

# MATTERS FOR LIVERPOOL LOCAL PLANNING PANEL DETERMINATION

**Monday 31<sup>st</sup> August 2020**

To be held  
“**virtually Via Microsoft Teams**”

To commence at **2:00 PM**

Due to the covid pandemic the meeting will be held online using Microsoft Teams.

The link to join the meeting online is: [https://teams.microsoft.com//meetup-join/19%3ameeting\\_YzM0ZDg3MDAtMmQ4Ni00MjlzLWJmODYtNWMyZjA3Mzg2YWYy%40thread.v2/0?context=%7b%22id%22%3a%228ca50226-ee8b-41b5-8203-f73c5a5a5361%22%2c%22oid%22%3a%22798934de-6084-4f3e-a967-4fcb9af14405%22%7d](https://teams.microsoft.com//meetup-join/19%3ameeting_YzM0ZDg3MDAtMmQ4Ni00MjlzLWJmODYtNWMyZjA3Mzg2YWYy%40thread.v2/0?context=%7b%22id%22%3a%228ca50226-ee8b-41b5-8203-f73c5a5a5361%22%2c%22oid%22%3a%22798934de-6084-4f3e-a967-4fcb9af14405%22%7d).

If you would like to dial into the meeting and participate over the phone, Please dial: **+61 2 9161 1229** Australia, Sydney (Toll) and use the Conference ID: **221 209 719#** when prompted.

Note: Submissions by the applicant and concerned parties will be considered at the hearing. A concerned party is deemed to be a person who has made a written submission in respect to the application. The Panel shall, upon request, hear submissions from persons who identify prior to a hearing that they wish to make a submission to be considered by the Panel. Presentations to the Panel by the applicant and concerned parties shall be restricted to **3 minutes each**. The Panel Chairperson has the discretion to extend the period if considered appropriate.

Should you wish to address the Panel, please advise Danielle Hijazi, Panel Support Officer on [hijazid@liverpool.nsw.gov.au](mailto:hijazid@liverpool.nsw.gov.au), by 4pm, Friday, 28<sup>th</sup> August 2020.

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

<b>ITEM No.</b>	<b>SUBJECT</b>	<b>PAGE No.</b>
<b>1</b>	<b>Development Application DA-933/2018</b>  <b>New additional indoor and outdoor seating for use with an existing restaurant (Food and Drink Premises).</b>  <b>Lot 300 DP 124755, Lot 201 DP 1224084</b> <b>Shop 3, 296-306 Macquarie Street, Liverpool</b>	<b>2-34</b>

<b>ITEM No.</b>	<b>SUBJECT</b>	<b>PAGE No.</b>
<b>2</b>	<b>Development Application DA-113/2020</b>  <b>Demolition of existing structures and construction of a multi dwelling development consisting of four (4) dwellings and strata subdivision</b>  <b>Lot 627 DP 242697</b> <b>9 Kalimna Street, Moorebank</b>	<b>35-81</b>

<b>ITEM No.</b>	<b>SUBJECT</b>	<b>PAGE No.</b>
<b>3</b>	<b>Development Application DA-572/2019</b>  <b>Demolition of existing structures and construction of a mixed-use development comprising a four-storey residential flat building with 8 units and a two-storey 65-place childcare centre over two levels of basement carparking for 32 car spaces</b>  <b>Lot 38 and Lot 39 DP 228324</b> <b>22-24 Thompson Avenue, Moorebank</b>	<b>82-244</b>

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<b>Item no:</b>	1
<b>Application Number:</b>	DA-933/2018
<b>Proposed Development:</b>	New additional indoor and outdoor seating for use with an existing restaurant (Food and Drink Premises).
<b>Property Address</b>	Shop 3, 296-306 Macquarie Street, Liverpool
<b>Legal Description:</b>	Lot 300 DP 124755 (Vicliz Pty. Ltd.) Lot 201 DP 1224084 (Liverpool City Council)
<b>Applicant:</b>	Max Luciano
<b>Land Owner(s):</b>	Vicliz Pty. Ltd (Shop 3) Liverpool City Council (Outdoor Seating component)
<b>Cost of works</b>	Nil
<b>Assessing Officer</b>	Nabil Alaeddine
<b>Zoning</b>	B4 – Mixed Use
<b>Recommendation</b>	Approval, subject to conditions of consent

## **1. EXECUTIVE SUMMARY**

Council has received a development application seeking consent for new additional indoor and outdoor seating for use within an existing restaurant (Food and Drink Premises) approved under a complying development certificate number CD-744/2018 at the subject premises known as shop 3, 296-306 Macquarie Street, Liverpool also referred to as 300 Macquarie Street, Liverpool.

The outdoor component of the proposal is located on Liverpool City Council owned land referred to a 'Augusta Cullen Plaza and includes the Memorial School of Arts Museum which is heritage listed.

The application seeks to intensify the current use of the premises in respect to the maximum patronage, however it is considered acceptable and is recommended to be supported on the following basis:

- (a) The café has complying development approval to operate.
- (b) The café and the outdoor seating will operate until 6:30pm only.
- (c) The outdoor seating is locating away from the road reserve.

The main issues arising from the proposal are the potential social and noise impacts on local amenity. A 12-month consent is recommended for the outdoor dining component only of the application in order to enable to monitor the intensified use of the premises. This will ensure that the intensified use of the premises can be operated and managed with minimal impacts on local amenity. There is no concern raised with the additional internal seating sought by the application.

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The development application was notified to adjoining properties under the Liverpool Development Control Plan (LDCP) 2008, Part 1 Section 18.3 – Exemption to Notification. No submissions were received.

Pursuant to the requirements of the endorsed Liverpool Local Planning Panel (LLPP) Charter and Procedure, the subject application is referred to the LLPP for consideration and determination as the proposal involves outdoor dining tables and chairs being placed on land owned by Liverpool City Council.

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

## **2. SITE DESCRIPTION AND LOCALITY**

### **2.1 Site Description**

The subject site is legally described as Lot 200 of DP1224084 at 296-306 Macquarie Street, Liverpool. It has a total land area of approximately 2,133m<sup>2</sup> and frontage to Macquarie Street of approximately 85m.

The subject site is zoned B4 – Mixed Use under the Liverpool Local Environmental Plan 2008 (LLEP2008) and fronts Heritage Item No 99 known as the Memorial School of Arts under Schedule 5 of the LLEP 2008. The subject site is located on the corner of the intersection of Macquarie Street and Memorial Avenue/Scott Street within the southern side of the Liverpool City Centre (See **Figure 1** below).



**Figure 1: Site Location (Source: GoeCortex Data, Liverpool City Council, August 2020)**

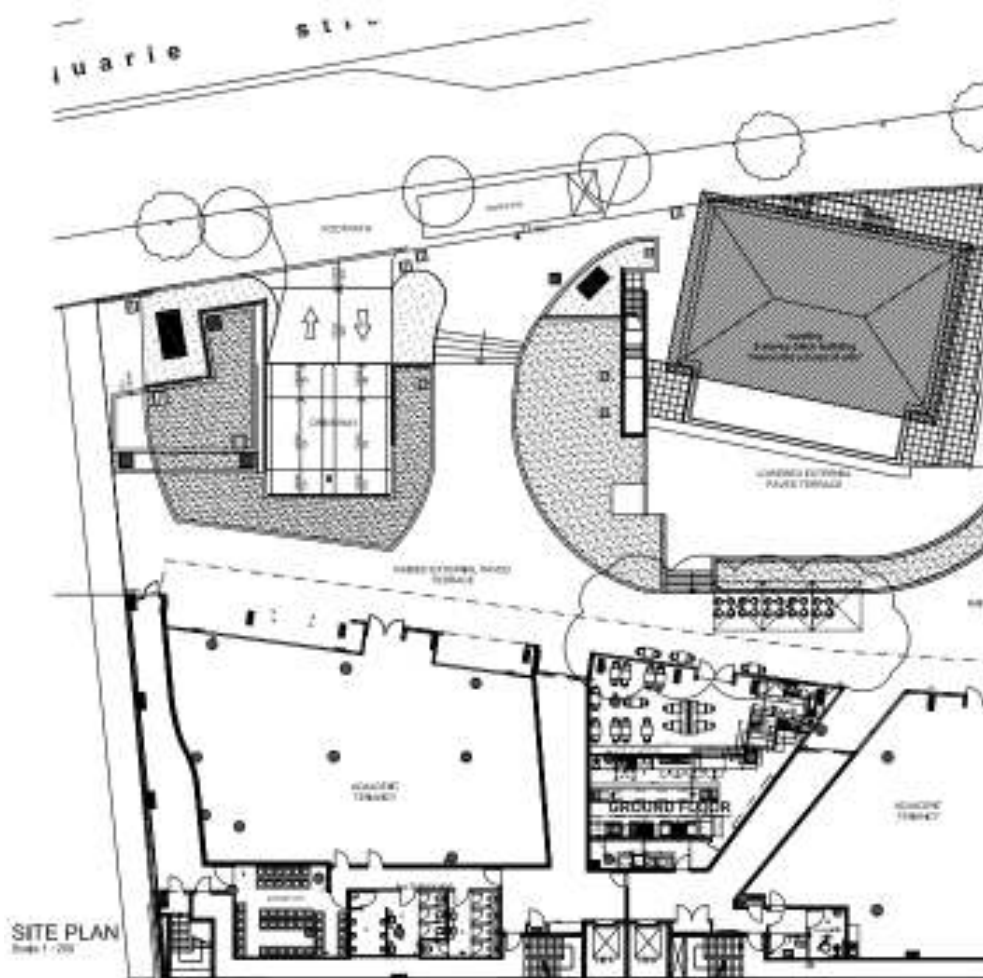
The subject site comprises of a 9 storey mixed use building with 3 x ground floor retail tenancies, 2 levels of office premises and 6 levels of residential units. The eastern ground floor retail tenancy (Shop 3) is subject to this application.

The subject commercial premises occupies a total floor area of approximately 125.30m<sup>2</sup>. The main entry to the premises is located in the centre of the 15m wide shopfront and access to the

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common facilities, including toilets and waste storage room are through the rear of the premises and through the common entry to the buildings which is located between shop 3 and shops 1 & 2. There is an existing loading bay within the footpath area adjacent to the driveway crossing on the western side of the street frontage (See **Figure 2** below).



**Figure 2: Site Plan (Source: Brad Ward Design, Ref: GF-DA-001, date 23/08/2018)**

The proposal for additional internal and external seating is proposing the external seating to be on Liverpool Council Owned land. As a result, Land Owner Consent from Liverpool City Council is required and has been provided.

## **2.2 Locality Description**

The area is characterised by a mix of existing low-rise shop top housing, open warehouse commercial premises and mixed-use residential, commercial and retail operations located in medium to large scale buildings. The area is seeing a change from low scale to high rise development to cater for future growth in residential and commercial sectors in the Liverpool CBD. The site is located approximately 410 meters to the west of Liverpool Railway Station, 425 meters from the Georges River to the east, 950m south west of Liverpool Hospital and approximately 500 meters east of Woodward Park/ Hellier Oval.

The block shares boundaries to Macquarie Street (North), Terminus Street (South), Scott Street (North-East) and Pirie Street (West). The site is located in the Liverpool Commercial Core.



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**2.3 Site Constraints**

Constraints	Comments
<ul style="list-style-type: none"> <li>• Heritage Items</li> <li>• Road Noise/Classified Road</li> </ul>	<ul style="list-style-type: none"> <li>• The site contains the Memorial School of Arts which formed part of the development that facilitated the building in which this proposal is located. Refer to site history above for further information.</li> </ul>

**3. BACKGROUND AND DA HISTORY**

The existing restaurant/café was approved under Complying Development Certificate (CDC-744/2018) by a private certifier for *'first use as a café and fitout'*. The CDC did not include an outdoor dining component for Shop 3. The site consists of two land owners who are Vicliz Pty. Ltd who owns the land and buildings in which Shop 3 (Lot 300 DP 1242755) is located in the south of the block and Liverpool City Council which owns the site in the north of the block (Lot 201 DP 1224084). (Refer to figure 3 below)



**Figure 3:** Aerial view indicating the boundary between both land owners (**Source:** GeoCortex Data, Liverpool City Council, August 2020)

**3.1. The Site History**

Application No.	Comments
<b>DA-424/2008</b>	Application was lodged to Council on 19 October 2007 for <i>'demolition of rear (addition) of Memorial School of Arts and existing structures on Lot 1 DP214684, erection of a thirteen-storey commercial and residential building incorporating two levels of basement parking, ground floor retail, three levels of offices, forty-two residential units and associated gymnasium and community room, alterations and additions to Memorial School of Arts and associated landscaping works'</i> and was approved on 20 August 2008.

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<b>DA-130/2009</b>	Application was lodged to Council 1 August 2008 for ' <i>stratum subdivision in 2 stages</i> ' and was approved 1 September 2008.
<b>DA-130/2009/A</b>	Application was lodged to Council on 25 September 2008 for ' <i>modification - stratum subdivision in 2 stages</i> ' and was approved 1 October 2008.
<b>DA-424/2008/A</b>	Application was lodged to Council on 16 March 2012 for ' <i>Modification to Development Consent DA-424/2008 pursuant to Section 96(2) of the Environmental Planning and Assessment Act 1979. Modification seeks to: construct the development over two stages, reduction in floor height and overall building height, alterations to floor layouts and alterations to building elevations, and alterations to Memorial School of Arts Building to retain original face brick work</i> ' and was approved on 20 August 2012.
<b>DA-424/2008/B</b>	Application was lodged on 21 December 2012 for ' <i>Modification to Development Consent 424/2008 pursuant to Section 96 (2) of the Environmental Planning and Assessment Act 1979. Modification sought to amend both internal and external elements of the mixed use development</i> ' and was approved on 29 August 2013.
<b>DA-424/2008/C</b>	Application was lodged to Council on 21 July 2016 for ' <i>Modification to DA 424/2008 pursuant to section 96(2) of the Environmental Planning &amp; Assessment Act. The modification proposes modifications to the approved ground floor layout</i> ' and was approved on 5 August 2016.
<b>DA-424/2008/D</b>	Application lodged to Council on 28 September 2016 for ' <i>Modification to DA 424/2008 Pursuant to Section 96 (1) of the Environmental Planning &amp; Assessment Act. The Modification proposes removal of DA Consent Condition 81. A Covenant for the service will be provided by a private contractor. Demolition of rear (addition) of Memorial School of Arts and existing structures on Lot 1 DP214684, erection of a thirteen-storey commercial and residential building incorporating two levels of basement parking, ground floor retail, three levels of offices, forty-two residential units and associated gymnasium and community room, alterations and additions to Memorial School of Arts and associated landscaping works</i> ' and was approved on 20 December 2016.
<b>CCB-335/2013</b>	Application was lodged to Council on 26 April 2013 for ' <i>erection of stage one of a thirteen-storey commercial and residential building incorporating two levels of basement parking</i> ' and was approved on 5 December 2013.
<b>DA-1254/2015</b>	Application was lodged to Council on 22 December 2015 for ' <i>strata subdivision to create 45 lots of approved building (DA 424/2008)</i> ' and approved on 27 September 2016.
<b>DA-454/2016</b>	Application was lodged to Council on 13 May 2016 for ' <i>Use and fitout of existing premises as a restaurant (Thai Restaurant)</i> ' and approved on 24 August 2016.
<b>DA-515/2016</b>	Application was lodged to Council on 1 June 2016 for ' <i>change of use and fitout of level 1 and part level 2 as a public administration building</i> ' and was approved on 20 June 2016.
<b>CCB-490/2016</b>	Application was lodged to Council on 28 July 2016 ' <i>fitout of commercial tenancy as Thai Restaurant - Thai Essence</i> ' and approved on 29 September 2016.
<b>DA-11/2018</b>	Application was lodged to Council on 4 January 2018 for ' <i>stratum</i>

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	<i>subdivision of the lot into two stratum lots</i> and approved on 24 April 2018.
<b>CD-744/2018</b>	Application was notified to Council on 27 August 2018 for <i>'Café and fit out'</i> for tenancy 3 (Shop 3). An interim Occupation Certificate was issued by a Privat Certifier.
<b>CD-803/2018</b>	Application was notified to Council on 4 September 2019 for <i>'First use as Restaurant for 50 patrons and fitout Shops 1 and 2'</i> and was approved by a Private Certifier.
<b>DA-934/2018</b>	Application was lodged on 18 December 2018 for <i>'New additional indoor seating, extension of hours, and a new cool room for use with an existing restaurant (food and drink premises)'</i> and was approved on 30 April 2019.
<b>DA-933/2018</b>	Application was lodged to Council on 18 December 2018 for <i>'New additional indoor and outdoor seating for use with an existing restaurant (Food and Drink Premises)'</i> and is the subject of this application currently under assessment.

### **3.2. DA-933/2018 Application History**

- The subject application was lodged with Council on 18 December 2018.
- On 20 December 2018, A 'Stop the Clock' letter was issued by Council for payment of notification fee.
- The application was notified between 7 January 2019 and 4 February 2019.
- On 4 February 2019, a request for 'Additional Information' was sent to the applicant.
- Additional Information provided was incomplete.
- On 4 June 2019, an 'Additional Information' requested for sent to the applicant.
- Additional Information provided incomplete.
- On 15 August 2019, additional Information provided that was incomplete.
- On 15 August 2019, a request for missing information was sent to the applicant.
- On 5 December 2019, additional information was provided but was incomplete.
- On 5 December 2019, the applicant was advised that the information was incomplete and was advised to provide the requested information in full.
- On 10 January 2020, part of the requested information was provided, but was incomplete.
- On 3 March 2020, the applicant provided further information that was improved and still missing strata approval.
- On 18 June 2020 additional documents were provided by the applicant but did not include the strata approval.
- On 3 July 2020, the applicant was advised to withdraw the application due to incomplete information. The applicant advised that there was no Strata Body as the building was under a single ownership.
- On 8 July 2020, the residents were advised of the proposal for extra indoor and outdoor seating at shop 3 with restricted hours of operation include from 7:00am to 6:30pm 7 days a week. The notification was via a letter from the managing agent on behalf of the owner and 14 days were provided to collect any potential complainants. 1 complaint was received by Council objecting to the proposal relating to noise and odour at night-time. The complaint was referencing shops 1 & 2 which do no form part of this application.
- 20 August 2020, Land owners consent received from Council's Property Unit for use of Council's land for the purpose outdoor dining under the awning only.



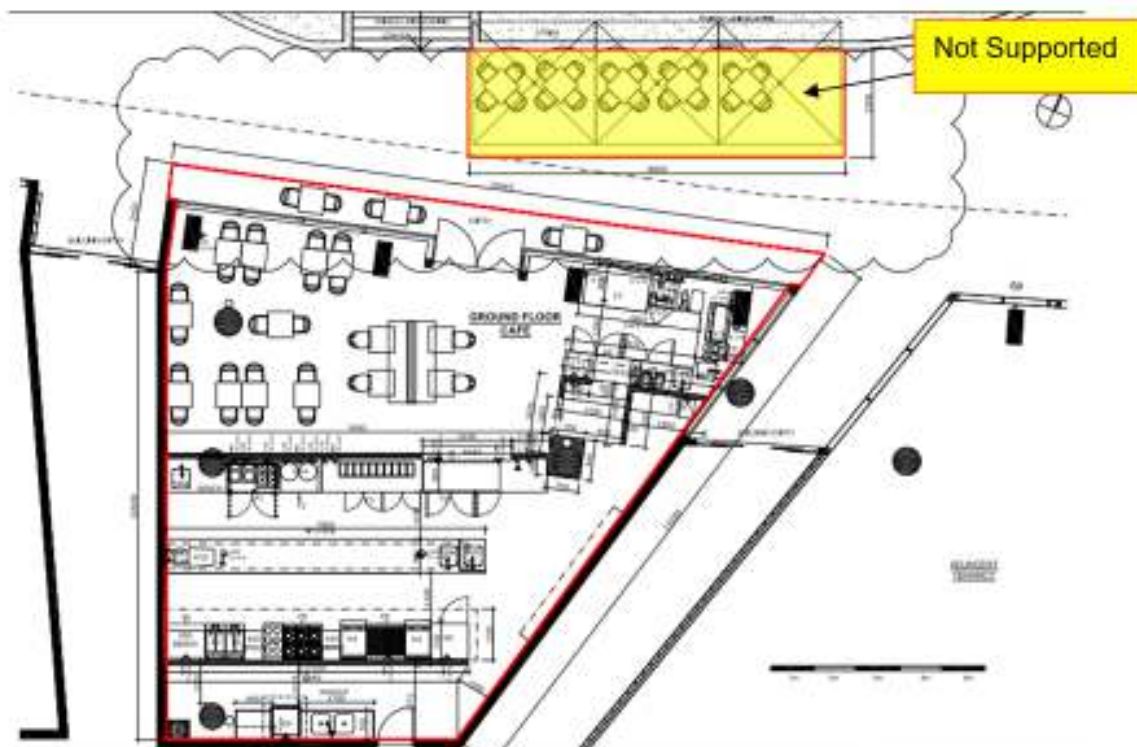
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**4. DETAILS OF THE PROPOSED DEVELOPMENT**

The subject development application proposes *new additional indoor and outdoor seating for use with an existing restaurant (Food and Drink Premises)* at Shop 3, 296-306 Macquarie Street, Liverpool. Details of the proposed works are as follows:

- Additional Indoor and outdoor seating (Figure 4)
  - Indoor seating of 28 patrons; and
  - External seating for 26 patrons.
  - Foldable umbrellas in the outdoor dining area.



**Figure 4:** Proposed seating layout (Source: Brad Ward Design, Ref: GF-DA-002L, date 23/08/2018)

**Amendments to the proposal**

The outdoor dining area as indicated in figure 4 above, is located on land owned by Council. As a result land owners consent is required from Council for the purpose of outdoor dining and was provided by Council's Property Unit limiting the outdoor dining to under the existing awning of the subject building only, due to potential acoustic concerns.

The above plan is indicative only and outdoor dining is only permitted under the existing awning of the subject premises along the shopfront. No outdoor dining is permitted away from the shop front as highlighted on the plan above in yellow

Furthermore, due to the acoustic issues, this consent proposes a 12 month approval for the outdoor portion of the proposal only. Council's Property Unit has requested a separate Outdoor Dining Application to be lodged to Council to assess the outdoor dining and issue of the permit required to operate. The time limited consent will enable the potential social and noise impacts

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on local amenity to be monitored closely and will assist in determining the future direction of the outdoor dining at shop 3.

Therefore, the following recommendations to the proposal are advised:

- Indoor seating for 28 patrons is supported.
- External seating for 26 patrons is not supported
- The proposal is to provide outdoor dining under the awning only along the shopfront for a period of 12 months only.

Operation hours

The business is proposed to operate from 7:00am to 6:30pm 7 days a week. The outdoor dining is proposed to operate in conjunction with shop 3. No changes to the trading hours are proposed. The trading hours will supersede any previous approvals associated with the premises.

Staff

Up to a maximum of five (5) staff are expected at any one time.

Parking

No additional parking is to be provided for customers or staff. No additional GFA is proposed so no changes to the parking is required.

Facilities

There are existing common public bathrooms constructed to service the ground floor retail and commercial premises and are located at the rear of shops 1 & 2 which is approximately 10 meters west of shop 3 and adequately service the ground floor tenancies.

**Important Note:**

Land owner consent from Council is provided on the basis that the outdoor dining is subject to a separated Outdoor Dining Application for a Outdoor Dining Permit to co-exist with Liverpool City Council's Outdoor Dining Policy. The number of chairs and tables will be assessed under the outdoor dining application. This application gives the operator consent to use the space under the awning only and does not constitute approval to use the space as indicated by the plans provided.

**5. PLANNING ASSESSMENT**

The following planning instruments and development control plans have been considered in the planning assessment of the subject Development Application: -

- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (Deemed SEPP);
- State Environmental Planning Policy 55 – Remediation of Land;
- Liverpool Local Environmental Plan (LLEP) 2008;
- Liverpool Development Control plan (LDCP) 2008.

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

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**5.1. Section 4.15(1)(a)(1) – Any Environmental Planning Instrument**

**(a) 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.

The proposed development is considered to meet the objectives of the REP and will have no significant impact on the environmental quality of the Georges River Catchment.

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

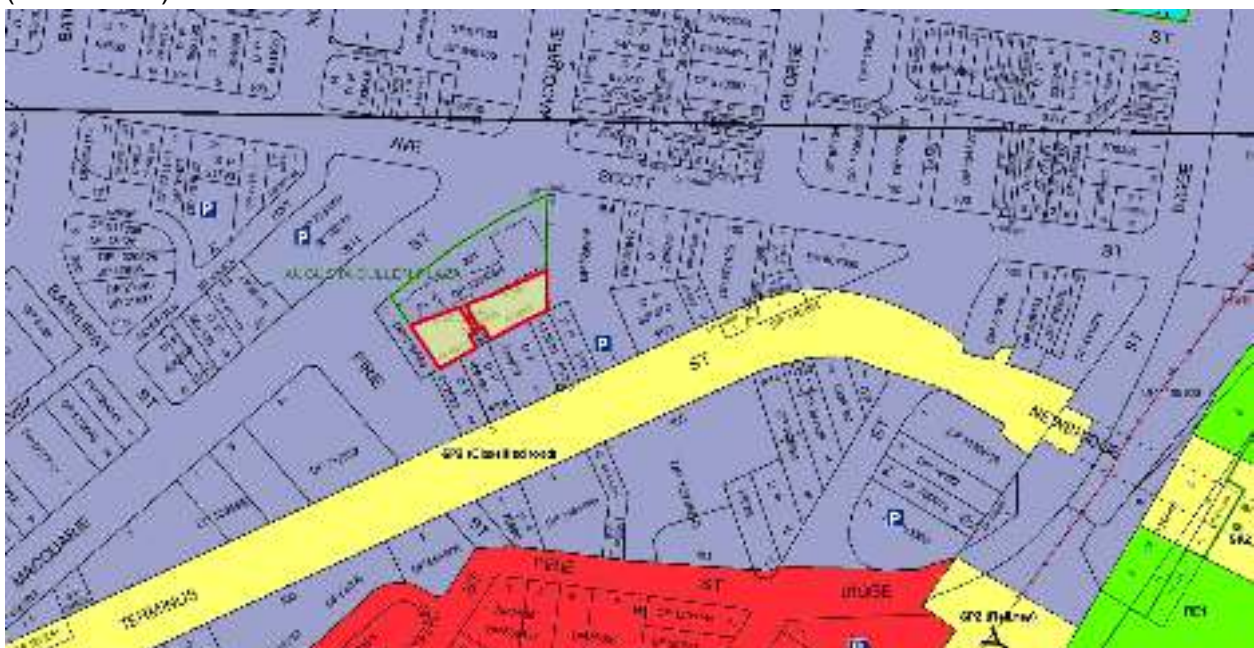
Pursuant to Clause 7 of SEPP 55, a consent authority is unable to grant development consent unless it has considered whether the land is contaminated and, if so, whether the consent authority is satisfied that the land is suitable in its contaminated state, or can be remediated to be made suitable for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

As the proposed building works is for the additional tables and chairs internal and external only, a land contamination assessment is not considered to be necessary.

**(c) Liverpool Local Environmental Plan 2008 (LLEP 2008)**

**(i) Zoning**

The site is zoned B4 – Mixed Use pursuant to the Liverpool Local Environmental Plan 2008 (LLEP 2008)



**Figure 5:** Land use zone map of the subject site. (Source: GeoCortex Data, Liverpool City Council, August 2020).

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**(ii) Permissibility**

The proposed development is defined by the LLEP 2008 as restaurant or café which are a type of “*food and drink premises*” which is a form of “*Retail Premises*”, which is a form of “*Commercial Premises*” as defined under the LLEP 2008.

A restaurant or café facility is identified as a permitted land use with consent within the B4 Mixed Use Zone under Liverpool Local Environment Plan 2008.

- **food and drink premises** means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—
  - (a) a restaurant or cafe,
  - (b) take away food and drink premises,
  - (c) a pub,
  - (d) a small bar.

**Note:** Food and drink premises are a type of **retail premises**—see the definition of that term in this Dictionary.

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- **retail premises** means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following;
  - (a) (Repealed)
  - (b) cellar door premises,
  - (c) food and drink premises,
  - (d) garden centres,
  - (e) hardware and building supplies,
  - (f) kiosks,
  - (g) landscaping material supplies,
  - (h) markets,
  - (i) plant nurseries,
  - (j) roadside stalls,
  - (k) rural supplies,
  - (l) shops,
  - (1a) specialised retail premises,
  - (m) timber yards,
  - (n) vehicle sales or hire premises,

but does not include highway service centres, service stations, industrial retail outlets or restricted premises.

**Note:** Retail premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

- **commercial premises** means any of the following—
  - (a) business premises,
  - (b) office premises,
  - (c) retail premises.

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**(iii) Objectives of the zone**

The objectives of the B4 Mixed Use zone are:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To allow for residential and other accommodation in the Liverpool city centre, while maintaining active retail, business or other non-residential uses at street level.*
- *To facilitate a high standard of urban design, convenient urban living and exceptional public amenity.*

It is considered that the proposal is consistent with the objectives of the B4 Mixed Use Zone. In particular objective 3 which promotes maintaining active retail, business or other non-residential uses at street level. The proposed development enables the integration of a suitable business use with approved residential uses and promotes active retail and business uses at street level.

**(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.

<b>Development Provision</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Comment</b>
4.3 Height of Building	80m	No change to the existing building height	Not applicable
4.4 Floor Space Ratio	3:1	No change to the gross floor area is proposed.	Not applicable
5.10 Heritage Conservation	The consent authority may, before granting consent to any development: (b) on land that is within a heritage conservation area. require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.	The building in which the proposal is situated is not heritage listed. However, the proposal is in the vicinity of Augusta Cullen Plaza that contains a heritage item (Item 99) in the Liverpool LEP 2008 (Memorial Arts Museum).  No construction is proposed therefore, a heritage Impact statement is not required.	Complies

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<p>7.1 Objectives for development in Liverpool City Centre</p>	<p>Before granting consent for development on land in the Liverpool city centre, the consent authority must be satisfied that the proposed development is consistent with such of the following objectives for the redevelopment of the city centre as are relevant to that development:</p> <p>(a) to preserve the existing street layout and reinforce the street character through consistent building alignments,</p> <p>(b) to allow sunlight to reach buildings and areas of high pedestrian activity,</p> <p>(c) to reduce the potential for pedestrian and traffic conflicts on the Hume Highway,</p> <p>(d) to improve the quality of public spaces in the city centre,</p> <p>(e) to reinforce Liverpool railway station and interchange as a major passenger transport facility, including by the visual enhancement of the surrounding environment and the development of a public plaza at the station entry,</p> <p>(f) to enhance the natural river foreshore and places of heritage significance,</p> <p>(g) to provide direct, convenient and safe pedestrian links between the city centre (west of the rail line) and the Georges River foreshore.</p>	<p>The proposal does not alter the street layout.</p> <p>No external works are proposed.</p> <p>No external works are proposed.</p> <p>No external works are proposed.</p> <p>No external works are proposed.</p> <p>No external works are proposed.</p> <p>No external works are proposed.</p>	<p>Complies</p>
<p>7.3 Car in parking</p>	<p>Development consent must not be granted to</p>	<p>No increase in the gross floor area is proposed.</p>	<p>Complies</p>



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Liverpool City Centre	development on land in the Liverpool city centre that is in Zone B3 Commercial Core or B4 Mixed Use that involves the erection of a new building or an alteration to an existing building that increases the gross floor area of the building...		
7.16 Ground floor development in Zones B1, B2 and B4	<ol style="list-style-type: none"> <li>1) The objective of this clause is to ensure active uses are provided at the street level to encourage the presence and movement of people.</li> <li>2) This clause applies to land in Zone B1 Neighbourhood Centre, B2 Local Centre or B4 Mixed Use.</li> <li>3) This clause does not apply to land at Edmondson Park.</li> <li>4) Development consent must not be granted for development for the purposes of a building on land to which this clause applies unless the consent authority is satisfied that the ground floor of the building—             <ol style="list-style-type: none"> <li>a) will not be used for the purposes of residential accommodation, and</li> <li>b) will have at least one entrance and at least one other door or window on the front of the building facing a street other than a</li> </ol> </li> </ol>	<p>The application proposes chairs and tables on the public reserve therefore, promoting presence of movement of people. Site is zoned B4.</p> <p>N/A</p> <p>N/A</p> <p>A building on the land has been approved and constructed under a previous application.</p>	Complies

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Having regard to the above, the proposal is permitted in the zone and is consistent with the objectives of the zones and relevant development standards in LLEP 2008.

**5.2. Section 4.15(1)(a)(ii) - Any Draft Environmental Planning Instrument**

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

**5.3. Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan**

**(a) Liverpool Development Control Plan (LDCP) 2008**

The Liverpool Development Control Plan 2008 (LDCP) Part 1 is applicable to the proposed development. The key controls in the LDCP are discussed below:

Development Control	Provision	Comment
<b>Part 1 General Controls for all Development</b>		
Section 2. Tree Preservation	Controls relating to the preservation of trees	Not applicable.
Section 3. Landscaping and Incorporation of Existing Trees	Controls relating to landscaping and the incorporation of existing trees.	Not applicable.
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 development site is not identified as being 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.	Not applicable.
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.	Not applicable. The development site is not within close proximity to a water course.
Section 8. Erosion and Sediment Control	Erosion and sediment control plan to be submitted.	Not applicable.

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Section 9. Flooding Risk	Provisions relating to development on flood prone land.	Not applicable. The development site is not identified as being flood prone land.
Section 10. Contaminated Land Risk	Provisions relating to development on contaminated land.	Not applicable.
Section 11. Salinity Risk	Provisions relating to development on saline land.	Not applicable
Section 12. Acid Sulphate Soils	Provisions relating to development on Acid Sulphate soils	Not applicable.
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	Not applicable. Demolition is not proposed.
Section 15. On Site Sewage Disposal (OSMS)	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 development site is unlikely to contain any items of aboriginal archaeology, as the site has been previously developed for commercial and residential use.
Section 17. Heritage and Archaeological Sites	Provisions relating to heritage sites.	Complies Council's mapping identifies that there is a heritage item in the vicinity of the site, but no construction is proposed that may impact the heritage item, nor will the proposed chairs and tables detract from the heritage item or the views or vistas to the item.
Section 18. Notification of Applications	Provisions relating to the notification of applications.	Complies The application was notified to residents between 7 January 2019 and 4 February 2019 and no submissions were received.  In addition, the proposal was referred to all residents in the building above the premises and one submission was received raising noise and odour concerns arising from the premises.  A time limited consent is proposed to assess outdoor dining component over a 12 month period to enable all matters to

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		be adequately monitored.
Section 20. Car Parking and Access	<p>Car parking rates are as follows:</p> <p>Multi-Dwelling and Shop-top Housing</p> <ul style="list-style-type: none"> <li>- 1.5 spaces per medium dwelling (65-110m<sup>2</sup>) or 2 bedrooms;</li> <li>- 2 spaces per large dwellings (&gt;110m<sup>2</sup>) or 3 bedrooms;</li> <li>- 1 visitor space for every 4 dwellings.</li> <li>- Service access for removalists and garbage servicing.</li> </ul> <p>Retail Premises in B4 zones</p> <ul style="list-style-type: none"> <li>- 1 space per 20sqm for developments with LFA &lt;12,000sqm</li> <li>- 1 Accessible Car-space per 100 spaces</li> </ul>	<p><b>N/A</b></p> <p>No additional floor area proposed; therefore, no additional parking is proposed</p>
Section 21. Subdivision of Land and Buildings	Provisions relating to the subdivision of land and buildings	<p><b>N/A</b></p> <p>The DA does not propose subdivision.</p>
Section 22. & Section 23 Water Conservation and Energy Conservation	New dwellings, are to demonstrate compliance with State Environmental Planning Policy – Building Sustainability Index (BASIX).	<b>N/A</b>
Section 24. Landfill	All fill applied should be Virgin Excavated Natural Material (VENM), as defined by the NSW Department of Environment and Climate Change. Any fill involving material other than VENM is subject to referral to the State Government as potential Integrated Development or contaminated land assessment	<p><b>Complies</b></p> <p>Conditions of consent will be imposed to ensure any fill imported to the site is VENM.</p>
	Any excavation within the zone of influence of any	<p><b>N/A</b></p> <p>No excavation is proposed</p>

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	other building will require a Dilapidation Report	
	All filling in the vicinity of native vegetation must be local material (in order to minimise the spread of weeds).	<b>N/A</b> No fill is proposed within the vicinity of native vegetation.
	Refer to the section on Salinity if cutting greater 500mm is to be undertaken.	<b>N/A</b> The development site is identified as containing moderate salinity potential. Therefore, a salinity management response plan is not required, as the development is not a salinity risk activity.
	No retaining wall structures will be permitted within any easements such as drainage easements. Retaining walls located on the boundary of two allotments or boundary to a public street or public reserve shall be of masonry construction. Other types of retaining wall structure may be permitted if the structure is located wholly within the property.	<b>N/A</b> The site does not contain any easements and the proposed retaining walls are proposed wholly within the property.
Section 25. Waste Disposal and Re-use Facilities	Provisions relating to waste management during construction and on-going waste.	<b>Complies by condition</b> A waste management plan has been provided under the DA for the restaurant DA-456/2016 and remains relevant to the existing cafe/restaurant.
Section 26 Outdoor Advertising and Signage	Provisions relating to signage.	<b>N/A</b> The DA does not propose any signage.
27. Social Impact Assessment	The DCP requires a comprehensive Social Impact Assessment (SIA) for Residential Apartment Buildings which contain affordable housing.	<b>N/A</b>

The Liverpool Development Control Plan 2008 (LDCP) Part 4 is applicable to the proposed development. The key controls in the LDCP are discussed below:

Development controls	Comment	Complies
<b>Part 4 - Development in Liverpool City Centre</b>		
2. Controls for Building Form		
2.1 – Building Form		
Subject Site located within the residential		

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area in accordance with the DCP		
<b>Street Setbacks</b>		
1. Street building alignment and street setbacks are to comply with figure 3. Subject site requires a 0m street setback.	Existing setbacks maintained	Yes
2. External facades of buildings are to be aligned with the streets that they front.	Facades remain in alignment with the streets that they front.	Yes
3. Notwithstanding the setback controls, where development must be built to the street alignment (as identified in Figure 3), it must also be built to the side boundaries (0m setback) where fronting the street. The minimum height of development built to the side boundary is to comply with the minimum street frontage height requirement.	No constructed works are proposed therefore, the setbacks will not change from existing.	Yes
<b>Street Frontage Heights</b>		
1. Street Frontage height of buildings must comply with the minimum and maximum heights above mean ground level on the street front as shown in figure 5. Subject site requires 16-26m or 4 to 6 storeys	No change to street frontage height proposed	Yes
<b>Building Depth and Bulk</b>		
1. The maximum floor plate size and depth of buildings are specified and illustrated in Figure 6 and table 1 above street frontage height	Floor plate size remains as existing with no change.	Yes
<b>Boundary Setback and Building Depth and Bulk</b>		
1. The minimum building setbacks from the front, side and rear property boundaries are specified in table 2.	Proposal is primarily for internal and external seating only. The existing setbacks of the building are maintained.	Yes
➤ Up to permissible SFH level requires Nil setback to side and rear		Yes



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<p>➤ From SFH to 45m, a minimum of 6m side and rear setback is required</p>	<p>Ground floor tenancy is to be used as a food and drink business (Café)</p>	<p>Yes</p>
<p>2.2 – Mixed use Buildings</p>	<p>N/A</p>	<p>N/A</p>
<p>1. Ground floor component is to be used for non-residential use</p>	<p>N/A</p>	<p>N/A</p>
<p>2. Ground floor – floor to ceiling not to be less than 3.6m</p>	<p>N/A</p>	<p>N/A</p>
<p>3. All other levels require 2.7m</p>	<p>N/A</p>	<p>N/A</p>
<p>2.3 – Site Cover &amp; Deep Soil Zones</p>	<p>N/A</p>	<p>N/A</p>
<p>1. Site coverage maximum is 100%</p>	<p>N/A</p>	<p>N/A</p>
<p>2.4 – Landscape Design</p>		
<p>2.5 – Planting on Structures</p>		
<p>3. Amenity</p>		
<p>3.1 – Pedestrian Permeability</p>	<p>N/A</p>	<p>N/A</p>
<p>3.2 – Active Street Frontages &amp; Address</p>	<p>Proposal will improve the presentation to the street creating and improved active frontage.</p>	<p>Yes</p>
<p>3.3 – Front Fences</p>	<p>N/A</p>	<p>N/A</p>
<p>3.4 – Safety &amp; Security</p>	<p>Overall building appearance will generally remain the same. The proposed development will create an improved active street frontage that will improve passive surveillance.</p>	<p>Yes</p>
<p>3.5 – Awnings</p>	<p>N/A</p>	<p>N/A</p>
<p>3.6 – Vehicle Footpath Crossings</p>	<p>N/A</p>	<p>N/A</p>
<p>3.7 – Pedestrian Overpass and Underpass</p>	<p>N/A</p>	<p>N/A</p>
<p>3.8 – Building Exteriors</p>	<p>Building façade improved with the proposal and creates an active street frontage in front of tenancy on ground floor.</p>	<p>Yes</p>
<p>3.9 – Corner Treatments</p>	<p>N/A</p>	<p>N/A</p>
<p>4. Traffic &amp; Access</p>		

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4.1 – Pedestrian Access & Mobility	Proposal considers satisfactory in relation to pedestrian access and mobility.	Yes
4.2 – Vehicular Driveways & Manoeuvring Areas	Vehicular access was approved under the original consent for the building DA-424/2008 and is considered satisfactory for this proposal. No changes are proposed in the application.	Yes
4.3 – On Site Parking	Access is provided at the most practicable point and is appropriately integrated into the building design and is recessed further from the building.  Sufficient on-site parking exists within existing basement. The proposed development does not generate an additional demand on parking.	Yes
<p>7.6 Restaurants/Outdoor Cafes</p> <p><u>Streetscape and Layout</u></p> <p>1. A minimum width of 2.5m of footpath shall be available for pedestrians thoroughfare at all times.</p> <p>2. There shall be no increase in the number of chairs and tables at each individual café site without further approval from Council.</p> <p>3. Outdoor furniture shall remain at least 3m away from a corner, pedestrian crossing, bus stop, taxi stand or anywhere pedestrians often congregate to cross the road or wait</p>	<p>Outdoor seating is proposed outside shop 3. However, this is entirely contained within the site and will not affect the footpath on Macquarie or Scott Street. To ensure that public access is not impacted, the outdoor dining is only proposed to be approved under the existing awning along the shopfront only. This ensure</p> <p>The applicant proposal for outdoor dining proposed a reduced access of 2.0m which is not supported and in addition to acoustic concerns, outdoor dining should only be maintained along the shopfront under the awning.</p> <p>Approval for the outdoor seating is sought under this DA.</p> <p>Noted.</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p>

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<p>for services.</p> <p>4. Outdoor furniture shall remain at an appropriate distance from any pedestrian crossing, disabled parking spaces, post box, public telephone, street sign, street tree or other street structure to ensure that these facilities remain accessible and / or retain function. An appropriate distance will be determined by Council officers.</p>	<p>Outdoor furniture is an appropriate distance away.</p>	<p>Yes</p>
<p><u>Controls for footpaths less than 6m</u></p> <p>7. Outdoor furniture shall be located abutting the building frontage/shop front. This provides an appropriate width for safe pedestrian passage.</p>	<p>The site is not on the public footway and the outdoor furniture is contained wholly within the site.</p>	<p>Yes</p>
<p><u>Car Parking and Access</u></p> <p>No additional car parking is required for any outdoor eating area.</p>	<p>No additional parking proposed</p>	<p>N/A</p>
<p><u>Amenity and Environmental Impact</u></p> <p>The hours of operation shall be restricted to between 7:00 to 6:30 pm, unless otherwise varied by Council.</p>	<p>Proposed hours of operation are 7:00am to 6:30pm, 7 days a week. The proposal was accompanied by an Acoustic assessment. The acoustic assessment proposed noise attenuation measures to alleviate any detrimental amenity impacts on the surrounding residential development should the business operate at night-time. The acoustic assessment was reviewed by Council's Environmental Officer and considered satisfactory provided that the outdoor dining be kept under the existing awning only. As such a condition of consent will be imposed requiring the outdoor dining to be under the awning only and to not operate past 6:30pm in addition to removing all furniture from 6:30pm. Furthermore, a condition has been imposed that requires the acoustic report is adhered to at all times.</p>	<p>Yes</p>

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Having regard to the above, the proposal is considered to be consistent with the key controls outlined in the Liverpool Development Control Plan 2008.

**5.4. Section 4.15(1)(a)(iiia) - Planning Agreements**

There are no planning agreements which apply to the development.

**5.5. 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 Building Code of Australia. Accordingly, appropriate conditions of consent will be imposed.

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

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

**Natural and Built Environment**

Impacts on residential amenity

The most obvious outcome of this additional activity is noise. There is potential to create an impact on the acoustic residential amenity of adjoining properties.

Council's Environmental Health Officer has reviewed the acoustic report submitted with the application and indicated that there is concerns in relation to noise impacts in the evening. In addition, Council's Property Unit indicated that land owners consent is only provided for outdoor dining under the awning only and not away from the shop front as proposed by the applicant. A separate outdoor dining application will be required to be lodged to Council's Property Unit for the license to use the land.

A time limited consent of 12-months is recommended to enable complaints to be monitored in light of the large residential component above the premises. This will enable the impacts to be monitored and will help decide if an un-restricted consent is issued after the 12-month period.

**Social Impacts and Economic Impacts**

It is considered that the proposal will provide for in demand services for the area and cater for nearby residents. A time limited consent of 12-months is recommended to enable potential social matters to be monitored in light of the large residential component above the premises. The proposed development would result in a positive economic impact in the locality through job creation and is unlikely to generate any identifiable detrimental social impacts.

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

The proposed modified development is generally considered to be suitable for the site. The development complies with the relevant provisions of the LLEP 2008 and Liverpool Development Control Plan 2008 (LDCP 2008) and will facilitate.

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**6.8 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:

<b>Department</b>	<b>Comment</b>
Environment and Health	The proposal is supported subject to restricted trading hours to reduce any potential for noise impacts in the evening to surrounding residential use.
Building	Supported subject to conditions of consent.

**(b) External Referrals**

The following comments have been received from External Departments:

<b>DEPARTMENT</b>	<b>COMMENTS</b>
Elders Real Estate Agent (Notification Letter to residents)	<p>A letter was sent to the residents to advise of the application with council for assessment. One submission was received from a resident against the development and raised issues relating to noise and smoke in the air from smokers.</p> <p>It is noted that the resident indicated these issues are from shops 1 &amp; 2. Furthermore, shop 3 is to be restricted to trading up 6:30pm daily therefore will not generated additional noise from the outdoor area during night time trade.</p>

**(c) Community Consultation**

The proposal was notified between 7 January 2019 and 4 February 2019 in accordance with the Liverpool Development Control Plan 2008 (LDCP 008). No submissions were received during the public notification period.

