG.

The non-compliance with the ADG in respect to setbacks/building separation is problematic, in that it results in amenity issues with adjoining sites and for future residents of the subject proposal. The encroachment into the setback zone would require adjoining sites, if they were re-developed, to provide greater setback to comply with the required ADG building separation requirements. It is unreasonable to impose such condition upon adjoining sites.</td>
<td>The revised plans were reviewed and shows that all setbacks comply with the ADG.

<u>Comment</u>

The revised application now complies with all setback requirements in the ADG & LDCP as shown in the table below:
<table>
<tr><th>Setback/ Building Separation</th><th>Ground</th><th>Level 1-3</th><th>Level 4 Rooftop</th></tr>
<tr><td>Front = 5.5m (DCP)</td><td>5.5m</td><td>5.5m</td><td>5.5m</td></tr>
<tr><td>East = 6m (ADG)</td><td>7m</td><td>6m</td><td>9m</td></tr>
<tr><td>West = 6m (ADG)</td><td>8m</td><td>7m</td><td>10m</td></tr>
<tr><td>Rear/South = 9 (ADG)</td><td>8m</td><td>8m</td><td>9m</td></tr>
</table>
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<tr>
<td>The south facing units facing the street would have difficulties in achieving the required solar access of the ADG. Living rooms of some of the units may not provide sufficient solar access. The Panel questioned whether 70% of the apartments would receive the required ADG solar access. Design solutions may include the possibility of swapping the 3 south facing apartments with the rear units to improve solar access. The entry sequence to the building could be reduced if the apartments were flipped.</td>
<td>Achieves 91% or 21 of 23 Units as follows:

Ground Floor = Units 001,002,003,004 & 005

Level 1 = Units 101, 103, 104, 105

Level 2 = Units 201, 202, 203, 204, 205

Level 3 = Units 301, 302, 303, 304, 305

Roof Level = Units 401 & 403

Revised plans achieves more than 70%</td>
</tr>
<tr>
<td>The internal arrangements of some units do not adequately take advantage of solar access. They appear to have been designed as inboard units.</td>
<td>Units have been rearranged to maximise the number of units facing north when compared to previous revisions.</td>
</tr>
<tr>
<td>The egress path through the communal open space affects the usability and amenity of the Communal Open Space. COS should be consolidated into a large parcel that can be used for various activities. Potential to move the seating to the north-east corner rather than facing the POS of the rear unit.</td>
<td>COS has been consolidated at the northern portion of the site as compared to a previous revision of the design.</td>
</tr>
<tr>
<td>The extent of FC cladding along the sides of the building appears excessive and consideration should be given to introduce an alternative balance of materials and finishes to further enhance the appearance of the building.</td>
<td>Amount of FC cladding has been reduced.</td>
</tr>
<tr>
<td>Consideration must be given by the applicant to the quality of materials and finishes. All apartment buildings are to be made of robust, low maintenance materials and be detailed to avoid</td>
<td>Design was amended to remove rendered walls. All façade materials now will be robust, low maintenance and high quality.</td>
</tr>
</table>

staining weathering and failure of applied finishes. Render is discouraged.	
The panel recommends a minimum 3050 to 3100mm floor-to-floor height so as to comfortably achieve the minimum 2700mm floor-to-ceiling height as required by the ADG.	This comment refers to a superseded version of the plans. This has been addressed in later revisions of the plans.
Sectional drawings at a scale of 1:20 of wall section through with all materials, brickwork, edging details to be submitted.	The building has very standard construction with no unusual details. If required, this can be provided at CC stage by the use of a DA condition to ensure the execution of this requirement.

The panel considered the scheme to be unacceptable and required a re-referral after the abovementioned comments were incorporated in the design. An electronic lodgement of the revised scheme was considered by the panel on 18 October 2018. A summary of the issues raised is outlined in the tale below.

18 October 2018 DEP Meeting	
DEP Comments	**Response**
Review the entry design. Provide equal (DDA compliant) access at the primary entry. Ensure weather protection is provided at the entry. The design should accommodate a lobby as part of the arrival sequence. The entry should include be generous spaces that allows for easy access and the ability to wait in the space comfortably.	DDA compliant main entry was provided at some point but changed by Council request. DDA compliant entry is provided at the secondary entry. Centrally located DDA compliant entry is impossible due to the slope of the land.
Landscape Architecture design is of low quality. At the street edge. This impacts the private and public spaces and their relationship. 1:25 sections are required through the various thresholds to better understand the edge treatment relationship.	An improved landscaping plan has been provided, including planter section details.
Increase the planter width and relocate the visual screen / fence to maintain the privacy of the residents. Relocate the screen to the outside of the plantings area.	Planters have been made wider and provided with screening.
Review apartment layout to improve solar access and cross ventilation. Specifically review the arrangement of bedrooms and living spaces to ensure living spaces are receiving maximum solar access.	Bedrooms and living spaces have been rearranged to maximise solar access to living areas.
Review the detailing for the external cladding. The wrong detailing can result in a poor visual outcome. Ensure the interface between materials is detail of where each material meets is carefully considered and well detailed well.	Façade aesthetics have been improved.
Examine a different balustrade design particularly at the lower levels to provide for	Balustrade is now solid up to 700mm in high, with

privacy – glass results in privacy issues.	glass only above that point to improve privacy.
Reduce the unnecessary building articulation, separation of the building uses and open space with better internal planning. Simple layout reconfigurations will result in a much better planned (designed) building.	Open spaces between units have been deleted.
Increase the size of the windows on the eastern building façade design.	Those windows have been increased.
The panel recommends a minimum 3050 to 3100mm floor-to-floor height so as to comfortably achieve the minimum 2700mm floor-to-ceiling height as required by the ADG.	Floor-to-Floor height is now 3050mm as requested.
Sectional drawings at a scale of 1:20 of wall section through with all materials, brickwork, edging details to be submitted.	The building has very standard construction with no unusual details. If required, this can be provided at CC stage by the use of a DA condition to ensure the execution of this requirement.

DEP Electronic Review 1 – Received on 18 December 2018	
DEP Comments	**Response**
The entry sequence reflects the Panel's suggestion, it is poorly executed. There are conflicts with excape stairs from the basement and the balcony/courtyard to Unit 002.he entry sequence should be better defined, appropriately landscaped and of a width more suitable to the principal entry to the building rather than an escape path It would be preferable for the existing courtyard to the eastern side of Unit 002 to be deleted and for Basement exit stair to be relocated elsewhere.	Entry sequence has been redesigned to remove the mentioned conflicts.
Have concerns about the bin room location immediately adjacent to the entry sequence. It is not clear whether the series of bin rooms on each level provide for a chute or whether waste is to be stored in each of the bin rooms. It would be useful to understand how the proposed waste system will operate.	The design has been amended and the bin room is not located adjacent to the main entry anymore. However, it is located close to the secondary entry which is convenient for waste collection. A detail of the room has been provided indicating the use of a chute.
DA16 – poor relationship between bedroom and bathroom particularly given that Unit 104/204/304 are one-bedroom apartments and the current plan would require a very circuitous route from bedroom to bathroom. The opportunity to provide direct access from Bedroom to Bathroom should be explored. Also note that Bedroom 1 dimension is 2510 against the ADG requirement of 3000.	Access to bathrooms in those units has been simplified and is now closer to the bedroom. Bedroom dimensions have been increased.
DA17 – Unit 401 appears to be deficient, with Bedroom 1 effective depth less than the ADG requirement of 3000.	Bedroom 1 in unit 401 has now 3m width when excluding the wardrobe
DA34 – Strata Plans do not appear to reflect Ground Floor lobby area which is shown to be "exterior area". DA35 and DA36 Strata Plans do not appear to extend and provide for access to the bin rooms given that the common area appears to stop short of the doorways to the bin rooms.	Council Comment Strata approval no longer sought.

There are no supporting landscape plans which would have highlighted the lack of an appropriate entry sequence from the street to the principal entry. The landscape plans would also be helpful to clarify the relationship between Private Open Space and Communal Open Space.	Amended landscaping plan has been provided.

DEP Electronic Review 2 – Received on 8 February 2019	
DEP Comments	**Response**
Entry sequence is improved and amenity around main entrance enhanced to a satisfactory level. Landscaping has greatly improved this and must be mandated in any approval conditions that may apply to a future consent.	Please provide a DA condition to ensure compliance with Landscaping requirements.
The Panel is still concerned about the bin storage facility inside the main entrance and expect the anticipated use and impacts of this to be explained and resolved with LCC planning team during DA assessment.	The design has been amended and the bin room is not located adjacent to the main entry anymore. However, it is located close to the secondary entry which is convenient for waste collection. A detail of the room has been provided indicating the use of a chute.
Landscape plans provided are satisfactory with some clear thinking around front boundary treatment and privacy to street frontage. See first bullet point above. All planter box details must incorporate set downs in slabs to prevent failure in future.	Set down construction details can be provided at CC stage as part of the structural engineering drawings. Please provide a DA condition to ensure this.
In general, the external detailing of the facades relies heavily on applied, lightweight and painted surfaces. We encourage council to condition a high level of quality in the delivery of these proposed finishes to prevent deterioration and onerous maintenance burdens on future resident	DA condition to ensure high quality materials.

In its final review (Review 2), the Panel deemed the proposal to be acceptable.

4. DETAILS OF THE PROPOSAL

The development application is for the demolition of existing structures and construction of a five (5) storey residential flat building containing 23 residential units above basement parking as shown on the figure below.

Figure 3 – Site Plan and Street Elevation (Source: Fab Siqueira Architect)

Details of the proposal are provided as follows:

Element	Proposed
Site Area	1,397m^2
FSR	Site area=1397 Proposed GFA = 1,676.39m^2 FSR = 1676.39/1397 = 1.2 = 1.2:1 Note: GFA excludes open area corridors on Levels 1-3.
Residential Units	Total of 23 residential units. Dwelling mix as follows: • 10 x 1 bedroom (43%) • 12 x 2 bedroom (52%) • 1 x 3 bedroom (5%)
Height	15.45m max.
Storeys	Five (5) storeys
Front Setback	5.6m
Side Setbacks	Ground to Level 2 (upto 10m in height) = 6m Levels 3 & 4 = (10m and above) = 9m
Rear Setback	8.0m
Car parking spaces	39 Basement parking spaces including: Two (2) disabled spaces Six (6) visitor spaces

Building Form and Design

The building outline is appropriately set back from the site boundaries with the frontage designed to align with the curvature of the property boundary. In effect, the front elevation is articulated by a combination of varied wall planes punctuated by balconies and well-proportioned window openings. Use of contrasting material finishes, colours and geometry.

Communal Open Space (COS) and Landscaping

Communal Open Space (COS) is located at the rear of the site elevated 450mm above the ground floor level. This north oriented space has an area of 429.2m^2 (30%) and is accessible to the residents from the street frontage and the side lobby entry through a 1m wide footpath that runs along the eastern side of the building. It features a turfed outdoor open space, seating areas and BBQ facilities.

Planting incorporates a mix of canopy trees, shrubs and hedges and accent plants of native and exotic variety. Landscaping is also provided within the front setback of the site including fencing, paving and street trees.

Access and Parking

The proposal includes construction of a driveway to the basement level with direct access from Mackay Avenue at the western end of the site. The proposed development includes one level of basement car parking incorporating the following:

- 39 residential parking spaces (including 10 tandem spaces, 3 visitors parking and 1 disabled parking);
- Waste room;
- Residential storage areas; and
- The main pedestrian access to the development is provided via a separate walkway from McKay Avenue to the mid portion of the residential flat building entry leading to the lift lobby. Another pedestrian entry is provided along the eastern boundary via an accessible compliant ramp.

Landscaping

The development includes landscaping of the site which includes large and small plantings within deep soil zones and plantings with planter boxes.

Materials and finishes

The proposal includes painted precast concrete, composite cladding, aluminium sliding shutters, privacy screens and windows and doors to create a palette of colours and finishes that are compatible with other developments within the locality and provides a contemporary building design that would be consistent with the future desired image of the area.

Site Servicing Facilities

The development proposes to drain the site via an On-Site Detention (OSD) basin located to the front of the site below the basement ramp.

A garbage storage room is proposed in the basement level. Transfer of bins for collection on the street can be carried out by a lift serving the basement and all floors of the building.

5. STATUTORY CONSIDERATIONS

5.1 Relevant matters for consideration

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

Environmental Planning Instruments (EPI's)

- State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development.
- State Environmental Planning Policy No.55 – Remediation of Land.
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.
- State Environmental Planning Policy (Infrastructure) 2007;
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment; and
- Liverpool Local Environmental Plan 2008.

Draft Environmental Planning Instruments

- No draft Environmental Planning Instruments apply to the site.

Development Control Plans

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

Contributions Plans

- Liverpool Contributions Plan 2009 applies to the subject development.

6. ASSESSMENT

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

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

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

State Environmental Planning Policy No. 65 applies to the proposal, as the application involves residential flat buildings greater than 3-storeys in height and containing more than 4 units. Clause 30(2) of SEPP 65 requires residential flat development to be designed in accordance with the design quality principles contained in Part 2 of SEPP 65.

The DA was accompanied by a Design Verification Statement. The statement provided a full

assessment of the proposed development against the Design Quality Principles and the ADG.

