

LOCAL PLANNING PANEL AGENDA

14 September 2026

LIVERPOOL
CITY
COUNCIL



LIVERPOOL CIVIC CENTRE,
COUNCIL CHAMBERS, LEVEL
1, 50 SCOTT ST, LIVERPOOL

MATTERS FOR THE LOCAL PLANNING PANEL'S DETERMINATION

Monday, 14 September 2026

MS TEAMS

Commence at **2:00 PM**

Microsoft Teams meeting

Join: <https://teams.microsoft.com/meet/446751246961291?p=g7lvAzOCCYpe9YjWua>

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

Should you wish to address the Panel, please advise Sharon Zunic on 0427 703 451, by 4pm, Thursday 10 September 2026.

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

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

ORDER OF BUSINESS

1. DECLARATIONS OF INTEREST

2. AGENDA ITEMS

ITEM No.	SUBJECT	PAGE No.
1	DEVELOPMENT APPLICATION DA-116/2026 Conversion of units 5 & 6 to a Place of Public Worship. LOT 5 SP 44766, LOT 6 SP 44766 5/12-14 Hume Highway Warwick Farm NSW 2170	4 - 41

ITEM No.	SUBJECT	PAGE No.
2	DEVELOPMENT APPLICATION DA-514/2025 Residential Subdivision of Two Lots into 26 Lots including creation of Residue allotments over 4 stages with demolition of existing structures, tree removal, remediation works, Road Construction, Stormwater Drainage & Services construction and general earthworks. LOT B DP 413204, & LOT 370 DP 2475 441 Fifteenth Avenue Austral NSW 2179	42 - 128

LPP Items

ITEM 01	DA-116/2026	AS 4
ITEM 02	DA-514/2025	AS 42

Item Number:	ITEM 01
Application Number:	DA-116/2026
Proposed Development:	Conversion of Units 5 and 6 into a place of public worship
Property Address	5/ 12-14 Hume Highway Warwick Farm
Legal Description:	Lot 5 & 6 SP 44766
Applicant:	F Moussa
Cost of Works:	\$50,000.00
Recommendation:	Refusal
Assessing Officer:	Anna Stephenson

1 EXECUTIVE SUMMARY

Council is in receipt of a Development Application seeking consent for conversion of two units within a commercial and residential development into a place of public worship at Units 5 & 6 12-14 Hume Highway, Warwick Farm, legally known as Lots 5 and 6 in SP 44766.

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

The development application was advertised and notified for a period of 14 days from 8 May 2026 to 27 May 2026 in accordance with Community Participation Plan 2025. 148 submissions were received during the public consultation period with 76 objecting and 72 supporting the proposal. The issues of concern raised in the submissions can be summarised as follows:

- Insufficient parking provision for the proposed use, noting existing parking issues within the vicinity;
- Traffic generation of the proposed use;
- Noise generation and general amenity impacts to a predominantly residential area;
- Safety – increased traffic, both vehicular and pedestrian, may lead to safety impacts and may attract anti-social behaviour;
- How will waste on site be managed to prevent odours and vermin;
- Is the building suitable for the use in terms of structural integrity, fire safety and construction code compliance;
- Would patrons of the use be able to evacuate safely in the event of a fire;
- The proposal would be unreasonably intense for the context of a small-scale commercial precinct adjoining residential areas;
- The development may impact adjoining businesses economically due to effects of noise, parking and traffic issues;

- No information has been provided in regard to the hours of operation of the development;
- It is unclear if the existing sanitary facilities are sufficient for the amount of attendees;
- The premises do not appear to be accessible, and the entrance is not well defined.

The key issues associated with the proposal relate to:

- **Insufficient information** to establish whether the development would comply with the requirements of the SEPP (Transport and Infrastructure) 2021;
- **Noncompliance** with the requirements of the LDCP 2008;
- **Insufficient information** to establish whether the development would comply with the requirements of Clause 62 of the EP&A Regulation 2021, relating to NCC requirements and fire safety;
- The applicant has not addressed the **objections** to the application.

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

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

2. SITE DESCRIPTION AND LOCALITY

2.1 The locality

The area is characterised by high density residential development with a small local centre precinct and is within the northern part of the CBD area.

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

North (front)	Hume Highway, high density residential development on the other side of the road
East (side)	10 Hume Highway, Warwick Farm – commercial premises
West (side)	14 Hume Highway, Warwick Farm – commercial premises
South (rear)	High density residential developments

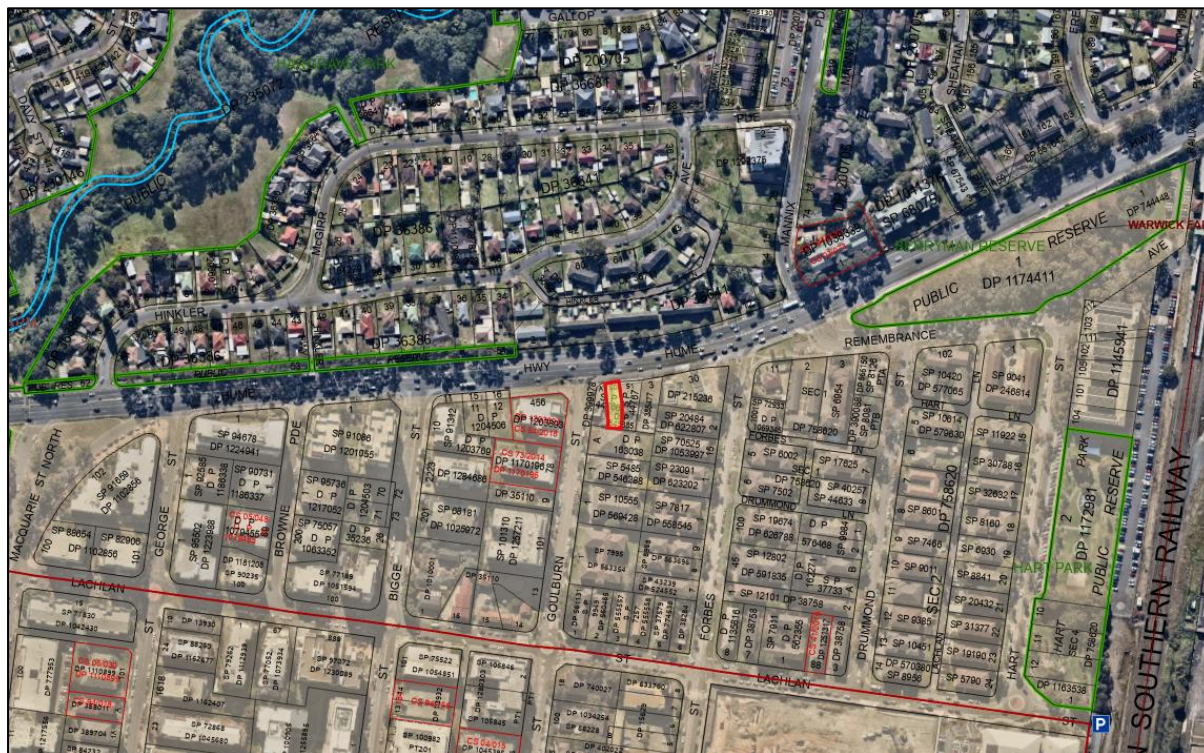
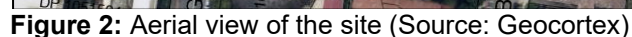


Figure 1: Locality Surrounding the Proposed Development (Source: Geocortex)

2.2 The site

Units 5 and 6 12-14 Hume Highway, Warwick Farm, which is referred to legally as Strata Lots 5 and 6 in SP 44766. The subject site forms part of an existing commercial and residential building located on Lot A in DP 399978 and Lot 50 in DP 545385. The site is a corner lot with a primary frontage of 14.03m to Hume Highway, a secondary frontage of 29.14m to Goulburn Street and a corner splay of 4.88m. The strata lots forming part of this application have a combined area of 162sqm, and the overall site has an area of approximately 720.85sqm.



- The subject site was investigated by Council's Building Compliance section in October 2025 and a Notice of Proposed Stop Use Order was issued on 13 April 2026;
- The subject DA was lodged on 16 April 2026 and was notified and advertised from 8 May 2026 to 27 May 2026;
- A request for additional information was issued on 19 June 2026 raising issues from internal referral departments as well as planning matters and concerns raised by objectors;
- Following correspondence with the applicant, a 2-week extension of time was granted until 17 July 2026 for the provision of additional information;
- A follow-up reminder letter was issued on 21 July 2026 after no submission of additional information was received;
- To date, no amended information has been received by Council.

- **Conversion** of two existing units into a place of public worship;
- **Construction** of an awning over the existing first floor balcony.

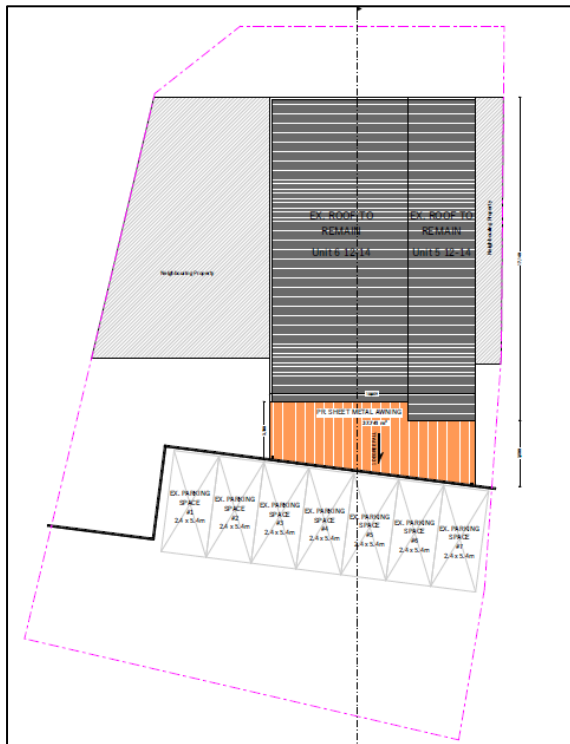


Figure 3: Site Plan

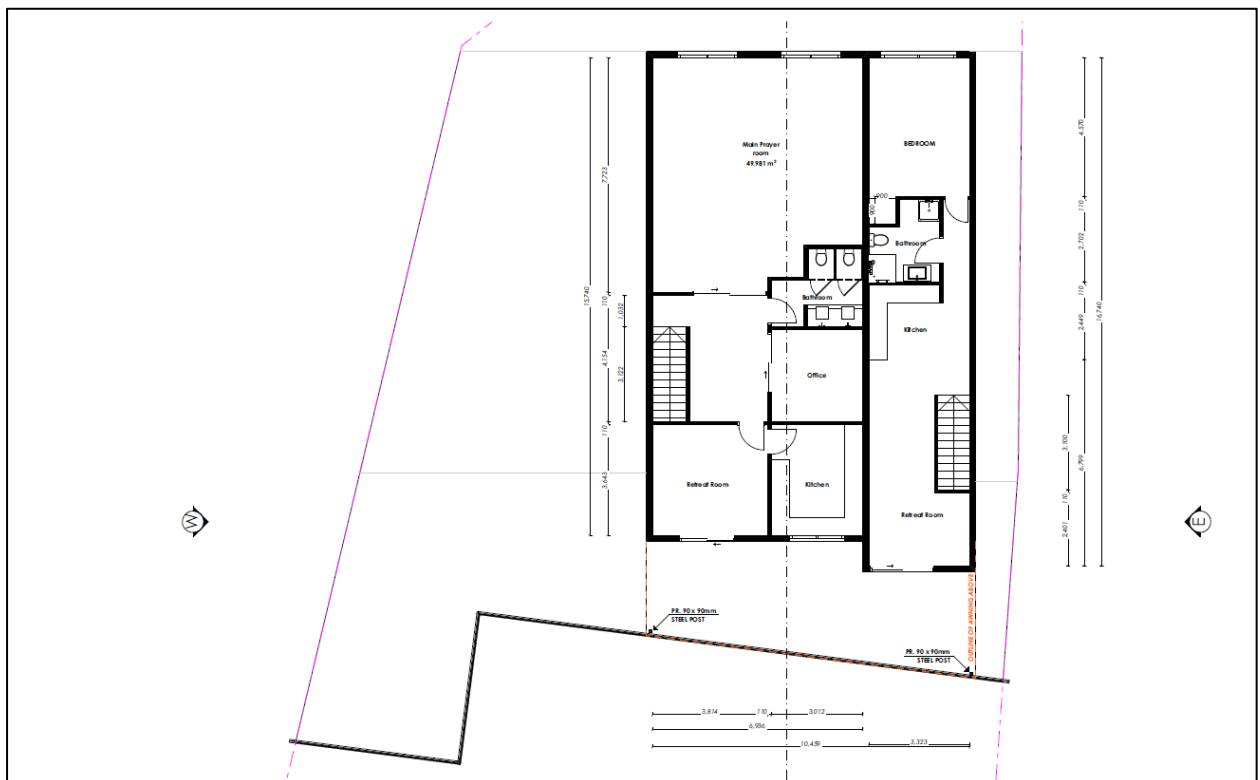


Figure 4: First Floor Plan

5. STATUTORY CONSIDERATIONS

5.1 Relevant matters for consideration

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

- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- Liverpool Local Environmental Plan 2008
- Liverpool Development Control Plan 2008:
 - Part 1 – General Controls for all Development
- Part 4 – Development in Liverpool City Centre

6. ASSESSMENT

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

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

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

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

Clause 4.6 - Contamination and remediation to be considered in determining development application	Comment
(1) A consent authority must not consent to the carrying out of any development on land unless:	
(a) it has considered whether the land is contaminated, and	Council does not have information in regard to land contamination on the site.
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and	As the site has no exposed soil and the development is proposed on the first floor, the site would be suitable for the development if it were contaminated.

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.	Not Applicable
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Based on the above assessment, the proposal is considered to satisfy the relevant objectives and provisions of SEPP 55, therefore, it is considered that the subject site is suitable for the proposed development.

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

The subject land is located within the Georges River Catchment and as such the State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 6 Water Catchments is applicable. This chapter generally aims to protect the environment of river systems, including the Georges River system by ensuring that impacts of future land uses are considered in a state, regional, and local context.

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

Part 6.2 Development in Regulated Catchments	
Division 2 Controls on Development Generally	Comment
6.6 Water Quality and Quantity	Council has reviewed the proposal and is satisfied that no adverse impacts will arise in regard to water quality and quantity within the Georges River catchment.
6.7 Aquatic Ecology	This clause is not applicable as there is no aquatic ecology present on site.
6.8 Flooding	The site is not located in a flood plain area.
6.9 Recreation and public access	This proposed development will not adversely affect access to recreation and public access.
6.10 Total catchment management	The proposed development is not likely to have an adverse impact on the Georges River catchment, therefore no consultation is required.

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

The subject site is a place of public worship adjacent to a classified road, and as such Clauses 2.119 and 2.120 of the SEPP (Transport and Infrastructure) 2021 are applicable.

Clause 2.119 relates to development with a frontage to a classified road, and specifies the following:

The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—

- (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*
 - (i) the design of the vehicular access to the land, or*
 - (ii) the emission of smoke or dust from the development, or*
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The applicant has not provided any acoustic report or other supporting documentation to demonstrate the development would not be adversely affected by road noise or vibration. Consequently, the proposal is considered not to comply with the SEPP (Transport and Infrastructure) 2021.

(d) Liverpool Local Environmental Plan 2008

(i) Zoning

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

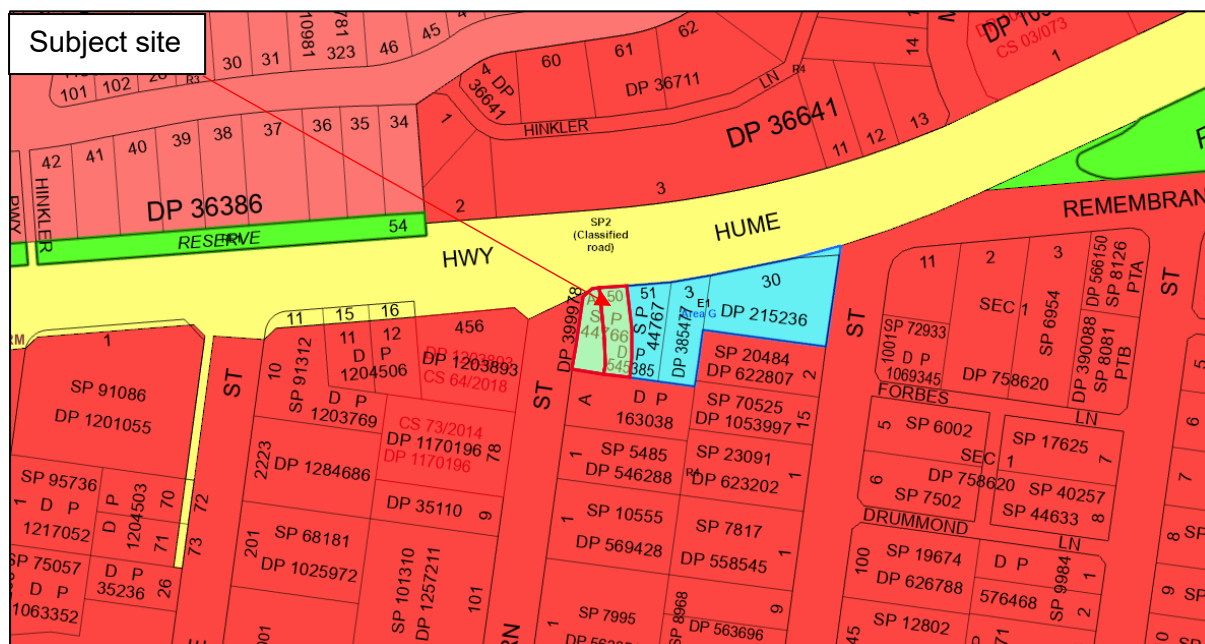


Figure 5: Zoning Map (source: Geocortex) – Insert zoning map

(ii) Permissibility

The proposed development is best defined by the standard instrument as a “place of public worship”, which is identified as permitted land use with consent within the E1 Local Centre Zone under Liverpool Local Environment Plan 2008.

place of public worship means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

(iii) Objectives of the zone

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

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

The proposed development is considered to be inconsistent with the objectives of the zone, as insufficient information has been provided to establish whether it would unreasonably impact the other retail, business and community uses within the building which serve the needs of people who live or work in the area.

(iv) Principal Development Standards

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

Development Provision	Requirement	Proposed	Comment
4.3 Height of buildings	35m	The proposed awning would be below the existing height of the building, which is less than 10m	Complies
4.4 Floor space ratio	2.5:1	There is no change proposed to total floor area on the site.	Not Applicable
7.1 Objectives for development in Liverpool city centre	Before granting consent for development on land in the Liverpool city centre, the consent authority must be satisfied that the proposed development is consistent with such of the following objectives for the redevelopment of the city centre as are relevant to that development—		
	(a) to preserve the existing street layout and reinforce the street character through consistent building alignments,	The proposed development does not alter the street layout or character, being inside and at the rear of an existing building.	Complies
	(b) to allow sunlight to reach buildings and areas of high pedestrian activity,	The proposed development would not alter solar access to other buildings or pedestrian areas.	Complies
	(c) to reduce the potential for pedestrian and traffic conflicts on the Hume Highway,	The proposal would not increase potential for pedestrian and traffic conflicts on the Hume Highway, noting the access to the site is from the rear of the lot.	Complies
	(d) to improve the	The proposed	Not Applicable

	quality of public spaces in the city centre,	development would not alter the quality of public spaces.	
	(e) to reinforce Liverpool railway station and interchange as a major passenger transport facility, including by the visual enhancement of the surrounding environment and the development of a public plaza at the station entry,	The site is not near Liverpool train station.	Not Applicable
	(f) to enhance the natural river foreshore and places of heritage significance,		
	(g) to provide direct, convenient and safe pedestrian links between the city centre (west of the rail line) and the Georges River foreshore.	The site is not near the river.	Not Applicable
7.2 Sun access in Liverpool city centre	This clause applies to certain land in the Liverpool city centre	The subject site is not affected by this clause.	Not Applicable
7.3 Car parking in Liverpool city centre	This clause applies where development involves the erection of a new building or creation of new gross floor area on land that is in the E2	The site is zoned E1 therefore the benefits of Clause 7.3(2) do not apply with regard to the requirement of increased floor area to trigger the need for additional parking. Additionally, it is noted that as the	Not Applicable

	Commercial Centre or MU1 Mixed Use.	proposed development would not result in any new gross floor area, this clause does not apply.	
7.4 Building separation in Liverpool city centre	This clause is applicable to land in R4, E2 and MU1 zones	The site is zoned E1 and therefore this clause does not apply.	Not Applicable
7.5 Design excellence in Liverpool city centre	Development consent must not be granted to development involving the construction of a new building or external alterations to an existing building in the Liverpool city centre unless the consent authority considers that the development exhibits design excellence.	The proposal does not involve construction of a new building. A new awning is proposed at the rear of the lot, and does not contravene the matters required to be considered under this clause, being at the rear of the site, well set back from any adjoining lots and not visible from the public domain.	Complies
7.5A Additional provisions relating to certain land at Liverpool city centre	This clause applies to land in Area 8, Area 9 or Area 10.	The site is not within one of the specified areas.	Not Applicable

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

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

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

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

(a) Liverpool Development Control Plan (LDCP) 2008

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

The development does not comply with the provisions of the LDCP 2008, as detailed within the tables in Attachment 2 of the report. The below table identifies all noncompliances and variations.

Part 1 – General Controls for all Development			
Control	Requirement	Comment	Compliance
20. Car Parking and Access	Requirements for car parking provision and design	The application was referred to Council's Traffic and Transport section, who advised a traffic report was required to enable full assessment. No traffic report was provided and as such there is insufficient information to establish whether the application would comply with Section 20.	Insufficient Information
22. Energy Conservation	Non-residential development must comply with BCA energy efficiency provisions	The application was referred to Council's Building section, who advised there is insufficient information to establish whether the development would comply with the BCA	Insufficient Information
29. Safety and Security	Developments must address CPTED requirements	There is limited capacity for a development of this scale to address CPTED requirements, noting it is proposed within an existing building.	Considered acceptable
	Developments must comply with the DDA 1992	The applicant has not provided information to demonstrate whether the application complies with access requirements under the DDA 1992.	Insufficient Information
Part 4 – Development in Liverpool City Centre			
Control	Requirement	Comment	Compliance
4.2.8 Side and rear boundary setbacks	Development in E1 zone to have a side setback consistent with the ADG and a rear setback of at least 6m	The proposed development does not incorporate any change to the building form.	Considered acceptable

		However, the proposed awning is adequately set back from the rear. The awning has a zero setback to the side boundary, which is considered acceptable noting the adjoining lot at 10 Hume Highway appears to be part of the same building despite the separate land title.	
4.2.9 Minimum Floor to Ceiling Heights	Above ground level, non-residential uses must have a ceiling height of 3.3m if commercial or 3.6m if active public use.	The proposed development involves adaption of an existing building without changing the built form; consequently, the ceiling heights do not comply with this control due to the age of the building. Increasing the height of the ceilings would be unreasonable given the context of the development within a strata-titled commercial precinct.	Considered acceptable
4.4.2 On Site Parking	Minimum parking requirements; parking must be sufficient for the needs of the development	The application was referred to Council's Traffic and Transport section, who advised a traffic report was required to enable full assessment. No traffic report was provided and as such there is insufficient information to establish whether the application would comply with Section 4.4.2.	Insufficient Information
4.5.2 Noise	Development must consider noise generation from classified roads and rail	The applicant has not addressed noise impacts from the Hume Highway	Does not comply

	corridors.		
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Overall, the proposal does not comply with the key controls outlined in the LDCP 2008.

6.4 Section 4.15(1)(a)(iiia) - Planning Agreements

There are no Planning Agreements which apply to the development.

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

The Environmental Planning and Assessment Regulation 2021 provides for the consent authority to request additional information from the applicant. Council issued a Request for Additional Information letter to the applicant on 19 June 2026, and subsequently granted a 2-week extension of time until 17 July 2026 for the submission of additional information. A 7-day follow up letter was issued on 21 July 2026, after no response was received, and following the expiration of that letter on 28 July 2026, assessment proceeded on the basis of the information available.

The EP&A Regulation 2021 also requires the consent authority to consider upgrade works required for fire safety. Council requested that the applicant submit additional information addressing these requirements, however no response was received. Consequently, the requirements of the EP&A Regulation have not been satisfied.

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

Natural and Built Environment

Natural Environment

Given the site context, it is considered highly unlikely that the proposed development would have any identifiable impacts on the natural environment.

Built Environment

The proposed development may have unacceptable impacts on the built environment, due to the potential for issues in regard to compliance with the National Construction Code (NCC).

Social Impacts and Economic Impacts

The proposed development may have detrimental social and economic impacts, due to insufficient information being provided in relation to car parking, accessibility, noise management and the suitability of the use for the site.

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

The proposed development does not comply with several controls, and insufficient information has been provided to demonstrate the suitability of the site for the proposal.

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

(a) Internal Referrals

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

DEPARTMENT	COMMENTS
Building	Insufficient information
Traffic and Transport	Insufficient information

(b) External Referrals

No external referrals were required for this application.

(c) Community Consultation

The proposal was notified and advertised in accordance with the Liverpool Community Participation Plan 2025 from 8 May 2026 to 27 May 2026. 148 submissions were received, with 76 objections and 72 in support. The issues raised by objectors were as follows:

- Insufficient parking provision for the proposed use, noting existing parking issues within the vicinity;
- Traffic generation of the proposed use;
- Noise generation and general amenity impacts to a predominantly residential area;
- Safety – increased traffic, both vehicular and pedestrian, may lead to safety impacts and may attract anti-social behaviour;
- How will waste on site be managed to prevent odours and vermin;
- Is the building suitable for the use in terms of structural integrity, fire safety and construction code compliance;
- Would patrons of the use be able to evacuate safely in the event of a fire;
- The proposal would be unreasonably intense for the context of a small-scale commercial precinct adjoining residential areas;
- The development may impact adjoining businesses economically due to effects of noise, parking and traffic issues;
- No information has been provided in regard to the hours of operation of the development;
- It is unclear if the existing sanitary facilities are sufficient for the amount of attendees;
- The premises do not appear to be accessible, and the entrance is not well defined.

Council's comments on these issues are provided below:

Issue	Comment
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Parking	Not resolved. This concern was also raised by Council's Traffic and Transport department, who requested a detailed traffic report to be provided. No additional information has been provided, and as such Council is not satisfied that the site has adequate car parking for the proposed use.
Traffic	Not resolved. The applicant was requested to provide a detailed traffic report addressing these concerns, however no additional information has been provided. Consequently, Council is not satisfied that the proposed development would not have unacceptable traffic impacts on the surrounding area.
Noise	Not resolved. The applicant was requested to provide an acoustic report, as the site adjoins a classified road and may also be a source of noise. No additional information was provided, and consequently Council cannot be satisfied that there would not be unacceptable noise impacts on adjoining developments, nor that the development would not be adversely impacted by road noise.
Safety	Not resolved. While the concerns around anti-social behaviour are not considered to be relevant given the nature of the proposed use as a place of public worship, concerns about conflicts between vehicular and pedestrian traffic have not been addressed by the applicant.
Waste management	Capable of resolution by condition of consent. If the application were to be approved, conditions of consent requiring appropriate waste management would be imposed upon the application, as well as conditions prohibiting anything that would give rise to odours or vermin.
NCC compliance	Not resolved. This matter was also raised by Council's Building department, who requested a comprehensive report to be provided addressing all relevant parts of the NCC including access, egress, fire safety and accessibility requirements. The applicant has not provided any additional information, and as such this item has not been addressed. Council remains unsatisfied that the development would comply with the requirements of the NCC.
Evacuation	Not resolved. This matter is covered by the NCC compliance issue. The applicant has not demonstrated that the development would comply with fire safety requirements, which include evacuation measures. As such, this item has not been addressed.
Intensity of use	Not resolved. This concern has not been addressed by the applicant. Council's

	position is that the proposed use is unsuitable for the subject site in its current form, noting parking and NCC concerns raised above.
Economic impacts	Not resolved. The applicant has not demonstrated that the development would not result in adverse economic impacts to surrounding businesses. This is of particular concern noting the shared parking arrangement at the rear of the site, and the potential noise impacts of the use.
Hours of operation	Not resolved. This issue was also raised by Council, as a request for a Plan of Management was made. The applicant has not provided any plan of management and as such there is no information as to operating hours.
Sanitary facilities	Not resolved. This is also captured by the requirement to address the NCC, which specifies minimum sanitary facility requirements for developments. As no NCC report has been provided demonstrating whether the development complies with this, the matter is not resolved.
Accessibility	Not resolved. The applicant was requested to submit a ground floor plan showing the access points for the development, as well as all other relevant details of the ground floor. This was not provided, and as such Council cannot assess whether the entrance would be well-defined. Additionally, the applicant has not demonstrated whether the development complies with the requirements of the Disability Discrimination Act 1992.

Overall, it is considered that the majority of the issues raised by objectors have not been addressed, although one issue could be resolved by conditions of consent.

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

Approval of the proposed development is not in the public interest. The proposal does not comply with the relevant planning controls and is not considered to be in the public interest.

7. DEVELOPMENT CONTRIBUTIONS

Contributions are not applicable as the application is to be refused. Notwithstanding, contributions would not be applicable to this development as it has a cost of works less than \$100,000 and is located in the CBD.

8. CONCLUSION

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

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

9. RECOMMENDATION

That Development Application DA No DA-116/2026 be **refused**.

ATTACHMENTS

1. Refusal Reasons
2. DCP Assessment Tables
3. Architectural Plans
4. Statement of Environmental Effects

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

Application number	DA-116/2026 PAN-625774
Applicant	MR F MOUSSA 402 CHAPEL RD BANKSTOWN NSW 2200
Description of development	Conversion of existing unit 6 and 5 into place of public worship.
Property	5/ 12-14 HUME HIGHWAY WARWICK FARM NSW 2170 LOT 5 SP 44766 6/ 12-14 HUME HIGHWAY WARWICK FARM NSW 2170 LOT 6 SP 44766
Determination:	Refused Consent Authority - Local Planning Panel
Date of determination	5/08/2026

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

Reasons for refusal

1. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with Clause 2.120 of State Environmental Planning Policy (Transport and Infrastructure) 2021, as the site is a place of public worship adjacent to a classified road and the applicant has not provided any supporting documentation to demonstrate the proposal would not be adversely affected by road noise or vibration.
2. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with Clause 2.3 of Liverpool Local Environmental Plan 2008, as the proposal would be inconsistent with the objectives of the zone as it would impact the ability of the other uses within the building to serve the needs of people who live in, work in or visit the area.
3. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with the provisions of the Liverpool Development Control Plan 2008 in regard to the following controls:
 - a) Part 1 - General Controls for all Development
 - i. Section 20 - Car Parking and Access, as insufficient information has been provided to establish whether the site provides sufficient car parking for the development;
 - ii. Section 22 - Energy Conservation, as insufficient information has been provided to establish whether the development complies with the energy efficiency provisions of the NCC/BCA;
 - iii. Section 29 - Safety and Security, as insufficient information has been provided to establish whether the development complies with the Disability Discrimination Act 1992;
 - b) Part 4 - Development in Liverpool City Centre
 - i. Section 4.4.2 On Site Parking, as insufficient information has been provided to demonstrate whether the parking available would be sufficient for the needs of the development;
 - ii. Section 4.5.2 Noise, as the applicant has not addressed noise impacts from the Hume Highway on the development.
4. Pursuant to Section 4.15(1)(a)(iv) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with Clause 62 of the Environmental Planning and Assessment Regulation 2021, as insufficient information has been provided for the consent authority to be satisfied that the fire protection and structural capacity of the building will be appropriate to the building's proposed use, and the building complies, or will comply, with the Category 1 fire safety provisions applicable to the proposed use;

5. Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, insufficient information has been provided to demonstrate the proposal would not result in unacceptable impacts on the built environment, and unacceptable social and economic impacts, due to the lack of information relating to compliance with the NCC, car parking provision, accessibility requirements, noise management and suitability of the site;
6. Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the proposed development is not considered to be suitable for the subject site, due to several noncompliances with the applicable controls and insufficient information provided to demonstrate whether it could comply with other requirements;
7. Pursuant to Section 4.15(1)(d) of the Environmental Planning and Assessment Act 1979, the proposed development is not supported by Council's internal referral departments due to insufficient information being provided;
8. Pursuant to Section 4.15(1)(d) of the Environmental Planning and Assessment Act 1979, the applicant has not addressed the objections received by Council against the application;
9. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, and considering the above issues, the proposed development is not considered to be in the public interest.

