

NIGEL DICKSON  
65-59 KENT STREET,  
MILLERS POINT, NSW 2000

**SECTION 4.55(2) MODIFICATION OF DEVELOPMENT CONSENT**

(In accordance with the provisions under Section 4.55 of the *EP&A Act 1979*)

**ADDRESS:** 23-29 HARVEY AVENUE, MOOREBANK, 2170  
LOT 28, DP 236405

**DESCRIPTION:** Modification to development consent DA-6/2018 under Section 4.55(2) of the Environmental Planning and Assessment Act 1979, for internal and external alterations and additions.

Reference is made to modification application DA-627/2018/A which seeks amendment to development consent DA-627/2018 issued for:

*Demolition of existing structures and the construction of a 6-storey residential flat building comprising of 58 units. The application is lodged pursuant to the state environmental planning policy (Affordable Rental Housing) 2009.*

Modification application DA-627/2018/A seeks consent for:

- Providing a substation at the northeast corner of the site.
- Increasing provision of affordable housing from 27 apartments to 31 apartments and affordable housing allocation revised.
- Adjustment to the internal basement layout, removing the garbage chutes and combining two garbage rooms into one room.
- Removal of the stair pressurisation from fire stairs as per BCA advice due to the effective height of building being less than 25m (effective height of 22.8m).
- Relocation of car park exhaust duct and waste exhaust duct next to the lift to the east in each tower.
- Specification of services room and relocating them from basement level 2 to basement level 1.

- Revision of parking layout to improve efficiency and accommodate more parking spaces. Total number of car parking increased from 60 to 68 spaces.
- Basement core design adjusted to suit new parking layout.
- Fire egress revised in accordance with BCA requirement. Provide roof cover to the fire egress.
- Basement ramp gradients revised with change of basement levels. Stormwater arrangement and OSD tank level and dimensions adjusted accordingly.
- Other elements have been adjusted such as motorcycle and bicycle parking locations. Increase in bicycle spaces from 15 to 16. Provision of 1 motorcycle space.
- Booster assembly provided to the northwest corner of the site on ground level near front boundary to satisfy standards.
- Provision of security gate to the pedestrian entry of each tower. Relocation of letterboxes to the under covered corridor of each tower and to keep the letterboxes away from street entries for security.
- Garbage chutes are removed from each residential level in both towers. Garbage room size reduced.
- Amendments to unit layout and additional bathrooms for units G01, G04, G05, G09 and G10. Unit G02 bedroom 1 and ensuite, and bedroom 2 room layout adjusted to meet with adaptable unit accessibility requirement. A minor adjustment to the layout of units G03, G06, G07, and G08.
- Amendments to unit layout and additional bathrooms for units 1.05, 1.06, 1.07, 1.11 and 1.12. Unit 1.02 (southwest unit) bedroom 1 and ensuite, and bedroom 2 room layout adjusted to meet with adaptable unit accessibility requirements. A minor adjustment to the layout of 1.03, 1.04, 1.08, 1.09, and 1.10.
- The setbacks remain as approved under the parent consent on level 1. The proposed building envelope remains consistent with the approved consent. A minor extension occurs at the north elevation of Unit 1.05. However, the extended building external wall aligns with the balcony to improve construction.
- Level 2 repeats the same revisions as Level 1.
- Amendments to unit layout and additional bathrooms for units 3.01, 3.02, 3.03, 3.04, 3.06 and 3.08. Unit 3.06 bedroom 1 and ensuite, and bedroom 2 room layout adjusted to meet adaptable unit accessibility requirements. A minor adjustment to the layout of 3.05, and 3.07 room.



**Customer Service Centre** Ground floor, 33 Moore Street, Liverpool NSW 2170  
**All correspondence to** Locked Bag 7064 Liverpool BC NSW 1871  
**Call Centre** 1300 36 2170 **Email** [lcc@liverpool.nsw.gov.au](mailto:lcc@liverpool.nsw.gov.au)  
**Web** [www.liverpool.nsw.gov.au](http://www.liverpool.nsw.gov.au) **NRS** 13 36 77 **ABN** 84 181 182 471

- The proposed setbacks remain as approved under the parent consent on level 3. The proposed building envelope remains generally the consistent with the approved parent consent. The minor extension occurs at the north elevation of Unit 3.01 and 3.02. The extended building external wall aligns with the balcony. On the south elevation, the external wall of Unit 3.06 is extended to be aligned with the building line at the west tower.
- Level 4 and 5 remain consistent with Level 3. It is noted that building envelope is reduced at the west elevation, and on the north elevation of the living room for Unit 3.06, 4.06, 5.06 and the balconies.
- Floor-to-floor levels increased from 3050mm and 3100mm. Overall height of building increased from RL 45.4m to RL 46 at the top of lift at the east tower.
- Facade materials revised including proposing brick veneer in lieu of external face brick wall with warm colour palette as per the parent consent DA-627/2018.
- Finishes of balcony screens and frames around windows and vertical louvres are proposed to be replaced with Powdercoated aluminum.
- Minor amendments to the landscape design on ground level in accordance with the layout revision. This includes:
  - a) Amending the street frontage fence with low masonry base and palisade fencing on top, and
  - b) The provision of landscape area in front of low fence wall to improve streetscape.
- Amend the roof of balcony in Unit 5.04 and Unit 5.06 to be pergola roof.
- Amend Units 1.06, 1.07, 2.06 and 2.07 layout to provide solar access opportunity to the private open space and living room.
- Provide sky light to Unit 5.04 and amend the balcony roof of Units 5.04 and 5.06 to be a pergola style roof to provide solar access to the private open space and living room.
- Reduce the balcony of units 1.02, 1.05, 1.08, 2.02, 2.05, 2.08, 3.02, 3.03, 3.05, 4.02, 4.03, 4.05, 5.02, 5.03, and 5.05 to provide solar access opportunity to the private open space and living room.
- Amend the street frontage fence with low masonry base palisade fencing on top and the provision of landscape area in front of low fence wall to improve streetscape.
- Provide additional seating opportunity on roof top Communal Open Space of the Western Tower.



**Customer Service Centre** Ground floor, 33 Moore Street, Liverpool NSW 2170  
**All correspondence to** Locked Bag 7064 Liverpool BC NSW 1871  
**Call Centre** 1300 36 2170 **Email** [lcc@liverpool.nsw.gov.au](mailto:lcc@liverpool.nsw.gov.au)  
**Web** [www.liverpool.nsw.gov.au](http://www.liverpool.nsw.gov.au) **NRS** 13 36 77 **ABN** 84 181 182 471

Pursuant to section 4.55(2) of the *Environmental planning and assessment Act 1979*, council grants approval for the modifications sought. accordingly, development consent DA-627/2018 has been amended as follows:

1. The following condition/s of development consent DA-627/2018 have been amended to read as follows (*Amendments in bold and italic*):

#### Approved Plans

1. Development the subject of this determination notice must be carried out strictly in accordance with the following plans and reports listed below, except where modified by the undermentioned conditions.

