

LOCAL PLANNING PANEL AGENDA

30 October 2023

MATTERS FOR THE LOCAL PLANNING PANEL'S DETERMINATION

Monday, 30 October 2023

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

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

Should you wish to address the Panel, please advise Milanka Jankovic, on 02 8711 7454, by 4pm, 27th October 2023.

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

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

ITEM No.	SUBJECT	PAGE No.
1	<p>DEVELOPMENT APPLICATION DA-185/2022</p> <p>DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A FIVE-STOREY RESIDENTIAL FLAT BUILDING COMPRISING 12 RESIDENTIAL UNITS OVER BASEMENT CAR PARKING, WITH ASSOCIATED LANDSCAPING AND ROOFTOP COMMUNAL OPEN SPACE</p> <p>LOT 70 & LOT 71, DP 440211</p> <p>9 & 11 MILL ROAD, LIVERPOOL NSW 2170</p>	4 - 117

Item Number:	1
Application Number:	DA-185/2022
Proposed Development:	Demolition of existing structures and construction of a five-storey residential flat building comprising 12 residential units over basement car parking, with associated landscaping and rooftop communal open space
Property Address	9-11 Mill Road, Liverpool
Legal Description:	Lots 70 and 71 in DP 440211
Applicant:	Perfect Square Design Pty Ltd
Land Owner:	Reyasah Al-Zuhairi and Monther Al-Zohairy
Cost of Works:	\$2,322,184
Recommendation:	Approval subject to conditions
Assessing Officer:	Charbel Ishac

1. EXECUTIVE SUMMARY

Council has received a Development Application (DA) seeking consent for the demolition of existing structures and construction of a five-storey residential flat building comprising 12 residential units over basement car parking, with associated landscaping and rooftop communal open space, at 9-11 Mill Road, Liverpool, legally known as Lots 70 and 71 in Deposited Plan 440211.

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

The proposed development is generally consistent with the objectives and development standards of the LLEP 2008 and the provisions of the State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65).

The key issues associated with the proposal relate to inconsistencies with the Apartment Design Guide (ADG), including building depth, building separation, visual privacy and ground floor apartments. As well as non-compliances with the Liverpool Development Control Plan 2008, including car parking, street alignment and setbacks. These matters have been addressed through the assessment process and are considered acceptable in this case.

The proposed development was required to be reviewed by Council's Design Excellence Panel (DEP). The DEP recommended changes to the original design and an amended proposal was brought to the DEP for a second time. The DEP were supportive of the amended proposal, noting that the proposal has design excellence subject to some further design amendments. These are recommended to be imposed as conditions of consent.

As a result of the DEP process the applicant was required to demonstrate that the proposal would not result in an isolated site to the east of the subject site. The applicant is considered to have provided information to satisfy the site isolation principles and therefore this matter has been adequately addressed.

The development application was advertised/notified for a period of 14 days from 25 May 2022 to 9 June 2022 in accordance with Liverpool Community Participation Plan 2019. No submissions were received during the public consultation period.

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

Sensitive Development

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

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

2. SITE DESCRIPTION AND LOCALITY

2.1 The site

The site is legally known as Lots 70 and 71 in Deposited Plan 440211 and is commonly referred to as 9-11 Mill Road, Liverpool. The site is irregular in shape, with a total site area of 702.31m². The frontage to Mill Road is 24.605m, the western side boundary measures 36.905m, the eastern side boundary measures 26.545m and the rear boundary measures 22.035m.

The land falls from the west to the east and north to the south in the order of 1.4m.

The site is currently occupied with a detached dwelling and outbuilding on each lot with a secondary dwelling at 11 Mill Road. Two trees are located at the rear of No. 9 Mill Road. Refer to the aerial view of the site below.



Figure 1: Aerial view of the subject site (Source: Council's online maps)



Figure 2: View of the two dwellings on the subject site at No. 11 (left) and No. 9 Mill Road (right)

The site is located within the R4 High Density Residential zone at the southern end of the Liverpool City Centre. The building typology to the north, east and west is residential flat buildings of primarily older stock with some contemporary development, while to the south of the site is generally single and two storey dwelling houses also zoned R4 that are yet to develop under the contemporary planning controls. Refer to the locality aerial below.

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

East (side)	A 12 unit, four storey strata subdivided residential flat building at 5-7 Mill Road (see Figure 5)
West (side)	A 12 unit four storey, strata subdivided residential flat building at 50 Nagle Street (see Figure 6)
South (front)	A single and two storey dwelling house at 8 & 10 Mill Road (see Figure 7)
North (rear)	A 4 unit, three storey strata subdivided residential flat building at 48 Nagle Street

The Liverpool Train Station is an 800m walking distance to the northeast of the site. Woodward Park is 450m to the northwest.



Figure 3: Aerial view of the locality, showing the RFB typology to the north, east and west and lower density to the south (Source: Council online maps)



Figure 4: Eight storey residential flat building at 1 Mill Road



Figure 5: Four storey residential flat building to the east at 5-7 Mill Road



Figure 6: Four storey residential flat building adjoining to the west at 50 Nargle Street



Figure 7: Single and two storey dwellings opposite at 8 and 10 Mill Road



Figure 8: Streetscape view to the west



Figure 9: Streetscape view to the east

3. BACKGROUND/HISTORY

Date	Comment
22 February 2022	The subject DA was lodged with Council
25 May to 9 June 2022	The application was notified. No submissions were received.
11 August 2022	The application was reviewed by Council's Design Excellence Panel (DEP) which raised concerns with the design.
11 April 2023	<p>Following a detailed assessment, the application was deferred for additional information requesting amendments or further information for:</p> <ul style="list-style-type: none"> • <i>Consideration of and a response to the Design Excellence Panel advice.</i> • <i>Further information to confirm compliance with Clause 7.4 Building Separation in Liverpool City Centre under the Liverpool Local Environmental Plan 2008.</i> • <i>A design sketch of a development on 5 Mill Road as it will be isolated by the development by not having a 24m wide frontage, in accordance with the planning principle of site isolation.</i> • <i>Compliance issues with the Apartment Design Guide, including:</i> <ul style="list-style-type: none"> ○ <i>The driveway is on the high side of the property and results in a high elevated ground floor, with a disconnected street interface. Consider swapping the driveway to the low side of the property.</i> ○ <i>No detail of the treatment, furniture and amenity provided to the rooftop COS.</i> ○ <i>The rear setback at ground level appears to be COS but is only 3m deep. This should be incorporated into the ground level unit POS.</i> ○ <i>Numerous variations are proposed for building separation under Objective 3F-1.</i> ○ <i>Further information on neighbouring window placement for visual privacy.</i> ○ <i>Amenity to certain bedrooms proposed with unnecessary screening.</i> ○ <i>Further information on solar access which has considered neighbouring buildings.</i> ○ <i>Numerous non-compliances with minimum unit sizes, room sizes and private open space sizes and/or dimensions.</i> ○ <i>Amenity issues with G01, being cramped and adjacent to the driveway.</i> ○ <i>Insufficient storage information.</i> ○ <i>Acoustic privacy.</i> • <i>Increase front setback landscaping by minimising unnecessary paving.</i> • <i>Traffic and Transport referral comments regarding Australian Standards and swept path compliance.</i> • <i>Car parking compliance is required, with the application short 2 visitor spaces.</i> • <i>The waste storage room in the basement was to be detailed to</i>

	<p><i>confirm it was of sufficient size to accommodate the required bins and a bulky waste area.</i></p> <ul style="list-style-type: none"> • <i>Location of the bin tug.</i> • <i>Confirm in writing if a substation was required.</i> • <i>Weather protection for the outdoor bicycle parking.</i> • <i>Compliance with visitor bicycle spaces.</i> • <i>Submit an Arborist Report to assess the viability of tree retention.</i> • <i>Access to raised AC unit area along the side setback.</i>
On 20 April 2023	The applicant advised by email that they would not submit additional information and to determine the DA. Following further discussions, this position was rescinded.
2 June 2023	A follow up letter was issued after no amended plans were submitted.
26 July 2023	Additional information in response to the letter issued by Council on 2 June 2023 was provided by the applicant.
10 August 2023	A second DEP meeting was held which was generally supportive of the proposal with some additional recommendations made.
18 September 2023	The applicant submitted an amended package in response to the DEP minutes.

This report is based on the additional information submitted on 18 September 2023.

3.1 Previous Application

A previous development application was lodged on 27 July 2017 (DA-563-2017) for a 9 storey residential flat building of 17 units with two basement levels on 9-11 Mill Road, Liverpool, under the in-fill affordable rental housing provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009.

The application was ultimately refused by the Liverpool Local Planning Panel on 16 December 2019 following two Design Excellence Panel meetings during the development assessment and two requests for additional information. The reasons for refusal generally related to non-compliant building separation, concerns over the narrow lot width of the site, non-compliances with the Apartment Design Guide/SEPP 65 and the Liverpool Development Control Plan 2008, and insufficient information.

4. DETAILS OF THE PROPOSAL

The development application seeks approval for the demolition of existing structures and construction of a five-storey residential flat building comprising 12 residential units over basement car parking, with associated landscaping and rooftop communal open space.

Details of the proposal are provided as follows:

- Demolition of the two dwellings, secondary dwelling and outbuildings is proposed.
- The construction of a five (5) storey residential flat building of 12 units with a single basement level.

The proposed residential flat building development consists of the following:

- The proposed 12 units comprise a unit mix of:
 - 2 x studios
 - 2 x 1 bedroom units
 - 5 x 2 bedroom units
 - 3 x 3 bedroom units

- The basement level comprises:
 - 12 car parking spaces of which 10 are allocated to the units, including two accessible spaces and 2 visitor spaces as indicated by the Letter of Intentions dated 25 September 2023 provided by the applicant.
 - 2 motorcycle spaces.
 - A unit storage area.
 - Service rooms.
 - A lift core.

- The ground level comprises:
 - 2 x studios and 2 x 1 bedroom units,
 - A garbage room, including bulky waste storage, at the street front
 - Bicycle parking along the eastern boundary.
 - A double width driveway at the street front with waiting bay and single width driveway into the basement.
 - Platform lift to enable wheelchair access to the front door.

- Levels 1-3 accommodate 1 x 2 bedroom and 1 x 3 bedroom units each.

- Level 4 accommodates 2 x 2 bedroom units.

- Rooftop communal open space is proposed.
 - The roof level includes a BBQ with a pergola and seating areas, a water closet and a storage room.
 - Perimeter landscaping is proposed.

Waste collection is proposed from the kerbside by Council's waste contractor.

One tree along the northern boundary is to be retained. New landscaping is proposed which includes trees and small plantings.



Figure 10: Photomontage of the proposed development

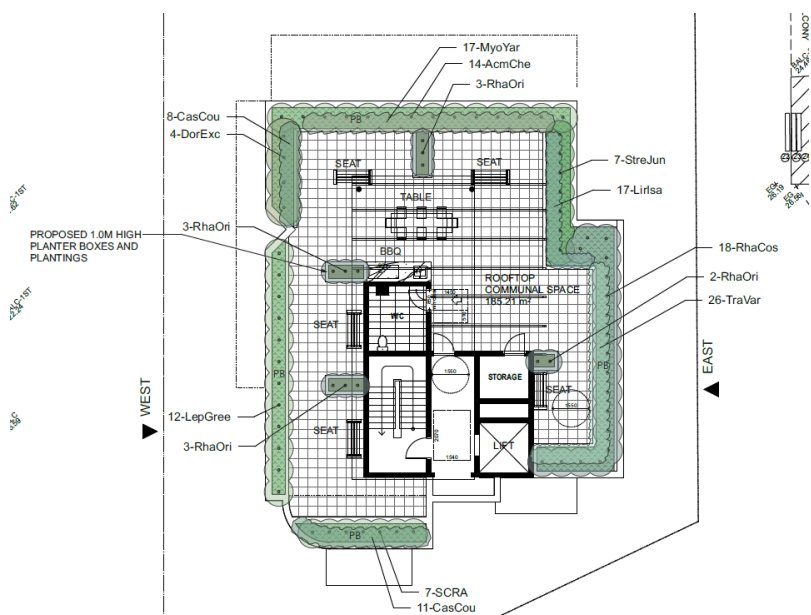


Figure 11: Rooftop communal open space landscape plan

The table below provides key development data for the proposal.

Element	Proposed
Site Area	702.31m ²
FSR	Site area = 702.31m ² Proposed GFA = 1,107.93m ² FSR = 1.58:1

Height	Approximately 20.8m to the lift overrun. Approximately 16.7m to the level of the communal open space.
Communal Open Space	185.21m ² – 26.4% of the site area
Deep Soil Zone	The Architectural Plans indicate 133.10m ² (16.1% of the site area) of deep soil area however, 97m ² (as measured in Trapeze) with a minimum 3m dimension (13.8% of the site area).
Solar Access	10 of 12 units receive 2 hours of solar access – 83.3% No unit receives no solar access – 0%
Cross Ventilation	11 of 12 units – 91.7%
Building Separation	Ground Level: 3m to 4.9m Levels 1-3: 3m to 6.74m Level 4: 3.16m to 6.74m

5. STATUTORY CONSIDERATIONS

5.1 Relevant matters for consideration

The following planning instruments/policies applicable to the proposed development area as follows:

- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Building and Sustainability Index: BASIX) 2004
- State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development
- Liverpool Local Environmental Plan (LLEP) 2008.
- Liverpool Development Control Plan (LDCP) 2008.
 - Part 1 – Controls applying to all development
 - Part 4 – Development in Liverpool City Centre

Draft Environmental Planning Instruments

- No Draft Environmental Planning Instruments affect the assessment of the application.

Contributions Plans

- Liverpool Contributions Plan 2018 – Liverpool City Centre applies to the subject development.

6. ASSESSMENT

The development application has been assessed in accordance with the relevant matters of consideration prescribed by Section 4.15 Evaluation of the EP&A 1979 and the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation), as follows:

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

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

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

The land is currently being used for residential purposes and 1943 historical aerial imagery indicates that the land was being used for dwelling houses at the time. It is unlikely that the land is contaminated or requires any detailed remediation works beyond those that can be addressed by standard conditions of consent regarding demolition and the removal of soil as part of the earthworks for the basement.

Clause 4.6 - Contamination and remediation to be considered in determining development application	Comment
(1) A consent authority must not consent to the carrying out of any development on land unless:	
(a) it has considered whether the land is contaminated, and	It is unlikely the land is contaminated as it is an existing residential zoned allotment with a history of residential use.
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and	As above.
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.	The land does not require remediation.

Based on the above assessment, the proposal is considered to satisfy the relevant objectives and provisions of Chapter 4 of the SEPP (Resilience and Hazards) 2021.

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

(i) Chapter 2 Vegetation in Non-Rural Areas

Chapter 2 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 aims to protect the biodiversity values of trees and other vegetation in non-rural areas and

preserve the amenity of non-rural areas through the preservation of trees and other vegetation. The development is within a non-rural areas and Chapter 2 of the SEPP is applicable.

The proposal will retain one tree on the site in the northeastern corner. An arborist report was submitted which confirms that the tree can be retained in the deep soil zone in this portion of the site. Council's Landscape Officer reviewed the report and did not object to the proposed application, subject to conditions of consent.

(i) Chapter 11 Georges River Catchment

Chapter 11 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 generally aims to maintain and improve the water quality and river flows of the Georges River and its associated tributaries. As the site is located within the Georges River Catchment, Chapter 11 of the SEPP is applicable.

(Note: Chapters 7 – 12 of State Environmental Planning Policy (Biodiversity and Conservation) 2021 were repealed on 21 November 2022. However, the savings and transitional provisions in Part 6.6 of the SEPP (Biodiversity and Conservation) 2021 state these former repealed provisions of the SEPP continue to apply to a development application made, but not yet determined, before the date of the repeal. Given that DA-185/2022 was lodged and not determined before the repeal date of 21 November 2022, the former Chapter 11 of the SEPP (Biodiversity and Conservation) 2021 applies to this DA.

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

Clause 11.6 General Principles	Comment
(a) the aims, objectives and planning principles of this plan,	The plan aims generally to maintain and improve the water quality and river flows of the Georges River and its tributaries.
(b) the likely effect of the proposed plan, development or activity on adjacent or downstream local government areas,	Proposal reviewed by Council's Land Development Engineering Section and considered satisfactory subject to conditions.
(c) the cumulative impact of the proposed development or activity on the Georges River or its tributaries,	The engineering plans were submitted and reviewed by Council's Land Development Engineering Section. Conditions of consent apply with respect to sediment and erosion mitigation measures.

(d) any relevant plans of management including any River and Water Management Plans approved by the Minister for Environment and the Minister for Land and Water Conservation and best practice guidelines approved by the Department of Urban Affairs and Planning (all of which are available from the respective offices of those Departments),	The site is located within an area covered by the Liverpool District Stormwater Management Plan, as outlined within Liverpool City Council Water Strategy 2004.
(e) the <i>Georges River Catchment Regional Planning Strategy</i> (prepared by, and available from the offices of, the Department of Urban Affairs and Planning),	Consistent with the strategy.
(f) all relevant State Government policies, manuals and guidelines of which the council, consent authority, public authority or person has notice,	The application was not required to be referred to the Department of Planning and Environment - Water and the proposal is consistent with the guidelines.
(g) whether there are any feasible alternatives to the development or other proposal concerned.	No. The site is located in an area nominated for residential development.
When this Part applies the following must be taken into account:	Planning principles are to be applied when a consent authority determines a development application.
Clause 11.7 Specific Principles	Comment
(1) Acid sulfate soils	The site is identified as Class 5 acid sulfate soils. Although the site is within 500m of Class 1 soils (Georges River), the development will not result in lowering of the watertable on that land.
(2) Bank disturbance	No bank disturbance is proposed.
(3) Flooding	The site is not flood affected.
(4) Industrial discharges	Not applicable.
(5) Land degradation	The proposed development is unlikely to cause land degradation.
(6) On-site sewage management	The site will be connected to a reticulated sewer system.
(7) River-related uses	Not applicable.
(8) Sewer overflows	Not applicable.
(9) Urban/stormwater runoff	Water management details provided in civil engineering details and approved by condition of consent by Council's Land Development Engineers.
(10) Urban development areas	The area is not within an Urban Release Area.
(11) Vegetated buffer areas	Not applicable.

(12) Water quality and river flows	Erosion and sediment control and salinity measures to be implemented in construction.
(13) Wetlands	Not applicable.

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

(c) State Environmental Planning Policy (BASIX) 2004

The proposal is accompanied by a BASIX Certificate (Certificate No. 1273043M_02) prepared for the proposed development and identifying that water efficiency, energy efficiency and thermal comfort targets can be met.

(d) State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development and the Apartment Design Guidelines

The proposal has been evaluated against the provisions of SEPP 65 which aims to improve the design quality of residential flat development. SEPP 65 requires the consent authority to consider the development against 9 key design quality principles and against the guidelines of the ADG. The ADG provides additional detail and guidance for applying the design quality principles outlined in SEPP 65.

An assessment of the proposal in accordance with the 9 key design quality principles of SEPP 65 is provided at Attachment 3.

Further to the design quality principles, Clause 30(2) of SEPP 65 also requires residential apartment development to be designed in accordance with the ADG. Compliance tables for the ADG can be found in Report Attachment 4.

The following table provides an assessment of the proposal against the relevant provisions of the ADG which propose variations that are deemed to be acceptable for the proposed development.

2E Building Depth	
Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line when precinct planning and testing development controls. This will ensure that apartments receive adequate daylight and natural ventilation and optimise natural cross ventilation	Considered Acceptable Although the development has a maximum building depth of 18.8m, it varies between 16.5m and 18.8m. The proposal responds to the general principals of building depth design in ensuring the minimum requirements for solar access and natural ventilation for the development are met. Walls are also articulated along each frontage and the choice of materials creates interest in the facades. Additionally, adverse privacy and overshadowing on adjoining sites are mitigated

	by the development.
2F Building Separation	
<p>Minimum separation distances for buildings are:</p> <p><u>Up to four storeys (approximately 12m):</u></p> <ul style="list-style-type: none"> • 12m between habitable rooms/balconies (6m to boundary) • 9m between habitable and non-habitable rooms • 6m between non-habitable rooms <p><u>Five to eight storeys (12m to 25m)</u></p> <ul style="list-style-type: none"> • 18m between habitable rooms / balconies (9m to boundary) • 12m between habitable and non-habitable rooms • 9m between non-habitable rooms <p>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.</p>	<p>Considered Acceptable</p> <p>The development is five storeys and requires 6m of separation for the first four storeys and 9m on Level 4 for habitable rooms and 3m and 4.5m respectively for non-habitable rooms.</p> <p>The development provides for a diverse and largely non-compliant building separation to adjoining properties per the below:</p> <p>External Walls</p> <p><u>West</u> Ground: 3m – 4.9m Level 1-3: 3m – 4.45m Level 4: 4.235m</p> <p><u>East</u> Ground: 3.1m – 4.91m Level 1-3: 3.16m – 4.91m Level 4: 3.16m – 4.935m</p> <p>Balconies</p> <p><u>West</u> Level 1-3: 4.45m – 6.735m Level 4: 6.35m – 6.735m</p> <p><u>East</u> Level 1-3: 4.91m – 5.05m Level 4: 5.05m – 6.87m</p> <p>Discussion</p> <p>It is important to note that the site currently comprises two dwellings and is surrounded by RFB's both to the east and west thus limiting availability for amalgamation.</p> <p>While variations are proposed, the main objective of the building separation controls is to ensure for suitable amenity is achieved in a high density location. The proposal is considered satisfactory in this regard.</p> <p>All habitable room windows proposed facing the side boundaries are 1.6m, high level windows above the finished floor level. In all</p>

instances above ground, these windows are also secondary in that another window is proposed that faces either the front or rear of the development. The windows are recommended for retention to improve natural light and ventilation on a constrained site, rather than adhering to strict compliance with the habitable room separation given visual privacy is addressed.

