

# EXTRAORDINARY LOCAL PLANNING PANEL AGENDA

11 December 2023

# MATTERS FOR THE LOCAL PLANNING PANEL'S DETERMINATION

**Monday, 11 December 2023**

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

## Microsoft Teams meeting

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Submissions by the applicant and concerned parties will be considered at the meeting. 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 meeting 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, by 4pm, Friday 8<sup>th</sup> December 2023.

For further information relating to the Local Planning Panel please refer to Council's web page:

[Liverpool Local Planning Panel / Liverpool City Council \(nsw.gov.au\)](https://www.liverpoolcitycouncil.nsw.gov.au/liverpool-local-planning-panel)

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

ITEM No.	SUBJECT	PAGE No.
1	<p><b>Modification Application DA-1321/2021/A</b></p> <p><b>Modification of consent under Section 4.55(2) of the Environmental Planning and Assessment Act 1979, to modify the design of the administration building, car park, retaining walls, fences and landscaping.</b></p> <p><b>Lot 2 DP 517744</b></p> <p><b>Ernie Smith Recreation Reserve, 34 Jack O'sullivan Road, Moorebank</b></p>	5 - 50

ITEM No.	SUBJECT	PAGE No.
2	<p><b>Modification Application DA-264/2018/C</b></p> <p><b>Modification of Development Consent DA-264/2018 as modified pursuant to Section 4.55(2) of the Environmental Planning and Assessment Act 1979.</b></p> <p><b>The modification seeks an increase in production capacity at the approved concrete batching plant from 200,000 tonnes per annum to 300,000 tonnes per annum of concrete and concrete products.</b></p> <p><b>The original development has been previously approved as a Designated Development as specified in Schedule 3 of the Environmental Planning and Assessment Regulations 2000.</b></p> <p><b>The application is identified as Nominated Integrated Development requiring approval from the NSW Environmental Protection Authority pursuant to Protection of the Environment Operations Act 1997.</b></p> <p><b>The application is identified as Nominated Integrated Development requiring approval from the Department of Planning and Environment - Water, pursuant to the Water Management Act 2000</b></p> <p><b>Lot 8 DP241916</b></p> <p><b>4 Ash Road Prestons</b></p>	51 - 172

ITEM No.	SUBJECT	PAGE No.
3	<p data-bbox="371 197 932 230">Development Application DA-1106/2022</p> <p data-bbox="371 264 1217 365">Demolition of all existing structures and construction of a multi-dwelling housing development consisting of 3 x 2-storey attached dwellings, including strata subdivision</p> <p data-bbox="371 398 635 432">Lot 125 DP 846046</p> <p data-bbox="371 465 823 499">9 Artillery Crescent, Holsworthy</p>	173-233



<b>Item Number:</b>	1
<b>Application Number:</b>	DA-1321/2021/A
<b>Proposed Development:</b>	Modification of consent under Section 4.55(2) of the Environmental Planning and Assessment Act 1979, to modify the design of the administration building, car park, retaining walls, fences and landscaping.
<b>Property Address</b>	Ernie Smith Recreation Reserve 34 Jack O'sullivan Road, Moorebank
<b>Legal Description:</b>	LOT 2 DP 517744
<b>Applicant:</b>	Southern Districts Soccer Football Association Inc
<b>Land Owner:</b>	Liverpool City Council
<b>Cost of Works:</b>	Original DA Cost \$4,625,202.00
<b>Recommendation:</b>	Approved, subject to modified conditions of consent
<b>Assessing Officer:</b>	Margaret Roberts – GAT and Associates

## 1. EXECUTIVE SUMMARY

Council is in receipt of modification application DA-1321/2021/A seeking a modification under Section 4.55 (2) of the Environmental Planning & Assessment Act 1979. The original application, DA-1321/2021, was approved by the Liverpool Local Planning Panel (LLEP) on 28 November 2022 for the construction of an administration building, grandstand structure, fences, and associated car spaces. The development was identified as Nominated Integrated Development requiring approval from the Natural Resources Access Regulator under the Water Management Act, 2000.

The modification application was submitted to the Council on **1 August 2023** and formally lodged on **4 August 2023**.

This proposed modification is required due to inaccurate survey information with the original design. The building was approved over a 7.5m wide easement for sewer purposes. The modified design is required to reshape and reposition the building to avoid the easement and ensure compliance with Sydney Water requirements. As part of the modification, the grandstand, which was approved on the eastern side of the administration building, has been removed.

The proposed modification slightly alters the appearance and layout of the approved building; however, the changes are not considered significant. The approved development provided for a gross floor area of 569m<sup>2</sup>, while the modified proposal provides for a gross floor area of 474m<sup>2</sup>. The overall height of the building will be decreased.

The function and use of the approved building will not change. There is no change proposed to the approved signage.

The site is zoned RE1 – Public Recreation pursuant to Liverpool Local Environmental Plan 2008 and the development is permissible with consent.

The development application was required to be notified in accordance with Liverpool Community Participation Plan 2019. The development application was advertised between **25 August 2023** and **22 September 2023**. No submissions were received.

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 categories of:

***Conflict of interest***

*Development for which the applicant or land owner is:*

- (a) *the council*

The proposed modification is sought to alter the approved building, to ensure any new built form is clear of the existing 7.5m wide easement for sewer purposes. The design has also been amended to reduce the overall height and footprint and remove the grandstand. As will be further discussed in this report, it is not considered that the modification will adversely impact the site itself or the surrounding locality, and as such, the proposed modification is recommended for approval.

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

### **2.1 The subject site and locality**

The subject site is known as 34 Jack O’Sullivan Road, Moorebank, which is legally known as Lot 2 in DP 517744. The site is an irregular shaped allotment which forms part of the Ernie Smith Recreation Reserve. The site has a frontage to Jack O’Sullivan Road of 246.2m (eastern boundary) and a frontage to Kelso Crescent of 71.01m (northern boundary). The site has a total area of approximately 49,970m<sup>2</sup>.

The site has a 10.058m wide easement for transmission line and a 7.5m easement for sewage purpose which run in a north-west to south-east direction through the site. There is also a 3m wide sewage easement in the south-eastern corner of the site.

The Ernie Smith Recreation Reserve currently provides numerous recreational facilities including the Moorebank Liverpool District Hockey Club to the south, existing soccer fields and grandstand and the Moorebank Skatepark to the north. Refer to Figure 1.



**Figure 1** – Aerial view of the locality (Source: Liverpool Council)

The subject site is located within the suburb of Moorebank which is characterised by a mix of uses including IN1 General Industrial to the west of the site, R3 Medium Density Residential to the east and R2 Low Density Residential located to the south-east. The site directly adjoins Anzac Creek to the west and is approximately 3km from the Liverpool CBD. The site is within close proximity to Heathcote Road, which is located approximately 340m south-west of the site, Newbridge Road located approximately 200m north of the site, and the South Western Motorway (M5) located approximately 400m south of the site.

### **3. BACKGROUND/HISTORY**

Previous applications relating to 34 Jack O’Sullivan Road, Moorebank are as follows:

- Development Application No. D/96/1992 was approved on 20 February 1992 for the erection of a scoreboard.

- DA-1321/2021 was approved by the Local Planning Panel on 28 November 2022 for the construction of an administration building, grandstand structure, fences, and associated car spaces. This current modification seeks to amend this approval.

The subject modification application was lodged on 4 August 2023. A preliminary assessment of the application indicated issues that prevented the application from being supported. These issues formed a Request for Additional Information dated 16 October 2023, as outlined below:

- *Design Excellence Panel comments requesting the following information:*
  - *A site section to confirm impact on views from the existing houses located behind the proposed building.*
  - *Consider amending the proposal to include activation of the lower level, which may encompass the inclusion of elements such as built-in benches or indents on the wall; as well as introduction of windows to the change rooms to allow natural ventilation and daylight.*
  - *Consider a landscape design for the retaining wall near the carpark to ensure that the proposed terrace area can accommodate suitable planting to enhance the wider area, contribute to the overall landscape of the site and provide shade to carparking and recreational spaces where appropriate.*
  - *The exploration of an accessible rooftop recreational area with shade provisions and seating*
  - *Further design considerations for the fifth elevation (roof design) are encouraged, as it will be visible from the properties located at the rear of the site. The design of the roof should contribute to the overall aesthetic appeal of the building itself and harmonise with the surrounding environment and local character.*
  - *Consider gender-neutral design for the changerooms, to provide flexibility within the internal layouts enabling changerooms to be used for either female or male gendered matches.*
  - *Provide 1:20 or 1:50 sections confirming details of level changes and the proposed retaining wall.*
  - *Confirm location of air-conditioning units, condensers, and other mechanical equipment on the architectural drawings, and is recommended to ensure that these building services elements are not visually apparent from the public domain.*
- *Flood engineer comments requesting the following information:*
  - *Cut and fill volume calculations and a plan showing the location of compensatory excavation works.*
  - *On-site water quality treatment facilities shall be provided to ensure that stormwater runoffs leaving the site comply with Council's water quality standards. Water quality treatment works shall be designed using MUSIC modelling software, and the water quality treatment system performance shall be verified using Council's MUSIC link.*



• *The dimensions of the car parking spaces are to be shown on the submitted plans.*  
Amended information was submitted by the applicant dated 31 October 2023, which addressed the issues raised above. The amended documentation has provided the following:

- A site section showing view lines from Jack O'Sullivan Road;
- The inclusion of high-level windows and a bench seat along the western elevation of the building at ground level;
- The submission of landscape details to the retaining walls (provided on Drawing No. MOD1401);
- A response to the possibility of a roof top recreation space;
- A redesign of the roof pitch;
- The inclusion of gender neutral change rooms;
- A section plan showing the design of the planter terraces/retaining walls;
- The location of equipment;
- Amended engineering plans and MUSIC model; and
- Amended plans showing the dimensions of the car parking spaces being 2.45m wide x 5.4m in depth.

The existing consent includes conditions requiring a detailed landscape plan prior to the issue of a Construction Certificate (Condition 29), which will include landscaping along the retaining walls to the car park.

In regard to the consideration of the roof top recreation space, the applicant has advised that this is not possible due to financial constraints with the project. The applicant states that providing an additional level to incorporate such a space would add approximately \$1.6 million to the cost of the project. It is acknowledged that this would put an additional financial strain on the football association.

All of the issues raised in the Request for Additional Information letter dated 16 October 2023 have been resolved. As such, the application has been recommended for approval.

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

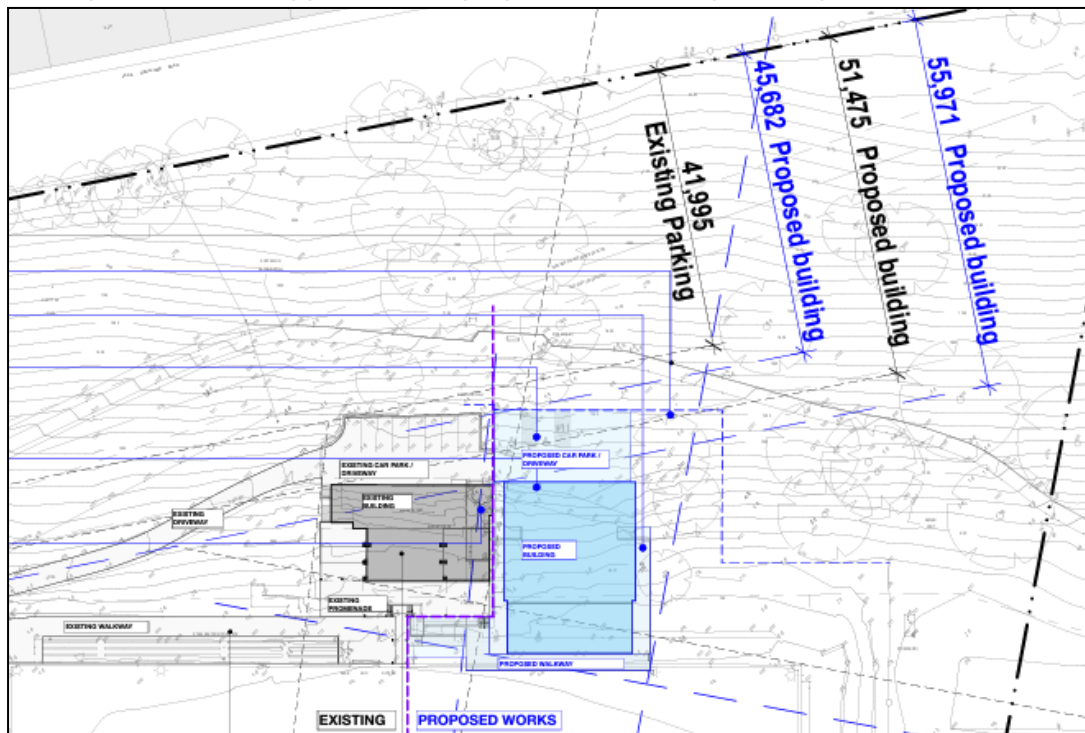
This Section 4.55(2) modification is required due to inaccurate survey information with the original design. The building was approved over a 7.5m wide easement for sewer purposes. The modified design is required to reshape and reposition the building to avoid the easement and ensure compliance with Sydney Water requirements. As part of the modification, the grandstand, which was approved on the eastern side of the administration building, has been removed.

The proposed modification slightly alters the appearance and layout of the approved building; however, the changes are not considered significant. The approved development

provided for a gross floor area of 569m<sup>2</sup>, while the modified proposal provides for a gross floor area of 474m<sup>2</sup>. The overall height of the building will be decreased.

The function and use of the approved building will not change. There is no change proposed to the approved signage.

A comparison of the approved and proposed modified plans is provided below.



**Figure 2: Approved site plan showing the location of the new building and grandstand under DA-1321/2021 (coloured blue).**

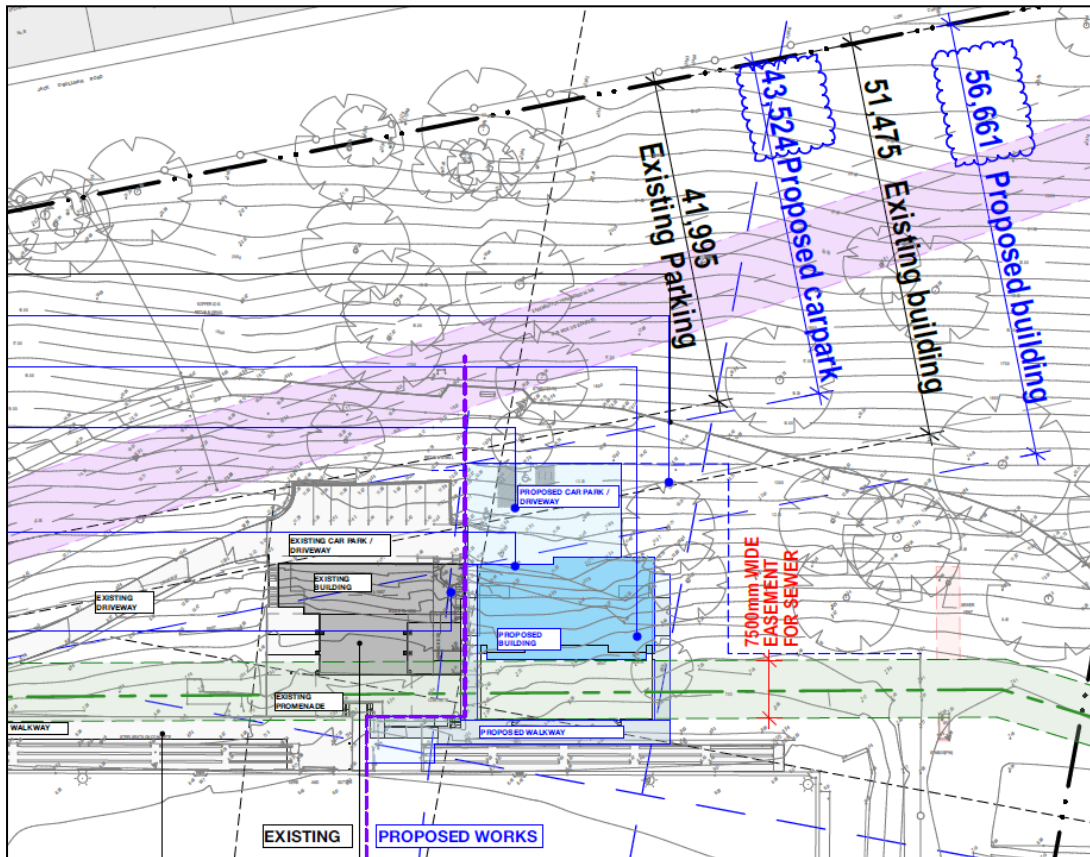


Figure 3: Proposed site plan showing the new building (coloured blue) will be located clear of the 7.5m easement (coloured green) under DA-1321/2021/A.

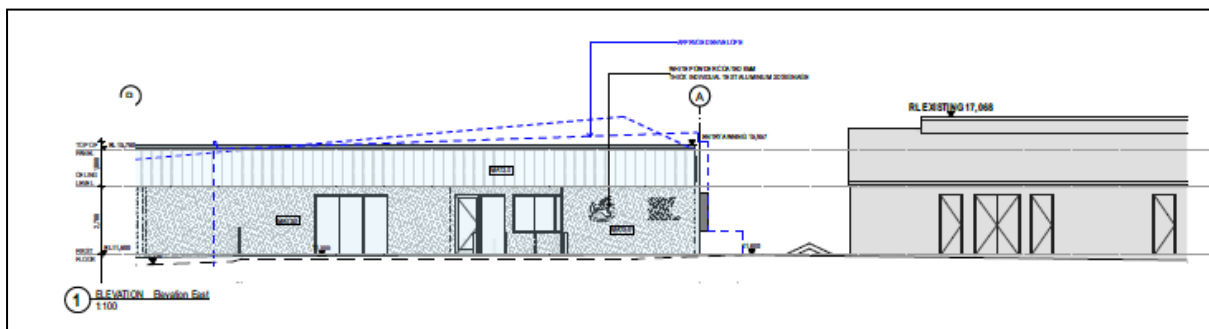
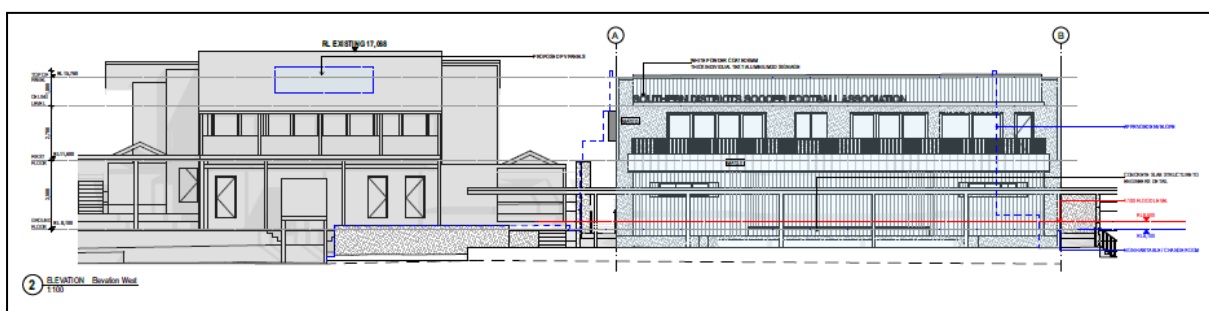
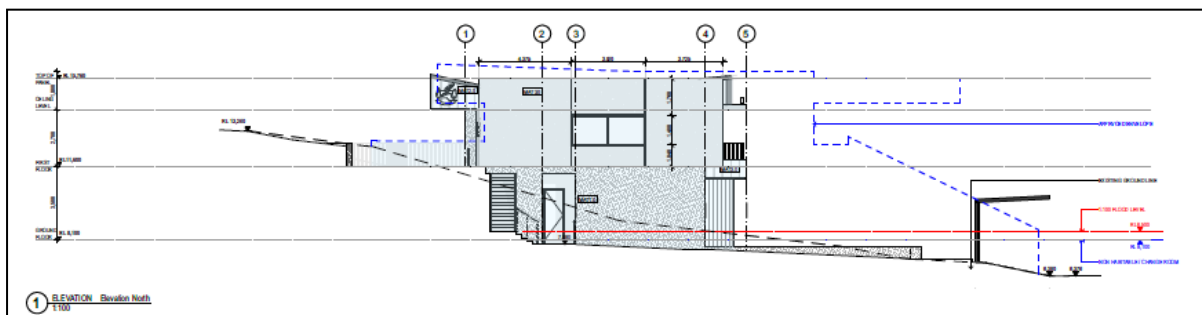


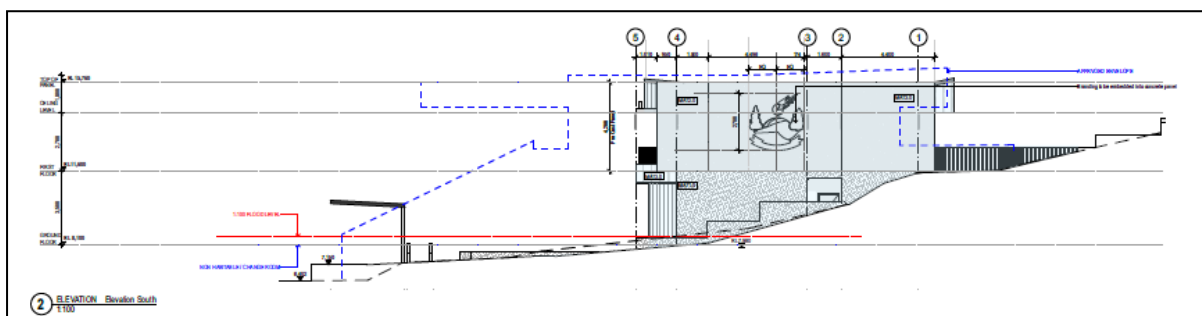
Figure 4: Proposed east elevation under DA-1321/2021/A which show the outline of the approved built form (in blue dotted line).



**Figure 5: Proposed 5 west elevation under DA-1321/2021/A which show the outline of the approved built form (in blue dotted line).**



**Figure 6: Proposed north elevation under DA-1321/2021/A which show the outline of the approved built form (in blue dotted line).**



**Figure 7: Proposed south elevation under DA-1321/2021/A which show the outline of the approved built form (in blue dotted line).**

A review of the conditions of consent on the approval issued under DA-1321/2021 reveals that there is a condition relating to the grand stand which will no longer be applicable should this modification be approved. The condition is follows:

**“Grandstand Overhang**

*35. Prior to the issue of a construction certificate, revised elevations prepared by a suitably qualified person are required to be submitted for approval by Liverpool Council for a narrower cantilevered grandstand overhang to achieve a more sleek and narrow profile.”*

As the grandstand has been deleted, this condition is no longer applicable and can be deleted.



## **5. STATUTORY CONSIDERATIONS**

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

The following planning instruments/policies applicable to the proposed development area as follows:

- State Environmental Planning Policy (Resilience and Hazards) 2021.
- State Environmental Planning Policy (Biodiversity and Conservation) 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.

## **6. ASSESSMENT**

This application has been lodged pursuant to Section 4.55(2) of the Environmental Planning and Assessment Act 1979. It is considered the development can be determined under Section 4.55(2) of the Environmental Planning and Assessment Act (EP&A Act) 1979, which states as follows:

***"(2) Other modifications***

*A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—*

*(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*

Pursuant to subclause (a) of the above extract, the proposal is considered to be substantially the same development as that approved. While the changes relate to the built form, the use, purpose and function of the development will remain the same. The changes to the built form are not so different that they result in a completely different building, as only the grandstand component is being removed.

*(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*

Pursuant to subclause (b) of the above extract, the proposed modification does not require consultation with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of concurrence or general terms of approval

- (c) *it has notified the application in accordance with—*
- (i) *the regulations, if the regulations so require, or*
  - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) *it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

*Subsections (1) and (1A) do not apply to such a modification.”*

Pursuant to subclauses (c) and (d), the subject modification was advertised in accordance with Council's Community Participation Plan 2019. No submissions were received.

*(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.*

*(4) The modification of a development consent in accordance with this section is taken not to be the granting of development consent under this Part, but a reference in this or any other Act to a development consent includes a reference to a development consent as so modified.*

An Assessment of the provisions under Section 4.15(1) of the EP&A Act have been undertaken within this report.

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

In accordance with Section 4.55(3) of the Environmental Planning and Assessment Act 1979, this modification 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 2021* (EP&A Regulation), as follows:

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

Pursuant to Clause 4.6 of SEPP (Resilience and Hazards) 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.

<b>Clause 4.6 - Contamination and remediation to be considered in determining development application</b>	<b>Comment</b>
(1) A consent authority must not consent to the carrying out of any development on land unless:	
(a) it has considered whether the land is contaminated, and	<p>The original consent issued under DA-1321/2021 considered the provisions of the SEPP and concluded that detailed land contamination assessment was not considered necessary.</p> <p>The subject modification does not require the further consideration of contamination on the site.</p>
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and	As above.
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.	The land does not require remediation.

Based on the above assessment, the proposal is considered to satisfy the relevant objectives and provisions of Chapter 4 of the SEPP (Resilience and Hazards) 2021.

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

At the time of the original development application being lodged, Chapter 11 (Georges Rivers Catchment) of State Environmental Planning Policy (Biodiversity and Conservation) 2021 applied as the subject land is located within the Georges River Catchments. The original proposal was considered to meet the objectives of the SEPP and unlikely to have a negative impact on the environmental quality of the Georges River Catchment.

*Note: Chapters 7 – 12 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 were repealed on 21 November 2022. However, Part 6.6 of the SEPP states these former repealed provisions continue to apply to a development application made, but not yet determined, on or before the date of the repeal. Given that DA-1386/2021 was lodged and has not been determined prior to the date of the repeal, the subject application will continue to be assessed under the relevant former provisions in Chapters 7-12 of the SEPP (Biodiversity and Conservation) 2021 (Biodiversity SEPP).*

The modification application was lodged on 4 August 2023, after the amendments.

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. The modification application was referred to Council's Land Development Engineering team who reviewed stormwater management and drainage associated with the proposal. They are supportive of the proposed development, subject to conditions of consent. Accordingly, the proposed development is considered to meet the objectives of the SEPP and is unlikely to have a negative impact on the environmental quality of the Georges River Catchment.

#### **(c) State Environmental Planning Policy (Industry and Employment) 2021**

The original development application included signage for the football association, which would be provided on all elevations. The assessment of the original application found that the signage is consistent with Chapter 3 – Advertising and Signage, and Schedule 5 – Assessment Criteria of the SEPP, relating to signage.

The proposed modifications will not alter the approved signage in terms of wording or colours/finishes, but the location of the signage has been slightly modified along the elevations. The changes are minor and do not alter the original assessment of the signage being consistent with provisions of the SEPP.

#### **(d) Liverpool Local Environmental Plan 2008**

##### **(i) Zoning**

The subject site is zoned RE1 – Public Recreation under Liverpool Local Environmental Plan 2008 (LLEP 2008). An extract of the zoning map is provided in Figure 8 below.

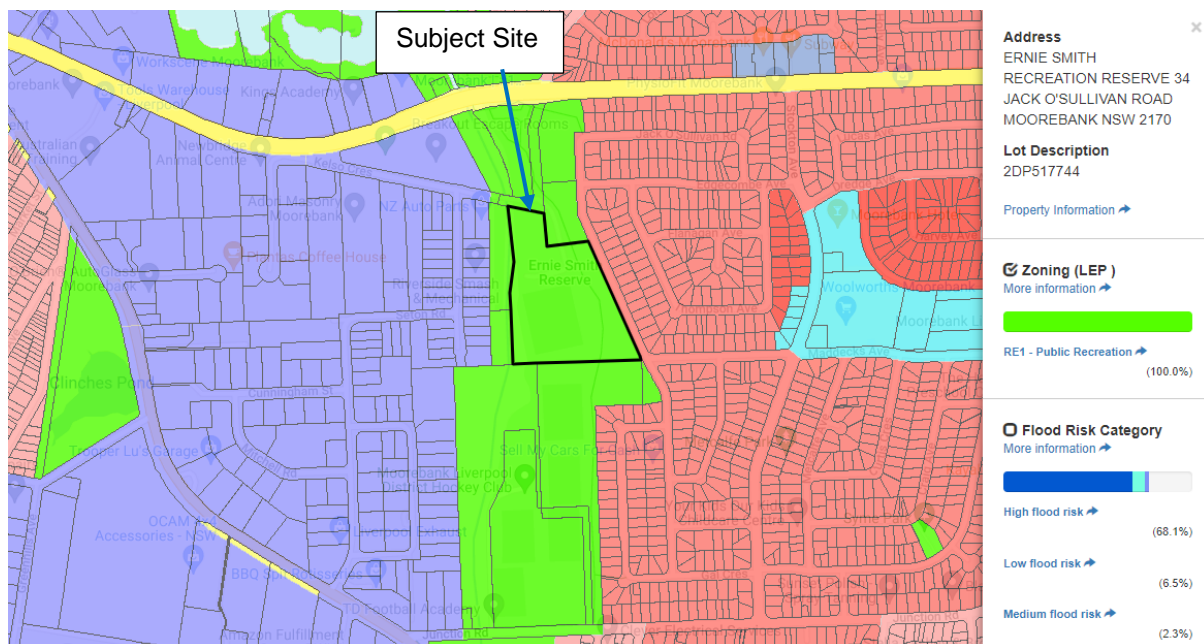


Figure 8: Zoning Map (source: Liverpool Council)

## (ii) Permissibility

The proposed development is appropriately defined as an outdoor recreation area, which is defined as:

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

- a children’s playground, or*
- an area used for community sporting activities, or*
- a public park, reserve or garden or the like, and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).”*

## (iii) Objectives of the zone

The objectives of the RE1 Public Recreation zone are:

- *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 proposed development is a permissible type of development within the RE1 Public Recreation zone and is generally consistent with the above zone objectives. The proposed modification will still provide for the recreational needs of the community within a public recreation environment. The proposed development will add to the range of recreational

activities accessible to residents and will enhance the natural environment whilst preserving and maintaining environmentally significant land.

**(iv) Principal Development Standards**

The LLEP 2008 contains a number of principal development standards which are relevant to the proposal. As demonstrated in the compliance tables detailed in Attachments 1 and 2, the proposed development complies with the applicable development standards of the LLEP 2008.

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

There are no draft Environmental Planning Instruments that apply to the site.

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

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

The proposed development is subject to the relevant controls of the LDCP 2008, particularly Part 1 General Controls for all Development. Part 1 of the LDCP 2008 covers general controls relating to all types of development within the Liverpool LGA. The key controls are discussed in the tables in Attachment 1. The proposal is generally compliant with the LDCP 2008.

**(b) Plan of Management**

The proposal to modify the approved administration building, fences, and associated car spaces does not contradict the aims of council's Generic Plan of Management for Sportsgrounds 2007.

**6.4 Section 4.15(1)(a) (iiia) – Planning Agreement or any Draft Planning Agreement**

There are no Planning Agreements which apply to the development.

**6.5 Design Excellence Panel Briefing**

The concept proposal was presented to Council's Design Excellence Panel (DEP) during the development application. The concept application was presented on 14 September 2023.

The comments made by the DEP with regards to the application are outlined in the table below, along with a response in the corresponding column.



Design Excellence Panel Comments	Council's Response
<p>The Panel requests that a site section be provided to confirm impact on views from the existing houses located behind the proposed building.</p>	<p>A section has been provided by the applicant which shows that view lines from Jack O'Sullivan Road will be over the top of the building, as a result of the topography. There will be minimal impact on view lines.</p>
<p>The impact of the sewer easement was discussed extensively at the meeting. The applicant confirms that coordination and consultation with the relevant authority has been carried out and the easement creates a constraint for the site, leading to the design modifications shown.</p>	<p>Comment is noted.</p>
<p>The Panel acknowledges the constraints and challenges present on the site and recommends that the applicant works further to refine the architectural design. The design of the building should be of a high standard that corresponds with its important civic and community role. These improvements include;</p> <p>a. Activation of the lower level. These refinements may encompass the inclusion of elements such as built-in benches or indents on the wall; as well as introduction of windows to the change rooms to allow natural ventilation and daylight.</p> <p>b. Detailed landscape design consideration for the retaining wall near the carpark should be provided to Council for assessment. This information should ensure that the proposed terrace area can accommodate suitable planting to enhance the wider area, contribute to the overall landscape of the site and provide shade to carparking and recreational spaces where appropriate.</p> <p>c. The exploration of an accessible rooftop recreational area with shade provisions and seating is highly encouraged, if feasible. Current design should not obstruct the possibility of this happening in future developments.</p> <p>d. Further design considerations for the fifth elevation (roof design) are encouraged, as it</p>	<p>Amended plans have been received which include the following:</p> <ul style="list-style-type: none"> <li>• The inclusion of high-level windows and a bench seat along the western elevation of the building at ground level;</li> <li>• The submission of landscape details to the retaining walls; and</li> <li>• A redesign of the roof pitch.</li> </ul> <p>In regard to the consideration of the roof top recreation space, the applicant has advised that this is not possible due to financial constraints with the project. The applicant states that providing an additional level to incorporate such a space would add approximately \$1.6 million to the cost of the project. It is acknowledged that this would put an additional financial strain on the football association.</p>

will be visible from the properties located at the rear of the site. The design of the roof should contribute to the overall aesthetic appeal of the building itself and harmonise with the surrounding environment and local character.	
In addition, the Panel encourages the applicant to embrace the concept of gender neutral design for the changerooms, to provide flexibility within the internal layouts enabling changerooms to be used for either female or male gendered matches.	The amended plans have included gender neutral change rooms to provide flexibility.
The applicant should provide 1:20 or 1:50 sections confirming details of level changes and the proposed retaining wall.	A section plan (at 1:50) showing the design of the planter terraces/retaining walls has been submitted.
The applicant should confirm location of air-conditioning units, condensers and other mechanical equipment on the architectural drawings, and is recommended to ensure that these building services elements are not visually apparent from the public domain.	The location of mechanical equipment is shown on the amended plans.
The project is supported. Respond to recommendations made by the Panel, then the plans are to be reviewed/approved by Council.	The amended plans received have addressed the comments from the DEP, and the proposal is recommended for approval.

### **6.6 Section 4.15(1)(a)(iv) – The Regulations**

The Environmental Planning and Assessment Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia. Accordingly, appropriate conditions of consent have been imposed.

### **6.7 Section 4.15(1)(b) – The Likely Impacts of the Development**

#### **Natural & Built Environment**

The proposed development is unlikely to create a detrimental impact on the natural environment surrounding the subject site, subject to the imposition of appropriate conditions of consent applying to construction works. The application was referred to Council's Natural Environment landscape department who were supportive, subject to conditions.

The proposed modification is unlikely to create any adverse impacts on the built environment. As such the proposed development is likely to contribute positively to the built



environment. The development was assessed by the Design Excellence Panel who supports the proposal, subject to comments (as detailed under section 6.5 of this report).

**Social Impacts and Economic Impacts**

The proposal would result in a positive economic impact in the locality through the capital investment value of the development. As the proposal seeks to improve an existing public recreation area, upon its completion, it is likely to positively contribute to the locality from a social perspective.

