

MINUTES AND DETERMINATION OF THE LIVERPOOL LOCAL PLANNING PANEL MEETING

Monday 27 July 2026

Held online via
MS Teams

Panel:

Heather Warton (Chair)
Lindsey Dey (Expert)
Stuart Mangleson (Community Representative)

Expert Member Caroline Pidcock was an apology.

Three members constitute a quorum for the Panel.

There were no conflicts of interest declared by any panel members in relation to any items on the agenda.

Speakers:

Item 1 – DA-436/2007/A

- Gilbert B. de Chalain – Planner on behalf of the Applicant
- Frank Mosca – Architect, on behalf of the Applicant.

Item 2 – DA-126/2026

- Mal Kashro - objector
- John Kashro - objector
- Sophia Burke – Environmental Consultant, on behalf of the Applicant
- James Hammond – Environmental Consultant, on behalf of the Applicant

Site inspections were conducted prior to the meeting

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ITEM No:	1
APPLICATION NUMBER:	DA-436/2007/A
SUBJECT:	As amended, the proposal seeks approval under Section 4.55(2) of the Environmental Planning and Assessment Act 1979 to modify Development Consent DA-436/2007 for the erection of an eleven-storey mixed-use development comprising Stage 1 – six neighbourhood shop premises, four levels of basement parking and 43 residential units, and Stage 2 – four levels of basement parking and 128 residential units. The proposed modification involves the reconfiguration of the layouts of both buildings and associated landscaping, resulting in a reduction in the number of retail tenancies from six to three and a reduction in the number of residential units from 171 to 167. Building A will comprise three retail tenancies, one live/work unit, 10 one-bedroom apartments, 20 two-bedroom apartments and eight three-bedroom apartments (39 residential units). Building B will comprise 47 one-bedroom apartments, 57 two-bedroom apartments and 24 three-bedroom apartments (128 residential apartments). Overall, the development will comprise three retail tenancies, one live/work unit, 57 one- bedroom apartments, 77 two-bedroom apartments and 32 three-bedroom apartments (167 residential units in total). The modification also includes changes to the façades of both buildings, a reduction in retail gross floor area, consolidation of the basement parking into a single four- level basement, reconfiguration of the southern vehicular access ramp grades and removal of the northern vehicular access driveway, an increase in gross floor area, and an increase in building height to achieve compliance with the current National Construction Code (NCC) floor-to-ceiling height requirements
LOCATION:	1A CASTLEREAGH STREET LIVERPOOL NSW 2170, 1B CASTLEREAGH STREET LIVERPOOL NSW 2170, 1C CASTLEREAGH STREET LIVERPOOL NSW 2170, 3 CASTLEREAGH STREET LIVERPOOL NSW 2170, 5 CASTLEREAGH STREET LIVERPOOL NSW 2170, 1D CASTLEREAGH STREET LIVERPOOL NSW 2170
APPLICANT:	Lifese Pty Ltd
AUTHOR:	Edwar Eshow

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DETERMINATION OF PANEL:

Modification Application DA-436/2007/A under section 4.55(2) of the Environmental Planning and Assessment Act 1979 seeks to modify Development Consent DA-436/2007 approved for the erection of an eleven-storey mixed-use development comprising Stage 1 – six neighbourhood shop premises, four levels of basement parking and 43 residential units, and Stage 2 – four levels of basement parking and 128 residential units.

The modification involves works including the reconfiguration of the layouts of both buildings and associated landscaping; reduction in the number of retail tenancies from six to three; reduction in the number of residential units from 171 to 167; changes to the façades of both buildings; reconfiguration of the southern vehicular access ramp grades and removal of the northern vehicular access driveway; increase in gross floor area; and increase in building height to achieve compliance with the National Construction Code.

The Application is **approved**, subject to the conditions in Attachment A of the Assessment Report, amended to read as below:

CONDITIONS OF CONSENT AS AMENDED

GENERAL

1. Development must be carried out generally in accordance with Development Application 436/2007, received by Council on 25 October 2006, and accompanying plans and documents marked as follows, as amended by modification application DA436/2007/A:

(a) ~~Architectural plans approved in accordance with Part 1, and generally in accordance with the architectural plans prepared by "Ron C. Dunkley Architects and Associates Pty Ltd", as follows:~~

- ~~• Basement 4 floor plan, Drawing No. A-002, amended 6 September 2007;~~
- ~~• Basement 3 floor plan, Drawing No. A-003, amended 6 September 2007;~~
- ~~• Basement 2 floor plan, Drawing No. A-004, amended 6 September 2007;~~
- ~~• Basement 1 floor plan, Drawing No. A-005, amended 6 September 2007;~~
- ~~• Ground floor plan, Drawing No. A-006, amended 2 February 2008;~~
- ~~• Level 1 floor plan, Drawing No. A-007, amended 2 February 2008;~~
- ~~• Level 2 floor plan, Drawing No. A-008, amended 2 February 2008;~~
- ~~• Level 3 floor plan, Drawing No. A-009, amended 2 February 2008;~~
- ~~• Level 4 floor plan, Drawing No. A-010, amended 2 February 2008;~~
- ~~• Level 5 floor plan, Drawing No. A-011, amended 2 February 2008;~~
- ~~• Level 6 floor plan, Drawing No. A-012, amended 2 February 2008;~~
- ~~• Level 7 floor plan, Drawing No. A-013, amended 2 February 2008;~~
- ~~• Level 8 floor plan, Drawing No. A-014, amended 2 February 2008;~~
- ~~• Level 9 floor plan, Drawing No. A-015, amended 2 February 2008;~~

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- ~~Level 10 floor plan, Drawing No. A-016, amended 2 February 2008;~~
 - ~~Roof plan, Drawing No. A-017, amended 2 February 2008;~~
 - ~~Elevations, Drawing No. A-018, amended 2 February 2008;~~
 - ~~Elevations, Drawing No. A-019, amended 2 February 2008;~~
 - ~~Sections, Drawing No. A-020, amended 2 February 2008;~~
 - ~~Adaptable unit layout, Drawing Nos. A-040, and A-041 amended 2 February 2008;~~
 - ~~Typical ramp detail and typical fence detail, Drawing No. A-051, amended 2 February 2008.~~
- (b) ~~Landscape plan approved in accordance with Part 1;~~
- (c) ~~Drainage plans approved in accordance with Part 1, and generally in accordance with the drainage plans prepared by "alw design", Drawing Nos. SW6166-S1 and SW6166-S3, Issue C, amended 5 February 2008, Drawing No. SW6166-S2, Issue B, amended 18 September 2007, and Drawing No. SW6166-S4, Issue A, dated 11 October 2006;~~
- (d) ~~Waste Management Plan approved in accordance with Part 1;~~
- (e) ~~Schedule of external colours and finishes, as shown on the plan submitted to Council on 14 September 2007;~~
- (f) ~~BASIX Certificate No. 162236M, dated 3 October 2007;~~
- (g) ~~Acoustic report prepared by "Benbow Environmental", Report No. 16141_rep.doc, dated December 2006;~~
- (h) Flood report prepared by "Ron C. Dunkley and Associates Pty Ltd", received by Council on 30 November 2007, and accompanying plans marked Flood 1, 2, 3 and 4 (in red by Council), prepared by "Ron C. Dunkley and Associates Pty Ltd".

except where modified by the undermentioned conditions.

Plan Name	Plan Number	Revision	Date	Prepared By
Cover Sheet	A-001	B	09.02.2026	Mosca Pserras Architects
Basement 4 Plan	A-002	B	09.02.2026	Mosca Pserras Architects
Basement 3 Plan	A-003	B	09.02.2026	Mosca Pserras Architects
Basement 2 Plan	A-004	B	09.02.2026	Mosca Pserras Architects
Basement 1 Plan	A-005	B	09.02.2026	Mosca Pserras Architects
Ground Floor Plan	A-006	B	09.02.2026	Mosca Pserras Architects
Level 1 Plan	A-007	B	09.02.2026	Mosca Pserras Architects

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Level 2 Plan	A-008	B	09.02.2026	Mosca Pserras Architects
Level 3 Plan	A-009	B	09.02.2026	Mosca Pserras Architects
Level 4 Plan	A-010	B	09.02.2026	Mosca Pserras Architects
Level 5 Plan	A-011	B	09.02.2026	Mosca Pserras Architects
Level 6 Plan	A-012	B	09.02.2026	Mosca Pserras Architects
Level 7 Plan	A-013	B	09.02.2026	Mosca Pserras Architects
Level 8 Plan	A-014	B	09.02.2026	Mosca Pserras Architects
Level 9 Plan	A-015	B	09.02.2026	Mosca Pserras Architects
Level 10 Plan	A-016	B	09.02.2026	Mosca Pserras Architects
Roof Plan	A-017	B	09.02.2026	Mosca Pserras Architects
Elevations-1 including Schedule of Finishes	A-018	B	09.02.2026	Mosca Pserras Architects
Elevations-2 including Schedule of Finishes	A-019	B	09.02.2026	Mosca Pserras Architects
Sections	A-020	B	09.02.2026	Mosca Pserras Architects
Adaptable Unit Details-1	A-040	B	09.02.2026	Mosca Pserras Architects
Adaptable Unit Details-2	A-041	B	09.02.2026	Mosca Pserras Architects
Perspective 1	A-050	B	09.02.2026	Mosca Pserras Architects
ADG Solar Access	SP01.1	B	09.02.2026	Mosca Pserras Architects
ADG Solar Access	SP01.2	B	09.02.2026	Mosca Pserras Architects
Shadow Diagram	SP02	B	09.02.2026	Mosca Pserras Architects
View from the Sun	SP03.1	B	09.02.2026	Mosca Pserras Architects
View from the Sun	SP03.2	B	09.02.2026	Mosca Pserras Architects
View from the Sun	SP03.3	B	09.02.2026	Mosca Pserras Architects
View from the Sun	SP03.4	B	09.02.2026	Mosca Pserras Architects
ADG Cross Ventilation	SP04	B	09.02.2026	Mosca Pserras Architects