Right of appeal / review of determination

If you are dissatisfied with this determination:

Request a review

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

Rights to appeal

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

DCP Assessment Tables – DA-116/2026

Part 1 – General Controls for all Development			
Control	Requirement	Comment	Compliance
2. Tree Preservation	All existing indigenous trees shall be retained or replaced. Where approval is given to remove trees, appropriate replacement planting will be required.	No existing or proposed trees.	Not Applicable
3. Landscaping and Incorporation of Existing Trees	Requirements for retention of existing trees		
4. Bushland and Fauna Habitat Preservation	Controls around bushland and habitat	Site is not in proximity to bushland or habitat.	Not Applicable
5. Bush Fire Risk	Controls around bushfire	Site is not affected by bushfire.	Not Applicable
6. Water Cycle Management	Stormwater and drainage controls	Considering the site context, the proposed development would have no impact on stormwater and drainage.	Complies
7. Development near a Watercourse	Controls for development near waterways	The site is not near a waterway.	Not Applicable
8. Erosion and Sediment Control	Development involving excavation, fill, clearing, levelling or increase in stormwater runoff requires an erosion and sediment control plan	None of the relevant activities are proposed.	Not Applicable
9. Flooding Risk	Controls for flood-affected land	Site is not flood affected.	Not Applicable
10. Contaminated Land Risk	Considerations where land is potentially contaminated	Site is not known to be contaminated. Notwithstanding, the site would be suitable for the use if it were contaminated, noting it is entirely hardstand.	Complies
11. Salinity Risk	Controls relating to salinity management	No works requiring consideration of salinity are proposed.	Not Applicable
12. Acid Sulphate Soils Risk	Controls for sites affected by acid sulphate soils	Site is not affected by acid sulphate soils	Not Applicable
13. Weeds	Development must remove any noxious weeds.	The site is not known to have any noxious weeds.	Not Applicable

14. Demolition of Existing Developments	Demolition must comply with AS2601-1991 and a waste management plan must be provided	No demolition is proposed as part of the application. Notwithstanding, standard conditions of consent would be imposed requiring adherence to Australian Standards and the NCC if the application were to be approved.	Could comply by condition
15. On-site Sewage Management Systems (OSMS)	Controls for sites without access to sewer	Site has access to sewer.	Not Applicable
16. Aboriginal Archaeology	Controls relating to sites of Aboriginal heritage significance	Site is not mapped as having Aboriginal significance.	Not Applicable
17. Heritage and Archaeological Sites	Controls relating to sites of heritage significance	Site is not mapped as heritage significant and does not adjoin heritage significant sites.	Not Applicable
19. Used Clothing Bins	Controls relating to charity bins	No charity bins proposed	Not Applicable
20. Car Parking and Access	Requirements for car parking provision and design	The application was referred to Council's Traffic and Transport section, who advised a traffic report was required to enable full assessment. No traffic report was provided and as such there is insufficient information to establish whether the application would comply with Section 20.	Insufficient Information
21. Subdivision of Land and Buildings	Controls relating to subdivision	No subdivision is proposed.	Not Applicable
22. Energy Conservation	Non-residential development must comply with BCA energy efficiency provisions	The application was referred to Council's Building section, who advised there is insufficient information to establish whether the development would comply with the BCA.	Insufficient Information
23. Reflectivity	Visible light reflectivity from building materials used on the facades of new buildings must not exceed 20%.	The proposed development is not a new building.	Not Applicable

24. Landfill	Controls relating to cut and fill of land	No cut or fill is proposed.	Not Applicable
25. Waste Disposal and Re-use Facilities	A waste management plan must be provided as part of the DA	No waste management plan was provided with the application, however a condition of consent could be imposed if the application were to be approved.	Could comply by condition
26. Outdoor Advertising and Signage	Controls relating to outdoor advertising and signage	No advertising or signage is proposed.	Not Applicable
27. Social Impact Assessment	SIA required for developments of social significance.	The development is not of a scale to require an SIA.	Not Applicable
28. Shopping Trolleys	Controls to minimise abandonment of shopping trolleys	No shopping trolleys are proposed as part of the application.	Not Applicable
29. Safety and Security	Developments must address CPTED requirements	There is limited capacity for a development of this scale to address CPTED requirements, noting it is proposed within an existing building.	Considered acceptable
	Developments must comply with the DDA 1992	The applicant has not provided information to demonstrate whether the application complies with access requirements under the DDA 1992.	Insufficient Information
30. Additional Uses	Controls for specified uses	The development is not one of the specified uses.	Not Applicable
Part 4 – Development in Liverpool City Centre			
Control	Requirement	Comment	Compliance
4.2.8 Side and rear boundary setbacks	Development in E1 zone to have a side setback consistent with the ADG and a rear setback of at least 6m	The proposed development does not incorporate any change to the building form. However, the proposed awning is adequately set back from the rear. The awning has a zero setback to the side boundary, which is considered acceptable noting the adjoining lot at 10 Hume Highway appears to be part of the same building despite the separate land title.	Considered acceptable
4.2.9 Minimum Floor to Ceiling Heights	Above ground level, non-residential uses must have a ceiling height of 3.3m if	The proposed development involves adaption of an existing	Considered acceptable

	commercial or 3.6m if active public use.	building without changing the built form; consequently, the ceiling heights do not comply with this control due to the age of the building. Increasing the height of the ceilings would be unreasonable given the context of the development within a strata-titled commercial precinct.	
4.4.2 On Site Parking	Minimum parking requirements; parking must be sufficient for the needs of the development	The application was referred to Council's Traffic and Transport section, who advised a traffic report was required to enable full assessment. No traffic report was provided and as such there is insufficient information to establish whether the application would comply with Section 4.4.2.	Insufficient Information
4.5.2 Noise	Development must consider noise generation from classified roads and rail corridors.	The applicant has not addressed noise impacts from the Hume Highway.	Does not comply

DEVELOPMENT APPLICATION

@ Unit 5 & 612-14 Hume Highway, Warwick Farm 2170

PROPOSED AWNING

LIVERPOOL COUNCIL DEVELOPMENT CONTROL PLAN

PREPARED FOR: IMTIYAZ JAVED ALI: UNITED COMMUNITY AUSTRALIA



CONTENT TABLE

SHEET No.	DRAWING NAME
A100	COVER SHEET
A101	GENERAL NOTES PAGE
A102	GENERAL DETAILS PAGE
A103	SITE, ROOF PLAN
A104	SEDIMENT CONTROL PLAN
A105	GROUND FLOOR PLAN
A106	ELEVATION PAGE 1
A107	ELEVATION PAGE 2
A108	SECTION



GENERAL NOTES:

All Dimensions and Floor Areas are to be verified by builder prior to the commencement of any building work. Any discrepancies are to be confirmed by the designer. Levels shown are approximate unless accompanied by reduced levels by a registered surveyor. Figured dimensions are to be taken in preference to scaling. All Boundary Clearances must be verified by the surveyor prior to the commencement of any building work. Where Engineering or Hydraulic Drawings are required, such must take preference to this drawing. Stormwater to be connected and discharged to council requirements and to AS1700 3-1990. All services to be located and verified by the builder with the relevant authorities prior to the commencement of any building work. All demolitions and removal work to be carried out with approved waste management plan and in accordance with council requirements & DA Conditions. Setbacks are to be taken from external wall finish.

STANDARDS NOTES:

All Architectural Drawings to be in Accordance with AS 1100.3:201 Swimming Pools / Spas to be in Accordance with AS1926 Fire Protection Systems / Equipment to be in Accordance with AS1851 Termite Management to be in Accordance with AS3660 Buildings in Bushfire Prone Areas to be in Accordance with AS3750 Parking Facilities to be in Accordance with AS/NZS2810 Access and Mobility to be in Accordance with AS1428 Timber Framed Construction to be in Accordance with AS1684 Demolition of Structures to be in Accordance with AS2601 Aluminium Structures to be in Accordance with AS/NZS1664 Windows and External Glazed Doors to be in Accordance with AS2947 Filled Footings to be in Accordance with AS2759 Emergency Lighting / exit signs for buildings in accordance with AS2299 Composite Structures to be in Accordance with AS2442 Masonry Structures to be in Accordance with AS3700 Electrical Installations to be in Accordance with AS3078 Mechanical Ventilation & A/C to be in Accordance with AS1668 Installation of Fire Hose Reels to be in Accordance with AS1669 Smoke Alarms to be in Accordance with AS1786 Glass in Buildings to be in Accordance with AS1288 Automatic Fire Sprinkler systems to be in Accordance with AS2108

DEMOLITION NOTES:

Demolition is to be carried out in accordance with AS2601 'The Demolition of Structures'. Demolition is to be carried out by a qualified and licensed demolition company. At all times demolition work shall be supervised by a Qualified and Competent individual. Demolished items to be recycled as specified in waste management plan. Obtain all necessary permits and approvals. All existing services to be disconnected and sealed before demolition. Removal of hazardous substances shall be carried out by a competent and qualified person. Removal of Asbestos shall be in accordance with NSW Safe Work Australia. Structures shall be demolished progressively, storey by storey (Sequential Method). Demolished materials shall be removed progressively and not be allowed to accumulate on site. Demolished Materials shall not be allowed to fall freely. The site shall be secured at all times against the unauthorised entry of persons or vehicles.

BCA NOTES:

Footings and Slabs to Structural Engineer's details. All first floor windows with restricted opening to comply with clause 11.3.7 of the BCA. All Masonry walls to have expansion joints to comply with BCA requirements. A high impact vapour barrier to comply as per the requirements of clause 4.2.8 of the BCA. Gutters and Downpipes to comply with AS3500.3 or 3500.5. Wet Area Construction to comply with AS3740. Stair to be constructed with the requirements of clause 11.2.2 of V2 of the NCC. The finish of all stairs to meet requirements of clause 11.2.4 of V2 of the NCC. The landing provided to meet requirements of clause 11.2.3 of V2 at NCC. Non slip existing or new to comply with clause 11.2.4 of BCA. Balustrades servicing stairs will meet the requirements of clause 11.3.4 of V2 of the NCC. A Handrail will be provided to service the internal stairs of the dwelling (where bounded by walls) which will meet the requirements of clause 11.3.5 of V2 of the NCC. New Handrails and Balustrades must comply with Part 11.2.5 of the BCA. Mechanical Ventilation Discharge locations as per BCA part 10.8.2 - Contamination Management.

EXISTING STRUCTURES NOTES:

Whilst all care and attention to detail is taken when compiling these drawings they should not be used solely for the construction of the proposed work. The existing building may contain hidden or previously undocumented work. Therefore the builder should make onsite confirmation of measurements during the project.

STRUCTURAL NOTES:

All structural references made on this plan are to be designed and stated on an engineer's certificate as being wholly approved before commencement of any works. These drawings are to be read in conjunction with engineers plans and documents, with engineers references taking precedence.

FIRE SAFETY NOTES:

To be in accordance with BCA part 9.5.1 AS3786 Smoke Alarms - AS1681.1 Domestic oil-fired appliances - Installation AS/NZS2918 Domestic Solid Fuel Burning Appliances installation & AS3859 Construction of building in bushfire prone areas. All floors between other occupancies, party walls, walls within 900mm distance and eaves within 500mm distance from site boundary or other adjoining buildings must be constructed with a non-combustible material having a FRL of not less than 60/60/60.

SEDIMENT NOTES:

All erosion and sediment control measures including revegetation and storage of soil and topsoil, shall be implemented to the standards of the soil and conservation of NSW. All Drivage works shall be constructed and stabilised as early as possible during development. Sediment traps shall be constructed around all inlet pits, consisting of 300mm wide x 500mm deep mesh. All sediment basins and traps shall be cleaned when the structures are a maximum of 50% full of soil materials, including the maintenance period. All disturbed areas shall be revegetated as soon as the relevant work is completed. Soil and Topsoil stockpiles shall be located away from drainage lines and areas where water may concentrate. Filler shall be constructed by stretching a filter fabric (Phypro) or approved equivalent between post at 3m centres. Fabric shall be buried 150mm along its lower edge.

PUBLIC ACCESS NOTES:

Public access to construction and demolition sites and to areas under maintenance causes risk to workers and public. Warning signs and secure barriers to unauthorised access should be provided. Where electrical installations, excavations, plant or loose materials are present they should be secured when not fully supervised.

RAINWATER TANK NOTES:

Labels shall be fixed adjacent to all outdoor watering taps stating that the water is not to be consumed. An emergency mains tap shall be provided adjacent to the water meter and connected to the mains supply. Rainwater Tank supply shall not be connected to drinking and bathing water tap outlets. First flush devices to be fitted to all downpipes connected to the rainwater tank. All downpipes are to be entirely P.V.C. All pipes are to be sealed up to underside of roof gutters. Ensure all connections within charged systems are solvent welded. Tank shall be connected to a Sydney water approved control panel to ensure mains water supply is provided when tank empties. All Plumbing works shall be carried out by a licensed plumber in accordance with Sydney Water Guidelines and the NSW Code of Practice: Plumbing and Drainage.

CONTRACTOR NOTES:

Figured dimensions take preference, do not scale from plans. IF IN DOUBT, ASK. Contractors are responsible to check and verify all information prior to tendering and shall report any discrepancies or omissions. Incorrect inclusions or omissions or typographical errors are not to be used in the interpretation of any information in these drawings. Nor can they be used to claim any additional or alternate items or services as a result of such errors. The incorrect or omitted details shall be subject to subsequent correction by CFD and the documentation revised. These drawings are to be read in conjunction with the relevant client-builder contract. The contract is to take precedence over these drawings. All matters including but not limited to finishes, inductions, upgrades, exclusions, additional costs and works by owner/builder.

SITE AND SERVICES NOTES:

A complete investigation of services has not been undertaken for this site plan. Services locations, depths and inverts have been located by field survey or taken from DBVD or Council documents confirmation of critical positions should be obtained with on site detection services. Neglecting to dial 1100 before digging or excavation can lead to costly disruption to essential services, and injury or death to workers and the general public. Rupture of services during excavation or other activity created a variety of risks including release of hazardous material. Existing services are located on or around this site. Where known, these are identified on the plan but the exact location and extent of services may vary from that indicated. Services should be located using an appropriate service (such as Dial Before You Dig), appropriate excavation practice should be used and, where necessary, specialist contractors should be used. Locations with underground power: All underground power lines must be disconnected or carefully located and adequate warning signs used prior to any construction, maintenance or demolition commencing. Locations with overhead power lines: Overhead power lines MAY be near or on this site. These pose a risk of electrocution if struck or approached by lifting devices or other plant and persons working above ground level. Where there is a danger of this occurring, power lines should be where practical, disconnected or relocated. Where this is not practical adequate warning in the form of bright coloured tape or signage should be used or a protective barrier provided.

LANDSCAPING NOTES:

Street Trees and Turf to be protected during construction. Any damage to turf and street trees to be rectified as part of the Landscape Works. The methods of Tree Protection shall comply with AS4970-2009 - 'Protection of Trees on Development Sites' (If no detailed arboricultural impact report is required). All plant material must be true to the species. No substitutes will be allowed. All plants shall be free of fungus and insect damage. All plants shall be healthy, well shaped, not soft or force grown and not root bound. All new turfed areas are to be selected weed free. Turf shall be laid neatly butted with staggered joints. Bush with adjacent surfaces and have even running falls to all drainage points. All new turfed area shall have a minimum 150mm depth of weed free top soil, placed and levelled prior to turfing. Mulch shall mean hardwood mulch (25mm Grade), free from material derived from Pinet, Willow, Poplar, Coral Trees, or other exotic weeds. Any mulch exceeding the 25mm grade shall be rejected / removed from the site. Mulch to planter beds shall be Pine Bark mix suggests mixes (25mm grade), free from fines. Spread mulch so that after settling, it is: smooth and evenly graded between design surface levels; flush with adjacent finished levels; of the required depths (75mm); and sloped towards the base of plant stems in plantation beds, but not in contact with the stem (not closer than 50mm in the case of gravel mulches). Place after the preparation of planting bed, planting and all other work. Planting mix for tree pit backfill shall be "Organic Garden Mix" consisting of 50% Black Soil, 20% Coarse Sand, 30% Organic Material Samples shall be provided to the Superintendent prior to ordering or delivery to site. Any material delivered to site, that is rejected by the superintendent, shall be removed by the contractor at his own expense. Minimum depths of mix to all planting bed areas is as specified on details.

EXCAVATION IN ROCKS NOTES:

The contractor shall submit his proposal for excavation to the superintendent prior to commencement of work. The method shall comply with all the requirements of the da conditions, particularly in relation to noise levels, vibration and work hours. Vibrations shall not exceed that specified in the geotechnical report and alarms shall be installed to monitor these vibrations. Also all the requirements of the geotechnical report for the site shall be observed and met.

FRAMING AND BRACING NOTES:

All bracing and tie downs to be in accordance with AS 1684, unless noted otherwise provide the minimum for roofs and horizontal bracing - use diagonal cross strap bracing throughout roof. Suren fix to each rafter, Purlin or truss and securely fasten to top plate/beam at ends. Stud walls - strap top & bottom plate to a minimum of every second stud secure floor plate to slab below with m2 chemical anchors at 1250mm max c/s or secure every second stud to floor beams below masonry walls - fasten top plate to brickwork using roof straps (similar m.e.t. 7.1 or approved equivalent) at a maximum of 1200mm spacing anchored 75 c/s down provide struts each side of all ceilings provide additional hold downs as detailed. Vertical bracing - provide vertical bracing in accordance with as 1684. Provide additional vertical bracing where shown and as detailed on these drawings.

RESIDENTIAL SLABS AND FOOTINGS NOTES:

Designs are to be carried out in accordance with AS2870, confirmation of the site classification in accordance with AS2870 is required by a geotechnical engineer prior to construction commencing on site and shall include confirmation of bearing capacity. The foundation material shall be uniform and piers or blockdowns shall be used at the direction of the Geotechnical Engineer to achieve uniform bearing where required. The owners attention is drawn to the acceptable levels of foundation performance as outlined by AS2870. Accordingly category 1 or 2 damage may be expected under some conditions. Should a higher level of crack control be required then the engineer should be notified so that this can be incorporated into the design. Sites shall be prepared in accordance with AS2870. As a minimum this must include: top soil containing grass, roots or any other organic material shall be removed from the area on which the slab is to rest, bind with sand sufficient only to ensure no damage to damp proof membrane (maximum 50mm). A vapour barrier/damp proof membrane shall be provided. The membrane shall be polythene sheeting of minimum thickness 0.2mm. The sheet shall be laid beneath the slab such that the slab and all beams are entirely underlain. The sheet shall extend under edge beams to ground level, joint joints shall be fully taped laps with a minimum of 200mm overlap. penetrations at pipes or fittings, etc shall be taped or sealed with a close-fitting sleeve or turn up of the membrane. 5. where noted on drawings as controlled fill, the filling shall comply with the following: sand fill up to 0.8m deep that is well compacted by a vibrating plate or vibrating roller in layers not more than 300mm thick. Non-sand fill up to 0.4m deep that it will compacted by a mechanical roller in layers not more than 150mm thick. Any clay shall be moist during compaction. Where noted on drawings as rolled fill, the filling shall be material compacted in layers by repeated rilling with an excavator or similar equipment. The depth of the rolled fill shall not exceed: 0.6m for sand fill compacted in layers not more than 300mm, & 0.3m for non-sand fill compacted in layers not more than 150mm. Where noted on drawings as fill as formwork, filling shall be compacted sufficiently to provide a stable platform during construction. This would normally be provided by compaction to at least 80% maximum standard dry density. Heating cables and hot water pipes, electric heating cables may be embedded in the slab without any increase in thickness or reinforcement. Where hot water pipes are to be embedded in a slab, the slab thickness shall be increased by 25mm and the mesh size increased one level (e.g. from #12 to #10). Allotments containing reactive soils classified as m, h1, h2 or e shall be provided with an adequate system of draining in accordance with as 2870 to ensure best possible foundation performance. At a minimum the following should be maintained: the site should be graded or drained so that water cannot pond against or near the building. The ground immediately adjacent the building should be graded to a uniform fall of 50mm minimum away from the building over the first meter. Subfloor areas should be graded to prevent water ponding which may affect footing performance.

STEELWORK NOTES:

All workmanship and materials shall be in accordance with as 4100 and as 1554 except where varied by the contract documents. The builder is to ensure that the erection of the structural steelwork is in strict accordance with as1678 1998. All steel shall be in accordance with as 3678, as 3679 and as 3679 to grade 250 unless noted otherwise. hot rolled structural steel open sections - grade 300 cold formed structural steel shapes - grade 350 cold formed structural steel chs - grade 250 hot rolled structural steel plate/foorplate - grade 250 a pfl roof of workshop fabrication drawings shall be submitted to a pfl engineer for review at least 14 days prior to commencement of fabrication and permission to use obtained prior to fabrication. permission to use does not relieve the builder of the full responsibility for dimensions, fit and compliance with architectural and engineering drawings. all welds shall be 6mm continuous fillet type g (general purpose) unless noted otherwise; butt welds shall be complete penetration welds to as 1554. for steel less than 6mm thick, fillet weld thickness to match the base metal thickness. all plates shall be 10mm thick unless noted otherwise. steelwork to be concrete encased shall be wrapped with H1 steelcase fabric and shall be 50mm minimum concrete cover to the structural steel. provide steel plates to all hollow sections, provide vent holes to hollow members and drain holes to all members to be hot dip galvanised. structural steelwork shall have the surface treatment specified in the project information table. the builder shall provide all coats and drill all holes necessary for fixing steel to steel and timber to steel whether or not detailed on the drawings. all structural steel members to be provided with the finishing to ncc bca requirements. pcc for and to confirm.

MASONRY NOTES:

All workmanship and materials shall be in accordance with AS3700. Strength and durability requirements for masonry and embedded items are specified in the project information table. All bricks to have a minimum characteristic compressive strength of 20 mpa. All blocks to have a minimum characteristic compressive strength of 15 mpa. Only load bearing masonry walls are shown under concrete slabs. Masonry supporting slabs and beams shall be troweled smooth with mortar filling all voids. two layers of rigid dpc shall be placed full width across such load bearing surfaces except where proprietary bearing strips is noted or alternative detail is documented. The heads of load bearing walls shall not extend above the soffit of the concrete slab above. All double skin solid walls such as 230mm thick brickwork shall be bonded by a header course every 4th course. All masonry supporting or supported by concrete floors shall be provided with vertical joints to match any control joints in the concrete. Non load bearing walls shall be separated from concrete above by 20mm thick closed cell polythene strip, free fixed as required. No chases or recesses are permitted in structural masonry without the approval of the engineer. It is the contractors responsibility to confirm masonry joint locations with the bricklayer and architect - refer to architects documentation for the location of all masonry joints as a minimum provide the articulation, contraction or expansion joints as specified in 4773.1, or AS3700 as appropriate. Refer to concrete notes for de-prapping prior to construction of masonry walls on suspended slabs. Brick ties shall be spaced not greater than 600mm in each direction adjacent to any support, control joint or opening, provide the first row within 100mm. Where non-metallic ties are used the builder shall ensure that mortar is provided top to bottom before placing bricks. Brick ties shall comply with AS2699. Head restraint ties to be provided in all walls at 600/c c/s. At concrete / steel column junctions meet 5-8 expansion ties to be used (internal skin of cavity wall or internal wall). All retaining walls to be waterproofed to architects details provided (2 coats of bitumen paint as a minimum). Waterproofing to be carried out as specified by the manufacturer. Provide bond beams in brickwork walls above all openings. Reinforced concrete blockwork shall comply with the following, unless noted otherwise: provide cleanest holes 150mm square minimum at base of all walls and red core holes to remove protruding mortar fins prior to grouting. Reinforcement projecting from foundation or slabs into cores, shall be set accurately in place using templates to align with the centre of the length of cores and with cover as noted where horizontal bars are indicated, the webs of the blocks below the bars shall be cut down to accommodate the bars. Grout all cores in reinforced blockwork unless otherwise noted. Height of blockwork to be grouted on one day shall be 2400mm. Grout shall be placed in lifts of 100mm maximum and compacted by poker vibrator. Allow 4 hours between successive lifts to allow plastic settlement to occur. Provide 50mm cover from the outside of the blockwork u.s.o. It is recommended the use of proprietary plastic chairs for the accurate placement of vertical reinforcement.

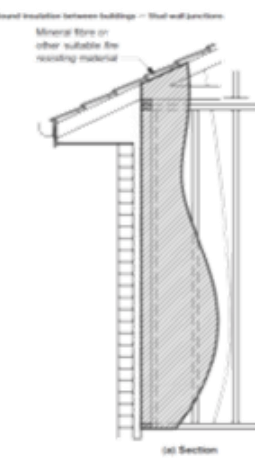
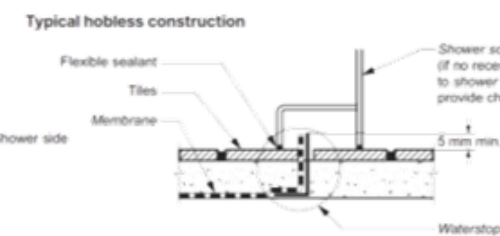
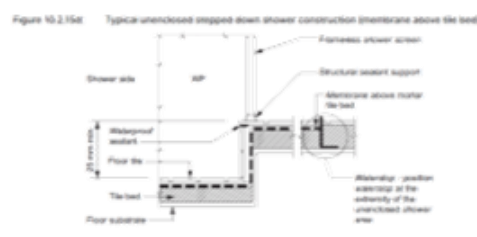
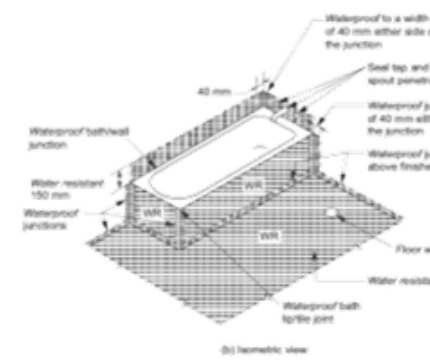
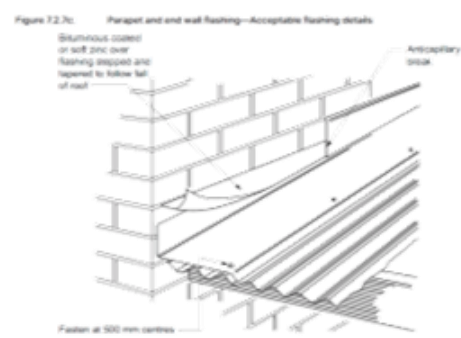
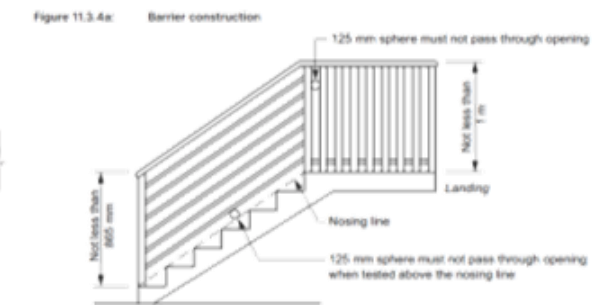
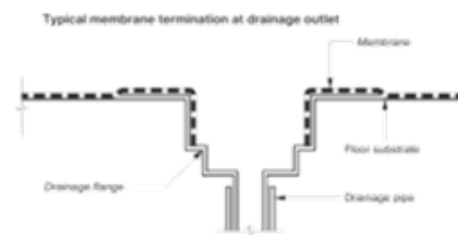
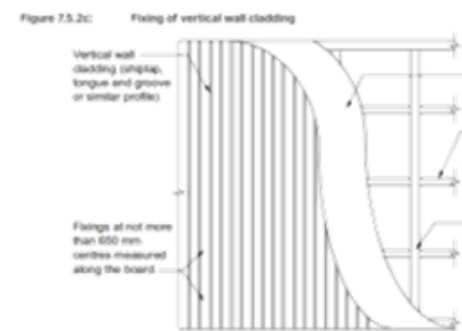
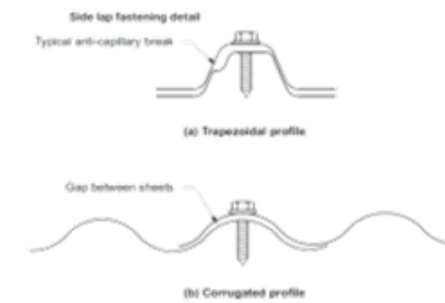
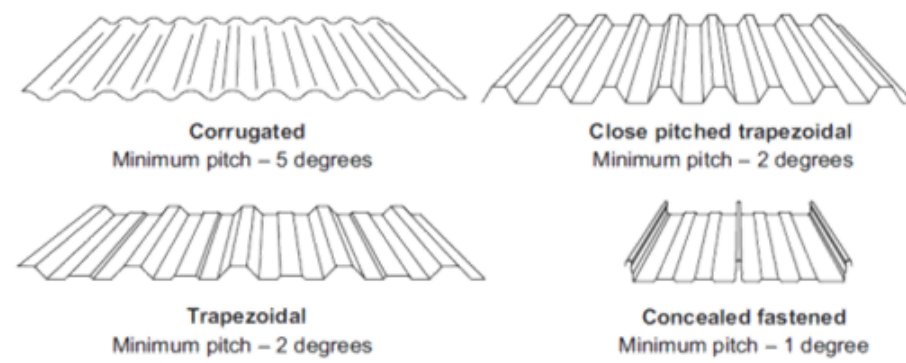
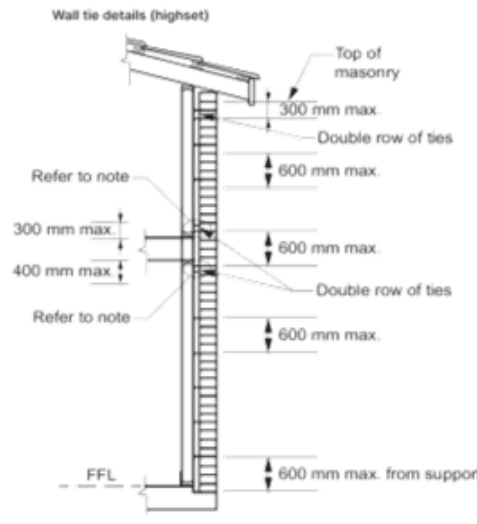
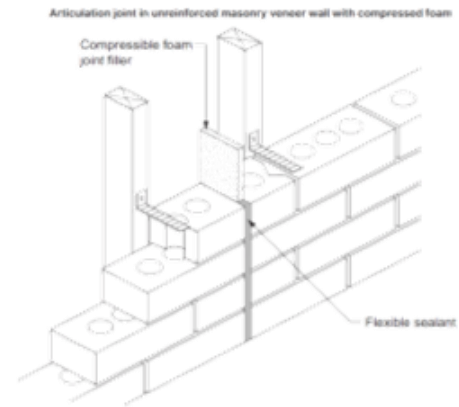
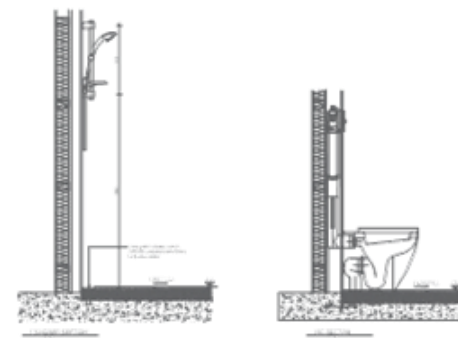
CONCRETE NOTES:

All workmanship and materials shall be in accordance with as 3600 and as 3610 current editions with amendments, except where varied by the contract documents. project control testing shall be carried out in accordance with as 3600. Concrete to be proportioned to limit drying shrinkage to satisfy project information table. No admixtures shall be used in concrete unless approved in writing. Clear concrete cover to all reinforcement shall be as noted in the project information table unless shown otherwise. Where concrete is poured on a vapour proof membrane 0.2mm minimum thickness, the cover to concrete cast against ground may be reduced by 10mm. Concrete sizes shown do not include thickness of applied finishes. No finish which decreases cover is allowed without the written approval of the engineer. Depths of beams are given first and include slab thickness. For chamfers dip grooves, regets, etc refer to architect's details. Maintain cover to reinforcement at these details. No holes, chases, blockouts, ducts or embedment of pipes other than those shown on the structural drawings shall be made in concrete members without the prior written approval of the engineer. Construction joints where not shown shall be located to the approval of the engineer. All concrete columns greater than 1.2 metres in height shall be poured a maximum of 4 hours prior to slab or beam over. Concrete shall be mechanically vibrated to achieve a dense homogeneous mass completely filling the formwork thoroughly embedding the reinforcement and free of stone pockets or voids. All concrete including slabs on ground and footings shall be compacted with mechanical vibrators. Curing of all concrete is to be achieved by keeping surfaces continuously wet as per as 3600. Internal slabs should be cured for a minimum of 3 days and external slabs for a minimum of 7 days. Curing compounds may be used but must be compatible with the proposed floor finished & be installed in accordance with manufacturers specifications. Polythene sheeting or wet hessian may be used if protected from wind and traffic. Construction support, propping is to be left in place where needed to avoid overstressing the structure due to construction loading. No brickwork or partition walls are to be constructed on suspended levels until seven days after propping has been removed and the slab pre-loaded with the bricks or units to be used in the wall. Repairs to concrete shall not be attempted without the permission of the engineer. Cast in fixings, bolts etc. Shall not be altered without the permission of the engineer. The concrete shall be placed in such a manner as to avoid segregation or loss of materials. Maximum fall of concrete a 1500mm or one enclosed chutes or similar. Sulphate-resistant concrete to be used in all footings, piles and pile caps if required by the project design information. If ambient temperatures are less than 5°C or greater than 35°C do not mix concrete without taking provisions to ensure the concrete is delivered within this temperature range.

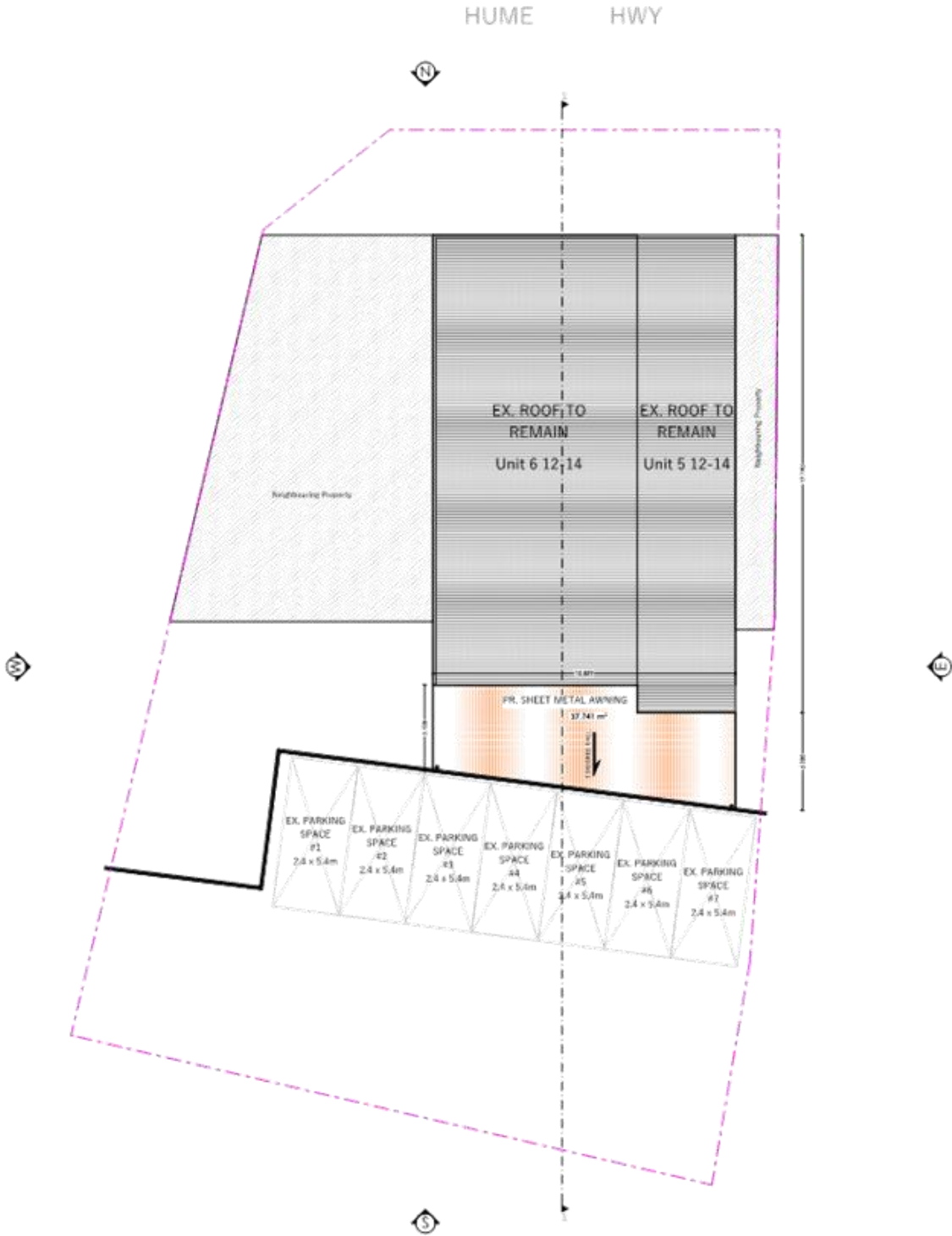
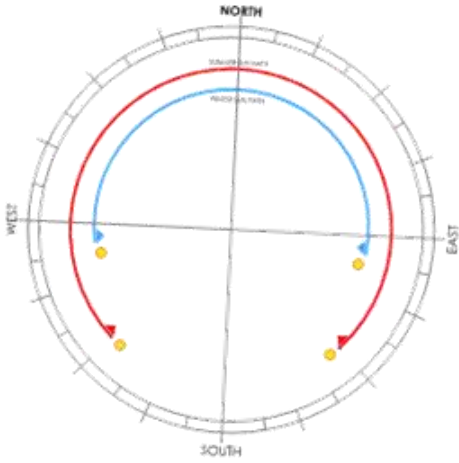
FOUNDATION & EARTHWORKS NOTES:

This foundation material shall be uniform and be approved by a geotechnical engineer for the allowable bearing pressure before placing reinforcement or concrete. Piers or blockdowns shall be used to achieve uniform bearing where necessary. This site class has been designed in accordance with AS2870 (where applicable). Confirmation of site classification is required by a geotechnical engineer prior to construction commencing on site. Footings if all be concreted on the day of approval unless permission is given otherwise. Footings shall be located centrally under walls and columns unless noted otherwise. Footing levels where shown are estimates only and will be established during site inspection of work in progress. Backfill to retaining walls shall be free draining granular material. Provide subsoil drain at base of wall. Do not backfill until 14 days after core filling, or if applicable, after restraining slab-over has been poured and cured for 7 days. Backfill shall be compacted to 98% standard maximum dry density at optimum moisture content $\pm 2\%$. Provide adequate batters or shoring to the side of all excavations. Refer to geotechnical engineer for relevant advice.