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

The subject site remains suitable for the approved land use, as it remains permissible within the RE1 zone. The modification has been assessed to have no adverse impacts on neighbouring properties or the broader area.

**6.9 Section 4.15(1)(d) - Any submissions made in relation to the Development.**

**(a) Internal Referrals**

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

<b>DEPARTMENT</b>	<b>COMMENTS</b>
Land Development Engineer	No objections subject to amending condition 7 relating to the amended stormwater plans.
Landscaping	No objections subject to a condition that all landscaping is to be completed as per the plans. Refer to Condition 29 of the current consent.

**(b) Community Consultation**

The development application was required to be notified in accordance with Liverpool Community Participation Plan 2019. The development application was on notification between **25 August 2023** and **22 September 2023**. No submissions were received.

**7. 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 LLEP 2008, LDCP 2008, and the relevant codes and policies of Council.

This assessment has taken into consideration the submitted documentation supporting the application. The proposed modification does not result in any unreasonable impacts on

surrounding, adjoining, adjacent, and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development the proposal is considered to be;

- Consistent with the objectives of the Re1 – Public Recreation Zone of the LLEP2008.
- Consistent with the objectives of the Liverpool DCP.
- Consistent with the objectives of the applicable EPs.
- Consistent with the objectives of the EP& A Act 1979.

## **9. RECOMMENDATION**

The Liverpool Local Planning Panel, as the consent authority, grant Modification Consent for DA-1321/2021/A for modification of DA-1321/2021 to modify the design of the administration building, car park, retaining walls, fences and landscaping subject to the conditions outlined within Attachment 3.

## **ATTACHMENTS**

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1. DCP Compliance Table 1
2. DCP Compliance Table
3. Draft Notice of Determination
4. Architectural Plans
5. Design Excellence Panel 14 September 2023 - Minutes of Meeting

**ATTACHMENT 1 – LIVERPOOL LEP 2008 COMPLIANCE TABLE**

<b>LLEP 2008 – Principal Development Standards</b>		
<b>DEVELOPMENT PROVISION</b>	<b>REQUIREMENT</b>	<b>COMPLIES</b>
<b>ZONE</b>	RE1 – Public Recreation	Permissible
<b>CL 4.3 BUILDING HEIGHT</b>	Not applicable	Not applicable
<b>CL 4.4 FSR</b>	Not applicable	Not applicable
<b>CL 5.10 HERITAGE CONSERVATION</b>	The site is no identified as a heritage item or located within a heritage conservation area. The original application identified that the site is mapped within a heritage sensitivity buffer, however Council's Heritage Officer raised no objections to the original development, subject to conditions.	Complies
<b>CL 5.21 FLOOD PLANNING</b>	The site is located within the Anzac Creek catchment and is affected by flooding under the 1% Annual Exceedance Probability (AEP) event.	Complies by conditions
<b>CL 7.6 ENVIRONMENTALLY SIGNIFICANT LAND</b>	The western boundary of the site is mapped as containing environmentally significant land. However, the proposed works are not located on land mapped as environmentally significant land.	Complies
<b>CL 7.7 ACID SULFATE SOILS</b>	The northern portion of the site is mapped as containing Class 5 acid sulfate soils; however no works are proposed below 5m AHD and the proposal is considered unlikely to lower the water table below 1m AHD.	Complies
<b>CL 7.31 EARTHWORKS</b>	Excavation works are proposed to allow for the building. Conditions of consent were imposed on the original DA consent to ensure appropriate sediment controls are utilised during the construction phase.	Complies by conditions

**ATTACHMENT 2 – LIVERPOOL DCP 2008 COMPLIANCE TABLE**

<b>LDCP 2008 - Part 1 General Controls for all Development</b>			
<b>Control</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Comment</b>
Section 2 – Tree Preservation	Consider impact of development on existing vegetation	No trees are proposed to be removed from the site.	Complies
Section 3 – Landscaping and Incorporation of Existing Trees	Incorporation of existing trees into development where appropriate	A landscape plan has been submitted and is supported.	Complies
Section 6 – Water Cycle Management	Consideration of stormwater and drainage	The stormwater plans have been reviewed by Council's Land Development Engineer who have no objections to the proposal, subject to modified conditions of consent.	Complies by conditions
Section 7 – Development Near a Watercourse	Consideration of impact to riparian corridors	The proposed works are located more than 40m from the watercourse that traverses the western side of the site.	Not applicable.
Section 8 – Erosion and Sediment Control	Sediment Control Plan or Soil and Water Management Plan required	Sediment and erosion controls details have been submitted with DA1321/2021 and have been conditioned to ensure appropriate management during works.	Complies by conditions
Section 9 – Flooding Risk	Flood affection of property to considered	The proposed development site is located within Anzac Creek catchment, and the site is affected by flooding under the 1% Annual Exceedance Probability (AEP) event. The proposal is supported subject to fulfilling flooding conditions.	Complies by conditions
Section 11 – Salinity Risk	Salinity Management response required for affected properties	Moderate salinity potential and standard conditions of consent will be imposed to ensure design responds to salinity.	Complies by conditions on the original consent
Section 12 – Acid Sulfate Soils Risk	Affected properties to consider impact of development on soils	A small portion of allotment 2 in DP 517744 is mapped as containing class 5 acid sulphate soils, however the proposal is highly unlikely to lower the watertable below 1m Australian Height Datum as no works are proposed below 5m AHD. The land would have the	Complies

		capacity to sustain the proposed development.	
Section 17 – Heritage and Archaeology	Consideration of the impact on the heritage significance on any heritage buildings, sites, streetscapes or areas.	Site is not a heritage item or within a heritage conservation area. The site is mapped within a heritage sensitivity buffer however Council's Heritage Officer raised no objections, subject to conditions of consent.	Complies by conditions on the original consent
Section 20 – Car Parking and Access	Recreation Zones Other sports subject to traffic report	The original proposal was reviewed by council's Traffic & Transport Department who imposed conditions of consent.	Complies by conditions imposed on the original consent.
Section 25 – Waste Management	Waste Management Plan shall be submitted for demolition, construction and ongoing waste management.	A Waste Management Plan for construction and ongoing use of the site has been submitted. Standard conditions shall be imposed for waste management.	Complies by conditions imposed on the original consent.
Section 26 – Outdoor Advertising and Signage	Signage is to be consistent with the general controls of Section 26.	The same signage as that approved is proposed under the modification, however the location has changed slightly on the elevations.	Complies

**ATTACHMENT 3 – DRAFT CONDITIONS**

SOUTHERN DISTRICTS SOCCER FOOTBALL ASSOC INC  
2 KELSO CRS  
MOOREBANK NSW 2170

**SECTION 4.55 MODIFICATION OF DEVELOPMENT CONSENT**

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

**ADDRESS:** LOT 2 DP 517744  
ERNE SMITH RECREATION RESERVE, 34 JACK  
O'SULLIVAN ROAD, MOOREBANK NSW 2170

**DESCRIPTION:** Modification of consent under Section 4.55(2) of the  
Environmental Planning and Assessment Act 1979, to  
modify the design of the administration building, car park,  
retaining walls, fences and landscaping

Reference is made to Modification Application DA-1321/2021/a which seeks amendment to Development Consent DA-1321/2021 issued for the construction of an administration building, grandstand structure, fences, and associated car spaces. Modification Application DA-1321/2021/a seeks consent to modify conditions:

- Conditions 1a – Architectural Plans
- Condition 7 – Stormwater Plans
- Condition 35 – Grandstand Overhang

Pursuant to Section 4.55 (2) of 4.55 of the Environmental Planning and Assessment Act 1979, Council grants approval for the modifications sought. Accordingly, Development Consent DA-1321/2021 has been amended as follows:

1. **The following conditions of Development Consent for DA-1321/2021 have been amended in bold to read as follows:**
1. Development the subject of this determination notice must be carried out in accordance with the following plans/reports marked as follows, except where modified by the undermentioned conditions:

(a) Architectural Plans

Title	Drawing No.	Issue	Prepared By	Dated
Legend, Area and Drawing List	MOD1002	DA D	Arcstudios Architecture	10.11.23
Site Plan Proposed	MOD1102	DA D	Arcstudios Architecture	10.11.23
Ground Floor Plan General Arrangement	MOD1201	DA D	Arcstudios Architecture	10.11.23
First Floor Plan General Arrangement	MOD1202	DA D	Arcstudios Architecture	10.11.23

Roof Plan General Arrangement	MOD1203	DA D	Arcstudios Architecture	10.11.23
Elevations Sheet 1	MOD1301	DA D	Arcstudios Architecture	10.11.23
Elevations Sheet 2	MOD1302	DA D	Arcstudios Architecture	10.11.23
Sections Sheet 1	MOD1401	DA D	Arcstudios Architecture	10.11.23
Parking Plan	MOD1511	SK01	Arcstudios Architecture	18.06.23
External Finishes Schedule	MOD1601	SK01	Arcstudios Architecture	18.06.23
Concept Sediment & Erosion Control Plan	DA2101	Rev 3	Sparks+Partners Consulting Engineers	30.10.23
Concept Sediment & Erosion Control Details	DA2701	Rev3	Sparks+Partners Consulting Engineers	30.10.23

## (b) Landscape Plan

Title	Drawing No.	Issue	Prepared By	Dated
Landscape Plan – Ground Floor	2758.GD.01	A	Greenland Design	26.10.23
Land Plan – First Floor	2758.CP.02	A	Greenland Design	26.10.23
Landscape Details and Specification	2758.GD.03	A	Greenland Design	26.10.23

(c) Waste Management Plan; prepared by Algorry Zappia & Associates Pty Ltd; dated 23/08/2022;

(d) Acoustic report; prepared by AKA Acoustics Pty Kts; dated July 23rd 2022;

(e) Traffic Report; prepared by Varga Traffic Planning Pty Ltd; Reference No. Ref 22380; dated 20 July 2022;

(f) Access Report; prepared by ET Consulting Group Pty Ltd; Reference No. CAN2130B; dated 08 August 2021; and

(g) Aboriginal Due Diligence Assessment; prepared by Apex Archaeology; Revision 2; dated 6 August 2022.

**Condition 7 - Stormwater Concept Plan**

7. A stormwater drainage system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by **SPARKS+PARTNERS Consulting Engineers, reference number 21114 - DA1101, DA1201, DA4101 & DA4301, revision 3, dated 30.10.23.**

1. 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.

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

3. 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.

**The following conditions of Development Consent have been deleted as follows:**

**Grandstand Overhang**

**~~35. Prior to the issue of a construction certificate, revised elevations prepared by a suitably qualified person are required to be submitted for approval by Liverpool Council for a narrower cantilevered grandstand overhang to achieve a more sleek and narrow profile.~~**

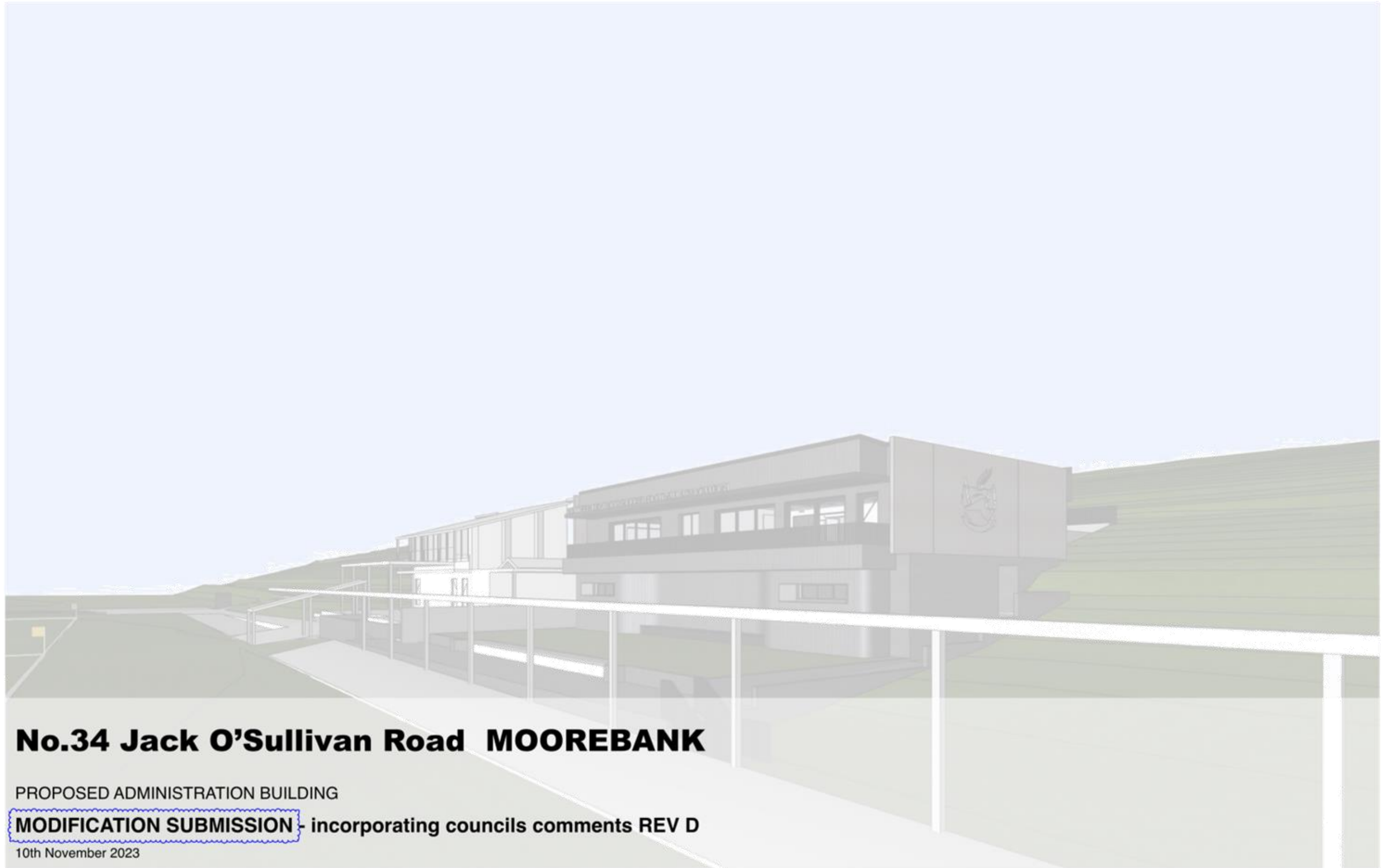
**ADVISORY NOTES:**

- (a) Section 8.2 of the EP&A Act provides that an applicant may request that Council review the determination of the Modification Application (this does not relate to designated development or Crown development).

Section 244 of the EP&A Regulations provides that an application for review must be submitted within 28 days of the date of the determination, and Section 8.2 of the EP&A Act provides that an application cannot be reviewed/determined after 6 months of the date of determination.

- (b) Section 8.9 of the EP&A Act provides that an applicant who is dissatisfied with the determination of a Modification Application, may appeal to the Land and Environment Court within six (6) months of the date of determination, or as otherwise prescribed by the EP&A Act.
- (c) The Section 4.55 Modification Application does not extend the timeframe of the Development Consent initially granted by Council.
- (d) Modification of the Development Consent does not remove the need to obtain any other statutory consent necessary under the EP&A Act.





## No.34 Jack O'Sullivan Road MOOREBANK

PROPOSED ADMINISTRATION BUILDING

**MODIFICATION SUBMISSION** - incorporating councils comments REV D

10th November 2023



















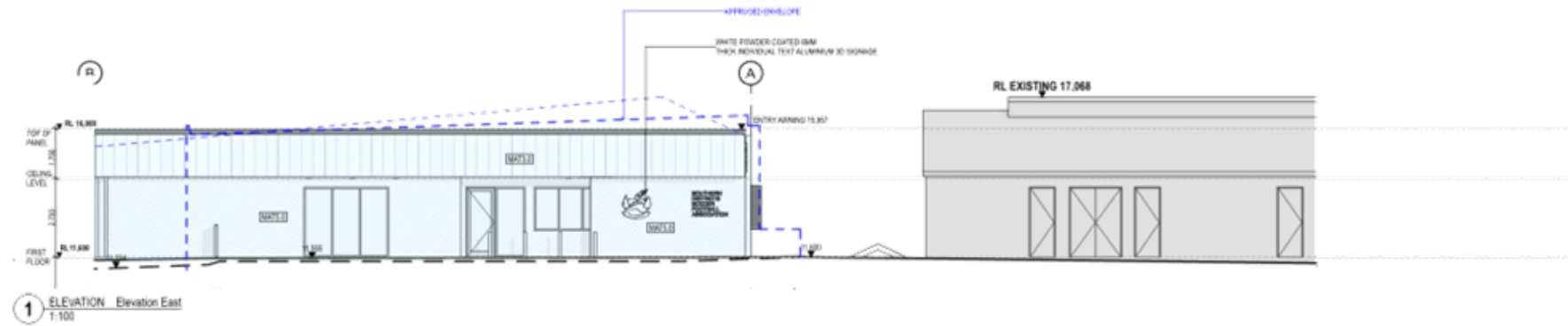




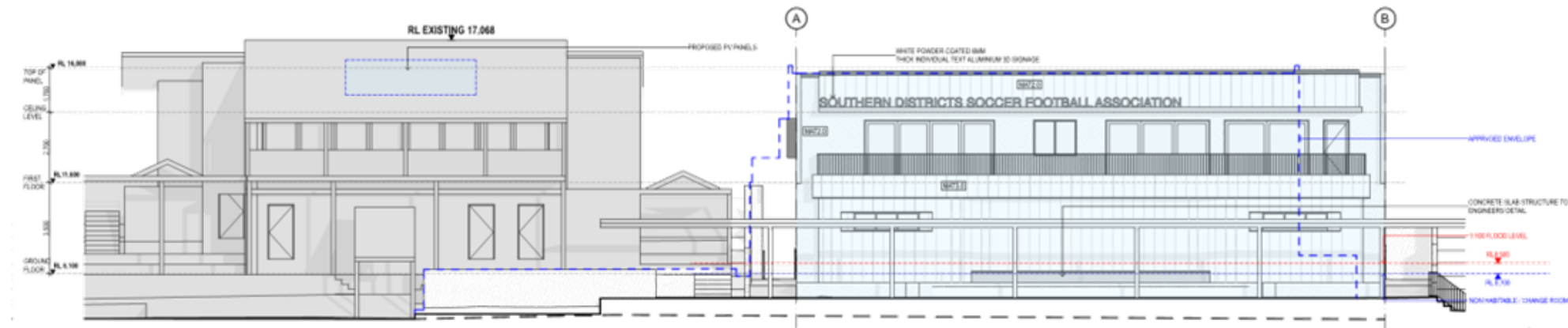








1 ELEVATION Elevation East  
1:100



2 ELEVATION Elevation West  
1:100

**ABBREVIATIONS / KEY**

ORIGIN	ORIGIN
USL	USED ON SITE
SP	SPRINKLER
AW	AWNING
WSS	WET AREA SYSTEM
WC	WATER CONTAINING UNIT
TC	TOP OF CEILING / NUMBER ABOVE LEVEL / PLANTED
ST	STEEL STORAGE TANK
AWH	AWNING
W	WALL DETECTOR
PROPOSED STRUCTURE	LEFT HEIGHT CONSTRUCTION PLAN
EXISTING STRUCTURE	RIGHT CONSTRUCTION
DETAILED STRUCTURE	STRUCTURAL CONCRETE

**FINISHES**

CEL 1.0	PLASTERBOARD CEILING
CEL 2.0	CEILING FLOOR
CEL 3.0	WOODER RESERVE PLASTERBOARD
CEL 4.0	EXTERNAL CEILING
CEL 5.0	ROOF PLASTERBOARD

**LOADING**

L1.1	JOSS DOWNLIGHT
L2.1	JOSS LIGHTING STRIP
L3.1	JOSS EXTERNAL LIGHTING/ROOF LIGHT FITTING

**FINISHES**

WTF1.0	INTERIORITY 1
WTF1.1	INTERIORITY 2
WTF1.2	WTF IN GLAZING
WTF1.3	ROOF INTERIORITY

**ELECTRICAL**

SW	SWITCH
SW1	SWITCH 1
SW2	SWITCH 2
SW3	SWITCH 3

**GENERAL NOTES NCE and Australian Standards**

REFER TO:  
NATIONAL CONSTRUCTION CODE REPORT  
Building Code of Australia (BCA)  
Administration Building  
Ernie Smith Recreation Reserve 34 Jack O'Sullivan Road Moorebank  
Report prepared for Southern Districts Soccer Football Association Report prepared by:  
ARCSTUDIOS ARCHITECTURE

**Site Resident Surface**  
The footing is the ground surface or concrete surface provided for excavation and from this level the finished surface complying with the BCA and AS/NZS 4576:2012 is to be provided for the site.

**Roofing**  
Roofing to be provided in accordance with the BCA and AS/NZS 4576:2012. The roof structure shall be provided in accordance with the BCA and AS/NZS 4576:2012. The roof structure shall be provided in accordance with the BCA and AS/NZS 4576:2012.



REV	DESCRIPTION	DATE
DA D	development application REV D	10.11.23
DA C	development application REV C	25.10.23
DA B	development application REV B	12.10.23
DA A	development application	18.06.23



www.arcstudios.com.au  
Unit 104/105  
104/105 Moorebank Road  
Moorebank NSW 2170  
ARCSTUDIOS ARCHITECTURE  
Professional Architect - P201930204

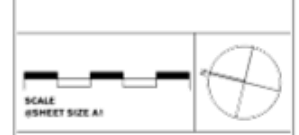
CLIENT  
**SOUTHERN DISTRICTS SOCCER FOOTBALL ASSOC.**

PROJECT  
**PROPOSED ADMINISTRATION BUILDING**

SITE  
**No.34 Jack O'Sullivan Road MOOREBANK**

TITLE  
**ELEVATION AND IMAGES**

**Elevation Sheet 1**

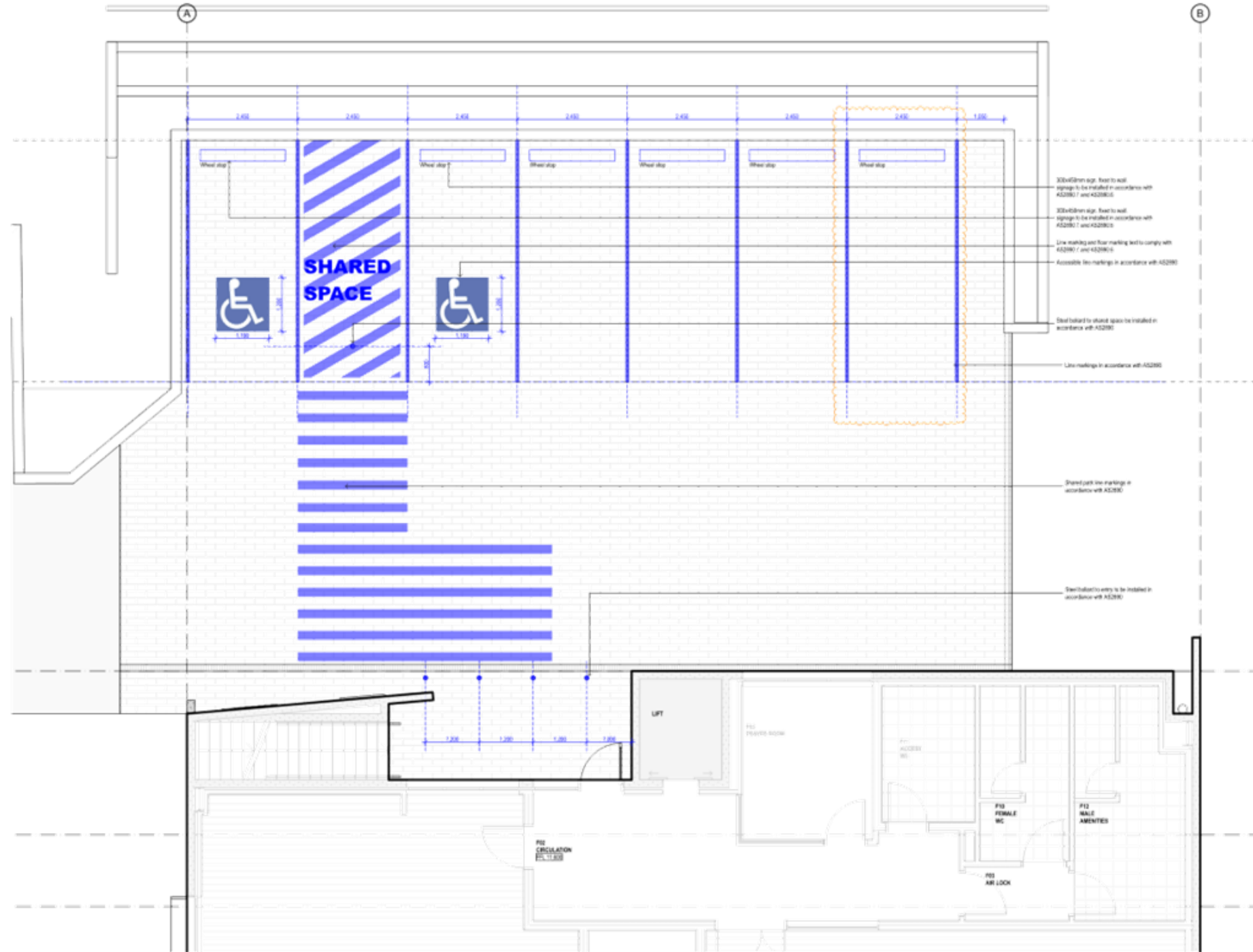


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DRAWING NUMBER  
**MOD1301**







1 PLAN Parking plan detail  
1:50

**ABBREVIATIONS / KEY**

**GENERAL**

- CSL: CHECK ON SITE
- SP: SIGNPOST
- AW: ANCHORING
- WSS: WET AREA SYSTEM
- WC: WET COVERING UNIT
- TC: TOPUP LEVEL NUMBER
- TC: ANCHOR LEVEL NUMBER
- ST: STAIR STORAGE TANK
- AW: ANCHOR
- MC: MANGA COLLECTION

**CONSTRUCTION**

- PROPOSED STRUCTURE
- EXISTING STRUCTURE
- DETAILED STRUCTURE
- LEFT HEIGHT CONSTRUCTION PLAN
- MASSARY CONSTRUCTION
- STRUCTURAL CONCRETE

**DRAMA**

- CELL 1.0: PLASTERBOARD CEILING
- CELL 1.0: CEILING FLOOR
- CELL 1.0: ROOF/STAIR RECESSED PLASTERBOARD
- CELL 1.0: EXTERNAL CEILING
- CELL 1.0: ROOF/STAIR ANCHOR

**LOADING**

- L1: JIB DOWNLIGHT
- L2: JIB LIGHT FIXTURE
- L3: JIB EXTERNAL LIGHT/ROOF LIGHT FIXTURE

**FINISHES**

- WTF1: ANCHOR TYPE 1
- WTF2: ANCHOR TYPE 2
- WTF3: WET WALL ANCHOR
- WTF4: ROOF ANCHOR

**ELECTRICAL**

- SW: SWITCH
- SW: SWITCH
- SW: SWITCH
- SW: SWITCH

**GENERAL NOTES NCC and Australian Standards**

REFER TO:  
NATIONAL CONSTRUCTION CODE REPORT  
Building Code of Australia (BCA)  
Administration Building  
Ernie Smith Recreation Reserve 34 Jack O'Sullivan Road Moorebank  
Report prepared for Southern Districts Soccer Football Association Report prepared by:  
ARCSTUDIOS ARCHITECTURE

**NO ACCESSIBLE SURFACE**  
The flooring in this space is either a solid or composite surface provided for accessibility and does not meet the minimum surface requirements of AS1428.1 and AS1428.2. It is not a 1% slope for the full length of the space.

**BEARING CAPACITY SURFACE**  
Proposed items shall provide 25% ultimate capacity to the adjacent walls and floor slabs. All systems contain structural girding steel 300x300mm above the floor in ground.

**REV DESCRIPTION DATE**

SK01	concept re design	18.06.21
------	-------------------	----------

**arcstudios architecture**

www.arcstudios.com.au  
U.S. 604 100  
arcstudios@arcstudios.com.au

Professional registration details:  
U.S. 604 100  
Professional registration details:  
U.S. 604 100  
Professional registration details:  
U.S. 604 100

**CLIENT**  
SOUTHERN DISTRICTS SOCCER FOOTBALL ASSOC.

**PROJECT**  
PROPOSED ADMINISTRATION BUILDING

**SITE**  
No.34 Jack O'Sullivan Road  
MOOREBANK

**TITLE**  
GENERAL DETAIL

**Parking plan**

**SCALE**  
@SHEET SIZE A1

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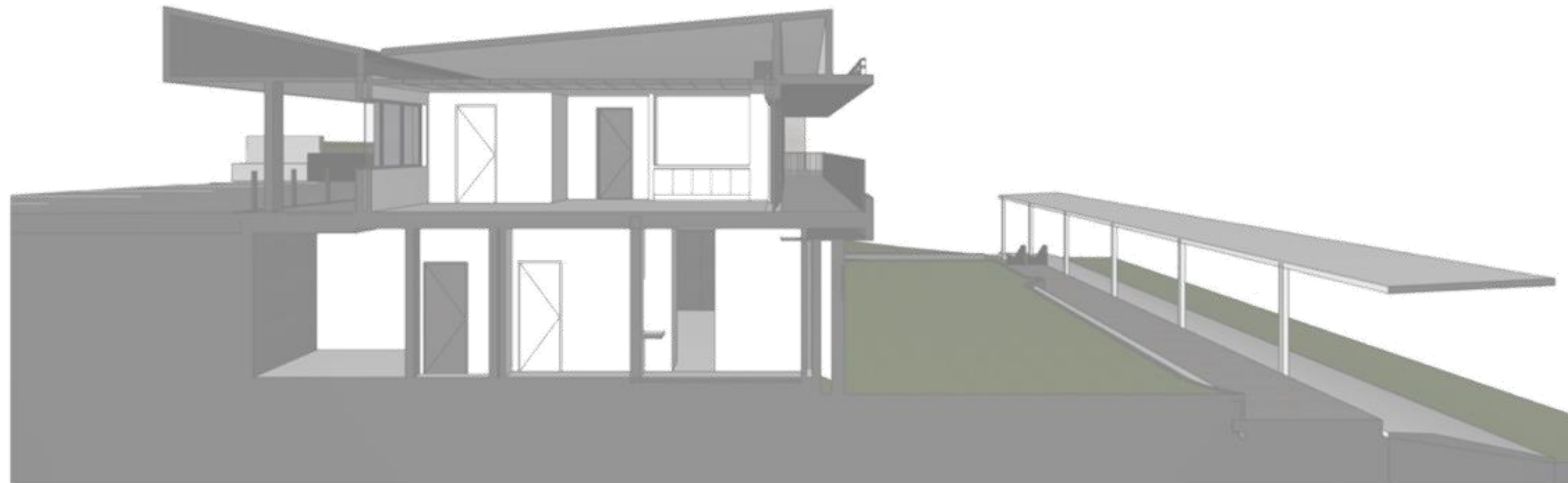
**DRAWING NUMBER**  
MOD1511











**ABBREVIATIONS / KEY**

**GENERAL**

- CSL - CONCRETE SLAB
- SP - DOWNPIPE
- AW - ANCHOR WALL
- AWB - MET ANCHOR SYSTEM
- AC - AIR CONDITIONING UNIT
- CS - CONCRETE SLAB NUMBER
- PL - PLASTER LEVEL, PLASTER
- ST - STEEL STORAGE TRAY
- AWB - ANCHOR WALL
- AWB - ANCHOR WALL

**STRUCTURE**

- PROPOSED STRUCTURE
- EXISTING STRUCTURE
- DEMOLISHED STRUCTURE
- LEFT HAND CONSTRUCTION PLAN
- RIGHT HAND CONSTRUCTION
- STRUCTURAL CONCRETE

**FINISHES**

- CELL 1.0 - PLASTERBOARD CEILING
- CELL 2.0 - CEILING TILES
- CELL 3.0 - INTERIOR WALLS AND PARTITION WALLS
- CELL 4.0 - EXTERIOR WALLS
- CELL 5.0 - ROOF FINISH

**LOADING**

- L1 - JOIST BRIDGE
- L2 - JOIST BRIDGE
- L3 - EXTERNAL WEATHERPROOF LIGHTING

**MECHANICAL**

- MECH 1 - MECHANICAL UNIT
- MECH 2 - MECHANICAL UNIT
- MECH 3 - MECHANICAL UNIT
- MECH 4 - MECHANICAL UNIT

**ELECTRICAL**

- SW - SWITCH
- SW - SWITCH
- SW - SWITCH
- SW - SWITCH

**GENERAL NOTES NCC and Australian Standards**

DESIGN TO:  
NATIONAL CONSTRUCTION CODE REPORT  
Building Code of Australia (BCA)  
Administration Building  
Ernie Smith Recreation Reserve 34 Jack O'Sullivan Road Moorebank  
Report prepared by Southern Districts Soccer Football Association Report prepared by:  
ARCSTUDIOS

**REVISIONS**

REV	DESCRIPTION	DATE
SK01	concept re design	18.06.21

**arcstudios**  
architecture

**CLIENT**  
SOUTHERN DISTRICTS SOCCER FOOTBALL ASSOC.

**PROJECT**  
PROPOSED ADMINISTRATION BUILDING

**SITE**  
No.34 Jack O'Sullivan Road  
MOOREBANK

**TITLE**  
IMAGES

**Images**

**SCALE**  
@SHEET SIZE A1

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**DRAWING NUMBER**  
**MOD1702**







## Minutes

### MINUTES OF DESIGN EXCELLENCE PANEL MEETING Thursday the 14<sup>th</sup> of September 2023

#### DEP PANEL MEMBERS PRESENT:

Lee Hillam	Chairperson	DunnHillam Architects
David Moir	Panel Member	Moir Landscape Architecture
Vishal Lakhia	Panel Member	Vishal Lakhia Architect

#### APPLICANT REPRESENTATIVES:

Daniel Karamaneas	Architect	Arc Studios
Charlie Zappia	Building Consultant	Algorry Zappia
Phil Sampson	Applicant	SDSFA
Andy Favalaro	Applicant	SDSFA

#### OBSERVERS:

Amanda Merchant	Panel Support Officer	Liverpool City Council
Joshua Walters	Convenor / A Senior Urban Designer	Liverpool City Council
Margaret Roberts	Senior Town Planner	GAT and Associates
Emily Lawson	Senior Planner	Liverpool City Council
Di Wu	Senior Urban Design Advisor	Liverpool City Council



## Minutes

### ITEM DETAILS:

**Item Number:** 4

**Application Reference Number:** DA-1321/2021/A

**Property Address:** Ernie Smith Recreation Reserve, 34 Jack O'Sullivan Road, Moorebank NSW 2170

**Council's Planning Officer:** Margaret Roberts – GAT and Associates

**Applicant:** Southern Districts Soccer Football Assoc Inc

**Proposal:** Modification of consent under Section 4.55(2) of the Environmental Planning and Assessment Act 1979, to modify the design of the administration building, car park, retaining walls, fences and landscaping

**Meeting Venue:** Microsoft Teams Meeting

### 1.0 WELCOME, ATTENDANCE, APOLOGIES AND OPENING

The Chairperson introduced the Panel and Council staff to the Applicant Representatives. Attendees signed the Attendance Registration Sheet.

