

COUNCIL AGENDA

LOCAL PLANNING PANEL MEETING

14 July 2026

MATTERS FOR THE LOCAL PLANNING PANEL'S DETERMINATION

Tuesday, 14 July 2026

MS TEAMS

Commences at **2:00 PM**

Microsoft Teams meeting

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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 Danielle Sarpi, Acting Panel Support Officer via sarpid@liverpool.nsw.gov.au, by 4pm, Friday 10 July 2026.

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

[Liverpool Local Planning Panel / Liverpool City Council \(nsw.gov.au\)](#)

ORDER OF BUSINESS

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ORDER OF BUSINESS

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1	DEVELOPMENT APPLICATION DA-257/2025 Demolition, tree removal, site consolidation, earthworks, construction of a six (6) storey residential flat building comprising of a 2-level basement car parking, thirty-two (32) apartments and seven (7) affordable housing apartments with landscaping, drainage, and associated site works Lot 107 in DP 235787 Lot 108 in DP 235787 Lot 109 in DP 235787 74 LUCAS AVENUE, MOOREBANK NSW 2170 76 LUCAS AVENUE, MOOREBANK NSW 2170 78 LUCAS AVENUE, MOOREBANK NSW 2170	4 - 148

Item Number:	ITEM 01
Application Number:	DA-257/2025
Proposed Development:	Demolition, tree removal, site consolidation, earthworks, construction of a six (6) storey residential flat building comprising of a 2-level basement car parking, thirty-two (32) apartments and seven (7) affordable housing apartments with landscaping, drainage, and associated site works
Property Address	74–78 Lucas Avenue, Moorebank
Legal Description:	Lot 107 in DP 235787 Lot 108 in DP 235787 Lot 109 in DP 235787
Applicant:	Con Onore Pty Ltd
Cost of Works:	\$17,062,988
Recommendation:	Approved subject to conditions of consent
Assessing Officer:	Jason Marshall

1 EXECUTIVE SUMMARY

Council has received a Development Application (DA-257/2025) seeking consent for the demolition, tree removal, site consolidation, earthworks, construction of a six (6) storey residential flat building comprising of a 2-level basement car parking, thirty-two (32) apartments and seven (7) affordable housing apartments with landscaping, drainage, and associated site works at 74-78 Lucas Avenue, Moorebank, legally known as Lots 107, 108, and 109 in DP 235787.

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

The proposed development is considered to be compliant with the provisions of the Apartment Design Guideline; other relevant State Environmental Planning Policies and is generally consistent with the relevant development control plans.

The Development Application was notified between 11 June and 27 June 2025 in accordance with the Liverpool City Council Community Engagement Strategy 2025. Four (4) unique submissions were received during this notification period, regarding:

- Excessive bulk and scale. An overdevelopment incompatible with neighbourhood character.
- Noncompliant setbacks and building separation
- Overshadowing of neighbouring properties
- Stormwater and flooding risks
- Parking

- Traffic congestion and safety
- Safety of the communal spaces
- Overpopulation/strain on infrastructure
- Tree Removal
- Construction impacts
- Privacy
- Noise
- Light Pollution
- Neighbours antagonising dog
- Property Values

These submissions are considered in the report below.

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.

A key issue for the LLPP to consider is the apartment mix which is discussed in the DCP tables in Section 6 of the report below.

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

2. SITE DESCRIPTION AND LOCALITY

2.1 The site

The subject land for this application consists of three parcels of land which are known as 74-78 Lucas Avenue, Moorebank, legally described as Lots 107, 108 and 109 in DP 235787. The site is 2173.2m² in area (724.4m² each) with a total frontage of 64.365m to Lucas Avenue, a site depth of 36.575m and a fall of approximately 1.5m from the rear (eastern) to the front (western).

The site is currently utilised for residential purposes with a single storey dwelling house and associated structures on each lot. A street tree is located within the Council verge fronting 74 Lucas Avenue, Moorebank, which is proposed to be removed. Additionally, powerlines are located above the Council verge. The location of the site can be seen in the aerial view in the Figure below.



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

2.2 The locality

The site and its immediate locality are within an existing urban residential area. The proposed development represents the type of development that the established planning controls have been put in place to achieve a high-density residential setting. In the immediate vicinity south and south-east to the site, are an array of residential flat buildings with heights varying between 5-6 storeys, and multi-dwelling housing units to the east. Additionally, to the immediate north and north-east of the site are single storey dwelling houses, being the last remaining lots within the R4 zone prior to the area transitioning to R3 (see Figure 3 below).

The site is located opposite existing single storey dwelling houses. A set of neighbourhood shops is located approximately 370m south-west of the site, Ernie Smith Reserve Field is approximately 900m to the west. Newbridge Road located approximately 750m from the site, serves as one of the keys connecting roads within the surrounding road network. The locality of the subject site can be found in Figures 2 & 3 below.



Figure 2: Aerial view of the locality surrounding the subject site (Source: Council's System - Geocortex)

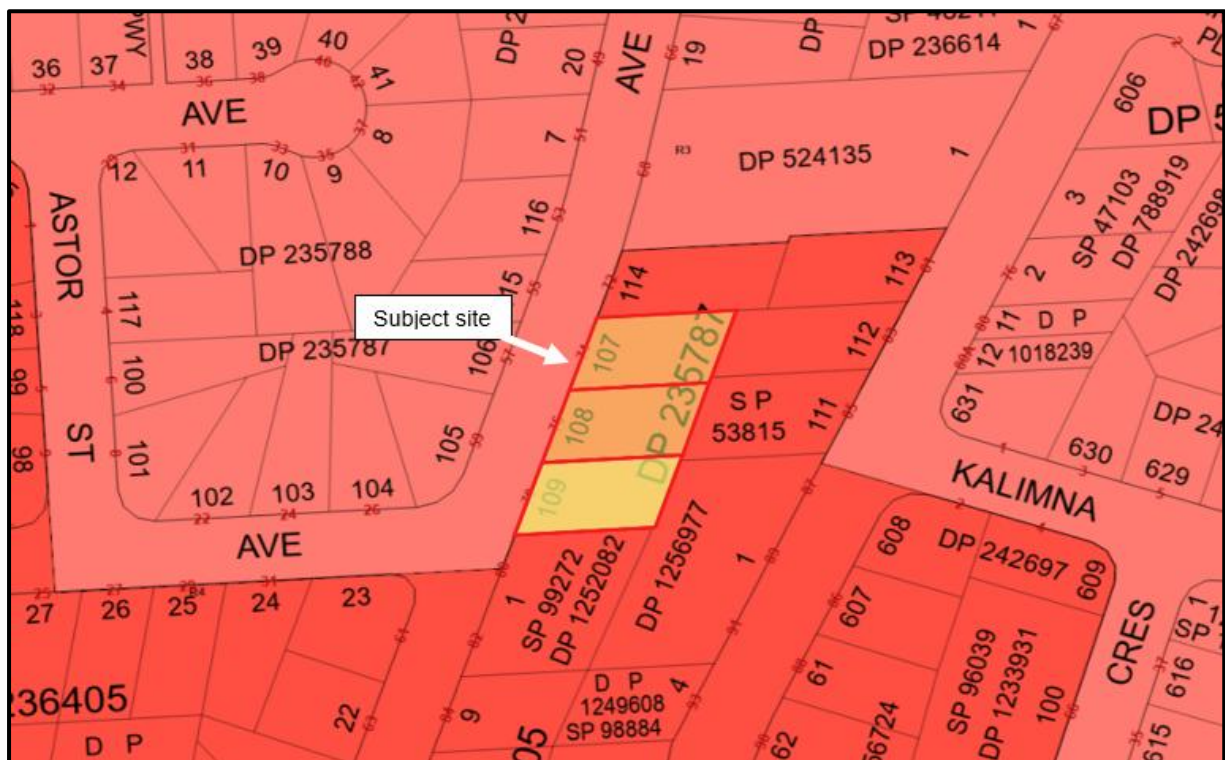


Figure 3: Extract of LLEP 2008 zoning map (Source: Geocortex)

2.3 Site Constraints

Are there any constraints or affection on the site: - Bushfire - Georges River Catchment - Flooding - Heritage Items - Aboriginal heritage - Environmentally Significant Land - Threatened Species/ Flora/ Habitat/ Critical Communities - Acid Sulfate Soils - Aircraft Noise - Flight Paths - Railway Noise - Road Noise/ Classified Road - Significant Vegetation - Contamination - Salinity	The site is located within the Georges River catchment. The site identified to have moderate salinity potential.
Are there any restrictions on title?	A 6ft wide easement to drain water runs along the northern boundary of the site (lot 107)

3. BACKGROUND/HISTORY

3.1 Design Excellence Panel

The proposal was presented to the Liverpool Design Excellence Panel on 10 October 2024 (pre-DA DEP), 14 August 2025, and on 14 May 2026 where the panel supported the proposal at the final meeting and minutes of that meeting were provided to the applicant to address and incorporate matters into the design of the development, subject to Council approval. The comments are provided below, including the applicant's response on how the comments have been addressed in the DA and Council's assessment.

DEP Comment	Applicant's Response	Council Comment
Context The Panel notes the differing site conditions between the primary frontage to Lucas Avenue and the rear interface to the existing apartment building to the east. The Panel encourages the applicant to further investigate the materiality and screening of the balconies and living rooms along the rear east elevation. While the Panel acknowledges that the ADG Part 3F Visual Privacy and the associated building separation distances are	The Project acknowledges and appreciates the Panel's confirmation that the existing design fully complies with the ADG Part 3F Visual Privacy and the associated building separation distance requirements. As suggested by the Panel, a further review of the materiality and screening of the balconies and living rooms along the rear east elevation was undertaken and the following additional measures, which enhance the visual relationship between living areas on the	Council accepts that a mix of landscaping, recessions, orientations, blade windows and screening as appropriate contributes satisfactorily to the visual relationship with the neighbouring property balconies.

satisfactorily achieved, opportunities should be allowed to further mitigate visual relationships between opposing balconies and living rooms. The Panel also acknowledges the applicant's response that the proposed landscape planting will provide additional screening benefits, particularly at the lower levels of the building.	eastern façade and opposing balconies from neighbouring building, have been noted: • The Living Rooms on the Ground Level and Level 1 will be extensively shielded by the landscaping, which has been carefully designed to provide substantial canopy cover to the rear of the site. • The floor plans for Levels 2 and 3 are identical and the eastern façade of each level comprises three east-facing Living Rooms. The east-facing apartments are numbers 6, 7 and 8. • The Living Rooms in the number 6 apartments have complete privacy from neighbouring buildings because their eastern facade is predominately solid block wall. There are no east facing balconies connected to the Living Rooms in the number 6 apartments. • The remaining two apartments on Levels 2 and 3 (numbers 7 and 8) are recessed from the façade. That recess ensures those Living Rooms receive additional screening from the neighbouring buildings due to the solid block walls of the adjacent bedrooms. • There is only one east-facing Living Room on both Levels 4 and 5 (apartments 404 and 504). The east-facing walls in these Living Rooms are solid block with a blade window at either end. In those instances, there are no balconies and the building structure provides ample privacy and contributes satisfactorily to the visual relationship with the	
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	neighbouring property balconies. Finally, it is also noted that the future detailed design of all apartments will include blinds and / or curtains. These features will provide another layer of privacy to these measures already afforded by the landscaping and structural designs. All residents will have the ability to control the level of privacy in their Living Areas, to their own satisfaction, via the use of the blinds or curtains. Based on this review, no further measures for screening are proposed.	
Built Form + Scale The Panel discussed the configuration of the central apartments adjacent to grid line 6, noting that the internal corner within the living area appears to limit the useability and outlook of the living room. The Panel acknowledges the applicant's intention is to achieve symmetry of the floor plan layout along the central wall adjoining these apartments. Notwithstanding, the Panel encourages the applicant to investigate alternative configurations which maintain the symmetry of the floor plan, while allowing for a more regularised geometry and improved functionality of the living room.	The layouts of the central apartments on Levels 1-3 have been amended to address the panels comment on the useability and outlook of the Living Rooms in apartments 103, 203 and 303. These amendments have been successfully incorporated without compromising the symmetry of the floor plan and whilst also maintaining the architectural expression of the western façade.	The applicant submitted amended plans that reversed the internal corner improving the functionality of the living area. Notwithstanding the lack of regular geometry, the proposal achieves the minimum internal areas, solar access, and cross ventilation and is acceptable in this form.
Landscape The Panel notes the amended ground floor configuration and the revised driveway alignment, which together has enabled increased separation and increased tree planting along	The Project acknowledges that the revised driveway location and the amended Ground Level configuration has resulted in a better design solution, which comprises greater separation from the	Noted.

the northern boundary. The Panel is supportive of the resulting improvement in the landscape design outcome.	neighbouring properties and more substantial tree planting along the northern boundary. The Project appreciates the Panel's support for the landscape design and notes that no further action is required.	
Amenity The Panel notes the design modifications facilitating the connection between the two lifts and the provision of a unified lobby at the ground level. The Panel encourages the applicant to further consider wayfinding and/or signage strategies at key decision points to assist with navigation between the different apartments served by either the northern or southern lift cores.	The Project confirms it has considered wayfinding and signage strategies at key decision points, which will assist with navigation. The proposed locations for wayfinding signage have been added to the layout plans. The Project notes that full signage details including content, branding and refined locations will be developed during the detailed design associate with Construction Certificate phase. No further information or design amendments are proposed at this stage.	The signage proposed is acceptable and will assist with wayfinding.
Aesthetics The Panel notes the proposal incorporates face brickwork to portions of ground level walls. The Panel further encourages the applicant to consider extending brickwork across the four storey base of the building. In the Panel's view, the brick base would improve the material quality and durability of the proposal while reinforcing the emerging character of the locality in the context of the existing brick apartment buildings.	The Ground Floor façade material has been amended to face-brick, as recommended by the Panel. This amendment provides the tactile experience of a natural material in locations where the exterior materiality of the building is experienced by the most by residents, visitors and passersby. The proposed material pallet for the upper levels is considered appropriate in response to the existing and likely future context. In addition to the material quality, durability and emerging character attributes, the Project has also	Council considers this point addressed by the applicant's letter. The proposed materiality of the development is acceptable for the Moorebank context.

	carefully considered the longevity and long-term associated costs of the proposed facade materials as requested in various comments by the Panel. The whole of life cost for a high quality autoclaved aerated concrete (AAC) panel solution, when routinely maintained and painted in accordance with the manufacturer's recommendations, have been found to significantly outperform traditional clay brickwork over the lifecycle of a 6-storey residential flat building. The key whole of life points of difference which underpin the proposed design solution are: <i>Initial Construction Cost</i> • The use of traditional clay brickwork creates a heavy structural load which requires thicker concrete slabs, larger footings, and more support columns. • The AAC system of lightweight panels reduces building mass, saving structural concrete and steel foundation costs. • The use of AAC panels reduces the upfront structural and materials costs which makes the initial purchase price of units cheaper for the resident. <i>Operational Energy</i> • Brickwork is known to have inferior natural insulation properties. Bricks store daytime heat and radiate it into apartments at night.	
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	• The high thermal insulation characteristics of AAC panels, which are up to 6x better than brick, drastically lowers whole of life heating and cooling costs for residents. <i>Structural Settling</i> • Rigid brick walls are prone to stepping and mortar cracks as the 6-storey frame deflects over time • Flexible top-hat fixing tracks and acrylic coatings associated with the AAC panel system absorb structural movement without cracking. • The reduction in structural cosmetic repairs provides another lifelong cost benefit to resident. <i>End-of-Life Disposal</i> • Brick and mortar demolition is energy-intensive, and it is very hard to separate clean bricks for recycling. • Clean AAC panel waste can be crushed and fully recycled back into new autoclaved aerated concrete products which ensures lower environmental impact and waste reduction. No further information or design amendments are proposed at this stage.	
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With the exception of the items identified above, the third Panel considered items raised in the previous two panels either addressed or referred them to Council's Planner for assessment under the relevant planning controls which are considered in this report and attachments. The DEP minutes for all DEP meetings are attached to this report.

Based on the amended plans and applicant's response provided, the proposed development adequately addresses the relevant concerns raised by the panel and has design excellence.

3.2 Site/Assessment History

There are no recent development applications in Council's ePlanning system for these lots.

The table below summarises the assessment history of the subject application.

Date	Event
31 July 2024	Pre- Development Application (PL-64/2024)
10 October 2024	Pre-Design Excellence Panel meeting held
29 May 2025	DA lodged
11 June 2025	Notification in accordance Council's Community Participation Plan
14 August 2025	Design Excellence Panel meeting held (#1)
10 October 2025	Request for Additional Information letter issued
30 October 2025	Applicant requested extension of time
05 November 2025	Extension of time granted till the 12 of December 2025
12 December 2025	Applicant responded to Council's letter
19 January 2026, 28 January 2026 and 04 February 2026	Followed up the applicant regarding the missing Stormwater Management Plans
04 February 2026	Applicant submitted Stormwater Management Plans
14 May 2026	Design Excellence Panel meeting held (#2)
14 July 2026	Local Planning Panel meeting held

4. DETAILS OF THE PROPOSAL

This development application seeks the development consent for the Demolition, tree removal, site consolidation, earthworks, construction of a six (6) storey residential flat building comprising of a 2-level basement car parking, thirty-two (32) apartments and seven (7) affordable housing apartments with landscaping, drainage, and associated site works.

Specifically, the proposal includes:

Basement

- Level 1:
 - 13 residential car parking spaces (including 2 accessible parking spaces)
 - 10 Visitors car parking spaces (including 1 small car space)
 - 20 residential bike parking and 4 visitors bike parking spaces
 - Waste room
 - Mechanical plant room & Comms room
 - Lift and fire stairs x 2
 - Storage cages
- Level 2:
 - 33 residential car parking spaces (inclusive of 2 accessible parking spaces)
 - Mechanical plant room
 - Lift and fire stairs x 2
 - Storage cages

Residential Flat Buildings

The unit mix proposed is:

- 2-bedroom units x 32
- 3-bedroom units x 7

7 of the 39 units will be allocated as affordable housing units in accordance with the provisions of the SEPP (Housing) 2021. All affordable units are 2 bedrooms.

Total Gross Floor Area: 3,376.99sqm

Total Gross Floor Area Affordable Housing: 531.45sqm

Strata subdivision is not proposed as part of this application.

Key Apartment Details

Affordable housing in bold.

Unit	Affordable	Beds	Internal Area (m ²)	POS (m ²)	Sunlight	Cross Ventilation	Adaptable
G01		3	98	94.55	Y	Y	
G02		2	75	40.78	Y		
G03		2	75	40.84	Y	Y	
G04		3	99	52.1	Y	Y	
G05		2	75	63.52			
G06		2	76	80.54			
G07		3	95	111.73		Y	
101	Y	2	75	10.97	Y	Y	Y
102	Y	2	75	10.62	Y		Y
103		2	75	33.14		Y	
104		2	82	22.61	Y	Y	
105		2	75	30.48	Y	Y	
106		2	78	14.83	Y	Y	
107		2	75	17.22			
108		2	75	37.39		Y	
201	Y	2	75	10.97	Y	Y	Y
202	Y	2	75	10.62	Y		Y
203		2	75	33.14		Y	
204		2	82	22.61	Y	Y	
205	Y	2	75	11	Y	Y	
206		2	78	14.83	Y	Y	
207		2	75	17.22			
208		2	75	17.21		Y	
301	Y	2	75	10.97	Y	Y	
302	Y	2	75	10.62	Y		
303		2	75	33.14	Y	Y	
304		2	82	22.61	Y	Y	
305		2	75	11	Y	Y	
306		2	78	14.83	Y	Y	
307		2	75	17.22			
308		2	75	17.21		Y	
401		3	95	62.6	Y	Y	
402		2	81	29.65	Y	Y	
403		2	81	29.78	Y	Y	
404		3	95	46.84	Y	Y	
501		3	95	33.98	Y	Y	
502		2	81	15.03	Y	Y	
503		2	81	16.45	Y	Y	

504		3	95	31.92	Y	Y	
Totals	7 (18%)	85			28 (72%)	30 (77%)	4 (10%)

Other elements of proposal

- Outdoor communal open space located on the ground floor along the northern and southern boundary.
- Landscaping and stormwater works.

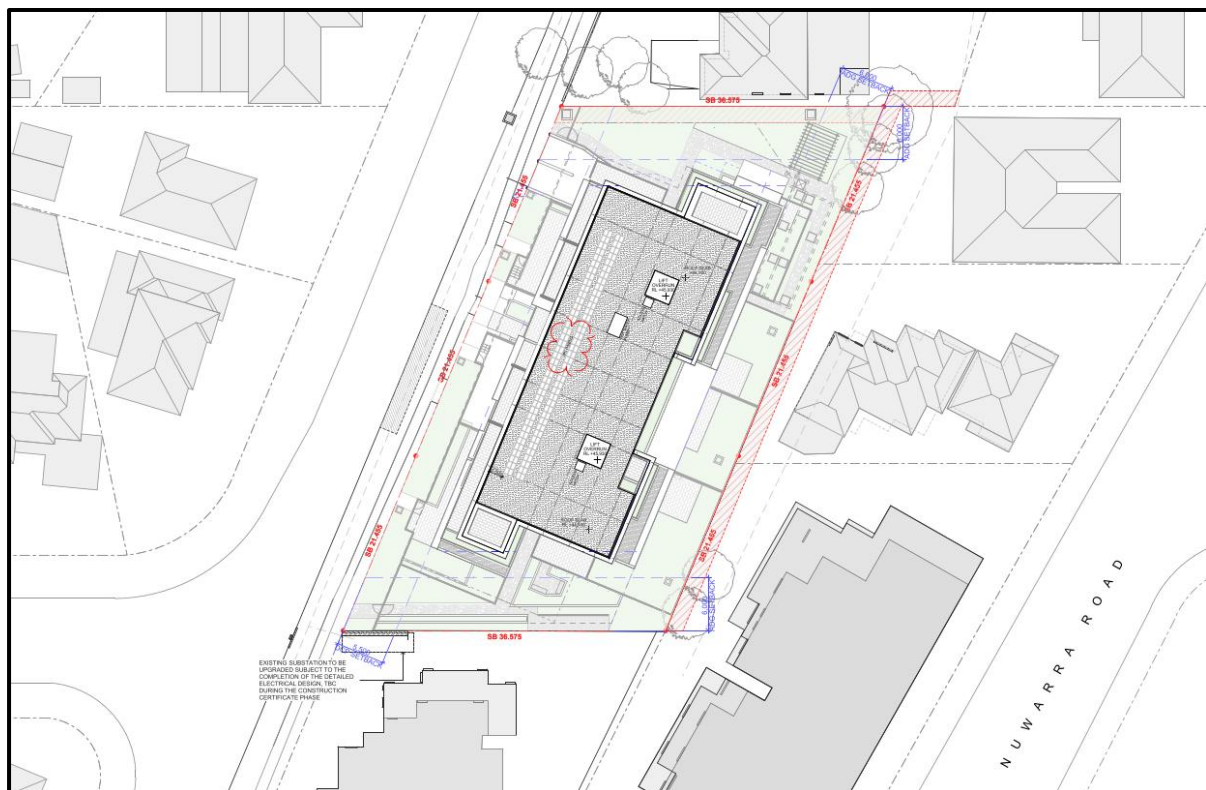
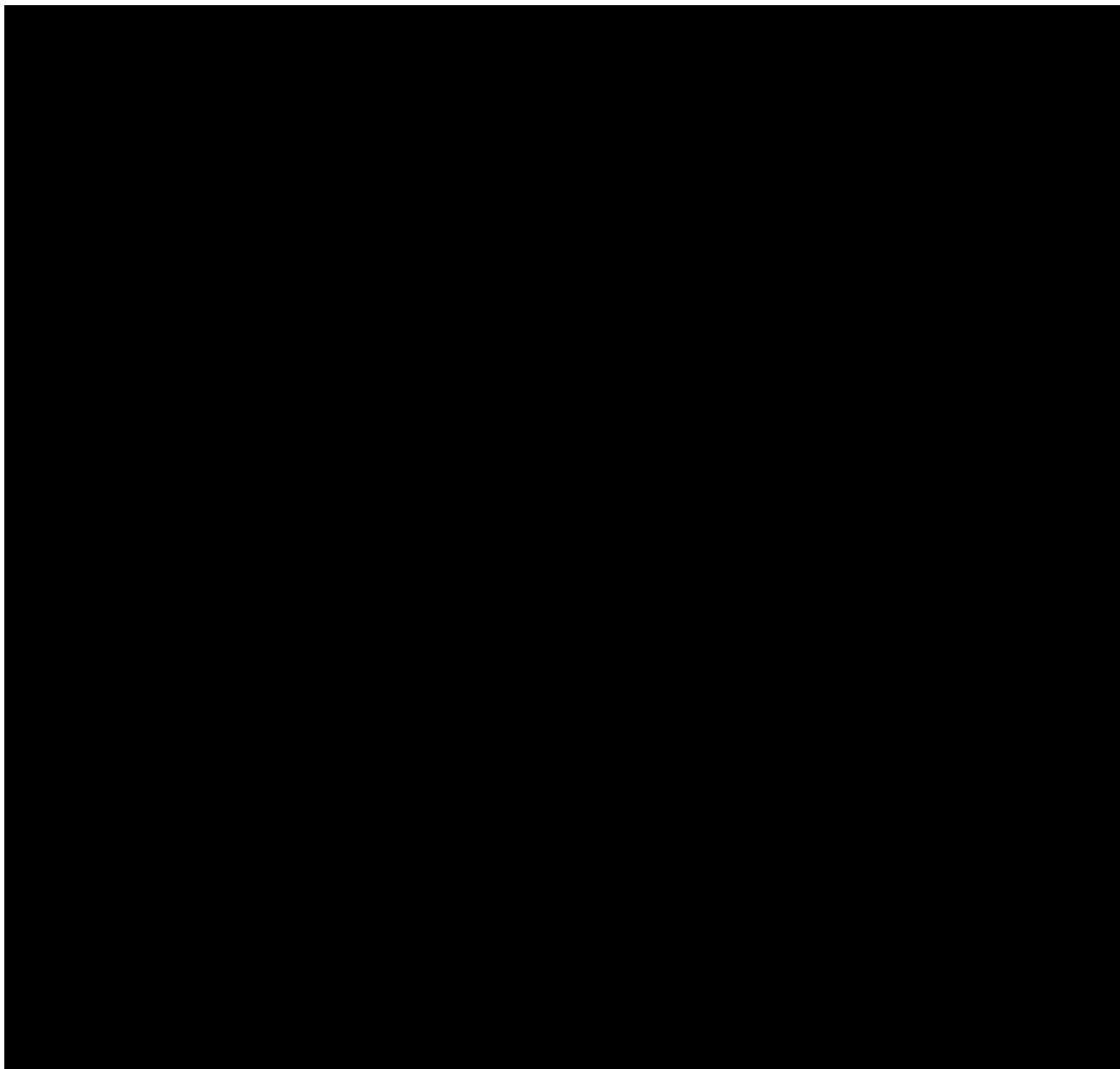
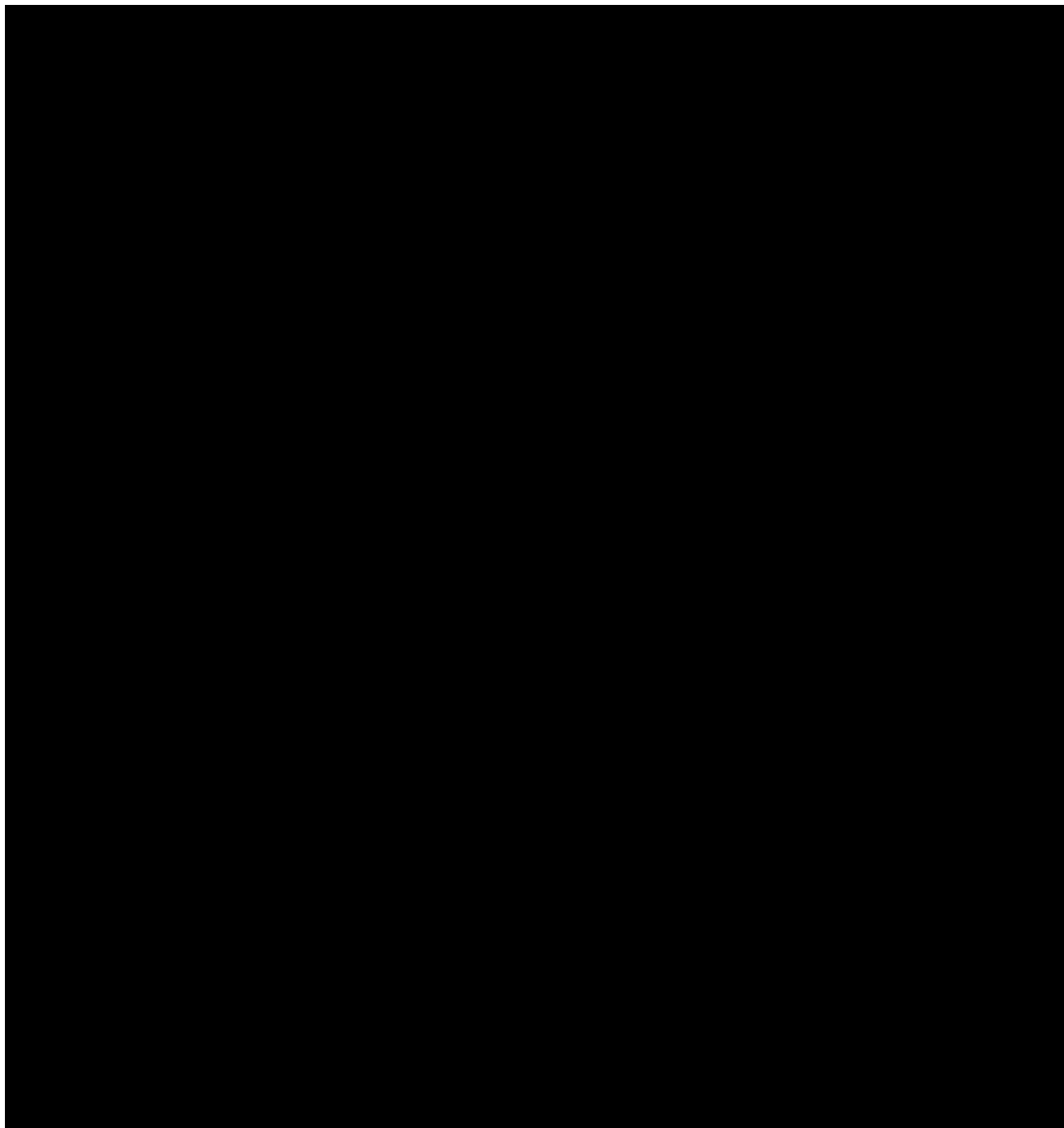
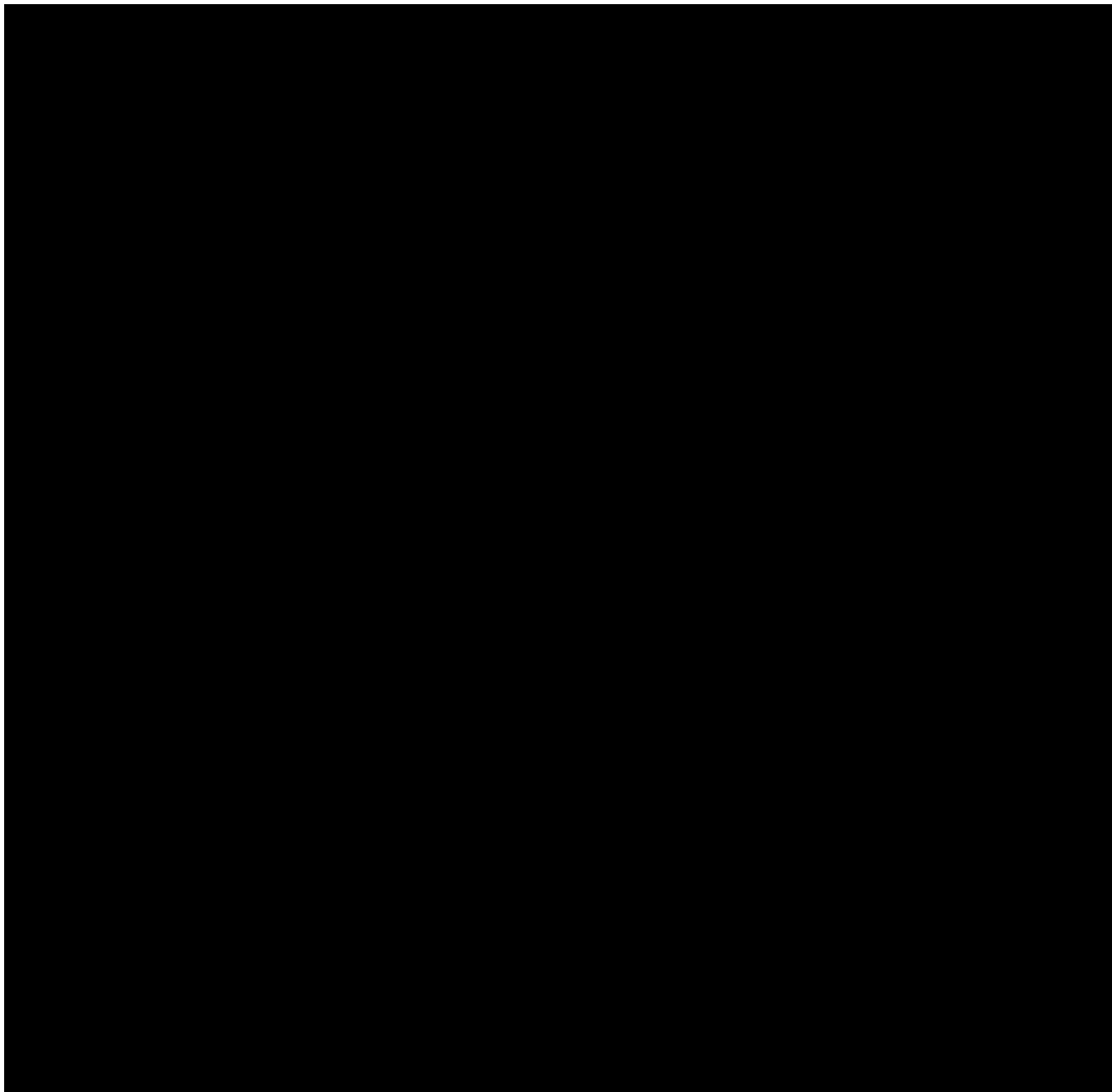