DATE	DESCRIPTION	REV					PROJECT DESCRIPTION:	DRAWING TITLE:	CLIENT DETAILS:	PROJECT NUMBER:	
15.02.2025	ISSUED FOR DA PRELIMINARY	A						GENERAL NOTES PAGE	IMITYAZ JAVED ALI UNITED COMMUNITY AUSTRALIA	26021	
							PROPOSED AWNING	PROJECTION LOCATION:		DATE:	
								ADDRESS: Unit 5 & 412-14 Hume Highway, Warrack Paine NSW 2170		12.03.2026	
							DEVELOPMENT APPLICATION	SCF NUMBER: E SECTION PLAN: - DEPOSITED PLAN: P00000		DRAWING NUMBER:	
										A101	



DATE	DESCRIPTION	ISSUE	IMPDETANT NOTE	SCALE BAR 1:100	PROJECT DESCRIPTION:	DRAWING TITLE:	CLIENT DETAILS:	PROJECT NUMBER:	
12.03.2026	ISSUED FOR APPROVAL	N	IMPDETANT NOTE	0 1 2 3 4 5	PROPOSED AWNING	GENERAL DETAILS PAGE	IMITYAZ JAVED ALI UNITED COMMUNITY AUSTRALIA	26021	
			IMPDETANT NOTE					DATE	
			IMPDETANT NOTE					12.03.2026	
			IMPDETANT NOTE					DRAWING NUMBER:	
			IMPDETANT NOTE					A102	A3



DATE	DESCRIPTION	REV	IMPORTANT NOTE		PROJECT DESCRIPTION:	DRAWING TITLE:	CLIENT DETAILS:	PROJECT NUMBER:	
12.03.2026	ISSUED FOR CONSTRUCTION	1				SITE, ROOF PLAN	IMITYAZ JAVED ALI UNITED COMMUNITY AUSTRALIA	26021	
			Scale bar 1:100 DEVELOPMENT APPLICATION		PROPOSED AWNING	PROJECTION LOCATION:		DATE:	
						ADDRESS: Unit 5 & 410-14 Hume Highway, Warwick Farm NSW 2170		12.03.2026	
						SHEET NUMBER: 6 SECTION PLAN - DEPOSITED PLAN: 10/2026		DRAWING NUMBER:	A3
								A103	

1. BUILDER SHALL PROVIDE SEDIMENT FENCING MATERIAL DURING CONSTRUCTION TO THE LOW SIDE BOUNDARIES.
TIE SEDIMENT FENCING MATERIAL TO CYCLONE WIRE SECURITY FENCE. SEDIMENT CONTROL FABRIC SHALL BE AN APPROVED MATERIAL (e.g. HUMES PROPEX SILT STOP).
STANDING 300mm ABOVE GROUND AND EXTENDING 200 BELOW GROUND AND TO EXTENT NOTED.

2. EXISTING AND NEW DRAINS LOCATED WITHIN THE SITE SHALL ALSO BE ISOLATED BY SEDIMENT FENCING MATERIAL UNTIL PAVEMENTS COMPLETED.

3. NO PARKING OR STOCK PILING OF MATERIALS IS PERMITTED ON THE LOWER SIDE OF THE SEDIMENT FENCE.

4. GRASS VERGES SHALL BE MAINTAINED AS MUCH AS PRACTICAL TO PROVIDE A BUFFER ZONE TO THE CONSTRUCTION SITE.

5. VEGETATION AND/OR EXISTING BUILDING STRUCTURES WILL BE CLEARED FROM THE CONSTRUCTION SITE ONLY, OTHER AREAS TO UNDISTURBED.

6. RESTRICT SITE ACCESS TO ONE DESIGNATED POINT AND HAVING THESE DRIVEWAYS ADEQUATELY COVERED AT ALL TIMES WITH BLUE METAL OR THE LIKE.

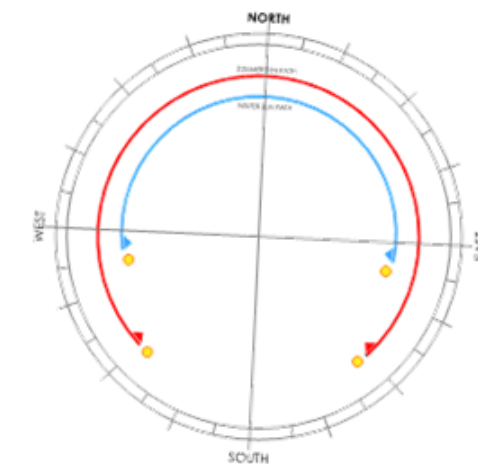
7. BUILDING OPERATIONS SUCH AS BRICK CUTTING, WASHING TOOLS OR BRUSHES AND MIXING MORTAR ARE NOT PERMITTED ON PUBLIC ROADWAYS OR FOOTWAYS OR IN ANY OTHER LOCATIONS WHICH COULD LEAD TO THE DISCHARGE OF MATERIALS INTO THE STORMWATER DRAINAGE SYSTEM.

8. STOCKPILES OF TOPSOIL, SAND, AGGREGATE, SOIL OR OTHER MATERIAL SHALL NOT BE LOCATED ON ANY DRAINAGE LINE OR EASEMENT, NATURAL WATERCOURSE, FOOTPATH OR ROADWAY AND SHALL BE PROTECTED WITH ADEQUATE SEDIMENT CONTROLS.

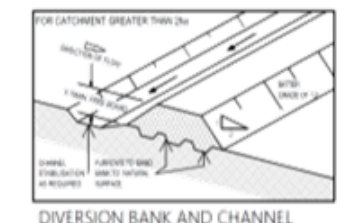
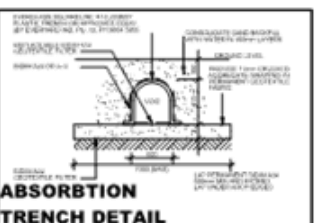
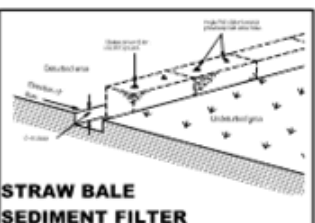
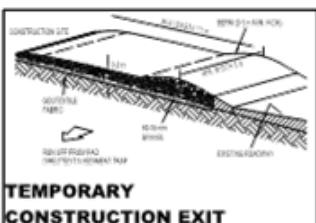
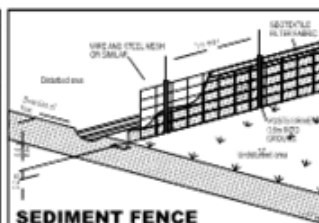
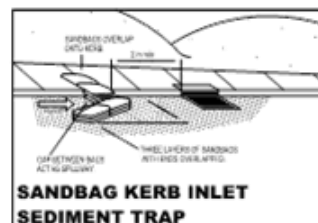
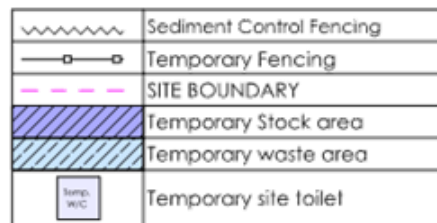
9. ROOF DRAINAGE IS TO BE CONNECTED TO THE STORMWATER SYSTEM AS SOON AS PRACTICAL.

10. CONSTRUCTION ENTRY / EXIT SHALL BE AS PER DETAIL.
BUILDER SHALL ENSURE ALL DROPPABLE SOIL AND SEDIMENT IS REMOVED PRIOR TO CONSTRUCTION TRAFFIC EXITING SITE.
BUILDER SHALL ENSURE ALL CONSTRUCTION TRAFFIC ENTERING AND LEAVING THE SITE, DO SO, IN A FORWARD DIRECTION.

11. THROUGHOUT THE CONSTRUCTION/REMEDIATION/DEMOLITION PERIOD, A WARNING SIGN FOR SOIL AND WATER MANAGEMENT MUST BE DISPLAYED ON THE MOST PROMINENT POINT OF THE BUILDING SITE, VISIBLE TO THE STREET AND SITE WORKERS.



1:200



DATE	DESCRIPTION	STATUS	IMPORTANT NOTE: 1. This drawing is for information purposes only and is not to be used for construction. It is the responsibility of the client to ensure that the design is suitable for the intended use and that all necessary permits and approvals are obtained before construction commences. 2. The client is advised to consult with a qualified professional engineer or architect for advice on the design and construction of the proposed structure. 3. The client is advised to ensure that the proposed structure complies with all applicable building codes and regulations. 4. The client is advised to ensure that the proposed structure is constructed in accordance with the design and specifications shown on this drawing. 5. The client is advised to ensure that the proposed structure is maintained in good condition and that any necessary repairs or alterations are carried out in a timely manner.	PROJECT DESCRIPTION: PROPOSED AWNING	DRAWING TITLE: SEDIMENT CONTROL PLAN	CLIENT DETAILS: IMTIYAZ JAVED ALI UNITED COMMUNITY AUSTRALIA	PROJECT NUMBER: 26021	
12.03.2024	ISSUED FOR APPROVAL	N	SCALE BAR 1:500  DEVELOPMENT APPLICATION	PROJECTION LOCATION: ADDRESS: Unit 5 & 4/12-14 Huron Highway, Warburton Farm NSW 2170 SECTION PLAN - DEPOSITED PLAN: 100000	DRAWING NUMBER: A104	DATE: 12.03.2024	A3	



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PROJECT DESCRIPTION:	
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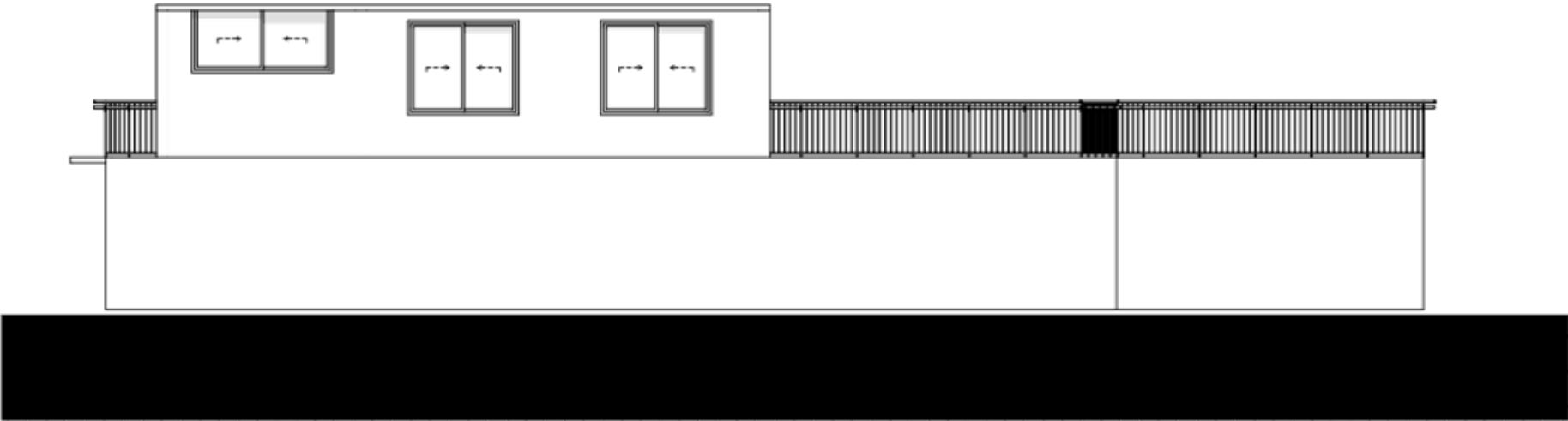
DRAWING TITLE:

GROUND FLOOR PLAN

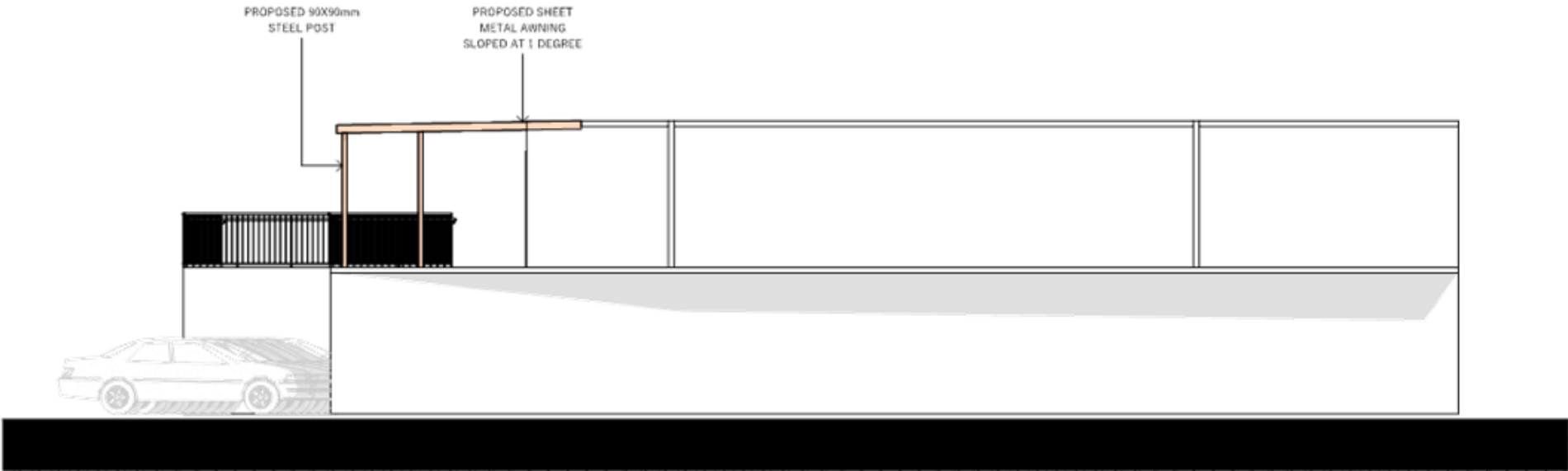
CLIENT DETAILS:

PROJECT NUMBER:	26021
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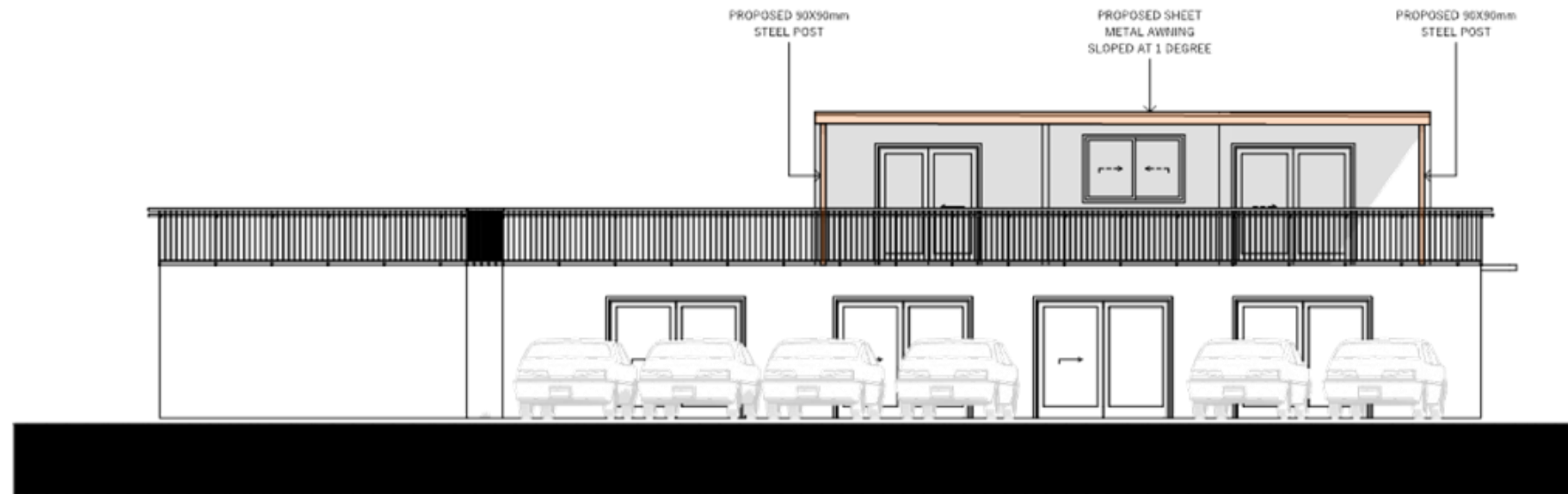


FRONT ELEVATION (NORTH)
1:100

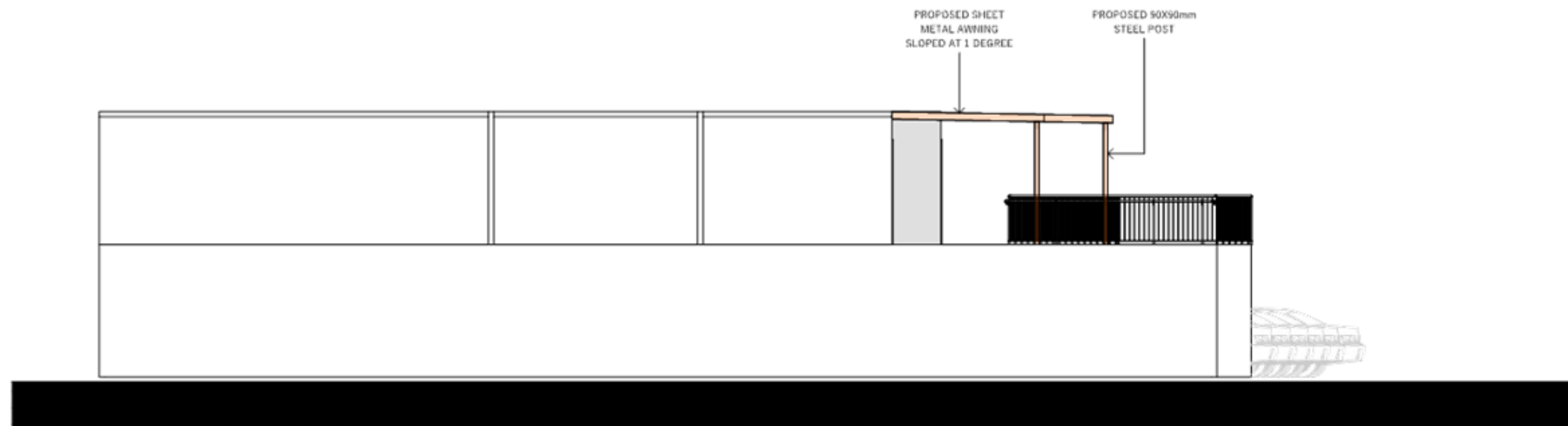


SIDE ELEVATION (EAST)
1:100

DATE	DESCRIPTION	BY	IMPORTANT NOTE For further details on technical standards, please refer to the relevant Australian Standards (AS) and the relevant Council's Development Application (DA) requirements. This drawing is a preliminary design and is subject to change without notice. The client is responsible for ensuring that the design complies with all applicable regulations and standards. The architect is not responsible for the structural integrity of the building or the accuracy of the information provided. The architect is not responsible for the design of the building or the accuracy of the information provided. The architect is not responsible for the design of the building or the accuracy of the information provided.	SCALE BAR 1:100 0 1 2 3 4 5	PROJECT DESCRIPTION: PROPOSED AWNING	DRAWING TITLE: ELEVATION PAGE 1	CLIENT DETAILS: IMITYAZ JAVED ALI UNITED COMMUNITY AUSTRALIA	PROJECT NUMBER: 26021	A3
12.03.2026	DESIGN FOR DA PREPARED	JA				DATE: 12.03.2026			
						DRAWING NUMBER: A106			
						ADDRESS: Unit 5 & 6/12-14 Hume Highway, Warwick Farm NSW 2170			
						UCL NUMBER: 0 SECTION PLAN: 0 DEPOSITED PLAN: 000000			
			DEVELOPMENT APPLICATION						

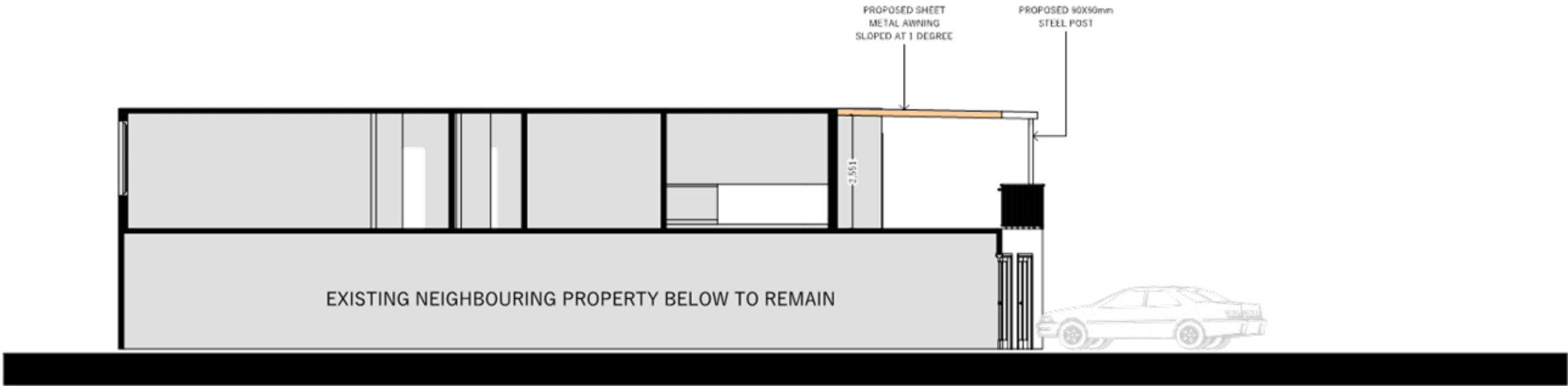


REAR ELEVATION (SOUTH)
1:100



SIDE ELEVATION (WEST)
1:100

[illegible]



SECTION S-01
1:100

DATE	DESCRIPTION	ISSUE	IMPORTANT NOTE For further details on the proposed development, please refer to the Development Application (DA) and the relevant planning instruments. The DA is a legal document that provides information about the proposed development and the reasons for its approval. It is a key document in the planning process and is used to inform the public and the relevant authorities. The DA is also used to assess the impact of the proposed development on the environment and the community. The DA is a key document in the planning process and is used to inform the public and the relevant authorities. The DA is also used to assess the impact of the proposed development on the environment and the community.	SCALE BAR 1:100 0 1 2 3 4 5	PROJECT DESCRIPTION: PROPOSED AWNING	DRAWING TITLE:	CLIENT DETAILS:	PROJECT NUMBER:	A3	
12.03.2026	ISSUED FOR DA PREP WORK	1				SECTION	IMITYAZ JAVED ALI UNITED COMMUNITY AUSTRALIA	26021		DATE:
										12.03.2026
						PROJECTION LOCATION:				DRAWING NUMBER:
						ADDRESS: Unit 5 & 6/12-14 Hume Highway, Warwick Farm NSW 2170				A108
			UCL NUMBER: 9 SECTION PLAN: - DEPOSITED PLAN: P10001							
			DEVELOPMENT APPLICATION							

Statement of Environmental Effects

Place of Public Worship and External Awning

Site	Unit 5 & 612-14 Hume Highway, Warwick Farm NSW 2170
Proposal	Conversion of the existing premises into a place of public worship and construction of a lightweight external awning to the front elevation.
Assessment Basis	Liverpool DCP 2008 - Part 3.8 Places of Public Worship, together with the submitted architectural plans.

1. Proposal

This Statement of Environmental Effects has been prepared in support of the development application for the conversion of the existing premises to a Place of Public Worship and the construction of a new external awning at the subject site.

The proposal reuses the existing building and introduces only a minor lightweight sheet metal awning to improve weather protection and functionality at the front of the premises.

2. Site and Existing Development

The subject land is an existing developed property fronting Hume Highway within Warwick Farm. The building and parking layout are already established on site.

The internal layout indicates a main prayer room together with associated rooms such as an office, kitchen, bathroom and retreat rooms, demonstrating that the application primarily relates to the occupation and fit-out of the existing premises rather than major structural redevelopment.

3. Description of Proposed Development

The application seeks consent for two components only:

- change of use of the existing premises into a Place of Public Worship; and
- construction of an external lightweight sheet metal awning to the front of the building.

The proposed awning is approximately 37.741m² in area and is supported on steel posts. The existing principal building and roof form remain substantially unchanged.

4. Environmental Impacts

The proposal is considered to have minimal environmental impact. The development does not involve major excavation, significant demolition, or substantial alteration to the established building footprint.

As the works are largely confined to reuse of the existing premises and a minor awning addition, impacts relating to visual bulk, privacy, overshadowing and streetscape are expected to be limited.

The plans indicate that seven existing on-site car parking spaces are retained. The awning does not reduce parking supply or interfere with vehicle access and manoeuvring.

Any impacts associated with stormwater, construction disturbance and general amenity are expected to be minor and can be managed through standard conditions of consent, including erosion and sediment control measures during construction.

5. Character and Amenity

The proposal is compatible with the existing built form of the site and surrounding urban context. The external awning is modest in scale and reads as an ancillary addition to the existing building.

The change of use to a Place of Public Worship is capable of operating within the existing building, subject to Council's assessment of hours of operation, patron numbers and any other operational matters it considers relevant.

6. Conclusion

The proposed development for the conversion of the existing premises to a Place of Public Worship together with the addition of an external awning is a modest and appropriate form of development.

It makes use of an existing building, retains the current parking layout, and is not expected to result in significant adverse environmental impacts. On this basis, the proposal is considered suitable for approval subject to standard conditions of consent.

Statement of Environmental Effects and Compliance Table

Planning Compliance Table

Applicable controls only

Note: The table below addresses the controls relevant to the proposed change of use and minor external awning. Controls relating to matters not triggered by the proposal, such as major building setbacks or new landscaping works, have been omitted.

Control	Requirement	Proposal	Compliance
Land Use / Use of Premises	The proposal is for the use of the existing premises as a Place of Public Worship, together with a minor external awning.	The existing building is to be occupied as a place of public worship. The external awning is ancillary to that use.	Consistent with the stated proposal, subject to permissibility under the applicable planning instrument.
Site Planning	Development should respond to site attributes, maintain safe access, provide a visible and accessible entrance, and ensure stormwater can be managed satisfactorily.	The existing building is retained and only a lightweight awning is added. The overall site layout remains substantially unchanged and stormwater / site servicing matters can be addressed through standard conditions.	Generally compliant
Building Form and Streetscape	Buildings should be compatible with the surrounding character and present a legible pedestrian entry to the street.	The proposal is largely a change of use within an existing building with a modest front awning only. The works do not introduce substantial bulk and remain ancillary to the existing development.	Generally compliant
Car Parking and Access	Car parking and access are to be safe, convenient and capable of accommodating vehicle manoeuvring on site. The DCP notes that the required parking quantity is to be determined under Part 1.	The plans indicate that 7 existing on-site parking spaces are retained and the awning does not remove those spaces or obstruct vehicle access.	Existing provision retained; any final rate assessment to be confirmed by Council if required
Amenity and Acoustic Impact	Development should maintain surrounding amenity, including privacy, overshadowing and acoustic impacts. Council may require operational or acoustic details depending on the scale of the use.	The proposal is primarily a change of use within an existing building plus a lightweight awning. No substantial new built form, upper level works, or major overlooking elements are proposed.	Generally compliant, subject to any operational conditions Council may impose
Site Services and Waste	Waste and site services are to be appropriately managed, and frontage works or Council assets are to be protected during any works.	As the proposal is minor in scale, waste storage and service arrangements can be addressed within the existing site and by standard consent conditions where necessary.	Generally compliant

Prepared for DA submission purposes

Statement of Environmental Effects and Compliance Table

Control	Requirement	Proposal	Compliance
Erosion and Sediment Control	Construction works should implement erosion and sediment control measures during the works.	Any minor construction works associated with the awning can be managed by standard erosion and sediment controls during construction.	Complies

Summary: The proposal is generally consistent with the relevant development control objectives that are triggered by the change of use and minor awning works. It retains the existing building and parking arrangement and is not expected to result in significant adverse environmental impacts.

Item Number:	ITEM 02
Application Number:	DA-514/2025
Proposed Development:	Residential Subdivision of Two Lots into 26 Lots including creation of Residue allotments over 4 stages with demolition of existing structures, tree removal, remediation works, Road Construction, Stormwater Drainage & Services construction and general earthworks.
Property Address	441 Fifteenth Avenue, Austral 2179
Legal Description:	Lot 370 DP 2475 Lot B DP 413204
Applicant:	P S GRAHAM & ASSOCIATES PTY LIMITED
Land Owner:	Blue Pond Pty Ltd Teresa Calarco
Cost of Works:	\$3,418,079.00
Recommendation:	Approved subject to conditions of consent
Assessing Officer:	Anna Stephenson

1 EXECUTIVE SUMMARY

Council has received a Development Application (DA No. DA-514/2025) seeking consent for Torrens Title subdivision of two lots into 25 residential lots, 1 drainage reserve lot and 1 residue lot at 441 Fifteenth Avenue, Austral, legally described as Lot 370 in DP 2475 and Lot B in DP 413204.

The land is zoned R2 Low Density Residential, R3 Medium Density Residential and SP2 Infrastructure under *State Environmental Planning Policy (Precincts—Western Parkland City) 2021*, and the proposed development is permissible with consent.

The development application was advertised/notified for a period of 14 days from 30 January 2026 to 2 March 2026 in accordance with Community Participation Plan 2025. No submissions were received during the public consultation period objecting/supporting the proposal.

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

The departure from development standards relates to the non-compliance with clause 4.1 (b) Residential Density of SEPP (Precincts – Western Parkland City) 2021, whereby the

development does not achieve the minimum dwelling density as a result of the proposal of a residue allotment comprising the R3 Medium Density Residential zoned section of the site. The applicant has provided a request to vary the development standard in accordance with Clause 4.6 of the EP & A Act which is supported by Council as discussed further in the report.

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

2. SITE DESCRIPTION AND LOCALITY

2.1 The locality

The subject site and the immediate locality are located within the northern district of the suburb of Austral as shown in **Figure 2**, within an area zoned with a mix of R2 Low Density Residential and R3 Medium Density Residential and adjoining a mix of existing semi-rural lots and lots being redeveloped into residential subdivisions.

The broader area is characterised by a mixture of large lot residential uses, agricultural uses and recent subdivision and dwelling works associated with the development of the growth centre. The scale of development is predominantly single- and double-storey dwelling houses, with some semi-detached dwellings and dual occupancies.

The site is in the local catchment of Kemps Creek, which is a tributary of the Hawkesbury River and within the Nepean-Hawkesbury catchment. The site is currently accessed via Fifteenth Avenue

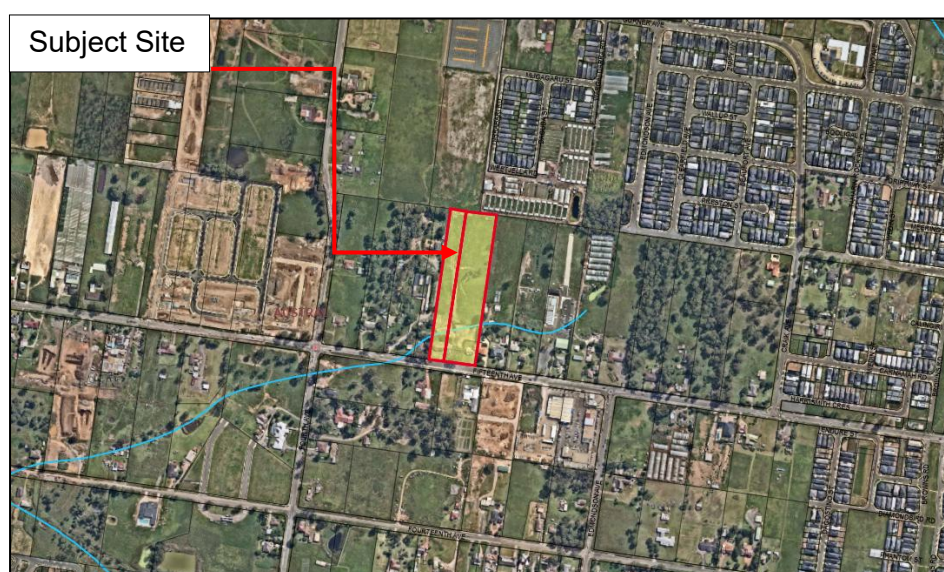


Figure 1: Locality Surrounding the Proposed Development (Source: Geocortex)

2.2 The site

The subject site is located at 441 Fifteenth Avenue, Austral which is legally described as Lot 370 in DP 2475 and Lot B in DP 413204. The site comprises two lots with a total area of 2.686 hectares, a depth of 296.4 to 297.12m and a total frontage of 90.525m to Fifteenth Avenue. There are currently 3 existing dwellings on the site, with associated ancillary structures, and some vegetation. The site slopes a total of 9.67m from north-east to southwest and adjoins other currently undeveloped lots.



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

3. BACKGROUND/HISTORY

A Pre-DA meeting was held with the applicant in 2022 for subdivision of the site and 1 adjoining lot.

DA-293/2024 was lodged on 5 July 2024 for residential subdivision of two lots into 39 lots over 3 stages and was refused under delegated authority on 5 February 2025.

RD-21/2025 was lodged on 19 June 2025 for a Section 8.2 Review of Determination of DA-293/2024 and was withdrawn on 31 July 2025.

DA-514/2025, the subject application, was lodged on 3 December 2025. Following internal and external referrals, a Request for Additional Information letter was issued on 8 April 2026.

Additional information was submitted on 17 June 2026 and again on 20 July 2026, after which the application was subsequently reassessed.

