

LOCAL PLANNING PANEL AGENDA

8 December 2025

MS TEAMS

LIVERPOOL
CITY
COUNCIL



MATTERS FOR THE LOCAL PLANNING PANEL'S DETERMINATION

Monday, 8 December 2025

ONLINE VIA MS TEAMS

Commencing at **2:00 PM**

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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 Amanda Merchant, Panel Support Officer on 8711 7712, by 4pm, 4th December 2025.

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://www.liverpoolcitycouncil.nsw.gov.au/liverpool-local-planning-panel)

ITEM No.	SUBJECT	PAGE No.
1	<p>DEVELOPMENT APPLICATION DA-317/2025</p> <p>PROPOSED DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A 4-TOWNHOUSE DEVELOPMENT WITH 1 DWELLING FOR AFFORDABLE HOUSING, AND ASSOCIATED CAR PARKING, LANDSCAPING, FRONT FENCE, & STORMWATER MANAGEMENT WORKS INCLUDING A PROPOSED DRAINAGE EASEMENT ON THE ADJOINING LOT</p> <p>LOT 63 DP 25142, LOT 737 DP 533701</p> <p>233 MEMORIAL AVENUE, LIVERPOOL NSW 2170, 147 CARTWRIGHT AVENUE, SADLIER NSW 2168</p>	4 - 219

ITEM No.	SUBJECT	PAGE No.
2	<p>DEVELOPMENT APPLICATION DA-239/2023/A</p> <p>MODIFICATION TO DEVELOPMENT CONSENT DA-239/2023 UNDER SECTION 4.56 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979</p> <p>LOT 3061 DP813122</p> <p>14 NILAND WAY, CASULA</p>	220-332

ITEM No.	SUBJECT	PAGE No.
3	<p>DEVELOPMENT APPLICATION DA-166/2025</p> <p>CHANGE OF USE OF AN EXISTING FACILITY TO A WAREHOUSE AND DISTRIBUTION CENTRE WITH ANCILLARY OFFICE AND SHOWROOM FUNCTIONS</p> <p>LOT 201 DP 584561</p> <p>337 NEWBRIDGE ROAD, MOOREBANK</p>	333-377

Item Number:	1
Application Number:	DA-317/2025
Proposed Development:	Proposed demolition of existing structures and construction of a 4-townhouse development with 1 dwelling for affordable housing, and associated car parking, landscaping, front fence, & stormwater management works including a proposed drainage easement on the adjoining lot
Property Address	233 Memorial Avenue, Liverpool NSW 2170; 147 Cartwright Avenue, Sadlier NSW 2168
Legal Description:	Lot 63 DP 25142; Lot 737 DP 533701
Applicant:	Mr Khaled Kabbout
Land Owner:	Memorial Pty Ltd Liverpool City Council
Cost of Works:	\$1,814,985
Recommendation:	Deferred Commencement Consent
Assessing Officer:	External Consultant – The APP Group

1. EXECUTIVE SUMMARY

Council received a Development Application DA-317/2025 seeking consent for demolition of existing structures and construction of a 4-townhouse development with 1 dwelling for affordable housing, and associated car parking, landscaping, front fence, & stormwater management works. The proposal is located at Lot 63 DP 25142, also referred to as No. 233 Memorial Avenue, Liverpool. Additional stormwater works and a drainage easement is proposed through adjoining Council owned land at Lot 737 DP 533701, also referred to as No. 147 Cartwright Avenue, Sadlier.

The application is lodged pursuant to State Environmental Planning Policy (SEPP) (Housing) 2021 with the development comprising 22% of the gross floor area (GFA) for affordable housing purposes. The subject site is zoned R3 Medium Density Residential pursuant to Liverpool Local Environmental Plan (LLEP) 2008, within which the proposed development is permissible with consent.

The application is referred to the Liverpool Local Planning Panel (LLPP) in accordance with Schedule 2 of the *Local Planning Panels Direction – Development Applications and Applications to Modify Development Consent, endorsed by the Minister for Planning and Public Spaces on 6 March 2024*, as the development falls within the category of:

1. **Conflict of interest**

Development for which the applicant or land owner is:

(a) *The council*

The proposal was required to be notified in accordance with the Liverpool City Council Community Engagement Strategy 2022 between 21 July and 7 August 2025. The application was placed on further exhibition for 28 days between 14 October and 11 November 2025. Three (3) unique submissions were received, raising concerns primarily in relation the use of Elouera Bushland Reserve, garage size, on-street car parking, traffic congestion, demolition and asbestos.

An assessment of the application has demonstrated that the proposal is generally consistent with the provisions and requirements of Environmental Planning and Assessment Regulation 2021, SEPP (Housing) 2021, SEPP (Resilience and Hazards) 2021, SEPP (Biodiversity and Conservation) 2021, LLEP 2008, and Liverpool Development Control Plan (LDCP) 2008 that are relevant to the proposal.

The application has been assessed pursuant to the provisions of the *Environmental Planning and Assessment Act 1979* and it is recommended that the application be approved subject to a deferred commencement consent based on satisfactory compliance with relevant environmental planning instruments (EPIs) and policies.

2. SITE DESCRIPTION AND LOCALITY

2.1. Site Description

The subject site consists of a single lot with a title description of Lot 63 DP 25142 and street address at No. 233 Memorial Avenue, Liverpool. The site is rectangular in shape with an area of 695.60m². The site includes a primary frontage of 15.24m to Memorial Avenue, side boundary dimensions of 45.72m and a rear boundary to Ireland Park of 15.24m. The site falls from Memorial Avenue to the park at the rear with a relative slope from the south-eastern frontage (RL18.22 AHD) to the north-western rear (RL15.43 AHD), and this represents a 2.79m fall across the entire site.

The subject site currently contains a single dwelling house built pre-1980, semi-detached weatherboard garage and additional concreted areas. Vegetation on the site is limited to predominantly grass ground over and two small trees/shrubs in the rear yard on the side boundary, and one street tree in front of the site. The site is shown in **Figure 1 & 2** below:



Figure 1: Aerial imagery of subject sites (Source: NearMap June 2025). 233 Memorial Avenue Liverpool (multi dwelling site) outlined in red, 147 Cartwright Avenue Sadler (drainage easement site) outlined in yellow.



Figure 2: Aerial imagery of subject site for the multi-dwelling development (Source: NearMap June 2025)

2.2. Locality Description

The subject site is located within the suburb of Liverpool and is within an area which is predominately characterised by low to medium density residential development, with public recreation areas immediately to the north and west. The surrounding locality on Memorial Avenue consists mostly of residential development inclusive of single and double storey detached dwellings and other multi-dwelling housing development.



Figure 3: Locality surrounding the proposed development (Source: NearMap June 2025)

2.3. Site Inspection

A site inspection was carried out on the 14 October 2025. The photos (Figures 4 – 9) show the subject site and the surrounding area's character.



Figure 4: Subject Site (233 Memorial Ave)



Figure 5: Bus stop / entry to Ireland Park located to the east



Figure 6: Neighbouring property to the west (235 Memorial Ave)



Figure 7: Neighbouring property to the east (231 Memorial Ave)



Figure 8: Rear of subject site (viewed from Ireland Park)



Figure 9: Location of proposed drainage easement (Ireland Park)

2.4. Site Constraints

<p>Are there any constraints or affectations on the site:</p> <ul style="list-style-type: none"> • Bushfire • Flooding • Heritage Items • Aboriginal heritage • Environmentally Significant Land • Threatened Species/ Flora/ Habitat/ Critical Communities • Acid Sulphate Soils • Aircraft Noise • Flight Paths • Railway Noise • Road Noise/ Classified Road • Significant Vegetation • Contamination 	<ul style="list-style-type: none"> • Low Flood Risk • Sewer main traverses the site • Moderate Salinity Potential. • Memorial Avenue existing on-road cycleway • Bushfire prone land – Vegetation Buffer 100m and 30m
<p>Are there any restrictions on the Title?</p>	<p>Nil</p>

2.5. Application History

The history of the subject Application is shown in the below table.

Date	Action
10 July 2025	Subject application lodged with Council
21 July to 7 August 2025	Notification to adjoining properties.
1 August 2025	<p>A 14-day stop-the-clock letter (STC) request for additional information was issued to the applicant requesting clarification regarding:</p> <ul style="list-style-type: none"> • DRAINS modelling • NCC/BCA Report • Bin Area
4 August 2025	The applicant provided additional information, which was found to only partially satisfy the STC.
5 August 2025	<p>A second 14-day stop-the-clock letter (STC) request for additional information was issued to the applicant requesting clarification regarding:</p> <ul style="list-style-type: none"> • Stormwater Management Plan • NCC/BCA Report • Bin Area
29 August 2025	<p>A twenty-eight (28) days request for additional information letter was issued to the applicant requesting clarification regarding:</p> <ul style="list-style-type: none"> • Community Consultation • Landscape Plan • Retaining Walls • Landscaped Area • Deep Soil Zone • Design Verification Statement • Private Courtyard - POS • Internal Driveway – Landscaping

	<ul style="list-style-type: none"> • Solar Access • Living & Dining Room size • Private Open Space • Bicycle Parking • Silver Level Design • Rear Dwelling Height • Rear Setbacks • Entry Points • Building bulk & Scale • Local Character • Contamination Investigation • Deemed-to-Satisfy requirements
4 September 2025	The applicant called to inform Council of their intent to lodge a Class 1 appeal
25 September 2025	The applicant provided additional information.
15 October – 11 November 2025	The application was placed on exhibition for 28 days.
22 October 2025	The applicant provided amended architectural plans with reduced building site coverage and increased landscaped area and private open space.

3. DETAILS OF THE PROPOSED DEVELOPMENT

The subject Development Application is seeking Council consent for the demolition of existing structures and construction of a multi dwelling housing development comprising four townhouses and five car parking spaces with associated landscaping and stormwater management. The proposal consists specifically of the following:

Demolition:

- Demolition of the existing dwelling and structures on the site;
- Removal of vegetation.

Construction of multi-dwelling housing

The proposed development incorporates the construction of four two storey attached townhouses (Units 1–4). The dwellings consist of the following:

- **Unit 1 (U1):** Two -bedroom dwelling with single car garage, orientated to Memorial Avenue, 113m² GFA;
- **Unit 2 (U2) Nominated for affordable housing purposes:** Two -bedroom dwelling with single car garage, orientated to internal driveway, 100m² GFA;
- **Unit 3 (U3):** Two -bedroom dwelling with single car garage, orientated to internal driveway, 100m² GFA;
- **Unit 4 (U4):** Three -bedroom dwelling with single car garage, orientated to internal driveway, 132m² GFA.

Subdivision:

Subdivision is not proposed as part of this application.

Associated Works:

- Public infrastructure provision;
- Construction of internal driveway;
- Landscape works;
- Stormwater management works
- Earthworks.

Drainage:

- Provision of an Easement and related stormwater infrastructure within Ireland Park.

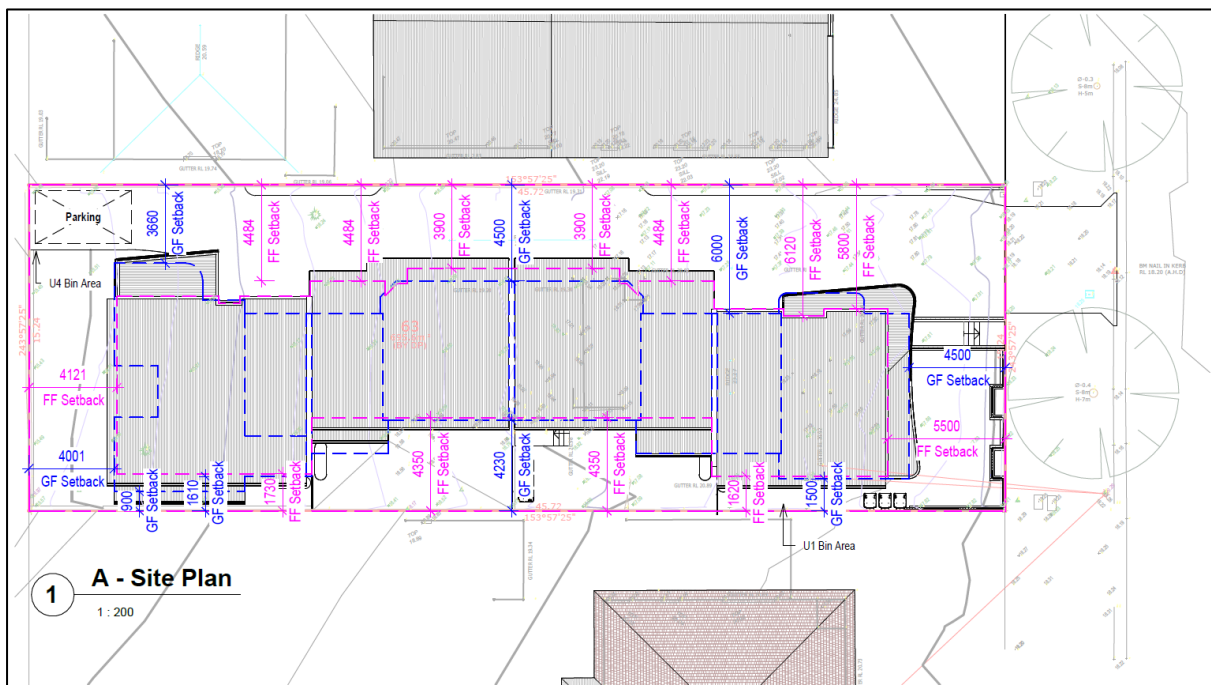


Figure 10: Proposed Site Plan

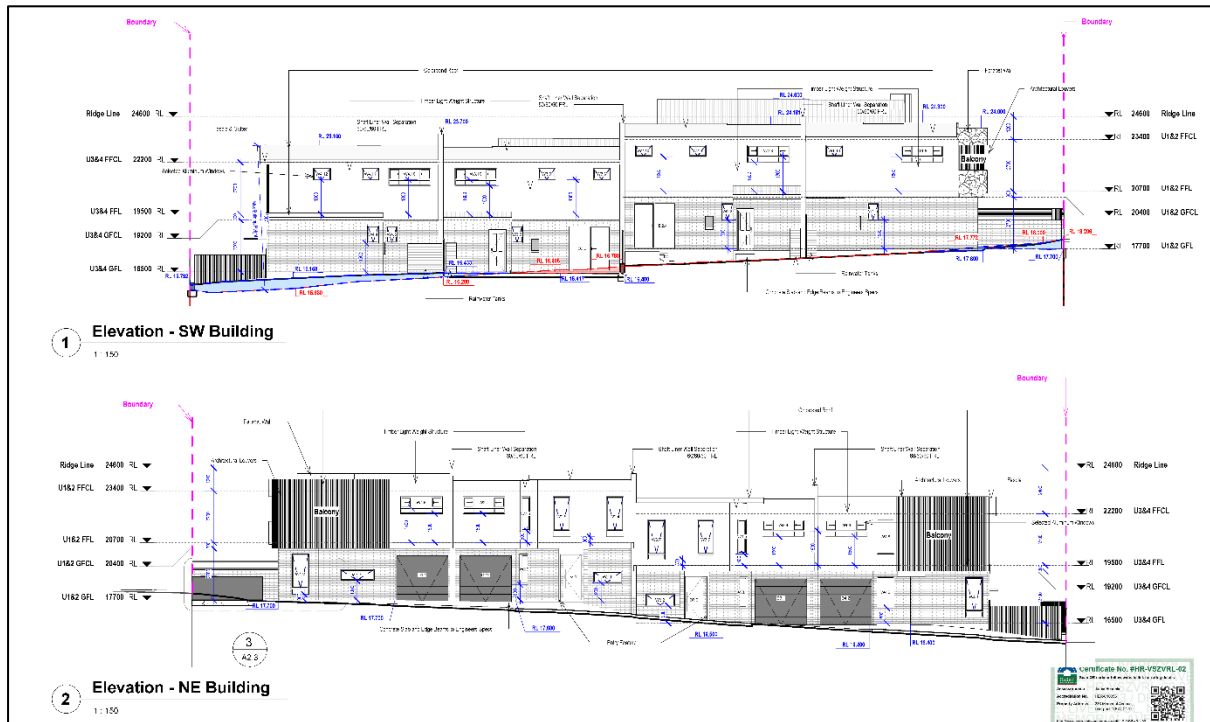


Figure 11: SW elevation and NE Elevation.

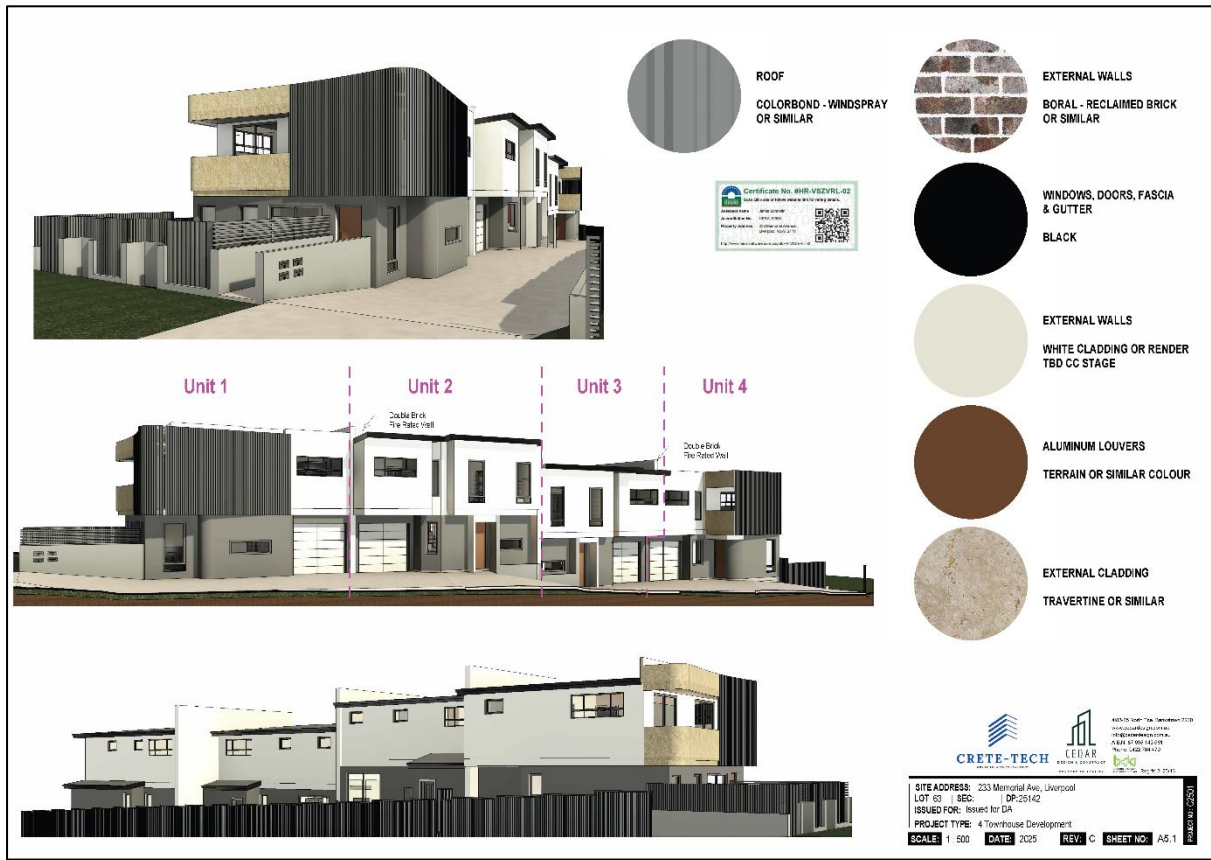


Figure 12: 3D Architecture Perspectives.

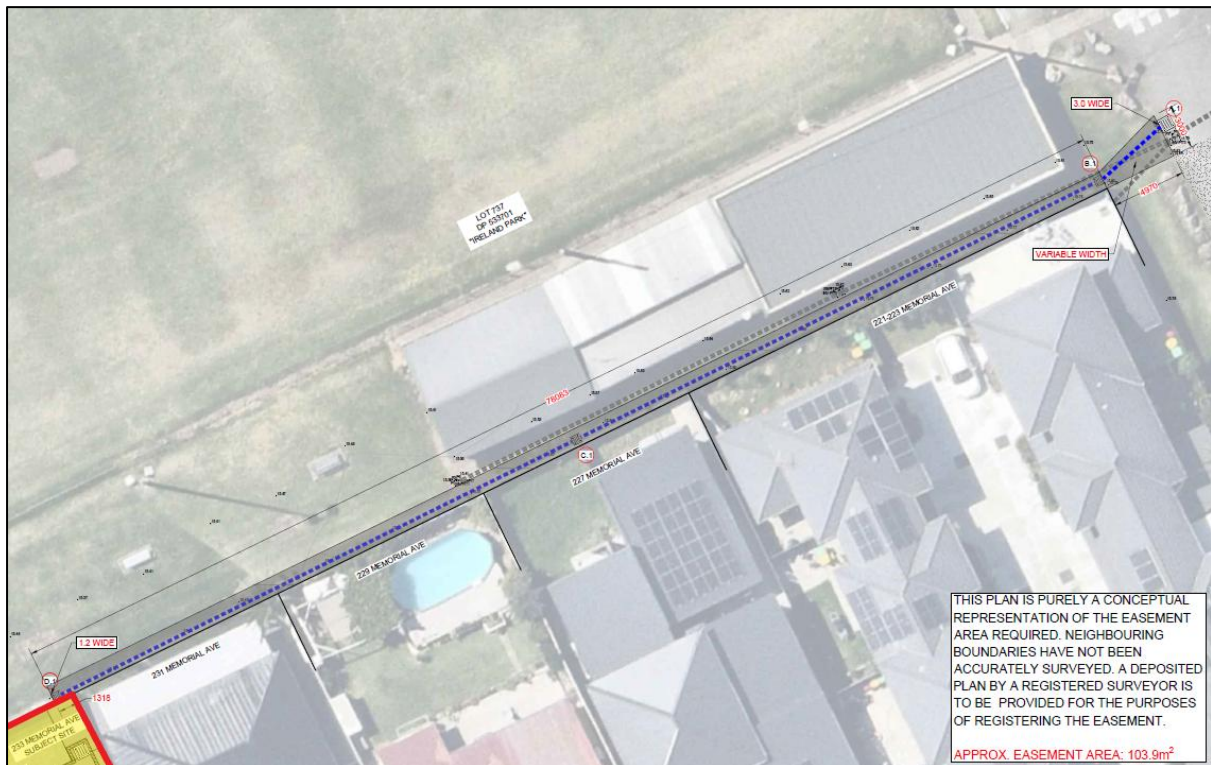


Figure 13: Proposed easement and stormwater infrastructure within Ireland Park.

4. STATUTORY CONSIDERATIONS

The following planning instruments have been considered in the planning assessment of the subject Development Application, and the following statutory controls are applicable:

- (i) Environmental Planning and Assessment Act 1979 (**EPA Act**).
- (ii) Environmental Planning and Assessment Regulation 2021 (**EPA Regulations**).
- (iii) State Environmental Planning Policies:
 - a) State Environmental Planning Policy (Sustainable Buildings) 2022
 - b) State Environmental Planning Policy (Resilience and Hazards) 2021
 - c) State Environmental Planning Policy (Biodiversity and Conservation) 2021
 - d) State Environmental Planning Policy (Housing) 2021
 - e) State Environmental Planning Policy (Transport and Infrastructure) 2021
- (iv) *Liverpool Local Environmental Plan 2008 (LLEP 2008)*; and
- (v) *Liverpool Development Control Plan 2008. (LDCP 2008)*.
 - a) LDCP Part 1 – General Controls for all development.
 - b) LDCP Part 3.6 - Multi Dwelling Housing (Villas and Townhouses) in the R3 and R4 zones

5. ASSESSMENT

The Development Application has been assessed in accordance with the relevant matters of consideration prescribed by Section 4.15 of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2021*, as follows:

Section 4.15 ‘Heads of Consideration’ summary.

Heads of Consideration	Comment	Complies
a. The provisions of: (i) Any environmental planning instrument (EPI)	The proposal is generally consistent with key controls in the relevant EPI’s including Liverpool Local Environmental Plan 2008, State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Housing) 2021 and the Environmental Planning and Assessment Regulation 2021.	Considered Acceptable
(ii) Any proposed instrument that is or has been the subject of public consultation under this Act	Not applicable.	N/A

Heads of Consideration	Comment	Complies
(iii) Any development control plan (DCP)	Liverpool DCP 2008 applies to the site (Part 1 – General controls for all development and Part 3.6 – Multi dwelling houses (terraces, townhouses and villas) in the R3 and R4 zones). The proposal is generally consistent with the numerical controls of the DCP, minor variations are discussed in Part 5.3 of this report.	Considered Acceptable
(iii a) Any Planning Agreement	Not applicable.	N/A
(iv) The regulations	The development application identifies Community Housing Corner Pty Ltd as the registered community housing provider responsible for management of the affordable housing unit proposed within the development.	Yes
b. The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality	It is considered the likely impacts of the development have been satisfactorily addressed. It is considered that the development proposal in its current form is unlikely to cause adverse and unfavourable social and environmental impacts.	Yes
c. The suitability of the site for the development	The subject site is zoned R3 Medium Density Residential and 'multi-dwelling housing' are permissible with consent. The site does not present any significant environmental risks or constraints.	Yes
d. Any submissions made in accordance with this Act, or the regulations	The application was notified from the 14 th of October 2025 to 11 th of November 2025. Two (2) submissions were received during this period. The comments are discussed in Part 5.8(a) of this report.	Yes
e. The public interest	The development as proposed is considered to be within the public interest for its contribution to diverse housing supply in the area, minimal impacts to the public domain and consistency with development in the surrounding area.	Yes

5.1. Section 4.15(1)(a)(i) – Any Applicable Environmental Planning Instruments

(a) State Environmental Planning Policy (Sustainable Buildings) 2022

The general aim of this policy is to ensure consistency in the implementation of the BASIX scheme throughout the State. This policy establishes targets for efficient water and energy use to be addressed in BASIX certificates. The applicant has provided a compliant BASIX certificate in support of the application as follows:

- Certificate No.: 1783801m_02 (Prepared by Certified Energy)

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

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	<p>The land is not known to be within an investigation area and there is no knowledge or incomplete knowledge of a potentially contaminating activity referred to in Table 1 of the contaminated land planning guidelines being carried out since redevelopment of the site. Council's aerial imagery indicates that Lot 63 DP 25142, 233 Memorial Avenue, Liverpool NSW has a history of use for residential purposes.</p> <p>At the time of writing this report, the land is not listed in records held by the NSW Environment Protection Authority under Sections 58 and 60 of the <i>Contaminated Land Management Act 1997</i> or Section 308 of the <i>Protection of the Environment Operations Act 1997</i>.</p> <p>The application is accompanied by a Preliminary Site Investigation (PSI) in which it is concluded that the site is suitable for redevelopment following the implementation of recommendations.</p> <p>The application was referred to Council's Environmental Health officer who raised no objection subject to conditions of consent.</p>
(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	Based upon the findings of the PSI there is no evidence to suggest that the land is 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.	Based upon the findings of the PSI, remediation is not required.

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

Chapter 6 Water Catchments

The subject site is located within the Georges River Catchments 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 Georges River Catchments 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 a development application (Part 6.2) is provided below.

Part 6.2 – Development in Regulated Catchments	
Division 2 – Controls on development generally	Comment
6.6 – Water quality and quantity	Complies The proposed development is not anticipated to have adverse impacts on the water quality or water flow of waterbodies within the Georges River Catchment. The proposed stormwater works enable adequate management of runoff. Council's Land Development Engineering Section raised no objection subject to standard conditions of consent and the deferred approval of an easement to drain water over Lot 737.
6.7 – Aquatic ecology	Not applicable The works are not located on environmentally sensitive land and do not require further assessment for impact on threatened species of flora and fauna.
6.8 – Flooding	Complies The rear of the site is identified as flood prone within the PMF extent. The proposed development achieves the required minimum habitable floor levels to mitigate flood risk and adverse impacts on adjoining properties. Council's Floodplain Engineering Section raised no objection subject to standard conditions of consent
6.9 – Recreation and public access	Complies The development is unlikely to impact on recreational lands or public access to and around foreshores.
6.10 – Total catchment management	Not applicable The proposed development is not likely to have an adverse impact on the Georges River Catchment.
Division 3 – Controls on development in specific areas	Comment
6.11 – Land within 100m of natural waterbody	Not applicable. The site is not within 100m of a natural watercourse.
6.12 – Riverine scenic areas	Not applicable.
6.13 – Hawkesbury-	Not applicable.

Nepean conservation area sub-catchments	
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	Complies The application proposes stormwater works to the rear of the site through to Ireland Park. The new connection is not likely to have adverse impacts on any natural waterbody within the Georges River Catchment.
6.22 – Waste or resource management facilities	Not applicable
6.23 – Demolition on certain land	Consent is sought for demolition of existing structures.

Accordingly, the proposed development is considered to meet the objectives of the SEPP and is not likely to impact the environmental quality of the Georges River, and satisfies all relevant provisions of the SEPP.

(d) State Environmental Planning Policy (Housing) 2022

Summary comment	Complies
Chapter 2, Part 2 'Development for affordable Housing', Division 1 'In-fill affordable housing' applies to the subject development proposal.	Noted
15A Objective of division The objective of this division is to facilitate the delivery of new in-fill affordable housing to meet the needs of very low-, low- and moderate-income households.	Noted The proposal provides for affordable housing as part of the overall development. Unit 2 is dedicated as affordable housing.
15B Definitions (1) In this division— affordable housing component, of development, means the percentage of the gross floor area used for affordable housing.	Complies (1)(e)The proposal is for multi-dwelling housing with an affordable housing

Summary comment	Complies
<p>residential development means development for the following purposes—</p> <ul style="list-style-type: none"> (a) attached dwellings, (b) dual occupancies, (c) dwelling houses, (d) manor houses, (e) multi dwelling housing, (f) multi dwelling housing (terraces), (g) residential flat buildings, (h) semi-detached dwellings, (i) shop top housing. <p>(2) In this division, residential development carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation is taken to be used for the purposes of affordable housing.</p>	<p>component.</p> <p>(2) N/A</p>
<p>15C Development to which division applies</p> <p>(1) This division applies to development that includes residential development if—</p> <ul style="list-style-type: none"> (a) the development is permitted with consent under Chapter 3, Part 4 or another environmental planning instrument, and (b) the affordable housing component is at least 10%, and (c) all or part of the development is carried out— <ul style="list-style-type: none"> (i) for development on land in the Six Cities Region, other than in the City of Shoalhaven local government area—in an accessible area, or (ii) for development on other land—within 800m walking distance of land in a relevant zone or an equivalent land use zone. <p>(2) Affordable housing provided as part of development because of a requirement under another environmental planning instrument or a planning agreement within the meaning of the Act, Division 7.1 is not counted towards the affordable housing component under this division.</p> <p>(3) In this section— relevant zone means the following—</p> <ul style="list-style-type: none"> (a) Zone E1 Local Centre, (b) Zone MU1 Mixed Use, (c) Zone B1 Neighbourhood Centre, (d) Zone B2 Local Centre, (e) Zone B4 Mixed Use. 	<p>Complies</p> <p>(1)(a) The proposed form of development is permissible with consent under Liverpool Local Environmental Plan 2008, Zone R3 Medium Density Residential.</p> <p>(1)(b) >10% of the development has been nominated as affordable housing.</p> <p>(1)(c)(i) All parts of the development are in an accessible location, specifically, Sydney Bus Network 802 provides a stop within Memorial Avenue and is located 70m from the site.</p> <p>(2) N/A</p> <p>(3) Noted.</p>
<p>16 Affordable housing requirements for additional floor space ratio</p> <p>(1) The maximum floor space ratio for development that includes residential development to which this division applies is the maximum permissible floor space ratio for the land plus an additional floor space ratio of up to 30%, based on the minimum affordable housing component calculated in accordance with subsection (2).</p> <p>(2) The minimum affordable housing component, which must be at least 10%, is calculated as follows—</p> $\text{affordable housing component} = \frac{\text{additional floor space ratio}}{\text{(as a percentage)}} \div 2$	<p>Complies</p> <p>(1) The maximum floor space ratio for the site (under LLEP 2008) is 0.5:1 (or 347.8m² GFA).</p> <p>An additional 30% equates to a permissible FSR of 0.65:1 (or 452.14m² GFA).</p> <p>The proposed FSR is: 400.5sq.m GFA /</p>

Summary comment	Complies
<p>(3) If the development includes residential flat buildings or shop top housing, the maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the land plus an additional building height that is the same percentage as the additional floor space ratio permitted under subsection (1). Example— Development that is eligible for 20% additional floor space ratio because the development includes a 10% affordable housing component, as calculated under subsection (2), is also eligible for 20% additional building height if the development involves residential flat buildings or shop top housing. (4) This section does not apply to development on land for which there is no maximum permissible floor space ratio.</p>	<p>695.6sq.m site area = approx. 0.57.5 : 1</p> <p>(2) Minimum affordable housing component to utilise the full 30% = 15%.</p> <p>The proposed affordable housing component of Unit 2 is 93.38m² (20.65%) and as such the development may utilise the full additional floor space ratio provision.</p> <p>(3) N/A</p>
<p>17 Additional floor space ratio for relevant authorities and registered community housing providers</p>	<p>N/A The development is not carried out by or on behalf of a relevant authority or registered community housing provider.</p>
<p>18 Affordable housing requirements for additional building height (1) This section applies to development that includes residential development to which this division applies if the development—ncludes residential flat buildings or shop top housing, and (b) does not use the additional floor space ratio permitted under section 16. (2) The maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the land plus an additional building height of up to 30%, based on a minimum affordable housing component calculated in accordance with subsection (3). (3) The minimum affordable housing component, which must be at least 10%, is calculated as follows— $\text{affordable housing component} = \frac{\text{additional building height}}{\text{(as a percentage)}} \div 2$ Comment: Not applied for under subject application</p>	<p>N/A The development is for multi-dwelling housing and therefore this section does not apply.</p>
<p>19 Non-discretionary development standards—the Act, s 4.15 (1) The object of this section is to identify development standards for particular matters relating to residential development under this division that, if complied with, prevent the consent authority from requiring more onerous standards for the matters. Note— See the Act, section 4.15(3), which does not prevent development consent being granted if a non-discretionary development standard is not complied with. (2) The following are non-discretionary development standards in</p>	<p>(1) Noted</p> <p>Complies (2)(a) The site area is 695.6m²</p> <p>Complies (2)(b) Each individual unit achieves a minimum landscaped area of 35m² per dwelling, being the</p>

Summary comment	Complies
<p>relation to the residential development to which this division applies—</p> <p>(a) a minimum site area of 450m²,</p> <p>(b) a minimum landscaped area that is the lesser of—</p> <p style="padding-left: 20px;">(i) 35m² per dwelling, or</p> <p style="padding-left: 20px;">(ii) 30% of the site area,</p> <p>(c) a deep soil zone on at least 15% of the site area, where—</p> <p style="padding-left: 20px;">(i) each deep soil zone has minimum dimensions of 3m, and</p> <p style="padding-left: 20px;">(ii) if practicable, at least 65% of the deep soil zone is located at the rear of the site,</p> <p>(d) living rooms and private open spaces in at least 70% of the dwellings receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter,</p> <p>(e) the following number of parking spaces for dwellings used for affordable housing—</p> <p style="padding-left: 20px;">(i) for each dwelling containing 1 bedroom—at least 0.4 parking spaces,</p> <p style="padding-left: 20px;">(ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces,</p> <p style="padding-left: 20px;">(iii) for each dwelling containing at least 3 bedrooms— at least 1 parking space,</p> <p>(f) the following number of parking spaces for dwellings not used for affordable housing—</p> <p style="padding-left: 20px;">(i) for each dwelling containing 1 bedroom—at least 0.5 parking spaces,</p> <p style="padding-left: 20px;">(ii) for each dwelling containing 2 bedrooms—at least 1 parking space,</p> <p style="padding-left: 20px;">(iii) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces,</p> <p>(g) the minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development,</p> <p>(h) for development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces)—the minimum floor area specified in the Low Rise Housing Diversity Design Guide,</p> <p>(i) if paragraphs (g) and (h) do not apply, the following minimum floor areas—</p> <p style="padding-left: 20px;">(i) for each dwelling containing 1 bedroom—65m²,</p> <p style="padding-left: 20px;">(ii) for each dwelling containing 2 bedrooms—90m²,</p> <p style="padding-left: 20px;">(iii) for each dwelling containing at least 3 bedrooms—115m² plus 12m² for each bedroom in addition to 3 bedrooms.</p> <p>(3) Subsection (2)(c) and (d) do not apply to development to which Chapter 4 applies.</p>	<p>lesser of (i) and (ii).</p> <p>Complies (2)(c) A deep soil zone of 124.36m² (17.9%) has been provided in the submitted DA.</p> <p>Complies (2)(d) 3 of the 4 proposed dwellings (75%) receive at least 3 hours of solar access to their private open space and living rooms on 21 June.</p> <p>Complies (2)(e) <u>Required affordable housing parking</u>: 0.5 x 1 (U2 two-bed unit) = 0.5 <u>Provided</u> = 1 car parking space</p> <p>Complies (2)(f) <u>Required non-affordable housing parking</u>: 1 x 2 (U1/U3 two-bed) = 2 1.5 x 1 (U4 three-bed) = 1.5 <u>Provided</u> = 4 car parking spaces</p> <p>N/A (2)(g) Residential flat building not proposed.</p> <p>N/A (2)(h) While the proposal is for multi dwelling housing, it is not of the multi dwelling housing (terrace) typology</p> <p>Complies (2)(i) <u>Required</u>: 2 bedrooms – 90m² 3 bedrooms – 115m² <u>Provided</u>: U1 (2-bed): 113m² U2 (2-bed): 100m² U3 (2-bed): 100m² U4 (3-bed): 132m²</p>

Summary comment	Complies
	(3) Noted
<p>Landscaped area means the part of the site area not occupied by a building and includes a part used or intended to be used for a rainwater tank, swimming pool or open-air recreation facility, but does not include a part used or intended to be used for a driveway or parking area. -SEPP (Housing) 2021</p>	
<p>Deep soil zone means a landscaped area with no buildings or structures above or below the ground. -SEPP (Housing) 2021</p>	
<p>Floor Area - dwelling is measured within the finished surfaces of the walls, but excludes any area occupied by voids or stairs but includes area occupied by cupboards, wardrobes and fixtures.</p>	
<p>20 Design requirements (1) Development consent must not be granted to development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces) under this division unless the consent authority has considered the Low Rise Housing Diversity Design Guide, to the extent to which the guide is not inconsistent with this policy. (2) Subsection (1) does not apply to development to which Chapter 4 applies. (3) Development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with— (a) the desirable elements of the character of the local area, or (b) for precincts undergoing transition—the desired future character of the precinct.</p>	<p>(1) The proposal is for <i>Multi Dwelling Housing</i> as defined in the <i>Standard Instrument - Principal Local Environmental Plan</i>. This is different from <i>Multi Dwelling Housing (terraces)</i> and as such clause 20(1) does not apply. (2) Noted (3) (a) The development in its current form is considered compatible with recently approved residential development including multi-dwelling housing in the local area which is characterised by contemporary architectural style and two storey forms. (3)(b) The subject site is not identified as a precinct undergoing transition.</p>
<p>21 Must be used for affordable housing for at least 15 years (1) Development consent must not be granted to development under this division unless the consent authority is satisfied that for a period of at least 15 years commencing on the day an occupation certificate is issued for the development— (a) the development will include the affordable housing component required for the development under section 16, 17 or 18, and (b) the affordable housing component will be managed by a registered community housing provider. (2) This section does not apply to development carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation.</p>	<p>Complies by condition</p>

Summary comment	Complies
<p>22 Subdivision permitted with consent Land on which development has been carried out under this division may be subdivided with development consent.</p> <p>Comment: No subdivision proposed with current application</p>	<p>N/A No subdivision proposed.</p>

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

Permissibility of the stormwater management system is provided under the provisions of Clause 2.138 of this SEPP, which specifies that:

2.138 Development permitted with consent

Development for the purpose of a stormwater management system may be carried out by any person with consent on any land.

In accordance with this SEPP, the proposed stormwater infrastructure works would be defined as a stormwater management system which is defined as:

stormwater management system means—

- (a) works for the collection, detention, harvesting, distribution or discharge of stormwater (such as channels, aqueducts, pipes, drainage works, embankments, detention basins and pumping stations), and*
- (b) stormwater quality control systems (such as waste entrapment facilities, artificial wetlands, sediment ponds and riparian management), and*
- (c) stormwater reuse schemes.*

(f) Liverpool Local Environmental Plan 2008 (LLEP 2008)

(i) Zone Objectives

The subject site of the proposed multi-dwelling development is zoned as R3 Medium Density Residential pursuant to *Liverpool Local Environmental Plan (LLEP) 2008*. 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 provide for a concentration of housing with access to services and facilities.*
- To provide for a suitable visual transition between high density residential areas and lower density areas.*
- To ensure that a high level of residential amenity is achieved and maintained.*

The proposal would provide for the housing needs of the community and provide housing within a medium-density residential environment. The development site provides good access to transport, services and facilities as it is within proximity to public transport and the Liverpool CBD in the broader context. Therefore, the proposal is consistent with the objectives of the zone.

147 Cartwright Avenue, Sadlier, commonly known as Ireland Park which adjoins the site to the north, is zoned RE1 – Public Recreation. The objectives of the RE1 Public Recreation zone are as follows:

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To provide sufficient and equitable distribution of public open space to meet the needs of residents.*
- *To ensure the suitable preservation and maintenance of environmentally significant or environmentally sensitive land.*

The proposal will not affect the land from being able to be used for public open space or recreational purposes. The proposal seeks to have the stormwater drainage system designed to discharge runoff through a proposed pipeline across the adjoining Council-owned property (Lot 737 in DP 533701). This will rely on an updated written consent approval through a deed of agreement for piping and acquisition of a drainage easement over the drainage pipeline proposed in the public reserve, which is subject of a recommended Deferred Commencement condition.

(ii) Permissibility

The proposed development is best defined as '**demolition**' and '**multi dwelling housing**'. Demolition is permitted with consent pursuant to Clause 2.7 of LLEP. Multi dwelling housing is permissible with consent in the R3 Medium Density Residential Zone on the site, and is defined as follows:

Multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

147 Cartwright Avenue, Sadlier, commonly known as Ireland Park which adjoins the site to the north, is zoned RE1 – Public Recreation. As discussed under the State Environmental Planning Policy (Transport & Infrastructure) 2021 section of this report, permissibility for the stormwater works are gained under Clause 2.138 of the SEPP, which specifies that:

2.138 Development permitted with consent

Development for the purpose of a stormwater management system may be carried out by any person with consent on any land.

In accordance with this SEPP, part of the proposed application involving the drainage works would be defined as a *stormwater management system* which is defined as:

stormwater management system means—

- works for the collection, detention, harvesting, distribution or discharge of stormwater (such as channels, aqueducts, pipes, drainage works, embankments, detention basins and pumping stations), and*
- stormwater quality control systems (such as waste entrapment facilities, artificial wetlands, sediment ponds and riparian management), and*
- stormwater reuse schemes.*

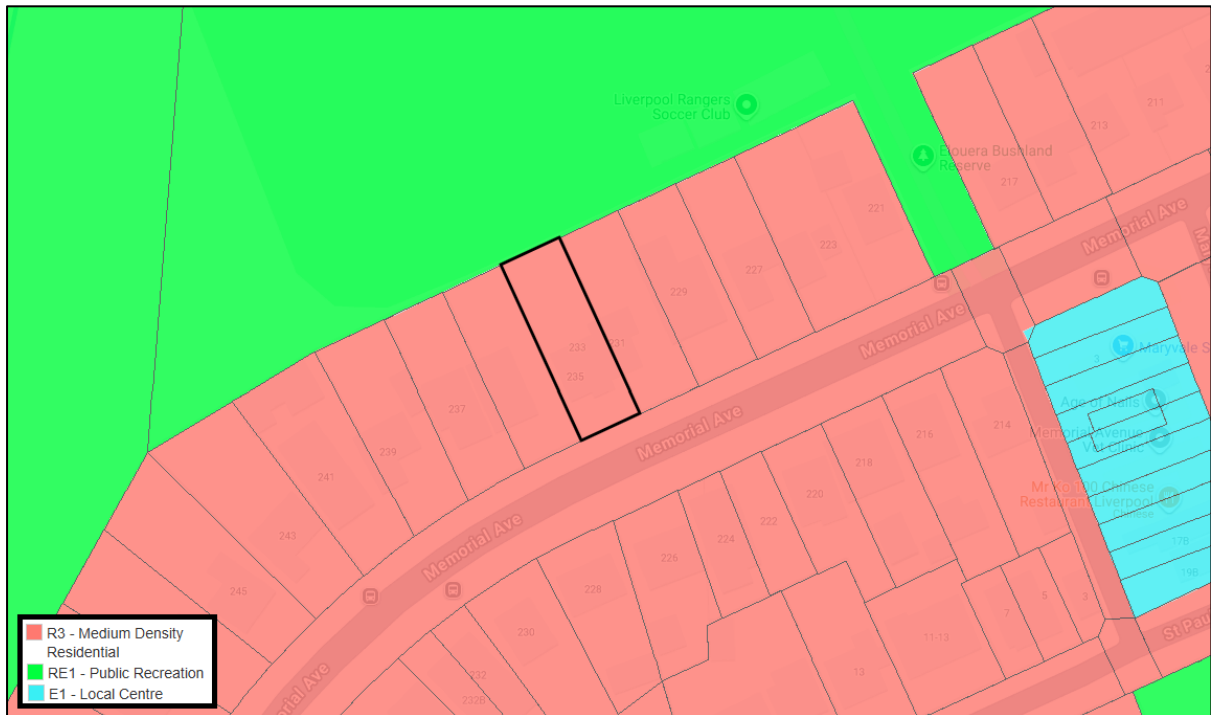


Figure 14: Zoning Map of Subject Site for the multi-dwelling development (Source: Liverpool ePlan)

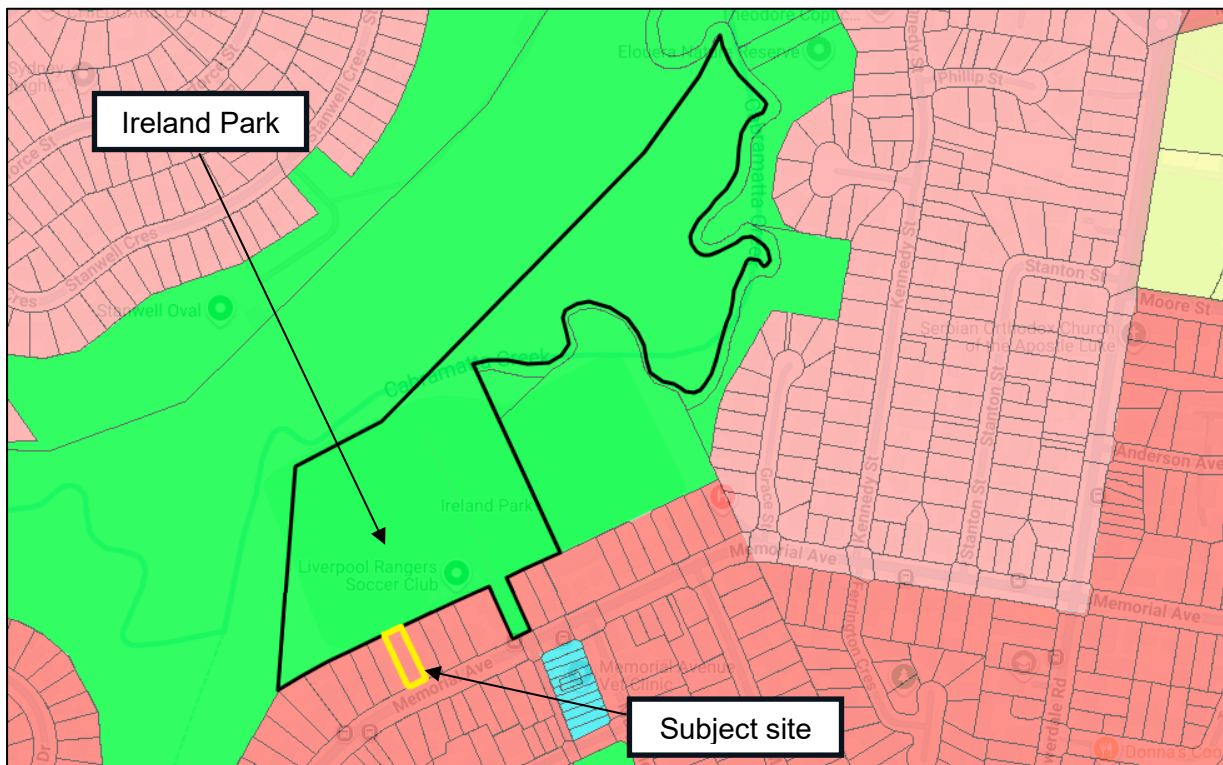


Figure 15: Zoning map of subject sites 233 Memorial Avenue Liverpool (multi dwelling site) outlined in yellow, 147 Cartwright Avenue Sadlier (drainage easement site) outlined in black (Source: Liverpool ePlan).

(iii) Other LEP Provisions

An assessment of the proposal against the other relevant provisions in Liverpool LEP 2008 is provided in the following table of compliance.

Liverpool LEP 2008			
Control	Requirement	Proposed	Comment
2.6 Subdivision	Subdivision requires consent.	No subdivision proposed	Not Applicable
2.7 Demolition	Demolition requires consent.	A demolition plan has been submitted and is considered satisfactory. Appropriate conditions would be imposed if consent were granted.	Complies
4.1 Minimum subdivision lot size	The size of any lot resulting from a 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: 300m ²	No subdivision proposed. Existing site: 695.6m ²	N/A
4.3 Height of buildings	The HoB prescribed by the LLEP is 8.5m	The proposal has a maximum height of approximately 7.556m.	Complies
4.4 Floor space ratio	The FSR prescribed by the LLEP is 0.5:1	The maximum floor space ratio for the site is 0.5:1 (or 347.8m ² GFA). The proposed FSR is: 400.5 : 695.6 0.57.5 : 1 This is consistent with the additional 30% permissible FSR provision under the Housing SEPP.	Complies pursuant to SEPP (Housing) 2021
4.6 Exceptions to development standards	Provisions relating to exceptions to development standards	No variations are sought.	N/A
5.10 Heritage conservation	To protect and conserve existing items/locations identified as containing significant	The site is not identified as being a heritage item, adjoining a heritage item or mapped within a heritage conservation area.	N/A

	heritage value		
5.21 Flood Planning	Council to consider matters listed 2(a)-(e) and 3(a)-(d)	The rear of the site is within the PMF. The proposed development is considered compatible with the flood behaviour of the land, and is not anticipated to have adverse effects on the environment, other properties, occupation or efficient evacuation. Councils Floodplain Engineering Section raises no objection to the DA subject to standard conditions of consent.	Complies
7.7 Acid sulfate soils	Class 1, 2, 3, 4 or 5	The site is not identified as containing acid sulfate soils.	N/A
7.31 Earthworks	Council to consider matters listed (a)-(g)	Minor earthworks involve site regrading is required. Standard conditions of consent are recommended.	Complies by condition

5.2. Section 4.15(1)(a)(ii) – Any Draft Environmental Planning Instruments

There are no draft EPIs applicable to the site.

5.3. Section 4.15(1)(a)(iii) – Any Development Control Plan

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

- Part 1 of the LDCP 2008, which covers general controls relating to all types of development within the Liverpool LGA;.
- Part 3.6: Multi Dwelling Housing (Villas and Townhouses) in the R3 and R4 zones.

The proposal is considered to be generally consistent with the key controls outlined in the Liverpool Development Control Plan 2008. All relevant compliance tables for the LDCP 2008 can be found in Report **Attachment 2**. Matters where variations to the development controls occur are also provided below.

Liverpool DCP 2008			
Clause	Control	Assessment	Compliance
Part 3.6 Multi Dwelling Housing in the R3 and R4 zone			
3. Site Planning	The siting of the dwellings shall be orientated to maximise solar access to both external courtyards	The shadow diagram submitted with the application indicates that 3 of the proposed units receive more than 3 hours of solar access to their private open	Considered Acceptable

	and internal living areas.	space and internal living areas on 21 June. U1's private open space and internal living area receives slightly less than 3 hours.	
	<p>Variation* <i>The lack of solar access to U1's private open space and internal dwelling is considered acceptable given the constraints posed by the site conditions including orientation and size. The front of the site is also affected by overshadowing from the neighbouring dwelling to the northeast.</i></p> <p><i>This outcome aligns with solar access standards for in-fill affordable housing in clause 19(2)(d) of the Housing SEPP which require living rooms and private open spaces in at least 70% of the total dwellings to receive three hours of direct solar access between 9am and 3pm on winter solstice.</i></p>		
<p>4. Townhouse and Villa development on an 18m frontage block</p>	At least two dwellings must have a maximum floor space of 80sqm. - These dwelling must have a maximum of two bedrooms. - These dwellings must have a carport, rather than a garage. This control applies over Section 7 – Car Parking and Access.	U1 (2-bed): 99m ² U2 (2-bed): 99.93m ² U3 (2-bed): 99.5m ² U4 (3-bed): 131.72m ² All proposed dwellings exceed 80sqm in total floor space. Three of the four units have two bedrooms except for U4 which contains three bedrooms. All dwellings contain a garage.	Considered Acceptable
	<p>Variation* The proposed floor area and internal layout for all dwellings results in a development scale that is considered compatible with surrounding development density. Conditions are imposed to ensure that U1, U2 and U3 remain as two-bedroom dwellings.</p>		
	Dwellings at the rear of the property must not be more than 1 storey high. An attic is permitted. - The rear of the property for Section 4 means all land 15m from the rear property boundary.	The proposed design of Unit 4 does not adequately show the upper floor as an attic.	Considered Acceptable
	<p>Variation* <i>The proposed design of Unit 4 does not adequately show the upper floor as an attic.</i></p> <p>a. <i>An attic as defined in the Standard Instrument — Principal Local Environmental Plan means any habitable space, but not a separate dwelling, contained wholly within a roof above the ceiling line of the storey immediately below, except for minor elements such as dormer windows and the like.</i></p>		

	<p><i>b. The proposed design rather presents as a second storey with its own independent roof and there cannot be considered as an attic area.</i></p> <p><i>Despite this discrepancy, the applicant has demonstrated consistency with existing developments in the area that have a two-storey form at the rear. The scale and massing are considered compatible with the streetscape and existing built form. The rear boundary faces a public park and will not have adverse visual impacts on the open space. The scale and massing are consistent with the density provisions and zoning under the Liverpool LEP 2008 and the maximum FSR standard in the SEPP (Housing) 2021 In the circumstances, it is considered reasonable for the additional FSR / GFA afforded under the SEPP (Housing) 2021 to be provided as a second storey in the rear dwelling.</i></p>		
<p>5. Setbacks</p>	<p><u>Front Setbacks:</u> Ground Floor – 4.5m First Floor – 5.5m</p>	<p>Unit 1 is the only street facing unit: Ground Floor: 4.5m setback First Floor: 5.5m setback</p> <p>Units 2 to 4 are compliant by means of being located behind Unit 1.</p>	<p>Complies</p>
	<p>Verandahs, balconies, eaves and other sun control devices may encroach on the minimum front and secondary setback by up to 1m*</p>	<p>Unit 1 is the only street facing unit: First Floor: 4.01m to balcony</p> <p>The Unit 1 balcony encroaches on the minimum 5.5m front setback by 1.49m.</p>	<p>Considered Acceptable</p>
<p><i>Variation*</i> <i>The encroachment is unlikely to have a significant impact on the appearance of the building from the streetscape.</i></p>			
	<p><u>First Floor:</u> <u>Side and Rear setbacks</u></p> <p>First floor without windows to habitable rooms Side – 1.2m Rear – 4.5m</p> <p>First floor with windows to habitable rooms and neighbouring private open space Side – 4.0m Rear – 6.0m</p>	<p><u>Unit 1</u> Adjoining Unit 2 Eastern side: 4.664 m to balcony Western side: 1.62m</p> <p><u>Unit 2</u> Adjoining Unit 3 and Unit 1. Eastern side: 3.9m Western side: 4.35m</p> <p><u>Unit 3</u> Adjoining Unit 4 and Adjoining Unit 2. Eastern side: 3.9m Western side: 4.35m</p> <p><u>Unit 4</u> Eastern side: 3.063m to balcony</p>	<p>Considered Acceptable with condition*</p>

		Western side: 1.73m Rear: 4.12m <i>The variations to the side setback of U2 and U3 are minor (3.9m) and considered reasonable.</i>	
	<p>Variation* <i>Windows to habitable rooms on the western boundary particularly of Units 1 and 4 have a view to neighbouring private open space. The setback is considered acceptable provided that high windowsills are provided and screening devices or frosted materials are applied as proposed and conditioned. The rear window in the U4 bedroom is unlikely to have adverse visual privacy impacts on neighbouring development as it is oriented toward a public reserve.</i></p>		
6. Landscaped Area and Private Open Space	A minimum of 20% of the site area shall consist of a Landscape Area, this may include lawn, deep rooted trees, garden beds and mulched areas.	Site Area: 695.60m ² Landscape Area provided: 181.36m ² (26%).	Complies
	A minimum unincumbered area of 4 x 5m shall be provided in rear setback to accommodate deep rooted trees.	U1: 3.7m to 4.5m x 7.2m provided within the front setback U2: 3m x 5.7m U3: 4.2m x 5.7m U4: 3.8m x 8.7m	Considered acceptable*
	<p>Variation* <i>The unencumbered landscaped dimension of less than 4m in part and its location within the front setback in U1 are considered acceptable given the unencumbered landscaped area is much larger than the minimum 20sq.m, and as it allows for the planting of deep soil trees that will contribute positively to the streetscape as demonstrated by the proposed three trees that are integrated with the verge, enhancing the landscape character and providing a continuous canopy.</i> <i>U2, U3 and U4: Although the width of part of the main unincumbered area of deep soil zone provided for U2, U3 and U4 is slightly under the minimum dimensions, the departure is considered acceptable as the overall deep soil zone area is larger than the minimum 20sq.m area.</i></p>		
	Private Open Space must be provided by dwelling size as follows: Small <65m ² = 30m ² Medium 65 – 100m ² = 40m ²	U1 (medium): 47.82m ² U2 (medium): 36.52m ² * U3 (medium): 36.90m ² * U4 (large): 50.10m ² <i>Measurements excluding rainwater tank</i>	Complies for U1 & U4. Considered Acceptable for U1, U2 and U3

	Large > 100m ² = 50m ²		
	<p>Variation* The proposed areas of POS shown above for U2 and U3 are relatively minor departures from the minimum 40m² and considered acceptable in the following circumstances.</p> <ul style="list-style-type: none"> The proposed private open space meets the objectives of the control in providing for outdoor activities in a clearly defined space for private use that is directly accessible from the main living area, landscaped, screened and meets the solar access requirements in the DCP as well as the SEPP. The proposed private open space meets the solar access standards for in-fill affordable housing in the Housing SEPP. For U2 and U3, the applicant submitted amended plans as requested by Council to setback the rear wall of the garages as far as possible from the adjacent boundary to increase the PoS to an acceptable area. The garage has been amended to the minimum size and is unable to be set back further. The proposed departures are less than 10% from the minimum and relatively minor. The site is adjacent to public open space which provides abundant recreational opportunities. 		
	Private Open Space must be directly accessible from the main living area.	POS is directly accessible from the main living area.	Complies
	A minimum of 50% of the Private Open Space must receive 3 hours of sunlight between 9:00am and 5:00pm on 21 June.	Shadow diagrams submitted with the application show U2, U3 and U4 comply, and U1 achieves 3 hours of sunlight but to less than 50% of the proposed private open space.	Complies for U2, U3, U4. Considered Acceptable for U1
	<p>Variation* The lack of solar access to U1's private open space is considered acceptable given the constraints of the site and large area of private open space that is 60% more than the minimum. The front of the development is also affected by overshadowing from the neighbouring dwelling to the northeast.</p>		
Building Design and Appearance	The first floor of the townhouse developments must be no greater than two thirds of the ground floor area.	U1: GF: 44.48m ² FF: 54.13m ² (122%) U2: GF: 34.86m ² FF: 58.52m ² (168%) U3: GF: 34.78m ² FF: 55.58m ² (160%) U4: GF: 53.25m ² FF: 64.90m ² (122%)	Considered Acceptable*
	<p>Variation* While the first-floor area of all townhouse units exceeds two thirds of the ground floor area, there are several existing multi dwelling housing properties in the vicinity of the subject site that exhibit similar bulk and scale. The</p>		

	<i>proposed development is considered to be consistent with the character of the area, and is also reasonable upon consideration of the bonus floor space provided for an affordable housing component.</i>		
	Balconies are not permitted on the first floor of the side and / or rear portion of the dwelling.	Balconies are located on the side of Units 1 & 4.	Considered Acceptable
	<p>Variation* <i>Balconies to the side elevations are considered acceptable as the inclusion of full-length architectural louvres provides an effective privacy treatment. The louvres mitigate overlooking impacts to adjoining properties while still allowing for natural ventilation and daylight access, thereby balancing amenity and privacy outcomes.</i></p>		
Internal Design	Each dwelling must provide a minimum storage area of 8m ³ .	U1 (2-bed): 11.05m ³ U2 (2-bed): 5.38m ³ U3 (2-bed): 6.42m ³ U4 (3-bed): 10.01m ³	Considered Acceptable
	<p>Variation* <i>The proposed internal layout of U2 and U3 and the space in the garages is likely able to accommodate additional storage to satisfy the requirements of the control and needs of the residents.</i></p>		
8. Car Parking and Access	<u>Internal Driveway and Car Parking layout</u> Minimum Internal Driveway Width permitted: 6-6.5m	The internal driveway width varies from 4.5m – 6m. It maintains a 6m width next to the garages where vehicles manoeuvre.	Considered Acceptable
	<p>Variation* <i>The application was referred to Councils Traffic & Transport officer who consider the proposed driveway access to be acceptable. The application is supported by a Traffic Impact Assessment that includes swept path analysis demonstrating that the driveway width can comfortably accommodate vehicular movements.</i></p>		
9. Landscaping and Fencing	A 2m wide landscaped area shall be provided between an internal driveway and a property boundary to provide privacy to the adjoining property and to soften the appearance of the internal driveway	The application proposes 0.5m wide deep landscaped area along part of the boundary next to the internal driveway.	Considered Acceptable
	<p>Variation* <i>The landscaped areas contribute to visual interest and softens the appearance of the paved area. The proposed driveway width is considered necessary to accommodate safe vehicular access and car parking within the development. Privacy to the adjoining property is to be maintained through</i></p>		

	<i>wide side setbacks across the driveway, high sills for windows and screening devices.</i>	
Fencing	<p><u>Primary Frontage</u> The maximum height of a front fence is 1.2m.</p> <p>The front fence may be built to a maximum height of 1.5m if the fence is setback 1m from the front boundary with suitable landscaping in front of the proposed.</p> <p>Fences should not prevent surveillance by the dwelling's occupants of the street or communal areas.</p> <p>The front fence must be 30% transparent.</p> <p>Front fences shall be constructed in masonry, timber, metal pickets and/or vegetation and must be compatible with the proposed design of the dwelling.</p> <p><u>The front fence may be built to a maximum of 1.8m only if:</u></p> <ul style="list-style-type: none"> -The primary frontage is situated on a Classified Road. -The fence is articulated by 1m for 50% of its length and have landscaping in front of the articulated portion. -The fence does not impede safe sight lines 	<p>The proposed front fence is 1.575m high.</p> <p>Considered Acceptable</p>

	<p>from the street and from vehicles entering and exiting the site.</p> <p>Front fences are to be constructed of materials compatible with the proposed design of the dwelling.</p>		
<p>Variation*</p> <p><i>The proposed front fence is 1.575m high with two 0.5m deep landscaping bays along the site boundary to provide articulation and visual interest. The proposed materials of the fence comprise masonry and slats consistent with those used for the townhouses.</i></p> <p><i>The proposed design has over 50% transparency allowing surveillance of the public domain while preserving the privacy of U1's open space forward of the building line.</i></p> <p><i>Notwithstanding the maximum fence heights, the front fence satisfies the objectives of Part 3.6 of the Liverpool DCP 2008 as it clearly distinguishes public domain and private open space and enhances the streetscape through a cohesive, articulated design.</i></p>			
	<p><u>Boundary Fences</u></p> <p>The maximum height of side boundary fencing within the setback to the street is 1.2m.</p> <p>Boundary fences shall be lapped and capped timber or metal sheeting.</p>	<p>The NE brick wall fences on either side of the driveway are within the permitted height.</p> <p>The maximum height of the SW side boundary fence within the front setback is 1.59m.</p> <p>The boundary fences are 1.8m Colourbond behind the building line. Within the front setback, the side boundary fencing uses brick wall or brick wall with slats above.</p>	<p>Considered Acceptable*</p>
<p>Variation*</p> <p><i>The variation to fence height is considered acceptable given the topography of the site and will minimise overlooking to U1 private open space. The boundary fencing primarily use metal sheeting. The masonry and masonry/aluminium components are restricted to a section of the fencing and are unlikely to have a significant visual impact on the streetscape and adjoining properties.</i></p>			

The proposed development is generally consistent with the provisions of the Liverpool DCP. Variations from some controls are considered reasonable and satisfactory where the proposal demonstrates consistency with the objectives, and no unreasonable environmental impacts, and

taking into account the bonus floorspace provided for an affordable housing component under the SEPP (Housing) 2021. The development is considered acceptable in this instance.

5.1. Section 4.15 (1)(a)(iia) Any Planning Agreement or Draft Planning Agreement

There are no draft planning agreements or planning agreements that apply to the site.

5.2. Section 4.15 (1)(a)(iv) – The Regulations

Environmental Planning and Assessment Regulation 2021

Part 3- Development Applications.	Comment	Complies
Division 1, Clause 26 – Information about affordable housing development.	<p>(1) A development application for development to which <i>State Environmental Planning Policy (Housing) 2021</i>, Chapter 2, Part 2, Division 1, 2 or 5 applies must specify the name of the registered community housing provider who will manage—</p> <p>(a) for development to which Division 1 applies—the affordable housing component, or</p> <p>(b) for development to which Division 2 applies—the boarding house, or</p> <p>(c) for development to which Division 5 applies—the dwellings used for affordable housing.</p>	<p>Yes.</p> <p>The application identified Community Housing Corner Pty Ltd as the registered community housing provider responsible for management of the affordable housing unit.</p>

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

Heads of Consideration	Comment
Built Environment	The scale of the proposed multi dwelling housing is compatible with recent existing development within the vicinity. An assessment against the applicable EPIs and DCP indicate that the development is unlikely to have any significant visual or amenity impacts on the two dwellings neighbouring the site provided that the mitigation measures are incorporated. Elements including external louvres around the balcony and high sill windows provide adequate screening and visual separation to prevent overlooking and maintain privacy between properties.
Natural Environment	The proposed development is unlikely to have unreasonable adverse impacts on the natural environment as it complies with relevant provisions in the applicable environmental planning instruments and development control plan. It provides sufficient landscaped and deep soil planting area. The site does not pose any environmental risks.
Social and Economic Impacts	The proposed development will have a positive social and economic impact as it contributes to increasing housing supply and diversity in

	housing choices, including with an affordable housing component, in proximity to public transport and other essential infrastructure.
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5.4. Section 4.15 (1)(c) – The Suitability of the Site for the Development

The site is considered suitable for the proposed multi dwelling housing as it is zoned R3 Medium Density Residential to permit it and has compatible surrounding residential uses, suitable residential amenity, road access and utility services infrastructure available, adequate size and dimensions, and prohibitive environmental risks or constraints.

The development is also considered to be consistent with the Generic Plan of Management for Parks 2007, which is the relevant plan of management for the Council owned land at Lot 737 DP 533701, commonly known as 147 Cartwright Avenue, Sadlier (Ireland Park), which is classified as community land. The plan of management permits easements over this land.

5.5. Section 4.15 (1)(d) – Any Submissions made in relation to the Development

(a) Community Consultation

The proposal was required to be notified to properties within a 75m radius in accordance with the Liverpool City Council Community Engagement Strategy 2022. The application was notified from 21 July and 7 August 2025. The application was placed on further exhibition for 28 days between 14 October and 11 November 2025. A total of three (3) unique submissions were received objecting to the proposal.

The issues of concern raised in the submissions can be summarised as follows:

Community Concern Raised	Applicant Response	Assessing Planner Comment
<p>Issue 1: Adjoining RE1 Recreation Land <i>The proposed stormwater works encroach on neighbouring RE1 zoned land. It must be demonstrated how the proposed works achieve the objectives of this zone, particularly given the location of Elouera Bushland Reserve.</i></p>	<p>The proposed stormwater design includes drainage via an easement through the Public Recreation Land to the rear of the site. Details confirming Council's agreement to the easement has been submitted with the application. The stormwater system has been designed in accordance with Council's requirements to ensure there are no adverse impacts on adjoining properties or the adjoining public land. The proposed development relates to the subject property only (being R3 zoned land) and is subject to the execution of the easement on adjoining land which will be suitably conditioned.</p>	<p>The proposed stormwater works will be underground and are unlikely to have adverse impacts on the adjoining public reserve or its use as a recreational open space after a brief construction period. These works are permitted with consent within the RE1 Private Recreation zone.</p>
	<p>The development is not</p>	

	inconsistent with the relevant objectives of the RE1 zoned land noting that an existing drainage infrastructure sits adjacent to the proposed easement.	
<p>Issue 2: Potential Contamination Given the age of the existing building the site may be impacted by asbestos and other harmful materials such as lead based paints, etc. What potential contaminants have been identified and how will safe removal/ demolition/ disposal be managed.</p>	<p>A Preliminary Site Investigation has been prepared in support of the application and is provided as an attachment to this letter. The investigation concludes the site is suitable for its intended use subject to the implementation of the recommendations and no further investigation is required.</p> <p>The recommendations include the carrying out of a Hazardous Building Materials Survey and dismantling of the building by an appropriately licensed asbestos removalist if any asbestos is found.</p> <p>Suitable conditions of consent can be imposed in line with recommendations and to manage any unexpected finds during the construction of the development.</p>	<p>The Preliminary Site Investigation confirms that the site is suitable for residential use and does not require any further investigation. The consent contains measures to ensure appropriate management of any contamination identified in the construction stage. The application was also referred to Council's Environmental Health Section who raised no objection to the contamination reporting subject to conditions.</p>
<p>Issue 3: Privacy Given the size and location of the two-storey units how will neighbouring privacy be protected.</p>	<p>The amended design of the development incorporates suitable setbacks and privacy measures in the form of high sill windows, fencing and landscaping to ensure that adequate visual privacy and amenity is maintained to adjoining developments.</p>	<p>The proposed development has sufficient side setbacks to ensure visual privacy to adjoining properties. Fencing, landscaping, high sill windows and architectural louvres around the first floor balconies provide additional screening.</p>
<p>Issue 4: Stormwater Runoff How will stormwater runoff onto neighbouring properties be managed.</p>	<p>The stormwater system has been designed in accordance with Council's requirements to ensure there are no adverse impacts on adjoining properties or the adjoining public land. Suitable conditions of consent will be imposed to ensure appropriate management of stormwater runoff.</p>	<p>The proposed stormwater infrastructure is sufficient to manage stormwater runoff and prevent adverse impacts to neighbouring properties. The application was also referred to Council's Land Development Engineering Section who raised no objection to the stormwater design subject to conditions.</p>

<p>Issue 5: Concrete / Landscaped Area <i>The site proposes a significant concrete area with less green space, how is this environmentally friendly and consistent with the desired character of the area.</i></p>	<p>The proposed development achieves a landscaped area of 201m² and complies with the minimum landscaped area requirements of 35m² per dwelling (140m²) as required under Clause 19 of the State Environmental Planning Policy (Housing) 2021 as detailed in the Amended Architectural and Landscape Plans provided as an attachment to this letter.</p> <p>The proposed driveway has been designed to provide the most efficient and effective circulation space with regard to the design of the development and surrounding context. The driveway design incorporates landscaping where possible on the boundary (with a mature height of 2.5m) and adjacent to the proposed dwellings to provide visual separation and amenity where possible. The design of the development and landscaping provided is consistent with a range of medium density multi dwelling housing developments in the area as set out in this letter.</p>	<p>The proposed development has a total landscaped area of 201m² including deep soil planting area which complies with the minimum area in the SEPP (Housing) 2021. The proposed driveway is necessary to enable vehicular access and circulation to, from and within the development.</p>
<p>Issue 6: Car Parking <i>The proposal incorporates a single garage to each unit. Many households have two vehicles, how will this be accommodated for? How is visitor parking accommodated for? It should be noted that there is limited street parking, particularly given its location next to a sports field, the street is extremely congested during sports season.</i></p>	<p>The proposed development provides adequate car parking and complies with the minimum requirements of the Housing SEPP. The Housing SEPP does not provide a specific visitor parking rate, and any visitor parking requirements are therefore captured within the applicable rates. Furthermore, the development provides appropriate bicycle storage for each dwelling, promoting non-vehicular transport and ensuring all required parking is accommodated onsite.</p>	<p>The proposed number of off-street car parking spaces is considered acceptable for the anticipated need generated by the development being 0.5 spaces for the affordable housing component and 3.5 spaces for the non-affordable component in compliance with the SEPP (Housing) 2021. The proposal was referred to Council's Traffic Section, who supported the parking arrangement, subject to conditions.</p>
<p>Issue 7: Ireland Park traffic <i>How will the increased traffic to Ireland Park and lack of</i></p>	<p>As above, the development provides compliant car and bicycle parking onsite. The</p>	<p>The proposed development provides four garage car parking spaces and one visitor</p>

<p><i>street parking availability be accommodated for.</i></p>	<p>development does not rely on street parking.</p>	<p>car parking space. This is considered satisfactory to meet the anticipated need and complies with the parking rate in SEPP (Housing) 2021. The proposal was referred to Council's Traffic Section, who supported the access and parking arrangements to the site.</p>
<p>Issue 8: Street Parking <i>While street parking between 8am-6pm Mon to Fri is not a major issue, how can the proposed development accommodate for the lack of street parking at other times, including weekends?</i></p>	<p>As above, the development provides compliant car and bicycle parking onsite. The development does not rely on street parking.</p>	<p>The proposed development provides sufficient car and bicycle parking spaces to meet parking needs in compliance with the compliance with the SEPP (Housing) 2021. The proposal is not expected to have a detrimental impact on on-street parking.</p>
<p>Issue 9: Street Width / Safety <i>Given that proposed development fronts a significantly narrower section of Memorial Avenue how is safety addressed. It is noted that Memorial Avenue is a bus corridor.</i></p>	<p>Compliant vehicular access and car parking is provided as part of the development. A detailed Swept Path Analysis demonstrating compliance was provided as part of the Traffic Impact Assessment submitted with the DA.</p>	<p>Resident vehicles will be able to enter into and exit out of the site in a forward direction. The Traffic Impact Assessment demonstrates that the proposed development will generally comply with AS2890.1 design criteria and is sufficient to accommodate all critical vehicle movements. Certification will be conditioned to ensure that vehicular access and manoeuvring are in accordance with the relevant Australian Standards. The proposal was referred to Council's Traffic Section, who supported the application, subject to conditions.</p>
<p>Issue 10: Bulk, Visual amenity and privacy <i>The 4 households present as one long continuous 2 storey building set close the side boundary with windows facing neighbouring properties.</i></p>	<p>-</p>	<p>The scale, density, height and form of the proposed building complies with the maximum floor space ratio , building height and side and rear setback controls applying to the site, and is generally</p>

		<p>consistent with the form of other relatively recent multi-dwelling housing projects in the street. The proposed built form includes an appropriate degree of modulation along the length of the building envelope, and appropriate degree of articulation with varying materials and finishes in the elevation / façade design.</p> <p>Where windows face neighbouring properties with potential impact on visual privacy, this has been addressed by high level windows being provided in the DA plans, or by a recommended condition of consent requiring these windows to have external screening element or frosted glass.</p>
<p>Issue 11: Acoustic privacy <i>The addition of 4 households will result in increased noise.</i></p>	<p>-</p>	<p>The proposed development is for the purpose of housing which is entirely compatible with the residential zone and surrounding residential and open space uses.</p> <p>Standard conditions of consent are recommended to manage noise at construction stage and to ensure noise from the operation of the use meets relevant noise standards.</p>
<p>Issue 12: Bulk and overshadowing <i>The long townhouse structure will reduce solar access to neighbouring properties.</i></p>	<p>-</p>	<p>Shadow diagrams submitted with the DA show that the shadow impact on adjacent properties is minor, and adjacent properties will continue to receive more than 3 hours of solar access between 9am and 3pm in the winter solstice.</p>

<p>Issue 13: Water run-off <i>The increased hardstand area may result in increased water and mud run-off.</i></p>	<p>-</p>	<p>A stormwater management plan is submitted with the DA that includes on-site detention and water quality control measure. Council's Land Development Engineering Section raises no objection subject to standard conditions of consent and a deferred commencement condition for creation of an easement over the adjoining Council reserve.</p>
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(b) Internal Referrals

The following comments have been received from Council's internal departments:

DEPARTMENT	COMMENTS
Building	No objection, subject to conditions of consent.
Land Development Engineering	No objection, subject to conditions of consent.
Environmental Health	No objection, subject to conditions of consent.
Flood Engineering	No objection, subject to conditions of consent.
Property Services	<p>No objection, subject to conditions of consent.</p> <p><i>A deferred commencement consent condition will be required for creation of the proposed drainage easement over Council land which require a separate drainage easement application to Council's property team with payment of an administration fee in accordance with Council's fees and charges and agreement by the applicant to meet all Council's costs in this matter which including but not limited to; administration fees, valuation fees for the drainage easement compensation, legal fees etc. The proposed drainage easement over Council land will be subject to approval by a resolution of Council.</i></p>
Traffic and Transport	No objection, subject to conditions of consent.
Waste Management	No objection, subject to conditions of consent.

(c) External Referrals

The following comments have been received from external referral bodies:

DEPARTMENT	COMMENTS
Sydney Water	No objection, subject to conditions of consent.

5.6. Section 4.15(1)(e) – The Public Interest

The objects of the Act, of relevance to the matters associated with this proposal, are as follows:

- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (g) to promote good design and amenity of the built environment,*
- (e) the public interest.*

The subject development is considered to be within the public interest for the following reasons:

- The proposed development delivers new affordable housing supply in accordance with the character of the local area.
- The proposed development is designed in accordance with requirements of Sustainable Buildings SEPP and incorporates principles of ecologically sustainable development.
- The proposed use is consistent with the objectives of the R3 zone contributing to the diversity of housing options in the area.
- The proposed design considers amenity with measures to mitigate any undesirable environmental impacts on adjoining public domain.

Accordingly, the proposed development is consistent with Clause 1.3 (b), (c), (d) and (g) of the Environmental Planning and Assessment Act 1979. Therefore, approval of the proposed development would be within the public interest given the application is generally consistent with the objects of the Act and key controls as discussed above.

6. DEVELOPER CONTRIBUTIONS

7.11 Contributions: Contributions are applicable to the proposed development, in accordance with the Liverpool Contributions Plan 2018 – Established Areas. A condition of consent would be imposed to ensure that the Section 7.11 contributions associated with DA-317/2025 are paid prior to the issue of a construction certificate.

Housing Productivity Contribution (HPC): Pursuant to the EP&A (Housing and Productivity Contributions) Order 2024 a HPC is required for residential development. Residential development means any of the following-

- (a) subdivision of land (other than strata subdivision) on which development for the purposes of residential accommodation is permitted with development consent by an environmental planning instrument applying to the land (residential subdivision),*
- (b) medium or high-density residential development,*
- (c) development for the purposes of a manufactured home estate.*

Pursuant to *Schedule 1 Definitions and Interpretation* the proposed multi-dwelling development falls under medium or high-density residential development. As the proposal involves the conversion of one type of residential accommodation to another (dwelling to multi-dwelling) the HPC applies to the number of dwellings proposed (4) less the existing dwelling (1), resulting in 3 dwellings for the purposes of the HPC calculation.

However, pursuant to *Schedule 2 Exemptions from Housing and Productivity Contribution* development for affordable housing that is to be managed by a registered community housing provider is exempt. Given that Unit 2 is nominated for affordable housing purposes the HPC does not apply. Therefore, the HPC is only applicable to 2 dwellings for the purposes of the HPC calculation.

A condition of consent would be imposed requiring the applicant to pay contributions in accordance with the related contribution application CON-45555 before the issue of the first construction certificate.

Special Infrastructure Contributions (SIC): The subject site is located outside of the Western Sydney Growth Area and as such a SIC does not apply.

7. CONCLUSION

Having regard to the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979, the proposed development is considered satisfactory with the following matters noted:

- The proposed development complies with the relevant provisions of the applicable Environmental Planning Instruments including relevant SEPPs, the Liverpool LEP, and the Liverpool DCP, with departures from some DCP controls considered reasonable in the circumstances.
- Environmental impacts have been assessed, minimised and considered reasonable.
- The site is suitable in its zoning, adjacent compatible land uses, infrastructure availability and no prohibitive environmental constraints.
- The proposal is in the public interest particularly in contributing to diversity of housing choices and affordable housing.

8. RECOMMENDATION

That pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act, 1979, the Development Application DA-317/2025 for four multi-dwelling townhouses on Lot 63 DP 25142 at 233 Memorial Avenue, Liverpool, and proposed drainage easement on Lot 737 DP 533701 at 147 Cartwright Avenue, Sadlier NSW 2168, be **approved by deferred commencement consent subject to conditions** as stated in the draft Notice of Determination at Attachment 1.

ATTACHMENTS

1. Draft Notice of Determination DA-317/2025
2. Liverpool Development Control Plan (LDCP) 2008 - Compliance Tables
3. Architectural Plans Rev C
4. Sydney Water
5. Statement of environmental effects
6. Traffic Impact Assessment



NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application number	DA-317/2025 PAN-546700
Applicant	Khaled Kabbout 1/556-560 Hume Highway Yagoona
Description of development	Proposed demolition of existing structures and construction of a 4-townhouse development with one (1) dwelling for affordable housing, landscaping, fencing, & stormwater management works including easement proposed on the adjoining reserve
Property	233 MEMORIAL AVENUE LIVERPOOL NSW 2170 Lot 63 DP25142 147 CARTWRIGHT AVENUE, SADLIER NSW 2168 Lot 737 DP 533701
Determination	Deferred commencement Consent Authority – Local Planning Panel
Date of determination	
Date from which the consent operates	
Date on which the consent lapses	

Under section 4.18(1) of the EP&A Act, notice is given that the above development application has been determined by the granting of consent using the power in section 4.16(1)(a) of the EP&A Act, subject to the conditions specified in this notice.

Reasons for approval

This Development Application be **APPROVED** pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979 and subject to the conditions of consent.

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.

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.

Name

Position

Person on behalf of the consent authority

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

Part 1**Deferred Commencement**

Development consent shall be deferred pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 and the consent does not operate until the submission of the following to the satisfaction of Council:

1) The applicant shall submit valid/updated documentary evidence that the proposed Deed of Agreement to Grant Easement over Lot 737 DP533701 (Ireland Park) has been executed between the developer and Liverpool City Council for stormwater drainage works and that the creation of the easement (minimum 1.2m wide) over the drainage pipeline proposed in Ireland Park has been registered with NSW Land Registry Services.

The item raised within Part 1, above, is to be addressed within twenty-four (24) months of the date shown on Council's determination notice. The consent shall become operative once Council has notified the applicant in writing that the evidence submitted in response to the "Deferred Commencement" condition is acceptable.

