

**MATTERS FOR  
LIVERPOOL LOCAL PLANNING PANEL  
DETERMINATION**

**Monday the 27th of February 2023**

To be held via  
**MS Teams**  
Commencing at 2:00pm

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Note: Submissions by the applicant and concerned parties will be considered at the hearing. 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 hearing 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 or 1300 36 2170, by 4pm, Friday, 24<sup>th</sup> February 2023.

**LIVERPOOL CITY COUNCIL**

**LOCAL PLANNING PANEL REPORT**

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The following development applications are referred to the Liverpool Local Planning Panel for its determination.

<b>ITEM No.</b>	<b>SUBJECT</b>	<b>PAGE No.</b>
<b>1</b>	<b>DEVELOPMENT APPLICATION DA-854/2021</b>  <b>PROPOSAL TORRENS TITLE SUBDIVISION OF AN EXISTING DUAL OCCUPANCY (ATTACHED) TO CREATE TWO SEMI-DETACHED DWELLINGS &amp; ASSOCIATED STORMWATER INFRASTRUCTURE</b>  <b>Lot 627 DP 825522</b>  <b>6 CORDELIA CRESCENT, GREEN VALLEY</b>	<b>3 - 29</b>

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<b>Item No:</b>	1
<b>Application Number:</b>	DA-545/2022
<b>Proposed Development:</b>	Torrens title subdivision of an existing dual occupancy (attached) to create two semi-detached dwellings & associated stormwater infrastructure
<b>Property Address</b>	6 Cordelia Crescent, Green Valley
<b>Legal Description:</b>	Lot 627 DP 825522
<b>Applicant:</b>	Mr A Hammoud
<b>Land Owners:</b>	Mr N Hagarty Mr M Nguy Ms C Nguy Ms M Lee
<b>Date Lodged:</b>	9 May 2022
<b>Cost of Works:</b>	NIL
<b>Zoning:</b>	R2 Low Density Residential
<b>Recommendation:</b>	Approval, subject to conditions of consent
<b>Assessing Officer:</b>	Rebecca Englund – Consultant Town Planner

## 1 EXECUTIVE SUMMARY

Council has received a Development Application (DA No. DA-545/2022) seeking consent for the Torrens title subdivision of an existing dual occupancy to create two semi-detached dwellings at 6 Cordelia Crescent, Green Valley.

The site is zoned R2 Low Density Residential under the provisions of *Liverpool Local Environmental Plan 2008 (LLEP 2008)* and the proposed development is permissible with consent.

The proposal has been assessed with regard to the LLEP 2008, the *Liverpool Development Control Plan 2008 (LDCP 2008)* and other relevant plans and policies. The proposed development is generally consistent with the objectives and development standards of LLEP 2008 and the provisions of LDCP 2008, with the exception of proposed variations to the Landscaped Area and Private Open Space controls of Section 4 of LDCP 2008. The proposed non-compliances have been addressed within this report and the proposal is considered to be acceptable in this regard.

The development application was required to be notified to adjoining and adjacent properties in accordance with the *Liverpool Community Participation Plan 2019*. The application was

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notified during the period from 30 November 2022 to 15 December 2022. Notwithstanding, no (0) submissions were received during the notification period.

The application is referred to the Liverpool Local Planning Panel (**LLPP**) for determination 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 fall in the category of:

- conflict of interest.

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

## 2. SITE DESCRIPTION AND LOCALITY

### 2.1 The site

The subject site is identified as Lot 627 in DP 825522 and is known as 6 Cordelia Crescent, Green Valley. The site is slightly irregular in shape, with a 24.5m wide primary frontage to Cordelia Crescent to the north, a 21.0m wide secondary frontage to Cordelia Crescent to the east, a 26.5m wide eastern side boundary, a 30.0m wide southern side boundary and a total area of 788.5m<sup>2</sup> (by title). The site is generally flat, with levels ranging from 67.74m AHD along the primary frontage to Cordelia Crescent to 68.58m AHD along the southern side boundary.

Currently, the subject site contains a two storey attached dual occupancy. The two dwellings are joined along a common/party wall that runs generally centrally through the site in a north/south direction. Each dwelling comprises:

- A single garage, entry, kitchen and family room, dining room lounge room, study, powder room, laundry and internal stairs on the ground floor,
- Four bedrooms, one with an ensuite, WC, bathroom, and void over the stairs on the first floor.

The primary point of access to both dwellings is to Cordelia Crescent to the north, with a secondary vehicular access driveway to Cordelia Crescent to the east.



Figure 1: Aerial view of the site (Source: Nearmap)

## 2.2 The locality

The site is located within the suburb of Green Valley, within an area that is characterised by low density residential development. Surrounding dwellings limited to one and two storeys in height and are predominantly of brick construction with tiled pitched roofs.

