

MATTERS FOR LIVERPOOL LOCAL PLANNING PANEL DETERMINATION

Meeting of 30th March 2020

Given the situation with the current COVID-19 crisis, Council's Critical Incident Response Team is in the process of providing a whole of organisation response focusing on the safety of Council staff and the community. Currently, several precautionary measures have been developed by Council's Critical Incident Response Team for any meetings at Council. Council staff and externals are expected to comply with the following measures:

- *Staff are not to hold or attend meetings or training with 15 or more people. Therefore the LLPP meeting will be via teleconference.*
- *When in meetings of people with 15 or less please ensure you maintain your social distance of 1.5 meters.*
- *If any attendees have a cold or flu or symptoms of COVID-19 then please ensure that you stay at home.*

Given the above, a public meeting will still be held at Council subject to the above precautionary measures being upheld. As an added precaution, members of the LLPP will not attend the public meeting and have requested to communicate with Council staff and the community via telephone conference on the day of the meeting. A telephone conference will allow the LLPP to hear from the applicant and concerned parties should they attend Council for the meeting.

Should you wish to address the Panel please contact Danielle Hijazi, Panel Support Officer on 8711 7627, by **4pm Friday 27th March 2020**. Those attending will be required to meet at Customer Service Counter, 33 Moore St, Liverpool at a time agreed to by the Panel Support Officer. Concerned parties who do not wish to attend the meeting due to their personal safety concerns may be able to make a written submission to be considered by the Panel as an alternative.

Please note, the above measures are based on the current situation regarding the COVID-19 crisis. In this regard, should the situation concerning the COVID-19 crisis change, so may Council's response to these changes. Thus, it is important for attendees to understand that any meeting with the public has the potential to be cancelled depending on the situation concerning the COVID-19 crisis up to and on the day of the meeting.

If the meeting is cancelled due to the current COVID19 crisis, all items that were to be considered at the March meeting of the LLPP will be determined by way of electronic communication. All panel members will still be provided with the Council officers' report on each item, the documents submitted with each item and copies of all written objections. Discussion between Panel members will occur via group email, and if necessary by telephone conference where all members are present. If any Panel member has a query for an applicant or objector, the question will be conveyed in writing through the relevant Council officer to the applicant or objector. The Panel will aim to complete its determination of all matters by **6th April 2020**. Minutes of the electronic

determinations will be published on the Council's website as usual after the determinations have been made and notices of determination will be issued by Council officers in due course.

In preparing for a potential meeting cancellation, it is recommended that the applicant and concerned parties review the assessing officer's report and recommendation for the subject development application and have a written submission prepared on the day of the meeting. Your written submission will be forwarded to the Panel for their consideration.

Should you require any further information, please contact Danielle Hijazi, Panel Support Officer on 8711 7627.

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

ITEM No.	SUBJECT	PAGE No.
1	<p>Development Application DA-6/2018</p> <p>Demolition of existing structures, subdivision of the site into 2 separate lots and construction of a single storey medical centre with 40 at-grade car parking spaces and a slip lane off Heathcote Road.</p> <p>CNR LOT E & LOT D DP 407758 LOT 7 & LOT 8 DP 539636 2-6 WALDER ROAD and 192-194 HEATHCOTE ROAD, HAMMONDVILLE</p>	2-84
2	<p>Development Application DA-15/2019</p> <p>Demolition of all existing structures and construction of a five (5) storey residential flat building comprising seventeen (17) units (6 of which are identified as affordable housing) and two (2) levels of basement car parking for twenty-four (24) vehicles.</p> <p>LOT 401 of DP 1185131 37 CARBONI STREET, LIVERPOOL</p>	85-150
3	<p>Development Application DA-256/2019</p> <p>Consolidation of two (2) lots into one (1) lot and construction of a shed, carport and attached double storey dwelling to create a dual occupancy onsite.</p> <p>LOT 1 of DP 245122 LOT 32 of DP 651017 1562 ELIZABETH DRIVE, CECIL PARK</p>	151-212

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Item no:	1
Application Number:	DA-6/2018
Proposed Development:	Demolition of existing structures, subdivision of the site into 2 separate lots and construction of a single storey medical centre with 40 at-grade car parking spaces and a slip lane off Heathcote Road.
Property Address	2-6 Walder Road and 192 – 194 Heathcote Road, Hammondville
Legal Description:	DP 407758 Cnr Lot E, LOT D DP 407758, LOT 7 DP 539636, LOT 8 DP 539636
Applicant:	Mammoth Projects Pty Ltd
Land Owner:	Garloft Pty Ltd and Topglove Pty Ltd
Cost of Works:	\$3,124,854
Recommendation:	Approved subject to conditions of consent
Assessing Officer:	Development Assessment

1. EXECUTIVE SUMMARY

Council has received a Development Application (DA No. 6/2018) seeking consent for demolition of existing structures, subdivision of the site into 2 lots and construction of a single storey medical centre with 40 at-grade car parking spaces and a slip lane off Heathcote Road.

The proposed medical centre is a prohibited land use in the R2 zone pursuant to LLEP 2008 for which the site is zoned. However, the application has been made pursuant to State Environmental Planning Policy (Infrastructure) 2007 which permits health services facilities within a prescribed zone.

R2 is listed as a prescribed zone and pursuant to Clause 57 of SEPP (Infrastructure) 2007, the proposed medical centre –being a type of health services facility – is a permissible land use with consent. In addition, Part 1 Clause 8 of SEPP (Infrastructure) 2007 provides that in the event of an inconsistency between itself and any other Environmental Planning Instrument, the SEPP takes precedence to the extent of the inconsistency.

The application initially proposed construction of a two storey medical centre at 2 & 4-6 Walder Road, comprising of undercroft parking for 37 cars with access from Walder Avenue and subdivision of the site into two lots. The original proposal was notified for a period of 14 days from 31 January 2018 to 15 February 2018 in accordance with LDCP 2008. Nineteen (19) submissions were received in response to the public consultation process.

A formal amendment was made to the DA where the two-storey building is replaced with a single storey building and the undercroft is replaced with 40 at-grade car parking spaces. The amended proposal was notified for a period of 14 days from 20 March 2019 to 4 April 2019 in accordance with LDCP 2008. Twelve (12) submissions were received in response to the public consultation process.

The application is referred to the Liverpool Local Planning Panel (LLPP) in accordance with its referral criteria and procedural requirements as the application has received more than 10 unresolved objections.

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

2. SITE DESCRIPTION AND LOCALITY

2.1 The site

The subject site is identified as Corner Lot E & Lot D DP 407758, Lot 7 & 8 DP 539636 and is known as 2-6 Walder Road and 192 – 194 Heathcote Road, Hammondville. It is irregular in shape with a frontage of 57.91 metres to Walder Road, a frontage of 88.115 metres to Heathcote Road, with a total area of 4705m². The subject site has a slope of approximately 1.8 metres from east to the west.

Currently, 192 & 194 Heathcote Road each contains an existing health consulting rooms with direct vehicular access via Heathcote Road. 4 Walder Road is currently vacant with the exception of trees. 2 Walder Road contains a building that operates as a boardroom for the health consulting rooms and is used for overflow car parking associated with the health consulting rooms. 4 Walder Road can be access via the existing driveway off Walder Road.

An aerial photograph of the site is provided below.



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

2.2 The locality

The site is located in Hammondville on the intersection of Walder Road and Heathcote Road. The site is located on a block that contains a mix of one and two storey detached dwelling houses. Opposite the site on Walder Road are detached dwellings. Opposite the site on Heathcote Road is a large landscape buffer between detached dwelling houses from the carriageway.

The subject site is located approximately 300m to the south-west of Hammondville Public School and 340m to the south of M5 Motorway. The site is located approximately 3.4 km south-east of the Liverpool Train Station.

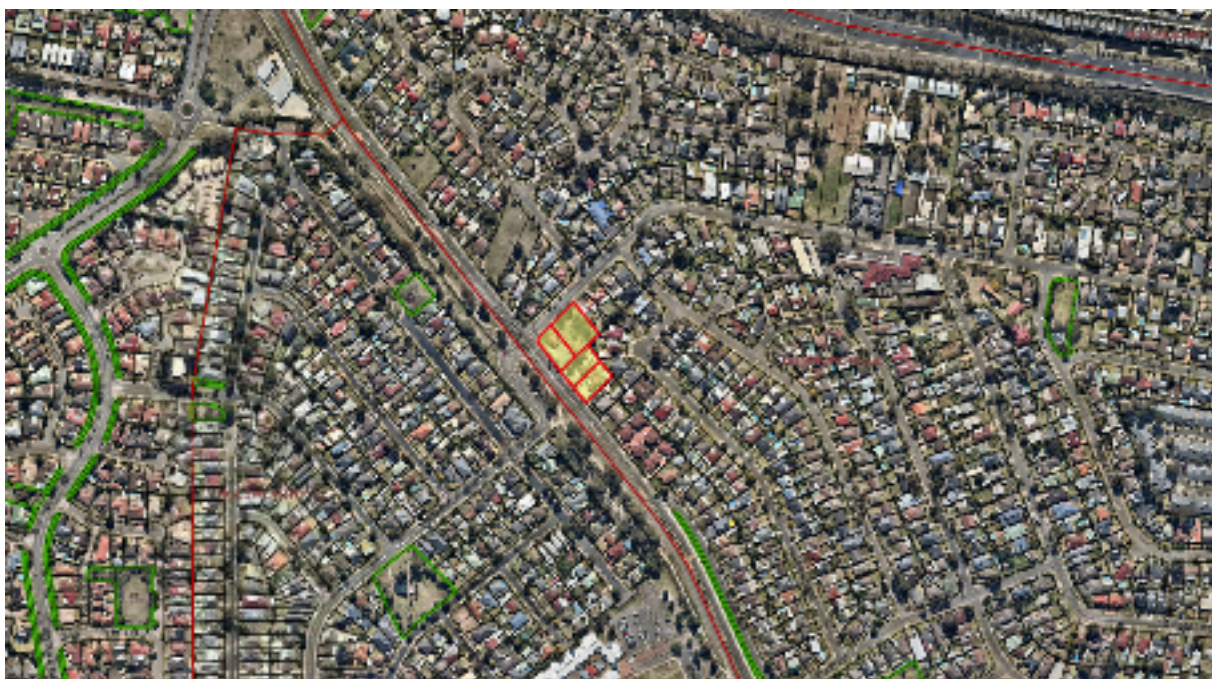


Figure 2: Locality Surrounding the Proposed Development (Source: Geocortex)

3. BACKGROUND/HISTORY

- A Planning Proposal was lodged on 12 May 2017 to include ‘medical centres’ in the list of permissible uses to be developed with consent in the R2 Low Density zone, via an enabling clause to be inserted in Schedule 1 under the LLEP 2008.
- A pre-lodgement meeting held with Council on 27 September 2017 for the development of a medical centre, which will replace the existing health consulting rooms on adjoining sites.
- The subject DA was lodged with Council on 3 January 2018. The application was lodged for construction of a two storey medical centre at 2 & 4-6 Walder Road, comprising of undercroft parking for 37 cars with access from Walder Avenue.
- The proposal was notified for a period of 14 days from 31 January 2018 to 15 February 2018 in accordance with LDCP 2008. Nineteen (19) submissions were received in response to the public consultation process.

- The Planning Proposal was considered by the Local Planning Panel at a meeting on 25 June 2018.
- Division 10 of the State Environmental Planning Policy (Infrastructure) 2007 was amended on 15 December 2017 to permit *health facilities* in the R2 zone, subject to consent. Accordingly, the Planning Proposal was withdrawn by the applicant, as *medical centres* are a type of *health facility* under the Standard Instrument.
- A formal amendment was made to the DA for construction of existing structures, subdivision of the site into 2 lots and construction of a single storey medical centre with 40 at-grade car parking spaces and a slip lane off Heathcote Road.
- The proposal was notified for a period of 14 days from 20 March 2019 to 4 April 2019 in accordance with LDCP 2008. Twelve (12) submissions were received in response to the public consultation process.

4. DETAILS OF THE PROPOSAL

The existing health consulting rooms at 192 Heathcote Road were initially approved in 1978 and expanded in 1994 when the dwelling at 194 Heathcote Road was also converted into health consulting rooms. The proponent seeks to redevelop the current buildings as they are not fit for purpose, and evidence suggests that there is an increasing demand for allied health services in the locality. The new premises consists of the following:

- Demolition of existing buildings on site and construction of a single storey medical centre comprising of 16 consultation rooms; a pathology; allied health; a pharmacy and ancillary spaces.
- Building forms are articulated extensively, and facades incorporate a variety of materials and finishes.
- The proposal involves the construction of a two-way driveway, with access via a slip lane via Heathcote Road, located toward the southern boundary of the site. Access to the site will also be achieved via a two-way driveway on Walder Road.
- The proposed new development will provide 40 parking spaces at basement level, including 2 accessible space.
- A garbage storage room is proposed in the car park. Collection of bins will be undertaken within the site.
- The proposed development provides a planting along each property boundary that incorporates a mix of canopy trees, shrubs and hedges and accent plants of native and exotic variety.
- Stormwater runoff from the proposed development will connect to the proposed on-site detention basins located in vehicular crossing and car park. Stormwater will be drained via gravity to existing infrastructure within the road reserve.
- The site will be subdivided into two separate allotments. Proposed lot 1 will have an area of 811.0m² with a frontage to Walder Road of 20m and Proposed Lot 2 will have an area

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of 3709m² with a frontage to Walder Road of 37.9m and a frontage of 88.05m to Heathcote Road.

Images of the proposed development are provided below:



Figure 3: Streetscape view of the site from Heathcote Road (Source: Applicant)

5. STATUTORY CONSIDERATIONS

5.1 Relevant matters for consideration

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

- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No. 55 – Remediation of Land;
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (now deemed SEPP);
- Liverpool Local Environmental Plan (LLEP) 2008;
- Liverpool Development Control Plan (LDCP) 2008;
 - Part 1: General Controls for All Development; and
 - Part 3.8: Non Residential development in Residential zones.

6. ASSESSMENT

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

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

(a) State Environmental Planning Policy (Infrastructure) 2007

The proposed development is best described as a medical centre which is defined by the

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Standard Instrument as:

*“**medical centre** means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.*

Note.

*Medical centres are a type of **health services facility**—see the definition of that term in this Dictionary.”*

While the proposed medical centre is a prohibited development in the R2 zone pursuant to LLEP 2008, the SEPP (Infrastructure) 2007 nominates the R2 Low Density Residential zone as a prescribed zone and health services facility is a permitted land use within a prescribed zone (Clause 57 of the SEPP). As the SEPP prevails to the extent of any inconsistency between itself and the LLEP 2008, the proposal would be permissible with consent.

Also, the applicant proposes to redevelop land with a frontage to Heathcote Road. Heathcote Road is a classified road. Pursuant to Clause 101 - Development with frontage to classified road of SEPP (Infrastructure) 2007, the following shall be addressed:

- (1) *The objectives of this clause are:*
 - (a) *to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
 - (b) *to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*

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

The existing health consulting rooms at 192 Heathcote Road were initially approved in 1978 and expanded in 1994 when the dwelling at 194 Heathcote Road was also converted into health consulting rooms. The existing health consulting rooms have access to Heathcote Road.

Originally, the application proposed the installation of a roundabout at the Walder Road/Meehan Avenue intersection with vehicular access to the site via Walder Road. The application was subsequently amended to provide for left in/let out access on Heathcote Road via a deceleration lane in addition to the local road access to Walder Road. TfNSW

have raised no objection to the proposed vehicular access to the land, subject to conditions of consent.

TfNSW also raises no objection to the proposed design of the vehicular access to the land and scale of development proposed. In relation to the potential vehicle emissions to impact the site, all medical activities will be conducted inside a building. Having regard to potential impact of traffic noise, a condition will be imposed on any consent granted that requires that the building achieve a desirable internal noise level as per the Australian Standards.

Given the above, it is considered that the proposed development achieves the provisions of Clause 101 - Development with frontage to classified road of SEPP (Infrastructure) 2007.

(b) State Environmental Planning Policy No. 55 – Remediation of Land

Pursuant to Clause 7 of SEPP 55, a consent authority is unable to grant development consent unless it has considered whether the land is contaminated and, if so, whether the consent authority is satisfied that the land is suitable in its contaminated state, or can be remediated to be made suitable for the purposes for which the development is proposed to be carried out.

Although it is unlikely that the land would be contaminated, given its previous residential use, Council must consider this and the likelihood of any contamination on-site and the possible impacts which may arise from any works associated with this proposal.

The objectives of SEPP 55 are:

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

Pursuant to Clause 7 of SEPP 55, Council is also required to undertake a merit assessment of the proposed development. The following table summarises the matters for consideration in determining development application (Clause 7).

Clause 7 - Contamination and remediation to be considered in determining development application	Comment
(1) A consent authority must not consent to the carrying out of any development on land unless:	
(a) it has considered whether the land is contaminated, and	A Detailed Contamination Assessment has been submitted which indicates that the site is suitable for development for use as a medical centre and that no remediation is required. This report was reviewed by Council’s Environmental Health Officer who concurred with the findings of the report.
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and	The land is suitable for the proposed works.

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

(c) Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (Deemed SEPP)

The subject land is located within the Georges River Catchments and as such the Greater Metropolitan Regional Environmental Plan No. 2 – Georges River applies to the application.

The Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment generally aims to maintain and improve the water quality and river flows of the Georges River and its tributaries.

When a consent authority determines a development application, planning principles are to be applied (Clause 7(b)). Accordingly, a table summarising the matters for consideration in determining development applications (Clause 8 and Clause 9), and compliance with such is provided within Attachment 2 of this report.

It is considered that the proposal satisfies the provisions of the GMREP No. 2 subject to appropriate sedimentation and erosion controls being implemented during construction.

(d) Liverpool Local Environmental Plan 2008

(i) Zoning

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

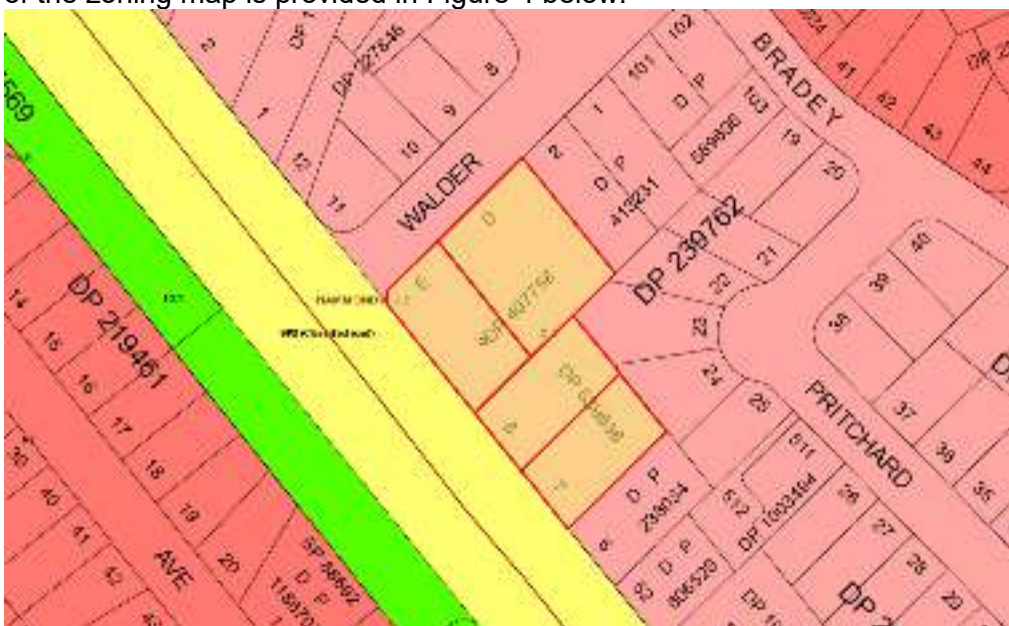


Figure 4: Zoning Map (source: Geocortex)

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(ii) Permissibility

The proposed development would be defined as a “medical centre”, which is a prohibited use within the R2 Low Density Residential zoning under the Liverpool LEP 2008. However, medical centres is permitted with consent pursuant to State Environmental Planning Policy (Infrastructure) 2007 which permits health services facility within a prescribed zone (the R2 zone is classed as a prescribed zone).

The application proposes a pharmacy dispensary at the site. A pharmacy is classified as a ‘retail premises’ which is a prohibited use in the R2 zone. However, consent is sought for a pharmacy under this application as an ancillary use to the medical centre. It is noted that the pharmacy has a floor area of 83.5m², which equates to 8.5% of the total floor area of the centre.

The applicant argues that the proposed pharmacy is ancillary to the dominant purpose of a medical centre for the following reasons:

- *There is no proposed external signage for the pharmacy.*
- *Access to the pharmacy is only accessible via the medical centre central lobby and has no separate access point.*
- *The hours of operation of the pharmacy also align with the medical centre and are operated under the same entity.*
- *The pharmacy will dispense medicines/services on referral of the centres medical professionals.*

At this stage, it is considered that the applicant has submitted inadequate information in characterising the pharmacy component of the development as an ‘ancillary’ to the proposed medical centre.

In this regard, it is recommended that the pharmacy be excluded from the proposed development. A condition will be imposed on any consent granted to this effect.

Alternatively, the applicant should provide legal advice attesting that the pharmacy component is ancillary to the medical centre and there is no impediment to determining the application.

(iii) Objectives of the zone

The objectives of the R2 Low Density Residential 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 objectives of the zone in that:

- The medical centre will provide uses that serve the day to day needs of local residents within the area;
- The medical centre will maintain the existing residential amenity of surrounding low density residential environment.

(iv) Principal Development Standards

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

Development Provision	Requirement	Proposed	Comment
Part 4 Principal Development Standards			
2.7 Demolition	The demolition of a building or work may be carried out only with development consent	Demolition proposed with the development.	Complies
4.1 Minimum subdivision lot size	The minimum lot size permitted on the subject land is 300sqm and is marked "D" on the building heights map.	The site will be subdivided into two separate allotments; as follows: <ul style="list-style-type: none"> • Proposed lot 1 will have an area of 811m²; and • Proposed Lot 2 will have an area of 3709m². 	Complies
4.3 Height of Buildings	The maximum building height permitted on the subject land is 8.5 metres and is marked "I" on the building heights map	The development is 5.3 metres at its highest point.	Complies
4.4 Floor Space Ratio	The permitted FSR for the site is 0.5:1.	FSR proposed is 0.26:1 or GFA of 982m ² on Proposed Lot 2.	Complies
7.13 Minimum Lot width in Zones R1, R2, R3 and R4	The width of any lot, resulting from a subdivision of land, that is capable of accommodating residential development, must not be less than 10 metres.	Proposed Lot 1 is for a residential lot with a width of 20m.	Complies

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

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

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

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

(a) Liverpool Development Control Plan (LDCP) 2008

The application has also been assessed against the relevant controls of the LDCP 2008, particularly *Part 1 General Controls for all Development and Part 3.8 Non-residential development in Residential zones*. In considering the proposed development, as there are no specific development controls for medical centres in non-residential zoned, the application has been assessed against the controls in Part 3.8 of LDCP 2008 as it relates to health consulting rooms.

The development is found to achieve full compliance with the provisions of the LDCP 2008, as detailed within the tables in Attachment 3 of the report.

Overall, the proposal is considered to be consistent with the key controls outlined in the LDCP.

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

There are no Planning Agreements which apply to the development.

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

The Environmental Planning and Assessment Regulation 2000 requires the consent authority to consider the provisions of the BCA and the Safety standards for demolition (AS 2601 – 2001). Accordingly, appropriate conditions of consent will be imposed.

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

Natural and Built Environment

The proposed development is unlikely to create a detrimental impact on the natural environment surrounding the subject site, subject to the imposition of appropriate conditions of consent.

The proposed development is unlikely to create any adverse impacts on the surrounding built environment. The proposed development is considered to be of an appropriate scale and is unlikely to create any detrimental impacts on the adjoining properties or the locality as a whole. The proposal is not an over-development and is consistent with the desired built character of the locality.

It is considered that the proposed development has been designed with sufficient regard to surrounding properties to ensure that any adverse amenity impact is minimised, particularly in terms of visual and acoustic privacy and overshadowing.

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Social Impacts and Economic Impacts

The proposal would result in a positive economic impact in the locality through the capital investment value of the development and is unlikely to generate any identifiable detrimental social impacts, being consistent with the desired development type in the locality.

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

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

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

(a) Internal Referrals

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

DEPARTMENT	COMMENTS
Building Officer	Approval subject to conditions of consent
Development Engineer	Approval subject to conditions of consent
Traffic and Transport	Approval subject to conditions of consent
Environmental Health	Approval, subject to conditions of consent
Natural Environment	Approval, subject to conditions of consent
Community Planning	No comments were received - no objection.

(b) External Referrals

The following comments have been received from External Departments:

DEPARTMENT	COMMENTS
Transport for NSW	<p>TfNSW provide concurrence under Section 138 of the <i>Roads Act, 1993</i>, subject to Council's approval and a number of requirements being included in the development consent.</p> <p>In addition to the above, TfNSW provides advisory comments to Council for consideration in its determination of the development application; which are as follows:</p> <ol style="list-style-type: none"> <i>The proposal has an access from Walder Road. Due to the proximity to the signalised intersection of Heathcote Road and Walder Road the access is to be physically restricted to ensure that right turn manoeuvres are not able to be undertaken for safety and efficiency reasons. A splayed median dividing the ingress and egress into the site to physically restrict the right turn movements (accompanied by signage) in line with Australian Standards should be provided.</i> <i>The existing Traffic Control Signal (TCS) plan for the Walder Street/Heathcote Road intersection may need to be updated accordingly to include the new vehicular access on Walder</i>

	<p><i>Street. The updates are to be drawn by a suitably qualified person and endorsed by a suitably qualified practitioner. The developer is advised to contact Senior networks Operations Officer Steve Acreman on 02 9712 1930 to obtain a copy of the most current TCS plan.</i></p> <p>3. <i>The proposed development will generate additional pedestrian movements in the area. Pedestrian safety is to be considered in the vicinity.</i></p> <p>4. <i>The suitability of this development being located along a major road is a matter for Council.</i></p> <p>The correspondence from TfNSW was referred to Council's Traffic and Transport Branch for review. Council's Traffic and Transport Branch have reviewed the correspondence and raise no objection to the proposed development, subject to conditions.</p>
Jemena Gas	No comments were received - thus assumed no objection.
Endeavour Energy	Comments received – to be conditioned
Sydney Water	No comments were received - thus assumed no objection.
NSW Police	No comments were received - thus assumed no objection.

(c) Community Consultation

The amended proposal was notified for a period of 14 days from 20 March 2019 to 4 April 2019 in accordance with LDCP 2008. Twelve (12) submissions were received in response to the public consultation process for the amended application. The key issues raised in the submissions relate to traffic and parking, security, landscaping, acoustics, waste management, impacts to existing health services and pharmacy.

A summary and assessment of the issues raised in the submissions, is detailed in the following table below.

Issues	Comment
Traffic and Parking	
<ul style="list-style-type: none"> <i>Currently there is a lot of traffic exiting Hammondville from Walder Road. The proposed development will put more traffic into Walder Road. The proposed driveway is too close to the traffic lights. Vehicles turning into the proposed development and exiting the development will create a bottle neck and impede the flow of traffic exiting Hammondville and entering Heathcote Road.</i> <i>Vehicles attempting to cross the kerbside lane in an attempt to make a right hand turn into Heathcote Road will also increase the possibility of accidents on Walder Road particularly in the morning and</i> 	<p>The Planning Proposal (PP) was presented to the LPP on 25 June 2018. The concept as presented to LPP was for access to the medical centre via a driveway from Walder Road and the installation of a roundabout at the Walder Road/Meehan Avenue intersection. The LPP raised concerns with this arrangement and recommended that an alternative arrangement be investigated.</p> <p>Council wrote to the TfNSW regarding the PP on 9 October 2018. TfNSW reviewed the updated information provided by Council and confirmed its support for a left in/let out access on Heathcote Road, subject to a number of conditions. The application was subsequently amended to provide for left in/let out access on Heathcote Road via a deceleration lane in addition to the local road access to Walder Road.</p>

<p><i>afternoon peak hours.</i></p> <ul style="list-style-type: none"> • <i>The proposed deceleration lane road off Heathcote Road does raise a concern due to it being for both ingress and egress. Vehicles exiting onto the lane from the carpark will need to merge into the through traffic along Heathcote Road. This may be problematic if a driver's vision is blocked by vehicles approaching on the deceleration lane. Entering vehicles on the deceleration lane may also block visibility of traffic transiting straight along Heathcote Road of any vehicles exiting.</i> • <i>According to the submitted landscape plan there seems to be a sharp turn in the footpath directly into the area of the proposed access, this could be a blind spot and a risk for pedestrians particularly given the number of children who transit this footpath to attend the local schools.</i> • <i>The proposal of a total of 40 carparks as per the DA does seem to be too few given the size of the facility and activities to be carried out. This will lead to congestion in the neighbouring streets.</i> • <i>The turn in and out into this property to be wide enough for 2 cars to enter and exit simultaneously. Current entry/exit is not wide enough to facilitate turning of 2 vehicles. If a vehicle is exiting the current medical centre, vehicles entering from Heathcote Road have to wait for the vehicle to exit before turning into the medical centre.</i> • <i>The entrance to All Care Medical has been solely on Heathcote Road for more than four decades, and should continue to do so, particularly with the inclusion in the proposal of a deceleration lane on Heathcote Rd.</i> • <i>The revised Traffic Report bases the potential traffic growth on a ratio of</i> 	<p>Council wrote to the TfNSW on 22 August 2019 requesting that they consider a scheme that limits access to Heathcote Road only, considering that there is spare capacity on Heathcote Road during commuter peaks for all traffic movements associated with the proposed development. Council received a response from TfNSW on 25 September 2019 in opposition to the removal of left-in/left-out access on Walder Road, citing safety and efficiency concerns.</p> <p>An assessment has been undertaken of the traffic and parking impacts associated with the proposed access arrangements. Assessment has revealed that additional traffic from the development will not have significant adverse impact on the operation of the intersection of Heathcote Rd/ Walder Rd / Bardia Parade when compared to the existing situation. In terms of parking, the car parking spaces provided are adequate to cater for the proposed development.</p> <p>In addition, it should be noted that Council and TfNSW have developed a plan to improve the intersection of Heathcote Rd / Walder Rd / Bardia Parade. The plan provides for a dedicated right turning lane from Walder Road in to Heathcote Road with a chevron island, which will deny right turn movements in and out of the development site. The proposed improvement works, which has received funding from State Government, is expected to improve safety around the intersection.</p> <p>Council's Traffic Engineers have confirmed support for the proposal, subject to conditions. The traffic impacts of the development are not considered to be unreasonable or unacceptable.</p> <p>The applicant provides the following comments in response to the traffic and parking concerns raised in the submissions:</p> <ul style="list-style-type: none"> • <i>Vehicles making a right hand turn from Walder Road into Heathcote Road will make a left hand turn out from the driveway. This has been assessed as a safe movement, accepted by the RMS.</i> • <i>The additional traffic will not be significant and will be distributed between two driveways (on Walder Road and on Heathcote Road). The</i>
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<p>floor space between the existing consulting rooms and the proposed development (1:1.23), rather than based on the number of increased consultation rooms under the proposal. Based on the increased number of consulting rooms, the growth factor is closer to 300%, not 23%. Due to this, traffic growth forecasts are clearly inaccurate and insufficiently project the true traffic impact that will be generated by the development. Accordingly, please provide an accurate assessment of on-street parking in surrounding streets and the subsequent increase in demand arising from the development.</p> <ul style="list-style-type: none"> • Traffic Report states that peak commuter peaks are 0800-0900 & 1700-1800. This is incorrect as peak traffic peaks / congestion is 0800-0930, 1500-1600 (school times), 1700-1800. We are constantly caught in traffic during these peak times. Plus the analysis on parking & traffic is outdated as it was collated on 17Aug16 (nearly 3 years ago). 	<p>traffic modelling does not show any worsening of intersection performance and the delays experienced by drivers on the Walder Road approach are due to the signal timing favouring the main road.</p> <ul style="list-style-type: none"> • The design and recommendation of the deceleration lane is at RMS request. Oncoming vehicle within deceleration lane are not considered a hazard for the existing vehicle, unlike exiting directly into a normal lane. • The proposed parking provision complies with both Council and RMS requirements. Parking surveys confirm that the proposed parking is satisfactory. • The width of the entry/exit is wide enough for 2 cars to enter and exit simultaneously. • The proposed arrangement on Walder Road will restrict turns to left in and left out only. • Traffic surveys were carried at all adjacent facilities to provide better data for the analysis. • The peak times are defined by the highest traffic flows from the survey results and not by perceived congestion.
<p>Security</p>	
<ul style="list-style-type: none"> • There is no information in the proposal regarding any measures that will be undertaken to secure the lots after hours, nor regarding lighting that may be installed with the proposed car park area. It should be noted that under this proposal, the boundaries adjoining 52 & 54 Pritchard Ave will be exposed to publicly accessible space for the first time, which will significantly reduce the level of security of those premises. The revised proposal includes a pharmacy which is a well-known for target for theft and break-ins. A pharmacy will attract local crime, and will cause an adverse effect to adjoining residents. The application shall detail measures to uphold the security of adjoining residential lots, particularly at 52 and 	<p>The application was referred to NSW Police for comments. No comments were received from NSW Police in relation to the proposed development. Notwithstanding this, a condition will be imposed on any consent granted that requires CPTED principles to be incorporated into the building. Also, it is considered that pedestrian egress/ingress from the site is considered to be satisfactory.</p> <p>The applicant provides the following comments in response to the security concerns raised in the submissions:</p> <ul style="list-style-type: none"> • CPTED principles have been reviewed in light of the design and include: <ul style="list-style-type: none"> ○ Adequate lighting ○ Passive surveillance over the roadways and the car park ○ 24 hour security ○ Well maintained site ensuring all

<p>54 Pritchard Avenue.</p> <ul style="list-style-type: none"> We question whether all safety aspects have been reviewed. If there is increased pedestrian activity then the egress around the slip road off Heathcote Road may be inadequate. 	<p><i>gardens are maintained and any rubbish removed, graffiti promptly removed and the like</i></p>
Landscaping	
<ul style="list-style-type: none"> Current site has several large trees and proposed plans do not replace all the large tree cover that are present in the current site. The proposed development will have increased paved area creating a heat island. I would request council to retain most of the large trees and scope at adding more medium size trees along the perimeter of the site and in the car park area. The landscape plan notes several large bushes and trees adjacent to the driveways. These have not taken into consideration the foot/pedestrian traffic along the two major roads. Any trees or large bushes will obscure the view of the footpaths from exiting vehicle on both roads. Unless the developer intends to plant very mature trees, the juvenile trees will obscure the footpaths for years until they reach a sufficient height. 	<p>A landscape plan has been submitted with the application that shows that trees will be planted across the site, including the car park area. The landscape plan also shows that a number of vegetation, ranging from medium shrubs to trees will be planted along boundaries that adjoin existing residential premises to the east and south of the subject site. Ground cover is proposed to be planted on either side of both driveways to ensure that sightlines are not affected. Notwithstanding this, a condition will be imposed on any consent granted that requires the PCA to ensure that sight distances has been provided in accordance with the applicable Australian Standards.</p> <p>The applicant provides the following comments in response to the landscaping concerns raised in the submissions:</p> <ul style="list-style-type: none"> <i>Arborist has assessed the trees on site and this report was submitted with the DA submission. The landscape plan shows the retention and replacement of landscaping.</i> <i>Driver safety and visibility have been considered in the placement of trees.</i>
Acoustics	
<ul style="list-style-type: none"> The Acoustic Assessment does not take into account any potential increase in noise levels affecting 52 & 54 Pritchard Avenue from traffic along Heathcote Road, arising after the demolition of two brick structures at 192 & 194 Heathcote Road. Furthermore, based on the expected increase in noise levels arising from the proposed car park area, the acoustic assessment deems the effect on 52 & 54 Pritchard Avenue to be non-compliant, and recommends the installation of a 1.8 gapless Colorbond fence. It should be noted that a 1.8 gapless Colorbond fence currently exists along the boundary 	<p>The applicant submitted an Acoustic Report with the application that demonstrates compliance with the relevant NSW EPA Noise Policy for Industry. The Acoustic Report indicates that a fence height of 1.8 metres is adequate to ensure that sensitive receivers at 52 and 54 Pritchard Avenue will not be impacted as a result of the operation of the medical centre. Council's Environmental Health Officer has reviewed the report and concurs with the findings. No objection is raised to the proposed development, subject to conditions of consent.</p> <p>The applicant provides the following comments in response to the acoustic concerns raised in the submissions:</p>

<p><i>adjoining 54 Pritchard Avenue.</i></p> <ul style="list-style-type: none"> • <i>Considering the additional noise levels arising from the proposed car park area, combined with increased noise levels from traffic along Heathcote Road, this recommendation is insufficient to maintain the existing ambient noise levels at 52 & 54 Pritchard Avenue. A more effective solution, such as a 2.4m (or higher) acoustic barrier installed alongside boundary fencing, will be required to maintain the existing ambient noise for adjoining residents. Acoustic barrier such as this would also greatly assist in upholding the level of security of those adjoining residents.</i> 	<ul style="list-style-type: none"> • <i>There is a 1.8m acoustic fence adjoining this property and has been assessed by an acoustic engineer as being adequate with landscaping in front to screen.</i>
<p>Waste Management</p>	
<ul style="list-style-type: none"> • <i>The close proximity of the bin enclosure to neighbouring residential lots is a concern to neighbours, particularly as the enclosure will contain biohazard and clinical waste bins. The area of open space adjacent to consultation rooms 15 and 16 is a more suitable location for these bin enclosures. The applicant shall determine a more suitable location within the site for any waste receptacles that will contain biohazards or clinical waste.</i> 	<p>The applicant states that the biohazard and clinical waste is held within the building. A waste enclosure is proposed in the car park, buffered from adjoining residential premises by landscaping, that will be used to store general waste. It is considered that waste management has been adequately considered by the applicant.</p> <p>The applicant provides the following comments in response to the waste management concerns raised in the submissions:</p> <ul style="list-style-type: none"> • <i>Any biohazard and clinical waste is held within the building and then removed via a separate collection. General waste will be collected by an external contractor and this will allow for the use of smaller trucks and fewer pick ups, which in turn will reduce the noise impacts.</i>
<p>Impacts to existing health services</p>	
<ul style="list-style-type: none"> • <i>The applicant promotes this redevelopment as providing new medical services to the local community when in fact we believe that they intend to consolidate existing services at Hammondville and Wattle Grove into one location and therefore reduce access to health services in other areas of the locality.</i> • <i>There may be positive economic benefits for the nearby shopping</i> 	<p>Division 10 of the State Environmental Planning Policy (Infrastructure) 2007 applies to health services facilities. Reference is made to Clause 57(1) of SEPP which states that development for the purposes of health services facilities may be carried out by any person with consent on any land. In this regard, the proposed development can be considered by Council.</p> <p>Council's assessment of the proposal is based only on planning considerations relevant to the proposed development and does not take into consideration the interests of property, business</p>

<p>centre at Hammondville (IGA and cafes) however there will likely be a detrimental effect on the nearby existing health professionals, that is the pharmacy, doctor and podiatrist.</p> <ul style="list-style-type: none"> • The convenience of a medical centre in wattle grove is a plus for the elderly and other members of the community who cannot travel easily to the Hammondville location. • Wattle Grove Shopping Centre already has a medical centre. By closing this centre and moving into one centre, this is a disadvantage to the community at large. 	<p>or product owners (commercial interests). In this regard, it is considered that the issue raised is not a relevant planning consideration to the proposed development.</p> <p>The applicant provides the following comments in response to concerns raised in the submissions relating to impacts to existing health services:</p> <ul style="list-style-type: none"> • At this stage we are informed by the client that Wattle Grove has no plans to close. • The allied health services already exist on site. The inclusion of an ancillary pharmacy is ordinarily expected as part of a modern medical centre.
<p>Pharmacy</p>	
<ul style="list-style-type: none"> • The proposed facility is opening a pharmacy. The community already has 2 existing pharmacies within close proximity that services the community. Another pharmacy is not required. Requirement to open a pharmacy requires 8 fulltime PBS prescribers 38 hrs each per week, currently they struggle to have two fulltime Doctors on one day. I have heard multiple complaints about the level of service they offer, they close early on some days without notice, waiting hours of 2 hrs even with an appointment. Making the centre larger will not fix the problem. • There is mention that the pharmacy will be operated by the same entity. We are unsure whether the applicants are aware of State legislation (Pharmacy Practice Bill 2006) that prohibits a person from having pecuniary interest in a pharmacy unless they are a registered pharmacist, a pharmacists' partnership or a pharmacists' body corporate. Council should seek clarification around this matter. • The document states that the proposed centre cannot be considered a Super Clinic yet they continue to propose that the objectives of the funded super clinic 	<p>The application indicates that the proposed pharmacy is ancillary to the medical centre.</p> <p>At this stage, it is considered that the applicant has submitted inadequate information in characterising the pharmacy component of the development as an 'ancillary' to the proposed medical centre.</p> <p>In this regard, it is recommended that the pharmacy be excluded from the proposed development. A condition will be imposed on any consent granted to this effect.</p> <p>Alternatively, the applicant should provide legal advice attesting that the pharmacy component is ancillary to the medical centre and there is no impediment to determining the application.</p> <p>Contrastingly, the applicant provides the following comments in response to the land use concerns raised in the submissions:</p> <ul style="list-style-type: none"> • The pharmacy is within the medical centre and is not considered to raise unnecessary safety concerns. This service is ancillary to the medical centre. • Refer to the covering planning statement that provides comments on the pharmacy as an ancillary use: <ul style="list-style-type: none"> ○ There is no external branding proposed for the pharmacy ○ Will service the medical centre clients

<p><i>program will be used. They correctly mention that there are GP Super Clinic policies though the version that is noted is not the latest version.</i></p> <ul style="list-style-type: none"> • <i>According to the GP Superclinics National Program Guide 2010, ideally patients should have access to pharmaceutical services (page 8).</i> <p><i>The Guide recommends that:</i></p> <p><i>“Engagement with existing community pharmacies in each GP Super Clinic locality should be addressed in the application.”</i></p> <p><i>“In other instances pharmacy services may be provided by one or more existing community pharmacies, in a manner which maintains patient choice”.</i></p> <p><i>The existing pharmacies at Hammondville and Wattle Grove already provide a high level of pharmaceutical services as well as Government professional services programs. They are established pharmacies that have cared for their local communities for many years and are trusted and well-respected. The pharmacy at Hammondville is also within easy walking distance of the proposed centre.</i></p>	<ul style="list-style-type: none"> ○ <i>Has the same operating hours</i> ○ <i>Is only accessible internally from medical centre</i> <p><i>The facility is not a super clinic or has any intention to be.</i></p>
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The issues raised in the submissions are considered to contain varying degrees of relevance and have been considered in the assessment of the application. Given that the submissions received are unable to be resolved, the application is referred to the LPP for consideration.