Part 2**General Conditions**

1	(A002) Approved plans and supporting documentation			
Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.				
Approved plans				
Plan number	Revision number	Plan title	Drawn by	Date of plan
A1.0	C	Site Plan	Cedar Design	03/09/2025
A1.2	C	Demolition Plan	Cedar Design	03/09/2025
A1.6	C	Cut & Fill Plan	Cedar Design	03/09/2025
A2.0	C	Proposed Plan – Ground Floor	Cedar Design	03/09/2025
A2.1	C	Proposed Plan – First Floor	Cedar Design	03/09/2025
A2.2	C	Proposed Plan – Roof	Cedar Design	03/09/2025
A2.3	C	Fence Plan	Cedar Design	03/09/2025
A2.4	C	Retaining Wall Plans	Cedar Design	03/09/2025
A3.0	C	NW&SE Elevations	Cedar Design	03/09/2025
A3.1	C	NW&SE Elevations & Sections	Cedar Design	03/09/2025
A5.1	C	Schedules of Finishes	Cedar Design	03/09/2025
A5.2	C	Streetscape Analysis	Cedar Design	03/09/2025
L/01	B	Landscape Plan	Bluegum Design	22/09/2025
L/02	B	Landscape Details	Bluegum Design	22/09/2025

	<p>In the event of any inconsistency between the approved plans above and approved documents below the approved Plans prevail.</p> <p>In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.</p> <p>Condition reason: To ensure all parties are aware of the approved plans that applies to the development.</p>			
2	Approved Documents			
	Document title	Version number	Prepared by	Date of document
	Waste Management Plan	1	Dickens Solutions	22/01/2025
	BASIX Certificate	Certificate No: 1783801M_02	Certified Energy	04/06/2025
	NatHERS Certificate	Certificate No: #HR-VSZVRL-02	Certified Energy	17/02/2025
	Bushfire Hazard Assessment Report	B	Control Line Consulting	18/03/2025
	Demolition Statement	-	Cedar Design	-
	Preliminary Environmental Site Investigation	1	Environmental Consulting Services	24/09/2025
	Condition reason: To ensure all parties are aware of the approved documentation that applies to the development.			
3	(A018) Fulfilment of BASIX commitments			
	<p>It is a condition of a development consent for the following that each commitment listed in a relevant BASIX certificate is fulfilled—</p> <ol style="list-style-type: none"> 1. BASIX development, 2. BASIX optional development, if the development application was accompanied by a BASIX certificate. <p>Condition reason: Prescribed condition under section 75 of the Environmental Planning and Assessment Regulation 2021.</p>			
4	(A025) Comply with EP&A Act			
	<p>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.</p> <p>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.</p> <p>Condition reason: This condition is imposed to ensure compliance with legislative requirements.</p>			
5	(A032) Shoring and adequacy of adjoining property			

	<ol style="list-style-type: none"> 1. This section applies to a development consent for development that involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor. 2. It is a condition of the development consent that the person having the benefit of the development consent must, at the person's own expense— <ol style="list-style-type: none"> a. protect and support the building, structure or work on adjoining land from possible damage from the excavation, and b. if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation. 3. This section does not apply if— <ol style="list-style-type: none"> a. the person having the benefit of the development consent owns the adjoining land, or b. the owner of the adjoining land gives written consent to the condition not applying.
	Condition reason: Prescribed condition under section 74 of the Environmental Planning and Assessment Regulation 2021.
6	(A040) Compliance with the Building Code of Australia
	<ol style="list-style-type: none"> 1. It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the <i>Building Code of Australia</i>. 2. It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the <i>Home Building Act 1989</i>, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences. 3. It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the <i>Building Code of Australia</i>. 4. In subsection (1), a reference to the <i>Building Code of Australia</i> is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made. 5. In subsection (3), a reference to the <i>Building Code of Australia</i> is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made. 6. This section does not apply— <ol style="list-style-type: none"> a. 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 b. to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.
	Condition reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.
7	(A042) Notification of Home Building Act 1989 requirements

	<ol style="list-style-type: none"> 1. This section applies to a development consent for development involving residential building work if the principal certifier is not the council. 2. It is a condition of the development consent that residential building work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the following— <ol style="list-style-type: none"> a. for work that requires a principal contractor to be appointed— <ol style="list-style-type: none"> i. the name and licence number of the principal contractor, and ii. the name of the insurer of the work under the Home Building Act 1989, Part 6, b. for work to be carried out by an owner-builder— <ol style="list-style-type: none"> i. the name of the owner-builder, and ii. if the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989—the number of the owner-builder permit. 3. If the information notified under subsection (2) is no longer correct, it is a condition of the development consent that further work must not be carried out unless the principal certifier has given the council written notice of the updated information. 4. This section does not apply in relation to Crown building work certified to comply with the Building Code of Australia under the Act, Part 6. <p>Condition reason: Prescribed condition under section 71 of the Environmental Planning and Assessment Regulation 2021.</p>
8	<p>(A050) Works at no cost to Council</p> <p>All roadworks, drainage works and dedications, required to effect the consented development shall be undertaken at no cost to Liverpool City Council.</p> <p>Condition reason: To ensure fairness, transparency and probity.</p>
9	<p>(A051) In fill affordable housing</p> <ol style="list-style-type: none"> 1. This section applies to development permitted under <i>State Environmental Planning Policy (Housing) 2021</i>, Chapter 2, Part 2, Division 1, other than— <ol style="list-style-type: none"> 1. development on land owned by the Land and Housing Corporation, or 2. a development application made by, or on behalf of, a public authority. 2. It is a condition of the development consent that before the issue of an occupation certificate for the development— <ol style="list-style-type: none"> 1. a restriction must be registered, in accordance with the <i>Conveyancing Act 1919</i>, section 88E, against the title of the property relating to the development, which will ensure the requirements of subsection (3)(a) and (b) are met, and 2. evidence of an agreement with a registered community housing provider for the management of the affordable housing component must be given to the Registrar of Community Housing, including the name of the registered community housing provider, and 3. evidence that the requirements of paragraphs (a) and (b) have been met must be given to the consent authority. 3. It is a condition of the development consent that during the relevant period— <ol style="list-style-type: none"> 1. the affordable housing component must be used for affordable housing, and 2. the affordable housing component must be managed by a registered community housing provider, and 3. notice of a change in the registered community housing provider who manages the affordable housing component must be given to the Registrar of Community Housing and the consent authority no later than 3 months after the change, and 4. the registered community housing provider who manages the affordable housing component must apply the Affordable Housing Guidelines. 4. In this section— <p>affordable housing component has the same meaning as in <i>State Environmental Planning Policy (Housing) 2021</i>, section 21.</p> <p>relevant period means a period of 15 years commencing on the day on which an occupation</p>

	certificate is issued for all parts of the building or buildings to which the development consent relates. Condition reason: Prescribed condition under section 82 of the Environmental Planning and Assessment Regulation 2021.
10	(A060) Erection of signs 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— a. showing the name, address and telephone number of the principal certifier for the work, and b. showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and c. stating that unauthorised entry to the work site is prohibited. 3. The sign must be— a. maintained while the building work, subdivision work or demolition work is being carried out, and b. removed when the work has been completed. 4. This section does not apply in relation to— a. 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 b. 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.
11	Visual Privacy - Windows All awning windows on the first floor are to use an external screening device or use frosted glass material for the lower component of the window. Condition reason: To minimise overlooking and protect visual privacy of neighbouring private open space.
12	Dwelling Mix Units 1 to 3 of the multi dwelling housing development must remain as 2-bedroom dwellings. Condition reason: To maintain adequate internal layout and room size for amenity.
13	Party Walls Where party walls are provided, they must be carried to the underside of the roof and be constructed in accordance with Part F5 of the Building Code of Australia. Condition reason: To ensure compliance with the BCA.
14	Letterboxes Residential numbering should be attached to the letterbox so that it is clearly visible from the street frontage. Numbers should be 75mm in height, reflective and in contrast to the backing material. Condition reason: To ensure that letterboxes can be identified from the street frontage.
15	Noise and Vibration The proposed buildings must comply with the Environment Protection Authority criteria and the current relevant Australian Standards for noise and vibration and quality assurance. Condition reason: To ensure compliance with EPA and the Australian Standards.
16	(A950) Waste - Records Prior to issue of an Occupation Certificate, both the PCA and Council are to be provided with records of all waste transport and disposal dockets, demonstrating that waste materials from

the project, have been disposed of at the waste facilities nominated in the approved waste management plan.

Condition reason: To ensure fairness, transparency and probity.

Building Work

Before issue of a construction certificate

17	<p>(A932) Stormwater line</p> <p>Before issue of a construction certificate, a detailed plan of the easement for the proposed stormwater line must be provided.</p> <p>The upstream invert level of Pipe 3 must match the invert level of Pit 9 as shown in the DRAINS model submitted with the development application.</p> <p>The applicant must provide an updated electronic copy of the DRAINS model to Council for review and approval.</p> <p>Condition reason: To ensure that stormwater works are undertaken in accordance with the proposal.</p>																
18	<p>(A003) Payment of development contributions</p> <p>Payment of section 7.11 contributions</p> <p>Before the issue of a construction certificate the applicant must pay the following contributions to Council for:</p> <table border="1" data-bbox="371 987 1169 1256"> <tr> <td>Community Facilities - works</td> <td>\$3,184</td> </tr> <tr> <td>District Sporting Fields - works</td> <td>\$10,708</td> </tr> <tr> <td>District Passive Open Space - works</td> <td>\$6,692</td> </tr> <tr> <td>Local Passive Open Space - works</td> <td>\$9,369</td> </tr> <tr> <td>Transport - Bikeways - works</td> <td>\$1,229</td> </tr> <tr> <td>Transport - Traffic management - works</td> <td>\$3,503</td> </tr> <tr> <td>Drainage - works</td> <td>\$1,406</td> </tr> <tr> <td>Administration</td> <td>\$541</td> </tr> </table> <p>The total contribution payable to Council under this condition is \$36,633 as calculated at the date of this consent, in accordance with Liverpool Contributions Plan 2018 Established Areas.</p> <p>The total amount payable may be adjusted at the time the payment is made, in accordance with the provisions of the Liverpool Contributions Plan 2018.</p> <p>Condition reason: To ensure development contributions are paid to address increased demand for public amenities and services or to address increased demand for regional infrastructure or to ensure any planning agreement is finalised at the specified time.</p>	Community Facilities - works	\$3,184	District Sporting Fields - works	\$10,708	District Passive Open Space - works	\$6,692	Local Passive Open Space - works	\$9,369	Transport - Bikeways - works	\$1,229	Transport - Traffic management - works	\$3,503	Drainage - works	\$1,406	Administration	\$541
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19	<p>(B008) Housing and Productivity Contribution</p> <p>Before the issue of the first construction certificate the housing and productivity contribution (HPC) set out in the table below is required to be made.</p> <table border="1" data-bbox="371 1592 1281 1760"> <thead> <tr> <th>Housing and productivity contribution</th> <th>Amount</th> </tr> </thead> <tbody> <tr> <td>Housing and productivity contribution (base component)</td> <td>Multi-dwelling housing: \$10,812.174</td> </tr> <tr> <td>Strategic Biodiversity Component</td> <td>Nil.</td> </tr> <tr> <td>Total housing and productivity contribution</td> <td>\$21,624.35</td> </tr> </tbody> </table>	Housing and productivity contribution	Amount	Housing and productivity contribution (base component)	Multi-dwelling housing: \$10,812.174	Strategic Biodiversity Component	Nil.	Total housing and productivity contribution	\$21,624.35								
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	<p>The HPC must be paid using the NSW planning portal.</p> <p>At the time of payment, the amount of the HPC is to be adjusted in accordance with the Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024 (HPC Order).</p> <p>The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the Environmental Planning and Assessment Act 1979 agrees.</p> <p>The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the Environmental Planning and Assessment Act 1979 to the development, or the HPC Order exempts the development from the contribution.</p> <p>Condition reason: To ensure fairness, transparency and probity.</p>
20	<p>(B018) Provision for Electric Vehicle Charging - New Dwellings</p> <p>Prior to the issue of a construction certificate, an electrical plan is to be submitted for each new dwelling indicating the provision of a dedicated 32 amp circuit provided in the electricity distribution board for the purpose of vehicle charging and:</p> <ol style="list-style-type: none"> 1. a minimum of one (1) 7 kW (32 A) type 2 electric vehicle charger located in the garage, carport or other parking area, Or 2. That the electrical distribution board is adjacent to the garage, carport or other parking area, or 3. in instances where the electrical distribution board is not on the wall adjacent to a garage, carport or other parking area, an electrical conduit, pull string and cover plate is provided between the electrical distribution board and the vehicle parking area in a manner which permits a vehicle charger to be installed without penetrating any wall, ceiling or floor <p>Condition reason: This condition is imposed to ensure the adoption of sustainable transportation practices by the integration of electric vehicle charging infrastructure in all new dwellings.</p>
21	<p>(B038) Utilities and services</p> <p>Before the issue of a Construction Certificate, written evidence of the following service provider requirements must be provided to the certifier or Council (where a certifier is not required):</p> <ol style="list-style-type: none"> 1. a written clearance from Endeavour Energy demonstrating that satisfactory arrangements can be made for the installation and supply of electricity to the development; 2. a response from Sydney Water as to whether the plans accompanying the application for a Construction Certificate would affect any water supply infrastructure, and whether further requirements need to be met; 3. other relevant utilities or services - that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, the changes that are required to make the development satisfactory to them. <p>Condition reason: To ensure relevant utility and service providers requirements are provided to the certifier.</p>
22	<p>(B048) Provision of Services - Street Lighting</p> <p>The applicant/developer shall engage the services of an Endeavour Energy accredited ASP Level 3 service provider to assess adequacy of street lighting along the development site frontage and submit a report to the certifier on whether the existing street lighting needs to be upgraded.</p> <p>If upgrade is required, the ASP Level 3 service provider is to submit a Public Lighting Design Brief to Council's Transport Management Section, to specify design requirements for the required upgrade.</p>

	<p>A street lighting design plan prepared by the accredited service provider is to be submitted to and approved by Council's Transport Management Section and the electricity service provider (currently Endeavor Energy), prior to construction.</p> <p>The street lighting must comply with the electricity service provider Street Lighting Policy and illumination requirements and Council's Street Lighting policy.</p> <p>Condition reason: To ensure adequate street lighting is provided</p>
22	<p>(B054) Retaining Walls on Boundary</p> <p>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.</p> <p>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.</p> <p>Condition reason: To ensure fairness, transparency and probity.</p>
23	<p>(B056) S68 Local Government Act Stormwater drainage works</p> <p>Prior to the issue of a Construction Certificate, the Principal Certifying Authority and/ or Certifying Authority shall ensure that an application under Section 68 of the Local Government Act, including the payment of application and inspection fees, has been lodged with, and approved by Liverpool City Council for Drainage works with Lot 737 DP 533701.</p> <p>Engineering plans are to be prepared in accordance with the development consent, Liverpool City Council's Design Guidelines and Construction Specification for Civil Works and best engineering practice.</p> <p>Condition reason: To ensure fairness, transparency and probity.</p>
24	<p>(B075) Fee Payments</p> <p>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:</p> <ol style="list-style-type: none"> 1. 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. 2. Fee associated with Application for Permit to Carry Out Work Within a Road, Park and Drainage Reserve. <p>These fees are reviewed annually and will be calculated accordingly.</p> <p>Condition reason: To ensure statutory or associated fees are paid prior to construction commencing.</p>
25	<p>(B081) Site Development Work</p> <p>Site development work in the form of excavation, underpinning or shoring works must not take place, until such time as a CC has been issued.</p> <p>Condition reason: To prevent unauthorised commencement of building works.</p>
26	<p>(B095) Long Service Levy</p> <p>Before the issue of a Construction Certificate, the long service levy calculated at a rate of 0.25% of the cost of the works on building work having a value of \$250,000 or more, 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).</p> <p>Condition reason: To ensure the long service levy is paid.</p>
27	<p>(B125) Erosion and sediment control plan</p>

	<p>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:</p> <ol style="list-style-type: none"> 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). <p>Condition reason: To ensure no substance other than rainwater enters the stormwater system and waterways.</p>
28	<p>(B135) Provision of Services – Sydney Water</p> <p>Prior to the issue of a Construction 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.</p> <p>Following receipt of the application, a 'Notice of Requirements' will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. A copy of the 'Notice of Requirements' must be submitted to the PCA, prior to the issue of a Subdivision Works Certificate.</p> <p>Condition reason: To ensure fairness, transparency and probity.</p>
29	<p>(B136) Provision of Services – Endeavour Energy</p> <p>Prior to the issue of a Construction 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.</p> <p>Condition reason: To ensure fairness, transparency and probity.</p>
30	<p>(B137) Provision of Services - Telecommunications</p> <p>Prior to the issue of a Construction 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:</p> <ol style="list-style-type: none"> 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. <p>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.</p> <p>Condition reason: To ensure fairness, transparency and probity.</p>
31	<p>(B166) Landscape Plan</p> <p>An amended landscape plan is to be submitted to the Principal Certifier prior to the issue of any Construction Certificate with revisions to match the approved architectural drawings.</p> <p>Condition Reason: To help create a functional and pleasant private open space.</p>
32	<p>(B322) Inter allotment Drainage</p> <p>Inter allotment drainage 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.</p> <p>Condition reason: To ensure fairness, transparency and probity. _____</p>

33	<p>(B360) Construction Environmental Management Plan (CEMP)</p> <p>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:</p> <ol style="list-style-type: none"> 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. 14. The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with: <ol style="list-style-type: none"> a. AS 4970 – Protection of trees on development sites; b. An applicable Development Control Plan; c. An arborist's report approved as part of this consent <p>The CEMP must be kept on site for the duration of the works and must be made available to Council Officers upon request</p> <p>Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.</p>
34	<p>(B380) Mechanical Plant and Equipment</p> <p>Before the issue of a construction certificate, the certifier must be satisfied that mechanical plant and equipment were selected in consultation with a suitably qualified acoustic consultant in accordance with the recommendations of the approved acoustic report.</p> <p>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.</p> <p>Condition reason: To mitigate potential intrusive noise and amenity impacts.</p>
35	<p>(B453) No Loading on Easements</p> <p>Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the foundations of proposed structures adjoining the drainage and/ or services easement have been designed clear of the zone of influence.</p> <p>Condition reason: To ensure fairness, transparency and probity.</p>
36	<p>(B456) On Site Detention</p> <p>On Site Detention shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Northview, reference number 25175, revision C, dated 19/08/2025.</p> <p>The proposed development and stormwater drainage system shall be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties.</p> <p>Engineering plans and supporting calculations for the on-site detention system are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate.</p>

	<p>Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the on-site detention system has been designed in accordance with Liverpool City Council's Design Guidelines and Liverpool City Council's On-Site Stormwater Detention policy and Technical Specification.</p> <p>Condition reason: To ensure fairness, transparency and probity.</p>
37	<p>(B112) Notification</p> <p>In the event that Council is not the Principal Certifier (PC), the PC must advise Council, in writing of:</p> <ol style="list-style-type: none"> 1. The name and contractor licence number of the licensee who has contracted to do or intends to do the work, or 2. The name and permit of the owner-builder who intends to do the work. <p>If these arrangements are changed, or if a contract is entered into for the work to be done by a different licensee, Council must be immediately informed.</p> <p>Condition reason: To advise Council of the details of licensed contractors or owner-builder for the approved development.</p>
38	<p>(B116) Products banned under the Building Products (Safety) Act 2017</p> <p>No building products that are banned, or products that are subject to a ban if used in a particular way under the Building Products (Safety) Act 2017 are to be used in the construction of the development.</p> <p>Condition reason: To ensure no banned products are used for a building's external cladding.</p>
39	<p>(B120) Cladding</p> <p>Prior to issue of a construction certificate the certifier must be satisfied that all proposed attachments, cladding material and systems forming part of external walls comply with the BCA and relevant Australian Standards. The certifier must be able to demonstrate compliance with evidence of suitability as per clause A2.2 of BCA Volume 1 for all products/systems proposed.</p> <p>Condition reason: To ensure that the external cladding installed on a building is compliant.</p>
40	<p>(B149) S138 Roads Act - Minor Works in the public road</p> <p>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:</p> <ol style="list-style-type: none"> 1. Vehicular crossings (including kerb reinstatement of redundant vehicular crossings), 2. Road opening for utilities and stormwater (including stormwater connection to Council infrastructure), or 3. Road occupancy or road closures. <p>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.</p> <p>Note: Approvals may also be required from the Transport for NSW for classified roads.</p> <p>Condition reason: To ensure fairness, transparency and probity.</p>

41	<p>(B408) Access, Car Parking and Manoeuvring - General</p> <p>The Certifying Authority shall ensure and certify that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development have been designed and are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Council's Development Control Plan.</p> <p>Condition reason: To ensure that the design of the facilities is in accordance with the required specifications.</p>
42	<p>(B410) Access, Car Parking and Manoeuvring - Detail</p> <p>The Certifying Authority shall ensure and certify that:</p> <ol style="list-style-type: none"> 1. Off street access and parking complies with AS2890.1, 2. Vehicular access and internal manoeuvring have been designed for the longest (B-Double/ Heavy Rigid/ Medium Rigid) vehicle expected to service the development site, in accordance with AS2890.2, 3. Sight distance at the street frontage has been provided in accordance with AS 2890.1, 4. All vehicles can enter and exit the site in a forward direction. <p>Condition reason: To ensure that the design of the access arrangement, car parking and manoeuvring are in accordance with the required specifications including AS2890.</p>
43	<p>(B532) Waste Management Plan requirements</p> <p>Before the issue of a Construction 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</p> <ol style="list-style-type: none"> 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 <ol style="list-style-type: none"> a) the contact details of the person removing waste; b) an estimate of the type and quantity of waste; c) whether waste is expected to be reused, recycled or sent to landfill; d) the address of the disposal location for waste. <p>A copy of the waste management plan must be kept onsite at all times while work approved under the development consent is being carried out.</p> <p>Condition reason: To ensure resource recovery is promoted and local amenity protected during construction.</p>
44	<p>(B560) Road Works</p> <p>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.</p> <p>Condition reason: To ensure that works on the public road reserve are approved prior to commencement of works.</p>
45	<p>(B951) Fee Payments - Road Opening</p> <p>All fees associated with a road opening permit required for the connection, extension or amplification of any services within Council's road reserve must be paid to Council and receipts provided to the PCA. A separate form must be submitted in conjunction with payment of the fees. The fees include the standard road opening permit fee and any restoration fees that may be required as a result of the works.</p> <p>Condition reason: To ensure fairness, transparency and probity.</p>
46	<p>Building Plan Approval</p> <p>Prior to the issue of a Construction Certificate, the plans must be submitted to Sydney Water for approval. Sydney Water will determine if sewer, water or stormwater mains or easements will be affected by any part of the development. Applications can be made through the Sydney Water Tap in ® website.</p>

	Condition reason: To ensure that the development does have adverse impacts on existing infrastructure.
47	Bushfire Report Recommendations The recommendations provided in the approved Bushfire Hazard Assessment Report; Revision B; prepared by Control Line Consulting; dated 18/03/2025, shall be implemented and incorporated into the design and construction of the development and be shown on plans accompanying the Construction Certificate application. Condition reason: To ensure fairness, transparency and probity.

Before building work commences

48	(C001) Deliveries While site work is being carried out, deliveries of material and equipment must only be carried out between— 7:00am to 6:00pm on Monday to Friday 8:00am to 1:00pm on Saturday Condition reason: To protect the amenity of neighbouring properties.
49	(C005) Construction Certificates Prior to the commencement of any building works, the following requirements must be complied with: <ol style="list-style-type: none">1. Construction Certificate must be obtained from the Council or an Accredited Certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979,2. Where a Construction Certificate is obtained from an Accredited Certifier, the applicant shall advise Council of the name, address and contact number of the Accredited Certifier, in accordance with Section 4.19, 6.6, 6.7, 6.12, 6.13, 6.14 of the Act,3. A copy of the Construction Certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment,4. A Principal Certifier (PC) must be appointed to carry out the necessary building inspections and to issue an occupation certificate, and5. 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.
50	(C010) Construction Certificates Any CC that may be issued in association with this development consent must ensure that any certified plans and designs are generally consistent (in terms of site layout, site levels, building location, size, external configuration and appearance) with the approved Development Application plans. Condition reason: To ensure details and plans for CC are consistent with the approved DA.
51	(C012) Commencement of building works Building work shall not commence prior to the issue of a Construction Certificate. Building work as defined under Section 1.4 of the Environmental Planning and Assessment Act, 1979 means any physical activity involved in the erection of a building and includes but is not limited to, the placement of any site shed/s or builders facilities, site grading, retaining walls, excavation, cutting trenches, installing formwork and steel reinforcement or, placing of plumbing lines. Condition reason: To require approval to proceed with building work.
52	(C039) Construction Requirements

	<p>Retaining walls or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated subsoil drainage and surface stormwater drainage measures, shall be designed strictly in accordance with the manufacturers details or by a practising structural engineer. Retaining walls on any boundary are to be of masonry construction or if treated timber is used, all vertical support members (soldiers) shall be of galvanised steel.</p> <p>Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.</p>
53	<p>(C055) Site Facilities</p> <p>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.</p> <p>Condition reason: To ensure the required site management measures are implemented before the commencement of building work.</p>
54	<p>(C065) Sydney Water</p> <p>Development plans must be processed and approved by Sydney Water.</p> <p>Condition reason: To require Sydney Water approval to proceed with building work.</p>
55	<p>(C070) "DIAL BEFORE YOU DIG"</p> <p>Underground assets may exist in the area that is subject to your application. In the interest of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contact the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.</p> <p>Condition reason: To ensure building works do not impact local underground assets.</p>
56	<p>(C117) Erosion and sediment controls in place</p> <p>Before any site work commences, the principal certifier or Council (where a principal certifier is not required), 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).</p> <p>Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.</p>
57	<p>(C126) Environmental Management</p> <p>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:</p> <ol style="list-style-type: none"> 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. <p>Condition reason: To ensure that adequate sediment and erosion control measures are in place.</p>
58	<p>(C149) Driveway Crossing Application</p> <p>In accordance with S138 Roads Act an application/s, including payment of fees shall be lodged with Liverpool City Council, as the Roads Authority for any works required in a public road. These works may include but are not limited to the following:</p>

	<ol style="list-style-type: none"> 1. Vehicular crossings (including kerb reinstatement of redundant vehicular crossings) 2. Road opening for utilities and stormwater (including stormwater connection to Council infrastructure) 3. Road occupancy or road closures <p>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.</p> <p>Note: Approvals may also be required from the Roads and Maritime Service (RMS) for classified roads.</p> <p>Condition reason: To ensure that all construction work is undertaken to an approved standard and related approvals.</p>
59	<p>(C155) Work Zone</p> <p>A Works Zone application is required if on-street parking is affected by the proposed works.</p> <p>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.</p> <p>Condition reason: To ensure that road occupancy is approved by council to minimise traffic impacts on the road.</p>
60	<p>(C158) Construction Traffic Management Plan (CTMP)</p> <p>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.</p> <p>A copy of the endorsed CTMP and traffic control plans are to be available on the works site for inspection by authorised Council officers.</p> <p>Construction shall not commence until the assessed construction traffic management plan has been endorsed. The endorsed CTMP is to be implemented during construction.</p> <p>Condition reason: To ensure that the impact of construction traffic associated with the development on the surrounding road network is minimized.</p>
61	<p>(C201) Road Occupancy Permit</p> <p>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.</p> <ul style="list-style-type: none"> • Road Occupancy Application Form • Road Opening Application Form <p>Condition reason: To ensure that road occupancy is approved by council to minimise traffic impacts on the road.</p>
62	<p>(C205) Traffic Control Plan</p> <p>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.</p> <p>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.</p> <p>Note: A copy of the Traffic Control Plan shall accompany the Notice of Commencement to</p>

	Liverpool City Council. Condition reason: To ensure the safety of workers, residents, and the public during construction.
63	(C250) Notification Notification to surrounding residents is to be undertaken within a 100 metre radius from the site. A letter box drop in the form of an informative pamphlet or the like is to be carried out at least 5 days prior to the event to local residents informing them of the event details and including contact details of the site supervisor for the event. Condition reason: To advise neighbours of the commencement of building works.
64	(C361) Construction Site Management Plan Before site work commences, a construction site management plan must be prepared, and provided to the certifier. The plan must include the following matters: <ol style="list-style-type: none"> 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: 5. Proposed truck movements to and from the site; 6. Estimated frequency of truck movements; and 7. Measures to ensure pedestrian safety near the site; 8. Details of bulk earthworks to be carried out; 9. The location of site storage areas and sheds; 10. The equipment used to carry out works; 11. The location of a garbage container with a tight-fitting lid; 12. Dust, noise and vibration control measures; 13. The location of temporary toilets; 14. The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with: 15. AS 4970 – Protection of trees on development sites; 16. An applicable Development Control Plan; 17. An arborist's report approved as part of this consent <p>A copy of the construction site management plan must be kept on-site at all times while work is being carried out.</p> Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.
65	(C466) Dilapidation report Before any site work commences, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works and public land, to the satisfaction of the principal certifier or Council (where a principal certifier is not required). Where access has not been granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the principal certifier or Council (where a principal certifier is not required), that all reasonable steps were taken to obtain access to the adjoining properties. No less than seven (7) days before any site work commences, adjoining building owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to Council (where Council is not the principal certifier) at the same time.

Condition reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report.
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During building work

66	<p>(D005) Building Work</p> <p>The building works must be inspected by the Principal Certifier (PC), in accordance with Sections 6.5 of the Environmental Planning & Assessment Act 1979, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.</p> <p>Condition reason: To require stage inspection and approval by the PC in accordance with EP & A Regulation clause 162A.</p>
67	<p>(D010) Building Work</p> <p>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.</p> <p>Condition reason: To require approval to proceed with building work following each critical stage inspection.</p>
68	<p>(D015) Surveys by a registered surveyor</p> <p>While building work is being carried out, the positions of the following must be measured and marked by a registered surveyor and provided to the principal certifier:</p> <ul style="list-style-type: none"> a. All footings / foundations in relation to the site boundaries and any registered and proposed easements b. At other stages of construction – any marks that are required by the principal certifier. <p>Condition reason: To ensure buildings are sited and positioned in the approved location.</p>
69	<p>(D020) Identification Survey Report</p> <p>The building and external walls are not to proceed past ground floor/reinforcing steel level until such time as the PC has been supplied with an identification survey report prepared by a registered surveyor certifying that the floor levels and external wall locations to be constructed, comply with the approved plans, finished floor levels and setbacks to boundary/boundaries. The slab shall not be poured, nor works continue, until the PC has advised the builder/developer that the floor level and external wall setback details shown on the submitted survey are satisfactory.</p> <p>In the event that Council is not the principal certifier, a copy of the survey shall be provided to Council within three (3) working days.</p> <p>Condition reason: To ensure that the development is carried out in accordance with the conditions of consent and the approved plans.</p>
70	<p>(D025) Identification Survey Report</p> <p>On placement of the concrete, works again shall not continue until the PC has issued a certificate stating that the condition of the approval has been complied with and that the slab has been poured at the approved levels.</p> <p>Condition reason: To ensure that the development is carried out in accordance with the conditions of consent and the approved plans.</p>
71	<p>(D038) Toilet Facilities</p>

	<p>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:</p> <ol style="list-style-type: none"> 1. be a standard flushing toilet connected to a public sewer, or 2. have an on-site effluent disposal system approved under the Local Government Act 1993, or 3. be a temporary chemical closet approved under the Local Government Act 1993. <p>Condition reason: To ensure the required site management measures are implemented during construction.</p>
72	<p>(D045) Hours of work</p> <p>Site work must only be carried out between the following times –</p> <p>For work/civil work/demolition work, including delivery of materials is only permitted on the site from 7:00am to 6:00pm on Monday to Friday</p> <p>For work/civil work/demolition work, including delivery of materials is only permitted on the site from 8:00am to 1:00pm on Saturday</p> <p>Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.</p> <p>Condition reason: To protect the amenity of the surrounding area.</p>
73	<p>(D049) Security Fence</p> <p>A temporary security fence to WorkCover Authority requirements is to be provided to the property during the course of construction.</p> <p>Note: Fencing is not to be located on Council's reserve area.</p> <p>Condition reason: To ensure the required site management measures are implemented during construction.</p>
74	<p>(D055) Refuse Disposal</p> <p>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.</p> <p>Condition reason: To ensure the required site management measures are implemented during construction.</p>
75	<p>(D061) Craning and Hoardings</p> <p>Lifting or craning materials over a public footway or roadway is not permitted unless a "B" class construction hoarding has been installed in compliance with work cover authority requirements.</p> <p>Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.</p>
76	<p>(D063) Craning and Hoardings</p> <p>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.</p> <p>Condition reason: To ensure the required traffic management measures are implemented during construction.</p>
77	<p>(D070) Notification of Damage</p>

	<p>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.</p> <p>Condition reason: To ensure any damage to public infrastructure is rectified.</p>
78	<p>(D100) General Site Works - Surface Contours</p> <p>Alterations to the natural surface contours must not impede or divert natural surface water runoff, so as to cause a nuisance to adjoining property owners.</p> <p>Condition reason: To protect the amenity of the neighbourhood.</p>
79	<p>(D105) General Site Works</p> <p>All roof water is to be connected to an approved stormwater system.</p> <p>Condition reason: To ensure environmental impacts and impacts to neighbouring properties are minimised.</p>
80	<p>(D110) General Site Works</p> <p>Stormwater pipeline connections to the street kerb shall be constructed in the following manner:</p> <ol style="list-style-type: none"> 1. the kerb shall be sawcut on both sides of the proposed pipe outlet. 2. an approved rectangular kerb adaptor shall be installed with the base matching the invert level of the gutter. 3. the kerb shall be reinstated to its original profile using a cement mortar containing an epoxy additive for adherence to the existing kerb. <p>Condition reason: To ensure any alteration to Council infrastructure is to a suitable standard.</p>
81	<p>(D115) General Site Works - Existing Hydrology</p> <p>Existing hydrological regimes shall be maintained so as not to negatively impact vegetation to be retained on site and downslope/downstream of the site.</p> <p>Condition reason: To minimise impacts to adjacent vegetation and habitat.</p>
82	<p>(D120) General Site Works - Runoff</p> <p>Any runoff entering the areas of vegetation to be retained shall be of an equivalent or better quality, and of a similar rate of flow to present levels.</p> <p>Condition reason: To minimise impacts to adjacent vegetation and habitat.</p>
83	<p>(D125) General Site Works - Sediment</p> <p>The development, including construction, shall not result in any increase in sediment deposition into any water body, wetland, bushland or environmentally significant land.</p> <p>Condition reason: To minimise impacts to adjacent vegetation and habitat.</p>
84	<p>(D130) Removal of dangerous and/or hazardous waste</p> <p>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.</p> <p>Condition reason: To ensure safe removal and disposal of dangerous and/or hazardous material.</p>
85	<p>(D140) Car Parking Areas</p>

	<p>Car parking spaces and driveways must be constructed of a minimum two coat finish seal or better.</p> <p>All parking spaces must be clear of obstructions and columns, permanently line marked and provided with adequate manoeuvring facilities.</p> <p>The design of these spaces must comply with Council's DCP 2008, and Australian Standard 2890.1 Parking Facilities – Off-Street Car Parking.</p> <p>All car parking areas are to be appropriately line marked and sign posted in accordance with the Council approved stamped plans.</p> <p>All customer/visitor/staff parking areas are to be clearly signposted limiting car parking for customers/visitors/staff only. The applicant is to cover the costs of installation and maintenance of the signage.</p> <p>The on-site parking spaces shown in the approved plans must be identified in accordance with A.S.2890.1 Parking Facilities – Off-Street Car Parking.</p> <p>Condition reason: To ensure the facilities are constructed appropriately to comply with the DCP and AS2890.</p>
86	<p>(D165) Public Domain Works</p> <p>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'.</p> <p>Condition reason: To ensure that the development covers all required costs associated with the development.</p>
87	<p>(D170) Council On Street Assets</p> <p>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.</p> <p>Condition reason: To ensure that the development covers all required costs associated with the development.</p>
88	<p>(D180) Waste management</p> <p>While site work is being carried out:</p> <ol style="list-style-type: none"> 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 the principal certifier or Council (where a principal certifier is not required), detailing the following: <ol style="list-style-type: none"> a. The contact details of the person(s) who removed the waste; b. The waste carrier vehicle registration; c. The date and time of waste collection; d. A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill; e. The address of the disposal location(s) where the waste was taken; f. 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. <p>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</p>

	<p>the principal certifier and Council.</p> <p>Condition reason: To require records to be provided, during site work, documenting the lawful disposal of waste.</p>
89	<p>(D205) Vegetation - Existing Vegetation</p> <p>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.</p> <p>Condition reason: To minimise impacts to adjacent vegetation and habitat.</p>
90	<p>(D240) Vegetation - Weeds</p> <p>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.</p> <p>Condition reason: To limit the spread of weeds.</p>
91	<p>(D255) Vegetation - Imported Soil or Mulch</p> <p>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.</p> <p>Condition reason: To limit the spread of weeds.</p>
92	<p>(D415) Record Keeping of Imported Fill</p> <p>Records of the following accepted waste derived fill material must be submitted to the Principal Certifying Authority at the completion of earth works:</p> <ol style="list-style-type: none"> 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. Documentation confirming the results of the waste classification assessment carried out on the fill material used in the development, and 3. The results of any chemical testing undertaken on fill material. <p>Condition reason: To ensure fairness, transparency and probity.</p>
93	<p>(D330) Switchboards</p> <p>Switchboards for utilities shall not be attached to the street and/or road elevations of the development.</p> <p>Condition reason: To ensure switchboards are sited and positioned away from the public domain.</p>
94	<p>(D335) External Lighting</p> <p>Any external lighting is to incorporate full cut-off shielding and is to be mounted so as to not cause any glare or spill over light nuisance within the development, neighbouring properties or road users.</p> <p>Condition reason: To protect the amenity of the neighbourhood.</p>
95	<p>(D350) Window Glazing</p> <p>The windows of all bathrooms, W.C. and ensuites shall be fitted with translucent obscure glazing to the satisfaction of the Principal Certifier.</p> <p>Condition reason: This condition prevents overlooking of the (private open space, etc) of the adjoining property to the (direction) and will ensure a satisfactory privacy relation between the site and (adjoining property).</p>
96	<p>(D426) Soil management</p>

	<p>While site work is being carried out, the principal certifier or Council (where a principal certifier is not required) must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:</p> <ol style="list-style-type: none"> 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 or Council (where a principal certifier is not required). 2. All fill material imported to the site must be: <ol style="list-style-type: none"> a. Virgin Excavated Natural Material as defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i>; or b. a material identified as being subject to a resource recovery exemption by the NSW EPA; or c. 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. <p>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.</p>
97	<p>(D430) Unidentified Contamination</p> <p>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.</p> <p>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.</p> <p>Condition reason: To ensure the suitability of land for the development.</p>

98	<p>(D445) Air Quality</p> <p>Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.</p> <p>Condition reason: To ensure fairness, transparency and probity.</p>
99	<p>(D450) Air Quality</p> <p>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</p> <p>Condition reason: To ensure site works are managed appropriately and do not result in air pollution.</p>
100	<p>(D455) Dropped Edge Beam</p> <p>The proposed concrete slab construction must incorporate drop edge beams to ensure any fill is adequately retained within the envelope of the building. The external masonry wall shall extend from the concrete beam at natural ground level.</p> <p>Condition reason: To ensure that all construction work is undertaken to an approved standard and relevant controls.</p>
101	<p>(D460) Salinity</p> <p>The development shall be carried out in accordance with Part 1, Section 11 'Salinity Risk' of the Liverpool Development Control Plan 2008.</p> <p>Condition reason: To ensure that all construction work is undertaken to an approved standard</p>
102	<p>(D475) Imported Fill Material</p> <p>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.</p> <p>Condition reason: To ensure soils introduced onsite do not result in drainage issues.</p>
103	<p>(D550 & D553) Erosion & Sediment Control</p> <p>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.</p> <p>Condition reason: To ensure fairness, transparency and probity.</p>
104	<p>(D554) Erosion & Sediment Control</p> <p>The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.</p> <p>A Complaints Handling Register shall be maintained for the duration of construction works at the subject premises. The Complaints Register is to be kept by the Site Manager or other suitable staff members and include the following:</p> <ul style="list-style-type: none"> (a) the date and time, where relevant, of the complaint; (b) the means by which the complaint was made (telephone, mail or email); (c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect; (d) the nature of the complaint; (e) any action(s) taken in response to the complaint, including any follow up contact with the complainant; and (f) if no action was taken in relation to the complaint, the reason(s) why no action was taken. (g) allocate an individual "complaint number" to each complaint received. <p>The Complaints Register must be made available for inspection when requested by Liverpool City Council. The approved Construction Environmental Management Plan shall be complied with at</p>

	all times during construction of the development.
	Condition reason: To ensure fairness, transparency and probity.
105	(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.
106	(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.
107	(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.
108	(D570) Pollution Control - Site Operations
	During construction, building operations including but not limited to brick cutting, mixing mortar and the washing of tools, paint brushes, form-work, concrete trucks and the like must not be performed on the public footway or any other locations which may lead to the discharge of materials into Council's stormwater drainage system.
	Condition reason: To mitigate potential risks to the environment during construction and facilitate compliance with legislative requirements.
109	(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.
110	(D578) Ventilation
	The premises shall be ventilated in accordance with the requirements of the BCA (if using deemed to satisfy provisions: AS 1668, Parts 1 & 2).
	Condition reason: To ensure fairness, transparency and probity.
111	(D590) Public Domain Works - Street Lighting
	If street lighting upgrade is required, they 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.
112	(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.

113	<p>(D600) Correct waste separation and removal</p> <p>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.</p> <p>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.</p>
114	<p>(D605) Containment of site wastes during building</p> <p>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.</p> <p>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.</p>
115	<p>(D660) Construction Noise and Vibration</p> <p>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).</p> <p>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).</p> <p>Condition reason: To protect the amenity of the neighbourhood during construction.</p>
116	<p>(D664) Contamination</p> <p>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).</p> <p>Condition reason: To ensure fairness, transparency and probity.</p>
117	<p>(D666) Record Keeping of Imported Fill</p> <p>Records of the following must be submitted to the principal certifying authority monthly and at the completion of earth works:</p> <ol style="list-style-type: none"> 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. <p>Condition reason: To ensure fairness, transparency and probity.</p>
118	<p>(D668) Traffic Management</p> <p>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.</p> <p>Condition reason: To ensure public safety, manage traffic, and comply with regulations.</p>
119	<p>(D670) Construction Traffic Management Plan</p> <p>The endorsed Construction Traffic Management Plan is to be implemented during the entire construction phase.</p> <p>Condition reason: To ensure public safety, manage traffic, and comply with regulations.</p>

120	<p>(D581) Conservation Works Schedule</p> <p>All conservation works identified in the approved Schedule of Conservation Works or CMP must be carried out under the direction of a suitably qualified heritage consultant and in accordance with the specifications.</p> <p>Condition reason: To protect and manage heritage significance.</p>
121	<p>(D582) Supervision and Monitoring</p> <p>All demolition, excavation, and structural works within the heritage item or its curtilage must be supervised by a suitably qualified heritage consultant and/or historical archaeologist as specified in the approved SoHI, CMP, HARD or similar assessment submitted with the development application.</p> <p>Condition reason: To protect and manage heritage significance.</p>
122	<p>(D583) Unexpected Relic Finds (Historic Archaeology)</p> <p>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.</p> <p>Should 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.</p> <p>An archaeological assessment and management strategy must be prepared by a qualified historical archaeologist before works can recommence in that area.</p> <p>Condition reason: To protect and manage archaeological relics.</p>
123	<p>(D584) Unexpected Relic Finds (Aboriginal Objects)</p> <p>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.</p> <p>Should 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.</p> <p>An archaeological assessment and management strategy must be prepared by a qualified Aboriginal Archaeologist before works can recommence in that area.</p> <p>Condition reason: To protect and manage aboriginal objects.</p>

Before issue of an occupation certificate

124	<p>(E003) Works-as-executed plans and any other documentary evidence</p> <p>Before the issue of an Occupation Certificate, works-as-executed plans, any compliance certificates and any other evidence confirming the following completed works must be submitted to the satisfaction of the principal certifier:</p> <ol style="list-style-type: none"> All stormwater drainage systems and storage systems; A copy of the plans must be provided to Council with the occupation certificate <p>Condition reason: To confirm the location of works once constructed that will become council assets.</p>
125	<p>(E005) Certificates</p> <p>The premises must not be occupied until an Occupation Certificate (OC) is issued by the certifier. Copies of all documents relied upon for the issue of the OC must be attached to the</p>

	OC and registered with Council. Condition reason: To ensure the development is in accordance with the approval and the use meets health, safety and amenity provisions.
126	(E010) Certificates All required documentary evidence for the critical stage inspections carried out prior, during and at the completion of construction, must be submitted to Council together with the required registration fee payment. Condition reason: To ensure the use meets health, safety and amenity provisions.
127	(E026) Removal of waste upon completion Before the issue of an Occupation Certificate: a. all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the approved waste management plan; and b. written evidence of the waste removal must be provided to the satisfaction of the principal certifier or Council (where a principal certifier is not required) . Condition reason: To ensure waste material is appropriately disposed or satisfactorily stored.
128	(E033) Cladding Prior to issuing an occupation certificate the principal certifier must be satisfied that suitable evidence has been provided to demonstrate that the external wall cladding material and system is consistent with the consent documentation, BCA and relevant Australian Standards. Condition reason: To ensure that the external cladding installed on a building is compliant.
129	(E035) Completion of public utility services Before the issue of the relevant occupation certificate, confirmation must be obtained from the relevant authority that any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, have been completed and this confirmation must be provided to the principal certifier. Condition reason: To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation.
130	(E037) Liverpool City Council clearance - Roads Act/ Local Government Act Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that all works associated with a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Liverpool City Council. Condition reason: To ensure fairness, transparency and probity.
131	(E050) Display of Street Numbers Street numbers must be prominently displayed at the front of the development in a contrasting colour to the building materials and at the front of each individual unit to comply with the Local Government Act 1973, Section 124(8). The number should be a minimum height of 120mm and be visible at night. Condition reason: To ensure street number of the site is displayed in accordance with the Local Government Act.
132	(E060) BASIX Supporting documentation issued by a suitable qualified person who has installed or carried out the works associated with the BASIX commitments shall be submitted to Council. Condition reason: To ensure the development meets energy and water conservation requirements.
133	(E064) Completion of landscape and tree works Before the issue of an Occupation Certificate, the principal certifier must be satisfied all landscape and tree-works have been completed in accordance with approved plans and

	documents and any relevant conditions of this consent. Condition reason: To ensure the approved landscaping works have been completed in accordance with the approved landscaping plan(s).
134	(E075) Road Works All redundant vehicular crossings shall be removed and replaced with Council's standard kerb and gutter at no cost to Council. The removal and replacement of a standard driveway with standard integral kerb and gutter shall be subject of a driveway application to Council and works supervised by that driveway inspection process. Condition reason: To protect and maintain Council infrastructure to an appropriate standard.
135	(E205) Garbage Services The owner/applicant is to enter into a legally binding indemnity with Council to control the access and operation of the garbage service. This shall be inclusive on successive owners in perpetuity. All costs involved are to be borne by the applicant. Condition reason: To ensure fairness, transparency and probity.
136	(E400) Stormwater Compliance Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that the: 1. On-site detention system/s, 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.
137	(E404) Restriction as to User and Positive Covenant Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the following shall be registered on the title of the property: 1. On-site detention system/s, 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.
138	(E408) Rectification of Damage Prior to the issue of an Occupation Certificate, any damage to Council infrastructure not identified in the dilapidation report, as a result of the development shall be rectified at no cost to Liverpool City Council. Any rectification works within Memorial Avenue and Lot 737 DP 533701 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.
139	(E432) Footpaths Construction of 1.5m wide by 100mm thick (with one layer of SL72 reinforcing mesh) concrete path paving on one side of all residential access roads and both sides of all collector and distributor roads. Path paving will not be required in minor cul-de-sac with less than fifteen lots. Condition reason: To ensure fairness, transparency and probity.
140	(E436) 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.

141	<p>Mature Trees</p> <p>Prior to the issue of the Occupation Certificate, the Certifier must be satisfied that any tree with a mature height over 8m proposed within 3 metres of a building is of a species and that will not compromise the structural integrity of the building or associated infrastructure. Written confirmation from a suitably qualified landscape architect or arborist shall be provided to the Certifier to verify the suitability of the selected species.</p> <p>Condition reason: To ensure that the structural integrity of the dwelling is not compromised and prevent adverse impact on utility services.</p>
142	<p>Bushfire Report Recommendations</p> <p>The recommendations provided in the approved Bushfire Hazard Assessment Report; Revision B; prepared by Control Line Consulting; dated 18/03/2025, shall be carried out for the proposed development prior to the issue of an Occupation Certificate.</p> <p>Condition reason: To ensure fairness, transparency and probity.</p>
143	<p>Affordable Housing</p> <p>A restriction shall be registered, before the date of issue of any Occupation Certificate, against the title of the property on which the development is to be carried out, pursuant to Section 88E of the Conveyancing Act 1919, in the following terms:</p> <p><i>Terms of the Restriction on Use</i></p> <p>The restriction applies for fifteen (15) years from the date of issue of the Occupation Certificate pursuant to Notice of determination of Development Application No. DA-317/2025 issued by Liverpool City Council.</p> <p>The restrictions are:</p> <ol style="list-style-type: none"> a) Unit 2 (as designated on the architectural plans), will be used for the purposes of affordable housing as defined in State Environmental Planning Policy (Housing) 2021; b) All accommodation that is used for affordable housing will be managed by a registered community housing provider; and c) Name of authority empowered to release, vary or modify the above restriction is Liverpool City Council. <p>Evidence is to be submitted to Liverpool City Council that restrictions (a) and (b) have been complied with prior to the issue of an Occupation Certificate.</p> <p>Condition reason: To ensure the affordable housing unit is used for affordable housing purposes and is managed by a registered provider.</p>

Occupation and ongoing use

144	<p>Affordable Housing</p> <p>Unit 2 is to be used for the purposes of affordable housing for 15 years from the date of issue of the Occupation Certificate. In addition, all accommodation that is used for affordable housing shall be managed by a registered community housing provider.</p> <p><i>Note: Affordable housing means housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument. A household is taken to be a very low income household, low income household or moderate income household if the household:</i></p> <ol style="list-style-type: none"> a) <i>Has a gross income that is less than 120 per cent of the median household income for the time being for the Greater Sydney (Greater Capital City Statistical Area) (according to the Australian Bureau of Statistics) and pays no more than 30 per cent of that gross income in rent, or</i>
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	<p>b) <i>Is eligible to occupy rental accommodation under the National Rental Affordability Scheme and pays no more rent than that which would be charged if the household were to occupy rental accommodation under that scheme.</i></p> <p>Condition reason: To ensure the affordable housing unit is used for affordable housing purposes and is managed by a registered provider.</p>
145	<p>(G065) Unreasonable Noise and Vibration</p> <p>The use of the premises and/or machinery equipment installed must not give rise to offensive noise so as to interfere with the amenity of the neighbouring properties.</p> <p>Should an offensive noise complaint be received and verified by Liverpool City Council, an acoustic assessment must be undertaken by a suitably qualified acoustic consultant and an acoustic report must be submitted to Liverpool City Council for review. Any noise attenuation recommendations approved by Liverpool City Council must be implemented.</p> <p>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.</p> <p>Condition reason: To mitigate potential offensive noise and amenity impacts.</p>
146	<p>(G100) Waste Collection and Management</p> <p>Waste and recyclable material must be managed in a satisfactory manner, covered at all times and not give rise to offensive odour or encourage pest activity. All solid and liquid waste must be removed regularly from the site by a registered waste contractor. Waste must not be permitted to accumulate near the waste storage bins.</p> <p>Condition reason: To mitigate potential risks to human health and the environment.</p>
147	<p>(G130) Waste Storage Area</p> <p>Waste bins must be stored in designated garbage/ trade refuse areas, which must be kept tidy at all times. Bins must not be stored or allowed to overflow in parking or landscaping areas, must not obstruct the exit of the building, and must not leave the site onto neighbouring public or private properties.</p> <p>Condition reason: To mitigate potential risks to human health and the environment.</p>
148	<p>(G155) Storage and disposal of waste materials during ongoing use</p> <p>During ongoing use of the premises:</p> <ol style="list-style-type: none"> 1. domestic bulk waste bins for each dwelling must be put on the premises for the storage of any waste that is generated (including for recycling), 2. all garbage and recyclable materials generated from the premises must be stored wholly within any approved storage area and must not be stored outside the premises (including any public place) at any time 3. arrangements must be implemented for the separation of recyclable materials from garbage 4. any approved waste storage area must be appropriately maintained to prevent litter and the entry of pests 5. where council does not provide commercial garbage and recyclable materials collection services: <ol style="list-style-type: none"> a. a contract must be entered into with a licensed contractor to provide these services for the premises; and b. a copy of the contract must be kept on premises and provided to relevant authorities including council officers on request. 6. all liquid trade waste discharged to sewerage system must comply with the trade waste approval issued by the relevant water authority 7. all liquid trade waste pre-treatment devices must be regularly maintained to remain effective in accordance with the conditions of the liquid trade waste approval issued by

	<p>the relevant water authority.</p> <p>Condition reason: To ensure proper handling of waste, garbage and recyclable materials generated during operation of the premises</p>
149	<p>(G190) Parking Spaces</p> <p>The following parking spaces should be used solely for the purpose it has been provided.</p> <p>1. Unrestricted and unobstructed resident car parking for each dwelling along the approved driveways.</p> <p>Condition reason: To ensure that adequate parking and loading are provided.</p>
150	<p>(G200) Car Parking/Loading Provisions <input type="checkbox"/> Multi <input type="checkbox"/> Dwelling Units</p> <p>A total of five (5) off street car parking spaces must be provided in accordance with Council's requirements. The parking spaces shall be allocated as follows:</p> <p>1. 1 space for each dwelling</p> <p>2. 1 space designated for visitor parking.</p> <p>Condition reason: To ensure that adequate parking and loading are provided.</p>
151	<p>(G210) Car Parking Management</p> <p>All parking areas shown on the approved plans must be used solely for this purpose.</p> <p>Condition reason: To ensure that adequate parking and loading are provided.</p>
152	<p>(G230) Vehicle Access</p> <p>Vehicles entering or leaving the development site should be in forward direction.</p> <p>Condition reason: To ensure safety.</p>
153	<p>(G345) Lighting</p> <p>Illumination of the site must be arranged in accordance with the requirements and specifications of AS4282:2019 <input type="checkbox"/> Control of obtrusive effects of outdoor lighting so as not to impact upon the amenity of the occupants of adjoining and nearby premises.</p> <p>Condition reason: To mitigate potential lighting impacts and protect the amenity of the surrounding area.</p>
154	<p>(G370) Use of building intruder alarm/s</p> <p>Any building intruder alarm/s associated with the development must only be permitted to operate in accordance with Clause 42 of the Protection of the Environment Operations (Noise Control) Regulation 2017.</p> <p>Condition reason: To mitigate potential acoustic impacts and facilitate compliance with legislative requirements.</p>
155	<p>(G390) Noise - General</p> <p>Noise associated with the use of the premises, including mechanical plant and equipment, must not give rise to any one or more of the following:</p> <p>1. The use of the premises including the cumulative operation of any mechanical plant, equipment, public address system or other amplified sound equipment must not give rise to the emission of 'offensive noise' as defined by the Protection of the Environment Operations Act 1997.</p> <p>2. The operation of any mechanical plant, equipment, public address system or other amplified sound equipment installed on the premises must not cause:</p> <p>a. i. The emission of noise as measured over a 15 minute period (LAeq (15 minute)) that exceeds the LA90 (15 minute) background noise level by more than 5 dB(A) when measured at the most affected residential boundary. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the NSW Environment Protection Authority's 'Noise Policy for Industry' (2017);</p>

	<p>b. ii. An internal noise level in any adjoining occupancy that exceeds the recommended design sound levels specified in Australian/New Zealand Standard AS/NZS 2107:2016 Acoustics – Recommended design sound levels and reverberation times for building interiors;</p> <p>c. iii. 'offensive noise' as defined by the Protection of the Environment Operations Act 1997; and</p> <p>d. iv. Transmission of vibration to any place of different occupancy greater than specified in AS 2670.</p> <p>Condition reason: To mitigate potential intrusive noise and amenity impacts.</p>
156	<p>(G400) Environment</p> <p>The use of the premises must not give rise to the emission into the surrounding environment of gases, vapours, dusts or other impurities that are a nuisance, injurious or prejudicial to health.</p> <p>Condition reason: To mitigate potential risks to human health and the environment.</p>
157	<p>(G410) Landscaping</p> <p>Landscaping shall be maintained in accordance with the approved plan, in a healthy state and in perpetuity by the existing or future owners and occupiers of the development.</p> <p>If any of the vegetation comprising the landscaping dies or is removed, it is to be replaced with vegetation of the same species, and similar maturity as the vegetation which has died or was removed.</p> <p>An annual report shall be submitted to Council, for the 3 years following issue of the OC, certifying that the landscaping works have been satisfactorily maintained.</p> <p>Condition reason: To require records to be provided, after occupation, documenting that landscaping is appropriately maintained.</p>
158	<p>(G950) Waste Management</p> <p>Maximum limits for bulky household waste collections apply, and the types of materials accepted will be as per the council conditions at the time. Household materials may be put out for collection at the kerbside no earlier than 24 hours before a booked clean-up is due.</p> <p>Condition reason: To ensure fairness, transparency and probity.</p>
159	<p>(G951) Domestic Waste Bins</p> <p>Once the Occupation Certificate has been issued, but at least seven days prior to residents moving in, Council is to be contacted to arrange delivery of the domestic bulk waste bins to each dwelling. Please contact Council on 1300 36 2170 to arrange the delivery of the bins.</p> <p>Condition reason: To ensure fairness, transparency and probity.</p>
160	<p>(G767) Use of air conditioner/s on residential premises</p> <p>Any air conditioner/s used on the residential premises must comply with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2017 and must not:</p> <ol style="list-style-type: none"> 1. emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open): <ol style="list-style-type: none"> a. i. before 8:00am or after 10:00pm on any Saturday, Sunday or public holiday; <p>or</p> b. ii. before 7:00am or after 10:00pm on any other day; or 2. cause "offensive noise" as defined by the Protection of the Environment Operations Act 1997; or 3. emit a sound pressure level as measured over a 15 minute period (LAeq (15 minute)) at the boundary of any other residential property, at a time other than those specified in (i) and (ii) above, which exceeds the background (LA90 (15 minute)) by more than 5 dB(A).

	Condition reason: To protect the residential amenity of neighbouring properties.
161	<p>(G768) Use of pump/s on residential premises</p> <p>Any pump/s used on the residential premises including but not limited to swimming pool pumps, spa pumps, solar water pumps, rainwater tank pumps and associated equipment must comply with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2017 and must not:</p> <ol style="list-style-type: none"> 1. emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open): <ol style="list-style-type: none"> a. i. before 8:00am or after 8:00pm on any Saturday, Sunday or public holiday; or b. ii. before 7:00am or after 8:00pm on any other day; or 2. cause "offensive noise" as defined by the Protection of the Environment Operations Act 1997; or 3. emit a sound pressure level as measured over a 15 minute period (LAeq (15 minute)) at the boundary of any other residential property, at a time other than those specified in (i) and (ii) above, which exceeds the background (LA90 (15 minute)) by more than 5 dB(A). <p>Condition reason: To protect the residential amenity of neighbouring properties.</p>
162	<p>(G769) Use of heat pump water heater/s on residential premises</p> <p>Any heat pump water heater/s used on the residential premises must comply with the requirements of the Protection of the Environment Operations (Noise Control) Regulation 2017 and must not:</p> <ol style="list-style-type: none"> 1. emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open): <ol style="list-style-type: none"> a. i. before 8:00am or after 10:00pm on any Saturday, Sunday or public holiday; or b. ii. before 7:00am or after 10.00pm on any other day; or 2. cause "offensive noise" as defined by the Protection of the Environment Operations Act 1997; or 3. emit a sound pressure level as measured over a 15 minute period (LAeq (15 minute)) at the boundary of any other residential property, at a time other than those specified in (i) and (ii) above, which exceeds the background (LA90 (15 minute)) by more than 5 dB(A). <p>Condition reason: To protect the residential amenity of neighbouring properties.</p>

Subdivision Work

The development application does not propose any subdivision work.

Before demolition work commences

163	<p>(C040) Demolition Works</p> <p>Demolition works shall be carried out in accordance with the following:</p> <ol style="list-style-type: none"> (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
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	<p>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.</p> <p>Condition reason: To ensure that the demolition of buildings is carried out without impacting on public and environmental safety.</p>
164	<p>(C044) Hazardous material survey before demolition</p> <p>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.</p> <p>Hazardous materials include, but are not limited to, asbestos materials, synthetic mineral fibre, roofdust, PCB materials and lead based paint.</p> <p>The report must include at least the following information:</p> <ol style="list-style-type: none"> 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 <p>Condition reason: To require a plan for safely managing hazardous materials</p>
165	<p>(C055) Site Facilities</p> <p>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.</p> <p>Condition reason: To ensure the required site management measures are implemented before the commencement of building work.</p>
166	<p>(C126) Environmental Management</p> <p>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:</p> <ol style="list-style-type: none"> 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. <p>Condition reason: To ensure fairness, transparency and probity.</p>
167	<p>(C501) Return of existing bins</p> <p>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.</p> <p>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.</p>

168	<p>(C502) Remove and destroy refrigerants</p> <p>Prior to any works commencing, any air-conditioning or refrigeration systems fitted to the buildings or outbuildings to be demolished, must have the refrigerants present in those systems extracted into a durable, air-tight container by a licensed air-conditioning technician. This container and its contents must be sent intact, for secure destruction, to a facility licensed to destroy such refrigerants. Documentary evidence that this has been completed, if these systems are present, must be sighted by the Principal Certifying Authority and included as part of the Occupation Certificate documentation.</p> <p>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.</p>
169	<p>(D552) Implementation of the site management plans</p> <p>While site work is being carried out:</p> <ol style="list-style-type: none"> the measures required by the construction site management plan and the erosion and sediment control plan (plans) must be implemented at all times; and a copy of these plans must be kept on site at all times and made available to Council officers upon request. <p>Condition reason: To ensure site management measures are implemented during the carrying out of site work.</p>

During demolition work

170	<p>(D075) Demolition Inspections</p> <p>The following inspections are required to be undertaken by Council in relation to approved demolition works:</p> <ol style="list-style-type: none"> immediately prior to the commencement of the demolition work, or handling of any building or structure that contains asbestos. The applicant shall also notify the occupants of the adjoining premises and Workcover NSW prior to the commencement of any works, Please note that demolition works are not permitted to commence on site until such time as a satisfactory inspection result is obtained from Council, and immediately following completion of the demolition. Please note that proof of appropriate disposal of demolition materials (including asbestos) may be required at this time in accordance with the approved Waste Management Plan. <p>To book an inspection with Council, please call 1300 362 170.</p> <p>Condition reason: To require approval to proceed with demolition work following each stage inspection.</p>
171	<p>(D076) Handling of asbestos during demolition</p> <p>While demolition work is being carried out, any work involving the removal of asbestos must comply with the following requirements:</p> <ol style="list-style-type: none"> 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; 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 Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m² or more of asbestos sheeting must be registered with the EPA online reporting tool WasteLocate. <p>Condition reason: To ensure that the removal of asbestos is undertaken safely and professionally</p>
172	<p>(D565) Water Quality</p> <p>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.</p>

	Condition reason: To ensure site works are managed appropriately and do not result in water pollution.
173	(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.

Subdivision

174	Subdivision
	No subdivision of the site is approved under this development consent. Any subdivision of the site is to be the subject of a future development application.
	Condition reason: To ensure the planning considerations associated with a development application for subdivision are properly addressed.

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. Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

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.

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 .

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 work 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.

Liverpool Development Control Plan (LDCP) 2008

The proposed development is subject to the Liverpool Development Control Plan 2008 (LDCP) 2008. Part 1 of the LDCP 2008 covers general controls relating to all types of development within the Liverpool LGA. The key controls are discussed in the following table:

Liverpool DCP 2008			
Clause	Control	Assessment	Compliance
Part 1 – General controls for all development			
2. Tree Preservation	Consider impact of development on existing vegetation	No trees are to be removed. The existing street tree is to be retained and pertinent conditions will apply for tree protection.	Complies with conditions
3. Landscaping and Incorporation of Existing Trees	Incorporation of existing trees into development where appropriate.	No trees are to be removed. The existing street tree is to be retained and pertinent conditions will apply for tree protection..	Complies with conditions
4. Bushland and Habitat Preservation	Consider impact of development on bushland and habitats	The development site is not identified as containing any native flora and fauna in a bushland environment.	N/A
5. Bushfire Risk	Land on or adjacent to bushfire prone land to comply with RFS requirements	The site is mapped as Bushfire prone land – Vegetation Buffer 100m and 30m. The application is accompanied by Bushfire Hazard Assessment Report and Bushfire Attack Level (BAL) Assessment. In which are number of recommendations, that if adhered to would assist in providing a reasonable level of bushfire protection.	Complies by condition
6. Water Cycle Management	Consideration of stormwater and drainage	The stormwater plans were reviewed by Council's Land Development Engineering Section who raised no objection subject to the recommended conditions of consent.	Complies
7. Development Near a Watercourse	Consideration of impact to riparian corridors	The subject site is located >100m from a water course.	N/A
8. Erosion and Sediment Control	Appropriate erosion and sediment control measures must be in place.	Sediment and erosion control details are submitted.	Complies by condition
9. Flooding	Flood affection of property to be	Part of the subject site is identified as within the PMF	Complies

	considered.	extent. The application was referred to Councils Floodplain Engineer who raised no objection subject to completion of the proposed stormwater works and conditions of consent.	
10. Contaminated Land Risk	Previous use to be considered in assessing risk	<p>The land is not known to be within an investigation area and there is no knowledge or incomplete knowledge of a potentially contaminating activity referred to in Table 1 of the contaminated land planning guidelines being carried out since redevelopment of the site. Council's aerial imagery indicates that Lot 63 DP 25142, 233 Memorial Avenue, Liverpool NSW is currently used for residential purposes and is zoned for medium density residential use.</p> <p>At the time of writing this report, the land is not listed in records held by the NSW Environment Protection Authority under Sections 58 and 60 of the <i>Contaminated Land Management Act 1997</i> or Section 308 of the <i>Protection of the Environment Operations Act 1997</i>.</p> <p>The application was referred to Council's Environmental Health officer who raised no objection subject to conditions of consent.</p>	Complies by condition
11. Salinity Risk	Salinity Management response required for affected properties	The site is identified as moderate salinity potential. Conditions could be imposed if consent were granted.	Complies by condition
12. Acid Sulfate Soils Risk	Affected properties to consider impact of development on soils.	The subject site is not mapped as containing acid sulfate soils.	N/A
13. Weeds	Noxious weeds to be removed as part of development where	No known noxious weeds have been identified on the site. Should noxious weeds be	Complies by condition

	applicable	present on site, this would be conditioned to be removed.	
14. Demolition of Existing Developments	Appropriate demolition measures must be implemented	A standard condition of consent is recommended.	Complies by condition
15. Onsite Sewage Disposal	S68 Application required where connection to sewer not available	Property is connected to sewer. OSMS not proposed.	N/A
16. Aboriginal Archaeology	AHIA required where items of aboriginal archaeology exist	The site is not identified as containing Aboriginal archaeology	N/A
17. Heritage and Archaeology	Consideration of the impact on the heritage significance on any heritage buildings, sites, streetscapes or areas.	The development site is not a heritage item and is not in the visual catchment or nearby any heritage items or items of heritage significance.	N/A
20. Car Parking and Access	1 space per small dwelling (< 65sqm) or 1 bedroom 1.5 spaces per medium dwelling (65 - 110sqm) or 2 bedrooms 2 spaces per large dwelling (> 110sqm) or 3 or more bedrooms 1 visitor car space for every 4 dwellings or part thereof	As per Housing SEPP section, the site is in an 'accessible area' and the following parking requirement applies: <u>Required affordable housing parking:</u> 0.5 x 1 (U2 two-bed unit) = 0.5 Total required = 1 <u>Provided</u> = 1 car parking space <u>(Required non-affordable housing parking:</u> 1 x 2 (U1/U3 two-bed) = 2 1.5 x 1 (U4 three-bed) = 1.5 <u>Provided</u> = 4 car parking spaces 5 total parking spaces are provided for the development.	Complies Refer to SEPP (Housing) Section 19(2)
	Internal driveway width minimum 6-6.5m	Width is 6m at vehicular crossing before reducing to 4.5m in width in areas, compliant with Low Rise Housing Diversity Design Guide. Council's Traffic Section raise no objection.	Complies in part. Satisfactory
	Any new dwelling house shall be provided with a dedicated 32-amp circuit provided in the electricity distribution board for the purpose of vehicle charging.	Condition of consent recommended to implement it.	Complies by condition

21. Subdivision of Land and Buildings	Subdivision of land shall meet the minimum lot width requirements as set out in Table 18.	Subdivision is not proposed.	N/A
22. Water Conservation	New dwellings, including a residential component within a mixed-use building and serviced apartments intended or capable of being strata titled, are to demonstrate compliance with <i>State Environmental Planning Policy – Building Sustainability Index (BASIX)</i> .	A compliant BASIX Certificate has been provided which outlines water and energy conservation commitments. Certificate Number: 1783801M_02	Complies
23. Energy Conservation	New dwellings, including a residential component within a mixed-use building and serviced apartments intended or capable of being strata titled, are to demonstrate compliance with <i>State Environmental Planning Policy – Building Sustainability Index (BASIX)</i> .	A compliant BASIX Certificate has been provided which outlines water and energy conservation commitments. Certificate Number: 1783801M_02	Complies
24. Landfill	All fill applied should be Virgin Excavated Natural Material.	Minor fill is proposed, to be conditioned to comply.	Complies by condition
25. Waste Disposal	A Waste Management Plan (WMP) shall be submitted with a Development Application for any relevant activities generating waste.	The application is accompanied by a WMP. Council's Waste Officers have reviewed the application and raised no objection subject to conditions of consent.	Complies by condition

Part 3.6 of the LDCP 2008 is applicable to the proposal addressing matters relevant to Multi Dwelling Housing in the R3 and R4 zone. The key controls relating to the subject proposal are discussed in the following table:

Part 3.6 Multi Dwelling Housing in the R3 and R4 zone			
2. Subdivision,	The minimum lot size	The existing site is 695.6m ² as	Complies

Frontage and Lot Size	for multi dwelling housing is 1,000m ² . Where development pursuant to section 4 is proposed, the minimum lot size shall be 650m ² .	such Section 4 applies.	<i>Refer to Section 4* below</i>
	The minimum lot width for multi dwelling housing is 22m. Where development pursuant to section 4 is proposed, the minimum lot width shall be 18m.	A site frontage of 15.24m is provided, as such Section 4 applies.	Complies <i>Refer to Section 4* below</i>
3. Site Planning	Site layout should consider, and as far as possible minimise overshadowing, acoustic and visual intrusion on neighbouring and on site dwellings.	The proposed development has been designed to minimise overshadowing, acoustic impacts, and visual intrusion. The layout and design elements ensure reasonable amenity for both neighbouring properties and future occupants.	Complies
	There must be a direct link from at least one living area to the PPOS.	Each units provides direct access from the living area to the PPOS.	Complies
	The siting of windows of habitable rooms on the first floor shall minimise overlooking of the PPOS of neighbouring properties.	First floor windows of habitable rooms incorporate high sill heights to minimise overlooking into neighbouring PPOS. Furthermore, a condition of consent has been imposed requiring all awning windows on the first floor to use an external screening device or frosted glass material to the lower component.	Complies by condition
	Stormwater must be appropriately managed. An easement may be necessary where the site drains away from the street.	The application proposes stormwater infrastructure including a stormwater line through the adjoining lot at the rear. The application was referred to Council's Land Development Engineering Section and Floodplain Engineering Section who support the proposal subject to recommended conditions including a deferred	Complies by condition

		commencement condition for establishment of the easement.	
	The siting of the dwellings shall be orientated to maximise solar access to both external courtyards and internal living areas.	The shadow diagram submitted with the application indicates that 3 of the proposed units receive more than 3 hours of solar access to their private open space and internal living areas on 21 June. U1's private open space and internal living area receives slightly less than 3 hours.	Considered Acceptable
	<p>Variation*</p> <p><i>The lack of solar access to U1's private open space and internal dwelling is considered acceptable given the constraints posed by the site conditions including orientation and size. The front of the site is also affected by overshadowing from the neighbouring dwelling to the northeast.</i></p> <p><i>This outcome aligns with solar access standards for in-fill affordable housing in clause 19(2)(d) of the Housing SEPP which require living rooms and private open spaces in at least 70% of the total dwellings to receive three hours of direct solar access between 9am and 3pm on winter solstice.</i></p>		
	Where possible all existing substantial vegetation on site shall be retained.	The site is largely vacant. The existing street tree is to be retained.	Complies
	Multi dwelling housing is not permitted on cul-de-sacs or streets with a carriageway width of less than 6.5m.	Not applicable. Site is not located in a cul-de-sac	Complies
4. Townhouse and Villa development on an 18m frontage block	At least two dwellings must have a maximum floor space of 80sqm. - These dwelling must have a maximum of two bedrooms. - These dwellings must have a carport, rather than a garage. This control applies over Section 7 – Car Parking and Access.	U1 (2-bed): 113.42m ² U2 (2-bed): 99.93m ² U3 (2-bed):99.5m ² U4 (3-bed): 131.72m ² All proposed dwellings exceed 80sqm in total floor space. Three of the four units have two bedrooms except for U4 which contains three bedrooms. All dwellings contain a garage.	Considered Acceptable
	<p>Variation*</p> <p>The proposed floor area and internal layout for all dwellings results in a development scale that is considered compatible with surrounding development density. Conditions are imposed to ensure that U1, U2 and U3 remain as two-bedroom dwellings.</p>		
	Dwellings at the rear of	The proposed design of Unit 4	Considered

	<p>the property must not be more than 1 storey high. An attic is permitted.</p> <p>- The rear of the property for Section 4 means all land 15m from the rear property boundary.</p>	<p>does not adequately show the upper floor as an attic.</p>	<p>Acceptable</p>
	<p>Variation*</p> <p><i>The proposed design of Unit 4 does not adequately show the upper floor as an attic.</i></p> <p>a. <i>An attic as defined in the Standard Instrument — Principal Local Environmental Plan means any habitable space, but not a separate dwelling, contained wholly within a roof above the ceiling line of the storey immediately below, except for minor elements such as dormer windows and the like.</i></p> <p>b. <i>The proposed design rather presents as a second storey with its own independent roof and there cannot be considered as an attic area.</i></p> <p><i>Despite this discrepancy, the applicant has demonstrated consistency with existing developments in the area that have a two-storey form at the rear. The scale and massing are considered compatible with the streetscape and existing built form. The rear boundary faces a public park and will not have adverse visual impacts on the open space. The scale and massing are consistent with the density provisions and zoning under the Liverpool LEP 2008 and the maximum FSR standard in the SEPP (Housing) 2021. In the circumstances, it is considered reasonable for the additional FSR / GFA afforded under the SEPP (Housing) 2021 to be provided as a second storey in the rear dwelling.</i></p>		
	<p>At least one dwelling should face and address the street.</p>	<p>Unit 1 faces Memorial Avenue.</p>	<p>Complies</p>
	<p>All dwellings built must conform to the Controls listed within this Part.</p>	<p>Noted</p>	
<p>5. Setbacks</p>	<p><u>Front Setbacks:</u> Ground Floor – 4.5m First Floor – 5.5m</p>	<p>Unit 1 is the only street facing unit: Ground Floor: 4.5m setback First Floor: 5.5m setback</p> <p>Units 2 to 4 are compliant by means of being located behind Unit 1.</p>	<p>Complies</p>
	<p>Garage or carports 1m behind the building line</p>	<p>All garages located via internal driveway. Unit 1 garage located in-excess of 5.5m from the front boundary.</p>	<p>Complies</p>

	Verandahs, balconies, eaves and other sun control devices may encroach on the minimum front and secondary setback by up to 1m*	Unit 1 is the only street facing unit: First Floor: 4.01m to balcony The Unit 1 balcony encroaches on the minimum 5.5m front setback by 1.49m.	Considered Acceptable
<p>Variation* <i>The encroachment is unlikely to have a significant impact on the appearance of the building from the streetscape.</i></p>			
	<p><u>Ground Floor:</u> <u>Side and Rear setbacks</u></p> <p>Ground floor without windows to habitable rooms Side - 0.9m Rear - 4.0m</p> <p>Ground floor with windows to habitable rooms Side - 4.0m Rear - 4.0m</p>	<p><u>Unit 1</u> Adjoining Unit 2. Western side: 1.5m (no window to habitable rooms). Eastern side: 6m*</p> <p><u>Unit 2</u> Adjoining Unit 3 and Unit 1. Eastern side: 4.5m Western side: 4.23m*</p> <p><u>Unit 3</u> Adjoining Unit 4 and Unit 2. Eastern side: 4.5m Western side: 4.23m*</p> <p><u>Unit 4</u> Eastern side: 3.66m (over driveway) Western side: 0.9m (no window to habitable rooms). Rear: 4.001m</p> <p>Despite the orientation of the unit entrances, the setback of the development to the boundary with 235 Memorial Avenue is considered a side setback. The encroachment to the rear setback is minimal in scale.</p>	Complies
	<p><u>First Floor:</u> <u>Side and Rear setbacks</u></p> <p>First floor without windows to habitable rooms Side - 1.2m</p>	<p><u>Unit 1</u> Adjoining Unit 2 Eastern side: 4.664 m to balcony Western side: 1.62m</p> <p><u>Unit 2</u> Adjoining Unit 3 and Unit 1. Eastern side: 3.9m</p>	Considered Acceptable with condition*

	<p>Rear – 4.5m</p> <p>First floor with windows to habitable rooms and neighbouring private open space</p> <p>Side – 4.0m</p> <p>Rear – 6.0m</p>	<p>Western side: 4.35m</p> <p><u>Unit 3</u> Adjoining Unit 4 and Adjoining Unit 2. Eastern side: 3.9m Western side: 4.35m</p> <p><u>Unit 4</u> Eastern side: 3.063m to balcony Western side: 1.73m Rear: 4.12m</p> <p><i>The variations to the side setback of U2 and U3 are minor (3.9m) and considered reasonable.</i></p>	
	<p>Variation*</p> <p><i>Windows to habitable rooms on the western boundary particularly of Units 1 and 4 have a view to neighbouring private open space. The setback is considered acceptable provided that high windowsills are provided and screening devices or frosted materials are applied as proposed and conditioned. The rear window in the U4 bedroom is unlikely to have adverse visual privacy impacts on neighbouring development as it is oriented toward a public reserve.</i></p>		
	<p><u>Setbacks across internal driveways</u></p> <p>Buildings shall be setback a minimum of 8m from other buildings across a driveway.</p>	<p>Units are not proposed on either side of the internal driveway. The above side setbacks apply.</p>	N/A
6. Landscaped Area and Private Open Space	<p>A minimum of 20% of the site area shall consist of a Landscape Area, this may include lawn, deep rooted trees, garden beds and mulched areas.</p>	<p>Site Area: 695.60m² Landscape Area provided: 181.36m² (26%).</p>	Complies
	<p>A minimum unincumbered area of 4 x 5m shall be provided in rear setback to accommodate deep rooted trees.</p>	<p>U1: 3.7m to 4.5m x 7.2m provided within the front setback U2: 3m x 5.7m U3: 4.2m x 5.7m U4: 3.8m x 8.7m</p>	Considered acceptable*
	<p>Variation*</p> <p><i>The unincumbered landscaped dimension of less than 4m in part and its location within the front setback in U1 are considered acceptable given the</i></p>		

<p><i>unencumbered landscaped area is much larger than the minimum 20sq.m, and as it allows for the planting of deep soil trees that will contribute positively to the streetscape as demonstrated by the proposed three trees that are integrated with the verge, enhancing the landscape character and providing a continuous canopy.</i></p> <p><i>U2, U3 and U4: Although the width of part of the main unincumbered area of deep soil zone provided for U2, U3 and U4 is slightly under the minimum dimensions, the departure is considered acceptable as the overall deep soil zone area is larger than the minimum 20sq.m area.</i></p>		
<p>Private Open Space must be provided by dwelling size as follows:</p> <p>Small <65m² = 30m² Medium 65 – 100m² = 40m² Large > 100m² = 50m²</p>	<p>U1 (medium): 47.82m² U2 (medium): 36.52m²* U3 (medium): 36.90m²* U4 (large): 50.10m²</p> <p><i>Measurements excluding rainwater tank</i></p>	<p>Complies for U1 & U4.</p> <p>Considered Acceptable for U1, U2 and U3</p>
<p>Variation*</p> <p><i>The proposed areas of POS shown above for U2 and U3 are relatively minor departures from the minimum 40m² and considered acceptable in the following circumstances.</i></p> <ul style="list-style-type: none"> <i>The proposed private open space meets the objectives of the control in providing for outdoor activities in a clearly defined space for private use that is directly accessible from the main living area, landscaped, screened and meets the solar access requirements in the DCP as well as the SEPP.</i> <i>The proposed private open space meets the solar access standards for in-fill affordable housing in the Housing SEPP.</i> <i>For U2 and U3, the applicant submitted amended plans as requested by Council to setback the rear wall of the garages as far as possible from the adjacent boundary to increase the PoS to an acceptable area. The garage has been amended to the minimum size and is unable to be set back further.</i> <i>The proposed departures are less than 10% from the minimum and relatively minor.</i> <i>The site is adjacent to public open space which provides abundant recreational opportunities.</i> 		
<p>Private Open Space must be directly accessible from the main living area.</p>	<p>POS is directly accessible from the main living area.</p>	<p>Complies</p>
<p>A minimum of 50% of the Private Open Space must receive 3 hours of hours of sunlight between 9:00am and 5:00pm on 21 June.</p>	<p>Shadow diagrams submitted with the application show U2, U3 and U4 comply, and U1 achieves 3 hours of sunlight but to less than 50% of the proposed private open space.</p>	<p>Complies for U2, U3, U4.</p> <p>Considered Acceptable for U1</p>

	<p>Variation*</p> <p><i>The lack of solar access to U1's private open space is considered acceptable given the constraints of the site and large area of private open space that is 60% more than the minimum. The front of the development is also affected by overshadowing from the neighbouring dwelling to the northeast.</i></p>		
7. Cut and Fill, Building Design, Streetscape and Layout	The maximum cut on a site must not exceed 500mm.	The proposal does not involve cut that exceeds 500mm.	Complies
	Retaining walls are to be of masonry construction and wholly within the boundaries	To be conditioned for accordingly	Complies by condition
	Fill is not to exceed 750mm and to be contained by a DEB	Fill does not exceed 750mm	Complies
	All slab constructions for dwellings above natural ground level are to be constructed using dropped edge beams	To be conditioned for accordingly	Complies by condition
Building Design and Appearance	Unit/s with a street frontage shall orientate the main entrance and where possible at least one living area towards the street.	Unit 1 is orientated towards the street and includes the living room facing towards the street.	Complies
	Entry points shall be enhanced/emphasised to all dwellings especially those facing the street.	The entry point to Unit 1 is suitably emphasised via the alfresco, balcony level above and orientation to the street. Additional column features have been added to Units 2 & 3, while Unit 4 is provided with a balcony structure above the front door.	Complies
	The first floor of the townhouse developments must be no greater than two thirds of the ground floor area.	U1: GF: 44.48m ² FF: 54.13m ² (122%) U2: GF: 34.86m ² FF: 58.52m ² (168%) U3: GF: 34.78m ² FF: 55.58m ² (160%) U4: GF: 53.25m ² FF: 64.90m ² (122%)	Considered Acceptable*
	<p>Variation*</p> <p><i>While the first-floor area of all townhouse units exceeds two thirds of the ground floor area, there are several existing multi dwelling housing properties</i></p>		

