

ATTACHMENT 1 – RECOMMENDED CONDITIONS OF CONSENT

PPSSWC-130 – DA-33/2021 – 164-170 CROATIA AVENUE, EDMONDSON PARK

ATTACHMENT 1 – CONDITIONS OF APPROVAL

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

A. GENERAL CONDITIONS

Approved Plans/Documents

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

Document Name	Dated	Reference	Prepared by
Edmondson Park South Precinct – 164-170 Croatia Avenue, Edmondson Park – Stage 1 Conceptual Master Plan	May 2021	Version 06	Tony Owen Partners
Design Verification Statement	16 June 2021	-	Tony Owen Partners
Landscape DA Design Report	5 July 2021	SS20-4427	Site Image Landscape Architects
Landscape Plans	5 July 2021	SS20-4427 Revision D	Site Image Landscape Architects
Landscape Specifications/ Details/ Sections	5 July 2021	SS20-4427	Site Image Landscape Architects
Traffic Impact Assessment	18 June 2021	20.210r02v02	Traffix Traffic & Transport Planners
Infrastructure Services Report	11 June 2021	47429 Revision 001	Stantec Australia Pty Ltd
Detailed Site Investigation	26 October 2020	E24744.E02_Rev 0	EI Australia
Geotechnical investigation	25 September 2020	E24744.G03	EI Australia
Aboriginal Cultural Heritage Assessment Report	28 February 2022	2- Draft	Apex Archaeology
Re: 164-170 Croatia Avenue, Edmondson Park – Integrated Development Application: Notice to Supply Further Information	2 May 2022	-	Apex Archaeology
Bushfire Protection Assessment	29 September 2020	B203519-1	Australian Bushfire Protection Planners Pty Ltd

Response to Rural Fire Service Queries	17 June 2021	B203519-2	Australian Bushfire Protection Planners Pty Ltd
Crime Risk Assessment Report	-	M210102	Planning Ingenuity Pty Ltd
Operational Waste Management Plan	24 February 2021	SO632 Revision B	Elephants Foot Recycling Solutions
Biodiversity Advice – 164 & 170 Croatia Avenue, Edmondson Park	29 June 2021	-	Arcadis
Ambient Electromagnetic Field Measurement/ Assessment	May 2021	F1952	Faraday Pty Ltd

Environmental Planning and Assessment Act 1979

2. In accordance with section 4.22(4) of the EP&A Act all development under the Concept Proposal must be subject of future application(s). This consent does not permit the carrying out of any works.

External Agency General Terms of Approval and Requirements

3. All requirements specified from external referral agencies, being Heritage NSW, Department of Planning and Environment – Water, NSW Rural Fire Service, Transport for NSW, Sydney Trains, Sydney Water and Endeavour Energy (found in Attachment 2), are to be adopted for the detailed design stages (where relevant) and the future of the proposed development. Referrals to external agencies are to take place for any future development applications.

PART B - CONDITIONS TO BE SATISFIED PRIOR TO THE SUBMISSION OF FUTURE DEVELOPMENT APPLICATIONS

Pre-Development Application Meeting

4. Prior to the submission of an application for the built form a Pre-Development application meeting is to be undertaken with Liverpool City Council. Advice of the subject Pre-Development application meeting is to be accompanied with the submission of the development application.

Pre-Development Design Excellence Panel Meeting

5. Prior to the submission of an application for the built form a Pre-Development Design Excellence Panel meeting is to be undertaken with Liverpool City Council. Advice of the subject Pre-Development application meeting is to be accompanied with the submission of the development application.

PART C - CONDITIONS TO BE SATISFIED IN FUTURE DEVELOPMENT APPLICATIONS

Design Excellence Condition

6. Any future development applications for the residential accommodation element of the approved concept plans is to have a minimum 3.1m floor to floor ceiling height.

Maximum GFA

7. The sum of the total Gross Floor Area (GFA) across the precinct, subject to this concept application, within any future development applications is not exceed a maximum GFA of 60,578m².

Building Envelopes

8. Any future application is not permitted to extend beyond the approved building envelopes approved under DA-33/2021 excepting only supporting columns designed in form and materials so as not to detract from the concept design to the satisfaction of Council's Design Excellence Panel and where variations are required through the conditions of this consent.

Urban Design

9. The detailed design for proposed buildings A & B are to incorporate a building setback to the street frontages of 4.5 metres.
10. Full compliance with all requirements of the Apartment Design Guideline (ADG) is to be achieved per building for all future built form development applications with the exception of the solar access provisions, which are to be met on a compliance per individual stage basis.
11. A minimum 12 metre building separation between Buildings G & H is to be incorporated into the detailed design development application for anticipated Stage 1. Where the ADG requires further building separation above the fourth storey (Levels 4 to 8), privacy for dwellings is to be addressed through appropriate internal layouts and window treatments to ensure visual privacy is mitigated for the area of these buildings where they oppose each other.
12. A diversity of indoor spaces (e.g., multi-purpose rooms, recreation rooms, gyms) are to be provided within the development for the residents. Location of such rooms / spaces need to be identified and provided within the plans for the detailed design stages of the buildings. Detailed internal layouts, including furniture, should also be provided.

