

**MATTERS FOR
LIVERPOOL LOCAL PLANNING PANEL
DETERMINATION**

Monday the 26th of September 2022

To be held at the
MS Teams
Commencing at 2:00pm

Join on your computer, mobile app or room device

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Meeting ID: 481 417 837 168

Passcode: TuXHsL

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

Should you wish to address the Panel, please advise Amanda Merchant, Panel Support Officer on 8711 7712 or 1300 36 2170, by 4pm, Friday the 23rd of September 2022.

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

ITEM No.	SUBJECT	PAGE No.
1	<p>Development Application DA-789/2020</p> <p>CONSTRUCTION AND OPERATION OF A CONCRETE BATCHING PLANT. THE DEVELOPMENT IS DESIGNATED DEVELOPMENT PURSUANT TO SCHEDULE 3 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000. THE PROPOSAL IS INTEGRATED DEVELOPMENT AND REQUIRES APPROVAL FROM THE NSW RFS</p> <p>LOT 1 DP 1188956 320-400 BADGERYS CREEK ROAD, BADGERYS CREEK</p>	3- 41

ITEM No.	SUBJECT	PAGE No.
2	<p>Development Application DA-303/2022</p> <p>PUBLIC ART MEMORIAL IN THE FORM OF A FREE-STANDING SCULPTURE.</p> <p>LOT 22, DP 1132574 1 POWERHOUSE ROAD, CASULA</p>	42 - 77

ITEM No.	SUBJECT	PAGE No.
3	<p>Development Application DA-1167/2021</p> <p>CONVERSION AND USE OF THE REMAINS OF AN EXISTING HERITAGE ITEM AS A RECREATION AREA KNOWN AS PHILLIMONA GARDENS</p> <p>LOT 888 DP 1230089 2 LACHLAN STREET, LIVERPOOL</p>	78 - 120

ITEM No.	SUBJECT	PAGE No.
4	<p>Development Application DA-609/2021</p> <p>DEMOLITION OF EXISTING STRUCTURES, CONSTRUCTION OF A NEW SERVICE STATION, CONVENIENCE STORE AND CARWASH FACILITY AND INCLUDES SIGNAGE.</p> <p>DP 15511 PT LOT 2, LOT 55 DP 1151428 694 HUME HIGHWAY, CASULA 696 HUME HIGHWAY, CASULA</p>	121 - 155

Item no:	1
Application Number:	DA-789/2020
Proposed Development:	Construction and operation of a concrete batching plant. The development is Designated Development pursuant to Schedule 3 of the Environmental Planning and Assessment Regulation 2000. The proposal is Integrated Development and requires approval from the NSW RFS
Property Address:	320-400 Badgerys Creek Road, Badgerys Creek
Legal Description:	LOT 1 DP 1188956
Applicant:	Holcim (Australia) Pty Ltd
Land Owner:	Mr A Abdul-Rahman Miss M A Elford
Cost of Works:	\$5,461,986.00
Recommendation:	Refusal
Assessing Officer:	Melanie Smith

1. EXECUTIVE SUMMARY

Council is in receipt of a DA for the construction and operation of a concrete batching plant at 320-400 Badgerys Creek Road, Badgerys Creek.

The DA has been assessed against the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, relevant environmental planning instruments, development control plans and policies.

The DA was advertised for a period of 28 days in accordance with Liverpool Community Participation Plan 2019. The advertising period was from 28 October 2020 to 26 November 2020. No submissions were received in response to the advertising of this DA.

The site is zoned part ENT Enterprise, Part ENZ Environment and Recreation, and Part SP2 Infrastructure pursuant to the State Environmental Planning Policy (Precincts—Western Parkland City) 2021 (Western Parkland City SEPP). Chapter 4, Part 4.8, Section 4.51 of the Western Parkland City SEPP contains saving provisions for development applications that were lodged but not finally determined before the commencement of this Chapter. These development applications are to be determined as if this Chapter had not commenced. In this regard, as the application was lodged on 23 September 2020, and the Western Parkland City SEPP came into force on 1 October 2020, the application has been assessed against the relevant provisions of the Liverpool Local Environmental Plan 2008.

The applicant is seeking consent for the proposed construction and operation of a concrete batching plant under the Resources and Energy SEPP as the proposal is prohibited development in the RU1 Primary Production zone under the Liverpool LEP 2008.

A noise impact assessment was submitted in support of this application which deems that the residential receiver (known as R1) located at 300 Badgerys Creek Road, Badgerys Creek is not considered to be a sensitive receiver for impact assessment purposes, due to an agreement reached with the respective property owner. Council's Environmental Health staff

have reviewed this report and have determined it cannot be supported, noting the nearest sensitive receiver identified as R1 cannot be disregarded based on an agreement between existing parties, given the property may be sold in the future and that it has been demonstrated that the site will be unreasonably affected by noise impacts.

Furthermore, the application also cannot be supported as:

- The application has failed to demonstrate compliance with the State Environmental Planning Policy (Biodiversity and Conservation) 2021 due to lack of information being provided;
- The proposal is currently unable to be serviced by Sydney Water;
- The proposed development is not consistent with the RU1 Primary Production zone objectives; and
- The proposal does not achieve satisfactory compliance with the Liverpool Development Control Plan 2008.

The application is referred to the Liverpool Local Planning Panel (LLPP) in accordance with the Local Planning Panels Direction – Development Applications and Applications to Modify Development Consent, endorsed by the Minister for Planning and Public Spaces on 30 June 2020, as the development falls in the category of:

Sensitive development

(a) Designated development.

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 refused, for the reasons as outlined in this report.

2. SITE DESCRIPTION AND LOCALITY

2.1 The site

The subject site is known as 320 – 400 Badgerys Creek Road, Badgerys Creek. The site is irregular in shape with a frontage of approximately 740m to Badgerys Creek Road. The site has an overall area of 39.91 hectares. The southern boundary of the site is approximately 766m in length, whilst a creek line defines the northern boundary of the site.

The site is currently occupied by an approved quarry and extractive industry. The operations involve demolition material recovery, shale and sandstone extraction, and site rehabilitation.

An aerial image of the site is shown in Figure 1 below.

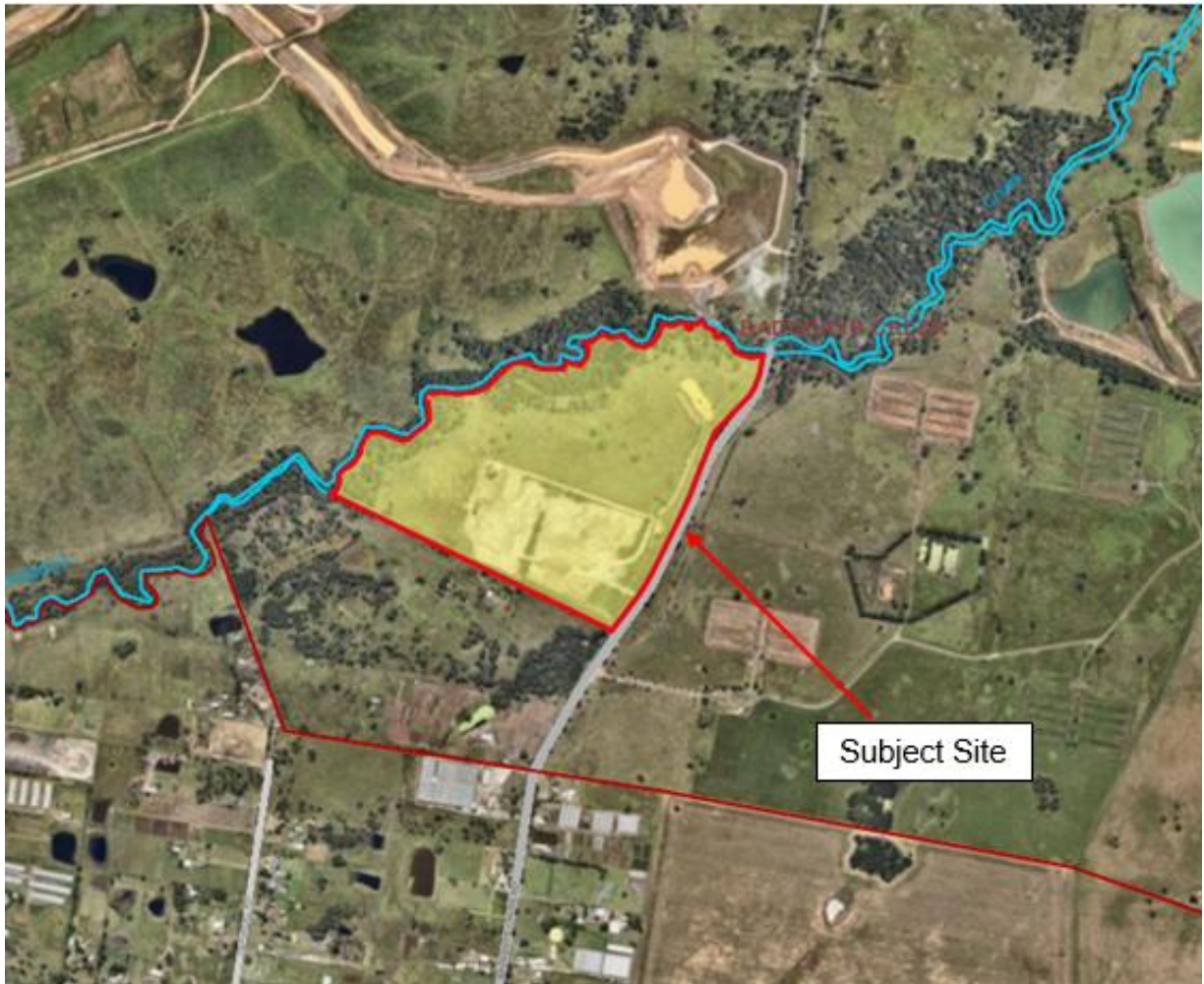


Figure 1: Aerial Photo of the site.

2.2 The Locality

The proposed development site is predominantly surrounded by semi-rural development including low density rural residential dwellings and agricultural operations as seen in Figure 2. The nearest residential dwelling is located on the adjoining site to the south and is approximately 200m from the boundary of the site.

The site is approximately 3km south of Elizabeth Drive, approximately 1.4km to the south east of the Western Sydney Airport, and approximately 3.8km south east of the Northern Road.

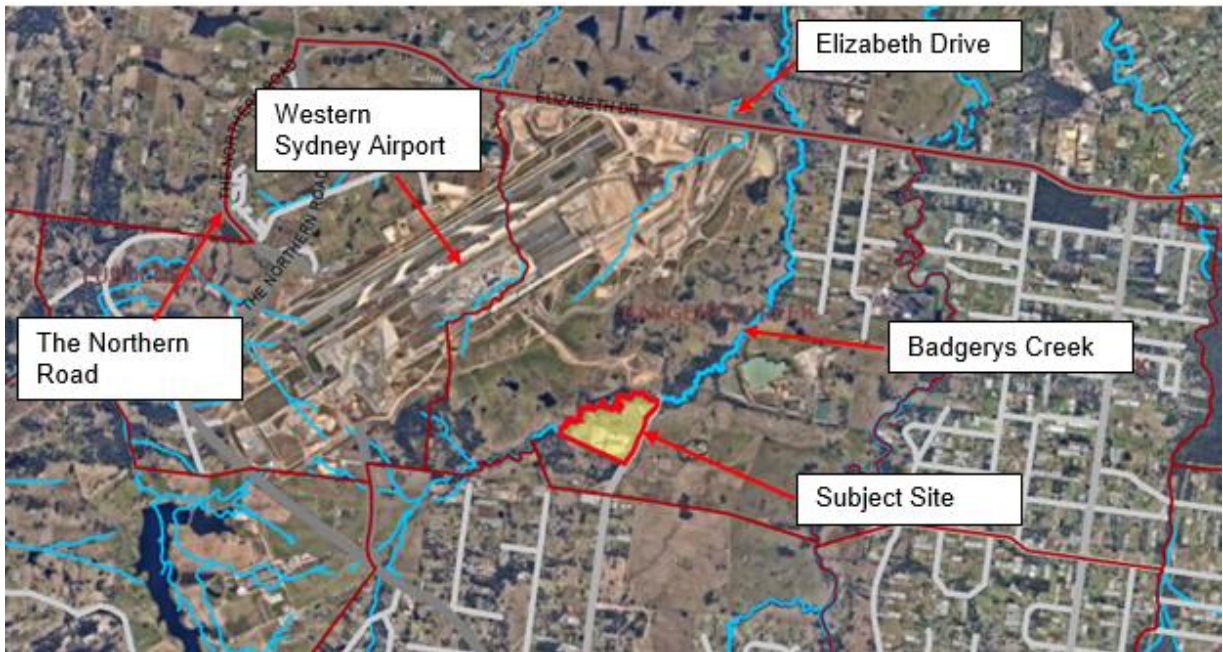


Figure 2: Locality of the area.

3. HISTORY

The relevant development history of the site is summarised in the following table:

Date	Development
2 September 2009	Approval of DA-693/2009 for the operation of an extractive industry (shale quarry) and materials resource recovery facility to run concurrently
16 February 2011	Approval of DA-693/2009/A modification application to amend minor errors in conditions and deletion of two conditions.
16 December 2014	Approval of DA-693/2009/B modification application to enable the stockpiling of up to 85,000 in the construction of berms, and modification also seeks to modify condition 9 such that an Environmental Protection License is required prior to the issue of an Occupation Certificate rather than prior to the issue of a Construction Certificate.
2 April 2015	Approval of DA-693/2009/C modification application to amend minor errors in conditions and deletion of a condition.
7 September 2017	Approval of DA-693/2009/D modification application to amend minor errors in conditions and deletion of conditions, and addition of a condition.
29 August 2019	Refusal of DA-693/2009/F modification application seeking consent for 24 hour operation, 7 days a week.
21 October 2020	Approval of DA-693/2009/G modification application to amend conditions, and addition of conditions.
7 January 2022	Approval of DA-693/2009/H modification application to amend a condition.
7 January 2022	Approval of DA-693/2009/I modification application to amend a condition.

4. DETAILS OF THE PROPOSAL

DA-789/2020 seeks approval for the construction and operation of a concrete batching plant.

Specifically, the development involves:

- Construction of concrete batching plant including:
 - Raw material receiving, storage and transfer infrastructure
 - Concrete batching infrastructure
 - Washout facility
 - Office and amenities
 - Stormwater management system
 - Heavy and light vehicle parking facilities
 - Peak production capacity of approximately 100m³ per hour, with an anticipated production of 750m³ per day with a peak of up to 2,000m³.

- Construction of concrete batching infrastructure including:
 - Three 100 m³ silos for cement and fly-ash storage, approximately 16.35 m in height
 - One 70 m³ silo for silica
 - Covered conveyor system
 - External stair tower
 - Bunded storage area for admixtures and other products
 - Slump stands and truck wash down facility.

- Raw materials receiving, storage and transfer infrastructure to accommodate bulk deliveries of raw materials including aggregates, cementitious materials, admixtures and additives.

- Construction of a washout facility.

- Construction of an office building.

- Employment of 18 staff; and

- 24 hour operation, 7 days a week.

5. STATUTORY CONSIDERATIONS

5.1 Relevant matters for consideration

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

- Environment and Planning Assessment Act 1979
- State Environmental Planning Policy (Resources and Energy) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Precincts—Western Parkland City) 2021
- Western Sydney Aerotropolis Precinct Plan
- Liverpool Development Control Plan 2008
 - Part 1: General Controls for All Development; and

- Part 5: Development in Rural and E3 Zones.

6. ASSESSMENT

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

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:

(a) State Environmental Planning Policy (Resources and Energy) 2021

The applicant is seeking consent for the proposed construction and operation of a concrete batching plant under the Resources and Energy SEPP as the proposal is prohibited development in the RU1 Primary Production zone under the Liverpool LEP 2008.

The site is currently occupied by an approved quarry and extractive industry. The operations involve demolition material recovery, shale and sandstone extraction, and site rehabilitation. Chapter 2, Part 2.2, Section 2.9 of the Resources and Energy SEPP permits the following:

Co-location of industry *If extractive industry is being carried out with development consent on any land, development for any of the following purposes may also be carried out with development consent on that land –*

- (a) the processing of extractive material,*
- (b) the processing of construction and demolition waste or of other material that is to be used as a substitute for extractive material,*
- (c) facilities for the processing or transport of extractive material,*
- (d) concrete works that produce only pre-mixed concrete or bitumen pre-mix or hot-mix.*

The applicant is seeking approval for the construction and operation of a concrete batching plant under the provisions of Section 2.9 of the Resources and Energy SEPP as the batching plant will only produce pre-mixed concrete.

(b) State Environmental Planning Policy (Transport and Infrastructure) 2021

Pursuant to Chapter 2, Part 2.3, Division 17, Subdivision 2, Section 2.119 of the Transport and Infrastructure SEPP the consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that –

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

Additionally, Schedule 3 of the Transport and Infrastructure SEPP relates to traffic generating developments that requires referral to Transport for NSW (TfNSW). Column 3 requires referral of industry that is 5,000m² in site area and it is a site with access to classified road or to road that connects to classified road.

This DA was referred to TfNSW who have reviewed the proposal and have raised no objection to the development as the it will have minimal impact on the classified road network.

(c) State Environmental Planning Policy (Biodiversity and Conservation) 2021

The subject land is located within the Hawkesbury Nepean Catchment and as such the State Environmental Planning Policy (Biodiversity and Conservation) 2021 applies to the application.

The SEPP generally aims to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

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

9.4 General Planning Considerations	Comment
(a) the aims of this plan,	The plan aims to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.
(b) the strategies listed in the Action Plan of the Hawkesbury-Nepean Environmental Planning Strategy	The strategies are applied to this planning assessment in the table under Clause 6.
(c) whether there are any feasible alternatives to the development or other proposal concerned	The proposed development are appropriate and no alternatives need be considered.
(d) the relationship between the different impacts of the development or other proposal and the environment, and how those impacts will be addressed and monitored	It was requested that any water quality treatment measures identified in Surface Water Impact Assessment be incorporated in Stormwater Management Concept Plan and provided for assessment. Council's Flood Engineer has advised that this information has not been provided.
9.5 Specific Planning Policies and Recommended Strategies	Comment
(1) Total catchment management	It was requested that any water quality treatment measures identified in Surface Water Impact Assessment be incorporated in Stormwater Management Concept Plan and provided for assessment. Council's Flood Engineer has advised that this information has not been provided.
(2) Environmentally sensitive areas	The location of works are not part of an Environmentally Sensitive area as defined in this plan.
(3) Water quality	Council's development engineers have provided conditions of consent aimed to improve the quality of expected stormwater discharge from the site.

(4) Water quantity	Council's development engineers have provided conditions of consent aimed to reduce the impact from the expected storm-water runoff and flow characteristics through the site, on down-stream aquatic ecosystems.
(5) Cultural heritage	The site is located within 200m of a watercourse and would normally require a full detailed Aboriginal Cultural Heritage Assessment. The applicant has provided a report by AHMS from 2014 which Council's Heritage Officer has reviewed and is satisfied with the findings. The site is not identified as potentially containing an item of Aboriginal archaeology. Conditions could address any unexpected finds during works.
(6) Flora and fauna	The site is identified as Biocertified and otherwise not containing threatened species of flora and fauna.
(7) Riverine scenic quality	Not applicable.
(8) Agriculture/aquaculture and fishing	Not applicable.
(9) Rural residential development	Not applicable.
(10) Urban development	Not applicable.
(11) Recreation and tourism	Not applicable.
(12) Metropolitan strategy	The proposal is consistent with the Metropolitan Strategy.

Due to lack of information being provided, particularly the inclusion of water quality treatment measures being incorporated into the stormwater management plan, Council cannot be satisfied that the proposed use of the site protects the environment of the Hawkesbury-Nepean River system and its tributaries.

(d) State Environmental Planning Policy (Resilience and Hazards) 2021

The proposal has been assessed under the relevant provisions of SEPP (Resilience and Hazards). The objectives of the SEPP are:

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

Pursuant to the above SEPP, Council must consider:

- whether the land is contaminated.
- if the land is contaminated, whether it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the proposed use.

The submitted contamination assessments included a Conceptual Site Model. The CSM identified that the contamination sources are not considered to present an unacceptable risk to the site, and that intrusive investigations are not therefore considered to be warranted at the site. The assessment considers contamination beyond the boundaries of the concrete batching site and concludes that no further investigations are warranted, and the site is considered to be suitable for the proposed use as a concrete batching plant.

The assessments were reviewed by Council's Environmental Health Officer who concurred with the findings of this report and have recommended conditions of consent. The reports have also confirmed that they have been reviewed by an accredited consultant that has the necessary qualifications under the Environment Institute of Australia and New Zealand-

Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)); or Soil Science Australia- Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme.

Pursuant to Chapter 4 of the SEPP, Council is also required to undertake a merit assessment of the proposed development. The following table summarises the matters for consideration in determining development application.

Clause 4.6 - Contamination and remediation to be considered in determining development application	Comment
(1) A consent authority must not consent to the carrying out of any development on land unless:	
(a) it has considered whether the land is contaminated, and	The land is not contaminated as demonstrated in the reports submitted in support of this application.
(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	Remediation is not necessary.
(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.	N/A

Based on the above assessment, the proposal is considered to satisfy the relevant objectives and provisions of SEPP (Resilience and Hazards) 2021. Therefore, it is considered that the subject site is suitable for the proposed development.

(e) State Environmental Planning Policy (Precincts—Western Parkland City) 2021

The subject site is zoned part ENT – Enterprise, part ENZ – Environment and Recreation, and part SP2 – Infrastructure pursuant to Chapter 4 Western Sydney Aerotropolis of the State Environmental Planning Policy (Precincts—Western Parkland City) 2021. An extract of the zoning map is provided below.

Chapter 4, Part 4.8, Section 4.51 of the Western Parkland City SEPP contains saving provisions for development applications that were lodged but not finally determined before the commencement of this Chapter. These development applications are to be determined as if this Chapter had not commenced. In this regard, the application has been assessed against the relevant provisions of the Liverpool Local Environmental Plan 2008.



Figure 3: Extract of SEPP 2021 zoning map.

Western Sydney Aerotropolis Precinct Plan

At the time of lodgement of this Development Application, the Draft western Sydney Aerotropolis Plan was in place. Subsequently in March 2022, the Western Sydney Aerotropolis Precinct Plan replaced the Draft. An assessment against the Precinct Plan to establish whether the proposed development is consistent with the desired future character of the area has been undertaken below:

Requirement	Comment
Section 3 – Infrastructure and Development Staging	
<p>Prior to granting development consent, the consent authority must be satisfied that essential services and infrastructure are available or will be available when required for the development.</p> <p>Essential services and infrastructure is road access, water supply, sewer, electricity and stormwater infrastructure.</p>	<p>Does not Comply Comments have been provided by Sydney Water stating that the site cannot currently be serviced.</p>
<p>Development near utility infrastructure should be in accordance with the relevant service authority’s guidelines and requirements.</p>	<p>Complies Comments and conditions have been provided by Endeavour Energy.</p>
<p>Development will need to investigate and consider future planned utility infrastructure including the aviation fuel pipeline.</p>	<p>Does not Comply Comments have been provided by Sydney Water stating that the site cannot currently be serviced.</p>
<p>Where the alignment of an aviation fuel pipeline is specified, applicants for development that adjoins the pipeline (including the planned pipeline alignment if</p>	<p>Complies The pipeline has not yet been constructed however Western Sydney Airport have advised that there is a fuel farm to the north-</p>

not yet constructed) are to undertake a land use safety assessment to determine appropriate buffers and mitigation measures to reduce public risk in consultation with the relevant authority.	west of the airport which is not located in proximity to the subject site.
The sequencing of development is to be generally in accordance with the Sequencing Plan	Complies The subject site is identified as being in the first priority areas.
Development is not to compromise the efficient and orderly provision and staging of the transport network, utilities and servicing.	Complies The subject site is identified as being in the first priority areas.
Development does not result in isolated areas requiring out of sequence servicing by transport networks, utilities and services, or at additional cost to government or utility agencies.	Complies The proposed development will not result in out of service sequencing.
The road network proposed as part of development applications is to be consistent with the Street Hierarchy Map	Does not Comply The site is required to provide park edge streets. The application does not propose construction of any roads.
Where a development application proposes development that does not meet the Requirements of Section 3.1, the applicant is required to demonstrate, to the satisfaction of the consent authority, that arrangements have been made for all essential services and infrastructure to be provided when required and at no additional cost to government (including the relevant Council and the NSW Government) and utilities authorities	Does not Comply It has not been demonstrated how the site will be serviced by Sydney Water.
Applicants for development under Requirement OS1 must provide, as part of the development application, confirmation from utilities providers including Sydney Water and infrastructure delivery agencies including the relevant Council and Transport for NSW that: a) planned servicing and infrastructure provision will be in place to support development; and b) the development is capable of connecting to and integrating with existing or planned services and infrastructure.	Does not Comply It has not been demonstrated how the site will be serviced by Sydney Water.
Applicants for development under Requirement OS1 must demonstrate, to the satisfaction of the consent authority, that out of sequence development does not unreasonably impact on the ability of adjoining or nearby land owners to develop their land in accordance with the Precinct Plan, or result in unreasonable impacts on the environment of adjoining land.	Does not Comply It has not been demonstrated that the proposed development will not adversely impact the adjoining site in regard to noise emissions.
Part 4 – Urban Structure	
The types and densities of land uses are to be consistent with the Land Use Plan at	Does not Comply The site is identified as being for enterprise

Figure 3	and light industry. A concrete batching plant is not considered to be a light industry.
<p>Subdivision and civil works are to be consistent with the road network shown on the Transport Network Plan. Local streets, laneways and active transport routes are designed to integrate with the Transport Network Plan and to:</p> <ul style="list-style-type: none"> • Ensure connectivity • Encourage sustainable transport choices by providing direct routes that prioritise active transport and public transport for workers • Appropriately cater for heavy vehicles including freight movements and public transport vehicles • Facilitate coordinated development of parcels in different ownerships or at different times • Assist with managing water in the landscape • Minimise the extent and depth of earthworks and the need for retaining walls. 	<p>Does not Comply</p> <p>The site is required to provide park edge streets. The application does not propose construction of any roads. In this regard, it is unclear how the future open space will be accessed.</p>
Local or Neighbourhood Centres in the Enterprise Zone or Agribusiness Zone are to be located within 400m of the indicative location on the Land Use Plan (Figure 3), and on public transport routes (collector roads or Sub-arterial Roads).	Not applicable
Ensure built form is appropriate for its use and ensure natural cross ventilation, improved internal thermal comfort and reduced reliance on air conditioning.	<p>Complies</p> <p>The built form proposed is compatible with the proposed use.</p>
Provide for high quality architectural and design outcomes which respond to topography and site characteristics.	<p>Not applicable</p> <p>As this proposal is for a concrete batching plant it cannot be architecturally designed.</p>
<p>Residential development in the Mixed Use Zone is to be located:</p> <p>a) Within 1 kilometre walking distance of Metro stations; or</p> <p>b) Within 400 metres of a bus stop or a Collector Street; and</p> <p>c) Within 200 metres of open space</p>	Not applicable
Development applications are to retain access to and connect significant Aboriginal heritage and areas of cultural value, conservation corridors and other identified areas of significant Aboriginal heritage	<p>Compliance has not been demonstrated</p> <p>This DA was referred to the Gandangarra Local Land Council however comments were not provided and the applicant has not submitted any correspondence demonstrating that consultation has been undertaken.</p>
Development applications that propose disturbance to the landscape in areas of moderate, high or very high Aboriginal sensitivity on Figure 4, or include known Aboriginal cultural or archaeological sites, are required to include an assessment of impacts	<p>Complies</p> <p>The site is located within 200m of a watercourse and would normally require a full detailed Aboriginal Cultural Heritage Assessment. The applicant has provided a report by AHMS from 2014 which Council's</p>

on archaeological and or cultural heritage values and significance. Where specific measures are required to mitigate or avoid impacts, applications are to include a cultural heritage management plan or conservation management plan prior to the issue of a construction certificate.	Heritage Officer has reviewed and is satisfied with the findings. not identified as potentially containing an item of Aboriginal archaeology. Conditions could address any unexpected finds during works.
Modified trees (carved or scarred) and grinding grooves are to be protected and preserved in situ, and management plans are to be prepared to demonstrate how these items are to be retained and protected.	Complies Tree removal is not proposed.
Interpretation and story-telling required to inform impact assessments, mitigation measures and management plans are to be undertaken in consultation with, and walking on Country with, the traditional custodians and Local Aboriginal Land Councils (LALCs).	Compliance has not been demonstrated This DA was referred to the Gandangarra Local Land Council however comments were not provided and the applicant has not submitted any correspondence demonstrating that consultation has been undertaken.
Development is to contribute to the establishment of the blue-green infrastructure framework for the Aerotropolis in accordance with Figure 5.	Does not Comply The proposed development has not demonstrated how it will contribute towards stormwater infrastructure or the local open space and drainage network.
Development applications are to demonstrate how the following performance criteria for ambient water quality objectives for waterways and waterbodies are to be met either by: a) On-lot or on-street measures; or b) As part of a regional stormwater approach demonstrating that the development will connect to the stormwater infrastructure shown on Figure 6.	Does not Comply It was requested that any water quality treatment measures identified in Surface Water Impact Assessment be incorporated in Stormwater Management Concept Plan and provided for assessment. Council's Flood Engineer has advised that this information has not been provided.
Development applications are to demonstrate how the following performance criteria relating to water flow objectives are to be met either by: a) On-lot or on-street measures; or b) As part of a regional stormwater approach demonstrating that the development will connect to stormwater infrastructure shown on Figure 6.	As above
Where development uses on-lot or on-street measures to achieve the performance criteria for ambient water quality and the flow objectives, the development application must demonstrate, to the satisfaction of the consent authority, the ability to connect the development to regional stormwater infrastructure when it is available.	As above
Compliance with the ambient water quality and flow objectives must be consistent with the NSW Government Technical guidance for achieving Wianamatta-South Creek	As above

stormwater management targets (DPIE, 2022).	
Multifunctional stormwater assets are to be located generally as shown on Figure 6.	Does not Comply The applicant has not addressed the multifunctional stormwater assets that are required.
Multifunctional stormwater assets are to integrate with the Open Space Network to support multifunctional open space areas for recreation, urban cooling and water management.	Does not Comply The applicant has not addressed the multifunctional stormwater assets that are required.
The multifunctional detention basins (as shown on Figure 6) are to be designed in accordance with the regional stormwater management strategy and recycled water network developed by the relevant stormwater authority.	Does not Comply The applicant has not addressed the multifunctional stormwater assets that are required.
Open space is to be provided to cater for local, district and regional requirements as shown in the Open Space Network at Figure 5.	Does not Comply It has not been demonstrated how the portion of the site that is identified as open space will be provided.
Tree canopy is to be provided on Sub-arterial Roads and Collector Streets shown on Figure 10 to achieve a minimum of 40% tree canopy cover at maturity, measured as a percentage of the area of the road reserve.	Does not Comply Badgerys Creek Road is identified as being a collector road, no upgrades to landscaping at the front boundary are proposed.
Park Edge Streets are to be provided generally in accordance with the locations shown on Figure 5, and development is to be oriented towards the street and provide for surveillance of the public domain.	Does not Comply The subject site is identified to provide park edge streets. The proposed development will not provide any streets.
In the Enterprise Zone and Agribusiness Zone, Indicative Open Space has been shown in Figure 5. If Indicative Open Space is set aside for the purpose of biodiversity conservation or additional open space as part of a development application it: a) Can contribute to achievement of the total pervious area for the development under the DCP (where the development application includes subdivision into one or more lots for development and/or buildings in addition to the proposed urban park), b) Must be subject to any relevant measures relating to the protection of Existing Native Vegetation or areas of high biodiversity value (refer to Figure 5), and c) Is to be subject to management and maintenance arrangements to the satisfaction of the consent authority or arrangements to dedicate the land to a public authority	Does not Comply It has not been demonstrated how measures are in place to protect and manage the existing native vegetation.
Existing Native Vegetation and other vegetation under the Cumberland Plain Conservation Plan is to be protected as	Does not Comply It has not been demonstrated how measures are in place to protect and manage the

required by the Aerotropolis SEPP. Development applications are to demonstrate, to the satisfaction of the consent authority, that measures are in place to protect and provide for the long term management of the vegetation to achieve biodiversity conservation outcomes under the Growth Centres Biodiversity Certification Order or the Cumberland Plain Conservation Plan as relevant.	existing native vegetation.
Recreation facilities, pathways and other infrastructure are not to be located on land referred to in Requirement BG1.	Complies No work is proposed on the land identified for the blue green grid.
Revegetation and landscaping are designed and managed to account for future climatic conditions and include climate ready species.	Complies The proposed landscape species are native and tolerant to the climate.
Development applications are to demonstrate: a) reuse of native plants (including but not limited to seed collection) and top soil from development sites that contain known or potential native seed bank. Appropriate uses may include, but are not limited to, application in re-vegetation or restoration works and landscaping in the precincts, b) the relocation of native animals from development sites, prior to development commencing	Complies The landscape plans demonstrate the use of native species. Relocation of animals could be addressed by conditions.
Any required onsite provision of open space is to incorporate high points and retain existing trees.	Complies Tree removal is not proposed.
The Road Network within the Transport Network is to be generally consistent with the alignment and connections of roads shown in Figures 8-10. Major roads (Sub-arterial and Arterial and Rapid Bus Routes) are to be designed to: a) Respond to topography; b) Enable the efficient movement of water, replicating natural flow patterns as closely as possible; c) Intersect with arterial or classified roads at locations and using intersection treatments nominated or agreed by the road authority; d) Accommodate buses generally consistent with the alignments and connections shown in Figure 8; e) Accommodate separated cycleways generally consistent with the alignment and connections of cycleways shown in Figure 9; and f) Connect with centres and metro stations.	Does not Comply The application does not demonstrate construction of any roads that are required in the Precinct Plan.
Energy, water and waste systems are to use	Does not Comply

<p>a circular economy approach to improve efficiency and result in low-carbon developments.</p>	<p>It has not been demonstrated that the proposed development will be low-carbon.</p>
<p>Effectively use renewable energy supply including solar, wind, green hydrogen, and bio-energy</p>	<p>Does not Comply It has not been demonstrated that renewable energy will be used.</p>
<p>Circular economy activities must be located with consideration of:</p> <ul style="list-style-type: none"> • nearby land uses, considering the likely construction and operational impacts of the proposed development • proximity of the proposed development in relation to the Western Sydney Airport, and associated risks to airport and aircraft operations (in reference to the proposed development's risk assessment) • proximity to land in the Environment and Recreation Zone and impacts on the environmental values of that land • potential impacts on the amenity and use of open space • proximity to major transportation routes, considering safe transportation of extractive and waste materials 	<p>Does not Comply The proposal cannot comply in regard to noise and consideration of the adjoining residential development must be considered.</p>
<p>In deciding whether to grant development consent for the purposes of commercial premises, industrial premises or residential accommodation, the consent authority must consider whether—</p> <p>a) the façade and roof of the proposed buildings and paved surfaces are designed to reduce adverse effects of solar heat on the surrounding land, including open space and the public domain, including a requirement for light-coloured roofs, and</p> <p>b) the awnings and eaves of the building are designed to provide shelter from the sun and improve public comfort at street level, and</p> <p>c) building plant and equipment is designed to minimise the release of heat in the direction of open space and the public domain, and</p> <p>d) the development accommodates tree canopy, pervious surfaces and landscaped areas to minimise solar heat absorption and reflection by hard surfaces.</p>	<p>Complies The proposed office building is not expected to create adverse heat impacts.</p> <p>Canopy tree planting is proposed.</p>
<p>Part 5 – Land Use and Built Form</p>	
<p>The height of buildings is not to exceed the maximum for the land shown on Figure 12.</p>	<p>Consistent The subject site will be subject to a building height of 24m. The proposed silos are a maximum of 16.35m</p>
<p>Buildings are not to exceed the maximum FSR shown on the Floor Space Ratio Map in Figure 13</p>	<p>Not applicable No FSR is identified for the subject site.</p>

(f) Liverpool Local Environmental Plan 2008

(i) Zoning

The subject site was previously zoned RU1 Primary Production pursuant to the Liverpool Local Environmental Plan 2008. An extract of the zoning map is provided below.

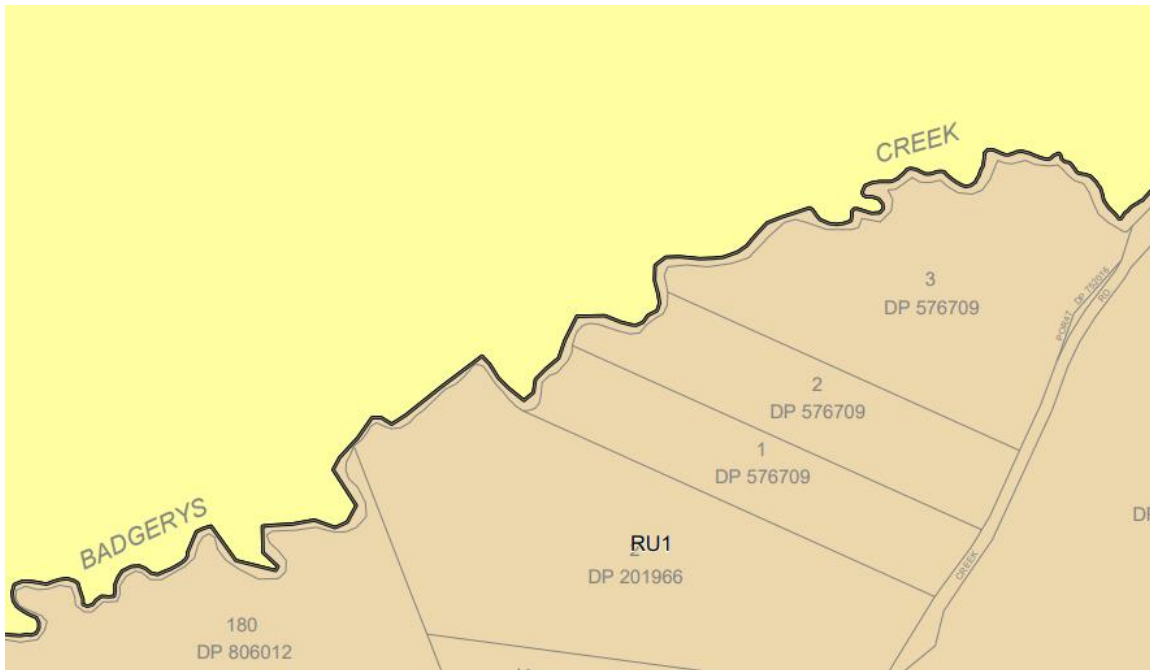


Figure 4: Extract of LLEP 2008 zoning map.