	<i>in the vicinity of the subject site that exhibit similar bulk and scale. The proposed development is considered to be consistent with the character of the area, and is also reasonable upon consideration of the bonus floor space provided for an affordable housing component.</i>	
Building facades shall be articulated and roof form is to be varied to provide visual variety.	Building facades varied through material use and articulation. Roof form is not varied however due to sloping site provides for visual relief as the dwellings step towards the rear of the site	Complies
Walls shall be a mix of masonry, rendered and or bagged, and painted, lightweight clad and painted and/or flush face brick.	Proposed materials include brick, cladding, rendered walls and aluminium louvres.	Complies
<p>Facades can be articulated by:</p> <ul style="list-style-type: none"> - The use of different materials and detailing and / or <p>The inclusion of balconies, verandas, pergolas and landscaped beds.</p>	The facades are appropriately articulated via the use of different material, the inclusion of balconies, feature louvres and landscape beds.	Complies
A sidewall must be articulated if the wall has a continuous length of over 10 m.	The first floor side (rear) wall spanning Units 2 & 3 has a continuous length of 18.7m, however, this is considered to be suitably articulated via the step in height, openings and changes in materiality between the ground and first floors.	Complies
The entrance of each dwelling shall be emphasised.	<p>The entry point to Unit 1 is suitably emphasised via the affresco, balcony level above and orientation to the street.</p> <p>Additional column features have been added to Units 2 & 3, while Unit 4 is provided with a balcony structure above the front door.</p>	Complies
Units built at the rear of the allotment must take into consideration privacy of neighbouring properties. The use of	Suitable high-sill windows have been incorporated into the rear Unit 4 mitigating privacy issues.	Complies

	windows with high sill heights should be used to avoid potential privacy issues.		
	Driveways should avoid a 'gun barrel' effect by curving and siting of buildings, which create a driveway form with the divided carriageway separated by soft landscaping.	Single driveway proposed to service all dwellings.	Complies
	Attic floor space may be used when it is contained wholly within the roof pitch and will not be counted as a storey provided that the attic space is part of the dwelling unit.	No attic space is proposed.	N/A
	Space used for car parking shall be included as a storey if the ceiling of the car parking level exceeds more than 1m above the natural ground level.	All parking areas considered as part of the ground floor of each unit.	Complies
	The maximum roof pitch shall be 36 degrees.	Roof pitch is approximately 10°	Complies
	Townhouses built on steep or sloping blocks should be built of split-level construction.	Individual dwellings are not split levelled however each dwelling is stepped towards the rear of the site.	Complies
	Balconies are not permitted on the first floor of the side and / or rear portion of the dwelling.	Balconies are located on the side of Units 1 & 4.	Considered Acceptable
	<p>Variation* <i>Balconies to the side elevations are considered acceptable as the inclusion of full-length architectural louvres provides an effective privacy treatment. The louvres mitigate overlooking impacts to adjoining properties while still allowing for natural ventilation and daylight access, thereby balancing amenity and privacy outcomes.</i></p>		
	Blank walls in general	No blank walls proposed.	Complies

	that address street frontages or public open space are discouraged.		
Internal Design	Multi Dwelling Housing located on street boundaries shall have habitable rooms located to the front of the dwelling for security and surveillance to the street.	Unit 1 presents a living and dining area which faces the street and provides for passive surveillance	Complies
	Living rooms should take advantage of northern aspects where possible.	Due to the orientation of the site and development typology, only Unit 4 proposes a living area directly orientated towards north. The remaining units 1 - 3 take advantage of sunlight primarily during the morning period and some late afternoon sun.	Complies
	Access to private open space must be from at least one living room.	Access to the POS is provided from the living area for all units.	Complies
	The internal layout of the dwelling must incorporate cross ventilation.	Each unit incorporates sufficient windows and openings to allow for cross ventilation.	Complies
	Bathrooms, ensuites, laundries and walk in wardrobes should be located to the side and the rear of the development.	All bathrooms, ensuites, laundries and walk in robes are adequately integrated into the design of the dwelling. The first floor wet areas are suitably located to the rear of each unit. While the ground floor laundry appears to be centrally located when viewed in plan, its location against the staircase and garage presents as a sidewall when viewed internally from the living room.	Complies
	Each dwelling must provide a minimum storage area of 8m ³ .	U1 (2-bed): 11.05m ³ U2 (2-bed): 5.38m ³ U3 (2-bed): 6.42m ³ U4 (3-bed): 10.01m ³	Considered Acceptable
	Variation* <i>The proposed internal layout of U2 and U3 and the space in the garages is likely able to accommodate additional storage to satisfy the requirements of the control and needs of the residents.</i>		

	Locate active use rooms or habitable rooms with windows overlooking communal/public areas (e.g. playgrounds, gardens).	All units provide for habitable rooms overlooking the communal driveway.	Yes
8. Car Parking and Access	<u>Internal Driveway and Car Parking layout</u>	The internal driveway width varies from 4.5m – 6m. It maintains a 6m width next to the garages where vehicles manoeuvre.	Considered Acceptable
	Minimum Internal Driveway Width permitted: 6-6.5m		
	Variation* <i>The application was referred to Councils Traffic & Transport officer who consider the proposed driveway access to be acceptable. The application is supported by a Traffic Impact Assessment that includes swept path analysis demonstrating that the driveway width can comfortably accommodate vehicular movements.</i>		
	Avoid large expanses of driveways, including concentrating double garages adjacent to each other.	Driveway designed to respond to dwelling design. No double garages proposed adjoining one another.	Complies
	The extent of paved area for driveways shall be kept to a minimum. Driveways abutting dwellings shall be kept to a minimum.	The proposed design of the communal driveway is considered appropriate and does not prevent provision of landscaped area on the site.	Complies
	Land that is unlikely to be used for manoeuvring shall be used for landscaping or for pedestrian areas and be distinguished by different materials and levels.	The proposed driveway design is considered adequate to accommodate manoeuvring of vehicles. Landscaped area is provided along the eastern boundary of the site and beside the entrances of U2, U3 and U4.	Complies
Basement Car Parking	Basement car parking is permitted but will be included as a storey if the ceiling is located more than 1m above the natural ground level.	Basement car parking not proposed.	N/A
	On sites that slope away from the street, underground car	Basement car parking not proposed.	N/A

	parking structures that protrude more than 1m above the natural ground level towards the rear will not be included as a storey where topographical features warrant and the streetscape is not adversely affected. The car parking area should be adequately obscured from visible sight by the screen planting.		
Access Driveways	Driveways to the street shall be kept to a minimum.	One driveway with a width of 5m at the crossover proposed.	Complies
	Driveways may be permitted to individual dwellings provided that the streetscape is not adversely affected and the application complies elsewhere with the DCP.	Driveways not proposed to individual units.	N/A
	Kerbs shall be provided along the edge of all internal driveways. All traffic must be able to enter and exit the site in a forward direction.	The application is supported by a Traffic Impact Assessment that includes swept path analysis demonstrating that vehicles are able to enter and exit the site in a forward direction.	Complies
9. Landscaping and Fencing	The setback areas of development are to be utilised for canopy tree planting. The landscape design for all development must include canopy trees that will achieve a minimum 8m height at maturity within front and rear setback areas.	U1: x2 Water Gum (7m height)* U2: x1 Bottle Tree (10m height) U3: x1 Bottle Tree (10m height) U4: x1 Blueberry Ash (12m height)	Considered Acceptable
	Landscape planting should be principally comprised of native	With the exception of the Dwarf NZ Flax all plant species are native to Australia.	Complies

	species		
	The landscaping shall contain an appropriate mix of canopy trees, shrubs and groundcovers.	A mix of shrubs, groundcover and canopy trees provided.	Complies
	Landscaping in the vicinity of a driveway entrance should not obstruct visibility for the safe ingress and egress of vehicles and pedestrians.	Low height Dwarf Lomandra (0.5m height) proposed near the driveway entry and would not obstruct visibility.	Complies
	Tree and shrub planting along side and rear boundaries should assist in providing effective screening to adjoining properties. The minimum height of screening to be provided is 2.5 to 3m at maturity.	The Dwarf Weeping Lillypilly (0.3m) shrub planting along the side and rear boundaries provide little privacy screening, however, this is compensated for by the introduction of tree planting that ranges from 10-12m.	Complies
	Landscaping on any podium level or planter box shall be appropriately designed and irrigated. Landscaping on podium levels and planter boxes should be accessible from habitable areas of dwellings or elsewhere as appropriate for gardener access in other forms of development.	No podium level planting proposed.	N/A
	A 2m wide landscaped area shall be provided between an internal driveway and a property boundary to provide privacy to the adjoining property and to soften the appearance of the internal driveway	The application proposes 0.5m wide deep landscaped area along part of the boundary next to the internal driveway.	Considered Acceptable

	<p>Variation*</p> <p><i>The landscaped areas contribute to visual interest and softens the appearance of the paved area. The proposed driveway width is considered necessary to accommodate safe vehicular access and car parking within the development. Privacy to the adjoining property is to be maintained through wide side setbacks across the driveway, high sills for windows and screening devices.</i></p>		
	<p>A maximum of 30% of the front setback is to be paved or sealed, unless the area is used for direct access to a garage, carport or dwelling entry.</p>	<p>Front setback area: 68m² Paved Area: 32m² (47%)</p> <p>However, this area is used for direct access to each garage and dwelling entry.</p>	Complies
	<p>Trees adjacent to private open space areas and living rooms should provide summer shade and allow winter sun entry.</p>	<p>Trees proposed directly adjacent to PPOS provide canopy cover to provide adequate shading.</p>	Complies
	<p>Any tree with a mature height over 8m should be planted a minimum distance of 3m from the building or utility services.</p>	<p>Several trees with a mature height of over 8m are located within 3m from the building. Conditions of consent would be imposed to ensure the structural integrity of the dwelling is not compromised.</p>	Complies by condition
	<p>Areas between a driveway and the windows of a dwelling shall be landscaped to provide privacy for the dwelling.</p>	<p>The proposed communal driveway design allows for safe vehicular access and car parking. The proposed location of windows adjoining the driveway enables passive surveillance from the ground floor.</p>	Complies
Fencing	<p><u>Primary Frontage</u></p> <p>The maximum height of a front fence is 1.2m.</p> <p>The front fence may be built to a maximum height of 1.5m if the fence is setback 1m from the front boundary with suitable landscaping in front of the proposed.</p>	<p>The proposed front fence is 1.575m high with two 0.5m deep landscaping bays along the site boundary to provide articulation and visual interest. The proposed materials of the fence comprise masonry and slats consistent with those used for the townhouses.</p> <p>The proposed design has over 50% transparency allowing surveillance of the public domain while preserving the privacy of</p>	Considered Acceptable

	<p>Fences should not prevent surveillance by the dwelling's occupants of the street or communal areas.</p> <p>The front fence must be 30% transparent.</p> <p>Front fences shall be constructed in masonry, timber, metal pickets and/or vegetation and must be compatible with the proposed design of the dwelling.</p> <p><u>The front fence may be built to a maximum of 1.8m only if:</u></p> <p>-The primary frontage is situated on a Classified Road.</p> <p>-<u>The fence is articulated by 1m for 50% of its length and have landscaping in front of the articulated portion.</u></p> <p>-The fence does not impede safe sight lines from the street and from vehicles entering and exiting the site.</p> <p>Front fences are to be constructed of materials compatible with the proposed design of the dwelling.</p>	<p>U1's open space forward of the building line.</p> <p>Notwithstanding the maximum fence heights, the front fence satisfies the objectives of Part 3.6 of the Liverpool DCP 2008 as it clearly distinguishes public domain and private open space and enhances the streetscape through a cohesive, articulated design.</p>	
	<p><u>Boundary Fences</u></p> <p>The maximum height of side boundary fencing within the setback to the street is 1.2m.</p>	<p>The NE brick wall fences on either side of the driveway are within the permitted height.</p> <p>The maximum height of the SW side boundary fence within the</p>	<p>Considered Acceptable*</p>

	Boundary fences shall be lapped and capped timber or metal sheeting.	front setback is 1.59m. The boundary fences are 1.8m Colourbond behind the building line. Within the front setback, the side boundary fencing uses brick wall or brick wall with slats above.	
	<p>Variation* <i>The variation to fence height is considered acceptable given the topography of the site and will minimise overlooking to U1 private open space. The boundary fencing primarily use metal sheeting. The masonry and masonry/aluminium components are restricted to a section of the fencing and are unlikely to have a significant visual impact on the streetscape and adjoining properties.</i></p>		
10. Amenity and Environmental Impact	Overshadowing Adjoining properties must receive a minimum of three hours of sunlight between 9am and 5pm on 21 June to at least; - One living, rumpus room or the like; and 50% of the private open space.	Adjoining properties receive greater than 3 hours of solar access during the winter solstice.	Complies
	Building siting, window location, balconies and fencing should take account of the importance of the privacy of on site and adjoining buildings and outdoor spaces.	The proposed development has been designed to minimise visual intrusion. The privacy of on-site and adjoining buildings is maintained through privacy mitigation measures including high-sill windows and architectural louvres.	Complies
	Windows to habitable rooms should be located so they do not overlook such windows in adjoining properties, other dwellings within the development or areas of private open space.	No overlooking opportunities arise through the built form and design of the dwellings.	Complies
	Landscaping should be used where possible to increase visual privacy between dwellings and adjoining properties.	Noted, landscaping provided at ground and along boundaries to increase visual privacy.	Complies

	<p><u>Acoustic Impact</u></p> <p>Noise attenuation measures should be incorporated into building design to ensure acoustic privacy between on-site and adjoining buildings.</p> <p>Developments in areas adversely impacted upon by rail or traffic related noises must incorporate the appropriate noise and vibration mitigation measures into the design in terms of the site layout, building materials and design, orientation of the buildings and location of sleeping and recreation areas.</p>	<p>Noted, standard conditions relating to offensive noise complaints would be conditioned.</p> <p>Site is not located nearby to major sources of noise such as collector roads or rail lines.</p>	<p>Complies by condition</p>
	<p>Where party walls are provided they must be carried to the underside of the roof and be constructed in accordance with Part F5 of the Building Code of Australia.</p>	<p>To be conditioned for accordingly.</p>	<p>Complies by condition</p>
	<p>The proposed buildings must comply with the Environment Protection Authority criteria and the current relevant Australian Standards for noise and vibration and quality assurance.</p>	<p>To be conditioned for accordingly</p>	<p>Complies by condition</p>
11. Site Services	<p>Letterboxes shall be provided for each dwelling on site.</p>	<p>Letter boxes integrated within fencing adjoining the internal driveway.</p>	<p>Complies</p>
	<p>Freestanding letterbox structures should be designed and</p>	<p>Freestanding letterbox not proposed.</p>	<p>N/A</p>

	constructed of materials that relate to the main building.		
	Residential numbering should be attached to the letterbox so that it is clearly visible from the street frontage. Numbers should be 75mm in height, reflective and in contrast to the backing material.	To be conditioned for accordingly.	Complies by condition
	Waste disposal facilities shall be provided for development. These shall be located adjacent to the driveway entrance to the site. Any structure involving waste disposal facilities shall be located as follows: <ul style="list-style-type: none"> • Setback 1m from the front boundary to the street. • Landscaped between the structure and the front boundary and adjoining areas to minimise the impact on the streetscape. Not be located adjacent to an adjoining residential property.	Each unit is provided with 1 waste bin, 1 recycling bin and 1 FOGO bin. Each dwelling will store its bins within their open courtyard area. The application is accompanied by a WMP. Council's Waste officers have reviewed the application and raised no objection subject to conditions of consent.	Complies
	Where a footpath, road shoulder or new or enlarged access driveway is required to be provided this shall be provided at no cost to Council.	Conditioned for accordingly	Complies by condition
	Council must be notified of any works that may threaten	Conditioned for accordingly	Complies by condition

**LIVERPOOL
CITY
COUNCIL**

23

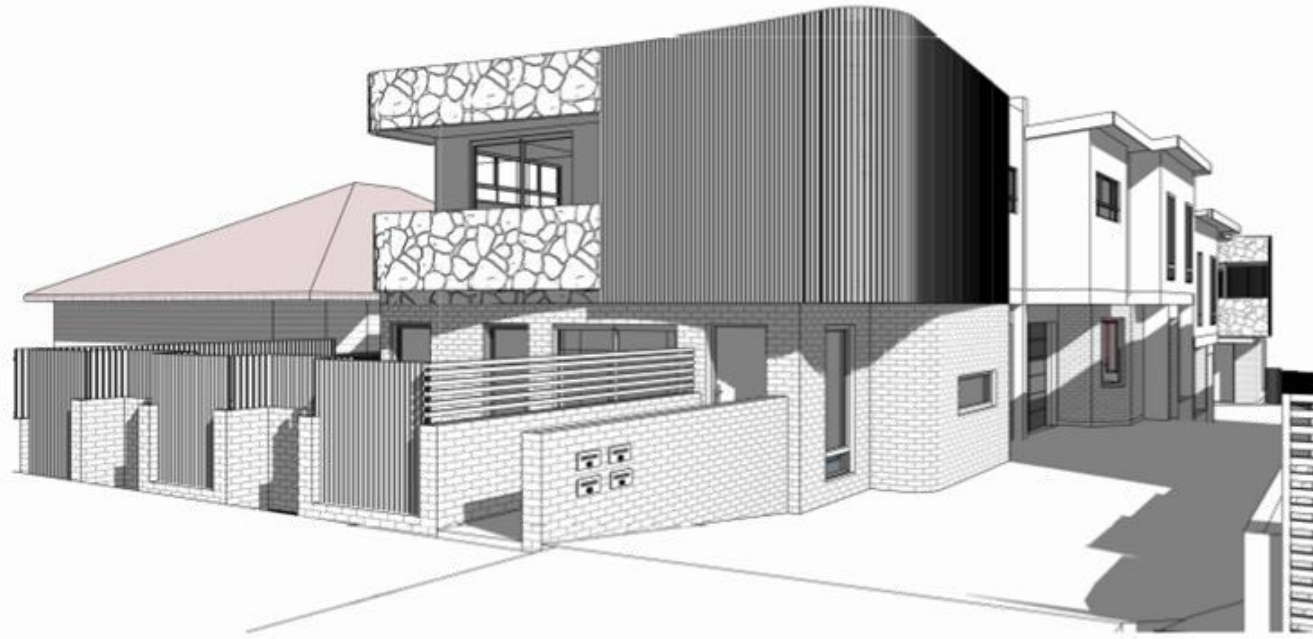
**LOCAL PLANNING PANEL MEETING
8 DECEMBER 2025**

LPP ITEMS

	Council assets. Council must give approval for any works involving Council infrastructure.		
--	--	--	--

233 Memorial Ave, Liverpool

4 Townhouse Development



DESIGN & CONSTRUCT

CONCEPT TO REALITY

SITE ADDRESS: 233 Memorial Ave, Liverpool
LOT: 63 | SEC: | DP:25142
ISSUED FOR: Issued for DA
PROJECT TYPE: 4 Townhouse Development
SCALE: DATE: 2025 REV: C SHEET NO: A0.0

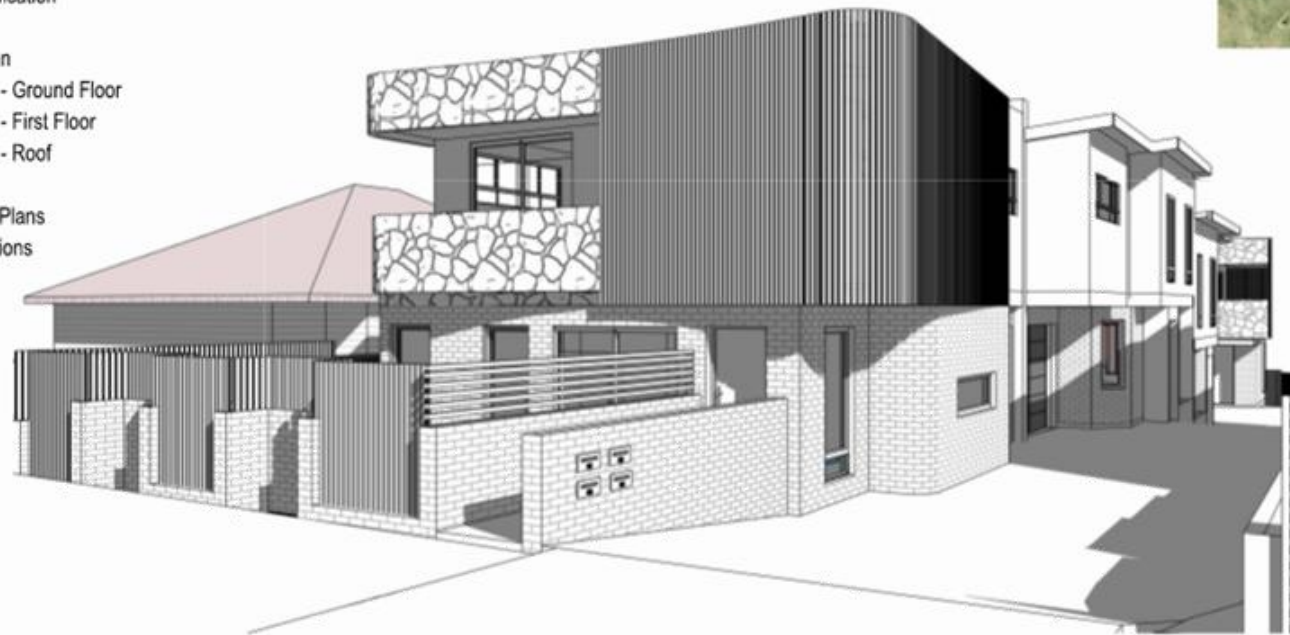
PROJECT NO: CZ501

DEVELOPMENT DATA

LOT SIZE: 695.6m ² as per Survey			
CONTROL COMPLIANCE	ALLOWED	PROVIDED	COMPLY
MIN FRONTAGE	15m as per SEPP 2021	15.24m	YES
SITE AREA	450m ² as per SEPP 2021	695.6m ²	YES
FLOOR SPACE RATIO	0.5:1 + Affordable Housing Component	0.66:1 includes 22% Affordable Housing Component	YES
MAX BUILDING HEIGHT	8.5m + 30% AHR 2021	7.55m Additional AHR Height not Required	YES
FRONT SETBACK	G= 4.5m FF= 5.5m	G= 4.5m FF=5.5m	YES
SIDE SETBACK 1	0.9m	Varies see Site Plan Sheet A1.0	YES
SIDE SETBACK 2	0.9m	Varies see Site Plan Sheet A1.0	YES
REAR SETBACK	4m	4m	YES
CORNER SETBACK	N/A	N/A	N/A
LANDSCAPE AREA	Lesser of 30% total or 35sqm per dwelling	201m ² = 30% + each dwelling achieves min 35sqm	YES
Deep Soil	15% as per ARH 2021 = 104.34m ²	174m ² = 25%	YES
SITE CALCULATION			
PROPOSED DWELLING	445m ² - Combined		
PROPOSED GARAGE	40m ² - Combined		
PROPOSED GRANNY FLAT	N/A		

SHEET SCHEDULE

- | | | | |
|------|------------------------------|------|-----------------------------|
| A0.0 | Cover Page | A3.1 | NW&SE Elevations & Sections |
| A0.1 | Title Page | A4.0 | Shadow Diagrams - June 21st |
| A0.2 | Basix Comments | A4.1 | Internal & POS Sun Diagrams |
| A1.0 | Site Plan & Analysis | A5.0 | Schedules |
| A1.2 | Demolition Plan | A5.1 | Schedules of Finishes |
| A1.3 | Calculation Plans | A5.2 | Streetscape Analysis |
| A1.4 | Calculations Plan 2 | | |
| A1.5 | Neighbour Notification | | |
| A1.6 | Cut & Fill Plan | | |
| A1.7 | Subdivision Plan | | |
| A2.0 | Proposed Plan - Ground Floor | | |
| A2.1 | Proposed Plan - First Floor | | |
| A2.2 | Proposed Plan - Roof | | |
| A2.3 | Fence Plan | | |
| A2.4 | Retaining Wall Plans | | |
| A3.0 | NE&SW Elevations | | |



AERIAL MAP



NOTE:
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SITE ADDRESS: 233 Memorial Ave, Liverpool
LOT 63 | SEC: | **DP:**25142
ISSUED FOR: Issued for DA
PROJECT TYPE: 4 Townhouse Development
SCALE: 1: 100 **DATE:** 2025 **REV:** C **SHEET NO:** A0.1

PROJECT NO: C2501

BASIX COMMENTS

CERTIFIED ENERGY - SUMMARY COMMITMENTS TABLE

1300 443 674
quote@certifiedenergy.com.au
www.certifiedenergy.com.au



Project Details		Accreditation Number: HERA 10056			
Proposed:	Single Dwelling	Address:	233 Memorial Avenue Liverpool NSW 2170		
Lot Number:	63	DP NUMBER:	DP 25142		
NATHERS Certificate Number: #HR-VSZVRL-02					
<p>Windows For detailed window specifications please refer to NATHERS Certificate (NSW BASIX Thermal Protocol allows for a 10% tolerance of SHGC Value & U Value => than which overrides NATHERS Certificate)</p>					
Glazing	Unit 1	Double Glazed	Aluminium (Standard)		
	Unit 2	Double Glazed	Aluminium (Standard)		
	Unit 3 & 4	Single Glazed	Aluminium (Standard)		
Skylights	N/A				
External walls					
		Brick veneer	Medium colour	R2.7	Bulk + Reflective foil
		Fibro cavity panel direct fix	Light colour	R2.7	Bulk + Reflective foil
Internal walls					
		Cavity wall, direct fix plasterboard	Unit 1- all internal walls	R2.7 bulk insulation	
		Cavity wall, direct fix plasterboard	Unit 2, 3, 4	No insulation	
		Cavity wall, direct fix plasterboard	Unit 2,3,4, shared with garage and GP WC only	R2.5 bulk insulation	
Partition walls					
		Sheff liner party wall with plaster	No insulation		
Floors					
		Concrete slab on ground	Unit 1	R2.0	XPS (Extruded Polystyrene)
		Suspended timber	Unit 2, 3 & 4	No insulation	R4.0
Ceiling					
		External ceiling - Plasterboard	Unit 1	R7.0 Bulk insulation	
		Internal ceiling - Plasterboard	Unit 2, 3 & 4	R6.0 Bulk insulation	
		Internal ceiling - Plasterboard	all units	R4.0 Bulk insulation	
Roof					
		Corrugated iron	Unit 1	Medium Colour (solar absorbance 0.475-0.7)	R2.5 Bulk + Reflective side down, No air gap above (Anticon 100HP, 100mm)
			Unit 2, 3 & 4	Medium Colour (solar absorbance 0.475-0.7)	R2.8 Bulk + Reflective side down, No air gap above (Anticon 75, 80mm)
Ceiling Penetrations					
		Lighting specification	Dwelling is rated with Assumed downlight as per NATHERS Tech Note "Ceiling Penetrations 3.4 to 3.8"		
		Ceiling fans	No ceiling fans need to be installed		
		Overheadwing details	Adjusting units calculated into model calculations		
Site					
		Orientation of nominal north elevation	As shown on plans		
* Approved freeroof downlight covers HWV been specified, which can be fully covered by insulation. Ceiling penetrations for exhaust dampers have been allowed (to all bathrooms, ensuites and internal laundry's) at the rate of 0.04 meters squared per exhaust fan penetration.					
BASIX Certificate Number: 1783801M					
Features					
		Shower head rating	4 star (>= 4.5 but <= 6 L/min)	Alternative water details	
		Toilet rating	4 star	Watermeter tank size	Individual 1500L
		Kitchen taps rating	3 star	Connected to:	Garden and lawn areas
		Bathroom taps rating	3 star		Yes
		Hot water	Specification Rating	Lighting	Alternative Energy
		Individual system	Gas instantaneous 6 star	Refer to NATHERS Certificate	Light-emitting diode (LED)
		Individual system	Gas instantaneous 6 star		Photovoltaic system (Minimum 400W)
Ventilation					
		Bathroom Exhaust	Individual fan, ducted to facade or roof	Laundry Exhaust	Individual fan, ducted to facade or roof
		Control switch	Manual switch on/off	Control switch	Manual switch on/off
Heating					
		Individual systems - living areas	3 phase airconditioning EER 1.0 - 3.5	Individual systems - living areas	3 phase airconditioning 3 star
		Individual systems - bedroom areas	3 phase airconditioning EER 1.0 - 3.5	Individual systems - bedroom areas	3 phase airconditioning 3 star
Appliances					
		Cooktop/oven	Gas cooktop & electric oven	Private indoor or sheltered clothes drying line	No
		Private outdoor clothes drying line	Yes	Zoned Air conditioning	Yes

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info@redanddesign.com.au
A.B.N: 67 616 143 061
Phone: 0422 704 479

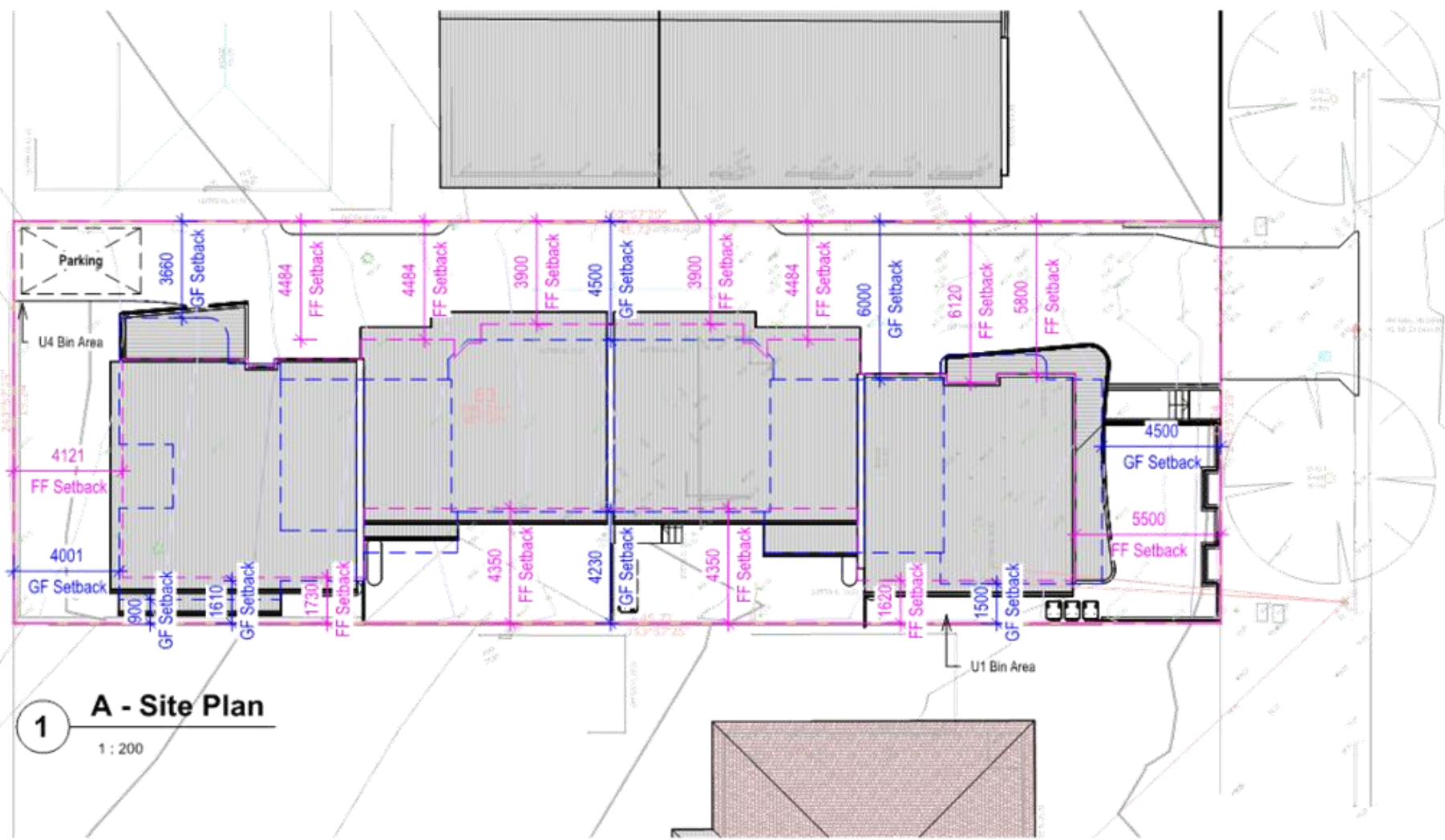
CRETE-TECH DESIGN & CONSTRUCTION
CEDAR ARCHITECTURE & DESIGN
bda BUILDING DESIGN ASSOCIATES
Reg # 212576

NOTES:
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* Do not scale drawings. Use figured dimensions only. Inform Architect of any conflict between site conditions and documents. Contractor to verify all dimensions on site while commencing work.
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SITE ADDRESS: 233 Memorial Ave, Liverpool
LOT 63 | SEC: | **DP:** 25142
ISSUED FOR: Issued for DA
PROJECT TYPE: 4 Townhouse Development

SCALE: **DATE:** 2025 **REV:** C **SHEET NO:** A0.2

PROJECT NO: C2501



SITE ANALYSIS PLAN
CURBFWNTY

Site Address: 233 Memorial Ave
Liverpool, 2170 NSW
CPI: MGA Zone P553 26306
Elev: 39046.8 (IGN4001.4)
39071.3 (IGN4001.6)

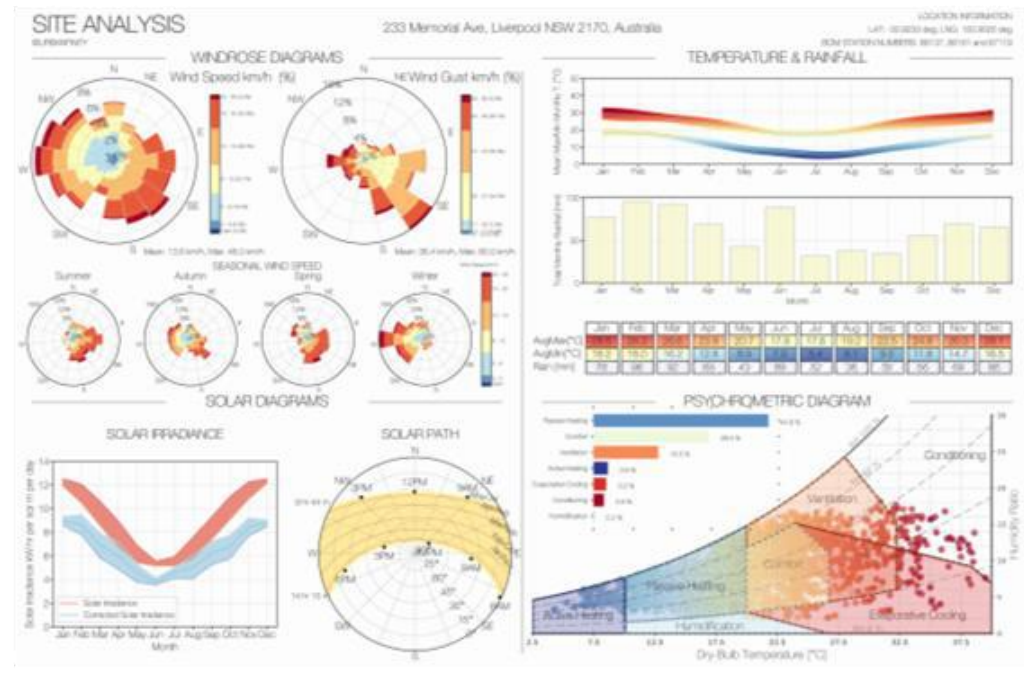
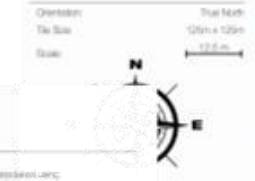
Nearest Property:
Latitude: 33.80307
Longitude: 151.00349
Precinct: 030001
Caption Date: 02/04/2025



SITE CADASTRE
CURBFWNTY

Site Address: 233 Memorial Ave
Liverpool, 2170 NSW
CPI: MGA Zone P553 26306
Elev: 39046.8 (IGN4001.4)
39071.3 (IGN4001.6)

Cadastre:
Latitude: 33.80307
Longitude: 151.00349
Caption Title: 03/02/2025
Caption Area: 701.34 sqm



SITE ANALYSIS - EXPLANATORY NOTES

The site analysis is a spatial representation of the climatic conditions at a specific set of coordinates using the free-released Bureau of Meteorology (BOM) weather station. The weather conditions are interpolated using an inverse square distance interpolation. The closer that a station is to the site, the more weight that station has in the interpolation. The closer that a station is to the site, the more weight that station has in the interpolation.

WINDROSE DIAGRAMS
The upper left windrose diagram is the wind speed to the location determined using an inverse square distance weighting. The colorbar representing the wind speed is divided exponentially into seven speed bins. The size of each colored sector is the proportion of speed. The wind gust statistic in the upper right corner of the windrose diagrams is the maximum recorded wind gust for the weather station, which is recorded daily.

TEMPERATURE & RAINFALL
Temperature and rainfall measurements are taken from BOM data for the year 2000 onwards. This is to avoid the effect that climate change would have on the mean maximum and mean minimum temperatures. The first diagram is the variation of the mean and minimum daily temperatures. We have grouped the daily temperature monthly and then taken the mean value. The thickness of the segment represents the frequency range of maximum temperatures. The line through the center is the mean maximum minimum temperature.

SOLAR DIAGRAMS
The left hand plot is the solar irradiance determined for the coordinates. The solar irradiance is determined using the latitude and longitude and is the fractional maximum average daily irradiance, broken monthly. The corrected solar irradiance is calculated by subtracting the average monthly cloud cover percentage from the 3 revised BOM stations.

PSYCHROMETRIC DIAGRAM
The right hand plot is the steady path of the sun over the site. This is a 3D representation of the sun's movement during the day. The color scale with the vertical readings (°C) indicates the location surrounding the site. The very center of the plot (0°C) is the sun. The plot is divided into four zones: Solar Heating, Passive Heating, Ventilation, and Evaporative Cooling.



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CONSULTANTS:

REV	DATE	DESCRIPTION	INITIAL
A	24.12.24	Prelim Design	Khaled
B	08.01.24	DA Submission	Khaled
C	03.09.25	RFI	Khaled

DRAWING TITLE: Site Plan & Analysis
DRAWN BY: K.Kabbout
CHECKED BY: K.Kabbout
LOT: 63 | SEC: | DP:25142
COUNCIL AREA: Liverpool City Council

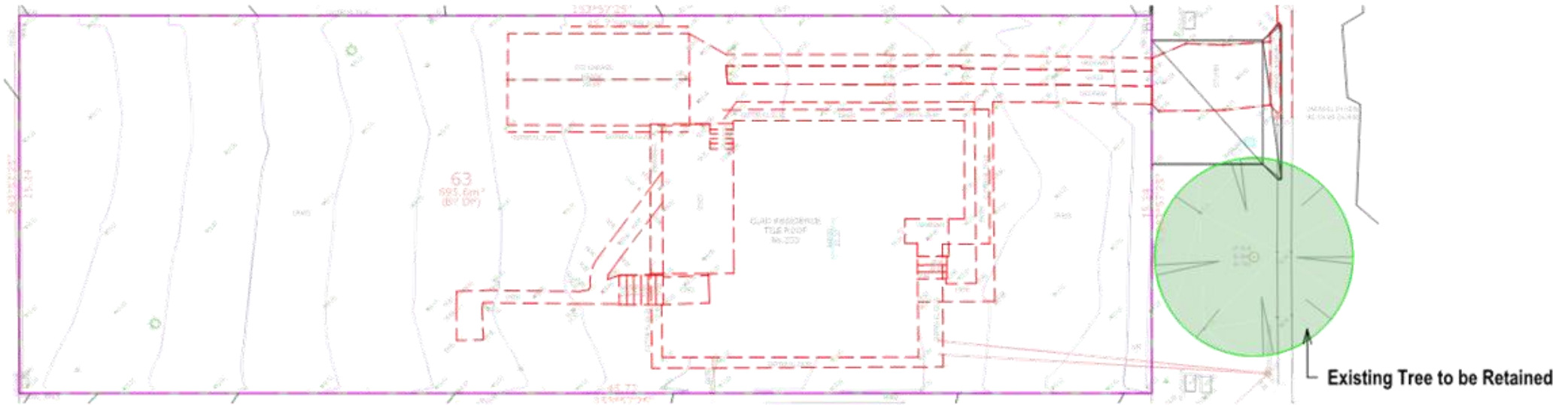
SITE ADDRESS: 233 Memorial Ave, Liverpool
CLIENT: [REDACTED]
ISSUED FOR: DA
PROJECT TYPE: 4 Townhouse Development
SCALE: 1 : 200
DATE: 2025
REV: C
SHEET NO: A1.0

CRETE-TECH
DESIGN & CONSTRUCTION

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Banksstown NSW 2200
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info@cedar-design.com.au
Phone: 0422 704 479
A.B.N. 67 616 143 661
Reg # 2125/16

PROJECT NO: C2501



1 A - Demolition Plan
1 : 200

Demolition Legend:

-  Existing Wall Structure
-  Existing Walls / Linings To Be Demolished

Demolition Notes:

- * All Demolition Work To Comply To AS 2601
- * Builder To Ensure Removal And Disposal Of All Existing Asbestos Linings To Be In Accordance With Contamination Report And Local Authorities Guidelines
- * Builder To Confirm All Existing Wall Construction Build-ups When Retained
- * Builder To Maintain Sedimentation Control Measures In Accordance With Council Requirements
- * Builder To Cap Off Plumbing & Electrical, And Relocate Pipework/Conduits To Suit New Works Where Required For Reused Service Points



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CONSULTANTS:	

REV	DATE	DESCRIPTION	INITIAL
A	24.12.24	Prelim Design	Khaled
B	08.01.24	DA Submission	Khaled
C	03.09.25	RFI	Khaled

DRAWING TITLE: Demolition Plan
DRAWN BY: K.Kabbout
CHECKED BY: K.Kabbout
LOT: 63 | SEC: | DP:25142
COUNCIL AREA: Liverpool City Council

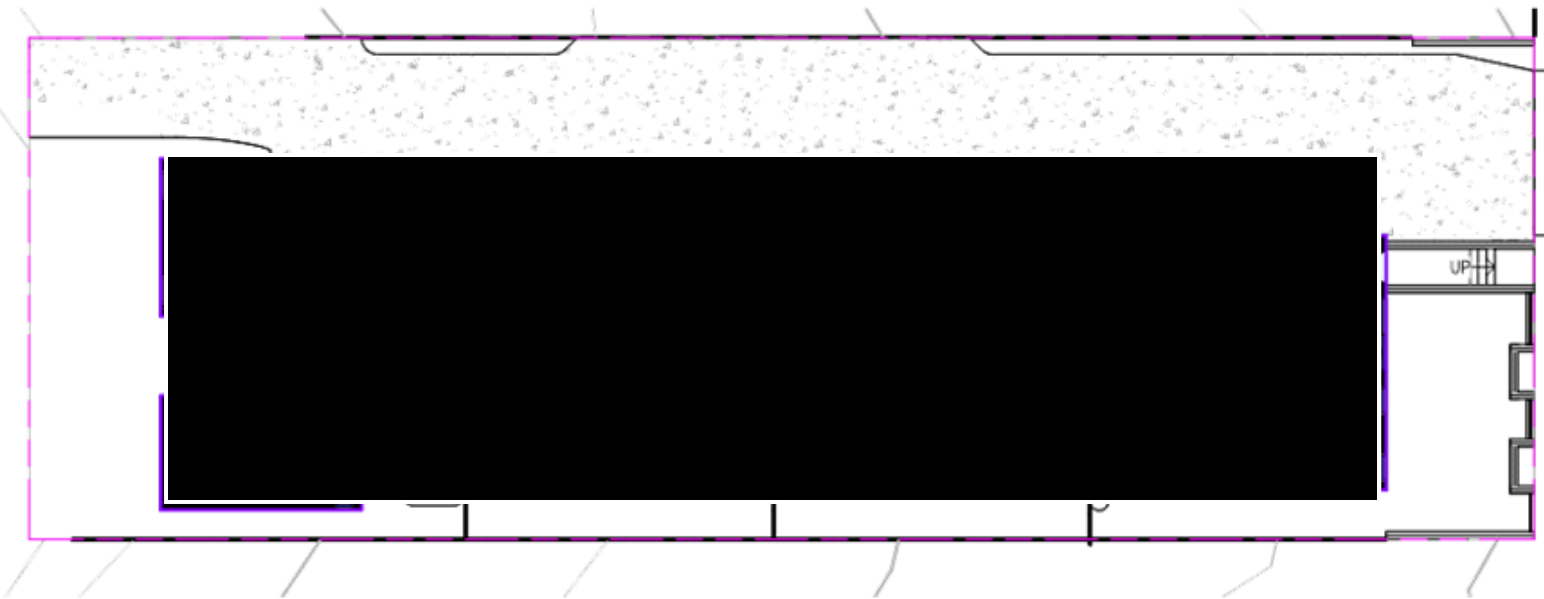


SITE ADDRESS: 233 Memorial Ave, Liverpool
CLIENT: [REDACTED]
ISSUED FOR: DA
PROJECT TYPE: 4 Townhouse Development
SCALE: As indicated **DATE:** 2025 **REV:** C **SHEET NO:** A1.2

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Reg #. 2125/16

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info@credesign.com.au
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A.B.N: 67 616 143 661
Reg #. 2125/16

PROJECT NO.: C2501



1 A- Ground Floor - Calculation Plan
1 : 200



2 A- First Floor - Calculation Plan
1 : 200

Area Schedule (CDC Floor Area) 2			
Comments	Name	Area	Total
U1 Ground Floor	U1 - 2 Bed	50 m ²	113 m ²
U1 First Floor	U1 - 2 Bed	63 m ²	
U2 Ground Floor	U2 - 2 Bed	39 m ²	100m ²
U2 First Floor	U2 - 2 Bed	61 m ²	
U3 Ground Floor	U3 - 2 Bed	39 m ²	100m ²
U3 First Floor	U3 - 2 Bed	61 m ²	
U4 Ground Floor	U4 - 3 Bed	62 m ²	132 m ²
U4 First Floor	U4 - 3 Bed	70 m ²	
			445 m ²

Affordable Housing Unit = 22% of FSR

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CONSULTANTS:

REV	DATE	DESCRIPTION	INITIAL
A	24.12.24	Prelim Design	Khaled
B	08.01.24	DA Submission	Khaled
C	03.09.25	RFI	Khaled

DRAWING TITLE: Calculation Plans
 DRAWN BY: K.Kabbout
 CHECKED BY: K.Kabbout
 LOT: 63 | SEC: | DP:25142
 COUNCIL AREA: Liverpool City Council

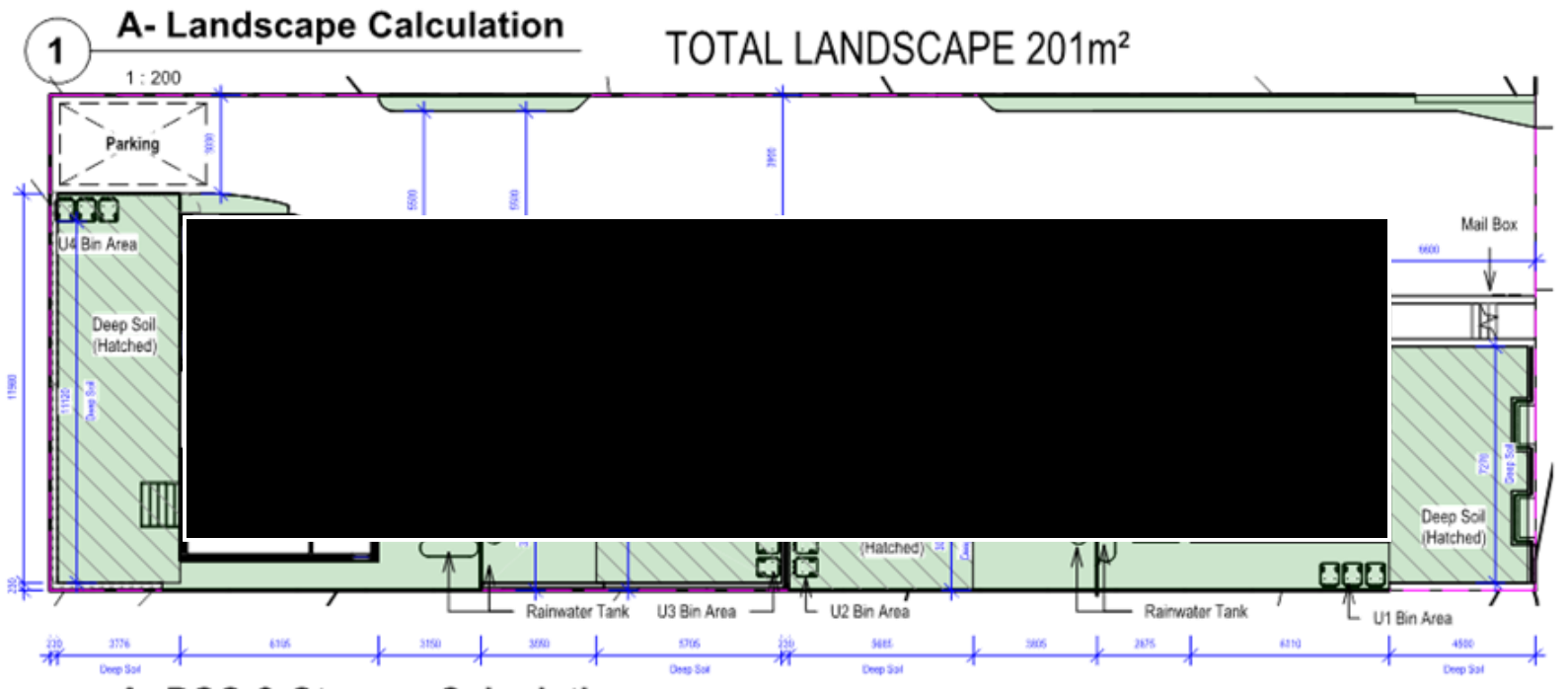


SITE ADDRESS: 233 Memorial Ave. Liverpool
 CLIENT: [REDACTED]
 ISSUED FOR: DA
 PROJECT TYPE: 4 Townhouse Development
 SCALE: 1 : 200 DATE: 2025 REV: C SHEET NO: A1.3

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 Bankstown NSW 2200
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 info@cedar-design.com.au
 Phone: 0422 704 479
 A.B.N: 87 616 143 661
 Reg #. 2125/16

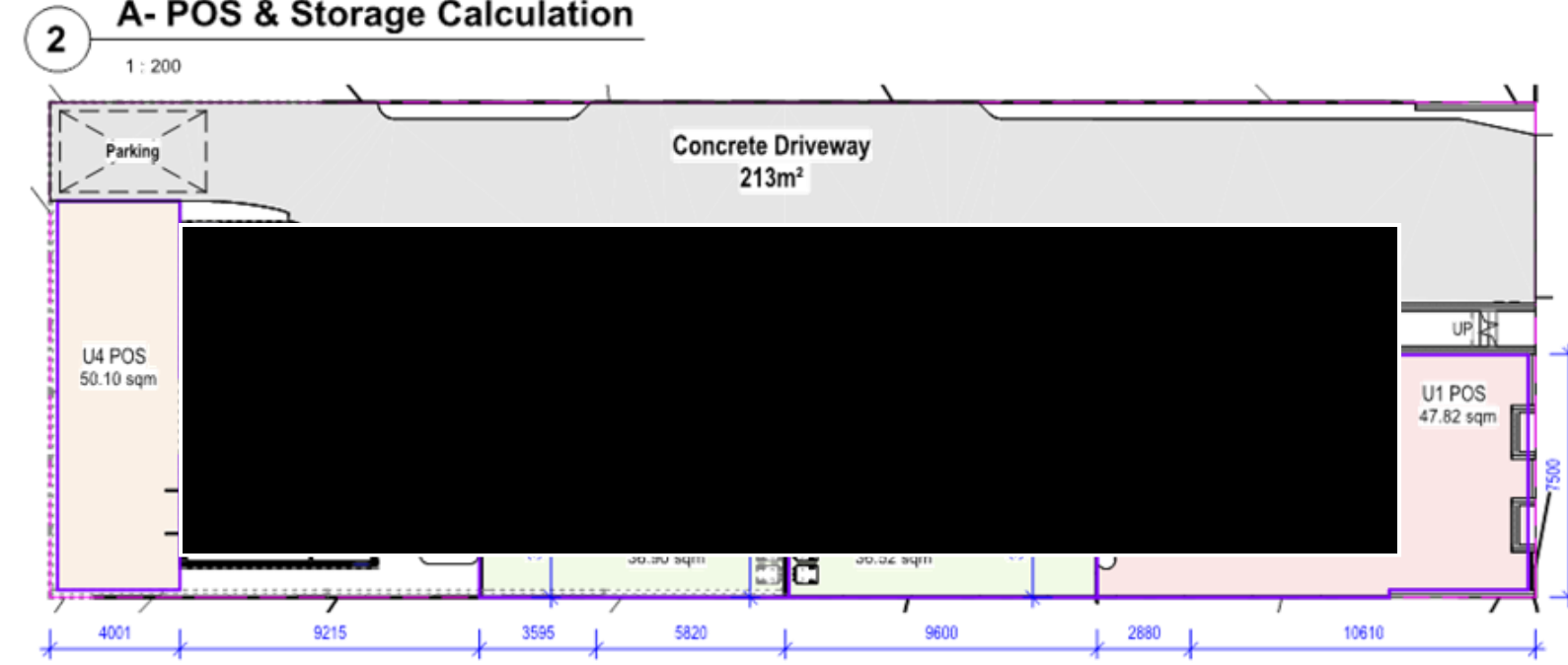


PROJECT NO: CZ501



LEGEND	U1	U2	U3	U4
POS	48.48m ²	35.12m ²	35m ²	50.10m ²
STORAGE	11.05m ³	11.45m ³	11.45m ³	10.01m ³
DEEP SOIL	30.1m ²	20.8m ²	24.6m ²	48.86m ²

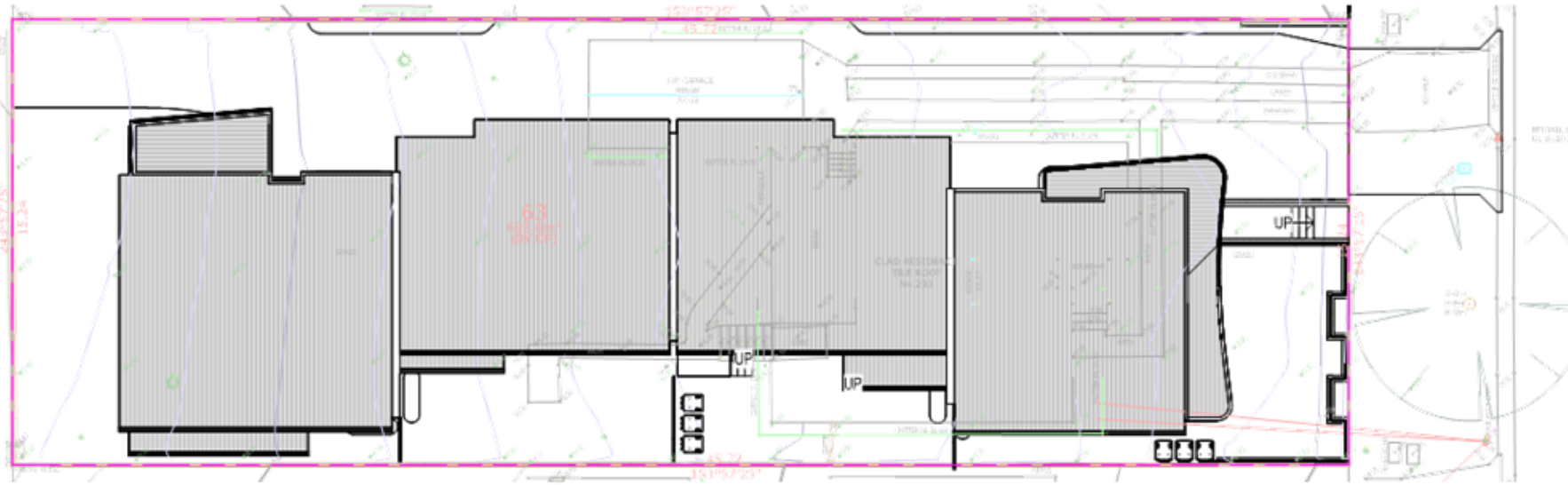
DEEP SOIL - Total 124.36sqm (min required 15% = 114sqm)



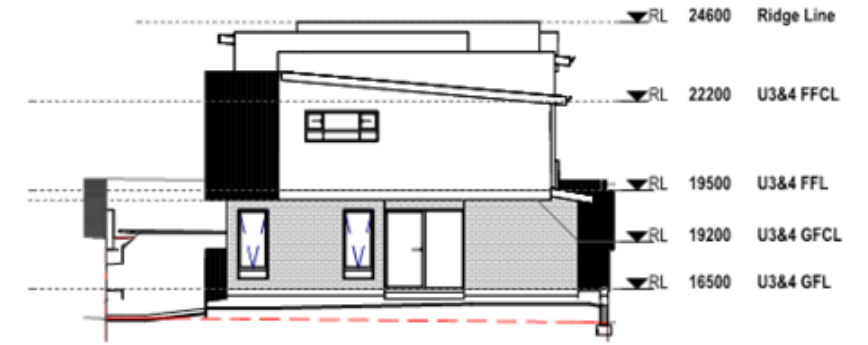
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Reg # 212516

SITE ADDRESS: 233 Memorial Ave, Liverpool
LOT 63 | SEC: | DP:25142
ISSUED FOR: Issued for DA
PROJECT TYPE: 4 Townhouse Development
SCALE: 1 : 200 DATE: 2025 REV: C SHEET NO: A1.4
PROJECT NO: C2501



1 NN - Site Plan
1 : 200



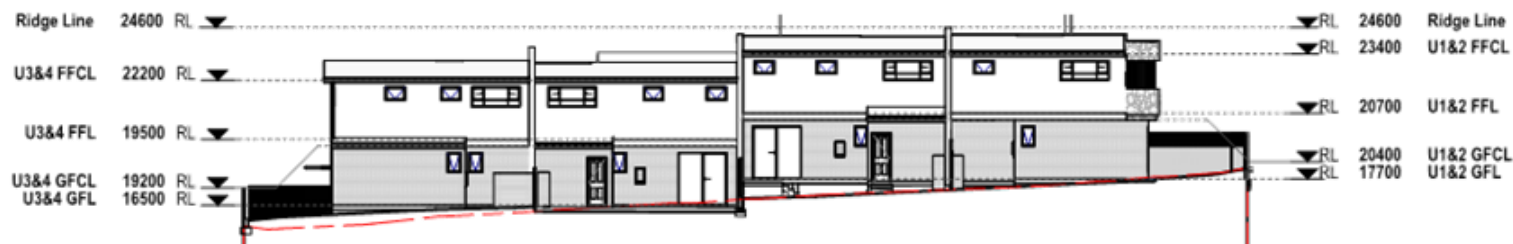
3 NN - NW Building
1 : 200



2 NN - NE Building
1 : 300



4 NN - SE Building
1 : 200



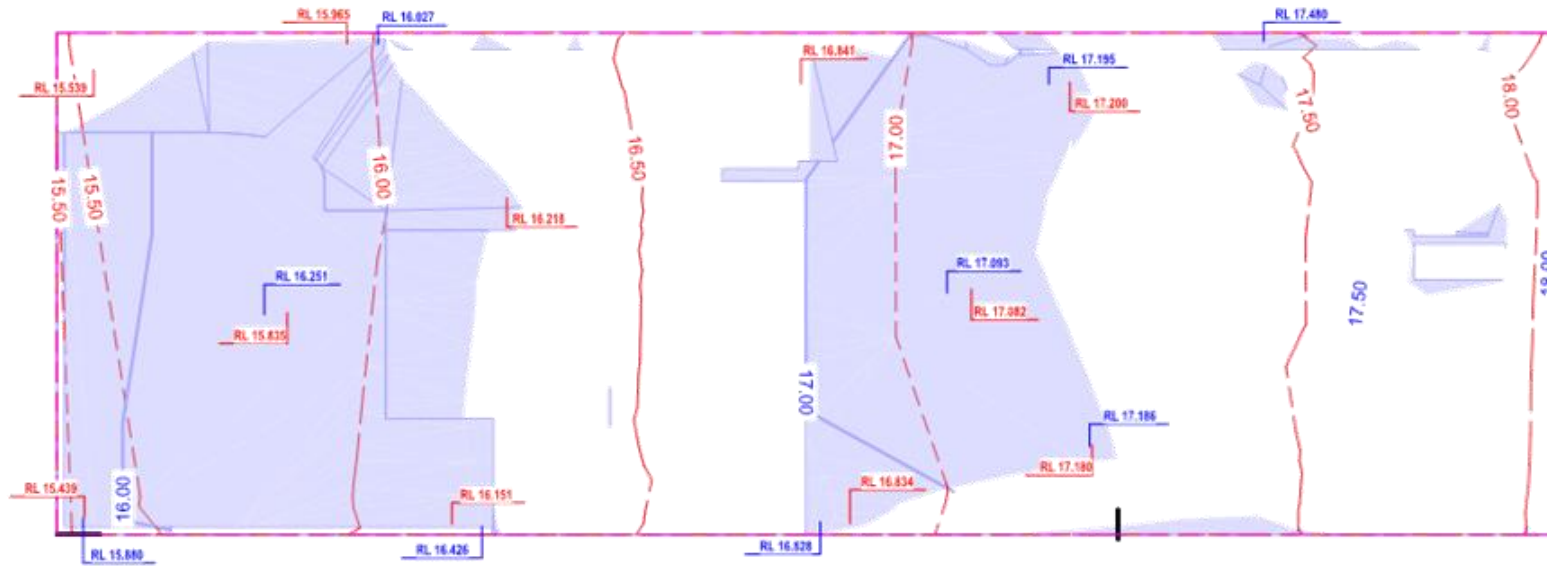
5 NN - SW Building
1 : 300



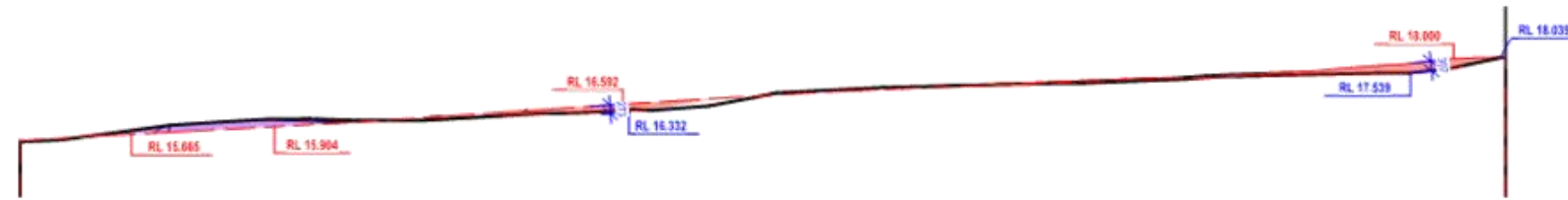
NOTE:
 *Architectural documents are to be read in conjunction with relevant structural, fire services, mechanical, hydraulic, electrical, civil and landscaping documents.
 *Do not scale drawings. Use figured dimensions only. Inform Architect of any conflict between site conditions and documents. Contractor to verify all dimensions on site before commencing work.
 *Any extra work applied hereafter must be claimed and approved (obtained before proceeding) otherwise no extra will be allowed for.
 *All materials, appliances, fittings and finishes are to be installed in accordance with the manufacturer's recommendations and in compliance with the relevant Codes & Standards.
 *These drawings are not to be used for construction unless drawings are stamped and signed by Building Surveyor.
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SITE ADDRESS: 233 Memorial Ave, Liverpool
LOT 63 | SEC: | **DP:** 25142
ISSUED FOR: Issued for DA
PROJECT TYPE: 4 Townhouse Development
SCALE: As indicated **DATE:** 2025 **REV:** C **SHEET NO:** A1.5

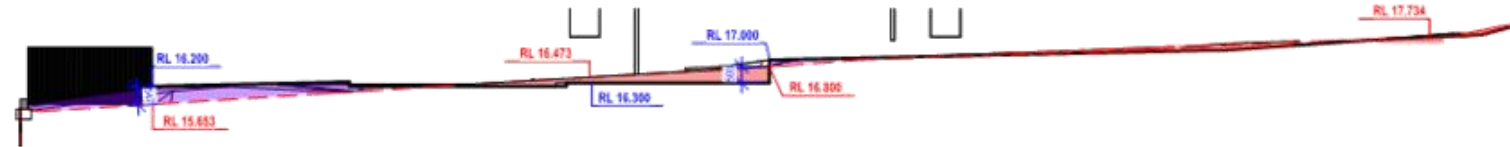
PROJECT NO: C2501



1 A- Cut & Fill Plan
1 : 200



2 Cut & Fill Section 1
1 : 200



3 Cut & Fill Section 2
1 : 200



4 Cut & Fill Section 3
1 : 200

Excavation Volume on Toposolid

Excavation Volume is stored in the properties of the toposolid and related elements. The volume is updated with geometry changes.

Element ID	Family and Type	Mark	Excavation Volume
1	3988679	Floor : Concrete-(150)	17.003 m ³
2	4058274	Floor : Concrete-(200)	3.196 m ³
3	4209144	Floor : Concrete-(200)	5.761 m ³
4	4209148	Floor : Concrete-(200)	17.867 m ³
5	4221105	Basic Wall : Brick-(230)	0.041 m ³
6	4221177	Basic Wall : Brick-(230)	0.296 m ³
7	4376421	Floor : Earth	40.786 m ³
8	4418431	Floor : Timber-(200)	0.398 m ³
9	4485611	Floor : Concrete-(150)	0.965 m ³

Other

Net cut/fill	-14.444 m ³
Fill	66.634 m ³
Cut	81.079 m ³
Total Excavati...	86.314 m ³
Individual Exc...	View...

NOTE:
NO CUT OR FILL IS MORE THAN 600mm

Please note:

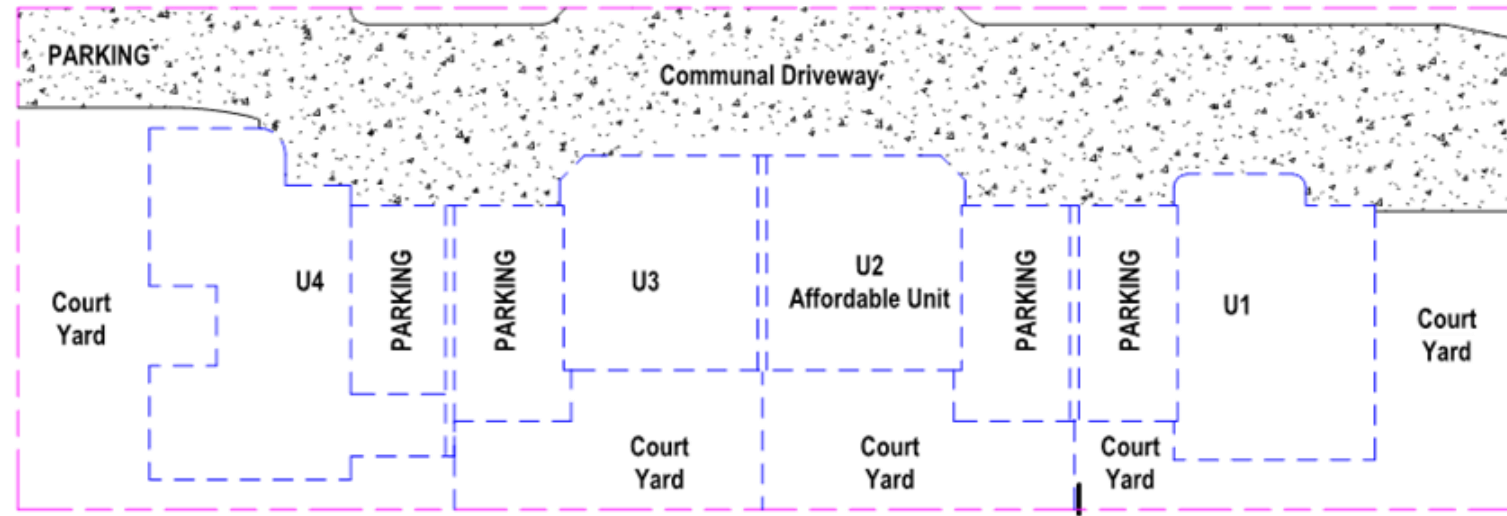
Red RL - Neighbouring Levels
Blue RL - Proposed Subject Levels
Blue TOW - Top of Retaining Walls



NOTE:
*Architectural documents are to be read in conjunction with relevant structural, fire services, mechanical, hydraulic, electrical, civil and landscaping documents.
*Do not scale drawings. Use figured dimensions only. Inform Architect of any conflict between site conditions and documents. Contractor to verify all dimensions on site before commencing work.
*Any extra work or placed hereafter must be claimed and approved. Obtain approval from the architect before extra work is done.
*All materials, appliances, fittings and finishes are to be installed in accordance with the manufacturer's recommendations and in compliance with the relevant Codes & Standards.
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SITE ADDRESS: 233 Memorial Ave, Liverpool
LOT 63 | SEC: | **DP:** 25142
ISSUED FOR: Issued for DA
PROJECT TYPE: 4 Townhouse Development
SCALE: 1 : 200 **DATE:** 2025 **REV:** C **SHEET NO:** A1.6

PROJECT NO: C2501



1 A - Subdivision Plan
1 : 200

NOTE:
* Architectural documents are to be read in conjunction with relevant structural, fire, service, mechanical, hydraulic, electrical, civil and landscaping documents.
* Do not scale drawings. Use figured dimensions only. Inform architect of any conflict between site conditions and documents. Contractor to verify all dimensions on site when commencing work.
* Any work with retained features must be planned and approved in advance before proceeding otherwise no work will be allowed for.
* All materials, appearance, fittings and finishes are to be installed in accordance with the manufacturer's recommendations and in compliance with the relevant Codes & Standards.
* These drawings are not to be used for construction unless drawings are signed and sealed by Building Certifier.
* These documents may only be used for the purposes for which was commissioned and in accordance with the Terms of Engagement.

CONSULTANTS:	

REV	DATE	DESCRIPTION	INITIAL
B	08.01.24	DA Submission	Khaled
C	03.09.25	RFI	Khaled

DRAWING TITLE: Subdivision Plan
DRAWN BY: K.Kabbout
CHECKED BY: K.Kabbout
LOT: 63 | SEC: | DP: 25142
COUNCIL AREA: Liverpool City Council



SITE ADDRESS: 233 Memorial Ave, Liverpool
CLIENT: ██████████
ISSUED FOR: DA
PROJECT TYPE: 4 Townhouse Development
SCALE: 1 : 200 **DATE:** 2025 **REV:** C **SHEET NO:** A1.7



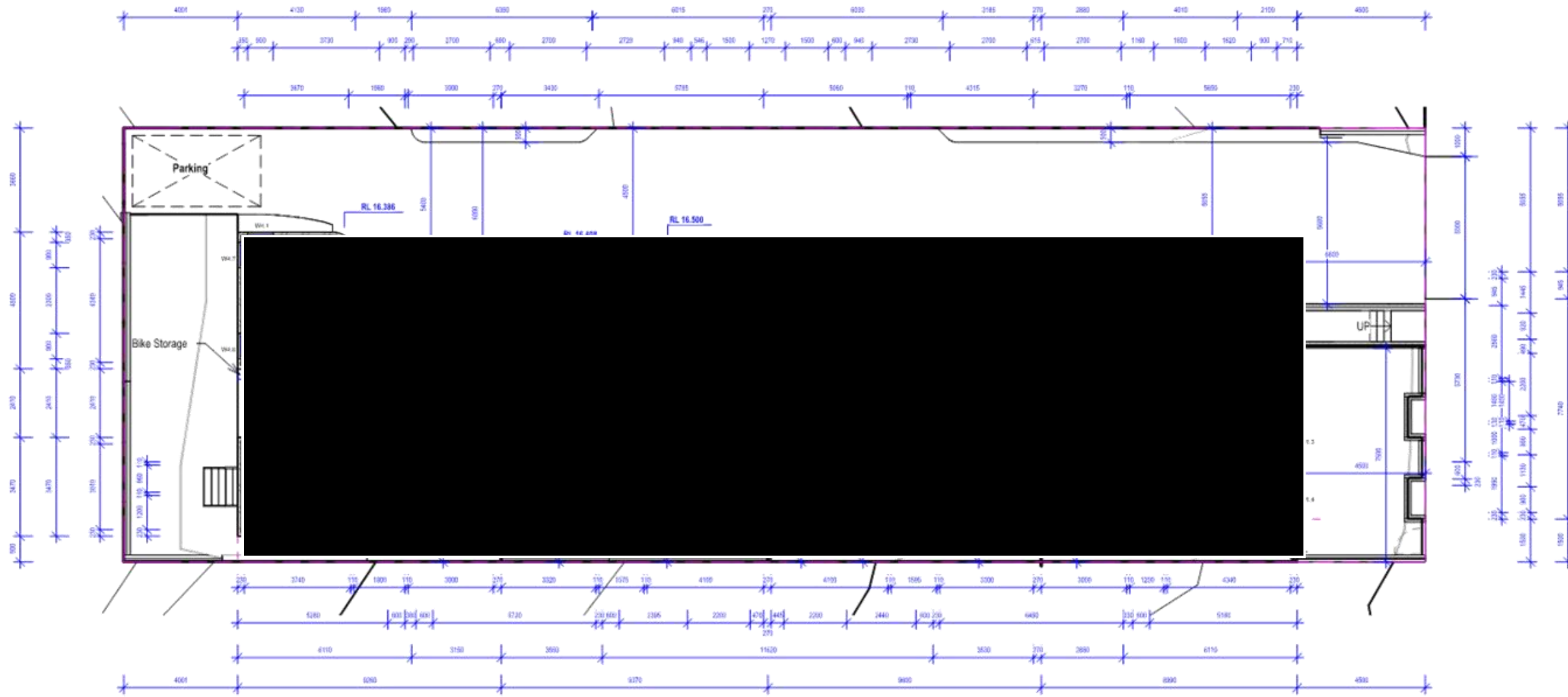
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CEDAR
DESIGN & CONSTRUCTION

4/93-95 North Tce,
Banksstown NSW 2200
www.cedardesign.com.au
info@cedardesign.com.au
Phone: 0422 704 479
A.B.N: 87 616 143 661
Reg #. 2125/16

PROJECT NO: C2501



1 A- Ground Floor Plan
1 : 150

<p>Certificate No. #HR-VSZVRL-02</p> <p>Assessor name: Jarrah Brundin Accreditation No: HERRA 10056 Property Address: 233 Memorial Avenue, Liverpool, NSW, 2170</p>	<p>Certificate No. #HR-C1XBY-02</p> <p>Assessor name: Jarrah Brundin Accreditation No: HERRA 10056 Property Address: Unit 2, 233 Memorial Avenue, Liverpool, NSW, 2170</p>
<p>Certificate No. #HR-GDYP8X-02</p> <p>Assessor name: Jarrah Brundin Accreditation No: HERRA 10056 Property Address: Unit 1, 233 Memorial Avenue, Liverpool, NSW, 2170</p>	<p>Certificate No. #HR-H7KPPW-02</p> <p>Assessor name: Jarrah Brundin Accreditation No: HERRA 10056 Property Address: Unit A, 233 Memorial Avenue, Liverpool, NSW, 2170</p>
<p>Certificate No. #HR-OF6XCF-02</p> <p>Assessor name: Jarrah Brundin Accreditation No: HERRA 10056 Property Address: Unit 2, 233 Memorial Avenue, Liverpool, NSW, 2170</p>	

NOTE:
* Architectural documents are to be read in conjunction with relevant structural, fire, service, mechanical, hydraulic, electrical and landscaping documents.
* Do not scale drawings. Use figured dimensions only. Inform architect of any conflict between site conditions and documents. Contractor to verify all dimensions on site prior to commencing work.
* Any work with retained firewater must be cleared and approved relevant before proceeding otherwise no work will be allowed for.
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* These drawings are not to be used for construction unless drawings are formally endorsed by Building Services.
* These documents may only be used for the purpose for which was commissioned and in accordance with the Terms of Engagement.

CONSULTANTS:	

REV	DATE	DESCRIPTION	INITIAL
A	24.12.24	Prelim Design	Khaled
B	08.01.24	DA Submission	Khaled
C	03.09.25	RFI	Khaled

DRAWING TITLE: Proposed Plan - Ground Floor
DRAWN BY: K.Kabbout
CHECKED BY: K.Kabbout
LOT: 63 | SEC: | DP:25142
COUNCIL AREA: Liverpool City Council

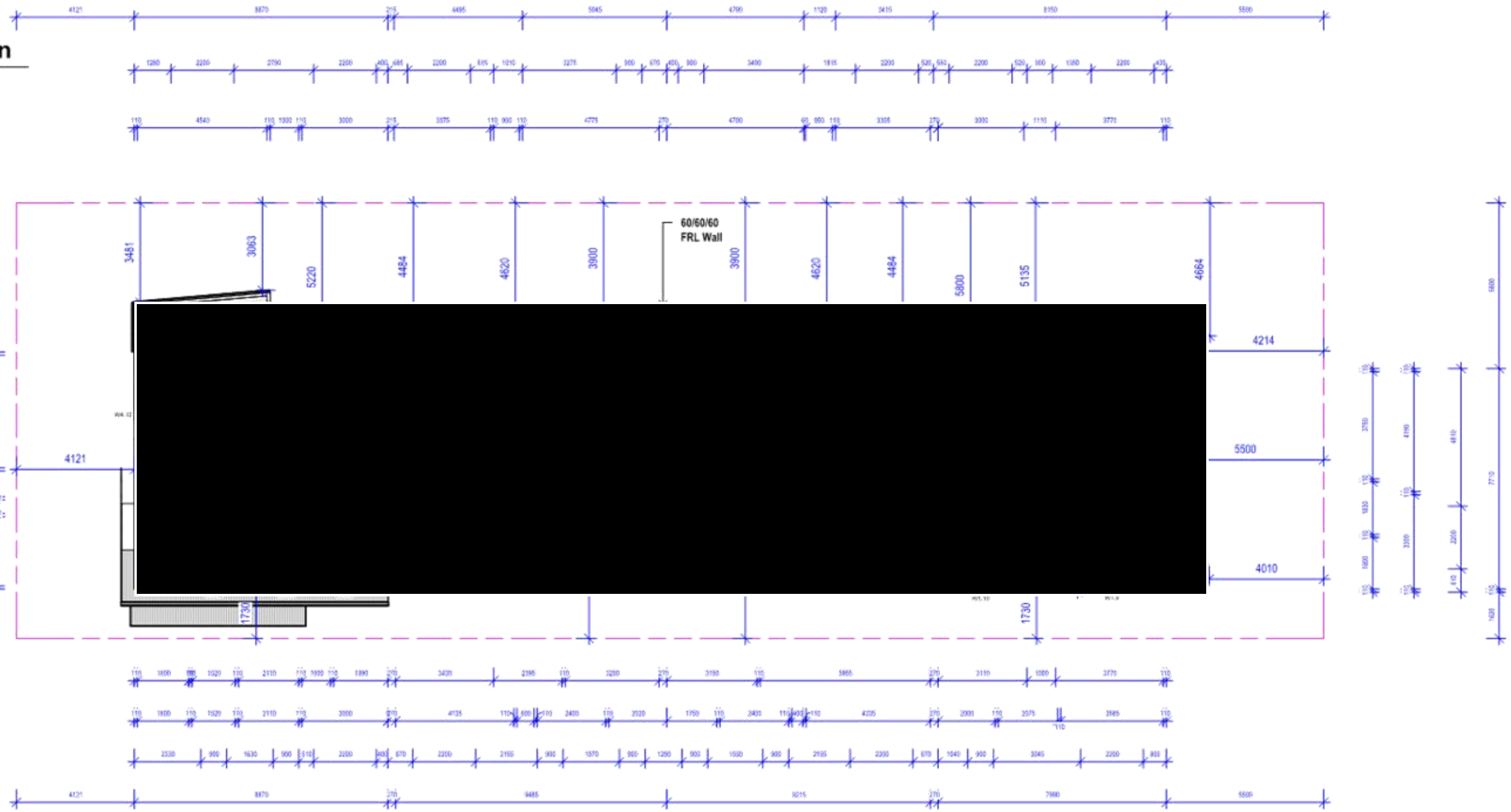


SITE ADDRESS: 233 Memorial Ave, Liverpool
CLIENT: [REDACTED]
ISSUED FOR: DA
PROJECT TYPE: 4 Townhouse Development
SCALE: 1 : 150 **DATE:** 2025 **REV:** C **SHEET NO:** A2.0

CRETE-TECH **CEDAR**
DESIGN & CONSTRUCTION
 4/93-85 North Tce, Bankstown NSW 2200
 www.cedar.com.au
 info@cedar.com.au
 Phone: 0422 754 479
 A.B.N: 67 616 143 661
 Reg # 212516

PROJECT NO: CZ501

1 A- First Floor Plan
1 : 150



Certificate No. #HR-VSZVRL-02
Scan QR code or follow website link for rating details.
Assessor name: Jamar Binrafin
Accreditation No: HERA 10056
Property Address: 233 Memorial Avenue, Liverpool, NSW, 2170
<http://www.hera-software.com.au/gb/HR-VSZVRL-02>

Certificate No. #HR-GDYP8X-02
Scan QR code or follow website link for rating details.
Assessor name: Jamar Binrafin
Accreditation No: HERA 10056
Property Address: Unit 3, 233 Memorial Avenue, Liverpool, NSW, 2170
<http://www.hera-software.com.au/gb/HR-GDYP8X-02>

Certificate No. #HR-C1IXBY-02
Scan QR code or follow website link for rating details.
Assessor name: Jamar Binrafin
Accreditation No: HERA 10056
Property Address: Unit 3, 233 Memorial Avenue, Liverpool, NSW, 2170
<http://www.hera-software.com.au/gb/HR-C1IXBY-02>

Certificate No. #HR-OF6XCF-02
Scan QR code or follow website link for rating details.
Assessor name: Jamar Binrafin
Accreditation No: HERA 10056
Property Address: Unit 2, 233 Memorial Avenue, Liverpool, NSW, 2170
<http://www.hera-software.com.au/gb/HR-OF6XCF-02>

Certificate No. #HR-H7KPPW-02
Scan QR code or follow website link for rating details.
Assessor name: Jamar Binrafin
Accreditation No: HERA 10056
Property Address: Unit 4, 233 Memorial Avenue, Liverpool, NSW, 2170
<http://www.hera-software.com.au/gb/HR-H7KPPW-02>

NOTE:
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* Do not scale drawings. Use figured dimensions only. Items in brackets of any conflict between site conditions and documents. Contractor to verify all dimensions on site prior to commencing work.
* Any walls with retained leveller must be covered and approved relevant before proceeding otherwise no entry will be allowed for.
* All materials, appliances, fittings and finishes are to be installed in accordance with the manufacturer's recommendations and in compliance with the relevant Codes & Standards.
* These drawings are not to be used for construction unless drawings are stamped and signed by Building Surveyor.
* These documents may only be used for the purpose for which was commissioned and in accordance with the Terms of Engagement.