On the ground level, living room windows are proposed within 6m facing the side boundaries as their sole outlook. This is considered acceptable due to boundary fencing and/or views toward the front setback over the fence. No visual privacy issues are created at the ground level.

It should be noted that the proposal complies with FSR and complies with maximum building height development. In terms of the overall building separation within the locality, the proposal complies with the City Centre building separation standards under LLEP 2008. It is therefore not considered to be an over development of the site in this regard.

Accordingly, the proposed variation to building separation is considered acceptable in this instance, and for the reasons detailed above the development is considered acceptable with regards to SEPP 65 and the ADG.

3F Visual Privacy

Minimum separation distances from buildings to the side and rear boundaries are as follows:

Building Height	Habitable Rooms and Balconies	Non Habitable Rooms
Up to 12m (4 storeys)	6m	3m
12m to 25m (5-8 storeys)	9m	4.5m
Over 25m (9+ storeys)	12m	6m

Considered Acceptable

As discussed above in Part 2F, the development provides for a diverse and largely non-compliant building separation to adjoining properties.

The proposal ensures that visual privacy in a high density location is provided through the use of high level windows to side boundaries which still provides opportunity natural light and ventilation, when compared to removing windows from elevations entirely.

The main living areas, windows and balconies

<p>Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.</p> <p>New development should be located and oriented to maximise visual privacy between buildings on site and for neighbouring buildings. Design solutions include:</p> <ul style="list-style-type: none"> • site layout and building orientation to minimise privacy impacts (see also section 3B Orientation) • on sloping sites, apartments on different levels have appropriate visual separation distances (see figure 3F.4) <p>Apartment buildings should have an increased separation distance of 3m (in addition to the requirements set out in design criteria 1 when adjacent to a different zone that permits lower density residential development to provide for a transition in scale and increased landscaping (figure 3F.5).</p>	<p>are orientated to the north (rear boundary) and south (front boundary) with privacy screening in the form of a wall to the side boundaries to ensure visual privacy is maintained.</p> <p>The DEP reviewed amenity and considered the amended proposal to have design excellence.</p> <p>Accordingly, the proposed variation to visual privacy is considered acceptable in this instance, and for the reasons detailed above the development is considered acceptable with regards to SEPP 65 and the ADG.</p>
<p>Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.</p>	<p>As above.</p>
<p>3J Bicycle and Car Parking</p>	
<p>For development in the following locations:</p> <ul style="list-style-type: none"> - on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or - on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre <p>The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less. The car parking needs for a development must be provided off street</p>	<p>Considered Acceptable</p> <p>Although the site is within 800m of the Liverpool Train Station, the development relies upon the car parking rates in Part 4 Development in Liverpool City Centre of the LDCP 2008. Notwithstanding this, the development is non-compliant with the car parking rates in the DCP with a shortfall of one (1) car parking space for residents and two (2) visitor car spaces.</p> <p>Further comment is provided under the DCP assessment section of this report.</p>
<p>Parking and facilities are provided for other modes of transport</p>	
<p>Car park design and access is safe and secure</p>	

Visual and environmental impacts of underground car parking are minimised	
Visual and environmental impacts of on-grade car parking are minimised	
Visual and environmental impacts of above ground enclosed car parking are minimised	
4D Apartment Size and Layout	
In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window	<p>Considered Acceptable</p> <p>Units 101, 201 and 301 exceed 8m to the depth of the open plan area, however, the furthest portion of the living/dining/kitchen space is 7.75m from a window, with the remaining being circulation and the laundry/storage. This is considered acceptable.</p> <p>All other units are less than 8m in depth.</p>
<p>Living rooms or combined living/dining rooms have a minimum width of:</p> <ul style="list-style-type: none"> - 3.6m for studio and 1 bedroom apartments - 4m for 2 and 3 bedroom apartments 	<p>Considered Acceptable</p> <p>The kitchen/dining room of G04 is 3.5m in width, which is non-compliant. However, the furniture layout indicates the design is acceptable to accommodate the minimum furniture expectation of a studio unit. The living area is more than 3.6m to, in part, compensate for the shortfall.</p> <p>All other units are compliant. Further, the proposed design is generally supported by the DEP.</p>
4L Ground Floor Apartments	
Street frontage activity is maximised where ground floor apartments are located	<p>Considered Acceptable</p> <p>Access to the street for ground floor apartments is provided from an internal lobby with a secure door. Due to the site width, a circulation path with direct access is not realistically achievable.</p>
Design of ground floor apartments delivers amenity and safety for residents	
Systems and access enable ease of maintenance	
Material selection reduces ongoing maintenance costs	

(e) Liverpool Local Environmental Plan 2008

(i) Zoning

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

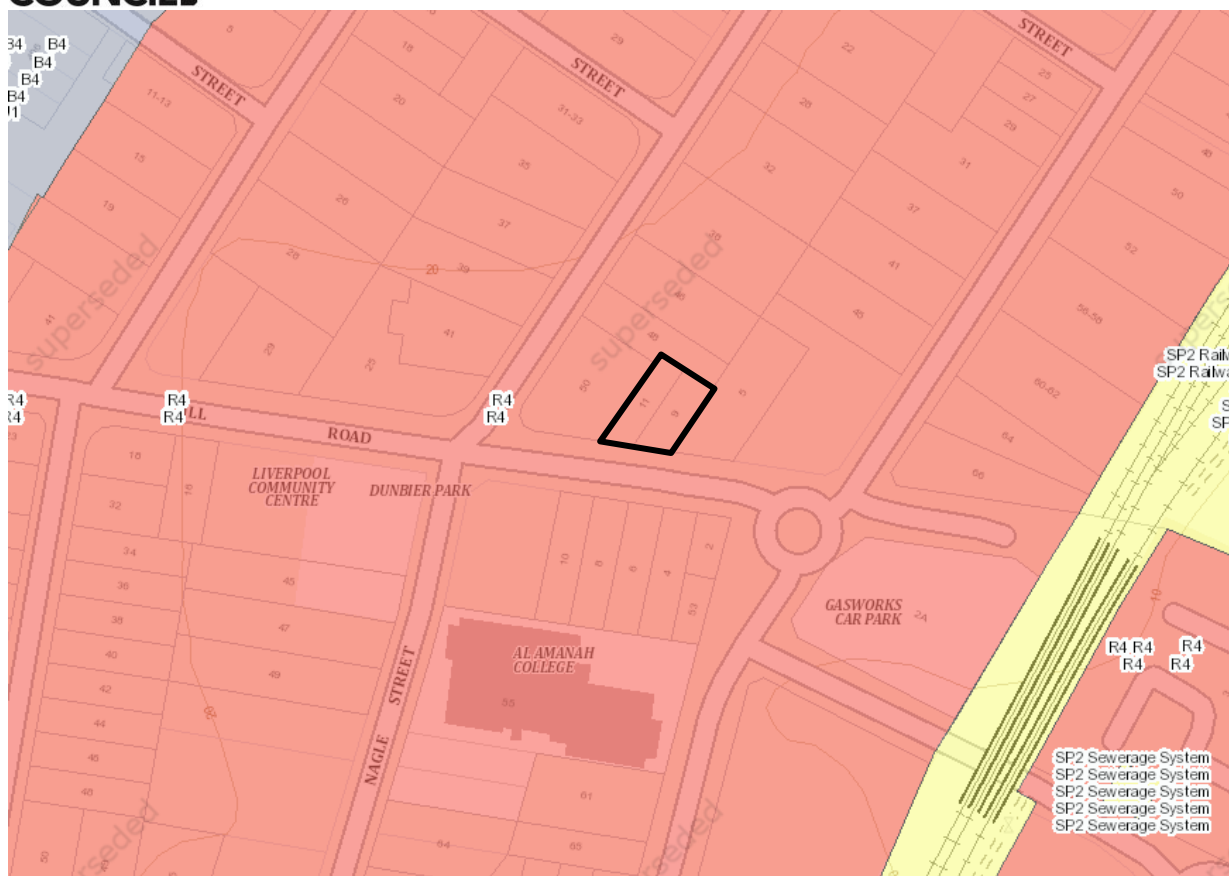


Figure 12: Land Zoning Map (Source: LLEP 2008)

(ii) Permissibility

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

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

Note—

Residential flat buildings are a type of residential accommodation— see the definition of that term in this Dictionary.”

The proposed development satisfies the definition of a *residential flat building* as it is a building that contains 3 or more dwellings. The form of the development is permissible within the R4 – High Density Residential zone.

(iii) Objectives of the zone

The objectives of the R4 High Density Residential zone are:

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

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

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

- The proposal will provide for additional high density residential accommodating within a high density residential locality.
- The development proposes a unit mix of studios, 1, 2 and 3 bedrooms.
- The site is well located near the Liverpool Train Station (800m walking distance) and is at the southern end of the Liverpool City Centre. Consequently, the development is sufficiently proximate to transport, services and facilities.
- The amalgamation of the two allotments creates a site achieving the minimum frontage width development standard (as discussed below). There are considered to be no reasonable further amalgamation opportunities available and this option is considered to help minimise the fragmentation of land.

(ii) Principal Development Standards

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

Development Provision	Requirement	Compliance
2.7 Demolition	The demolition of a building or work may be carried out only with development consent.	Complies Development consent is sought for the demolition of all existing structures. A demolition plan has been submitted.
4.3 Height of Building	The maximum building height permitted on the subject land is 35 metres on the Heights of Buildings map.	Complies The proposed building height is approximately 20.8m to the lift overrun.
4.4 Floor Space Ratio	The permitted FSR for the site is 2:1 under LLEP2008.	Complies Site area: 702.31m ² Max GFA permitted: 1,404.62m ² Proposed GFA: 1,107.93m ² FSR proposed: 1.58:1
4.6 Exceptions to development standards	Provisions relating to exceptions to development standards.	N/A No clause 4.6 variation was submitted with this application.
7.1 Objectives for Development in Liverpool City Centre	Before granting consent for development on land in the Liverpool city centre, the consent authority must be satisfied that the proposed development is consistent with such of the following objectives for the redevelopment of the city centre as are	Complies The development will satisfy the objectives of development in Liverpool City Centre in that the works proposed will preserve the existing layout and reinforce the street character, not impact sunlight availability in areas of

	<p>relevant to that development—</p> <p>(a) to preserve the existing street layout and reinforce the street character through consistent building alignments,</p> <p>(b) to allow sunlight to reach buildings and areas of high pedestrian activity,</p> <p>(c) to reduce the potential for pedestrian and traffic conflicts on the Hume Highway,</p> <p>(d) to improve the quality of public spaces in the city centre,</p> <p>(e) to reinforce Liverpool railway station and interchange as a major passenger transport facility, including by the visual enhancement of the surrounding environment and the development of a public plaza at the station entry,</p> <p>(f) to enhance the natural river foreshore and places of heritage significance,</p> <p>(g) to provide direct, convenient and safe pedestrian links between the city centre (west of the rail line) and the Georges River foreshore.</p>	<p>high pedestrian activity (with Mill Road not deemed an area of high pedestrian activity), no impact on Hume Highway, public spaces, Liverpool railway station or the foreshore.</p>
<p>7.4 Building Separation in Liverpool Centre</p>	<p>The objective of this clause is to ensure minimum sufficient separation of buildings for reasons of visual appearance, privacy and solar access.</p> <p>Development consent must not be granted to development for the purposes of a building on land in Liverpool city centre unless the separation distance from neighbouring buildings and between separate towers, or other separate raised parts, of the same building is at least—</p> <p>(a) 9 metres for parts of buildings between 12 metres and 25 metres above ground level (finished) on land in Zone R4 High Density Residential, and</p> <p>(b) 12 metres for parts of buildings between 25 metres and 35 metres above ground level (finished) on land in Zone R4 High Density Residential, and</p>	<p>Complies</p> <p>Based on the streetscape elevation and a review of the survey plan, there will be over 9m of separation for parts of the buildings on the site and adjoining properties between 12m and 25m above ground level finished. The minimum is approximately 9.95m between 50 Nagle Street and the western elevation of the development.</p>

	<p>(c) 18 metres for parts of buildings above 35 metres on land in Zone R4 High Density Residential and</p> <p>(d) 12 metres for parts of buildings between 25 metres and 45 metres above ground level (finished) on land in Zone E2 Commercial Centre or MU1 Mixed Use, and</p> <p>(e) 28 metres for parts of buildings 45 metres or more above ground level (finished) on land in Zone E2 Commercial Centre or MU1 Mixed Use.</p>	
<p>7.5 Design Excellence</p>	<p>Development consent must not be granted to development involving the construction of a new building or external alterations to an existing building in the Liverpool city centre unless the consent authority considers that the development exhibits design excellence.</p> <p>In considering whether development exhibits design excellence, the consent authority must have regard to the following matters—</p> <p>(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,</p> <p>(b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,</p> <p>(c) whether the proposed development detrimentally impacts on view corridors,</p> <p>(d) whether the proposed development detrimentally overshadows Bigge Park, Liverpool Pioneers' Memorial Park, Apex Park, St Luke's Church Grounds and Macquarie Street Mall (between Elizabeth Street and Memorial Avenue),</p> <p>(e) any relevant requirements of applicable development control plans,</p> <p>(f) how the proposed development addresses the following matters—</p>	<p>Complies</p> <p>The development has been the subject of two DEP meetings since the lodgement of the DA. The DEP were generally supportive, with minor amendments required following the second meeting.</p> <p>Further discussion occurs below this table.</p>

	<ul style="list-style-type: none"> (i) the suitability of the site for development, (ii) existing and proposed uses and use mix, (iii) heritage issues and streetscape constraints, (iv) the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form, (v) bulk, massing and modulation of buildings, (vi) street frontage heights, (vii) environmental impacts such as sustainable design, waste and recycling infrastructure, overshadowing, wind and reflectivity, (viii) the achievement of the principles of ecologically sustainable development, (ix) pedestrian, cycle, vehicular and service access, circulation and requirements, (x) the impact on, and any proposed improvements to, the public domain. 	
<p>7.7 Acid sulfate soils</p>	<p>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.</p>	<p>Complies</p> <p>The site is identified as Class 5 acid sulfate soils. Although the site is within 500m of Class 1 soils (Georges River), the development will not result in lowering of the watertable on that land. No further action required.</p>
<p>7.14 Minimum building street frontage</p>	<p>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---</p> <ul style="list-style-type: none"> (a) any building on land in Zone E2 Commercial Centre or MU1 Mixed Use, or (b) any building of more than 2 storeys 	<p>Complies</p> <p>The site has a frontage of 24.605m to Mill Road.</p>

	on land in Zone R4 High Density Resideitla or E1 Local Centre, or (c) any residential flat building	
7.31 Earthworks	Provisions relating to bulk earthworks.	Complies No earthworks are proposed than those ancillary to the development for the proposed basement and ground works.

Clause 7.5 Design Excellence

The applicant met with the DEP prior to the lodgement of the DA to discuss the development of the site. The subject proposal was brought before Council's DEP also on 11 August 2022 and again on 10 August 2023.

The DEP comments are contained in Attachment 2 of this report.

Following the 10 August 2023 DEP meeting, four matters remained outstanding as noted by the DEP:

- The ground level has retained 2 x studios and 2 x 1 bedroom units and has not been amalgamated to include 2 or 3 bedroom units.
- The basement car park retains space number 12.
- Sun shading devices strategies to windows (most notably the west elevation).
- The absence of solar panels on the roof.

Ground Level Units

The development provides an appropriate mix of units and is compliant with the unit mix control under Part 4 of the LDCP 2008. Accordingly, there is no planning specific requirement to enforce the amalgamation of the ground level units. It is considered that amalgamating these units is not necessary in this instance.

Car Space 12

Car space 12 has been retained in the design. Council's traffic engineer has reviewed the basement and determined it to be acceptable with regard to the manoeuvrability and Australian Standards. Consequently, its deletion is not required.

Sun Shading Devices to Windows

A condition to this effect is recommended to be imposed.

Solar Panels

The applicant has not identified solar panels on the roof. There is an opportunity to power a portion of the development through solar energy and is strongly advised and recommended through the design excellence panels. It is recommended that a condition of consent be imposed to provide solar panels on the roof.

As per the above, the development is considered to satisfy the design excellence clause. The remaining elements raised by the DEP are either resolved by way of condition or are not considered to be of notable environmental impact to further design changes.

Site Isolation

While the site has a street frontage of 24.605m and is compliant, the neighbouring older stock residential flat building at 5-7 Mill Road has a frontage of approximately 22.5m. The next adjoining property at 1 Mill Road has previously been developed to the scale of development envisioned under the current planning controls (see Figure 4). The existing building on 5-7 Mill Road is only four storeys and does not utilise the maximum height (25m) or FSR (2:1) available to it under contemporary planning controls. Accordingly, 5-7 Mill Road can be deemed isolated by the development on the basis that it will not achieve the minimum street frontage on its own accord.

The planning principle regarding site isolation is covered in *Karavellas v Sutherland Shire Council [2004] NSWLEC 251* which requires a two-step process. The two steps were summarised into two questions, which are:

- Is amalgamation of the sites feasible?
- Can orderly and economic use and development of the separate sites be achieved if amalgamation is not feasible?

In addressing the first question, the context of the subject site and the isolated lot is vital in this consideration. The existing building on 5-7 Mill Road is a four storey residential flat building that comprises ground level garages and three habitable levels with 12 strata subdivided units. There is no realistic capacity for the subject lots that consist of two dwellings (the only two dwellings left on the block, with all other buildings being residential flat buildings of varying age and scale) to be amalgamated with the fragmented ownership of the unit building on 5-7 Mill Road.

Consequently, it is recognised that amalgamation is not feasible and is not necessary to be pursued in greater detail.

The second question is whether 5-7 Mill Road could be developed consistent with the planning controls. An additional information request was issued to require the preparation of a design sketch for 5-7 Mill Road to determine this.

The applicant submitted a concept plan for a similarly scaled building at 5-7 Mill Road. This plan is illustrated in the figure below.

The concept plan is developed to the same scale as the subject site being a five storey building with implied rooftop communal open space. The sketch is modest in detail; however, it is deemed sufficient for the purposes of assessment in this case.

Two notable non-compliances are present in the example envelope. These are:

- Non-compliance with the ADG building separation – 3m of separation shown on the first four storeys which are likely to include windows, whereas this should be 6m, and 6m where it should be 9m for the fourth storey.
- Contravention of Clause 7.4 Building Separation in Liverpool City Centre which requires 9m of separation for parts of buildings between 12m and 25m above ground level (finished). The indicated separation will be as little as 6m between this development and the subject development for portions of the fourth storey.

A detailed design for a development on the land can manage the concerns these non-compliances raise, particularly regarding visual appearance and privacy. Like the subject development, the units can prioritise the orientation of views from units to the front and rear to mitigate potential visual privacy to the side boundaries. A well resolved architectural design can manage the streetscape appearance of reduced separation for the two developments side by side.