4. DETAILS OF THE PROPOSAL

The proposed development consists of the following:

Stage 1:

- Demolition of all existing structures and site remediation;
- Construction of five (5) full roads and associated infrastructure;
- Construction of 1 temporary access road to Fifteenth Avenue;
- Subdivision of land into 21 residential lots, 1 OSD lot, 1 road widening lot and 3 residue lots:

Lot Number	Lot Size	Frontage width	Lot Number	Lot Size	Frontage width
1	319sqm	10.24m	14	277sqm	9m
2	281sqm	9m	15	514sqm	17.75m
3	281sqm	9m	16	505sqm	16.85m
4	344sqm	12.5m	17	275sqm	9.17m
5	290sqm	10m	18	516sqm	17.285m
6	507sqm	17.5m	19	518sqm	17.285m
7	290sqm	10m	20	522sqm	17.285m
8	344sqm	12.5m	21	522sqm	17.285m
9	281sqm	9m	22	176sqm	N/A
10	281sqm	9m	23	1,351sqm	N/A
11	319sqm	10.24m	24	1,810sqm	N/A
12	284sqm	9.24m	25	3,688sqm	N/A
13	277sqm	9m	26	3,975sqm	N/A



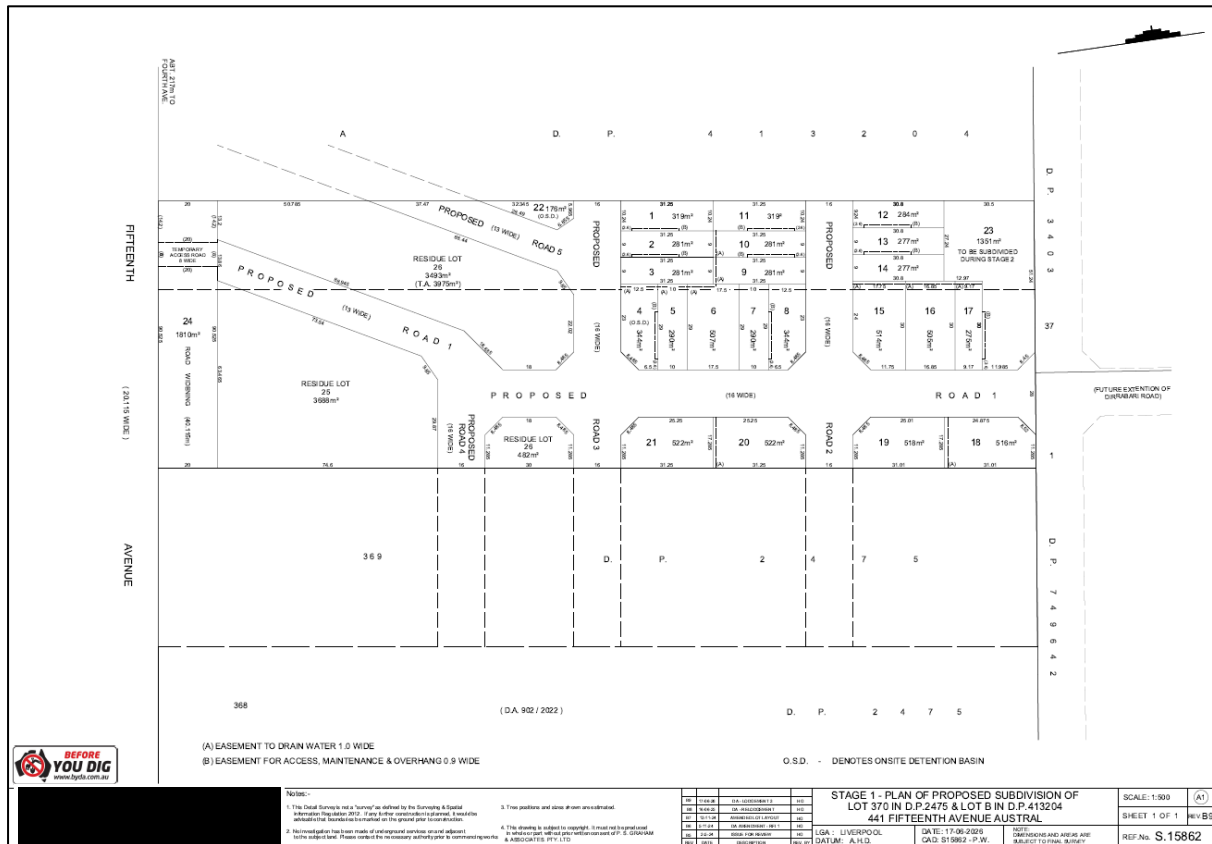


Figure 4: Stage 1 Subdivision Plan

Stage 2:

- Subdivision of Residue Lot 23 into 4 residential lots:

Lot Number	Lot Size	Frontage width	Lot Number	Lot Size	Frontage width
200	282sqm	9.24m	202	276sqm	9.00m
201	275sqm	9.00m	203	518sqm	17.75m

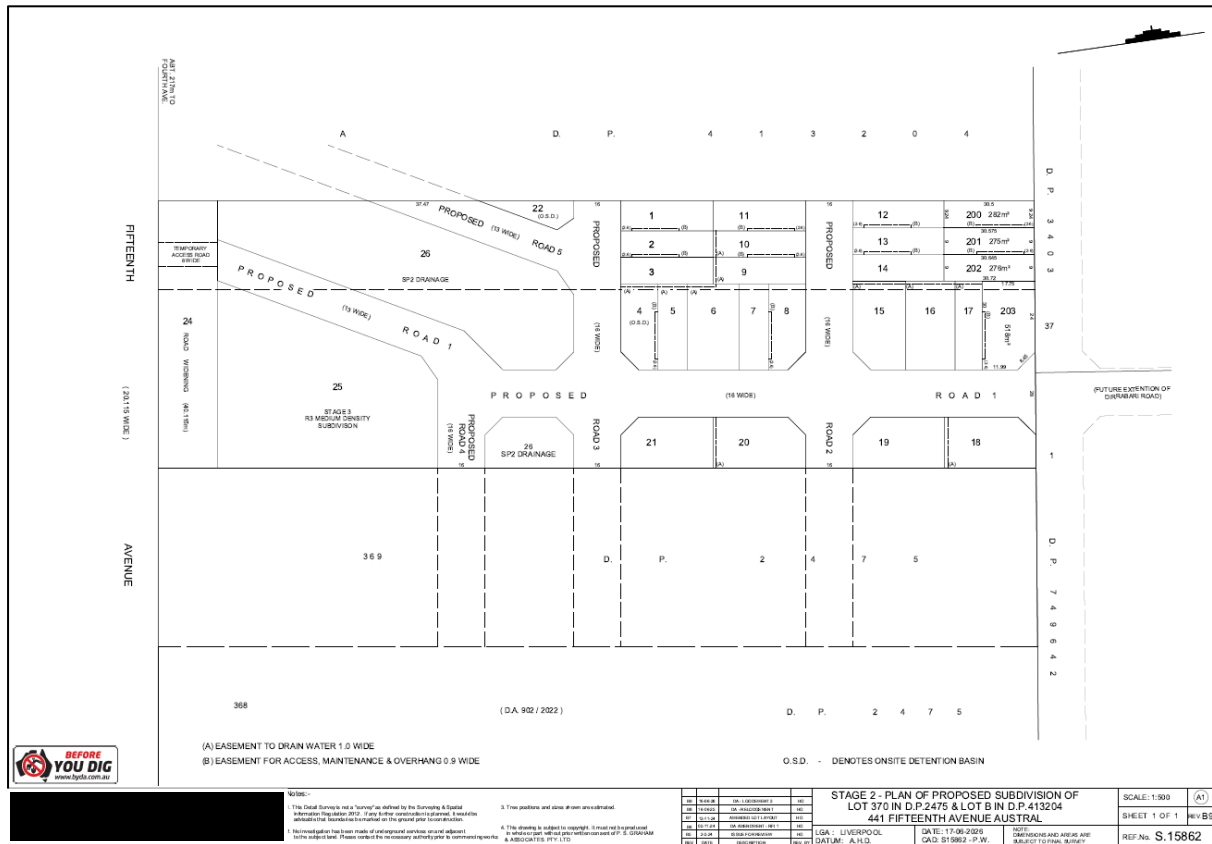


Figure 5: Stage 2 Subdivision Plan

Stage 3:

- Construction of one (1) full road;
- Subdivision of Residue Lot 25 into 1 public road and 1 residue Lot 300 with area 2,877sqm

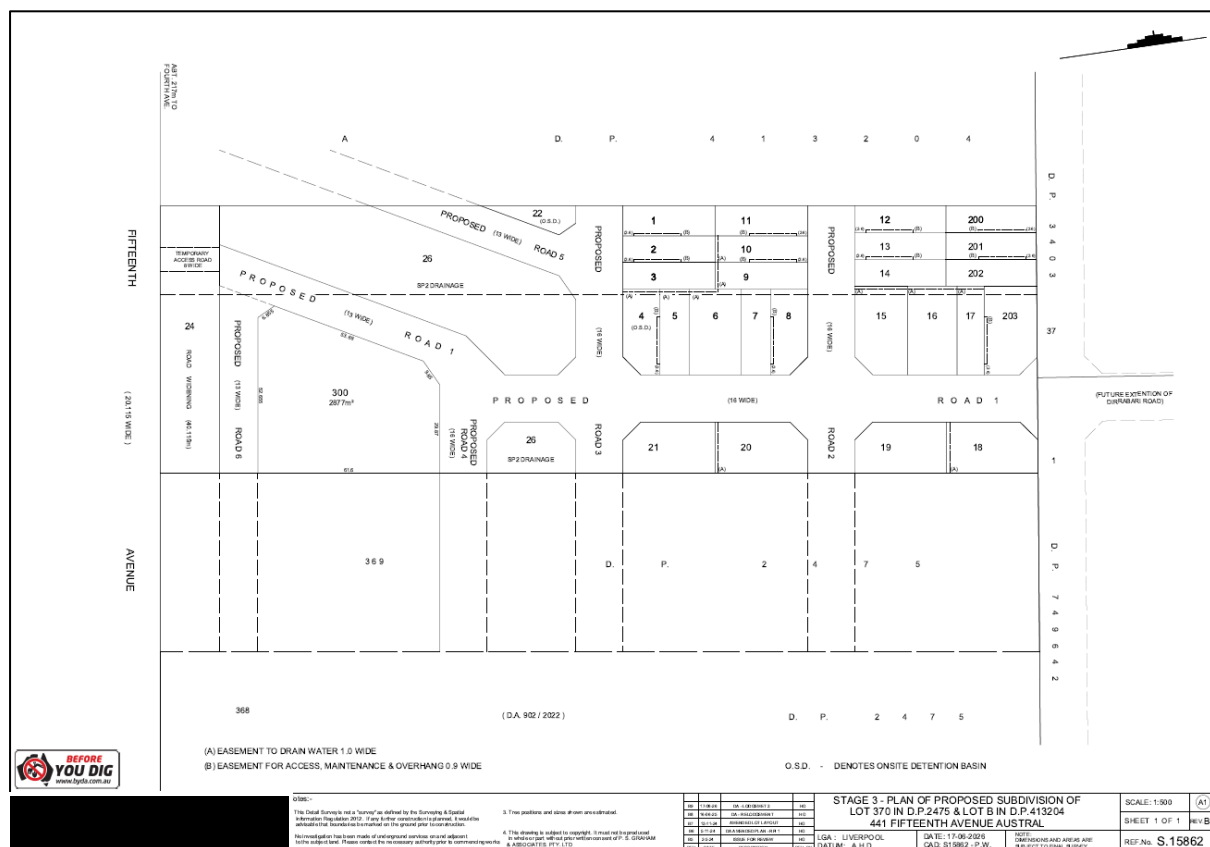


Figure 6: Stage 3 Subdivision Plan

5. STATUTORY CONSIDERATIONS

5.1 Relevant matters for consideration

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

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

Contributions Plans

- Liverpool Contributions Plan 2021 – Austral and Leppington North applies to all development pursuant to Section 7.11 of the EPA & Act.

6. ASSESSMENT

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

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

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

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

The objectives of SEPP (Resilience and Hazards) 2021 are:

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

Pursuant to the above SEPP, Council must consider:

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

The applicant has submitted a Remedial Action Plan which has been reviewed by Council's Environmental Health Officer, who advised the application is supported subject to conditions of consent.

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

Clause 4.6 - Contamination and remediation to be considered in determining development application	Comment
(1) A consent authority must not consent to the carrying out of any development on land unless:	
(a) it has considered whether the land is contaminated, and	The land has been identified as contaminated.

(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and	A satisfactory RAP has been submitted that demonstrates the site will be suitable, after remediation, for the proposed development.
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.	A condition of consent will be imposed to ensure remediation occurs before issue of any subdivision certificates.

Based on the above assessment, the proposal is considered to satisfy the relevant objectives and provisions of SEPP (Resilience and Hazards) 2021. Therefore, it is considered that the subject site is suitable for the proposed development.

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

Chapter 2 Vegetation in non-rural Areas

The subject land is located within the Hawkesbury-Nepean catchment and as such Chapter 2 Vegetation in non-rural areas and Chapter 6 Water catchments of the SEPP applies to the application. The Biodiversity and Conservation SEPP aims to protect the environment of the Hawkesbury-Nepean catchment by ensuring that biodiversity values are protected and preserved and that water quality impacts are considered.

The site is mapped as biodiversity certified land, and the application has been referred to Council's Natural Environment – Landscape team who advised the application is supported subject to conditions of consent.

The development is acceptable in relation to Chapter 2 of *SEPP (Biodiversity and Conservation) 2021*.

Chapter 6 Water Catchments

The subject land is located within the Hawkesbury-Nepean River catchment and as such Chapter 6 Water Catchments of *State Environmental Planning Policy (Biodiversity and Conservation) 2021* applies to the application. The Biodiversity and Conservation SEPP aims to protect the environment of the Hawkesbury-Nepean River catchment by ensuring that water quality impacts are considered.

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

consideration in determining development applications (Part 6.2) and compliance with such is provided below.

Part 6.2 – Development in Regulated Catchments	
Division 2 – Controls on development generally	Comment
6.6 – Water quality and quantity	The Council's Land Development Engineers and Floodplain Management Engineers have provided conditions of consent aimed at improving the quality of expected stormwater discharge from the site, as well as reducing the impact from expected stormwater runoff and flow characteristics through the site, on down-stream aquatic ecosystems.
6.7 – Aquatic ecology	The works are not located on environmentally sensitive land. The site is identified as biodiversity certified land and does not require further assessment on threatened species of flora and fauna.
6.8 – Flooding	The Council's Land Development Engineers and Floodplain Management engineers have provided conditions aimed at improving the quality of expected stormwater discharge from the site.
6.9 – Recreation and public access	The development is unlikely to impact on recreational lands or public access to and around foreshores.
6.10 – Total catchment management	Environmental planning consideration through SEPP (Precincts—Western Parkland City) 2021 has considered the impact of the residentially zoned land within the catchment.
Division 3 – Controls on development in specific areas	Comment
6.11 – Land within 100m of natural waterbody	The application has been referred to DCCEEW – Water, who have provided general terms of approval for the application. The proposed uses are not water-dependent uses and do not conflict with other land uses or the waterway.
6.12 – Riverine scenic areas	Not applicable.
6.13 – Hawkesbury-Nepean conservation area sub-catchments	Not applicable.
6.14 – Temporary use of land in Sydney Harbour Catchment	Not applicable.
Division 4 – Controls on development for specific purposes	Comment

6.15 – Aquaculture	Not applicable
6.16 – Artificial waterbodies	Not applicable
6.17 – Heavy and hazardous industries	Not applicable
6.18 – Marinas	Not applicable
6.19 – Moorings	Not applicable
6.20 – On-site domestic sewerage systems	Not applicable
6.21 – Stormwater management	Council's Land Development Engineering section has reviewed the application and advised it is satisfactory subject to conditions of consent, and as such the development is considered to comply with this section.
6.22 – Waste or resource management facilities	Not applicable
6.23 – Demolition on certain land	Not applicable.

It is considered that the proposal satisfies the provisions of *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, subject to appropriate conditions of consent.

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

The subject site adjoins Fifteenth Avenue, which is mapped as a classified road, and as such Clause 2.118 of the SEPP (Transport and Infrastructure) 2021 is applicable to the proposed development.

The application has been referred to Transport for NSW (TfNSW), who advised that *the subject property is with an area currently under investigation for the Fifteenth Avenue Upgrade Project.*

Investigations and concept design completed to date indicate that part of the subject property is likely to be required for future road widening and a proposed lease by TfNSW. However, the detailed design for the project has not yet been finalised and, accordingly, land requirements may be subject to change.

Further information regarding the project can be obtained by contacting the Project Team via email at projects@transport.nsw.gov.au, by phone on 1800 684 490, or by visiting the Fifteenth Avenue Upgrade project website.

TfNSW provides concurrence to the proposed civil works on Fifteenth Avenue under section 2.118 of the State Environmental Planning Policy (Transport and Infrastructure) 2021, subject to the following requirements being included in any development consent issued:

The TfNSW referral response and it is recommended requirements will be conditioned to be

The objectives of the R2 Low Density Residential zone are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To allow people to carry out a reasonable range of activities from their homes, where such activities are not likely to adversely affect the living environment of neighbours.*
- *To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low density residential environment.*

The proposed subdivision would achieve the objectives of the R2 zone in that it would contribute to the provision of housing with the character envisaged in the planning for the site to meet the needs of the community within an area of the Liverpool LGA designated for future residential development growth. The proposed allotments in the R2 zoned area vary in size (between 275.0 and 522.0sqm) and meet the minimum required allotment size. The proposal would facilitate the future delivery of viable housing types within proximity to future local parks and infrastructure, to cater to the various needs of the community.

The objectives of the R3 Medium Density Residential zone are:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a medium density residential environment.*

The proposed subdivision would achieve the objectives of the R3 Medium Density Residential zone, as the residue lot in the R3 zone would facilitate future development of higher density, allowing for flexibility in use for multi-dwelling housing, residential flat buildings or individual residential lots.

The objectives of the SP2 Infrastructure zone are:

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

The proposed drainage works would achieve the objectives of the SP2 zone as they are classified as infrastructure, specifically the infrastructure intended for this land. The proposed road through the SP2 zone is considered related and compatible with the use.

(iii) Summary of Relevant SEPP (Precincts—Western Parkland City) 2021 Provisions

SEPP (Precincts—Western Parkland City) 2021 contains provisions which are relevant to the proposal. Assessment of the application against the applicable provisions is provided below.

The proposal demonstrates compliance with these provisions.

Clause	Provision	Proposed	Comment
2.6 Subdivision	Subdivision of land may only be carried out with development consent	Consent is sought under this application for subdivision of land.	Complies
2.7 Demolition	The demolition of a building or work may be carried out only with development consent.	Consent is sought under this application for demolition of buildings and other structures.	Complies
4.1 Minimum subdivision lot size	The size of any lot resulting from any such subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.	There is no minimum lot size mapped in the SEPP for the site. Refer to clauses below.	Not applicable
4.1.AA Subdivision resulting in lots between 225-300sqm	The consent authority must be satisfied that any lot between 225-300sqm will contain a sufficient building envelope plan (BEP) to enable the erection of a dwelling house on the lot	Building envelope plans have been provided for all 13 residential lots below 300sqm and they contain a sufficient envelope for the erection of a dwelling house.	Complies by conditions
4.1AB Minimum lot sizes for dwelling houses in Zone R2 & R3	The minimum lot size for a dwelling house is—300sqm if the dwelling density (per hectare) shown on the Residential Density Map in relation to the	All residential lots achieve a lot size of at least 300sqm or have a BEP provided. The only lot less than 225sqm is the 176sqm OSD lot (Proposed Lot 22), which is anticipated to be amalgamated with a	Complies

	land is 15, 20 or 25.	residential lot in the development the adjoining lot once decommissioned. This lot will have restrictions on title that prevent the future development of the site without Development Consent and to ensure that Lot 22 is to remain residue and in the ownership of the developer unless the minimum residential lot size has been achieved through amalgamation with the adjoining property to the west of the site.	
4.1B Residential Density	R2 Low Density Residential – 15 dw/ha R3 Medium Density Residential – 25 dw/ha	R2 – 1.505ha – 25 residential lots proposed – 16.61Dw/ha proposed. R3 – 0.2877ha – 1 residue allotment – 3.48Dw/ha proposed. Clause 4.6 variation request submitted, see discussion below.	Clause 4.6 Variation Requested
4.3 Height of Buildings (as per HOB Map)	R2 – 9m R3 – 12m	No buildings proposed.	Not applicable
4.6 Exceptions to development standards	Development consent may, subject to this section, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument.	A Clause 4.6 Variation Request has been submitted in relation to Clause 4.1B Residential Density and is discussed below.	Complies
5.1 Relevant Acquisition Authority	Land to be acquired as identified on the Land Reservation Acquisition Map	The proposed subdivision has been designed to facilitate future land acquisition in accordance with the Land Acquisition Map.	Complies
5.9 Preservations of trees or	Provided when consent is required to be granted subject to	The site is identified as ‘certified’ pursuant to Sydney Region Growth Centres 2006	Complies by condition

vegetation	the provision of this clause to remove trees or vegetation.	biodiversity certification order, and the application has been reviewed by Council's Landscape officer, who advised the application is supported subject to conditions of consent	
5.10 Heritage conservation	Conservation of environmental heritage and consent requirements	The site is not mapped as having heritage significance and does not adjoin any heritage items. Satisfactory evidence has been provided that the site does not have Aboriginal archaeological significance.	Complies
6.1 Public Utility Infrastructure	The consent authority must not grant development consent to development on land to which this Precinct Plan applies unless it is satisfied that any public utility infrastructure (supply of water, electricity and disposal/management of sewage) that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required	The application was referred to Sydney Water and Endeavour Energy, who advised of the infrastructure upgrade requirements necessary to support the proposed development. Appropriate conditions of consent will be imposed requiring compliance with their requirements to ensure that services will be available when required.	Complies by conditions
6.2 & 6.3 Development Controls – Native Vegetation Areas and Existing Native Vegetation	These controls relate only to the clearing of native vegetation within a native vegetation retention area.	The location of works is not part of an environmentally sensitive area as defined in this plan.	Not applicable

Clause 4.6 – Exceptions to development standards

(Variation to Clause 4.1B – Residential density)

Clause 4.1B of Appendix 4 of the SEPP (Precincts—Western Parkland City) 2021 states:

- (1) *The objectives of this section are—*
 - (a) *to establish minimum density requirements for residential development, and*
 - (b) *to ensure that residential development makes efficient use of land and infrastructure, and contributes to the availability of new housing, and*
 - (c) *to ensure that the scale of residential development is compatible with the character of the precinct and adjoining land.*
- (2) *This section applies to residential development of the kind referred to in section 4.1AB or 4.1AC that—*
 - (a) *is carried out on land to which this Precinct Plan applies that is shown on the Residential Density Map, and*
 - (b) *requires development consent, and*
 - (c) *is carried out after the commencement of this Precinct Plan.*
- (3) *The density of any residential development to which this section applies is not to be less than the density shown on the Residential Density Map in relation to that land.*
- (4) *In this section—*

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

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

The subject proposal seeks a variation to the minimum residential density under the SEPP (Precincts—Western Parkland City) 2021. The minimum residential density within the R3-zoned portion of the site is 25 dwellings per hectare. The subject development proposes a single residue lot within that portion of the site, equating to 3.48 dwellings per hectare. This is a variation of 21.52 dwellings per hectare, or a percentage variation of 86.08%.

Consequently, pursuant to Clause 4.6 of Appendix 4 of the SEPP (Precincts—Western Parkland City) 2021, the applicant has submitted a written request seeking a variation to the minimum residential density as prescribed by Clause 4.1B.

The objectives and standards of Clause 4.6 of Appendix 4 of the SEPP (Precincts—Western Parkland City) 2021 are as follows:

- (1) *The objectives of this section are as follows—*
- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- (3) *Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant for development consent has demonstrated that—*
- (a) *compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
 - (b) *there are sufficient environmental planning grounds to justify the contravention of the development standard.*

The applicant submitted a Section 4.6 Variation Request, dated 22 October 2025, in order to justify the variation described above. This document provides the following justifications based on the merits of the proposal:

Written Request addressing why compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient planning grounds to justify the contravention of the development standard

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

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

Applicant Comment

The site is mapped on the Residential Density Map as having a dwelling density of 15 dwellings per hectare on the R2 Low Density Residential land and a dwelling density of 25 dwellings per hectare on the R3 Medium Density zoned portion of the site.

Council's Local Planning Panel confirmed that any application could create a residue allotment fronting Fifteenth Avenue with a focus to provide medium density residential development within the R3 Zoned land post completion of the Fifteenth Avenue Road upgrade. The Panel provided the following condition that would also be applicable to this application and is set out below (DA 177/2024-Condition 142) and supported by UPG 254 Pty Ltd v Liverpool City Council; -

The final plan of subdivision must be supported by an 88B Instrument. This instrument must burden Lot 300 with a Restriction as to User and Positive Covenant over proposed Lot 300 is to be developed for residential purposes with a minimum dwelling density of no less than 25 dwellings per hectare.

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

The contravention of the development standard is not seen to defy the objectives of the Environmental Planning and Assessment Act 1979, namely Clause 1.3(b), 1.3(c) and 1.3(i).

As a result of the assessment above, it is considered compliance with the minimum residential density development standard is NOT reasonable and NOT necessary due to the circumstances of this application and that there are sufficient environmental planning grounds to justify the short-term contravention of the development standard.

Council Comment

Compliance with the standard would be unreasonable and unnecessary in this instance for the following reasons:

- This variation is consistent with past approvals for similar development;
- The residue lot would facilitate a greater variety of housing types within the R3 zone by permitting multi-dwelling housing or residential flat buildings which could readily achieve the minimum density;
- Any future development on the site would nonetheless be required to address Clause 4.1B, and appropriate density would be achieved.

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

The applicant has provided the following justification as to how there are sufficient environmental planning grounds to justify the contravention of the development standard:

Applicant Comment

The merits of the proposal on “environmental planning grounds” needs to be balanced with the burden that strict compliance places on the site and whether strict compliance will result in a better or neutral outcome.

The proposal seeks to delay the immediate objectives of the R3 Zone under this proposal as the R3 Zoned land is being created as a residue parcel for future development due to uncertainty surrounding the delivery of Fifteenth Avenue Road upgrade works and the Austral Town Centre. The proposal should be recommended for approval as future built product proposed upon the R3 zoned land (subject to a separate application) will be able to provide for the future housing needs of the community through varied housing typology. This portion of the site zoned R3 Medium Density Residential is of sufficient size to accommodate a multitude of

development typologies and the proposed upgrade of Fifteenth Avenue as the “FAST Corridor” supporting the Aerotropolis will inform the final design and delivery of this portion of the site. As such, the subject land is considered to be suitable to achieve the zone objectives.

Strict compliance with the density standard does not apply to the creation of a residue lot. The ultimate planning outcome will be determined by the delivery of the future adjacent infrastructure. The delivery of road infrastructure and Austral Town Centre requires coordination and activation by both State and Local government.

A degree of flexibility should be applied by the consent authority with regards to Clause 4.1B(3) of the SEPP. Having regard to the above, it is considered that there are sufficient environmental planning grounds to vary Clause 4.1B (3) Residential Density.

Council Comment

There are sufficient environmental planning grounds to justify the contravention of the development standard for the following reasons:

- The proposed variation enables flexibility in future development of the R3 zone adjacent to Fifteenth Avenue, allowing for small-lot housing, multi-dwelling housing or residential flat buildings which could readily achieve the minimum density;
- The objectives of the zone can still be achieved by future development on the land;
- The objectives of the control are met.

Having regard to the above, it is considered that there are sufficient environmental planning grounds to vary Clause 4.1B Residential density in this instance.

The applicant’s written request has demonstrated the proposed development is consistent with the objectives of the development standard and the R3 Medium Density Residential zone, and the development would be consistent with the objects of the EP&A Act, particularly in relation to orderly and economic development of land.

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

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

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

(a) Liverpool Development Control Plan (LDCP) 2008

The application has been considered against the controls contained within Liverpool Growth Centre Precincts Development Control Plan 2021 (DCP) in particular:

- Part 2: Precinct Planning Outcomes; and

- Part 3: Neighbourhood and Subdivision Design.

The assessment has identified that the proposal demonstrates compliance with the relevant DCP requirements. The controls are discussed in Attachment 1.

Overall, the proposal is considered to be consistent with the key controls outlined in the LGCP DCP 2021.

6.4 Section 4.15(1)(a)(iiia) - Planning Agreements

There are no Planning Agreements which apply to the development.

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

The Environmental Planning and Assessment Regulation 2021 requires the consent authority to consider the provisions of the BCA and the Safety standards for demolition (AS 2601 – 2001). Accordingly, appropriate conditions of consent will be imposed.

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

Natural and Built Environment

Impacts on the natural environment have been assessed as part of the subject development application. The proposal is unlikely to result in any detrimental impact on the natural environment surrounding the subject site, or to any endangered and non-endangered species of flora and fauna, subject to conditions. The proposal has also assessed the natural features of the site including flooding, bushfire and vegetation and the development is acceptable subject to conditions.

The proposed development is unlikely to create any significant adverse impacts on the surrounding built environment. The proposed development is of an appropriate scale and is unlikely to create any detrimental impacts on the adjoining properties or on the locality. The proposal would facilitate residential development consistent with the desired future built character of the locality and the development is satisfactory subject to conditions.

Social Impacts and Economic Impacts

The proposed subdivision would result in a positive economic impact in the locality through the capital investment value of the development consistent with the growth centres controls and is unlikely to generate any identifiable detrimental social impacts and would generate housing for the community within the local government area (LGA).

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

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

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

(a) Internal Referrals

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

DEPARTMENT	COMMENTS
Flood Engineering	Approval subject to conditions of consent
Land Development Engineering	Approval subject to conditions of consent
Environmental Health	Approval subject to conditions of consent
Heritage	Approval subject to conditions of consent
Landscape	Approval subject to conditions of consent
Traffic and Transport	Approval subject to conditions of consent

(b) External Referrals

The following comments have been received from external Agencies:

DEPARTMENT	COMMENTS
Endeavour Energy	Approval subject to conditions of consent
Sydney Water	Approval subject to conditions of consent
NSW RFS	Approval subject to conditions of consent
DCCEEW-Water	Approval subject to conditions of consent
TfNSW	Approval subject to conditions of consent

(c) Community Consultation

The proposal was advertised/notified for a period of 14 days from 27 August 2025 to 15 September 2025 in accordance with Community Participation Plan 2022. No submissions were received in response to the public consultation process.

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

The proposed development is considered to be in the public interest.

7. DEVELOPMENT CONTRIBUTIONS

A Section 7.11 Development Contributions is applicable to the proposed development in accordance with Liverpool Contributions Plan 2021 – Austral and Leppington North and will be imposed as a condition of consent of any approval for the proposed development. The development attracts a total contribution of **\$2,029,378.00**.

8. CONCLUSION

The application has been assessed having regard to the provisions of Section 4.15 of the EP&A Act 1979, and the Environmental Planning Instruments, including the applicable State Environmental Planning Policies, LGCP DCP 2021, and the relevant codes and policies of Council.

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

9. RECOMMENDATION

That Development Application DA No DA-514/2025 be **approved subject to conditions of consent.**

ATTACHMENTS

1. DCP Assessment Tables
2. Draft Conditions of Consent
3. Clause 4.6 Variation Request
4. Subdivision Plans
5. Building Envelope Plans

DCP Assessment Tables – DA-514/2025

Part 2 Precinct Planning Outcomes		
Development Control	Provision	Comment
2.2 The Indicative Layout Plan (ILP)	All development applications are to be generally in accordance with the Indicative Layout Plan.	Complies The proposed development is wholly consistent with the Indicative Layout Plan and has been endorsed by Council's Traffic and Transport section subject to conditions of consent.
	When assessing development applications, Council will consider the extent to which the proposed development is consistent with the Indicative Layout Plan.	
	Any proposed variations to the general arrangement of the Indicative Layout Plan must be demonstrated by the applicant, to Council's satisfaction, to be consistent with the Precinct Planning vision in the relevant Precinct Schedule.	
2.3.1 Flooding	This section controls relating to development on flood prone land	Complies by conditions. The application has been considered by Council's Floodplain Engineers and is considered acceptable, subject to conditions.
2.3.2 Water Cycle Management	This section contains controls relating to stormwater management.	Complies by conditions. Council's Land Development Engineers have reviewed the proposed development and raised no issues subject to conditions.
2.3.3 Salinity and Soil Management	This section contains controls relating to salinity and soil management.	Complies by conditions. The site is affected by a moderate level of salinity. Council's Land Development Engineer and Environmental Health Officer have reviewed the proposed development and raised no issues subject to conditions.
2.3.4 Aboriginal and European Heritage	This section contains controls relating to the management of Aboriginal heritage values and to ensure areas identified as European cultural heritage sites or archaeological sites are managed.	Complies by conditions. The application has been referred to Council's Heritage officer, who advised the application is satisfactory subject to conditions of consent.
2.3.5 Native Vegetation and Ecology	This section contains controls relating to the conservation and rehabilitation of native vegetation.	Complies The application has been referred to Council's Landscape officer, who advised the application is satisfactory with regard to the removal of trees and provision of new vegetation (i.e. street trees).

Part 2 Precinct Planning Outcomes		
Development Control	Provision	Comment
2.3.6 Bushfire Hazard Management	This section contains controls relating to development on bushfire prone land.	Complies by conditions. The site is mapped as bushfire prone land and the NSW Rural Fire Service (RFS) have provided their General Terms of Approval (GTA) for the proposal, which would form part of the conditions.
2.3.7 Site Contamination	This section contains controls relating to development on potentially contaminated land.	Complies by conditions. Refer to <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> section of this report.
2.3.8 Development on and adjacent to electricity and gas easements	This section contains controls relating to development on and adjacent to electricity and gas easements.	Complies The site adjoins overhead power lines on Fifteenth Avenue. The application has been referred to Endeavour Energy, who are supportive of the development subject to conditions of consent.
2.3.9 Noise	This section contains controls relating to ensuring acoustic privacy is achieved for future residential development.	Complies The site adjoins Fifteenth Avenue, and an acoustic report has been provided which demonstrates satisfactory internal noise levels will be able to be achieved.
2.3.10 Odour Assessment and Control	This section relates to land deemed by Council to be affected by an odour source.	Not Applicable The proposed development is not within the nominated impact radius of the nearest poultry farms.
2.3.11 Air Quality	This section contains controls relating to preserving air quality in relation to industrial and/or employment development	Not applicable The DA does not propose any industrial or employment development.
2.4 Demolition	This section contains controls relating to demolition of buildings	Complies by conditions Standard conditions of consent requiring compliance with Australian Standards and other requirements will be imposed.
2.5 CPTED	This section contains controls relating to the principles of CPTED.	Complies The proposed development is unlikely to contravene the relevant principles of CPTED.
2.6 Earthworks & Dam De-watering	This section contains controls relating to earthworks	Complies The development generally complies with these controls with minimal cut and fill where possible.