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Deep Soil Calculation	SP05	B	09.02.2026	Mosca Pserras Architects
Storage Calculation	SP06.1	B	09.02.2026	Mosca Pserras Architects
Storage Calculation	SP06.2	B	09.02.2026	Mosca Pserras Architects
Landscape Plan	2904.GD.01	B	March 2025	Greenland Design
Stormwater Drainage Plans	Drawing s from DA-STW-001 to DA-STW-205	D	17 February 2026	LP Consulting

Report Name	Date	Reference	Prepared By
Revised Section 4.55(2) Planning Report	5th June 2026		HDC Planning
Acoustic DA Assessment	18/02/2026	SYD2013-1034-R001C	Acouras Consultancy on behalf of AJM United Steels Pty Ltd
Traffic and Parking Assessment Report	9 June 2026	24272	Varga Traffic Planning Pty Ltd
NCC (BCA) Report	03 April 2025	24/0108	EastCoast Approvals Group Pty Ltd
Basix Certificate	29 April	1778922M_02	Efficient Living Pty Ltd
Access Assessment Report	07 April 2025	Q240108 - ACC	EastCoast Approvals Group Pty Ltd
Design Statement Verification	27 July 2026	-	MPA - Frank Mosca Registered Architect NSW ARB no. 5000

Note: All references in this consent to 'Certifying Authority' and 'Principal Certifying Authority' or 'PCA' have been updated to read 'Certifier' or 'Principal Certifier' as applicable under modification DA-436/2007/A

This condition has been amended under modification DA-436/2007/A.

2. Consent is not granted nor implied to any future subdivision of the land.
3. The premises must not be occupied until such time as Certifier has issued an Occupation Certificate".
4. The development, including all civil works and demolition, must comply with the requirements of the Contaminated Land Management Act, 1997, Chapter 4 Remediation of Land of State

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Environmental Planning Policy (Resilience and Hazards) 2021 ~~State Environmental Planning Policy No. 55 – Remediation of Land and Managing Land Contamination - Planning Guidelines~~ (Planning NSW/EPA. 1998).

This condition has been amended under modification DA-436/2007/A

5. The Certifier shall ensure that all compliance certificates required by this development consent are referenced to the Condition Consent number. The Compliance Certificate is to state that the works as constructed comply fully with the required condition of consent being acted on by the certifier.

EXTERNAL NSW AGENCIES

- 5a. All requirements issued by external agencies relating to all stages, shall be complied with prior, during, and at the completion of construction, as specified in accordance with the requirements as follows:
1. Sydney Water, dated 10 October 2025; and
 2. Endeavour Energy, 19 September 2025.

A copy of these requirements is available on the NSW Planning Portal.

This condition has been added under modification DA-436/2007/A.

FLOODING

6. There shall be no net loss of floodplain storage volume below the 1%AEP flood level, i.e., 11.6m AHDØ, due to the proposed work., i.e:
- ~~Proposed compensatory work, i.e., floodplain basin plus flood detention tank, on the site shall be as per plans and drawings submitted to Council (marked Flood 1, 2, 3 and 4 in red by Council), on 30 November 2007, along with the approved Flood Report;~~
 - ~~Proposed flood storage tank shall be located on the proposed floodplain basin as per the plan (A-031), provided with the approved Flood Report. It shall collect floodwaters through grates during the flood, and shall be maintained empty during dry time. As the purpose is to collect flood waters on the site, it should not be connected to any roof or stormwater pipes of the development;~~
 - There shall be no import of fill materials to the site below the 1%AEP Flood. Any fill on the site shall be obtained through balance cut and fill operation of the existing landform to achieve the design levels.

This condition has been amended added under modification DA-436/2007/A.

7. Adequate provision shall be made to permit inundation of the proposed floodplain basin on the site by floodwaters from adjoining land.
8. The lowest habitable floor level shall not be less than 0.5m above the 1%AEP flood (i.e., 11.6 + 0.5m = 12.1m AHD minimum).

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9. Structures to have flood compatible building component below the 1%AEP flood level plus 0.5m freeboard.
10. The basement car parking shall be protected from inundation by the 1%AEP flood, i.e., entry into the basement should be at or above 11.6m AHD.
11. Basement car parking is to have adequate warning systems, signage and exits to ensure the safety of persons during times of flood.
12. The applicant shall submit a surveyor's certificate upon completion of works certifying that the proposed land surface and finished levels satisfy Council's requirements.

PRIOR TO ISSUE OF ANY CONSTRUCTION CERTIFICATE

The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Construction Certificate relating to the approved development, whether by Council or an appropriately accredited certifier. In many cases the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Construction Certificate.

Heading and wording inserted under modification DA-436/2007/A.

13. ~~DELETED All demolished materials are to be disposed of to appropriate off-site facilities.~~

This condition has been deleted under modification DA-436/2007/A [see Condition 44e.].

14. ~~The development is to be consistent with any relevant flood evacuation strategy or similar plan.~~

Before the issue of a Construction Certificate, the Certifier must be satisfied that:

- (a) A Flood Evacuation Plan has been prepared for the development, addressing the safe evacuation of occupants during flood events up to and including the Probable Maximum Flood (PMF).
- (b) The Flood Evacuation Plan incorporates appropriate flood warning procedures, evacuation routes, signage, exits, and management measures to ensure the safe evacuation of occupants during such events.
- (c) The Flood Evacuation Plan is to be implemented and maintained for the life of the development.

This condition has been amended under modification DA-436/2007/A.

- 14a. Before the issue of a Construction Certificate, to the satisfaction of Council:

1. On-site water quality treatment facilities must be incorporated into the development to ensure that stormwater runoff discharged from the site complies with Council's water quality standards.
2. The water quality treatment system must be designed using the Model for Urban Stormwater Improvement Conceptualisation (MUSIC) modelling software.

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3. The performance of the proposed water quality treatment system must be verified using Council's MUSIC Link.
4. An electronic copy of the MUSIC model and the MUSIC Link verification report must be submitted to Council for approval.

This condition has been added under modification DA-436/2007/A.

SECTION 94 CONTRIBUTION

15. Section 94 Condition

~~As a consequence of this development, Council has identified an increased demand for public amenities and public services. The following payment is imposed in accordance with Liverpool Contributions Plan 2001 as amended.~~

~~The total contribution is \$386,512 and is payable prior to the release of the construction certificate (for a building) or subdivision certificate, whichever comes first.~~

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

~~Whitlam Centre extensions and Liverpool Central Library~~

~~Contributions, with the exception of those for the Whitlam Centre extensions and Liverpool Central Library will be adjusted at the time of payment.~~

~~Capital Works, Administration, Professional and Legal Fees Components~~

~~Capital works, Administration, Professional and Legal Fees components will be adjusted quarterly in line with the Consumer Price Index (all groups index number for Sydney) using the following formula:~~

$$\text{Contribution At Time Of Payment} = \frac{C \times CPI_2}{CPI_1}$$

~~Where: CPI₁ = Original contributions as shown on the consent~~

~~Latest "Consumer Price Index: All Groups Index Number" for Sydney Available from the Australian Bureau of Statistics~~

~~"Consumer Price Index: All Groups Index Number" for Sydney available at the time of calculating C, ie the amounts shown on the development consent~~

~~Land Component~~

~~The value of the land component will be adjusted quarterly in line with the latest average land value estimate published by Council. The average land value estimate will be reviewed on a quarterly basis and determined by averaging residential land values per square metres with the relevant catchment, over the previous quarter.~~

$$\text{Contribution At Time Of Payment} = L \times L_2$$

~~Where: L = The Original contributions as shown on the consent~~

~~L₂ = Average estimated land value per square metre for the catchment at the time of payment~~

~~L₁ = Average estimated land value per square metre for the catchment at the time of development consent~~

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~~Where a developer undertakes to transfer land or provide a material public benefit which is included in the Contributions Plan, the appropriate payments may be reduced accordingly.~~

~~The Contributions Plan may be inspected at Council's Administration Centre, 1 Haxton Park Road, Liverpool.~~

~~Please Note. Payment must be accompanied by the attached form.~~

SECTION 7.11 CONTRIBUTIONS (formerly Section 94)

As a consequence of this development, Council has identified an increased demand for public amenities and public services. The following payment is imposed in accordance with Liverpool Contributions Plan 2001 as modified.

The total contribution is \$643,495 and is payable prior to the release of the construction certificate (for a building) or subdivision certificate, whichever comes first.

A breakdown of the contributions payable is provided in the table below:

Whitlam Centre extensions and Liverpool Central Library

Contributions, with the exception of those for the Whitlam Centre extensions and Liverpool Central Library will be adjusted at the time of payment.