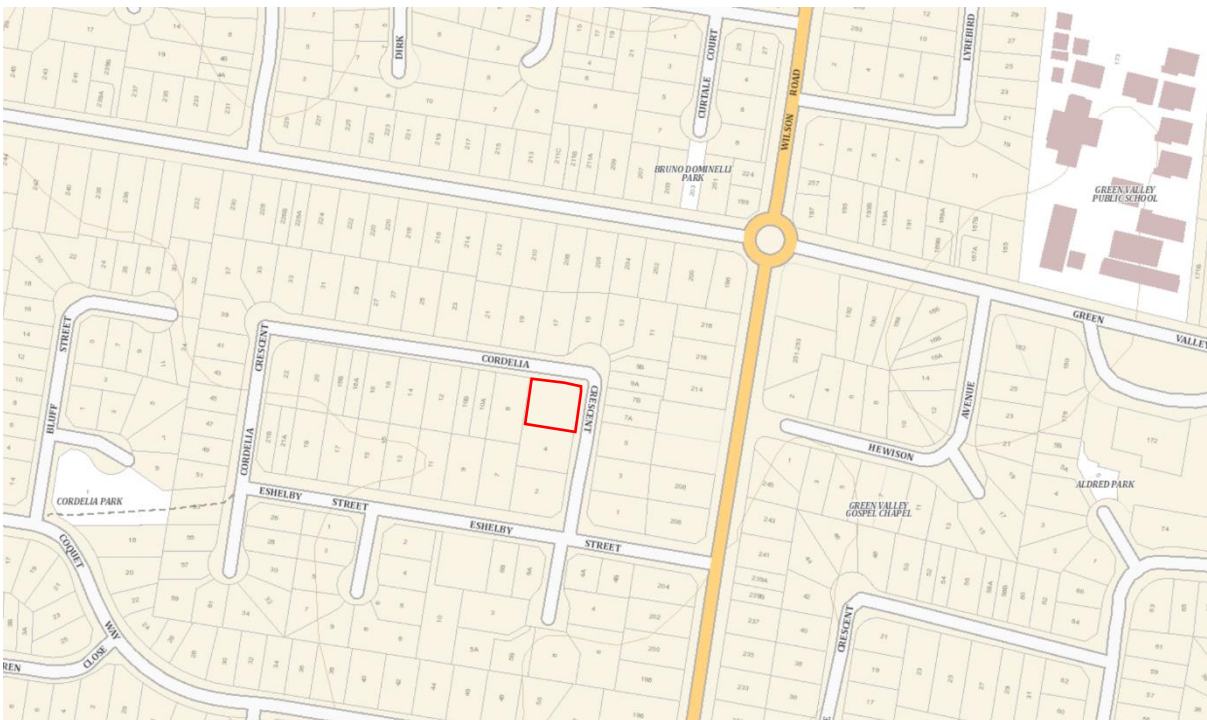


Figure 2: Locality Surrounding the Proposed Development (Source: Six Maps)

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**3. BACKGROUND/HISTORY**

- On 31 August 1995, development consent D-1066/1995 was granted for the existing dual occupancy development at the site.
- On 9 May 2022, the subject DA was lodged with Council.
- On 19 August 2022, Council requested the following documentation in a formal Request for Additional Information:
  - Full set of architectural plans, including fire separation details, and landscape plans
  - Survey plan showing the location of existing services
  - Stormwater drainage plans showing the location of existing stormwater infrastructure
- On 4 October 2022, the following additional information was provided:
  - An amended survey plan showing the location of existing services,
  - Utility Locating Report, and
  - Architectural and landscape plans,
- On 10 October 2022, stormwater management plans were provided.
- On 1 December 2022, Council requested the following documentation in a formal Request for Additional information:
  - Confirmation of the description of the development
  - Clarification of the FSR calculations
- On 19 January 2023, Council requested further information to address fire separation requirements between the two dwellings.
- On 20 January 2023, further amended plans were provided.

**4. DETAILS OF THE PROPOSAL**

The proposed development seeks consent for the Torrens title subdivision of the subject site, which contains an existing dual occupancy (attached). Specifically, the application seeks to create two new lots, as follows:

- Lot 1, being the western lot, with a lot size of 379.6m<sup>2</sup>, and
- Lot 2, being the eastern lot, with a lot size of 408.77m<sup>2</sup>.

The configuration and dimensions of the proposed lots are shown in Figure 3, below.

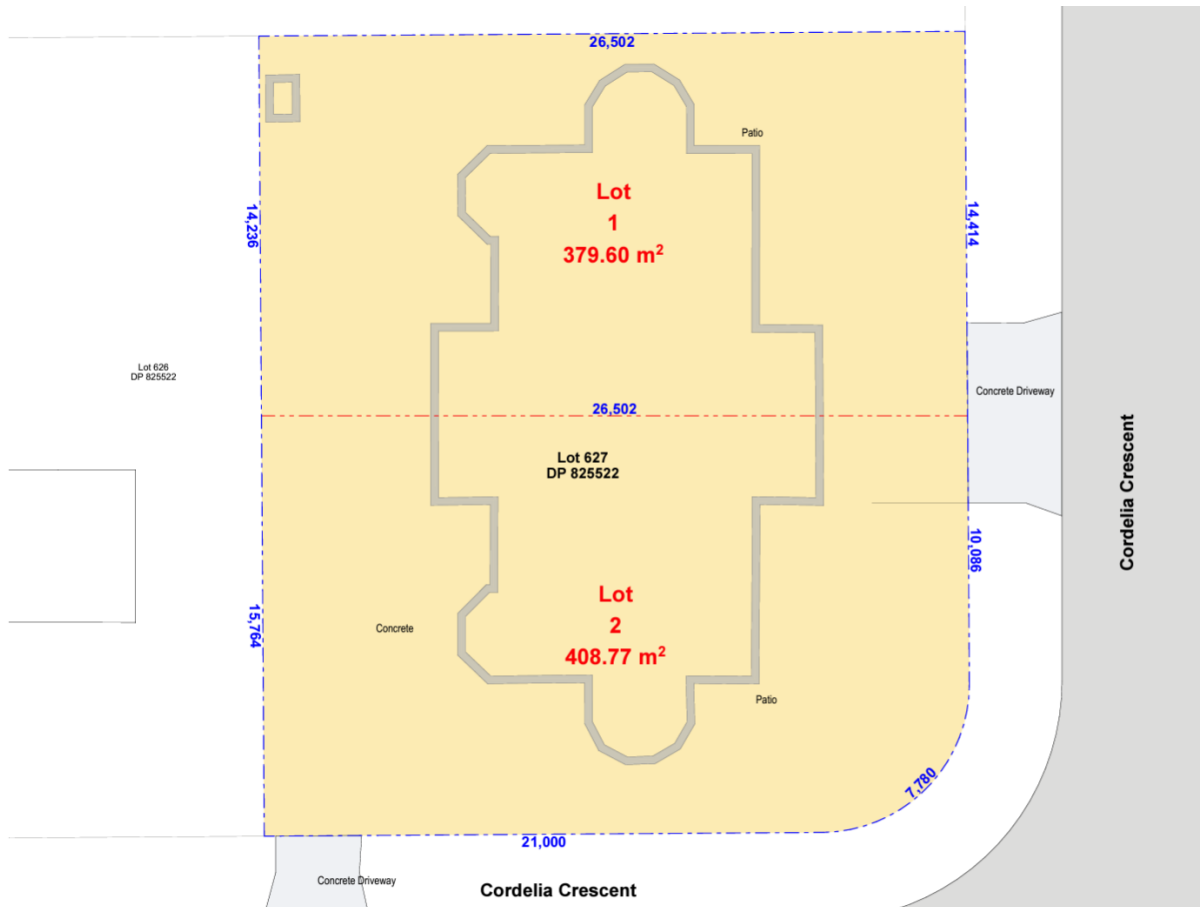


Figure 3: Proposed Plan of Subdivision (Source: Planzone Pty Ltd)

The proposed subdivision would also change the characterisation of the development on the site from a dual occupancy (attached), being two attached dwellings on one lot of land, to a semi-detached dwelling, being a dwelling on its own lot of land that is attached to only one other dwelling.