Plan Name	Plan Number	Rev	Date	Prepared By
<b>Cover Sheet</b>	<b>DA-0-001</b>	<b>G</b>	<b>8/06/2023</b>	<b>D.R. Design (NSW) Pty. Ltd.</b>
<b>Site Plan</b>	<b>DA-0-111</b>	<b>B</b>	<b>29/08/2022</b>	<b>D.R. Design (NSW) Pty. Ltd.</b>
Site Analysis Plan	A01.02	B	25/07/2018	Pagano Architects
Streetscape Analysis	A01.03	B	25/07/2018	Pagano Architects
Demolition Plan	A01.06	C	25/07/2018	Pagano Architects
<b>Basement 2</b>	<b>DA-0-209</b>	<b>F</b>	<b>29/08/2022</b>	<b>D.R. Design (NSW) Pty. Ltd.</b>
<b>Basement 1</b>	<b>DA-0-210</b>	<b>F</b>	<b>29/08/2022</b>	<b>D.R. Design (NSW) Pty. Ltd.</b>
<b>Ground Floor Plan</b>	<b>DA-0-211</b>	<b>G</b>	<b>29/08/2022</b>	<b>D.R. Design (NSW) Pty. Ltd.</b>
<b>Level 1 Floor Plan</b>	<b>DA-0-212</b>	<b>G</b>	<b>29/08/2022</b>	<b>D.R. Design (NSW) Pty. Ltd.</b>
<b>Level 2 Floor Plan</b>	<b>DA-0-213</b>	<b>G</b>	<b>29/08/2022</b>	<b>D.R. Design (NSW) Pty. Ltd.</b>
<b>Level 3 Floor Plan</b>	<b>DA-0-214</b>	<b>G</b>	<b>8/06/2023</b>	<b>D.R. Design (NSW) Pty. Ltd.</b>
<b>Level 4 Floor Plan</b>	<b>DA-0-215</b>	<b>G</b>	<b>8/06/2023</b>	<b>D.R. Design (NSW) Pty. Ltd.</b>
<b>Level 5 Floor Plan</b>	<b>DA-0-216</b>	<b>G</b>	<b>8/06/2023</b>	<b>D.R. Design (NSW) Pty. Ltd.</b>
<b>Communal Open Space Plan</b>	<b>DA-0-217</b>	<b>F</b>	<b>29/08/2022</b>	<b>D.R. Design (NSW) Pty. Ltd.</b>
<b>Roof Floor Plan</b>	<b>DA-0-218</b>	<b>D</b>	<b>29/08/2022</b>	<b>D.R. Design (NSW) Pty. Ltd.</b>
<b>North Elevation</b>	<b>DA-0-301</b>	<b>F</b>	<b>29/08/2022</b>	<b>D.R. Design (NSW) Pty. Ltd.</b>
<b>South Elevation</b>	<b>DA-0-302</b>	<b>F</b>	<b>29/08/2022</b>	<b>D.R. Design (NSW) Pty. Ltd.</b>
<b>West Elevation</b>	<b>DA-0-303</b>	<b>F</b>	<b>29/08/2022</b>	<b>D.R. Design (NSW) Pty. Ltd.</b>



**Customer Service Centre** Ground floor, 33 Moore Street, Liverpool NSW 2170  
**All correspondence to** Locked Bag 7064 Liverpool BC NSW 1871  
**Call Centre** 1300 36 2170 **Email** [lcc@liverpool.nsw.gov.au](mailto:lcc@liverpool.nsw.gov.au)  
**Web** [www.liverpool.nsw.gov.au](http://www.liverpool.nsw.gov.au) **NRS** 13 36 77 **ABN** 84 181 182 471

<b>East Elevation</b>	<b>DA-0-304</b>	<b>F</b>	<b>29/08/2022</b>	<b>D.R. Design (NSW) Pty. Ltd.</b>
<b>Section A-A</b>	<b>DA-0-401</b>	<b>B</b>	<b>08/02/2022</b>	<b>D.R. Design</b>
<b>Driveway Section</b>	<b>DA-0-411</b>	<b>B</b>	<b>08/02/2022</b>	<b>D.R. Design (NSW) Pty. Ltd.</b>
<b>Adaptable Unit-Sheet 1</b>	<b>DA-0-701</b>	<b>F</b>	<b>08/02/2022</b>	<b>D.R. Design (NSW) Pty. Ltd.</b>
<b>Adaptable Unit-Sheet 2</b>	<b>DA-0-702</b>	<b>F</b>	<b>08/02/2022</b>	<b>D.R. Design (NSW) Pty. Ltd.</b>
<b>Livable Units</b>	<b>DA-0-711</b>	<b>B</b>	<b>08/02/2022</b>	<b>D.R. Design (NSW) Pty. Ltd.</b>
<b>Deep Soil Diagram</b>	<b>DA-0-931</b>	<b>E</b>	<b>29/08/2022</b>	<b>D.R. Design (NSW) Pty. Ltd.</b>
<b>External Finishes and Materials</b>	<b>DA-0-941</b>	<b>C</b>	<b>29/08/2022</b>	<b>D.R. Design (NSW) Pty. Ltd.</b>
<b>Hardscape/Site Plan</b>	<b>LPS4.55 19-10 Page 1</b>	<b>C</b>	<b>26.08.2022</b>	<b>Conzept Landscape Architects</b>
<b>Landscape Plan Ground Floor</b>	<b>LPS4.55 19-10 Page 2</b>	<b>C</b>	<b>26.08.2022</b>	<b>Conzept Landscape Architects</b>
<b>Landscape Plan L6 COS</b>	<b>LPS4.55 19-10 Page 3</b>	<b>C</b>	<b>26.08.2022</b>	<b>Conzept Landscape Architects</b>
<b>Sections</b>	<b>LPS4.55 19-10 Page 4</b>	<b>B</b>	<b>15.02.2022</b>	<b>Conzept Landscape Architects</b>
<b>Specification &amp; Details</b>	<b>LPS4.55 19-10 Page 5</b>	<b>C</b>	<b>26.08.2022</b>	<b>Conzept Landscape Architects</b>
<b>Details</b>	<b>LPS4.55 19-10 Page 6</b>	<b>C</b>	<b>26.08.2022</b>	<b>Conzept Landscape Architects</b>
<b>Details</b>	<b>LPS4.55 19-10 Page 7</b>	<b>B</b>	<b>15.02.2022</b>	<b>Conzept Landscape Architects</b>
Ground Floor/ Site Stormwater Drainage Plan	D04	D	04.02.22	Loka Consulting Engineers
Ground Floor/ Site Stormwater Drainage Plan	D04	D	04.02.22	Loka Consulting Engineers
Ground Floor/ Site Stormwater Drainage Plan	D04	D	04.02.22	Loka Consulting Engineers
Ground Floor/ Site Stormwater Drainage	D04	D	04.02.22	Loka Consulting Engineers