The Liverpool Design Excellence Panel's (the Panel), comments are to assist Liverpool City Council in its consideration of the Development Application.

### 2.0 DECLARATIONS OF INTEREST

NIL.

### 3.0 PRESENTATION

The applicant presented their proposal for DA-1321/2021/A, Ernie Smith Recreation Reserve, 34 Jack O'Sullivan Road, Moorebank NSW 2170





## Minutes

### 4.0 DEP PANEL RECOMMENDATIONS

The Design Excellence Panel makes the following recommendations in relation to the project:

1. The Panel requests that a site section be provided to confirm impact on views from the existing houses located behind the proposed building.
2. The impact of the sewer easement was discussed extensively at the meeting. The applicant confirms that coordination and consultation with the relevant authority has been carried out and the easement creates a constraint for the site, leading to the design modifications shown.
3. The Panel acknowledges the constraints and challenges present on the site and recommends that the applicant works further to refine the architectural design. The design of the building should be of a high standard that corresponds with its important civic and community role. These improvements include;
  - a. Activation of the lower level. These refinements may encompass the inclusion of elements such as built-in benches or indents on the wall; as well as introduction of windows to the change rooms to allow natural ventilation and daylight.
  - b. Detailed landscape design consideration for the retaining wall near the carpark should be provided to Council for assessment. This information should ensure that the proposed terrace area can accommodate suitable planting to enhance the wider area, contribute to the overall landscape of the site and provide shade to carparking and recreational spaces where appropriate.
  - c. The exploration of an accessible rooftop recreational area with shade provisions and seating is highly encouraged, if feasible. Current design should not obstruct the possibility of this happening in future developments.
  - d. Further design considerations for the fifth elevation (roof design) are encouraged, as it will be visible from the properties located at the rear of the site. The design of the roof should contribute to the overall aesthetic appeal of the building itself and harmonise with the surrounding environment and local character.
4. In addition, the Panel encourages the applicant to embrace the concept of gender-neutral design for the changerooms, to provide flexibility within the internal layouts enabling changerooms to be used for either female or male gendered matches.
5. The applicant should provide 1:20 or 1:50 sections confirming details of level changes and the proposed retaining wall.
6. The applicant should confirm location of air-conditioning units, condensers and other mechanical equipment on the architectural drawings, and is recommended to ensure that these building services elements are not visually apparent from the public domain.



## Minutes

### 5.0 OUTCOME

The Panel have determined the outcome of the DEP review and have provided final direction to the applicant as follows:

The project is supported. Respond to recommendations made by the Panel, then the plans are to be reviewed/approved by Council.



<b>Item Number:</b>	<b>2</b>
<b>Application Number:</b>	DA-264/2018/C
<b>Proposed Development:</b>	<p>Modification of Development Consent DA-264/2018 as modified pursuant to Section 4.55(2) of the Environmental Planning and Assessment Act 1979.</p> <p>The modification seeks an increase in production capacity at the approved concrete batching plant from 200,000 tonnes per annum to 300,000 tonnes per annum of concrete and concrete products.</p> <p>The original development has been previously approved as a Designated Development as specified in Schedule 3 of the Environmental Planning and Assessment Regulations 2000.</p> <p>The application is identified as Nominated Integrated Development requiring approval from the NSW Environmental Protection Authority pursuant to Protection of the Environment Operations Act 1997.</p> <p>The application is identified as Nominated Integrated Development requiring approval from the Department of Planning and Environment - Water, pursuant to the Water Management Act 2000</p>
<b>Property Address</b>	4 Ash Road Prestons
<b>Legal Description:</b>	Lot 8 DP241916
<b>Applicant:</b>	Renita Developments Pty Ltd
<b>Land Owner:</b>	Renita Developments Pty Ltd
<b>Cost of Works:</b>	\$0
<b>Recommendation:</b>	Approved subject to conditions of consent
<b>Assessing Officer:</b>	Emily Lawson

## **1 EXECUTIVE SUMMARY**

The purpose of this report is to supplement the Council assessment report for DA-264/2018/C, which was issued to the Liverpool Local Planning Panel (LLPP) for the 31<sup>st</sup> of July 2023 determination meeting. This report documents Council's and the applicant's actions and response to the deferral matters from the determination at the July meeting.

The reasons for the deferral were as follows:

1. *That determination of the modification application DA264/2018/C to increase production capacity of an approved concrete batching plant at 4 Ash Road Prestons from 200,000 tonnes per annum to 300,000 tonnes per annum of concrete and concrete products, be deferred.*
2. *That the modification application be resubmitted to the panel for determination once a reasonable opportunity has been afforded to the applicant to provide additional information to Council as to why proposed condition 101(d) should not be imposed. Following the provision of this information, should Council consider that an alternative condition should be imposed, it should provide the applicant the opportunity to also respond to that condition before finalising its updated assessment report. The assessment report is to include details of the legal and factual justification for imposition of the condition and whether similar conditions have been imposed on other development consents in the locality.*

Proposed Condition 101(d) was worded as follows:

**Vehicles servicing the site**

101. *Vehicles servicing the site shall comply with the following requirements:*

- d. *The number of heavy vehicles accessing/exiting the site is to be restricted to 20 movements during AM (7am – 9am) and PM (4pm – 6pm) peak hours to minimise the impact on surrounding road network.*

Condition 101 (d) was recommended to the LLPP to be imposed in line with recommendations previously made by Transport for NSW (TfNSW).

Council officers held a meeting with the applicant on the 6<sup>th</sup> of September 2023 to discuss the imposition of this condition and following this the applicant organised and attended a meeting with TfNSW on the 26<sup>th</sup> of October 2023.

Resultantly, TfNSW issued written correspondence to Council, dated 20 November 2023, stating they now support to the removal of proposed Condition 101 (d). The TfNSW letter is provided in Attachment 1 of this report. Council's Traffic Engineers have also reviewed the TfNSW's latest recommendations and raises no objection to the removal of proposed Condition 101 (d).

It is therefore considered that, the matters raised by the LLPP at its previous meeting have been resolved and DA-264/2018/C can be determined for approval, as per Council's previous recommendation.

## **2. DEVELOPMENT APPLICATION HISTORY**

A brief history of the subject modification application is presented below, inclusive of events following the July LLPP meeting:

### Current Application

<b>Date</b>	<b>Details</b>
04/02/2022	Modification Lodged
18/05/2022	Modification Advertised and Notified
13/12/2022	RFI Issued (Environmental Health Issues to be addressed)
16/02/2023	RFI Responded to by applicant
02/03/2023	Environmental Health Officer support provided
31/07/2023	Application was recommended for approval at the LLPP, Application was deferred due to applicant contesting proposed Condition 101(d)
6/9/2023	Council held a meeting with the applicant
26/10/2023	Applicant held a meeting with TfNSW
20/11/2023	TfNSW issued written support for the removal of condition 101 (d)

## **3. LLPP DEFERRAL ASSESSMENT**

The LLPP deferral reason was as follows:

*That the modification application be resubmitted to the panel for determination once a reasonable opportunity has been afforded to the applicant to provide additional information to Council as to why proposed condition 101(d) should not be imposed. Following the provision of this information, should Council consider that an alternative condition should be imposed, it should provide the applicant the opportunity to also respond to that condition before finalising its updated assessment report. The assessment report is to include details of the legal and factual justification for imposition of the condition and whether similar conditions have been imposed on other development consents in the locality.*

It is considered that there is no need for the applicant to provide additional information as to why proposed Condition 101(d) should not be imposed, as TfNSW no longer recommends the imposition of this condition. There is also considered to be no need for an alternative condition to imposed, as Council's Traffic Section has reviewed TfNSW's position and concurs without further recommendations.

## **4. 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 as part of the original Council assessment report. See Attachment 6.

Based on the assessment of the application it is recommended the application be approved subject to the imposition of modified conditions of consent. See Attachment 3.

## **ATTACHMENTS**

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1. TfNSW Response
2. LPP Determination Minutes - 31st July 2023
3. Draft Section 4.55(2) Modification of Consent
4. EPA Response
5. Environmental Management Plan - **Confidential**
6. LLPP Assessment Report

## Transport for NSW

20 November 2023

TfNSW Reference: SYD18/00741/06

The General Manager  
Liverpool City Council  
RE: DA-264/2018/C | CNR-39395  
Locked Bag 7064  
Liverpool BC  
NSW 1871



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### CONCRETE BATCHING PLANT 4 ASH ROAD, PRESTONS

Dear Sir/Madam,

Transport for NSW (TfNSW) refers to the aforementioned development application, which TfNSW previously provided comment on in a letter dated 29 June 2022. TfNSW notes Council's condition of consent for DA-264/2018/C which reads the following:

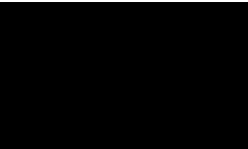
*101. Vehicles servicing the site shall comply with the following requirements:*

- a) All vehicles entries and exists shall be made in forward direction*
- b) All vehicles awaiting loading, unloading or services shall be parked*
- c) All vehicles are to be wholly contained on site before being required to stop*
- d) The number of heavy vehicles accessing/exiting the siter is to be restricted to 20 movements during the AM (7am-9am) and PM (4-6pm) peak hours to minimum the impact on surrounding road network.*

Upon discussion with the applicant and review of further information submitted on 31 October 2023 with regards to the restriction of heavy vehicles, TfNSW would be in a position to strongly consider providing support to a modification application to amend or remove the above condition.

For more information, please contact Zeliha Cansiz, Development Assessment Officer via [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au).

Sincerely,



Senior Manager Land Use Assessment  
Planning and Programs  
Greater Sydney Division



## **MINUTES AND DETERMINATION OF THE LIVERPOOL LOCAL PLANNING PANEL MEETING**

**Monday 31st July 2023**

Held online via  
MS Teams

Panel: Michael Mantei  
David Ryan  
Mary-Lynne Taylor  
Ellie Robertson

There were no conflicts of interest declared by any panel members in relation to any items on the agenda.

**LIVERPOOL CITY COUNCIL****LIVERPOOL LOCAL PLANNING PANEL MINUTES AND DETERMINATION  
PAGE 1****31st July 2023**

<b>ITEM No:</b>	1
<b>APPLICATION NUMBER:</b>	DA-165/2023
<b>SUBJECT:</b>	Demolition of existing structures, subdivision of the site into two Torrens Title Lots and the construction of two double storey semi-detached dwellings with a secondary dwelling on one lot and associated landscaping works (Integrated Development: Controlled Activity under Water Management Act 2000).
<b>LOCATION:</b>	29 O'Neile Crescent, Lurnea NSW 2170
<b>OWNER:</b>	Mr. M J Oliveira
<b>APPLICANT:</b>	Mr. M J Oliveira
<b>AUTHOR:</b>	Margaret Roberts – The APP Group

**ISSUES RELATED TO THE APPLICATION**

The panel has familiarised itself with the site of the proposed development and has been provided with the Council engaged planner's assessment report including reports and plans submitted with the development application.

The panel notes that the applicant for development consent is an employee of Liverpool City Council. The Council has rightly engaged an external planning consultant to undertake the assessment of the application and prepare the assessment report being considered by the panel. The employee has advised the panel that he has not taken any part in the assessment of the application.

The applicant attended the meeting and answered questions from the panel.

The assessment report contains a proper and thorough assessment of the proposed development against relevant planning controls. The panel is satisfied that the proposed subdivision, construction of attached dwellings and a secondary dwelling are permitted with development consent, provided the subdivision precedes construction of the attached dwellings. The panel has imposed a condition to ensure the appropriate sequencing occurs.

The panel is also minded to impose a condition requiring retention of the four existing trees adjacent to the northern (rear) boundary of the subject land. The applicant advised the panel at the meeting that the existing trees on the northern boundary are non-native trees but there is no particular reason why these trees are shown to be removed on the demolition plan. An amended landscape plan is to be prepared reflecting retention of those trees.

The panel is satisfied that non-compliance of the proposed development with the DCP requirements for lot width, garage setback, side boundary setback and prohibition on secondary dwellings are justified in the circumstances of this case for the reasons set out in the assessment report.



**LIVERPOOL CITY COUNCIL****LIVERPOOL LOCAL PLANNING PANEL MINUTES AND DETERMINATION  
PAGE 2****31st July 2023****VOTING NUMBERS:**

4 – 0 in favour

**DETERMINATION OF PANEL:**

1. That development consent is granted to DA165/2023 for demolition of existing structures, subdivision of the site into two Torrens title lots and the construction of two double storey semi detached dwellings with secondary dwelling on one lot and associated landscape works at Lot 21 DP211007, 29 O'Neile Crescent Lurnea subject to the conditions attached to the assessment report and the conditions and amended condition recommended in paragraphs 2 and 3 below.
2. The following conditions are to be included in the notice of determination:
  - a. No whole occupation certificate shall be issued until such time as the proposed lot of the subdivision is endorsed by a subdivision certificate from council and the plan of subdivision is registered with the Land and Property Information Service.
  - b. The landscape plan is to be amended to retain the four existing trees shown on the demolition plan adjacent to the northern boundary and delete the proposed native trees in this location. The amended landscape plan is to be submitted to the certifier responsible for issuing the construction certificate for building works prior to the issue of that certificate.
3. Proposed condition 88 is amended by deleting the last sentence in that condition.

**LIVERPOOL CITY COUNCIL****LIVERPOOL LOCAL PLANNING PANEL MINUTES AND DETERMINATION  
PAGE 3****31st July 2023**

<b>ITEM No:</b>	2
<b>APPLICATION NUMBER:</b>	DA-264/2018/C
<b>SUBJECT:</b>	<p>Modification of Development Consent DA-264/2018 as modified pursuant to Section 4.55(2) of the Environmental Planning and Assessment Act 1979.</p> <p>The modification seeks an increase in production capacity at the approved concrete batching plant from 200,000 tonnes per annum to 300,000 tonnes per annum of concrete and concrete products.</p> <p>The original development has been previously approved as a Designated Development as specified in Schedule 3 of the Environmental Planning and Assessment Regulations 2000.</p> <p>The application is identified as Nominated Integrated Development requiring approval from the NSW Environmental Protection Authority pursuant to Protection of the Environment Operations Act 1997.</p> <p>The application is identified as Nominated Integrated Development requiring approval from the Department of Planning and Environment - Water, pursuant to the Water Management Act 2000.</p>
<b>LOCATION:</b>	4 Ash Road Prestons
<b>OWNER:</b>	Renita Developments Pty Ltd
<b>APPLICANT:</b>	Renita Developments Pty Ltd
<b>AUTHOR:</b>	Emily Lawson

**ISSUES RELATED TO THE APPLICATION**

The panel has familiarised itself with the site of the proposed development and has been provided with the Council officer's assessment report including reports and plans submitted with the development application.

A representative of the applicant addressed the panel meeting. The applicant objects to proposed condition 101(d) that limits traffic movements to no more than 20 vehicular movements between 7 am and 9 am and 20 vehicular movements between 4 pm and 6 pm.

The applicant's principal reasons for objecting condition 101(d) are that: (a) there is presently no limitation on the number of movements from the site, (b) the proposed condition will apply to those existing movements, (c) the peak traffic movements from the business occurs during the morning peak hour, and (d) the proposed limitation will be a significant imposition on the operation of the existing and proposed modified business. The applicant requests the panel defer consideration of the application to enable the applicant sufficient time to take advice from its traffic engineer and to prepare a submission to Council as to why the condition should not be imposed.

**LIVERPOOL CITY COUNCIL****LIVERPOOL LOCAL PLANNING PANEL MINUTES AND DETERMINATION  
PAGE 4****31st July 2023**

Council officers advise that the proposed condition 101(d) arises from a submission made to Council by Transport for NSW and advice by Council's traffic engineer.

The panel considers it appropriate to defer determination in the circumstances that have now arisen. The panel does not have sufficient information to determine the application. The proposed condition may have a significant impact on the existing operation and will take effect immediately on granting of the approval. The deferral will also provide an opportunity for Council officers and the applicant to confer and potentially reach agreement on an alternative condition.

**VOTING NUMBERS:**

4 – 0 in favour

**DETERMINATION OF PANEL:**

1. That determination of the modification application DA264/2018/C to increase production capacity of an approved concrete batching plant at 4 Ash Road Prestons from 200,000 tonnes per annum to 300,000 tonnes per annum of concrete and concrete products, be deferred.
2. That the modification application be resubmitted to the panel for determination once a reasonable opportunity has been afforded to the applicant to provide additional information to Council as to why proposed condition 101(d) should not be imposed. Following the provision of this information, should Council consider that an alternative conditions should be imposed, it should provide the applicant the opportunity to also respond to that condition before finalising its updated assessment report. The assessment report is to include details of the legal and factual justification for imposition of the condition and whether similar conditions have been imposed on other development consents in the locality.

**LIVERPOOL CITY COUNCIL****LIVERPOOL LOCAL PLANNING PANEL MINUTES AND DETERMINATION  
PAGE 5****31st July 2023**

<b>ITEM No:</b>	3
<b>APPLICATION NUMBER:</b>	DA-259/2022
<b>SUBJECT:</b>	3 Lot Torrens title subdivision with site remediation, tree removal, construction of roads and associated civil works.  The application is integrated development requiring approval from the NSW Rural Fire Service Under the Rural Fires Act 1997
<b>LOCATION:</b>	430 Fifteenth Avenue, Austral
<b>OWNER:</b>	Mustafa Mustafa & Gonul Mustafa
<b>APPLICANT:</b>	Fulya Karabacak
<b>AUTHOR:</b>	Emily Lawson

**ISSUES RELATED TO THE APPLICATION**

The panel has familiarised itself with the site of the proposed development and has been provided with the Council officer's assessment report including reports and plans submitted with the development application.

The applicant's planning consultant and architect addressed the panel meeting. The applicant's representative objected to the deferred commencement condition requiring demolition of the existing dwelling house on the land. The applicant's representative informed the panel that a development application had been lodged on the planning portal seeking consent to change the use of the existing dwelling to a childcare centre. Council officers confirmed this to be the case.

The applicant submits that the deferred commencement condition is unnecessary in order to justify contravention of the minimum density requirements in clause 4.1B – residential density in Appendix 4 of *SEPP (Precincts - Western Parkland City) 2021*. The applicant supports this submission on the basis that: (a) the minimum density requirements are satisfied by future development contemplated by the applicant on proposed lots A and B and (b) the existing dwelling is capable of being used for another lawful use (such as a childcare centre) that would be a suitable and appropriate use of the site and the locality.

In response, Council officers advised the panel in the briefing session that Council agrees that the proposed deferred commencement condition is not fundamental to Council's support for the applicant's objection under clause 4.6 of Appendix 4 of *SEPP (Precincts - Western Parkland City) 2021* to the development standard in clause 4.1B.

The panel has carefully considered the applicant's written objection under clause 4.6 of Appendix 4 of *SEPP (Precincts - Western Parkland City) 2021* to the development standard in clause 4.1B and the applicant's objection to the proposed deferred commencement condition.

For the reasons set out in the Council officer's assessment report, clarified in briefing session, the panel is satisfied that:

**LIVERPOOL CITY COUNCIL****LIVERPOOL LOCAL PLANNING PANEL MINUTES AND DETERMINATION  
PAGE 6****31st July 2023**

- a. the applicant's written request adequately justifies the contravention of clause 4.1B by demonstrating that compliance with the development standard in that clause is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify the contravention; and
- b. that the proposed subdivision will be in a public interest because it is consistent with the objectives of clause 4.1B and the objectives for development within the R3 medium density zone.

While the demolition of the existing dwelling is not a fundamental element in the panel's decision regarding the contravention of clause 4.1B, the panel considers that the continued use of the existing building on proposed lot C as a dwelling will constrain the orderly development of that lot in the future if the subdivision is approved. The panel considers that either demolition of the existing dwelling or a change of use of the building to another lawful use is desirable in order to promote the future orderly development of proposed lot C. Demolition or change in use should occur within a defined period as an operational condition of approval.

The panel has decided to impose a condition requiring retention of those mature native trees on the site that are not required to be removed as a result of the subdivision works. There are several mature trees on the site that provide amenity value and which may not be impacted by the subdivision works. A decision about the removal of those trees ought to be made at the time of the development of the super lots. The panel is satisfied that it has the power to impose such a condition even though the land is biodiversity certified under the Biodiversity Conservation Act 2016.

**VOTING NUMBERS:**

4 – 0 in favour

**DETERMINATION OF PANEL:**

That development consent is granted to development application DA 259/2022 for three lot Torrens title subdivision, site remediation, tree removal, construction of roads and associated civil works at Lot 415 DP2475, 430 Fifteenth Avenue Austral subject to the draft conditions attached to the Council officer's assessment report, modified as follows:

- a. deferred commencement conditions 1 and 2 are not imposed and development consent is granted as an fully operational consent;
- b. the following new operational conditions are to be included in the notice of determination:
  - (1) Within two years of the lawful commencement of the subdivision consent, either of the following conditions must be satisfied:
    - a. evidence must be submitted to the satisfaction of Liverpool City Council demonstrating that the existing dwelling on proposed lot C has been demolished with the appropriate approval; or
    - b. the use of the existing dwelling on proposed lot C must be changed to another lawful use in accordance with a development consent granted for the new use.



**LIVERPOOL CITY COUNCIL**

**LIVERPOOL LOCAL PLANNING PANEL MINUTES AND DETERMINATION  
PAGE 7**

**31st July 2023**

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- (2) Consent is granted only for removal of mature native trees on the site that are required to be removed as a result of the subdivision works. All mature native trees not impacted by subdivision works must be retained.

**SECTION 4.55(2) MODIFICATION OF DEVELOPMENT CONSENT***(In accordance with the provisions under Section 4.55 of the EP&A Act 1979)***ADDRESS: LOT 8 DP241916 - 4 ASH ROAD, PRESTONS NSW 2170****DESCRIPTION: MODIFICATION TO THE APPROVED CONSTRUCTION AND OPENING OF A CONCRETE BATCHING PLANT WITH ASSOCIATED SITE GRADING, EARTHWORKS, DRAINAGE, DRIVEWAYS, CAR PARKING, LANDSCAPING AND EXTENSION TO EXISTING BUILDING, CONSISTING OF -**

- a. An increase in production capacity at the approved concrete batching plant from 200,000 tonnes per annum to 300,000 tonnes per annum of concrete and concrete products.

Reference is made to Modification Application DA-264/2018/C which seeks amendment to Development Consent DA-264/2018 as modified, issued for:

*Construction and opening of a concrete batching plant with associated site grading, earthworks, drainage, driveways, car parking, landscaping and extension to existing building.*

*The application is a Designated Development as specified in Schedule 3 of the Environmental Planning and Assessment Regulations 2000.*

*The application is a Nominated Integrated Development requiring approval from the NSW Environmental Protection Authority pursuant to Protection of the Environment Operations Act 1997.*

Modification Application DA-264/2018/C seeks consent for:

- An increase in production capacity at the approved concrete batching plant from 200,000 tonnes per annum to 300,000 tonnes per annum of concrete and concrete products.

Pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*, Council grants approval for the modifications sought. Accordingly, Development Consent DA-857/2020/B has been amended as follows:

1. **The following conditions of Development Consent DA-857/2020/B have been amended to read as follows (modifications in *italic bold font*):**

**Approved Documents**

1. Development the subject of this determination notice must be carried out strictly in accordance with the following plans/reports marked as follows:
  - a) Architectural drawings as prepared by Algorry Zappia & Associates Pty Ltd, Project No. P4976, as follows:



**Customer Service Centre** Ground floor, 33 Moore Street, Liverpool NSW 2170 **DX** 5030 Liverpool

**All correspondence to** Locked Bag 7064 Liverpool BC NSW 1871 **Call Centre** 1300 36 2170

**Fax** 9821 9333 **Email** [lcc@liverpool.nsw.gov.au](mailto:lcc@liverpool.nsw.gov.au)

**Web** [www.liverpool.nsw.gov.au](http://www.liverpool.nsw.gov.au) **NRS** 13 36 77 **ABN** 84 181 182 471

- i) Proposed Site Plan, Sheet No. A02, Issue K, dated 19.10.2020;
  - ii) Floor Plans, Sheet No. A03, Issue G, dated 4.12.2020;
  - iii) Elevations, Sheet No. A05, Issue G, dated 18.12.2019; and
  - iv) Section Plan, Sheet No. A04, Issue G, dated 28.04.2020.
- b) Stormwater Drainage Plans as prepared by Algorry Zappia & Associates Pty Ltd, Project No. P4976, as follows:
- i) Stormwater Drainage Concept Plan, Sheet No. D01, Issue C, dated 12.10.18;
  - ii) Catchment Plan & Displacement of Flood Volume, Sheet No. D02, Issue D, dated 12.10.18; and
  - iii) Sediment Control Concept Plan, Sheet No. D03, Issue C, dated 12.10.18.
- c) Landscape Plans as prepared by distinctive, Project No. 55-17, drawing number 55-17.00 to 55-17.03 (all inclusive), revision D, dated 20.02.18;
- d) Stage 1 Preliminary Site Investigation 4 Ash Road, Prestons NSW 2170 (Report Reference: 20-8500-01-LC, Revision 0 prepared by Clearsafe Environmental Solutions Pty Ltd dated 5th December 2017;
- e) Stage 2 Contamination Assessment at 4 Ash Road, Prestons (GTE1478-Stage 2 Contamination Report Rev 1 prepared by Ground Technologies Pty Ltd dated 27<sup>th</sup> August 2018
- f) **Concrete Batching Plant Lot 8 DP 241916 No. 4 Ash Road, Prestons-Acoustic report for the Environmental Impact Statement, Ref: 2870-D25A prepared by Sebastian Giglio Acoustic Consultant dated 22<sup>nd</sup> December 2021 amended 9<sup>th</sup> February 2023;**
- g) **Environmental Management Plan for Renita Developments 4 Ash Road, Prestons (Report No. 171164-03\_EMP\_Rep\_Rev3) prepared by Benbow Environmental dated 20<sup>th</sup> December 2021;**
- h) Objection to DA-264/2018 Proposed Concrete Batching Plant, 4 Ash Road, Prestons Dust Control Measures (Ref: 171164\_Let1) prepared by Benbow Environmental dated 24th September 2018;
- i) **Environmental Risk Assessment Report for Renita Developments Pty Ltd 4 Ash Road, Prestons (Report No. 171164-03\_ERA\_Rev3) prepared by Benbow Environmental dated 20<sup>th</sup> December 2021;**
- j) Construction Environmental Management Plan for Renita Developments Pty Ltd 4 Ash Road, Prestons (Report No. 171164\_CEMP\_Rev6) prepared by Benbow Environmental dated 5th October 2018;
- k) **Air Quality Impact Assessment for Renita Developments Pty Ltd 4 Ash Road, Prestons NSW (Report No. 171164-03\_AQIA\_Rev3) prepared by Benbow Environmental dated 20<sup>th</sup> December 2021;**
- l) Arboriculture Assessment and Tree Management Plan as prepared by Horticultural Management Services, dated 1 March 2018;

- m) **Waste Management Plan for Renita Developments Pty Ltd 4 Ash Road, Prestons NSW (Report No. 171164-03\_Waste\_Rev3) prepared by Benbow Environmental dated 20th December 2021.**
- n) Removal of UPSS at 4 Ash Road, Prestons (Ref: GTE1478-Val1) prepared by Ground Technologies Pty Ltd dated 28th November 2018. except where modified by the undermentioned conditions.

#### **Vehicles servicing the site**

101. Vehicles servicing the site shall comply with the following requirements:
- (a) All vehicular entries and exits shall be made in a forward direction.
  - (b) All vehicles awaiting loading, unloading or servicing shall be parked on-site and not on adjacent or nearby public roads.
  - (c) All vehicles are to be wholly contained on site before being required to stop.

#### **Limits on Production**

103. The production capacity of the concrete batching plant shall not exceed **300,000** tonnes per annum of concrete and concrete products.

#### **Noise Limits**

117. An acoustic report shall be prepared by a suitably qualified and experienced acoustic consultant and be submitted to Council for its assessment and approval within three (3) months of the commencement of any increased capacity onsite that is above 200,000 per annum. The report shall include but not be limited to the following information:
- (a) Noise measurements taken at the nearest noise sensitive locations as indicated in the report titled '**Concrete Batching Plant Lot 8 DP 241916 No. 4 Ash Road, Prestons-Acoustic report for the Environmental Impact Statement, Ref: 2870-D25A prepared by Sebastian Giglio Acoustic Consultant dated 22<sup>nd</sup> December 2021 amended 9<sup>th</sup> February 2023**'.
  - (b) Verification that noise levels at the nearest potentially affected receiver comply with all relevant assessment criteria detailed in the abovementioned report;
  - (c) All complaints received from local residents in relation to the operation of the premises/development; and
  - (d) Where noise measurements required under point a) above indicate that the relevant assessment criteria are exceeded, recommendations shall be provided in relation to how noise emissions can be satisfactorily reduced to comply with the assessment criteria. Following written approval from Liverpool City Council, any recommendations provided under point d) above shall be implemented fully.

All other conditions of Development Consent DA-264/2018 as modified, remain unchanged.

**Note:** This determination notice is strictly for changes sought under Modification Application DA-264/2018/C. No approval is granted or implied for any other works / changes proposed to the submitted development.

**ADVISORY NOTES:**

- (a) Section 8.2 of the EP&A Act provides that an applicant may request that Council review the determination of the Modification Application (this does not relate to designated development or Crown development).

Section 244 of the EP&A Regulations provides that an application for review must be submitted within 28 days of the date of the determination, and Section 8.2 of the EP&A Act provides that an application cannot be reviewed/determined after 6 months of the date of determination.

- (a) Section 8.9 of the EP&A Act provides that an applicant who is dissatisfied with the determination of a Modification Application, may appeal to the Land and Environment Court within six (6) months of the date of determination, or as otherwise prescribed by the EP&A Act.
- (b) The Section 4.55 Modification Application does not extend the timeframe of the Development Consent initially granted by Council.
- (c) Modification of the Development Consent does not remove the need to obtain any other statutory consent necessary under the EP&A Act.

If you have any further enquiries, please contact Pradip Adhikari on the abovementioned contact details.





DOC22/377182-3

Liverpool City Council  
Planning Team  
Locked Bag 7064  
LIVERPOOL BC NSW 1871  
Email: [lcc@liverpool.nsw.gov.au](mailto:lcc@liverpool.nsw.gov.au)

Attention: Planning Team

**Response to s4.55(2) Modification of Integrated Development Consent, CNR-39395**

Dear Planning Officer,

Thank you for consulting with the NSW Environment Protection Authority (EPA) about Concurrence and Referral (CNR) CNR-39395, Agency reference number A-46389 application to modify Development Consent at 4 Ash Road, Prestons 2170 (DA-264/2018/C).

The EPA notes that Development Consent DA-264/2018 was granted on 28 February 2019 consistent with the General Terms of Approval (GTA) specified by the EPA in Notice No. 1564424 dated 10 May 2018, and variation Notice No. 1573702 dated 21 December 2018.

The EPA understands a s4.55(1A) modification (DA-264/2018/A) to the consent was approved on 7 December 2020 and a further s4.55(1A) modification (DA-264/2018/B) to the consent was approved on 18 March 2021. The EPA made submissions to Council on DA-264/2018/A and DA-264/2018/B (EPA Refs: DOC20/854818-3 and DOC20/848938-2, respectively) noting it did not object to either modification.

The modification application DA-264/2018/B removed consent conditions relating to requirements for an Environment Protection Licence in response to amendments to Schedule 1 of the *Protection of the Environment Operations Act 1997* (POEO Act). The EPA notes that whilst the activities undertaken at the premises (Concrete Batch Plant) do not require an Environment Protection Licence, the EPA will continue to be the Appropriate Regulatory Authority for the premises in accordance with cl. 118(1)(b) of the Protection of the Environment (General) Regulation 2021.

The current application seeks to modify condition 103 of the consent for DA-264/2018 to increase in the annual production capacity of concrete or concrete products from 200,000 tonnes per annum to 300,000 tonnes per annum.

The EPA has reviewed the Modification Application and supporting documents that were submitted on 12 May 2022, including:

- *Concrete Batching Plant Lot 8 DP 241916 No. 4 Ash Road, Prestons – Acoustic Report for the Environmental Impact Statement* (Sebastian Giglio, Ref: 2870-D25 dated 22 December 2021)

Phone 131 555

TTY 133 677

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4 Parramatta Square

[info@epa.nsw.gov.au](mailto:info@epa.nsw.gov.au)

Phone +61 2 9995 5555

ABN 43 692 285 758

Parramatta

12 Darcy St, Parramatta

[www.epa.nsw.gov.au](http://www.epa.nsw.gov.au)

(from outside NSW)

NSW 2124 Australia

NSW 2150 Australia

- *Air Quality Impact Assessment for Renita Developments Pty Ltd 4 Ash Road, Prestons NSW* (Benbow Environmental, Ref: 171164-03\_AQIA\_Rev3 released 20 December 2021).

Based on the information provided the EPA does not object to the proposal to modify the consent.

If you have any questions please contact Larissa Borysko on 9995 6843 or via email at [Larissa.Borysko@epa.nsw.gov.au](mailto:Larissa.Borysko@epa.nsw.gov.au)

Yours sincerely,



**Unit Head - Regulatory Operations  
NSW Environment Protection Authority**

<b>Item Number:</b>	<b>2</b>
<b>Application Number:</b>	DA-264/2018/C
<b>Proposed Development:</b>	<p>Modification of Development Consent DA-264/2018 as modified pursuant to Section 4.55(2) of the Environmental Planning and Assessment Act 1979.</p> <p>The modification seeks an increase in production capacity at the approved concrete batching plant from 200,000 tonnes per annum to 300,000 tonnes per annum of concrete and concrete products.</p> <p>The original development has been previously approved as a Designated Development as specified in Schedule 3 of the Environmental Planning and Assessment Regulations 2000.</p> <p>The application is identified as Nominated Integrated Development requiring approval from the NSW Environmental Protection Authority pursuant to Protection of the Environment Operations Act 1997.</p> <p>The application is identified as Nominated Integrated Development requiring approval from the Department of Planning and Environment - Water, pursuant to the Water Management Act 2000.</p>
<b>Property Address</b>	4 Ash Road Prestons
<b>Legal Description:</b>	Lot 8 DP241916
<b>Applicant:</b>	Renita Developments Pty Ltd
<b>Land Owner:</b>	Renita Developments Pty Ltd
<b>Cost of Works:</b>	Nil
<b>Recommendation:</b>	Approved subject to conditions of consent
<b>Assessing Officer:</b>	Emily Lawson

## **1 EXECUTIVE SUMMARY**

Council has received a modification application, pursuant to Section 4.55(2) of the EP&A Act, 1979 to modify DA-264/2018 as modified, which was originally determined with consent issued for the:

*Construction and opening of a concrete batching plant with associated site grading, earthworks, drainage, driveways, car parking, landscaping and extension to existing building.*

This development consent has been subsequently modified by two (2) applications as follows:

- DA-264/2018/A amending the consent through modifications approving alterations and additions (as identified in the table above).
- DA-264/2018/B amending the consent through deletion of conditions relating to Environment Protection License requirements.