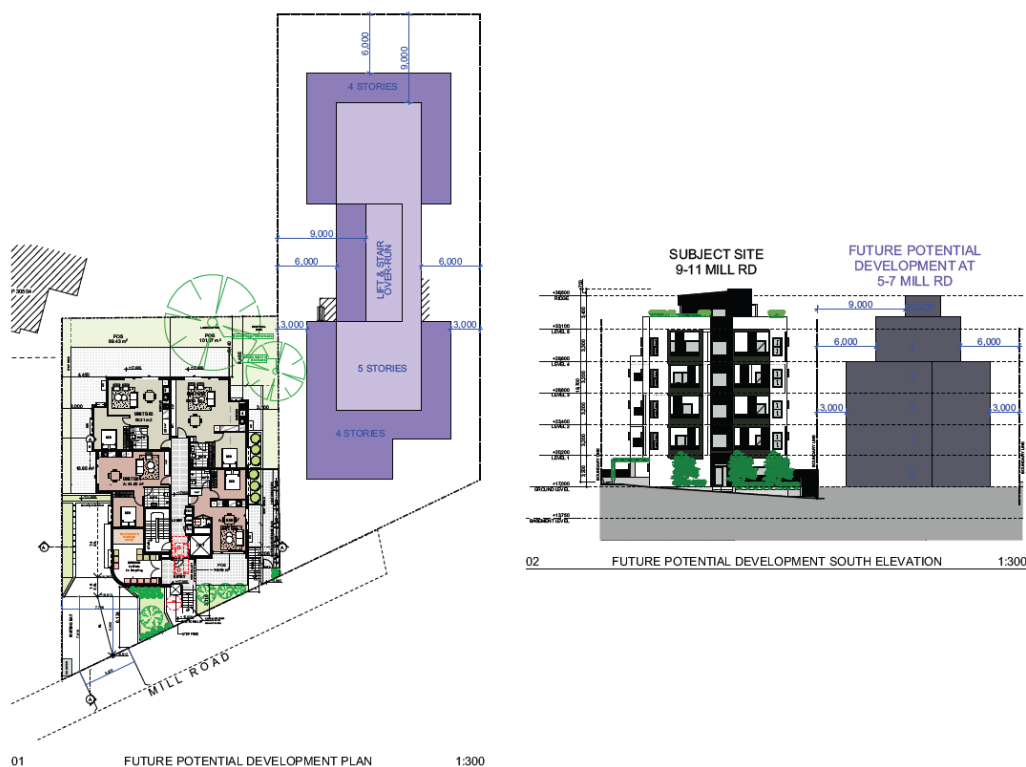


Figure 13: Concept Plan for 5-7 Mill Road

Given the site orientation, it is not envisioned that overshadowing will be a key concern as much of this will fall onto Mill Road.

Though a basement is not shown, the site width is similar to that of the subject which has successfully accommodated an Australian Standards compliant vehicle access and basement. There is no reason to suspect this is not feasible for future development on 5-7 Mill Road.

In view of the above, amalgamation with 5-7 Mill Road is considered not realistic and not required in this instance. Should a development occur on that land in the future, it is considered that a design of a similar scale to the proposed development could be accommodated.

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

There are no draft Environmental Planning Instruments that affect the development or the assessment of this application.

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

(a) Liverpool Development Control Plan (LDCP) 2008

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

- Part 1: General Controls for all Development.
- Part 4: Development in Liverpool City Centre.

The proposal is considered to be generally consistent with the key controls outlined in the Liverpool Development Control Plan 2008. Some variations are proposed. All relevant compliance tables for the LDCP 2008 can be found in Report Attachment 5.

The key non-compliances within the DCP assessment are summarised below.

4.2.7 Street Alignments and Street Setback – Front Setback

The front setback applicable to the site is a 4.5m landscaped setback per Figure 4-10. Refer to the figure below.

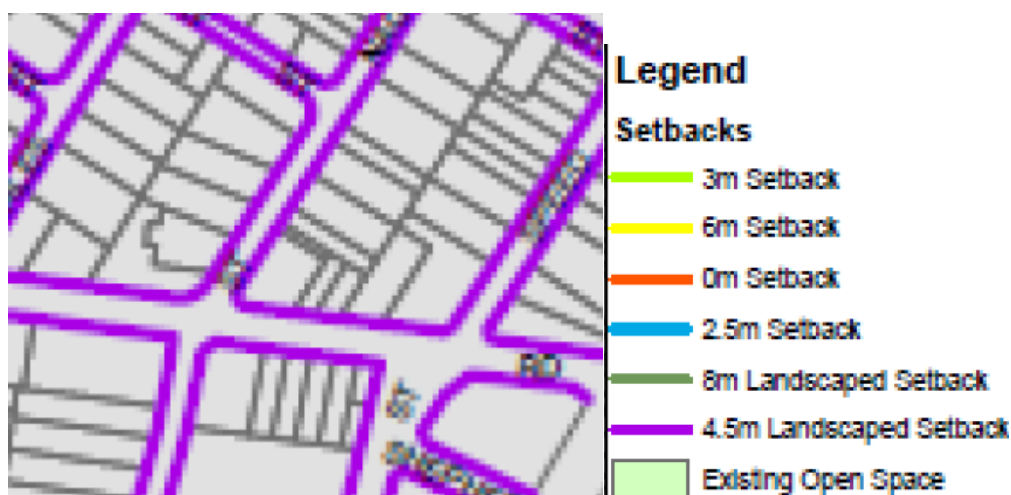


Figure 14: Extract of Figure 4-10 of Part of the LDCP 2008

The proposal comprises a front setback ranging from 4.25m to 6.134m to the external wall of the waste room on the ground floor and 3m to the balconies on Level 1-4 fronting Mill Road resulting in a minor non-compliance of the front setback control. The proposed front setback varies due to the irregular street frontage alignment and is only non-compliant for a small portion of the building width as depicted in Figure 15 below.

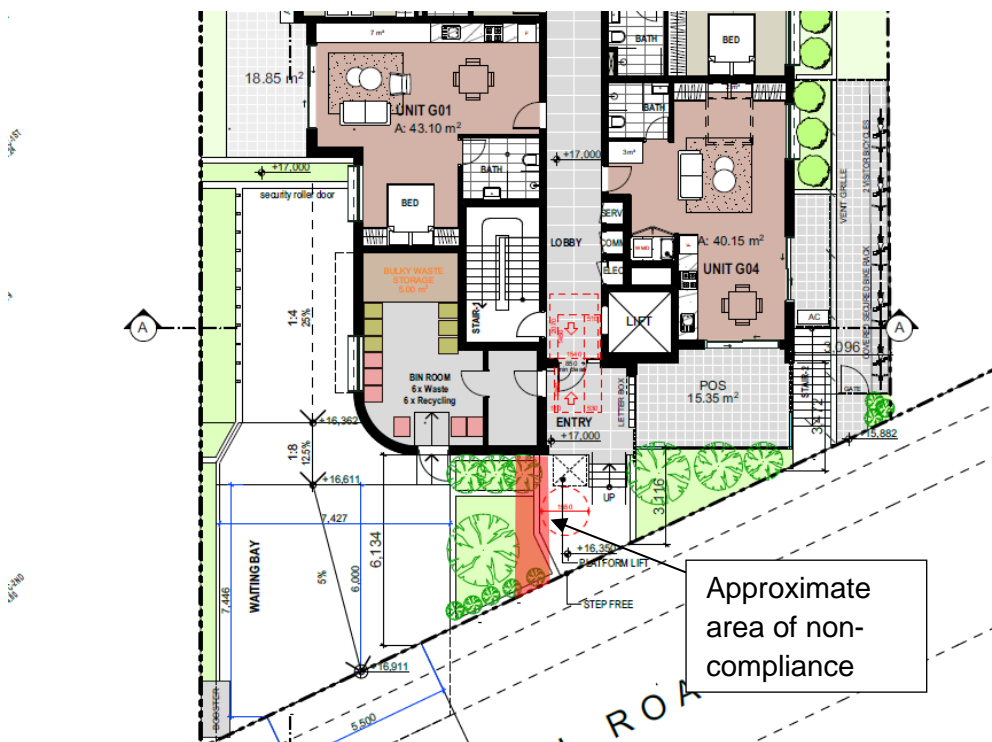


Figure 15: Extract of Ground Floor Plan

Notwithstanding this minor non-compliance, the proposal provides a front setback which is appropriate to the character of the locality, comprises soft landscaping within the front setback and does not result in any significant impacts to the adjoining lots or the public domain.

Given the above, the proposal is consistent with the objectives of the control and is therefore considered acceptable on this occasion.

4.4.2 On Site Parking – Car Parking

The proposed development is required to provide the following car parking:

	Requirement	Calculation
Studios	1 space per 2 studios	2 studios = 1 space
1 bedroom	1 space per 1 bedroom	2 x 1 beds = 2 spaces
2 bedroom	1 space per 2 bedroom	5 x 2 beds = 5 spaces
3 bedroom	1.5 spaces per 3 or more bedroom	3 x 3 beds = 4.5 spaces
Visitors	1 per 10 units or part thereof	12 units = 1.2 (2 as rounded)

Total		12.5 residential 1.2 visitors = 13.7 (14 as rounded)
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The proposed basement level accommodates 12 car parking spaces including 2 accessible spaces.

Council's Traffic engineer has reviewed the proposal and based on the 'Letter of Intentions' dated 25/09/2023, the applicant has identified that the 12 spaces will be allocated as 10 residential and 2 visitor spaces. This represents a 16% (2 spaces) shortfall in residential parking.

Due to the sites proximity to Public Transport and local Parking Facilities, and noting the site constraints, the reduction in residential spaces can be supported by Council with the following composition :

- 11 Residential Spaces
- 1 Visitor Space

Overall, the proposal is considered to be generally consistent with the key controls outlined in the LDCP 2008 and is acceptable where variations have been proposed.

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 Regulations 2021 requires the consent authority to consider the provisions of the Building Code of Australia. If approved appropriate conditions of consent will be imposed requiring compliance with the BCA.

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

Built Environment

The proposed development is unlikely to create any notable detrimental impacts on the surrounding built environment. The proposed development is of a scale and density suitable for its constrained site and has an acceptable relationship to its adjoining properties, following the iterative process throughout the assessment and advice provided by Council's DEP. The proposal will facilitate new residential accommodation of a suitable level of amenity to achieve design excellence which is consistent with the desired future character of the locality.

Natural Environment

The proposed development will not create a detrimental impact on the natural environment surrounding the subject site, subject to the imposition of appropriate conditions of consent.

The site is within an established urban area zoned for high density residential. The site does contain vegetation that is sought to be removed. However, the retention of the street tree and jacaranda in the rear is a positive outcome for the site. The addition of new landscaping at the ground level and in on-structure planting will also positively serve the streetscape presentation and resident amenity. The development is supported on the grounds of the natural environment.

Social Impacts and Economic Impacts

The proposal would result in a positive economic impact through the capital investment value of the development and the provision of additional residential density close to the Liverpool city centre. It is unlikely to generate any notable detrimental social impacts, being consistent with the desired future development of the locality.

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

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

6.9 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	Approved subject to conditions.
Waste Management	Approved subject to conditions.
Landscape	Approved subject to conditions.
Land Development Engineering	Approved subject to conditions.

(b) External Referrals

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

EXTERNAL DEPARTMENT	COMMENTS
Sydney Water	No concerns raised.
Endeavour Energy	Approved with conditions.

(c) Community Consultation

The proposal was notified for a period of 14 days from 25 May 2022 to 9 June 2022 in accordance with the Liverpool Community Participation Plan 2019. No submissions were received in response to the public consultation process.

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

The proposed development is consistent with the zoning of the land and would represent a high quality development for the locality. The development provides additional housing opportunities within close proximity to employment opportunities, services and public transport. Given the assessment undertaken, the proposal is considered to be in the public interest.

7. DEVELOPMENT CONTRIBUTIONS

The Liverpool Contributions Plan 2018 Liverpool City Centre is applicable to the proposed development. Accordingly, the payable Section 7.12 Contribution fee for the development proposed is **\$46,444.00** subject to the Consumer Price Index (CPI) increases applicable at the time of payment.

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 LLEP 2008, LDCP 2008, and the relevant codes and policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, and all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development the proposal is considered to be consistent with the objectives of the R4 High Density Residential Zone of the LLEP2008, the objectives of the Liverpool DCP, the objectives of the applicable EPIs and the objectives of the EP& A Act 1979.

The proposed development is unlikely to result in adverse impacts 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

The Liverpool Local Planning Panel as the consent authority grants Development Consent for **DA-185/2022** for the demolition of existing structures and construction of a five-storey residential flat building comprising 12 residential units over basement car parking, with associated landscaping and rooftop communal open space subject to the conditions outlined within Attachment 1.

ATTACHMENTS

1. Draft Conditions of Consent
2. Minutes of the Design Excellence Panel Meeting
3. Design Quality Principles
4. ADG Compliance Table
5. Liverpool Development Control Plan 2008 Compliance Table

REPORT ATTACHMENT 1 – CONDITIONS OF APPROVAL**ATTACHMENT 1 – CONDITIONS OF CONSENT**

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

A. THE DEVELOPMENT**1. Approved Plans**

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

Plan Name	Project No.	Plan No.	Date	Revision	Prepared By
Architectural Plans					
Site Plan	21010	6	13.09.23	05	JE Architects
Basement Floor Plan	21010	7	13.09.23	05	JE Architects
Ground Floor Plan	21010	8	13.09.23	05	JE Architects
Level 1 Floor Plan	21010	9	13.09.23	05	JE Architects
Level 2 Floor Plan	21010	10	13.09.23	05	JE Architects
Level 3 Floor Plan	21010	11	13.09.23	05	JE Architects
Level 4 Floor Plan	21010	12	13.09.23	05	JE Architects
Level 5 Floor Plan	21010	13	13.09.23	05	JE Architects
Roof Plan	21010	14	13.09.23	05	JE Architects
Elevations	21010	15	13.09.23	05	JE Architects
Sections	21010	16	13.09.23	05	JE Architects
Pre/Post Adaptable Units	21010	22	13.09.22	05	JE Architects
External Finishes	21010	24	13.09.22	05	JE Architects
Demolition Plan	21010	19	08.02.22	02	JE Architects
Landscape Plans					
Landscape Plan – Ground Level	-	1146.GD.01	13.09.23	D	Greenland Design
Landscape Plan – Level 4	-	1146.GD.02	13.09.23	D	Greenland Design
Landscape Plan – Level 5	-	1146.GD.03	13.09.23	D	Greenland Design
Landscape Details & Specifications	-	1146.GD.04	13.09.23	D	Greenland Designs



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Report Name	Date	Reference	Prepared by
BASIX Certificate	26 September 2023	1273043M_02	EPlanning
Arboricultural Impact Assessment	29 June 2023	-	Arbor Express
Amended Waste Management Plan	July 2023	21200	Dickens Solutions Pty Ltd
Environmental Noise Impact Assessment	17 November 2021	6178-2.1R	Day Design
Geotechnical & Salinity Assessments	September 2014	14/1993	SMEC Testing Services

2. Comply with EP&A Act

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

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

3. National Construction Code

In accordance with Section 4.17 (11) of the *Environmental Planning & Assessment Act 1979* and clause 69 of the *Environmental Planning & Assessment Regulation 2021*, it is a prescribed condition that all building work must be carried out in accordance with the applicable *Performance Requirements of the National Construction Code*. Compliance with the Performance Requirements can only be achieved by:

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

4. Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989

- a) It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the *Building Code of Australia*.
- b) It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the *Home Building Act 1989*, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences.



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- c) It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the *Building Code of Australia*.
- d) In subsection (1), a reference to the *Building Code of Australia* is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made.
- e) In subsection (3), a reference to the *Building Code of Australia* is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made.
- f) This section does not apply—
 - i. to the extent to which an exemption from a provision of the *Building Code of Australia* or a fire safety standard is in force under the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, or
 - ii. to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.

5. Notification of Home Building Act 1989 Requirements

- a) This section applies to a development consent for development involving residential building work if the principal certifier is not the council.
- b) It is a condition of the development consent that residential building work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the following—
 - i. for work that requires a principal contractor to be appointed—
 - the name and licence number of the principal contractor, and
 - the name of the insurer of the work under the Home Building Act 1989, Part 6,
 - ii. for work to be carried out by an owner-builder—
 - the name of the owner-builder, and
 - if the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989—the number of the owner-builder permit.
- c) If the information notified under subsection (2) is no longer correct, it is a condition of the development consent that further work must not be carried out unless the principal certifier has given the council written notice of the updated information.
- d) This section does not apply in relation to Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.

6. Shoring and Adequacy of Adjoining Property

- a) This section applies to a development consent for development that involves excavation that extends below the level of the base of the



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- footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor.
- b) It is a condition of the development consent that the person having the benefit of the development consent must, at the person's own expense—
 - i. protect and support the building, structure or work on adjoining land from possible damage from the excavation, and
 - ii. if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.
 - c) This section does not apply if—
 - i. the person having the benefit of the development consent owns the adjoining land, or
 - ii. the owner of the adjoining land gives written consent to the condition not applying.

7. Erection of Signs

- a) This section applies to a development consent for development involving building work, subdivision work or demolition work.
- b) It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out—
 - i. showing the name, address and telephone number of the principal certifier for the work, and
 - ii. showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and
 - iii. stating that unauthorised entry to the work site is prohibited.
- c) The sign must be—
 - i. maintained while the building work, subdivision work or demolition work is being carried out, and
 - ii. removed when the work has been completed.
- d) This section does not apply in relation to—
 - i. building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or
 - ii. Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.

8. Works at no cost to Council

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



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9. Sydney Water Requirements

The development is to demonstrate compliance with all relevant requirements issued by Sydney Water, issued 28 June 2022 (Attachment 3).

10. Endeavour Energy Requirements

The development is to demonstrate compliance with all relevant requirements issued by Endeavour Energy, issued 18 June 2022 (Attachment 4).

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.

11. Payment of development contributions

The total contribution payable to Council under this condition is \$46,444.00 as calculated at the date of this consent, in accordance with Liverpool Contribution Plan 2018 Liverpool City Centre.

The total amount payable may be adjusted at the time the payment is made, in accordance with the provisions of the Liverpool Contribution Plan 2018 Liverpool City Centre.

A copy of the development contributions plan is available for inspection at <https://www.liverpool.nsw.gov.au/development/liverpools-planning-controls/contribution-plans>.

A breakdown of the contributions payable is provided in the attached payment form (Attachment 2). Payment must be accompanied by the form.

12. Adaptable Units

Before the issue of the relevant construction certificate, a report prepared by a suitably qualified consultant must be obtained that demonstrates, to the certifier's satisfaction, that any adaptable dwellings specified in the approved plans or documents comply with the provisions of AS 4299 Adaptable Housing Standards



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13. Design amendments

Before the issue of a construction certificate, the certifier must ensure the construction certificate plans and specifications detail the following required amendments to the approved plans and documents:

- a) Solar panels are to be installed on the roof of the building.
- b) All AC units located on balconies are to be acoustically enclosed for better aesthetic and amenity for the users.
- c) All clothes drying areas on balconies are to be screened.
- d) The windows to the Level 1-4 common lobby areas are to be operable windows to allow for natural ventilation.
- e) The demolition plan indicates the removal of the two trees at the north eastern portion of the site which is inconsistent with the approved Plans in Condition 1. Tree 2 along the northern boundary is to be retained and protected as per Arboricultural Impact Assessment prepared by Arbor Express dated 29 June 2023.
- f) Sun shading devices are to be provided to windows facing the eastern and western elevations.

14. Clear Public Access Ways

Before issue of a construction certificate, construction plans must demonstrate that access doors to enclosures for building services and facilities, such as hydrant and sprinkler booster assemblies or the like, except fire stair doors, will not open over the footway or roadway.

15. Equal Access to the Premises

Before the issue of a construction certificate, plans which demonstrate that adequate access to the premises will be provided for persons with disabilities in accordance with the Commonwealth Disability (Access to Premises – Buildings) Standards 2010. These plans must be submitted to the certifier.

16. Retaining Walls on Boundary

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



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17. Fee Payments

Unless otherwise prescribed by this consent, all relevant fees or charges must be paid. Where Council does not collect these payments, copies of receipts must be provided. The following fees are applicable and payable:

- a) Damage Inspection Fee – relevant where the cost of building work is \$20,000 or more, or a swimming pool is to be excavated by machinery.
- b) Fee associated with Application for Permit to Carry Out Work Within a Road, Park and Drainage Reserve.

These fees are reviewed annually and will be calculated accordingly.

18. S138 Roads Act – roadworks requiring approval of civil drawings

Prior to the issue of a Construction Certificate for building or subdivision works the Certifying Authority shall ensure that a S138 Roads Act application, including the payment of application and inspection fees, has been lodged with Liverpool City Council (being the Roads Authority under the Roads Act), for provision of Reconstruction of concrete in the site frontage.

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.

19. Site Development Work

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

20. Long Service Levy

Long Service Levy payment is applicable on building work having a value of \$250,000 or more, at the rate of 0.25% of the cost of the works. The required Long Service Levy payment, under the *Building and Construction Industry Long Service Payments Act 1986*, is to be forwarded to the Long Service Levy Corporation or the Council, prior to the issuing of a Construction Certificate, in accordance with Section 6.8 of the *Environmental Planning & Assessment Act 1979*.