**Customer Service Centre** Ground floor, 33 Moore Street, Liverpool NSW 2170  
**All correspondence to** Locked Bag 7064 Liverpool BC NSW 1871  
**Call Centre** 1300 36 2170 **Email** [lcc@liverpool.nsw.gov.au](mailto:lcc@liverpool.nsw.gov.au)  
**Web** [www.liverpool.nsw.gov.au](http://www.liverpool.nsw.gov.au) **NRS** 13 36 77 **ABN** 84 181 182 471



Plan				
Ground Floor/ Site Stormwater Drainage Plan	D04	D	04.02.22	Loka Consulting Engineers
Site Stormwater Drainage Details	D05	C	04.02.22	Loka Consulting Engineers
Soil & Water Management Plan and Details	D06	B	04.02.22	Loka Consulting Engineers
MUSIC Result and Details	D07	C	04.02.22	Loka Consulting Engineers
MUSIC Link Report	D08	C	04.02.22	Loka Consulting Engineers

Report Name	Date	Reference	Prepared By
<b>SEPP 65 Design Verification Statement</b>	<b>28/02/2022</b>	-	<b>Dickson Rothschild</b>
Affordable Housing Schedule	-	Issue A	Pagano Architects
<b>Traffic Management Report</b>	<b>09.02.2022</b>	<b>18NL157-T7</b>	<b>Loka Consulting Engineers</b>
<b>Waste Management Plan</b>	<b>09.02.2022</b>	<b>18NL157-WMP7</b>	<b>Loka Consulting Engineers</b>
Noise and Vibration Management Plan	07/09/2018	2018-376	Acoustic, Vibration & Noise Pty Ltd
Drains Model Plan and Result	25/07/2018	18NL157.DR01	Loka Consulting Engineers
Stormwater Engineer letter	23/04/2019	18NL157	Loka Consulting Engineers
BASIX Commitment Report	13/07/2018	18NL157-BR1	Loka Consulting Engineers
<b>BASIX Certificate</b>	<b>17.02.2022</b>	<b>944928M_02</b>	<b>Loka Consulting Engineers</b>
<b>NATHERS Individual Certificate</b>	<b>17.02.2022</b>	<b>0KNX59SBY2</b>	<b>Loka Consulting Engineers</b>
<b>NATHERS Group Certificate</b>	<b>17.02.2022</b>	<b>S3XNDIBG3T</b>	<b>Loka Consulting Engineers</b>
<b>Statement of Compliance Access for People with a Disability</b>	<b>16.02.2022</b>	<b>222004</b>	<b>Accessible Building Solutions</b>
<b>BCA Assessment Report</b>	<b>28.01.22</b>	<b>114218-BCA-r1</b>	<b>BCA Logic Pty. Ltd.</b>

### Affordable Rental Housing



**Customer Service Centre** Ground floor, 33 Moore Street, Liverpool NSW 2170  
**All correspondence to** Locked Bag 7064 Liverpool BC NSW 1871  
**Call Centre** 1300 36 2170 **Email** [lcc@liverpool.nsw.gov.au](mailto:lcc@liverpool.nsw.gov.au)  
**Web** [www.liverpool.nsw.gov.au](http://www.liverpool.nsw.gov.au) **NRS** 13 36 77 **ABN** 84 181 182 471

103. A restriction shall be registered, before the date of the issue of the Occupation Certificate (Interim or Final), against the title of the property on which development is to be carried out, in accordance with Section 88E of the Conveyancing Act 1919, in the following terms:

*Terms of the Restriction on Use*

The restriction applies for ten (10) years from the date of issue of the Occupation Certificate pursuant to Notice of determination of Development Application No. 627/2018 issued by Liverpool City Council.

The restrictions are:

- (a) ***A minimum of 31 apartments (units G01, G03, G06, G07, G08, G09, G10, 1.07, 1.08, 1.09, 1.10, 1.11, 1.12, 2.07, 2.08, 2.09, 2.10, 2.11, 2.12, 3.05, 3.06, 3.07, 3.08, 4.05, 4.06, 4.07, 4.08, 5.05, 5.06, 5.07, 5.08) will be used for the purposes of affordable housing as defined in the State Environmental Planning Policy (Housing) 2021.***
- (b) All recommendation that is used for affordable housing will be managed by a registered community housing provider;
- (c) Name of authority empowered to release, vary or modify the above restriction is Liverpool City Council; and
- (d) 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.

**Affordable Housing**

122. A minimum of **50.45%** of the gross floor area of the development (**31 units**) is to be used for the purposes of affordable housing for 10 years from the date of issue of the OC. In addition, all accommodation that is used for affordable housing shall be managed by a registered community housing provider.

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:

- (a) 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
- (b) 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.

The certifying authority must advise Council, in writing of the name and contact details of the registered community housing provider.



**Customer Service Centre** Ground floor, 33 Moore Street, Liverpool NSW 2170  
**All correspondence to** Locked Bag 7064 Liverpool BC NSW 1871  
**Call Centre** 1300 36 2170 **Email** [lcc@liverpool.nsw.gov.au](mailto:lcc@liverpool.nsw.gov.au)  
**Web** [www.liverpool.nsw.gov.au](http://www.liverpool.nsw.gov.au) **NRS** 13 36 77 **ABN** 84 181 182 471

## Car Parking/Loading

123. A total of **68** off street car parking spaces must be provided onsite. A minimum of 6 spaces must be designed and signposted/marked for the specific use of persons with a disability.