Proposed modifications are sought for the purpose of increasing the production capacity at the approved concrete batching plant from 200,000 tonnes per annum to 300,000 tonnes per annum of concrete and concrete products.

The site is zoned E5 Heavy Industry pursuant to Liverpool Local Environmental Plan 2008 and the proposed development is permissible with consent.

The development application was advertised/notified for a period of 14 days from 18 May 2022 to 15 June 2022 in accordance with Liverpool Community Participation Plan 2019. No submissions were received during the public consultation period objecting to the proposed development.

The key issues associated with the proposal relate to amended environmental conditions being additional noise impact assessment and the relevantly submitted Acoustic Report, and the amended traffic conditions through servicing of larger vehicles to the site and the traffic impact assessment on the surrounding road network. After referral of the application to Council Environmental Health section, TfNSW and Council's Traffic Officers, the issues have been resolved through the applicant demonstrating that consistency with the original approval can be achieved on the site through the imposition of modified conditions of consent.

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 categories of:

- Designated Development (previously approved as).

This report concludes, on balance, the proposal has sufficient merit to be recommended for approval to the Liverpool Local Planning Panel, subject to the standard conditions attached to the recommendation.

## 2. SITE DESCRIPTION AND LOCALITY

### 2.1 The locality

The subject site is identified as Lot 8 DP241916, No. 4 Ash Road, Prestons. The site is an irregular shaped allotment with an overall site area of 16,186.7sqm. The site has a primary frontage towards Ash Road of 82.7sqm. Located within an existing industrial area, the site adjoins E4- General Industry and is within close proximity to E3- Productivity Support zoned land.



Figure 1: Aerial view of Subject site and immediate surrounding locality

## 3. BACKGROUND/HISTORY

A brief history of the modification application is presented below as are details of the originally approved development application and subsequently approved modification applications:

### Current Application

Date	Details
04/02/2022	Modification Lodged
18/05/2022	Modification Advertised and Notified



13/12/2022	RFI Issued (Environmental Health Issues to be addressed)
16/02/2023	RFI Responded to by applicant
02/03/2023	Environmental Health Officer support provided

List of Previous Applications

<b>Application No.</b>	<b>Lodged</b>	<b>Proposed Development</b>	<b>Determined</b>
DA-264/2018	04/04/2018	<p>Construction and opening of a concrete batching plant with associated site grading, earthworks, drainage, driveways, car parking, landscaping and extension to existing building.</p> <p>The application is a Designated Development as specified in Schedule 3 of the Environmental Planning and Assessment Regulations 2000.</p> <p>The application is a Nominated Integrated Development requiring approval from the NSW Environmental Protection Authority pursuant to Protection of the Environment Operations Act 1997.</p>	Approved 11/03/2019
DA-264/2018/A	22/06/2020	<p>Modification to Development Application DA-264/2018 seeking the following alterations and additions:</p> <ul style="list-style-type: none"> <li>- Addition of a Batch Control Room No. 2 and Store (First Floor) above approved chemical tank farm.</li> <li>- New staircase to Batch Control Room No. 2.</li> <li>- The overall height of the Concrete Batching Plant will be 25.755m.</li> <li>- Truck wash bay reduced in size and wastewater separator relocated to outside of truck wash area.</li> <li>- Additives Bunded Storage Area proposed increase in building height.</li> <li>- Three (3) additional inground aggregate bins</li> <li>- Extend the awning over recycling stirrer and truck loading area.</li> </ul>	Approved 17/12/2020

		- Extend the inground drainage in the truck loading area to the recycling stirrer.	
DA-264/2018/B	06/08/2020	Modification to Development Application DA-264/2018 under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979 seeking to delete conditions relating to Environment Protection License requirements.	Approved 18/03/21

Approvals pathway of previous applicationsDA-264/2018

Designated Development DA with SEARS for 200,000 tonnes p/a concrete approved through Liverpool Local Planning Panel (LLPP) and Integrated Development with EPA and Department of Primary Industries and Water pursuant to the Water Management Act 2000.

DA-264/2018/A

Modification Application s4.55(1A) assessment by Council, which considered that as per EP&A Regs, amendments sought resulted in a modified development substantially the same as originally approved with minimal impact, and not additionally assessed designated development.

DA-264/2018/B

Modification Application s4.55(1a) assessment by Council, which considered that erroneous conditions of consent were applied relating to the originally applied EPA GTAs, and the consent conditions themselves provided clarity relating to noise emission limits and the need to obtain and comply with an EPA license. The application was referred to EPA who did not raise an issue to the proposed modification to conditions of consent.

**4. DETAILS OF THE PROPOSAL**

The approved use of the site is for:

*A concrete batching plant with associated site grading, earthworks, drainage, driveways, car parking, landscaping and extension to existing building.*

The subject modification application seeks an increase in production capacity at the approved concrete batching plant from 200,000 tonnes per annum to 300,000 tonnes per annum of concrete and concrete products.

- No changes to operations in terms of hours or staff levels are proposed.
- No changes to the existing and approved built form are proposed (no changes to plans).

- The changes are reflected in the increased noise (Acoustic Report) and altered vehicle typology accessing the site at increased levels (Traffic Report).

The proposed modification of consent requires amendments to some conditions of consent and the addition of a condition of consent, as follows:

- i) Original wording of Condition 1:
- f) *Proposed Concrete Batching Plant Lot 8 DP 241916 No. 4 Ash Road, Prestons- Acoustic Report for the Environmental Impact Statement (Ref: 2870/D10) prepared by Sebastian Giglio Acoustic Consultant dated 15th October 2018;*
  - g) *Environmental Management Plan for Renita Developments 4 Ash Road, Prestons (Report No. 171164\_EMP\_Rep\_Rev5) prepared by Benbow Environmental dated 5th October 2018;*
  - i) *Environmental Risk Assessment Report for Renita Developments Pty Ltd 4 Ash Road, Prestons (Report No. 171164\_ERA\_Rev8) prepared by Benbow Environmental dated 19 November 2018;*
  - k) *Air Quality Impact Assessment for Renita Developments Pty Ltd 4 Ash Road, Prestons NSW (Report No. 171164\_AQIA\_Rev12) prepared by Benbow Environmental dated 5th October 2018; and*
  - m) *Waste Management Plan for Renita Developments Pty Ltd 4 Ash Road, Prestons NSW (Report No. 171164\_Waste\_Rev6) prepared by Benbow Environmental dated 5th October 2018;*

To be replaced by:

- f) *Concrete Batching Plant Lot 8 DP 241916 No. 4 Ash Road, Prestons- Acoustic report for the Environmental Impact Statement, Ref: 2870-D25A prepared by Sebastian Giglio Acoustic Consultant dated 22<sup>nd</sup> December 2021 amended 9<sup>th</sup> February 2023;*
- g) *Environmental Management Plan for Renita Developments 4 Ash Road, Prestons (Report No. 171164-03\_EMP\_Rep\_Rev3) prepared by Benbow Environmental dated 20<sup>th</sup> December 2021;*
- i) *Environmental Risk Assessment Report for Renita Developments Pty Ltd 4 Ash Road, Prestons (Report No. 171164-03\_ERA\_Rev3) prepared by Benbow Environmental dated 20<sup>th</sup> December 2021;*
- k) *Air Quality Impact Assessment for Renita Developments Pty Ltd 4 Ash Road, Prestons NSW (Report No. 171164-03\_AQIA\_Rev3) prepared by Benbow Environmental dated 20<sup>th</sup> December 2021;*

m) *Waste Management Plan for Renita Developments Pty Ltd 4 Ash Road, Prestons NSW (Report No. 171164-03\_Waste\_Rev3) prepared by Benbow Environmental dated 20th December 2021.*

ii) Original wording of Condition 101:

- *Vehicles servicing the site shall comply with the following requirements:*
  - (a) *All vehicular entries and exits shall be made in a forward direction.*
  - (b) *All vehicles awaiting loading, unloading or servicing shall be parked on-site and not on adjacent or nearby public roads.*
  - (c) *All vehicles are to be wholly contained on site before being required to stop.*

To be replaced by:

- *Vehicles servicing the site shall comply with the following requirements:*
  - (a) *All vehicular entries and exits shall be made in a forward direction.*
  - (b) *All vehicles awaiting loading, unloading or servicing shall be parked on-site and not on adjacent or nearby public roads.*
  - (c) *All vehicles are to be wholly contained on site before being required to stop.*
  - (d) ***The number of heavy vehicles accessing/exiting the site is to be restricted to 20 movements during AM (7am – 9am) and PM (4pm – 6pm) peak hours to minimise the impact on surrounding road network.***

iii) Original wording of Condition 103:

- *The production capacity of the concrete batching plant shall not exceed 200,000 tonnes per annum of concrete and concrete products.*

To be replaced by:

- *The production capacity of the concrete batching plant shall not exceed **300,000** tonnes per annum of concrete and concrete products.*

iv) Original wording of Condition 117:

n) *An acoustic report shall be prepared by a suitably qualified and experienced acoustic consultant and be submitted to Council for its assessment and approval within three (3) months of occupation/completion of the development. The report shall include but not be limited to the following information:*

- (a) *Noise measurements taken at the nearest noise sensitive locations as indicated in the report titled 'Proposed Concrete Batching Plant Lot 8 DP 241916 No. 4 Ash Road, Prestons - Acoustic Report for the Environmental Impact Statement' (Ref: 2870/D10) prepared by Sebastian Giglio Acoustic Consultant dated 15<sup>th</sup> October 2018;*

- (b) Verification that noise levels at the nearest potentially affected receiver comply with all relevant assessment criteria detailed in the abovementioned report;*
- (c) All complaints received from local residents in relation to the operation of the premises/development; and*
- (d) Where noise measurements required under point a) above indicate that the relevant assessment criteria are exceeded, recommendations shall be provided in relation to how noise emissions can be satisfactorily reduced to comply with the assessment criteria. Following written approval from Liverpool City Council, any recommendations provided under point d) above shall be implemented fully.*

To be replaced by:

- o) An acoustic report shall be prepared by a suitably qualified and experienced acoustic consultant and be submitted to Council for its assessment and approval within three (3) months of the commencement of any increased capacity onsite that is above 200,000 per annum. The report shall include but not be limited to the following information:*
  - (a) Noise measurements taken at the nearest noise sensitive locations as indicated in the report titled **'Concrete Batching Plant Lot 8 DP 241916 No. 4 Ash Road, Prestons-Acoustic report for the Environmental Impact Statement, Ref: 2870-D25A prepared by Sebastian Giglio Acoustic Consultant dated 22<sup>nd</sup> December 2021 amended 9<sup>th</sup> February 2023'**.*
  - (b) Verification that noise levels at the nearest potentially affected receiver comply with all relevant assessment criteria detailed in the abovementioned report;*
  - (c) All complaints received from local residents in relation to the operation of the premises/development; and*
  - (d) Where noise measurements required under point a) above indicate that the relevant assessment criteria are exceeded, recommendations shall be provided in relation to how noise emissions can be satisfactorily reduced to comply with the assessment criteria. Following written approval from Liverpool City Council, any recommendations provided under point d) above shall be implemented fully.*

## **5. STATUTORY CONSIDERATIONS**

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

The application has been lodged pursuant to Section 4.55(2) of the Environmental Planning and Assessment Act 1979, which provides:



***(2) Other Modifications involving minimal environmental impact***

*A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:*

- (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*

**Comment:** The amendments proposed under section 4.55 (2) are not considered significant and relate to the modifications in increased operational capacity to which the existing site can accommodate, rather than any physical changes or modifications to the other operational aspects (staff / hours, etc.) of the existing concrete batching plant.

The proposed modification was referred to the EPA as Integrated development. They have raised no objections on the basis that the development was originally approved with GTAs, and subsequently modified subject to their approval, and can operate consistent with the previous approval. Council's Environmental Health Officers have confirmed support for the proposal subject to modified conditions of consent relating to noise emission.

Additionally, the application was also referred to TfNSW who has made suggestions that modified conditions of consent be considered, which have been adopted by Council's Traffic Officers with respect to number of truck movements during peak hours.

Further the modifications, subject of this application, have been considered against the relevant Environmental Planning Instruments (as originally assessed and subsequently transferred), Development Control Plans and other Council Codes, as follows:

- State Environmental Planning Policy (Infrastructure) 2007 - now *SEPP Transport and Infrastructure 2021*;
- State Environmental Planning Policy No.33 – Hazardous and Offensive Development - now *SEPP Resilience and Hazards 2021*;
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) - now *SEPP Resilience and Hazards 2021*;
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (now deemed SEPP) - now *SEPP Biodiversity and Conservation 2021*;
- Liverpool Local Environmental Plan (LLEP) 2008 ;
- Liverpool Development Control Plan (LDCP) 2008;
  - Part 1: General Controls for All Development; and
  - Part 7: Development in Industrial Areas

Based on the acknowledged detail in the updated Air Quality, Acoustic, Environmental Management, Environmental Risk, Traffic Impact, and Waste Management Reports, the

modifications are unlikely to result in any unreasonable additional impact than originally assessed and approved.

Environmental Planning and Assessment Regulation 2000

In accordance with *Schedule 6 Savings, transitional and other provisions* of the Environmental Planning and Assessment Regulation 2021, the application modification was made and submitted before 1 March 2022 and as such *Environmental Planning and Assessment Regulation 2000* still applies as originally approved and subsequently modified.

In consideration of the Environmental Planning and Assessment Regulation 2000 (as at time of modification lodgement), the applicant has provided accurate and supportable assessment, consistent with Council's Environmental Health Officer recommendations for approval.

Additionally, the application has been referred as Integrated Development to the EPA and Department of Planning and Environment - Water who have both not raised concerns relating to any additional environmental impact as a result of the proposed modification application.

As such, on the basis of the discussion above the amendments sought are considered to result in a modified development, be substantially the same as originally approved, and not additionally assessed designated development.

*(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*

**Comment:** The relevant authorities required to be consulted were the Department of Planning and Environment – Water, EPA and TfNSW. This has occurred and it was confirmed there are no concerns with the proposal subject to TfNSW who has made suggestion adopted through modified conditions of consent, adopted by Council's Traffic Officers.

*(c) it has notified the application in accordance with:*

- (i) the regulations, if the regulations so require, or*
- (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*

**Comment:** The section 4.55 application was advertised as integrated development and notified.

(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be

**Comment:** No submissions were received.

## 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 2021* (EP&A Regulation), as follows:

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

- (a) **Liverpool Local Environmental Plan (LLEP) 2008**
- (i) **Zoning**

The subject site is zoned E5-~~IN3~~ Heavy Industrial pursuant to the LLEP 2008.

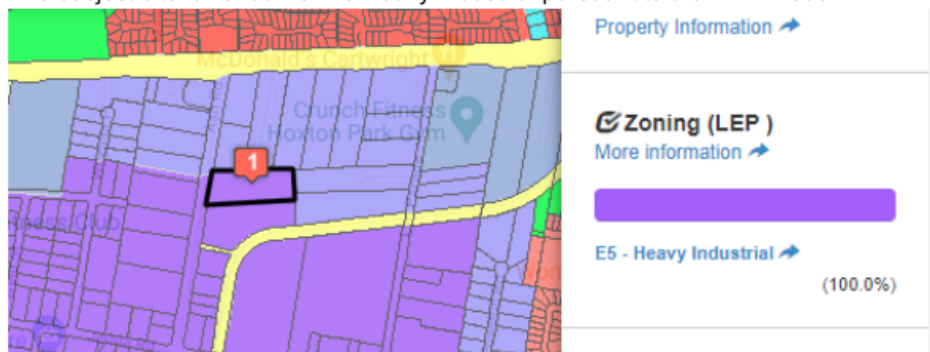


Figure 3: Extract of Zoning Map

- (ii) **Permissibility**

The approved concrete batching plant was defined as 'general industry'. The proposed modifications are best described as a 'general industry' also.

**general industry** means a building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity.

**Note—**

General industries are a type of **industry**—see the definition of that term in this Dictionary.

**(iii) Objectives of the zone**

Objectives of the E5 Heavy Industry Zone are;

- *To provide areas for industries that need to be separated from other land uses.*
- *To ensure the efficient and viable use of land for industrial uses.*
- *To minimise any adverse effect of industry on other land uses.*
- *To encourage employment opportunities.*
- *To preserve opportunities for a wide range of industries and similar land uses by prohibiting land uses that detract from or undermine such opportunities.*

The proposed use is considered consistent with the objectives of the E5 Heavy Industrial zone. The site is a suitable distance from more sensitive land uses, and is separated from these uses by major roads, any impacts on surrounding land uses are consistent with the expected use of within the zone.

**(iv) Relevant LLEP 2008 Provisions**

The LLEP 2008 contains a number of provisions, none of which are relevant to the proposed modification.

**(a) State Environmental Planning Policy (Infrastructure) 2007 – (Now SEPP Transport and Infrastructure 2021)**

The proposal was originally assessed to satisfy the relevant objectives and provisions of SEPP Infrastructure and was previously referred to TfNSW. As per the transferred provisions into the current SEPP this has again occurred with respect to the proposed modification with TfNSW suggestion adopted in modified conditions of consent as recommended by Council's Traffic and Transport Section, and any impact has been considered acceptable as originally approved.

**(b) State Environmental Planning Policy No. 55 – Remediation of Land - (Now SEPP Resilience and Hazards 2021)**

The proposal was originally assessed to satisfy the relevant objectives and provisions of SEPP 55, and no major modifications or any other operations on-site are proposed to alter this assessment into the transferred provisions of the current SEPP, therefore, it is considered the subject site remains suitable for the modified development.

**(c) State Environmental Planning Policy No. 33 – Hazardous and Offensive Development – (Now SEPP Resilience and Hazards 2021)**

The proposal was originally assessed to satisfy the relevant objectives and provisions of SEPP 33. No major modifications or any other operations on-site are proposed to alter

this assessment other than through the increased noise emission and traffic generation, which has been quantified and received support from the EPA and TfNSW, Council's Environmental Health Officers, and Traffic and Transport Officers. It is considered that in applying Chapter 3 Part 3 as per the transferred provisions of the current SEPP, the subject site remains suitable for the modified development as follows:

*Part 3 - Potentially hazardous or potentially offensive development*

- 3.10 (1)(b) *The use remains a potentially offensive industry*
- 3.12 (a) *There are no current circulars or guidelines published by NSW Department of Planning relating to offensive development*
- 3.12 (b) *The EPA and TfNSW were consulted relating to environmental and land use safety requirements*

**(d) Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (Deemed SEPP) – (Now SEPP Biodiversity and Conservation 2021)**

The proposal was originally assessed to satisfy the relevant objectives and provisions of Greater Metropolitan Regional Environmental Plan No. 2 – Georges River, and no major modifications are proposed to alter this assessment, therefore, it is considered that the subject site remains suitable for the modified development.

It is considered that the proposal satisfies the provisions of the current SEPP as transferred from the Regional Environmental plan as no physical works are proposed. That is also the basis for the application not requiring a referral to NRAR.

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

There are no draft Environmental Planning Instruments that apply to the site.

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

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

Liverpool Development Control Plan 2008 is applicable to the proposed development. The proposed modification does not change any previous assessed aspect of the development, approved with respect to the relevant controls, from being contravened.

**6.4 Section 4.15(1)(a) (iiia) – Planning Agreement or any Draft Planning Agreement**

There are no Planning Agreements which apply to the development.



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

Under the provision of the EP&A Regulations 2000, Schedule 3 – Clause 7 details the regulatory requirements for ‘cement works’ as they pertain to Designed Development.

Clause 7 states the following:

*7 Cement works*

*Cement works manufacturing portland or other special purpose cement or quicklime:*

*(a) that burn, sinter or heat (until molten) calcareous, argillaceous or other materials, or*

*(b) that grind clinker or compound cement with an intended processing capacity of more than 150 tonnes per day or 30,000 tonnes per year, or*

*(c) that have an intended combined handling capacity of more than 150 tonnes per day, or 30,000 tonnes per year, of bulk cement, fly ash, powdered lime or other such dry cement product,*

*(d) that are located:*

*(i) within 100 metres of a natural waterbody or wetland, or*

*(ii) within 250 metres of a residential zone or a dwelling not associated with the development.’*

The approved development currently has a capacity of 200,000 tonnes per annum, with the modification seeking to increase this to 300,000 tonnes per annum.

Accordingly, the modification proposed is considered to be designated development.

**6.6 Section 4.15(1)(b) – The Likely Impacts of the Development****(a) Natural Environment**

There are unlikely to be any additional impacts to the natural environment beyond what was approved under the original DA. Environmental management conditions of consent are recommended to be modified to address the increase capacity proposed.

**(b) Built Environment**

The proposed development is unlikely to create any adverse impacts on the surrounding built environment and is unlikely to create any detrimental impacts on the adjoining properties or the locality and environmental management conditions of consent to be modified relate to approved documentation.

**(c) Social Impacts and Economic Impacts**

The proposed modifications are not considered likely to have a negative economic impact in the locality and are unlikely to generate any identifiable detrimental social impacts.

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

The site is considered to be suitable for the proposed form of development as it has a size and dimensions capable of accommodating the increase capacity with adequate setbacks to surrounding properties, road and utility services infrastructure available, and no prohibitive environmental constraints.

**6.7 Section 4.55(1)(d) – Any Submissions made in relation to the Development**

**Internal Referrals**

DEPARTMENT	COMMENTS
<b>Environmental Health Officers</b>	Approval subject to conditions as modified.
<b>Traffic Engineer</b>	Approval subject to conditions as modified.

**External Referrals**

DEPARTMENT	COMMENTS
<b>Environmental Protection Authority</b>	No objection to the modification of consent.
<b>TfNSW</b>	Approval subject to modified condition of consent as suggested.
<b>DPI - Water</b>	No objection to the modification as no controlled activity approval required.

**Community Consultation**

The proposal was required to be advertised and notified from 18 May 2022 to 15 June 2022 in accordance with the provisions of the Liverpool Community Participation Plan 2019 and the EP&A Regulation 2000. No submissions were received.

**6.8 Section 4.55(1)(e) –The Public Interest**

The proposal is considered to be in the public interest.

**7. Developer Contributions**

Contributions are not applicable to industrial development in Prestons.

## **8. CONCLUSION**

The application has been assessed having regard to the provisions of Section 4.55(2) of the EP&A Act 1979.

The proposed modification is permissible and complies with all relevant controls.

As per the findings of this assessment report, the development is considered to be substantially the same development as that originally approved.

## **9. RECOMMENDATION**

The Liverpool Local Planning Panel as the consent authority grant Modification Consent for DA-264/2018/C for *an increase in production capacity at the approved concrete batching plant from 200,000 tonnes per annum to 300,000 tonnes per annum of concrete and concrete products*, subject to the conditions outlined within Attachment 1.

## **ATTACHMENTS**

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1. Attachment 1 - Draft Section 4.55(2) Modification of Consent
2. Attachment 2- Acoustic report
3. Attachment 3 - Air Quality Report
4. Attachment 4 - Environmental Management Plan
5. Attachment 5 - EPA response

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

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

**ADDRESS:** LOT 8 DP241916 - 4 ASH ROAD, PRESTONS NSW 2170

**DESCRIPTION:** MODIFICATION TO THE APPROVED CONSTRUCTION AND OPENING OF A CONCRETE BATCHING PLANT WITH ASSOCIATED SITE GRADING, EARTHWORKS, DRAINAGE, DRIVEWAYS, CAR PARKING, LANDSCAPING AND EXTENSION TO EXISTING BUILDING, CONSISTING OF -

- a. An increase in production capacity at the approved concrete batching plant from 200,000 tonnes per annum to 300,000 tonnes per annum of concrete and concrete products.

Reference is made to Modification Application DA-264/2018/C which seeks amendment to Development Consent DA-264/2018 as modified, issued for:

*Construction and opening of a concrete batching plant with associated site grading, earthworks, drainage, driveways, car parking, landscaping and extension to existing building.*

*The application is a Designated Development as specified in Schedule 3 of the Environmental Planning and Assessment Regulations 2000.*

*The application is a Nominated Integrated Development requiring approval from the NSW Environmental Protection Authority pursuant to Protection of the Environment Operations Act 1997.*

Modification Application DA-264/2018/C seeks consent for:

- An increase in production capacity at the approved concrete batching plant from 200,000 tonnes per annum to 300,000 tonnes per annum of concrete and concrete products.

Pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*, Council grants approval for the modifications sought. Accordingly, Development Consent DA-857/2020/B has been amended as follows:

1. **The following conditions of Development Consent DA-857/2020/B have been amended to read as follows (modifications in *italic bold font*):**

#### **Approved Documents**

1. Development the subject of this determination notice must be carried out strictly in accordance with the following plans/reports marked as follows:
  - a) Architectural drawings as prepared by Algorry Zappia & Associates Pty Ltd, Project No. P4976, as follows:



Customer Service Centre Ground floor, 33 Moore Street, Liverpool NSW 2170 DX 5030 Liverpool  
All correspondence to Locked Bag 7064 Liverpool BC NSW 1871 Call Centre 1300 36 2170  
Fax 9821 9333 Email [lcc@liverpool.nsw.gov.au](mailto:lcc@liverpool.nsw.gov.au)  
Web [www.liverpool.nsw.gov.au](http://www.liverpool.nsw.gov.au) NRS 13 36 77 ABN 84 181 182 471

- i) Proposed Site Plan, Sheet No. A02, Issue K, dated 19.10.2020;
  - ii) Floor Plans, Sheet No. A03, Issue G, dated 4.12.2020;
  - iii) Elevations, Sheet No. A05, Issue G, dated 18.12.2019; and
  - iv) Section Plan, Sheet No. A04, Issue G, dated 28.04.2020.
- b) Stormwater Drainage Plans as prepared by Algorry Zappia & Associates Pty Ltd, Project No. P4976, as follows:
- i) Stormwater Drainage Concept Plan, Sheet No. D01, Issue C, dated 12.10.18;
  - ii) Catchment Plan & Displacement of Flood Volume, Sheet No. D02, Issue D, dated 12.10.18; and
  - iii) Sediment Control Concept Plan, Sheet No. D03, Issue C, dated 12.10.18.
- c) Landscape Plans as prepared by distinctive, Project No. 55-17, drawing number 55-17.00 to 55-17.03 (all inclusive), revision D, dated 20.02.18;
- d) Stage 1 Preliminary Site Investigation 4 Ash Road, Prestons NSW 2170 (Report Reference: 20-8500-01-LC, Revision 0 prepared by Clearsafe Environmental Solutions Pty Ltd dated 5th December 2017;
- e) Stage 2 Contamination Assessment at 4 Ash Road, Prestons (GTE1478-Stage 2 Contamination Report Rev 1 prepared by Ground Technologies Pty Ltd dated 27<sup>th</sup> August 2018
- f) **Concrete Batching Plant Lot 8 DP 241916 No. 4 Ash Road, Prestons-Acoustic report for the Environmental Impact Statement, Ref: 2870-D25A prepared by Sebastian Giglio Acoustic Consultant dated 22<sup>nd</sup> December 2021 amended 9<sup>th</sup> February 2023;**
- g) **Environmental Management Plan for Renita Developments 4 Ash Road, Prestons (Report No. 171164-03\_EMP\_Rep\_Rev3) prepared by Benbow Environmental dated 20<sup>th</sup> December 2021;**
- h) Objection to DA-264/2018 Proposed Concrete Batching Plant, 4 Ash Road, Prestons Dust Control Measures (Ref: 171164\_Let1) prepared by Benbow Environmental dated 24th September 2018;
- i) **Environmental Risk Assessment Report for Renita Developments Pty Ltd 4 Ash Road, Prestons (Report No. 171164-03\_ERA\_Rev3) prepared by Benbow Environmental dated 20<sup>th</sup> December 2021;**
- j) Construction Environmental Management Plan for Renita Developments Pty Ltd 4 Ash Road, Prestons (Report No. 171164\_CEMP\_Rev6) prepared by Benbow Environmental dated 5th October 2018;
- k) **Air Quality Impact Assessment for Renita Developments Pty Ltd 4 Ash Road, Prestons NSW (Report No. 171164-03\_AQIA\_Rev3) prepared by Benbow Environmental dated 20<sup>th</sup> December 2021;**
- l) Arboriculture Assessment and Tree Management Plan as prepared by Horticultural Management Services, dated 1 March 2018;



- m) **Waste Management Plan for Renita Developments Pty Ltd 4 Ash Road, Prestons NSW (Report No. 171164-03\_Waste\_Rev3) prepared by Benbow Environmental dated 20th December 2021.**
- n) Removal of UPSS at 4 Ash Road, Prestons (Ref: GTE1478-Val1) prepared by Ground Technologies Pty Ltd dated 28th November 2018. except where modified by the undermentioned conditions.

#### Vehicles servicing the site

101. Vehicles servicing the site shall comply with the following requirements:
- (a) All vehicular entries and exits shall be made in a forward direction.
  - (b) All vehicles awaiting loading, unloading or servicing shall be parked on-site and not on adjacent or nearby public roads.
  - (c) All vehicles are to be wholly contained on site before being required to stop.
  - (d) **The number of heavy vehicles accessing/exiting the site is to be restricted to 20 movements during AM (7am – 9am) and PM (4pm – 6pm) peak hours to minimise the impact on surrounding road network.**

#### Limits on Production

103. The production capacity of the concrete batching plant shall not exceed **300,000** tonnes per annum of concrete and concrete products.

#### Noise Limits

117. An acoustic report shall be prepared by a suitably qualified and experienced acoustic consultant and be submitted to Council for its assessment and approval within three (3) months of the commencement of any increased capacity onsite that is above 200,000 per annum. The report shall include but not be limited to the following information:
- (a) Noise measurements taken at the nearest noise sensitive locations as indicated in the report titled **'Concrete Batching Plant Lot 8 DP 241916 No. 4 Ash Road, Prestons-Acoustic report for the Environmental Impact Statement, Ref: 2870-D25A prepared by Sebastian Giglio Acoustic Consultant dated 22<sup>nd</sup> December 2021 amended 9<sup>th</sup> February 2023'**.
  - (b) Verification that noise levels at the nearest potentially affected receiver comply with all relevant assessment criteria detailed in the abovementioned report;
  - (c) All complaints received from local residents in relation to the operation of the premises/development; and
  - (d) Where noise measurements required under point a) above indicate that the relevant assessment criteria are exceeded, recommendations shall be provided in relation to how noise emissions can be satisfactorily reduced to comply with the assessment criteria. Following written approval from Liverpool City Council, any recommendations provided under point d) above shall be implemented fully.

All other conditions of Development Consent DA-264/2018 as modified, remain unchanged.

**Note:** This determination notice is strictly for changes sought under Modification Application DA-264/2018/C. No approval is granted or implied for any other works / changes proposed to the submitted development.

**ADVISORY NOTES:**

- (a) Section 8.2 of the EP&A Act provides that an applicant may request that Council review the determination of the Modification Application (this does not relate to designated development or Crown development).

Section 244 of the EP&A Regulations provides that an application for review must be submitted within 28 days of the date of the determination, and Section 8.2 of the EP&A Act provides that an application cannot be reviewed/determined after 6 months of the date of determination.

- (a) Section 8.9 of the EP&A Act provides that an applicant who is dissatisfied with the determination of a Modification Application, may appeal to the Land and Environment Court within six (6) months of the date of determination, or as otherwise prescribed by the EP&A Act.
- (b) The Section 4.55 Modification Application does not extend the timeframe of the Development Consent initially granted by Council.
- (c) Modification of the Development Consent does not remove the need to obtain any other statutory consent necessary under the EP&A Act.

If you have any further enquiries, please contact Emily Lawson on the abovementioned contact details.

 **Sebastian Giglio**      **Acoustic Consultant**  
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Mt Pritchard NSW 2170      ABN 90 809 049 548

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Ref: 2870-D25A

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**Concrete Batching Plant**  
**Lot 8 DP 241916 No. 4 Ash Road, Prestons –**  
**Acoustic Report for the Environmental Impact Statement**

**Building Acoustics:** Sound Insulation, BCA Compliance, Offices, Studios, Auditoriums •  
**Noise:** Transportation (road, rail, aircraft) • Mechanical Services • Domestic Airconditioning •  
Environmental • Occupational • Industrial

22 December 2021  
Amended: 9 February 2023

## Report Prepared For:

Renita Developments Pty Ltd  
C/  
Algorry Zappia & Associates Pty Ltd  
PO Box 825  
Liverpool Business Centre NSW 1871  
By Email: admin@algorryzappia.com.au

## Report Prepared by:

Report Title:      Concrete Batching Plant Lot 8 DP 241916 No. 4 Ash Road, Prestons  
– Acoustic Report for the Environmental Impact Statement

Please note that this correspondence has only addressed the acoustical issues discussed. Other aspects of building design, such as fire-rating, structural and waterproofing considerations must be referred to others. All Figures are intended as Sketches showing intent for Acoustic purposes.

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## 1 INTRODUCTION

No. 4 Ash Road is the site of an existing concrete batching plant with approval from Liverpool City Council for production of up to 200,000 tonnes/annum. This Acoustic Report addresses a proposed increase to permissible production capacity of 300,000 tonnes/annum.

The plant operates 24/7. Concrete production and deliveries fall within this timeframe. Raw material deliveries to the site will take place between 6am and 6pm Monday to Friday and 6am to 1pm on Saturday.

This Acoustic Assessment is based on the following reference documents:

- Traffic Consultant's Report prepared by Stanbury Traffic Planning, 21-232, December 2021.
- EPA *Noise Policy for Industry* (NPI), which has replaced the EPA *Industrial Noise Policy* from October 2017.
- Architectural drawings prepared by Algorry Zappia & Associates Pty Ltd.

The development will have up to 302 truck movements per day.

Figure 1-1 shows an aerial view of the site and surroundings.

Figure 1-2 shows the relevant Land Zoning Map.

Figure 1-3 shows the Architectural Site Plan.