The application also proposes new stormwater infrastructure, with rainwater tanks proposed on each lot, as shown on the accompanying Stormwater Management Plans by ABCON.

## 5. STATUTORY CONSIDERATIONS

### 5.1 Relevant matters for consideration

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

- Environmental Planning and Assessment Act 1979, as amended (**EP&A Act**)
- Environmental Planning and Assessment Regulation 2021 (**EP&A Regulation**)
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- Liverpool Local Environmental Plan 2008 (**LLEP 2008**)

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- Liverpool Development Control Plan 2008 (**LDCP 2008**):
  - Part 1: General Controls for All Development; and
  - Part 3.4 Semi-detached and Attached Dwellings in the R2, R3 and R4 Zones.

**6. ASSESSMENT**

The development application has been assessed in accordance with the relevant matters of consideration prescribed by Section 4.15 of the EP&A Act and the EP&A Regulation, as follows:

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

**(a) State Environmental Planning Policy (Biodiversity and Conservation) 2021**

Chapter 2: Vegetation in non-rural areas

The provisions of Chapter 2 of this policy are applicable to all non-rural land across the state and aim to protect the biodiversity values of trees and other vegetation in non-rural areas and to preserve the amenity of non-rural areas through the preservation of trees and other vegetation.

The proposed development does not involve the removal of any vegetation and is consistent with the requirements and objectives of SEPP (Biodiversity and Conservation).

Chapter 11: Georges River Catchment

The subject land is located within the Georges River Catchment and as such Chapter 11 of this policy is applicable. Chapter 11 generally aims to maintain and improve the water quality and river flows of the Georges River and its tributaries. The application was referred to Council's Development Engineering team who reviewed stormwater management and drainage associated with the proposal. They were supportive of the proposed development, subject to conditions of consent. Accordingly, the proposed development is considered to meet the objectives of the SEPP and is unlikely to have a negative impact on the environmental quality of the Georges River Catchment

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

Chapter 4: Remediation of Land

Chapter 4 of this policy applies to all land and aims to provide for a state-wide planning approach to the remediation of contaminated land. Clause 4.6(1)(a) of this policy requires the consent authority to consider whether land is contaminated. The existing site has been used for residential purposes for an extended period of time. The site is not identified on the public register of contaminated sites and is not located in the vicinity of any.



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The application does not seek to alter the residential nature of the site, with only minor stormwater management works proposed. As such, Council can be reasonably satisfied that there is no contamination risk associated with the proposed development. Overall, the proposed development is consistent with the relevant provisions of SEPP (Resilience and Hazards).

### (c) State Environmental Planning Policy (BASIX) 2004

The proposed development does not constitute BASIX development, as defined by the EP&A Regulation, and the provisions of this policy are not applicable to the subject development application.

### (d) Liverpool Local Environmental Plan 2008

#### (i) Zoning

The subject site is zoned R2 Low Density Residential under the provisions of LLEP 2008. An extract of the zoning map is provided in Figure 4.

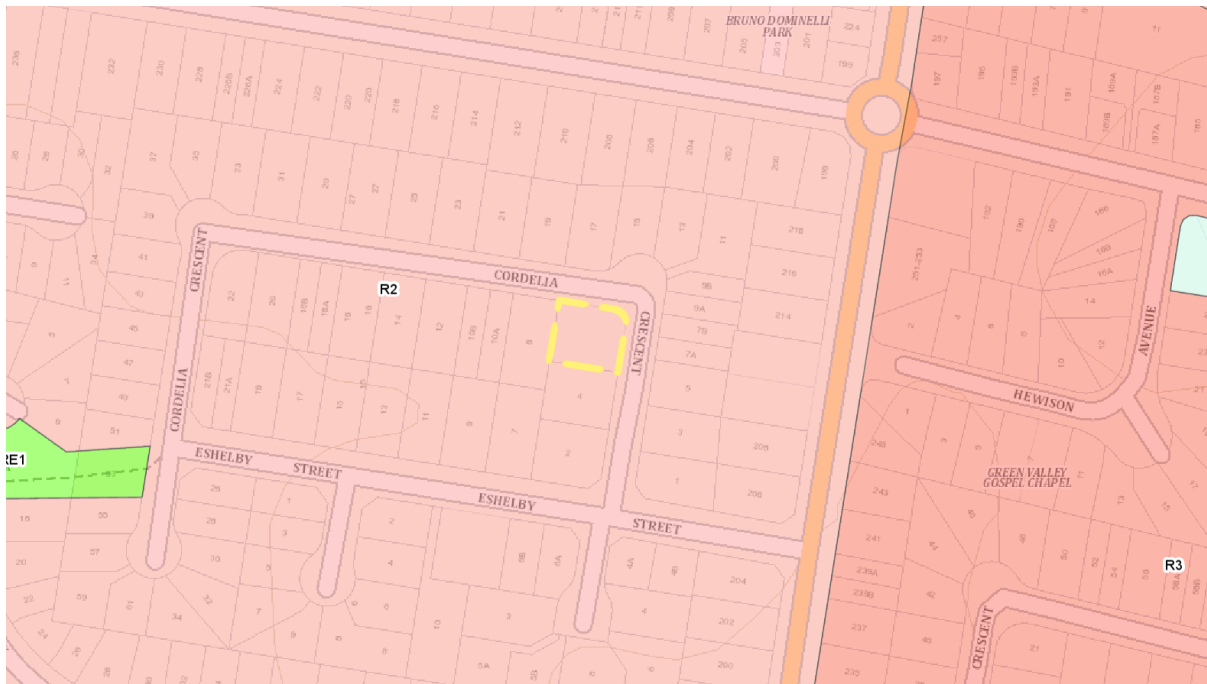


Figure 4: Extract of Zoning Map of LLEP 2008, with site bordered in yellow (Source: ePlanning Spatial Viewer)

#### (ii) Permissibility

The proposed development is appropriately defined by the standard instrument as **subdivision** and **semi-detached dwellings**.