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 is not applicable to the proposed development.

8. CONCLUSION

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

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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

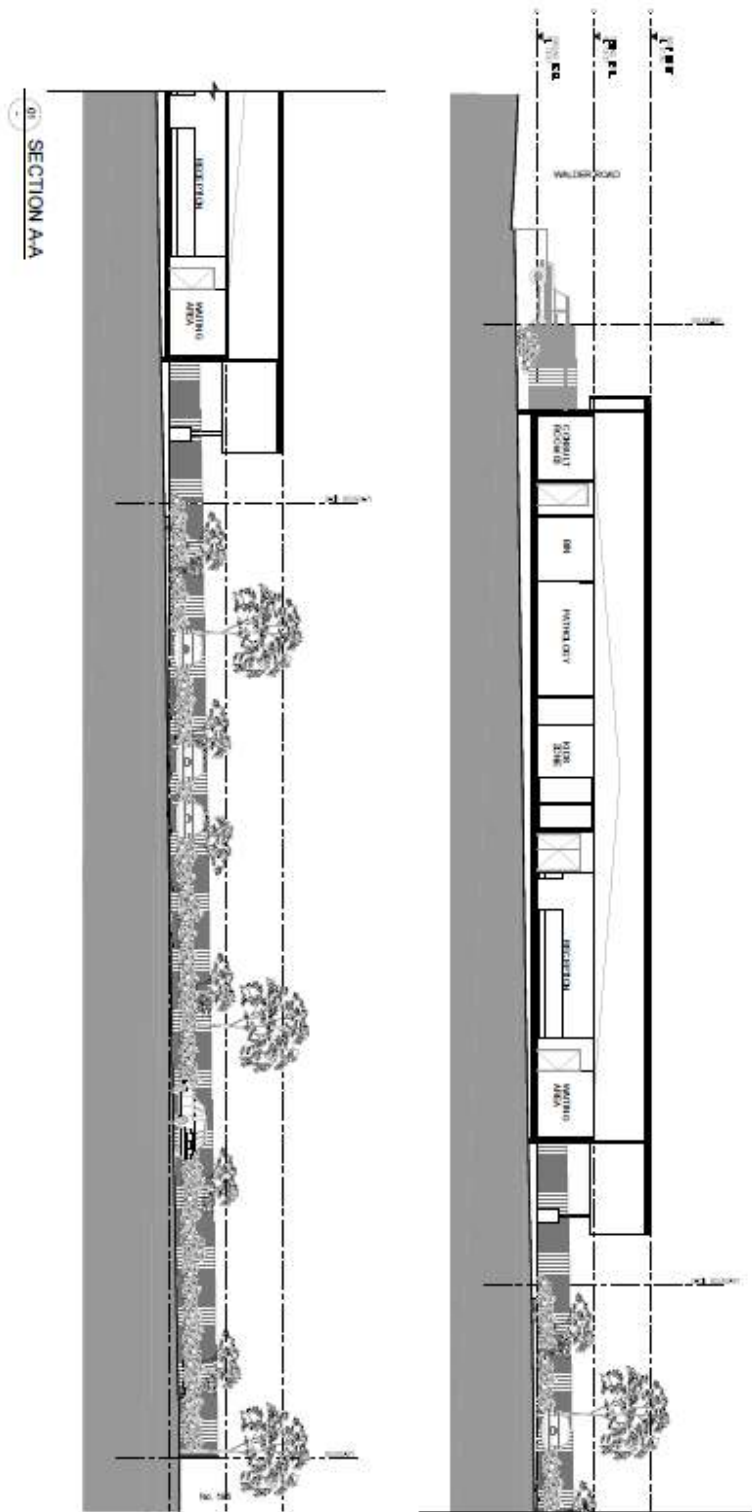
That Development Application DA No 6/2018 be approved subject to conditions of consent.

10. ATTACHMENTS

1. **PLANS OF THE PROPOSAL**
2. **GREATER METROPOLITAN REGIONAL ENVIRONMENTAL PLAN NO. 2 – GEORGES RIVER CATCHMENT (DEEMED SEPP) / SYDNEY REGIONAL ENVIRONMENTAL PLAN NO. 20 – HAWKESBURY NEPEAN RIVER (NO. 2 - 1997) (DEEMED SEPP) COMPLIANCE TABLE**
3. **DCP COMPLIANCE TABLE**
4. **DRAFT CONDITIONS OF CONSENT**

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ALL DRAWINGS ARE TO BE READ IN CONJUNCTION WITH THE PROJECT INFORMATION SHEET AND THE LOCAL PLANNING PANEL REPORT. THE DRAWINGS ARE THE PROPERTY OF CRAWFORD ARCHITECTS AND SHOULD NOT BE REPRODUCED OR COPIED WITHOUT THE WRITTEN PERMISSION OF CRAWFORD ARCHITECTS.

DATE	16/06/2016
BY	ARCHITECT
NO.	16061
PROJECT NAME	SECTION A-A
CLIENT	LIVERPOOL CITY COUNCIL
PROJECT NO.	16061
DATE	16/06/2016
BY	ARCHITECT
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PROJECT NAME	SECTION A-A
CLIENT	LIVERPOOL CITY COUNCIL
PROJECT NO.	16061
DATE	16/06/2016
BY	ARCHITECT
NO.	16061

IPIN
 INDEPENDENT PLANNING
 INQUIRY NETWORK

MANMOUTH PROJECTS
 MANMOUTH PROJECTS
 100 MANMOUTH ROAD
 MANMOUTH, LIVERPOOL L15 3RS

crowford architects
 A210 B

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PHOTOMONTAGE INTERSECTION WALDER ROAD - HEATHCOTE ROAD



3D VIEW



3D VIEW

THIS PLAN OF THE PROPOSED DEVELOPMENT IS FOR INFORMATION ONLY AND DOES NOT REPRESENT A COMMITMENT BY THE COUNCIL TO APPROVE THE DEVELOPMENT. THE COUNCIL IS NOT RESPONSIBLE FOR ANY LOSS OR DAMAGE CAUSED BY RELIANCE ON THIS PLAN.

DATE: 15/03/2020
 TIME: 10:30 AM
 PROJECT NO: 16061
 DRAWING NO: 16061-01
 SCALE: 1:100
 PROJECT NAME: WALDER ROAD
 PROJECT ADDRESS: WALDER ROAD, HEATHCOTE ROAD
 PROJECT CONTACT: 16061

IPN
 3D VIEWS
 PHOTO MONTAGE

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 A800 B

**ATTACHMENT 2 – GREATER METROPOLITAN REGIONAL ENVIRONMENTAL PLAN
NO. 2 – GEORGES RIVER CATCHMENT (DEEMED SEPP)**

Clause 8 General Principles	Comment
(a) the aims, objectives and planning principles of this plan,	The plan aims generally to maintain and improve the water quality and river flows of the Georges River and its tributaries.
(b) the likely effect of the proposed plan, development or activity on adjacent or downstream local government areas,	Stormwater concept plan reviewed by Council's Engineers. Minimal affects.
(c) the cumulative impact of the proposed development or activity on the Georges River or its tributaries,	A Stormwater concept plan submitted and reviewed by Council's development engineers. Minimal impact.
(d) any relevant plans of management including any River and Water Management Plans approved by the Minister for Environment and the Minister for Land and Water Conservation and best practice guidelines approved by the Department of Urban Affairs and Planning (all of which are available from the respective offices of those Departments),	The site is located within an area covered by the Liverpool District Stormwater Management Plan, as outlined within Liverpool City Council Water Strategy 2004.
(e) the <i>Georges River Catchment Regional Planning Strategy</i> (prepared by, and available from the offices of, the Department of Urban Affairs and Planning),	Consistent with the strategy.
(f) all relevant State Government policies, manuals and guidelines of which the council, consent authority, public authority or person has notice,	Not required to be referred.
(g) whether there are any feasible alternatives to the development or other proposal concerned.	No.
When this Part applies the following must be taken into account:	Planning principles are to be applied when a consent authority determines a development application.
Clause 9 Specific Principles	Comment
(1) Acid sulfate soils	The land is not identified as containing Acid Sulfate Soils
(2) Bank disturbance	No bank disturbance.
(3) Flooding	The land is not flood-prone.
(4) Industrial discharges	Not applicable.
(5) Land degradation	An erosion and sediment control plan to minimise erosion and sediment loss required prior to CC.
(6) On-site sewage management	Not applicable.
(7) River-related uses	Not applicable.
(8) Sewer overflows	Not applicable.
(9) Urban/stormwater runoff	Stormwater Concept Plan submitted.

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(10) Urban development areas	Not in an urban development area.
(11) Vegetated buffer areas	Not applicable
(12) Water quality and river flows	Erosion and sediment control to be implemented in construction.
(13) Wetlands	Not applicable.

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ATTACHMENT 3 – LIVERPOOL DCP 2008 COMPLIANCE TABLE

LDCP 2008 - Part 1 General Controls for All Development

Development Control	Provision	Comment
Section 2: Tree Preservation	Controls relating to the preservation of trees	Complies An Arborist Report has been submitted with the application that considers a total of 21 trees on the site. The Arborist recommends the removal of 18 trees and the retention of 3 trees as a result of the development. The Arborist concludes that the proposal should not have any adverse tree impacts on the environment, and new planting should adequately compensate for any tree loss.
Section 3: Landscaping and Incorporation of Existing Trees	Controls relating to landscaping and the incorporation of existing trees.	
Section 4: Bushland and Fauna Habitat Preservation	Controls relating to bushland and fauna habitat preservation	Complies Biodiversity values exist at the subject site. An Ecological Impact Assessment was submitted to assess the impact of the development biodiversity values. The Ecological Impact Assessment concludes that, subject to the implementation of the impact mitigation measures proposed, that the proposed development has low potential for causing any significant impact to biodiversity.
Section 5: Bush Fire Risk	Controls relating to development on bushfire prone land	N/A
Section 6: Water Cycle Management	Stormwater runoff shall be connected to Council's drainage system by gravity means. A stormwater drainage concept plan is to be submitted.	Complies This aspect has been reviewed by Council's Land Development Engineers and conditions of consent are recommended.
Section 7: Development Near a Watercourse	If any works are proposed near a water course, the Water Management Act 2000 may apply, and you may be required to seek controlled activity approval from the NSW Office of Water.	N/A
Section 8: Erosion and Sediment Control	Erosion and sediment control plan to be submitted.	Complies Appropriate conditions shall be included in the conditions of consent to satisfy Council's requirements.
Section 9: Flooding Risk	Provisions relating to development on flood prone land.	N/A
Section 10:	Provisions relating to development on	Complies

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Development Control	Provision		Comment
Contaminated Land Risk	contaminated land.		See discussion on SEPP 55.
Section 11: Salinity Risk	Provisions relating to development on saline land.		Complies The site is identified as having moderate potential for saline soils. Conditions relating to erosion and sediment control measures will be implemented to prevent further spread of potentially saline soils
Section 12: Acid Sulphate Soils	Provisions relating to development on acid sulphate soils		N/A
Section 13: Weeds	Provisions relating to sites containing noxious weeds.		N/A
Section 14: Demolition of Existing Development	Provisions relating to demolition works		Complies Appropriate conditions shall be imposed in the condition of consent to satisfy Council's requirement.
Section 15: On Site Sewage Disposal	Provisions relating to OSMS.		N/A
Section 16: Aboriginal Archaeology	An initial investigation must be carried out to determine if the proposed development or activity occurs on land potentially containing an item of aboriginal archaeology.		N/A
Section 17: Heritage and Archaeological Sites	Provisions relating to heritage sites.		N/A
Section 18: Notification of Applications	Provisions relating to the notification of applications.		Complies The application was notified in accordance with the LDCP 2008. Submissions were received and are discussed in more detail in the report.
Section 19: Used Clothing Bins	Provisions relating to used clothing bins.		N/A
Section 20: Car Parking and Access	Car parking rates are as follows: Required Car parking Spaces Medical Centre 1 space per	Proposed Number of Car parking Spaces A total of 982sqm of floor area is proposed. This requires a total parking provision of 39.28. A total of 41	Complies

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Development Control	Provision		Comment
	<p>25sqm of LFA for typical situation</p> <p>Traffic report required where specialised services are provided</p> <p>Required Service and Loading for Medical Centre</p> <p>Developments > 2,000sqm LFA require waste collection vehicle service access</p>	<p>car parking spaces are provided with this application.</p> <p>Proposed Service and Loading</p> <p>The total area of the proposed medical centre is less than 2000sqm. Notwithstanding this, the development provides adequate access for a rigid vehicle with a length of 9.9 metres.</p>	
Section 21: Subdivision of Land and Buildings	A minimum lot width of 9m for each lot in the R2 zone		<p>Complies</p> <p>Proposed lot 1 and 1 will have a lot width greater than 9 metres.</p>
Section 25: Waste Disposal and Re-use Facilities	Provisions relating to waste management during construction and on-going waste.		<p>Complies</p> <p>Appropriate conditions shall be imposed in the conditions of consent to satisfy Council's requirement.</p>
Section 26: Outdoor Advertising and Signage	Provisions relating to signage.		N/A

LDCP 2008 - Part 3.8 Non Residential development in Residential zones

Development Control	Provision	Comment
4.1 Building Appearance, Streetscape and Layout	The building shall be designed so that it is in character with the surrounding residential area in terms of bulk, scale, size and height.	Considered acceptable on merit The proposed medical centre will be compatible with surrounding dwellings in terms of bulk and scale. Although the building will have a floor area of 982m ² , the building is single storey with a landscaped setback at least 4 metres from each street frontage. In this instance, tree planting within the setback areas helps to concealing the bulk of the building. The external walls have been broken up at intervals ranging from 12m to 20m so as to modulate the bulk of the building. The height of the proposed centre is well within the maximum height limit of 8.5 metres.
	Health consulting rooms shall be located towards the front of the dwelling house.	N/A
4.2 Car Parking and Access	Car parking areas, internal driveways and access driveways must be clearly delineated.	Complies Car parking areas, internal driveways and access driveways have been clearly delineated.
4.3 Amenity and Environmental Impact	Council may restrict the hours of operation to between 8.00 am and 6.00 pm, Monday to Friday, and 8.30 am to 12 noon on Saturday with no work to be conducted on Sundays or public holidays.	Complies on merit The medical centre proposes to operate from 8am – 8pm Monday to Friday and 8am – 4pm Saturday and Sunday. The existing health consulting rooms have been operating in accordance with these hours. It is noted that both the health consulting rooms have been operating at the site without any noise complaints. Moreover, the acoustic impact assessment has assessed the proposed operation of the medical on the existing noise environment. The acoustic impact assessment concludes that noise from the use of the centre is predicted to comply with the established noise criteria at the nearest residential boundaries.
4.4 Site Services	Letterboxes shall be located along the front boundary and be clearly	To be Conditioned

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Development Control	Provision	Comment
	visible and accessible from the street.	
	The street number of a site must be visible from the street and made of a reflective material to allow visitors and emergency vehicles to easily identify the site.	To be Conditioned
	Where a footpath, road shoulder or new or enlarged access driveway is required to be provided this shall be provided at no cost to Council.	To be Conditioned
	Council must be notified of any works that may threaten Council assets. Council must give approval for any works involving Council infrastructure.	To be Conditioned
	Where there are no existing street trees in front of the site and contributions have not been collected for street tree planting it may a condition of consent that street trees are provided in the footpath area immediately in front of the site.	To be Conditioned

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ATTACHMENT 4: DRAFT CONDITIONS OF CONSENT

Approved Plans

1. Development the subject of this determination notice must be carried out strictly in accordance with the following plans/reports marked as follows:

Plans

Title	Plan No.	Revision	Dated	Prepared by
Site Plan	A002	J	19.06.20	Crawford Architects Pty Ltd
Areas	A005	C	19.06.20	Crawford Architects Pty Ltd
Demolition Plan	A020	B	19.04.11	Crawford Architects Pty Ltd
Ground Floor Plan	A100	F	19.06.21	Crawford Architects Pty Ltd
Roof Plan	A101	E	19.06.20	Crawford Architects Pty Ltd
Elevations – Sheet 1	A200	D	19.06.20	Crawford Architects Pty Ltd
Elevations – Sheet 2	A201	D	19.06.20	Crawford Architects Pty Ltd
Section A-A	A210	B	19.04.11	Crawford Architects Pty Ltd
Section B-B	A211	B	19.04.11	Crawford Architects Pty Ltd
Finishes Board	A700	B	19.04.11	Crawford Architects Pty Ltd
Cover Sheet	L400	-	25-Jun-19	Polygon Landscape Architecture Pty Ltd
Planting Plan – Building	L401	-	25-Jun-19	Polygon Landscape Architecture Pty Ltd
Planting Plan – Car Park	L402	-	25-Jun-19	Polygon Landscape Architecture Pty Ltd

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Street Elevation	L403	-	25-Jun-19	Polygon Landscape Architecture Pty Ltd
Street Elevation	L404	-	25-Jun-19	Polygon Landscape Architecture Pty Ltd
Planting Details	L405	-	25-Jun-19	Polygon Landscape Architecture Pty Ltd
Locality Map & Schedule of Drawings	C00	G	14/01/2020	Samana Blue Engineering
Existing Site Layout Plan	C01	G	14/01/2020	Samana Blue Engineering
Concept Layout – Sheet 1 of 2	C02	G	14/01/2020	Samana Blue Engineering
Concept Layout – Sheet 2 of 2	C03	G	14/01/2020	Samana Blue Engineering
Services Layout Plan	C04	G	14/01/2020	Samana Blue Engineering
Deceleration Section	C05	G	14/01/2020	Samana Blue Engineering
Manoeuvring Plan Sheet 1 of 2	C06	G	14/01/2020	Samana Blue Engineering
Manoeuvring Plan Sheet 2 of 2	C07	G	14/01/2020	Samana Blue Engineering
Notes and Legend	C01	5	31.02.20	Greenview Consulting
Ground Floor Drainage Plan	C02	5	31.02.20	Greenview Consulting
Catchment Plan	C03	4	31.01.20	Greenview Consulting
Site Stormwater Details Sheet 1	C04	5	31.02.20	Greenview Consulting
Draft Plan of Subdivision	-	2	20 June 2019	Bruce Andrew Johnston

Reports

Title	Project No.	Revision	Dated	Prepared by
Noise Impact Assessment	Report R170361R2	2	23 May 2019	Rodney Stevens Acoustics Pty Ltd
Waste Management Plan	-	-	-	Mammoth Projects
Arboricultural Impact	AIA – MAM (HAM) (U)	-	15 February 2019	NSW Tree Services P/L

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Assessment	02/19			
Ecological Impact Assessment	Mamm1	1.1	November 2017	Narla Environment

except where modified by the undermentioned conditions.

Pharmacy

2. No approval is given or implied for the pharmacy component of the development as part this development consent.

Works at no cost to Council

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

Utility relocation/adjustment

4. Prior to the issue of any Construction Certificate, written approval and approved utility relocation/adjustment plans are to be provided to the PCA from any affected utility authority.

General Provisions

5. The requirements and provisions of the *Environmental Planning & Assessment Act 1979* and *Environmental Planning & Assessment Regulation 2000*, 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.

Site Development Work

6. In accordance with section 4.17 (11) of the *Environmental Planning & Assessment Act 1979* and clause 8.8, 8.10 of the *Environmental Planning & Assessment Regulation 2000*, 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 Performance Requirements or is shown to be at least equivalent to the Deemed to Satisfy Provision, or a combination of (a) and (b).

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B. PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

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

General Terms of Approval

7. All the conditions issued by Transport for NSW, dated 14 February 2020, shall be complied with prior, during, and at the completion of construction, as required in accordance with the conditions detailed in their correspondence. A copy of the correspondence is attached to this decision notice.

Provision of Services

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

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

9. Written clearance from Endeavour Energy, stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development must be submitted to the PCA.
10. Prior to the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following requirements of the *Telecommunications Act 1997*:
 - (a) For a fibre ready facility, the NBN Co’s standard specifications current at the time of installation, and
 - (b) For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

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

Fee Payments

11. Unless otherwise prescribed by this consent, all relevant fees or charges must be paid. Where Council does not collect these payments, copies of receipts must be provided. For the calculation of payments such as Long Service Levy, the payment must be based on the value specified with the Development Application/Construction Certificate.

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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.

These fees are reviewed annually and will be calculated accordingly.

- 12. All fees associated with a road opening permit required for the connection, extension or amplification of any services within Council's road reserve must be paid to Council and receipts provided to the PCA. A separate form must be submitted in conjunction with payment of the fees. The fees include the standard road opening permit fee and any restoration fees that may be required as a result of the works.

Substation

- 13. Should the Electrical Substation be located outside the building envelope, the location and any associated fire separation walls must comply with Integral Energy Substation Design Instruction Document No SDI 104 (Current Version).

Disabled Access

- 14. Access must be provided to the building for people with a disability in accordance with the relevant requirements of the Building Code of Australia, Disability (Access to Premises – Buildings) Standard 2010 and Australian Standard – AS1428.1 (2009), Design for Access and Mobility – General requirements for new building work, to the satisfaction of the Certifying Authority

Cladding

- 15. Prior to issue of a construction certificate the certifier must be satisfied that all proposed attachments, cladding material and systems forming part of external walls comply with the NCC BCA and relevant Australian Standards. The certifier must be able to demonstrate compliance with evidence of suitability as per clause A2.2 of the BCA for all products/systems proposed.

Recommendations of Acoustic Report

- 16. The recommendations provided in the approved acoustic report, report reference R170361R2, Revision 2, prepared by Rodney Stevens Acoustics Pty Ltd dated 23 May 2019 shall be implemented and incorporated into the design and construction of the development and be shown on plans accompanying the Construction Certificate application.

The construction methodology and plans accompanying the Construction Certificate application shall be assessed and certified in writing by a suitably qualified acoustic consultant to verify conformance with the requirements of the aforementioned acoustic report. The written certification from the suitably qualified acoustic consultant shall be

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submitted to and approved by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.

Note: 'Suitably qualified acoustic consultant' means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustical Society or employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.

S138 Roads Act – Minor Works in the public road

17. Prior to the issue of a Construction Certificate a S138 Roads Act application/s, including payment of fees shall be lodged with Liverpool City Council, as the Roads Authority for any works required in a public road. These works may include but are not limited to the following:

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

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

Note:

1. Approvals may also be required from the Roads and Maritime Service (RMS) for classified roads.

S138 Roads Act – roadworks requiring approval of civil drawings

18. Prior to the issue of a Construction Certificate for building or subdivision works the Certifying Authority shall ensure that a S138 Roads Act application, including the payment of application and inspection fees, has been lodged with Liverpool City Council (being the Roads Authority under the Roads Act), for provision of Stormwater Drainage in Walder Road and Heathcote Road.

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

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

Construction Certificate for Subdivision Works

19. Prior to the issue of a Construction Certificate for subdivision works the Certifying Authority shall ensure that engineering plans are consistent with the stamped approved concept plan/s prepared by Samana Blue, reference number 2019014, revision G, dated 14/01/2020 and that all Civil works have been designed in accordance with conditions of this consent, Liverpool City Council's Design Guidelines and Construction

Specification for Civil Works, any Roads Act approval issued, Austroad Guidelines and best engineering practice.

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

- Public and private roads
- Stormwater drainage including water quantity and quality treatment measures
- Interallotment drainage
- Private access driveways
- Sediment and erosion control measures
- Overland flow paths
- Flood control measures
- Traffic facilities including roundabouts, intersection treatments, car parks, bus stops, cycleways, pathways etc.
- Earthworks
- Bridges, culverts, retaining walls and other structures
- Landscaping and embellishment works
- All works required for conversion of the proposed sediment basin to a bio retention function
- All works required for the decommissioning temporary OSD systems including pipe removal, basin filling and works to existing pit structures if required

The Construction Certificate must be supported by engineering plans, calculations, specifications and any certification relied upon.

On-Site Detention

20. On-Site Detention shall be provided generally in accordance with the concept plan/s lodged for development approval; as follows:

Company	Job No./Drawing No.	Title	Revision/Issue	Date
Greenview Consulting	170228-C01	NOTES & LEGENDS	6	6.2.2020
Greenview Consulting	170228-C02	GROUND FLOOR DRAINAGE PLAN	6	6.2.2020
Greenview Consulting	170228-C03	CATCHMENT PLAN	5	6.2.2020
Greenview Consulting	170228-C04	SITE STORMWATER DETAILS SHEET 1	6	6.2.2020

The proposed development and stormwater drainage system shall be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties.

Engineering plans and supporting calculations for the on-site detention system are to be prepared by a suitably qualified person and shall accompany the application for a

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Construction Certificate.

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the on-site detention system has been designed in accordance with Liverpool City Council's Design Guidelines and Liverpool City Council's On-Site Stormwater Detention policy and Technical Specification.

No loading on easements

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

Water Quality

22. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that details of a stormwater pre-treatment system have been provided on the stormwater plans and that the design meets pollutant retention criteria in accordance Council's Development Control Plan.

The Construction Certificate must be supported by:

- Specification & installation details of the stormwater pre-treatment system
- The approval of an operation and maintenance manual/ schedule for the stormwater pre-treatment system

A copy of the approved operation and maintenance manual/ schedule shall be submitted to Liverpool City Council with notification of the Construction Certificate issue.

Access, Car Parking and Manoeuvring

23. A road safety audit shall be carried out to assess vehicular and pedestrian safety at both driveway access points (Heathcote Road and Walder Road) and recommend appropriate facilities to be provided. The road safety audit shall be undertaken by an accredited auditor who is independent of the design consultant. The road safety audit shall be submitted to Council's Traffic and Transport Section for approval by Liverpool Pedestrian, Active Transport and Traffic Committee (Traffic Committee), prior to the issue of any Construction Certificate.
24. Prior to the issue of any Construction Certificate, detailed design plans for access driveways and car parking including swept path diagrams, line markings and sign posting in accordance with the DCP and AS2890 are to be submitted to Council's Traffic and Transport Section for review and approval by Liverpool Traffic Committee. The design shall include the following features and facilities:
- a) Features that can physically restrict vehicular right turn manoeuvres and re-enforce the left in/left out arrangement at the Walder Road access driveway;
 - b) Features that can physically restrict vehicular right turn manoeuvres and/or re-enforce the left in/left out arrangement at the Heathcote Road access driveway;
 - c) "No Parking" sign on Walder Road along the entire frontage of the development site;

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- d) A minimum of 2.0m paved footpath on Walder Road, and a minimum of 2.5m paved footpath on Heathcote Road, along the entire frontages of the development on both streets;
- e) Provide pram ramps where the footpath is terminated by the driveways; and
- f) Any facilities to be provided as per the recommendations of the road safety audit approved by Liverpool Traffic Committee as required under this development consent.

25. The existing Traffic Control Signal (TCS) plan for the Walder Street/Heathcote Road intersection will need to be updated accordingly to include the new vehicular access on Walder Road. The updates are to be drawn by a suitably qualified person and endorsed by a suitably qualified practitioner. The developer is advised to contact TfNSW to obtain a copy of the most current TCS plan.

The amended TCS plan shall be submitted to TfNSW for consideration and approval prior to the release of a Construction Certificate and commencement of road works. TfNSW fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.

Construction Traffic Management Plan

26. A Construction Traffic Management Plan (CTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council's Traffic and Transport Section for approval prior to the issue of a Construction Certificate.

The CTMP is to outline the need for a Road Occupancy Permit to be issued by Council or by Transport Management Centre.

Public Lighting

27. Public lighting design brief in accordance with Council's and Endeavour Energy specifications along the road frontage of the development site is to be submitted to Council's Traffic and Transport Section for review.

Dilapidation report

28. Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in Walder Road and Heathcote Road is to be submitted to Liverpool City Council. The report is to include, but not limited to, the road pavement, kerb and gutter, footpath, services and street trees and is to extend 20m either side of the development.

Waste Storage Area - Construction

29. All waste management facilities shall comply with the Liverpool Development Control Plan 2008. Prior to the issue of a Construction Certificate, detailed floor and section plans shall be submitted to and approved by the Principal Certifying Authority for the waste storage area/s. The plans shall identify the location of the waste storage area/s and incorporate the following requirements:

- a) Sufficient space for access by residents, storage and easy manoeuvring of bins;

- b) The area is to be fully enclosed and include a solid roof and concrete or cement rendered walls coved to the floor;
- c) A concrete floor graded to an approved sewer connection comprising a sump and galvanised fine grade drain cover sufficient to prevent coarse pollutants from entering the sewer;
- d) Adequate ventilation to the external air by natural or mechanical means;
- e) The door to the room must be tight fitting and self-closing;
- f) A hose cock adjacent to the garbage storage area to facilitate cleaning of bins and the storage area. If the hose cock is located inside the waste storage area, it shall not protrude into the space indicated for the placement of bins;
- g) Sufficient lighting to permit usage at night; and
- h) Should garbage chutes be integrated into the design of the building, operational instructions shall be located prominently next to the chute.

Any modifications to the construction of the waste storage area require Council's prior written Approval.

Internal Acoustic Amenity

- 30. A suitably qualified acoustic consultant is to be engaged to certify that the design of the traffic noise affected portions of the building comply with Australian Standard AS/NZS2107:2000 Acoustics – Recommended design sound levels and reverberation times for building interiors to achieve a desirable internal noise level.

C. PRIOR TO WORKS COMMENCING

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

Construction Certificate

- 31. Prior to the commencement of any building works, the following requirements must be complied with:
 - a) Construction Certificate must be obtained from the Liverpool City Council or an Accredited Certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*.
 - b) Where Construction Certificate must be obtained from the Council or an Accredited Certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979,
 - c) Where a Construction Certificate is obtained from an Accredited Certifier, the applicant shall advise Council of the name, address and contact number of the Accredited Certifier, in accordance with Section 4.19, 6.6, 6.7, 6.12, 6.13, 6.14 of the Act,
 - d) A copy of the Construction Certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment,
 - e) A Principal Certifying Authority (PCA) must be appointed to carry out the necessary building inspections and to issue an occupation certificate, and

- f) The PCA must advise Council of the intended date to commence work which is the subject of this consent by completing a notice of commencement of building works or subdivision works form, available from Council's Customer Service Centre. A minimum period of two (2) working days' notice must be given

Building Work

32. Building work that involves residential building work (within the meaning of the *Home Building Act 1989*) must not be commenced unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the name and licence number of the principal contractor; and the name of the insurer by which the work is insured under Part 6 of that Act.

Demolition Works

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

Notification of Service Providers

34. The approved development must be approved through the 'Sydney Water Tap in' service to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easements, and if any requirements need to be met. A receipt must be provided to Council.

Please refer to the website www.sydneywater.com.au for more information.

Waste Classification

35. Prior to the exportation of waste (including fill or soil) from the site, the material shall be classified in accordance with the provisions of the POEO Act and NSW DECCW, (EPA) 'Environmental Guidelines: Assessment, Classification and Management of Non-Liquid Wastes'. The classification of the material is essential to determine where the waste may be legally taken. The POEO Act provides for the commission of an offence for both the waste owner and transporters if waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal

of industrial, hazardous or Group A liquid and non liquid waste advice should be sought from the DECCW (EPA).

Environmental Management

36. An Environmental Management Plan (EMP) shall be developed and submitted to the Principal Certifying Authority for approval. The EMP shall provide a comprehensive and complete action and implementation plan to ensure that the anthropological and natural environment is not unacceptably impacted upon by the proposal. The EMP shall include but not be necessarily limited to the following measures:
- (a) Measures to control noise emissions from the site;
 - (b) Measures to suppress odours and dust emissions;
 - (c) Selection of traffic routes to minimise residential noise intrusions;
 - (d) Soil and sediment control measures;
 - (e) Measures to identify hazardous and industrial wastes and the procedures for removal and disposal including asbestos; and
 - (f) Community consultation.
37. Adequate soil and sediment control measures shall be installed and maintained. Furthermore, suitable site practices shall be adopted to ensure that only clean and unpolluted waters are permitted to enter Council's stormwater drainage system during construction/demolition. Measures must include, as a minimum:
- (a) Siltation fencing;
 - (b) Protection of the public stormwater system; and
 - (c) Site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place.

Sediment & Erosion Control

38. 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.

Traffic Control Plan

39. The developer shall seek road occupancy, road opening permits, and works zone approval from Council if required, before undertaking any works within public road reserve. The application forms are available on Council's website or can be requested from the Council's Customer Services.
40. Prior to commencement of any works a Traffic Control Plan including details for pedestrian and cyclist access management, shall be prepared in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Maritime Services publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Maritime Services Traffic Controller, and submitted to Council's Traffic and Transport Section for review.

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

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

Matters to be addressed prior to commencement of Subdivision Works

41. Work on the subdivision shall not commence until:
- a Construction Certificate (if required) has been issued,
 - a Principal Certifying Authority has been appointed for the project, and
 - 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.

D. DURING CONSTRUCTION

The following conditions are to be complied with or addressed during construction:

Building Inspections

42. The building works must be inspected by the Principal Certifying Authority, in accordance with section 6.5 (3) of the Environmental Planning & Assessment Act 1979 and clause 162A of the Environmental Planning & Assessment Regulation 2000, to monitor compliance with the relevant standards of construction, Liverpool City Council's development consent and the construction certificate.
43. The *Principal Certifying Authority* (PCA) must specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the PCA, prior to proceeding to the subsequent stages of construction or finalisation of the works.

Hours of Construction Work and Deliveries

44. 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, 8:00am to 1:00pm Saturday. No work will be permitted on Sundays or Public Holidays, unless otherwise approved by Council.

Demolition Inspections

45. The following inspections are required to be undertaken by Council in relation to approved demolition works:
- a) Immediately prior to the commencement of the demolition or handling of any building or structure that contains asbestos. The applicant shall also notify the

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occupants of the adjoining premises and Workcover NSW prior to the commencement of any works.

Please note that demolition works are not permitted to commence on site until such time as a satisfactory inspection result is obtained from Council.

- b) Immediately following completion of the demolition. Please note that proof of appropriate disposal of demolition materials (including asbestos) may be required at this time in accordance with the approved Waste Management Plan.

To book an inspection with Council, please call 1300 362 170.

Waste Management Plan

46. The Waste Management Plan submitted to and approved by Council must be adhered to at all times throughout all stages of the development. Supporting documentation (receipts/dockets) of waste/recycling/disposal methods carried out, is to be kept and must be produced upon the request of Council or any other authorised officer.

Note: Any non-compliance with this requirement will result in penalties being issued.

General site works

47. Any runoff entering the areas of vegetation to be retained shall be of an equivalent or better quality, and of a similar rate of flow to present levels.
48. The development, including construction, shall not result in any increase in sediment deposition into any water body, wetland, bushland or environmentally significant land.
49. All dangerous and/or hazardous material shall be removed by a suitably qualified and experienced contractor, licensed by WorkCover NSW. The removal of such material shall be carried out in accordance with the requirements of WorkCover NSW. The material shall be transported and disposed of in accordance with DECCW (EPA) requirements.

Construction Traffic Management

50. The endorsed CTMP is to be implemented during construction.
51. Applications must be made to Council's Traffic and Transport Section for any road closures. The applicant is to include a Traffic Control Plan, prepared by a suitably qualified person, which is to include the date and times of closures and any other relevant information.

Traffic Management

52. If a Works Zone is required, an application is to be made to Council's Traffic & Transport Section for approval. The application form can be found at <https://www.liverpool.nsw.gov.au/council/Fees-Forms-Policies-and-Enforcement/forms>.
53. Applications must be made to Council's Traffic & Transport Section for temporary road closures. Applications prepared by a suitably qualified person, are to specify the date and times of proposed closures, traffic control plans, insurances and any other relevant

information. This activity may require a seven (7) days advance notice to be installed near the site and/or advertisement in local newspapers and websites to Council's satisfaction.

54. All works within the road reserve are to be at the applicant cost and all signage is to be in accordance with the RTA's Traffic Control at Worksites Manual and the RTA's Interim Guide to Signs and Markings.

Contamination

55. The development, including all civil works and demolition, must comply with the requirements of the Contaminated Land Management Act, 1997, State Environmental Planning Policy No. 55 – Remediation of Land, and Managing Land Contamination – Planning Guidelines (Planning NSW/EPA 1998).

Imported Fill Material

56. Filling material must be limited to the following:
- a) Virgin excavated natural material (VENM)
 - b) Excavated natural material (ENM) certified as such in accordance with *Protection of the Environment Operations (Waste) Regulation 2014*; and/or
 - c) Material subject to a Waste Exemption under Clause 91 and 92 *Protection of the Environment Operations (Waste) Regulation 2014* and recognised by the NSW Environment Protection Authority as being "fit for purpose" with respect to the development subject of this application.

Certificates proving that the material imported is ENM or VENM must be provided to the Principal Certifying Authority prior to filling. Certificates are to be provided to Council officers if and when requested.

Fill imported on to the site must be compatible with the existing soil characteristic for site drainage purposes.

Record Keeping of Imported Fill

57. The following records of accepted waste derived fill material must be submitted to the Principal Certifying Authority at the completion of earth works:
- a) the course (including the address and owner of the source site), nature and quantity of all incoming loads including the date, the name of the carrier, and the vehicle registration,
 - b) documentation confirming the results of the waste classification assessment carried out on the fill material used in the development, and
 - c) the results of any chemical testing undertaken on fill material.

Vegetation

58. All existing trees and areas of native vegetation not identified for removal on approved plans of the proposed development shall be protected from damage during site works.

This protection shall consist of 1800mm high protective fencing, securely installed beneath the outer canopy of any tree to be retained. Trees may be fenced off in clusters where it is not practical to fence off individual trees. There shall be no storing materials, washing machinery or changes to existing soil levels within the fenced areas.

59. Any works or activities shall adhere to the recommendations outlined in the approved Flora and Fauna Report prepared for the site.
60. No known environmental or noxious weeds or known invasive plant species shall be included in the landscaping/revegetation.
61. Mulch generated from exotic trees or other weed species cleared shall not be used on site. It shall be removed from the site and disposed of appropriately and in accordance with legislative requirements.
62. Any imported soil and/or mulch shall be free of contaminants, seed and propagules of weeds and undesirable species. Mulch shall not be used on flood liable land.

Air Quality

63. Dust screens shall be erected and maintained in good repair around the perimeter of the construction zone during land clearing, demolition, and construction works.
64. Where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, dust is to be suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Where wind velocity exceeds five knots the PCA may direct that such work is not to proceed.
65. All vehicles involved in the delivery, demolition or construction process departing from the property shall have their loads fully covered before entering the public roadway.

Water Quality

66. 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 and there shall be measures in place in accordance with the approved erosion and sediment control plan.

Pollution Control

67. Building operations such as brick cutting, mixing mortar and the washing of tools, paint brushes, form-work, concrete trucks and the like shall not be performed on the public footway or any other locations which may lead to the discharge of materials into Council's stormwater drainage system.
68. The loading and unloading of all vehicles associated with the development must be undertaken within the property boundary of the premises subject to this consent.

Measures must be implemented to prevent tracking of sediment by vehicles onto roads.

Vehicle loads must be covered when entering and exiting the site with material.

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Identification Survey Report

69. The building and external walls are not to proceed past ground floor/reinforcing steel level until such time as the PCA has been supplied with an identification survey report prepared by a registered surveyor certifying that the floor levels and external wall locations to be constructed, comply with the approved plans, finished floor levels and setbacks to boundary/boundaries. The slab shall not be poured, nor works continue, until the PCA has advised the builder/developer that the floor level and external wall setback details shown on the submitted survey are satisfactory.

In the event that Council is not the PCA, a copy of the survey shall be provided to Council within three (3) working days.

On placement of the concrete, works again shall not continue until the PCA has issued a certificate stating that the condition of the approval has been complied with and that the slab has been poured at the approved levels.