Figure 1-1 Site Aerial Photograph © Nearmap.com 2021



Figure 1-2 Land Zoning

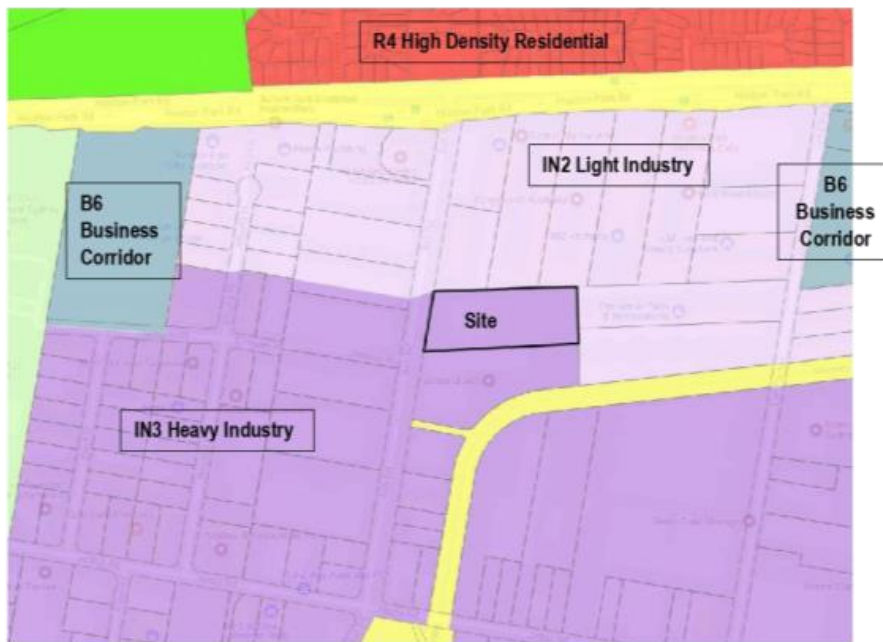
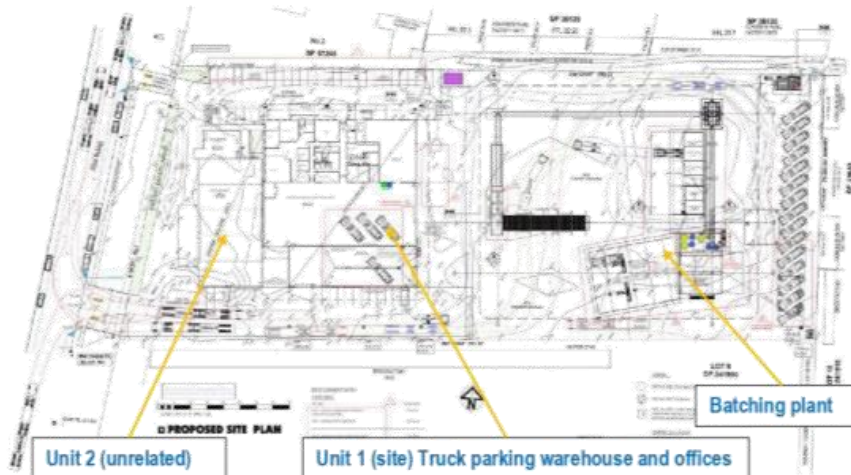


Figure 1-3 Site Plan



## 2 PROJECT / SITE DESCRIPTION

The subject development is a concrete batching plant located within an industrial area. The potentially nearest residences are around 300m to the north along Hoxton Park Road, a State Road – see Figure 1-1 and Figure 1-2.

The plant machinery will operate 24/7. Concrete deliveries from the site can also be 24/7 but are usually between 5am and 5pm. Raw material deliveries to the site will take place between 6am and 6pm Monday to Friday and 6am to 1pm on Saturday.

It is proposed plant will produce up to 300,000 tonnes of concrete per annum. This will require delivery of raw materials to site, approximately 76% of the delivery being aggregates, by weight, and 24% cement, which is then combined with water on site to produce the concrete.

There will be up to 302 total heavy vehicle movements per day (both directions), consisting of approximately 232 concrete agitator (mixer) trucks and 70 raw material delivery trucks. These are the number of truck trips travelling both to and from the site. For noise assessment purposes, the following time periods apply in the EPA guidelines:

For operational noise:

- Daytime, 7am to 6pm,
- Evening, 6pm to 10pm,
- Night-time, 10pm to 7am.

For road traffic noise generated by the development:

- Daytime, 7am to 10pm,
- Night-time, 10pm to 7am.

In this case, operational plant noise is potentially 24 hours. This consists of transferring raw materials from the underground storage to the elevated storage.

For the purposes of road traffic noise assessment, concrete trucks can leave the site during the night-time period, that is, prior to 7am. Raw materials start arriving at the site after 6am. Most of the concrete agitator trucks are owned by the site operator and so are kept on site overnight.

Of the 302 truck movements per day, it is expected that 80% of these will be during the daytime noise assessment period; that is, after 7am. Therefore, at most there would be around 20% – 60 truck movements – that would occur in the night-time period, prior to 7am.

Raw materials that are delivered to site are stored in underground bins. The raw materials are measured and delivered by conveyer to storage silos and bins up to 25m tall. The raw materials are then mixed and fed by hoppers into the concrete aggregator trucks. Two trucks can be filled at a time. The filling operation takes approximately 5 minutes.

The existing warehouse building on site will be used for minor service of trucks as well as the administration facilities. Towards the rear of the site (eastern half), are located the storage bins, silos, conveyer, truck parking, concrete control room and truck wash-down area. Heavy vehicles always travel on site in a forward direction and so there will be only minor instances of use of reverse alarms. Site trucks use the southern driveway.

There is an additional warehouse/office building at the front of the site, labelled Unit 2 in Figure 1-3. This is an unrelated business and not part of this Development Application.

### 3 NOISE CRITERIA

The *Noise Policy for Industry* (NPfI) has replaced the Industrial Noise Policy for assessment of commercial and industrial premises in NSW, from October 2017. There are substantial similarities between the two documents.

#### 3.1 Noise Policy for Industry 2017

It is considered that for this assessment, the appropriate assessment methodology will be that provided in the EPA *Noise Policy for Industry* (NPfI) document. This sets a target cap on absolute noise levels ("amenity level") as well as an "intrusiveness level" – "background + 5dBA". Tonality and other adjustments are also applied where appropriate.

For residential noise receivers, the NPfI nominates two types of noise level to be used for assessment – amenity and intrusiveness – in each of three noise assessment periods. The more stringent level in each noise assessment period is the trigger level, which ideally should be complied with. The three noise assessment periods are daytime, evening and night-time (7am-6pm, 6pm-10pm and 10pm-7am). For commercial and industrial noise receivers, only an amenity level applies.

The intrusiveness noise level goal seeks to limit how "noticeable" a specific sound source is amongst an existing noise environment. To do this, it is necessary to identify the Rating Background Level (RBL), which is the "typical" background sound level – this is the sound level when the ambient noise environment is momentarily "quiet", usually in the gaps between local car traffic. The intrusiveness noise level goal assesses the noise source over 15 minutes using the LAeq noise descriptor modified for any annoying characteristics that the noise source may have (such as tonality) and the trigger level is "RBL background + 5dBA". The RBL is determined over a number of days and is a statistical description of the measured  $L_{A90,15\text{-minute}}$  background sound levels during each of the daytime, evening and night-time periods. (See Appendix A for definition of the terms).

The amenity goal seeks to place an absolute limit on all "industrial" type noise sources affecting a noise sensitive receiver. The reason is that if a particular residential location, for example, is affected by three different businesses and they were each allowed to generate "background + 5dBA" then the total cumulative noise level would actually be 10dBA above the pre-existing background sound level instead of 5dBA. The amenity levels depend on the type of noise receiver (for example, "urban residential", "suburban residential", "commercial", "industrial") – see Figure 3-1 and Figure 3-2.

### 3.2 Background Noise Levels

Existing ambient noise levels for Hoxton Park Road residences has been measured by this office for other projects – data for the most representative one of these is included in Appendix B. The other projects that were used for reference are listed below:

- a) 2822-D02 207-211 Hoxton Park Road, Cartwright – Acoustic and Traffic Noise Report, dated 15 March 2017
- b) 2830-D02 Proposed Residential Flat Building, Woolnough Place, Cartwright – Acoustic and Traffic Noise Report for the Development Application, dated 3 April 2017
- c) 2492-D02 Lot 6, No. 153 Access Road off Hoxton Park Road, Cartwright – Traffic Noise Report, dated 3 February 2014
- d) 2494-D02 Lot 100 DP 1126218 and Lot 1 DP 1148521 Hoxton Park Road, Hoxton Park – Traffic Noise Report, dated 20 December 2013

The RBL levels measured for these projects are very consistent – see Table 3-1 below.

**Table 3-1 Summary of Ambient Noise Measurements along Hoxton Park Road**

Site	Lot 6, 153 Hoxton Park Rd, Cartwright	616-618 Hoxton Park Rd, Hinchinbrook	209 Hoxton Park Rd, Cartwright	229 Hoxton Park Rd, Cartwright	Data Used for This project
Date	December 2013	December 2013	February 2017	March 2017	
Daytime, LA90,7am-6pm	53	52	53	55	53
Evening, LA90,6pm-10pm	53	52	50	53	50
Night-time, LA90,10pm-7am	40	41	42	45	42

It can be seen that even over a period of a number of years, there is a consistent pattern of background sound levels. The older projects (December 2013) were located further away from the receiver site for this project, as well as being further removed in time. Of the most recent projects (February and March 2017), the quieter of the two sites has been used for reference for this project.

See the ambient noise data in Appendix B.

It is considered that the noise logger data used for this project, from 209 Hoxton Park Road, is representative of the ambient noise data for the noise receiver location considered in this Acoustic Report, which is the group of residential buildings at and around 295 Hoxton Park Road.

These residences are categorised as “urban residential” based on the guideline in the NPfl. See Figure 3-1 below. Figure 3-2 provides the corresponding amenity levels.

**Table 3-2** below summarises the noise criteria for residential noise receivers this project.



**Table 3-2      Noise Goals for this project**

Day / Time of Day	RBL	Intrusiveness Noise Level	Existing LAeq	EPA Urban Amenity Level	Project Specific Amenity	Most Stringent	Project Noise Level Goal
Daytime, 7am-6pm	53	58	66	60	55	Amenity	55
Evening, 6pm-10pm	50	55	65	50	50	Amenity (traffic-affected)	50
Night-time, 10pm-7am	42	47	62	45	47	Both Amenity and Intrusiveness and traffic-affected	47

- In this case, the Amenity Goal has been modified as follows:
  - In general, *Project Specific amenity noise level equals the recommended amenity noise level minus 5 dB(A) + 3dBA (to adjust for different assessment periods)*. In this case, noise from six rather than the EPA-default of three other additional business has been considered to contribute at the noise receiver location.
  - In areas of high traffic noise, which includes Hoxton Park Road, *High traffic project amenity noise level equals LAeq, period(traffic) minus 15 dB(A)*
    - Where the existing LAeq levels at the residential receivers are dominated by traffic and the traffic noise is more than 10dBA above the EPA Amenity Level for that receiver area category, and the traffic noise is unlikely to decrease in future; then the EPA Guideline provides a method to modify the Amenity Goal. The project-specific Amenity Level is 15dBA below the measured LAeq traffic noise.
    - It is noted that for this project, industrial noise is not measurable at the noise receiver locations.

Figure 3-1 NPI 2017 Noise Receiver Categories

**Table 2.3: Determining which of the residential receiver categories applies.**

Receiver category	Typical planning zoning – standard instrument*	Typical existing background noise levels	Description
Rural residential	RU1 – primary production RU2 – rural landscape RU4 – primary production small lots R5 – large lot residential E4 – environmental living	Daytime RBL <40 dB(A) Evening RBL <35 dB(A) Night RBL <30 dB(A)	<b>Rural</b> – an area with an acoustical environment that is dominated by natural sounds, having little or no road traffic noise and generally characterised by low background noise levels. Settlement patterns would be typically sparse.  Note: Where background noise levels are higher than those presented in column 3 due to existing industry or intensive agricultural activities, the selection of a higher noise amenity area should be considered.
Suburban residential	RU5 – village RU6 – transition  R2 – low density residential R3 – medium density residential E2 – environmental conservation E3 – environmental management	Daytime RBL <45 dB(A) Evening RBL <40 dB(A) Night RBL <35dB(A)	<b>Suburban</b> – an area that has local traffic with characteristically intermittent traffic flows or with some limited commerce or industry. This area often has the following characteristic: evening ambient noise levels defined by the natural environment and human activity.
Urban residential	R1 – general residential R4 – high density residential B1 – neighbourhood centre (boarding houses and shop-top housing) B2 – local centre (boarding houses) B4 – mixed use	Daytime RBL > 45 dB(A) Evening RBL > 40 dB(A) Night RBL >35 dB(A)	<b>Urban</b> – an area with an acoustical environment that: <ul style="list-style-type: none"> <li>• is dominated by 'urban hum' or industrial source noise, where urban hum means the aggregate sound of many unidentifiable, mostly traffic and/or industrial related sound sources</li> <li>• has through-traffic with characteristically heavy and continuous traffic flows during peak periods</li> <li>• is near commercial districts or industrial districts</li> <li>• has any combination of the above.</li> </ul>

**Notes:** \*As cited in Standard Instrument – Principal Local Environmental Plan, New South Wales Government, Version 15 August 2014. RBL = rating background noise level.

Figure 3-2      NPI 2017 Amenity Noise Levels

**Table 2.2: Amenity noise levels.**

Receiver	Noise amenity area	Time of day	L <sub>Aeq</sub> dB(A)	
<b>(see Table 2.3 to determine which residential receiver category applies)</b>			<b>Recommended amenity noise level</b>	
Residential	Rural	Day	50	
		Evening	45	
		Night	40	
	Suburban	Day	55	
		Evening	45	
		Night	40	
	Urban	Day	60	
		Evening	50	
		Night	45	
Hotels, motels, caretakers' quarters, holiday accommodation, permanent resident caravan parks	See column 4	See column 4	5 dB(A) above the recommended amenity noise level for a residence for the relevant noise amenity area and time of day	
School classroom – internal	All	Noisiest 1-hour period when in use	35 (see notes for table)	
Hospital ward	All	internal	Noisiest 1-hour	35
		external	Noisiest 1-hour	50
Place of worship – internal	All	When in use	40	
Area specifically reserved for passive recreation (e.g. national park)	All	When in use	50	
Active recreation area (e.g. school playground, golf course)	All	When in use	55	
Commercial premises	All	When in use	65	
Industrial premises	All	When in use	70	
Industrial interface (applicable only to residential noise amenity areas)	All	All	Add 5 dB(A) to recommended noise amenity area	

**Notes:** The recommended amenity noise levels refer only to noise from industrial sources. However, they refer to noise from all such sources at the receiver location, and not only noise due to a specific project under consideration. The levels represent outdoor levels except where otherwise stated.

Types of receivers are defined as follows:

- rural residential – see Table 2.3
- suburban residential – see Table 2.3
- urban residential – see Table 2.3
- industrial interface – an area that is in close proximity to existing industrial premises and that extends out to a point where the existing industrial noise from the source has fallen by 5 dB or an area defined in a planning instrument. Beyond this region the amenity noise level for the applicable category applies. This category may be used only for existing situations (further explanation on how this category applies is outlined in Section 2.7)
- commercial – commercial activities being undertaken in a planning zone that allows commercial land uses
- industrial – an area defined as an industrial zone on a local environment plan, for isolated residences within an industrial zone the industrial amenity level would usually apply.

Time of day is defined as follows:

- day – the period from 7 am to 6 pm Monday to Saturday or 8 am to 6 pm on Sundays and public holidays
- evening – the period from 6 pm to 10 pm
- night – the remaining periods.

(These periods may be varied where appropriate, for example, see A3 in Fact Sheet A.)

In the case where existing schools are affected by noise from existing industrial noise sources, the acceptable L<sub>Aeq</sub> noise level may be increased to 40 dB L<sub>Aeq</sub>(1hr).

**Table 3-2** provides the noise goals for noise emission from the site. These are:

- 55dBA for daytime, 7am-6pm.
- 50dBA for evening, 6pm-10pm.
- 47dBA for daytime, 10pm-7am.

Since the plant machinery is proposed to operate 24/7, and the full plant operations – which includes deliveries – from 6am, the allowable noise emission goal at the residences, based on the EPA guidelines, is 47dBA.

### 3.3 Commercial and Industrial Noise Receivers

The overall EPA amenity levels at nearby industrial and commercial boundaries is 70dBA and 65dBA, respectively. In the NPI:

*Project amenity noise level for industrial noise receivers equals recommended amenity noise level minus 5 dB(A) (plus 3dBA when assessed over 15 minutes and not the full noise assessment period)*

The site adjoins other industrial premises. These other premises may be affected by noise from the subject site as well as other sites. Therefore, the allowable noise emission is 68dBA LAeq.

The nearest commercial premises are the B6 Business Corridor sites – see Figure 1-2:

- Liverpool Catholic Club and Mercure Hotel 500m to the west.
- Officeworks, Repco and similar businesses 300m to the east.

The noise goal at commercial boundaries is 5dBA lower than at industrial boundaries but these are much further away so that if the industrial boundary limit is satisfied then so will the commercial boundary limits.

### 3.4 Road Traffic Noise

The site will generate traffic on the surrounding road network as a result of trucks travelling to and from the site. The relevant assessment document is the EPA *Road Noise Policy* (RNP). See Section 6 of this Report.

#### **4      NOISE SOURCES**

Noise sources include:

- Delivery trucks for raw materials to the site. Sound Power Level 109dBA.
- Concrete agitator trucks for delivery of materials from the site to construction sites. These trucks leave the site full and return empty. Sound Power Level 109dBA.
- Concrete agitator trucks revving to mix water and check slump, 112dBA for 5 minutes.
- Hoppers and materials handling equipment. Sound Power Level 100dBA.
- Conveyor drive motors. Sound Power Level 96dBA.
- Conveyor. Sound Power Level 102dBA/100m. (This conveyor on this site will be 70m so 100dBA Sound Power Level).
- Truck wash down area.
- Within the existing building, minor truck service will take place. This will include use of hand tools and air compressors.

## 5      **PREDICTED NOISE LEVELS**

### 5.1      **Noise Receivers**

The nearest premises to the site are located within IN1 and IN3 Light and Heavy Industry land zoning areas, respectively.

The nearest residential premises to the site are located 288m (boundary to boundary) to the north of the subject site, along the northern side of Hoxton Park Road. These nearest residential premises include:

- 289 Hoxton Park Road, Cartwright.
- The three residential flat buildings at 291, 293 and 295 Hoxton Park Road, Cartwright.
- 297 Hoxton Park Road, Cartwright.

The residential building at 295 Hoxton Park Road has been used for acoustic calculation purposes as being the representative noise receiver location for all of the nearest residences to the subject industrial site. The noise receiver height used for acoustic calculations was 7.5m as these are three-storey buildings.

See Figure 5-1 overleaf.



Figure 5-1 Nearest Residential Noise Receivers © NSW Lands Department



## 5.2 Noise Modelling Software

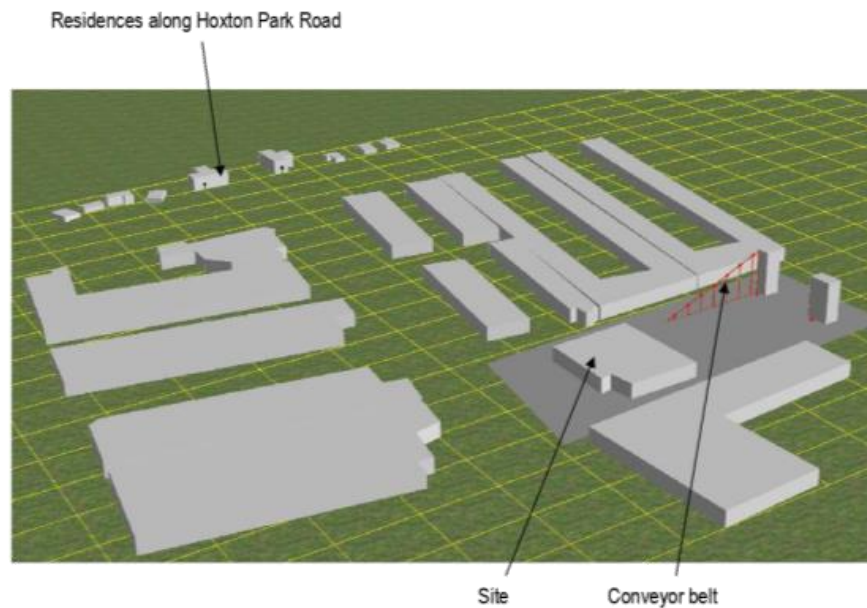
Acoustic calculations that have been carried out using iNoise Environmental Noise Modelling Software, based on the latest architectural proposal. The software implements calculation methods outlined in ISO 9613 and has been tested to conform to the software requirements of ISO 17354. The software is based on the following Standards:

- ISO 9613-1 *Acoustics – Attenuation of sound during propagation outdoors. Part 1: Calculation of the absorption of sound by the atmosphere*
- ISO 9613-2:1996 *Acoustics -- Attenuation of sound during propagation outdoors -- Part 2: General method of calculation*
- ISO/TR 17534-3:2015 *Acoustics -- Software for the calculation of sound outdoors -- Part 3: Recommendations for quality assured implementation of ISO 9613-2 in software according to ISO 17534-1*

The modelling was done using the following settings:

- Default software calculation settings were used including standard temperature, pressure and humidity, hard ground and acoustically reflective surfaces generally.

Figure 5-2 shows some screenshots from the iNoise software.

**Figure 5-2 Some Screenshots from iNoise****5.3 Noise Emission**

Concrete batching plants have been measured for other projects and the site overall noise is a Sound Power Level of 115dBA LAeq.

The predicted noise emission to the residences is 46dBA. This complies with the noise goal of 47dBA.

The predicted noise emission to the neighbouring industrial sites is 60dBA. This complies with the goal of 68dBA.

**5.4 Acoustic Recommendations**

There are no specific acoustic recommendations made in this Report. However, good practice noise mitigation measures should be implemented, including the following:

- Using self-cleaning weigh hoppers
- Enclosing compressors and pumps
- Fitting silencing devices to all pressure operated equipment
- Lining hoppers with a sound absorbing material such as rubber
- Sealing roads and plant site with concrete or bitumen
- Fitting efficient muffling devices to all engines
- Using visual alarms in preference to audible alarms
- Using a personal paging service or two-way radios instead of hooters to gain attention of staff
- Weighing fine aggregates before coarse aggregates
- Storing aggregates below ground level where possible. This is the methodology that will be used on this site.

## 6 ROAD TRAFFIC NOISE

The Traffic Consultant has determined a peak daily heavy vehicle traffic generation for production of 300,000tonnes/annum (average of 25,000 tonnes/month). This is a maximum of up to 302 truck movements associated with the site per day (155 out and 147 inbound). This consists of:

- Approximately 70 aggregate, sand and cement delivery vehicles.
- Approximately 232 concrete agitator trucks.

For noise assessment purposes, the following traffic pattern has been used:

- 80% of all truck movements occur in the daytime period of 7am-10pm. This is 242 trucks.
- 20% of all truck movements occur in the night-time period of 10pm-7am. This is 60 trucks.
- The traffic Consultant has indicated a 50/50 split of heavy vehicles to the north and south of the site along Ash Road. This indicates half pass the residences along Hoxton Park Road.

The EPA *Road Noise Policy* (RNP) has the guidelines shown in Figure 6-1. Item 3 is the relevant item in this case; “additional traffic ... generated by land use developments”. It is note that the relevant road category for Hoxton Park Road is that of an *arterial road*.

This office has been advised by the relevant other consultants that there are two traffic routes proposed for this development:

1. Straight from Ash Road to Hoxton Park Road (300m to the north of the site), Cowpasture Road towards the west and the M7 ramps.
2. Ash Road, Jemma Road to the south of the site, Joadja Road, Bernera Road and M7 ramps.

In this case, the residences that are potentially affected are those on Route 1 on Hoxton Park Road.

The predicted traffic noise levels along Hoxton Park Road, generated by this development are as follows:

- 56dBA  $L_{Aeq,15-hour}$  for daytime. Goal is 60dBA.
- 50dBA  $L_{Aeq,9-hour}$  for night-time. Goal is 55dBA.

The truck noise at the residences along Hoxton Park Road was calculated using iNoise environmental noise software using a moving noise source. The truck noise levels for  $L_{Aeq,9-hour}$  were calculated using a Sound Power Level of 109dBA for a concrete agitator truck, an average speed of 60km/hour along Hoxton Park Road and a straight 2km road with the residential noise receivers in the middle, at the appropriate sideline distance.

Existing traffic noise levels for Hoxton Park Road residences has been measured by this office for other projects – for example, see this Acoustic Report:

- 2822-D02 207-211 Hoxton Park Road, Cartwright – *Acoustic and Traffic Noise Report*, dated 15 March 2017

For reference, the measured traffic noise levels were from 24 February to 2 March 2017. The levels were:

- 66dBA  $L_{Aeq,15-hour}$  for daytime.
- 62dBA  $L_{Aeq,9-hour}$  for night-time.

It is noted that existing traffic levels along Hoxton Park Road exceed the predicted levels by a wide margin.



Figure 6-1 EPA Road Noise Policy

**2.3 Noise assessment criteria**

**2.3.1 Noise assessment criteria – residential land uses**

**Table 3** sets out the assessment criteria for residences to be applied to particular types of project, road category and land use. These criteria are for assessment against façade-corrected noise levels when measured in front of a building façade as recommended in **Table 7**. In **Table 3**, freeways, arterial roads and sub-arterial roads are grouped together and attract the same criteria.

**Table 3 Road traffic noise assessment criteria for residential land uses**

Road category	Type of project/land use	Assessment criteria – dB(A)	
		Day (7 a.m.–10 p.m.)	Night (10 p.m.–7 a.m.)
Freeway/arterial/sub-arterial roads	1. Existing residences affected by noise from <b>new</b> freeway/arterial/sub-arterial road corridors	L <sub>Aeq</sub> (15 hour) 55 (external)	L <sub>Aeq</sub> (9 hour) 50 (external)
	2. Existing residences affected by noise from <b>redevelopment</b> of existing freeway/arterial/sub-arterial roads	L <sub>Aeq</sub> (15 hour) 60 (external)	L <sub>Aeq</sub> (9 hour) 55 (external)
	3. Existing residences affected by <b>additional traffic</b> on existing freeways/arterial/sub-arterial roads generated by land use developments		
Local roads	4. Existing residences affected by noise from <b>new</b> local road corridors	L <sub>Aeq</sub> (1 hour) 55 (external)	L <sub>Aeq</sub> (1 hour) 50 (external)
	5. Existing residences affected by noise from <b>redevelopment</b> of existing local roads		
	6. Existing residences affected by <b>additional traffic</b> on existing local roads generated by land use developments		

Note: Land use developers must meet internal noise goals in the Infrastructure SEPP (Department of Planning NSW 2007) for sensitive developments near busy roads (see Appendix C10).

The predicted truck noise for this site is within the EPA/RMS traffic noise guidelines of L<sub>Aeq</sub> 60dBA and 55dBA for daytime and night-time, respectively.

## **7 CONCLUSION**

This investigation has concluded that the noise generated by the proposed 300,000 tonnes/annum concrete batching plant will comply with the relevant noise goals, based on EPA guidelines. This assessment has included consideration of site noise emission and the generated traffic noise along Hoxton Park Road.

**APPENDIX A – GLOSSARY OF TERMS**

Most locations where ambient noise is studied are affected by environmental noise which varies continuously, largely as a result of nearby and distant road traffic. To describe the overall noise environment, a number of noise descriptors are used. These involve sampling the varying sound level for a defined time period (e.g. 15 minutes, or from 7am to 6pm). Statistical and other analysis of the varying sound level are carried out. These descriptors are described below.

Sound Level Descriptor	Explanation
Maximum Noise Level (L <sub>Amax</sub> )	The maximum noise level over a sample period is the maximum level, measured on fast response, during the sample period.
L <sub>A1</sub>	The LA1 level is the noise level which is exceeded for 1% of the sample period. During the sample period, the noise level is below the LA1 level for 99% of the time.
L <sub>A10</sub>	The LA10 level is the noise level which is exceeded for 10% of the sample period. During the sample period, the noise level is below the LA10 level for 90% of the time. The LA10 is a common noise descriptor for environmental noise and road traffic noise.
L <sub>Aeq</sub>	The equivalent continuous sound level (L <sub>Aeq</sub> ) is the energy average of the varying noise over the sample period and is equivalent to the level of a constant noise which contains the same energy as the varying noise environment. (In simple terms it is the average sound level). This descriptor is usually used to measure environmental noise and road traffic noise.
L <sub>A90</sub>	The LA90 level is the noise level which is exceeded for 90% of the sample period. During the sample period, the noise level is below the LA90 level for 10% of the time. This measure is commonly referred to as the background noise level.
ABL	The Assessment Background Level is the single figure background level representing each assessment period (day, evening and night) for each day. It is determined by calculating the 10 <sup>th</sup> percentile (lowest 10 <sup>th</sup> percent) background level (L <sub>A90</sub> ) for each period.
RBL	The Rating Background Level for each period is the median value of the ABL values for the period over all of the days measured. There is therefore an RBL value for each period, day, evening and night.
SEL or L <sub>AE</sub>	Single Event (noise) Level. This is a shorthand means to describe the acoustic energy of a noise event. Technically it is the same acoustic energy compressed to fit into 1 second; i.e. L <sub>Aeq</sub> + 10 x Log (duration in seconds of the noise event).

## **APPENDIX B – NOISE LOGGER**

### **Noise Logger Installation**

A noise logger was installed at the front of the property at 209 Hoxton park Road, Cartwright, in order to monitor traffic noise levels. See the photographs below.

The noise logger site is 900m to the east of the putative noise receiver site for this project. Both sites are subject to regular heavy traffic noise along Hoxton Park Road. It is considered, based on the Author's experience, that this noise logger is representative of noise levels at the receiver site for this project.

**Figure B1    Site Aerial Photograph © Nearmap.com 2017 (207-211 Hoxton park Road)**



● Noise Logger Location

A noise logger was installed at the front of the property in order to monitor traffic noise levels. See the photograph below.

**Figure B2**      Noise logger installed at front boundary of the site



An NTi Audio XL2 Acoustic Analyser was used for this project. The device was set to 15-minute sampling periods, A-weighted and fast response. This equipment continuously monitors noise levels and stores statistical noise level descriptors for each sampling period. The equipment calibration was checked before and after the survey and no significant drift was noted.

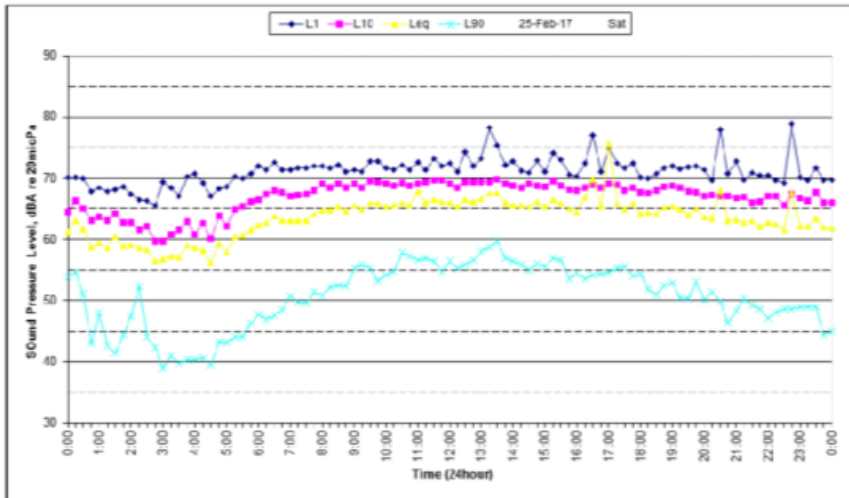
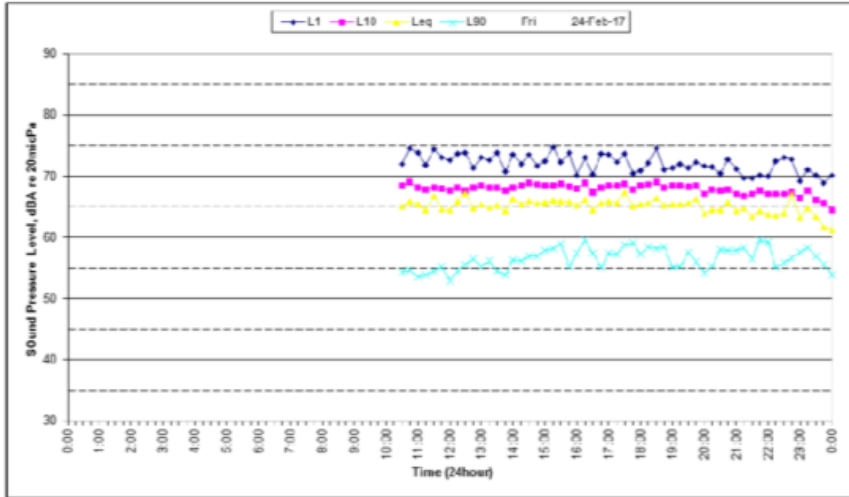
The logger determines  $L_{A1}$ ,  $L_{A10}$ ,  $L_{A90}$  and  $L_{Aeq}$  levels of the ambient noise.  $L_{A1}$ ,  $L_{A10}$  and  $L_{A90}$  are the levels exceeded for 1%, 10% and 90% of the sample time, respectively. The  $L_{A1}$  is indicative of maximum noise levels due to individual noise events such as the occasional pass-by of a heavy vehicle or aircraft. The  $L_{A90}$  level is normally taken as the background



noise level during the relevant period.  $L_{Acq}$  is the energy-average sound level during the measurement; in simple terms it can be thought of as the average sound level.

The graphical results of the noise logging are shown on the following pages.