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The subdivision of land is permissible by virtue of clause 2.6 of LLEP 2008, which provides that land may be subdivided with development consent.

Development for the purpose of semi-detached dwellings is permitted with consent within the R2 Low Density Zone, as identified in the Land Use Table of LLEP 2008.

The LLEP 2008 defines semi-detached dwelling as “a dwelling that is on its own lot of land and is attached to only one other dwelling”.

#### (iii) Objectives of the zone

The objectives of the R2 Low Density zone are as follows:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide a suitable low scale residential character commensurate with a low dwelling density.*
- *To ensure that a high level of residential amenity is achieved and maintained.*

The proposal is considered to be consistent with the relevant objectives of the R2 zone in that it continues to provide for the housing needs of the community in a low density residential environment. The proposed development does not alter the scale or character of the existing development and continues to provide a high level of residential amenity for occupants of the dwellings.

#### (iv) Principal Controls and Development Standards

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

Clause	Requirement	Comment
2.6 Subdivision – consent requirements		<b>Complies</b>
4.1 Minimum subdivision lot size	300m <sup>2</sup>	<b>Complies</b> Lot 1: 379.6m <sup>2</sup> Lot 2: 408.77m <sup>2</sup>
4.3 Height of Buildings	8.5m	<b>Complies</b> Water tank: <8.5m
4.4 Floor Space Ratio	0.5:1	<b>Complies</b> Lot 1: 0.48:1 Lot 2: 0.45:1

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

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

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

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

(a) Liverpool Development Control Plan (LDCP) 2008

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 3.4 Semi-Detached and Attached Dwellings in the R2, R3 and R4 zones.

With the exception of stormwater infrastructure, the proposed development does not involve any physical works. As such, the majority of controls within LDCP 2008 are not applicable.

The proposal is considered to be generally consistent with the key controls outlined in the LDCP 2008. All relevant compliance tables for the LDCP 2008 can be found in Report Attachment 1. Matters where variations to the development controls occur are also provided below.

Clause	Requirement	Comment
<b>Part 3.4</b>		
Section 4 – Landscaped Area and Private Open Space	A minimum of 20% of the site area shall consist of Landscaped Area, this may include lawn, deep rooted trees, garden beds and mulched areas.	<b>Non-compliant</b> Lot 1: 71.03m <sup>2</sup> or 18.7% Lot 2: 73.89m <sup>2</sup> or 18.1%
	<p><b>Justification</b></p> <p>The proposed development will result in two lots that are below the 20% minimum landscaped area requirement of Section 4 of Part 3.4 of LDCP 2008. The proposed development is also inconsistent with the requirement of this control for 4m x 6m areas of deep soil planting at the rear of both dwellings.</p> <p>However, the application does not propose any additional hard surfaces or any changes to landscaping, with the current extent of hard surfaces predating 1998. Furthermore, the landscaped character of the site as viewed from the public domain is consistent with that of surrounding properties and remains unchanged as a result of the proposed development. As such, the minor variations to the control, being 4.89m<sup>2</sup> for Lot 1 and 7.864m<sup>2</sup> for Lot 2, are considered acceptable on merit.</p>	

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Clause	Requirement	Comment
	A minimum unincumbered area of 4 x 6m shall be provided in rear setback to accommodate deep rooted trees.	<b>Non-compliant</b> The rear of each dwelling predominantly comprises paved surfaces with no area suitable for canopy trees.  See justification above.
	The Private Open Space for each dwelling must have a minimum area of 60m <sup>2</sup> .	<b>Complies</b> Lot 1: 130.64m <sup>2</sup> Lot 2: 146.74m <sup>2</sup>
	<p><b>Justification:</b> The architectural plans and statement of environmental effects provided to support the application nominate the paved area at the rear of the dwellings as private open space. However, aerial images of the site and a site inspection indicate that this area is used for carparking.</p> <p>Irrespective of the current use of this area, the application proposes the use of this area for private open space, with no proposed easements to facilitate vehicular access for Lot 1. A condition of consent is recommended to ensure that this area is used as private open space and to confirm that the use of this area as a hard stand parking area is not permitted.</p>	

**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 EP&A Regulation requires the consent authority to consider the provisions of the National Construction Code. Accordingly, appropriate conditions of consent will be imposed.

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

**Natural and Built Environment**

The proposed development is unlikely to result in any detrimental impacts on the natural environment surrounding the subject site. Rather, as the proposed development seeks to upgrade existing stormwater infrastructure at the site, the proposal will have a positive impact upon the natural environment.

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The proposed development is unlikely to create any adverse impacts on the surrounding built environment. With the exception of the upgrade to stormwater infrastructure, there are no physical works proposed.

**Social Impacts and Economic Impacts**

The proposal will not result in any adverse social or economic impacts.

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

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

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

**(a) Internal Referrals**

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

DEPARTMENT	COMMENTS
Fire Safety Officer	Approval, no conditions
Development Engineer	Approval subject to conditions of consent

**(b) External Referrals**

Not applicable – no external referrals.

**(c) Community Consultation**

The proposal was advertised/notified for a period of 14 days from 30 November to 15 December 2022 in accordance with the Community Participation Plan. No (0) submissions were received in response to the public consultation process.

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

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

**7. DEVELOPMENT CONTRIBUTIONS**

Section 7.11 Development Contributions are not applicable to the proposed development as they were previously paid prior to the building permit of the original dual occupancy development application which was approved in 1995.

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**8. CONCLUSION**

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

The proposed development is unlikely to result in any adverse impact upon neighbouring properties and the locality.

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

**9. RECOMMENDATION**

That Development Application DA-545/2022 seeking consent for the Torrens title subdivision of an existing dual occupancy (attached) to create two semi-detached dwellings and associated stormwater infrastructure be approved subject to conditions of consent.