(ii) Permissibility

The applicant is seeking consent for the proposed construction and operation of a concrete batching plant under the Resources and Energy SEPP as the proposal is prohibited development in the RU1 Primary Production zone under the Liverpool LEP 2008.

The site is currently occupied by an approved quarry and extractive industry. The operations involve demolition material recovery, shale and sandstone extraction, and site rehabilitation. Chapter 2, Part 2.2, Section 2.9 of the Resources and Energy SEPP permits the following:

Co-location of industry *If extractive industry is being carried out with development consent on any land, development for any of the following purposes may also be carried out with development consent on that land –*

- (a) the processing of extractive material,*
- (b) the processing of construction and demolition waste or of other material that is to be used as a substitute for extractive material,*
- (c) facilities for the processing or transport of extractive material,*
- (d) concrete works that produce only pre-mixed concrete or bitumen pre-mix or hot-mix.*

The applicant is seeking approval for the construction and operation of a concrete batching plant under the provisions of Section 2.9 of the Resources and Energy SEPP as the batching plant will only produce pre-mixed concrete.

(iii) Objectives of the zone

The objectives of the RU1 Primary Production zone are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To ensure that development does not unreasonably increase the demand for public services or public facilities.*
- *To ensure that development does not hinder the development or operation of Western Sydney International (Nancy-Bird Walton) Airport.*
- *To preserve bushland, wildlife corridors and natural habitat.*

It is considered that the proposal is inconsistent with these zone objectives in that it does not appropriately minimise conflict between land uses, particularly in regard to adverse noise impacts on the adjoining residential development, and an assessment against the Western Sydney Aerotropolis Precinct Plan demonstrates inconsistencies with the Precinct Plan and the future vision for the Aerotropolis.

(iv) Principal Development Standards

The LLEP 2008 contains a number of provisions which are relevant to the proposal. Assessment of the application against the relative provisions is provided below.

Clause	Requirement	Assessment	Compliance
4.3 Height of Buildings	The building height is not to exceed what is prescribed by the LEP	The LEP did not specify a maximum height	N/A
4.4 Floor Space Ratio	The FSR is not to exceed what is prescribed by the LEP	The LEP did not specify a maximum FSR	N/A
7.31 Earthworks	To ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	Council's Land Development Engineer has reviewed this proposal and is satisfied with the earthworks.	Yes

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

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

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

(a) Liverpool Development Control Plan 2008

The proposed development is subject to the Liverpool Development Control Plan 2008 (DCP) 2008. The proposal has been assessed under the following Parts of the DCP 2008:

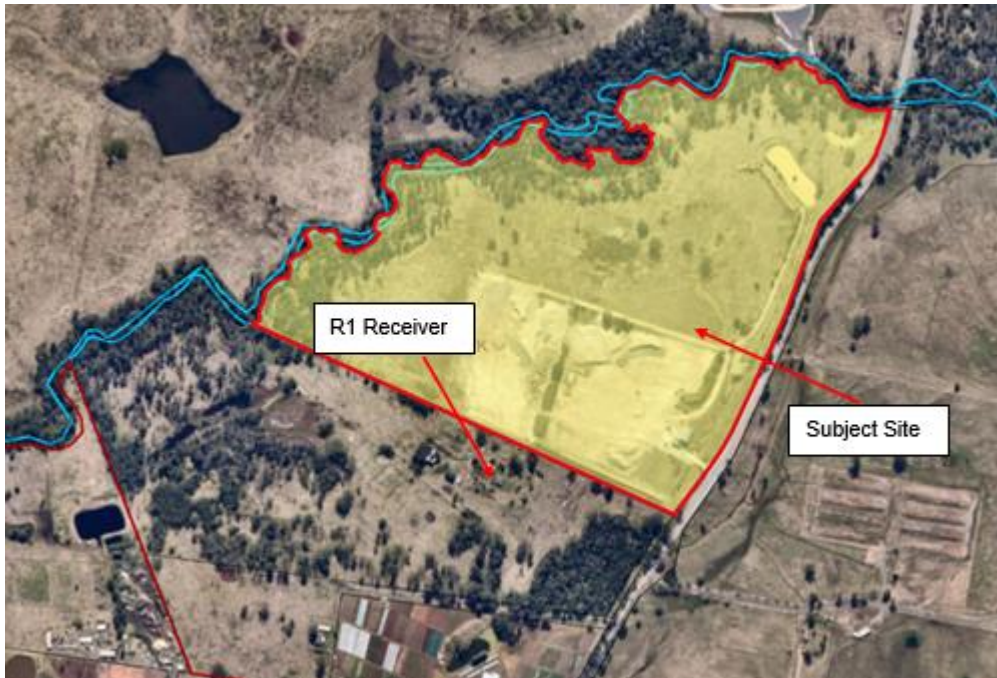
- Part 1 of the LDCP 2008, which covers general controls relating to all types of development within the Liverpool Local Government Area;
- Part 5 of the LDCP 2008, which covers controls for development in the rural and E3 zones.

An assessment table in which the development is considered against the Liverpool DCP is provided as an attachment to this report.

The proposal has not demonstrated compliance with Part 1, Section 6 Water Cycle Management in that it was requested that any water quality treatment measures identified in Surface Water Impact Assessment be incorporated in Stormwater Management Concept Plan and provided for assessment.

The proposal has not demonstrated compliance with Part 5, Section 7 Amenity and Environmental Impact of the DCP.

In the noise impact assessment submitted in support of this application the consultant has deemed that the residential receiver located at 300 Badgerys Creek Road, Badgerys Creek is not considered a sensitive receiver for impact assessment purposes due to an agreement with the respective property owner. Council's Environmental Health staff have reviewed this report and have determined it cannot be supported to disregard the nearest sensitive receiver identified as R1 given the property may be sold in the future and that it has been demonstrated that the site will be affected by noise.



Within section 7.0 – Operational Noise Assessment of the noise report titled the predicted operational noise level of 48 dB(A) will be exceeded the project specific noise levels at R1 as follows:

- Exceedance of 8 decibels during the day period (7am – 6pm),
- Exceedance of 10 decibels during the evening period (6pm – 10pm), and
- Exceedance of 18 decibels during the night period (10pm – 7am)

These exceedances cannot be supported based on an agreement with the current owners of the adjoining site.

A meeting was held between Council staff and the applicant on 9 December 2021 where the applicant presented what they believed to be a solution to Council's concerns. The applicant requested that Council consider conditioning the consent so that in the event the current landowners vacate, any future landowners would be offered acoustic and air quality solutions to the existing dwelling, and that if an agreement could not be reached then the operators would be required to meet the relevant noise and air/dust quality criteria. This would result in a 50% reduction in production during the evening and shoulder periods, and no production to occur during the night-time periods. In addition, the applicant proposed real-time air quality monitoring to ensure that any dust exceedances could be managed as required.

The proposal to condition the development in such a way to allow the proposed exceedances until such time as an agreement can be reached with the adjacent landowners is considered negligent with respect to a sustainable and suitable environmental outcome. It is considered that agreeing to the proposal, the consent authority would be resultantly accepting that the operators will generate air/dust and noise pollution at a level deemed unacceptable by the relevant standards.

On the 31 March 2022 the applicant provided in writing the conditions proposed to address the noise matters raised, the proposed conditions are as follows:

Operational Noise

The Proponent must ensure that operational noise generated by the project does not exceed the operational noise criteria in Table 1 at any residence on privately-owned land.

Table 1. Project Noise Trigger Levels and Operational Noise Criteria.

Residence	Morning Shoulder		Day	Evening	Night	
	LAeq (15 min)	LAFmax	LAeq (15 min)	LAeq (15 min)	LAeq (15 min)	LAFmax
<i>Project Noise Trigger Levels (PNTL)</i>						
All receivers	38	-	40	38	35	-
<i>Project Noise Trigger Levels (PNTL)</i>						
R1 - 300 Badgerys Creek Road*	43	53	48	43	38	52
Any other residence	38	52	40	38	35	52

Morning Shoulder means the period from 5.00 am to 7.00 am Monday to Saturday and the period 6.00 am to 8.00 am Sunday and public holidays.

Day means the period 7.00 am to 6.00 pm Monday to Saturday and the period 8.00 am to 6.00 pm Sunday and public holidays.

Evening means the period 6.00 pm to 10.00 pm.

Night means the remaining periods.

Noise generated by the development must be measured in accordance with the relevant requirements and exemptions (including certain meteorological conditions) of the NPfI. Section 5.2.2 Umwelt's Report No. 4606/R02, Revision Final Draft sets out the meteorological conditions under which these criteria apply and the NPfI outlines the requirements for evaluating compliance with these criteria.

The noise criteria in Table 1 do not apply if the Applicant has an agreement with the owner/s of the relevant residence or land to exceed the noise criteria, and the Applicant has advised the Council in writing of the terms of this agreement.

Note: Should an agreement with a landowner be terminated for any reason, the Proponent must comply with the noise criteria in Table 1 if R1 is being used as a residence. This would be confirmed through quarterly attended noise monitoring during conditions that support the propagation of the noise from the development to receiver location.

Special Noise Conditions:

The following special noise conditions are imposed to ensure that operational noise generated by the proposal does not exceed the operational noise criteria in Table 1 at any residence on privately-owned land.

Production noise mitigation:

In the event that the agreement with receiver (R1) is terminated and the site continues to be used as a dwelling, unless an agreement can be agreed with the new owner, the Proponent must ensure the development is operated so as to be compliant with table 1 above. This could include:

- 1. A deduction in plant production capacity;*
- 2. Implementation of changes to the internal operation of the plant including the use of mobile machines and fixed plant to reduce noise impacts;*
- 3. Modification to truck routes that could be sustained at lower production rates;*
- 4. The proponent must prepare a site specific Noise Management plan which defines the process for staff and contractors for managing noise at criteria at R1. This plan will also define the noise monitoring requirements below.*

Prior to the implementation of the above measures, validation monitoring is proposed at R1 to confirm the noise model predictions and assist in quantifying the required reduced operations.

Noise Monitoring:

In the event that the agreement with receiver (R1) is terminated and the site continues to be used as a dwelling, unless an agreement can be agreed, the Proponent, in accordance with the site specific Noise Management plan, must install real time noise monitoring at or near R1 to allow the Proponents plant operators to monitor and manage noise on a 24-hour average.

Following receipt of this information, questions were raised about the validity of such conditions and whether they could be legally imposed.

On 24 May 2022, the applicant's legal representative provided advice addressed to the applicant whether the proposed conditions relating to the regulation of noise impacts would be at risk of being challenged as invalid. The applicant's legal representative concluded in their advice that the risk of the proposed conditions being declared invalid is low.

Council's legal representatives peer reviewed this advice and advised that conditions requiring the applicant to reach an agreement with another landowner for the proposal to be operated in accordance with the conditions of consent is inconsistent with the principle that a development consent operates in rem (relating to the subject land) rather than operating in personam (relating to a particular person, such as an applicant to a development application or the landowner at the time the consent is granted), and any consent should be capable of being acted on by a new entity. Additionally, there is risk with the proposed conditions that the applicant could seek a declaration of invalidity from the Court which would result in not being required to de-intensify their operations.

As per the above, the proposal development is not considered to be an acceptable form of development based on non-compliance with amenity controls.

6.4 Section 4.15(1)(a)(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and

There are no planning agreements or draft planning agreements applicable.

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. Accordingly, appropriate conditions of consent could be imposed if this application was able to be supported.

Pursuant to Schedule 3 of the Environmental Planning and Assessment Regulation 2000, concrete works that produce pre-mixed concrete or concrete products and that have an intended production capacity of more than 30,000 tonnes per year of concrete or concrete products are classed as designated development. The proposed development has an intended production capacity of 480,000 tonnes of concrete per annum and therefore is classed as designated development. Council's Environmental Health Officer has reviewed the Environmental Impact Statement submitted in support of this application and has not raised any issues in relation to this document.

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

Impacts on the natural environment have been assessed as part of the development application. The proposal is unlikely to result in any detrimental impact on the natural environment surrounding the subject sites, or to any endangered and non-endangered species of flora and fauna.

It is considered that the proposed development will create adverse impacts on the built environment in regard to noise, and therefore should not be supported.

The social impact cannot be addressed given the issue surrounding adverse noise impacts has not been resolved.

The proposal provides both short and long term positive economic impacts. The short term benefit will be the creation of jobs during construction and the long term will be employment opportunities.

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

Given that assessment issues discussed previously in this report with regard to noise, the site is not suitable for the development.

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

(a) Internal Referrals

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

DEPARTMENT	COMMENTS
Land Development Engineering	Supported, subject to conditions of consent
Building	Supported, subject to conditions of consent
Environment and Health	Not supported
Traffic and Transport	Not supported
Flooding	Not supported
Heritage	Supported, subject to conditions of consent
City Economy	Supported, no conditions necessary

(b) External Referrals

AGENCY	COMMENTS
NSW Rural Fire Service	Supported, subject to conditions of consent
Transport for NSW	No objection to the proposal, no conditions recommended.
Endeavour Energy	Supported, subject to conditions of consent
Sydney Water Corporation	Comments provided stating that the site cannot currently be serviced
Department of Infrastructure, Regional Development and Cities	Rejected, request that application be referred to Western Sydney Airport.
Department of Planning Industry and Environment	Advised that no decision required.
Environment Protection Authority	Comments and conditions provided.
Western Sydney Airport Co	Supported, subject to conditions of consent
Gandangara Local Aboriginal Land Council	No response received

(c) Community Consultation

The DA was advertised for a period of 28 days in accordance with Liverpool Community Participation Plan 2019. The advertising period was from 28 October 2020 to 26 November 2020. No submissions were received in response to the advertising of this DA.

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

The public interest is served through the detailed assessment of this DA under the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, environmental planning instruments, development control plans and policies. Based on the above assessment, the proposed development is not considered to be in the public interest.

7. DEVELOPMENT CONTRIBUTIONS

Development contributions have not been applied to the development in accordance with Liverpool Contribution Plan 2009 as it is recommended for refusal.

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 likely to result in adverse impacts upon neighbouring properties and the locality due to adverse noise impacts. Based on the assessment of the application, it is recommended that the application be refused.

9. RECOMMENDATION

That the Panel refuse DA-789/2020 for the Construction and operation of a concrete batching plant at 320-400 Badgerys Creek Road, Badgerys Creek for the following reasons:

1. The proposed development does not achieve satisfactory compliance with the provisions of Chapter 9 of the State Environmental Planning Policy (Biodiversity and

Conservation) 2021 in that there is no evidence that water quality treatment measures identified in Surface Water Impact Assessment have been incorporated in the Stormwater Management Concept Plan, pursuant to Sections 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.

2. The proposed development is not consistent with the objectives of the RU1 zone in the Liverpool Local Environmental Plan 2008, pursuant to Section 4.15(1)(a)(i), of the Environmental Planning and Assessment Act 1979.
3. The proposed development does not achieve satisfactory compliance with the controls stipulated in the Liverpool Development Control Plan 2008, Part 1 General Controls for all Development pursuant to Section 4.15(1)(a)(iii), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, in terms of the following section:
 - i. Section 6 – Water Cycle Management
4. The proposed development does not achieve satisfactory compliance with the controls stipulated in the Liverpool Development Control Plan 2008, Part 5 Development in Rural and E3 Zones pursuant to Section 4.15(1)(a)(iii), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, in terms of the following section:
 - i. Section 4 - Building Design, Style and Streetscape.
 - ii. Section 7 – Amenity and Environmental Impact.
5. The proposed development cannot be serviced by Sydney Water and therefore the site is not considered to be suitable for the proposed development, pursuant to Section 4.15(1)(C), of the Environmental Planning and Assessment Act 1979.
6. Due to the above reasons, approval of the proposed development would not be in the public interest.

10. REPORT ATTACHMENTS

1. LIVERPOOL DEVELOPMENT CONTROL PLAN 2008 COMPLIANCE TABLES
2. PLANS OF THE PROPOSAL

ATTACHMENT 1: LIVERPOOL DEVELOPMENT CONTROL PLAN 2008 COMPLIANCE TABLES

Liverpool DCP Part 1			
Clause	Control	Assessment	Compliance
2. Tree Preservation	Tree removal requires consent	The site has been previously cleared of trees.	N/A
3.1 Retention of existing on-site trees	Existing trees and native vegetation are to be retained, protected and incorporated into the development proposal.	As above.	N/A
3.1 Retention of existing street trees	Existing street trees should be retained	A condition could be recommended in this regard.	Yes
3.4 Landscape Specifications	Landscape planting should be principally comprised of native species to provide an integrated streetscape appearance.	The landscaping proposed incorporates native species	Yes
	The landscaping shall contain an appropriate mix of canopy trees, shrubs and groundcovers.	The landscape plan demonstrates the use of canopy trees, shrubs and ground covers.	Yes
	All topsoil used shall be sourced from a recognised commercial topsoil supplier.	A condition could be recommended in this regard.	Yes
	All approved landscaping must be maintained to the satisfaction of Council.	A condition could be recommended to ensure the ongoing maintenance of the landscaping.	Yes
	All trees are to be planted at not less than 45 litre pot size.	A condition could be recommended in this regard.	Yes
	Use low water/low maintenance plant selection by selecting drought tolerant species.	The landscaping plan demonstrates the use of low water drought tolerant species.	Yes
5. Bush Fire Risk	All development shall comply with provisions of the Rural Fires and Assessment Act 2002 and Planning for Bushfire Protection 2006.	The site is affected by bushfire. The DA was referred to the NSW Rural Fire Service who have provided conditions.	Yes
6. Water Cycle Management	Stormwater must be managed appropriately	It was requested that any water quality treatment measures identified in Surface Water Impact Assessment be	No

		incorporated in Stormwater Management Concept Plan and provided for assessment. Council's Flood Engineer has advised that this information has not been provided.	
8. Erosion and Sediment Control	Appropriate erosion and sediment control measures must be in place.	A sediment and erosion control plan has been submitted in support of this application. Appropriate conditions could be recommended.	Yes
10. Contaminated Land Risk	Previous use to be considered in assessing risk	The land is not contaminated as demonstrated in the reports submitted in support of this application.	Yes
11. Salinity Risk	Salinity Management Plan is required	A condition could be recommended in this regard.	Yes
13. Weeds	Noxious weeds to be removed as part of development where applicable	Conditions could be recommended in regard to management of weeds.	Yes
15. On-site Sewage Management Systems	Applications for development of land to which this part applies must be accompanied by an application under s68 of the Local Government Act 1993 for the installation, alteration and operation of an OSMS.	A S68 approval could be addressed by a condition prior to the issue of a Construction Certificate.	Yes
16. Aboriginal Archaeology	AHIA required where items of aboriginal archaeology exist	The site is located within 200m of a watercourse and would normally require a full detailed Aboriginal Cultural Heritage Assessment. The applicant has provided a report by AHMS from 2014 which Council's Heritage Officer has reviewed and is satisfied with the findings. not identified as potentially containing an item of Aboriginal archaeology. Conditions could address any unexpected finds during works.	Yes

<p>20. Car Parking and Access</p>	<p><u>Office:</u> 1 car space per 35m² LFA, and 1 bicycle space per 200m² LFA</p> <p><u>Industry</u> Max 1 car space per 75m² of LFA or 1 space per 2 staff, and 1 bicycle space per 10 staff.</p>	<p>The Traffic Report submitted in support of this application has calculated car parking rates at the following rate:</p> <p>Office – 50m² LFA Cementitious area and other storage – 1,300m² LFA.</p> <p>Car parking spaces = $50 / 35 + 1,300 / 75$ = 1.4 + 17.3 = 19 car spaces</p> <p>Bicycle spaces = $18 / 10$ = 2 bicycle spaces</p> <p>21 parking spaces are required and 22 are provided.</p> <p>The DCP also requires that 1 accessible parking space is provided per 20 parking spaces and 1 motorcycle space is provided per 20 parking spaces. Amended plans demonstrating that one parking space is modified to be accessible and one space is for a motorcycle the parking would be compliant.</p>	<p>Yes</p>
<p>22. Energy Conservation</p>	<p>All Class 5 to 9 non-residential developments are to comply with the Building Code of Australia energy efficiency provisions.</p>	<p>Conditions could be recommended to ensure compliance with the BCA.</p>	<p>Yes</p>
<p>23. Reflectivity</p>	<p>Visible light reflectivity from building materials used on the facades of new buildings must not exceed 20%.</p>	<p>Conditions could be recommended in this regard.</p>	<p>Yes</p>
<p>25. Waste Disposal and Re-use Facilities</p>	<p>Development applications for all non-residential development must be accompanied by a waste management plan</p>	<p>A satisfactory waste management plan has been submitted in support of this application addressing construction,</p>	<p>Yes</p>

		and on-going use.	
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LDCP 2008 Part 5 Development in Rural and E3 Zones			
Clause	Control	Assessment	Compliance
1. Site Planning	Buildings shall not be located on ridges or in places where they are too visible from the street.	The building and structures are setback approximately 500m from Badgerys Creek Road and won't be too visible from the street.	Yes
	Buildings shall be sited to maximise the retention of existing trees	There is no tree removal proposed as part of this application.	Yes
	When siting buildings and seeking to maximise views, the visual impact of the building on the landscape is to be minimised.	The building and structures are setback approximately 500m from Badgerys Creek Road and won't be create an adverse visual impact.	Yes
	Site planning should be sensitive to site attributes, such as streetscape character, natural landform, existing vegetation, views and land capability.	The proposed location of the works is appropriate.	Yes
	The site layout should enhance the streetscape through the use of landscaping and built form	The proposed works will have no impact on the streetscape as they are located at the rear of the site and approximately 500m from the road.	N/A
2. Setbacks	Maximum site coverage: 10% except where otherwise specified for particular land uses	Less than 10%.	Yes
	Front setbacks	None prescribed for development other than dwellings.	N/A
	Side setbacks: 2m	5m	Yes
	Rear setback: 10m	Greater than 10m.	Yes
4. Building Design, Style and Streetscape	All non-residential uses can have a general maximum height of 8.5m.	Maximum height of 16.35m.	Yes
	A merit-based assessment will occur for all development above 8.5m for a dwelling, and above 8.5m for a non-	This is considered acceptable as the future height of the site and surrounds under the Western Parkland City	

residential building.	SEPP will be 24m.	
A landscape assessment shall be submitted showing that a tower would not have an adverse impact on the rural landscape.	A landscape assessment has not been submitted in support of the application demonstrating that the 16.35m high silos will not have an impact on the rural landscape.	No
The roof pitch of a building is not to exceed 36 degrees.	The office roof is flat.	Yes
Materials must complement the rural landscape. Examples include stained timbers, brickwork, mud bricks, metal roofs and similar materials sympathetic to the Australian rural heritage	The proposed office building is Colorbond. Colorbond is consistent with Australian rural heritage.	Yes
Buildings and structures must complement the rural landscape where possible.	As above.	Yes
Natural earth colours and natural vegetation colours are to be emphasised on all buildings.	The colours proposed are natural.	Yes
Highly reflective (shiny) colours are to be avoided for roofs and walls of buildings, including sheds.	The proposed office building is of Colorbond. Colorbond is not highly reflective. A condition could be recommended regarding reflectivity.	Yes
Natural vegetation should be retained in setback to the street.	The proposed development will not impact on any vegetation in the front setback.	Yes
Buildings shall directly address the street frontage.	Not relevant in this instance as the building is towards the rear of the site.	N/A
Except for driveways, no paved areas or "hard surfaces" are permitted in the front setback.	All works are proposed behind the existing operations.	N/A
Buildings shall not be sited that obstruct views and vistas.	Insufficient information has been provided to demonstrate that the silos will not obstruct views.	No

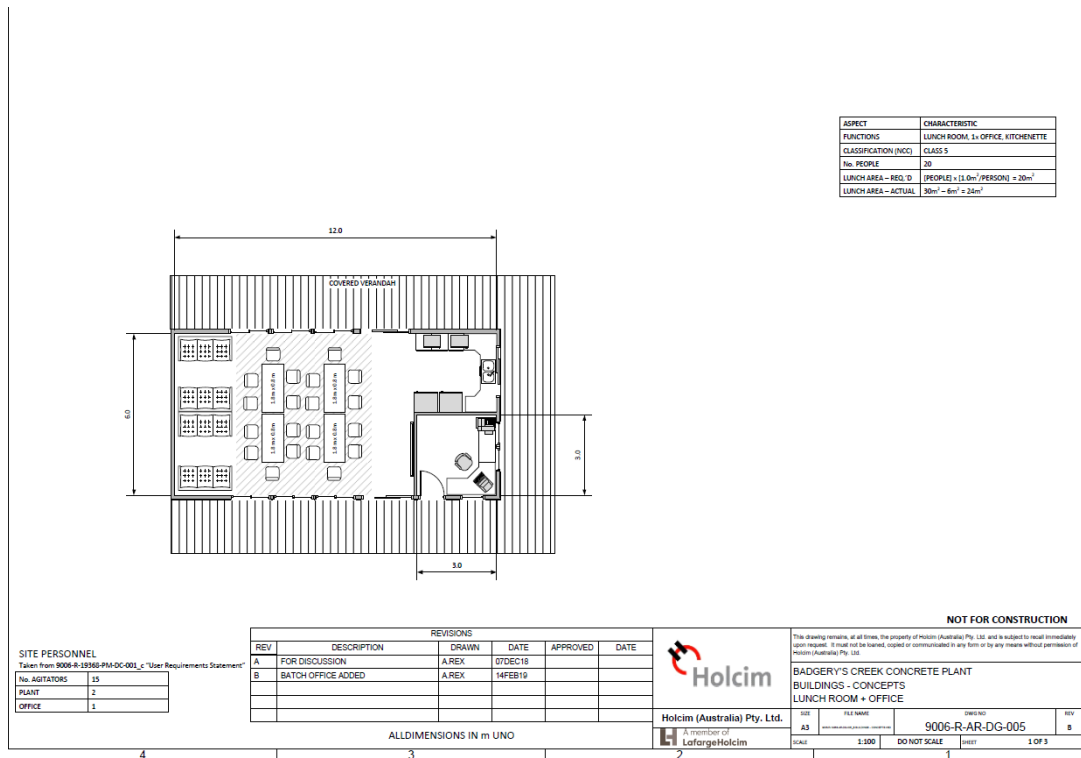
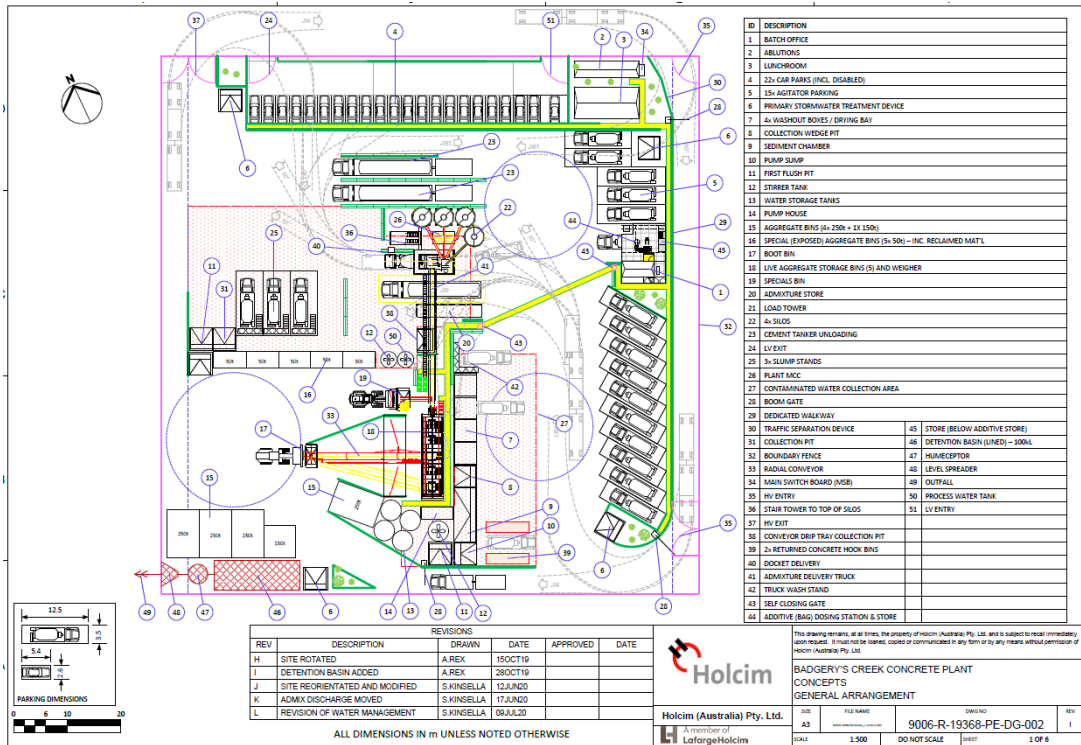
	Any significant natural and built features should be maintained	There are no significant natural or built features in the location of the proposed works.	Yes
5. Landscaping and Fencing	Existing trees and native vegetation are to be retained, protected and incorporated into the development proposal.	Tree and vegetation removal does not form part of this application.	Yes
	Ridgelines shall be visually enhanced through the mass planting of additional indigenous vegetation, including native undergrowth and canopy species.	The landscape plan demonstrates the use of native species and canopy trees.	Yes
	The landscape design of a development must have regard to the prevailing weather conditions.	The landscape species selected are native and considered suitable for weather conditions.	Yes
	Trees are to be used to provide shade to buildings, outdoor recreation areas and car parking.	Trees are shown in car parking areas and around buildings.	Yes
	All other perimeter screen planting is to be native species.	The landscape species selected are native.	Yes
	Hard surfaces should be limited to access, car parking and private open space areas.	Hard surfaces are limited to access areas, parking and the batching plant.	Yes
	The trees shall provide a canopy for the streetscape and soften the appearance of the rural environment, without unduly concealing approved on site signage	Canopy trees are proposed and will not conceal any existing signage.	Yes
	Mulched garden beds shall incorporate ground covers that will cover the ground area	Mulched garden beds are demonstrated on the landscape plans.	Yes
	Large shrubs shall be used under the tree canopy to screen the building or item	Shrubs are shown under canopy trees on the landscape plan.	Yes
	Shrubs shall only be planted in mulched garden beds.	Mulched garden beds are demonstrated on the landscape plans.	Yes
	Maximum height for solid fences at the front of site: 1.2m.	Front fencing is existing.	N/A

	Fences alongside and rear boundaries shall have a maximum height of 1.8m.	Fencing is show as 2m high.	No
6. Car Parking and Access	The location of access driveways should consider the natural features, topography and existing vegetation of the site. Access driveways should follow the topography and landscaping onsite.	There are no changes proposed to the current site access driveway.	N/A
	Access driveways should be located where they are easily visible on the street. Avoid placing driveways at bends or where the road creates visibility problems for access points.	As above.	N/A
	Development on sites located on classified roads may be required to provide a deceleration lane to ensure that the flow of traffic is not impeded.	Comments were sought from TfNSW and they have advised that the proposal will have minimal impact on the classified road network. There has not been a request for a deceleration lane.	N/A
	Loading bays or parking for trucks, should be located in an area that is not visible from the street.	The proposed batching plant is located towards the rear of the site, loading and parking areas will not be visible from the street.	Yes
	Large car parking areas are not to be visible from the street. Car parking areas must be clearly indicated through signage on site.	The proposed batching plant is located towards the rear of the site, parking areas will not be visible from the street.	Yes
7. Amenity and Environmental Impact	Land uses that would create excessive noise will not be permitted. Land uses will be subject to the Protection of the Environment Act 2008.	The application demonstrates that the proposal cannot comply with the relevant noise criteria in relation to noise impacts on the adjoining residential property.	No
	Land uses that would create excessive pollution and odour will not be permitted. Land uses will be subject to the Protection of the Environment Act 2008.	This DA was referred to the EPA to provide comment as they are the regulatory authority. The EPA has advised that with incorporation of proactive	Yes

		management practices and real time monitoring, any potential air quality impacts could be managed.	
	Stormwater and excess water associated with irrigation including nutrient enriched waters generated within the site are to be contained and treated on the site	A detailed stormwater plan has been submitted in support of this application and reviewed by Council's Land Development Engineer who supports this application subject to conditions of consent.	Yes
	Storage and handling of fuels and chemicals (fertilisers, pesticides) is to be contained within areas that are impermeably floored and bunded	Bunded storage areas are proposed.	Yes
8. Site Services	Non-residential properties shall provide their own waste management.	The site provides its own waste management.	Yes
	Non-residential developments should provide details of their waste management system.	Waste management has been addressed in the WMP submitted in support of this application.	Yes
	The storage of the garbage receptacles shall be screened from public view and from adjoining properties.	Waste areas will not be visible from public view.	Yes
	Where a footpath, road shoulder, new or enlarged access driveway or is required to be provided this shall be provided at no cost to Council.	A condition could be recommended in this regard.	Yes
	Council must be notified of any works that may threaten Council assets. Council must give approval for any works involving Council infrastructure.	A condition could be recommended in this regard.	Yes
	In some cases, it may be necessary to provide an electricity substation at the front of the development adjacent to the street frontage. This will involve dedication of the area as a public road	A condition could be recommended in this regard.	Yes

	<p>to allow access by the electricity provider. The front boundary treatment used elsewhere on the street frontage shall be used at the side and rear of the area.</p>		
	<p>Applications for development of land where reticulated sewage is not planned to be provided shall be accompanied by an application under S68 of the Local Government Act 1993 for an On Site Sewer System. Development consent will not be issued until this application can be issued by Council</p>	<p>A S68 approval could be addressed by a condition prior to the issue of a Construction Certificate.</p>	<p>Yes</p>

ATTACHMENT 3: PLANS OF THE PROPOSED DEVELOPMENT



NATIONAL CONSTRUCTION CODE (NCC) – VOLUME 1

Table F2.3 SANITARY FACILITIES IN CLASS 3, 5, 6, 7, 8 OR 9 BUILDINGS

User Group	Closet Pans		Urinals		Washbasins	
	Design Occupancy	Number	Design Occupancy	Number	Design Occupancy	Number
Class 3, 5, 6 and 9 other than schools						
Male employees	1 – 20	1	1 – 10	0	1 – 30	1
	> 20	Add 1 per 20	11 – 25	1	> 30	Add 1 per 30
			26 – 50	2		
Female employees	1 – 15	1	> 50	Add 1 per 50	1 – 30	1
	> 15	Add 1 per 15			> 30	Add 1 per 30

Table F2.4(a) ACCESSIBLE UNisex SANITARY COMPARTMENTS

Class of building	Minimum accessible unisex sanitary compartments to be provided
Class 1b	(a) Not less than 1; and (b) where private accessible unisex sanitary compartments are provided for every accessible bedroom, common accessible unisex sanitary compartments need not be provided.
Class 2	Where sanitary compartments are provided in common areas, not less than 1.
Class 3 and Class 9c	(a) In every accessible site-occupancy unit provided with sanitary compartments within the accessible site-occupancy unit, not less than 1; and (b) at each bank of sanitary compartments containing male and female sanitary compartments provided in common areas, not less than 1.
Class 5, 6, 7, 8 or 9 – except for within a ward area of a Class 5a health-care building	Where F2.3 requires closet pans— (a) 1 for every story containing sanitary compartments; and (b) where a story has more than 1 bank of sanitary compartments containing male and female sanitary compartments, at not less than 50% of those banks.
Class 10a except— (a) a Class 10a apartment to another Class of building; and (b) a sanitary compartment dedicated to a single caravan/camping site	At each bank of sanitary compartments containing male and female sanitary compartments, not less than 1.

Table F2.4(b) ACCESSIBLE UNisex SHOWERS

Class of building	Minimum accessible unisex showers to be provided
Class 1b	(a) Not less than 1; and (b) where private accessible unisex showers are provided for every accessible bedroom, common accessible unisex showers need not be provided.
Class 2	Where showers are provided in common areas, not less than 1.
Class 3 and Class 9c	(a) In every accessible site-occupancy unit provided with showers within the accessible site-occupancy unit, not less than 1; and (b) for every 10 showers or part thereof provided in common areas.
Class 5, 6, 7, 8 or 9 – except for within a ward area of a Class 5a health-care building	Where F2.3 requires 1 or more showers, not less than 1 for every 10 showers or part thereof.
Class 10a except— (a) a Class 10a apartment to another Class of building; and (b) a sanitary compartment dedicated to a single caravan/camping site	Where showers are provided, 1 for every 10 showers or part thereof.