In addition, the proposal was notified to residents of the building via a letter in the mail from 8 July 2020. The reason for the additional notification was to ensure that residents were aware of the proposal and to raise any concerns they have. The purpose of the additional resident notification was a result of the lack of the absence of strata approval which could not be provided as the building is under the one ownership.

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

The proposal is generally considered to be in the public interest.

**6. DEVELOPMENT CONTRIBUTIONS**

No development contributions are applicable to the subject application.

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**7. CONCLUSION**

The application has been assessed having regard to the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979, and the Environmental Planning Instruments including the applicable State Environmental Planning Policies, Liverpool Local Environment Plan 2008, Liverpool Development Control Plan 2008, and the relevant codes and policies of Council.

The proposed development is permissible in the B4 Mixed Use zone. The proposal generally complies with the controls contained within the Liverpool Local Environmental Plan 2008 and the Liverpool Development Control Plan 2008.

Based on the assessment of the application it is recommended that the application be determined to approve the additional indoor seating component of the proposal and provide a 12-month time limited consent for trial of the outdoor dining component under the owning only.

**8. RECOMMENDATION**

That pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act, 1979, as amended, Development Application DA-933/2018 for additional indoor and outdoor seating, be determined by way of a 12-month trial period for the outdoor dining component.

**9. ATTACHMENTS**

- 1. DRAFT CONDITIONS OF CONSENT**
- 2. ARCHITECTURAL PLANS OF THE PROPOSAL**



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**ATTACHMENT 1: DRAFT CONDITIONS OF CONSENT**

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

**A. THE DEVELOPMENT**

**Approved Plans**

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

Plan Name	Plan Number	Date	Revision	Prepared By
Site Plan	GF-DA-001	23/08/2018	B	Brad Ward Design
Outdoor Dining Plan	GF-DA-002	23/08/2018	C	Brad Ward Design
License Plan	GF-DA-002L	23/08/2018	D	Brad Ward Design

Report Name	Date	Reference	Prepared By
Plan of Management	01/03/2020	POM_004.02	EPA Solutions
Environmental Noise Assessment	02/03/2019	6634-2.1R Rev A	Day Design Pty Ltd

**Twelve (12) Month Consent Only**

2. Pursuant to Section 4.17(1)(d) of the *Environmental Planning and Assessment Act 1979*, the Outdoor Component of this consent is limited to a period of 12 months from the date of commencement of the use. Notice of the commencement must be provided in writing to Council prior to the use commencing.

An application must be submitted and approved prior to the expiration of the time period if it is intended to continue the use. If an Application is not submitted and determined (or the application is subsequently refused) within the specified time period the development subject to this consent must cease. Any further development application must be supported by a report demonstrating that the use has been operating satisfactorily in accordance with all conditions of this consent and shall include evidence to this effect from the NSW Police.

**Outdoor Dining Licence Required**

3. Prior to the placement of the outdoor dining tables, chairs, and safety barriers on Council's footpath, a licence agreement between the proprietors of the business and Council must be entered into.

Please contact Liverpool City Council's Property Unit on 1300 36 2170.

This consent does not operate until the licence agreement has been entered into.

**Placement of Outdoor Dining**

4. The placement of outdoor dining furniture is permitted along the shopfront under the existing awning of Shop 3 only. This is to be reflected in the outdoor dining application to council for the outdoor license.

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**Disability Discrimination Act**

5. The placement of chairs and tables must comply with the Federal Disability Discrimination Act which requires obstacles in public spaces to be designed to allow for wheelchairs and vision impaired people to be able to access the area without dealing with obstacles.

As a result, the applicant should include safety barriers/wind breakers defining the outdoor area. The windbreaker/barrier cannot be bolted to the ground, must be removable and stored within the outdoor furniture within the premises, and must not be greater than 100mm off the ground.

**Comply with EP&A Act**

6. 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.

**B. PRIOR TO COMMENCEMENT OF USE**

**The following conditions are to be complied with or addressed prior to the commencement of the proposed use:**

**Fee Payments**

7. 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 if applicable as follows:

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 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.

**Prescribed condition (General)**

8. In accordance with Section 4.16(11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, it is a *prescribed condition* that all building work must be carried out in accordance with the

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

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

**Notification**

9. The certifying authority must advise Council, in writing of:

- (a) The name and contractor licence number of the licensee who has contracted to do or intends to do the work, or
- (b) The name and permit of the owner-builder who intends to do the work.

If these arrangements are changed, or if a contract is entered into for the work to be done by a different licensee, Council must be immediately informed.

**E. PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

**The following conditions are to be complied with or addressed prior to issue of either an Interim or Final Occupation Certificate by the Principal Certifier (PC):**

**Certificates**

- 10. The premises must not be utilised until a Final Occupation Certificate is issued by the PCA. Copies of all documents relied upon for the issue of the OC must be attached to the OC and registered with Council.
- 11. A final fire or interim safety certificate is to be attached to any OC, except in the case of a Class 1a or Class 10 building(s). This must include all the “essential fire services” installed in the building.

**G. CONDITIONS RELATING TO USE**

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

**Hours of Operation**

12. The hours of operation of the event are limited to:

<b>Day</b>	<b>Time</b>
Monday	7:00 am to 6:30 pm
Tuesday	7:00 am to 6:30 pm
Wednesday	7:00 am to 6:30 pm
Thursday	7:00 am to 6:30 pm
Friday	7:00 am to 6:30 pm
Saturday	7:00 am to 6:30 pm
Sunday	7:00 am to 6:30 pm
Public Holidays	Closed

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**Unreasonable Noise and Vibration**

13. The proposed use of the premises and/or equipment installed must not create offensive noise so as to interfere with the amenity of the neighbouring businesses and residents. Should an offensive noise complaint be received and verified by Council an acoustic assessment is to be undertaken by a suitably qualified acoustic consultant, and an acoustic report is to be submitted to Council for review. If required by Council, the person in charge of the premises shall implement the consultant's recommendations and any additional requirements to the satisfaction of Council.

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.

**Noise Complaints register**

14. 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:
- the date and time, where relevant, of the complaint;
  - the means by which the complaint was made (telephone, mail or email);
  - any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
  - the nature of the complaint;
  - 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.
  - 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.

**Noise**

15. 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.

**Noise Management Plan**

16. The operation of the development shall comply with the approved Noise Management Plan at all times.

**Environment**

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

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**Smoke-free Environment Act and Smoke-free Environment Regulation**

18. No smoking is permitted in the outdoor area as defined under the requirements of the Smoke-free Environment Act 2000 and Smoke-free Environment Regulation 2016.

**Outdoor Dining Area**

19. The outdoor dining area is to be operated in such a manner so as not to cause pollution or offensive noise. The following requirements are to be complied with:
- a) No tables and chairs are to be erected or placed beyond the approved area and must remain under the existing awning;
  - b) All outdoor furniture, facilities and the pavement shall be kept clean and free from food scraps at all times;
  - c) Outside the approved trading hours, outdoor tables and chairs must be removed and stored within the associated business premises.
  - d) No music is to be played outdoors.

**Cleaning the outdoor seating area**

20. The restaurant proprietor is responsible for cleaning and sanitising of the approved footway outdoor dining area. The area must be clean and well maintained (free of food, paper, debris, leaves and the like) as specified in the conditions of the Footway Restaurant Approval and this Development Consent.

**No entertainment within footpath dining area**

21. This consent does not grant approval for the premise and the licensed footway dining area to be used for public entertainment.

**No articles or vehicles stored on public property**

22. No materials, goods or vehicles associated with the use of the premises are to be stored or displayed on or within the street reserve or other public area.

**Containment within licensed footpath dining area**

23. All tables, chairs and other structures must be kept within the licensed footway outdoor dining area.

**Maintenance & presentation of footpath dining**

24. All items within the licensed footway dining area must be maintained at all times in a physically sound and aesthetically pleasing condition.

**Graffiti**

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

**H. ADVISORY**

- a) If you are dissatisfied with this notice of determination or the conditions contained within this notice of determination, Section 8.2, 8.3, 8.4, 8.5 of the Environmental Planning and Assessment Act 1979 gives you the right to request a review of the determination within 6 months after the date on which the application is taken to have been determined.
- b) If you are dissatisfied with this decision, Section 8.7, 8.10 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within 6 months after the date on which the application is taken to have been determined.

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- 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 (5) years of the date of this notice.
- d) In accordance with Section 8.8, 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.
- e) 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.
- f) 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.

g) 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.

- h) You are advised that the placement of a concrete path around your home may render your home vulnerable to termite attack. To minimise the possibility of any damage, ensure that a minimum of 75mm clearance is provided between the base of the weephole and the level of the path.
- i) 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.
- j) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.
- k) Food Safety Supervisor

Under the Food Act 2003, certain retail food businesses such as restaurants, cafes, takeaways, clubs and pubs are required to appoint at least one trained Food Safety Supervisor (FSS) in their business. Further information is available from the NSW Food Authority's website at [www.foodauthority.nsw.gov.au](http://www.foodauthority.nsw.gov.au)

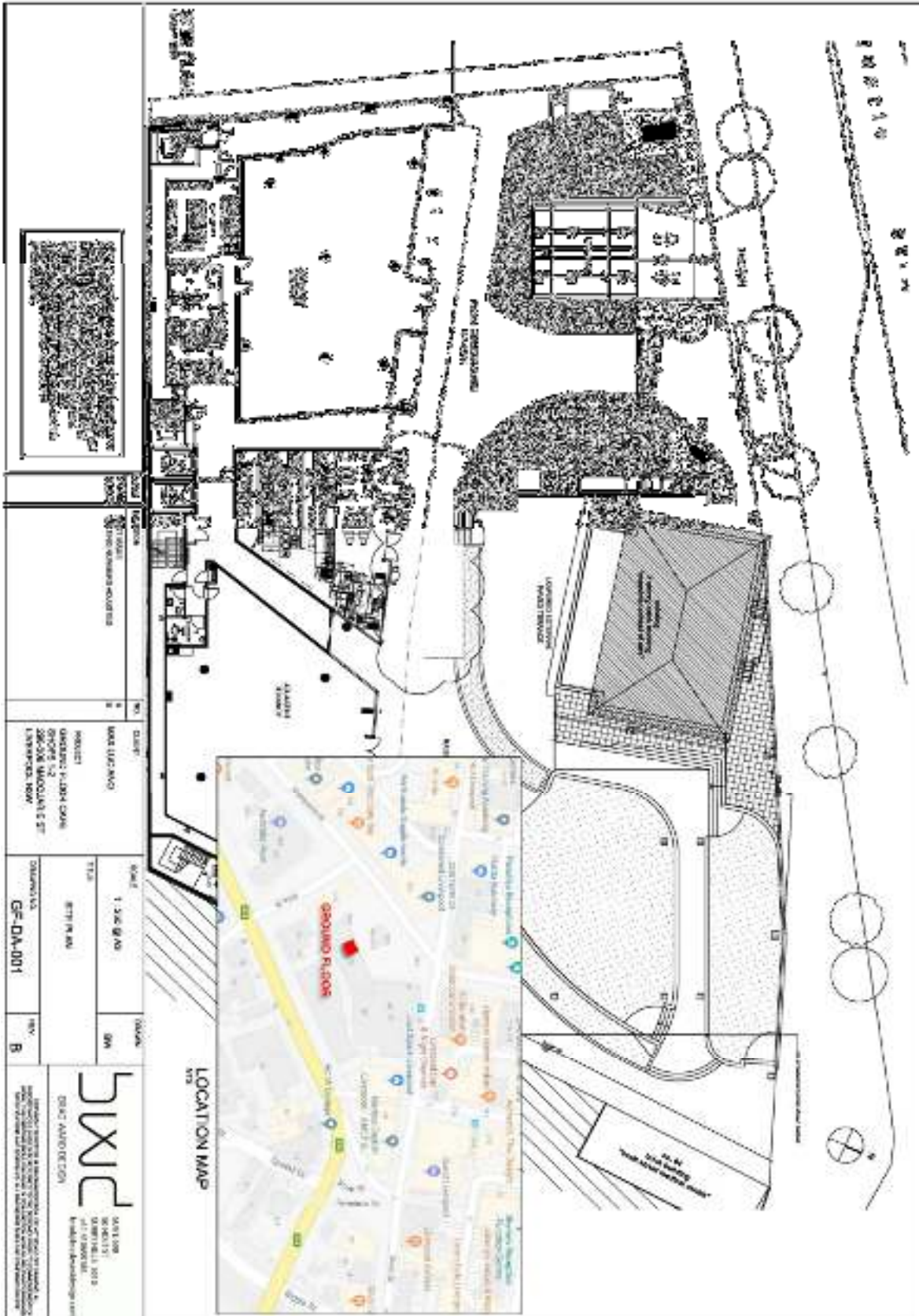
- l) Please note, the above conditions have been modified from the original recommendation by the Planning Panel as part of the approval, and some of the numbers have been altered as a result.



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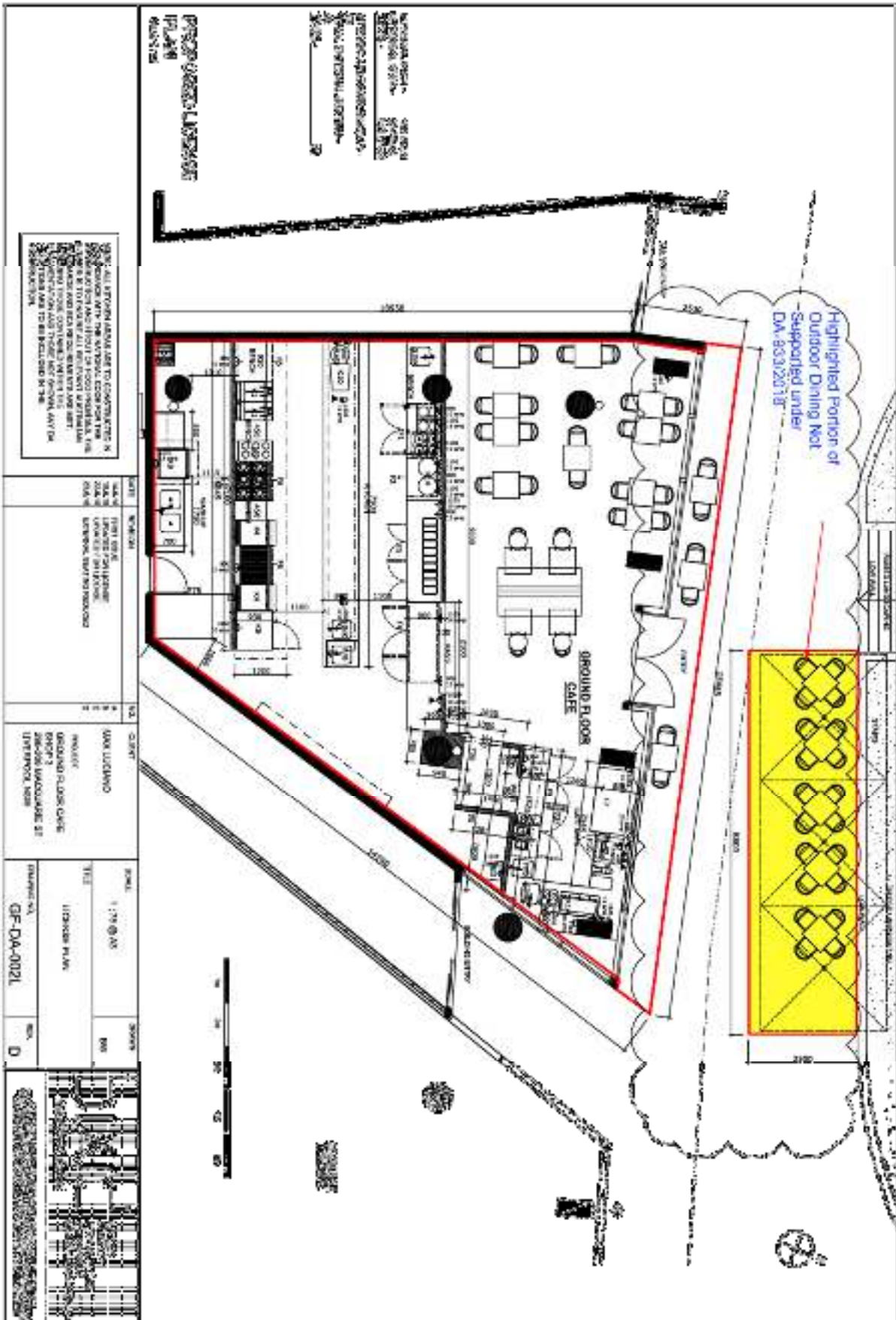
ATTACHMENT 2: ARCHITECTURAL PLANS OF THE PROPOSAL





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<b>Item no:</b>	2
<b>Application Number:</b>	DA-113/2020
<b>Proposed Development:</b>	Demolition of existing structures and construction of a multi dwelling development consisting of four (4) dwellings and strata subdivision.
<b>Property Address</b>	9 Kalimna Street, Moorebank
<b>Legal Description:</b>	Lot 627 DP 242697
<b>Applicant:</b>	Campbell Hill Group
<b>Land Owner:</b>	Mr W Manoun
<b>Cost of Works:</b>	\$880,000
<b>Recommendation:</b>	Approved subject to conditions of consent
<b>Assessing Officer:</b>	External Town Planner

## 1. EXECUTIVE SUMMARY

Council has received a Development Application (DA No.113/2020) seeking consent for demolition and a multi dwelling residential development comprising four (4) units at 9 Kalimna Street, Moorebank.

The site is zoned R3 Medium Density Residential pursuant to Liverpool Local Environmental Plan 2008 and the proposed development is permissible with consent.

The development application was advertised for a period of 14 days from 10 March 2020 to 24 March 2020 in accordance with Liverpool Development Control Plan 2008. One submission was received on behalf of nine residents during the public consultation period objecting to the proposal. The issues of concern raised in the submissions can be summarised as follows:

- Not adequately demonstrated that the site is defined as being within an 'accessible area' under SEPP ARH 2009. The application cannot rely on the FSR bonus provisions.
- Unacceptable non-compliances with the Liverpool DCP 2008 as they relate to setbacks, first floor relationship, size of units, and the lack of habitable rooms fronting the street.
- The Statement of Environmental Effects contains errors.

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 conflict of interest.

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.



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**2. SITE DESCRIPTION AND LOCALITY**

**2.1 The locality**

The area is characterised by low and medium density residential development. Properties on the north side of Kalimna Street support single dwellings of both one and two storey height. Properties to the south support low density properties with medium density developments emerging throughout the locality in Ikara Crescent, Ingola Close, Nuwarra Road and beyond.

The site is located within 400m to the intersection with Newbridge Road to the north and 400m to Maddecks Avenue to the south. The site is located within 800m of the Moorebank Shopping Complex. The site is located within 4km to the Liverpool Railway Station and Bus Interchange.

The adjoining properties to the development site are detailed in the following table. Development in the surrounding locality is shown in Figure 1.

East (side)	Corner allotment to Kalimna Street and Ikara Crescent supporting a single and part two storey brick and tile dwelling (No 11 Kalimna Street)
West (side)	A single storey brick and tile dwelling house (No 7 Kalimna Street)
South	Opposite the site, No 6 Kalimna Street supports a single storey dwelling house.
North (rear)	Common rear boundary to properties in Ikara Crescent (No 9 – two storey) and Ingoola Close (No 2 – single storey) that support residential dwellings.



Figure 1: Locality Surrounding the Proposed Development (Source: Sixmaps)

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**2.2 The site**

The subject site is identified as Lot 627 in DP 242697 and is known as 9 Kalimna Street, Moorebank. The location of the site is shown in Figure 2, Figures 3 and 4 include photographs of the subject site. It is regular in shape with a frontage of 21.54 metres to Kalimna Street, and a depth of 31.09m, with a total area of 663.9m<sup>2</sup>.

The site is a flat parcel of land with fall from the rear to the street of approximately 500mm across the depth of the site. There are mature tree canopy plantings within the street setback, forward of the existing dwelling, and low shrub and ornamental plantings adjacent to the rear boundary. A single mature canopy tree is located within the road verge.

Currently, the subject site contains a single storey brick and tile dwelling, with detached metal carport providing vehicle access to Kalimna Street.



Figure 2: Aerial view of the site (Source: Nearmap)



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Figure 3: View of existing dwelling from Kalimna Street



Figure 4: Rear view from the subject site to adjoining properties to the north

### 3. BACKGROUND/HISTORY

- DA-216/2016 granted consent at the subject site for demolition of the existing dwelling and torrens title subdivision of one lot into two with the construction of two semi detached

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dwellings. Where consent is granted for the subject application, DA216/2016 is to be surrendered.

- No pre-lodgement meeting was held with Council prior to submission of the application.
- The subject DA was lodged with Council on 12 February 2020.
- The application was deferred requesting amended plans and additional information in response to the following issues:
  - Stormwater detail;
  - Waste Management;
  - On site parking;
  - Non-compliance with the SEPP (ARH) 2009;
  - Non-compliance with Liverpool DCP 2008 provisions;
  - Overshadowing;
  - Tree removal; and
  - Additional detail to be provided in the SEE.
- Amended plans received 5 May 2020 including a reduced gross floor area, and consent is no longer sought in accordance with the SEPP ARH bonus FSR provisions.
- Application deferred requesting amended plans and additional information in response to the following issues:
  - Articulation and streetscape character;
  - Building design and appearance;
- Amended plans received 13 July 2020 including amended streetscape elevation and first floor level, increased setbacks to the street and internal floor plan reconfiguration.

The amended plans are the subject of the assessment.

#### **4. DETAILS OF THE PROPOSAL**

The proposed development application seeks consent for the demolition of the existing structures on site and the construction of four (4) multi dwelling housing units. The proposal includes a single garage for each of the proposed units, habitable gross floor area across two storeys, and private open space areas provided within the northern rear setback. The proposed works are shown in Figure 5 below.

The application includes the strata subdivision of the proposed units.



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Figure 5: Site Plan and Street Elevation (Source: Campbell Hill Group Pty Ltd)

<b>Element</b>	<b>Proposed</b>
Site Area	663.9m <sup>2</sup>
FSR	Site area: 663.9m <sup>2</sup> Proposed GFA: 343.16m <sup>2</sup> FSR: 0.52:1
Residential Units	Total of four (4) x two bedroom residential units.
Height	7.73m (maximum)
Storeys	Two (2) storeys
Front setback	5.0m to first floor, 5.5m to the ground floor level.
Side Setback	East: 1.4m (Ground), 1.4m (First) West: 1.4m (Ground), 1.4m (First)
Rear Setback	8.13m (Ground), 14.14m (First)
Car Parking Spaces	Four (4) single car garages

### **Building Form and Design**

The street elevation of the proposed development is indicated in Figure 5 and presents as a two storey contemporary design to the street. The building design has sought to provide articulation in the form through the irregular roof pattern, variation in materials, and vertical articulation between ground and the first floor level. The first floor level includes street facing balconies for surveillance and to soften the impact of the first floor level protruding over the ground floor level. The setbacks will create a transition between the corner allotment to the east and the prevailing building line for properties to the west along Kalimna Street.

### **Landscaping and Trees**

The street setback will allow suitable soft landscape spaces forward of the building line in a manner that is consistent with the landscape character of this locality. Tree removal of the

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dominant street tree is proposed with replacement planting recommended. Existing trees are to be retained in the rear yard area to enhance the landscape character of the site post development.

### **Access and Parking**

Vehicle access is provided from Kalimna Street to four individual garages. A shared driveway is provided between two units resulting in two entry points from the street. Kalimna Street is a local road with residential based traffic and unlikely to support any through traffic due to the surrounding street network.

A pedestrian footpath is provided on the subject side of Kalimna Street with access to Nuwarra Road.

### **Materials and finishes**

The proposal supports a brick finish at the ground floor level and timber clad façade to the first floor level. Garage door openings are timber panel and metal roof sheeting proposed. A high level of glass is provided at the first floor street elevation, including glass balustrading to the balconies. Glass block work is proposed for window openings at the first floor side elevations to minimise visual intrusion.

### **Site servicing**

Stormwater will be directed to Kalimna Street via rainwater tanks.

Garbage storage can be provided for each individual unit, with a communal storage area provided within the street setback as indicated on the plans submitted for the two middle units. This storage area is screened as it presents to the street. Garbage collection will be undertaken at a street collection point.

### **Amenity**

Private open space areas for the four individual units are provided with a northerly aspect, with the exception of the first floor balconies associated with the master bedroom and located on the southern elevation of the building. Generously proportioned private open space areas are provided within the rear setback and of a size and orientation to result in highly amenable spaces.

Living areas are limited to the ground floor level to provide connection to the private open space areas and minimise the potential visual and acoustic privacy impacts to adjoining properties. Existing landscape screen planting will preserve existing privacy to the rear open space areas, as well as local views to surrounding residential properties.

The orientation of the development maximises the opportunities for solar access and natural ventilation.

## **5. STATUTORY CONSIDERATIONS**

### **5.1 Relevant matters for consideration**

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

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follows:

- 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 (now deemed SEPP);
- Liverpool Local Environmental Plan (LLEP) 2008;
- Liverpool Development Control Plan (LDCP) 2008;
  - Part 1: General Controls for All Development; and
  - Part 3.6: Multi Dwelling Housing (Terraces, Townhouses and Villas) in R3 and R4 Zones

Contributions Plans

- Liverpool Contributions Plan 2009 applies to all development pursuant to Section 7.11 of the EPA & 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) 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.*

<b>Clause 7 - Contamination and remediation to be considered in determining development application</b>	<b>Comment</b>
(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	It is unlikely the land is contaminated as it is an existing residentially zoned allotment with an existing residential dwelling.

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(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 and as it is unlikely that the land is contaminated, based on Council records
(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.

The applicant has not submitted any information in relation to the SEPP.

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.

**(b) 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.

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

**(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 3 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**

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The subject site is zoned R3 Medium Density Residential pursuant to the LLEP 2008. An extract of the zoning map is provided in Figure 6 below.

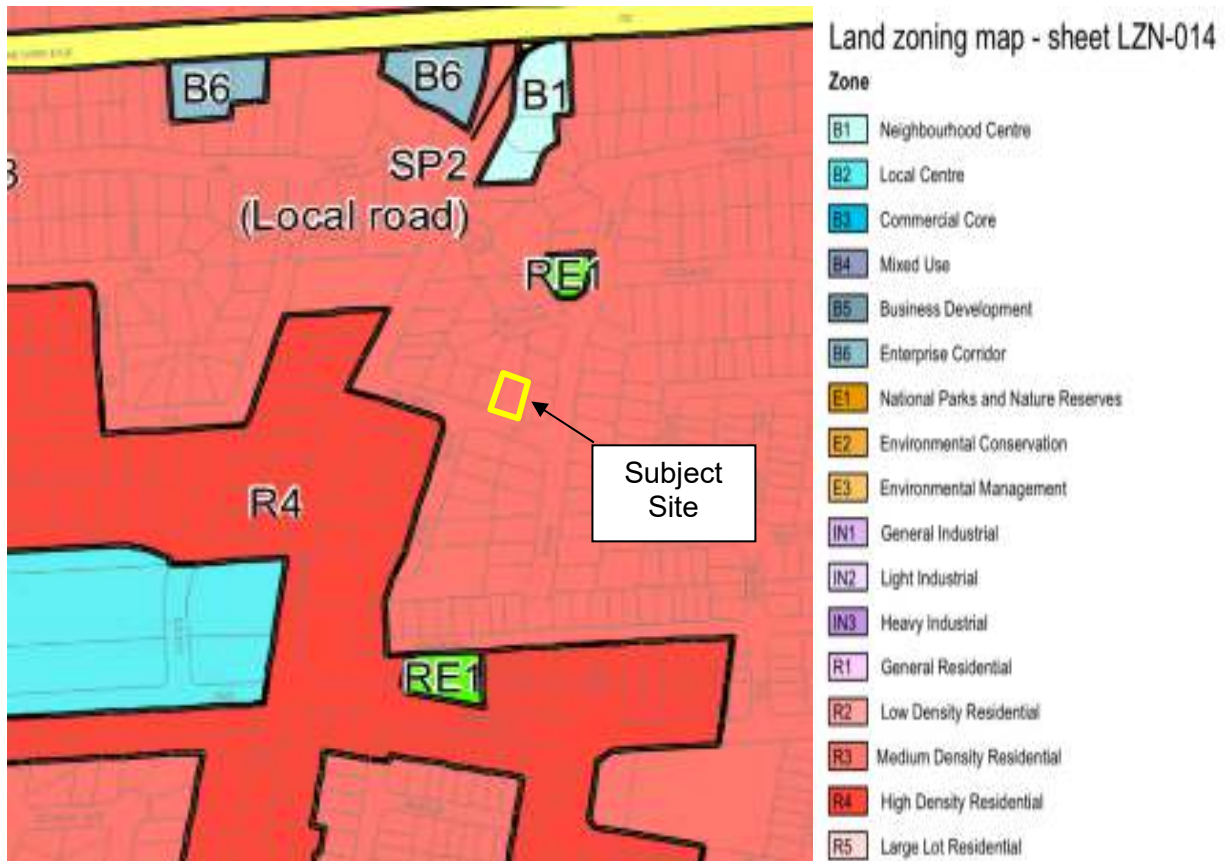


Figure 6: Extract of Zoning Map (source: LLEP 2008) indicating subject site

**(ii) Permissibility**

The proposed development is appropriately defined by the standard instrument as multi dwelling house and is identified as a permitted land use with consent within the R3 Medium Density Residential Zone under Liverpool Local Environment Plan (LLEP) 2008.

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

*Multi dwelling housing is a type of residential accommodation—see the definition of that term in this Dictionary*

**(iii) Objectives of the zone**

The objectives of the R3 Medium Density Residential zone are as follows:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

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

The proposal is considered to be consistent with the objectives of the zone in that:

- The proposed two storey, two bedroom dwellings will provide for an emerging medium density development within the context of surrounding low density dwellings. Medium and high density developments are located within the immediate vicinity of the site in Ikara and Ingoola Crescent and this development supports a transition in density between these properties and the surrounding low density dwellings.
- The proposed multi dwelling housing offers suitable transition between the high density development located in the R4 zoned land opposite the site in Kalimna Street and the low density developments of surrounding properties. This is achieved in the spatial arrangement of the site, the two storey height, and the contemporary design.
- The proposed residential dwellings are two bedroom which offers variety to the surrounding housing stock.
- The proposed residential dwellings are well located to local services and public transport.
- The proposed residential dwellings will provide a high level of amenity to future occupants and will minimise impacts on the surrounding properties.
- It will not hinder the opportunity for other land uses that provide facilities or services to meet the day to day needs of residents.



**(iv) Principal Development Standards**

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

<b>Development Provision</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Comment</b>
<b>Part 4 Principal Development Standards</b>			
2.7 Demolition	The demolition of a building or work may be carried out only with development consent	Demolition is proposed as part of the development.	Yes
4.1 Minimum subdivision lot size	Minimum lot size = 300m <sup>2</sup> Site is located in Area 2 as mapped. Clause 4.1(4) provides that the minimum lot size does not apply to strata plan of subdivision.	The combined area = 663.9m <sup>2</sup>  The application proposes the registration of a strata subdivision plan post construction.	Yes
4.3 Height of Buildings	The maximum building height permitted on the subject land is 8.5 metres on the Height of Buildings map.	The proposed maximum building height is 7.73m.	Yes

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4.4 Floor Space Ratio	<p>The permitted FSR for the site is 0.5:1 as mapped under LLEP 2008.</p>  <p>Clause 4.4(2A)(c) applies to the site that allows an additional 0.05:1 to the maximum FSR as mapped.</p>	<p>FSR proposed gross floor area is as follows:</p> <p>GFA = 343.16/663.9m<sup>2</sup> = 0.52:1</p>	Yes
5.10 Heritage conservation	The subject site is not mapped as being an item of local heritage or within a heritage conservation area.	N/A	Yes
6.5 Public Utility Infrastructure	Public utility infrastructure must be available	N/A	Yes
7.7 Acid sulfate soils	The site is not nominated as being affected by acid sulfate soils.	N/A	Yes
7.8 Flood planning	The site is located outside of any flood affected land or nominated flood planning areas.	N/A	Yes
7.27 Development of certain land at Moorebank	The site is located outside of nominated land as mapped.	N/A	Yes

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**

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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 3.6 Multi Dwelling Housing (Terraces, Townhouses and Villas) in R3 and R4 zones*.

The development is found to generally comply with the provisions of the LDCP 2008 except in relation to ground floor/first proportion, articulation and side setbacks as detailed within the tables in Attachment 4 of the report. Conditions have been provided to improve the articulation as detailed in Attachment 2.

Overall, the proposal is considered to be consistent with the key controls outlined in the LDCP 2008 and will achieve the objectives of the controls where assessed on the merits of the application.

**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 will facilitate residential development which is not an over-development and is consistent with the emerging and desired future 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.

**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.



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**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
Development Engineer	Approval subject to conditions of consent.
Landscape Officer	Approval subject to conditions of consent.
Waste Officer	Approval subject to conditions of consent.

**(b) External Referrals**

The application did not require any external referral.

**(c) Community Consultation**

The proposal was notified for a period of 14 days from **10 March 2020** to **24 March 2020** in accordance with LDCP 2008. **One (1) submission** was received in response to the public consultation process on behalf of nine (9) adjoining and surrounding residents in the locality. The key issues raised in the initial submission relates to:

Issues	Comments
<b>Application of SEPP (Affordable Rental Housing) 2009</b>	
The initial submission raised errors in the application of the SEPP ARH 2009, particularly with the inclusion of the bonus FSR provisions.	The application has been amended to remove reliance on the SEPP ARH bonus FSR provisions.
<b>Non-compliance with the DCP provisions</b>	
<p>Non-compliance with the DCP provisions relating to;</p> <ul style="list-style-type: none"> <li>• Ground level boundary setbacks,</li> <li>• Size of first floor building footprint,</li> <li>• Units 2 and 3 GFA &gt; 80m<sup>2</sup>,</li> <li>• Lack of habitable rooms fronting the street.</li> </ul> <p>The proposed building form is excessive in scale and will adversely affect the amenity of adjoining properties. The development lacks articulation along the side boundaries, inadequate side boundary setbacks, a garage dominated façade along the street elevation and excessive first floor building envelopes.</p>	<p>The Applicant has submitted amended plans in response to these concerns. The current proposal achieves the numerical standards for the size of Units 2 and 3, and habitable rooms fronting the street. Variations to the DCP as they relate to setbacks and the size of the first floor level are addressed in Attachment 4.</p> <p>Articulation has been conditioned to provide architectural detail in the side elevations in accordance with the requirements of the DCP. The proposal does result in a variation to Clause 7(3) that controls the relationship between the ground and first floor level. This is addressed in the DCP assessment in Attachment 4. The variation is supported as it</p>

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	<p>is assessed that the proposed development will achieve a harmonious appearance within the streetscape, will not impact on the adjoining properties amenity by way of overlooking or overshadowing, and provides variety in the materials and finishes to the street to promote visual interest in the appearance of the development.</p> <p>The first floor level provides generous separation to the adjoining properties to the rear, and the development will allow retention of the existing mature plantings within the rear setback to preserve existing neighbourhood views from these properties.</p>
<b>Car Parking</b>	
<p>The development fails to provide adequate car parking. It is highly likely that the single car garage will become an extension of the living space, like so many others particularly the 2-bedroom dwellings. This will place more strain on on-street car parking and may affect traffic movements.</p> <p>Units 2 and 3 provide garages and is inconsistent with Part 3.6 4(b)(1).</p>	<p>Car parking has been provided in accordance with the DCP controls, though a garage is provided in lieu of a carport as per Part 3.64(b)(1). Four parking spaces are provided within a single car garage for each dwelling, with an additional hard stand area provided within the street setback. This is addressed against the provisions of Chapter 1 and 3.6 of the DCP in Attachment 4 in relation to car parking and is acceptable in the circumstances of the site.</p> <p>Future unauthorised works undertaken on site are not a relevant head of consideration for the application. Where this occurs in the future, Council has adequate enforcement authority to ensure compliance with the provisions of any consent granted.</p>

Following notification of the amended plans, an additional submission was made by the objector.

The following comments are provided in respect to the final items of concern raised by surrounding residents:

**ISSUE 1: Inconsistencies within the SEE**

**Comment:** The SEE has not been amended to respond to the amended drawings and is not relied upon in the assessment of the application.

**ISSUE 2: Lack of articulation**

**Comment:** The ground floor level will exceed the 10m maximum unarticulated wall length control within the DCP. Condition 2 is provided to ensure that appropriate visual interest is provided to the side elevations of Dwellings 1 and 4 as they present to 7 and 11 Kalmina Street. This will provide appropriate visual relief in these elevations and is considered to be a better outcome for the site than a recessed portion of the building.

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**ISSUE 3: Inconsistencies within the drawings in relation to the first floor level setbacks to the side and rear boundaries**

**Comment:** The first floor level will support a depth of 12m and therefore be setback from the rear boundary by 14.1m. Setbacks to the side boundary, at the first floor level are proposed at 1.4m. This is reflected in the drawings assessed for this application and no inconsistency exists for the most recent amended plan set.

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

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 **\$25,671**.

**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.

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 No113/2020 for demolition of existing structures and construction of a multi dwelling development consisting of four (4) dwellings and strata subdivision be **approved subject to conditions of consent**.

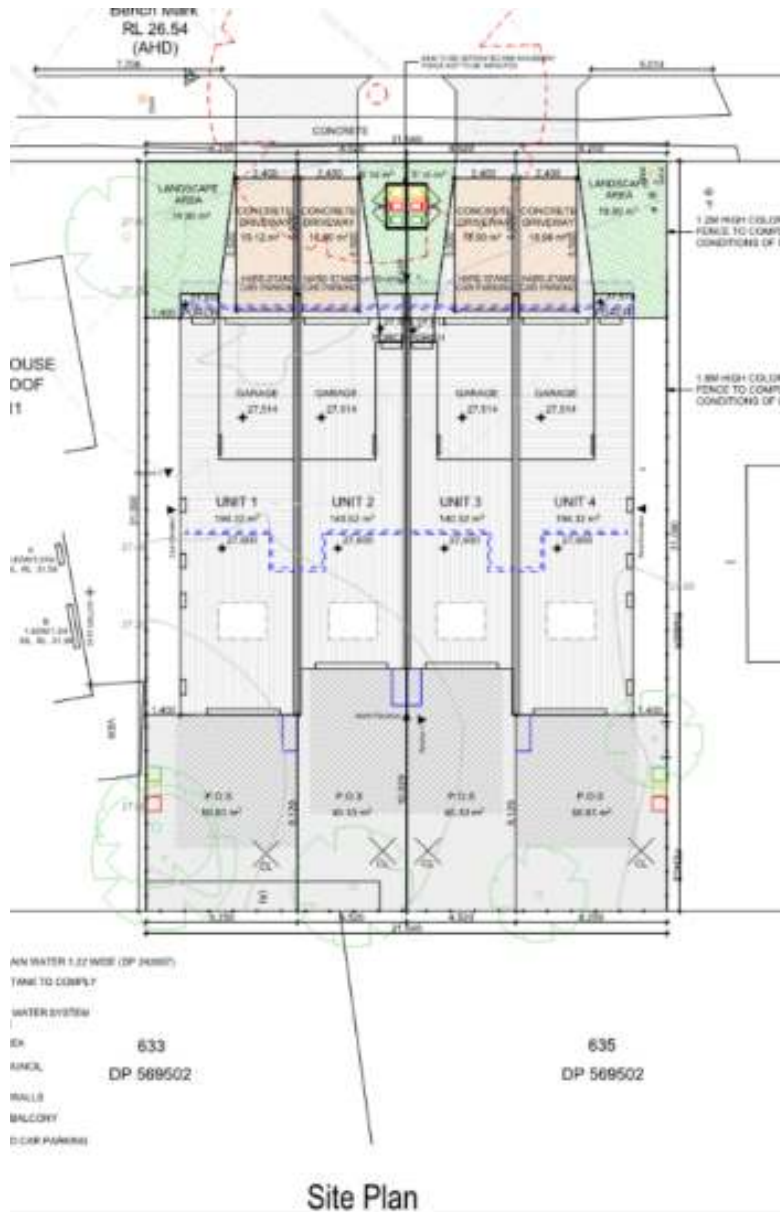
**10. ATTACHMENTS**

- 1. PLANS OF THE PROPOSAL**
- 2. RECOMMENDED CONDITIONS OF CONSENT**
- 3. GREATER METROPOLITAN REGIONAL ENVIRONMENTAL PLAN NO. 2 – GEORGES RIVER CATCHMENT (DEEMED SEPP) COMPLIANCE TABLE**
- 4. DCP COMPLIANCE TABLE**

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**ATTACHMENT 1: PLANS OF THE PROPOSAL**



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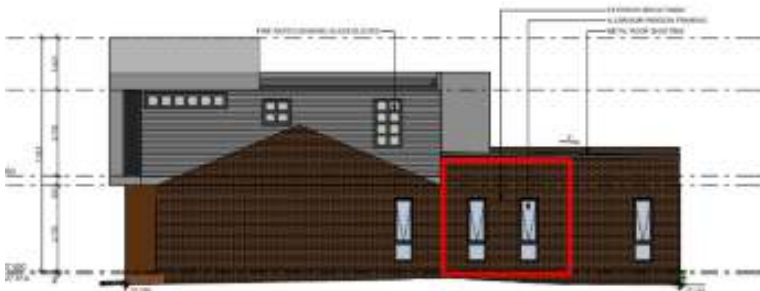
South Elevation



North Elevation



West Elevation



East Elevation

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**ATTACHMENT 2: RECOMMENDED CONDITIONS OF CONSENT**

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: Campbell Hill Group Pty Ltd, Job No: J0091, Dated: 13/07/2020:
  - i. Front perspective – Schedule of Finishes (only) Drawing No: 01;
  - ii. Site Plan, Drawing No: 02
  - iii. Site Plan With Ground Floor, Drawing No: 03;
  - iv. Site Plan With First Floor, Drawing No: 04;
  - v. Subdivision Plan, Drawing No: 05;
  - vi. Sediment Control Plan, Drawing No: 06;
  - vii. Streetscape, Drawing No: 07;
  - viii. Sun Study, Drawing No:08;
  - ix. Site Analysis Plan, Drawing No: 09;
  - x. Demolition Plan, Drawing No: 10
  - xi. Ground Floor Plan, Drawing No: 11;
  - xii. First Floor Plan, Drawing No: 12;
  - xiii. Elevations (South & North), Drawing No: 13;
  - xiv. Elevations (East & West) as amended in red, Drawing No: 14;
  - xv. Sections, Drawing No: 15;
  - xvi. Roof Plan, Drawing No: 16;
  - xvii. Bin Storage Details, Drawing No: 17.
- b) Waste management plan Prepared By: Campbell Hill Group Pty Ltd, Dated: 07/01/2020:
- c) BASIX certificate Nos 1069049S\_02 dated 15 July 2020; 1069059S\_02 dated 15 July 2020; 1069062S\_02 dated 15 July 2020; 1069063S\_02 dated 15 July 2020.

The Landscape Plan Prepared By: Bluegum Design Solutions, Dated: 20/01/2020 submitted with DA-113/2020 is not approved as part of this determination.

**2. Amended Plans**

- a) The Landscape Plan Prepared By: Bluegum Design Solutions, Dated: 20/01/2020 submitted with DA-113/2020 is not approved as part of this determination. Prior to the issue of CC, a comprehensive landscape plan prepared by a qualified landscape architect is to be prepared. The landscape plan must:
  - I. Reflect the approved building footprint as amended and detailed on Sheet 02.
  - II. Replacement street tree planting located centrally within the road reserve. Trees shall not be planted within 2000mm from a driveway, 1000mm from underground services or 6000mm from an intersecting side street. Trees shall be staked, tied and mulched to Council's satisfaction. The replacement planting will need to be a minimum pot size of 45lt and maintained for period of 3 months. Trees species should be selected from the commonly used street trees

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as follows;

*Tristaniopsis laurina* (water gum)  
*Elaeocarpus reticulatus* (blueberry ash)  
*Fraxinus griffithii* (evergreen ash)  
*Waterhousea floribunda* (weeping Lilly pilly)  
*Lagerstroemia* sp. (crepe myrtle)  
*Pyrus* sp. (ornamental pear)  
*Malus* sp. (crabapple)

- b) Additional architectural detail or variation in finishes is to be provided on the western and eastern elevation of Units 1 and 4. This is to allow for articulation in the wall length at the ground floor level for the external wall opposite the proposed kitchen, measured from 9m from the front porch and for a length of 4m and as indicated in red on the plans. This should include wall cladding or the like to break up the brick wall length.

The above detail shall be done to the satisfaction of Council and approved by Council's Manager of Development Assessment prior to the issue of a Construction Certificate.

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

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

**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 2018)**

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

The total contribution is **\$25,671** and will be adjusted at the time of payment in accordance with the contribution plan. 50% of the total amount is **\$12,835.50** and is to be paid prior to the release of any CC (amount to be adjusted at the time of payment in accordance with the contribution plan).

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

Estimated Land Acquisition Cost per square metre published by the Council at the time of granting the development consent.

The Contributions Plan may be inspected online at [www.liverpool.nsw.gov.au](http://www.liverpool.nsw.gov.au)  
Payment must be accompanied by the attached form.

***Note: In response to the Covid-19 Pandemic, Council is providing for deferred payment options, for applications lodged or approved between 16 April 2020 and 31 December 2020. A deferral of 50% of the total contribution amount to be paid prior to any Occupation Certificate.***

**5. Long Service Levy**

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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.

**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. 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 Provision, or a combination of (a) and (b).

**9. Notification**

The certifying authority must advise Council, in writing of:

- a) The name and contractor licence number of the licensee who has contracted to do or intends to do the work, or
- b) The name and permit of the owner-builder who intends to do the work.



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If these arrangements are changed, or if a contract is entered into for the work to be done by a different licensee, Council must be immediately informed.

**10. S138 Roads 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:

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

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.

**11.** 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 the following within the Kalimna Street, Moorebank site frontage:

- a) Demolish all existing driveway laybacks and reinstate kerb and gutter
- b) 1.5m wide concrete footpath paving
- c) Removal and replacement of cracked and damaged kerb and guttering

**12. On-Site Detention**

On-Site Detention shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Leading Engineers, reference number 2249-C01-B, 2249-C04-B, 2249-C05-B, 2249-C06-B, revision B, dated 04.05.20

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

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

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.

A stainless steel orifice plate is to be used, in lieu of the "PVC outlet" for each system.

The outlet pipes from each tank shall be sized to convey 2 times the PSD of the

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orifice outlet, to the connection into the overflow pipe.

An inspection eye is required at the outlet to allow for future maintenance and inspection purposes.

The roof gutter and downpipe system shall be designed to convey the 100 year 5min design storm event into the OSD system with no gutter overflows.

**13. 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.

**14. Dilapidation report**

Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in (Kalimna Street), 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.

**15. 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.

**16. 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](http://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.

**17. 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.

**18. 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.

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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.

**19. Access**

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.

**20. Garbage Services**

On site collection of waste and recycling must be provided and integrated with the design of density residential development (RFBs and MUDs). This must comply with the specifications detailed in the Fact Sheet: Waste Management Services for Residential Flat Buildings and Multi Dwelling Housing.