**10. REPORT ATTACHMENTS**

- 1. LDCP 2088 COMPLIANCE TABLE**
- 2. PLANS OF THE PROPOSAL**
- 3. CONDITIONS OF APPROVAL**

## REPORT ATTACHMENT 1 – LDGP 2008 COMPLIANCE

### TABLE

Clause	Requirement	Comment
<b>Part 1</b>		
Section 6 – Water Cycle Management	Consideration of stormwater and drainage.	<b>Complies</b> The application is supported by Stormwater Management Plans by ABCON, which have been reviewed by Council's Land Development Engineer who raised no objections to the proposal, subject to conditions of consent.
Section 21 – Subdivision of Land and Buildings	Minimum Lot width: 9m	<b>Complies</b> Lot 1: 14.236m – 14.414m Lot 2: 10.086m – 15.764m
<b>Part 3.4</b>		
Section 2 – Site Planning	Dwelling layout must be designed around site attributes.	<b>N/A</b> No changes to the layout/design of the existing dwellings are proposed.
	Direct link from living area to private open space.	<b>N/A</b> No changes to the layout/design of the existing dwellings are proposed.
	The siting of windows of habitable rooms on the first floor must not overlook neighbouring properties.	<b>N/A</b> No changes to the layout/design of the existing dwellings are proposed.
	Stormwater from the site must be able to be drained satisfactorily.	<b>Complies</b> The application is supported by Stormwater Management Plans by ABCON, which have been reviewed by Council's Land Development Engineer who raised no objections to the proposal, subject to conditions of consent.
Section 3 - Setbacks	Cordelia St (north): 4.5m at ground 5.5m at first floor	<b>N/A</b> No changes to the layout/design of the existing dwellings are proposed.
	Cordelia St (east):	

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Clause	Requirement	Comment
	2.5m	
	Western side: 1.2m Southern rear: 7.0m	<b>N/A</b> No changes to the layout/design of the existing dwellings are proposed.
Section 4 – Landscaped Area and Private Open Space	A minimum of 20% of the site area shall consist of Landscaped Area, this may include lawn, deep rooted trees, garden beds and mulched areas.	<b>Non-compliant</b> Lot 1: 71.03m <sup>2</sup> or 18.7% Lot 2: 73.89m <sup>2</sup> or 18.1%
	<b>Justification</b> The proposed development will result in two lots that are below the 20% minimum landscaped area requirement of Section 4 of Part 3.4 of LDCP 2008. The proposed development is also inconsistent with the requirement of this control for 4m x 6m areas of deep soil planting at the rear of both dwellings.  However, the application does not propose any additional hard surfaces or any changes to landscaping, with the current extent of hard surfaces predating 1998. Furthermore, the landscaped character of the site as viewed from the public domain is consistent with that of surrounding properties and remains unchanged as a result of the proposed development. As such, the minor variations to the control, being 4.89m <sup>2</sup> for Lot 1 and 7.864m <sup>2</sup> for Lot 2, are considered acceptable on merit.	
	A minimum unincumbered area of 4 x 6m shall be provided in rear setback to accommodate deep rooted trees.	<b>Non-compliant</b> The rear of each dwelling predominantly comprises paved surfaces with no area suitable for canopy trees.  See justification above.
	The Private Open Space for each dwelling must have a minimum area of 60m <sup>2</sup> .	<b>Complies</b> Lot 1: 130.64m <sup>2</sup> Lot 2: 146.74m <sup>2</sup>
	<b>Justification:</b> The architectural plans and statement of environmental effects provided to support the application nominate the paved area at the rear of the dwellings as private open space. However, aerial	



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Clause	Requirement	Comment
	<p>images of the site and a site inspection indicate that this area is used for carparking.</p> <p>Irrespective of the current use of this area, the application proposes the use of this area for private open space, with no proposed easements to facilitate vehicular access for Lot 1. A condition of consent is recommended to ensure that this area is used as private open space and to confirm that the use of this area as a hard stand parking area is not permitted.</p>	
	<p>The Private Open Space shall include a Principal Private Open Space area, which is directly accessible from the main living area of a dwelling with a minimum dimension of 4 x 6m.</p>	<p><b>Complies</b> Both lots have sufficient private open space in excess of the minimum dimensions prescribed.</p>
<p>Section 5 – Cut and Fill, Building Design, Streetscape and Layout</p>	<p>The maximum cut on a site must not exceed 600mm.</p>	<p><b>N/A</b> No changes to the layout/design of the existing dwellings are proposed.</p>
	<p>All dwellings are to be orientated to the street.</p>	<p><b>N/A</b> No changes to the layout/design of the existing dwellings are proposed.</p>
	<p>Semi-detached dwellings or Attached dwellings proposed on a corner allotment shall address both frontages by the use of verandahs, balconies, windows or similar modulating elements.</p>	<p><b>N/A</b> No changes to the layout/design of the existing dwellings are proposed.</p>
	<p>Garages and carports must be designed to be the minor element of the façade.</p>	<p><b>N/A</b> No changes to the layout/design of the existing dwellings are proposed.</p>
	<p>All dwellings shall have habitable rooms located to the front of the dwelling for security and surveillance to the street.</p>	<p><b>N/A</b> No changes to the layout/design of the existing dwellings are proposed.</p>

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Clause	Requirement	Comment
	Each dwelling of the semi-detached and attached dwelling must provide a minimum storage area of 8m <sup>2</sup> .	<b>N/A</b> No changes to the layout/design of the existing dwellings are proposed.
Section 6 – 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 8 m height at maturity within the front and rear setback areas.	<b>N/A</b> No changes to the layout/design of the existing dwellings are proposed.
	Any tree with a mature height over 8m should be planted a minimum distance of 3m from the building or utility services.	<b>N/A</b>
	Secondary Frontage: Fences and walls must be a maximum of 1.8m in height, and constructed of masonry, timber and/or landscaped.	<b>N/A</b> No changes to existing fencing are proposed.
Section 7 – Car Parking and Access	Two car parking spaces shall be provided for each dwelling. One space per dwelling is permitted in front of the setback from the street frontage.	<b>N/A</b> No changes to parking arrangements are proposed.
Section 8 – Amenity and Environmental Impact	Building siting, window location, balconies and fencing must consider the importance of the privacy of on site and adjoining buildings and private open spaces.	<b>N/A</b> No changes to the layout/design of the existing dwellings are proposed.