NOT FOR CONSTRUCTION

SITE PERSONNEL
Taken from 9006-R-19368-PM-DC-001_c "User Requirements Statement"

No. AGITATORS	15
PLANT	2
OFFICE	1

REV	DESCRIPTION	DRAWN	DATE	APPROVED	DATE
A	FOR DISCUSSION	A.REX	07DEC18		
B	BATCH OFFICE ADDED	A.REX	14FEB19		

Holcim (Australia) Pty. Ltd.
A member of LofargeHolcim

SIZE	FILE NAME	DWGNO	REV
A3	9006-R-AR-DG-005	9006-R-AR-DG-005	B
SCALE	1:300	DO NOT SCALE	SHEET 2 OF 3

ALLDIMENSIONS IN m UNO

NOT FOR CONSTRUCTION

SITE PERSONNEL
Taken from 9006-R-19368-PM-DC-001_c "User Requirements Statement"

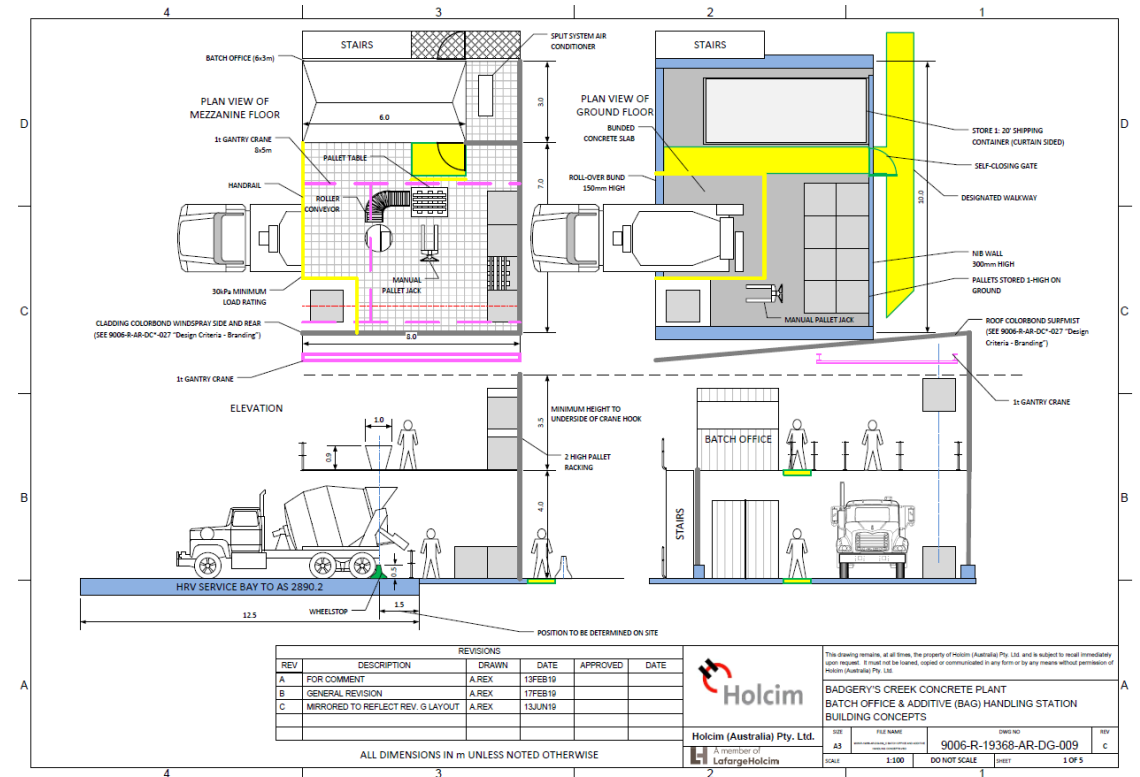
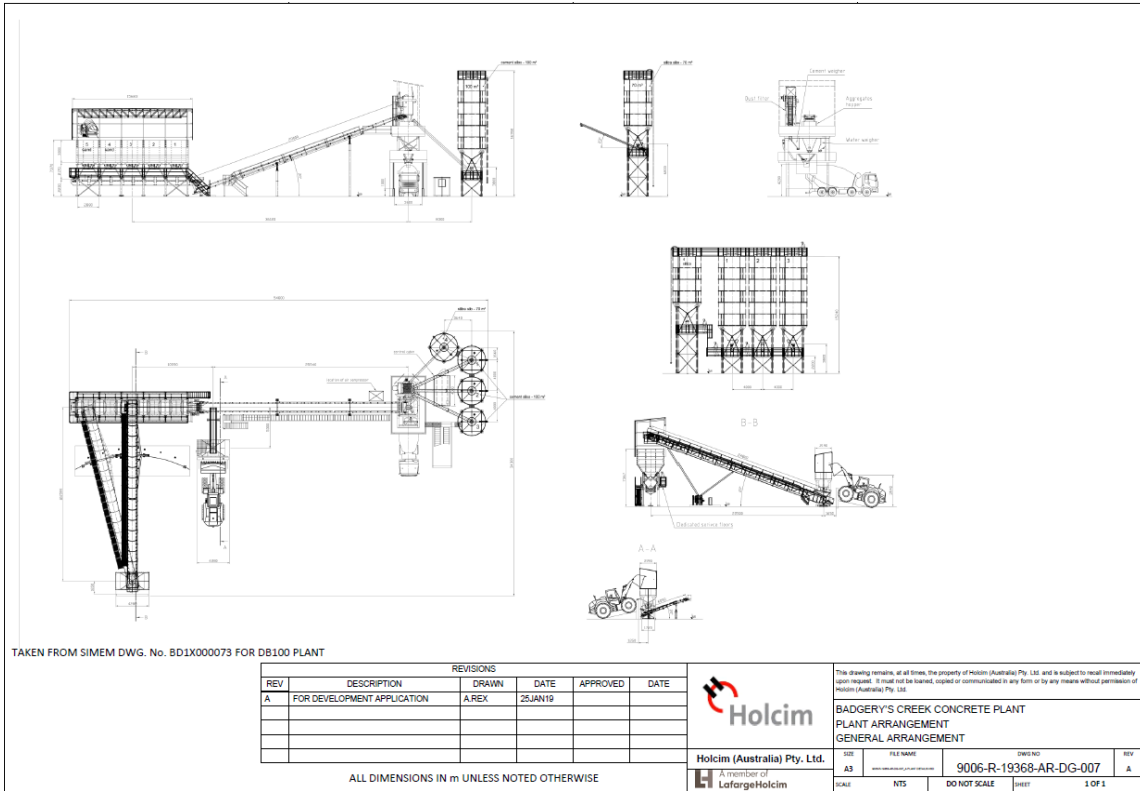
No. AGITATORS	15
PLANT	2
OFFICE	1

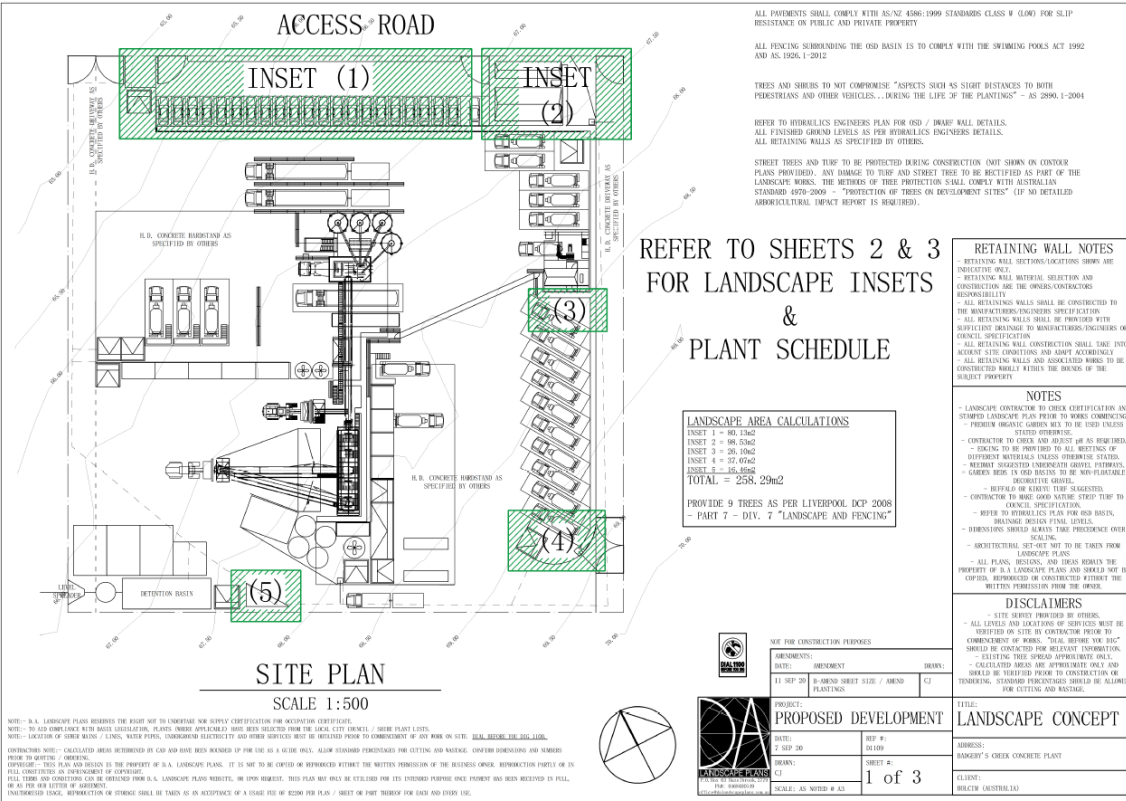
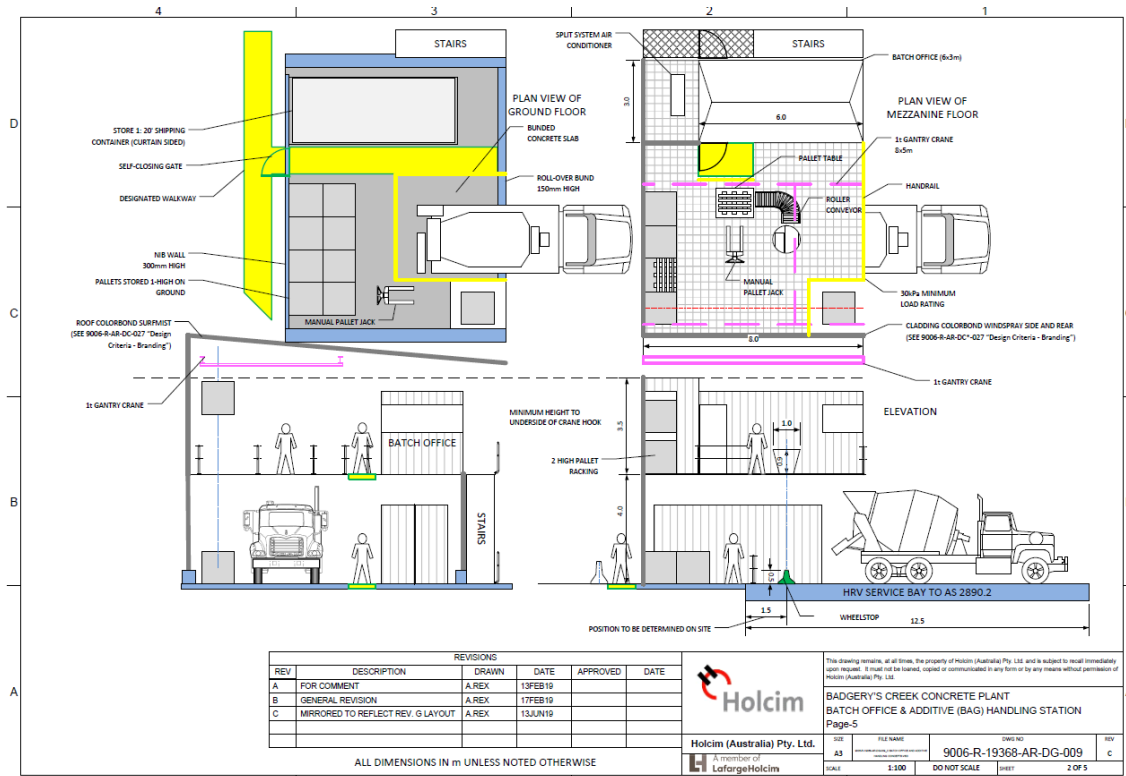
REV	DESCRIPTION	DRAWN	DATE	APPROVED	DATE
A	FOR DISCUSSION	A.REX	07DEC18		
B	BATCH OFFICE ADDED	A.REX	14FEB19		

Holcim (Australia) Pty. Ltd.
A member of LofargeHolcim

SIZE	FILE NAME	DWGNO	REV
A3	9006-R-AR-DG-005	9006-R-AR-DG-005	B
SCALE	1:300	DO NOT SCALE	SHEET 3 OF 3

ALLDIMENSIONS IN m UNO





Item no:	2
Application Number:	DA-303/2022
Proposed Development:	Public art memorial in the form of a free-standing sculpture.
Property Address	1 Powerhouse Road, Casula
Legal Description:	Lot 22, DP 1132574
Zoning	RE1 Public Recreation under the Liverpool Local Environmental Plan 2008
Applicant:	Liverpool City Council
Land Owner:	Liverpool City Council
Cost of Works:	\$147,000
Recommendation:	Approval subject to conditions of consent
Assessing Officer:	Mairead Hawes – The Planning Hub - Consultant Town Planner

1. EXECUTIVE SUMMARY

Council has received a Development Application (DA) seeking consent for a public art memorial in the form of a free-standing sculpture at Lot 22, DP 1132574, 1 Powerhouse Road, Casula.

The site is RE1 Public Recreation zoned land under the Liverpool Local Environmental Plan 2008. The proposed development only relates to the construction of a public art memorial in the form of a free-standing sculpture and associated footings and signage. The proposed works are considered to be ancillary to the existing use of the site as the Casula Powerhouse Art Centre (Community Facility), which is permissible with consent under the Liverpool Local Environmental Plan 2008.

The proposed works form part of Councils new Environment Education Centre Casula (EECC) (future applications) and the current carpark upgrade works undertaken under Part 5 of the Environmental Planning & Assessment Act 1979. This development application only relates to the construction of a public art memorial and associated footings and signage. The public art memorial is proposed to adjoin an existing footpath and will contribute positively to the wider context of the site.

The site contains a heritage item being Item 10 - Casula Powerhouse Arts Centre (former power station) pursuant schedule 5 of the Liverpool LEP 2008. The proposed works have been designed and sited in a manner that ensures the proposed works do not detract from the heritage significance of the building.

The development application was not required to be notified in accordance with Liverpool Community Participation Plan 2019.

The application is referred to the Liverpool Local Planning Panel (LLPP) in accordance with its referral criteria and procedural requirements, as the development falls into the category of conflict of interest as Liverpool City Council are the applicant.

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.

1.1 RECOMMENDATION

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 conditions detailed in this report.

2. SITE DESCRIPTION AND LOCALITY

2.1 The Locality

The surrounding area is currently characterised by public recreation, public infrastructure, waterways and environmental zoned land. The subject site is also in proximity to low density residential uses associated with Casula.

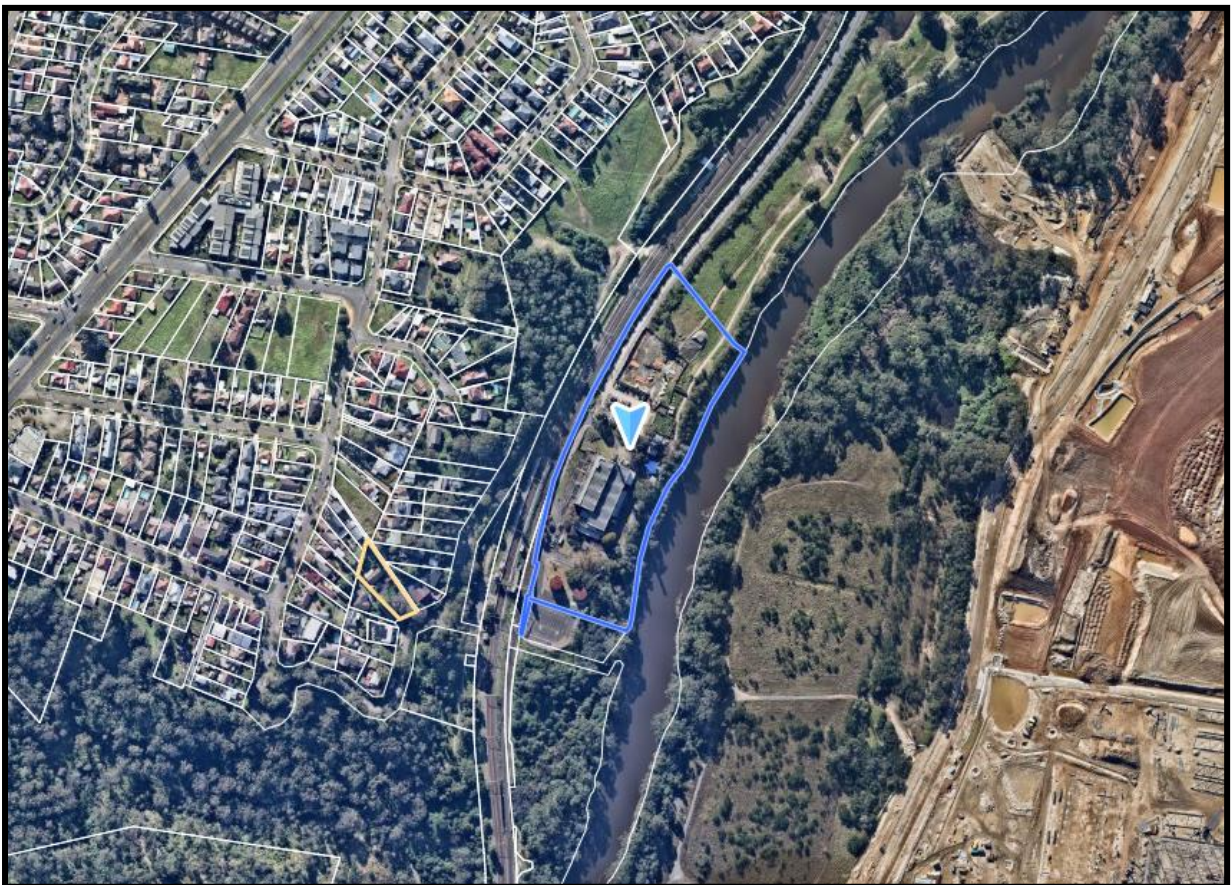


Figure 1: Locality view (Source: Nearmap)

The adjoining properties to the development site are detailed in the following table.

ORIENTATION	DESCRIPTION OF SITE
North (rear)	474 Hume Highway, Casula – Casula Powerhouse Public Golf Course
South (front)	1 Casual Road, Casula – Car Parking
East (side)	Georges River
West (side)	166 Railway Parade, Cabramatta– Single Storey Detached Dwelling

2.2 The site

The subject site is located at 1 Powerhouse Road, Casula and is legally identified as Lot 22, DP 11325574. An aerial photograph of the subject site is provided in **Figure 2** below.

The site currently contains Casual Powerhouse Arts Centre, shipping containers, commuter car parking spaces and associated structures.

Casual Powerhouse Arts Centre hosts over 400 events and activities a year hosting a number of community events, exhibitions, festivals and education programs. Facilities include 6 galleries, 2 artist studios, permanent public artworks and a pair of three storey decommissions tanks and storage facilities.



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

3. BACKGROUND/HISTORY

- The subject application was lodged with Council on 22 March 2022.
- A request for additional information was issued to the applicant on 1 June 2022 regarding a new site plan, an amended section plan, an amended statement of environmental effects, a survey plan, elevation plans, details of the proposed signage; bushfire assessment report; schedule of colours and finishes, erosion and sediment control plan and a waste management plan.
- The application was referred to The Planning Hub for assessment on 14 June 2022 due to pecuniary interests identified in the development application form.
- Amended information was received on 17 June 2022.
- A request for additional information was further issued to the applicant on 24 June 2022 regarding a new site plan and REF details relating to the car park.
- Amended information was received on 29 June 2022.
- A request for additional information was further issued to the applicant on 30 June 2022 regarding an amended Statement of Environmental Effects.

- Amended information was received on 5 July 2022.

4. DETAILS OF THE PROPOSAL

The application seeks development consent for the construction of public art memorial in the form of a free-standing sculpture and associated footings and signage at Lot 22, DP 1132574, 1 Powerhouse Road, Casula.

The development requires minor earthworks for installation of the signage and footings associated with the free-standing sculpture. No further works are proposed under this development application.

The free-standing sculpture is a maximum height of 6.5m and is to be installed as an ANZAC Memorial with associated signage. The memorial sculpture is referred to as “Defence Not Defiance: ANZAC Public Art Memorial” with the purpose of commemorating the following:

- The Centenary of ANZAC and the First World War;
- Specific connections to Holsworthy Barracks and the Liverpool LGA;
- The evolution of the Australian Army since 1914; and
- Those who served and continue to serve both overseas and at home.

The signage associated with the development is for informational purposes only and therefore the provisions of Chapter 3 of State Environmental Planning Policy (Industry and Employment) 2021 do not apply.

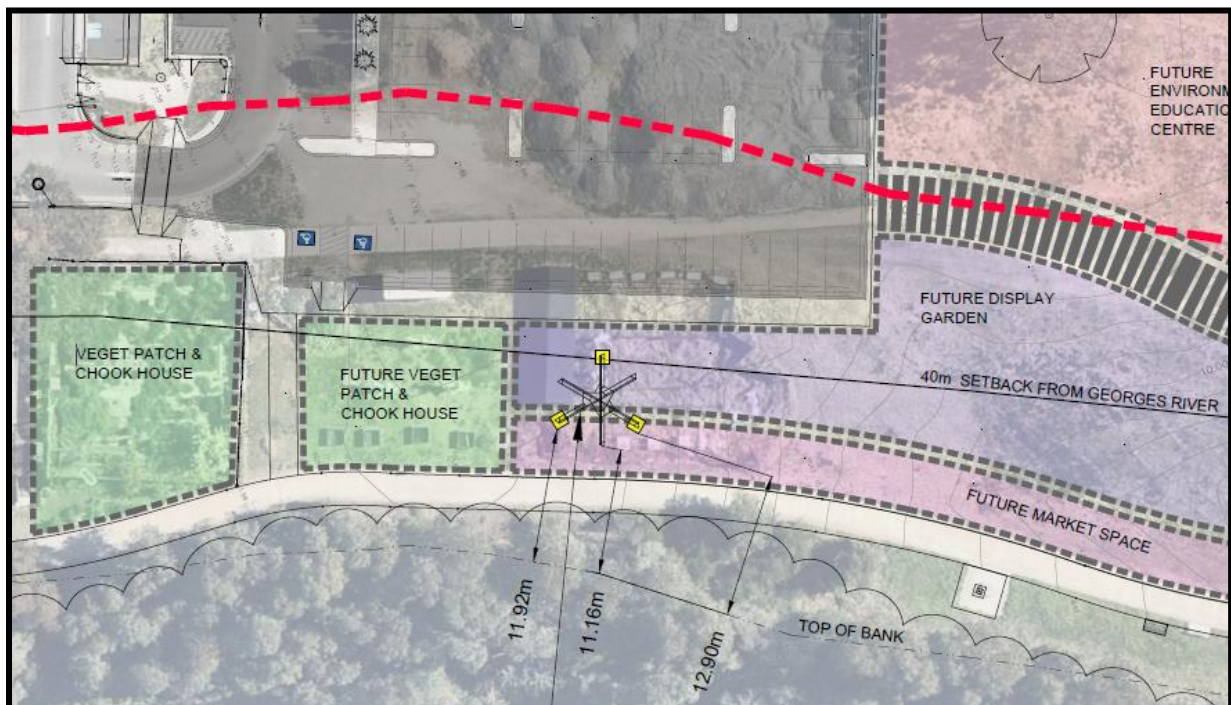


Figure 3: Site Plan (source: Liverpool City Council)

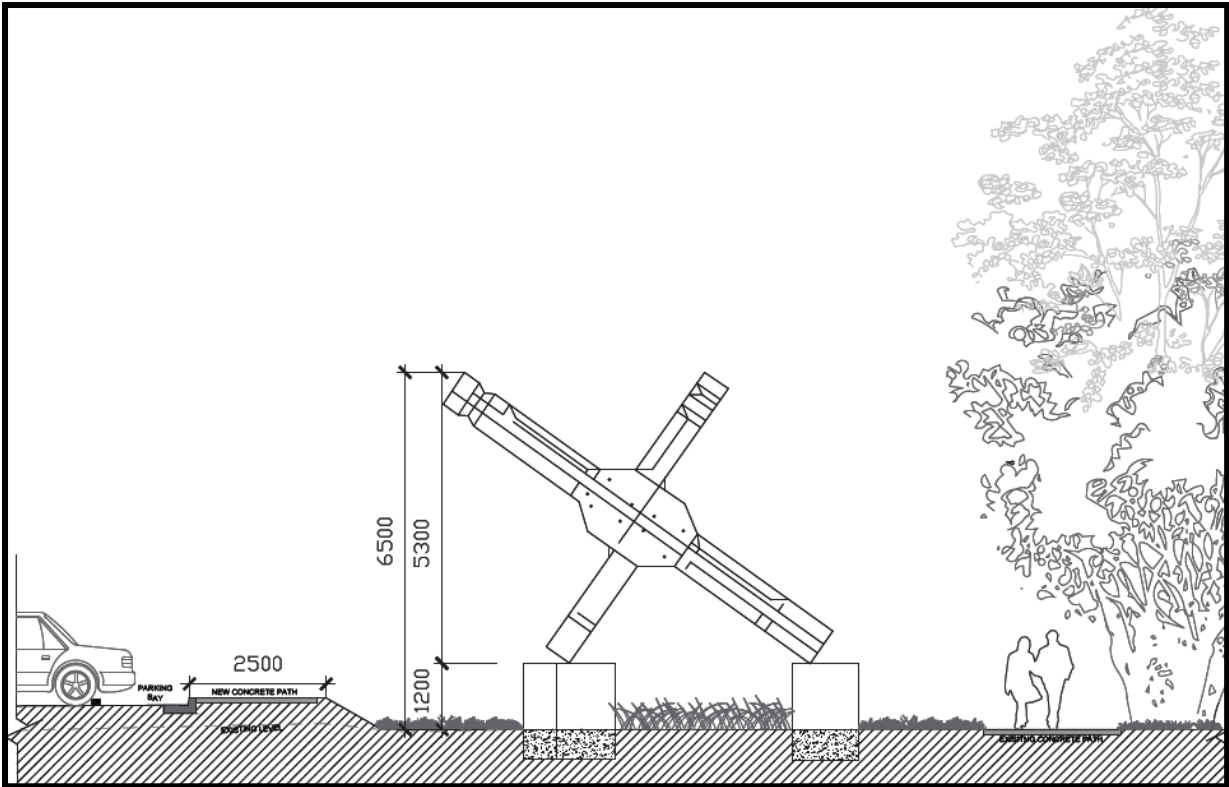


Figure 4: Elevation of proposed free-standing sculpture (source: Liverpool City Council)

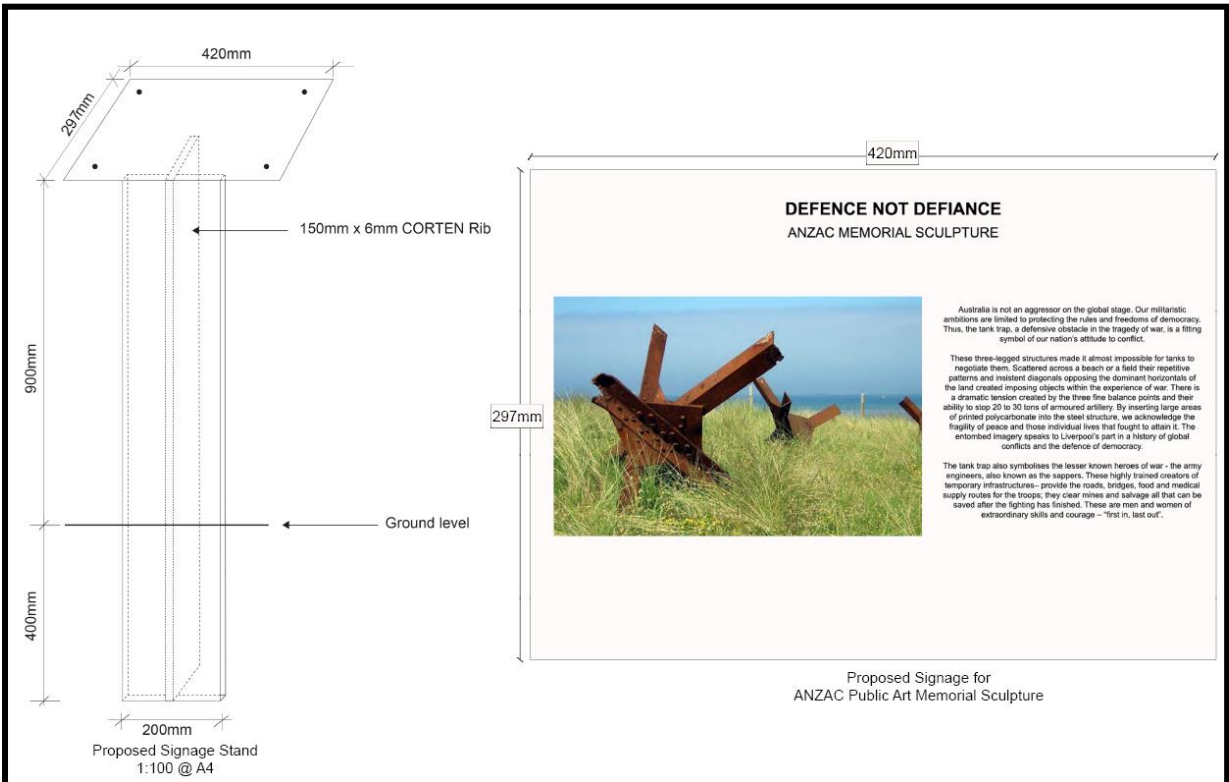


Figure 5: Details of Proposed Signage (source: Liverpool City Council)



Figure 6: Image of concept design for “Defence Not Defiance” memorial sculpture, showing lighting components (source: Liverpool City Council)

5. STATUTORY CONSIDERATIONS

5.1 Relevant matters for consideration

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

- Environmental Planning and assessment Act 1979
- State Environmental Planning Policy (Resilience and Hazard) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- Liverpool Local Environmental Plan (LEP) 2008
- Liverpool Development Control Plan (DCP) 2008.
 - Part 1 – General controls for all development

Other Plans

- Liverpool Community Participation Plan 2019.
- Public Arts Policy 2020.

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 Environmental Planning and Assessment Act 1979 (EP&A Act)

Section 4.46 of the EP&A Act defines integrated development as development that requires development consent and one or more approvals under other State Government Acts. In

relation to the subject application the following Acts were considered:

- Natural Resource Access Regulator (NRAR) - A controlled activity at a specified location in, on or under waterfront land (within 40m) (*Water Management Act 2000*).

Works are proposed within 40m of the bank of the Georges River. The application was referred NRAR who detailed that the proposed works are exempt from the need to obtain a controlled activity approval and no further assessment was required by the agency. The exemption is pursuant to the Water Management Act (General) Regulation s41 - Works undertaken by public authorities.

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

(a) State Environmental Planning Policy (Resilience and Hazard) 2021

Pursuant to Section 4.6 of the SEPP Resilience and Hazard 2021, 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.

The objectives of the SEPP 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.*

Clause 4.6 - Contamination and remediation to be considered in determining development application	Comment
(1) A consent authority must not consent to the carrying out of any development on land unless:	
(a) it has considered whether the land is contaminated, and	The site has maintained a community use for an extended period time and there is no evidence of potentially contaminating activities of occurring.
(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 proposed works only relate to the erection of a monument on existing footings and associated signage. The site is considered to be suitable for the intended development.
(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.	As above, the land does not require remediation.

Based on the above assessment, the proposal is considered to satisfy the relevant objectives and provisions of SEPP Resilience and Hazard 2021, therefore, it is considered that the subject site remains suitable for the proposed development.

(b) State Environmental Planning Policy (Biodiversity and Conservation) 2021

The subject land is located within the Georges River Catchment and as such Chapter 11 of

the SEPP Biodiversity and Conservation 2021 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.

Subject to the implementation of appropriate erosion and sediments control measures, the proposed development is unlikely to have an adverse impact on water quality and river flows of the Georges River and its tributaries.

(c) State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 SEPP Transport and Infrastructure aims to facilitate the effective delivery of infrastructure across the State.

The subject site is located adjacent to the Main Southern Railway. The application was referred to Transport for NSW pursuant *Section 2.97 Development adjacent to rail corridor*.

Transport for NSW raised no objections to the development applications subject to conditions attached.

(d) Liverpool Local Environmental Plan 2008

(i) Zoning

The subject site is zoned RE1 Public Recreation –pursuant to the Liverpool Local Environment Plan 2008. An extract of the zoning map is provided in **Figure 7** below.

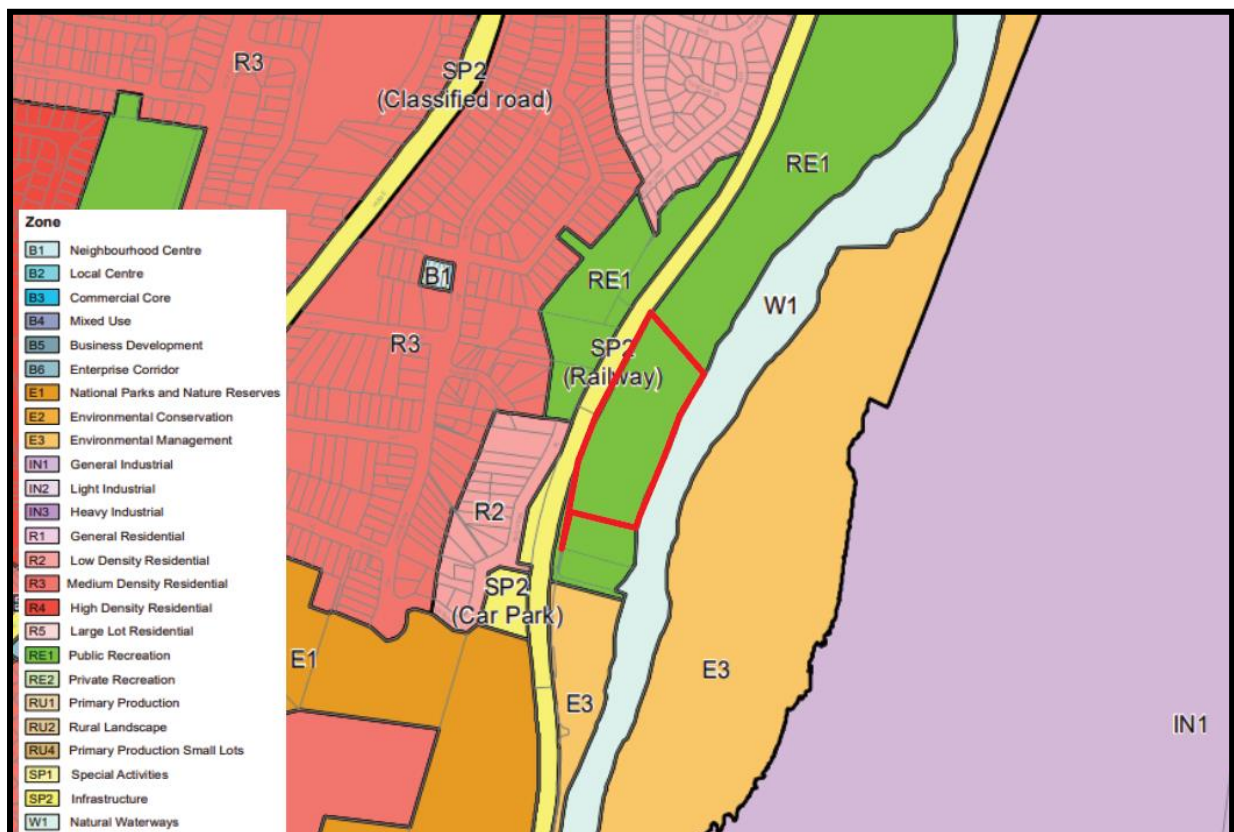


Figure 7: Zoning Map (source: NSW Legislation)

(ii) Permissibility

The proposed development is for a free-standing sculpture and associated footings and signage. The existing use on site is described as a community facility which is permissible with consent under the Liverpool Local Environmental Plan 2008.

Community Facilities - means a building or place—

- (a) owned or controlled by a public authority or non-profit community organisation, and*
- (b) used for the physical, social, cultural, or intellectual development or welfare of the community,*

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

The proposed works are considered to be ancillary to the Casula Powerhouse Art Centre and is consistent with the definition of a Community Facility.

(iii) Objectives of the zone

The objectives of the RE1 Public Recreation zone are as follows:

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

The subject site will continue to be consistent with the objectives of the zone in that it will continue to support in providing a range of recreational setting and activities in the Liverpool locality. Additionally, the proposed monument complements an existing community centre which is considered to be compatible with the surrounding area.

Furthermore, the proposed development will not have an impact on the preservation and maintenance of environmentally significant or environmentally sensitive land.