CONSULTANTS:	

REV	DATE	DESCRIPTION	INITIAL
A	24.12.24	Prelim Design	Khaled
B	08.01.24	DA Submission	Khaled
C	03.09.25	RFI	Khaled

DRAWING TITLE: Proposed Plan - First Floor
DRAWN BY: K.Kabbout
CHECKED BY: K.Kabbout
LOT: 63 | SEC: | DP:25142
COUNCIL AREA: Liverpool City Council

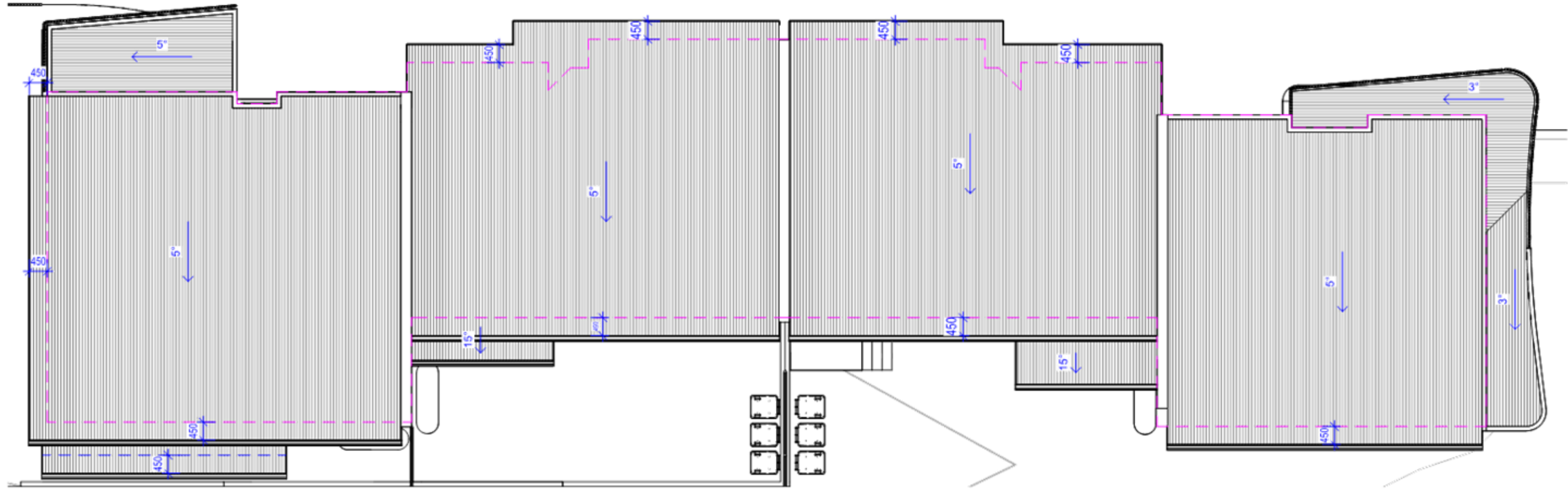


SITE ADDRESS: 233 Memorial Ave, Liverpool
CLIENT: ██████████
ISSUED FOR: DA
PROJECT TYPE: 4 Townhouse Development
SCALE: 1 : 150
DATE: 2025
REV: C
SHEET NO: A2.1

CRETE-TECH
DESIGN & CONSTRUCTION
4/83-85 North Tce, Bankstown NSW 2200
www.credesign.com.au
info@credesign.com.au
Phone: 0422 704 479
A.B.N: 67 616 143 661
Reg # 212516

CEDAR
DESIGN & CONSTRUCTION
4/83-85 North Tce, Bankstown NSW 2200
www.credesign.com.au
info@credesign.com.au
Phone: 0422 704 479
A.B.N: 67 616 143 661
Reg # 212516

PROJECT NO: C2501



1 A- Roof Plan
1 : 100

NOTE:
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* Any work with retained materials must be cleared and approved in accordance with the proceeding references to which it is subject to.
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* These drawings are not to be used for construction unless drawings are formally endorsed by Building Services.
* These documents may only be used for the purposes for which was commissioned and in accordance with the Terms of Engagement.

CONSULTANTS:	

REV	DATE	DESCRIPTION	INITIAL
A	24.12.24	Prelim Design	Khaled
B	08.01.24	DA Submission	Khaled
C	03.09.25	RFI	Khaled

DRAWING TITLE: Proposed Plan - Roof
DRAWN BY: K.Kabbout
CHECKED BY: K.Kabbout
LOT: 63 | SEC: | DP:25142
COUNCIL AREA: Liverpool City Council



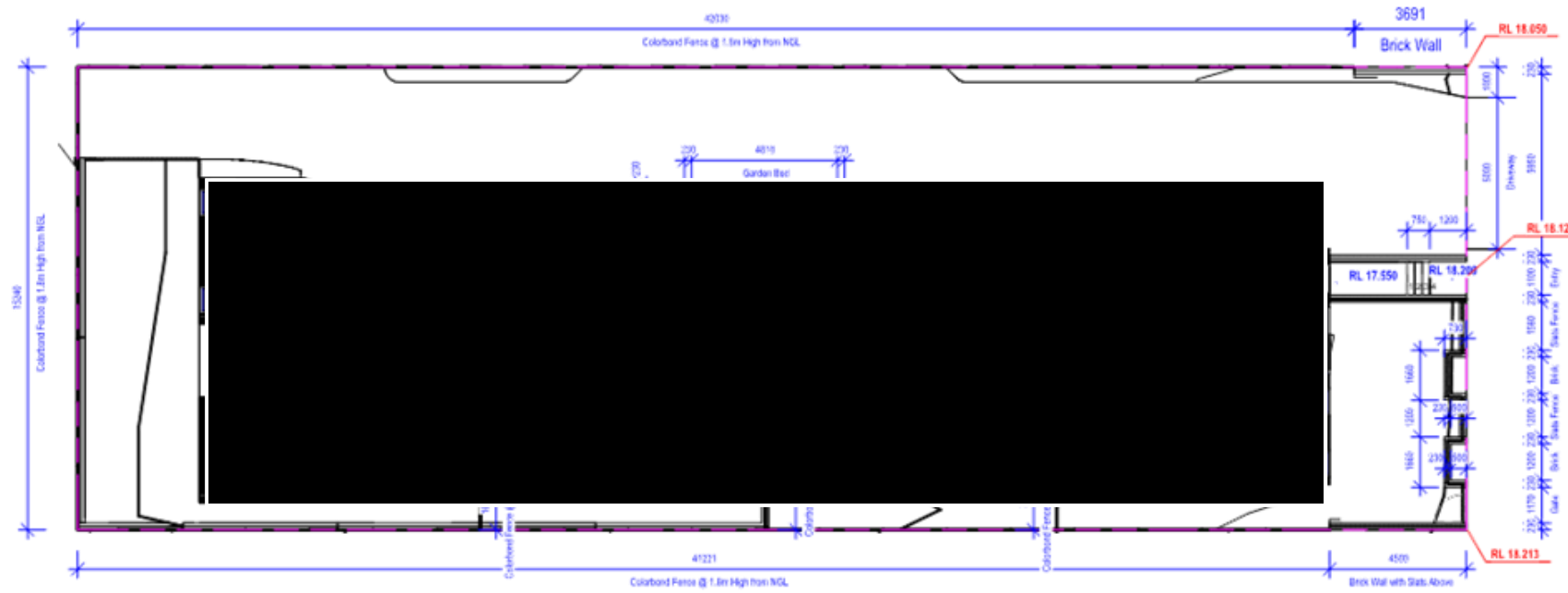
SITE ADDRESS: 233 Memorial Ave, Liverpool
CLIENT: [REDACTED]
ISSUED FOR: DA
PROJECT TYPE: 4 Townhouse Development
SCALE: 1 : 100
DATE: 2025
REV: C
SHEET NO: A2.2

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Bankstown NSW 2200
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info@cedar.com.au
Phone: 0422 704 479
A.B.N: 87 616 143 661
Reg # 212516

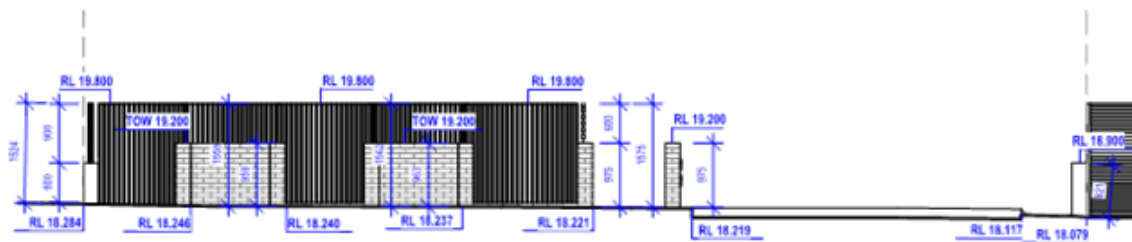
PROJECT NO: CZ501



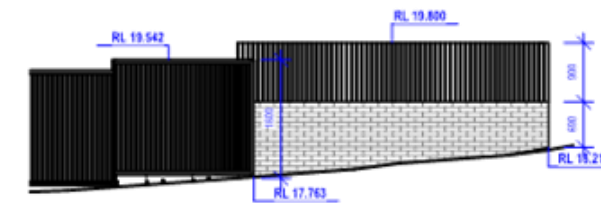
1 **A - Fence Plan**
1 : 200

Please note:

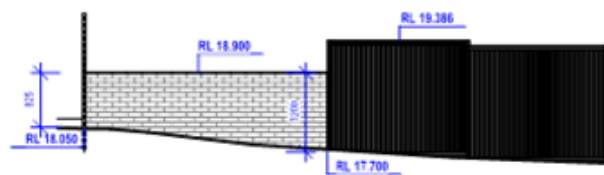
Red RL - Neighbouring Levels
Blue RL - Proposed Subject Levels
Blue TOW - Top of Retaining Walls



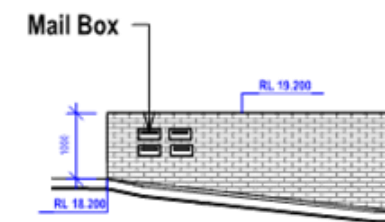
2 **Front Fence Elevation**
1 : 100



4 **SW Fence Elevation**
1 : 100



3 **NE Fence Elevation**
1 : 100

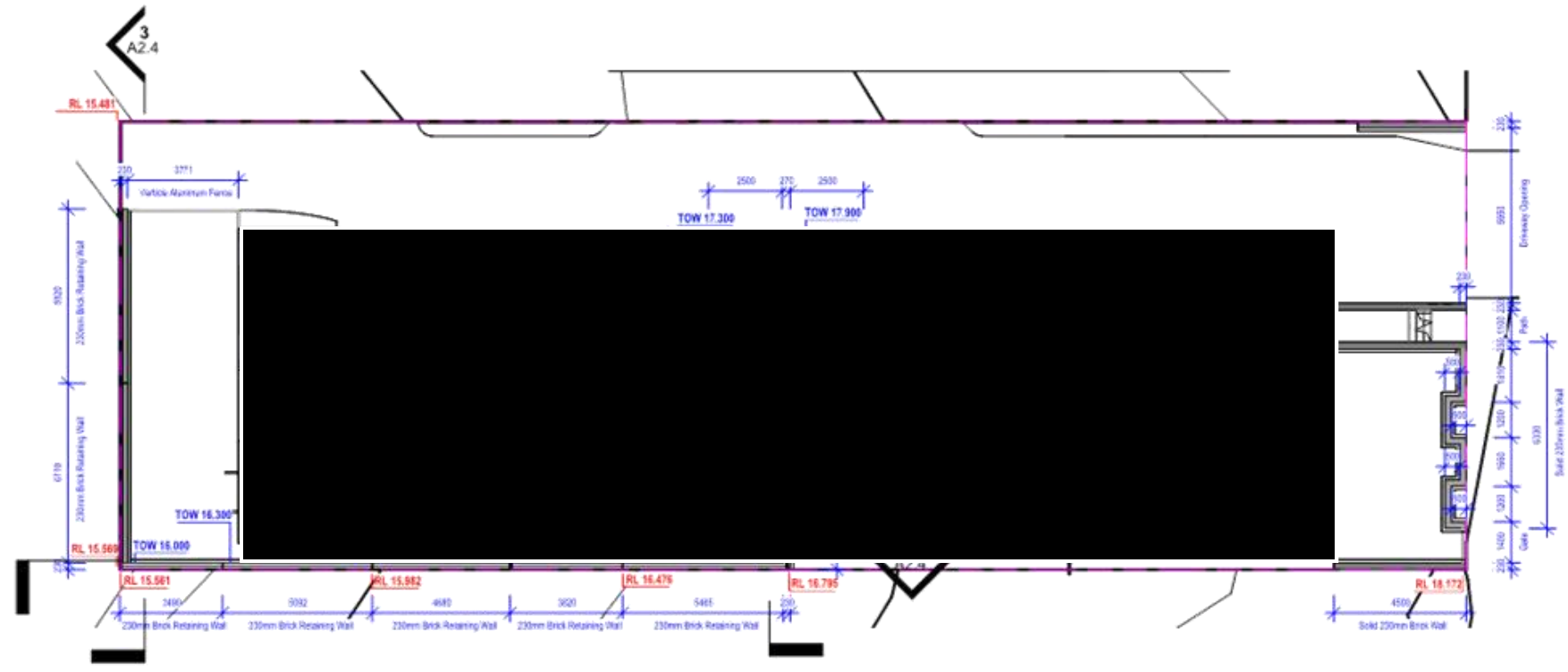


5 **U1 NE Fence Elevation**
1 : 100

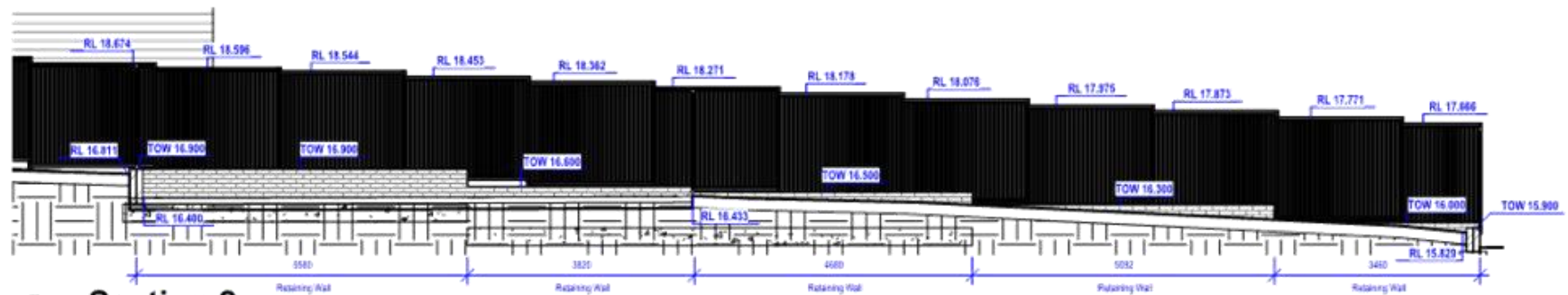


SITE ADDRESS: 233 Memorial Ave., Liverpool
 LOT 63 | SEC: | DP:25142
 ISSUED FOR: Issued for DA
 PROJECT TYPE: 4 Townhouse Development
 SCALE: As indicated | DATE: 2025 | REV: C | SHEET NO: A2.3

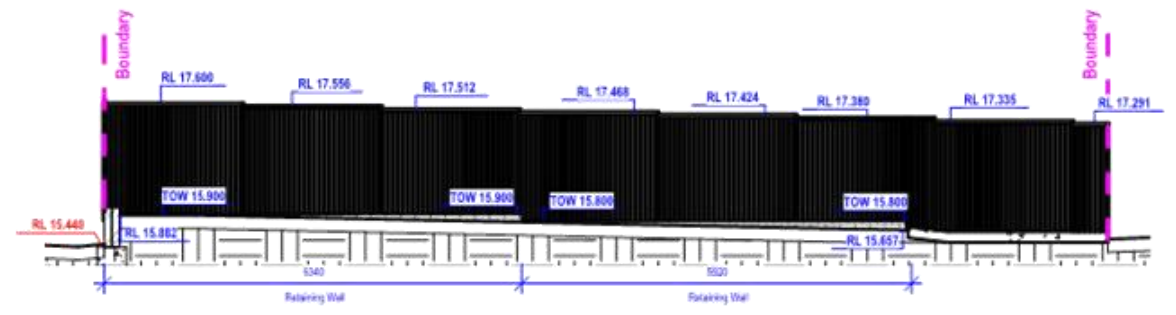
PROJECT NO: C2501



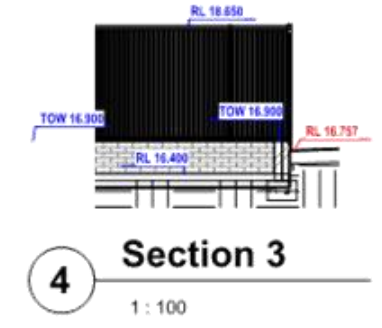
1 A - Site Plan - Retaining Walls Plan
1 : 200



2 Section 2
1 : 100



3 Section 1
1 : 100



4 Section 3
1 : 100

Please note:

Red RL - Neighbouring Levels
Blue RL - Proposed Subject Levels
Blue TOW - Top of Retaining Walls

4/83-85 North Tce, Bankstown 2200
www.cedarandconstruct.com.au
info@cedarandconstruct.com.au
A.B.N: 67 616 143 061
Phone: 0422 704 479
Reg # 212576

CRETE-TECH
DESIGN & CONSTRUCT

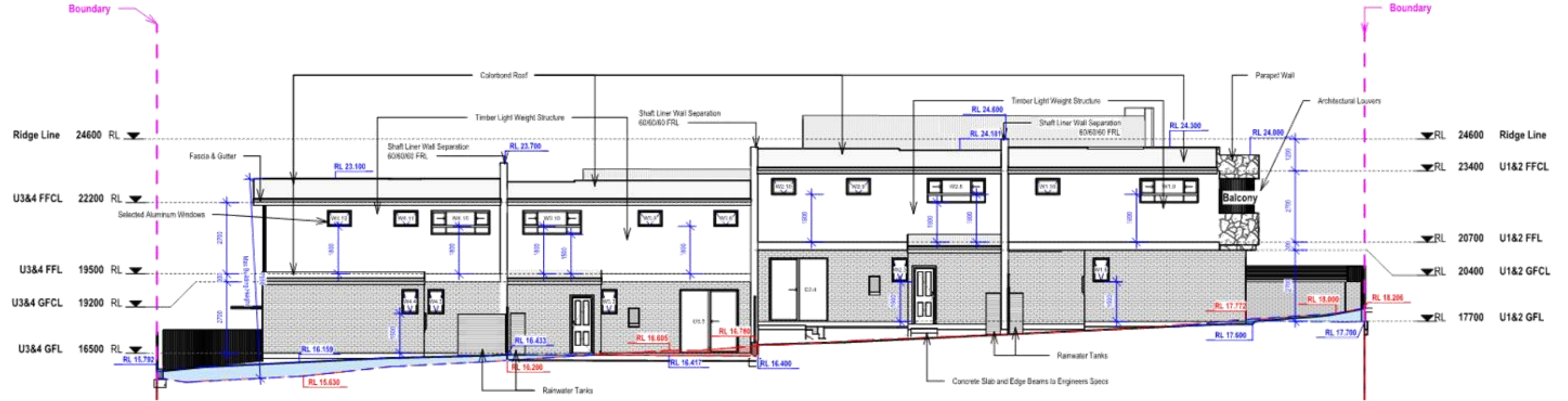
CEDAR
DESIGN & CONSTRUCT

bda
CONCRETE IN QUALITY

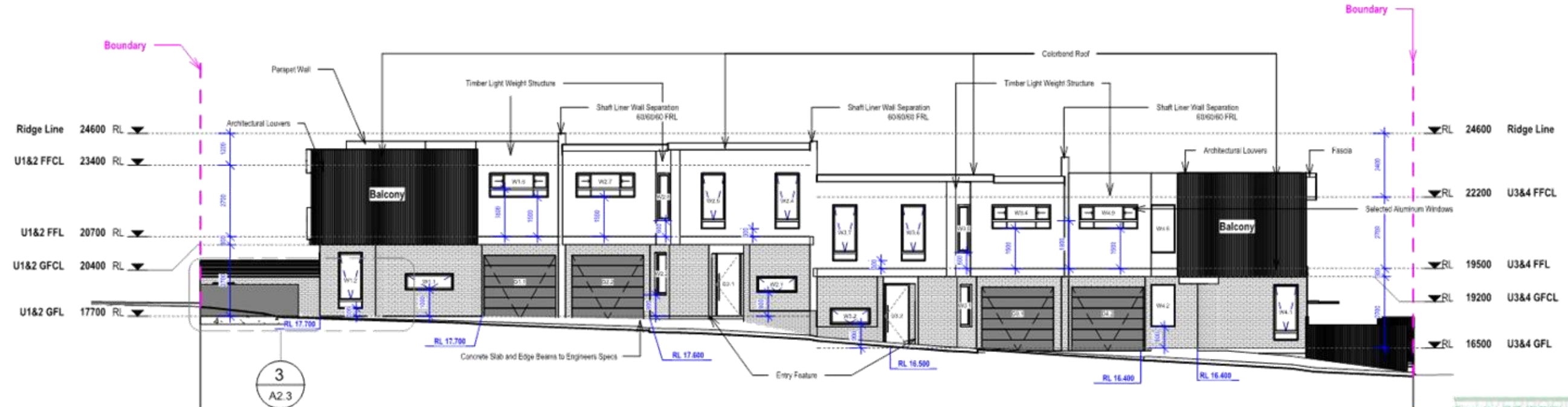
NOTE:
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* Do not scale drawings. Use figured dimensions only. Inform Architect of any conflict between site conditions and documents. Contact to early on dimensions on site after commencing work.
* Any extra work ordered thereafter must be ordered and approval obtained before proceeding otherwise no work will be allowed for.
* All materials, applications, fittings and fixtures are to be installed in accordance with the manufacturer's recommendations and in compliance with the relevant Codes & Standards.
* These drawings are not to be used for construction unless drawings are stamped and signed by Building Designer.
* These documents may only be used for the purposes for which was commissioned and in accordance with the Terms of Engagement.

SITE ADDRESS: 233 Memorial Ave., Liverpool
LOT 63 | SEC: | **DP:** 25142
ISSUED FOR: Issued for DA
PROJECT TYPE: 4 Townhouse Development
SCALE: As indicated **DATE:** 2025 **REV:** C **SHEET NO:** A2.4

PROJECT NO: C2501



1 Elevation - SW Building
1 : 150



2 Elevation - NE Building
1 : 150



NOTE:
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* These drawings are not to be used for construction unless drawings are formally endorsed by Building Services.
* These documents may only be used for the purpose for which was commissioned and in accordance with the Terms of Engagement.

CONSULTANTS:

REV	DATE	DESCRIPTION	INITIAL
A	24.12.24	Prelim Design	Khaled
B	08.01.24	DA Submission	Khaled
C	03.09.25	RFI	Khaled

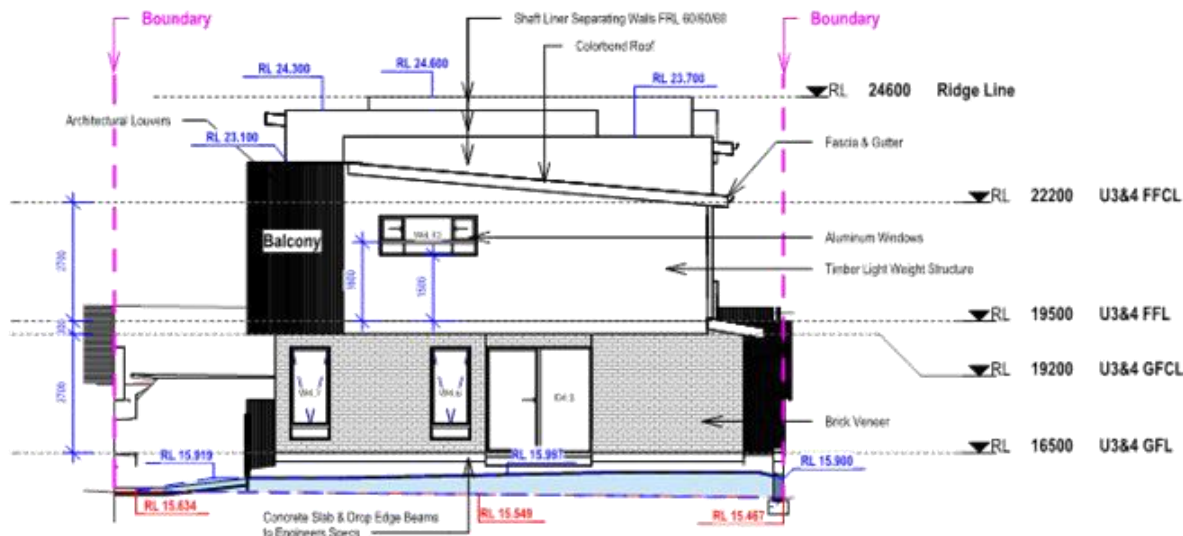
DRAWING TITLE: NE&SW Elevations
 DRAWN BY: K.Kabbout
 CHECKED BY: K.Kabbout
 LOT: 63 | SEC: | DP:25142
 COUNCIL AREA: Liverpool City Council

SITE ADDRESS: 233 Memorial Ave, Liverpool
 CLIENT: [Redacted]
 ISSUED FOR: DA
 PROJECT TYPE: 4 Townhouse Development
 SCALE: 1 : 150
 DATE: 2025
 REV: C
 SHEET NO: A3.0

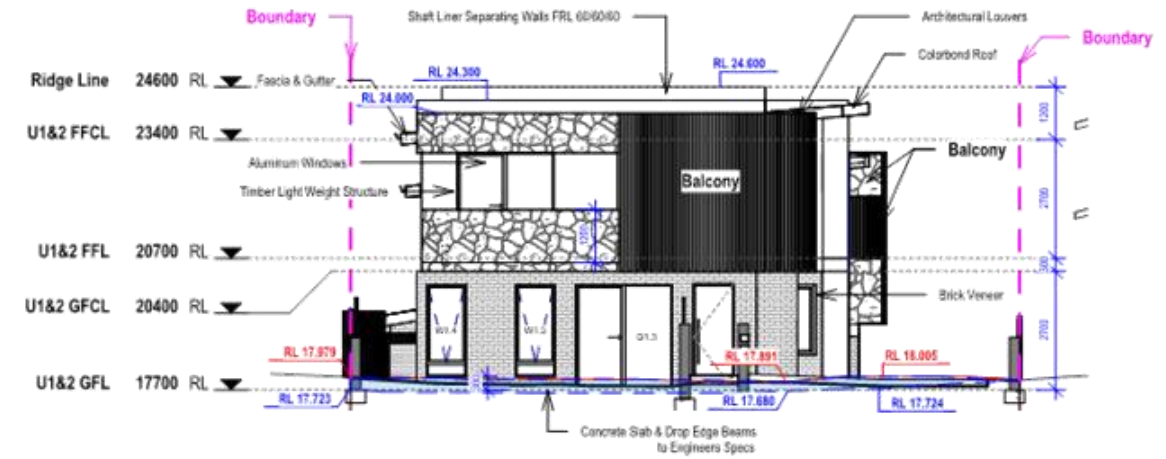
4/93-95 North Tce, Bankstown NSW 2200
 www.cedardesign.com.au
 info@cedardesign.com.au
 Phone: 0422 704 479
 A.B.N: 67 616 143 661
 Reg # 2125/16

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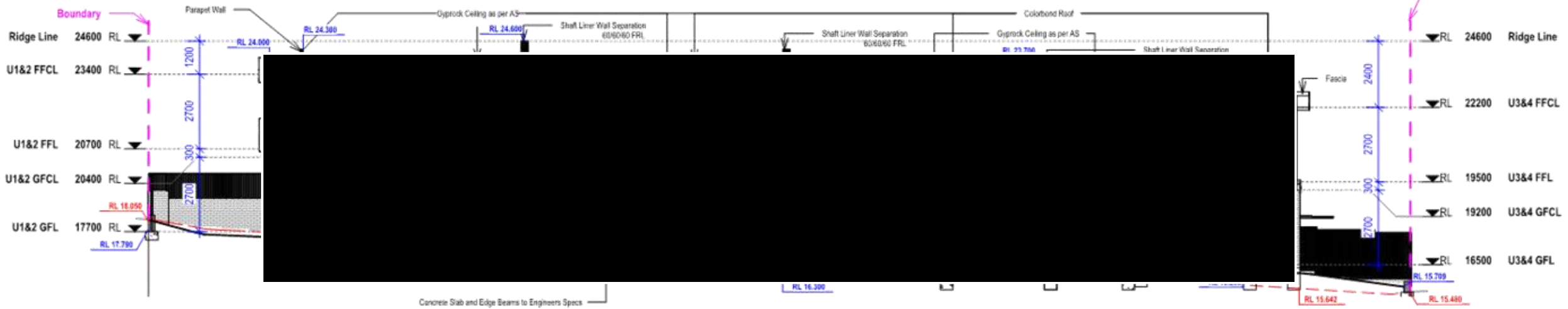
Project No: C2501



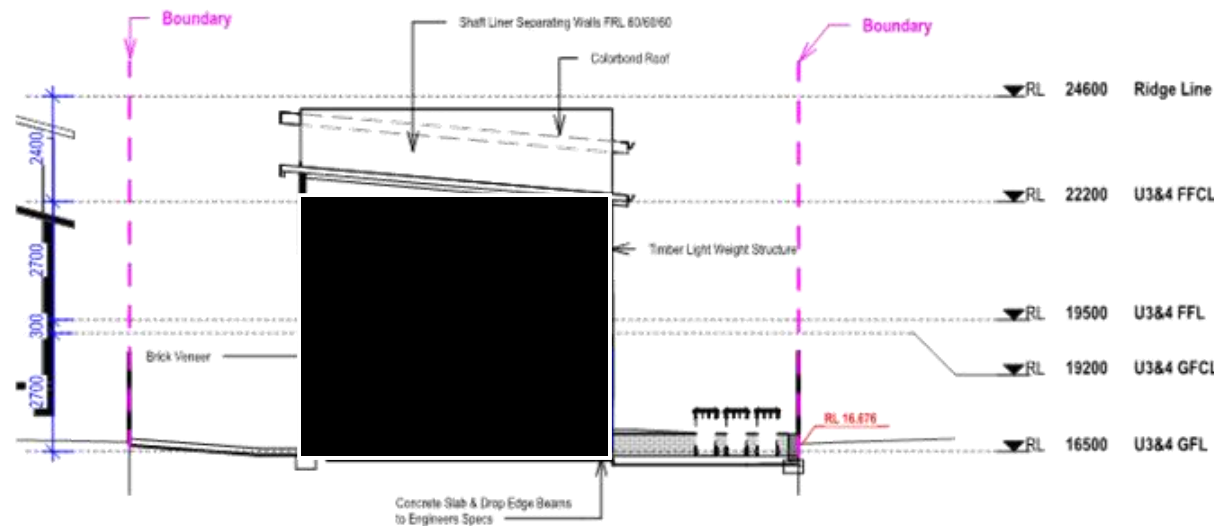
1 Elevation - NW Building
1 : 150



2 Elevation - SE Building
1 : 150



3 Long Section
1 : 150



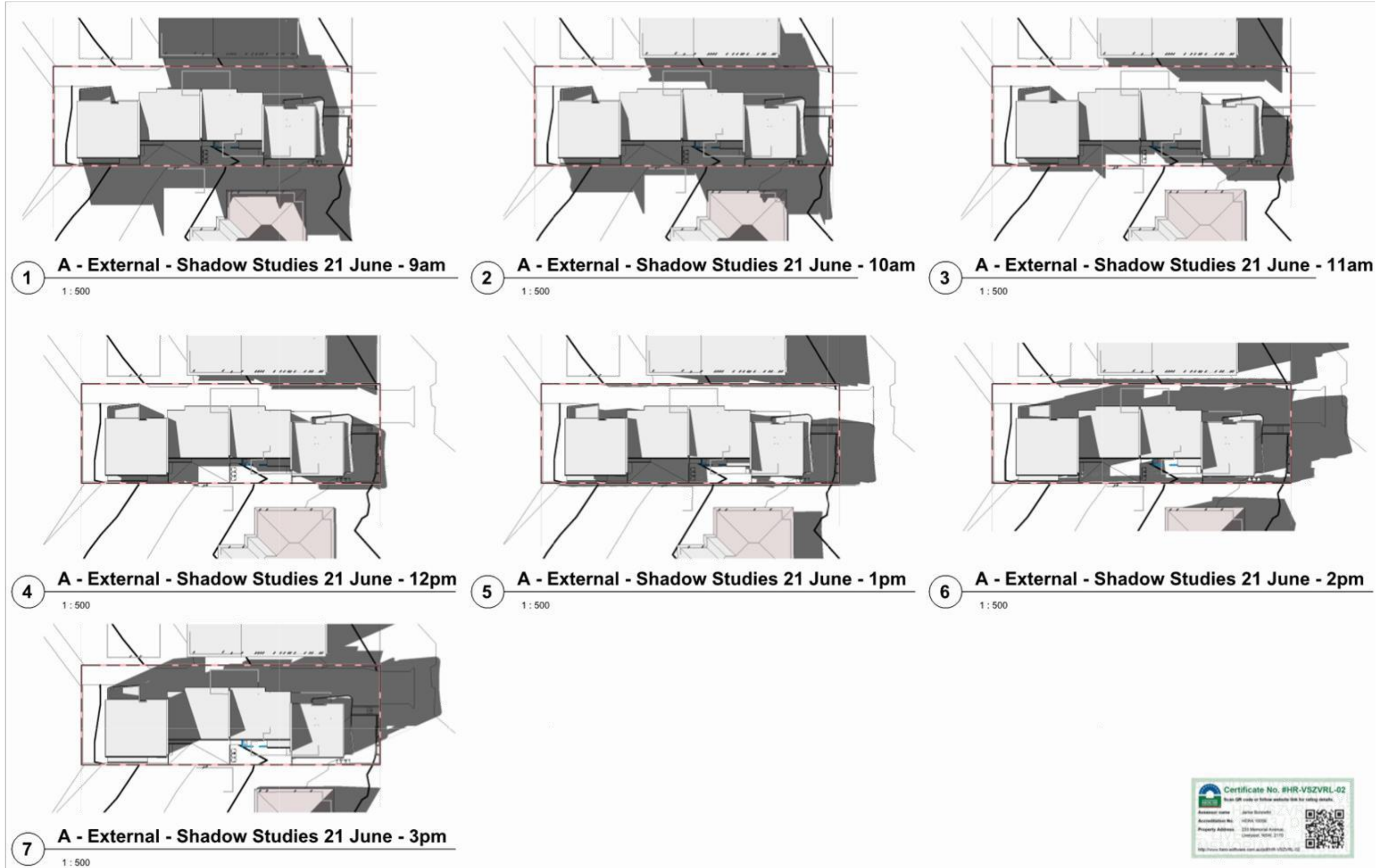
4 Cross Section
1 : 150



NOTE:
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 *These documents may only be used for the purposes for which was commissioned and in accordance with the Terms of Engagement.

SITE ADDRESS: 233 Memorial Ave, Liverpool
LOT 63 | SEC: | **DP:** 25142
ISSUED FOR: Issued for DA
PROJECT TYPE: 4 Townhouse Development
SCALE: 1 : 150 **DATE:** 2025 **REV:** C **SHEET NO:** A3.1

PROJECT NO: C2501



NOTE:
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* All materials, appliances, fittings and finishes are to be installed in accordance with the manufacturer's recommendations and in compliance with the relevant Codes & Standards.
* These drawings are not to be used for construction unless drawings are stamped and endorsed by Building Authorities.
* These documents may only be used for the purpose for which was commissioned and in accordance with the Terms of Engagement.

CONSULTANTS:	

REV	DATE	DESCRIPTION	INITIAL
A	24.12.24	Prelim Design	Khaled
B	08.01.24	DA Submission	Khaled
C	03.09.25	RFI	Khaled

DRAWING TITLE: Shadow Diagrams - June 21st
 DRAWN BY: K.Kabbout
 CHECKED BY: K.Kabbout
 LOT: 63 | SEC: | DP:25142
 COUNCIL AREA: Liverpool City Council



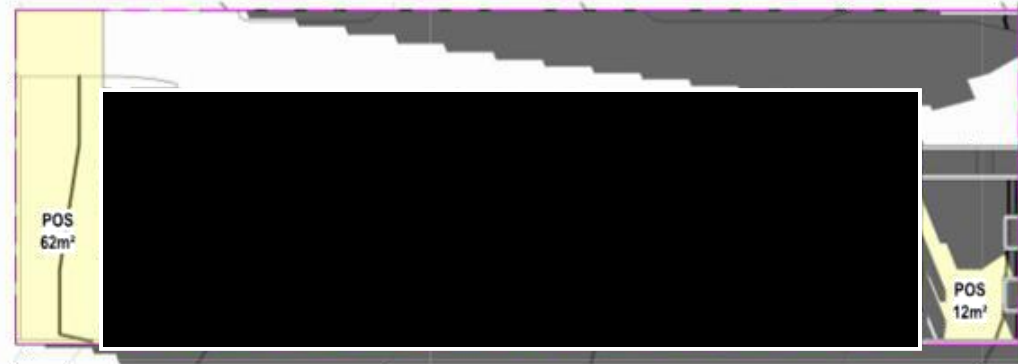
SITE ADDRESS: 233 Memorial Ave, Liverpool
 CLIENT: [REDACTED]
 ISSUED FOR: DA
 PROJECT TYPE: 4 Townhouse Development
 SCALE: 1 : 500 DATE: 2025 REV: C SHEET NO: A4.0

4/93-85 North Tce,
Banksiown NSW 2200
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Phone: 0422 704 479
A.B.N: 67 616 143 661
Reg # 2125/16

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CRETE DESIGN GROUP

CEDAR
DESIGN & CONSTRUCTION

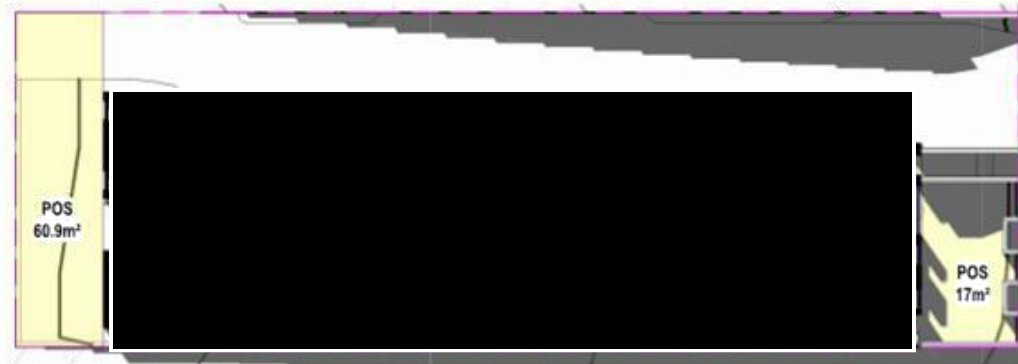
PROJECT NO: CZ501



1 A - Internal - Shadow Studies 21 June - 9am
1 : 300



3 A - Internal - Shadow Studies 21 June - 11am
1 : 300



2 A - Internal - Shadow Studies 21 June - 10am
1 : 300



4 A - Internal - Shadow Studies 21 June - 12pm
1 : 300



NOTE:
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* Do not scale drawings. Use figured dimensions only. Inform architect of any conflict between site conditions and drawings. Contractor to verify all dimensions on site when commencing work.
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* All materials, appearance, fittings and finishes are to be installed in accordance with the manufacturer's recommendations and in compliance with the relevant Codes & Standards.
* These drawings are not to be used for construction unless drawings are drawn and sealed by Building Surfer.
* These documents may only be used for the purposes for which was commissioned and in accordance with the Terms of Engagement.

CONSULTANTS:	

REV	DATE	DESCRIPTION	INITIAL
A	24.12.24	Prelim Design	Khaled
B	08.01.24	DA Submission	Khaled
C	03.09.25	RFI	Khaled

DRAWING TITLE: Internal & POS Sun Diagrams
DRAWN BY: K.Kabbout
CHECKED BY: K.Kabbout
LOT: 63 | SEC: | DP:25142
COUNCIL AREA: Liverpool City Council



SITE ADDRESS: 233 Memorial Ave, Liverpool
CLIENT: [REDACTED]
ISSUED FOR: DA
PROJECT TYPE: 4 Townhouse Development
SCALE: 1 : 300
DATE: 2025
REV: C
SHEET NO: A4.1

CRETE-TECH
CREATIVE DESIGN & ARCHITECTURE

CEDAR
DESIGN & ARCHITECTURE

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Banksiown NSW 2200
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Phone: 0422 704 479
A.B.N: 67 616 143 661
Reg # 2125/16

PROJECT NO: CZ501

Door Schedule							
Mark	Room Name	Comments	Height	Width	Frame Material	Finish	Level
D1.1	Garage	Panel Lift	2415	2760	Aluminum	Aluminum	U1&2 GFL
D1.2	Entry	Swing	2400	900	Aluminum	Glazing	U1&2 GFL
D1.3	Living Room	Slide	2400	2200	Aluminum	Glazing	U1&2 GFL
D1.4	W/C	Swing	2100	720	Timber	Timber	U1&2 GFL
D1.5	Garage	Internal Slide	2100	700	Timber	Timber	U1&2 GFL
D1.6	Laundry	Fold	2100	1400	Timber	Timber	U1&2 GFL
D1.7	Living Room	Slide	2400	2200	Aluminum	Glazing	U1&2 FFL
D1.8	Master Bedroom	Slide	2400	2200	Aluminum	Glazing	U1&2 FFL
D1.9	Master Bedroom	Swing	2100	820	Timber	Timber	U1&2 FFL
D1.10	WIR	Opening Frame	2100	700	Timber	Timber	U1&2 FFL
D1.11	Ensuite	Internal Slide	2100	700	Timber	Timber	U1&2 FFL
D1.12	Bath	Swing	2100	720	Timber	Timber	U1&2 FFL
D1.13	Bedroom 2	Swing	2100	820	Timber	Timber	U1&2 FFL
D1.14	Storage	Fold	2100	2000	Timber	Timber	U1&2 FFL
D2.1	Entry	Swing	2400	900	Timber	Timber	U1&2 GFL
D2.2	Garage	Panel Lift	2415	2760	Aluminum	Aluminum	U1&2 GFL
D2.3	Garage	Swing	2100	720	Aluminum	Timber	U1&2 GFL
D2.4	Living Room	Slide	2400	2200	Aluminum	Glazing	U1&2 GFL
D2.5	Laundry	Fold	2100	1400	Timber	Timber	U1&2 GFL
D2.6	Garage	Internal Slide	2100	700	Timber	Timber	U1&2 GFL
D2.7	W/C	Internal Slide	2100	700	Timber	Timber	U1&2 GFL
D2.8	Bedroom 2	Swing	2100	720	Timber	Timber	U1&2 FFL
D2.9	Storage	Fold	2100	2000	Timber	Timber	U1&2 FFL
D2.10	Master Bedroom	Swing	2100	820	Timber	Timber	U1&2 FFL
D2.11	Ensuite	Internal Slide	2100	700	Timber	Timber	U1&2 FFL
D2.12	Bath	Swing	2100	720	Timber	Timber	U1&2 FFL
D3.1	Garage	Panel Lift	2415	2760	Aluminum	Aluminum	U3&4 GFL
D3.2	Entry	Swing	2400	900	Timber	Timber	U3&4 GFL
D3.3	Living Room	Slide	2400	2200	Aluminum	Glazing	U3&4 GFL
D3.4	Garage	Swing	2100	720	Aluminum	Timber	U3&4 GFL
D3.5	Laundry	Fold	2100	1400	Timber	Timber	U3&4 GFL
D3.6	W/C	Internal Slide	2100	700	Timber	Timber	U3&4 GFL
D3.7	Garage	Internal Slide	2100	700	Timber	Timber	U3&4 GFL
D3.8	Bedroom 2	Swing	2100	720	Timber	Timber	U3&4 FFL
D3.9	Master Bedroom	Swing	2100	820	Timber	Timber	U3&4 FFL
D3.10	Ensuite	Internal Slide	2100	700	Timber	Timber	U3&4 FFL
D3.11	Bath	Swing	2100	720	Timber	Timber	U3&4 FFL
D3.12	Storage	Fold	2100	2000	Timber	Timber	U3&4 FFL
D4.1	Entry	Swing	2400	900	Timber	Timber	U3&4 GFL
D4.2	Garage	Panel Lift	2415	2760	Aluminum	Aluminum	U3&4 GFL
D4.3	Dining	Slide	2400	2410	Aluminum	Glazing	U3&4 GFL
D4.4	Storage	Fold	2100	1640	Timber	Timber	U3&4 GFL
D4.5	Garage	Internal Slide	2100	700	Timber	Timber	U3&4 GFL
D4.6	Laundry	Internal Slide	2100	700	Timber	Timber	U3&4 GFL
D4.7	W/C	Internal Slide	2100	1640	Timber	Timber	U3&4 GFL
D4.8	Master Bedroom	Swing	2400	2200	Aluminum	Glazing	U3&4 FFL
D4.9	Bedroom 2	Swing	2100	820	Timber	Timber	U3&4 FFL
D4.10	Bedroom 3	Swing	2100	820	Timber	Timber	U3&4 FFL
D4.11	Bath	Swing	2100	820	Timber	Timber	U3&4 FFL
D4.12	Storage	Fold	2100	1400	Timber	Timber	U3&4 FFL
D4.13	Master Bedroom	Swing	2100	820	Timber	Timber	U3&4 FFL
D4.14	WIR	Opening Frame	2100	700	Timber	Timber	U3&4 FFL
D4.15	Ensuite	Internal Slide	2100	700	Timber	Timber	U3&4 FFL

Grand total: 53

Window Schedule						
Mark	Location	Window Style	Height	Width	Material	Glazing
W1.1	Kitchen	Awning	600	1800	Aluminum	Clear
W1.2	Kitchen	Awning	2100	900	Aluminum	Obscure
W1.3	Living Room	Awning	2100	900	Aluminum	Clear
W1.4	Living Room	Awning	2100	900	Aluminum	Clear
W1.5	W/C	Awning	900	600	Aluminum	Obscure
W1.6	Bedroom 2	Double Slide	900	2200	Aluminum	Clear
W1.7	Stairs	Fixed	1800	900	Aluminum	Obscure
W1.8	Living	Double Slide	900	2200	Aluminum	Clear
W1.9	Master Bedroom	Double Slide	900	2200	Aluminum	Clear
W1.10	Ensuite	Awning	600	900	Aluminum	Obscure
W2.1	Kitchen	Awning	600	1500	Aluminum	Obscure
W2.2	Stairs	Fixed	1600	600	Aluminum	Obscure
W2.3	W/C	Awning	900	600	Aluminum	Clear
W2.4	Master Bedroom	Awning	2100	900	Aluminum	Clear
W2.5	Master Bedroom	Awning	2100	900	Aluminum	Clear
W2.6	Stairs	Fixed	1800	600	Aluminum	Obscure
W2.7	Bedroom 2	Double Slide	900	2200	Aluminum	Clear
W2.8	Living	Double Slide	900	2200	Aluminum	Clear
W2.9	Bath	Awning	600	900	Aluminum	Obscure
W2.10	Ensuite	Awning	600	900	Aluminum	Obscure
W3.1	Stairs	Fixed	1600	600	Aluminum	Obscure
W3.2	Kitchen	Awning	600	1500	Aluminum	Obscure
W3.3	W/C	Awning	900	600	Aluminum	Obscure
W3.4	Bedroom 2	Double Slide	900	2200	Aluminum	Clear
W3.5	Stairs	Fixed	1800	600	Aluminum	Obscure
W3.6	Master Bedroom	Awning	2100	900	Aluminum	Clear
W3.7	Master Bedroom	Awning	2100	900	Aluminum	Clear
W3.8	Ensuite	Awning	600	900	Aluminum	Obscure
W3.9	Bath	Awning	600	900	Aluminum	Obscure
W3.10	Living	Double Slide	900	2200	Aluminum	Clear
W4.1	Living Room	Awning	2100	900	Aluminum	Clear
W4.2	Stairs	Fixed	1600	900	Aluminum	Obscure
W4.3	Laundry	Awning	900	600	Aluminum	Clear
W4.4	W/C	Awning	900	600	Aluminum	Obscure
W4.5	Kitchen	Awning	2100	1200	Aluminum	Clear
W4.6	Living Room	Awning	2100	900	Aluminum	Clear
W4.7	Living Room	Awning	2100	900	Aluminum	Clear
W4.8	Stairs	Fixed	1800	900	Aluminum	Obscure
W4.9	Bedroom 2	Double Slide	900	2200	Aluminum	Clear
W4.10	Bedroom 3	Double Slide	900	2200	Aluminum	Clear
W4.11	Bath	Awning	600	900	Aluminum	Obscure
W4.12	Ensuite	Awning	600	900	Aluminum	Obscure
W4.13	Master Bedroom	Double Slide	900	2200	Aluminum	Clear

Grand total: 43



NOTE:
* Architectural documents are to be read in conjunction with relevant structural, fire, service, mechanical, electrical, civil and landscaping documents.
* Do not scale drawings. Use figured dimensions only. Inform architect of any conflict between site conditions and documents. Contractor to verify all dimensions on site when commencing work.
* Any notes with attached hatched border need to be signed and approved (checked) before proceeding otherwise no notes will be allowed for.
* All materials, appliances, fittings and finishes are to be installed in accordance with the manufacturer's recommendations and in compliance with the relevant Codes & Standards.
* These drawings are not to be used for construction unless drawings are signed and endorsed by Building Services.
* These documents may only be used for the purpose for which was commissioned and in accordance with the Terms of Engagement.

CONSULTANTS:	

REV	DATE	DESCRIPTION	INITIAL
A	24.12.24	Prelim Design	Khaled
B	08.01.24	DA Submission	Khaled
C	03.09.25	RFI	Khaled

DRAWING TITLE: Schedules
 DRAWN BY: K.Kabbout
 CHECKED BY: K.Kabbout
 LOT: 63 | SEC: | DP:25142
COUNCIL AREA: Liverpool City Council

SITE ADDRESS: 233 Memorial Ave, Liverpool
CLIENT: [REDACTED]
ISSUED FOR: DA
PROJECT TYPE: 4 Townhouse Development
SCALE: **DATE:** 2025 **REV:** C **SHEET NO:** A5.0

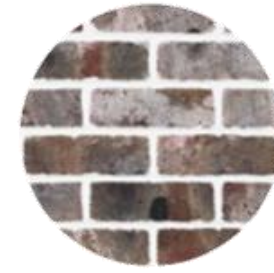
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 Reg # 2125/16

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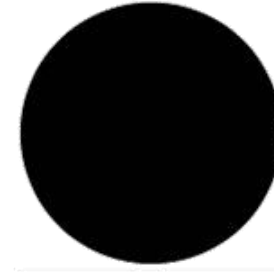
PROJECT NO.: CZ501



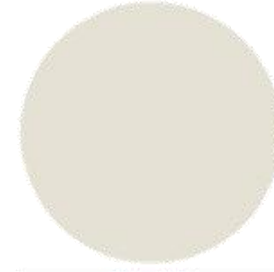
ROOF
COLORBOND - WINDSPRAY
OR SIMILAR



EXTERNAL WALLS
BORAL - RECLAIMED BRICK
OR SIMILAR



**WINDOWS, DOORS, FASCIA
& GUTTER**
BLACK



EXTERNAL WALLS
WHITE CLADDING OR RENDER
TBD CC STAGE



ALUMINUM LOUVERS
TERRAIN OR SIMILAR COLOUR



EXTERNAL CLADDING
TRAVERTINE OR SIMILAR






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 info@cedar-design.com.au
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 Reg # 212516

SITE ADDRESS: 233 Memorial Ave, Liverpool
LOT 63 | SEC: | **DP:**25142
ISSUED FOR: Issued for DA
PROJECT TYPE: 4 Townhouse Development
SCALE: 1: 500 **DATE:** 2025 **REV:** C **SHEET NO:** A5.1

PROJECT NO: C2501



EXISTING 235 MEMORIAL
AVE LIVERPOOL

PROPOSED 233 MEMORIAL
AVE LIVERPOOL



EXISTING 231 MEMORIAL
AVE LIVERPOOL



1 Streetscape Analysis
1 : 1

NOTE:
* Architectural documents are to be read in conjunction with relevant structural, fire, service, mechanical, hydraulic, electrical, civil and landscaping documents.
* Do not scale drawings. Use figured dimensions only. Inform architect of any conflict between site conditions and documents. Contractor to verify all dimensions on site after commencing work.
* Any work with retained structure must be checked and approved relevant before proceeding otherwise no work will be allowed for.
* All materials, appliances, fittings and finishes are to be installed in accordance with the manufacturer's recommendations and in compliance with the relevant Codes & Standards.
* These drawings are not to be used for construction unless drawings are stamped and signed by Building Services.
* These documents may only be used for the purpose for which was commissioned and in accordance with the Terms of Engagement.

CONSULTANTS:	

REV	DATE	DESCRIPTION	INITIAL
C	03.09.25	RFI	Khaled

DRAWING TITLE: Streetscape Analysis
DRAWN BY: K.Kabbout
CHECKED BY: K.Kabbout
LOT: 63 | SEC: | DP:25142
COUNCIL AREA: Liverpool City Council

SITE ADDRESS: 233 Memorial Ave, Liverpool
CLIENT: [REDACTED]
ISSUED FOR: DA
PROJECT TYPE: 4 Townhouse Development
SCALE: 1 : 1 **DATE:** 2025 **REV:** C **SHEET NO:** A5.2



CRETE-TECH
ARCHITECTURE & INTERIORS



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Reg #. 2125/16

PROJECT NO: CZ501



5 August 2025

Our reference: N/A

Ben Paterson

Liverpool City Council
patersonb@liverpool.nsw.gov.au

RE: Development Application DA-317/2025 at 233 Memorial Avenue, Liverpool

Thank you for notifying Sydney Water of DA-317/2025 at 233 Memorial Avenue, Liverpool, which proposes demolition of existing structures and construction of a multi-dwelling development comprising of four (4) two-storey dwellings. Sydney Water has reviewed the application based on the information supplied and provides the following Sydney Water requirements to assist in understanding the servicing needs of the proposed development.

Sydney Water position:	Condition of Consent applies
Condition of Consent which applies:	Section 73 and Building Plan Approval required See Attachment 1 for recommended wording for Sydney Water conditions to be included in the consent letter.
Additional comments:	Adjustments/deviations to the 150mm wastewater main traversing the site may be required. Maintenance structures located within the property boundary will need to be protected and access maintained. More information can be found in Sydney Water's <u>Technical Guidelines – Building over and adjacent to pipe assets</u> . We recommend the proponent contact Sydney Water as early as possible to prevent development delays where significant adjustments or design variations are required.
Other information:	This advice is not formal approval of our servicing requirements. Detailed requirements will be provided once the development is referred to Sydney Water for further applications. The <i>Sydney Water Development Application Information Sheet (for proponent)</i> enclosed contains details on how to make further applications to Sydney Water and further information on Infrastructure Contributions. A copy of this should be provided to the proponent in conjunction with the development consent.

Please note that the available capacity may change over time depending on the rate of development and increased demand elsewhere in the potable water and wastewater catchments. Sydney Water does not reserve capacity pre-development and it is advised that the proponent applies directly to Sydney Water for a Section 73 Compliance Certificate as soon as feasible.

Sydney Water Corporation ABN 49 776 225 038

2 Parramatta Square, 1 Smith Street, Parramatta, NSW 2150 | PO Box 399, Parramatta, NSW 2124

Telephone 13 20 92 sydneywater.com.au



If you require any further information, please contact the Growth Analytics Team at urbangrowth@sydneywater.com.au.

Yours sincerely,

Growth Analytics Team

Growth and Development, Water and Environment Services
Sydney Water, 1 Smith Street, Parramatta NSW 2150

Sydney Water Corporation ABN 49 776 225 038

1 Smith Street, Parramatta, NSW 2150 | PO Box 399, Parramatta, NSW 2124

Telephone 13 20 92 Media (24/7) 8849 5151 sydneywater.com.au



Attachment 1 – Recommended Development Conditions

Prior to the issue of an Occupation/Subdivision Certificate:

Section 73 Compliance Certificate

A compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. Our assessment will determine the availability of water and wastewater services, which may require extensions, adjustments, or connections to our mains. Make an early application for the certificate, as there may be assets to be built and this can take some time. A Section 73 Compliance Certificate must be obtained before an Occupation or Subdivision Certificate will be issued.

Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator.

Go to the Sydney Water website or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

Prior to the issue of a Construction Certificate/Complying Development Certificate:

Building Plan Approval (including Tree Planting Guidelines)

The plans must be approved by Sydney Water prior to demolition, excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Any amendments to plans will require re-approval. Please go to [Sydney Water Tap in@](#) to apply.

Sydney Water recommends developers apply for a Building Plan Approval early as to reduce unnecessary delays to further referrals or development timescales.

Tree Planting

Certain tree species placed in proximity to Sydney Water's underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Section 46 of the Sydney Water Act specifies what might occur when there is interference or damage to our assets caused by trees.

For any trees proposed or planted that may cause destruction of, damage to or interference with our work and are in breach of the Sydney Water Act 1994, Sydney Water may issue an order to remove that tree or directly remove it and seek recovery for all loss and associated compensation for the removal.

For guidance on types of trees that can cause damage or interference with our assets see Sydney Water webpage Wastewater blockages. For guidance on how to plant trees near our assets, see Diagram 5 – Planting Trees within Sydney Water's [Technical guidelines – Building over and adjacent to pipe assets](#).



STATEMENT OF ENVIRONMENTAL EFFECTS

Construction of a Multi-Dwelling Housing Development and Associated Works at 233 Memorial Avenue, Liverpool & 147 Cartwright Avenue, Sadleir

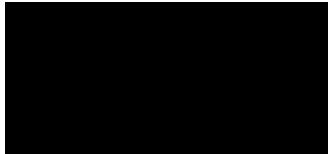
Statement of Environmental Effects
233 Memorial Avenue, Liverpool &
147 Cartwright Avenue, Sadleir

CONTACT INFORMATION

THE PLANNINGHUB *by Hawes & Swan*
ABN 27 605 344 045
Level 57, 25 Martin Place,
Sydney New South Wales 2000

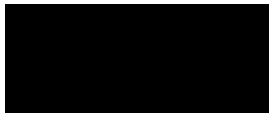
www.theplanninghub.com.au

Author(s):



Kuzi Jaravani
Town Planner

Approved by:



Mairead Hawes
Director

DOCUMENT INFORMATION

Prepared For: Cedar Design & Construct

Project Name: 233 Memorial Avenue,
Liverpool & 147 Cartwright
Avenue, Sadleir

Job Reference: 25/020 - V.2

Date Approved: 04 June 2025

Statement of Environmental Effects – 233 Memorial Avenue, Liverpool & 147 Cartwright Avenue, Sadleir

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Statement of Environmental Effects – 233 Memorial Avenue, Liverpool & 147 Cartwright Avenue, Sadleir

Appendices

- A Housing SEPP Compliance Table - Compliance Table
- B Low Rise Housing Diversity Design Guide – Compliance Table
- C Liverpool LEP 2008 - Compliance Table
- D Liverpool DCP 2008 - Compliance Table
- E Architectural Plans
- F Design Verification Statement
- G Survey Plan
- H Landscape Plans
- I Stormwater Plans
- J QS Report
- K BASIX Certificates
- L Traffic Report
- M Waste Management Plan
- N Council Owners Consent

Statement of Environmental Effects – 233 Memorial Avenue, Liverpool & 147 Cartwright Avenue, Sadleir

1.0 Introduction

This Statement of Environmental Effects (SEE) has been prepared to accompany a development application submitted to Liverpool City Council. This DA proposes the demolition of existing structures, construction of a multi-dwelling housing development comprising four two-storey dwellings and associated site works at 233 Memorial Avenue, Liverpool & 147 Cartwright Avenue, Sadlier.

This SEE provides a detailed description of the site and the proposal and provides an assessment of the proposal against the relevant heads of consideration set out in Section 4.15 of the *Environmental Planning and Assessment Act, 1979 (EP&A Act)*. That assessment has found that the proposal:

- Meets the objectives of the relevant SEPPs, LEP and DCP where applicable;
- Will not result in significant negative impacts on surrounding land uses and environment;
- Is responsive to site context and presents a positive visual relationship with surrounding uses; and
- Is strongly in the public interest.

The SEE forms part of a suite of documents that are submitted in support of the application attached as **Appendices A-N**.

1.1 Project Context

The proposed development primarily relates to a site commonly known as 233 Memorial Avenue, Liverpool and legally described as Lots 63 in DP 25142. The site is located on the northern side of Memorial Avenue approximately 133m west of the intersection with Maryvale Avenue. The site is situated within an established residential area of the Liverpool City Council Local Government Area (LGA).

This site is zoned R3 Medium Density Residential under the provisions of the Liverpool LEP 2008. The surrounding area consists of a range of established low to medium density residential developments in the form of single to two-storey dwelling houses and multi-dwelling housing developments. The development is also in proximity to a range of commercial developments towards the east along Maryvale Avenue.

This DA proposes the demolition of existing structures, construction of a multi-dwelling housing development comprising four two-storey dwellings and associated site works at 233 Memorial Avenue, Liverpool. Based on the zoning and recently constructed development in the vicinity of the site, it is expected that the area will transition to medium to high density forms of development in the near future and the subject site represents a unique opportunity to lead the redevelopment of the area to achieve the desired future residential character and scale of the surrounding area.

It is noted that a portion of the proposed development consists of the construction of related stormwater infrastructure on land commonly known as Ireland Park at 147 Cartwright Avenue, Sadlier (Lot 737 DP533701). This includes the construction of grated pits, pipes and associated easement benefiting the proposed Multi-Dwelling Housing Development at 233 Memorial Avenue, Liverpool. Ireland Park is Council Owned Land and the relevant Owners consent has been submitted in support of this development application, refer to **Appendix N**.

Statement of Environmental Effects – 233 Memorial Avenue, Liverpool & 147 Cartwright Avenue, Sadleir

1.2 Planning Framework and Referrals

An assessment of the proposal has been made against the relevant planning instruments applicable to the land and the proposal. The Environmental Planning Instruments that relate to the proposed development are:

- *State Environmental Planning Policy (Planning Systems) 2021;*
- *State Environmental Planning Policy (Resilience and Hazard) 2021;*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021;*
- *State Environmental Planning Policy (Housing) 2021;*
- *State Environmental Planning Policy (Sustainable Buildings) 2021;*
- *Liverpool Local Environmental Plan 2008; and*
- *Liverpool Development Control Plan 2008.*

In accordance with Clause 2.19 and Schedule 6 of the SEPP, the proposed development does not constitute as 'Regional Development'. Specifically, the Estimated Development Cost (EDC) is less than \$5 million being the threshold for Council related development. Therefore, the consent authority is Liverpool City Council.

2.0 Site Analysis

2.1 Location and Context

The site is situated within an established residential area within the Local Government Area of Liverpool City Council and is approximately 2.2km north west of the Sydney CBD. The subject site is located on the northern side of Memorial Avenue approximately 133m west of the intersection with Maryvale Avenue.

The subject site is located on the northern side of Memorial Avenue approximately 133m west of the intersection with Maryvale Avenue. The site adjoins Irland Park along its northern boundary and is in proximity to a range of commercial developments towards the east along Maryvale Avenue. Some ancillary stormwater drainage works are proposed within Irland Park to service the development.

The site is also located approximately 400m north of connectivity Hoxton Park Road, 1.5km west of the Remembrance Drive and Hume Highway, and 1.7km west of Liverpool Train Station. These roads and public transport facilities provide the main connectivity to Liverpool and therefore to the subject site. The site's locational context is demonstrated in **Figure 1** below.

Statement of Environmental Effects – 233 Memorial Avenue, Liverpool & 147 Cartwright Avenue, Sadlier



Figure 2: Site aerial with the development site outlined in blue with the affected area of Ireland Park indicatively outlined in red (Source: Nearmap)

2.3 Existing Site Conditions

Specific details on analysis are provided as follows:

Existing Structures	No. 233 Memorial Avenue, Liverpool currently contains a single storey dwelling house and associated structures including a detached garage. No. 147 Cartwright Avenue, Sadlier is currently utilised for active and passive recreational purposes including soccer fields, nature reserves, and related infrastructure.
Access	Vehicular access to the extent of works on both sites is currently provided from Memorial Avenue.
Vegetation	The sites contain some scattered vegetation associated with the residential and recreational uses of each site.
Easements	Refer to the Survey Plan provided in Appendix G .

3.0 Proposed Development

3.1 Overview

Statement of Environmental Effects – 233 Memorial Avenue, Liverpool & 147 Cartwright Avenue, Sadleir

This DA proposes the demolition of existing structures, construction of a multi-dwelling housing development comprising four two-storey dwellings and associated site works at 233 Memorial Avenue, Liverpool and 147 Cartwright Avenue, Sadleir. Specifically, consent is sought for the following works:

General Works

- Demolition of existing structures and removal of vegetation.
- Construction of a multi-dwelling housing development comprising four two storey dwellings. The building will have a maximum building height of 7.556m and a maximum Floor Space Ratio of 0.66:1 in the following configuration:
 - Unit 1 – Two storey dwelling housing with a total area of 114m² and comprising the following:
 - Provision of a kitchen, open living area, garage, laundry and bathroom on the ground floor.
 - Provision of a master bedroom with ensuite and walk-in-robe, 2 bedrooms, bathroom, storage and balcony on the first floor.
 - Unit 2 (affordable housing) – Two storey dwelling housing with a total area of 106m² and comprising the following:
 - Provision of a kitchen, open living area, garage, laundry and bathroom on the ground floor.
 - Provision of a master bedroom with an ensuite, 1 bedroom, living area, bathroom, storage and balcony on the first floor.
 - Unit 3 – Two storey dwelling housing with a total area of 106m² and comprising the following:
 - Provision of a kitchen, open living area, garage, laundry and bathroom on the ground floor.
 - Provision of a master bedroom with an ensuite, 1 bedrooms, living area, bathroom, storage and balcony on the first floor.
 - Unit 4 – Two storey dwelling housing with a total area of 132m² and comprising the following:
 - Provision of a kitchen, dining area, open living area, garage, laundry and bathroom on the ground floor.
 - Provision of a master bedroom with ensuite and walk-in-robe, 2 bedrooms, bathroom, storage and balcony on the first floor.

Associated Works

- Key support infrastructure including electrical, stormwater, and hard and soft landscaping.
- Construction of an internal driveway servicing each unit.
- Earthworks facilitating the proposed development.
- Provision of an Easement and related stormwater infrastructure within Ireland Park.

Statement of Environmental Effects – 233 Memorial Avenue, Liverpool & 147 Cartwright Avenue, Sadleir

Note: Works are contained in the above, and no further works are proposed to the remaining portion of the site. Works within Ireland Park at 147 Cartwright Avenue, Sadleir are confined to the construction of related stormwater infrastructure and easements.

The proposed development has been designed to ensure compliance with the relevant State Environmental Planning Policies and the Development Control Plan. The intent of the proposed development is to ensure the proposal is consistent with the development outcomes envisaged for Kellyville. The site's natural characteristics have also been considered to achieve the best possible design outcome.

3.2 Numerical Overview

A numerical overview of the development is presented in **Table 1** below:

Table 1: Numerical Overview	
Feature	Proposed
Site Area	695.6m ²
Maximum Height	7.55m (2 storeys)
Gross Floor Area	463m ²
Floor Space Ratio	0.66:1
Landscaped Area	201m ² (28%)
Deep Soil Zone	174m ² (25%)
Dwelling Mix	<ul style="list-style-type: none"> • 3 x 2 Bedroom Dwellings • 1 x 3 Bedroom Dwellings

3.3 Built Form and Design

The intent of the proposed development is to provide a well-designed multi-dwelling housing development that contributes to the provision of additional housing supply. The design of the development is reflective of the intent of current controls and the desired future character of the area.

The elevations have been carefully designed to achieve an aesthetic outcome and composition based on the development's interface with Memorial Avenue, Ireland Park, and adjoining properties. Notably, the design incorporates appropriately articulated facades and materials and finishes that work collectively in allowing for activation, interest and casual surveillance of public spaces.

The development has been designed in a manner that blends seamlessly into the surrounding environment and presents a positive design response to the streetscape and surrounding area. The proposed built form and scale generally aligns with recently approved development within the surrounding area and will not generate adverse impacts on adjoining properties in terms of overshadowing and privacy.

Statement of Environmental Effects – 233 Memorial Avenue, Liverpool & 147 Cartwright Avenue, Sadleir

Based on **Figures 3-7** below, it is satisfied that the proposed development allows for a contextually appropriate and well-designed dwelling that provides a positive relationship with other developments in the surrounding area from a building typology and visual bulk and scale perspective.



Figure 3: Street View of 223 Memorial Avenue (Source – Google Maps)



Figure 4: Street View of 209 Memorial Avenue (Source – Google Maps)

Statement of Environmental Effects – 233 Memorial Avenue, Liverpool & 147 Cartwright Avenue, Sadleir



Figure 5: Street View of 241 Memorial Avenue (Source – Google Maps)



Figure 6: Street View of 2-4 Maryvale Avenue (Source – Google Maps)

Statement of Environmental Effects – 233 Memorial Avenue, Liverpool & 147 Cartwright Avenue, Sadleir



Figure 7: Street View of 23-25 St Pauls Crescent, Liverpool (Source – Google Maps)

3.4 Floor Space Ratio

Floor Space Ratio

The site is subject to an FSR of 0.55:1 pursuant to Clause 2A(c) of the Liverpool LEP 2008 which would allow a total gross floor area (GFA) 382.58m² based on the site area of 695.6m².

This development application seeks consent to apply bonuses awarded under Chapter 2 - Affordable Housing of the State Environmental Planning Policy (Housing) 2021 relating to in-fill affordable housing. Specifically, Clause 16(1) & (2) provides the following incentives for development involving in-fill affordable housing.

- (1) *The maximum floor space ratio for development that includes residential development to which this division applies is the maximum permissible floor space ratio for the land plus an additional floor space ratio of up to 30%, based on the minimum affordable housing component calculated in accordance with subsection (2).*
- (2) *The minimum affordable housing component, which must be at least 10%, is calculated as follows—*

$$\text{Affordable house components} = \text{Additional floor space ration} \div 2$$

(as a percentage)

The table below sets out the minimum area that is required to be used for the purpose of affordable housing:

Statement of Environmental Effects – 233 Memorial Avenue, Liverpool & 147 Cartwright Avenue, Sadleir

Table 3: GFA Calculations

Site Area	Maximum FSR Under LEP	Maximum GFA Under LEP	Additional FSR	New FSR	Additional GFA	New Total GFA
695.6m ²	0.55:1	382.58m ²	0.11:1	0.66:1	80.42m ²	463m ²

As a result, the affordable rental housing component must be 10%, half of the additional floor space ratio (20%). Therefore, 10% of the total GFA must be allocated to affordable housing, being 46.3m².

In accordance with the Architectural Plans, it's intended that 1 apartment (106m² of GFA) within the proposed development will be used for the purpose of affordable rental housing achieving the minimum 10% of the total GFA.

3.5 Road Access and Transport

Access to the site is currently provided via Memorial Avenue. The proposal will decommission existing access provisions and involves the construction of a new accessway and crossover providing access to all units. Access is identified on the Architectural Plans provided in [Appendix E](#).

The proposed dwellings include the provision of double garages accessed via the proposed driveway. The proposed accessway and car parking facilities have been designed in accordance with the relevant Australian Standards to ensure that all vehicles can safely enter and exit the site in a forward direction.

Furthermore, all parts of the development are in an accessible location in accordance with Clause 15C of the State Environmental Planning Policy (Housing) 2021. Specifically, Sydney Bus Network 802 provides a stop within Memorial Avenue and is sited within 400m of the site.

3.6 Landscaping

The proposed landscape strategy is intended to frame and enhance the proposed development. The boundaries of the development are proposed to be landscaped to soften the proposal and provide amenity for users. Specifically, the proposed landscaping supports integrate the front fencing with the streetscape and supports screen private open space areas.

This Development Application is accompanied by a Landscape Plan, refer to [Appendix H](#). The plan provides details on the proposed planting and includes a schedule of plant material based on Council's preferred list of trees and plants.

3.7 Infrastructure & Services

The site is currently serviced by appropriate public utility Infrastructure. Specific arrangements for the provision of public utility infrastructure will be made prior to the issue of the occupation certificate to ensure essential utilities are available to service the site.

Statement of Environmental Effects – 233 Memorial Avenue, Liverpool & 147 Cartwright Avenue, Sadleir

Furthermore, the Development Application is accompanied by Stormwater Plans which detail the manner in which stormwater will be managed in accordance with the Council's relevant stormwater controls, see **Appendix I**.

3.8 Waste Management

The proposed construction plan that describes the way all waste and other materials resulting from the construction and on-going use of the tenancy on the site are to be dealt with as follows:

Demolition and Construction:

- All demolished material removed from the site, and associated site works, will be classified in accordance with the Department of Environment, Climate Change and Water NSW Waste Classification Guidelines prior to removal, transportation, and disposal to an approved waste management facility.
- On site waste will be managed by the builder through the use of a skip bin and with an approved licensed contractor transporting any waste away. The Builder will aim to recycle as much as possible on site.

This Development Application includes the preparation of a Waste Management Plan prepared, refer to **Appendix M**. The Waste Management Plan has been prepared in accordance with the DCP and includes details how both construction waste and ongoing waste management will occur on site.

3.9 Safety and Security

The proposed development has been designed with regard to the principles of Crime Prevention Through Environmental Design. In this regard, a number of security features will be introduced as follows:

- Landscaped areas within the development site to be maintained to a good standard.
- Clear delineation between public and private areas.
- Effective sightlines between public and private spaces.
- Effective use of lighting that complies with AS1158.
- Landscape, building position and activities orientated to maximise natural surveillance.
- Design minimizes public access to restricted areas through the installation of side gates.

Based on the above provisions, the requirements of CPTED are deemed to be met.

4.0 Assessment of Environmental Impacts

4.1 Statutory Planning Framework and Compliance

Statement of Environmental Effects – 233 Memorial Avenue, Liverpool & 147 Cartwright Avenue, Sadleir

An assessment of the proposal has been made against the relevant planning instruments applicable to the land and the proposal. The Environmental Planning Instruments that relate to the proposed development are:

- *State Environmental Planning Policy (Planning Systems) 2021;*
- *State Environmental Planning Policy (Resilience and Hazard) 2021;*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021;*
- *State Environmental Planning Policy (Housing) 2021;*
- *State Environmental Planning Policy (Sustainable Buildings) 2021;*
- *Liverpool Local Environmental Plan 2008; and*
- *Liverpool Development Control Plan 2008.*

4.1.1 State Environmental Planning Policy (Planning Systems) 2021

Chapter 2 - State and Regional Development

Pursuant to Clause 2.19 and Schedule 6 of the SEPP, the proposed development does not constitute as 'Regional Development' as the Estimated Development Cost (EDC) is less than \$5 million being the threshold for Council related development. Therefore, the consent authority is Liverpool City Council.

The QS Report is provided in [Appendix J](#).

4.1.2 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

Chapter 4 of SEPP (Resilience and Hazards) 2021 requires Council to consider whether the subject land of any development application is contaminated. If the land requires remediation to ensure that it is made suitable for a proposed use or zoning, Council must be satisfied that the land can and will be remediated before the land is used for that purpose.

The site has maintained a residential use for an extended period of time with no evidence of potentially contaminating activities occurring. As such, it is satisfied that the site is suitable for its ongoing residential use and further investigation is considered to be unnecessary.

4.1.3 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 6 Water Catchments

The subject site is located within the Georges River Catchment and Chapter 6 of the SEPP applies. The SEPP aims to maintain and improve the water quality and river flows of the Georges River and its tributaries and ensure that development is managed in a manner that is in keeping with the national, state, regional and local significance of the catchment.

Statement of Environmental Effects – 233 Memorial Avenue, Liverpool & 147 Cartwright Avenue, Sadleir

It is considered that the proposed development is consistent with the general aims of the Plan and would not result in a development that would have an adverse impact on water quality in the catchment. Subject to the implementation of sediment and erosion control measures and stormwater management to protect water quality, the proposal complies with the requirements of the SEPP.

4.1.4 State Environmental Planning Policy (Housing) 2021

Chapter 2 Affordable housing

The aims of this chapter of the Housing SEPP are to facilitate the effective delivery of affordable and diverse housing to mitigate the loss of existing affordable rental housing and provide incentives for the development of new affordable rental housing.

An assessment of the proposal against the relevant provisions applying to the affordable rental housing component of the development is provided in **Appendix A**. In addition, an assessment against the Low-Rise Housing Diversity Design Guide is provided in **Appendix B**.

4.1.5 State Environmental Planning Policy (Sustainability Building) 2022

The SEPP aims to encourage sustainable residential development and requires DA's for such development to be accompanied by a list of BASIX commitments as to the manner in which the development will be carried out. The proposed development is consistent with the aim of the SEPP and all of its planning controls.

A BASIX certificate has been prepared for the proposed development and demonstrates that the proposed development satisfies the requirement of the BASIX SEPP. The BASIX certificate is located at **Appendix K**.

4.1.6 Liverpool Local Environmental Plan 2008

Permissibility

The site is situated within the Liverpool City Council Local Government Area (LGA) and is subject to the provisions of the Liverpool Local Environmental Plan (LEP) 2008.

The proposed development primarily relates to land commonly known as No.233 Memorial Avenue, Liverpool. This portion of the site is zoned R3 Medium Density Residential under the provisions of the Liverpool LEP. Multi dwelling housing is permissible with consent in the R3 zone.

The proposed development also consists of the construction of related stormwater within Ireland Park. This site is zoned RE1 Public Recreation under the provisions of the Liverpool LEP. The infrastructure will be ancillary to the existing use of the site whilst also benefiting No. 233 Memorial Avenue, Liverpool.

Statement of Environmental Effects – 233 Memorial Avenue, Liverpool & 147 Cartwright Avenue, Sadleir

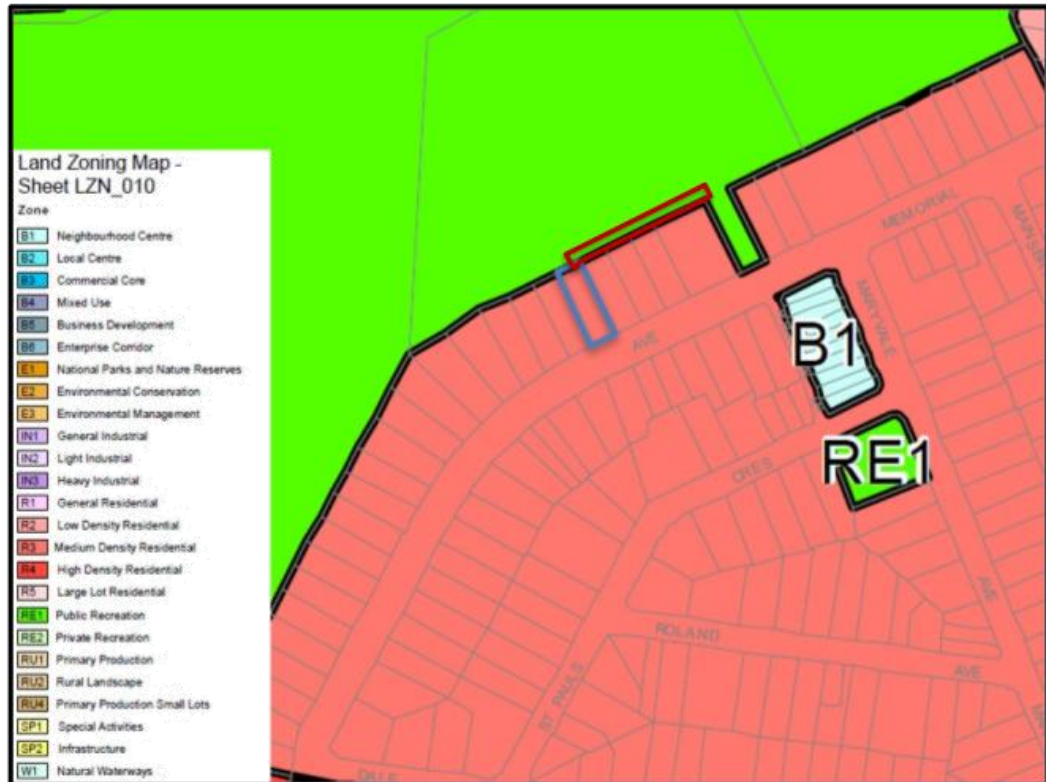


Figure 8: Land Zoning Map demonstrating No. 233 Memorial Avenue as outlined in blue and the extent of works within Ireland Park as indicatively outlined in red (Source: NSW Legislation)

Zone Objectives

The objectives of the R3 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 provide for a concentration of housing with access to services and facilities.
- To provide for a suitable visual transition between high density residential areas and lower density areas.
- To ensure that a high level of residential amenity is achieved and maintained.

Comment

It is considered that the proposed development is consistent with the relevant objectives of the R3 zone in that the development will provide for the housing needs of the community and the overall form and scale will offer a suitable transition towards public recreational land towards the north. The dwelling typology and unit mix will also contribute positively to the variety of housing types within the medium density residential environment.

Statement of Environmental Effects – 233 Memorial Avenue, Liverpool & 147 Cartwright Avenue, Sadleir

In addition, the development has been designed in a manner that achieves a high level of residential amenity for future residents whilst avoiding adverse amenity impacts on adjoining properties in terms of solar access, overshadowing, overlooking, noise, traffic and the like.

The objectives of the RE1 Zone are:

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To provide sufficient and equitable distribution of public open space to meet the needs of residents.*
- *To ensure the suitable preservation and maintenance of environmentally significant or environmentally sensitive land.*

Comment

It is considered that the proposed development is consistent with the relevant objectives of the RE1 zone in that the development will not reduce the ability of the site to be used for public open space or recreational purposes. In addition, the proposed works are minor and do not impact on the natural environment or recreational setting.

Relevant Clauses

An assessment of the relevant clause of the Liverpool LEP 2008 is provided in [Appendix C](#).

4.1.7 Liverpool Development Control Plan 2008

The Liverpool Development Control Plan 2008 provides detailed provisions to supplement the Liverpool LEP 2008. An assessment of the proposal against the relevant development controls applying to the subject land is provided for at [Appendix D](#).

4.2 Social and Economic Impacts

The proposed development will bring with it a number of important social and economic benefits for the local and wider community, consisting of the following:

- Provide for the residential needs of the community within a low density residential environment;
- Provide increased housing diversity and choice that meets the needs of local residents;
- Provide increased residential accommodation in an area that is well serviced by public transport and public amenities; and
- Provide short-term economic benefits through construction expenditure and employment.

Statement of Environmental Effects – 233 Memorial Avenue, Liverpool & 147 Cartwright Avenue, Sadleir

4.3 Site Suitability

Having regard to the characteristics of the site and its location in Liverpool and Sadleir, the proposed development is considered appropriate in that:

- The zoning of the site permits the proposed use;
- The design and architectural elements positively complement the modern streetscape, character, and amenity of the area thus enhancing resident quality of life and satisfaction;
- The size and dimensions of the land are appropriate for accommodating the proposal;
- It will deliver a dwelling that positively responds to the streetscape and is compatible in size and siting with surrounding existing developments; and
- The site is considered suitable for that development as it satisfies the need for a variety of housing in the area.

4.4 Public Interest

The proposal will facilitate the development of the site by providing a development that meets the growing needs of the local and wider population. It is in the public interest to reinforce the importance of this location as a suitable development site for a multi-dwelling housing development. Generally, the proposal provides the following public benefits:

- The development has been designed so that it enhances and responds sensitively to its setting, creating spaces that reflect the desired scale of the immediate area;
- The proposed development provides a built form that presents as high-quality design that fits within the envisaged character of the area and responds to the site attributes and development controls applicable;
- The development is located within proximity to range of services, amenities and public transport; and
- There are no significant adverse impacts on surrounding properties in terms of sunlight access, views, visual and acoustic privacy.

5.0 Conclusion

This proposal seeks approval for the demolition of existing structures, construction of a multi-dwelling housing development comprising four two storey dwellings and associated site works at 233 Memorial Avenue, Liverpool and 147 Cartwright Avenue, Sadleir.

The proposal is generally consistent with the relevant environmental planning instruments, including the Housing SEPP, the Liverpool LEP 2008 and Liverpool DCP 2008.

Having regard to the above, and in light of the relevant heads of consideration listed under Section 4.15 of the Environmental Planning and Assessment Act, 1979 the proposal is reasonable and appropriate and warrants favourable consideration.