Part 3 Neighbourhood and Subdivision Design		
Development Control	Provision	Comment
3.1.1 Residential	All applications for residential subdivision and the construction of	Complies

Part 3 Neighbourhood and Subdivision Design		
Development Control	Provision	Comment
Density	residential buildings are to demonstrate that the proposal meets the minimum residential density requirements of the relevant Precinct Plan and contributes to meeting the overall dwelling target in the relevant Precinct.	The site is 1.115ha in area, which requires a minimum of 16.725 dwellings to be provided. 22 lots, all capable of containing at least a single dwelling, are provided.
	Residential development is to be generally consistent with the residential structure as set out in the Residential Structure Figure in the relevant Precinct Schedule, the typical characteristics of the corresponding Density Band in Table 3-1.	Complies The subdivision would facilitate development for detached dwelling houses, which are typical developments within the 15 dwelling/ha area.
3.1.2 Block and Lot Layout	Minimum lot size of 300m ² without a Building Envelope Plan	Complies Lots under 300sqm are accompanied by a BEP.
	With BEP in 15 dw/ha minimum lot size is 250m ²	Complies by condition. All lots between 250sqm and 300sqm provide a BEP and they contain a sufficient envelope for the erection of a dwelling house in accordance with part 4 of this DCP. Restrictions would apply to the title of these lots for dwellings to be built within these building envelopes.
	Minimum frontage width of 9m for front loaded in 15dw/ha.	Complies All lots have a frontage width of 9m or more.
	A range of residential lot types (area, frontage, depth, zero lot and access) must be provided to ensure a mix of housing types and dwelling sizes and to create coherent streetscapes with distinctive garden suburban, suburban and urban characters across a neighbourhood.	Complies A range of residential lot sizes and widths are provided which support a range of housing types consistent with the associated character profile.
	In areas with a minimum residential density of ≤20dw/ha no more than 40% of the total residential lots proposed in any one street block may have a frontage of less than 10m wide.	Complies The development principally proposes two residential subdivision blocks which are located on the north western part of the site. The northern block, including the approved lots on the site to the west, has 27 lots. 7 of 27 lots are proposed to be less

Part 3 Neighbourhood and Subdivision Design		
Development Control	Provision	Comment
		than 10m in width, which is 31.82% of the block. The southern block, including the approved lots on the site to the west, has 29 lots. 4 of 29 lots are proposed to be less than 10m in width, which is 13.79% of the block.
	Lots should be rectangular. Where lots are an irregular shape, they are to be large enough and oriented appropriately to enable dwellings to meet the controls in this DCP.	Complies Lots are rectangular in shape with the exception of corner lots and all lots are oriented in accordance with the road layout and are large enough to enable dwelling construction.
	Where a zero lot line is nominated on an allotment on the subdivision plan, the adjoining (burdened) allotment is to include a 900mm easement for single storey zero lot walls and 1200mm for two storey zero lot walls to enable servicing, construction and maintenance of the adjoining dwelling. No overhanging eaves, gutters or services (including rainwater tanks, hot water units, air-conditioning units or the like) of the dwelling on the benefited lot will be permitted within the easement.	Complies 900mm easements for access and maintenance are proposed beside all lots intended to have a zero-lot line.
3.1.3 Battle-axe Lots	Subdivision layout should minimise the use of battle-axe lots without public frontage to resolve residual land issues.	Not applicable No battle axe allotments are proposed under this application.
3.1.4 Corner Lots	Corner lots, including splays and driveway location, are to be designed in accordance with AS 2890 and Council's Engineering Specifications.	Complies by conditions. This aspect has been reviewed by Council's Land Development Engineers who have raised no objections subject to conditions of consent.
	Corner lots are to be designed to allow dwellings to positively address both street frontages.	Complies Future dwellings on corner lots would be able to address both street frontages.
	Plans of subdivision are to show the location of proposed or existing substations, kiosks, sewer man holes and/or vents affecting corner lots.	Not applicable There are no services anticipated to affect corner lot development in this subdivision.
3.1.5 Subdivision	Minimum Frontage width 30m (flood affected land)	Not applicable The site is not in an

Part 3 Neighbourhood and Subdivision Design		
Development Control	Provision	Comment
in the Environmental Living Zone	Minimum Frontage width 20m (non-flood affected land)	environmental living zone.
	Consider location of flood-prone land to ensure complying dwellings can be accommodated	
	Protect Existing Native Vegetation and other vegetation within the Environment Protection overlay on the Precinct Indicative Layout Plan.	
	Lot orientation is to not significantly impact on visual character of the locality	
	Lot orientation allows for passive surveillance of public land and infrastructure easements where relevant	
	Any areas of remnant native vegetation or significant trees are to be preserved to the maximum practical extent.	
	Impacts on utilities easements to be avoided during works.	
	Access to easements for maintenance and inspections to be maintained.	
3.2 Subdivision Approval Process	The land subdivision approval process is to be consistent with the requirements of Table 3-4.	Complies The DA complies with pathway A2, which involves lots between 225sqm-300sqm with a width of >9m and a BEP is required during the DA stage.
	Building Envelope Plans (BEPs) to provide appropriate details as listed in the DCP.	Complies by condition. All lots between 225sqm and 300sqm provide a BEP and they contain a sufficient envelope for the erection of a dwelling house in accordance with Part 4 of this DCP. Conditions would also apply to ensure a restriction is placed on the title for the BEPs.
	Public Domain Plan to show elements of the Public Domain including Street Trees, vehicular cross-overs, and indicative building footprints.	Complies Public domain plan shows street trees and vehicular crossovers.
3.3.1 Street Network Layout and Design	This section contains controls relating to street network layout and design, including requirements for street trees.	Complies by condition Appropriate street trees proposed and to be conditioned.
3.3.2 Street Furniture	Provides controls for street furniture	Complies Appropriate street trees proposed and to be conditioned.

Part 3 Neighbourhood and Subdivision Design		
Development Control	Provision	Comment
3.3.3 Local Area Traffic Management	A Local Area Traffic Management (LATM) plan shall be submitted with any development which involves the opening of a new road(s), or modifications to existing roads. Design solutions shall conform to Austroads Guide to Traffic Management Part 8 (Local Area Traffic Management).	Complies The application has been referred to Council's Traffic and Transport section, who advised the application is supported subject to conditions of consent.
3.3.4 Laneways	Provides controls for laneways	Not applicable No laneways proposed.
3.3.5 Shared Driveways	Provides controls for shared driveways Shared driveways are to be constructed as one of three general types, depending on block geometry and garages to be accessed. The driveway crossing the verge between the property boundary and the kerb is to have a maximum width of 5.4 metres. Shared driveways are to have soft landscaped areas on either side, suitable for infiltration.	Not applicable No shared driveways proposed.
3.3.6 Pedestrian and Cycle Network	This section contains controls relating to the implementation of pedestrian and cycle networks.	Complies No cycleways are proposed or required within this site. Appropriate pedestrian facilities are provided throughout.
3.3.7 Temporary Vehicular Access	Provides controls for Temporary Vehicular Access	Complies by condition The proposed temporary accessway from Fifteenth Avenue will be required to be decommissioned once public road access is available to the proposed road network.
3.3.8 Access to arterial roads, sub-arterial roads & transit boulevards	Controls for access to classified roads, to provide for the safe and efficient movement of vehicles on these roads.	Complies In the ultimate scenario, (post Transport for New South Wales's final Fifteenth Avenue Upgrade Design and any associated land acquisition) no direct vehicular access is proposed to Fifteenth Avenue, as the undeveloped R3 zoned portion of the site will be accessed by a local access road which will connect to the wider local road network.
3.4 Construction Environmental	This section contains controls relating to the implementation of a construction environmental management plan.	Complies by condition. Conditions of consent will be imposed ensuring the implementation of a

Part 3 Neighbourhood and Subdivision Design		
Development Control	Provision	Comment
Management		construction environmental management plan, prior to issue of a subdivision works certificate (SWC).

Without prejudice draft conditions

General Conditions

1. **(A001) Stages of Consent**

This consent approves

Stage	Development Works
1	Demolition of existing structures, construction of 5 roads, drainage infrastructure and subdivision into 21 residential lots and 5 residue lots including 1 for road widening, 1 for drainage and 1 for on-site detention
2	Subdivision of residue lot 23 into 4 residential lots
3	Construction of 1 road and subdivision of residue lot 25 into a road reserve and 1 residue lot

in the following manner:

- The issue of Subdivision Works Certificate for Stage 1 and substantial works commencing for the subdivision works at any time within the 5-year lapse date of this consent.
- The issue of a Subdivision Certificate for Stage 1 once all relevant subdivision works and any dedications are completed.
- The issue of a Subdivision Certificate for Stage 2 at any time after the issue of Stage 1.
- The issue of a Subdivision Works Certificate for Stage 3.
- The issue of a Subdivision Certificate for Stage 3 once all relevant subdivision works and any dedications are completed, and a restriction on title imposed requiring any future development of Lot 300 to meet the dwelling density standard.

Condition reason: To ensure all parties are aware of the scope and stages of the development.

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

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

Approved plans

Plan number	Revision number	Plan title	Drawn by	Date of plan
1 of 1	B9	Stages 1 to 3 - Plan of Proposed Subdivision of Lot 370 in D.P.2475 & Lot B in D.P.413204 441 Fifteenth Avenue Austral	P. S. Graham & Associates Pty Ltd	17-06-26
1 of 1	B9	Stage 1 - Plan of Proposed Subdivision of Lot 370 in D.P.2475 & Lot B in D.P.413204 441 Fifteenth Avenue Austral	P. S. Graham & Associates Pty Ltd	17-06-26
1 of 1	B9	Stage 2 - Plan of Proposed Subdivision of Lot 370 in D.P.2475 & Lot B in D.P.413204 441 Fifteenth Avenue Austral	P. S. Graham & Associates Pty Ltd	17-06-26
1 of 1	B9	Stage 3 - Plan of Proposed Subdivision of Lot 370 in D.P.2475 & Lot B in D.P.413204 441 Fifteenth Avenue Austral	P. S. Graham & Associates Pty Ltd	17-06-26
1 of 1	B9	Building Envelope Plan Lot 370 in D.P.2475 & Lot B in D.P.413204 441 Fifteenth Avenue Austral	P. S. Graham & Associates Pty Ltd	17-06-26
02752_110	05	Demolition Plan	C&M Consulting Engineers	15/06/2026
12752_701	05	Sediment & Erosion Control Plan, Notes & Calculations	C&M Consulting Engineers	15/06/2026
12752_702	05	Sediment & Erosion Control Details	C&M Consulting Engineers	15/06/2026
1 of 1	B9	Proposed Landscape Plan for Lot 370 in D.P.2475 & Lot B in D.P.413204 441 Fifteenth Avenue - Austral	P. S. Graham & Associates Pty Ltd	17-06-26

Approved documents

Document title	Version	Prepared by	Date of
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	number		document
Bushfire Assessment and Recommendations	100B - 498	Sydney Bushfire Consultants	14 May 2024
Waste Management Plan & Demolition Statement	-	P S Graham & Associates Pty Ltd	1st May 2024
Traffic Noise Assessment Report	7864-1.1R Rev A	Day Design Pty Ltd	24 September 2025
Remedial Action Plan	P34366.1 R02	Geotest Services Pty Ltd.	08 May 2024

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

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

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

3. (A003) Payment of development contributions

Payment of section 7.11 contributions

Before the issue of a subdivision certificate, the applicant must pay the following contributions to Council for:

Stage 1

Facilities	Amount (\$)	Job No.
Local Community Facilities - Land	\$16,476	GL.3011210001870.10227
Local Recreation - Land	\$703,736	GL.3011210001869.10228
Local Recreation - Works	\$187,833	GL.3011210001869.10229
Local Transport Facilities - Land Residential	\$54,870	GL.3011210001865.10230
Local Transport Facilities - Works Residential	\$118,839	GL.3011210001865.10231
Local Drainage Facilities - Land	\$275,969	GL.3011210001866.10232
Local Drainage Facilities - Works	\$362,605	GL.3011210001866.10233
Administration	\$9,487	GL.3011210001872.10234

Stage 2

Facilities	Amount (\$)	Job No.
Local Community Facilities - Land	\$3,469	GL.3011210001870.10227
Local Recreation - Land	\$148,155	GL.3011210001869.10228
Local Recreation - Works	\$39,544	GL.3011210001869.10229
Local Transport Facilities - Land Residential	\$11,552	GL.3011210001865.10230
Local Transport Facilities - Works Residential	\$25,019	GL.3011210001865.10231
Local Drainage Facilities - Land	\$30,586	GL.3011210001866.10232
Local Drainage Facilities - Works	\$40,188	GL.3011210001866.10233
Administration	\$1,052	GL.3011210001872.10234

The total contribution payable to Council under this condition is \$1,729,815 (Stage 1) and \$299,563 (Stage 2) as calculated at the date of this consent, in accordance with Liverpool Contributions Plan 2021 - Austral and Leppington North.

The total amount payable may be adjusted at the time the payment is made, in accordance with the provisions of the Liverpool Contributions Plan 2021 - Austral and Leppington North.

A copy of the development contributions plan is available for inspection at www.liverpool.nsw.gov.au.

Condition reason: To ensure development contributions are paid to address increased demand for

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public amenities and services or to address increased demand for regional infrastructure or to ensure any planning agreement is finalised at the specified time.

4. **(A015) General Terms of Approval**

All General Terms of Approval issued by state agencies, shall be complied with prior, during, and at the completion of construction, as required in accordance with the General Terms of Approval listed below:

Agency	Document Title	Reference	Date
Department of Climate Change, Energy, the Environment and Water- Water Group	Re: IDAS-2026-10022 - Integrated Development Referral - General Terms of Approval	IDAS-2026-10022	24 February 2026
Sydney Water	RE: Development Application DA-514/2025 at 441 Fifteenth Avenue, Austral	225873, 271736	27 January 2026
Endeavour Energy	DA-514/2025 at 441 FIFTEENTH AVENUE AUSTRAL 2179	-	6 January 2026
RFS	Integrated Development Application s100B - Subdivision - Subdivision 441 Fifteenth Avenue Austral 2179, 370//DP2475, B//DP413204	DA20260106000027-Original-1	11 March 2026
Transport for NSW	RESIDENTIAL SUBDIVISION OF TWO (2) LOTS IN TWENTY-SIX (26) LOTS 441 FIFTEENTH AVENUE, AUSTRAL	SYD26/00810/01	2 September 2026

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

5. **(A025) Comply with EP&A Act**

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

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

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

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

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

Condition reason: Prescribed condition under section 74 of the Environmental Planning and Assessment Regulation 2021.

7. **(A040) Compliance with the Building Code of Australia**

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

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3.	It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the <i>Building Code of Australia</i> .
4.	In subsection (1), a reference to the <i>Building Code of Australia</i> is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made.
5.	In subsection (3), a reference to the <i>Building Code of Australia</i> is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made.
6.	This section does not apply— - to the extent to which an exemption from a provision of the <i>Building Code of Australia</i> or a fire safety standard is in force under the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i>, or - to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.
Condition reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.	
8.	(A050) Works at no cost to Council
	All roadworks, drainage works and dedications, required to effect the consented development shall be undertaken at no cost to Liverpool City Council.
	Condition reason: To ensure fairness, transparency and probity.
9.	(A060) Erection of signs
1.	This section applies to a development consent for development involving building work, subdivision work or demolition work.
2.	It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out— - showing the name, address and telephone number of the principal certifier for the work, and - showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and - stating that unauthorised entry to the work site is prohibited.
3.	The sign must be— - maintained while the building work, subdivision work or demolition work is being carried out, and - removed when the work has been completed.
4.	This section does not apply in relation to— - building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or - Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.
Condition reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.	
10.	(A130) Council Wastewater Requirements
	The development must provide for a physical sewerage connection to each created allotment to enable the method of sewage disposal by gravity reticulation mains to either, Sydney Water branch and trunk sewers or Sydney Water point of treatment. Liverpool City Council will not accept any temporary facilities to service the site, including pump-out sewage systems.
	Condition reason: To promote orderly development supported by adequate infrastructure.

Subdivision Work Before Issue of a Subdivision Work Certificate

11.	(B048) A - Provision of Services - Street Lighting
	The applicant/developer shall engage the services of an Endeavour Energy accredited ASP Level 3 service provider who shall request Council's Transport Management Team's endorsement of a Public

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	Street Lighting Design Brief. The consultant is to lodge Endorsement of Public Lighting Design Application Form. The application is available on Council website and should be lodged online. Once endorsed, the Designer is to carry out assessment of the existing street lighting and carry out a street lighting improvement design. This is to be submitted to and approved by Endeavour Energy. The upgrade may include undergrounding of existing aerial power lines, communication cables and replacement of existing street light poles with Endeavour Energy approved Macarthur Poles as specified by Council in the public lighting design brief. Condition reason: To ensure adequate street lighting is provided for the development.
12.	(B054) Retaining Walls on Boundary All retaining walls shall be of masonry construction and must be wholly within the property boundary, including footings and agricultural drainage lines. Construction of retaining walls or associated drainage works along common boundaries shall not compromise the structural integrity of any existing structures. Where a retaining wall exceeds 600mm in height, the wall shall be designed by a practicing structural engineer and a construction certificate must be obtained prior to commencement of works on the retaining wall. Condition reason: To ensure fairness, transparency and probity.
13.	(B055) S138 Roads Act - roadworks requiring approval of civil drawings Prior to the issue of a Construction Certificate for subdivision works the Certifier shall ensure that a S138 Roads Act application, including the payment of application and inspection fees, has been lodged with Liverpool City Council (being the Roads Authority under the Roads Act), for provision of any public domain upgrade works required by the development approval, and for provision of temporary access/egress road connection onto Fifteenth Avenue, Austral. Engineering plans are to be prepared in accordance with the development consent, Liverpool City Council's Design Guidelines and Construction Specification for Civil Works, Austroad Guidelines and best engineering practice. Note: Where Liverpool City Council is the Certifier for the development the Roads Act approval for the above works may be issued concurrently with the Construction Certificate. Condition reason: To ensure fairness, transparency and probity.
14.	(B075) Fee Payments Unless otherwise prescribed by this consent, all relevant fees or charges must be paid. Where Council does not collect these payments, copies of receipts must be provided. The following fees are applicable and payable: (a) Damage Inspection Fee – relevant where the cost of building work is \$20,000 or more, or a swimming pool is to be excavated by machinery. (b) Fee associated with Application for Permit to Carry Out Work Within a Road, Park and Drainage Reserve. These fees are reviewed annually and will be calculated accordingly. Condition reason: To ensure statutory or associated fees are paid prior to construction commencing.
15.	(B081) Site Development Work Site development work in the form of excavation, underpinning or shoring works must not take place, until such time as a Subdivision Work Certificate has been issued. Condition reason: To prevent unauthorised commencement of building works.
16.	(B095) Long Service Levy

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Before the issue of a Subdivision Works Certificate, the long service levy of 0.25% the cost of building works, as calculated at the date of this consent, must be paid to the Long Service Corporation under the Building and Construction Industry Long Service Payments Act 1986, section 34, and evidence of the payment is to be provided to **the certifier or Council (where a certifier is not required)**.

Condition reason: To ensure the long service levy is paid.

17. (B112) Notification

In the event that Council is not the Principal Certifier (PC), the PC must advise Council, in writing of:

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

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

Condition reason: To advise Council of the details of licensed contractors or owner-builder for the approved development.

18. (B125) Erosion and sediment control plan

Before the issue of a Construction Certificate, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the certifier:

1. Council's relevant development control plan,
2. the guidelines set out in 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time), and
3. the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time).

Condition reason: To ensure no substance other than rainwater enters the stormwater system and waterways.

19. (B135) Provision of Services - Sydney Water

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

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

Condition reason: To ensure fairness, transparency and probity.

20. (B136) Provision of Services - Endeavour Energy

Prior to the issue of a Subdivision Works Certificate, a written clearance from Endeavour Energy, stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development must be submitted to the Principal Certifier.

Condition reason: To ensure fairness, transparency and probity.

21. (B137) Provision of Services - Telecommunications

Prior to the issue of a Subdivision Works Certificate, the Principal Certifier shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following requirements of the Telecommunications Act 1997:

1. For a fibre ready facility, the NBN Co's standard specifications current at the time of installation, and
2. For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

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

Condition reason: To ensure fairness, transparency and probity.

22. **(B149) S138 Roads Act - Minor Works in the public road**

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

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

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

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

Condition reason: To ensure fairness, transparency and probity.

23. **(B158) Construction Traffic Management Plan (CTMP)**

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

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

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

Condition reason: To ensure that the impact of construction traffic associated with the development on the surrounding road network is minimized.

24. **(B168) Subdivision Work Certificate**

Prior to the issue of a Subdivision Works Certificate, for subdivision works, the Certifier shall ensure that engineering plans are consistent with the approved concept plan/s prepared by C&M Consulting Engineers and as per the following:

Job No./Drawing No.	Title	Revision/Issue	Date
02752_100	COVER SHEET, DRAWING INDEX, LEGEND & LOCALITY SKETCH	07	20/07/2026
02752_101	GENERAL NOTES	06	20/07/2026
02752_110	DEMOLITION PLAN	06	20/07/2026
02752_120	STAGE 1 – SHEET LAYOUT PLAN	05	20/07/2026
02752_201	GENERAL ARRANGEMENT PLAN SHEET 01 – STAGE 1	07	20/06/2026
02752_202	GENERAL ARRANGEMENT PLAN SHEET 02 – STAGE 1	08	20/07/2026

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02752_203	GENERAL ARRANGEMENT PLAN SHEET 03 – STAGE 1	09	20/06/2026
02752_204	GENERAL ARRANGEMENT PLAN SHEET 04 – STAGE 1	05	20/06/2026
02752_205	GENERAL ARRANGEMENT PLAN SHEET 05 – STAGE 1	02	20/06/2026
02752_210	GENERAL ARRANGEMENT PLAN SHEET 06 - STAGE 2	01	20/06/2026
02752_231	BULK EARTHWORKS STAGE 1 – CUT / FILL PLAN & SECTIONS	06	20/07/2026
02752_271	TEMPORARY TURNING HEAD DETAILS	06	20/07/2026
02752_301	LONGITUDINAL SECTIONS SHEET 01	07	20/07/2026
02752_302	LONGITUDINAL SECTIONS SHEET 02	06	20/07/2026
02752_303	LONGITUDINAL SECTIONS SHEET 03	06	20/07/2026
02752_401	TYPICAL ROAD SECTIONS	06	20/07/2026
02752_602	STORMWATER DRAINAGE EXTENRAL CATCHMENT PLAN	06	20/07/2026
02752_621	TEMPORARY BIO-RETENTION / ON-SITE DETENTION PLAN & DETAILS – BASIN No. 01	05	20/07/2026
02752_622	TEMPORARY BIO-RETENTION / ON-SITE DETENTION PLAN & DETAILS – BASIN No. 02	05	20/07/2026

and that all subdivision works have been designed in accordance with conditions of this consent, Liverpool City Council's Design Guidelines and Construction Specification for Civil Works, any Roads Act approval issued, Austroad Guidelines and best engineering practice.

The subdivision works may include but are not limited to the following:

- (a) Public and private roads
- (b) Stormwater drainage including water quantity (eg OSD) and quality treatment measures
- (c) Interallotment drainage, minimum 1.2m wide
- (d) Private access driveways
- (e) Sediment and erosion control measures
- (f) Overland flowpaths
- (g) Flood control measures
- (h) Traffic facilities including roundabouts, intersection treatments, car parks, bus stops, cycleways, pathways etc.
- (i) Earthworks
- (j) Bridges, culverts, retaining walls and other structures
- (k) Landscaping and embellishment works
- (l) All works required for conversion of the proposed sediment basin to a bio retention function
- (m) All works required for the decommissioning of any temporary works (eg turning areas, OSD/Water Quality systems) and reinstatement works for the ultimate scenario are to be shown

The following is also to be addressed:

1. A copy of the Liverpool City Council Design Certification Report and Design checklist, Annexure

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- DQS-A of Council's Quality Assurance Requirements for Design specification is to be completed and submitted with any Subdivision Works Certificate application.
2. Proposed Road 1 is to be designed to allow for future extension to the north and the submitted road designs are to extend 40m past the boundary and be coordinated with any approval on adjoining sites.
 3. OSD system is to be designed utilising DRAINS and be in accordance with Council's OSD Policy and OSD Technical Specification. An electronic copy of the DRAINS model used to design the OSD system is to be provided to Council.
 4. The proposed development and stormwater drainage system shall be designed to ensure that stormwater runoff generated within upstream properties (up to 1 in 100yr storm event) is collected and conveyed through the site without adverse impact on the development (including the proposed temporary OSD & interim scenario) and adjoining properties. This is to also include any proposed stormwater discharge for any approved development to the Northeast of the site.
 5. For the interim silt traps (at the future raingarden locations), grates to pits within the interim silt trap areas to be flush mounted. Interim siltrap typical section to be provided. Final layout to be confirmed with Council on site and is to be noted on the drawings.
 6. Textured intersection treatments are to be provided with **'AdbriMasonry – Charcoal coloured 'UNIPAVE 80' in a standard (smooth) finish, and to be laid in a 90-degree herringbone pattern'**. Details of the textured band is to be shown including a typical section detail with edging. The textured banding is to be constructed on a reinforced concrete base and edge strip (if not adjoining kerb or gutter). Typical section to be provided.
 7. Provide turfing to full verge area where there is no concrete.
 8. Laybacks to be constructed, however driveways are to be constructed separately when dwellings are constructed and noted accordingly on the drawings. Except in the location where a temporary turning area is required.
 9. Show subsoil drainage near road kerb, to areas where street drainage is not proposed within a road, or at half road.
 10. A temporary turning area is required at the end of all roads, unless the roads on the neighbouring property have been dedicated to the public as road.
 11. Typical Turning area drawing to be amended to show non-permanent works as being such and of a non-permanent construction. For example, areas of concrete to be removed in the future to be asphalt and roll kerb and gutter to be changed to standard 150mm kerb and with temporary asphalt in the gutter tray.
 12. Access to maintaining the temporary GPT must be shown and allow maintenance vehicles to pull up off the street, not block the footpath and safely maintain the GPT.
 13. Scour protection/energy dissipater device must be provided at the outlet of the drainage structure and/or line. Any stormwater discharge into a watercourse is to be in accordance with the NSW Office of Water guidelines and not adversely impact existing stormwater flows within the water course.
 14. Street trees with details including min 100L pot size. Larger (min 200L) to be provided at intersections to ensure sight lines.
 15. Provide dimensions for street tree pits, driveway access and parking, and demonstrate manoeuvring where driveway are close to tree pits. Tree pit details to be in accordance with Council standard drawing.
 16. All cut and fill batters within the proposed lots shall be located outside the proposed road. A 0.5m berm within the proposed lot or reserve, located at the boundary alignment, shall be provided to all batters adjoining the road reserve.
 17. All works to be coordinated with existing approvals on adjoining sites.
 18. The applicant shall submit a geotechnical report from a suitably qualified geotechnical engineer detailing the subsurface profile together with recommendations for earthworks placement, design CBR, pavement design, any required subgrade improvement, anticipated site classification and recommendations for batter slopes and any retaining structures.
 19. All services required to adequately service the development are to be shown on the engineering drawings submitted for Subdivision Works Certificate approval including duct configurations, road crossings, water and sewer services, electrical services and light columns positions.
 20. Stormwater details and calculations shall be submitted to ensure all pipe sizes will have adequate capacity to convey future upstream post development flows.
 21. Locations of driveways can be shown, and laybacks constructed, however driveways are to be constructed separately when dwellings are constructed and noted accordingly. Except in the

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	location where a temporary turning area is required.
22.	Show approved street names on the drawings.
23.	This site has been identified as having a potential salinity hazard and in this regard the following shall be addressed: i. The applicant must advise the relevant public utility authorities of any salinity problems that have been identified, to ensure their services are designed to take into consideration the effects of saline soils on their installations. ii. The material and installation of the proposed drainage structures including pits, pipes, channels and culverts shall be resistant to the effects of salinity. iii. The Road pavement shall also be designed such that it is resistant to the effects of salinity within the soil. The Subdivision Work Certificate must be supported by engineering plans, calculations, specifications and any certification relied upon. Condition reason: To ensure fairness, transparency and probity.
25.	(B322) Inter-allotment Drainage Inter-allotment drainage, minimum 1.2m wide, shall be provided for all lots that are unable to be drained by gravity to the street system. Inter-allotment drainage is to be constructed with a pit located immediately within the lot boundary of each lot created by the subdivision at the lowest point in the line or a maximum pit spacing of 40m. Condition reason: To ensure fairness, transparency and probity.
26.	(B360) Construction Environmental Management Plan (CEMP) Prior to issue of a construction certificate, a Construction Environmental Management Plan (CEMP) for the development must be provided to the Principal Certifying Authority for approval. The environmental site management measures must remain in place and be maintained throughout the period of the development. The CEMP must address all environmental aspects of the development's construction phases, and include (where relevant), but not be limited to, the following: 1. Asbestos Management Plan; 2. Project Contact Information; 3. Site Security Details; 4. Timing and Sequencing Information; 5. Site Soil and Water Management Plan; 6. Noise and Vibration Control Plan; 7. Dust Control Plan; 8. Air Monitoring; 9. Odour Control Plan; 10. Health and Safety Plan; 11. Waste Management Plan; 12. Incident management Contingency; and 13. Unexpected Finds Protocol. The CEMP must be kept on site for the duration of the works and must be made available to Council Officers upon request Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.
27.	(B361) Construction Site Management Plan Before the issue of a subdivision works certificate, a construction site management plan must be prepared, and provided to the principal certifier. The plan must include the following matters: 1. The location and materials for protective fencing and hoardings on the perimeter of the site; 2. Provisions for public safety; 3. Pedestrian and vehicular site access points and construction activity zones; 4. Details of construction traffic management including: • Proposed truck movements to and from the site; • Estimated frequency of truck movements; and • Measures to ensure pedestrian safety near the site; 5. Details of bulk earthworks to be carried out;

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6. The location of site storage areas and sheds;
7. The equipment used to carry out works;
8. The location of a garbage container with a tight-fitting lid;
9. Dust, noise and vibration control measures;
10. The location of temporary toilets;
11. The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with:
 - AS 4970 – Protection of trees on development sites;
 - An applicable Development Control Plan;
 - An arborist's report approved as part of this consent

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

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

28. (B400) Road design criteria table

Prior to the issue of a Subdivision Works the Certifier shall ensure that the proposed roads, including the temporary access road, have been designed in accordance with Liverpool City Council's Design Guidelines and Construction Specification for Civil Works and the following criteria:

1. Typical Local Street 16m wide road reserve
2. Typical Access Street 13m wide road reserve
3. Typical Access Street (Box Culvert) 18.3m wide road reserve
4. Concrete footpath paving 1.5m wide is required on the southern side of the Road 3 adjoining the Drainage Channel. With connections to the proposed footpath paving to the East and West. Concrete footpath at the Road 3 with Road 5, and Road 3 with Road 1 intersections can be curved to suit.
5. The proposed temporary access road shall be constructed to permanent quality road construction standard. Temporary drainage works to prevent scour at the discharge point is also required
6. Minimum ESA 3×10^5 .

Condition reason: To ensure fairness, transparency and probity.

29. (B404) Road Safety Audit

A Stage 3 (detailed design) Road Safety Audit (RSA) shall be undertaken on the proposed roadworks by an accredited auditor who is independent of the design consultant. A copy of the RSA shall accompany the design plans submitted with the Subdivision Works Certificate or Roads Act application.

Prior to the issue of the Subdivision Works Certificate or Roads Act approval, the Certifier and/or Principal Certifier shall ensure that the recommendations of the RSA have been addressed in the final design.

Condition reason: To ensure fairness, transparency and probity.

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

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

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

31. (B453) No Loading on Easements

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

Condition reason: To ensure fairness, transparency and probity.

32. (B532) Waste Management Plan requirements

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Before the issue of a Subdivision Work Certificate, a waste management plan for the development must be prepared and provided to the principal certifier. The plan must be prepared in accordance with

1. the Environment Protection Authority's Waste Classification Guidelines as in force from time to time; and
2. a development control plan that provides for waste management that applies to the land on which the work or the clearing of vegetation is carried out; and
3. include the following information -
 - the contact details of the person removing waste;
 - an estimate of the type and quantity of waste;
 - whether waste is expected to be reused, recycled or sent to landfill;
 - the address of the disposal location for waste.

A copy of the waste management plan must be kept on-site at all times while work approved under the development consent is being carried out.

Condition reason: To ensure resource recovery is promoted and local amenity protected during construction.

33. (B560) Road Works

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

Condition reason: To ensure that works on the public road reserve are approved prior to commencement of works.

34. (B590) Public Domain Works – Street Lighting

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

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

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

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

35. (B950) Non-Standard Condition - Flooding

Prior to Issue of Construction Certificate

- The proposed trunk channel within the SP2 drainage must be in accordance with the final detailed concept design for Basin 17 as prepared by SMEC (23/11/2018). The channel geometry, invert level and culvert crossing configuration must align with the SMEC design.
- The rock lined section of the channel should be in accordance with the channel section adopted for the downstream channel of the precinct basin 6 (Dwg: 125-20-Basin 6- IFC-0612, SMEC of 27/10/2020, Storm). The section can be obtained from Council as required.
- External upstream flows, including flows originating from 70 Gurner Avenue, Austral (Lot 1 DP 749642), approved by Council under DA-403/2025, shall be captured and appropriately managed within the stormwater drainage system of the proposed development.
- During the 1% AEP storm event, the depth of flooding on the road shall not exceed 0.2 meters, and the product of velocity and depth shall not exceed 0.4 square meters per second.
- The OSD basins shall be designed to ensure that peak post-development discharges from the site do not exceed peak pre-development discharges for the 20%, 5%, and 1% AEP storm events. The OSD basins shall remain operational until Basin 17 and the associated stormwater drainage network have been constructed and commissioned.
- Interim on-site water quality treatment facilities shall be provided to ensure that stormwater runoff leaving the site complies with Council's water quality standards, as outlined in the stormwater management report (Reference: Report No.R02752-SWMP 441 Fifteenth Avenue, Austral NSW 2179, Revision C, dated May 2025) and accompanying design plans (Reference: 441 Fifteenth Avenue, Austral NSW 2179 Revision 06, dated 20 July 2026) by C&M Consulting Engineers.

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- The water quality treatment works shall be designed using MUSIC modelling software, and the performance of the water quality treatment system must be verified using Council's MUSIC link. Interim water quality basins shall be maintained on-site until Basin 17, and the streetscape raingardens are constructed in accordance with Council's masterplan.
- The flood behaviour/performance of the channel and culvert crossing must be validated to align with the SMEC design for upto the 1% AEP event (e.g., flood levels).
- Existing stormwater flows through and from the site shall be captured, managed, and safely conveyed to the downstream. The development shall not cause adverse flooding impact on neighbouring sites to the east, north, west including upstream and downstream of the trunk channel. Existing overland flows from these adjoining sites should not be obstructed and must be accommodated into the proposed stormwater system.
- Interim streetscape silt trap devices shall be provided at the proposed raingarden locations (marked as "Proposed Raingarden Locations" in Schedule 1 - Austral & Leppington North Precinct DCP, 18 June 2021). The design of the silt trap shall be in accordance with interim silt trap device construction details provided in Liverpool Growth Centre Precincts DCP, 18 June 2021, and/or the detailed design of the streetscape raingarden presented in the Development of Streetscape Raingarden Masterplan for Austral and Leppington North.
- The stormwater outlet shall be designed and constructed to incorporate appropriate soil scour and erosion protection measures.

Condition reason: To ensure fairness, transparency and probity.**Before Subdivision Work Commences****36. (C005) Subdivision Work Certificates**

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

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

Condition reason: To require approval to proceed with building work.**37. (C012) Commencement of building works**

Subdivision work shall not commence prior to the issue of a Subdivision Works Certificate. Subdivision work as defined under Section 1.4 of the Environmental Planning and Assessment Act, 1979 means any physical activity authorised to be carried out in connection with a subdivision under the conditions of a development consent for the subdivision of land.

Condition reason: To require approval to proceed with building work.**38. (C027) Matters to be addressed prior to commencement of Subdivision Works**

Work on the subdivision shall not commence until:

- a Construction Certificate (if required) has been issued,
- a Principal Certifying Authority has been appointed for the project, and

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(c)	any other matters prescribed in the development consent for the subdivision and the Environmental Planning and Assessment Act and Regulation have been complied with.
	A Notice of Commencement is to be submitted to Liverpool City Council two (2) days prior to commencement of engineering works or clearing associated with the subdivision.
	Condition reason: To ensure fairness, transparency and probity.
39.	(C055) Site Facilities
	Adequate refuse disposal methods and builders storage facilities shall be installed on the site. Builders' wastes, materials or sheds are not to be placed on any property other than that which this approval relates to.
	Condition reason: To ensure the required site management measures are implemented before the commencement of building work.
40.	(C070) Before You Dig Australia
	Underground assets may exist in the area that is subject to your application. In the interest of health and safety and in order to protect damage to third party assets please contact Before You Dig Australia at www.byda.com.au or telephone 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contact the Before You Dig Australia service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Before You Dig Australia service in advance of any construction or planning activities.
	Condition reason: To ensure building works do not impact local underground assets.
41.	(C117) Erosion and sediment controls in place
	Before any site work commences, the principal certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time).
	Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.
42.	(C126) Environmental Management
	Adequate soil and sediment control measures shall be installed and maintained. Furthermore, suitable site practices shall be adopted to ensure that only clean and unpolluted waters are permitted to enter Council's stormwater drainage system during construction/demolition. Measures must include, as a minimum:
	1. Siltation fencing; 2. Protection of the public stormwater system; and 3. Site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place.
	Condition reason: To ensure fairness, transparency and probity.
43.	(C155) Work Zone
	A Works Zone application is required if on-street parking is affected with commuter parking and there is insufficient off-street parking space.
	A Works Zone Application Form is available on Council website and can be lodged online by attaching all required documents indicated on the application form.
	Condition reason: To ensure that road occupancy is approved by council to minimise traffic impacts on the road.
44.	(C158) Construction Traffic Management Plan (CTMP)
	A construction traffic management plan (CTMP) prepared by a suitably qualified person is to be submitted to and endorsed by Council's Transport Management Section. The CTMP is to be submitted using Assessment of Construction Traffic Management Plan application form. The application is

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available on Council website and can be lodged online. Comments on the CTMP will be provided and the updated CTMP are to be implemented during construction.