(iv) Principal Development Standards

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

Development Provision	Requirement	Proposed	Complies
Part 4 Principal Development Standards			
4.3 Height of Building	N/A	The subject site does not contain a maximum height of building in	Yes

		accordance with Councils Height of building Map.	
5.7 Development below mean high water mark	Development consent is required to carry out development on any land below the mean high water mark of any body of water subject to tidal influence (including the bed of any such water).	Consent is sought for the construction of a Monument and associated signage on flood prone land.	Yes
5.10 Heritage	To conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,	Casula Powerhouse Arts Centre (former power station) is a heritage listed item pursuant schedule 5 of the Liverpool LEP 2010. The proposed addition of an Anzac Memorial Sculpture and associated signage is minor in nature and will complement the existing use and character of the Casula Powerhouse Arts Centre.	Yes
5.21 Flood Planning	To minimise the flood risk to life and property associated with the use of land,	The proposed development only relates to the construction of free-standing sculpture and associated footings and signage. The proposed development will not adversely affect flood function or behavior, nor will it affect the safe occupation and efficient evacuation of people in the event of a flood.	Yes

7.6 Environmentally significant land	To ensure consideration of the significance of vegetation, the sensitivity of the land and the impact of development on the environment prior to the giving of any development consent.	The site is partially mapped as containing Environmentally Significant Land. The proposed works are minor in nature and will not result in any impacts on vegetation, wetlands and/or wildlife.	Yes
7.7 Acid Sulfate Soils	The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.	The subject site contains Class 5 Acid Sulfate soils. The proposed development will not disturb, expose, or drain acid sulfate soils and cause environmental damage.	Yes
7.17 Airspace Operations	The consent authority must not grant development consent to development that is a controlled activity within the meaning of Division 4 of Part 12 of the <i>Airports Act 1996</i> of the Commonwealth unless the applicant has obtained approval for the controlled activity under regulations made for the purposes of that Division.	The application has been referred to Bankstown Airport who raised no objection regarding the proposed lighting.	Yes
7.31 Earthworks	to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,	Minor earthworks are proposed to facilitate the construction of a footings and signage stand associated with the sculpture. The works are minor and will not have a detrimental impact on environmental	Yes

		functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,	
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As demonstrated in the above compliance table, the development as proposed to be modified is consistent with the provisions of LLEP 2008.

(e) Public Arts Policy 2020

Liverpool City Council’s Public Arts Policy 2010 refers to all sanctioned Public Art located, or proposed, in the public domain within the Council’s LGA. The policy provides details on how public art related activities assessed. An assessment is undertaken below:

5. Assessment

All Public Art related activities, EOI’s through to deaccessioning, must be conducted honestly, transparently and in a manner that is fair and equitable to all parties. Therefore, processes, decisions and activities must:

- a) Be undertaken with consistent and appropriate documentation to ensure equitable outcomes.*
- b) Be free from any conflict of interest that may result in any unfavourable, favourable or preferential treatment.*
- c) Ensure impartiality throughout the process.*

Comment

Condition of Consent have been imposed requiring development to be undertaken in accordance with approved plans. No signs of any potential conflicts of interests that may result in any unfavourable, favourable or preferential treatment have occurred. Furthermore, the design of the memorial has had the input of a number of people and mitigates any potential impartiality in the process.

Decisions on Public Art Projects, Exhibitions and Programs will consider relevant strategic Directions adopted by the Council and:

- a) Demonstrate a high standard of excellence and innovation.*
- b) Be distinctive, original and reflect the diverse stories, histories and environments of the LGA. c) Consider public safety and the impact on the environment.*
- c) Demonstrates consideration for public access and audience impact.*
- d) Is site-responsive.*
- e) Is consistent with current planning, policies and plans of management including current planning, heritage, environmental and procurement policies.*
- f) Achievable within the project timeframe and budget.*
- g) Issues of maintenance and durability are addressed*
- h) Are a significant addition to the Public Arts collection of the Council.*
- i) Projects, Exhibitions or Programs must develop community pride and a sense of belonging.*
- j) Be socially engaging, increase community interaction and conversations in the public realm.*

- k) Increase accessibility and explore sensory engagements.
- l) Provide educational opportunities.

Comment –

The proposed memorial sculpture is considered to be consistent with the strategic direction adopted by Council. The proposed development has been designed in a manner that is distinctive, original and reflects the diverse stories and histories of Australia. The site is located where ANZAC services are held and as such is considered suitable for the environment of the LGA.

The proposed structure is sited in a manner that will not detract from the heritage significance of the Casula Powerhouse Art Centre and is therefore considered to be site responsive.

Furthermore, the proposed memorial will potentially contribute to *community pride, a sense of belonging*, increase community interaction, and opportunities for education.

As such, the proposed memorial structure is considered to be consistent with Councils, Public Art Policy.

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

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

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

(a) Liverpool Development Control Plan 2008

The application has been considered against the controls contained in the Liverpool DCP 2008 in particular:

- Part 1: General Controls for all Development; and

The development is found to be generally consistent with the key controls as detailed within the tables in **Attachment 2** of this report.

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

There are no Planning Agreements which apply to the development.

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

There are no regulation which apply to the development.

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

Natural Environment and Built Environment

The development has been designed and sited in a manner that mitigates any adverse impacts on the nearby heritage item or surrounding area. The location of the Memorial and associated signage adjoins an existing pedestrian footpath to the north of the site along the banks of the Georges River. The proposed design is considered appropriate in that it will complement the character of the Casula Powerhouse Art Centre and the surrounding landscape.

In addition, the proposed development involves three spotlights rated at 43 volts / 25 watts (equates to 200 lumens) and 6 lights illuminating the polycarbonate panels. The lights are intended to project onto the sculpture and not towards the sky. As such, the proposed lighting is unlikely to have an adverse visual impact on surrounding land uses.

It is considered that the proposed development has been designed with sufficient regard to surrounding properties to ensure that any adverse amenity impacts are minimised and that the character of the locality is compatible with the envisaged built form.

Furthermore, appropriate conditions of consent are imposed to mitigate any adverse impact on the Georges River.

Social Impacts and Economic Impacts

The proposed development will complement the existing community use on-site and will result in positive social and economic impacts.

The proposed memorial seeks to 'acknowledge the contribution of past, present, and future Australians serving the nation, and their families'. As such, the proposed development is considered to generate a positive social impact.

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

The development is generally considered to be suitable for the site. The development is generally compliant with the relevant provisions of the Liverpool Local Environmental Plan and Liverpool Development Control Plan 2008.

The proposed addition of a free-standing sculpture compliments the existing use on site. The proposed development will not have any amenity impacts on adjoining properties in terms views, solar access, noise and the like.

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

The development application was not required to be notified in accordance with Liverpool Community Participation Plan 2019. Irrespective of this no submissions were received in relation to the application.

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

Approval of the development as proposed is considered to be in the public interest. The development is consistent with the objectives of the zonings and generally complies with the relevant provisions of the Liverpool Environmental Plan 2008 and Liverpool Development Control Plan 2008.

7. CONCLUSION

The application has been assessed having regard to the provisions Section 4.15 of the EP&A Act 1979, the Environmental Planning Instruments, including the applicable State Environmental Planning Policies, Liverpool Local Environmental Plan 2008, Liverpool Environmental Planning Plan 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.

8. RECOMMENDATION

That DA-303/2022 seeking approval Public art memorial in the form of a free standing sculpture, be approved by the Liverpool Local Planning Panel subject to conditions of consent.

9. ATTACHMENTS

1. LIVERPOOL DCP COMPLIANCE TABLE
2. RECOMMENDED CONDITIONS OF APPROVAL
3. PLANS OF PROPOSAL
4. REQUIREMENTS ISSUED BY TRANSPORT FOR NSW

ATTACHMENT 1 – LIVERPOOL DCP COMPLIANCE TABLE

Part 1: General Controls for all Development		
Development Control	Provision	Comment
Section 2. Tree Preservation	Provisions relating to the preservation of trees.	Complies The proposed development does not involve tree removal.
Section 3. Landscaping and incorporation of existing trees	Provisions relating to landscaping and incorporation of existing trees	Complies The proposed monument and associated structure will blend with the existing landscaping and does not result in the removal of existing trees.
Section 4. Bushland and Fauna Habitat Preservation	Provisions relating to bushland and fauna habitat preservation	Complies Part of the site is detailed as containing environmentally significant land. The proposed works only relate to the erection of free-standing sculpture and associated footings and signage. The proposed location of the sculpture and signage does not result in the clearing of any vegetation or bushland.
Section 6. Water Cycle Management	Provisions relating to Water Cycle Management.	Complies Changes are not proposed to existing stormwater infrastructure.
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. Please consult with the NSW	Complies It is noted that the proposed sculpture and associated footings and signage are proposed to be constructed within 40m of the Georges River Catchment. The application was

	Office of Water regarding your proposal. Section 4 Bushland and Fauna Habitat Preservation of this DCP should also be addressed when pertinent.	referred NRAR who detailed that the proposed works are exempt from the need to obtain a controlled activity approval and no further assessment was required by the agency. The exemption is pursuant the Water Management Act (General) Regulation s41 - Works undertaken by public authorities. As such, subject of the implementation of appropriate sediment and erosion control measures, the proposed development is unlikely to have an adverse impact on watercourses in proximity to the site.
Section 8. Erosion and Sediment Control	Erosion and sediment control plan to be submitted.	Complies with conditions Conditions of consent will be imposed to ensure that erosion and sediment controls measures are implemented.
Section 9. Flooding Risk	Provisions relating to development on flood prone land.	Complies The subject site is located in a low flood risk category. The proposed development only relates to the construction of free-standing sculpture on associated footings and addition of associated signage. The proposed development will not adversely affect flood function or behaviour, nor will it affect the safe occupation and efficient evacuation of people in the event of a flood.
Section 11. Salinity	Provisions relating to development on saline land.	Complies Development to comply with the BCA requirements.
Section 12. Acid Sulphate Soils	Provisions relating to development on acid sulphate soils	Complies The subject site is identified as containing Class 5 acid sulfate soils. Considering earthworks are minimal, the proposed development is unlikely to be disturbed acid sulfate soils
Section 13. Weeds	Provisions relating to Noxious weeds.	Complies No noxious weeds are known to be present on site.
Section 14. Demolition of Existing Development	Provisions relating to Demolition.	Complies Demolition is not proposed.

Section 15. Onsite Sewage Disposal	Provisions relating to onsite sewage disposal.	Not Applicable Onsite sewage disposal is not proposed.
Section 16. Aboriginal Archaeology	Provisions relating to Aboriginal Archaeology	Complies No known items of aboriginal archaeology are present on the subject property.
Section 17. Heritage and Archaeology	Consideration of the impact on the heritage significance on any heritage buildings, sites, streetscapes or areas.	Complies The subject site is listed as Item 10 Casula Powerhouse Arts Centre (former power station). The proposed addition of an Anzac Memorial Sculpture and associated signage is minor in nature and will complements the existing use and character of the Casula Powerhouse Arts Centre.
Section 19. Used Clothing Bins	Provisions relating to charity bins located on either private or Council land.	Not Applicable No charity bins are located within the subject property.
Section 20 – Car Parking and Access	Provisions relating to the car parking and access.	Not Applicable This DA only relates to the construction of monuments and associated signage.
Section 21 - Subdivision of Land and Buildings	Provisions relating to subdivision of land and buildings.	Not Applicable. Subdivision is not proposed.
Section 22 – Energy Conservation	Provisions relating to energy in residential and non-residential buildings.	Not Applicable This DA only relates to the construction of monuments and associated signage.
Section 23. Reflectivity	Contains controls relating to reflectivity of materials on new buildings.	Not Applicable This DA only relates to the construction of monuments and associated signage.
Section 24 - Landfill	This section contains controls relating to cut and fill.	Complies Cut of up to 400mm is proposed and does not exceed 500mm. Fill or retaining walls are not proposed under this development application.
25. Waste Disposal and Re-use Facilities	Development applications for all non-residential development must be accompanied by a waste management plan.	Complies A condition is imposed requiring the preparation of waste management plan.
26. Outdoor Advertising and Signage	26.1 General Controls Signage design, materials, colours, and placement should be visually compatible with the building, nearby signage, and the surrounding locality.	Complies The proposed sign is considered to be compatible with the sculpture and the surrounding locality. Furthermore, it is sited away from the Casula

	<p>The scale of signage must be consistent with the scale of the building or the property on which it is located.</p> <p>Signage should complement natural features and not result in the removal, trimming or damage of trees and other vegetation.</p> <p>New and replacement signage should be designed and located in a manner that avoids the intensification of visual clutter caused by the cumulative effect of signage within the streetscape.</p> <p>Signage displays must not contain/use:</p> <ul style="list-style-type: none"> • Flashing lights; • Animated display, moving parts or simulated movement; • Complex displays that hold a driver's attention beyond glance appreciation; • Displays resembling traffic signs or signals, or giving instruction to traffic by using colours and shapes that imitate a prescribed traffic control device or words such as 'halt' or 'stop'; or • A method of illumination that distracts or dazzles. <p>Signage shall not hinder driver sightlines to critical road infrastructure.</p> <p>Signage shall not distract a driver from or reduce the visibility and effectiveness of directional signs, traffic signals, other traffic control</p>	<p>Powerhouse Art Centre and will not detract from the heritage significance of the building.</p> <p>The scale of the sign is considered consistent with the proposed sculpture and surrounding development.</p> <p>The proposed sign complements the proposed development and surrounding natural environment. The structure does not result in the removal, trimming or damage of trees and other vegetation.</p> <p>The proposed signage does not result in visual clutter.</p> <p>The proposed sign does not contain flashing lights, animated display, Complex displays, Displays resembling traffic signs or signals or illumination.</p> <p>The proposed sign will not hinder a drivers sightlines to critical road infrastructure.</p> <p>Signage is sited in a manner that will not distract drivers.</p>
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	<p>devices, regulatory signs or advisory signs, or to obscure information about the road alignment.</p> <p>Advertising signage along transport corridors should meet location criteria set out in 'Section 3.2 Sign Location Criteria' of the Transport Corridor Outdoor Advertising and Signage Guidelines for assessing development applications under SEPP 64.</p> <p>Signage must not obstruct pedestrian/bicycle paths.</p> <p>Signage must not create trip hazards.</p>	<p>The proposed sign is not advertisements.</p> <p>The proposed sign is sited in a manner that will not obstruct pedestrians/bicycle paths.</p> <p>The proposed sign will not create a trip hazard.</p>
	<p>Pylon or pole signs</p> <p>The height of pole or pylon signs from the ground level are to be in proportion with the scale of the subject and surrounding development.</p>	<p>Complies The proposed sign is merit assessed against the provisions of a pylon sign.</p> <p>The proposed height is considered appropriate with the scale of the surrounding development.</p>
	<p>Signage on Heritage Items or within Heritage Areas</p> <p>Signage should be located in areas of the building which have been traditionally used for signage. If such areas do not exist, new signage locations will be assessed on a merit basis.</p> <p>Signage will not be supported if it blocks views to or from the item, covers any existing features or detracts from the building.</p> <p>The content of a sign approved for a heritage building is restricted to the name of the business, address and contact details. No other content will be supported.</p>	<p>Complies</p> <p>The proposed signage relates is associated to the construction of a monument. The proposed location is considered appropriate in this instance.</p> <p>The proposed sign is sited in a manner that does not block views to or from the item, covers any existing features or detracts from the building.</p> <p>The proposed signage relates is associated to the construction of a monument. The proposed location is considered appropriate in this instance.</p>

	Any proposed signage should not adversely impact on the heritage significance of the item which includes the material and visual form of the item.	The proposed signage will not detract from the heritage significance of the item.
27. Social Impact Assessment	Provisions relating to a social impact assessment for specific development	Not Applicable The proposed development does not result in major changes to council-owned community facilities.
28. Shopping Trolleys	Provisions relating to shopping trolleys for customers.	Not Applicable The development application does not propose shopping trolleys.
29. Safety and Security	Provision relating to safety and security and pedestrian access and mobility.	Complies The proposed development only relates to the erection of a monument and associated signage. The site will continue to be consistent with the relevant NSW Police 'Safer by Design' Crime Prevention Through Environmental Design (CPTED) principles.

ATTACHMENT 2 – RECOMMENDED CONDITIONS OF APPROVAL

A. THE DEVELOPMENT

Approved Plans

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

Plans

Title	Plan No.	Revision	Dated	Prepared by
Site Plan	2017_3337_AZ01_A	A	29.06.22	Liverpool City Council
Section	-	A	7.03.2023	Liverpool City Council
Proposed Signage	-	-	6.06.22	Liverpool City Council
Specification Notes Sheet 01	S01	A	28.06.22	Northrop
Specification Notes Sheet 01	S02	A	28.06.22	Northrop
Foundation Plan	S10	A	28.06.22	Northrop
Detail Sheet 1	S11	A	28.06.22	Northrop
Statement of Environmental Effects	-	-	7.03.22	Liverpool City Council

Transport for NSW Requirements

2. The development is to demonstrate compliance with all relevant requirements issued by Transport for NSW, issued 01 July 2022 (Attachment 4).
- Prior to the issue of a Construction Certificate the Applicant is to provide structural details that the concrete slab or footings will be protected by a vapour barrier membrane. A copy of this detail is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
 - The design, installation and use of lights, signs, and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of the rail operator. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
 - The development shall have appropriate fencing fit for the future usage of the development site to prevent unauthorised access to the rail corridor by future occupants of the development. Prior to the issuing of an Occupation Certificate the Applicant shall liaise with Sydney Trains regarding the adequacy of any existing fencing along the rail corridor boundary or design and construction of new fencing. Details of the type of new fencing to be installed and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.
 - Copies of any certificates, drawings, approvals/certification, or documents endorsed by, given to, or issued by Sydney Trains or TAHE (Transport Asset Holding Entity) must be submitted to Council for its records prior to the issuing of the applicable Construction Certificate or Occupation Certificate.
 - The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:
 - oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
 - acts as the authorised representative of the Applicant; and
 - is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.
 - Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.

- Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team. In this instance the relevant interface team is West Interface, and they can be contacted via email on West_Interface@transport.nsw.gov.au.

B. PRIOR TO THE COMMENCEMENT OF WORK

Waste Management Plan

3. A Waste Management Plan shall be completed and submitted to Council for approval, prior to works commencing.

Requirements of the approved Waste Management Plan shall be complied with during site preparation and throughout demolition and construction. Waste management and its storage must not pose a threat to public health or the environment.

Erosion and Sediment Control Plan

4. An Erosion and Sediment Control Plan shall be prepared in accordance with "Landcom's Blue Book" for sedimentation and erosion control plan by a suitably qualified person, and approved by Council for approval, prior to works commencing.

5. Engineers Report

An engineers report shall be prepared to certify that the structure can withstand the wind, earthquake and forces of floodwater including debris and buoyancy up to and including the Probable Maximum Flood, prior to works commencing.

C. DURING CONSTRUCTION

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

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.

Hours of Construction Work and Deliveries

7. 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.

Craning and Hoardings

8. 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.

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.

Design

9. The design details of the structures, including all finishes, and colours, must be in accordance with the approved plans listed in condition 1.

Access

10. An appropriate fence preventing public access to the site shall be erected for the duration of works.

Excavation

11. All excavation and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

Security Fence

12. 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

Removal of Dangerous and/or Hazardous Waste

13. 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 and the material shall be transported and disposed of in accordance with NSW Environment Protection Authority requirements.

"DIAL BEFORE YOU DIG"

14. Underground assets may exist in the area that is subject to your application. In the interest of health and safety and in order to protect damage to third party

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

Site Facilities

15. 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.

Waste Classification and Disposal of Contaminated Soil and Material

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

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

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

A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed. This receptacle must have a tight fitting lid and be suitable for the reception of food scraps, papers, etc.

Environmental Controls

17. 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.
18. All disturbed areas shall be progressively stabilised and/or revegetated so that no areas remain exposed to potential erosion damage for a period of greater than 14 days.

Construction Specification

19. All footings and supporting structures must be designed and certified by a suitably qualified Civil or Structural Engineer.
20. The person or entity having the benefit of this consent shall be responsible for

the ongoing maintenance and repair of the monument and associated signage.

Erosion and Sediment Control

21. Erosion and sediment control devices are to be installed prior to any construction activity on the site. These devices are to be maintained for the full period of construction and beyond this period where necessary.

22. 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.

D. CONDITIONS RELATING TO USE

Lighting

23. Spotlights and illuminations shall designed and used in accordance with relevant Australian Standard including AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.

E. ADVISORY

- a) Sections 8.7 & 8.10 of the Environmental Planning and Assessment Act, 1979 gives you the right to appeal to the NSW Land and Environment Court within six (6) months after:
- the date on which the applicant received notice, given in accordance with the regulations, of the determination of that application or, if an application for review under section 8.3 has been decided, the date on which the applicant received notice, in accordance with the regulations, of the decision, or
 - the date on which the applicant's application is taken to have been determined in accordance with regulations made under section 8.5 (3), 4.55 (6) or 4.55AA (3).
- b) Section 8.2, 8.3, 8.4 & 8.5 allows 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.
- c) Under Section 8.7 & 8.10 of the Act applicants who are dissatisfied with the outcome of a consent authority have a right of appeal to the Land and Environment Court. This right must be exercised within six (6) months from the date of this notice. The Court's Office is situated at Level 1, 225 Macquarie Street, Sydney (Telephone 9228 8388), and the appropriate form of appeal is available from the Clerk of your Local Court.
- d) 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.

- e) 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.
- f) 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.
- g) 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.
- h) 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.
- i) 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.
- j) "DIAL BEFORE YOU DIG"

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

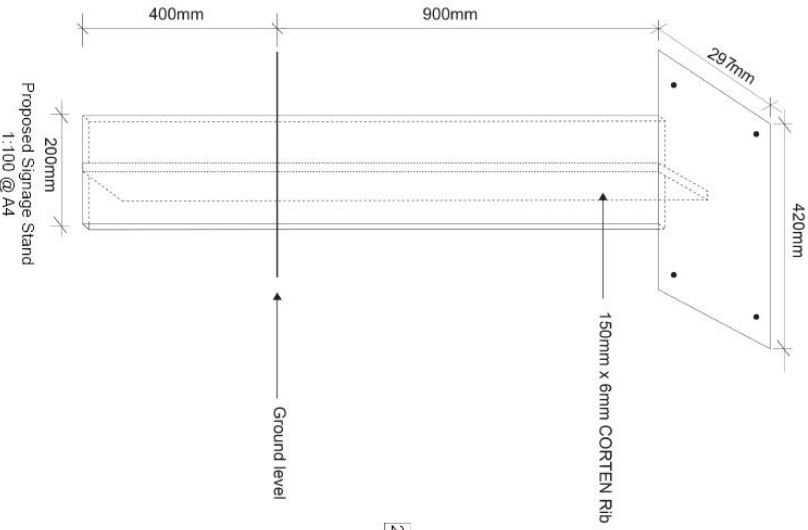
- k) TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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.


- l) The Liverpool City Council Local Government area soils and ground water may be subject to varying levels of Salinity. Whilst Council may require applicants to obtain Salinity reports relating to some developments, no assessment may be

made by Council in that regard. Soil and ground water salinity levels can change over time due to varying factors. It is recommended that all applicants make their own independent inquiries as to appropriate protection against the current and future potential affect of Salinity to ensure the ongoing structural integrity of any work undertaken. Liverpool City Council will not accept any liability for damage occurring to any construction of any type affected by soil and or ground water Salinity.

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



DEFENCE NOT DEFIANCE
ANZAC MEMORIAL SCULPTURE



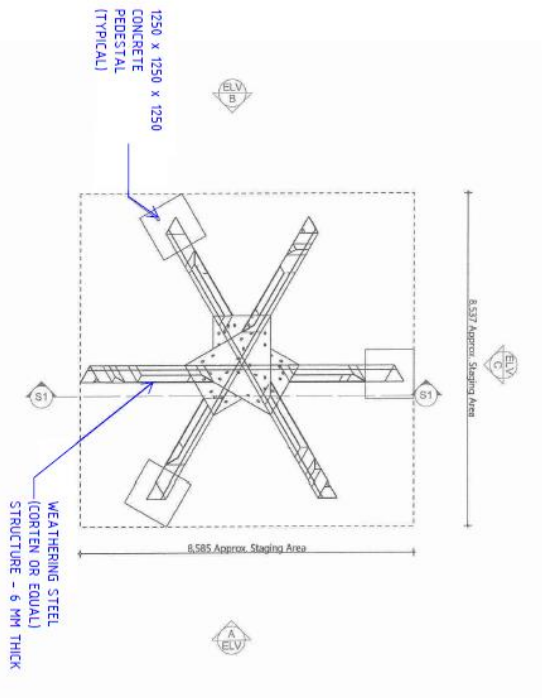
The ANZAC Memorial Sculpture is a rusted metal structure in a grassy field. It consists of several large, angular pieces of metal that are welded together to form a complex, abstract shape. The sculpture is set against a background of tall grass and a clear blue sky.

Australia is not an aggressor on the global stage. Our military ambitions are limited by protecting the rules and freedoms of democracy. Through the ANZAC Memorial Sculpture, we will be a fitting symbol of our nation's attitude to conflict.

These three-legged structures made it almost impossible for tanks to negotiate them. Scattered across a barren or a field their repetitive patterns and rusted diagonals opposing the dominant horizontals of the landscape, they were a constant reminder of the scale of the conflict and a dramatic reminder created by the three fine balance points and their ability to stop 20 to 30 tons of armoured artillery. By asserting large areas of rusted metal, the sculpture is a powerful statement of the scale of the conflict and the individual lives that fought to attain it. The embossed imagery speaks to Liverpool's part in a history of global conflicts and the defence of democracy.

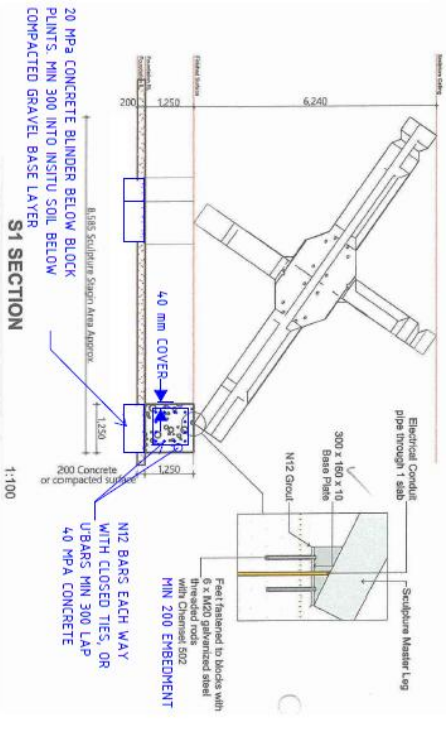
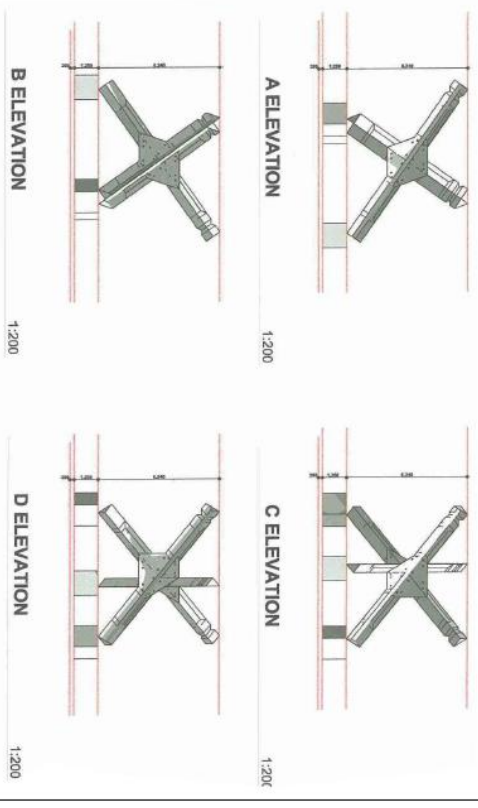
The tank trap also symbolises the lesser known heroes of war - the army engineers, also known as the sappers. These highly trained cohorts of soldiers were responsible for the construction and maintenance of the supply routes for the troops. They clear mines and salvage all that can be saved after the fighting has finished. These are men and women of extraordinary skill and courage. - 1941, 1st ANZAC

Proposed Signage for ANZAC Public Art Memorial Sculpture

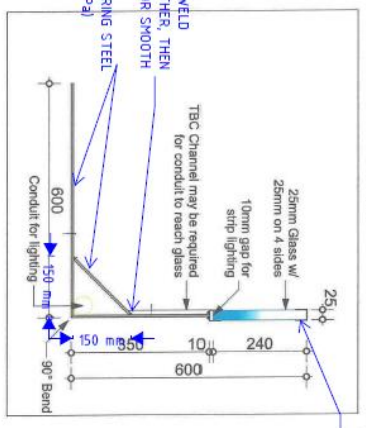
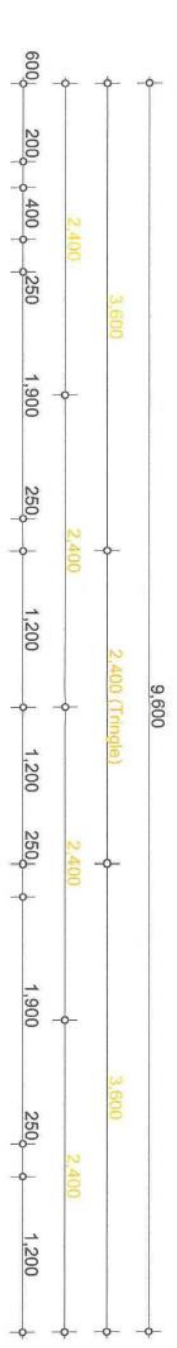


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S10
Foundation Plan
Scale 1:100 @ A3

Note: dimensions are indicative and indicate overall maximum spans & spacings



REV	DESCRIPTION	DATE	BY	CHECKED
1	CONSTRUCTION	27/07/2021
<p>PROJECT: ARTHERTON AUSTRALIA</p> <p>CLIENT: LIVERPOOL CITY COUNCIL</p> <p>PROJECT NO: 10000000000000000000</p> <p>DATE: 27/07/2021</p> <p>SCALE: 1:100</p> <p>PROJECT: ARTHERTON AUSTRALIA</p> <p>CLIENT: LIVERPOOL CITY COUNCIL</p> <p>PROJECT NO: 10000000000000000000</p> <p>DATE: 27/07/2021</p> <p>SCALE: 1:100</p>				
REV	DESCRIPTION	DATE	BY	CHECKED
1	FOUNDATION PLAN	27/07/2021
<p>PROJECT: ARTHERTON AUSTRALIA</p> <p>CLIENT: LIVERPOOL CITY COUNCIL</p> <p>PROJECT NO: 10000000000000000000</p> <p>DATE: 27/07/2021</p> <p>SCALE: 1:100</p>				



004 Sectional Diagram
1:10

NO	DESCRIPTION	DATE	BY	CHECKED	SCALE
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DRAWN: JPD
 DESIGNED: JPD
 CHECKED: JPD
 VERIFIED: JPD

LIVERPOOL CITY COUNCIL
 ANTWERPUM, AUSTRALIA

NORTHROP
 CONSULTANTS
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PROJECT: ANZAC MEMORIAL CASULA PARKLANDS, NSW
 DRAWING TITLE: DETAIL SHEET 1
 DRAWING NUMBER: BN180363
 SHEET NUMBER: S11
 SCALE: 1:10

DEFENCE NOT DEFIANCE - ANZAC Public Art Memorial
 Casula Powerhouse Carpark at Powerhouse Road, Casula
 Section

Date: 7 March 2023
 Revision: A
 Scale: 0m — 2.5m

Drawn: KC
 Checked: CC
 Approved: SS

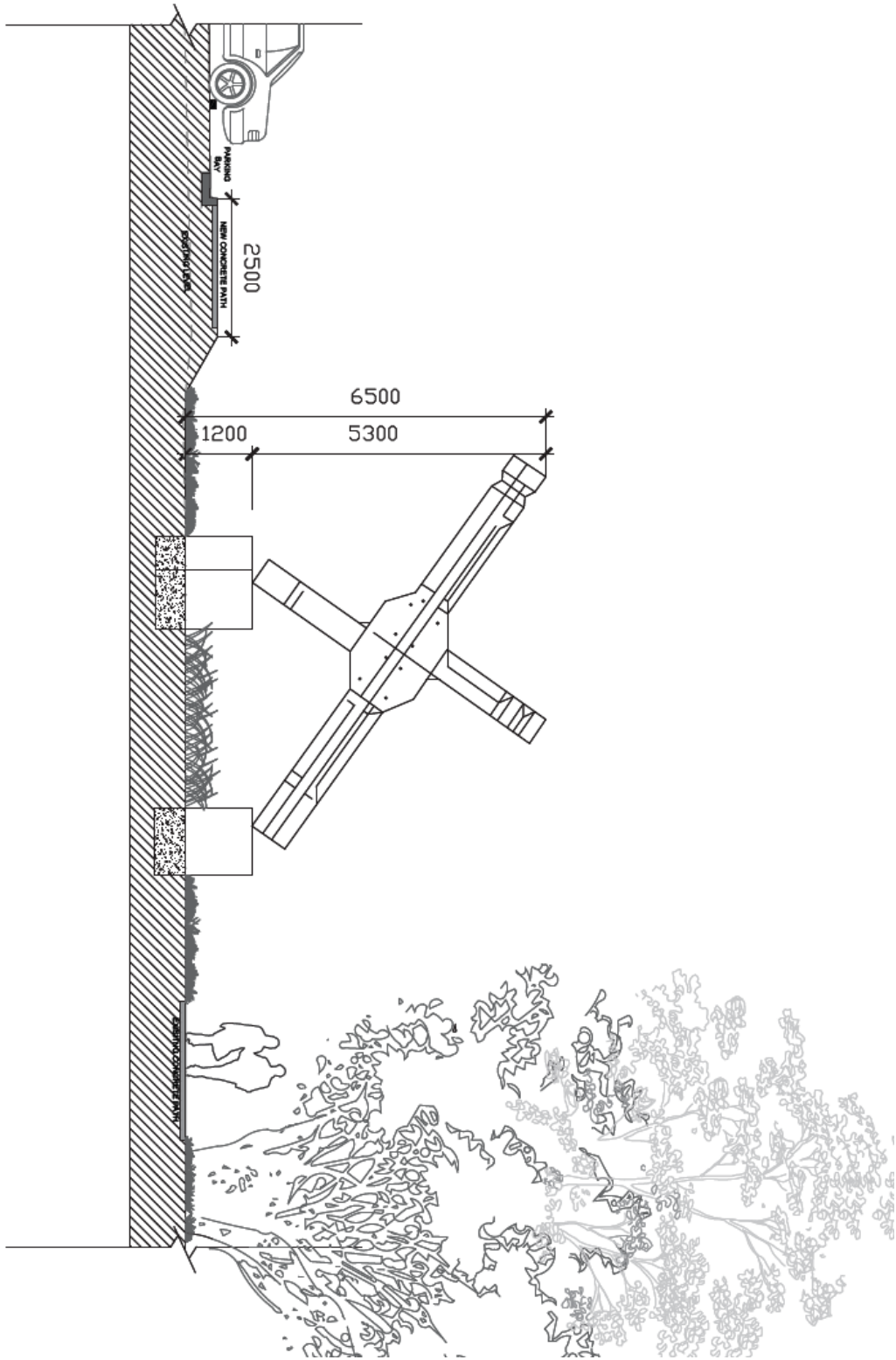




Figure 1: Tank Traps, Normandy. Image supplied by Adventure.

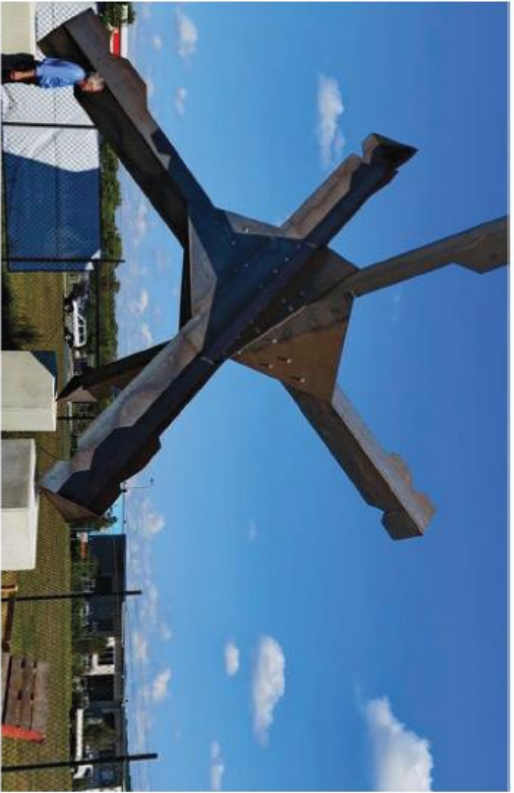


Figure 2: Paul Johnson (ARTIST) with completed Memorial prior to transportation.

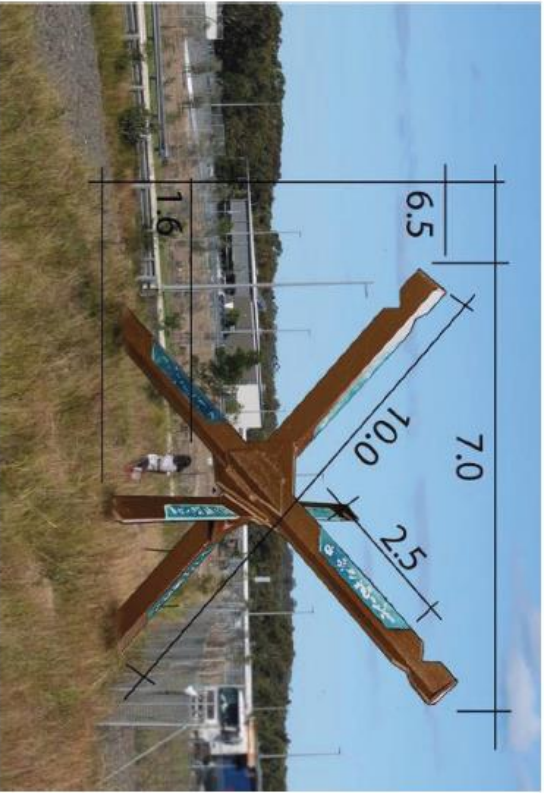


Figure 3: Dimensions and generated image of memorial within the setting at the new entry to the army barracks on Heathcote Road. Supplied by Adventure.