APPENDIX B

STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021 - COMPLIANCE TABLE

233 MEMORIAL AVENUE, LIVERPOOL &
147 CARTWRIGHT AVENUE, SADLEIR

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State Environmental Planning Policy (Housing) 2021 233 Memorial Avenue, Liverpool & 147 Cartwright Avenue, Sadleir			
Clause	Requirement	Comment	Complies
15C Development to which division applies	<p>This division applies to development that includes residential development if—</p> <p>(a) the development is permitted with consent under Chapter 3, Part 4 or another environmental planning instrument, and</p> <p>(b) the affordable housing component is at least 10%, and</p> <p>(c) all or part of the development is carried out—</p> <p>(i) for development on land in the Six Cities Region, other than in the City of Shoalhaven local government area—in an accessible area, or</p> <p>(ii) for development on other land—within 800m walking distance of land in a relevant zone or an equivalent land use zone.</p>	<p>The subject site is zoned R3 Medium Density under the provisions of the Liverpool LEP 2008. Multi-Dwelling Housing is permitted with consent in the R3 zone and therefore development for the purposes of in-fill affordable housing is permitted with consent.</p> <p>In addition, all parts of the development is located in an accessible location, noting Sydney Bus Network 802 is within 400m of the site.</p>	✓
16 Affordable housing requirements for additional Floor Space Ratio	<p>The maximum floor space ratio for development that includes residential development to which this division applies is the maximum permissible floor space ratio for the land plus an additional floor space ratio of up to 30%, based on the minimum affordable housing component calculated in accordance with subsection (2).</p> <p>The minimum affordable housing component, which must be at least 10%, is calculated as follows—</p>	<p>As discussed in Section 3.4 of the SEE, the affordable rental housing component must be 10%, being half of the additional floor space ratio (20%). Therefore, 10% of the total GFA must be allocated to affordable housing, being 46.3m².</p> <p>In accordance with the Architectural Plans, it's intended that 1 apartment (105m² of GFA) within the proposed development will be used for the purpose of affordable rental housing achieving the minimum 10% of the total GFA</p>	✓

Housing SEPP Compliance Table – 233 Memorial Avenue, Liverpool & 147 Cartwright Avenue, Sadleir

	affordable housing component = additional floor space ratio +2 (as a percentage)		
19 Non-discretionary development standards – the Act, s 4.15	The following are non-discretionary development standards in relation to the residential development to which this division applies—		
	(a) a minimum site area of 450m ² ,	The site has an area of 695.6m ² and complies with the minimum of 450m ² .	✓
	(b) a minimum landscaped area that is the lesser of— (i) 35m ² per dwelling, or (ii) 30% of the site area,	Each site achieves a minimum of 35sqm of landscaped area.	✓
	(c) a deep soil zone on at least 15% of the site area, where— (i) each deep soil zone has minimum dimensions of 3m, and (ii) if practicable, at least 65% of the deep soil zone is located at the rear of the site,	A deep soil zone of 174m ² (25%) is proposed on the ground floor which achieves the minimum dimensions of 3m. A minimum 65% of the deep soil zones are located to the rear.	✓
	(d) living rooms and private open spaces in at least 70% of the dwellings receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter,	A minimum of 70% of dwellings at least 3 hours of direct solar access between 9am and 3pm at mid-winter to living rooms and private open spaces.	✓
(e) the following number of parking spaces for dwellings used for affordable housing—	The affordable housing component of the proposed development is in the following layout:	✓	

Housing SEPP Compliance Table – 233 Memorial Avenue, Liverpool & 147 Cartwright Avenue, Sadleir

	<p>(i) for each dwelling containing 1 bedroom—at least 0.4 parking spaces,</p> <p>(ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces,</p> <p>(iii) for each dwelling containing at least 3 bedrooms— at least 1 parking space,</p> <p>(f) the following number of parking spaces for dwellings not used for affordable housing—</p> <p>(i) for each dwelling containing 1 bedroom—at least 0.5 parking spaces,</p> <p>(ii) for each dwelling containing 2 bedrooms—at least 1 parking space,</p> <p>(iii) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces,</p> <p>(g) the minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development,</p>	<ul style="list-style-type: none"> • 1 x 2-bedroom apartments. <p>As such, the affordable housing component of the proposed development warrants 0.5 car parking spaces.</p> <p>The residential components of the development not used for affordable housing are in the following layout:</p> <ul style="list-style-type: none"> • 2 x 2-bedroom; and • 1 x 3 bedroom. <p>As such, the residential components of the development not used for affordable housing warrant 3.5 car parking spaces.</p> <p>Collectively, all residential components of the proposed development warrant 4 car parking spaces and 8 spaces have been provided to service the development.</p> <p>The proposed development is not subject to the ADG.</p>	<p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p>
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Housing SEPP Compliance Table – 233 Memorial Avenue, Liverpool & 147 Cartwright Avenue, Sadleir

	(h) for development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces)—the minimum floor area specified in the Low Rise Housing Diversity Design Guide,	Dwellings are required to have the following minimum internal floor areas being 90m ² (2 bed) and 115m ² (3+ bed). All dwellings meet the minimum specified.	✓
20 Design requirements	Development consent must not be granted to development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces) under this division unless the consent authority has considered the Low Rise Housing Diversity Design Guide, to the extent to which the guide is not inconsistent with this policy.	An Assessment against the Low-Rise Housing Diversity Design Guide is provided in Appendix B .	✓
	Development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with— (a) the desirable elements of the character of the local area, or (b) for precincts undergoing transition—the desired future character of the precinct.	The proposed development is consistent with the desired future character of the surrounding area having regard to the building typology, scale and form of recently approved development in the surrounding area.	✓
21 Must be used for affordable housing for at least 15 years	Development consent must not be granted to development under this division unless the consent authority is satisfied that for a period of at least 15 years commencing on the day an occupation certificate is issued for the development— (a) the development will include the affordable housing component required for the development under section 16, 17 or 18, and (b) the affordable housing component will be managed by a registered community housing provider.	Noted. To be suitably conditioned.	✓

Housing SEPP Compliance Table – 233 Memorial Avenue, Liverpool & 147 Cartwright Avenue, Sadleir

22 No subdivision	Land on which development has been carried out under this division may be subdivided with development consent.	Noted, no subdivision is proposed.	✓
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APPENDIX B

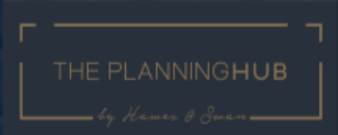
LOW RISE HOUSING DIVERSITY DESIGN GUIDE – COMPLIANCE TABLE

233 MEMORIAL AVENUE, LIVERPOOL &
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Low Rise Housing Diversity Design Guide – Compliance Table			
233 Memorial Avenue, Liverpool & 147 Cartwright Avenue, Sadleir			
Control	Requirement	Comment	Complies
2.4 Multi Dwelling Housing			
2.4A Building Envelopes	Objective 2.4A-1 Where the LEP or DCP does not include a maximum building height, that height of buildings is: <ul style="list-style-type: none"> R3 zoned land: 11m. 	The proposed development complies with maximum building height of 8.5m prescribed in the Liverpool LEP.	✓
	The maximum number of storeys (excluding basements) are: <ul style="list-style-type: none"> R3 zoned land: 3. 	The proposed two storeys comply with the maximum of three storey.	✓
	Objective 2.4A-2 Refer to the DCP for front setback or envelope controls.	Refer to DCP Compliance Table in Appendix D .	✓
	Setback from classified road: 9m.	The site does not contain a frontage to a classified road.	✓
	Setback from public reserve: 3m.	The proposed 4m complies with the minimum of 3m.	✓
Objective 2.4A-3 Where the DCP does not contain side setback controls the side setback is 1.5m	Refer to DCP Compliance Table in Appendix D .	✓	

Low Rise Housing Diversity Design Guide – Compliance Table – 233 Memorial Avenue, Liverpool & 147 Cartwright Avenue, Sadleir

	<p>Objective 2.4A-4</p> <p>Refer to the DCP for rear setbacks or envelope controls.</p>	Refer to DCP Compliance Table in Appendix D .	✓
2.3B Gross Floor Area / Floor Space Ratio	<p>Objective 2.4B-1</p> <p>Where the LEP or DCP do not contain an FSR or Gross floor area the following maximum gross floor area applies to all buildings on a lot:</p> <ul style="list-style-type: none"> R3 zoned land - 80% of lot area 	Refer to the LEP Compliance Table in Appendix C and Housing SEPP Compliance Table in Appendix A providing an assessment against the additional floor space ratio provisions.	✓
2.4C Landscaped Area	<p>Objective 2.4C-1</p> <p>Where the LEP or DCP does not contain a minimum landscaped area the minimum landscaped area is:</p> <ul style="list-style-type: none"> R3 zoned land - 20%. <p>The minimum dimension of any area included in the landscaped area calculation is 1.5m</p> <p>At least 50% of the area forward of the building line is to be landscaped area.</p>	<p>Landscaping has been provided in accordance with Section 19(2)(b)(ii) of the Housing SEPP noting the proposed 214.72m² (or 30.8%) complies with the minimum of 30%.</p> <p>All areas included in the calculation of landscaped area contain a minimum dimension of 1.5m.</p> <p>At least 50% of the area forward of the building line contain landscaped area as demonstrated in the Architectural Plans (Appendix E).</p>	<p>✓</p> <p>✓</p> <p>✓</p>
	<p>Objective 2.4C-2</p> <p>An ongoing maintenance plan is to be provided as part of the landscape plan.</p> <p>If the DCP does not specify tree planting of a particular size or species the following is to be provided:</p>	<p>The application is accompanied by a Landscape Plan, refer to Appendix H. Suitable conditions requiring ongoing maintenance shall be imposed by Council (where required).</p>	✓
		<p>Refer to the Landscape Plan in Appendix H providing details on tree planting.</p>	✓

Low Rise Housing Diversity Design Guide – Compliance Table – 233 Memorial Avenue, Liverpool & 147 Cartwright Avenue, Sadleir

		<ul style="list-style-type: none"> • Front: 1 tree with mature height of 5m if primary road setback is greater than 3m. • Rear: 1 tree with mature height of 8m. 		
2.4D Character Context	Local and Context	<p>Objective 2.4C-3</p> <p>Provide in the Design Verification Statement a description how the built form of the development contributes to the character of the local area using the guidance in Section 3D Local Character and Context.</p>	Refer to the Design Verification Statement in Appendix F.	✓
2.4E Public Domain Interface		<p>Objective 2.4E-1</p> <p>The front door of each dwelling is directly visible from the street.</p>	The front door is directly visible from Memorial Avenue.	✓
		<p>Each dwelling has a habitable room that faces the street or public space.</p>	Unit 1 and 4 provide first floor habitable rooms that are orientated towards the street and other public spaces.	✓
		<p>Objective 2.4E-2</p> <p>Private courtyards within the front setback are only located within the articulation zones and / or behind the required front building line.</p> <p>Front fences:</p>	<p>Despite the POS area being sited within the front building line, the building has been designed to appropriately address the street and to achieve an aesthetic outcome and composition based on the development’s interface with Memorial Avenue.</p> <p>Suitable landscape treatment and fencing are provided along this street frontage to ensure the area integrates with the character of the streetscape and provides adequate provisions of privacy.</p>	On merit

Low Rise Housing Diversity Design Guide – Compliance Table – 233 Memorial Avenue, Liverpool & 147 Cartwright Avenue, Sadleir

	<ul style="list-style-type: none"> • Are visually permeable (no more than 50% of the allowable fence area will be solid masonry, timber or metal). • Average height no greater than 1.2m. • Have a consistent character with other front fences in the street. • Are not to be constructed of solid metal panels or unfinished timber palings. 	<p>The proposed 1.6m front fence is proposed in response to the siting of the proposed POS areas. Given the design of the fences and incorporation of landscape features, it is satisfied that the solid style fencing will not adversely impact on the quality of the streetscape.</p> <p>Having regard to the siting of POS areas, the provision of a 1.6m front is considered acceptable as it supports minimise opportunities for overlooking.</p> <p>The front fence has been designed to align with the character of other existing front fences along Memorial Avenue. Specifically, the design, materials and finishes of the fence align with surrounding front fence and do not comprise of solid metal panels or unfinished timber palings.</p>	<p>On Merit</p> <p>On Merit</p> <p>✓</p>
	<p>Objective 2.4E-3</p> <p>Where development adjoins public parks, open space or bushland, or is a corner site, the design positively addresses this interface using any of the following design solutions:</p> <ul style="list-style-type: none"> • Habitable room windows facing the public domain. • Street access, pedestrian paths and building entries. • Paths, low fences and planting that clearly delineate between communal/ private open space and the adjoining public open space. • Walls fronting the public spaces are to have openings not less than 25% of the surface area of the wall. 	<p>The development directly adjoins Ireland Park towards the north. Habitable Rooms have been oriented towards the public domain and suitable access provisions have been provided via Memorial Avenue.</p> <p>It is noted that POS adjoin the park, and suitable fencing is proposed to delineate between private and public open spaces.</p>	<p>✓</p>

Low Rise Housing Diversity Design Guide – Compliance Table – 233 Memorial Avenue, Liverpool & 147 Cartwright Avenue, Sadleir

<p>2.4F Pedestrian and Vehicle Circulation</p>	<p>Objective 2.4F-1 Vehicle circulation and parking complies with AS2890.1.</p>	<p>The proposed access and parking provisions have been designed in accordance with the relevant Australian Standards.</p>	<p>✓</p>
<p>2.4G Orientation, Siting and Subdivision</p>	<p>Objective 2.4G-1 The minimum lot size for carrying out multi dwelling housing is:</p> <ul style="list-style-type: none"> • the minimum dimensions for multi dwelling housing specified in a environmental planning instrument or DCP that applies to the land, or • if an environmental planning instrument or DCP does not specify a minimum lot dimension - 600m2 and width measured at the building line of 20m. <p>Each dwelling is to have a frontage to an existing public street or new pedestrian or vehicle street or lane.</p> <p>The frontage measured at the building line is to be at least 5m.</p> <p>Dwellings should be orientated away from side boundaries and towards the front and rear of the lot or towards new internal streets.</p>	<p>Refer to the DCP Compliance Table in Appendix D.</p> <p>Each dwelling will have a frontage to public street or new internal access.</p> <p>Each dwelling contains a frontage of at least 5m at the building line.</p> <p>Each dwelling is oriented towards the front and rear of the lot or towards the new internal access. Adequate setbacks, high sill height windows, and balcony orientations ensure adverse overlooking impacts on adjoining properties are avoided.</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>

Low Rise Housing Diversity Design Guide – Compliance Table – 233 Memorial Avenue, Liverpool & 147 Cartwright Avenue, Sadleir

<p>2.4H Solar and Daylight Access</p>	<p>Objective 2.4H-1 The living room or private open space in each dwelling is to receive a minimum of 2 hours direct sunlight between 9 am and 3pm on the winter solstice (June 21).</p>	<p>Refer to the Solar Diagrams in Appendix E which demonstrate that living rooms or POS areas in each dwelling will receive a minimum of 2 hours direct sunlight between 9 am and 3pm on the winter solstice (June 21).</p>	<p>✓</p>
<p>2.4I Natural Ventilation</p>	<p>Objective 2.4I-1 Natural ventilation is available to each habitable room. Each dwelling is to be naturally cross ventilated.</p>	<p>All habitable rooms contain suitable openings that permit natural ventilation. Based on the location of windows and other openings, it is satisfied that each dwelling will be naturally cross ventilated.</p>	<p>✓ ✓</p>
<p>2.4J Ceiling Height</p>	<p>Objective 2.4J-1 Minimum ceiling heights are:</p> <ul style="list-style-type: none"> • 2.7m to ground floor habitable rooms. • 2.7m to upper level living rooms. • 2.4m to upper level habitable rooms (excluding living rooms). <p>The ceiling height is measured from finished floor level to finished ceiling level.</p>	<p>Floor to ceiling heights of 2.7m have been provided on both levels which complies with the minimum specified.</p>	<p>✓</p>

Low Rise Housing Diversity Design Guide – Compliance Table – 233 Memorial Avenue, Liverpool & 147 Cartwright Avenue, Sadleir

2.4K Dwelling Size and Layout	<p>Objective 2.4K-1</p> <p>Dwellings are required to have the following minimum internal floor areas:</p> <ul style="list-style-type: none"> • 1 bed 65m² • 2 bed 90m² • 3+ bed 115m² <p>The minimum internal areas outlined above only contain one bathroom. The minimum area of each additional bathroom is 5m² added onto the minimum dwelling area.</p>	<p>Each unit is provided with areas in excess of the minimum requirements.</p> <p>All units with an additional bathroom proposed have increased the minimum internal area by at least 5m².</p>	<p>✓</p> <p>✓</p>
	<p>Objective 2.4K-2</p> <p>One bedroom has a minimum area of 10m² excluding space for a wardrobe.</p>	<p>Each dwelling is provided with a master bedroom with an area that exceeds 10m² (excluding space for a wardrobe).</p>	<p>✓</p>
2.4L Principal Private Spaces	<p>Objective 2.4L-1</p> <p>The area of principal private open space provided for each dwelling is at least 45m² with a minimum dimension of 5m.</p>	<p>Each dwelling contains an area in excess of 100 m2 and POS areas are provided as follows:</p> <ul style="list-style-type: none"> • Unit 1 – 55.36 m2 • Unit 2 – 34.69 m2 • Unit 3 – 35.23 m2 • Unit 4 – 52.98m2 <p>Unit 2 and 3 do not comply with the minimum of 50m². The size of the POS areas considered to be sufficient in that they permit a range of private recreational purposes. In addition, the</p>	<p>On merit</p>

Low Rise Housing Diversity Design Guide – Compliance Table – 233 Memorial Avenue, Liverpool & 147 Cartwright Avenue, Sadleir

		proposed variations are unlikely to adversely impact on the amenity of future residents noting the site is within 90m walking distance from access to Ireland Park. This facility provides access to additional provisions of open spaces.	
	<p>Objective 2.4L-2</p> <p>The principal private open space is located behind the front building line.</p> <p>The principal private open space is to be located adjacent to the living room, dining room or kitchen to extend the living space.</p> <p>8m² of the private open space should be covered to provide shade and protection from rain.</p>	<p>POS areas for units 2 to 4 are sited behind the front building line. However, the POS area associated with Unit 1 is sited within the front setback. Considering the intended layout allows this dwelling to provide a suitable width and presentation to Memorial Avenue, the variation is considered acceptable.</p> <p>The main living areas of each dwelling open directly to the POS areas.</p> <p>Covered Alfresco areas of each dwelling do not provide a minimum 8m² shading. Despite the variation, these areas provide sufficient shade and protection from rain having regard to the size of POS areas.</p>	<p>On merit</p> <p>✓</p> <p>On merit</p>
2.4M Storage	<p>Objective 2.4M-1</p> <p>In addition to storage in kitchens and bedrooms, the following storage with a minimum dimension of 500mm is provided:</p> <ul style="list-style-type: none"> • 2 bed 8m³ • 3+ bed 10m³ <p>At least 50% of the required storage is to be located inside the dwelling.</p>	<p>Storage has been provided in accordance with Liverpool DCP, refer to Appendix D.</p> <p>All storage is provided within the dwellings.</p>	<p>✓</p> <p>✓</p>

Low Rise Housing Diversity Design Guide – Compliance Table – 233 Memorial Avenue, Liverpool & 147 Cartwright Avenue, Sadleir

2.4N Car and Bicycle Parking	<p>Objective 2.4N-1</p> <p>Car parking is to be provided at the rate required for multi-dwelling housing within the DCP that applies to the land. If there is no rate in the DCP - 1 space is to be provided per dwelling.</p>	Refer to the Housing SEPP Compliance Table in Appendix A . A Surplus of 4 hardstand spaces is provided capable of accommodating visitor parking spaces.	✓					
	<p>Objective 2.4N-2</p> <p>Covered space is to be provided for the secure storage of at least 1 bicycle per dwelling.</p>	These spaces are capable of being accommodated within the garage of each unit.	✓					
2.4O Visual Privacy	<p>Objective 2.4O-1</p> <p>Orientate living room windows, primary private open space to the street or rear.</p>	The living room windows and primary open spaces area have been sited towards the street or rear for Units 1 and 4. The orientation and siting of Units 2 and 3 result in living room windows and primary open spaces being oriented towards the site boundary. Fencing along the side boundary will support manage any privacy concerns.	On merit					
	<p>A privacy screen is required when:</p> <table border="0"> <thead> <tr> <th>Distance from Boundary</th> <th>Finished Floor Level Above Ground Level (Existing)</th> </tr> </thead> <tbody> <tr> <td><3m</td> <td>1-3m</td> </tr> <tr> <td><6m</td> <td>>3m</td> </tr> </tbody> </table>	Distance from Boundary	Finished Floor Level Above Ground Level (Existing)	<3m	1-3m	<6m	>3m	<p>Windows on the ground floor are setback less than 3m from the western boundary. Windows within 3m of this boundary have been minimised and only relate to windows for bathrooms. Privacy screens are considered to be unnecessary as the windows will be suitably glazed. Windows on the ground floor oriented towards the eastern boundary at setback over 3m.</p> <p>Windows within 6m on the first floor oriented towards the western boundary and eastern boundary contain high sill heights to avoid potential overlooking impacts. As such privacy screens are considered to be unnecessary for these windows.</p>
Distance from Boundary	Finished Floor Level Above Ground Level (Existing)							
<3m	1-3m							
<6m	>3m							

Low Rise Housing Diversity Design Guide – Compliance Table – 233 Memorial Avenue, Liverpool & 147 Cartwright Avenue, Sadleir

	<p>A private screen is required at the edge of that part of a terrace, deck, balcony or verandah that is parallel or faces towards a side or rear boundary</p> <p>Distance from Boundary Finished Floor Level Above Ground Level (Existing)</p> <p><3m 1-3m</p> <p><6m >3m</p> <p>Distance from Windows in Dwelling on Same Lot Finished Floor Level Above Ground Level (Existing)</p> <p><6m >3m</p>	<p>Privacy screens have been provided to balconies ensuring views are orientated towards the front and rear of the site.</p> <p>Privacy screens have been oriented and sited in a manner that avoids potential overlooking between each dwelling.</p>	<p>✓</p> <p>✓</p>
2.4P Acoustic Privacy	<p>Objective 2.4P-1</p> <p>Electrical, mechanical, hydraulic and air conditioning equipment is housed so that it does not create an 'ofensive noise' as defined in the Protection of the Environment Operations Act 1997 either within or at the boundaries of any property at any time of the day.</p>	<p>Suitable conditions to be imposed by council ensuring consistency with the relevant requirements of the Protection of the Environment Operations Act 1997.</p>	<p>✓</p>
2.4Q Noise and Pollution	<p>Objective 2.4Q-1</p> <p>Any development within the 20 ANEF contour is to be constructed to comply with AS 2021:2015 Acoustics – Aircraft Noise Intrusion.</p>	<p>The site is not within the 20 ANEF contour.</p>	<p>✓</p> <p>✓</p>

Low Rise Housing Diversity Design Guide – Compliance Table – 233 Memorial Avenue, Liverpool & 147 Cartwright Avenue, Sadleir

	<p>Dwellings that are within 100m of a classified road or 80m from a rail corridor are to have LAeq measures are not exceeding:</p> <ul style="list-style-type: none"> In any bedroom: 35dB(A) between 10pm-7am. Anywhere else in the building (other than a kitchen, garage, bathroom or hallway): 40dB(A) at any time. 	<p>The site is not within 100m of a classified road or 80m from a rail corridor.</p>	
2.4R Architectural Form and Roof Design	<p>Objective 2.4R-1</p> <p>Provide in the Design Verification Statement a description as to how the architectural form reduces the visual bulk and responds and provides a cohesive design response.</p>	<p>Refer to the Design Verification Statement in Appendix F.</p>	✓
2.4S Visual Appearance and Articulation	<p>Objective 2.4S-1</p> <p>Provide in the Design Verification Statement a description as to how the aesthetics and articulation contribute to the character of the local area.</p>	<p>Refer to the Design Verification Statement in Appendix F.</p>	✓
2.4U Energy Efficiency	<p>Objective 2.4U.1</p> <p>Provide an outdoor area for clothes drying that can accommodate at least 16 lineal metres of clothes line for each dwelling.</p>	<p>An outdoor area for clothes drying has been provided, with reference to the Architectural Plans in Appendix E.</p>	✓
	<p>Any clothes drying area should be screened from public and communal areas.</p>	<p>These facilities have been sited in a manner that ensures they are not visible from the public domain</p>	✓
2.4V Water Management and Conservation	<p>Objective 2.4V-1</p> <p>A stormwater system is to: The system must:</p> <ul style="list-style-type: none"> Comply with requirements in the DCP that applies to the land. Be approved (if required) under s.68 of the Local Government Act 1993). 	<p>Refer to the DCP Compliance Table in Appendix D.</p>	✓

Low Rise Housing Diversity Design Guide – Compliance Table – 233 Memorial Avenue, Liverpool & 147 Cartwright Avenue, Sadleir

<p>2.4W Waste Management</p>	<p>Objective 2.4W-1</p> <p>Provide storage space for the type and number of bins designated in council’s waste policy (or DCP).</p> <p>Despite any requirements in council’s waste policy, on-site waste vehicle access is not required where:</p> <ul style="list-style-type: none"> • there are less than 20 dwellings, or • the development is Torrens title subdivided <p>Where vehicle access is not provided to the site, any communal on-site collection point is to:</p> <ul style="list-style-type: none"> • be less than 10m from the street boundary, • be located on a surface with a gradient less than 1:20 • not require access through a security door or gate (unless this is permitted by council waste policy). • have path that connects the collection area to the street boundary with a gradient less than 1:8 and free of steps for the transfer of bins to the collection vehicle 	<p>Refer to the DCP Compliance Table in Appendix D.</p> <p>Noted.</p> <p>The Bin communal bin storage area servicing Unit 2-4 have been designed in accordance with the Liverpool DCP, refer to Appendix D.</p>	<p>✓</p> <p>✓</p> <p>✓</p>
<p>2.4X Universal Design</p>	<p>Objective 2.4X-1</p> <p>All dwellings are to include the Liveable Housing Design Guideline’s Silver level universal design features.</p>	<p>All dwellings have been designed in accordance with the Liveable Housing Design Guideline’s Silver level universal design features.</p>	<p>✓</p>

Low Rise Housing Diversity Design Guide – Compliance Table – 233 Memorial Avenue, Liverpool & 147 Cartwright Avenue, Sadleir

2.4Y Communal Areas and Open Space	Objective 2.4Y-1 Where more than 10 dwellings are proposed a communal space with minimum area of 5% of the site area with a minimum dimension of 8m is to be provided for active communal open space.	The proposed development does not contain more than 10 dwellings.	✓
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APPENDIX C

LIVERPOOL LOCAL ENVIRONMENTAL PLAN 2008 - COMPLIANCE TABLE

233 MEMORIAL AVENUE, LIVERPOOL &
147 CARTWRIGHT AVENUE, SADLEIR

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Liverpool Local Environmental Plan 2008 233 Memorial Avenue, Liverpool & 147 Cartwright Avenue, Sadleir			
Clause	Requirement	Comment	Complies
2.7 Demolition requires development consent	The demolition of a building or work may be carried out only with development consent.	Demolition of existing structures is proposed under this development application.	✓
4.3 – Height of Building	The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. <ul style="list-style-type: none"> 8.5m. 	The proposed 7.556m complies with the maximum of 8.5m.	✓
4.4 – Floor Space Ratio	The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map. <ul style="list-style-type: none"> 0.5:1 <p>Despite subclause (2)—</p> <p>(a) a 3 storey building containing dwellings, or</p> <p>(b) a building used for the purposes of an attached dwelling, multi dwelling housing, semi-detached dwellings, a secondary dwelling or 2 or more dwellings where each dwelling is attached to another dwelling by a common wall,</p> <p>that is on land shown to be within Area 2 or Area 3 on the Floor Space Ratio Map, may have a maximum floor space ratio of—</p>	Refer to the Housing SEPP Compliance Table in Appendix A .	✓

	(c) up to 0.05:1 greater than that shown on the Map, or (d) if the building is on a lot that adjoins a rear or side lane that provides vehicular access to the lot, up to 0.1:1 greater than that shown on the Map.		
5.21 Flood Planning	To avoid adverse or cumulative impacts on flood behaviour and the environment,	The site is partially mapped as flood prone on Councils Flood Planning Area Map. The proposed development has been designed to achieve the required habitable floor levels and to avoid adverse impacts on adjoining properties.	✓
7.31 Earthworks	To ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	The proposed earthworks are minor and will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	✓



APPENDIX C

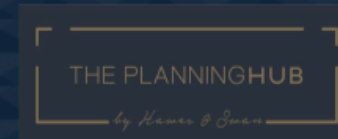
LIVERPOOL DEVELOPMENT CONTROL PLAN 2008 – COMPLIANCE TABLE

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Liverpool Development Control Plan 2008 – Compliance Table 233 Memorial Avenue, Liverpool & 147 Cartwright Avenue, Sadleir			
Control	Requirement	Comment	Complies
Part 1 General controls for all Development			
2. Tree Preservation			
Controls	Any approvals to remove or prune trees issued with a development consent shall lapse when the development consent lapses or becomes invalid or void.	Tree removal is not proposed under this development application.	✓
3. Landscaping and Incorporation of Existing Trees			
3.4 Landscape Specification	All approved landscaping must be maintained at all times to the satisfaction of Council.	Refer to the Landscape Plans provided in Appendix H .	✓
5. Bush Fire Risk			
Controls	All development shall comply with provisions of the Rural Fires and Assessment Act 2002 and Planning for Bushfire Protection 2006	The proposed development has been designed in accordance the Rural Fires and Assessment Act 2002 and Planning for Bushfire Protection 2006.	✓
6. Water cycle management			
6.1 Gravity Drainage to Council's Drainage system	For developments that require construction of stormwater drainage, a SDCP shall be submitted with the Development Application demonstrating the feasibility of the proposed drainage system within the site and connection to Council's system. Early consultation between engineers and architects is required to reduce possible conflicts in the final plan	Refer to the Stormwater Plans (Appendix I).	✓

Liverpool Development Control Plan 2008 – Compliance Table
233 Memorial Avenue, Liverpool & 147 Cartwright Avenue, Sadleir

6.8 Water Conservation	New dwellings, including a residential component within a mixed-use building and serviced apartments intended or capable of being strata titled, are to demonstrate compliance with State Environmental Planning Policy – Building Sustainability Index (BASIX).	Refer to the BASIX Certificate provided in Appendix K .	✓
8. Erosion and Sediment Control			
Controls	The development application shall be accompanied by either a Soil and Water Management Plan (SWMP) or an Erosion and Sediment Control Plan (ESCP) as shown in Table 1.	Refer to the Erosion and Sediment Control Plan that forms part of the Stormwater Plans (Appendix I).	✓
9. Flood Risk			
9.1 Determining Relevant Controls	Council has prepared flood risk mapping for the majority of the floodplains within the Liverpool LGA through a number of Floodplain Risk Management Studies and Plans adopted by Council and this information is available from Council.	The site is partially mapped as flood prone on Councils Flood Planning Area Map. The proposed development has been designed to achieve the required habitable floor levels and to avoid adverse impacts on adjoining properties.	✓
10. Contaminated Land Risk			
Controls	If the Preliminary Site Contamination Investigation (Stage 1) indicates a potential for contamination and that the land may not be suitable for the proposed use, a Detailed Contamination Investigation (Stage 2) shall be undertaken.	The site has been used for residential purposes for an extended period with no potentially contaminating activities occurring on site. As such, a Preliminary Site Contamination Investigation is considered unnecessary, and the land is suitable for the proposed use.	✓
14. Demolition of Existing Developments			
Controls	All demolition work must comply with the Australian Standard AS2601 - 1991, The Demolition of Structures.	All demolition works are capable of complying with relevant requirements of the Australian Standards.	✓
20. Car Parking and Access			
20.3 Onsite car parking provisions	Off street car parking provision and service and loading provision shall be provided in accordance with Table 11. <u>Car Parking Provision in Liverpool City Centre</u>		

Liverpool Development Control Plan 2008 – Compliance Table
233 Memorial Avenue, Liverpool & 147 Cartwright Avenue, Sadleir

<p>and service facilities by land use</p>	<p>Multi dwelling housing and residential flat buildings (Residential & Employment (E1, E2, MU1 and E3) zones:</p> <ul style="list-style-type: none"> • Minimum Number of Car Parking Spaces: <ul style="list-style-type: none"> ○ 1 space per small dwelling (< 65sqm) or 1 bedroom ○ 1.5 spaces per medium dwelling (65 - 110sqm) or 2 bedrooms ○ 2 spaces per large dwelling (> 110sqm) or 3 or more bedrooms ○ 1 visitor car space for every 4 dwellings or part thereof • Service and Loading: <ul style="list-style-type: none"> ○ Service access for removalists and garbage servicing <p><u>Bicycle Parking and Cycling Facilities</u> Bicycle parking and cycling facilities shall be provided in accordance with Table 13 below.</p> <ul style="list-style-type: none"> • Residential Flat Buildings, Multi-Dwelling Housing: <ul style="list-style-type: none"> ○ Resident Parking Spaces: 1 per 2 units, or 1 for every 4 bedrooms (whichever is greater). ○ Visitor/Customer Parking Spaces: 1 per 10 units. <p><u>Loading Facilities</u></p>	<p>Refer to the Housing SEPP Compliance Table in Appendix A. A Surplus of 4 hardstand spaces is provided capable of accommodating visitor parking spaces.</p> <p>Removalist and waste collections services are capable of being undertaken on-street. Van access for removalist can also be accommodated on street.</p> <p>The proposed development warrants a total of 3.25(4) bicycle parking spaces. These spaces are capable of being accommodated within the garage of each unit.</p>	<p>✓</p> <p>✓</p> <p>✓</p>
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Liverpool Development Control Plan 2008 – Compliance Table
233 Memorial Avenue, Liverpool & 147 Cartwright Avenue, Sadleir

		Adequate facilities for servicing developments shall be provided on-site to ensure loading/unloading activities do not occur on street and compromise the safety, amenity and capacity of the public road system.	Adequate loading facilities have been provided in accordance with the relevant Australian Standards. The proposed provisions will not occur on street and compromise the safety, amenity and capacity of the public road system.	✓
20.5 Driveway	Internal	Driveways are to be in accordance with the relevant Australian Standard. The maximum change in gradient is to be as shown in the "Maximum Gradients of Internal Driveway" diagram (See Figure 3).	The driveway has been designed in accordance with the relevant Australian Standards.	✓
		The minimum internal driveway widths are to be provided in accordance with Table 4. <ul style="list-style-type: none"> 1 - 15 spaces and length not exceeding 40m – 3.5m 	The internal driveway is a minimum 3.9m and complies with the minimum of 3.5m	✓
		Minimise the number of pedestrian and vehicular entry and exit points, and ensure they are in close proximity to each other and to nearby active uses.	Pedestrian and vehicular entry and exists points have been minimised to 1 and sited in a manner that is consistent to existing provisions.	✓
		All vehicles must enter and leave the property in a forward direction (except in the case of dwelling houses and Attached dwellings and Semidetached dwellings).	All vehicles are capable of entering and leaving the property in a forward direction.	✓
20.7 Driveway Crossing		Driveway Crossings shall be located a minimum distance from the following items: - 0.5m from all drainage structures on the kerb and gutter; - 1.0m from side property boundaries; - 6m from a kerb tangent point of a street corner.	The driveway crossing will not be within 0.5m of drainage structures on the kerb and gutter or 6m from a kerb tangent point of a street corner. In addition, the driveway crossing has been setback 1m from the side boundary.	

Liverpool Development Control Plan 2008 – Compliance Table
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20.8 Pavement requirements	Access driveways, internal driveways and car parking spaces are to be paved to a standard to carry the anticipated loadings, unless otherwise specified elsewhere in the DCP. Porous paving materials will be considered, provided that sufficient detail is provided to show that such paving is sustainable. Driveway material must not be allowed to spill or be carried onto road pavement.	Refer to the Landscape Plan (Appendix H) detailing the proposed paving materials.	
22. Energy Conservation			
Residential	New dwellings, including multi-unit development within a mixed-use building and serviced apartments intended or capable of being strata titled, are to demonstrate compliance with State Environmental Planning Policy – Building Sustainability Index (BASIX). A complying BASIX report is to be submitted with all development applications containing residential activities.	A BASIX Certificate has been attached demonstrating the developments capabilities of meeting relevant water and energy targets, see Appendix K .	✓
23. Reflectivity			
Controls	Visible light reflectivity from building materials used on the facades of new buildings must not exceed 20%.	The proposed development does not utilise building materials on the facades that exceed 20% reflectivity.	✓
25. Waste Disposal and Re-use Facilities			
Waste Management Plan	A Waste Management Plan (WMP) shall be submitted with a Development Application for any relevant activities generating waste. The WMP is provided in three sections: <ul style="list-style-type: none"> • Demolition; • Construction; and • On-going waste management. 	The application has been accompanied by a WMP, refer to Appendix M .	✓
29. Safety and Security			
29.1 Safety and Security	Address ‘Safer-by-Design’ principles in the design of public and private domain, and in all developments including the NSW Police ‘Safer by Design’ Crime Prevention Through Environmental Design (CPTED) principles.	Refer to Section 3.9 of the SEE providing an assessment against the CPTED Principles.	✓

Liverpool Development Control Plan 2008 – Compliance Table
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29.2 Pedestrian Access and Mobility	Main building entry points should be clearly visible from primary street frontages and enhanced as appropriate with awnings, building signage and high-quality architectural detail.	The proposed building entries are clearly visible from the street.	✓
	The design of facilities (including car parking requirements) for disabled persons must comply with the relevant Australian Standard (AS 1428 Pt 1 and 2, or as amended) and the Disability Discrimination Act 1992 (as amended).	The proposed development has been designed to conform to all relevant Australian Standards and the Disability Discrimination Act.	✓
	Barrier free access is to be provided to not less than 20% of dwellings in each Multi-dwelling development and associated common areas.	Refer to the Architectural Plans, Barrier free access is to be provided to not less than 20% of dwellings in each multi-dwelling development.	✓
PART 3.6 – Multi Dwelling Housing (Villas and Townhouses) In the R3 and R4 zones			
2. Subdivision, Frontages and Lot Size			
Lot Size and Width	The minimum lot size for multi dwelling housing is 1,000m ² . Where development pursuant to section 4 is proposed, the minimum lot size shall be 650m ² .	Development is proposed pursuant to Section 4 noting the Townhouse Development is proposed on lots less than the standard 22 m. The site contains an area of 695.6m ² and complies with the minimum of 650m ² .	N/A
	The minimum lot width for multi dwelling housing is 22m. Where development pursuant to section 4 is proposed, the minimum lot width shall be 18m.	As above. Development is proposed in accordance with Section 4. The site has a width of 15.24m and does not comply with the minimum of 18m. The minor non-compliance is considered acceptable in that the proposed development does not present an excessive visual bulk or scale to the streetscape. Specifically, the proposed development will present a consistent bulk and scale to the existing development in the surrounding area as demonstrated in Section 3.3 of the SEE .	On merit

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		<p>The proposed development also complies with relevant requirements associated with Height, FSR, landscaping, private open space and the like. In addition, the proposed development will not have an adverse amenity impacts on adjoining properties in terms of solar access, overshadowing and privacy.</p> <p>As such, the minor non-compliance is considered acceptable in this instance.</p>	
3. Site Planning	<p>Site layout should consider, and as far as possible minimise overshadowing, acoustic and visual intrusion on neighbouring and on site dwellings.</p> <p>There must be a direct link from at least one living area to the principal private open space.</p> <p>The siting of windows of habitable rooms on the first floor shall minimise overlooking to the principal private open space of neighbouring properties.</p> <p>Stormwater from the site must be able to be drained satisfactorily. Where the site falls away from the street, it may be necessary to obtain an easement over adjoining property to drain water satisfactorily to a Council stormwater system. Where stormwater drains directly to the street, there may also be a need to incorporate on-site detention of stormwater where street drainage is inadequate. Refer to Water cycle management in Part 1.</p>	<p>The proposed development will not have an adverse amenity impacts on adjoining properties in terms of solar access, overshadowing and privacy.</p> <p>Ground floor living areas directly link to each units POS.</p> <p>First floor habitable windows orientated towards adjoining properties maintain suitable sill heights and glazing to minimise overlooking.</p> <p>Refer to the Stormwater Plans provided in Appendix I demonstrating suitable drainage.</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>

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	Multi Dwelling Housing is not permitted on cul-se-sac heads or streets with a carriageway width of less than 6.5m.	Memorial Avenue contains a width that exceeds 6.5m.	✓
4. Townhouse and Villa Development on an 18m frontage block	At least two dwellings must have a maximum floor space of 80sqm.	All dwellings exceed 80m ² and do not comply with the maximum specified.	On merit
	<ul style="list-style-type: none"> These dwellings must have a maximum of two bedrooms. 	<p>The non-compliance is considered acceptable in that the proposed development does not present an excessive visual bulk or scale to the streetscape. Specifically, the proposed development will present a consistent bulk and scale to the existing development in the surrounding area as demonstrated in Section 3.3 of the SEE.</p> <p>The proposed development also complies with relevant requirements associated with Height, FSR, setbacks, and the like. In addition, the proposed development will not have an adverse amenity impacts on adjoining properties in terms of solar access, overshadowing and privacy.</p> <p>As such, the non-compliance is considered acceptable in this instance.</p>	
	<ul style="list-style-type: none"> These dwellings must have a carport, rather than a garage. This control applies over Section 7 – Car Parking and Access. <p>Dwellings at the rear of the property must not be more than 1 storey high. An attic is permitted. - The rear of the property for Section 4 means all land 15m from the rear property boundary.</p>	<p>The development included garages rather than carports. Considering the garages are not orientated towards the public domain the non-compliance is considered acceptable.</p> <p>The dwelling at the rear is proposed to be two storeys in height. The non-compliance is considered acceptable in that the dwellings fronts a public reserve and will not present an excessive visual bulk and scale to adjoining properties. In addition, the proposed development will not have an</p>	

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		<p>adverse amenity impacts on adjoining properties in terms of solar access, overshadowing and privacy.</p> <p>It is noted that existing multi-dwelling housing developments along Memorial Avenue with a frontage to public open space present a consistent two storey form to the rear.</p> <p>Unit 1 has been designed to address the street.</p>	✓
5. Setbacks	<p>Front Setbacks</p> <p>Buildings shall be setback from the primary and secondary boundaries in accordance with Table 1.</p> <ul style="list-style-type: none"> • Other Streets (ground floor) – 4.5m • Other Streets (first floor) – 5.5m <p>Garages or Carports must be set back a minimum of 1m behind the main face of the dwelling (see Figure 2). (The main face is the first wall of a habitable room).</p> <p>Verandahs, balconies, eaves and other sun control devices may encroach on the minimum front and secondary setback by up to 1m.</p>	<p>The proposed development is setback 4.5m on the ground floor and 5.5m on the first floor.</p> <p>All garages are setback a minimum 1m behind the front building line.</p> <p>The balcony protrudes into the required setback by 1m and complies with the minimum specified.</p>	<p>✓</p> <p>✓</p> <p>✓</p>
	<p>Side and Rear Setbacks</p> <ul style="list-style-type: none"> • Ground floor without windows to habitable rooms: <ul style="list-style-type: none"> ○ Side Setbacks – 0.9m ○ Rear Setbacks – 4.0m • Ground floor with windows to habitable rooms: <ul style="list-style-type: none"> ○ Side Setbacks – 4.0m 	<p>Non-habitable rooms on the ground floor oriented towards the eastern and western boundary are setback a minimum 0.9m.</p> <p>Ground floor areas with habitable rooms are generally setback a minimum 4m from the side and rear boundaries.</p>	<p>✓</p> <p>On Merit</p>

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	<ul style="list-style-type: none"> ○ Rear Setbacks – 4.0m ● First floor without windows to habitable rooms: <ul style="list-style-type: none"> ○ Side Setbacks – 1.2m ○ Rear Setbacks – 4.5m ● First floor with windows to habitable rooms and neighbouring private open space – <ul style="list-style-type: none"> ○ Side Setbacks – 4.0m ○ Rear Setbacks – 6.0m 	<p>However, a minor portion is setback 3.66m along the eastern boundary.</p> <p>Existing fences will adequately mitigate adverse privacy impacts and windows have been sited in a manner that avoid direct sight lines. As such, the minor non-compliance is considered acceptable.</p> <p>Habitable windows are proposed along the side and rear boundaries.</p> <p>Habitable windows on the first floor are setback a minimum 4m from the eastern boundary. However, windows along the western boundary do not comply with the minimum of 4m. These windows contain high sill heights and/or suitable glazing to avoid adverse overlooking impacts of adjoining properties. As such, a setback of 1.62m is considered acceptable.</p> <p>In addition, one window is proposed along the rear boundary to a bedroom which does not comply with the maximum of 6m. Considering this window is orientated towards a public reserve, the non-compliance is considered acceptable noting it will not result in an adverse overlooking impact.</p>	<p>N/A</p> <p>On Merit</p>
<p>6. Landscaped Area and Private Open space</p>	<p>Landscaped Area A minimum of 20% of the site area shall consist of a Landscape Area, this may include lawn, deep rooted trees, garden beds and mulched areas.</p>	<p>The proposed 30.8% or 214.72m² complies with the minimum of 20%.</p>	<p>✓</p>

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	A minimum unincumbered area of 4 x 5m shall be provided in rear setback to accommodate deep rooted trees.	An unincumbered area of 4 x 5m is provided for all dwellings.	✓
	<p>Private Open Space</p> <p>Each dwelling shall provide a minimum private open space area, which is not covered by a roof in accordance with Table 3.</p> <ul style="list-style-type: none"> Dwelling Size (Large > 100m²) – 50m² minimum POS. <p>Areas less than 1.5 m in width does not qualify as Private Open Space for the purpose of the above table.</p> <p>A minimum of 50% of the Private Open Space are must received 3 hours of hours of sunlight between 9:00am and 5:00pm on 21 June.</p>	<p>Each dwelling contain an area in excess of 100 m2 and POS areas are provided as follows:</p> <ul style="list-style-type: none"> Unit 1 – 55.36 m2 Unit 2 – 34.69 m2 Unit 3 – 35.23 m2 Unit 4 – 52.98m2 <p>Unit 2 and 3 do not comply with the minimum of 50m². The size of the POS areas considered to be sufficient in that they permit a range of private recreational purposes. In addition, the proposed variations are unlikely to adversely impact on the amenity of future residents noting the site is within 90m walking distance from access to Ireland Park. This facility provides access to additional provisions of open spaces.</p> <p>Noted. Areas included in the calculation of 1.5m have not been included in the calculation of POS.</p> <p>Refer to the Shadow diagrams in Appendix E.</p>	<p>On merit</p> <p>✓</p>
7. Cut and Fill, Building Design, Streetscape and Layout	The maximum cut on a site must not exceed 500mm.	Cut on site does not exceed 500mm.	✓

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	<p>The maximum fill within the confines of the slab must not exceed 750mm. All fill must be contained within the dwelling footprint</p>	<p>Proposed fill does not exceed 750mm and has been contained within the footprint of the dwelling (where practicable). However, minor portions at the rear are not within the dwelling footprint are proposed to contain fill to provide level POS areas.</p>	<p>On Merit</p>
	<p>Building Design and Appearance</p> <p>Unit/s with a street frontage shall orientate the main entrance and where possible at least one living area towards the street.</p> <p>Entry points shall be enhanced/emphasised to all dwellings especially those facing the street.</p> <p>The first floor of the townhouse developments must be no greater than two thirds of the ground floor area.</p> <p>Building facades shall be articulated and roof form is to be varied to provide visual variety.</p> <p>Walls shall be a mix of masonry, rendered and or bagged, and painted, lightweight clad and painted and/or flush face brick. Justification will be required for 100% face brick facades or 100% rendered and painted brick and will be assessed on merit.</p> <p>Units built at the rear of the allotment must take into consideration privacy of neighbouring properties. The use of windows with high sill heights should be used to avoid potential privacy issues.</p>	<p>Unit 1 has oriented the main entrance and two living areas towards the street.</p> <p>Entrances have been enhanced/emphasised to all dwellings, especially those facing the street.</p> <p>The upper levels of all units exceed two thirds of the ground floor. The overall bulk and scale of the development aligns with recently approved multi-dwelling housing development in the surrounding area and supports achieve the desired density o development within the R3 zone.</p> <p>Building facades have been appropriately integrated and roof form varied to provide visual variety.</p> <p>Refer to the Materials and Finishes Scheule in Appendix E.</p> <p>Windows within high sill heights have been provided to support avoid potential privacy impacts on adjoining properties.</p>	<p>✓</p> <p>✓</p> <p>On Merit</p> <p>✓</p> <p>✓</p>

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	<p>Driveways should avoid a ‘gun barrel’ effect by curving and siting of buildings, which create a driveway form with the divided carriageway separated by soft landscaping.</p>	<p>The proposed driveway avoids a ‘gun barrel’ effect by curving and siting of buildings.</p>	✓
	<p>Balconies are not permitted on the first floor of the side and / or rear portion of the dwelling. Balconies may be considered if they address public open space, communal open space and/or private driveways.</p>	<p>The balconies address a private driveway. In addition, suitable privacy screening is proposed to avoid adverse overlooking impacts on adjoining properties.</p>	✓
	<p>Comply with ADG standards for building depth and number of apartments</p>	<p>The proposed development is compliant with the ADG in regard to building depth and number of apartments. Each level has eight apartments.</p>	✓
	<p>Internal Design</p> <p>Multi Dwelling Housing located on street boundaries shall have habitable rooms located to the front of the dwelling for security and surveillance to the street.</p>	<p>Habitable rooms on the ground and first floor are provided at the front of the dwelling.</p>	✓
	<p>Living rooms should take advantage of northern aspects where possible.</p>	<p>Living rooms have been orientated towards the northern aspects where practicable.</p>	✓
	<p>The internal layout of the dwelling must incorporate cross ventilation.</p>	<p>The siting of windows permit adequate cross flow ventilation.</p>	✓
	<p>Each dwelling must provide a minimum storage area of 8m³</p>	<p>Each dwelling is provided with a minimum 8m³ of storage.</p>	✓
<p>9. Landscaping and Fencing</p>	<p>Landscaping</p> <p>The setback areas of development are to be utilised for canopy tree planting. The landscape design for all development must include canopy trees that will achieve a minimum 8m height at maturity within front and rear setback areas.</p>	<p>Refer to the Landscape Plan (Appendix G) accompanying this development application.</p>	✓

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	<p>A 2m wide landscaped area shall be provided between an internal driveway and a property boundary to provide privacy to the adjoining property and to soften the appearance of the internal driveway.</p> <p>Landscaping shall be provided along the side and rear boundaries to provide privacy for adjoining residents.</p> <p>A maximum of 30% of the front setback is to be paved or sealed, unless the area is used for direct access to a garage, carport or dwelling entry.</p> <p>Trees adjacent to private open space areas and living rooms should provide summer shade and allow winter sun entry.</p>	<p>A 1m landscape strip has been provided between the internal driveway and property boundary which does not comply with the minimum of 2m. This is a result of providing a legible built form and a driveway that can suitably accommodate two-way movement at the front of the site.</p> <p>Despite the non-compliance, the development will not result in adverse visual impact on adjoining properties noting a 1.8m high Colourbond fence and hedge planting will mitigate privacy concerns at ground level. In addition, the proposed landscaping scheme along the side and front boundary will adequately soften the appearance of the internal driveway when viewed from the public domain.</p> <p>It is noted that the design of the development aligns with a recently approved development application (DA-547/2023) at 5 Blackwood Avenue, Casula.</p> <p>Adequate landscaping has been provided along the side and rear boundary.</p> <p>Paved or sealed areas within the front setback does not exceed 30%.</p> <p>Suitable shade planting has been provided as part of the Landscape Plan (Appendix G).</p>	<p>On merit</p> <p>✓</p> <p>✓</p> <p>✓</p>
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Liverpool Development Control Plan 2008 – Compliance Table
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	<p>Fencing</p> <p>The maximum height of a front fence is 1.2m.</p> <p>The front fence must be 30% transparent</p> <p>Front fences shall be constructed in masonry, timber, metal pickets and/or vegetation and must be compatible with the proposed design of the dwelling.</p> <p>Front fences are to be constructed of materials compatible with the proposed design of the dwelling.</p>	<p>The proposed 1.6m fence is considered acceptable in this instance given it supports provide adequate privacy to POS areas associated with Unit 1. Solid boral components of the fence are suitably sited to avoid adverse amenity impacts on the streetscape in terms of visual bulk and scale.</p> <p>Frent fences comprise of masonry and aluminium louvers that allow a compatible and sympatric response to the streetscape.</p> <p>Refer to the Materials and Finishes Schedule in Appendix E.</p>	<p>On merit</p> <p>✓</p> <p>✓</p>
	<p>Boundary Fences</p> <p>The maximum height of side boundary fencing within the setback to the street is 1.2m.</p> <p>Boundary fences shall be lapped and capped timber or metal sheeting.</p>	<p>Side fences along the side boundary vary in response to the topography of the site. Solid comments have been confined to a minimum and will not adversely impact on the amenity of the streetscape in terms of visual bulk and scale. Suitable materials are proposed above comprising aluminium louvers that allow a compatible and sympatric response to the streetscape.</p> <p>Suitable 1.8m metal sheeting boundary fence will be provided.</p>	<p>On merit</p> <p>✓</p>
<p>10. Amenity and Environmental Impact</p>	<p>Privacy</p> <p>Building siting, window location, balconies and fencing should take account of the importance of the privacy of onsite and adjoining buildings and outdoor spaces.</p>	<p>Suitable sill heights, glazing, siting and privacy screens have been provided to minimise adverse overlooking impact on adjoining properties.</p>	<p>✓</p>

Liverpool Development Control Plan 2008 – Compliance Table
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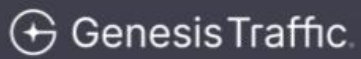
	<p>Acoustic Privacy</p> <p>Noise attenuation measures should be incorporated into building design to ensure acoustic privacy between on-site and adjoining buildings.</p> <p>Where party walls are provided they must be carried to the underside of the roof and be constructed in accordance with Part F5 of the Building Code of Australia.</p>	<p>The proposed development will not arise adverse acoustic impacts on adjoining properties having regard to the scale of the development.</p> <p>To be suitable conditioned.</p>	<p>✓</p> <p>✓</p>
11. Site Services	<p>Letterboxes</p> <p>Letterboxes shall to be provided for each dwelling on site, easily accessible from the street, able to be securely locked and provided in accordance with Australia Post’s requirements.</p>	<p>A suitable location for letter boxes has been indicated on the Architectural Plans.</p>	<p>✓</p>
	<p>Waste management</p> <p>Waste disposal facilities shall be provided for development. These shall be located adjacent to the driveway entrance to the site.</p> <p>Any structure involving waste disposal facilities shall be located as follows:</p> <ul style="list-style-type: none"> • Setback 1m from the front boundary to the street. 	<p>The proposed waste facilities for Unit 1 are provided within the front setback and will be adequately screened by front fences and landscaping.</p> <p>The waste storage areas are setback more than 1m from the front boundary.</p>	<p>✓</p> <p>✓</p>



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Traffic Impact Assessment

233 Memorial Avenue, Liverpool

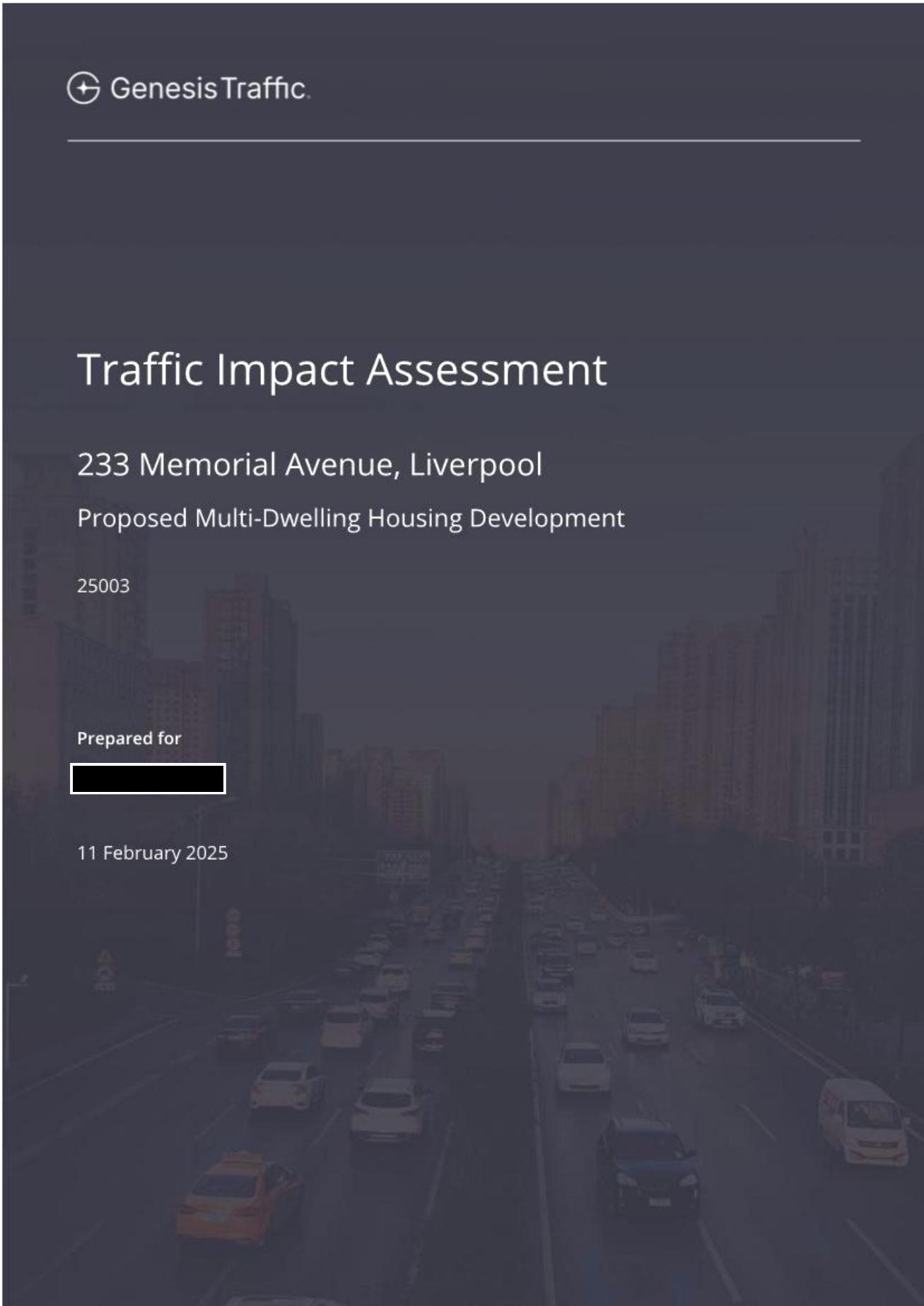
Proposed Multi-Dwelling Housing Development

25003

Prepared for



11 February 2025



Traffic Impact Assessment
233 Memorial Avenue, Liverpool



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Document Information

Report	Traffic Impact Assessment
Client	[REDACTED]
Proposal	Proposed Multi-Dwelling Housing Development
Architect	Cedar Design
Project Location	233 Memorial Avenue, Liverpool
Council	Liverpool City Council
Job Number	25003
Date	11/02/2025

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Version	Effective Date	Description of Revision	Prepared by	Reviewed by
1	10/02/2025	Draft	RM, BB	BL
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Traffic Impact Assessment
233 Memorial Avenue, Liverpool



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Attachments

Attachment 1 Architectural Plans

Attachment 2 Turning Path Assessment

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1 Introduction

1.1 Background

This report has been prepared to accompany a Development Application to Liverpool City Council for a Proposed Multi-Dwelling Housing Development at 233 Memorial Avenue, Liverpool (Figure 1-1).

Figure 1-1 Site



Source: Mecone (Modified by Genesis Traffic)

1.2 Scope of Works

The purpose of this report is to:

- describe the proposed development scheme
- describe the existing site, road network serving the site and the prevailing traffic conditions
- assess the adequacy of the proposed parking provision
- assess the potential traffic implications

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- assess the suitability of the proposed vehicle access, internal circulation and servicing arrangements

1.3 Reference Documents

Reference has been made to the following documents when preparing this report:

- Australian Standard Part 1: Off-street Car Parking (AS2890.1:2004)
- Development Control Plan (Liverpool City Council)
- Guide to Transport Impact Assessment, NSW Government, 2024



2 Proposed Development

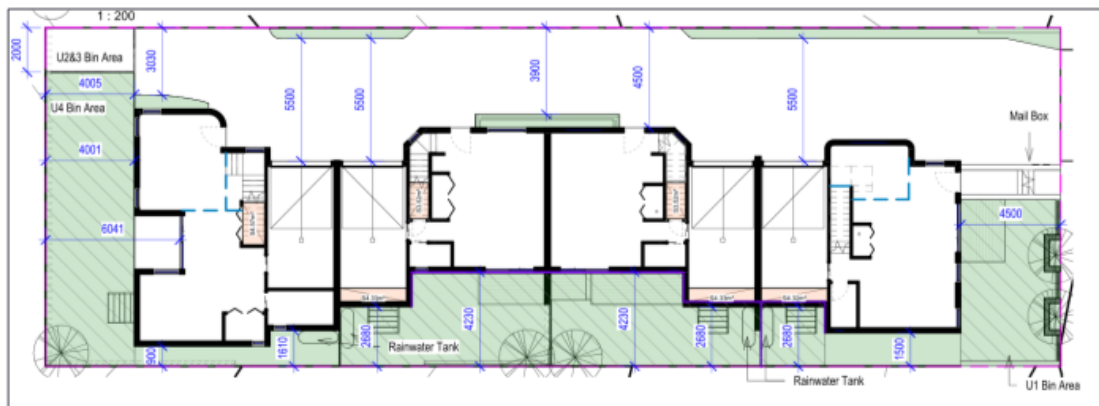
The proposal (

Figure 2-1) seeks consent for a development outcome that involves:

- 3 x two-bedroom townhouse units (1 affordable)
- 1 x three-bedroom townhouse unit
- At-grade garaged car park - 4 car spaces

Vehicle access will be provided at Memorial Avenue.

Figure 2-1 Development Plan



Source: Cedar Design

Details of the proposal are indicated in the architectural plans prepared by Cedar Design which accompany the submission and are reproduced in part in **Attachment 1**.



3 Existing Conditions

3.1 Site and Surrounding Context

The development site (Figure 3-1) is legally known as Lot 62 in DP 25142, located at 233 Memorial Avenue, Liverpool. The site occupies an area of 696m² and has a frontage to Memorial Avenue.

Figure 3-1 Site Context



Source: Metromap (Modified by Genesis Traffic)

The site is occupied by a residential dwelling at present with a vehicle access point located at Memorial Avenue.

The adjoining and surrounding land uses include:

- Liverpool Train Station to the east
- Liverpool Plaza and Westfield Liverpool shopping centres to the northeast
- Whitlam Leisure Centre to the east
- Liverpool West Public School to the southeast



3.2 Road Network

The existing road network serving the site area (Figure 3-2) are detailed in Table 3-1:

Figure 3-2 Road Network



Source: TfNSW (modified by Genesis Traffic)

Table 3-1 Surrounding Road Network

Road Name	Description
Hoxton Park Road	<ul style="list-style-type: none"> State Road Speed limit 60/70 km/h 2/3 lanes in each direction No Stopping restriction along both sides of the street
Flowerdale Road	<ul style="list-style-type: none"> Regional Road Speed limit 60 km/h 1 lane in each direction Unrestricted on-street parking along both sides of the street
Memorial Avenue	<ul style="list-style-type: none"> Local Road Speed limit 50 km/h



	<ul style="list-style-type: none"> · 1 lane in each direction · Unrestricted on-street parking along both sides of the street
Maryvale Avenue	<ul style="list-style-type: none"> · Local Road · Speed limit 50 km/h · 1 lane in each direction · Unrestricted on-street parking along both sides of the street
Mainsbridge Avenue	<ul style="list-style-type: none"> · Local Road · Speed limit 50 km/h · 1 lane in each direction · Unrestricted on-street parking along both sides of the street
Kennedy Street	<ul style="list-style-type: none"> · Local Road · Speed limit 50 km/h · 1 lane in each direction · Unrestricted on-street parking along both sides of the street

3.3 Traffic Controls

The traffic controls on the road system in the vicinity of the site are detailed in Table 3-2:

Table 3-2 Surrounding Traffic Controls

Traffic Control	Location
Traffic Signal	<ul style="list-style-type: none"> · Intersections of: <ul style="list-style-type: none"> ○ Hoxton Park Road and Memorial Avenue ○ Hoxton Park Road and Flowerdale Road ○ Flowerdale Road and Memorial Avenue
Give-way / Stop Control	<ul style="list-style-type: none"> · Intersections of: <ul style="list-style-type: none"> ○ Kennedy Street and Memorial Avenue ○ Mainsbridge Avenue and Flowerdale Road
No Right Turn	<ul style="list-style-type: none"> · From Hoxton Park Road to Memorial Avenue · From Maryvale Road to Hoxton Park Road · From Memorial Avenue to Hoxton Park Road (Buses excepted)
Bus Lane	<ul style="list-style-type: none"> · Along parts of <ul style="list-style-type: none"> ○ Hoxton Park Road
School Zone	<ul style="list-style-type: none"> · Along parts of <ul style="list-style-type: none"> ○ Flowerdale Road

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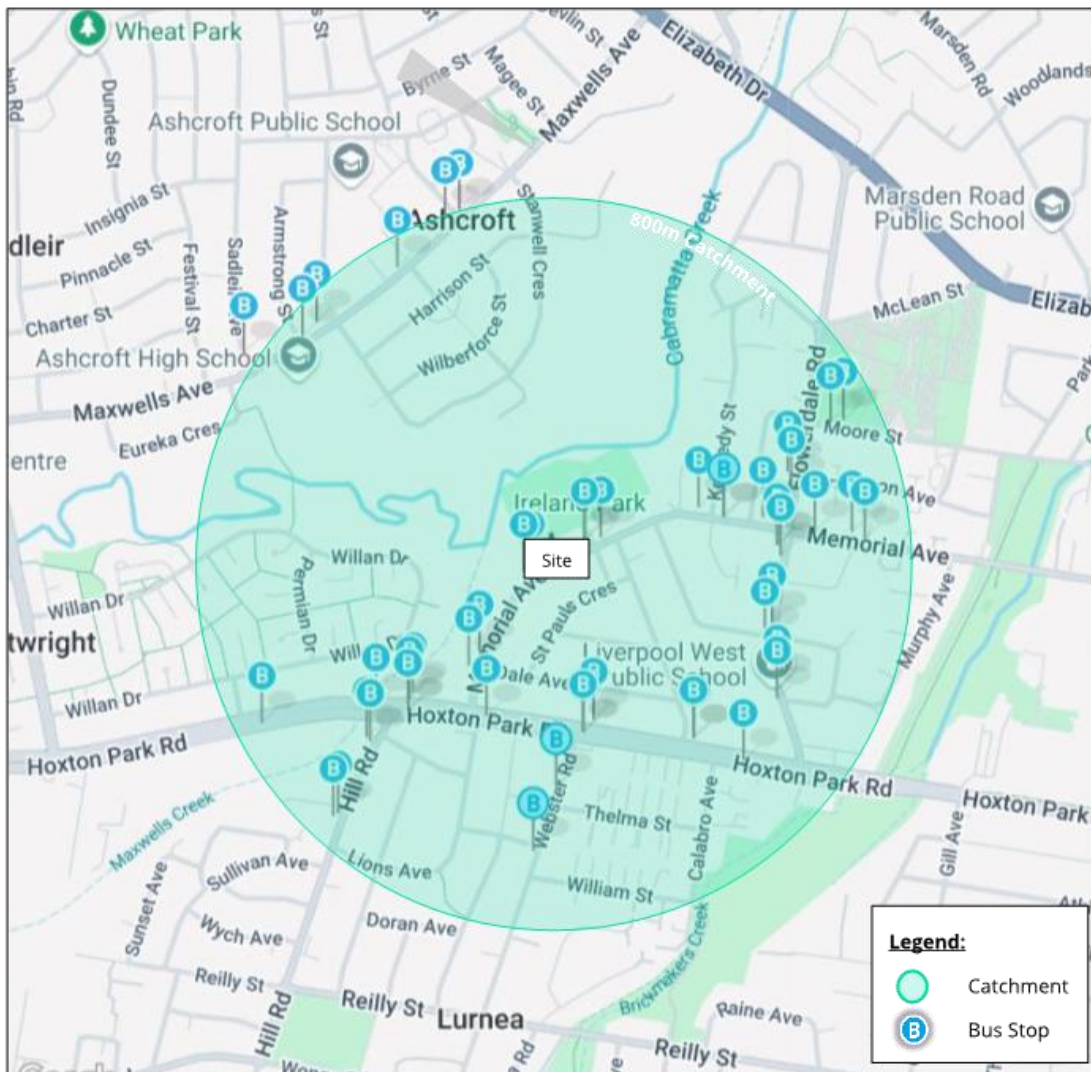


	○ Mainsbridge Avenue
Pedestrian Crossing	· Along part of
	○ Flowerdale Road

3.4 Public Transport Services

The local public transport services are illustrated in Figure 3-3.

Figure 3-3 Local Public Transport Locations



Source: Google Map (Modified by Genesis Traffic)



Train/Metro

No train station is available within the vicinity of the site. Nevertheless, there are ample bus services that provide connections to the surrounding nearest train services such as Liverpool Train Station. This train station provides T2 (Inner West & South Line), T3 (Bankstown Line) and T5 (Cumberland Line) service(s).

Bus

Local bus services are within walking distance (70m to the nearest bus stop) of the site, as follows (Table 3-3).

Table 3-3 Bus Services Provision

Bus Line	Bus Route	Peak Frequency
T80	Liverpool to Parramatta via T-way	6 trip(s) per hour
802	Liverpool to Parramatta via Guildford West Sydney Buses Network	2 trip(s) per hour
803	Liverpool to Miller (Loop Service)	2 trip(s) per hour
853	Carnes Hill to Liverpool via Hoxton Park Rd	3 trip(s) per hour
854	Carnes Hill to Liverpool via Greenway Dr & Hoxton Park Rd	4 trip(s) per hour
869	Ingleburn to Liverpool via Edmondson Park & Prestons	2 trip(s) per hour



4 Parking Assessment

4.1 Car Parking Requirement

Reference is made to the non-discretionary development standards in Chapter 2, Part 2 (In-fill Affordable Housing) of SEPP 2021, specifically section 19. The relevant car parking rates are provided in Table 4-1.

Table 4-1 Car Parking Rates from SEPP 2021

Land Use	Element	Minimum Parking Rates
Affordable Housing	One-Bed	0.4 space(s) per unit
	Two-Bed	0.5 space(s) per unit
	Three-Bed	1.0 space(s) per unit
Non-affordable Housing	One-Bed	0.5 space(s) per unit
	Two-Bed	1.0 space(s) per unit
	Three-Bed	1.5 space(s) per unit

Application of the proposal using the above criteria would indicate the following requirement(s) in Table 4-2.

Table 4-2 Required Car Parking Spaces

Element	Unit/GFA	Requirement
Affordable Housing	One-Bed	0 unit(s)
	Two-Bed	1 unit(s)
	Three-Bed	0 unit(s)
Non-Affordable Housing	One-Bed	0 unit(s)
	Two-Bed	2 unit(s)
	Three-Bed	1 unit(s)
Total		4 spaces

It is proposed to provide 4 parking spaces for residents to comply with the SEPP requirement.

4.2 Loading and Servicing Requirement & Arrangement

The development waste will be collected on-street along the Memorial Avenue frontage by Council's waste team. Other infrequent loading and servicing needs will also be satisfied by the ample on-street parking, as is normal for developments of this nature and scale.



5 Access and Circulation Design

5.1 Access

The proposed access driveway will be located at Memorial Avenue for car park access.

Details of the access design and geometry are discussed in Section 5.2.

5.2 Design Assessment and Internal Circulation

A detailed review of the car park has been undertaken to assess its conformance with the relevant AS2890.1 design criteria. The assessment outcome is tabulated below for ease of reference.

Table 5-1 Off-street Car Parking (AS2890.1:2004) Criteria

Features	Requirement	Provision	Compliance	Notes
Domestic Driveways				
Driveway Width	Min 3.0m	5.0m	Yes	
Sight Triangle (Pedestrian)	2.5m long x 2.0m wide	Provided	Yes	
Grade across Boundary Line	Max 5% (1:20)	Level	Yes	
Ramp Grade	Max 25% (1:4)	Level	Yes	
Transitions Length	Min 2.0m	N/A	N/A	
Transitions Grade	Max 12.5% (1:8)	N/A	N/A	
Headroom Clearance	Min 2.2m	Open	Yes	
Single Garage				
Internal Dimension	5.4m long x 3.0m wide	Provided	Yes	
Aisle Width	Min 5.8m	6.2m	Yes	
Door Clearance	300mm	Provided	Yes	
Garage Opening	Min 2.4m	2.7m	Yes	
Height Clearance	Min 2.2m	>2.3m	Yes	
Gradient	Max 5% (1:20)	Level	Yes	

In summary, the assessment confirms that the design provisions in relation to the access, car parking circulation and arrangement in respect to the proposal generally comply with the AS2890.1 design criteria.

Traffic Impact Assessment
233 Memorial Avenue, Liverpool



5.3 Swept Path Analysis

All critical vehicle movements in the proposed car parking facility have been assessed using Autoturn. Details of the assessment outcome, which demonstrate a satisfactory design provision, are provided in **Attachment 2**.



6 Traffic Assessment

6.1 Existing Traffic Condition

Observations in the site's locality reveal to be generally free-flowing during peak periods. There is no apparent capacity constraint on the immediate local road network.

6.2 Existing Traffic Generation

The Guide to Transport Impact Assessment (2024) provides average weekday peak hour traffic generation rates for low-density residential dwellings in Sydney areas, as follows:

Sydney Area (Weekday)

- 0.68 vehicle trips per hour (vtph) per unit during the AM peak hour
- 0.77 vehicle trips per hour (vtph) per unit during the PM peak hour

Applying this rate to the existing a single residential dwelling would result in a traffic generation outcome of 1 vtph.

6.3 Development Traffic Generation

Applying the aforementioned rates to the proposed 4 multi-dwelling units will result in a traffic generation outcome of 4 vtph.

6.4 Overall Traffic Generation and Distribution

Having regard to the above, the additional traffic generation outcome is calculated as follows:

$$\begin{aligned}
 \text{Additional Traffic Generation} &= \text{Development Traffic Generation} - \text{Existing Traffic Generation} \\
 &= 4 \text{ vtph} - 1 \text{ vtph} \\
 &= 3 \text{ vtph}
 \end{aligned}$$

Based on the above, the proposal will likely result in the addition of 3 vehicle movements per hour during the peak periods. Traffic generation of this order of magnitude will not be perceptible in this context of the existing road network. It is concluded on this basis that the development traffic will not unduly impact the surrounding road network.

Traffic Impact Assessment
233 Memorial Avenue, Liverpool



7 Conclusion

The traffic and parking assessment undertaken for the Proposed Multi-Dwelling Housing Development at 233 Memorial Avenue, Liverpool has concluded that:

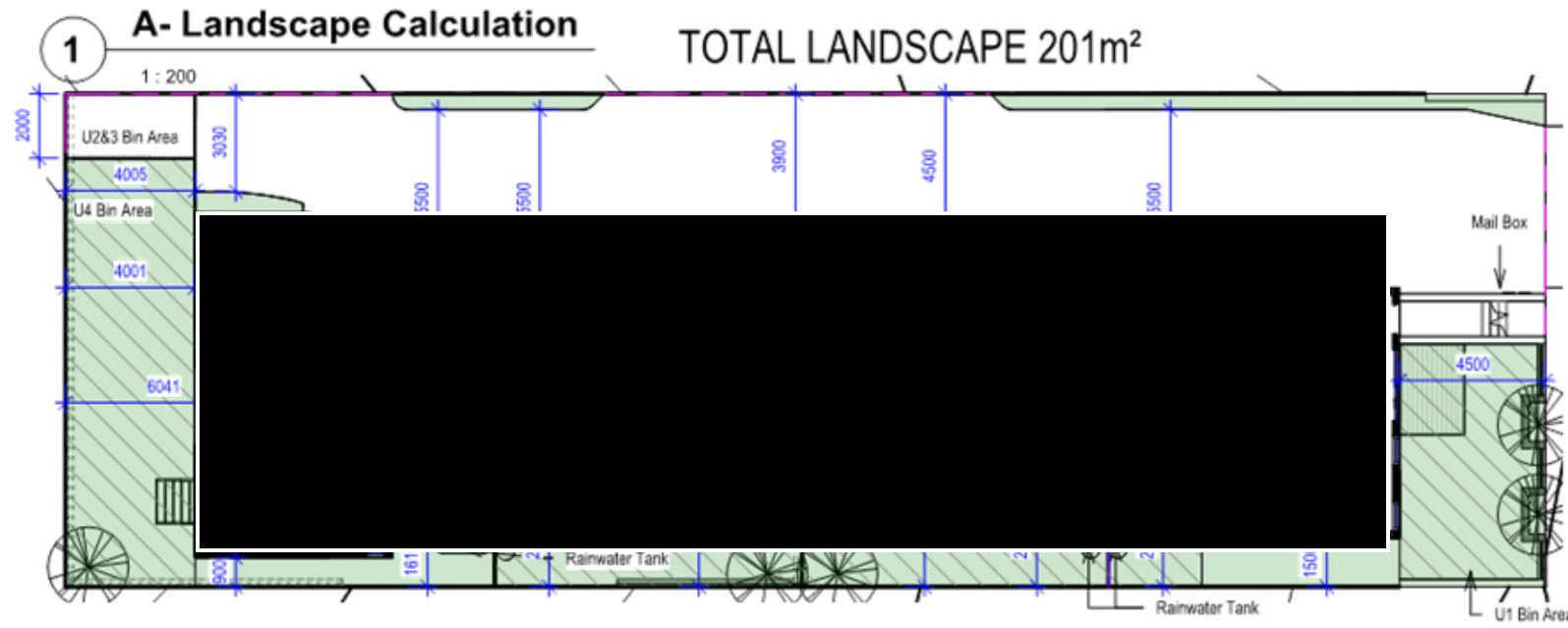
- the traffic generation of the proposed development will not present any adverse traffic implications
- the proposed parking provision will comply with the Council's DCP criteria and will adequately serve the development
- the proposed access, internal circulation and parking arrangements will be consistent with the name of the development and are appropriate to the relevant AS design criteria

Traffic Impact Assessment
233 Memorial Avenue, Liverpool

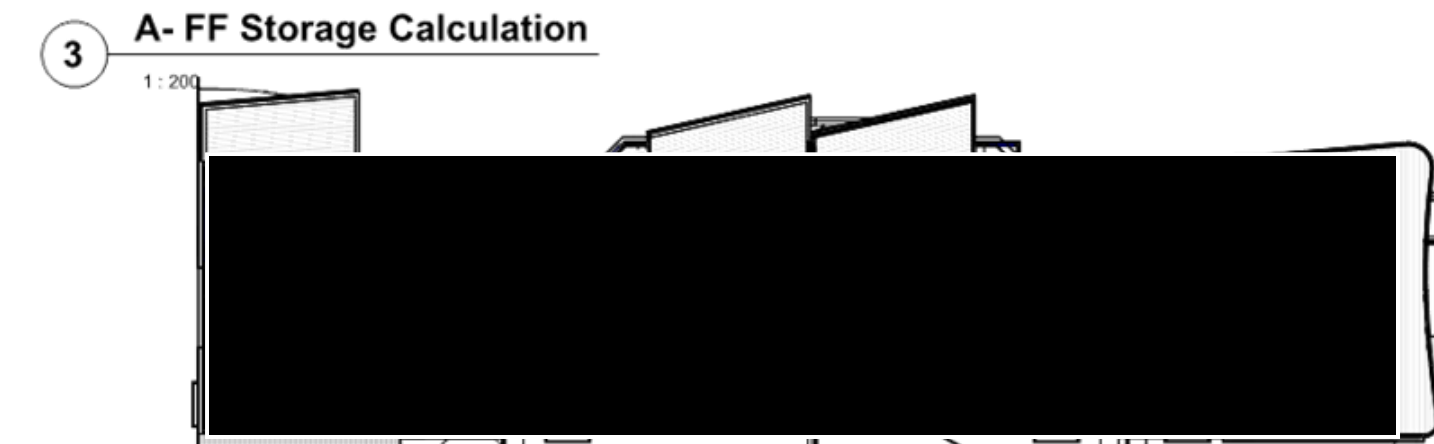
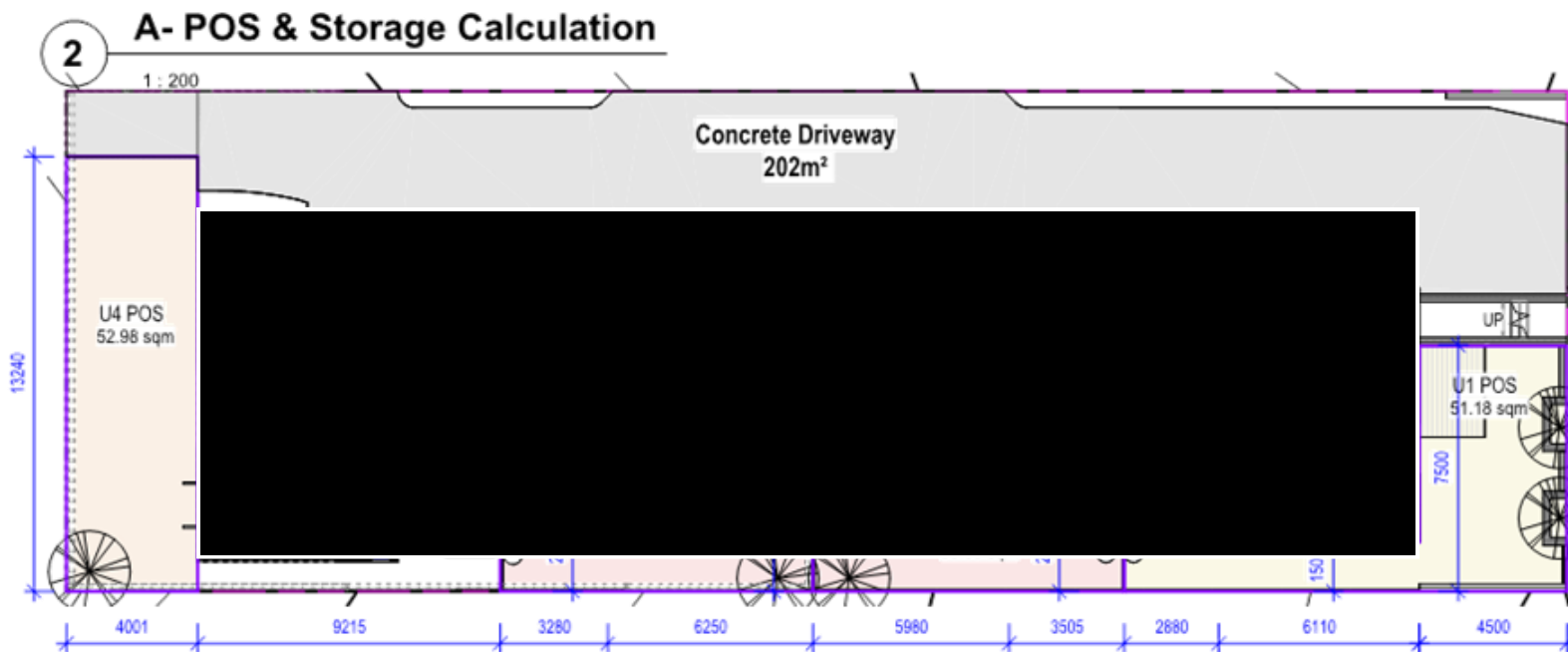


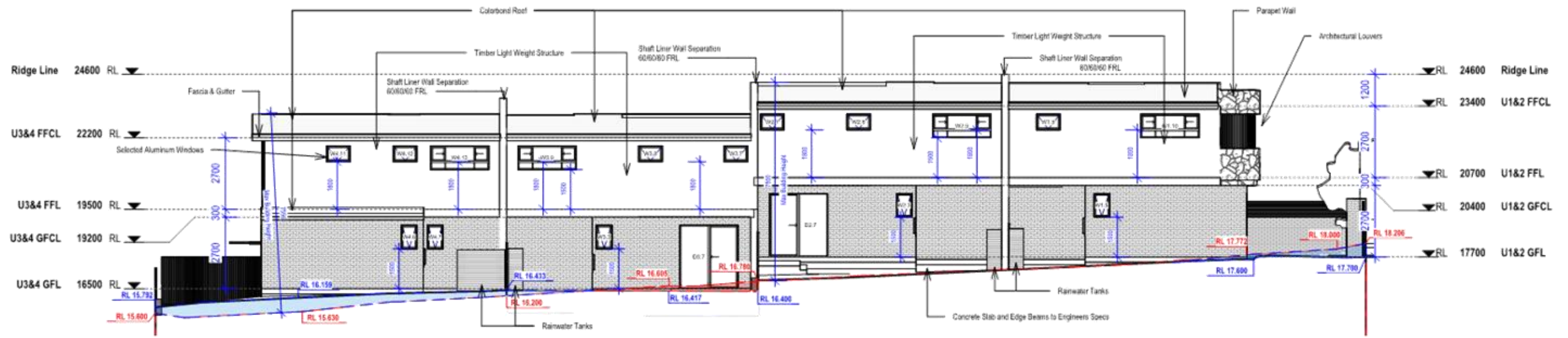
Attachment 1

Architectural Plans

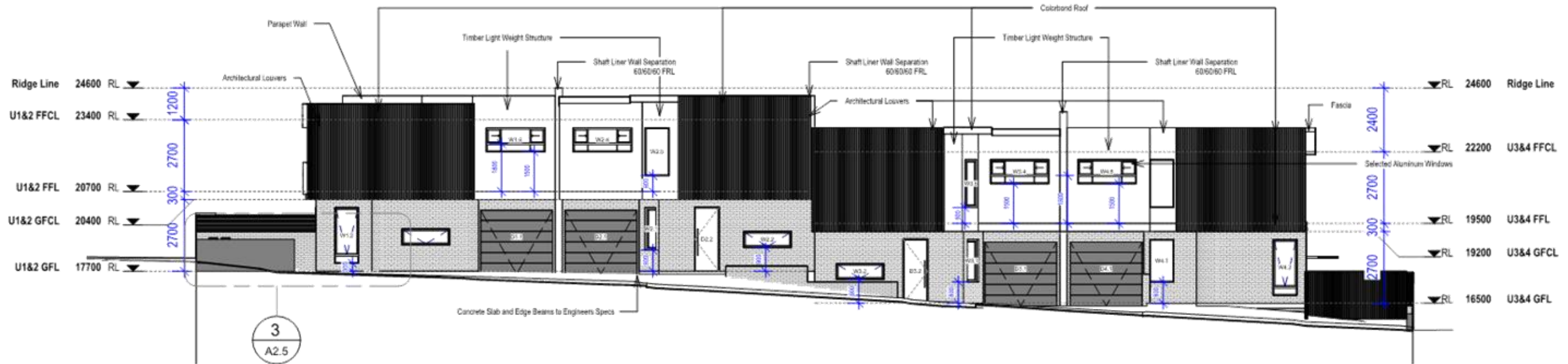


LEGEND	U1	U2	U3	U4
POS	51.18m ²	35.50m ²	35.23m ²	52.98m ²
STORAGE	11.05m ²	11.45m ²	11.45m ²	10.01m ²





1 Elevation - SW Building
1 : 150



2 Elevation - NE Building
1 : 150

NOTE:
* Architectural documents are to be read in conjunction with relevant structural, fire service, mechanical, hydraulic, electrical, civil and landscaping documents.
* Do not scale drawings. Use figured dimensions only. Refer backsheet of any conflict between site conditions and documents. Contact us to verify all dimensions on site when commencing work.
* Any water work installed hereafter must be cleared and approved (obtained before proceeding) otherwise no extra will be allowed for.
* All materials, appliances, fittings and finishes are to be installed in accordance with the manufacturer's recommendations and in compliance with the relevant Codes & Standards.
* These drawings are not to be used for construction unless drawings are stamped and signed by Building Surveyor.
* These documents may only be used for the purpose for which was commissioned and in accordance with the Terms of Engagement.