Figure 4: Extract of the Proposed Site Plan







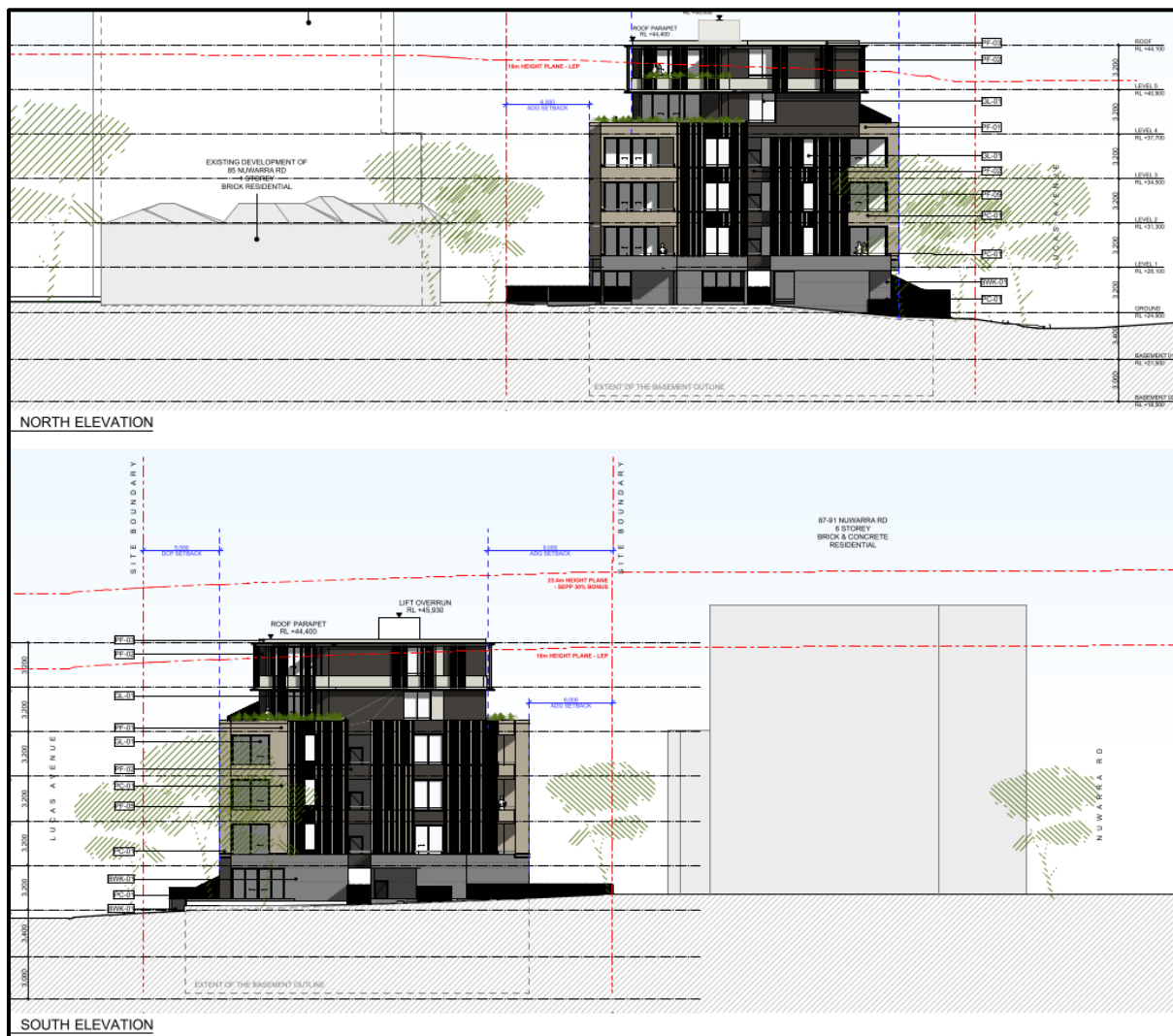


Figure 8: Extract of the North & South Elevations



Figure 9: Extract of the East & West Elevations

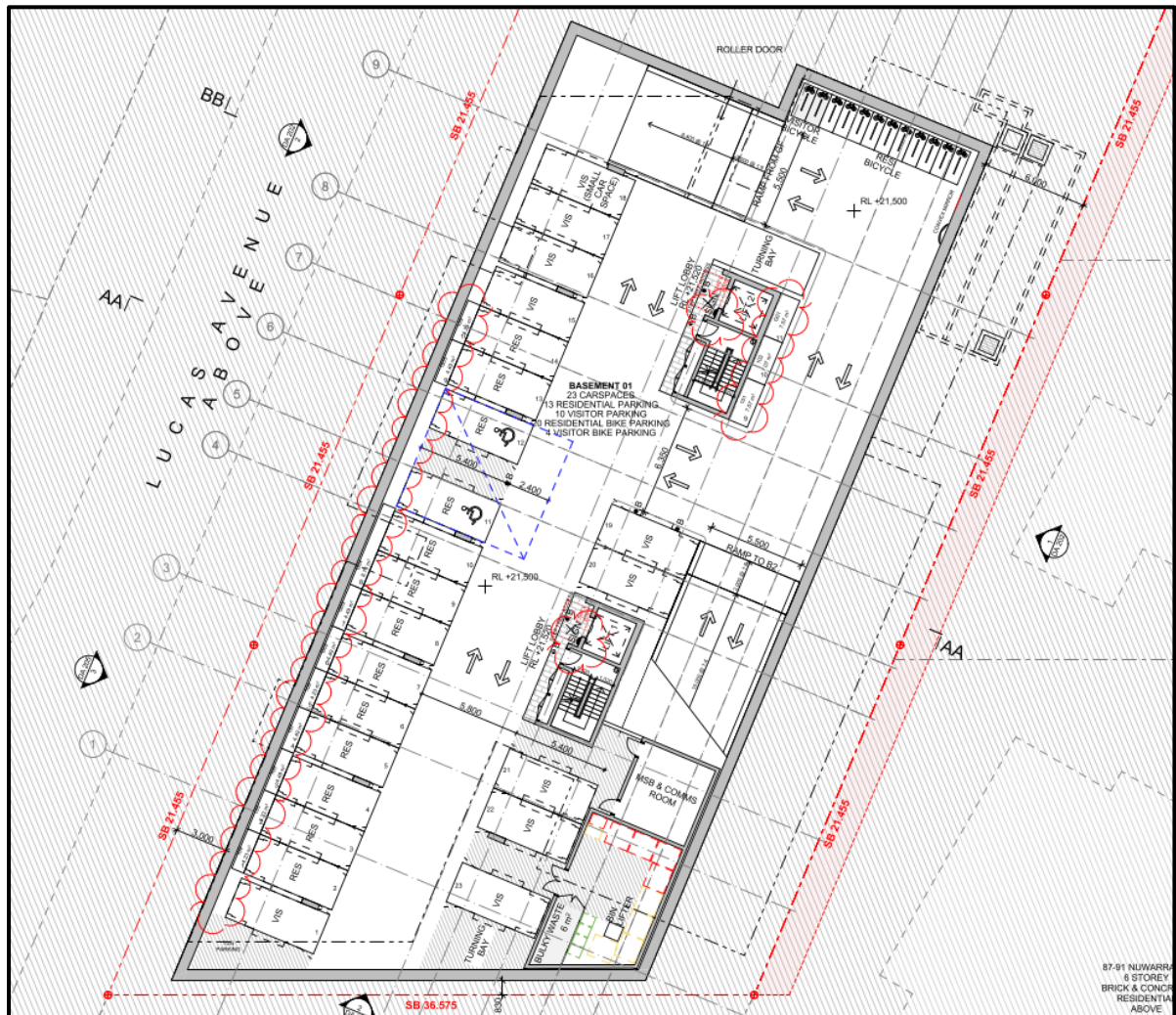


Figure 11: Extract of the Basement B1 Plan

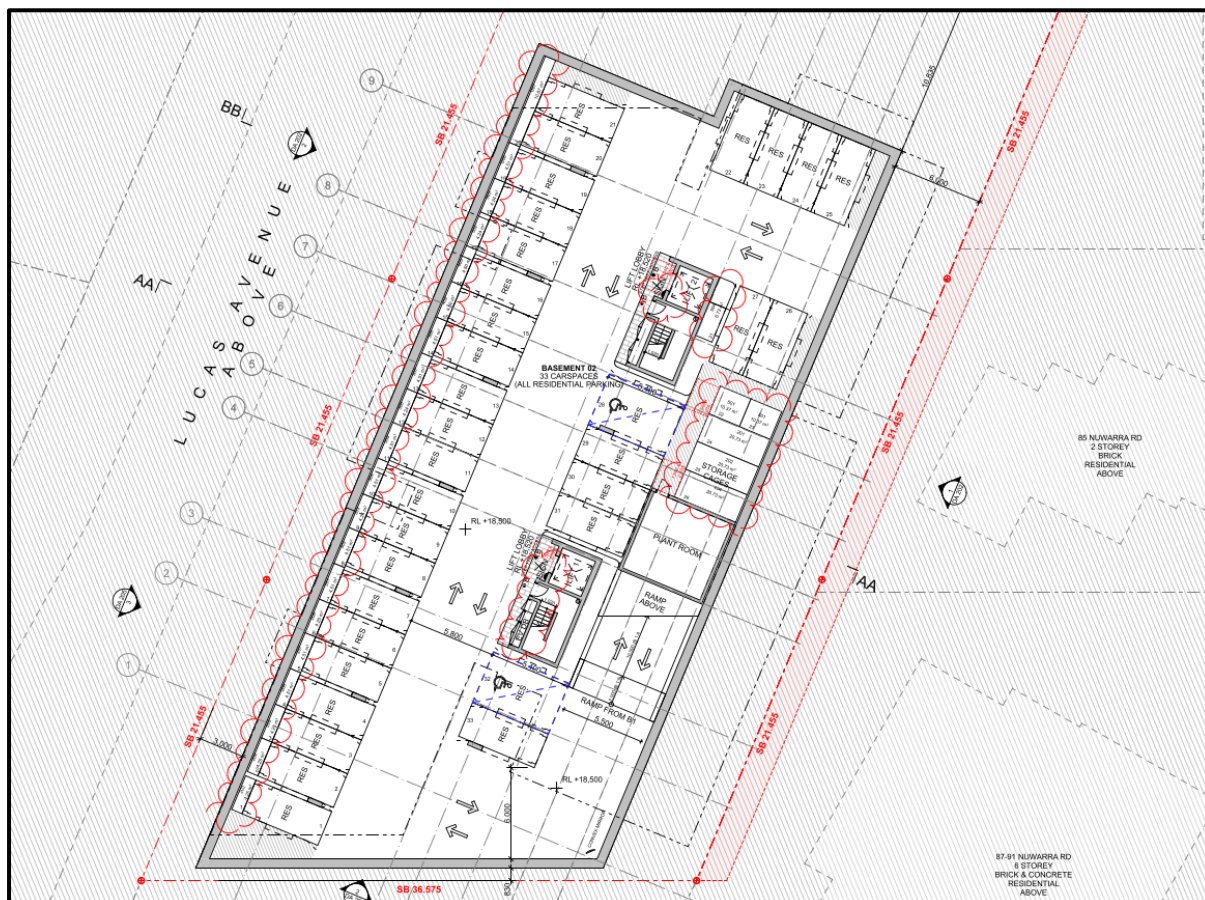


Figure 12: Extract of the Basement B2 Plan

5. STATUTORY CONSIDERATIONS

5.1 Relevant matters for consideration

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

Environmental Planning Instruments (EPI's)

- State Environmental Planning Policy (Housing) 2021
 - Apartment Design Guidelines
- State Environmental Planning Policy (Sustainable Buildings) 2022;
- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021; and
- Liverpool Local Environmental Plan 2008

Development Control Plan

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

Contributions Plans

- Liverpool Contributions Plan 2018 – Established Areas

6. ASSESSMENT

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

(a) State Environmental Planning Policy (Housing) 2021

The relevant provisions of the Housing SEPP 2021 are assessed in the table below:

State Environmental Planning Policy (Housing) 2021			
Division 1 In-fill affordable housing			
Provision	Requirement	Proposed	Comment
15C Development to which division applies	(1) This division applies to development that includes residential development if: (a) The development is permitted with consent under Chapter 3, Part 4, Chapter 5, Chapter 6 or another environmental planning instrument, and (b) The affordable housing component is at least 10%, and (c) All or part of the development is carried out – (i) For development on land in the Six Cities Region, other than in the City of Shoalhaven or Port Stephens local government area – in an accessible area, or (ii) For development on other land – within 800m walking distance of land in a relevant sone or an equivalent land use zone.	The proposal is permitted with consent under the Liverpool Local Environment Plan 2008. The affordable housing component exceeds 10%: 531.45sqm Affordable/ 3394.59sqm total GFA = 15.66% The City of Liverpool is within the Western Parkland City which is within the Six Cities Region as per Schedule 9 of the <i>EP&A Act 1979</i>.	Complies
16 Affordable housing requirements for additional floor space ratio	(1) The maximum floor space ratio for development that includes residential development to which this division applies is the maximum permissible floor space ratio for the	The maximum permissible floor space ratio for the development on the land is 1.2:1 The consolidated site area is 2173.2sqm	Complies

	development on the land plus an additional floor space ratio of up to 30%, based on the minimum affordable housing component calculates in accordance with subsection (2). (2) The minimum affordable housing component, which must be at least 10%, is calculated as follows – <i>Affordable housing component = additional floor space ratio (as a percentage) / 2</i> (3) If the development includes residential flat buildings or shop top housing, the maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the development on the land plus an additional building height that is the same percentage as the additional floor space ratio permitted under subsection (1).	Proposed Total GFA is 3,376.99 sqm 3, 376.99sqm/2173.2sqm = Proposed FSR is 1.554:1 Additional floor space ratio is 0.354 (29.5%) 14.75% minimum affordable GFA required Proposed Affordable Housing Component is 531.45sqm 531.45sqm/3,376.99sqm = 15.65% The maximum permissible building height for the development on the land is 18m. The additional 30% (as calculated above) increases the maximum building height to 23.4m Proposed HOB is 22.23m	
17 Additional floor space ratio for relevant authorities and registered community housing providers	(1) This section applies to residential development to which this division applies that is carried out – (a) By or on behalf of a relevant authority or registered community housing provider, and (b) On land with a maximum permissible floor area of 2:1 Or less.	Proposal is not by or on behalf of a relevant authority or registered community housing provider.	Not Applicable

	(2) The maximum floor space ratio for the development is – (a) The maximum floor space ratio calculated in accordance with section 16, or (b) The maximum floor space ratio calculated in accordance with subsection (3). (3) The maximum floor space ratio for subsection (2)(b) is the maximum permissible floor space ratio for development on the land plus an additional floor space ratio of – (a) if the affordable housing component is at least 50% - 0.5:1, or (b) if the affordable housing is between 20% and 50% - Y:1, where – <i>AH is the affordable housing component</i> <i>Y is AH/ 100</i> (4) If development to which this section applies uses the maximum floor space ratio under subsection (2)(a), section 16(3) also applies to the development.		
18 Affordable housing requirements for additional building height	(1) This section applies to development that includes residential development to which this division applies if the development – (2) The maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the development on the land plus an additional building height of up to 30%, based on a minimum affordable	Not Applicable. Uplift sought under section 16 above.	Not Applicable

	housing component calculated in accordance with subsection (3). (a) Includes residential flat buildings or shop top housing, and (b) Does not use the additional floor space ratio permitted under section 16 (3) The minimum affordable housing component, which must be at least 10%, is calculated as follows – <i>Affordable housing component = additional building height (as a percentage) / 2</i>		
19 Non-discretionary development standards – the Act, s4.15	(2) The following are non-discretionary development standards in relation to the residential development to which this division applies –	The consolidated site is 2173.2m ² in area	Complies
	(a) A minimum site area of 450m ²		
	(b) A minimum landscaped area that is lesser of – (i) 35m ² per dwelling, or (ii) 30% of the site area,	39 dwellings x 35m² = 1,365 m² 1260m² (58% of 2173.2m² site area) Landscaped Area Provided which exceeds 30% (and is the lesser)	Complies
	(c) A deep soil on at least 15% of the site area, where – (i) Each deep soil zone has minimum dimensions of 3m, and (ii) If practicable, at least 65% of the deep soil zone is located at the rear of the site,	391.81m² (18% of 2173.2m² site area) deep soil provided 313.46 (80% of 391.81m² total deep soil) deep soil located at the rear	Complies
	(d) Living rooms and private open spaces in at least 70% of the dwellings received at least 3 hours of direct solar access between 9am and 3pm at mid-winter,	See the Key Apartment Details table in section 4 of this report above. Solar access diagrams were submitted. 28 of 39 (72%) units receive the minimum solar access.	Complies

	(e) The following number of parking spaces for dwellings used for affordable housing – (i) For each dwelling containing 1 bedroom – at least 0.4 parking spaces, (ii) For each dwelling containing 2 bedrooms – at least 0.5 parking spaces (iii) For each dwelling containing at least 3 bedrooms – at least 1 parking space,	0.4 x 0 (1 bedroom) = nil 0.5 x 7 (2 bedroom) = 3.5 1 x 0 (3 bedroom) = nil Total required for affordable housing is 3.5 (rounded up to 4) Total car spaces required for both affordable and unaffordable dwellings is 40. 46 spaces provided.	Complies
	(f) The following number of parking spaces for dwellings not used for affordable housing – (i) For each dwelling containing 1 bedroom – at least 0.5 parking spaces, (ii) For each dwelling containing 2 bedrooms – at least 1 parking space, (iii) For each dwelling containing at least 3 bedrooms – at least 1.5 parking spaces,	0.5 x 0 (1 bedroom) = nil 1 x 25 (2 bedroom) = 25 1.5 x 7 (3 bedroom) = 10.5 Total required for unaffordable housing is 35.5 (rounded up to 36) Total car spaces required for both affordable and unaffordable dwellings is 40. 46 spaces provided.	Complies
	(g) The minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development,	See Key Apartment Details table in section 4 of this report above and consideration in 4D Apartment Size and Layout in the ADG compliance table in the attachments. All units meet or exceed the minimum internal area.	Complies
	(h) For development for the purposes of dual occupancies, manor houses or multi-dwellings (terraces) – the minimum floor area specified in the Low-Rise Housing Diversity Design Guide,	Does not apply. Proposal is for a residential flat building.	Not Applicable

	(i) If paragraphs (g) and (h) do not apply, the following minimum floor areas – (i) For each dwelling containing 1 bedroom – 65m², (ii) For each dwelling containing 2 bedrooms – 90m², (iii) For each dwelling containing at least 3 bedrooms – 115m² plus 12m² for each bedroom in addition to 3 bedrooms.	Does not apply as (g) is applicable.	Not Applicable
	(3) Subsection (2)(c) and (d) do not apply to development to which Chapter 4 applies.	Chapter 4 applies and the proposal is consistent with the relevant section of the ADG. Notwithstanding, the proposal is also compliant with 2(c) & (d).	Noted
20 Design requirements	(3) Development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with – (a) For desirable elements of the character of the local area, or (b) For precincts undergoing transition – the desired future character of the precinct.		Refer to discussion below (1).
21 Must be used for affordable housing for at least 15 years	(1) Development consent must not be granted under this Division unless the consent authority is satisfied that for a period of at least 15 years commencing on the day an occupation certificate is issued for the development – (a) the development will include the affordable housing component required for the	A condition of Consent to be imposed to ensure that prior to Occupation Certificate, a restriction to be registered on the title requiring the following: (a) for 15 years from the date of the issue of the occupation certificate: i. Units 101, 102, 201, 202, 205, 301 and 302 are to be used for the	Complies by Condition

	development under section 16, 17 or 18, and (b) the affordable housing component will be managed by a registered community housing provider. (2) This Section does not apply to development carried out by or behalf of the Aboriginal Housing Office or the Land and Housing Corporation.	purposes of affordable housing, and ii. all accommodation that is used for affordable housing will be managed by a registered community housing provider.	
22 Subdivision permitted with consent	Land on which development has been carried out under this division may be subdivided with development consent.	Strata subdivision is not proposed as part of the application.	Complies

(1) - Clause 20(3) Character Analysis

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

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

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

Lucas Avenue is considered an area undergoing transition. Built examples of RFBs in this portion of R4 zoned land are immediately to the south at 80 Lucas Avenue and to the rear at 87-91 Nuwarra Road, they are indicative of and responsive to LLEP 2008 development standards of 18m HOB and 1:1.2 FSR and any affordable housing bonuses that apply. There are other examples of built RFBs nearby at 32 McKay Avenue and 101 Nuwarra Road.

The proposed six storey development, as expressed in this assessment report, is largely consistent with the desired future character insofar as its use, general scale and materials and finishes. The proposal was reviewed by Council's City Design and Public Domain team and the Design Excellence Panel who are supportive of the built form and materiality.

(b) State Environmental Planning Policy (Housing) 2021 – Schedule 9 Design Principles for residential apartment development

Pursuant to Section 147(1)(a) of the Housing SEPP, the proposal has been evaluated against the provisions of Schedule 9 under the Housing SEPP which aims to improve the design

quality of residential flat development. Schedule 9 of the Housing SEPP 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 Schedule 9.

The proposal was presented to the Liverpool Design Excellence Panel (DEP) on 10 October 2024 (Pre-DA DEP), 14 August 2025, and on 14 May 2026 and the panel raised concerns with the proposal aimed at addressing the site constraints. The proposal was amended after feedback was received from each panel.

The following table provides an assessment (where received) from the third (final) Design Excellence Panel of the proposal in accordance with the 9 key design quality principles of Schedule 9 of the Housing SEPP, as follows:

Design Quality Principle	Design Excellence Panel Comments	Council Comments
Principle One – Context and Neighbourhood Character		
<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> <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> <i>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</i>	The Panel notes the differing site conditions between the primary frontage to Lucas Avenue and the rear interface to the existing apartment building to the east. The Panel encourages the applicant to further investigate the materiality and screening of the balconies and living rooms along the rear east elevation. While the Panel acknowledges that the ADG Part 3F Visual Privacy and the associated building separation distances are satisfactorily achieved, opportunities should be allowed to further mitigate visual relationships between opposing balconies and living rooms. The Panel also acknowledges the applicant's response that the proposed landscape planting will provide additional screening benefits, particularly at the lower levels of the building.	The applicant submitted a response considering the privacy impacts to the neighbours to the east and noted that a mix of landscaping, recessions, orientations, blade windows and screens as appropriate contributes satisfactorily to the visual relationship with the neighbouring property balconies.
Design Principle 2 – Built form and scale		
<i>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of</i>	The Panel discussed the configuration of the central apartments adjacent to grid line 6, noting that the internal corner	The applicant submitted amended plans that reversed the internal corner improving the

Design Quality Principle	Design Excellence Panel Comments	Council Comments
<i>the street and surrounding buildings.</i> <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> <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>	within the living area appears to limit the useability and outlook of the living room. The Panel acknowledges the applicant's intention is to achieve symmetry of the floor plan layout along the central wall adjoining these apartments. Notwithstanding, the Panel encourages the applicant to investigate alternative configurations which maintain the symmetry of the floor plan, while allowing for a more regularised geometry and improved functionality of the living room.	functionality of the living area. Generally, the bulk and height are consistent with similar development in the area and is compliant with the relevant LEP provisions with the affordable housing uplift component.
Design Principle 3 – Density		
<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> <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>	No Comment Provided.	Proposal is consistent with the future desired character of the area, which is zoned for change - R4 High Density Residential. The proposal is proximate to Newbridge Road – a major road artery and the local Moorebank shopping centre. FSR and HOB are consistent with the uplift available for affordable housing under the housing SEPP.
Design Principle 4 – Sustainability		
<i>Good design combines positive environmental, social and economic outcomes.</i> <i>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of</i>	No Comment Provided.	Proposal exceeds minimum ADG cross ventilation, deep soil zone, and solar access requirements. Photovoltaics will be provided on the roof and the infrastructure for EV charging in the basement.

Design Quality Principle	Design Excellence Panel Comments	Council Comments
<i>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>		A rainwater tank is located on the north side of the building. BASIX has been submitted.
Design Principle 5 – Landscape		
<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> <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-climate, tree canopy, habitat values and preserving green networks.</i> <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>	The Panel notes the amended ground floor configuration and the revised driveway alignment, which together has enabled increased separation and increased tree planting along the northern boundary. The Panel is supportive of the resulting improvement in the landscape design outcome.	Numerous trees within and outside the building footprint are proposed to be removed. The applicant submitted an arborist report supporting their removal and a landscape plan that includes extensive planting. The proposal exceeds Council's 25% canopy target. Council's City Design and Public Domain team have reviewed the proposal and have conditioned landscape plans be submitted at the detailed design stage to ensure tree replacement design intent is maintained.
Design Principle 6 – Amenity		

Design Quality Principle	Design Excellence Panel Comments	Council Comments
<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> <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>	The Panel notes the design modifications facilitating the connection between the two lifts and the provision of a unified lobby at the ground level. The Panel encourages the applicant to further consider wayfinding and/or signage strategies at key decision points to assist with navigation between the different apartments served by either the northern or southern lift cores.	The applicant submitted amended plans with proposed locations for wayfinding signage with further details to be refined during the detailed design stage.
Design Principle 7 – Safety		
<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> <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>	No Comment Received	A single pedestrian entrance is proposed, clearly visible from the street and articulated with landscaping and practical elements including bike racks and an access ramp. Streetscape elevations were submitted showing passive surveillance of the street from the ground floor units while maintaining POS privacy.
Design Principle 8 – Housing Diversity and Social Interaction		
<i>Good design achieves a mix of apartment sizes, providing housing choice for different</i>	The housing mix was raised at all three DEP meetings. The proposal achieves a total of 18.4% 3-bedroom apartments,	The housing mix is acceptable in this case. See detailed consideration

Design Quality Principle	Design Excellence Panel Comments	Council Comments
<i>demographics, living needs and household budgets.</i> <i>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</i> <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>	which is noncompliant with Council's recent DCP amendment.	in the DCP tables in Section 6 of this report.
Design Principle 9 – Aesthetics		
<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> <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>	The Panel notes the proposal incorporates face brickwork to portions of ground level walls. The Panel further encourages the applicant to consider extending brickwork across the four-storey base of the building. In the Panel's view, the brick base would improve the material quality and durability of the proposal while reinforcing the emerging character of the locality in the context of the existing brick apartment buildings.	The applicant notes that face brickwork has been provided to the parts of the facade where the materiality of the building is experienced by most of the residents and that concrete has overall benefits with regards to construction cost, operational energy, structural settling and end of life disposal. Council agrees that the materials are acceptable for the proposal within the local context.