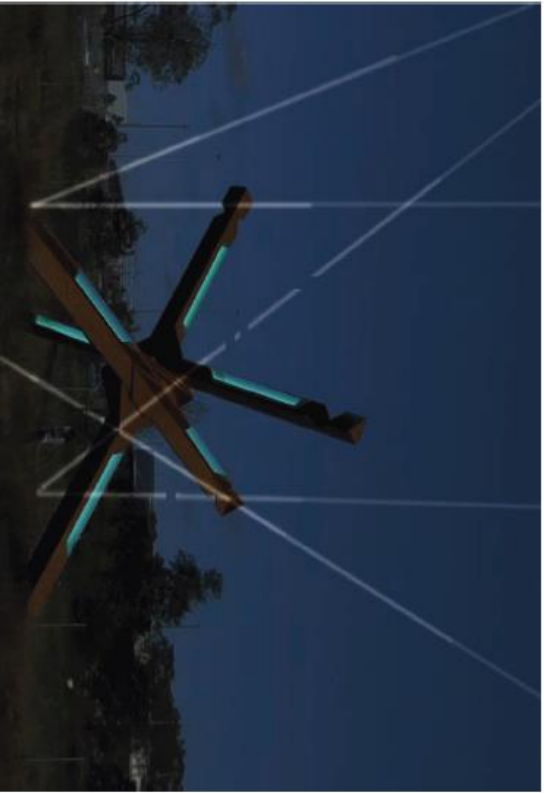


Figure 4: Artist Impression at night.

General Manager
Liverpool City Council
Locked Bag 7064
Liverpool BC, NSW 1971

Attention: Maddison Spiteri

1 July 2022

STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021
DEVELOPMENT APPLICATION – DA-303/2022 – CNR - 40363
1 Powerhouse Road, Casula NSW 2170

Dear Sir/Madam,

I refer to Council's referral requesting comments for the above development application in accordance with Section 2.97 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP)*.

Council is advised that TfNSW (Sydney Trains), via Instruments of Delegation, has been delegated to act as the rail authority for the Cumberland Line heavy rail corridor, including infrastructure, and to process the review for this development application.

As such, TfNSW (Sydney Trains) advises that the proposed development has been assessed in accordance with the relevant Transport for NSW Assets Standard Authority standards and Sydney Trains requirements. To ensure that the proposed development is undertaken in a safe manner it is requested Council impose the conditions provided in Attachment A.

In the event that this proposed development is the subject of a Land and Environment Court appeal, Council is requested to notify TfNSW (Sydney Trains) should such an event occur.

Council is also advised that the TfNSW (Sydney Trains) requested conditions of consent as provided in Attachment A are not to be amended, replaced, or superseded by any subsequent submission provided by any other rail authority, without the further agreement from TfNSW (Sydney Trains).

Please contact TfNSW (Sydney Trains) Town Planning Management via email to DA_sydneytrains@transport.nsw.gov.au should you wish to discuss this matter. Finally, it is requested that when the proposed development's Determination is issued by the Council, a copy of the Notice of Determination and conditions of consent are provided.

Sincerely,



Linda Tran
Assistant Town Planning Officer
Transport for NSW

OFFICIAL

Attachment A

- Prior to the issue of a Construction Certificate the Applicant is to provide structural details that the concrete slab or footings will be protected by a vapour barrier membrane. A copy of this detail is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
- The design, installation and use of lights, signs, and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of the rail operator. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- The development shall have appropriate fencing fit for the future usage of the development site to prevent unauthorised access to the rail corridor by future occupants of the development. Prior to the issuing of an Occupation Certificate the Applicant shall liaise with Sydney Trains regarding the adequacy of any existing fencing along the rail corridor boundary or design and construction of new fencing. Details of the type of new fencing to be installed and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.
- Copies of any certificates, drawings, approvals/certification, or documents endorsed by, given to, or issued by Sydney Trains or TAHE (Transport Asset Holding Entity) must be submitted to Council for its records prior to the issuing of the applicable Construction Certificate or Occupation Certificate.
- The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:
 - oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
 - acts as the authorised representative of the Applicant; and
 - is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.
- Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.
- Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External Interface

Transport for NSW



Management team. In this instance the relevant interface team is West Interface, and they can be contacted via email on West_Interface@transport.nsw.gov.au.

Item no:	3
Application Number:	DA-1167/2021
Proposed Development:	Conversion and use of the remains of an existing heritage item as a recreation area known as Phillimona Gardens
Property Address	2 Lachlan Street, Liverpool
Legal Description:	Lot 888 DP 1230089
Applicant:	T Wheeler c/o Liverpool City Council
Land Owner:	THE OWNERS - STRATA PLAN NO 97072
Cost of Works:	\$677,252
Recommendation:	Approved subject to conditions of consent
Assessing Officer:	Peter Oriehov

1. EXECUTIVE SUMMARY

Council has received a Development Application DA-1167/2021 seeking consent for the conversion and use of the remains of an existing heritage item as a recreation area known as Phillimona Gardens at 2 Lachlan Street, Liverpool.

The site is zoned R4 - High Density Residential pursuant to Liverpool Local Environmental Plan 2008 and the proposed development is permissible with consent.

The proposal does not require notification or advertising pursuant to Liverpool Community Participation Plan 2019. No submissions have been received with regards to the proposal.

The application is referred to the Liverpool Local Planning Panel (LLPP) in accordance with the Local Planning Panels Direction – Development Applications and Applications to Modify Development Consent, endorsed by the Minister for Planning and Public Spaces on 30 June 2020, as the development falls in the category of:

Conflict of Interest – Development for which the applicant or land owner is:

- (a) *A member of Council staff who is principally involved in the exercise of Council's functions under the Environmental Planning and Assessment Act 1979.*

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 site is identified as Lot 888 DP 1230089, No 2 Lachlan Street, Liverpool. The site is irregular in shape and has a total area of 2,933m² with a frontage to Bigge Street of approximately 45.625 metres and a frontage to Lachlan Street of approximately 60.20 metres. Portion of the site is currently occupied by the remaining Heritage dwelling, the remaining portion of the site includes a constructed Residential Flat Building. The site is zoned R4 - High Density Residential (Liverpool Local Environmental Plan 2008).

The site currently contains the remains of a one-storey dwelling house built in 1928, known as Phillimona. The remains include some partial external walls and bricks have been retained.



Figure 1: Aerial Map – Locality (Source: Geocortex)

2.2 The locality

The site is located within the suburb of Liverpool and is serviced by an extensive transport network with a number of bus routes being available on Hume Highway. The site is located in a high residential area surrounded by Residential Flat Buildings and is located in proximity to Westfield Shopping Centre and Liverpool Memorial Park.

The surrounding area is characterised by being a transitional zone, with older 1-3 storey residential buildings being replaced by high density apartment buildings and mixed-use development. The site is considered to be part of the Liverpool City Centre and is, therefore, highly serviced and located in close proximity to commercial premises, medical uses and educational establishments.



Figure 2: Locality Map – (Source: Geocortex)

3. HISTORY

- The subject DA was lodged with Council on 07 October 2021.
- Request issued to the Applicant for a Contamination Assessment and Remedial Action Plan on 22 December 2021. Submitted by the Applicant on 24 February 2022.
- Referral made to external consultant identified as Taylor Brammer for comment on the submitted statement of heritage impact, dated 6th September 2021 prepared by Phillips Marler. Comments received on 16 June 2022, supporting the proposed development subject to conditions.
- Applicant advised of requirement for additional information (dated 17 June 2022) including comments from City Design and Public Domain.
- Amended information was received on 04 July 2022.
- A request for additional information was further issued to the applicant on 08 August 2022.
- Amended plans and response letter was received on 17 August 2022.
- City Design and Public Domain provided comment on the received amended plans and response letter on 01 September 2022 and supported the proposal subject to conditions.

The following is a table of Development Application history, pertinent to the subject allotment:

Application Number	Description
DA-498/2004	Demolition of three existing dwellings and erection of an eight and twelve storey residential buildings consisting of ninety two units and two and a half basement carpark. (Approved 28/09/2005).
DA-498/2004/A	Modification to Development Consent DA-498/2004 pursuant to Section (1A) of the EP&A Act 1979. The modification proposed an increase in the number of units, change to unit mix, changes to floor plates, changes to basement parking, changes to the external façade, and deletion of condition 34. (Approved 13/05/2016).
DA-498/2004/B	Modification to Development Consent DA-498/2004 pursuant to Section 96(1A) of the EP&A Act 1979. The modification proposed to increase construction and work hours to 7am – 6pm Monday to Saturday. (Approved 27/10/2016).
DA-498/2004/C	Modification to Development Consent DA-498/2004 pursuant to Section 96 (1A) of the EP&A Act 1979. The modification proposed to modify the wording of condition 123 relating to Liverpool CBD – Street Lighting upgrading.
DA-1182/2016	Conversion of existing Heritage dwelling into a café.
DA-23/2017	Strata subdivision of the residential flat building approved through DA-498/2004. The subdivision will result in one hundred and twenty three (123) strata lots.
DA-23/2017/A	Modification to DA-23/2017 pursuant to section 96 (1A) of the Environmental Planning and Assessment Act. The modification proposes minor modifications to approved Strata Plan.

4. DETAILS OF THE PROPOSAL

The proposed development relates to the use of the remains of the previously existing heritage item as a public recreation area known as Phillimona Gardens. The recreation area will use the existing walls to accentuate the history of the site, while providing seating areas, play areas and associated landscaping works. In particular the works comprise of the following:

- Landscaping, such as:
 - Plantings, including raised planter beds.
 - Decks, tables and seating areas.
 - A small playground, and
 - A steel shade structure over the development in the design of the previously existing roof.
- Reconstruction and stabilisation of the remaining intact walls to represent the heritage aspects of the building.
- Stormwater works – new AG line system with pump station and emergency overflow pit.
- Signage – “Phillimona Gardens’ wall signage and associated informational signage related to the historical significance of the site.

5. STATUTORY CONSIDERATIONS

5.1 Relevant matters for consideration

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

- State Environmental Planning Policy (Biodiversity and Conservation) 2021.
- State Environmental Planning Policy (Resilience and Hazards) 2021.
- State Environmental Planning Policy (Industry and Employment) 2021.
- Liverpool Local Environmental Plan (LLEP) 2008.
- Liverpool Development Control Plan (LDCP) 2008.
 - Part 1: General Controls for All Development
 - Part 4: Development in Liverpool City Centre.

6. ASSESSMENT

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

The development application has been assessed in accordance with the relevant matters of consideration prescribed by Section 4.14 and 4.15 Evaluation of the EP&A Act 1979 and the Environmental Planning and Assessment (EP&A) Regulation 2000, as follows:

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

The subject land is located within the Georges River Catchments and as such, Chapter 11 – Georges River Catchment of the State Environmental Planning Policy (Biodiversity and Conservation) 2021, formerly the Greater Metropolitan Regional Environmental Plan No. 2 – Georges River, applies to the application.

The State Environmental Planning Policy (Biodiversity and Conservation) 2021 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 11.5). Accordingly, a table summarising the matters for consideration in determining development applications (Clause 11.6 and Clause 11.7), and compliance with such is provided below.

Clause 11.6 General Principles	Comment
(a) the aims, objectives and planning principles of this plan,	The plan aims generally to maintain and improve the water quality and river flows of the Georges River and its tributaries.
(b) the likely effect of the proposed plan, development or activity on adjacent or downstream local government areas,	Proposal reviewed by Council's Land Development Engineer and considered satisfactory subject to conditions.
(c) the cumulative impact of the proposed development or activity on the Georges River or its tributaries,	The engineering plans were submitted and reviewed by Council's Land Development Engineer. Conditions of consent apply with respect to sediment and erosion mitigation measures.
(d) any relevant plans of management including any River and Water Management Plans approved by the Minister for Environment and the Minister for Land and Water Conservation and best practice guidelines approved by the Department of Urban Affairs and Planning (all of which are available from the respective offices of those Departments),	The site is located within an area covered by the Liverpool District Stormwater Management Plan, as outlined within Liverpool City Council Water Strategy 2004.
(e) the <i>Georges River Catchment Regional Planning Strategy</i> (prepared by, and available from the offices of, the Department of Urban Affairs and Planning),	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,	The application was not required to be referred to the Natural Resource Access Regulator (NRAR) and the proposal is consistent with the guidelines.
(g) whether there are any feasible alternatives to the development or other proposal concerned.	No. The site is located in an area nominated for 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.
Clause 11.7 Specific Principles	Comment
(1) Acid sulfate soils	The land is not identified as containing acid sulphate soils on LLEP 2008 Acid Sulphate Soil mapping.
(2) Bank disturbance	No bank disturbance is proposed.
(3) Flooding	The site is not flood affected.
(4) Industrial discharges	Not applicable.
(5) Land degradation	The proposed development is unlikely to cause land degradation.
(6) On-site sewage management	The site will be connected to a reticulated sewer system.
(7) River-related uses	Not applicable.
(8) Sewer overflows	Not applicable.
(9) Urban/stormwater runoff	Water management details provided in civil engineering details and approved by condition of consent by Council's Engineers.
(10) Urban development areas	The area is within an Urban Release Area.
(11) Vegetated buffer areas	Not applicable.
(12) Water quality and river flows	Erosion and sediment control and salinity measures to be implemented in construction.

(13) Wetlands	Not applicable
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It is considered that the proposal satisfies the provisions of the SEPP (Resilience and Hazards) 2021 subject to appropriate sedimentation and erosion controls during construction. The development will have minimal impact on the Georges River Catchment.

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

The proposal has been assessed under the relevant provisions of SEPP (Resilience and Hazards) 2021, specifically Chapter 4 – Remediation of Land, as the proposal involves the development of land to accommodate a change of use with the potential under the former SEPP 55 guidelines to be a site that could be potentially contaminated.

The objectives of SEPP (Resilience and Hazards) 2021 are:

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

Pursuant to the above SEPP, Council must consider:

- whether the land is contaminated.
- if the land is contaminated, whether it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the proposed use.

Pursuant to Clause 4.6 of SEPP (Resilience and Hazards) 2021, Council is required to undertake a merit assessment of the proposed development. The following table summarises the matters for consideration in determining development application.

Clause 4.6 - Contamination and remediation to be considered in determining development application	Comment
(1) A consent authority must not consent to the carrying out of any development on land unless:	
(a) it has considered whether the land is contaminated, and	Preliminary Site Investigation prepared by SESL Australia Environment and Soil Sciences (Job reference: J002205, dated January 2020) submitted to Council and referred to Council’s Environment and Health section for review. Based on the finding of the initial investigation SESL has identified one area of concern including chrysotile asbestos which was detected at one borehole (BH3) which exceeded the site criteria of FA/AF of land use.
(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 sites are suitable for the future recreation use of the land subject to remediation.
(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 site is required to be further remediated. This aspect was looked at by Council’s Environmental Health Section who have found no issues with the proposal. A standard condition of consent will be included for potential unexpected finds and submitted of a Validation Assessment.

The proposal has provided satisfactory information to demonstrate that the site is suitable for the proposed use and is in accordance with SEPP (Resilience and Hazards).

The following documents have been reviewed as part of this assessment:

- Preliminary Site Investigation prepared by SESL Australia Environment and Soil Sciences (Job reference: J002205, dated January 2020);
- Targeted Environmental Site Investigation prepared by SESL Australia Environment and Soil Sciences (Job reference: J002454, dated July 2020);
- Remediation Action Plan (RAP) prepared by SESL Australia Environment and Soil Sciences (Job reference: J002763, dated October 2020);
- Letter of Environmental Advice – DA-1167/2021 – Contaminated Land Review – 3 Bigg Street Liverpool, prepared by EP Risk Management Pty Ltd (Job reference: P2529.001_v1, dated 15 February 2022)

Based on the finding of the initial investigation SESL has identified one area of concern including chrysotile asbestos which was detected at one borehole (BH3) which exceeded the site criteria of FA/AF of land use.

As a result of the above, additional information was submitted including:

- In-Situ Waste Classification Assessment prepared by EP Risk dated 6 April 2022 (Ref EP2579.001_v3).
- Remediation Action Plan prepared by EP Risk dated 5 April 2022 (Ref: EP2579.002_v2).

SESL previously identified asbestos fines / fibrous asbestos (AF/FA) (unspecified) within Fill material at the site above adopted human health criteria. Furthermore, SESL identified concentrations of Lead in soil above adopted Health Investigation Levels (HILs), which may pose a potential risk to future site users based on the proposed development.

EP Risk conducted further sampling to address the extent of lead contamination and identified data gaps on-site and concluded that the 95% upper confidence limit arithmetic mean was above the adopted Health Investigation Levels for the site.

Of the remedial options assessed, the most favourable remedial strategy is the excavation and offsite disposal of contaminated material, as recommended in the SESL (2022) RAP.

Subject to the successful validation of the Site following remediation, a long terms environmental management plan is not considered necessary for the continued management of the site.

A referral was made to Council's Environmental Health Section who supported the proposed development subject to the imposition of conditions of consent.

Based on the above assessment, the proposal is considered to satisfy the relevant objectives and provisions of Clause 4.6 SEPP (Resilience and Hazards) 2021, therefore, it is considered that the subject site is suitable for the proposed development.

(c) State Environmental Planning Policy (Industry and Employment) 2021.

The proposed signage is not considered to be advertising and relevant referrals to Transport for NSW are not required under Clauses 17 & 18.

(d) Schedule 5 Assessment Criteria

Section	Requirement	Comment
1. Character of the Area	<i>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</i>	The signage is compatible and consistent with the locality and the uses within the zone.
2. Special Areas	<i>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?</i>	The proposal is unlikely to impact on any nearby environmentally sensitive or heritage sensitive sites.
3. Views and Vistas	<i>Does the proposal obscure or compromise important views?</i>	The signage is in almost the same location as the existing sign, is as similar height and also has less surface area than the existing sign and is unlikely to block important views.
	<i>Does the proposal dominate the skyline and reduce the quality of vistas?</i>	Proposal does not dominate or detract from any skylines or vistas.
	<i>Does the proposal respect the viewing rights of other advertisers?</i>	Proposal will not impact on viewing rights of other advertisers. The proposed sign is wholly within the allotment and is consistent with the surrounding area and business character.
4. Streetscape, setting or landscape	<i>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</i>	The signage is an appropriate size and scale for the site and setting.
	<i>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</i>	The signage would not contribute nor detract from the visual interest of the area.
	<i>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</i>	The signage would not cause clutter and is simplistic.
	<i>Does the proposal screen unsightliness?</i>	Signage will not screen unsightliness.
	<i>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</i>	The proposal is wholly within the boundaries of the site, but is over the height of the restaurant building, which is consistent with the old signage. the locality

		and uses in the vicinity of the site, including existing signage.
	<i>Does the proposal require ongoing vegetation management?</i>	No vegetation associated with proposal.
5. Site and Building	<i>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?</i>	The proposal is compatible with the site and building it is associated with.
	<i>Does the proposal respect important features of the site or building, or both?</i>	The proposal respects the features of the site.
	<i>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</i>	The proposal is in accordance with the company theme and is visually appealing.
6. Associated devices and logos with advertisements and advertising structures	<i>Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?</i>	The logos and writing is integral to the sign for the business.
7. Illumination	<i>Would illumination affect safety for pedestrians, vehicles or aircraft? Would illumination result in unacceptable glare?</i>	The proposed signage is unlikely to cause any unnecessary illumination or glare for vehicles travelling on the Hume Highway.
	<i>Would illumination detract from the amenity of any residence or other form of accommodation?</i>	The amenity level will unlikely be impacted from the sign.
	<i>Can the intensity of the illumination be adjusted, if necessary?</i>	Illumination will be low and is appropriate for this style of outdoor display.
	<i>Is the illumination subject to a curfew?</i>	The illumination of the sign is considered acceptable and a curfew would not be necessary in the circumstances.
8. Safety	<i>Would the proposal reduce the safety for any public road? Would the proposal reduce the safety for pedestrians or bicyclists?</i>	The proposed sign is unlikely to reduce the safety of road users as this type of sign is consistent with other businesses in this zone and locality.
	<i>Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</i>	The signage is unlikely to reduce safety of pedestrians as it is high above the restaurant and also reduces the pylon legs from 2 to 1.

(d) Liverpool Local Environmental Plan 2008 (LLEP 2008)

(i) Zoning

The subject site is zoned R4 High Density Residential pursuant to the LLEP 2008. An extract of the zoning map is provided in Figure 3 below.

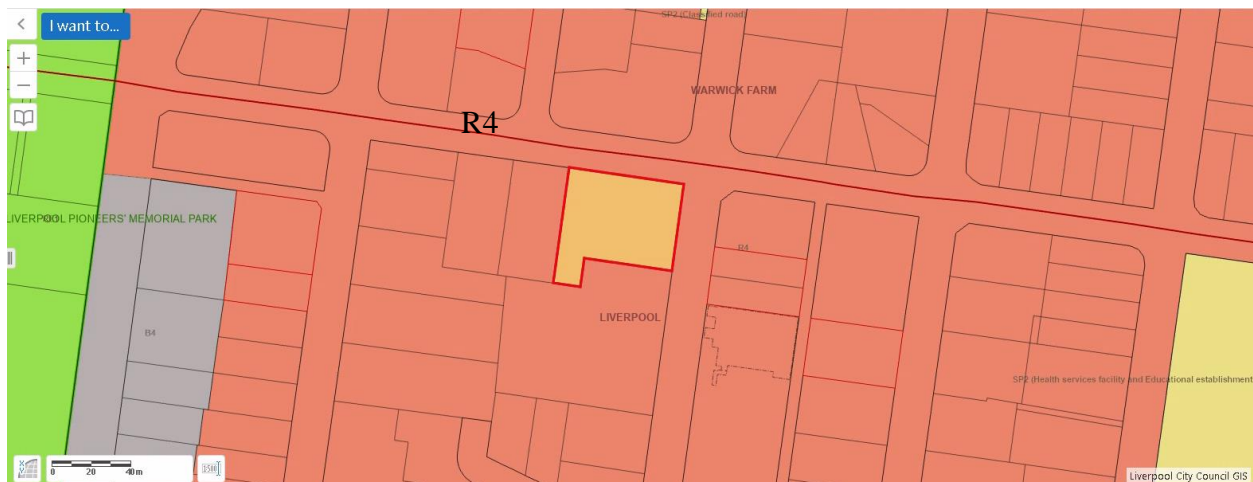


Figure 3: Zoning Map (source: GeoCortex) – R4 – High Density Residential

(ii) Permissibility

The proposed development involves change of use from a partially demolished dwelling house to a recreational area. A recreation area is a permissible form of development and is described in Liverpool LEP 2008 as follows:

Recreation area means a place used for outdoor recreation that is normally open to the public, and includes—

- (a) a children's playground, or
- (b) an area used for community sporting activities, or
- (c) a public park, reserve or garden or the like,

(v) Objectives of the zone

The objectives of the R4 High Density Residential 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 proposed recreation area will enable other land uses that provide facilities or services to meet the day to day needs of residents. It is therefore considered that the proposal is consistent with the abovementioned zone objectives.

(vi) Principal Development Standards

The LLEP 2008 contains a number of provisions which are relevant to the proposal. Assessment of the application against the relative provisions is provided below.

Development Provision	Requirement	Comment
2.7 Demolition requires development consent	The demolition of a building or work may be carried out only with development consent.	N/A Demolition is not proposed as part of this development application.
Clause 4.3 Height of Buildings	The development site is identified as having a maximum building height of 35m.	Complies The maximum height of the shade structure is 5.4m.
Clause 4.4 Floor Space Ratio	The development site identified as having a maximum floor space ratio of 2:1.	N/A The existing heritage dwelling was partially demolished and involved the removal of walls. The proposed change of use to a recreational area does not include construction of walls, and the recreational area comprise of openings and open space and therefore does not fit into the definition of Gross Floor Area.
5.10 Heritage Conservation	<p>(2) Requirement for consent Development consent is required for any of the following— (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,</p> <p>(4) Effect of proposed development on heritage significance The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).</p>	<p>In accordance with (2) a development application has been submitted seeking consent to adapt the remaining elements of the heritage item into a public park. The proposal will enhance the remnants of the item as well as provide interpretation of the structural components of the old Californian Bungalow which have been lost.</p> <p>The impact of the proposal has been assessed by Phillips Marler in accordance with (4) and (5) with a Statement of Heritage Impact prepared and provided. The statement recognises the impact of the demolition of the heritage item undertaken by the previous</p>

	<p>(5) Heritage assessment The consent authority may, before granting consent to any development—</p> <p>(a) on land on which a heritage item is located, or</p> <p>(b) on land that is within a heritage conservation area, or</p> <p>(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),</p> <p>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.</p> <p>(6) Heritage conservation management plans The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.</p>	<p>developer but acknowledges that the proposed development will retain the heritage value of the item as well as enhance the site to improve the understanding of the structure, its significance and the people associated with it.</p> <p>The preparation of a conservation management plan in accordance with (6) is only required for major developments associated with significant heritage sites. In the instances of a smaller site or proposal, a statement of heritage impact which identifies the heritage values and assesses the impact of the proposal is considered sufficient as in this case.</p>
7.31 Earthworks	Council to consider matters listed (a)-(g)	Complies. Appropriate management measures would also be implemented to mitigate the potential of soil erosion and sedimentation.

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.

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

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

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

(a) Liverpool Development Control Plan (LDCP) 2008

The proposed development is subject to the Liverpool Development Control Plan 2008 (LDCP) 2008. The proposed subdivision has been assessed under the following Parts of the LDCP 2008:

- Part 1 of the LDCP 2008, which covers general controls relating to all types of development within the Liverpool LGA.
- Part 4 – Development in Liverpool City Centre.

The proposal is considered to be consistent with the key controls outlined in the Liverpool Development Control Plan 2008 and all relevant compliance tables for the LDCP 2008 can be found in Report Attachment 1.

6.4 Section 4.15(1)(a)(iia) - 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 National Construction Code. Accordingly, appropriate conditions of consent will be imposed where the NCC is relevant to the proposed works.

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

(a) Natural Environment

Impacts on the natural environment have been assessed as part of the development application. The proposal is unlikely to result in any detrimental impact on the natural environment surrounding the subject sites, or to any endangered and non-endangered species of flora and fauna.

(b) Built Environment

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 reuse of a heritage item and unlikely to create any detrimental impacts on the adjoining properties or the locality as a whole. The proposal will facilitate recreation use consistent with the desired future natural and built character of the locality.

(e) Social Impacts and Economic Impacts

The proposed recreation area 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.

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

As per the above, the site can be remediated appropriately accordingly and it is therefore considered that the site is 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
Environmental Health	No objection to the proposal subject to conditions of consent.
Flood Engineer	No objection to the proposal subject to conditions of consent.
City Design and Public Domain	No objection to the proposal subject to conditions of consent.

(b) External Referrals

AGENCY	COMMENTS
Heritage Planner – Taylor Brammer	Supported subject to conditions

(c) Community Consultation

The proposal was not required to be notified in accordance with Liverpool Community Participation Plan 2019. No submissions have been received on the application.

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

Approval of the proposed development is not contrary to the public interest. The development is consistent with the objectives of the R4 High Density Residential Zone and may be conditioned to comply with the relevant provisions of the Liverpool Local Environmental Plan 2008 and Liverpool Development Control Plan 2008.

7. DEVELOPMENT CONTRIBUTIONS

The development will not generate the need for additional services or infrastructure to be provided by Council and is therefore not subject to Section 7.11 Contributions.

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 adverse impacts 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-1167/2021 seeking approval for the conversion and use of the remains of an existing heritage item as a recreation area known as Phillimona Gardens at 2 Lachlan Street, Liverpool, be approved subject to conditions of consent.

10. REPORT ATTACHMENTS

1. LIVERPOOL DEVELOPMENT CONTROL PLAN 2008 COMPLIANCE TABLES
2. PLANS OF THE PROPOSAL
3. CONDITIONS OF APPROVAL WITH ASSOCIATED EXTERNAL COMMENTS

ATTACHMENT 1: LIVERPOOL DEVELOPMENT CONTROL PLAN 2008 COMPLIANCE

TABLES

Standard	Control	Proposed	Compliance
Part 1.1 - General Controls for All Development			
Section 2- Tree Preservation	Consider impact of development on existing vegetation.	The applicant is not seeking to remove vegetation and will not affect existing vegetation as part of the demolition process.	Complies
Section 3 – Landscaping and Incorporation of Existing Trees	Incorporation of existing trees into development where appropriate	The proposal does not involve the removal of any trees or vegetation. The existing trees and vegetation would be appropriately retained and protected. Landscape plan was submitted referred to City Design and Public who supported the proposed development subject to conditions.	Complies
Section 4 – Bushland and Habitat Preservation	Consider impact of development on bushland and habitats	The proposal does not involve the clearing of bushland.	Complies
Section 5. Bush Fire Risk	Controls relating to development on bushfire prone land.	The sites are not mapped as bushfire prone land.	N/A
Section 6. Water Cycle Management	Stormwater runoff shall be connected to Council’s drainage system by gravity means. A stormwater drainage concept plan is to be submitted.	The proposed development relates to an existing developed site, with adjoining large-scale residential flat buildings and gravity drainage will be utilised to manage stormwater runoff on the site.	Complies
Section 7 – Development Near a Watercourse	Consideration of impact to riparian corridors.	The proposal is not within 40m of a watercourse.	N/A
Section 8 – Erosion and Sediment Control	The development application shall be accompanied by either a Soil and Water Management Plan	Conditions of consent will be imposed to ensure that erosion and sediment controls	Complies with conditions

Standard	Control	Proposed	Compliance
	(SWMP) or an Erosion and Sediment Control Plan (ESCP).	measures are implemented.	
Section 9 – Flooding Risk	To limit developments with high sensitivity to flood risk (e.g. critical public utilities) to land with minimal risk from flooding.	The site is not identified as flood prone land.	N/A
Section 10 – Contaminated Land Risk	Previous use to be considered in assessing risk	See SEPP (Hazards and Resilience) discussion above.	Complies
Section 11. Salinity Risk	Provisions relating to development on saline land.	Development to comply with the BCA requirements.	Complies with conditions
Section 12 – Acid Sulfate Soils Risk	Affected properties to consider impact of development on soils.	The development site is not identified as containing acid sulphate soils.	N/A
Section 14 – Demolition of Existing Developments	All demolition work must comply with the Australian Standard AS2601 - 1991, The Demolition of Structures. Dust Controls must be implemented on site prior to and during demolition.	Appropriate conditions of consent are recommended to be imposed regarding demolition works.	Complies
Section 15. On Site Sewage Disposal	Provisions relating to OSMS.	OSMS is not proposed.	N/A
Section 16. Aboriginal Archaeology	An initial investigation must be carried out to determine if the proposed development or activity occurs on land potentially containing an item of aboriginal archaeology.	The development site is not mapped as a potential area containing Aboriginal archaeology.	Complies
Section 17. Heritage and Archaeological Sites	Provisions relating to heritage sites.	Statement of Heritage Impact prepared by Phillips Marler, dated 06 September 2021 was submitted to Council and referred externally to Taylor Brammer whom supported the proposed development stating that the extent remains of the house to a recreational area is	Complies

Standard	Control	Proposed	Compliance
Section 20. Car Parking and Access	This section of the DCP specifies requirements in relation to vehicular access and car parking.	a suitable use. Provisions of car parking are not applicable to public recreation area land use; however, the development includes bike racks at the site.	N/A
Section 22 and Section 23. Water Conservation and Energy Conservation	New dwellings, are to demonstrate compliance with State Environmental Planning Policy – Building Sustainability Index (BASIX).	The application does not propose the construction of new dwellings.	N/A
Section 25- Waste Disposal and Re-use Facilities.	<p>A waste management Plan must be submitted to council with the lodgement of the Development Application and must address how waste is managed during Demolition and Construction and provide On-going waste management.</p> <p>Minimise waste produced during demolition and construction of new development and maximise resource recovery.</p> <p>Ensure waste management for the end use of the development is designed to provide satisfactory amenity for occupants and provide appropriately designed collection systems.</p> <p>Minimise ongoing waste to landfill and maximise recycling of ongoing waste.</p>	Waste management Plan has been provided with the DA and indicates the on-going waste management procedures.	Complies.
Section 26. Outdoor Advertising and Signage	Provisions relating to signage.	The proposal includes 'Phillimona Gardens' signs around the frontages of the development and provide good visibility of the	N/A

Standard	Control	Proposed	Compliance
		signage and legibility of the park as a public space.	
Section 27. Social Impact Assessment	Provisions relating to social impact.	Social impact comment is not required.	N/A

Part 4 – Development in Liverpool City Centre

Development Control	Provision	Comment
Section 2 Controls for Building Form		
Side Setback	Buildings on the southern side of streets identified in Figure 4-10 have minimum front setbacks as follows, in order to maximise solar access: 4.5m setback required.	Complies The subject site is located on a corner allotment and the existing heritage item provides a 6.0m front setback to Lachlan Street.
	Side and Rear boundary setbacks.	Not Applicable. Side and rear boundary setback controls apply to residential flat buildings and requirement compliance with the ADG. The partially demolished heritage item is existing and setbacks are appropriately landscaped.
Site Cover and Deep Soil Zones	Maximum site cover of 50%	Complies Existing residential flat building is located at the site and proposes a site coverage of 37%
Landscape Design	Landscaped areas are to be irrigated with recycled water.	Complies A stormwater plan prepared by Richmond and Ross Consulting Engineers details the inclusion of a new AG line system with pump station and emergency overflow pit.
	Landscape species are to be selected in accordance with Council's schedule of Preferred Landscape Species.	Complies A detail landscape plan has been prepared by Phillips Marler. The landscape plans detail the planting schedule and the proposed design for the site. Landscape plan was reviewed and supported by Council's City Design and Public Domain.
	Remnant vegetation must be maintained throughout the site wherever practicable.	Complies Existing site has no vegetation to be retained. Street trees are existing and shall be retained on Bigge and Lachland Street.
	A long-term landscape concept plan must be provided for all landscaped areas, in particular the deep soil landscape zone.	Complies Conditions can be imposed to ensure the long term maintenance of the

Development Control	Provision	Comment
	The plan must outline how landscaped areas are to be maintained for the life of the development.	landscaped areas.
	Any new public spaces are to be designed so that at least 50% of the open space provided has a minimum of 3 hours of sunlight between 10am and 3pm on 21st June (Winter Solstice).	<p>Not Applicable</p> <p>The proposed public recreation area is orientated to the north and shall receive 2 hours of sunlight to 50% of the landscaped area between 10am and 3pm on 21st June. The development utilises the site of the partially demolished heritage dwelling, bounded by multi-storey residential apartment buildings. The site will receive adequate sunlight to cater for the proposed use. The site will receive over 50% of sunlight for a number of hours in the morning and will provide a high amenity for users of the space throughout the day.</p>
Planting on Structures	<p>Areas with planting on structures are to be irrigated with recycled water.</p> <p>Design for optimum conditions for plant growth by:</p> <ul style="list-style-type: none"> - providing soil depth, soil volume and soil area appropriate to the size of the plants to be established, - providing appropriate soil conditions and irrigation methods, and - providing appropriate drainage. - Design planters to support the appropriate soil depth and plant selection by ensuring planter proportions accommodate the largest volume of soil possible and soil depths to ensure tree growth, and providing square or rectangular planting areas rather than narrow linear areas. <p>Increase minimum soil depths in accordance with:</p> <ul style="list-style-type: none"> - the mix of plants in a planter for example where trees are planted in association with shrubs, groundcovers and grass, - the level of landscape management, particularly the frequency of irrigation, - anchorage requirements 	<p>Complies</p> <p>The landscape plan has been reviewed by Council's City Design and Public Domain, who has raised no issues in regards to this aspect, subject to conditions.</p>

Development Control	Provision	Comment
	<p>of large and medium trees, and soil type and quality.</p> <p>Provide sufficient soil depth and area to allow for plant establishment and growth. The following minimum standards are recommended:</p> <ul style="list-style-type: none"> - Large trees (over 8m high) minimum soil depth 1.3m, minimum soil volume 150m³ - Medium trees (2 – 8m high), minimum soil depth 1m, minimum soil volume 35m³ - Small trees (up to 2m high), minimum soil depth 0.8m, minimum soil volume 9m³ - Shrubs and ground cover, minimum soil depth 0.5m, no minimum soil volume. 	
Amenity		
Front Fences	Controls relating to front fences	<p>Not Applicable</p> <p>Existing brick wall shall remain and also proposes timber fencing 'grey' in colour</p>
Safety and Security	Address 'Safer-by-Design' principles to the design of public and private domain, and in all developments (including the NSW Police 'Safer by Design' crime prevention through environmental design (CPTED) principles).	<p>Complies</p> <p>CPTED report prepared by John Maynard Consulting (dated December 2020) and recommends street lighting. The proposed development is considered to be satisfactory in relation to the safer by design principles.</p>
	Ensure that the building design allows for passive surveillance of public and communal spaces, access ways, entries and driveways.	<p>Complies</p> <p>The design of the development allows for passive surveillance of access ways and driveways.</p>
	Avoid creating blind corners and dark alcoves that provide concealment opportunities in pathways, stairwells, hallways and car parks.	<p>Complies</p> <p>The development does not create any blind corners or dark alcoves.</p>
	Maximise the number of residential 'front door' entries at ground level.	<p>Complies</p> <p>Front entrances are provided to the street frontage.</p>
	Provide entrances which are in visually prominent positions and which are easily identifiable, with visible numbering.	<p>Complies</p> <p>The front entrance is orientated to the street and is easily identifiable.</p>
Awnings	Wet weather protection to be provided to all entrances	<p>N/A</p> <p>No Awnings are proposed.</p>
Vehicle	No additional vehicle entry points	N/A

Development Control	Provision	Comment
Footpath Crossings	will be permitted into the parking or service areas of development along those streets identified within the LDCP2008.	The public recreation does not allow for vehicle entry points. Basement car parking is existing associated with the residential flat building adjacent to the proposed public recreation area.
	In all other areas, one vehicle access point only (including the access for service vehicles and parking for non-residential uses within mixed use developments) will be generally permitted.	N/A As above
	Where practicable, vehicle access is to be from lanes and minor streets rather than primary street fronts or streets with high pedestrian priority routes identified in Figure 18 (marked yellow).	N/A The site does not adjoin a laneway or a minor street.
	Where practicable, adjoining buildings are to share or amalgamate vehicle access points. Internal on-site signal equipment is to be used to allow shared access. Where appropriate, new buildings should provide vehicle access points so that they are capable of shared access at a later date.	N/A The adjoining sites are already developed.
	Vehicle access ramps parallel to the street frontage will not be permitted.	N/A The development does not provide for a parallel access ramp.
	Ensure vehicle entry points are integrated into building design.	N/A Drive way entry is not proposed.
	Vehicle entries are to have high quality finishes to walls and ceilings as well as high standard detailing. No service ducts or pipes are to be visible from the street.	N/A As above.
Building Exteriors	Balconies and terraces should be provided, particularly where buildings overlook public spaces. Gardens on the top of setback areas of buildings are encouraged.	N/A No balconies are proposed.
	Articulate façades so that they address the street and add visual interest. Buildings are to be articulated to differentiate between the base (street frontage height), middle and top in design.	Complies The building facades is existing and are articulated through its heritage values. The dwelling is partially demolished and is unable to be restored to its original form. The building face proposes adaptative refuse of the site that will retain its heritage significant of the site.
	Limit sections of opaque or blank	Complies

Development Control	Provision	Comment
	walls greater than 4m in length along the ground floor to a maximum of 30% of the building frontage.	The building frontage does not contain any blank walls.
	Highly reflective finishes and curtain wall glazing are not permitted above ground floor level.	Complies Highly reflective materials shall not be used and conditions to be imposed.
	A materials sample board and schedule is required to be submitted with applications for development over \$1million or for that part of any development built to the street edge.	Complies A colour schedule as well as 3D perspective has been provided which gives a clear indication of the colour and types of materials that will be used.
	Roof top structures, such as air conditioning, lift motor rooms, and the like are to be incorporated into the architectural design of the building.	N/A Roof top structures are not proposed.
Controls for Special Areas		
Heritage items and Conservation Areas	Retain and enhance the significance of heritage items and their setting in any new development within Liverpool city centre.	Complies: The heritage item is partially demolished and is unable to be restored to its original form. The building face proposes adaptative reuse of the site that will retain its heritage significant of the site.
	Undertake an assessment for sites in the vicinity of heritage items or heritage conservation areas, of the impact of the proposal on the setting of nearby heritage items or heritage conservation areas	Complies Statement of Heritage Impact prepared by Phillips Marler, dated 06 September 2021 was submitted to Council and referred externally to Taylor Brammer whom supported the proposed development stating that the extent remains of the house to a recreational area is a suitable use.
	Establish the relevant criteria for each proposal depending on the nature of development, the proximity of the development to surrounding heritage items and conservation areas in addition to any other factors considered in the design of the subject building.	Complies The development proposes and adaptive reuse of the site that will retain the essence and heritage significance of the site while providing a land use that will enhance the site and support the needs of the community. The proposed design will also assist in retaining the remaining walls of the dwelling house.
	Infill building must not precisely imitate its neighbour but use recognisable tools such as spatial organisation, massing, scale, alignment, detailing, materials, roof forms and coursing lines to complement adjacent heritage items.	Complies As above.
	New buildings must not obstruct important views and vistas of a	Complies

Development Control	Provision	Comment
	heritage item..	As above.