Following is a table summarising the nine (9) design quality principles outlined in SEPP 65, and how they have been addressed by the applicant in the design:

DESIGN QUALITY PRINCIPLE (DQP)	HOW IS THE DQP ADDRESSED IN THIS CASE?	
PRINCIPLE 1: CONTEXT AND NEIGHBOURHOOD CHARACTER *Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.* *Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.* *Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.*	The subject property is located in an area undergoing transition, so the appropriate context to be assessed is not only the existing situation, but especially the desired future character of the area. Most existing buildings in the neighbouring properties consist of small scale single and double storey dwellings. There is also a school across the road, which appears to be only single storey. Based on current planning controls, it is expected that future development will be of significantly larger scale. The streetscape and private properties in the area include large landscaped areas. The proposed residential unit sizes meet the area's housing demand.	Yes.
PRINCIPLE 2: BUILT FORM AND SCALE *Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.* *Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.* *Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.*	The proposed building will achieve a scale, bulk and height that will not have unreasonable impact on existing buildings in the vicinity and will be appropriate to the desired future character of the street. Building alignments, proportions, articulations and building elements will positively contribute to the streetscape. The progressive setbacks will assist in reducing bulk, and generous landscaped setbacks, including the planting proposed to the terraces will allow the proposed building to blend with its surroundings. The quality of materials will help integrate the aesthetics of the building with the streetscape. The proposed building have a good integration and definition with the street, with an easily identifiable entry.	Yes
PRINCIPLE 3: DENSITY *Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.* *Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.*	The apartments are all of good size and amenity, including solar access to most private open spaces and living rooms in mid-winter. All units have all internal rooms of a size large enough to allow the requirements of contemporary homes and family life. Private open space has been provided to all residential units in the form of balconies, courtyards and terraces with space for landscaping and leisure. The density is compatible with council's controls	Yes

	and will be appropriate for the near future requirements of the area. Public infrastructure, transport, access to jobs, community facilities and parks are readily available in the vicinity.	
PRINCIPLE 4: SUSTAINABILITY *Good design combines positive environmental, social and economic outcomes.* *Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.*	All units have good access to sunlight and cross ventilation. Heating, cooling and insulation will be provided as required by the Basix certificate. The building will have a secluded area for garbage bins with easy access to collection services. The proposed site design allow a large deep soil area around the building for planting. The courtyards and terraces will also be landscaped which will be an integral part of the architecture of this building. The proposal also addresses social and economic issues by increasing the availability of housing to satisfy the market's needs and creating jobs during construction works and in the long term with the maintenance of the building.	Yes
PRINCIPLE 5: LANDSCAPE *Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.* *Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.* *Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.*	Landscaping is an integral part of the architecture of this proposal. The design provides deep soil space around the building for planting and landscaping over the courtyards and terraces of some residential units.	Yes
PRINCIPLE 6: AMENITY *Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.* *Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of*	The apartments are all of good size and amenity, including solar access to the majority of private open spaces and living rooms in mid winter. All units have all internal rooms of a size large enough to allow the requirements of contemporary homes and family life. Private open space has been provided to all residential units in the form of balconies, courtyards and terraces with space for landscaping and leisure. All units have good access to sunlight, cross	Yes

access for all age groups and degrees of mobility.	ventilation and storage spaces. Visual privacy to the adjoining properties has been achieved through a combination of the separation distances, shading and landscaping. The construction will comply with BCA's requirements in terms of acoustic privacy. The building also includes provision for a lift which will allow accessibility for persons of limited mobility. Amenity of neighbours will not be compromised. The design minimises overshadowing, which affects mostly the street towards the south. Overlooking has been addressed by the provision of privacy screens, large setbacks and orienting the habitable rooms either towards the front or to the rear.	
PRINCIPLE 7: SAFETY *Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.* *A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.*	The new residential building will have a security door to the main access and the carpark will be have security gate. The public and private spaces are well defined with a covered, well lit buffer area at the main entry. All entries are clearly defined. The position of the residential units will allow for passive surveillance.	Yes
PRINCIPLE 8: HOUSING DIVERSITY AND SOCIAL INTERACTION *Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.* *Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.* *Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.*	The building provides a mix of apartment sizes and types for different demographics, living needs and household budgets. There will be 1, 2 and 3 bedroom units. Ground floor units will have large courtyards, and top floor units will have large terraces. The ground floor will include a large landscaped communal open space.	Yes
PRINCIPLE 9: AESTHETICS *Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.* *The visual appearance of a well-designed apartment development responds to the*	The design achieves architectural excellence by the use of balanced proportions, setbacks, variety and quality of materials and integrated landscaping. The visual appearance of the building responds to the planning controls, future and existing context, maintains existing street alignments and levels of landscaping.	Yes

existing or future local context, particularly desirable elements and repetitions of the streetscape.	The overall design of the proposal has been supported by Council's DEP.	

The design proposal represents a visually appealing scheme, with a design that is representative of the desired future character of the neighbourhood.

The proposal will set a high standard of the quality for residential development in Moorebank and will have positive social and economic impacts due to the provision of higher density housing. The design will also provide large landscaped areas.

All envisaged environmental impacts have been carefully addressed to resolve any issues that were raised during the assessment process. The well-balanced nature of the proposal will help it to rest comfortably in its surroundings and will improve the visual appeal of the streetscape.

Further to the nine (9) design quality principles outlined in SEPP 65, Clause 30(2) of SEPP 65 also requires residential flat development to be designed in accordance with the Department of Planning Apartment Design Guide (ADG). The following table outlines compliance with the ADG, where numerical requirements ('controls') are specified.

<table>
<tr><th>Development Standard</th><th>Proposed</th><th>Complies</th></tr>
<tr><td colspan="3">2F Building Separation</td></tr>
<tr><td>Minimum separation distances for buildings are:

Up to four storeys (c. 12m):
• 12m between habitable rooms / balconies
• 9m between habitable and non-habitable rooms
• 6m between non-habitable rooms
Note: It is generally applicable that half the building separation distance is provided, as adjoining development would provide the other half of the separation distance to ensure compliance.</td><td>The proposed setbacks are as follows:

<u>Up to four storeys</u> (Level 3)

<table><tr><td>Rear</td><td>East</td><td>West</td><td>Front (DCP)</td></tr><tr><td>8m</td><td>7m</td><td>7.09m</td><td>5.5m</td></tr></table>
All building elements comply.</td><td>Yes</td></tr>
<tr><td>Five to eight storeys (12m to 25m)

• 18m between habitable rooms / balconies
• 12m between habitable and non-habitable rooms
• 9m between non-habitable rooms
Note: It is generally applicable that half the building separation distance is provided, as adjoining development would provide the other half of the separation distance to ensure compliance.</td><td>The proposed setbacks are as follows:

<u>Five (Level 4) to eight storeys</u>
<table><tr><td>Rear</td><td>East</td><td>West</td><td>Front (DCP)</td></tr><tr><td>9m</td><td>10m</td><td>11m</td><td>5.5m</td></tr></table>
All building elements comply.</td><td>Yes</td></tr>
</table>

Development Standard	Proposed	Complies
3A Site analysis		
Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context	A site analysis plan was prepared to inform the design.	Yes
3B Orientation		
Building types and layouts respond to the streetscape and site while optimising solar access within the development *Overshadowing of neighbouring properties is minimised during mid-winter*	The proposed RFB has been designed to address McKay Avenue. The design makes good use of the northerly aspect rear of the site.	Yes
3D Communal and public open space		
Communal open space has a minimum area equal to 25% of the site *Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)* *Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting* *Communal open space is designed to maximise safety* *Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood*	Required communal open space = 349.25m^2 (1,397 m^2 x 25%). Proposal provides a communal open space area of 429.2m^2 or (429.2/1397) = 30% >25%. The communal open space is orientated to the north of the site and achieves the required solar access. Communal open space is of sufficient size and configuration to allow variety of activities and choices regarding the use of sunny or shady locations depending on different times of the year.	Yes
3E Deep soil zones		
7% of the site area is to be for Deep Soil zone.	The proposed deep soil area is 157.1m^2 or (157.1/1397) = 11.2% > 7%	Yes
3F Visual Privacy		

<table>
<tr><th>Development Standard</th><th>Proposed</th><th>Complies</th></tr>
<tr><td>Minimum separation distances from buildings to the side and rear boundaries are as follows:
<table>
<tr><th>Building Height</th><th>Habitable Rooms and Balconies</th><th>Non Habitable Rooms</th></tr>
<tr><td>Up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr>
<tr><td>12m to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr>
<tr><td>Over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr>
</table></td><td>Building separation complies as discussed above.</td><td>Yes</td></tr>
<tr><td colspan="3">3G Pedestrian Access and Entries</td></tr>
<tr><td>Building entries and pedestrian access connects to and addresses the public domain.</td><td rowspan="3">The revised plans provides 2 pedestrian building access points. The main entrance is located in the mid portion of the ground floor level with direct access from the street footpath to the internal foyer and circulation corridor.

The other entry is located to the mid portion of the eastern façade and provides an accessible ramp and entry to the building.</td><td rowspan="3">Yes</td></tr>
<tr><td>Access, entries and pathways are accessible and easy to identify</td></tr>
<tr><td>Large sites provide pedestrian links for access to streets and connection to destinations</td></tr>
<tr><td colspan="3">3H Vehicle Access</td></tr>
<tr><td>Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes</td><td>Separate vehicle and pedestrian access are provided and located to achieve safety by minimizing circulation conflict points.</td><td>Yes</td></tr>
<tr><td colspan="3">3J Bicycle and Car Parking</td></tr>
<tr><td>3J-1.The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less. The car parking needs for a development must be provided off street.</td><td rowspan="5">Car parking has been provided according to the DCP requirements
<table>
<tr><td>Bedroom type/ unit area</td><td>Required spaces</td></tr>
<tr><td>1/1br or <65m^2</td><td>1br = 10x1 = 10</td></tr>
<tr><td>1/5/2br or >65-110 m^2</td><td>2br = 12x1.5 = 18</td></tr>
<tr><td>2x3br or > 110m^2</td><td>3br = 1 x 3br x 2 = 2</td></tr>
<tr><td>Visitors</td><td>1 in 4 units = 23/4 = 5.75</td></tr>
</table>
Total car parking required = 36.5 or 37 spaces</td><td rowspan="5">Yes</td></tr>
<tr><td>3J-2.Parking and facilities are provided for other modes of transport</td></tr>
<tr><td>3J-3. Car park design and access is safe and secure</td></tr>
<tr><td>3J-4. Visual and environmental impacts of underground car parking are minimised</td></tr>
<tr><td>3J-5. Visual and environmental impacts of on-grade car parking are minimised</td></tr>
</table>

<table>
<tr><th>Development Standard</th><th>Proposed</th><th>Complies</th></tr>
<tr><td>3.J-6 Visual and environmental impacts of above ground enclosed car parking are minimised</td><td>
<table>
<tr><th>Unit</th><th>Br</th><th>Carpark space</th></tr>
<tr><td colspan="3">Ground Floor</td></tr>
<tr><td>001</td><td>1+ study</td><td>01 & 02(T)</td></tr>
<tr><td>002</td><td>1</td><td>21</td></tr>
<tr><td>003</td><td>1</td><td>22</td></tr>
<tr><td>004</td><td>2</td><td>03 & 04(T)</td></tr>
<tr><td>005</td><td>2</td><td>05 & 06(T)</td></tr>
<tr><td colspan="3">Levels 1-3</td></tr>
<tr><td>101
201
301</td><td>1br + study</td><td>23
39
37</td></tr>
<tr><td>102
202
302</td><td>2</td><td>24
09 & 10(T)
32&33(T)</td></tr>
<tr><td>103
203
303</td><td>2</td><td>25
38
36</td></tr>
<tr><td>104
204
304</td><td>1</td><td>14
15
35</td></tr>
<tr><td>105
205
305</td><td>2</td><td>07&08(T)
11&12(T)
30&31(T)</td></tr>
<tr><td colspan="3">Level 4</td></tr>
<tr><td>401</td><td>3</td><td>28&29(T)</td></tr>
<tr><td>402</td><td>1+ study</td><td>34</td></tr>
<tr><td>403</td><td>2</td><td>26&27(T)</td></tr>
</table>

Thirty nine (39) spaces are provided inclusive of 1 disabled parking space and 10 spaces in tandem.

The applicant has provided the parking space allocation table above which demonstrates that each of the 10 tandem spaces are allocated to a single corresponding individual Unit.

All car parking are provided in a basement. There are no above ground carparking spaces.

There is room in the basement for bicycle parking and capacity for motorcycle parking to be provided.</td><td></td></tr>
<tr><td colspan="3">4A Solar and Daylight Access</td></tr>
</table>

Development Standard	Proposed	Complies
1. *Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas* *In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid-winter*	The proposed development currently provides 21 of 23 units or 91% receiving sufficient solar access as follows: Ground Floor = (Units 001,002, 003,004 & 005) Level 1 = Units 101, 103, 104, 105 Level 2 = Units 201, 202, 203, 204, 205 Level 3 = Units 301, 302, 303, 304, 305 Roof Level = Units 401 & 403.	Yes
2. *A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter*	Less than 2/23 units or 8% units receive no direct sunlight between 9am – 3pm on the winter solstice.	Yes
***4A-2** Daylight access is maximised where sunlight is limited* ***Objective 4A-3** Design incorporates shading and glare control, particularly for warmer months*	The site provides appropriate solar access to apartments given the orientation of the site. The BASIX Certificate for the proposed development identifies that it achieves the required thermal comfort levels. Proposed materials and finishes incorporate shading and glare control measures including external louvres and awnings.	Yes
4B Natural Ventilation		
***4B-3** The number of apartments with natural ventilation is maximised to create a comfortable environment for residents* 1. *At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building.* 2. *Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line*	The site analysis contained within the architectural plans illustrates that prevailing winds originate from the north east. Natural ventilation is maximised through a design that encourages corner units and cross-through apartments. A total of 78% (18 of 23) apartments achieve natural cross ventilation. One cross-through apartment (Unit 403) exceeds the depth of 18m, when measured glass line to glass line. However, the unit has openings to the side boundaries to achieve maximum natural ventilation.	Yes
4C Ceiling Heights		

<table>
<tr><th>Development Standard</th><th>Proposed</th><th>Complies</th></tr>
<tr><td>Measured from finished floor level to finished ceiling level, minimum ceiling heights are 2.7m for habitable rooms and 2.4m for non-habitable rooms.</td><td>
<table>
<tr><th>Floor level</th><th>Ceiling Height</th></tr>
<tr><td>Ground</td><td>26600 - 23900 = 2700</td></tr>
<tr><td>Level 1</td><td>29650 - 26950 = 2700</td></tr>
<tr><td>Level 2</td><td>32700 - 30000 = 2700</td></tr>
<tr><td>Level 3</td><td>35750 - 33050 = 2700</td></tr>
<tr><td>Level 4</td><td>38800 - 36100 = 2700</td></tr>
</table>
</td><td>Yes</td></tr>
<tr><td colspan="3">4D Apartment Size and Layout</td></tr>
<tr><td>4D-1 The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity

1. Apartments are required to have the following minimum internal areas:
Studio 35m2
1 bedroom 50m^2
2 bedroom 70m^2
3 bedroom 90m^2
The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m^2 each.