DEP 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.

Council Comment: Council's City Design and Public Domain team have reviewed the proposal and are supportive of all elements except for the housing mix. Housing mix is considered in detail in the DCP tables in this report.

Further to the above design quality principles, Clause 147 of SEPP (Housing) 2021 also requires residential apartment development to be designed in accordance with the ADG. The proposed development is compliant with the provisions of the ADG. The compliance tables for the ADG can be found in Attachment 1.

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

The application was supported by a BASIX Certificate in accordance with the provisions of the SEPP which indicates that the required targets for water, thermal comfort and energy are met by the proposal.

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

A BASIX Certificate (**Certificate number: 1778933M_02**) has been submitted for the proposed development. The proposal is considered to be satisfactory with regard to water, energy efficiency and thermal comfort.

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

The proposal has been assessed under the relevant provisions of SEPP (Resilience and Hazards) 2021, which applies to the DA.

The objectives of Chapter 4 of the SEPP are:

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

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

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

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

Aerial images from 2009 found on NearMaps illustrates the presence of the existing dwellings, which suggests the site has principally been used for residential purposes for at least the past 17 years.

Council's internal record and customer request system (pathway) includes no records of any dumping or contamination complaints or activities associated to the subject address. A Phase 1 Preliminary Site Investigation, prepared by CEC Geotechnical, dated 10 December 2024

was also carried out by the applicant which concluded that no further investigation was necessary and the site is deemed suitable for the proposed use.

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

Clause 4.6 Contamination and remediation to be considered in determining development application	Comment
(1) A consent authority must not consent to the carrying out of any development on land unless:	
(a) it has considered whether the land is contaminated, and	A Phase 1 Preliminary Site Investigation was carried out by the applicant which concluded that no further investigation was necessary and the site is deemed suitable for the proposed use. The application was reviewed by Council's Environmental Health Section, who have advised that the development is satisfactory subject to conditions.
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and	The site is suitable for the proposed development.
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.	The site is suitable for the proposed development.

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

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

Chapter 6 of the Biodiversity and Conservation SEPP establishes the requirements for the various water catchments across the Greater Sydney region. The subject site is located within the Georges River Catchment. The chapter generally aims to protect the environment of the Georges River Catchment by ensuring that water quality impacts are considered.

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

Part 6.2 – Development in Regulated Catchments

Division 2 – Controls on development generally	Comment
6.6 – Water quality and quantity	Stormwater concept plans were submitted and reviewed by Council's Land Development Engineering Section and considered satisfactory subject to conditions.
6.7 – Aquatic ecology	The works are not located on Environmentally Sensitive land and is unlikely to impact on aquatic ecology.
6.8 – Flooding	The site is not affected by mainstream. However, the site is affected by overland flow. Application has been referred to Council's Floodplain Engineers and raised no objections, subject to conditions.
6.9 – Recreation and public access	The development is unlikely to impact on recreational lands or public access to and around foreshores.
6.10 – Total catchment management	Environmental Planning consideration through the provisions of the Liverpool LEP has considered the impact of the residentially zoned land within the catchment.
Division 3 – Controls on development in specific areas	Comment
6.11 – Land within 100m of natural waterbody	The site is not within 100m of a natural watercourse.
6.12 – Riverine scenic areas	Not applicable.
6.13 – Hawkesbury-Nepean conservation area sub-catchments	Not applicable.
6.14 – Temporary use of land in Sydney Harbour Catchment	Not applicable.
Division 4 – Controls on development for specific purposes	Comment
6.15 – Aquaculture	Not Applicable
6.16 – Artificial waterbodies	Not Applicable
6.17 – Heavy and hazardous industries	Not Applicable
6.18 – Marinas	Not Applicable
6.19 – Moorings	Not Applicable
6.20 – On-site domestic sewerage systems	Not Applicable
6.21 – Stormwater management	Stormwater concept plans were submitted and reviewed by Council's Land Development Engineering Section and considered satisfactory subject to conditions.
6.22 – Waste or resource management facilities	Not Applicable
6.23 – Demolition on certain land	Not Applicable – Although demolition is proposed, the land is mapped under the provisions of the Liverpool LEP.

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

(f) Liverpool Local Environmental Plan 2008

(i) Zoning

The site is zoned R4 – High Density Residential pursuant to Liverpool Local Environmental Plan 2008 (LLEP 2008). An extract of the zoning map is provided figure 3 above.

(ii) Permissibility

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

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

The proposed development satisfies the definition of a *residential flat building* as it is a building which contains more than 3 dwellings and is not defined as attached dwelling or multi dwelling housing. This form of development is a permissible use within the R4 High Density Residential zone.

(iii) Objectives of the zone

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

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

The proposed development would meet and satisfy the above stated objectives. Specifically, the building will provide a total of 39 dwellings, and the site is located in an area identified for urban renewal and transformation, in close proximity to transport, services and facilities.

(iv) Principal Development Standards

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

Clause	Provision	Compliance
Clause 2.7 Demolition	The demolition of a building or work may be carried out only with development consent	Complies Development consent is sought for the demolition of the existing

		structures on site. A demolition plan has been submitted.
Clause 4.1 Minimum Subdivision Lot Size	The size of any lot resulting from a subdivision of land is not to be less than 1000m ² .	Complies by Condition Consolidation of the 3 subject lots into a single 2173.2m ² lot will be imposed as a condition of consent.
Clause 4.3 Height of Buildings	Maximum height of 18m	Not Applicable Refer to the SEPP (Housing) 2021 for HOB provisions and bonuses. Proposed HOB is 22.23m.
Clause 4.4 Floor Space Ratio	Maximum FSR of 1.2:1	Not Applicable Refer to SEPP (Housing) 2021 for FSR provisions and bonuses. Proposed FSR is 1.554:1 (3,376.99 GFA)
Clause 4.6 Exceptions to development standards	Provisions relating to exceptions to development standards	Not Applicable A 4.6 assessment is not required as the proposal complies with the SEPP (Housing) provisions for height and FSR.
Clause 5.21 Flood Planning	Provisions relating to flood affected land.	Complies with conditions The site is not identified as flood prone land. However, the site is affected by overland flow. Application has been referred to Council's Floodplain Engineers who raised no objections, subject to conditions.
Clause 6.5 Public Utility Infrastructure	Public utility infrastructure must be available	Complies The site has or has made suitable arrangements to provide public utility infrastructure.
Clause 7.14 Minimum Building Street Frontage	Development consent must not be granted to development for the purposes of any of the following buildings, unless the site on which the buildings is to be erected has at least one street frontage to a public street (excluding service lanes) of at least 24 metres: - any residential flat building.	Complies A street frontage of 64.365m is provided to Lucas Avenue. <i>Note: the lot to the north - 72 Lucas Avenue, Moorebank (Lot 114 in DP 235787) will not be able to achieve the 24m lot frontage.</i> <i>The applicant has submitted indicative building envelope plans showing how compliant Multi dwellings can be built at no 72 and there are opportunities to amalgamate with the sites to the rear (east) on Nuwarra Road that would achieve the minimum frontage.</i>

		<i>Along the north side, the subject proposal incorporates solid balustrades on the lower levels and an additional landscaped setback above to reduce privacy impacts.</i> <i>The proposal was reviewed by Council's City Design and Public Domain team who raised no objection regarding building separation or site isolation. Shadow diagrams were submitted showing that overshadowing to the north is not a concern.</i>
Clause 7.31 Earthworks	Provisions relating to bulk earthworks	Not Applicable No bulk earthworks are proposed other than excavation associated with the basement level. This excavation is ancillary to the development and is considered acceptable for a proposal of this nature.

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

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

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

Liverpool Development Control Plan (LDCP) 2008

The proposed development is subject to the Liverpool Development Control Plan 2008 (LDCP) 2008.

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

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

LDCP 2008 Part 3.7: Residential Flat Buildings (Outside Liverpool City Centre)

Control	Provision	Comment	Complies
Section 6. Apartment Diversity	1. In addition to apartment mix requirements within the ADG, residential flat buildings are to provide for a variety of apartment types and sizes with minimum percentage of	Proposed: Studio: nil (0%) 1 Bedroom: nil (0%) 2 Bedroom: 32 (82%) 3 Bedroom: 7 (18%)	See Below

	apartment mix as per the following: Studio: 5% 1 Bedroom: 10% 3 + Bedroom: 20% Dual Key: any		
	2. If a variation to control 1 above is proposed, the development application is to demonstrate why a variation to the apartment mix of control 1 is justified. This includes taking into consideration: • The distance to public transport, employment and education centres. • The current market demands and projected future demographic trends. • The demand for social and affordable housing. • The surrounding current & future community.	The proposal is predominantly for 2-bedroom units, with a much smaller portion (less than the minimum requirement for 20%) of 3-bedroom units, and no studio or 1-bedroom units. The applicant has sought to characterise this as a 'family - friendly' design approach, and while the majority of the units have substantially more private open space than the minimum requirements, this is not true for any of the affordable units. Likewise, none of the three-bedroom apartments are allocated to affordable housing, reducing housing choice. While the communal open space area complies with the minimum quantitative requirement, it is not considered generous, noting that a higher level of provision would typically be expected for a development described as "family-friendly." The space is primarily designed for passive use, incorporating extensive landscaping, pathways, and planter elements. The applicant submitted a Market Appraisal report that: <i>'...considered existing apartment supply, competing developments, purchaser</i>	Potentially Acceptable

		demographics, buyer preferences, competing housing products and current market demand trends. Based on our analysis, it is our professional opinion that the optimal apartment mix for the proposed development comprises approximately 80% two-bedroom apartments and 20% three-bedroom apartments. We do not recommend the inclusion of studio apartments, one-bedroom apartments or four-bedroom apartments... Three-bedroom apartments remain a relatively scarce product within Moorebank despite strong underlying demand from families seeking apartment living... Studio apartments are not recommended as they perform most effectively in high-density urban markets such as Liverpool CBD. One-bedroom apartments are similarly not recommended as the Moorebank market is characterised by purchasers seeking larger and more flexible accommodation. Four-bedroom apartments are also not recommended due to direct competition from townhouses, terraces and detached housing within the surrounding area.' A set of neighbourhood shops is located approximately 370m south-west of the site. Newbridge Road, an approximately 300m walk	
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		from the site, serves as one of the key connecting roads within the surrounding road network with frequent bus services on and off peak. The RFB directly to the south at 80-82 Lucas Street includes the following unit mix: 2x1 bed units (10%) 11x2 bed units (55%) 7x3 bed units (35%) The shop top housing slightly further to the south at 101 Nuwarra Road includes the following unit mix: 12x1 bed units (16%) 56x2 bed units (74%) 8x3 bed units (10%) The RFB directly to the rear at 87-91 Nuwarra Road includes the following unit mix: 9x1 bed units (21%) 33x2 bed units (79%) The RFB nearby to the west at 32-34 McKay Avenue includes the following unit mix: 10x1 bed units (43%) 12x2 bed units (52%) 1x3 bed units (5%) Though these were approved before the amendment to the Liverpool DCP that added the apartment mix clause, they illustrate the surrounding apartment mix. The proposal was reviewed by Council's City Design and Public Domain team who were not supportive of the apartment mix, noting that the proposal is a single 3 bedroom dwelling below the minimum for that type and	
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		that <i>'It remains unclear the persistence with providing 80% of two bedroom apartments, when compared with other developments which demonstrate a greater diversity of apartment typologies.'</i> The submitted Social Impact Assessment was reviewed by Council's Community Planner who was supportive of the apartment mix. It is open to the Panel to consider whether the proposal provides for a variety of housing choice within Liverpool Local Government Area which caters for different household requirements now and in the future and is therefore acceptable on merit.	
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6.4 Section 4.15(1)(a)(iia) - Planning Agreements

There are no Planning Agreements which apply to the development.

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

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

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

(a) Natural Environment

The impacts of the development on the natural environment have been assessed, and the development is considered to be acceptable and unlikely to cause adverse impacts. Issues considered included but were not limited to soil contamination; earthworks; stormwater management; erosion and sediment control; and landscaping.

(b) Built Environment

The impacts on the built environment have also been assessed and are considered to be acceptable. Issues considered included, but were not limited to: the traffic impacts; adequacy of car parking; built form (height, bulk, scale); streetscape and visual impacts; overshadowing;

compatibility with the future character of the locality; design; acoustic impacts; access; site layout; compliance with NCC and Australian Standards (AS); adequacy of site services; waste management; and potential impact on amenity of locality. Site isolation of the lot immediately in the north was considered in the LEP table in Section 6 of the report above and is acceptable.

(c) Social Impacts

The proposal is unlikely to cause any adverse social impacts in the locality. Overall, the proposal is likely to contribute positively to the locality by providing required housing to the community and is acceptable with respect to any potential social impacts.

(d) Economic Impacts

The proposed residential flat building will have a positive economic impact in the locality through the capital investment value of the development.

The potential economic impacts of the development in the locality are acceptable. The development is likely to have a minor but positive contribution to the local economy via the capital investment value associated with the proposal

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

The proposal has been designed in line with the desired future character of the site and the surrounding locality. The proposed development is of an appropriate bulk and scale and has been designed to accommodate the exiting site attributes. Given the above the proposed development is considered suitable for the site.

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

(a) Internal Referrals

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

DEPARTMENT	COMMENTS
Land Development Engineering	Supported, subject to conditions
Flooding	Supported, subject to conditions
Building	Supported, subject to conditions
Environmental Health	Supported, subject to conditions
Traffic	Supported, subject to conditions
Waste Management	Supported, subject to conditions
City Design and Public Domain (CDPD)	Generally Supportive - subject to conditions, except for the dwelling mix, with the following advice provided: <i>The development is short of delivering the 20% 3-bedroom apartment mix by <u>one unit</u>. It is also short on the provision of minimum 5% studio apartments and 10% one-bedroom apartments, as per DCP requirement 3.7.6. We note the applicant has provided a Market Appraisal report which indicates this development would be substantially different from other</i>

	recent developments. It remains unclear the persistence with providing 80% of two-bedroom apartments, when compared with other developments which demonstrate a greater diversity of apartment typologies. CDPD considers it is possible to adjust the design to provide for amendments to the floor plans and apartment internal layouts to make up for the shortfall in apartment diversity without increasing the total GFA. Dwelling mix is considered in detail the DCP tables in this report.
Community	Supported, subject to conditions

(b) External Referrals

AGENCY	COMMENTS
Endeavour Energy	No objection, subject to conditions
Sydney Water	No objection, subject to conditions

(c) Community Consultation

The Development Application was notified between 11 June and 27 June 2025 in accordance with the Liverpool City Council Community Engagement Strategy 2025. Four (4) unique submissions were received during this notification period, regarding:

Issue	Response
Excessive bulk and scale. An overdevelopment incompatible with neighbourhood character.	FSR is within affordable housing uplift bonus provided by the Housing SEPP. Neighbourhood is zoned for change: R4 – high density residential. A number of residential flat buildings have already been built in the vicinity.
Noncompliant setbacks and building separation	Amended plans were submitted, setbacks and building separation are now compliant.
Overshadowing of neighbouring properties	Shadow diagrams submitted with the proposal show acceptable solar access to neighbouring properties.
Stormwater and flooding risks	The stormwater drainage and flooding impacts have been reviewed by council's land development and flood engineers who are supportive of the proposal subject to the imposition of conditions of consent.
Parking	As discussed in the Housing SEPP section of the report above, the minimum parking requirements are exceeded. The car parking arrangements were reviewed by Council's traffic engineer who was supportive of the proposal subject to the imposition of conditions of consent.

Traffic congestion and safety	The traffic impacts were reviewed by Council's traffic engineer who was supportive of the proposal subject to the imposition of conditions of consent.
Safety of the communal spaces	The proposal has been amended to incorporate a single lobby, and the communal open spaces are appropriately surveilled through overlooking balconies and windows.
Overpopulation/strain on infrastructure	The neighbourhood is zoned for change: R4 – high density residential. Consideration would have been given to infrastructure capacity at the time of rezoning. A set of neighbourhood shops is located approximately 370m south-west of the site, Ernie Smith Reserve Field is approximately 900m to the west. Newbridge Road located approximately 750m from the site, serves as one of the key connecting roads within the surrounding road network. Additionally, the proposal was referred to Sydney Water and Endeavour Energy who raised no issues with their capacity to service the development.
Tree Removal	Numerous trees within and outside the building footprint are proposed to be removed. The applicant submitted an arborist report supporting their removal and a landscape plan that includes extensive planting. The proposal exceeds Council's 25% canopy target. Council's City Design and Public Domain team have reviewed the proposal and have conditioned landscape plans be submitted at the detailed design stage to ensure tree replacement design intent is maintained.
Construction impacts	The proposal was accompanied by an acoustic report, the recommendations of which will become part of the approval. Standard conditions of consent will be imposed to manage the impacts of construction.
Privacy	The proposal is compliant with the minimum side and rear setbacks and building separation controls. Additional landscaping is proposed to assist with privacy screening. Generally, privacy impacts are consistent with the expected built form within an R4 High Density Residential zone.

Noise	The proposal is compliant with the minimum side and rear setbacks and building separation controls. The proposal was accompanied by an acoustic report, the recommendations of which will become part of the approval. Standard conditions of consent will be imposed controlling noise impacts.
Light pollution	A standard condition of consent will be imposed requiring lighting that has reduced spillage.
Neighbours antagonising dog	Neighbour interactions with domesticated animals are not an environmental planning consideration. The RSPCA is the appropriate regulatory authority.
Property values	Property values are not an environmental planning consideration. Notwithstanding, densification and urban renewal usually leads to an increase in property values.

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

A Section 7.11 Development Contributions is applicable to the proposed development in accordance with the Liverpool Contributions Plan 2018 – Established Areas. The contribution will be imposed as a condition of consent. Additionally, a Housing Productivity Contribution is required to be made to the NSW Government prior to the issue of a construction certificate - a condition of consent is imposed in accordance with the relevant ministerial order.

8. CONCLUSION

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

The proposed development is unlikely to result in unacceptable 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

That Development Application (DA-257/2025) seeking consent for the demolition, tree removal, site consolidation, earthworks, construction of a six (6) storey residential flat building comprising of a 2-level basement car parking, thirty-two (32) apartments and seven (7) affordable housing apartments with landscaping, drainage, and associated site works at 74-78 Lucas Avenue, Moorebank, legally known as Lots 107, 108, and 109 in DP 235787, be approved subject to conditions.

ATTACHMENTS

1. Apartment Design Guide Table
2. Liverpool DCP Tables
3. Consolidated DEP Minutes
4. Draft Notice of Determination

REPORT ATTACHMENT 1 – APARTMENT DESIGN GUIDE COMPLIANCE TABLE

Required	Proposed	Compliance
3A Site analysis		
Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context	An adequately detailed site analysis plan has been provided.	Complies
3B Orientation		
Building types and layouts respond to the streetscape and site while optimising solar access within the development	Responds to streetscape, GF units address Lucas Avenue.	Complies
Overshadowing of neighbouring properties is minimised during mid-winter.	Solar diagrams provided. Overshadowing appropriate for this type of development.	
Solar Access to living rooms, balconies and private open spaces of neighbours should be considered.	Neighbouring solar collectors receive minimum solar access.	
If the proposal will significantly reduce the solar access of neighbours, building separation should be increased beyond the minimums contained in section 3F Visual Privacy		
Overshadowing should be minimised to the south or downhill by increased upper-level setbacks.		
A minimum of 4 hours of solar access should be retained to solar collectors on neighbouring buildings.		
3C Public Domain Interface		
Transition between private and public domain is achieved without compromising safety and security.	Clear transition through planting and level changes without compromising passive surveillance or access security.	Complies
Amenity of the public domain is retained and, enhanced.	Wall resulting from slope softened with plantings.	
3D Communal and public open space		
Communal open space has a minimum area equal to 25% of the site	549.86/2173.2 = 25.3%	Complies
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)	The communal open space north of the building receives the minimum sunlight.	

Required			Proposed	Compliance
Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting.			Communal space includes a range of plantings, and spaces and includes a BBQ area.	
Communal open space is designed to maximise safety.			Balconies face both communal open spaces.	
3E Deep soil zones				
Deep soil zones are to meet the following minimum requirements:			160sqm minimum 6m wide. 7.4% of site.	Complies
Site Area	Minimum Dimension	Deep Soil Zone (% 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			
3F Visual Privacy				
Minimum separation distances from buildings to the side and rear boundaries are as follows:			Minimum separation exceeded at all levels.	Complies
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		
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.			Plantings and vertical slats to assist with privacy.	
3G Pedestrian Access and Entries				
Building entries and pedestrian access connects to and addresses the public domain			Communal building entry is recessed but sufficiently distinguishable. Includes accessibility ramp and few stairs. Connects directly to the street.	Complies
Access, entries and pathways are accessible and easy to identify				
Large sites provide pedestrian links for access to streets and connection to destinations				
3H Vehicle Access				
Vehicle access points are designed and located to achieve safety, minimise			Basement vehicle access is visible, separated from the main pedestrian	Complies

Required	Proposed	Compliance
conflicts between pedestrians and vehicles and create high quality streetscapes	access, doesn't dominate the streetscape, and forms a minor part of the façade.	
3J Bicycle and Car Parking		
For development in the following locations:	Nearest station is 3.1km away.	Complies
- 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	Bicycle parking provided out the front, easily accessed from the street. Additional bicycle parking provided in basement 1m next to the ramp to the street.	
The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments (GTTGD), or the car parking requirement prescribed by the relevant council, whichever is less. The car parking needs for a development must be provided off street	Direct access from cars to lift. Separated paved area with bollards to wait in for the lift. Access to bin room doesn't involve crossing too many car parking spaces.	
Parking and facilities are provided for other modes of transport	Car park is efficiently and logically designed, doesn't protrude above GF, or have unnecessary levels.	
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	28 of 39 (72%) receive the minimum solar access	Complies
A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter	There are no south facing apartments in this proposal. All apartments receive some direct sunlight.	Complies
Courtyards, skylights and high-level windows (with sills of 1,500mm or greater) are used only as a secondary light source in habitable rooms	Solar access is predominantly through large living and bedroom windows and doors.	Complies
Design incorporates shading and glare control, particularly for warmer months	Balconies and vertical slats assist with shading and glare control	Complies
4B Natural Ventilation		
All habitable rooms are naturally ventilated		Complies

Required	Proposed	Compliance												
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	All habitable rooms have windows for ventilation. Single aspect apartments have large sliding doors to indented balconies and windows to habitable rooms. See the Key Apartment Details table in section 4 of this report. 30 of 39 (77%) of apartments are cross ventilated. 16m max glass line to glass line													
4C Ceiling Heights														
Measured from finished floor level to finished ceiling level, minimum ceiling heights are: <table><tr><td colspan="2">Minimum ceiling height</td></tr><tr><td>Habitable rooms</td><td>2.7m</td></tr><tr><td>Non-habitable</td><td>2.4m</td></tr><tr><td>For 2 storey apartments</td><td>2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area</td></tr><tr><td>Attic spaces</td><td>1.8m at edge of room with a 30 degree minimum ceiling slope</td></tr><tr><td>If located in mixed use areas</td><td>3.3m from ground and first floor to promote future flexibility of use</td></tr></table> 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	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	3m floor to ceiling for all rooms on all floors.	Complies
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													
4D Apartment Size and Layout														

Required	Proposed	Compliance															
Apartments are required to have the following minimum internal areas: <table><tr><th>Apartment Type</th><th>Minimum Internal Area</th></tr><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></table> The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each	Apartment Type	Minimum Internal Area	Studio	35m ²	1 bedroom	50m ²	2 bedroom	70m ²	3 bedroom	90m ²	See Key Apartment Details table in section 4 of the report. All apartments have an additional bathroom. All apartments meet or exceed the minimum internal areas.	Complies					
Apartment Type	Minimum Internal Area																
Studio	35m ²																
1 bedroom	50m ²																
2 bedroom	70m ²																
3 bedroom	90m ²																
Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms	Large windows are included for every habitable room.	Complies															
Habitable room depths are limited to a maximum of 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	Apartment depths are appropriate given the slightly higher than required ceiling heights.	Complies															
Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space)	All bedrooms meet or exceed minimum areas.	Complies															
Bedrooms have a minimum dimension of 3m (excluding wardrobe space)	All bedrooms meet or exceed minimum dimensions.	Complies															
Living rooms or combined living/dining rooms have a minimum width of: - 3.6m for studio and 1 bedroom apartments - 4m for 2 and 3 bedroom apartments	All living rooms exceed 4m width.	Complies															
4E Private Open Space and Balconies																	
All apartments are required to have primary balconies as follows: <table><tr><th>Dwelling Type</th><th>Minimum Area</th><th>Minimum Depth</th></tr><tr><td>Studio</td><td>4m²</td><td>-</td></tr><tr><td>1 bedroom</td><td>8m²</td><td>2m</td></tr><tr><td>2 bedroom</td><td>10m²</td><td>2m</td></tr><tr><td>3 bedroom</td><td>12m²</td><td>2.4m</td></tr></table> The minimum balcony depth to be counted as contributing to the balcony area is 1m	Dwelling Type	Minimum Area	Minimum Depth	Studio	4m ²	-	1 bedroom	8m ²	2m	2 bedroom	10m ²	2m	3 bedroom	12m ²	2.4m	See the Key Apartment Details Table in Section 4 of this report. All units exceed the minimum area and depths.	Complies
Dwelling Type	Minimum Area	Minimum Depth															
Studio	4m ²	-															
1 bedroom	8m ²	2m															
2 bedroom	10m ²	2m															
3 bedroom	12m ²	2.4m															
For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It	POS for ground floor apartments all substantially exceed 15sqm	Complies															

Required	Proposed	Compliance										
must have a minimum area of 15m ² and a minimum depth of 3m												
Primary private open space and balconies are appropriately located to enhance liveability for residents	POS primarily attached to main living areas.	Complies										
Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building	Balconies reflect and contribute to the natural modulation and expression of the building.	Complies										
Private open space and balcony design maximises safety	Balcony design avoids opportunities for climbing and falls. No level changes except for street access.	Complies										
4F Common Circulation and Spaces												
The maximum number of apartments off a circulation core on a single level is eight	Max 4 per core proposed	Complies										
For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40	Building is less than 10 storeys	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 Common circulation spaces promote safety and provide for social interaction between residents	Common circulation spaces have windows on each floor. Corridor Depth is not excessive. Direct connections from lifts to apartments. Galleries are open on the upper floors.	Complies										
4G Storage												
In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: <table><tr><th>Dwelling Type</th><th>Storage Size Volume</th></tr><tr><td>Studio</td><td>4m³</td></tr><tr><td>1 bedroom</td><td>6m³</td></tr><tr><td>2 bedroom</td><td>8m³</td></tr><tr><td>3 bedroom</td><td>10m³</td></tr></table> At least 50% of the required storage is to be located within the apartment.	Dwelling Type	Storage Size Volume	Studio	4m ³	1 bedroom	6m ³	2 bedroom	8m ³	3 bedroom	10m ³	Storage diagrams and a table were submitted with the proposal that show the development can provide the minimum required storage, that more than half of it is inside each apartment, and that most of the additional basement storage is conveniently located, accessible and nominated for individual apartments. Notes on the basement plans state the allocation of storage is indicative only and may change subject to commercial arrangements at the CC stage. A condition of consent has been imposed requiring the minimums be met for individual apartments.	Complies by Condition
Dwelling Type	Storage Size Volume											
Studio	4m ³											
1 bedroom	6m ³											
2 bedroom	8m ³											
3 bedroom	10m ³											
4H Acoustic Privacy												
Noise transfer is minimised through the siting of buildings and building layout Noise impacts are mitigated within apartments through layout and acoustic treatments	Living rooms located away from core where possible. Bedrooms generally grouped together.	Complies										

Required	Proposed	Compliance
4J Noise and Pollution		
In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings	No nearby problematic emitters.	Not Applicable
Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission		
4K Apartment Mix		
A range of apartment types and sizes is provided to cater for different household types now and into the future	A variety of apartment types is provided, including adaptable apartments and 2 and 3 bedroom apartments.	Complies
The apartment mix is distributed to suitable locations within the building	Larger apartment types are located on the ground and upper levels.	
	Apartment mix is considered in more detail in the DCP section of this report.	
4L Ground Floor Apartments		
Street frontage activity is maximised where ground floor apartments are located	Site Frontage Maximised. Elevated gardens provided with landscaping and overlook the street.	Complies
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	Facades have visual interest through changes in massing that reflect the internal design, changes in materials, and vertical slats.	Complies
Building functions are expressed by the facade	Balconies reflect and contribute to the natural modulation and expression of the building.	
4N Roof Design		
Roof treatments are integrated into the building design and positively respond to the street	Open galleries provided on the upper levels. Roof minimal, and overruns set appropriately back from the street to minimise visibility.	Complies
Opportunities to use roof space for residential accommodation and open space are maximised	Eaves and overhangs provided.	
Roof design incorporates sustainability features		
4O Landscape Design		
Landscape design is viable and sustainable	Diverse native plantings will contribute to the private and public domain.	Complies
Landscape design contributes to the streetscape and amenity		
4P Planting on Structures		
Appropriate soil profiles are provided	Planting on galleries proposed.	Complies
Plant growth is optimised with appropriate selection and maintenance	Details provided in the landscape	