ATTACHMENT 2: PLANS OF THE PROPOSED DEVELOPMENT



03

phillipsmarler
FIG

VISUALISATION from LACHLAN STREET
Design Concept
Phillimona Gardens

Date: 17th July 2020



Figure 1: 3D perspective of Philimona Gardens.



Figure 2: Ground floor plan of the garden.

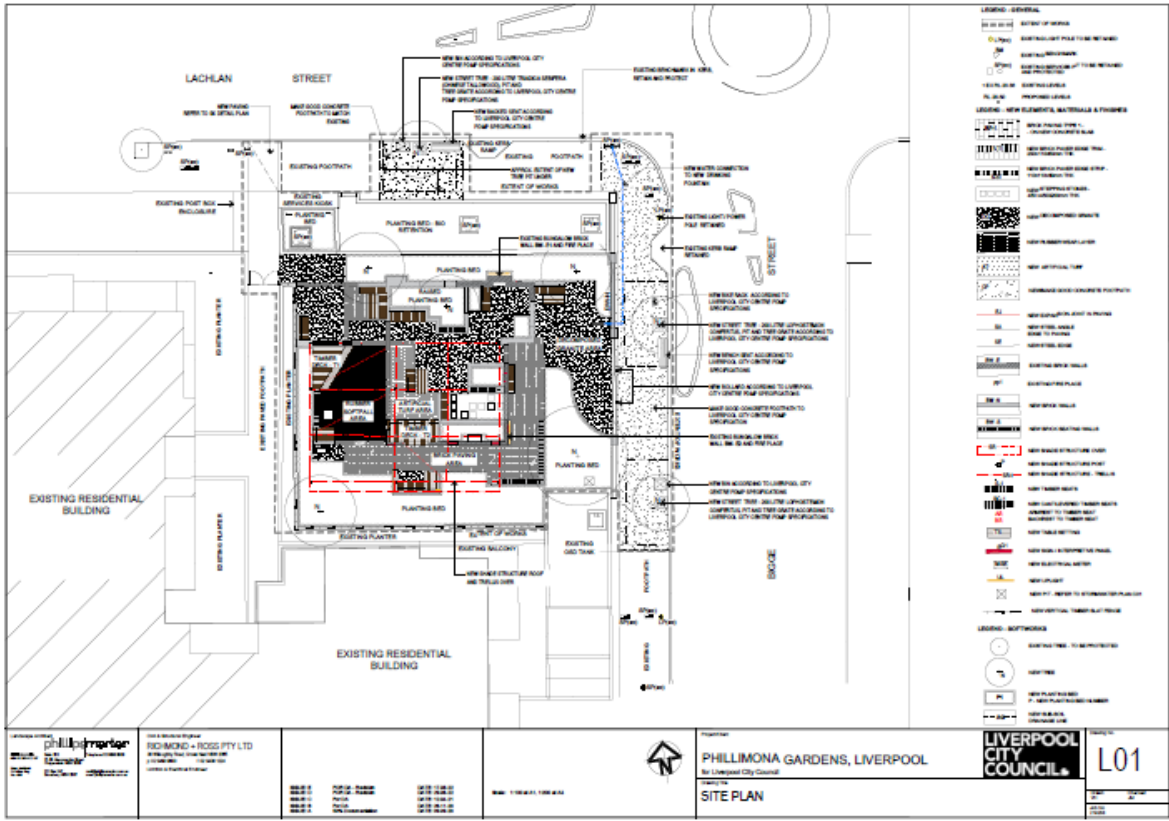


Figure 3: Site Plan.

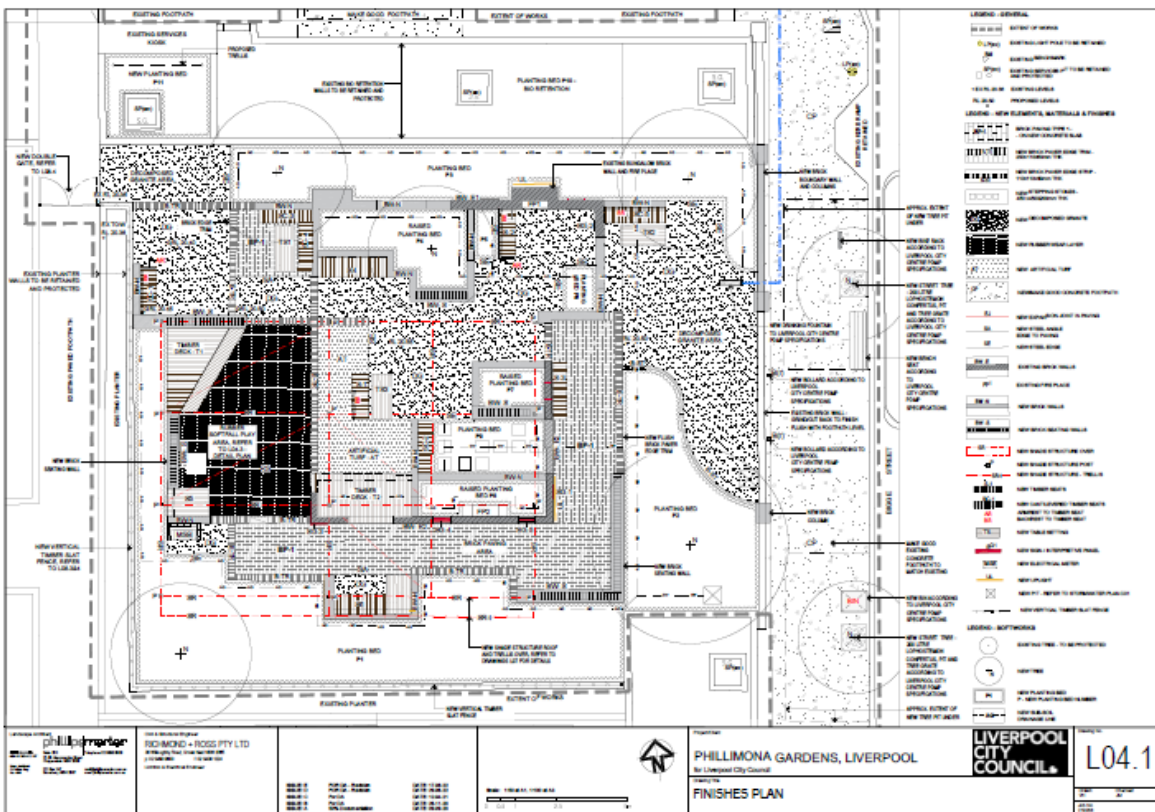


Figure 4: Finish Plan

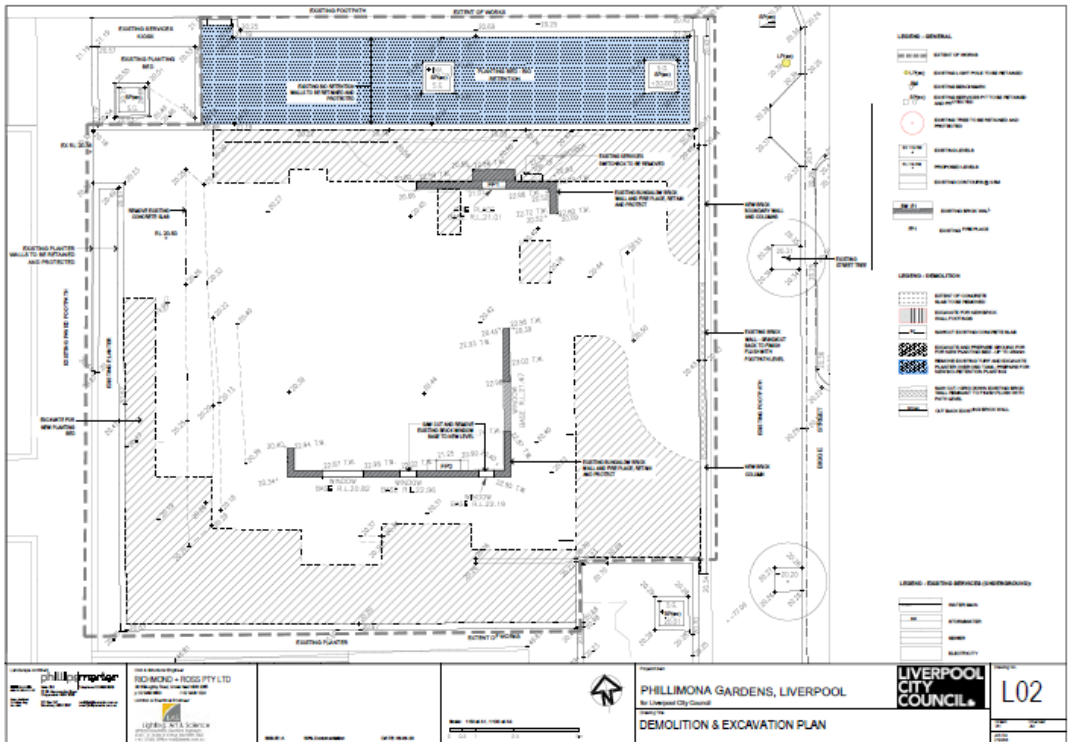


Figure 5: Demolition and Excavation Plan

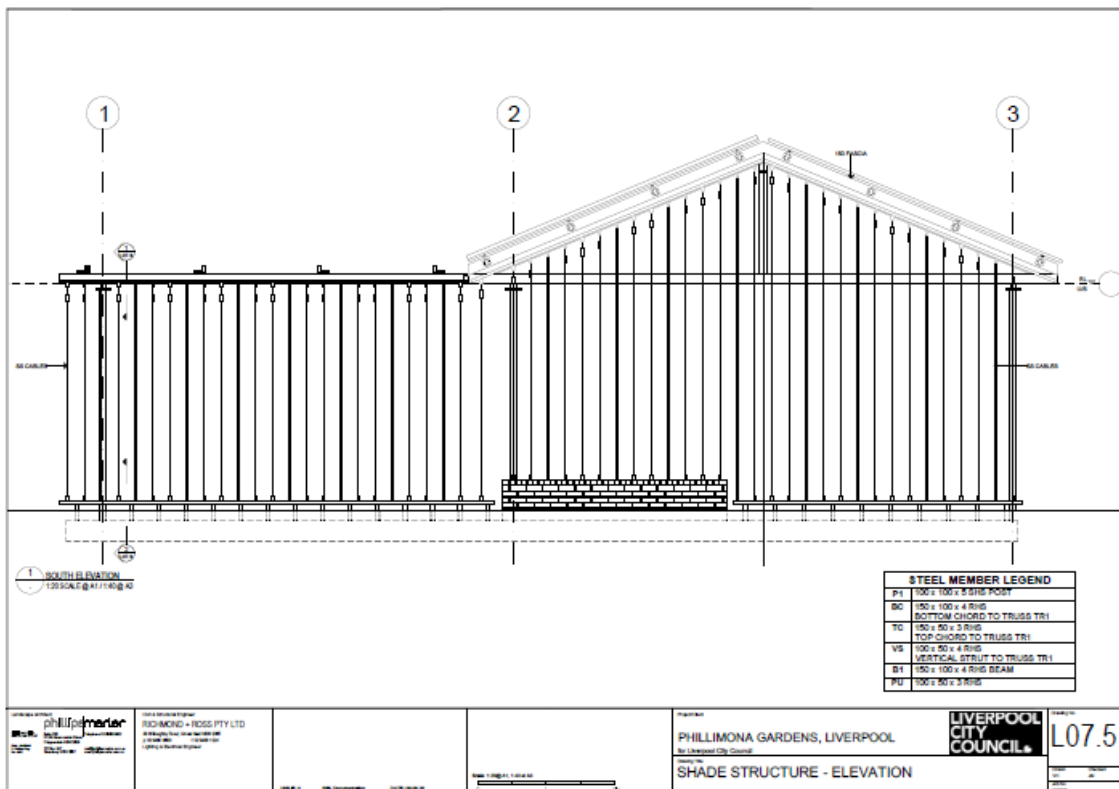


Figure 6: Shade Structure Elevation.

ATTACHMENT 3: RECOMMENDED CONDITIONS OF CONSENT

CONDITIONS:

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

ATTACHMENT 1 – CONDITIONS OF APPROVAL

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 plans/reports marked as follows, except where modified by the undermentioned conditions.

Plan Name	Job No.	Drawing No.	Revision	Date	Prepared By
Site Plan	219238	L01	E	17/08/22	Phillips Marler
Demolition & Excavation Plan	219238	L02	A	09/09/2020	Phillips Marler
Finishes Plan	219238	L04.1	E	17/08/22	Phillips Marler
Proposed Lachlan Street Entry Highlight	---	---	---	16/08/22	Phillips Marler
Planting Key Plan	219238	L06	A	09/09/2020	Phillips Marler
Planting Plan 1	219238	L06.1	A	09/09/2020	Phillips Marler
Planting Plan 2	219238	L06.2	A	09/09/2020	Phillips Marler
Planting Plan 3	219238	L06.3	A	09/09/2020	Phillips Marler
Planting Plan 4	219238	L06.4	A	09/09/2020	Phillips Marler
Planting Plan 5	219238	L06.5	A	09/09/2020	Phillips Marler
Planting Details	219238	L06.6	A	09/09/2020	Phillips Marler
Shade Structure – Plans	219238	L07	A	09/09/2020	Phillips Marler
Shade Structure – Sections	219238	L07.1	A	09/09/2020	Phillips Marler
Shade Structures – Sections	219238	L07.2	A	09/09/2020	Phillips Marler
Shade Structures – Sections	219238	L07.3	D	15/07/2022	Phillips Marler
Shade Structures – Sections	219238	L07.4	A	09/09/2020	Phillips Marler
Shade Structures – Elevation	219238	L07.5	A	09/09/2020	Phillips Marler
Shade Structures – Details	219238	L07.6	A	09/09/2020	Phillips Marler
Shade Structures – Details	219238	L07.7	A	09/09/2020	Phillips Marler

Shade Structures – Details	219238	L07.8	A	09/09/2020	Phillips Marler
Shade Structures – Details	219238	L07.9	A	09/09/2020	Phillips Marler
Pavement Details 1	219238	L08	A	09/09/2020	Phillips Marler
Pavement Details 2	219238	L08.1	A	09/09/2020	Phillips Marler
Miscellaneous Details	219238	L08.2	A	09/09/2020	Phillips Marler
Stabilisation & Modification of Existing Brick Walls – Wall 1	219238	L09	A	09/09/2020	Phillips Marler
Stabilisation & Modification of Existing Brick Walls – Details new openings in Wall 1	219238	L09.1	A	09/09/2020	Phillips Marler
Stabilisation & Modification of Existing Brick Walls – Wall 2	219238	L09.3	A	09/09/2020	Phillips Marler
Stabilisation & Modification of Existing Brick Walls – Wall 2	219238	L09.4	A	09/09/2020	Phillips Marler
New Brick Wall Details 1	219238	L10	A	09/09/2020	Phillips Marler
New Brick Wall Details 2	219238	L10.1	A	09/09/2020	Phillips Marler
New Brick Wall Details 3	219238	L10.2	A	09/09/2020	Phillips Marler
Seat Details 1	219238	L11	A	09/09/2020	Phillips Marler
Seat Details 2	219238	L11.1	A	09/09/2020	Phillips Marler
Seat Details 3	219238	L11.2	A	09/09/2020	Phillips Marler
Seat Details 4	219238	L11.3	A	09/09/2020	Phillips Marler
Seat Details 5	219238	L11.4	A	09/09/2020	Phillips Marler
Materials Colours & Finishes Schedule	---	---	---	16/08/22	Phillips Marler
Materials Colours & Finishes Schedule	---	---	---	16/08/22	Phillips Marler
Materials Colours & Finishes Schedule	---	---	---	16/08/22	Phillips Marler
Materials Colours & Finishes Schedule	---	---	---	16/08/22	Phillips Marler
Materials Colours & Finishes	---	---	---	16/08/22	Phillips Marler

Schedule					
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Document	Prepared By	Date
Remediation Action Plan	EP Risk	05 April 2022
In-situ Waste Classification Assessment	Ep Risk	06 April 2022
CPTED Report	John Maynard Consulting	December 2020
Statement of heritage Impact	Phillips Marler	06 September 2021
Structural Assessment	Richmond & Ross Pty Ltd	14 January 2020
Waste Management Plan	Elephants Foot Consulting	23 September 2021

B. PRIOR TO THE ISSUE OF 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.

Commencement of work

2. Building work shall not commence prior to the issue of a Construction Certificate. Building work as defined under Section 1.4 of the Environmental Planning and Assessment Act, 1979 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.

City Design and Public Domain

3. Prior to the issue of a construction certificate, provide details construction drawings of the 'SK – Proposed Lachlan street entry highlight, that is to include the new landscaping details to be proposed at the rear of the Lachlan Street entry. This is to be reviewed and approved by the City Design and Public Domain team prior to the issue of CC.
4. Investigate options to conceal the front of the fire services to improve its appearance within the streetscape. These interventions to be proposed are to be reviewed and approved by the City Design and Public Domain team prior to the issue of CC.
5. Various artificial turf samples are to be provided to the City Design and Public Domain team for review, to approve the artificial turf type to be installed prior to the issuing of CC.
6. An alternative perimeter fence of steel blades/palisade fencing (in lieu of the timber fence proposed) is to be investigated and may be proposed. Any changes to the proposed fence are to be provided for review and approval by the City Design and Public Domain team prior to the issuing of CC.
7. The bike rack type to be installed in the development are to be as per "Liverpool City Centre Public Domain Furniture, Fixtures and Fittings Specifications List 2022", the SFA

Linea Bicycle Stand in powder coated black (without timber/coloured inserts). This is to be updated in the schedule prior to the issuing of CC.

8. Upgraded tree pits for all street trees in the public domain frontage of the development are to be provided in accordance with the Liverpool City Centre Public Domain Master Plan 2020. Construction details of the tree pits are to be submitted for review and approval by the City Design and Public Domain team prior to the issuing of CC.
9. The applicant is required to obtain Liverpool City Council's preferred street tree grate specification to be installed at the site, from the City Design and Public Domain team prior to the issuing of CC.
10. The bollards to be installed in the development are to be as per "Liverpool City Centre Public Domain Furniture, Fixtures and Fittings Specifications List 2022", the SFA Slim Bollard all in powder coated black (without yellow base plate). This is to be updated in the schedule prior to the issuing of CC.
11. The drinking water fountain is to be repositioned within the Garden's entryway on Bigge Street (i.e. within the decomposed granite area), in a suitable location that will not cause water spillages to flow across the entryway, due to any falls identified at the site. The exact location of the drinking water fountain is to be provided for review and approval by the City Design and Public Domain team, prior to the issuing of CC.

Construction Certificates

12. Detailed engineering plans and specifications relating to the work shall be endorsed with a CC, in accordance with Section 4.19, 6.6, 6.7, 6.12, 6.13, 6.14 of the EP&A Act, and a copy submitted to Council, with payment of any relevant fees.
13. 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.
14. Where this consent requires both engineering and building works to be undertaken, a separate construction certificate shall be issued for each category of works i.e., a separate Civil Engineering CC and a separate Building CC.

Stormwater Concept Plan

15. A stormwater drainage system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Richmond+Ross Pty Ltd Consulting Engineers, reference number 190357/C01, revision B, dated 16/11/20.
 - (a) The proposed development and stormwater drainage system shall be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties.
 - (b) Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the stormwater drainage system has been designed in accordance

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

S138 Roads Act – Minor Works in the public road

16. 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.

Fee Payments

17. 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.
- (c) Long Service Levy – based on 0.35% of the cost of building work where the costing of the CC is \$25,000 or more.

These fees are reviewed annually and will be calculated accordingly.

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

Provision of Services – Sydney Water

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

Following receipt of the application, a 'Notice of Requirements' will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may

impact on other services and building, driveway or landscape design. A copy of the 'Notice of Requirements' must be submitted to the PCA, prior to the issue of a Construction Certificate.

Provision of Services – Endeavour Energy

20. 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, prior to the issue of a Construction Certificate.

Dilapidation Report

21. Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in Bigge & Lachlan streets, Liverpool 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.

Additional Engineering

22. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the stormwater drainage system has been designed in accordance with the requirements for pumped systems in AS3500.3:2003 and Council's Stormwater Drainage Design Specifications including the following:
 - (a) Two (2) submersible type pump units shall be designed to operate on an alternate basis.
 - (b) A float shall be provided to ensure that the minimum required water level is maintained within the sump area of the tank. In this regard this float will function as an off switch for the pumps at the minimum water level. The same float shall be set to turn one of the pumps on upon the water level in the tank rising to approximately 300mm above the minimum water level. The pump shall operate until the tank is drained to the minimum water level. A second float shall be provided at a high level. This float shall start the other pump that is not operating.

C. PRIOR TO WORKS COMMENCING

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

Site Development Work

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

Demolition works

24. A demolition work plan designed in accordance with the Australian Standard AS 2601-2001 – The Demolition of Structures, is to be 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.

25. Prior to commencement of any works on the land, the Demolition Contractor(s) licence details must be provided to Council.
26. 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.

Site Notice Board

27. 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 of the principal contractor for the work and a telephone number on which that person may be contacted outside working hours; and
 - b) Unauthorised entry to the premises is prohibited.

Sediment & Erosion Control

28. 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.
29. 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.

Notification/Principal Certifying Authority

30. 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.
31. The PCA must advise Council of the intended date to commence work which is the subject of the 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.
32. 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.

33. 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 Where necessary, underpin the adjoining premises to prevent any such damage.

Retaining Walls on Boundary

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

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

Traffic Control Plan

35. 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.

Sediment & Erosion Control

36. 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.

Facilities

37. 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*.

Waste Classification and Disposal of Contaminated Soil and Material

38. All soils and material(s), liquid and solid, to be removed from the site must be analysed and classified by an appropriately qualified and certified consultant, in accordance with the Protection of the Environment Operations (Waste) Regulation 2014 and related guidelines, in particular the NSW EPA Waste Classification Guidelines, prior to off-site disposal. All Waste material(s) must be disposed of at an appropriately licensed waste facility for the specific waste. Receipts for the disposal of the waste must be submitted to the Principal Certifying Authority within 30 days of the waste being disposed of. All waste must be transported by a contractor licenced to transport the specific waste, and in vehicles capable of carting the waste without spillage, and meeting relevant requirements and standards. All loads must be covered prior to vehicles leaving the site.

Aboriginal Relics/Artefacts

39. 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.

D. DURING CONSTRUCTION

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

Building Inspections

40. The building works must be inspected by the Principal Certifying Authority, in accordance with section 6.5 of the EP&A Act 1979 and Clause 61 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.
41. 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).

Security Fence

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

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

Construction Requirements

43. 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.

Drainage Connection

44. If a connection of private drainage to Council's drainage system is required, 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.

Hours of Construction Work and Deliveries

45. 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.

Unidentified Contamination

46. 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.

Contamination

47. The development, including all civil works and demolition, must comply with the requirements of the Contaminated Land Management Act 1997, State Environmental Planning Policy (Resilience and Hazards) 2021, chapter 4, and Managing Land Contamination – Planning Guidelines (Planning NSW/EPA 1998).

Imported Fill Material

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

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

officers if and when requested.

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

Record Keeping of Imported Fill

49. 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.

Removal of Dangerous and/or Hazardous Waste

50. 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 and the material shall be transported and disposed of in accordance with NSW Environment Protection Authority requirements.

Major Filling / Earthworks

51. 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.

Traffic Management

52. Notice must be given to Council's Traffic and Transport 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 prior to implementation. This includes temporary closures for delivery of material, concrete pours etc.
53. 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.

General Site Works

54. Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.
55. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.

56. Where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, dust is to be suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Where wind velocity exceeds five knots the PCA may direct that such work is not to proceed.
57. 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.
58. 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 any other locations which may lead to water pollution.
59. 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.

60. 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.
61. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.

Waste Management Plan

62. The Waste Management Plan approved by the PCA prior to a construction certificate 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.

Waste

63. All waste materials generated as a result of the development are to be disposed at a facility licensed to receive such waste.
64. Stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by water, to be stored clear of any drainage line, easement, natural watercourse, , kerb or roadside.

Site Remediation Works

65. The site must be remediated in accordance with;
 - (a) Remediation Action Plan (EP2579.002_v2) prepared by (EP Risk), dated (05 April 2022);
 - (b) State Environmental planning Policy (Resilience and Hazards) 2021, chapter 4.

- (c) National Environment Protection (Assessment of Site Contamination) Measure (ASC NEPM, 1999 as amended 2013); and
- (d) The guidelines in force under the Contaminated Land Management Act 1997.

The applicant must engage an appropriately qualified and experienced environmental consultant to supervise all aspects of site remediation and validation works in accordance with the approved Remedial Action Plan.

Council must be informed in writing of any proposed variation to the remediation works. Council must approve these variations in writing prior to commencement/recommencement of works.

Vegetation

- 66. No known environmental or noxious weeds or known invasive plant species shall be included in the landscaping/revegetation.
- 67. 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.
- 68. 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.

Aboriginal Heritage

- 69. As required by the National Parks and Wildlife Service Act 1974 and the Heritage Act 1977, in the event that Aboriginal cultural heritage or historical cultural fabric or deposits are encountered/discovered where they are not expected, works must cease immediately and Council and the Heritage Division of the Office of Environment and Heritage (OEH) must be notified of the discovery.

In the event that archaeological resources are encountered, further archaeological work may be required before works can re-commence, including the statutory requirement under the Heritage Act 1977 to obtain the necessary approvals/permits from the Heritage Division of the OEH.

Note: The National Parks and Wildlife Service Act 1974 and the Heritage Act 1977 impose substantial penalty infringements and / or imprisonment for the unauthorised destruction of archaeological resources, regardless of whether or not such archaeological resources are known to exist on the site.

- 70. All relevant on-site staff and contractors should be made aware of their statutory obligations for heritage under NSW National parks and Wildlife Act 1974 and the NSW Heritage Act 1977. They are to be informed of what the potential heritage on the site will be and the significant of the heritage. The site supervisor is to maintain a record of who has completed the heritage induction and this is to be provided to Council prior to Issue of Subdivision Certificate.
- 71. In the event that skeletal remains are uncovered, work must cease immediately in that area and the area secured. NSW Police must be contacted and no further action taken until written advice has been provided by the NSW Police. If the remains are determined to be of Aboriginal origin, the Office of Environment and Heritage must be notified by ringing the Enviroline 131 555 and a management plan prior to works re-commencing must be developed in consultation with relevant Aboriginal stakeholders.

72. Copies of all relevant Aboriginal Archaeological assessments and reports (including summary excavation and analysis reports) are to be provided to Liverpool City Council, Liverpool City Library and the relevant Local Aboriginal Land Councils.

E. PRIOR TO THE ISSUE OF OCCUPATION CERTIFICATE

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

Liverpool City Council clearance – Roads Act/ Local Government Act

73. 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.

City Design and Public Domain

74. Details on the Garden's signage is to be provided to the City Design and Public Domain team for review and approval prior to installation and the issuing of OC to:
- a) Ensure good visibility of the signage and legibility of the park as a public space.
 - b) Ensure Liverpool City Council's logo is included within the park signage.
75. To limit obstructions of movement on the footpath, the bike rack is to be relocated to within the nook near the Garden's entryway on Bigge Street (i.e. within the decomposed granite area), as per Council's previous advice. The exact location of the bike rack is to be provided for review and approval by the City Design and Public Domain team, prior to its installation and the issuing of OC.

Works as executed General

76. 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.

Rectification of Damage

77. 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 Bigge & Lachlan streets, Liverpool will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing.

Validation Report

78. Prior to issue of the occupation certificate a detailed Validation report must be submitted to Council and the Principal Certifying Authority. The Report must be prepared in accordance with:
- (a) NSW Contaminated Land Planning Guidelines (1998);
 - (b) Relevant EPA guidelines, noting in particular the NSW OEH (2011) Guidelines for Consultants Reporting on Contaminated Sites; and
 - (c) National Environmental Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013).

The Validation Report must be prepared, or reviewed and approved by an appropriately qualified and certified environmental consultant. The front cover of the report must include details of the consultant's certification.

The Validation report must verify that the land is suitable for the purposed use(s), and that the remediation and validation of the site has been undertaken in accordance with the RAP Remediation Action Plan prepared by EP Risk dated 5 April 2022 (Ref: EP2579.002_v2).

Additional Engineering

79. Prior to the issue of an Occupation Certificate the Principal Certifier shall ensure that the stormwater systems, including the pump-out:
- (a) Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
 - (b) Have met the design intent with regard to any construction variations to the approved design.
 - (c) Any remedial works required to be undertaken have been satisfactorily completed.

Details of the approved and constructed system/s shall be provided as part of the Works-As-Executed drawings.

80. Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the stormwater system, including the pump-out system, constructed on site shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Liverpool City Council's standard wording as detailed in Liverpool City Council's Design and Construction Guidelines and Construction Specification for Civil Works.
81. A certificate of compliance for the pump out drainage system shall be issued to the Principal Certifier by the pump installers stating that the pump out system has been installed to operate in accordance with the Council requirements and the approved drawings.
82. A maintenance schedule for the stormwater drainage basement pump out system including a sketch plan of the components forming the system shall be submitted to Council.
83. Details of suitable measures to immediately alert the owners of the site that a pump failure has occurred, shall be provided to the Principal Certifier for approval prior to the issue of an Occupation Certificate.

F. CONDITIONS RELATING TO USE

Unreasonable Noise and Vibration

84. The recreation area, including but not limited to the operation of vehicles, mechanical plant and equipment, shall be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. Special precautions must be taken to avoid nuisance, particularly from machinery, plant, vehicles, warning sirens, public address systems and the like. In the event of a noise or vibration problem arising at the time, the person in charge of the premises shall when instructed by Council, cause to be carried out, an acoustic investigation by a suitably qualified acoustic consultant and submit the results to Council. If required by Council, the person in charge of the premises shall implement any or all of the consultant's recommendations and any additional requirements to the satisfaction of Liverpool City Council.

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

Waste Management

85. 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.

Lighting

86. 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.

Noise – Spruiking

87. 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 - General

88. Noise associated with the use of the premises, including mechanical plant and equipment, shall not give rise to any one or more of the following:
- (a) The use of the premises including the cumulative operation of any mechanical plant, equipment, public address system or other amplified sound equipment shall not give rise to the emission of 'offensive noise' as defined by the Protection of the Environment Operations Act 1997.
 - (b) The operation of any mechanical plant, equipment, public address system or other amplified sound equipment installed on the premises shall not cause:
 - i. The emission of noise as measured over a 15 minute period (LAeq (15 minute)) that exceeds the LA90 (15 minute) background noise level by more than 5 dB(A) when measured at the most affected residential boundary. Modifying factor corrections must be applied for tonal,

- impulsive, low frequency or intermittent noise in accordance with the NSW Environment Protection Authority's 'Noise Policy for Industry' (2017);
- ii. An internal noise level in any adjoining occupancy that exceeds the recommended design sound levels specified in Australian/New Zealand Standard AS/NZS 2107:2016 Acoustics – Recommended design sound levels and reverberation times for building interiors;
 - iii. 'offensive noise' as defined by the Protection of the Environment Operations Act 1997; and
 - iv. Transmission of vibration to any place of different occupancy greater than specified in AS 2670.

G. ADVISORY

- p) Sections 8.2, 8.3, 8.4 & 8.5 of the Environmental Planning and Assessment Act 1979 allow you to request the consent authority to review this determination notice if you are dissatisfied with it or the conditions contained within this determination notice. This right must be exercised within six (6) months from the date of this notice with the appropriate fee.
- q) Under Sections 8.7 & 8.10 of the Environmental Planning and Assessment Act 1979 applicants who are dissatisfied with the outcome of a consent authority have a right of appeal to the Land and Environment Court. This right must be exercised within six (6) months from the date of this notice of determination.
- r) 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.
- s) 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.
- t) 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.
- u) The approval of this application does not imply or infer compliance with the Disability Discrimination Act and that the applicant should investigate their liability under the Act.
- v) 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.
- w) "DIAL BEFORE YOU DIG"

Underground assets may exist in the area that is subject to your application. In the interest of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone 1100

before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contact the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

x) 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.

- y) 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.
- z) 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.
- aa) 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.
- bb) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.

Item no:	Item 4
Application Number:	DA-609/2021
Proposed Development:	Demolition of existing structures, construction of a new service station, convenience store and carwash facility and includes signage.
Property Address	694 Hume Highway, Casula 696 Hume Highway, Casula
Legal Description:	DP 15511 Pt Lot 2, Lot 55 DP 1151428
Applicant:	Casula Developments Enterprises Pty Ltd
Land Owner	Gobbi Holdings Pty Ltd
Date Lodged	04 June 2021
Cost of Works:	\$2,970,000.00
Zoning:	B6 – Enterprise Corridor
Recommendation:	Refusal
Assessing Officer:	Peter Oriehov

1. EXECUTIVE SUMMARY

Council has received a Development Application (DA-609/2021) seeking consent for the demolition of existing structures, construction of a new service station, convenience store and carwash facility and includes signage at the site legally known as DP 15511 Pt Lot 2, Lot 55 DP 1151428, also known as 694-696 Hume Highway, Casula.

The site is zoned as B6 – Enterprise Corridor pursuant to the Liverpool Local Environmental Plan (LEP) 2008 with the proposed development being permissible with consent.

The proposal was required to be notified consistent with the Liverpool Community Participation Plan 2019. The application was advertised from 04 August 2021 to 02 September 2021 and notified from 04 August 2021 to 17 August 2021. During the advertising and notification period, 10 submissions were received. The submissions comprise of issues relating to noise, odour and traffic impacts upon the locality. In addition, fuel spillage, stormwater run off, light spillage, overshadowing into residential areas. Another concern includes economic impacts to property and include the devaluation of residential premises located around the subject site. The proposal was then re-notified due to amended plans such as the removal of the food and drink premises. The amended plans were re-notified for a period of 14 days from 28 April 2022 to 12 May 2022. No submissions/objections were received during the re-notification period.