A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m^2 each.

2. Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms</td><td>
<table>
<tr><th>Unit</th><th>Br</th><th>Unit Area m^2</th></tr>
<tr><td colspan="3">Ground Floor</td></tr>
<tr><td>001</td><td>1+study</td><td>67.12</td></tr>
<tr><td>002</td><td>1</td><td>60.46</td></tr>
<tr><td>003</td><td>1</td><td>52.07</td></tr>
<tr><td>004</td><td>2</td><td>71.50</td></tr>
<tr><td>005</td><td>2</td><td>76.39</td></tr>
<tr><td colspan="3">Levels 1-3</td></tr>
<tr><td>101,201, 301</td><td>1+study</td><td>66.14</td></tr>
<tr><td>102,202,302</td><td>2</td><td>78.49</td></tr>
<tr><td>103,203,303</td><td>2</td><td>70.16</td></tr>
<tr><td>104,204,304</td><td>1</td><td>51.36</td></tr>
<tr><td>105,205,305</td><td>2</td><td>76.36</td></tr>
<tr><td colspan="3">Level 4</td></tr>
<tr><td>401</td><td>3</td><td>95.67</td></tr>
<tr><td>402</td><td>1+ study</td><td>58.23</td></tr>
<tr><td>403</td><td>2</td><td>84.59</td></tr>
</table>
Habitable rooms are provided with windows of sufficient glass areas.
</td><td>Yes</td></tr>
</table>

<table>
<tr><th>Development Standard</th><th>Proposed</th><th>Complies</th></tr>
<tr>
<td>4D-2 Environmental performance of the apartment is maximised. Habitable room depths are limited to a maximum of 2.5 x the ceiling height (2.7m x 2.5 = 6.75m)

Note : For single aspect open plans with combined living, dining and kitchen = 8m

In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window</td>
<td>
<table>
<tr><th>Unit</th><th>Br</th><th>Depth (m)</th><th>Comply</th></tr>
<tr><td colspan="4">Ground Level</td></tr>
<tr><td>001</td><td>2</td><td>7 (open)</td><td>Yes</td></tr>
<tr><td>002</td><td>1</td><td>8.15 (open + side window)</td><td>Yes</td></tr>
<tr><td>003</td><td>1</td><td>5.8</td><td>Yes</td></tr>
<tr><td>004</td><td>2</td><td>7.5 (open)</td><td>Yes</td></tr>
<tr><td>005</td><td>2</td><td>9 (open)</td><td>No but provided with high window along hallway</td></tr>
<tr><td colspan="4">Typical Level 1 to Level 3</td></tr>
<tr><td>101,201,301</td><td>2</td><td>7.1 (open)</td><td>Yes</td></tr>
<tr><td>102,202,302</td><td>2</td><td>8.22 (open but w/ side window)</td><td>Yes</td></tr>
<tr><td>103,203,303</td><td>2</td><td>5.7</td><td>Yes</td></tr>
<tr><td>104,204,304</td><td>1</td><td>5.9</td><td>Yes</td></tr>
<tr><td>105,205,305</td><td>2</td><td>9.2</td><td>No but provided with high window along hallway</td></tr>
<tr><td colspan="4">Level 4</td></tr>
<tr><td>401</td><td>3</td><td>9m</td><td>No but provided with wider windows</td></tr>
<tr><td>402</td><td>1</td><td>6.3m</td><td>Yes</td></tr>
<tr><td>403</td><td>2</td><td>8.6m (Open)</td><td>Yes</td></tr>
</table>
There are 5 dwellings despite having open plan layout have over 8m depth. However these have been mitigated by wider windows and introduction of windows on the corridor side to increase natural light penetration into the units.
</td>
<td>Yes by merit</td>
</tr>
</table>

<table>
<tr><th>Development Standard</th><th>Proposed</th><th>Complies</th></tr>
<tr>
<td>4D-3 Apartment layouts are designed to accommodate a variety of household activities and needs
1. Master bedrooms have a minimum area of 10m^2 and other bedrooms 9m^2 (excluding wardrobe space)
2. Bedrooms have a minimum dimension of 3m (excluding wardrobe space)</td>
<td>
<table>
<tr><th>Unit</th><th>Br 1 m^2</th><th>Br 2 m^2</th><th>Comply</th></tr>
<tr><td colspan="4">Ground Level</td></tr>
<tr><td>001</td><td>3.8x3.4 = 12.9</td><td>N/A</td><td>Width less than 3m</td></tr>
<tr><td>002</td><td>3.x3.31 = = 9.93</td><td>N/A</td><td>No. Less than 10 m^2</td></tr>
<tr><td>003</td><td>3 x 3 = 9</td><td>N/A</td><td>No</td></tr>
<tr><td>004</td><td>3.36x3 = 10.08</td><td>3.36 x = 10.08</td><td>Yes</td></tr>
<tr><td>005</td><td>3.4 x 3 = 10.2</td><td>3.4 x 3 = 10.2</td><td>Yes</td></tr>
<tr><td colspan="4">Typical Level 1 to Level 3</td></tr>
<tr><td>101, 201,301</td><td>3.492 x 3.96= 13.82</td><td>3.2 x 3.96 = 12.672</td><td>Yes</td></tr>
<tr><td>102,202, 302</td><td>3.4 x 3.1 =10.54</td><td>3.3 x 3 = 9.9</td><td>Yes</td></tr>
<tr><td>103,203, 303</td><td>3.1 x 3 10.23</td><td>3.6 x (2.8 + 3.6/2) = 11.52</td><td>Yes</td></tr>
<tr><td>104,204, 304</td><td>3.2 x 3.15 = 10.08</td><td>N/A</td><td>Yes</td></tr>
<tr><td>105,205, 305</td><td>3 x 3.69 = 11.67</td><td>3.52 x 3 = 10.56</td><td>Yes</td></tr>
<tr><td colspan="4">Level 4</td></tr>
<tr><td>401</td><td>4.045 x 3 =12.135</td><td>3.077x 3.145 = 9.67 3.077x 3=9.231</td><td>Yes</td></tr>
<tr><td>402</td><td>3x3=9</td><td>N/A</td><td>Yes</td></tr>
<tr><td>403</td><td>3.5x3= 10.5</td><td>3 x 3 =9</td><td>Yes</td></tr>
<tr><td colspan="4">The non-compliances are minimal. Units 002 & 003 have an area deficit of upto 1m^2.</td></tr>
</table>
</td>
<td>Yes by merit</td>
</tr>
</table>

<table>
<tr><th>Development Standard</th><th>Proposed</th><th>Complies</th></tr>
<tr><td>3. Living rooms or combined living/dining rooms have a minimum width of:
• 3.6m for studio and 1 bedroom apartments
• 4m for 2 and 3 bedroom apartments
4. The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.</td><td>
<table>
<tr><th>Unit</th><th>Br</th><th>Width m</th><th>Comply</th></tr>
<tr><td colspan="4">Ground Level</td></tr>
<tr><td>001</td><td>1</td><td>3.96m</td><td>Yes</td></tr>
<tr><td>002</td><td>1</td><td>3.6m</td><td>Yes</td></tr>
<tr><td>003</td><td>1</td><td>4.69m</td><td>Yes</td></tr>
<tr><td>004</td><td>2</td><td>4.15m</td><td>Yes</td></tr>
<tr><td>005</td><td>2</td><td>4.0m</td><td>Yes</td></tr>
<tr><td colspan="4">Typical Level 1 to Level 3</td></tr>
<tr><td>101,201,301</td><td>1</td><td>3.96m</td><td>Yes</td></tr>
<tr><td>102,202,302</td><td>2</td><td>4m</td><td>Yes</td></tr>
<tr><td>103,203,303</td><td>2</td><td>7m</td><td>Yes</td></tr>
<tr><td>104,204,304</td><td>1</td><td>4.01m</td><td>Yes</td></tr>
<tr><td>105,205,305</td><td>2</td><td>4.02m</td><td>Yes</td></tr>
<tr><td colspan="4">Level 4</td></tr>
<tr><td>401</td><td>3</td><td>4.71m</td><td>Yes</td></tr>
<tr><td>402</td><td>2</td><td>6.2m</td><td>Yes</td></tr>
<tr><td>403</td><td>2</td><td>4.12m</td><td>Yes</td></tr>
</table>
</td><td>Yes</td></tr>
<tr><td colspan="3">4E Private Open Space and Balconies</td></tr>
<tr><td>1. All apartments are required to have primary balconies as follows:
<table>
<tr><th>Dwelling Type</th><th>Minimum Area</th><th>Minimum Depth</th></tr>
<tr><td>Studio</td><td>4m²</td><td>-</td></tr>
<tr><td>1 bedroom</td><td>8m²</td><td>2m</td></tr>
<tr><td>2 bedroom</td><td>10m²</td><td>2m</td></tr>
<tr><td>3 bedroom</td><td>12m²</td><td>2.4m</td></tr>
</table>
The minimum balcony depth to be counted as contributing to the balcony area is 1m</td><td>
<table>
<tr><th>Unit</th><th>Depth m</th><th>Area m²</th><th>Comply</th></tr>
<tr><td colspan="4">Typical Level 1 to Level 3</td></tr>
<tr><td>101,201,301</td><td>3.8</td><td>15</td><td>Yes</td></tr>
<tr><td>102,202,302</td><td>2.7</td><td>17.9</td><td>Yes</td></tr>
<tr><td>103,203,303</td><td>2.44</td><td>17.6+13.9</td><td>Yes</td></tr>
<tr><td>104,204,304</td><td>2.45</td><td>12.7</td><td>Yes</td></tr>
<tr><td>105,205,305</td><td>3.95</td><td>14.5</td><td>Yes</td></tr>
<tr><td colspan="4">Level 4</td></tr>
<tr><td>401</td><td>2.7</td><td>17.9</td><td>Yes</td></tr>
<tr><td>402</td><td>3.25</td><td>22.8</td><td>Yes</td></tr>
<tr><td>403</td><td>3.2</td><td>10 +4.6</td><td>Yes</td></tr>
</table>
</td><td>Yes</td></tr>
</table>

<table>
<tr><th>Development Standard</th><th>Proposed</th><th>Complies</th></tr>
<tr><td>2. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m</td><td>
<table>
<tr><th>Unit</th><th>Depth m</th><th>Area m²</th><th>Comply</th></tr>
<tr><td colspan="4">Ground Level</td></tr>
<tr><td>001</td><td>5.2m</td><td>25.1</td><td>Yes</td></tr>
<tr><td>002</td><td>3m</td><td>27.6</td><td>Yes</td></tr>
<tr><td>003</td><td>3m</td><td>15.7</td><td>Yes</td></tr>
<tr><td>004</td><td>3.95m</td><td>30</td><td>Yes</td></tr>
<tr><td>005</td><td>4.5m</td><td>23.8</td><td>Yes</td></tr>
</table>
</td><td>Yes</td></tr>
<tr><td colspan="3">4F Common Circulation and Spaces</td></tr>
<tr><td>The maximum number of apartments off a circulation core on a single level is eight</td><td>There is no more than 3, 4 or 5 units off any single service core.</td><td>Yes</td></tr>
<tr><td>For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40</td><td>Not Applicable.</td><td>N/A</td></tr>
<tr><td>Common circulation spaces promote safety and provide social interaction between residents</td><td>Corridors off lifts on all levels are linear and open to the outside. This allows straight sign lines and provides light and air into this common area.</td><td>Yes</td></tr>
<tr><td colspan="3">4G Storage</td></tr>
<tr><td>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:
<table>
<tr><th>Dwelling Type</th><th>Storage Size Volume</th></tr>
<tr><td>Studio</td><td>4m³</td></tr>
<tr><td>1 bedroom</td><td>6m³</td></tr>
<tr><td>2 bedroom</td><td>8m³</td></tr>
<tr><td>3 bedroom</td><td>10m³</td></tr>
</table>
At least 50% of the required storage is to be located within the apartment.</td><td>Additional storage areas are provided in individual units.
There is a total of 23 (2.5m x 0.5m) bonnet storage areas above car parking spaces in basement level.</td><td>Yes</td></tr>
<tr><td colspan="3">4H Acoustic Privacy</td></tr>
<tr><td>Noise transfer is minimised through the siting of buildings and building layout</td><td rowspan="2">No acoustic report was submitted. Appropriate noise mitigation measures will be implemented.</td><td rowspan="2">Yes, subject to condition</td></tr>
<tr><td>Noise impacts are mitigated within apartments through layout and acoustic treatments</td></tr>
</table>