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21. Notification

The certifying authority must advise Council, in writing of:

- a) The name and contractor licence number of the licensee who has contracted to do or intends to do the work, or
- b) The name and permit of the owner-builder who intends to do the work.

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

22. S138 Roads Act – Minor Works in the Public Road

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

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

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

Note: Approvals may also be required from the Transport for NSW for classified roads.

23. Liverpool CBD – Communication Conduits

The applicant/developer shall supply and install two 50mm white communication conduit with draw wires approximately 300mm behind kerb and gutter connecting multifunction poles. Details can be obtained from Infrastructure and Environment Group of Council. Please contact the Coordinator – Roads and Transport on 1300 36 2170.

24. Liverpool CBD - Footpath Paving and Landscaping Works

Periphery Type paving shall be installed along the entire Mill Road frontage, as part of this development. Footpath paving and Landscaping works shall be strictly in accordance with the Liverpool CBD Street Tree and Landscape Strategy 2005 and The Liverpool CBD Streetscape and Paving Guidelines 2005 as amended in Implementation Note 12/2015 – Liverpool CBD Paving.

Detailed plans are required to be submitted to and approved by Council showing



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the proposed tree locations, species and planting sizes, paving location and layout, including references to the relevant details and specifications as contained in the abovementioned documents.

To ensure that the street tree planting size, quantity and quality is maintained throughout the Liverpool CBD, please contact Council's Land Development Section on 1300 36 2170 for further information.

A Section 138 Roads Act Approval for all works within Council's road reserve will be required.

25. **S138 Roads Act - Roadworks Requiring Approval of Civil Drawings**

Prior to the issue of a Construction Certificate for building or subdivision works the Certifying Authority shall ensure that a S138 Roads Act application, including the payment of application and inspection fees, has been lodged with Liverpool City Council (being the Roads Authority under the Roads Act), for provision of Periphery Type paving in Mill Road.

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

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

26. **A – Provision of Services – Street Lighting**

Street Lighting in Liverpool CBD - Street Lighting Upgrade

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

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

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

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



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27. Stormwater Concept Plan

A stormwater drainage system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by

Company	Job No./Drawing No.	Title	Revision/Issue	Date
Landdev Engineering Consulting	34/2017 – Sheet 1 of 6	FACE SHEET & CONSTRUCTION NOTES	B	11/11/2021
Landdev Engineering Consulting	34/2017 – Sheet 2 of 6	CATCHMENT PLANS	B	11/11/2021
Landdev Engineering Consulting	34/2017 – Sheet 3 of 6	BASEMENT PLAN	B	11/11/2021
Landdev Engineering Consulting	34/2017 – Sheet 4 of 6	BASEMENT DETAILS	B	11/11/2021
Landdev Engineering Consulting	34/2017 – Sheet 5 of 6	STORMWATER PLAN	B	11/11/2021
Landdev Engineering Consulting	34/2017 – Sheet 6 of 6	STORMWATER DETAILS	B	11/11/2021

- 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



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

28. Stormwater Discharge – Basement Car Parks

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.

29. Access, Car Parking and Manoeuvring - General

The Certifying Authority shall ensure and certify that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development have been designed and are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Council's Development Control Plan.

30. Access, Car Parking and Manoeuvring – Detail

The Certifying Authority shall ensure and certify that:

1. Off street access and parking complies with AS2890.1,
2. Vehicular access and internal manoeuvring have been designed for the longest vehicle expected to service the development site, in accordance with AS2890.2,
3. Sight distance at the street frontage has been provided in accordance with AS 2890.1,
4. All vehicles can enter and exit the site in a forward direction, and/or
5. Requirements of the Disability Discrimination Act 2002, Disability Standards for Accessible parking

31. Detailed Design Drawings

The applicant is to discuss with Council's Traffic Management Section of the traffic requirements prior to undertaking the detailed design of traffic facilities, signs and linemarking.

The plans shall demonstrate, but not be limited to;

- Provision of transverse lines either side of the driveway
- Upgrade of the footpath, if required.

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



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32. Road Works

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

33. Public Domain Works – Street Lighting

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

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

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

34. Utilities and Services

Before the issue of a Construction Certificate, written evidence of the following service provider requirements must be provided to the certifier:

- a) a letter from Endeavour Energy demonstrating that satisfactory arrangements can be made for the installation and supply of electricity;
- b) a response from Sydney Water as to whether plans accompanying the application for a Construction Certificate would affect any Sydney Water infrastructure, and whether further requirements need to be met;
- c) other relevant utilities or services - that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, the changes that are required to make the development satisfactory to them.

35. No Loading on Easements

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.

36. Dilapidation report

Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in Mill Road, Liverpool is to be submitted to Liverpool City Council. The report is to include, but not limited to, the road pavement, kerb



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and gutter, footpath, services and street trees and is to extend 15m either side of the development.

37. Products banned under the Building Products (Safety) Act 2017

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

38. 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 BCA and relevant Australian Standards. The certifier must be able to demonstrate compliance with evidence of suitability as per clause A2.2 of BCA Volume 1 for all products/systems proposed.

39. Design Verification Statement

In accordance with the EP&A Regulation and State Environmental Planning Policy (SEPP) 65 "Design Quality of Residential Flat 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 Private Certifier (PC). The PC shall ensure that the statement prepared by the qualified designer provides the following:

1. a valid and current chartered architect's certificate number (as issued by the Board of Architects of NSW),
2. that the qualified designer has designed or directed the design of the subject development, and
3. 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.

40. Recommendations of Acoustic Report

Before the issue of a construction certificate, the certifier must be satisfied that the recommendations provided in the approved acoustic report are implemented and incorporated into the design and construction of the development, and shown on plans accompanying the construction certificate application.

The construction methodology and plans accompanying the construction



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certificate application must be assessed and certified in writing by a suitably qualified acoustic consultant to verify conformance with the requirements of the aforementioned acoustic report. The written certification from the suitably qualified acoustic consultant must be submitted to and approved by the certifier before issue of the construction certificate.

Note: The 'suitably qualified acoustic consultant' must be a member of the Australian Acoustical Society or employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.

41 Non-Standard Condition – Waste

Prior to the issue of a Construction Certificate, the waste management plan is to be amended to provide the name and address of all facilities to be used for the recycling or disposal of waste materials.

C. PRIOR TO WORKS COMMENCING

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

42. Construction Certificates

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

- a) Construction Certificate must be obtained from the Council or an Accredited Certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*,
- b) Where a Construction Certificate is obtained from an Accredited Certifier, the applicant shall advise Council of the name, address and contact number of the Accredited Certifier, in accordance with Section 4.19, 6.6, 6.7, 6.12, 6.13, 6.14 of the Act,
- c) A copy of the Construction Certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment,
- d) A Principal Certifying Authority (PCA) must be appointed to carry out the necessary building inspections and to issue an occupation certificate, and
- e) The PCA must advise Council of the intended date to commence work which is the subject of this consent by completing a notice of commencement of building works or subdivision works form, available from Council's Customer Service Centre. A minimum period of two (2) working days' notice must be given.



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43. Construction Certificates

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

44. Construction Traffic Management Plan (CTMP)

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

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

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

45. Work Zone

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

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

46. Road Occupancy Permit

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

- Road Occupancy Application Form
- Road Opening Application Form



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47. Construction Requirements

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.

48. Demolition Works

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

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

49. Arborist Recommendations

Prior to works commencing, the recommendations and management procedures within the Arboricultural Implication Assessment prepared by Arbor Express, dated 29 June 2023 are to be adhered to at all times.

50. Disconnection of Services Before Demolition Work

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

51. Site Facilities

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



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52. Signs on site

A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:

- a) showing the name, address and telephone number of the principal certifier for the work, and
- b) showing 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) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work or demolition work is being carried out, but must be removed when the work has been completed.

Note: This does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

53. Sydney Water

Development plans must be processed and approved by Sydney Water.

54. "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.

55. Erosion and sediment controls in place

Before any site work commences, the principal certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with 'Managing Urban Stormwater: Soils and



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Construction' prepared by Landcom (the Blue Book) (as amended from time to time).

56. Construction Traffic Management Plan (CTMP)

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

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

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

57. Driveway Crossing Application

In accordance with S138 Roads Act an application/s, including payment of fees shall be lodged with Liverpool City Council, as the Roads Authority for any works required in a public road. These works may include but are not limited to the following:

- a) Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
- b) Road opening for utilities and stormwater (including stormwater connection to Council infrastructure)
- 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 Transport for NSW for classified roads.

58. Return of Existing Bins

Prior to commencing demolition or site clearing works, any existing domestic waste bins that have been issued to (insert address), must be returned to Liverpool City Council. Please ring Council on 1300 36 2170 to advise that the bins are empty and ready to be removed, so their removal can be noted on Council's rates system.



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59. Remove and Destroy Refrigerants

Prior to any works commencing, any air-conditioning or refrigeration systems fitted to the buildings or outbuildings to be demolished, must have the refrigerants present in those systems extracted into a durable, air-tight container by a licensed air-conditioning technician. This container and its contents must be sent intact, for secure destruction, to a facility licensed to destroy such refrigerants. Documentary evidence that this has been completed, if these systems are present, must be sighted by the Principal Certifying Authority and included as part of the Occupation Certificate documentation.

60. Traffic Control Plan

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.

61. Dilapidation Report

Before any site work commences, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works and public land, to the satisfaction of the principal certifier.

Where access has not been granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the principal certifier, that all reasonable steps were taken to obtain access to the adjoining properties.

No less than 7 days before any site work commences, adjoining building owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to Council (where Council is not the principal certifier) at the same time.



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D. DURING CONSTRUCTION

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

62. Building Work

The building works must be inspected by the Principal Certifier (PC), in accordance with Sections 6.5 of the Environmental Planning & Assessment Act 1979, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.

63. Building Work

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

64. Surveys by a registered surveyor

While building work is being carried out, the positions of the following must be measured and marked by a registered surveyor and provided to the principal certifier:

- a) All footings / foundations in relation to the site boundaries and any registered and proposed easements
- b) At other stages of construction – any marks that are required by the principal certifier.

65. Identification Survey Report

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

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



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66. Identification Survey Report

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

67. Craning and Hoardings

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

68. Implementation of BASIX commitments

While building work is being carried out, the applicant must undertake the development strictly in accordance with the commitments listed in the BASIX certificate(s) approved by this consent, for the development to which the consent applies.

69. Handling of Asbestos During Demolition

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

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

70. Implementation of the Site Management Plans

While site work is being carried out:

1. the measures required by the construction site management plan and the erosion and sediment control plan (plans) must be implemented at all times; and
2. a copy of these plans must be kept on site at all times and made available to Council officers upon request.



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71. Car Parking Areas

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

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

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

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

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

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

72. Public Domain Works

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

73. Public Domain Works – Street Lighting

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

74. Toilet Facilities

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

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



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75. Compliance with the Building Code of Australia

Building work must be carried out in accordance with the requirements of the BCA.

76. Hours of Construction Work and Deliveries

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

77. Security Fence

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

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

78. General Site Works – Surface contours

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

79. General Site Works - Roofwater

All roofwater is to be connected to the existing stormwater system.

80. General Site Works – Stormwater connection

Stormwater pipeline connections to the street kerb shall be constructed in the following manner:

- a) the kerb shall be saw cut on both sides of the proposed pipe outlet,
- b) an approved rectangular kerb adaptor shall be installed with the base matching the invert level of the gutter, and
- c) The kerb shall be reinstated to its original profile using a cement mortar containing an epoxy additive for adherence to the existing kerb.

81. General Site Works – Existing Hydrology

Existing hydrological regimes shall be maintained so as not to negatively impact vegetation to be retained on site and downslope/downstream of the site.



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82. General Site Works - Runoff

Any runoff entering the areas of vegetation to be retained shall be of an equivalent or better quality, and of a similar rate of flow to present levels.

83. General Site Works - Sediment

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

84. Removal of Dangerous and/or Hazardous Waste

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

85. Waste Management

While site work is being carried out:

- a) all waste management must be undertaken in accordance with the waste management plan, and
- b) upon disposal of waste, records of the disposal must be compiled and provided to the principal certifier, detailing the following:
 - i. The contact details of the person(s) who removed the waste
 - ii. The waste carrier vehicle registration
 - iii. The date and time of waste collection
 - iv. A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill
 - v. the address of the disposal location(s) where the waste was taken
 - vi. The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.

If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the principal certifier and council.

86. Correct Waste Separation and Removal

All demolition, excavation and construction wastes must be separated as they are generated and kept in separate spoil piles, bays, builder's skips and/or site bins. No wastes other than those noted on the approved waste management



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plan as being re-used on site, are to be left on site after the completion of the works.

87. Containment of Site Wastes During Building

All demolition, excavation or construction wastes, e.g. wrapping, packaging materials, bags, insulation, sand, soil etc., must be kept fully enclosed at all times to prevent them from becoming displaced in strong wind conditions or from washing into sewers, storm drains or creeks, or onto adjacent properties or public land during wet weather.

88. Vegetation – Existing vegetation

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

89. Glass Reflectivity

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

90. Graffiti

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.

91. Unidentified Contamination

Any new information which arises during remediation, demolition or construction works that has the potential to alter previous conclusions about site contamination and remediation must be immediately notified in writing to the certifier and Liverpool City Council.

A section 4.55 Application under the Environmental Planning and Assessment Act 1979 must be made for any proposed works outside the scope of the approved development consent.



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92. Imported Fill Material

Filling material must be limited to the following:

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

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

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

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):

93. Works-as-executed plans and any other documentary evidence

Before the issue of an Occupation Certificate, works-as-executed plans, any compliance certificates and any other evidence confirming the following completed works must be submitted to the satisfaction of the principal certifier:

- a) All stormwater drainage systems and storage systems; and
- b) A copy of the plans must be provided to Council with the occupation certificate.

94. Occupation Certificates

The premises must not be occupied until an OC is issued by the PC. Copies of all documents relied upon for the issue of the occupation certificate must be attached to the OC and registered with Liverpool City Council.

95. Certificates

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



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96. Acoustic Report

Confirmation in writing that the recommended measures were incorporated as required by the Environmental Noise Impact Assessment approved under this consent.

97. Section 73 Sydney Water Certificate

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

98. Smoke Alarms

Should the construction of the development (bulkheads etc) reveal that the smoke detectors cannot operate effectively, additional smoke detectors may be required to be installed in order that the detectors effectively protect the occupants of the building in accordance with the provisions of National Construction Code Part 3.7.2.

99. Completion of Landscape and Tree Works

Before the issue of an Occupation Certificate, the principal certifier must be satisfied all landscape and tree-works have been completed in accordance with approved plans and documents and any relevant conditions of this consent.

100. Removal of Waste Upon Completion

Before the issue of an Occupation Certificate:

- a) all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the approved waste management plan; and
- b) written evidence of the waste removal must be provided to the satisfaction of the principal certifier.

101. Completion of public utility services

Before the issue of the relevant occupation certificate, confirmation must be obtained from the relevant authority that any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, have been completed and this confirmation must be provided to the principal certifier.



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102. Liverpool City Council Clearance – Roads Act/Local Government Act

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

103. Display of Street Numbers

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

104. BASIX

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

105. Landscaping

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

106. Road Works

All redundant vehicular crossings shall be removed and replaced with Council's standard kerb and gutter at no cost to Council. The removal and replacement of a driveway with standard integral kerb and gutter shall be the subject of a driveway application to Council and works supervised by that driveway inspection process.

107. Stormwater Compliance

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that the Basement Carpark pump-out system:

- a) Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent,
- b) Have met the design intent with regard to any construction variations to the approved design, and



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

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

108. Restriction as to User and Positive Covenant

Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the Basement Carpark pump-out system shall be registered on the title of the property.

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

109. Rectification of Damage

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

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

110. Dilapidation Report

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

111. Bonds

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

112. Special Condition – Land Development Engineer

Prior to the issue of an Occupation Certificate, Lot 70 and Lot 71 of DP 440211 shall be consolidated. Evidence of the consolidated registered with the New South Wales Land Registry Services is to be provided to Council.



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113. Public Domain Works – Street Lighting

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

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

114. Waste

Prior to issue of an Occupation Certificate, both the PCA and Council are to be provided with records of all waste transport and disposal dockets, demonstrating that waste materials from the project, have been disposed of at the waste facilities nominated in the approved waste management plan.

115. Traffic

A traffic signal system is to be installed, including operational management measures to be implemented, prior to the issue of an Occupation Certificate.

116. Traffic

Prior to the issue of Occupation Certificate, a suitably qualified professional to assess the adequacy of the street lighting on the frontage of the development and upgrade to the Council's requirement if required.

117. Traffic

Prior to the issue of Occupation Certificate, Traverse lines are required to be provided on either side of the new driveway to maintain safe entry and exit movements. All redundant driveways must also be restored.

118. Traffic

Prior to the issue of Occupation Certificate, the condition of the footpath along the site frontage but be assessed and, if required, upgrade the footpath to improve safety.



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119. Electric Vehicle Charging Stations

The core infrastructure for electric vehicle charging shall be provided to all owner-occupier parking spaces.

120. Land Consolidation

All separate lots must be consolidated and the new lot must be registered. The applicant shall provide evidence that the linen plan, for the required lot consolidation, endorsed by Council, has been registered with the NSW Land Registry Services prior to the issue of any OC.

G. CONDITIONS RELATING TO USE**121. Landscaping**

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.

An annual report shall be submitted to Council, for the 3 years following issue of the OC, certifying that the landscaping works have been satisfactorily maintained.

122. Parking Spaces – Assessment Planner

The following parking spaces should be allocated as follows:

- 11 Residential Spaces
- 1 Visitor Spaces

123. Car Parking Management

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

124. Loading Areas

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



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125. Vehicle Access

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

126. Waste

Once the Occupation Certificate has been issued for the new residences, but at least 7 days prior to residents moving in, Council is to be contacted to arrange delivery of the domestic waste bins to these dwellings. Please contact Council on 1300 36 2170 to arrange the delivery of waste bins.

127. Waste

Strata must arrange for presentation of waste bins for emptying to the kerbside in front of their residence, no earlier than the afternoon before collection. After emptying, all bins must be removed from the kerbside within 24 hours and placed back behind the building line, within their own private open space.

128. Waste

Residents must ensure that all materials placed in the yellow-lid recycling bins are acceptable for recycling through that means, and all materials must be loose, unbagged and easily separable.

129. Waste

Building management is responsible for providing education, monitoring and feedback to residents on correct waste performance and use of building waste equipment, and instituting corrective actions to address non-conformance where necessary.

130. Use of air conditioner/s on residential premises

Any air conditioner/s used on the residential premises must comply with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2017 and must not:

- a) emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
 - i. before 8:00am or after 10:00pm on any Saturday, Sunday or public holiday; or
 - ii. before 7:00am or after 10:00pm on any other day; or



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- b) cause "offensive noise" as defined by the Protection of the Environment Operations Act 1997; or
- c) emit a sound pressure level as measured over a 15 minute period (LAeq (15 minute)) at the boundary of any other residential property, at a time other than those specified in (i) and (ii) above, which exceeds the background (LA90 (15 minute)) by more than 5 dB(A).

H. ADVISORY

- a) Section 4.53 of the EP&A Act provides that unless otherwise stated by a condition of this consent, this consent will lapse if development is not physically commenced within five years of the date of this notice.
- b) Section 8.2 of the EP&A Act provides that an applicant may request, within six (6) months of the date of the determination of the Development Application, that Council review its determination (this does not relate to designated development or Crown development).

An application under Section 8.2 of the EP&A Act cannot be reviewed/determined after 6 months of the date of determination. Therefore, the submission of a Section 8.2 Application must allow sufficient time for Council to complete its review within the prescribed timeframe, including the statutory requirement for public notification.