The initial proposal included the construction of a food and drink premises and Transport for NSW (TfNSW) advised that the design of the proposed deceleration lane along the Hume Highway did not meet TfNSW requirements. An amended proposal was submitted to Council removing the food and drink premises from the service station and car wash facility. The amended proposal is considered to be inconsistent with the relevant planning provisions and controls contained under the LLEP 2008 and LDCP 2008.

Clause 7.22 of LLEP 2008 states that for sites within 50 metres of a classified road, any building on the subject site must have at least one entrance and at least one door or window

to the front of the building facing the street other than a service lane to the satisfaction of Council. The proposed development is located immediately adjacent to a classified road (described as the Hume Highway) and includes a car wash office building which does not provide any doors or windows addressing the streetscape. Therefore, the proposed development does not ensure active uses are provided at the street level and does not meet the provisions of Clause 7.22 of the LLEP 2008.

Section 2 – Subdivision frontage and allotment size of Part 6 – Development in Business Areas states that development shall not be permitted for a new building (other than a maximum of 10% addition to an existing structure) in the B6 zone unless the site has a frontage width to the Classified Road of at least 90m. The subject site has a street frontage of 74.34 metres to Hume Highway, which is a variation of 15.66m or 17.4%. Consolidation of the adjacent lot will result in the frontage width being more than 90m and would not result in the adjoining site being isolated by the proposal. The applicant was requested to provide for further information to address the principles of site isolation but declined wishing to proceed to a determination based on the submitted information.

The application is referred to the Liverpool Local Planning Panel (LLPP) in accordance with the Local Planning Panels Direction – Development Applications and Applications to Modify Development Consent, endorsed by the Minister for Planning and Public Spaces on 30 June 2020, as the development falls in the category of:

Contentious development

Development that:

- a) *In the case of a Council having an approved submissions policy – is the subject of the number of submissions set by that policy, or*
- b) *In any other case – 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 and Liverpool Local Environmental Plan 2008 (LLEP 2008). Based on the assessment of the application, it is recommended that the application be refused.

2. SITE DESCRIPTION AND LOCALITY

The subject site is legally described as DP 15511 Pt Lot 2, Lot 55 DP 1151428 and is located at 694 to 696 Hume Highway, Casula. The site has a frontage of approximately 74.34 metres to Hume Highway with a site area of 4620m².

The property contains three detached structures, and metal sheds. The site is located approximately 1.3km east of the Hume Highway/Hume Motorway intersection, and approximately 2.5 km south-west of the Hume Highway/M5 Motorway intersection.

The aerial photographs illustrated below in Figures 1 and 2 provide a contextual overview of the immediate area.



Figure 1 - Site map

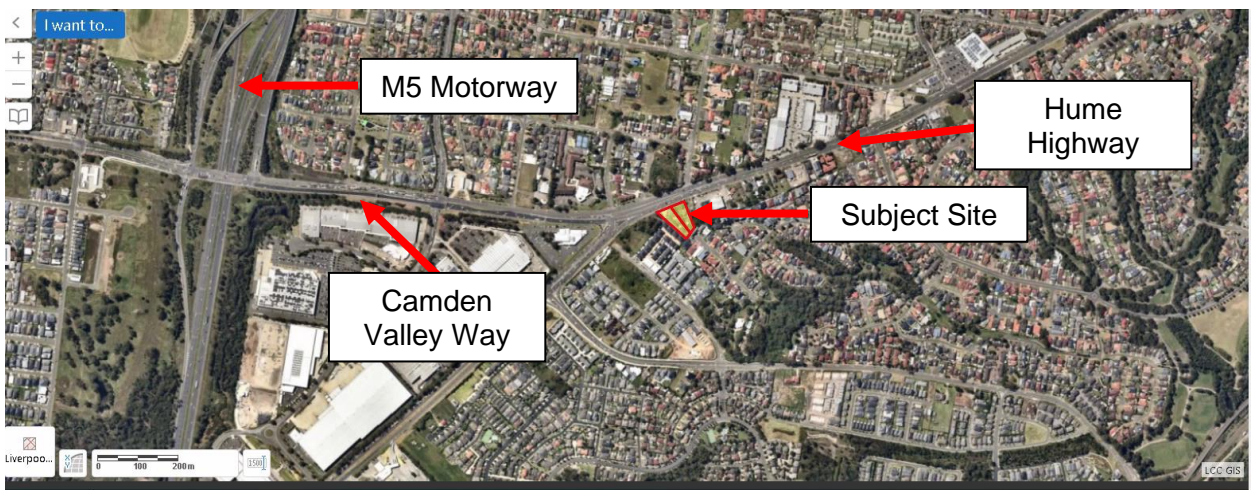


Figure 2 – Locality Map

3. HISTORY

No records found with respect to Development Applications.

4. DETAILS OF THE PROPOSAL

The application seeks approval for the following:

- Demolition of existing structures and includes tree removal;
- Creation of a new slip lane of the Hume Highway to provide direct access to the site;
- Construction of a service station including convenience store, separate canopy above the fuel filling area and ancillary automated car wash;
- Underground Fuel Tanks;
- External building signage including a 7m high pylon sign at the front of the site;
- Acoustic wall;
- Tree removal and provision of considered landscaping around the site.

The service station will include:

- Petrol filling area with fuel canopy over containing double sided bowsers;
- Air and water station;
- Eleven (11) car parking spaces (including 2 accessible spaces);
- Service station convenience store (218m²) comprising customer service counter and retail floor space; office; food preparation area; store room and other amenities;

- Underground fuel tanks and associated infrastructure;
- Service station site signage; and
- Automated car wash facility and two (2) car cleaning vacuum bays. These facilities will operate in conjunction with the service station use.
- New underground storage tanks and the fuel tank capacity is indicated as follows:
 - ULP – 60,000L
 - E10 – 60,000L
 - 98 – 60,000L
 - Diesel – 90,000L

The proposed hours of operation for the service centre are 24 hours a day, 7 days a week. The ancillary car wash is proposed to operate 7:00am to 10:00pm (7 days a week). It is envisaged to provide 1 staff for the service station and the car wash is self operated.

The proposed development includes signage measuring at 1 x 7m high pylon sign at the front of the site which is connected to the service station.

5. STATUTORY CONSIDERATIONS

5.1 Relevant matters for consideration

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

- Environment and Planning Assessment Act 1979.
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021.
- State Environmental Planning Policy (Resilience and Hazards) 2021.
- State Environmental Planning Policy (Industry and Employment) 2021.
- Liverpool Local Environmental Plan 2008.
 - Part 1: General Controls for All Development; and
 - Part 6: Development in Business Zones (Except Liverpool City Centre).

6. ASSESSMENT

(a) State Environmental Planning Policy (Transport and Infrastructure) 2021

The State Environmental Planning Policy (Transport and Infrastructure) 2021 applies to all of the Liverpool LGA. The aims of SEPP (Transport and Infrastructure) 2021 are to identify matters to be considered in the assessment of development adjacent to particular types of infrastructure and provide opportunities for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing.

Division 17, Subdivision 2, Clause 2.119 – Development with frontage to classified road

The objectives of Clause 2.119 of SEPP (Transport and Infrastructure) 2021 are “to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads”.

The proposal includes the construction of two new vehicle crossings to the Hume Highway. A Traffic Report, prepared by *Colston Budd Hunt & Kafes Pty Ltd (dated April 2021)* was submitted with the application which noted that the *existing road network would be able to accommodate the increase traffic generated by the proposal.*

The application was referred to Transport for NSW (TfNSW) for concurrence. The preliminary assessment found the initial development comprising of a food and drink premises, service station and car wash facility was too intense for the locality and required increased deacceleration lane on the Hume Highway. Since then, the applicant removed the food and drink premises and proposes only a service station, and carwash facility. The application was subsequently re-referred to TfNSW, who advised of no objection to the proposed development and vehicle crossings or traffic generation, subject to conditions.

Division 17, Subdivision 2, Clause 104 – Traffic-generating development

The proposal is identified as a “traffic generating development” under Schedule 3 of the SEPP (Transport and Infrastructure) 2021.

In accordance with Clause 2.122 of SEPP (Transport and Infrastructure) 2021, the application was referred to TfNSW for comments who raised no objections to the proposal subject to conditions. The recommended conditions are included in Attachment 3 of this document.

(b) State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 3

State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 3 Hazardous and offensive development presents a merit based approach to planning and assessing proposals for potentially hazardous and offensive development for the purpose of industry or storage. SEPP (Resilience and Hazards) 2021 – Chapter 3 ensures that only those proposals which are suitably located, and able to demonstrate that they can be built and operated within an adequate level of safety and pollution control, can proceed.

In accordance with the Department of Planning’s *Hazardous and Offensive Development Application Guidelines – Applying Chapter 3*, a preliminary screening was undertaken on the site to determine whether a Preliminary Hazard Assessment is required.

The preliminary screening prepared by *Hazkem* dated 26 April 2021 concludes that “*the site is not potentially hazardous and therefore the site and its current design are deemed to not impose a significant level of risk to the community.*” as defined under SEPP 33 (now known as Chapter 3 of SEPP (Resilience and Hazards) 2021). *The SEPP 33 screening document concludes that “there is no requirement for a Preliminary Hazard Analysis to be undertaken based on the site being assessed as not potentially hazardous”.*

The application meets the requirements of SEPP (Resilience and Hazards) 2021 – Chapter 3 and no further assessment is required.

(c) State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4

State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation of land aims 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.

Clause 4.6(2) of State Environmental Planning Policy (Resilience and Hazards) 2021 requires the consent authority to consider a report specifying the findings of a preliminary investigation of land if the proposed development involves a change of use on any land specified in subclause 4 which includes a change of use on land where development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out.

The subject sites have been primarily used for residential purposes and is not a change of

use on land where development for a purpose was referred to in table 1 of the contaminated land planning guidelines.

Therefore, based on the above assessment the subject site is suitable for the proposed development subject to remediation works being undertaken where required.

The application was reviewed by Council's Environmental Health department who supported the proposal subject to conditions.

(d) State Environmental Planning Policy (Industry and Employment) 2021.

Clause 3.6 of Chapter 3 – Advertising and Signage under the SEPP (Industry and Employment) 2021 states the matters for consideration as follows:

- (1) *A consent authority (other than in a case to which subclause (2) applies) must not grant consent to an application to display an advertisement to which this Policy applies unless the advertisement or the advertising structure, as the case requires:*
- (a) is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and*
 - (b) has been assessed by the consent authority in accordance with the assessment criteria in Schedule 1 and the consent authority is satisfied that the proposal is acceptable in terms of its impacts, and*
 - (c) satisfies any other relevant requirements of this Policy.*

The application proposes the following signage:

- An internally illuminated signage board identifying the Service Station (including fuel pricing) and future retail premises' business identification located at the vehicle entrance to the site.

Figures 3 below illustrate the appearance of each of the proposed signs.

Service Station

- Illuminated fuel canopy fascia signage.
- One illuminated flushwall sign.
- Non-illuminated product display sign;
- Other ancillary directional signage, pump numbers and pump information boards.
- A 7m high pylon sign at the front of the site.

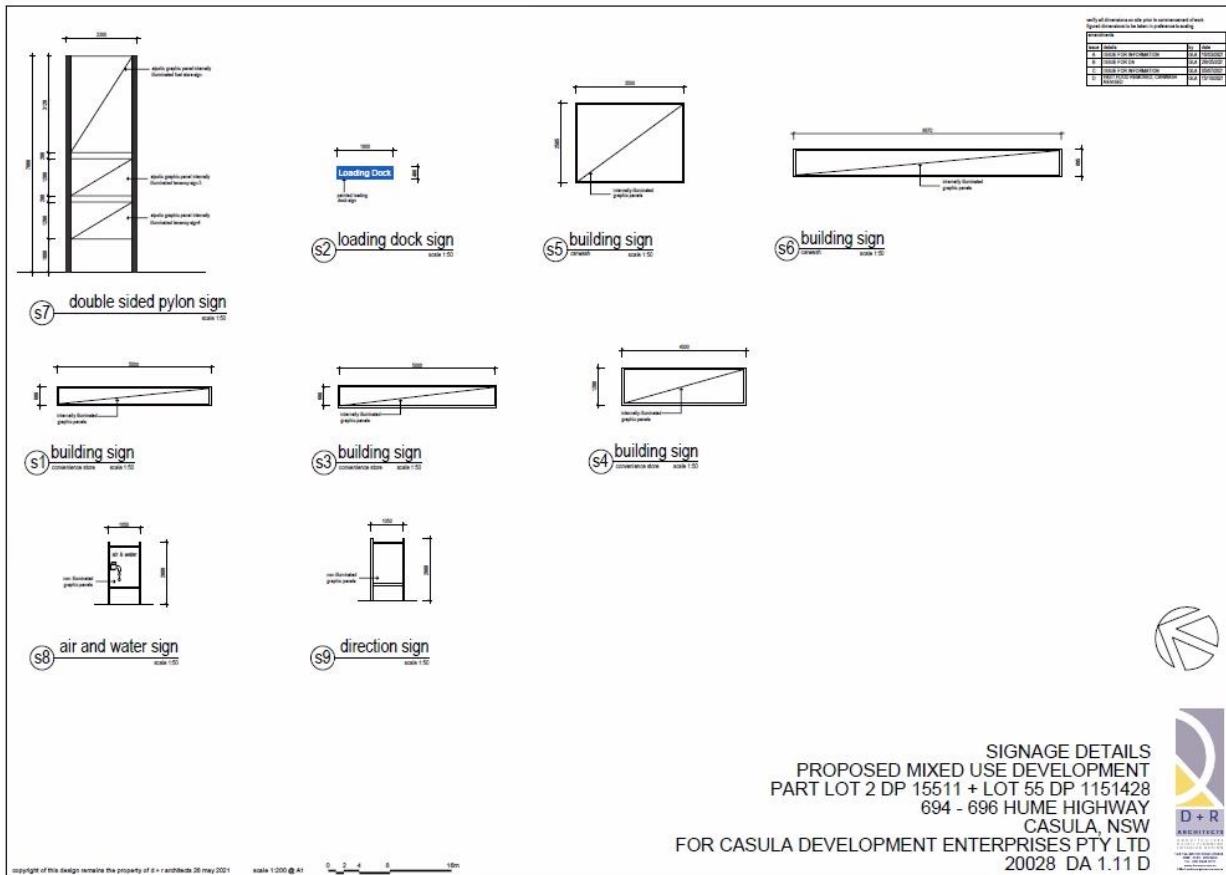


Figure 3 – Signage on Service Station.

An assessment pursuant to the objectives and Schedule 1 – Assessment Criteria is provided in the following compliance table:

Table 1: Consideration of Chapter 3 Advertising and Signage – Schedule 5 – Assessment Criteria

REQUIREMENT	COMMENT
Objectives	
Consistency with the objectives of SEPP64 as set out in clause 3 (1)(a): (a) to ensure that signage (including advertising): (i) is compatible with the desired amenity and visual character of an area, and (ii) provides effective communication in suitable locations, and (iii) is of high quality design and finish.	The proposal includes 1 principal site identification sign for the service centre and additional business identification signage for each business operating on site. The proposed signage is not dissimilar to existing service station and retail premises signage in the immediate vicinity. The proposed signage has regard to the use of the site and the surrounding locational context.
Character of the area	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage is consistent with the ongoing use of the area and in accordance with the objectives of the B6 Zone.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposal is consistent with other business identification signage in the area and is typical of sites within the area.
Special Areas	
Does the proposal detract from the amenity	The proposal is not considered to detract from

REQUIREMENT	COMMENT
or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	the amenity of any of these features or sites.
Views and Vistas	
Does the proposal obscure or compromise important views?	The proposed signage is not considered to compromise any important views.
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signage is not considered to dominate the skyline or reduce quality of vistas.
Does the proposal respect the viewing rights of other advertisers?	The proposed signage does not obscure signage on neighbouring sites.
Streetscape, setting or landscape	
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The scale, proportion and form of signage area is considered appropriate as it responds to the overall size of the centre and site as well as its location.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	No advertising signs currently onsite.
Does the proposal screen unsightliness?	There is no existing signage at the subject site.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed sign will not significantly protrude above the maximum building height or the height of other signs in the area.
Does the proposal require ongoing vegetation management?	The proposal does not require ongoing vegetation management.
Site and building	
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposed signage is appropriately located and is of a size that ensures it will remain compatible with the scale and proportion of the building and signage in the area.
Does the proposal respect important features of the site or building, or both?	The sign will not detract from any important features of the site or building.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The signs have been designed as an integrated design element of the building which provide visual interest without clutter.
Associated devices and logos with advertisements and advertising structures	
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	No safety devices or platforms are required or proposed signage.
Illumination	
Would illumination result in unacceptable glare?	<p>The site identification sign (Figure 5) would be internally illuminated with additional red LEDs indicating the price of fuel.</p> <p>The site is located on a well-lit portion of Hume Highway and it is considered that the sign would not create additional glare for pedestrians or traffic.</p>

REQUIREMENT	COMMENT
Would illumination affect safety for pedestrians, vehicles or aircraft?	The proposal fits within the scale, built form and natural environment context within which it is located.
Would illumination detract from the amenity of any residence or other form of accommodation?	The sign is angled to be visible by traffic travelling on Hume Highway. The nearest residential dwelling from the illuminated sign is adjacent to the development site at 692 Hume Highway, Casula. It is considered that the sign would not detract from the amenity of any residence.
Can the intensity of the illumination be adjusted, if necessary?	The illumination could be turned off if necessary. The sign would not have an intensity control.
Is the illumination subject to a curfew?	The sign would not be subject to a curfew as the service centre would operate 24 hours a day.
Safety	
Would the proposal reduce the safety for any public road?	The size of the signs and the integration into the design of the building, and the separation of the building from public roads, it is considered the proposed signs will not result in any unacceptable safety impacts along all roads for vehicles, pedestrians and cyclists.
Would the proposal reduce the safety for pedestrians or bicyclists?	The signs do not move nor flash.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The site is located within an established mixed use precinct. Signage on other buildings/sites is therefore expected and exists. Notwithstanding, it is considered the proposal will not add to any visual clutter or confusion for vehicular traffic, pedestrians and cyclists.

The proposal has been assessed having regard to the objectives of SEPP (Industry and Employment) 2021 – Chapter 3 Advertising and Signage and is found to be satisfactory.

(e) State Environmental Planning Policy (Biodiversity and Conservation) 2021.

The subject land is located within the Georges River Catchments and as such the SEPP (Biodiversity and Conservation) 2021 – Chapter 11 Georges Rivers Catchment applies to the application.

Chapter 11 - 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 under Part 11.2. Accordingly, a table summarising the matters for consideration in determining development application (Clause 11.6 and Clause 11.7), and compliance with such is provided below.

Table 2: Consideration of Chapter 11

Clause 8 General Principles	Comment
(a) the aims, objectives and planning principles of this plan,	The plan aims generally to maintain and improve the water quality and river flows of the Georges River and its tributaries. The proposed development is consistent with this plan.
(b) the likely effect of the proposed plan, development or activity on adjacent or downstream local government areas,	The proposal has been reviewed by Council's Land Development Engineer as satisfactory, subject conditions of consent.
(c) the cumulative impact of the proposed development or activity on the Georges River or its tributaries,	Minimal impact to Georges River or tributaries.
(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 Georges River Catchment Regional Planning Strategy (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,	In accordance with known polices.
(g) whether there are any feasible alternatives to the development or other proposal concerned.	Site is to transition from residential dwellings to service station which is consistent with the objectives of the B6 Enterprise Corridor.
When this Part applies the following must be taken into account:	Planning principles are to be applied when a consent authority determines a development application
Clause 9 Specific Principles	Comment
(1) Acid sulfate soils	The land is not identified as containing acid sulphate soils on LLEP 2008 Acid Sulphate Soil mapping.
(2) Bank disturbance	No disturbance of the bank or foreshore along the Georges River and its tributaries is proposed.
(3) Flooding	Subject land not flood affected.
(4) Industrial discharges	Not applicable.
(5) Land degradation	An erosion and sediment control measures to be implemented prior to construction works being undertaken.
(6) On-site sewage management	Not applicable.
(7) River-related uses	Not applicable.
(8) Sewer overflows	Not applicable.
(9) Urban/stormwater runoff	Existing stormwater.
(10) Urban development areas	Not applicable.

(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.

It is considered that the proposal satisfies the provisions of the SEPP (Biodiversity and Conservation) 2021, Chapter 11 – Georges River Catchment subject to appropriate sedimentation and erosion controls being implemented during construction.

(f) Liverpool Local Environmental Plan 2008

(i) Zoning

The subject site is zoned B6 Enterprise Corridor in accordance with the Liverpool Local Environmental Plan 2008. An extract of the zoning map is provided below:

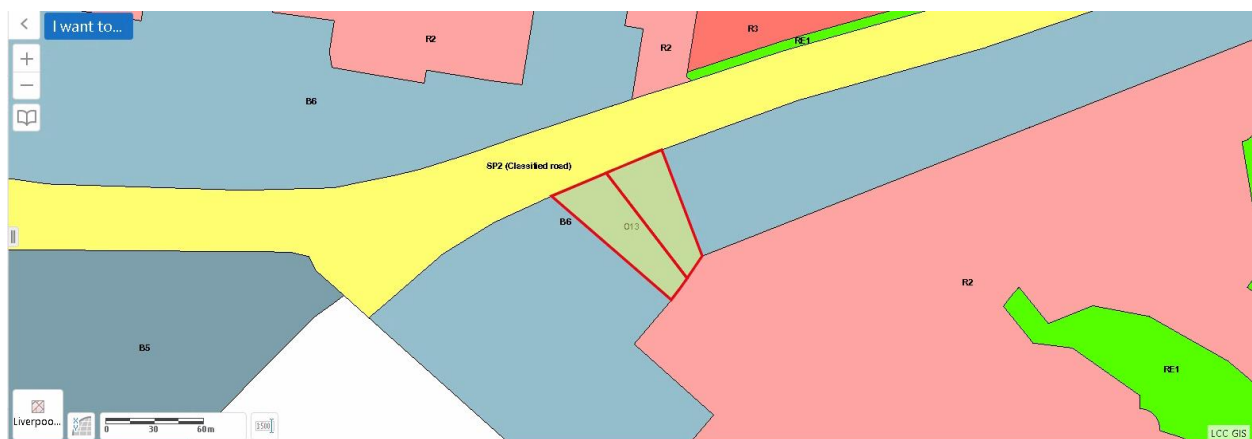


Figure 4 – Extract of LLEP 2008 Zoning Map

(ii) Permissibility

The proposed development is defined by the LLEP 2008 as “Service Station”. A service station is identified as a permitted land use with consent within the B6 Enterprise Corridor zone under Liverpool Local Environmental Plan 2008.

“Service station” means:

a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following—

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,*
- (b) the cleaning of motor vehicles,*
- (c) installation of accessories,*
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),*
- (e) the ancillary retail selling or hiring of general merchandise or services or both.*

(iii) Objectives of the zone

The objectives of the B6 Enterprise Corridor zone are as follows:

- To promote businesses along main roads and to encourage a mix of compatible uses.
- To provide a range of employment uses (including business, office, retail and light industrial uses).
- To maintain the economic strength of centres by limiting the retailing activity.
- To provide primarily for businesses along key corridors entering Liverpool city centre, major local centres or retail centres.
- To ensure residential development is limited to land where it does not undermine the viability or operation of businesses.
- To provide for residential uses, but only as part of a mixed use development.

The site is constrained in that it does not achieve a minimum lot width of 90m for development in the B6 zone and will likely result in site isolation to the adjoining eastern neighbour. Accordingly, it has not been demonstrated that the proposal encourages a mix of compatible uses along the Hume Highway and therefore is not consistent all of the objectives of the zone.

(iv) Principal Development Standards

The LLEP 2008 contains a number of principal development standards which are discussed with respect to the proposal as follows:

Table 4: Consideration of LLEP 2008

CLAUSE	REQUIRED	PROPOSED	COMPLIANCE
Clause 4.3 - Height of Building	The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map Applicable Height limit to the site is nominated as "0" 15 metres.	The buildings on site would have a maximum height of 7 metres. Proposed signage would have a maximum height of 7 metres	Yes
Clause 4.4 - Floor Space Ratio	The floor space ratio on the LEP map is '1' or 0.75:1.	The total GFA of the proposed car wash and convenience store is 598.62m ² . $598.62\text{m}^2 / 4620\text{m}^2 = 0.12$ The proposed development will have a maximum floor space ratio of 0:12:1	Yes

CLAUSE	REQUIRED	PROPOSED	COMPLIANCE
7.22 – Development in Zone B6	(6) Development consent must not be granted for development for the purposes of a building on land to which this clause applies that is within 50 metres of a classified road unless the consent authority is satisfied that the ground floor of the building 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 service lane.	The convenience store addresses the Hume Hwy appropriately, however, the office building associated with the car wash does not address the street.	Does not comply
7.31 - Earthworks	to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land	No major earthworks proposed	Yes

Having regard to the above, the proposal is permitted in the zone and is not consistent with the objectives of the zones and relevant development standards in LLEP 2008.

Section 4.55(1)(a)(ii) - Any Draft Environmental Planning Instrument

This section is not applicable for the subject application.

Section 4.55(1)(a)(iii) - Provisions of any Development Control Plan

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

The application has been considered against the controls of LDCP 2008, specifically:

- Part 1: General Controls for all Development;
- Part 6: Development in Business Areas

The assessment has identified that the proposal does not demonstrate compliance with the relevant development controls and objectives of the LDCP 2008, noting the following:

Section 2 – Subdivision, Frontage and Allotment Size

Clause 2 of Section 2 of Part 6 – Development in Business Zones identifies a site on which any building is to be erected shall have at least one street frontage to a classified road of at least 90 metres in B6 – Enterprise Corridor zone and that development must not leave adjacent sites without the ability to development to the same frontage potential. The subject site has a street frontage of 74.34 metres to Hume Highway, which is a variation of 15.66m or 17.4% to the 90m frontage requirement. The site to the east of the development (692 Hume Hwy, Casula), according to Council GIS mapping system, has a frontage of approximately 18m and is not considered able to achieve a 90m frontage as a result of the proposed

development.

Amalgamation of the subject site and the adjacent lot will result in the front width of more than 90m and would resolve both the frontage requirement for the subject site and the resolve the issue for the adjacent site being unreasonably effected by the proposal.

The applicant was issued with a request for further information to address the frontage non-compliance issues and address the principles for site isolation, however, the applicant declined and sought that application be determined based on the current information submitted.

Section 4.55(1)(a)(iiia) - any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and

There are no draft planning agreements that apply to the site.

Section 4.55(1)(a)(iv) - The Regulations

(a) Environmental Planning and Assessment Regulation 2021

The Environmental Planning and Assessment Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia. Appropriate conditions of consent can be imposed.

(b) Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014

The applicant proposes to install four (4) underground storage tanks with a total capacity of 270,000L containing Diesel and Unleaded petrol. The underground storage tanks must be designed and installed in accordance with Australian Standard *AS4897-2008 The design, installation and operation of underground petroleum storage systems* and the *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014*. A condition of consent can be imposed to this effect.

Section 4.55(1)(b) - The Likely Impacts of the Development

(a) Natural and Built Environment

It is considered that the proposed development is unlikely to impact on the natural environment but would result in an unreasonable impact on surrounding built environment. The proposed development does not appropriately address the Hume Highway and does not achieve a sufficient frontage size for development in the zone, and will likely impact the eastern neighbours potential to development appropriately in the zone.

(b) Social and economic Impacts

It is considered that the documentation submitted with the proposal is insufficient in order to make assessment regarding the social impacts of the development. The development will result in a positive economic impact, through the provision of employment generated during the construction of the development and the running of the service station and car wash facility.

(c) Section 4.55(1)(c) - The Suitability of the Site for the Development

Following a detailed review of the development application, it is considered that the application is unacceptable and not suitable for the site.

Due to the non-compliances with Council's planning provision and that insufficient information has been submitted to allow for a full and proper assessment of the application, it is considered that the applicant has failed to demonstrate that the proposed development is suitable for the site.

Section 4.55(1)(d) - Any submissions made in relation to the Development

(a) Internal Referrals

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

DEPARTMENT	COMMENTS
Engineering	Proposal was considered satisfactory subject to conditions of consent
Environmental Health	Proposal was considered satisfactory subject to conditions of consent
Landscaping	Proposal was considered satisfactory subject to conditions of consent
Building	Proposal was considered satisfactory subject to conditions of consent
Traffic	Proposal was considered satisfactory subject to conditions of consent

(b) External Referrals

ORGANISATION	COMMENTS
NSW Roads and Maritime Service	The proposed development is considered satisfactory subject to the imposition of conditions of consent. The conditions of consent are attached to this report.
NSW Police	The application was referred to NSW Police. No objection is raised to the proposal subject to conditions. The recommendations are attached to this report

(c) Community Consultation

In accordance with the Liverpool Community Participation Plan 2019, the application was advertised from 04 August 2021 to 02 September 2021 and notified from 04 August 2021 to 17 August 2021. During the advertising and notification period, 11 submissions were received.

The proposal was required to be notified consistent with the Liverpool Community Participation Plan 2019. The application was advertised from 04 August 2021 to 02 September 2021 and notified from 04 August 2021 to 17 August 2021. During the advertising and notification period, 10 submissions were received. The submissions comprise of issues relating to noise, odour and traffic impacts upon the locality. In addition, fuel spillage, stormwater run off, light spillage, overshadowing into residential areas. Another concern includes economic impacts to property and include the devaluation of residential premises located around the subject site. The proposal was then re-notified due to amended plans such as the removal of the food and drink premises. The amended plans were re-notified for a period of 14 days from 28 April 2022 to 12 May 2022. No submissions/objections were received during the re-notification period.

ISSUE 1: *Insufficient parking within the development and insufficient visitor parking causing additional on-street parking which will increase hazards to traffic and unsuitability of parking*

locations.

As noted in the DCP compliance tables, the development requires 23 residential car spaces in accordance with the provisions of Part 1 Section 20 of the LDCP 2008 and 24 car parking spaces are proposed. Therefore, the development provides adequate car parking spaces with regards to Council's policies.

The application has been reviewed and supported by Council's Traffic Engineers, who investigated parking impacts as well as impacts to the local street network.

ISSUE 2: *Traffic Impacts*

The application was accompanied by traffic impact assessment which were assessed by Council's Traffic Section. Council's Traffic Engineer reviewed the submitted traffic impact assessment and had no objection subject to conditions of consent. As such, generated traffic associated with the proposal is considered acceptable based on Council's Traffic engineers review and for a development of this nature. The proposed development was referred to Transport for NSW and concurrence was provided in accordance with Section 138 of the Roads Act 1993 (dated 01 March 2022).

ISSUE 3: *Privacy Impacts – Visual and Acoustic*

Council's Environment and Health section have reviewed acoustic assessment prepared by Pulse White Noise Acoustics Pty Ltd dated 15th June 2022 and found that predicted noise levels associated with the service station and car wash facility complies with the noise assessment criteria, provided the acoustic recommendations are incorporated into the operation of the premises. These include training procedures to staff to promote noise awareness, a complaint register to ensure that members of the public and local residents are able to report noise issues, and a noise management plan that clearly specifies the responsibilities of site personnel in managing noise and include a detailed list of steps taken to management noise pollution.

All the dwellings on the adjoining sites are considered appropriately setback and all first-floor windows are also appropriately setback from side boundaries. Accordingly, any potential overlooking of adjoining sites is considered to be acceptable.

ISSUE 4: *Existing dwellings are made of asbestos containing materials. What safety measures will be put in place to avoid contamination?*

Demolition of existing dwellings are to be carried out in accordance with SafeWork NSW guidelines for removal of asbestos containing materials. This can be imposed as conditions of consent. Conditions can also be imposed relating to unexpected finds protocol where in the event that the site is found to be contaminated, then works shall cease and a contaminated land investigation shall occur.

ISSUE 5: *7 days a week construction site during the development.*

Conditions can be imposed to ensure 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.

ISSUE 6: Odour Impacts from Fuel

The proposed development was referred to Council's Environmental Health Officer, who raised no objection to the proposal based on potential odour impacts, provided compliance with NSW EPA 'Standards and Best Practice Guidelines for Vapour Recovery at Petrol Service Stations' dated March 2017'. Nevertheless, conditions of consent can be imposed to ensure all activities and operations shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined under the Protection of the Environment Operations Act 1997.

In accordance with the Protection of the Environment Operations (Clean Air) Regulation 2021 and NSW EPA 'Standards and Best Practice Guidelines for Vapour Recovery at Petrol Service Stations' dated March 2017, 'from 1 July 2010, new and newly modified petrol service stations supplying more than 0.5 million litres of petrol per year in the VR1/VR2 area (the yellow and green areas in Figure 3) are required to have the VR1 and VR2 prescribed control equipment fitted and operating. Consequently, it is believed that the proposed service station will require VR1 and VR2 controls and it would be appropriate for any future development consent to require compliance with the Protection of the Environment Operations (Clean Air) Regulation 2021.

ISSUE 7: Risk of fuel spillage

The design, maintenance and operation of the fuel dispensing area shall comply with the 'Practice Note Managing run-off from service station forecourts' published by the NSW Environment Protection Authority dated June 2019 and the approved Forecourt Management Plan. The covered fuel dispensing area shall be designed to ensure that the hose and nozzle of the bowsers cannot extend beyond the covered and bunded area. The canopy over the bunded area shall extend beyond the bunded area and have an overhang of 10°. Conditions of consent can be imposed requiring spill kits shall be provided on-site at all times to clean-up any minor liquid spillages.

ISSUE 8: Light Spillage

Conditions of consent can be imposed to ensure Illumination of the site is to be arranged in accordance with the requirements and specifications of AS 4282:2019 - Control of obtrusive effects of outdoor lighting, so as not to impact upon the amenity of the occupants of adjoining and nearby premises.

ISSUE 9: Stormwater run-off to adjacent properties

The proposed SPEL Purceptor will be connected to the stormwater drainage system. Additional information was also provided in relation to the design and construction of the forecourt area, provision of spill kits and waste storage area. The SPEL Purceptor was designed to treat run-off containing hydrocarbon contaminants from the canopy area within the vicinity of the bowsers at the service station. Conditions of consent can be imposed to ensure all runoff from the fuel dispensing zone (including under the canopy, remote fuel pumps and tank fill points) must be directed to a SPEL Purceptor Class 1 Separator (with alarm) prior to discharge to Council's stormwater system.

Section 4.55(1)(e) - The Public Interest

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

7. DEVELOPMENT CONTRIBUTIONS

Section 7.12 contributions apply to the development, however, as the proposed development is not supported, the contributions payable have not been calculated.

8. CONCLUSION

The application has been assessed having regard to the provisions of Section 4.15 of the *EP&A Act*, and the Environmental Planning Instruments including the applicable State Environmental Planning Policies, LLEP 2008 and LDCP 2008. Based in the assessment of the application, it is recommended that the application be refused.

9. RECOMMENDATION

The information contained in the report on Development Application DA-609/2021 seeking Council consent for the demolition of existing structures, construction of a new service station, convenience store and carwash facility and associated signage be refused for the following reasons:

1. The proposed development does not comply with Clause 7.22 – Development in Zone B6 of Liverpool Local Environmental Plan 2008, in that the proposed development does not ensure active uses are provided at street level to encourage the presence and movement of people pursuant to Section 4.15(1)(a), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
2. The proposed development does not achieve satisfactory compliance with the controls stipulated in the Liverpool Development Control Plan 2008 – Part 6 – Development in Business Zones, Section 2 – Subdivision, frontage and allotment sizes in that it does not provide sufficient frontage for the site and will unreasonably impact on the development potential of an adjacent site, pursuant to Section 4.15(1)(a), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
3. Insufficient information has been submitted to allow Council to carry out a full assessment of the application, pursuant to Section 4.15(1)(a), 4.15(1)(b) and 4.15(1)(d) of the Environmental Planning and Assessment Act 1979.
4. Due to the above reasons, approval of the application is not in the public interest, pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979.

10. ATTACHMENTS

- 1. Liverpool Development Control Plan 2008 Compliance Tables**
- 2. Plans of the proposal**

ATTACHMENT 1: LIVERPOOL DEVELOPMENT CONTROL PLAN 2008 COMPLIANCE TABLES

Tables 1 below address the key provisions Part 1 of the LDCP 2008 applies to 'General Controls for All Development'

Table 5: Consideration of LDCP 2008 - Part 1: General Controls for All Development.

CHAPTER	COMMENT	COMMENT
Chapter 1 Preliminary	Chapter 1 confirms that Part 1.1 of LDCP applies to this proposal.	Yes
Chapter 2 Tree Preservation	Chapter 2 requires preservation of existing trees.	N/A
Chapter 3 Landscaping and Incorporation of Existing Trees	A concept landscape plan has been provided as part of the proposal.	Appropriate as shall be included in the conditions of consent to satisfy Council's requirements.
Chapter 4 Bushland and Fauna Habitat Preservation	Applies to sites containing bushland and fauna habitat.	N/A
Chapter 5 Bushfire Risk	The site is not identified as being bush fire prone land.	N/A
Chapter 6 Water Cycle Management	A concept stormwater management plan has been provided and the application has been referred to Council's engineering assessment unit to provide their comment.	Appropriate conditions shall be included in the conditions of consent to satisfy Council's requirements.
Chapter 7 Development Near Creeks and Rivers	Chapter 7 stipulates requirements to be met by developments adjoining natural watercourses.	N/A
Chapter 8 Erosion and Sediment Control	A concept erosion and sediment control plan has been provided as part of the proposal.	Appropriate conditions shall be included in the conditions of consent to satisfy Council's requirements.
Chapter 9 Flooding Risk	The site is not flood prone.	N/A
Chapter 10 Contaminated Land Risk	Not applicable for the proposed development.	See SEPP (Hazards and Resilience) 2021 discussion above.