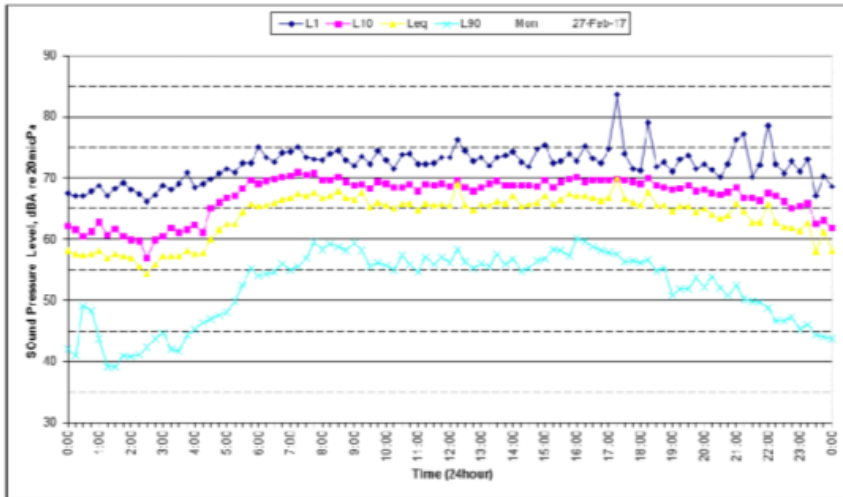
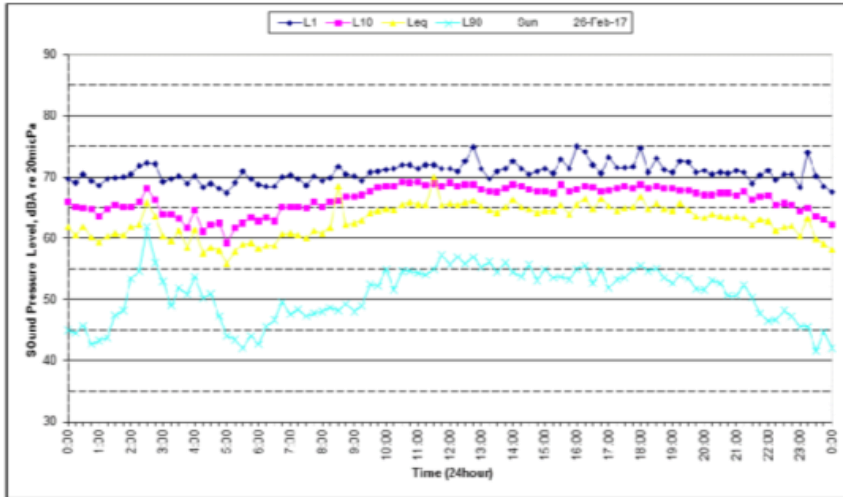
Noise Logger Graphs

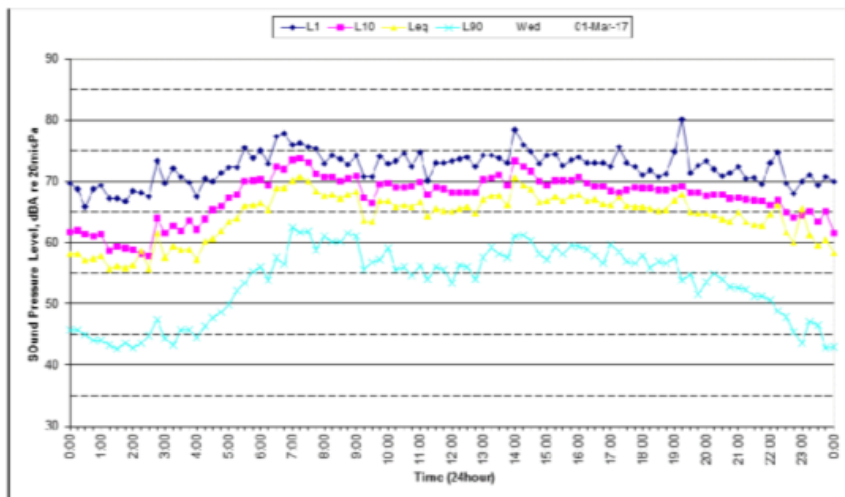
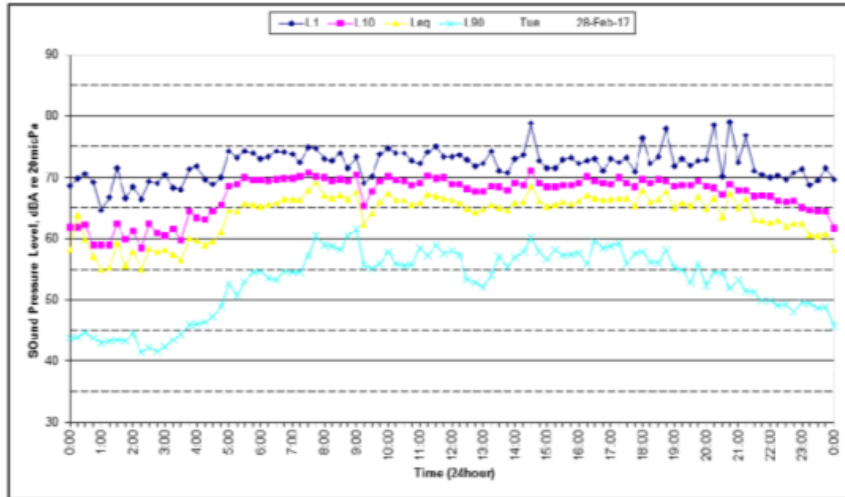


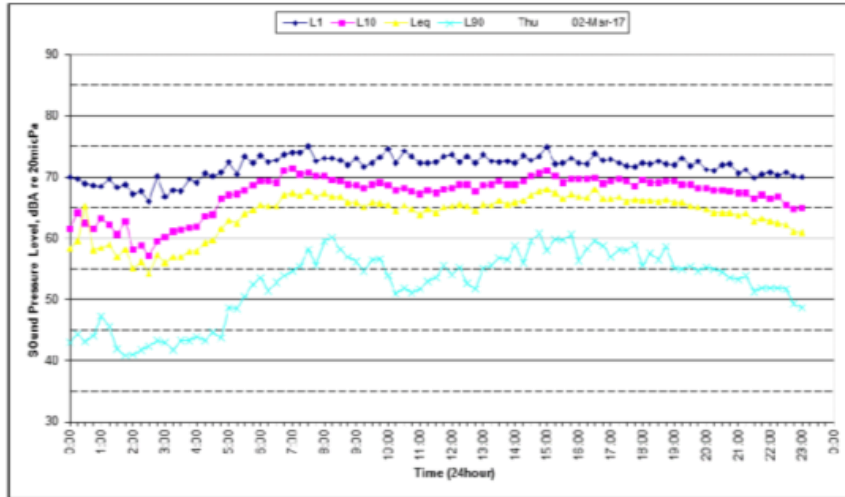
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Ash Rd, Prestons, Concrete Batching Plant

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**AIR QUALITY IMPACT ASSESSMENT  
FOR RENITA DEVELOPMENTS PTY LTD  
4 ASH ROAD, PRESTONS NSW**

*Prepared for:* Renita Developments Pty Ltd

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*Prepared by:* Kate Barker, Senior Environmental Scientist  
R T Benbow, Principal Consultant

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*Report No:* 171164-03\_AQIA\_Rev3  
December 2021  
(Released: 20 December 2021)



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### **Attachments**

Attachment 1: Wind Rose Plots for the Referenced Meteorological Station – Bankstown Airport, Bureau of Meteorology 2010, 2011, and 2014 – 2016.

Attachment 2: Long-term Climate Statistics for the Referenced Meteorological Station – Bankstown Airport, Bureau of Meteorology



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Air Quality Impact Assessment



## 1. INTRODUCTION

Benbow Environmental has been engaged by Renita Developments Pty Ltd to undertake an Air Quality Impact Assessment (AQIA) to support a Modification Application for an increase in production from 200,000 tonnes p.a. to 300,000 tonnes p.a. for the existing concrete batching plant located at 4 Ash Road, Prestons.

This AQIA has been prepared in accordance with the NSW EPA guidelines "*Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales*" (2016) (AMMAAP), which shall henceforth be referred to as the *Approved Methods*.

This AQIA uses existing air quality data to establish the background levels of dust and particulates. This background data is then combined with the predicted levels resulting from the proposed increased operations of the concrete batching plant to assess the cumulative air quality impacts.

This assessment provides an updated report to include previously assessed quantities of the existing development. As such, the methodology regarding the assessment of the residential and industrial receptors remains consistent with the assessment for the approved and existing development.



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**2. SITE DETAILS**

This section presents the site location, a description of the site and surrounds and a description of the existing development on the site.

**2.1 SITE LOCATION**

The subject site is located at 4 Ash Road, Prestons NSW, and is legally described as Lot 8 in DP 241916. The site is located 4 km south-west of Liverpool and 31 km south-west of the Sydney CBD within the Liverpool Local Government Area. Figure 2-1 shows an aerial photograph of the local area. Figure 2-2 shows an aerial photograph of the site.

Figure 2-1: Aerial Photograph of the Local area



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Figure 2-2: Aerial of the Site



## 2.2 LAND USE OF SITE AND SURROUNDINGS

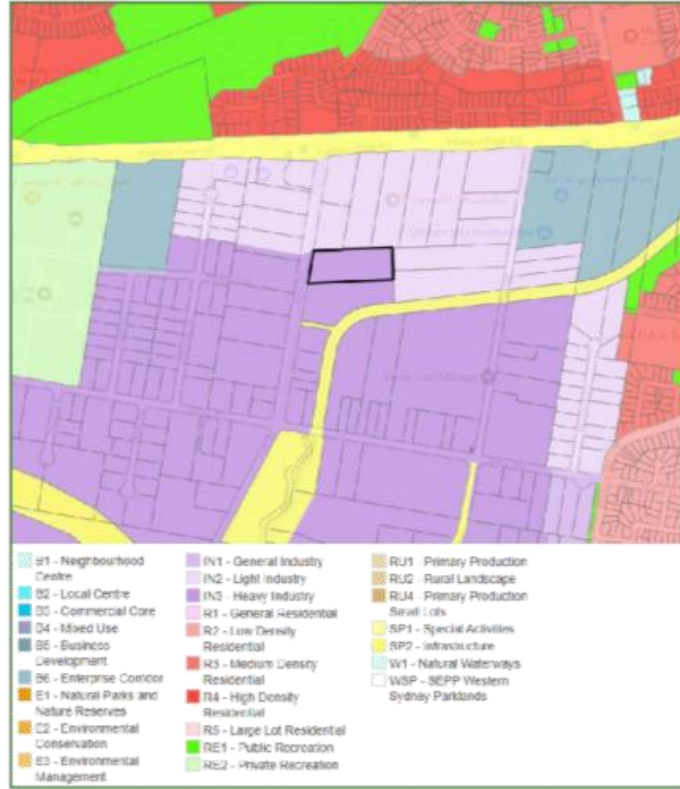
The surroundings are a mix of heavy and light industry, with the nearest residential area located 488 m to the north. The nearest school, the South Western Sydney Institute of TAFE, is located 883 m to the north-west. The Westlink M7 motorway is located less than 1 km south-west of the site, and Hoxton Park Road is 300 m to the north.

The site is within the Prestons Employment Lands Precinct and the land is zoned as 'IN3 Heavy Industry' under the Liverpool Local Environmental Plan (LEP) 2008 as shown in Figure 2-3.

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Figure 2-3: Liverpool Council LEP 2008 Land Use Zoning Map





### 2.3 NEAREST SENSITIVE RECEPTORS

Table 2-1 lists the location of representative potentially affected receivers that are considered in this assessment. These are shown in Figure 2-4.

Table 2-1: Nearest Sensitive Receptors

Receptors	Address	Lot	DP	Approximate Distance to Development (m)	Direction	Description
R1	289 Hoxton Park Road Cartwright	621	236840	488	N	Residential
R2	8 Wedge Place, Lurnea	13	240822	840	NE	Residential
R3	19 Facey Crescent, Lurnea	41	215559	741	E	Residential
R4	1 Supply Avenue, Lurnea	16	243876	1075	SE	Residential
R5	2 Aspen Close, Prestons	1	876139	1350	S	Residential
R6	30 Latina Circuit, Prestons	231	876283	1564	SW	Residential
R7	21 Twentieth Avenue, Hoxton Park	2	510863	1727	W	School <sup>1</sup>
R8	152 Banks Road, Miller	3	1042706	883	NW	School <sup>2</sup>
R9	17 Ash Road, Prestons	8	1209738	35	W	Industrial
R10	11 Ash Road, Prestons	9	1209738	35	W	Industrial
R11	2 Ash Road, Prestons	Null	SP 67248	Adjacent	N	Industrial
R12	340 Hoxton Park Road, Prestons	Null	SP 38139	Adjacent	N	Industrial
R13	332 Hoxton Park Road, Prestons	Null	SP 36130	Adjacent	N	Industrial
R14	322 Hoxton Park Road, Prestons	12	1036695	Adjacent	N	Industrial
R15	7 Lyn Parade, Prestons	Null	SP 33043	Adjacent	E	Industrial
R16	9 Lyn Parade, Prestons	10	241916	20	NE	Industrial
R17	6 Ash Road, Prestons	9	241916	Adjacent	S	Industrial

1. Good Shepherd Catholic Primary School

2. South Western Sydney Institute of TAFE

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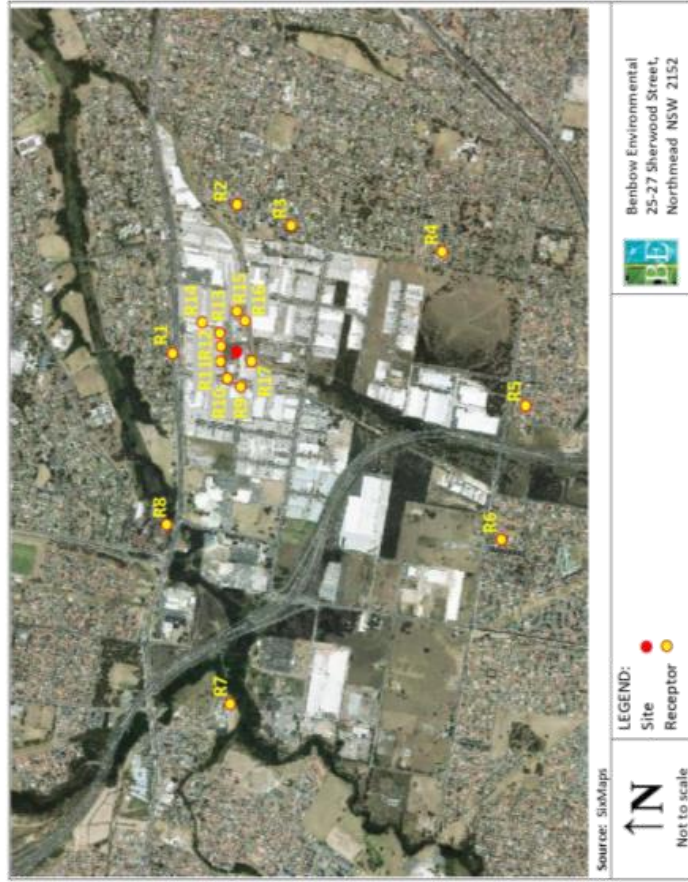


The air quality guidelines protect the health of the residential community and consider the need to protect the health of children, the elderly, and the infirm. These guidelines are not applicable to workers on industrial premises; however, it can be informative to include industrial receptors in air quality dispersion models to gain a better understanding of the air quality impacts of the site activities on adjacent businesses.



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Figure 2-4: Aerial Photograph of the Project Site Location and the Nearest Potentially Affected Receptors







### 3. DESCRIPTION OF THE PROPOSAL

This section of the report discusses the existing operation of the site and the proposed increased capacity. Figure 3-2 shows the layout of the site. A description of the process is provided below and a process flow chart is shown in Figure 3-1.

#### 3.1 SITE AND PROCESS DESCRIPTION

The main activity at the site is concrete batching, with a proposed maximum amount of 300,000 t.p.a (230,000 tonnes of aggregate and sand, and 70,000 tonnes of cement) to be processed into ready-mix concrete per annum.

The concrete batching plant is located in the rear of the site behind the existing building. Access to the site is via the southern driveway. Nine (9) 50 tonne in-ground raw material bins are provided for the receipt of aggregates and sands. Material from the in-ground bins is transferred via conveyors to the north, then east into a 1000 tonne elevated aggregate bin with eight (8) compartments. From the aggregate bin, material is transferred from weigh hoppers to another conveyor belt leading south, to the fully-enclosed batching house. Cement and powders are delivered to the six (6) silos located above the batching house. The aggregates, sand, cement, and powder are transferred from weigh hoppers to the batching house and partially mixed with water in the concrete trucks. The concrete trucks then move to the slump stands where more water is added in the concrete trucks until the right consistency is achieved. Trucks then leave the site to deliver the mixed concrete.

##### Aggregate Unloading and Storage

Aggregates and sand are unloaded from delivery trucks directly into the in-ground raw material bins located on the site. Windbreak walls are located between each of the six in-ground bins. From here, sand and aggregates are released to a partially-enclosed conveyor belt that starts underground beneath the bins and transfers the material to elevated aggregate storage bins.

##### Cement Unloading and Storage

Cement and fly ash are delivered to the site in bulk road tankers. Each tanker connects to a pipeline and pneumatically transfers the material from the bulk tanker into the overhead storage silos. The truck engine powers a compressor or blower to pressurise the bulk tanker and cause the product (cement, fly ash, or Eco Cem) to be transferred. This process is entirely enclosed.

##### Weighing and Batching

The aggregates and sands are transferred from the elevated storage bins into weigh hoppers that weigh specified quantities of each material and are then transferred to the holding hoppers within the batching plant via a conveyor.

The mix of cement, fly ash and Eco Cem are metred from the silos using air slides into a "cement weigh hopper". The aggregate, sand, cement, fly ash, and Eco Cem are then combined with recycled water and additives inside the agitator truck.



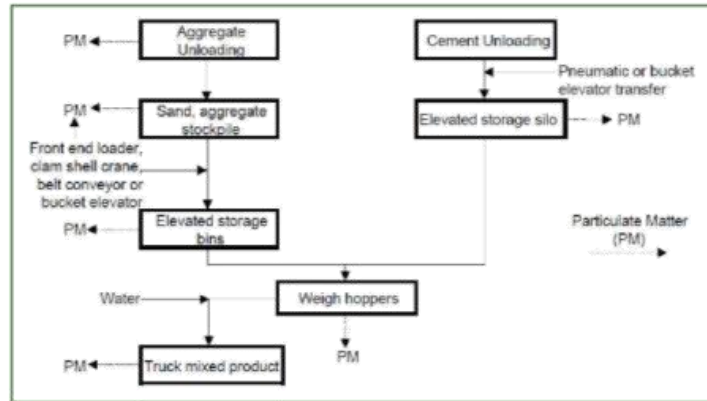
**Mixing**

The materials are released into an agitator truck located within an enclosed building of the site known as the batching house. Up to two (2) agitator trucks can mix cement at one time. The process of weighing and mixing fine powdered materials takes place in an entirely enclosed building, known as the batching house.

**Slump Stand**

After the materials are mixed in the barrel of the agitator truck, the agitator truck is driven forward out of the batching house to a slump stand. Here, the driver adds water until the slump is the correct consistency. During this process the barrel is continuously rotated. The agitator truck then departs the site for transport of the concrete to its destination.

Figure 3-1: Concrete Batching Process Flow Diagram from NPI "Emission Estimation Technique Manual (EETM) for Concrete Batching and Concrete Product Manufacturing (NPI DEH, 1999).

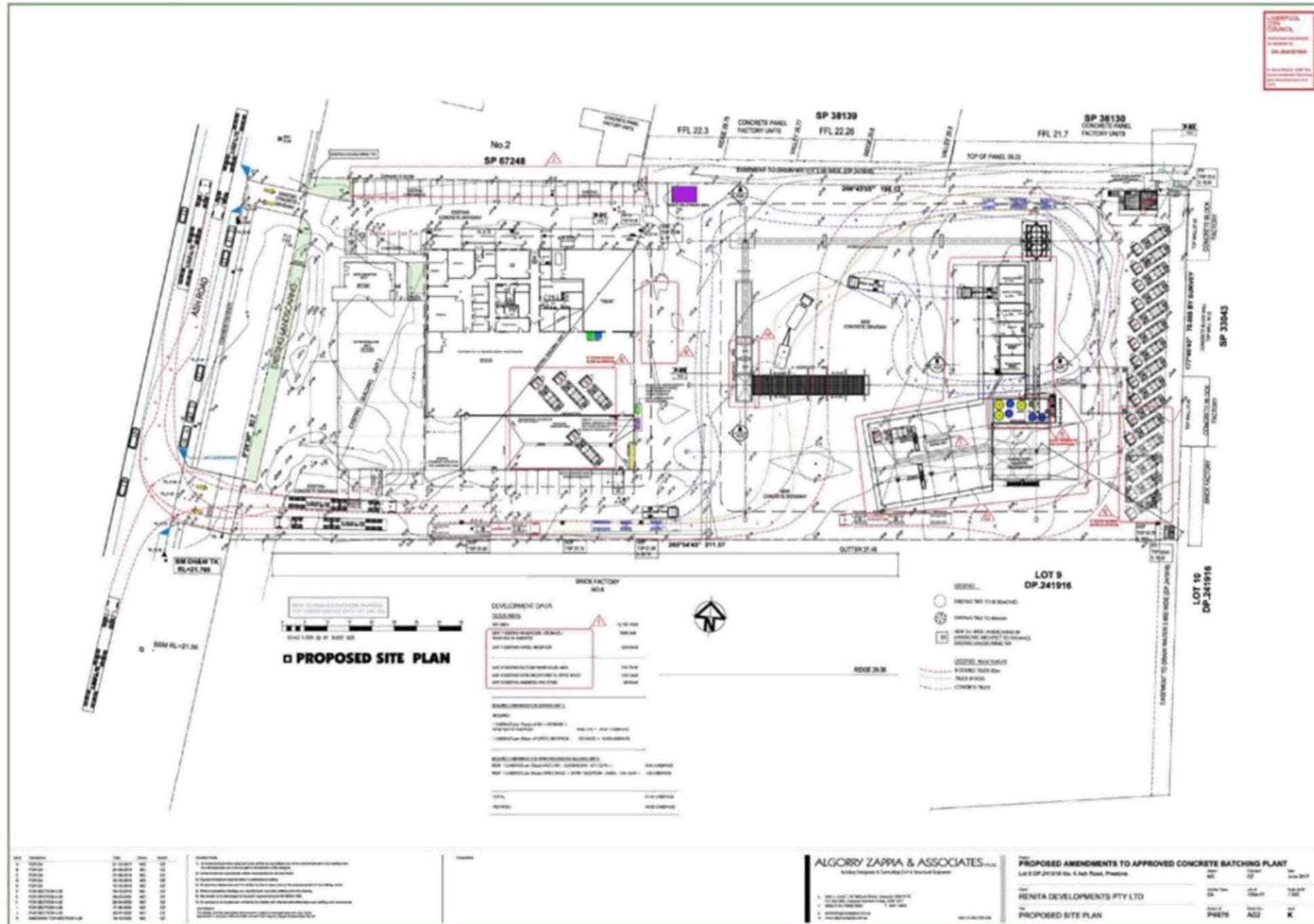


Dust controls are detailed in Section 3.2, Air Quality Mitigation and Monitoring Measures.

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Figure 3-2: Site Plan with Operational Features





### 3.2 AIR QUALITY IMPACT MITIGATION AND MONITORING MEASURES

The air quality mitigation measures (for dust control) that are included in the development are summarised below.

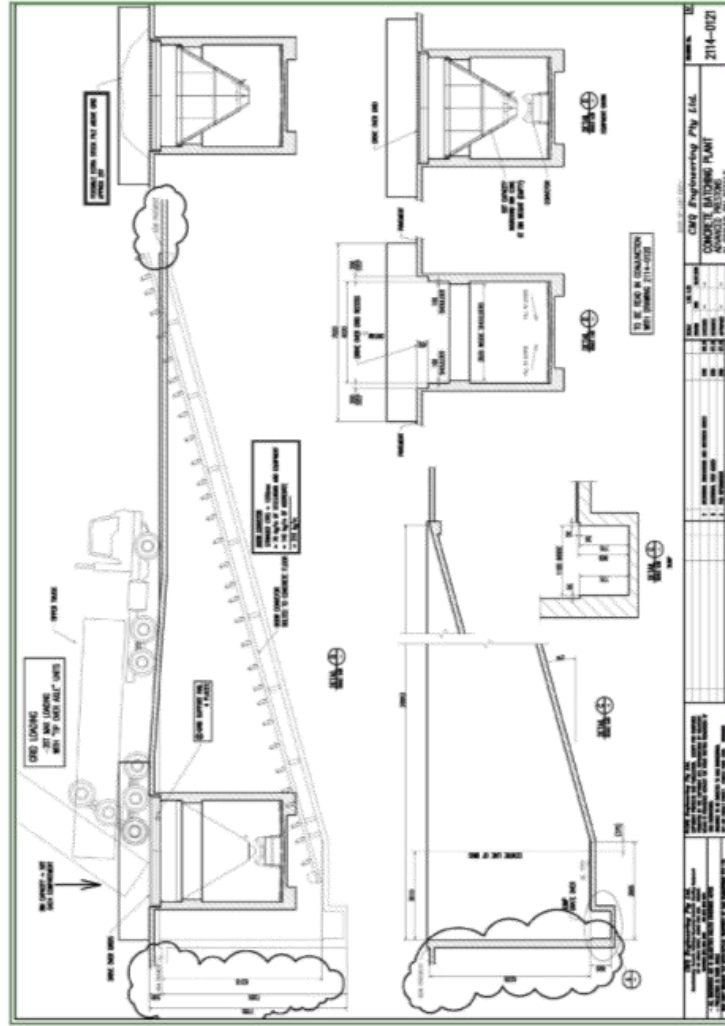
- Material storage is belowground in receival bins, also described as ground bins.
- Aggregate receival bins are in-ground, covered with metal grates and with fixed steel wind walls to minimise wind erosion. An example is shown in Figure 3-3 and Figure 3-4.
- Use of water sprays or dust suppression agent to be applied to reduce dust emissions when needed.
- Conveyors for transfer of aggregates between storage bins, weigh hoppers, and the batching house building is covered on the top and one side. The other side is open for maintenance. In addition, conveyors will have spill trays and belt cleaning devices.
- Separate air filters are installed on cement silos (cartridge and filter bag dust filters) and weigh hoppers (reverse pulse filter system) are to be fitted with air filtering socks.
- The batching house building, where the transfer of cement, aggregate, and sand to weigh hoppers and agitator trucks occurs, is completely enclosed and has automated roller doors that will only open during the entry and exit of agitator trucks. Therefore the overhead aggregate storage bins are totally enclosed.
- An additional dust/fume extractor is installed inside the batching house building to collect excess particulate matter during the loading of cement, aggregates and sand into the trucks. This is to be maintained by expert contractors on a routine basis to monitor the effectiveness of the dust collectors.
- Air filter systems are to be in correct operating condition (service and maintenance records complete).
- Overfill protection systems are to be installed and operational (e.g. alarms activate when silos are full to maximum capacity).
- Emergency shut-down systems are to be operational for the filling of silos from console and silo delivery point.
- A means of testing the alarms are to be provided to ensure these are functioning correctly.
- Wheel and truck wash facilities are present on site.
- Regular sweeping of traffic areas is in practice, where required.
- There are to be no aboveground stockpiles on site.





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Figure 3-4: In Ground Bin Plans - Details







## 4. METEOROLOGY AND LOCAL AIR QUALITY

### 4.1 PROJECT SITE REPRESENTATIVE METEOROLOGICAL DATA

The nearest weather monitoring station, located approximately 9.1 kilometres to the north-west of the subject site, is the Horsley Park Automatic Weather Station (AWS) operated by the Bureau of Meteorology. However, the topography of Horsely Park AWS differs too greatly from the subject site for it to be considered representative. Bankstown Airport AWS, located 9.8 km east of the site, was considered to be the most appropriate weather monitoring station due to its proximity to the site, complete and current data, and similar topography to the subject site.

The representative meteorological year of 2016 was selected based on long term averages from Bankstown Airport AWS. Meteorological data for 2016 was compared with long term averages for minimum and maximum temperature and found to be consistent (Attachment 1). Wind roses, representing the annual frequency of wind speed and direction, were also compared for five meteorological years and found to be reasonably consistent (Attachment 2). The 2016 meteorological year had a higher proportion of wind speeds above 11 m/s than the other four years compared against, however, the predominant wind directions and frequencies were similar, and higher wind speeds provide a more conservative estimate of particulate matter dispersion.

#### 4.1.1 WRF

The Weather Research and Forecasting (WRF) Model is a next-generation mesoscale numerical weather prediction system designed as a collaborative effort between the American National Center for Atmospheric Research (NCAR) and other meteorological specialist organisations. It was created for both atmospheric research and operational forecasting applications and serves a wide range of meteorological applications across scales from tens of meters to thousands of kilometres.

A prognostic meteorological data file was created by Lakes Environmental using the WRF model with observational meteorological data from 2016 (NCAR, 2017).

#### 4.1.2 AERMET

AERMET is a meteorological pre-processor that organises data and estimates the necessary boundary layer parameters for dispersion calculations in AERMOD.

A meteorological data file was produced for inclusion in the air dispersion model using AERMET ver. 16216. The WRF prognostic data was entered into AERMET as onsite and upper air data. The surrounding land use was set to urban.

## 4.2 WIND ROSE PLOTS

Wind rose plots show the direction from which the wind is coming with triangles known as "petals". The petals of the plots in Figure 4-1 summarise wind direction data into 8 compass directions i.e., north, north-east, east, south-east, etc.

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The length of the triangles, or "petals", indicates the frequency that the wind blows from the direction presented. Longer petals for a given direction indicate a higher frequency of wind from that direction. Each petal is divided into segments, with each segment representing one of the six wind speed classes. Thus, the segments of a petal show what proportion of wind for a given direction falls into each class.

The proportion of time for which wind speed is equal to or less than 0.5 m/s, when speed is negligible, is referred to as calm hours or "calms". Calms are not shown on a wind rose as they have no direction, but they are noted under each wind rose as a temporal percentage.

The concentric circles in each wind rose are the axes that denote wind frequencies. In comparing the plots it should be noted that the axis varies between wind roses, although all wind roses are the same size. The frequencies shown in the first quadrant (top-left quarter) of each wind rose are stated beneath the wind rose.

#### 4.2.1 Local Wind Trends

Seasonal wind rose plots for this site using Bankstown Airport AWS data from 2016 have been included in Figure 4-1. Annual average wind speeds of 3.08 m/s and a calms frequency of 14.87% were estimated. Annual winds from the north-west were found to be dominant and were present at a frequency of approximately 16%.

The average summer wind speed was estimated to be 3.35 m/s, with a calms frequency of 12.51%. South-easterly and north-easterly winds were found to be dominant at a frequency of around 16% and 17% respectively.

In autumn, dominant winds blew from the north-east and north-west (13-14%). The average autumn wind speed was 2.60 m/s with a calms frequency of 19.42%.

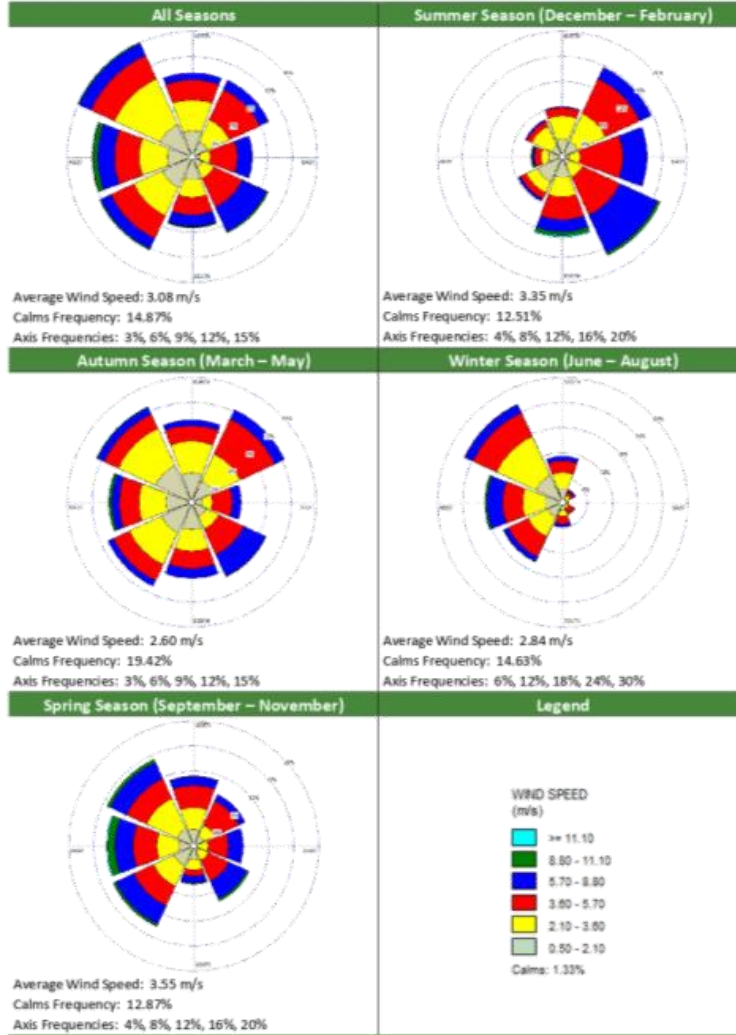
The winter season data showed the prevalence of winds from the north-west at a frequency of 26%. Winds from the west and south-west were also common, at 20% and 17% frequency respectively. The average winter wind speed was 2.84 m/s with a calms frequency of 14.63%.

In the spring time, average wind speeds of 3.55 m/s were recorded. Dominant winds were from the north-west (16%), west (15%) and south-west (14%). The spring calms frequency was 12.87%.

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Figure 4-1: Wind Rose Plots for the Referenced Meteorological Station – Bankstown Airport, Bureau of Meteorology (2016)



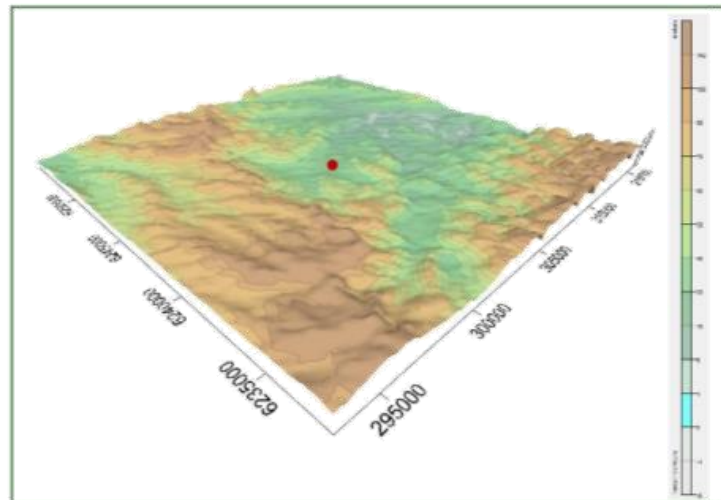


### 4.3 TERRAIN AND STRUCTURAL EFFECTS ON DISPERSION

The meteorological condition known as katabatic flow (or katabatic drift) is often identified as the condition under which maximum environmental impacts from primarily ground-based sources are likely to occur. Katabatic flow is simply the movement of cold air down a slope, generally under stable atmospheric conditions. Under such circumstances, dispersion of airborne pollutants is generally slow and the associated impacts can reach their peak.

Katabatic flow is unlikely to affect emissions from the subject site. Figure 4-2 shows the terrain with the z-axis (i.e. vertical axis) exaggerated by a factor of 10 (i.e. a given distance on the x-axis or y-axis appears three times as great on the z-axis) in order to provide a clearer description of the topography. A coloured scale bar shows elevations corresponding to the colours used in the figures. It should be noted that these figures are an approximation of the actual terrain, based on terrain information that have been digitised from local contour terrain maps.

Figure 4-2: Local Topography of Site, Factor of 10 Vertical Exaggeration





#### 4.4 LOCAL AIR QUALITY

No air quality measurements have been undertaken specifically for this project. Instead, the nearest available air quality monitoring data was used to gain an understanding of what current pollutant levels may be around the site and to provide background air quality parameters for the assessment.

Ambient air quality data for PM<sub>2.5</sub> and PM<sub>10</sub> was obtained from the NSW EPA Liverpool air quality monitoring station located 2 km east of the subject site at Pearce Park, which is considered to be site-representative. The relevant data is summarised in Table 4-1.

Table 4-1: Summary of 2016 Data for PM<sub>2.5</sub> and PM<sub>10</sub> from Liverpool Air Quality Monitoring Station.

Pollutant	Averaging period	Concentration (µg/m <sup>3</sup> )
PM <sub>2.5</sub>	Maximum 24 hr average for 2016	<b>50.8</b>
	2 <sup>nd</sup> highest 24 hr average for 2016	<b>35</b>
	3 <sup>rd</sup> highest 24 hr average for 2016	<b>33.3</b>
	Annual average for 2016	<b>8.7</b>
PM <sub>10</sub>	Maximum 24 hr average for 2016	<b>68.7</b>
	2 <sup>nd</sup> highest 24 hr average for 2016	<b>52.2</b>
	3 <sup>rd</sup> highest 24 hr average for 2016	<b>51</b>
	Annual average for 2016	19.6

Note: Bold values exceed the *Approved Methods* criteria.