Sign Notice Board

70. A sign must be erected and maintained in a prominent position on the site, which contains the following details:
- a) name, address, contractor licence number and telephone number of the *principal contractor*, including a telephone number at which the person may be contacted outside working hours, or *owner-builder* permit details (as applicable)
 - b) name, address and telephone number of the *Principal Certifying Authority*
 - c) a statement stating that 'unauthorised entry to the work site is prohibited'.

Notification/Principal Certifying Authority

71. In the event the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the following is to be undertaken at full cost to the developer:
- a) Protect and support the adjoining premises from possible damage from the excavation, and
 - b) where necessary, underpin the adjoining premises to prevent any such damage.
 - c) Retaining walls or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated subsoil drainage and surface stormwater drainage measures, shall be designed strictly in accordance with the manufacturers details or by a practising structural engineer.

Toilet Facilities

72. Toilet facilities must be available or provided at the work site and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must:
- be a standard flushing toilet connected to a public sewer, or
 - have an on-site effluent disposal system approved under the *Local Government Act 1993*, or

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- be a temporary chemical closet approved under the *Local Government Act 1993*.

Hoarding

73. If the work is likely to cause pedestrian or vehicular traffic in a public area to be obstructed or rendered inconvenient; or if craning of materials is to occur across a public area or road reserve area a construction hoarding must be erected to prevent any substance from, or in connection with the construction site, falling onto a public area. Such hoarding or barrier must be designed and erected in accordance with Council's guidelines on hoarding construction. Relevant application under the Roads Act approval must be completed and fees paid prior to the construction of a hoarding on Council road reserve area.

Construction Requirements

74. Lifting or craning materials over a public footway or roadway is not permitted unless a "B" class construction hoarding has been installed in compliance with Work Cover authority requirements.

Site Facilities

75. Adequate refuse disposal methods and builders storage facilities shall be installed on the site. Builders' wastes, materials or sheds are not to be placed on any property other than that which this approval relates to.

Security Fence

76. 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.

Crime Prevention Through Environmental Design

77. The following Crime Prevention Through Environmental Design (CPTED) principles be incorporated into the building.
- (a) CCTV for the ground level, entry/exit points, car parks, lifts and the exterior of the building shall be considered;
 - (b) Lighting is required to be designed in accordance with the Australian and New Zealand Lighting Standard AS 1158. A lighting maintenance policy should be established. Security lighting should be installed in and around the building, and such shall not impact on any adjoining premises. The lighting should be vandal resistant, especially external lighting;

Erosion and sediment control

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

Street Lighting

79. Street lighting is to be provided for all new and existing streets within the proposed subdivision to Liverpool City Council's standards.

The developer shall submit a Public Lighting Design Brief to Council for approval for the provision of street lighting on all new public roads dedicated to Council. A street lighting design plan must be prepared by an accredited service provider for approval prior to construction. All street lighting must comply with the electricity service provider Street Lighting Policy and illumination requirements and Council's Street Lighting policy.

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

Construction Noise

80. Construction noise shall not exceed the management levels defined within the Interim Construction Noise Guideline published by the NSW Department of Environment and Climate Change dated July 2009.
81. Construction activities, including operation of vehicles, shall be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like. In the event of a noise or vibration problem arising at the time, the person in charge of the premises shall when instructed by Council, cause to be carried out, an acoustic investigation by an appropriate acoustical consultant and submit the results to Council. If required by Council, the person in charge of the premises.

E. PRIOR TO ISSUE OF A SUBDIVISION CERTIFICATE

The following conditions are to be complied with or addressed prior to issue of a Subdivision Certificate by Council:

Completion of subdivision works

82. Prior to the issue of a Subdivision Certificate, the Principal Certifying Authority shall ensure that all subdivision works required by this consent have been satisfactorily completed or that suitable arrangements have been made with Liverpool City Council for any outstanding works.

Completion of subdivision works

83. Prior to the issue of an Subdivision Certificate the Principal Certifying Authority shall ensure that the:
 - (i) On-site detention system/s
 - (ii) Stormwater pre-treatment system/s
 - Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
 - Have met the design intent with regard to any construction variations to the approved design.
 - Any remedial works required to been undertaken have been satisfactorily completed.
 - Details of the approved and constructed system/s shall be provided as part of the Works-As-Executed drawings.

Restriction as to User and Positive Covenant

84. Prior to the issue of a Subdivision Certificate a restriction as to user and positive covenant relating to the:

- (i) On-site detention system/s
- (ii) Stormwater pre-treatment system/s

Shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Liverpool City Council's standard wording as detailed in Liverpool City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

Rectification of Damage

85. Prior to the issue of a Subdivision Certificate any damage to Council infrastructure not identified in the dilapidation report, as a result of the development shall be rectified at no cost to Liverpool City Council.

Any rectification works within Walder Road and Heathcote Road will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing.

Subdivision Compliance

86. 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) The WAE drawings shall clearly indicate the 1% Annual Exceedence Probability flood lines (local and mainstream flooding),
- c) The WAE drawings shall be accompanied by plans indicating the depth of fill for the entire development site. The plans must show, by various shadings or cross hatchings, the depth of any fill within 0.3m depth ranges,
- d) CCTV footage in DVD format to Council's requirements and a report in "SEWRAT" format for all drainage within future public roads and public land. Inspections are to be carried out in accordance with the Conduit Inspection Reporting Code of Australia WSA 05-2006. Any damage that is identified is to be rectified in consultation with Liverpool City Council,

- e) Surveyor's Certificate certifying that all pipes and services are located wholly within the property or within appropriate easements and that no services encroach boundaries,
- f) Documentation for all road pavement materials used demonstrating compliance with Council Design Guidelines and Construction Specification,
- g) Structural Engineer's construction certification of all structures, and
- h) A Geotechnical Report certifying that all earthworks and road formation have been completed in accordance with AS3798 and Council's Design Guidelines and Construction specifications. The report shall include:
 - i. Compaction reports for road pavement construction,
 - ii. Compaction reports for bulk earthworks and lot regrading,
 - iii. Soil classification for all residential lots, and
 - iv. Statement of Compliance.

Linen Plans and 88B

- 87. 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 if required.
- 88. The applicant shall pay the standard fee for purpose of subdivision certificate administration of plan checking and release.
- 89. The following restriction as to user must be placed over proposed Lot 1. Details shall be submitted with the application for a Subdivision Certificate.
 - a) No Construction Certificate shall be issued for a building on the lot burdened until on site drainage detention has been designed in accordance with Council's On-Site Detention Policy and Construction Specification, and
 - b) No Occupation Certificate for a building shall be issued until the designed on-site detention system has been constructed on the subject lot and a licensed Surveyor prepares a "Work As Executed" plan and is certified as complying with the approved detention design by an appropriate accredited professional engineer.
- 90. The final plan of subdivision must be supported by an 88B Instrument. This instrument must burden each lot with a restriction as to user that the dwellings to be erected on each lot are to be sited and constructed in accordance with approved plans and notice of determination (Development Consent) issued by Council for Development Application No. **DA-6/2018**. Any costs associated with the preparation and checking of the instrument are to be borne by the applicant. The preparation of an 88B Instrument will not be required if construction has reached a stage where all brickwork is a minimum 500mm above finished floor level and the construction is in accordance with the development consent and the CC's.
- 91. Where common drainage lines or other drainage lines are required, a drainage easement shall be created in accordance with Council's minimum widths as scheduled in councils design specification for subdivisions (as amended).

92. Correct notation concerning easements is required. The prepared 88B Instrument should be forwarded initially to Council. The land value of the easement and costs associated with checking the instrument are to be borne by the applicant. Part 2 of the 88B Instrument shall contain a provision that the easement may not be extinguished or altered without the written consent of Council.

Service Providers

93. 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*;
 - 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.

Footpaths

94. Construction of 1.5m wide by 100mm thick (with one layer of SL72 reinforcing mesh) concrete path paving on both sides of all residential access roads and both sides of all collector and distributor roads.

Dilapidation Report

95. Any rectification works required by Council regarding the condition of Council infrastructure shall be undertaken, at full cost to the developer.

Bonds

96. A maintenance bond in the form of a bank Guarantee or cash bond (\$TBA), shall be lodged with Council prior to the issue of a Subdivision Certificate. The bond shall cover

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maintenance and any damage to roads, drainage lines, public reserves or other council property or works required as a result of work not in accordance with Council's standards, and /or development consent conditions. The bond will be held by Council for a minimum period of 12 months from the date of Council acceptance of final works.

F. PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

The following conditions are to be complied with or addressed prior to issue of either an Interim or Final Occupation Certificate by the Principal Certifying Authority:

Occupation Certificate

97. The premises must not be utilised until an Occupation Certificate is issued by the Principal Certifying PCA. Copies of all documents relied upon for the issue of the OC must be attached to the OC and registered with Council.
98. An Occupation Certificate (interim or final) shall not be issued for the proposed development until a Subdivision Certificate has been issued for the subdivision of the site into two (2) Torrents title allotments.
99. A single and complete *Fire Safety Certificate*, certifying the installation and operation of all of the fire safety measures within the building must be submitted to Council with the *Occupation Certificate*.
100. Details of *critical stage* inspections carried out by the principal certifying authority together with any other certification relied upon must be provided to Council with the occupation certificate.

Liverpool City Council clearance – Roads Act/ Local Government Act

101. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that all works associated with a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Liverpool City Council.

Works as executed - General

102. Prior to the issue of an Occupation Certificate, works-as-executed drawings and compliance documentation shall be submitted to the Principal Certifying Authority in accordance with Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.

An original set of works-as-executed drawings and electronic copies on a USB of compliance documentation shall also be submitted to Liverpool City Council with notification of the issue of the Occupation Certificate where Council is not the Principal Certifying Authority.

Stormwater Compliance

103. Prior to the issue of an Occupation Certificate the Principal Certifying Authority shall ensure that the:

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- a) On-site detention system/s
- b) Stormwater pre-treatment system/s
 - Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
 - Have met the design intent with regard to any construction variations to the approved design.
 - Any remedial works required to be undertaken have been satisfactorily completed.
 - Details of the approved and constructed system/s shall be provided as part of the Works-As-Executed drawings.

Restriction as to User and Positive Covenant

104. Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the:

- a) On-site detention system/s
- b) Stormwater pre-treatment system/s

Shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Liverpool City Council's standard wording as detailed in Liverpool City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

Rectification of Damage

105. Prior to the issue of an Occupation Certificate, any damage to Council infrastructure not identified in the dilapidation report, as a result of the development shall be rectified at no cost to Liverpool City Council.

Any rectification works within Walder Road and Heathcote Road will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing.

Dilapidation Report

106. Any rectification works required by Council regarding the condition of Council infrastructure shall be undertaken, at full cost to the developer.

Directional Signage

107. Prior to the issue of an Occupation Certificate, directional signage and linemarking shall be installed indicating directional movements and the location of customer parking to the satisfaction of the Principal Certifying Authority.

Transport and Traffic

108. Prior to the issue of any Occupation Certificate, all approved road safety features and facilities are to be completed to Liverpool City Council requirements, including:

- a) Features that can physically restrict right turn manoeuvres and re-enforce the left in/left out arrangement at the Walder Road access driveway;

- b) Features that can physically restrict right turn manoeuvres and/or re-enforce the left in/left out arrangement at the Heathcote Road access driveway;
- c) "No Parking" sign on Walder Road along the entire frontage of the development site;
- d) A minimum of 2.0m paved footpath on Walder Road, and a minimum of 2.5m paved footpath on Heathcote Road, along the entire frontages of the development on both streets;
- e) Provide pram ramps where the footpath is terminated by the driveways; and
- f) Any facilities to be provided as per the recommendations of the road safety audit approved by Liverpool Traffic Committee.

109. All redundant laybacks must be removed and replaced with kerb to Council specifications.

Fire Safety – Cladding

110. Prior to issuing an occupation certificate the Principal Certifying Authority must be satisfied that suitable evidence has been provided to demonstrate that the external wall cladding material and system is consistent with the consent documentation, NCC and relevant Australian Standards.

Street Numbers

111. Street numbers must be prominently displayed at the front of the development in a contrasting colour to the building materials and at the front of each individual unit to comply with the *Local Government Act 1973*, Section 124(8). The number should be a minimum height of 120mm and be visible at night.

Landscaping

112. Upon completion of the approved landscape works associated with the development and prior to the issue of any OC, an Implementation Report is to be submitted to the PCA attesting to the satisfactory completion of the landscape works in accordance with the approved landscape plan. The report is to be prepared by a suitably qualified person.

Recommendations of Acoustic Report

113. Upon completion of works and prior to the issue of an Interim or Final Occupation Certificate, written certification prepared by a suitably qualified acoustic consultant shall be submitted to and approved by the Principal Certifying Authority (PCA). The written certification prepared by the suitably qualified acoustic consultant shall confirm that the development complies with all requirements and recommendations detailed within the approved acoustic report titled (Report Title), report reference (Project Number/Job Number, Revision) prepared by (Author) dated (date). The acoustic consultant shall confirm that the development or use is capable of operating in accordance with the design criteria.

Note: 'Suitably qualified acoustic consultant' means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustical Society or employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.

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Roadwork

114. All roadworks and signposting is to be completed to Liverpool Council requirements, at no expense to Liverpool Council or Roads and Maritime Services.

Street Lighting

115. Street lighting provision is to be completed to Liverpool Council requirements, at no expense to Liverpool Council or Roads and Maritime Services.

Asset damage

116. Council's on-street assets such as footpath should be protected at all times. Any damages should be rectified to Council satisfaction.

G. CONDITIONS RELATING TO USE

The following conditions relate to the ongoing use of the premises:

Car Parking

117. A total of forty (40) off street car parking spaces must be provided in accordance with Council's relevant development control plan. Two (2) of the spaces must be designed and signposted/marked for the specific use of persons with a disability.
118. All parking areas shown on the approved plans must be used solely for this purpose.
119. All loading and unloading must take place from the designated loading dock. This area is to be clearly marked/signposted for use by delivery vehicles only.
120. The operator of the development must not permit the reversing of vehicles onto or away from the road reserve, with the exception of garbage and recycling collection vehicles. All vehicles must be driven forward onto and away from the development and adequate space must be provided and maintained on the land to permit all vehicles to turn in accordance with AS 2890.1 Parking Facilities – Off Street Car Parking.

Graffiti

121. Any graffiti carried out on the property shall be removed, within 48 hours, at full cost to the owner/occupier of the site.

Advertising

122. Advertising matter not approved in conjunction with this decision notice, must not be erected, painted or displayed without the prior approval of Council.

Use of the Site

123. All materials and goods associated with the use shall be contained within the building at all times.

Hours of Operation

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124. The hours of operation of the medical centre are limited to:

Monday to Friday: 8am – 8pm
Saturday and Sunday: 8am – 4pm

Lighting

125. Illumination of the site is to be arranged in accordance with the requirements and specifications of Australian Standard 4282:1997 so as not to impact upon the amenity of the occupants of adjoining and nearby premises.

Waste Management

126. All solid waste stored on site is to be covered at all times. Furthermore, all solid and liquid waste is to be removed from the site by a registered waste contractor.

127. All waste materials generated as a result of the development are to be disposed at a facility licensed to receive such waste.

128. Waste bins must be stored in designated garbage refuse areas, which must be kept tidy at all times. Bins must not be stored or allowed to overflow in parking or landscaping areas, must not obstruct the exit of the building, and must not leave the site onto neighbouring public or private properties.

Landscaping

129. Landscaping shall be maintained in accordance with the approved plan, in a healthy state and in perpetuity by the existing or future owners and occupiers of the development.

If any of the vegetation comprising the landscaping dies or is removed, it is to be replaced with vegetation of the same species, and similar maturity as the vegetation which has died or was removed.

An annual report shall be submitted to Council, for the 3 years following issue of the OC, certifying that the landscaping works have been satisfactorily maintained.

Unreasonable Noise and Vibration

130. The industry, including but not limited to the operation of vehicles, mechanical plant and equipment, shall be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. Special precautions must be taken to avoid nuisance, particularly from machinery, plant, vehicles, warning sirens, public address systems and the like.

In the event of a noise or vibration problem arising at the time, the person in charge of the premises shall when instructed by Council, cause to be carried out, an acoustic investigation by a suitably qualified acoustic consultant and submit the results to Council. If required by Council, the person in charge of the premises shall implement any or all of the consultant's recommendations and any additional requirements to the satisfaction of Liverpool City Council.

Note: 'Suitably qualified acoustic consultant' means a consultant who possesses the

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qualifications to render them eligible for membership of the Australian Acoustical Society or employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.

Noise Complaints Register

131. The operator shall keep a legible record of all complaints received in an up-to date Complaints Register. The Complaints Register must record, but not necessarily be limited to:
- a) the date and time, where relevant, of the complaint;
 - b) the means by which the complaint was made (telephone, mail or email);
 - c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
 - d) the nature of the complaint;
 - e) any action(s) taken by the Applicant in relation to the complaint, including any follow-up contact with the complainant; and if no action was taken by the Applicant in relation to the complaint, the reason(s) why no action was taken.
 - f) allocate an individual "complaint number" to each complaint received.

The Complaints Register must be made available for inspection when requested by Liverpool City Council.

The industry shall be operated in accordance with the approved Noise Management Plan and Complaints Handling Procedure at all times.

Environment

132. The use of the premises shall not give rise to the emission into the surrounding environment of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.

Noise

133. Any alarm installed on the site is to be "silent back to base" type.
134. Noise associated with the use of the premises, including mechanical plant and equipment, shall not give rise to any one or more of the following:
- a) The use of the premises including the cumulative operation of any mechanical plant, equipment, public address system or other amplified sound equipment shall not give rise to the emission of 'offensive noise' as defined by the Protection of the Environment Operations Act 1997.
 - b) The operation of any mechanical plant, equipment, public address system or other amplified sound equipment installed on the premises shall not cause:
 - i. The emission of noise as measured over a 15 minute period ($L_{Aeq (15 \text{ minute})}$) that exceeds the $L_{A90 (15 \text{ minute})}$ background noise level by more than 5 dB(A) when measured at the most affected residential boundary. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the NSW Environment Protection Authority's 'Noise Policy for Industry' (2017);
 - ii. An internal noise level in any adjoining occupancy that exceeds the recommended design sound levels specified in Australian/New Zealand

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- Standard AS/NZS 2107:2016 Acoustics – Recommended design sound levels and reverberation times for building interiors;
- iii. 'offensive noise' as defined by the Protection of the Environment Operations Act 1997; and
 - iv. Transmission of vibration to any place of different occupancy greater than specified in AS 2670.

Spruiking

135. No persons, such as those commonly known as 'spruikers' shall operate either with or without sound amplification equipment for the purpose of advertising the use of the premises, the sale and availability of goods, services, entertainment or the like.

Medical/Dental Waste Disposal

136. Suitable waste disposal containers with securely fitting lids shall be provided for any clinical, contaminated or related waste. The waste material is to be disposed of at an appropriately licensed waste facility.

H. ADVISORY

- a) Section 8.2, 8.3, 8.4 & 8.5 allows Liverpool City Council to reconsider your proposal. Should you wish to have the matter reconsidered you should make an application under that section with the appropriate fee.
- b) Under Section 8.7 & 8.10 of the Act applicants who are dissatisfied with the outcome of a consent authority have a right of appeal to the Land and Environment Court. This right must be exercised within six (6) months from the date of this notice. The Court's Office is situated at Level 1, 225 Macquarie Street, Sydney (Telephone 9228 8388), and the appropriate form of appeal is available from the Clerk of your Local Court.
- c) In accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979, unless otherwise stated by a condition of this consent, this consent will lapse unless the development is commenced within five years of the date of this notice.
- d) To confirm the date upon which this consent becomes effective, refer to Section 4.20 of the *Environmental Planning and Assessment Act, 1979*. Generally the consent becomes effective from the determination date shown on the front of this notice. However if unsure applicants should rely on their own enquiries.
- e) To confirm the likelihood of consent lapsing, refer to Section 4.53 of the Act. Generally consent lapses if the development is not commenced within five years of the date of approval. However if a lesser period is stated in the conditions of consent, the lesser period applies. If unsure applicants should rely on their own enquiries.
- f) In accordance with Section 8.8 and 8.10 of the Environmental Planning and Assessment Act 1979, an objector who is dissatisfied with the determination of a consent authority to grant consent to a development application for designated development (including designated development that is integrated development), may, within 28 days after the date on which the application is taken to have been determined, appeal to the Land and Environment Court.

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- g) The approval of this application does not imply or infer compliance with the Disability Discrimination Act and that the developer should investigate their liability under the Act.
- h) The requirements of all authorities including the Environmental Protection Authority and the Work Cover Authority shall be met in regards to the operation of the building
- i) "DIAL BEFORE YOU DIG" DIAL 1100

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

- j) 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.

- k) The obligation to comply with the Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required by other conditions of this consent.
- l) 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 may be made by Council in that regard. 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.
- m) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.
- n) Care shall be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or the 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.

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ATTACHMENT 2 – TfNSW REQUIREMENTS



14 February 2020

TfNSW Reference: SYD18/00690/09
Council Reference: DA-6/2018

Liverpool City Council
Locked Bag 7064
Liverpool BC NSW 1871

Attention: Boris Santana

**REVIEW APPLICANTS RESPONSE AND AMENDED PLANS FOR MEDICAL CENTRE
- 2-6 WALDER ROAD & 192-194 HEATHCOTE ROAD, HAMMONDVILLE**

Dear Sir/Madam,

Reference is made to Council's correspondence dated 16 January 2020, regarding the abovementioned application which was referred to Transport for NSW (TfNSW) for concurrence in accordance with Section 138 of the *Roads Act, 1993*.

TfNSW has reviewed the development application and would provide concurrence under Section 138 of the *Roads Act, 1993*, subject to Council's approval and the following requirements being included in the development consent:

1. The proposed eastbound deceleration lane along Heathcote Road shall have a minimum length of 40.9 metres. The proposed works along Heathcote Road shall be designed to meet TfNSW requirements, and endorsed by a suitably qualified practitioner. The design requirements shall be in accordance with AUSTRROADS and other Australian Codes of Practice. The certified copies of the civil design plans shall be submitted to TfNSW for consideration and approval prior to the release of the Construction Certificate by the Principal Certifying Authority and commencement of road works. Documents should be submitted to Development.Sydney@rms.nsw.gov.au

The developer is required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. TfNSW fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.

2. A 3.5m wide strip of land along the full length of the site within the property boundary shall be dedicated as public road at the full cost of the developer, and shall be executed prior to the release of the Construction Certificate.
3. The design and construction of the gutter crossing on Heathcote Road shall be in accordance with TfNSW requirements. Details of these requirements should be

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obtained by email to DeveloperWorks.Sydney@rms.nsw.gov.au.

Detailed design plans of the proposed gutter crossing are to be submitted to TfNSW for approval prior to the issue of a Construction Certificate and commencement of any road works.

A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW.

4. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to TfNSW for approval, prior to the commencement of any works. Documents should be submitted to Development.Sydney@rms.nsw.gov.au.

A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.

5. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004, AS2890.6-2009 and AS 2890.2 – 2002 for heavy vehicle usage.
6. The swept path of the longest vehicle (including garbage trucks, building maintenance vehicles and removalists) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTRROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.
7. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.
8. All vehicles are to enter and leave the site in a forward direction.
9. All vehicles are to be wholly contained on site before being required to stop.
10. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Heathcote Road during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.
11. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Heathcote Road.
12. The developer shall be responsible for all construction works for the proposed development on Heathcote Road and public utility adjustment/relocation works,

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necessitated by the above work and as required by the various public utility authorities and/or their agents.

13. All works/regulatory signposting associated with the proposed development are to be at no cost to TfNSW.

In addition to the above, TfNSW provides the following advisory comments to Council for consideration in its determination of the development application:

1. The proposal has an access from Walder Road. Due to the proximity to the signalised intersection of Heathcote Road and Walder Road the access is to be physically restricted to left in/left out (LILO). The LILO access is to be physically restricted to ensure that right turn manoeuvres are not able to be undertaken for safety and efficiency reasons. A splayed median dividing the ingress and egress into the site to physically restrict the right turn movements (accompanied by signage) in line with Australian Standards should be provided.
2. The existing Traffic Control Signal (TCS) plan for the Walder Street/Heathcote Road intersection may need to be updated accordingly to include the new vehicular access on Walder Street. The updates are to be drawn by a suitably qualified person and endorsed by a suitably qualified practitioner. The developer is advised to contact Senior Networks Operations Officer Steve Acreman on 02 9712 1930 to obtain a copy of the most current TCS plan.

The amended TCS plan shall be submitted to TfNSW for consideration and approval prior to the release of a Construction Certificate and commencement of road works. TfNSW fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.

3. The proposed development will generate additional pedestrian movements in the area. Pedestrian safety is to be considered in the vicinity.
4. The applicant is advised that detailed civil design plan for the proposed road works on Heathcote Road will need to address the comments in the attached Excel spreadsheet, prior to the issue of the Construction Certificate.
5. The suitability of this development being located along a major road is a matter for Council.

If you have any further questions please direct attention to Malgy Coman on 8849 2413 or email development.sydney@rms.nsw.gov.au. I hope this has been of assistance.

Yours sincerely,



Malgy Coman
Senior Land Use Planner

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ATTACHMENT 3 – ENDEAVOUR ENERGY REQUIREMENTS

The General Manager
Liverpool City Council

ATTENTION: Boris Santana DEVELOPMENT ASSESSMENT

Dear Sir or Madam

I refer to Council's below email of 24 July 2019 regarding Development Application DA-6/2018 at 2 & 4-6 WALDER ROAD AND 192 & 194 HEATHCOTE ROAD, HAMMONDVILLE NSW 2170 (LOTS D & E DP 407758, LOTS 7 & 8 DP 539636) for 'Demolition of existing structures, consolidation of 4 lots and construction of a single storey allied health facility with 40 at-grade car parking spaces and a slip lane off Heathcote Road'.

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:

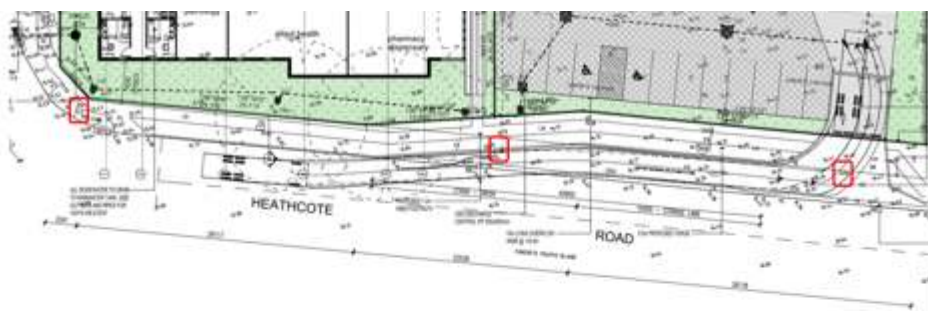
- No easements over the site benefitting Endeavour Energy (active easements are indicated by red hatching).
- Low voltage and 11,000 volt / 11 kilovolt (kV) high voltage overhead power lines to the Heathcote Road road verge / roadway.
- Low voltage overhead service conductors going to the customer connection points for the existing structures (which will become redundant assets with the redevelopment of the site).

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).

Endeavour Energy has noted the Statement of Environmental Effects indicates 'As such we understand that the access arrangement and slip lane from Heathcote Road have obtained in principle support from Council and RMS, subject to detailed documentation being prepared for the revised traffic and slip lane engineering'. As shown in the following extract of 'Architectural Design 12.04.19' two of the three existing power poles (PP) located to the Heathcote Road road verge will be impacted by the proposed slip lane ie. an asset relocation will be required to facilitate this proposed access arrangement but does not appear to be addressed in the Statement of Environmental Effects.

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Please find attached for the applicant's reference a copy of Endeavour Energy's Form FPJ4015 'Application for the Relocation / Removal of Endeavour Energy's Electrical Network Assets' which should be submitted to Endeavour Energy's Network Connections Branch for assessment. As indicated in the form 'The developer is encouraged to approach a Level 3 Accredited Service Provider (ASP) to obtain preliminary details of the assets and discuss possible solutions to the developer's requirements'. In this instance if the existing overhead power lines are relocated overhead, there is potentially an issue with the safety clearances to the proposed facility / building - please also refer to the below points 'Network Capacity / Connection' and 'Safety Clearances'.

Subject to the resolution of the foregoing (please note however that this does not imply or indicate the granting of permission to any or all of the proposed asset relocation works) and the following recommendations and comments, Endeavour Energy has no objection to the Development Application.



- Network Capacity Connection

Endeavour Energy has that the Statement of Environmental Effects does not appear to address in detail if the electricity services are available and adequate for the proposed development.

6.4. SUITABILITY OF THE SITE FOR DEVELOPMENT

The subject site is well suited to accommodate the proposed medical centre for the following reasons:

- The site is situated within an established area such that access to services and stormwater infrastructure are readily available; and

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 distribution 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) i.e. there is a significant variation in the number and type of premises able to be connected to a substation.

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Therefore applicants should not automatically assume that the presence of existing electricity infrastructure or nearby similar development means that adequate supply is immediately available to facilitate their proposed development. Given the size of the proposed development (the Statement of Environmental Effects indicated the proposed GFA is 1,033.4sqm) and there are three customer connection points for the existing structures which are to be demolished, the existing local should be able to service the proposed development. An extension and/or augmentation of the existing local network may be required. However this and the extent of any work required will not be determined until the final load 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 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. 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 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://energysaver.nsw.gov.au/households/you-and-energy-providers/installing-or-altering-your-electricity-service> .

Endeavour Energy is urging applicants /customers to engage with an Electrical Consultant prior to finalising plans to in order to assess and incorporate any required electricity infrastructure. In so doing the consideration can also be given to its impact on the other aspects of the proposed development. This can assist in avoiding the making of amendments to the plan or possibly the need to later seek modification of an approved development application.

- Urban Network Design

Endeavour Energy's Company Policy 9.2.5 'Network Asset Design', includes the following requirements for electricity connections to new urban subdivision / development:

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5.11.1 Distribution reticulation

In order to improve the reliability performance of and to reduce the operating expenditure on the network over the long term the company has adopted the strategy of requiring new lines to be either underground cables or where overhead is permitted, to be predominantly of covered or insulated construction. Notwithstanding this strategy, bare wire overhead construction is appropriate and permitted in some situations as detailed below.

In areas with the potential for significant overhanging foliage, CCT is used to provide increased reliability as it is less susceptible to outages from wind-blown branches and debris than bare conductors. CCT must only be used in treed² areas as the probability of a direct lightning strike is low. In open areas where the line is not shielded from a direct lightning strike, bare conductors must generally be used for 11kV and 22kV reticulation.

Non-metallic Screened High Voltage Aerial Bundled Cable (NMSHVABC) must be used in areas which are heavily treed and where it is not practicable to maintain a tree clearing envelope around the conductors.

² A 'treed' area is one with a substantial number of trees adjacent to the line, in each span. In these situations CCT is used to provide increased reliability as it is less susceptible to outages from wind-blown

5.11.1.1 Urban areas

Reticulation of new residential subdivisions will be underground. In areas of low bushfire consequence, new lines within existing overhead areas can be overhead, unless underground lines are cost justified or required by either environmental or local council requirements.

Where underground reticulation is required on a feeder that supplies a mixture of industrial, commercial and/or residential loads, the standard of underground construction will apply to all types of load within that development.

Where ducting is used, adequate spare ducts and easements must be provided at the outset to cover the final load requirements of the entire development plan.

Extensions to the existing overhead 11kV/22kV network must generally be underground. Bare wire will be used for conductor replacements and augmentations except in treed areas where CCT or NMSHVABC must be used.

Extensions to the existing overhead LV network and augmentations must either be underground or ABC. Conductor replacements greater than 100m in route length must utilise aerial bundled cable.

- Safety Clearances

The construction of any building or structure (including fencing, signage, flag poles etc.) whether temporary or permanent 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' as updated from time to time.
- 'Service and Installation Rules of NSW' which can be accessed via the following link to the NSW Planning & Environment website:
<https://energy.nsw.gov.au/government-and-regulation/legislative-and-regulatory-requirements/service-installation-rules> .

As a guide please find attached a copy of Endeavour Energy Drawing 'Overhead Lines Minimum Clearances Near Structures'.

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

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setback. These distances must be maintained at all times to all buildings and structures and regardless of the Council's allowable building setbacks etc. under its development controls.

Even if there is no issue with the safety clearances to the building, ordinary persons must maintain a minimum safe approach distance of 3.0 metres to all voltages up to and including 132,000 volts / 132 kV. Work within the safe approach distances requires an authorised or instructed person with technical knowledge or sufficient experience to perform the work required and a safety observer for operating plant or possibly an outage request and/or erection of a protective hoarding. For ease of construction and future access and maintenance of buildings and structures, the retention of adequate building setbacks and/or suitable building design eg. not having parts of the building normally accessible to persons in close proximity of the overhead power lines, the use of durable, low maintenance finishes to reduce the need to access areas within the safe approach distances, is recommended.

If there is any doubt as to the adequacy of the safety clearances the applicant will need to have the safety clearances assessed by a suitably qualified electrical engineer / Accredited Service Provider. This will require the provision of a detailed survey plan showing the location of the conductors to enable the assessment / modelling of the clearances for which there are software packages available. If the safety clearances are inadequate, the parts of the building encroaching the required clearances will need to be redesigned to provide the required clearances. Alternatively an asset relocation / undergrounding of the existing overhead power lines may be required – particularly for low voltage which can be more readily (in shorter distances) and comparatively economically be undergrounded.

- **Earthing**

The construction of any building or structure (including fencing, signage, flag poles, hoardings 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 3000:2018 'Electrical installations' as updated from time to time. This Standard sets out requirements for the design, construction and verification of electrical installations, including ensuring there is adequate connection to the earth. Inadequate connection to the earth to allow a leaking/fault current to flow into the grounding system and be properly dissipated places persons, equipment connected to the network and the electricity network itself at risk from electric shock, fire and physical injury.

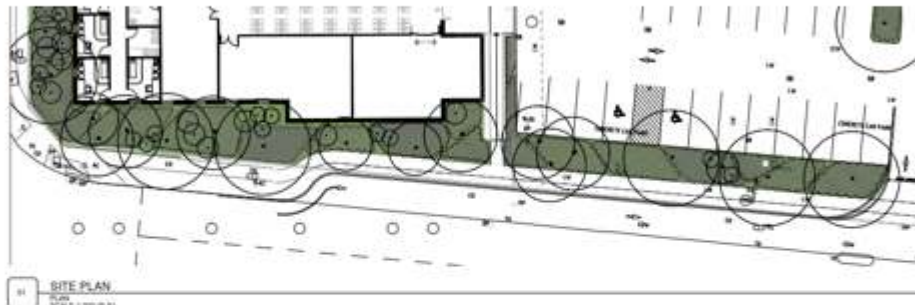
- **Vegetation Management**

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 (including any new electricity infrastructure required to facilitate the proposed development). 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. Landscaping that interferes with electricity infrastructure may become a potential safety risk, cause of bush fire, restrict access, reduce light levels from streetlights 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.

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proposal involves the planting of trees to the front building setback. Due to the large mature height and spread of the trees in proximity of the overhead power lines, Endeavour Energy objects to the proposed tree planting.



PROPOSED PLANTING SCHEDULE - FULL SITE

Code	Botanical Name	Common Name	Size (HxW)	Pot Size	Qty
TREES					
Af	<i>Angophora floribunda</i>	Rough-barked Apple	45 x 15	100L	3
Al	<i>Acacia implexa (IND)</i>	Lightwood	10 x 5	40L	23
Cg	<i>Casuarina glauca</i>	Swamp She Oak	15 x 7	45L	3
Et	<i>Eucalyptus tereticornis (IND)</i>	Forest Red Gum	50 x 20	100L	7
Pu	<i>Pittosporum undulatum</i>	Sweet Pittosporum	12 x 7	45L	9

Endeavour Energy’s recommendation is that existing street trees which are of low ecological significance in proximity of overhead power lines be replaced and any proposed planting of new trees within in the proximity of overhead power lines be replaced by an alternative smaller planting to ensure appropriate clearances are maintained whilst minimising the need for future pruning.

- 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 or other utility infrastructure across the site, but also to identify them as a hazard and to properly assess the risk.

- Removal of Electricity Supply

Approval for the permanent disconnection and removal of supply must be obtained from Endeavour Energy’s Network Connections Branch (contact via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm) by Accredited Service Providers (ASP) with the relevant class of Authorisation for the type of work being carried out. The work could involve:

- o The disconnection and removal of an underground service cable or overhead service line,
- o Removal of metering equipment.

The written request must be submitted to Endeavour Energy using Form FPJ4603 ‘Permission to Remove Service / Metering by Authorised Level 2 Accredited Service Provider’ which must be accompanied by Notification of Service Works (NOSW) forms provided as a result of service work

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activity performed by a Level 2 ASP. The retailer must also provide written agreement for the permanent removal of supply.

For details of the ASP scheme please refer to the above point 'Network Capacity / Connection'.

- Demolition

Demolition work is to be carried out in accordance with Australian Standard AS 2601—2001: 'The demolition of structures' as updated from time to time. 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. streetlight columns, power poles, overhead power lines and underground cables etc.

- Public Safety

As the proposed development will involve work near electricity infrastructure, workers 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 Endeavour Energy's electricity infrastructure within the road verge / roadway, as part of a public safety initiative Endeavour Energy has set up an email account that is accessible by a range of 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 js.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.

I appreciate that not all the foregoing issues may be directly relevant or significant to the Development Application eg. if the existing overhead power lines are undergrounded as part of the required asset relocation works. 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 proposed electricity infrastructure required 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.development@endeavourenergy.com.au is preferred.

Yours faithfully

Cornelis Duba

Development Application Specialist

Network Environment & Assessment

T: 9853 7896

E: cornelis.duba@endeavourenergy.com.au

51 Huntingwood Drive, Huntingwood NSW 2148

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Item no:	2
Application Number:	DA-15/2019
Proposed Development:	Demolition of all existing structures and construction of a five (5) storey residential flat building comprising seventeen (17) units (6 of which are identified as affordable housing) and two (2) levels of basement car parking for twenty-four (24) vehicles
Property Address	37 Carboni Street, Liverpool
Legal Description:	Lot 401 of DP 1185131
Applicant:	Marcel Zarb
Land Owner:	Thomas Tan Do
Cost of Works:	\$3 707 016.00
Recommendation:	Refusal for the reasons stated in the report
Assessing Officer:	Peter Nelson

1. EXECUTIVE SUMMARY

1.1 Reasons for the report

The Local Planning Panel is the determining authority as the development application is for development in excess of four stories to which State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development applies.

1.2 The proposal

The application proposes the demolition of all existing structures and construction of a five (5) storey residential flat building comprising seventeen (17) units (6 of which are identified as affordable housing) and two (2) levels of basement car parking for twenty-four (24) vehicles.

1.3 The site

The subject site is identified as Lot 401 of DP 1185131, 37 Carboni Street, Liverpool.

1.4 The issues

The main issues are identified as follows:

- Non-compliance with State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP) controls relating to landscaping and deep soil planting provision.
- Non-compliance with State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65) and the associated Apartment Design Guideline (ADG), generally in relation to; context, built form and scale, density, sustainability, landscape, amenity, safety and aesthetics.

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- Non-compliance with Liverpool Development Control Plan 2008 (DCP) controls relating to; front boundary setbacks, rear boundary setbacks, tree preservation, landscaping, streetscape and security.

1.5 Exhibition of the proposal

The DA was notified in accordance with the Liverpool Development Control Plan (LDCP) 2008 from 14 May 2019 to 28 May 2019. No submissions were received.

1.6 Conclusion

The application has been assessed pursuant to the provisions of the Environmental Planning and Assessment Act 1979. Based on the assessment of the application it is recommended that the application be refused for the reasons provided in the report.

2. SITE DESCRIPTION AND LOCALITY

2.1 The site

The subject site is identified as Lot 401 of DP 1185131, 37 Carboni Street, Liverpool. An aerial photograph of the subject site is provided below.



Figure 1: Aerial photograph of the site and locality.

The site of the proposed development is of an irregular wedge shape with an area of 1007m², a primary frontage of 34.875m to Carboni Street, a secondary frontage of 16.725m to Moore Street and a rear boundary of 36.375m addressing Brickmakers Creek. The site has a fall from the northern corner of the site (RL14.5 AHD) to the southern corner of the site (RL14.09 AHD) of 410mm.

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The site currently comprises a single storey dwelling. Adjoining the site to the north is a single storey dwelling.

2.2 The locality

Development within the immediate area is typically low to medium scale residential development of predominately detached single and double storey dwellings. In view of the R4 High Density Residential zone afforded to the site, the area will inevitably undergo a transition to higher density building forms with the proposed development responding to this future envisioned character.

To the immediate south, east and west are detached dwellings, while Elizabeth Drive is located to the north.

An aerial photograph of the locality is provided in figure 1 above.

3. BACKGROUND

3.1 Design Excellence Panel

The proposed plans were referred to the Design Excellence Panel (DEP) for comment.

Issues raised by the panel are detailed below with comments provided on how the concerns have been addressed by the applicant.