- c) Section 8.7 of the EP&A Act provides that an applicant who is dissatisfied with the determination of a Development Application, may appeal to the Land and Environment Court within six (6) months of the date of determination, or as otherwise prescribed by the EP&A Act.
- d) Section 8.8 of the EP&A Act provides that an objector who is dissatisfied with the determination of the consent authority to grant consent to a Development Application for Designated Development (including any State significant development that would be designated development but for Section 4.10(2) of the EP&A Act), may, within 28 days after the date on which the application is taken to have been determined, appeal to the Land and Environment Court, against the determination.
- e) The Commonwealth Disability Discrimination Act 1992 may apply to this proposal. Approval of this application does not imply or infer compliance with this Act. Applicants and owners are required to satisfy themselves as to compliance and make their own enquiries to the Human Rights and Equal Opportunity Commission. Attention is also drawn to the provisions of Australian Standard 1428 – Design for Access and Mobility.
- f) The requirements of all authorities including the Environmental Protection Authority and the Work Cover Authority shall be met in regard to the operation of the building.
- g) "DIAL BEFORE YOU DIG"

Underground assets may exist in the area that is subject to your application. In the interest of health and safety and in order to protect damage to third party assets



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

h) TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

- i) The Liverpool City Council Local Government area soils and ground water may be subject to varying levels of Salinity. Whilst Council may require applicants to obtain Salinity reports relating to some developments, no assessment has been made by Council. Soil and ground water salinity levels can change over time due to varying factors. It is recommended that all applicants make their own independent inquiries as to appropriate protection against the current and future potential affect of Salinity to ensure the ongoing structural integrity of any work undertaken. Liverpool City Council will not accept any liability for damage occurring to any construction of any type affected by soil and or ground water Salinity.
- j) Care shall be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or applicant's agents may be liable to pay compensation to any adjoining owner if, due to construction works, damage is caused to such an adjoining property.
- k) Letter boxes must be provided in accordance with the requirements of Australia Post. In this regard, the developer is required to obtain approval from Australia Post for letter box positioning and dimensions.
- l) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.



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ATTACHMENT 2: SECTION 7.12 PAYMENT FORMS
CONTRIBUTIONS PURSUANT TO SECTION 7.12 OF THE ENVIRONMENTAL
PLANNING & ASSESSMENT ACT, 1979

Liverpool Contribution Plan 2018 Liverpool City Centre

When remitting payment as specified in the Conditions of Consent to the approval, this Form must be submitted with your payment. **These figures have been calculated to the most recent CPI Quarter and will be adjusted at the time of payment in accordance with the conditions of consent.**

APPLICATION NO: DA-185/2022
APPLICANT: PERFECT SQUARE DESIGN PTY LTD
PROPERTY: 9-11 MILL ROAD, LIVERPOOL NSW 2170
LOT 70 & 71 DP 440211

PROPOSAL: Demolition of existing structures and construction of a five-storey residential flat building comprising 12 residential units over basement car parking, with associated landscaping and rooftop communal open space

Facilities	Amount (\$)	Job No.
Liverpool Contribution Plan 2018 Liverpool City Centre		
Georges River Foreshore	\$11,822	GL.10000001869.10105
Pioneer Park	\$1,689	GL.10000001869.10105
Apex Reserve	\$844	GL.10000001869.10217
Georges River Pedestrian Crossing	\$2,111	GL.10000001869.10218
Discovery Park	\$2,111	GL.10000001869.10219
Community Facility Upgrade	\$5,067	GL.10000001870.10099
Car parking	\$0	GL.10000001868.10108
Access, bike facilities and bus priority	\$12,666	GL.10000001865.10220
Peripheral Streetscape works	\$8,444	GL.10000001865.10221
Footpath widening in City Centre	\$1,689	GL.10000001865.10222
TOTAL	\$46,444.00	

----- OFFICE USE ONLY -----

RECORD OF PAYMENT

Total Amount paid: _____ Date: _____

Receipt No.: _____ Cashier: _____



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ATTACHMENT 3: SYDNEY WATER REQUIREMENTS



28 June 2022

Kevin Kim
Liverpool City Council
kimk@liverpool.nsw.gov.au

RE: Development Application DA-185/2022 at 9 Mill Road, Liverpool

Thank you for notifying Sydney Water of DA-185/2022 at 9 Mill Road, Liverpool, which proposes the demolition of existing structures and construction of a 5-storey residential flat building comprising 12 residential units over basement parking. Sydney Water has reviewed the application based on the information supplied and provides the following comments to assist in planning the servicing needs of the proposed development.

Water Servicing

- Potable water servicing should be available via a DN150 C1CL watermain (laid in 1969) on Mill Street.
- Amplifications, adjustments, and/or minor extensions may be required.

Wastewater Servicing

- Wastewater servicing should be available via a DN150 VC wastewater main (laid in 1957) within the property boundary.
- Amplifications, adjustments, and/or minor extensions may be required.

This advice is not formal approval of our servicing requirements. Detailed requirements, including any potential extensions or amplifications, will be provided once the development is referred to Sydney Water for a Section 73 application. More information about the Section 73 application process is available on our web page in the [Land Development Manual](#).

Further advice and requirements for this proposal are in Attachment 1. If you require any further information, please contact the Growth Planning Team at urbangrowth@sydneywater.com.au.

Yours sincerely,



Kristine Leitch
Commercial Growth Manager
City Growth and Development, Business Development Group
Sydney Water, 1 Smith Street, Parramatta NSW 2150

Sydney Water Corporation ABN 49 776 225 038
1 Smith St Parramatta 2150 | PO Box 399 Parramatta 2124 | DX 14 Sydney | T 13 20 92 | www.sydneywater.com.au
Delivering essential and sustainable water services for the benefit of the community



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Attachment 1

Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.

The proponent is advised to make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs.

Applications must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

Building Plan Approval

The approved plans must be submitted to the Sydney Water [Tap in™](#) online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

The [Tap in™](#) service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's [Tap in™](#) online service is available at:
<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

Sydney Water recommends developers apply for Building Plan approval early as in some instances the initial assessment will identify that an Out of Scope Building Plan Approval will be required.





Out of Scope Building Plan Approval

Sydney Water will need to undertake a detailed review of building plans:

1. That affect or are likely to affect any of the following:
 - Wastewater pipes larger than 300mm in size
 - Pressure wastewater pipes
 - Drinking water or recycled water pipes
 - Our property boundary
 - An easement in our favour
 - Stormwater infrastructure within 10m of the property boundary.
2. Where the building plan includes:
 - Construction of a retaining wall over, or within the zone of influence of our assets
 - Excavation of a basement or building over, or adjacent to, one of our assets
 - Dewatering – removing water from solid material or soil.

The detailed review is to ensure that:

- our assets will not be damaged during, or because of the construction of the development
- we can access our assets for operation and maintenance
- your building will be protected if we need to work on our assets in the future.

The developer will be required to pay Sydney Water for the costs associated with the detailed review.

Tree Planting

Certain tree species placed in close proximity to Sydney Water's underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Sydney Water requires that all proposed or removed trees and vegetation included within the proposal adhere to the specifications and requirements within Section 46 of the Sydney Water Act (1994) and *Diagram 5 – Planting Trees* within our [Technical guidelines – Building over and adjacent to pipe assets](#). Please note these guidelines include more examples of potential activities impacting our assets which may also apply to your development.

If any tree planting proposed breaches our policy, Sydney Water may need to issue an order to remove every tree breaching the act, or directly remove every tree breaching the Act and bill the developer or Council for their removal.



ATTACHMENT 4: ENDEAVOUR ENERGY REQUIREMENTS**Development Application and Planning Proposal Review
NSW Planning Portal Concurrence and Referral**

Authority	Authority's Reference	Agency Concurrence and Referral	Authority Contact	Authority Notification	Submission Due	Submission Made
Liverpool City Council	DA-185/2022	CNR-40145	Kevin Kim	15/06/2022	6/07/2022	18/06/2022

Address	Land Title
14 MCKAY AVENUE MOOREBANK 2170	Lots 70 & 71 DP 440211

Scope of Development Application or Planning Proposal

Demolition of existing structures and construction of a five-storey residential flat building comprising 12 residential units over basement car parking, with associated landscaping and rooftop communal open space.

As shown in the below site plan from Endeavour Energy's G/Net master facility model:

There are:

- No easements benefitting Endeavour Energy (active easements are indicated by red hatching).
- 33,000 volt / 33 kilovolt (kV) high voltage overhead power lines, overhead earth cables and overhead pilot cables (carrying protection signals or communications between substations) and 11,000 volt / 11 kV high voltage underground cables to the road verge / roadway.
- Low voltage overhead service conductors coming from poles on the opposite side of the road going to the customer connection points for the existing dwellings.



51 Huntingwood Drive, Huntingwood, NSW 2148
PO Box 811, Seven Hills, NSW 1730
T: 133 718

endeavourenergy.com.au

ABN 11 247 365 823



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Relevant / applicable clause numbers from Endeavour Energy's standard conditions for Development Application and Planning Proposal Review indicated by ☑.

Condition	Advice	Clause No.	Issue	Detail
<input type="checkbox"/>	<input type="checkbox"/>	1	Adjoining Sites	Adjoining or nearby development / use should be compatible with the use of Endeavour Energy's sites.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	2	Asbestos	Area identified or suspected of having asbestos or asbestos containing materials (ACM) present in the electricity network.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	3	Asset Planning	Applicants should not assume adequate supply is immediately available to facilitate their proposed development.
<input type="checkbox"/>	<input type="checkbox"/>	4	Asset Relocation	Application must be made for an asset relocation / removal to determine possible solutions to the developer's requirements.
<input type="checkbox"/>	<input type="checkbox"/>	5	Bush Fire	Risk needs to be managed to maintain the safety of customers and the communities served by the network.
<input type="checkbox"/>	<input type="checkbox"/>	6	Construction Management	Integrity of electricity infrastructure must be maintained and not impacted by vehicle / plant operation, excessive loads, vibration, dust or moisture penetration.
<input type="checkbox"/>	<input type="checkbox"/>	7	Contamination	Remediation may be required of soils or surfaces impacted by various forms of electricity infrastructure.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	8	Demolition	All electricity infrastructure shall be regarded as live and care must be taken to not interfere with any part of the electricity network.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	9	Dial Before You Dig	Before commencing any underground activity the applicant must obtain advice from the Dial Before You Dig 1100 service.
<input type="checkbox"/>	<input type="checkbox"/>	10	Dispensation	If a proposal is not compliant with Endeavour Energy's engineering documents or standards, the applicant must request a dispensation.
<input type="checkbox"/>	<input type="checkbox"/>	11	Driveways	For public / road safety and to reduce the risk of vehicle impact, the distance of driveways from electricity infrastructure should be maximised.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	12	Earthing	The construction of any building or structure connected to or in close proximity to the electrical network must be properly earthed.
<input type="checkbox"/>	<input type="checkbox"/>	13	Easement Management	Preference is for no activities to occur in easements and they must adhere to minimum safety requirements.
<input type="checkbox"/>	<input type="checkbox"/>	14	Easement Release	No easement is redundant or obsolete until it is released having regard to risks to its network, commercial and community interests.
<input type="checkbox"/>	<input type="checkbox"/>	15	Easement Subdivision	The incorporation of easements into to multiple / privately owned lots is generally not supported.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	16	Emergency Contact	Endeavour Energy's emergency contact number 131 003 should be included in any relevant risk and safety management plan.
<input type="checkbox"/>	<input type="checkbox"/>	17	Excavation	The integrity of the nearby electricity infrastructure shall not be placed at risk by the carrying out of excavation work.
<input type="checkbox"/>	<input type="checkbox"/>	18	Flooding	Electricity infrastructure should not be subject to flood inundation or stormwater runoff.



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Condition	Advice	Clause No.	Issue	Detail
<input type="checkbox"/>	<input type="checkbox"/>	19	Hazardous Environment	Electricity infrastructure can be susceptible to hazard sources or in some situations be regarded as a hazardous source.
<input type="checkbox"/>	<input type="checkbox"/>	20	Modifications	Amendments can impact on electricity load and the contestable works required to facilitate the proposed development.
<input type="checkbox"/>	<input type="checkbox"/>	21	Network Access	Access to the electricity infrastructure may be required at any time particularly in the event of an emergency.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	22	Network Asset Design	Design electricity infrastructure for safety and environmental compliance consistent with safe design lifecycle principles.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	23	Network Connection	Applicants will need to submit an appropriate application based on the maximum demand for electricity for connection of load.
<input type="checkbox"/>	<input type="checkbox"/>	24	Protected Works	Electricity infrastructure without an easement is deemed to be lawful for all purposes under Section 53 'Protection of certain electricity works' of the <i>Electricity Supply Act 1995 (NSW)</i> .
<input type="checkbox"/>	<input checked="" type="checkbox"/>	25	Prudent Avoidance	Development should avert the possible risk to health from exposure to emissions from electricity infrastructure such as electric and magnetic fields (EMF) and noise.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	26	Public Safety	Public safety training resources are available to help general public / workers understand the risk and how to work safely near electricity infrastructure.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	27	Removal of Electricity	Permission is required to remove service / metering and must be performed by an Accredited Service Provider.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	28	Safety Clearances	Any building or structure must comply with the minimum safe distances / clearances for the applicable voltage/s of the overhead power lines.
<input type="checkbox"/>	<input type="checkbox"/>	29	Security / Climb Points	Minimum buffers appropriate to the electricity infrastructure being protected need to be provided to avoid the creation of climb points.
<input type="checkbox"/>	<input type="checkbox"/>	30	Service Conductors	Low voltage service conductors and customer connection points must comply with the 'Service and Installation Rules of NSW'.
<input type="checkbox"/>	<input type="checkbox"/>	31	Solar / Generation	Need to assess the performance of the generation system and its effects on the network and other connected customers.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	32	Streetlighting	Streetlighting should be reviewed and if necessary upgraded to suit any increase in both vehicular and pedestrian traffic.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	33	Sustainability	Reducing greenhouse gas emissions and helping customers save on their energy consumption and costs through new initiatives and projects to adopt sustainable energy technologies.
<input type="checkbox"/>	<input type="checkbox"/>	34	Swimming Pools	Whenever water and electricity are in close proximity, extra care and awareness is required.
<input type="checkbox"/>	<input type="checkbox"/>	35	Telecommunications	Address the risks associated with poor communications services to support the vital electricity supply network infrastructure.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	36	Vegetation Management	Landscaping that interferes with electricity infrastructure is a potential safety risk and may result in the interruption of supply.



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Con- diti- on	Advice	Clause No.	Issue	Detail
			Other	

Endeavour Energy	
Completed by:	Decision
Cornelis Duba	Approve (with conditions)
Reason(s) for Conditions / Objection (If applicable)	
<ul style="list-style-type: none"> The Statement of Environmental Effects indicates 'An electricity substation is not proposed' but does not appear to address in detail whether the available electricity services are adequate for the proposed development. <ul style="list-style-type: none"> Utilities: The proposal is not envisaged to place an unreasonable demand on utilities supply. To ensure an adequate connection, the applicant will need to engage an Accredited Service Provider (ASP) of an appropriate level and class of accreditation to assess the electricity load and the proposed method of supply for the development. An extension and / or augmentation of the existing local network may be required. Whilst there are a few padmount substations in the area which are likely to have some spare capacity sufficient to facilitate the proposed development, it is not unlimited. <p>Other factors such as the size and rating / load on the conductors and voltage drop (which can affect the quality of supply particularly with long conductor runs) etc. need to be assessed. However the extent of any works required will not be determined until the final load assessment is completed.</p> The minimum required safety clearances and controls for building and structures and working near overhead power lines must be maintained at all times. If there is any doubt whatsoever regarding the safety clearances to the overhead power lines, the applicant will need to have the safety clearances assessed by a suitably qualified electrical engineer / Accredited Service Provider (ASP). <p>Even if there is no issue with the safety clearances to the building and structures, consideration must be given to WorkCover (now SafeWork NSW) 'Work Near Overhead Power Lines Code of Practice 2006' eg. ordinary persons must maintain a minimum safe approach distance of 3.0 metres to all voltages up to and including 132,000 volts / 132 kilovolt (kV).</p> The planting of large / deep rooted trees to near electricity infrastructure is opposed by Endeavour Energy. Existing trees which are of low ecological significance in proximity of electricity infrastructure should be removed and if necessary replaced by an alternative smaller planting The landscape designer will need to ensure any planting near electricity infrastructure achieves Endeavour Energy's vegetation management requirements. Not all the conditions / advice marked may be directly or immediately relevant or significant to the Development Application. However, Endeavour Energy's preference is to alert proponents / applicants of the potential matters that may arise should development within closer proximity of the existing and/or required electricity infrastructure needed to facilitate the proposed development on or in the vicinity of the site occur. 	



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Yours faithfully
Cornelis Duba
Development Application Specialist
Sustainability & Environment

████████████████████
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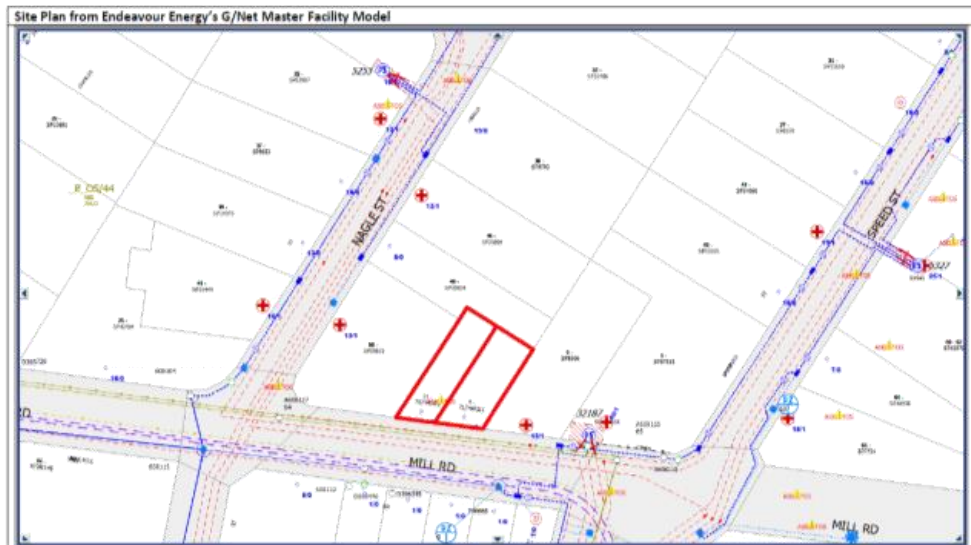
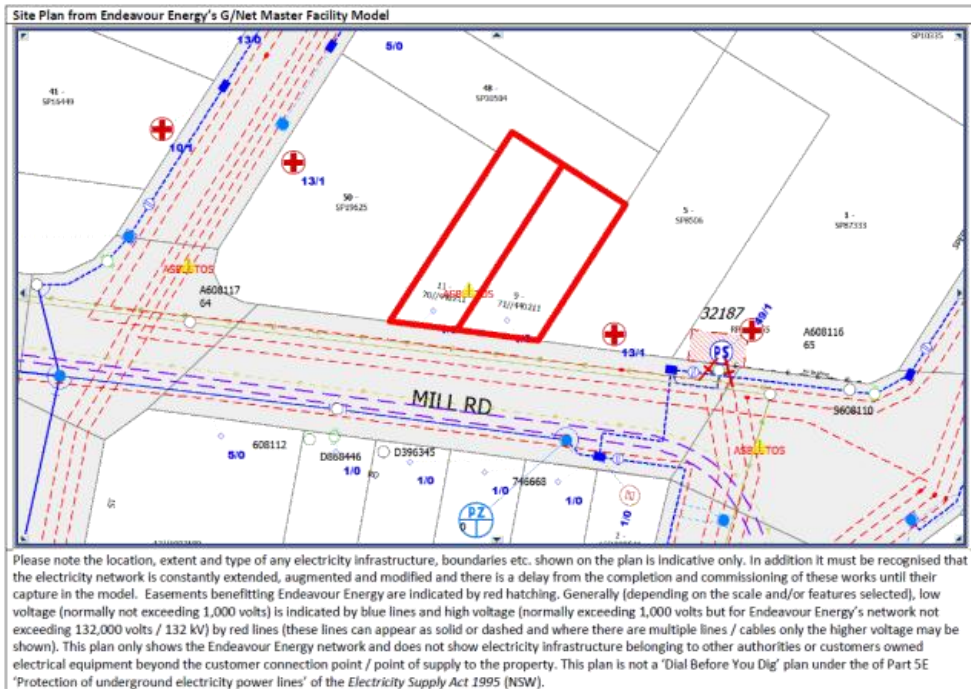


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LEGEND	
	Padmount substation
	Indoor substation
	Ground substation
	Kiosk substation
	Cottage substation
	Pole mounted substation
	High voltage customer substation
	Metering unit
	Switch station
	Indoor switch station
	Customer connection point
	Low voltage pillar
	Streetlight column
	Life support customer
	Tower
	Pole
	Pole with streetlight
	Customer owned / private pole
	Cable pit
	Subject site



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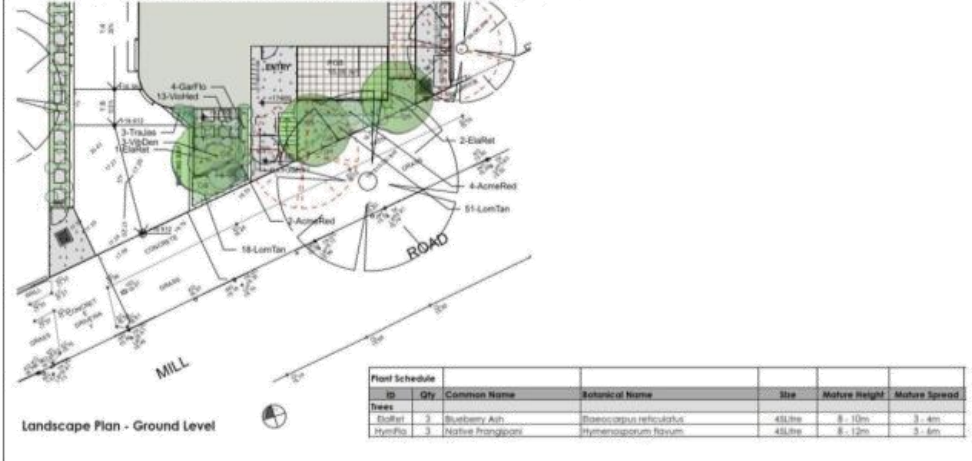
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Extracts of Landscape Plans. Only appropriate planting needs to occur near overhead power lines.