2. **ATTACHMENT 3 of development consent DA-627/2018 has been amended to read as follows:**

## ATTACHMENT 3: ENDEAVOUR ENERGY REQUIREMENTS

**From:** Cornelis Duba <Cornelis.Duba@endeavourenergy.com.au>  
**Sent:** Wednesday, 17 October 2018 2:36 PM  
**To:** LCC <LCC@liverpool.nsw.gov.au>  
**Cc:** Adam Flynn <FlynnA@liverpool.nsw.gov.au>  
**Subject:** LIVERPOOL CITY COUNCIL DEVELOPMENT APPLICATION DA-627/2018 RE 23 - 29 HARVEY AVENUE, MOOREBANK NSW 2170

The General Manager  
Liverpool City Council

### ATTENTION: Adam Flynn, Development Assessment

Dear Sir or Madam

I refer to Council's letter of 28 September 2018 regarding Development Application DA-627/2018 at 23 - 29 HARVEY AVENUE, MOOREBANK NSW 2170 (LOTS 25, 26, 27 & 28 DP 236405) for 'Demolition of existing structures and the construction of a 6-storey residential flat building comprising of 58 units'. Submissions need to be made to Council by 19 October 2018.

As shown in the below site plan from Endeavour Energy's G/Net master facility model (and extract from Google maps Street View) there are:

- No easements over the site benefitting Endeavour Energy (active easements are indicated by red hatching).
- Low voltage and 11,000 volt / 11 kV high voltage overhead power lines to the road verge / roadway.
- Low voltage overhead service conductors from the poles on the road verge to the customer connection points for the existing dwellings.

Please note the location, extent and type of any electricity infrastructure, boundaries etc. shown on the plan is indicative only. Generally (depending on the scale and/or features selected), low voltage (normally not exceeding 1,000 volts) is indicated by blue lines and high voltage (normally exceeding 1,000 volts but for Endeavour Energy's network not exceeding 132,000 volts / 132 kV) by red lines (these lines can appear as solid or dashed and where there are multiple lines / cables only the higher voltage may be shown). This plan only shows the Endeavour Energy network and does not show electricity infrastructure belonging to other authorities or customers owned electrical equipment beyond the customer connection point / point of supply to the property. This plan is not a 'Dial Before You Dig' plan under the provisions of Part 5E 'Protection of underground electricity power lines' of the *Electricity Supply Act 1995* (NSW).

Subject to the following recommendations and comments Endeavour Energy has no objection to the Development Application.


- Network Capacity / Connection


Endeavour Energy has noted that the Statement of Environmental Effects does not appear to address the suitability of the site for the development in regards to whether the available electricity services are adequate for the development.

### Appendix D Liverpool Development Control Plan 2008

CHAPTER/ PLANNING GUIDELINE	DEVELOPMENT STANDARD/CONTROL	COMPLY
<b>Part 1 General Controls for all Development</b>		
<b>Site Services</b>	<b>Electricity Sub Station</b> <ul style="list-style-type: none"><li>• In some cases it may be necessary to provide an electricity substation at the front of the development adjacent to the street frontage. This will involve dedication of the area as a public road to allow access by the electricity provider. The front boundary treatment used elsewhere on the street frontage.</li></ul>	<ul style="list-style-type: none"><li>• Should a substation be required, the front setback of the site has ample area to accommodate one. Plans detailing the substation can be prepared should this be required by Council.</li></ul>

The availability of electricity supply to a site is based on a wide range of factors eg. the age and design of the network; other development in the locality utilising previously spare capacity within the local network; the progress of nearby / surrounding sites including electricity infrastructure works eg. a smaller and isolated development that may not of its own accord require a substation may require a substation to facilitate the development and from which the spare capacity is made available to subsequent nearby development. Older / above ground areas of the network utilising pole mounted

substations (indicated by the symbol  on the site plan from Endeavour Energy's G/Net master facility model) have comparatively limited capacity of 25

kilovolt amperes (kVA) up to a maximum of 400 kVA where as a newer padmount substation (indicated by the symbol  on the site plan from Endeavour Energy's G/Net master facility model) can accommodate loads from 315 kVA up to 1,500 kVA (typically 500 kVA) ie. there is a significant variation in the number and type of premises able to be connected to a substation.

Applicants should not automatically assume that the presence of existing low voltage service conductors or nearby similar development means that adequate supply is immediately available to facilitate their proposed development. Given the large size of the proposed development (58 units), the



**Customer Service Centre** Ground floor, 33 Moore Street, Liverpool NSW 2170  
**All correspondence to** Locked Bag 7064 Liverpool BC NSW 1871  
**Call Centre** 1300 36 2170 **Email** lcc@liverpool.nsw.gov.au  
**Web** www.liverpool.nsw.gov.au **NRS** 13 36 77 **ABN** 84 181 182 471



existing local network is unlikely be able to service the proposed development eg. existing pole mounted substation no. 4427 located just to the east of the site currently has 56 customer connection points servicing 76 premises. An extension and/or augmentation of the existing network is likely to be required, but the extent of the works cannot be determined until a detailed assessment is completed. Endeavour Energy's preference is to alert proponents / applicants (and Council) of the potential matters that may arise as further redevelopment of urban areas continues to occur.

In due course the applicant for the proposed development of the site will need to submit an application for connection of load via Endeavour Energy's Network Connections Branch to carry out the final load assessment and the method of supply will be determined. Depending on the outcome of the assessment, any required padmount substation or indoor / chamber substation will need to be located within the property (in a suitable and accessible location) and be protected (including any associated cabling) by an easement and associated restrictions benefiting and gifted to Endeavour Energy. Please refer to Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'. Further details are available by contacting Endeavour Energy's Network Connections Branch via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm or on Endeavour Energy's website under 'Home > Residential and business > Connecting to our network' via the following link:

<http://www.endeavourenergy.com.au/>.

Advice on the electricity infrastructure required to facilitate the proposed development can be obtained by submitting a Technical Review Request to Endeavour Energy's Network Connections Branch, the form for which FPJ6007 is attached and further details (including the applicable charges) are available from Endeavour Energy's website under 'Our connection services'. The response to these enquiries is based upon a desktop review of corporate information systems, and as such does not involve the engagement of various internal stakeholders in order to develop a 'Connection Offer'. It does provide details of preliminary connection requirements which can be considered by the applicant prior to lodging a formal application for connection of load.

Alternatively the applicant should engage a Level 3 Accredited Service Provider (ASP) approved to design distribution network assets, including underground or overhead. The ASP scheme is administered by NSW Planning & Environment and details are available on their website via the following link or telephone 13 77 88:

<https://www.energy.nsw.gov.au/energy-supply-industry/pipelines-electricity-gas-networks/network-connections/contestable-works>.

The low voltage service conductors for the new building must comply with the 'Service and Installation Rules of NSW' which can accessed via the following link to the 'Service and Installation Rules of NSW' can be accessed via the following link to the NSW Planning & Environment website:

<https://www.energy.nsw.gov.au/energy-supply-industry/pipelines-electricity-gas-networks/network-connections/rules>.

- Safety Clearances

The Statement of Environmental Effects indicates a front setback of 6m proposed and verandahs, eaves and other sun control devices may encroach on the front setback by up to 1m.