**21.** The developer/owner of the site is to contact Liverpool Council- Waste Management Section to determine the required number of waste and recycle bins for the residential component of the development as well as servicing requirements. These waste and recycle bins are to be kept at all times within the residential waste storage rooms except before and after collection days. Waste and Recycle bins are to be returned to the storage rooms within 24 hours of collection.

**Waste Storage Area**

**22.** Any bin bays must be:

1. Provided with mechanical ventilation,
2. Provided with a hose cock for hosing the garbage bin bay and a sewered drainage point in or adjacent to the bin storage area. The drainage point should have a fine grade drain cover sufficient to prevent coarse pollutants from entering the sewer. If the hose cock is located inside the bin storage bay, it is not to protrude into the space indicated for the placement of bins,
3. Provided with sufficient light to permit usage at night,
4. Allocated with sufficient space within the bin bay to allow for access to all required bins by residents and waste collectors, as well as manoeuvring of bins within the bay and for the removal and return of bins by the waste collector,
5. Bin bay signs are available from Council,
6. Should garbage chutes be incorporated into the design of the building, signage on how to use the chutes is to be located prominently next to the chute,
7. Operation, maintenance and cleaning of the garbage compactor and associated equipment is the responsibility of the strata management or body corporate and not of Council,
8. Maximum compaction ratio is 2:1,
9. Operation, maintenance and cleaning of the garbage chutes and associated waste cupboards, rooms, or equipment is the responsibility of the strata management or body corporate, and not of Council, and
10. Provided with signage to be prominently displayed in each bin bay, or waste service room, as appropriate indicating that:
  - i. Garbage is to be placed wholly within the garbage bins provided,
  - ii. Only recyclable materials accepted by Council are to be placed within the

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- recycling bins,
- iii. The area is to be kept tidy,
- iv. A phone number to be displayed for arranging disposal of bulky items; and
- v. 50% of all messages are to be displayed using graphic illustrative content.

**Waste Management**

Prior to the issue of the Construction Certificate, the Waste Management Plan from Campbell Hill Group is to be revised to show that the asbestos waste (fibro), noted as being present in the buildings to be demolished, is to be taken to landfill and not recycled. The name and address of the licenced waste facility the asbestos materials will be taken to must be included.

**23.**

Prior to the issue of the Construction Certificate, The Waste Management Plan is to be revised to explicitly state that all legislation, regulations and WorkCover safety procedures in respect to asbestos will be followed and that a licenced asbestos contractor will be responsible for the removal, wrapping and tipping of all asbestos construction materials from the site. The name, address and licence details of the asbestos contractor are to be provided to both Council and the Principal Certifying Authority.

Prior to the issue of the Construction Certificate, the building plans/waste management plan must note that the bin storage enclosures are to be built on a hardstand surface, be weatherproof and durable in construction, finished in a recessive colour, and fitted with lockable doors.

**C. PRIOR TO WORKS COMMENCING**

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

**24. 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.

**25. 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

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Accredited Certifier, in accordance with Section 4.19, 6.6, 6.7, 6.12, 6.13, 6.14 of the Act,

- c) A copy of the Construction Certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment,
- d) A Principal Certifying Authority (PCA) must be appointed to carry out the necessary building inspections and to issue an occupation certificate, and
- e) The PCA must advise Council of the intended date to commence work which is the subject of this consent by completing a notice of commencement of building works or subdivision works form, available from Council's Customer Service Centre. A minimum period of two (2) working days' notice must be given.

**26. 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
- b) The notice shall be given seven (7) days prior to the commencement of work.

**27. Demolition Works**

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.
- d) If the dwelling to be demolished has an air-conditioning system, then the refrigerants present in that air-conditioning system must be extracted before dismantling into a durable air-tight container by a licensed air-conditioning technician. This container and its contents must be sent to a facility licensed to destroy such compounds, for secure destruction. Documentary evidence that this has been completed (if such a system is part of the original buildings), must be sighted by the Principal Certifying Authority and included as part of the Occupation Certificate documentation.

- 28.** Prior to any demolition or site clearing works commencing, any existing domestic waste bins that have been issued to 9 Kalimna Street Moorebank, must be returned to Liverpool City Council. Please ring Council on 1300 36 2170 to advise that the bins are empty and ready to be removed and so their removal can be noted.

**29. "DIAL BEFORE YOU DIG"**

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

**30. 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.

**31. 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 licence number of the principal contractor; and the name of the insurer by which the work is insured under Part 6 of that Act.

**32. Sydney Water**

Development plans must be processed and approved by Sydney Water.

**33. 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.

**34. Traffic Control Plan**

Prior to commencement of works, a Traffic Control Plan including details for pedestrian management, shall be prepared in accordance with AS1742.3 "*Traffic Control Devices for Works on Roads*" and the Roads and Traffic Authority's publication "*Traffic Control at Worksites*" and certified by an appropriately accredited Roads and Traffic Authority Traffic Controller.

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.

**D. DURING CONSTRUCTION**

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

**35. Building Work**

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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.

**36. 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.

**37. 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.

**38. Refuse Disposal**

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.

**39. 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.

**40. Aboriginal Relics/Artefacts**

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

**41. Unidentified Contamination**

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Any new information which comes to light during remediation, 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.

**42. Waste Management Plan**

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.

All demolition, excavation and construction wastes must be separated into their different types as they are generated and kept in separate spoil piles, bays, builder's site bins and/or skips.

All lightweight or granular demolition, excavation or construction waste, e.g. wrapping, packaging materials, bags, insulation, sand, soil etc., must be kept fully enclosed at all times to prevent it from becoming displaced by the wind in strong wind conditions or from washing into sewers, storm drains or creeks, or onto adjacent properties or public land during wet weather.

**43. Air Quality – Vehicle Movement**

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.

**44. Termite Protection**

To protect the buildings from subterranean termite, termite barriers must be installed in accordance with AS 3660.1 to the underside and penetrations of the concrete slab floor. In addition a durable notice must be permanently fixed inside the metre box indicating:

1. the method of protection,
2. the date of installation of the system,
3. where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label, and
4. the need to maintain and inspect the system on a regular basis.

Certification from a licensed pest controller shall be submitted to the PCA certifying that the termite protection system installed complies with AS3660.1.

**45. Erosion Control – Measures**

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

**46. 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



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prior to the inspection.

**47. Footpaths**

Construction of 1.5m wide by 100mm thick (with one layer of SL72 reinforcing mesh) concrete path paving on one side of all residential access roads and both sides of all collector and distributor roads. Path paving will not be required in minor cul-de-sac with less than fifteen lots.

**48. 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*.

**49. 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:

- 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.

**50. Building Work**

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.

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

**51. Demolition Inspections**

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

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

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

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

- 52. 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.
- 53. 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.
- 54. 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.
- 55. Traffic Management**  
Construction activities affecting adjoining road reserves require submission of a road occupancy application to Council along with traffic control plan and public liability insurance. The traffic control plan must be prepared by a qualified professional and to be in accordance with the *RMS Traffic Control at Worksites Manual*, the *Austrroads Guide to Traffic Management*, the *RMS Supplements for Austrroads Guide to Traffic Management* and *Australian Standard 1742*.  
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 <http://www.liverpool.nsw.gov.au/council/Fees-Forms-Policies-and-Enforcement/forms>
- 56. 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.
- 57. General Site Works – Roofwater**  
All roofwater is to be connected to the existing stormwater system.
- 58. 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.
- 59. 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.

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**60. Vegetation - Existing Vegetation**

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.

**E. PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

**The following conditions are to be complied with or addressed prior to issue of either an Interim or Final Occupation Certificate by the Principal Certifier (PC):**

**61. Occupation Certificate**

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

**62. Certificates**

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.

**63.** 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.

**Strata Subdivision**

**64.** As Strata Subdivision constitutes part of the development consent, the Strata Subdivision Certificate is to be approved and registered prior to the issue of an Occupation Certificate.

**65.** Prior to the issue of an Occupation Certificate, the by-laws of the development are to be drafted to state that the responsibility for the maintenance, repair and correct functioning of the bin storage enclosures of Units 2 and 3 is to rest with the body corporate.

**66.** Prior to the issue of a Occupation Certificate, the by-laws of the development are to be drafted to state that residents of Units 2 and 3 must keep their waste bins locked inside their waste enclosures, to prevent other individuals from using those bins.

**Linen Plans and 88B Instruments**

**67.** Should the applicant utilise Council for the issuing of a Strata Subdivision Certificate, then in order to enable an Occupation 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 strata subdivision and one (1) original and two (2) copies of the proposed 88b instrument (where proposed).

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The applicant shall pay the standard fee for the purpose of Strata Subdivision Certificate administration of plan checking and release.

68. The final plan of Strata Subdivision must be supported by an 88B instrument to the approval of Council. The 88B instrument shall properly reflect the requirements of the conditions of development consent, the plans forming part of the consent, and Council's standards, codes and policy's. Part 2 of the 88B instrument shall contain a provision that any easements, right of ways or covenants shall not be extinguished or altered without the written consent of Council.

69. 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.

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. **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 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.

72. **Stormwater Compliance**  
Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that the On-site detention system, details of the approved and constructed system/s shall be provided as part of the Works-As-Executed drawings.

73. **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 Kalimna Street will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing.

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

75. **Restriction as to User and Positive Covenant**  
Prior to the issue of an Occupation Certificate a restriction as to user and positive

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covenant relating to the following shall be registered on the title of the property:

- a) On-site detention system/s,

The restriction as to user and positive covenant shall be in Liverpool City Council's standard wording as detailed in Liverpool City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

**76. 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.

**77. Landscape**

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.

**78. Service Providers**

The following documentation is to be provided prior to the release of the Occupation Certificate:

1. 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 an Occupation Certificate.

Council will not issue a Occupation 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.

2. Notification of arrangement for the development from Endeavour Energy shall be submitted to Council.
3. Written certification from the relevant service providers that the telecommunications infrastructure is installed in accordance with:
  1. The requirements of the Telecommunications Act 1997;
  2. For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
  3. 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.

**79. 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

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Council.

**80. Road Works**

All redundant vehicular crossings shall be removed and replaced with Council's standard kerb and gutter at no cost to Council. The removal and replacement of a driveway with standard integral kerb and gutter shall be the subject of a driveway application to Council and works supervised by that driveway inspection process.

**81. Cladding**

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

**82. External Lighting**

Any external lighting is to incorporate full cut-off shielding and is to be mounted so as to not cause any glare or spill over light nuisance within the development, neighbouring properties or road users.

**83. Air Conditioning Plant**

The plant associated with any air conditioning system is to be located a minimum of 3 metres from any property boundary, to the satisfaction of the PCA.

**84. Garbage Services**

Prior to the issue of an Occupation Certificate, if onsite waste and recycling collection is required the following restriction as to user must be registered on the title of the property:

The owner/applicant of any property requiring on site collection of waste and recycling is to enter into a legally binding indemnity with Council to control the access and operation of the waste and recycling service. This shall be inclusive on successive owners in perpetuity. All costs involved are to be borne by the applicant.

The restriction as to user may not be extinguished or altered except with the consent of Liverpool Council.

**F. CONDITIONS RELATING TO USE**

**85. Lighting**

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 Collection**

**86.** 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.

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**Waste**

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

**Waste Storage Area**

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

Operation, maintenance and cleaning of the garbage storage area is the responsibility of the strata management or body corporate.

89. Signage is to be prominently displayed in each waste storage area, or waste service room, as appropriate, indicating that:

- 90.
1. Garbage is to be placed wholly within the garbage bins provided,
  2. Only recyclable materials accepted by Council are to be placed within the recycling bins,
  3. The area is to be kept tidy,
  4. A phone number for arranging disposal of bulky items, and
  5. Graphic illustrative content to be 50%.

Sufficient space shall be provided within each dwelling for the storage of a minimum of one day's waste and recycling.

91. **Garbage collection - Bins**  
Bins must be moved to the kerbside frontage of the building for collection by agents of the body corporate or strata management, or individual owners. The bins shall be collected and returned as soon as possible after collection by the same persons.

A separate storage area must be allocated for the holding of bulk waste prior to collection.

92. **Waste Storage and Disposal – General**

93. Once the Occupation Certificate has been issued for the new residences, but prior to residents moving in, Council is to be contacted to arrange delivery of the domestic waste bins to these dwellings. Please contact Council on 1300 36 2170 to arrange the delivery of waste bins.

Under current collection arrangements, each dwelling will be issued with a 140 litre general waste bin, a 240 litre recycling bin and a 240 litre green (garden) waste bin. These arrangements may be subject to change under future collection contracts.

Paths of travel of all waste bins to the kerbside of Kalimna Street must remain smooth, unobstructed and free of steps, kerbs or any other sudden change in level.

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Residents of all units must present their waste bins for emptying to the kerbside of Kalimna Street no earlier than the afternoon before collection. After emptying, all bins must be removed from the kerbside within 24 hours; Units 1 and 4 must keep their waste bins within their rear private open space, Units 2 and 3 must lock their waste bins securely in the bin storage enclosure provided for the purpose in their front yards. Domestic waste bins are for the permitted types of household waste only, hazardous materials, builder's/trade waste and car parts are not permitted.

All bulky household wastes must be kept within their residence of origin. Residents are responsible for making their own pre-booked waste collection with Council for a specific date. Bulky household waste may only be placed at the kerbside the evening before the booked date of the pick-up. The amounts and types of materials that are acceptable for collection will be as per the conditions of Council at the time.

**G. 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 twelve (12) 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 twelve (12) 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) 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"

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

- 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 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.
- l) 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.
- m) 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.
- n) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.

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**ATTACHMENT 3 – GREATER METROPOLITAN REGIONAL ENVIRONMENTAL PLAN NO. 2  
– GEORGES RIVER CATCHMENT (DEEMED SEPP)**

<b>Clause 8 General Principles</b>	<b>Comment</b>
(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.
<b>Clause 9 Specific Principles</b>	<b>Comment</b>
(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 / 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.

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(9) Urban/stormwater runoff	Stormwater Concept Plan submitted.
(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.

**ATTACHMENT 4 – 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	The removal of trees within the street verge and front setback is supported subject to conditions with appropriate tree replacement species.
Section 3: Landscaping and Incorporation of Existing Trees	Controls relating to landscaping and the incorporation of existing trees.	Existing trees are to be retained in the rear setback of the site, to preserve the landscape character of the site. The Landscape Plan submitted identifies trees to be retained. Landscaping is proposed within the street setback.
Section 4: Bushland and Fauna Habitat Preservation	Controls relating to bushland and fauna habitat preservation	Not located within proximity to bushland areas or sensitive flora and fauna communities.
Section 5: Bush Fire Risk	Controls relating to development on bushfire prone land	Not a nominated bushfire prone land area.
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.	Stormwater is directed to the street via rainwater tanks. The application was referred to Council's Development Engineer who provided no objection to the proposal 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.	The subject site is not located adjacent to or in proximity to a watercourse.
Section 8: Erosion and Sediment Control	Erosion and sediment control plan to be submitted.	A sedimentation and erosion control plan was submitted with the application. Conditions provided.

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Development Control	Provision	Comment
Section 9: Flooding Risk	Provisions relating to development on flood prone land.	The subject site is not flood affected.
Section 10: Contaminated Land Risk	Provisions relating to development on contaminated land.	The site is currently used for residential purposes and has a low risk for contamination.
Section 11: Salinity Risk	Provisions relating to development on saline land.	The proposal was referred to Council's Development Engineers for comments. No objection raised to the proposed development subject to conditions.
Section 12: Acid Sulphate Soils	Provisions relating to development on acid sulphate soils	The site is not affected by Acid Sulphate Soils.
Section 13: Weeds	Provisions relating to sites containing noxious weeds.	The proposal was referred to Council's Landscape Officer who provided no objection to the application subject to conditions.
Section 14: Demolition of Existing Development	Provisions relating to demolition works	Existing detached dwelling and ancillary structures can be demolished on site in accordance with NSW Workcover requirements.
Section 15: On Site Sewage Disposal	Provisions relating to OSMS.	The subject site is connected to water and sewer services. Sydney Water approval is required for new and upgraded connections, conditions provided.
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.	The site is located within an established residential area and supports an existing dwelling and ancillary structures. The site is therefore considered to be disturbed and unlikely to support items. Conditions provided in case of a chance find as per Office of Environment requirements.
Section 17: Heritage and Archaeological Sites	Provisions relating to heritage sites.	Does not contain a heritage item or site.
Section 18: Notification of Applications	Provisions relating to the notification of applications.	Application was notified in accordance with DCP. One submission was received, and the issues raised are considered in this report.
Section 19: Used Clothing Bins	Provisions relating to used clothing bins.	Not applicable.
Section 20: Car Parking and Access	Car parking rates are as follows: DCP requires 1.5 spaces per medium dwelling or 2 bedrooms = 6 spaces	Yes, the proposal provides for a single car garage for each dwelling with space provided for one (1) additional space to be provided within each driveway. Total 6 spaces provided. Bicycle parking can be provided on site in accordance with the DCP.

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Development Control	Provision	Comment
		The dual driveway arrangement was referred to Council's Development Engineer for assessment. Due to the separation, access to a local road, and driveway width of >15m, the reverse egress into Kalimna Street is supported in these circumstances.
Section 21: Subdivision of Land and Buildings	Provisions relating to the subdivision of land and buildings	The proposal includes strata subdivision of the proposed dwellings.
Section 22 & Section 23: Water Conservation and Energy Conservation	New dwellings, are to demonstrate compliance with State Environmental Planning Policy – Building Sustainability Index (BASIX).	Proposed development has provided a BASIX Certificate which meets the required Water Efficiency target. Proposed development has provided a BASIX Certificate which meets the required Energy Efficiency and Thermal Comfort targets.
Section 25: Waste Disposal and Re-use Facilities	Provisions relating to waste management during construction and on-going waste.	Waste management facilities are provided on site. A revised Waste Management Plan was submitted in response to Council's RFI and in accordance with the DCP requirements and will be incorporated into the conditions. Conditions provided to manage the safe disposal of asbestos. Waste storage is provided within the garage and separate waste storage facility within the street setback.
Section 26: Outdoor Advertising and Signage	Provisions relating to signage.	Not applicable.
Section 27: Social Impact Assessment	Provisions relating to Social Impact Assessment	Not applicable.
Section 29: Safety and Security	Safe and equitable access to buildings.	Entry points to dwellings are visible from the street.

**LDCP 2008 - Part 3.6 Multi Dwelling Housing in the R3 and R4 zone**

Controls	Comment	Comply
Preliminary 1:	The applicable controls are assessed hereunder.	
<b>2. Subdivision, Frontage and Lot Size</b>		
Minimum lot for multi dwelling housing is 1,000m <sup>2</sup> . Where development pursuant to section 4 is proposed the minimum	Site area 663.9m <sup>2</sup> and minimum width 21.54m.	Yes – Minimum lot size relies on provisions of Section 4, however the lot width achieves compliance. Section 4 is assessed hereunder.

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<b>Controls</b>	<b>Comment</b>	<b>Comply</b>
lot size shall be 650m <sup>2</sup> .  Minimum lot width is 22m, or 18m pursuant to section 4.		
<b>3. Site Planning</b>		
Sensitive to site attributes, streetscape character, natural landform, drainage, vegetation, land capability, slope, solar access and heritage items where relevant.	Dwellings 1 – 4 provide a direct link between living areas and principal POS. Window placement has limited overlooking. Overshadowing has been demonstrated on shadow diagrams submitted. Afternoon shadow impacts the adjoining property at No 11 Kalimna Street, however this will be limited to the afternoon period only. Solar amenity is maximised to the proposed dwellings with living areas and POS having a northern orientation.	Yes
<b>4. Townhouse and Villa Development on an 18m frontage block</b>		
<ul style="list-style-type: none"> <li>• Two dwellings must have maximum floor space of 80sqm.</li> <li>• Carport provided in lieu of garage</li> <li>• Minimum 1 dwelling to present to street.</li> <li>• All dwellings built must conform to the Controls.</li> </ul>	<p>Dwellings 2 &amp; 3 = GFA 77.83sqm Single car garage provided for dwellings 2 and 3 as an integrated feature of the design. All four dwellings have a presentation to the street.</p>	Yes – assessed on merits the garage accommodation is a better streetscape outcome than carports as required by the DCP.
<b>5. Setbacks</b>		
<ul style="list-style-type: none"> <li>• Garages/carports setback 1m behind building line.</li> <li>• 4.5m front setback (ground floor)</li> <li>• 5.5m front setback (first floor)</li> <li>• Side setbacks – Ground floor: 0.9m (without windows to habitable), 4.0m (windows to habitable) First floor: 1.2m (without windows to habitable), 4.0m (windows to habitable and POS)</li> </ul>	<p><b>Street setback:</b> Ground floor: 5.5m to blade wall, 6.5m to wall of habitable room. First floor: 5.0m (6.0m to wall)</p> <p><b>Side setbacks:</b>1.4m ground &amp; first floor level. A variation is proposed to the side setbacks at the ground floor level due to the habitable windows in the side elevations and at the first floor level.</p> <p>The setbacks are assessed as being appropriate in these circumstances for the following reasons;</p> <ul style="list-style-type: none"> <li>• The first floor windows are glass bricks and therefore are inoperable windows and will protect the privacy of the adjoining properties;</li> <li>• The ground floor windows are tall</li> </ul>	<p>Yes – assessed on merits to allow encroachment to the first floor balcony in accordance with Clause 5(3) of the DCP.</p> <p>No – side setbacks propose a variation at the ground and first floor level. The variation is supported and the setbacks will achieve the objectives of this clause.</p> <p>Yes – rear setback complies.</p>

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Controls	Comment	Comply
<ul style="list-style-type: none"> <li>Rear setbacks: 4.0m – 6.0m</li> </ul>	<p>narrow openings interspersed along the side elevations. These windows, in relation to the fencing at the side boundaries, will not allow for overlooking into adjoining properties.</p> <ul style="list-style-type: none"> <li>The reduced setbacks will not generate significant additional overshadowing given the orientation of the lot.</li> <li>Generous landscaping is provided forward and within the rear setback to contribute to the landscape character of the site.</li> </ul> <p>Rear setbacks: Minimum 8.13m</p>	
<b>6. Landscaped area and private open space</b>		
<p>Minimum 20% of site landscaped area. Minimum unencumbered area 4 x 5m in rear setback. 40m<sup>2</sup> unroofed POS area per unit.</p>	<p>38% landscaped area provided. Minimum dimension provided for each dwelling. POS area Dwellings 2 &amp; 3: 45.33m<sup>2</sup> POS area Dwellings 1 &amp; 4: 50.81m<sup>2</sup></p> <p>POS areas provided with a northerly orientation so achieve the solar access provisions.</p>	Yes
<b>7. Cut and Fill, Building Design, Streetscape and Layout</b>		
<p><u>Cut &amp; Fill</u> Maximum cut 500mm, 750mm fill within slab area.</p>	<200mm fill proposed.	Yes
<p><u>Building design and appearance</u> Orientation towards the street, one living area towards the street. Emphasised entry points. Maximum 2/3 GFA first floor level of ground floor level. Articulated roof form. External materials to include variety. Maximum unarticulated wall length 10m. Maximum roof pitch 36 degrees.</p>	<p>Ground and first floor orientation is towards the street, with front entry porches emphasising entry point for each dwelling. Passive surveillance from a habitable room is provided at the first floor level.</p> <p>Ground floor / first floor relationship: Dwellings 1 &amp; 4: 74.2% Dwellings 2 &amp; 3: 89.1%</p> <p>Articulation is provided within the roof form to minimise the dominance of the first floor level to the street, as well as a high level of open architectural elements such as glass balustrading and windows.</p> <p>The proposal as it presents to the street adopts a variety of materials and form to create an interesting building appearance. This is achieved by the high use of glass at the first floor level, and the vertical lines of the timber detail proposed for Units 1 and 4,</p>	<p>No – variation is proposed and assessed on merits against the objectives of this clause.</p> <p>The resulting development will present as a visually interesting development due to the variety of external materials used in the street elevation, and the open first floor level design. The development addresses the street, and the garages have been designed not to dominate the street elevation. The variation to the control will not result in any significant overshadowing or amenity impacts on the adjoining properties. Were the</p>



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	<p>as well as for the ground floor garage doors.</p> <p>While the less visible east and west wall elevations exceed the maximum unarticulated wall length, Condition 2 has been provided to ensure additional detailing can be provided in both side elevations. This will break up the massing of this elevation and provide visual interest in the design.</p>	<p>garage areas included within the calculation, Dwellings 1 and 4 would comply with clause 7(3), and it is considered that in this design, the garages do not contribute negatively to the overall presentation of the development.</p> <p>The overall form and appearance of the development is considered to be acceptable despite the numerical variation as proposed, and it is considered that the proposal achieves the objectives of this clause.</p>
<p><u>Internal Design</u> Habitable rooms to present to the street.</p>	<p>The internal layout of each dwelling has maximised the connection between the living areas and the north facing POS areas. Passive surveillance of the street and front landscaped area is available from within each dwelling.</p> <p>Storage and internal service areas are appropriately located.</p>	<p>Yes</p>
<b>8. Car Parking and Access</b>		
<p>Minimise driveway width. Forward entry/exit to the street</p>	<p>The proposal has been designed with a splayed driveway to minimise the paved areas forward of the dwellings.</p> <p>Forward exit is not provided to the proposed driveways. The proposal was submitted to Council's Development Engineer who supported the proposal subject to conditions. The site benefits from adequate sight distances and the driveway services a local road, it is therefore not necessary to provide forward egress in the circumstances of this application to ensure suitable safe egress from the site.</p>	<p>Yes – assessed on its merits.</p>
<b>9. Landscaping and fencing</b>		
<p>Canopy trees provided front and rear setbacks</p>	<p>Existing canopy tree species are retained in the rear yard area. The tree removal proposed in the street verge and setback will be replaced with low height plantings to preserve visibility to the street.</p>	<p>Yes – assessed on its merits.</p>

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<b>Controls</b>	<b>Comment</b>	<b>Comply</b>
	Replacement tree planting is proposed via condition. Given the adjoining land use areas associated with the dwellings, the landscape planting as proposed is considered acceptable in these circumstances.	
Fencing	No street fencing is proposed. 1.2m height fencing is proposed for the side boundaries forward of the dwellings and 1.8m to the boundaries behind the building line.	Yes
<b>10. Amenity and Environmental Impact</b>		
Overshadowing Adjoining properties to receive min 3 hours between 9am – 5pm on 21 June - One living - 50% POS	The adjoining allotment at No 7 Kalimna will achieve these provisions. No 11 Kalimna Street is impacted by shadow within the western side setback from 12pm on 21 June so will maintain 3 hours sunlight to POS areas within this setback during the morning period. Windows on the western elevation of No 11 Kalimna will not be affected.	Yes
Privacy Maintain privacy to buildings and outdoor spaces.	Windows along the side boundaries, at the first floor level are detailed as glass block windows to protect privacy. Further, these blocks are associated with the first floor low use bedroom and bathrooms areas.	Yes
Acoustic	Common party walls can be constructed to ensure adequate acoustic privacy for future occupants of the development. The proposed design will preserve neighbourhood amenity to adjoining properties.	Yes
<b>11. Site Services</b>		
<ul style="list-style-type: none"> <li>• Letterboxes</li> <li>• Waste management</li> <li>• Frontage works</li> <li>• Electricity sub station</li> </ul>	<p>Letterboxes can provided.</p> <p>Waste management storage can be provided in accordance with the clause.</p> <p>Street tree to be removed and replaced as required.</p>	Yes

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<b>Item no:</b>	3
<b>Application Number:</b>	DA-572/2019
<b>Proposed Development:</b>	Demolition of existing structures and construction of a mixed-use development comprising a four-storey residential flat building with 8 units and a two-storey 65-place childcare centre over two levels of basement carparking for 32 car spaces.
<b>Property Address</b>	22-24 Thompson Avenue, MOOREBANK NSW 2170
<b>Legal Description:</b>	LOT 38 and LOT 39 DP 228324
<b>Applicant:</b>	H Ibrahim
<b>Land Owner:</b>	Sidney Investments Pty Ltd
<b>Cost of Works:</b>	\$6,061,883.00
<b>Recommendation:</b>	Approved subject to conditions of consent
<b>Assessing Officer:</b>	Kevin Kim

## 1. EXECUTIVE SUMMARY

Council has received a Development Application seeking consent for the demolition of existing structures and construction of a mixed-use development comprising a four-storey residential flat building with 8 units and a two-storey 65-place childcare centre over two levels of basement carparking for 32 car spaces at 22 and 24 Thompson Avenue, Moorebank.

The site is zoned R4 High Density Residential pursuant to Liverpool Local Environmental Plan (LLEP) 2008. The proposed development is best defined as a 'mixed use development' (within the meaning of the LLEP 2008), which is not a land use type listed in the LEP land use table, rather it is a type of development, only that each of the respective uses in the mixed use development must be permissible in the zone. The proposed residential flat building and centre based childcare facility are permissible with consent in R4 zone.

The development application was notified in accordance with Liverpool Community Participation Plan 2019 from 21 November 2019 to 6 December 2019. Twenty-one (21) submissions were received as a result of the notification. The submissions raise concerns in relation to compliance with the relevant planning controls, amenity impacts, existing character of the area, traffic and on-street parking congestion and unrelated issues regarding the responsibilities of Council as the consent authority.

The proposed development is generally consistent with the objectives and development standards of the LLEP 2008 and is compliant with the provisions of the LDCP 2008. The proposal is also consistent with the provisions of the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2007, Child Care Planning Guideline (CCPG) 2017, State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65) and the design requirements of the Apartment Design Guide (ADG).

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The application is referred to the Liverpool Local Planning Panel (LLPP) in accordance with its referral criteria and procedural requirements, as the development constitutes a *sensitive development* in that it is a development to which *State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development* applies and is 4 or more storeys in height and also the application is the subject of 10 or more unique submission by way of objection.

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 Lots 38 and 39 in DP 228324, 22-24 Thompson Avenue, Moorebank. An aerial photograph of the subject site is provided in **Figure 1** below.



**Figure 1:** Aerial photograph of the subject site (Source: Councils GeoCortex program)

The site is located on the south eastern corner of the 90 degree bend section of Thompson Avenue. The site has a total site area of 1,442.3sqm and has its primary frontage to Thompson Avenue of 27m (curvilinear width) to the west. The site is an east-west orientated allotment and is generally flat across the site.

Currently located on the site are two detached residential dwelling houses with associated outbuildings and small-medium sized trees on the eastern rear of the site.

The site has been identified as being located within the Moorebank key site and additional permitted use in R4 under the LLEP 2008.

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## **2.2 The locality**

The immediate area is bounded by a loop road, namely Thompson Avenue, between Maddecks Avenue and Edgecombe Avenue, which is an established residential area characterised by a mix of existing low to medium density residential dwellings.

The locality is undergoing a transition to increasing higher density residential development as a result of the R4 High Density zoning and desired future character of the area.

The subject site is on the B2, R4 and R3 zoning interface with its eastern boundary adjoining B2 zoned properties fronting Stockton Avenue, R3 Medium Density residential zoned properties to the west and R4 properties to the north of the site (refer to **Figure 8**). It is noted that the B2 zoned area to the east is subject to a maximum building height of 18m, R4 zoned area to the north has maximum building heights ranging from 12m to 15m and R3 zoned area to the south is subject to a maximum building height of 8.5m.

Further to the east of the B2 Local Centre zoned area is Moorebank shopping centre, hotel, Nuwarra public library and school.

The locality is undergoing a transition to increasing higher density residential development as a result of the R4 High Density zoning and desired future character of the area.

An aerial photograph of the locality is provided in **Figure 2** below:



**Figure 2:** Aerial Photograph of the Locality (Source: Councils GeoCortex)

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**3. BACKGROUND/HISTORY**

- A pre-lodgement meeting (PL-72/2018 for 70 place childcare centre and 12 residential units) held with Council 18 July 2018. The issues raised at the pre-lodgement meeting pertain to the following:
  - Traffic (clear delineation of driveway access and internal circulation, driveway and basement design and vehicular manoeuvrability);
  - Design Excellence Panel DEP (single built form for both the RFB and childcare centre, and noise attenuation measures for both land uses); and
  - RFB (building separation, future character design, ADG provisions relating to solar access, privacy, communal open space, landscaping and Crime Prevention Through Environmental Design (CTPED)).
  - The subject Development Application (DA-572/2019) has sought to address the above issues raised at the pre-lodgement meeting (PL-72/2018).
  
- The subject Development Application was lodged with Council on 13 September 2019.
- A DEP meeting was held with Council on 13 February 2020.
- Initial Request for Information (RFI) email sent to the applicant on 14 February 2020.
- The DEP meeting minutes sent to the applicant on 4 March 2020.
- Design issues raised by DEP pertaining to type of external building materials for low maintenance, use of sunshades for the proposed child care centre, use of sun shades on windows, improvement to the landscape design, relocation of the existing power pole, practical use of the northern oriented private open space of the RFB, organisation of internal functions within the childcare centre, reduction in the proposed car parking spaces for a smaller building footprint, and pedestrian and vehicular movements at the entrances and car park.
- Amended plans received by Council on 12 May 2020.
- Second RFI email sent to the applicant on 5 June 2020.
- Referral by Council's Land Development Engineer completed on 10 June 2020.
- Third RFI email sent to the applicant on 3 July 2020.
- Amended acoustic report received by Council on 8 July 2020.
- Amended upper basement floor plan received by Council on 3 August 2020.
- Referral by Council's Environmental Health Officer completed on 5 August 2020.

**4. DETAILS OF THE PROPOSAL**

The proposal seeks consent for the demolition of existing structures and construction of a mixed-use development comprising a four-storey residential flat building with 8 units and a two-storey sixty 65-place childcare centre over two levels of basement carparking for 32 car spaces at 22 and 24 Thompson Avenue, Moorebank.

Details of the proposed development can be summarised as follows:

**Basement Level 2 (exclusive use for the childcare centre)**

- 9 staff car spaces are provided within the lower basement level. This level is accessible for vehicles through a driveway ramp located in the centre of the site, and a lift for the exclusive use of the childcare centre and fires stairs.

**Basement Level 1 (childcare centre car park to the south and RFB carpark to the north)**

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- A total of 23 car spaces with 12 residential spaces, including 2 x accessible space (with a shared zone), 2 visitor spaces within the northern side of Basement Level 1 and 9 staff and visitor spaces for the childcare centre within the southern side of Basement Level 1.
- This basement level is separated into two (2) segments (north and south) by the central driveway in order to allow exclusive use of car park for both the RFB and childcare centre (when in operation).
- This level is accessible for vehicles through the central driveway ramp and 2 separate lifts, including RFB residents lift core and fire stairs within the northern side and childcare lift and fire stairs within the southern side of Basement Level 1.
- Each section of Basement Level 1 contains separate bin storage and general storage areas for residential use and childcare centre.

**Residential Flat Building (North)**

**Ground Floor**

- 2 units are located on the ground floor in the following distribution:  
2 x 2 bedroom units (sizes 75.1 m<sup>2</sup> and 70.58 m<sup>2</sup> for Unit G01 adaptable unit)
- Each unit is allocated Private Open Space (POS) and have direct access to the key living areas.
- Pedestrian access to the site is provided from Thompson Avenue.
- A lift core in the lobby provides access to all floors of the building. One set of fire stairs are accessible from the ground floor, which is centrally located and provides access to upper levels.
- Two communal open space areas are provided at the ground floor level, oriented to the north and east. These spaces include deep soil, landscaped area, communal area with seating areas
- The vehicular access is via a double width driveway in the centre of the site from Thompson Avenue.

**First to Third Floor**

- 6 units are located on upper levels in the following distribution:  
6 x 2 bedroom units (sizes 70.08 m<sup>2</sup> and 75.97 m<sup>2</sup>)
- Each unit is provided with private open space in the form of a balcony.
- A lift and stairs allow access to other floors within the development.

**Childcare Centre (South)**

**Ground Floor**

- 118.23m<sup>2</sup> of unencumbered indoor play area in designated playrooms for each age group (excluding kitchen/office/staff rooms), including two (2) indoor playrooms located behind the front administration area:
  - 2-3 years room – 81.32m<sup>2</sup>; and
  - 3-4 years room – 36.91m<sup>2</sup>.
- 380.38m<sup>2</sup> of unencumbered external/outdoor play area with sandpit and shade structures on all sides of the childcare centre.
- Foyer with a lift from the basement car park/reception area and internal hallways.

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- Office and reception area.
- Storage rooms and sanitary facilities.
- Kitchen and laundry and internal hallways, child toilets and nappy change room.

**First Floor**

- 98.35m<sup>2</sup> of unencumbered indoor play area in designated playrooms for each age group (excluding kitchen/office/staff rooms), including two (2) indoor playrooms located behind the front administration area:

0-2 years room – 33.08m<sup>2</sup>; and  
3-4 years room – 65.27m<sup>2</sup>.

- 75m<sup>2</sup> of unencumbered external/outdoor play area to the south of the childcare centre at this floor level.
- Foyer with a lift from the basement car park/reception area and internal hallways.
- Sleeping/ cot room, bottle preparation area, sanitary facilities.
- Staff room with kitchenette and toilet.
- Storage rooms, child bathrooms and nappy room.

**Operational Details**

- The child care centre shall accommodate a maximum of sixty five (65) children comprising of:

10 children between the ages of 0 to 2 years;  
25 children between the ages of 2-3; and  
30 children between the ages of 3-4.

- The child care centre shall accommodate a maximum of eleven (11) educators comprising of:

3 educators for the ages of 0 to 2 years;  
5 educators for the ages of 2-3; and  
3 educators for the ages of 3-4.

- The proposed hours of operation are 7:00am to 7:00pm, Monday to Friday. The child care centre will be closed Saturdays, Sundays and Public Holidays.

Extracts of the proposed site analysis, site plan, ground floor plan and elevations of the proposed RFB and childcare centre are shown in **Figures 3, 4, 5, 6 and 7** below.



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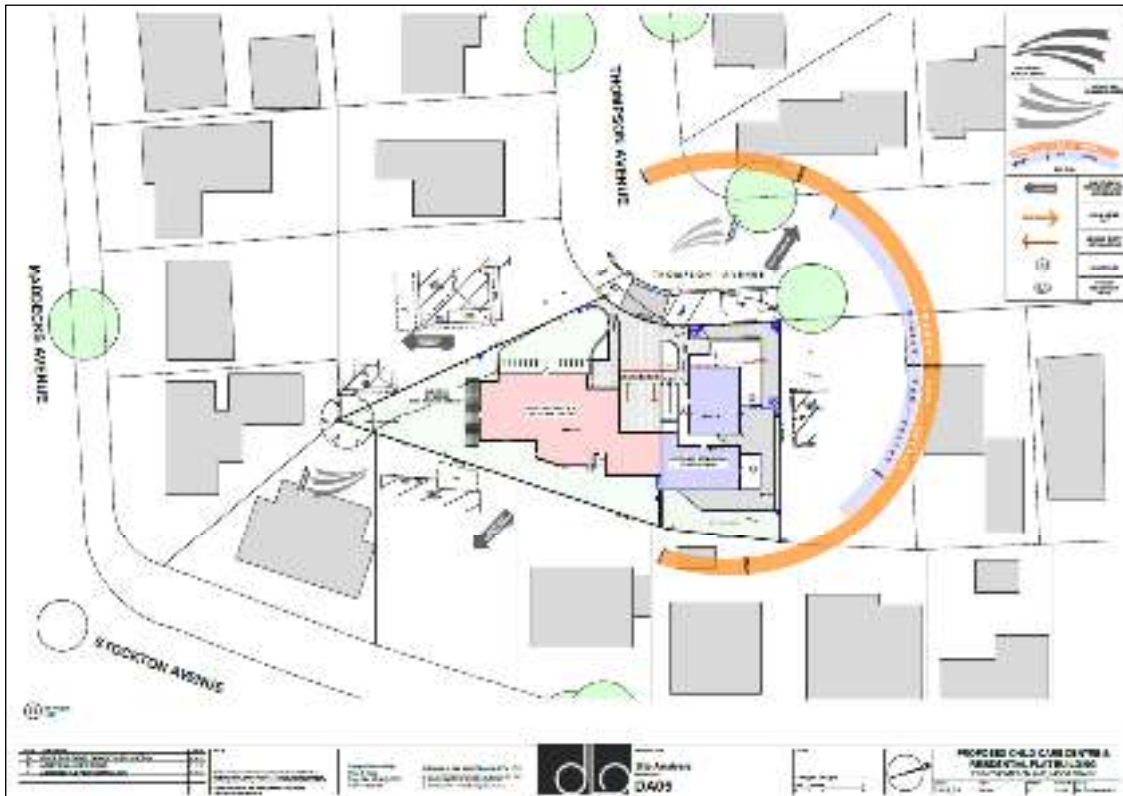


Figure 3: Site Analysis Plan (source: DA03 & 05-C prepared by Design Link Aust P/L).

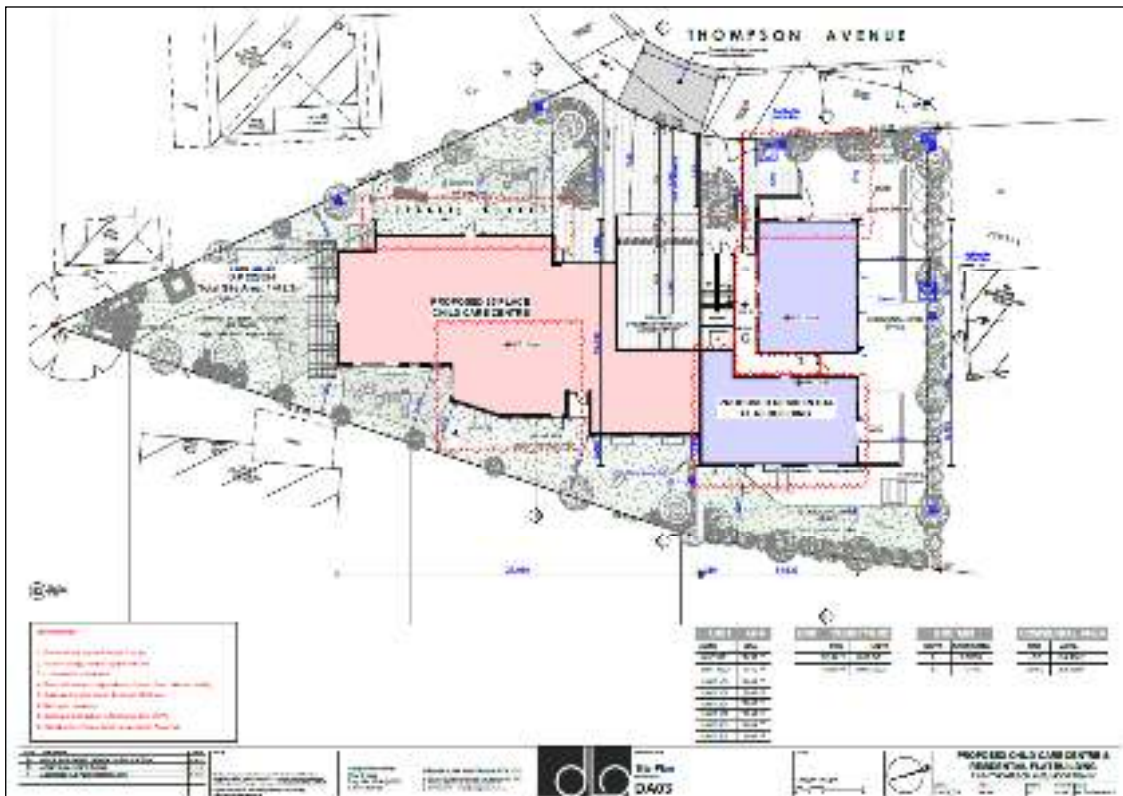


Figure 4: Site Plan (source: DA03 & 05-C prepared by Design Link Aust P/L).

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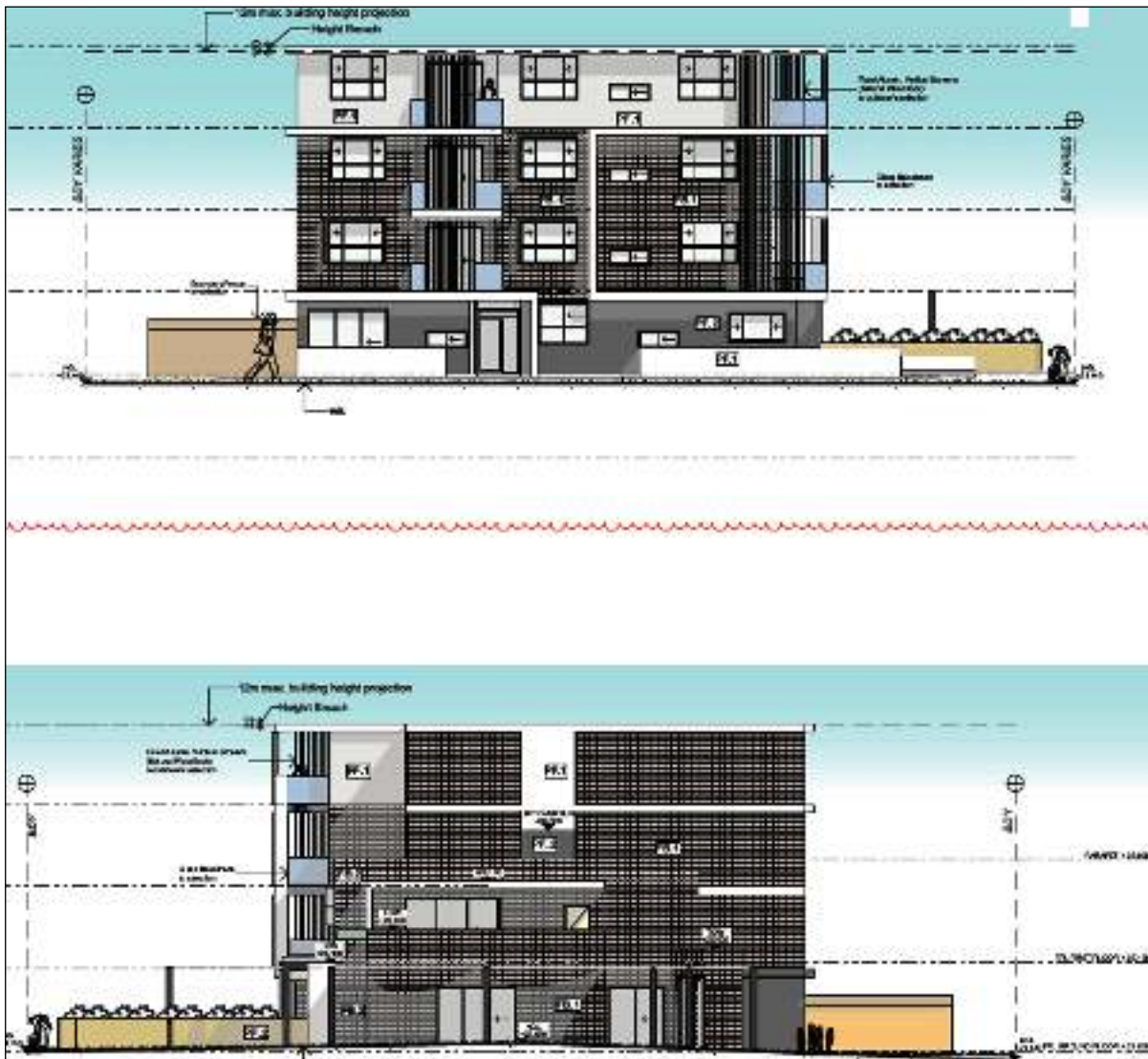
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**Figure 5:** View of the Thompson Avenue Elevation of the Proposal – top and rear elevation - bottom (source: DA15-C prepared by prepared by Design Link Aust P/L).