Required	Proposed	Compliance
Planting on structures contributes to the quality and amenity of communal and public open spaces	plan. The proposal is supported by Councils Urban Design section.	
4Q Universal Design		
Universal design features are included in apartment design to promote flexible housing for all community members	See the Key Apartment Details Table in section 4 of this report, 4 (10%) apartments have adaptable designs. Additionally, the access report has identified units 205, 301, 302, and 305 as capable of achieving LHA Silver Level compliance. The recommendations of the access report will form part of the consent. Apartments come in 15 different configurations. The overall internal layouts and living room layouts vary somewhat. All of them have 2 bathrooms. Most of the bedrooms are a similar size. Kitchen design could be amended reasonably easily at a later date to open up the space.	Complies
A variety of apartments with adaptable designs are provided		
Apartment layouts are flexible and accommodate a range of lifestyle needs		
4R Adaptive Reuse		
New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place	Not an adapted building	Not Applicable
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 a mixed-use development.	Not Applicable
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	Awning integrated with the building, above the entrance.	Complies
Signage responds to the context and desired streetscape character	No Signage	
4U Energy Efficiency		
Development incorporates passive environmental design.	The massing, internal layouts and orientation have been organised so as to provide acceptable natural daylight and solar access into the	Complies
Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer		

Required	Proposed	Compliance
Adequate natural ventilation minimises the need for mechanical ventilation	primary living spaces and external living areas. The massing also allows a greater proportion of apartments to have northern, eastern and western aspects for good solar access, and dual aspect for good natural ventilation. Most units receive adequate natural solar and ventilation to habitable rooms. Clothes drying is possible on the balconies due to updates to the Schemes Management Regulation in 2010 and 2016. The proposal is accompanied by a BASIX certificate.	
4V Water Management and Conservation		
Potable water use is minimised	A 2000 litre rainwater tank is proposed on the northeast side of the building.	Complies
Urban stormwater is treated on site before being discharged to receiving waters		
Flood management systems are integrated into site design		
4W Waste Management		
Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents	Waste storage facilities are in the basement for some units and near the lifts on each floor for others.	Complies by Condition
Domestic waste is minimized by providing safe and convenient source separation and recycling		
4X Building Maintenance		
Building design detail provides protection from weathering	The proposal was reviewed by Council's Urban Design team who were supportive of the materials and design.	Complies
Systems and access enable ease of maintenance		
Material selection reduces ongoing maintenance costs		

REPORT ATTACHMENT 2 – LIVERPOOL DEVELOPMENT CONTROL PLAN 2008 COMPLIANCE TABLES

LDCP 2008 - Part 1 General Controls for all Development

Development Control	Provision	Comment	Complies
Section 2. Tree Preservation	Controls relating to the preservation of trees	A number of trees within and outside the building footprint are proposed to be removed. The applicant submitted an arborist report supporting their removal. Councils City Design and Public Domain team have reviewed the proposal and have conditioned landscape plans be submitted at the detailed design stage to ensure tree replacement design intent is maintained.	Complies by Condition
Section 3. Landscaping and Incorporation of Existing Trees	Controls relating to landscaping and the incorporation of existing trees.	A number of trees within and outside the building footprint are proposed to be removed. The applicant submitted an arborist report supporting their removal. Councils City Design and Public Domain team have reviewed the proposal and have conditioned landscape plans be submitted at the detailed design stage to ensure tree replacement design intent is maintained.	Complies by Condition
Section 4 Bushland and Fauna Habitat Preservation	Controls relating to bushland and fauna habitat preservation	The site is not mapped as containing significant bushland or habitat.	Not Applicable
Section 5. Bush Fire Risk	Controls relating to development on bushfire prone land.	The site is not mapped as bushfire prone land.	Not Applicable
Section 6. Water Cycle Management	Stormwater runoff shall be connected to Council's drainage system by gravity means. A stormwater drainage concept plan is to be submitted.	The stormwater management associated with the proposal was reviewed by Council's Land Development Engineer, who has raised no objection, subject to the imposition of consent conditions.	Complies by Condition
Section 7. Development Near a Watercourse	If any works are proposed near a water course, the Water Management Act 2000 may apply, and you may be required to seek controlled activity approval from the NSW Office of Water.	The proposal is not within 40m of a watercourse.	Not Applicable

Development Control	Provision	Comment	Complies
Section 8. Erosion and Sediment Control	Erosion and sediment control plan to be submitted.	An erosion and sediment control plan were submitted. Standard conditions to be imposed.	Complies by Condition
Section 9. Flooding Risk	Provisions relating to development on flood prone land.	The site is not identified as flood prone land. However, the site is affected by overland flow. Application has been referred to Council's Floodplain Engineers who raised no objections, subject to conditions.	Complies by Condition
Section 10. Contaminated Land Risk	Provisions relating to development on contaminated land.	As per SEPP (Resilience and Hazards) 2021, the site has been deemed suitable for the future use of the land. Standard conditions of consent will be imposed to manage unexpected contamination.	Complies by Condition
Section 11. Salinity Risk	Provisions relating to development on saline land.	Salinity to comply with the provisions of the BCA. Standard conditions to be imposed.	Complies by Condition
Section 12. Acid Sulphate Soils	Provisions relating to development on acid sulphate soils	The development site is not identified as containing acid sulphate soils.	Not Applicable
Section 13. Weeds	Provisions relating to sites containing noxious weeds.	The site is not identified as containing noxious weeds.	Not Applicable
Section 14. Demolition of Existing Development	Provisions relating to demolition works	Development consent is sought for the demolition of the existing structures on site. A demolition plan has been submitted, and conditions will apply for demolition works.	Complies by Condition
Section 15. On Site Sewage Disposal	Provisions relating to OSMS.	OSMS is not proposed. Site is sewerred.	Not Applicable
Section 16. Aboriginal Archaeology	An initial investigation must be carried out to determine if the proposed development or activity occurs on land potentially containing an item of aboriginal archaeology.	The development site is not mapped as a potential area containing Aboriginal archaeology. Standard conditions of consent will be imposed to manage unexpected finds.	Complies by Condition
Section 17. Heritage and Archaeology	Provisions relating to heritage sites.	The development site is not identified as a heritage item or located within close proximity to a heritage item.	Not Applicable

Development Control	Provision	Comment	Complies
Section 20. Car Parking and Access	<u>Car Parking Controls Residential & Business Zones</u> 1 space per small dwelling (<65sqm) or 1 bedroom 1.5 spaces per medium dwelling (65-110sqm) or 2 bedrooms 2 car spaces per large dwelling (>110sqm) or 3 or more bedrooms 1 visitor car space for every 4 dwellings or part thereof. <u>Bicycles – Residential Flat Buildings</u> Residents: 1 per 2 units, or 1 for every 4 bedrooms (whichever is greater) Visitors: 1 per 10 units	Car Parking Required Resident: 32 (2-bdrm) x 1.5 = 48 7 (3-bdrm) x 2 = 14 Total = 62 Visitor: 39/4 = 9.75 <u>Provided</u> Resident: 13 (incl 2 accessible) on B1 33 (incl 2 accessible) on B2 46 total Provided resident parking is 16 spaces short of the LDCP requirements, however the development complies with the minimum provisions for parking under SEPP (Housing) 2021. Visitor: 10 (including 1 small car space) Bike Parking Required 84/4 = 21.25 residential 39/10 = 3.9 visitor <u>Provided</u> In the basement: 20 residential 4 visitors In the front setback: 10 unassigned The proposal was reviewed by Council's Traffic and Transport Section, who were supported the proposal subject to conditions of consent.	Complies
Section 21. Subdivision of Land and Buildings	Provisions relating to the subdivision of land.	No subdivision (Torrens Title or strata) proposed. Torrens lots will be consolidated prior to OC as a condition of consent.	Not Applicable

Development Control	Provision	Comment	Complies
Section 22. Energy Conservation	New dwellings, are to demonstrate compliance with State Environmental Planning Policy – Building Sustainability Index (BASIX).	The application has been accompanied by a BASIX Certificate.	Complies by Condition
Section 23. Reflectivity	Provisions relating to the reflection of sunlight from buildings to surrounding areas and buildings.	The proposal is not made of overly reflective materials. Glass is not a dominant part of the façade. The proposal is unlikely to result in glare that causes discomfort or threatens safety of passengers or drivers.	Complies
Section 25. Waste Disposal and Re-use Facilities	Provisions relating to waste management during construction and on-going waste.	Enclosed waste storage areas are provided with 80 litre bins on every level next to the lifts. Waste storage facilities also are provided in the basement 1 bin room. Council's Waste Management Section has reviewed proposal and the waste management plan and is supportive, subject to conditions of consent.	Complies by Condition
Section 26. Outdoor Advertising and Signage	Provisions relating to signage.	No signage proposed.	Not Applicable
Section 27. Social Impact Assessment	Provisions relating to social impact.	A Social Impact Comment has been submitted for the development. The application was reviewed by Council's Community Planning Section who advised the proposal is acceptable.	Complies
Section 29. Safety and Security	New development must be designed to ensure that safe and equitable access is provided to all, including mobility impaired people.	A single pedestrian entrance is proposed, clearly visible from the street and articulated with landscaping and practical elements including bike racks and an access ramp. All parking spaces will be conditioned to comply with Australian standards. As detailed in 4Q Universal Design in the Apartment Design Guide compliance table in this report, 20% of apartments are capable of	Complies by Condition

Development Control	Provision	Comment	Complies
		achieving LHA Silver Level compliance An access report was submitted with the proposal and will form part of the consent.	

LDCP 2008 Part 3.7: Residential Flat Buildings (Outside Liverpool City Centre)

Development Control	Provision	Comment	Complies
Section 2. Frontage and Site Area	The minimum lot width is 24m. <i>Note: the amalgamation of land parcels into larger development sites is encouraged as this will result in better forms of housing development and design.</i>	Proposed consolidated frontage of 64.365m to Lucas Avenue	Complies
Section 3. Amalgamation	Site amalgamation shall be considered and/or required if the subject development application site: a) Does not meet the minimum lot size or lot width requirements for a residential flat building. b) Creates an isolated site adjoining the subject site which does not meet the minimum lot size or lot width for a residential flat building. c) Creates poor streetscape design and/or a poor amenity outcome for an adjoining site.	The three existing lots shall be amalgamated prior to OC. The sites provides more than the required 1000m ² and 24m street frontage and is therefore considered to be of sufficient size to accommodate a residential flat building. Site isolation of the lot immediately to the north is addressed in the LEP Table in Section 6 of the report.	Complies by Condition
Section 4. Site Planning	The building should relate to the site's topography with minimal earthworks, except for basement car parking.	The building has been designed to address the topography of the site. Cut and fill is minimal except for the basement.	Complies
	Siting of buildings should provide usable and efficient spaces, with consideration given to energy efficiency in the building design.	Where possible, ground level private open space, upper-level balconies and windows have been orientated to the north, west, and east to maximise solar access and improve energy efficiency of the building. No apartments face south.	Complies

Development Control	Provision	Comment	Complies
	Site layout should provide safe pedestrian, cycle and vehicle access to and from the street.	Safe access is provided to the building and parking area from the street.	Complies
	Siting of buildings should be sympathetic to surrounding development, taking specific account of the streetscape in terms of scale, bulk, setbacks, materials and visual amenity.	The proposal has considered the neighbouring development and is sympathetic to the streetscape and general neighbourhood character - which undergoing change.	Complies
	Stormwater from the site must be able to be drained satisfactorily.	The stormwater associated with the proposal was referred to Council's Land Development Engineer who was supportive, subject to the imposition of conditions of consent.	Complies by Condition
Section 5. Setbacks	<u>Front Setback</u> Classified Roads: - Front setback & Secondary setback = 7m Other Streets: - Front setback & Secondary setback = 5.5m	The ground floor is set back 6m from the front boundary. The first floor and above are set back 5.5m from the front boundary. There are no Verandahs, eaves and other sun control device intrusions. There is no secondary frontage.	Complies
Section 6. Apartment Diversity	1. In addition to apartment mix requirements within the ADG, residential flat buildings are to provide for a variety of apartment types and sizes with minimum percentage of apartment mix as per the following: Studio: 5% 1 Bedroom: 10% 3 + Bedroom: 20% Dual Key: any	Proposed: Studio: nil (0%) 1 Bedroom: nil (0%) 2 Bedroom: 32 (82%) 3 Bedroom: 7 (18%)	See Below

Development Control	Provision	Comment	Complies
	2. If a variation to control 1 above is proposed, the development application is to demonstrate why a variation to the apartment mix of control 1 is justified. This includes taking into consideration: • The distance to public transport, employment and education centres. • The current market demands and projected future demographic trends. • The demand for social and affordable housing. • The surrounding current & future community.	The proposal is predominantly for 2-bedroom units, with a much smaller portion (less than the minimum requirement for 20%) of 3-bedroom units, and no studio or 1-bedroom units. The applicant has described the proposal as adopting a “family-friendly” design approach. While the majority of units provide private open space in excess of the minimum requirements, a review of the amended plans identifies several units that do not achieve the minimum private open space provision. Likewise, none of the three-bedroom apartments are allocated to affordable housing, reducing housing choice. While the communal open space area measurement is compliant, it cannot be said that it is generous – something that Council would expect from a ‘family-friendly’ development. It’s also mostly designed for more passive use – with extensive plantings, pathways, planters etc. The applicant submitted a Market Appraisal report that: <i>‘...considered existing apartment supply, competing developments, purchaser demographics, buyer preferences, competing housing products and current market demand trends.</i> <i>Based on our analysis, it is our professional opinion that the optimal apartment mix for the proposed development comprises approximately 80% two-bedroom</i>	Potentially Acceptable

Development Control	Provision	Comment	Complies
		<i>apartments and 20% three-bedroom apartments.</i> <i>We do not recommend the inclusion of studio apartments, one-bedroom apartments or four-bedroom apartments...</i> <i>Three-bedroom apartments remain a relatively scarce product within Moorebank despite strong underlying demand from families seeking apartment living...</i> <i>Studio apartments are not recommended as they perform most effectively in high-density urban markets such as Liverpool CBD.</i> <i>One-bedroom apartments are similarly not recommended as the Moorebank market is characterised by purchasers seeking larger and more flexible accommodation.</i> <i>Four-bedroom apartments are also not recommended due to direct competition from townhouses, terraces and detached housing within the surrounding area.'</i> <i>A set of neighbourhood shops is located approximately 370m south-west of the site. Newbridge Road, an approximately 300m walk from the site, serves as one of the key connecting roads within the surrounding road network with frequent bus services on and off peak.</i> <i>The RFB directly to the south at 80-82 Lucas Street includes the following unit mix:</i> <i>2x1 bed units (10%)</i> <i>11x2 bed units (55%)</i> <i>7x3 bed units (35%)</i>	

Development Control	Provision	Comment	Complies
		The shop top housing slightly further to the south at 101 Nuwarra Road includes the following unit mix: 12x1 bed units (16%) 56x2 bed units (74%) 8x3 bed units (10%) The RFB directly to the rear at 87-91 Nuwarra Road includes the following unit mix: 9x1 bed units (21%) 33x2 bed units (79%) The RFB nearby to the west at 32-34 McKay Avenue includes the following unit mix: 10x1 bed units (43%) 12x2 bed units (52%) 1x3 bed units (5%) Though these were approved before the amendment to the Liverpool DCP that added the apartment mix clause, they illustrate the surrounding apartment mix. The proposal was reviewed by Council's City Design and Public Domain team who were not supportive of the apartment mix, noting that the proposal is a single 3 bedroom dwelling below the minimum for that type and that <i>'It remains unclear the persistence with providing 80% of two bedroom apartments, when compared with other developments which demonstrate a greater diversity of apartment typologies.'</i> The submitted Social Impact Assessment was reviewed by Council's Community Planner who was supportive of the apartment mix. It is open to the Panel to consider whether the proposal provides for a variety of	

Development Control	Provision	Comment	Complies
		housing choice within Liverpool Local Government Area which caters for different household requirements now and in the future and is therefore acceptable on merit.	
	At least 10% of all apartments are to be capable of being adapted for habitation by seniors and/or persons with disabilities complying with relevant Australian Standards including AS 4299 -1995. This is to include a mix of number of bedroom units. Note. This is different to section 4Q (Universal Design of the ADG).	See the Key Apartment Details Table in section 4 of this report, 4 (10%) apartments have adaptable designs.	Complies
	The ground floor of residential flat buildings is to include a mix of apartments (i.e.: A mix of one bedroom, two bedroom, three or larger bedroom and adaptable apartments).	The ground floor provides a mix of two- and three-bedroom apartments.	Complies
	The layout of the apartment buildings are to provide for dwelling types that are oriented in a range of directions and provide for dual-aspect layouts maximising solar access and minimising privacy impacts to adjoining residential properties.	The proposed development is oriented to maximise sunlight with apartments oriented to the east, west, and north. Refer to the Key Apartment Details table in section 4 of the report, 77% of apartments achieve cross ventilation. Privacy impacts are minimised through setbacks, screens, and landscaping.	Complies
Section 7. Amenity, Landscape, Deep Soil and	Larger balconies, particularly greater balcony depth, are encouraged to be beyond the minimum area	Larger balconies are provided for the 3-bedroom units.	Complies

Development Control	Provision	Comment	Complies
Communal Open Space	and depth outlined within Part 4E-1 of the ADG particularly for three bedroom or greater apartments subject to providing adequate privacy design to adjoining sites.		
	Storage within apartments, within the hallway of each level and storage cages within basements are encouraged to be beyond the minimum storage volume of part 4G-1 of the ADG particularly for three bedroom or greater apartments.	Storage diagrams and a table were submitted with the proposal that show the development can provide the minimum required storage, that more than half of it is inside each apartment, and that most of the additional basement storage is conveniently located, accessible and nominated for individual apartments. Storage for 3-bedroom apartments exceeds the ADG minimums.	Complies
	At a minimum, one communal clothes drying facility/area of adequate size based on the number and size of apartments shall be provided and not be visible from the street.	A communal clothesline is proposed along the southern boundary within the communal open space towards the rear of the site. It is adequately screened from the street by landscaping.	Complies
	External staircases should be minimised.	External staircases are limited to stairs providing access to the main entrance.	Complies
	Balconies which face other residential lands are to include a solid (non-transparent) balustrade. Louvers may be used.	Solid balustrade proposed on the sides facing other residential lands.	Complies
	If an adjoining site does not contain a building which is 3 storeys or greater, the adjoining property must receive a minimum of three hours of sunlight between 9am and 5pm on 21 June to at least: One living/rumpus room or the like, any solar collectors and minimum 50% of the private open space. For buildings 3 storeys or greater refer to part 3B of the Apartment Design Guide.	Shadow diagrams were submitted showing the adjoining sites containing 1 and 2 storey dwellings receive at least 3 hours of solar access to the private open space and living areas between 9am to 5pm on 21 June. As detailed in the ADG tables in this report, the solar access for the neighbouring buildings that are greater than 3 storeys in height is considered acceptable.	Complies

Development Control	Provision	Comment	Complies
	Communal open space is to be avoided on southern elevations to increase solar access and along major transport corridors to avoid amenity impacts.	The communal open space on the ground level is split along the northern and southern sides of the building. The northern side is designed for more active use, and the south for more passive use, which is appropriate for the solar access available to each area.	Complies
	Communal open space located above the ground level shall incorporate privacy measures as per part 3F-2 of the ADG. (I.e. Privacy screening and/or be located towards the centre of a rooftop) to minimise privacy impacts to adjoining sites.	The open galleries on levels 4 and 5 aren't really communal open space as they're more for direct access to the units on those levels and are not available to other residents. Plantings are provided where possible to create a physical barrier/setback. Vertical screens are also included to assist with privacy.	Complies
	Rooftop communal open space areas, shall incorporate amenities such as shelter, BBQ facilities, seating, garden beds etc.	No rooftop open space proposed.	Complies
	Hard surfaced areas are to be minimised. (I.e. For pathways, storage, communal open space and amenity uses only).	Hard surfaces are limited to some pathways, terraces, platform lifts and driveways. Much of the pathways at ground level are permeable.	Complies
	Where tree removal cannot be avoided, each tree, recommended to be removed as per an Arborist Report prepared by a minimum AQF level 5 Arborist, is to be replaced at a two to one replacement ratio of a similar species and mature height, as recommended within the required Arborist Report. Replacement tree selection shall predominantly comprise of native species.	A number of trees within and outside the building footprint are proposed to be removed. The applicant submitted an arborist report supporting their removal. Councils City Design and Public Domain team have reviewed the proposal and, the proposal provides for multiple opportunities for tree replacement, in this regard conditions of consent have been imposed requiring landscape plans be submitted at the detailed design stage to ensure tree replacement design intent is maintained.	Complies by Condition

Development Control	Provision	Comment	Complies
	For sites with multiple buildings, the areas between the buildings shall provide deep soil and high amenity areas including, wall art, garden and security lighting, seating and shelter and are: a) To provide building separation that encourages a walkable environment and direct travel lines through the site. b) To be designed to maximise solar access and CPTED principals. c) Be designed in accordance with accessible requirements for persons with limited mobility. d) Include a combination of soft and hard landscaping with tree plantings for shading and cooling e) Have the capacity for useable private open space to encourage socialisation and engagement.	The residential flat building proposes only one building.	Not Applicable
	If a building proposes a predominantly blank side/rear wall (i.e. Minimal windows or balconies), the wall of the building is to include wall art/rendering. Articulation is to be provided after a maximum wall length of 14m.	No significant blank walls are incorporated into the design of the residential flat building.	Not applicable
	A minimum of 25% of a site area is to be landscaped to ensure action 6.2 of Local Planning Priority 6 of Council's Local Strategic Planning Statement, 'Connected Liverpool 2040' is activated. Note: landscape area is defined within Liverpool LEP 2008, and this control takes precedence over Design criteria 1 of Objective 3E-1 of the ADG (Deep soil zones).	Proposed landscaping to be in accordance with the non-discretionary standard in SEPP (Housing) 2021 requirements. Please see consideration the main report.	Superseded

Development Control	Provision	Comment	Complies
	A minimum of 50% of the front setback area shall be landscaped area.	More than 50% of the front setback is landscaped.	Complies
Section 8. Car Parking and Basement Envelope	Basements are to be provided for all residential flat buildings. At grade car parking may be considered for residential flat buildings provided by social housing providers, public authorities and joint venture as defined by chapter 2, part 2, division 5 of State Environmental Planning Policy (Housing) 2021.	No at-grade parking is proposed as part of the application. All car parking is provided within the basement levels.	Complies
	Where above ground enclosed parking cannot be avoided, the design of the development is to ensure mitigation of any negative impact on the streetscape and street amenity including avoiding parking from fronting the street frontage and providing car parking behind the building façade.	No at-grade or above ground parking proposed.	Not Applicable
	Basements should avoid extending beyond the building envelope to maximise overall landscaped area for the subject site and are not to impact upon any existing significant trees on a site or on an adjoining site.	The basement is mostly within the building envelope. As noted in the ADG tables in this report, sufficient deep soil areas are provided.	Complies
	Driveway walls adjacent to the entrance of a basement car park and visible above ground are to be treated so that their appearance is consistent with the building.	The driveway walls are consistent with the materials of the building. The masonry forms an acceptable part of the façade.	Complies
	Basements for residential flat buildings must demonstrate the location for Electrical distribution boards dedicated to electric vehicle charging in accordance with J9D4 of the National Construction Code.	Notes on the B1 plans state cable pathways and infrastructure have been considered. None of this is actually shown on the plans. A condition of consent will be imposed requiring compliance.	Complies by Condition
	All residential flat buildings must provide a car wash bay.	A condition of consent will be imposed reallocating one of the superfluous car parking spaces as a car wash bay	Complies by Condition

Development Control	Provision	Comment	Complies
	Pedestrian and driveways shall be separated	Pedestrian access is separate from the driveway/basement.	Complies
	Car parking allocated to adaptable apartments is to comply with the relevant Australian Standards for disabled parking.	Standard conditions to be imposed to ensure car parking space complies with Australian Standards.	Complies by Condition
	Accessible/shared car parking spaces are to be located adjacent to elevators.	Disabled car parking is located near to the 2 elevators on both basement floors.	Complies
	Stacked parking is not permitted unless allocated to the same unit. Stacked parking for visitor parking is prohibited.	No stacked parking is proposed.	Complies
	Visitor car parking shall be clearly identified.	Visitors' car parking is clearly identified on the basement plans.	Complies
Section 9. Boundary Fencing	Primary street fencing: a) The maximum height of a front fence is to be 1m. b) If the site has a frontage to a classified road, the front fence is permitted to be 1.8m height if the fence is articulated and includes plantings. c) Front fencing is to be a minimum of 30% transparent. d) Front fences are not to prevent passive surveillance by occupants of the street or communal areas. e) Front fences shall be constructed in masonry, timber, metal pickets and/or vegetation and must be compatible with the proposed design of the dwelling. Colourbond material for front fencing is not permitted. f) Front fencing is not to impede safe sight lines from the street and from vehicles entering and exiting the site.	The site does not have a frontage to a classified road and provides a solid front fencing between of 1 and 1.3m high due to a slope. With transparent fencing above. Streetscape elevations have been submitted showing the front fence allows for passive surveillance from the POS of the ground floor dwellings. The design does not impede safe sight lines from the street and from vehicles entering and exiting the site. The proposal was reviewed by Councils City Design and Public Domain Team and Traffic and Transport Engineer who were supportive, subject to conditions of consent.	Complies by Condition
	Secondary Street Fencing:	Site does not have a secondary street frontage.	Not Applicable

Development Control	Provision	Comment	Complies
	a) The maximum height of a secondary street fence is to be 1.8m. b) For secondary street fencing within the front building envelope setback, the fence is to be a maximum height of 1m unless control 1B above applies for sites with a frontage to a classified road.		
	Other Boundary Fencing: a) For boundary fencing within the front building envelope setback, the fence is to be a maximum height of 1m, and should use visually permeable materials and treatments as per part 3C of the ADG unless control 1B above applies for sites with a frontage to a classified road	A condition of consent will require the boundary fence within the front setback to be a maximum height of 1m.	Complies by Condition
Section 10. Site Services	Letterboxes: a) Letterboxes shall be provided for each dwelling on site, easily accessible from the street, able to be securely locked and provided in accordance with Australia Post's requirements. b) Freestanding letterbox structures should be designed and constructed of materials that relate to the main building. c) Residential numbering should be attached to the letterbox so that it is clearly visible from the street frontage. Numbers should be 75mm in height, reflective and in contrast to the backing material.	Standard conditions to be imposed.	Complies by Condition
	Waste Management a) Waste disposal facilities shall be provided for development. These	Waste storage facilities are in the basement for some units and near the lifts on each floor for others.	Complies by Conditions

Development Control	Provision	Comment	Complies
	shall be located adjacent to the driveway entrance to the site. b) Any structure involving waste disposal facilities shall be located as follows: i. Setback 1 m from the front boundary to the street. ii. Landscaped between the structure and the front boundary and adjoining areas to minimise the impact on the streetscape. iii. Not be located adjacent to an adjoining residential property. c) Waste chutes on each level are encouraged. d) Details of the design of waste disposal facilities are shown in Part 1 of the DCP and the Apartment Design Guide.	The waste facility in the basement includes a bulk waste area and a bin lifter. The proposal has been reviewed by Council's Waste Management Team who were supportive, subject to conditions of consent. Council's Environmental Health team have reviewed the proposal and recommended conditions of consent that will ensure the design achieves DCP compliance. See consideration in the ADG tables of this report for ADG compliance.	
	Frontage works and damage to Council Infrastructure: a) Where a footpath, road shoulder or new or enlarged access driveway is required to be provided this shall be provided at no cost to Council. b) Council must be notified of any works that may threaten Council assets. Council must give approval for any works involving Council infrastructure. c) Where there are no existing street trees in front of the site and contributions have not been collected for street tree planting it may be a condition of consent that street trees be provided in the footpath area immediately in front of the site.	Standard conditions to be imposed.	Complies by Condition

Development Control	Provision	Comment	Complies
	Lift Overrun: a) Any lift over runs to the rooftop of a building are to be demonstrated on the architectural plans at the development application stage.	Lift overruns are shown on the elevation plans.	Complies
	Services between levels: a) The architectural plans submitted at development application stage are to ensure that the ceiling levels and finished floor levels nominated on the architectural plans include enough separation for any services including duct space and any access to duct space required between the ceiling of the level below and finished floor level of the level above.	Sections demonstrate 3.2m between floors which should sufficiently accommodate services between levels.	Complies



Minutes

MINUTES OF DESIGN EXCELLENCE PANEL MEETING Thursday, 10 October 2024

DEP PANEL MEMBERS PRESENT:

Shaun Carter	Chairperson	Carter Williamson Architects
David Moir	Panel Member	Moir Landscape Architecture
Michael Mandl	Panel Member	Mandl Consults Pty Ltd

APPLICANT REPRESENTATIVES:

Alain Assoum	Director	Fuse Architects Pty Ltd
Jin Soon Ng	Associate	Fuse Architects Pty Ltd
Stuart Ommensen	Owner	Con Onore Pty Ltd
Robert Frew	Landscape Architect	Conzept Landscape Architects

OBSERVERS:

Melissa Riley	Convenor/Sen. Urban Design Advisor	Liverpool City Council
Robert Micallef	Sen. Development Assessment Planner	Liverpool City Council

ITEM DETAILS:

Item Number: 1

Application Reference Number: PL-64/2024

Property Address: 74,76 & 78 Lucas Ave Moorebank NSW 2170.

Council's Planning Officer: Robert Micallef

Applicant: Fuse Architects Pty Ltd

Proposal: Demolition of all existing structures onsite and tree removal. Construction of a six storey residential flat building consisting of 39 apartments, including the provision of affordable housing consistent with State Environmental Planning Policy (Housing) 2021. Construction of two levels of basement car parking. Provision of communal open space on the ground floor and level 4.