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Minutes

MINUTES OF DESIGN EXCELLENCE PANEL MEETING Thursday the 10th of August 2023

DEP PANEL MEMBERS PRESENT:

Kim Crestani	Chairperson	Order Architects Pty Ltd
Matthew Taylor	Panel Member	Taylor Brammer Landscape Architects Pty Ltd
Shaun Carter	Panel Member	Carter Williamson Architects

APPLICANT REPRESENTATIVES:

Gilbert Sayegh	Applicant	Perfect Square Design
Karl Harb	Planner	
Youssef Khawaja	Architect	Skyline Architects
Saman	Project Manager	

OBSERVERS:

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

ITEM DETAILS:

Item Number: 3

Application Reference Number: DA-185/2022

Property Address: 9 Mill Road, Liverpool NSW 2170, 11 Mill Road, Liverpool NSW 2170

Council's Planning Officer: Charbel Ishac

Applicant: Perfect Square Design Pty Ltd

Proposal: Demolition of existing structures and construction of a five-storey residential flat building comprising 12 residential units over basement car parking, with associated landscaping and rooftop communal open space

Meeting Venue: Microsoft Teams Meeting

1.0 WELCOME, ATTENDANCE, APOLOGIES AND OPENING

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

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



Minutes

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

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

2.0 DECLARATIONS OF INTEREST

NIL.

3.0 PRESENTATION

The applicant presented their proposal for DA-185/2022, 9 Mill Road, Liverpool NSW 2170, 11 Mill Road, Liverpool NSW 2170.

4.0 DEP PANEL RECOMMENDATIONS

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

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

Previous DEP Recommendations (DEP Meeting held on 11 August 2022)	Latest DEP Recommendations (DEP Meeting held on 10 August 2023)
<p>4.1. Context</p> <ul style="list-style-type: none"> The Panel notes that despite the constrained size of the subject site it is possible to improve the outcome for residents. The Panel requires the applicant to provide adequate justification to support the non-compliance in terms of minimum lot size and setbacks. The Panel requires the applicant to have a closer look at the basement ramp, depth of basement, site levels and floor-to-floor height being proposed for the basement. The Panel requires the applicant to seek further guidance on the permissibility of the basement slab projecting out of the natural ground line. 	<p>4.1. Context</p> <ul style="list-style-type: none"> The Panel appreciates the applicant's willingness to accommodate the previous DEP recommendations into the revised proposal. The relatively small boutique nature of this building is considered a positive attribute by the Panel. Its potential to positively contribute to the amenity of the surrounding streetscape is noted. In this regard, the changes made by the applicant are generally well-received by the Panel, however, it is noted that further refinement is needed by the applicant to achieve a better-quality design.

Previous DEP Recommendations (DEP Meeting held on 11 August 2022)	Latest DEP Recommendations (DEP Meeting held on 10 August 2023)
	<ul style="list-style-type: none"> • As above, the Panel acknowledges the following improvements to the proposal (in line with the previous DEP recommendations): <ul style="list-style-type: none"> - incorporation of a window for natural light and ventilation to the lift core / lobby area; - relocation and widening of the waiting bay / driveway, to align with the direction of travel on the western side; - reconfiguration of the internal apartment layouts – these can be better; - relocation of the bin room to the ground floor; - additional facilities on the rooftop COS, including BBQ, seating, shade, accessible toilet, lift access and planting etc; - repositioning of the AC units to be along solid walls; and - improvements in the scale and articulation within the overall architectural form. • The Panel acknowledges the significant progress made by the applicant through the ongoing refinement of this proposal. In this light, the Panel intention is to provide guidance (in the form of this report), to nurture design excellence and facilitate the advancement of the overall development proposal. • The Panel notes that the non-compliances with the minimum lots size have not been formally addressed by the applicant. Justification to support this non-compliance should be included as part of the revised proposal and submitted to Council.

Previous DEP Recommendations (DEP Meeting held on 11 August 2022)	Latest DEP Recommendations (DEP Meeting held on 10 August 2023)
<p>4.2. Built Form + Scale</p> <ul style="list-style-type: none"> • <i>The Panel notes that the lift lobby needs to incorporate a window for light and ventilation and comply with the minimum requirements as per SEPP 65 ADG. The panel recommends the applicant to work out a lift arrangement that improves the overall efficiency. The basement layout needs to be amended to relocate the lift core / lobby arrangement.</i> • <i>The Panel notes that the amenity of the apartment units cannot be dictated by the parking arrangement in the basement level. The Panel recommends the applicant to rethink the location of the lift core along with the basement layout and to save the existing trees that are currently being proposed for removal.</i> • <i>The panel notes that the building composition requires further refinement and recommends the applicant to ensure that the composition should demonstrate control and synergy for the built outcome.</i> • <i>The Panel notes that the waiting bay is on the other side of the driving direction and recommends the applicant to consider relocating the waiting bay on to the other side.</i> • <i>The bedroom spaces should be planned to allow access to beds to be accessed from both sides.</i> 	<p>4.2. Built Form + Scale</p> <ul style="list-style-type: none"> • As above, the Panel acknowledges the incorporation of a lobby window for natural lighting and ventilation, in accordance with the previous DEP recommendations. • The Panel questions the demand for four x 1-bedroom / studio apartments on the ground floor, noting the resultant limitations this puts on the basement level parking. Especially when 2 apartments are SEPP65 undersized, and not considered 1-bedroom apartments. • There is a high demand for 2- and 3-bedroom apartments in the Liverpool area, with a significant shortfall currently present. New 2- and 3-bedroom apartments will help meet the demand for families within Liverpool. This should be considered by the applicant. • There are several design issues with the configuration of the ground and basement levels that require further consideration by the applicant. • It is noted that the adjoining ground floor rear private open spaces are quite generous for 1-bedroom apartments / studios. • As above, units G01 and G04 are depicted as 1-bedroom apartments whilst not meeting the minimum 50sqm requirements of the ADG. • The Panel questions the configuration of the basement carpark, particularly space 12, which is not considered a good design outcome. Less apartments will make it easier to comply.

<i>Previous DEP Recommendations (DEP Meeting held on 11 August 2022)</i>	<i>Latest DEP Recommendations (DEP Meeting held on 10 August 2023)</i>
	<ul style="list-style-type: none"> • Considering the above commentary, the Panel recommends the applicant explore opportunities to consolidate the four x 1-bedroom ground floor apartments into a possible two x 2 or 3-bedroom unit configuration, to: <ul style="list-style-type: none"> - ensure ADG compliance is achieved; - relieve the pressure on the basement parking requirements; - capitalise on the current housing demands for larger apartments; and - better utilise the generous GF POS at the rear of the site. • In this regard, a reduction in the overall apartment numbers (e.g., from 12 to 10), would alleviate some of the tension within of the current design and facilitate a higher level of amenity, whilst maintaining a comparable GFA to the current proposal. • Given the sites proximity to public transport, the Panel would be supportive of a reduction in parking requirements (for studio apartments) to facilitate an improved outcome in the basement level. Removal of space 12 and the continuation of the bike parking along the ramp wall would provide a better outcome, in this regard. • Whilst the Panel has indicated general acceptance of this strategy, the applicant must provide suitable justification to Council, for assessment.

Previous DEP Recommendations (DEP Meeting held on 11 August 2022)	Latest DEP Recommendations (DEP Meeting held on 10 August 2023)
	<ul style="list-style-type: none"> • The Panel notes the oversized bin room within the frontage of the site and entry, and questions the rationale behind this design choice. The applicant is encouraged to explore opportunities to reduce the size of this room and relocate the access door away from the building's primary entry point. Alternatively, an airlock door could be incorporated to reduce the impacts on the amenity of the front entry area. A bin lift would facilitate improved service access via the driveway side. • The Panel notes, bedroom 3 in Units 101, 201 and 301 do not have sufficient room to accommodate bed-side tables – make sure all apartments achieve SEPP65 minimum room dimensions. The applicant is encouraged to resolve these minor internal planning issues, as part of the revised proposal. • In this regard, the Panel encourages the applicant to further refine the internal planning of each unit to ensure adequate space is provided (e.g., for dining tables, bedside tables, lounges etc) to ensure a high level of unit amenity is offered within each unit. • The Panel requires the applicant provide a consistent lobby width within each floor by repositioning the service cupboards appropriately. The current layout obstructs a clear corridor creating an inconsistent wall line. In this regard, corridor widths should be generous, with a minimum recommended 1.8m between walls. Wheelchair access and turning circles must also be demonstrated.

Previous DEP Recommendations (DEP Meeting held on 11 August 2022)	Latest DEP Recommendations (DEP Meeting held on 10 August 2023)
	<ul style="list-style-type: none"> • The Panel requires the applicant to design sun shading strategies to the windows. This is a crucial aspect for the new buildings within the region, that should be incorporated into this proposal. • The Panel notes the close proximity of the several units' front doors, within the corridors of the upper levels. The applicant is required to design alternate configurations to facilitate greater separation and improve resident privacy and amenity. This could be a simple as recessing the eastern unit door by 750mm, for better privacy and amenity and removing the requirement for residents to be alongside one another when entering the apartment.
4.3. Density <ul style="list-style-type: none"> • <i>The Panel is supportive of the density being proposed on site subject to adequate justifications being provided for the noncompliance with the requirement of minimum lot size and setbacks.</i> 	4.3. Density <ul style="list-style-type: none"> • NIL
4.4. Sustainability <ul style="list-style-type: none"> • <i>The Panel requires the applicant to demonstrate the sustainability initiatives being considered as part of the development.</i> 	4.4. Sustainability <ul style="list-style-type: none"> • The Panel notes the absence of solar panels on the roof plan. The applicant is required to include a rooftop photovoltaic system for environmental benefits and for use - at the very least – in the power/lighting of common / public areas within the development.

Previous DEP Recommendations (DEP Meeting held on 11 August 2022)	Latest DEP Recommendations (DEP Meeting held on 10 August 2023)
<p>4.5. Landscape</p> <ul style="list-style-type: none"> • <i>The Panel notes that the building setbacks are dictating the amount of landscaping and communal open space being provided at ground level. The Panel recommends the applicant to consider an additional communal open space at roof level to provide better amenity for the residents. Include an accessible toilet along with other facilities (e.g., barbeque area, seating with shade, adequate vegetation in planters, lift access to the roof level, etc.) for the roof top COS.</i> • <i>The Panel notes that a number of trees are being identified to be removed as part of the development. The Panel recommends the applicant to get an arborist on board to assess the existing trees and determine if the tree can be retained. The Panel recommends the applicant to retain as many existing trees as possible.</i> • <i>The Panel requires the applicant to review the dimension / extent of deep soil being provided as part of the development. Provide a detailed summary of deep soil zone being considered for the development.</i> • <i>The Panel notes that the storm water pit indicated towards the northeast corner needs to be relocated. Consider an OSD within the basement ramp to free up the green space for deep soil planting.</i> • <i>The Panel recommends the applicant to provide large canopy trees along the eastern boundary.</i> • <i>The Panel requires the applicant to detail out the landscape proposal for the site. Replace the stepping gravel with landscape planting and canopy trees.</i> • <i>The Panel requires the applicant to consider appropriate species that are suitable for growing under shaded conditions. Provide a detailed summary of all tree species being proposed as part of the development.</i> 	<p>4.5. Landscape</p> <ul style="list-style-type: none"> • The Panel notes the generous quantity of seating provided on the rooftop COS. Whilst this is generally considered a positive aspect of the revised design, the Panel questions the proximity of the seating to the raised planter beds around the perimeter of the roof. The seating arrangement is a potential climbing hazard and must be revised as part of an amended proposal, to ensure safety is adequately considered in this regard. • The Panel supports the applicant's intent behind the revised rooftop COS including the provisions for a pergola, accessible toilet, BBQ, planting, and seating. However, further refinement of the design is required by the Panel, to achieve a better overall design outcome. Benchmarking of comparable developments / projects for design inspiration is encouraged by the Panel. • As above, the Panel notes the widening of the driveway at the ground floor level (which is oversized). This has resulted in the driveway directly abutting the western boundary. In this regard, the Panel recommends the incorporation of a continuous planting along the boundary to afford some separation and ensure amenity is provided to the streetscape and to the neighbouring property. • The Panel acknowledges the incorporation of appropriately scaled tree plantings within the frontage of the site. This is supported. • The Panel supports the applicant's retention of the jacaranda tree within the rear of the site.

Previous DEP Recommendations (DEP Meeting held on 11 August 2022)	Latest DEP Recommendations (DEP Meeting held on 10 August 2023)
<ul style="list-style-type: none"> Relocation of sewer line as noted on the Basement Plan require further details / location diagrams. Ensure sewer relocation does not impact neighbouring trees. 	<ul style="list-style-type: none"> The Panel recommends the width of the planting zones within the level 4 raised planters be reduced to enable adequate maintenance accessibility. There is general concern that oversized balcony planters limit ease of serviceability, particularly when the responsibility falls on individual residents.
<p>4.6. Amenity</p> <ul style="list-style-type: none"> The Panel requires the applicant to relocate the AC condensers at roof level or at any other location that does not impact the amenity / comfort of the inhabitants. 	<p>4.6. Amenity</p> <ul style="list-style-type: none"> The Panel acknowledges the applicant's relocation of the AC units to be adjacent to solid walls. This is generally supported, however, it is recommended the applicant explore alternate locations for unit G04, where the AC unit is obstructing the external stair access. AC boxes on balconies will need to be in a suitable enclosure to provide a better aesthetic for the balcony and users.
<p>4.7. Safety</p> <ul style="list-style-type: none"> NIL 	<p>4.7. Safety</p> <ul style="list-style-type: none"> NIL
<p>4.8. Housing Diversity + Social Interaction</p> <ul style="list-style-type: none"> The Panel supports the mix being proposed for the development. 	<p>4.8. Housing Diversity + Social Interaction</p> <ul style="list-style-type: none"> NIL
<p>4.9. Aesthetics</p> <ul style="list-style-type: none"> The Panel supports the use of face bricks for the development. The Panel requires the applicant to consider further modulation of the building façade and provide details on various articulation measures being proposed as part of the development. 	<p>4.9. Aesthetics</p> <ul style="list-style-type: none"> The Panel appreciates the revised architectural response of the building, comparatively to the previous proposal. The Panel questions the suitability of the charcoal colour for Western Sydney. In this regard, dark roofing and façade colours are generally advised against because of the heat retentive properties. The Panel recommends the applicant incorporate a lighter colour palette for all proposed materials and finishes.

Previous DEP Recommendations (DEP Meeting held on 11 August 2022)	Latest DEP Recommendations (DEP Meeting held on 10 August 2023)
<ul style="list-style-type: none"> The Panel notes that the materials being considered for the development has a grey palette – which is generally supported. However, the Panel recommends the applicant to incorporate some variation within the colour scheme to achieve the required modulation / play in the building elevations. The Panel notes that the 3D renders need to be improved and should indicate the correct material colour and textural quality. The Panel suggests exploring lightweight cladding for the top floor where the building walls are inset from the typical floors below, as one way to increase overall building modulation and modelling. The blank northern walls (without windows) on the top floor are not supported. 	<ul style="list-style-type: none"> The Panel notes that the 3D renders need to be updated to accurately reflect the revised proposal, including materials, colours, and textures. The Panel acknowledges the amended architectural plans indicating additional windows along the northern elevation, in accordance with the previous DEP recommendations.
<p>5.0. Outcome</p> <p>The panel have determined the outcome of the DEP review and have provided final direction to the applicant as follows:</p> <p>The proposal is not supported by the DEP and must return to the panel, with all feedback incorporated or addressed.</p>	

5.0 OUTCOME

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

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

ATTACHMENT 3 - DESIGN QUALITY PRINCIPLES

Design Quality Principle	Comment
Principle One – Context and Neighbourhood Character	
<p><i>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.</i></p> <p><i>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.</i></p> <p><i>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</i></p>	<p>The proposed development is for a residential flat building in an area zoned R4 High Density Residential. The two lots consist of the last remnant dwelling houses on the block and are of a modest site width.</p> <p>The size of the land and its width have led to the prioritisation of views toward the front and rear of the site. However, due to the site depth, some windows to habitable spaces are located to the side boundaries within the minimum building separation distance. These have been managed through strategic placement and high level windows.</p> <p>The design has undergone significant improvement since its original submission and is an appropriate development given its context and the neighbourhood character. Therefore, the proposed design responds and contributes to the context and neighbourhood character and is supported by the DEP.</p>
Design Principle 2 – Built Form and Scale	
<p><i>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</i></p> <p><i>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.</i></p> <p><i>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.</i></p>	<p>The proposed development is well below the maximum height and FSR development standards applicable to the subject site.</p> <p>The site width and its inability to amalgamate present a constraint from the building separation perspective. As mentioned, where non-compliance with the ADG building separation has been proposed, the visual privacy consequences have been adequately addressed.</p> <p>Various improvements to the design have led to an appropriate design outcome in terms of its built form and scale, including but not limited to the lowering of the development to better integrate into the site levels improved external presentation, resolution to ADG non-compliances of room sizes, unit sizes and internal amendments to the common corridors and unit layouts.</p>

ATTACHMENT 3 – DESIGN QUALITY PRINCIPLES

Design Quality Principle	Comment
	In addition, the proposed built form and scale is generally supported by the DEP.
Design Principle 3 – Density	
<p><i>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</i></p> <p><i>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.</i></p>	<p>The proposal comprises a height and FSR well below the maximum permissible pursuant to the LLEP 2008.. The density proposed is responsive to the site constraints and is supported.</p> <p>A car parking variation is proposed and is discussed under a later point. Given the proximity to public transport, the car parking variation, generated by the proposed density, is considered acceptable on this occasion.</p> <p>Further, the proposed density is supported by the DEP.</p>
Design Principle 4 – Sustainability	
<p><i>Good design combines positive environmental, social and economic outcomes.</i></p> <p><i>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.</i></p>	<p>The proposal is well resolved from the provision of solar access and cross ventilation to the units. The BASIX Certificate submitted demonstrates compliance with the general water, energy and thermal requirements for sustainability.</p> <p>The DEP requested solar panels to be proposed on the roof. A condition of consent will be imposed to require this.</p>
Design Principle 5 – Landscape	
<p><i>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.</i></p> <p><i>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-</i></p>	<p>The proposed landscape plan incorporates new plantings on the site and retains one existing tree in the deep soil area in the northeastern corner. The rooftop communal open space is supported with landscaping to improve the amenity of the space. The street setback is proposed with planting suitable for the setback and the relationship of buildings to the street along Mill Road. The planting outcome is supported.</p> <p>In addition, the proposal provides good landscape design which is generally</p>

ATTACHMENT 3 – DESIGN QUALITY PRINCIPLES

Design Quality Principle	Comment
<p><i>climate, tree canopy, habitat values and preserving green networks.</i></p> <p><i>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, and respect for neighbours' amenity and provides for practical establishment and long term management.</i></p>	<p>supported by the DEP who have noted the proposal has design excellence.</p>
Design Principle 6 – Amenity	
<p><i>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing.</i></p> <p><i>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</i></p>	<p>The proposal provides for good solar access and cross ventilation to the proposed units.</p> <p>Contraventions on the building separation under Part 3F of the ADG have been well managed as able on a narrow site to protect the visual privacy of both the development itself and adjoining properties.</p> <p>A condition of consent is to be imposed to require the AC units to be acoustically enclosed where they are located on balconies for better aesthetic and amenity for the users.</p> <p>Therefore, the proposal achieves good amenity contributing to positive living environments and resident wellbeing. The proposed design is generally supported by the DEP and as such the proposal has been deemed to have design excellence.</p>
Design Principle 7 – Safety	
<p><i>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.</i></p> <p><i>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.</i></p>	<p>The proposal has addressed the principles of CPTED. The DEP considered safety as part of the review of the proposal and raised no objections on this ground.</p>