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

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

Condition reason: To ensure that the impact of construction traffic associated with the development on the surrounding road network is minimized.

45. **(C201) Road Occupancy Permit**

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

- Road Occupancy Application Form
- Road Opening Application Form

Condition reason: To ensure that road occupancy is approved by council to minimise traffic impacts on the road.

46. **(C205) Traffic Control Plan**

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

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

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

Condition reason: To ensure fairness, transparency and probity.

47. **(C468) Dilapidation Report**

Before any site work commences, a dilapidation report of all infrastructure fronting the development in Fifteenth Ave, Austral is to be submitted to Liverpool City Council. The report is to include, but not limited to, the road pavement, kerb and gutter, footpath, services and street trees and is to extend 20m either side of the development.

Condition reason: To ensure fairness, transparency and probity.

48. **(C501) Return of existing bins**

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

Condition reason: To protect against Council-issued residential waste bins being used and potentially damaged by builders using them as site waste bins for waste building materials.

49. **(C502) Remove and destroy refrigerants**

Prior to any works commencing, any air-conditioning or refrigeration systems fitted to the buildings or outbuildings to be demolished, must have the refrigerants present in those systems extracted into a durable, air-tight container by a licensed air-conditioning technician. This container and its contents must be sent intact, for secure destruction, to a facility licensed to destroy such refrigerants.

Documentary evidence that this has been completed, if these systems are present, must be sighted by the Principal Certifier and included as part of the Occupation Certificate documentation.

Condition reason: To ensure that development activities do not result in the liberation of CFC or HFC refrigerants that contribute to global warming and damage the environment, and requires any refrigerants to be captured and destroyed at a facility licensed to do that.

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50.	(C560) Road Works
	Works within the public road reserve shall not commence until the design drawings including the associated signs and line marking scheme have been approved by Council's Traffic Management Section.
	Condition reason: To ensure that works on the public road reserve are approved prior to commencement of works.

Before Subdivision Work

51.	(D005) Building Work
	The subdivision works must be inspected by the Principal Certifier (PC), in accordance with Sections 6.5 of the Environmental Planning & Assessment Act 1979, to monitor compliance with the relevant standards of construction, Council's development consent and the subdivision works certificate.
	Condition reason: To require stage inspection and approval by the PC in accordance with EP & A Regulation clause 162A.
52.	(D010) Building Work
	The Principal Certifier (PC) must specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the PC, prior to proceeding to the subsequent stages of construction or finalisation of the works.
	Condition reason: To require approval to proceed with building work following each critical stage inspection.
53.	(D038) Toilet Facilities
	Toilet facilities must be available or provided at the work site and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must:
	(a) be a standard flushing toilet connected to a public sewer, or
	(b) have an on-site effluent disposal system approved under the Local Government Act 1993, or
	(c) be a temporary chemical closet approved under the Local Government Act 1993.
	Condition reason: To ensure the required site management measures are implemented during construction.
54.	(D045) Hours of work
	Site work must only be carried out between the following times – From 7am to 6pm on Monday to Friday From 8am to 1pm on Saturday Site work is not to be carried out outside of these times or on public holidays except where there is an emergency, or for urgent work directed by a police officer or a public authority.
	Condition reason: To protect the amenity of the surrounding area.
55.	(D049) Security Fence
	A temporary security fence to WorkCover Authority requirements is to be provided to the property during the course of construction.
	Note: Fencing is not to be located on Council's reserve area.
	Condition reason: To ensure the required site management measures are implemented during construction.
56.	(D055) Refuse Disposal
	Adequate refuse disposal methods and builders storage facilities shall be installed on the site. Builders' wastes, materials or sheds are not to be placed on any property other than that which this approval relates to.
	Condition reason: To ensure the required site management measures are implemented during construction.

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57.	(D063) Craning and Hoardings
	If the work is likely to cause pedestrian or vehicular traffic in a public area to be obstructed or rendered inconvenient; or if craning of materials is to occur across a public or road reserve area, a separate Road Occupancy Certificate and/or Hoarding approval must be obtained from Liverpool City Council prior to undertaking the works.
	Condition reason: To ensure the required traffic management measures are implemented during construction.
58.	(D070) Notification of Damage
	The applicant/ builder shall be responsible to report to the Council of any damage to Council's footpath and road carriageway as a consequence of demolition or excavation or building activities or delivery/ departure of materials associated with this site and maintained the area until completion of the construction activities. Arrangements to the satisfaction of Council are to be made for making safe by temporary repairs to Council's footpath and road carriageway until permanent restoration and repair can be organised with Council at the applicant's cost.
	Condition reason: To ensure any damage to public infrastructure is rectified.
59.	(D125) General Site Works - Sediment
	The development, including construction, shall not result in any increase in sediment deposition into any water body, wetland, bushland or environmentally significant land.
	Condition reason: To minimise impacts to adjacent vegetation and habitat.
60.	(D130) Removal of dangerous and/or hazardous waste
	All dangerous and/or hazardous material must be removed by a suitably qualified and experienced contractor licensed by SafeWork NSW. The removal of such material must be carried out in accordance with the requirements of SafeWork NSW and the material must be transported and disposed of in accordance with NSW Environment Protection Authority requirements.
	Condition reason: To ensure safe removal and disposal of dangerous and/or hazardous material.
61.	(D165) Public Domain Works
	All works within the road reserve, including the approved sign and line making scheme, are to be carried out by the applicant, at no cost to Council, in accordance with the TfNSW/RMS 'Delineation Guidelines'.
	Condition reason: To ensure that the development covers all required costs associated with the development.
62.	(D170) Council On Street Assets
	Council's on-street assets and local road network are to be protected and kept in a serviceable state at all times. At the direction of Council, the applicant/project manager shall undertake remediation works, at no cost to Council and to Council's satisfaction.
	Condition reason: To ensure that the development covers all required costs associated with the development.
63.	(D180) Waste management
	While site work is being carried out:
	1. all waste management must be undertaken in accordance with the waste management plan; and
	2. upon disposal of waste, records of the disposal must be compiled and provided to principal certifier, detailing the following:
	• The contact details of the person(s) who removed the waste; • The waste carrier vehicle registration; • The date and time of waste collection; • A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill; • The address of the disposal location(s) where the waste was taken; • The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.
	If waste has been removed from the site under an EPA Resource Recovery Order or Exemption,

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	records in relation to that Order or Exemption must be maintained and provided to the principal certifier and Council.
	Condition reason: To require records to be provided, during site work, documenting the lawful disposal of waste.
64.	(D205) Vegetation - Existing Vegetation All existing trees and areas of native vegetation not identified for removal on approved plans of the proposed development shall be protected from damage during site works. This protection shall consist of 1800mm high protective fencing, securely installed beneath the outer canopy of any tree to be retained. Trees may be fenced off in clusters where it is not practical to fence off individual trees. There shall be no storing materials, washing machinery or changes to existing soil levels within the fenced areas. Condition reason: To minimise impacts to adjacent vegetation and habitat.
65.	(D240) Vegetation - Weeds No known environmental weeds or known invasive plant species shall be included in the landscaping or revegetation. Hygiene practices shall be employed to avoid the spread of invasive plants. Condition reason: To limit the spread of weeds.
66.	(D241) Footpaths Construction of 1.5m wide by 100mm thick (with one layer of SL72 reinforcing mesh) concrete path paving on both sides of all residential streets, unless where varied by other conditions in this consent. Condition reason: To ensure fairness, transparency and probity.
67.	(D250) Vegetation - Mulch Mulch generated from exotic trees or other weed species cleared shall not be used on site. It shall be removed from the site and disposed of appropriately and in accordance with legislative requirements. Condition reason: To limit the spread of weeds.
68.	(D255) Vegetation - Imported Soil or Mulch Any imported soil and/or mulch shall be free of contaminants, seed and propagules of weeds and undesirable species. Mulch shall not be used on flood liable land. Condition reason: To limit the spread of weeds.
69.	(D260) Dam De-watering Dam Dewatering shall be carried out in accordance with approved dam-dewatering procedure for the water body located within the development site. Measures must be taken in line with National Parks and Wildlife Act 1974 and Biodiversity Conservation Act 2016 to ensure that any fauna inhabiting the water body and surrounding vegetation, are treated humanely and relocated before development activities commence. A qualified ecologist or wildlife carer is required to be present throughout de-watering activities to relocate fauna or take fauna into care where appropriate (i.e. juvenile or nocturnal fauna). Nesting animals should be left in situ until young have fledged and/or left the nest. Condition reason: To minimise harm caused to fauna during dam de-watering.
70.	(D265) Vegetation Clearing - Fauna Protection Prior to the removal of each tree, they shall be examined by a qualified ecologist for the presence of hollows, active nests of birds or fauna. The removal of trees with hollows or active nests shall be undertaken under the supervision of a qualified and appropriately licenced ecologist, in a manner recommended by the ecologist. Any native fauna encountered shall be relocated by a qualified ecologist, or member of a wildlife rescue organisation, with necessary permits. Condition reason: To minimise harm caused to fauna during vegetation clearing.
71.	(D275) Hygiene and contamination Imported mulch and soils will be certified and free of any disease and pathogens and tested to ensure they meet the standards of drainage, particle size, purity, and consistency.

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	Condition reason: To minimise the spread of disease and pathogens.
72.	(D280) Fauna Protection
	To minimise the risk of fauna entrapment, digging and trenching shall be undertaken and completed on the same day where possible. If holes, pits, trenches, or other cavities must be left overnight, they will all be covered with secure boards to ensure that fauna does not get trapped. Before commencing work each day, all excavated areas will be inspected and if fauna is encountered a licenced ecologist or wildlife handler will be utilised to safely remove the trapped fauna and relocate it to a suitable location. Works can continue when the fauna has been safely removed.
	Condition reason: To minimise harm caused to fauna during excavation.
73.	(D425) Site Remediation Works
	The site must be remediated in accordance with: - Remediation Action Plan "Remedial Action Plan 441 Fifteenth Avenue, Austral 2179 Lot 370 in DP 2475 & Lot B in DP 413204" (Ref: P34366.1_R02 Rev: F01) prepared by Alan Halpin and Daniel Spasojevic and reviewed by Adam Sullivan for Geotest Services Pty Ltd dated 8th May 2024; - State Environmental Planning Policy (Resilience and Hazards) 2021; - National Environment Protection (Assessment of Site Contamination) Measure (ASC NEPM, 1999 as amended 2013); and - The guidelines in force under the Contaminated Land Management Act 1997.
	A suitably qualified environmental consultant must be engaged to supervise all aspects of site remediation and validation works in accordance with the approved Remediation Action Plan.
	Liverpool City Council must be informed in writing of any proposed variation to the remediation works. Liverpool City Council must approve these variations in writing prior to commencement/ recommencement of works.
	Note: The 'suitably qualified environmental consultant' must be certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) Scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) Scheme.
	Condition reason: To ensure the suitability of land for the proposed development.
74.	(D426) Soil management
	While site work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:
	- All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier. - All fill material imported to the site must be: - Virgin Excavated Natural Material as defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i>; or - a material identified as being subject to a resource recovery exemption by the NSW EPA; or - a combination of Virgin Excavated Natural Material as defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i> and a material identified as being subject to a resource recovery exemption by the NSW EPA.
	Condition reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants.
75.	(D430) Unidentified Contamination

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	Any new information which arises during remediation, demolition or construction works that has the potential to alter previous conclusions about site contamination and remediation must be immediately notified in writing to the certifier and Liverpool City Council.
	A section 4.55 Application under the Environmental Planning and Assessment Act 1979 must be made for any proposed works outside the scope of the approved development consent.
	Condition reason: To ensure the suitability of land for the development.
76.	(D445) Air Quality
	Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.
	Condition reason: To ensure fairness, transparency and probity.
77.	(D450) Air Quality
	During construction where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, the consent holder is to ensure dust is suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Where wind velocity exceeds five knots the Principal Certifier may direct that work is not to proceed.
	Condition reason: To ensure site works are managed appropriately and do not result in air pollution.
78.	(D475) Imported Fill Material
	During construction the consent holder is to ensure fill imported on to the site is be compatible with the existing soil characteristic for site drainage purposes.
	Condition reason: To ensure soils introduced onsite do not result in drainage issues.
79.	(D552) Implementation of the site management plans
	While site work is being carried out:
	1. the measures required by the construction site management plan and the erosion and sediment control plan (plans) must be implemented at all times; and
	2. a copy of these plans must be kept on site at all times and made available to Council officers upon request.
	Condition reason: To ensure site management measures are implemented during the carrying out of site work.
80.	(D553) Erosion & Sediment Control
	Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised. All disturbed areas shall be progressively stabilised and/or revegetated so that no areas remain exposed to potential erosion damage for a period of greater than 14 days.
	Condition reason: To ensure fairness, transparency and probity.
81.	(D554) Erosion & Sediment Control
	The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.
	Condition reason: To ensure fairness, transparency and probity.
82.	(D555) Erosion Control - Maintenance
	Sediment and erosion control measures are to be adequately maintained during the works until the establishment of grass.
	Condition reason: To ensure the required site management measures are implemented during construction.
83.	(D560) Erosion Control
	Vehicular access to the site shall be controlled through the installation of wash down bays or shaker ramps to prevent tracking of sediment or dirt onto adjoining roadways. Where any sediment is deposited on adjoining roadways is shall be removed by means other than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner which will prevent its mobilisation.

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	Condition reason: To ensure the required site management measures are implemented during construction.
84.	(D565) Water Quality During construction the consent holder is to ensure all topsoil, sand, aggregate, spoil or any other material that can be moved by water is stored clear of any drainage line, easement, water body, stormwater drain, footpath, kerb or road surface. Condition reason: To ensure site works are managed appropriately and do not result in water pollution.
85.	(D570) Pollution Control - Site Operations During demolition, construction and building operations including but not limited to brick cutting, mixing mortar and the washing of tools, paint brushes, form-work, concrete trucks and the like must not be performed on the public footway or any other locations which may lead to the discharge of materials into Council's stormwater drainage system. Condition reason: To mitigate potential risks to the environment during construction and facilitate compliance with legislative requirements.
86.	(D574) Pollution Control - Truck Movements The loading and unloading of all vehicles associated with the development must be undertaken within the property boundary of the premises subject to this consent. Measures must be implemented to prevent tracking of sediment by vehicles onto roads. Vehicle loads must be covered when entering and exiting the site with material. Condition reason: To mitigate potential risks to the environment during construction and facilitate compliance with legislative requirements.
87.	(D585) Stop Work Protocols All personnel working on site must be inducted on the statutory obligations for the protection of Aboriginal cultural heritage and the Unexpected Finds Protocol as detailed in the approved management plan or AHIP. Condition reason: To ensure fairness, transparency and probity.
88.	(D590) Public Domain Works - Street Lighting Street lights are to be installed in accordance with the Endeavour Energy certified plans to their satisfaction. Condition reason: To ensure that the development covers all required costs associated with the development.
89.	(D596) Drainage Connection Prior to the connection of private drainage to Council's drainage system, an inspection is to be carried out by Liverpool City Council's Development Engineering Unit. A fee will be charged in accordance with Council's adopted Fees and Charges, and is to be paid prior to the inspection. Condition reason: To ensure fairness, transparency and probity.
90.	(D597) Major Filling/ Earthworks All earthworks shall be undertaken in accordance with AS 3798 and Liverpool City Council's Design Guidelines and Construction Specification for Civil Works. The level of testing shall be determined by the Geotechnical Testing Authority/ Superintendent in consultation with the Principal Certifier. Condition reason: To ensure fairness, transparency and probity.
91.	(D598) Soil testing - Subdivisions Soil Testing is to be carried out to enable each lot to be classified according to AS2870 "Residential Slabs and Footings".

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	Condition reason: To ensure fairness, transparency and probity.
92.	(D600) Correct waste separation and removal All demolition, excavation and construction wastes must be separated as they are generated and kept in separate spoil piles, bays, builder's skips and/or site bins. No wastes other than those noted on the approved waste management plan as being re-used on site, are to be left on site after the completion of the works. Condition reason: To ensure that separation of waste by type is undertaken in an ongoing basis throughout the building process, and that the wastes are kept separate and not mixed, to facilitate waste management and recycling.
93.	(D605) Containment of site wastes during building All demolition, excavation or construction wastes, e.g. wrapping, packaging materials, bags, insulation, sand, soil etc., must be kept fully enclosed at all times to prevent them from becoming displaced in strong wind conditions or from washing into sewers, storm drains or creeks, or onto adjacent properties or public land during wet weather. Condition reason: To ensure that waste materials from the demolition, excavation or construction are kept appropriately contained on site, irrespective of weather conditions, and do not make their way into the environment as pollutants.
94.	(D660) Construction Noise and Vibration Noise and vibration associated with excavation, demolition and construction activities shall comply with the management levels detailed within the 'Interim Construction Noise Guideline' published by the Department of Environment and Climate Change NSW (DECC 2009/265) dated July 2009 and acceptable vibration values prescribed within the Environmental Noise Management Assessing Vibration: A Technical Guideline (Department of Environment and Conservation, 2006). All feasible and reasonable noise and vibration mitigation measures shall be implemented and any activities which may exceed the construction noise management levels and vibration criteria shall be identified and managed in accordance with the approved Construction Environmental Management Plan (CEMP). Condition reason: To protect the amenity of the neighbourhood during construction.
95.	(D662) Demolition of Septic Tank and Effluent Disposal Area Any existing effluent disposal area is to be demolished and back filled with Virgin Excavated Natural Material (VENM). Any septic tank, collection well or aerated wastewater treatment system is to be removed or reused in accordance with NSW Advisory Note 3 – Destruction, Removal or Reuse of Septic Tanks, Collection Wells and Aerated Wastewater Treatment Systems and other Sewage Management Facility Vessels available from the NSW Health website (www.health.nsw.gov.au). Condition reason: To ensure fairness, transparency and probity.
96.	(D664) Contamination The development, including all civil works and demolition, must comply with the requirements of the Contaminated Land Management Act 1997, State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 4, and Managing Land Contamination – Planning Guidelines (Planning NSW/EPA 1998). Condition reason: To ensure fairness, transparency and probity.
97.	(D666) Record Keeping of Imported Fill Records of the following must be submitted to the principal certifying authority monthly and at the completion of earth works: 1. The course (including the address and owner of the source site), nature and quantity of all incoming loads including the date, the name of the carrier, and the vehicle registration; 2. The results of a preliminary contamination assessment carried out on any fill material used in the development. 3. The results of any chemical testing of fill material.

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	Condition reason: To ensure fairness, transparency and probity.
98.	(D668) Traffic Management Applications must be made to Council's Traffic & Transport Section for any road closures. The applicant is to include a Traffic Control Plan, prepared by a suitably qualified person, which is to include the date and times of closures and any other relevant information. Condition reason: To ensure fairness, transparency and probity.
99.	(D670) Construction Traffic Management Plan The endorsed Construction Traffic Management Plan is to be implemented during the entire construction phase. Condition reason: To ensure fairness, transparency and probity.
100.	(D672) Street Trees The street trees to be used can be any or all of the following in the locations as shown on the approved plans; • Fraxinus griffithii (Evergreen Ash) • Tristrianopsis Laurina (Luscious Water Gum) • Lophostemon Confertus (Brush Box) Each tree is to have a minimum pot size of 100lt or if the approved landscape plan specifies larger, the larger pot size is to be adopted. The tree will need to be formatively pruned so that the tree has a straight trunk clear of any branches to minimum height of 1m above soil level. Condition reason: To ensure fairness, transparency and probity.

Before Issue of a Subdivision Certificate

101.	(F007) Special Infrastructure Contribution (SIC) The applicant is to make a special infrastructure contribution in accordance with any determination made by the Minister administering the Environmental Planning and Assessment Act 1979 under Section 7.23 of that Act and is in force on the date of this consent, and must obtain a certificate to that effect from the Department of Planning (Growth Centres Commission) before a subdivision certificate, is issued in relation to any part of the development to which this consent relates. Condition reason: To ensure any SIC is finalised at the specified time.
102.	(F015) Linen Plans and 88B Instruments In order to enable a Subdivision Certificate to be issued for submission to the New South Wales Land Registry Services (LRS), the applicant is required to lodge a Subdivision Application to the NSW Planning Portal along with a copy of the proposed plan of subdivision, an administration sheet and a copy of the proposed 88B instrument if it's required. Condition reason: To ensure fairness, transparency and probity.
103.	(F020) Linen Plans and 88B Instruments The applicant shall pay the standard fee for purpose of subdivision certificate administration of plan checking and release. Condition reason: To ensure fairness, transparency and probity.
104.	(F026) Removal of waste upon completion Before the issue of a Subdivision Certificate: 1. all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the approved waste management plan, and 2. written evidence of the waste removal must be provided to the satisfaction of the principal certifier. Condition reason: To ensure waste material is appropriately disposed or satisfactorily stored.

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105.	(F030) Linen Plans and 88B Instruments The final plan of subdivision must be supported by an 88B Instrument, approved by Council. The 88B instrument shall properly reflect the requirements of the conditions of development consent, the plans forming part of the consent, and Council's standards, codes and policy's. Part 2 of the 88B instrument shall contain a provision that any easements, right of ways or covenants shall not be extinguished or altered without the written consent of Council. Condition reason: To ensure fairness, transparency and probity.
106.	(F035) Linen Plans and 88B Instruments Where common drainage lines or other drainage lines are required, a drainage easement (minimum 1.2m wide) shall be created in accordance with Council's minimum widths as scheduled in Council's Design Specification for Subdivisions (as amended). Condition reason: To ensure fairness, transparency and probity.
107.	(F037) Liverpool City Council clearance - Roads Act/ Local Government Act Prior to the issue of a Subdivision Certificate, the Principal Certifier shall ensure that all works associated with a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Liverpool City Council. Condition reason: To ensure fairness, transparency and probity.
108.	(F045) Linen Plans and 88B Instruments Correct notation concerning easements is required. The prepared 88B Instrument should be forwarded initially to Council. The land value of the easement and costs associated with checking the instrument are to be borne by the applicant. Part 2 of the 88B Instrument shall contain a provision that the easement may not be extinguished or altered without the written consent of Council. Condition reason: To ensure fairness, transparency and probity.
109.	(F070) Linen Plans and 88B Instruments Documents shall be submitted to Council giving effect to the creation of a Restriction as to User on title, created under Section 88B of the Conveyancing Act 1919 in the following terms: 1. No further development of the land burdened (ie Lots 4 & 22) is to take place unless it is approved by a Development Consent. Such approval is likely to require, but not be restricted to, construction of road and drainage works, the provision of lot fill, and payment of Section 7.11 Contributions and Special Infrastructure Contributions. 2. Proposed Lots 4 & 22 shall be shown as a residue lot and the lot is not to be sold until the temporary basin has been decommissioned (which includes removal of pipe/s and structures associated with the basin construction, and basin filling). 3. Lot 22 is not to be sold and no development other than decommissioning the basin is to occur, until such time as it is amalgamated with another lot to achieve a minimum lot size sufficient to support the construction of a dwelling house, being at least 300sqm. 4. Any lot that faces a street which includes street tree planted in tree pits in the lot frontage, to have the driveway location in accordance with approved plans and notice of determination for DA-514/2025. 5. Preventing the sale of the land, without Council's permission, on the lot containing the Temporary Access Road. Council shall not reasonably withhold permission for removal of the restriction when proper legal access is completed over neighbouring lands and the temporary access road works and services demolished or relocated to Council's satisfaction. 6. Proposed Lot 23 cannot be further subdivided until the future road along the Northern boundary is dedicated to the public as road. 7. Restricting vehicular access/egress points, for future development of proposed lots: a) 4 & 8 to be via (Road 3 & 2 respectively) only. Wording of the restriction shall be in accordance with Council's standards and specifications, stormwater drainage policies and to the Council's satisfaction, and is to be registered in conjunction with the Subdivision Plan. The restriction as to user may not be extinguished or altered except with the consent of Liverpool City Council.

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	Condition reason: To ensure fairness, transparency and probity.
110.	(F072) Linen Plans and 88B Instruments Prior to the issue of a Subdivision Certificate, the final plan of subdivision must show minimum 0.9m wide easements for maintenance and access where external walls of dwellings will be/are on the zero lot boundary. Condition reason: To ensure fairness, transparency and probity.
111.	(F073) Linen Plans & 88B (Temporary Access Roads) A right of carriageway is required over the temporary access road, including any verge and road support structures. The easement is to be a temporary extension of the adjoining public road and function as a public road providing access across the easement, and to be redundant upon acceptable alternative public road access being provided to the site, and written acceptance from Liverpool City Council. Condition reason: To ensure fairness, transparency and probity.
112.	(F080) Linen Plans and 88B Instruments The final plan of subdivision must be supported by an 88B Instrument. This instrument must burden the corner lots, with a restriction as to user that driveway crossings must not be located closer than 6m to the kerb and gutter tangent point. Condition reason: To ensure fairness, transparency and probity.
113.	(F082) Linen Plans and 88B Instruments The final plan of subdivision must be supported by an 88B Instrument. This instrument must burden with a restriction as to user that the dwellings to be erected on each lot on lots of an area less than 300sqm, being proposed Lots 1, 2, 3, 5, 7, 9, 10, 11, 12, 13, 14, 17, 200, 201 and 202 are to be sited and constructed in accordance with the approved Building Envelope Plans and notice of determination (Development Consent) issued by Council for Development Application No. DA-514/2025. Any costs associated with the preparation and checking of the instrument are to be borne by the applicant. Condition reason: To ensure fairness, transparency and probity.
114.	(F086) Linen Plans and 88B Instruments The final plan of subdivision must be supported by an 88B Instrument. This instrument must burden with a restriction as to user and positive covenant over proposed Lot 300, that: Any future development on Lot 300 is to create a minimum of 8 dwellings or residential allotments. The restriction as to User may not be extinguished or altered except with the consent of Liverpool City Council. Note: The final wording of the recital of the Restriction as to User is to be to Council's satisfaction. Condition reason: To ensure fairness, transparency and probity.
115.	(F088) Linen Plans and 88B Instruments Prior to the issue of the subdivision certificate a restriction to user and positive covenant relating to the "Temporary On-Site Detention System" shall be registered on proposed Lot 22. 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. The temporary onsite detention (OSD) basin facilities within Lot 22 shall be maintained by the developer until the downstream drainage system is connected to either the district detention basin or to the major trunk drainage system. Council's approval via written consent shall be obtained for the removal of the temporary OSD basin facilities and for undertaking further developments within Lot 22. The temporary on-site water quality control measures shall be maintained until the downstream regional basin is constructed and operational.

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Condition reason: To ensure fairness, transparency and probity.	
116.	(F090) Street Trees & Tree Planting Prior to the issue of a Subdivision Certificate, street trees are to be planted or an Outstanding Works Bond for Street Tree planting shall be lodged with Liverpool City Council. The Outstanding Works bond will be refunded once the street trees have been planted to Council's satisfaction and a separate Maintenance Bond has been lodged with Liverpool City Council. The value of the bonds shall be determined in accordance with Liverpool City Council's Bond Policy. The bond will be administered in accordance with this policy. Condition reason: To ensure fairness, transparency and probity.
117.	(F092) Temporary Turning Heads Prior to the issue of a Subdivision Certificate, a management plan shall be prepared for the eventual decommissioning of the temporary turning heads. The plan is to include the demolition of all sacrificial works, the construction of any footpath, kerb and gutter and the embellishment of the verge. A schedule of works with quantities and estimates of construction and restoration, including any temporary services shall be provided by a registered quantity surveyor. The Outstanding Works bond will be refunded once the road reserve has been restored to Council's satisfaction and a separate Maintenance Bond has been lodged with Liverpool City Council. The value of the bonds shall be determined in accordance with Liverpool City Council's Bond Policy. The bond will be administered in accordance with this policy. Condition reason: To ensure fairness, transparency and probity.
118.	(F105) Service Providers The following documentation must be provided before the issue of a subdivision certificate: (a) Written evidence of suitable arrangements with Sydney Water (Section 73 Compliance Certificate) for the supply of water and sewerage services to the development must be submitted to the certifier before the issue of a Subdivision Certificate. Council will not issue a Subdivision Certificate unless the method of sewerage disposal is by gravity reticulation mains to either Sydney Water branch and trunk sewers or Sydney Water point of treatment. Council will not accept any temporary facilities to service the site, including pump-out wet-wells. (b) Notification of arrangement for the development from Endeavour Energy must be submitted to Council. (c) Written certification from the relevant service providers that the telecommunications infrastructure is installed in accordance with: i) The requirements of the Telecommunications Act 1997; ii) For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and iii) For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line must be located underground. Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connections of optic fibre technology telecommunications. Condition reason: To promote orderly development supported by adequate infrastructure.
119.	(F130) Bonds A maintenance bond in the form of a bank guarantee or cash bond (\$TBA), shall be lodged with Council prior to the issue of a subdivision certificate. The bond shall cover maintenance and any damage to roads, drainage lines, public reserves or other council property or works required as a result of work not in accordance with Council's standards, and /or development consent conditions. The bond will be held by Council for a minimum period of 6 months from the date of Council's

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	acceptance of final works.
	Condition reason: To ensure fairness, transparency and probity.
120.	(F150) Dilapidation Report
	Any rectification works required by Council regarding the condition of Council infrastructure shall be undertaken, at full cost to the developer.
	Condition reason: To ensure fairness, transparency and probity.
121.	(F160) Validation Report
	Before the issue of a subdivision certificate, a detailed validation report must be submitted to the certifier. The Report must be prepared in accordance with:
	1. NSW Contaminated Land Planning Guidelines (1998);
	2. Relevant EPA guidelines. In particular the Contaminated Land Guidelines – Consultants Reporting on Contaminated Land (NSW EPA 2020); and
	3. National Environmental Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013).
	The Validation Report must be prepared or reviewed and approved by a suitably qualified environmental consultant.
	The report's cover or title page of the document must include a personalised electronic seal for either the CEnvP(SC) or CPSS CSAM scheme.
	The Validation report must verify that the land is suitable for the purposed use(s), and that the remediation and validation of the site has been undertaken in accordance with the approved Remediation Action Plan.
	Note: The 'suitably qualified environmental consultant' must be certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) Scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) Scheme.
	Condition reason: To ensure the suitability of land, mitigate potential risks to human health and the environment and facilitate compliance with legislative requirements.
122.	(F162) Remediation Work - Notice of Completion
	Within thirty (30) days of completion of remediation work, a notice of completion as required to be provided to Council under Clause 4.14 of State Environmental Planning Policy (Resilience and Hazards) 2021, chapter 4, to confirm that the remediation has been carried out in accordance with the Remedial Action Plan, requirement(s) of this consent, and State Environmental Planning Policy (Resilience and Hazards) 2021, chapter 4.
	The notice of completion of remediation work shall be in writing and prepared in accordance with Clause 4.15 of State Environmental Planning Policy (Resilience and Hazards) 2021, chapter 4.
	Note: A site audit statement (within the meaning of Part 4 of the Contaminated Land Management Act 1997) may be given in partial compliance with this requirement.
	Condition reason: To ensure fairness, transparency and probity.
123.	(F180) Decommissioning of On-Site Sewage Management System/s
	Following the decommissioning of the on-site sewage management system and before the issue of a subdivision certificate, a certificate must be submitted to Liverpool City Council certifying that the system was decommissioned in accordance with NSW Health Advisory Note 3 – Destruction, Removal or Reuse of Septic Tanks, Collection Wells and Aerated Wastewater Treatment Systems (AWTS) and other Sewage Management Facilities (SMF). A template decommissioning certificate can be found on Councils website www.liverpool.nsw.gov.au
	Condition reason: To mitigate potential risks to human health and the environment.
124.	(F200) Completion of Subdivision Works
	Prior to the issue of a Subdivision Certificate, the Principal Certifying Authority shall ensure that all subdivision works required by this consent have been satisfactorily completed or that suitable arrangements have been made with Liverpool City Council for any outstanding works.