Any future proposed buildings, structures, etc. whether temporary such as site sheds, tower cranes used during construction etc. or permanent, and regardless of the Council's allowable building setbacks etc. under its development controls, must comply with the minimum safe distances / clearances for voltages up to and including 132,000 volts (132kV) as specified in:

- Australian/New Zealand Standard AS/NZS 7000 – 2016: 'Overhead line design'.
- 'Service and Installation Rules of NSW' which can accessed via the following link to the NSW Planning & Environment website:

<https://www.energy.nsw.gov.au/energy-supply-industry/pipelines-electricity-gas-networks/network-connections/rules>.

Different voltages are kept at different heights, the higher the voltage, the higher the wires are positioned on the pole. Similarly, the higher the voltage, the greater the required building setback. These distances must be maintained at all times. As a guide please find attached a copy of Endeavour Energy Drawing 'Overhead Lines Minimum Clearances Near Structures'.

Whilst with there should be no issue with safety clearances to the proposed building, consideration still needs to be provided to SafeWork NSW document *Guide to Work Near Overhead Power Lines Code of Practice 2006* states the following when work in proximity to overhead service lines:

TABLE 4

Approach distances for work near low voltage overhead service lines

Ordinary Persons (m)				
Hand held tools	Operation of crane or mobile plant	Handling of metal materials (Scaffolding, roofing, guttering, pipes, etc)	Handling of non-conductive materials (Timber, plywood, PVC pipes and guttering, etc)	Driving or operating vehicle
0.5	3.0	4.0	1.5	0.6

In addition the developer / builder should consider 'tiger tailing'/matting the overhead service lines to provide a distinct visual of the location of overhead construction ie. these are still not regarded as insulated conductors and safe approach distances need to be maintained.

- Earthing

The construction of any building or structure (including fencing, signage, flag poles etc. ) whether temporary or permanent that is connected to or in close proximity to Endeavour Energy's electrical network is required to comply with Australian/New Zealand Standard AS/NZS 3000:2007 'Electrical installations' to ensure that there is adequate connection to the earth. Inadequate connection to the earth places persons, equipment connected to the network and the electricity network itself at risk if there is a leaking/fault current which cannot flow into the grounding system and be properly dissipated.

- Prudent Avoidance

The electricity network is operational 24/7/365 ie. all day, every day of the year. The electricity industry has adopted a policy of prudent avoidance by doing what can be done without undue inconvenience and at modest expense to avert the possible risk to health from exposure to emissions from electricity infrastructure such as electric and magnetic fields (EMF) and noise which generally increase the higher the voltage ie. Endeavour Energy's network ranges from low voltage (normally not exceeding 1,000 volts) to high voltage (normally exceeding 1,000 volts but not exceeding 132,000 volts / 132 kV).

In practical terms this means that when designing new transmission and distribution facilities, consideration is given to locating them where exposure to the more sensitive uses is reduced and increasing separation distances. Endeavour Energy believes that likewise Council should also adopt a policy of prudent avoidance by the siting of more sensitive uses away from any electricity infrastructure – including any possible future electricity infrastructure required to facilitate the proposed development.

Please find attached a copy of ENA's 'Electric & Magnetic Fields – What We Know, January 2014' which can also be accessed via the ENA's website at <http://www.ena.asn.au/> and provides the following advice:



**Customer Service Centre** Ground floor, 33 Moore Street, Liverpool NSW 2170  
**All correspondence to** Locked Bag 7064 Liverpool BC NSW 1871  
**Call Centre** 1300 36 2170 **Email** [lcc@liverpool.nsw.gov.au](mailto:lcc@liverpool.nsw.gov.au)  
**Web** [www.liverpool.nsw.gov.au](http://www.liverpool.nsw.gov.au) **NRS** 13 36 77 **ABN** 84 181 182 471

Localised EMFs may also be encountered in specific situations such as near substations, underground cables, specialised electrical equipment, or at elevated locations near lines. Note that the strengths of EMFs decrease rapidly with distance from the source.

Typical magnetic field measurements associated with Endeavour Energy's activities and assets given the required easement widths, safety clearances etc. and having a maximum voltage of 132,000 volt / 132 kV, will with the observance of these separation distances not exceed the recommended magnetic field public exposure limits.

- Network Access

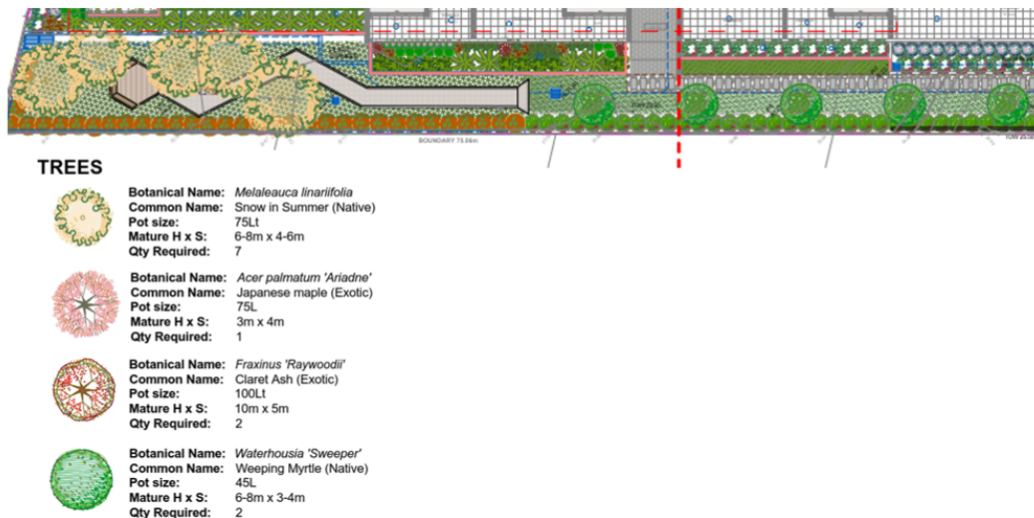
It is imperative that the access to the existing electrical infrastructure on and in proximity of the site be maintained at all times. To ensure that supply electricity is available to the community, access to the electricity infrastructure may be required at any time. Restricted access to electricity infrastructure by maintenance workers causes delays in power restoration and may have severe consequences in the event of an emergency.

If a padmount substation is required to facilitate the proposed development, please find attached for the applicant's reference a copy Endeavour Energy's 'Guide to Fencing, Retaining Walls and Maintenance Around Padmount Substations'.