Capital Works, Administration, Professional and Legal Fees Components

Capital works, Administration, Professional and Legal Fees components will be adjusted quarterly in line with the Consumer Price Index (all groups index number for Sydney) using the following formula:

$$\text{Contribution At Time Of Payment} = \frac{C \times \text{CPI}_2}{\text{CPI}_1}$$

Where: C = Original contributions as shown on the consent
CPI₂ = Latest "Consumer Price Index: All Groups Index Number" for Sydney Available from the Australian Bureau of Statistics
CPI₁ = "Consumer Price Index: All Groups Index Number" for Sydney available at the time of calculating C, ie the amounts shown on the development consent

Land Component

The value of the land component will be adjusted quarterly in line with the latest average land value estimate published by Council. The average land value estimate will be reviewed on a quarterly basis and determined by averaging residential land values per square metres with the relevant catchment, over the previous quarter.

$$\text{Contribution At Time Of Payment} = \frac{L \times L_2}{L_1}$$

Where: L = The Original contributions as shown on the consent
L₂ = Average estimated land value per square metre for the catchment at the time of payment
L₁ = Average estimated land value per square metre for the catchment at the time of development consent

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Where a developer undertakes to transfer land or provide a material public benefit which is included in the Contributions Plan, the appropriate payments may be reduced accordingly.

The Contributions Plan may be inspected at Council's Administration Centre, 50 Scott Street, Liverpool.

Please Note. Payment must be accompanied by the attached form.

This condition has been amended under consent DA-436/2007/A.

EXTERNAL FINISHES AND MATERIALS

The following conditions have been imposed to provide for a satisfactory appearance of the development.

16. External finishes must be in accordance with the schedule submitted and approved in accordance with the development consent.

BASIX

17. The development must be constructed in accordance with the approved BASIX Certificate, which must accompany the construction certificate.

This condition has been amended under modification DA-436/2007/A.

CAR PARKING AND DRIVEWAYS

The following conditions have been imposed to ensure that the development makes adequate provision for car parking, vehicular manoeuvring and loading/unloading facilities.

18. ~~A total of 230 off street car parking spaces must be provided in accordance with Council's requirements. 9 of these spaces shall be clearly marked for the specific use of disabled drivers. The parking spaces shall be allocated as follows:~~

- ~~• A minimum of 18 and maximum of 32 spaces relating to the neighbourhood shops;~~
- ~~• 68 spaces relating to the 68 x 1 bedroom units;~~
- ~~• 84 spaces relating to the 84 x 2 bedroom units;~~
- ~~• A minimum of 29 spaces relating to the 8 x 3 bedroom units; and~~
- ~~• 17 spaces designated for visitor parking relating to the residential units.~~

- (a) A total of 230 off street car parking spaces must be provided in accordance with Council's requirements. 9 of these spaces shall be clearly marked for the specific use of disabled drivers. The parking spaces shall be allocated as follows:

- A maximum of 14 spaces relating to the neighbourhood shops;
- 1 space relating to the studio apartment

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- 57 spaces relating to 57 x 1 bedroom units;
 - 77 spaces relating to 77 x 2 bedroom units;
 - A minimum of 64 spaces relating to 32 x 3 bedroom units; and
 - 17 spaces designated for visitor parking relating to the residential units.
- (b) The development should include EV charging points for fast charging or the capacity for EV fast charging points to be installed at a later time.

This condition has been amended under modification DA-436/2007/A.

19. ~~The internal driveway and car parking area shall be designed in accordance with A.S. 2890.1:2004 off-street car parking.~~

The internal driveway, vehicle manoeuvring areas and car parking facilities shall be designed and constructed in accordance with AS/NZS 2890.1:2004 *Parking Facilities – Part 1: Off-street Car Parking* (as amended), together with AS 2890.6:2022 *Parking Facilities – Part 6: Off-street Parking for People with Disabilities*, where applicable. All parking spaces, access aisles, driveways, ramps, turning areas, headroom clearances and associated line marking and signage shall be provided and maintained in accordance with these Standards.

This condition has been amended under modification DA-436/2007/A.

20. All driveways are to be graded in such a manner as to provide continuous surface drainage flow paths to appropriate points of discharge. In this context, these are to be into roads or swales, as appropriate, connecting into the major trunk drainage system.
21. Driveways entry points must be located clear of all utility services. It is recommended that discussion be held with the relevant authorities before construction works commence. Council does not accept any responsibility towards these services.
22. Driveways are to conform to Council Standard requirements for vehicle crossings as detailed in Council's Design and Construction Specifications for Subdivisions (as amended) and as per the requirements in Council's Development Control Plan.
23. Driveway points must be located clear of the following:
1. Pedestrian Crossings
 2. Power/Light Poles
 3. Stormwater Pits
 4. Electrical and Telephone connection boxes.
 5. Round-a-bouts
 6. Traffic control devices.
24. That part of the driveway located between the front boundary and kerb and gutter is to be constructed of concrete and be provided with a non slip finish. Concrete (or any other material type) pavers shall not be accepted by Council.

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25. A concrete vehicular footpath crossing must be provided at the entrance to the property over Council's footpath/pedestrian way. This crossing must be constructed in accordance with Council's standard requirements for a medium density crossing. A crossing application must be made at Council's customer service counter together with payment of the standard fee. Conditions apply including requirement for inspection prior to consent to pour by Council's driveway inspector. The payment of crossing application fees must occur prior to issue of the Construction Certificate by the Certifier.

~~WASTE STORAGE AND DISPOSAL – GENERAL~~

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

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

This condition has been deleted under modification DA-436/2007/A.

~~OPERATIONAL MATTERS~~

~~These conditions pertain to the use of the site and have been imposed to ensure that the development and its operations do not interfere with the amenity of the surrounding area.~~

~~INDUSTRIAL DEVELOPMENT~~

27. ~~DELETED The use of each neighbourhood shop shall be subject to a separate Development Application for its use and must not be occupied until individual Development Consents are granted by Council.~~

~~SITE MANAGEMENT/ OPERATION TIMES~~

28. ~~DELETED Advertising matter must not be erected, painted or displayed without the prior approval of Council. For further information, please obtain a copy of Council's Advertising Development Control Plan No. 35 – 'Outdoor Advertising'.~~

~~NOISE LEVELS~~

29. ~~DELETED Noise levels from the premises shall not exceed the relevant noise criteria detailed in the approved Noise Impact Assessment Report. The recommendations provided in the above mentioned acoustic report shall be implemented and incorporated into the design and construction of the development, and shall be shown on plans accompanying the Construction Certificate application. A certificate is to be obtained from a qualified acoustic consultant certifying that the building has been constructed to meet the noise criteria in accordance with the approved acoustic report. This certificate is to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.~~

~~The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.~~

Conditions 27. - 29. relocated and amended under modification DA-436/2007/A. [see Conditions 105.-107.]

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WASTE STORAGE AND DISPOSAL

The following conditions have been imposed to ensure that the development provides adequate waste storage disposal facilities:

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

Waste Management Plan (Prior to Construction Certificate)

Prior to the issue of any Construction Certificate, a Waste Management Plan must be submitted to and approved by the Certifier.

The Waste Management Plan must demonstrate how all waste and recyclable materials generated by the residential flat building, and the commercial tenancies component, will be managed in accordance with the operational requirements for high-density residential development, including but not limited to:

- the type, volume and number of waste and recycling bins to be provided;
- the location, size and design of waste storage rooms;
- the collection arrangements for general waste, recycling and food organics/garden organics (where applicable);
- the method of transferring waste from residential units to the waste storage area;
- access arrangements for residents and waste collection vehicles;
- management of bulky waste and hard waste collections; and
- any other measures necessary to ensure the safe, efficient and hygienic management of waste generated by the development.

The Waste Management Plan must comply with the requirements of Liverpool City Council's *Fact Sheet: Waste Management Services for Residential Flat Buildings and Multi Dwelling Housing*, as amended, and all approved waste management facilities must be installed and maintained in accordance with the approved plan prior to the occupation of the development.

This condition has been amended under modification DA-436/2007/A.

31. ~~Personal waste must not litter the site.~~

All waste management facilities shall comply with the Liverpool Development Control Plan 2008. Prior to the issue of a Construction Certificate, detailed floor and section plans shall be submitted to and approved by the Certifier for the waste storage area/s and bin bays. The plans shall identify the location of the waste storage area/s and bin bays and incorporate the following requirements:

- (a) Sufficient space for access by residents, storage and easy manoeuvring of bins;
- (b) The area is to be fully enclosed and include a solid roof and concrete or cement rendered walls coved to the floor;
- (c) A concrete floor graded to an approved sewer connection comprising a sump and galvanised fine grade drain cover with a removable basket within a fixed basket arrestor and is to comply with Sydney Water requirements;
- (d) Adequate ventilation to the external air by natural or mechanical means;

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- (e) The door to the room must be tight fitting and self-closing;
- (f) A hose cock adjacent to the garbage storage area to facilitate cleaning of bins and the storage area. If the hose cock is located inside the waste storage area, it shall not protrude into the space indicated for the placement of bins;
- (g) Sufficient lighting to permit usage at night;
- (h) The door to the room must be tightfitting, self-closing and fitted with mechanical ventilation and
- (i) Should garbage chutes be integrated into the design of the building, operational instructions shall be located prominently next to the chute.

Any modifications to the construction of the waste storage area require Council's prior written Approval.

This condition has been amended under modification DA-436/2007/A.

- 32. Sufficient space shall be provided within each dwelling for the storage of a minimum of one day's waste and recycling.
- 33. ~~DELETED Bins must be moved to the kerbside frontage of the building for collection by agents of the body corporate or strata management. The bins shall be collected and returned as soon as possible after collection by the same agents.~~

~~Waste Storage Room(s)~~

~~Prior to the issuing of a construction certificate, the principal certifier shall be satisfied that the designated garbage/waste storage area(s) shall comply with the following requirements:~~

- ~~a. The room shall be fully enclosed and provided with a concrete floor, and with concrete or cement rendered walls coved to the floor;~~
- ~~b. 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~~
- ~~c. The door to the room must be tightfitting, self closing and fitted with mechanical ventilation.~~

~~Please refer to the Liverpool Development Control Plan 2008 for further information regarding the construction standards for waste storage areas.~~

This condition has been deleted under modification DA-436/2007/A.