Development Standard	Proposed	Complies
4K Apartment Mix		
A range of apartment types and sizes is provided to cater for different household types now and into the future *The apartment mix is distributed to suitable locations within the building*	The proposed unit mix is: • 9 x 1 bedroom (39%) • 13 x 2 bedrooms (56%) • 1 x 3 bedrooms (5%) Different sized units are satisfactorily distributed over different levels.	Yes
4L Ground Floor Apartments		
Street frontage activity is maximised where ground floor apartments are located. *Direct street access should be provide to ground floor apartments.* *Design of ground floor apartments delivers amenity and safety for residents*	The main and direct entry to the building is through the mid - section of the street frontage. The entry provides individual access to Ground Floor Units 002 & 003 that address the street. Balconies of Units 002 & 003 are above the street level and provide good surveillance. The proposal includes landscaping at ground level to provide visual interest. Fences and pathways clearly delineate areas of public and private open space.	Yes
4M Facades		
Building facades provide visual interest along the street while respecting the character of the local area *Building functions are expressed by the facade*	The overall design clearly defines the ground floor level, the mid-section defined by levels 1-3 and the top level which is setback further from the side and rear boundaries.	Yes
4N Roof Design		
Roof treatments are integrated into the building design and positively respond to the street *Opportunities to use roof space for residential accommodation and open space are maximised* *Roof design incorporates sustainability features*	The flat roof design echoes the horizontality of the building elements The roof space is not proposed to be used for any other purpose.	Yes
4O Landscape Design		
Landscape design is viable and sustainable	The development is in accordance with	Yes

Development Standard	Proposed	Complies
Landscape design contributes to the streetscape and amenity	these objectives.	
4P Planting on Structures		
Appropriate soil profiles are provided	The development is in accordance with these objectives.	Yes
Plant growth is optimised with appropriate selection and maintenance		
Planting on structures contributes to the quality and amenity of communal and public open spaces		
4Q Universal Design		
Universal design features are included in apartment design to promote flexible housing for all community members	Unit 401 is nominated to have universal design features.	Yes
A variety of apartments with adaptable designs are provided		
Apartment layouts are flexible and accommodate a range of lifestyle needs		
4R Adaptive Reuse		
New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place	The DA is for the development of a new building and not the adaptive reuse of an existing building.	N/A
Adapted buildings provide residential amenity while not precluding future adaptive reuse		
4S Mixed Use		
Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement	The DA does not propose a mixed use development.	N/A
Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents		
4T Awnings and Signage		
Awnings are well located and complement and integrate with the building design	Not Applicable.	N/A

Development Standard	Proposed	Complies
Signage responds to the context and desired streetscape character		
4U Energy Efficiency		
Development incorporates passive environmental design	The development is in accordance with these objectives. Sliding sun screens are included on balconies to provide passive shading. Good cross ventilation is provided as part of the development.	Yes
Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer		
Adequate natural ventilation minimises the need for mechanical ventilation		
4V Water Management and Conservation		
Potable water use is minimised	Potable water use is minimised in accordance with BASIX water efficiency targets and water efficient devices will be provided in accordance with the requirements of the BASIX Certificate.	Yes
Urban stormwater is treated on site before being discharged to receiving waters	The storm water concept plan for the development has been reviewed by Council's Land Development Engineers who have raised no objections to the proposed development subject to conditions.	Yes
Flood management systems are integrated into site design	Not Applicable.	Not Applicable
4W Waste Management		
Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents	Waste storage facilities are provided and will be maintained by the caretaker.	Yes
Domestic waste is minimised by providing safe and convenient source separation and recycling		
4X Building Maintenance		
Building design detail provides protection from weathering	The development is in accordance with these objectives.	Yes
Systems and access enable ease of maintenance		
Material selection reduces ongoing maintenance costs		

Based on the above assessment, the proposed development satisfy the design criteria.

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

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

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

The objectives of SEPP 55 are:

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

Pursuant to clause 7 the above SEPP, Council must consider:

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

Clause 7 - Contamination and remediation to be considered in determining development application	**Comment**
(1) A consent authority must not consent to the carrying out of any development on land unless:	
(a) it has considered whether the land is contaminated, and	It is unlikely the land is contaminated as it is an existing residentially zoned allotment.
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and	The land is suitable for the proposed works and as it is unlikely that the land is contaminated, based on Council records.
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.	The land does not require remediation.

The applicant submitted a preliminary site investigation conducted by Alliance Geotechnical Pty Ltd. On 32-34 McKay Avenue (Lots 18 & 19 DP 236405) dated 26 April 2018, found that historical owners from registered since 1924 comprised individuals and a company called Rodlin Pty Ltd.

This investigation revealed that based on land title ownership, potential for land contamination activities to have been undertaken on the site, specifically poultry farming to the northern portion.

However, aerial imagery did not indicate a potential land contaminating activities to have been undertaken on the site.

The report concluded the following:

- The potential for contamination to be present on the site as a result of past and current land use activities, is considered low;
- The site is considered suitable (in the context of land contamination) for the proposed land use setting; and
- Further investigation, management and/or remediation (in the context of land contamination) is considered not warranted.

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

(e) State Environmental Planning Policy (BASIX) 2004.

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

A BASIX certificate and report has been submitted with the development.

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

(f) Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (deemed SEPP)

The subject land is located within the Georges River Catchments and as such the Greater Metropolitan Regional Environmental Plan No. 2 – Georges River applies to the application.

The Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment generally aims to maintain and improve the water quality and river flows of the Georges River and its tributaries.

When a consent authority determines a development application, planning principles are to be applied (Clause 7(b)). Accordingly, a table summarising the matters for consideration in determining development applications (Clause 8 and Clause 9), and compliance with such is provided within Attachment 2 of this report.

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

(g) Liverpool Local Environmental Plan 2008

(i) Zoning

The subject site is zoned R4 pursuant to the High Density Residential under Liverpool (LLEP) 2008 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 appropriately defined by the standard instrument as residential flat building (RFB) which is identified as permitted land use with consent within R4 Zone under the Liverpool Local Environment Plan 2008. An RFB is defined as follows:

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

(iii) Objectives of the zone

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

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

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

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

- It will provide for housing needs within a high density residential environment. While established development around the site consists of low density residential development; the area has been zoned for high density residential development and it is therefore envisioned that any redevelopment be in a form that establishes the higher density of residential buildings and other uses that are permitted in that zone;

- It will contain a mix of different sized units providing a variety of housing opportunities in a high density form;

- It will not hinder the opportunity for other land uses that provide facilities or services to meet the day to day needs of residents;

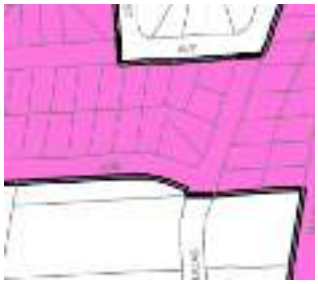
- The site is within close proximity to required services and facilities required to support higher density development including public transport, shops, schools and employment opportunities; and

- The proposal will provide high density residential development that will not result in the fragmentation of land that would otherwise hinder the opportunity for other high density residential development within the area.

(iv) Principal Development Standards

The following principal development standards of LLEP2008 apply to the proposal:

Development Provision	**Requirement**	**Proposed**	**Complies**
2.7 Demolition	The demolition of a building or work may be carried out only with development consent.	Demolition is proposed as part of the development.	Yes
4.1 Minimum Subdivision Lot Size	Minimum lot size of 1000m^2	The combined area =1391.1m^2	Yes
4.3 Height of Building (Height of buildings map – Sheet HOB-014) P = 18m	The maximum building height permitted on the subject land is 18 metres on the Heights of Buildings map. 	The proposed maximum building height is 17.149m including the lift overrun.	Yes

4.4 Floor Space Ratio (Floor space ratio map – sheet FSR-014) P=1:1.2	The permitted FSR for the site is 1:2:1 under LLEP2008 	FSR proposed gross floor area, excluding basements and open area corridors along levels 1-3 is as follows: GFA = 1676.39/1397 = 1.2 = 1.2:1	Yes
7.14 Minimum building street frontage	Development consent must not be granted to development, 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.	Site provides 36.577m to MacKay Avenue	Yes
6.5 Public Utilitiy Infrastructure	Public utility infrastructure must be available	As a established residential area, public utilities are available.	Yes
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.	The site is not identified in the map to be affected by acid sulphate soils.	N/A
Schedule 1 Additional permitted uses Use of certain land at Moorebank in Zone R4 (Key Sites Map – sheet KYS-014)	 (1) This clause applies to land shown coloured pink on the Key Sites Map. (2) Development for the purposes of entertainment facilities and restaurants or cafes is permitted with consent if it is part of a mixed use development that contains multi dwelling housing	N/A	N/A

As demonstrated in the above compliance table, the proposed development is consistent with the provisions of LLEP 2008.

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

There are no draft Environmental Planning Instruments that apply to the site.

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

(a) Liverpool Development Control Plan (LDCP) 2008

The application has also been assessed against the relevant controls of the LDCP 2008, particularly *Part 1 General Controls for all Development and Part 3.7* – Residential Flat Buildings in the R4 Zone.

The development is found to achieve full compliance with the provisions of the LDCP 2008 as outlined in the following table.

Controls	Comment	Complies
PART 1 - GENERAL CONTROLS FOR ALL DEVELOPMENT		
Section 2. Tree Preservation	Removal of garden trees to be replaced as per landscape plan.	Yes
Section 3. Landscaping and Incorporation of Existing Trees	The proposed landscape area is 524.2 m^2 or 37.5% of site area which is over the 25% required in the ADG.	Yes
Section 4. Bushland and Fauna Habitat Preservation	N/A	N/A
Section 5. Bush Fire Risk	N/A	N/A
Section 6. Water Cycle Management	The proposal was referred to Council's Land Development Engineers for comments. No objection raised to the proposed development subject to conditions.	Yes
Section 7. Development Near a Watercourse	Subject site is not near a watercourse or river.	N/A
Section 8. Erosion and Sediment Control	Plans submitted. Condition will be attached to any consent.	Yes
Section 9. Flooding Risk	Subject site is not flood affected.	N/A
Section 10. Contaminated Land Risk	Site not recognised as being contaminated.	N/A
Section 11. Salinity Risk	The proposal was referred to Council's Land Development Engineers for comments. No objection raised to the proposed development subject to conditions.	Yes
Section 12. Acid Sulphate Soils	Site is not affected by Acid Sulphate Soils.	N/A
Section 13. Weeds	No identifiable noxious weeds are on site.	N/A
Section 14. Demolition of Existing Development	Existing detached dwelling houses to be demolished at the site.	Yes
Section 15. On Site Sewage Disposal	Site is connected to water and sewer services. Sydney Water approval is required for new and upgraded connections.	N/A
Section 16. Aboriginal Archaeology	No items identified.	N/A

Controls	Comment	Complies
Section 17. Heritage and Archaeological Sites	Not a heritage item or site.	N/A
Section 18. Notification of Applications	Application was notified in accordance with DCP. One submission was received and the issues raised are considered in this report.	Yes
Section 19. Used Clothing Bins	N/A	N/A
Section 20. Car Parking and Access	ADG (3J Bicycle and Car Parking) requires 37 car parking and 39 are provided.	Yes
Section 21. Subdivision of Land and Buildings	No subdivision proposed by this DA.	N/A
Section 22. and Section 23 Water Conservation and Energy Conservation	Proposed development has provided a BASIX Certificate which meets the required Water Efficiency target. Proposed development has provided a BASIX Certificate which meets the required Energy Efficiency and Thermal Comfort targets.	Yes
Section 25. Waste Disposal and Re-use Facilities	Waste management facilities are provided on site. Conditions are imposed to provide a revised Waste Management Plan.	Yes
Section 21. Subdivision of Land and Buildings	No subdivision is proposed.	N/A
Section 26 Outdoor Advertising and Signage	N/A	N/A
Section 27. Social Impact Assessment	It is considered that the proposed development is generally consistent with the objectives of Chapter 27 of Part 1 LDCP 2008, in that the development will result in positive social impacts by encouraging communities where people want to live and enjoy due to the good amenity provided by the proposed development, proximity to shopping services and transport and access to community facilities and services and job opportunities.	Yes

Controls	Comment	Comply
Part 3.7 – Residential Flat Buildings in the R4 Zone		
Frontage and Site Area Minimum frontage of 24m	A frontage of 36.577m is provided.	Yes
Site Planning		
The building should relate to the site's topography with minimal earthworks, except for basement car parking.	Other than excavation the basement level under the footprint of the building, minimal earthworks are proposed. A geo-technical report has been provided that confirms that excavation can be undertaken on the site.	Yes

Siting of buildings should provide usable and efficient spaces, with consideration given to energy efficiency in the building design	Application is accompanied by a BASIX certificate.	Yes
Site layout should provide safe pedestrian, cycle and vehicle access to and from the street.	Safe access is provided by the segregation of vehicular and pedestrian entrances.	Yes
Siting of buildings should be sympathetic to surrounding development, taking specific account of the streetscape in terms of scale, bulk, setbacks, materials and visual amenity.	The development is in accordance with the objectives of the zone. The 5 storey structure is setback at the top most level to reduce bulk and scale.	Yes
Storm water from the site must be able to be drained satisfactorily. Where the site falls away from the street, it may be necessary to obtain an easement over adjoining property to drain water satisfactorily to a Council storm water system. Where storm water drains directly to the street, there may also be a need to incorporate on-site detention of storm water where street drainage is inadequate	This aspect has been reviewed by Council's Development Engineering officers, who have recommended approval subject to conditions.	Yes
The development will need to satisfy the requirements of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development	The amended plans demonstrate compliance with SEPP 65.	Yes
Setbacks		
Front Setback Front building setback of 5.5m is required from the street. Verandahs, eaves and other sun control devices may encroach on the front and secondary setback by up to 1m	A front setback of 5.6m is provided to the building.	Yes
	There is an encroachment of 1m by the courtyard into the front setback.	Yes
Side Setback Boundary to land in R4 zone: 3m building setback required for a building height up to 10m Boundary to land in R4 zone: 8m building setback required for a building height up greater 10m.	A 6m side setback is provided to the building for a height of 10m (Ground to Level 2)	Yes
	A 9m setback is provided to the building for the upper storeys (levels 3 & 4). Level 3 building height is more than 10m and should be setback by 8m however, SEPP 65 Section 2F applies. Level 3 complies	Yes
Rear Setback Boundary to land in R4 zone: 8m building setback required for all building heights	Rear setbacks provided for all levels is 8m and 9m.	Yes