- Vegetation Management

The planting of large trees in the vicinity of electricity infrastructure is not supported by Endeavour Energy. Suitable planting needs to be undertaken in proximity of electricity infrastructure. Only low growing shrubs not exceeding 3.0 metres in height, ground covers and smaller shrubs, with non-invasive root systems are the best plants to use. Larger trees should be planted well away from electricity infrastructure (at least the same distance from overhead power lines as their potential full grown height) and even with underground cables, be installed with a root barrier around the root ball of the plant. The planting of trees near streetlights may result in the reduction of light levels and restrict access for the fixing of streetlight faults (a minimum clearance of 2 metres of the mature tree canopy is recommended by Endeavour Energy. Landscaping that interferes with electricity infrastructure may become a potential safety risk, cause of bush fire, restrict access or result in the interruption of supply. Such landscaping may be subject to Endeavour Energy's Vegetation Management program and/or the provisions of the *Electricity Supply Act 1995* (NSW) Section 48 'Interference with electricity works by trees' by which under certain circumstances the cost of carrying out such work may be recovered.

Endeavour Energy has noted that as shown in the following extract of the Landscape Plan the planting of trees is proposed to the front building setback in proximity of the existing electricity infrastructure to the road verge / roadway. Endeavour Energy's recommendation is that trees in proximity of electricity infrastructure be replaced with an alternative smaller planting to ensure appropriate clearances are maintained whilst minimising the need for future pruning. Consideration also needs to be given to the new service conductor/ customer connection point required to facilitate the proposed development of the site.



- Dial Before You Dig

Before commencing any underground activity the applicant is required to obtain advice from the **Dial Before You Dig 1100** service in accordance with the requirements of the *Electricity Supply Act 1995* (NSW) and associated Regulations. This should be obtained by the applicant not only to identify the location of any underground electrical and other utility infrastructure across the site, but also to identify them as a hazard and to properly assess the risk.

- Demolition

Demolition work is to be carried out in accordance with Australian Standard AS2601: The demolition of structures (AS 2601). All electric cables or apparatus which are liable to be a source of danger, other than a cable or apparatus used for the demolition works shall be disconnected ie. the existing customer service lines will need to be isolated and/or removed during demolition. Appropriate care must be taken to not otherwise interfere with any electrical infrastructure on or in the vicinity of the site eg. street light columns, power poles, overhead and underground cables etc.

- Public Safety

Workers involved in work near electricity infrastructure run the risk of receiving an electric shock and causing substantial damage to plant and equipment. I have attached Endeavour Energy's public safety training resources, which were developed to help general public / workers to understand why you may be at risk and what you can do to work safely. The public safety training resources are also available via Endeavour Energy's website via the following link:

<http://www.endeavourenergy.com.au/wps/wcm/connect/ee/nsw/nsw-homepage/communitynav/safety/safety+brochures> .

If the applicant has any concerns over the proposed works in proximity of the electricity infrastructure, as part of a public safety initiative Endeavour Energy has set up an email account that is accessible by a range of multiple stakeholders across the company in order to provide more effective lines of communication with the general public who may be undertaking construction activities in proximity of electricity infrastructure such as builders, construction industry workers etc. The email address is [Construction.Works@endeavourenergy.com.au](mailto:Construction.Works@endeavourenergy.com.au) .

- Emergency Contact

In case of an emergency relating to Endeavour Energy's electrical network, the applicant should note the Emergencies Telephone is 131 003 which can be contacted 24 hours/7 days.



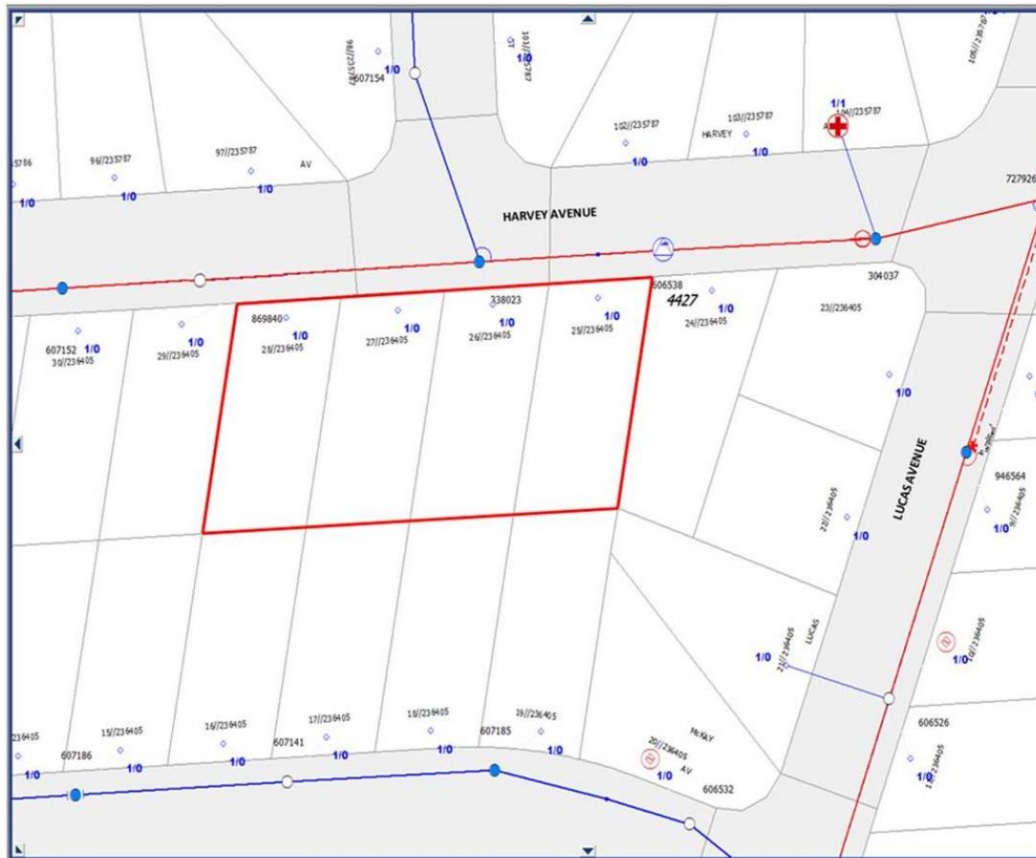
**Customer Service Centre** Ground floor, 33 Moore Street, Liverpool NSW 2170  
**All correspondence to** Locked Bag 7064 Liverpool BC NSW 1871  
**Call Centre** 1300 36 2170 **Email** [lcc@liverpool.nsw.gov.au](mailto:lcc@liverpool.nsw.gov.au)  
**Web** [www.liverpool.nsw.gov.au](http://www.liverpool.nsw.gov.au) **NRS** 13 36 77 **ABN** 84 181 182 471



I appreciate that not all the foregoing issues may be directly relevant or significant to the Development Application eg. if a substation is not required on site. However, Endeavour Energy's preference is to alert proponents / applicants of the potential matters that may arise should development within closer proximity of the existing and/or required electricity infrastructure needed to facilitate the proposed development on or in the vicinity of the site occur.