DEP Comments	Response
<p>Context:</p> <p><u>Brickmakers Creek</u></p> <p>Brickmakers Creek is located immediately adjacent to the western and southern boundaries of the site, however the current proposal does not relate to the creek or have a connection to the creek. The Panel recommends that the revised proposal provide greater consideration to Brickmakers Creek, including orientation of the development to the creek, and physical and visual connections to the creek, noting that future improvements to the character and condition of the creek are anticipated.</p> <p><u>Site Analysis</u></p> <p>Insufficient Site Analysis has been provided. The Panel recommends preparing Site Analysis diagrams that identify site opportunities and constraints, to inform the revised proposal. Provide a summary of what a compliant built form proposal for the site would look like, and where the proposal</p>	<p>Amended plans responding to these comments have not been provided by the applicant for Council assessment. A complete redesign of the proposal will be required in order to satisfy the recommendations of the DEP.</p>

<p>is deviating from Council's planning controls.</p>	
<p>Built form and scale:</p> <p><u>Front and Rear Setbacks</u></p> <p>The allotment has a dual street frontage. The primary frontage of the site addresses Carboni Street and the secondary frontage addresses Moore Street. A primary and a secondary street setback of 5.5m is required under Part 3.7 Section 4 of the DCP. The proposal does not satisfy the minimum required 5.5m secondary boundary setback from Moore Street.</p> <p>Part 3.7 Section 4 requires the provision of a minimum 6m rear boundary setback where adjoining a public reserve. The proposal does not satisfy this requirement.</p> <p>The Panel recommends that the revised proposal demonstrates compliance with the required minimum front and rear boundary setbacks. The Panel noted that no variation to rear setbacks will be considered (including at basement level) because a vegetation buffer is required by the NSW Department of Planning, Industry and Environment between the creek bank and the development. The Panel recommends that any bonus FSR be accommodated within compliant setbacks.</p> <p><u>Building Separation</u></p> <p>The proposal does not satisfy the minimum required building separation requirements under the ADG. The proposal does not satisfy either the 12m building separation for four storey buildings or less or the 18m building separation for developments of five to eight storeys.</p> <p>The minimum proposed building separation to the northern neighbour (the only adjacent neighbour) is:</p> <p>1 – 4 stories – minimum provided boundary setback 4.78m (a variation of 1.22m); 5 – 8 stories – minimum provided boundary setback of 3.97m (a variation of 5.03m).</p>	<p>As above.</p>

<p>The Panel notes that failure to provide this building separation will disadvantage future development on the adjacent northern neighbouring site. Given there is only one residential neighbour, the proposal should meet the minimum required building separation. The Panel recommends compliance with ADG building separation requirements.</p>	
<p>Building Density</p> <p>The Panel notes that the number of units proposed for the site, is more than the site can sustain, which would result in overall amenity outcomes being compromised. The current proposal includes an excess of built form along the rear boundary, adjacent to Brickmakers Creek. The Panel recommends that the revised proposal consider consolidation of units on the upper levels, and provision of a rooftop terrace in the north-eastern corner of the building. The Panel notes that this may result in exceeding Council's maximum permissible building height controls, however the Panel supports additional height in the western corner of the site (i.e. corner of Carboni Street and Moore Street) in order to accommodate a rooftop terrace. Consider including a dual level apartment on the upper floor to negate the need for any additional height impact associated with lift overrun.</p>	<p>As above.</p>
<p>Sustainability</p> <p>Prepare a sustainability strategy for this site, as part of the proposal. Consider the following: Collection and re-use of rainwater on-site. Photovoltaic technology, to generate power for lighting and electricity purposes on-site.</p> <p>This includes (if not implemented during initial building construction), future proofing the building to later incorporate photovoltaic panels (e.g. space for integrating panels onto the rooftop).</p> <p>Planting schedule (i.e. within the Landscape Plans) includes drought tolerant and low maintenance species.</p>	<p>As above.</p>
<p>Landscape</p>	<p>As above.</p>

Open Space

The proposal provides 229.9m² of landscaped area or 22.83% of the site. This is not in accordance with Part 3.7 Section 5 of Council's DCP, which requires the provision of 25% landscaping. The Panel will not support any non-compliance with Council's DCP controls for landscape areas.

Clause 3.7 Part 7 of Council's DCP requires that the required setback areas at the front and rear are to provide for canopy planting that will achieve a minimum height at maturity of 8m. It is also specified that the planting provided should "be principally comprised of native species to maintain the character of Liverpool." The setbacks provided and the planting nominated does not satisfy this Section of the DCP. As noted in section 4.2 "Built Form + Scale", the Panel recommends that the revised proposal demonstrates compliance with the required boundary setbacks, which will result in increased open spaces and space, and opportunities for tree planting. Note is made of the location of the communal open space with orientation to the south east and limited links to broader open space.

Existing Trees

There are two existing mature Cypress Pine trees located on the boundary line, along the Moore Street frontage that are proposed to be removed. Council recommends retaining these trees, and incorporating them into an appropriate landscape corner (i.e. to Moore Street and Brickmakers Creek).

Brickmakers Creek

The current proposal does not provide a sufficient vegetated setback from the Brickmakers Creek Bank. No deep soil planting area or significant planting is provided on the southern and eastern boundaries of the site, adjacent to Brickmakers Creek. The Panel recommends that overall, the revised proposal provides an enhanced connection to Brickmakers Creek, including maintaining and enhancing

<p>views and physical connection to the creek, and including planting that is sympathetic to the existing vegetation along the creek banks. The Panel notes that over time, the quality of the creek will continue to improve as part of broader state government strategies, and connections to the creek should be celebrated as a vital open space, a natural waterway and habitat corridor within the Liverpool LGA.</p>	
<p>Amenity</p> <p><u>Solar Access</u></p> <p>The proposed apartment layouts do not support good solar access. Overall, the Panel recommends locating living spaces and kitchens in preference to bathrooms and bedrooms for solar access. Where possible, it is recommended that bathrooms are located inboard and kitchens and living spaces relocated to achieve maximum solar access.</p> <p><u>Waste Storage Area</u></p> <p>The proposed location of the waste storage area is not supported, given potential noise and odour impacts on adjacent apartments. The Panel recommends that bin storage be located within the basement, and waste collection be managed from the basement through a private contractor.</p>	<p>As above.</p>
<p>Safety</p> <p><u>Passive Surveillance</u></p> <p>The Panel recommends that the revised proposal encourages passive surveillance of the public domain, particularly along the Brickmakers Creek frontage.</p> <p><u>Lifts</u></p> <p>It is noted that the orientation of the lift openings changes from the basement floors to the apartment floors. The Panel supports the orientation of the lift, shown on the basement floor, and recommends that this orientation is adopted for all floors within the proposed development.</p>	<p>As above.</p>
<p>Housing diversity and social interaction</p>	<p>Noted.</p>

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

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<p><u>Affordable Housing</u></p> <p>The Panel supports 35% of the development being assigned as affordable housing.</p>	
<p>Aesthetics</p> <p><u>Materials and Finishes</u></p> <p>The panel recommends the use of materials in their unfinished and unpainted state where possible (e.g. brick, concrete, timber). Where materials are applied with a finish, ensure that the highest quality materials are used and the lowest maintenance is required.</p> <p>The panel is concerned about the number of different finishes and multitude of different building features. The Panel recommends simplifying the building form and palette of materials, taking into account the above-mentioned recommendation on materials and finishes.</p>	<p>Amended plans have not been provided to address this concern.</p>
<p>Outcome</p> <p>The Panel have determined the outcome of the DEP review and have provided final direction to the applicant as follows:</p> <p>The proposal is not supported by the DEP and should be returned to the Panel with the issues raised above addressed.</p>	<p>The design excellence panel do not support the proposal. No design response to satisfy the issues of the DEP have been provided by the applicant to date.</p>

4. DETAILS OF THE PROPOSAL

Development consent is sought for:

- Demolition of all existing structures and construction of a five (5) storey residential flat building comprising seventeen (17) units (6 of which are identified as affordable housing) and two (2) levels of basement car parking for twenty-four (24) vehicles. No indication has been provided as to which social housing provider is proposed to manage the 6 affordable apartments.
- Unit mix is as follows:
 - 3 x 1 bedroom units; and
 - 7 x 2 bedroom units
 - 7 x 3 bedroom units
- Access and Parking:

- Access provided by a combined 6.28m wide egress/ingress driveway on the northern side of the site, narrowing to 4.58m at the basement entrance.
- Two levels of basement parking consisting of a combined total of 24 parking spaces including 1 accessible space;
- 4 spaces for bicycles.

- Communal open space areas provided at the rear of the building.

- Demolition of existing building and structures.

Images of the proposed development are provided below:



Figure 2: North-west Perspective view from Carboni Street.



Figure 3: South-east Perspective view from intersection of Moore Street and Brickmakers Creek.

5.1 Relevant matters for consideration

The following Environmental Planning Instruments, Development Control Plans and Codes or Policies are relevant to this application:

Environmental Planning Instruments (EPI's)

- State Environmental Planning Policy (Affordable Rental Housing) 2009;
- State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development;
- State Environmental Planning Policy No.55 – Remediation of Land;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment; and
- Liverpool Local Environmental Plan 2008.

Draft Environmental Planning Instruments

- Remediation of Land SEPP – The Remediation of Land SEPP was exhibited from 25/01/2018 to 13/04/2018. The Draft Guidelines published on the major projects website has indicated that “the substance of Clause 7 (of SEPP 55 – Remediation of Land) will be incorporated into the new SEPP. On this basis assessment under clause 7 of SEPP 55 – Remediation of Land is not affected.
- Draft SEPP (Environment) was exhibited from 31/10/2017 to 31/01/2018. The Draft SEPP applies to land within the Georges River Catchment. The Draft SEPP proposes changes

assessment against the relevant provisions is provided in the table below.

Provision	Comment
Part 2 New Affordable Rental Housing Division 1 In Fill Affordable Housing	
Clause 10 Development to which Division Applies	
<p>(1) <i>This Division applies to development for the purposes of dual occupancies, multi dwelling housing or residential flat buildings if:</i></p> <p>(a) <i>the development concerned is permitted with consent under another environmental planning instrument, and</i></p> <p>(b) <i>the development is on land that does not contain a heritage item that is identified in an environmental planning instrument, or an interim heritage order or on the State Heritage Register under the Heritage Act 1977.</i></p>	<p>Complies</p> <p>The proposed development is permitted with consent under the LLEP 2008.</p> <p>The site does not contain a heritage item.</p>
<p>(2) <i>Despite subclause (1), this Division does not apply to development on land in the Sydney region unless all or part of the development is within an accessible area.</i></p> <p><i>‘accessible area’ means land that is within 400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday</i></p>	<p>Complies</p> <p>The site is within 400m from a bus stop on Moore Street.</p> <p>Bus services servicing Moore Street operate within the parameters specified in the SEPP.</p>
Clause 13 Floor Space ratio	
<p>(1) <i>This clause applies to development to which this Division applies if the percentage of the gross floor area of the development that is to be used for the purposes of affordable housing is at least 20 per cent.</i></p>	<p>Complies</p> <p>35% of the gross floor area (GFA) of the development will be utilised for affordable housing.</p>
<p>(2) <i>The maximum floor space ratio for the development to which this clause applies is the existing maximum floor space ratio for any form of residential accommodation permitted on the land on which the development is to occur, plus:</i></p> <p>(a) <i>if the existing maximum floor space ratio is 2.5:1 or less:</i></p> <p>(i) <i>0.5:1—if the percentage of the gross floor area of the development that is used for affordable housing is 50 per cent or higher, or</i></p> <p>(ii) <i>Y:1—if the percentage of the gross floor area of the development that is used for affordable housing is less than 50 per cent, where:</i></p> <p><i>AH is the percentage of the gross floor area of the development that is used for affordable</i></p>	<p>Complies</p> <p>It is proposed that 6 of the 17 units will be used for affordable housing. These units have not been nominated on the floor plan or within the supporting documentation so it has been assumed that the 6 smallest units will be assigned as affordable (Units 3, 4, 7, 11, 8 & 12). The six smallest units have a GFA of 390.19m², representing 31.57% of the GFA of the proposal.</p> <p>The permitted FSR with ARH SEPP (2009) credit 1.55:1. (1.2:1 + 0.315:1 = 1.515:1) based on 31.57% of units being affordable.</p>

<p>housing. $Y = AH \div 100$</p>	<p>The maximum FSR for the site is 1.515:1, which equates to a maximum GFA of 1526.37m². The proposed GFA is 1235.69m².</p> <p>The development proposes a FSR of 1.22:1.</p>
<p>Clause 14 Standards that cannot be used to refuse consent</p>	
<p><i>(1) Site and solar access requirements</i> <i>A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:</i></p>	
<p><i>(b) Site Area</i> <i>if the site area on which it is proposed to carry out the development is at least 450 square metres,</i></p>	<p>Complies The site has an area of 1007m².</p>
<p><i>(c) landscaped area: if:</i> <i>(i) in the case of a development application made by a social housing provider—a minimum 35m² of landscaped area per dwelling is provided, or</i> <i>(ii) in any other case—a minimum of 30% of the area of the site is to be landscaped,</i></p>	<p>Variation The application has not been prepared by a Social Housing Provider and as such 30% of the site is required to be landscaped.</p> <p>21.72% of the site is proposed to be provided for landscaping on the site. This shortfall in landscaping is significant and is not supported. The site occupies a prominent corner position and the provision of appropriate landscaped area providing for canopy planting in the front yards to both street frontages is considered to be paramount for a site in this position. Additionally the provision of appropriate landscaping that forms a transition between the site and the adjacent RE1 Zoned reserve to the rear of the site is also of importance.</p> <p>Considering also that the proposal does not have design excellence, this variation is considered unacceptable and is not supported.</p>
<p><i>(d) Deep Soil Zones</i> <i>In relation to that part of the site area that is not built on, paved or otherwise sealed:</i> <i>(i) there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15% of the site area (the deep soil zone), and</i> <i>(ii) each area forming part of the deep soil zone has a minimum dimension of 3m, and</i> <i>(iii) if practicable, at least two-thirds of the deep soil zone is located at the rear of the site area,</i></p>	<p>Variation Based on a site area of 1007m², a minimum deep soil zone of 151.05m² is required.</p> <p>The proposed development provides 137.23m² or 13.62% of deep soil zones, with minimum dimensions of 3m.</p>

	<p>While the deep soil area provided results in a minor numerical variation, it is noted that the majority of the deep soil area included in the rear yard is occupied by an on-site detention system. The capacity of this area to “support the growth of trees and shrubs” and perform as an OSD is considered to be problematic. As such the shortfall in deep soil area will form a reason for refusal.</p>
<p>(e) solar access: if living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,</p>	<p>Complies</p> <p>15 units or 88% of the units receive the minimum required solar access provision.</p>
<p><i>(2) General</i> A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:</p>	
<p><i>(a) parking</i></p> <p><i>(ii) in any other case—at least 0.5 parking spaces are provided for each dwelling containing 1 bedroom, at least 1 parking space is provided for each dwelling containing 2 bedrooms and at least 1.5 parking spaces are provided for each dwelling containing 3 or more bedrooms,</i></p> <p><i>The ARH SEPP is silent in relation to the provision of visitor parking for the proposal. On this basis the requirements of the Liverpool DCP are considered to apply. In this regard the provision of 1 visitor car parking space for every 4 units. In this regard, 4.25 spaces are required.</i></p>	<p>Variation</p> <p>The proposed development requires the following parking:</p> <ul style="list-style-type: none"> - 3 x 1 bedroom requires 1.5 spaces; and - 7 x 2 bedroom requires 7 spaces. - 7 x 3 bedroom requires 10.5 spaces. <p>Total of 19 spaces required under the ARH SEPP plus 4.25 visitor spaces under the Liverpool DCP for a total of 23.25 spaces.</p> <p>24 spaces are provided in compliance with these numerical requirements.</p> <p>Note: The variation to parking occurs as access to and manoeuvrability within the basement car parking is not satisfactory. This will be discussed later in this report. This assessment will note that access and manoeuvrability is not in accordance with the required Australian Standard. As appropriate access is not provided to the car parking spaces, the functionality of these spaces is inappropriate.</p>
<p><i>(b) dwelling size</i> <i>if each dwelling has a gross floor area of at least:</i></p>	<p>Variation</p>

<p>(i) 35m² in the case of a bedsitter or studio, or (ii) 50m² in the case of a dwelling having 1 bedroom, or (iii) 70m² in the case of a dwelling having 2 bedrooms, or (iv) 95m² in the case of a dwelling having 3 or more bedrooms.</p>	<p>Apartment 6 and 4 are 3 bedroom units that have an area of 84.4m². This provides unacceptable amenity for these units and is not supported.</p>
<p>(3) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2)</p>	<p>Council is not utilising this clause. The variations proposed under the ARH SEPP are not supported.</p>
<p>Clause 16 Continued Application of SEPP 65</p>	
<p>Nothing in this Policy affects the application of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development to any development to which this Division applies.</p>	<p>An assessment of SEPP 65 is provided elsewhere within this report (see below).</p>
<p>Clause 16A Character of Local Area</p>	
<p>A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.</p>	<p>Variation</p> <p>The current character of the area is generally comprised of single and double storey detached dwellings which was influenced primarily by the architectural of mid to late twentieth century brick and tile bungalows with hipped roofs, together with front and rear gardens. Some two and three brick walk-up apartment buildings are evident in the vicinity.</p> <p>The immediate locality is zoned R4 – High Density Residential development. The area is currently in transition from low density residential to high density residential, and the site is located on a main road corridor.</p> <p>The proposed development does not strictly conform to the current character of the area, given that this is the first of its type within the immediate locality, it nevertheless partly conforms to the future desired character of the area in terms of the proposed height and FSR. However the proposal does not satisfactorily address the primary and secondary street frontages in terms of setbacks and landscaping provision. The proposal does not satisfactorily address the public domain in the form of Brickmakers Creek at the rear. As a corner site and the first development of its type within the immediate vicinity, it is of major importance that the proposal provide for a streetscape from all public areas, in this case the southern, eastern and western boundaries.</p> <p>On this basis the proposal does not respond appropriately to the character of the area and will be recommended for refusal.</p>
<p>Clause 17 Must Be Used for Affordable Housing for 10 Years</p>	
<p>(1) A consent authority must not consent to development to which this Division applies unless conditions are imposed by the consent authority to the effect that:</p>	
<p>(a) for 10 years from the date of the issue of the occupation certificate:</p>	<p>Insufficient information</p>

<p>(i) the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and</p> <p>(ii) all accommodation that is used for affordable housing will be managed by a registered community housing provider, and</p> <p>(b) a restriction will be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, that will ensure that the requirements of paragraph (a) are met.</p>	<p>No details have been provided in relation to which registered community housing provider will be used.</p>
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(b) State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development; and the Apartment Design Guide

The proposal has been evaluated against the provisions of SEPP 65 which aims to improve the design quality of residential apartment development. SEPP 65 does not contain numerical standards, but requires Council to consider the development against 9 key design quality principles and against the guidelines of the associated ADG. The ADG provides additional detail and guidance for applying the design quality principles outlined in SEPP 65.

The proposal was referred to the Design Excellence Panel (DEP) who have provided comments in this regard undersection 3.1 of this report (above).

Council’s City Design and Public Domain Manager has also provided an assessment of the proposal under SEPP 65. Following is a table summarising the nine design quality principles outlined in SEPP 65, and an assessment undertaken by both Council’s City Design and Public Domain Manager (Design) and Councils Senior Development Assessment Planner (Planning).

Design Quality Principle	Comment
Design Principle 1 – Context and Neighbourhood Character	
<p><i>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</i></p> <p><i>Responding to context involves identifying the desirable elements of an area’s existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</i></p>	<p>Context</p> <p>Design: The proposed development is on the fringe of the Liverpool city centre, adjacent Brickmakers Creek and near the intersection of Carboni Street and Moore Street. The proposed design does not reference its context and does not take advantage of its proximity to Brickmakers Creek. Other opportunities and constraints have not been documented in the drawing package to fully understand the design response in relation to its context.</p> <p>Planning: The proposal is located on a prominent corner. Moore Street provides access from the surrounding suburbs to the north-west in to the Liverpool CBD. In this regard this corner position must provide appropriate setbacks and landscaping with good canopy tree provision to both frontages while still providing for built form that strongly addresses the corner. The design fails to provide appropriate setbacks and landscaping in this regard.</p>

Design Quality Principle	Comment
<p><i>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</i></p>	<p>Additionally the proposal does not appropriately respond to the existing residential neighbour to the north of the proposal. As the only residential neighbour to the subject site and a neighbour that is single storey, it is expected that the proposal would satisfy the minimum required setbacks under the ADG from this boundary.</p>
Design Principle 2 – Built form and scale	
<p><i>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</i></p> <p><i>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</i></p> <p><i>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</i></p>	<p>Built form and scale</p> <p>Design: The proposed development does not meet planning requirements for setback as noted in the Development Control Plan (DCP). This includes the front, side and creek frontages (public reserve). DCP requirements must be met by the proposed development. Additionally the configuration of the building does not meet the NSW Apartment Design Guide (ADG) for building separation. The minimum requirements for building separation in the ADG must be met in the development application.</p> <p>Planning: The proposal does not provide sufficient and appropriate setbacks to any boundary and on this basis is considered to be an overdevelopment of the site.</p>
Design Principle 3 – Density	
<p><i>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</i></p> <p><i>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</i></p>	<p>Design: The proposal is for a significant level of density on a small site. The level of development risks impacting amenity of the site for communal areas and for adjacent uses.</p> <p>Planning: The proposal represents an overdevelopment for the site. While the proposal satisfies the maximum permitted FSR for the site, the site is significantly constrained by two street frontages and a rear boundary adjoining Brickmakers creek. These constraints when combined with the relatively shallow depth of the site reduce the available building footprint and result in a design that represents excessive density.</p>
Design Principle 4 – Sustainability	
<p><i>Good design combines positive environmental, social and economic outcomes.</i></p> <p><i>Good sustainable design</i></p>	<p>Sustainability</p> <p>Design: Retaining existing trees, integrating passive irrigation, proposing photovoltaic cells and stormwater or greywater re-use are examples of building sustainability</p>

Design Quality Principle	Comment
<p><i>includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation</i></p>	<p>initiatives that have not been demonstrated in this proposal. Improved sustainability should be included in site design responses.</p> <p>Planning: An insufficient design response has been provided in relation to sustainability. As the majority of kitchen and some bathroom areas will require mechanical ventilation, the provision of solar panels to offset the additional energy demands of this ventilation as a minimum should be provided. The provision of rainwater reuse and irrigation on site should be included as part of the landscape plan.</p>
<p>Design Principle 5 – Landscape</p>	
<p><i>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</i></p> <p><i>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</i></p> <p><i>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.</i></p>	<p>Landscape</p> <p>Design: The species selection on the proposed landscape drawings will minimise water usage. The species selection is support by City Design and Public Domain, however the following requires improvements:</p> <ul style="list-style-type: none"> • Existing trees are proposed to be removed which is not a good outcome. The existing trees should be retained and the site design including landscape should be focused on these site assets. • The landscape design extent (m2) does not meet planning requirements (under the DCP). • Brickmakers Creek should be developed as an opportunity and a landscape asset. • Streetscape designs including pedestrian footpath and proposed street tree plantings are not shown on the Landscape Plans. <p>Planning: The shortfall in landscaped area and the provision of deep soil areas with narrow widths ultimately result in the provision of soil volumes that do not allow for the planting of canopy providing trees of a scale that is commensurate with the building proposed. This is a poor outcome, especially for western facing units that would be advantaged by canopy tree provision that provided some summer shade.</p>
<p>Design Principle 6 – Amenity</p>	
<p><i>Good design positively influences internal and external amenity for residents</i></p>	<p>Amenity</p> <p>Design: Building layouts should be improved to maximize</p>

Design Quality Principle	Comment
<p><i>and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing.</i></p> <p><i>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</i></p>	<p>apartment amenity including solar access.</p> <p>Planning: Poor private open space on the ground floor and a relatively isolated landscaped area dominated by an on-site detention basin at the rear result in poor external amenity for the proposal.</p>
Design Principle 7 – Safety	
<p><i>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</i></p> <p><i>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.</i></p>	<p>Safety</p> <p>Design: Improvements to the landscape and building design will increase casual surveillance from the proposed development, therefore improving safety.</p> <p>Planning: The rear boundary to Brickmakers Creek has not been activated and this represents an opportunity for crime. This is a poor outcome for a frontage that would benefit from units facing the creek.</p>
Design Principle 8 – Housing Diversity and Social Interaction	
<p><i>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</i></p> <p><i>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</i></p> <p><i>Good design involves practical</i></p>	<p>Housing Diversity and Social Interaction</p> <p>Design: No comment</p> <p>Planning: The unit mix and provision of affordable rental housing is appropriate. However the communal open space provision is unsatisfactory. The central courtyard is overshadowed and the rear courtyard is isolated, meaning that these areas are not attractive for communal use.</p>

Design Quality Principle	Comment
<i>and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</i>	
Design Principle 9 – Aesthetics	
<p><i>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</i></p> <p><i>The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</i></p>	<p>Aesthetics</p> <p>Design: The aesthetics of the building could be improved with a reduction of applied surfaces and instead using materials in their raw state.</p> <p>Planning: As a development including 35% affordable housing, the ongoing maintenance costs should be considered when finishes are selected. Polished or stained concrete, face brick, hardwood and matte metal/aluminium finishes should be considered, with renders, softwood and untreated timbers to be avoided.</p>

From the assessment provided above and in section 3.1 of this report, the proposal does not respond appropriately to SEPP 65. The variations proposed in relation to SEPP 65 will form reasons for refusal.

Further to the above design quality principles, Clause 30(2) of SEPP 65 also requires residential apartment development to be designed in accordance with the ADG. The following table provides an assessment of the development against the relevant provisions of the ADG.

Provisions	Comment
PART 1 IDENTIFYING THE CONTEXT	
1A Apartment Building Types	
A range of apartment building designs are presented and a variety of concepts are provided with desired building types for specific development outcomes depending on orientation, location and local context.	<p>Variation</p> <p>The proposed development is generally representative of a Hybrid development. The setbacks, landscaping and courtyards provided in combination with this design are unsatisfactory in relation to location.</p>
1B Local Character and Context	
Context is to be provided in relationship with the existing and desired future character and whether the proposal relates to a strategic or local centre, or is designed within the context of an urban or suburban neighbourhood.	<p>Variation</p> <p>The proposal fails to provide for suitable setbacks and landscaping provision to the dual street frontages and provides inappropriate activation of the Brickmakers Creek rear</p>

	boundary.
1C Precincts and individual sites	
Individual sites especially if amalgamated should be considered in terms of desired future character of the neighbourhood and street scales, and should not restrict adjoining sites by way of causing isolation. If the site is subject to a precinct plan it must consider all relevant elements of the strategic outcome expectations.	<p>Variation</p> <p>The site is not subject to a precinct plan, however the setbacks provided to the northern neighbour will result in the development potential of this neighbouring site being reduced.</p> <p>The identified constraints of the site would be further reduced were the subject site to be amalgamated with the northern neighbour.</p>
PART 2 DEVELOPING THE CONTROLS	
2A Primary Controls	
Sets out the objectives of the provisions and in the developing of the controls in assessing apartment buildings.	<p>Variations Proposed</p> <p>The proposed results in variations to the ADG which are not supported. An assessment in this regard is provided below.</p>
2B Building Envelopes	
<p>Sets out the appropriate scale of future development in terms of bulk and height relative to streetscape, public and private open space, and block and lot size.</p> <p>They help to define the three dimensional form of buildings and inform decisions about density, open space and future mass and scale of new development.</p>	<p>Variations Proposed</p> <p>The building sits outside the building envelope on multiple levels of the building as a result of the proposed variations to setbacks on all sides.</p>
2C Building Height	
Helps shape the desired future character and defines the relationship between buildings and public and private spaces in terms of physical and visual amenity. It informs the maximum number of storeys especially for residential development.	<p>Complies</p> <p>The design of the building satisfies the maximum permitted 18m height with a maximum height of 16.62m proposed.</p>
2D Floor Space Ratio	
Helps ensure that optimum capacity and desired density for the site and local area is achieved. It also provides opportunities for building articulation within a building envelope.	<p>Complies</p> <p>The FSR complies with the requirements for the proposed development.</p>
2E Building Depth	
Sets out the appropriate building depth and how it relates to the maximum apartment depths, helping to ensure that natural ventilation and access to sunlight.	<p>Complies</p> <p>The proposal responds to the general principals of building depth design in ensuring the minimum requirements for solar access</p>

	and natural ventilation for the development are met.
2F Building Separation	
Sets out minimum setbacks between buildings relative to height, communal open space, visual privacy and acoustic privacy controls.	Variation Proposed An appropriate building separation from the northern adjacent neighbour is not achieved. This variation to setback will limit the future development potential of this adjoining site.
2G Street setbacks	
Sets out the objectives of the front setback in ensuring a coherent threshold between the public and private realms and to promote appropriate entries points and establishing landscaped areas and a passive surveillance and outlook to the street.	Variation Proposed The building has not been setback in accordance with relevant controls, and appropriate canopy tree planting has not been proposed to what is a prominent corner position. The setback variation is not supported.
2H Side and rear setbacks	
Sets out setbacks to boundaries relative to the height of buildings in helping to achieve amenity for development and buildings on adjacent sites, and also providing for open space areas and separation between buildings.	Variations Proposed The variation to the side boundary setback will limit the development of the northern residential neighbour. The variation to the rear setback results in a poor outcome in relation to deep soil provision within the rear boundary setback. This negates the capacity for a transitioning of landscaping from the site to the Brickmakers Creek rear boundary through the use of courtyards and appropriate landscaping.
PART 3 SITING THE DEVELOPMENT	
3A Site Analysis	
Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context	Variation proposed The proposed development has not responded appropriately to context. While the site is constrained, no evidence has been provided that these constraints were sought to be reduced by approaching the adjoining northern to form part of the development. The site constraints also form opportunities in relation to the prominent corner location and the Brickmakers creek rear boundary, neither of which have been responded to in design terms to provide a positive outcome for future residents.
3B Orientation	
3B-1. Building types and layouts respond	Variation proposed

to the streetscape and site while optimising solar access within the development	As demonstrated above, the proposal does not provide suitable setbacks from any boundary resulting in a poor outcome for streetscape.
3B-2. Overshadowing of neighbouring properties is minimised during mid-winter	The proposal complies with solar access requirements bearing in mind that the only immediately adjoining residential neighbour is to the north of the proposal.
3C Public Domain Interface	
3C-1 Transition between private and public domain is achieved without compromising safety and security	Variation proposed An appropriate landscaped transition between the proposed built form and the adjoining public domain represented by Brickmakers Creek to the rear, is not achieved. The amenity of the public domain is not enhanced and as the first of this type of development adjoining Brickmakers Creek, this is a poor outcome for both future resident and public amenity.
3C-2 Amenity of the public domain is retained and enhanced	
3D Communal and public open space	
3D-1. An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping 1. Communal open space has a minimum area equal to 25% of the site 2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)	Variation Proposed 144.79m ² or 14.37% of the site is set aside for communal open space. Of this communal open space provision, the rear courtyard is almost entirely overtaken by an aboveground OSD and the central courtyard is overshadowed for the majority of the day. Elements of the central communal courtyard are also overlooked by bedroom 2 of Unit 2. The usability and attractiveness of these courtyards is significantly reduced as a result of the design and the small size and poor location of these courtyards will discourage their use. The communal areas provided as part of the proposal are poor.
3D-2. Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting	
3D-3. Communal open space is designed to maximise safety	
3D-4. Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood	
3E Deep soil zones	
Site Area 650m ² -1500m ² Min. Dimensions 3m Deep soil zone (% of site area) - 7%	Complies The proposal provides 137.23m ² (13.62%) deep soil landscaping for the site.
3F Visual Privacy	

<p>Requirement:</p> <table border="1"> <thead> <tr> <th>Building Height</th> <th>Habitable Rooms and Balconies</th> <th>Non Habitable Rooms</th> </tr> </thead> <tbody> <tr> <td>Up to 12m (4 Storeys)</td> <td>6m</td> <td>3m</td> </tr> <tr> <td>Up to 25m (5-8 Storeys)</td> <td>9m</td> <td>4.5m</td> </tr> </tbody> </table>	Building Height	Habitable Rooms and Balconies	Non Habitable Rooms	Up to 12m (4 Storeys)	6m	3m	Up to 25m (5-8 Storeys)	9m	4.5m	<p>Variations Proposed – See discussion below ADG table</p> <table border="1"> <thead> <tr> <th>Proposed: Building Height</th> <th>Habitable Rooms and Balconies</th> <th>Non Habitable Rooms</th> </tr> </thead> <tbody> <tr> <td>Ground Floor</td> <td>2.8m</td> <td>N/A</td> </tr> <tr> <td>Level 1</td> <td>4.69m</td> <td>N/A</td> </tr> <tr> <td>Level 2</td> <td>5.32m</td> <td>N/A</td> </tr> <tr> <td>Level 3</td> <td>5.32m</td> <td>N/A</td> </tr> <tr> <td>Level 4</td> <td>5.33m</td> <td>N/A</td> </tr> </tbody> </table>	Proposed: Building Height	Habitable Rooms and Balconies	Non Habitable Rooms	Ground Floor	2.8m	N/A	Level 1	4.69m	N/A	Level 2	5.32m	N/A	Level 3	5.32m	N/A	Level 4	5.33m	N/A
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3G Pedestrian access and entries																												
<p>3G-1. Building entries and pedestrian access connects to and addresses the public domain</p>	<p>Complies Building access areas, entries and pathways are clearly visible from the public domain. The entrance to the residential foyers is easily identifiable and distinguishable.</p> <p>Entries and pathways from the front of the building and to the communal open areas are accessible.</p> <p>Variation Access to the rear outdoor courtyard does not provide for disabled access.</p>																											
<p>3G-2. Access, entries and pathways are accessible and easy to identify</p>																												
<p>3G-3. Large sites provide pedestrian links for access to streets and connection to destinations</p>																												
3H Vehicle Access																												
<p>Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes</p>	<p>Variation The basement access driveway is of insufficient width.</p>																											
3J Bicycle and Car Parking																												
<p>3J-1. Minimum car parking requirement for residents and visitors to comply with Guide to Traffic Generating Developments, or the car Parking requirement prescribed by the relevant council, whichever is less.</p>	<p>Variation Car parking has been provided as per the requirements of SEPP Affordable Housing however the access to the car-parking area does not provide for appropriate manoeuvrability under the AS/NZ standard.</p>																											
<p>3J-2. Parking and facilities are provided for other modes of transport</p>																												
<p>3J-3. Car park design and access is safe and secure</p>																												
<p>3J-4. Visual and environmental impacts of underground car parking are</p>																												

minimised	
3J-5. Visual and environmental impacts of on-grade car parking are minimised	
3.J-6 Visual and environmental impacts of above ground enclosed car parking are minimised	
PART 4 DESIGNING THE BUILDING	
4A Solar and Daylight Access	
1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter.	Complies A total of 70.59% (12 of 17) apartments achieve a minimum of two hour solar access.
2. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.	Variation A maximum of 17.64% (3 of 17) apartments receive no solar access on June 21 between 9am and 3pm.
4A-2 Daylight access is maximised where sunlight is limited	Complies The site provides appropriate solar access to apartments given the orientation of the site.
Objective 4A-3 Design incorporates shading and glare control, particularly for warmer months	Appropriate sun shading to the western elevation is provided.
4B Natural Ventilation	
4B-1 All habitable rooms are naturally ventilated to create healthy indoor living environments.	Complies All units provide for satisfactory cross-ventilation.
1. At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.	No cross-through apartments exceed a depth of 18m, when measured glass line to glass line.
2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	
4B-2 The layout and design of single aspect apartments maximises natural ventilation	
4B-3 The number of apartments with natural cross ventilation is maximised	
4C Ceiling Heights	
4C-1 Ceiling height achieves sufficient	Complies

<p>natural ventilation and daylight access. Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <p>Minimum ceiling height for apartment and mixed use buildings</p> <p>Habitable Rooms 2.7m Non-Habitable 2.4m If located in mixed use areas 3.3m for ground and first floor</p>	<p>All floors achieve a minimum floor-to-ceiling height of 2.7m.</p>
<p>4C-2 Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms.</p>	<p>All residential apartments have a minimum ceiling height of 2.7m in habitable rooms and apartment layouts have been designed to provide satisfactory room sizes.</p>
<p>4C-3 Ceiling heights contribute to the flexibility of building use over the life of the building</p>	<p>The floor to ceiling heights at ground floor and above is consistent with the residential use. Given the number of residential apartments on each level.</p>
<p>4D Apartment Size and Layout</p>	
<p>4D-1 The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity</p> <p>1. Apartments are required to have the following minimum internal areas:</p> <ul style="list-style-type: none"> • Studio 35m² • 1 bedroom 50m² • 2 bedroom 70m² • 3 bedroom 90m² <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.</p> <p>2. Every habitable room must have a window in an external wall with a total</p>	<p>Variation</p> <p>1 bedroom units -</p> <p>Unit 3 = 48.04m² Unit 7 & 11 = 44.65m²</p> <p>2 bedroom units -</p> <p>Unit 1 = 64.15m² Unit 4 = 77.67m² Unit 5 & 9 = 64.02m² Unit 8 & 12 = 77.73m² Unit 13 = 72.16m²</p> <p>3 bedroom units -</p> <p>Unit 2 = 84.18m² Unit 6 & 10 = 84.18m² Unit 14 = 94.53m² Unit 15 = 122.83m² Unit 16 = 110.43m² Unit 17 = 109.22m²</p> <p>Units 1, 2, 3, 5, 6, 9, 10, 7, and 11 do not satisfy the minimum required unit area for the number of bedrooms proposed.</p> <p>All habitable rooms have a window to an external wall with a total minimum glass area</p>

<p>minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms</p>	<p>greater than 10% of the floor area of the room.</p>						
<p>4D-2 Environmental performance of the apartment is maximised.</p> <p>1. Habitable room depths are limited to a maximum of 3 x the ceiling height up to a maximum of 8m for single aspect apartments with open plan living areas. Based on ceiling heights of 2.7m, habitable room depths are required to be limited to 8m.</p> <p>2. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window</p>	<p>Variation</p> <p>1. Habitable room depths for units 8 and 12 exceed the maximum permitted 8m depth for single aspect habitable rooms.</p> <p>2. Unit 8 and 12 have a habitable room depth more than 8m from a window.</p>						
<p>4D-3 Apartment layouts are designed to accommodate a variety of household activities and needs</p> <p>1. Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space)</p> <p>2. Bedrooms have a minimum dimension of 3m (excluding wardrobe space)</p> <p>3. Living rooms or combined living/dining rooms have a minimum width of:</p> <ul style="list-style-type: none"> • 3.6m for studio and 1 bedroom apartments • 4m for 2 and 3 bedroom apartments <p>4. The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts</p>	<p>Complies</p> <p>All master bedrooms and other bedrooms achieve the required areas.</p> <p>All bedrooms achieve the minimum dimension.</p> <p>All apartments achieve the minimum dimension requirements to living/dining rooms.</p> <p>No cross over or cross-through apartments are proposed.</p>						
4E Private Open Space and Balconies							
<p>4E-1 Apartments provide appropriately sized private open space and balconies to enhance residential amenity</p> <p>1. All apartments are required to have primary balconies as follows:</p> <table border="1" data-bbox="177 1917 746 2074"> <thead> <tr> <th>Dwelling type</th> <th>Minimum Area</th> <th>Min. Depth</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>4m²</td> <td></td> </tr> </tbody> </table>	Dwelling type	Minimum Area	Min. Depth	Studio	4m ²		<p>Variation</p> <p>The development does not provide sufficient balcony size and depths. The following apartments do not provide primary balconies to living areas with either sufficient depths or areas;</p> <p>Unit 1 (area and depth), Unit 2 (depth), Unit 4 (depth), Unit 7 & 11 (depth), Unit 8 & 12</p>
Dwelling type	Minimum Area	Min. Depth					
Studio	4m ²						

<p>1 bedroom 8m2 2m 2 bedroom 10m2 2m 3+ bedroom 12m2 2.4m</p> <p>2. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m.</p>	<p>(depth), Unit 15 (area and depth), Unit 16 (area and depth) and Unit 17 (area and depth).</p> <p>2. None of the ground floor units provide for an area of private open space that satisfies both the 15m² area and 3m minimum width requirement.</p>										
<p>4E-2 Primary private open space and balconies are appropriately located to enhance liveability for residents</p>	<p>Variation</p> <p>Private open space directly accessible from the living area of each dwelling is generally poorly dimensioned and of insufficient area for the size of dwelling proposed.</p> <p>The balconies are on the northern side of the dwelling impinge on the privacy of the adjacent northern neighbour.</p>										
<p>4E-3 Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building</p>											
<p>4E-4 Private open space and balcony design maximises safety</p>											
<p>4F Common circulation and spaces</p>											
<p>4F-1 Common circulation spaces achieve good amenity and properly service the number of apartments.</p> <p>1. The maximum number of apartments off a circulation core on a single level is eight.</p> <p>2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40</p>	<p>Complies</p> <p>The amenity to the common entry foyer is satisfactory.</p> <p>No more than 4 units are proposed on any level.</p> <p>The building is <10 stories.</p>										
<p>4F-2 Common circulation spaces promote safety and provide for social interaction between residents</p>	<p>The proposal incorporates a common foyer common which provides opportunities for residents to interact.</p>										
<p>4G Storage</p>											
<p>4G-1 Adequate, well designed storage is provided in each apartment. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p> <table border="1" data-bbox="188 1839 735 2018"> <thead> <tr> <th>Dwelling Type</th> <th>Storage volume</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>4m³</td> </tr> <tr> <td>1 bedroom</td> <td>6m³</td> </tr> <tr> <td>2 bedroom</td> <td>8m³</td> </tr> <tr> <td>3+ bedroom</td> <td>10m³</td> </tr> </tbody> </table>	Dwelling Type	Storage volume	Studio	4m ³	1 bedroom	6m ³	2 bedroom	8m ³	3+ bedroom	10m ³	<p>Complies</p> <p>The proposal provides for storage within both the apartment and the basement. These areas generally comply with the minimum volume specified in the ADG.</p>
Dwelling Type	Storage volume										
Studio	4m ³										
1 bedroom	6m ³										
2 bedroom	8m ³										
3+ bedroom	10m ³										

At least 50% of the required storage is to be located within the apartment	
4G-2 Additional storage is conveniently located, accessible and nominated for individual apartments	Variation A more thought out design would specify the provision of a pantry for each kitchen as part of the required storage.
4H Acoustic Privacy	
4H-1 Noise transfer is minimised through the siting of buildings and building layout	Variation The location of living areas and associated balconies within the northern side setback has the potential to impact on the acoustic amenity of the adjoining northern neighbours.
4H-2 Noise impacts are mitigated within apartments through layout and acoustic treatments	Many apartments have living areas immediately adjoining the bedrooms of adjacent neighbours. This arrangement is not ideal for acoustic amenity.
4J Noise Pollution	
4J-1 In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings	Complies An acoustic report has been provided to provide for noise controls to be implemented to ensure that the apartments are not impacted by traffic noise intrusion from the adjacent Moore Street.
4J-2 Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission	
4K Apartment Mix	
4K-1 A range of apartment types and sizes is provided to cater for different household types now and into the future.	Satisfactory The development proposes the following unit mix: <ul style="list-style-type: none"> • One bedroom: 17.64% (3) • Two bedroom: 41.17% (7) • Three bedroom: 41.17% (7).
4K-2 The apartment mix is distributed to suitable locations within the building	
4L Ground Floor Apartments	
4L-1 Street frontage activity is maximised where ground floor apartments are located	Variation The ground floor apartments fail to maximise activity to the Moore Street frontage.
4L-2 Design of ground floor apartments delivers amenity and safety for residents	
4M Facades	
4M-1 Building facades provide visual interest along the street while respecting the character of the local area	Complies Building façades are satisfactorily articulated.