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**Figure 6:** Side Elevations of the Proposal (source: DA16-C prepared by prepared by Design Link Aust P/L).

## 5. STATUTORY CONSIDERATIONS

### 5.1 Relevant matters for consideration

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

- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development and associated Apartment Design Guide;
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;

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- 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;
  - Part 3.7: Residential Flat Buildings in the R4 zone; and
  - Part 3.8: Non-Residential Development in Residential Zones (Childcare Centres)
- Liverpool Contributions Plan 2009 applies to all development pursuant to Section 7.11 of the EP&A Act.
- Other relevant guidelines:
  - Children (Education and Care Services) Supplementary Provisions Regulation 2012;
  - Crime Prevention through Environmental Design (CPTED) principles;
  - Child Care Planning Guideline (CCPG); and
  - Apartment Design Guide (ADG).

## **6. ASSESSMENT**

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

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

#### **(a) 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 flat development.

SEPP 65 does not contain numerical standards but requires Council to consider the development against nine (9) key design quality principles; and against the guidelines of the associated Apartment Design Guide (ADG). The ADG provides additional detail and guidance to the design quality principles outlined in SEPP 65.

The nine (9) key design quality principles that must be considered are listed below. The application demonstrates consistency with the principles and is acceptable.

- |                                      |   |
|--------------------------------------|---|
| 1. Context & Neighbourhood Character | 6. Amenity                                |
| 2. Built Form & Scale                | 7. Safety                                 |
| 3. Density                           | 8. Housing Diversity & Social Interaction |
| 4. Sustainability                    | 9. Aesthetics                             |
| 5. Landscape                         |   |

Assessment of the application against the principles of SEPP 65 and the guidelines of the ADG, together with advice from Council's independent Design Excellence Panel (DEP) has concluded that the proposal is generally satisfactory with respect to the provisions of SEPP 65 and the ADG.

The panel made the following recommendations:



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**Principle (Built Form + Scale)**

- *The panel notes that reconfiguring the internal spaces of the childcare centre has resulted in better integration with the open space and increased solar access.*

*Recommendation 1 –*

*The building's programming and planning is expressed well in the built form, and the overall building composition is working well. However, the panel recommends replacing the timber-look cladding panels for brick or an alternate material that will be lower maintenance (i.e. cladding systems often come loose and require continual long-term maintenance/repair). Ensure that all the proposed materials are robust, durable and fit for purpose.*

**Principle (Density)**

- *The panel supports the reducing the total number of units, and the reduced building mass on the northern end in the revised scheme.*

**Principle (Sustainability)**

- *Recommendation 1 –*

*The proposal achieves good passive performance in the Class 2 part of the building. However, the childcare centre includes large expanses of glass, which will result in excessive solar heat. The panel recommends mitigating this issue through integrating an external shade solution with the proposed 'Spider' awning structure, to provide shade from the western sun. The proposed solution should be studied in section view, to assess its feasibility and understand how it will integrate with the awning structure.*

- *Recommendation 2 –*

*The northern façade includes large north-facing windows that will provide good solar access. However, the panel recommends including hoods and boxes, to shield from the northern summer sun (i.e. in the middle of the day).*

**Principle (Landscape)**

- *Recommendation 1 –*

*The panel recommends engaging a Registered Landscape Architect to create a beautiful public domain area at the front of the building, enticing landscape areas for the preschool to help inspire their imagination, with calm and relaxing private & shared outdoor spaces for the apartment building. The driveway alignment should be splayed to better address the street and enable buffer planting between the driveway and childcare centre.*

*Consider undertaking a precedent study of 'share way' style entrances, to achieve a uniform finish, yet separation between the three building entrances (i.e. Residential entry, vehicular driveway entry and Childcare Centre entry). This could include establishing a hierarchy of entrances, detailed paving, and elements to separate each entry (e.g. bollards / trees in grates).*

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- *Recommendation 2 –*

*The panel recommends moving or undergrounding the power pole located within the public domain.*

- *Recommendation 3 –*

*The communal open space area located on the northern side of the site is unsuitable as it will result in privacy issues, given that it is adjacent to internal kitchens and living spaces. The panel recommends that this communal open space be converted into private open space for the ground level north-facing units, and all communal open space be located on the western side of the site.*

- *Recommendation 4 –*

*The panel recommends revising the organisation of internal functions within the childcare centre, to achieve increased edges facing the open space areas.*

**Principle (Amenity)**

- *Recommendation 1 –*

*Overall, the proposed building materials are supported, however the panel recommends substituting the timber-look cladding panels with brick (or another low maintenance material) for greater longevity and lower maintenance.*

- *Recommendation 2 –*

*The panel supports a reduction in the proposed car parking spaces, which can result in a reduced basement car park footprint on the western side of the site. This would allow for an increased deep soil zone and associated planting on the western side of the site.*

*The panel recommends investigating whether the proposed 6m wide driveway/ramp to the 2nd basement level could be reduced in width. A two-way, single door share way may suffice and would result in increased a deep soil zone.*

**Principle (Safety)**

- *Recommendation 1 –*

*The panel recommends undertaking a spring clean for new childcare centres.*

- *Recommendation 2 –*

*The panel recommends assessing pedestrian and vehicular movements at the building entrances and the associated arrangement of spaces. Demarcations for the separate*

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*functions can assist in avoiding conflicts between pedestrians and vehicles. This may include rumble paving or the like to help children hear approaching vehicles and deter them from running across the driveway.*

**Principle (Aesthetics)**

• *Recommendation 1 –*

*The panel recommends incorporating a high-quality garage door, doors to building entrances and signage.*

The proposal has appropriately been amended (Revision C) in response to the issues raised by the DEP as follows:

1. Adjustment of the front setback from 5.7m to 6m.
2. Internal configuration to apartment G02.
3. Relocation of the lobby corridor.
4. Reconfiguration to the ground floor associated with the childcare facility including the relocation of the children toilet and internal configuration to Playroom 2.
5. Incorporation of a solid awning structure to the façade associated with the childcare facility.
6. Addition of a bin tug to the basement.
7. Additional articulation to the northern elevation associated with the flat building.
8. Cladding to the childcare facility amended to face brick.

Additionally, as demonstrated in **Attachment 2** of the report, it is considered that the recommendations of the DEP can also be conditioned, and the proposal is capable of achieving the DEP recommendations detailed above. As such the proposal is considered to be consistent with the 9 design quality principles of SEPP 65 - Design Quality of Residential Apartment Development.

**Apartment Design Guide**

In addition to the design quality principles of SEPP 65, Clause 30(2) of SEPP 65 also requires residential apartment development to be designed in accordance with the associated ADG.

As shown in **Attachment 2** of this report, and specifically within the ADG compliance table, the proposed development achieves compliance with the relevant requirements of the ADG.

**(b) State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017**

An assessment of the SEPP is included below:

**Part 3 Early Education and Care Facilities – Specific Development Controls**

*22 Centre-based child care facility—concurrence of Regulatory Authority required for certain development*

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(1) *This clause applies to development for the purpose of a centre-based child care facility if:*

(a) *the floor area of the building or place does not comply with regulation 107 (indoor unencumbered space requirements) of the Education and Care Services National Regulations, or*

(b) *the outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements) of those Regulations.*

(2) *The consent authority must not grant development consent to development to which this clause applies except with the concurrence of the Regulatory Authority.*

(3) *The consent authority must, within 7 days of receiving a development application for development to which this clause applies:*

(a) *forward a copy of the development application to the Regulatory Authority, and*

(b) *notify the Regulatory Authority in writing of the basis on which the Authority's concurrence is required and of the date it received the development application.*

(4) *In determining whether to grant or refuse concurrence, the Regulatory Authority is to consider any requirements applicable to the proposed development under the Children (Education and Care Services) National Law (NSW).*

(5) *The Regulatory Authority is to give written notice to the consent authority of the Authority's determination within 28 days after receiving a copy of the development application under subclause (3).*

Note.

*The effect of section 4.13 (11) of the Act is that if the Regulatory Authority fails to inform the consent authority of the decision concerning concurrence within the 28 day period, the consent authority may determine the development application without the concurrence of the Regulatory Authority and a development consent so granted is not voidable on that ground.*

(6) *The consent authority must forward a copy of its determination of the development application to the Regulatory Authority within 7 days after making the determination.*

(7) *In this clause:*

*Regulatory Authority means the Regulatory Authority for New South Wales under the Children (Education and Care Services) National Law (NSW) (as declared by section 9 of the Children (Education and Care Services National Law Application) Act 2010).*

Note.

*Concurrence to development may be granted subject to conditions. A development consent subject to concurrence may be voidable if it is granted not subject to any conditions of the concurrence. (See section 4.13 of the Act.)*



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**Comment:** The application has been assessed under the “Child Care Planning Guideline (CCPG)’ in **Attachment 3**. An assessment under this has concluded that the proposed childcare facility meets both the indoor and outdoor play space provisions of the SEPP (Educational Establishments and Child Care Facilities) 2017 as shown in the table below.

<b>Proposed</b>	<b>Comment</b>
<p>Regulation 107 and 108 of Educational and Care Services National Regulation specifies the following:</p> <ul style="list-style-type: none"> <li>• Indoor - 3.25m<sup>2</sup> per child</li> <li>• Outdoor - 7.0m<sup>2</sup> per child</li> </ul> <p><b><u>Required</u></b></p> <p>Indoor - (65 x 3.25m<sup>2</sup>) 211.25m<sup>2</sup></p> <p>Outdoor - (65 x 7m<sup>2</sup>) 455m<sup>2</sup></p> <p><b><u>Proposed</u></b></p> <p>Indoor – 216.58m<sup>2</sup></p> <p>Outdoor – 455.38m<sup>2</sup></p>	<p><b>Complies</b></p> <p>The proposal complies with Clauses 107 and 108 of the Educational and Care Services Regulation and Clause 22 of the SEPP does not apply.</p>

**23 Centre-based child care facility—matters for consideration by consent authorities**

*Before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline, in relation to the proposed development.*

**Comment:** The proposal has been assessed in relation to the Child Care Planning Guideline (CCPG) in **Attachment 3** of this report.

**25 Centre-based child care facility—non-discretionary development standards**

*(1) The object of this clause is to identify development standards for particular matters relating to a centre-based child care facility that, if complied with, prevent the consent authority from requiring more onerous standards for those matters.*

*(2) The following are non-discretionary development standards for the purposes of section 4.15 (2) and (3) of the Act in relation to the carrying out of development for the purposes of a centre-based child care facility:*

*(a) location—the development may be located at any distance from an existing or proposed early education and care facility,*

*(b) indoor or outdoor space*

*(i) for development to which regulation 107 (indoor unencumbered space requirements) or 108 (outdoor unencumbered space requirements) of the Education and Care Services National Regulations applies—the unencumbered area of indoor space and the*

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*unencumbered area of outdoor space for the development complies with the requirements of those regulations, or*

*(ii) for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the Children (Education and Care Services) Supplementary Provisions Regulation 2012 applies—the development complies with the indoor space requirements or the useable outdoor play space requirements in that clause,*

*(c) site area and site dimensions—the development may be located on a site of any size and have any length of street frontage or any allotment depth,*

*(d) colour of building materials or shade structures—the development may be of any colour or colour scheme unless it is a State or local heritage item or in a heritage conservation area.*

*(3) To remove doubt, this clause does not prevent a consent authority from:*

*(a) refusing a development application in relation to a matter not specified in subclause (2), or*

*(b) granting development consent even though any standard specified in subclause (2) is not complied with.*

**Comment:** The proposal provides sufficient unencumbered indoor and outdoor space in accordance with Clauses 107 and 108 of the Education and Care Services National Regulations. The above matters relating to the location criteria, site area and dimensions required for childcare facilities under the LDCP 2008 are not relevant and applicable to this application proposed under the SEPP (Educational Establishments and Child Care Facilities) 2017 as detailed in the report. It is also noted that the site is not listed as local heritage or state heritage.

**26 Centre-based child care facility—development control plans**

*(1) A provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to ages, age ratios, groupings, numbers or the like, of children) does not apply to development for the purpose of a centre-based child care facility:*

*(a) operational or management plans or arrangements (including hours of operation),*

*(b) demonstrated need or demand for child care services,*

*(c) proximity of facility to other early education and care facilities,*

*(d) any matter relating to development for the purpose of a centre-based child care facility contained in:*

*(i) the design principles set out in Part 2 of the Child Care Planning Guideline, or*

*(ii) the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates).*

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*(2) This clause applies regardless of when the development control plan was made.*

**Comment:** The relevant clauses of the Liverpool DCP 2008 have been included in the assessment table later in this report and provide an assessment in relation to height, side and rear setbacks and car parking rates. The proposed childcare centre is compliant with height standards of the LLEP 2008 and setback and car parking requirements of the LDCP 2008.

**Child Care Planning Guideline (CCPG)**

In determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline (CCPG).

As shown in **Attachment 3** of this report, and specifically within the CCPG compliance table, the proposed childcare centre achieves full compliance with the relevant requirements of the CCPG.

**(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.

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.

Preliminary and detailed site investigation in accordance with NSW DECCW (OEH) 2011 was conducted by Australian Geotechnical Pty Ltd. The submitted Site Investigation concluded that the site is suitable for the proposed development, subject to the recommendation of the report.

In addition, the applicant has submitted in their Statement of Environmental Effects that the site has been historically used for residential purposes and is therefore highly unlikely to be affected by contamination sources. Further, a search of Council's available records suggest that the site appears to have been used for residential purposes since the existing dwellings were constructed. This is based on aerial imagery showing no development or use on-site, and no physical alteration. On this basis, it is unlikely that the site is contaminated and it is considered that no further investigation, such as, the submission of any further contamination reports is necessary.

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.*

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<b>Clause 7 - Contamination and remediation to be considered in determining development application</b>	<b>Comment</b>
(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	It is unlikely the land is contaminated as it is an existing residentially zoned allotment.
(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 and as it is unlikely that the land is contaminated, based on Council records
(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.

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.

**(d) State Environmental Planning Policy (BASIX) 2004**

In accordance with this policy, all new residential development 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 residential flat building development.

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

**(e) 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 4** of this report.

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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.

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

**(i) Zoning**

The proposed development is best defined as a 'mixed use development' (within the meaning of the LLEP 2008), which is not a land use type listed in the LEP land use table, rather it is a type of development, only that each of the respective uses in the mixed use development must be permissible in the zone.

The proposed mixed use development consists of "Residential Flat Building" and "Centre-Based Child Care Facility" within the meanings of LLEP 2008.

Residential Flat Building and Centre-Based Child Care Facility are permitted with consent within the R4 High Density Residential Zone under Liverpool Local Environment Plan 2008.

**(iii) Objectives of zone**

Objectives of the R4 High Density Residential Zone are;

- *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 generally satisfies the above objectives of the R4 zone as follows:

- It will provide for housing needs within a high density residential environment. The area has been zoned as High Density Residential and is undergoing transition from low density to high density residential development and it is therefore envisioned that redevelopment of the area will result in the establishment of other high density residential development within close vicinity of the subject site.
- It will also contain a childcare facility, thereby providing another form of land use that provides services to meet the day to day needs of residents.
- The proposal is unlikely to hinder the opportunity for other land uses that provide facilities or services to meet the day to day needs of residents.
- The site is in the vicinity of transport facilities which include bus services, cycle ways and other forms of transport access.
- It does not result in the fragmentation of land that would prevent future high density residential development.

**Zoning Map**

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**Figure 7:** Zoning Map (source: Geocortex)

**(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. The proposal demonstrates compliance with the LLEP 2008, where applicable.

Clause	Development Standards	Comment
<b>Part 4 Principal Development Standards</b>		
2.7 Demolition	The demolition of a building or work may be carried out only with development consent	<b>Complies</b> 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 1,000m <sup>2</sup>	<b>Complies</b> The existing 2 residential lots have a combined site area of 1,442.3m <sup>2</sup> .
4.3 Height of Buildings (as per HOB Map)	Maximum height 12m	<b>Complies</b>  RFB: The proposal provides for a maximum building height of 12.3m to the uppermost roof level (RL33.9). Extent of variation is 0.3m or 2% over the maximum HOB.  Refer to Clause 4.6 - Exceptions to Development Standards below.  Childcare Centre: 9.2m to the

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		rooftop lift overrun (RL 30).
4.4 Floor Space Ratio (as per FSR Map)	Maximum FSR of 0.75:1  Therefore, maximum floor area is: 1,081.72m <sup>2</sup> (0.75:1)	<b>Complies</b>  RFB: 643.27m <sup>2</sup> Childcare centre: 437.65m <sup>2</sup>  The proposed floor area is: 1,080.95m <sup>2</sup> (0.75:1)
4.6 Exceptions to Development Standards	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—  (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.	<b>See full discussion after this table.</b>  A written request to justify the variation to the development standard contained in Clause 4.3 of the LLEP 2008 submitted with this application.
7.14 Minimum Building Street Frontage	Minimum building street frontage of 24m	<b>Complies</b>  Overall the site has a combined site width of 27m (curvilinear width) and hence the objectives of this clause of the LLEP 2008 are achieved.

**(1) Clause 4.3 – Height of Buildings (HOB)**

The proposal seeks a variation to Clause 4.3 – Maximum building heights under the Liverpool Local Environmental Plan 2008. The maximum height of a residential flat building under Clause 4.3 is 12m above the existing ground level.

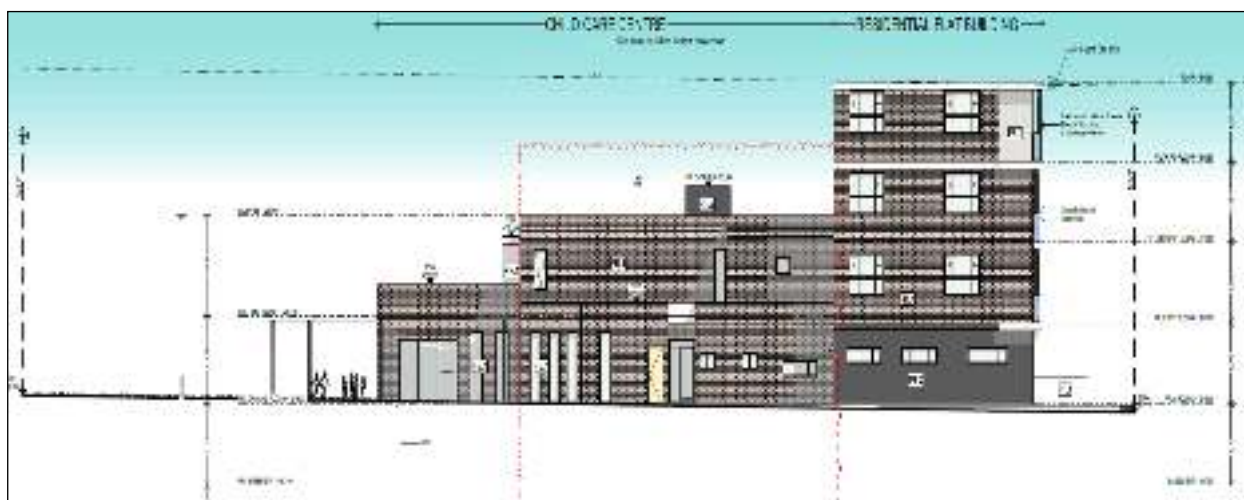
**Figures 8 and 9** below illustrate the 12m height plane and extent of non-compliance.

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**Figure 8:** Height plan study/front elevation submitted with Clause 4.6 variation. (Maximum building height of 12m shown in dashed line) (Source: Clause 4.6 variation prepared by Think Planners).



**Figure 9:** Height plan study/rear elevation submitted with Clause 4.6 variation. (Maximum building height of 12m shown in dashed line) (Source: Clause 4.6 variation prepared by Think Planners).

A variation to the height can be considered under Clause 4.6 – Exceptions to Development Standards of the LLEP 2008. In assessing the variation, the questions identified in Clause 4.6 have to be considered.

The applicant's town planning consultants, Think Planners has provided a response to the five (5) main matters for consideration under Clause 4.6 (under separate sub-headings) as follows:

**Clause 4.6 Exceptions to development standards**

**1. A written request must be provided**



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The applicant has provided a written request seeking to justify the variation to the development standard contained in Clause 4.3 of the LLEP 2008.

In respect to the Clause 4.6 variation the following key questions need to be addressed:

**2. Compliance with the standard is unreasonable or unnecessary in the circumstances of the case**

The applicant has provided the following comments:

*“The development proposal is consistent with the intent of the maximum height control and will provide an attractive part 4storey building that addresses the site’s dual frontages.*

- *The non-compliance is minor in nature with the majority of the building being compliant with the building height control and only a small portion of the roof structure upon the prescribed height control and as such its impact to the streetscape is negligible as it will be visually unnoticeable when viewed from the street level.*
- *Development achieves an appropriate transition between R4 zoned land parcels with R3 zoned land parcels subject to a maximum building height of 8.5m. As such the design scheme proposes a series of 2 building with a 4 storey built form that is to transition into a 2 storey built form resulting in a smooth transition as the building run along Thompson Avenue, southwards.*
- *The departure will not unreasonably impact on the solar access of adjoining properties or the public areas in the vicinity of the site.*
- *The departure does not impact on the achievement of suitable land use intensity (demonstrated by compliance with FSR) and the proposal maintains an appropriate height of 2-4 storeys.*

*As outlined above the proposal remains consistent with the underlying objectives of the control and as such compliance is considered unnecessary or unreasonable in the circumstances.*

*The above discussion demonstrates that there are sufficient environmental planning grounds to justify the departure from the control.”*

**Comment:**

The applicant’s written request to vary the development standard has been considered and it is concluded that the applicant has justified that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

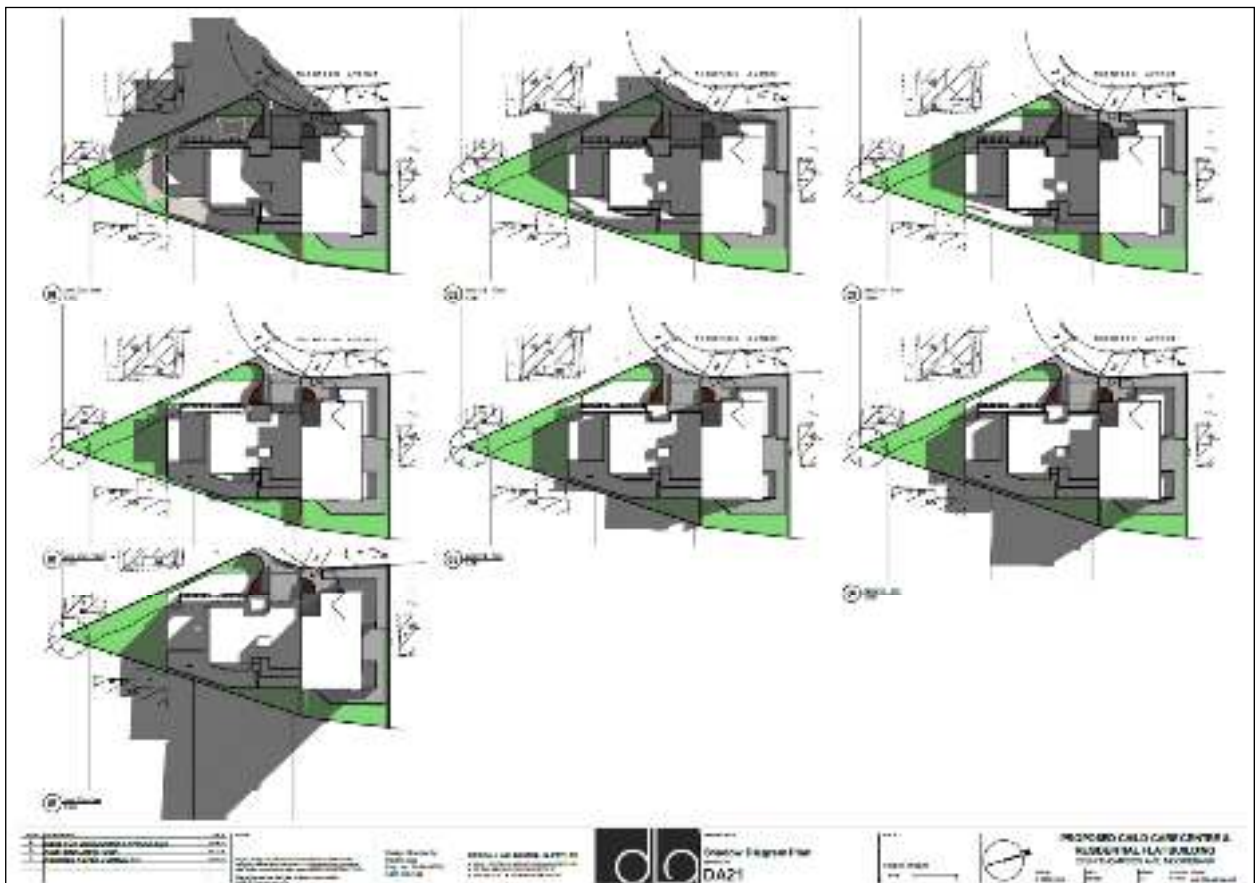
This conclusion has been reached for the following reasons:

- The height of the proposed development complies with the maximum 12m HOB except for roof areas of the north side of the residential flat building. Variation to the height is for a maximum 2% for less than 10% of the total roof area of the building and is mainly located away from the main street frontage. When viewed from the street the additional heights are not readily visible.

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- The additional height to the development does not result in any additional privacy or shadow impacts to adjoining developments. Shadow diagrams submitted with the application show that adjoining developments will receive sunlight in excess of 3 hours between 9am and 3pm during mid-winter, as illustrated in the shadow diagrams (**Figure 11**) below. The additional shadows from the increased height of the building cast mainly on the roof of the development itself.
- The floor space ratio of the development complies with the relevant development standard which demonstrates that the height of the development is not a result of additional floor area being provided to the development.
- The proposed development is indicative of and consistent with future character and scale for the area where it is undergoing an urban transformation with high density development.



**Figure 10:** Shadow diagrams showing the context **Source:** Plan DA 21(issue C) as prepared by Design link Aust Pty Ltd.

**3. There are sufficient environmental planning grounds to justify contravening the development standard**

The applicant has provided the following comments:

*“Due to the minor nature of the variation it will not have any adverse amenity impacts. In this regard it is noted:*

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- o The variation will be visually unnoticeable and will have no adverse impact on the physical bulk, height or scale of the development.*
  - o The variation will not lead to a reduction in solar penetration on site or to adjoining properties nor will it lead to sunlight loss or overshadowing.*
  - o The proposed variation will not lead to view loss or interrupt views to and from the site.*
  - o The proposed variation will not lead to a reduction in privacy afforded to existing residents or future residents of the proposal.*
- *The proposal has been designed to ensure that privacy impacts are mitigated that the proposal will not obstruct existing view corridors.*
  - *The proposed development will permit the site to develop to its full zoning potential whilst complementing the future vision envisioned for the site by providing an attractive a mixed use building that provides good address to the street frontage and complying with key planning controls applying to the proposal.*
  - *The proposal is not located within a low-density area and the proposal represents an appropriate built form on the site”.*

Comment:

Agreed - The floor space ratio of the development complies with the relevant development standard which demonstrates that the height of the development is not a result of additional floor area being provided to the development. The proposed development is indicative of and consistent with developments envisaged for the R4 High Density Residential zone.

The development is unlikely to cause any detrimental impacts on the adjoining properties with the increased building height.

The increased roof height occurring on the northern side of the building is considered to be inevitable due to the natural contours of the site.

There are no physical impacts from the increased roof height of the building as this area of encroachment given its location to the north and minor nature of non-compliance on this side of the building.

Therefore, it is considered that there are sufficient planning grounds to justify contravening the development standard and strict compliance with the building height standard is considered unnecessary and unreasonable in this instance.

**4. Consent authority is satisfied that development is 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**

The applicant has provided the following comments:

*“In accordance with the provisions of this clause it is considered that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case as the underlying objectives of the control are achieved.*

*The objectives of the building height development standard are stated as:*

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*(1) The objectives of this clause are as follows:*

- (a) to establish the maximum height limit in which buildings can be designed and floor space can be achieved,*
- (b) to permit building heights that encourage high quality urban form*
- (c) to ensure building and public areas continue to receive satisfactory exposure to the sky and sunlight*
- (d) to nominate heights that will provide an appropriate transition in built form and land use intensity.”*

*In addition, the proposal is consistent with the objectives of the R4 zone, being:*

- 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 provides facilities or services to meet the day to day needs of residents.*

*The proposal is consistent with the zone objectives as ensures that the high density nature of the zone is retained and there is not a significant change to the character of the locality rather consistent with the evolving built form along Thompson Avenue.*

*In addition, the proposal complements and enhances the local streetscape by virtue of the careful siting of the development.”*

Comment:

The objectives of the zone have been discussed earlier under the ‘Zone Objectives’ section of the report.

The objectives Clause 4.3 Building Height are considered below.

- (a) to establish the maximum height limit in which buildings can be designed and floor space can be achieved.*

Comment:

The proposal has considered guidance from the DEP and supporting controls of the LDCP 2008. This development is consistent with the desired future character of the area.

As mentioned earlier, the floor space ratio of the development complies with the relevant development standard which demonstrates that the height of the development is not a result of additional floor area being provided to the development. The majority of the street front elevation of the building complies with the maximum building height permitted. When viewed from the street the additional heights are not readily visible.

Therefore, the development is unlikely to have any adverse visual impact and the proportion is considered acceptable upon the streetscape.

- (b) to permit building heights that encourage high quality urban form.*

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Comment:

The proposal is considered to achieve compliance with the requirements of this objective as the proposed non-compliance occurs on the northern side of the residential flat building. Although the proposal will be greater in height from immediately adjoining buildings, these buildings are likely to be redeveloped in the near future as a result of the current planning controls.

*(c) to ensure building and public areas continue to receive satisfactory exposure to the sky and sunlight*

Comment:

It has been discussed that the proposal is acceptable with regard to overshadowing and impacts on the streetscape. This is primarily due to the primary areas of non-compliance are located on the northern side of the site, limiting the total extent of overshadowing impacts.

As illustrated in the overshadowing diagrams (**Figure 11**), the additional overshadowing from the variation is minimal and will not adversely impact on any adjoining properties.

*(d) to nominate heights that will provide an appropriate transition in built form and land use intensity.*

Comment:

The proposal incorporates appropriate height and built form transition with the 4 storey RFB on the northern side and 2 storey childcare centre to the south. This single built form and height transition was supported by the DEP. Furthermore the development is generally compatible with the future character of the area envisaged with the current controls for the Moorebank R4 zone for the reasons detailed in the report.

In summary, the proposed development is considered to be consistent with the above objectives identified in Clause 4.3 Height of Buildings.

The height of the proposed development will not result in any additional impacts to adjoining developments and does not compromise any views or heritage items (of which there are none in the vicinity of the site).

The scale of the development is consistent with similar high density residential development envisaged for the Moorebank R4 zone.

**Conclusion:**

The proposal is considered to be site/contextual responsive and appropriate use of the land, which is consistent with the zone and objectives of the development standard. Furthermore, there are no material planning impacts are generated by this variation.

The proposed variation will allow appropriate amenities for the proposed residential flat building and is unlikely to cause any unreasonable impacts on the adjoining properties. For this reason, there are sufficient planning grounds to justify the non-compliant height of the RFB.

Therefore, strict compliance with the maximum building height is considered to be both unreasonable and unnecessary for the proposed development.

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The Clause 4.6 variation is considered to be well founded, and compliance with the development standard is unreasonable in the circumstances of the proposal for the reasons stated in this report. It is also noted that in supporting this Clause 4.6 variation that it is considered unlikely to generate an undesirable precedent within the area given the generally positive outcome of the proposal.

**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) - Provisions of 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, Part 3.7 Residential Flat Buildings in the R4 zone and Part 3.8 Non-residential Development in Residential Zones*.

Overall, the proposal is considered to be consistent with the key controls outlined in the LDCP 2008, as detailed within the compliance table in **Attachment 5** of this report.

**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**

**Environmental Planning and Assessment Regulation 2000**

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

**Education and Care Services National Regulations**

The table below provides an assessment of the proposal in relation to the relevant clauses of the Education and Care Services National Regulations.

<b>National Quality Framework Assessment Checklist</b>		
<b>Regulation</b>	<b>Proposed</b>	<b>Comment</b>
<p><b>104 Fencing or barrier that encloses outdoor spaces</b></p> <p>Outdoor space that will be used by children will be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it.</p>	<p>Fencing has been provided around outdoor spaces used by children.</p> <p>The fencing will comprise the following:</p> <p>Solid 2.1m high (south-eastern and south-western boundaries of the site adjacent to the outdoor play areas) and 1.8m high barriers with a 1.2 meter gap free glass or Perspex</p>	<p><b>Complies</b></p>

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	<p>over 600mm deep planter box are proposed along the perimeter of the first floor outdoor play area (acoustic report).</p> <p>1.2m and 1.8m high front fence shall be provided to ensure security of the childcare centre.</p>	
<p><b>106 Laundry and hygiene facilities</b></p> <p>The proposed development includes laundry facilities or access to laundry facilities OR explain the other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage of soiled clothing, nappies and linen prior to their disposal or laundering. Laundry/hygienic facilities are located where they do not pose a risk to children</p>	<p>Toilets are located adjacent to the activity rooms.</p> <p>Laundry is located adjacent to the front kitchen.</p> <p>1 x nappy changing facility is proposed at each floor level.</p> <p>9 toilets proposed for 65 children.</p>	<p><b>Deemed to satisfy (by conditions)</b></p>
<p><b>107 Unencumbered indoor space</b></p> <p>The proposed development includes at least 3.25 square metres of unencumbered indoor space for each child.</p> <p>Refer to regulation 107 of the Education and Care Services National Regulation for further information on calculating indoor space.</p>	<p>A total of sixty five (65) children are proposed at the childcare centre.</p> <p>A total of 211.25m<sup>2</sup> of indoor space is required.</p> <p>Four (4) indoor play areas proposed and consist of:</p> <ul style="list-style-type: none"> <li>• 0-2 years room – 33.08m<sup>2</sup></li> <li>• 2-3 years room – 81.32m<sup>2</sup></li> <li>• 3-4 years room – 36.91m<sup>2</sup> + 65.27m<sup>2</sup> = 102.18m<sup>2</sup></li> </ul> <p>Unencumbered indoor play proposed is 216.58m<sup>2</sup></p>	<p><b>Complies</b></p>

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<p><b>108 Unencumbered outdoor space</b></p> <p>The proposed development includes at least 7.0 square metres of unencumbered outdoor space for each child.</p> <p>Refer to regulation 108 of the Education and Care Services National Regulation for further information on calculating outdoor space, and for different requirements for out-of-school-hours care services.</p>	<p>A total of sixty five (65) children are proposed at the childcare centre.</p> <p>Therefore 65 children x 7m<sup>2</sup> equates to 455m<sup>2</sup></p> <p>Ground floor = 380.38m<sup>2</sup></p> <p>First floor = 75m<sup>2</sup></p> <p>A total of 455.38m<sup>2</sup> of outdoor space is provided.</p>	<p><b>Complies</b></p>
<p><b>109 Toilet and hygiene facilities</b></p> <p>The proposed development includes adequate, developmentally and age appropriate toilet, washing and drying facilities for use by children being educated and cared for by the service. The location and design of the toilet, washing and drying facilities enable safe and convenient use by the children.</p>	<p>The proposed development provides for toilets and hygiene facilities that is located adjacent to the indoor playroom.</p> <p>2 x nappy change facilities and 9 toilets proposed for 65 children.</p>	<p><b>Deemed to satisfy (by conditions)</b></p>
<p><b>110 Ventilation and natural light</b></p> <p>The proposed development includes indoor spaces to be used by children that —</p> <ul style="list-style-type: none"> <li>• will be well ventilated; and</li> <li>• will have adequate natural light; and</li> <li>• can be maintained at a temperature that ensures the safety and well-being of children.</li> </ul>	<p>The proposed childcare centre will have access to adequate natural light using windows facing different orientations. Natural cross ventilation will also be available to all playrooms through windows and door openings.</p>	<p><b>Complies</b></p>
<p><b>111 Administrative space</b></p> <p>The proposed development includes an adequate area or areas for the purposes of conducting the administrative functions of the service; and consulting with parents of children; and conducting</p>	<p>Administrative areas have been provided to facilitate conducting the administrative functions of the service, consulting with parents of children and conducting private conversations.</p> <p>Submitted floor plans illustrate proposed office, staff room and</p>	<p><b>Complies</b></p>



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private conversations.	reception to carry out administrative tasks.	
<b>112 Nappy change facilities</b>  (To be completed only if the proposed development is for a service that will care for children who wear nappies)	2 x nappy change facilities and 9 toilets proposed for 65 children.	<b>Complies</b>
<b>113 Outdoor space – natural environment</b>  The proposed development includes outdoor spaces that will allow children to explore and experience the natural environment.	The centre proposes outdoor play areas.  The proposal incorporates strategically designed outdoor areas to enable a safe learning environment for children. The design complies with the minimum requirement for outdoor play space to also encourage the children to fully experience the landscaped areas.	<b>Deemed to satisfy (by conditions)</b>
<b>114 Outdoor space – shade</b>  The proposed development includes adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.	Shade sails proposed in outdoor play area.	<b>Complies</b>
<b>115 Premises designed to facilitate supervision</b>  The proposed development (including toilets and nappy change facilities) are designed in a way that facilitates supervision of children at all times, having regard to the need to maintain the rights and dignity of the children.	The internal layout of the proposed centre has been designed to allow for the supervision of children at all times when activity rooms and play spaces are in use.  Toilets are located between the rooms and are accessible.	<b>Complies</b>
<b>123 Educator to child ratios—centre-based services</b>  The minimum number of educators required to educate and care for children at a centre-based service as follows;  1) Children age between 0 to 24 months- 1 educator to 4	Total number of staffs proposed is eleven (11).  10 children and 3 educators proposed equating 1 to 4 children.	<b>Complies</b>

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children;		
2) Children age between 24 months to 36 months - 1 educator to 5 children;	25 children and 5 educators proposed equating 1 to 5 children.	<b>Complies</b>
3) Children age between 36 months and over - 1 educator to 11 children; and	30 children and 3 educators proposed equating 1 to 11 children.	<b>Complies</b>
4) Children over preschool age- 1 educator to 15 children.	None proposed	<b>Not applicable</b>

**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 will facilitate for high quality residential development which is consistent with the desired future 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.

**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 types for 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.

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**6.8 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:

<b>Department</b>	<b>Comments</b>
Building	Approval subject to conditions of consent
City Design and Public Domain	Compliance with DEP advice and submission of a detailed landscape plan at C.C stage
Land Development Engineer	Approval subject to conditions of consent
Landscape Officer	Approval. No conditions imposed.
Environmental Health	Approval subject to conditions of consent
Waste	Supported subject to conditions of consent
Traffic Engineer	Approval subject to conditions of consent
Community Planning	No conditions imposed.

**(b) External Referrals**

No external referrals were required for this application.

**(c) Design Excellence Panel**

The application was considered by Council's Design Excellence Panel on 13 February 2020. As articulated earlier in the report, the design issues raised by the DEP have been resolved by the applicant.

**(d) Community Consultation**

The development application was notified in accordance with the Liverpool Community Participation Plan 2019 from 21 November 2019 to 6 December 2019. Twenty-one (21) submissions were received as a result of the notification. These issues raised in the submissions are discussed below:

<b>Issues</b>	<b>Comment</b>
<b>Compliance with DCP, LEP, SEPP (Educational Establishment and Child Care Facilities) and CCPG.</b>	
<ul style="list-style-type: none"> <li><i>Parking for the Residential Flat Building Does Not Comply</i></li> </ul> <p><i>The Statement of Environmental Effects also states "the [residential flat building] development provides 13 carparking spaces comprising of 12 residential car parking spaces and 1 visitor car parking space, resulting in a shortfall of 1 visitor car parking space. The non-compliance to visitor parking is</i></p>	<ul style="list-style-type: none"> <li>The proposal has been amended to provide 2 x visitor car spaces for the RFB. As such the proposal complies with the car parking provisions contained in the LDCP 2008.</li> </ul>

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<p><i>considered to be of a minor matter with parking opportunities along the site's frontage".</i></p> <p><i>However, it would appear from the site plan that there will barely be space for one vehicle to park outside the residential flat building given that the site is on a curve and has very narrow street frontage. This will force vehicles onto the other side of the road or further up the street. Any cars parked on or near this corner will present an even greater traffic hazard and endanger pedestrians.</i></p> <ul style="list-style-type: none"> <li>• <i>Proximity of Moorebank Hotel</i></li> </ul> <p><i>The Childcare Planning Guideline states that childcare facilities should not be "located closely to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises." The proposed facility is approximately 200m from Moorebank Hotel, a large licenced premises.</i></p> <p><i><b>Pub location:</b> this large establishment is very close to this proposed Childcare, we get a lot of patrons parking in Thompson Avenue and walking through the walkway between Thompson &amp; Stockton Avenue. Does this meet the guidelines of the DA application, I'm not familiar with the ins and outs of the legislation though my educated guess is that it would at least need to be strongly considered!</i></p> <ul style="list-style-type: none"> <li>• <i>Inadequate Child Care Centre Car Parking</i></li> </ul> <p><i>The Child Care Planning Guideline states "Where a Development</i></p>	<ul style="list-style-type: none"> <li>• The closest licensed venue is Moorebank Hotel (Stockton Avenue in the B2 zone) which is within 200m radius of the site. However, the subject site is located on the other side of the block between Stockton Avenue and Thompson Avenue and is not visible from the hotel and has no direct access to Stockton Avenue (refer to <b>Figure 2</b> of this report).</li> <li>• Liverpool DCP 2008 specifies the minimum car parking spaces required for childcare facilities. As such the CCPG does not apply in terms of car parking rates.</li> </ul> <p>Nevertheless the CCPG stipulates that a reduction in car parking rates may be considered where <i>"the site is in other high density business or residential zone, the site is in proximity to high</i></p>
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Control Plan does not specify car parking rates, off street car parking should be provided at the following rate: "Within 400m of a metropolitan train station:

- 1 space per 10 children
- 1 space per 2 staff. Staff parking may be stacked or tandem parking with no more than 2 spaces in each tandem space.

In other areas:

- 1 space per 4 children"

As this development is well in excess of 400m from a metropolitan train station the Guideline would require 1 space per 4 children.

We understand that, contrary to the Guideline, Council's DCP 2008 provides for 1 space per 10 children. However we note that the DCP predates the Guideline by around 9 years.

Surely Council cannot justify a car parking ratio that is 250% less onerous than a State planning guideline.

We also note that the DCP requires "service facilities for a van". We can see no mention of this being provided for in the proposed development.

- Width of Accessible Car Spaces Does Not Comply

Council's DCP 2008 requires disabled car parking spaces to be 3.2m x 5.4m.

The proposed spaces in this development are 2.4m x 5.4m plus access to a shared space. If the shared space is used for disabled parking then there will be one less space for the child care centre and residential flat building.

frequency and well connected public transport" and therefore the car parking rates contained the LDCP 2008 is considered reasonable and the proposal is supported by Council's traffic section in this regard.

As discussed earlier in the report, there is an area within Basement Level 2 which can be used for a service van as shown below.



- The accessible car spaces comply with the relevant Australian Standards AS2890.6: Off Street Parking for People with Disabilities which is the prevailing traffic standards over the LDCP 2008. The shared space includes a bollard and is not be used for parking as shown in the extract of AS2890 diagram below.