No ambient air quality data for Total Suspended Particulates (TSP) is available from the referenced monitoring station. Therefore, the worst-case particle size distribution data from the AP-42 Emissions Database provided by the U.S. Environmental Protection Agency (US EPA, 1995), a PM<sub>10</sub>-to-TSP ratio of 0.51 was used to estimate the TSP background concentration level of 38.4 µg/m<sup>3</sup> for an annual averaging period.

The data collected from Liverpool air quality monitoring station shows elevated background levels of both PM<sub>2.5</sub> and PM<sub>10</sub>. There were 4 days in 2016 when background PM<sub>2.5</sub> levels exceeded the *Approved Methods* 24 hour average criterion of 25 µg/m<sup>3</sup>, and 3 days when background PM<sub>10</sub> levels exceeded the 24 hour average criterion of 50 µg/m<sup>3</sup>. The annual average of PM<sub>2.5</sub> during 2016 also exceeded criterion of 8 µg/m<sup>3</sup>.

In cases of elevated background concentrations, the *Approved Methods* states:

*In some locations, existing ambient air pollutant concentrations may exceed the impact assessment criteria from time to time. In such circumstances, a licensee must demonstrate that no additional exceedances of the impact assessment criteria will occur as a result of the proposed activity and that best management practices will be implemented to minimise emissions of air pollutants as far as is practical.*

This has been addressed in the modelling results and discussion in Sections 6.3 and 6.4.



## 5. AIR IMPACT ASSESSMENT

This section assesses the effects of potential emissions on the existing ambient air quality as a direct result of the proposal. The assessment methodology, modelling configurations, results and discussion of the potential impacts as well as any recommendations on mitigation measures are described in detail, as follows.

### 5.1 EMISSION SOURCES

The main air emissions typical of a concrete batching plant include dust and particulates (PM<sub>10</sub>, PM<sub>2.5</sub>, and total suspended particulates (TSP)). There will be no odour emissions associated with the proposed increase as none of the materials stored on-site and none of the processes undertaken are odour-generating. Therefore, odour does not warrant any further assessment.

The air emission sources associated with the development are listed below.

- Delivery and storage of aggregate and sand into in-ground bins;
- Wind erosion from aggregate and sand stored in in-ground bins;
- Wind erosion during transport of aggregate and sand along conveyors;
- Loading of aggregate and sand into hoppers below the elevated aggregate storage bin;
- Loading of aggregate and sand into weigh hoppers inside the batching house building;
- Loading of cement, fly ash, or Eco Cem into weigh hoppers located below the cement storage silos inside the batching house building; and
- Loading of mixed aggregate and cement with water into agitator trucks inside the batching house building.

The chemical additives used in the batching process do not release fumes or odour. They are dispensed along with the mixed aggregate, cementitious materials and water into the agitator trucks via an enclosed system.

Wheel generated dust has not been considered as a significant source of emissions. The entire site is hardstand, which is regularly cleaned to prevent any build-up of dust. Trucks will also be promptly cleaned in the wash bay after leaving the batching house to remove any dust or slurry, and will only achieve minimal speeds on the site. Hence, wheel generated dust emissions are adequately controlled.

Delivery of cementitious materials to the storage silos above the batching house building has not been modelled due to the excellent transfer and recovery systems in place. Tankers pneumatically transfer cement, fly ash, or Eco Cem powder via an enclosed hose directly to the fully sealed storage silos. Vented air during transfer is captured by a dust recovery system and all recovered dust is recycled.

### 5.2 ADOPTED CRITERIA AND GUIDELINES

The *Approved Methods* provide the impact assessment criteria for particulate matter, including PM<sub>10</sub> and TSP, as summarised in Table 5-1.



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Table 5-1: Applicable Particulate Criteria at Sensitive Receptors from the NSW EPA Modelling Guidelines

Pollutant	Averaging Period	Concentration ( $\mu\text{g}/\text{m}^3$ )
PM <sub>2.5</sub>	24 hours	25
	Annual	8
PM <sub>10</sub>	24 hours	50
	Annual	25
Total Suspended Particulates (TSP)	Annual	90

### 5.3 ADOPTED EMISSION FACTORS

Fine particulate emission factors for activities associated with the concrete batching plant were referenced from the NPI "Emission Estimation Technique Manual (EETM) for Concrete Batching and Concrete Product Manufacturing (NPI DEH, 1999).

These referenced emission factors were used as representative emission factors for the site and are listed in Table 5-2. It is to be noted that these emission factors are for uncontrolled emissions.

Table 5-2: Emission Factors for PM<sub>10</sub> from NPI EETM for Concrete Batching and Concrete Products 1999

NPI Description	Processes at Site	Uncontrolled Emission Factor
Wind erosion from sand and aggregate storage piles	Wind erosion from in-ground bins and during conveyor transport	3.9 kg/ha/day
Sand and aggregate transfer to elevated bin	Delivery to in-ground storage bins	0.014 kg/tonne
Weigh hopper loading (aggregate)	Loading of aggregate into hopper below elevated aggregate storage bin and weigh hopper inside batching house	0.01 kg/tonne
Cement unloading to elevated storage silo (bucket elevator)	Loading of cement into weigh hopper inside batching house	0.12 kg/tonne
Total process emissions (truck mix)	Loading of aggregate and cement into agitator trucks inside batching house	0.05 kg/tonne

Source: NPI – Emission Estimation Technique Manual for Concrete Batching and Concrete Product Manufacturing (February 1999)

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As the emission factor acquired from the NPI EETM only provides the emission factor for PM<sub>10</sub>, further calculations were required to estimate the emission factors for Total Suspended Particulates (TSP) and PM<sub>2.5</sub>. For this purpose, the generalised particle size distribution for mechanically generated aggregate and unprocessed ores from US EPA's AP-42 database was used to estimate the proportion of PM<sub>10</sub> to TSP and also for PM<sub>10</sub> to PM<sub>2.5</sub>. These ratios were then used to derive the emission factors for TSP and PM<sub>2.5</sub> (Aggregates). The excerpt for the generalised particle size distribution has been provided as Table 5-3.

Table 5-3: US EPA AP-42 Generalised Particle Size Distribution for Mechanically Generated Aggregate, Unprocessed Ores

Particle Size (µm)	Cumulative % ≤ Stated Size (Uncontrolled)	Minimum Value	Maximum Value	Standard Deviation
2.5	15	3	35	7
10.0	51	23	81	14

The emission factors for PM<sub>2.5</sub> (cementitious materials) were referenced from the particle size distribution for a Portland cement industry from ASTM's database. The factors were calculated as a linear interpolation between the two nearest points for PM<sub>2.5</sub> and PM<sub>10</sub> obtained from ASTM'S data (See Table 5-4). The factors were then used to calculate PM<sub>2.5</sub> to PM<sub>10</sub> which was further used to calculate emission factors for PM<sub>2.5</sub>(Cement).

Table 5-4: ASTM Particle Size Distribution for Portland cement powder<sup>1</sup>

Particle Size (µm)	Cumulative % Mean	Calculated Cumulative % Mean
2	12.3	PM <sub>2.5</sub> = 15.2
3	18.1	
8	37.1	PM <sub>10</sub> = 42.2
12	47.3	

Note 1) Ferraris, C., Hackley, V., and Avilés, A., "Measurement of Particle Size Distribution in Portland Cement Powder: Analysis of ASTM Round Robin Studies," *Cement, Concrete and Aggregates*, Vol. 26, No. 2, 2004, pp. 1-11, <https://doi.org/10.1520/CCA11920>. ISSN 0149-6123

The above particle size distributions were used to calculate the emissions of TSP and PM<sub>2.5</sub> based on the NPI EETM emission factors for PM<sub>10</sub>, as presented in Table 5-5.

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Processes at Site	TSP Uncontrolled Emission Factor	PM <sub>2.5</sub> Uncontrolled Emission Factor
Wind erosion from in-ground bins and during conveyor transport	7.65 kg/ha/day	1.15 kg/ha/day
Delivery to in-ground storage bins	0.03 kg/tonne	0.004 kg/tonne
Loading of aggregate into hopper below elevated aggregate storage bin and weigh hopper inside batching house	0.02 kg/tonne	0.003 kg/tonne
Loading of cement into weigh hopper inside batching house	0.28 kg/tonne	0.04 kg/tonne
Loading of aggregate and cement into agitator trucks inside batching house	0.10 kg/tonne	0.02 kg/tonne

### 5.3.1 Reduction Factors

Typical reduction factors for concrete batching activities are listed in Table 7 of the *Emission Estimation Technique Manual for Concrete Batching and Concrete Product Manufacturing* (NPI DEH, 1999) and are shown in Table 5-6.

Table 5-6: Reduction Factors for PM<sub>10</sub> for Concrete Batching Activities from NPI EETM for Concrete Batching and Concrete Products

Control	Reduction Factor (Materials Handling)	Reduction Factor (Materials Storage)
Default	-	0.3
Wind Breaks	0.7	0.7
Water Sprays	0.5	0.5
Chemical Suppression	0.2	0.2
Enclosure (2-3 walls)	0.1	0.1
Covered Stockpiles	0.0	0.0
Enclosed	0.0	-

Reduction factors were applied to the NPI EETM emission factors depending on the emission reduction controls in place for each process, as outlined in Table 5-7. The suggested NPI EETM reduction factor for materials handling in an enclosed building is zero. However, a conservative reduction factor of 0.1 was applied to all processes occurring within the enclosed batching house building to account for any dust emissions that may escape during the short period of time the roller doors are open to allow the entry and exit of agitator trucks.

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Table 5-7: Emission Reduction Factors Applied to NPI EETM Emission Factors

Processes at Site	Control in Place	Reduction Factor Applied
Wind erosion from in-ground bins	Wind break walls	0.7
Delivery to in-ground storage bins	Wind break walls	0.7
Wind erosion during conveyor transport	¾ enclosed conveyors	0.1
Loading of aggregate into hopper below elevated aggregate storage bin	Enclosed by 2-3 walls	0.1
All activities inside batching house building	Enclosed building	0.1

#### 5.4 EMISSION RATES

Emission rates for input into the dispersion model were based on the adopted NPI EETM emission and reduction factors and the maximum proposed amount of 230,000 tonnes of aggregate/sand and 70,000 tonnes of cement to be processed by the facility per annum for a total of 300,000 tpa of concrete.

Wind erosion from the in-ground bins and during conveyor transport was calculated based on the surface area of the bins and conveyors and the hours of operation. A daily emission rate in kilograms per hectare was first calculated, which was then converted to grams per square metre per second and applied to the hours of operation. The in-ground bins and first two conveyors were assumed to be operating 24 hours per day, 365 days per year, (this is conservative and varies from the consent), while the third conveyor was only assumed to be operating during the business hours of Monday to Friday 6am to 6pm and Saturday 6am to 1pm.

Emissions from delivery to in-ground storage bins, and loading of aggregate and cement into hoppers and agitator trucks was based on the total amount of materials processed by the facility per annum. A yearly emission rate in kilograms was calculated, which was then converted into an emission rate of grams per second for the number of hours each process would be operating per year. Model assumptions for emission rates from DA 264/2018 have been maintained for consistency with previous assessment to assess higher processing tonnages. These assumptions include deliveries to in-ground bins were assumed to be operating 24 hours per day and 365 days per year (this is conservative and varies from the consent), while the loading of hoppers and agitator trucks was only assumed to take place during the business hours of Monday to Friday 6am to 6pm and Saturday 6am to 1pm as this is when most activities are likely to occur. However, the as per the consent conditions, deliveries to the CBP and operation will only occur between the hours of 6am-6pm Mon-Fri and 6am-1pm Sat. The concrete batching plant can operate 24 hours per day 7 days per week.



## 6. AIR IMPACT MODELLING

### 6.1 DISPERSION MODEL

The new generation air dispersion model, AERMOD ver. 16216r, was used for the prediction of off-site impacts associated with the air emissions from the proposed increased operations. AERMOD uses air dispersion based on planetary boundary layer turbulence structure and scaling concepts. The AERMOD model replaced AUSPLUME as the air dispersion model accepted by the Victorian EPA in January 2014 and is a suitable model to use for this air assessment.

The model was used to estimate the concentration impacts on receptors for each hour of input meteorology. Terrain was assumed to be elevated.

#### 6.1.1 Meteorological Data

Prognostic meteorological data for the year 2016 were obtained from Lakes Environmental Services and pre-processed using AERMET, as described in Sections 4.1.1 and 4.1.2. The resultant upper air and surface data files were input to AERMOD.

### 6.2 SOURCE CONFIGURATIONS AND PARAMETERS

#### 6.2.1 Assumptions

The following assumptions were used in the model:

- The total maximum annual raw material usage of 230,000 tonnes of aggregate/sand and 70,000 tonnes of cement (for a total of 300,000 tpa) was used to estimate emissions from the subject site;
- Emissions from the delivery of aggregates to ~60% of the in-ground bins area and the operation of the first two conveyors were calculated for 24 hours per day, 365 days per year (this is conservative);
- The main activities of concrete batching would occur during standard business hours of Monday to Friday 6am to 6pm and Saturday 6am to 1pm;
- Emissions from all weigh hopper loading, loading of agitator trucks, and operation of the third conveyor were calculated for the standard business hours;
- Emissions from the batching house building would occur from the roller doors and a conservative reduction factor of 0.1 was applied to the emissions inside the building or in walled areas.

#### 6.2.2 Emission Sources Modelled

Each potential dust emitting process at the concrete batching facility was allocated a separate source in the dispersion model, as outlined in Table 6-1. The in-ground bins were allocated two area sources, one for wind erosion and one for material unloading with an area equal to that of the in-ground bins. A flagpole height of 0.5 m was assumed for material unloading to simulate the elevated release height from the delivery trucks.

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The hopper under the aggregate storage bin was modelled with the base area equal to the base area of the aggregate storage bin and a height equal to the loading height of the hopper. A conservative flagpole height of 1.5 m was added to concentrate emissions above the mouth of the hopper. Sigma-Z and sigma-Y were set to AERMOD's suggested values.

Conveyors were modelled in parts so that the diagonal increase in height could be more accurately simulated. The conveyor length was split into one, two, or three equal sections, depending on the length of the conveyor and the increase in height, and the height at those points used for the start and end coordinates of the line area sources in the model.

All processes occurring inside the batching house building were modelled with a base area equal to the base area of the batching house building and a height equal to that of the roller doors. The building is otherwise enclosed and it is likely that any fugitive emissions would escape from the roller doors. Sigma-Z was set to AERMOD's suggested value.





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Table 6-1: Summary of Emission Sources

Source Name	Source Type	Source Size (m)	Source Height (m)	Daily Emission Rate (g/s)			Annual Emission Rate (g/s)		
				PM <sub>2.5</sub>	PM <sub>10</sub>	TSP	PM <sub>2.5</sub>	PM <sub>10</sub>	TSP
In-ground storage bins –delivery	Area	25 x 4.3	0.5	0.02135076	0.07259259	0.14233842	0.01403696	0.04772566	0.09357973
Total in-ground storage bins –wind 9 bins	Area	37.5 x 4.3	0	0.00014990	0.00050950	0.00099900	0.00014990	0.00050950	0.00099900
First conveyor	Line area	32.1 x 0.54	0 – 3.3	0.00000230	0.00000783	0.00001536	0.00000230	0.00000783	0.00001536
Second conveyor – Part 1	Line area	21.7 x 0.54	0 - 9	0.00000467	0.00001587	0.00003111	0.00000467	0.00001587	0.00003111
Second conveyor – Part 2	Line area	21.7 x 0.54	9 – 16.7	0.00000467	0.00001587	0.00003111	0.00000467	0.00001587	0.00003111
Second conveyor – Part 3	Line area	21.7 x 0.54	16.7 – 25.1	0.00000467	0.00001587	0.00003111	0.00000467	0.00001587	0.00003111
Third conveyor – Part 1	Line area	19 x 0.53	0 – 6.2	0.00000269	0.00000914	0.00001791	0.00000269	0.00000914	0.00001791
Third conveyor – Part 2	Line area	19 x 0.53	6.2 – 11.4	0.00000269	0.00000914	0.00001791	0.00000269	0.00000914	0.00001791
Aggregate storage bin hopper	Volume	5.2 x 5.2 x 3	1.5	0.00435730	0.01481481	0.02904866	0.00361128	0.01227835	0.02407520
Batching house hopper –aggregate	Volume	12.2 x 12.2 x 4.52	0	0.00435730	0.01481481	0.02904866	0.00361128	0.01227835	0.02407520
Batching house hopper –cement	Volume	12.2 x 12.2 x 4.52	0	0.01901001	0.05277778	0.12506582	0.01585220	0.04401072	0.10429080
Batching house – agitator truck	Volume	12.2 x 12.2 x 4.52	0	0.02950606	0.09606481	0.18193199	0.02449385	0.07972956	0.16279312

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### **6.3 AIR IMPACT MODELLING RESULTS**

This section details the results of air impact modelling at the nearest sensitive receptors.

#### **6.3.1 Maximum Impacts at Sensitive Receptors**

Table 6-2 to Table 6-6 to provide the results of the maximum modelled impacts for each identified receptor. Isopleths for each averaging period are provided in Figure 6-1 to Figure 6-5. Background concentrations that exceed the relevant *Approved Methods* criterion are marked with red text.

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Table 6-2: TSP Annual Averaging Period Modelling Results

Receptor ID	Incremental Impact (µg/m³)	Background (µg/m³)	Cumulative Impact (µg/m³)	Criteria (µg/m³)
R1	0.3	38.4 µg/m³	38.7 ✓	90 µg/m³
R2	0.1		38.5 ✓	
R3	0.1		38.5 ✓	
R4	0.04		38.4 ✓	
R5	0.02		38.4 ✓	
R6	0.02		38.4 ✓	
R7	0.01		38.40 ✓	
R8	0.03		38.4 ✓	
R9	1.1		39.5	
R10	1.1		39.5	
R11	2.5		40.9	
R12	5.8		44.2	
R13	8.2		46.6	
R14	2.0		40.4	
R15	17.8		56.2	
R16	10.1		48.5	
R17	6.2		44.6	

✓ Complies ✗ Non-compliance

NOTE: <sup>1</sup>See section 6.4.2

Figure 6-1: TSP Annual Averaging Period Modelling Results



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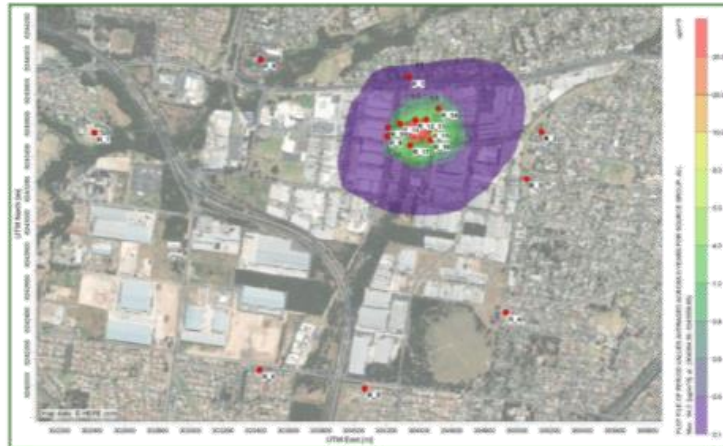


Table 6-3: PM<sub>10</sub> Annual Averaging Period Modelling Results

Receptor ID	Incremental Impact (µg/m <sup>3</sup> )	Background (µg/m <sup>3</sup> )	Cumulative Impact (µg/m <sup>3</sup> )	Criteria (µg/m <sup>3</sup> )
R1	0.2	19.6 µg/m <sup>3</sup>	19.8 ✓	25 µg/m <sup>3</sup>
R2	0.07		19.8 ✓	
R3	0.06		19.8 ✓	
R4	0.02		19.7 ✓	
R5	0.01		19.7 ✓	
R6	0.01		19.7 ✓	
R7	0.00		19.7 ✓	
R8	0.02		19.7 ✓	
R9	0.6		20.3	N/A
R10	0.5		20.2	
R11	1.2		20.9	
R12	2.9		22.6	
R13	4.03		23.7	
R14	1.0		20.7	
R15	8.7		28.4	
R16	4.9		24.6	
R17	3.1		22.9	

✓ Complies ✗ Non-compliance

Figure 6-2: PM<sub>10</sub> Annual Averaging Period Modelling Results



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Table 6-4: PM<sub>2.5</sub> Annual Averaging Period Modelling Results

Receptor ID	Incremental Impact (µg/m <sup>3</sup> )	Background (µg/m <sup>3</sup> )	Cumulative Impact (µg/m <sup>3</sup> )	Criteria (µg/m <sup>3</sup> )
R1	0.05	8.7 µg/m <sup>3</sup>	8.8*	8 µg/m <sup>3</sup>
R2	0.02		8.7*	
R3	0.02		8.7*	
R4	0.01		8.7*	
R5	0.003		8.7*	
R6	0.003		8.7*	
R7	0.001		8.7*	
R8	0.005		8.7*	
R9	0.2		8.9	N/A
R10	0.2		8.9	
R11	0.4		9.1	
R12	0.9		9.6	
R13	1.2		9.9	
R14	0.3		9.0	
R15	2.7		11.4	
R16	1.5		10.2	
R17	0.9		9.6	

✓ Complies \* Non-compliance

Figure 6-3: PM<sub>2.5</sub> Annual Averaging Period Modelling Results



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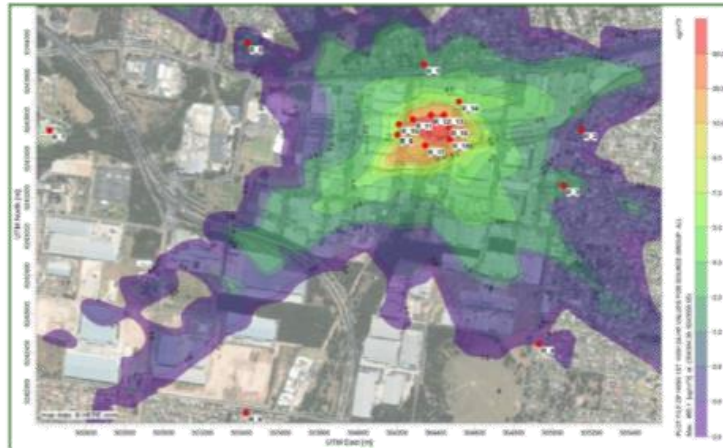


Table 6-5: PM<sub>10</sub> 24 Hour Averaging Period Modelling Results

Receptor ID	Incremental Impact (µg/m <sup>3</sup> )	Background (µg/m <sup>3</sup> )	Cumulative Impact (µg/m <sup>3</sup> )	Criteria (µg/m <sup>3</sup> )
R1	1.2	68.7 µg/m <sup>3</sup>	69.9*	50 µg/m <sup>3</sup>
R2	0.7		69.4*	
R3	1.2		69.9*	
R4	0.5		69.2*	
R5	0.2		68.9*	
R6	0.2		68.9*	
R7	0.1		68.8*	
R8	1.1		69.8*	
R9	6.2		74.9	N/A
R10	6.1		74.8	
R11	15.7		84.4	
R12	21.1		89.8	
R13	19.2		87.9	
R14	5.8		74.5	
R15	60.2		128.9	
R16	28.2		96.9	
R17	16.1		84.8	

✓ Complies \* Non-compliance

Figure 6-4: PM<sub>10</sub> 24 Hour Averaging Period Modelling Results





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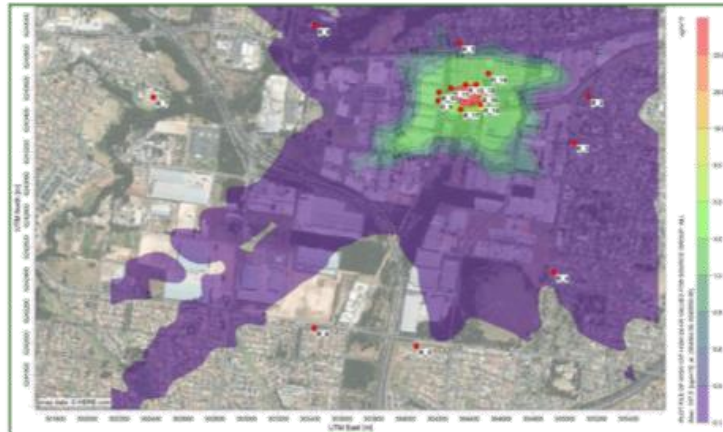


Table 6-6: PM<sub>2.5</sub> 24 Hour Averaging Period Modelling Results

Receptor ID	Incremental Impact (µg/m <sup>3</sup> )	Background (µg/m <sup>3</sup> )	Cumulative Impact (µg/m <sup>3</sup> )	Criteria (µg/m <sup>3</sup> )
R1	0.4	50.8 µg/m <sup>3</sup>	51.9*	25 µg/m <sup>3</sup>
R2	0.2		51.0*	
R3	0.4		51.2*	
R4	0.2		51.0*	
R5	0.06		50.9*	
R6	0.06		50.9*	
R7	0.03		50.8*	
R8	0.3		51.1*	
R9	1.8		52.6	
R10	1.8		52.6	
R11	4.7		55.5	
R12	6.3		57.1	
R13	5.7		56.5	
R14	1.7		52.5	
R15	18.8		69.3	
R16	8.5		59.3	
R17	4.8		55.6	

✓ Complies \* Non-compliance

Figure 6-5: PM<sub>2.5</sub> 24 Hour Averaging Period Modelling Results





### 6.3.2 Predicted Days of Cumulative Exceedance

Due to the high background levels of PM<sub>10</sub> and PM<sub>2.5</sub> at the site, the *Approved Methods* require a demonstration that no additional exceedances of the impact assessment criteria will occur as a result of the site activities.

Table 6-7 and Table 6-8 summarise the contemporaneous impact and background of the top ten days of highest predicted concentrations and the top ten days of highest predicted increment for PM<sub>10</sub> and PM<sub>2.5</sub> for the most highly impacted residential receptor (R1). Any additional days where the *Approved Methods* criteria are exceeded are marked in **bold**.

Table 6-7: Summary of Top Ten Days of Contemporaneous PM<sub>10</sub> Impact and Background at Residential Receptor R1 (*Approved Methods* Criterion = 50 µg/m<sup>3</sup>)

Date	PM <sub>10</sub> 24 Hour Average (µg/m <sup>3</sup> )			Date	PM <sub>10</sub> 24 Hour Average (µg/m <sup>3</sup> )		
	Highest Background	Predicted Increment	Total		Background	Highest Predicted Increment	Total
08/05/2016	68.7 *	0.0	68.7 *	20/07/2016	9.6 ✓	1.3	10.9 ✓
22/05/2016	52.2 *	0	52.2 *	21/11/2016	30.8 ✓	0.9	31.7 ✓
07/05/2016	51.0 *	0.70	51.7 *	29/11/2016	26.9 ✓	0.9	27.8 ✓
29/04/2016	39.5 ✓	0.2	39.7 ✓	03/02/2016	22.1 ✓	0.8	22.9 ✓
19/11/2016	38.6 ✓	0.4	39.0 ✓	14/06/2016	23.9 ✓	0.8	24.7 ✓
21/10/2016	36.5 ✓	0.1	36.6 ✓	08/01/2016	20.1 ✓	0.8	20.9 ✓
28/11/2016	36.5 ✓	0.1	36.6 ✓	15/03/2016	13.7 ✓	0.7	14.4 ✓
20/10/2016	36.4 ✓	0.1	36.5 ✓	04/02/2018	22.2 ✓	0.7	22.9 ✓
16/08/2016	35.9 ✓	0.2	36.1 ✓	29/03/2016	18.9 ✓	0.7	19.6 ✓
25/05/2016	35.1 ✓	0.1	35.2 ✓	02/06/2016	12.1 ✓	0.7	12.8 ✓

✓ Complies \* Non-compliance

Table 6-8: Summary of Top Ten Days of Contemporaneous PM<sub>2.5</sub> Impact and Background at Residential Receptor R1 (*Approved Methods* Criterion = 25 µg/m<sup>3</sup>)

Date	PM <sub>2.5</sub> 24 Hour Average (µg/m <sup>3</sup> )			Date	PM <sub>2.5</sub> 24 Hour Average (µg/m <sup>3</sup> )		
	Highest Background	Predicted Increment	Total		Background	Highest Predicted Increment	Total
08/05/2016	50.8 *	0.00002	50.8 *	20/07/2016	7.4 ✓	0.46	7.9 ✓
07/05/2016	35.0 *	0.20	35.2 *	29/11/2016	9.7 ✓	0.26	10.0 ✓
22/05/2016	33.3 *	0	33.3 *	21/11/2016	12.8 ✓	0.26	13.1 ✓
09/05/2016	31.1 *	0.023	31.1 *	03/02/2016	7.6 ✓	0.25	7.9 ✓
23/05/2016	22.3 ✓	0.044	22.3 ✓	15/03/2016	7.4 ✓	0.25	7.7 ✓
03/07/2016	21.5 ✓	0.000050	21.5 ✓	14/06/2016	20.3 ✓	0.25	20.5 ✓
29/04/2016	21.1 ✓	0.07	21.2 ✓	04/02/2016	8.2 ✓	0.24	8.4 ✓
28/04/2016	21.1 ✓	0.063	21.1 ✓	18/04/2016	5.7 ✓	0.24	5.9 ✓
26/04/2016	21.1 ✓	0.043	21.1 ✓	02/06/2016	5.7 ✓	0.24	5.9 ✓
26/04/2016	21.1 ✓	0.029	21.1 ✓	06/01/2016	3.7 ✓	0.24	3.9 ✓

✓ Complies \* Non-compliance



## 6.4 DISCUSSION OF MODELLING RESULTS

### 6.4.1 Residential Receptors

TSP emissions at all sensitive receptors are predicted to comply with the *Approved Methods* criterion for an annual averaging period. PM<sub>10</sub> annual average emissions are also predicted to comply at all residential receptors.

The maximum predicted impacts for 24 hour averaging periods for PM<sub>10</sub> and PM<sub>2.5</sub>, and the annual averaging period for PM<sub>2.5</sub> all exceeded the relevant criteria due to elevated background concentrations. The background concentrations for these averaging periods alone exceeded the criteria even before the incremental impacts were added.

In cases of elevated background concentrations, the NSW EPA requires a demonstration that no additional exceedances of the impact assessment criteria will occur as a result of the proposed increased site activities. Contemporaneous addition of the predicted daily increments of PM<sub>10</sub> and PM<sub>2.5</sub> with daily measured background levels for 2016 showed that no additional days of exceedance would result at the most highly impacted receptor, R1, due to the proposed increased site activities.

This additional modelling shows that the *Approved Methods* criteria are satisfied at all residential receptors for all particulate air pollutants modelled. Therefore, it is considered that emissions to air from the site's operation are unlikely to cause harm to human health or the environment.

Additionally, there are various dust controls planned that were not included in the model, such as dust filters and dust extractors. These dust controls would further reduce particulate matter generation at the site. No further controls are recommended.

### 6.4.2 Industrial Receptors

Industrial receptors are not considered "sensitive receptors" in this assessment. The justification is provided below.

Many air quality impact assessments conducted by Benbow Environmental and other respected environmental consultancies have been submitted to and approved by the EPA where neighbouring industrial facilities were not required to be considered as sensitive receptors.

It is our understanding that the *Approved Methods* criteria is designed to protect residents who may live at their home 24/7 and vulnerable people such as children and the elderly. It is highly unreasonable and unfeasible that this development must assess the same approved methods criteria at a residence, school or hospital to that of an industrial facility like that of warehouses, wholesalers, manufacturers operating in close proximity to the site. As employees typically only work an 8 hour shift at such facilities, a more suitable criterion is for these places of business would be the occupational health and safety levels, which the site has demonstrated would readily comply with.

As it is not common practice in NSW to assess industrial or commercial facilities against the *Approved Methods* criteria, and based on the nature of works undertaken, we believe it is unwarranted to assess the neighbouring industrial facilities as sensitive receivers.



## 7. SITE VISIT

A site visit was conducted by Kate Barker from Benbow Environmental on the 13<sup>th</sup> October 2021 at approximately 11am. During the site visit, the following was noted:

- A small amount of dust was evident below the conveyors and was able to be transported by light winds.
- Material storage was above ground level for one in-ground receival bin.

It is not considered that these events were significant enough to cause pollution outside the site, however to ensure future compliance, the following additional controls are recommended:

- Communication with delivery providers to ensure loads are at correct moisture level.
- Additional management to ensure delivered loads do not exceed the capacity of the bins, avoiding overflow.
- Regular inspection conveyors will have spill trays and belt cleaning devices.
- Regular sweeping of areas surrounding inground bins and conveyer structures, where required.

Contingency measures in the case of exceedances or impacts at sensitive receptors include:

- Installation water sprays or dust suppression equipment fixed to the concrete wind walls;
- Use of dust suppression during receival of materials to inground bins and until all material is below ground level.

Renita Developments Pty Ltd  
Air Quality Impact Assessment

## 8. STATEMENT OF POTENTIAL AIR QUALITY IMPACTS

TSP emissions at all sensitive receptors were predicted to comply with the *Approved Methods* criterion for an annual averaging period. PM<sub>10</sub> annual average emissions are also predicted to comply at all residential receptors. Odour is not considered as a potential emission that would be generated from the proposed increase processing capacity at the development and therefore was not assessed.

The maximum predicted impacts for 24 hour and annual averaging periods for PM<sub>2.5</sub>, and the 24hr averaging period for PM<sub>10</sub> all exceeded the relevant criteria at all residential receptors due to elevated background concentrations. However, contemporaneous addition of the predicted daily increments with daily background levels showed that no additional days of exceedance would result from the proposed increased site activities at nearest sensitive residential receptors. Therefore, the *Approved Methods* criteria are satisfied at all residential receptors for all particulate air pollutants modelled. No further controls are recommended.

This assessment provides an updated report to include previously assessed quantities of the existing development. As such, the methodology regarding the assessment of the residential and industrial receptors remains consistent with the assessment for the approved and existing development.

The following additional controls are recommended:

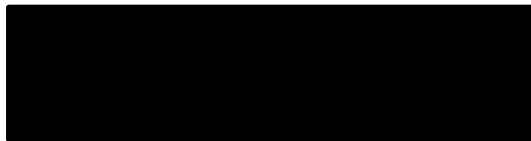
- Communication with delivery providers to ensure loads are at correct moisture level.
- Additional management to ensure delivered loads do not exceed the capacity of the bins, avoiding overflow.
- Regular inspection conveyors will have spill trays and belt cleaning devices.
- Regular sweeping of areas surrounding inground bins and conveyer structures, where required.

It is suggested that future modifications of the development regarding tonnages should be supported by an updated AQIA.

Contingency measures in the case of exceedances of impacts at sensitive receptors include:

- Installation water sprays or dust suppression equipment fixed to the concrete wind walls;
- Use of dust suppression during receipt of materials to inground bins and until all material is below ground level.

This concludes the report.



Senior Environmental Scientist

Principal Consultant

Renita Developments Pty Ltd  
Air Quality Impact Assessment



## 9. REFERENCES

Environment Protection Authority (2016) *Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales*. Sydney.

Ferraris, C., Hackley, V., and Avilés, A (2004) *Measurement of Particle Size Distribution in Portland Cement Powder: Analysis of ASTM Round Robin Studies*. Cement, Concrete and Aggregates. Vol. 26, No. 2, 2004, pp. 1-11.