- 34. Any bin bays must be:
 - ~~• Provided with mechanical ventilation;~~
 - ~~• Provided with a hose cock for hosing the garbage bin bay and a sewerage drainage point in or adjacent to the bin storage area. The drainage point should have a fine grade drain cover sufficient to prevent coarse pollutants from entering the sewer. If the hose cock is located inside the bin storage bay, it is not to protrude into the space indicated for the placement of bins;~~
 - ~~• Provided with sufficient light to permit usage at night;~~

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- ~~Allocated with sufficient space within the bin bay to allow for access to all required bins by residents and waste collectors, as well as manoeuvring of bins within the bay and for the removal and return of bins by the waste collector;~~
- Provided with signage to be prominently displayed in each bin bay, or waste service room, as appropriate indicating that:
 - garbage is to be placed wholly within the garbage bins provided;
 - only recyclable materials accepted by Council are to be placed within the recycling bins;
 - the area it to be kept tidy;
 - a phone number for arranging disposal of bulky items;
 - graphic illustrative content to be 50%.
- Bin bay signs are available from Council;
- Should garbage chutes be incorporated into the design of the building, signage on how to use the chutes is to located prominently next to the chute;
- Operation, maintenance and cleaning of the garbage compactor and associated equipment is the responsibility of the strata management or body corporate and not of Council;
- Maximum compaction ratio is 2:1;
- Operation, maintenance and cleaning of the garbage chutes and associated waste cupboards, rooms, or equipment is the responsibility of the strata management or body corporate, and not of Council.

This condition has been amended under modification DA-436/2007/A.

LANDSCAPING

35. ~~DELETED Newly planted street trees, as required by condition/s of consent, shall be maintained for a period of one (1) year from the date of issue of the Occupation Certificate. Any dead, dying or damaged trees are to be replaced during this period in accordance with Council requirements.~~

This condition has been relocated and amended under modification DA-436/2007/A.[See Condition 108.]

36. ~~DELETED The row of trees consisting of Eucalyptus maculate and Angophora floribunda that are proposed in the landscape plan to be installed adjacent to the Copeland Street frontage are to be substituted with the species Quercus palustris (Pin Oak) to remain consistent with the species theme outlined in the Liverpool CBD and Landscape Strategy. These trees, and the Backhousia citriodora trees that are proposed for the Castlereagh Street frontage, are to be installed at not less than 75 litre pot size and must conform to Natspec specifications.~~

This condition has been deleted under modification DA-436/2007/A.

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~~C. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE~~

~~The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Construction Certificate relating to the approved development, whether by Council or an appropriately accredited certifier. In many cases the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Construction Certificate;~~

Heading and wording has been relocated to above under modification DA-436/2007/A.

DEVELOPMENT DETAILS

37. A separate application for a permit to carry out works must be issued by Council for -
- (a) A Permit to carry out works in Council's road reserve, pursuant to Section 138 of the Roads Act, 1993. The work(s) in the existing road reserve requiring a Council Section 138 permit are stormwater connection into Council's pit, reinstatement of kerb over redundant vehicular entries and stormwater crossing construction.
- 37a. 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 for:
- (a) Additional privacy measures are to be incorporated along the south-western elevation of Building B to address the non-compliance with the visual privacy setback requirements of ADG 3F between habitable rooms and balconies for Units B-120 and B-114 on Level 10, and Units B-119 and B-113 on Level 9, located within the L-shaped portion of Building B.
- The privacy measures are to mitigate potential overlooking between these units and may include, but are not limited to, blade walls, privacy screens, or an alternative screening treatment that achieves an equivalent or improved level of visual privacy, to the satisfaction of the certifier.

This condition has been added under modification DA-436/2007/A.

38. Engineering plans will be required defining all physical works necessary on the site and adjacent to it. These plans are to be certified by the Certifier.
- (a) These plans must satisfy the following requirements:
 - i. Council's current Design and Construction specification for subdivisions (as amended), and supplementary code,
 - ii. Council's Development Control Plans,
 - iii. All proposed road and drainage works must adequately match existing infrastructure
39. The Certifier must advise the 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.

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

NOISE

40. The recommendations provided in the approved Acoustic Report shall be implemented and incorporated into the design and construction of the development and shall be shown on plans accompanying the Construction Certificate application. This includes the glazing treatment, having regard to the site's proximity to the Hume Highway.

This condition has been amended under modification DA-436/2007/A.

TRAFFIC

41. A traffic management plan is to be submitted to Liverpool City Councils Traffic Committee for approval. Works within the road reserve shall not commence until the Traffic Management Plan has been approved.
42. The traffic management plan is to be prepared by an accredited designer and submitted to and stamp approved by Council via a standard Section 138 Roads Act Permit application available at Councils customer service counter. The stamped approved Roads Act Permit is to be obtained by the Certifier for building prior to Issue of the Construction Certificate Building works. A copy of the stamped approved Roads Act Permit and Traffic Management Plan is to be available on the works site for inspection at any time by an authorised Council officer (representing the Road Authority).

MAINTENANCE BOND

43. A maintenance bond in the form of a bank guarantee or cash bond to the amount of \$220,000.00 shall be lodged with Council. The bond shall cover maintenance and any damage to roads, drainage lines, public reserves or other Council property or works required as a result of work not in accordance with Council's standards, and/or development consent conditions. The bond will be held by Council for a period of 12 months from the date of issue of the Occupation Certificate.

~~PAVING AND STREET TREES~~

44. ~~Periphery type/Core type paving, and street trees, are to be installed/planted along the entire Castlereagh Street and Copeland Street frontages, as part of this development, in accordance with the Liverpool CBD Street Tree and Landscape Strategy and the Liverpool CBD Streetscape and Paving Guidelines 2005.~~

~~Amended plans are required to be submitted to, and approved by Council, prior to the release of the Construction Certificate, showing the proposed tree locations, species and planting sizes, paving location and layout, including references to the relevant details and specifications as contained in the abovementioned documents.~~

~~To ensure that the street tree planting size, quantity and quality is maintained throughout the Liverpool CBD, street trees can be purchased through Council at a discounted price. Please contact Council on 9821 8848 for further information.~~

PUBLIC DOMAIN PLAN

Prior to the issue of a Construction Certificate, a detailed Public Domain Plan shall be submitted to and approved by Council for the site's frontage to Castlereagh Street and the Hume Highway. The Public Domain Plan shall be prepared in accordance with the Liverpool

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City Centre Public Domain Master Plan and the Public Domain Technical Manual, including the design specifications for Periphery Streets PS1D (Castlereagh Street) and PS1F (Hume Highway), and shall include, but not be limited to:

- (a) the design and layout of pedestrian footpaths along the site frontages;
- (b) integration of the proposed footpaths with existing and proposed street trees and associated landscaping;
- (c) details demonstrating how the proposed footpaths transition to existing public domain conditions at the boundaries of the site;
- (d) kerb and gutter upgrades, including kerb ramps where required, to ensure a safe and continuous pedestrian environment; and
- (e) detailed design drawings, specifications and finishes for all proposed public domain works.

The approved Public Domain Plan shall be incorporated into the Construction Certificate documentation, and all public domain works shall be completed to Council's satisfaction.

This condition has been amended under modification DA-436/2007/A.

44a. LANDSCAPE PLAN -STREET TREES AND LANDSCAPING WITHIN SOUTHERN PART OF SITE

Prior to the issue of a Construction Certificate, amended landscape plans shall be submitted to and approved by Council. The amended plans shall:

- (a) demonstrate additional landscaping along the southern boundary of the site, including details of species selection, planting densities and the intended mature landscape outcome;
- (b) provide advanced street tree planting along the Castlereagh Street and Copeland Street (Hume Highway) frontages in accordance with Council's current streetscape and landscape standards;
- (c) nominate tree species that are suitable and supported by Council for planting within the Castlereagh Street and Copeland Street road reserves, having regard to the available verge width, underground and overhead services, sight distance requirements and long-term streetscape objectives;
- (d) identify the proposed species, quantities, planting locations, pot sizes, staking, root barriers (where required) and planting details; and
- (e) include all necessary construction details, planting specifications and establishment requirements to the satisfaction of Council.
- (f) demonstrate the final location of the electrical substation and fire hydrant and include any consequential amendments to the landscape design to ensure these elements are integrated into the development and their visual impact on the public domain is minimised.

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The approved landscape plan shall be implemented prior to the issue of an Occupation Certificate unless otherwise approved by Council.

This condition has been added under modification DA-436/2007/A.

Air Conditioning Units

- 44b. Prior to the issue of a Construction Certificate, amended architectural plans shall be submitted to and approved by Council demonstrating the location and screening of all proposed air conditioning condenser units. Any air conditioning units located within balconies shall be fully integrated into the building design and screened from public view.

This condition has been added under modification DA-436/2007/A.

Pedestrian Entry Features

- 44c.. Prior to the issue of a Construction Certificate, detailed architectural drawings shall be submitted to and approved by Council for the pedestrian entry features fronting Castlereagh Street, including entry canopies (where applicable), letterboxes, finishes, materials and any associated architectural detailing.

This condition has been added under modification DA-436/2007/A.