Could you please pass on a copy of this submission and the attached resources to the applicant? Should you wish to discuss this matter, or have any questions, please do not hesitate to contact me or the contacts identified above in relation to the various matters. Due to the high number of development application / planning proposal notifications submitted to Endeavour Energy, to ensure a response contact by email to [Property@endeavourenergy.com.au](mailto:Property@endeavourenergy.com.au) is preferred.

Yours faithfully  
 Cornelis Duba  
 Development Application Specialist  
 Network Environment & Assessment  
 T: 9853 7896  
 E: [cornelis.duba@endeavourenergy.com.au](mailto:cornelis.duba@endeavourenergy.com.au)  
 51 Huntingwood Drive, Huntingwood NSW 2148  
[www.endeavourenergy.com.au](http://www.endeavourenergy.com.au)



**Customer Service Centre** Ground floor, 33 Moore Street, Liverpool NSW 2170  
**All correspondence to** Locked Bag 7064 Liverpool BC NSW 1871  
**Call Centre** 1300 36 2170 **Email** [lcc@liverpool.nsw.gov.au](mailto:lcc@liverpool.nsw.gov.au)  
**Web** [www.liverpool.nsw.gov.au](http://www.liverpool.nsw.gov.au) **NRS** 13 36 77 **ABN** 84 181 182 471

Chief Executive Officer  
Liverpool City Council

8 July 2022

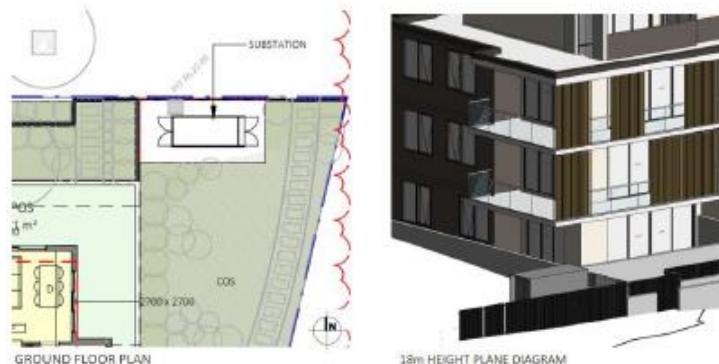
ATTENTION: Peter Oriehov

Dear Sir or Madam

I refer to the referral of 7 July 2022 from NSW Planning, Industry & Environment regarding NSW Government concurrence and referral request CNR-42146 for Liverpool City Council Development Application DA-627/2018/A at 23 - 29 HARVEY AVENUE, MOOREBANK NSW 2170 (LOTS 25, 26, 27 & 28 DP 236405) for modification application to DA-627/2018 for 'Demolition of existing structures and construction of a 6-storey residential flat building comprising 58 units'. Submissions need to be made to Council by 28 July 2022.

Please refer to the attached copy of Endeavour Energy's previous submission made to Council on 17 October 2018 via email regarding Development Application DA-627/2018. Notwithstanding the proposed modifications, the recommendations and comments provided therein are essentially remain applicable to this Development Application.

The Section 4.55 (2) Modification Report indicates the modifications include 'Provide a substation at the northeast corner of the site' which is shown in the following extracts of the Architectural Plans.



As shown in the following extract of Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights', Figure A4.3 'Padmount easements and clearances', padmount substations require:

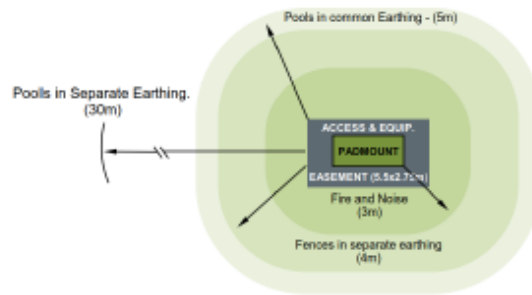
- Easement with a minimum size of 2.75 x 5.5 metres (single transformer).
- Restriction for fire rating which usually extends 3 metres horizontally from the base of the substation footing / plinth.
- Restriction for swimming pool or spa which extends 5 metres from the easement.

51 Huntingwood Drive, Huntingwood, NSW 2148  
PO Box 811, Seven Hills, NSW 1730  
T: 133 718

[endeavourenergy.com.au](http://endeavourenergy.com.au)

ABN 11 247 365 823

#### A4.3 - Padmount easements and clearances



The easement should not cross property boundaries but the restriction/s may affect any adjoining property provided they are able to be registered on the title to that property. In addition the following matters also need to be considered in regard to the fire restriction:

- Personnel access doors and fire exit doors to a building are not permitted within the fire restriction area.
- Gas mains/pipes shall not pass through the fire restriction area.
- A 10 metre clearance distance shall be maintained between substation and fire hydrants, booster valves, and the like in accordance with AS2419.1 'Fire hydrant installations System design, installation and commissioning' as updated from time to time.
- Any landscaping that potentially could transfer / provide connectivity for flame or radiant heat from a fire in the substation to a dwelling or building should be avoided.
- The storage of and / or use of flammable, combustible, corrosive or explosive material within the fire restriction should be avoided.

Generally it is the Level 3 Accredited Service Provider's (ASP) responsibility (engaged by the developer) to make sure padmount substation location and design complies with Endeavour Energy's standards the suitability of access, safety clearances, fire ratings, flooding etc.

As a condition of the Development Application consent Council should request the submission of documentary evidence from Endeavour Energy confirming that satisfactory arrangements have been made for the connection of electricity and the design requirements for the substation, prior to the release of the Construction or Subdivision Certificate / commencement of works.

The other proposed modifications do not appear to have any direct or significant impact on the existing electricity infrastructure or other works to the network required to facilitate the proposed development.

Based on and subject to the foregoing Endeavour Energy has no objection to the Development Application.