CONSULTANTS:	

REV	DATE	DESCRIPTION	INITIAL
A	24.12.24	Prelim Design	Khaled
B	08.01.24	DA Submission	Khaled

DRAWING TITLE: NE&SW Elevations
DRAWN BY: K.Kabbout
CHECKED BY: K.Kabbout
LOT: 63 | SEC: | DP:25142
COUNCIL AREA: Liverpool City Council

SITE ADDRESS: 233 Memorial Ave, Liverpool
CLIENT: ██████████
ISSUED FOR: DA
PROJECT TYPE: 4 Townhouse Development
SCALE: 1 : 150 DATE: 2025 REV: B SHEET NO: A3.0

4/33-35 North Tce,
Banksstown NSW 2200
www.cedardesign.com.au
info@cedardesign.com.au
Phone: 0422 704 478
A.B.N: 67 616 143 661
Reg #. 2125/16

CRETE-TECH
DESIGN & CONSTRUCTION

CEDAR
DESIGN & CONSTRUCTION

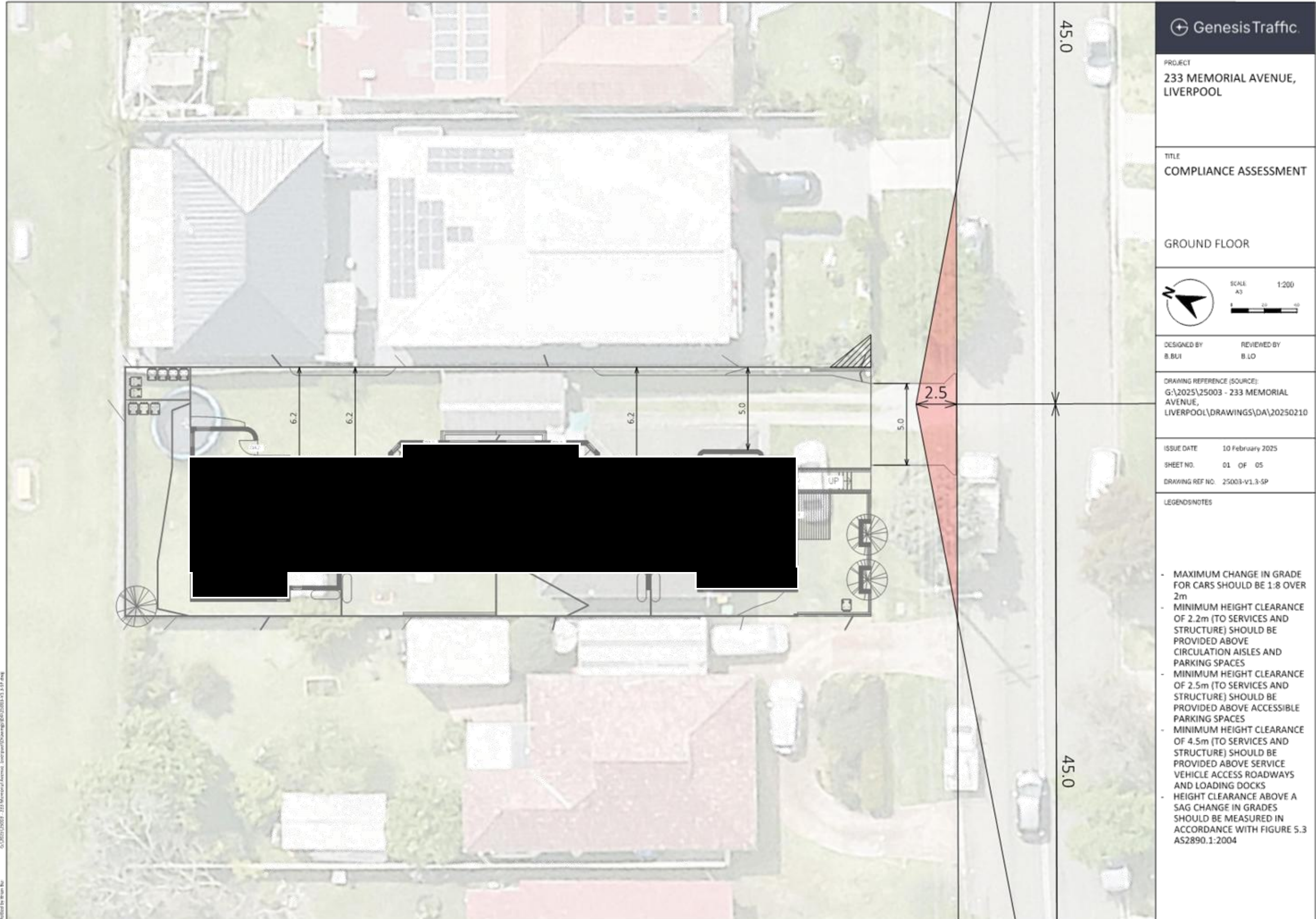
PROJECT NO: C2501

Traffic Impact Assessment
233 Memorial Avenue, Liverpool

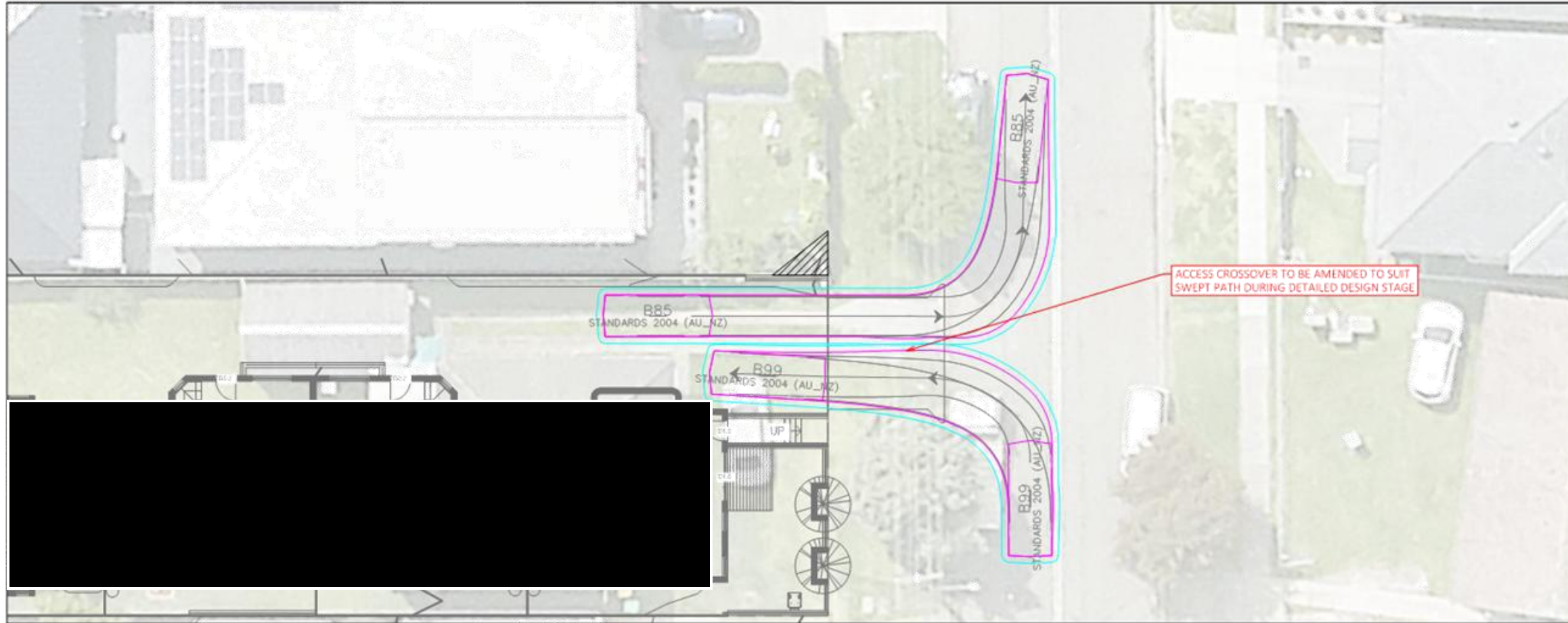


Attachment 2

Turning Path Assessment



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Created by Bui Bao



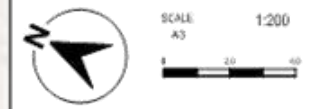
GenesisTraffic.

PROJECT
233 MEMORIAL AVENUE,
LIVERPOOL

TITLE
SWEEP PATH ASSESSMENT

B85 AND B99 PASSING

GROUND FLOOR



DESIGNED BY
B.BUI

REVIEWED BY
B.LO

DRAWING REFERENCE (SOURCE):
G:\2025\25003 - 233 MEMORIAL AVENUE,
LIVERPOOL\DRAWINGS\DA\20250210

ISSUE DATE 10 February 2025

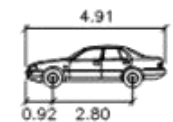
SHEET NO. 02 OF 05

DRAWING REF NO. 25003-V1.3-5P

LEGEND/NOTES

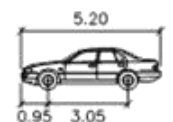
SWEPT PATH KEY:

- VEHICLE CENTRE LINE
- VEHICLE TYRE PATH
- VEHICLE BODY PATH
- 300mm CLEARANCE FROM VEHICLE BODY



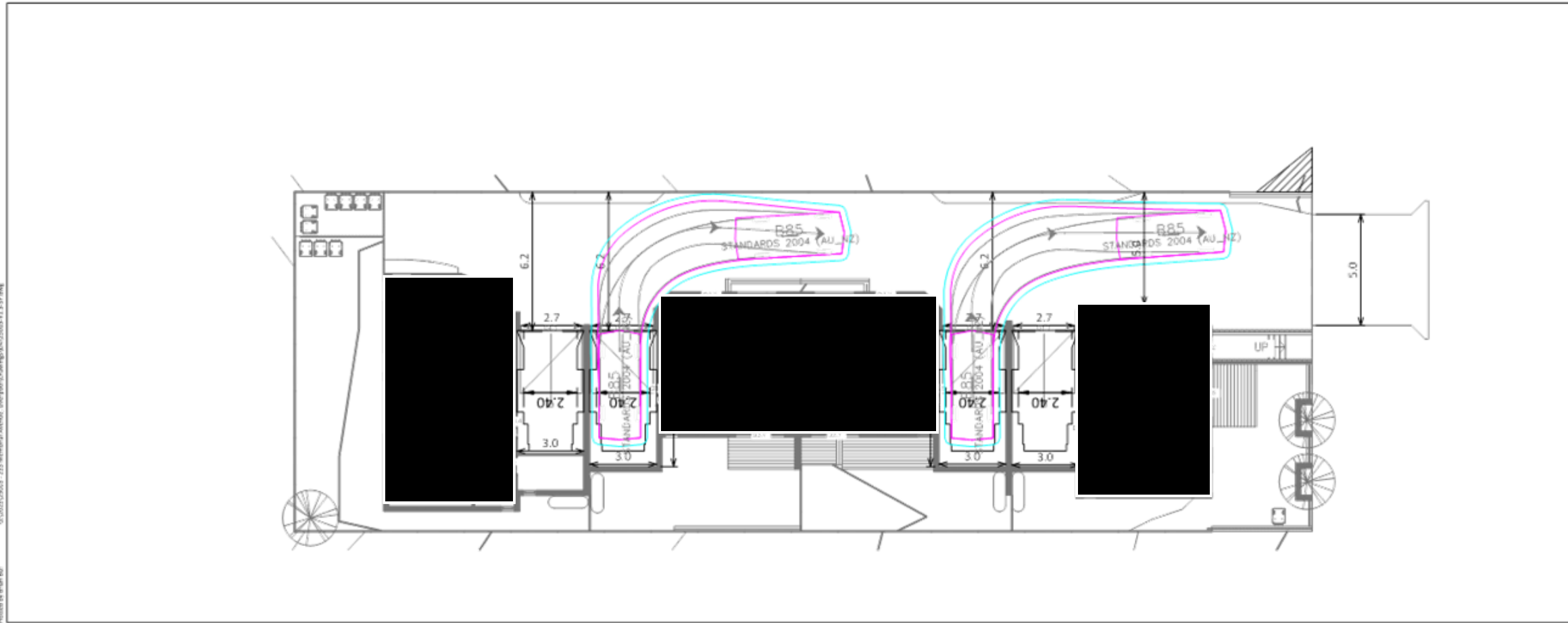
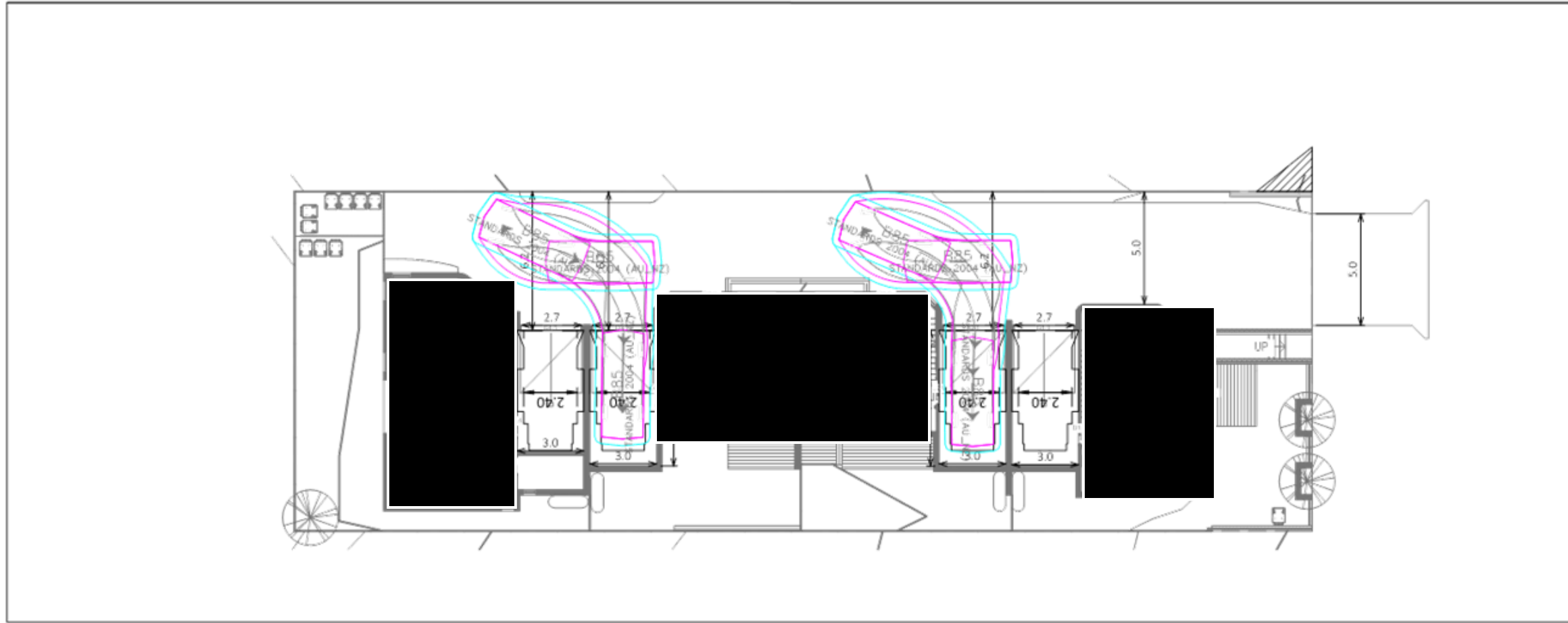
B85

Width : 1.87 meters
Track : 1.77
Lock to Lock Time : 6.0
Steering Angle : 34.1



B99

Width : 1.94 meters
Track : 1.84
Lock to Lock Time : 6.0
Steering Angle : 33.9



GenesisTraffic.

PROJECT
233 MEMORIAL AVENUE,
LIVERPOOL

TITLE
SWEEP PATH ASSESSMENT
B85 ENTERING AND EXITING
GARAGE

GROUND FLOOR

SCALE 1:200
43

DESIGNED BY B.BUI REVIEWED BY B.LO

DRAWING REFERENCE (SOURCE):
G:\2025\25003 - 233 MEMORIAL AVENUE,
LIVERPOOL\DRAWINGS\DA\20250210

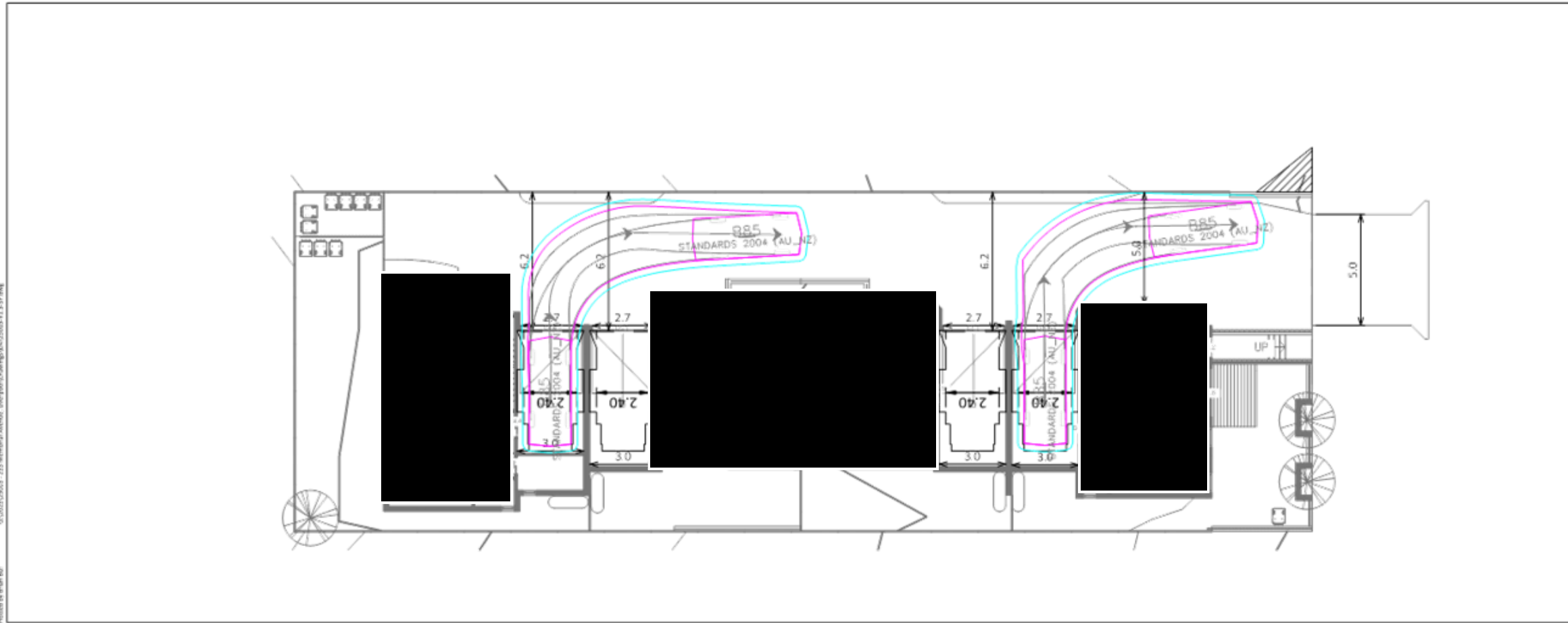
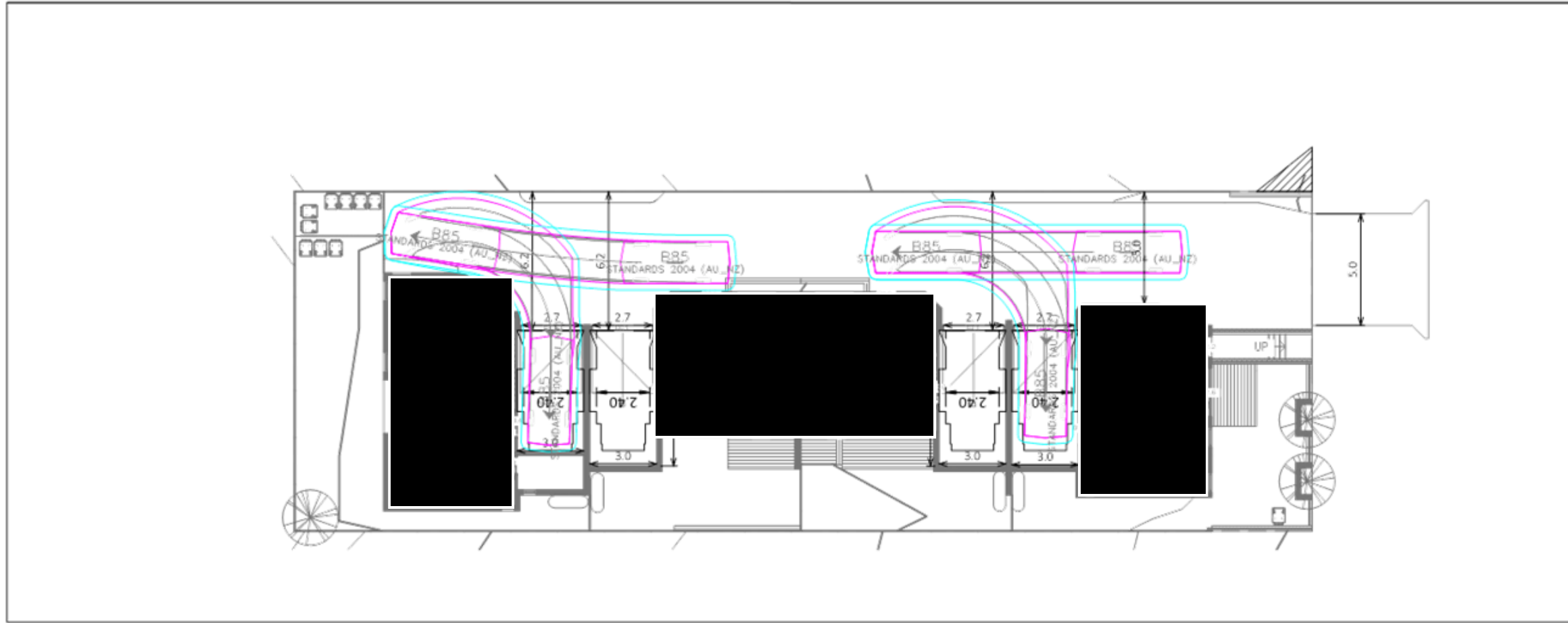
ISSUE DATE 10 February 2025
SHEET NO. 03 OF 05
DRAWING REF NO. 25003-V1.3-5P

LEGENDS/NOTES

SWEPT PATH KEY:
 — VEHICLE CENTRE LINE
 — VEHICLE TYRE PATH
 — VEHICLE BODY PATH
 — 300mm CLEARANCE FROM VEHICLE BODY

B85
 Width : 1.87 meters
 Track : 1.77
 Lock to Lock Time : 6.0
 Steering Angle : 34.1

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Created by: Bui Bui



GenesisTraffic.

PROJECT
233 MEMORIAL AVENUE,
LIVERPOOL

TITLE
SWEEP PATH ASSESSMENT
B85 ENTERING AND EXITING
GARAGE
GROUND FLOOR

DESIGNED BY
B.BUI

REVIEWED BY
B.LO

DRAWING REFERENCE (SOURCE):
G:\2025\25003 - 233 MEMORIAL
AVENUE,
LIVERPOOL\DRAWINGS\DA\20250210

ISSUE DATE 10 February 2025
SHEET NO. 04 OF 05
DRAWING REF NO. 25003-V1.3-5P

LEGENDS/NOTES

SWEPT PATH KEY:

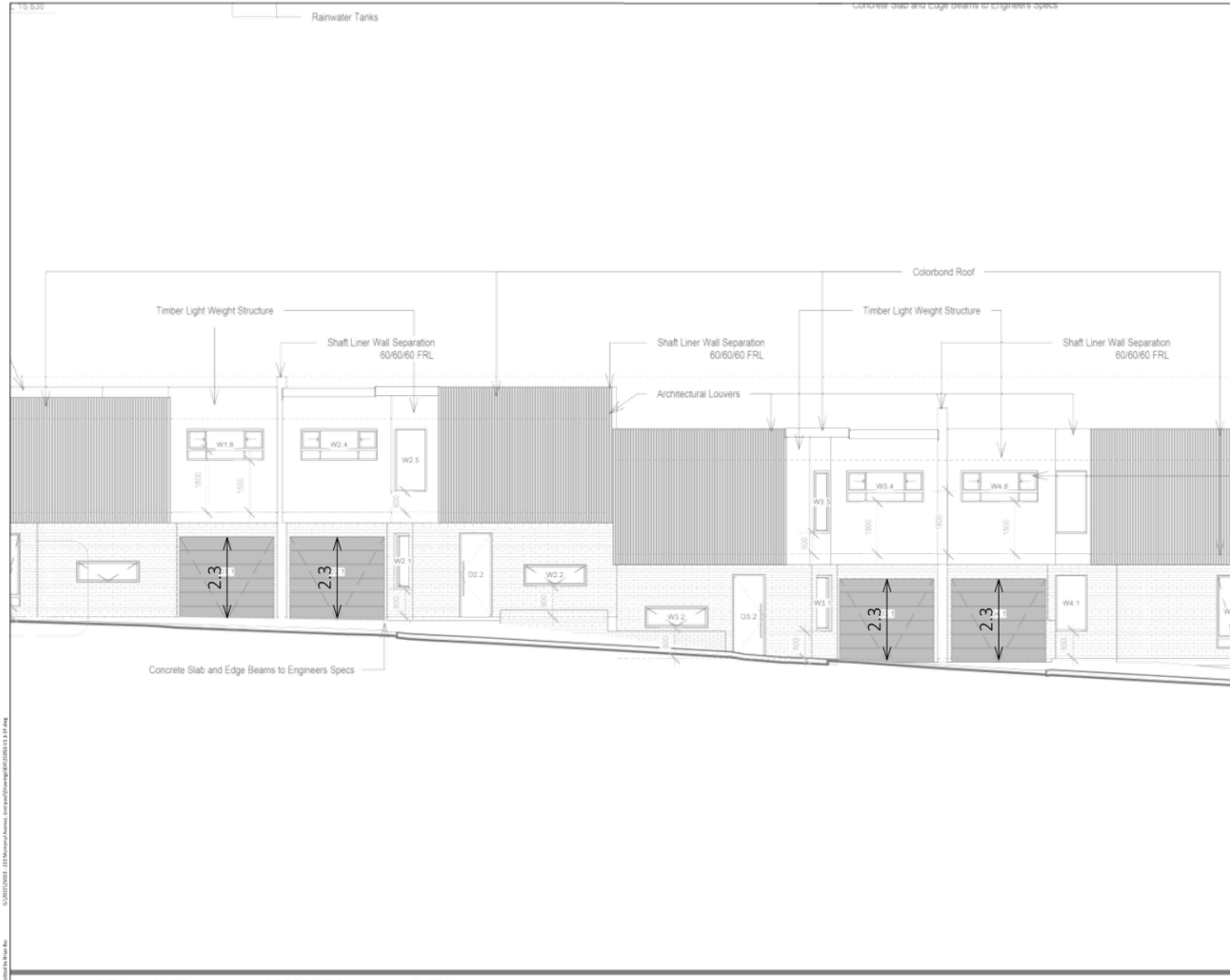
- VEHICLE CENTRE LINE
- VEHICLE TYRE PATH
- VEHICLE BODY PATH
- 300mm CLEARANCE FROM VEHICLE BODY

B85

4.91
0.92 2.80

	metres
Width	: 1.87
Track	: 1.77
Lock to Lock Time	: 6.0
Steering Angle	: 34.1

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Created by: Bui Bui



GenesisTraffic.

PROJECT
233 MEMORIAL AVENUE, LIVERPOOL

TITLE
COMPLIANCE ASSESSMENT

SECTION PLANS

DESIGNED BY
B.BUI

REVIEWED BY
B.LO

DRAWING REFERENCE (SOURCE):
G:\2025\25003 - 233 MEMORIAL AVENUE, LIVERPOOL\DRAWINGS\DA\20250210

ISSUE DATE
10 February 2025

SHEET NO.
05 OF 05

DRAWING REF NO.
25003-V1.3-5P

LEGENDS/NOTES

- MAXIMUM CHANGE IN GRADE FOR CARS SHOULD BE 1:8 OVER 2m
- MINIMUM HEIGHT CLEARANCE OF 2.2m (TO SERVICES AND STRUCTURE) SHOULD BE PROVIDED ABOVE CIRCULATION AISLES AND PARKING SPACES
- MINIMUM HEIGHT CLEARANCE OF 2.5m (TO SERVICES AND STRUCTURE) SHOULD BE PROVIDED ABOVE ACCESSIBLE PARKING SPACES
- MINIMUM HEIGHT CLEARANCE OF 4.5m (TO SERVICES AND STRUCTURE) SHOULD BE PROVIDED ABOVE SERVICE VEHICLE ACCESS ROADWAYS AND LOADING DOCKS
- HEIGHT CLEARANCE ABOVE A SAG CHANGE IN GRADES SHOULD BE MEASURED IN ACCORDANCE WITH FIGURE 5.3 AS2890.1:2004

G:\2025\25003 - 233 Memorial Avenue - Liverpool\Drawings\DA\250210_V1.3-5P.dwg
Created by: Bui Bao

Traffic Impact Assessment
233 Memorial Avenue, Liverpool



Better Developments with
Genesis Traffic

Item Number:	2
Application Number:	DA-239/2023/A
Approved Development:	Demolition of all existing structures, and the construction of a new two (2) storey childcare centre with a basement and associated landscaping and works.
Proposed Development:	Modification to Development Consent DA-239/2023 Under Section 4.56 of the <i>Environmental Planning and Assessment Act 1979</i> .
Property Address	14 Niland Way, Casula
Legal Description:	Lot 3061 DP813122
Applicant:	Mark Assad
Land Owner:	Mark Assad
Cost of Works:	-
Recommendation:	Refusal
Assessing Officer:	Emily Lawson

1. Executive Summary

Council is in receipt of a modification application to amend development consent DA-239/2023 which was approved by the Land and Environment Court for *Demolition of all existing structures, and the construction of a new two (2) storey childcare centre with a basement and associated landscaping and works.* at 14 Niland Way, Casula.

The proposed modification pursuant to Section 4.56 of the *Environmental Planning and Assessment Act 1979* seeks to modify conditions of consent pertaining to the approved and conditioned construction of a footpath. There are no other proposed changes to the approved built form.

This report summarises the key issues which should be considered in the determination of the proposal in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* (EP&A Act), Liverpool Local Environmental Plan 2008 (LLEP) and Childcare Planning Guidelines.

In accordance with the Liverpool City Council Community Engagement Strategy and Community Participation Plan 2022, the proposed modification application was required to be notified in accordance with its parent approval pursuant to the *Environmental Planning and Assessment Regulation 2021*. As a result, 24 submissions in objection were received.

The application is referred to the Liverpool Local Planning Panel (LLPP) in accordance with the Local Planning Panels Direction – Development Applications and Applications to Modify

Development Consent, endorsed by the Minister for Planning and Public Spaces on 30 June 2020, as the development falls in the categories of:

Development that:

- a. In the case of a Council having an approved submissions policy – is the subject of the number of submissions set by that policy, or
- b. *In any other case – is the subject of 10 or more unique submissions by way of objection.*

The modification application has received more than 10 submissions by way of objection and is therefore required to be determined by the Panel. While further detail is provided later on in this report, the objections raised the following areas of concerns:

- Connectivity
- Traffic Impacts
- Pedestrian and Public Safety

Based on the assessment of the proposed modification it is recommended the modification application be refused.

2. Site and Surrounds

The subject site is identified as 14 Niland Way, Casula and exhibits a lot size of approximately a total area of approximately 884sqm with a frontage of 17m to Niland Way. A median strip abuts the northern portion of the site's frontage. The site is generally regular in shape, with an existing dwelling occupying the site. Vehicular access is proposed to Niland Way which exhibits a width of 4.93m.

To the East of the Site is a public reserve, with a steep drop off on the adjacent side of Niland Way. Development under DA-239/2023 has not commenced and the site currently contains a single dwelling.



Figure 1: Site Location (Source: NearMap November 2025)

The locality is characterised by low density residential surrounding the site, both to the north and south. Niland Way intersects with Mackeller St to the north and south which then provides a connectivity to Leacock's Lane which is a main transit route to connect to Hume Highway.

3. Background and DA History

The following is a list of Development Applications relevant to the subject site.

DA No.	Date	Development
DA-239/2023	8 th May 2023	DA-239/2023 lodged for: Demolition of all existing structures, and the construction of a new two (2) storey childcare centre with a basement and associated landscaping and works.
	13 th October 2023	The Applicant filed a Class 1 Appeal Application for the Development Application with the Land and Environment Court.
	11 April 2025	The Court judgement which upheld the appeal was handed down for: <i>Demolition of all existing structures, and the construction of a new two (2) storey childcare centre with a basement and associated landscaping and works.</i>

DA-239/2023/A	2 September 2025	Modification Application DA-239/2023/A lodged for: <i>Modification to Development Consent DA-39/2023 Under Section 4.56 of the Environmental Planning and Assessment Act 1979.</i>
	30 th of September	A 14-day Request for information letter was issued to the applicant requesting clarification regarding: <ul style="list-style-type: none"> • Request to withdraw or continue application • Prepare a response to submission received.
	30 October 2025	The applicant advised to proceed to LLPP for determination. No response to the submission were received or lodged on the NSW Planning Portal as required by the EP&A Regulations.

4. Proposed Modification

The proposed modification to DA-239/2023/A pursuant to Section 4.56 of the *Environmental Planning and Assessment Act 1979* seeks to modify three (3) conditions of consent to amend the approved and condition footpath. Deletion of conditions are identified by strikethrough and amendments are italicised. The proposal will consist specifically of the following condition amendments:

1. Approved Condition 13 – Signage and Line Marking Plane

Signage and Line Marking Plan

13. The applicant is to undertake detailed design of traffic facilities, signs and line marking in the existing and/or proposed public domain.

The plans should include, but not be limited to:

- *The relocation of the median island fronting the development.*
- *The provision of a footpath from the pedestrian access point into the development, along Niland Way through to the existing footpath at Mackellar Street.*

Detailed design drawings of the proposed traffic facilities, signs and line markings in the existing and proposed public domain areas are to be submitted and approved by Council prior to the consent becoming active.

The applicant is to submit the Approval of Traffic Facilities including Signs and Line Marking Schemes Application Form. The application is available on Council website and should be lodged online. The drawings are to be prepared by a suitably qualified person.

NOTE: It is advised that the applicant discuss with Council's Traffic Management Section of the traffic requirements prior to preparation of the detailed design drawings.

Amendments:

The applicant seeks to amend the condition to amend and delete the following:

Deletion of the following:

~~from the pedestrian access point into the development, along Niland Way through to the existing footpath at Mackellar Street~~

Alternate wording proposed:

The provision of a 1.5m wide concrete footpath limited to the length of the street frontage of 12 Niland Way (the park entry), connecting to the development's pedestrian access point to that park entry.

2. Approved Condition 22:- S138 Roads Act – Roadworks Requiring Approval of Civil Drawings

S138 Roads Act – Roadworks Requiring Approval of Civil Drawings

22. Prior to the issue of a Construction Certificate for building or subdivision works the Certifying Authority shall ensure that a S138 Roads Act application, including the payment of application and inspection fees, has been lodged with Liverpool City Council (being the Roads Authority under the Roads Act), for provision of 1.5m wide footpath in accordance with Council's standard drawing R23 in Niland Way.

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

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

Amendments:

The applicant seeks to amend the condition to amend and delete the following:

Deletion of the following:

~~Footpath in Niland Way~~

Alternate wording proposed:

The provision of a 1.5m wide 1.5m wide footpath confined to the street frontage of 12 Niland Way (the park entry), including kerb ramp(s)/end-treatments as required.

2. Approved Condition 186- Footpaths

Footpaths

186. Prior to the issue of an occupation certificate, construction of 1.5m wide by 100mm thick (with one layer of SL72 reinforcing mesh) concrete path paving is to be constructed from the front of the development site at 14 Niland Way along Niland Way to the southern intersection with Mackellar Street.

Amendments:

The applicant seeks to amend the condition to amend and delete the following:

Deletion of the following:

~~by 100mm thick (with one layer of SL72 reinforcing mesh) concrete path paving is to be constructed from the front of the development site at 14 Niland Way along Niland Way to the southern intersection with Mackellar Street.~~

Alternate wording proposed:

...limited to the street frontage of 12 Niland Way to connect the development's pedestrian access point with the existing park entry at No12 Niland Way, with compliant kerb ramp(s) and end-treatments. No construction is required beyond the frontage of 12 Niland Way.

5. Planning Assessment

The application has been assessed in accordance with Section 4.56 of the *Environmental Planning and Assessment Act 1979*, which states:

4.56 Modification by consent authorities of consents granted by the Court

(1) A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the Court and subject to and in accordance with the regulations, modify the development consent if:

(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and

Comment: Although the modifications proposed under section 4.56 would not materially alter the approved built form, the application nevertheless seeks to vary conditions requiring the full construction of the footpath fronting the site and its connection to Mackellar Street. This aspect of the proposal results in a development that is **not** substantially the same as that originally approved. The footpath condition was imposed by the LEC referenced within the judgement and jurisdictional statement, and accepted by the applicant, to address the site's existing non-compliance with the *Childcare Planning Guidelines*, particularly in relation to safe and accessible pedestrian routes. Removal of the requirement to provide a compliant footpath connection to Mackellar Street would perpetuate this non-compliance. As the development would not meet the pedestrian access provisions of the *Childcare Planning Guidelines* without these works, the modification is not supported.

(b) it has notified the application in accordance with:

- (i) the regulations, if the regulations so require, or
- (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

Comment: In accordance with the Liverpool City Council Community Engagement Strategy and Community Participation Plan 2022 the proposed modification application was required to be notified, with 22 unique submissions in objection.

- (c) *it has notified, or made reasonable attempts to notify, each person who made a submission in respect of the relevant development application of the proposed modification by sending written notice to the last address known to the consent authority of the objector or other person, and*

Comment: A significant number of submissions were received in respect of the modification application of the proposed amendment sought, in which requires the application to be determined by the LLPP.

- (d) *it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be*

Comment: Council has considered the submission received and provided a summation within 6 (j) of this assessment report. The applicant was requested to provide a response to the submissions; this has not been submitted to Council in line with the requirements under the EP&A Regulations which requires it to be submitted onto the portal for consideration.

- (1A) *In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.*

Comment: Relevant matters of Section 4.15(1) have been taken into consideration, as detailed below, and found the proposal does not satisfy these requirements and therefore cannot be supported.

6. Statutory Considerations

The following planning instruments have been considered in the planning assessment of the subject Modification Application:

- a) State Environmental Planning Policy (Transport and Infrastructure) 2021
- b) Liverpool Local Environmental Plan 2008; and
- c) Liverpool Development Control Plan (DCP) 2008

The development has been assessed in accordance with the matters for consideration under Section 4.15 of the EP&A Act:

Section 4.15(1)(a)(i) – Any Environmental Planning Instruments

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

The parent application was assessed and found to be compliant in accordance with the Childcare Planning Guidelines. Whilst materially, the modification does not seek alter the approved built form in terms of GFA, Height or Children and therefore the provisions under the childcare guidelines have been assessed and limited to modification, being pedestrian connectivity.

The assessment has found the proposal is noncompliant and the modifications found to not be suitable in compliance with these requirements.

State Environmental Planning Policy (Transport and Infrastructure) 2021			
Chapter 3 – Educational Establishments and child care facilities			
Part 3.3 – Early education and care facilities – specific development controls			
Clause	Requirements	Proposed	Comment
3.23 - Centre-based child care facility— matters for consideration by consent authorities	Before determining a development application for a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline, in relation to the proposed development	The proposed development is assessed against the provisions contained within the Childcare Planning Guideline.	Does not Comply View assessment in table below.

Determining a development application for development for the purpose of a centre-based childcare facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline (CCPG), in relation to the proposed development.

Non-compliance with the provisions of the CCPG are discussed with respect to the proposal as follows:

Part 3 Matters for Consideration	Considerations	Assessment
3.1 Site Selection and Location C1- Proposed developments in or adjacent to a residential zone must consider:	the acoustic and privacy impacts of the proposed development on the residential properties;	Complies No changes to the approved built form is proposed
	the setbacks and siting of buildings within the residential context; and	Complies No changes to the approved built form is proposed
	visual amenity impacts (e.g., additional building bulk and overshadowing, local character)	Complies No changes to the approved built form is proposed
	traffic and parking impacts of the proposal on residential amenity.	Does not comply The proposed changes to the conditions may impede upon traffic and parking requirements. This may trigger additional parking requirements along Niland Way, in which conditions of consent have been imposed requiring no on-street parking for parents. The reduction in the provision and access pedestrian links may have the need to increase traffic

		movements which would impact upon the amenity of the adjoining neighbours and Niland Way.
<p>C2 Site Selection and Location When selecting a site, ensure that:</p>	the location and surrounding uses are compatible with the proposed development or use.	Complies No changes to the approved built form is proposed. No new development within the vicinity of the site would warrant incompatibility.
	the site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards.	Complies The site is not constrained by environmental hazards.
	there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed.	Complies No changes to the approved built form is proposed.
	the characteristics of the site are suitable for the scale and type of development proposed having regard to: <ul style="list-style-type: none"> length of street frontage, lot configuration, dimensions and overall size number of shared boundaries with residential properties 	Complies No changes to the approved built form is proposed
	the development will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas.	Complies No changes to the approved built form is proposed
	there are suitable drop off and pick up areas, and off and on street parking.	Does not Comply The original approval considered the site suitable for pick-up and drop-off activities on the basis that a footpath would be constructed along Niland Way, thereby minimising impacts on the already limited on-street parking in that street. The proposed removal of the footpath requirement undermines this assessment, as it renders the site unsuitable for safe and efficient pick-up and drop-off due to the potential for increased vehicle movements and associated conflict to Niland Way.
	the characteristics of the fronting road or roads (for example its	Does not comply Niland Way is only 4.95m in width,

	operating speed, road classification, traffic volume, heavy vehicle volumes, presence of parking lanes) is appropriate and safe for the proposed use	in which conditions of consent were imposed to ensure a footpath would be constructed noting the limited availability for pedestrian movements in the area. The ability to provide the footpath along the full length of Niland Way to Mackellar Street, was to minimize the increase of car movements on this small street, and the safe passageway of parents and children utilising the centre.
	the site avoids direct access to roads with high traffic volumes, high operating speeds, or with high heavy vehicle volumes, especially where there are limited pedestrian crossing facilities	Complies The site is not within the vicinity of roads with high traffic volumes.
	it is not located closely to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises.	N/A
C3 Site Selection and Location A child care facility should be located:	near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship.	Complies The site immediately fronts a local reserve.
	near or within employment areas, town centres, business centres, shops.	Complies The site is located near a small-scale neighbourhood centre.
	with access to public transport including rail, buses, ferries.	Does not Comply The closest form of public transport is a bus stop located on Mackellar Street in which requires the provisions of a footpath fronting the site which connects through the Mackellar to encourage parents to utilise other modes of transport given the site has little to no on-street parking provided.
	in areas with pedestrian connectivity to the local community, businesses, shops, services and the like.	Does not Comply No existing footpath exists along Niland Way in which conditions of consent were imposed allow for the provision of a footpath from the front of the site up to the intersection of Mackellar Street.

		The proposed Modification intends to remove this connectivity, in which is not supported. Given the closet footpath is the one identified through the reserve, which has been found be noncompliant and not suitable for parents with prams.
<p>C35, C36 and C37 Traffic, Parking and Pedestrian Circulation</p> <p>The following design solutions may be incorporated into a development to help provide a safe pedestrian environment:</p>	separate pedestrian access from the car park to the facility.	No Changes proposed to the basement car park.
	defined pedestrian crossings included within large car parking areas.	Does not Comply There are clearly defined pedestrian crossings including within the carpark.
	pedestrian paths that enable two prams to pass each other.	Does Not Comply The pedestrian path in the carpark will not allow two prams to pass each other. The front entrance of the site accommodates the ability for two prams to pass each other through the provision of the footpath. The reduction in the proposed footpath will not provide suitable access for pedestrian or parents with prams.
	delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities	No Changes proposed to the basement car park.
	minimise the number of locations where pedestrians and vehicles cross each other	No Changes proposed to the basement car park.
	vehicles can enter and leave the site in a forward direction.	No Changes proposed to the exit and entering of the site.
	clear sightlines are maintained for drivers to child pedestrians, particularly at crossing locations.	No Changes proposed to the exit and entering of the site.
	Car parking design should: <ul style="list-style-type: none"> include a child safe fence to separate car parking areas from the building entrance and play areas provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards include wheelchair and pram accessible parking. 	No Changes proposed to the basement car park.

	<p>of screening to be provided is 2.5m to 3m at maturity.</p> <p>8. Landscaping on any podium level or planter box shall be appropriately designed and irrigated. See ADG Planting on Structures.</p>	
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Part 3.8: Non-Residential Development in Residential Zones,

Section 2: Child Care Centres

<p>2.3 Site Planning</p>	<p><u>Site Location Controls</u></p> <p>1. Child Care Centres should be located:</p> <ul style="list-style-type: none"> - In the general vicinity of primary schools, major employment areas and recreation areas. - Within the grounds of community facilities, educational facilities or churches. - Near services such as shops, medical facilities and public transport. - On streets with widths that permit adequate safe manoeuvrability of vehicles & lines of sight for pedestrians, cyclists and vehicles; and on approach streets within the road hierarchy such as on collector streets. - Where traffic control devices do not impede vehicular access to sites. - Where the children will not be adversely affected by lead contamination, offensive noise and air pollution. - Child Care Centres must be located and designed so as not to pose health or safety risk to children using the centre. <p>2. Child Care Centres shall not be permitted:</p> <ul style="list-style-type: none"> - Adjacent to industrial activities. - Within 300m of an existing Child Care Centre. - On classified roads. - Adjacent to railway lines. - On streets with a carriageway width of 6.5m or less. - On streets, which are cul-de-sacs. - On lots adjacent to a roundabout (including a proposed roundabout) 	<p>Does not Comply</p> <p>Niland Way existing width is less than 5m which was found to be unsuitable for the development, subject to the imposition and acting of conditions of consent to mitigate Council and the Courts concerns.</p> <p>The reduction of the footpath may give rise to additional safety concerns in terms of limited sight lines for pedestrian and motorist along Niland Way. The application has not addressed how this reduction of the conditioned footpath would not impact upon the safety of children accessing the site via foot along Niland Way.</p>
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	<p>- In areas where aircraft noise levels exceed 25 Australian Noise Exposure Forecast (ANEF).</p> <p><u>Site Planning Controls</u></p> <ol style="list-style-type: none"> 1. Site planning should be sensitive to site attributes such as; streetscape character; natural landform; existing vegetation; views and land capability. 2. The site layout should enhance the streetscape through the use of landscaping and built form. 3. Site planning should enable buildings to address streets and public open spaces. 4. The site layout should ensure that the external play area is maximised and enjoys solar access. 5. The site layout should contribute to personal safety and to the protection of property by permitting casual surveillance of adequately lit outdoor spaces from windows and entries. 6. In areas exposed to significant levels of off-site noise, the site layout and building forms should assist in minimising noise entry. 7. The site layout should ensure that the front entrance to the Child Care Centre is easily located and accessible. 8. The layout must be designed around the site attributes such as slope; existing vegetation; land capability and/or solar access. 9. The siting of windows of habitable rooms on the first floor shall minimise overlooking to the principal private open space of neighbouring properties. 10. Stormwater from the site must be able to be drained satisfactorily. Where the site falls away from the street, it may be necessary to obtain an easement over adjoining property to drain water satisfactorily to a Council stormwater system. <p>Where stormwater drains</p>	
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	<p>directly to the street, there may also be a need to incorporate on-site detention of stormwater where street drainage is inadequate. Refer to Water cycle management in Part 1.</p>	
<p>2.8 Car parking and Access</p>	<p>Site Access 1. All vehicles shall enter and leave the site in a forward direction. 2. Dead end streets or cul-de-sacs present traffic movement and parking problems and are inappropriate locations for Child Care Centres or facilities.</p> <p>Location 1. To provide adequate vehicle access and on-site car parking facilities for residents and visitors. 2. To minimise reliance on on-street parking. 3. To provide safe and easy access to and from the site for pedestrians and motorists. 4. To provide adequate turning areas for manoeuvring into and out of car parking spaces and/or garages. 5. To minimise the impact of driveways and parking areas on existing landscaping, landform and streetscape. 6. To ensure pavement or driveway materials are sympathetic to the streetscape and surrounding landscape character. 7. Refer to Section *** for the number of spaces required.</p>	<p>The parent approval-imposed conditions of consent have been imposed requiring all vehicles to enter and exit in a forward direction, with left in and left out.</p> <p>Does not Comply The proposed development does not provide suitable on-street car parking facilities. Conditions were imposed to restrict parking to the basement. The modification to reduce the provision of a footpath is likely to result in an increase to traffic movements, which the site would not be able to sustain, or support given the streets narrow carriage way. There is no safe or easy access to and from the site for pedestrians given the establishment under the S34 and Hearing proceedings, the existing pedestrian pathway through the reserve was found to be noncompliant with a steep incline and narrow pathway which is not sufficient for parents with prams to utilise. The relocation of a potential crossing outside of No 12 is unsupportable as it is likely to impact upon the existing driveway and manoeuvring of the residential dwelling onto Niland Way and therefore does not minimise the impact to the street.</p>

(e) Section 4.15(1)(a)(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and

There are no draft planning agreements that apply to the site.

(f) Section 4.15(1)(a)(iv) – The Regulations

The applicant was issued a Request for Further Information (RFI), requesting a response to the submission submitted to Council. The applicant did not submit a response to the RFI in line with Clause 104 of the EP&A Regulations.

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

The proposed modification is likely to create additional impacts beyond the approved development, in terms of connectivity, pedestrian and public safety, and additional traffic generation due the limited onsite connection to public transport routes.

(h) Section 4.15(1)(c) – The Suitability of the Site for the Development

The proposal does not satisfy the key planning controls for the site as detailed above. The modification to the condition requiring the construction of the footpath would render the development site unsuitable due to the limited accessibility and suitability of footpath locations through the Reserve. It has further been identified throughout the appeal process and through assessment of this modification, that the existing footpath is deemed to not satisfy the provision of the NCC, is not considered safe for pedestrian movements, particularly for parents with prams and therefore, Council can not support the proposed modification.

(i) Section 4.15(1)(d) – Any Submissions made in relation to the Development.

In accordance with the Liverpool City Council Community Engagement Strategy and Community Participation Plan 2022 the proposed modification application was required to be notified in accordance with its parent approval pursuant to the *Environmental Planning and Assessment Regulation 2021*. Notwithstanding, 24 submissions in objection were received.

These have been addressed below:

Submission	Council Response
<p>Pedestrian and Public Safety-</p> <ul style="list-style-type: none"> - The proposed relocation of the footpath raises risk to site lines blind corners, traffic conflict. - Access through park during rain and potential floodway - Limited Illumination in Reserve. 	<ul style="list-style-type: none"> - The proposed shortening of the footpath is not supported by Councils traffic team due to the relocating may give rise to an increase of traffic risk and noncompliance with appropriate site lines in terms of accessibility. - The reserve is sign posted as a potential floodway during heavy rainfall which does not make it suitable for residents, parents and children to traverse through. The parklands have been utilised for stormwater purposes for overland flows, in which would not be safe alternate route for pedestrians to traverse through. - The Reserve does not have appropriate lighting to facilitate safe and suitable pathways for parents and children to utilise during winter months.
<p>Connectivity</p> <ul style="list-style-type: none"> - No existing footpath for Niland Way and the provision of the footpath connecting 	<ul style="list-style-type: none"> - There is no existing footpath along Niland Way connecting to Mackellar Street to the

<p>with Mackellar is suitable</p> <p>- The footpath in the reserve is not considered safe, steep and uneven.</p>	<p>south and north. The condition was imposed to ensure compliance with Childcare Planning guidelines to facilitate appropriate access and suitability of the site.</p> <p>- The existing footpath into the reserve has been found to not be suitable in terms of accessibility requirements under Australian Standards. This was demonstrated during the S34 and Hearing before Commissioner Grey, who agreed to the imposition of the condition requiring the construction of the footpath to Mackellar Street. The gradient, width is not considered suitable for prams to use, and therefore, the footpath connection to Mackellar was deemed appropriate.</p>
<p>Traffic Impacts</p> <p>- Existing road not wide enough.</p> <p>- No proposed crossing to Reserve</p>	<p>- Niland Way is approximately 4.9m in width, in which is found to be less than the required 6.5m wide road required to facilitate development for childcares. The imposition of conditions where to assist in elevating pressure onto the existing road width to provide an additional access point through public transport via the footpath delivery.</p> <p>- The applicant has not provided plans which illustrate the proposed crossing into the reserve, or identified a safe passage to connect the existing footpath to the one proposed outside of No 12 Niland Way,</p>

a) Internal Referrals

Department	Comments
Transport and traffic	Objection - The internal park path was found to be fundamentally unsafe and non-compliant with accessibility requirements. Its narrow, steep and winding geometry directly conflicts with AS 1428.1 Design for Access and Mobility and presents an undeniable hazard to users, particularly parents with prams and carers with young children.

(j) Section 4.15(1)(e) – The Public Interest

The proposed modification is not in the public interest and therefore cannot be supported.

(k) Developer Contributions

7.11 Contributions: The proposed modification does not alter the approved condition for contribution payments under Section 7.11 of the EP&A Act.

7. RECOMMENDATION

Having regard to the mandatory considerations under section 4.15 of the EP&A Act, the consent authority finds that:

(a) The proposal has failed to appropriately address the provision of Clause 4.56 (1)(d);

(b) The application does not adequately address the provisions of the *State Environmental Planning Policy (Transport and Infrastructure) 2021*, in particular childcare Planning guidelines; Liverpool DCP and

(d) The proposal has not demonstrated any alternate methods in terms of pedestrian connectivity, or if the modification would not result in unacceptable impacts to the community.

Accordingly, it is recommended the Liverpool Local Planning Panel, as consent authority, **refuse** Development Application DA-239/2023/A at 14 Niland Way, Casula.

ATTACHMENTS

1. Reasons for Refusal
2. Compliance Tables
3. Statement of Environmental Effects
4. LEC Judgement
5. LEC Notice of Determination

REASONS FOR REFUSAL:

1. Pursuant to Section 4.56 (1)(a) the proposal has failed to address and consider submissions pertaining to the Modification Application.
2. Pursuant to State Environmental Planning Policy (Transport and Infrastructure) 2021, the modification application does not adequately address the provisions of Chapter 3 Education Establishments and childcare facilities, and the Childcare Planning guidelines:
 - a. Clause 3.23- Centre based childcare facilitates – matters for consideration or adjacent to a resident one must consider
 - b. Clause 3.27 Centre based childcare facilitate – development control plans:
Childcare Planning Guidelines:
 - c. 3.1 Site selection and location
3. Pursuant to Section 4.15(1)(a)(iv) of the EP&A Act 1979) an insufficient response has been received to Council's requests for additional information to allow a full assessment of the proposal.
4. Due to the above reasons, approval of the application is not in the public interest, pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979.

Attachment 2- Assessment Tables

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

The parent application was assessed and found to be compliant in accordance with the Childcare Planning Guidelines. The proposed modification does not alter the approved built form in terms of GFA, Height or Children and therefore the provisions under the childcare guidelines have been assessed and limited to modification, being pedestrian connectivity.

The assessment has found the proposal is noncompliant and the modifications were found to not be suitable in compliance with these requirements.

State Environmental Planning Policy (Transport and Infrastructure) 2021			
Chapter 3 – Educational Establishments and child care facilities			
Part 3.3 – Early education and care facilities – specific development controls			
Clause	Requirements	Proposed	Comment
3.22 - Centre-based child care facility—concurrency of Regulatory Authority required for certain development	This clause applies to development for the purpose of a centre-based child care facility if: (a) the floor area of the building or place does not comply with regulation 107 (indoor unencumbered space requirements) of the Education and Care Services National Regulations , or (b) the outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements) of those Regulations	No changes the built form are proposed	Complies
3.23 - Centre-based child care facility—matters for consideration by consent authorities	Before determining a development application for a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline, in relation to the proposed development	The proposed development is assessed against the provisions contained within the Childcare Planning Guideline.	Does not Comply View assessment in table below.
3.24 - Centre-based child care facility in Zone IN1 or IN2—additional matters for consideration by consent authorities	To minimise land use conflicts with existing industrial development	The site is zoned R2.	Not Applicable
3.25 - Centre-based child care facility—floor space ratio	FSR in zone R2 – Low Density Residential is not to exceed 0.5:1 unless specified elsewhere.	The site is located within an R2 Zone. No changes to the approved built form are proposed.	Complies
3.26 - Centre-based child-care	To identify development standards for particular	No changes to the approved built form are proposed.	Complies

<p>facility—non-discretionary development standards</p>	<p>matters relating to a centre-based child care facility that, if complied with, prevent the consent authority from requiring more onerous standards for those matters. –</p> <p>a) the development may be located at any distance from an existing or proposed early education and care facility</p> <p>b) indoor and outdoor space complies with regulation 107 and 108 of the Education and Care Services National Regulations</p> <p>c) the development may be located on a site of any size and have any length of street frontage or any allotment depth,</p> <p>d) the development may be of any colour or colour scheme unless it is a State or local heritage item or in a heritage conservation area.</p>		
<p>3.27 - Centre-based child care facility—development control plans</p>	<p>1) A provision of a development control plan that specifies a requirement, standard or control does not apply in relation to</p> <p>a) Operational or management plans or arrangements (including hours of operation)</p> <p>b) Demonstrated need or demand for child care services</p> <p>c) Proximity of facility to other early education and care facilities</p> <p>Any matter in relation to development for the purpose of a centre-based child care facility contained in design principles set out in Part 2 of the <i>Child Care planning Guideline</i> or matter for consideration set out in Part 3 of the requirements set out in</p>	<p>No changes to the approved built form are proposed. The modification has been assessed against the LDGP.</p>	<p>Considered acceptable.</p>

	Part 4 of Guideline other than height, side and rear setback or car parking rates.		
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Determining a development application for development for the purpose of a centre-based childcare facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline (CCPG), in relation to the proposed development.

Compliance and non-compliance with the provisions of the CCPG are discussed with respect to the proposal as follows:

Part 3 Matters for Consideration	Considerations	Assessment
3.1 Site Selection and Location C1- Proposed developments in or adjacent to a residential zone must consider:	the acoustic and privacy impacts of the proposed development on the residential properties;	No changes to the approved built form is proposed
	the setbacks and siting of buildings within the residential context; and	Complies No changes to the approved built form is proposed
	visual amenity impacts (e.g., additional building bulk and overshadowing, local character)	Complies No changes to the approved built form is proposed
	traffic and parking impacts of the proposal on residential amenity.	Does not comply The proposed change to the conditions would impede upon traffic and parking requirements. Noting the reduction of accessible pedestrian links may have the need to increase traffic movements and with the limit availability of on-street parking would impact upon the amenity of the adjoining neighbours and Niland Way.
C2 Site Selection and Location When selecting a site, ensure that:	the location and surrounding uses are compatible with the proposed development or use.	Complies No changes to the approved built form is proposed. No new development within the vicinity of the site would warrant incompatibility.
	the site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards.	Complies The site is not constrained by environmental hazards.
	there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed.	Complies No changes to the approved built form is proposed.
	the characteristics of the site are suitable for the scale and type of	Complies

	<p>development proposed having regard to:</p> <ul style="list-style-type: none"> length of street frontage, lot configuration, dimensions and overall size number of shared boundaries with residential properties 	No changes to the approved built form is proposed
	the development will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas.	Complies No changes to the approved built form is proposed
	there are suitable drop off and pick up areas, and off and on street parking.	On Merit The parent approval considered the site suitable in terms of pick-up and drop off to occur within the basement car park and the provisions of a footpath along Niland Way to limit the impact to the limited on-street parking to Niland Way. The removal of the footpath may deem the site no long suitable in terms of pick up and drop off, due to the potential of increased car movements, .
	the characteristics of the fronting road or roads (for example its operating speed, road classification, traffic volume, heavy vehicle volumes, presence of parking lanes) is appropriate and safe for the proposed use	Does not comply Niland Way is only 4.95m in width, in which conditions of consent were imposed to ensure a footpath would be constructed noting the limited availability for pedestrian movements in the area. The ability to provide the footpath was to eliminate the increase of car movements on this small street, and the safe passageway of parents and children utilising the centre.
	the site avoids direct access to roads with high traffic volumes, high operating speeds, or with high heavy vehicle volumes, especially where there are limited pedestrian crossing facilities	Complies The site is not within the vicinity of roads with high traffic volumes.
	it is not located closely to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises.	N/A
C3 Site Selection and Location	near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship.	Complies The site immediately fronts a local reserve.

A child care facility should be located:	near or within employment areas, town centres, business centres, shops.	Complies The site is located near a small-scale neighbourhood centre.
	with access to public transport including rail, buses, ferries.	Does not Comply The closest form of public transport is a bus stop located on Mackellar Street in which requires the provision of a footpath fronting the site which connects through to Mackellar Street to encourage parents to utilise other modes of transport in particular, given the site and the roadway have little to no on-street parking available.
	in areas with pedestrian connectivity to the local community, businesses, shops, services and the like.	Does not Comply No existing footpath along Niland Way. Conditions of consent were imposed to allow for the provision of a footpath from the front of the site up to the intersection of Mackellar Street. The proposed Modification intends to remove this connectivity, in which is not supported given that the closet footpath is the one identified through the reserve opposite the site, which has been found be non-compliant and not suitable for parents with prams.
C4 Site Selection and Location A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from proximity to:	heavy or hazardous industry, waste transfer depots or landfill sites.	Not Applicable The site is not located near heavy or hazardous industry, waste transfer depots or landfill sites.
	LPG tanks or service stations	Not Applicable The site is not located near LPG tanks or service stations
	water cooling and water warming systems.	Not Applicable The site is not located near water cooling or warming systems
	odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses.	Not Applicable The site is not located near odour generating sources.
	extractive industries, intensive agriculture, agricultural spraying activities.	Not Applicable The site is not located near extractive industries, intensive agriculture, agricultural spraying activities.
	any other identified environmental hazard or risk relevant to the site and/or existing buildings within the site.	Not Applicable The site is not located near any known environmental hazard or risk.

<p>3.8 Traffic, parking and pedestrian circulation</p> <p>C30, C31 and C32 Traffic, Parking and Pedestrian Circulation</p>	<p>Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land.</p>	<p>Complies The proposed car parking meets the requirement under the DCP.</p>
<p>C33 and C34 Traffic, Parking and Pedestrian Circulation</p> <p>Alternate vehicular access should be provided where child care facilities are on sites fronting:</p>	<p>a classified road</p> <p>roads which carry freight traffic or transport dangerous goods or hazardous materials.</p> <p>The alternate access must have regard to:</p> <ul style="list-style-type: none"> • the prevailing traffic conditions • pedestrian and vehicle safety including bicycle movement • the likely impact of the development on traffic <p>Child care facilities proposed within cul-de-sacs or via narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the wider locality in times of emergency.</p>	<p>Complies Niland Way is not a classified road.</p> <p>Complies Niland Way does not carry freight traffic or transport dangerous goods or hazardous materials.</p> <p>Not Applicable</p> <p>On Merit Niland Way is considered a narrow road. Conditions of consent where imposed pertaining to restricting left in and left out movement.</p>
<p>C35, C36 and C37 Traffic, Parking and Pedestrian Circulation</p> <p>The following design solutions may be incorporated into a development to help provide a safe pedestrian environment:</p>	<p>separate pedestrian access from the car park to the facility.</p> <p>defined pedestrian crossings included within large car parking areas.</p> <p>pedestrian paths that enable two prams to pass each other.</p>	<p>No Changes proposed to the basement car park.</p> <p>Does not Comply There are clearly defined pedestrian crossings including within the carpark.</p> <p>Does Not Comply / Considered Acceptable The pedestrian path in the carpark will not allow two prams to pass each other. The front entrance of the site accommodates the ability for two prams to pass each other through the provision of the footpath. The reduction in the proposed footpath will not provide suitable access for pedestrian or parents with prams.</p>

	delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities	No Changes proposed to the basement car park.
	minimise the number of locations where pedestrians and vehicles cross each other	No Changes proposed to the basement car park.
	vehicles can enter and leave the site in a forward direction.	No Changes proposed to the exit and entering of the site.
	clear sightlines are maintained for drivers to child pedestrians, particularly at crossing locations.	No Changes proposed to the exit and entering of the site.
	Car parking design should: <ul style="list-style-type: none"> include a child safe fence to separate car parking areas from the building entrance and play areas provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards include wheelchair and pram accessible parking. 	No Changes proposed to the basement car park.

Liverpool Development Control Plan 2008

The application has been considered against the controls contained in the Liverpool Development Control Plan 2008 (DCP) in particular:

- Part 1: General Controls for all Development, and
- Part 3.8: Non-Residential Development in Residential Zones

Part 1: General Controls for all Development

Development Control Section	Provision	Comment
2. Tree Preservation	Controls relating to the preservation of trees	Not Applicable
3. Landscaping and Incorporation of Existing Trees	Controls relating to landscaping and the incorporation of existing trees.	Not Applicable
4. Bushland and Fauna Habitat Preservation	Controls relating to bushland and fauna habitat preservation	Not Applicable
5.	Controls relating to development on bushfire prone land	Not Applicable

Development Control Section	Provision	Comment
Bush Fire Risk		
6. Water Cycle Management	Stormwater runoff shall be connected to Council's drainage system by gravity means. A stormwater drainage concept plan is to be submitted.	Not Applicable
7. Development Near Watercourse	If any works are proposed near a water course, the Water Management Act 2000 may apply, and you may be required to seek controlled activity approval from the NSW Office of Water.	Not Applicable
8. Erosion and Sediment Control	Erosion and sediment control plan to be submitted.	Not Applicable
9. Flooding Risk	Provisions relating to development on flood prone land.	Not Applicable
10. Contaminated Land Risk	Provisions relating to development on contaminated land.	Not Applicable
11. Salinity Risk	Provisions relating to development on saline land.	Not Applicable A salinity management response plan is not required, as the proposed development is not considered to pose a salinity risk.
12. Acid Sulphate Soils Risk	Provisions relating to development on acid sulphate soils	Not Applicable
13. Weeds	Provisions relating to sites containing noxious weeds.	Not Applicable
14. Demolition of Existing Developments	Provisions relating to demolition works.	Not Applicable
15. On Site Sewage Management Systems	Provisions relating to OSMS.	Not Applicable
16. Aboriginal Archaeology	An initial investigation must be carried out to determine if the proposed development or activity occurs on land potentially	Not Applicable

Development Control Section	Provision	Comment
	containing an item of aboriginal archaeology.	
17. Heritage and Archaeological Sites	Provisions relating to heritage sites.	Not Applicable
18. Repealed	No Provisions.	N/A
19. Used Clothing Bins	Provisions relating to used clothing bins.	Not Applicable.
20. Car Parking and Access	In Residential Zones: 1 space per 1 staff member, plus 1 space per 10 children (stack parking of employee cars maximum 2 deep could be considered if there is good design for flow-through of short-term parking) Service facilities also required for a van.	Complies with conditions The applicant has provided sufficient parking for the site: - 17 parking spaces for Staff (17 Staff) - 10 spaces for parents (99 kids) A visitor parking bay can be allocated for deliveries between 9am-3pm however a condition of consent will apply for this to be clearly sign posted.
21. Subdivision of Land and Buildings	Provisions relating to development, which involves subdivision of land or buildings.	Not Applicable
22. Energy Conservation	Class 5 to 9 non-residential development are to comply with the BCA and Australia energy efficiency provisions.	Not Applicable
23. Reflectivity	Provisions relating to restriction of reflection of sunlight from buildings to surrounding areas and buildings.	Not Applicable
24. Landfill	Provisions relating to cut and fill.	Not Applicable
25. Waste Disposal and Re-use Facilities	Provisions relating to waste management during construction and on-going waste.	Not Applicable
26. Outdoor Advertising and Signage	Provisions relating to signage.	Not Applicable
27. Social Impact Assessment	Provisions relating to social impact.	Not Applicable

Development Control Section	Provision	Comment
28.Shopping Trolleys	Provisions relating to development that provides shopping trolleys to customers.	Not Applicable
29.Safety and Security	Provisions relating to CPTED principles and pedestrian and public safety.	Not Applicable
30. Additional Uses 30.4. Child Care Centres	<p>Provision relating to additional uses in specific zones, including child-care centres in residential zones. The relevant provisions are as follows.</p> <p><u>Objectives:</u></p> <p>b) Minimise any adverse impact of Child Care Centres on surrounding properties.</p> <p><u>Building Appearance:</u></p> <p><u>Controls:</u></p> <p>1. The building shall be designed so:</p> <ul style="list-style-type: none"> - That it is in character with the surrounding residential area in terms of bulk, scale, size and height; and - That it employs passive solar and energy saving techniques where possible. <p>2. The front pedestrian entrance must be visible from the street.</p> <p><u>Landscaping</u></p> <p>7. Tree and shrub planting alongside and rear boundaries should assist in providing effective screening to adjoining properties. The minimum height of screening to be provided is 2.5m to 3m at maturity.</p> <p>8. Landscaping on any podium level or planter box shall be appropriately designed and irrigated. See ADG Planting on Structures.</p>	<p>Does not comply</p> <p>The proposed changes to the provision of the full footpath has not considered the impact it would have on the existing residential development due to the potential increase to traffic movement noting the site does not comply with accessibility to public transport routes.</p> <p>No changes to the building appearance is proposed.</p> <p>No changes to landscaping is proposed.</p>

LDCP 2008, Part 3.8: Non-Residential Development in Residential Zones.**Section 2: Child Care Centres**

Development Control	Provision	Comment
2.1 License Requirements		
	<p>In order to operate a child care centre, the applicant needs to obtain the following:</p> <p>1. Development consent from Council under the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>2. A licence to operate from the NSW Department of Community Services (DOCS) under the Children and Young Persons (Care and Protection) Act 1998 and the <i>Children Services Regulation 2004</i>.</p>	<p>Noted</p> <p>The necessary licences will need to be gained prior to operations.</p>
2.2 Lot Sizes		
	<p><u>Control 1</u></p> <p>1. The maximum number of children in any centre cannot exceed 45 for 0-5 year olds;</p> <p>however, Council may consider a maximum number of 60 children per centre of which 30% must be aged between 0-2.</p> <p><u>Control 2</u></p> <p>The proposed child care centre must comply with open space requirements as set out in the <i>Children Services Regulation 2004</i>.</p>	<p>Not Applicable</p> <p>These controls do not apply as per the SEPP (Transport and Infrastructure) 2021: Chapter 3 - Educational Establishments and Child-care Facilities, except where they are consistent with the objectives of the SEPP.</p> <p>Refer to SEPP assessment table.</p>
2.3 Site Planning		
	<p><u>Site Location Controls</u></p> <p>1. Child Care Centres should be located:</p> <p>- In the general vicinity of primary schools, major</p>	<p>Does not Comply</p> <p>Niland Way's existing width is less than 5m which was found to be unsuitable for the development, without the imposition and actioning of conditions of consent to mitigate Council and the Court's concerns.</p>

Development Control	Provision	Comment
	<p>employment areas and recreation areas.</p> <ul style="list-style-type: none"> - Within the grounds of community facilities, educational facilities or churches. - Near services such as shops, medical facilities and public transport. - On streets with widths that permit adequate safe manoeuvrability of vehicles & lines of sight for pedestrians, cyclists and vehicles; and on approach streets within the road hierarchy such as on collector streets. - Where traffic control devices do not impede vehicular access to sites. - Where the children will not be adversely affected by lead contamination, offensive noise and air pollution. - Child Care Centres must be located and designed so as not to pose health or safety risk to children using the centre. <p>2. Child Care Centres shall not be permitted:</p> <ul style="list-style-type: none"> - Adjacent to industrial activities. - Within 300m of an existing Child Care Centre. - On classified roads. - Adjacent to railway lines. - On streets with a carriageway width of 6.5m or less. - On streets, which are cul-de-sacs. - On lots adjacent to a roundabout (including a proposed roundabout) - In areas where aircraft noise levels exceed 25 Australian 	<p>The non-provision of the conditioned footpath may give rise to additional safety concerns in terms of limited sight lines for pedestrian and motorist along Niland Way. The application has not addressed how this reduction of the conditioned footpath would not impact upon the safety of children accessing the site via foot along Niland Way.</p>

Development Control	Provision	Comment
	<p>Noise Exposure Forecast (ANEF).</p> <p><u>Site Planning Controls</u></p> <p>1. Site planning should be sensitive to site attributes such as; streetscape character; natural landform; existing vegetation; views and land capability.</p> <p>2. The site layout should enhance the streetscape through the use of landscaping and built form.</p> <p>3. Site planning should enable buildings to address streets and public open spaces.</p> <p>4. The site layout should ensure that the external play area is maximised and enjoys solar access.</p> <p>5. The site layout should contribute to personal safety and to the protection of property by permitting casual surveillance of adequately lit outdoor spaces from windows and entries.</p> <p>6. In areas exposed to significant levels of off-site noise, the site layout and building forms should assist in minimising noise entry.</p> <p>7. The site layout should ensure that the front entrance to the Child Care Centre is easily located and accessible.</p> <p>8. The layout must be designed around the site attributes such as slope; existing vegetation; land capability and/or solar access.</p> <p>9. The siting of windows of habitable rooms on the first floor shall minimise overlooking to the principal private open space of neighbouring properties.</p>	

Development Control	Provision	Comment
	<p>10. Stormwater from the site must be able to be drained satisfactorily. Where the site falls away from the street, it may be necessary to obtain an easement over adjoining property to drain water satisfactorily to a Council stormwater system.</p> <p>Where stormwater drains directly to the street, there may also be a need to incorporate on-site detention of stormwater where street drainage is inadequate.</p> <p>Refer to Water cycle management in Part 1.</p>	
2.4 Setbacks		
	<p><u>Control 1</u> Front Setback = 5.5m Secondary Setback = 4m</p> <p><u>Control 2</u> Verandahs, balconies, eaves and other sun control devices may encroach on the minimum front and secondary setback by up to 1m.</p> <p><u>Control 3</u> The secondary setback is the longest length boundary.</p> <p><u>Control 4</u> For single storey buildings Side Setback = 1.2m Rear Setback = 4m For second storey components of buildings Side Setback = 1.2m Rear Setback = 8m Children's internal space access</p>	<p>Not Applicable</p> <p>No changes to the built form is proposed.</p>

Development Control	Provision	Comment
	Side Setback = 4m Rear Setback = 4m	
2.5 Open Space and Landscaped Area		
	<p><u>Control 1</u> A minimum of 25% of the site area shall consist of landscaped area, including lawn, deep rooted trees, garden beds and mulched areas.</p> <p><u>Control 2</u> There must be an unencumbered area of 5 x 6m in the rear setback for the opportunity to accommodate the planting of deep-rooted trees.</p> <p><u>Control 3</u> A minimum of 50% of the front setback area shall be landscaped area.</p> <p><u>Control 4</u> There must be an unencumbered area of 3 x 5m in the front setback for the opportunity to accommodate deep rooted trees.</p>	<p>Not Applicable</p> <p>No changes to the built form is proposed.</p>
2.6 Building Form, Style and Streetscape		
	<p><u>Building Appearance Controls</u></p> <p>1. Where large glass areas cannot be avoided appropriate shade devices shall be incorporated in the design.</p> <p>2. The roof design shall be compatible with surrounding properties with respect to height, pitch, building materials and colour.</p> <p>3. Buildings shall be designed so that it is in character with the surrounding residential area in</p>	<p>Not Applicable</p> <p>No changes to the built form is proposed.</p>

Development Control	Provision	Comment
	<p>terms of bulk, scale, size and height.</p> <p>4. Buildings adjacent to a street shall be orientated to the street.</p> <p>5. The front pedestrian entrance must be visible from the street.</p> <p>6. The front building facades shall be articulated, this articulation may include front porches, entries, wall indents, changes in finishes, balconies and/or verandahs.</p> <p>7. For two storey developments, the side walls shall be articulated if the wall has a continuous length of over 10m.</p> <p><u>Security Controls</u></p> <p>1. Entrances to buildings should be orientated towards the front of the site facing the street.</p> <p>2. Blank walls addressing the street frontage and other public places must be avoided.</p>	
2.7 Landscaping and Fencing		
	<p><u>Landscaping</u></p> <p>1. A landscape plan must be submitted to Council with the development application. Refer to Part 1 of the DCP.</p> <p>2. Areas of grass are to be limited to play areas. Other landscaped areas are to be planted.</p> <p>3. Trees adjacent to/or within the play area, are to provide shade and allow winter sun entry. Trees adjacent to private open space areas and living rooms should provide summer shade and allow winter sun entry.</p> <p>4. Landscaping species must be appropriate to prevent injury to children. No toxic, spiky or other hazardous plant species.</p>	<p>Not Applicable</p> <p>No changes to the built form is proposed.</p>

Development Control	Provision	Comment
	<p>5. The setback areas of development are to be utilised for canopy tree planting. The landscape design for all development must include canopy trees that will achieve a minimum 8m height at maturity within front and rear setback areas. Any tree with a mature height over 8m should be planted a minimum distance of 3m from the building or utility services.</p> <p>6. Landscape planting should principally comprise of native species to maintain the character of Liverpool and provide an integrated streetscape appearance. Council will consider the use of deciduous trees in small private open space areas such as courtyards for control of local microclimate and to improve solar access.</p> <p>7. The landscaping shall contain an appropriate mix of canopy trees, shrubs and groundcovers. Avoid medium height shrubs (0.6 – 1.8m) especially along paths and close to windows and doors.</p> <p>8. Tree and shrub planting along side and rear boundaries should assist in providing effective screening to adjoining properties. The minimum height of screening to be provided is 2.5 to 3m at maturity.</p> <p>9. Landscaping on any podium level or planter box shall be appropriately designed and irrigated. Landscaping on podium levels and planter boxes should be accessible from internal rooms as appropriate for gardener access.</p> <p><u>Fencing</u></p>	

Development Control	Provision	Comment
	Provisions and controls for fencing are itemised within this section of the DCP.	
2.8 Carparking and access		
	<p><u>Site Access</u></p> <ol style="list-style-type: none"> 1. All vehicles shall enter and leave the site in a forward direction. 2. Dead end streets or cul-de-sacs present traffic movement and parking problems and are inappropriate locations for Child Care Centres or facilities. <p><u>Location</u></p> <ol style="list-style-type: none"> 1. To provide adequate vehicle access and on-site car parking facilities for residents and visitors. 2. To minimise reliance on on-street parking. 3. To provide safe and easy access to and from the site for pedestrians and motorists. 4. To provide adequate turning areas for manoeuvring into and out of car parking spaces and/or garages. 5. To minimise the impact of driveways and parking areas on existing landscaping, landform and streetscape. 6. To ensure pavement or driveway materials are sympathetic to the streetscape and surrounding landscape character. 7. Refer to Section *** for the number of spaces required. 	<p>The parent approval-imposed conditions of consent have been imposed requiring all vehicles to enter and exit in a forward direction and with left in and left out direction of travel specified.</p> <p>Does not Comply</p> <p>The proposed development does not provide suitable on-streetcar parking facilities. Conditions were imposed to restrict parking to the basement. The modification to reduce the provision of a footpath may seek an increase to traffic movements, in which the site would not be able to sustain, or support given the streets narrow carriage way. There is no safe or easy access to and from the site for pedestrians given the establishment under the S34 and Hearing proceedings and the existing pedestrian pathway through the reserve was found to be noncompliant with a steep incline and narrow pathway which is not sufficient for parents with prams to utilise.</p> <p>The relocation of a potential crossing outside of No 12 is unsupported as it may impact upon the existing driveway and manoeuvring of the residential dwelling onto Niland Way and therefore, does not minimise the impact to the street.</p>
2.9 Amenity and Environmental Impact		
	<p><u>Controls - Noise</u></p> <p>Development for childcare centres shall not be permitted in areas where aircraft noise levels exceed 25 Australian</p>	<p>Not Applicable</p> <p>No changes to the built form are proposed.</p>

Development Control	Provision	Comment
	<p>Noise Exposure Forecast (ANEF).</p> <p><u>Control - Site Operation</u></p> <p>1. In residential zones the days /hours of operation shall be limited to 7.00 am - 7.00pm: Monday – Saturday. No operation on Sundays or public holidays.</p> <p>2. Child Care Centres or facilities shall be no closer than 50m to mobile phone towers or antennas or transmission line easements or other similar electromagnetic radiation sources.</p> <p><u>Overshadowing Control</u></p> <p>Adjoining properties must receive a minimum of three hours of sunlight between 9am and 3pm on 21 June to at least:</p> <ul style="list-style-type: none"> - One living, rumpus room or the like. - 50% of the private open space. <p><u>Privacy Controls</u></p> <p>1. Windows facing side boundaries are to be offset by at least 1m from any habitable, room windows in an adjoining dwelling.</p> <p>2. Windows on the first floor that face the side boundary are to avoid unreasonable overlooking by having a minimum sill height of 1.5m, except where they face a street or public open space.</p> <p>3. Building siting, window location, balconies and fencing must consider the importance of the privacy of onsite and adjoining buildings and private open spaces.</p>	

Development Control	Provision	Comment
	<p>4. Landscaping should be used where possible to increase visual privacy of adjoining properties.</p> <p><u>Acoustic Privacy Controls</u></p> <p>1. Noise attenuation measures should be incorporated into building design to ensure acoustic privacy between on-site and adjoining buildings.</p> <p>2. Developments in areas adversely impacted upon by rail or traffic related noises must incorporate the appropriate noise and vibration mitigation measures into the design in terms of the site layout, building materials and design, orientation of the buildings and location of sleeping and recreation areas.</p> <p>3. The proposed buildings must comply with the Department of Environment and Climate Change criteria and the current relevant Australian Standards for noise and vibration and quality assurance.</p>	
2.10 Site Services		
	<p>This section relates to site services being;</p> <ul style="list-style-type: none"> - Waste Management - Electricity Sub station - Letterboxes and numbering - Frontage works and damage to Council assets 	<p>Not Applicable</p> <p>No changes to the built form are proposed.</p>

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Statement of Environmental Effects: Section 4.56

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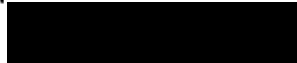
Centre-Based Child Care



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Subject Site: 14 Niland Way, Casula.