Landscaping and Public Domain Works

13. Details for the soil volume and depth of soil being provided for tree planting / vegetation on any podium slab or structure, including rooftop terraces, is to be provided to Council for approval as part of future detailed design applications to ensure enough structural soil can be provided for landscaping and trees
14. Detailed landscape plans for the future built form and riparian zone are to be prepared by an AILA registered Landscape Architect and be provided to Council for approval for each subsequent development application.
15. The proposed bike lane, space allocation for bike lanes and all associated active transport infrastructure should be clearly identified on all public domain and landscape plans and are to be provided as part of future Development Applications for Council approval.

Waste Management

16. Bin collection would only occur once per week from the proposed development, on a Wednesday as opposed to twice weekly collections. As such, this is required to be factored in to the future detailed design development applications and would likely require the bin holding facilities to be larger to cope with more bins

Roads

17. The alignment of McDonald Road is to be wholly within the B4 – Mixed Use zoned land area and is not to encroach within the RE1 – Public Recreation zoned land, unless sufficient evidence indicating a signed agreement between the landowner/s of the subject sites and the owners of the adjoining site to the west (being Lot 303 DP 1259974, Lot 303 Croatia Avenue, Edmondson Park) regarding a revised road alignment, is able to be provided with the relevant future development application.

Note: If a revised layout is agreed upon and adopted to encroach within the RE1 – Public Recreation, this would have implications with the area of acquisition for public recreation and/or impact any future Voluntary Planning Agreement the proponent of future development applications may wish to enter into with Council.

Environmental

18. Any works proposed in future development applications within land that is non-biodiversity certified, would require further ecological assessments which may include but not be limited to flora and fauna reporting, Biodiversity Development Assessment Report (BDAR) and the like.

Engineering and Flooding

19. All future development applications for the proposed development are to ensure that:
 - a. There shall be no loss of flood storage by the future detailed design stages of the proposed development and hence, all developments shall be located outside the 1% AEP flood extent of Maxwells Creek.
 - b. Stormwater runoffs leaving the site shall comply with Council's water quality standards.
 - c. Interim on-site water quality treatment facilities shall be provided as indicated in the stormwater report by Stantec Pty Ltd (Ref: Project No: 47429 - Croatia Avenue, Edmondson Park; Stormwater On-site Water Quality Treatment Memo; Dated: 02 July 2021). The treatment facilities shall capture all gross pollutants and liquid contaminants from the stormwater before discharging it to waterway or Council stormwater system.
 - d. Water quality treatment works shall be designed using MUSIC modelling software and the water quality treatment system performance shall be verified using Council's MUSIC link.
 - e. A detailed stormwater drainage design prepared by a qualified practicing civil engineer shall be submitted to Council for assessment. The stormwater drainage design of the development shall be consistent with Council's detailed design of Raingardens D13 and D14, and the stormwater from the development site shall drain to the nominated point of discharge by gravity. The design shall include all engineering details relevant to collection and disposal of stormwater, existing site levels, finished levels, pipe sizes and grades.

Contamination

20. Any future Development Application is required to adopt the recommendations of the submitted and approved Detailed Site Investigation Ref. E24744.E02_Rev0 prepared by EI Australia dated 26 October 2020. This may have potential to result in the requirement for a Remediation Action Plan for the proposed development. The relevant assessments are to be undertaken by a suitably qualified and experienced contaminated land consultant with regard to the potential effects of any contaminants on public health, the environment and building structures and shall meet the sampling density outlined in the NSW EPA Contaminated Sites Sampling Design Guidelines (1995).

Traffic Impact Study

21. Future development applications must be accompanied by a cumulative Traffic Impact Study in consultation with and to the satisfaction of the RMS and Liverpool City Council.

Acoustic Report

22. Future development applications are to be accompanied by an acoustic report prepared by a suitably qualified acoustic consultant that demonstrates compliance with the relevant provisions of the State Environmental Planning Policy (Transport and Infrastructure) 2021, Clauses 2.100 and 2.120.

Wind Study

23. Any future development application/s for the built form is to be accompanied by a wind report prepared by a suitably qualified consultant. Wind tunnel testing and mitigation measures are to be provided as part of the wind study, with consideration of wind impacts on public areas and roof gardens.

Special Infrastructure Contribution (SIC)

24. The applicant will be required to make a special infrastructure contribution in accordance with any determination made by the Minister administering the Environmental Planning and Assessment Act 1979 under Section 7.23 of that Act and is in force on the date of this consent, and must obtain a certificate to that effect from the Department of Planning (Growth Centres Commission) before a Construction Certificate is issued in relation to any part of the development to which this consent or any future consent relates.

Environmental Sustainable Design (ESD)

25. Any future development application for the built form is to be accompanied by a report prepared by a suitably qualified Environmental Sustainable Design (ESD) consultant. A thorough analysis of all suitability principles shall be undertaken, and details for all measures to be incorporated as part of the development shall be provided, with particular reference to solar shading to the facades (including materiality) and energy requirements for heating and cooling.

D. ADVISORY

- a) Section 4.53 of the EP&A Act provides that unless otherwise stated by a condition of this consent, this consent will lapse if development is not physically commenced within five years of the date of this notice.

- b) Section 8.2 of the EP&A Act provides that an applicant may request, within six (6) months of the date of the determination of the Development Application, that Council review its determination (this does not relate to designated development or Crown development).

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

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

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

- h) TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to

Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800 810 443.

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

ATTACHMENT 2 – EXTERNAL AGENCY REFERRAL GENERAL TERMS OF APPROVAL AND REQUIREMENTS