4M-2 Building functions are expressed by the facade	Ground floor building entries and uses are clearly defined within the façade design.
4N Roof Design	
4N-1 Roof treatments are integrated into the building design and positively respond to the street	<p>Complies</p> <p>A flat roof treatment is proposed, which is a satisfactory design response to an area transitioning to high density residential development.</p> <p>Rooftop communal open space is not proposed as this would likely result in additional amenity impacts for the adjacent northern neighbour.</p> <p>The proposal complies with requirements of BASIX and will include the required thermal insulation techniques.</p>
4N-2 Opportunities to use roof space for residential accommodation and open space are maximised.	
4N-3 Roof design incorporates sustainability features	
4O Landscape Design	
4O-1 Landscape design is viable and sustainable	<p>Variation</p> <p>The landscape does not provide for sufficient planting to the Moore Street frontage or the Brickmakers Creek frontage and insufficient deep soil area is provided to this frontage for the provision of appropriate canopy providing trees.</p>
4P Planting on Structures	
4P-1 Appropriate soil profiles are provided	<p>Complies</p> <p>The planting proposed in planter boxes is appropriate.</p>
4P-2 Plant growth is optimised with appropriate selection and maintenance	
4P-3 Planting on structures contributes to the quality and amenity of communal and public open spaces	
4R Adaptive Reuse	
4R-1 New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place	<p>Not Applicable</p> <p>The development does not propose new additions or adaptations to an existing building.</p>
4R-2 Adapted buildings provide residential amenity while not precluding future adaptive reuse	
4S Mixed Use	
4S-1 Mixed use developments are provided in appropriate locations and	Not Applicable

provide active street frontages that encourage pedestrian movement	
4S-2 Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents	
4Q Universal Design	
4Q-1 Universal design features are included in apartment design to promote flexible housing for all community members	Complies Unit 4 & 8 are identified as adaptable units which equate to 11.76% of the proposal.
4Q-2 A variety of apartments with adaptable designs are provided	
4Q-3 Apartment layouts are flexible and accommodate a range of lifestyle needs	
4U Energy Efficiency	
4U-1 Development incorporates passive environmental design	Complies The BASIX Certificate provided with the application identifies that the proposed development achieves the required levels of thermal comfort for a development of this scale. The proposed development satisfies the natural ventilation design criteria requirements.
4U-2 Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer	
4U-3 Adequate natural ventilation minimises the need for mechanical ventilation	
4V Water Management and Conservation	
4V-1 Potable water use is minimised	Complies Potable water use will be minimised where possible. The BASIX Certificate identifies that the proposed development achieves compliance with water efficiency requirements. Stormwater will be treated on site, prior to being discharged into Council's stormwater system. The site is flood affected and the proposed hydraulic designs are appropriate as assessed by Council's engineers.
4V-2 Urban stormwater is treated on site before being discharged to receiving waters	
4V-3 Flood management systems are integrated into site design	
4W Waste Management	
4W-1 Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.	Variation The waste storage area is of insufficient area and dimensions to store the required bins. The location of the waste storage area within the Carboni Street setback results in a poor outcome for streetscape.
4W-2 Domestic waste is minimised by providing safe and convenient source separation and recycling	
4X Building Maintenance	
4X-1 Building design detail provides protection from weathering	Variation

	The proposal seeks the use of applied textured finishes, which are generally only suitable for painting rendered surfaces. Renders are not considered to be an appropriate finish, as this treatment will not necessarily provide for appropriate long-term building protection and may result in long-term maintenance issues.
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The variations identified above are not supported and non-compliance with the Apartment Design Guide will form a reason for refusal.

(c) State Environmental Planning Policy No. 55 – Remediation of Land

Pursuant to Clause 7 of SEPP 55, a consent authority is unable to grant development consent unless it has considered whether the land is contaminated and, if so, whether the consent authority is satisfied that the land is suitable in its contaminated state, or can be remediated to be made suitable for the purposes for which the development is proposed to be carried out.

A preliminary contamination report has not been provided in relation to the proposal. On this basis, insufficient information is available to provide an assessment under SEPP 55.

(d) State Environmental Planning Policy (BASIX) 2004

The proposal is accompanied by a BASIX Certificate which is consistent with the aims and intent of the Plan. It is recommended that appropriate conditions are imposed to ensure compliance with the BASIX commitments.

(e) Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (now deemed SEPP).

The Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment generally aims to maintain and improve the water quality and river flows of the Georges River and its tributaries.

When a consent authority determines a development application planning principles are to be applied (Clause 7(b)). Accordingly, a table summarising the matters for consideration in determining development application (Clause 8 and Clause 9), and compliance with such is provided below.

Clause 8 General Principles	Comment
When this Part applies the following must be taken into account:	Planning principles are to be applied when a consent authority determines a development application.
(a) the aims, objectives and planning principles of this plan,	The plan aims generally to maintain and improve the water quality and river flows of the Georges River and its tributaries.
(b) the likely effect of the proposed plan, development or activity on adjacent or downstream local government areas,	The proposal provides soil and erosion control measures.

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(c) the cumulative impact of the proposed development or activity on the Georges River or its tributaries,	The proposal provides a stormwater management system that will connect to the existing system. The Stormwater concept plan also outlines proposed sediment and erosion control measures.
d) any relevant plans of management including any River and Water Management Plans approved by the Minister for Environment and the Minister for Land and Water Conservation and best practice guidelines approved by the Department of Urban Affairs and Planning (all of which are available from the respective offices of those Departments),	The site is located within an area covered by the Liverpool District Stormwater Management Plan, as outlined within Liverpool City Council Water Strategy 2004.
(e) the <i>Georges River Catchment Regional Planning Strategy</i> (prepared by, and available from the offices of, the Department of Urban Affairs and Planning),	The proposal includes a Stormwater Concept plan. There is no evidence that with imposition of mitigation measures, the proposed development would affect the diversity of the catchment.
(f) whether there are any feasible alternatives to the development or other proposal concerned.	The site is located in an area nominated for residential development and the proposal provides an opportunity to address past potentially contaminating land use practices.

Clause 9 Specific Principles	Comment
(1) Acid sulfate soils	The site is not identified as containing the potential for acid sulphate soils to occur.
(2) Bank disturbance	No disturbance of the bank or foreshore along the Georges River and its tributaries is proposed.
(3) Flooding	The site is identified as being within the Brickmakers Creek catchment and is located at the left bank of the Brickmakers Creek. The site is flood free for up to the 1% AEP flooding however, it is affected by flooding in extreme event. Council's Flooding Engineer has indicated that the proposal is satisfactory in this regard.
(4) Industrial discharges	Not applicable.
(5) Land degradation	An erosion and sediment control plan aims to manage salinity and minimise erosion and sediment loss.
(6) On-site sewage management	Not applicable.
(7) River-related uses	This clause requires the foreshore areas of the Georges River and its tributaries to be publicly accessible. The proposal does not reduce the current level of public access available to the foreshore.
(8) Sewer overflows	Not applicable.
(9) Urban/stormwater runoff	A Stormwater Concept Plan proposes connection to existing services.
(10) Urban	The site is not identified as being located within the South West

development areas	Growth Centre within the Metropolitan Strategy. The site is not identified as being an Urban Release Area under LLEP 2008.
(11) Vegetated buffer areas	Not applicable to land that has previously been cleared or developed.
(12) Water quality and river flows	A drainage plan proposes stormwater connection to existing services.
(13) Wetlands	Not applicable.

It is considered that the proposal satisfies the provisions of the GMREP No.2 subject to appropriate sedimentation and erosion controls during construction. The development will have minimal impact on the Georges River Catchment.

(f) Liverpool Local Environmental Plan 2008

(i) Permissibility

The proposed development is best described as a *residential flat building*. As per the LLEP 2008, a *residential flat building* is defined as follows:

a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

The proposed development satisfies the definition of a *residential flat building*. The subject site is zoned R4 High Density Residential under the LLEP 2008 and a residential flat building is permissible within the zone, subject to Council consent.

(ii) Aims of the plan

The aims of the LLEP 2008 are as follows:

- (a) to encourage a range of housing, employment, recreation and services to meet the needs of existing and future residents of Liverpool,*
- (b) to foster economic, environmental and social well-being so that Liverpool continues to develop as a sustainable and prosperous place to live, work and visit,*
- (c) to provide community and recreation facilities, maintain suitable amenity and offer a variety of quality lifestyle opportunities to a diverse population,*
- (d) to strengthen the regional position of the Liverpool city centre as the service and employment centre for Sydney's south west region,*
- (e) to concentrate intensive land uses and trip-generating activities in locations most accessible to transport and centres,*
- (f) to promote the efficient and equitable provision of public services, infrastructure and amenities,*
- (g) to conserve, protect and enhance the environmental and cultural heritage of Liverpool,*
- (h) to protect and enhance the natural environment in Liverpool, incorporating ecologically sustainable development,*
- (i) to minimise risk to the community in areas subject to environmental hazards, particularly flooding and bush fires,*
- (j) to promote a high standard of urban design that responds appropriately to the existing or desired future character of areas.*

An assessment of the proposal in relation to these aims would conclude that the proposal does not appropriately satisfy (j). The proposal demonstrably fails to provide for an appropriately high standard of urban design and does not respond to the existing or desired future character of the local area.

(iii) Objectives of the zone

The objectives of the zone are as follows:

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for a high concentration of housing with good access to transport, services and facilities.*
- *To minimise the fragmentation of land that would prevent the achievement of high density residential development.*

The proposal is not in accordance with the objectives of the R4 zone as follows in that it will not provide for good visual access to the adjoining Brickmakers Creek RE1 Zoned Land. The proposal does not provide for a public area with appropriate casual surveillance to this area and the design will discourage public use of the Brickmakers Creek Reserve as a result of its imposing form on the boundary to this reserve.

Variation to Objective

As detailed above, the proposed design does not activate the Brickmakers Creek frontage and as such negates the opportunity for passive surveillance into this RE1 Zoned land to the rear. Additionally the proposal does not provide for a landscaped transition from the proposed built form to the RE1 Zoned land at the rear. Clause 5.3 of the LLEP 2008 has the objective;

“...provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.”

As such, the objectives of the immediately adjoining RE1 Zoned land may be taken into consideration in relation to the proposed development. These objectives are as follows:

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

In relation to the above, it is considered that the proposal is forgoing an opportunity to enhance the natural environment and recreation setting in that it is neither providing an appropriate landscaped transition into the reserve nor does the design allow for casual surveillance from private courtyards/units towards the RE1 land. The proposal does not result in a mutually beneficial outcome for future residents of the proposal and users of the

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Brickmakers Creek Reserve.

(iv) Principal Development Standards and Provisions

The application has also been considered against the relevant provisions and principal development standards of the LLEP 2008, which are listed in the table below.

It is noted that Clause 8 of the SEPP (Affordable Rental Housing) 2009 prescribes that *if there is an inconsistency between this Policy and any other environmental planning instrument, whether made before or after the commencement of this Policy, this Policy prevails to the extent of the inconsistency.* In this regard, only those provisions of the LLEP 2008 which are not in conflict with the SEPP (Affordable Rental Housing) 2009 have been considered.

Clause	Provision	Comment
Clause 2.7 Demolition	The demolition of a building or work may be carried out only with development consent	Complies Development consent is sought for the demolition of the existing buildings on the development site.
Clause 4.1 Minimum Subdivision Lot Size	Minimum lot size of 1000m ²	N/A Subdivision is not proposed.
Clause 4.3 Height of Buildings	Maximum height of 18m	Compliant A building height of 16.62m is proposed.
Clause 4.4 Floor Space Ratio	Maximum FSR of 1.0:1	Not Applicable Pursuant to the LLEP 2008, the FSR for the site is 1:1. However, the ARH SEPP prescribes a permitted FSR credit of 1.55:1 (1.2:1 + 0.35:1 = 1.55:1) based on 35% of units being affordable. The development proposes a FSR of 1.48:1 in compliance with the ARH SEPP.
Clause 4.6 Exceptions to development standards	Provisions relating to exceptions to development standards	Not applicable
Clause 5.10 Heritage Conservation	To protect existing items/locations identified as containing significant heritage value	Not Applicable Not identified as a heritage listed site and not in the vicinity of a heritage listed item.
Clause 7.7 Acid Sulfate Soils	Provisions for land affected by acid sulfate soils	Not Applicable The site does not contain acid sulfate soils.
Clause 7.8 Flood Planning	Provisions for flood prone land	Complies

		The site is identified as low-risk flood prone area. Council's Flooding Engineers have indicated that the proposal is satisfactory in relation to the flooding issue.
Clause 7.14 Minimum Building Street Frontage	Minimum building street frontage of 24m	Complies The site has a frontage of approximately of 34.875m.
Clause 7.31 Earthworks	Provision relating to bulk earthworks	Not Applicable No earthworks proposed other than those ancillary to the development being excavation for the proposed basement.

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

The following draft Environmental Planning Instruments apply to the site:

- Remediation of Land SEPP – The Remediation of Land SEPP was exhibited from 25/01/2018 to 13/04/2018. The Draft Guidelines published on the major projects website has indicated that “the substance of Clause 7 (of SEPP 55 – Remediation of Land) will be incorporated into the new SEPP. On this basis assessment under clause 7 of SEPP 55 – Remediation of Land is not affected.
- Draft SEPP (Environment) was exhibited from 31/10/2017 to 31/01/2018. The Draft SEPP applies to land within the Georges River Catchment. The Draft SEPP proposes changes that will repeal and replace Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment, which currently applies to the proposal. The proposal is considered to be generally in accordance with the requirements of the Draft SEPP.

6.3 Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The application has been assessed against the controls of the LDCP 2008, particularly Part 1 *General Controls for all Development*; and Part 3.7 *Residential Flat Buildings in the R4 Zone*.

The table below provides an assessment of the proposal against the relevant controls of the LDCP 2008.

LDCP 2008 Part 1: General Controls for All Development

Development Control	Provision	Comment
Section 2. Tree Preservation	Controls relating to the preservation of trees	Variation The site requires the removal of all trees from the site. Council's Natural Environment Landscape Officer has not raised any objections to the tree removal, however Council's City Presentation and Public Domain has raised an objection to the tree removal.
Section 3. Landscaping	Controls relating to landscaping	Variation

Development Control	Provision	Comment
g and Incorporation of Existing Trees	and the incorporation of existing trees.	The provision of suitably dimensioned deep soil areas within front building setbacks to both street frontages is considered to be insufficient for the provision of appropriate canopy planting, especially to the corner and the north western side of the proposal.
Section 4. Bushland and Fauna Habitat Preservation	Controls relating to bushland and fauna habitat preservation	Not Applicable The development site is not identified as containing any native flora and fauna.
Section 5. Bush Fire Risk	Controls relating to development on bushfire prone land	Not Applicable The site is not identified as bushfire prone land.
Section 6. Water Cycle Management	Stormwater runoff shall be connected to Council's drainage system by gravity means. A stormwater drainage concept plan is to be submitted.	Complies This aspect has been reviewed by Council's Land Development Engineers, who have raised no issues subject to conditions.
Section 7. Development Near a Watercourse	If any works are proposed near a water course, the Water Management Act 2000 may apply, and you may be required to seek controlled activity approval from the NSW Office of Water.	Complies The proposal has been referred to the NRAR for comment. NRAR have provided general terms of approval in this regard. This is included later in this report.
Section 8. Erosion and Sediment Control	Erosion and sediment control plan to be submitted.	Complies An appropriate erosion and sedimentation control plan has been provided.
Section 9. Flooding Risk	Provisions relating to development on flood prone land.	Complies Council's Flood Engineers have advised that the design responds appropriately to the level of flood risk.
Section 10. Contaminated Land Risk	Provisions relating to development on contaminated land.	Variation Insufficient information has been provided to demonstrate that the site is suitable for the development.
Section 11.	Provisions relating	Variation

Development Control	Provision	Comment
Salinity Risk	to development on saline land.	The site is identified as containing a high potential for saline soils. A salinity management plan has not been provided in support of the proposal.
Section 12. Acid Sulphate Soils	Provisions relating to development on acid sulphate soils	Not Applicable The development site is not identified as containing the potential for acid sulphate soils to occur.
Section 13. Weeds	Provisions relating to sites containing noxious weeds.	Not Applicable The site is not identified as containing noxious weeds.
Section 14. Demolition of Existing Development	Provisions relating to demolition works	Complies Demolition works may be carried out in accordance with relevant Australian Standards.
Section 15. On Site Sewage Disposal	Provisions relating to OSMS.	Not Applicable OSMS is not proposed.
Section 16. Aboriginal Archaeology	An initial investigation must be carried out to determine if the proposed development or activity occurs on land potentially containing an item of aboriginal archaeology.	Not Applicable The site has previously been developed as a single dwelling house. As such, it is unlikely that it would contain Aboriginal Archaeology.
Section 17. Heritage and Archaeological Sites	Provisions relating to heritage sites.	Not Applicable The site is not identified as a heritage item or within the immediate vicinity of a heritage item.
Section 18. Notification of Applications	Provisions relating to the notification of applications.	Complies The application was notified in accordance with the LDGP 2008. No submissions were received.
Section 19. Used Clothing Bins	Provisions relating to used clothing bins.	Not Applicable The DA does not propose used clothing bins.
Section 20. Car Parking and Access	Residential Development Car Parking Requirements: - 1 space per	Variation While car parking has been provided in accordance with the SEPP (Affordable Rental Housing) 2009, the access and manoeuvrability provided to the basement car park is not in accordance with the relevant Australian Standard.

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Development Control	Provision	Comment
	one bedroom; - 1.5 spaces per two bedroom units; - 2 spaces per three or more bedroom dwelling; - 1 space per 4 units or part thereof, for visitors - One service bay	It is noted that a two way driveway turns and narrows into a basement access door 4.58m wide resulting in a choke point at this entry/exit point. An end aisle is not provided meaning some vehicles require multiple movements to access and exit parking spaces. Council's Traffic Engineer has indicated that the basement design is unsatisfactory and has not provided support in relation to this design.
Section 21. Subdivision of Land and Buildings	Provisions relating to the subdivision of land.	Not applicable Subdivision is not proposed.
Section 22. and Section 23 Water Conservation and Energy Conservation	New dwellings are to demonstrate compliance with State Environmental Planning Policy – Building Sustainability Index (BASIX).	Complies Conditions of consent will be imposed to ensure compliance with the BASIX commitments.
Section 25. Waste Disposal and Re-use Facilities	Provisions relating to waste management during construction and on-going waste.	Variation During Construction: A waste management plan has been submitted satisfactorily. On-going Waste Management: The waste storage area is of insufficient dimensions for the required garbage bin provision. The location of the waste storage area will result in amenity issues for the adjacent ground floor residential apartments.
Section 26 Outdoor Advertising and Signage	Provisions relating to signage.	Not Applicable The DA does not propose any signage.
Section 27. Social Impact Assessment	A social impact comment (SIC) shall be submitted for residential flat	Complies The application was accompanied by a SIC, which has been referred by Council's Community Planning Section,

Development Control	Provision	Comment
t	buildings greater than 20 units or affordable rental housing.	who have provided no comment on the basis that the proposal is being recommended for refusal.

Part 3.7 – Residential Flat Buildings in the R4 Zone

Development Control	Provision	Comment
Frontage and Site Area		
	Minimum frontage of 24m	Complies The site provides for a frontage of 34.875m to Carboni Street.
Site Planning		
	The building should relate to the site's topography with minimal earthworks, except for basement car parking.	Complies Minimal earthworks are proposed except for the basement level.
	Siting of buildings should provide usable and efficient spaces, with consideration given to energy efficiency in the building design	Variation As indicated previously the communal open space is either overshadowed or is not easily accessible and is dominated by OSD resulting in poor amenity and the likelihood these areas not being used or maintained.
	Site layout should provide safe pedestrian, cycle and vehicle access to and from the street.	Variation The hooked run into the basement is a potential blind spot for cyclists accessing the basement.
	Siting of buildings should be sympathetic to surrounding development, taking specific account of the streetscape in terms of scale, bulk, setbacks, materials and visual amenity.	Variation The development results in poor streetscape to the three frontages to the public domain and provides non-compliant setbacks on multiple levels to the one residential neighbour to the north.
	Stormwater from the site must be able to be drained satisfactorily. Where the site falls away from the street, it may be necessary to obtain an easement over adjoining property to drain water satisfactorily to a Council stormwater system. Where stormwater drains directly to the street, there may also be a need to incorporate on-site detention of stormwater where	Complies This aspect has been reviewed by Council's Engineers, who have indicated that the stormwater arrangements are satisfactory.

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Development Control	Provision	Comment
	street drainage is inadequate	
	The development will need to satisfy the requirements of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development.	Variation As demonstrated within this report, the development generally demonstrates compliance with SEPP 65.
Setbacks		
Front Setback	Front setback of 5.5m is required from both the primary and secondary street setbacks. Verandahs, eaves and other sun control devices may encroach on the front and secondary setback by up to 1m.	Variation proposed A front setback of 5m is provided to both the ground floor and basement on the Carboni Street frontage. A front setback provision to Moore Street is provided as follows; 3.07m to ground floor wall 1.35m to ground floor terrace Nil setback to basement The proposed setbacks to both frontages is not appropriate. The design does not allow for the provision of appropriate canopy tree planting and landscaping within these setbacks that respond to both the existing and the future envisaged streetscape for the area.
Side Setback	Boundary to land in R4 zone: 3m building setback required for a building height up to 10m (i.e. ground floor, Level 1, Level 2 and Level 3	Not Applicable The side and rear setbacks of the development have been considered in relation to the ADG associated with SEPP 65 which takes precedence over the LDCP 2008.
	Boundary to land in R4 zone: 8m building setback required for a building height greater than 10m	
Rear Setback	Boundary to land in R4 zone: 8m building setback required for all building heights	
Landscaped Area and Private Open Space		
Landscaped Area	A minimum of 25% of the site area shall be landscaped area.	Not Applicable The landscaping provision for the development has been considered in relation to SEPP ARH which takes precedence over the LDCP 2008. SEPP 65 has a landscaping requirement of 30%.

Development Control	Provision	Comment
	A minimum of 50% of the front setback area shall be landscaped area	Variation No deep soil planting is provided in the Moore Street front setback area.
	Optimise the provision of consolidated landscaped area within a site by: - The design of basement and sub-basement car parking, so as not to fully cover the site. - The use of front and side setbacks. - Optimise the extent of landscaped area beyond the site boundaries by locating them contiguous with the landscaped area of adjacent properties.	Variation The basement area does not provide for appropriate deep soil planting in the Moore Street setback.
	Promote landscape health by supporting for a rich variety of vegetation type and size	Variation It is unlikely that sufficient soil volumes are provided within the Moore street setback and within the landscaped bed adjacent to the Brickmakers Creek boundary to allow for the nominated species to reach full height and maturity.
Open Space	Provide communal open space, which is appropriate and relevant to the context and the building's setting.	Variation As detailed above the location and amenity of the communal space areas is poor.
	Where communal open space is provided, facilitate its use for the desired range of activities by: - Locating it in relation to buildings to optimise solar access to dwellings. - Consolidating open space on the site into recognisable areas with reasonable space, facilities and landscape. - Designing its size and dimensions to allow for the range of uses it will contain. - Minimising overshadowing. - Carefully locating ventilation duct outlets from basement car parking.	Variation While the rear courtyard provides appropriate solar access, this courtyard is not easily accessible and is almost entirely occupied by an OSD system. This is a poor outcome for end user amenity.
	Locate open space to increase the potential for residential amenity.	Variation See assessment above.

Development Control	Provision	Comment
Private Open Space	Private open space shall be provided as follows: - 10m ² for a dwelling size less than 65m ² - 12m ² for a dwelling size over 65m ²	Not Applicable Private open space requirements are provided in accordance with the requirements of the ADG.
	Private open space may be provided as a courtyard for ground floor dwellings or as balconies for dwellings above the ground floor.	Complies Private courtyards and terraces are provided for units on the ground floor and balconies are provided for units above the ground floor.
	Private open space areas should be an extension of indoor living areas and be functional in size to accommodate seating and the like.	Complies The POS acts as an extension of the internal living rooms.
	Private open space should be clearly defined for private use.	Complies The POS is clearly defined.
Building Design, Style and Streetscape		
Building Appearance and Streetscape	Objectives of the controls are as follows: a) To ensure an attractive streetscape that is consistent with the environment of residential flat buildings. b) To promote high architectural quality in residential flat buildings. c) To ensure that new developments have facades which define and enhance the public domain and desired street character. d) To ensure that building elements are integrated into the overall building form and facade design.	Variation The application results in a poor outcome for streetscape in relation to the three frontages that address the public domain being; Carboni Street, Moore Street and the Brickmakers Creek Reserve. The variation to the setbacks to these areas of public domain results in a poor outcome for streetscape and the provision of appropriately landscaped front and rear yards.
Roof Design	Objectives of the controls are: a) To provide quality roof designs, which contribute to the overall design and performance of residential flat buildings; b) To integrate the design of the roof into the overall facade, building composition and desired contextual response; c) To increase the longevity of	Complies The proposed roof design is satisfactory.

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Development Control	Provision	Comment
	the building through weather protection.	
Building Entry	Objectives of the controls are: a) To create entrances which provide a desirable residential identity for the development. b) To orient the visitor. c) To contribute positively to the streetscape and building facade design.	Complies Pedestrian entries are satisfactory.
Balconies	Objectives of the controls are: a) To ensure that balconies contribute positively to the façade of a building. b) To ensure balconies are functional and responsive to the environment thereby promoting the enjoyment of outdoor living for dwelling residents. c) To ensure that balconies are integrated into the overall architectural form and detail of residential flat buildings. d) To contribute to the safety and liveliness of the street by allowing for casual overlooking and address.	Complies Proposed balconies are integrated into the architectural form of the development and will satisfactorily provide for casual surveillance to both street frontages. This would be improved for the Moore Street frontage if living rooms addressed both street frontages so living room balconies could address the corner element.
Daylight Access	Objectives of the controls area: a) To ensure that daylight access is provided to all habitable rooms and encouraged in all other areas of residential flat development. b) To provide adequate ambient lighting and minimise the need for artificial lighting during daylight hours. c) To provide residents with the ability to adjust the quantity of daylight to suit their needs.	Complies The majority of the units receive adequate solar access.
Internal Design	Objectives of the controls are: a) To ensure that the internal design of buildings provide a pleasant environment for the occupants and residents of adjoining properties.	Variation The provision of kitchens with no window is a poor outcome for amenity.
Ground Floor Dwellings	Objectives of the controls are: a) To contribute to the desired streetscape of an area and to	Variation The ground floor units on the Moore Street

Development Control	Provision	Comment
	<p>create active safe streets.</p> <p>b) To increase the housing and lifestyle choices available in dwelling buildings.</p>	<p>frontage and the Brickmakers Creek frontage do not provide for appropriate passive surveillance.</p>
Security	<p>Objectives of the controls are:</p> <p>a) To ensure that buildings are orientated to allow surveillance from the street and adjoining buildings.</p> <p>b) To ensure that entrances to buildings are clearly visible and easy to locate in order to minimise the opportunities for intruders.</p> <p>c) To ensure buildings are safe and secure for residents and visitors.</p> <p>d) To contribute to the safety of the public domain.</p>	<p>Variation</p> <p>Casual surveillance opportunities to the Moore Street frontage and the Brickmakers Creek frontage are unsatisfactory.</p>
Natural Ventilation	<p>Objectives of the controls are:</p> <p>a) To ensure that dwellings are designed to provide all habitable rooms with direct access to fresh air and to assist in promoting thermal comfort for occupants.</p> <p>b) To provide natural ventilation in non-habitable rooms, where possible.</p> <p>c) To reduce energy consumption by minimising the use of mechanical ventilation, particularly air conditioning.</p>	<p>Complies</p> <p>All units have direct access to natural ventilation.</p>
Building Layout	<p>Objectives of the controls are:</p> <p>a) To provide variety in appearance.</p> <p>b) To provide increasing privacy between dwellings within the building.</p> <p>c) To assist with flow through ventilation.</p> <p>d) To improve solar access.</p>	<p>Complies</p> <p>Proposed building layout allows for appropriate natural light and ventilation, whilst presenting an articulated presentation.</p>
Storage Areas	<p>A secure storage space is to be provided for each dwelling with a minimum volume of 8m³ (minimum dimension 1m²). This must be set aside exclusively for storage as part of the basement or garage.</p>	<p>Complies</p> <p>Adequate storage spaces are provided within units and basement.</p>

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	Storage areas must be adequately lit and secure. Particular attention must be given to security of basement and garage storage areas.	Complies Storage areas within the building are adequately lit.
Landscaping and Fencing		
Landscaping	Objectives of the controls are: a) To ensure that the development uses 'soft landscaping' treatments to soften the appearance of the buildings and complement the streetscape. b) To ensure that the relation of landscape design is appropriate to the desired proportions and character of the streetscape. c) To ensure that the use of planting and landscape elements are appropriate to the scale of the development. a) To retain existing mature trees within the site in a way which ensures their ongoing health and vitality. b) To provide privacy, summer shade and allow winter sun. c) To encourage landscaping that is appropriate to the natural, cultural and heritage characteristics of its locality. d) To add value to residents' quality of life within the development in the forms of privacy, outlook and views.	Variation The landscaping provision within the Moore Street and Brickmakers Creek setbacks is unsatisfactory.
Planting on Structures	a) To contribute to the quality and amenity of communal open space on podiums and internal courtyards. b) To encourage the establishment and healthy growth of trees in urban areas.	Complies Landscaping on podiums is satisfactory.
Fencing	Maximum height of front fence is 1.2m. The front fence may be built to a maximum height of 1.5m if the fence is setback 1m from the front boundary with suitable landscaping in front of the proposed fence.	Variation A 1.8 front fence is proposed for a short run of the Moore Street frontage.

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	Fences should not prevent surveillance by the dwelling's occupants of the street or communal areas.	
	The front fence must be 30% transparent.	
	Front fences shall be constructed in masonry, timber, metal pickets and/or vegetation and must be compatible with the proposed design of the dwelling.	
	The maximum height of side boundary fencing within the setback to the street is 1.2m.	Variation Fencing to Moore Street is 1.8m.
	Boundary fences shall be lapped and capped timber or metal sheeting.	Complies Colourbond fencing proposed.
Car Parking and Access		
Car Parking	Visitor car parking shall be clearly identified and may not be stacked car parking.	Variation SEPP (Affordable Rental Housing) 2009 is silent in relation to the provision of visitor car-parking. As such, visitor spaces are required. Adequate visitor car parking spaces have been provided however as indicated above, the basement car park does not have been designed in accordance with the appropriate Australian Standard.
	Visitor car parking shall be located between any roller shutter door and the front boundary.	
	Pedestrian and driveways shall be separated.	Complies Pedestrian paths and vehicular driveways are separated.
	Driveways shall be designed to accommodate removalist vehicles.	Variation Manoeuvrability has not been provided in accordance with the relevant AS.
	Where possible vehicular entrances to the basement car parking shall be from the side of the building. As an alternative a curved driveway to an entrance at the front of the building may be considered if the entrance is not readily visible from the street.	Complies Side vehicular entrance is provided.
	Give preference to underground parking	Complies Underground parking is provided.

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Development Control	Provision	Comment
Pedestrian Access	Objectives of the controls are: a) To promote residential flat development that is well connected to the street and contributes to the accessibility of the public domain. b) To ensure that residents, including users of strollers and wheelchairs and people with bicycles, are able to reach and enter their dwelling and use communal areas via minimum grade ramps, paths, access ways or lifts.	Complies Pedestrian entries are clearly defined and accessible.
Amenity and Environmental Impact		
Over-shadowing	Adjoining properties must receive a minimum of three hours of sunlight between 9am and 5pm on 21 June to at least: - One living, rumpus room or the like; and - 50% of the private open space.	Complies There are no immediate properties to the south.
Privacy	Objectives of the controls are: a) To locate and design buildings to meet projected user requirements for visual and acoustic privacy and to protect privacy of nearby residents. b) To avoid any external impacts of a development, such as overlooking of adjoining sites. c) To provide reasonable levels of visual privacy externally and internally, during the day and at night. d) To maximise outlook and views from principal rooms and private open space.	Variation The building does not comply with the building separation distances of the ADG and as such appropriate privacy is not afforded to either existing or future northern neighbours.
Acoustic Impact	Objectives of the controls are: a) To ensure a high level of amenity by protecting the privacy of residents within residential flat buildings.	Variation The development proposes large entertaining balconies immediately adjacent to the northern neighbour. This will result in a poor outcome in relation to acoustic impact.
Site Services		

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Development Control	Provision	Comment
	Objectives of the controls are: a) To ensure that the required services are provided. b) To ensure that the services provided are easily protected or maintained.	Complies All required site services are available to the site.

The above assessment has found that the development is results in significant departures from the LDCP 2008. These variations will form reasons for refusal.

6.4 Section 4.15(1)(a)(iiia) - Any Planning Agreement or any Draft Planning Agreement

No planning agreement relates to the site or proposed development.

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

The Environmental Planning and Assessment Regulations 2000 requires the consent authority to consider the provisions of the Building Code of Australia. Any future approval would require appropriate conditions of consent to be imposed requiring compliance with the BCA.

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

(a) Natural and Built Environment

Built Environment

The proposal does not respond appropriately to the existing character of the area. The current area is in transition from low density residential to high density residential. Generally when in transition, developments are assessed in relation to how they respond to a future envisioned character on the basis that eventually the area will transition to that character. The proposed development responds neither to the existing character or the future envisioned character of the area. The proposal varies setbacks to all sides and results in an unsatisfactory streetscape and interaction with the existing public domain on three sides. The proposal will have a negative impact on the built environment and is not supported.

Natural Environment

The proposed development does not require the removal of all trees from the site. While these trees are not necessarily significant in and of themselves, the proposal does not respond appropriately to the opportunities for the natural environment in terms of deep soil provision and landscaping to both street frontages and a transitional planting and introduction of canopy providing trees to the Brickmakers Creek frontage. The proposal does not result in the establishment of appropriate planting on site commensurate with the future envisioned extent of the natural environment on a site that immediately adjoins a natural waterway.

(b) Social Impacts and Economic Impacts

The development is likely to result in a positive social impact in terms of providing 35% of the units as affordable housing. However the provision of units with poor amenity as proposed offsets this benefit and will likely result in a poor social outcome.

The development is unlikely to result in a negative economic impact.

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

The site is considered to be unsuitable for the proposed development in its current form.

The site is constrained by two street frontages and the Brickmakers Creek frontage to the rear. This combined with the irregular shape of the site and the relatively shallow depth of the site (in comparison to the site width) result in a relatively small building footprint.

The proposed development is an overdevelopment of this constrained site. The site would ultimately benefit from amalgamation with the adjoining sites to the north.

6.9 Section 4.15(1)(d) – Any submissions made in relation to the Development**(a) Internal Referrals**

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

Internal Departments	
Department	Comments
Engineering	No objections to the proposal, subject to conditions.
Flood Engineering	The development site is within the Brickmakers Creek catchment and is located at the left bank of the Brickmakers Creek. The site is flood free for up to the 1% AEP flooding however, it is affected by flooding in extreme event. The proposal residential flat building at this site is supported.
Health and Environment	No objections to the proposal, subject to conditions.
Traffic and Transport	Application not supported as the proposed car park does not comply with AS2890.1 as the aisle widths of 4.58m and ramp width of 4m are less than the minimum required.
Waste Management	The development does not at present satisfactorily address the planning objectives in respect to waste.
Landscape Officer	No objections to the proposal.
City Design and Public Domain	The application has been assessed for its design and contribution towards the Liverpool built environment including public domain. Design principles have been used to consider the building and the landscape for this development (see assessment under section 6.1(b) above). The application is not supported.
Natural Resources Planner	No specific conditions relating to ecological issues are considered pertinent.

(b) External Referrals

The DA was referred to the following external Public Authorities for comment:

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Authority	Comments
Natural Resource Access Regulator	General Terms of Approval provided.
Design Excellence Panel	Proposal not supported, see assessment provided under Section 3.1 of this report (above).

(c) Community Consultation

The DA was notified in accordance with the LDCP 2008 from 14 May 2019 to 28 May 2019. No submissions were received.

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

The proposed development represents an overdevelopment of the site and will result in a streetscape and interface with the Brickmakers Creek reserve that does not benefit the public interest.

7 CONCLUSION

In conclusion, the following is noted:

- The subject Development Application has been assessed having regard to the matters of consideration pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979 and is considered unsatisfactory in relation to impacts resulting on the built and natural environment and potential social impacts. The site is not considered to be suitable for the development in its current form.
- The application proposes the construction of a 5 storey residential apartment with 17 units, 6 of which will comprise affordable rental housing. The design of the proposal does not satisfy the requirements of SEPP (ARH) in this regard and is considered to result in a poor outcome in terms of design and amenity.
- The proposal provides an unsatisfactory response to the site’s context and fails to satisfy the SEPP 65 design principles and the requirements of the ADG. The setbacks, landscaping and built form are inconsistent with the desired future character of the area that is envisaged under the LLEP 2008 and LDCP 2008.
- The application is to be recommended for refusal.

8 RECOMMENDATION

That DA-15/2019 be refused for the following reasons;

1. Subject to Clause 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 (as amended), the proposal is contrary to;
 - i) State Environmental Planning Policy (Affordable Rental Housing) 2009 in relation to;

Part 2 Clause 14 1(c) the proposal does not provide 30% landscaping for the site.

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Part 2 Clause 14 1(d) the proposal does not provide a 15% deep soil planting area for the site.

Part 2 Clause 14 2(a) while providing complying car-parking within two levels of basement, the aisle widths providing access to this car-parking does not comply with the minimum dimensions under the Australian Standard. As access to the car-parking is inappropriate the proposal is assessed to not comply with the car parking requirements under this clause.

Part 2 Clause 14 2(b) apartments 4 and 6 do not provide the minimum required floor area of 95m² for three bedroom units.

Clause 16A the proposal is not compatible with either the existing or the future envisaged character of the area. In this regard the design is not appropriate in terms of; setbacks to Carboni Street and the resultant impacts on streetscape, setbacks and landscaping provision in the Moore Street and the poor outcome in relation to the establishment of an inappropriate building alignment with very poor landscaping provision and no deep soil area, and inappropriate setbacks, deep soil area and transitional landscaping arrangements to the Brickmakers Creek Reserve frontage.