Landscaped Area and Private Open Space		
Landscaped area A minimum of 25% of the site area shall be landscaped area. Site area = 1397m^2 Required Landscape area = 349.25 m^2	Proposed = 524.2 (37.5%) > 25%	Yes
Front setback landscaped area A minimum of 50% of the front setback area shall be landscaped area.	Front setback area = 205m^2 Minimum required = 102.5 m^2 (50%) Proposed = 138.4 m^2 (67.9%)	Yes
Optimise landscaped area Optimise the provision of consolidated landscaped area within a site by: - The design of basement and sub-basement car parking, so as not to fully cover the site. - The use of front and side setbacks. - Optimise the extent of landscaped area beyond the site boundaries by locating them contiguous with the landscaped area of adjacent properties.	Landscaped areas are generally consolidated within the front, rear and side setbacks.	Yes
Plant variety Promote landscape health by supporting for a rich variety of vegetation type and size	A variety of native plant species are provided.	Yes
Communal open space Provide communal open space, which is appropriate and relevant to the context and the building's setting.	Communal open space is provided to the rear which maximizes the north aspect of the site.	Yes
Provide range of activities Where communal open space is provided, facilitate its use for the desired range of activities by: - Locating it in relation to buildings to optimise solar access to dwellings. - Consolidating open space on the site into recognisable areas with reasonable space, facilities and landscape. - Designing its size and dimensions to allow for the range of uses it will contain. - Minimising overshadowing. - Carefully locating ventilation duct outlets from basement car parking.	The communal open space is well located and varied. The design provides a range of options for use.	Yes

Location of POS Locate open space to increase the potential for residential amenity.	The communal open space is located to the rear of the site and is accessible to residents via pathways along the east side boundary.	Yes
POS provision Private open space shall be provided as follows: - 10m^2 for a dwelling size less than 65m^2 - 12m^2 for a dwelling size over 65m^2	Private open space requirements are provided in accordance with the requirements of the ADG.	Yes
Private open space may be provided as a courtyard for ground floor dwellings or as balconies for dwellings above the ground floor.	Private courtyards are provided for units on the ground floor.	Yes
Private open space areas should be an extension of indoor living areas and be functional in size to accommodate seating and the like.	The POS acts as an extension of the internal living rooms.	Yes
Private open space should be clearly defined for private use.	The POS is clearly defined.	Yes
Building Design, Style and Streetscape		
Building Appearance and Streetscape Objectives of the controls are as follows: a) To ensure an attractive streetscape that is consistent with the environment of residential flat buildings. b) To promote high architectural quality in residential flat buildings. c) To ensure that new developments have facades which define and enhance the public domain and desired street character. d) To ensure that building elements are integrated into the overall building form and facade design.	The composition of building elements, materials, textures and colours is satisfactory. The building addresses ADG requirements and is in keeping with the likely future character of the area in terms of height, bulk, scale, built form and roof design. The proposed building is highly articulated and designed to suit the site.	Yes
Roof Design Objectives of the controls are: a) To provide quality roof designs, which contribute to the overall design and performance of residential flat buildings; b) To integrate the design of the roof into the overall facade, building composition and desired contextual response; c) To increase the longevity of the building through weather protection.	The proposed roof design contributes positively to the design of the building.	Yes

Building Entry Objectives of the controls are: a) To create entrances which provide a desirable residential identity for the development. b) To orient the visitor. c) To contribute positively to the streetscape and building facade design.	The main entry is centrally located which among other considerations: • Provide a desirable residential frontage and identity to the building. • Contribute to the street activation	Yes
Balconies Objectives of the controls are: a) To ensure that balconies contribute positively to the façade of a building. b) To ensure balconies are functional and responsive to the environment thereby promoting the enjoyment of outdoor living for dwelling residents. c) To ensure that balconies are integrated into the overall architectural form and detail of residential flat buildings. d) To contribute to the safety and liveliness of the street by allowing for casual overlooking and address.	Balconies are integrated into the architectural form of the development and will complement the facade and are fit for purpose.	Yes
Daylight Access Objectives of the controls area: a) To ensure that daylight access is provided to all habitable rooms and encouraged in all other areas of residential flat development. b) To provide adequate ambient lighting and minimise the need for artificial lighting during daylight hours. c) To provide residents with the ability to adjust the quantity of daylight to suit their needs.	The previous table (ADG - 4A Solar and Daylight Access) shows that the proposed development provides 21 units of 23 or 91% receiving sufficient solar access and does not comply with the required 70%.	Yes
Internal Design Objectives of the controls are: a) To ensure that the internal design of buildings provide a pleasant environment for the occupants and residents of adjoining properties.	The amended design shows that the living spaces and identified numerical deficiencies to the ADG standard have been rectified including minimum room sizes, solar access, habitable room depths and the like.	Yes
Ground Floor Dwellings Objectives of the controls are: a) To contribute to the desired streetscape of an area and to create active safe streets. b) To increase the housing and lifestyle choices available in dwelling buildings.	Ground floor units that adjoin the street are provided with direct street access and contribute to the activation, surveillance and front façade treatment that interacts with the street.	Yes
Security Objectives of the controls are: a) To ensure that buildings are orientated to allow surveillance from the	The entrance to the building is clearly defined and identifiable from the street. This contributes to causal surveillance opportunities in addition to the balconies	Yes

street and adjoining buildings. b) To ensure that entrances to buildings are clearly visible and easy to locate in order to minimise the opportunities for intruders. c) To ensure buildings are safe and secure for residents and visitors. d) To contribute to the safety of the public domain.	already provided.	
Natural Ventilation Objectives of the controls are: a) To ensure that dwellings are designed to provide all habitable rooms with direct access to fresh air and to assist in promoting thermal comfort for occupants. b) To provide natural ventilation in non-habitable rooms, where possible. c) To reduce energy consumption by minimising the use of mechanical ventilation, particularly air conditioning.	All units (100%) are capable of natural ventilation.	Yes
Building Layout Objectives of the controls are: a) To provide variety in appearance. b) To provide increasing privacy between dwellings within the building. c) To assist with flow through ventilation. d) To improve solar access.	Generally, the proposed building layout with an open common linear corridor optimise natural light and ventilation.	Yes
Storage Areas A secure storage space is to be provided for each dwelling with a minimum volume of $8m^3$ (minimum dimension $1m^2$). This must be set aside exclusively for storage as part of the basement or garage.	Storage spaces are provided within individual units in addition to storage areas proposed in the basement.	Yes
Storage areas must be adequately lit and secure. Particular attention must be given to security of basement and garage storage areas.	Storage areas within the basement will be adequately lit.	Yes
Landscaping and Fencing		
Landscaping Objectives of the controls are: a) To ensure that the development uses 'soft landscaping' treatments to soften the appearance of the buildings and complement the streetscape. b) To ensure that the relation of landscape design is appropriate to the desired proportions and character of the streetscape. c) To ensure that the use of planting and landscape elements are	The use of landscaping elements is appropriate to the scale of the development and provides a variety of native species in varying heights to complement the development.	Yes

appropriate to the scale of the development. a) To retain existing mature trees within the site in a way which ensures their ongoing health and vitality. b) To provide privacy, summer shade and allow winter sun. c) To encourage landscaping that is appropriate to the natural, cultural and heritage characteristics of its locality. d) To add value to residents' quality of life within the development in the forms of privacy, outlook and views.		
Fence height Maximum height of front fence is 1.2m. The front fence may be built to a maximum height of 1.5m if the fence is setback 1m from the front boundary with suitable landscaping in front of the proposed fence.	Details to be provided.	TBA
Surveillance Fences should not prevent surveillance by the dwelling's occupants of the street or communal areas.	Details to be provided.	TBA
Transparency The front fence must be 30% transparent.	Details to be provided.	TBA
Fence materials Front fences shall be constructed in masonry, timber, metal pickets and/or vegetation and must be compatible with the proposed design of the dwelling.	Details to be provided.	TBA
Height at side boundary front of setback The maximum height of side boundary fencing within the setback to the street is 1.2m.	Details to be provided.	TBA
Boundary fences Boundary fences shall be lapped and capped timber or metal sheeting.	Details to be provided.	. TBA
Car Parking and Access		
Visitor parking Visitor car parking shall be clearly identified and may not be stacked car parking.	Visitor parking for 4 cars are in the basement.	Yes
Visitor parking location Visitor car parking shall be located between any roller shutter door and the front boundary.	Visitors will also have the option to park in the street but in any case, entry to the building will require passing security doors.	Yes
Separation of access Pedestrian and driveways shall be separated.	Pedestrian and driveways are separated.	Yes
Accommodate removalist Driveways shall be designed to accommodate removalist vehicles.	On-street parking is available for removalist vehicles. The driveway width accommodates two cars passing and provides for better safety and visibility if unencumbered by other purposes.	Yes

Vehicular entrance Where possible vehicular entrances to the basement car parking shall be from the side of the building. As an alternative a curved driveway to an entrance at the front of the building may be considered if the entrance is not readily visible from the street.	The proposed driveway is the best option in this case.	Yes
Underground parking Give preference to underground parking	Underground parking is provided.	Yes
Pedestrian Access Objectives of the controls are: a) To promote residential flat development that is well connected to the street and contributes to the accessibility of the public domain. b) To ensure that residents, including users of strollers and wheelchairs and people with bicycles, are able to reach and enter their dwelling and use communal areas via minimum grade ramps, paths, access ways or lifts.	The main pedestrian entry is now clearly defined from the street as it is located to the mid portion of the front façade. Another pedestrian entry to the eastern side of the building provides a compliant disabled access ramp.	Yes
Amenity and Environmental Impact		
Overshadowing Adjoining properties must receive a minimum of three hours of sunlight between 9am and 5pm on 21 June to at least: - One living, rumpus room or the like; and - 50% of the private open space.	Shadow diagrams of the proposed development have been prepared for 21June (winter solstice). The shadow diagrams shows that the main impact will be on McKay Street to the south.	Yes
Privacy Objectives of the controls are: a) To locate and design buildings to meet projected user requirements for visual and acoustic privacy and to protect privacy of nearby residents. b) To avoid any external impacts of a development, such as overlooking of adjoining sites. c) To provide reasonable levels of visual privacy externally and internally, during the day and at night. d) To maximise outlook and views from principal rooms and private open space.	Consideration has been given to privacy having regard to disparity in permitted height and density compared to the height and density of existing development. While it is recognised that initially there will be potential for existing residents to feel they are being overlooked and for new RFB residents to feel they are visually exposed, the expectations of various residents are expected to change as the locality transitions from low to high density. In the meantime, it is considered that the design of the proposed development has given appropriate consideration to preserving residential privacy.	Yes
Acoustic Impact Objectives of the controls are: a) To ensure a high level of amenity by protecting the privacy of residents within residential flat buildings.	As discussed previously within this report, no acoustic report was submitted. Appropriate noise mitigation measures will be implemented.	Yes, to be conditioned
Site Services		

Objectives of the controls are: a) To ensure that the required services are provided. b) To ensure that the services provided are easily protected or maintained.	All required site services will be provided to the site and maintained.	Yes

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

6.4 Section 4.15(1)(a)(iiia) - Planning Agreement or any Draft Planning Agreement

There are no Planning Agreements which apply to the development.

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

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

6.6 Section 4.15(1)(a)(v) - Any coastal zone management plan (within the meaning of the *Coastal Protection Act 1979)*, that apply to the land to which the development application relates

N/A

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

(a) Natural and Built Environment

The proposed development is unlikely to create a detrimental impact on the natural environment surrounding the subject site, subject to the imposition of appropriate conditions of consent.

The proposed development is unlikely to create any adverse impacts on the surrounding built environment. The proposed development is considered to be of an appropriate scale and is unlikely to create any detrimental impacts on the adjoining properties or the locality as a whole. The proposal will facilitate residential development which is not an over-development and is consistent with the desired future built character of the locality.

It is considered that the proposed development has been designed with sufficient regard to surrounding properties to ensure that any adverse amenity impact is minimised, particularly in terms of visual and acoustic privacy and overshadowing.

Natural Environment

The proposed development requires the removal of at least 4 trees and retention of 3 existing small to medium sized trees which are unlikely to cause detrimental impact to any endangered and non-endangered species of flora and fauna. The proposed landscape plan shows appropriate planting of at least 15 new medium to large sized trees and establishment of vegetation within the setbacks.

(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.

The development is considered beneficial to the community for its attempt to increase housing variety in the locality by providing a diverse unit mix. The development will also result in a positive economic impact through the employment opportunities generated during the construction phase and on-going maintenance of the development.

The short term positive economic impacts development that result from construction spending and employment opportunities generated during the construction phase are generally recognised. Other, more enduring impacts should come as the local population increases and use local shopping and services.

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

The proposal generally complies with the relevant planning controls and the site is considered to be suitable for the proposed development.