Retail Security Shutters

- 44d. Prior to the issue of a Construction Certificate, detailed architectural drawings of all proposed retail tenancy security shutters shall be submitted to and approved by Council. Security shutters to retail frontages shall comprise open grille or transparent shutters that provide a minimum of 50% visual transparency and shall comply with Section 4.3.3.5 of the Liverpool City Centre Development Control Plan.

This condition has been added under modification DA-436/2007/A.

Construction Waste Management Plan

- 44e. Prior to the issue of any Construction Certificate, a detailed Construction Waste Management Plan shall be prepared and submitted to the Certifier for approval. The Waste Management Plan shall demonstrate how demolition, excavation and construction waste will be minimised, reused, recycled, stored and lawfully disposed of in accordance with the relevant requirements of Council and any applicable legislation.

The approved Construction Waste Management Plan shall be implemented and complied with at all times throughout the demolition and construction phases of the development. Supporting documentation, including waste disposal and recycling receipts, weighbridge dockets and records of lawful disposal, shall be retained by the principal contractor and made available for inspection by Council or any other authorised person upon request

This condition has been added under modification DA-436/2007/A.

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SALINITY MANAGEMENT REPORT

45. A salinity management report shall be submitted to, and approved by Council. Such report shall recommend measures to be adopted, as part of the development, to reduce:
- (a) any existing soil salinity, or any impact of that salinity, on the land concerned; and
 - (b) the likelihood and impact of the soil becoming more saline as a result of that development.

DESIGN VERIFICATION STATEMENT

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

- ~~(a) A valid and current chartered architect's certificate number (as issued by the Board of Architects of NSW);~~
- ~~(b) That the qualified designer has designed or directed the design of the subject development; and~~
- ~~(c) That the plans and specifications lodged with the Construction Certificate achieve or improve the design quality of the development for which the subject development consent was granted, having regard to the design principles set out in Part 2 of SEPP 65.~~

~~Note: The design verification statement must provide an explanation of the design in terms of the design quality principles set out in Part 2 of SEPP 65.~~

In accordance with section 15 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 a certifier must not issue a construction certificate the Certifier has received a statement by a qualified designer verifying that the relevant building work plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design principles for residential apartment development referred to in Chapter 4 of State Environmental Planning Policy (Housing) 2021.

This condition has been amended under modification DA-436/2007/A.

PROVISION OF SERVICES

The following documentary evidence is to be obtained by the Certifier prior to the issue of any Construction Certificate.

47. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.

Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. The notice must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued.

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48. Prior to the issue of the construction certificate, written clearance from Integral Energy, stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development must be submitted to the Certifier.

STORMWATER

The following conditions have been imposed to ensure that the drainage collected on and/or passing through the site is conveyed through a controlled system to minimise any impact on the subject land, downstream properties or the environment.

49. Stormwater is to be collected within the site and conveyed in a pipeline to the appropriate point of discharge as directed by Council and as detailed on the plans approved as part of this development application.
50. A stormwater drainage plan, including hydraulic calculations based on a 1 in 10 year storm (ARI), is required. The plan must show how the stormwater generated by this site, and other interallotment overland flow water entering onto this site, is to be collected within the site and conveyed in a suitable pipeline to the most appropriate point of discharge as advised by Council.

This plan shall also show existing and proposed surface contours within the site and along its boundaries with immediately adjacent properties, and shall define overland flow paths for storms which exceed the capacity of the underground pipe system.

~~PUBLIC ROAD DESIGN / CONSTRUCTION WITHIN ROAD RESERVE AREAS~~

~~The following conditions have been imposed to ensure that adequate and safe vehicular and pedestrian access is provided to and from the site, and roads are built to a satisfactory standard.~~

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

This condition has been relocated in the consent under modification DA-436/2007/A.[See Condition 104.]

52. EROSION & SEDIMENT CONTROL

~~Erosion and sediment control measures shall be designed in accordance with the requirements of the Department of Housing 1998 manual "Managing Urban Stormwater - Soils & Construction" and Council specifications, and to the satisfaction of the Principal Certifying Authority. Approved measures shall be implemented prior to commencement and maintained during construction and until all disturbed areas have been revegetated and established to the satisfaction of the Principal Certifying Authority.~~

Prior to the issue of a Construction Certificate, a Soil and Water Management Plan (SWMP) Sediment Control plan, must be prepared by a suitably qualified person in accordance with Liverpool DCP 2008 Part 1, Section 8; the guidelines set out in 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) and the 'Guidelines for Erosion and Sediment Control on Building Sites' (Department of Planning, Housing and Infrastructure) (dated 2024).

This condition has been amended in under modification DA-436/2007/A.

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~~CONSTRUCTION AND PUBLIC SAFETY REQUIREMENTS~~

~~The following conditions have been imposed to ensure the development meets building design and structural standards.~~

- ~~53. If the applicant requires a construction work zone to be reserved on the adjacent street frontage then an application should be submitted to Council on the standard work zone application form. Approval or non approval will be determined by Councils Traffic Planning section. If the work zone application is approved then fees and charges are payable to Council on a once only establishment fee plus on a weekly per metre frontage rental basis.~~
- ~~54. Site development work in the form of excavation, underpinning or shoring works must not take place prior to the issue of a Construction Certificate~~
- ~~55. Lifting or craning materials over a public footway or roadway is not permitted unless a "B" class construction hoarding has been installed in compliance with work cover authority requirements.~~
- ~~56. The applicant/builder shall be responsible to report to the Council any damage to Councils footpath and road carriageway as a consequence of demolition or excavation or building activities or delivery/departure of materials associated with this site. The damage shall be reported to Council as soon as the damage becomes apparent to the builder/site manager. Arrangements to the satisfaction of Council are to be made for making safe by temporary repairs to the public way until permanent restoration and repair can be organised with Council.~~

~~Reason: To keep safe the public way during development work on neighbouring land, the subject of this development consent.~~

~~STRUCTURAL DETAILS/ SEDIMENT CONTROL/ SITE FILLING/ RETAINING WALLS/ BCA~~

- ~~57. 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 manufacturer's details or by a practising Structural Engineer.~~
- ~~58. Structural supporting elements or bracing of the building must be designed and certified by a qualified chartered structural engineer having regards to supporting ground conditions.~~

Conditions 53., 55. and 56., relocated in the consent to DURING WORK section under modification DA-436/2007/A [see Conditions 77b.- 77d.].

- ~~59. A preliminary assessment of the plans submitted with the application has disclosed that the following design and/or construction issues need to be addressed prior to the issue of any Construction Certificate to ensure compliance with the Building Code of Australia.~~
- ~~(a) Sprinkler system as per Section E1.5~~
 - ~~(b) Fire control room as per Section E1.8~~
 - ~~(c) ventilation to carpark as per AS1668.2~~

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A preliminary assessment of the plans submitted with the application has identified the following matters that must be addressed prior to the issue of a Construction Certificate to demonstrate compliance with the National Construction Code (NCC) 2022, Volume One (as amended) and all relevant Australian Standards:

- (a) Provision of an automatic fire sprinkler system, where required by the NCC, designed and installed in accordance with AS 2118.1 – Automatic Fire Sprinkler Systems, or other applicable Australian Standards.
- (b) Provision of a Fire Control Centre (or Fire Control Room) where required by the NCC, incorporating all facilities, equipment and features required by the NCC and relevant Australian Standards.
- (c) Provision of mechanical ventilation to the basement/car park, where required, designed in accordance with AS 1668.2 – The Use of Ventilation and Air Conditioning in Buildings – Mechanical Ventilation in Buildings and all relevant NCC Performance Requirements.

This condition has been amended under modification DA-436/2007/A.

60. All aspects of construction shall comply with the applicable Performance Requirements of the Building Code of Australia. Compliance with the Performance Requirements can only be achieved by -
- (a) complying with the Deemed to Satisfy Provisions: or
 - (b) formulating an Alternative Solution which complies with the Performance Requirements or is shown to be at least equivalent to the Deemed to Satisfy Provision, or a combination of (a) and (b).
 - (c) should an "Alternative Solution" under the BCA be proposed, Councils building surveyor shall be involved in the preparation of the Fire Engineered Design Brief (F.E.D.B).
 - (d) any alternative solution concerning fire safety shall be reviewed by the NSW Fire Brigade (Fire Safety Division). Their comments are to be forwarded to Council prior to the issue of a construction certificate.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

61. The following Crime Prevention Through Environmental Design (CPTED) principles shall be incorporated into the building. Where necessary, plans shall be amended to reflect incorporation of the principles and/or details of such to be submitted to the PCA, prior to issue of the Construction Certificate.
- (a) Back to base alarm systems shall be considered;
 - (b) Basement parking areas shall be painted a light colour;
 - (c) CCTV for the ground level, entry/exit points, car parks, lifts and the exterior of the building shall be considered;
 - (d) 'Way finding' signage should be utilised at all major interchanges such as lifts and stair wells;
 - (e) Lighting is required to be designed in accordance with the Australian and New Zealand Lighting Standard AS 1158. A lighting maintenance policy should be established.

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Security lighting should be installed in and around the building, and such shall not impact on any adjoining premises. The lighting should be vandal resistant, especially external lighting;

- (f) Corrugated ramps should be considered to prevent skate boarding activities;
- (g) Glazed tiling, patterned, porous and non solid surfaces reduce the reward for graffiti offenders, and shall therefore be considered;
- (h) Access to the basement parking levels relating to the residential component of the building shall be controlled via a security operated shutter.