- As discussed earlier in the report, the proposal

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<ul style="list-style-type: none"> <li>• <i>Outdoor Play Areas Do Not Comply</i></li> </ul> <p><i>Regulation 108 of the Education and Care Services National Regulations requires that every child being educated and cared for within a facility must have a minimum of 7.0m<sup>2</sup> of unencumbered outdoor space. The Statement of Environmental Effects states that the development meets this requirement.</i></p> <p><i>However, page 36 of the Statement of Environmental Effects states that all outdoor play areas are to be located on the ground floor. The site plan shows that the total unencumbered outdoor play area on the ground floor is 451m<sup>2</sup>. This only gives a total of 6.94m<sup>2</sup> per child which is below the required minimum.</i></p> <ul style="list-style-type: none"> <li>• <i>Site Location Does Not Comply With DCP</i></li> </ul> <p><i>Council's DCP 2008 states that child care centres should be located "On streets with widths that permit adequate safe manoeuvrability of vehicles &amp; lines of sight for pedestrians, cyclists and vehicles; and on approach streets within the road hierarchy such as on collector streets."</i></p> <p><i>As indicated above this facility is to be located adjacent to a 90 degree bend in the road which limits visibility of oncoming vehicles. In addition the bend is often used as a cul-de-sac.</i></p> <ul style="list-style-type: none"> <li>• <i>Mix of Apartments Does Not Comply</i></li> </ul>	<p>provides a total unencumbered outdoor play area of 455.38m<sup>2</sup> (inclusive of the first floor outdoor play area) which equates to 7m<sup>2</sup> per child required for a childcare centre. The proposal complies with the outdoor play area provisions contained in the SEPP and Regulation 108 of the Education and Care Services National Regulations.</p> <ul style="list-style-type: none"> <li>• As discussed earlier in the report, Thompson Avenue has a width greater than 6.5m which is consistent with the LDCP 2008. Council's traffic engineer raised no objection to the proposal in this regard.</li> <li>• As discussed earlier in the report, the DEP has not raised any concerns in relation to the apartment mix and has supported the proposal.</li> </ul>
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<p><i>State Environmental Planning Policy No. 65 – Design Quality Of Residential Apartment Development And Apartment Design Guide states that there should be an appropriate mix of apartment types.</i></p> <p><i>The development only proposes a total of 8 units, which are all designed to be 2 bedrooms. This is clearly not compliant with this requirement.</i></p> <ul style="list-style-type: none"> <li>• <i>Number of Child Care Places May Not Comply and is Excessive</i></li> </ul> <p><i>Council’s DCP 2008 states that “The maximum number of children in any centre cannot exceed 45 for 0-5 year olds; however Council may consider a maximum number of 60 children per centre of which 30% must be aged between 0-2.”</i></p> <p><i>This proposal is for 65 children.</i></p> <p><i>The DA states that the “childcare facility will operate with a maximum of 65 places with the following</i></p> <p><i>breakdown of the age groups: - 0-2 years: 10 kids - 2-3 years: 25 kids - 3-5 years: 30 kids”.</i></p> <p><i>This is greater than 60 with only 15.4% being under 2 years.</i></p> <p><i>The Statement of Environmental Effects tries to explain this non-compliance by noting that “Clause 26</i></p> <p><i>under the SEPP (Educational Establishments and Child Care Facilities) stipulates that provision under a DCP that specifies a requirements, standard or control in relation to the number of children does</i></p> <p><i>not apply to development for the purpose of a centre-based</i></p>	<ul style="list-style-type: none"> <li>• <i>As cited from a practice note on the Department of Planning’s website “SEPP (Educational Establishments and Child Care Facilities) 2017 makes clear that certain matters contained in DCP does not apply to development of the purpose of centre-based childcare.</i></li> </ul> <p><i>This is to ensure that any DCP do not contain requirements that exceed those within the National regulation (National Quality Framework) or that are onerous.</i></p> <p><i>The provisions of the SEPP (Educational Establishments and Child Care Facilities) 2017 disappplies the following matters in any DCP controls to the proposed development for the purpose of centre-based childcare:</i></p> <ul style="list-style-type: none"> <li>- <i>number of children;</i></li> <li>- <i>age ratio of children;</i></li> <li>- <i>compliance with the BCA;</i></li> <li>- <i>glazed areas (windows);</i></li> <li>- <i>operational or management plans or arrangements;</i></li> <li>- <i>demonstrated need or demand for childcare services;</i></li> <li>- <i>proximity of facility to other early childhood education and care facilities;</i></li> <li>- <i>fencing;</i></li> <li>- <i>laundry and hygiene facilities;</i></li> <li>- <i>space requirements—indoor space;</i></li> <li>- <i>space requirements—outdoor space (including natural environment and shade);</i></li> <li>- <i>toilet and hygiene facilities;</i></li> <li>- <i>ventilation and natural light;</i></li> <li>- <i>administrative space;</i></li> <li>- <i>nappy change facilities; and</i></li> <li>- <i>any matter provided for in the Child Care Planning Guideline.</i></li> </ul> <p><i>The majority of these provisions are matters that are regulated by the National Quality Framework.”</i></p> <ul style="list-style-type: none"> <li>• <i>The proposal complies with the indoor and outdoor play area provisions contained in the SEPP and Regulation 108 of the Education and Care Services National Regulations, which are the main factors in determining the maximum number of childcare places that can be provided at any centre-based childcare facility in NSW.</i></li> </ul>
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<p><i>childcare facility.</i></p> <p><i>As such and considering Clause 26 under the SEPP, any cap on the number of childcare places is not considered a relevant matter.”</i></p> <p><i>We submit that this may be an incorrect interpretation of clause 26 which relates only to:</i></p> <p><i>“(a) operational or management plans or arrangements (including hours of operation), (b) demonstrated need or demand for child care services, (c) proximity of facility to other early education and care facilities, (d) any matter relating to development for the purpose of a centre-based child care facility contained in— (i) the design principles set out in Part 2 of the Child Care Planning Guideline, or (ii) the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates).”</i></p> <p><i>If the interpretation of this clause contained in the Statement of Environmental Effects is correct then this would mean that there can be no restriction on the number of children in any centre provided the required space ratios are met.</i></p> <p><i>Surely Council must have some ability to limit the number of places in a child care centre to protect the amenity of neighbouring residents.</i></p> <ul style="list-style-type: none"> <li>• <i>Current Zoning</i> <ul style="list-style-type: none"> <li>a. <i>The current Height restriction for the proposed development is only 12.5 High with a FSR of 0.75. DA-572/2019 proposes a 15 m high development and has</i></li> </ul> </li> </ul>	<p>The number of childcare places contained in the LDCP 2008 does not apply to this proposal, because the proposed childcare places of 65 is consistent with the CCPG, Education and Care Services National Regulations and SEPP (Educational Establishments and Child Care Facilities) 2017 which take precedence over the LDCP 2008.</p> <ul style="list-style-type: none"> <li>• As discussed earlier in the ‘Clause 4.6’ section of the report, the extent of increased wall height is considered minor (300mm or 2% over the maximum). The proposal is considered acceptable and reasonable as it does not result in additional overshadowing impacts on the adjoining properties.</li> </ul>
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<p><i>not listed the number of units it proposes to build. This is above what is allowed by council. I would assume that the council would abide by the current controls and restrictions, not just allow developers to do what they want and impact communities negatively, with no regard for the current controls and restrictions on the lands for the communities future, for the sake of council concessions and donations but negatively impacting our quality of life.</i></p>	
<b>Amenity Impacts</b>	
<ul style="list-style-type: none"> <li>• <i>Noise - The site plan shows that there will be a combined play area right next to the boundary of 26 Thompson Avenue. Notwithstanding any noise attenuation measures that might be implemented, this is inevitably going to create noise which will impact the amenity of the residents of this property. Going from 0 to 65 children playing next door to your house must have a detrimental impact on amenity.</i></li> </ul> <p><i>On pages 14 to 16 of the acoustic report it is stated that outdoor play will only occur for 2 hours per day. However, on page 18 it is stated that children will be taken outside at various times of the day depending on their age group. It is unclear whether each age group will play outside for up to 2 hours or whether the 2 hour restriction applies to all groups as a whole. If each group is allowed 2 hours then this could mean up to 6 hours of outdoor play per day. The report also states on page 18 that “the vocal noise will be mainly casual-normal speech as children would be supervised and it is not expected that they would continuously scream/yell.” This is</i></p>	<ul style="list-style-type: none"> <li>• Acoustic Impact Assessment report prepared by Acoustic, Vibration &amp; Noise Pty Ltd, (report no: 2018-385 Rev 1) dated 8 July 2020 is submitted and acoustic treatment are recommended to mitigate potential noise emission. The proposed development is unlikely to result in adverse impacts subject to these recommendations.</li> <li>• The submitted acoustic assessment have taken into consideration future residents south to the site and have recommended to erect a solid 2.1m high acoustic fence (south-eastern and south-western boundaries of the site adjacent to the outdoor play areas) and 1.8m high barriers with a 1.2 meter gap free glass or Perspex over 600mm deep planter box are proposed along the perimeter of the first floor outdoor play area (acoustic report).</li> <li>• The acoustic report has been reviewed by Council’s Environmental Health section.  EH supports the proposal and recommended conditions to include in any consent.</li> <li>• General noise associated with the RFB is not considered to detrimentally impact the neighbouring properties, subject to standard conditions requiring compliance with the Protection of the Environment Operations (Noise Control) Regulation 2000 under the POEO Act.</li> </ul>

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*an unfounded assumption and it is highly unlikely that in large groups of small children there will not be yelling and/or screaming at various stages regardless of whether the children are being supervised.*

*The acoustic report indicates that some of the most significant noise generated from the child care centre will come from cars starting and accelerating and from car doors closing. The acoustic report assumes that these activities “will occur inside the basement and therefore noise produced by those activities will be attenuated by the basement enclosure.” For the reasons outlined above, it is highly unlikely that the noise from cars starting and accelerating and car doors being closed will be confined to the basement. There is a high likelihood that a large proportion of this noise will occur out on the street thus having a significant noise impact on local residents.*

- *Additional noise from extra cars travelling in and out, impact absorbs on all residents. Noise from additional bins being collected, due to business operation / apartments.*
- *On top of the noise that will be created with all those cars coming and going from both the unit residents and childcare centre, I see that the proposed play area is right next to the elderly neighbours’ lounge room who lives in #26 Thompson Avenue, surely this does not meet regulations as the loud noises of the children playing / screaming and teachers interacting with them will directly impact these*

- The proposal is not considered as a ‘traffic generating development’ in accordance with the *RMS Guide to Traffic Generating Developments*. The drop off and pick up area is provided within the basement car park and appropriate conditions have been imposed to require on-going noise attenuation measures (carpark notices, noise management plan and complaint handling).

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*residents. THIS WILL IMPACT THAT FAMILY'S PRIVACY AND PEACE.*

*And 25 units, potentially housing 80+ residents will undoubtedly cause issues in our street with loud music, again cars coming and going. It's just not right to squeeze that large building into a small suburban street – SURELY THIS DA has issues that can not be resolved. And without seeing any other submissions from my fellow residents, I'm confident they are raising very similar concerns! It just won't work!*

*Besides the elderly residents who are all retired and at home all day living in peace, which 100% would be impacted due to the child care kids. There are also families and professional workers, who will be impacted by the noise generated by the many units.*

*They work 5 long Days a week to support themselves or family and have the weekends off. This new unit block will create so much noise and traffic especially on the weekends, our way of life will change dramatically. I am sometimes required to work night shift and need my sleep, we have families in the street that look forward to the weekends off to play in the streets on their bikes, cricket etc this will affect them greatly with the amount of new traffic coming and going.*

- *The combined play area of the childcare centre is right next to the boundary with our house and across from our main indoor and outdoor living area. This is going to*

- All upper level balconies of the proposed residential flat building are provided with fixed aluminium vertical screens (natural timber look) as

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*create noise which will have a massive impact on our family. Who would want 65 children playing next to their house when we haven't had any noise like this before? Some members of our family work night shifts and have to sleep during the day. How will they be able to sleep if there is noise coming from a 65 place childcare centre right next door?*

- *Privacy - We understand that the zoning behind the proposed development (fronting Stockton Avenue) allows for 8 storey buildings. This could mean in the future that the child care centre is adjacent to, and overshadowed by an 8 storey building. This should be taken into account when determining this application. In addition, we are concerned that part of the play area will be visible from one of the first floor side windows at 28 Thompson Avenue, which is a two storey dwelling. This will create privacy issues for both the occupants of number 28 and children playing at the centre.*
- *The privacy of my yard will be directly affected by a four story building being erected. I would almost have no privacy at all. This is a intrusion of privacy and this will change the quality of our outdoor areas and they will never be the same again.*
- *What comes of the privacy of people living next to the proposed site? There will be none!. It will be 'Big Brother' every minute of everyday. No opportunities to be outside in the sun. Then there is the noise factor, the constant stream of cries, the children, yelling, screaming, crying and playing all day.*
- *Residents privacy, Childcare*

shown below for privacy screening.



- As discussed earlier in the report, the proposal includes a 1.8m high barrier for the outdoor play area at the first floor level of the childcare centre. This barrier will prevent overlooking into the adjoining properties.

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<p><i>business hours operated early morning / late evening, consist movement, impact in general.</i></p> <ul style="list-style-type: none"> <li>• <i>We are very worried that people living in the units and people on the first floor of the childcare centre will be able to see in our back yard. We use our back yard all of the time and do not want to all of a sudden have people looking at everything we do. We believe that in the future there could ne 8 storey high building to the back of our house and this development. This will make things even worse from a privacy point of view.</i></li> <li>• <i>Views - At present there are a number of large trees on both Stockton Avenue and Thompson Avenue that can be seen from the living areas and front yards of houses in Thompson Avenue. The four storey residential flat building will block some of these views from a number of houses. As this is already a very built up area, the limited views of trees and greenery that residents have are important and to lose this and have it replaced by nothing but units will be extremely disappointing.</i></li> <li>• <i>Solar access - Sunlight reduced, due to height of the new building approval regulations need to be reduced remain as two storey... Duplex only.</i></li> <li>• <i>The development will have a significant negative impact on the amenity of residents in the street.</i></li>   <li>• <i>There is also the earthworks that will be required for the construction of an underground carpark which I believe could significantly impact on</i></li> </ul>	<ul style="list-style-type: none"> <li>• The land and the locality is zoned R4 – High Density Residential. Residential Flat Buildings up to 12m are types of development that are encouraged within the R4 Zone.</li> <li>• The proposal is not affected by the planning principle of the NSW Land and Environment Court on View Sharing – General Principles <i>Tenacity Consulting v Waringah [2004] NSWLEC 140</i>) as it does not relate to any significant landmark or water view.</li> </ul> <p>It is noted that the immediate area is currently under transition from low density development to high density development. The design of the development is consistent with the desired future character of the area.</p> <ul style="list-style-type: none"> <li>• The proposed RFB is 4 storeys which steps down to 2 storeys for the childcare centre on the site resulting a smooth transition in the streetscape as the building runs along Thompson Avenue in a southerly direction.</li> </ul> <p>The proposed development will result in the private open space area and the windows of the adjoining developments receiving in excess of 3 hours solar access between 9am and 3pm on June 21.</p> <p>The proposal has met the minimum solar access requirements of Council’s DCP, SEPP 65 and SEPP (Educational Establishments and Child Care Facilities), given the stepped down built form towards the south.</p> <ul style="list-style-type: none"> <li>• To overcome the concerns regarding earthworks, a condition of consent has been recommended to require the applicant to prepare and submit dilapidation reports pre and post construction to determine if any damage has occurred to adjoining developments as a result of the development.</li> </ul>
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<p><i>close surrounding premises and lead to cracking or maybe subsidence. This is evident by most recent construction sites where building have formed cracks and residents have been forced from their homes. There is also the matter of homes close to proposed development site of being blocked from natural sunlight and cooling breezes.</i></p>	
<b><i>Inconsistency with the existing character of the area</i></b>	
<ul style="list-style-type: none"> <li>• <i>A big concern is that there is currently no other developments like this in the street, this would create a “eye sore” and appear out of character to the rest of the street not up holding the streets current façade. There are no other strata developments in either Thompson Avenue, Edgecombe Avenue, Flanagan Avenue and Maddecks Avenue in Moorebank. I don’t not see how it seems fit to start high rise developments in streets which do not have any type of similar developments</i></li> </ul>	<ul style="list-style-type: none"> <li>• It is acknowledged that the above concerns are considered to be valid when the proposed development is compared to the existing low-medium density developments in the area.</li> </ul> <p>However the bulk and scale of the development complies with Council’s current controls and SEPPs and the proposal is considered to be consistent with the future desired character of the area, where this type of development is permitted under the current Council’s controls, which have been adopted through extensive community consultation.</p> <p>Nevertheless, the subject site is located within a transitional area, where there are multi-storey medium density and commercial developments in the vicinity of the development site.</p>
<b><i>Traffic and on-street parking congestion</i></b>	
<ul style="list-style-type: none"> <li>• <i>Congestion - This proposal will see a non stop stream of cars from parents parking on the street to take kids to childcare. At peak times when residents are also trying to commute to schools and work it will be utter chaos. This street has no parking. There are no car parks and certainly won’t be sufficient underground parking for 2/3 or 4 cars per unit in a 4 storey complex.</i></li> <li>• <i>This will lead to unnecessary congestion, noise and air pollution and increased risk of traffic incidents, which will reduce the quality of life currently enjoyed by existing residents.</i></li> </ul>	<ul style="list-style-type: none"> <li>• The application was referred to Council’s Traffic Engineering section for review. Council’s Traffic Engineering section considers that the surrounding road network has capacity to accommodate the traffic generation from the development. The following comments have been received in relation to traffic generation impact:</li> </ul> <p><i>“The peak generation for the childcare centre = 52 vtph (@ 65 x 0.8)</i></p> <p><i>The residential flat building will generate 4 vtph (@ 0.4 per unit) during peak hour.</i></p> <p><i>Existing trip generation = 2 vtph (@ 0.85 per dwelling).</i></p> <p><i>The increase in peak hour vehicle trips generated post development is 54 vtph.</i></p>

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<ul style="list-style-type: none"> <li>• <i>As Thompson (proposed site) is loop road, and all other surrounding street's ie..Flanagan / Evans Ave / Edgcombe / outer Jack O'Sullivan Road are all serviced by only 1 x entry point off: Stockton Ave. Current traffic is congested already with getting out onto Stockton pending light changes, parked cars on Stocktown / Turning at McDonald onto Newbridge Road. This would impact and increase on traffic during "Peak Hours.</i></li> <li>• <i>Introducing a 65 place child care centre with a four storey residential building will increase the volume of vehicular traffic in the avenue. This will lead to unnecessary congestion, noise and air pollution and increased risk of traffic incidents, which will reduce the quality of life currently enjoyed by existing residents.</i></li> <li>• <i>Thompson Ave is a narrow street &amp; cars cannot pass one another if there are cars parked. A 65 place child care centre means 65 cars trying to negotiate the street morning &amp; afternoon without the addition of cars coming out of the proposed 4 storey residential block &amp; the already passed 31 unit development in Edgcombe Reserve four residential blocks away.</i></li> <li>• <i>The width of the road will NOT accomodate the influx of traffic on the corner causing danger on the corner in question.</i></li> <li>• <i>Safety - Thompson Avenue is a narrow residential street. With vehicles currently parking on both sides of the avenue, there is only room for one vehicle to travel along the avenue.</i></li> <li>• <i>Children enrolled at this centre will be exposed to the risk of injury as</i></li> </ul>	<p><i>The surrounding road network has capacity to accommodate this level of traffic generation."</i></p> <ul style="list-style-type: none"> <li>• <i>In regard to car parking provision of the development, Council's Traffic Engineering section raised no objection for the following reasons:</i></li> </ul> <p><i>"Parking rates based on LDCP 2008 are as follows:</i></p> <ul style="list-style-type: none"> <li><i>1 space per staff plus 1 space per 10 children</i></li> <li><i>1 space per small dwelling (&lt; 65sqm) or 1 bedroom</i></li> <li><i>1.5 spaces per medium dwelling (65 - 110sqm) or 2 bedrooms</i></li> <li><i>2 spaces per large dwelling (&gt; 110sqm) or 3 or more bedrooms</i></li> <li><i>1 visitor car space for every 4 dwellings or part thereof</i></li> </ul> <p><i>Total parking required = 32 spaces</i></p> <p><i>Total parking proposed = 32 spaces</i></p> <p><i>Hence parking provision complies with the DCP."</i></p> <ul style="list-style-type: none"> <li>• <i>In terms of vehicular access and design of the development, Council's Traffic Engineering section supports the development for the following reasons:</i></li> </ul> <p><i>"Proposed access is via a new combined two-way driveway off Thompson Ave.</i></p> <p><i>The driveway will serve both the RFB &amp; childcare centre with a total of 32 car parking spaces located over two levels.</i></p> <p><i>Lower Basement Level: Consisting of 9 staff parking spaces for childcare.</i></p> <p><i>Upper Basement Level: Consisting of a total 23 spaces:</i></p> <p><i>Detailed design plans for the access driveway and car park including gradient, swept path analysis, line markings and sign posting in accordance with the DCP and AS2890 shall be submitted to Traffic and Transport Section for review at C.C."</i></p> <ul style="list-style-type: none"> <li>• <i>Nevertheless the site has easy access to public</i></li> </ul>
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<p><i>parents will have to negotiate a narrow avenue when dropping off / picking up their child.</i></p> <ul style="list-style-type: none"> <li>• <i>There are school aged children resident in the avenue who ride push bikes to and from school. Increasing local traffic will increase the risk of injury to these children.</i></li> <li>• <i>There are a number of senior residents residing in the avenue who walk to and from the adjacent shopping centre in Stockton Avenue. Again, increased traffic volumes in the avenue will increase the risk of injury to these residents.</i></li> <li>• <i>There is no footpaths along either side of the road so residents and indeed local pedestrians use the road to walk on. Increasing local traffic will increase the risk of injury to these residents and pedestrians.</i></li> <li>• <i>This area has no footpaths, so for the safety of residence they are forced and take the risk to walk on the roads to avoid any injuries that may occur to themselves if they were to walk on council strips in front of houses.</i></li> </ul> <p><i>Hindsight parents having to drop/pick up children to this proposed childcare would unfortunately have to do the same especially if they have prams/ strollers.</i></p> <ul style="list-style-type: none"> <li>• <i>Extra cars on the street at drop off / pick up times , reduces visibility of pedestrians for current residents reversing out of their driveways.</i></li> <li>• <i>Extra cars on the street at drop off / pick up times , reduces visibility of pedestrians for current residents reversing out of their driveways.</i></li> <li>• <i>It also looks like the pedestrian access to the childcare centre is</i></li> </ul>	<p>transport, as it is within a walking distance from a bus stop that is used by a regular bus service.</p> <p>This bus stop is located on Maddecks Avenue and is serviced by bus route 902, which is a regular bus service. It is expected that residents of the site will use this bus service when travelling by public transport.</p> <ul style="list-style-type: none"> <li>• Appropriate conditions have been imposed to require the construction of 1.5m wide by 100mm thick (with one layer of SL72 reinforcing mech) concrete path paving within the Thompson Avenue frontage at full cost to the developer to address the concern relating to the lack of footpath in front of the development site.</li> <li>• As detailed in the report, the proposal provides compliant car parking spaces for both the RFB and the childcare centre. Appropriate conditions imposed for on-going traffic management to address this concern relating to drop off/ pick up of children.</li> <li>• Appropriate conditions have been imposed to require ensure the safety of pedestrian and vehicles entering and existing the site. Council's</li> </ul>
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<p><i>immediately adjacent to our driveway. This will also create a safety risk as we enter and exit from our driveway.</i></p> <ul style="list-style-type: none"><li>• <i>Traffic - The proposed development is located partly on a 90 degree bend in Thompson Avenue. Vehicles approaching the bend from either direction have limited visibility of oncoming cars until they are close to the bend. We have witnessed many near misses between cars and pedestrians on this bend over the years.</i></li></ul> <p><i>This is exacerbated by the fact that there are no concrete footpaths on either side of the road in the vicinity of the bend. As such, many people walk on the edge of the road to avoid having to walk on uneven surfaces. The traffic impact statement estimates an additional 54 vehicles per hour in peak times attending the child care centre. Adding a significant number of vehicles to this location will increase the potential danger of traffic accidents and put the safety of pedestrians at significant risk.</i></p> <p><i>As Thompson Avenue is a relatively long street, many motorists effectively use the 90 degree bend in the road as a cul-de-sac. Rather than travel all the way around to the other end they do a U-turn on the bend to take the shortest route back to Edgecombe Avenue. Putting a large child care centre and flat building on a section of road that is often treated as a cul-de-sac is not safe.</i></p> <p><i>The Statement of Environmental Effects states that the development provides car parking spaces in accordance with the DCP, noting appropriate car parking spaces are provided within the basement level to permit the drop off and pick up of</i></p>	<p>Traffic Engineering section has reviewed and recommended conditions of consent to this effect.</p> <ul style="list-style-type: none"><li>• The application was referred to Council's Traffic Engineering section for review. Council's Traffic Engineering section considers that the surrounding road network has capacity to accommodate the traffic generation from the development.</li></ul>
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*children. However, whilst the NSW Department of Planning Child Care Planning Guideline provides that there should be one space per four children for centres located more than 400m from a metropolitan train station, this development only proposes one space per 10 children.*

*We believe that it is completely unrealistic to expect that all people dropping off and collecting their children from the proposed childcare centre will drive into the basement car park for this purpose especially given that only one space has been allowed for every ten children.*

*Human nature being what it is, some people are more likely to park in the street to drop off and pick up their children particularly if they are running late or in a hurry. This will cause traffic chaos at peak times and will significantly add to the safety risks detailed above.*

*We also note that the entry and exit to the basement car park is via the same driveway. There is a high likelihood that cars will need to queue when entering the basement behind cars that are trying to locate a parking space or to avoid brushing exiting cars. This will further exacerbate traffic congestion during peak times.*

*The Statement of Environmental Effects also states “the [residential flat building] development provides 13 carparking spaces comprising of 12 residential car parking spaces and 1 visitor car parking space, resulting in a shortfall of 1 visitor car parking space. The non-compliance to visitor parking is considered to be of a minor matter with parking opportunities along the*

- As detailed in the report, the proposal provides compliant car parking spaces for both the RFB and the childcare centre. Appropriate conditions imposed for on-going traffic management to address this concern relating to drop off/ pick up of children, street parking and traffic generation/congestion.
- Appropriate conditions have been imposed to require an amended operational plan of management that demonstrates how parents will enter the basement carpark without disrupting the traffic flow in Thompson Avenue. This is to ensure that there are operational measures in place to avoid vehicles queuing in Thompson Avenue waiting to enter the basement if the basement carpark is full; and to provide a signalling system at the entrance of the carpark and spaces for the temporary queuing of vehicles on the driveway.

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*site's frontage". However, it would appear from the site plan that there will barely be space for one vehicle to park outside the residential flat building given that the site is on a curve and has very narrow street frontage. This will force vehicles onto the other side of the road or further up the street. Any cars parked on or near this corner will present an even greater traffic hazard and endanger pedestrians.*

*It also appears as though the pedestrian access to the childcare centre is immediately adjacent to the driveway of Number 26 Thompson Avenue. This will also create a safety risk as the owners of No. 26 and their visitors enter and exit from their driveway.*

*The Traffic Impact Statement says that "Additionally, it should be noted that, the parking above demand is likely to be underutilized as it likely that many patrons will be visiting the site via public bus routes available in close proximity to the site."*

*This assertion is not supported by any data or research and it is highly unlikely that many, if any, people will travel to the site by bus. Local train stations are already overcrowded in peak hour with limited parking. The bus service from Holsworthy and Liverpool stations to Moorebank is limited.*

*There is also no mention in the traffic impact report of the negative impact that the development will have on traffic in Stockton Avenue which is the only road from which Thompson Avenue can ultimately be accessed. Stockton Avenue is already extremely busy given it services the shopping centre and*

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<p><i>hotel and feeds onto Newbridge Road.</i></p> <p><i>Cars are regularly banked up at the intersection of Stockton Avenue in the morning peak hour as they wait to turn into Newbridge Road. Exiting Moorebank Shopping Village onto Stockton Avenue is already difficult and at times dangerous. This will only be made worse by additional cars travelling along Stockton Avenue. All of the above factors are likely to result in traffic chaos during peak times with cars being parked on the street adjacent to the corner creating a traffic hazard and safety risk. Cars are also likely to be parked further up Thompson Avenue outside of people's houses negatively impacting on their amenity.</i></p> <ul style="list-style-type: none"><li>• <i>Parking - More workload on Moorebank Shopping Centre existing carpark, which is congested NO parking spots.</i></li><li>• <i>Parking at shops: on top of there being inadequate parking in Thompson Avenue and probably within the development. Our local shops are FULL! It already services way too many residents in Moorebank and surrounding suburbs, these large unit blocks should not be built and thus adding to the already overcrowding.</i></li><li>• <i>Parking at Holsworthy Station: perhaps the council should ensure it has suitable facilities to service us existing residents before it starts adding to the overcrowding. On any given day THERE IS NO PARKING at Holsworthy Station, why are we adding fuel to the fire per se by building large unit blocks which means more people, we're bursting at the seams already!</i></li></ul>	<ul style="list-style-type: none"><li>• The application was referred to Council's Traffic Engineering section for review. Council's Traffic</li></ul>
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<ul style="list-style-type: none"> <li><i>Parking will be at a premium and we will be lucky if we can get out of our driveways. With a 31 unit development in Edgecombe Reserve, &amp; a hundred metres away the proposed new development. Where do you think people will park because there is never enough parking on site in these developments. Stockton Avenue cannot be used as it is sign posted No Stopping &amp; it is adjacent to Moorebank Hotel &amp; Moorebank Shopping Centre.</i></li> </ul> <p><i>The only place left is Thompson Ave.</i></p> <ul style="list-style-type: none"> <li><i>I have read the estimates provided by Development Engineering Solutions P/L, and I believe they have grossly underestimated the increase in traffic.</i></li> </ul> <p><i>They have stated there will only be an increase of 54 vehicles travelling on the street during peak times. I don't know where they got these statistics, and how old they are, but in this day &amp; age if 65 children are going to childcare, you can be guaranteed at least 60 of them will be dropped off in a car, and this does not take into account the residents of the unit block who will also most likely have 2 cars per household, not 0.8 as estimated.</i></p>	<p>Engineering section considers that the surrounding road network has capacity to accommodate the traffic generation from the development. The following comments have been received in relation to traffic generation impact:</p> <p><i>“The peak generation for the childcare centre = 52 vtpm (@ 65 x 0.8)</i></p> <p><i>The residential flat building will generate 4 vtpm (@ 0.4 per unit) during peak hour.</i></p> <p><i>Existing trip generation = 2 vtpm (@ 0.85 per dwelling).</i></p> <p><i>The increase in peak hour vehicle trips generated post development is 54 vtpm.</i></p> <p><i>The surrounding road network has capacity to accommodate this level of traffic generation.”</i></p>
<b>Site suitability and location</b>	
<ul style="list-style-type: none"> <li><i>A quite back street like Thompson Avenue is not the ideal location for a four storey residential flat building and childcare centre. Streets with multi lanes or the connecting roads like Nuwarra are suited to that kind of development.</i></li> <li><i>All of this located on a corner block. Where is the common sense?</i></li> <li><i>This is the most inappropriate position to develop. A four storey building is not suitable for a quiet</i></li> </ul>	<ul style="list-style-type: none"> <li>As discussed earlier in the ‘CCPG’ section of the report, the proposal has been considered against the relevant matters relating to site selection and location and it is considered to be consistent with the objectives and controls under Council’s DCP, SEPP 65 and SEPP (Educational Establishments and Child Care Facilities) 2017.</li> <li>The application was referred to Council’s Traffic Engineering section for review. Council’s Traffic Engineering section considers that the surrounding road network has capacity to accommodate the traffic generation from the development.</li> </ul>

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*back street in any suburb and we are absolutely opposed to this proposal.*

- *Not a suitable area for registered business to be operate from. There is already a Childcare centre facility nearby within reach, should be in Georges Fair which is a younger demographic area.*
- *Skyscrapers should stay in Liverpool City for services provided: Trains, hospital, library, shopping centres commerical infrastructure, government, council funded.*
- ***Dangerous corner:*** *this proposed site is located adjacent to a blind corner and no matter what the applicant offers to do to get this DA approved, that pure fact will never change! Both the entry and exit to the basement are directly adjacent to this corner. IT'S THE WRONG location for a large building that potentially is going to house 25-80+0 residents (family of 4) + the coming and going parents of the children from the childcare!*

*Over the years we have seen so many near misses on that corner, cars either coming up or down Thompson Avenue and not seeing the other vehicle until it is on top of you do you see it!*

*How possibly can the safety and well being of the children be guaranteed due to the location of these plots of land!*

- *Such large 4-8 story buildings (R4) should be on a road with multiple access for cars, not on a dangerous corner, on a narrow suburban street. IT'S JUST NOT RIGHT! Maybe time and money should be spent on fixing up our current issues without adding to it.*

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<ul style="list-style-type: none"> <li>• <i>There have been a number of new 2-storey residences constructed recently in the adjacent area and I feel it would be a more suitable solution if the proposed development was a series of townhouse or duplex residences. This would be more in keeping with the existing area.</i></li> <li>• <i>It destroys further the concept of Moorebank being a garden and normal suburbia area.</i></li> <li>• <i>I don't think this area needs this development (especially the childcare) as we are an ageing population. Put it where the young parents live.</i></li> </ul>	
<b>Unrelated Issues</b>	
<ul style="list-style-type: none"> <li>• <i>We have bad water pressure in our street, Adding this many people will make this even worse. How is Council going to ensure that we don't end up with even worse water pressure than we have now?</i></li> <li>• <i>We know that Council would benefit with extra income from new rates, but it should have some sympathy with people who have paid rates for more than half century. They will lose our support.</i></li> <li>• <i>25 Units above a Childcare Centre: would the residents who live above the childcare centre all need to be screened. Again, the safety of the children would need to be considered, how could Liverpool council or the Local Planning Panel guarantee a paedophile(s) wasn't residing on the same premises as 65 children?!</i></li> <li>• <b>R4 Zone:</b> <i>our residential street should never have been rezoned from R2 in 2008. I believe that a current study organised by Liverpool Council has shown this and they are trying to have some</i></li> </ul>	<ul style="list-style-type: none"> <li>• In this case, essential services such as water and sewage are considered at the strategic planning level to ensure that redevelopment of the locality is viable.</li> <li>• If the application was approved, and prior to development of the site, a standard condition can be imposed on any consent granted that requires the applicant to obtain a certificate from service providers (i.e. Sydney Water) to confirm that there is adequate capacity to accommodate the development.</li> <li>• Council as the consent authority has obligation to carry out its duty to assess this application under the NSW legislation and to investigate any misconduct or wrong doings should there be any complaints lodged to Council.</li> </ul> <p>However these concerns fall outside the scope of the DA assessment process and such complaints will be referred to Council's internal ombudsman.</p>

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<p><i>areas reverted back. Whilst this review / request is being processed why can't all applications be placed on hold?</i></p> <ul style="list-style-type: none"><li><i>With recent media hype with buildings like mascot towers and the opal tower, how the buildings are defective and un sound, how will the council ensure and guarantee a quality build of the building to avoid any instance where the building can become hazardous and potentially life threatening to the local residences directly around the building. I see that the site has been brought in a company and what is stopping the builder from closing down the company once the site is built and sold off cutting any ties or responsibility to ensure the builder is liable for his work like seen previously.</i></li></ul> <p><i>I am also concerned to how the council will ensure the builder abides buy the law and operate within the right hours and not just do what they want when they want like they did in the unit site in Lucas avenue where the builder operated outside of legally allowed construction hours and maintain and look after the roads and not turn the site into a dump with no care for how it impacts those around them.</i></p> <ul style="list-style-type: none"><li><i>I have one question for Liverpool Council: Do you live in the area of Moorebank, is this how you would like to live and bring up your family?</i></li></ul>	
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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.

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

It is considered that the applicant has sufficiently demonstrated that the proposed development is in the public interest.



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**7. DEVELOPMENT CONTRIBUTIONS**

A Section 7.11 Development Contributions (established areas – December 2018) 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 **\$49,446** (refer to Attachment 7 of this report).

**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 SEPP 65 and the associated Apartment Design Guide, SEPP (Educational Establishments and Child Care Facilities, Liverpool LEP 2008, LDCP 2008, and the relevant codes and policies of Council.

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

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

**9. RECOMMENDATION**

That Development Application No. DA-572/2019 for the demolition of existing structures and construction of a 4-storey residential flat building containing 8 residential apartments and a 65-place childcare centre with basement car parking and associated landscaping at 22 and 24 Thompson Avenue Moorebank, be approved subject to conditions of consent.

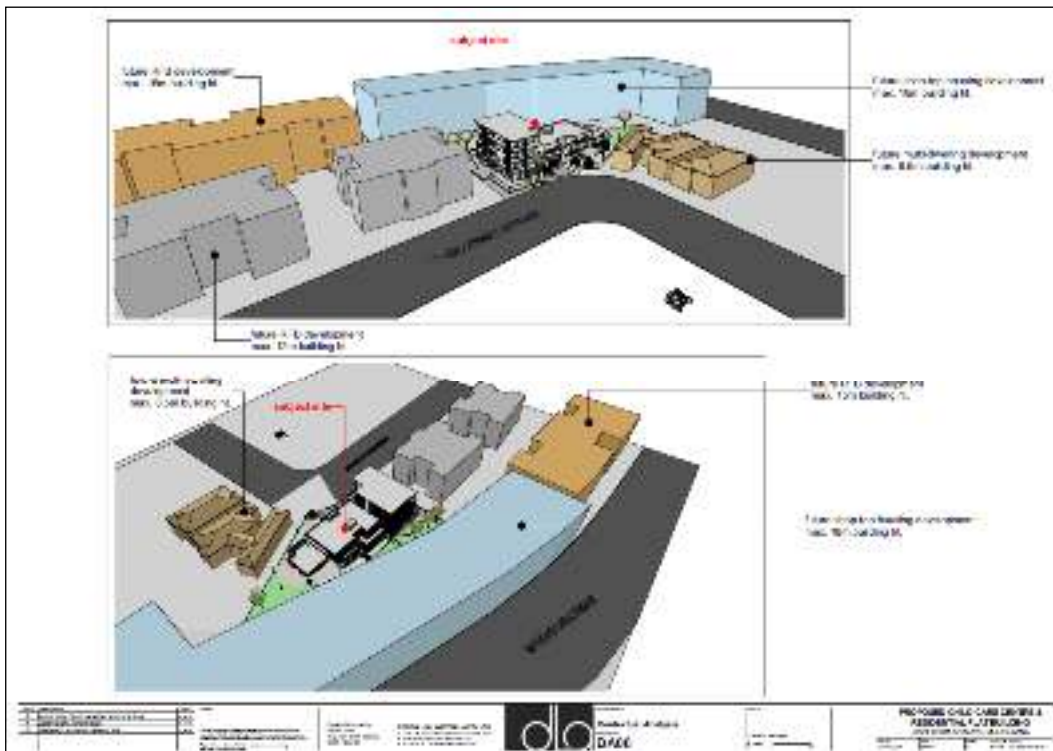
**10. ATTACHMENTS**

1. PERSPECTIVE PLANS AND STREETScape ELEVATION OF THE PROPOSAL
2. SEPP 65 & ADG COMPLIANCE TABLE
3. CHILD CARE PLANNING GUIDELINE (CCPG) COMPLIANCE TABLE
4. GREATER METROPOLITAN REGIONAL ENVIRONMENTAL PLAN NO. 2 – GEORGES RIVER CATCHMENT (DEEMED SEPP) COMPLIANCE TABLE
5. DCP COMPLIANCE TABLE
6. DRAFT CONDITIONS OF CONSENT
7. SECTION 7.11 CONTRIBUTIONS

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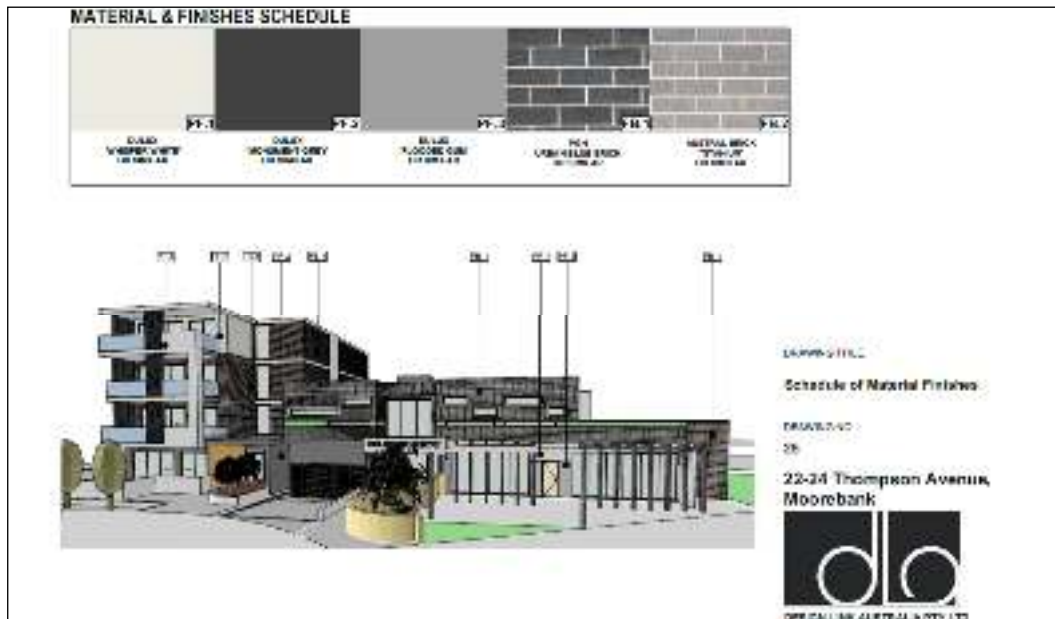
ATTACHMENT 1: PERSPECTIVE PLANS OF THE PROPOSAL



3D views of the proposal from various angles (source: DA06-C prepared by Design Link Aust P/L).

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3D view of the proposal from Thompson Avenue (source: DA25-C prepared by Design Link Aust P/L).



Streetscape Elevation of the proposal from Thompson Avenue (source: DA25-C prepared by Design Link Aust P/L).

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**ATTACHMENT 2: SEPP 65 AND COMPLIANCE TABLES**

**SEPP 65 Design Quality Principles table**

Principle	How does the development address the principles?
<p><b>Principle 1: Context and Neighbourhood Character</b></p> <p>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. Responding to context involves identifying the desirable elements of an area's existing or future character.</p> <p>Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</p>	<p><i><b>Planner's Comment:</b> The subject site sits adjacent to other high density residential and local centre zoned land and the proposed residential flat building and childcare centre therefore considered to reflect the future character of the area.</i></p> <p><i>Further, the architectural design has sought to address this context by ensuring a site responsive design that addresses the entire site.</i></p>
<p><b>Principle 2: Built Form and Scale</b></p> <p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings. 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.</p> <p>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.</p>	<p><i><b>Planner's Comment:</b> The built form is considered appropriate to the site, in terms of building alignment, proportion and typology. The proposal provides a contemporary architectural form that is appropriate for the R4 High Density Residential zone.</i></p> <p><i>The articulation of the facades expresses both the buildings internal function whilst being responsive to the sites orientation and context.</i></p> <p><i>The proposed scheme provides an urban framework that responds to the evolving context of Moorebank while maximising the quality of residential amenity for future occupants.</i></p>

<p><b>Principle 3: Density</b></p> <p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context. Appropriate densities are consistent with the area's existing or projected population.</p> <p>Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p><b>Planner's Comment:</b> <i>The density is appropriate for the site given its accessibility to public transport, access to communal open space, the built form context, and the high amenity achieved for every unit by virtue of the spacious apartment sizes and optimal layouts.</i></p> <p><i>The development provides for new residential accommodation in a location earmarked for future higher density residential development.</i></p> <p><i>The development is located within good proximity to transport access, surrounding commercial and industrial with potential employment opportunities, as well as community facilities, and public open spaces.</i></p>
<p><b>Principle 4: Sustainability</b></p> <p>Good design combines positive environmental, social and economic outcomes. Good sustainable design 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.</p>	<p><b>Planner's Comment:</b> <i>Sustainability is integral to the design. The building design reflects an efficient use of natural resources through effective cross-flow ventilation too all 8 units and ensuring adequate solar access to all 8 units.</i></p> <p><i>The building will incorporate energy and water efficient devices as detailed in the BASIX report.</i></p> <p><i>The building also maximises thermal comfort and cross ventilation to reduce the reliance on technology.</i></p> <p><i>Deep soil zones are provided throughout the site to provide for groundwater recharge and natural landscaping</i></p>
<p><b>Principle 5: Landscape</b></p> <p>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. Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating</p>	<p><b>Planner's Comment:</b> <i>The common and private open spaces, will be landscaped for residents' amenity, featuring significant landscaping within the perimeter of the site, including the planting of shrubs at the street frontage and the planting of trees at the rear boundary.</i></p> <p><i>The proposed landscaped areas will aid in reducing the scale of the building and integrate the development with the surrounding environment.</i></p> <p><i>The landscape design maximises privacy between adjoining properties by incorporating the planting of trees along the site boundary where there are no pathways or driveway.</i></p> <p><i>The landscape design has provided open lawn space to increase social interaction.</i></p>

<p>water and soil management, solar access, micro-climate, tree canopy, habitat values, and preserving green networks. Good landscape design optimises usability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity, provides for practical establishment and long-term management.</p>	
<p><b>Principle 6: Amenity</b></p> <p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing. 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</p>	<p><b>Planner's Comment:</b> <i>The design provides amenity through the physical, spatial and environmental quality of the development. Appropriate room dimensions and shapes, access to sunlight, natural ventilation and visual and acoustic privacy have been provided in each unit. The provision of storage, indoor and outdoor space, efficient layouts and service areas contribute to the design.</i></p> <p><i>Internal room sizes and layout provide resident amenity and balconies are directly accessible from the internal living and bedrooms enabling a direct link between internal and external recreational areas.</i></p> <p><i>Boundary setbacks enable the rooms to be well ventilated and access to sunlight is available through proportioned window openings placed according to the use of each room.</i></p>
<p><b>Principle 7: Safety</b></p> <p>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. 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.</p>	<p><b>Planner's Comment:</b> <i>The proposal has been designed in such a way that safety and security is ensured for the site and its residents by virtue of casual surveillance of open spaces, with casual surveillance of entrances and exits on the site possible from the street facing units.</i></p> <p><i>Proposed orientation of building and floor layouts provide natural passive surveillance of public domain and common open space.</i></p> <p><i>Appropriate security arrangements are incorporated at pedestrian entry lobbies. All pedestrian areas are designed to provide clear sight lines.</i></p> <p><i>Fences and gates are of a height and rigidity to provide visual privacy and physical security to common open spaces and private areas.</i></p>
<p><b>Principle 8: Housing Diversity and Social Interaction</b></p> <p>Good design achieves a mix of</p>	<p><b>Planner's Comment:</b> <i>The DEP has not raised any</i></p>

<p>apartment sizes, providing housing choice for different demographics, living needs and household budgets. Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people, providing opportunities for social interaction amongst residents.</p>	<p><i>concerns in relation to the apartment mix and has supported the proposal.</i></p> <p><i>Apartment mix:</i></p> <p><i>2 bedroom units: 8 – (100%), including 1 x adaptable unit G01</i></p> <p><i>It is noted that all apartment sizes are generously apportioned and exceed the minimum ADG size requirements.</i></p>
<p><b>Principle 9: Aesthetics</b></p> <p>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.</p> <p>The visual appearance of well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</p>	<p><b><i>Planner's Comment:</i></b> <i>An appropriate composition of building elements, materials, textures, and colours has been utilised to reflect the building's layout and structure.</i></p> <p><i>The design of the development is considered compatible with the future context of the locality of Moorebank</i></p>

### Apartment Design Guide (ADG) Compliance Table

Provisions	Comment
<b>PART 2 DEVELOPING THE CONTROLS</b>	
<b>2A Primary Controls</b>	
Sets out the objectives of the provisions and in the developing of the controls in assessing apartment buildings.	The proposed development is considered to be consistent with the primary controls.
<b>2B Building Envelopes</b>	
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.	The proposed development is considered to be consistent with the building envelope controls.
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.	
<b>2C Building Height</b>	

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.	<b>Complies.</b>  The proposed RFB is 4 storeys which steps down to 2 storeys for the childcare centre on the site resulting a smooth transition in the streetscape as the building runs along Thompson Avenue in a southerly direction.
<b>2D Floor Space Ratio</b>	
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.	<b>Complies.</b>  <b>Refer to detailed assessment under LLEP 2008.</b>
<b>2E Building Depth</b>	
Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line when precinct planning and testing development controls. This will ensure that apartments receive adequate daylight and natural ventilation and optimise natural cross ventilation	<b>Complies.</b>  The proposal features apartment depths of maximum 11.63m to 18m.
<b>2F Building Separation</b>	
<p>Minimum separation distances for buildings are:</p> <p>Up to four storeys (approximately 12m):</p> <ul style="list-style-type: none"> <li>• 12m between habitable rooms/balconies</li> <li>• 9m between habitable and non-habitable rooms</li> <li>• 6m between non-habitable rooms</li> </ul> <p>Five to eight storeys (approximately 25m):</p> <ul style="list-style-type: none"> <li>• 18m between habitable rooms/balconies</li> <li>• 12m between habitable and non-habitable rooms</li> <li>• 9m between non-habitable rooms</li> </ul> <p>Nine storeys and above (over 25m):</p> <ul style="list-style-type: none"> <li>• 24m between habitable rooms/balconies</li> <li>• 18m between habitable and non-habitable rooms</li> <li>• 12m between non-habitable rooms</li> </ul>	<p><b>Complies.</b></p> <p>Proposal is 4 storeys.</p> <p><u>Northern side boundary: 20 Thompson Avenue.</u> Proposal complies with the minimum 6m separation required.</p> <p><u>Eastern rear boundary: 37 Stockton Avenue.</u> Proposal complies with the minimum 6m separation required.</p> <p><u>Western boundary: Thompson Avenue frontage</u> The development provides 6m setback to the street frontage. This is envisaged by the DCP controls and appropriate in this location.</p> <p><u>Southern/side boundary: adjoins the childcare centre</u> The RFB is attached to the childcare centre and forms a single built form as previously recommended by the DEP (PL-27/2018).</p>
<b>2G Street setbacks</b>	
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	The proposed development is consistent with the primary controls with respect to street setback to Thompson Avenue.