6.9 Section 4.15(1)(d) - Any submissions made in relation to the Development

(a) Internal Referrals

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

DEPARTMENT	COMMENTS
Traffic	No objection subject to conditions
Waste Management	No objection subject to conditions
Natural Environment	No objection
Environmental Health	No objection subject to conditions
Land Development Engineering	No objection subject to conditions

(b) Community Consultation

The proposal was notified for a period of 14 days from December 6 to 20 in accordance with LDCP 2008. One submission was received in response to the public consultation process. The key issues raised in the submissions relate to the following:

Issues	Comments
Waste Disposal	
The submission makes the observation that there will be an increase in rubbish bins from 2 to 27 bins. It was also noted that there will be an increased in noise, identified bin storage area and placement of bins during collection days. The projected number of bins presented on the street kerb will impact on the number of street parking availability.	The revised waste management plan submitted by the applicant was reviewed by Council which considered that it can be conditioned so as to meet the objectives on waste disposal including the following commitments /conditions proposed by the applicant: • The waste storage area for the waste bins is to be 2.7 metres in height and to be 7.5

	metres deep by 3.4 metres wide, giving a total floor area of 25.5 square metres sufficient to store the required bins; • The standard features included in the waste storage room will be as per the requirements of the Liverpool DCP 2008, Section 25, 'Waste Disposal and Re-use Facilities'; • The waste bins will be moved to the kerbside for emptying by means of a bin tug or tractor; • A bin lifter is to be supplied to tip the 240 litre recycling bins to be placed in the waste compartments on each level into the 660 litre recycling bins which will then be tipped into the Council contractor's waste truck; • All bin path gradients from the ground floor of the building to the kerbside collection point will be no greater than 7% and determined that. A weekly bin collection service will be provided for the proposed development. Bins will be stored in the basement at other times. The proposed development was accompanied by an acoustic assessment report which considered the impact of local noise sources on the units and the potential impact of the new residential flat building on the existing aural environment. The report concluded that all potential acoustic issues can be managed to comply with published guidelines and that the development will not cause a noise nuisance.
Increased population	
The submission claims that if the proposal were extrapolated across the R4 zone there will be overpopulation and infrastructure cannot possibly cope. There are not enough schools, child care and bus service to cater for the increased population. There will be impact on amenity and property values.	The proposed development has been assessed by Council's development engineers and it is considered that drainage and stormwater can be satisfactorily handled for the site. Sydney Water has identified that it will deal with water and sewer connections at Construction Certificate stage. Construction of the proposed development will include liaison with the responsible energy providers and will include appropriate street lighting. It is considered that adequate infrastructure is available or will be provided to service the proposed development. With regards to the character of development, the proposal will present a different character to the existing single and two storey storey dwellings. However, the locality is Zoned R4 high density residential development and the proposed development meets the expectations

	and parameters of the R4 zone. Sites in nearby Lucas Avenue and Nuwarra Road are starting to provide an expression of the character of buildings proposed under the R4 zone. The proposed development is considered to provide a quality expression of high density development in accordance with the R4 zone.
Increased traffic and traffic management plan	
The objection claims that the submitted traffic report was flawed and assumptions used were incorrect. The objector noted that a traffic management plan was not submitted with the application particularly how to deal with concrete trucks and pumps during concrete pours. A traffic management plan should be requested as a condition of consent.	The application was accompanied by a traffic report which was referred to Council's Traffic Engineering Unit for review. Both concur that the surrounding road network has the capacity to accommodate the increased traffic generated by the development.
Not in the public interest	
The objector claims that the ultimate test for whether the proposal is within the public interest in addition to the above is objections received from the community.	Noted.
Landscaping	
The uploaded landscape plan in the website is blank. There should be adequate and appropriate trees provided to soften the harsh apartment building.	A landscape plant has since been submitted by the applicant. This was supported by DEP and Council's tree officer.
Bulk and Scale	
The bulk and scale is completely inappropriate and contrary to the existing residential area, existing development and is completely incompatible with the existing area. The proposal does not at all blend with the existing streetscape.	As a residential flat building, the proposed development will present a very different character to the existing single storey dwellings currently in Mckay Avenue. However, the locality is zoned R4 enable a higher and denser built form and the proposed development meets these expectations and parameters. The proposed development is considered to provide a quality expression of high density development in accordance with the R4 zone.

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

The proposed development is consistent with the zoning of the land and would represent a quality development for the suburb. The development provides additional housing opportunities within close proximity to employment opportunities and public transport.

In addition to the social and economic benefit of the proposed development, it is considered to be in the public interest.

7. DEVELOPMENT CONTRIBUTIONS

A Section 7.11 Development Contribution is applicable to the proposed development in accordance with Liverpool Contributions Plan 2009 and will be imposed as a condition of consent of any approval for the proposed development. The development attracts a total contribution of $56,945.

8. CONCLUSION

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

The proposed development is unlikely to result in any adverse impact upon neighbouring properties and the locality.

Based on the assessment of the application, it is recommended that the application be approved subject to the imposition of conditions.

9. RECOMMENDATION

That the Development Application DA-995/2017 be approved, subject to conditions of consent.

10. ATTACHMENTS

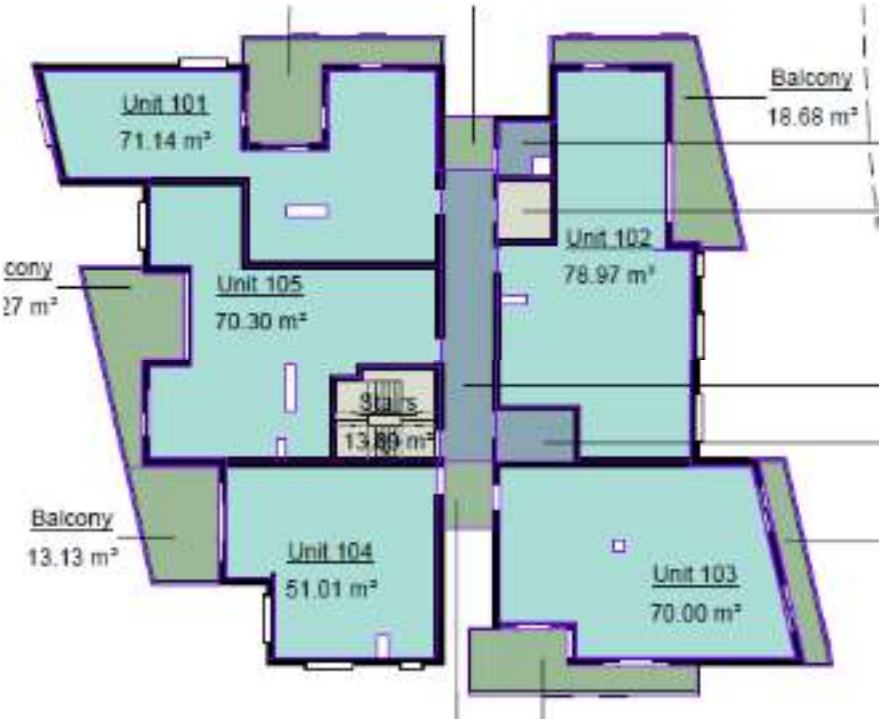
Attachment 1: Plans of the Proposal

Attachment 2: Recommended conditions of consent

Attachment 1: Plans of the Proposal

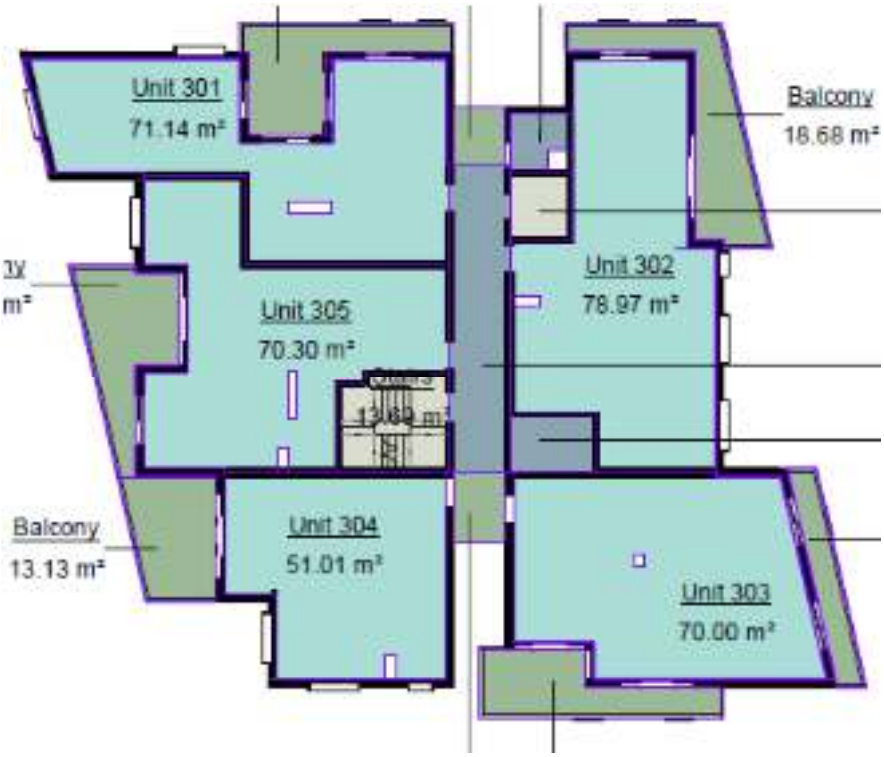
Site Plan

Ground Floor Plan



Level 1 Floor Plan

Level 2 Floor Plan



Level 3 Floor Plan

Level 4 Floor Plan

Streetscape Elevation (South)

Perspective View (from southeast corner)

Attachment 2: Recommended conditions of consent

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

A. THE DEVELOPMENT

Approved Plans

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

(a) Architectural Plans

Plan Name	Plan Number	Date	Rev	Prepared By
Site Plan	DA02	12/10/19	O	Fab Siqueira Architect
Existing/Demolition Plan	DA03	12/10/19	O	Fab Siqueira Architect
Ground Floor Plan	DA10	12/10/19	O	Fab Siqueira Architect
Levels 1-3 Plan	DA11	12/10/19	O	Fab Siqueira Architect
Level 4 Plan	DA12	12/10/19	O	Fab Siqueira Architect
Basement 1	DA13	12/10/19	O	Fab Siqueira Architect
Unit 001, Unit 002 & Unit 003	DA14	12/10/19	O	Fab Siqueira Architect
Unit 004, Unit 005 & Units 101, 201 & 301	DA15	12/10/19	O	Fab Siqueira Architect
Units 102, 202 & 302 Units 103,203 & 303 Units 104,204 & 304	DA16	12/10/19	O	Fab Siqueira Architect
Units 105, 205 & 305 Unit 401	DA17	12/10/19	O	Fab Siqueira Architect
Unit 403 & 402	DA18	12/10/19	O	Fab Siqueira Architect
Roof Plan	DA19	12/10/19	O	Fab Siqueira Architect
South Elevation	DA20	12/10/19	O	Fab Siqueira Architect

North Elevation	DA21	12/10/19	O	Fab Siqueira Architect
West Elevation	DA22	12/10/19	O	Fab Siqueira Architect
East Elevation	DA23	12/10/19	O	Fab Siqueira Architect
Streetscape Elevation	DA24	12/10/19	O	Fab Siqueira Architect
Finishes	DA25	12/10/19	O	Fab Siqueira Architect
Long Section 1	DA26	12/10/19	O	Fab Siqueira Architect
Long Section 2	DA27	12/10/19	O	Fab Siqueira Architect
Cross Section 1	DA28	12/10/19	O	Fab Siqueira Architect
Cross Section 2	DA29	12/10/19	O	Fab Siqueira Architect
Perspective	DA30	12/10/19	O	Fab Siqueira Architect

(b) Landscape Plans

Hardscape Plan	1	13/05/19	G	Conzept
Landscape Plan (Ground Floor)	2	13/05/19	G	Conzept
Landscape Plan (L4)	3	13/05/19	F	Conzept
Section A-A & B-B	4	30/04/19	C	Conzept
Specification & Detail	5	30/04/19	E	Conzept

(c) Stormwater Concept and Sediment and Erosion Control Plans

Report Name	Date	Reference	Revision	Prepared By
Stormwater Drainage / Sediment Control Details	02/10/19	2028-S1/6	C	John Romanous & Associates
Stormwater Drainage / Sediment Control Details (Ground Floor Drainage Plan)	02/10/19	2028-S2/6	C	John Romanous & Associates
Stormwater Drainage / Sediment Control Details (First, Second and Third Drainage Plan)	02/10/19	2028-S3/6	C	John Romanous & Associates
Stormwater Drainage / Sediment Control Details (Fourth Drainage	02/10/19	2028-S4/6	C	John Romanous & Associates

Plan)				
Stormwater Drainage / Sediment Control Details (Roof Drainage Plan)	02/10/19	2028-S5/6	C	John Romanous & Associates
Stormwater Drainage / Sediment Control Details (Typical Rainwater Detail)	02/10/19	2028-S6/6	C	John Romanous & Associates

(d) Reports

Report Name	Date	Reference	Prepared By
Tree Management & Impact Assessment Report	31/08/17	Version 1.0	Tarik Hussien AQF 5 Consulting Arborist
Traffic and Parking Impact Report	August 2018	Version 1a	Motion Traffic Engineers
Carpark Certification	August 2018	Version 1b	Motion Traffic Engineers
Construction Traffic Management Plan	April 2017	Version 1a	ML Traffic Engineers
Waste Management Plan	31/10/17	-	-

(e) BASIX certificate number 87062M_04, dated 25 October 2019 prepared by Eco Certificates Pty Ltd

Except where modified by the undermentioned conditions.

Amendments to Architectural & Landscape Plans and Waste Management Plan

2. Prior to the issue of a Construction Certificate, amended plans and details reflecting the required amendments (as detailed below), shall be submitted to and approved by Liverpool Council's Manager of Development Assessment. These include the following:

(a) Amended Architectural & Landscape Plans to incorporate the following:

- Install window hoods to west facing bedroom windows of Units 004, 104, 204, 304 & 403 for solar attenuation and privacy as well as create depth and further articulation;

- Install screening from public view all utility services including AC units (designed by a mechanical engineer for continued efficient operation); and

- Amend Architectural & Landscape Plans to indicate the provision of an On-Site Detention (OSD) tank located under the ramp at the entry to the basement carparking.