- ii) State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development in relation to;

Clause 30(2)(a) adequate regard has not been demonstrated in relation to the Design Principles. The proposal fails to comply with the following Design Principles:

- 1 Context and neighbourhood character
- 2 Built Form and Scale
- 3 Density
- 4 Sustainability
- 5 Landscape
- 6 Amenity
- 7 Safety
- 9 Aesthetics

Clause 30(2)(b) Adequate regard has not been demonstrated in relation to the Apartment Design Guide. The proposal does not demonstrate that adequate regard has been given to the following sections of the ADG:

- 1A Apartment building types
- 1B Local character and context
- 1C Precincts and individual sites
- 2A Primary controls
- 2B Building envelope
- 2F Building separation
- 2H Side and rear setbacks
- 3A Site analysis
- 3B Orientation
- 3C Public domain interface
- 3D Communal and public open space

3F Visual Privacy
3G Pedestrian access to courtyard
3H Vehicle Access
3J Bicycle and car parking
4A Solar Access
4D Apartment size and dimensions
4E Private open space and balconies
4F Circulation
4G-2 Additional Storage
4H Acoustic privacy
4L Ground floor apartment street activity
4O Landscaping design
4W Waste management
4X Building maintenance

iii) Liverpool Local Environmental Plan 2008 in relation to:

Clause 1.2 Aims (j) “to promote a high standard of urban design that responds appropriately to the existing or desired future character of areas.” The proposal does not respond appropriately to the existing or desired future character of the area in that it provides inappropriate setbacks to:

Carboni Street – creating an insufficient setback and establishing a precedent for this building alignment as the first such residential apartment building on this side of Carboni Street. This will result in a building alignment with insufficient dimensions of deep soil area capable of providing for canopy tree planting commensurate with the scale of high density residential development permitted in the street.

Moore Street – provision of insufficient setbacks and no deep soil planting resulting is the establishment of a poor precedent for building alignments on this side of Moore Street and the creation of a pool front setback area with no deep soil provision an no capacity for the establishment of appropriate canopy planting of a scale commensurate with the 5 storey development proposed on the site.

Brickmakers Creek reserve – provision of insufficient setbacks to this reserve frontage resulting in the provision of appropriate transitional landscaping between the subject site and the reserve.

Adjacent northern residential neighbour at No 33 and 35 Carboni Street – provision of insufficient building setbacks to this residential neighbour will result in an overbearing development adjacent to the adjoining single dwelling houses. The setback variation will also limit the future development potential of the adjoining site.

Clause 2.3(1)(a) objectives of the zone; the proposal does not satisfy the objective “To provide for the housing needs of the community” in that the amenity provided for each proposed dwelling is so poor as to render the dwellings unsatisfactory to meet the housing needs of the community.

Clause 5.3 Development Near Zone Boundaries; the proposal fails to take into account the objectives of the immediately adjoining land to the south-east of the proposal at the Brickmakers Creek reserve which is Zoned RE1 Public Recreation.

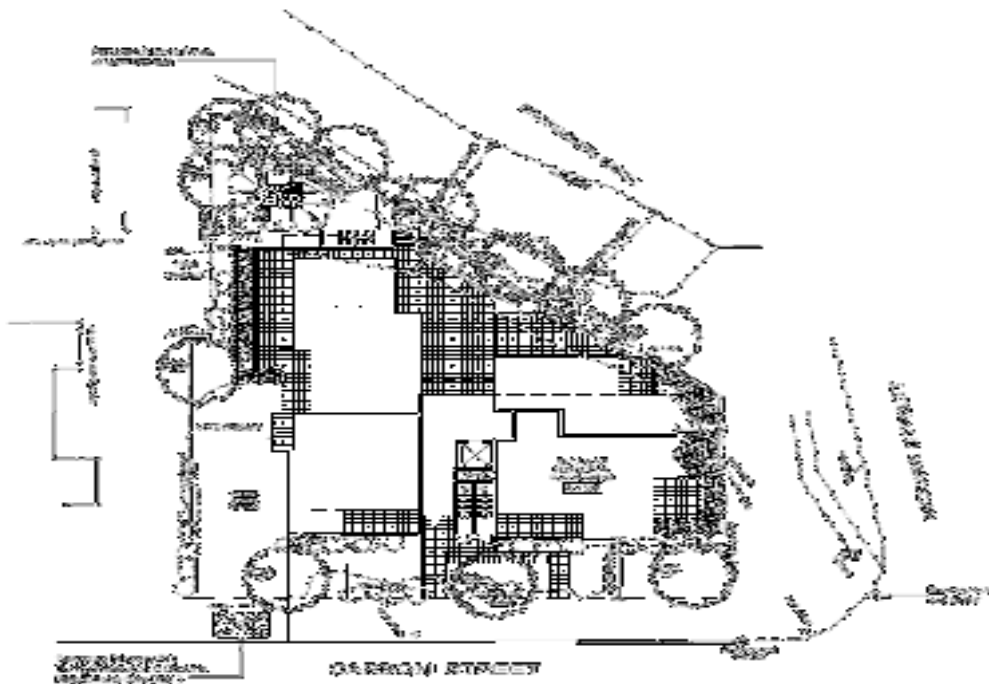
The design of the proposal will detract from the adjacent REI Zone by providing for an unsympathetic setback and an inappropriate landscaped transition while resulting in poor casual surveillance from the proposal to the reserve. This is not in accordance with the objective of the RE1 Zoned land to “protect and enhance the natural environment for recreational purposes.”

2. Subject to Clause 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 (as amended), the proposal is contrary to the following sections of the Liverpool Development Control Plan 2008;
 - i) Section 2 Tree Preservation
 - ii) Section 3 Landscaping
 - iii) Section 10 Contamination – insufficient information has been provided demonstrating that the site is suitable for residential development in relation to site contamination.
 - iv) Section 11 Salinity Risk
 - v) Section 20 Car Parking – inappropriate aisle widths and manoeuvrability is provided within the proposed basement car-parking areas.
 - vi) 25 Waste Disposal – The identified waste disposal area within the front boundary setback is of insufficient dimensions for the required garbage bin provision of the site. This garbage bin area will also result in poor amenity for the adjacent units.
 - vii) Part 3.7 – the proposal does not comply with multiple requirements under this section including; site planning, setbacks, landscaping, open space, streetscape, internal design, ground floor dwellings, security, fencing, car-parking, privacy and acoustic impact.
3. Subject to Clause 4.15 (1) of the Environmental Planning and Assessment Act and Clause 54(3) of the Environmental Planning and Assessment Regulation 2000, the proposal has provided insufficient information to assess the application, namely;
 - i) The proposal has not been supported by information relating to the Social Housing Provider that is proposed to manage the 6 proposed affordable housing units in accordance with Clause 17(1) of State Environmental Planning Policy (Affordable Rental Housing) 2009.
 - ii) An assessment pursuant to Clause 7 of SEPP 55 cannot be undertaken as a preliminary site investigation in relation to contamination has not been submitted in support of the application.
 - iii) Insufficient information has been submitted demonstrating that the proposal responds appropriately to the identified likelihood of high salinity in the area.
4. Subject to Clause 4.15 (1)(e) of the Environmental Planning and Assessment Act, the proposal is not within the public interest.

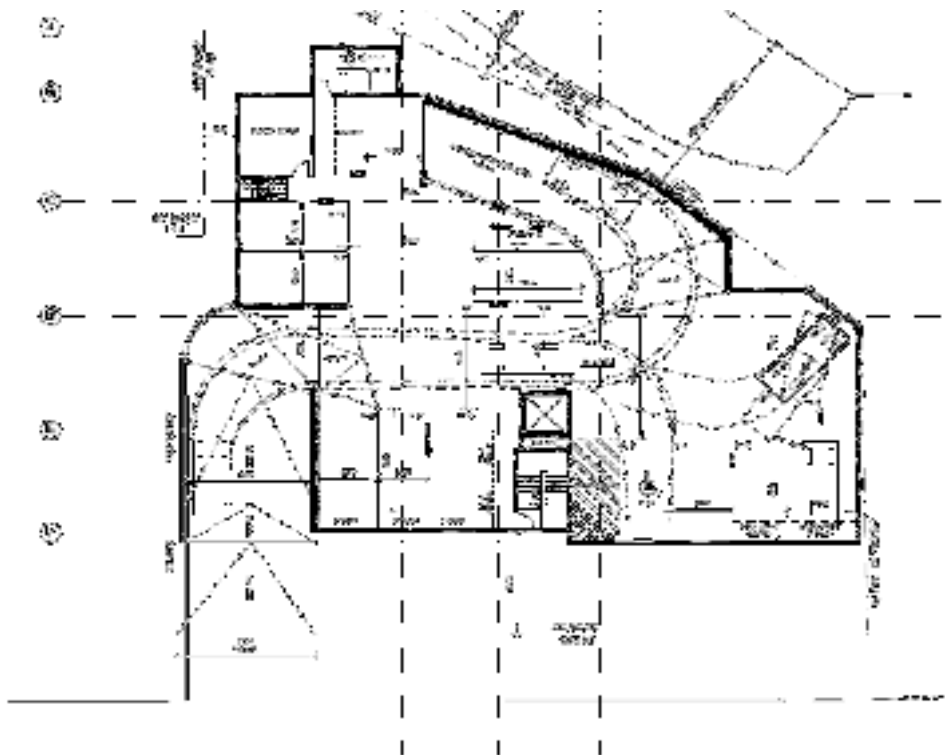
9 ATTACHMENTS

1. Architectural plans, landscape plans and survey plan
2. Stormwater management report

1 ARCHITECTURAL PLANS, LANDSCAPE PLANS AND SURVEY PLAN



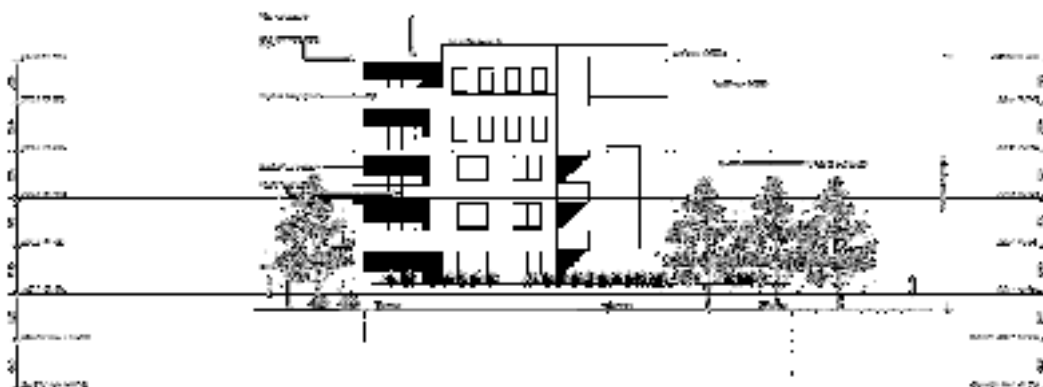
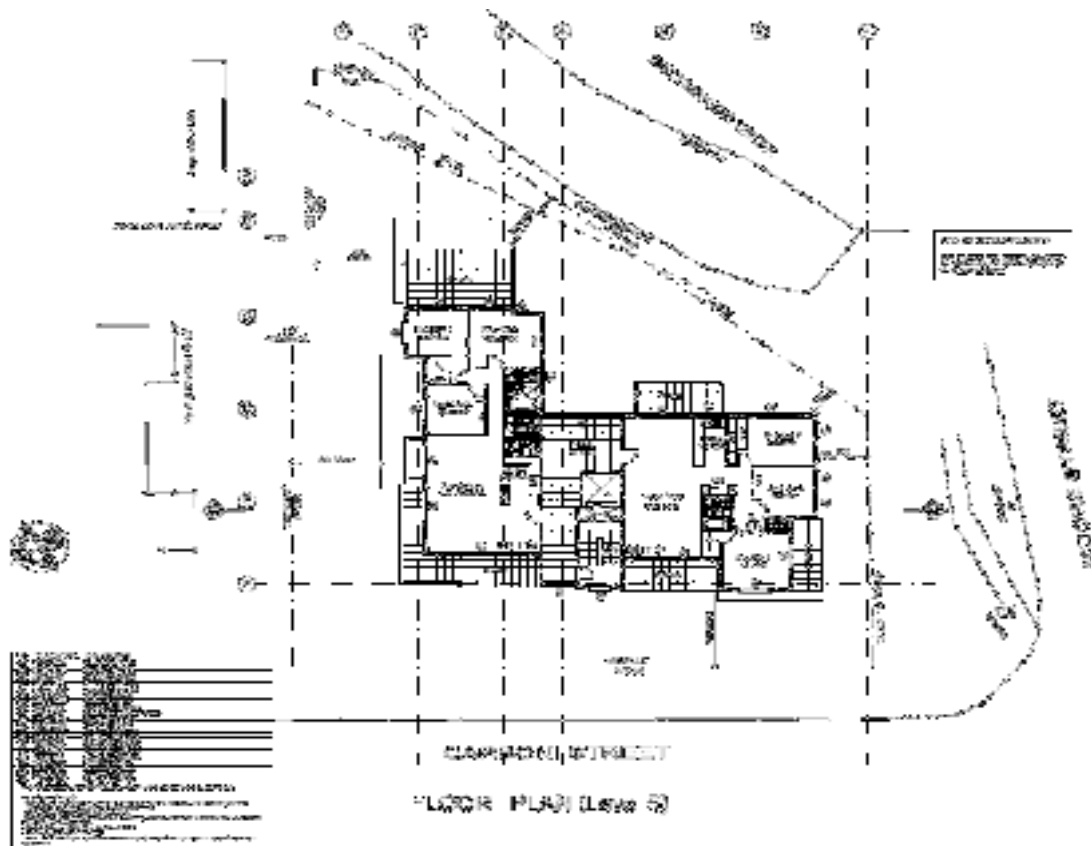
SITE PLAN



BASEMENT LEVEL 1

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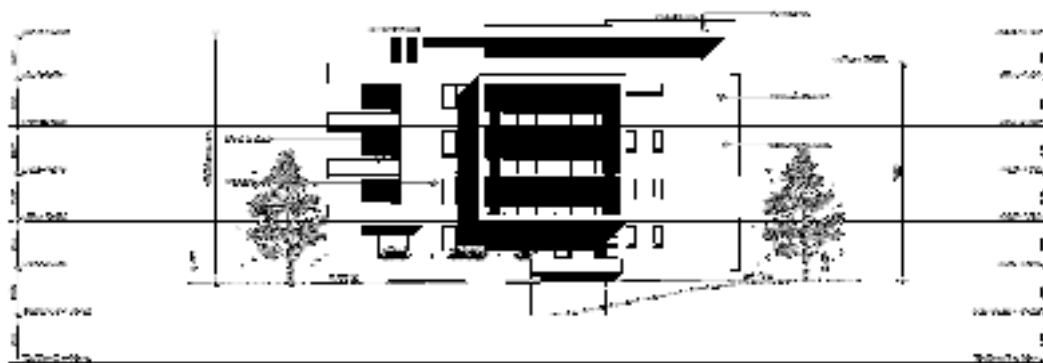


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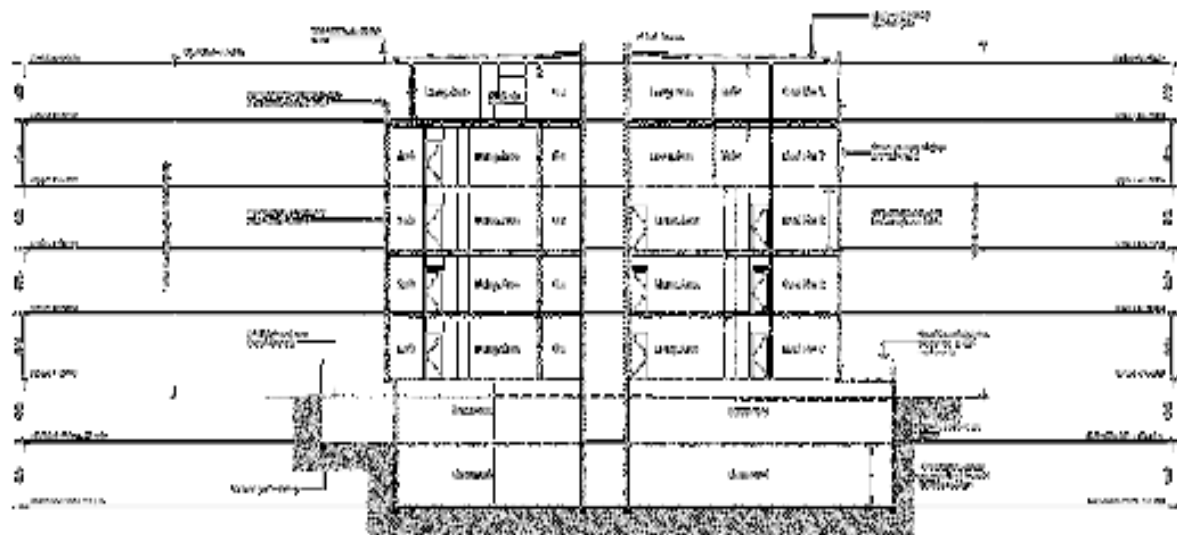
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Proposed Elevation



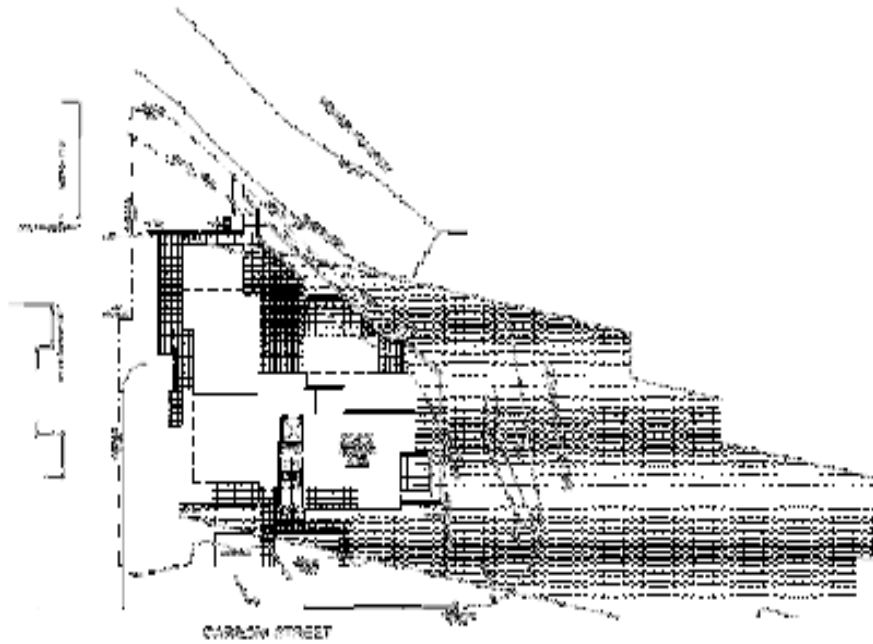
Meridian Elevation



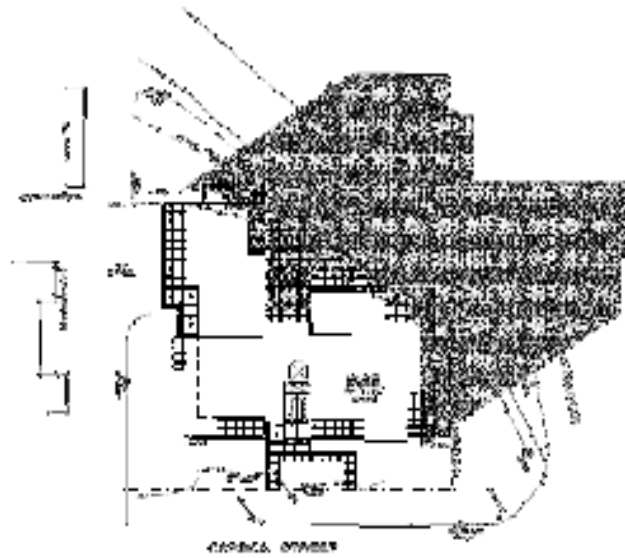
Section A - A

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SHADOW DIAGRAM - JUNE 21st 9am

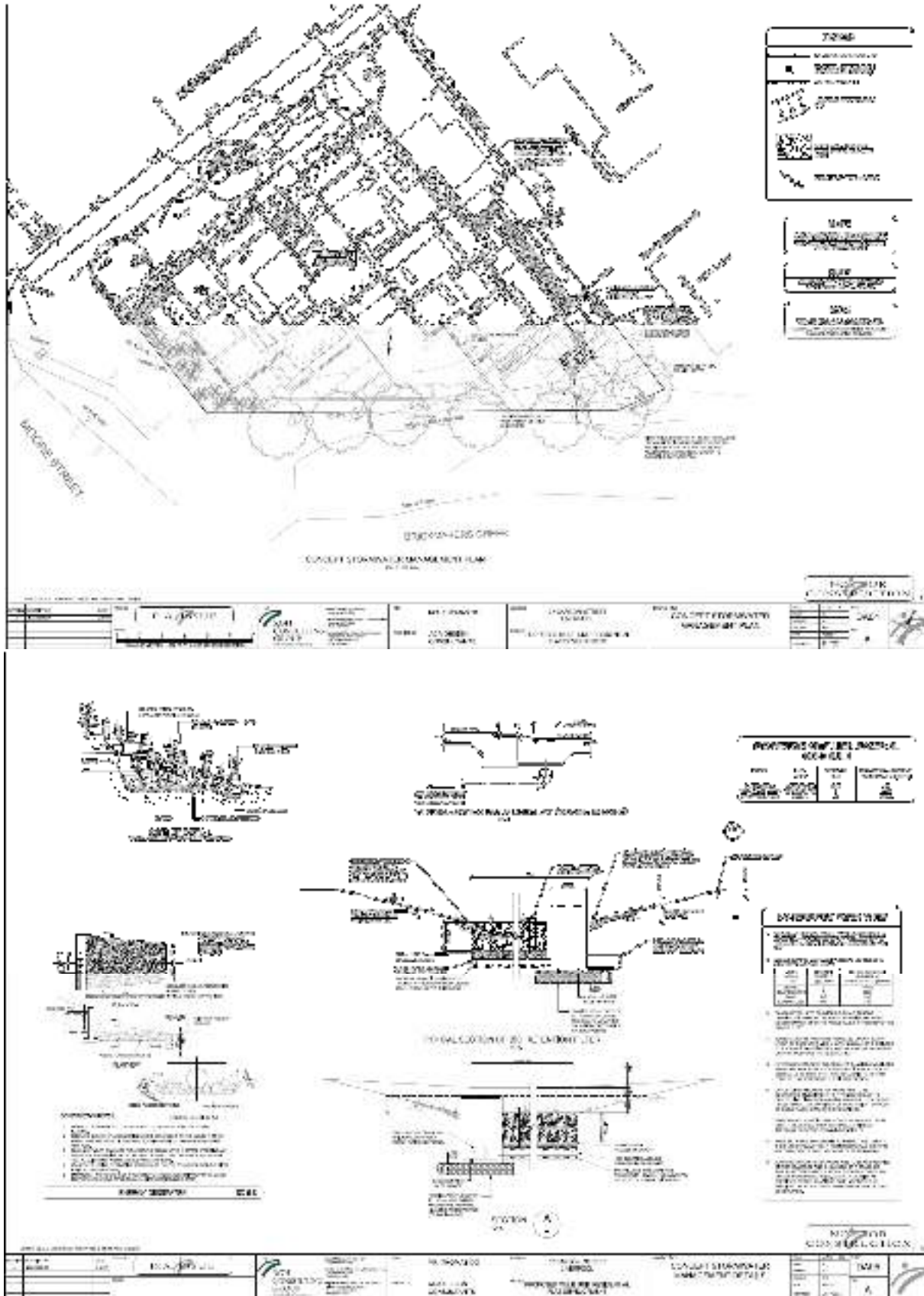


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2 STORMWATER MANAGEMENT PLAN AND DETAILS



Item no:	3
Application Number:	DA-256/2019
Proposed Development:	Consolidation of two (2) lots into one (1) lot and construction of a shed, carport and attached double storey dwelling to create a dual occupancy onsite.
Property Address	1562 Elizabeth Drive, Cecil Park
Legal Description:	Lot 1, DP 245122 and Lot 32, DP 651017
Applicant:	Peter Pham
Land Owner:	Antonio and Carmela Ongaro
Cost of Works:	\$526,930
Recommendation:	Approval, subject to conditions of consent
Assessing Officer:	Gorana Dubroja

1. EXECUTIVE SUMMARY

Council has received a Development Application (DA-256/2019) seeking consent for the consolidation of two (2) lots into one (1) lot and construction of a shed, carport and attached double storey dwelling to create a dual occupancy at No.1562 Elizabeth Drive, Cecil Park.

The site is zoned RU4 – Primary Production Small Lots pursuant to Liverpool Local Environmental Plan (LLEP) 2008 with the proposed development being permissible with consent.

The development application was notified to adjoining properties for a period of 15 days from 7 May to 22 May 2019 in accordance with Liverpool Development Control Plan 2008, Part 1 – General Controls for all Development. No submissions have been received.

The key issues associated with the assessment of the subject Development Application relate to varying a development standard as per Clause 4.1 Minimum Subdivision Lot Size of LLEP 2008. The development seeks to consolidate two (2) Torrens title lots onsite into one (1) lot. The minimum lot size applicable to the site is 10 hectares, however, the consolidated lots propose an area of 2.845 hectares and therefore require a variation to the minimum lot size development standard. As per Council's records, Lot 1 was historically excised from the subject site in order to facilitate the construction of a future roadway with a width of 30.48m and traversing the front portion of the property from east to west. The adjoining properties, 1560 and 1572 Elizabeth Drive, Cecil Park, have also had similar lots excised for this purpose. Council's Land Development Engineers have confirmed that Council no longer has plans to develop the future road and are supportive of the consolidation proposed in that regard.

The application is referred to the Liverpool Local Planning Panel (LLPP) in accordance with its referral criteria and procedural requirements in that the development falls into the category of a departure from a development standard. The proposed development seeks a 71.55% variation to the to the minimum subdivision lot size development standard. The applicant has provided a written Clause 4.6 Variation request with the application in response to the minimum lot size variation.

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

2. SITE DESCRIPTION AND LOCALITY

2.1 The locality

The area is characterised by various rural land uses and residential development on established large lots. The locality consists of heavily landscaped areas to the front and rear of existing lots, with scattered areas of Environmentally Significant Land. Majority of these lots have the addition of residential development and large rural sheds. The locality is zoned RU4 – Primary Production Small Lots with areas of RE1 – Public Recreation.



Figure 1: Locality Map surrounding 1562 Elizabeth Drive, Cecil Park (Source: Nearmap)

The adjoining properties to the development site are detailed as follows:

Orientation	Description of Site
North (front)	1357 Elizabeth Drive, Kemps Creek
South (rear)	190 Cross Street, Kemps Creek
East (side)	1560 Elizabeth Drive, Cecil Park
West (side)	1572 Elizabeth Drive, Cecil Park

Majority of these sites feature detached dwelling houses, sheds, high landscape areas and Environmentally Significant Land.

2.2 The site

The site consists of two (2) separate lots identified as Lot 1, DP 245122 and Lot 32, DP 651017, 1562 Elizabeth Drive, Cecil Park. The site is a regular shaped allotment with an overall site area across the lots of 28,450sqm. The site has a primary frontage towards Cecil Park of 101.8m and a total depth of 320.68m. Subject to an existing single storey brick dwelling, the site is located adjoining rural and public recreational land. The site contains land mapped as Environmentally Significant Land, however, no works or structures are proposed on this land. The site is also mapped as being flood affected and the proposed structures are within the flood planning area. The site, including the location of the proposed structures, is mapped as bushfire prone land.



Figure 2: Aerial view of 1562 Elizabeth Drive, Cecil Park (Source: Nearmap)

3. BACKGROUND/HISTORY

- The subject DA was lodged with Council on 16 April 2019.
- A 'Stop the Clock' letter was issued on 23 April as the development did not meet the definition of a dual occupancy (attached) as the development did not appear to be contained on one lot of land and therefore did not constitute an attached dual occupancy as per LLEP 2008.
- Applicant responded to 'Stock the Clock' letter with an amended Statement of Environmental Effects to include and address the consolidation of the site into one lot. Title searches for each lot were provided to Council to ensure that all lots were owned by the same owners.
- Application was notified to adjoining properties for a period of 15 days, 7 May to 22 May 2019. No submissions have been received during the notification period.

- An 'Additional Information Letter within 14 Days' was sent to the applicant on 28 June 2019 with various planning, flooding, environmental health and engineering comments.
- Applicant addressed and provided additional information on 15 July 2019.
- Email to applicant on 2 August 2019 requesting further engineering information.
- Applicant provided further additional information on 20 August 2019.
- Further amended architectural plans provided on 11 October 2019.
- Clarification received from Council's Land Development Engineering Department stating that Council no longer has plans to construct the roads identified on the subject site.
- Applicant to pay further subdivision fee for the proposed consolidation lots. Email sent on 5 November 2019.
- Clause 4.6 Variation requested on 30 January 2020 due to consolidation component added to DA.
- Referral to RMS completed on 30 January 2020.
- RMS Response to referral received on 13 February 2020 with no objections to the proposed development, subject to conditions of consent.
- Clause 4.6 Variation submitted by applicant for Council assessment on 21 February 2020.

4. DETAILS OF THE PROPOSAL

The proposed development application seeks approval for the consolidation of two (2) lots into one (1) lot and construction of a shed, carport and attached double storey dwelling to create a dual occupancy. The proposal will consist specifically of the following:

Consolidation

- Consolidation of existing two (2) lots (being Lot 1 and 32) to create one (1) lot with an overall site area of 28,450sqm.

Note: The site will still maintain a primary frontage of 101.8m and a total depth of 320.98m.

Double Storey Dwelling

The development proposes the construction of an attached double storey dwelling to create a dual occupancy onsite. The attached dwelling will consist specifically of the following:

Ground Floor

- Verandah to northern facade, dining/living room, bathroom, laundry, staircase access kitchen, pantry and wooden deck to the southern rear facade.

First Floor

- Two bedrooms, study, ensuite, staircase access and two (2) balconies to the northern and southern facade.

Carport

- Construction of a carport with a length of 6m, width of 5.8m and a height of 3.413m.

Shed

- Construction of a shed with a length of 16m, width of 10m and a height of 6.033m.
- Total shed area of 160sqm.
- The proposed shed will be used for storage purposes associated with residential uses onsite.

Note: No vegetation removal is proposed as part of this DA.

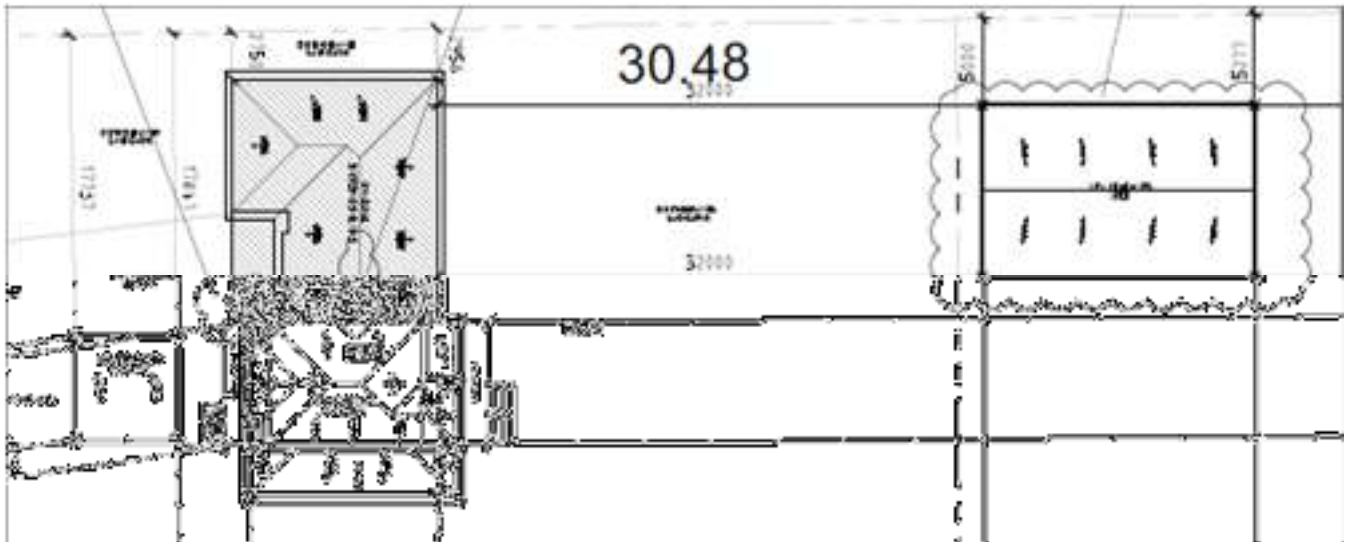


Figure 3: Proposed Site Plan at 1562 Elizabeth Drive, Cecil Park (Source: Site Plan)

5. STATUTORY CONSIDERATIONS

5.1 Relevant matters for consideration

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

- Sydney Regional Environmental Plan No.20 – Hawkesbury-Nepean River (No. 2 - 1997);
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- Liverpool Local Environmental Plan (LLEP) 2008;
- Liverpool Development Control Plan (LDCP) 2008;
 - Part 1: General Controls for All Development; and
 - Part 5: Development in Rural and Environmental Zones

Contributions Plans

- Liverpool Contributions Plan 2009 applies to all development pursuant to Section 7.11 of the EP&A Act.

6. ASSESSMENT

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

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

(a) Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No 2 - 1997) (Deemed SEPP)

The subject land is located within the Hawkesbury Catchment and as such the Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No 2 - 1997) applies to the application.

The Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No 2 - 1997) generally aims to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. When a consent authority determines a development application, planning principles are to be applied (Clause 4). Accordingly, a table summarising the matters for consideration in determining development applications (Clause 5 and Clause 6), and compliance with such is provided below.

Clause 5 General Principles	Comment
(a) the aims of this plan	The plan aims to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.
(b) the strategies listed in the Action Plan of the Hawkesbury-Nepean Environmental Planning Strategy	The strategies are applied to this planning assessment in the table under Clause 6.
(c) whether there are any feasible alternatives to the development or other proposal concerned	The proposed dual occupancy is appropriate and no alternatives need to be considered.
(d) the relationship between the different impacts of the development or other proposal and the environment, and how those impacts will be addressed and monitored	The proposed development consists of construction of a dual occupancy, shed and carport only.
Clause 6 Specific Planning Policies and Recommended Strategies	Comment
(1) Total catchment management	The proposed development was referred to Council's Floodplain Engineers and drainage engineers who have raised no objections to the proposal, subject to conditions of consent.
(2) Environmentally sensitive areas	The subject site is identified as containing Environmentally Significant Land. The proposed development does not include any removal of vegetation onsite and all works proposed are not within any land mapped as ESL. The DA was reviewed by Council's Tree Officer who raised no objections to the proposal.

(3) Water quality	The proposed development was referred to Council's Floodplain Engineers and drainage engineers who have raised no objections to the proposal, subject to conditions of consent.
(4) Water quantity	The proposed development was referred to Council's Floodplain Engineers and drainage engineers who have raised no objections to the proposal, subject to conditions of consent.
(5) Cultural heritage	The site is not identified as being of or containing Aboriginal / cultural heritage.
(6) Flora and fauna	The subject site is identified as containing Environmentally Significant Land. The proposed development does not include any removal of vegetation onsite and all works proposed are not within any land mapped as ESL. The DA was reviewed by Council's Tree Officer who raised no objections to the proposal.
(7) Riverine scenic quality	Not applicable.
(8) Agriculture/aquaculture and fishing	Not applicable.
(9) Rural residential development	The development is located on RU4 – Primary Production Small Lots zoned land. The development proposal for the consolidation of two lots into one lot and construction of a shed, carport and attached double storey dwelling creating a dual occupancy is a permissible development in the zone. The development is unlikely to cause adverse impacts to agricultural sustainability or contribute to urban sprawl.
(10) Urban development	The site is zoned RU4 - Primary Production Small Lots with the proposed development being permissible in the zone.
(11) Recreation and tourism	Not applicable.
(12) Metropolitan strategy	The proposal is consistent with the Metropolitan Strategy for Liverpool LGA and reinforces the permitted land uses in the RU4 zone.

(b) State Environmental Planning Policy No. 55 – Remediation of Land

Pursuant to Clause 7 of SEPP 55, a consent authority is unable to grant development consent unless it has considered whether the land is contaminated and, if so, whether the consent authority is satisfied that the land is suitable in its contaminated state, or can be remediated to be made suitable for the purposes for which the development is proposed to be carried out.

Although it is unlikely that the land would be contaminated, given its previous residential use, Council must consider this and the likelihood of any contamination on-site and the possible impacts which may arise from any works associated with this proposal.

The objectives of SEPP 55 are:

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

<p>Clause 7 - Contamination and remediation to be considered in determining development application</p>	<p>Comment</p>
<p>(1) A consent authority must not consent to the carrying out of any development on land unless:</p>	
<p>(a) it has considered whether the land is contaminated, and</p>	<p>The subject site is being used for residential purposes only. Given the current use of the site, it is unlikely that the land is contaminated.</p> <p>The application has been referred to Council's Environmental Health Department for contamination assessment. They noted that based on their investigation a contamination assessment was not required at this stage and raised no objections to the proposed development in that regard.</p> <p>The applicant has provided an assessment against SEPP 55 – Managing Land Contamination Planning Guidelines, noting that the historic use of the subject premises would preclude contamination assessment in this case.</p> <p>Considering the above, there is no evidence to suggest that the land is contaminated and therefore a land contamination assessment is not considered to be necessary. Conditions of consent can be imposed to manage any contamination that maybe uncovered during works.</p>
<p>(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and</p>	<p>The land is unlikely to be contaminated given its current use and the historical information provided by the applicant.</p>

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(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.	Land is to be remediated if any contaminants are found during works. This can be imposed as a condition.
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Based on the above assessment, the proposal is considered to satisfy the relevant objectives and provisions of SEPP 55, therefore, it is considered that the subject site is suitable for the proposed development in that regard.

(c) State Environmental Planning Policy (BASIX) 2004

In accordance with this policy, all new residential dwellings and those seeking alterations and additions as identified under this policy require a BASIX certificate that measures the Building Sustainability Index to ensure dwellings are designed to use less portable water and are responsible for fewer greenhouse gas emissions by setting energy and water reduction targets for houses and units.

A BASIX Certificate has been submitted for the proposed development. A condition of consent will be imposed requiring the applicant to provide an updated BASIX Certificate prior to the release of any Construction Certificate.

The proposal is considered to be satisfactory with regard to water and energy efficiency targets.

(d) Liverpool Local Environmental Plan 2008

(i) Zoning

The subject site is zoned RU4 – Primary Production Small Lots in accordance with LLEP 2008. An extract of the zoning map is provided in Figure 4 below:

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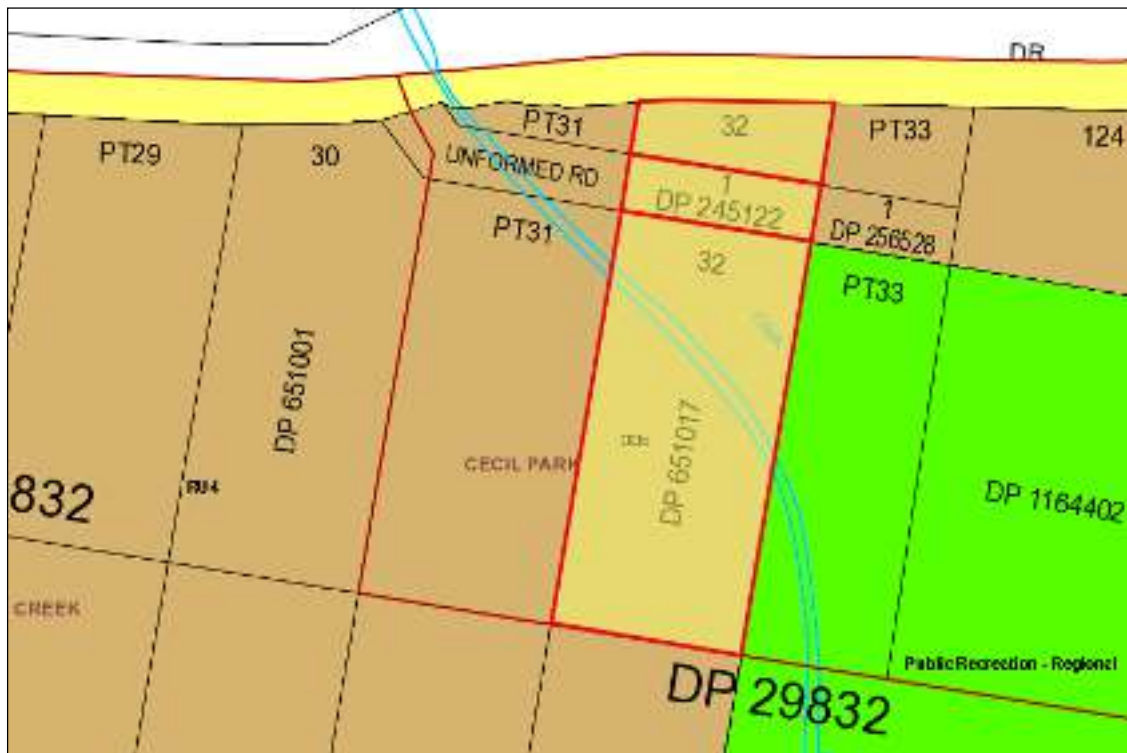


Figure 4: Zoning Map of 1562 Elizabeth Drive, Cecil Park (Source: Geocortex Mapping System)

(ii) Permissibility

The proposed development is best described as dual occupancy (attached) and is identified as a permitted land use with consent within the RU4 – Primary Production Small Lots under LLEP 2008. A dual occupancy (attached) is defined as:

Dual occupancy (attached) means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.