Chapter 11 Salinity Risk	The site is identified as moderate salinity.		N/A
Chapter 12 Acid Sulfate Soils Risk	The site is identified by the LLEP 2008 as not containing acid sulfate soils.		N/A
Chapter 13 Weeds	Noxious weeds have not been identified on the land.		N/A
Chapter 14 Demolition of Existing Developments	Demolition work is proposed. Appropriate conditions shall be imposed in the condition of consent to satisfy Council's requirement.		Yes Demolition plan submitted as part of the DA.
Chapter 15 On-Site Sewage Disposal	The site will not require on-site sewage management system and is capable of connection to the Sydney Water system.		N/A
Chapter 16 Aboriginal Archaeology	Chapter 16 applies to land in which Aboriginal sites, places or relics have been previously identified; or within an identified cultural landscape; or land that has not been cleared.		N/A Site is not mapped as Aboriginal Archaeology. Appropriate conditions to be imposed for unexpected finds.
Chapter 17 Heritage and Archaeological Sites	The site does not contain a heritage item; is not in a heritage conservation area; and is not an archaeological site.		N/A
Chapter 18 Notification of Applications	The application was notified in accordance with Council's DCP requirement, and the provisions of the EP&A Act and Regulation.		Repealed.
Chapter 19 Use of Clothing Bins	N/A		N/A
Chapter 20 Car Parking and Access	<p>Required</p> <p>Service Station:</p> <p>2 spaces per fuel outlet (4 fuel outlets)</p> <p>3 spaces per service bay plus 1 space per employee</p>	<p>Proposed</p> <p>Total 24 spaces including:</p> <p>2 disabled spaces</p> <p>4 fuel outlets, therefore 8 spaces required.</p> <p>LFA of convenience</p>	Yes, appropriate conditions shall be included in the conditions of consent to satisfy LDCP 2008 requirements.

	<p>1 space per 20sqm of LFA of any convenience store</p> <p>Retail premises – carwash</p> <p>Developments of LFA < 12,000sqm: 1 space per 20sqm LFA.</p> <p>23 spaces required</p>	<p>store = 224.48m²</p> <p>224.48 / 20 = 11.2, therefore 12 spaces required.</p> <p>1 staff = 1 space</p>	
Chapter 21 Subdivision of Land and Buildings	Not applicable to the proposed development.		N/A
Chapter 22 Water Conservation	Not applicable to the proposed development.		N/A
Chapter 23 Energy Conservation	Not applicable to the proposed development.		N/A
Chapter 24 Landfill	Earthworks proposed		Complies by condition.
Chapter 25 Waste Disposal and Re-Use Facilities	A Waste Management Plan has been provided as part of this application.		Appropriate conditions shall be imposed in the conditions of consent to satisfy Council's requirement.

<p>Chapter 26 Outdoor Advertising and Signage</p>	<p><u>Service Stations</u></p> <ol style="list-style-type: none"> 1. One pole or pylon sign of not exceeding 7m in height from ground level. 2. Fascia signs on the canopy of forecourt and top hamper signs for the sales office and associated convenience store, workshop or food outlet are permissible. 3. The total advertisement area in excess of 50sqm is to be considered on individual merits. 4. Roof signs and fin signs are prohibited. 5. The location and design of signs (including their illumination) are not to adversely affect the amenity of adjacent development and the character of the locality and not to obstruct any traffic lights and traffic signs. 6. Advertising structures shall comply with the Sub-section 8.7 Design Criteria. 	<ol style="list-style-type: none"> 1. Pylon Sign 7 metre high 2. Canopy signs for ancillary uses 3. Total advertising space do not exceed 50sqm. 4. No roof or fin signs 5. Pylon and some building signs are illuminated <p>See additional discussion below</p>
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Table 6: Consideration of LDCP 2008 - Part 6: Development in Business Areas

Controls	Comment	Complies
Part 6 – Development in Business Areas		
<p>2. Subdivision, Frontage and Allotment Size</p> <p>a. Development shall not be permitted for a new building (other than a maximum 10% additional to an existing structure) in the B6 zone unless the site has a frontage width to the Classified road of at least:</p> <ul style="list-style-type: none"> - 30 m, where the site also has frontage to a local street that intersects with and would permit 	<p>N/A – The site does not front a local street</p>	<p>No</p>

<p>access to and from the classified road; or</p> <ul style="list-style-type: none"> - 90m otherwise. <p>b. Development for new buildings (other than a maximum 10% addition to an existing structure) in the B6 zone must not leave adjacent land such that it cannot achieve either:</p> <ul style="list-style-type: none"> • A site frontage of at least 30m (where the site also has a frontage to a local street that intersects with and would permit access to and from the Classified road): or • 90m otherwise 	<p>Subject site does not achieve the required 90m frontage. The subject site has a street frontage of 74.34 metres to Hume Highway, which is a variation of 15.66m or 17.4%.</p> <p>N/A – The site does not front a local street</p> <p>Subject site does not achieve the required 90m frontage. The subject site has a street frontage of 74.34 metres to Hume Highway, which is a variation of 15.66m or 17.4%.</p>	<p>N/A</p> <p>No</p>
<p>3. Site Planning</p> <p>Neighbourhood Centres, Local Centres and Enterprise Corridor (B2, B1 & B6 zones)</p> <p>The siting of buildings and the development should:</p> <ol style="list-style-type: none"> 1. Provide safe pedestrian, cycle and vehicle access to and from the public street. 2. Be compatible with nearby residential development in terms of 	<p>Provided through wide driveway accessed off the Hume Highway</p> <p>Design of development alleviates potential privacy and overshadowing impacts</p>	<p>Yes</p> <p>Yes</p>

<p>appearance, overshadowing, privacy, views, setbacks and height.</p> <p>3. Address the street and consider its presentation to the public domain.</p> <p>4. Consider the impact on existing and potential pedestrian links.</p> <p>5. 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. Refer to Water Cycle Management in Part 1.</p>	<p>on adjoining residential developments. Proposed service centre is setback consistent with adjoining residential and commercial developments.</p> <p>It is unreasonable for the service station to fully address the street and maintain an active frontage to the petrol pumping area.</p> <p>The proposed development does not create any detrimental impacts on pedestrian links</p> <p>Proposed drainage/stormwater design reviewed by Councils development Engineer and considered satisfactory.</p>	<p>Yes – see Clause 7.22 discussion above</p> <p>Yes</p> <p>Yes</p>
<p>Enterprise Corridor (B6 zones)</p>		
<p>In Enterprise Corridor the siting of buildings and the development should also:</p>		
<p>1. Be compatible with existing business development in terms of scale, bulk, setbacks, materials and visual amenity.</p>	<p>Proposed development is considered to be of an appropriate bulk and scale</p>	<p>Yes</p>
<p>2. Address the street and consider its presentation to the arterial road environment.</p>	<p>Proposed development does not address pedestrian access from the street.</p>	<p>Yes</p>
<p>4. Setbacks Neighbourhood Centres, Local Centres, Business Development and Enterprise Corridor</p>		

<p>Rear Setbacks</p> <p>Where there is no rear lane access and the site adjoins land that is in a residential zone, the building shall be setback from the rear boundary as follows:</p> <ul style="list-style-type: none"> - 5m for non-residential component of building up to 10m high. - 8m otherwise for components of building up to 15m high. 	<p>Site adjoins a residential dwelling on a B6 zoned allotment.</p> <p>N/A</p> <p>N/A</p>	<p>N/A</p> <p>N/A</p>
<p>Side setbacks</p> <p>Where the site adjoins land that is also in a business zone there is no setback requirement.</p>	<p>The site adjoins an enterprise corridor zone therefore there is no side setback requirement.</p>	<p>Yes</p>
<p>Front Setbacks</p> <p>15m primary setback (ground floor)</p>	<p>16.8m for closest building comprising of an office associated with the carwash facility.</p>	<p>Yes</p>
<p>5. Landscaped Areas and Pedestrian Areas</p> <p>Business Development and Enterprise Corridor (B5 and B6 zones)</p> <ol style="list-style-type: none"> 1. Pedestrian areas should minimise any changes in levels and allow wheelchair access to the shops from the car parking area and public footpaths. 2. Pedestrian areas should link all major activity areas of the centre. 3. Pedestrian areas should be separate from loading areas. 4. Separate pedestrian access should be provided to adjoining 	<p>Changes in levels are minimised within pedestrian areas.</p> <p>The area within the site is a shared zone with clear pedestrian zones in front of each premises.</p> <p>Loading bays are located away from the activity hubs</p> <p>Pedestrian access would be via the proposed vehicle access ways</p>	<p>Yes</p> <p>Yes</p> <p>Yes – service centres are typically shared pedestrian/vehicle zones and</p>

<p>public footpaths, community facilities and open space.</p>		<p>it is considered reasonable that pedestrians would access the site via the vehicle entry points.</p>
<p>5. Sufficient area shall be provided to permit landscaping and tree planting within pedestrian areas and car parking areas.</p>	<p>Sufficient area provided for landscaping and tree planting</p>	<p>Yes</p>
<p>6. Building Form, Streetscape and Layout</p>		
<p>Neighbourhood Centres, Local Centres and Enterprise Corridor</p>		
<p>Building Form</p>		
<p>1. Articulate building walls addressing the street to add visual interest.</p>	<p>Building walls addressing the street are sufficiently articulated and add interest on the southern elevation of the building</p>	<p>Yes</p>
<p>2. Development adjoining open space shall address the open space and avoid blank walls.</p>	<p>Site does not adjoin open space</p>	<p>N/A</p>
<p>Building Materials</p>		
<p>1. Highly reflective finishes are not permitted above the ground floor.</p>	<p>No reflective materials proposed</p>	<p>Yes</p>
<p>2. Colour & materials of the buildings shall be consistent with the existing adjoining development.</p>	<p>Materials and colours considered consistent with the se as a service station and adjoining developments.</p>	<p>Yes</p>
<p>Entrances</p>		
<p>1. Orientate entrances to buildings towards the public street and provide clear lines of sight between entrances, foyers and the street.</p>	<p>Development is not orientated towards street however it provides clear entrances to the central petrol pumping area. The layout and orientation of the building results in no confusion to where the entrances to the stores are and provides clear lines of site from the stores to the area of most activity.</p>	<p>Yes</p>

2. The common lobby to a home unit development should face the street	N/A	N/A
3. Where the ground floor of a business development, mixed-use development, and shop-top housing faces the street, the ground floor must incorporate shopfront style windows with clear glazing so that pedestrians can see into the premises and vice versa.	A door and window are proposed on the eastern elevation, the principal entrance to the convenient store include a shopfront style windows with clear glazing to provide passive surveillance to the central petrol pumping area.	Yes
Street Frontage		
1. Ground floor uses are to be at the same general as the footpath and be accessible directly from the street.	The ground floor would be at a similar ground level to the street	Yes
2. Provide predominately glazed shop fronts to all ground floor retail areas	The shop front is primarily glazed.	Yes
3. Developments on corner sites shall address the corner and the secondary street frontage.	N/A	N/A
4. Avoid blank or solid walls and the use of dark or obscured glass on street frontages.	Front elevation is sufficiently articulated with stepped walls, the drive through exit, and a staff entry point.	Yes
5. Roller shutters that obscure windows are not permitted.	N/A	N/A
6. Provide opportunities for table seating along shop frontages.	Service stations are not conducive to outdoor seating	N/A
7. Any Automatic Teller Machine (ATM) must be located at a highly visible location at street level, and must be well lit at night and incorporate mirrors or reflective materials so that users can observe people	No ATM indicated on the plans	N/A

behind them.		
8. The street number of a building must be visible from the street and made of a reflective material to allow visitors and emergency vehicles to easily identify the location of the building.	The development is a 'landmark' style development which is recognisable without street numbers.	Yes – However a condition of consent is recommended that the development provide clearly identifiable street numbers
Roof Forms		
9. Minimise the bulk and mass of roofs and the potential for overshadowing from roofs.	The development is predominantly single storey with flat roof forms to minimise potential overshadowing.	Yes
10. Provide eaves with a minimum length of 400mm in dwellings with pitched roofs.	No eaves proposed	N/A
11. Where flat roofs are proposed, lift overruns and rooftop plant and machinery are to be obscured from view by parapets or designed to be incorporated within rooftop activities/features	No lift overruns or plant machinery proposed on the roofs	N/A
12. Incorporate lift overruns and service plant etc. into the design of the roof.	N/A	N/A
13. Wherever possible provide landscaped and shaded areas on roofs to serve as communal private open space for residents of the building.	N/A	N/A
Material and Finishes		
1. Avoid expanses of any single material.	The buildings provide adequate breaks in material and colour	Yes
2. Utilise high quality and durable materials and finishes, such as face brick with / without coloured render; and plain glass windows.	The buildings are predominantly pre-fabricated concrete with large pane glass windows	Yes

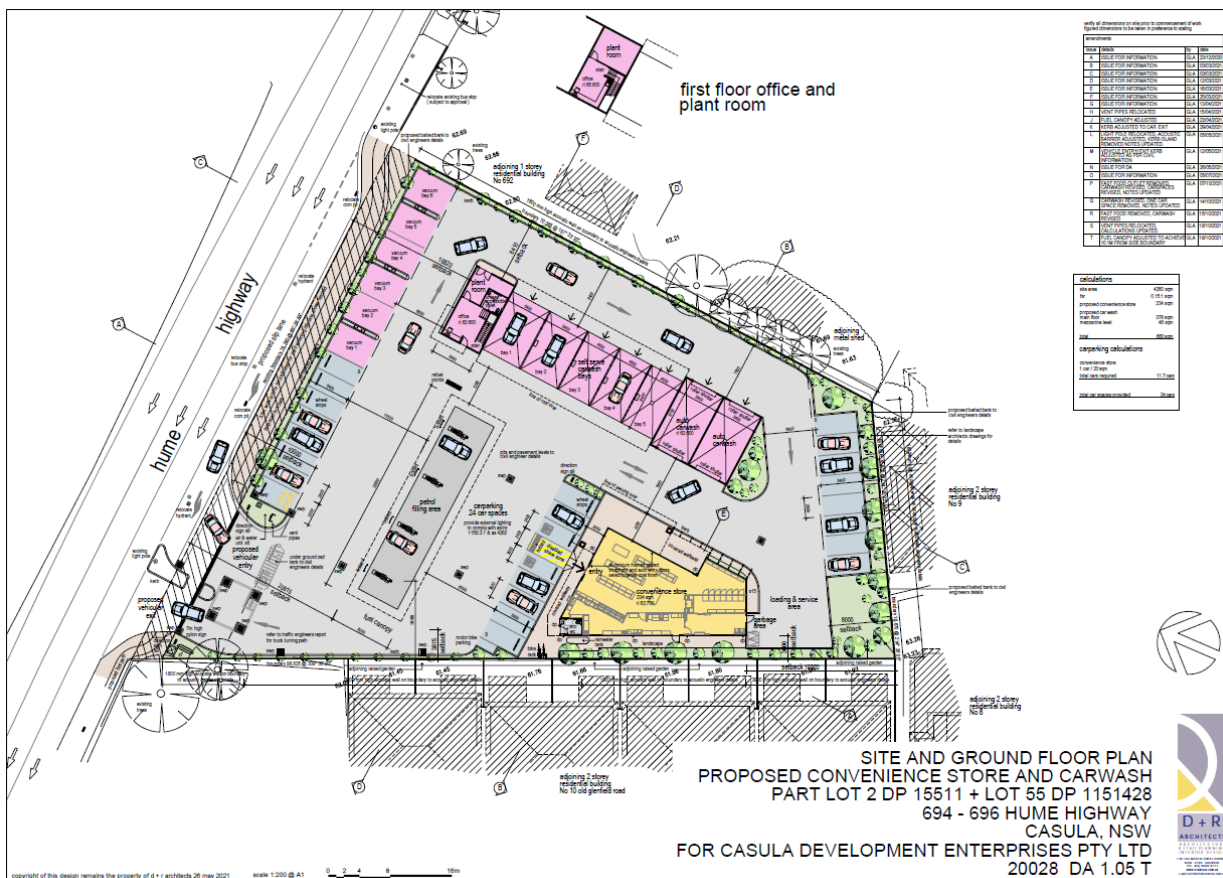
<p>3. Avoid large wall tiles, rough textured render, polished metal and curtain walls or reflective glass.</p>	<p>The retail premises includes large wall tiles, however these elevations do not front the public domain and would not be visible from the streetscape</p>	<p>Yes</p>
<p>Adjoining Residential Areas</p>		
<p>1. Development should minimise impact of the privacy of adjoining and nearby dwellings.</p>	<p>The development is predominantly single storey with large acoustic barriers adjoining the drive-through and the residential development to minimise amenity impacts</p>	<p>Yes</p>
<p>2. Development should be compatible with any adjoining and nearby dwellings.</p>	<p>The development is typical within a B6 Enterprise Corridor zone and is typical of a service centre development</p>	<p>Yes</p>
<p>Links to nearby Community Facilities and Open Space</p>		
<p>1. Developments should incorporate opportunities for pedestrian links to adjoining Community Facilities and Open Space.</p>	<p>The development does not adjoin open space and it would be inappropriate for pedestrian from the adjoining child care centre.</p>	<p>Yes</p>
<p>7. Landscaping and Fencing</p>		
<p>Neighbourhood Centres, Local Centres, Business Development and Enterprise Corridor</p>		
<p>1. Where landscaping is to be provided a detailed landscape plan shall accompany a development application. A suitably qualified Landscape architect must prepare all Landscape Plans submitted with the development application. Refer to Part 1 for requirements for Detailed Landscape Plans.</p>	<p>Landscape plan has been provided and considered satisfactory</p>	<p>Yes</p>

<p>8. Car Parking and Access</p> <p>Business Development and Enterprise Corridor (B6 zones)</p> <p>1. Car parking shall generally be located toward the front of the site.</p>	<p>The car parking surrounds the petrol pumps in the centre of the site. The parking is clearly visible from the Hume Highway.</p>	<p>Yes</p>
<p>9. Amenity and Environmental Impact</p> <p>Neighbourhood Centres, Local Centres and Enterprise Corridor</p> <p>Privacy</p> <p>1. Development shall be designed to minimise overlooking of adjoining and nearby residential development.</p>	<p>The development would not overlook adjoining residential development</p>	<p>Yes</p>
<p>Access to sunlight</p> <p>1. Dwellings above shops shall be designed to maximise solar access.</p>	<p>N/A</p>	<p>N/A</p>
<p>Acoustic privacy</p> <p>1. Where an allotment adjoins a Classified Road, dwellings must comply with AS 3671 – Acoustics – Road Traffic Noise Intrusion.</p>	<p>No dwellings proposed. The development would not be impacted by traffic noise</p>	<p>N/A</p>
<p>2. Dwellings should be located to minimise the impact of noise from car parking and loading areas.</p>	<p>N/A</p>	<p>N/A</p>
<p>Lighting</p> <p>1. External lighting to a development must give consideration to the impact of glare on the amenity of adjoining and nearby residents.</p>	<p>The external lighting is predominantly within the centre of the site. External lighting at the rear of the service centre and fast food premises would be screened by the required acoustic wall.</p>	<p>Yes</p>

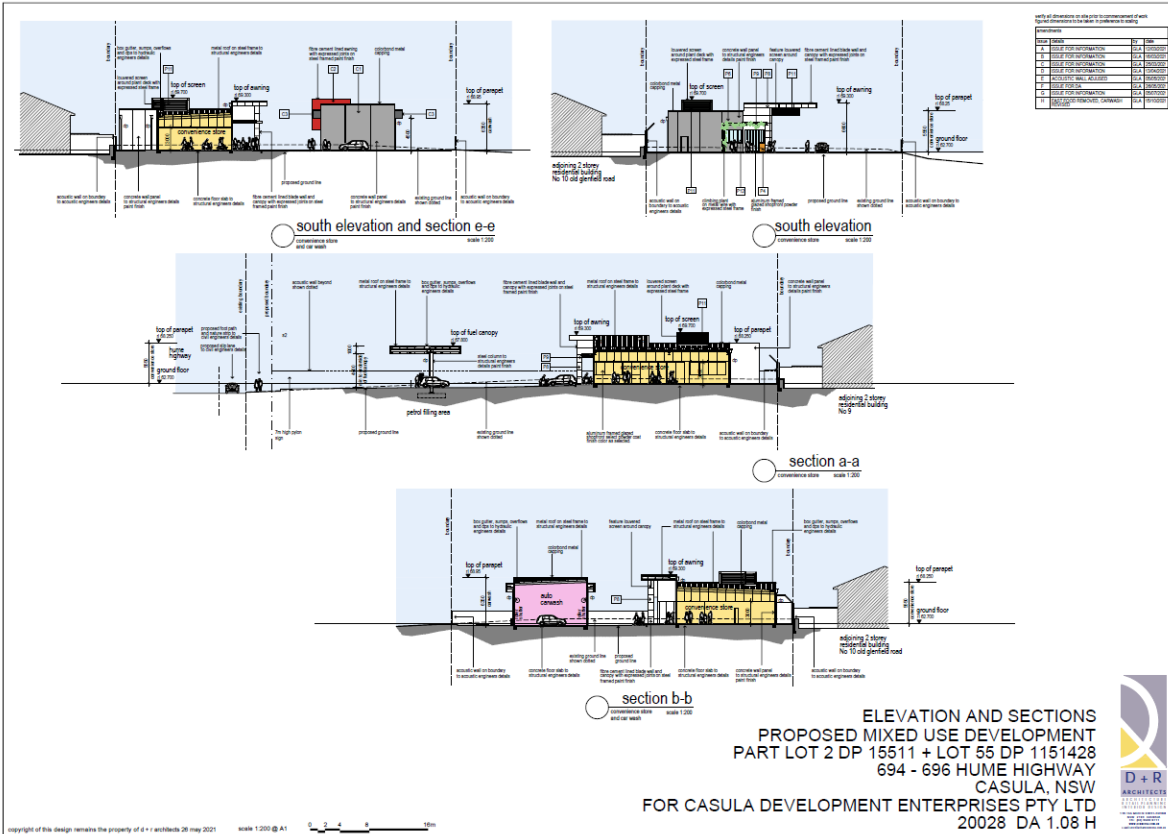
10. Site Services	N/A	N/A
11. Non Business Uses	N/A	N/A
12. Shop Top Housing	N/A	N/A
13. Restaurants/Outdoor Cafes	N/A	N/A
14. Child Care Centres	N/A	N/A
15. Telecommunication Facilities	N/A	N/A
16. Used Clothing Bins	N/A	N/A
17. Service Stations		
1. Car parking areas shall:		
a) Be located to minimise conflict with vehicle movements for other uses on the site.	Car parking does not interfere with the movement of vehicles	Yes
b) Be located as close as possible to the use generating the need for parking e.g. take away food and/or retailing component to minimise on street car parking.	Parking is as close as possible to each proposed building.	Yes
2. Be provided in accordance with Part 1 of LDCP 2008.	Sufficient parking provided	Yes
3. Drive through areas should be located to minimise conflict with pedestrian movement and impacts on neighbourhood amenity.	Drive through is located at the rear of the site. Queued cars would not interfere with pedestrian movements.	Yes
4. Driveways must be appropriately designed and be located to ensure safe access and egress, particularly in reference to sight lines and pedestrian movements.	The driveways are positioned appropriately on Hume Highway.	Yes
5. Buildings should be sympathetic to existing setbacks, heights and	The development is predominantly single storey and is a typical design for a	Yes

<p>building envelopes of neighbouring properties.</p> <p>6. Appropriate mitigation measures should be provided to limit noise, light overspill, visual impact and odour.</p> <p>7. A Landscape Plan, prepared by a suitably qualified person, is to be submitted with any development application. Landscaping is to provide a visual and acoustic buffer to adjoining development</p>	<p>service station and other developments on Hume Highway</p> <p>Acoustic Report provides recommended mitigation methods</p> <p>Landscape plan has been provided and considered satisfactory</p>	<p>Yes – condition of consent to comply with the recommendations of the acoustic report.</p> <p>Yes</p>
<p>18. Restricted Premises</p>	<p>N/A</p>	<p>N/A</p>

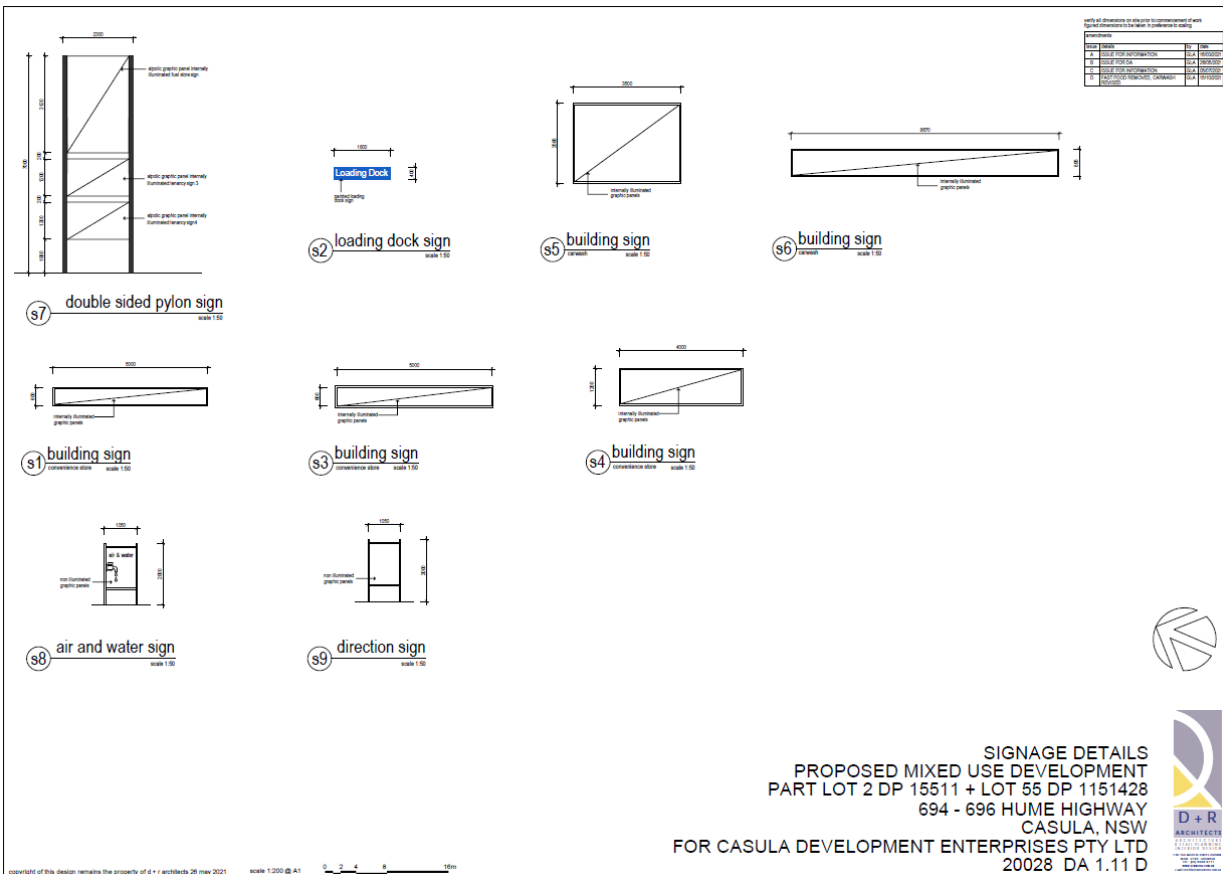
ATTACHMENT 2: PLANS OF THE PROPOSAL



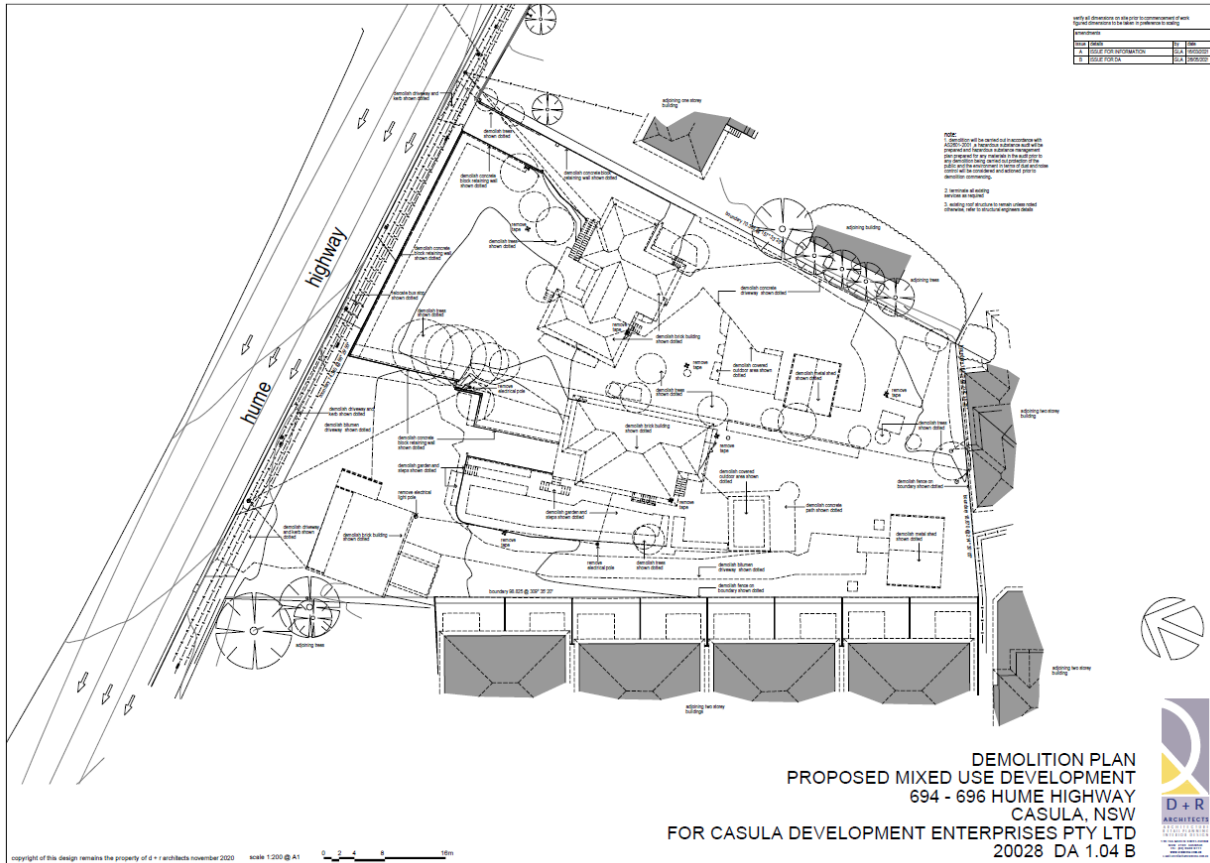
Site Plan / Floor Plan



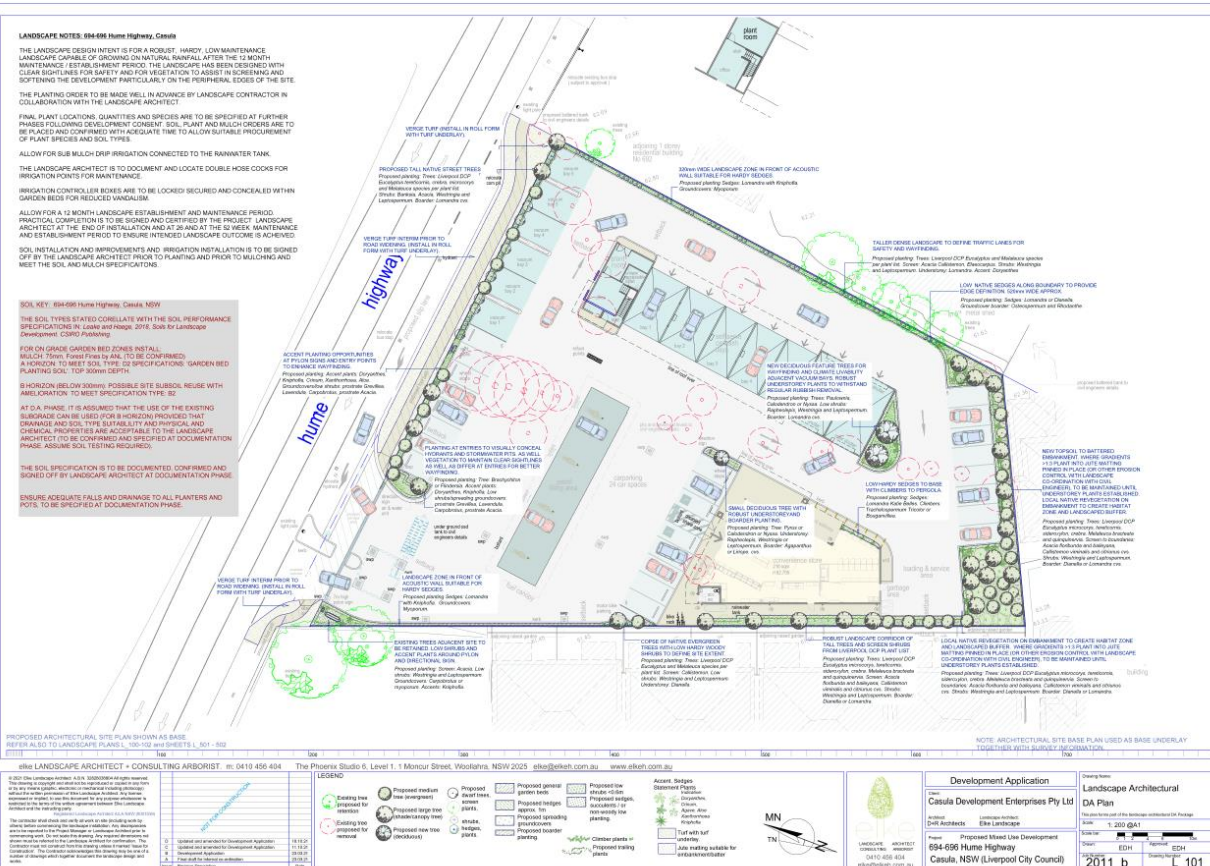
Elevations



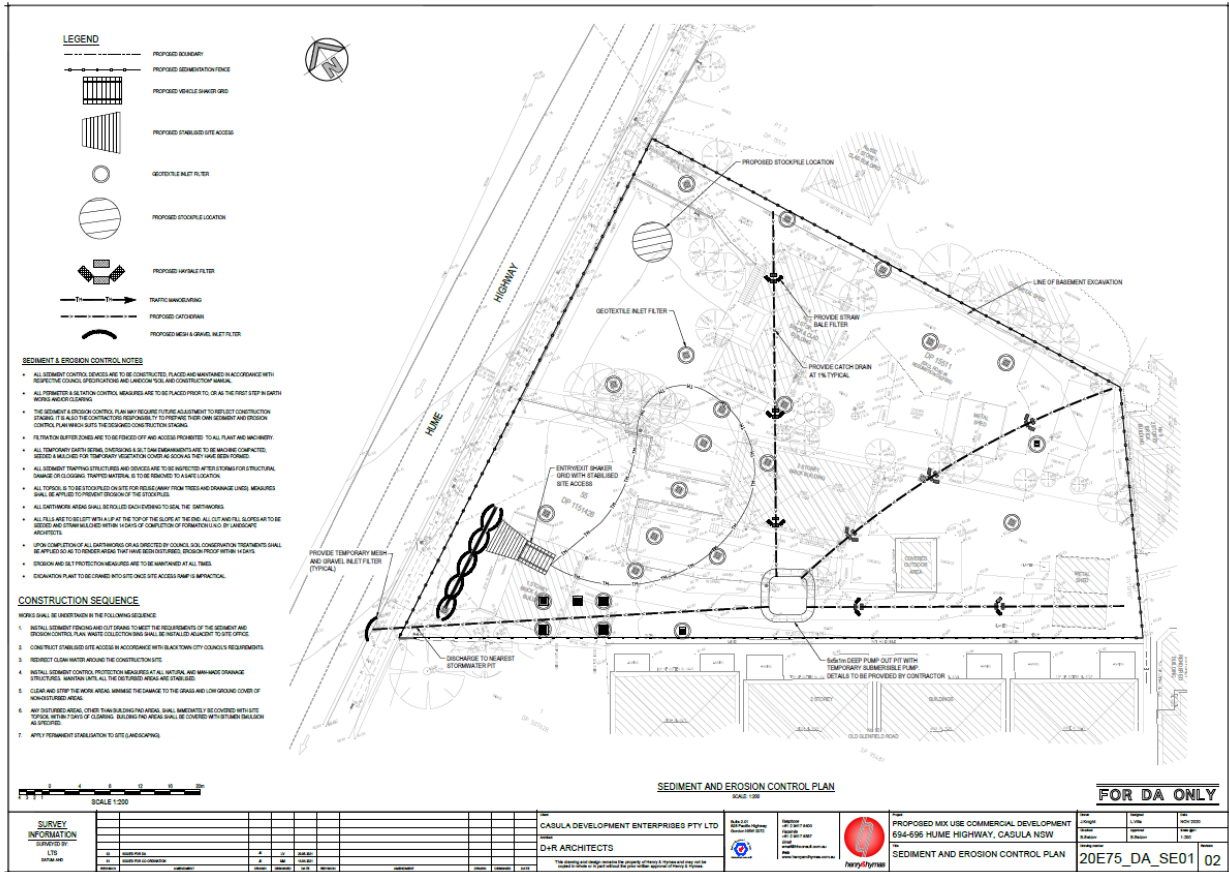
Signage Details



Demolition Plan



Landscape Plan



Sediment and Erosion Control Plan