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	Condition reason: To ensure fairness, transparency and probity.
125.	(F205) Street Naming Prior to the issue of a Subdivision Certificate, an application for proposed street names must be lodged with and approved by Liverpool City Council and the signs erected on-site. The proposed names must be in accordance with Council's Street Naming Policy. Notes: Allow eight (8) weeks for notification, advertising and approval. Condition reason: To ensure new street names are approved and displayed in accordance with Council's Street Naming Policy.
126.	(F210) Basin Signage Prior to the Issue of a Subdivision Certificate – A sign shall be erected in a prominent position on the Lots where the temporary OSD/Water Quality Basin is constructed. The sign must state the following: 1. The name and contact of the developer (owner) of the property. 2. Detailing that the property is being used as a temporary OSD/Water Quality Basin until such time that direct connection to Council's district basin has been established. 3. Maintenance of the temporary OSD/Water Quality Basin is solely by the owner of the property. 4. Unauthorised entry to the temporary OSD/Water Quality facility is prohibited. Condition reason: To ensure fairness, transparency and probity.
127.	(F215) Outstanding Works Bond for Stormwater Pre-Treatment Systems Prior to the issue of the Subdivision Certificate, an Outstanding Works Bond for: 1. the construction, landscaping and implementation of the stormwater pretreatment systems is to be lodged with Liverpool City Council. The Outstanding Works bond will be refunded once the stormwater pre-treatment treatment systems works have been completed to Council's satisfaction and a separate Maintenance Bond has been lodged with Liverpool City Council. 2. decommissioning of any temporary works and also completion of any new public works to the Council's satisfaction. Note: A separate Maintenance Bond for any new public works will also be required. 3. donstruction of Street Tree planting within the public roads. It will be retained until the street trees have been planted (after 80% of lots have been developed) to Council's satisfaction and a separate Maintenance Bond has been lodged with Liverpool City Council. 4. any outstanding works. The value of the bonds shall be determined in accordance with Liverpool City Council's Bond Policy. The bond will be administered in accordance with this policy. Condition reason: To ensure fairness, transparency and probity.
128.	(F216) Outstanding Works Bond for Temporary OSD/Stormwater Pre-Treatment Systems Prior to the issue of the Subdivision Certificate an Outstanding Works Bond for the decommissioning of the temporary OSD/Water Quality systems including pipe removal, basin filling and works to existing pit structures shall be lodged with Liverpool City Council. The Outstanding Works bond will be refunded once the OSD/stormwater pre-treatment treatment system works have been decommissioned to Council's satisfaction and a separate Maintenance Bond has been lodged with Liverpool City Council. The value of the bonds shall be determined in accordance with Liverpool City Council's Bond Policy. The bond will be administered in accordance with this policy. Condition reason: To ensure fairness, transparency and probity.
129.	(F217) Outstanding Works Bond for Temporary Access Roads

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	A management plan shall be prepared for the eventual decommissioning of the temporary access road works. The plan is to include the relocation of any temporary services and shall be signed off by the relevant service authorities, which has elected to utilise the temporary access road corridor. A schedule of works with quantities and estimates of construction and restoration, including any temporary services shall be provided, and an outstanding works bond is required. The Outstanding Works bond will be refunded once acceptable alternate public road access has been provided and the temporary access road works have been decommissioned to Council's satisfaction, at no cost to Council, and a separate Maintenance Bond has been lodged with Liverpool City Council. The value of the bonds shall be determined in accordance with Liverpool City Council's Bond Policy. The bond will be administered in accordance with this policy. Condition reason: To ensure fairness, transparency and probity.
130.	(F225) Linemarking & Signage Prior to the issue of a Subdivision Certificate, the installation of regulatory / advisory linemarking and signage, are to be completed. Signage and Linemarking plans shall be lodged with and approved by Liverpool City Council's Transport Management Section. Condition reason: To ensure fairness, transparency and probity.
131.	(F230) Rectification of Damage Prior to the issue of a Subdivision Certificate, any damage to Council infrastructure not identified in the dilapidation report, as a result of the development shall be rectified at no cost to Liverpool City Council. Any rectification works within Fifteenth Avenue, Austral will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing. Condition reason: To ensure fairness, transparency and probity.
132.	(F235) Subdivision Compliance Prior to the issue of a Subdivision Certificate the following compliance documentation shall be submitted to the Principal Certifier. A copy of the following documentation shall be provided to Council where Council is not the Principal Certifier: (a) Work as Executed (WAE) drawings of all civil works. The WAE drawings shall be marked in red on copies of the stamped Subdivision Works Certificate drawings signed, certified and dated by a registered surveyor or the design engineer. The Work as Executed drawings shall be prepared in accordance with Council's Design Guidelines. Electronic copies of the WAE shall be provided in PDF and digital format to Council, (b) The WAE drawings shall clearly indicate the 1% Annual Exceedence Probability flood lines (local and mainstream flooding), (c) The WAE drawings shall be accompanied by plans indicating the depth of fill for the entire development site. The plans must show, by various shadings or cross hatchings, the depth of any fill within 0.3m depth ranges, (d) CCTV footage in DVD format to Council's requirements and a report in "SEWRAT" format for all drainage within future public roads and public land. Inspections are to be carried out in accordance with the Conduit Inspection Reporting Code of Australia WSA 05-2006. Any damage that is identified is to be rectified in consultation with Liverpool City Council, (e) Surveyor's Certificate certifying that all pipes and services are located wholly within the property or within appropriate easements and that no services encroach boundaries, (f) Documentation for all road pavement materials used demonstrating compliance with Council Design Guidelines and Construction Specification, (g) Structural Engineer's construction certification of all structures, (h) A collation of attribute data for all civil works. The data shall be completed in accordance with Council's 'WAE Submission Standard' and the excel template 'Attribute Data'. This standard and excel template can be obtained from Council's e-planning portal in the Technical

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	Specifications "Construction Specifications" section, and
	(i) A Geotechnical Report certifying that all earthworks and road formation have been completed in accordance with AS3798 and Council's Design Guidelines and Construction specifications. The report shall include: 1. Compaction reports for road pavement construction, 2. Compaction reports for bulk earthworks and lot regrading, 3. Verification of any imported fill material, 4. Soil classification for all residential lots, and 5. Statement of Compliance.
	Condition reason: To ensure fairness, transparency and probity.
133.	(F240) Footpaths
	Construction of 1.5m wide by 100mm thick (with one layer of SL72 reinforcing mesh) concrete path paving on both sides of all residential roads.
	Condition reason: To ensure fairness, transparency and probity.
134.	(F245) Stormwater Compliance
	Prior to the issue of an Subdivision Certificate the Principal Certifier shall ensure that the: (a) On-site stormwater detention system/s (b) Stormwater pre-treatment system/s (c) Overland flow path works (d) Flood control works 1. Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent. 2. Have met the design intent with regard to any construction variations to the approved design. 3. Any remedial works required to been undertaken have been satisfactorily completed.
	Details of the approved and constructed system/s shall be provided as part of the Works-As-Executed drawings.
	Condition reason: To ensure fairness, transparency and probity.
135.	(F250) Restriction as to User and Positive Covenant
	Prior to the issue of a Subdivision Certificate a restriction as to user and positive covenant relating to the: (a) On-site stormwater detention system/s (b) Stormwater pre-treatment system/s (c) Overland flow path works (d) Flood control works
	Shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Liverpool City Council's standard wording as detailed in Liverpool City Council's Design and Construction Guidelines and Construction Specification for Civil Works.
	Condition reason: To ensure fairness, transparency and probity.
136.	(F260) Occupational Hygienist Report for Asbestos removal
	On completion of the asbestos removal works an Occupational hygienist shall provide documentation in the form of an asbestos clearance certificate to the Principal Certifying Authority.
	Condition reason: To ensure fairness, transparency and probity.
137.	(F590) Street Lighting in New Subdivisions
	The approved street lighting designs are to be implemented along all new and existing streets within the proposed development in accordance with Liverpool City Council standards and to the satisfaction of Council. Endeavour Energy pole numbers and the date poles were energised are to be submitted to Council's Traffic Management Section prior to submitting OC or SC application.

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	All cost associated with the installation of street lighting shall be borne by the developer.
	Condition reason: To ensure adequate street lighting is provided for the development.
138.	(F950) Non-Standard Condition - Environmental Health Restriction as to User - Acoustic Report The final plan of subdivision must be supported by an 88B Instrument. This instrument must burden each lot with a restriction that any acoustic barrier and any dwelling to be erected any lot of the subdivision are to be constructed in accordance with the recommendations provided in the approved acoustic report titled "Traffic Noise Assessment Report Proposed Residential Subdivision 441 Fifteenth Avenue Austral NSW" (Ref: 7864-1.1R Rev: A) prepared by William Wang and reviewed by Stephen Gauld for Day Design Pty Ltd dated 24th September 2025 are implemented and incorporated into the design and construction of any acoustic barrier or residential dwelling, and shown on plans accompanying the subsequent construction certificate application. The construction methodology and plans accompanying the construction certificate application must be assessed and certified in writing by a suitably qualified acoustic consultant to verify conformance with the requirements of the aforementioned acoustic report. The written certification from the suitably qualified acoustic consultant must be submitted to and approved by the principal certifier before issue of the construction certificate. Any costs associated with the preparation and checking of the instrument are to be borne by the applicant. Note: The 'suitably qualified acoustic consultant' must be a member of the Australian Acoustical Society or employed by an Association of Australasian Acoustical Consultants (AAAC) member firm. Condition reason: To ensure fairness, transparency and probity.

Land Subdivision Before Issue of an Subdivision Certificate

139.	(F007) Special Infrastructure Contribution (SIC) The applicant is to make a special infrastructure contribution in accordance with any determination made by the Minister administering the Environmental Planning and Assessment Act 1979 under Section 7.23 of that Act and is in force on the date of this consent, and must obtain a certificate to that effect from the Department of Planning (Growth Centres Commission) before a subdivision certificate, is issued in relation to any part of the development to which this consent relates. Condition reason: To ensure any SIC is finalised at the specified time.
140.	(F015) Linen Plans and 88B Instruments In order to enable a Subdivision Certificate to be issued for submission to the New South Wales Land Registry Services (LRS), the applicant is required to lodge a Subdivision Application to the NSW Planning Portal along with a copy of the proposed plan of subdivision, an administration sheet and a copy of the proposed 88B instrument if it's required. Condition reason: To ensure fairness, transparency and probity.
141.	(F020) Linen Plans and 88B Instruments The applicant shall pay the standard fee for purpose of subdivision certificate administration of plan checking and release. Condition reason: To ensure fairness, transparency and probity.
142.	(F026) Removal of waste upon completion Before the issue of a Subdivision Certificate: - all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the approved waste management plan, and - written evidence of the waste removal must be provided to the satisfaction of the principal

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certifier.

	Condition reason: To ensure waste material is appropriately disposed or satisfactorily stored.
143.	(F030) Linen Plans and 88B Instruments The final plan of subdivision must be supported by an 88B Instrument, approved by Council. The 88B instrument shall properly reflect the requirements of the conditions of development consent, the plans forming part of the consent, and Council's standards, codes and policy's. Part 2 of the 88B instrument shall contain a provision that any easements, right of ways or covenants shall not be extinguished or altered without the written consent of Council. Condition reason: To ensure fairness, transparency and probity.
144.	(F035) Linen Plans and 88B Instruments Where common drainage lines or other drainage lines are required, a drainage easement (minimum 1.2m wide) shall be created in accordance with Council's minimum widths as scheduled in Council's Design Specification for Subdivisions (as amended). Condition reason: To ensure fairness, transparency and probity.
145.	(F037) Liverpool City Council clearance - Roads Act/ Local Government Act Prior to the issue of a Subdivision Certificate, the Principal Certifier shall ensure that all works associated with a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Liverpool City Council. Condition reason: To ensure fairness, transparency and probity.
146.	(F045) Linen Plans and 88B Instruments Correct notation concerning easements is required. The prepared 88B Instrument should be forwarded initially to Council. The land value of the easement and costs associated with checking the instrument are to be borne by the applicant. Part 2 of the 88B Instrument shall contain a provision that the easement may not be extinguished or altered without the written consent of Council. Condition reason: To ensure fairness, transparency and probity.
147.	(F070) Linen Plans and 88B Instruments Documents shall be submitted to Council giving effect to the creation of a Restriction as to User on title, created under Section 88B of the Conveyancing Act 1919 in the following terms: - No further development of the land burdened (ie Lots 4 & 22) is to take place unless it is approved by a Development Consent. Such approval is likely to require, but not be restricted to, construction of road and drainage works, the provision of lot fill, and payment of Section 7.11 Contributions and Special Infrastructure Contributions. - Proposed Lots 4 & 22 shall be shown as a residue lot and the lot is not to be sold until the temporary basin has been decommissioned (which includes removal of pipe/s and structures associated with the basin construction, and basin filling). - Lot 22 is not to be sold and no development other than decommissioning the basin is to occur, until such time as it is amalgamated with another lot to achieve a minimum lot size sufficient to support the construction of a dwelling house, being at least 300sqm. - Any lot that faces a street which includes street tree planted in tree pits in the lot frontage, to have the driveway location in accordance with approved plans and notice of determination for DA-514/2025. - Preventing the sale of the land, without Council's permission, on the lot containing the Temporary Access Road. Council shall not reasonably withhold permission for removal of the restriction when proper legal access is completed over neighbouring lands and the temporary access road works and services demolished or relocated to Council's satisfaction. - Proposed Lot 23 cannot be further subdivided until the future road along the Northern boundary is dedicated to the public as road. - Restricting vehicular access/egress points, for future development of proposed lots: 4 & 8 to be via (Road 3 & 2 respectively) only. Wording of the restriction shall be in accordance with Council's standards and specifications,

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	stormwater drainage policies and to the Council's satisfaction, and is to be registered in conjunction with the Subdivision Plan. The restriction as to user may not be extinguished or altered except with the consent of Liverpool City Council.
	Condition reason: To ensure fairness, transparency and probity.
148.	(F072) Linen Plans and 88B Instruments
	Prior to the issue of a Subdivision Certificate, the final plan of subdivision must show minimum 0.9m wide easements for maintenance and access where external walls of dwellings will be/are on the zero lot boundary.
	Condition reason: To ensure fairness, transparency and probity.
149.	(F073) Linen Plans & 88B (Temporary Access Roads)
	A right of carriageway is required over the temporary access road, including any verge and road support structures. The easement is to be a temporary extension of the adjoining public road and function as a public road providing access across the easement, and to be redundant upon acceptable alternative public road access being provided to the site, and written acceptance from Liverpool City Council.
	Condition reason: To ensure fairness, transparency and probity.
150.	(F080) Linen Plans and 88B Instruments
	The final plan of subdivision must be supported by an 88B Instrument. This instrument must burden the corner lots, with a restriction as to user that driveway crossings must not be located closer than 6m to the kerb and gutter tangent point.
	Condition reason: To ensure fairness, transparency and probity.
151.	(F082) Linen Plans and 88B Instruments
	The final plan of subdivision must be supported by an 88B Instrument. This instrument must burden with a restriction as to user that the dwellings to be erected on each lot on lots of an area less than 300sqm, being proposed Lots 1, 2, 3, 5, 7, 9, 10, 11, 12, 13, 14, 17, 200, 201 and 202 are to be sited and constructed in accordance with the approved Building Envelope Plans and notice of determination (Development Consent) issued by Council for Development Application No. DA-514/2025. Any costs associated with the preparation and checking of the instrument are to be borne by the applicant.
	Condition reason: To ensure fairness, transparency and probity.
152.	(F086) Linen Plans and 88B Instruments
	The final plan of subdivision must be supported by an 88B Instrument. This instrument must burden with a restriction as to user and positive covenant over proposed Lot 300, that:
	Any future development on Lot 300 is to create a minimum of 8 dwellings or residential allotments.
	The restriction as to User may not be extinguished or altered except with the consent of Liverpool City Council. Note: The final wording of the recital of the Restriction as to User is to be to Council's satisfaction.
	Condition reason: To ensure fairness, transparency and probity.
153.	(F088) Linen Plans and 88B Instruments
	Prior to the issue of the subdivision certificate a restriction to user and positive covenant relating to the "Temporary On-Site Detention System" shall be registered on proposed Lot 22. 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.
	The temporary onsite detention (OSD) basin facilities within Lot 22 shall be maintained by the developer until the downstream drainage system is connected to either the district detention basin or to the major trunk drainage system.
	Council's approval via written consent shall be obtained for the removal of the temporary OSD basin

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	facilities and for undertaking further developments within Lot 22. The temporary on-site water quality control measures shall be maintained until the downstream regional basin is constructed and operational.
	Condition reason: To ensure fairness, transparency and probity.
154.	(F090) Street Trees & Tree Planting
	Prior to the issue of a Subdivision Certificate, street trees are to be planted or an Outstanding Works Bond for Street Tree planting shall be lodged with Liverpool City Council.
	The Outstanding Works bond will be refunded once the street trees have been planted to Council's satisfaction and a separate Maintenance Bond has been lodged with Liverpool City Council.
	The value of the bonds shall be determined in accordance with Liverpool City Council's Bond Policy. The bond will be administered in accordance with this policy.
	Condition reason: To ensure fairness, transparency and probity.
155.	(F092) Temporary Turning Heads
	Prior to the issue of a Subdivision Certificate, a management plan shall be prepared for the eventual decommissioning of the temporary turning heads. The plan is to include the demolition of all sacrificial works, the construction of any footpath, kerb and gutter and the embellishment of the verge.
	A schedule of works with quantities and estimates of construction and restoration, including any temporary services shall be provided by a registered quantity surveyor.
	The Outstanding Works bond will be refunded once the road reserve has been restored to Council's satisfaction and a separate Maintenance Bond has been lodged with Liverpool City Council.
	The value of the bonds shall be determined in accordance with Liverpool City Council's Bond Policy. The bond will be administered in accordance with this policy.
	Condition reason: To ensure fairness, transparency and probity.
156.	(F105) Service Providers
	The following documentation must be provided before the issue of a subdivision certificate:
	(a) Written evidence of suitable arrangements with Sydney Water (Section 73 Compliance Certificate) for the supply of water and sewerage services to the development must be submitted to the certifier before the issue of a Subdivision Certificate. Council will not issue a Subdivision Certificate unless the method of sewerage disposal is by gravity reticulation mains to either Sydney Water branch and trunk sewers or Sydney Water point of treatment. Council will not accept any temporary facilities to service the site, including pump-out wet-wells.
	(b) Notification of arrangement for the development from Endeavour Energy must be submitted to Council.
	(c) Written certification from the relevant service providers that the telecommunications infrastructure is installed in accordance with:
	i) The requirements of the Telecommunications Act 1997;
	ii) For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
	iii) For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line must be located underground.
	Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connections of optic fibre technology telecommunications.
	Condition reason: To promote orderly development supported by adequate infrastructure.
157.	(F130) Bonds
	A maintenance bond in the form of a bank guarantee or cash bond (\$TBA), shall be lodged with Council prior to the issue of a subdivision certificate. The bond shall cover maintenance and any

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	damage to roads, drainage lines, public reserves or other council property or works required as a result of work not in accordance with Council's standards, and /or development consent conditions. The bond will be held by Council for a minimum period of 6 months from the date of Council's acceptance of final works. Condition reason: To ensure fairness, transparency and probity.
158.	(F150) Dilapidation Report Any rectification works required by Council regarding the condition of Council infrastructure shall be undertaken, at full cost to the developer. Condition reason: To ensure fairness, transparency and probity.
159.	(F160) Validation Report Before the issue of a subdivision certificate, a detailed validation report must be submitted to the certifier. The Report must be prepared in accordance with: 1. NSW Contaminated Land Planning Guidelines (1998); 2. Relevant EPA guidelines. In particular the Contaminated Land Guidelines – Consultants Reporting on Contaminated Land (NSW EPA 2020); and 3. National Environmental Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013). The Validation Report must be prepared or reviewed and approved by a suitably qualified environmental consultant. The report's cover or title page of the document must include a personalised electronic seal for either the CEnvP(SC) or CPSS CSAM scheme. The Validation report must verify that the land is suitable for the purposed use(s), and that the remediation and validation of the site has been undertaken in accordance with the approved Remediation Action Plan. Note: The 'suitably qualified environmental consultant' must be certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) Scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) Scheme. Condition reason: To ensure the suitability of land, mitigate potential risks to human health and the environment and facilitate compliance with legislative requirements.
160.	(F162) Remediation Work - Notice of Completion Within thirty (30) days of completion of remediation work, a notice of completion as required to be provided to Council under Clause 4.14 of State Environmental Planning Policy (Resilience and Hazards) 2021, chapter 4, to confirm that the remediation has been carried out in accordance with the Remedial Action Plan, requirement(s) of this consent, and State Environmental Planning Policy (Resilience and Hazards) 2021, chapter 4. The notice of completion of remediation work shall be in writing and prepared in accordance with Clause 4.15 of State Environmental Planning Policy (Resilience and Hazards) 2021, chapter 4. Note: A site audit statement (within the meaning of Part 4 of the Contaminated Land Management Act 1997) may be given in partial compliance with this requirement. Condition reason: To ensure fairness, transparency and probity.
161.	(F180) Decommissioning of On-Site Sewage Management System/s Following the decommissioning of the on-site sewage management system and before the issue of a subdivision certificate, a certificate must be submitted to Liverpool City Council certifying that the system was decommissioned in accordance with NSW Health Advisory Note 3 – Destruction, Removal or Reuse of Septic Tanks, Collection Wells and Aerated Wastewater Treatment Systems (AWTS) and other Sewage Management Facilities (SMF). A template decommissioning certificate can be found on Council's website www.liverpool.nsw.gov.au Condition reason: To mitigate potential risks to human health and the environment.
162.	(F200) Completion of Subdivision Works

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	Prior to the issue of a Subdivision Certificate, the Principal Certifying Authority shall ensure that all subdivision works required by this consent have been satisfactorily completed or that suitable arrangements have been made with Liverpool City Council for any outstanding works. Condition reason: To ensure fairness, transparency and probity.
163.	(F205) Street Naming Prior to the issue of a Subdivision Certificate, an application for proposed street names must be lodged with and approved by Liverpool City Council and the signs erected on-site. The proposed names must be in accordance with Council's Street Naming Policy. Notes: Allow eight (8) weeks for notification, advertising and approval. Condition reason: To ensure new street names are approved and displayed in accordance with Council's Street Naming Policy.
164.	(F210) Basin Signage Prior to the Issue of a Subdivision Certificate – A sign shall be erected in a prominent position on the Lots where the temporary OSD/Water Quality Basin is constructed. The sign must state the following: 1. The name and contact of the developer (owner) of the property. 2. Detailing that the property is being used as a temporary OSD/Water Quality Basin until such time that direct connection to Council's district basin has been established. 3. Maintenance of the temporary OSD/Water Quality Basin is solely by the owner of the property. 4. Unauthorised entry to the temporary OSD/Water Quality facility is prohibited. Condition reason: To ensure fairness, transparency and probity.
165.	(F215) Outstanding Works Bond for Stormwater Pre-Treatment Systems Prior to the issue of the Subdivision Certificate, an Outstanding Works Bond for: 1. the construction, landscaping and implementation of the stormwater pretreatment systems is to be lodged with Liverpool City Council. The Outstanding Works bond will be refunded once the stormwater pre-treatment treatment systems works have been completed to Council's satisfaction and a separate Maintenance Bond has been lodged with Liverpool City Council. 2. decommissioning of any temporary works and also completion of any new public works to the Council's satisfaction. Note: A separate Maintenance Bond for any new public works will also be required. 3. donstruction of Street Tree planting within the public roads. It will be retained until the street trees have been planted (after 80% of lots have been developed) to Council's satisfaction and a separate Maintenance Bond has been lodged with Liverpool City Council. 4. any outstanding works. The value of the bonds shall be determined in accordance with Liverpool City Council's Bond Policy. The bond will be administered in accordance with this policy. Condition reason: To ensure fairness, transparency and probity.
166.	(F216) Outstanding Works Bond for Temporary OSD/Stormwater Pre-Treatment Systems Prior to the issue of the Subdivision Certificate an Outstanding Works Bond for the decommissioning of the temporary OSD/Water Quality systems including pipe removal, basin filling and works to existing pit structures shall be lodged with Liverpool City Council. The Outstanding Works bond will be refunded once the OSD/stormwater pre-treatment treatment system works have been decommissioned to Council's satisfaction and a separate Maintenance Bond has been lodged with Liverpool City Council. The value of the bonds shall be determined in accordance with Liverpool City Council's Bond Policy. The bond will be administered in accordance with this policy.

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	Condition reason: To ensure fairness, transparency and probity.
167.	(F217) Outstanding Works Bond for Temporary Access Roads A management plan shall be prepared for the eventual decommissioning of the temporary access road works. The plan is to include the relocation of any temporary services and shall be signed off by the relevant service authorities, which has elected to utilise the temporary access road corridor. A schedule of works with quantities and estimates of construction and restoration, including any temporary services shall be provided, and an outstanding works bond is required. The Outstanding Works bond will be refunded once acceptable alternate public road access has been provided and the temporary access road works have been decommissioned to Council's satisfaction, at no cost to Council, and a separate Maintenance Bond has been lodged with Liverpool City Council. The value of the bonds shall be determined in accordance with Liverpool City Council's Bond Policy. The bond will be administered in accordance with this policy. Condition reason: To ensure fairness, transparency and probity.
168.	(F225) Linemarking & Signage Prior to the issue of a Subdivision Certificate, the installation of regulatory / advisory linemarking and signage, are to be completed. Signage and Linemarking plans shall be lodged with and approved by Liverpool City Council's Transport Management Section. Condition reason: To ensure fairness, transparency and probity.
169.	(F230) Rectification of Damage Prior to the issue of a Subdivision Certificate, any damage to Council infrastructure not identified in the dilapidation report, as a result of the development shall be rectified at no cost to Liverpool City Council. Any rectification works within Fifteenth Avenue, Austral will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing. Condition reason: To ensure fairness, transparency and probity.
170.	(F235) Subdivision Compliance Prior to the issue of a Subdivision Certificate the following compliance documentation shall be submitted to the Principal Certifier. A copy of the following documentation shall be provided to Council where Council is not the Principal Certifier: (a) Work as Executed (WAE) drawings of all civil works. The WAE drawings shall be marked in red on copies of the stamped Subdivision Works Certificate drawings signed, certified and dated by a registered surveyor or the design engineer. The Work as Executed drawings shall be prepared in accordance with Council's Design Guidelines. Electronic copies of the WAE shall be provided in PDF and digital format to Council, (b) The WAE drawings shall clearly indicate the 1% Annual Exceedence Probability flood lines (local and mainstream flooding), (c) The WAE drawings shall be accompanied by plans indicating the depth of fill for the entire development site. The plans must show, by various shadings or cross hatchings, the depth of any fill within 0.3m depth ranges, (d) CCTV footage in DVD format to Council's requirements and a report in "SEWRAT" format for all drainage within future public roads and public land. Inspections are to be carried out in accordance with the Conduit Inspection Reporting Code of Australia WSA 05-2006. Any damage that is identified is to be rectified in consultation with Liverpool City Council, (e) Surveyor's Certificate certifying that all pipes and services are located wholly within the property or within appropriate easements and that no services encroach boundaries, (f) Documentation for all road pavement materials used demonstrating compliance with Council Design Guidelines and Construction Specification, (g) Structural Engineer's construction certification of all structures,

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	(h) A collation of attribute data for all civil works. The data shall be completed in accordance with Council's 'WAE Submission Standard' and the excel template 'Attribute Data'. This standard and excel template can be obtained from Council's e-planning portal in the Technical Specifications "Construction Specifications" section, and (i) A Geotechnical Report certifying that all earthworks and road formation have been completed in accordance with AS3798 and Council's Design Guidelines and Construction specifications. The report shall include: 1. Compaction reports for road pavement construction, 2. Compaction reports for bulk earthworks and lot regrading, 3. Verification of any imported fill material, 4. Soil classification for all residential lots, and 5. Statement of Compliance.
	Condition reason: To ensure fairness, transparency and probity.
171.	(F240) Footpaths
	Construction of 1.5m wide by 100mm thick (with one layer of SL72 reinforcing mesh) concrete path paving on both sides of all residential roads.
	Condition reason: To ensure fairness, transparency and probity.
172.	(F245) Stormwater Compliance
	Prior to the issue of an Subdivision Certificate the Principal Certifier shall ensure that the:
	(a) On-site stormwater detention system/s (b) Stormwater pre-treatment system/s (c) Overland flow path works (d) Flood control works 1. Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent. 2. Have met the design intent with regard to any construction variations to the approved design. 3. Any remedial works required to been undertaken have been satisfactorily completed.
	Details of the approved and constructed system/s shall be provided as part of the Works-As-Executed drawings.
	Condition reason: To ensure fairness, transparency and probity.
173.	(F250) Restriction as to User and Positive Covenant
	Prior to the issue of a Subdivision Certificate a restriction as to user and positive covenant relating to the:
	(a) On-site stormwater detention system/s (b) Stormwater pre-treatment system/s (c) Overland flow path works (d) Flood control works
	Shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Liverpool City Council's standard wording as detailed in Liverpool City Council's Design and Construction Guidelines and Construction Specification for Civil Works.
	Condition reason: To ensure fairness, transparency and probity.
174.	(F260) Occupational Hygienist Report for Asbestos removal
	On completion of the asbestos removal works an Occupational hygienist shall provide documentation in the form of an asbestos clearance certificate to the Principal Certifying Authority.
	Condition reason: To ensure fairness, transparency and probity.
175.	(F590) Street Lighting in New Subdivisions
	The approved street lighting designs are to be implemented along all new and existing streets within

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the proposed development in accordance with Liverpool City Council standards and to the satisfaction of Council. Endeavour Energy pole numbers and the date poles were energised are to be submitted to Council's Traffic Management Section prior to submitting OC or SC application.

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

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

176. **(F951) Non-Standard Condition - Environmental Health**

Restriction as to User - Acoustic Report

The final plan of subdivision must be supported by an 88B Instrument. This instrument must burden each lot with a restriction that any acoustic barrier and any dwelling to be erected any lot of the subdivision are to be constructed in accordance with the recommendations provided in the approved acoustic report titled "Traffic Noise Assessment Report Proposed Residential Subdivision 441 Fifteenth Avenue Austral NSW" (Ref: 7864-1.1R Rev: A) prepared by William Wang and reviewed by Stephen Gauld for Day Design Pty Ltd dated 24th September 2025 are implemented and incorporated into the design and construction of any acoustic barrier or residential dwelling, and shown on plans accompanying the subsequent construction certificate application.

The construction methodology and plans accompanying the construction certificate application must be assessed and certified in writing by a suitably qualified acoustic consultant to verify conformance with the requirements of the aforementioned acoustic report. The written certification from the suitably qualified acoustic consultant must be submitted to and approved by the principal certifier before issue of the construction certificate. Any costs associated with the preparation and checking of the instrument are to be borne by the applicant.

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

Condition reason: To ensure fairness, transparency and probity.

**Demolition Work
Before Demolition Work Commences**

177. **(C040) Demolition Works**

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

- (a) Prior to the commencement of any works on the land, a detailed demolition work plan designed in accordance with the Australian Standard AS 2601-2001 – The Demolition of Structures, prepared by a suitably qualified person with suitable expertise or experience, shall be submitted to and approved by Council and shall include the identification of any hazardous materials, method of demolition, precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
- (b) Prior to commencement of any works on the land, the demolition Contractor(s) licence details must be provided to Council.
- (c) The handling or removal of any asbestos product from the building/site must be carried out by a SafeWork NSW licensed contractor irrespective of the size or nature of the works. Under no circumstances shall any asbestos on site be handled or removed by a non-licensed person. The licensed contractor shall carry out all works in accordance with SafeWork NSW requirements.

Condition reason: To ensure that the demolition of buildings is carried out without impacting on public and environmental safety.

178. **(C044) Hazardous material survey before demolition**

Before demolition work commences, a hazardous materials survey of the site must be prepared by a suitably qualified person and a report of the survey results must be provided to council at least one week before demolition commences.

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	Hazardous materials include, but are not limited to, asbestos materials, synthetic mineral fibre, roof dust, PCB materials and lead based paint. The report must include at least the following information: 1. the location of all hazardous material throughout the site 2. a description of the hazardous material 3. the form in which the hazardous material is found, e.g. AC sheeting, transformers, contaminated soil, roof dust 4. an estimation of the quantity of each hazardous material by volume, number, surface area or weight 5. a brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials 6. identification of the disposal sites to which the hazardous materials will be taken Condition reason: To require a plan for safely managing hazardous materials
179.	(C055) Site Facilities Adequate refuse disposal methods and builders storage facilities shall be installed on the site. Builders' wastes, materials or sheds are not to be placed on any property other than that which this approval relates to. Condition reason: To ensure the required site management measures are implemented before the commencement of building work.
180.	(C117) Erosion and sediment controls in place Before any site work commences, the principal certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time). Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.
181.	(C126) Environmental Management Adequate soil and sediment control measures shall be installed and maintained. Furthermore, suitable site practices shall be adopted to ensure that only clean and unpolluted waters are permitted to enter Council's stormwater drainage system during construction/demolition. Measures must include, as a minimum: 1. Siltation fencing; 2. Protection of the public stormwater system; and 3. Site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place. Condition reason: To ensure fairness, transparency and probity.
182.	(C468) Dilapidation Report Before any site work commences, a dilapidation report of all infrastructure fronting the development in Fifteenth Ave, Austral is to be submitted to Liverpool City Council. The report is to include, but not limited to, the road pavement, kerb and gutter, footpath, services and street trees and is to extend 20m either side of the development. Condition reason: To ensure fairness, transparency and probity.

During Demolition Work

183.	(D045) Hours of work Site work must only be carried out between the following times – From 7am to 6pm on Monday to Friday From 8am to 1pm on Saturday Site work is not to be carried out outside of these times or on public holidays except where there is an emergency, or for urgent work directed by a police officer or a public authority. Condition reason: To protect the amenity of the surrounding area.
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184.	(D049) Security Fence
	A temporary security fence to WorkCover Authority requirements is to be provided to the property during the course of construction.
	Note: Fencing is not to be located on Council's reserve area.
	Condition reason: To ensure the required site management measures are implemented during construction.
185.	(D055) Refuse Disposal
	Adequate refuse disposal methods and builders storage facilities shall be installed on the site. Builders' wastes, materials or sheds are not to be placed on any property other than that which this approval relates to.
	Condition reason: To ensure the required site management measures are implemented during construction.
186.	(D076) Handling of asbestos during demolition
	While demolition work is being carried out, any work involving the removal of asbestos must comply with the following requirements:
	1. Only an asbestos removal contractor who holds the required class of Asbestos Licence issued by SafeWork NSW must carry out the removal, handling and disposal of any asbestos material; 2. Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW Environment Protection Authority to accept asbestos waste; and 3. Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m² or more of asbestos sheeting must be registered with the EPA on-line reporting tool WasteLocate.
	Condition reason: To ensure that the removal of asbestos is undertaken safely and professionally
187.	(D130) Removal of dangerous and/or hazardous waste
	All dangerous and/or hazardous material must be removed by a suitably qualified and experienced contractor licensed by SafeWork NSW. The removal of such material must be carried out in accordance with the requirements of SafeWork NSW and the material must be transported and disposed of in accordance with NSW Environment Protection Authority requirements.
	Condition reason: To ensure safe removal and disposal of dangerous and/or hazardous material.
188.	(D180) Waste management
	While site work is being carried out:
	1. all waste management must be undertaken in accordance with the waste management plan; and 2. upon disposal of waste, records of the disposal must be compiled and provided to principal certifier, detailing the following: • The contact details of the person(s) who removed the waste; • The waste carrier vehicle registration; • The date and time of waste collection; • A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill; • The address of the disposal location(s) where the waste was taken; • The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.
	If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the principal certifier and Council.
	Condition reason: To require records to be provided, during site work, documenting the lawful disposal of waste.
189.	(D265) Vegetation Clearing - Fauna Protection
	Prior to the removal of each tree, they shall be examined by a qualified ecologist for the presence of hollows, active nests of birds or fauna. The removal of trees with hollows or active nests shall be undertaken under the supervision of a qualified and appropriately licenced ecologist, in a manner

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	recommended by the ecologist. Any native fauna encountered shall be relocated by a qualified ecologist, or member of a wildlife rescue organisation, with necessary permits.
	Condition reason: To minimise harm caused to fauna during vegetation clearing.
190.	(D280) Fauna Protection To minimise the risk of fauna entrapment, digging and trenching shall be undertaken and completed on the same day where possible. If holes, pits, trenches, or other cavities must be left overnight, they will all be covered with secure boards to ensure that fauna does not get trapped. Before commencing work each day, all excavated areas will be inspected and if fauna is encountered a licenced ecologist or wildlife handler will be utilised to safely remove the trapped fauna and relocate it to a suitable location. Works can continue when the fauna has been safely removed. Condition reason: To minimise harm caused to fauna during excavation.
191.	(D426) Soil management While site work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements: 1. All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier. 2. All fill material imported to the site must be: • Virgin Excavated Natural Material as defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i>; or • a material identified as being subject to a resource recovery exemption by the NSW EPA; or • a combination of Virgin Excavated Natural Material as defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i> and a material identified as being subject to a resource recovery exemption by the NSW EPA. Condition reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants.
192.	(D430) Unidentified Contamination Any new information which arises during remediation, demolition or construction works that has the potential to alter previous conclusions about site contamination and remediation must be immediately notified in writing to the certifier and Liverpool City Council. A section 4.55 Application under the Environmental Planning and Assessment Act 1979 must be made for any proposed works outside the scope of the approved development consent. Condition reason: To ensure the suitability of land for the development.
193.	(D450) Air Quality During construction where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, the consent holder is to ensure dust is suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Where wind velocity exceeds five knots the Principal Certifier may direct that work is not to proceed. Condition reason: To ensure site works are managed appropriately and do not result in air pollution.
194.	(D552) Implementation of the site management plans While site work is being carried out: 1. the measures required by the construction site management plan and the erosion and sediment control plan (plans) must be implemented at all times; and 2. a copy of these plans must be kept on site at all times and made available to Council officers upon request. Condition reason: To ensure site management measures are implemented during the carrying out of site work.