The proposal is considered to meet the above definition.

(v) Objectives of the zone

The objectives of the RU4 – Primary Production Small Lots Zone are as follows:

- *To enable sustainable primary industry and other compatible land uses.*
- *To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

It is considered that the proposal is consistent with these zone objectives.

(vi) Principal Provisions and Development Standards

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

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Development Provision	Requirement	Proposal	Compliance
2.7 Demolition	The demolition of a building or work may be carried out only with development consent.	No demolition works are proposed as part of this application.	Not applicable
4.1 Minimum Subdivision Lot Size	Minimum lot size of 10 hectares	The development proposed the consolidation of two (2) lots to create one (1) lot with an overall site of 2.845 hectares. This is a 71.55% variation to the development standard. See 4.6 Variation report below.	No See Clause 4.6 Discussion Below
4.3 Height of Buildings	Maximum height permitted: Not Applicable	No height limit applicable. The development proposes a height of 8.5m for the double storey attached dwelling. Shed – 6.033m Carport – 3.413m	Not applicable
4.4 Floor Space Ratio (FSR)	Maximum FSR permitted: Not Applicable	No FSR applicable.	Not applicable
5.10 Heritage Conservation	This clause contains the objectives and provisions for ensuring the conservation of archaeological sites.	The site is not mapped as being within a Heritage Conservation Area.	Not applicable
6.5 Public Utility Infrastructure	Public utility infrastructure must be available	The site has access to existing public utility infrastructure.	Complies
7.6 Environmentally significant land	This clause contains the objectives and provisions for ensuring the conservation and protection of environmentally significant land.	The site is mapped as containing ESL, however, the development includes no vegetation removal and will not be	Not applicable

		located on any land mapped as ESL.		
7.8 Planning	Flooding	<p>This clause applies to land at or below the flood planning level.</p> <p>(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—</p> <p>(a) is compatible with the flood hazard of the land, and</p> <p>(b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and</p> <p>(c) incorporates appropriate measures to manage risk to life from flood, and</p> <p>(d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and</p> <p>(e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding, and</p> <p>(f) is consistent with any relevant floodplain risk management plan adopted by the Council in accordance with the Floodplain Development Manual.</p>	<p>The site is mapped as being within the flood planning area.</p> <p>The DA was referred to Council’s Flood Engineers who have reviewed the proposal against the provisions of this clause. They raised no objections to the proposal with regards to the flood affectation onsite, subject to conditions.</p>	Complies
7.10 Minimum lot size for dual occupancies in rural		Development consent for the purposes of a dual occupancy may be granted	The site has a total area of 28,450sqm, exceeding 2	Complies

zones	only if the lot has an area not less than 2 hectares in the RU4 – Primary Production Small Lots zone.	hectares.	
7.24 Dual occupancies in zones RU1, RU2 and RU4	Development consent must not be granted to development for the purposes of a dual occupancy on land in Zone RU4 – Primary Production Small Lots unless the gross floor area of at least one of the dwelling is not more than 350sqm.	None of the dwellings exceed 350sqm.	Complies
7.31 Earthworks	Council to consider matters listed (a)-(g)	Sediment control details have been provided.	To be Conditioned

As demonstrated in the above compliance table, the development is generally consistent with all applicable provisions and development standards contained in the LLEP 2008 with the exception of Clause 4.1 – Minimum Subdivision Lot Size.

The applicant has lodged a Clause 4.6 Variation statement to support the non-compliance. This is discussed below.

Clause 4.6 Variation Discussion:

As identified in the compliance table above, the proposal seeks to vary Clause 4.1 – Minimum Subdivision Lot Size.

Clause 4.1 of the LLEP 2008 specifies the following:

- (3) *The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.*

The development proposes the consolidation of two (2) lots into one (1) lot and the minimum subdivision lot size applicable to the site 10 hectares. The consolidation of the lots onsite will result in the creation of a lot with an area of 2.845 hectares (28,450m²). The variation is calculated to be deficient by 7.155 hectares (71,550m²), which is equivalent to a variation of 71.55% to a development standard.

The applicant has provided a Clause 4.6 Variation statement to justify the non-compliance. The submitted written request to vary Clause 4.1 – Minimum Subdivision Lot Size in the LLEP 2008 has been assessed against the provisions of Clause 4.6, the objectives of Clause 4.1, and the objectives of the RU4 zone. This is discussed below:

The relevant provisions of Clause 4.6 of the LLEP 2008 are as follows:

- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

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

(4) Development Consent must not be granted for development that contravenes a development standard unless:

- (a) the consent authority is satisfied that:
 - (i) The applicants written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (ii) The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

1. Circumstances of the Development

The application proposes the consolidation of two (2) lots into one (1) lot and construction of a shed, carport and attached double storey dwelling to create a dual occupancy onsite. The subject site is currently split into two allotments as seen on the survey below:

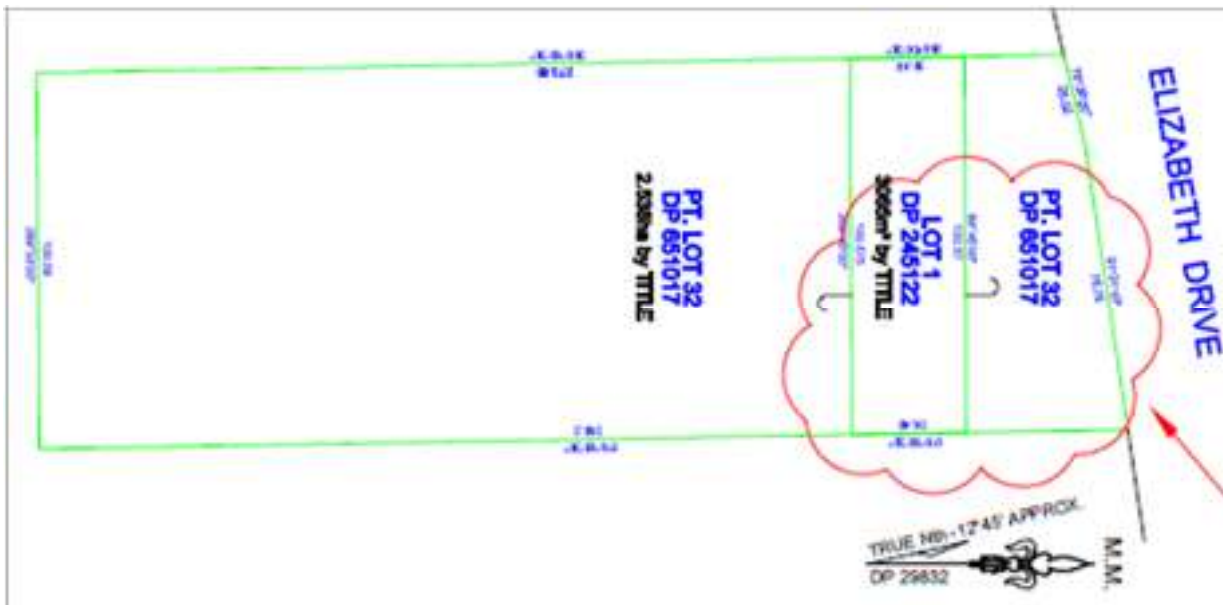


Figure 5: Survey Plan for 1562 Elizabeth Drive, Cecil Park

In accordance with Clause 4.1 of the LLEP 2008, the proposed development will need to comply with a minimum lot size of 10 hectares. Lot 1 has a total area of 3,065sqm and Lot 32 has a total area of 25,830sqm. Consolidation of the site into one lot will result in the creation of a lot with an area of 2.845 hectares (28,450m²). The site will maintain a primary frontage of 101.8m and a total depth of 320.98m. This proposal requires a 71.55% variation to the minimum subdivision lot size.

2. Written request addressing why compliance with the development standard is unreasonable or unnecessary in this circumstances of the case and that there are sufficient planning grounds to justify the contravening of the development standard.

The applicant has provided a written request to vary the minimum subdivision lot size and has provided the following comments addressing why compliance with the development standard is unreasonable or unnecessary in this instance. This is discussed below:

- The proposal is for the consolidation of land in order to consolidate two lots into one, resulting in a single larger lot with a size of 2.845 hectares.
- The proposed lot consolidation will maintain a compatible development with the streetscape and is consistent with the objectives of Clause 4.1.
- The current layout of the lots on the land is impractical from a development standpoint since it renders Lot 1 completely unusable due to no access to the street and also renders the rear portion of Lot 32 unusable due to no access to Elizabeth Drive, unless passing through Lot 32.
- The consolidation of the lots into one lot will better achieve the objectives set out in Section 4.1, as opposed to have the separate lots.
- Having the two lots consolidated into one will ensure that the lot size is consistent with all the other lots in the surrounding area.
- It will ensure that the lot size is able to accommodate the new proposal and would reinforce the subdivision pattern of the local area.
- It is clear that the current layout of the lots is impractical and is not able to accommodate development that is suitable for its purpose.
- The development will not pose any adverse impacts on the adjoining neighbours and streetscape.

Council Comment:

As per Council's records, existing Lot 1 DP 245122 was historically excised from the subject site to facilitate the construction of a future roadway traversing 1560 Elizabeth Drive (eastern site), 1562 Elizabeth Drive (subject site) and 1572 Elizabeth Drive (western site). Council's Land Development Engineers have confirmed that the future road construction is no longer being planned for or sought by Council. It is therefore considered unnecessary for the site to be split over two lots and its consolidation is considered reasonable in the circumstances.

It is also considered that the proposed consolidation of the site into one lot would result in a more orderly subdivision pattern onsite and in the immediately surrounding locality. It would also facilitate assist in the creation of the dual occupancy onsite, which would promote the positive economic use of the land.

Combining the lots is also considered to reduce the fragmentation of land and will allow the site to become consistent with the predominant subdivision pattern and character of the area. This arrangement is not considered to cause any adverse impacts to adjoining neighbours, but rather will allow for consistency and uniformity in the immediate built environment. It should be noted that the consolidation of the site, would revert the site back to its previous subdivision arrangement, before Council has planned a roadway through the site.

The proposed consolidation will result in a lot that is closer to a compliant lot size than the current lots onsite. The proposed consolidation will also result in the provision of a lot size that is sufficient to accommodate a dual occupancy as per Clause 7.10 – Minimum lot size for dual occupancies in rural zone, which requires 2 hectares in the RU4 zone.

As per the above, compliance with the 10 hectare minimum subdivision lot size development standard is considered unreasonable in the circumstances and there is considered to be sufficient planning grounds to justify the contravention.

3. Consistency with objectives of the development standard Clause 4.1 – Minimum Subdivision Lot Size in the LLEP 2008

Liverpool Local Environmental Plan 2008: Clause 4.1 Minimum Subdivision Lot Size

4.1 Minimum Subdivision Lot Size

(1) The objectives of this clause are as follows –

- (a) to ensure that lot sizes are consistent with the desired residential density for different locations,
- (b) to ensure that lot sizes are able to *accommodate development that is suitable for its purpose and consistent with relevant development controls,*
- (c) *to prevent fragmentation of land which would prevent the achievement of the extent of development and nature of uses envisioned for particular locations,*
- (d) *to minimise traffic impacts resulting from any increase in the number of lots on classified roads,*
- (e) *to minimise any likely impact of subdivision and development on the amenity of neighbouring properties,*
- (f) *to ensure that subdivision reflects and reinforces the predominant subdivision pattern of the area,*
- (g) *to ensure that lot sizes allow buildings to be sited to protect natural or cultural features including heritage items and retain special features such as trees and views.*

Applicant Comment:

The applicant has noted that the consolidation of lots will maintain a compatible development with the streetscape and is consistent with the objectives of the Clause. The current lot layout is impractical and does not allow for access to the street from Lot 1 and the rear portion of Lot 32. The consolidation will ensure that the new proposed lot is consistent with the adjoining lots in the surrounding area and will reinforce the subdivision pattern of the local area. Through this proposal the site will be able to accommodate development that is suitable for the site. The consolidation will result in the achievement of the objectives in Clause 4.1.

Council Comment:

The proposed consolidation of the land is likely to prevent the fragmentation of land which would otherwise obstruct development and uses envisaged for the locality and the RU4 zone. A single consolidated lot is also considered to be more likely to accommodate development that is consistent with the relevant development controls for the rural zone. Consolidation of the lots is not considered to create any adverse impacts on the amenity of neighbouring properties and is generally consistent with the desired future character of the area, the envisaged residential density for the area and reflects the predominant subdivision pattern in the area.

The consolidation of lots will aid in ensuring that there are no adverse traffic impacts resulting from a greater number of lots fronting with access to a classified roadway. The proposed development was referred to Transport for NSW, who responded with no objections to the

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proposed development, subject to conditions of consent. The proposed single lot arrangement will allow for buildings to be sited to protect the natural features and amenity of the site and exclude the need for vegetation removal. The proposal will allow for consistency and uniformity in the immediate locality by allowing development suited to the site attributes. Considering the above, Council is of the position that the proposed consolidation of lots is consistent with the objectives of Clause 4.1.

4. Consistency with objectives of the RU4 – Primary Production Small Lots

Objectives of the Zone

- *To enable sustainable primary industry and other compatible land uses.*
- *To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

Applicant Comment:

The applicant has noted compliance with the objectives of the RU4 zone.

Council Comment:

The proposed development, inclusive of the variation to Clause 4.1, is considered to maintain consistency with the RU4 – Primary Production Small Lots zone objectives. Specifically, the development will minimise conflict between land use within this zone and land uses within adjoining zones. In stopping the fragmentation of land the site will become consistent with its current residential use, and the predominant subdivision pattern and character of the area. The proposed consolidation of lots are considered to not adversely impact on the sustainable primary industry and or the promotion of diversity and employment opportunities in relation to primary industry enterprises.

As demonstrated above, the proposed development is considered to be consistent with the objectives of Clause 4.1 and the RU4 zone and as a result is considered to be in the public interest.

5. Consistency with Clause 4.6 Objectives

- a) *To provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- b) *To achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

It is considered in this instance to apply a degree of flexibility when applying the minimum subdivision lot size development standard to the subject site given the above discussion. Despite the non-compliance, the proposal provides for a suitable lot arrangement capable of accommodating the proposed dual occupancy. The proposal, inclusive of the variation to Clause 4.1, provides for an appropriate development on the site.

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6. Recommendation

With considerations to the discussion above, the proposed variation to Clause 4.1 – Minimum Subdivision Lot Size has satisfied the provisions of Clause 4.6 and is supported in this case.

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

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

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

(a) Liverpool Development Control Plan (LDCP) 2008

The application has also been assessed against the relevant controls of the LDCP 2008, particularly Part 1 – General Controls for all Development and Part 5 – Development in Rural and Environmental Zones.

The development is found to generally comply with the provisions of the LDCP 2008.

LDCP 2008 Part 1 – General Controls for all Development			
Control	Required	Proposal	Compliance
Section 2 – Tree Preservation	Consider impact of development on existing vegetation	No existing trees are proposed to be removed.	N/A
Section 3 – Landscaping and Incorporation of Existing Trees	Incorporation of existing trees into development where appropriate	No existing trees to be removed.	N/A
Section 4 – Bushland and Habitat Preservation	Consider impact of development on bushland and habitats	Minimal impact to existing bushland.	N/A
Section 5 – Bushfire Risk	Land on or adjacent to bushfire prone land to comply with RFS requirements	The site is affected by Bushfire prone land. The applicant has provided a Bushfire Protection Assessment Prepared By: Eco Logical Australia, Project Number: 19 HNG_12785, Version Number: 1, Dated: 18 March 2019. Recommendations have been made and will form part of the conditions of consent.	To be conditioned

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Section 6 – Water Cycle Management	Consideration of stormwater and drainage	The application has been reviewed by Council's Land Development Engineers who have raised no objections to the proposed development.	Complies
Section 7 – Development Near a Watercourse	Consideration of impact to riparian corridors	The proposed development was referred to Councils Land Development Engineering Department who have raised no objections to the proposal.	N/A
Section 8 – Erosion and Sediment Control	Sediment Control Plan or Soil and Water Management Plan required	The applicant has provided Sediment and Erosion Control Plans.	To be conditioned
Section 9 – Flooding Risk	Flood affection of property to considered	The site is affected by flood risk. The DA was referred to Councils Flooding Engineer who have raised no objection to the development subject to conditions of consent.	To be conditioned
Section 10 – Contaminated Land Risk	Previous use to be considered in assessing risk	See SEPP 55 discussion above.	Considered Acceptable
Section 11 – Salinity Risk	Salinity Management response required for affected properties	Potentially moderately affected by Saline soils, but due to minimal scope of works does not require a Salinity Management Response.	N/A
Section 12 – Acid Sulfate Soils Risk	Affected properties to consider impact of development on soils	The site is not mapped as being affected by Acid Sulfate Soils.	N/A
Section 13 – Weeds	Noxious weeds to be removed as part of development where applicable	The submitted site analysis does not identify any noxious weeds on site. A site	N/A

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		inspection revealed/confirmed no noxious weeds on site.	
Section 14 – Demolition of Existing Development	Must comply with AS 2601-2001	No demolition works are proposed.	Not Applicable
Section 15 – Onsite Sewage Disposal	S68 Application required where connection to sewer not available	The applicant has provided a Soil and Site Assessment for On-Site Wastewater Disposal Prepared By: Harris Environmental Consulting, Reference: 3276WW, Version: 1.0, Dated: April 2019. The application was referred to Council's Environmental Health Department who have raised no objections to the proposal, subject to conditions.	Considered Acceptable To be Conditioned
Section 16 – Aboriginal Archaeology	AHIA required where items of aboriginal archaeology exist	No known items of aboriginal archaeology are present on the subject property.	N/A
Section 17 – Heritage and Archaeology	Consideration of the impact on the heritage significance on any heritage buildings, sites, streetscapes or areas.	The site is not associated with any heritage items.	N/A
Section 18 – Notification of Application	Multi dwelling housing developments are to be notified to adjoining properties.	The proposed development was required to be notified in accordance with LDCP Part 1. The application was notified from 7 May to 22 May 2019. No submissions have	N/A

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		been received.	
Section 19 – Used Clothing Bins	Applies to any charity bins located on either private or Council land.	No charity bins located on site.	N/A
Section 20 – Car Parking and Access	Two (2) car parking spaces required for each dwelling.	The required two (2) car parking spaces are provided.	Complies
Section 21 – Subdivision of Land and Buildings	A minimum lot size of 10 hectares is required.	As per Clause 4.1 Minimum Subdivision Lot Size of the LLEP 2008, the minimum lot size for subdivision is 10 hectares. The development proposes the consolidation of two (2) lots to create one (1) lot with an overall site area of 2.845 hectares. This is a 71.55% variation to the development standard. The applicant has provided a Clause 4.6 Variation with the development application. This is addressed in the report above.	Considered Acceptable See Clause 4.6 Discussion Below
Section 22 – Water Conservation	New dwellings, including a residential component within a mixed-use building and serviced apartments intended or capable of being strata titled, are to demonstrate compliance with State Environmental Planning Policy – Building Sustainability Index (BASIX).	The applicant has provided a valid BASIX Certificate with the application.	To be Conditioned
Section 23 –	Dwellings, including	The applicant has	To be Conditioned

<p>Energy Conservation</p>	<p>multi-unit development within a mixed use building and serviced apartments intended or capable of being strata titled, are to demonstrate compliance with State Environmental Planning Policy – Building Sustainability Index (BASIX). A complying BASIX report is to be submitted with all development applications containing residential activities.</p>	<p>provided a valid BASIX Certificate with the application.</p>	
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Liverpool Development Control Plan 2008 Part 5 – Development in Rural and Environmental Zones

<p>LDCP 2008 Part 5 – Development in Rural and Environmental Zones</p>			
<p>Control</p>	<p>Required</p>	<p>Proposed</p>	<p>Compliance</p>
<p>Site Planning</p>	<p>Location of Buildings</p> <p>Buildings shall not be located on ridges or in places where they are too visible from the street.</p> <p>Buildings shall be sited to maximise the retention of existing trees.</p> <p>When siting buildings and seeking to maximise views, the visual impact of the building on the landscape is to be minimised.</p> <p>Outbuildings and water tanks associated with rural dwellings are to be organised and planned</p>	<p>The proposed development is sensitive to site attributes such as streetscape, character, natural landform, existing vegetation, views and land capability. The proposed development addresses the street and is setback appropriately.</p>	<p>Complies</p>

	<p>in a group and not be predominantly from public view.</p> <p>Site planning should be sensitive to site attributes, such as streetscape character, natural landform, existing vegetation, views and land capability.</p> <p>The site layout should enhance the streetscape through the use of landscaping and built form.</p> <p>Site planning should enable buildings to address streets and public open spaces.</p>		
Front Setback	Front setback of 20m	<p>The proposed dwelling has a front setback of 26.841m.</p> <p>Note: the proposed carport is located within the front setback of the proposed dwelling. It has a front setback of 18.212m. This will still allow for appropriate development of the site and maintenance of the rural character of the area. This is considered acceptable in this instance.</p> <p>The proposed shed is located to the 32m away from the rear of the dwelling and exceeds a front setback of 20m.</p>	Considered Acceptable.
Side Setback	Side setback of 2m	<p>The existing dwelling has a side setback of 2.75m to the eastern side. The proposed dwelling has a side setback of 73.417m to the western side.</p> <p>The proposed shed has a</p>	Complies

		<p>side setback of 5m to the eastern side and 85.302m to the western side.</p> <p>Note: The proposed carport has a side setback of 17.737m to the eastern side and 76.722m to the western side.</p>	
Rear Setback	Rear setback of 10m	<p>The proposed dwelling has a rear setback of 244.225m. The proposed shed has a rear setback of 244.170m.</p> <p>Note: the proposed carport is located to the front of the dwelling.</p>	Complies
Private Open Space and Landscaped Area	<p>Dwellings shall have a Private Open Space area of no less than 100sqm. Areas less than 2.5m in width do not qualify as Private Open Space.</p> <p>Private Open Space must be directly accessible from the living room.</p> <p>Private Open Space should be located where they are not visible from the street.</p> <p>If necessary, fencing should be provided to provide privacy is Private Open Space is located at the side of the dwelling.</p> <p>Areas of Private Open Space must receive at least 3 hours of direct sunlight.</p>	<p>The proposed development allows for a minimum Private Open Space of 100sqm. The Private Open Space can be directly accessed from the living/dining room and will receive the minimum required 3 hours of direct sunlight.</p>	Complies
Building Design, Style and Streetscape	<p>Residential heights in Rural Areas:</p> <p>Residential buildings are permitted to be a maximum of two (2)</p>	<p>The proposed development is a maximum of two storeys. The proposed structures will incorporate materials and finishes which complement the rural landscape.</p>	Complies

	<p>storeys and an attic in height. This is equivalent to the height limit that is found across the residential zones of 8.5m.</p> <p>Residential Heights in Environmental Protection Areas:</p> <p>Dwellings are permitted to be a maximum of (2) Storeys and an Attic in Height. Dwellings must be designed to blend in with the landscape, and minimal clearing works.</p> <p>Other Non Residential Uses:</p> <p>All non-residential uses can have a general maximum height of 8.5m.</p> <p>Further Restrictions on Height:</p> <p>All development must fit in with the surrounding areas, and conserve and protect the rural nature of the area. Therefore the above heights are a guide only, and a merit based assessment will occur for all development above 8.5m for a dwelling, and above 8.5m for a non-residential building.</p> <p>Roof Design</p> <p>The roof pitch of a building is not to exceed 36 degrees. Gabled and hipped rooflines are to be incorporated into the</p>		
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	<p>design of a building.</p> <p>Building Materials</p> <p>Materials must complement the rural landscape. Examples include stained timbers, brickwork, mud bricks, metal roofs and similar materials sympathetic to the Australian rural heritage.</p> <p>Buildings and structures must complement the rural landscape where possible. However Council will consider the use of the building when assessing building materials.</p>		
<p>Landscaping and Fencing</p>	<p>Tree Planting</p> <p>Existing trees and native vegetation are to be retained, protected and incorporated into the development proposal. This is particularly important for vegetation which forms part a ridgeline tree canopy and in foreshore areas (with the exception of weed species).</p> <p>Ridgelines shall be visually enhanced through the mass planting of additional indigenous vegetation, including native undergrowth and canopy species.</p> <p>The landscape design of a development must have regard to the prevailing weather conditions.</p> <p>Trees are to be used to provide shade to</p>	<p>No trees are proposed to be removed and no changes to existing fencing. The application was referred to Council's Natural Environment and Landscaping Department who have raised no objections to the proposal, subject to conditions of consent.</p>	<p>Complies</p>

	<p>buildings, outdoor recreation areas and car parking. Unless required for screening or noise attenuation purposes, solid wall or fences, which do not allow „through vision“ along allotment boundaries will not be allowed.</p> <p>All other perimeter screen planting is to be native species.</p> <p>Hard surfaces should be limited to access, car parking and private open space areas.</p> <p>Landscaping for Rural Landscape</p> <p>The trees shall provide a canopy for the streetscape and rural landscape.</p> <p>Shrubs may be used and preferably in mulched garden beds.</p> <p>Trees shall only be planted in grass where there is a border or protection around the tree separating it from the grassed area.</p> <p>Landscaping for screening</p> <p>The trees shall provide a canopy for the streetscape and soften the appearance of the rural environment, without unduly concealing approved on site signage.</p> <p>Mulched garden beds shall incorporate ground</p>		
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	<p>covers that will cover the ground area.</p> <p>Large shrubs shall be used under the tree canopy to screen the building or item.</p> <p>Shrubs shall only be planted in mulched garden beds.</p> <p>Fencing</p> <p>Maximum height for solid fences at the front of site: 1.2m.</p> <p>Maximum height for transparent fences at the front of site: 1.8m.</p> <p>Fences at the front of site shall not be chain wire, metal sheeting, brushwood or electric fences.</p> <p>Fences alongside and rear boundaries shall have a maximum height of 1.8m.</p> <p>Where screening of a building or item is needed a solid fence may be provided behind intensive landscaping.</p>		
<p>Car Parking and Access</p>	<p>Access</p> <p>Maximum height for solid fences at the front of site: 1.2m.</p> <p>Maximum height for transparent fences at the front of site: 1.8m.</p> <p>Fences at the front of site shall not be chain wire, metal sheeting, brushwood or electric fences.</p>	<p>No changes to existing car parking on site.</p> <p>The development proposes the construction of a carport to the front of the proposed dwelling. The proposed carport has a length of 6m, width of 5.8m and a height of 3.413m.</p>	<p>Complies</p>

	<p>Fences alongside and rear boundaries shall have a maximum height of 1.8m.</p> <p>Where screening of a building or item is needed a solid fence may be provided behind intensive landscaping.</p> <p>Design and Location of Car Parking and Loading</p> <p>Loading bays or parking for trucks, should be located in an area that is not visible from the street.</p> <p>Large car parking areas are not to be visible from the street. Car parking areas must be clearly indicated through signage on site.</p> <p>Should the site require overflow parking for special events, an area shall be designated that can be used for temporary car parking.</p>		
<p>Amenity and Environmental Impact</p>	<p>Noise</p> <p>Land uses that would create excessive noise will not be permitted. Land uses will be subject to the Protection of the Environment Act 2008.</p> <p>Air</p> <p>Land uses that would create excessive pollution and odour will not be permitted. Land uses will be subject to the Protection of the</p>	<p>The proposed development is not considered to cause any adverse noise, and air impacts. The development is for residential use and a shed.</p> <p>The application was referred to Councils Land Development Engineering and Environmental Health Department who have raised no objections to the proposal, subject to conditions of consent.</p> <p>Note: the applicant has provided an Acoustic Report</p>	<p>Complies</p> <p>To be Conditioned</p>

	<p>Environment Act 2008.</p> <p>Water Cycle</p> <p>Stormwater and excess water associated with irrigation including nutrient enriched waters generated within the site are to be contained and treated on the site.</p> <p>Hazardous Materials</p> <p>Storage and handling of fuels and chemicals (fertilisers, pesticides) is to be contained within areas that are impermeably floored and bundled.</p>	<p>Prepared By: Acoustic, Vibration & Noise Pty Ltd., Reference No: 2019-078, Dated: 9 July 2019. Recommendations have been made and will form part of the conditions of consent.</p>	
<p>Additional Requirements</p>	<p>Dwelling Houses and Dual Occupancy</p> <p>Building Appearance, Streetscape and Layout</p> <p>Depending on the location and land use zoning of the property, the LLEP 2008 may stipulate a maximum floor area for dual occupancies.</p> <p>An extension or alteration which creates attached dual occupancy housing is to ensure that design features complement the existing dwelling house.</p> <p>An attached dual occupancy shall be compatible with the design features of the existing dwelling in</p>	<p>The proposed development is considered to be compatible with the design features of the existing dwelling. The attached dual occupancy is attached under the same roof line.</p> <p>The proposed development is unlikely to be obtrusive to the rural landscape when considering the context and existing character of development in the locality.</p>	<p>Complies</p>

	<p>terms of cladding, colour, building materials, windows, verandahs, roof form and pitch.</p> <p>The front building line of the second dwelling is to be located behind the building line of the existing dwelling house. In the event two dwellings are constructed at the same Liverpool Development Control Plan 2008 Additional Requirements Part 5 24 time, one dwelling shall be sited to present as the principal dwelling with the second dwelling to be subservient in scale.</p> <p>The principal dwelling and second dwelling in rural dual occupancies shall be sited in close proximity in order to reflect the traditional rural landscape character of clustering buildings and to allow for larger expanses of undisturbed land that allows for the pursuit of rural activities. Dual occupancies proposed on land zoned RU2 – Rural Landscape must be attached to the principal dwelling.</p> <p>Mirror reversed dual occupancies or replica dwelling designs are not supported.</p> <p>Attached Dual Occupancy development shall be physically attached under the same roofline</p>		
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	<p>and have the general appearance of a large single dwelling house when viewed from the primary street frontage. Structures such as carports, skillion roofs, pergolas, covered awnings and the like are not acceptable as a mode of attachment,</p> <p>In the case of Detached Dual Occupancy and Secondary Dwelling development, both dwellings shall possess compatible architectural treatments and building materials.</p> <p>Dwellings must be located to minimise the removal of any existing vegetation.</p> <p>Buildings should be visually unobtrusive in the rural landscape.</p> <p>Buildings should complement the characteristics of the landform. Cut and Fill must be kept to a minimum.</p> <p>The roofline of all buildings should reflect the land profile within the vicinity of the development.</p> <p>The colours of roof and wall cladding shall be generally low reflective neutral/earth tones, compatible with existing development on the site.</p> <p>On land zoned RU2 – Rural landscape dual occupancies are not</p>		
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	permitted to be created with semi-detached dwellings that have resulted from the subdivision of an attached dual occupancy.		
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As per the tables above, the development proposal is considered to be generally consistent with the Liverpool DCP 2008.

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

There are no Planning Agreements which apply to the development.

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

The Environmental Planning and Assessment Regulation 2000 requires the consent authority to consider the provisions of the BCA and the Safety standards for demolition (AS 2601 – 2001). Accordingly, appropriate conditions of consent will be imposed.

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

Natural and Built Environment

The proposed development is unlikely to create a detrimental impact on the natural environment surrounding the subject site, subject to the imposition of appropriate conditions of consent. The development has been specifically designed to be outside of any land mapped as being environmentally sensitive and includes no vegetation removal. The development has been referred to Council’s Flood Engineers, who have noted that the development can be carried out on the land despite it being is mapped as flood affected, subject to it meeting flood related development provisions. In that regard, it is unlikely to unacceptably affect the flood behaviour and the local drainage catchment.

The proposed development is also unlikely to create any adverse impacts on the surrounding built environment. The proposed development is considered to be of an appropriate scale and is unlikely to create any negative impacts on the adjoining properties. The proposal has been designed to the generally consistent with the relevant development controls for rural development and dual occupancies. The site is mapped as being bushfire prone and the applicant has submitted a Bushfire Assessment Report prepared by a NSW RFS accredited consultant with the DA. This assessment report notes that the development is acceptable subject to bushfire design controls. The development was referred to Transport for NSW as is involves the intensification and consolidation of land with frontage to a classified roadway, regarding impacts to their road. They raised no objection to the proposal.

Social Impacts and Economic Impacts

The proposed development is unlikely to generate any identifiable negative 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 considerations

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applicable to the site, and is therefore considered to be suitable for the proposed development.

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

(a) Internal Referrals

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

DEPARTMENT	COMMENTS
Land Development Engineering	Approval, subject to conditions of consent
Environmental Health	Approval, subject to conditions of consent
Natural Environment Landscape	Approval, subject to conditions of consent
Floodplain Engineering	Approval, subject to conditions of consent

(b) External Referrals

DEPARTMENT	COMMENTS
Transport for NSW	Approval, subject to conditions of consent

(c) Community Consultation

The proposal was notified for a period of 15 days from 7 May to 22 May 2019 in accordance with LDCP 2008, Part 1 – General Controls for all Development. No submissions have been received.

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

Subject to the assessment discussed above, the proposed development is considered to be in the public interest.

7. DEVELOPMENT CONTRIBUTIONS

A Section 7.11 Development Contributions is applicable to the proposed development in accordance with Liverpool Contributions Plan 2009 and will be imposed as a condition of consent of any approval for the proposed development. The development attracts a total contribution of **\$405.00** which will be adjusted at the time of payment as per the contribution plan.

The site is also subject to a Special Infrastructure Contribution as per Section 7.23 of the Act.

8. CONCLUSION

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

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unacceptable adverse impact upon neighbouring properties and the locality and it is recommended that the application be approved subject to the imposition of conditions.

9. RECOMMENDATION

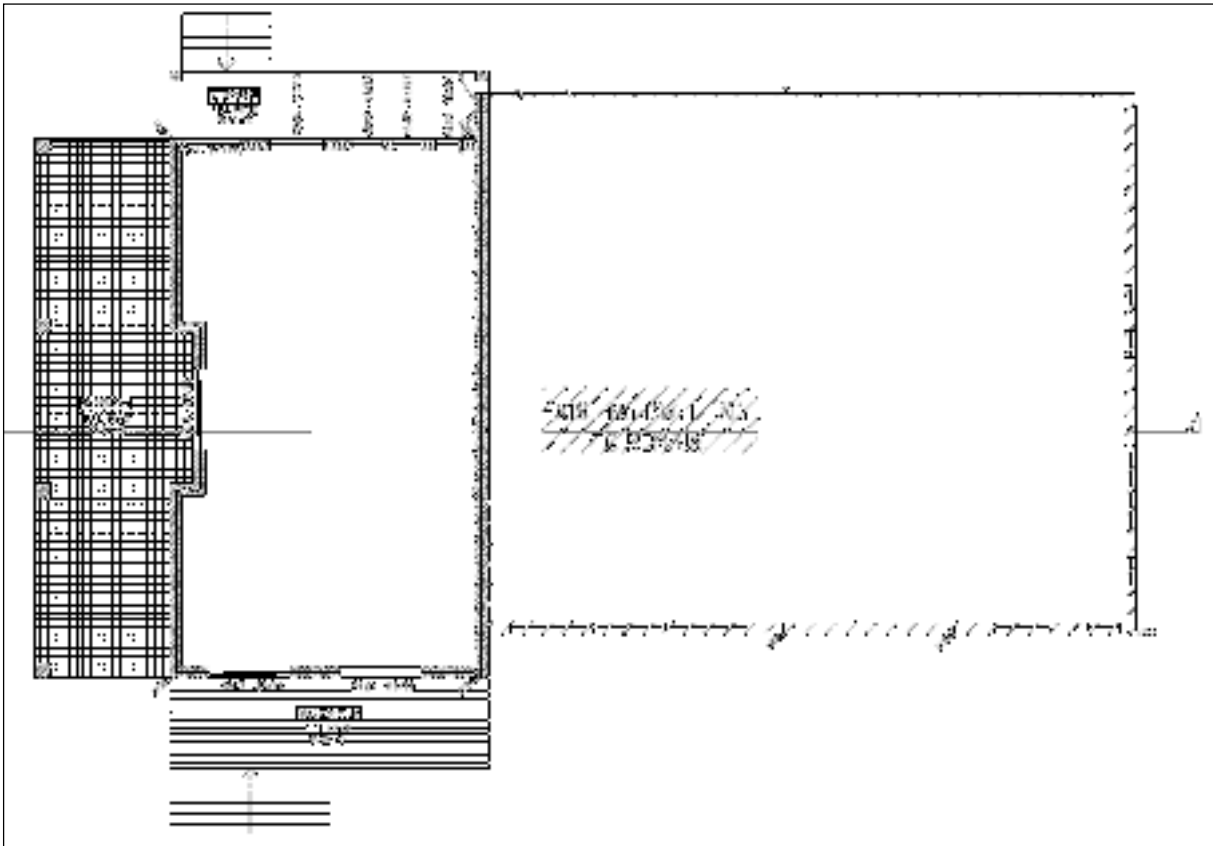
That Development Application DA-256/2019 seeking approval for the consolidation of two (2) lots into one (1) lot and construction of a shed, carport and attached double storey dwelling to create a dual occupancy at 1562 Elizabeth Drive, Cecil Park, be approved subject to conditions of consent.