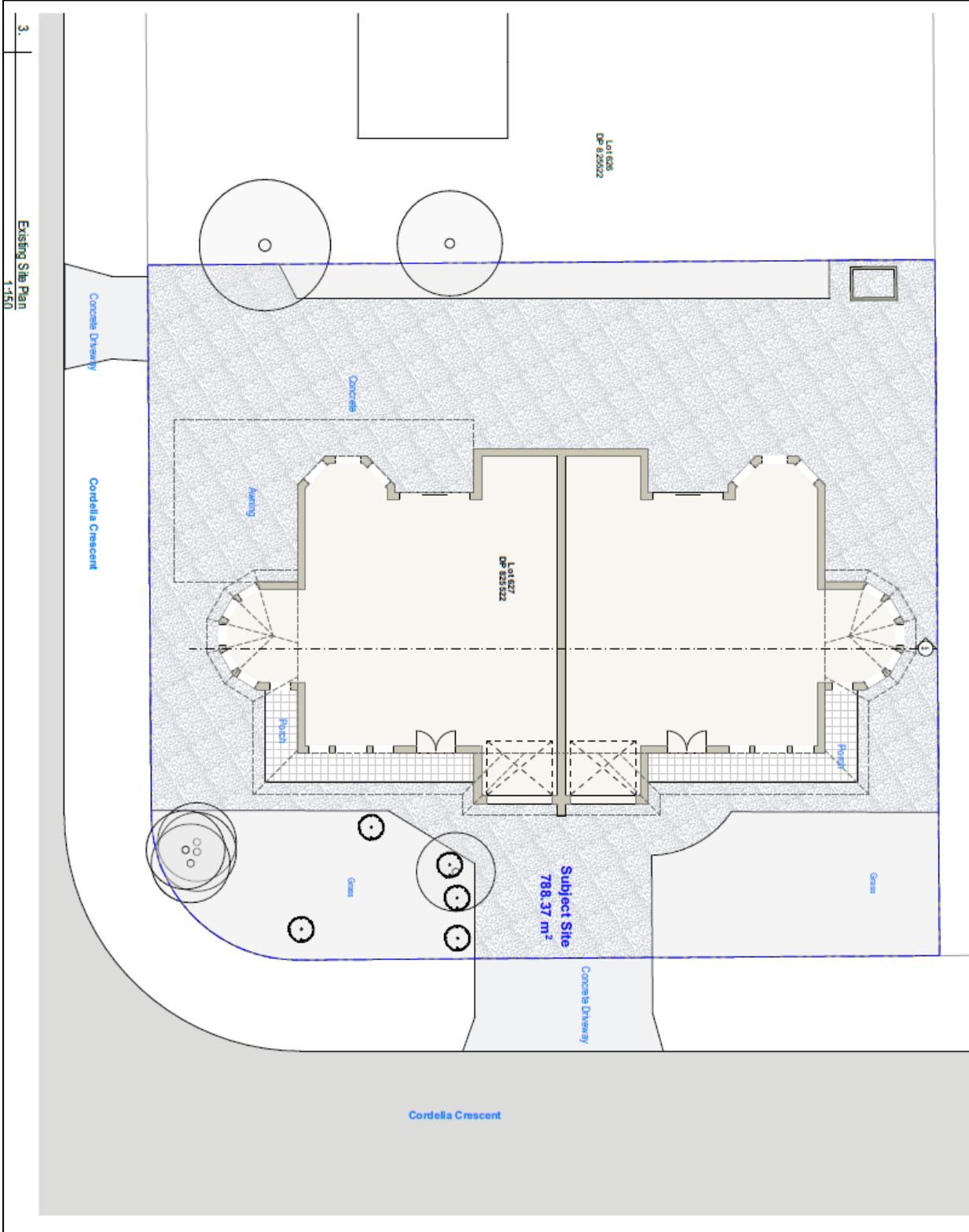
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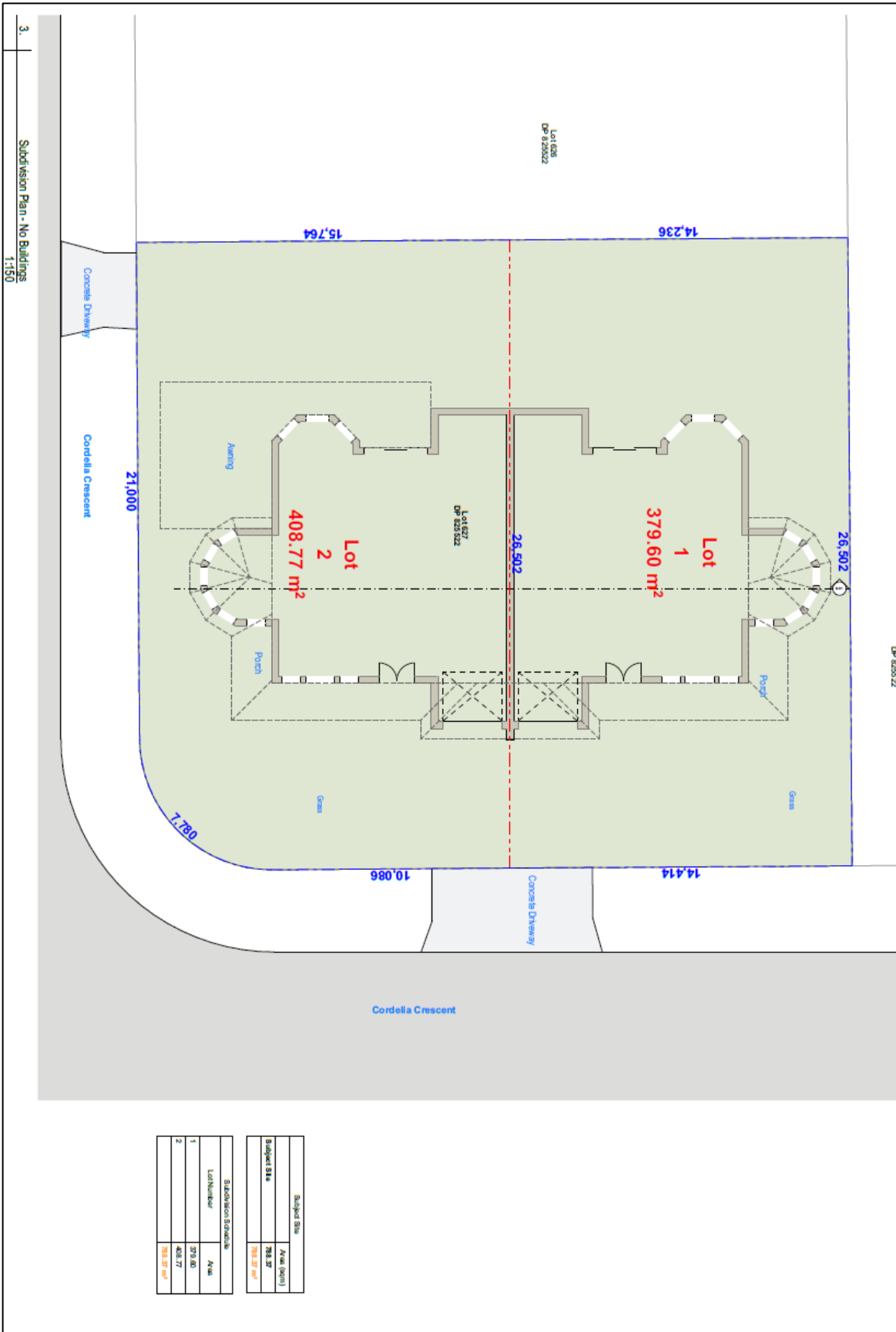
Clause	Requirement	Comment
	Landscaping should be used where possible to increase visual privacy between dwellings and adjoining properties.	<b>N/A</b>
Section 9 – Site Services	Letterboxes shall be provided for each dwelling on site, easily accessible from the street, able to be securely locked and provided in accordance with Australia Post's requirements.	<b>N/A</b> Separate letter boxes are already provided on site.