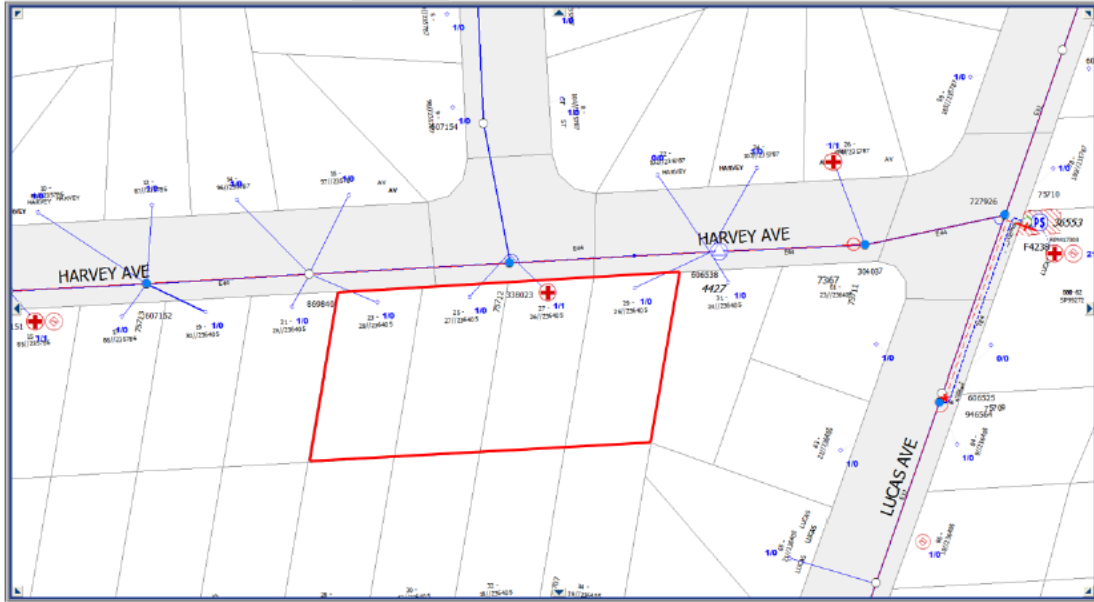
Should you wish to discuss this matter, or have any questions, please do not hesitate to contact me or the contacts identified above or in Endeavour Energy's previous submissions in relation to the various matters. Due to the high number of development application / planning proposal notifications submitted to Endeavour Energy, to ensure a response contact by email to [property.development@endeavourenergy.com.au](mailto:property.development@endeavourenergy.com.au) is preferred.

Yours faithfully  
 Cornelis Duba  
 Development Application Specialist  
 Sustainability & Environment  
 M: 0455 250 981  
 E: [cornelis.duba@endeavourenergy.com.au](mailto:cornelis.duba@endeavourenergy.com.au)  
 51 Huntingwood Drive, Huntingwood NSW 2148  
[www.endeavourenergy.com.au](http://www.endeavourenergy.com.au)



All correspondence to Locked Bag 7064 Liverpool BC NSW 1871  
 Call Centre 1300 36 2170 Email [lcc@liverpool.nsw.gov.au](mailto:lcc@liverpool.nsw.gov.au)  
 Web [www.liverpool.nsw.gov.au](http://www.liverpool.nsw.gov.au) NRS 13 36 77 ABN 84 181 182 471





Please note the location, extent and type of any electricity infrastructure, boundaries etc. shown on the plan is indicative only. In addition it must be recognised that the electricity network is constantly extended, augmented and modified and there is a delay from the completion and commissioning of these works until their capture in the model. Easements benefitting Endeavour Energy are indicated by red hatching. Generally (depending on the scale and/or features selected), low voltage (normally not exceeding 1,000 volts) is indicated by blue lines and high voltage (normally exceeding 1,000 volts but for Endeavour Energy's network not exceeding 132,000 volts / 132 kV) by red lines (these lines can appear as solid or dashed and where there are multiple lines / cables only the higher voltage may be shown). This plan only shows the Endeavour Energy network and does not show electricity infrastructure belonging to other authorities or customers owned electrical equipment beyond the customer connection point / point of supply to the property. This plan is not a 'Dial Before You Dig' plan under the of Part 5E 'Protection of underground electricity power lines' of the *Electricity Supply Act 1995* (NSW).

LEGEND	
	Padmount substation
	Indoor substation
	Ground substation
	Kiosk substation
	Cottage substation
	Pole mounted substation
	High voltage customer substation
	Metering unit
	Switch station
	Indoor switch station
	Customer connection point
	Low voltage pillar
	Streetlight column
	Life support customer
	Tower
	Pole
	Pole with streetlight
	Customer owned / private pole
	Cable pit
	Subject site



**Customer Service Centre** Ground floor, 33 Moore Street, Liverpool NSW 2170  
**All correspondence to** Locked Bag 7064 Liverpool BC NSW 1871  
**Call Centre** 1300 36 2170 **Email** [lcc@liverpool.nsw.gov.au](mailto:lcc@liverpool.nsw.gov.au)  
**Web** [www.liverpool.nsw.gov.au](http://www.liverpool.nsw.gov.au) **NRS** 13 36 77 **ABN** 84 181 182 471



All other conditions of development consent DA-627/2018 remain unchanged.

**Note:** This determination notice is strictly for changes sought under modification application DA-627/2018/A. No approval is granted or implied for any other works / changes proposed to the submitted development.

#### **Advisory notes:**

- (A) Section 8.2 of the EP&A Act provides that an applicant may request, 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.

- (B) Section 8.9 of the EP&A Act provides that an applicant who is dissatisfied with the determination of a modification application, may appeal to the land and environment court within six (6) months of the date of determination, or as otherwise prescribed by the EP&A act.



**Customer Service Centre** Ground floor, 33 Moore Street, Liverpool NSW 2170  
**All correspondence to** Locked Bag 7064 Liverpool BC NSW 1871  
**Call Centre** 1300 36 2170 **Email** [lcc@liverpool.nsw.gov.au](mailto:lcc@liverpool.nsw.gov.au)  
**Web** [www.liverpool.nsw.gov.au](http://www.liverpool.nsw.gov.au) **NRS** 13 36 77 **ABN** 84 181 182 471

(C) The section 4.55 modification application does not extend the timeframe of the development consent initially granted by council.

(D) Modification of the development consent does not remove the need to obtain any other statutory consent necessary under the EP&A Act.

if you have any further enquiries, please contact Glen Hanchard on the abovementioned contact details.

Yours Faithfully,

**NABIL ALAEDDINE  
PRINCIPLE PLANNER  
DEVELOPMENT ASSESSMENT**



**Customer Service Centre** Ground floor, 33 Moore Street, Liverpool NSW 2170  
**All correspondence to** Locked Bag 7064 Liverpool BC NSW 1871  
**Call Centre** 1300 36 2170 **Email** [lcc@liverpool.nsw.gov.au](mailto:lcc@liverpool.nsw.gov.au)  
**Web** [www.liverpool.nsw.gov.au](http://www.liverpool.nsw.gov.au) **NRS** 13 36 77 **ABN** 84 181 182 471