and establishing landscaped areas and a passive surveillance and outlook to the street.	
<b>2H Side and rear setbacks</b>	
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.	As per building separation requirement.  The proposed development is consistent with the primary controls in respect to side and rear setbacks.
<b>PART 3 SITING THE DEVELOPMENT</b>	
<b>3A Site Analysis</b>	
Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context	<b>Complies</b>  A detailed site analysis plan has been provided.
<b>3B Orientation</b>	
3B-1. Building types and layouts respond to the streetscape and site while optimising solar access within the development	<b>Complies</b> The development is considered to respond appropriately to the Thompson Avenue frontage.
3B-2. Overshadowing of neighbouring properties is minimised during mid-winter	The site adjoins open space to the north and east in order to optimise solar access and the development is responds to the future character of the upzoned R4 and B2.  The proposal is not considered to result in unreasonable overshadowing of neighbouring properties with the mix of 2 and 4 storey built form.
<b>3C Public Domain Interface</b>	
3C-1 Transition between private and public domain is achieved without compromising safety and security	<b>Complies</b> Living areas and balconies are orientated towards the public domain with defined physical separation elements to ensure a safe and secure transition between the private and public domain.
3C-2 Amenity of the public domain is retained and enhanced	
<b>3D Communal and public open space</b>	
3D-1. An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping	<b>Complies</b> The total site area is 1,442.3m <sup>2</sup> for both the RFB and childcare centre. The RFB occupies the northern part of the site with an approximately 600m <sup>2</sup> exclusively for the RFB. As such the RFB portion of the site (600 m <sup>2</sup> ) has been used for the landscape calculations.
1. Communal open space has a minimum area equal to 25% of the site	
2. Developments achieve a minimum of 50%	

<p>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)</p>	<p>The proposal provides an area of 214.75sqm (35%) for communal open space. This is distributed to the north and east.</p>						
<p>3D-2. Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting</p>	<p>The main north facing area will receive more than 2 hours direct sunlight in mid-winter. The multiple landscape elements provide various spaces for residents to engage and enjoy.</p>						
<p>3D-3. Communal open space is designed to maximise safety</p>	<p>The ground floor communal open space areas are accessible and visible from habitable rooms and private open space areas.</p>						
<p>3D-4. Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood</p>	<p>Proposal ensures that direct, equitable access in line with relevant Australian Standard is provided to communal open space areas from common circulation areas, entries and lobbies</p>						
<p><b>3E Deep soil zones</b></p>							
<p>Site Area: less than 600m<sup>2</sup> Min. Dimensions: nil Deep soil zone (% of site area) - 7%</p>	<p><b>Complies</b> Minimum 42m required (7%) required.</p> <p>The proposal provides a minimum 86.4sqm (14.2%) deep soil landscaping adjacent to the eastern side boundary (outside the basement footprint).</p>						
<p><b>3F Visual Privacy</b></p>							
<p>Requirement:</p> <table border="0"> <tr> <td>Building Height</td> <td>Habitable Rooms and Balconies</td> <td>Non Habitable Rooms</td> </tr> <tr> <td></td> <td>6m</td> <td>3m</td> </tr> </table>	Building Height	Habitable Rooms and Balconies	Non Habitable Rooms		6m	3m	<p><b>Complies.</b> Proposal is 4 storeys.</p> <p><u>Northern side boundary: 20 Thompson Avenue.</u> Proposal complies with the minimum 6m separation required.</p> <p><u>Eastern side boundary: 37 Stockton Avenue.</u> Proposal complies with the minimum 6m separation required.</p> <p><u>Western boundary: Thompson Avenue frontage</u> The development provides 6m setback to the street frontage. This is envisaged by the DCP controls and appropriate in this location.</p> <p><u>Southern/side boundary: adjoins the childcare centre</u> The RFB is attached to the childcare centre and forms a single built form as previously recommended by the DEP (PL-27/2018).</p>
Building Height	Habitable Rooms and Balconies	Non Habitable Rooms					
	6m	3m					
<p><b>3G Pedestrian access and entries</b></p>							
<p>3G-1. Building entries and pedestrian access connects to and addresses the public domain</p>	<p><b>Complies</b> Building access areas, entries and pathways are clearly visible from the public domain. The</p>						

3G-2. Access, entries and pathways are accessible and easy to identify	entries to the ground floor lobby is easily identifiable and distinguishable.
3G-3. Large sites provide pedestrian links for access to streets and connection to destinations	Entries and pathways from the front of the building and to the communal open areas are accessible.
<b>3H Vehicle Access</b>	
Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes	<p><b>Complies</b></p> <p>The driveway and basement design allows vehicles to enter and exit in a forward direction (two way driveway).</p> <p>The driveway ramp is separated from the main pedestrian access with landscaped area.</p> <p>Despite the increased driveway crossing width from the existing, the driveway is not considered to be a dominant feature upon the streetscape.</p>
<b>3J Bicycle and Car Parking</b>	
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><b>Complies</b></p> <p>Car parking has been provided as per the requirements of the LDGP 2008.</p> <p>The vehicle entrance to the underground car parking area is considered acceptable.</p>
3J-2. Parking and facilities are provided for other modes of transport	
3J-3. Car park design and access is safe and secure	
3J-4. Visual and environmental impacts of underground car parking are minimised	
3J-5. Visual and environmental impacts of on-grade car parking are minimised	
3J-6. Visual and environmental impacts of above ground enclosed car parking are minimised	
<b>PART 4 DESIGNING THE BUILDING</b>	
<b>4A Solar and Daylight Access</b>	
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.	<p><b>Complies</b></p> <p>All units achieve the required 2 hours of direct sunlight at mid- winter.</p> <p>0% of apartments receive no direct solar access on June 21 between 9am and 3pm (as shown</p>

2. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.	on the submitted plans).						
<b>4A-2</b> Daylight access is maximised where sunlight is limited	<b>Complies</b> The site provides sufficient daylight access to apartments given the orientation of the site.						
<b>Objective 4A-3</b> Design incorporates shading and glare control, particularly for warmer months							
<b>4B Natural Ventilation</b>							
<p><b>4B-1</b> All habitable rooms are naturally ventilated to create healthy indoor living environments.</p> <p>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.</p> <p>2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</p>	<b>Complies</b> All units will receive natural cross ventilation.  Overall apartment depths do not exceed 11.63m-18m.						
<b>4B-2</b> The layout and design of single aspect apartments maximises natural ventilation							
<b>4B-3</b> The number of apartments with natural cross ventilation is maximised							
<b>4C Ceiling Heights</b>							
<p><b>4C-1</b> Ceiling height achieves sufficient 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> <table border="0"> <tr> <td>Habitable Rooms</td> <td>2.7m</td> </tr> <tr> <td>Non-Habitable</td> <td>2.4m</td> </tr> <tr> <td>If located in mixed use areas</td> <td>3.3m for ground and first floor</td> </tr> </table>	Habitable Rooms	2.7m	Non-Habitable	2.4m	If located in mixed use areas	3.3m for ground and first floor	<b>Complies</b> All floors achieve a minimum floor-to-ceiling height of 2.7m.
Habitable Rooms	2.7m						
Non-Habitable	2.4m						
If located in mixed use areas	3.3m for ground and first floor						
<b>4C-2</b> Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms.	All residential apartments have a minimum ceiling height of 2.7m in habitable rooms and apartment layouts have been designed to provide spacious, well-proportioned rooms.						

<p><b>4C-3</b> 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 buildings residential use.</p>
<p><b>4D Apartment Size and Layout</b></p>	
<p><b>4D-1</b> 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"> <li>• Studio 35m<sup>2</sup></li> <li>• 1 bedroom 50m<sup>2</sup></li> <li>• 2 bedroom 70m<sup>2</sup></li> <li>• 3 bedroom 90m<sup>2</sup></li> </ul> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m<sup>2</sup> each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m<sup>2</sup> each.</p> <p>2. Every habitable room must have a window in an external wall with a total 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><b>Complies</b> All units exceed the required minimum areas. Unit sizes are distributed as follows:</p> <p><b>Ground floor</b> 2 x 2-bedroom units (70.58m<sup>2</sup> to 75.1m<sup>2</sup>)</p> <p><b>First and Fourth floor</b> 2 x 2-bedroom units (70.08m<sup>2</sup> to 75.97m<sup>2</sup>)</p> <p>All habitable rooms have a window to an external wall with a total minimum glass area greater than 10% of the floor area of the room.</p>
<p><b>4D-2</b> Environmental performance of the apartment is maximised.</p> <p>1. Habitable room depths are limited to a maximum of 2.5 x the ceiling height. Based on ceiling heights of 2.7m, habitable room depths are required to be limited to 6.75m.</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><b>Complies</b> The scheme complies with this requirement, noting that the proposal incorporates open plan layouts.</p> <p>No open plan layout has a habitable room depth more than 8m from a window.</p>
<p><b>4D-3</b> Apartment layouts are designed to accommodate a variety of household activities and needs</p> <p>1. Master bedrooms have a minimum area of 10m<sup>2</sup> and other bedrooms 9m<sup>2</sup> (excluding</p>	<p><b>Complies</b> All master bedrooms and other bedrooms achieve the required areas and the minimum dimensions.</p> <p>All apartments achieve the minimum dimension</p>

<p>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"> <li>• 3.6m for studio and 1 bedroom apartments</li> <li>• 4m for 2 and 3 bedroom apartments</li> </ul> <p>4. The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts</p>	<p>requirements to living/dining rooms.</p> <p>Cross through apartments are more than 4m in width</p>															
<p><b>4E Private Open Space and Balconies</b></p>																
<p><b>4E-1</b> 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 1025 746 1361"> <thead> <tr> <th>Dwelling type</th> <th>Minimum Area</th> <th>Min. Depth</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>4m<sup>2</sup></td> <td></td> </tr> <tr> <td>1 bedroom</td> <td>8m<sup>2</sup></td> <td>2m</td> </tr> <tr> <td>2 bedroom</td> <td>10m<sup>2</sup></td> <td>2m</td> </tr> <tr> <td>3+ bedroom</td> <td>12m<sup>2</sup></td> <td>2.4m</td> </tr> </tbody> </table> <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 15m<sup>2</sup> and a minimum depth of 3m.</p>	Dwelling type	Minimum Area	Min. Depth	Studio	4m <sup>2</sup>		1 bedroom	8m <sup>2</sup>	2m	2 bedroom	10m <sup>2</sup>	2m	3+ bedroom	12m <sup>2</sup>	2.4m	<p><b>Variation considered acceptable.</b></p> <p>All apartments comply with the minimum numeric requirements for the area and depth of primary balconies and POS.</p> <p>Private open space is directly accessible from the living area of each unit.</p> <p>The balconies are integrated into the overall design of the development and form part of the detail of the building.</p> <p>Balustrades height to comply with BCA requirements.</p>
Dwelling type	Minimum Area	Min. Depth														
Studio	4m <sup>2</sup>															
1 bedroom	8m <sup>2</sup>	2m														
2 bedroom	10m <sup>2</sup>	2m														
3+ bedroom	12m <sup>2</sup>	2.4m														
<p><b>4E-2</b> Primary private open space and balconies are appropriately located to enhance liveability for residents</p>																
<p><b>4E-3</b> Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building</p>																
<p><b>4E-4</b> Private open space and balcony design maximises safety</p>																
<p><b>4F Common circulation and spaces</b></p>																
<p><b>4F-1</b> Common circulation spaces achieve good amenity and properly service the number of apartments.</p>	<p><b>Complies</b></p> <p>One circulation area is proposed, with a maximum of 2 units serviced on all floor levels.</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>The building is less than 10 storeys height.</p>										
<p><b>4F-2</b> Common circulation spaces promote safety and provide for social interaction between residents</p>	<p>The proposal incorporates a common foyer/lobby area.</p>										
<p><b>4G Storage</b></p>											
<p><b>4G-1</b> 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="0" data-bbox="188 943 730 1111"> <thead> <tr> <th style="text-align: left;">Dwelling Type</th> <th style="text-align: left;">Storage volume</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>4m<sup>3</sup></td> </tr> <tr> <td>1 bedroom</td> <td>6m<sup>3</sup></td> </tr> <tr> <td>2 bedroom</td> <td>8m<sup>3</sup></td> </tr> <tr> <td>3+ bedroom</td> <td>10m<sup>3</sup></td> </tr> </tbody> </table> <p>At least 50% of the required storage is to be located within the apartment</p>	Dwelling Type	Storage volume	Studio	4m <sup>3</sup>	1 bedroom	6m <sup>3</sup>	2 bedroom	8m <sup>3</sup>	3+ bedroom	10m <sup>3</sup>	<p><b>Complies</b></p> <p>The proposal provides for storage within each apartment and on the basement levels. These areas comply with the minimum volume specified in the ADG.</p>
Dwelling Type	Storage volume										
Studio	4m <sup>3</sup>										
1 bedroom	6m <sup>3</sup>										
2 bedroom	8m <sup>3</sup>										
3+ bedroom	10m <sup>3</sup>										
<p><b>4G-2</b> Additional storage is conveniently located, accessible and nominated for individual apartments</p>	<p><b>Complies</b> Storage provided within each apartment and basement.</p>										
<p><b>4H Acoustic Privacy</b></p>											
<p><b>4H-1</b> Noise transfer is minimised through the siting of buildings and building layout</p>	<p><b>Complies</b> Noise transfer has been minimised through the siting of the building and adequate setbacks.</p>										
<p><b>4H-2</b> Noise impacts are mitigated within apartments through layout and acoustic treatments</p>	<p>The apartments have been configured to mitigate noise impacts.</p>										
<p><b>4J Noise Pollution</b></p>											
<p><b>4J-1</b> In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings</p>	<p><b>Complies</b> The bedrooms of all apartments are located from the first floor up and do not directly adjoin active communal open spaces and circulation areas (vegetation buffer provided). All upper level bedrooms windows from Level 1 and above are distanced at least 3m vertically from active communal open space, driveway and pedestrian circulation areas at the ground floor.</p>										
<p><b>4J-2</b> Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission</p>											
<p><b>4K Apartment Mix</b></p>											

<p><b>4K-1</b> A range of apartment types and sizes is provided to cater for different household types now and into the future.</p>	<p><b>Complies</b> The DEP has not raised any concerns in relation not the apartment mix and has supported the proposal.</p> <p>Given the range of land uses in the local area, it is considered that the development has the capacity to accommodate numerous residents who have opportunities to live and work within the same district.</p> <p>Further to this, the apartments proposed will offer a different housing type and affordability to that of detached housing which is generally seen throughout the Liverpool LGA.</p>
<p><b>4K-2</b> The apartment mix is distributed to suitable locations within the building</p>	
<p><b>4L Ground Floor Apartments</b></p>	
<p><b>4L-1</b> Street frontage activity is maximised where ground floor apartments are located</p>	<p><b>Complies</b> Ground floor apartments provided with direct access to the street.</p> <p>Where appropriate windows and balconies have been provided to front the street.</p>
<p><b>4L-2</b> Design of ground floor apartments delivers amenity and safety for residents</p>	
<p><b>4M Facades</b></p>	
<p><b>4M-1</b> Building facades provide visual interest along the street while respecting the character of the local area</p>	<p><b>Complies</b> Building façades are articulated and modulated through the use of balconies, varying windows, and recessed elements. Ground floor building entries are clearly defined.</p>
<p><b>4M-2</b> Building functions are expressed by the facade</p>	
<p><b>4N Roof Design</b></p>	
<p><b>4N-1</b> Roof treatments are integrated into the building design and positively respond to the street</p>	<p><b>Complies</b> As demonstrated in the elevation drawings and perspectives a flat roof treatment is proposed, which assists in mitigating building bulk and overshadowing.</p> <p>The proposal complies with requirements of BASIX and will include thermal insulation.</p>
<p><b>4N-2</b> Opportunities to use roof space for residential accommodation and open space are maximised.</p>	
<p><b>4N-3</b> Roof design incorporates sustainability features</p>	
<p><b>4O Landscape Design</b></p>	
<p><b>4O-1</b> Landscape design is viable and sustainable</p>	<p><b>Complies</b> The landscape plan incorporates sustainable environmental design and landscaping to the site.</p>
<p><b>4P Planting on Structures</b></p>	
<p><b>4P-1</b> Appropriate soil profiles are provided</p>	<p><b>Complies</b> As demonstrated in the Landscape Plan the species selected are appropriate for the soil depths and volumes.</p>
<p><b>4P-2</b> Plant growth is optimised with appropriate selection and maintenance</p>	



<b>4P-3</b> Planting on structures contributes to the quality and amenity of communal and public open spaces	
<b>4R Adaptive Reuse</b>	
<b>4R-1</b> New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place	<b>Not Applicable</b>
<b>4R-2</b> Adapted buildings provide residential amenity while not precluding future adaptive reuse	
<b>4S Mixed Use</b>	
<b>4S-1</b> Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement	<b>Complies</b> As noted earlier, the proposal is categorised as a mixed use development over 2 x existing lots. However the proposal has been designed to allow each land use to operate independently without minimal impact on each other.
<b>4S-2</b> Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents	
<b>4Q Universal Design</b>	
<b>4Q-1</b> Universal design features are included in apartment design to promote flexible housing for all community members	<b>Complies</b> Apartment layouts are generously apportioned and flexible.
<b>4Q-2</b> A variety of apartments with adaptable designs are provided	
<b>4Q-3</b> Apartment layouts are flexible and accommodate a range of lifestyle needs	
<b>4U Energy Efficiency</b>	
<b>4U-1</b> Development incorporates passive environmental design	<b>Complies</b> The BASIX Certificate provided with the application identifies that the proposed development achieves the required levels of thermal comfort. The proposed development also satisfies natural ventilation and solar access criteria.
<b>4U-2</b> Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer	
<b>4U-3</b> Adequate natural ventilation minimises the need for mechanical ventilation	
<b>4V Water Management and Conservation</b>	
<b>4V-1</b> Potable water use is minimised	<b>Complies</b> 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.
<b>4V-2</b> Urban stormwater is treated on site before being discharged to receiving waters	
<b>4V-3</b> Flood management systems are integrated into site design	

<b>4W Waste Management</b>	
<b>4W-1</b> Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.	<b>Complies</b> The residential waste facilities are incorporated into the design of development and are not readily visible from the public domain. A separate residential waste room is provided in the basement level 1 (north).
<b>4W-2</b> Domestic waste is minimised by providing safe and convenient source separation and recycling	
<b>4X Building Maintenance</b>	
<b>4X-1</b> Building design detail provides protection from weathering	<b>Complies</b> The proposal incorporates overhangs to protect walls and openings. The proposed external walls are constructed of robust and durable materials.

**ATTACHMENT 3 – CHILD CARE PLANNING GUIDELINE (CCPG) COMPLIANCE TABLE**

**Child Care Planning Guideline (CCPG) Compliance Table**

Child Care Planning Guideline 2017		
3.1 Site Selection and Location		
Objective	Considerations	Comment
To ensure that appropriate zone considerations are assessed when selecting a site.	<p>For proposed developments in or adjacent to a residential zone, consider:</p> <ul style="list-style-type: none"> <li>the acoustic and privacy impacts of the proposed development on the residential properties</li> <li>the setbacks and siting of buildings within the residential context</li> <li>traffic and parking impacts of the proposal on residential amenity</li> </ul>	<p><b>Complies</b></p> <p>Acoustic Impact Assessment report prepared by Acoustic, Vibration &amp; Noise Pty Ltd, (report no: 2018-385 Rev 1) dated 8 July 2020 is submitted and acoustic treatment are recommended to mitigate potential noise emission. The proposed development is unlikely to result in adverse impacts subject to these recommendations. Setbacks and siting of the development is suitable.</p> <p><b>Complies</b></p> <p>Traffic &amp; access impact assessment prepared by Development Engineering Solutions Pty Ltd of has been reviewed by Council's traffic engineer who raised no objection to the proposal subject to conditions.</p>
	<p>For proposed developments on school, TAFE or university sites in Special Purpose zones, consider:</p> <ul style="list-style-type: none"> <li>the compatibility of the proposal with the operation of the institution and its users</li> <li>the proximity of the proposed facility to other uses on the site, including premises licensed for alcohol or gambling</li> <li>proximity to sources of noise, such as places of entertainment or mechanical workshops</li> <li>proximity to odours, particularly at agricultural</li> </ul>	<p><b>Complies.</b></p> <p>The proposed development is located in a R4 High Density Residential zone.</p> <p>The proposed development is surrounded by residential zones and is not located in proximity to restricted premises such as licensed venues for service of alcohol and gambling.</p> <p>It is worth noting that the closest licensed venue is Moorebank Hotel (Stockton Avenue in the B2 zone) which is within 200m radius of the site. However, the site is located on the other side</p>

	<p>institutions</p> <ul style="list-style-type: none"> <li>previous uses of a premises such as scientific, medical or chemical laboratories, storage areas and the like.</li> </ul>	<p>of the block between Stockton Avenue and Thompson Avenue and is not visible from the hotel and has no direct access to Stockton Avenue (refer to <b>Figure 2</b> of this report).</p> <p>The site is not located in proximity to agricultural institutions or areas that would contain previous uses that include medical or chemical laboratories.</p>
<p><i>To ensure that the site selected for a proposed child care facility is suitable for the use.</i></p>	<p>When selecting a site, ensure that:</p> <ul style="list-style-type: none"> <li>the location and surrounding uses are compatible with the proposed development or use</li> </ul>	<p><b>Complies</b></p> <p>The site is zoned R4 and child care centres are permitted in the zone with consent.</p>
	<ul style="list-style-type: none"> <li>the site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards</li> </ul>	<p>The site is not located in a flood zone and/or bushfire prone land and is not located within a land slip or coastal area.</p>
	<ul style="list-style-type: none"> <li>there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed</li> </ul>	<p><b>Complies.</b></p> <p><b>Refer to detailed assessment under SEPP 55.</b></p>
	<ul style="list-style-type: none"> <li>the characteristics of the site are suitable for the scale and type of development proposed having regard to: <ul style="list-style-type: none"> <li>- size of street frontage, lot configuration, dimensions and overall size</li> <li>- number of shared boundaries with residential properties</li> <li>- the development will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas</li> </ul> </li> </ul>	<p>The development is unlikely to have adverse environmental impact on the surrounding area.</p>
	<ul style="list-style-type: none"> <li>where the proposal is to occupy or retrofit an existing premises, the interior and exterior spaces are suitable for the proposed use</li> </ul>	<p><b>Not Applicable</b></p>

	<ul style="list-style-type: none"> <li>there are suitable drop off and pick up areas, and off and on street parking <b>1 space per staff + 1 space per 10 child + service van</b></li> </ul>	<p><b>Complies.</b></p> <p>18 car parking spaces are provided on site and considered suitable for drop off and pick up. 1 x space can be provided for a service van within Basement Level 1.</p> <p>Council's traffic engineer raised no objection to the proposal in this regard.</p>
	<ul style="list-style-type: none"> <li>the type of adjoining road (for example classified, arterial, local road, cul-de-sac) is appropriate and safe for the proposed use</li> </ul>	<p>The adjoining road is considered safe for the proposed use.</p>
	<ul style="list-style-type: none"> <li>it is not located closely to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises</li> </ul>	<p>The site is not in a close vicinity of restricted premises and the like.</p> <p>As noted earlier, Moorebank Hotel (Stockton Avenue in the B2 zone) is within 200m radius of the site. However, the site is located on the other side of the block between Stockton Avenue and Thompson Avenue and is not visible from the hotel and has no direct access to Stockton Avenue (refer to <b>Figure 2</b> of this report).</p>
<p><i>To ensure that sites for child care facilities are appropriately located.</i></p>	<p>A child care facility should be located:</p> <ul style="list-style-type: none"> <li>near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship</li> </ul>	<p>The site is located on a site owned by an education establishment, namely Nuwarra Public school.</p>
	<ul style="list-style-type: none"> <li>near or within employment areas, town centres, business centres, shops</li> </ul>	<p>Moorebank shopping centre is located approximately 150m east from the subject site. The shops are mixed in use comprising of food and drink and retail premises.</p>
	<ul style="list-style-type: none"> <li>with access to public transport including rail, buses, ferries</li> </ul>	<p>Public buses run on Maddecks Avenue (south) and can be accessed via public transport.</p>
	<ul style="list-style-type: none"> <li>In areas with pedestrian connectivity to the local community, businesses,</li> </ul>	<p>The proposal is considered acceptable in this regard.</p>

	shops, services and the like.	
<i>To ensure that sites for child care facilities do not incur risks from environmental, health or safety hazards</i>	<p>A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from:</p> <ul style="list-style-type: none"> <li>proximity to: <ul style="list-style-type: none"> <li>heavy or hazardous industry, waste transfer depots or landfill sites</li> <li>LPG tanks or service stations</li> <li>water cooling and water warming systems - odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses</li> </ul> </li> </ul>	The site is not located in close proximity to heavy or hazardous industries, service stations, LPG tanks or water cooling systems.
<b>3.2 Local character, streetscape and the public domain interface</b>		
<i>To ensure that the child care facility is compatible with the local character and surrounding streetscape.</i>	The proposed development should:	<b>Complies</b>
	<ul style="list-style-type: none"> <li>contribute to the local area by being designed in character with the locality and existing streetscape</li> </ul>	The childcare centre design is considered as residential style finishes.
	<ul style="list-style-type: none"> <li>reflect the predominant form of surrounding land uses, particularly in low density residential areas</li> </ul>	The proposed childcare centre is design to compliment the surrounding land uses.
	ecognise predominant streetscape qualities, such as building form, scale, materials and colours	The outer materials includes various wall render, brick and colourbond roof sheeting to integrate with the existing streetscape.
	<ul style="list-style-type: none"> <li>include design and architectural treatments that respond to and integrate with the existing streetscape</li> </ul>	The proposed design and architectural treatments are suitable and integrate with the existing streetscape.
	<ul style="list-style-type: none"> <li>use landscaping to positively contribute to the streetscape and neighbouring amenity</li> </ul>	Landscaping are proposed in the outdoor play area and within the front setback of the site.
<ul style="list-style-type: none"> <li>Integrate car parking into the building and site landscaping design in residential areas.</li> </ul>	Car park is located within the basement.	

<p><i>To ensure clear delineation between the child care facility and public spaces.</i></p>	<p>Create a threshold with a clear transition between public and private realms, including:</p> <ul style="list-style-type: none"> <li>fencing to ensure safety for children entering and leaving the facility</li> </ul>	<p>The overall design includes landscaping, fencing and windows facing Thompson Avenue.</p> <p>It is considered to be a clear delineation between the childcare facility and public domain/RFB.</p>
	<ul style="list-style-type: none"> <li>windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community</li> </ul>	<p>Windows are proposed facing towards Thompson Avenue which allow passive surveillance to the street.</p>
	<ul style="list-style-type: none"> <li>Integrating existing and proposed landscaping with fencing.</li> </ul>	<p>Landscape plan submitted which illustrates integration of landscape and fencing.</p>
	<p>On sites with multiple buildings and/or entries, pedestrian entries and spaces associated with the child care facility should be differentiated to improve legibility for visitors and children by changes in materials, plant species and colours.</p>	<p>The proposed childcare provides a driveway ramp to the basement car park.</p> <p>Pedestrian paths are also provided and do not impede on vehicle access.</p>
	<p>Where development adjoins public parks, open space or bushland, the facility should provide an appealing streetscape frontage by adopting some of the following design solutions:</p> <ul style="list-style-type: none"> <li>Clearly defined street access, pedestrian paths and building entries.</li> </ul>	<p><b>Complies</b></p> <p>The proposed childcare provides a driveway ramp to the basement car park.</p> <p>Pedestrian paths are also provided and do not impede on vehicle access.</p>
	<ul style="list-style-type: none"> <li>Low fences and planting which delineate communal/private open space from adjoining public open space</li> </ul>	<p>Landscape plan submitted which includes a variety of trees, shrubs and groundcovers.</p>
	<ul style="list-style-type: none"> <li>Minimal use of blank walls and high fences.</li> </ul>	<p>Acceptable.</p>
<p><i>To ensure that front fences and retaining walls respond to and complement the context and character of the area and do not dominate the public domain.</i></p>	<p>Front fences and walls within the front setback should be constructed of visually permeable materials and treatments. Where the site is listed as a heritage item, adjacent to a heritage item or within a conservation area front</p>	<p><b>Complies.</b></p> <p>The site is not listed as a heritage item in Schedule 5 of Liverpool LEP 2008.</p> <p>The proposed fencing will not detract from the public domain.</p>

	<p>fencing should be designed in accordance with local heritage provisions.</p> <p>High solid acoustic fencing may be used when shielding the facility from noise on classified roads. The walls should be setback from the property boundary with screen landscaping of a similar height between the wall and the boundary.</p>	<p>.</p>
<b>3.3 Building orientation, envelope and design</b>		
<p><i>To respond to the streetscape and site, while optimising solar access and opportunities for shade.</i></p>	<p>Orient a development on a site and design the building layout to:</p> <ul style="list-style-type: none"> <li>• ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by: <ul style="list-style-type: none"> <li>- facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties</li> <li>- placing play equipment away from common boundaries with residential properties</li> <li>- locating outdoor play areas away from residential dwellings and other sensitive uses</li> </ul> </li> </ul>	<p>The design is orientated towards the east-west.</p> <p>The external play areas are proposed around the centre and has compliant setbacks to allow noise buffer from residential dwellings and other sensitive uses.</p> <p>The submitted acoustic assessment have taken into consideration future residents south to the site and have recommended for a solid 2.1m high acoustic fence (south-eastern and south-western boundaries of the site adjacent to the outdoor play areas) and 1.8m high barriers with a 1.2 meter gap free glass or Perspex over 600mm deep planter box are proposed along the perimeter of the first floor outdoor play area (acoustic report).</p>
	<ul style="list-style-type: none"> <li>• optimise solar access to internal and external play areas</li> </ul>	<p>The building is designed to have solar access to internal and external play areas.</p>
	<ul style="list-style-type: none"> <li>• avoid overshadowing of adjoining residential properties</li> </ul>	<p>The proposed building has been designed to minimise overshadowing.</p>
	<ul style="list-style-type: none"> <li>• minimise cut and fill</li> </ul>	<p>To be conditioned.</p>
	<ul style="list-style-type: none"> <li>• Ensure buildings along the street frontage define the street by facing it.</li> </ul>	<p>The proposed building is designed so that it addresses the street frontage.</p>
	<ul style="list-style-type: none"> <li>• Ensure that where a child care facility is located above</li> </ul>	<p>Acceptable.</p>



	ground level, outdoor play areas are protected from wind and other climatic conditions.	
<i>To ensure that the scale of the child care facility is compatible with adjoining development and the impact on adjoining buildings is minimised.</i>	The following matters may be considered to minimise the impacts of the proposal on local character: <ul style="list-style-type: none"> <li>• building height should be consistent with other buildings in the locality</li> </ul>	The scale of the childcare facility is compatible with adjoining development and the impact on adjoining buildings is minimised.  Following methods are considered:  1)The external wall height of 8m (9.2m for the lift overrun) to the will be consistent with the future residential dwelling on adjoining properties. 2)The childcare centre is 2 storeys.
	<ul style="list-style-type: none"> <li>• building height should respond to the scale and character of the street</li> </ul>	The building height of the childcare centre does not exceed height limits and is within the scale and character of the street.
	<ul style="list-style-type: none"> <li>• setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility</li> </ul>	The proposed childcare centre is setback from surrounding residential areas.
	<ul style="list-style-type: none"> <li>• setbacks should provide adequate access for building maintenance</li> </ul>	The proposed childcare centre complies with the minimum setbacks required from side and rear boundaries to allow access for building maintenance.
	<ul style="list-style-type: none"> <li>• Setbacks to the street should be consistent with the existing character.</li> </ul>	Setbacks to boundaries comply and is consistent with the existing character of the site.
<i>To ensure that setbacks from the boundary of a child care facility are consistent with the predominant development within the immediate context.</i>	Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres. On other road frontages where there are existing buildings within 50 metres, the setback should be the average of the two closest buildings. Where there are no buildings within 50 metres, the same setback is required for the predominant adjoining land use.  On land in a residential zone,	The subject site is zoned R4 High Density Residential, but it shares the southern boundary with R3 Medium Density zone.  Although the area, particularly sites to the south, is relatively undeveloped as per the objectives of the R3 Zone, it is expected that it will undergo a change to multi-dwelling housing.  Therefore, reference was made

	<p>side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.</p>	<p>to the development controls in Part 3.6 to get an indication of acceptable setbacks.</p> <p>Part 3.6 indicates that multi dwelling requires a front setback of 4.5m – 5.5m, side setbacks of 1.2m – 4m and rear setback of 4.0 to 6.0m.</p> <p>The development proposes setbacks of up to 10 metres from the street and more than 4m from the side and rear boundaries. The childcare centre is considered to be adequately setback.</p>
<p><i>To ensure that the built form, articulation and scale of development relates to its context and buildings are well designed to contribute to an area's character.</i></p>	<p>The built form of the development should contribute to the character of the local area, including how it:</p> <ul style="list-style-type: none"> <li>• respects and responds to its physical context such as adjacent built form, neighbourhood character, streetscape quality and heritage</li> </ul>	<p>The built form of the development is considered satisfactory.</p> <p>Entrance oriented towards Thompson Avenue with the building façade articulated.</p>
	<ul style="list-style-type: none"> <li>• contributes to the identity of the place</li> </ul>	<p>The proposed childcare centre contributes to the identity of the site through appropriate design and built form.</p>
	<ul style="list-style-type: none"> <li>• retains and reinforces existing built form and vegetation where significant</li> </ul>	<p>Landscape plan provided illustrate proposed species of trees.</p>
	<ul style="list-style-type: none"> <li>• considers heritage within the local neighbourhood including identified heritage items and conservation areas</li> </ul>	<p>No known heritage items and/or conservations areas within the site.</p>
	<ul style="list-style-type: none"> <li>• responds to its natural environment including local landscape setting and climate</li> </ul>	<p>Landscape plan shows variety of species that complement the local landscape setting and climate.</p>
<p><i>To ensure that buildings are designed to create safe environments for all users.</i></p>	<p>Entry to the facility should be limited to one secure point which is:</p> <ul style="list-style-type: none"> <li>• located to allow ease of access, particularly for pedestrians</li> </ul>	<p>There is direct and safe access for pedestrians from the basement car park to the ground and first floor.</p>

	<ul style="list-style-type: none"> <li>• directly accessible from the street where possible</li> </ul>	There is direct access from the street to the entrance of the childcare centre.
	<ul style="list-style-type: none"> <li>• directly visible from the street frontage</li> </ul>	Windows and doors are oriented to Thompson Avenue providing public surveillance
	<ul style="list-style-type: none"> <li>• easily monitored through natural or camera surveillance</li> </ul>	There is adequate surveillance to children.
	<ul style="list-style-type: none"> <li>• not accessed through an outdoor play area.</li> </ul>	No entrance is provided at the rear outdoor play area
	<ul style="list-style-type: none"> <li>• In a mixed-use development, clearly defined and separate from entrances to other uses in the building.</li> </ul>	The childcare centre provides clearly defined and separate entry from the RFB.
<i>To ensure that the child care facilities are designed to be accessible by all potential users.</i>	<p>Accessible design can be achieved by:</p> <ul style="list-style-type: none"> <li>• providing accessibility to and within the building in accordance with all relevant legislation</li> </ul>	<p>The proposed site is accessible for all user.</p> <ul style="list-style-type: none"> <li>• Public buses run through Maddecks Avenue.</li> <li>• Access for disabled and prams is provided via the basement to the first floor.</li> </ul>
	<ul style="list-style-type: none"> <li>• linking all key areas of the site by level or ramped pathways that are accessible to prams and wheelchairs, including between all car parking areas and the main building entry</li> </ul>	Accessible ramps are proposed and connect with the carpark and entrance to the main building entry of the childcare centre. Lifts are provided to the first floor level.
	<ul style="list-style-type: none"> <li>• Providing a continuous path of travel to and within the building, including access between the street entry and car parking and main building entrance. Platform lifts should be avoided where possible</li> </ul>	There is a continuous path of travel from the building entrance to the carpark.
	<ul style="list-style-type: none"> <li>• Minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath.</li> </ul>	The site is relatively flat and does not require access ramp for the ground floor level.
<b>3.4 Landscaping</b>		
<i>To provide landscape design that contributes to the</i>	Appropriate planting should be provided along the boundary integrated with fencing. Screen	

<i>streetscape amenity.</i>	<i>and</i>	planting should not be included in calculations of unencumbered outdoor space. Use the existing landscape where feasible to provide a high quality landscaped area by: <ul style="list-style-type: none"> <li>• reflecting and reinforcing the local context</li> <li>• incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping.</li> </ul>	<p>The proposed childcare centre is designed so that it is within the local context.</p> <p>The submitted Landscape plan shows a variety of tree species located within the front, rear and southern setbacks of the site.</p>
		Incorporate car parking into the landscape design of the site by: <ul style="list-style-type: none"> <li>• planting shade trees in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings</li> </ul>	<p><b>Not Applicable</b></p> <p>Basement car park is proposed.</p>
		aking into account streetscape, local character and context when siting car parking areas within the front setback	<p><b>Not Applicable</b></p> <p>Basement car park is proposed.</p>
		<ul style="list-style-type: none"> <li>• using low level landscaping to soften and screen parking areas.</li> </ul>	<p><b>Not Applicable</b></p> <p>Basement car park is proposed.</p>
<b>3.5 Visual and acoustic privacy</b>			
<i>To protect the privacy and security of children attending the facility.</i>		Open balconies in mixed use developments should not overlook facilities nor overhang outdoor play spaces.	The building has been adequately setback from the site to the south.
		Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through: <ul style="list-style-type: none"> <li>• appropriate site and building layout</li> </ul>	Also, landscaping and fencing maximise privacy within the subject site and to adjoining properties.
		<ul style="list-style-type: none"> <li>• suitably locating pathways, windows and doors</li> </ul>	Pathways, windows and doors are located in appropriate areas.
		<ul style="list-style-type: none"> <li>• permanent screening and landscape design.</li> </ul>	There is sufficient screening between the indoor and outdoor play areas.
<i>To minimise the impacts on privacy of adjoining properties.</i>		Minimise direct overlooking of main internal living areas and private open spaces in	

	<p>adjoining developments through:</p> <ul style="list-style-type: none"> <li>• appropriate site and building layout</li> </ul>	As above
	<ul style="list-style-type: none"> <li>• suitable location of pathways, windows and doors</li> </ul>	As above
	<ul style="list-style-type: none"> <li>• landscape design and screening.</li> </ul>	As above
<p><i>To minimise the impact of child care facilities on the acoustic privacy of neighbouring residential developments.</i></p>	<p>A new development, or development that includes alterations to more than 50 per cent of the existing floor area, and is located adjacent to residential accommodation should:</p> <ul style="list-style-type: none"> <li>• provide an acoustic fence along any boundary where the adjoining property contains a residential use. (An acoustic fence is one that is a solid, gap free fence).</li> </ul>	<p><b>Deemed to satisfy (by conditions)</b></p> <p>Acoustic assessment recommended construction of a a solid 2.1m high acoustic fence (south-eastern and south-western boundaries of the site adjacent to the outdoor play areas) and 1.8m high barriers with a 1.2 meter gap free glass or Perspex over 600mm deep planter box along the perimeter of the first floor outdoor play area (acoustic report).</p>
	<ul style="list-style-type: none"> <li>• ensure that mechanical plant or equipment is screened by solid, gap free material and constructed to reduce noise levels e.g. acoustic fence, building, or enclosure.</li> </ul>	<p>Mechanical Plant and Equipment shall be selected at CC stage.</p> <p>Conditions shall be imposed to ensure mechanical plant and equipment do not exceed noise levels as outlined in the submitted Acoustic Assessment.</p>
	<p>A suitably qualified acoustic professional should prepare an acoustic report which will cover the following matters:</p> <ul style="list-style-type: none"> <li>• identify an appropriate noise level for a child care facility located in residential and other zones</li> </ul>	<p>An acoustic Impact Assessment report prepared by Acoustic, Vibration &amp; Noise Pty Ltd, (report no: 2018-385 Rev 1) dated 8 July 2020 has been submitted and reviewed by Council's Environmental Health section.</p> <p>EH supports the proposal and recommended conditions to include in any consent.</p>
	<ul style="list-style-type: none"> <li>• determine an appropriate background noise level for outdoor play areas during times they are proposed to be in use</li> </ul>	See above

	<ul style="list-style-type: none"> <li>determine the appropriate height of any acoustic fence to enable the noise criteria to be met.</li> </ul>	See above
<b>3.6 Noise and air pollution</b>		
<i>To ensure that outside noise levels on the facility are minimised to acceptable levels.</i>	<p>Adopt design solutions to minimise the impacts of noise, such as:</p> <ul style="list-style-type: none"> <li>creating physical separation between buildings and the noise source</li> </ul>	<p>An acoustic Impact Assessment report prepared by Acoustic, Vibration &amp; Noise Pty Ltd, (report no: 2018-385 Rev 1) dated 8 July 2020 has been submitted and reviewed by Council's Environmental Health section.</p> <p>EH supports the proposal and recommended conditions to include in any consent.</p>
	<ul style="list-style-type: none"> <li>orienting the facility perpendicular to the noise source and where possible buffered by other uses</li> </ul>	See above
	<ul style="list-style-type: none"> <li>using landscaping to reduce the perception of noise</li> </ul>	Landscape within the outdoor area proposed.
	<ul style="list-style-type: none"> <li>using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens)</li> </ul>	Conditions can be imposed relating to implementation of noise mitigation measures.
	<ul style="list-style-type: none"> <li>using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits</li> </ul>	See above.
	<ul style="list-style-type: none"> <li>Locating cot rooms, sleeping areas and play areas away from external noise sources.</li> </ul>	Sleeping rooms are located away from noise sources such as basement car park and mechanical plant and equipment. The room is also located away from the street frontage.
	<p>An acoustic report should identify appropriate noise levels for sleeping areas and other non-play areas and examine impacts and noise attenuation measures where a child care facility is proposed in any of the following locations:</p> <ul style="list-style-type: none"> <li>on industrial zoned land</li> </ul>	Proposed childcare centre is not located on industrial zoned land.

	<ul style="list-style-type: none"> <li>• where the ANEF contour is between 20 and 25, consistent with AS 2021 – 2000</li> </ul>	Proposed childcare centre is not located under a flight path.
	<ul style="list-style-type: none"> <li>• along a railway or mass transit corridor, as defined by State Environmental Planning Policy (Infrastructure) 2007</li> </ul>	Proposed childcare centre is not located adjacent to a rail or road corridor.
	<ul style="list-style-type: none"> <li>• on a major or busy road other land that is impacted by substantial external noise</li> </ul>	Proposed childcare centre is not located adjacent to a major or busy road.
<p><i>To ensure air quality is acceptable where child care facilities are proposed close to external sources of air pollution such as major roads and industrial development.</i></p>	<p>Locate child care facilities on sites which avoid or minimise the potential impact of external sources of air pollution such as major roads and industrial development.</p> <p>A suitably qualified air quality professional should prepare an air quality assessment report to demonstrate that proposed child care facilities close to major roads or industrial developments can meet air quality standards in accordance with relevant legislation and guidelines. The air quality assessment report should evaluate design considerations to minimise air pollution such as:</p> <ul style="list-style-type: none"> <li>• creating an appropriate separation distance between the facility and the pollution source. The location of play areas, sleeping areas and outdoor areas should be as far as practicable from the major source of air pollution</li> </ul>	<p>Proposed child care centre is not located adjacent to major roads or industrial development. Therefore, no air quality assessment report is required.</p>
	<ul style="list-style-type: none"> <li>• Using landscaping to act as a filter for air pollution generated by traffic and industry. Landscaping has the added benefit of improving aesthetics and minimising visual intrusion from an adjacent roadway</li> </ul>	Landscape plan submitted.
	<ul style="list-style-type: none"> <li>• Incorporating ventilation design into the design of the</li> </ul>	Natural cross ventilation to the childcare centre provided.

	facility.	
<b>3.7 Hours of operation</b>		
<i>To minimise the impact of the child care facility on the amenity of neighbouring residential developments.</i>	<p>Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays. The hours of operation of the proposed child care facility may be extended if it adjoins or is adjacent to non-residential land uses.</p> <p>Within mixed use areas or predominantly commercial areas, the hours of operation for each child care facility should be assessed with respect to its compatibility with adjoining and co-located land uses.</p>	The proposed hours are Monday to Friday, 7:00am to 7:00pm. No operation on Saturdays, Sundays and Public Holidays.
<b>3.8 Traffic, parking and pedestrian circulation</b>		
<i>To provide parking that satisfies the needs of users and demand generated by the centre.</i>	<p>Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land.</p> <p>A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised. The study should also address any proposed variations to parking rates and demonstrate that:</p> <ul style="list-style-type: none"> <li>the amenity of the surrounding area will not be affected</li> <li>there will be no impacts on the safe operation of the surrounding road network.</li> </ul>	<p><b>Complies</b></p> <p>Traffic &amp; access impact assessment prepared by Development Engineering Solutions Pty Ltd of has been reviewed by Council's traffic engineer who raised no objection to the proposal subject to conditions.</p>
<i>To provide vehicle access from the street in a safe environment that does not disrupt traffic flows.</i>	<p>Alternate vehicular access should be provided where child care facilities are on sites fronting: a classified road.</p> <ul style="list-style-type: none"> <li>roads which carry freight traffic or transport dangerous goods or hazardous materials.</li> </ul>	<p><b>Complies</b></p> <p>Traffic &amp; access impact assessment prepared by Development Engineering Solutions Pty Ltd of has been reviewed by Council's traffic engineer who raised no</p>



	<p>The alternate access must have regard to:</p> <ul style="list-style-type: none"> <li>the prevailing traffic conditions</li> <li>pedestrian and vehicle safety including bicycle movements</li> <li>the likely impact of the development on traffic.</li> </ul> <p>Child care facilities proposed within cul-de-sacs or narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the wider locality in times of emergency.</p>	<p>objection to the proposal subject to conditions.</p> <p>Vehicular access to the site is considered to be suitable in the location proposed.</p>
<p><i>To provide a safe and connected environment for pedestrians both on and around the site.</i></p>	<p>The following design solutions may be incorporated into a development to help provide a safe pedestrian environment:</p> <ul style="list-style-type: none"> <li>separate pedestrian access from the car park to the facility</li> </ul>	<p>Pedestrian access is separate from the basement car park to the facility.</p>
	<ul style="list-style-type: none"> <li>defined pedestrian crossings included within large car parking areas</li> </ul>	<p><b>Not Applicable</b></p>
	<ul style="list-style-type: none"> <li>separate pedestrian and vehicle entries from the street for parents, children and visitors</li> </ul>	<p>Vehicle and pedestrian access to the childcare centre are separate.</p>
	<ul style="list-style-type: none"> <li>pedestrian paths that enable two prams to pass each other</li> </ul>	<p>Pedestrian's paths are 2m wide and is able to accommodate two prams to pass each other (by condition).</p>
	<ul style="list-style-type: none"> <li>delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities</li> </ul>	<p>Delivery and loading area is located away from pedestrian pathways and is located within the basement.</p>
	<ul style="list-style-type: none"> <li>in commercial or industrial zones and mixed use developments, the path of travel from the car parking to the centre entrance physically separated from any truck circulation or parking areas</li> </ul>	<p>The proposed childcare centre is not located in a commercial or industrial zoned land.</p>
	<ul style="list-style-type: none"> <li>Vehicles can enter and leave the site in a forward</li> </ul>	<p>Vehicles can enter and leave the site in a forward direction.</p>

	direction.	
	Car parking design should: <ul style="list-style-type: none"> <li>include a child safe fence to separate car parking areas from the building entrance and play areas</li> </ul>	Fence proposed between the driveway ramp to the basement car park and building entrance.
	<ul style="list-style-type: none"> <li>include wheelchair and pram accessible parking.</li> </ul>	Disability space proposed and in proximity to the lift.