PREPARED ON BEHALF OF:



Revision No. 1

Date: 18 August 2025

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Prepared by:



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Section 4.56 Modification Application

Development consent: 14 Niland Way, Casula (LEC No: 2023/00323320)

Modifications sought: Conditions 13, 22 and 186 (footpath scope)

1) Orders sought (proposed new wording)

Condition 13 – Signage and Line Marking Plan (partial amendment)

Current text (relevant extract):

- The provision of a footpath from the pedestrian access point into the development, along Niland Way through to the existing footpath at Mackellar Street.

Amend to (tracked style):

- The provision of a 1.5 m wide concrete footpath limited to the length of the street frontage of 12 Niland Way (the park entry), connecting the development's pedestrian access point to that park entry ~~from the pedestrian access point into the development, along Niland Way through to the existing footpath at Mackellar Street.~~ (Detail to show kerb ramps, end-treatments and any tactile indicators where the short link meets existing verge/park path.)

Condition 22 – s138 Roads Act (footpath) (scope amendment)

Current text (relevant extract):

"...has been lodged ... for provision of 1.5 m wide footpath in Niland Way."

Amend to:

"...has been lodged ... for provision of a 1.5 m wide footpath confined to the street frontage of 12 Niland Way only (park entry connection), including kerb ramp(s)/end-treatments as required."

Condition 186 – Footpaths (scope amendment)

Current text:

"Prior to the issue of an occupation certificate, construction of 1.5 m wide ... concrete path paving is to be constructed from the front of the development site at 14 Niland Way along Niland Way to the southern intersection with Mackellar Street."

Amend to:

"Prior to the issue of an occupation certificate, construct a 1.5 m wide concrete path limited to the street frontage of 12 Niland Way to connect the development's pedestrian access point with the existing park entry at No. 12 Niland Way, with compliant kerb ramp(s) and end-treatments. No construction is required beyond the frontage of 12 Niland Way."

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The Site and Locality

The subject site is identified as Lot 3061, DP 813122 and is located at 14 Niland way, Casula. It is located in an established residential area where the site is 877m² in size and has a frontage of 17m. The location of the site including the lot size area is shown below in Figures 2.



Figure 2. Satellite locality map - 14 Niland way, Casula (Source: Near Maps, 2022)

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Environmental Planning and Assessment Act 1979

The following is an assessment of the application pursuant to Section 4.15 (1) of the Environmental Planning and Assessment Act 1979.

In accordance with Section 4.55(3) a consent authority must consider the relevant matters referred to in Section 4.15(1) in assessing and application for modification of development consent. The consent authority must also consider the reasons given for the grant of the consent that is sought to be modified.

The application has been lodged pursuant to Section 4.55(1A) of the Environmental Planning and Assessment Act 1979 (EPA & Act), which provides. A table summarising the above has been provided above.

Section 4.15 Matters for Consideration	Comments
Section 4.15(1)(a)(i) – Provisions of any environmental planning instrument	Satisfactory. See discussion on “Environmental Planning Instruments” in this report.
Section 4.15(1)(a)(ii) – Provisions of any proposed planning instrument	No changes to the current land use planning controls, zoning or development standards applicable to the site are made under a Draft LEP. The site is subject to the Liverpool Local Environmental Plan (LLEP), the site is located within Zone R4 High Density Residential. The proposal is a permissible form of development with Council’s consent. The proposal satisfies all relevant objectives contained within the LEP. Demonstration that the development as modified is substantially the same is addressed further within this statement.
Section 4.15(1)(a)(iii) – Provisions of any development control plan	Satisfactory. See discussion on “Development Control Plans” in this report.
Section 4.15(1)(a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15(1)(a)(iv) – Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> (EP&A Reg)	The Application will be made in accordance with the relevant matters prescribed by the Regulations.

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Section 4.15(1)(b) – the likely impacts of the development, including environmental impacts on the natural and built environments and social and economic impacts in the locality	<p>(i) The environmental impacts of the proposed development on the natural and built environments are addressed under the Development Control Plan (DCP) section in this report and are satisfactory.</p> <p>(ii) The proposed development will not have a detrimental social impact in the locality considering the nature of the proposal.</p> <p>(iii) The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15(1)(c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15(1)(d) – any submissions made in accordance with the EP&A Act 1979 or EP&A Reg 2000	In accordance with the provisions of Councils Public Notification, the application will be required to be placed on neighbour notification where adjoining property owners will be notified. Any concerns raised by objectors will be considered through the assessment of the application. If required, the applicant may provide responses if deemed necessary.
Section 4.15(1)(e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

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Section 4.56

Section 4.56 of the Environmental Planning and Assessment Act 1979 allows a consent authority to modify a development consent granted by it, if:

“(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and

(b) it has notified the application in accordance with—
(i) the regulations, if the regulations so require, and
(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and
(c) it has notified, or made reasonable attempts to notify, each person who made a submission in respect of the relevant development application of the proposed modification by sending written notice to the last address known to the consent authority of the objector or other person, and
(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.”

Application to the proposal

- **Substantially the same development:**

The proposed modification does not alter the approved built form, land use, gross floor area, intensity, parking, or traffic generation of the development. The amendment is confined to the scope and timing of public domain works under **Conditions 13, 22 and 186**, specifically the requirement for a 1.5m wide footpath. Instead of requiring a continuous path along Niland Way to Mackellar Street, the condition is modified to require a **short accessible link across the frontage of 12 Niland Way**, connecting directly to the existing park entry. The essence of the consent remains unchanged — a child care centre on the approved site.

- **Notification requirements:**

The application will be notified in accordance with the EPA Regulation 2021 and any applicable DCP provisions. All persons who previously made submissions will be notified, ensuring procedural fairness is upheld.

- **Consideration of submissions:**

Any submissions received will be properly considered in determining the modification. However, as confirmed in **Bennett v Northern Beaches Council [2022] NSWLEC 1720**, the law does not require a sealed or continuous kerbside footpath in order to satisfy accessibility and “walking distance” obligations. The short link proposed delivers a safe and practical pedestrian connection consistent with accessibility standards and the Child Care Planning Guideline.

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Summary

The modification satisfies the statutory tests in s 4.56 of the EPA Act 1979. The development as modified is **substantially the same development**, achieves compliance with the **Child Care Planning Guideline (C16)**, and is consistent with the principles established in **Bennett v Northern Beaches**. The amended condition provides a safe, accessible, and proportionate pedestrian link without imposing unnecessary and onerous off-site works, and is therefore in the **public interest**.

Section 4.56 Justification – Expanded Submission

Legislative Framework

Section 4.56 of the Environmental Planning and Assessment Act 1979 provides that a development consent granted by the Court may be modified if:

1. The development as modified is **substantially the same development**.
2. The application is **notified** in accordance with statutory requirements.
3. All **submissions are considered**.

Substantially the Same Development

The essence of the approved child care centre is unchanged. The modification relates only to **Conditions 13, 22 and 186** — conditions that impose obligations to construct a **1.5m footpath from the site along Niland Way to Mackellar Street**.

- The built form, land use, child numbers, floor space, car parking and operational parameters remain identical.
- The only change is the **extent and timing of the off-site footpath works**.
- The modified development remains a child care centre at 14 Niland Way.

The legal threshold in s 4.56(1)(a) is therefore easily met.

Accessibility and Child Care Planning Guideline

Clause C16 of the Child Care Planning Guideline requires accessible design to be achieved by:

- Providing access in accordance with all relevant legislation.
- Linking all key areas of the site with accessible paths.
- Providing a continuous path of travel to the main entry.
- Minimising ramping by aligning entries with footpaths.

The modification **delivers all four requirements**:

- The centre entry and internal circulation comply with the NCC and DDA standards.
- All car parking areas are linked to the entry by accessible pathways.
- A continuous accessible path of travel is achieved by constructing a short 1.5m wide path across the **frontage of 12 Niland Way**, tying the centre's pedestrian entry into the **existing park gateway**.

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- The building entry is at grade, avoiding ramps or lifts.

This satisfies the **Child Care Planning Guideline** in full.

Bennett v Northern Beaches Council [2022] NSWLEC 1720

Council will inevitably argue that a “continuous” kerbside footpath to Mackellar Street is required. That argument collapses under **Bennett**.

In **Bennett**, the Court held:

- “Walking distance” does not require a sealed or continuous path.
- Routes across parks may qualify as accessible if they can “be safely walked in the ordinary sense.”
- Temporary or minor impediments (uneven ground, wet patches) do not disqualify a route.

Application here:

- The park entry at **12 Niland Way** provides the **direct pedestrian desire-line** to the local park and wider street network.
- A short link across this frontage achieves the required **safe and walkable connection**.
- Extending the footpath to Mackellar Street would go far beyond what **Bennett** recognises as necessary or lawful.

The Court has already made clear that **Council cannot inflate DCP objectives into obligations for continuous sealed works**. Their attempt to impose a full-block public footpath on a private proponent is an **unlawful overreach**.

Public Interest, Reasonableness, and Planning Law

Conditions must satisfy the **Newbury principles**:

1. Imposed for a planning purpose.
2. Fairly and reasonably relate to the development.
3. Reasonable.

Council’s condition fails all three if applied literally:

- **Planning purpose:** The purpose is to secure safe, accessible pedestrian access to the centre. That is achieved by the frontage link at No. 12. A full-block path is not required for that purpose.
- **Fair relation:** The development generates pedestrian demand only between the site and the immediate park entry. It does not generate demand for a footpath along the remainder of Niland Way to Mackellar Street.
- **Reasonableness:** Requiring an applicant to subsidise a full-block public footpath that primarily benefits the broader neighbourhood, not the centre, is unreasonable and disproportionate.

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Under **Wednesbury unreasonableness**, a condition is invalid if it is so disproportionate that no reasonable consent authority would impose it. That is precisely the case here.

Traffic and Safety Considerations

Council's traffic engineer cannot credibly argue that the shortened path compromises safety:

- The short link provides compliant kerb ramps, tactile indicators and level transitions.
- Vehicle sight lines are unaffected — in fact, reduced hardstand improves safety by avoiding unnecessary kerb/driveway conflicts.
- Pedestrian desire-lines are **into the park** at No. 12, not along the kerb to Mackellar Street. Forcing pedestrians to walk an unnecessary longer path would be contrary to basic **road safety and CPTED principles**.

Environmental and Amenity Benefits

- Reduces unnecessary hardstand and stormwater runoff.
- Avoids removal of verge landscaping and protects existing trees.
- Prevents "urban clutter" of an unneeded path that does not reflect actual pedestrian movement patterns.

Conclusion

The modification:

- Is **substantially the same development** under s 4.56.
- Fully satisfies the **Child Care Planning Guideline (C16)**.
- Is consistent with **Bennett v Northern Beaches [2022] NSWLEC 1720**, which makes clear that continuous kerbside paths are not required where a safe and practical park link exists.
- Removes an **unreasonable and disproportionate burden** that fails the Newbury test for conditions and risks invalidity.
- Provides a safe, accessible, and direct connection for all users, in the **public interest**.

For these reasons, the amendment to Conditions 13, 22 and 186 must be approved.

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State Environmental Planning Policy

The provisions of any Environmental Planning Instruments (EP&A Act s4.15 (1)(a)(i))

State Environmental Planning Policy (Industry and Employment) 2021

An assessment of the proposal against the Child Care Planning Guidelines is provided in the following table.

Child Care Planning Guideline		
3.1 Site Selection and Location		
Objective	Considerations	Comment
<i>To ensure that the child care facilities are designed to be accessible by all potential users.</i>	<p>Accessible design can be achieved by:</p> <ul style="list-style-type: none"> providing accessibility to and within the building in accordance with all relevant legislation 	<p>The proposal provides full compliance with accessibility legislation, including the National Construction Code and the Disability (Access – Buildings) Standards 2010. Entry to the centre is level, step-free and designed to accommodate wheelchair and pram access. Internal circulation routes are fully compliant with accessibility requirements.</p>
	<ul style="list-style-type: none"> linking all key areas of the site by level or ramped pathways that are accessible to prams and wheelchairs, including between all car parking areas and the main building entry 	<p>The development links all key areas by level, accessible pathways.</p> <p>Car parking is connected directly to the building entry by an accessible route.</p> <p>Externally, a new 1.5m wide footpath will be provided across the frontage of 12 Niland Way to connect the site's pedestrian entry to the park entry.</p> <p>This ensures that prams, wheelchairs and pedestrians can safely transition between on-site facilities, car parking and the wider public domain.</p>
	<ul style="list-style-type: none"> providing a continuous path of travel to and within the building, including access between the street entry and car parking and main 	<p>A continuous accessible path of travel is achieved without reliance on platform lifts. The relocation and amendment of Conditions 13, 22 and 186 secures a practical frontage link to the park entry at 12 Niland Way, which serves as the natural pedestrian desire-line.</p>

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	<p>building entrance. Platform lifts should be avoided where possible</p>	<p>Consistent with Bennett v Northern Beaches [2022] NSWLEC 1720, accessibility does not require a sealed or continuous kerbside footpath to Mackellar Street — only a safe and practical pedestrian connection.</p> <p>The proposal provides a continuous, safe and legible accessible path of travel from the street to the child care centre entry and car parking areas.</p> <p>The approved modification delivers a 1.5m wide link across the frontage of 12 Niland Way, tying the site’s pedestrian access point directly into the existing park entry. This ensures that users — including wheelchair users and parents with prams — have a direct and compliant route into the centre.</p> <p>Importantly, consistent with Bennett v Northern Beaches Council [2022] NSWLEC 1720, the law does not require the provision of a sealed or continuous kerbside path extending to Mackellar Street. The Court confirmed that “walking distance” and accessibility may be satisfied by practical and safe routes across parks or existing entries, provided they can “be safely walked in the ordinary sense.”</p> <p>Requiring the applicant to construct a full-length path along Niland Way would exceed what is reasonably necessary under the Guideline and SEPP framework.</p> <p>Legislative compliance:</p> <p>The path provides a compliant continuous accessible route in accordance with the Disability Discrimination Act 1992, the Disability (Access to Premises – Buildings) Standards 2010, and the National Construction Code. No platform lifts are required as the path and entry are designed at grade.</p>
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		<p>Public interest & proportionality:</p> <p>The short link satisfies accessibility for all potential users while avoiding unnecessary and costly over-engineering that would have no additional safety or amenity benefit. Extending the path to Mackellar Street would unnecessarily duplicate existing pedestrian desire lines through the park, increase hardstand areas, disturb verge landscaping, and impose a disproportionate burden on the operator. The modified condition therefore strikes the correct balance between accessibility, environmental outcomes, and reasonable planning regulation.</p>
	<ul style="list-style-type: none"> • minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath. 	<p>The building entry has been designed at grade with the adjoining footpath, minimising ramping and avoiding unnecessary level changes. By tying the site access directly to the short frontage footpath at 12 Niland Way, the proposal ensures a direct and legible connection between the footpath and the building entry without excessive ramps or steps, in full compliance with C16.</p>

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Local Environmental Plan

Applicable LEP Clause	Standards	Proposal	Compliance
2.7 Demolition requires development consent	The demolition of a building or work may be carried out only with development consent.	Not applicable to subject site.	Not applicable to subject site.

Part 4 – Principal Development Standards

Applicable LEP Clause	Development Standards	Development Proposal	Comment
4.3 Height of Buildings	Max Height 9.5	Not applicable to subject site.	Not applicable to subject site.
4.4 Floor Space Ratio	Max 0.5:1	Not applicable to subject site.	Not applicable to subject site.

Part 5 – Miscellaneous Provisions

Applicable LEP Clause	LEP Provisions	Development Provisions	Comment
5.4 Controls relating to miscellaneous permissible uses	Not applicable to subject site.		
5.7 Development below mean high water mark	Not applicable to subject site.		
5.10 Heritage Conservation	Site has not been identified as a heritage item and neither is it located in a heritage conservation area as per LEP 2008 Heritage Map.		

Part 7 – Additional Local Provisions

Applicable LEP Clause	LEP Provisions	Development Provisions	Comment
7.7 Acid Sulfate Soils	The site is not identified as being within Acid Sulfate Soils prone land. no 'Acid Sulphate Soils Management Plan' is required.		
7.8 Flood Planning	The site is not identified as being within flood prone land.		

- (ii) ***any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and***

The Draft Environment SEPP was exhibited from 31 October 2017 to 31 January 2018. This consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property. Changes proposed include consolidating the following seven existing SEPPs:

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- *State Environmental Planning Policy No. 19 – Bushland in Urban Areas*
- *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*
- *State Environmental Planning Policy No. 50 – Canal Estate Development*
- *Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment*
- *Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2-1997)*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
- *Willandra Lakes Regional Environmental Plan No. 1 – World Heritage Property.*

Comment: The proposal is not inconsistent with the provisions of this Draft Instrument.

(iii) any development control plan,

The proposed development is applicable to the Liverpool Development Control Plan 2008. The following key controls are discussed in the following table:

The proposal is considered to be consistent with the key controls outlined in the Liverpool Development Control Plan 2008.

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Streetscape Character and Amenity

The proposed development continues to satisfy the objectives and controls of the Development Control Plan with respect to Building Scale, Streetscape Rhythm, Fenestration, External Materials, and Street Edge treatment. The development presents as consistent with the established and emerging built form in the locality. Importantly, the proposed modification aligns with the reasoning in **Bennett v Northern Beaches [2022] NSWLEC 1720**, which confirms that accessibility outcomes do not require unnecessary or continuous kerbside footpaths where a safe and practical alternative exists. By limiting the works to the frontage of No. 12 Niland Way, the proposal delivers the necessary pedestrian connection without imposing disproportionate or unreasonable public domain works, and without altering the approved streetscape character.

Open Space

The development maintains compliance with the DCP controls relating to private open space and landscaped areas. The proposal provides well-defined, functional, and usable private open space areas, complemented by landscaping that enhances the amenity of residents while contributing positively to the streetscape. No reduction or loss of open space results from this modification. The shorter, more proportionate footpath treatment across 12 Niland Way avoids unnecessary paving of verge and landscaped areas, consistent with **Bennett**, which recognises that accessibility is about practical safe walking routes rather than sealed, continuous hardstand.

Vehicular Access, Parking and Circulation

The approved vehicular access, parking arrangements and internal circulation are unchanged. The proposed modification does not alter the car parking layout or quantum previously accepted by Council. There are no new impacts on traffic generation, safety, or circulation. As reinforced by **Bennett**, accessibility requirements are satisfied by safe and direct desire-line connections (here, into the park entry at No. 12 Niland Way), rather than unnecessary kerbside extensions that do not respond to actual pedestrian movement patterns.

Privacy

The proposal continues to satisfy the DCP privacy objectives. The built form, setbacks, and relationship to adjoining properties are unchanged. There are no new overlooking, overshadowing, or acoustic impacts on neighbouring properties. The modification simply refines consent conditions relating to off-site footpath works, and as clarified in **Bennett**, such external works cannot be inflated beyond what is reasonably necessary to address accessibility or amenity outcomes.

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Solar Access

The proposal maintains compliance with solar access requirements. No changes to the approved building envelope are sought, and the development will continue to ensure satisfactory solar access to both the development itself and neighbouring dwellings. The modification relates only to the proportional delivery of public domain works and, consistent with **Bennett**, ensures outcomes are reasonable, proportionate, and aligned with actual accessibility needs.

(iv) Any matters prescribed by the regulations

There are no prescribed matters applying to the land under the regulations that are relevant to this modification.

(a) Likely impacts of the development

The proposal will not generate any new environmental, social, or economic impacts beyond those already considered and accepted under the original consent. The modification relates solely to refinement of consent conditions and does not alter the scale, intensity, or built form of the approved development. Consistent with **Bennett**, the modification removes an unreasonable obligation to provide a footpath beyond what the development itself generates, while still delivering safe and practical pedestrian access.

(c) Suitability of the site

The site remains wholly suitable for the approved development. It is appropriately zoned, free of unresolvable environmental constraints, and of a size, configuration, and topography that can readily accommodate the development. The proposal has been designed to respect existing vegetation and to integrate positively with adjoining developments. The shorter footpath link across 12 Niland Way is directly responsive to the site's characteristics and the natural pedestrian desire line, in line with **Bennett's** emphasis on practical, safe routes rather than unnecessary engineered solutions.

(d) Submissions

The modification application will be subject to neighbour notification in accordance with Council's policy. Any submissions received will be properly considered. Importantly, the modification does not introduce new built form or use impacts and therefore does not create new grounds for objection. As in **Bennett**, objections demanding unnecessary public works (such as a continuous kerbside path) go beyond the scope of what the planning framework requires and should be given no determinative weight.

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(e) Public Interest

The modification is consistent with the Environmental Planning and Assessment Act 1979, the applicable LEP and DCP controls, and relevant case law including **Bennett v Northern Beaches [2022] NSWLEC 1720**. Bennett confirms that accessibility requirements do not extend to unnecessary full-block public works where safe and practical alternatives exist. The proposed condition amendments deliver proportionality, reasonableness, and accessibility outcomes without imposing burdens that fail the **Newbury test for conditions**. The modification is therefore firmly in the public interest.

Conclusion

This application has been assessed against s 4.15 of the Environmental Planning and Assessment Act 1979 and relevant statutory provisions. The modification does not result in any adverse environmental, amenity, or traffic impacts. It delivers compliance with accessibility and safety requirements in a manner that is reasonable, proportionate, and legally robust. Consistent with **Bennett**, it provides safe and practical accessibility outcomes without the imposition of unnecessary continuous works. Accordingly, it is submitted that the proposed modification should be approved.



Land and Environment Court New South Wales

Medium Neutral Citation:	Assad v Liverpool City Council [2025] NSWLEC 1238
Hearing dates:	Conciliation conference 11 April 2025
Date of orders:	11 April 2025
Decision date:	11 April 2025
Jurisdiction:	Class 1
Before:	Gray C
Decision:	The Court orders that: <ol style="list-style-type: none"> (1) The Appeal is upheld. (2) Development Application DA239/2023 for demolition of all existing structures, and the construction of a new two (2) storey childcare centre with a basement and associated landscaping and works at 14 Niland Way, Casula is determined by the grant of consent subject to the conditions set out in Annexure A.
Catchwords:	APPEAL – development application – centre-based child care facility – conciliation conference – agreement reached – orders made
Legislation Cited:	<i>Environmental Planning and Assessment Act 1979</i> , ss 4.15, 4.16, 8.7 <i>Land and Environment Court Act 1979</i> , s 34 Environmental Planning and Assessment Regulation 2021 ss 37, 38 Liverpool Local Environmental Plan 2008, cl 7.31 State Environmental Planning Policy (Biodiversity and Conservation) 2021, Pt 6.2, ss 6.6, 6.7, 6.9 State Environmental Planning Policy (Resilience and Hazards) 2021, s 4.6 State Environmental Planning Policy (Transport and Infrastructure) 2021, Ch 3, ss 3.22, 3.23
Cases Cited:	<i>McMillan v Taylor</i> [2023] NSWCA 183
Texts Cited:	Child Care Planning Guideline 2021

	Liverpool Development Control Plan 2008
Category:	Principal judgment
Parties:	Mark Assad (Applicant) Liverpool City Council (Respondent)
Representation:	Counsel: A Gough (Solicitor) (Applicant) M Harker (Respondent) Solicitors: Storey & Gough (Applicant) Liverpool City Council (Respondent)
File Number(s):	2023/323320
Publication restriction:	No

JUDGMENT

- COMMISSIONER:** Niland Way, in Casula, is in a low density residential area with dwellings on one side of the road, and a vegetated reserve on the other. At 14 Niland Way, Mr Assad (the applicant) seeks development consent for the demolition of existing structures and the construction of a centre-based child care facility. He lodged a development application with Liverpool City Council on 8 May 2023. Following the expiry of the period after which a development application is deemed to be refused, the applicant lodged an appeal pursuant to s 8.7 of the *Environmental Planning and Assessment Act 1979* (EPA Act). In exercising the functions of the consent authority on the appeal, the Court has the power to determine the development application pursuant to ss 4.15 and 4.16 of the EPA Act. The final orders in this appeal, outlined in [11] below, are made as a result of an agreement between the parties that was reached at a conciliation conference.
- Following an adjournment of a hearing of the appeal, the Court arranged a conciliation conference under s 34(1) of the *Land and Environment Court Act 1979* (LEC Act) between the parties, which was held on 11 April 2025. I presided over the conciliation conference.
- At the conciliation conference, an agreement under s 34(3) of the LEC Act was reached between the parties as to the terms of a decision in the proceedings that was acceptable to the parties.
- The agreement was filed the same date, and follows the Council's approval of an application for an amendment to a development application pursuant to ss 37 and 38 of the *Environmental Planning and Assessment Regulation 2021*. The amended development application provides solar access diagrams that demonstrate that the

adjoining neighbour retains adequate solar access to their private open space and living areas and makes some changes to the landscape design including reconfiguration of outdoor play areas.

5 The decision agreed upon is for the grant of development consent subject to conditions of consent pursuant to s 4.16(1) of the EPA Act. The signed agreement is supported by a Statement of Jurisdictional Prerequisites (the Statement). I have considered the contents of the Statement, together with the documents referred to therein, the Class 1 Application and its attachments, and the documents that are referred to in condition 1 of Annexure A. Based on those documents, I have considered the matters required to be considered pursuant to s 4.15(1) of the EPA Act.

6 As the presiding Commissioner, I am satisfied that the decision to grant development consent to the amended application subject to conditions of consent is a decision that the Court could have made in the proper exercise of its functions, this being the test applied by s 34(3) of the LEC Act. This test is concerned with there being no jurisdictional constraints that preclude the making of orders in accordance with the decision that the parties' have agreed upon (see *McMillan v Taylor* [2023] NSWCA 183 at [4], [51]). I formed this state of satisfaction as each of the jurisdictional preconditions identified by the parties is met, for the following reasons:

- The site is zoned R2 Low Density Residential pursuant to the Liverpool Local Environmental Plan 2008 (LLEP), and centre-based child care facilities are specifically nominated as a permissible use in the R2 zone.
- The proposed development complies with the development standards in the LLEP concerning both height and floor space ratio.
- The development application includes earthworks for the provision of the basement level for car parking. Based on the Statement, the Engineering Design letter dated 3 March 2025, the Detailed Site Investigation dated 26 April 2023, and the agreed conditions of consent in Annexure A, I have considered the matters set out in cl 7.31 of the LLEP.
- Chapter 3 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 (SEPP TI) concerns child care facilities and applies to the proposed development. The proposed development complies with the requirements for unencumbered indoor and outdoor space, and therefore concurrence of the Regulatory Authority is not required by s 3.22. In accordance with s 3.23 of the SEPP TI and based on the Statement of Environmental Effects dated 18 August 2023, I have considered the applicable provisions of the Child Care Planning Guideline.
- Consideration has been given as to whether the subject site is contaminated as required by s 4.6 of the State Environmental Planning Policy (Resilience and Hazards) 2021. As the site has a history of use for the purposes of residential

premises, it is unlikely to be contaminated. This is also supported by the Detailed Site Investigation dated 26 April 2023, which concludes that the site is suitable for its intended use.

- The site falls within the Georges River Catchment, such that Part 6.2 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 (SEPP B&C) applies to the development application. Based on the Stormwater Management Plan and the matters set out in the Statement, I am satisfied of the matters in ss 6.6(2) and 6.7(2). Further, the development will not change any public access to recreational areas of waterbodies, and I am therefore satisfied of the matters in s 6.9(2).

7 The development application was advertised and notified, and a number of residents raised concerns, which were expressed both in written submissions made to the Council and in oral submissions made on-site on 10 April 2025. I have considered the issues raised in those submissions. These include concerns with respect to the parking and traffic impact of the proposed development. Although these matters are not jurisdictional preconditions to the grant of development consent, I note that:

- In relation to parking, the proposed development provides the number of car parking spaces required by the Liverpool Development Control Plan 2008 (PDCP) and s 4.15(3A)(a) precludes the Court, in exercising the functions of the consent authority, from requiring more onerous standards than those stipulated by the PDCP.
- The Plan of Management dated 6 March 2025 requires that parents use on-site parking and not park on Niland Way.
- Access to the site is left in, and left out, and the median strip is to be relocated to prevent a right-hand turn into and out of the site, which will reduce the risk of conflict associated with two cars needing to pass each other in opposite directions along Niland Way.

- The agreed conditions of consent require the applicant to provide a pedestrian footpath along Niland Way from the site to the southern intersection of Niland Way and Mackellar Street.
- 8 Having reached the state of satisfaction that the decision is one that the Court could have made in the exercise of its functions, s 34(3)(a) of the LEC Act requires me to “dispose of the proceedings in accordance with the decision”. The LEC Act also requires me to “set out in writing the terms of the decision” (s 34(3)(b)).
- 9 In making the orders to give effect to the agreement between the parties, I was not required to make, and have not made, any evaluative judgment on the matters that were originally in dispute between the parties, or any assessment of the merits of the development application against the discretionary matters that arise pursuant to an assessment under s 4.15 of the EPA Act.
- 10 The Court notes:
- (1) Liverpool City Council as the relevant consent authority has agreed, under section 37(1) of the Environmental Planning and Assessment Regulation 2021, to the applicant amending development application DA239/2023 with the documents listed below (the Amended Development Application):
- Landscape Plans prepared by Enclave Studio, dated 10 April 2025, revision 1 and drawing Nos. A100 and A101
 - Architectural Plans prepared by Platform 5 Pty Ltd, issue date 10 April 2025, revision Q and drawing numbers:
 - DA1002 – Site Analysis
 - DA1005 – Demolition Plan
 - DA1001 – Site Plan
 - DA2001 – Survey Plan
 - DA2001 – Basement Plan
 - DA2001 – Ground Floor Plan
 - DA2003 – Level 1 Plan
 - DA2004 – Roof Plan
 - DA2901 – GFA Diagrams
 - DA2902 – GFA Diagrams Opt 2
 - DA2903 – Cut and Fill Diagram
 - DA2904 – Solar Access Diagrams
 - DA2905 – 3D Solar Diagrams @ 12 Niland Way
 - DA2906 – Indoor / Outdoor Calc Diagrams
 - DA2907 – Emergency Evacuation Plan
 - DA2908 – Kitchen and Fence Details
 - DA3001 – Streetscape and Fence elevation
 - DA3002 – Elevations
 - DA3003 – Elevations and Sections
 - DA4001 – Sections

- DA6302 – Schedule of Colours and Finishes
- (2) Pursuant to section 38(1) of the Regulations Liverpool City Council as the relevant consent authority, has approved the application for the amendment of development application No. DA239/2023.
 - (3) The amendments to the Development Application are minor and no order for costs is required under section 8.15(3) of the *Environmental Planning and Assessment Act 1979*.
 - (4) The Applicant is not required to lodge the Amended Development Application on the NSW Planning Portal pursuant to section 37(7) of the Environmental Planning and Assessment Regulations 2021.
- 11 The Court orders that:
- (1) The Appeal is upheld.
 - (2) Development Application DA239/2023 for demolition of all existing structures, and the construction of a new two (2) storey childcare centre with a basement and associated landscaping and works at 14 Niland Way, Casula is determined by the grant of consent subject to the conditions set out in Annexure A.

J Gray

Commissioner of the Court

Annexure A

DISCLAIMER - Every effort has been made to comply with suppression orders or statutory provisions prohibiting publication that may apply to this judgment or decision. The onus remains on any person using material in the judgment or decision to ensure that the intended use of that material does not breach any such order or provision. Further enquiries may be directed to the Registry of the Court or Tribunal in which it was generated.

Decision last updated: 11 April 2025

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Annexure A

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: DA-239/2023

Development: Demolition of all existing structures, and the construction of a new two (2) storey childcare centre with a basement and associated landscaping and site works

Site: 14 NILAND WAY, CASULA NSW 2170

The above development application has been determined by the granting of consent subject to the conditions specified in this consent.

Date of determination: 11 April 2025

Date from which consent takes effect: Date the consent is registered on the NSW Planning Portal.

TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the "applicant" means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the "site", means the land known as [insert details].

The conditions of consent are as follows:

ATTACHMENT 1 – CONDITIONS OF CONSENT

The following conditions have been imposed to achieve the objectives of the relevant planning instruments and policies.

A. THE DEVELOPMENT

Approved Plans

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

(a) Architectural plans prepared by Platform 5 Design including the following:

Drawing Title	Drawing No.	Revision	Dated
Site Analysis	DA1002	Q	10-4-2025
Survey Plan	DA2001	Q	10-4-2025
Demolition Plan	DA1005	Q	10-4-2025
Site Plan	DA1001	Q	10-4-2025
Basement	DA2001	Q	10-4-2025
Ground Floor	DA2001	Q	10-4-2025
Level 1	DA2003	Q	10-4-2025
Roof Plan	DA2004	Q	10-4-2025
GFA Diagrams	DA2901	Q	10-4-2025
GFA Diagrams 2	DA2902	Q	10-4-2025
Cut and Fill	DA2903	Q	10-4-2025
Emergency Evacuation Plan	DA2907	Q	10-4-2025
Indoor/Outdoor Calc Diagrams	DA2906	Q	10-4-2025
Kitchen & Fence Details	DA2908	Q	10-4-2025
Streetscape & Fence Elevation	DA3001	Q	10-4-2025
Elevations	DA3002	Q	10-4-2025
Elevations & Sections	DA3003	Q	10-4-2025
Sections	DA4001	Q	10-4-2025
Solar Access Diagrams	DA2904	Q	10-4-2025
3D Solar Diagrams @ 12 Niland Way	DA2903	Q	10-4-2025
Schedule of Colours & Finishes	DA6302	Q	10-4-2025

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(b) Landscape plans prepared by Enclave Studio including the following:

Drawing Title	Drawing No.	Revision	Dated
Landscape Plan	A100	1	10-4-2025
Landscape Detail	A101	1	10-4-2025

- (c) Plan of Management dated 6th March 2025 prepared by Brosnan & Moore
 (d) Traffic & Parking Assessment dated 7th March 2025 prepared by Wongala Consulting Engineers
 (e) Noise Management Plan dated May 2024 prepared by Wongala Consulting Engineers Ref: NMP115_1
 (f) Noise Impact Assessment dated May 2024 prepared by Wongala Consulting Engineers Ref: NA115_3

Works within the site boundary

2. All works, including excavation, shorting, construction and installation of stormwater infrastructure, must be wholly contained within the boundaries of the subject property being 14 Niland Way Casula.

No part of the development is to encroach beyond the site boundaries, and no access to or reliance upon adjoining land is required for any stage of the works.

No consent is given (expressed or implied) for works on neighbouring properties.

Works at no cost to Council

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

Comply with EP&A Act

4. 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.

National Code Construction

5. In accordance with section 4.16(11) of the *Environmental Planning & Assessment Act 1979* and clause 69 of the *Environmental Planning & Assessment Regulation 2021*, it is a *prescribed condition* that all building work must be carried out in accordance with the

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applicable Performance Requirements of the National Construction Code. Compliance with the Performance Requirements can only be achieved by:

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

Shoring and adequacy of adjoining property

6. 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—

- a) protect and support the building, structure or work on adjoining land from possible damage from the excavation, and
- b) if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.

This section does not apply if—

- a) the person having the benefit of the development consent owns the adjoining land,
or
- b) the owner of the adjoining land gives written consent to the condition not applying

Council Wastewater Requirements

7. 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.

8. Erection of signs

- 1) This section applies to a development consent for development involving building work, subdivision work or demolition work.

It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out—

- a) showing the name, address and telephone number of the principal certifier for the work, and
- b) showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and
- c) stating that unauthorised entry to the work site is prohibited.

- 2) The sign must be—

- a) maintained while the building work, subdivision work or demolition work is being carried out, and
- b) removed when the work has been completed.

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- 3) This section does not apply in relation to—
 - a) building work, subdivision work or demolition work carried out inside an
 - b) existing building, if the work does not affect the external walls of the building, or
 - c) Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.

B. PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

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

Section 7.11 Payment (Liverpool Contributions Plan 2018 Established Areas)

9. As a consequence of this development, Council has identified an increased demand for public amenities and public services. The following payment is imposed in accordance with Liverpool Contributions Plan 2018 Established Areas.

The total contribution is **\$15,260.00** and will be adjusted at the time of payment in accordance with the contributions plan.

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

The Contributions Plan may be inspected online at www.liverpool.nsw.gov.au

Payment must be accompanied by the attached form (Attachment 2).

Fee Payments

10. Unless otherwise prescribed by this consent, all relevant fees or charges must be paid. Where Council does not collect these payments, copies of receipts must be provided. For the calculation of payments such as Long Service Levy, the payment must be based on the value specified with the Development Application/Construction Certificate. 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.

11. All fees associated with a road opening permit required for the connection, extension or amplification of any services within Council's road reserve must be paid to Council and receipts provided to the PCA. A separate form must be submitted in conjunction with payment of the fees. The fees include the standard road opening permit fee and any restoration fees that may be required as a result of the works.

Long Service Levy

12. Before the issue of a Construction Certificate, the long service levy calculated at a rate of 0.25% of the cost of the works on building work having a value of \$250,000 or more, 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).

Signage and Line Marking Plan

13. The applicant is to undertake detailed design of traffic facilities, signs and line marking in the existing and/or proposed public domain.

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The plans should include, but not be limited to:

- The relocation of the median island fronting the development.
- The provision of a footpath from the pedestrian access point into the development, along Niland Way through to the existing footpath at Mackellar Street.

Detailed design drawings of the proposed traffic facilities, signs and line markings in the existing and proposed public domain areas are to be submitted and approved by Council prior to the consent becoming active.

The applicant is to submit the Approval of Traffic Facilities including Signs and Line Marking Schemes Application Form. The application is available on Council website and should be lodged online. The drawings are to be prepared by a suitably qualified person.

NOTE: It is advised that the applicant discuss with Council's Traffic Management Section of the traffic requirements prior to preparation of the detailed design drawings.

Detailed Design Drawings

Site Development Work

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

Recommendations of Acoustic Report

15. The recommendations provided in the acoustic assessment titled "Noise Impact Assessment Proposed Child Care Centre 14 Niland Way CASULA" (Ref: NA115_3) prepared by Joshua Glanville for Wongala Consulting Engineers dated 20th May 2024; shall be implemented and incorporated into the design and construction of the development and be shown on plans accompanying the Construction Certificate application.

The construction methodology and plans accompanying the Construction Certificate application shall 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 shall be submitted to and approved by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.

Note: 'Suitably qualified acoustic consultant' means a consultant who possesses Australian Acoustical Society membership or are employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.

Retaining Walls on Boundary

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

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

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

Mechanical Plant and Equipment

18. Mechanical plant and equipment shall be selected in consultation with a suitably qualified acoustic consultant in accordance with the recommendations of the approved acoustic report.

Note: 'Suitably qualified acoustic consultant' means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustical Society, Institution of Engineers Australia or the Association of Australasian Acoustical Consultants (AAAC) at the grade of member'.

S138 Roads Act – Minor Works in the public road

19. Prior to the issue of a Construction Certificate a S138 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 the following:

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

All works shall be carried out in accordance with the Roads Act approval, the development consent including the stamped approved plans, and Liverpool City Council's specifications. Note: Approvals may also be required from the Roads and Maritime Service (RMS) for classified roads.

20. Prior to the issue of a Construction Certificate a 375mm RCP pipe to be installed between Pit SP1 and proposed Kerb Inlet Pit.
21. Prior to the issue of a Construction Certificate Driveway crossover from boundary to kerb to be constructed in accordance with Council's standard Drawing R25. Inspection and approval from Council's Driveway Inspector is required regarding gradient and transition within footpath segment.

S138 Roads Act – Roadworks Requiring Approval of Civil Drawings

22. Prior to the issue of a Construction Certificate for building or subdivision works the Certifying Authority shall ensure that a S138 Roads Act application, including the payment of application and inspection fees, has been lodged with Liverpool City Council (being the Roads Authority under the Roads Act), for provision of 1.5m wide footpath in accordance with Council's standard drawing R23 in Niland Way.

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.

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

S68 Local Government Act – Stormwater drainage works.

23. Prior to the issue of a Construction Certificate, the Principal Certifying Authority and/ or Certifying Authority shall ensure that an application under Section 68 of the Local Government Act, including the payment of application and inspection fees, has been lodged with, and approved by Liverpool City Council for construction of new Kerb Inlet Pit and extending current drainage line in road reserve.

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

On-Site Detention

24. On-Site Detention shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by (NY Civil Engineering), reference number (E240136_D1 – D7), revision (C), dated: 04.03.2025.

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

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

25. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the on-site detention system has been designed in accordance with Liverpool City Council's Design Guidelines and Liverpool City Council's On-Site Stormwater Detention policy and Technical Specification.
26. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the Basement car park floor to be graded to sump pit.
27. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the Roof gutter and down pipes to be designed for 1%AEP.

Stormwater Discharge – Basement Carparks

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

Water Quality

29. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that details of a stormwater pre-treatment system have been provided on the stormwater plans and that the design meets pollutant retention criteria in accordance Council's Development Control Plan.

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The Construction Certificate must be supported by:

- Specification & installation details of the stormwater pre-treatment system
- The approval of an operation and maintenance manual/ schedule for the stormwater pre-treatment system

A copy of the approved operation and maintenance manual/ schedule shall be submitted to Liverpool City Council with notification of the Construction Certificate issue.

Access, Car Parking and Manoeuvring- General

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

Access, Car Parking and Manoeuvring - Detail

31. The Certifying Authority shall ensure and certify that:
- 1) Off street access and parking complies with AS2890.1,
 - 2) Vehicular access and internal maneuvering have been designed for the longest vehicle expected to service the development site, in accordance with AS2890.2,
 - 3) Sight distance at the street frontage has been provided in accordance with AS 2890.1,
 - 4) All vehicles can enter and exit the site in a forward direction,
 - 5) Signage to indicate the location of the visitor parking space on site is provided.

Provisions of Services – Sydney Water

32. An application to obtain a Section 73 Compliance Certificate under the Sydney Water Act 1994, must be lodged with Sydney Water. To facilitate this, an application must be made through an authorised Water Servicing Coordinator. Please refer to the "building and developing" section of Sydney Water's web site at www.sydneypwater.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 Certifying Authority.

Provisions of Services – Endeavour Energy

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

Provision of Services - Telecommunication

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34. Prior to the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following requirements of the Telecommunications Act 1997:
- (a) For a fibre ready facility, the NBN Co's standard specifications current at the time of installation, and
 - (b) For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

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

Notification

35. The certifying authority must advise Council, in writing of:
- (a) The name and contractor licence number of the licensee who has contracted to do or intends to do the work, or
 - (b) The name and permit of the owner-builder who intends to do the work.

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

Products banned under the Building Products (Safety) Act 2017

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

Cladding

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

Fire Safety Measures

38. A schedule specifying all of the essential fire safety services, which are required for the building, shall be attached to the CC and submitted to Council, in compliance with the provisions of the EP&A Regulation.

The schedule must distinguish between the measures that are currently implemented (existing) in the building premises; and

- (a) The measures that are to be proposed to be implemented in the building premises, and
- (b) The minimum standard of performance for each measure.

Centre-based childcare facility

39. The PCA shall ensure that the construction certification drawings meet the requirements of the *Education and Care Services National Regulations*.

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40. Driveways' entry points must be located clear of all utility services. It is recommended that discussion be held with the relevant authorities before construction works commence. Council does not accept any responsibility towards these services.

Driveway/Services – Design

41. Driveways are to conform to Council standard requirements for vehicle crossings as detailed in Council's Design and Construction Specifications for Subdivisions (as amended) and as per the requirements in Council's DCP.

Driveway/Services – Service Network

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

Waste Storage Room

43. Prior to the issuing of a construction certificate, the principal certifier shall be satisfied that the designated garbage/waste storage area shall comply with the following requirements:
1. The room shall be fully enclosed and provided with a concrete floor, and with concrete or cement rendered walls coved to the floor;
 2. The room shall have a floor waste which is to consist of a removable basket within a fixed basket arrestor and is to comply with Sydney Water requirements; and
 3. The door to the room must be tight-fitting, self-closing and fitted with mechanical ventilation.
 4. Adequate ventilation to the external air by natural or mechanical means.
 - 5.

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

Child Centre – Construction

44. Before the issue of a construction certificate, the certifier must be satisfied the relevant construction certificate plans demonstrate that the fit-out and construction of the premises complies with the following requirements: fire a
- Building Code of Australia
 - AS4674-2004 – Design, construction and fit-out of food premises
 - Australia New Zealand Food Standards Code, and
 - Australian Standard 1668 (Part 1 & 2).
 - Plumbing Code of Australia and Australian Standard/New Zealand Standard AS/NZS 3500 series on Plumbing and Drainage
 - Sydney Water commercial trade wastewater requirements for food premises, and

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- Any relevant Water Services Association of Australia codes of practice, guidelines, policies and requirements.
- Education and Care Services National Regulation 2011.

Construction Environmental Management Plan (CEMP)

45. 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

Construction Site Management Plan

46. Before the issue of a construction 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;
 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

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

Mechanical Plant and Equipment

47. Before the issue of a construction certificate, the certifier must be satisfied that mechanical plant and equipment were selected in consultation with a suitably qualified acoustic consultant in accordance with the recommendations of the approved acoustic report.

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

Waste Management Plan Requirements

48. Before the issue of a Construction 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

C. PRIOR TO WORKS COMMENCING

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

Building Work

49. Building work shall not commence prior to the issue of a Construction Certificate. Building work as defined under Section 1.4 of the Environmental Planning and Assessment Act, 1979 means any physical activity involved in the erection of a building and includes but is not limited to, the placement of any site shed/s or builders' facilities, site grading, retaining walls, excavation, cutting trenches, installing formwork and steel reinforcement or, placing of plumbing lines.

Construction Certificates

50. Prior to the commencement of any building works, the following requirements must be complied with:
- (a) Construction Certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*.

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

Construction Certificates

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

DIAL BEFORE YOU DIG

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

Notification of Service Providers

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

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

Construction Requirements

55. Retaining walls or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated subsoil drainage and surface stormwater drainage measures, shall be designed strictly in accordance with the

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manufacturers details or by a practising structural engineer. Retaining walls on any boundary are to be of masonry construction.

Road Works

56. 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.

Construction Traffic Management Plan

57. 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.

Work Zone

58. 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.

Road Occupancy Permit

59. 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

Notification

60. Written notice of intention shall be given to the owner of the adjoining allotments of land, outlining the particulars of the proposed work, which involves:
1. Any excavation, below the base of the footings of a building on an adjoining allotment of land, and
 2. The notice shall be given seven (7) days prior to the commencement of work.

Excavation

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61. In the event the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the following is to be undertaken at full cost to the developer:
1. Protect and support the adjoining premises from possible damage from the excavation, and
 2. Where necessary, underpin the adjoining premises to prevent any such damage.

Survey Requirements

62. Prior to the commencement of building works the proposed building works shall be pegged out by a registered surveyor. For reference during construction, a benchmark shall be identified at the site, preferably on the kerb and gutter where it exists. The peg out report prepared by the registered surveyor shall be forwarded to the Principal Certifier prior to the first inspection. Note: In the event that a kerb and gutter does not exist, a permanent structure shall be used as a benchmark such as a manhole, power/light pole or the top of an existing retaining wall.

Note: In the event that a kerb and gutter does not exist, a permanent structure shall be used as a benchmark such as a manhole, power/light pole or the top of an existing retaining wall.

Disconnection of services before demolition work

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

Hazardous material survey before demolition

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

Hazardous materials include, but are not limited to, asbestos materials, synthetic mineral fibre, roof dust, PCB materials and lead based paint.

The report must include at least the following information:

- a) the location of all hazardous material throughout the site
- b) a description of the hazardous material
- c) the form in which the hazardous material is found, e.g. AC sheeting, transformers, contaminated soil, roof dust
- d) an estimation of the quantity of each hazardous material by volume, number, surface area or weight
- e) a brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials
- f) identification of the disposal sites to which the hazardous materials will be taken

Asbestos removal signage

65. Before demolition work commences involving the removal of asbestos, a standard commercially manufactured sign containing the words 'DANGER: Asbestos removal in progress' (measuring not less than 400mm x 300mm) must be erected in a prominent

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position at the entry point/s of the site and maintained for the entire duration of the removal of the asbestos.

Notice of commencement for demolition

66. At least one week before demolition work commences, written notice must be provided to council and the occupiers of neighbouring premises of the work commencing. The notice must include:
- a) Name
 - b) address,
 - c) contact telephone number,
 - d) licence type and license number of any demolition waste removal contractor and, if applicable, asbestos removal contractor, and
 - e) the contact telephone number of council and
 - f) the contact telephone number of SafeWork NSW (4921 2900).

Demolition Works

67. 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.

Site preparation

68. Before demolition work commences the following requirements, as specified in the approved demolition management plan, must be in place until the demolition work and demolition waste removal are complete:
- Protective fencing and any hoardings to the perimeter on the site
 - Access to and from the site
 - Construction traffic management measures
 - Protective measures for on-site tree preservation and trees in adjoining public domain
 - Onsite temporary toilets
 - A garbage container with a tight-fitting lid

Demolition Management Plan

69. Before demolition work commences, a demolition management plan must be prepared by a suitably qualified person. The demolition management plan must be prepared in accordance with Australian Standard 2601 – The Demolition of Structures, the Code of Practice – Demolition Work, Liverpool Development Control Plan 2008 and must include the following matters:
- The proposed demolition methods

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- The materials for and location of protective fencing and any hoardings to the perimeter of the site
- Details on the provision of safe access to and from the site during demolition work, including pedestrian and vehicular site access points and construction activity zones
- Details of demolition traffic management, including proposed truck movements to and from the site, estimated frequency of those movements, and compliance with AS 1742.3 Traffic Control for Works on Roads and parking for vehicles
- Protective measures for on-site tree preservation and trees in adjoining public domain (if applicable (including in accordance with AS 4970-2009 Protection of trees on development sites and Liverpool Development Control Plan 2008))
- Erosion and sediment control measures which are to be implemented during demolition and methods to prevent material being tracked off the site onto surrounding roadways
- Noise and vibration control measures, in accordance with any Noise and Vibration Control Plan approved under this consent
- Details of the equipment that is to be used to carry out demolition work and the method of loading and unloading excavation and other machines
- Details of any bulk earthworks to be carried out
- Details of re-use and disposal of demolition waste material in accordance with Liverpool Development Control Plan 2008
- Location of any reusable demolition waste materials to be stored on-site (pending future use)
- Location and type of temporary toilets onsite
- A garbage container with a tight-fitting lid

Erosion and Sediment Controls in Place

70. 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).

Environmental Management

71. 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:
- a) Siltation fencing;
 - b) Protection of the public stormwater system; and
 - c) Site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place

Site Facilities

72. 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.

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

The dilapidation survey and report must consist of the visible and structural condition of the following neighbouring properties and structures within the 'zone of influence'::

- 12 Niland Way, Casula
- 16 Niland Way Casula
- 31 Mackeller Street, Casula.

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

A cut and fill plan must be included with the report to clarify the excavation works.

The dilapidation report and survey is to be prepared by a consulting structural/geotechnical engineer agreed to by both the applicant and the owner of any affected adjoining property. All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent.

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

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

No less than 14 days before any site work commences, adjoining building owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to Council (where Council is not the principal certifier) at the same time.

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

Traffic Control Plan:

74. 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.

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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.

Sydney Water

75. Development plans must be processed and approved by Sydney Water.

Sign Notice Board

76. A sign must be erected and maintained in a prominent position on the site, which contains the following details:
- (a) name, address, contractor license number and telephone number of the *principal contractor*, including a telephone number at which the person may be contacted outside working hours, or *owner-builder* permit details (as applicable)
 - (b) name, address and telephone number of the *Principal Certifying Authority*
 - (c) a statement stating that 'unauthorised entry to the work site is prohibited'.

Facilities

77. 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*.

Return of existing bins

78. Prior to commencing demolition or site clearing works, any existing domestic waste bins that have been issued to 14 Niland Way, Casula, 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.

Remove and destroy refrigerants

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

D. DURING CONSTRUCTION

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

*Mark Assad v Liverpool City Council**LEC No:2023/00323320***Hours of Work**

80. 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.

Deliveries

81. While site work is being carried out, deliveries of material and equipment must only be carried out between—

7:00am to 6:00pm on Monday to Friday
8:00am to 1:00pm on Saturday

Construction Noise and Vibration

82. 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).
83. 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 accordingly

Building Work

84. The building works must be inspected by the Principal Certifying Authority, in accordance with section 6.5 of the EP&A Act 1979 and Clause 61 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.
85. The *Principal Certifying Authority* must specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the *Principal Certifying Authority*, prior to proceeding to the subsequent stages of construction or finalisation of the works.

Surveys by a registered surveyor

86. While building work is being carried out, the positions of the following must be measured and marked by a registered surveyor and provided to the principal certifier:
1. All footings / foundations in relation to the site boundaries and any registered and proposed easements
 2. At other stages of construction – any marks that are required by the principal certifier.

Identification Survey Report

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

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

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

Responsibility for changes to public infrastructure

89. While site work is being carried out, any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area) must be paid as directed by the consent authority.

Security and Safety

90. Adequate lighting is required to be provided at the entrance and main foyer of the building, basement carpark, and mailbox area.

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

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

Toilet Facilities

91. 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.

Procedure for critical stage inspections

92. While building work is being carried out, the work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate

Notification/Principal Certifying Authority

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

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

Craning and Hoardings

94. 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

Construction Requirements

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

Site Facilities

96. 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.

Security Fence

97. 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.

Refuse Disposal

98. 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.

Removal of Dangerous and/or Hazardous Waste

99. 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.

Implementation of the Site Management Plans

100. 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

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2. a copy of these plans must be kept on site at all times and made available to Council officers upon request.

Notification of Damage

101. 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.

Demolition Inspections

102. The following inspections are required to be undertaken by Council in relation to approved demolition works:
 - a) immediately prior to the commencement of the demolition work, or handling of any building or structure that contains asbestos. The applicant shall also notify the occupants of the adjoining premises and Workcover NSW prior to the commencement of any works, Please note that demolition works are not permitted to commence on site until such time as a satisfactory inspection result is obtained from Council, and
 - b) immediately following completion of the demolition. Please note that proof of appropriate disposal of demolition materials (including asbestos) may be required at this time in accordance with the approved Waste Management Plan.

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

Handling of asbestos during demolition

103. 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.

General Site works

104. All roof water is to be connected to an approved stormwater system.
105. Stormwater pipeline connections to the street kerb shall be constructed in the following manner:
 - the kerb shall be sawcut on both sides of the proposed pipe outlet.
 - an approved rectangular kerb adaptor shall be installed with the base matching the invert level of the gutter.
 - the kerb shall be reinstated to its original profile using a cement mortar containing an epoxy additive for adherence to the existing kerb

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

General Site Works – Runoff

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

General Site Works – Existing Hydrology

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

General Site Works – Sediment

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

Disabled Access

110. Access, parking and facilities for persons with disabilities to be provided in accordance with the provisions of the National Construction Code (NCC/BCA).

Car Parking Areas

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

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

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

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

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

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

Directional Signage

112. Directional signage indicating the location of the visitor parking are to be provided in accordance with the Council approved stamped plans.

Council On Street Assets

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113. 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.

Drainage Connection

114. 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.

Construction Traffic Management Plan

115. The endorsed Construction Traffic Management Plan is to be implemented during the entire construction phase

Fencing

116. Any gate associated with a front fence shall swing inwards from the property boundary.

Window Glazing

117. The windows of all first floor bathrooms, W.C. and ensuites shall be fitted with translucent obscure glazing to the satisfaction of the Principle Certifier

Construction Requirements

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

General Site Works

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

Imported Fill Material

120. Filling material must be limited to the following:
- Virgin excavated natural material (VENM)
 - Excavated natural material (ENM) certified as such in accordance with Protection of the Environment Operations (Waste) Regulation 2014; and/or
 - Material subject to a Waste Exemption under Clause 91 and 92 Protection of the Environment Operations (Waste) Regulation 2014 and recognised by the NSW

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Environment Protection Authority as being “fit for purpose” with respect to the development subject of this application.

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

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

121. 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.
122. The following records of accepted waste derived fill material must be submitted to the Principal Certifying Authority at the completion of earth works:
 - 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,
 - Documentation confirming the results of the waste classification assessment carried out on the fill material used in the development, and
 - the results of any chemical testing undertaken on fill material.

Contamination

123. 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, and Managing Land Contamination – Planning Guidelines (Planning NSW/EPA 1998).
124. 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.

Vegetation - Weeds

125. 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.

Vegetation - Imported Soil or Mulch

126. 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.

Waste Management

127. 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:

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- 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.

Soil Management

128. 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 *Protection of the Environment Operations Act 1997*; 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 *Protection of the Environment Operations Act 1997* and a material identified as being subject to a resource recovery exemption by the NSW EPA.

Record Keeping of Imported Fill

129. Records of the following must be submitted to the principal certifying authority monthly and at the completion of earth works:
- a) the course (including the address and owner of the source site), nature and quantity of all incoming loads including the date, the name of the carrier, and the vehicle registration,
 - b) the results of a preliminary contamination assessment carried out on any fill material used in the development, and
 - c) the results of any chemical testing of fill material.

Air Quality

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

Air Quality

131. 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

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dust transport. Where wind velocity exceeds five knots the Principal Certifier may direct that work is not to proceed

Water Quality

132. 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.

Pollution Control

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

Ventilation

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

Salinity

135. The development shall be carried out in accordance with Part 1, Section 11 'Salinity Risk' of the Liverpool Development Control Plan 2008.

External

136. Switchboards for utilities shall not be attached to the street and/or road elevations of the development.
137. Any external lighting is to incorporate full cut-off shielding and is to be mounted so as to not cause any glare or spill over light nuisance within the development, neighbouring properties or road users.
138. The reflectivity index of glass used in the external facade of the building is not to exceed 20%.
139. The windows of all first floor bathrooms, W.C. and ensuites shall be fitted with translucent obscure glazing to the satisfaction of the Principal Certifier.

Food Premises -Construction

140. The construction, fitout and finishes of the premises shall comply with the Australian Standards 4674-2004, Food Act 2003 and Regulations thereunder. Construction is to include, but not be limited to those outlined within Condition 169.

Erosion and sediment control

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

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142. Sediment and erosion control measures are to be adequately maintained during the works until the establishment of grass.

Erosion Control

143. 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 it 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.

Pollution Control – Truck Movements

144. The loading and unloading of all construction vehicles associated with the development must be undertaken within the property boundary of the premises subject to this consent. Steps must be taken to stop tracking of soils or materials onto any public roads from truck movements.

Vehicle loads must be covered when entering and exiting the site with material.

Correct Waste Separation and Removal

145. 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.

Containment of Site Wastes During Building

146. 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.

Dust Screens

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

Load Covering

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

Directional Signage

149. Directional signage indicating the location of parking, "in" and "out", crossings and directional arrows are to be provided in accordance with the Council approved stamped plans.

Noise and Vibration Requirements

150. While site work is being carried out, noise generated from the site must be controlled in accordance with the requirements of the approved noise and vibration management plan under the Construction Environmental Management Plan (CEMP).

Air Conditioning

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151. The plant associated with any air conditioning system shall not cause any offensive noise as defined under the Protection of the Environment Operations Act 1997.

Acoustic Report

152. The construction requirements recommended in the approved acoustic report are to be implemented by the consent holder during the construction of the development.

Implementation of the site management plans

153. 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.

Discovery of relics and Aboriginal objects

154. While site work is being carried out, if a person reasonably suspects a relic of Aboriginal object is discovered:

- the work in the area of the discovery must cease immediately;
- the following must be notified:
 - for a relic – the Heritage Council; or
 - for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85.

Site work may recommence at a time confirmed in writing by:

- for a relic – the Heritage Council; or
- for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85.

Aboriginal Cultural Heritage - Unexpected Finds

155. The National Parks and Wildlife Act 1974 protects all Aboriginal Cultural Heritage in New South Wales. In the event that Aboriginal Cultural Heritage objects or places are encountered/discovered, works must cease immediately and Council and Heritage NSW notified.

The finds are to be investigated by an experienced archaeologist and no works are to recommence onsite until approved by Heritage NSW and Liverpool City Council.

Skeletal Remains

156. In the event that skeletal remains are uncovered, work must cease immediately in that area and the area secured. NSW Police must be contacted and no further action taken until written advice has been provided by the NSW Police. If the remains are determined to be of Aboriginal origin, the Office of Environment and Heritage must be notified by ringing the Enviroline 131 555 and a management plan prior to works re-commencing must be developed in consultation with relevant Aboriginal stakeholders.

Major Filling/ Earthworks

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

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

Child Care Centre – Construction

158. The construction, fit-out and finishes of the premises must comply with the Food Act 2003, Australia New Zealand Food Standards Code and Australian Standard AS 4674-2004 Design, construction and fit-out of food premises, Building Code of Australia, Education and Care Services National Regulation 2011, Plumbing Code of Australia and AS/NZS 3500 series on Plumbing and Drainage and Sydney Water trade wastewater requirements for food businesses. The construction must include, but not be limited to the following:
- a) All walls (including partition walls) within the kitchen, food preparation, storage and display areas must be of solid construction (eg., bricks, cement or other approved material). These walls are to be finished with glazed tiles, stainless steel or other approved material adhered directly to the wall to a height of 2 metres above floor level;
 - b) Walls within the kitchen, food preparation, storage and display areas which are not of solid construction (e.g. stud walls) must be finished in tiles or other approved material from the floor level to the underside of the ceiling;
 - c) The floors within the kitchen, food preparation, storage and display areas must be constructed of a suitable material which is non-slip, durable, resistant to corrosion, non-toxic, non-absorbent and impervious to moisture. The floor is to be graded and drain to an appropriate floor waste fitted with a basket arrestor;
 - d) If the floor in the food preparation and storage areas is constructed of tiles, the joints between the tiles must be of a material that is non-absorbent and impervious to moisture;
 - e) The intersection of walls with floors and exposed plinths in the kitchen, food preparation, storage and display areas are to be coved to a minimum radius of 25mm;
 - f) All plinths are to be constructed of a material which is of solid construction and impervious to moisture. The plinths must be:
 - (i) at least 75mm high;
 - (ii) finished level to a smooth even surface;
 - (iii) recessed under fittings to provide a toe space of not more than 50mm;
 - (iv) rounded at exposed edges; and
 - (v) coved at the intersection of the floor and wall to a minimum radius of 25mm.
 - g) The ceiling is to be constructed of a material that is rigid, smooth faced and impervious to moisture. The ceiling over the food preparation, storage and display areas must be painted with a washable paint of a light colour. The surface finish is to be free of open joints, cracks, crevices or openings (drop ceiling panel is not permitted). The intersections of walls and the ceiling are to be tight jointed, sealed and dust-proof;
 - h) The drop-in panel ceiling in the food preparation and storage areas must be replaced with an approved rigid, smooth faced and impervious material which is free of open joints, cracks, crevices or openings. The ceiling is to be painted with a light coloured washable paint;
 - i) All service pipes and electrical conduits must be either:
 - (i) concealed in floors, walls, ceiling or concrete plinths, or

- (ii) fixed with brackets so as to provide at least:
- 25mm clearance between the wall and the pipe/conduit; &
 - 100mm between the floor and the pipe/conduit
 - pipes so installed are not to run underneath fittings.
- j) All architraves, skirting boards, picture rails and the like are not permitted within the kitchen, food preparation and storage areas;
- k) All openings in the walls, floors and ceilings through which service pipes and electrical conduits pass through are to be designed and constructed so as to prevent the access of vermin;
- l) The internal and external surfaces, including exposed edges to all benches, counters and shelving in the food preparation, storage, display and serving areas are to be finished with a rigid, smooth faced and non-absorbent material (e.g. laminate, stainless steel or other approved material) that is capable of being easily cleaned;
- m) All shelving must be located at least 25mm off the wall or alternatively, the intersection of the shelf and the wall is to be completely sealed. NOTE: The lowest shelf must be a minimum of at least 150mm above the floor level;
- n) The hot water service unit must be positioned a minimum of 75mm clear of the adjacent wall surface and mounted a minimum of 150mm above the floor level on a stand of non-corrosive metal construction;
- o) Cavities, false bottoms and similar hollow spaces capable of providing access and harbourage of vermin are not permitted to be formed in the construction of the premises or in the installation of fixtures, fittings and equipment;
- p) A free standing, hands free hand wash basin must be provided in a convenient position within the food preparation and serving areas. The hand wash basin must be provided with hot and cold water supplied through a single outlet and fitted with an approved mixing device to enable hands to be washed under hot running water at a temperature of at least 40°C;
- q) A double bowl sink or two-compartment tub must be provided with hot and cold water supplied through a single spout in the kitchen/food preparation area. Double bowl sink or tubs must be supplied with water of at least: 45°C in one bowl for washing purposes; and 77°C in the other bowl for rinsing purposes.
- r) A designated food preparation sink;
- s) A cleaners sink must be provided. The sink is NOT to be within an area where open food is handled;
- t) A designated toilet with appropriate hand washing facilities for the use of staff that handle food;
- u) A designated hand washing facility fitted with a single spout capable of delivering a supply of warm water via a hands free mechanism, a preparation/rinse sink and a dishwasher to each bottle preparation area. These requirements are in addition to any craft sinks.
- v) A designated hand washing facility fitted with a single spout capable of delivering a supply of warm water via a hands free mechanism provided within the immediate vicinity of each nappy changing area and a bench style baby bath within one metre of each nappy change bench;
- w) Discharge of any commercial trade wastewater is to be approved by Sydney Water. Before selecting or installing trade wastewater pre-treatment devices at a retail food business, refer to Plumbing for retail food businesses produced by Sydney Water.

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- x) Any grease trap is NOT to be located within an area where food is being handled.

Sight triangle

159. The proposed sight triangle within the front setback must be amended to ensure appropriate lines of sight are maintained for vehicle egress. Landscaping within this area is to be limited to species with a mature height no greater than 0.5m 4m, and no solid structures or obstructions are to be placed within the triangle.

E. PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

The following conditions are to be complied with or addressed prior to issue of either an Interim or Final Occupation Certificate by the Principal Certifying Authority: Certificates

160. The premises must not be utilised or occupied until an Occupation Certificate is issued by the Principal Certifying PCA. Copies of all documents relied upon for the issue of the OC must be attached to the OC and registered with Council.
161. A single and complete *Fire Safety Certificate*, certifying the installation and operation of all of the fire safety measures within the building must be submitted to Council with the Occupation Certificate.
162. Details of *critical stage* inspections carried out by the principal certifying authority together with any other certification relied upon must be provided to Council with the occupation certificate.
163. The Principal Certifying Authority shall ensure that all compliance certificates required by this development consent are referenced to the condition consent number. The Compliance Certificate is to state that the works as constructed comply fully with the required condition of consent being acted on by the certifier.
164. Prior to the issue of an Occupation Certificate, written certification from all relevant service providers that the telecommunications infrastructure is installed in accordance with the requirements of the Telecommunications Act 1997:
- For a fibre ready facility, the NBN Co's standard specifications current at the time of installation, and
 - For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

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

Removal of Waste Upon Completion

165. Before the issue of an Occupation 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

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2. written evidence of the waste removal must be provided to the satisfaction of the principal certifier.

Section 73 Compliance Certificate – Sydney Water

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

Recommendations of Acoustic Report

167. Upon completion of works and before the issue of any occupation certificate, written certification prepared by a suitably qualified acoustic consultant must be submitted to and approved by the certifier. The written certification prepared by the suitably qualified acoustic consultant must confirm that the development complies with all requirements and recommendations detailed within the approved acoustic report titled "Noise Impact Assessment Proposed Child Care Centre 14 Niland Way CASULA" (Ref: NA115_3) prepared by Joshua Glanville for Wongala Consulting Engineers dated 20th May 2024. The acoustic consultant must confirm that the development or use is capable of operating in accordance with the design criteria.

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.

Waste Storage Room

168. Prior to the issuing of an occupation certificate, the principal certifier shall be satisfied that the designated garbage/waste storage area shall comply with the following requirements:
 1. The room shall be fully enclosed and provided with a concrete floor, and with concrete or cement rendered walls coved to the floor;
 2. The room shall have a floor waste which is to consist of a removable basket within a fixed basket arrestor and is to comply with Sydney Water requirements; and
 3. The door to the room must be tight-fitting, self-closing and fitted with mechanical ventilation.

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

Mechanical Ventilation Certification

169. Upon completion of works and prior to the issue of an Interim or Final Occupation Certificate, a Mechanical Ventilation Certificate of Completion and Performance prepared by a professional engineer or other suitably qualified person shall be submitted to the Principal Certifying Authority (PCA) for their review and approval. The certification shall be accompanied by details of the tests carried out in relation to ventilation and acoustics and confirm that the systems comply with the approved plans, specifications, Building Code of Australia and Australian Standard AS 1668 Parts 1 and 2.

Notice of Food Business

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170. Before the issue of an occupation certificate, council and any other appropriate enforcement agency must be notified of the food business in accordance with the *NSW Food Act 2003* and the Australia New Zealand Food Standards Code – 3.2.2 – Food Safety Practices and General Requirements.

Notification of Food Premises

171. The food business is required to notify Council of the food business details. The PCA is to ensure a Liverpool City Council approved registration form is completed and submitted to the Council with any relevant fee for the system.

Display of Street Numbers

172. Street numbers must be prominently displayed at the front of the development in a contrasting colour to the building materials and at the front of each individual unit. The number should be a minimum height of 120mm and be visible at night.

Landscaping

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

Works as executed - General

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

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

Liverpool City Council Clearance – Roads Act/ Local Government Act

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

Stormwater Compliance

176. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that the:
- a) On-site detention system/s,
 - b) Stormwater pre-treatment system/s,
 - c) Overland flowpath works,
 - d) Flood control works, and/or
 - e) Basement Carpark pump-out system:
 - Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent,

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- Have met the design intent with regard to any construction variations to the approved design, and
- Any remedial works required to be undertaken have been satisfactorily completed.

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

Restriction as to User and Positive Covenant

177. Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the following shall be registered on the title of the property:

- a) On-site detention system/s,
- b) Stormwater pre-treatment system/s,
- c) Overland flowpath works,
- d) Flood control works, and/or
- e) Basement Carpark pump-out system:

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

Rectification of Damage

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

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

Dilapidation Report

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

Traffic Management

180. 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.

Road Works

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

Completion of public utility services

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

Cladding

183. Prior to issuing an occupation certificate the principal certifier must be satisfied that suitable evidence has been provided to demonstrate that the external wall cladding material and system is consistent with the consent documentation, BCA and relevant Australian Standards.

Car Park

184. Before the issue of an occupation certificate the principal certifier must be satisfied that any garage/security door fitted to the underground car parking entrance must be independently mounted on rubber pads or otherwise installed to prevent noise and the transmission of noise and vibration through the concrete walls and/or columns.

Directional Signage

185. Prior to the issue of an Occupation Certificate, directional signage and linemarking shall be installed indicating directional movements and the location of visitor and staff parking to the satisfaction of the Principal Certifying Authority.

Footpaths

186. Prior to the issue of an occupation certificate, construction of 1.5m wide by 100mm thick (with one layer of SL72 reinforcing mesh) concrete path paving is to be constructed from the front of the development site at 14 Niland Way along Niland Way to the southern intersection with Mackellar Street.

187. Operational Plan of Management

A plan of management shall be prepared addressing the Site Servicing Arrangements, particularly that service and delivery vehicles are to attend the site outside the peak drop-off/pick-up hours. The plans shall also ensure parents use the on-site parking provisions when attending the site. A 3-strike policy for those noted as using on-street parking spaces will need to be in place and enforced.

A copy of the plan shall be submitted to and endorsed by Council's Transport Management Team prior to the issue of any occupation Certificate

Public Domain Works

188. 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'.

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F. CONDITIONS RELATING TO USE

The following conditions relate to the ongoing use of the premises:

Hours of Operation

189. The hours of operation of the premises are limited to:

Monday to Friday: 7:00am to 6:00pm

No operation is to take place on Saturdays, Sundays or Public Holidays.

Staff Numbers

190. A maximum number of ten (10) staff members are permitted to work at the childcare centre at any given time.

A cook is restricted to the following hours 10.30am – 2.30pm. They are not permitted to park in parent parking spaces between core child drop-off and pick-up times.

Childcare Centres

191. Approval is granted for a maximum of 46 children to be on the premises at one time, in accordance with the following groupings:

- a) (14 children) 0 – 2 years;
- b) (15 children) 2 – 3 years; and
- c) (17 children) 3 years and over.

Staff Ratios are as follows:

- 1:4 children – 0-2 (staff required)
- 1:5 children - 2-3 years (3 staff required)
- 1:10 children – 3 years and above (2 staff required)

Parking Spaces

192. The following parking spaces should be used solely for the purpose it has been provided.

- Unrestricted staff car parking (8 spaces)
- Visitor car parking (7 spaces)

193. All staff car parking areas are to be clearly signposted limiting car parking for staff only. The applicant is to cover the costs of installation and maintenance of the signage.

Loading Areas

194. All loading and unloading must take place from within the site and no on Niland Way.

Car Parking Management

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

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

Plan of Management

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197. The approved plan of management shall be adhered to at all times during the operation of the childcare centre.

Staff Education

198. All staff operating from the premises must be aware, educated and trained in the Emergency Plan submitted to and approved by the Principal Certifying Authority (PCA).

Goods in Building

199. All materials and goods associated with the use shall be contained within the building at all times.

Graffiti

200. During ongoing use of the premises, ensure graffiti is removed from the exterior of the building or associated structures, including any fences, site services and retaining/planter bed walls.

Compliance with Acoustic report

201. The use of the approved childcare centre must be conducted in strict accordance with the approved acoustic report titled Noise Impact Assessment Proposed Child Care Centre 14 Niland Way CASULA" (Ref: NA115_3) prepared by Joshua Glanville for Wongala Consulting Engineers dated 20th May 2024.

Emissions from the premises

202. The use of the premises shall not give rise to the emission into the surrounding environment of gases, vapours, dusts or other impurities that are a nuisance, injurious or prejudicial to health.

Waste Management

203. Waste bins must be stored in designated garbage/ trade refuse areas, which must be kept tidy at all times. Bins must not be stored or allowed to overflow in parking or landscaping areas, must not obstruct the exit of the building, and must not leave the site onto neighbouring public or private properties.
204. All solid waste stored on site is to be covered at all times and is to be removed from the site by a licensed contractor. Collection of waste is prohibited between 6pm and 7am, Monday to Friday. No collection of waste is to occur on Saturday, Sunday or Public Holidays.
205. Waste and recyclable material generated from the operations of the premises shall be managed in a satisfactory manner that does not give rise to offensive odour or encourage pest activity. All waste material shall be regularly removed from the premises. Waste shall not be permitted to accumulate near the waste storage bins.
206. All solid waste stored on site is to be covered at all times. Furthermore, all solid and liquid waste is to be removed from the site by a registered waste contractor.
207. All waste materials generated as a result of the development are to be disposed at a facility licensed to receive such waste.

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208. After the issue of an Occupation Certificate, but prior to the commencement of the commercial operation of the centre, all general waste and recycling bins throughout the centre must be in place and ready for use.
209. The recyclable waste streams from within the various areas of the building are to be kept separate from the general waste stream at all times, and recyclables must remain loose and unbagged. This detail must be included in the waste management procedures of the child care centre.
210. Any waste generated by the centre that falls into the categories of 'hazardous' or 'problem' wastes must not be disposed of in the general waste. Arrangements must be made by the management of the centre to ensure that these types of materials are disposed of appropriately.
211. Flammable and combustible liquids must be stored in accordance with AS 1940:2017– The Storage and Handling of Flammable and Combustible Liquids.
212. Corrosive Substances must be stored and handled in accordance with AS 3780-2008 The Storage and Handling of Corrosive Substances.

Storage of goods during ongoing use

213. During ongoing use of the premises, all goods must be stored wholly within the premises and must not be stored or displayed outside the premises, including any public place, without council's approval

Maintenance of wastewater and stormwater treatment device

214. During occupation and ongoing use of the building, all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) must be regularly maintained to remain effective and in accordance with any positive covenant.

Lighting

215. Illumination of the site is to be arranged in accordance with the requirements and specifications of Australian Standard 4282:1997 so as not to impact upon the amenity of the occupants of adjoining and nearby premises.

Landscaping

216. Landscaping shall be maintained in accordance with the approved plans prepared by Greenspace Design, in a healthy state and in perpetuity by the existing or future owners and occupiers of the development.

If any of the vegetation comprising the landscaping dies or is removed, it is to be replaced with vegetation of the same species, and similar maturity as the vegetation which has died or was removed.

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

Noise Complaints register

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217. The operator shall keep a legible record of all complaints received in an up-to date Complaints Register. The Complaints Register must record, but not necessarily be limited to:

- (a) the date and time, where relevant, of the complaint;
- (b) the means by which the complaint was made (telephone, mail or email);
- (c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
- (d) the nature of the complaint;
- (e) any action(s) taken by the Applicant in relation to the complaint, including any follow-up contact with the complainant; and if no action was taken by the Applicant in relation to the complaint, the reason(s) why no action was taken.
- (f) allocate an individual "complaint number" to each complaint received.

The Complaints Register must be made available for inspection when requested by Liverpool City Council.

The childcare centre shall be operated in accordance with the approved Noise Management Plan and Complaints Handling Procedure at all times.

Noise Management Plan

218. The approved Noise Management Plan must be complied with at all times.

Acoustic Report

219. An acoustic report prepared by a suitably qualified acoustic consultant must be submitted to Liverpool City Council for its assessment and approval within three (3) months of occupation/completion of the development. The report must include but not be limited to the following information:

- a) Noise measurements taken during a time of peak occupation at the most affected noise sensitive locations as indicated in the approved acoustic report titled "Noise Impact Assessment Proposed Child Care Centre 14 Niland Way CASULA" (Ref: NA115_3) prepared by Joshua Glanville for Wongala Consulting Engineers dated 20th May 2024;
- b) Verification that noise levels at the most affected receivers comply with all relevant assessment criteria detailed in the abovementioned report;
- c) All complaints received from local residents in relation to the operation of the premises/development; and
- d) Where noise measurements required under point a) above indicate that the relevant assessment criteria are exceeded, recommendations must be provided in relation to how noise emissions can be satisfactorily reduced to comply with the assessment criteria.

Following written approval from Liverpool City Council, recommendations provided under point d) above must be implemented fully.

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.

Managing Noise

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220. During ongoing use of the premises, the premises must be operated in accordance with the acoustic report approved under this consent.

Deliveries and Waste Collection Times for Food and Drink and Mixed Use Developments

221. During ongoing use of the premises, all deliveries, waste and recycling collection carried out by heavy vehicle/vehicles:
1. are undertaken only during the following times: Monday - Friday 9am - 3pm.
 2. only occur in designated loading and unloading areas on the property;
 3. do not occur on the street;
 4. do not obstruct other operations;
 5. minimise disruption to public spaces and neighbouring properties;
 6. maintain a clear service vehicle dock, car parking spaces and access driveways at all times; and
 7. all vehicles must enter and leave in a forward direction.

Environment

222. The use of the premises must not give rise to the emission into the surrounding environment of gases, vapours, dusts or other impurities that are a nuisance, injurious or prejudicial to health.

Unreasonable Noise and Vibration

223. The childcare centre, including but not limited to the operation of mechanical plant, equipment, vehicles, and attendees shall be managed so as to avoid unreasonable noise or vibration to adjoining or nearby occupations. Should an offensive noise or vibration complaint be received and verified by Council an acoustic assessment is to be undertaken (by an appropriately qualified acoustic consultant), and an acoustic report is to be submitted to Liverpool City Council. If required by Council, the person in charge of the premises shall implement any or all of the recommendations of the consultant and any additional requirements to Council's satisfaction.

Noise – Silent Building Intruder Alarm System

224. Any building intruder alarm installed at the site must be a "silent back to base" type.

Noise – General

225. Noise associated with the use of the premises, including mechanical plant and equipment, must not give rise to any one or more of the following:
- a) The use of the premises including the cumulative operation of any mechanical plant, equipment, public address system or other amplified sound equipment must not give rise to the emission of 'offensive noise' as defined by the Protection of the Environment Operations Act 1997.
 - b) The operation of any mechanical plant, equipment, public address system or other amplified sound equipment installed on the premises must not cause:
 - i. The emission of noise as measured over a 15 minute period (LAeq (15 minute)) that exceeds the LA90 (15 minute) background noise level by more than 5 dB(A) when measured at the most affected residential boundary. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the NSW Environment Protection Authority's 'Noise Policy for Industry' (2017);

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- ii. An internal noise level in any adjoining occupancy that exceeds the recommended design sound levels specified in Australian/New Zealand Standard AS/NZS 2107:2016 Acoustics – Recommended design sound levels and reverberation times for building interiors;
- iii. 'Offensive noise' as defined by the Protection of the Environment Operations Act 1997; and
- iv. Transmission of vibration to any place of different occupancy greater than specified in AS 2670.

Offensive Noise

226. The proposed use of the premises and equipment installed must not create offensive noise so as to interfere with the amenity of the neighbouring properties. Should an offensive noise complaint be received and verified by Council an Acoustic assessment is to be undertaken (by an appropriately qualified consultant), and an acoustic report is to be submitted to Liverpool City Council for review. Any noise attenuation recommendations provided in the report and approved by Council must be implemented.

Noise – Spruiking

227. No persons, such as those commonly known as 'spruikers' shall operate either with or without sound amplification equipment for the purpose of advertising the use of the premises, the sale and availability of goods, services, entertainment or the like.

Use of building intruder alarm/s

228. Any building intruder alarm/s associated with the development must only be permitted to operate in accordance with Clause 42 of the Protection of the Environment Operations (Noise Control) Regulation 2017.

Amenity

229. Prominent notices shall be placed on entry and exit to the car park informing people to enter and leave the car park quietly. In addition, it is recommended that this is to apply to the childcare centre generally to remind parents and visitors to minimise noise.

Educational Establishment

230. Information packages/letter drops are to be provided to all properties within a 250m radius of the childcare centre advising of any event (including both during and after scheduled hours such as award and presentation nights, end of year celebrations etc) where an increase in the demand for off-site car parking is expected.