DISABLED ACCESS

The following condition has been imposed to ensure adequate provision is made for disabled access associated with the development;

62. ~~Access, parking and facilities for persons with disabilities to be provided in accordance with the provisions of Building Code of Australia 1996 as amended and Australian Standard 1428.1.~~

The construction certificate drawings shall show that access, accessible parking spaces and accessible facilities shall be provided and constructed in accordance with:

- (a) the applicable provisions of the National Construction Code (NCC);
- (b) the Disability (Access to Premises – Buildings) Standards 2010, where applicable; and
- (c) the relevant Australian Standards referenced by the NCC, including AS 1428.1 – Design for Access and Mobility – General Requirements for Access – New Building Work.

Evidence demonstrating compliance with the above requirements shall also be provided to the satisfaction of the Principal Certifier prior to the issue of an Occupation Certificate.

This condition has been amended under modification DA-436/2007/A

FIRE SAFETY MEASURES

The following conditions have been imposed to ensure that adequate fire safety measures are provided.

63. ~~A schedule specifying all of the essential fire safety services, both existing and proposed, which are required for the building, shall be attached to the construction certificate and submitted to Council, in compliance with the provisions of the Environmental Planning and Assessment Act (Regulations) 2000.~~

Prior to the issue of a Construction Certificate, a Fire Safety Schedule shall be prepared and submitted to the Certifier in accordance with the requirements of the Environmental Planning and Assessment Regulation 2021.

The Fire Safety Schedule shall:

- (a) specify all Essential Fire Safety Measures (EFSMs) required for the building, including existing and proposed measures, as applicable;
- (b) identify the minimum standard of performance for each Essential Fire Safety Measure as required by the National Construction Code (NCC) and any relevant Australian Standards referenced by the NCC;

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- (c) incorporate all fire safety measures required as part of any approved Performance Solution, Fire Engineering Report (FER) **or** Fire Engineering Brief (FEB/FEDB), where applicable;
- (d) be consistent with the approved development consent, Construction Certificate plans and specifications; and
- (e) where required under the Environmental Planning and Assessment Act 1979 or Environmental Planning and Assessment Regulation 2021, be referred to Fire and Rescue NSW for comment prior to the issue of the Construction Certificate.

The approved Fire Safety Schedule shall be attached to, or form part of, the Construction Certificate.

This condition has been amended under modification DA-436/2007/A.

LAND DEDICATION/ CONSOLIDATION

- 64. All separate lots must be consolidated. The applicant shall provide evidence that the linen plan, for the required land consolidation, endorsed by Council, has been registered with the Land and Property Information Service. This is to be provided to Council prior to the release of any Construction Certificates.

D. PRIOR TO ANY WORK COMMENCING ON THE SITE

The following conditions are to be complied with prior to any work commencing on the site.

CONSTRUCTION CERTIFICATES

- 65. Detailed engineering plans and specifications relating to the work shall be endorsed with a Construction Certificate, in accordance with sections 4.19, 6.6 and 6.7 ~~Section 81A~~ of the Act and a copy submitted to Council, with payment of any relevant fees. The fees will include damaged deposit, road opening, damaged inspection fee and any required Section 7.11 94 payment. You are required to contact Council's Customer Service Centre to confirm the current amounts.

This condition has been amended under modification DA-436/2007/A.

- 66. ~~DELETED 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.~~

This Condition has been deleted under modification DA-436/2007/A - requirements for issue of a construction certificate are in the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

Landscaping

- 66a. Tree protection measures are to be put in place in accordance with AS 4970- 2025 (protection of trees on development sites).

This condition has been added under modification DA-436/2007/A.

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- 66b. Before any site work commences, the project arborist must be satisfied the measures for tree protection detailed in AS 4970-2025 (protection of trees on development sites) are in place.

This condition has been added under modification DA-436/2007/A.

NOTIFICATION SUBDIVISIONS/ BUILDING

67. The applicant shall advise Council of the name, address and contact number of the Certifier, in accordance with Section 81A (4) of the Act.
68. The Certifier shall advise Council, of the date it is intended to commence the work which is the subject of the "Complying development" certificate by completing a "Notice of Commencement of BUILDING OR SUBDIVISION WORK" form available from Council's front counter. A minimum period of two (2) working days, notification shall be given.
69. Building work that involves residential building work (within the meaning of the Home Building Act 1989) must not be commenced unless the Principal Certifier for the development to which the work relates:

- (a) in the case of work to be done by a licensee under that Act:

Has been informed in writing of the licensee's name and contractor licence number, and

is satisfied that the licensee has complied with the requirements of Part 6 of the Act, or

- (b) in the case of work to be done by any other person:

Has been informed in writing of the person's name and owner-builder permit number, or

has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definitions of owner-builder work in Section 29 of the Act and is given appropriate information and declarations under paragraphs

(a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

Note: A certificate supporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this condition sufficient evidence that the person has complied with the requirements of that Part.

70. A written notice of intention shall be given to the owner of the adjoining allotments of land, outlining the particulars of the proposed work which involves:
- (a) any excavation, below the base of the footings of a building on an adjoining allotment of land.
- (b) The notice shall be given seven (7) days prior to the commencement of work.

SITE FACILITIES

71. The following facilities shall be installed on the site:

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- (a) Adequate refuse disposal methods and builders storage facilities. Builders wastes, materials or sheds are not to be placed on any property other than that which this approval relates to.

72. Access to the site is to be provided only via the all-weather driveway on the property and is not to be provided from any other site, or location. (Refer to Council's Sediment & Erosion Control Policy)

SITE NOTICE BOARD

73. A sign must be erected in a prominent position on the premises on which work is to be carried out. The sign must state:

- (a) Unauthorised entry to the premises is prohibited, and
- (b) The name of the builder or other person in control of the premises and a telephone number at which the builder or other person may be contacted outside working hours.

74. A construction hoarding of class TYPE A B, OR C CLASS must be erected to prevent any substance from, or in connection with, the construction site falling onto a public area:

- (a) If the work involved in the erection or demolition of a building:
 - (i) is likely to cause pedestrian or vehicular traffic in a public area to be obstructed or rendered inconvenient, or
 - (ii) Between the construction site and a public area. Such hoarding or barrier must be designed and erected in accordance with Council's guidelines on hoarding construction. Relevant application for under the Roads Act approval must be completed and fees paid prior to the construction of a hoarding on Council road reserve area.
 - (iii) If craning of materials across a public area or road reserve area.

NOTIFICATION OF SERVICE PROVIDERS

75. Construction Certificate plans as submitted to Council are to be approved by Sydney Water, to verify that the development meets its requirements concerning the relationship of the development of any water mains, sewers or stormwater channels

PLANS/REPORTS

76. A dilapidation report is to be undertaken prior to commencement of works. This shall include clear photos and descriptions of all existing Council infrastructure adjacent to subject site. A copy of this report is to be provided to Council.
77. No work or craning shall be undertaken within the adjoining public lands without the prior written consent of Council. In this regard Council may require a Traffic Management Plan to be submitted before giving its Approval.

Construction Environmental Management Plan (CEMP)

- 77a. Before the commencement of any site works, a Construction Environmental Management Plan (CEMP) must be prepared and submitted to the Principal Certifier. The CEMP must be implemented throughout the duration of construction works and must include, but not be limited to, the following matters:

- (a) Site Establishment and Management

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- (i) The location, materials and design of protective fencing, hoardings and security measures around the perimeter of the site;
 - (ii) Measures to ensure public safety and the protection of adjoining properties, pedestrians and road users;
 - (iii) Pedestrian and vehicular access arrangements, including construction access points, site entry/exit locations and construction activity zones;
 - (iv) The location of site offices, amenities, storage areas, sheds, material stockpiles and waste storage areas;
 - (v) The location of temporary sanitary facilities;
 - (vi) Details of construction equipment, machinery and vehicles to be used during the works.

(b) Construction Traffic Management

- (i) Proposed construction vehicle movements to and from the site;
- (ii) Estimated frequency of truck movements;
- (iii) Measures to manage construction traffic impacts, including pedestrian and cyclist safety;
- (iv) Measures to minimise impacts on surrounding roads, public areas and adjoining properties.

(c) Construction Activities and Environmental Management

- (i) Details of the proposed construction methodology, staging and program of works;
- (ii) Details of bulk earthworks, excavation, filling and spoil management;
- (iii) Dust suppression and air quality management measures;
- (iv) Noise and vibration management measures, including monitoring where required;
- (v) Soil erosion and sediment control measures;
- (vi) Stormwater management measures to prevent pollution, sedimentation or contamination of drainage systems and waterways;
- (vii) Waste management procedures, including storage, recycling, handling and lawful disposal of construction waste;
- (viii) Measures for the management of hazardous materials, chemicals and fuels, including spill prevention and response procedures.

(d) Vegetation and Tree Protection

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Measures for the protection and preservation of trees located on the site and within adjoining public areas, including compliance with:

- (i) AS 4970 – Protection of trees on development sites;
- (ii) Any applicable Development Control Plan; and
- (iii) Any approved arborist report forming part of this consent.

(e) Environmental Monitoring and Incident Management

- (i) Procedures for monitoring construction impacts and ensuring compliance with the approved CEMP;
- (ii) Procedures for responding to environmental incidents, complaints and non-compliances;
- (iii) Details of the nominated person responsible for implementing and monitoring the CEMP.

The approved CEMP must be kept on-site at all times while construction works are being undertaken and must be made available to Council officers, the Principal Certifier or any authorised person upon request.

All construction works must be undertaken in accordance with the approved CEMP.

This condition has been added under modification DA-436/2007/A.