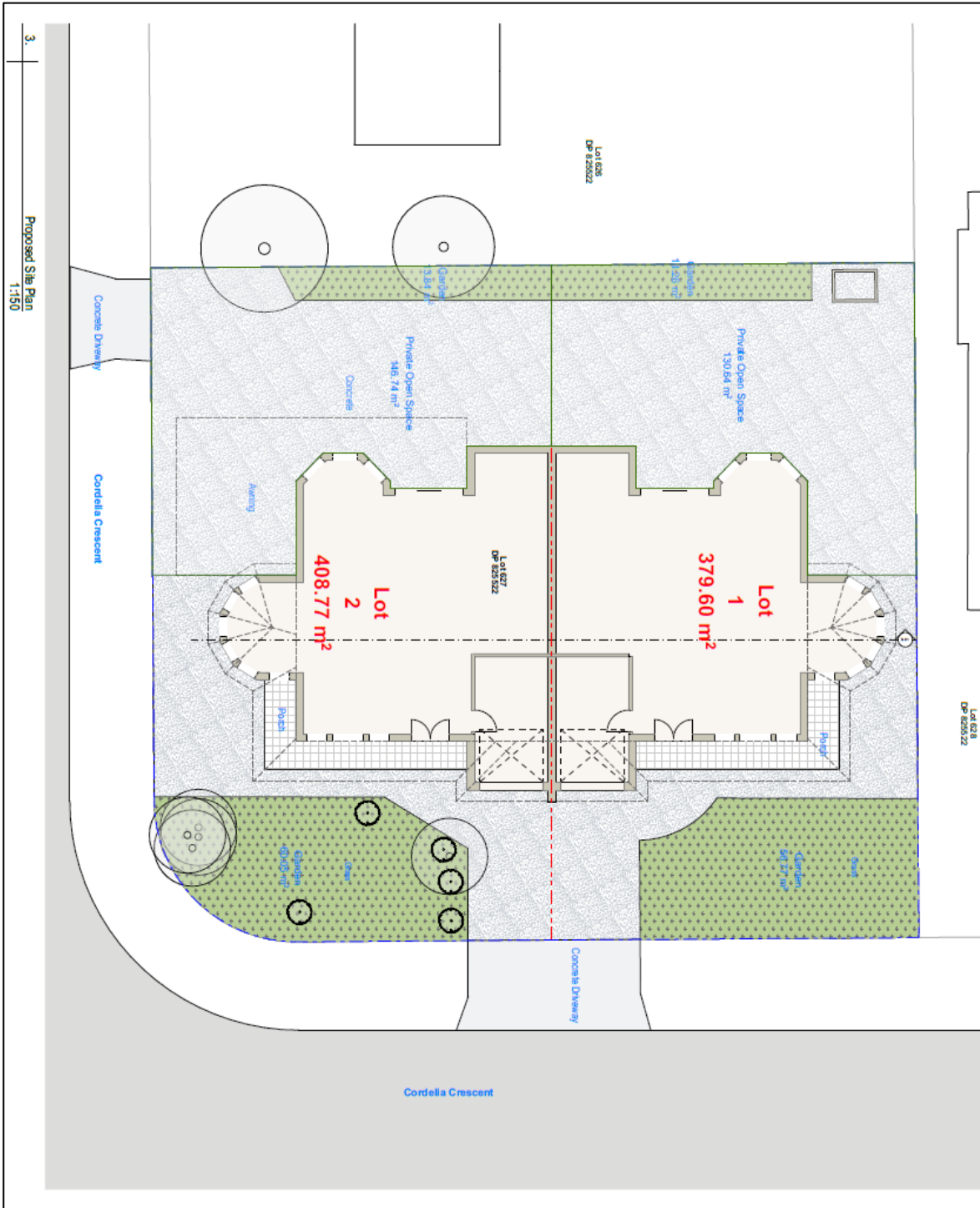
**REPORT ATTACHMENT 2 – PLANS OF THE PROPOSAL**



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**REPORT ATTACHMENT 3 – CONDITIONS OF APPROVAL**

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

**A. THE DEVELOPMENT**

**1. Approved Plans**

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

Plan Name	Plan No.	Date	Revision	Prepared by
Subdivision Plan	1.6	20.01.2023	05	Planzone Pty Ltd
Stormwater Notes	C00	5/10/22	A	ABCON Engineers
Stormwater Plan	C01	5/10/22	A	ABCON Engineers
Stormwater Detail	C02	5/10/22	A	ABCON Engineers
Sediment Control Details	C03	5/10/22	A	ABCON Engineers
Rainwater Tanks Details	C04	5/10/22	A	ABCON Engineers
Drains Model Pre & Post Calculations	C05	5/10/22	A	ABCON Engineers

**2. Works at no cost to Council**

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

**3. Compliance with Legislative Requirements**

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.