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.



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

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

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

2.0 DECLARATIONS OF INTEREST

NIL

3.0 PRESENTATION

The applicant presented their proposal for 74, 76 & 78 Lucas Ave Moorebank NSW 2170.

4.0 DEP PANEL RECOMMENDATIONS

The Panel commends the comprehensive presentation and aspirations to create a well-designed residential development that responds to the needs of the local community, in particularly the family-friendly approach. The Panel recognises and supports the development's contribution to the significant housing supply need in Liverpool LGA, however emphasises that paramount to its success is that it is well-designed. High-quality landscaping, open spaces and contextually responsive built form driven by amenity play a key role in creating high-density environments where people enjoy living in, that are good for their well-being and will want to stay in, into the long term.

The Panel recognises the project is at Pre-Development Application stage, and still needs more work through further iterations and refinement. The recommendations throughout these Minutes are to support and assist the Project Team in creating a good design outcome for this development that aligns with their aspirations.

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

Country and Climate Resilience

1. The Panel emphasises climate resilience is fundamental in western Sydney, where temperatures reach hotter levels in summer and colder in winter than other parts of Sydney, and as such the Liverpool LGA is subject to severe Urban Heat Island Effect. The landscape design and Connecting with Country approach has a crucial role in improving climate resilience for this project, the neighbourhood and creating an overall more comfortable environment and amenity for the residents throughout the development.

2. The Applicant advised they did not see the project size and nature appropriate to engage with the local Aboriginal community, however Country-led approaches would still need to be considered in the design development and this process is yet to occur. The Panel agrees with the applicant's approach and recommends Country-centric design approaches are embedded throughout the design as described throughout these Minutes. The Applicant is to document these design strategies and their implementation.
3. The Panel recommends, as part of the Connecting with Country and ESD approach, that photovoltaic panels are incorporated on the rooftop to power all the communal lighting, rainwater collection tanks are incorporated to collect a minimum of 20 000L to water gardens and EV chargers provided for every car parking spot.
4. Further to the above, to respond to climate resilience in the architecture, the Panel recommend heat loads and losses throughout the building are minimised, and apartment floorplates are designed to achieve cross ventilation beyond the minimum requirements as currently proposed. The Applicant is required to explain how this is achieved.
5. The Panel recommends the landscape design utilise the ground floor plane and communal open space as opportunities to incorporate a strong biodiversity response, narratives and climate resilience. Strategies to Care for Country, resilient species selection, Country narratives, attracting flora and fauna should all be considered. The Applicant is to demonstrate how this is achieved through a landscape design by a suitably qualified landscape architect.

Landscape and Streetscape

6. The involvement and collaboration with the landscape architect early in the design process is commended, landscape is a critical aspect of high-density developments and early engagement enables a more successful and integrated design outcome.
7. Planter boxes require ongoing maintenance, and if not maintained properly these could risk impacting the visual appearance and amenity within a building. The Panel notes throughout the development there are many areas where planter boxes are in the Private Open Space and some planter boxes have changed from public to private spaces from the original DEP submission to the revised drawings presented. The Panel recommends that, where planters and proposed planting form an integral part of the aesthetic of the building and its contribution to the streetscape, it needs to be demonstrated that these can be managed by the strata and not be the responsibility of the occupier to maintain.
8. The Panel is concerned that there will not be enough soil volume to support the significantly sized trees shown in the raised planters in the street frontage. The next iteration of the landscape plan is to demonstrate that appropriate soil volumes have been provided to support the proposed planting and how maintenance of these important landscape areas will be the responsibility of the strata. Reconsideration of this area is recommended to address these concerns.

9. The Panel highlights the importance of deep soil zones in developments of this type, in supporting new tree canopy, vegetation and enabling them to reach maturity. It is noted the street interface has west orientation therefore it will benefit most from the shade provided by tree canopy. The Panel recommends as part of the landscape design development that this zone is capitalised for deep soil, generous landscaping and tree canopy.
10. The Panel raised concerns towards the fragmentation of the Communal Open Space at ground level. The only consolidated and more useable proportioned area is currently located to the north-east corner in close proximity to bedrooms and neighbouring buildings creating acoustic and privacy issues. If 72 Lucas Avenue is developed this will likely create significant overshadowing issues to the COS, that also need to be considered. The Panel recommends the applicant improve the proportion and usability of the COS and test future overshadowing to ensure it is an appropriate location.
11. The Panel recommends the applicant review the interface between the communal open space and private open space at the ground floor level, and incorporate strategies to provide adequate buffer, acoustic treatment and privacy.
12. The Panel is supportive of the approach to have elevated ground floor terraces, however it highlights the importance of DDA access to the apartment entries themselves. The reliance on stairs or a platform lift to the apartment main entries is not supported. DDA compliant ramping should be provided, in a manner that is integrated with the built form and landscape.
13. Further to the above, while the elevated ground floor terraces create the opportunity for improved privacy between the Private Open Space and the public domain, the balustrades are currently transparent, creating visual privacy issues. The Panel recommends eye level from the street is considered and a level of solidity up to 1.5m from the street side applied.
14. The Panel notes there are several existing trees proposed for removal, and urges their retention is prioritised as part of the design development, pending species and condition. Arborist advice should be presented at the next DEP to justify any tree removal proposed.

Built Form and Articulation

15. It appears that there are rooms with small, compromised windows which is being driven by the façade strategy. The Panel recommends internal planning and amenity should be prioritised and influence the façade design as the façade develops, to avoid these poor amenity outcomes.
16. The Panel requests a façade strategy is developed and provided to inform the façade design, demonstrating how each façade orientation is responsive to its orientation. As an example the north should have strategies to reduce excessive sunlight in summer, while the south façade, is designed to not lose too much energy in winter, and weather protection is incorporated. For instance the upper level balcony areas lack roof cover, which effects design resolution and proportion.

17. The Panel understands this is a pre-DA, however the design resolution is limited and requires significant improvement. The Panel will require a design excellence response for the design resolution of the facades demonstrated through 3D photomontages illustrating the façade on all sides and including solar control, window control, materiality and articulation.
18. The materiality appears to be simply painted concrete surfaces, raising durability and maintenance concerns. Robust and low maintenance materials must be proposed and the Panel suggests a simple material palette of concrete, face brick, high-performance aluminium windows and doors. If a coloured finish is desired, it is noted there are many strategies to colour the various types of concrete and bricks.
19. It is noted between the original DEP drawings submitted and the revised drawings the architectural composition has improved including a reduction of full height glazing. Noting full height glazing is rarely appropriate in Apartment Design, a minimum of 800mm upstand is recommended. This is supported and should be continued in the design development.

Context and Amenity

20. The Applicant sought the DEP's advice on whether the setbacks proposed were satisfactory and noted some minor areas inconsistent with the Apartment Design Guide. The Panel highlights the importance of understanding the surrounding context in order to determine appropriate setbacks and building separation. Analysis of the development's surrounding existing and potential future development is required, such as where built form and communal open space is likely to be proposed. This analysis should inform the built form and may result in further shaping to achieve good amenity for both this project and neighbouring sites. The Panel recommends adherence to the setbacks required by the ADG as a minimum. Please provide this analysis with your next DEP submission.
21. Further to the above, sun-eye diagrams must be provided and be a key part in informing the design. All three seasons – Winter (21 June), Spring (21 September) and Summer (December 21) from 8am-4pm should be provided.
22. The Panel does not support the Waste Bin Store location against the boundary creating poor amenity for the neighbouring property, while also sharing circulation with the fire exit. The Waste Bin Store should be relocated outside of setbacks and integrated with the building.
23. The Panel recommends a review of the relationship of apartment sizes and relating balcony sizes to create more consistency and appropriate hierarchy of smaller apartments with smaller balconies, and larger apartments with larger balconies.
24. The applicant described the unique garden type apartments at ground floor. This concept could be further developed so that the ground floor plan and the elevational treatment is different from the levels above, reflecting the interface with the ground plane. This differing treatment to the ground floor plane will have the effect of reducing



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the 4-storey scale on Lucas Street potentially providing a base, middle and top treatment.

25. The Panel notes Level 4 and 5 middle apartments did not appear to work with their rear "courtyard" idea. These spaces seem to lack light and would make for a poor outcome. Please review and resolve for the next DEP.

Housing Diversity + Social Interaction

26. The Panel is supportive of the Family Friendly approach and highlights the value of connection with the natural environment and outdoor play in the development of children and supporting their health and wellbeing, and these significant benefits extend to people of all ages. The Communal Open Space is a key opportunity to provide a high-quality connection for all residents, and enable this development to be a long-term living solution. The Panel requires the landscape design to be developed to foster connection with the natural environment and include a diversity of spaces for different generations and uses. Suggestions include places to host gatherings, sit, dwell and play. Incorporation of nature play elements, community gardening, edible foods and a discovery walk can also be considered.
27. The applicant explained the design intent of the Courtyard in front of the entry (the rear) of the two-bedroom apartments in between grids 4 and 8 on Level 4 and 5, to create an additional flexible use space especially for families. While the Panel appreciates the design intent, this area is at risk of being a poor quality, dark space. The Panel recommends it is removed, and the lift from the lower levels continued to the top level, removing the need for the corridor adjacent, increasing solar access and improved amenities to these apartments. The flexible use and family focussed spaces idea can be integrated more successfully into the Communal Open Spaces.
28. The Panel is comfortable with the proposal to have a Family Friendly development, with a focus on 2- and 3-bedroom apartments and no 1-bedroom apartments. Research that underpinned the draft Liverpool DCP 2008 change identified the growing need for apartments for families, and proposal for 25% 3-4 bedrooms apartments in the Liverpool City Centre and other high-density areas in the LGA. The Panel highly encourages several 4-bedroom apartments to be incorporated into the development to improve housing diversity and respond to growing family friendly living approaches in high-density environments.

5.0 OUTCOME

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

The proposal is not supported by the DEP and must return to the panel, with all feedback incorporated or addressed.



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MINUTES OF DESIGN EXCELLENCE PANEL MEETING

Thursday, 14th August 2025

DEP PANEL MEMBERS PRESENT:

Shaun Carter	Chairperson	Carter Williamson Architects
Vishal Lakhia	Panel Member	Vishal Lakhia Architect
Matthew Taylor	Panel Member	D M Taylor Landscape Architects Pty Ltd

APPLICANT REPRESENTATIVES:

Stuart Ommensen	Director	Con Onore Pty Ltd
Georgios Anagnostou	Director	Fuse Architects
Maria Luiza Fabello	Director	Fuse Architects

OBSERVERS:

Amanda Merchant	Panel Support Officer	Liverpool City Council
Melissa Riley	Convenor/Sen. Urban Design Advisor	Liverpool City Council
Eunice David	Senior Planner	Liverpool City Council



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ITEM DETAILS:

Item Number: 2

Application Reference Number: DA-257/2025

Property Address: 74-78 Lucas Avenue, Moorebank

Council's Planning Officer: Eunice David

Applicant: Mr A Assoum

Proposal: Demolition, tree removal, site consolidation, earthworks, 2-level basement car parking, construction of a six (6) storey residential flat building comprising of a thirty-two (32) apartments and seven (7) affordable housing apartments with landscaping, drainage and associated site works.

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.

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 74-78 Lucas Avenue, Moorebank 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**.



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The Design Excellence Panel commends the applicant for a comprehensive presentation, outlining efforts to address the previous DEP recommendations. The project team and Client's aspiration to achieve a successful development that is a positive contribution to the Liverpool community is appreciated. The Panel observed several key remaining design issues that currently compromise the amenity of the development while also notes the development is over the GFA. As such the Panel urges the applicant to address these key remaining issues concurrently while reducing the GFA, to achieve a high quality, successful development for the residents.

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

- A. The Panel was informed at the briefing session that there are potential gross floor area exceedances within the scheme, and a deficit of affordable housing. The applicant should work closely with Council's development assessment team to ensure statutory planning matters are addressed to Council's satisfaction. The Panel highlights that several of the recommendations in these Minutes can be resolved as part of the gross floor area (GFA) reduction.
- B. The Panel advises the driveway structure providing vehicular access to the carpark should not be isolated and recommends its integration with both building and landscape design. The driveway should be integrated within the building envelope under the north-western apartment which will assist in reducing GFA.
- C. The Panel encourages the applicant to consider longevity and long term associated costs, and as such minimise, or remove all together, rendered and painted surfaces, and alternatively consider self-finished materials such as face bricks and concrete with an integral finish. Alternatively, there are whole wall facade systems that can be explored, that can be cost effective and provide better longevity in comparison to rendered and painted surfaces.
- D. Artificial turf creates environmental impacts, through wear over time and fragments contaminating the atmosphere and waterways, contributing to irreversible pollution. The Panel does not support the artificial turf proposed throughout the development and encourages an alternative material proposed.
- E. The Panel queries the large space in front of the development that has been cleared to accommodate kerbside collection, interrupting the street tree spacing. The applicant should review this arrangement, and prioritise the provision of street trees at equal spacing, and accommodate kerbside collection around the trees.
- F. The Panel does not support the planning configurations proposed for the top two levels. The Panel expressed reservations with the extent of long corridor for the south-eastern apartments, due to the loss of Lift 1. In addition, the current amenity for the north apartment travelling from the lift, through multiple doors along a south facing (cold and at times wet) breezeway will be a suboptimal outcome. Overall, the Panel recommends more thoughtful resolution to be considered for Levels 4 and 5. The applicant should



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ensure both lifts continue for the full 8 levels (including 2 levels of basement), to enable both to serve these floors and maximise amenity for the residents. Apartments should be able to be accessed directly from the breezeway, while long and inconvenient circulation routes should be eliminated from the design.

- G. Further to the above, the applicant is encouraged to investigate whether both cores could be linked through a common corridor on Level 5, to support residents of both buildings in a lift redundancy scenario. For example, in a scenario where one of the lifts could be out of order or being used by removalists. Parents with young children, elderly or people with an impairment having to walk up and down 7 storeys of fire stairs each day will be a poor outcome, and Level 5 will provide a traversing option through both vertical circulation cores.
- H. The Panel acknowledges the entries are deep to provide linear meterage for FIP and mailboxes, however this is resulting in the entries too disconnected and recessed from the street. The Panel requires greater resolution of the services requirements to enable the main entries to be moved closer to the street, creating a more appropriate 'front door' and street address, while avoiding potential CPTED (Crime Prevention through Environmental Design) issues.
- I. The Panel highlighted the excessive depths of the middle apartment balconies, and it does not appear that these apartments will achieve ADG Part 4A compliant solar access in mid-winter. The Panel emphasises the importance of solar access in apartment living, and recommends detailed review of the shadow analysis, demonstrating ADG compliance including a minimum of 1sqm to living rooms in mid-winter is achieved.
- J. The quality and diversity of Communal Open Spaces throughout a residential development plays a key role in its overall success. The Panel expressed concerns that the Communal Open Space at Level 4 is of a constrained size, proportion and unlikely to be used. Review of this area is encouraged and increased to a more usable dimension (for example 4m x 4m) facilitating nominated uses such as a small BBQ area. Concurrently the ground floor COS design and uses should be reviewed to ensure a balance of types of spaces and uses is proposed throughout the development, including family-focused spaces as mentioned in the previous DEP Minutes.
- K. The internal storage areas in each apartment should be nominated for consistency with NSW ADG Part 4G. Additionally, Council should be satisfied with provision of external storage areas for each apartment. (It appears that south-western and south-eastern apartments do not have internal storage areas).
- L. The applicant is requested to nominate apartment numbers on the architectural drawings for future reference in the DEP reviews (for example, recognise apartments by numbers - 101, 102 and so on).



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Previous DEP Minutes (10 October 2024)	Current DEP Comments (14 August 2025)
Country and Climate Resilience	
1. The Panel emphasises climate resilience is fundamental in western Sydney, where temperatures reach hotter levels in summer and colder in winter than other parts of Sydney, and as such the Liverpool LGA is subject to severe Urban Heat Island Effect. The landscape design and Connecting with Country approach has a crucial role in improving climate resilience for this project, the neighbourhood and creating an overall more comfortable environment and amenity for the residents throughout the development.	Addressed. The Panel is supportive of the variety of native, endemic and resilient plant species proposed.
2. The Applicant advised they did not see the project size and nature appropriate to engage with the local Aboriginal community, however Country-led approaches would still need to be considered in the design development and this process is yet to occur. The Panel agrees with the applicant's approach and recommends Country-centric design approaches are embedded throughout the design as described throughout these Minutes. The Applicant is to document these design strategies and their implementation.	Addressed. The Panel is supportive of the landscape approach at the ground floor including species selection, and incorporation of ESD strategies in the development, reducing impact to Country.
3. The Panel recommends, as part of the Connecting with Country and ESD approach, that photovoltaic panels are incorporated on the rooftop to power all the communal lighting, rainwater collection tanks are incorporated to collect a minimum of 20 000L to water gardens and EV chargers provided for every car parking spot.	Addressed. PV Panels shown, however quantity not confirmed. The Applicant confirmed rainwater tanks and EV Chargers have been provided in the basements, however not clear from the drawings. The Panel recommends this is captured on the DA drawings prior to approval.

4. Further to the above, to respond to climate resilience in the architecture, the Panel recommend heat loads and losses throughout the building are minimised, and apartment floorplates are designed to achieve cross ventilation beyond the minimum requirements as currently proposed. The Applicant is required to explain how this is achieved.	Addressed. The Panel commends the development achieving well over the ADG cross-ventilation targets.
5. The Panel recommends the landscape design utilise the ground floor plane and communal open space as opportunities to incorporate a strong biodiversity response, narratives and climate resilience. Strategies to Care for Country, resilient species selection, Country narratives, attracting flora and fauna should all be considered. The Applicant is to demonstrate how this is achieved through a landscape design by a suitably qualified landscape architect.	Addressed. The Panel is supportive of the landscape response, including the variety of native, endemic and resilient plant species proposed. The Panel commends the applicant's landscape plan for the range of plant material and the appropriate scale and screening provided.
Landscape and Streetscape	
6. The involvement and collaboration with the landscape architect early in the design process is commended, landscape is a critical aspect of high-density developments and early engagement enables a more successful and integrated design outcome.	Note.
7. Planter boxes require ongoing maintenance, and if not maintained properly these could risk impacting the visual appearance and amenity within a building. The Panel notes throughout the development there are many areas where planter boxes are in the Private	Partially addressed. There have been no changes to the planter boxes, however in response to this recommendation the applicant explained the value the planter boxes in their current location provide in terms of amenity and privacy. Management strategies to facilitate

Open Space and some planter boxes have changed from public to private spaces from the original DEP submission to the revised drawings presented. The Panel recommends that, where planters and proposed planting form an integral part of the aesthetic of the building and its contribution to the streetscape, it needs to be demonstrated that these can be managed by the strata and not be the responsibility of the occupier to maintain.	strata access to the planter boxes for maintenance when required were described. The Panel is satisfied with this response and no further changes are requested. Rain sensitive automatic irrigation is necessary for a sustainable outcome for the planter boxes. The system is to incorporate measures for seasonal changes (Summer demand and winter demand with varying evaporation rates) and to be monitored.
8. <i>The Panel is concerned that there will not be enough soil volume to support the significantly sized trees shown in the raised planters in the street frontage. The next iteration of the landscape plan is to demonstrate that appropriate soil volumes have been provided to support the proposed planting and how maintenance of these important landscape areas will be the responsibility of the strata. Reconsideration of this area is recommended to address these concerns.</i>	Addressed. The trees proposed to the front of the proposal are located on deep soil and have adequate soil volume and depth. The trees proposed to the upper levels are a suitable scale in their mature form and are suitable for the planter. A maintenance program setting out tasks for year that acknowledges the seasonal changes, needs and demands is required. The appropriate trimming and shaping of plants is key to the sustainability of the landscape, particularly the planting located in the upper floors.
9. <i>The Panel highlights the importance of deep soil zones in developments of this type, in supporting new tree canopy, vegetation and enabling them to reach maturity. It is noted the street interface has west orientation therefore it will benefit most from the shade provided by tree canopy. The Panel recommends as part of the landscape design development that this zone is capitalised for deep soil, generous landscaping and tree canopy.</i>	Addressed. Generous landscaping and deep soil have been provided in the front setback. Appropriately scaled trees and shrubs are proposed.
10. <i>The Panel raised concerns towards the fragmentation of the Communal Open Space at ground level. The only</i>	Partially addressed.

<i>consolidated and more useable proportioned area is currently located to the north-east corner in close proximity to bedrooms and neighbouring buildings creating acoustic and privacy issues. If 72 Lucas Avenue is developed this will likely create significant overshadowing issues to the COS, that also need to be considered. The Panel recommends the applicant improve the proportion and usability of the COS and test future overshadowing to ensure it is an appropriate location.</i>	Testing of the development potential of 72 Lucas Street has been provided, and the applicant explained that through internal testing of the COS and adjacent development potential, they are confident the COS will comply (noting these are hypothetical scenarios at this stage and are not confirmed). Shadow testing and impacts to the COS have not been provided. Please provide meaningful COS at the ground plane in compliant sunlight, and a top floor sunny COS that has the minimum 4m x 4m dimension without compromising privacy to adjoining apartments.
11. <i>The Panel recommends the applicant review the interface between the communal open space and private open space at the ground floor level, and incorporate strategies to provide adequate buffer, acoustic treatment and privacy.</i>	Partially Addressed. The applicant has incorporated measures based on fencing and landscaping and provided justification why more solid acoustic treatments such as a solid wall would not be appropriate. The Panel accepts this approach.
12. <i>The Panel is supportive of the approach to have elevated ground floor terraces, however it highlights the importance of DDA access to the apartment entries themselves. The reliance on stairs or a platform lift to the apartment main entries is not supported. DDA compliant ramping should be provided, in a manner that is integrated with the built form and landscape.</i>	Partially addressed. The additional entry ramp has been introduced to address this recommendation, however as a result of the ramp design it is dominating the frontage and compromising the landscaping. The Panel encourages a more integrated approach and solution to the ramp design to reduce its visual impact and dominance in the streetscape. Alternatives such as an external lift should be considered as the ramps are visually intrusive and are detrimental to the streetscape presence.
13. <i>Further to the above, while the elevated ground floor terraces create the opportunity for improved privacy between the Private Open Space and the public domain, the balustrades are currently transparent, creating visual privacy issues. The Panel recommends eye level from the street is considered and a level of solidity up to 1.5m from the street side applied.</i>	Addressed. The level of solidity in the front fencing has been raised.



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14. The Panel notes there are several existing trees proposed for removal, and urges their retention is prioritised as part of the design development, pending species and condition. Arborist advice should be presented at the next DEP to justify any tree removal proposed.	Not addressed. This recommendation still applies.
Built Form and Articulation	
15. It appears that there are rooms with small, compromised windows which is being driven by the façade strategy. The Panel recommends internal planning and amenity should be prioritised and influence the façade design as the façade develops, to avoid these poor amenity outcomes.	Addressed. There are several rooms that previously had a small window that now have larger windows introduced.
16. The Panel requests a façade strategy is developed and provided to inform the façade design, demonstrating how each façade orientation is responsive to its orientation. As an example the north should have strategies to reduce excessive sunlight in summer, while the south façade, is designed to not lose too much energy in winter, and weather protection is incorporated. For instance the upper level balcony areas lack roof cover, which effects design resolution and proportion.	The Panel expresses concern for the western facade. The recessed living areas are a positive aspect as sun management will be effective, however, there are bedrooms with full height glazing located along the western building perimeter which creates potential thermal loading issues. Further sun management strategies are recommended across the western facade.
17. The Panel understands this is a pre-DA, however the design resolution is limited and requires significant improvement. The Panel will require a design excellence response for the design resolution of the facades demonstrated through 3D photomontages illustrating the façade on all sides and including solar control, window control, materiality and articulation.	Not Addressed. The applicant presented the façade strategy. Facades should be updated to reflect design amendments. The materials palette needs to be more robust and have great longevity. All privacy and ESD measures need to be shown on the elevations/ plans/ sections and in the CGI's.

18. <i>The materiality appears to be simply painted concrete surfaces, raising durability and maintenance concerns. Robust and low maintenance materials must be proposed and the Panel suggests a simple material palette of concrete, face brick, high-performance aluminium windows and doors. If a coloured finish is desired, it is noted there are many strategies to colour the various types of concrete and bricks.</i>	Not addressed and still applies. The Panel reiterates concerns regarding the façade materials.
19. <i>It is noted between the original DEP drawings submitted and the revised drawings the architectural composition has improved including a reduction of full height glazing. Noting full height glazing is rarely appropriate in Apartment Design, a minimum of 800mm upstand is recommended. This is supported and should be continued in the design development.</i>	Partially addressed. The applicant should consider these comments and respond with an updated design.
Context and Amenity	
20. <i>The Applicant sought the DEP's advice on whether the setbacks proposed were satisfactory and noted some minor areas inconsistent with the Apartment Design Guide. The Panel highlights the importance of understanding the surrounding context in order to determine appropriate setbacks and building separation. Analysis of the development's surrounding existing and potential future development is required, such as where built form and communal open space is likely to be proposed. This analysis should inform the built form and may result in further shaping to achieve good amenity for both this project and neighbouring sites. The Panel recommends adherence to the setbacks required by the ADG as a</i>	Addressed. The applicant provided further information as to the potential future development of the surrounding sites.



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<i>minimum. Please provide this analysis with your next DEP submission.</i>	
<i>21. Further to the above, sun-eye diagrams must be provided and be a key part in informing the design. All three seasons – Winter (21 June), Spring (21 September) and Summer (December 21) from 8am-4pm should be provided.</i>	Addressed however some apartments do not appear to achieve ADG solar access. Refer to recommendations above this table.
<i>22. The Panel does not support the Waste Bin Store location against the boundary creating poor amenity for the neighbouring property, while also sharing circulation with the fire exit. The Waste Bin Store should be relocated outside of setbacks and integrated with the building.</i>	Addressed. The Panel appreciates that the Waste Bin has been relocated to a more appropriate location.
<i>23. The Panel recommends a review of the relationship of apartment sizes and relating balcony sizes to create more consistency and appropriate hierarchy of smaller apartments with smaller balconies, and larger apartments with larger balconies.</i>	Not addressed and still applies.
<i>24. The applicant described the unique garden type apartments at ground floor. This concept could be further developed so that the ground floor plan and the elevational treatment is different from the levels above, reflecting the interface with the ground plane. This differing treatment to the ground floor plane will have the effect of reducing the 4-storey scale on Lucas Street potentially providing a base, middle and top treatment.</i>	Partially Addressed The façade treatment appears to be revised to enable the ground floor materiality and approach to be slightly different to the upper levels. The composition approach is considered okay, but the material choices not okay.
<i>25. The Panel notes Level 4 and 5 middle apartments did not appear to work with their rear "courtyard" idea. These spaces seem to lack light and would</i>	Not addressed, refer to recommendations above this table.



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<i>make for a poor outcome. Please review and resolve for the next DEP.</i>	
Housing Diversity + Social Interaction	
26. <i>The Panel is supportive of the Family Friendly approach and highlights the value of connection with the natural environment and outdoor play in the development of children and supporting their health and wellbeing, and these significant benefits extend to people of all ages. The Communal Open Space is a key opportunity to provide a high-quality connection for all residents, and enable this development to be a long-term living solution. The Panel requires the landscape design to be developed to foster connection with the natural environment and include a diversity of spaces for different generations and uses. Suggestions include places to host gatherings, sit, dwell and play. Incorporation of nature play elements, community gardening, edible foods and a discovery walk can also be considered.</i>	Partially addressed, however the Panel recommends further consideration of the Communal Open Spaces functionality throughout the development as a whole, specifically the Level 4 COS as described above this table, and further adjustments to the COS at ground as a result.
27. <i>The applicant explained the design intent of the Courtyard in front of the entry (the rear) of the two-bedroom apartments in between grids 4 and 8 on Level 4 and 5, to create an additional flexible use space especially for families. While the Panel appreciates the design intent, this area is at risk of being a poor quality, dark space. The Panel recommends it is removed, and the lift from the lower levels continued to the top level, removing the need for the corridor adjacent, increasing solar access and improved amenities to these apartments. The flexible use and</i>	Not addressed. While adjustments have been made to this area, the Panel's concerns still apply. This is also covered in the recommendations above this table.



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<i>family focussed spaces idea can be integrated more successfully into the Communal Open Spaces.</i>	
28. The Panel is comfortable with the proposal to have a Family Friendly development, with a focus on 2- and 3-bedroom apartments and no 1-bedroom apartments. Research that underpinned the draft Liverpool DCP 2008 change identified the growing need for apartments for families, and proposal for 25% 3-4 bedrooms apartments in the Liverpool City Centre and other high-density areas in the LGA. The Panel highly encourages several 4-bedroom apartments to be incorporated into the development to improve housing diversity and respond to growing family friendly living approaches in high-density environments.	Not addressed and still applies. The Panel notes the Liverpool DCP change to mix has been finalised and a minimum of 20% 3-4 bedroom apartments is required.

5.0 OUTCOME

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

The proposal is not supported by the DEP and must return to the panel, with all feedback incorporated or addressed.



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MINUTES OF DESIGN EXCELLENCE PANEL MEETING

Wednesday, 14th May 2026

DEP PANEL MEMBERS PRESENT:

Vishal Lakhia	Chairperson	Vishal Lakhia Architect
Alexander Koll	Panel Member	MAKO Architecture
David Moir	Panel Member	Moir Studio

APPLICANT REPRESENTATIVES:

Stuart Ommensen	Director	Con Onore
Maria Luiza Fabello	Director	Con Onore
Georgios Anagnostou	Architect	Fuse Architects

OBSERVERS:

Dinis Candeias	Convenor/ Senior Urban Design	Liverpool City Council
Ben Paterson	Acting Principal Planner	Liverpool City Council
Bhavya Dawar	Senior Urban Design Advisor	Liverpool City Council
Danielle Sarpi	Panel Support Officer	Liverpool City Council

ITEM DETAILS:

Item Number: 1

Application Reference Number: DA-257/2025

Property Address: 74 Lucas Avenue Moorebank

Council's Planning Officer: Jason Marshall

Applicant: Mr A Assoum

Proposal: Demolition of existing building, construction of 6 storey residential flat building consisting of 39 apartments

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 were identified at the start of the meeting. The Liverpool Design Excellence Panel's (the Panel), comments are to assist Liverpool City Council in its consideration of the Development Application. These minutes are not intended as a 'word per word' record of the meeting, with nomination of tasks and timeframes, in the typical meeting minutes format. They are rather a record of the



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design advice provided by the DEP members during the meeting with the applicant and the subsequent meeting with Council for deliberation and dictation notes. The advice is combined into headings consistent with the nine design principles outlined by the SEPP Housing (2021) Schedule 9.