Advertising and Signage

231. Advertising and signage not approved in conjunction with the decision notice, must not be erected, painted or displayed without the prior approval of Council. Any temporary signage is to be displayed in accordance with Liverpool Local Environmental Plan 2008.

Air Handling System

232. Any liquid discharge from the air handling system resulting from the operation, maintenance and/or cleaning operations are to be disposed of into the sewer system. Discharge into the stormwater disposal system is not permitted.

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233. The food premises shall comply with the requirements of the Food Act 2003, Australia New Zealand Food Standards Code and Australian Standard AS 4674-2004 Design, construction and fit-out of food premises at all times.

Food Premises - Use of Charcoal

234. The use of charcoal for the purposes of heating, cooking or smoking food on the premises is strictly prohibited.

Food Premises – Offensive Odour/ Impurities

235. The use of the premises shall not give rise to the emission into the surrounding environment of gases, vapours, dusts or other impurities that are a nuisance, injurious or prejudicial to health.

Food Premises – Inspection Fee

236. Council's Authorised Officers will carry out routine inspections of the premises under the Food Act 2003. Administration and inspection fees will be charged in accordance with Council's Pricing Policy and Fees and Charges.

Childcare Centre – Music

237. The doors and windows of the childcare centre must be closed at all times when used for noise generating activities including but not limited to singing, musical instruments and amplified sound equipment.

No Amplified Sound Equipment or Music Outside

238. Music and other amplified sound played on the premises must not give rise to 'offensive noise' as defined by the Protection of the Environment Operations Act 1997. The sound pressure level as measured over a 15 minute period (LAeq (15 minute)) must not exceed 5 dB(A) above the ambient background noise level (LA90 (15 minute)) at the boundary of the premises.

Sound amplification equipment and music are not permitted in any of the outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.

Educational Establishment

239. All staff car parking areas are to be clearly signposted limiting car parking for staff only. The applicant is to cover the costs of installation and maintenance of the signage.

Childcare Centre - Supervision

240. Supervision of all children shall be undertaken at all times when they are involved in outdoor play/activities as well as during arrival and departure from the childcare centre to ensure all practical measures are implemented to limit noise to neighbours.

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241. Prominent notices must be installed at the entry and exit to the car park and to the entry and exit to the building informing people to enter and leave the car park and premises quietly.

Signage during ongoing use

242. During ongoing use of the premises:
- signage of the building street number and building name (where applicable) must be clearly displayed.
 - advertising signs must not be placed or displayed on any public space (including the public footpath or street)
 - any approved lighting of signs must comply with Australian Standard AS 4282:2019 - Control of the Obtrusive Effects of Outdoor Lighting
 - no upward facing light sources can be displayed on signs on the premises.
243. Advertising matter not approved in conjunction with this decision notice, must not be erected, painted or displayed without the prior approval of Council.

Food Business Notification Requirements

244. The Childcare Centre must notify Liverpool City Council of their food activity details. The food business notification must be completed in the approved form and comprise all information specified in the Food Safety Standards. The completed registration form/s must be submitted to Council prior to the commencement of the business.

Food Safety Supervisor – Food Business

245. A Food Safety Supervisor must be appointed to the food premises. A copy of the Food Safety Supervisor certificate must be kept onsite and presented to Council's Authorised Officer upon request. Further information can be obtained in the "Guideline to Food Safety Supervisor Requirements" published by the NSW Food Authority.

Appliances and Cool Rooms

246. Appliances used to store potentially hazardous food must have a capacity to keep foods hotter than 60 degrees Celsius, refrigerated foods below 5 degrees Celsius and frozen foods below 18 degrees Celsius and are to be provided with a digital thermometer accurate to 1 degree Celsius that can be easily observed from outside the appliance.

Location of mechanical ventilation

247. During occupation and ongoing use of the building, all mechanical ventilation system(s) or other plant and equipment that generates noise must be located on the site (including in a soundproofed area where necessary) to ensure the noise generated does not exceed 5dBa above the ambient background noise at the boundary adjacent to any habitable room of adjoining residential premises

Pre-Treatment Device

248. The Applicant shall liaise with Sydney Water to determine whether a grease-trap and trade waste agreement are required for the proposed development. If applicable, a grease arrestor shall not be located in areas where food, equipment or packaging materials are handled or stored. Access to the grease arrestor for emptying shall not be through areas

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where open food is handled or stored or where food contact equipment and packaging materials are handled or stored.

Operational Plan of Management - Review

249. Regarding the 3-strike policy, evidence is to be provided to Council's Transport Management Team on a quarterly basis for 1 year post operation of the site, demonstrating the pedestrian access point to the site either being via the lift access or through the street. Any number of 'strikes' and/or revoking of attendance must be included in the report.

Non-Standard Condition – Environmental Health

250. Linen and mattresses

The provision and management of linen must comply with the following:

1. The premises operator must ensure provision of clean linen for the use of each child;
2. All mattresses must be fitted with washable waterproof mattress protectors.
3. Evidence of a commercial contract to launder linen must be provided to Council upon request. Alternatively, a commercial washing machine capable of washing at a temperature of not less than 70 degrees Celsius must be installed on the premises and provided with hot water at all times.
4. Should linen be laundered onsite, an appropriate clothes dryer is to be made available for the drying of linen and towels.

G. ADVISORY

- a) Section 4.53 of the EP&A Act provides that unless otherwise stated by a condition of this consent, this consent will lapse if development is not physically commenced within five years of the date of this notice.
- b) The Commonwealth Disability Discrimination Act 1992 may apply to this proposal. Approval of this application does not imply or infer compliance with this Act. Applicants and owners are required to satisfy themselves as to compliance and make their own enquiries to the Human Rights and Equal Opportunity Commission. Attention is also drawn to the provisions of Australian Standard 1428 – Design for Access and Mobility.
- c) The requirements of all authorities including the Environmental Protection Authority and the Work Cover Authority shall be met in regard to the operation of the building.
- d) "DIAL BEFORE YOU DIG"

Underground assets may exist in the area that is subject to your application. In the interest of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contact the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or

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assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

e) TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

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

Mark Assad v Liverpool City Council

LEC No:2023/00323320

ATTACHMENT 2 – SECTION 7.11 PAYMENT FORM
CONTRIBUTIONS PURSUANT TO SECTION 7.11 OF THE
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

Liverpool Contributions Plan 2018 Established Areas

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

APPLICATION NO: DA-239-2023
APPLICANT: MR M ASSAD

PROPERTY: 14 NILAND WAY CASULA

PROPOSAL: Demolition of all existing structures, and the construction of a new two (2) storey childcare centre with a basement and associated landscaping and site works.

Facilities	Amount (\$)	Job No.
Liverpool Contributions Plan 2018 Established Areas		
Transport - Bikeways - works		
Central	\$1,144	GL.10000001865.10207
Transport - Traffic management - works		
Central	\$7,630	GL.10000001865.10213
Transport - Bus shelters - works		
Central	\$381	GL.10000001865.10215
Drainage - works		
Central	\$6,104	GL.10000001866.10209
Total	\$15,2560	

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

RECORD OF PAYMENT

Total Amount paid: _____

Date: _____

Receipt No.: _____ **Cashier:** _____

Item Number:	3
Application Number:	DA-166/2025
Proposed Development:	Change of use of an existing facility to a warehouse and Distribution Centre with ancillary office and showroom functions.
Property Address	337 Newbridge Road, Moorebank
Legal Description:	Lot 201 DP 584561
Applicant:	KF Australia Group Pty Ltd
Land Owner:	Lake Moore Pty Ltd
Cost of Works:	\$55,000.00
Recommendation:	Refusal
Assessing Officer:	Julia Ishak

1 EXECUTIVE SUMMARY

Council has received a Development Application DA-166/2025 seeking consent for the *change of use of an existing facility to a warehouse and distribution centre with ancillary office and showroom functions* at 337 Newbridge Road, Moorebank.

The site is zoned E4 General Industrial pursuant to Liverpool Local Environmental Plan 2008, and the proposed development is permissible with consent.

The development application was notified for a period of 14 days from 22 April to 8 May 2025 in accordance with the Liverpool City Council Community Engagement Strategy and Community Participation Plan 2022. No submissions were received during the public consultation period.

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

Development that contravenes a development standard imposed by an Environmental Planning Instrument (EPI) by more than 10% or non-numerical development standards.

The proposed development has a number of non-compliances, and these are not considered acceptable within the context of the site and its surroundings.

The non-compliances are summarised below:

- The proposal does not comply with Clause 7.41(3) Certain developments in Zones E4 and E5 pursuant to the Liverpool Local Environmental Plan 2008. The development has a non-compliance of 250%. The detail of this non-compliance is discussed further in the report.
- The proposal has a non-compliance with the Liverpool DCP regarding Part 7, Section 11 – Change of Use of Existing Buildings

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 site is located in an area characterised by existing industrial development in E4 General Industrial zone. The surrounding area is generally characterised by industrial building, warehouses and associated commercial operations.

The site is situated approximately 1.14km south-east of the Liverpool Train Station and Bus Depot. The surrounding locality is predominantly industrial in character, comprising factories and warehouse developments. Chipping Norton Lake is located to the north, with Lake Moore approximately 30m to the north of the site, the Georges River situated around 715m further north, and Ernie Smith Reserve located approximately 466m to the north-west. There are no known local or State-listed heritage items in close proximity to the subject site.

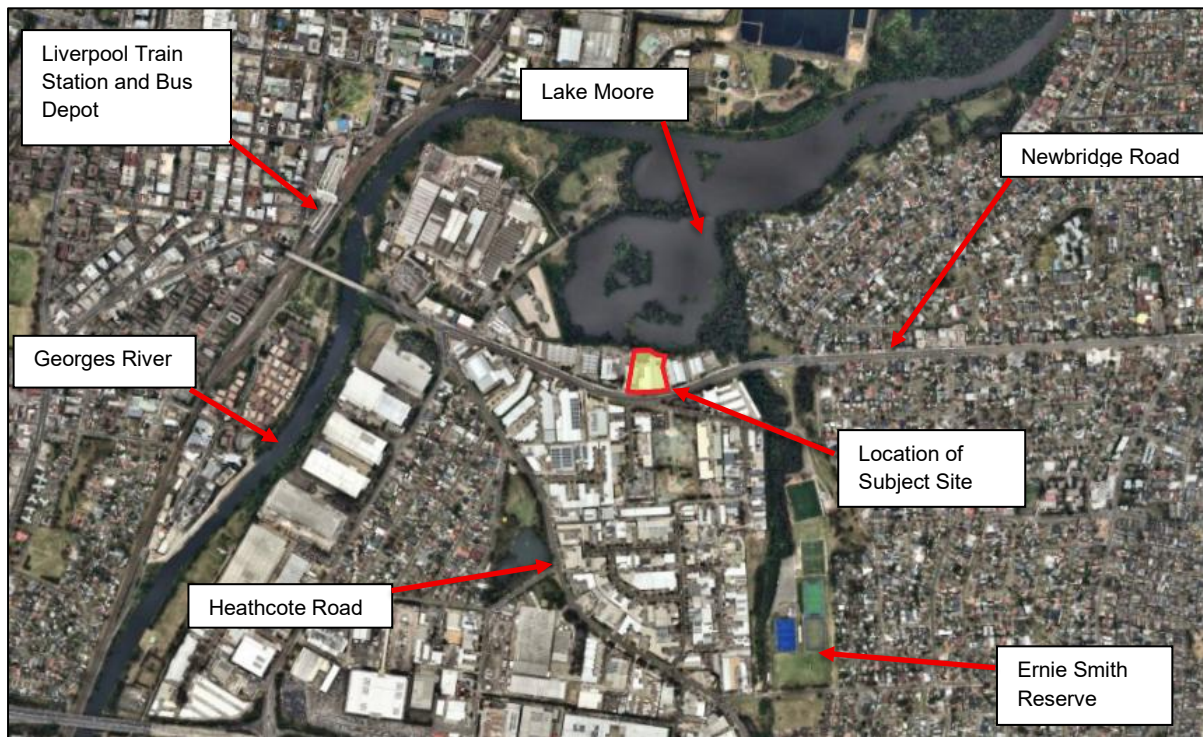


Figure 1: Locality Surrounding the Proposed Development at 337 Newbridge Road, Moorebank (Source: Geocortex)

2.2 The site

The subject site is identified as Lot 201 in DP 58456 and is known as 337 Newbridge Road, Moorebank. It is irregular in shape with a total frontage of 129.29m to Newbridge Road, a rear boundary of 97.6m, an eastern side boundary of 130.56m and a western side boundary of 109.24m. The site has a total area of 1.62ha.

Currently, the subject site contains a warehouse and factory facility, an office/showroom and staff amenities associated with industrial uses.

	<p>revised development description nominating a single permissible use.</p> <ul style="list-style-type: none"> • The applicant was also advised that, should the proposal proceed as a warehouse and distribution centre, Clause 7.41 of the LEP 2008 would apply, limiting the gross floor area to 2,000sqm on land within Area B. • Council noted that detailed signage plans had not been provided and that fully dimensioned elevation drawings would be required to enable a complete assessment.
<p>22 August 2025</p>	<p>The applicant responded to Council's letter, contending that the proposal does not involve two separate land uses but rather "components of a single industrial operation", and have therefore characterised the development as light industry.</p>
<p>19 September 2025</p>	<p>Request for additional information issued raising the following:</p> <ul style="list-style-type: none"> • the development description nominated two distinct land uses under the LLEP 2008 ("warehouse or distribution centre" and "hardware and building supplies"), and that the proposal cannot operate as both simultaneously due to the differing retail and operational functions of each definition. The applicant was required to clarify the intended primary use and demonstrate how the use would operate on the site • The request also advised that, should the proposal proceed as a warehouse or distribution centre, Clause 7.41 of the LLEP 2008 applies, limiting the gross floor area to 2,000sqm and the application will need to be supported by a Clause 4.6 variation. • If the use is to be characterised as

	hardware and building supplies, the applicant must demonstrate compliance with the applicable retail parking rates of 1 space per 20sqm of leasable floor area under the LDCP 2008.
03 October 2025	Amended documentation received, including: Clause 4.6 Variation Request to vary Clause 7.41 of the LLEP 2008
30 October 2025	Internal referral to: <ul style="list-style-type: none"> • Strategic Planning
10 November 2025	Internal referral to: <ul style="list-style-type: none"> • Traffic and Transport

Council has subsequently received a number of Applications for the site. The following is a list of Development Applications related to the subject site.

DA No.	Lodged	Proposed Development	Determined
DA-147/1986	--	Sheet Metal Manufacture	--
DA-751/1988	--	Office alterations to existing industrial premises	--
DA-1266/2007	29/05/2007	Alterations and additions to existing building to include staff amenities, new awning to loading area	Approved
DA-323/2009	12/09/2008	Alterations and additions to existing industrial development to include a new office building at the rear of site over existing car park. Note: Proposed development is Nominated Integrated Development (Water Management Act 2000)	Approved
DA-323/2009/A	22/12/2010	Modification to include deletion of windows to amenities building and relocation of disabled car parking space	Approved
DA-147/1986/A	---	Modification to DA-	---

		147/1986 pursuant to Section 96(1A) of the Environmental Planning & Assessment Act. The modification retrospectively approves an existing spray booth	
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It is noted that a development for the purpose of a warehouse and distribution centre located to the east of the subject site was approved in April 2020 with a total GFA of 2,046.81sqm. While this exceeds the 2,000sqm threshold under Clause 7.41 of the LLEP 2008, the variation equates to only 2.34% and is considered minor in nature, particularly when compared to the extent of the variation sought under the current proposal.

4. DETAILS OF THE PROPOSAL

The development application seeks approval for the change of use of the existing industrial building to a warehouse and distribution centre with ancillary office and showroom functions.

Key components of the proposal include:

- The consolidation and reconfiguration of the existing buildings to operate as a single warehouse and distribution facility.
- Provision of ancillary office and showroom spaces to accommodate administrative functions and the display of products for trade customers.
- Minor internal fit out works proposed and no external alterations.

Hours of operation

The proposed operating hours are from 7am to 5:30pm Monday to Saturday.

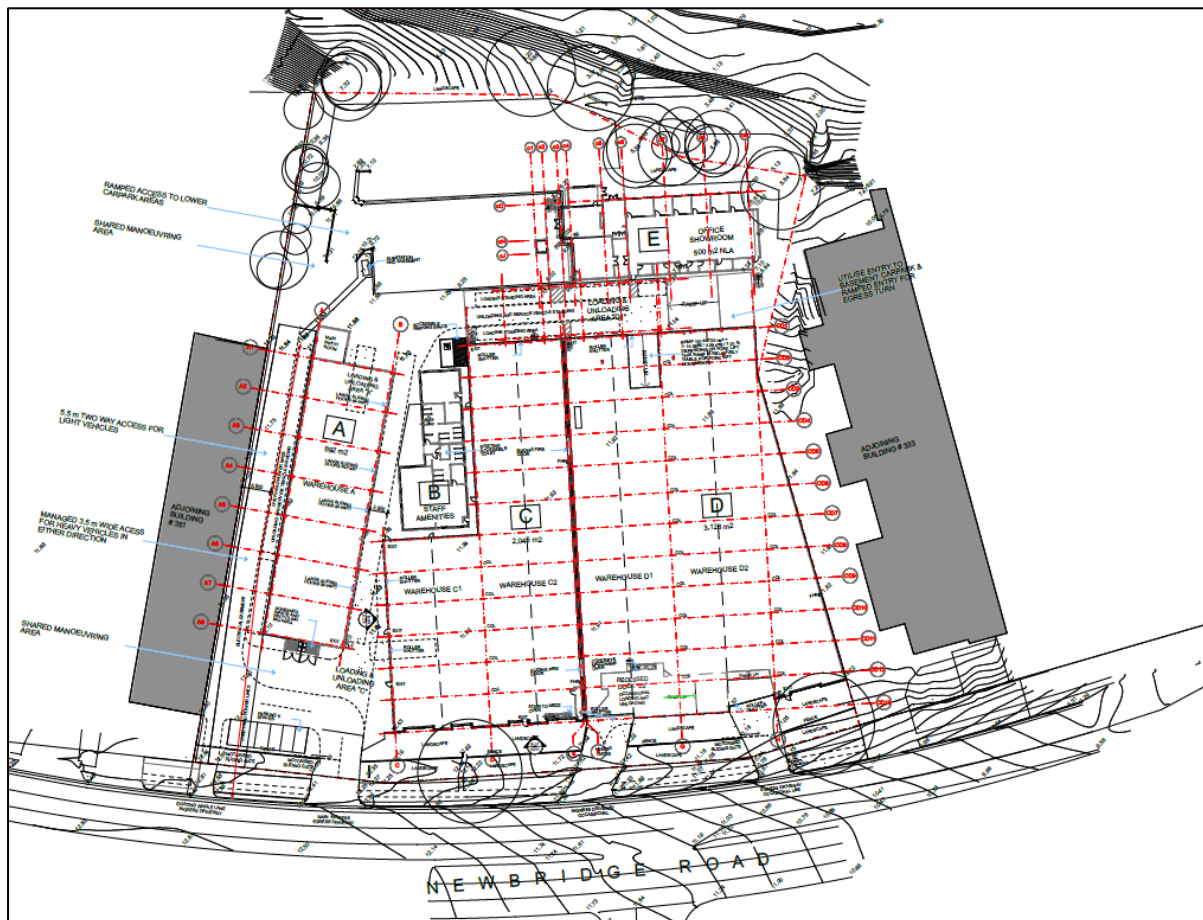


Figure 3: Proposed Site Plan

The development application seeks approval for change of use of the existing industrial building from a warehouse to vehicle sales or hire premises, involving no physical works.

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 (Transport and Infrastructure) 2021;
- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- Water Management Act 2000
- Liverpool Local Environmental Plan (LLEP) 2008;
- Liverpool Development Control Plan (LDCP) 2008.

Contributions Plans

- No contributions plans are applicable as the proposed development does not require contributions to be paid.

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 (Transport and Infrastructure) 2021

The proposed development is located on a lot fronting a classified road (Newbridge Road), and as such, Clause 2.119 of the SEPP (Transport and Infrastructure) 2021 applies to the application.

Clause 2.119 – Development with frontage to classified road	Comment
(2) 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	Existing vehicular access to the land is provided from Newbridge Road.
(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	The proposed development would not impact operation of the classified road as: (i) the only access available is via Newbridge Road. No changes are proposed to access, (ii) no smoke or dust is expected to be emitted from the development, (iii) the nature, volume and frequency of vehicles accessing the land from the classified road would not create any additional impacts on Newbridge Road beyond what exists due to other development in the vicinity.
(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 classified road.	The development is of a type which is not sensitive to traffic noise or vehicle emissions.

Council's Traffic Management section has reviewed and supported the application and have not indicated that a referral to TfNSW is warranted on the grounds of traffic generation. Therefore a referral has not been made in this instance.

Based on the above assessment, the proposal is considered to comply with the SEPP (Transport and Infrastructure) 2021.

(b) 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	The site has not been identified as contaminated, but is located in a General Industrial zone, so contamination may have occurred.
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and	The proposal seeks to change the use of the site from one industrial activity to a warehouse use within the existing building. The site is currently being used as a sheet metal manufacturing factory. No building works or excavation are proposed, and the existing layout, structural form and overall operational arrangement of the site will remain unchanged. Accordingly, the site is considered suitable to accommodate the proposed use.
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.	The land does not require remediation.

In order to determine whether a Preliminary Site Investigation (PSI) is required, a detailed understanding of the historical processes, activities and materials associated with the former sheet-metal fabrication business is necessary. The applicant has not provided sufficient

information regarding the nature of operations, chemicals used, storage practices, waste handling or potential sources of contamination. Without this information, Council is unable to ascertain whether the previous use poses any contamination risk that would warrant further investigation.

Based on the above assessment, the proposal is not 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 if it were to be supported.

(c) 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.

The proposed development does not involve any physical works, and as such it is considered to comply with the SEPP (Biodiversity and Conservation) 2021 as it would not alter stormwater flows.

(d) Water Management Act 2000

The development is within 40m of a watercourse and an assessment against controlled activity approvals is required.

Section 91 – Activity approvals	Comment
(1) There are two kinds of activity approvals, namely, controlled activity approvals and aquifer interference approvals.	
(2) A controlled activity approval confers a right on its holder to carry out a specified controlled activity at a specified location in, on or under waterfront land.	No works are being conducted within, on or under the waterfront land
(3) An aquifer interference approval confers a right on its holder to carry out one or more specified aquifer interference activities at a specified location, or in a specified area, in the course of carrying out specified activities.	The proposal is not a large scale activity that involves excavation.

Based on the above assessment, the proposal is considered to satisfy the relevant objectives against the provisions of the Water Management Act 2000.

(e) Liverpool Local Environmental Plan 2008

(i) Zoning

The subject site is zoned **E4 General Industrial** pursuant to the LLEP 2008. An extract of the zoning map is provided in Figure 4 below.



Figure 4: Zoning Map (source: Geocortex)

(ii) Permissibility

The proposed development is best defined by the standard instrument as warehouse or distribution centre, which is identified as permitted land use with consent within the E4 Zone under Liverpool Local Environment Plan 2008.

warehouse or distribution centre means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made, but does not include local distribution premises.

(iii) Objectives of the zone

The objectives of the **E4 General Industrial** zone are as follows:

- To provide a range of industrial, warehouse, logistics and related land uses.
- To ensure the efficient and viable use of land for industrial uses.

- *To minimise any adverse effect of industry on other land uses.*
- *To encourage employment opportunities.*
- *To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.*
- *To allow other land uses that are compatible with industry and that can buffer heavy industrial zones while not detracting from centres of activity.*

The proposal is considered to not be consistent with the objectives of the zone in that the proposal does not ensure the efficient and viable use of land for industrial purposes, it does not minimize adverse impacts of industry use on other land uses and it does not limit non-industrial land uses

(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
Part 4 Principal Development Standards			
4.3 Height of Buildings	30m	No change to existing building height.	Not Applicable
4.4 Floor Space Ratio	Not Applicable		
4.6 Exceptions to development standards	Provisions relating to exceptions to development standards.	Clause 4.6 request to vary Clause 7.41 has been considered as part of this application.	Considered unacceptable – see Clause 4.6 – Variation assessment below
5.21 Flood planning	Consent must not be granted unless the consent authority is satisfied the development will not have adverse effects on flood behaviour and will be safe to inhabit/evacuate.	No change to building footprint, and Council’s Floodplain Engineer has supported the proposal subject to conditions of consent.	Complies by conditions
Part 7 Additional Local Provisions			
7.41 Certain developments in Zones E4 and E5	If development for the purpose of warehouse or distribution centre	The proposal seeks to operate a warehouse of distribution centre with a total gross floor area of	Considered unacceptable – see Clause 4.6 – Variation

	is permitted under this plan in Zone E4 General Industrial or Zone E5 Heavy Industrial, the gross floor area must not exceed 2,000 square metres.	6,999sqm. A Clause 4.6 Variation Request has been submitted.	assessment below
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Clause 4.6 – Exceptions to development standards

(Variation to Clause 7.41 – Certain developments in Zones E4 and E5)

Clause 7.41(3) of the Liverpool Local Environmental Plan 2008 (LLEP) states:

(3) **Warehouse or distribution centres** If development for the purpose of a warehouse or distribution centre is permitted under this Plan on land identified as “Area B” on the *Land Zoning Map*, the gross floor area must not exceed 2,000 square metres.

The subject proposal seeks a variation to the maximum floor area used for hard stand space under the LLEP 2008. The maximum floor area used for hard stand space is to be 500sqm. The subject development proposes a total floor area used for hard stand space of 6,999sqm. This equates to a variation of 4,999sqm, which is expressed in a percentage as 250% to the development standard.

Pursuant to Clause 4.6 of the LLEP 2008, the applicant has submitted a written request seeking a variation to the maximum gross floor area used for the purpose of a warehouse or distribution centre as prescribed by Clause 7.41.

The objectives and standards of Clause 4.6 of the LLEP 2008 are as follows:

(1) *The objectives of this clause 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 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 3 October 2025, in order to justify the variation described above. (Attachment D).

(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 applicant seeks a variation to the gross floor area development standard for warehouses and distribution centres under Clause 7.41(3) of the Liverpool LEP 2008. In this instance, strict compliance with the 2,000m² limit is considered both unreasonable and unnecessary, having regard to the established planning principles set out in *Wehbe v Pittwater Council* [2007] NSWLEC 827 (Preston CJ).*

The site already accommodates a total floor area of 6,999m² within a lawful, established industrial complex that was constructed well before the introduction of the 2,000m² warehouse cap in Clause 7.41. The proposal simply seeks to adaptively reuse this built form for warehousing and distribution purposes, supported by ancillary office and showroom areas.

*In particular, reliance is placed on *Wehbe* reasons 1 and 3. First, the proposed development is consistent with the objectives of the development standard, notwithstanding the numerical non-compliance. The restriction in Clause 7.41 is intended to manage the scale and intensity of warehouse activities in Area B to ensure compatibility with the zone and to minimise amenity impacts. In this case, the proposal achieves those objectives, as it makes use of an existing industrial complex without adding to the bulk or intensity of development.*

Second, the underlying objective of the standard is achieved notwithstanding the exceedance.

The development will continue to operate in a manner compatible with the surrounding industrial context, with no adverse environmental, traffic, or amenity impacts. The use of the full 6,999m² building is consistent with the intent of the E4 General Industrial zone, which is to accommodate employment-generating industrial and logistics operations.

The proposal is consistent with recent precedents in both Moorebank and the broader Liverpool LGA where large-scale warehouse and distribution centres have been approved well in excess of 2,000m². These approvals demonstrate that large-format warehousing is both typical and strategically encouraged within the Liverpool LGA and its surrounding industrial areas. In this context, the numerical 2,000m² cap is increasingly outdated, and its rigid application would undermine the efficient and economic use of land already developed for industrial purposes.

Council Comment:

In this case, Council is in the view that the none of the five circumstances are satisfied.

1. Whether the objectives of the standard are achieved despite non-compliance

Council's Strategic Planning team has confirmed that the intent of the Clause is to preserve the proper industrial use function of the employment zone land from other uses that could be facilitated on other sites to ensure that there are no adverse impacts on the intended function of these industrial lands. The proposed 6,999sqm GFA represents a regional-scale operation, which is fundamentally inconsistent with the planned function of this precinct and this control.

2. Whether the underlying objective of the standard is not relevant to the development

The objective of the standard is directly relevant as the proposal is seeking to operate in a manner the standard seeks to limit by utilizing a GFA greater than 2,000sqm. The variation would undermine the intended preservation of the site for industrial land uses.

3. Whether the objective of the standard would be defeated or thwarted by compliance

Compliance with the standard would not defeat the purpose of the standard. Compliance is necessary to uphold the intended industrial use and prevent large-format warehouse operations in a location where the intent is to preserve the proper function and prevent impacts from larger scale development.

4. Whether the standard has been virtually abandoned or destroyed by past Council decisions

There is no evidence that Council has routinely supported variations of this magnitude for warehouse and distribution centres in Area B.

5. Whether the zoning or application of the standard is unreasonable or inappropriate for the land

The site is appropriately zoned E4 General Industrial, and the development standard is purposefully applied to this zone to control scale and intensity.

Unreasonable or unnecessary in their the circumstances of the case –

Applicants Comment:

The applicant contends that strict compliance with the 2,000sqm gross floor area limit in Clause 7.41 is unreasonable and unnecessary in this case, as the proposed warehouse and distribution centre would operate entirely within the existing 6,999sqm industrial building with no increase in bulk, scale, or external works. They argue that the larger floor area is a functional requirement of handling and storing bulky goods (such as tiles, sanitary ware, and flat-pack kitchens), rather than an intensification of activity. The applicant states that enforcing the 2,000sqm cap would effectively “sterilise” the lawful existing floorspace and prevent the efficient economic use of the site for employment-generating industrial purposes.

They further submit that the proposal remains compatible with the surrounding industrial context of the Moorebank precinct, would not result in additional amenity or traffic impacts beyond those expected in the E4 zone, and therefore achieves the intent of the standard notwithstanding the numerical exceedance.

Council Comments:

Council does not agree that strict compliance with the 2,000sqm gross floor area limit in Clause 7.41 is unreasonable or unnecessary in this case. While the proposal utilises an existing industrial building, the development standard is intended to restrict large-format warehouse and distribution centres within Area B to ensure that high-intensity logistics operations are directed to strategically suitable locations. The proposed 6,999sqm warehouse represents a significantly larger scale of operation than that intended for this area.

The applicant’s reasoning relies primarily on the existence of the current building footprint; however, the presence of an existing structure does not remove the requirement to comply with the development standard, nor does it justify the introduction of a large-scale distribution centre in an area intended for small to medium-scale industrial activities. The argument that the floor area is “functionally necessary” does not demonstrate that the objectives of the standard are achieved, nor that strict compliance would result in an inferior planning outcome. Instead, supporting the variation would undermine the purpose of the control, create an inconsistent development pattern, and establish an undesirable precedent for similar large-scale warehouse uses in Area B.

Accordingly, the applicant has not demonstrated that the numeric limit is unreasonable or unnecessary, nor that the proposed development achieves the objectives of Clause 7.41. The Clause 4.6 Variation Request is therefore not supported.

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

The applicant has provided the following comment as to how there are sufficient environmental planning grounds to justify contravening the development standard:

The applicant submits that there are sufficient environmental planning grounds to support the variation, as the proposed warehouse and distribution centre would operate entirely within the existing 6,999sqm industrial building, with no new works or increase in bulk, scale or height. They argue that the additional floor area is functionally required for the storage and circulation of bulky goods, and that strict compliance with the 2,000sqm cap would unnecessarily limit the lawful use of an established industrial facility.

The applicant contends that the proposal would not result in adverse amenity, traffic or visual impacts, as the site is already equipped to accommodate logistics operations with dedicated loading areas and on-site parking. They further state that the development is consistent with the industrial character of the Moorebank logistics precinct, supports ongoing employment, and aligns with the strategic role of the area. The applicant also argues that the Clause 7.41 floor area cap is outdated in light of current strategic planning work for Moorebank, and that varying the standard would result in a more efficient and orderly use of the land.

Council's Comments:

Council does not agree that sufficient environmental planning grounds exist to justify the proposed variation. While the proposal seeks to reuse an existing industrial building, the purpose of Clause 7.41 is to prevent large-format warehouse and distribution centres from establishing in Area B, in order to maintain an appropriate scale of industrial activity and to ensure that high-intensity logistics uses are directed to strategic industrial locations that are more suitable. The proposed 6,999sqm warehouse represents a regional-scale operation, which is significantly larger than the local industrial scale intended by the development standard.

The applicant's justification relies primarily on the presence of existing floorspace; however, the existence of a building does not override the requirement to comply with the LEP. To support the variation on this basis would undermine the effectiveness of the control and allow the scale of operations, rather than planning policy, to determine land use outcomes. This would set an undesirable precedent that would erode the industrial land hierarchy established by the LEP and could encourage similar large-scale distribution operations in locations not intended to accommodate them.

While it is acknowledged that the existing buildings were constructed prior to the introduction of this control, this does not exempt the proposal from complying with the current planning framework. Clause 7.41 was introduced through Amendment No. 82 to the Liverpool LEP 2008 in 2020, and it applies to all development within Area B including changes of use

undertaken after its commencement. The intent of the clause is to manage the scale and intensity of warehouse and distribution activities, regardless of when the built form was originally constructed. The existence of an older building does not negate the requirement to assess the proposed use against contemporary controls designed to protect the proper function, capacity and environmental performance of industrial land. Therefore, the age of the structure does not provide sufficient justification for disregarding the current GFA limit or the objectives that the clause seeks to achieve.

Council's Strategic Planning Team has confirmed that the intent of Clause 7.41 is not changing as part of the current LEP review, and the gross floor area limitations are proposed to remain. Therefore, the standard continues to serve a clear planning purpose and remains necessary to guide the orderly distribution of industrial uses across the LGA.

The reference to future strategic planning work in Moorebank does not justify a departure from the current statutory planning controls that apply to the site. Until such time as any proposed rezoning or policy shift is formally adopted, Clause 7.41 remains in full effect and must be applied consistently.

For these reasons, the Clause 4.6 Variation Request is not supported.

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 7 Development in Industrial Zones*.

The proposal is considered to be consistent with the key controls outlined in the Liverpool Development Control Plan 2008. All relevant compliance tables for the LDCP 2008 can be found in Report Attachment 2.

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 could be imposed were development consent be granted.

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

Natural and Built Environment

The proposed change of use involves no changes to the built form of the site, and is not an offensive or polluting industry, and as such it is considered that the development would not have any impacts on the natural or built environments.

The scale of the use exceeds what is anticipated for the precinct, leading to operational impacts that may conflict with the planned character and capacity of nearby industrial lots. Although the building itself remains unchanged, the mismatch between the intended scale of development and the proposed use results in environmental impacts beyond what the planning controls seek to accommodate.

Social Impacts and Economic Impacts

The proposal has broader social and economic impacts because it undermines the intent of clause 7.33, which is to preserve the proper function of industrial land and prevent the impacts associated with oversized developments.

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

The proposal does not comply with the relevant planning controls, and therefore the site is not 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
Fire Safety	Supported, no conditions required
Flood Engineering	Supported, subject to conditions of consent
Traffic and Transport	Approval subject to conditions of consent
Strategic	Comments provided.

(b) External Referrals

Nil

(c) Community Consultation

The proposal was not required to be advertised/notified in accordance with the Community The proposal was advertised/notified for a period of 14 days from 22 April 2025 to 8 May 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 proposal is considered to not be in the public interest.

7. DEVELOPMENT CONTRIBUTIONS

Developer contributions are not applicable to this application.

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-166/2025 be refused.

ATTACHMENTS

1. Reasons for Refusal
2. Liverpool DCP Compliance Tables
3. Architectural Plans
4. Applicant's Clause 4.6 variation statement

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

Application number	DA-166/2025 PAN-523319
Applicant	KF AUSTRALIA GROUP PTY LTD 1/2A WATKIN ST HURLSTONE PARK NSW 2193
Description of development	Change of use of the existing factory and warehouse to a warehouse and distribution centre.
Property	337 NEWBRIDGE ROAD MOOREBANK NSW 2170 LOT 201 DP 584561
Determination:	Refused Consent Authority -
Date of determination	24/11/2025

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. The proposed development does not achieve satisfactory compliance with Clause 7.41(3) of the Liverpool Local Environmental Plan 2008, pursuant to Sections 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979. The proposed variations are not justified having regard to the matters in clause 4.6(3) of the LLEP 2008.
2. There is insufficient information provided to demonstrate the development would not have an adverse impact on the natural environment, pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979.
3. There is insufficient information provided to demonstrate that the site would be suitable for the proposed development, pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
4. Due to the above reasons, approval of the proposed development would not be in the public interest, pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979.

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.

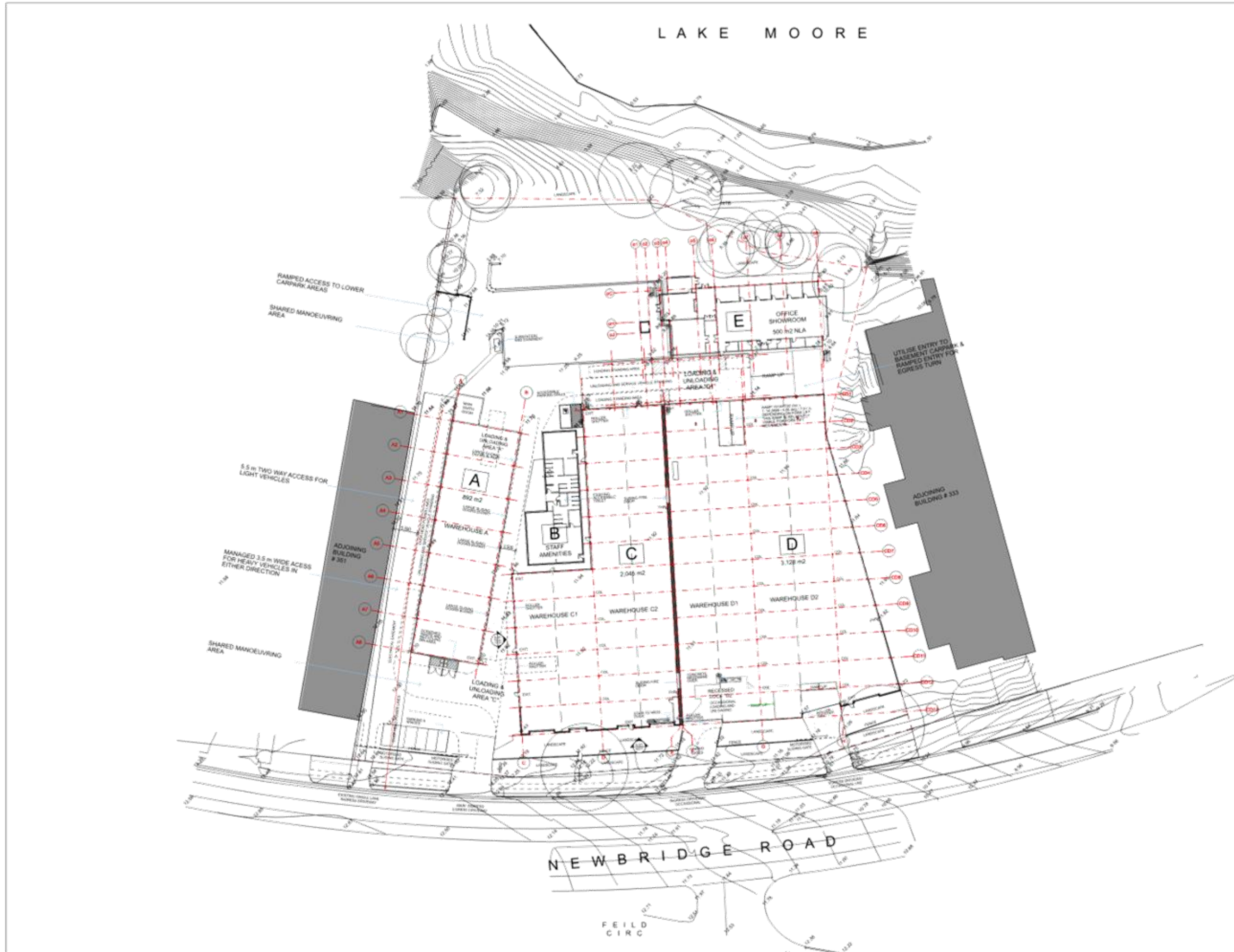
LDCP 2008 Compliance Tables – DA-166/2025

Part 1 General Controls for all Development			
Control	Requirement	Comment	Compliance
Section 2 – Tree Preservation	Consider impact of development on existing vegetation	No changes to existing vegetation	Not Applicable
Section 3 – Landscaping and Incorporation of Existing Trees	Incorporation of existing trees into development where appropriate.	No changes to existing vegetation	Not Applicable
Section 4 – Bushland and Habitat Preservation	Consider impact of development on bushland and habitats	Not in proximity to bushland or habitat	Not Applicable
Section 5 – Bushfire Risk	Land on or adjacent to bushfire prone land to comply with RFS requirements	The site is mapped as vegetation buffer 100m and 30m, no works are proposed as part of this application and therefore a bushfire report is not required.	Not Applicable
Section 6 – Water Cycle Management	Consideration of stormwater and drainage	No changes to stormwater/drainage	Not Applicable
Section 7 – Development Near a Watercourse	Consideration of impact to riparian corridors	No major construction proposed would have an impact on riparian corridors.	Not Applicable
Section 8 – Erosion and Sediment Control	The development application shall be accompanied by either a Soil and Water Management Plan (SWMP) or an Erosion and Sediment Control Plan (ESCP).	No works proposed – ESCP not required	Not Applicable
Section 9 – Flooding Risk	Flood affectation of property to be considered	Referred to and supported by Council's Floodplain Management section.	Complies
Section 10 – Contaminated Land Risk	Previous use to be considered in assessing risk	Previously used as a sheet metal manufacturing factory, however contamination is not considered to impact the proposed use.	Complies

Section 11 – Salinity Risk	Salinity Management Response required for affected properties.	No works proposed – not required	Not Applicable
Section 12 – Acid Sulfate Soils Risk	Affected properties to consider impact of development on soils.	No works proposed – not required	Not Applicable
Section 13 – Weeds	Noxious weeds to be removed as part of the development where applicable	No noxious weeds present on site	Not Applicable
Section 14 – Demolition of Existing Developments	Must comply with AS 2601-2001	No demolition proposed	Not Applicable
Section 15 – Onsite Sewage Disposal	S68 Application required where connection to sewer not available	Connected to sewer and no works proposed	Not Applicable
Section 16 – Aboriginal Archaeology	AHIA required where items of Aboriginal archaeology exist	No works proposed	Not Applicable
Section 17 – Heritage and Archaeology	Consideration of the impact on the heritage significance of any heritage buildings, sites, streetscapes and areas	Not a heritage item or in proximity to heritage item/area	Not Applicable
Section 19 – Used Clothing Bins	Applies to any charity bins located on either private or Council land.	Not proposed	Not Applicable
Section 20 – Car Parking and Access	<p>As per Part 1 of the LDCP 2008, Industry requires the following parking spaces:</p> <p>1 space per 35sqm of office LFA</p> <p>1 space per 75sqm factory/warehouse LFA or 1 space per 2 employees, whichever is the greater.</p> <p>Warehouse developments of GFA >1000sqm: 1 space per 250sqm in GFA</p> <p>Disabled off-street car parking: 1 per 100 spaces</p>	<p>Warehouse A – 892sqm</p> <p>Staff Amenities B – 279.989sqm</p> <p>Warehouse C – 2,045sqm</p> <p>Warehouse D – 3,128sqm</p> <p>Office/showroom E – 500sqm</p> <p>Total LFA warehouses – 6,065sqm Office – 779.989sqm</p> <p>Required parking: Warehouses – 25 Office – 23 Total – 48</p> <p>Proposed parking: 89 car parking spaces including one (1) accessible parking space.</p>	Complies

Section 21 – Subdivision of Land and Buildings	Controls for subdivision	No subdivision proposed	Not Applicable
Section 22 – Energy Conservation	Must comply with NCC energy efficiency provisions.	Condition of consent to be imposed	Could comply by conditions of consent if the application was to be supported
Section 23 – Reflectivity	Façade must be comprised of low-reflectivity materials.	No changes to façade	Not Applicable
Section 24 – Landfill	Cut and fill of land should minimise impacts on environment	No work proposed	Not Applicable
Section 25 – Waste Disposal & re-use Facilities	Development should minimise waste production during all phases of development.	No waste management plan submitted. Can be imposed as a condition of consent.	Could comply by conditions of consent if the application was to be supported
Section 26 – Outdoor Advertising and Signage	Controls around advertising and signage.	No signage proposed under this application	Not Applicable
Section 27 – Social Impact Assessment	Applications for particular development require a social impact comment or comprehensive social impact assessment.	Not a relevant development type	Not Applicable
Section 28 – Shopping Trolleys	Controls to prevent abandonment of shopping trolleys	Development does not involve providing shopping trolleys to customers	Not Applicable
Section 29 – Safety and Security	CPTED assessment required for new retail and commercial development.	No changes to existing building	Not Applicable
Section 30 – Additional Uses	Controls for particular uses	Not Applicable	Not Applicable
Part 7 – Development in Industrial Areas			
Section 11 – Change of Use of Existing Buildings			
Control	Requirement	Comment	Compliance
Building Appearance, Streetscape and Layout	Buildings to be upgraded to comply with BCA relevant to proposed use; where this impacts the exterior, must comply with DCP requirements.	BCA upgrades do not involve any exterior works.	Not Applicable
Car Parking and Access	Where the new use requires more car parking than is	Sufficient parking is already provided on site.	Complies

	currently provided, it shall where possible increase the car parking and loading provisions to meet the requirements of the DCP, subject to compliance with other provisions		
	Where a new use results in additional traffic generation it may be necessary to adjust the access driveways to suit the traffic generation.	New use would not require any changes to access arrangements.	Not Applicable
Landscaping and Fencing	Where existing landscaping is below the standard identified in the DCP, the existing area of landscaping shall where possible be upgraded to the standard specified in the DCP	No changes proposed to landscaping. Current landscaping does not reflect the standard set out in the DCP for industrial areas in that there is not sufficient landscaping to soften the streetscape and soften the appearance of the industrial environment.	Considered acceptable on merit
Amenity and Environmental Impact	Any extension of hours outside the existing hours of operation or outside the hours of 6am to 6pm shall require consent from Council	Operating hours are from 7am to 5:30pm.	Complies
	The new use shall not compromise the amenity of the locality in any greater, different or additional way than the existing use	New use would not compromise amenity of locality.	Complies
Site Services	Any adjustments required to any Council infrastructure in conjunction with the change of use shall be at no cost to Council.	Condition of consent to be imposed.	Could comply by conditions of consent if the application was to be supported



Project Status: DA SUBMISSION

Client: ROBERT SANDERSON NSW 5150

Rev	Description	Date
A	BASE PLAN ISSUE	20250214
B	REFERENCE ISSUE	20250221
C	REVISION ISSUE	20250304
D	SUBMISSION ISSUE	20250310

NOTES:
The drawing has been prepared based on information supplied from the following sources:
- Suburban Survey Drawing 20067107, Revision 01, dated 04/04/2019
- 2019 NSW LRS in New Survey 2166, dated 01/07/2019
- Northcote Road, Moorebank NSW 2170, 2019, and 2021 2019
- All topography and contours to be verified on site.
General Notes & Disclaimers:
All dimensions, levels, and site conditions shall be verified on site before any construction or installation work. Any errors, omissions, or discrepancies shall be reported to the architect immediately. No liability shall be accepted for any errors or omissions. The drawing is a design of use application and is not intended to be used for any other purpose. The architect is not responsible for any structural, electrical, or plumbing work. The architect is not responsible for any other work not shown on the drawing. The architect is not responsible for any other work not shown on the drawing.

TENANCY CHANGE OF USE DA SUBMISSION

PROJECT NAME: [REDACTED]

CLIENT:
337 NEWBRIDGE ROAD
MOOREBANK NSW 2170

SITE ADDRESS:
GROUND FLOOR

DRAWING TITLE:

PROJECT NO.: 2025022
DRAWING NO.: A101
REVISION NO.: D



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3 October 2025

Ref: 2025011 (Version: 1.0)

The General Manager
 Liverpool City Council
 Locked Bag 7064
 Liverpool BC, NSW 1871

CLAUSE 4.6 VARIATION (WAREHOUSE AREA) - THE PROPOSED WAREHOUSE AND DISTRIBUTION CENTRE AT 337 NEWBRIDGE ROAD, MOOREBANK

1. INTRODUCTION

This Clause 4.6 Variation request has been prepared on behalf of [REDACTED] in support of the development application for the change of use of the existing industrial complex to a warehouse and distribution centre with ancillary offices and showroom functions at 337 Newbridge Road, Moorebank.

The subject site contains existing industrial buildings with a total gross floor area (GFA) of 6,999m². The proposed use involves utilising the full extent of the buildings for warehouse and distribution purposes, with associated office and showroom areas supporting the industrial operations.

The relevant development standard is Clause 7.41 *Certain developments in Zones E4 and E5*, specifically Clause 7.41(3) of the *Liverpool Local Environmental Plan (LLEP) 2008*, which restricts warehouse or distribution centres in Area B to a maximum of 2,000m².

The lawful, established industrial complex was constructed well before the introduction of the 2,000m² warehouse cap in Clause 7.41. The proposal simply seeks to adaptively reuse this built form for warehousing and distribution purposes, supported by ancillary office and showroom areas.

This variation does not result in any adverse environmental impacts, nor does it set an undesirable precedent for the locality. The development makes use of an established industrial facility, consistent with both the historic industrial use of the site and the prevailing character of the Moorebank industrial precinct. The proposal also delivers outcomes compatible with the surrounding industrial and logistics developments, and consistent with the objectives of the *E4 General Industrial zone*.

Strict compliance with the 2,000m² GFA limit in this instance would not achieve any discernible public benefit. Rather, it would hinder the orderly and economic use of industrial land and existing built form, contrary to the intent of both Clause 7.41 and the objectives of the Liverpool LEP.

2. SITE ANALYSIS

The subject site is located at 337 Newbridge Road, Moorebank within the Liverpool LGA. Moorebank is a well-established industrial and logistics precinct that has grown substantially due to its strategic location along major transport corridors. The site enjoys direct frontage to Newbridge Road, an arterial route connecting to the M5 Motorway, Hume Highway, and Moorebank Intermodal Terminal, positioning it ideally for large-scale warehousing and distribution activities.



The broader area is characterised by a mix of industrial, commercial, and logistics-based uses, including warehousing, manufacturing, distribution centres, and trade supply businesses. Surrounding land uses are predominantly industrial, with residential areas located further west and separated by green buffers and commercial corridors. The area is also supported by strong transport infrastructure, including bus routes along Newbridge Road and nearby access to Liverpool Station for metropolitan and regional rail connections.

The site is legally described as Lot 201 DP 584561, with a total area of 13,170m² and a frontage of 161.3m to Newbridge Road. It accommodates an established industrial complex with a total gross lettable area (GLA) of 6,999m², comprising multiple warehouse zones (A, C, and D), a showroom, office spaces, staff amenities, and associated car parking.

The existing built form is functional and purpose-built for logistics operations, featuring high-clearance warehouse areas, mezzanine levels, loading docks, recessed truck bays, and designated goods-handling areas. The site also provides 89 on-site parking spaces across a combination of on-grade, basement, and undercroft areas, together with multiple vehicular entry and exit points that allow efficient truck and delivery movements.



Figure 1
Aerial of the site and surrounding area (site outlined in red and shaded yellow)

(Source: MOSAIC)



Figure 2
Extract of the site survey



Figure 3
Aerial oblique view of the site and surrounding built environment

(Source: Google Earth)



Figure 4
View of the site from Newbridge Road



Figure 5
View of part of the front portion of the site and front loading area



Figure 6
View of part of the rear lower portion of the site and carpark showing part of the banks of Lake Moore

3. PROPOSED DEVELOPMENT

The proposed development seeks consent for the change of use of the existing facility to a Warehouse and Distribution Centre with ancillary office and showroom functions, occupying all buildings on the site at 337 Newbridge Road, Moorebank with a total gross floor area of 6,999m².

The premises will be operated by Elite Home Group Pty Ltd, a business specialising in the warehousing, handling, and distribution of large-format building and construction products, including tiles, sanitary fixtures, flat-pack kitchens, and associated supplies. The nature of these bulky products necessitates significant warehouse floor space for loading, unloading, and internal handling operations, ensuring efficient and safe logistics processes.

There will be no significant retail component, with activities directed primarily to trade professionals, contractors, and builders rather than general walk-in retail trade.

The change of use requires only minor internal fit-out works to adapt the buildings for warehousing efficiency, administrative offices, and product showroom areas, along with the installation of new business signage.

Key aspects of the proposal include:

- Conversion of the existing buildings to a single consolidated warehouse and distribution facility.
- Inclusion of ancillary office and showroom areas to support administrative functions and display of selected products for trade clients.
- Retention of the existing built form with only minor cosmetic internal fit-out works, ensuring no external building changes or impacts on the surrounding streetscape.
- Establishment of a centralised logistics hub to support bulk storage, order fulfilment, and distribution, providing a reliable supply chain for builders, contractors, and trade professionals across the region.

The proposed operating hours 7am to 5:30pm Monday to Saturday.



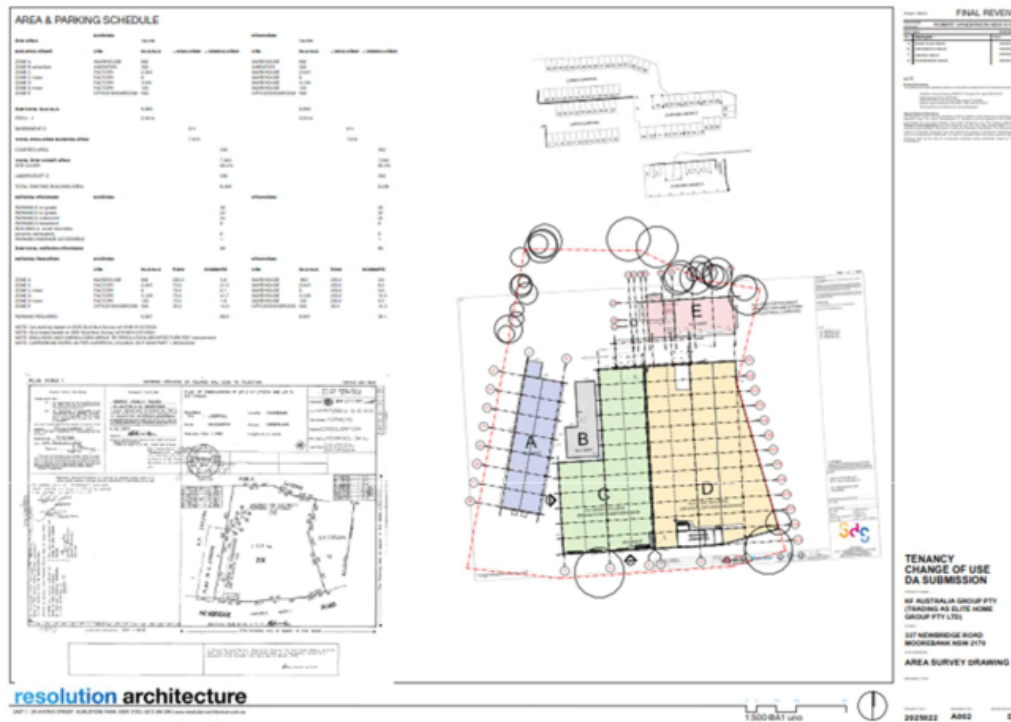


Figure 7

Extract of the proposed site plan showing the various warehouses with associated floor areas

4. RELEVANT PRECEDENTS – RECENT APPROVALS

The Moorebank precinct and surrounding industrial areas have seen several recent approvals for warehouse and distribution centres with gross floor areas substantially exceeding the 2,000m² cap in Clause 7.41 of the LLEP 2008. These include:

- **Moorebank Logistics Park (SSD 7628 – Stage 2)** – Approval granted for approximately 300,000m² of warehouse and logistics floorspace, confirming the strategic role of Moorebank as a logistics hub.
- **Prestons Industrial Estate, Yarrunga Street (SSD-7155 Mod 11, approved 2023)** – Modification approved for "Warehouse 4," increasing GFA by 484m², demonstrating Council and Panel support for large-scale warehouse facilities in the Liverpool LGA.
- **Leppington Industrial Development, 345–367 Bringelly Road (Sydney Western City Planning Panel)** – Consent issued for two warehouses of approximately 19,970m² and 14,260m² respectively, totalling more than 34,000m², with ancillary offices and parking.
- **Proposed Multi-Level Warehouse, 20 Kelso Crescent, Moorebank (currently under assessment)** – Application for demolition and construction of a multi-level warehouse and distribution centre with five tenancies and ancillary offices, reflecting the market and policy demand for substantial warehouse floorspace in Moorebank.

These approvals confirm that large-format warehousing and distribution centres are both typical and strategically encouraged outcomes within the Liverpool LGA and adjoining industrial areas. They reinforce that the numerical 2,000m² restriction in Clause 7.41 is increasingly outdated, and that variations to this control are necessary to enable appropriate, employment-generating industrial activity.

In this context, the proposed use of the subject site, making full use of the existing 6,999m² industrial complex, is consistent with both recent approval precedents and the strategic planning direction for the Moorebank precinct.

5. CLAUSE 4.6 EXCEPTIONS TO DEVELOPMENT STANDARDS

Clause 4.6 *Exceptions to Development Standards* of the *Liverpool Local Environmental Plan (LLEP) 2008* provides a mechanism by which a development standard can be varied.

Development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied as to the matters under Clause 4.6(4) of the LEP. It is the onus of the applicant to address the matters under Clause 4.6(3) of the LEP which are addressed through this written request.

The objectives of this clause as outlined in Clause 4.6(1) are:

- a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and
- b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

The objectives of Clause 4.6 are to provide appropriate flexibility in the application of development standards where strict compliance would be unreasonable or unnecessary, and where a variation would enable a better planning outcome. While there is no strict requirement to demonstrate compliance with the objectives of the clause, it is useful to provide a preliminary assessment in this context.

The relevant standard is Clause 7.41 *Certain developments in Zones E4 and E5*, specifically Clause 7.41(3) which restricts the gross floor area of a warehouse or distribution centre in Area B to a maximum of 2,000m².

Clause 7.41 states:

7.41 Certain developments in Zones E4 and E5

- (1) **Depots in Zones E4** *If development for the purposes of a depot is permitted under this Plan on land identified as "Area B" on the [Land Zoning Map](#), the total site area must not exceed 2,000 square metres.*
- (2) **Transport depots** *If development for the purposes of a transport depots is permitted under this Plan on land identified as "Area B" on the [Land Zoning Map](#), the total site area must not exceed 2,000 square metres.*
- (3) **Warehouse or distribution centres** *If development for the purpose of a warehouse or distribution centre is permitted under this Plan on land identified as "Area B" on the [Land Zoning Map](#), the gross floor area must not exceed 2,000 square metres.*
- (4) **Vehicle sales or hire premises** *If development for the purpose of vehicle sales or hire premises is permitted under this plan in Zone E4 General Industrial or Zone E5 Heavy Industrial, the floor area used for hard stand space must not exceed 500 square metres.*

In this case, the existing industrial complex accommodates 6,999m² of gross floor area, and the proposal seeks to utilise the full extent of these buildings as a warehouse and distribution centre with ancillary offices and showroom functions. This exceeds the numerical limit of Clause 7.41 by 4,999m² or 249%.

The exceedance of the 2,000m² floor area cap arises directly from the existing built form and lawful industrial capacity of the site, rather than from any new works or intensification of development. The application does not propose additional floor space or building bulk but rather seeks to make full and efficient use of the established 6,999m² facility already present on the land.

In these circumstances, strict compliance with Clause 7.41 would be both unreasonable and unnecessary. Enforcing the 2,000m² limit would effectively sterilise the majority of the site's functional floorspace, preventing its orderly and economic use, and undermining the intent of the E4 zone, which is to facilitate employment-generating and logistics-based uses.

The proposal does not give rise to any additional bulk, scale, or environmental impact beyond what is already accommodated on the site. The built form remains unchanged, and the proposal represents an efficient re-use of existing industrial land and infrastructure. This outcome is entirely consistent with Moorebank's established role as a regional logistics and trade hub.

The development will also deliver tangible economic and employment benefits. By consolidating Elite Home Group's operations within a single premises, the proposal will support industrial activity, create job opportunities, and strengthen supply chain capacity in the construction and trade sectors. These outcomes align closely with both the local planning objectives of the Liverpool LGA and broader strategic directions for Western Sydney as a growth area for logistics and industrial employment.

It is also relevant that large portions of the warehouse floor area are necessarily devoted to loading, unloading, and handling of bulky goods such as tiles, sanitary fixtures, and flat-pack kitchens. This means that much of the floorspace is functional in nature and required for the safe and efficient operation of the business, rather than representing an excessive or unjustified expansion of storage capacity.

This situation is comparable to the planning principles articulated in *Wehbe v Pittwater Council (2007) LGERA 446* and *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009*, where the Court confirmed that a contravention may be justified where:

- The objectives of the development standard are achieved notwithstanding non-compliance;
- Compliance is unreasonable or unnecessary in the circumstances; and
- There are sufficient environmental planning grounds to justify the variation.

The proposal satisfies these principles: it achieves the objectives of Clause 7.41, does not create adverse impacts, and allows for the orderly and economic use of existing industrial land and infrastructure.



6. CLAUSE 4.6(3)(A): UNREASONABLE OR UNNECESSARY

The principles established in *Wehbe v Pittwater Council* [2007] NSWLEC 827 provide a well-accepted framework for demonstrating that compliance with a development standard is unreasonable or unnecessary, as required by Clause 4.6(3)(a) of the *Liverpool Local Environmental Plan 2008*. Although *Wehbe* related to the application of SEPP 1, the reasoning has been consistently adopted by the Courts and remains relevant to the assessment of variations under Clause 4.6.

The *Wehbe* case identifies several alternative tests to demonstrate that compliance is unreasonable or unnecessary, including where the proposed development is consistent with the objectives of the development standard, the underlying objective of the standard is achieved notwithstanding non-compliance, or that the development standard has been virtually abandoned or destroyed by the Council's practice.

These tests are useful in supporting a well-founded variation and are addressed in detail below in relation to the proposed variation to the maximum building height standard.

The examples provided in *Wehbe* are:

1. *The objectives of the standard are achieved notwithstanding non-compliance with the standard*
2. *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary*
3. *The underlying object or purpose of the standard would be defeated or thwarted if compliance was required and therefore compliance is unreasonable*
4. *The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable*
5. *The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.*

The applicant seeks a variation to the gross floor area development standard for warehouses and distribution centres under Clause 7.41(3) of the *Liverpool LEP 2008*. In this instance, strict compliance with the 2,000m² limit is considered both unreasonable and unnecessary, having regard to the established planning principles set out in *Wehbe v Pittwater Council* [2007] NSWLEC 827 (*Preston CJ*).

The site already accommodates a total floor area of 6,999m² within a lawful, established industrial complex that was constructed well before the introduction of the 2,000m² warehouse cap in Clause 7.41. The proposal simply seeks to adaptively reuse this built form for warehousing and distribution purposes, supported by ancillary office and showroom areas.

In particular, reliance is placed on *Wehbe* reasons 1 and 3. First, the proposed development is consistent with the objectives of the development standard, notwithstanding the numerical non-compliance. The restriction in Clause 7.41 is intended to manage the scale and intensity of warehouse activities in Area B to ensure compatibility with the zone and to minimise amenity impacts. In this case, the proposal achieves those objectives, as it makes use of an existing industrial complex without adding to the bulk or intensity of development.

Second, the underlying objective of the standard is achieved notwithstanding the exceedance. The development will continue to operate in a manner compatible with the surrounding

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industrial context, with no adverse environmental, traffic, or amenity impacts. The use of the full 6,999m² building is consistent with the intent of the E4 General Industrial zone, which is to accommodate employment-generating industrial and logistics operations.

The proposal is consistent with recent precedents in both Moorebank and the broader Liverpool LGA where large-scale warehouse and distribution centres have been approved well in excess of 2,000m². These approvals demonstrate that large-format warehousing is both typical and strategically encouraged within the Liverpool LGA and its surrounding industrial areas. In this context, the numerical 2,000m² cap is increasingly outdated, and its rigid application would undermine the efficient and economic use of land already developed for industrial purposes.

Accordingly, the proposal achieves the objectives of the standard and delivers a planning outcome consistent with both precedent approvals and the strategic direction for Moorebank, notwithstanding the non-compliance.

In this particular case, consistent with that decision, it can be demonstrated that the objectives of the development standard are achieved notwithstanding non-compliance with the standard, as below:

"43 The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. Compliance with a development standard is fixed as the usual means by which the relevant environmental or planning objective is able to be achieved. However, if the proposed development proffers an alternative means of achieving the objective, strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served)."

Accordingly, compliance with the strict numerical standard would not deliver any additional public benefit in this case, while refusal to grant the variation would unreasonably constrain the orderly and economic use of existing industrial land and built form.

It should be noted that the consent authority has the power to grant consent to a variation to a development standard, irrespective of the numerical extent of variation (subject to some limitations not relevant to the present matter).

The decision of Pain J, in *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90* suggests that demonstrating that a development satisfies the objectives of the development standard is not necessarily sufficient, of itself, to justify a variation, and that it may be necessary to identify reasons particular to the circumstances of the proposed development on the subject site. Further, Commissioner Tuor, in *Moskovich v Hornsby Council [2016] NSWLEC 1015*, considered a DA which involved a relatively substantial variation (65%) to the FSR control. Some of the factors which convinced the Commissioner to uphold the Clause 4.6 variation request were the lack of environmental impact of the proposal, the characteristics of the site such as its steeply sloping topography and size, and its context which included existing adjacent buildings of greater height and bulk than the proposal. The decision suggests that the requirement that the consent authority be satisfied the proposed development will be in the public interest because it is "consistent with" the objectives of the development standard and the zone, is not a requirement to "achieve" those objectives. It is a requirement that the development be 'compatible' with them or 'capable of existing together in harmony'. It means "something less onerous than 'achievement'".

In *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118*, Preston CJ found that it is not necessary to demonstrate that the proposed development will achieve a "better environmental planning outcome for the site" relative to a development that complies with the development standard. Finally, in *Hansimikali v Bayside Council [2019] NSWLEC 1353*,

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Commissioner O'Neill found that it is not necessary for the environmental planning grounds relied upon by the Applicant to be unique to the site.

The following assessment is undertaken pursuant to cl 4.6 and the above principles.

7. WAREHOUSE AND DISTRIBUTION CENTRES

6.1 The Standard to be Varied and the Extent of Variation

The development standard to which this request relates is *Clause 7.41 Certain Developments in Zones E4 and E5* of the LLEP 2008.

Clause 7.41(3) provides that where development for the purpose of a warehouse or distribution centre is permitted on land identified as "Area B" on the Land Zoning Map, the gross floor area (GFA) must not exceed 2,000m².

The subject site at 337 Newbridge Road, Moorebank accommodates an existing industrial complex with a total gross floor area of 6,999m². The current proposal seeks consent to utilise the entire existing building for the purpose of a warehouse and distribution centre with ancillary office and showroom functions.

The proposal therefore results in a numerical non-compliance with the development standard of 4,999m² or a variation of 249%.

It is important to note that this exceedance arises from the existing built form of the site, which has long been established and lawfully used for industrial purposes. The development does not propose any increase to the building footprint, height, or bulk, but instead seeks to adaptively reuse the existing industrial floorspace for a compliant industrial/logistics use.

6.2 4.6(3)(a): Unreasonable or unnecessary in the circumstances of the case

Strict compliance with the 2,000m² floor area cap for warehouses and distribution centres under Clause 7.41(3) of the LLEP 2008 is both unreasonable and unnecessary in this case. The intent of the control is to manage the scale of warehouse development so that it remains compatible with its context, minimises adverse amenity impacts, and ensures orderly industrial development. The current proposal achieves this intent notwithstanding the numerical exceedance.

The exceedance arises solely from the existing built form and industrial capacity of the site, which lawfully accommodates a total of 6,999m² of gross floor area. No new building work is proposed, and the overall bulk, height, and scale of the development will remain unchanged. In effect, the proposal seeks to reuse an existing industrial facility for a permitted warehouse and distribution purpose, supported by ancillary office and showroom areas.

Requiring compliance with the 2,000m² standard would effectively sterilise the majority of the site's floorspace, preventing its orderly and economic use for employment-generating industrial activity. Such an outcome would run counter to the objectives of the E4 General Industrial zone, which encourage the efficient use of industrial land for warehousing, logistics, and trade supply operations.

The nature of the proposed operations also demonstrates why strict compliance is unnecessary. Large portions of the building must be dedicated to loading, unloading, handling, and circulation of bulky goods such as tiles, sanitary fixtures, and flat-pack kitchens. This operational requirement means that the available floorspace is functionally necessary rather than excessive.



Given these circumstances, the proposal satisfies the intent of the development standard without the need for strict adherence to the numerical limit. Enforcing compliance would serve no planning purpose and would unnecessarily constrain the efficient reuse of an established industrial facility that is well suited to its context and strategically located within the Moorebank industrial precinct.

Consistency with Clause 7.41 Certain developments in Zones E4 and E5

Clause 7.41 of the Liverpool Local Environmental Plan 2008 does not contain specific objectives of its own. Instead, it imposes a development standard that seeks to limit the gross floor area of warehouse and distribution centres within Area B to a maximum of 2,000m².

The intent of this control is to manage the scale of such developments so they remain compatible with the broader planning framework, minimise potential amenity and traffic impacts, and ensure orderly development within the industrial zone.

The current proposal is consistent with this intent notwithstanding the numerical exceedance. The development makes use of an existing 6,999m² industrial complex that has historically supported industrial activities. No new floorspace is being created and the bulk and scale of the existing building will remain unchanged. As such, the proposal does not give rise to additional environmental or amenity impacts beyond those already present or reasonably expected in the E4 zone.

Furthermore, the proposed warehouse and distribution centre with ancillary office and showroom functions is directly aligned with the established industrial and logistics character of the Moorebank precinct. The precinct has been strategically identified for warehousing and freight-related operations, and the proposal reinforces this role by supporting the efficient storage, handling, and distribution of bulky goods.

Accordingly, while the proposal exceeds the 2,000m² cap numerically, it remains consistent with the underlying intent of Clause 7.41, delivering an outcome that is compatible with the zone, appropriate to its context, and without adverse environmental or amenity impacts.

The proposed addition responds appropriately to site context and constraints

The proposed use responds appropriately to the context and operational constraints of the site. The subject property accommodates an existing large-scale industrial complex with a total floor area of 6,999m². The proposal does not involve any external building works or intensification of bulk and scale. Instead, it seeks to make efficient use of the established building for the purposes of a warehouse and distribution centre with ancillary offices and showroom functions.

The site is located within a strategic industrial and logistics precinct, characterised by large-format warehousing, freight facilities, and trade supply businesses. In this setting, the continuation of warehouse and distribution functions is entirely consistent with the surrounding built form and land use pattern. The proposal ensures that the facility integrates seamlessly into the established industrial character of the Moorebank corridor.

The exceedance of the 2,000m² floor area cap in Clause 7.41 arises from the physical attributes of the site and its existing improvements. The scale of the building reflects the industrial purpose of the precinct and is not the result of any proposed overdevelopment. In fact, large portions of the floorspace are necessarily dedicated to loading docks, recessed truck bays, goods handling areas, and circulation space required for the safe storage and movement of bulky goods such as tiles, sanitary fixtures, and flat-pack kitchens.

By utilising the existing building in this way, the proposal achieves a proportionate and functional response to the site's context. It maintains compatibility with adjoining industrial uses, aligns with the broader logistics role of Moorebank, and ensures that the land continues to be used in an efficient and sustainable manner for employment-generating purposes.

Extent of exceedance and impacts

The variation sought relates to Clause 7.41(3) of the LLEP 2008, which restricts the floor area of warehouse or distribution centres within Area B to 2,000m². The existing industrial complex accommodates 6,999m² of gross floor area, resulting in a numerical exceedance of 4,999m². While the extent of the variation is significant in numerical terms, the actual impacts are negligible, as the proposal involves no new building works, additions, or intensification of built form. The bulk and scale of the existing complex remain unchanged, with the development limited to a change of use supported by minor internal fit-out and signage works.

The use of the full building for warehouse and distribution functions will not result in unreasonable amenity, traffic, or environmental impacts. The site is already configured to support logistics operations, with loading docks, recessed truck bays, multiple vehicular access points, and 89 on-site parking spaces. Traffic and parking impacts will remain consistent with other large-format logistics facilities in the precinct, and no additional overshadowing, privacy, or visual bulk impacts will arise.

In practical terms, much of the floor area is required for handling and circulation of bulky goods, including tiles, sanitary ware, and flat-pack kitchens. These functional requirements mean that the available space is necessary for safe and efficient operation, rather than representing an excessive or unreasonable scale of warehousing. Accordingly, while the proposal departs numerically from the standard, it does not result in adverse environmental, amenity, or planning impacts, and remains wholly compatible with the industrial character and role of the Moorebank precinct.

Strict compliance would hinder a better planning outcome

Strict enforcement of the 2,000m² floor area limit under Clause 7.41(3) would unreasonably restrict the opportunity to achieve an efficient, functional, and sustainable use of the site. The existing building provides a total of 6,999m² of industrial floor space, which has been purpose-built for warehouse and factory functions. To enforce compliance would effectively sterilise the majority of this floorspace, contrary to the intent of the E4 zone which seeks to promote employment-generating industrial and logistics uses.

The proposal makes full use of the existing built form without increasing bulk, scale, or building footprint. It allows for the safe storage, handling, and distribution of bulky goods such as tiles, sanitary fixtures, and flat-pack kitchens, activities that inherently demand significant circulation and loading space. In this context, the larger floor area is not excessive but rather essential to the operation of the business.



By permitting the use of the entire building, the proposal achieves a better planning outcome, enabling the ongoing viability of a logistics-based enterprise while maintaining compatibility with surrounding industrial development. There are no adverse amenity, traffic, or environmental impacts, and the development aligns with the strategic role of Moorebank as a logistics hub.

Accordingly, the departure from the numerical standard is both reasonable and necessary in order to secure the most appropriate and orderly use of the land, consistent with the objectives of the zone and the desired future character of the Moorebank industrial precinct.

Consistency with the Zone Objectives

The subject site is located within the *E4 General Industrial* zone under the LLEP 2008. The zone permits a wide range of industrial uses, including warehousing, distribution, manufacturing, and associated trade supply functions.

The proposed use of the site as a warehouse and distribution centre with ancillary office and showroom functions is entirely consistent with these permissible activities as outlined in the following table.

ZONE OBJECTIVES	RESPONSE
<i>To provide a range of industrial, warehouse, logistics and related land uses.</i>	The development directly provides for warehouse and distribution functions, complemented by office and showroom space necessary to support the industrial operations.
<i>To ensure the efficient and viable use of land for industrial uses.</i>	The development makes use of the existing 6,999m ² industrial complex without new building works, ensuring the land is utilised to its full capacity in an orderly and economic manner.
<i>To minimise any adverse effect of industry on other land uses.</i>	The development makes use of the existing building, introduces no new bulk or scale, and operates within an established industrial precinct, ensuring no unreasonable impacts on amenity or the environment.
<i>To encourage employment opportunities.</i>	The proposal consolidates the operations of Elite Home Group within a single facility, creating and supporting local jobs in warehousing, logistics, administration, and trade supply.
<i>To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.</i>	The inclusion of ancillary offices and showroom space provides essential facilities to support the warehouse operations and meet client and worker needs.
<i>To allow other land uses that are compatible with industry and that can buffer heavy industrial zones while not detracting from centres of activity.</i>	The development is compatible with surrounding industrial uses and does not detract from centres of activity. Its logistics and trade supply role reinforces, rather than competes with, existing land use patterns.

6.3 4.6(3)(b): sufficient environmental planning grounds to justify the contravention

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Clause 4.6(3)(b) requires that there are sufficient environmental planning grounds to justify the contravention of the development standard. This means the variation must result in a better planning outcome, considering the site-specific context and broader public interest.

In this case, there are clear and sufficient environmental planning grounds to support the proposed variation, for the following reasons:

Efficient use of existing built form and minimisation of site disturbance

The exceedance of the 2,000m² cap arises solely from the existing industrial complex, which lawfully accommodates a total of 6,999m² of floor area. No new building works are proposed. The reuse of the existing facility represents an efficient and sustainable use of land and resources, avoiding unnecessary demolition, construction, or site disturbance.

A significant portion of the building's floor area is required for the storage, loading, unloading, and safe circulation of bulky goods such as tiles, sanitary fixtures, and flat-pack kitchens. These operational requirements mean that the larger floor area is not excessive, but essential to ensuring safe and efficient warehouse operations.

Strict compliance with the 2,000m² limit would artificially constrain the use of the premises and prevent the site from functioning as intended.

No adverse impacts on adjoining properties or the public domain

The proposal does not involve any increase to the bulk, scale, or height of the existing industrial buildings. The development is confined entirely within the established built form of the site and seeks only to change the use to a warehouse and distribution centre with ancillary office and showroom functions. This ensures that the external appearance of the site remains unchanged and that the development will not introduce any additional visual or physical impacts on the surrounding area.

The site is already configured to accommodate warehouse and logistics functions, with purpose-built facilities such as loading docks, recessed truck bays, and designated circulation space. In addition, the provision of 89 on-site parking spaces ensures that traffic and servicing demands generated by the operations can be managed internally, without reliance on the surrounding road network. As a result, there will be no unacceptable impacts on traffic flow, access, or parking availability in the locality.

The proposed operations are consistent with the prevailing character and function of the Moorebank industrial precinct, which is dominated by warehouse, distribution, and logistics uses. Given this context, the development will integrate seamlessly into its setting and will not create unreasonable amenity, environmental, or traffic impacts. The proposal therefore represents a low-impact, compatible, and appropriate outcome for the site and its surrounds.

Delivery of Improved Industrial Functionality and Efficiency

The proposal delivers a significant improvement in the functionality and operational efficiency of the site by enabling the full use of the existing industrial floorspace for warehousing and distribution activities. The adaptation of the premises ensures that the layout supports the safe handling, storage, and movement of bulky goods, while also providing integrated office and showroom facilities to accommodate administrative and client-facing functions.

The design respects the integrity of the existing industrial complex, with no change to its external form, bulk, or presentation to Newbridge Road. Instead, the improvements are focused on the internal configuration and functional use of space, ensuring that the premises operate efficiently as a consolidated logistics facility.

This approach maximises the viability and productivity of the site, enabling it to better meet the operational needs of Elite Home Group while continuing to serve the broader Moorebank industrial precinct. By consolidating warehousing, distribution, and ancillary business functions within a single integrated facility.

Alignment with strategic planning objectives

The Moorebank precinct has been identified as a key logistics and industrial hub within the Liverpool LGA. The proposal reinforces this role by maintaining an employment-generating industrial use in a strategically significant location, consistent with the objectives of the E4 General Industrial zone. It also ensures that the site continues to contribute positively to the economic base of the area, providing jobs and supporting the construction and trade sectors.

The proposed building envelope and floor space is an appropriate correlation with the size of the site and the extent of the development as it is consistent with the overall building envelope in the locality.

Relevance of Clause 7.41

Council is currently progressing strategic planning work in Moorebank, including the Moore Point Planning Proposal, which is envisioned to rezone portions of the precinct from E4 General Industrial to MU1 Mixed Use, with new height and floor space controls. This strategic planning work underway for Moorebank will result in substantial changes to the land use framework, including the rezoning of significant industrial land to Mixed Use and the introduction of new development standards.

In this context, the 2,000m² warehouse cap in Clause 7.41 is increasingly outdated and no longer aligned with the emerging planning vision for the precinct. Applying this restriction rigidly would serve little practical purpose, particularly as the site is already developed with a lawful 6,999m² industrial complex.

The requested variation is therefore consistent with the direction of planning policy, which is moving away from restrictive caps and towards more flexible controls that facilitate large-scale logistics, industrial, and employment-generating uses in Moorebank.

Allowing a variation to the development standard, in the context of this particular site, the ongoing industrial type use, would promote:

- the proper and orderly development of land; and
- good design and amenity of the built environment,

which are express objectives of the *Environmental Planning and Assessment Act 1979* (Section 1.3(c) and (g)).

6.4 4.6(4): Record Keeping

It is understood that the consent authority will keep a record of its assessment carried out under subclause (3).

The proposed development is consistent with the objectives of the height development standard, and the objectives of the zone, for the reasons discussed above.

6.5 4.6(1): objectives of clause 4.6

The proposed variation to the FSR standard, for the reasons explained above, is clearly consistent with the objectives of clause 4.6, which are:

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- a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and
- b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

There would be no public benefit in maintaining the development standard in this instance for the following reasons:

- The variation does not give rise to any adverse environmental, amenity, traffic, or infrastructure impacts. The proposal involves no increase to the bulk, scale, or height of the existing buildings, and maintaining compliance would not deliver any tangible public benefit. Instead, it would unnecessarily sterilise much of the existing industrial floorspace, contrary to the orderly and economic use of land.
- The site already accommodates a total floor area of 6,999m² within a lawful, established industrial complex that was constructed well before the introduction of the 2,000m² warehouse cap in Clause 7.41. The proposal simply seeks to adaptively reuse this built form for warehousing and distribution purposes, supported by ancillary office and showroom areas.
- Much of the building is required for loading docks, recessed truck bays, goods handling areas, and circulation space necessary for the safe movement of bulky goods such as tiles, sanitary fixtures, and flat-pack kitchens. These functional demands mean that the larger floor area is not excessive but proportionate to the intended use.
- The Moorebank precinct is characterised by large-scale warehousing and logistics uses. The proposal is consistent with this established character and will operate in a manner comparable to adjoining facilities.
- Council is progressing strategic planning work for the Moorebank precinct, including the Moore Point Planning Proposal, which has been declared State Significant by the Department of Planning, Housing and Infrastructure. This rezoning process will substantially reshape land use outcomes in the area, transitioning significant portions of Moorebank from E4 General Industrial to Mixed Use (MU1) and introducing new height and floor space provisions. In this evolving context, the 2,000m² warehouse cap imposed by Clause 7.41 is increasingly outdated and of diminishing relevance. The rigid application of this control would serve little practical purpose where the site already accommodates a lawful industrial building of 6,999m² and where broader planning policy is clearly moving towards more flexible controls that facilitate large-scale logistics and employment uses.
- Recent approvals in Moorebank and surrounding areas, such as the Moorebank Logistics Park (≈300,000m² GFA), Prestons Industrial Estate (warehouse expansions), and the Leppington Industrial Development (≈34,000m² GFA across two warehouses), confirm that large-scale warehouse and logistics facilities are typical, strategically encouraged, and consistent with the broader planning direction for South West Sydney.
- Strict enforcement of the 2,000m² cap would prevent the site from fulfilling its role as part of a strategically significant industrial and logistics hub. The proposal aligns with the objectives of the *E4 General Industrial* zone and the *Environmental Planning and Assessment Act 1979* by supporting employment, efficient use of resources, and the ongoing vitality of the Liverpool economy.

- The development sustains and creates local jobs, consolidates Elite Home Group's operations in the precinct, and contributes to the construction and trade supply sectors that underpin the local economy.

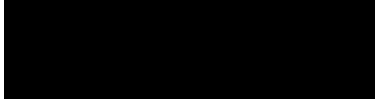
In this context, enforcing the numerical cap would not achieve any meaningful public benefit but would instead undermine the efficient use of an established industrial site. Allowing the variation secures a high-quality and compatible industrial outcome that is fully consistent with the zone objectives and the strategic role of Moorebank as a logistics hub.

There are no other relevant matters required to be taken into account by the Secretary.

Should you have any queries or require clarification on any matters please do not hesitate to contact me on [REDACTED]

Yours sincerely,

MYRIAD CONSULTING



Craig Schulman BSc. MURP
Director
Town Planning and Development