CONSTRUCTION AND PUBLIC SAFETY REQUIREMENTS

To keep safe the public way during development work on neighbouring land, the subject of this development consent

- 77b. If the applicant requires a construction work zone to be reserved on the adjacent street frontage than an application should be submitted to Council on the standard work zone application form. Approval or non approval will be determined by Councils Traffic Planning section. If establishment fee plus on a weekly per metre frontage rental basis.
- 77c. Lifting or craning materials over a public footway or roadway is not permitted unless a "B" class construction hoarding has been installed in compliance with work cover authority requirements.

Conditions 77b, and 77c. have been relocated in consent under modification DA-436/2007/A

E. DURING CONSTRUCTION/WORKS

The following conditions are to be complied with whilst works occurring on the site:

- 77d. The applicant/builder shall be responsible to report to the Council any damage to Councils footpath and road carriageway as a consequence of demolition or excavation or building activities or delivery/departure of materials associated with this site. The damage shall be reported to Council as soon as the damage becomes apparent to the builder/site manager.

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Arrangements to the satisfaction of Council are to be made for making safe by temporary repairs to the public way until permanent restoration and repair can be organised with Council.

This Condition has been relocated in consent under modification DA-436/2007/A

LANDFILL

78. ~~Trucks transporting fill are to have their loads covered.~~

The approved SWMP and CEMP shall be implemented at all times during work on the site.

This Condition has been amended under modification DA-436/2007/A

HOURS OF OPERATION

79. Construction civil work is only permitted on the site between the hours of 7am to 6pm Monday to Friday and, 8am to 1pm on Saturday. No work will be permitted on Sundays or Public Holidays, unless otherwise approved by Council.
80. Deliveries shall occur only between the hours of 7am and 7pm, Monday to Friday and, between - 7am and 7pm on Saturday, and shall not occur at any time on Sundays or Public Holidays.

AIR QUALITY AND EROSION CONTROL

81. Dust screens are to be erected around the perimeter of the subject land during land clearing, excavation and construction and until such time as the soil is stabilised.
82. Where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, dust is to be suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Where wind velocity exceeds five knots the Principal Certifier may direct that such work is not to proceed.
83. 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.
84. Vehicular access to the site shall be controlled through the installation of wash down bays or shaker ramps to prevent tracking of sediment or dirt onto adjoining roadways. Where any sediment is deposited on adjoining roadways is shall be removed by means other than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner which will prevent its mobilisation.

WATER QUALITY

85. All topsoil, sand, aggregate, spoil or any other material shall be stored clear of any drainage line, easement, water body, stormwater drain, footpath, kerb or road surface and shall have measures in place in accordance with the approved Soil and Water Management Plan and or Erosion and Sediment Control Policy.
86. Sediment and erosion control measures are to be adequately maintained during the works until the establishment of grassing.

POLLUTION CONTROL

87. Waste water from the washing of concrete forms or trucks shall not to enter the stormwater drainage system. The ensure that the Protection of the Environment Act is not breached.

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88. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material. To ensure that the Clean Waters Act is not breached.

GENERAL SITE WORKS

89. The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.
90. The property must be surrounded by a security fence and the gate must be locked outside the operating hours to prevent unauthorised tipping at the property
91. Care shall be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or the applicant's agents may be liable to pay compensation to any adjoining owner if, due to construction works, damage is caused to such adjoining property.
92. All demolition work to be carried out in accordance with the requirements of Australian Standard 2601-1991. Demolition to be carried out strictly in accordance with the approved work plan and procedures.
93. Dangerous or hazardous material must be removed and disposed of by qualified persons.
94. 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.
95. Stormwater pipeline connections to the street kerb shall be constructed in the following manner:
- (a) the kerb shall be sawcut on both sides of the proposed pipe outlet.
 - (b) an approved rectangular kerb adaptor shall be installed with the base matching the invert level of the gutter.
 - (c) The kerb shall be reinstated to its original profile using a cement mortar containing an epoxy additive for adherence to the existing kerb.

F. PRIOR TO OCCUPATION OF THE BUILDING/PREMISES

The following conditions are to be complied with prior to the occupation of the building;

GENERAL

96. The premises must not be occupied until an occupation certificate is issued by the Principal Certifier. Copies of all documents relied upon for the issue at the occupation certificate must be attached to the occupation certificate and registered with Council. These documents shall include surveyor reports and compliance certificate.

Restriction as to user and positive covenant

- 96a. 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 Stormwater detention system/s,
 - (b) Stormwater pre-treatment system/s,
 - (c) Overland flowpath works,
 - (d) Flood control works (including Compensatory storage), and/or

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(e) 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.

This condition has been added under modification DA-436/2007/A.

Landscaping

- 96b. 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.

This condition has been added under modification DA-436/2007/A.

AIR CONDITIONERS

97. Where an air handling, evaporative cooling hot water, humidifying, warm water or water cooling system installed the following is to be undertaken.
- (a) A Compliance Certificate is to be obtained certifying that the system has been installed in accordance with the provisions of the Public Health Act 1991, the Regulations thereunder and Australian Standard 3666.
 - (b) All relevant information as required by Clause 78 of the Regulation under the Public Health Act 1991 shall be submitted to Council on completion of the building.
 - (c) The occupier of the premises is to be given both an operation and maintenance manual. The system shall be maintained monthly and shut down on a seasonal basis for cleaning and any necessary maintenance. All inspection results are to be kept on site for 7 years. A copy of each seasonal report is to be submitted to Council immediately after the service is carried out.

CERTIFICATES

98. A final fire or interim safety certificate is to be attached to any Occupation Certificate, except in the case of a Class 1a or Class 10 building(s). This must include all the "essential fire services" installed in the building.
99. Before the Occupation Certificate can be issued for the development, a Compliance Certificate or other documentation deemed suitable to the Principal Certifier is to be submitted to the Principal Certifier, detailing compliance with the following:
- (a) Certification is to be obtained from a qualified acoustic consultant certifying that the building has been constructed to meet the noise criteria in accordance with the approved Acoustic Report and that all recommendations have been adopted.

WORKS AS EXECUTED PLAN

100. A Works as Executed (WAE) plan is to be prepared by a licensed surveyor indicating details of drainage pits, pipes (on site detention system if applicable), and whole of site actual surface contours at the standard of the approved design. The WAE plan is to be checked by a

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practising drainage designer. The designer shall provide a certification statement that the constructed works are substantially in accordance with the approved design.

DESIGN VERIFICATION STATEMENT

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

- ~~(a) A valid and current chartered architect's certificate number (as issued by the Board of Architects of NSW);~~
- ~~(b) That the completed development achieves the design quality of the development as shown in the plans and specifications submitted and approved with the Construction Certificate, having regard to the design principles set out in Part 2 of SEPP 65.~~

In accordance with section 43(2) a Certifier must not issue an Occupation Certificate unless the certifier has received a design statement being statement by a qualified designer verifying that the development achieves the design quality shown in the plans and specifications for which the construction certificate was issued, having regard to the design principles for residential apartment development Chapter 4 of State Environmental Planning Policy (Housing) 2021.

This condition has been amended under modification DA-436/2007/A.

101a. BASIX

Under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021:

- (a) section 37(4) requires that an application that relates to a development consent that was granted with a condition requiring a commitment listed in a BASIX certificate to be fulfilled must also be accompanied by a copy of each relevant BASIX certificate.
- (b) section 44(2) requires that the Certifier must not issue an occupation certificate for the building unless the commitment has been fulfilled.

This condition has been added under modification DA-436/2007/A.

Landscape Works

102. 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.

This condition has been added under consent DA-436/2007/A.

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103. Driveway and Carpark Design Compliance Certificate:

Prior to the issue of an occupation certificate, the applicant is to be requested to submit driveway and 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.

This condition has been added under consent DA-436/2007/A.

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

This condition has been relocated under consent DA-436/2007/A

ON GOING CONDITIONS

~~OPERATIONAL MATTERS~~

These conditions pertain to the use of the site and have been imposed to ensure that the development and its operations do not interfere with the amenity of the surrounding area.

105. The use of each neighbourhood shop shall be subject to a separate Development Application for its use and must not be occupied until individual Development Consents are granted by Council.

SITE MANAGEMENT/ OPERATION TIMES

106. Advertising matter must not be erected, painted or displayed without the prior approval of Council. For further information, please obtain a copy of Council's Advertising Development Control Plan No. 35 - 'Outdoor Advertising'.

NOISE LEVELS

107. Noise levels from the premises shall not exceed the relevant noise criteria detailed in the approved Acoustic Report.

The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

Conditions 105.- 107. have been relocated from above under modification DA-436/2007/A.

108. Newly planted street trees, as required by conditions of consent, shall be maintained by the developer for a period of one (1) year from the date of issue of the Occupation Certificate. Any dead, dying or damaged trees are to be replaced during this period in accordance with Council requirements.

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Landscaping Maintenance and Strata Management

109.

- (a) All approved landscaping must be maintained in accordance with the approved Landscape Plan in a healthy, safe and thriving condition in perpetuity.
- (b) The ongoing management, maintenance and replacement of all landscaping and communal planted areas must be the responsibility of the Owners Corporation (Strata) and must be incorporated into, and managed in accordance with, the Strata Plan of Management. The Strata Plan of Management must include provisions for the maintenance of all landscaping in perpetuity, including routine inspection, irrigation, pruning, weed control, pest and disease management, mulching, fertilising, replacement planting and the general upkeep of all landscaped areas to ensure the landscaping continues to perform its intended function.
- (c) If any tree, shrub, groundcover or other vegetation forming part of the approved landscaping dies, becomes diseased, is damaged beyond recovery or is removed, it must be replaced with vegetation of the same species (or another species approved by Council where the original species is unavailable) and of a similar maturity, at the next available planting season, so that the approved landscaping is maintained in perpetuity.
- (d) An annual report prepared by a suitably qualified landscape professional must be submitted to Council for each of the first three (3) years following the issue of the Occupation Certificate, certifying that the approved landscaping has been satisfactorily established and maintained in accordance with the approved Landscape Plan and this condition of consent. Thereafter, the Owners Corporation (Strata) must continue to maintain the landscaping in perpetuity in accordance with the approved Landscape Plan and the Strata Plan of Management.