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195.	(D555) Erosion Control - Maintenance Sediment and erosion control measures are to be adequately maintained during the works until the establishment of grass. Condition reason: To ensure the required site management measures are implemented during construction.
196.	(D560) Erosion Control Vehicular access to the site shall be controlled through the installation of wash down bays or shaker ramps to prevent tracking of sediment or dirt onto adjoining roadways. Where any sediment is deposited on adjoining roadways is shall be removed by means other than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner which will prevent its mobilisation. Condition reason: To ensure the required site management measures are implemented during construction.
197.	(D565) Water Quality During construction the consent holder is to ensure all topsoil, sand, aggregate, spoil or any other material that can be moved by water is stored clear of any drainage line, easement, water body, stormwater drain, footpath, kerb or road surface. Condition reason: To ensure site works are managed appropriately and do not result in water pollution.
198.	(D574) Pollution Control - Truck Movements The loading and unloading of all vehicles associated with the development must be undertaken within the property boundary of the premises subject to this consent. Measures must be implemented to prevent tracking of sediment by vehicles onto roads. Vehicle loads must be covered when entering and exiting the site with material. Condition reason: To mitigate potential risks to the environment during construction and facilitate compliance with legislative requirements.
199.	(D583) Unexpected Relic Finds (Historic Archaeology) Should any unexpected historical archaeological relics (objects or deposits) be uncovered during works, all work in that area must cease immediately. Liverpool City Council and Heritage NSW must be notified. Shall the objects be identified as skeletal remains, these finds shall be reported, in addition to Heritage NSW and Liverpool City Council, to NSW Police and the NSW Coroner's Office for appropriate consideration. An archaeological assessment and management strategy must be prepared by a qualified historical archaeologist before works can recommence in that area. Condition reason: To ensure fairness, transparency and probity.
200.	(D584) Unexpected Relic Finds (Aboriginal Objects) Should any unexpected Aboriginal Objects be uncovered during works, all work in that area must cease immediately. Liverpool City Council and Heritage NSW must be notified. Shall the objects be identified as skeletal remains, these finds shall be reported, in addition to Heritage NSW and Liverpool City Council, to NSW Police and the NSW Coroner's Office for appropriate consideration. An archaeological assessment and management strategy must be prepared by a qualified Aboriginal Archaeologist before works can recommence in that area. Condition reason: To ensure fairness, transparency and probity.
201.	(D585) Stop Work Protocols

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	All personnel working on site must be inducted on the statutory obligations for the protection of Aboriginal cultural heritage and the Unexpected Finds Protocol as detailed in the approved management plan or AHIP.
	Condition reason: To ensure fairness, transparency and probity.
202.	(D600) Correct waste separation and removal
	All demolition, excavation and construction wastes must be separated as they are generated and kept in separate spoil piles, bays, builder's skips and/or site bins. No wastes other than those noted on the approved waste management plan as being re-used on site, are to be left on site after the completion of the works.
	Condition reason: To ensure that separation of waste by type is undertaken in an ongoing basis throughout the building process, and that the wastes are kept separate and not mixed, to facilitate waste management and recycling.
203.	(D605) Containment of site wastes during building
	All demolition, excavation or construction wastes, e.g. wrapping, packaging materials, bags, insulation, sand, soil etc., must be kept fully enclosed at all times to prevent them from becoming displaced in strong wind conditions or from washing into sewers, storm drains or creeks, or onto adjacent properties or public land during wet weather.
	Condition reason: To ensure that waste materials from the demolition, excavation or construction are kept appropriately contained on site, irrespective of weather conditions, and do not make their way into the environment as pollutants.
204.	(D660) Construction Noise and Vibration
	Noise and vibration associated with excavation, demolition and construction activities shall comply with the management levels detailed within the 'Interim Construction Noise Guideline' published by the Department of Environment and Climate Change NSW (DECC 2009/265) dated July 2009 and acceptable vibration values prescribed within the Environmental Noise Management Assessing Vibration: A Technical Guideline (Department of Environment and Conservation, 2006).
	All feasible and reasonable noise and vibration mitigation measures shall be implemented and any activities which may exceed the construction noise management levels and vibration criteria shall be identified and managed in accordance with the approved Construction Environmental Management Plan (CEMP).
	Condition reason: To protect the amenity of the neighbourhood during construction.

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General advisory notes

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

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

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

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Dictionary

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

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

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

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

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

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

Council means LIVERPOOL CITY COUNCIL.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

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

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

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

Local planning panel means LIVERPOOL LOCAL PLANNING PANEL.

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

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

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

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

the reuse of stormwater,

the detention of stormwater,

the controlled release of stormwater, and

connections to easements and public stormwater systems.

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

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

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

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

P S GRAHAM & ASSOCIATES PTY LIMITED

REGISTERED SURVEYORS • TOWN PLANNERS • CONSULTING ENGINEERS • PROJECT MANAGEMENT

S.15862

22 October 2025

Clause (4.6) Variation Request to Vary the Residential Density Development Standard Clause 4.1B (3) in SEPP (Precincts – Western Parkland City) 2021.

Residential Subdivision of (2) Two Lots into (26) Lots and (3) Residue Lots over Four Stages
including Site Remediation, Demolition of Existing Structures,
Tree Removal, Road Construction, Stormwater Drainage, Servicing & Earthworks-at: -

441 Fifteenth Avenue, Austral (Lot 370 in D.P. 2475) & (Lot B in D.P. 413204)

Introduction

This Clause 4.6 Exception to Development Standards requests a variation to the Minimum Dwelling Density standard which applies to the subject land in the R3 Zone of the SEPP (Precincts – Western Parkland City) 2021 as set out in Appendix 4 Liverpool Growth Centre Precinct Plan - Part 4 Principal Development Standards clause 4.1B (3).

Clause 4.1B(3) sets out the density provisions for the R3 Zone as a minimum of 25 dwellings per hectare (25dw/Ha). The current application does not achieve this residential density as it seeks to create a temporary residue parcel to be developed in accordance with the SEPP controls in the future. This application does not seek a variation to the density standard but wishes to delay the delivery of development on the R3 Zoned land.

The application is a Residential subdivision of (2) two lots into (26) residential lots and (3) residue lots over four stages including site remediation, demolition of existing structures, tree removal, road construction, stormwater drainage, servicing and earthworks.

The development is identified as integrated development requiring approval from NSW Rural Fire Service under the Rural Fires Act 1997.

The development is identified as nominated integrated development requiring approval from Department of Planning and Environment – Water under the Water Management Act 2000.

The proposal is identified as integrated development requiring approval from Transport for NSW under The Roads Act 1993.

Clause 4.6 – Exceptions to development standards (Variation to Clause 4.1B – Residential Density)

The minimum dwelling density standard applying to the subject land, in R3 Zone, under clause 4.1B(3) of the SEPP (Precincts – Western Parkland City) 2021 provisions is 25 dwellings per hectare (25dw/Ha). As this is not immediately achieved through the proposed application a Clause 4.6 variation is required.

Pursuant to Clause 35B (2) of the Environmental Planning and Assessment Regulations 2021:

(2) The development application must be accompanied by a document that sets out the grounds on which the applicant seeks to demonstrate that—

- (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
- (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.*

4.1B Residential density

(1) *The objectives of this section are—*

- (a) *to establish minimum density requirements for residential development, and*
- (b) *to ensure that residential development makes efficient use of land and infrastructure, and contributes to the availability of new housing, and*
- (c) *to ensure that the scale of residential development is compatible with the character of the precinct and adjoining land.*

(2) *This section applies to residential development of the kind referred to in section 4.1AB or 4.1AC that—*

- (a) *is carried out on land to which this Precinct Plan applies that is shown on the Residential Density Map, and*
- (b) *requires development consent, and*
- (c) *is carried out after the commencement of this Precinct Plan.*

(3) *The density of any residential development to which this section applies is not to be less than the density shown on the Residential Density Map in relation to that land.*

(4) *In this section—*

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

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

Response

State Environmental Planning Policy (Precincts – Western Parkland City) 2021 clause 4.1B (3) outlines the minimum density requirements for residential development in the R3 Zone within the Western Parkland City.

This variation to Clause 4.1B (3) relating to the Residential Density Standard aims to justify the contravention of the development standard and demonstrate that compliance with the standard is unreasonable or unnecessary in these circumstances with sufficient environmental planning grounds to justify the contravention.

The proposed variation to the minimum Residential Density standard is considered acceptable as strict compliance is not required in this instance. The site is dual zoned residential land (R2 & R3). Whilst the minimum residential density is not achieved in the R3 zone in the immediate future, it is considered acceptable for the Lot to remain as a residue lot until such time as the adjoining Fast Corridor road infrastructure and Town Centre are developed to provide clarity for the most appropriate housing form. The creation of a residue lot will be consistent with the short-term precinct vision for the locality.

The proposal should be recommended for approval as future built product proposed upon the R3 zoned land (subject to a separate application) will be able to provide for the future housing needs of the community through varied housing typology. This portion of the site zoned R3 Medium Density Residential is of sufficient size to accommodate a multitude of development typologies.

In reference to the Land & Environment Court Approval for UPG 254 Pty Ltd v Liverpool City Council, DA 902/2022 approved by the Court on 25th August 2023 for "Subdivision of Land into 43 residential lots and 3 residue lots over two stages with tree removal, road construction and associated site works" approximately 120 metres east of the Site at 415-425 Fifteenth Avenue. The Court Approved a Residue allotment (Lot 36) that comprises the R3 zoned land adjacent to the future widening of Fifteenth Avenue identical to this proposal which has now set a precedent for this application.

Council was advised during its assessment of the parent application on the 5th of November 2024 that we wished to remove the design of narrow allotments within the R3 section of the site until such time as the surrounding infrastructure was further advanced and consideration given to the best form of housing applicable for the site. We believe that a residential flat building maybe the most suitable development for the R3 zoned land in the future.

Development Approval (DA 177/2024) at 365 - 375 Fifteenth Avenue Austral, proposed a similar scenario to this application and the Liverpool Planning Panel (LPP) considered the variation and confirmed their support as outlined below: -

Whilst the nomination of the Residue Lot does not technically meet the objective of the zone, the future development of this lot based on surrounding factors is able to better achieve the objectives of the zone.

To address the concerns relating to the zone objectives in conjunction with the future development of Fifteenth Avenue and the Austral Town Centre. The R3 portion of the site has been nominated as a residue lot so that the future development is able to be more efficiently used for its intended purpose.

The LPP report concluded by stating that there were sufficient grounds for contravening the Clause 4.1B (3) relating to Residential Density.

Council must consider this consent issued by the LPP and acknowledge the lack of certainty with respect to the Transit Corridor at this time as justifiable grounds for the approval of a temporary residue parcel.

State Environmental Planning Policy (Precincts—Western Parkland City) 2021
Clause 4.6 - Exceptions to development standards states

4.6 Exceptions to development standards

(1) *The objectives of this section are as follows—*

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- (2) *Development consent may, subject to this section, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this section does not apply to a development standard that is expressly excluded from the operation of this section.*
- (3) *Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant for development consent has demonstrated that—*
 - (a) *compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
 - (b) *there are sufficient environmental planning grounds to justify the contravention of the development standard.*

Note—

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

(4) *The consent authority must keep a record of its assessment carried out under subsection (3).*

(5) *(Repealed)*

(6) *Development consent must not be granted under this section for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if—*

- (a) *the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
- (b) *the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

Note.

When this Precinct Plan was made it did not include any of these zones other than Zone RU6 Transition, Zone E2 Environmental Conservation and Zone E4 Environmental Living.

(7) *(Repealed)*

(8) *This section does not allow development consent to be granted for development that would contravene any of the following—*

- (a) *a development standard for complying development,*
- (b) *a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which [State Environmental Planning Policy \(Building Sustainability Index: BASIX\) 2004](#) applies or for the land on which such a building is situated,*
- (c) *section 5.4.*

Changes to clause 4.6 requests came into effect on (15 September 2023) by NSW Government.

At present, the request must seek to justify a contravention of the development standard by demonstrating both:

- that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
- that there are sufficient environmental planning grounds to justify contravening the development standard.

1) Compliance with the development standard is unreasonable or unnecessary:

The site is mapped on the Residential Density Map as having a dwelling density of 15 dwellings per hectare on the R2 Low Density Residential land and a dwelling density of 25 dwellings per hectare on the R3 Medium Density zoned portion of the site.

Council's Local Planning Panel confirmed that any application could create a residue allotment fronting Fifteenth Avenue with a focus to provide medium density residential development within the R3 Zoned land post completion of the Fifteenth Avenue Road upgrade. The Panel provided the following condition that would also be applicable to this application and is set out below (DA 177/2024-Condition 142) and supported by UPG 254 Pty Ltd v Liverpool City Council; -

The final plan of subdivision must be supported by an 88B Instrument. This instrument must burden Lot 300 with a Restriction as to User and Positive Covenant over proposed Lot 300 is to be developed for residential purposes with a minimum dwelling density of no less than 25 dwellings per hectare. The Restriction as to User may not be extinguished or altered except with the consent of Liverpool City Council.

The contravention of the development standard is not seen to defy the objectives of the Environmental Planning and Assessment Act 1979, namely Clause 1.3(b), 1.3(c) and 1.3(i).

As a result of the assessment above, it is considered compliance with the minimum residential density development standard is NOT reasonable and NOT necessary due to the circumstances of this application and that there are sufficient environmental planning grounds to justify the short-term contravention of the development standard.

2) Sufficient planning or environmental grounds to justify the variation:

The merits of the proposal on "environmental planning grounds" needs to be balanced with the burden that strict compliance places on the site and whether strict compliance will result in a better or neutral outcome.

The proposal seeks to delay the immediate objectives of the R3 Zone under this proposal as the R3 Zoned land is being created as a residue parcel for future development due to uncertainty surrounding the delivery of Fifteenth Avenue Road upgrade works and the Austral Town Centre. The proposal should be recommended for approval as future built product proposed upon the R3 zoned land (subject to a separate application) will be able to provide for the future housing needs of the community through varied housing typology. This portion of the site zoned R3 Medium Density Residential is of sufficient size to accommodate a multitude of development typologies and the proposed upgrade of Fifteenth Avenue as the "FAST Corridor" supporting the Aerotropolis will inform the final design and delivery of this portion of the site. As such, the subject land is considered to be suitable to achieve the zone objectives.

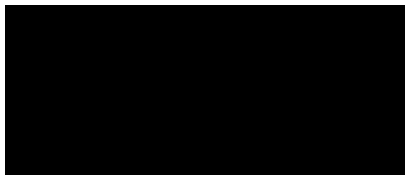
Strict compliance with the density standard does not apply to the creation of a residue lot. The ultimate planning outcome will be determined by the delivery of the future adjacent infrastructure. The delivery of road infrastructure and Austral Town Centre requires coordination and activation by both State and Local government.

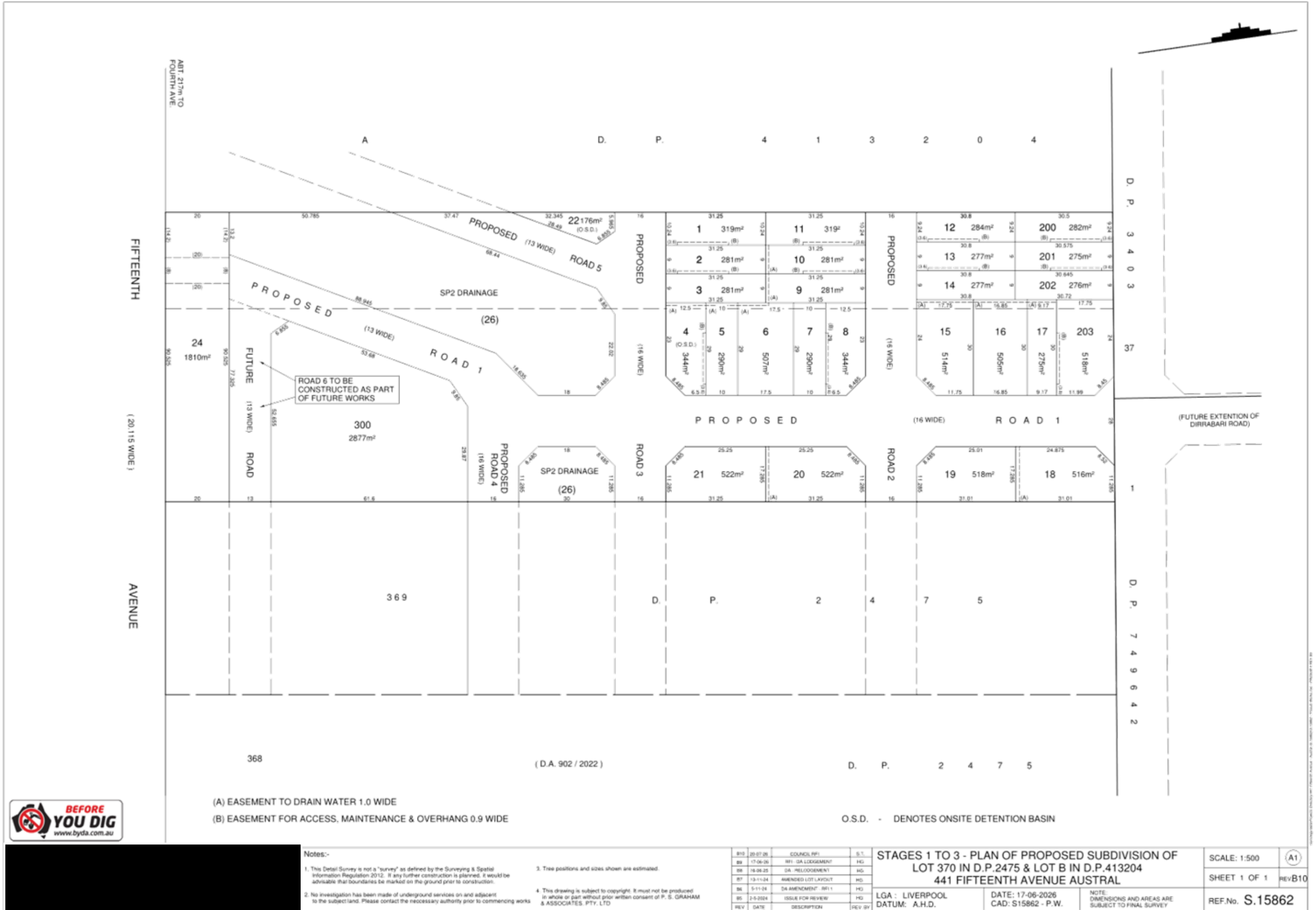
A degree of flexibility should be applied by the consent authority with regards to Clause 4.1B(3) of the SEPP. Having regard to the above, it is considered that there are sufficient environmental planning grounds to vary Clause 4.1B (3) Residential Density.

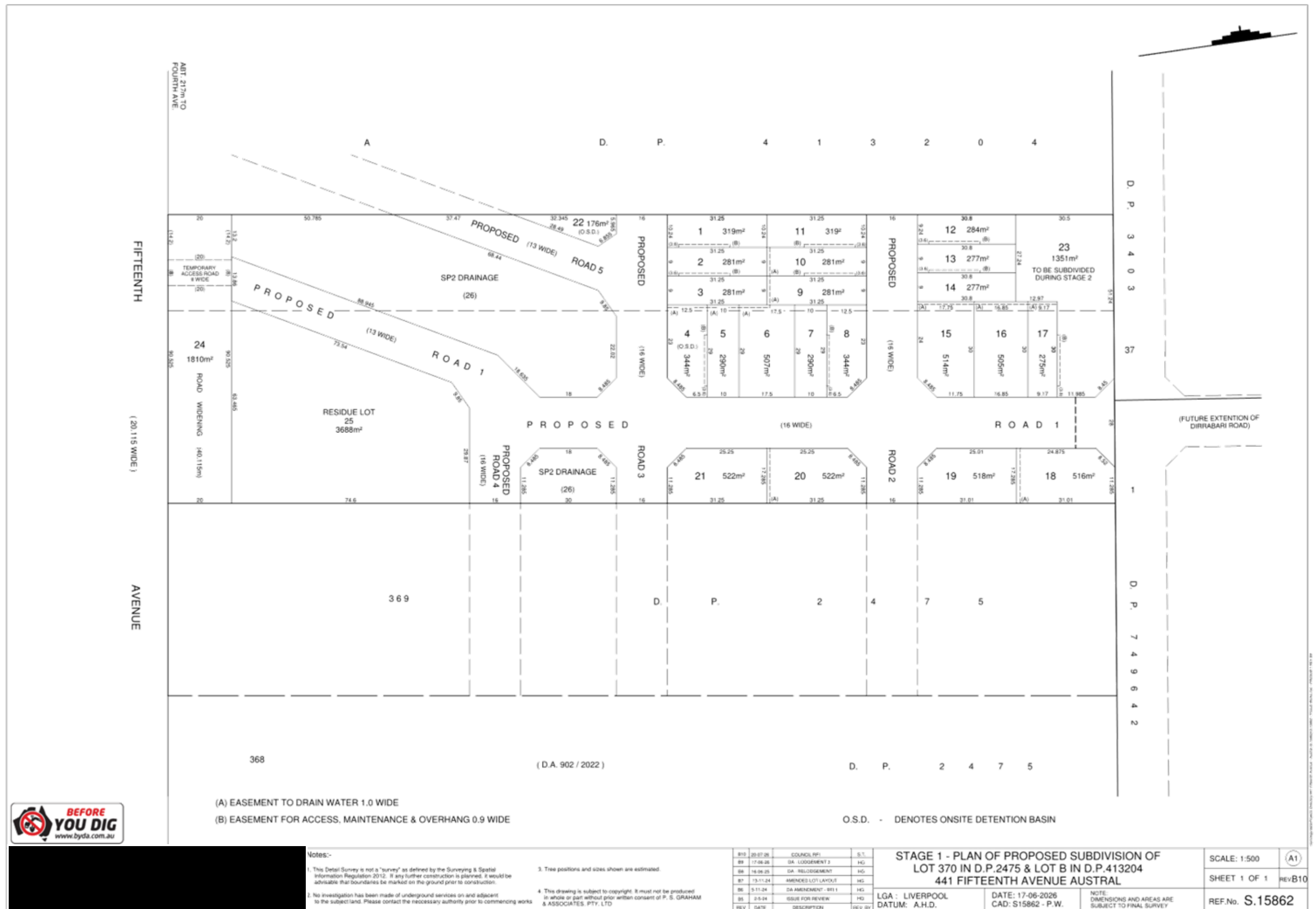
CONCLUSION

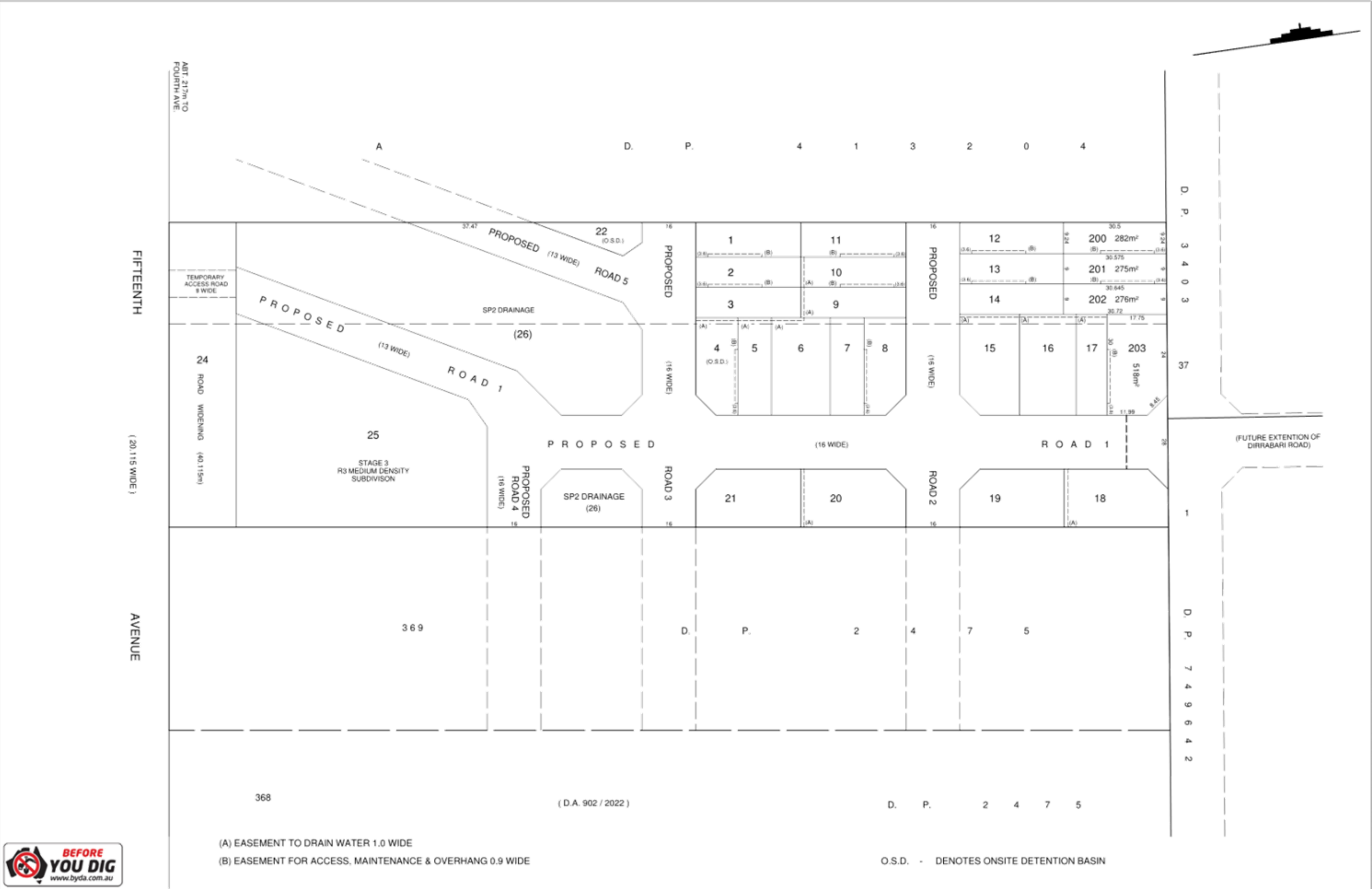
The proposed subdivision will create additional housing supply for the Western Sydney Region and utilises land zoned for residential purposes under State Environmental Planning Policy (Precincts—Western Parkland City) 2021.

There are sufficient environmental planning grounds to justify the contravention of the Development Standard and the proposed development will be in the public interest. It is considered compliance with the minimum residential density development standard is unreasonable and unnecessary due to the circumstances of this application and that there are sufficient environmental planning grounds to justify the short-term contravention of the development standard.









(A) EASEMENT TO DRAIN WATER 1.0 WIDE
(B) EASEMENT FOR ACCESS, MAINTENANCE & OVERHANG 0.9 WIDE

O.S.D. - DENOTES ONSITE DETENTION BASIN

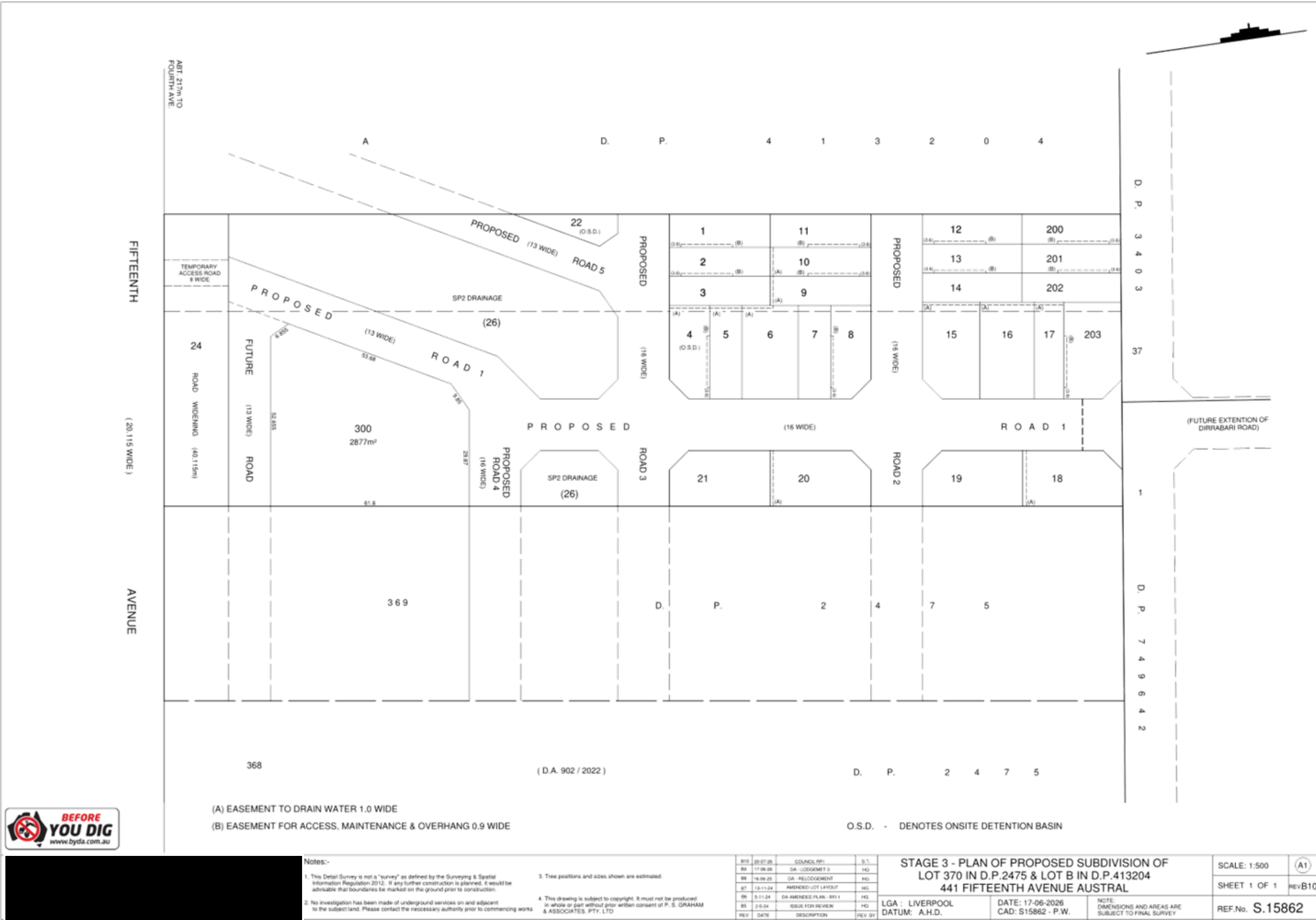
Notes:-

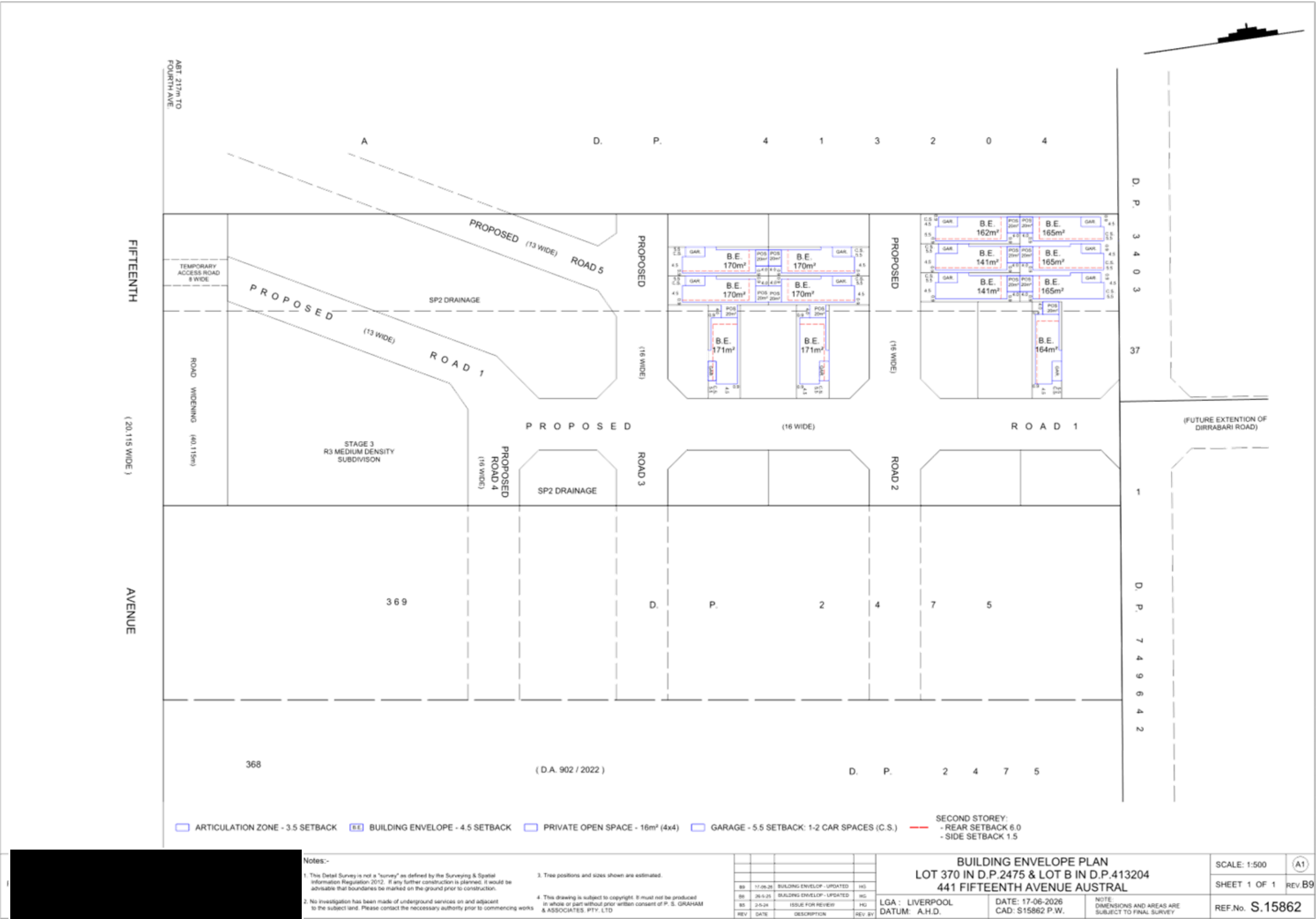
1. This Detail Survey is not a "survey" as defined by the Surveying & Spatial Information Regulation 2012. If any further construction is planned, it would be advisable that boundaries be marked on the ground prior to construction.
2. No investigation has been made of underground services on and adjacent to the subject land. Please contact the necessary authority prior to commencing works.
3. Tree positions and sizes shown are estimated.
4. This drawing is subject to copyright. It must not be produced in whole or part without prior written consent of P. S. GRAHAM & ASSOCIATES, PTY. LTD

REV	DATE	DESCRIPTION	REV BY
010	20-07-20	COUNCIL RP1	S.T.
09	16-06-25	DA - LODGEMENT 3	HO
08	16-06-25	DA - RELODGE/MENT	HO
07	13-11-24	AMENDED LOT LAYOUT	HO
06	25-11-24	DA AMENDMENT - SET 1	HO
05	2-5-24	ISSUE FOR REVIEW	HO

STAGE 2 - PLAN OF PROPOSED SUBDIVISION OF LOT 370 IN D.P.2475 & LOT B IN D.P.413204 441 FIFTEENTH AVENUE AUSTRAL		
LGA : LIVERPOOL	DATE: 17-06-2026	NOTE: DIMENSIONS AND AREAS ARE SUBJECT TO FINAL SURVEY
DATUM: A.H.D.	CAD: S15862 - P.W.	

SCALE: 1:500	(A1)
SHEET 1 OF 1	REV B10
REF.No. S.15862	





Notes:-

- This Detail Survey is not a "survey" as defined by the Surveying & Spatial Information Regulation 2012. If any further construction is planned, it would be advisable that boundaries be marked on the ground prior to construction.
- No investigation has been made of underground services on and adjacent to the subject land. Please contact the necessary authority prior to commencing works.
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REV	DATE	DESCRIPTION	REV BY
89	17-06-26	BUILDING ENVELOPE - UPDATED	HS
88	26-5-25	BUILDING ENVELOPE - UPDATED	HS
85	2-5-24	ISSUE FOR REVIEW	HS

BUILDING ENVELOPE PLAN LOT 370 IN D.P.2475 & LOT B IN D.P.413204 441 FIFTEENTH AVENUE AUSTRAL			SCALE: 1:500	(A1)
LGA : LIVERPOOL DATUM: A.H.D.	DATE: 17-06-2026 CAD: S15862 P.W.	NOTE: DIMENSIONS AND AREAS ARE SUBJECT TO FINAL SURVEY	SHEET 1 OF 1	REV.B9
			REF.No. S.15862	