**4. National Construction Code**

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 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

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Performance Requirements or is shown to be at least equivalent to the Deemed to Satisfy Provision, or a combination of (a) and (b).

**5. Private Open Space**

The paved area to the south of the semi-detached dwellings is to be used for the purpose of private open space. Nothing in this approval/consent authorises the use of this area as a hard stand parking area or driveway.

**B. PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE**

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

**6. Stormwater Concept Plan**

A stormwater drainage system shall be provided generally in accordance with the concept plans lodged for development approval, prepared by ABCON Engineers, reference number 22148, revision A, dated 5/10/2022.

- a) 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.

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the stormwater drainage system has been designed in accordance with Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.

**C. PRIOR TO WORKS COMMENCING**

**The following conditions are to be complied with or addressed prior to works commencing on the subject site/s:**

**7. Construction Certificates**

Work on the subdivision shall not commence until:

- a) Construction Certificate (if required) has been issued,
- b) a Principal Certifying Authority has been appointed for the project, and
- c) any other matters prescribed in the development consent for the subdivision and the Environmental Planning and Assessment Act and Regulation have been complied with.

A Notice of Commencement is to be submitted to Liverpool City Council two (2) days prior to commencement of engineering works or clearing associated with the subdivision.

**8. Site Facilities**



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Adequate refuse disposal methods and builder's 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.

#### 9. Sediment & Erosion Control

Prior to commencement of works sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate and to ensure compliance with the Protection of the Environment Operations Act 1997 and Landcom's publication "Managing Urban Stormwater – Soils and Construction (2004)" – also known as "The Blue Book".

The erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.

#### 10. Roads Act Approval

An application for a Permit to Carry Out Works in Council's Road Reserve, pursuant to Section 138 of the Roads Act, 1993 shall be submitted to Council for stormwater connection to kerb and gutter. All work shall be carried out in accordance with the Road Act approval, the development consent including the stamped approval plans, and Liverpool City Council's specifications

#### 11. Fee Payments

Unless otherwise prescribed by this consent, all relevant fees or charges must be paid. Where Council does not collect these payments, copies of receipts must be provided. For the calculation of payments such as Long Service Levy, the payment must be based on the value specified with the Development Application/Subdivision Works 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.
- c) Long Service Levy – based on 0.35% of the cost of building work where the costing of the CC is \$25,000 or more.

### D. DURING CONSTRUCTION

#### 12. Hours of Construction Work and Deliveries

Construction work/civil work/demolition work, including the delivery of materials, is only permitted on the site between the hours of 7:00am to 6:00pm Monday to Friday and 8:00am to 1:00pm Saturday. No work will be permitted on Sundays or Public Holidays, unless otherwise approved by Council.

#### 13. Security Fence

A temporary security fence to WorkCover Authority requirements is to be provided to the property during the course of construction.

Note. Fencing is not to be located on Council's reserve area.

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**14. Demolition Work**

All demolition work is to be carried out in accordance with the requirements of AS 2601. Demolition is to be carried out strictly in accordance with the approved procedures and work plan.

**15. Aboriginal Relics/Artefacts**

If any Aboriginal relics/artefacts are uncovered during the course of any construction works including demolition, work is to cease immediately. Government agencies shall be contacted and no further work shall be undertaken until relevant assessments/approvals/ salvage excavation has been undertaken and permission is given by the relevant authorities to re commence works.

**16. General Site Works**

All dangerous and/or hazardous material shall be removed by a suitably qualified and experienced contractor, licensed by SafeWork NSW. The removal of such material shall be carried out in accordance with the requirements of SafeWork NSW. The material shall be transported and disposed of in accordance with NSW Environment Protection Authority requirements.

**17. Sediment & Erosion Control**

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 /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.
- d) Air Quality

**18. Air Quality**

Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during demolition works.

**19. Water Quality**

All topsoil, sand, aggregate, spoil or any other material shall be stored clear of any drainage line, easement, water body, stormwater drain, footpath, kerb or road surface.

**20. Notification of Damage**

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 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.

## E. PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

The following conditions are to be complied with or addressed prior to issue of the subdivision certificate:

### 21. Subdivision Compliance

Prior to the issue of a Subdivision Certificate the following compliance documentation shall be submitted to the Principal Certifying Authority. A copy of the following documentation shall be provided to Council where Council is not the Principal Certifying Authority:

- a) Work as Executed (WAE) drawings of all civil works. The WAE drawings shall be marked in red on copies of the stamped Construction Certificate drawings signed, certified and dated by a registered surveyor or the design engineer. The Work as Executed drawings shall be prepared in accordance with Council's Design Guidelines. Electronic copies of the WAE shall be provided in PDF format and a DXF format to Council along with two hard copies of the WAE plans,
- b) Surveyor's Certificate certifying that all pipes and services are located wholly within the property or within appropriate easements and that no services encroach boundaries,

### 22. Linen Plans and 88B Instruments

In order to enable a Subdivision Certificate to be issued for submission to the LPI Service, the applicant is required to lodge a separate application along with one (1) original and ten (10) copies of the proposed plan of subdivision and one (1) original and two (2) copies of the proposed 88b instrument (where proposed).

### 23. Linen Plans and 88B Instruments

The applicant shall pay the standard fee for purpose of subdivision certificate administration of plan checking and release.

### 24. Service Providers

The following documentation is to be provided prior to the release of the subdivision certificate:

- a) Written evidence of suitable arrangements with Sydney Water (Section 73 Compliance Certificate) for the supply of water and sewerage services to the development is to be submitted to the PCA prior to the issue of a Subdivision Certificate. Council will not issue a Subdivision Certificate unless the method of sewerage disposal is by gravity reticulation mains to either Sydney Water branch and trunk sewers or Sydney Water point of treatment. Council will not accept any temporary facilities to service the site, including pump-out wet-wells.
- b) Notification of arrangement for the development from Endeavour Energy shall be submitted to Council.
- c) Written certification from the relevant service providers that the telecommunications infrastructure is installed in accordance with:
  - i. The requirements of the Telecommunications Act 1997;

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- ii. For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
- iii. For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line 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 connections of optic fibre technology telecommunications.

## F. 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"

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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](http://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.