ATTACHMENT 3 – DESIGN QUALITY PRINCIPLES

Design Quality Principle	Comment
Design Principle 8 – Housing Diversity and Social Interaction	
<p><i>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</i></p> <p><i>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</i></p> <p><i>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.</i></p>	<p>The proposed mix is compliant with the LDCP 2008 providing variety and includes adaptable units.</p>
Design Principle 9 – Aesthetics	
<p><i>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.</i></p> <p><i>The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</i></p>	<p>The amended built form seeks a light/white colour brick, white render with accents of monument/dark colours to its design. The emphasis on the lighter tone is supported as this is in accordance with the recommendations of the DEP and therefore, the proposal has design excellence.</p>

ATTACHMENT 4 - APARTMENT DESIGN GUIDE COMPLIANCE TABLE

2E Building Depth	
Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line when precinct planning and testing development controls. This will ensure that apartments receive adequate daylight and natural ventilation and optimise natural cross ventilation	Considered Acceptable Although the development has a maximum building depth of 18.8m, it varies between 16.5m and 18.8m. The proposal responds to the general principals of building depth design in ensuring the minimum requirements for solar access and natural ventilation for the development are met. Walls are also articulated along each frontage and the choice of materials creates interest in the facades. Additionally, adverse privacy and overshadowing on adjoining sites are mitigated by the development.
2F Building Separation	
<p>Minimum separation distances for buildings are: <u>Up to four storeys (approximately 12m):</u></p> <ul style="list-style-type: none"> • 12m between habitable rooms/balconies (6m to boundary) • 9m between habitable and non-habitable rooms • 6m between non-habitable rooms <p><u>Five to eight storeys (12m to 25m)</u></p> <ul style="list-style-type: none"> • 18m between habitable rooms / balconies (9m to boundary) • 12m between habitable and non-habitable rooms • 9m between non-habitable rooms <p>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.</p>	<p>Considered Acceptable</p> <p>The development is five storeys and requires 6m of separation for the first four storeys and 9m on Level 4 for habitable rooms and 3m and 4.5m respectively for non-habitable rooms.</p> <p>The development provides for a diverse and largely non-compliant building separation to adjoining properties per the below:</p> <p>External Walls</p> <p><u>West</u> Ground: 3m – 4.9m Level 1-3: 3m – 4.45m Level 4: 4.235m</p> <p><u>East</u> Ground: 3.1m – 4.91m Level 1-3: 3.16m – 4.91m Level 4: 3.16m – 4.935m</p> <p>Balconies</p> <p><u>West</u> Level 1-3: 4.45m – 6.735m Level 4: 6.35m – 6.735m</p> <p><u>East</u> Level 1-3: 4.91m – 5.05m Level 4: 5.05m – 6.87m</p> <p>Discussion</p> <p>While variations are proposed, as the main objective of the building separation controls is to ensure for visual privacy in a high density location, the proposal is satisfactory in this regard.</p>

	<p>All habitable room windows proposed facing the side boundaries are 1.6m, high level windows above the finished floor level. In all instances above ground, these windows are also secondary in that another window is proposed that faces either the front or rear of the development. The windows are recommended for retention to improve natural light and ventilation on a constrained site, rather than adhering to strict compliance with the habitable room separation given visual privacy is addressed.</p> <p>On the ground level, living room windows are proposed within 6m facing the side boundaries as their sole outlook. This is considered acceptable due to boundary fencing and/or views toward the front setback over the fence. No visual privacy issues are created.</p> <p>It should be noted that the proposal complies with FSR and complies with maximum building height development standard is considered acceptable in the circumstance, and the proposal is not considered to be an over development of the site with regards to the LLEP 2008.</p> <p>In terms of the overall building separation within the street, the proposal is satisfactory to demonstrate a break in built form, noting the proposal complies with building separation under LLEP 2008.</p> <p>Accordingly, the proposed variation to building separation is considered acceptable in this instance, and for the reasons detailed above the development is considered acceptable with regards to SEPP 65 and the ADG.</p>
<p>3A Site analysis</p> <p>Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context</p>	<p>Complies</p> <p>A detailed site analysis plan has been provided. Any development on the site is constrained by its width and relationship to the two strata titled residential flat buildings to its east and west. The proposal has prioritised views to the street and rear and addressed visual privacy to the side boundaries where necessary.</p>

3B Orientation	
<p>Building types and layouts respond to the streetscape and site while optimising solar access within the development.</p> <p>Overshadowing of neighbouring properties is minimised during mid-winter.</p> <p>Solar Access to living rooms, balconies and private open spaces of neighbours should be considered.</p> <p>If the proposal will significantly reduce the solar access of neighbours, building separation should be increased beyond the minimums contained in section 3F Visual Privacy</p> <p>Overshadowing should be minimised to the south or downhill by increased upper level setbacks.</p> <p>A minimum of 4 hours of solar access should be retained to solar collectors on neighbouring buildings.</p>	<p>Complies</p> <p>The design takes good advantage of the northerly orientation to provide solar access to most units on the development site.</p> <p>Shadow diagrams for June 21 have limited detail on the impact on the dwelling houses on the southern side of Mill Road. However, the development is substantially below the maximum height of buildings and FSR development standards that apply to the land (1.58 FSR proposed vs 2:1 standard, 20.8m height proposed vs 35m standard). Consequently, the level of overshadowing is well within what was anticipated for the land for the envisioned density and the impact is acceptable.</p>
3C Public Domain Interface	
<p>Transition between private and public domain is achieved without compromising safety and security.</p> <p>Amenity of the public domain is retained and enhanced.</p>	<p>Complies</p> <p>Given the crossfall affecting the site and the challenge of accommodating a basement on such land, the ground floor level is elevated above the footpath level between 100mm and 1.1m from west to east and approximately 700mm directly in front of the footpath. This has necessitated stairs and a platform lift to manage access to the entry.</p> <p>The extent of retaining walls on the boundary for landscaping is acceptable to manage this interface. The relationship proposed is acceptable from the safety and security perspective, and the landscaping proposed will ensure an appropriate amenity to the public domain.</p>
3D Communal and public open space	
<p>Communal open space has a minimum area equal to 25% of the site.</p> <p>Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)</p>	<p>Complies</p> <p>The proposal includes a 185.21m² rooftop communal open space – 26.4% of the site area.</p> <p>The space has been designed with perimeter landscaping, seating areas, a BBQ and a pergola for shading, per the landscape plan (per Figure 11).</p>

<p>Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting.</p> <p>Communal open space should be co-located with deep soil areas.</p> <p>Where communal open space cannot be provided at ground level, it should be provided on a podium or roof.</p>	<p>The rooftop will receive good solar access throughout the day and complies with the ADG.</p>												
<p>3E Deep soil zones</p>													
<p>Deep soil zones are to meet the following minimum requirements:</p> <table border="1" data-bbox="312 775 810 1137"> <thead> <tr> <th>Site Area</th> <th>Minimum Dimensions</th> <th>Deep Soil Zone (% of site area)</th> </tr> </thead> <tbody> <tr> <td>Less than 650m²</td> <td>-</td> <td rowspan="4">7%</td> </tr> <tr> <td>650m² to 1500m²</td> <td>3m</td> </tr> <tr> <td>Greater than 1500m²</td> <td>6m</td> </tr> <tr> <td>Greater than 1500m² with significant tree cover</td> <td>6m</td> </tr> </tbody> </table>	Site Area	Minimum Dimensions	Deep Soil Zone (% of site area)	Less than 650m ²	-	7%	650m ² to 1500m ²	3m	Greater than 1500m ²	6m	Greater than 1500m ² with significant tree cover	6m	<p>Complies</p> <p>The proposal provides for 97m² of deep soil with a minimum 3m dimension – 13.8% of the site area – at the rear of the site.</p>
Site Area	Minimum Dimensions	Deep Soil Zone (% of site area)											
Less than 650m ²	-	7%											
650m ² to 1500m ²	3m												
Greater than 1500m ²	6m												
Greater than 1500m ² with significant tree cover	6m												
<p>3F Visual Privacy</p>													
<p>Minimum separation distances from buildings to the side and rear boundaries are as follows:</p> <table border="1" data-bbox="312 1263 783 1565"> <thead> <tr> <th>Building Height</th> <th>Habitable Rooms and Balconies</th> <th>Non Habitable Rooms</th> </tr> </thead> <tbody> <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> </tbody> </table> <p>Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.</p> <p>New development should be located and oriented to maximise visual privacy between</p>	Building Height	Habitable Rooms and Balconies	Non Habitable Rooms	Up to 12m (4 storeys)	6m	3m	12m to 25m (5-8 storeys)	9m	4.5m	Over 25m (9+ storeys)	12m	6m	<p>Considered Acceptable</p> <p>As discussed above in Part 2F, the development provides for a diverse and largely non-compliant building separation to adjoining properties.</p> <p>The proposal ensures that visual privacy in a high density location is provided through the use of high level windows to side boundaries which provide natural light and ventilation whilst maintaining visual privacy</p> <p>The main living areas, windows and balconies are orientated to the north (rear boundary) and south (front boundary) with privacy screening in the form of a wall to the side boundaries to ensure visual privacy is maintained.</p> <p>Accordingly, the proposed variation to building separation is considered acceptable in this instance, and for the reasons detailed above</p>
Building Height	Habitable Rooms and Balconies	Non Habitable Rooms											
Up to 12m (4 storeys)	6m	3m											
12m to 25m (5-8 storeys)	9m	4.5m											
Over 25m (9+ storeys)	12m	6m											

<p>buildings on site and for neighbouring buildings. Design solutions include:</p> <ul style="list-style-type: none"> • site layout and building orientation to minimise privacy impacts (see also section 3B Orientation) • on sloping sites, apartments on different levels have appropriate visual separation distances (see figure 3F.4) <p>Apartment buildings should have an increased separation distance of 3m (in addition to the requirements set out in design criteria 1 when adjacent to a different zone that permits lower density residential development to provide for a transition in scale and increased landscaping (figure 3F.5).</p>	<p>the development is considered acceptable with regards to SEPP 65 and the ADG.</p>
<p>Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.</p>	<p>As above.</p>
<p>3G Pedestrian Access and Entries</p>	
<p>Building entries and pedestrian access connects to and addresses the public domain</p>	<p>Complies</p>
<p>Access, entries and pathways are accessible and easy to identify</p>	<p>The building entry is clearly identifiable and connects to the public domain. The provision of a platform lift is acceptable to manage the sloping land and consequent level difference to the lobby entry.</p>
<p>Large sites provide pedestrian links for access to streets and connection to destinations</p>	
<p>3H Vehicle Access</p>	
<p>Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes</p>	<p>Complies</p> <p>The driveway location and design have been reviewed by Council's Traffic Engineer and are supported subject to conditions requiring a traffic light system to be installed for the single width basement ramp. The driveway is separate from the pedestrian entry for safety.</p>
<p>3J Bicycle and Car Parking</p>	
<p>For development in the following locations:</p> <ul style="list-style-type: none"> - on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or - on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre <p>The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less. The car parking</p>	<p>Considered Acceptable</p> <p>Although the site is within 800m of the Liverpool Train Station, the development relies upon the car parking rates in Part 4 Development in Liverpool City Centre of the LDCP 2008. Notwithstanding this, the development is non-compliant with the car parking rates in the DCP with a shortfall of one (1) car parking space for residents and two (2) visitor car spaces.</p> <p>Further comment is provided under the DCP assessment section of this report.</p>

needs for a development must be provided off street							
Parking and facilities are provided for other modes of transport							
Car park design and access is safe and secure							
Visual and environmental impacts of underground car parking are minimised							
Visual and environmental impacts of on-grade car parking are minimised							
Visual and environmental impacts of above ground enclosed car parking are minimised							
4A Solar and Daylight Access							
Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas	<p>Complies</p> <p>10 of the proposed 12 units will receive 2 hours of solar access to the living rooms and private open spaces, equating to 83.3%.</p> <p>No unit will receive no solar access.</p>						
In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid-winter							
A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter							
Courtyards, skylights and high level windows (with sills of 1,500mm or greater) are used only as a secondary light source in habitable rooms							
4B Natural Ventilation							
All habitable rooms are naturally ventilated	<p>Complies</p> <p>11 of the proposed 12 units will be cross-ventilated, equating to 91.7%.</p>						
The layout and design of single aspect apartments maximises natural ventilation							
At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed							
Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line							
4C Ceiling Heights							
Measured from finished floor level to finished ceiling level, minimum ceiling heights are:	<p>Complies</p> <p>All storeys are provided with 3.2m floor to floor heights which are capable of accommodating 2.7m ceiling heights to habitable rooms.</p>						
<table border="1"> <tr> <td colspan="2">Minimum ceiling height</td> </tr> <tr> <td>Habitable rooms</td> <td>2.7m</td> </tr> <tr> <td>Non-habitable</td> <td>2.4m</td> </tr> </table>		Minimum ceiling height		Habitable rooms	2.7m	Non-habitable	2.4m
Minimum ceiling height							
Habitable rooms	2.7m						
Non-habitable	2.4m						

For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area											
Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope											
If located in mixed use areas	3.3m from ground and first floor to promote future flexibility of use											
Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms												
Ceiling heights contribute to the flexibility of building use over the life of the building												
4D Apartment Size and Layout												
Apartments are required to have the following minimum internal areas:		Complies All units achieve their minimum internal area.										
<table border="1"> <thead> <tr> <th>Apartment Type</th> <th>Minimum Internal Area</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>35m²</td> </tr> <tr> <td>1 bedroom</td> <td>50m²</td> </tr> <tr> <td>2 bedroom</td> <td>70m²</td> </tr> <tr> <td>3 bedroom</td> <td>90m²</td> </tr> </tbody> </table>		Apartment Type	Minimum Internal Area	Studio	35m ²	1 bedroom	50m ²	2 bedroom	70m ²	3 bedroom	90m ²	
Apartment Type	Minimum Internal Area											
Studio	35m ²											
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												
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		Complies Habitable rooms are provided with windows of sufficient glass size.										
Habitable room depths are limited to a maximum of 2.5 x the ceiling height		Complies Habitable room depths are generally limited to 2.5 x the ceiling height.										
In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window		Considered Acceptable Units 101, 201 and 301 exceed 8m to the depth of the open plan area, however, the furthest portion of the living/dining/kitchen space is 7.75m from a window, with the remaining being circulation and the laundry/storage. This is considered acceptable.										

	All other units are less than 8m in depth.															
Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space)	Complies															
Bedrooms have a minimum dimension of 3m (excluding wardrobe space)	Complies															
Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none"> - 3.6m for studio and 1 bedroom apartments - 4m for 2 and 3 bedroom apartments 	Considered Acceptable The kitchen/dining room of G04 is 3.5m in width, which is non-compliant. However, the furniture layout indicates the design is acceptable to accommodate the minimum furniture expectation of a studio unit. The living area is more than 3.6m to, in part, compensate for the shortfall. All other units are compliant.															
4E Private Open Space and Balconies																
All apartments are required to have primary balconies as follows: <table border="1" data-bbox="311 922 786 1200"> <thead> <tr> <th>Dwelling Type</th> <th>Minimum Area</th> <th>Minimum Depth</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>4m²</td> <td>-</td> </tr> <tr> <td>1 bedroom</td> <td>8m²</td> <td>2m</td> </tr> <tr> <td>2 bedroom</td> <td>10m²</td> <td>2m</td> </tr> <tr> <td>3 bedroom</td> <td>12m²</td> <td>2.4</td> </tr> </tbody> </table>	Dwelling Type	Minimum Area	Minimum Depth	Studio	4m ²	-	1 bedroom	8m ²	2m	2 bedroom	10m ²	2m	3 bedroom	12m ²	2.4	Complies All apartments provide the minimum required balcony areas and depths.
Dwelling Type	Minimum Area	Minimum Depth														
Studio	4m ²	-														
1 bedroom	8m ²	2m														
2 bedroom	10m ²	2m														
3 bedroom	12m ²	2.4														
The minimum balcony depth to be counted as contributing to the balcony area is 1m																
For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m ² and a minimum depth of 3m	Complies All ground level units comply.															
4F Common Circulation and Spaces																
The maximum number of apartments off a circulation core on a single level is eight	Complies Single lift core provided. A maximum of 4 units are proposed off one lift. All levels above ground have 2 units per floor.															
For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40	Not applicable															
Daylight and natural ventilation should be provided to all common circulation spaces that are above ground. Windows should be provided in common circulation spaces and should be adjacent to the stair or lift core or at the ends of corridors	Complies The lift lobby areas on each floor above ground have a window to the street façade to allow natural light. It is not clear from the plans whether this is an operable window or not. A															

	condition has been imposed to have an operable portion to address this.										
4G Storage											
In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:	Complies Storage is provided within each unit and cages for each unit are allocated within the basement.										
<table border="1"> <thead> <tr> <th>Dwelling Type</th> <th>Storage Size Volume</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>4m³</td> </tr> <tr> <td>1 bedroom</td> <td>6m³</td> </tr> <tr> <td>2 bedroom</td> <td>8m³</td> </tr> <tr> <td>3 bedroom</td> <td>10m³</td> </tr> </tbody> </table>	Dwelling Type	Storage Size Volume	Studio	4m ³	1 bedroom	6m ³	2 bedroom	8m ³	3 bedroom	10m ³	
Dwelling Type	Storage Size Volume										
Studio	4m ³										
1 bedroom	6m ³										
2 bedroom	8m ³										
3 bedroom	10m ³										
At least 50% of the required storage is to be located within the apartment.											
4H Acoustic Privacy											
Noise transfer is minimised through the siting of buildings and building layout	Complies The development is in accordance with the objectives.										
Noise impacts are mitigated within apartments through layout and acoustic treatments											
4K Apartment Mix											
A range of apartment types and sizes is provided to cater for different household types now and into the future	Complies 2 x studios – 16.6% 2 x 1 bedroom units = 16.7% 5 x 2 bedroom units = 41.7% 3 x 3 bedroom units = 25% The proposal has a suitable mix of units arranged to provide a variety of options for future residents.										
The apartment mix is distributed to suitable locations within the building											
4L Ground Floor Apartments											
Street frontage activity is maximised where ground floor apartments are located	Considered Acceptable Access to the street for ground floor apartments is provided from an internal lobby with a secure door. Due to the site width, a circulation path with direct access is not realistically achievable.										
Design of ground floor apartments delivers amenity and safety for residents											
4M Facades											
Building facades provide visual interest along the street while respecting the character of the local area	Complies The building façades are supported from the physical and material articulation from the street, the definition of the building functions on the façade and on the lighter colour tone adopted.										
Building functions are expressed by the facade											

4N Roof Design	
Roof treatments are integrated into the building design and positively respond to the street	Complies A roof top terrace is proposed to provide communal open space for future occupants.
Opportunities to use roof space for residential accommodation and open space are maximised	
Roof design incorporates sustainability features	
4O Landscape Design	
Landscape design is viable and sustainable	Complies A landscape plan has been provided that indicates that appropriate landscaping can be provided for the site.
Landscape design contributes to the streetscape and amenity	
4P Planting on Structures	
Appropriate soil profiles are provided	Complies A landscape plan has been provided that indicates that appropriate landscaping can be provided for the site where on structure.
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	Complies The development provides an adaptable unit in accordance with the Australian Standard AS 4299-1995 <i>Adaptable Housing</i> .
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	Not Applicable The DA is for the development of a new building and not the adaptive reuse of an existing building.
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	Not Applicable The DA does not propose a mixed use development.
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 No awning is required by the Liverpool City Centre DCP, and none is proposed.
Signage responds to the context and desired streetscape character	Not Applicable No signage is proposed.
4U Energy Efficiency	
Development incorporates passive environmental design.	Complies

Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer	The proposal was accompanied by a BASIX Certificate which showed that acceptable levels of water and energy efficiency can be achieved. The proposal provides for good solar access and cross ventilation overall.
Adequate natural ventilation minimises the need for mechanical ventilation	
4V Water Management and Conservation	
Potable water use is minimised	Complies The proposal is accompanied by a BASIX Certificate which shows acceptable levels of water and energy efficiency can be achieved.
Urban stormwater is treated on site before being discharged to receiving waters	Complies Stormwater Plans have been submitted which show that the site can be satisfactorily drained with appropriate water quality protection. Council's Land Development Engineer has reviewed the plans and them subject to conditions.
Flood management systems are integrated into site design	Not applicable
4W Waste Management	
Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents	Complies A waste room is proposed on the ground level. Residents will access this room to transfer their waste to the bins. A bulky waste area has been accommodated. Council's Waste Officer has reviewed the proposal and the Waste Management Plan submitted and supports the application subject to conditions of consent.
Domestic waste is minimised by providing safe and convenient source separation and recycling	
4X Building Maintenance	
Building design detail provides protection from weathering	Complies The selection of appropriate materials can ensure that the development can meet these objectives.
Systems and access enable ease of maintenance	
Material selection reduces ongoing maintenance costs	