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 should 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 the proposed development at 74 Lucas Avenue Moorebank, and how the current design revision has addressed the comments made by the Panel at previous meetings.

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 Panel thanks the applicant for thoughtfully and positively responding to the previous Design Excellence Panel Meeting Minutes, and for offering a comprehensive set of architectural drawings and presentation at the DEP meeting.

The Panel recognises the improved design quality and residential amenity since the previous Meeting. The Panel provides further suggestions to encourage the applicant to continue to refine the design in subsequent stage/s of the development application.

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



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4.1. Context

- The Panel notes the differing site conditions between the primary frontage to Lucas Avenue and the rear interface to the existing apartment building to the east. The Panel encourages the applicant to further investigate the materiality and screening of the balconies and living rooms along the rear east elevation. While the Panel acknowledges that the ADG Part 3F Visual Privacy and the associated building separation distances are satisfactorily achieved, opportunities should be allowed to further mitigate visual relationships between opposing balconies and living rooms. The Panel also acknowledges the applicant's response that the proposed landscape planting will provide additional screening benefits, particularly at the lower levels of the building.

4.2. Built Form + Scale

- The Panel discussed the configuration of the central apartments adjacent to grid line 6, noting that the internal corner within the living area appears to limit the useability and outlook of the living room. The Panel acknowledges the applicant's intention is to achieve symmetry of the floor plan layout along the central wall adjoining these apartments. Notwithstanding, the Panel encourages the applicant to investigate alternative configurations which maintain the symmetry of the floor plan, while allowing for a more regularised geometry and improved functionality of the living room.

4.3. Landscape

- The Panel notes the amended ground floor configuration and the revised driveway alignment, which together has enabled increased separation and increased tree planting along the northern boundary. The Panel is supportive of the resulting improvement in the landscape design outcome.

4.4. Amenity

- The Panel notes the design modifications facilitating the connection between the two lifts and the provision of a unified lobby at the ground level. The Panel encourages the applicant to further consider wayfinding and/or signage strategies at key decision points to assist with navigation between the different apartments served by either the northern or southern lift cores.

4.5. Aesthetics

- The Panel notes the proposal incorporates face brickwork to portions of ground level walls. The Panel further encourages the applicant to consider extending brickwork across the four storey base of the building. In the Panel's view, the brick base would improve the material quality and durability of the proposal while reinforcing the emerging character of the locality in the context of the existing brick apartment buildings.



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Consideration of previous DEP recommendations

Previous DEP Comments (14 August 2025)	Current review (14 May 2026)
A. The Panel was informed at the briefing session that there are potential gross floor area exceedances within the scheme, and a deficit of affordable housing. The applicant should work closely with Council's development assessment team to ensure statutory planning matters are addressed to Council's satisfaction. The Panel highlights that several of the recommendations in these Minutes can be resolved as part of the gross floor area (GFA) reduction.	Planner to review
B. The Panel advises the driveway structure providing vehicular access to the carpark should not be isolated and recommends its integration with both building and landscape design. The driveway should be integrated within the building envelope under the north-western apartment which will assist in reducing GFA.	Addressed Driveway has been rotated to be more integrated with the design
C. The Panel encourages the applicant to consider longevity and long term associated costs, and as such minimise, or remove all together, rendered and painted surfaces, and alternatively consider self-finished materials such as face bricks and concrete with an integral finish. Alternatively, there are whole wall facade systems that can be explored, that can be cost effective and provide better longevity in comparison to rendered and painted surfaces.	Partially addressed with the integration of brick at the ground floor level only. Consider the Panel comments item 4.5 above.
D. Artificial turf creates environmental impacts, through wear over time and fragments contaminating the atmosphere and waterways, contributing to irreversible pollution. The Panel does not support the artificial turf proposed throughout the	Addressed

<i>development and encourages an alternative material proposed.</i>	
<i>E. The Panel queries the large space in front of the development that has been cleared to accommodate kerbside collection, interrupting the street tree spacing. The applicant should review this arrangement, and prioritise the provision of street trees at equal spacing, and accommodate kerbside collection around the trees.</i>	Addressed
<i>F. The Panel does not support the planning configurations proposed for the top two levels. The Panel expressed reservations with the extent of long corridor for the south-eastern apartments, due to the loss of Lift 1. In addition, the current amenity for the north apartment travelling from the lift, through multiple doors along a south facing (cold and at times wet) breezeway will be a suboptimal outcome. Overall, the Panel recommends more thoughtful resolution to be considered for Levels 4 and 5. The applicant should ensure both lifts continue for the full 8 levels (including 2 levels of basement), to enable both to serve these floors and maximise amenity for the residents. Apartments should be able to be accessed directly from the breezeway, while long and inconvenient circulation routes should be eliminated from the design.</i>	Addressed The upper levels have been configured in response to this recommendation.
<i>G. Further to the above, the applicant is encouraged to investigate whether both cores could be linked through a common corridor on Level 5, to support residents of both buildings in a lift redundancy scenario. For example, in a scenario where one of the lifts could be out of order or being used by removalists. Parents with young children, elderly or people with an impairment having to walk up and down 7 storeys of fire stairs each day will be a poor outcome, and Level 5 will provide a traversing option through both vertical circulation cores.</i>	Addressed. Both lifts travel to the top level.
<i>H. The Panel acknowledges the entries are deep to provide linear meterage for FIP and mailboxes, however this is resulting in the</i>	Addressed, the main entry door has been shifted

<i>entries too disconnected and recessed from the street. The Panel requires greater resolution of the services requirements to enable the main entries to be moved closer to the street, creating a more appropriate 'front door' and street address, while avoiding potential CPTED (Crime Prevention through Environmental Design) issues.</i>	
<i>I. The Panel highlighted the excessive depths of the middle apartment balconies, and it does not appear that these apartments will achieve ADG Part 4A compliant solar access in mid-winter. The Panel emphasises the importance of solar access in apartment living, and recommends detailed review of the shadow analysis, demonstrating ADG compliance including a minimum of 1sqm to living rooms in mid-winter is achieved.</i>	Adjustments have been made to the design in response to this comment; however the Panel refers to the Planning Officer who undertakes detailed review of shadows and solar access.
<i>J. The quality and diversity of Communal Open Spaces throughout a residential development plays a key role in its overall success. The Panel expressed concerns that the Communal Open Space at Level 4 is of a constrained size, proportion and unlikely to be used. Review of this area is encouraged and increased to a more usable dimension (for example 4m x 4m) facilitating nominated uses such as a small BBQ area. Concurrently the ground floor COS design and uses should be reviewed to ensure a balance of types of spaces and uses is proposed throughout the development, including family-focused spaces as mentioned in the previous DEP Minutes.</i>	The Panel notes the adjustments to the design and increase of COS at ground level. The Panel considers the item addressed.
<i>K. The internal storage areas in each apartment should be nominated for consistency with NSW ADG Part 4G. Additionally, Council should be satisfied with provision of external storage areas for each apartment. (It appears that south-western and south-eastern apartments do not have internal storage areas).</i>	Adjustments have been made to the design in response to this comment, however the Panel refers to the Planning Officer who undertakes detailed review of provisions of the ADG.
<i>L. The applicant is requested to nominate apartment numbers on the architectural drawings for future reference in the DEP</i>	Addressed

reviews (for example, recognise apartments by numbers - 101, 102 and so on).	Apartment number tags are off to the side of the drawing
DEP Table	
DEP (10 October 2024) 3. The Panel recommends, as part of the Connecting with Country and ESD approach, that photovoltaic panels are incorporated on the rooftop to power all the communal lighting, rainwater collection tanks are incorporated to collect a minimum of 20 000L to water gardens and EV chargers provided for every car parking spot. DEP (14 August 2025) Addressed. PV Panels shown, however quantity not confirmed. The Applicant confirmed rainwater tanks and EV Chargers have been provided in the basements, however not clear from the drawings. The Panel recommends this is captured on the DA drawings prior to approval.	Adjustments have been made to the design in response to this comment, however the Panel refers to the Planning Officer who undertakes detailed review of PV requirements.
DEP (10 October 2024) 5. The Panel raised concerns towards the fragmentation of the Communal Open Space at ground level. The only consolidated and more useable proportioned area is currently located to the north-east corner in close proximity to bedrooms and neighbouring buildings creating acoustic and privacy issues. If 72 Lucas Avenue is developed this will likely create significant overshadowing issues to the COS, that also need to be considered. The Panel recommends the applicant improve the proportion and usability of the COS and test future overshadowing to ensure it is an appropriate location. DEP (14 August 2025) Partially addressed.	The Panel notes the adjustments to the design and increase of COS at ground level. The Panel considers the item addressed.

<i>Testing of the development potential of 72 Lucas Street has been provided, and the applicant explained that through internal testing of the COS and adjacent development potential, they are confident the COS will comply (noting these are hypothetical scenarios at this stage and are not confirmed). Shadow testing and impacts to the COS have not been provided.</i> <i>Please provide meaningful COS at the ground plane in compliant sunlight, and a top floor sunny COS that has the minimum 4m x 4m dimension without compromising privacy to adjoining apartments.</i>	
<i>DEP (10 October 2024)</i> <i>12. The Panel is supportive of the approach to have elevated ground floor terraces, however it highlights the importance of DDA access to the apartment entries themselves. The reliance on stairs or a platform lift to the apartment main entries is not supported. DDA compliant ramping should be provided, in a manner that is integrated with the built form and landscape.</i> <i>DEP (14 August 2025)</i> <i>The additional entry ramp has been introduced to address this recommendation, however as a result of the ramp design it is dominating the frontage and compromising the landscaping. The Panel encourages a more integrated approach and solution to the ramp design to reduce its visual impact and dominance in the streetscape. Alternatives such as an external lift should be considered as the ramps are visually intrusive and are detrimental to the streetscape presence.</i>	Addressed. The ramping at the front entry has been reduced. Note the reduction of entries from two to one while has reduced the amount of ramping, has negatively impacted the apartment design and cross ventilation of the middle apartments at ground.
<i>DEP (10 October 2024):</i> <i>14. The Panel notes there are several existing trees proposed for removal, and urges their retention is prioritised as part of the design development, pending species and condition. Arborist advice should be</i>	The Panel notes the adjustments to the design and increase of COS at ground level with the provision of additional shade trees adjacent to the northern site boundary. The Panel notes the provision of the arborist report. The Panel refers to the assessing planer for consideration.

<i>presented at the next DEP to justify any tree removal proposed.</i> <i>DEP (14 August 2025):</i> <i>Not addressed.</i> <i>This recommendation still applies</i>	
<i>DEP (10 October 2024):</i> <i>16. The Panel requests a façade strategy is developed and provided to inform the façade design, demonstrating how each façade orientation is responsive to its orientation. As an example the north should have strategies to reduce excessive sunlight in summer, while the south façade, is designed to not lose too much energy in winter, and weather protection is incorporated. For instance the upper level balcony areas lack roof cover, which effects design resolution and proportion.</i> <i>DEP (14 August 2025):</i> <i>The Panel expresses concern for the western facade. The recessed living areas are a positive aspect as sun management will be effective, however, there are bedrooms with full height glazing located along the western building perimeter which creates potential thermal loading issues. Further sun management strategies are recommended across the western facade.</i>	The Panel further encourages the applicant to consider the amenity implications of the relationship between the neighbouring buildings. Refer to item 4.1 above,
<i>DEP (10 October 2024):</i> <i>17. The Panel understands this is a pre-DA, however the design resolution is limited and requires significant improvement. The Panel will require a design excellence response for the design resolution of the facades demonstrated through 3D photomontages illustrating the façade on all sides and including solar control, window control, materiality and articulation.</i> <i>DEP (14 August 2025):</i> <i>Not Addressed.</i> <i>The applicant presented the façade strategy.</i>	Partially addressed. There has been an increase in robust materials through the ground floor changing to brick however the building is still predominantly a painted cladding system. The Panel further encourages the applicant to consider a greater extent of brick used in the external walls. Consider the Panel comments item 4.5 above.

<i>Facades should be updated to reflect design amendments. The materials palette needs to be more robust and have great longevity. All privacy and ESD measures need to be shown on the elevations/ plans/ sections and in the CGI's.</i>	
DEP (10 October 2024): 18. The materiality appears to be simply painted concrete surfaces, raising durability and maintenance concerns. Robust and low maintenance materials must be proposed and the Panel suggests a simple material palette of concrete, face brick, high-performance aluminium windows and doors. If a coloured finish is desired, it is noted there are many strategies to colour the various types of concrete and bricks. DEP (14 August 2025): Not addressed and still applies. The Panel reiterates concerns regarding the façade materials.	Partially addressed. There has been an increase in robust materials through the ground floor changing to brick however the building is still predominantly a painted cladding system. The Panel further encourages the applicant to consider a greater extent of brick used in the external walls. Consider the Panel comments item 4.5 above.
DEP (10 October 2024): 23. The Panel recommends a review of the relationship of apartment sizes and relating balcony sizes to create more consistency and appropriate hierarchy of smaller apartments with smaller balconies, and larger apartments with larger balconies. DEP (14 August 2025): Not addressed and still applies.	The Panel notes the diversity in size of balconies applied to different apartment typologies. The Panel considers this item addressed.
DEP (10 October 2024): 26. The Panel is supportive of the Family Friendly approach and highlights the value of connection with the natural environment and outdoor play in the development of children and supporting their health and wellbeing, and these significant benefits extend to people of all ages. The Communal Open Space is a key opportunity to provide a high-quality connection for all residents, and enable this development to be a long-term living solution. The Panel requires the landscape design to be developed to foster connection	The Panel notes the adjustments to the design and increase of COS at ground level with the provision of additional shade trees adjacent to the northern site boundary. The Panel is supportive of the landscape design for the site.



Minutes

<i>with the natural environment and include a diversity of spaces for different generations and uses. Suggestions include places to host gatherings, sit, dwell and play. Incorporation of nature play elements, community gardening, edible foods and a discovery walk can also be considered.</i> <i>DEP (14 August 2025):</i> <i>Partially addressed, however the Panel recommends further consideration of the Communal Open Spaces functionality throughout the development as a whole, specifically the Level 4 COS as described above this table, and further adjustments to the COS at ground as a result.</i>	
<i>DEP (10 October 2024):</i> <i>28. The Panel is comfortable with the proposal to have a Family Friendly development, with a focus on 2- and 3-bedroom apartments and no 1-bedroom apartments. Research that underpinned the draft Liverpool DCP 2008 change identified the growing need for apartments for families, and proposal for 25% 3-4 bedrooms apartments in the Liverpool City Centre and other high-density areas in the LGA. The Panel highly encourages several 4-bedroom apartments to be incorporated into the development to improve housing diversity and respond to growing family friendly living approaches in high-density environments.</i> <i>DEP (14 August 2025):</i> <i>Not addressed and still applies. The Panel notes the Liverpool DCP change to mix has been finalised and a minimum of 20% 3-4 bedroom apartments is required.</i>	The proposal achieves a total of 18.4% 3 bedroom apartments. Planner to review and consider the implications.



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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.

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General Conditions

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

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

Approved plans

Plan number	Revision number	Plan title	Drawn by	Date of plan
DA 005	E	Site Plan	Fuse Architects	2/07/2026
DA 006	D	Demolition Plan	Fuse Architects	2/07/2026
DA 101	F	Basement 02 Plan	Fuse Architects	2/07/2026
DA 102	F	Basement 01 Plan	Fuse Architects	2/07/2026
DA 103	F	Ground Floor Plan	Fuse Architects	12/12/2024
DA 104	F	Level 01 Plan	Fuse Architects	2/07/2026
DA 105	F	Level 02 Plan	Fuse Architects	2/07/2026
DA 106	F	Level 03 Plan	Fuse Architects	2/07/2026
DA 107	F	Level 04 Plan	Fuse Architects	2/07/2026
DA 108	F	Level 05 Plan	Fuse Architects	2/07/2026
DA 109	E	Roof Plan	Fuse Architects	2/07/2026
DA 201	E	North and South Elevation	Fuse Architects	12/12/2024
DA 202	E	East and West Elevation	Fuse Architects	12/12/2024
DA 203	E	Section AA	Fuse Architects	2/07/2026
DA 204	E	Section BB	Fuse Architects	2/07/2026
DA 205	E	Ground Terrace Fence + Gate Detail	Fuse Architects	12/12/2024
DA 206	E	Level 4 Planter Detail	Fuse Architects	2/07/2026
DA 206A	E	South Boundary Privacy Diagram	Fuse Architects	2/07/2026
DA 207	E	Driveway Section	Fuse Architects	12/12/2024
DA 208	D	Typical Face Detail	Fuse Architects	2/07/2026
DA 301	F	Unit Types 1	Fuse Architects	2/07/2026
DA 302	F	Unit Types 2	Fuse Architects	2/07/2026
DA 303	F	Unit Types 3	Fuse Architects	2/07/2026
DA 304	F	Unit Type Adaptable	Fuse Architects	2/07/2026
-	-	Materials and Finishes Schedule	Fuse Architects	-
LP01	H	Hardscape Plan	Conzept Landscape Architects	June 2026
LP02	H	Landscape Plan / GF	Conzept Landscape Architects	June 2026
LP03	H	Landscape Plan / L4 & L5	Conzept Landscape Architects	June 2026
LP04	H	Planting Palettes	Conzept Landscape Architects	June 2026
LP06	H	Specification & Details	Conzept Landscape Architects	June 2026
LP07	H	Details 2	Conzept Landscape Architects	June 2026

Approved documents

Document title	Version number	Prepared by	Date of document
BASIX Certificate for Multi Dwelling	1778933M_02	Eco Certificates Pty Ltd	Tuesday, 30 June 2026
Noise Impact Assessment	20240780.1/2711A/R2/SJ	Acoustic Logic	27/11/2025
Arboricultural Impact Assessment	2.3	Tree Live / Mitchell Marino	November 22nd, 2025

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Traffic and Parking Impact Assessment	A244219A (Version 1b)	ML Traffic Engineers	November 2024
Preliminary Site Investigation (PSI) Report	ER24041	CEC Geotechnical	10/12/2024
Preliminary Geotechnical Investigation	37208SFprtRev1	JK Geotechnics	19 December 2024
Development Application Access Report	24288	Vista Access Architects	-
Waste Management Plan	24NL105-WMP3	Loka Consulting Engineers Pty Ltd	16/12/2024

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

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

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

2. **(A015) Agency Recommendations**

All agency recommendations issued by Endeavour Energy, shall be complied with prior, during, and at the completion of construction, as required in accordance with their letter dated 13/06/2025. A copy of the letter is attached to this decision notice.

All agency recommendations issued by Sydney Water, shall be complied with prior, during, and at the completion of construction, as required in accordance with their letter dated 20 June 2025. A copy of the letter is attached to this decision notice.

Condition reason: To ensure General Terms of Approvals are fulfilled in accordance with the relevant agency requirements.

3. **(A018) Fulfilment of BASIX commitments**

It is a condition of a development consent for the following that each commitment listed in a relevant BASIX certificate is fulfilled—

1. BASIX development,
2. BASIX optional development, if the development application was accompanied by a BASIX certificate.

Condition reason: Prescribed condition under section 75 of the Environmental Planning and Assessment Regulation 2021.

4. **(A025) 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.

Condition reason: This condition is imposed to ensure compliance with legislative requirements.

5. **(A032) Shoring and adequacy of adjoining property**

1. This section applies to a development consent for development that involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor.
2. 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—
 1. protect and support the building, structure or work on adjoining land from possible damage from the excavation, and

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	2. if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation. 3. This section does not apply if— 1. the person having the benefit of the development consent owns the adjoining land, or 2. the owner of the adjoining land gives written consent to the condition not applying.
Condition reason: Prescribed condition under section 74 of the Environmental Planning and Assessment Regulation 2021.	
6.	(A040) Compliance with the Building Code of Australia 1. 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 <i>Building Code of Australia</i>. 2. 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 <i>Home Building Act 1989</i>, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences. 3. 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 <i>Building Code of Australia</i>. 4. In subsection (1), a reference to the <i>Building Code of Australia</i> 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. 5. In subsection (3), a reference to the <i>Building Code of Australia</i> is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made. 6. This section does not apply— 1. to the extent to which an exemption from a provision of the <i>Building Code of Australia</i> or a fire safety standard is in force under the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i>, or 2. to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.
Condition reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.	
7.	(A042) Notification of Home Building Act 1989 requirements 1. This section applies to a development consent for development involving residential building work if the principal certifier is not the council. 2. 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— 1. for work that requires a principal contractor to be appointed— 1. the name and licence number of the principal contractor, and 2. the name of the insurer of the work under the <i>Home Building Act 1989</i>, Part 6, 2. for work to be carried out by an owner-builder— 1. the name of the owner-builder, and 2. if the owner-builder is required to hold an owner-builder permit under the <i>Home Building Act 1989</i>—the number of the owner-builder permit. 3. 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. 4. 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.
Condition reason: Prescribed condition under section 71 of the Environmental Planning and Assessment Regulation 2021.	
8.	(A050) Works at no cost to Council All roadworks, drainage works and dedications, required to effect the consented development shall be undertaken at no cost to Liverpool City Council. Condition reason: To ensure fairness, transparency and probity.

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9.	(A051) In-fill affordable housing - This section applies to development permitted under <i>State Environmental Planning Policy (Housing) 2021</i>, Chapter 2, Part 2, Division 1, other than— - development on land owned by the Land and Housing Corporation, or - a development application made by, or on behalf of, a public authority. - It is a condition of the development consent that before the issue of an occupation certificate for the development— - a restriction must be registered, in accordance with the <i>Conveyancing Act 1919</i>, section 88E, against the title of the property relating to the development, which will ensure the requirements of subsection (3)(a) and (b) are met, and - evidence of an agreement with a registered community housing provider for the management of the affordable housing component must be given to the Registrar of Community Housing, including the name of the registered community housing provider, and - evidence that the requirements of paragraphs (a) and (b) have been met must be given to the consent authority. - It is a condition of the development consent that during the relevant period— - the affordable housing component must be used for affordable housing, and - the affordable housing component must be managed by a registered community housing provider, and - notice of a change in the registered community housing provider who manages the affordable housing component must be given to the Registrar of Community Housing and the consent authority no later than 3 months after the change, and - the registered community housing provider who manages the affordable housing component must apply the Affordable Housing Guidelines. - In this section— affordable housing component has the same meaning as in <i>State Environmental Planning Policy (Housing) 2021</i>, section 21. relevant period means a period of 15 years commencing on the day on which an occupation certificate is issued for all parts of the building or buildings to which the development consent relates.
	Condition reason: Prescribed condition under section 82 of the Environmental Planning and Assessment Regulation 2021.
10.	(A060) Erection of signs - This section applies to a development consent for development involving building work, subdivision work or demolition work. - 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— - showing the name, address and telephone number of the principal certifier for the work, and - 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 - stating that unauthorised entry to the work site is prohibited. - The sign must be— - maintained while the building work, subdivision work or demolition work is being carried out, and - removed when the work has been completed. - This section does not apply in relation to— - 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 - Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.
	Condition reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.

Building Work Before Issue of a Construction Certificate

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11. **(B006) Payment of Development Contributions**

Payment of section 7.12 contributions

Before the issue of a construction certificate, the applicant must pay a total contribution of **\$473,866** as calculated at the date of this consent to Council under section 7.12 of the EP&A Act in accordance with the City of Liverpool s7.11 Contributions Plan 2018 - Established Areas.

The applicant must pay the following contributions to council for:

Community Facilities - works	\$40,890	GL.10000001870.10098
District Sporting Fields - works	\$137,518	GL.10000001869.10212
District Passive Open Space - works	\$85,949	GL.10000001869.10092
Local Passive Open Space - works	\$120,328	GL.10000001869.10100
Transport - Bikeways - works	\$16,619	GL.10000001865.10208
Transport - Traffic management - works	\$47,355	GL.10000001865.10214
Drainage - works	\$18,204	GL.10000001866.10210
Administration	\$7,003	GL.10000001872.10104
TOTAL	\$473,866	

The cost (and consequently the levy amount) must be indexed between the date of DA determination and the date of payment in accordance with the following formula:

Indexed development cost (\$) = (\$Co X Current PPI) / Base PPI

Where:

\$Co	is the original development cost estimate assessed at the time of the issue of the development consent
Current PPI	is the Producer Price Index (Building Construction New South Wales) ABS Catalogue No. 6427.30 as published by the Australian Bureau of Statistics at the quarter immediately prior to the date of payment
Base PPI	is the Consumer Price Index (Building Construction New South Wales) ABS Catalogue No. 6427.30 as published by the Australian Bureau of Statistics at the quarter ending immediately prior to the date of imposition of the condition requiring payment of a contribution

Payment of section 7.11 contributions must be made directly to Liverpool City Council.

Contact Liverpool City Council for the current amount payable (contributions are indexed quarterly) on the day of payment.

Contributions can be paid on any date after the issue of this notice of determination, prior to the mandatory timing.

A copy of the development contributions plan is available on Council's website.

Condition reason: To ensure development contributions are paid to address increased demand for public amenities and services or to address increased demand for regional infrastructure or to ensure any planning agreement is finalised at the specified time.

12. **(B009) Housing and Productivity Contribution**

Before the issue of the first construction certificate for the other residential development or the commercial or industrial development, whichever is the earlier, the housing and productivity contribution (HPC) set out in the table below is required to be made.

Housing and productivity contribution	Amount
Housing and productivity contribution (base component)	\$422,523.12
Strategic Biodiversity Component	0

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Total housing and productivity contribution	\$422,523.12
The HPC must be paid using the NSW planning portal. At the time of payment, the amount of the HPC is to be adjusted in accordance with the Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024 (HPC Order). The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the Environmental Planning and Assessment Act 1979 agrees. The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the Environmental Planning and Assessment Act 1979 to the development, or the HPC Order exempts the development from the contribution. The amount of the contribution may be reduced under the HPC Order, including if payment is made before 1 July 2025. Condition reason: To require contributions towards the provision of regional infrastructure.	
13. (B010) 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: 1. The side boundary fencing within the front setback must be a maximum height of 1m. 2. Inclusion of one car wash bay to Australian Standards on one of the basement levels 3. Electrical Distribution boards dedicated to electric vehicle charging in accordance with J9D4 of the National Construction Code. 4. Basement storage allocated to specific apartments to meet the Apartment Design Guide Storage minimum requirements. Condition reason: To require minor amendments to the plans endorsed by the consent authority following assessment of the development.	
14. (B038) 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 letter from Endeavour Energy demonstrating that satisfactory arrangements can be made for the installation and supply of electricity; • A response from Sydney Water as to whether the plans accompanying the application for a Construction Certificate would affect any Sydney Water infrastructure, and whether further requirements need to be met; • 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 Condition reason: To ensure relevant utility and service providers requirements are provided to the certifier.	
15. (B048) A - Provision of Services - Street Lighting	
The applicant/developer shall engage the services of an Endeavour Energy accredited ASP Level 3 service provider who shall request Council's Transport Management Team's endorsement of a Public Street Lighting Design Brief. The consultant is to lodge Endorsement of Public Lighting Design Application Form. The application is available on Council website and should be lodged online. Once endorsed, the Designer is to carry out assessment of the existing street lighting and carry out a street lighting improvement design. This is to be submitted to and approved by Endeavour Energy. The upgrade may include undergrounding of existing aerial power lines, communication cables and replacement of existing street light poles with Endeavour Energy approved Macarthur Poles as specified	

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	by Council in the public lighting design brief.
	Condition reason: To ensure adequate street lighting is provided for the development.
16.	(B054) Retaining Walls on Boundary
	All retaining walls shall be of masonry construction and must be wholly within the property boundary, including footings and agricultural drainage lines. Construction of retaining walls or associated drainage works along common boundaries shall not compromise the structural integrity of any existing 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.
	Condition reason: To ensure fairness, transparency and probity.
17.	(B055) 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 stormwater works including construction of new stormwater inlet pit and lintel, conversion of existing pit to v-drain and stormwater pipe connections, 1.5m wide concrete footpath to full site frontage. Stormwater pipes within Council verge to be minimum 375mm RCP.
	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.
	Condition reason: To ensure fairness, transparency and probity.
18.	(B056) S68 Local Government Act - Stormwater drainage works
	Prior to the issue of a Construction Certificate, the Principal Certifying Authority and/ or Certifying Authority shall ensure that an application under Section 68 of the Local Government Act, including the payment of application and inspection fees, has been lodged with, and approved by Liverpool City Council for stormwater connection to existing easement for drainage.
	Engineering plans are to be prepared in accordance with the development consent, Liverpool City Council's Design Guidelines and Construction Specification for Civil Works and best engineering practice.
	Condition reason: To ensure fairness, transparency and probity.
19.	(B075) Fee Payments
	Unless otherwise prescribed by this consent, all relevant fees or charges must be paid. Where Council does not collect these payments, copies of receipts must be provided. The following fees are applicable and payable:
	(a) Damage Inspection Fee – relevant where the cost of building work is \$20,000 or more, or a swimming pool is to be excavated by machinery.
	(b) Fee associated with Application for Permit to Carry Out Work Within a Road, Park and Drainage Reserve.
	(c) Long Service Levy – based on 0.25% of the cost of building work where the costing of the CC is \$250,000 or more
	These fees are reviewed annually and will be calculated accordingly.
	Condition reason: To ensure statutory or associated fees are paid prior to construction commencing.