10. ATTACHMENTS

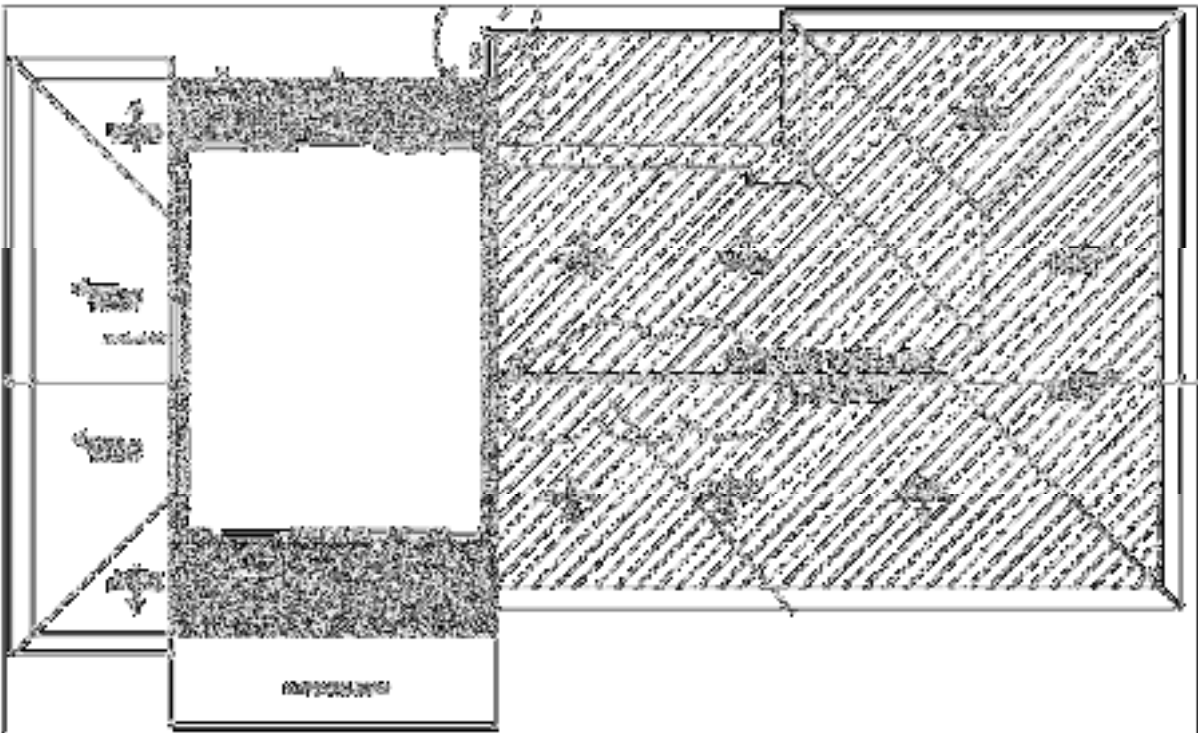
- 1. PLANS OF THE PROPOSAL**
- 2. CONDITIONS OF APPROVAL**
- 3. SECTION 7.11 PAYMENT FORM**
- 4. TERMS OF APPROVAL BY TRANSPORT FOR NSW**

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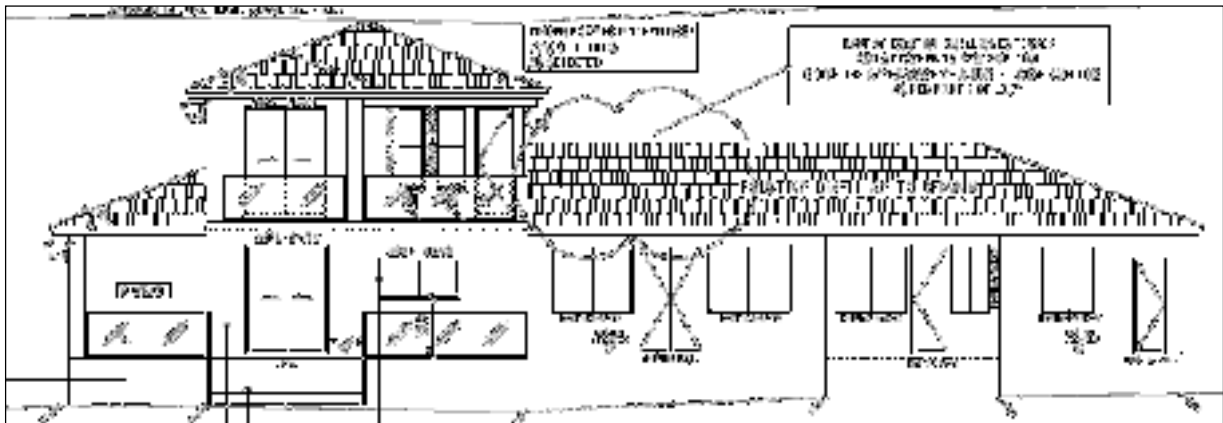
Proposed Dwelling Ground Floor Plan



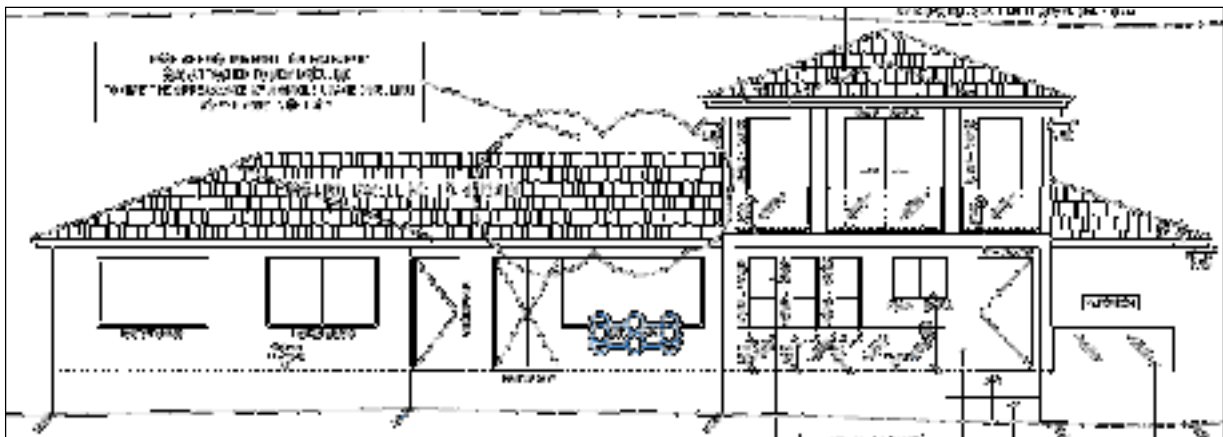
Proposed Dwelling First Floor Plan

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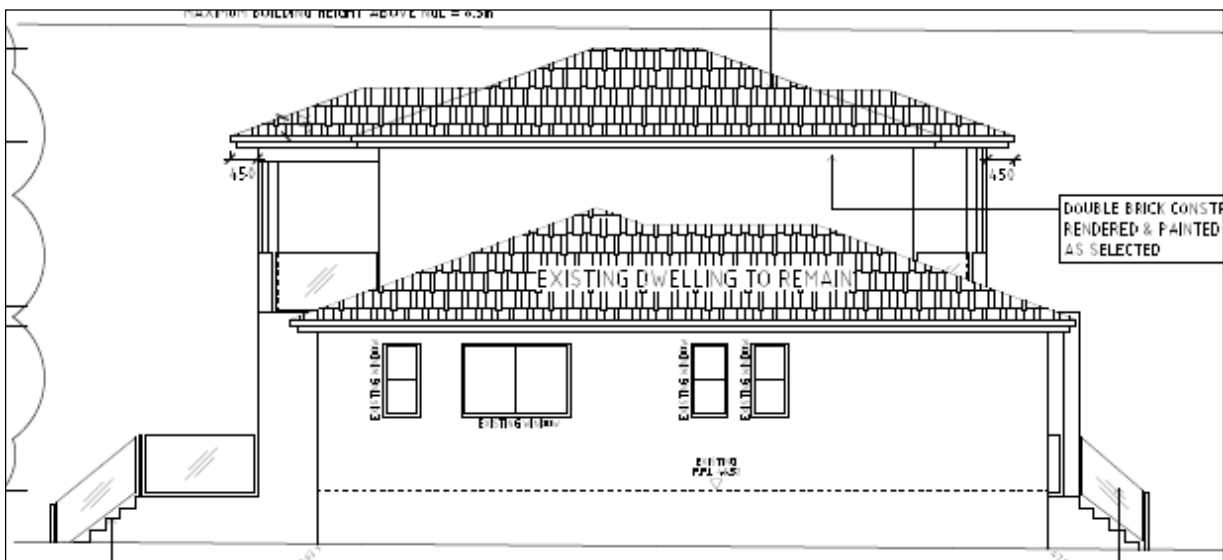
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Southern Elevation



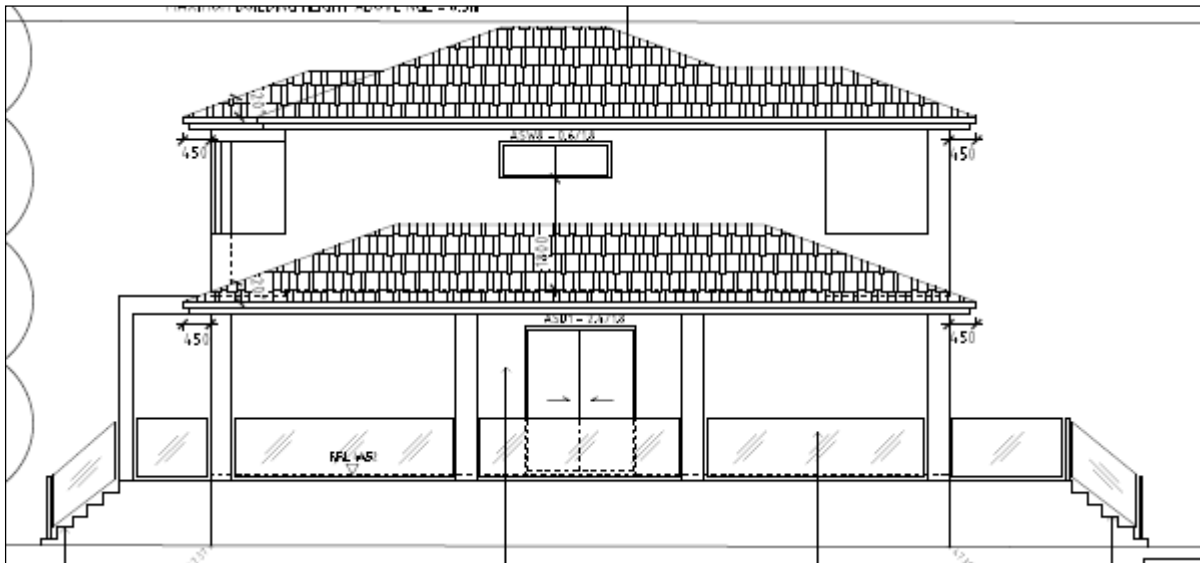
Northern Elevation



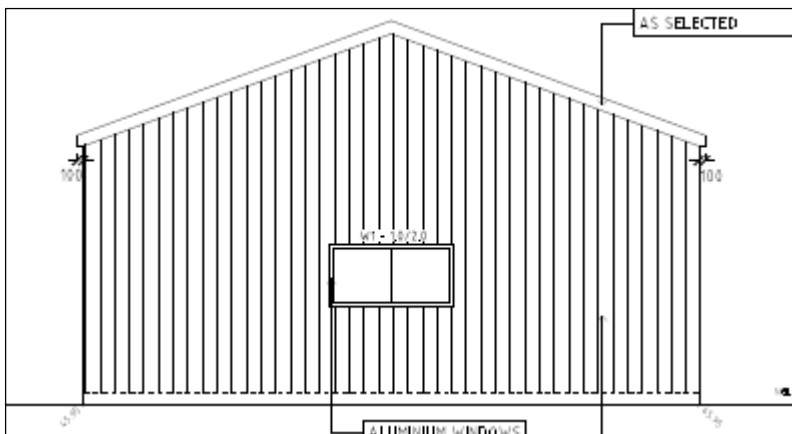
Eastern Elevation

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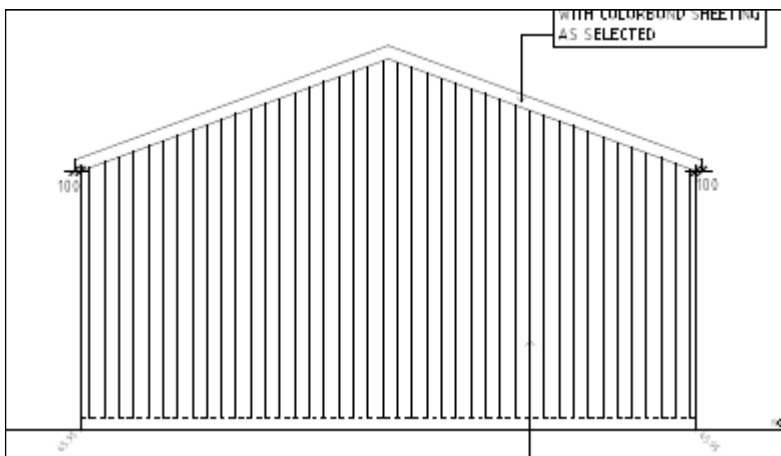
30 March 2020



Western Elevation



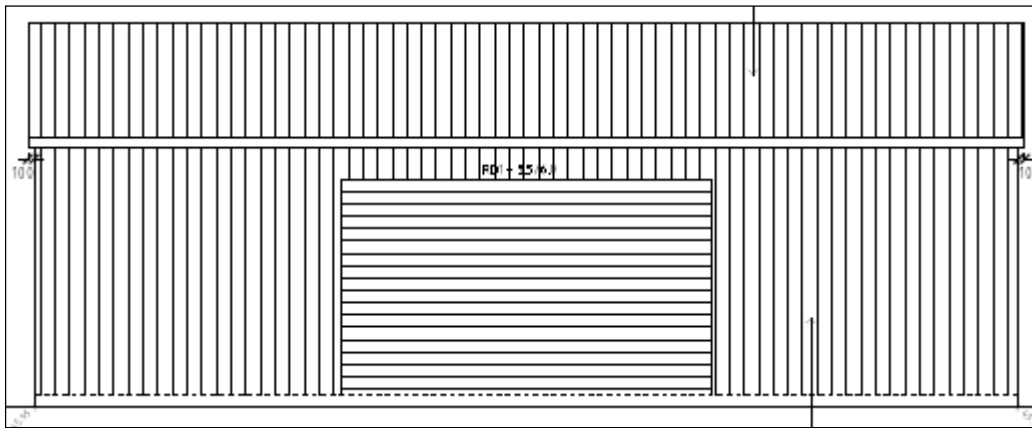
Southern Elevation (Shed)



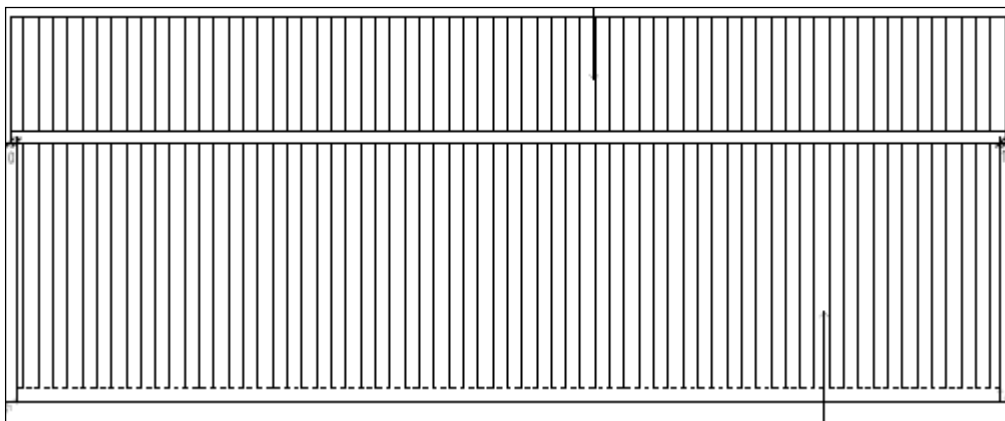
Northern Elevation (Shed)

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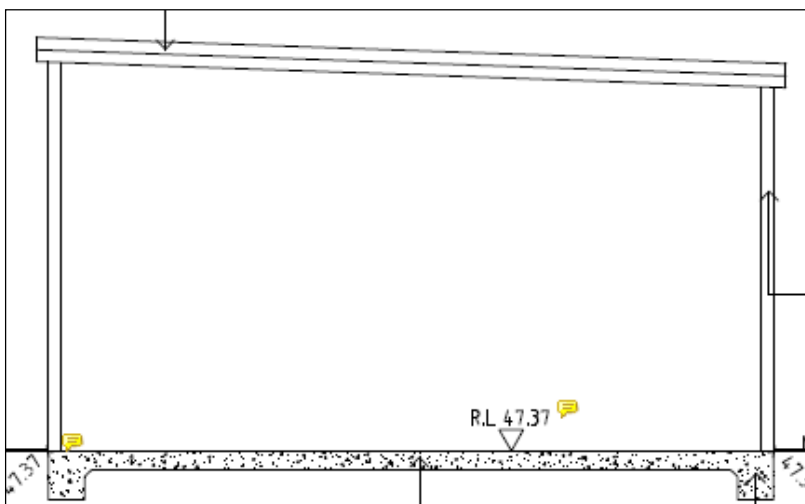
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Western Elevation (Shed)



Eastern Shed Elevation (Shed)



Carport Section

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ATTACHMENT 2 – 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 generally in accordance with the following plans/reports marked as follows, except where modified by the undermentioned conditions.

- a) Architectural Plans Prepared By: Simple Design Solution, Project Address: 1562 Elizabeth Drive, Cecil Park, Revision No: B, Dated: 08/07/19:
 - i. Site Plan, Sheet No: Sheet A02;
 - ii. Ground Floor Plan, Sheet No: Sheet A03;
 - iii. First Floor Plan, Revision: C, Dated: 11/10/19, Sheet No: Sheet A04;
 - iv. Roof Plan, Sheet No: Sheet A05;
 - v. Shed Floor Plan, Sheet No: Sheet A06;
 - vi. Elevations 1, Sheet No: Sheet A09;
 - vii. Carport/Roof Plan, Revision: A, Dated: 02/04/19, Sheet No: Sheet A08;
 - viii. Elevations 2, Sheet No: Sheet A10;
 - ix. Section 1-1, Sheet No: Sheet A11;
 - x. Elevations 3 (Shed), Sheet No: Sheet A12;
 - xi. Elevations 4 (Shed), Sheet No: Sheet A13;
 - xii. Sections 2-2 (Shed), Sheet No: Sheet A14;
 - xiii. Elevations 5 (Carport), Revision: A, Dated: 02/04/19, Sheet No: Sheet A15;
 - xiv. Section 3-3 (Carport), Revision: A, Dated: 02/04/19, Sheet No: Sheet A16;
 - xv. Landscape Plan, Sheet No: Sheet A17;
 - xvi. Erosion & Sediment Control Plan, Sheet No: Sheet A18;
 - xvii. Lot Consolidation Plan, Revision: A, Dated: 30/10/19, Sheet No: Sheet A20;

- b) Concept Stormwater Plan Prepared By: Aspire Design & Engineering, Sheet No: D01, Dated: 08/07/2019;
- c) Schedule of External Finishes submitted with DA-256/2019, dated 1 April 2019;
- d) Acoustic Report Prepared By: Acoustic, Vibration & Noise Pty. Ltd., Reference No: 2019-078, Revision: 1, Dated: July 9th, 2019;
- e) Soil & Site Assessment for Onsite Wastewater Disposal Prepared By: Harris Environmental Consulting, Reference: 3276WW, Version: 1, Dated: April 5, 2019;
- f) Bushfire Protection Assessment Prepared By: Eco Logical Australia, Project No: 19HNG_12785, Version: 1, Dated: 18 March 2019;
- g) Waste Management Plan Prepared By: Simple Design Solution, Dated: 01 April 2019 submitted with DA0256/2019;
- h) BASIX Certificate Prepared By: Simple Design Solution, Certificate No: 1006182S, Dated: 01 April 2019.

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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. Transport for NSW Conditions

The development must be carried out in accordance with the conditions provided by Transport for NSW, dated 12 February 2020, which will form Attachment 3 of this consent.

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.

4. Section 7.11 Payment (Liverpool Contributions Plan 2009)

As a consequence of this development, Council has identified an increased demand for public amenities and public services. The following payment is imposed in accordance with Liverpool Contributions Plan 2009 as amended.

The total contribution is **\$405.00** and will be adjusted at the time of payment in accordance with the contributions plan.

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

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

Payment must be accompanied by the attached form.

5. Special Infrastructure Contribution (SIC)

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

6. Comply with EP&A Act

The requirements and provisions of the *Environmental Planning & Assessment Act 1979* and *Environmental Planning & Assessment Regulation 2000*, 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.

7. Fee Payments – Land Development

Unless otherwise prescribed by this consent, all relevant fees or charges must be paid. Where Council does not collect these payments, copies of receipts must be provided. For the calculation of payments such as Long Service Levy, the payment must be based on the value specified with the Development Application/Construction Certificate.

The following fees are applicable and payable:

- a) Damage Inspection Fee – relevant where the cost of building work is \$20,000 or more, or a swimming pool is to be excavated by machinery,
- b) Fee associated with Application for Permit to Carry Out Work Within a Road, Park and Drainage Reserve, and
- c) Long Service Levy payment is applicable on building work having a value of \$25,000 or more, at the rate of 0.35% of the cost of the works. The required Long Service Levy payment, under the Building and Construction Industry Long Service Payments Act 1986, is to be forwarded to the Long Service Levy Corporation or the Council, prior to the issuing of a Construction Certificate, in accordance with Section 6.8 of the Environmental Planning & Assessment Act 1979.

These fees are reviewed annually and will be calculated accordingly

8. Fee Payments – Road Opening

All fees associated with a road opening permit required for the connection, extension or amplification of any services within Council's road reserve must be paid to Council and receipts provided to the PCA. A separate form must be submitted in conjunction with payment of the fees. The fees include the standard road opening permit fee and any restoration fees that may be required as a result of the works

9. Site Development Work

Site development work in the form of excavation, underpinning or shoring works must not take place, until such time as a CC has been issued.

10. National Construction Code

All aspects of construction shall comply 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 Performance Requirements or is shown to be at least equivalent to the Deemed to Satisfy Provisions, or a combination of a) and b).

11. Notification

The certifying authority must advise Council, in writing of:

- a) The name and contractor license number of the licensee who has contracted to do or intends to do the work, or
- b) The name and permit of the owner-builder who intends to do the work. If these arrangements are changed, or if a contact is entered into for the work to be done by a different licensee, Council must be immediately informed.

12. Stormwater Concept Plan

A stormwater drainage system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by: Aspire Design & Engineering, reference no: D01 & D02, revision: A, Dated: 02/04/19.

- 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.
- b) Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified engineer and shall accompany the application for a Construction Certificate. The plan shall indicate the method of disposal of all stormwater and must include rainwater tanks, existing ground levels, finish surface levels and sizes of all pipes (delete for single dwellings).
- c) 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.

13. Dilapidation Report

A dilapidation report of all infrastructure fronting the development in 1562 Elizabeth Drive, Cecil Park is to be submitted to Liverpool City Council. The report is to include, but not limited to, the road pavement, kerb and gutter, footpath, services and street trees and is to extend 10m either side of the development.

14. Engineering Requirements

The following engineering conditions must be complied with:

- a) Provide grated trench drain at garage opening and connect to proposed stormwater system to prevent stormwater entering the garage (due to proposed driveway grade)
- b) The proposed trench is to be located not less than 4m from any building or site boundary, septic disposal or other locally sensitive areas.

15. S138 Rods Act – Minor Works in the Public Road

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

- a) Vehicular crossings (including kerb reinstatement of redundant vehicular crossings),

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- b) Road opening for utilities and stormwater (including stormwater connection to Council infrastructure), or
- c) Road occupancy or road closures.

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

Note: Approvals may also be required from the Roads and Maritime Service (RMS) for classified roads.

16. Access, Car Parking and Manoeuvring – General

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Liverpool City Council's Development Control Plan.

17. Provision of Services – Sydney Water

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

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

18. Provision of Services – Endeavour Energy

Written clearance from Endeavour Energy, stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development must be submitted to the PCA.

19. Provision of Services – Telecommunications

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

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

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

telecommunications.

20. Flooding Requirements

The following flooding requirements must be complied with:

- a) The lowest habitable floor level shall be no less than 1% AEP flood plus half a metre freeboard (i.e. 47.5m + 0.5m = 48.0m Australian Height Datum).
- b) The structure shall be constructed from flood compatible building components below the 1% AEP flood plus half a metre freeboard (i.e. 47.5m + 0.5m = 48.0m Australian Height Datum).
- c) Non habitable floor levels shall be no less than the 5%AEP flood (i.e. 46.7m Australian Height Datum).

21. Retaining Walls on Boundary

All retaining walls shall be of masonry construction and must be wholly within the property boundary, including footings and agricultural drainage lines. Construction of retaining walls or associated drainage works along common boundaries shall not compromise the structural integrity of any existing structures.

Where a retaining wall exceeds 600mm in height, the wall shall be designed by a practicing structural engineer and a construction certificate must be obtained prior to commencement of works on the retaining wall.

22. S68 Local Government Act – Stormwater Drainage Works

Prior to the issue of a Construction Certificate, the Principal Certifying Authority and/or Certifying Authority shall ensure that an application under Section 68 of the Local Government Act, including the payment of application and inspection fees, has been lodged with, and approved by Liverpool City Council for connection of stormwater to Council system.

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

23. No loading on Easements

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

24. Cladding

Prior to issue of a construction certificate the certifier must be satisfied that all proposed attachments, cladding material and systems forming part of external walls comply with the NCC BCA and relevant Australian Standards. The certifier must be able to demonstrate compliance with evidence of suitability as per clause A2.2 of the BCA for all products/systems proposed.

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25. On-Site Sewage Management System

An application for Approval to Install an On-site Sewage Management System pursuant to Section 68 of the Local Government Act is to be submitted to Council for consideration and approval. The application is to be accompanied by a Waste Water Report prepared by a suitably qualified consultant, specifications of the proposed system and NSW Health accreditation details of proposed system.

26. Recommendations of Acoustic Report

The recommendations provided in the approved acoustic report titled (Report Title), report reference (Project Number/Job Number, Revision) prepared by (Author) dated (date) shall be implemented and incorporated into the design and construction of the development and be shown on plans accompanying the Construction Certificate application.

The construction methodology and plans accompanying the Construction Certificate application shall be assessed and certified in writing by a suitably qualified acoustic consultant to verify conformance with the requirements of the aforementioned acoustic report. The written certification from the suitably qualified acoustic consultant shall be submitted to and approved by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.

Note: 'Suitably qualified acoustic consultant' means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustical Society or employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.

27. Land Consolidation/Registration

All separate lots must be consolidated. The applicant shall provide evidence that the linen plan, for the required lot consolidation endorsed by Council, has been registered with the LPI Service. This is to be provided to Council prior to the release of any CC.

C. PRIOR TO WORKS COMMENCING

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

28. Construction Certificates

Any CC that may be issued in association with this development consent must ensure that any certified plans and designs are generally consistent (in terms of site layout, site levels, building location, size, external configuration and appearance) with the approved Development Application plans.

29. Construction Certificates

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

- a) Construction Certificate must be obtained from the Council or an Accredited Certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*,

- b) Where a Construction Certificate is obtained from an Accredited Certifier, the applicant shall advise Council of the name, address and contact number of the Accredited Certifier, in accordance with Section 4.19, 6.6, 6.7, 6.12, 6.13, 6.14 of the Act,
- c) A copy of the Construction Certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment,
- d) A Principal Certifying Authority (PCA) must be appointed to carry out the necessary building inspections and to issue an occupation certificate, and

The PCA must advise Council of the intended date to commence work which is the subject of this consent by completing a notice of commencement of building works or subdivision works form, available from Council's Customer Service Centre. A minimum period of two (2) working days' notice must be given.

30. Notification

Written notice of intention shall be given to the owner of the adjoining allotments of land, outlining the particulars of the proposed work, which involves:

- a) Any excavation, below the base of the footings of a building on an adjoining allotment of land, and

The notice shall be given seven (7) days prior to the commencement of work.

31. Excavation

In the event the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the following is to be undertaken at full cost to the developer:

- Protect and support the adjoining premises from possible damage from the excavation, and
- Where necessary, underpin the adjoining premises to prevent any such damage.

32. Construction Requirements

Retaining walls or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated subsoil drainage and surface stormwater drainage measures, shall be designed strictly in accordance with the manufacturers details or by a practicing structural engineer. Retaining walls on any boundary are to be of masonry construction.

33. "DIAL BEFORE YOU DIG"

Underground assets may exist in the area that is subject to your application. In the interest of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contact the Dial

before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

34. Site Facilities

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.

35. Residential Building Work

Building work that involves residential building work (within the meaning of the Home Building Act 1989) must not be commenced unless the principal certifier for the development to which the work relates (not being the council) has given the council written notice of the name and license number of the principal contractor; and the name of the insurer by which the work is insured under Part 6 of that Act.

36. Residential Building Work

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the PCA for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

37. Waste Classification and Disposal

All soils and material(s), liquid and solid, to be removed from the site must be analysed and classified by an appropriately qualified and certified consultant, in accordance with the Protection of the Environment Operations (Waste) Regulation 2014 and related guidelines, in particular the NSW EPA Waste Classification Guidelines, prior to off-site disposal.

All Waste material(s) must be disposed of at an appropriately licensed waste facility for the specific waste. Receipts for the disposal of the waste must be submitted to the Principal Certifying Authority within 30 days of the waste being disposed of.

All waste must be transported by a contractor licenced to transport the specific waste, and in vehicles capable of carting the waste without spillage, and meeting relevant requirements and standards. All loads must be covered prior to vehicles leaving the site.

38. Sydney Water

Development plans must be processed and approved by Sydney Water.

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39. Sediment and 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.

40. 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.

41. Toilet Facilities

Toilet facilities must be available or provided at the work site and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must:

- a) be a standard flushing toilet connected to a public sewer, or
- b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
- c) be a temporary chemical closet approved under the *Local Government Act 1993*.

D. DURING CONSTRUCTION

The following conditions are to be complied with or addressed during construction:

42. Building Work

The building works must be inspected by the Principal Certifying Authority, in accordance with Sections 6.5 (3) of the Environmental Planning & Assessment Act 1979 and Clause 162A of the Environmental Planning & Assessment Regulation 2000, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.

43. Building Work

The Principal Certifying Authority (PCA) must specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the PCA, prior to proceeding to the subsequent stages of construction or finalisation of the works.

44. Excavation

In the event the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

1. protect and support the adjoining premises from possible damage from the excavation,
2. where necessary, underpin the adjoining premises to prevent any such damage, and
3. a and b above does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

Retaining walls or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated subsoil drainage and surface stormwater drainage measures, shall be designed strictly in accordance with the manufacturers details or by a practising structural engineer.

45. 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 or excavation or building activities or delivery/ departure of materials associated with this site. The damage shall be reported to Council as soon as the damage becomes apparent to the builder/ site manager. Arrangements to the satisfaction of Council are to be made for making safe by temporary repairs to the public way until permanent restoration and repair can be organised with Council.

46. Aboriginal Cultural Heritage – Unexpected Finds

As required by the National Parks and Wildlife Service Act 1974 in the event that Aboriginal cultural heritage objects or deposits are encountered/discovered where they are not expected, works must cease immediately and Council and the Office of Environment and Heritage (OEH) must be notified of the discovery.

In the event that archaeological resources are encountered, further archaeological work may be required before works can re-commence, including the statutory requirement under the National Parks and Wildlife Service Act 1974 to obtain the necessary approvals/permits from the OEH

Note: The National Parks and Wildlife Service Act 1974 impose substantial penalty infringements and / or imprisonment for the unauthorised destruction of archaeological resources, regardless of whether or not such archaeological resources are known to exist on the site.

47. Skeletal Remains

In the event that skeletal remains are uncovered, work must cease immediately in that area and the area secured. NSW Police must be contacted and no further action taken until written advice has been provided by the NSW Police. If the remains are determined to be of Aboriginal origin, the Office of Environment and Heritage must be

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notified by ringing the Enviroline 131 555 and a management plan prior to works recommencing must be developed in consultation with relevant Aboriginal stakeholders.

48. Contamination

The development, including all civil works and demolition, must comply with the requirements of the *Contaminated Land Management Act, 1997, State Environmental Planning Policy No. 55 – Remediation of Land*, and *Managing Land Contamination – Planning Guidelines (Planning NSW/EPA 1998)*.

49. Unidentified Contamination

Any new information which comes to light during demolition or construction works which has the potential to alter previous conclusions about site contamination and remediation must be immediately notified to Council and the Principal Certifying Authority in writing.

A Section 4.55 Application under the EP&A Act shall be made for any proposed works outside the scope of the approved development consent.

50. Air Quality – Dust Screens

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

51. Pollution Control – Truck Movements

The loading and unloading of all vehicles associated with the development must be undertaken within the property boundary of the premises subject to this consent.

Measures must be implemented to prevent tracking of sediment by vehicles onto roads.

Vehicle loads must be covered when entering and exiting the site with material.

52. Erosion Control – Measures

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

53. Drainage Connection

Prior to the connection of private drainage to Council's drainage system, an inspection is to be carried out by Liverpool City Council's Development Engineering Unit. A fee will be charged in accordance with Council's adopted Fees and Charges, and is to be paid prior to the inspection.

54. Site Notice Board

A sign must be erected in a prominent position on the premises on which work is to be carried out. The sign is to be maintained during work, and removed at the completion of work. The sign must state:

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- a) the name, address and telephone number of the principal certifying authority for the work,
- b) the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c) unauthorised entry to the premises is prohibited.

55. Removal of Dangerous and/or Hazardous Waste

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.

56. Identification Survey Report

The building and external walls are not to proceed past ground floor/reinforcing steel level until such time as the PCA has been supplied with an identification survey report prepared by a registered surveyor certifying that the floor levels and external wall locations to be constructed, comply with the approved plans, finished floor levels and setbacks to boundary/boundaries. The slab shall not be poured, nor do works continue, until the PCA has advised the builder/developer that the floor level and external wall setback details shown on the submitted survey are satisfactory.

In the event that Council is not the PCA, a copy of the survey shall be provided to Council within three (3) working days.

57. 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.

58. General Site Works – Surface Contours

Alterations to the natural surface contours must not impede or divert natural surface water runoff, so as to cause a nuisance to adjoining property owners.

59. General Site Works – Runoff

Any runoff entering the areas of vegetation to be retained shall be of an equivalent or better quality, and of a similar rate of flow to present levels.

60. General Site Works – Existing Hydrology

Existing hydrological regimes shall be maintained so as not to negatively impact vegetation to be retained on site and downslope/downstream of the site.

61. General Site Works – Stormwater Connection

Stormwater pipeline connections to the street kerb shall be constructed in the following manner:

- a) the kerb shall be saw cut on both sides of the proposed pipe outlet,
- b) an approved rectangular kerb adaptor shall be installed with the base matching the invert level of the gutter, and
- c) The kerb shall be reinstated to its original profile using a cement mortar containing an epoxy additive for adherence to the existing kerb.

62. General Site Works – Sediment

The development, including construction, shall not result in any increase in sediment deposition into any water body, wetland, bushland or environmentally significant land.

63. Imported Fill Material

Filling material must be limited to the following:

- a) Virgin excavated natural material (VENM)
- b) Excavated natural material (ENM) certified as such in accordance with Protection of the Environment (Waste) Regulation 2014; and/or
- c) Material subject to a Waste Exemption under Clause 91 and 92 Protection of the Environment Operations (Waste) Regulation 2014 and recognised by the NSW Environment Protection Authority as being “fit for purpose” with respect to the development subject of this application.

Certificates proving that the material imported is ENM or VENM must be provided to the Principal Certifying Authority prior to filling. Certificates are to be provided to Council officers if and when requested.

Fill imported on to the site must be compatible with the existing soil characteristic for site drainage purposes.

64. Record Keeping of Imported Fill

Records of the following must be submitted to the principal certifying authority monthly and at the completion of earth works:

- a) the course (including the address and owner of the source site), nature and quantity of all incoming loads including the date, the name of the carrier, and the vehicle registration,
- b) the results of a preliminary contamination assessment carried out on any fill material used in the development, and
- c) the results of any chemical testing of fill material.

65. Tree Removal

No approval has been granted for the removal of any trees onsite.

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66. Environmentally Sensitive Land

No works or activities associated with the approved development shall be carried out on any land mapped as Environmentally Sensitive Land as per Liverpool Local Environmental Plan 2008.

E. PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

The following conditions are to be complied with before the release of an Occupation Certificate

67. Occupation Certificates

The premises must not be utilised until an Occupation Certificate (OC) is issued by the principal certifier.

68. Certificates

Details of critical stage inspections carried out by the principal certifying authority together with any other certification relied upon must be provided to Council with the occupation certificate

69. Certificates

The Principal Certifying Authority shall ensure that all compliance certificates required by this development consent are referenced to the condition consent number. The Compliance Certificate is to state that the works as constructed comply fully with the required condition of consent being acted on by the certifier.

70. Liverpool City Council Clearance – Roads Act/Local Government Act

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that all works associated with S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Liverpool City Council.

71. On-Site Sewerage Management System Installation/Amendment

The installation / amendment of an On-Site Sewerage Management System is to be finalised in accordance with the approval issued by Council under Section 68 of the Local Government Act 1993. The following documents shall be submitted to the PCA:

- a) A satisfactory final inspection report issued by Council for the newly installed/amended On-Site Sewerage Management System.
- b) An Approval to Operate an On-Site Sewerage Management System issued by Council in accordance with Section 68 of the Local Government Act.

72. Works as Executed – General

Prior to the issue of an Occupation Certificate, works-as-executed drawings and compliance documentation shall be submitted to the Principal Certifying Authority in

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accordance with Liverpool City Council's *Design Guidelines and Construction Specification for Civil Works*.

An original set of works-as-executed drawings and copies of compliance documentation shall also be submitted to Liverpool City Council with notification of the issue of the Occupation Certificate where Council is not the Principal Certifying Authority.

73. Bushfire

The PCA shall be satisfied that all recommendations and requirements detailed in the approved Bushfire Assessment Report Prepared By: Eco Logical Australia, Project No: 19HNG_12785, Version: 1, Dated: 18 March 2019 have been carried out and complied with.

74. Section 73 Sydney Water

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained for submission to the PCA prior to issue of Occupation certificate.

75. Certificates

Prior to the issue of an Occupation Certificate, written certification from all relevant service providers that the telecommunications infrastructure is installed in accordance with the requirements of the Telecommunications Act 1997:

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

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

76. BASIX

Supporting documentation issued by a suitable qualified person who has installed or carried out the works associated with the BASIX commitments shall be submitted to Council.

77. Display of Street Numbers

Street numbers must be prominently displayed at the front of the development in a contrasting colour to the building materials and at the front of each individual unit to comply with the *Local Government Act 1973*, Section 124(8). The number should be a minimum height of 120mm and be visible at night.

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78. Rectification of Damage

Prior to the issue of an Occupation Certificate, any damage to Council infrastructure not identified in the dilapidation report, as a result of the development shall be rectified at no cost to Liverpool City Council.

Any rectification works within 1526 Elizabeth Drive, Cecil Park will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing.

79. Dilapidation

Any rectification works required by Council regarding the condition of Council infrastructure shall be undertaken, at full cost to the developer.

80. Consolidation

The OC cannot be issued until the consolidation of the site has been registered as a deposited plan by the NSW Land Registry Services.

E. CONDITIONS RELATING TO USE

81. Non-Residential Use of Shed

The approved shed shall not be utilised for the purposes of residential accommodation. The shed must only be used for ancillary purposes to the approved dual occupancy.

F. ADVISORY

- a) Sections 8.2, 8.3, 8.4 & 8.5 of the Environmental Planning and Assessment Act 1979 allow you to request the consent authority to review this determination notice if you are dissatisfied with it or the conditions contained within this determination notice. This right must be exercised within six (6) months from the date of this notice with the appropriate fee.
- b) Under Sections 8.7 & 8.10 of the Environmental Planning and Assessment Act 1979 applicants who are dissatisfied with the outcome of a consent authority have a right of appeal to the Land and Environment Court. This right must be exercised within six (6) months from the date of this notice of determination.
- c) In accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979, unless otherwise stated by a condition of this consent, this consent will lapse unless the development is commenced within five years of the date of this notice.
- d) To confirm the date upon which this consent becomes effective, refer to Section 4.20 of the Environmental Planning and Assessment Act, 1979. Generally the consent becomes effective from the determination date shown on the front of this notice. However if unsure applicants should rely on their own enquiries.

- e) To confirm the likelihood of consent lapsing, refer to Section 4.53 of the Act. Generally consent lapses if the development is not commenced within five years of the date of approval. However if a lesser period is stated in the conditions of consent, the lesser period applies. If unsure applicants should rely on their own enquiries.
- f) The approval of this application does not imply or infer compliance with the Disability Discrimination Act and that the applicant should investigate their liability under the Act.
- g) The requirements of all authorities including the Environmental Protection Authority and the Work Cover Authority shall be met in regards to the operation of the building.
- 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 may be made by Council in that regard. 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 address numbering, and letter box positioning and dimensions.
- l) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.

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ATTACHMENT 3 – SECTION 7.11 PAYMENT FORM

**CONTRIBUTIONS PURSUANT TO SECTION 7.11 OF THE ENVIRONMENTAL
PLANNING & ASSESSMENT ACT, 1979**

Liverpool Contribution Plan 2009

Note to the applicant:

When remitting payment as specified in the Conditions of Consent to the approval, this Form must be submitted with your payment.

These figures have been calculated to the current CPI quarter and will be adjusted at the time of payment in accordance with the conditions of consent.

APPLICATION NO.: DA-256/2019

APPLICANT: PETER PHAM

PROPERTY: 1562 ELIZABETH DRIVE, CECIL PARK
Lot 1 DP 245122 and Lot 32 DP 651017

PROPOSAL: Consolidation of two (2) lots into one (1) lot and construction of a shed, carport and attached double storey dwelling creating a dual occupancy onsite.

<u>Facilities</u>	<u>Amount</u> <u>(\$)</u>	<u>Job No.</u>
Liverpool Contributions Plan 2009		
Central Library Extensions	\$120	GL.10000001870.10112
Powerhouse	\$104	GL.10000001870.10114
Whitlam Centre Extensions	\$176	GL.10000001869.10110
Administration	\$6	GL.10000001872.10115
<u>TOTAL</u>	<u>\$405</u>	

----- OFFICE USE ONLY -----

RECORD OF PAYMENT

Total Amount paid: _____

Date: _____

Receipt No.: _____ Cashier

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ATTACHMENT 4 – TERMS OF APPROVAL BY TRANSPORT FOR NSW



12 February 2020

TfNSW Reference: SYD20/00133/01
Council Reference: CNR-4368 DA-256/2019

Liverpool City Council
Locked Bag 7064
Liverpool BC NSW 1871

CONSTRUCT DUAL OCCUPANCY - 1562 ELIZABETH DRIVE, CECIL HILLS

Dear Sir/Madam,

Reference is made to Council's correspondence dated 30 January 2020, regarding the abovementioned Application which was referred to Transport for NSW (TfNSW) for comment.

TfNSW has reviewed the submitted information and notes that the proposed development does not include a modification to the exiting vehicular access on Elizabeth Drive. Therefore there are no objections to the proposed development subject to the following conditions being included in any consent issued by Council:

1. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works. Please send all documentation to development.sydney@rms.nsw.gov.au

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued.

2. All vehicles are to enter and leave the site in a forward direction. Turn around facilities should be provided onsite for the proposed and existing dwelling.
3. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Elizabeth Drive during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>

TfNSW also provides the following comments for Council's consideration in the determination of the application:

1. TfNSW has previously resumed and dedicated a strip of land as road along the

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Elizabeth Drive frontage of the subject property, as shown by grey colour on the attached Aerial – “X”.

2. The subject property is within a broad investigation area for the long term widening of Elizabeth Drive. The investigations have not yet advanced to the stage where options have been defined and accordingly it is not possible at this date to identify if any part of the subject property would be required to accommodate this proposal however there is the potential that the frontage of the site may be impacted.

If you have any further questions about the project, please don't hesitate to contact Liam Sheridan (Project Development Manager) on 1800 865 503 or at Elizabethdrive@rms.nsw.gov.au.

3. TfNSW is currently investigating the proposed M12 Motorway Project and the subject property is within the broad investigation area. However TfNSW (Roads) has now defined a preferred corridor for further examination

The investigations completed to date indicate that the subject property is outside the preferred corridor. However, the proposal may change, as it has not yet been approved and it is not possible at this date to provide any more definite information.

Further information in regard to this Project can be obtained by contacting the Project Team — Ph: 1800 517 155 or E mail: m12motorway@rms.nsw.gov.au

If you have any further questions please direct attention to Malgy Coman on 8849 2413 or email development.sydney@rms.nsw.gov.au. I hope this has been of assistance.

Yours sincerely,



Malgy Coman
Senior Land Use Planner

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