ATTACHMENT 5 - LIVERPOOL DEVELOPMENT CONTROL PLAN 2008 COMPLIANCE TABLE

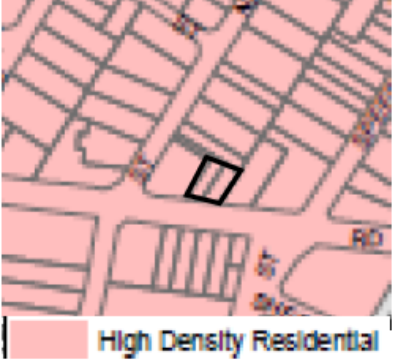
ASSESSMENT Liverpool Development Control Plan (LDCP) 2008

The application has also been assessed against the relevant controls of the LDCP 2008, particularly *Part 1 General Controls for all Development and Part 4 – Development in Liverpool City Centre.*

LDCP 2008 Part 1: General Controls for All Development			
Development Control	Requirement	Comment	Complies
2. Tree Preservation	Consider the impact of development on existing vegetation	One (1) of the on site tree will be retained in the northeastern corner. An arborist report was submitted indicating the trees could be retained in the deep soil area provided. Council's Landscape Officer reviewed the report and supports the proposal subject to conditions of consent.	Complies
3. Landscaping and Incorporation of Existing Trees	Incorporation of existing trees into development where appropriate	As above. One (1) tree will be retained, reflecting the initial DEP meeting requests. New landscaping is proposed and acceptable given the density of development proposed and site constraints.	Complies
4. Bushland and Fauna Habitat Preservation	Consider the impact of development on bushland and habitats	Not Applicable	N/A
5. Bush Fire Risk	Land on or adjacent to bushfire-prone land to comply with RFS requirements	Not Applicable	N/A
6. Water Cycle Management	Stormwater runoff shall be connected to Council's drainage system by gravity means. A stormwater drainage concept plan is to be submitted.	The proposal was referred to Council's Land Development Engineer who has supported the proposal and recommended conditions of consent.	Complies
7. Development Near a Watercourse	If any works are proposed near a water course, the Water Management Act 2000 may apply, and you may be required to seek controlled activity approval from the NSW Office of Water.	Not Applicable	N/A
8. Erosion and Sediment Control	A Sediment Control Plan or Soil and Water Management Plan is required	A Sediment and Erosion control plan was submitted with the application and was reviewed by Council's Land Development Engineer who has supported the proposal subject to conditions.	Complies
9. Flooding Risk	Provisions relating to development on flood prone land.	Not Applicable	N/A
10. Contaminated	Previous use to be considered in assessing	Given the site has been historically residential in use, it	Complies

LDCP 2008 Part 1: General Controls for All Development			
Development Control	Requirement	Comment	Complies
Land Risk	risk	is considered that contamination is unlikely.	
11. Salinity Risk	Salinity Management response required for affected properties	The submitted Geotechnical Investigation identified the soils as being non-saline to slightly saline and therefore has a low risk of producing adverse salinity-based impacts. Recommendations are provided in the report. Conditions of consent could be imposed to adhere to the recommendations of the report.	Complies
12. Acid Sulphate Soils	Affected properties to consider the impact of development on soils	The site is identified as Class 5 acid sulfate soils. Although the site is within 500m of Class 1 soils (Georges River), the development will not result in lowering the watertable on that land. No further action is required.	N/A
13. Weeds	Noxious weeds are to be removed as part of development where applicable	Not Applicable	N/A
14. Demolition of Existing Development	Provisions relating to demolition works	A demolition plan was submitted with the application. The plan indicates the removal of the two trees in the northeastern corner now proposed for retention. A condition of consent could resolve this inconsistency.	Can comply by condition
15. On Site Sewage Disposal	Provisions relating to OSMS.	OSMS is not proposed. The site is connected to a sewer line	N/A
16. & 17. Aboriginal Archaeology	An initial investigation must be carried out to determine if the proposed development or activity occurs on land potentially containing an item of Aboriginal archaeology. Condition to be imposed.	The property is not associated with items of Aboriginal archaeology or heritage items, and it is unlikely that it would contain Aboriginal archaeology.	N/A
20. Car Parking and Access	Car Parking Provision in Liverpool City Centre Off-street car parking shall be provided in Liverpool City Centre in accordance with Clause 7.3 of Liverpool Local Environmental Plan (LLEP) 2008, Car parking in Liverpool city centre (where the land is zoned B3 — Commercial Core or B4 — Mixed Use) and Section 4.4.2 of Part 4 LDCP 2008.	Car parking is to be provided in accordance with Part 4 of the LDCP 2008 due to the site being within the Liverpool City Centre.	N/A
21. Subdivision of Land and Buildings	Minimum lot width in the R4 zone is 24m	Not Applicable. Subdivision is not sought, only amalgamation. Notwithstanding this, the site is over 24m at the front boundary in accordance with Clause 7.14 of	N/A

LDCP 2008 Part 1: General Controls for All Development			
Development Control	Requirement	Comment	Complies
		LLEP 2008.	
22. Energy Conservation	New dwellings, including multi-unit development within a mixed-use building and serviced apartments intended or capable of being strata titled, are to demonstrate compliance with State Environmental Planning Policy – Building Sustainability Index (BASIX). A complying BASIX report is to be submitted with all development applications containing residential activities.	A BASIX Certificate has been provided which outlines water and energy conservation commitments.	Complies
23. Reflectivity	Provisions relating to the use of reflective materials on the exterior of buildings.	Highly reflective materials are not proposed.	Complies
25. Waste Disposal and Re-use Facilities	Waste Management Plan shall be submitted for demolition, construction and ongoing waste management.	A waste management plan has been submitted which outlines procedures for demolition, construction and ongoing waste management. Council's Waste Officer has reviewed the waste aspects of the proposal and is supportive subject to conditions.	Complies

LDCP 2008 Part 4: Development in Liverpool City Centre			
Development Control	Requirement	Comment	Complies
4.2 Controls For Building Form			
4.2.1 Building Form	<p>Develop new buildings in Liverpool city centre using the following building typologies for precincts as identified in Figure 4-2:</p>  <p>7. Detached building typology for High Density Residential sites.</p>	<p>The site is identified as High Density Residential in Figure 4-2 and is assessed under those controls.</p> <p>All controls associated with other building typologies are omitted from this compliance table.</p>	Complies
4.2.6 Building Floor Plates	Provide a maximum GFA of 700m ² per level for residential towers with maximum length of elevation of 45m.	The maximum GFA per level is 243.43m ² . The building length is below 45m.	Complies
	Comply with ADG standards for building depth and number of apartments.	The maximum unit depth is 18.8m, which marginally exceeds the maximum 18m depth. The units have appropriate access to natural light and ventilation. The variation is acceptable.	Considered Acceptable
4.2.7 Street Alignment and Street Setbacks	Buildings are to comply with the front setbacks as set out in Figures 4-12.	Refer to the detailed discussion in the body of the assessment report.	Considered Acceptable
	Ensure that no columns, blade walls or other building elements encroach the ground level of the front setback.	Per the above.	Considered Acceptable
	Ensure that balconies project a maximum of 1.2 metres into front building setbacks in the R4 - High Density Residential Zone.	The closest balcony to the street is set at 3m on Levels 1-4, an encroachment of 1.5m into the front setback. While a variation, the extent of this encroachment is marginal due to the irregular street alignment which	Considered Acceptable

LDCP 2008 Part 4: Development in Liverpool City Centre			
Development Control	Requirement	Comment	Complies
		limits the impact. The proposal is supported on this point.	
4.2.8 Side and Rear Setbacks	All residential and commercial buildings must comply with the separation distances in SEPP 65 and the ADG unless otherwise agreed with Council in an approved concept development application.	Building separation is discussed under the ADG section of the main body of the assessment report.	Considered Acceptable
4.2.9 Minimum Floor to Ceiling Heights	The minimum floor to ceiling heights are: 1. Ground floor: 3.6m. 2. Above ground level: a) Commercial office 3.3m. b) Capable of adaptation to commercial uses 3.3m. c) Residential 2.7m. d) Active public uses, such as retail and restaurants 3.6m. Car Parks: Sufficient to cater to the needs of all vehicles that will access.	A 3.2m floor to floor height is proposed which is sufficient to accommodate a minimum 2.7m habitable room floor to ceiling height.	Complies
4.2.10 Housing Choice and Mix	In addition to the provisions for dwelling mix in the ADG, residential apartment buildings and shop-top housing must comply with the following apartment mix and size: <ul style="list-style-type: none"> Studio and one bedroom units must not be less than 10% of the total mix of units within each development; Three or more bedroom units must not be less than 10% of the total mix of units within each development; Dual-key apartments must not exceed 10% of the total number of apartments; and A minimum of 10% of all dwellings (or at least one dwelling – whichever is greater) to be capable of adaptation for disabled or elderly residents. 	The proposal provides for the following unit mix: 2 x studios – 16.6% 2 x 1 bedroom units = 16.7% 5 x 2 bedroom units = 41.7% 3 x 3 bedroom units = 25% The proposal is compliant with the studio and one bedroom unit mix and the three bedroom unit mix. No dual key apartments are proposed. One (1) unit is proposed as adaptable, being Unit 101 – 8.3%. A fraction of a unit variation is acceptable as the development provides a mix of dwelling types, sizes and open space to cater for a range of household types and living styles.	Considered Acceptable
	Adaptable dwellings must be designed in accordance with the Australian Adaptable Housing Standard (AS 4299-1995).	Unit 101 has been allocated as an adaptable unit. A condition of consent would secure the design to comply with AS 4299.	Complies

LDCP 2008 Part 4: Development in Liverpool City Centre																		
Development Control	Requirement	Comment	Complies															
	Provide certification from an Accredited Access Consultant confirming that the adaptable dwellings are capable of being modified, when required by the occupant, to comply with the Australian Adaptable Housing Standard (AS 4299-1995).	See above.	Complies															
4.2.11 Deep Soil Zone and Site Cover	<p>The maximum permitted site coverage for development is specified in Table 4-2.</p> <table border="1"> <caption>Table 4-2 Site coverage</caption> <thead> <tr> <th>Zone</th> <th>Commercial & Mixed Use</th> <th>Residential</th> </tr> </thead> <tbody> <tr> <td>Commercial Core, Fine Grain and Midrise</td> <td>Up to 100%</td> <td>N/A</td> </tr> <tr> <td>Existing Mixed Use</td> <td>75%</td> <td>N/A</td> </tr> <tr> <td>Enterprise Corridor and Infrastructure</td> <td>75%</td> <td>50%</td> </tr> <tr> <td>All other zones</td> <td>60%</td> <td>50%</td> </tr> </tbody> </table>	Zone	Commercial & Mixed Use	Residential	Commercial Core, Fine Grain and Midrise	Up to 100%	N/A	Existing Mixed Use	75%	N/A	Enterprise Corridor and Infrastructure	75%	50%	All other zones	60%	50%	The proposed site coverage is approximately 45%, which complies with the maximum 50%.	Complies
Zone	Commercial & Mixed Use	Residential																
Commercial Core, Fine Grain and Midrise	Up to 100%	N/A																
Existing Mixed Use	75%	N/A																
Enterprise Corridor and Infrastructure	75%	50%																
All other zones	60%	50%																
	Include a deep soil zone as per Section 3E of the ADG in all developments with a residential component in all areas other than the Fine Grain Precinct and Midrise Precinct, or where perimeter block buildings are developed.	A compliant deep soil provision is sought. Refer to the ADG discussion in the main body of the assessment report.	Complies															
4.2.12 Public and Communal Open Space	<p><i>Existing Public Open Space</i></p> <p>1. Ensure that at least 70% of Bigge Park, Apex Park, Pioneer Park and any other public open space in the city centre has a minimum of 3 hours of sunlight between 10am and 3pm on 21 June (Winter Solstice).</p>	The proposal does not impact on these areas.	Complies															
	Developments with a residential component in all zones must comply with the sections 3D Communal Public Open Space and 4F Common Circulation and Spaces, of the ADG. Consistent with the requirements of the ADG, communal open space is to be collocated with areas of deep soil, where possible.	<p>The proposal is compliant with the provision of communal open space.</p> <p>Due to the limited site area, ground level communal open space co-located with the deep soil area does not create an attractive and sufficiently sized area in the rear setback that would be used and maintain privacy to the units. As such, the deep soil zone has been incorporated into the rear courtyards of Units G02 and G03.</p>	Complies															
	The roof space of residential flat buildings (RFBs) and mixed-use development (including shop-top housing) is to be	The roof is utilised for communal open space. Plantings, shading and a bathroom are proposed.	Complies															

LDCP 2008 Part 4: Development in Liverpool City Centre			
Development Control	Requirement	Comment	Complies
	developed for the purposes of communal open space that incorporate shade structures and amenity facilities (barbecue and rooftop garden) that complement the development.		
4.2.13 Landscape Design	Submit a landscape plan prepared by a registered landscape architect that demonstrates consistency with the above objectives and section 4V, water management and conservation, of the ADG.	A landscape plan has been submitted. The plan has been reviewed by Council's Landscape Officer and is supported subject to conditions.	Complies
4.2.14 Planting on Structures	Comply with the Section 4P, planting on structures in the ADG in all developments with a residential component and/or communal open space.	As above.	Complies
4.3 Pedestrian Amenity			
4.3.1 Pedestrian Permeability	Locate through-site links as shown in Figure 4-12.	The site is not identified as requiring a through site link.	N/A
4.3.2 Pedestrian Overpasses and Underpasses	Design underpasses or overpasses in accordance with <i>Crime Prevention Through Environmental Design</i> principles and compliant with the applicable Australian Standard for Disabled Access.	The site is not identified as requiring a pedestrian underpass or overpass.	N/A
4.3.3 Active Street Frontages	Locate active street frontages on the ground level of all commercial or mixed use buildings, including adjacent through-site links.	The site is not identified as requiring an active street frontage, being a strictly residential use.	N/A
4.3.4 Street Address	Provide a clear street address and direct pedestrian access off the primary street frontage in mixed use and residential developments.	The sloping of the land has resulted in the need for steps and a platform lift. This is considered acceptable in this case.	Complies
	Provide multiple entrances to large developments on all street frontages.	Not required for a development of this size.	Complies
	Provide direct 'front door' and/or garden access to the street in ground floor residential units.	Due to the irregular street frontage and cross fall affecting the land, no direct street access is proposed for ground floor units. As a direct street access would reduce front setback landscaping further, this outcome is supported.	Considered Acceptable
4.3.5 Street and Building Interface	Design the area between the building and the public footpath so that it: a) provides visibility to and from the street	The design is satisfactory in this regard. Due to the slope of the land, there is a level difference between the lobby and footpath level. Passive surveillance is available from	Complies

LDCP 2008 Part 4: Development in Liverpool City Centre			
Development Control	Requirement	Comment	Complies
	(if non-residential use); b) provides privacy if residential uses are on the ground floor; c) introduces paving and/or landscaping between the street and the building; and/or d) screens any above ground car parking.	Unit G04s private open space.	
	Use front fences that: a) do not present a solid edge to the public domain greater than 1.2 m above the footpath / public domain level; and b) are not constructed of sheet metal or opaque glass.	No formal front fence is proposed. The front boundary is defined by the retaining walls associated with the planting areas in the front setback. Their height is driven by the cross fall of the land and is less than 1.2m.	Complies
4.3.7 Awnings	Provide street frontage awnings for all new developments on streets identified in Figure 4-13.	No awning is required.	N/A
	Provide all residential buildings in areas not identified for continuous awnings in Figure 4-13 with awnings or other weather protection at their main entrance area.	An integrated cover is proposed over the outside lobby landing and letterbox area.	Complies
4.3.8 Building Design and Public Domain Interface	Design new buildings that adjoin existing buildings, particularly heritage buildings and those of architectural merit so that they consider: a) the street 'wall' alignment and building envelope; b) the 'depth' within the façade; c) facade proportions; and d) the response to the corners at street intersections.	The proposal positively presents to the street with a physically and materially articulated façade. The development is supported by the DEP on the grounds of its overall building design.	Complies
	Provide balconies and terraces appropriately orientated where buildings face public spaces.	Street facing secondary balconies are proposed units on all levels above ground.	Complies
	Articulate façades to address the street, proportion the building, provide 'depth' in the street wall when viewed obliquely along the street and add visual interest.	Per the comments above, the development is supported by the DEP regarding its façade articulation.	Complies
	Use high quality robust finishes and avoid finishes with high maintenance costs, and	The materials and finishes proposed include a mixture of hard wearing brick and render. The balance strongly	Complies

LDCP 2008 Part 4: Development in Liverpool City Centre			
Development Control	Requirement	Comment	Complies
	those susceptible to degradation due to a corrosive environment. Large expanses of rendered concrete finish is discouraged.	favours the brick and is acceptable.	
	Select lighter-coloured materials for external finishes including roofs and avoid the use of darker-coloured materials (e.g. black, charcoal) to reduce the urban heat island effect.	A white, lighter tone is adopted for much of the building with dark materials accentuating, rather than dominating, the building's appearance.	Complies
	For residential components of buildings, do not use highly reflective finishes and curtain wall glazing above ground floor level.	The materials selected are not highly reflective finishes.	Complies
	Incorporate roof top structures, such as air conditioning and lift motor rooms, into the architectural design of the building.	All elements on the roof have been well integrated into the building design.	Complies
	Screen air conditioning units on balconies.	The plans indicate this will be achieved. However, this could be secured by a condition of consent were the application to be approved.	Can comply by condition
	No clothes drying facilities to be allowed on balconies.	Screened clothes drying areas could be secured by condition of consent were the application to be approved.	Can comply by condition
4.4 Traffic and Access			
4.4.1 Vehicular Access and Maneuvering Areas	Vehicular access shall be restricted to the secondary street (other than along a High Pedestrian Priority Area) where possible.	Only one street frontage is available.	Complies
	Design of vehicle entry points must be of high quality and relate to the architecture of the building, including being constructed of high quality materials and finishes.	The proposed driveway is satisfactory from a material perspective.	Complies
4.4.2 On Site Parking	All required car parking is to be provided on site in an underground (basement) carpark except to the extent provided below: a) On Fine Grain and Midrise sites, a maximum of one level of surface (at grade) parking may be provided where it is fully integrated into the building design; and b) On sites requiring the lodgement of a concept DA, a maximum of one level of surface (at grade) and one additional level	A basement is proposed.	Complies

LDCP 2008 Part 4: Development in Liverpool City Centre			
Development Control	Requirement	Comment	Complies
	of above ground parking may be provided where it is fully integrated into the building design.		
	<p>Provide car parking for buildings developed on land in the R4 - High Density Residential zone as follows:</p> <p>a) 1 space per two studio apartments. b) 1 space per one bedroom or two bedroom apartments. c) 1.5 spaces per three or more bedroom apartments.</p> <p>Service and visitor parking is to be provided in accordance with the following formula:</p> <p>Residential (including residential components of mixed-use or other developments)</p> <ul style="list-style-type: none"> - 1 space per 10 apartments or part thereof, for visitors; and - 1 space per 40 apartments for service vehicles (including removalist vans and car washing bays) up to a maximum of 4 spaces per building 	<p>The proposal has a shortfall of two (2) car parking spaces.</p> <p>Refer to the discussion in the main body of the assessment report.</p>	Considered Acceptable
	Sufficient service and delivery vehicle parking adequate to provide for the needs of the development.	No delivery space is proposed. Given the modest development size, it is acceptable to have deliveries occur from the street front.	Considered Acceptable
	Provision is to be made for motorcycle parking at the rate of 1 motorcycle space per 20 car spaces.	One (1) motorcycle space is required, and two (2) are provided in the basement.	Complies
	No less than 2% of the total parking demand generated by development shall be accessible parking spaces, designed and appropriately signposted for use by persons with a disability.	Two (2) are proposed.	Complies
4.5 Environmental Management			
4.5.1 Wind Mitigation	Design all new buildings to meet the following maximum wind criteria : a) 10m/second in retail streets;	Given the modest development height, further assessment of wind impact was not considered necessary, noting that a wind report is only required for	Complies

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	b) 13m/second along major pedestrian streets, parks and public places; and c) 16m/second in all other streets.	buildings over 35m in height.	
4.5.2 Noise	Design development on sites adjacent to road and rail noise sources identified in Figure 4-16, in a manner that shields any residential development from the noise source through the location and orientation of built form on the site, supported by an appropriate acoustic report as required by the State Environmental Planning Policy (Infrastructure) 2007.	Not required. The site is not adjacent to road or rail noise.	N/A