**ATTACHMENT 4 – GREATER METROPOLITAN REGIONAL ENVIRONMENTAL PLAN NO. 2 – GEORGES RIVER CATCHMENT (DEEMED SEPP)**

<b>Clause 8 General Principles</b>	<b>Comment</b>
(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 impact.
(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. The site is located in an area nominated for high density residential development.
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.
<b>Clause 9 Specific Principles</b>	<b>Comment</b>
(1) Acid sulfate soils	The land is not identified as containing Acid Sulfate Soils
(2) Bank disturbance	No bank disturbance.

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(3) Flooding	The land is not identified as being affected by flooding.
(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.
(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 5 – LIVERPOOL DCP 2008 COMPLIANCE TABLE**

**Note:** The provisions contained in SEPP 65 – Design Quality of Residential Apartment Development with supporting ADG and SEPP (Educational Establishments and Child Care Facilities) 2017 with supporting CCPG take precedence over the development standards and DCP requirements contained in LDCP LEP and 2008. Both SEPPs state that *“In the event of an inconsistency between this policy (SEPP) and another environmental planning instrument, whether made before or after this policy (SEPP), this policy (SEPP) prevails to the extent of the inconsistency”*.

**LDCP 2008 - Part 1 General Controls for All Development**

Development Control	Proposal	Comment
<b>PART 1 – General Controls For All Development</b>		
2. Tree Preservation	The site does not contain any significant vegetation.	<b>N/A</b>
3. Landscaping	The Landscape Plans show the location and design of these areas by a qualified landscape architect. A condition of consent will require that these areas are appropriately planted and maintained.	<b>Complies</b>
4. Bushland And Fauna Habitat Preservation	The site does not include any significant native vegetation.	<b>N/A</b>
5. Bush Fire Risk	The site is not identified as bush fire prone.	<b>N/A</b>
6. Water Cycle Management	Stormwater runoff shall be connected to Council’s drainage system via an on-site detention system. A stormwater drainage concept plan has been submitted and referred to Council’s Land and Development Engineers who raised no objections subject to the imposition of condition.	<b>Complies</b>
7. Development Near A Watercourse	The subject site is not within 40m of a watercourse.	<b>N/A</b>
8. Erosion And Sediment Control	Soil and erosion measures reviewed by Council Engineers and conditions of consent imposed.	<b>Complies</b>
9. Flooding Risk	The site is not affected by flood planning area and flood related development controls do not apply.	<b>N/A</b>
10. Contamination Land Risk	The site is unlikely to be contaminated and thus no remediation is required for the proposed works.	<b>Complies</b>
11. Salinity Risk	Site is not identified as being Salinity Risk.	<b>N/A</b>
12. Acid Sulfate Soils	Site is not identified as affected by Acid Sulfate Soils	<b>N/A</b>
13. Weeds	Site is not affected by Weeds	<b>N/A</b>
14. Demolition Of Existing Development	Demolition of existing structures is to comply with the relevant standards.	<b>Complies</b>
15. On-Site Sewerage Disposal	Not proposed.	<b>N/A</b>
16. Aboriginal Archaeological Sites	The proposal does not impact on any known aboriginal heritage.	<b>N/A</b>
17. Heritage And Archaeological Sites	Not identified as a heritage listed site and not in the vicinity of a heritage item.	<b>N/A</b>
18. Notification Of	The application was notified in accordance with	<b>Complies</b>

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Applications	the LDCP 2008 from 21 November 2019 to 6 December 2019.	
20. Car-parking And Access	<p>Council's Traffic Engineer has reviewed the proposal and has provided a detailed car parking assessment as follows:</p> <p><i>"Parking rates based on LDCP 2008 are as follows:</i></p> <p><i>1 space per staff plus 1 space per 10 children</i>  <i>1 space per small dwelling (&lt; 65sqm) or 1 bedroom</i>  <i>1.5 spaces per medium dwelling (65 - 110sqm) or 2 bedrooms</i>  <i>2 spaces per large dwelling (&gt; 110sqm) or 3 or more bedrooms</i>  <i>1 visitor car space for every 4 dwellings or part thereof</i></p> <p><i>Total parking required = 32 spaces</i></p> <p><u><i>Total parking proposed = 32 spaces</i></u></p> <p><i>Hence parking provision complies with the DCP."</i></p> <p><b>Note:</b> The proposal has been amended to provide 2 x visitor car spaces for the RFB.</p>	<b>Complies</b>
21.Subdivision Of Land And Buildings	None Proposed.	<b>N/A</b>
22. Water Conservation	To comply with BCA requirements and BASIX	<b>Complies</b>
23.Energy Conservation	To comply with BCA requirements and BASIX	<b>Complies</b>
24.Landfill	None Proposed	<b>N/A</b>
25.Waste Disposal And Re-Use	<p>Management during construction and on-going waste.</p> <p>During Construction:  A waste management plan (WMP) has been submitted. Conditions of consent will be imposed to ensure that compliance with the WMP is achieved during construction.  On-going Waste Management is dealt with in Part 3.7 and Part 3.8 of the LDCP 2008.</p>	<b>Complies</b>
26.Outdoor Advertising	No signage proposed	<b>N/A</b>
27. Social Impact Assessment	A Social Impact Assessment was not required to be reviewed by Council's Community Planner.	<b>N/A</b>

## LDCP 2008 - Part 3.7 Residential Flat Buildings in the R4 Zone

Development Control	Provision	Comment
<b>Frontage and Site Area</b>		
	Minimum frontage of 24m	<b>Complies</b> The site provides for a frontage of 27m (curvilinear width) to Thompson Avenue.
<b>Site Planning</b>		
	The building should relate to the site's topography with minimal earthworks, except for basement car parking.	<b>Complies</b> The extent of earthworks required for the basement is not considered excessive and is considered acceptable, subject to conditions requiring a dilapidation report.
	Siting of buildings should provide usable and efficient spaces, with consideration given to energy efficiency in the building design	<b>Complies</b> Where possible, ground level private open space, balconies and windows have been orientated to the north and east to maximise solar access and improve energy efficiency of the building.
	Site layout should provide safe pedestrian, cycle and vehicle access to and from the street.	<b>Complies</b> Where possible proposed units have been orientated to address Thompson Avenue providing opportunities for casual surveillance of pedestrian pathways, the driveway and the street.
	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.	<b>Complies</b> The development is in accordance with the objectives of the R4 high density residential zone and provides for an appropriate built form and scale.
	Stormwater from the site must be able to be drained satisfactorily. Where the site falls away from the street, it may be necessary to obtain an easement over adjoining property to drain water satisfactorily to a Council stormwater system. Where stormwater drains directly to the street, there may also be a need to incorporate on-site detention of stormwater where street drainage is inadequate	<b>Complies</b> This aspect has been reviewed by Council's Land and Development Engineer officers, who have recommended approval subject to conditions.
	The development will need to satisfy the requirements of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development.	<b>Complies</b> As demonstrated within this report, the development generally demonstrates compliance with SEPP 65 and the Apartment

Development Control	Provision	Comment
		Design Guidelines (ADG).
<b>Setbacks</b>		
<b>Front Setback</b>	Front building setback of 5.5m is required. Verandahs, eaves and other sun control devices may encroach on the front and secondary setback by up to 1m.	<b>Complies</b> The building is setback 6m from Thompson Avenue. No encroachment of front balconies over the 5.5m building line.
<b>Side Setback</b>	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)	<b>Complies</b> The side and rear setbacks of the development have been designed to achieve compliance with 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	
<b>Rear Setback</b>	Boundary to land in R4 zone: 8m building setback required for all building heights	
<b>Landscaped Area and Private Open Space</b>		
<b>Landscaped Area</b>	A minimum of 25% of the site area shall be landscaped area.	<b>Complies</b> The proposal provides 214.75sqm (35% of the RFB portion of the site) landscaping adjacent to the front, side and rear boundaries. The deep soil areas are located outside the basement footprint in accordance with the ADG associated with SEPP 65 which takes precedence over the LDCP 2008.
	A minimum of 50% of the front setback area shall be landscaped area	<b>Acceptable.</b> Greater than 50% of the front setback area to Thompson Avenue is to be landscaped in the form of garden beds, planter boxes and lawn 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.	<b>Complies</b> Landscaped areas are generally consolidated within the front, side and rear setback areas.
	Promote landscape health by supporting for a rich variety of vegetation type and size	<b>Complies (by condition).</b> A variety of native plant species are provided.
<b>Open Space</b>	Provide communal open space, which is appropriate and relevant to the	<b>Complies.</b> Communal open space areas are

Development Control	Provision	Comment
	context and the building's setting.	provided along the rear setback and the northern boundary.
	Where communal open space is provided, facilitate its use for the desired range of activities by: <ul style="list-style-type: none"> <li>- Locating it in relation to buildings to optimise solar access to dwellings.</li> <li>- Consolidating open space on the site into recognisable areas with reasonable space, facilities and landscape.</li> <li>- Designing its size and dimensions to allow for the range of uses it will contain.</li> <li>- Minimising overshadowing.</li> <li>- Carefully locating ventilation duct outlets from basement car parking.</li> </ul>	<b>Complies.</b> The ground floor communal open space areas will receive sufficient solar access and will allow for a range of activities.
	Locate open space to increase the potential for residential amenity.	<b>Complies.</b> The communal open space increases residential amenity.
<b>Private Open Space</b>	Private open space shall be provided as follows: <ul style="list-style-type: none"> <li>- 10m<sup>2</sup> for a dwelling size less than 65m<sup>2</sup></li> <li>- 12m<sup>2</sup> for a dwelling size over 65m<sup>2</sup></li> </ul>	<b>Complies.</b> 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.	<b>Complies.</b> Private terrace/courtyards 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.	<b>Complies.</b> The private open space areas are designed as an extension of the internal living rooms.
	Private open space should be clearly defined for private use.	<b>Complies.</b> Private open space areas are clearly defined.
<b>Building Design, Style and Streetscape</b>		
<b>Building Appearance and Streetscape</b>	Objectives of the controls are as follows: <ul style="list-style-type: none"> <li>a) To ensure an attractive streetscape that is consistent with the environment of residential flat buildings.</li> <li>b) To promote high architectural quality in residential flat buildings.</li> <li>c) To ensure that new developments have facades which define and enhance the public domain and desired street character.</li> <li>d) To ensure that building elements are integrated into the overall building form</li> </ul>	<b>Complies.</b> The composition of building elements, materials, textures and colours is likely to complement the future character of the area in terms of height, bulk, scale, built form and roof design. The proposed building is highly articulated and designed to suit the site and address the streetscape.



Development Control	Provision	Comment
	and facade design.	
<b>Roof Design</b>	<p>Objectives of the controls are:</p> <p>a) To provide quality roof designs, which contribute to the overall design and performance of residential flat buildings;</p> <p>b) To integrate the design of the roof into the overall facade, building composition and desired contextual response;</p> <p>c) To increase the longevity of the building through weather protection.</p>	<p><b>Complies.</b></p> <p>The proposed roof design contributes positively to the design of the building as recommended by the DEP.</p>
<b>Building Entry</b>	<p>Objectives of the controls are:</p> <p>a) To create entrances which provide a desirable residential identity for the development.</p> <p>b) To orient the visitor.</p> <p>c) To contribute positively to the streetscape and building facade design.</p>	<p><b>Complies.</b></p> <p>Entries are located to relate to the streetscape and provide an attractive and safe appearance to residents and visitors.</p>
<b>Balconies</b>	<p>Objectives of the controls are:</p> <p>a) To ensure that balconies contribute positively to the façade of a building.</p> <p>b) To ensure balconies are functional and responsive to the environment thereby promoting the enjoyment of outdoor living for dwelling residents.</p> <p>c) To ensure that balconies are integrated into the overall architectural form and detail of residential flat buildings.</p> <p>d) To contribute to the safety and liveliness of the street by allowing for casual overlooking and address.</p>	<p><b>Complies.</b></p> <p>Proposed balconies are integrated into the architectural form of the development and will complement the façade and also provide for casual surveillance.</p>
<b>Daylight Access</b>	<p>Objectives of the controls area:</p> <p>a) To ensure that daylight access is provided to all habitable rooms and encouraged in all other areas of residential flat development.</p> <p>b) To provide adequate ambient lighting and minimise the need for artificial lighting during daylight hours.</p> <p>c) To provide residents with the ability to adjust the quantity of daylight to suit their needs.</p>	<p><b>Complies.</b></p> <p>The majority of the units and the communal open space will receive adequate solar access.</p>
<b>Internal Design</b>	<p>Objectives of the controls are:</p> <p>a) To ensure that the internal design of buildings provide a pleasant environment for the occupants and residents of adjoining properties.</p>	<p><b>Complies.</b></p> <p>The building is designed with optimal amenity for future occupants, providing pleasant living spaces, solar access, and natural</p>

Development Control	Provision	Comment
		ventilation.
<b>Ground Floor Dwellings</b>	Objectives of the controls are: a) To contribute to the desired streetscape of an area and to create active safe streets. b) To increase the housing and lifestyle choices available in dwelling buildings.	<b>Complies.</b> The ground floor units will complement the streetscape and provide safe access.
<b>Security</b>	Objectives of the controls are: a) To ensure that buildings are orientated to allow surveillance from the street and adjoining buildings. b) To ensure that entrances to buildings are clearly visible and easy to locate in order to minimise the opportunities for intruders. c) To ensure buildings are safe and secure for residents and visitors. d) To contribute to the safety of the public domain.	<b>Complies.</b> The entrance to the building is clearly defined, casual surveillance opportunities are included, and the development provides a safe and secure building for future occupants and visitors.
<b>Natural Ventilation</b>	Objectives of the controls are: 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. b) To provide natural ventilation in non-habitable rooms, where possible. c) To reduce energy consumption by minimising the use of mechanical ventilation, particularly air conditioning.	<b>Complies.</b> All units have direct access to natural ventilation.
<b>Building Layout</b>	Objectives of the controls are: a) To provide variety in appearance. b) To provide increasing privacy between dwellings within the building. c) To assist with flow through ventilation. d) To improve solar access.	<b>Complies.</b> The proposed building layout is optimised for natural light and ventilation, whilst presenting an articulated presentation.
<b>Storage Areas</b>	A secure storage space is to be provided for each dwelling with a minimum volume of 8m <sup>3</sup> (minimum dimension 1m <sup>2</sup> ). This must be set aside exclusively for storage as part of the basement or garage.	<b>Complies.</b> Storage spaces are provided both within units and within the basement level.
	Storage areas must be adequately lit and secure. Particular attention must be given to security of basement and garage storage areas.	<b>Complies.</b> Storage areas within the apartment are adequately lit.

Development Control	Provision	Comment
<b>Landscaping and Fencing</b>		
<b>Landscaping</b>	<p>Objectives of the controls are:</p> <p>a) To ensure that the development uses 'soft landscaping' treatments to soften the appearance of the buildings and complement the streetscape.</p> <p>b) To ensure that the relation of landscape design is appropriate to the desired proportions and character of the streetscape.</p> <p>c) To ensure that the use of planting and landscape elements are appropriate to the scale of the development.</p> <p>a) To retain existing mature trees within the site in a way which ensures their ongoing health and vitality.</p> <p>b) To provide privacy, summer shade and allow winter sun.</p> <p>c) To encourage landscaping that is appropriate to the natural, cultural and heritage characteristics of its locality.</p> <p>d) To add value to residents' quality of life within the development in the forms of privacy, outlook and views.</p>	<p><b>Complies.</b></p> <p>The use of landscaping elements is appropriate to the scale of the development and provides a variety of native species in varying heights to complement the development.</p>
<b>Planting on Structures</b>	<p>a) To contribute to the quality and amenity of communal open space on podiums and internal courtyards.</p> <p>b) To encourage the establishment and healthy growth of trees in urban areas.</p>	<p>Not applicable as there are no plantings on structures proposed.</p>
<b>Fencing</b>	<p>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.</p> <p>Fences should not prevent surveillance by the dwelling's occupants of the street or communal areas.</p> <p>The front fence must be 30% transparent.</p> <p>Front fences shall be constructed in masonry, timber, metal pickets and/or vegetation and must be compatible with the proposed design of the dwelling.</p> <p>The maximum height of side boundary fencing within the setback to the street is 1.2m.</p> <p>Boundary fences shall be lapped and capped timber or metal sheeting.</p>	<p><b>Complies.</b></p> <p>Proposed front fence to Thompson Avenue ranges from 1.2m and is set back at intervals with landscaping as a buffer. The proposed fence is acceptable in this instance as it contributes to privacy for future ground floor level occupants whilst still maintaining visual interest.</p> <p>Overall the fence design is appropriate and will complement the building design.</p> <p><b>Complies</b>, via condition.</p> <p><b>Complies</b>, via condition.</p>

Development Control	Provision	Comment
<b>Car Parking and Access</b>		
<b>Car Parking</b>	Visitor car parking shall be clearly identified and may not be stacked car parking.	<b>Complies.</b>
	Visitor car parking shall be located between any roller shutter door and the front boundary.	<b>Refer to assessment under Part 1.20 of the LDCP 2008.</b>
	Pedestrian and driveways shall be separated.	<b>Complies.</b> Pedestrian access and driveways are separated.
	Driveways shall be designed to accommodate removalist vehicles.	<b>Acceptable.</b> The double width driveway can be made available for removalist vehicles outside the hours of operations of the childcare centre.
	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.	<b>Complies.</b>
	Give preference to underground parking	<b>Complies.</b> Parking is provided in the form of an underground basement.
<b>Pedestrian Access</b>	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.	<b>Complies.</b> Pedestrian entries are clearly defined and accessible.
<b>Amenity and Environmental Impact</b>		
<b>Over-shadowing</b>	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.	<b>Complies.</b>  Shadow diagrams of the proposed development have been prepared for 21 <sup>st</sup> June (winter solstice).  The shadow diagrams demonstrate that a reasonable amount of solar access will be afforded to the immediate sites to the east and west, between the hours of 9am to 3pm.

Development Control	Provision	Comment
<b>Privacy</b>	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.	<b>Complies.</b>  The building has been designed to generally comply with the building separation distances of the ADG, which will ensure that a reasonable amount of privacy is afforded to future development.
<b>Acoustic Impact</b>	Objectives of the controls are: a) To ensure a high level of amenity by protecting the privacy of residents within residential flat buildings.	As discussed previously within this report, the development is able to achieve a high level of amenity, subject to the implementation of noise attenuation measures.
<b>Site Services</b>		
	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.	<b>Complies.</b>  All required site services will be provided to the site and maintained.

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**LDCP 2008 - Part 3.8 Non-Residential Development in Residential Zones**

Development Control	Provision	Proposed	Comment
<b>Child Centres – Care Lot sizes</b>	The maximum number of children in any centre cannot exceed 45 for 0 – 5 years old; however Council may consider a maximum number of 60 children per centre of which 30% must be aged between 0-2.	<p><u>65 children proposed</u></p> <p>Clause 26 of the SEPP (Educational Establishment and Child Care Facility) 2017 stipulates that any provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to age, age ratios, groupings, number or the like, of children) does not apply to development for the purpose of a centre-based childcare facility.</p> <p>As such the CCPG associated with SEPP takes precedence over the LDCP 2008.</p>	<b>Acceptable</b>
Site Location	<p>1. Child care centres should be located:</p> <ul style="list-style-type: none"> <li>• In the general vicinity of primary schools, major employment areas and recreation areas;</li> </ul>	The childcare centre is located in proximity to schools and open space.	<b>Complies</b>
	<ul style="list-style-type: none"> <li>• Within the grounds of community facilities, educational facilities or churches;</li> </ul>	N/A	<b>N/A</b>
	<ul style="list-style-type: none"> <li>• Near services such as shops, medical facilities and public transport;</li> </ul>	Site is in close proximity to shops, bus stops and medical facilities.	<b>Complies</b>
	<ul style="list-style-type: none"> <li>• On streets with widths that permit adequate safe manoeuvrability of vehicles and lines of sight for pedestrians, cyclists and vehicles; and on approach streets within the road hierarchy such as on collector streets;</li> </ul>	<p>Overall design includes fencing and windows facing Thompson Avenue.</p> <p>The proposed building will have entries from the car park and is considered to be a clear delineation between the childcare centre and public domain.</p> <p>Council's traffic engineer</p>	<b>Complies</b>

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		raised no objection to the proposal in this regard.	
	<ul style="list-style-type: none"> <li>Where traffic control devices do not impede vehicular access to sites;</li> </ul>	<p>Vehicular access to the site is considered to be suitable in the location proposed.</p> <p>Council's traffic engineer raised no objection to the proposal in this regard.</p>	<b>Complies</b>
	<ul style="list-style-type: none"> <li>Where the children will not be adversely affected by lead contamination, offensive noise and air pollution.</li> </ul>	<b>Refer to detailed assessment under SEPP 55 and CCPG.</b>	<b>Complies</b>
	<ul style="list-style-type: none"> <li>Child care centres must be located and designed so as not to pose health or safety risk to children using the centre.</li> </ul>	The proposed design and architectural treatments are suitable.	<b>Complies</b>
	<p>2. Child Care Centres shall not be permitted:</p> <ul style="list-style-type: none"> <li>Adjacent to industrial activities;</li> </ul>	Childcare centre is not located adjacent to industrial zones.	<b>Complies</b>
	<ul style="list-style-type: none"> <li>Within 300m of an existing child care centre;</li> </ul>	Nearest childcare centre is 460m away (Metcalf Ave)	<b>Complies</b>
	<ul style="list-style-type: none"> <li>On classified roads;</li> </ul>	Not adjacent to classified road	<b>Complies</b>
	<ul style="list-style-type: none"> <li>Adjacent to railway lines;</li> </ul>	Not adjacent to railway lines	<b>Complies</b>
	<ul style="list-style-type: none"> <li>On streets with a carriageway width of 6.5m or less;</li> </ul>	Thomson Avenue has a width greater than 6.5m	<b>Complies</b>
	<ul style="list-style-type: none"> <li>On streets, which are cul-de-sacs;</li> </ul>	Thompson Avenue is a thorough fare with no cul-de-sacs.	<b>Complies</b>
	<ul style="list-style-type: none"> <li>On lots adjacent to a roundabout (including a proposed roundabout);</li> </ul>	No roundabouts in close proximity to the site.	<b>Complies</b>
	<ul style="list-style-type: none"> <li>In areas where aircraft noise levels exceed 25 <i>Australian Noise Exposure Forecast (ANEF)</i>;</li> </ul>	Not located in an aircraft flight path.	<b>Complies</b>
Site Planning	1. Site planning should be sensitive to site attributes such as: streetscape character; natural landform;	The building design is considered as residential style finishes and is in character to the streetscape	<b>Complies</b>

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	existing vegetation; views and land capability;	and natural landform.	
	2. The site layout should enhance the streetscape through the use of landscaping and built form;	Landscape in front setback is more than 50%.	<b>Complies</b>
	3. Site planning should enable buildings to address streets and public open spaces;	Proposed building design and architectural treatments are suitable and address Thompson Avenue.	<b>Complies</b>
	4. The site layout should ensure that the external play area is maximised and enjoys solar access;	The design is orientated towards the east-west.  The positioning of the site is east to west.  The external play areas are designed to maximise solar access.	<b>Complies</b>
	5. The site layout should contribute to personal safety and to the protection of property by permitting casual surveillance of adequately lit outdoor spaces from windows and entries;	Windows are proposed facing towards Thompson Avenue which allow passive surveillance to the street.	<b>Complies</b>
	6. In areas exposed to significant levels of off-site noise, the site layout and building forms should assist in minimising noise entry;	Site is not adjacent to noise generating premises.	<b>Complies</b>
	7. The site layout should ensure that the front entrance to the Child Care Centre is easily located and accessible;	Front entrance to the site is considered to be suitable in the location proposed.	<b>Complies</b>
	8. The layout must be designed around the site attributes such as slope; existing vegetation; land capability and/or solar access;	The building design is considered as residential style finishes and is in character to the streetscape and natural landform.	<b>Complies</b>
	9. The siting of windows of habitable rooms on the first floor shall minimise overlooking to the principal private open space of neighbouring properties;	The first floor windows on the side elevations have a minimum 6m setback and are screen with 1.8m high barrier of the first floor outdoor area.	<b>Complies</b>
	10. Stormwater from the site must be able to be drained satisfactorily.	Stormwater plans reviewed by Council's Land Development Engineers	<b>Complies</b>



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		and considered to be acceptable.	
Setbacks	<p><u>Front and Secondary setbacks:</u></p> <p>1. Child Care Centres shall be setback in accordance with the following table:</p> <p>Front setback: 5.5m</p> <p>Secondary setback: 4m</p>	<p>Front setback: 10m</p> <p>Secondary setback N/A</p>	<b>Complies</b>
	<p>2. Verandahs, balconies, eaves and other sun control devices may encroach on the minimum front and secondary setback by up to 1m;</p>	N/A	<b>N/A</b>
	<p>3. The secondary setback is the longest length boundary;</p>	N/A	<b>N/A</b>
	<p><u>Side and Rear setbacks</u></p> <p>4. Buildings shall be setback from the side and rear boundaries in accordance with:</p> <p><u>Single storey buildings:</u></p> <p>Side setback: 1.2 m</p> <p>Rear setback: 4m</p>	<b>Refer to detailed assessment under CCPG.</b>	<b>Acceptable</b>
	<p><u>Second storey component of buildings:</u></p> <p>Side setback: 1.2m</p> <p>Rear setback: 8m</p>	<b>Refer to detailed assessment under CCPG.</b>	<b>Acceptable</b>
Landscape Area and Open Space	<p>1. A minimum of 25% of the site area shall consist of landscaped area, this may include lawn, deep rooted trees, garden beds and mulched areas;</p>	<p>More than 30% of landscape proposed. Predominantly in the outdoor play area.</p>	<b>Complies</b>
	<p>2. There must be an unencumbered area of 5 x 6m in the rear setback for the opportunity to accommodate the planting of deep rooted trees;</p>	<p>Landscape proposed at the rear</p>	<b>Complies</b>

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	3. A minimum of 50% of the front setback area shall be landscaped area;	> 50% of the front setback area is to be landscaped.	<b>Complies</b>
	4. There must be an unencumbered area of 3 x 5m in the front setback for the opportunity to accommodate deep rooted trees	Landscape proposed at the rear	<b>Complies</b>
Open space	1. A proposed child care centre must comply with open space requirements as set out in the <i>Children Services Regulation 2004</i> .	Children Services Regulation 2004 repealed	<b>N/A</b>
	2. Outdoor open space is to be located behind the childcare centre i.e away from road and streets.	Outdoor space located at the rear	<b>Complies</b>
Building Style and Streetscape	<u>Building Appearance</u> 1. Where large grass areas cannot be avoided appropriate shade devices shall be incorporated into the design;	Shade sails proposed in the outdoor play area	<b>Complies</b>
	2. The roof design shall be compatible with surrounding properties with respect to height, pitch, building materials and colour;	Roof design is appropriate and building height does not exceed height controls.	<b>Complies</b>
	3. The building shall be designed so that it is in character with the surrounding residential area in terms of bulk, scale, size and height;	The building is compliant with setback controls and does not exceed in height.	<b>Complies</b>
	4. The front pedestrian entrance must be visible from the street;	The proposed building is designed so that it addresses the street frontage.	<b>Complies</b>
	5. The front building facades shall be articulated. This articulation may include front porches, entries, wall indents, changes in finishes, balconies and/or verandahs;	Entrance orientated towards Thompson Avenue with the building façade articulated.	<b>Complies</b>
	6. For two storey developments, the side walls shall be articulated if the wall has a continuous length of over 10m;	The eastern and southern walls of the childcare centre are articulated.	<b>Complies</b>

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	7. Buildings that face two street frontages or a street and public space must address both frontages by the use of verandahs, balconies, windows or similar modulating elements.	Building faces primary street described as Thompson Avenue.	N/A
	<u>Security</u> 1. Entrances to buildings should be orientated towards the front of the site facing the street;	Entrance orientated towards Thompson Avenue.	Complies
	2. Blank walls addressing the street frontage and other public places must be avoided;	Blank walls not proposed.	Complies
Landscaping and Fencing	<u>Landscaping</u> 1. A landscape plan must be submitted to Council with the development application;	Landscape plan submitted	Complies
	2. Areas of grass are to be limited to play areas. Other landscaped areas are to be planted;	Outdoor play area proposed with garden and tree planting beds proposed.	Complies
	3. Trees adjacent to/or within the play area, are to provide shade and allow winter sun entry. Trees adjacent to private open space areas and living rooms should provide summer shade and allow winter sun entry;	Vegetation screening proposed along the side and front boundary as shown on landscape plan. The building design is designed to have solar access to the external play area.	Complies
	4. Landscaping species must be appropriate to prevent injury to children. No toxic, spiky or other hazardous plant species;	Landscape species are not toxic, spiky or hazardous.	Complies
	5. The setback areas of development are to be utilised for canopy tree planting. The landscape design for all development must include canopy trees that will achieve a minimum 8m height at maturity within front and rear setback areas. Any tree with a	Mature height trees over 8m will be setback away from structures.	Complies (by condition)

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	mature height over 8m should be planted a minimum distance of 3m from the building or utility services;		
	6. Landscape planting should principally comprise of native species to maintain the character of Liverpool and provide an integrated streetscape appearance.	Variety of native species proposed.	<b>Complies</b>
	7. The landscaping shall contain an appropriate mix of canopy trees, shrubs and groundcovers;	Landscape plan shows variety of trees proposed.	<b>Complies</b>
	8. Tree and shrub planting alongside and rear boundaries should assist in providing effective screening to adjoining properties;	Tree and shrubs proposed in front setback to screen car park. Trees also proposed at the rear.	<b>Complies</b>
	9. Landscaping on any podium level or planter box shall be appropriately designed and irrigated.	Not applicable.	<b>N/A</b>
	<u>Fencing</u> 1. Side (behind the building setback) and rear fencing shall be 1.8m in height;	The fencing of the development has been designed to achieve compliance with the CCPG associated with SEPP (Educational Establishments and Child Care Facilities) 2017 which takes precedence over the LDGP 2008.	<b>N/A</b>
	2. Where a fence adjoins a park it shall be of a high-grade material consistent in quality with the building and the context of the park, and shall be designed to address the park;	As above	<b>N/A</b>
	3. Fences shall be constructed of materials compatible with the proposed building;	As above	<b>N/A</b>
	4. Fencing shall be designed to minimise opportunities for graffiti;	As above	<b>N/A</b>
	5. Gates shall be the same height as the fence, self-closing and be secure and fitted with a childproof lock;	As above	<b>N/A</b>

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	6. Wall finishes must have low reflectively;	As above	N/A
	7. Front fences are to be light coloured and low in height or open form;	As above	N/A
	8. Fences should not prevent surveillance by the building's occupants of the main open or communal areas within the property or the street frontage;	As above	N/A
	9. Where noise insulation is required, consider the installation of double-glazing or other noise attenuation measures at the front of the building rather than construction of a high solid form fence;	As above	N/A
	<u>Primary Frontage</u> 1. Front fences shall have a maximum height of 1.2m, and constructed of masonry. Timber and/or vegetation;	As above	N/A
	2. The front fence must be 30% transparent;	As above	N/A
	3. The front wall may exceed 1.2m (to a maximum of 1.8m).	As above	N/A
Car Parking and Access	<u>Site access</u> 1. All vehicles shall enter and leave the site in a forward direction;	Vehicles can enter and leave the site in a forward direction	<b>Complies</b>
	2. Dead end streets or cul-de-sacs present traffic movement and parking problems are inappropriate locations for child care centres or facilities.	Thompson Avenue is not identified as a dead end street nor are there cul-de-sacs present.  Council's traffic engineer raised no objection to the proposal in this regard.	<b>Complies</b>
	<u>Location</u> 1. To provide adequate vehicle access and on-site car parking facilities for residents and visitors;	This DA is accompanied by Traffic and Access Impact Assessment Report, which has been reviewed by Council's Traffic section.  Council's traffic engineer raised no objection to the proposal subject to	<b>Complies</b>

		conditions  <b>Refer to assessment under Part 1.20 of the LDCP 2008.</b>	
	2. To minimise reliance on on-street parking;	Council's traffic engineer raised no objection to the proposal in this regard.	<b>Complies</b>
	3. To provide safe and easy access to and from the site for pedestrians and motorists.	The proposed childcare centre provides two way access into the car park and entry point of the child care centre.  Pedestrian paths are also provided and do not impede on vehicle access.	<b>Complies</b>
	4. To provide adequate turning areas for manoeuvring into and out of car parking spaces and/or garages;	Vehicles are able to manoeuvre into and out of car parking spaces.	<b>Complies</b>
	5. To minimise the impact of driveways and parking areas on existing landscaping, landform and streetscape;	Parking areas are located within the basement.	<b>Complies</b>
	6. To ensure pavement or driveway materials are sympathetic to the streetscape and surrounding landscape character;	External finishes schedule submitted	<b>Complies</b>
Amenity and Environmental Impact	<u>Noise</u> Development for childcare centres shall not be permitted in areas where aircraft noise levels exceed 25 Australian Noise Exposure Forecast (ANEF).	Proposed childcare is not located in areas subject to Australian Noise Exposure Forecast.	<b>N/A</b>
	<u>Contaminants</u> All buildings whether to be built, extended, renovated or converted shall not contain any material or substance that will cause lead or asbestos or other contamination or poisoning.	<b>Refer to detailed assessment under SEPP 55.</b>	<b>N/A</b>
	<u>Site Operation</u> 1. In residential zones the days/hours operation shall be limited 7:00am –	The proposed hours of operation are 7:00am to 7:00pm, Monday to Friday. The childcare centre will be	<b>Complies</b>

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	7:00pm: Monday – Saturday. No operation on Sundays or public holidays.	closed on Saturdays, Sundays and Public Holidays.	
	2. Child care centres or facilities shall be no closer than 50m to mobile phone towers or antennas or transmission line easements or other similar electromagnetic radiation sources	Proposed childcare centre is not located within 50m to mobile phone towers, transmission line easements or other electromagnetic radiation sources.	<b>Complies</b>
	<u>Overshadowing</u> Adjoining properties must receive a minimum of three hours of sunlight between 9 am and 3pm on 21 June to at least:  - One living, rumpus room or the like and/or - 50% of the private open space;	Shadow diagrams were submitted and indicate the residence to the south of the site will experience some shadowing at 9:00am on June 21. At 11:00am the site to the south is partially shadowed and from 12:00pm there is no shadow.	<b>Complies</b>
	<u>Privacy</u> 1. Habitable room windows facing side boundaries are to be offset by at least 1m from any habitable room windows in an adjoining dwelling;	The proposed 1.8m high barrier in the periphery of the first floor outdoor area will act as a privacy screen.	<b>Complies</b>
	2. Habitable rooms windows on the first floor that face the side boundary are to avoid unreasonable overlooking by having a minimum sill height of 1.5m, except where they face a street or public open space;	As above	<b>N/A</b>
	3. Building siting, window location, balconies and fencing must consider the importance of the privacy of on-site and adjoining buildings and private open spaces;	As above	<b>N/A</b>
	4. Landscaping should be used where possible to increase visual privacy between dwellings and adjoining properties.	Vegetation screening along the side and rear boundaries as shown on the landscape plans.	<b>N/A</b>
	<u>Acoustic Privacy</u> 1. Noise attenuation measures should be incorporated into building	Council's Environmental Health Section have reviewed acoustic impact assessment prepared by	<b>Complies</b>

	design to ensure acoustic privacy between on-site and adjoining buildings;	Acoustic, Vibration & Noise Pty Ltd, (report no: 2018-385 Rev 1) dated July 2020 and found that predicted noise levels associated with the child care centre complies with the noise assessment criteria provided the acoustic consultants recommendations are incorporated into the design, construction and operation of the premises.	
	2. Developments in areas adversely impacted upon by rail or traffic related noises must incorporate the appropriate noise and vibration mitigation measures into the design in terms of the site layout, building materials and design, orientation of the buildings and location of sleeping and recreation areas;	Proposed childcare centre is not located adjacent to road or rail corridors.	<b>N/A</b>
	3. The proposed buildings must comply with the Department of Environment and Climate Change criteria and the current relevant Australian Standards for noise and vibration and quality assurance.	See point 1 above (acoustic privacy).	<b>Complies</b>
Site Services	<u>Waste Management</u> 1. Waste disposal facilities shall be provided for development. These shall be located adjacent to the driveway entrance to the site;	Waste bins located within the Basement Level 1 (south).	<b>Complies</b>
	2. Any structure involving waste disposal facilities shall be located minimum 1m from the front boundary to the street.	Waste bins located within the Basement Level 1 (south).	<b>Complies</b>
	3. Details of the design of waste disposal facilities are shown in part 1 of the DCP;	N/A	<b>N/A</b>



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	<p><u>Letterbox and Numbering</u></p> <p>1. Letterboxes shall be located along the front boundary and be clearly visible and accessible from the street;</p>	N/A	<b>N/A</b>
	<p><u>Frontage works and damage to Council assets</u></p> <p>1. 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;</p>	N/A	<b>N/A</b>
	<p>2. Council must be notified of any works that may threaten Council assets. Council must give approval for any works involving Council infrastructure;</p>	N/A	<b>N/A</b>
	<p>3. Where there are no existing street trees in front of the site and contributions have not been collected for street tree planting, it may be a condition of consent that street trees are provided in the footpath area immediately in front of the site.</p>	N/A	<b>N/A</b>

**ATTACHMENT 6: DRAFT CONDITIONS OF CONSENT****CONDITIONS:**

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

**A. THE DEVELOPMENT****Approved Plans**

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

Plan Name	Plan Number	Date	Revision	Prepared By
Location Plan/Emergency Evacuation Plan/Perspective	DA01	17/04/20	C	Design Link Australia P/L
Site Plan	DA03	17/04/20	C	Design Link Australia P/L
Compliance Table	DA04	17/04/20	C	Design Link Australia P/L
Site Analysis	DA05	17/04/20	C	Design Link Australia P/L
Design Analysis	DA05	17/04/20	C	Design Link Australia P/L
Contextual Analysis	DA06	17/04/20	C	Design Link Australia P/L
Erosion and Sediment Control/Demolition Plan	DA07	17/04/20	C	Design Link Australia P/L
Lower Basement Plan	DA08	17/04/20	C	Design Link Australia P/L
Upper Basement Plan	DA09	03/08/20	D	Design Link Australia P/L
Ground Floor Plan	DA10	03/08/20	D	Design Link Australia P/L
Level 1-3 Floor Plans	DA11-13	17/04/20	C	Design Link Australia P/L
Roof Plan	DA14	17/04/20	C	Design Link Australia P/L
Elevations	DA15-16	17/04/20	C	Design Link Australia P/L
Streetscape Elevation	DA17	01/11/19	B	Design Link Australia P/L
Sections	DA18-19	17/04/20	C	Design Link Australia P/L
Solar Access – Cross Ventilation Diagrams	DA20	17/04/20	C	Design Link Australia P/L
Shadow Diagrams	DA21-22	17/04/20	C	Design Link Australia P/L
Calculation Sheet	DA23	03/08/20	D	Design Link Australia P/L
Adaptable Unit Plan	DA24	17/04/20	C	Design Link Australia P/L
Schedule of Material Finishes	DA25	17/04/20	C	Design Link Australia P/L
Construction and	--	09/01/19	--	

Waste Management Plan				
Stormwater Drainage Plan	2017/1240	22/03/18	A	

Report Name	Date	Reference	Prepared By
Survey Plan	21/03/18	59759-1	Pk Surveys P/L
Landscape Concept Plan	27/4/20	19068 DA1-A	Vision Dynamics P/L
Preliminary and Detailed Site Investigation Reports	01/11/19	AG-390_1 & AG-471_1	Australian Geotechnical P/L
Acoustic Report and Supplementary Letter	07/07/20	2018-385-1	Acoustic, Vibration and Noise P/L
Noise Management Plan	30/03/20	2018-385-NMP	Acoustic, Vibration and Noise P/L
Traffic and Access Impact Report	07/19	--	Development Engineering Solutions P/L
Stormwater Plan and Details	10/05/20	190605-C01-C04 Rev B	Development Engineering Solutions P/L

### Required Design and Waste Management Amendments

2. Prior to the issue of a Construction Certificate, amended plans and details reflecting the required amendments (as detailed below), shall be submitted to and approved by Liverpool Council's Manager of Development Assessment. These include the following:

- (a) An amended Waste Management Plan (WMP) shall be provided and must detail how the residential waste bins are to be brought to the kerbside of Thompson Avenue for emptying. If the intention is to bring the residential waste bins up the driveway ramp, then this must be done using a bin tractor or tug, as manual handling of bins over a slope with a gradient more than 7% will not be permitted.

If required, the developer must commit to providing a suitable bin tug or tractor, which must be used by a suitably trained person, every time the bins are brought up or down the ramp. This bin tug or tractor must be secured so that it can't be reached and interfered with by the residents when not in use.

The bin paths of travel must be shown on the plans, with confirmation that the path of travel is free of steps, kerbs, garden edges or other sudden changes of level. If an alternative path of travel for bringing the bins to the kerbside can be identified, manual handling is acceptable provided the maximum 7% gradient requirement is met and there are no steps, kerbs, garden-edges or other sudden changes in level.

- (b) The amended WMP should clarify that the redundant driveways crossovers from the existing dwellings are to be removed and reinstated with kerb, gutter

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and grassed nature strip to allow the residential waste bin collection to take place without hindrance.

- (c) Confirmation that the waste from the child-care centre is to be collected wholly from within the site. No commercial waste is to be presented to the street or kerbside. Swept path diagrams for waste collection vehicles of the size and turning characteristics intended to be used, must be provided and demonstrate that such a vehicle can enter and exit the basement carpark in a forward direction and manoeuvre within the building to the satisfaction of Council's Traffic Engineering and Waste Management Sections prior to the issue of any Construction Certificate.
- (d) The entrance pathway needs to be pushed back to accommodate a wider buffer between the pedestrian path and the driveway. The pedestrian path for the childcare needs to be minimum 2m wide. Amended plans shall be submitted demonstrating this.
- (e) The proposed street design includes street trees along the verge. These trees need to be planted within the required footpath and the verge as part of the public domain works. Amended plans shall be submitted demonstrating this.

**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.

**Endeavour Energy**

- 4. All comments provided by Endeavour Energy shall be complied with prior, during, and at the completion of construction. A copy of the Endeavour Energy comments are attached to this decision notice.

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

**The following conditions shall be complied with prior to issue of a CC by the PCA:**

**Fee Payments**

- 5. 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 DA/CC. The following fees are applicable:
  - (a) Damage Inspection Fee;
  - (b) Fee associated with Application for Permit to Carry Out Work Within a Road, Park and Drainage Reserve; and

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(c) Long Service Levy – based on 0.35% of the cost of building work.

These fees are reviewed annually and will be calculated accordingly

*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 109F of the *Environmental Planning & Assessment Act 1979*.

**(Temporary Covid-19) Section 7.11 Payment (Liverpool Contributions Plan 2018)**

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

The total contribution is **\$49,446.00** and will be adjusted at the time of payment in accordance with the contributions plan. 50% of the total amount is **\$24,723** and is to be paid prior to the release of any CC (amount to be adjusted at the time of payment in accordance with the contribution 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](http://www.liverpool.nsw.gov.au)

Payment must be accompanied by the attached form.

***Note: In response to the Covid-19 Pandemic, Council is providing for deferred payment options, for applications lodged or approved between 16 April 2020 and 31 December 2020. A deferral of 50% of the total contribution amount to be paid prior to any Occupation Certificate.***

**Site Development Work**

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

**Comply with EP & A Act**

8. 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.

**National Code Construction**

9. In accordance with Section 4.17(11) of the *Environmental Planning & Assessment Act 1979* and clause 98 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:
- (c) Complying with the Deemed to Satisfy Provisions; or
  - (d) 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).
10. Building work shall not commence prior to the issue of a Construction Certificate. Building work as defined under Section 1.4 of the EP&A Act means any physical activity involved in the erection of a building and includes but is not limited to, the placement of any site shed/s or builders facilities, site grading, retaining walls, excavation, cutting trenches, installing formwork and steel reinforcement or, placing of plumbing lines.

#### **Access for people with a disability**

11. 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.

#### **Recommendations of Acoustic Report**

12. In accordance with the acoustic report titled Acoustic Report for proposed childcare centre & residential development at No. 22-24 Thompson Avenue, Moorebank (Ref. 2018-385 Rev 1) prepared by Acoustic, Vibration & Noise Pty Ltd Amended Date 30th March 2020, the following recommendations are to be implemented:

Section 4.0 – External Building Recommendations, which includes specific Rw ratings to be achieved,

Section 9.2 – Mechanical Plant Recommendations

Section 10 Noise Control Recommendations for the Proposed Childcare Centre

Figure 11 – Proposed Ground Floor Sound Barrier Location

Figure 12 – Proposed First Floor Sound Barrier Location

A suitably qualified acoustic consultant is to ensure all recommendations provided in the acoustic report have been incorporated into the detailed plans accordingly.

#### **Food Premises – Construction**

13. To ensure compliance with the relevant standards and requirements, the following details are to be submitted to the Principal Certifying Authority for approval;

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- a) Plans, to scale, demonstrating the proposed floor layout as well as associated works is in compliance with;
  - AS4674-2004 – Design, construction and fit-out of food premises;
  - Food Standards Code (Australia);
  - Building Code of Australia
  
- b) Proposed/altered mechanical ventilation system/s (Building Code of Australia & Australia Standard 1668 Part 1 & 2).

**Mechanical Plant and Equipment**

- 14. Mechanical plant and equipment shall be selected in consultation with a suitably qualified acoustic consultant in accordance with the recommendations of the approved acoustic report Acoustic report as prepared by Acoustic Logic, document reference No. 20171599.1/0402A/R2/JM, dated 04 February 2019.

Note: 'Suitably qualified acoustic consultant' means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustical Society, Institution of Engineers Australia or the Association of Australasian Acoustical Consultants (AAAC) at the grade of member'.

**Cladding**

- 15. 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.

**Notification**

- 16. The certifying authority must advise Council, in writing of:
  - (a) The name and contractor licence number of the licensee who has contracted to do or intends to do the work, or
  
  - (b) The name and permit of the owner-builder who intends to do the work.