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20. (B081) Site Development Work	Site development work in the form of excavation, underpinning or shoring works must not take place, until such time as a CC has been issued. Condition reason: To prevent unauthorised commencement of building works.
21. (B112) Notification	In the event that Council is not the Principal Certifier (PC), the PC must advise Council, in writing of: (a) The name and contractor licence number of the licensee who has contracted to do or intends to do the work, or (b) The name and permit of the owner-builder who intends to do the work. If these arrangements are changed, or if a contact is entered into for the work to be done by a different licensee, Council must be immediately informed. Condition reason: To advise Council of the details of licensed contractors or owner-builder for the approved development.
22. (B120) 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 A2G2 of BCA Volume 1 for all products/systems proposed. Condition reason: To ensure that the external cladding installed on a building is compliant.
23. (B125) Erosion and sediment control plan	Before the issue of a Construction Certificate, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the certifier: 1. Council's relevant development control plan, 2. the guidelines set out in 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time), and 3. the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time). Condition reason: To ensure no substance other than rainwater enters the stormwater system and waterways.
24. (B149) 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. Condition reason: To ensure fairness, transparency and probity.
25. (B154) On-Site Sewage Management System	Before the issue of a construction certificate, an application under Section 68 of the Local Government Act 1993 for an Approval to install / construct / alter an On-site Sewage Management System must be submitted to Liverpool City Council for consideration and approval. The application for Section 68 approval must be accompanied by a Wastewater Report prepared by a

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	suitably qualified consultant and must be designed in accordance with Liverpool City Council's On-site Sewage Management Standard (2021).
	The relevant approval must be submitted to the certifier before the issue of a construction certificate.
	Condition reason: To ensure on-site sewage management is sustainable and to facilitate compliance with legislative requirements.
26.	(B156) Waste Storage Room
	Prior to the issuing of a construction certificate, the principal certifier shall be satisfied that the designated garbage/waste storage area shall comply with the following requirements:
	1. The room shall be fully enclosed and provided with a concrete floor, and with concrete or cement rendered walls coved to the floor; 2. The room shall have a floor waste which is to consist of a removable basket within a fixed basket arrestor and is to comply with Sydney Water requirements; and 3. The door to the room must be tight-fitting, self-closing and fitted with mechanical ventilation.
	Condition reason: To ensure compliance with construction requirements and to mitigate risks to human health and the environment.
27.	(B162) 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 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.
	Condition reason: To mitigate potential intrusive noise and amenity impacts.
28.	(B165) Tree protection measures
	Tree protection measures are to be put in place in accordance with the recommendations of the arborist report provided.
	Condition reason: To ensure fairness, transparency and probity.
29.	(B360) Construction Environmental Management Plan (CEMP)
	Prior to issue of a construction certificate, a Construction Environmental Management Plan (CEMP) for the development must be provided to the Principal Certifying Authority for approval. The environmental site management measures must remain in place and be maintained throughout the period of the development. The CEMP must address all environmental aspects of the development's construction phases, and include (where relevant), but not be limited to, the following:
	1. Asbestos Management Plan; 2. Project Contact Information; 3. Site Security Details; 4. Timing and Sequencing Information; 5. Site Soil and Water Management Plan; 6. Noise and Vibration Control Plan; 7. Dust Control Plan; 8. Air Monitoring; 9. Odour Control Plan; 10. Health and Safety Plan; 11. Waste Management Plan; 12. Incident management Contingency; and 13. Unexpected Finds Protocol.

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	The CEMP must be kept on site for the duration of the works and must be made available to Council Officers upon request Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.
30.	(B380) Mechanical Plant and Equipment Before the issue of a construction certificate, the certifier must be satisfied that mechanical plant and equipment were selected in consultation with a suitably qualified acoustic consultant in accordance with the recommendations of the approved acoustic report. 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. Condition reason: To mitigate potential intrusive noise and amenity impacts.
31.	(B408) Access, Car Parking and Manoeuvring - General The Certifying Authority shall ensure and certify that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development have been designed and are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Council's Development Control Plan. Condition reason: To ensure that the design of the facilities is in accordance with the required specifications.
32.	(B410) Access, Car Parking and Manoeuvring - Detail The Certifying Authority shall ensure and certify that: 1. Off street access and parking complies with AS2890.1, 2. Vehicular access and internal manoeuvring have been designed for the longest (B-Double/ Heavy Rigid/ Medium Rigid) 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 Public Transport and the Guidelines for assessing compliance of bus stops with the Disability Standards for Accessible Public Transport 2002, and DA-257/2025 Condition reason: To ensure that the design of the access arrangement, car parking and maneuvering are in accordance with the required specifications including AS2890.
33.	(B452) 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. Condition reason: To ensure fairness, transparency and probity.
34.	(B453) 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. Condition reason: To ensure fairness, transparency and probity.
35.	(B456) On-Site Detention On-Site Detention shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by SGC, reference number 20240201, revision D, dated 17/06/2026. 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.

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	Engineering plans and supporting calculations for the on-site detention system are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the on-site detention system has been designed in accordance with Liverpool City Council's Design Guidelines and Liverpool City Council's On-Site Stormwater Detention policy and Technical Specification.
	Condition reason: To ensure fairness, transparency and probity.
36.	(B462) Water Quality
	Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that details of a stormwater pre-treatment system have been provided on the stormwater plans and that the design meets pollutant retention criteria in accordance Council's Development Control Plan. The Construction Certificate must be supported by: - Specification & installation details of the stormwater pre-treatment system - The approval of an operation and maintenance manual/ schedule for the stormwater pre-treatment system A copy of the approved operation and maintenance manual/ schedule shall be submitted to Liverpool City Council with notification of the Construction Certificate issue.
	Condition reason: To ensure fairness, transparency and probity.
37.	(B532) Waste Management Plan requirements
	Before the issue of a Construction Certificate, a waste management plan for the development must be prepared and provided to the certifier. The plan must be prepared in accordance with the Environment Protection Authority's Waste Classification Guidelines as in force from time to time and the development control plan that provides for waste management that applies to the land on which the work or the clearing of vegetation is carried out; and include the following information— - the contact details of the person removing waste; - an estimate of the type and quantity of waste; - whether waste is expected to be reused, recycled or sent to landfill; - the address of the disposal location for waste. A copy of the waste management plan must be kept on-site at all times while work approved under the development consent is being carried out.
	Condition reason: To ensure resource recovery is promoted and local amenity protected during construction.
38.	(B560) Road Works
	Works within the public road reserve shall not commence until the design drawings including the associated signs and line marking scheme have been approved by Council's Traffic Management Section.
	Condition reason: To ensure that works on the public road reserve are approved prior to commencement of works.
39.	(B590) Public Domain Works – Street Lighting
	The approved street lighting designs are to be implemented along all new and existing streets within the proposed development in accordance with Liverpool City Council standards and to the satisfaction of Council.

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	All street lighting must comply with the service provider Street Lighting Policy and illumination requirements and Council's Street Lighting policy.
	All cost associated with the installation of street lighting shall be borne by the developer.
	Condition reason: To ensure adequate street lighting is provided for the development.
40.	(B950) Dilapidation report
	A full dilapidation survey and report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the required excavations must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The zone of influence is to be defined as the horizontal distance from the edge of the excavation face to twice the excavation depth.
	The dilapidation report and survey is to be prepared by a consulting structural/geotechnical engineer agreed to by both the applicant and the owner of any affected adjoining property.
	All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent.
	In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant MUST DEMONSTRATE, in writing, to the satisfaction of Council that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. Written concurrence must be obtained from Council in such circumstances.
	Note: This documentation is for record keeping purposes only, and may be used by the developer or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and detailed as possible.
	Condition reason: To ensure fairness, transparency and probity.
41.	(B951) Stormwater Concept Plan
	Stormwater drainage plan must be updated to show 375RCP pipe from the property boundary to proposed new kerb inlet pit
	Condition reason: To ensure fairness, transparency and probity.
42.	(B953) Non-Standard Condition - Flooding
	1. On-site water quality treatment facilities shall be provided as proposed to ensure that stormwater runoffs leaving the site comply with Council's water quality standards. These facilities shall be consistent with the Stormwater Concept Design (Ref: Project No: 20240201, Set No-Drg No: S01-SW201, S01-SW301-SW303, S01-SW403, S01-SW501, Revision No A) by SGC Consultants Pty Ltd dated 20/12/2024. The treatment facilities shall capture all gross pollutants and liquid contaminants from the stormwater before discharging downstream. Water quality treatment works shall be designed using MUSIC modelling software and the water quality treatment system performance shall be verified using Council's MUSIC link.
	2. The electronic copies of MUSIC model and report shall be submitted to Council for review and approval.
	Condition reason: To ensure fairness, transparency and probity.
43.	(B954) Non-Standard Condition - Urban Design and Public Domain
	1. Detailed design documentation, plans and cross sections, for the proposed public domain works at the Lucas Avenue verge, indicating the accurate extent of the works, including the vehicle driveway, footpath and verge widths and the tree planting with pot size (100L minimum) and soil conditions, and documenting any amendments occurred during the detailed design stage must be submitted to Council's City Design and Public Domain Team for their review and endorsement prior to the approval of Construction Certificate.

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	2. Detailed design documentation including the proposed hardscape plan, landscape plan at ground floor and upper levels, landscape calculations, planting palettes and planting details, indicating the proposed number of trees will be maintained throughout the detailed design stage and also documenting any amendments occurred during the detailed design stage must be submitted to Council's City Design and Public Domain Team for their review and endorsement prior to the approval of Construction Certificate.
	Condition reason: To ensure fairness, transparency and probity.
44.	(B955) Carpark Design Compliance Certificate Prior to the issue of a Construction Certificate, the applicant is to have a Carpark Design Compliance Certificate, prepared by a suitably qualified Traffic Engineer. This should also address assessment of the Swept Paths. This shall be submitted to and endorsed by Council's Traffic and Transport Team. Condition reason:
Before Building Work Commences	
45.	(C002) Payment of fees Before any site work commences, the following must be paid to Council and written evidence of these payments provided to the principal certifier: • Inspection fees • Any other applicable fees as specified in Council's fees and charges at the payment date. Condition reason: To ensure fees are paid for inspections carried out by council in connection with the completion of public work such as footway construction or stormwater drainage required in connection with the consent or the making good of any damage to council property
46.	(C005) Construction Certificates Prior to the commencement of any building works, the following requirements must be complied with: - Construction Certificate must be obtained from the Council or an Accredited Certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979, - 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, - 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, - A Principal Certifier (PC) must be appointed to carry out the necessary building inspections and to issue an occupation certificate, and - The PC must advise Council of the intended date to commence work which is the subject of this consent by completing a notice of commencement of building works or subdivision works form, available from Council's Customer Service Centre. A minimum period of two (2) working days' notice must be given. Condition reason: To require approval to proceed with building work.
47.	(C006) Survey Requirements Prior to the commencement of building works the proposed building works shall be pegged out by a registered surveyor. For reference during construction, a benchmark shall be identified at the site, preferably on the kerb and gutter where it exists. The peg out report prepared by the registered surveyor shall be forwarded to the Principal Certifier prior to the first inspection. Note: In the event that a kerb and gutter does not exist, a permanent structure shall be used as a benchmark such as a manhole, power/light pole or the top of an existing retaining wall. Note: In the event that a kerb and gutter does not exist, a permanent structure shall be used as a benchmark such as a manhole, power/light pole or the top of an existing retaining wall. Condition reason: To ensure the development is carried out in accordance with relevant approvals and

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	land restrictions.
48.	(C010) Construction Certificates Any Construction Certificate 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. Condition reason: To ensure details and plans for CC are consistent with the approved DA.
49.	(C012) Commencement of building works Building work shall not commence prior to the issue of a Construction Certificate. Building work as defined under Section 1.4 of the Environmental Planning and Assessment Act, 1979 means any physical activity involved in the erection of a building and includes but is not limited to, the placement of any site shed/s or builders facilities, site grading, retaining walls, excavation, cutting trenches, installing formwork and steel reinforcement or, placing of plumbing lines. Condition reason: To require approval to proceed with building work.
50.	(C039) 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 or if treated timber is used, all vertical support members (soldiers) shall be of galvanised steel. Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.
51.	(C055) Site Facilities Adequate refuse disposal methods and builders storage facilities shall be installed on the site. Builders' wastes, materials or sheds are not to be placed on any property other than that which this approval relates to. Condition reason: To ensure the required site management measures are implemented before the commencement of building work.
52.	(C065) Sydney Water Development plans must be processed and approved by Sydney Water. Condition reason: To require Sydney Water approval to proceed with building work.
53.	(C070) Before You Dig Australia 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 Before You Dig Australia at www.byda.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 Before You Dig Australia 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 Before You Dig Australia service in advance of any construction or planning activities. Condition reason: To ensure building works do not impact local underground assets.
54.	(C095) Tree protection measures Before any site work commences, the project arborist, must be satisfied the measures for tree protection detailed in the arborist report and AS 4970-2025 (Protection of trees on development sites) are in place. Condition reason: To protect and retain trees.
55.	(C117) Erosion and sediment controls in place Before any site work commences, the principal certifier, must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place

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	until any bare earth has been restabilised in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time).
	Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.
56.	(C126) Environmental Management
	Adequate soil and sediment control measures shall be installed and maintained. Furthermore, suitable site practices shall be adopted to ensure that only clean and unpolluted waters are permitted to enter Council's stormwater drainage system during construction/demolition. Measures must include, as a minimum:
	1. Siltation fencing; 2. Protection of the public stormwater system; and 3. Site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place.
	Condition reason: To ensure fairness, transparency and probity.
57.	(C149) 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 the Roads and Maritime Service (RMS) for classified roads.
	Condition reason: To ensure that all construction work is undertaken to an approved standard and related approvals.
58.	(C155) Work Zone
	A Works Zone application is required if on-street parking is affected with commuter parking and there is insufficient off-street parking space.
	A Works Zone Application Form is available on Council website and can be lodged online by attaching all required documents indicated on the application form.
	Condition reason: To ensure that road occupancy is approved by council to minimise traffic impacts on the road.
59.	(C158) Construction Traffic Management Plan (CTMP)
	A construction traffic management plan (CTMP) prepared by a suitably qualified person is to be submitted to and endorsed by Council's Transport Management Section. The CTMP is to be submitted using Assessment of Construction Traffic Management Plan application form. The application is available on Council website and can be lodged online. Comments on the CTMP will be provided and the updated CTMP are to be implemented during construction.
	A copy of the endorsed CTMP and traffic control plans are to be available on the works site for inspection by authorised Council officers.
	Construction shall not commence until the assessed construction traffic management plan has been endorsed. The endorsed CTMP is to be implemented during construction.
	Condition reason: To ensure that the impact of construction traffic associated with the development on the surrounding road network is minimized.
60.	(C201) Road Occupancy Permit

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	Road occupancy and road opening approvals will be required from Council to undertake works within the existing road reserve. The following applications are available on Council's website and can be lodged online attaching all required documents indicated on the application form. • Road Occupancy Application Form • Road Opening Application Form Condition reason: To ensure that road occupancy is approved by council to minimise traffic impacts on the road.
61.	(C250) Notification Notification to surrounding residents is to be undertaken within a 100 metre radius from the site. A letter box drop in the form of an informative pamphlet or the like is to be carried out at least 5 days prior to the event to local residents informing them of the event details and including contact details of the site supervisor for the event. Condition reason: To advise neighbours of the commencement of building works.
62.	(C361) Construction Site Management Plan Before site work commences, a construction site management plan must be prepared, and provided to the principal certifier. The plan must include the following matters: 1. The location and materials for protective fencing and hoardings on the perimeter of the site; 2. Provisions for public safety; 3. Pedestrian and vehicular site access points and construction activity zones; 4. Details of construction traffic management including: • Proposed truck movements to and from the site; • Estimated frequency of truck movements; and • Measures to ensure pedestrian safety near the site; 5. Details of bulk earthworks to be carried out; 6. The location of site storage areas and sheds; 7. The equipment used to carry out works; 8. The location of a garbage container with a tight-fitting lid; 9. Dust, noise and vibration control measures; 10. The location of temporary toilets; 11. The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with: • AS 4970 – Protection of trees on development sites; • An applicable Development Control Plan; • An arborist's report approved as part of this consent A copy of the construction site management plan must be kept on-site at all times while work is being carried out. Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.
63.	(C950) Dilapidation report Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in Lucas Avenue is to be submitted to Liverpool City Council. The report is to include, but not limited to, the road pavement, kerb and gutter, footpath, services and street trees and is to extend (10)m either side of the development. Condition reason: To ensure fairness, transparency and probity.

During Building Work

64.	(D005) 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. Condition reason: To require stage inspection and approval by the PC in accordance with EP & A Regulation clause 162A.
65.	(D010) Building Work

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	The Principal Certifier (PC) must specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the PC, prior to proceeding to the subsequent stages of construction or finalisation of the works. Condition reason: To require approval to proceed with building work following each critical stage inspection.
66.	(D015) 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: 1. All footings / foundations in relation to the site boundaries and any registered and proposed easements 2. At other stages of construction – any marks that are required by the principal certifier. Condition reason: To ensure buildings are sited and positioned in the approved location.
67.	(D020) Identification Survey Report The building and external walls are not to proceed past ground floor/reinforcing steel level until such time as the Principal Certifier has been supplied with an identification survey report prepared by a registered surveyor certifying that the floor levels and external wall locations to be constructed, comply with the approved plans, finished floor levels and setbacks to boundary/boundaries. The slab shall not be poured, nor works continue, until the Principal Certifier 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 Principal Certifier, a copy of the survey shall be provided to Council within three (3) working days. Condition reason: To ensure that the development is carried out in accordance with the conditions of consent and the approved plans.
68.	(D025) Identification Survey Report On placement of the concrete, works again shall not continue until the Principal Certifier has issued a letter stating that the condition of the approval has been complied with and that the slab has been poured at the approved levels. Condition reason: To ensure that the development is carried out in accordance with the conditions of consent and the approved plans.
69.	(D028) Responsibility for changes to public infrastructure While site work is being carried out, any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area) must be paid as directed by the consent authority. Condition reason: To ensure payment of approved changes to public infrastructure.
70.	(D038) Toilet Facilities Toilet facilities must be available or provided at the work site and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must: (a) be a standard flushing toilet connected to a public sewer, or (b) have an on-site effluent disposal system approved under the Local Government Act 1993, or (c) be a temporary chemical closet approved under the Local Government Act 1993. Condition reason: To ensure the required site management measures are implemented during construction.
71.	(D045) Hours of work Construction work/civil work/demolition work, including the delivery of materials, is only permitted on the site between the hours of 7:00am to 6:00pm Monday to Friday and 8:00am to 1:00pm Saturday. No work will be permitted on Sundays or Public Holidays, unless otherwise approved by Council. Condition reason: To protect the amenity of the surrounding area.

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72.	(D049) Security Fence A temporary security fence to WorkCover Authority requirements is to be provided to the property during the course of construction. Note: Fencing is not to be located on Council's reserve area. Condition reason: To ensure the required site management measures are implemented during construction.
73.	(D055) Refuse Disposal Adequate refuse disposal methods and builders storage facilities shall be installed on the site. Builders' wastes, materials or sheds are not to be placed on any property other than that which this approval relates to. Condition reason: To ensure the required site management measures are implemented during construction.
74.	(D063) Craning and Hoardings If the work is likely to cause pedestrian or vehicular traffic in a public area to be obstructed or rendered inconvenient; or if craning of materials is to occur across a public or road reserve area, a separate Road Occupancy Certificate and/or Hoarding approval must be obtained from Liverpool City Council prior to undertaking the works. Condition reason: To ensure the required traffic management measures are implemented during construction.
75.	(D070) Notification of Damage The applicant/ builder shall be responsible to report to the Council of any damage to Council's footpath and road carriageway as a consequence of demolition or excavation or building activities or delivery/ departure of materials associated with this site and maintained the area until completion of the construction activities. Arrangements to the satisfaction of Council are to be made for making safe by temporary repairs to Council's footpath and road carriageway until permanent restoration and repair can be organised with Council at the applicant's cost. Condition reason: To ensure any damage to public infrastructure is rectified.
76.	(D100) 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. Condition reason: To protect the amenity of the neighbourhood.
77.	(D105) General Site Works All roofwater is to be connected to an approved stormwater system. Condition reason: To ensure environmental impacts and impacts to neighbouring properties are minimised.
78.	(D110) General Site Works Stormwater pipeline connections to the street kerb shall be constructed in the following manner: - the kerb shall be sawcut on both sides of the proposed pipe outlet. - an approved rectangular kerb adaptor shall be installed with the base matching the invert level of the gutter. - the kerb shall be reinstated to its original profile using a cement mortar containing an epoxy additive for adherence to the existing kerb. Condition reason: To ensure any alteration to Council infrastructure is to a suitable standard.
79.	(D115) 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. Condition reason: To minimise impacts to adjacent vegetation and habitat.
80.	(D120) General Site Works - Runoff

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	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.
	Condition reason: To minimise impacts to adjacent vegetation and habitat.
81.	(D125) General Site Works - Sediment
	The development, including construction, shall not result in any increase in sediment deposition into any water body, wetland, bushland or environmentally significant land.
	Condition reason: To minimise impacts to adjacent vegetation and habitat.
82.	(D130) Removal of dangerous and/or hazardous waste
	All dangerous and/or hazardous material must be removed by a suitably qualified and experienced contractor licensed by SafeWork NSW. The removal of such material must be carried out in accordance with the requirements of SafeWork NSW and the material must be transported and disposed of in accordance with NSW Environment Protection Authority requirements.
	Condition reason: To ensure safe removal and disposal of dangerous and/or hazardous material.
83.	(D140) 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 customer/visitor/staff parking areas are to be clearly signposted limiting car parking for customers/visitors/staff only. The applicant is to cover the costs of installation and maintenance of the signage.
	The on-site parking spaces shown in the approved plans must be identified in accordance with A.S.2890.1 Parking Facilities – Off-Street Car Parking.
	Condition reason: To ensure the facilities are constructed appropriately to comply with the DCP and AS2890.
84.	(D180) Waste management
	While site work is being carried out:
	1. all waste management must be undertaken in accordance with the waste management plan; and
	2. upon disposal of waste, records of the disposal must be compiled and provided to principal certifier, detailing the following:
	• The contact details of the person(s) who removed the waste; • The waste carrier vehicle registration; • The date and time of waste collection; • A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill; • The address of the disposal location(s) where the waste was taken; • The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.
	If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the principal certifier and Council.
	Condition reason: To require records to be provided, during site work, documenting the lawful disposal of waste.
85.	(D190) Discovery of relics and Aboriginal objects

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	While site work is being carried out, if a person reasonably suspects a relic of Aboriginal object is discovered: (a) the work in the area of the discovery must cease immediately; (b) the following must be notified - for a relic – the Heritage Council; or - for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85. Site work may recommence at a time confirmed in writing by: (a) for a relic – the Heritage Council; or (b) for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85. Condition reason: To ensure the protection of objects of potential significance during works.
86.	(D195) Tree protection during work While site work is being carried out, all required tree protection measures must be maintained in good condition in accordance with: - The construction site management plan required under this consent; - The relevant requirements of AS 4970 Protection of trees on development sites; - Council's relevant development control plan (in force as at the date of determination of this consent); and - Any arborist's report approved under this consent. This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones. Condition reason: To protect trees during the carrying out of site work.
87.	(D200) Vegetation - Tree Removal No trees are to be removed without the prior approval of Council. Condition reason: To help promote the retention of healthy established trees.
88.	(D205) 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. Condition reason: To minimise impacts to adjacent vegetation and habitat.
89.	(D240) Vegetation - Weeds No known environmental weeds or known invasive plant species shall be included in the landscaping or revegetation. Hygiene practices shall be employed to avoid the spread of invasive plants. Condition reason: To limit the spread of weeds.
90.	(D241) Footpaths Construction of 1.5m wide by 100mm thick (with one layer of SL72 reinforcing mesh) concrete path paving on both sides of all residential streets, unless where varied by other conditions in this consent. Condition reason: To ensure fairness, transparency and probity.
91.	(D250) Vegetation - Mulch Mulch generated from exotic trees or other weed species cleared shall not be used on site. It shall be removed from the site and disposed of appropriately and in accordance with legislative requirements. Condition reason: To limit the spread of weeds.

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92.	(D300) Fencing
	Any gate associated with a front fence shall swing inwards from the property boundary.
	Condition reason: To preserve pedestrian and vehicle safety in the vicinity of the site.
93.	(D330) Switchboards
	Switchboards for utilities shall not be attached to the street and/or road elevations of the development.
	Condition reason: To ensure switchboards are sited and positioned away from the public domain.
94.	(D335) External Lighting
	Any external lighting is to incorporate full cut-off shielding and is to be mounted so as to not cause any glare or spill over light nuisance within the development, neighbouring properties or road users.
	Condition reason: To protect the amenity of the neighbourhood.
95.	(D335) External Lighting
	Any external lighting is to incorporate full cut-off shielding and is to be mounted so as to not cause any glare or spill over light nuisance within the development, neighbouring properties or road users.
	Condition reason: To protect the amenity of the neighbourhood.
96.	(D340) Glass Reflectivity
	The reflectivity index of glass used in the external facade of the building is not to exceed 20%.
	Condition reason: To restrict the reflection of sunlight from buildings to surrounding areas and buildings.
97.	(D345) Air Conditioning Plant
	The plant associated with any air conditioning system is to be located a minimum of 3 metres from any property boundary, to the satisfaction of the Principle Certifier.
	Condition reason: To protect the amenity of the neighbourhood.
98.	(D350) Window Glazing
	The windows of all bathrooms, W.C. and ensuites shall be fitted with translucent obscure glazing to the satisfaction of the Principle Certifier.
	Condition reason: This condition prevents overlooking of the (private open space, etc) of the adjoining property to the (direction) and will ensure a satisfactory privacy relation between the site and (adjoining property).
99.	(D426) Soil management
	While site work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:
	1. All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier. 1. All fill material imported to the site must be: 1. Virgin Excavated Natural Material as defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i>; or 2. a material identified as being subject to a resource recovery exemption by the NSW EPA; or 3. a combination of Virgin Excavated Natural Material as defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i> and a material identified as being subject to a resource recovery exemption by the NSW EPA.
	Condition reason: To ensure soil removed from the site is appropriately disposed of and soil imported

	Without prejudice draft conditions to the site is not contaminated and is safe for future occupants.
100.	(D430) Unidentified Contamination Any new information which arises during remediation, demolition or construction works that has the potential to alter previous conclusions about site contamination and remediation must be immediately notified in writing to the certifier and Liverpool City Council. A section 4.55 Application under the Environmental Planning and Assessment Act 1979 must be made for any proposed works outside the scope of the approved development consent. Condition reason: To ensure the suitability of land for the development.
101.	(D445) Air Quality Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works. Condition reason: To ensure fairness, transparency and probity.
102.	(D450) Air Quality During construction where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, the consent holder is to ensure dust is suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Where wind velocity exceeds five knots the Principal Certifier may direct that work is not to proceed. Condition reason: To ensure site works are managed appropriately and do not result in air pollution.
103.	(D455) Dropped Edge Beam The proposed concrete slab construction must incorporate drop edge beams to ensure any fill is adequately retained within the envelope of the building. The external masonry wall shall extend from the concrete beam at natural ground level. Condition reason: To ensure that all construction work is undertaken to an approved standard and relevant controls.
104.	(D460) Salinity The development shall be carried out in accordance with Part 1, Section 11 'Salinity Risk' of the Liverpool Development Control Plan 2008. Condition reason: To ensure that all construction work is undertaken to an approved standard.
105.	(D465) Air Conditioning The plant associated with any air conditioning system shall not cause any offensive noise as defined under the Protection of the Environment Operations Act 1997. Condition reason: To ensure fairness, transparency and probity.
106.	(D475) Imported Fill Material During construction the consent holder is to ensure fill imported on to the site is be compatible with the existing soil characteristic for site drainage purposes. Condition reason: To ensure soils introduced onsite do not result in drainage issues.
107.	(D480) Acoustic Report The construction requirements recommended in the approved acoustic report are to be implemented by the consent holder during the construction of the development. Condition reason: To ensure human health and amenity is maintained by ensuring the development is not impacted by noise.
108.	(D552) Implementation of the site management plans While site work is being carried out: - the measures required by the construction site management plan and the erosion and sediment control plan (plans) must be implemented at all times; and - a copy of these plans must be kept on site at all times and made available to Council officers upon request.

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	Condition reason: To ensure site management measures are implemented during the carrying out of site work.
109.	(D553) Erosion & Sediment Control Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised. All disturbed areas shall be progressively stabilised and/or revegetated so that no areas remain exposed to potential erosion damage for a period of greater than 14 days. Condition reason: To ensure fairness, transparency and probity.
110.	(D554) Erosion & Sediment Control The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material. Condition reason: To ensure fairness, transparency and probity.
111.	(D555) Erosion Control - Maintenance Sediment and erosion control measures are to be adequately maintained during the works until the establishment of grass. Condition reason: To ensure the required site management measures are implemented during construction.
112.	(D560) Erosion Control Vehicular access to the site shall be controlled through the installation of wash down bays or shaker ramps to prevent tracking of sediment or dirt onto adjoining roadways. Where any sediment is deposited on adjoining roadways is shall be removed by means other than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner which will prevent its mobilisation. Condition reason: To ensure the required site management measures are implemented during construction.
113.	(D565) Water Quality During construction the consent holder is to ensure all topsoil, sand, aggregate, spoil or any other material that can be moved by water is stored clear of any drainage line, easement, water body, stormwater drain, footpath, kerb or road surface. Condition reason: To ensure site works are managed appropriately and do not result in water pollution.
114.	(D570) Pollution Control - Site Operations During construction, building operations including but not limited to brick cutting, mixing mortar and the washing of tools, paint brushes, form-work, concrete trucks and the like must not be performed on the public footway or any other locations which may lead to the discharge of materials into Council's stormwater drainage system. Condition reason: To mitigate potential risks to the environment during construction and facilitate compliance with legislative requirements.
115.	(D574) Pollution Control - Truck Movements The loading and unloading of all vehicles associated with the development must be undertaken within the property boundary of the premises subject to this consent. Measures must be implemented to prevent tracking of sediment by vehicles onto roads. Vehicle loads must be covered when entering and exiting the site with material. Condition reason: To mitigate potential risks to the environment during construction and facilitate compliance with legislative requirements.
116.	(D578) Ventilation The premises shall be ventilated in accordance with the requirements of the BCA (if using deemed to satisfy provisions: AS 1668, Parts 1 & 2).