(b) Amended Waste Management Plan to incorporate the following:

- Details for a once a week collection to service the development, and the provision within the bin holding room for eight (8) 660 litre mobile garbage bins (4 x 660L general waste bins and 4 x 660L recycling bins);

- The 240L bins in the waste compartments on each floor level are designated as waste transfer bins only and will not be tipped to the waste truck or count towards the overall waste capacity. A bin lifter must be provided to tip the full 240L transfer bins into the 660L bins. The 240L transfer bins will not be provided by Council, these bins are the responsibility of the developer/strata to supply and maintain. Similarly, if bin hitches are required to facilitate the movement of the 660L bins, these hitches are the responsibility of the developer/strata to supply, install and maintain;

- Confirm the provision of a bin lifter to decant the 240L transfer bins into the 660L plus confirm the path by which the loaded bins will be transferred to the bin presentation area. If this is via the driveway ramp, a suitable bin tug or tractor must be used every time those bins are to be moved up or down the ramp;

- Confirm that the waste compartments on each residential level will have durable, washable wall and floor surfaces, adequate ventilation and lighting and signage supporting correct waste separation and disposal in each compartment. Confirm that these bins will be checked and emptied with a frequency that will ensure that the residents will have enough space to put their waste materials;

- Confirm that the strata and its representatives will maintain the cleanliness of the various waste aggregation and storage areas within the development. Confirm that the bulky waste storage area and any contents will be regularly checked, and ensure that residents are making required bookings for household waste removal and putting their materials out for collection the evening before the due date;

- Provide details are to be provided for how the bins are to be managed and how waste is to be collected from the loading /unloading area in the Basement, to avoid impacts of garbage collection on the street kerb, and the footpath immediately in front of the site; and

- Details how the garden waste will be removed and disposed off-site from the property by the appointed maintenance contractors as it is generated and Council will not be required to supply green (garden) waste bins or services to the property.

Comply with EP&A Act

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

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

Comply with NCC

4. In accordance with Section 4.16(11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000,* it is a *prescribed condition* that all building work must be carried out in accordance with the applicable Performance Requirements of the National Construction Code. Compliance with the Performance Requirements can only be achieved by:

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

Works at no Cost to Council

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

B. PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

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

Fee Payments

6. Unless otherwise prescribed by this consent, all relevant fees or charges must be paid. Where Council does not collect these payments, copies of receipts must be provided. For the calculation of payments such as Long Service Levy, the payment must be based on the value specified with the DA/CC. The following fees are applicable:

(a) Damage Inspection Fee;
(b) Fee associated with Application for Permit to Carry Out Work Within a Road, Park and Drainage Reserve; and
(c) Long Service Levy – based on 0.35% of the cost of building work.

These fees are reviewed annually and will be calculated accordingly

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

Section 7.11 Payment (Liverpool Contributions Plan 2009)

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

   The total contribution is **$56,945.00** and will be adjusted at the time of payment in accordance with the contributions plan.

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

   The Contributions Plan may be inspected online at:

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

Construction Certificates

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

Building Work

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

Site Development Work

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

Accessibility

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

Cladding

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

Notification

13. The certifying authority must advise Council, in writing of:

    (a) The name and contractor licence number of the licensee who has contracted to do or intends to do the work, or

    (b) The name and permit of the owner-builder who intends to do the work.

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

Design Verification Statement

14. In accordance with the EP&A Regulation and State Environmental Planning Policy (SEPP) 65 “Design Quality of Residential Apartment Development”, the subject development must be undertaken or directed by a ‘qualified designer’ (i.e., a registered architect under the Architects Act). In this regard, a design verification statement shall be submitted to the PCA and should refer to the stamped plans. The PCA shall ensure that the statement prepared by the qualified designer provides the following:

    (a) A valid and current chartered architect’s certificate number (as issued by the Board of Architects of NSW);

    (b) That the qualified designer has designed or directed the design of the subject development; and

    (c) That the plans and specifications lodged with the CC achieve or improve the design quality of the development for which the subject development consent was granted, having regard to the design principles set out in Part 2 of SEPP 65.

    Note: The design verification statement must provide an explanation of the

design in terms of the design quality principles set out in Part 2 of SEPP 65.

Crime Prevention Through Environmental Design

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

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

Security Access to car park

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

Street lighting

17. The existing street lighting at the proposed development frontage be replaced with LED light to Council and Endeavour Energy requirements.

S138 Roads Act – Minor Works in the public road

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

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

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

Council's specifications.

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

Retaining Walls on Boundary

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

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

S138 Roads Act – roadworks requiring approval of civil drawings

20. Prior to the issue of a Construction Certificate for building or subdivision works the Certifying Authority shall ensure that a S138 Roads Act application, including the payment of application and inspection fees, has been lodged with Liverpool City Council (being the Roads Authority under the Roads Act), for provision of Stormwater connection to Council gully pit and footpath construction to Mckay 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 Construction Certificate.

Waste Materials

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

Dilapidation Report Private Property (Excavations)

22. A full dilapidation survey and report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the required excavations must be submitted to the Certifying Authority for approval prior to the issue of any

Construction Certificate. The zone of influence is to be defined as the horizontal distance from the edge of the excavation face to twice the excavation depth.

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

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

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

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

On-Site Detention

23. On-Site Detention shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by **John Romanous & Associates, reference number 2028-S1/6-S6/6, revision C dated 02/10/2019**. The proposed development and stormwater drainage system shall be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties.

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

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

S68 Local Government Act – Stormwater drainage works

24. Prior to the issue of a Construction Certificate the Principal Certifying Authority and/ or Certifying Authority shall ensure that an application under S68 of the Local Government Act, including the payment of application and inspection fees, has

been lodged with, and approved by Liverpool City Council for new pit and pipe connection to Mckay 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 and best engineering practice.

Stormwater Concept Plan

25. A stormwater drainage system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by **John Romanous and Associates, reference number 2028-S1/6-S6/6, revision C and dated 02/10/19**.

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

(b) Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified engineer and shall accompany the application for a Construction Certificate. The plan shall indicate the method of disposal of all stormwater and must include rainwater tanks, existing ground levels, finish surface levels and sizes of all pipes.

(c) Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the stormwater drainage system has been designed in accordance with Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.

(d) Additional access grates shall be provided to the OSD tank for maintenance purposes.

Stormwater Discharge – Basement Car Parks

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

Dilapidation Report

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

No loading on easements

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

Water Quality

29. Prior to the issue of a Construction Certificate the PCA 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 with the LDCP 2008. The CC 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 Council with notification of the CC issue.

Access, Car Parking and Manoeuvring

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

Provide detailed plans indicating proposed driveway and car parking layout as shown on the stamped Architectural Plans including swept path analysis to parking and un-loading manoeuvres, sign posting and line markings and provision of safety measures as convex mirrors, bollards and the like. Markings should clearly identify the unit allocation for each car parking space with tandem layout designated to a single unit only.

The detailed plan is to be submitted to Council's Traffic and Transport section for review.

Balcony Balustrades and privacy screen design

31. All glass balustrades must be 1.2m in height and must be translucent, obscured, frosted or sandblasted glazing in design.

Reason: To mitigate inadvertent privacy impacts from a seated position within the units of the building to adjoining properties and to ensure any items stored within the balconies are appropriately screened from the public, and to restrict direct views from the public domain into the living areas of the units.

Any privacy screens shown on the approved plans are to be designed to extend to a height of 1.5m from their immediate floor level, and are to be designed with fixed 45 degree upward angled louvres.

Balcony and courtyard window and door design

32. The openings for windows and doors to balconies/courtyards are to be full height so that they extend from the floor to the underside of the slab above. This is to:

- enable the openings to read as 'panels' of glazing rather than 'hole in the wall' openings;
- assist in the proportioning of elevations;
- ensure maximum light to the interior of the dwellings; and
- create a seamless relationship between the balcony / courtyard and the interior.

Glazing is to extend full height within the opening. If for some reasons it is not possible to extend the glazing then an opaque material can be introduced into the overall frame so that it still reads as a full height panel.

Provision of Services

33. An application to obtain a Section 73 Compliance Certificate under the Sydney Water Act 1994, must be lodged with Sydney Water. To facilitate this, an application must be made through an authorised Water Servicing Coordinator. Please refer to the "building and developing" section of Sydney Water's web site at www.sydneywater.com.au, or telephone 13 20 92.

Following receipt of the application, a 'Notice of Requirements' will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. A copy of the 'Notice of Requirements' must be submitted to the PCA.

34. Written clearance from Endeavour Energy, stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development must be submitted to the PCA.

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

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

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

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

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

37. The applicant is to arrange with the appropriate service provider for any above ground service riser or access point to be constructed clear of any proposed or existing pedestrian footways, and if possible, located in recessed unobtrusive locations. Should any service provider require and/or insist the applicant/developer build a service riser that would create an obstruction and pose a potential safety hazard, then the applicant/developer should refer the request to Council for negotiation directly with the Service Network Authority.

C. PRIOR TO WORKS COMMENCING

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

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

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

(a) Construction Certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979.*
(b) Where a Construction Certificate is obtained from an Accredited Certifier, the applicant shall advise Council of the name, address and contact number of the Accredited Certifier, in accordance with Section 4.19, 6.6, 6.7, 6.12, 6.13, 6.14 of the Act,
(c) A copy of the Construction Certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.
(d) A Principal Certifying Authority (PCA) must be appointed to carry out the necessary building inspections and to issue an occupation certificate; and
(e) The PCA must advise Council of the intended date to commence work which is the subject of this consent by completing a notice of commencement of building works or subdivision works form, available from Council's Customer

Service Centre. A minimum period of two (2) working days' notice must be given.

Residential Building Work

40. Building work that involves residential building work (within the meaning of the *Home Building Act 1989*) must not be commenced unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the name and licence number of the principal contractor; and the name of the insurer by which the work is insured under Part 6 of that Act.

41. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the PCA for the development to which the work relates (not being the Council) has given the council written notice of the updated information.

Notification/Principal Certifying Authority

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

    a) Any excavation below the base of the footings of a building on an adjoining allotment of land.
    b) The notice shall be given seven (7) days prior to the commencement of work.

43. In the event the development involves excavation that extends below the level of the base of the footings of a building on adjoining land, the following is to be undertaken at full cost to the developer;

    (a) Protect and support the adjoining premises from possible damage from the excavation, and
    (b) Where necessary, underpin the adjoining premises to prevent any such damage.
    (c) Retaining walls or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated subsoil drainage and surface stormwater drainage measures, shall be designed strictly in accordance with the manufacturers details or by a practising structural engineer.

Site Notice Board

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

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

Sediment and Erosion Control Measures

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

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

Waste Classification

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

Traffic Management Plan

47. No work or craning shall be undertaken within the adjoining public lands without the prior written consent of Council. In this regard Council may require a Traffic Management Plan to be submitted before giving its approval.

48. The developer shall seek road occupancy, road opening permits, and works zone approval from Council if required prior to undertaking any works within public road reserve. The application forms are available on Council's website or can requested from the Council's Customer Services.

Traffic Control Plan

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

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

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

Hoarding

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

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

Craning

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

Site Facilities

52. Toilet facilities must be available or provided at the work site and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must:

(a) be a standard flushing toilet connected to a public sewer, or
(b) have an on-site effluent disposal system approved under the Local Government Act 1993, or
(c) be a temporary chemical closet approved under the Local Government Act 1993.

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

Return of Waste Bins

54. Prior to any works commencing, including demolition or site clearing, any residential waste bins that have been issued to 32 or 34 McKay Avenue Moorebank must be returned to Liverpool City Council. Ring 1300 26 2170 to

notify Council when those waste bins are ready for collection and so that their removal can be noted.

Notification of Service Providers

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

Please refer to the website www.sydneywater.com.au for more information.

Demolition Works

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

(a) Prior to the commencement of any works on the land, a detailed demolition work plan designed in accordance with the Australian Standard AS 2601-2001 – The Demolition of Structures, prepared by a suitably qualified person with suitable expertise or experience, shall be submitted to and approved by Council and shall include the identification of any hazardous materials, method of demolition, precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.

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

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

Demolition Inspections

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

(a) Immediately prior to the commencement of the demolition or handling of any building structure that contains asbestos. The applicant shall also notify the occupants of the adjoining premises and Workcover NSW prior to the commencement of any works. Please note that demolition works are not permitted to commence on site until such time as a satisfactory inspection result is obtained from Council.

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

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

D. DURING CONSTRUCTION

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

Building Inspections

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

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

Identification Survey Report

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

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

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

Notification/Principal Certifying Authority

61. In the event the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the following is to be undertaken at full cost to the developer:

(a) Protect and support the building, structure or work from possible damage from the excavation, and
(b) where necessary, underpin the building, structure or work to prevent any such damage.
(c) a and b above does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.
(d) Retaining walls or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated subsoil drainage and surface stormwater drainage measures, shall be designed strictly in accordance with the manufacturers details or by a practising structural engineer.

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

63. 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.

64. Retaining walls or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated subsoil drainage and surface stormwater drainage measures, shall be designed strictly in accordance with the manufacturers details or by a practising structural engineer. Retaining walls on any boundary are to be of masonry construction.

Construction Waste

65. All demolition, excavation and construction wastes must be separated as they are generated and kept separate bays, builder's site bins and/or skips.

66. All lightweight or granular excavation or construction wastes such as wrapping, packaging materials, bags, insulation, sand, soil etc. must be kept fully enclosed to prevent them from becoming wind-blown litter in strong wind conditions or from washing into drains, sewers or waterways or onto neighbouring properties or public land in wet weather.

Security Fence

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

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

Hours of Construction Work

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

Drainage Connection

69. Prior to the connection of private drainage to Council's drainage system, an inspection is to be carried out by Liverpool City Council's Development Engineering Unit. A fee will be charged in accordance with Council's adopted Fees and Charges, and is to be paid prior to the inspection.

Major Filling/Earthworks

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

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

Construction Noise

71. Construction noise shall not exceed the management levels defined within the Interim Construction Noise Guideline published by the NSW Department of Environment and Climate Change dated July 2009.