If these arrangements are changed, or if a contract is entered into for the work to be done by a different licensee, Council must be immediately informed.

**Design Verification Statement**

17. In accordance with the EP&A Regulation and State Environmental Planning Policy (SEPP) 65 “Design Quality of Residential Apartment Development”, the subject development must be undertaken or directed by a ‘qualified designer’ (i.e., a registered architect under the Architects Act). In this regard, a design verification statement shall be submitted to the PCA. The PCA shall ensure that the statement prepared by the qualified designer provides the following:

- (a) A valid and current chartered architect’s certificate number (as issued by the Board of Architects of NSW);
- (b) That the qualified designer has designed or directed the design of the subject development; and
- (c) That the plans and specifications lodged with the CC achieve or improve the design quality of the development for which the subject development consent was granted, having regard to the design principles set out in Part 2 of SEPP 65.

Note: The design verification statement must provide an explanation of the design in terms of the design quality principles set out in Part 2 of SEPP 65.

**Crime Prevention Through Environmental Design**

18. The following Crime Prevention Through Environmental Design principles are to be incorporated into the building.

- (a) Back to base alarm systems shall be installed;
- (b) Basement parking areas shall be painted a light colour;
- (c) CCTV for the ground level, entry/exit points, car parks, lifts and the exterior of the building shall be implemented;
- (d) ‘Way finding’ signage should be utilised at all major interchanges such as lifts and stair wells;
- (e) 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; and
- (f) Access to the parking levels of the building shall be controlled via a security controlled device.

**Security Access to car park**

19. Secure access is to be provided to the basement car park to prevent any unauthorised entry. Details are to be provided with the Construction certificate.

**S138 Roads Act – Minor Works in the public road**



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

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

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

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

**S138 Roads Act – Roadworks requiring approval of civil drawings**

21. 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 all works associated with the development in Thompson Avenue (1.5m wide concrete footpath paving within the site frontage).

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:

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

**Retaining Walls on Boundary**

22. 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.

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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.

**Dilapidation Report Private Property (Excavations)**

23. A full dilapidation survey and report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the required excavations must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The zone of influence is to be defined as the horizontal distance from the edge of the excavation face to twice the excavation depth.

The dilapidation report and survey is to be prepared by a consulting structural/geotechnical engineer agreed to by both the applicant and the owner of any affected adjoining property.

All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent.

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant **MUST DEMONSTRATE**, in writing, to the satisfaction of Council that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. Written concurrence must be obtained from Council in such circumstances.

Note: This documentation is for record keeping purposes only, and may be used by the developer or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and detailed as possible.

**S68 Local Government Act – Stormwater drainage works**

24. Prior to the issue of a Construction Certificate the Principal Certifying Authority and/ or Certifying Authority shall ensure that an application under S68 of the Local Government Act, including the payment of application and inspection fees, has been lodged with, and approved by Liverpool City Council for new pit and pipe connection to Charles Street.

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.

**Stormwater Discharge – Basement Car Parks**

25. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the stormwater drainage system for the basement car park has been designed in accordance with the requirements for pumped systems in AS3500.3:2003 and Council's Stormwater Drainage Design Specifications for pump out systems for basement carparks.

Lift entry points and services rooms shall be set a minimum of 100mm above the FFL of the tank storage. Minimum tank volume is to be 6.6m<sup>3</sup>.

### **On-Site Detention**

26. On-Site Detention shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Development Engineering Solutions P/L, reference number 190605-C01, C02 and C04, revision B, dated 10 May 2020.

Stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development (including the proposed OSD) or adjoining properties. Particular attention should be given to the south western property boundary.

The outlet pipe with direct connection to the kerb and gutter is to be adjusted at the orifice plate end to suit the footpath levels and ensure adequate cover to the pipe.

Engineering plans and supporting calculations for the OSD system are to be prepared by a suitably qualified person and shall accompany the application for a 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 OSD policy and Technical Specification.

### **Dilapidation Report**

27. Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in Thompson Avenue 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.

### **No loading on easements**

28. 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**

29. Prior to the issue of a Construction Certificate the PCA 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 with the LDGP 2008. The CC 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

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

**Access and Manoeuvring**

30. 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.
31. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that:
- a) Off street access and parking complies with AS2890.1.
  - b) Sight Distance at the street frontage has been provided in accordance with AS 2890.1.
  - c) All cars can enter and exit the site in a forward direction
  - d) The proposed driveway/vehicular crossing is adjoining an existing power pole. In this regard arrangements shall be made with the relevant authority for the relocation of the power pole. Alternatively written acceptance with regard to the proposed location of the vehicular crossing and the existing asset, and/or any alternative arrangements, shall be obtained and provided to the Certifying Authority.

Detailed design plans for the access driveway and car park including gradient, swept path analysis, line markings and sign posting in accordance with the DCP and AS2890 is to be submitted to Traffic and Transport Section for review.

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.

On street parking along the street frontage is to be restricted following approval of a submitted parking scheme.

Street lighting is to be provided to Council's specifications.

**Traffic Management Plan**

32. A traffic management plan is to be submitted to Liverpool City Council's Traffic Committee for approval. Works within the road reserve shall not commence until the traffic management plan has been approved.

**Balcony and courtyard window and door design**

33. The openings for windows and doors to balconies/courtyards are to be full height so that they extend from the floor to the underside of the slab above. This is to:
- enable the openings to read as 'panels' of glazing rather than 'hole in the wall' openings
  - assist in the proportioning of elevations

- ensure maximum light to the interior of the dwellings
- create a seamless relationship between the balcony / courtyard and the interior

Glazing is to extend full height within the opening. If for some reasons it is not possible to extend the glazing then an opaque material can be introduced into the overall frame so that it still reads as a full height panel.

#### **Provision of Services**

34. 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](http://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.

35. 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.
36. 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). The colours and materials used in the construction of any wall of structure are to match those of the approved development.
37. 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 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.

38. The applicant is to arrange with the appropriate service provider for any above ground service riser or access point to be constructed clear of any proposed or existing

pedestrian footways, and if possible, located in recessed unobtrusive locations. Should any service provider require and/or insist the applicant/developer build a service riser that would create an obstruction and pose a potential safety hazard, then the applicant/developer should refer the request to Council for negotiation directly with the Service Network Authority.

#### **Updated Operational Plan of Management**

39. The operational plan of management is to be updated to stipulate that all users that arrive at the site in a motor vehicle must use the basement entrance to the centre only. To ensure that adequate provision is made for traffic management measures, a clearly visible electronic signalling system that indicates the number of spaces available in the basement must be installed at the entrance of the basement car park.

The updated operational management plan is to be submitted to and approved by Liverpool Council's Manager Development Assessment.

#### **C. PRIOR TO WORKS COMMENCING**

**The following conditions shall be complied with prior to works commencing on the subject site:**

##### **Building/Compliance**

40. Building work shall not commence prior to the issue of a Construction Certificate. Building work as defined under Section 4 of the EP&A Act means any physical activity involved in the erection of a building and includes but is not limited to, the placement of any site shed/s or builders facilities, site grading, retaining walls, excavation, cutting trenches, installing formwork and steel reinforcement or, placing of plumbing lines.
41. 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 81A (4) of the Act.
  - (c) A copy of the Construction Certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.
  - (d) A Principal Certifying Authority (PCA) must be appointed to carry out the necessary building inspections and to issue an occupation certificate; and

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

#### **Residential Building Work**

42. 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.
43. 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.

#### **Notification/Principal Certifying Authority**

44. Written notice of intention shall be given to the owners or the adjoining allotments of land, outlining the particulars of the work, which involves:
- a) Any excavation below the base of the footings of a building on an adjoining allotment of land.
  - b) The notice shall be given seven (7) days prior to the commencement of work.
45. In the event the development involves 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.

#### **Site Notice Board**

46. 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.

**Sediment and Erosion Control Measures**

47. 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.

**Demolition Works**

48. Demolition works shall be carried out in accordance with the following:
- (a) Prior to the commencement of any works on the land, a detailed demolition work plan designed in accordance with the Australian Standard AS 2601-2001 – The Demolition of Structures, prepared by a suitably qualified person with suitable expertise or experience, shall be submitted to and approved by Council and shall include the identification of any hazardous materials, method of demolition, precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
  - (b) Prior to commencement of any works on the land, the demolition Contractor(s) licence details must be provided to Council.
  - (c) The handling or removal of any asbestos product from the building/site must be carried out by a 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.

**Demolition Inspections**

49. 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 structure that contains asbestos. The applicant shall also notify the occupants of the adjoining premises and Workcover NSW prior to the commencement of any works. Please note that demolition works are not



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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 Classification**

50. 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).

**Traffic Management Plan**

51. No work or craning shall be undertaken within the adjoining public lands without the prior written consent of Council. In this regard Council may require a Traffic Management Plan to be submitted before giving its approval.
52. The developer shall seek road occupancy, road opening permits, and works zone approval from Council if required prior to undertaking any works within public road reserve. The application forms are available on Council's website or can requested from the Council's Customer Services.

**Traffic Control Plan**

53. Prior to commencement of works a Traffic Control Plan including details for pedestrian management, shall be prepared in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Traffic Authority's publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Traffic Authority Traffic Controller.

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.

**Site Facilities**

54. 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.
55. 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.
56. All Liverpool City Council domestic waste bins that have been issued to the existing residential dwellings at 2 Kalimna Street and 86 Nuwarra Road Moorebank, must be returned prior to any work, including demolition or site clearing, commencing. Please call Council on 1300 36 2170 to advise that the bins are ready to collect and so their removal can be noted.

**Notification of Service Providers**

57. 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 easement, and if any requirements need to be met. A receipt must be provided to Council.

Please refer to the website [www.sydneywater.com.au](http://www.sydneywater.com.au) for more information.

**Food Premises**

58. Plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted and approved by the PCA:
- (a) all proposed, altered and required mechanical ventilation systems (Building Code of Australia & Australian Standard 1668 Part 1 & 2)
  - (b) the commercial garbage and recycling storage room (Liverpool DCP 2008)
  - (c) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor, and ceiling finishes to all preparation, storage areas and cool rooms (AS4674, the Food Act 2003 and Regulations thereunder).

**Environmental Management**

59. 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.
60. 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.

**D. DURING CONSTRUCTION**

**The following conditions shall be complied with during construction:**

**Building Inspections**

61. 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.
62. The Principal Certifying Authority must specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the Principal Certifying Authority, prior to proceedings to the subsequent stages of construction or finalisation of the works (as applicable).

**Identification Survey Report**

63. 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.

### **Construction Requirements**

64. 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 building, structure or work from possible damage from the excavation, and
  - (b) where necessary, underpin the building, structure or work to prevent any such damage.
  - (c) 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.
  - (d) 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.
65. 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 as follows:
- 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.
66. 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.
67. 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

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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.

(d)

68. 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.
69. Retaining walls or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated subsoil drainage and surface stormwater drainage measures, shall be designed strictly in accordance with the manufacturers details or by a practising structural engineer. Retaining walls on any boundary are to be of masonry construction.

**Security Fence**

70. 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.

**Hours of Construction Work**

71. 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 on Saturday. No work will be permitted on Sundays or Public Holidays, unless otherwise approved by Council

**Drainage Connection**

72. 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.

**Major Earthworks**

73. All earthworks shall be undertaken in accordance with AS 3798 and Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.

The level of testing shall be determined by the Geotechnical Testing Authority/ Superintendent in consultation with the Principal Certifying Authority.

**Construction Noise**

74. 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.
75. 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 shall implement any or all of the recommendations of the consultant and any additional requirements of Council to Council's satisfaction.

**General Site Works**

76. 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.
77. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.
78. 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.
- (e)
79. Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.
80. 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.
81. 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

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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.

82. 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.
83. 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.

84. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.
85. All earthworks shall be undertaken in accordance with AS 3798 and Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.
86. 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.
87. All demolition and construction waste must be separated as it is generated and kept in separate bays, builder's site bins and/or skips.
88. All lightweight or granular excavation or construction wastes such as wrapping, packaging materials, bags, insulation, sand, soil etc. must be kept fully enclosed to prevent them from becoming wind-blown litter in strong wind conditions or from washing into drains, sewers or waterways or onto neighbouring properties or public land in wet weather.

#### **Waste Management Plan**

89. 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.

#### **Contamination**

90. 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).
91. All fill introduced to the site must undergo a contaminated site assessment. This assessment may consist of either:
- (a) a full site history of the source of the fill (if known) examining previous land uses or geotechnical reports associated with the source site to determine potential contamination as per the NSW DECCW 'Waste Classification Guidelines' April 2008; or
  - (b) clearly indicate the legal property description of the fill material source site;
  - (c) provide a classification of the fill material to be imported to the site in accordance with the 'NSW DECCW 'Waste Classification Guidelines' April 2008.
  - (d) a chemical analysis of the fill where the site history or a preliminary contamination assessment indicates potential contamination or contamination of fill material; and
  - (e) must provide Council with copies of validation certificate verifying the material to be used is free of contaminants and fit for purpose re use in residential, commercial or industrial use.
92. 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.
  - (c) The results of any chemical testing of fill material.
93. Any new information which comes to light during demolition or construction works which has the potential to alter previous conclusions about site contamination must be notified to Council and the accredited certifier immediately after discovery. A Section 96 Application under the EP&A Act shall be made for any proposed works outside the scope of the approved development consent.

### **Traffic Management**

94. All works within the road reserve are to be at the applicant cost and all signage is to be in accordance with the RMS's Traffic Control at Worksites Manual and the RMS's Interim Guide to Signs and Markings.
95. If a works zone is required, an application must be made to Council's Transport Planning section. The application is to indicate the exact location required and the applicable fee is to be included. If parking restrictions are in place, an application to have the restrictions moved, will need to be made.



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Notice must be given to Council's Transport Planning section of any interruption to pedestrian or vehicular traffic within the road reserve, caused by the construction of this development. A Traffic Control Plan, prepared by an accredited practitioner must be submitted for approval, 48 hours to prior to implementation. This includes temporary closures for delivery of materials, concrete pours etc.

96. Applications must be made to Council's Transport Planning 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.
97. The endorsed Construction Traffic Management Plan (CTMP) is to be implemented during the construction.

**Car Parking Areas**

98. Car parking spaces and driveways must be constructed of a minimum of two coat finish seal or better. The spaces must be clear of obstructions and columns, permanently line marked and provided with adequate manoeuvring facilities. The design of these spaces must comply with Council's DCP 2008, and Australian Standard 2890.1 Parking Facilities – Off Street Car Parking.

All car parking areas to be appropriately line marked and sign posted in accordance with the approved plans. All customer/visitor/staff parking areas are to be clearly signposted limiting car parking for customers/visitors/staff only. The applicant is to cover the costs of installation and maintenance of the signage.

The on-site parking spaces shown in the approved plans must be identified in accordance with A.S.2890.1 Parking Facilities – Off-Street Car Parking.

**Termite Protection**

99. To protect the buildings from subterranean termite, termite barriers must be installed in accordance with AS 3660.1 to the underside and penetrations of the concrete slab floor. In addition a durable notice must be permanently fixed inside the metre box indicating:
  - (a) The method of protection;
  - (b) The date of installation of the system;
  - (c) Where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label;
  - (d) The need to maintain and inspect the system on a regular basis

Certification from a licensed pest controller shall be submitted to the PCA certifying that the termite protection system installed complies with AS3660.1.

**Street Lighting**

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100. 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.

**Ventilation**

101. The premises shall be ventilated in accordance with the requirements of the NCC/BCA (if using deemed to satisfy provisions: AS 1668, Parts 1 & 2).
102. The design, construction, installation and commissioning of the mechanical ventilation systems(s) serving the premises shall be carried out in accordance with Australian Standard 1668 Parts 1 & 2.

The mechanical exhaust discharge point shall be designed and installed by an appropriately qualified person, and shall be positioned to comply with Section 3.7 of Australian Standard 1668 Part 2 – 1991.

**External**

103. Switchboards for utilities shall not be attached to the street and/or road elevations of the development.
104. The mailboxes are to be consistent with the design and colours and materials for the development.
105. Any external lighting is to incorporate full cut-off shielding and is to be mounted so as to not cause any glare or spill over light nuisance within the development, neighbouring properties or road users.
106. The reflectivity index of glass used in the external facade of the building is not to exceed 20%.
107. The windows of all bathrooms, W.C. and ensuites shall be fitted with translucent obscure glazing to the satisfaction of the PCA.

**Graffiti**

108. A graffiti resistant coating shall be applied to any fences or structures that have frontage to a public area, for example a roadway, public reserve etc.

**Front fence and boundary fencing**

109. Any front fence and returns must not exceed 1.3m in height, and shall be constructed in masonry to be compatible with the design of the building and any gates associated with a front fence shall swing inwards into the property. Boundary fences shall be lapped and capped timber or metal sheeting.

**Display of Street Numbers**

110. Street/address number 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.

**Hoarding**

111. 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**

112. 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.

**Security and Safety**

113. Adequate lighting is required at the entrances and main foyers or the building, basement carpark, and mailbox area.
114. Surveillance cameras are required to be installed covering the entrance and exit and main areas of the car park.
115. The underground car park is required to be locked with access to be provided to residents only.
116. All openable windows that are located two metres or more above the ground level and have a sill height less than 1.7m above the internal floor level shall be fitted with devices that lock the window opening at less than 12.5m.

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**Vegetation and Landscaping**

117. No known environmental or noxious weeds or known invasive plant species shall be included in the landscaping/revegetation.
118. 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.
119. 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.
120. Premium quality organic garden soil shall be incorporated into all planting areas in sufficient quantity to achieve optimum plant growing conditions.
121. All garden/planting areas shall be mulched to a depth of not less than 75mm using weed free leaf mulch, wood chip or similar, not pine bark.

**Waste Storage Area**

122. Any bin bays must be:
  - (a) Provided with mechanical ventilation;
  - (b) Provided with a hose cock for hosing the garbage bin bay and a sewer drainage point in or adjacent to the bin storage area. The drainage point should have a fine grade drain cover sufficient to prevent coarse pollutants from entering the sewer. If the hose cock is located inside the bin storage bay, it is not to protrude into the space indicated for the placement of bins;
  - (c) Provided with sufficient light to permit usage at night;
  - (d) Allocated with sufficient space within the bin bay to allow for access to all required bins by residents and waste collectors, as well as manoeuvring of bins within the bay and for the removal and return of bins by the waste collector;
  - (e) Provided with signage to be prominently displayed in each bin bay, or waste service room, as appropriate indicating that:
    - (i) Garbage is to be placed wholly within the garbage bins provided;
    - (ii) Only recyclable materials accepted by Council are to be placed within the recycling bins;
    - (iii) The area is to be kept tidy;
    - (iv) A phone number to be displayed for arranging disposal of bulky items;
    - (v) 50% of all messages are to be displayed using graphic illustrative content;
    - (vi) Bin bay signs are available from Council;

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- (vii) Signage on how to use any garbage chutes is to be located prominently next to the chute;
- (viii) Operation, maintenance and cleaning of the garbage compactor and associated equipment is the responsibility of the strata management or body corporate, and not of Council;
- (ix) Maximum compaction ratio is 2:1;
- (x) Operation, maintenance and cleaning of the garbage chutes and associated waste cupboards, rooms, or equipment is the responsibility of the strata management or body corporate, and not of Council.

**Food Premises**

123. The construction, fitout and finishes of the premises shall comply with the AS 4674, Food Act 2003 and Regulations thereunder.

**E. PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE**

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

**Building/Compliance**

124. An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.
125. 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.
126. The premises must not be utilised until an Occupation Certificate is issued by the PCA. Copies of all documents relied upon for the issue of the Occupation Certificate must be attached to the Occupation Certificate and registered with Council.

**Cladding**

127. 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.

**Fire Safety Certificate**

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128. 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*.

**(Temporary Covid-19) Section 7.11 Payment (Liverpool Contributions Plan 2018)**

129. Prior to the issue of any occupation certificate all outstanding section 7.11 contributions must be paid as required by condition 6 of DA-572/2019. Evidence is to be provided to the satisfaction of the relevant certifying authority that all outstanding contributions have been paid to Council.

**Access Report**

130. A Compliance Certificate or other documentation deemed suitable to the PCA is to be submitted to the PCA prior to the issue of an Occupation Certificate, detailing compliance with the following:
- (a) Certification is to be obtained from a qualified access consultant certifying that the building has been constructed to meet the access criteria in accordance with the approved access report and that all recommendations have been adopted.

**Design Verification Statement**

131. In accordance with the Environmental Planning and Assessment Regulation 2000 and State Environmental Planning Policy (SEPP) 65 "Design Quality of Residential Apartment Development", the subject development must be undertaken or directed by a 'qualified designer' (i.e., a registered architect under the Architects Act). In this regard, a design verification statement shall be submitted to the PCA assessing the development, upon completion of all works subject of this consent and its accompanying CC. The PCA shall ensure that the statement prepared by the qualified designer provides the following:
- (a) A valid and current chartered architect's certificate number (as issued by the Board of Architects of NSW);
- (b) That the completed development achieves the design quality of the development as shown in the plans and specifications submitted and approved with the CC, having regard to the design principles set out in Part 2 of SEPP 65.

**BASIX**

132. 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.

**Landscaping**

133. Upon completion of the approved landscape works associated with the development and prior to the issue of any Occupation Certificate, 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.

**Liverpool City Council clearance – Roads Act/ Local Government Act**

134. 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**

135. Prior to the issue of an Occupation Certificate, works-as-executed drawings and compliance documentation shall be submitted to the PCA in accordance with 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 Council with notification of the issue of the Occupation Certificate where Council is not the PCA.

**Structural Engineer Certificate**

136. A Structural Engineer's construction certification of all structures is to be issued to the PCA prior to the issue of the Occupation Certificate.

**Stormwater Compliance**

137. Prior to the issue of an Occupation Certificate the PCA shall ensure that the:

- (a) On-site detention system/s;
- (b) Stormwater pre-treatment system/s; and
- (c) Basement carpark pump-out system.

- 1. Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent,
- 2. Have met the design intent with regard to any construction variations to the approved design, and
- 3. Any remedial works required to been undertaken have been satisfactorily completed.

Details of the approved and constructed system shall be provided as part of the Works-As-Executed drawings.

**Restriction as to User and Positive Covenant**

138. Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the on-site detention system/s, stormwater pre-treatment system/s and basement carpark pump-out system 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 Council's Design and Construction Guidelines and Construction Specification for Civil Works.

139. Prior to the issue of an Occupation Certificate, the following restriction as to user must be registered on the title of the property:

*The hanging of washing, including any clothing, towels, bedding or other article of a similar type on any balcony is not to be visible from any street.*

The restriction as to user may not be extinguished or altered except with the consent of Liverpool City Council.

140. Prior to to the Issue of an Occupation Certificate, if no provision is to be made in the waste storage area for green waste bins to store garden waste from the property, then the following restriction as to user shall be placed on the title of the property at the applicant's expense, and this restriction cannot be altered or removed without Council's consent:

Liverpool City Council will not supply green (garden) waste removal services to this property, nor any waste bins associated with the removal of garden waste.

**Basement Pump-out System**

141. Stormwater runoff from the proposed driveway to the underground garage shall be via a pump-out system subject to the following conditions:
- (a) The pump-out system shall be independent of any gravity drainage lines except at the site property boundary inspection pit where a surface grated inlet pit shall be constructed, from which a connection may be permitted to the gravity stormwater system.
  - (b) Engineering details and manufacturer's specifications for pumps and switching system shall be submitted for approval prior to issue of construction certificate.
  - (c) An 88B positive covenant shall be placed on the property title. This requires the property owner to be responsible for the proper maintenance and repair of the abovementioned pumps, pipes and pit system. Council is the Authority benefited and the property owner is burdened by this restriction. Evidence of the creation of the positive covenant shall be forwarded to Council prior to the issue of an OC.

**Roadworks**

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



**Footpaths**

143. Construction of 1.5m wide by 100mm thick (with one layer of SL72 reinforcing mesh) concrete path paving on one side of all residential access roads and both sides of all collector and distributor roads. Path paving will not be required in minor cul-de-sac with less than fifteen lots.

**Rectification of Damage**

144. 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 Council.

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

**Service Providers**

145. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the PCA prior to issue of Occupation Certificate.
146. Notification of arrangement for the development from Endeavour Energy shall be submitted to Council.
147. Prior to the issue of an occupation certificate, written certification from all relevant service providers that the telecommunications infrastructure is installed in accordance with:
- (a) The requirements of the Telecommunications Act 1997;
  - (b) For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
  - (c) 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.

**Garbage Services**

148. The developer/owner of the site is to contact Liverpool Council- Waste Management Section to determine the required number of waste and recycle bins for the residential component of the development as well as servicing requirements. These waste and

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recycle bins are to be kept at all times within the residential waste storage rooms except before and after collection days. Waste and Recycle bins are to be returned to the storage rooms within 24 hours of collection.

**Waste**

149. All waste products associated with the use of the residential flat building are to be placed in containers and stored within the building.
150. A 'restriction as to user' is to be placed on the title of the property at the Applicant's expense, which may not be altered or removed without Council's consent, which states:

(f)

*'Liverpool City Council is not responsible for the provision of any green waste services or green waste bins to this property.'*

151. All waste management facilities, equipment (except waste bins), features and permanent signage will be installed and operational prior to the issue of an Occupation Certificate

**Dilapidation Report**

152. The construction of concrete footpath paving and associated works along the frontage of the site. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall in accordance with Council's specifications.

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

153. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that all works and/or requirements associated with the existing power pole in the site frontage and the driveway have been signed off by the relevant Authority.

**Directional Signage**

154. 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.

**Recommendations of Acoustic Report**

155. 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 Acoustic Report for proposed childcare centre &

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residential development at No. 22-24 Thompson Avenue, Moorebank (Ref. 2018-385 Rev 1) prepared by Acoustic, Vibration & Noise Pty Ltd Amended Date 30th March 2020. 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 is a member of the Australian Acoustical Society or employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.

**Mechanical Ventilation Certification**

156. Upon completion of works and prior to the issue of an Interim or Final Occupation Certificate, a Mechanical Ventilation Certificate of Completion and Performance prepared by a professional engineer or other suitably qualified person shall be submitted to the Principal Certifying Authority (PCA) for their review and approval. The certification shall be accompanied by details of the tests carried out in relation to ventilation and acoustics and confirm that the systems comply with the approved plans, specifications, Building Code of Australia and Australian Standard AS 1668 Parts 1 and 2'.

**Notification of Food Premises**

157. The food business is required to notify Council of the food business details. The PCA is to ensure a Liverpool City Council approved registration form is completed and submitted to the Council with any relevant fee for the system.

**Display of Street Numbers**

158. Street numbers must be prominently displayed at the front of the development in a contrasting colour to the building materials and at the front of each individual unit. The number should be a minimum height of 120mm and be visible at night.

**F. Conditions Relating to Use**

**The following general conditions shall be complied with at all times:**

**Car Parking / Loading**

159. A total of 32 off street (12 residential and 2 visitor car parking spaces and 18 staff/parents car parking spaces) must be provided. 3 of the spaces must be designed and signposted/marked for the specific use of persons with a disability.
160. All parking areas shown on the approved plans must be used solely for this purpose.
161. The operator of the development must not permit the reversing of vehicles onto or away from the road reserve, including any garbage and recycling collection vehicles. All

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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.

162. All line marking and sign posting is to be maintained in good condition at all times, to the satisfaction of Council.
163. Council's on-street assets should be protected at all times. Any damages should be rectified to Council satisfaction.

**Landscaping**

164. 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.

**Mail-boxes**

165. The mailboxes must not be accessed by universal keys and must each have their own keys for private access.
166. Vegetation must not cover or obstruct natural surveillance to the mailboxes.

**Noise and Environmental Emissions**

167. The intruder alarm/s associated with the development shall only be permitted to operate in accordance with the requirements of Clause 53 of the Protection of the Environment Operations (Noise Control) Regulation 2000 under the POEO Act.

**Waste Management**

168. After the issue of the occupation certificate, but before occupants start to move in, Council must be contacted to arrange the delivery of the waste bins for the development. Please call Council on 1300 36 2170 to arrange for the delivery of the bins.

Residential waste bins must be presented to the kerbside at Thompson Avenue by agents of the strata no earlier than the evening before collection day. The bins must be brought back into the waste storage room as soon as possible and no more than 24hours after collection.

The cleaning and maintenance routine of the bin storage area as detailed in the approved waste management plan must be adhered to in the ongoing use of the building.

169. Waste and recyclable material generated from the operations of the premises shall be managed in a satisfactory manner that does not give rise to offensive odour or encourage pest activity. All waste material shall be regularly removed from the premises. Waste shall not be permitted to accumulate near the waste storage bins.
170. Waste must be adequately secured and contained within designated waste areas and must not leave the site onto neighbouring public or private properties.
171. Waste bins must be stored in designated garbage 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.
172. Bins must be moved from the waste room to the loading / unloading areas in the basement for collection by agents of the body corporate or strata management, or individual owners. The bins shall be collected from the loading / unloading area and returned as soon as possible after collection by the same persons.
173. Sufficient space shall be provided within each dwelling for the storage of a minimum of one day's waste and recycling.
174. The development is required to be serviced by a waste collection contractor, once in any one week.

#### **Waste Storage Area**

175. Any bin bays must be:
- (a) Allocated with sufficient space within the bin bay to allow for access to all required bins by residents and waste collectors, as well as manoeuvring of bins within the bay and for the removal and return of bins by the waste collector;
  - (b) Provided with signage to be prominently displayed in each bin bay, or waste service room, as appropriate indicating that:
    - (i) Only recyclable materials accepted by Council are to be placed within the recycling bins;
    - (ii) A phone number to be displayed for arranging disposal of bulky items; and
    - (iii) Maximum compaction ratio is 2:1.

#### **Washing on Balconies**

176. The hanging of washing, including any clothing, towels, bedding or other article of a similar type on any balcony shall not be visible from any street.

#### **Compliance with Acoustic Report and Noise Management Plan**

177. Compliance with the acoustic assessment titled Acoustic Report for proposed childcare centre & residential development at No. 22-24 Thompson Avenue, Moorebank (Ref. 2018-385 Rev 1) prepared by Acoustic, Vibration & Noise Pty Ltd Amended Date 30th March 2020 and the Noise Management Plan for proposed Childcare Centre at No. 22-24 Thompson Avenue, Moorebank (Ref. 2018-385 NMP) prepared by Acoustic, Vibration & Noise Pty Ltd dated 30 March 2020 is required at all times.

Any variations or subsequent amendments proposed to the approved Noise Management Plan must be provided to Council in writing for review and approval prior to implementation.

**Hours of Operation (Centre-based Childcare Facility)**

178. The hours of operation of the childcare centre are limited to:

Monday to Friday: 7:00am to 7:00pm

No operation is take place on Saturday, Sunday or Public Holidays.

**Childcare Centres**

179. Approval is granted for a maximum of sixty-five (65) children to be on the premises at one time, in accordance with the following groupings:
- (a) Ten (10) children between the ages of 0 – 2 years;
  - (b) Twenty five (25) children between the ages of 2 – 3 years; and
  - (c) Thirty (30) children between the ages of 3 – 4 years.

**Noise Management Plan and Complaint Handling relating to noise**

180. 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.

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

**Noise – General**

181. The use of the premises including the cumulative operation of any mechanical plant, equipment, public address or other amplified sound shall not give rise to the emission of 'offensive noise' as defined by the Protection of the Environment Operations Act 1997.
182. Any alarm installed on the site is to be "silent back to base" type.
183. Playroom doors and windows shall be closed at all times when used for noise generating activities including but not limited to singing, musical instruments and amplified sound equipment.
184. Deliveries and service vehicles generated by the proposed childcare facility are limited to 7.30am to 6.00pm, Monday to Friday. Deliveries and service vehicles are to be scheduled to access the site outside of peak am and pm pick up and drop off times to minimise conflict between different vehicle modes, pedestrians and access to car parking spaces.

**Offensive Noise**

185. The proposed use of the premises and equipment installed must not create offensive noise so as to interfere with the amenity of the neighbouring properties. Should an offensive noise complaint be received and verified by Council an Acoustic assessment is to be undertaken (by an appropriately qualified consultant), and an acoustic report is to be submitted to Liverpool City Council for review. Any noise attenuation recommendations provided in the report and approved by Council must be implemented.

**Carpark Notices**

186. Prominent notices shall be installed at the entry and exit to the car park informing people to enter and leave the car park quietly.

**Lighting**

187. 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.

**Operational Plan of Management**

188. The operation of the childcare facility must comply with the approved operational plan of management, as required by Condition 39 of DA-572/2019, at all times.

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**G. ADVISORY**

- a) Sections 8.2, 8.3, 8.4 & 8.5 of the Environmental Planning and Assessment Act 1979 allow 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 Sections 8.7 & 8.10 of the 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 twelve (12) 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 Environmental Planning and Assessment Act 1979. 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 Sections 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.
- 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"



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

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 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 effect 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.

l) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.

m) 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.

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**ATTACHMENT 2: SECTION 7.11 CONTRIBUTION**

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

**Liverpool Contribution Plan 2018 (Established Areas)**

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 CPI June 2020 quarter and will be adjusted at the time of payment in accordance with the conditions of consent.

**APPLICANT:** Mr H Ibrahim C/- HSL Group Pty Ltd

**LAND:** 22 AND 24 THOMPSON AVENUE, MOOREBANK NSW 2170  
LOT 38 AND LOT 39 DP 228324

**PROPOSED DEVELOPMENT:** DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A MIXED-USE DEVELOPMENT COMPRISING A 4-STOREY RESIDENTIAL FLAT BUILDING CONTAINING 8 RESIDENTIAL APARTMENTS AND A 2-STOREY 65 PLACE CHILDCARE CENTRE OVER 2 LEVELS OF BASEMENT CAR PARKING FOR 32 CAR SPACES.

Residential			
<u>Facilities</u>		<u>Amount</u> ( <u>\$</u> )	<u>Job No.</u>
<b>Liverpool Contributions Plan 2018 Established Areas</b>			
Community Facilities - works			
	Eastern	\$2,697	GL.10000001870.10098
District Sporting Fields - works			
	Eastern	\$9,217	GL.10000001869.10212
District Passive Open Space - works			
	Eastern	\$4,785	GL.10000001869.10092
Local Passive Open Space - works			
	Moorebank	\$12,942	GL.10000001869.10100
Transport - Bikeways - works			
	Eastern	\$820	GL.10000001865.10208
Transport - Traffic management - works			
	Eastern	\$2,336	GL.10000001865.10214
Drainage - works			
	Eastern	\$1,139	GL.10000001866.10210

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Administration		\$509	GL.10000001872.10104
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<b><u>TOTAL</u></b>		<b><u>\$34,446</u></b>	
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**Non Residential**

**Liverpool Contributions Plan 2018 Established Areas**

Transport - Bikeways - works			
	Eastern	\$1,125	GL.10000001865.10208
Transport - Traffic management - works			
	Eastern	\$7,500	GL.10000001865.10214
Transport - Bus shelters - works			
	Eastern	\$375	GL.10000001865.10216
Drainage - works			
	Eastern	\$6,000	GL.10000001866.10210

<b><u>Total</u></b>		<b><u>\$15,000</u></b>	
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**ATTACHMENT 3: ENDEAVOUR ENERGY**

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The General Manager  
Liverpool City Council

2 December 2019

ATTENTION: Adam Flynn

Dear Sir or Madam

I refer to the below email of 22 November 2019 from NSW Planning, Industry & Environment regarding NSW Government concurrence and referral request CNR-2899 for Liverpool City Council's development application DA-572/2019 at 22-24 THOMPSON AVENUE MOOREBANK 2170 (Lots 38 & 39 DP 226324) for 'Demolition of existing structures and construction of a four-storey residential flat building and a 65 place child care centre with basement carparking'. Submissions need to be made to Council by 13 December 2019.

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 overhead power lines to the road verge / roadway
- Low voltage overhead service conductors coming from a pole on the road verge to the customer connection points for the two existing dwellings on the site (which will become redundant assets if the development proceeds).

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

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



51 Hurlingham Drive, Hurlingham, NSW 2148  
PO Box 811, Seven Hills, NSW 1730  
T: 130 718

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

ABN 11 247 365 823


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• Network Capacity / Connection

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

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 can accommodate loads from 315 kVA up to 1,500 kVA (typically 500 kVA) ie. there is a significant variation in the number and type of premises able to be connected to a substation.

Applicants should not automatically assume that the presence of existing electricity infrastructure or nearby similar development means that adequate supply is immediately available to facilitate their proposed development. The following site plan from Endeavour Energy's G/Net master facility model shows there are various 'Work Polygons' (indicated by the coloured highlighting and/or hatching of the lot) in the vicinity of the site indicating enquiries and applications for contestable works projects with Endeavour Energy's Network Connections Branch for electricity supply.





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The closest existing pole mounted substation no. 4009 located approximately 180 metres to the north in Thompson Avenue Fifth Avenue currently has 72 customer connection points servicing 77 premises. Whilst it may have some spare capacity, it is not intended or capable of supplying a significant urban development.

Accordingly an extension and/or augmentation of the existing local network may be required. However the extent of the 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 rezoning and redevelopment of non-urban areas continues to occur.

The documents provided with the Development Application includes a 'Connection Offer – Standard Connection Service' dated 23 August 2018 (Endeavour Energy Ref. UML8882 – 2018/02111/001) being for a '12 unit residential development' as opposed to the now proposed 8 residential units and a two storey 65 place 'Child Care Facility'. In addition, as indicated, the Supply Offer which is part of the Connection Offer for a Standard Connection Service is valid for three (3) months from the date of issue.

Notwithstanding the change to the proposed development the following advice in the 'Connection Offer' is still valid.

**Network Constraints & Limitations:**

LV network of pole sub – 4009 is available on the frontage of this development. The voltage drop in LV mains will not comply after adding new load to the network. Capacity of the pole sub is another issue.

**HV/LV Connection Point & Connection Asset Requirements:**

Sub upgrade with LV augmentation/ underground extension with new LV pillar is required to supply the development.

In due course the applicant for the proposed development of the site will need to submit an application for connection of load via Endeavour Energy's Network Connections Branch to carry out the final load assessment (which may also have regard the northern lot containing the existing child care centre, after school care and tutoring school is envisaged to be redeveloped in the future for residential purposes) and the method of supply will be determined.

Depending on the outcome of the assessment, any required padmount substation will need to be located within the property (in a suitable and accessible location) and be protected (including any associated cabling) by an easement and associated restrictions benefiting and gifted to Endeavour Energy. Please refer to Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'.

Further details are available by contacting Endeavour Energy's Network Connections Branch via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm or on Endeavour Energy's website under 'Home > Residential and business > Connecting to our network' via the following link:

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

Alternatively the applicant should engage an Accredited Service Provider (ASP) of an appropriate level and class of accreditation. The ASP scheme is administered by Energy NSW and details are available on their website via the following link or telephone 13 77 88:

<https://energy.nsw.gov.au/government-and-regulation/legislative-and-regulatory-requirements/asp-scheme-and-contestable-works>

The new low voltage service conductor and customer connection point must comply with the 'Service and Installation Rules of NSW' which can be accessed via the following link to the Energy NSW website:

<https://energy.nsw.gov.au/government-and-regulation/legislative-and-regulatory-requirements/service-installation-rules> -

- 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:

**5.11 Reticulation policy**

**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 'treed' 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.

<sup>1</sup> 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.

- 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.

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• **Prudent Avoidance**

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

In practical terms this means that when designing new transmission and distribution facilities, consideration is given to reducing exposure and increasing separation distances to more sensitive uses such as residential or schools, pre-schools, day care centres or where potentially a greater number of people are regularly exposed for extended periods of time.

These emissions are usually not an issue but with Council's permitting or encouraging development with higher density, reduced setbacks and increased building heights, but as the electricity network operates 24/7/365 (all day, every day of the year), the level of exposure can increase.

Endeavour Energy believes that irrespective of the zoning or land use, applicants (and Council) should also adopt a policy of prudent avoidance by the siting of more sensitive uses eg. the office component of an industrial building, away from and less susceptible uses such as garages, non-habitable or rooms not regularly occupied eg. storage areas in a commercial building, towards any electricity infrastructure – including any possible future electricity infrastructure required to facilitate the proposed development.

Where development is proposed near electricity infrastructure, Endeavour Energy is not responsible for any amelioration measures for such emissions that may impact on the nearby proposed development.

Please find attached a copy of Energy Networks Association's 'Electric & Magnetic Fields – What We Know' which can also be accessed via their website at <https://www.enerynetworks.com.au/electric-and-magnetic-fields> and provides the following advice:

*Electric fields are strongest closest to their source, and their strength diminishes rapidly as we move away from the source.*

*The level of a magnetic field depends on the amount of the current (measured in amps) and decreases rapidly once we move away from the source.*

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

• **Separation of Driveways to Poles**

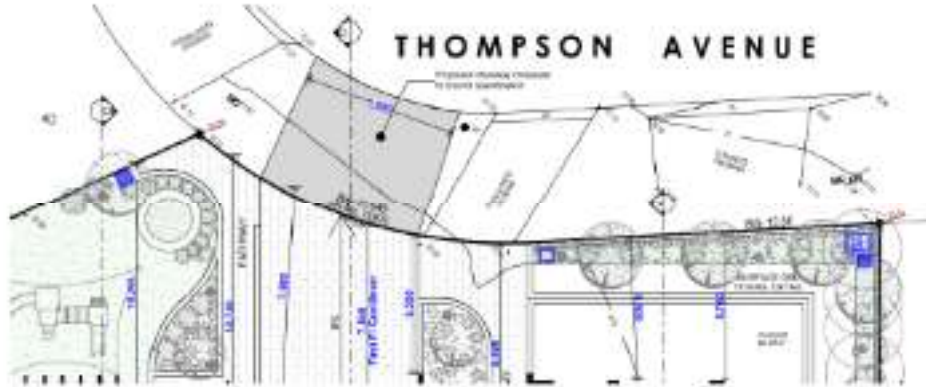
Endeavour Energy has noted that as shown in the following extract of the Site plan the power pole to the road verge is located near the driveway to the two-way driveway vehicular access ramp.

Endeavour Energy's recommendation that the minimum separation distance of driveways from power poles or light poles is 1 metre. For lesser distances, appropriate protective devices may be required and 300 millimetres clearance to the skirting of the proposed driveway is regarded as the minimum that would be acceptable / safe.



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Regarding the relevant parts of Australian Standard 2890 'Parking Facilities', whilst there is no direct reference in the Standard to power poles or light poles, as a 'permanent sight obstruction', provision needs to be made to allow for turning movements, reversing, safety aspects such as sight distances to both pedestrians and other vehicles should not be compromised. Also, as a 'fixed object', if adequate separation cannot be provided, protective devices to protect the power pole from vehicle impact may be required.

- **Vegetation Management**

The planting of large trees near 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 could become a potential safety risk, restrict access, reduce light levels from streetlights or result in the interruption of supply may become 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.

- **Dial Before You Dig**

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

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• **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 i.e. 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.

• **Removal of Electricity Supply**

Approval for the permanent disconnection and removal of supply must be obtained from Endeavour Energy's Network Connections Branch (contact the Head Office enquiries on telephone: 333 738 or (02) 3853 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:

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

The written request must be submitted to Endeavour Energy using Form FFP4603 'Permission to Remove Service / Metering by Authorized Level 2 Accredited Service Provider' which must be accompanied by Notification of Service Works (NOSW) forms provided as a result of service work 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'.

• **Public Safety**

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

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

If the applicant has any concerns over the proposed works in proximity of the Endeavour Energy's electricity infrastructure to 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 [Construction.Works@endeavourenergy.com.au](mailto:Construction.Works@endeavourenergy.com.au).

• **Emergency Contact**

In case of an emergency relating to Endeavour Energy's electrical network, the applicant should note the Emergencies Telephone is 131 003 which can be contacted 24 hours/7 days. Endeavour Energy's contact details should be included in the any risk or safety management plan.

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

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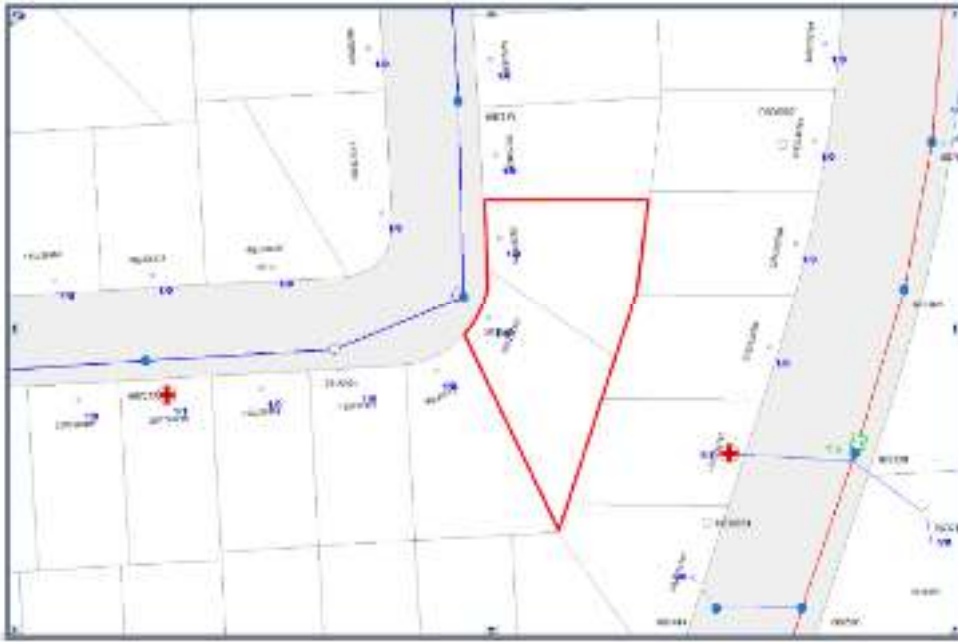
Could you please pass on a copy of this submission and the attached resources to the applicant? Should you wish to discuss this matter, or have any questions, please do not hesitate to contact me or the contacts identified above in relation to the various matters. Due to the high number of development application / planning proposal notifications submitted to Endeavour Energy, to ensure a response contact by email to [property.development@endeavourenergy.com.au](mailto: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](mailto:cornelis.duba@endeavourenergy.com.au)  
51 Huntingwood Drive, Huntingwood NSW 2148  
[www.endeavourenergy.com.au](http://www.endeavourenergy.com.au)



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From: NSW Planning <planning.app@planning.nsw.gov.au>  
Sent: Friday, 22 November 2019 12:57 PM  
To: Property Development <Property.Development@endea-yourenergy.com.au>  
Subject: NSW Government concurrence and referral request CNR-2899(LIVERPOOL CITY COUNCIL)



A request for NSW Government agency consideration of an application DA-572/2019 at 22 THOMPSON AVENUE MOOREBANK 2170 was submitted to your agency on 22 November 2019.

Pre-assessment of this application is required.

Please log into the [NSW Planning Portal](#) to progress your assessment of the request, reference number CNR-2899.

You can find general information about the online concurrence and referral system [here](#) or call our help line on 1300 305 695.

This email has been automatically sent through the NSW Planning Portal. Please do not reply to this message. If you have received this email in error, please contact us at [enquiries@planning.nsw.gov.au](mailto:enquiries@planning.nsw.gov.au).