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Condition reason: To ensure fairness, transparency and probity.	
117.	(D584) Unexpected Relic Finds (Aboriginal Objects) Should any unexpected Aboriginal Objects be uncovered during works, all work in that area must cease immediately. Liverpool City Council and Heritage NSW must be notified. Shall the objects be identified as skeletal remains, these finds shall be reported, in addition to Heritage NSW and Liverpool City Council, to NSW Police and the NSW Coroner's Office for appropriate consideration. An archaeological assessment and management strategy must be prepared by a qualified Aboriginal Archaeologist before works can recommence in that area. Condition reason: To ensure fairness, transparency and probity.
118.	(D590) Public Domain Works - Street Lighting Street lights are to be installed in accordance with the Endeavour Energy certified plans to their satisfaction. Condition reason: To ensure that the development covers all required costs associated with the development.
119.	(D596) Drainage Connection Prior to the connection of private drainage to Council's drainage system, an inspection is to be carried out by Liverpool City Council's Development Engineering Unit. A fee will be charged in accordance with Council's adopted Fees and Charges, and is to be paid prior to the inspection. Condition reason: To ensure fairness, transparency and probity.
120.	(D600) Correct waste separation and removal All demolition, excavation and construction wastes must be separated as they are generated and kept in separate spoil piles, bays, builder's skips and/or site bins. No wastes other than those noted on the approved waste management plan as being re-used on site, are to be left on site after the completion of the works. Condition reason: To ensure that separation of waste by type is undertaken in an ongoing basis throughout the building process, and that the wastes are kept separate and not mixed, to facilitate waste management and recycling.
121.	(D605) Containment of site wastes during building All demolition, excavation or construction wastes, e.g. wrapping, packaging materials, bags, insulation, sand, soil etc., must be kept fully enclosed at all times to prevent them from becoming displaced in strong wind conditions or from washing into sewers, storm drains or creeks, or onto adjacent properties or public land during wet weather. Condition reason: To ensure that waste materials from the demolition, excavation or construction are kept appropriately contained on site, irrespective of weather conditions, and do not make their way into the environment as pollutants.
122.	(D660) Construction Noise and Vibration Noise and vibration associated with excavation, demolition and construction activities shall comply with the management levels detailed within the 'Interim Construction Noise Guideline' published by the Department of Environment and Climate Change NSW (DECC 2009/265) dated July 2009 and acceptable vibration values prescribed within the Environmental Noise Management Assessing Vibration: A Technical Guideline (Department of Environment and Conservation, 2006). All feasible and reasonable noise and vibration mitigation measures shall be implemented and any activities which may exceed the construction noise management levels and vibration criteria shall be identified and managed in accordance with the approved Construction Environmental Management Plan (CEMP). Condition reason: To protect the amenity of the neighbourhood during construction.
123.	(D664) Contamination

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	The development, including all civil works and demolition, must comply with the requirements of the Contaminated Land Management Act 1997, State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 4, and Managing Land Contamination – Planning Guidelines (Planning NSW/EPA 1998).
	Condition reason: To ensure fairness, transparency and probity.
124.	(D666) Record Keeping of Imported Fill
	Records of the following must be submitted to the principal certifying authority monthly and at the completion of earth works:
	1. The course (including the address and owner of the source site), nature and quantity of all incoming loads including the date, the name of the carrier, and the vehicle registration; 2. The results of a preliminary contamination assessment carried out on any fill material used in the development. 3. The results of any chemical testing of fill material.
	Condition reason: To ensure fairness, transparency and probity.
125.	(D950) Complaints Register
	A Complaints Handling Register shall be maintained for the duration of construction works at the subject premises. The Complaints Register is to be kept by the Site Manager or other suitable staff members and include the following:
	(a) the date and time, where relevant, of the complaint;
	(b) the means by which the complaint was made (telephone, mail or email);
	(c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
	(d) the nature of the complaint;
	(e) any action(s) taken in response to the complaint, including any follow-up contact with the complainant; and
	(f) if no action was taken in relation to the complaint, the reason(s) why no action was taken.
	(g) allocate an individual "complaint number" to each complaint received.
	The Complaints Register must be made available for inspection when requested by Liverpool City Council.
	Condition reason:

Before Issue of an Occupation Certificate

126.	(E003) 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:
	1. All stormwater drainage systems and storage systems; and 2. A copy of the plans must be provided to Council with the Occupation Certificate
	Condition reason: To confirm the location of works once constructed that will become council assets.
127.	(E005) Occupation Certificates
	The premises must not be occupied until an Occupation Certificate (OC) is issued by the certifier. Copies of all documents relied upon for the issue of the OC must be attached to the OC and registered with Council.
	Condition reason: To ensure the development is in accordance with the approval and the use meets

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	health, safety and amenity provisions.
128.	(E010) Certificates All required documentary evidence for the critical stage inspections carried out prior, during and at the completion of construction, must be submitted to Council together with the required registration fee payment. Condition reason: To ensure the use meets health, safety and amenity provisions.
129.	(E020) Acoustic Report Confirmation in writing that the recommended measures were incorporated as required by the report. Condition reason: To ensure the use meets health and amenity provisions to occupants and/or neighbouring properties.
130.	(E026) Removal of Waste Upon Completion Before the issue of an Occupation Certificate: - 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 - written evidence of the waste removal must be provided to the satisfaction of the principal certifier. Condition reason: To ensure waste material is appropriately disposed or satisfactorily stored.
131.	(E030) Section 73 Sydney Water Certificate A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained and submitted to the Principal Certifier prior to issue of Occupation Certificate. Condition reason: To ensure relevant utility and service providers requirements are provided to the certifier.
132.	(E033) Cladding Prior to issuing an occupation certificate the principal certifier must be satisfied that suitable evidence has been provided to demonstrate that the external wall cladding material and system is consistent with the consent documentation, BCA and relevant Australian Standards. Condition reason: To ensure that the external cladding installed on a building is compliant.
133.	(E035) 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. Condition reason: To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation.
134.	(E037) 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 a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Liverpool City Council. Condition reason: To ensure fairness, transparency and probity.
135.	(E050) 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. Condition reason: To ensure street number of the site is displayed in accordance with the Local Government Act.
136.	(E060) 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 the Principal Certifier. Condition reason: To ensure the development meets energy and water conservation requirements.

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137.	(E065) Landscaping Upon completion of the approved landscape works associated with the development and prior to the issue of any Occupation Certificate, an Implementation Report is to be submitted to the Principal Certifier 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. Condition reason: To help ensure landscaping works have been carried to a high standard and in accordance with the original design plans.
138.	(E075) 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 standard driveway with standard integral kerb and gutter shall be subject of a driveway application to Council and works supervised by that driveway inspection process. Condition reason: To protect and maintain Council infrastructure to an appropriate standard.
139.	(E106) Recommendations of Acoustic Report Upon completion of works and prior to the issue of an Interim or Final Occupation Certificate, written certification prepared by a suitably qualified acoustic consultant shall be submitted to and approved by the Principal Certifying Authority (PCA). The written certification prepared by the suitably qualified acoustic consultant shall confirm that the development complies with all requirements and recommendations detailed within the approved acoustic report titled 74-78 Lucas Avenue, Moorebank Noise Impact Assessment, Project ID: 20240780.1, Revision 2 prepared by Acoustic Logic Pty Ltd dated 27th November 2025. The acoustic consultant shall confirm that the development or use is capable of operating in accordance with the design criteria. Note: 'Suitably qualified acoustic consultant' means a consultant who is a member of the Australian Acoustical Society or employed by an Association of Australasian Acoustical Consultants (AAAC) member firm. Condition reason: To mitigate potential acoustic impacts by ensuring that the development or use complies with the specified design criteria.
140.	(E156) Waste Storage Room Prior to the issuing of an occupation certificate, the principal certifier shall be satisfied that the designated garbage/waste storage area shall comply with the following requirements: 1. The room shall be fully enclosed and provided with a concrete floor, and with concrete or cement rendered walls coved to the floor; 2. The room shall have a floor waste which is to consist of a removable basket within a fixed basket arrestor and is to comply with Sydney Water requirements; and 3. The door to the room must be tight-fitting, self-closing and fitted with mechanical ventilation. Condition reason: To ensure compliance with construction requirements and to mitigate risks to human health and the environment.
141.	(E175) Regulated Systems Before the issue of any occupation certificate, the certifier must be satisfied that the installation of warm water systems and water cooling systems (as defined under the Public Health Act 2010) comply with the Public Health Act 2010, Public Health Regulation 2022, AS/NZS 3666:2011 Air handling and water systems of buildings and the NSW Guidelines for Legionella Control in Cooling Water Systems published by Health Protection NSW and any subsequent revision endorsed by NSW Health. The certifier must ensure an approved registration form is completed and submitted to Liverpool City Council with any relevant fee for the system. Condition reason: To facilitate compliance with legislative requirements.
142.	(E205) Garbage Services The owner/applicant is to enter into a legally binding indemnity with Council to control the access and

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	operation of the garbage service. This shall be inclusive on successive owners in perpetuity. All costs involved are to be borne by the applicant.
	Condition reason: To ensure fairness, transparency and probity.
143.	(E400) Stormwater Compliance
	Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that the:
	(a) On-site detention system/s,
	(b) Stormwater pre-treatment system/s,
	(c) Basement Carpark pump-out system:
	1. Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent,
	2. Have met the design intent with regard to any construction variations to the approved design, and
	3. Any remedial works required to been undertaken have been satisfactorily completed.
	Details of the approved and constructed system/s shall be provided as part of the Works-As-Executed drawings.
	Condition reason: To ensure fairness, transparency and probity.
144.	(E404) Restriction as to User and Positive Covenant
	Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the following shall be registered on the title of the property:
	(a) On-site detention system/s,
	(b) Stormwater pre-treatment system/s,
	(c) Basement Carpark pump-out system:
	The restriction as to user and positive covenant shall be in Liverpool City Council's standard wording as detailed in Liverpool City Council's Design and Construction Guidelines and Construction Specification for Civil Works.
	Condition reason: To ensure fairness, transparency and probity.
145.	(E408) 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 Lucas Avenue will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing.
	Condition reason: To ensure fairness, transparency and probity.
146.	(E432) Footpaths
	Construction of 1.5m wide by 100mm thick (with one layer of SL72 reinforcing mesh) concrete path paving to full site frontage.
	Condition reason: To ensure fairness, transparency and probity.
147.	(E590) Street Lighting
	The approved street lighting designs are to be implemented along all new and existing streets fronting and 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.
	Condition reason: To ensure adequate street lighting is provided for the development.
148.	(E950) Lot Consolidation

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All three (3) separate lots (Lots 107, 108, & 109 in DP 235787) must be consolidated, and the new lot must be registered. The applicant must 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 Occupation Certificate.

Condition reason:

Occupation and Ongoing use

149.	(G065) Unreasonable Noise and Vibration
	The use of the premises and/or machinery equipment installed must not give rise to offensive noise so as to interfere with the amenity of the neighbouring properties.
	Should an offensive noise complaint be received and verified by Liverpool City Council, an acoustic assessment must be undertaken by a suitably qualified acoustic consultant and a report must be submitted to Liverpool City Council for review upon request. Any noise attenuation recommendations approved by Liverpool City Council must be fully implemented and verified in writing by a suitably qualified acoustic consultant.
	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.
	Condition reason: To mitigate potential offensive noise and amenity impacts.
150.	(G100) Waste Collection and Management
	Waste and recyclable material must be managed in a satisfactory manner, covered at all times and not give rise to offensive odour or encourage pest activity. All solid and liquid waste must be removed regularly from the site by a registered waste contractor. Waste must not be permitted to accumulate near the waste storage bins.
	Condition reason: To mitigate potential risks to human health and the environment.
151.	(G130) Waste Storage Area
	Waste bins must be stored in designated garbage/ trade refuse areas, which must be kept tidy at all times. Bins must not be stored or allowed to overflow in parking or landscaping areas, must not obstruct the exit of the building, and must not leave the site onto neighbouring public or private properties.
	Condition reason: To mitigate potential risks to human health and the environment.
152.	(G190) Parking Spaces - Assessment Planner
	The following parking spaces should be used solely for the purpose it has been provided.
	1. Unrestricted resident car parking
	2. Visitor car parking
	3. Accessible car parking
	4. Cycle parking
	5. Washing bay
	Condition reason: To ensure that adequate parking and loading are provided.
153.	(G210) Car Parking Management
	All parking areas shown on the approved plans must be used solely for this purpose.
	Condition reason: To ensure that adequate parking and loading are provided.
154.	(G230) Vehicle Access
	Vehicles entering or leaving the development site should be in forward direction, if practicable.
	Condition reason: To ensure safety.
155.	(G345) Lighting
	Illumination of the site must be arranged in accordance with the requirements and specifications of AS 4282:2019 - Control of obtrusive effects of outdoor lighting so as not to impact upon the amenity of the

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	occupants of adjoining and nearby premises.
	Condition reason: To mitigate potential lighting impacts and protect the amenity of the surrounding area.
156.	(G370) Use of building intruder alarm/s
	Any building intruder alarm/s associated with the development must only be permitted to operate in accordance with Clause 42 of the Protection of the Environment Operations (Noise Control) Regulation 2017.
	Condition reason: To mitigate potential acoustic impacts and facilitate compliance with legislative requirements.
157.	(G410) 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.
	Condition reason: To require records to be provided, after occupation, documenting that landscaping is appropriately maintained.
158.	(G767) 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
	(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).
	Condition reason: To protect the residential amenity of neighbouring properties.
159.	(G768) Use of pump/s on residential premises
	Any pump/s used on the residential premises including but not limited to swimming pool pumps, spa pumps, solar water pumps, rainwater tank pumps and associated equipment must comply with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2017 and 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 8:00pm on any Saturday, Sunday or public holiday; or
	ii. before 7:00am or after 8:00pm on any other day; or
	(b) cause "offensive noise" as defined by the Protection of the Environment Operations Act 1997; or
	(c) emit a sound pressure level as measured over a 15 minute period (LAeq (15 minute)) at the boundary of any other residential property, at a time other than those specified in (i) and (ii) above, which exceeds the background (LA90 (15 minute)) by more than 5 dB(A).
	Condition reason: To protect the residential amenity of neighbouring properties.
160.	(G769) Use of heat pump water heater/s on residential premises
	Any heat pump water heater/s used on the residential premises must comply with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2017 and must not:

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(a)	emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open): i. before 8:00am or after 10:00pm on any Saturday, Sunday or public holiday; or ii. before 7:00am or after 10:00pm on any other day; or
(b)	cause "offensive noise" as defined by the Protection of the Environment Operations Act 1997; or
(c)	emit a sound pressure level as measured over a 15 minute period (LAeq (15 minute)) at the boundary of any other residential property, at a time other than those specified in (i) and (ii) above, which exceeds the background (LA90 (15 minute)) by more than 5 dB(A).
Condition reason: To protect the residential amenity of neighbouring properties.	

Subdivision Work Before Issue of a Subdivision Work Certificate

161.	(B048) A - Provision of Services - Street Lighting The applicant/developer shall engage the services of an Endeavour Energy accredited ASP Level 3 service provider who shall request Council's Transport Management Team's endorsement of a Public Street Lighting Design Brief. The consultant is to lodge Endorsement of Public Lighting Design Application Form. The application is available on Council website and should be lodged online. Once endorsed, the Designer is to carry out assessment of the existing street lighting and carry out a street lighting improvement design. This is to be submitted to and approved by Endeavour Energy. The upgrade may 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. Condition reason: To ensure adequate street lighting is provided for the development.
162.	(B408) Access, Car Parking and Manoeuvring - General The Certifying Authority shall ensure and certify that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development have been designed and are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Council's Development Control Plan. Condition reason: To ensure that the design of the facilities is in accordance with the required specifications.
163.	(B410) Access, Car Parking and Manoeuvring - Detail The Certifying Authority shall ensure and certify that: 1. Off street access and parking complies with AS2890.1, 2. Vehicular access and internal manoeuvring have been designed for the longest (B-Double/ Heavy Rigid/ Medium Rigid) 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 Public Transport and the Guidelines for assessing compliance of bus stops with the Disability Standards for Accessible Public Transport 2002, and DA-257/2025 Condition reason: To ensure that the design of the access arrangement, car parking and maneuvering are in accordance with the required specifications including AS2890.
164.	(B560) Road Works Works within the public road reserve shall not commence until the design drawings including the associated signs and line marking scheme have been approved by Council's Traffic Management Section. Condition reason: To ensure that works on the public road reserve are approved prior to

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	commencement of works.
165.	(B590) Public Domain Works – Street Lighting The approved street lighting designs are to be implemented along all new and existing streets within the proposed development in accordance with Liverpool City Council standards and to the satisfaction of Council. All street lighting must comply with the service provider Street Lighting Policy and illumination requirements and Council's Street Lighting policy. All cost associated with the installation of street lighting shall be borne by the developer. Condition reason: To ensure adequate street lighting is provided for the development.

Before Subdivision Work

166.	(D590) Public Domain Works - Street Lighting Street lights are to be installed in accordance with the Endeavour Energy certified plans to their satisfaction. Condition reason: To ensure that the development covers all required costs associated with the development.
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Demolition Work Before Demolition Work Commences

167.	(C040) Demolition Works Demolition works shall be carried out in accordance with the following: - 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. - Prior to commencement of any works on the land, the demolition Contractor(s) licence details must be provided to Council. - The handling or removal of any asbestos product from the building/site must be carried out by a SafeWork NSW licensed contractor irrespective of the size or nature of the works. Under no circumstances shall any asbestos on site be handled or removed by a non-licensed person. The licensed contractor shall carry out all works in accordance with SafeWork NSW requirements. Condition reason: To ensure that the demolition of buildings is carried out without impacting on public and environmental safety.
168.	(C042) 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. Condition reason: To protect life, infrastructure and services
169.	(C044) Hazardous material survey before demolition Before demolition work commences, a hazardous materials survey of the site must be prepared by a suitably qualified person and a report of the survey results must be provided to council at least one week before demolition commences. Hazardous materials include, but are not limited to, asbestos materials, synthetic mineral fibre, roof dust, PCB materials and lead based paint. The report must include at least the following information: the location of all hazardous material throughout the site

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	2. a description of the hazardous material 3. the form in which the hazardous material is found, e.g. AC sheeting, transformers, contaminated soil, roof dust 4. an estimation of the quantity of each hazardous material by volume, number, surface area or weight 5. a brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials 6. identification of the disposal sites to which the hazardous materials will be taken
	Condition reason: To require a plan for safely managing hazardous materials
170.	(C055) Site Facilities Adequate refuse disposal methods and builders storage facilities shall be installed on the site. Builders' wastes, materials or sheds are not to be placed on any property other than that which this approval relates to. Condition reason: To ensure the required site management measures are implemented before the commencement of building work.
171.	(C095) Tree protection measures Before any site work commences, the project arborist, must be satisfied the measures for tree protection detailed in the arborist report and AS 4970-2025 (Protection of trees on development sites) are in place. Condition reason: To protect and retain trees.
172.	(C117) Erosion and sediment controls in place Before any site work commences, the principal certifier, must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time). Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.
173.	(C126) Environmental Management Adequate soil and sediment control measures shall be installed and maintained. Furthermore, suitable site practices shall be adopted to ensure that only clean and unpolluted waters are permitted to enter Council's stormwater drainage system during construction/demolition. Measures must include, as a minimum: 1. Siltation fencing; 2. Protection of the public stormwater system; and 3. Site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place. Condition reason: To ensure fairness, transparency and probity.
174.	(C250) Notification Notification to surrounding residents is to be undertaken within a 100 metre radius from the site. A letter box drop in the form of an informative pamphlet or the like is to be carried out at least 5 days prior to the event to local residents informing them of the event details and including contact details of the site supervisor for the event. Condition reason: To advise neighbours of the commencement of building works.
175.	(C501) 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. Condition reason: To protect against Council-issued residential waste bins being used and potentially damaged by builders using them as site waste bins for waste building materials.
176.	(C502) Remove and destroy refrigerants

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	Prior to any works commencing, any air-conditioning or refrigeration systems fitted to the buildings or outbuildings to be demolished, must have the refrigerants present in those systems extracted into a durable, air-tight container by a licensed air-conditioning technician. This container and its contents must be sent intact, for secure destruction, to a facility licensed to destroy such refrigerants. Documentary evidence that this has been completed, if these systems are present, must be sighted by the Principal Certifying Authority and included as part of the Occupation Certificate documentation. Condition reason: To ensure that development activities do not result in the liberation of CFC or HFC refrigerants that contribute to global warming and damage the environment, and requires any refrigerants to be captured and destroyed at a facility licensed to do that.
177.	(C951) Dilapidation report Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in Lucas Avenue is to be submitted to Liverpool City Council. The report is to include, but not limited to, the road pavement, kerb and gutter, footpath, services and street trees and is to extend (10)m either side of the development. Condition reason: To ensure fairness, transparency and probity.

During Demolition Work

178.	(D045) Hours of work Construction work/civil work/demolition work, including the delivery of materials, is only permitted on the site between the hours of 7:00am to 6:00pm Monday to Friday and 8:00am to 1:00pm Saturday. No work will be permitted on Sundays or Public Holidays, unless otherwise approved by Council. Condition reason: To protect the amenity of the surrounding area.
179.	(D049) Security Fence A temporary security fence to WorkCover Authority requirements is to be provided to the property during the course of construction. Note: Fencing is not to be located on Council's reserve area. Condition reason: To ensure the required site management measures are implemented during construction.
180.	(D055) Refuse Disposal Adequate refuse disposal methods and builders storage facilities shall be installed on the site. Builders' wastes, materials or sheds are not to be placed on any property other than that which this approval relates to. Condition reason: To ensure the required site management measures are implemented during construction.
181.	(D070) Notification of Damage The applicant/ builder shall be responsible to report to the Council of any damage to Council's footpath and road carriageway as a consequence of demolition or excavation or building activities or delivery/ departure of materials associated with this site and maintained the area until completion of the construction activities. Arrangements to the satisfaction of Council are to be made for making safe by temporary repairs to Council's footpath and road carriageway until permanent restoration and repair can be organised with Council at the applicant's cost. Condition reason: To ensure any damage to public infrastructure is rectified.
182.	(D076) Handling of asbestos during demolition While demolition work is being carried out, any work involving the removal of asbestos must comply with the following requirements: 1. Only an asbestos removal contractor who holds the required class of Asbestos Licence issued by SafeWork NSW must carry out the removal, handling and disposal of any asbestos material; 2. Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW Environment Protection Authority to accept asbestos waste; and 3. Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m² or more of

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	asbestos sheeting must be registered with the EPA on-line reporting tool WasteLocate.
	Condition reason: To ensure that the removal of asbestos is undertaken safely and professionally
183.	(D130) Removal of dangerous and/or hazardous waste
	All dangerous and/or hazardous material must be removed by a suitably qualified and experienced contractor licensed by SafeWork NSW. The removal of such material must be carried out in accordance with the requirements of SafeWork NSW and the material must be transported and disposed of in accordance with NSW Environment Protection Authority requirements.
	Condition reason: To ensure safe removal and disposal of dangerous and/or hazardous material.
184.	(D180) Waste management
	While site work is being carried out:
	1. all waste management must be undertaken in accordance with the waste management plan; and
	2. upon disposal of waste, records of the disposal must be compiled and provided to principal certifier, detailing the following:
	• The contact details of the person(s) who removed the waste; • The waste carrier vehicle registration; • The date and time of waste collection; • A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill; • The address of the disposal location(s) where the waste was taken; • The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.
	If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the principal certifier and Council.
	Condition reason: To require records to be provided, during site work, documenting the lawful disposal of waste.
185.	(D195) Tree protection during work
	While site work is being carried out, all required tree protection measures must be maintained in good condition in accordance with:
	• The construction site management plan required under this consent; • The relevant requirements of AS 4970 Protection of trees on development sites; • Council's relevant development control plan (in force as at the date of determination of this consent); and • Any arborist's report approved under this consent.
	This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.
	Condition reason: To protect trees during the carrying out of site work.
186.	(D200) Vegetation - Tree Removal
	No trees are to be removed without the prior approval of Council.
	Condition reason: To help promote the retention of healthy established trees.
187.	(D205) 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.
	Condition reason: To minimise impacts to adjacent vegetation and habitat.
188.	(D335) External Lighting

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	Any external lighting is to incorporate full cut-off shielding and is to be mounted so as to not cause any glare or spill over light nuisance within the development, neighbouring properties or road users.
	Condition reason: To protect the amenity of the neighbourhood.
189.	(D426) Soil management
	While site work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:
	- All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier. - All fill material imported to the site must be: - Virgin Excavated Natural Material as defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i>; or - a material identified as being subject to a resource recovery exemption by the NSW EPA; or - a combination of Virgin Excavated Natural Material as defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i> and a material identified as being subject to a resource recovery exemption by the NSW EPA.
	Condition reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants.
190.	(D430) Unidentified Contamination
	Any new information which arises during remediation, demolition or construction works that has the potential to alter previous conclusions about site contamination and remediation must be immediately notified in writing to the certifier and Liverpool City Council.
	A section 4.55 Application under the Environmental Planning and Assessment Act 1979 must be made for any proposed works outside the scope of the approved development consent.
	Condition reason: To ensure the suitability of land for the development.
191.	(D450) Air Quality
	During construction where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, the consent holder is to ensure dust is suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Where wind velocity exceeds five knots the Principal Certifier may direct that work is not to proceed.
	Condition reason: To ensure site works are managed appropriately and do not result in air pollution.
192.	(D480) Acoustic Report
	The construction requirements recommended in the approved acoustic report are to be implemented by the consent holder during the construction of the development.
	Condition reason: To ensure human health and amenity is maintained by ensuring the development is not impacted by noise.
193.	(D552) Implementation of the site management plans
	While site work is being carried out:
	- the measures required by the construction site management plan and the erosion and sediment control plan (plans) must be implemented at all times; and - a copy of these plans must be kept on site at all times and made available to Council officers upon request.
	Condition reason: To ensure site management measures are implemented during the carrying out of site work.

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194.	(D555) Erosion Control - Maintenance Sediment and erosion control measures are to be adequately maintained during the works until the establishment of grass. Condition reason: To ensure the required site management measures are implemented during construction.
195.	(D560) Erosion Control Vehicular access to the site shall be controlled through the installation of wash down bays or shaker ramps to prevent tracking of sediment or dirt onto adjoining roadways. Where any sediment is deposited on adjoining roadways is shall be removed by means other than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner which will prevent its mobilisation. Condition reason: To ensure the required site management measures are implemented during construction.
196.	(D565) Water Quality During construction the consent holder is to ensure all topsoil, sand, aggregate, spoil or any other material that can be moved by water is stored clear of any drainage line, easement, water body, stormwater drain, footpath, kerb or road surface. Condition reason: To ensure site works are managed appropriately and do not result in water pollution.
197.	(D574) Pollution Control - Truck Movements The loading and unloading of all vehicles associated with the development must be undertaken within the property boundary of the premises subject to this consent. Measures must be implemented to prevent tracking of sediment by vehicles onto roads. Vehicle loads must be covered when entering and exiting the site with material. Condition reason: To mitigate potential risks to the environment during construction and facilitate compliance with legislative requirements.
198.	(D584) Unexpected Relic Finds (Aboriginal Objects) Should any unexpected Aboriginal Objects be uncovered during works, all work in that area must cease immediately. Liverpool City Council and Heritage NSW must be notified. Shall the objects be identified as skeletal remains, these finds shall be reported, in addition to Heritage NSW and Liverpool City Council, to NSW Police and the NSW Coroner's Office for appropriate consideration. An archaeological assessment and management strategy must be prepared by a qualified Aboriginal Archaeologist before works can recommence in that area. Condition reason: To ensure fairness, transparency and probity.
199.	(D600) Correct waste separation and removal All demolition, excavation and construction wastes must be separated as they are generated and kept in separate spoil piles, bays, builder's skips and/or site bins. No wastes other than those noted on the approved waste management plan as being re-used on site, are to be left on site after the completion of the works. Condition reason: To ensure that separation of waste by type is undertaken in an ongoing basis throughout the building process, and that the wastes are kept separate and not mixed, to facilitate waste management and recycling.
200.	(D605) Containment of site wastes during building All demolition, excavation or construction wastes, e.g. wrapping, packaging materials, bags, insulation, sand, soil etc., must be kept fully enclosed at all times to prevent them from becoming displaced in strong wind conditions or from washing into sewers, storm drains or creeks, or onto adjacent properties or public land during wet weather.

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	Condition reason: To ensure that waste materials from the demolition, excavation or construction are kept appropriately contained on site, irrespective of weather conditions, and do not make their way into the environment as pollutants.
201.	(D660) Construction Noise and Vibration Noise and vibration associated with excavation, demolition and construction activities shall comply with the management levels detailed within the 'Interim Construction Noise Guideline' published by the Department of Environment and Climate Change NSW (DECC 2009/265) dated July 2009 and acceptable vibration values prescribed within the Environmental Noise Management Assessing Vibration: A Technical Guideline (Department of Environment and Conservation, 2006). All feasible and reasonable noise and vibration mitigation measures shall be implemented and any activities which may exceed the construction noise management levels and vibration criteria shall be identified and managed in accordance with the approved Construction Environmental Management Plan (CEMP). Condition reason: To protect the amenity of the neighbourhood during construction.

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General advisory notes

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

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

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

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Dictionary

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

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

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

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

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

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

Council means LIVERPOOL CITY COUNCIL.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

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

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

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

Local planning panel means LIVERPOOL LOCAL PLANNING PANEL.

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

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

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

Stormwater drainage system means all works and facilities relating to:
the collection of stormwater,

the reuse of stormwater,

the detention of stormwater,

the controlled release of stormwater, and

connections to easements and public stormwater systems.

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

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

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

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