72. Construction activities, including operation of vehicles, shall be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like. In the event of a noise or vibration problem arising at the time, the person in charge of the premises shall when instructed by Council, cause to be carried out, an acoustic investigation by an appropriate acoustical consultant and submit the results to Council. If required by Council, the person in charge of the premises shall implement any or all of the recommendations of the consultant and any additional requirements of Council to Council's satisfaction.

General Site Works

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

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

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

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

77. Where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, dust is to be suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Where wind velocity exceeds five knots the PCA may direct that such work is not to proceed.

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

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

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

81. All dangerous and/or hazardous material shall be removed by a suitably qualified and experienced contractor, licensed by WorkCover NSW. The removal of such material shall be carried out in accordance with the requirements of WorkCover NSW. The material shall
be transported and disposed of in accordance with DECCW (EPA) requirements.

Waste Management Plan

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

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

Contamination

83. The development, including all civil works and demolition, must comply with the requirements of the Contaminated Land Management Act, 1997, State

Environmental Planning Policy No. 55 – Remediation of Land, and Managing Land Contamination – Planning Guidelines (Planning NSW/EPA 1998).

Imported Fill Material

84. All fill introduced to the site must undergo a contaminated site assessment. This assessment may consist of either:

(a) a full site history of the source of the fill (if known) examining previous land uses or geotechnical reports associated with the source site to determine potential contamination as per the NSW DECCW 'Waste Classification Guidelines' April 2008; or
(b) clearly indicate the legal property description of the fill material source site;
(c) provide a classification of the fill material to be imported to the site in accordance with the 'NSW DECCW 'Waste Classification Guidelines' April 2008.
(d) a chemical analysis of the fill where the site history or a preliminary contamination assessment indicates potential contamination or contamination of fill material; and
(e) must provide Council with copies of validation certificate verifying the material to be used is free of contaminants and fit for purpose re use in residential, commercial or industrial use.

Record Keeping of Imported Fill

85. Records of the following must be submitted to the principal certifying authority monthly and at the completion of earth works:

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

Unidentified Contamination

86. Any new information which comes to light during demolition or construction works which has the potential to alter previous conclusions about site contamination must be notified to Council and the accredited certifier immediately after discovery. A Section 4.55 Application under the EP&A Act shall be made for any proposed works outside the scope of the approved development consent.

Traffic Management

87. All works within the road reserve are to be at the applicant cost and all signage is to be in accordance with the RMS's Traffic Control at Worksites Manual and the RMS's Interim Guide to Signs and Markings.

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

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

89. Applications must be made to Council's Transport Planning section for any road closures. The applicant is to include a Traffic Control Plan, prepared by a suitably qualified person, which is to include the date and times of closures and any other relevant information.

90. The endorsed Construction Traffic Management Plan (CTMP) is to be implemented during the construction.

Car Parking Areas

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

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

Ventilation

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

External

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

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

95. Any external lighting is to incorporate full cut-off shielding and is to be mounted so as to not cause any glare or spill over light nuisance within the development, neighbouring properties or road users.

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

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

Graffiti

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

Front fence and boundary fencing

99. Any front fence and returns must not exceed 1.3m in height, and shall be constructed in masonry to be compatible with the design of the building and any gates associated with a front fence shall swing inwards into the property. Boundary fences shall be lapped and capped timber or metal sheeting.

Display of Street Numbers

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

Security and Safety

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

102. Surveillance cameras are required to be installed covering the entrance and exit and main areas of the car park.

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

104. All openable windows that are located two metres or more above the ground level and have a sill height less than 1.7m above the internal floor level shall be fitted with devices that lock the window opening at less than 12.5m.

Vegetation and Landscaping

105. No known environmental or noxious weeds or known invasive plant species shall be included in the landscaping/revegetation.

106. Mulch generated from exotic trees or other weed species cleared shall not be used on site. It shall be removed from the site and disposed of appropriately and in accordance with legislative requirements.

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

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

E. PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

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

Building/Compliance

109. The premises must not be utilised until an Occupation Certificate is issued by the Principal Certifying Principal Certifying Authority. Copies of all documents relied upon for the issue of the Occupation Certificate must be attached to the Occupation Certificate and registered with Liverpool City Council.

110. Details of *critical stage* inspections carried out by the principal certifying authority together with any other certification relied upon must be provided to Liverpool City Council with the occupation certificate.

Cladding

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

Fire Safety Certificate

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

Access Report

113. A Compliance Certificate or other documentation deemed suitable to the PCA is to be submitted to the PCA prior to the issue of an Occupation Certificate, detailing compliance with the following:

(a) Certification is to be obtained from a qualified access consultant certifying that the building has been constructed to meet the access criteria in accordance with the approved access report and that all recommendations have been adopted.

Lot Consolidation/Registration

114. Separate lots 18 & 19 of DP 236405 shall be consolidated into one lot. The applicant shall provide evidence that the linen plan for the required lot consolidation, endorsed by Council, has been registered with the Land Titles Office. This shall be provided to Council prior to the issue of an Occupation Certificate.

Design Verification Statement

115. In accordance with the Environmental Planning and Assessment Regulation 2000 and State Environmental Planning Policy (SEPP) 65 "Design Quality of Residential Apartment Development", the subject development must be undertaken or directed by a 'qualified designer' (i.e., a registered architect under the Architects Act). In this regard, a design verification statement shall be submitted to the PCA assessing the development, upon completion of all works subject of this consent and its accompanying CC. The PCA shall ensure that the statement prepared by the qualified designer provides the following:

(a) A valid and current chartered architect's certificate number (as issued by the Board of Architects of NSW);

(b) That the completed development achieves the design quality of the development as shown in the plans and specifications submitted and approved with the CC, having regard to the design principles set out in Part 2 of SEPP 65.

BASIX

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

Landscaping

117. Upon completion of the approved landscape works associated with the development and prior to the issue of any Occupation Certificate, an Implementation Report is to be submitted to the PCA attesting to the satisfactory completion of the landscape works in accordance with the approved landscape plan. The report is to be prepared by a suitably qualified person.

Liverpool City Council clearance – Roads Act/ Local Government Act

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

Works as Executed

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

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

Structural Engineer Certificate

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

Stormwater Compliance

121. Prior to the issue of an Occupation Certificate the PCA shall ensure that the:

(a) On-site detention system/s; and

(b) Basement carpark pump-out system:

1. Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent,
2. Have met the design intent with regard to any construction variations to the approved design, and
3. Any remedial works required to been undertaken have been satisfactorily completed

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

Restriction as to User and Positive Covenant

122. Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the on-site detention system/s and basement carpark pump-out system shall be registered on the title of the property:

(a) On-site detention system

(b) Basement Carpark pump-out system:

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

123. Prior to the issue of an Occupation Certificate, the following restriction as to user must be registered on the title of the property:

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

The restriction as to user may not be extinguished or altered except with the consent of Liverpool City Council.

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

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

Basement Pump-out System

125. Stormwater runoff from the proposed driveway to the underground garage shall be via a pump-out system subject to the following conditions:

(a) The pump-out system shall be independent of any gravity drainage lines except at the site property boundary inspection pit where a surface grated inlet pit shall be constructed, from which a connection may be permitted to the gravity stormwater system.
(b) Engineering details and manufacturer's specifications for pumps and switching system shall be submitted for approval prior to issue of construction certificate.
(c) An 88B positive covenant shall be placed on the property title. This requires the property owner to be responsible for the proper maintenance and repair of the abovementioned pumps, pipes and pit system. Council is the Authority benefited and the property owner is burdened by this restriction. Evidence of the creation of the positive covenant shall be forwarded to Council prior to the issue of an OC.

Roadworks

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

Footpaths

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

Rectification of Damage

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

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

Service Providers

129. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the PCA prior to issue of Occupation Certificate.

130. Notification of arrangement for the development from Endeavour Energy shall be submitted to Council.

131. Prior to the issue of an occupation certificate, written certification from all relevant service providers that the telecommunications infrastructure is installed in accordance with:

(a) The requirements of the Telecommunications Act 1997;
(b) For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
(c) For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

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

Garbage Services

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

Waste

133. All waste products associated with the use of the residential flat building are to be placed in containers and stored within the building.

134. A 'restriction as to user' is to be placed on the title of the property at the Applicant's expense, which may not be altered or removed without Council's consent, which states:

'The removal and disposal of all green (garden) waste from the property and the lawful disposal of same, is to be carried out by private waste contractors engaged by the strata proprietors. Liverpool Council does not supply green bins or green waste services to this property.'

135. All waste management facilities, equipment (except waste bins), features and permanent signage will be installed and operational prior to the issue of an Occupation Certificate

Dilapidation Report

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

F. CONDITIONS RELATING TO USE

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

Car Parking / Loading

137. A total of thirty-nine (39) off street car parking inclusive of six (6) visitor and one (1) disabled spaces must be provided.

138. All parking areas shown on the approved plans must be used solely for this purpose.

139. The operator of the development must not permit the reversing of vehicles onto or away from the road reserve, including any garbage and recycling collection vehicles. All vehicles must be driven forward onto and away from the development and adequate space must be provided and maintained on the land to permit all vehicles to turn in accordance with AS 2890.1 Parking Facilities – Off Street Car Parking.

140. All line marking and sign posting is to be maintained in good condition at all times, to the satisfaction of Council.

141. Council's on-street assets should be protected at all times. Any damages should be rectified to Council satisfaction.

Landscaping

142. Landscaping shall be maintained in accordance with the approved plan, in a healthy state and in perpetuity by the existing or future owners and occupiers of the development. If any of the vegetation comprising the landscaping dies or is removed, it is to be replaced with vegetation of the same species, and similar maturity as the vegetation which has died or was removed.

Mail-boxes

143. The mailboxes must not be accessed by universal keys and must each have their own keys for private access.

144. Vegetation must not cover or obstruct natural surveillance to the mailboxes.

Noise and Environmental Emissions

145. The use of the dwellings including music, mechanical plant and equipment and the like shall not give rise to the emission of "offensive noise" as defined under the Protection of the Environment Act 1997.

146. The use of the site shall not give rise to the emission into the surrounding environment of gases, vapours, dusts, odours or other impurities which are a nuisance, injurious or prejudicial to health.

147. The intruder alarm/s associated with the development shall only be permitted to operate in accordance with the requirements of Clause 53 of the Protection of the Environment Operations (Noise Control) Regulation 2000 under the POEO Act.

Waste Management

148. After the issue of the occupation certificate, but before occupation, Council must be contacted to arrange the delivery of the waste bins for the development. Please call Council on 1300 36 2170 to arrange for the delivery of the bins.

149. Council will supply all 660 litre waste bins, both general waste and recycling, that will be tipped to the Council contractor’s waste trucks. The supply and maintenance of all 240 litre bins that are to be used as recycling transfer bins within the development are the responsiblity of the developer, and thereafter, the strata proprietors. Similarly, if bin hitches are required to be fitted to the waste bins to facilitate the movement of the waste bins to the kerbside, the supply, fitting and maintenance of same are the responsibility of the developer/strata, and not Council.

150. The 660 litre residential waste bins are to be presented for emptying to the kerbside of McKay Avenue. Bins are to be placed on the kerbside no earlier than the evening before collection and are to be placed back into the bin storage area

as soon as possible, and not more than 24 hours after emptying. At all other times, these waste bins are to be kept in the residential waste storage room.

The cleaning and maintenance routine of the bin storage area as detailed in the approved waste management plan must be adhered to in the ongoing use of the building.

151. The bin tug or tractor provided as part of the equipment of the development by the developer must be used to transport the residential waste bins to the kerbside for emptying. Only individuals trained in the use of this item of equipment are to operate it.

152. Waste must be adequately secured and contained within designated waste areas and must not leave the site onto neighbouring public or private properties.

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

154. Bins must be moved from the waste room to the loading / unloading areas in the basement for collection by agents of the body corporate or strata management, or individual owners. The bins shall be collected from the loading / unloading area and returned as soon as possible after collection by the same persons.

155. Sufficient space shall be provided within each dwelling for the storage of a minimum of one day's waste and recycling.

156. The development is required to be serviced by a waste collection contractor, once in any one week.

Waste Storage Area

157. Any bin bays must be:

(a) Allocated with sufficient space within the bin bay to allow for access to all required bins by residents and waste collectors, as well as manoeuvring of bins within the bay and for the removal and return of bins by the waste collector;

(b) Provided with signage to be prominently displayed in each bin bay, or waste service room, as appropriate indicating that:

(i) Only recyclable materials accepted by Council are to be placed within the recycling bins;

(ii) A phone number to be displayed for arranging disposal of bulky items; and
(iii) Maximum compaction ratio is 2:1.

Washing on Balconies

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

G. ADVISORY

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

b) Under Sections 8.7 & 8.10 of the Environmental Planning and Assessment Act 1979 applicants who are dissatisfied with the outcome of a consent authority have a right of appeal to the Land and Environment Court. This right must be exercised within six (6) months from the date of this notice of determination.

c) In accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979, unless otherwise stated by a condition of this consent, this consent will lapse unless the development is commenced within five years of the date of this notice.

d) To confirm the date upon which this consent becomes effective, refer to Section 4.20 of the Environmental Planning and Assessment Act, 1979. Generally the consent becomes effective from the determination date shown on the front of this notice. However if unsure applicants should rely on their own enquiries.

e) To confirm the likelihood of consent lapsing, refer to Section 4.53 of the Act. Generally consent lapses if the development is not commenced within five years of the date of approval. However if a lesser period is stated in the conditions of consent, the lesser period applies. If unsure applicants should rely on their own enquiries.

f) The approval of this application does not imply or infer compliance with the Disability Discrimination Act and that the applicant should investigate their liability under the Act.

g) The requirements of all authorities including the Environmental Protection Authority and the Work Cover Authority shall be met in regards to the operation of the building.

h) “DIAL BEFORE YOU DIG”

Underground assets may exist in the area that is subject to your application. In the interest of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or

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

i) TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

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

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

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

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