This condition has been added under modification DA-436/2007/A.

Note: This approval notice is strictly for changes sought under Modification Application DA-436/2007/A. No approval is granted or implied for any other works / changes proposed to the submitted development.

ADVISORY NOTES:

- (a) Section 8.2 of the EP&A Act provides that an applicant may request that Council review the determination of the Modification Application (this does not relate to designated development or Crown development).
- (b) Section 244 of the EP&A Regulations provides that an application for review must be submitted within 28 days of the date of the determination, and Section 8.2 of the EP&A Act provides that an application cannot be reviewed/determined after 6 months of the date of determination.
- (c) Section 8.9 of the EP&A Act provides that an applicant who is dissatisfied with the determination of a Modification Application, may appeal to the Land and Environment Court within six (6) months of the date of determination, or as otherwise prescribed by the EP&A Act.

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- (d) The Section 4.56 Modification Application does not extend the timeframe of the Development Consent initially granted by Council.
- (e) Modification of the Development Consent does not remove the need to obtain any other statutory consent necessary under the EP&A Act.

REASONS FOR DECISION:

Based on the advice of the Council this application is Regionally Significant Development, and the Panel is determining the application on behalf of the Sydney Western City Planning Panel. The Panel generally concurs with Council Officers' Assessment Report. The written submission on the application and the presentation made on behalf of the Applicant in the Public Meeting were considered by the Panel.

During the briefing on the Application, the Panel was advised that the extent of flood affection may have changed from that when the original development application was approved in 2008. It was unclear to the Panel as to why some flood related conditions had been removed but not others. Council's Assessment Officer confirmed that he had been advised by Council's Flood Engineer that the Flood related conditions should remain as shown the draft approval. At this stage and since the Applicant has not objected, the Panel will adopt these draft amended conditions as recommended. The Applicant is advised to contact the Council in this regard.

The Panel notes that references in the Assessment Report to the proposal including affordable housing is incorrect.

Other amendment to the consent and additional conditions for landscaping, EV vehicle charging and to update the conditions to the current provisions of the Act and Regulations have been inserted by the Panel.

VOTING NUMBERS:

3/0

ITEM No:	2
APPLICATION NUMBER:	DA-126/2026
SUBJECT:	The development seeks consent to regularise the use of two existing industrial units operating as a waste or resource management facility (scrap metal recycling). Works include internal reconfiguration, and minor fit-out within the approved building footprint. Metal materials will be received, processed and stored in designated areas prior to transport off-site for further recycling/ use. No structural expansion is proposed, with operations contained wholly within the building and existing hardstand areas. The proposed development is Designated Development as per the Environmental Planning and Assessment Regulation 2021

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LOCATION:	8&9/ 377 Newbridge Road, Moorebank NSW 2170
APPLICANT:	Liverpool Metals Pty Ltd
AUTHOR:	Robert Micallef

DETERMINATION OF PANEL:

Development Application DA-126/2026 seeks consent to regularise the use of two existing industrial units operating as a waste or resource management facility (scrap metal recycling). Works are also proposed including internal reconfiguration, and minor fit-out within the existing building. Metal materials will be received, processed and stored in designated areas prior to transport off-site for further recycling/ use. No structural expansion is proposed, with operations indicated as being contained wholly within the building and existing hardstand areas. Council has determined that proposed development is Designated Development as per the Environmental Planning and Assessment Regulation 2021.

The Application is **refused** for the reasons in Attachment A of the Assessment Report, expanded to read as follows:

Reasons for Refusal

1. Council has determined that the proposed development is properly characterised as a resource recovery facility, having regard to the receipt, sorting, processing, storage and dispatch of waste materials for resource recovery purposes.

As the site is situated in flood liable land within the Georges River Catchment it is therefore a prohibited land use in accordance with the provisions of State Environmental Planning Policy (Biodiversity and Conservation) 2021, Chapter 6 – Water Catchments, Clause 6.22 – Waste or resource management facilities, pursuant to Sections 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.

2. Because the proposed use is characterised as waste or resource recovery facility, the proposal is Designated Development under the Environmental Planning and Assessment Act 1979. Insufficient information has been provided to Council in order to carry out an assessment for development classified as Designated Development in accordance with the provisions of Clause 45 in Schedule 3 of the Environmental Planning and Assessment Regulation 2021. In this regard, an Environmental Impact Statement has not been provided for assessment in the form specified by the regulations, pursuant to Section 4.15(1)(a)(iv) of the Environmental Planning and Assessment Act 1979.
3. Pursuant to Clause 173 of the Environmental Planning & Assessment Regulation 2021 a written request is to be made to the Planning Secretary, which has not occurred pursuant to Section 4.15(1)(a)(iv) of the Environmental Planning and Assessment Act 1979.
4. Insufficient information has been submitted to allow Council to carry out a full and proper assessment of the application. In this regard, an inadequate response has been received to Council's request for additional information and additional information is required including:

- a. Demolition
- b. NCC compliance
- c. Owner's consent for and approval for use of strata common area, including in light of vehicle queuing proposed to occur outside the confines of the subject units
- d. Hazardous materials storage
- e. Assessment of the floor space in the strata complex needed in order to carry out a floor space ratio calculation
- f. Amended floor plans to accurately reflect the proposed mezzanine level
- g. Car parking
- h. Water quality impacts
- i. Signage and Advertising.

pursuant to Sections 4.15(1)(a)(iv), 4.15(1)(b), 4.15(1)(c) and 4.15(1)(d) of the Environmental Planning and Assessment Act 1979.

- 5. Insufficient information has been submitted with the proposed development to satisfy the provisions of State Environmental Planning Policy (Biodiversity and Conservation) 2021, Chapter 6– Water Catchments, specifically sections 6.6 - Water quality and quantity, 6.8 – Flooding, 6.11 – Land within 100m of a natural watercourse & 6.21 - Stormwater management, pursuant to sections 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
- 6. The proposed development has not provided sufficient information for a full and proper assessment of the gross floor area in the proposed development in accordance with clause 4.4 Floor Space Ratio under the Liverpool Local Environmental Plan 2008, pursuant to sections 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
- 7. The proposed development is inconsistent with and has not submitted sufficient information to address clause 5.21 Flood Planning under Liverpool Local Environmental Plan 2008 pursuant to sections 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
- 8. The proposed development has provided insufficient information and does not achieve satisfactory compliance with the objectives and controls under Liverpool Development Control Plan 2008, including, but not limited to Part 1 General Controls for All Development:
 - a. Section 6 – Water Cycle Management;
 - b. Section 9 – Flooding Risk;
 - c. Section 20 – Car Parking and Access;
 - d. Section 26 – Outdoor Advertising and Signage.

pursuant to sections 4.15(1)(a)(iii), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.

- 9. The proposed development does not adequately demonstrate that the proposal would not have an adverse impact on the built environment and natural environment, including with respect to flooding, stormwater management and water quality, pursuant to Sections 4.15(1)(a)(iv), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.

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10. The proposal does not adequately demonstrate that the site would be suitable for the proposed development, pursuant to Sections 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, including but not limited to the following reasons:
 - a. Development on a floodplain;
 - b. Waste or resource management facility on a floodplain within the Georges River Catchment;
 - c. Queueing and traffic impacts within the common areas;
 - d. Forklift movements around common areas;
 - e. Concerns with whether the units are capable of storing all materials and whether the operation will be able to be maintained wholly within the building;
 - f. Impacts on other uses within the complex;
 - g. Noise impacts;
 - h. Hours of operation.
11. The proposed development is not considered to be acceptable having regard to the concerns raised from internal referrals within Council, pursuant to the provisions of section 4.15(1)(d) of the Environmental Planning and Assessment Act 1979.
12. The proposed development is not considered to be acceptable having regard to the concerns raised from community submissions, pursuant to the provisions of Section 4.15(1)(d) of the Environmental Planning and Assessment Act 1979.
13. Due to the above reasons, approval of the proposed development would be contrary to the public interest, and inconsistent with the objects of the Environmental Planning and Assessment Act 1979 under section 1.3, including the promotion of the orderly and economic use and development of land, the protection of the environment, and ecologically sustainable development, pursuant to provisions of section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979.

REASONS FOR DECISION:

The Panel generally concurs with the assessment leading to refusal in the Assessment Report. The Panel considered the written objections and presentations made by the objectors, and the presentation made on behalf of the Applicant in the Public Meeting.

The Panel observed the premises at a site inspection, and the conflicts and issues raised by the objectors were evident. The Panel notes that the operation was spilling over into the common land of the industrial units, and despite the Applicant's Planner indicating that the operation, if approved, would operate in accordance with a consent, the existing situation, and the fact that not consent was sought in the first place does not promote confidence that the proposal is suitable for and will be able to operate within the confines of the industrial units.

The Council took the approach of categorising the proposal as designated development and the Panel supports the view given that scrap metal recycling does by its nature involve the processing of waste material.

The Panel notes that the Applicant had lodged an appeal to the Land and Environment Court on the deemed refusal of the Application.

VOTING NUMBERS:

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3/0