NSW legislation (1997) *Protection of the Environment Operations Act. No 156*. Available at: <https://www.legislation.nsw.gov.au/#/view/act/1997/156/whole> (Accessed: 29 August 2017).

National Pollutant Inventory (1999) *Emission Estimation Technique Manual for Concrete Batching and Concrete Product Manufacturing*. Available at: <http://www.npi.gov.au/resource/emission-estimation-technique-manual-concrete-batching-and-concrete-product-manufacturing> (Accessed: 27 August 2017).

United States Environmental Protection Agency (1995) *AP 42, Fifth Edition Compilation of Air Pollutant Emission Factors, Volume 1: Stationary Point and Area Sources*. Available at: <https://www.epa.gov/air-emissions-factors-and-quantification/ap-42-compilation-air-emissionfactors> (Accessed: 11 August 2017).



Renita Developments Pty Ltd  
Air Quality Impact Assessment



## 10. LIMITATIONS

Our services for this project are carried out in accordance with our current professional standards for site assessment investigations. No guarantees are either expressed or implied.

This report has been prepared solely for the use of Renita Developments Pty Ltd, as per our agreement for providing environmental services. Only Renita Developments Pty Ltd is entitled to rely upon the findings in the report within the scope of work described in this report. Otherwise, no responsibility is accepted for the use of any part of the report by another in any other context or for any other purpose.

Although all due care has been taken in the preparation of this study, no warranty is given, nor liability accepted (except that otherwise required by law) in relation to any of the information contained within this document. We accept no responsibility for the accuracy of any data or information provided to us by Renita Developments Pty Ltd for the purposes of preparing this report.

Any opinions and judgements expressed herein, which are based on our understanding and interpretation of current regulatory standards, should not be construed as legal advice.

**ATTACHMENTS**

ITEM 02      4 ASH RD PRESTONS  
*Attachment 6*      LLPP Assessment Report

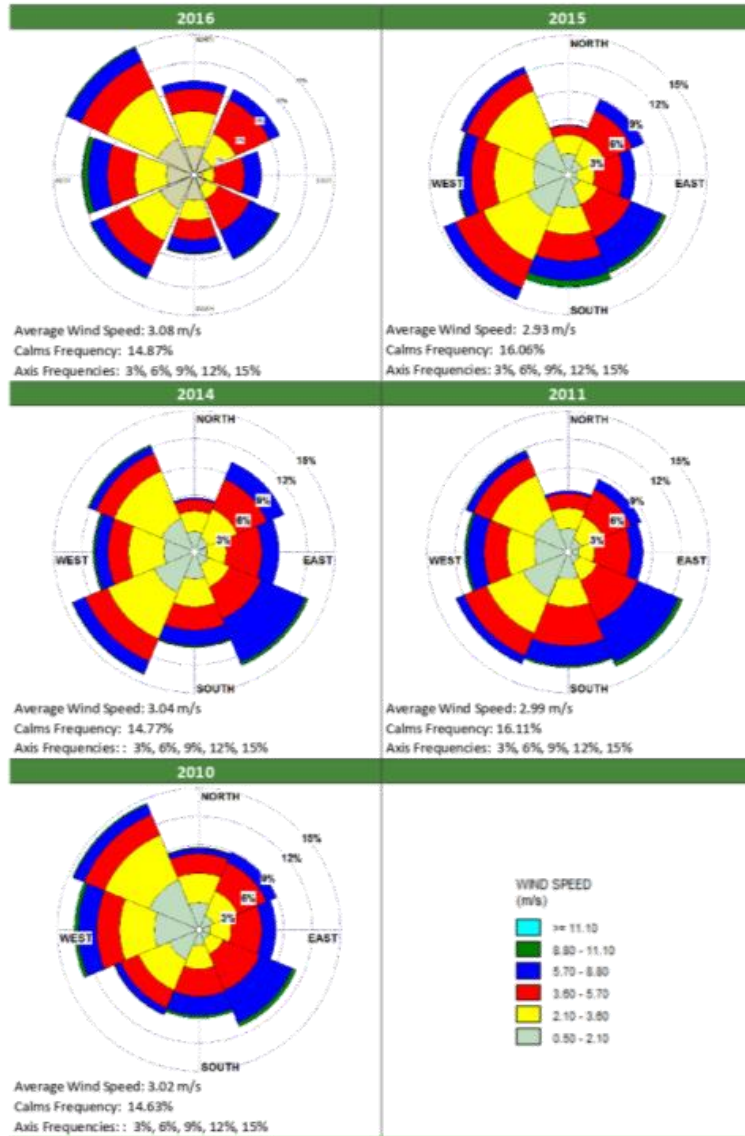
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ITEM 02      DA-264/2018/C - 4 ASH ROAD, PRESTONS NSW 2170  
*Attachment 3*      Attachment 3 - Air Quality Report

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Attachment 1: Wind Rose Plots for the Referenced Meteorological Station – Bankstown Airport,  
Bureau of Meteorology 2010, 2011, and 2014 – 2016.

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ITEM 02      4 ASH RD PRESTONS  
*Attachment 6*      LLPP Assessment Report

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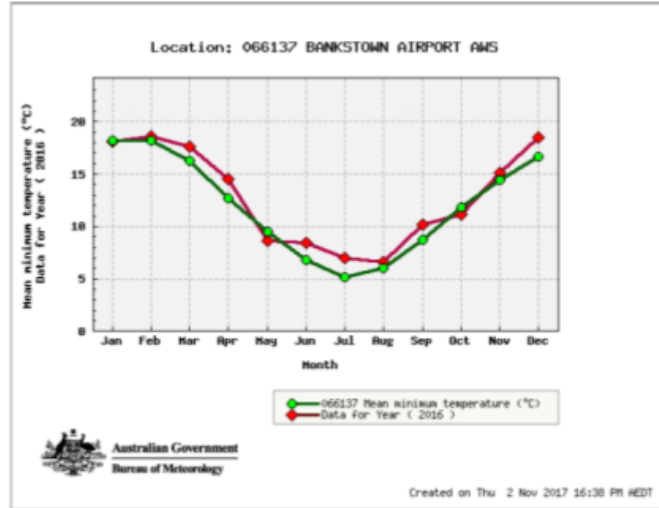
ITEM 02      DA-264/2018/C - 4 ASH ROAD, PRESTONS NSW 2170  
*Attachment 3*      Attachment 3 - Air Quality Report

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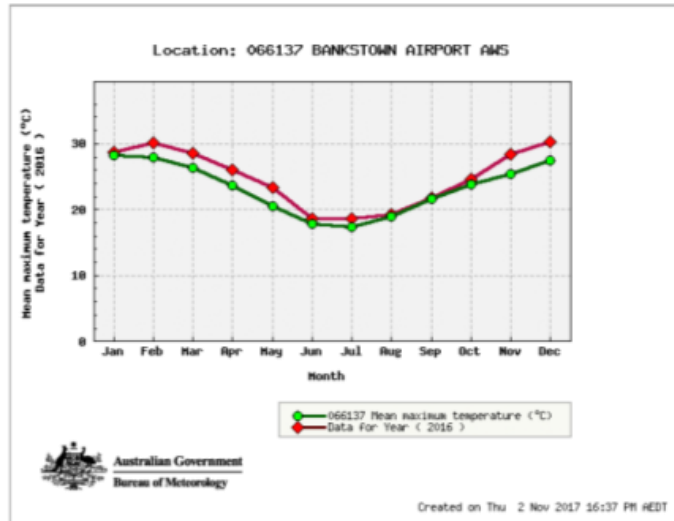
Attachment 2: Long-term Climate Statistics for the Referenced Meteorological Station –  
Bankstown Airport, Bureau of Meteorology

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Long-term Mean Minimum Monthly Temperature and Mean Minimum Monthly Temperature for 2016



Long-term Mean Maximum Monthly Temperature and Mean Maximum Monthly Temperature for 2016





DOC22/377182-3

Liverpool City Council  
Planning Team  
Locked Bag 7064  
LIVERPOOL BC NSW 1871  
Email: [lcc@liverpool.nsw.gov.au](mailto:lcc@liverpool.nsw.gov.au)

Attention: Planning Team

**Response to s4.55(2) Modification of Integrated Development Consent, CNR-39395**

Dear Planning Officer,

Thank you for consulting with the NSW Environment Protection Authority (EPA) about Concurrence and Referral (CNR) CNR-39395, Agency reference number A-46389 application to modify Development Consent at 4 Ash Road, Prestons 2170 (DA-264/2018/C).

The EPA notes that Development Consent DA-264/2018 was granted on 28 February 2019 consistent with the General Terms of Approval (GTA) specified by the EPA in Notice No. 1564424 dated 10 May 2018, and variation Notice No. 1573702 dated 21 December 2018.

The EPA understands a s4.55(1A) modification (DA-264/2018/A) to the consent was approved on 7 December 2020 and a further s4.55(1A) modification (DA-264/2018/B) to the consent was approved on 18 March 2021. The EPA made submissions to Council on DA-264/2018/A and DA-264/2018/B (EPA Refs: DOC20/854818-3 and DOC20/848938-2, respectively) noting it did not object to either modification.

The modification application DA-264/2018/B removed consent conditions relating to requirements for an Environment Protection Licence in response to amendments to Schedule 1 of the *Protection of the Environment Operations Act 1997* (POEO Act). The EPA notes that whilst the activities undertaken at the premises (Concrete Batch Plant) do not require an Environment Protection Licence, the EPA will continue to be the Appropriate Regulatory Authority for the premises in accordance with cl. 118(1)(b) of the Protection of the Environment (General) Regulation 2021.

The current application seeks to modify condition 103 of the consent for DA-264/2018 to increase in the annual production capacity of concrete or concrete products from 200,000 tonnes per annum to 300,000 tonnes per annum.

The EPA has reviewed the Modification Application and supporting documents that were submitted on 12 May 2022, including:

- *Concrete Batching Plant Lot 8 DP 241916 No. 4 Ash Road, Prestons – Acoustic Report for the Environmental Impact Statement* (Sebastian Giglio, Ref: 2870-D25 dated 22 December 2021)

Phone 131 555	TTY 133 677	Locked Bag 5022	4 Parramatta Square	<a href="mailto:info@epa.nsw.gov.au">info@epa.nsw.gov.au</a>
Phone +61 2 9995 5555 (from outside NSW)	ABN 43 692 285 758	Parramatta	12 Darcy St, Parramatta	<a href="http://www.epa.nsw.gov.au">www.epa.nsw.gov.au</a>
		NSW 2124 Australia	NSW 2150 Australia	



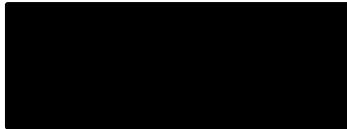
Page 2

- *Air Quality Impact Assessment for Renita Developments Pty Ltd 4 Ash Road, Prestons NSW* (Benbow Environmental, Ref: 171164-03\_AQIA\_Rev3 released 20 December 2021).

Based on the information provided the EPA does not object to the proposal to modify the consent.

If you have any questions please contact Larissa Borysko on 9995 6843 or via email at [Larissa.Borysko@epa.nsw.gov.au](mailto:Larissa.Borysko@epa.nsw.gov.au)

Yours sincerely,



**Unit Head - Regulatory Operations  
NSW Environment Protection Authority**

<b>Item Number:</b>	<b>3</b>
<b>Application Number:</b>	DA-1106/2022
<b>Proposed Development:</b>	Demolition of all existing structures and construction of a multi-dwelling housing development consisting of 3 x 2-storey attached dwellings, including strata subdivision
<b>Property Address</b>	9 Artillery Crescent, Holsworthy
<b>Legal Description:</b>	Lot 125 DP 846046
<b>Applicant:</b>	Monument Plan Pty Ltd
<b>Land Owner:</b>	Samer Mannoun and Azize Karaki
<b>Cost of Works:</b>	\$1,196,432
<b>Recommendation:</b>	Approved subject to conditions of consent
<b>Assessing Officer:</b>	Nelson Mu – Finesline Planning

## 1 EXECUTIVE SUMMARY

Council has received a Development Application for the demolition of existing structures and the construction of a multi-dwelling housing development consisting of 3 x 2-storey attached dwellings, including strata subdivision of the proposed units at 9 Artillery Crescent, Holsworthy.

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

The development application was advertised/notified for a period of 14 days from 13 January 2023 to 30 January 2023 in accordance with Community Participation Plan 2022. No submissions were received during the public consultation period objecting/supporting the proposal.

The key issues associated with the proposal relate to:

1. Compliance with Section 4 of the Part 3.6 of the Liverpool DCP 2008
2. Solar access and orientation
3. Overlooking of adjoining residences
4. Lack of living area facing the Street
5. Extent of hardstand within the front setback area

The revised proposal has satisfactorily resolved these issues and it is considered that an acceptable scheme has now been proposed for the site that is worthy of support. 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 categories of:*

**Conflict of interest**

*Development for which the applicant or land owner is:*

*(e) a relative (within the meaning of the Local Government Act 1993) of a person referred to in (b) to (d).*

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

**2. SITE DESCRIPTION AND LOCALITY**

**2.1 The locality**

The area is characterised by low density residential development consisting predominately of one and two-storey detached dwelling houses and is within the residential suburb of Holsworthy.

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

South (front)	2-storey detached brick residence
North (rear)	Single storey detached brick residence
East (side)	Single storey detached rendered residence
West (side)	Single storey detached brick residence

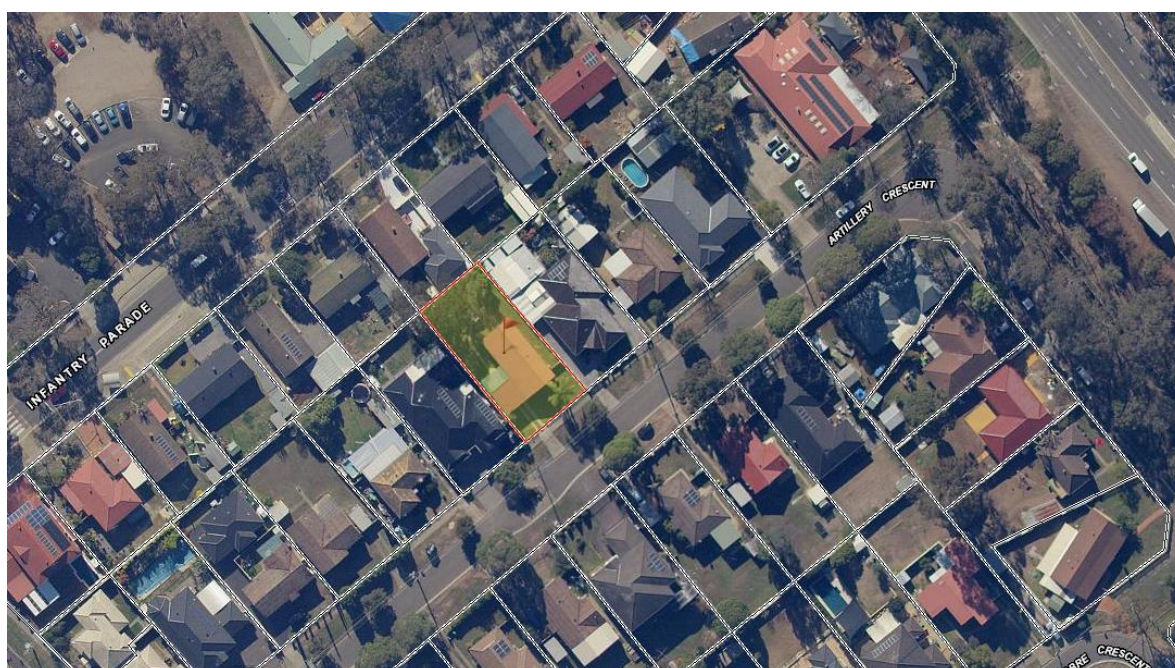


Figure 1: Locality Surrounding the Proposed Development with the subject site highlighted (Source: Six Maps) - Locality Map

## 2.2 The site

The subject site is identified as Lot 125 in DP 846046 and is known as 9 Artillery Crescent, Holsworthy. It is regular in shape with a frontage of 18.1 metres to Artillery Crescent and a depth of 38.1 metres, with a total area of 693m<sup>2</sup>.

Currently, the subject site contains a single storey detached brick residence with a garage and carport attached to the side.



Figure 2: View of the site as seen from Artillery Crescent consisting of a single storey brick detached dwelling with a brick garage and a carport attached to the side (Source: Google Street View).





Figure 3: View of adjoining properties to the north-east as seen from Artillery Crescent with an established Paperbark Street tree located along the nature strip in front of the site proposed for removal (Source: Google Street View)



Figure 4: View of the adjoining properties to the south-west as seen from Artillery Crescent (Source: Google Street View)



Figure 5: View of Artillery Crescent looking towards north-east direction (Source: Google Street View)

### **3. BACKGROUND/HISTORY**

- The subject DA was lodged with Council on 4 November 2022.
- The Application was initially deferred on 14 June 2023 that requested the following issues be addressed:
  - Failure to comply with Section 4 of Part 3.6 of the Council's DCP 2008 relating to multi-dwelling housing development on lots less than 18 metres frontage, notably at least 2 dwellings to have a maximum floor area of 80m<sup>2</sup> with a maximum of 2 bedroom and these dwellings are provided with a carport instead of a garage. Also, the rear 15 metres of the site is limited to 1 storey high only.
  - Solar access
  - Overlooking of adjoining properties
  - Removal of trees
  - Garages forward of the main entrance of each dwelling
  - First-floor windows of the southern dwelling does not comply with side setback requirements of 4 metres
  - Extent of cut proposed
  - Lack of articulation to southern elevation of the development
  - Poor internal arrangements
  - Excessive hardstand proposed within the front setback area
  - Unsatisfactory location of bin bay within the front setback area
  - Engineering issues relating to impact on existing easement on the site and vehicular crossings not to conflict with existing services
  - Waste management issues.



- Amended plans received on 17 July 2023 in response to the Council's initial deferral letter.
- The application was further deferred that requested the following issues be addressed:
  - Non-compliance with Section 4 of Part 3.6 of the Liverpool DCP 2008
  - Solar access and orientation
  - Overlooking of adjoining properties
  - No living area facing the Street
  - Unbroken side wall
  - Extent of driveway within front setback area
  - Engineering issues
  - Waste management issues
- Amended plans received on 21 October 2023 responded to the Council's RFI letter.

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

The development application proposes the demolition of all existing structures and construction of a multi-dwelling housing development containing 3 x two-storey attached dwellings and associated strata subdivision.

The proposal has been revised and now provides for the following:

- Three attached 2-storey dwellings consisting of 2 x 2-bedroom dwellings and 1 x 3-bedroom dwelling. The 2-bedroom dwellings have a maximum floor area of 80m<sup>2</sup>, whilst the 3-bedroom dwelling has a floor area of 146.5m<sup>2</sup>.
- The 2-bedroom dwellings provide for a carport, a combined kitchen, dining and living room, and a laundry and toilet amenity on the ground floor. Attached to the rear is a roofed alfresco area containing an outdoor kitchen and seating area. The first-floor consists of 2-bedrooms with ensuites. The rear bedroom opens into the double height living room below with a bifold window.
- In the case of dwelling 9a, an internal void/lightwell is provided to facilitate solar access and cross-flow ventilation into the dwelling.
- The 3-bedroom dwelling provides for a garage, a combined kitchen, dining and living room at the rear, a laundry and bathroom, plus a separate lounge room behind the garage. There is also a roofed alfresco area attached to the rear of the dwelling. The first-floor contains 3 bedrooms with the master-bedroom containing an ensuite, and a bathroom.
- Three separate driveways are proposed for the development. These driveways are to be constructed of grasscrete so as to minimise the extent of hard surface within the front setback area.
- The attached dwellings have been designed as a modern contemporary building with low pitched skillion roofs behind parapet walls. It is a part 1 and part 2-storey building with the rear part of the building limited to single storey only.



Plans of the proposal are attached in Attachment 1.

## **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 (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy - SEPP (Sustainable Buildings) 2022
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- Liverpool Local Environmental Plan (LLEP) 2008;
- Liverpool Development Control Plan (LDCP) 2008;

#### Other Plans and Policies

- N/A

#### Contributions Plans

- Liverpool Contribution Plan 2018 – Established Areas applies to all development pursuant to Section 7.11 of the EPA & Act.

## **6. ASSESSMENT**

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

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

#### **(a) State Environmental Planning Policy (Resilience and Hazards) 2021**

Pursuant to Clause 4.6 of SEPP (Resilience and Hazards) 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.

<b>Clause 4.6 - Contamination and remediation to be considered in determining development application</b>	<b>Comment</b>
(1) A consent authority must not consent to the carrying out of any development on land unless:	
(a) it has considered whether the land is contaminated, and	It is unlikely the land is contaminated as it is an existing residentially zoned allotment.
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and	The land is suitable for the proposed works and as it is unlikely that the land is contaminated, based on Council records.
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.	The land does not require remediation.

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

**(b) State Environmental Planning Policy – SEPP (Sustainable Buildings) 2022**

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

A BASIX Certificate has been submitted for the proposed development.

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

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

The subject land is located within the Georges River Catchment and as such the State Environmental Planning Policy (Biodiversity and Conservation) 2021 - Chapter 6 Water catchments, applies to the application.

A table summarising the matters for consideration in determining development applications under this SEPP and compliance with such is provided within Attachment 2 of this report.

It is considered that the proposal satisfies the provisions of the SEPP (Biodiversity and Conservation) 2021 subject to appropriate sedimentation and erosion controls being implemented during construction.

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

**(i) Zoning**

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

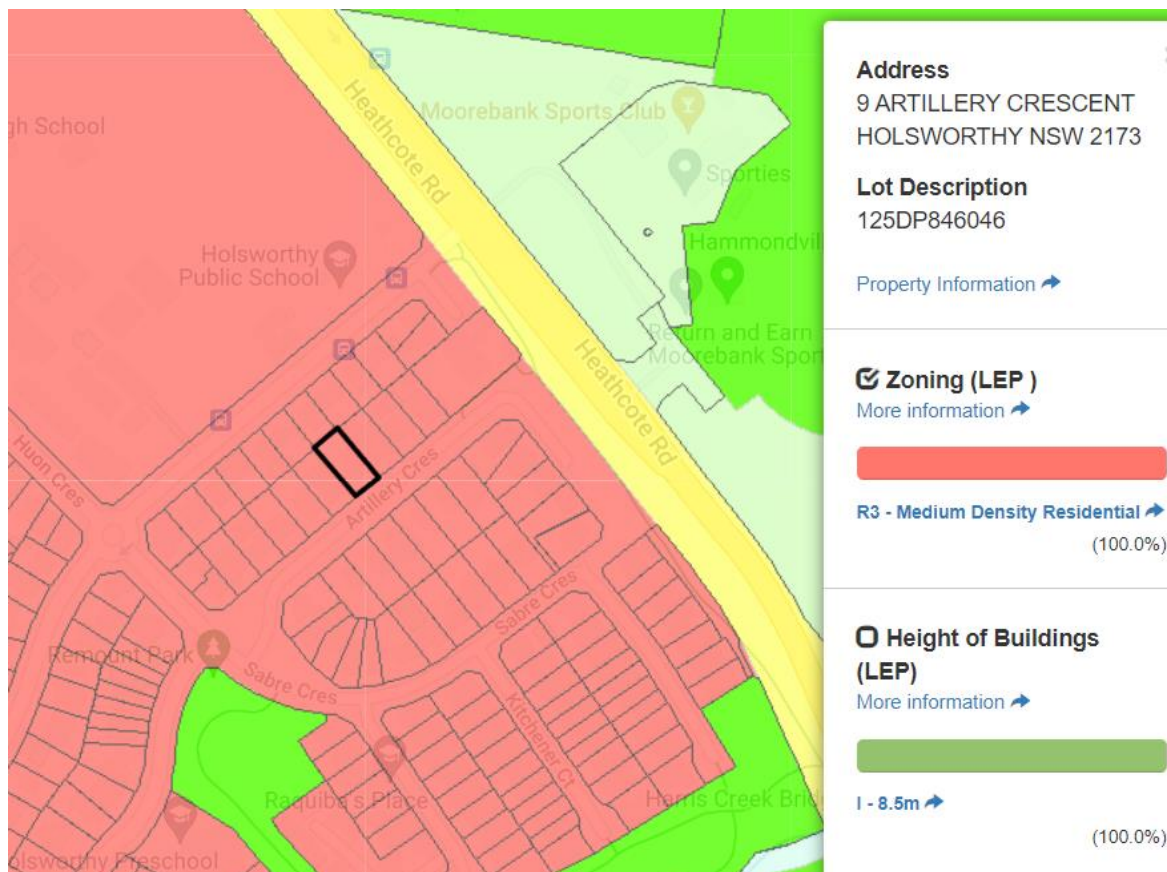


Figure 6: Zoning Map (source: eplanningliverpool)

**(ii) Permissibility**

The proposed development is best defined by the standard instrument as multi-dwelling housing, which is identified as permitted land use with consent within the R3 Zone under Liverpool Local Environment Plan 2008.

Multi-dwelling housing is defined by the Liverpool LEP as follows:

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

**(iii) Objectives of the zone**

The objectives of the R3 zone are as follows:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for a concentration of housing with access to services and facilities.*
- *To provide for a suitable visual transition between high density residential areas and lower density areas.*
- *To ensure that a high level of residential amenity is achieved and maintained.*

The proposal is considered to be consistent with the objectives of the zone in that the development will provide for the housing needs of the community within a medium density residential environment and contributes to a variety of housing topology within a medium density residential environment.

**(iv) Principal Development Standards**

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

<b>Development Provision</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Comment</b>
<b>Part 4 Principal Development Standards</b>			
2.7 Demolition	The demolition of a building or work may be carried out only with development consent	The proposal includes the demolition of the existing structures on site to make way for the proposal.	Complies.
4.1 Minimum subdivision lot size	(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the <a href="#">Lot Size Map</a> in relation to	The minimum lot size applicable to the site is 300m <sup>2</sup> . The proposed subdivision creates 3 lots of 238.5m <sup>2</sup> , 181m <sup>2</sup> and 273.8m <sup>2</sup> , which do not comply with the minimum lot size of 300m <sup>2</sup> . However, given that the proposal is for strata title subdivision, the minimum lot size clause does not apply, pursuant to	Not Applicable

	<p>that land.</p> <p>(4) This clause does not apply in relation to the subdivision of any land—</p> <p>(a) by the registration of a strata plan or strata plan of subdivision under the <i>Strata Schemes Development Act 2015</i>,</p>	Clause 4(a).	
4.3 Height of Buildings	Max permitted building height – 8.5m	Maximum proposed building height is 7.2m (24.462 – 17.25).	Complies
4.4 Floor Space Ratio	Max permitted FSR is 0.55:1	<p>The development proposes 305.9m<sup>2</sup> of GFA which equates to (305.9/693.3) an FSR of 0.44:1.</p> <p>Unit 9 Ground floor – 40.6m<sup>2</sup> 1<sup>st</sup> floor – 39.3m<sup>2</sup> Total – 79.1m<sup>2</sup></p> <p>Unit 9a: Ground floor – 40.2m<sup>2</sup> 1<sup>st</sup> floor – 39.3m<sup>2</sup> Total – 79.5m<sup>2</sup></p> <p>Unit 9b: Ground floor – 79.6m<sup>2</sup> 1<sup>st</sup> floor – 66.9m<sup>2</sup> Total – 146.5m<sup>2</sup></p> <p>Total – 305.9m<sup>2</sup> FSR – 0.44:1</p>	Complies
6.5 Public Utility Infrastructure	Public utility infrastructure must be available	The site is an established residential suburb. It is to be made as conditions of consent that the proposal meets the requirements of the relevant utility providers.	Complies

7.7 Acid sulfate soils	Class 1 2, 3 4 or 5	The site is identified as a Class 5 Acid sulphate soil. Minimal excavations and disturbance to the soil is proposed.	Complies.
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As demonstrated in the above compliance table, the proposed development is consistent with the provisions of LLEP 2008.

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

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

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

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

The application has also been assessed against the relevant controls of the LDCP 2008, particularly *Part 1 General Controls for all Development and Part 3.6 Multi Dwelling Housing (Villas and Townhouses) in the R3 and R4 Zones*.

The development is found to achieve compliance with the provisions of the LDCP 2008, as detailed within the table in Attachment 3 of the report. As outlined earlier in the report, the proposal has been submitted under Section 4 of Part 3.6 of the Liverpool DCP 2008 and key issues of concern with the proposal relate to:

- i. Compliance with Section 4 of Part 3.6 of the Liverpool DCP 2008
- ii. Solar access and orientation
- iii. Overlooking of adjoining residences
- iv. Lack of living area facing the Street
- v. Extent of hardstand within the front setback area

These are addressed as follows:

### **i. Compliance with Section 4 of Part 3.6 of the Liverpool DCP 2008**

Section 4 of Part 3.6 of the Liverpool DCP 2008 requires that at least two of the dwellings to have a maximum floor area of 80m<sup>2</sup> with a maximum of 2 bedrooms and are provided with carports instead of garages. In addition, the rear 15m of the site shall be limited to single storey only.

The applicant has submitted a revised scheme that conforms with the requirements of Section 4 of Part 3.6 of the Liverpool DCP 2008. In this regard, two of the three dwellings (dwellings 9 and 9a) have a maximum floor area of 79.9m<sup>2</sup> and 79.4m<sup>2</sup>, which comply with the allowable floor area of 80m<sup>2</sup> and these dwellings only contain 2 bedrooms and are provided with carports. Moreover, the scheme has been revised whereby the rear 15m of the site is now limited to single storey only.

It is considered that the revised proposal now satisfactorily addresses Artillery Crescent and would positively contribute to the character of the street.



**ii. Solar access and orientation**

Council initially expressed concerns that the proposal may result in the overshadowing of the southern adjoining residence at No. 11 Artillery Crescent in that its north-facing window(s) and private open space may not receive the required 3 hours of direct sunlight between 9am and 3pm in mid-winter.

The reduction of the rear 15m of the building to single storey in scale has significantly improved solar access to the southern adjoining residence. The submitted shadow diagrams and the view from the sun diagrams demonstrate that the north-facing windows and the private open space of the southern adjoining residence will receive more than the minimum solar access in mid-winter.

**iii. Overlooking of adjoining residences**

The proposal, as amended, show that the first-floor side facing windows of Dwellings 9 and 9b are provided with a minimum 1.5m sill height and the windows to the stairwells are afforded with privacy screen in the form of fixed louvres screen designed to ensure that there would be minimal overlooking of adjoining residences.

It is considered that the privacy measures incorporated into the revised proposal have satisfactory resolved any potential privacy issues to adjoining residences. In addition, the proposed first-floor side facing windows are critical in facilitating solar access and cross-ventilation within dwellings 9 and 9b, given the small scale of the development and the orientation of the site.

**iv. Lack of living area facing the Street**

Council's DCP states that at least one living area should be orientated to the street, **where possible**. The applicant has submitted that:

*Unit 9b is compliant with this control, noting it provides for a second living room with a direct view line to the street. Units 9 and 9a however provide for a single living space which has been sited to the rear of the dwellings to ensure a direct connection with outdoor private open space.*

*The intention behind the control is still met however as Units 9 and 9a provide for glazing to their kitchen windows that look through the newly implemented carports to the street. Furthermore, the main entry to Units 9 and 9a are also orientated to the street. In addition, at first floor all units provide for glazed, sliding doors off a bedroom (in addition to a balcony), being a habitable space, which addresses the street.*

Whilst there are no living areas located at the front of the dwellings and the closest living area to face the street is that for dwelling 9b where its second living area is positioned behind the garage, the living area has a large window facing the street. In addition, there are windows off the kitchen of the other 2 dwellings that are able to see through the carports to the street. Given the amendments incorporated into the revised scheme that now allow the windows of the living area and kitchen the ability to see through the street particularly with the introduction of carports, it is considered that the revised arrangements

are acceptable and have planning merit to warrant support under the circumstances of the case.

**v. Extent of hardstand within the front setback area**

The Council's DCP states that '*A maximum of 30% of the front setback is to be paved or sealed, unless the area is used for direct access to a garage, carport or dwelling entry*'. The applicant has submitted the following in respect to the hardstand proposed within the front setback area:

*The extent of hardstand areas, excluding the driveways and access to the dwelling entries, has been limited to just the bin store area between Units 9 and 9a and as such the extent of hardstand areas are minimal. The revised proposal has also amended the driveway design to maximise landscaped areas, with additional landscaped strips provided within the front setback area, notably between Units 9 and 9a and to the southern side of the driveway to Unit 9b. This has enabled 29.98m<sup>2</sup>/98.90m<sup>2</sup> or 30% of the front setback to be landscaped.*

*The proposal is not a traditional townhouse development whereby a gun barrel type driveway leads to dwellings located along the depth of a site. Rather, the proposal provides for dwellings which provide for direct outlook and access to the street and as such are provided with separate driveways. The proposal utilises grasscrete to the driveways in this respect to further soften the appearance of the parking areas as viewed from Artillery Crescent.*

The applicant's submission is not considered to be unreasonable, given that the extent of hardstand area proposed has been limited to driveways and access to the dwelling entries and grasscrete is proposed instead of paving.

Notwithstanding such and in order to increase the quantum of landscaped area within the front setback area of the site, it is recommended that the proposed pedestrian path connecting the Street to the entry of Unit 9b be amended such that the pathway within the front setback area be deleted and the path shall return to the driveway as per the pedestrian path arrangements for Units 9 and 9a.

Overall, the applicant has sufficiently demonstrated that the proposal is consistent with the controls outlined in the LDCP 2008.

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

There are no Planning Agreements which apply to the development.

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

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

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

### **Natural and Built Environment**

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

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

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

### **Social Impacts and Economic Impacts**

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

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

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

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

### **(a) Internal Referrals**

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

<b>DEPARTMENT</b>	<b>COMMENTS</b>
Building Officer	Approval subject to conditions of consent.
Development Engineer	Approval subject to conditions of consent.
Landscape Officer	Approval subject to conditions of consent.
Traffic Engineer	Approval subject to conditions of consent.
Waste Management	Approval subject to conditions of consent.

**(b) External Referrals**

N/A

**(c) Community Consultation**

The proposal was advertised/notified for a period of 14 days from 13 January to 30 January 2023 in accordance with Community Participation Plan 2022. No submissions were received in response to the public consultation process.

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

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

**7. DEVELOPMENT CONTRIBUTIONS**

A Section 7.11 Development Contributions is applicable to the proposed development in accordance with Liverpool Contributions Plan 2018 and will be imposed as a condition of consent of any approval for the proposed development. The development attracts a total contribution of **\$22,778**.

**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.

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-1106/2022 be approved subject to conditions of consent.

**ATTACHMENTS**

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1. Plans of the Proposal - **Confidential**
2. State Environment Planning Policy (Biodiversity & Conservation) 2021
3. Liverpool Development Control Plan 2008
4. Recommended Conditions of Consent

## Attachment 2 – State Environment Planning Policy (Biodiversity & Conservation) 2021

The subject land is located within the Georges River Catchment, and as such the Chapter 11 of the SEPP (Biodiversity and Conservation) 2021 applies to the application. Chapter 11 of the SEPP (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 11.2). 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.

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,	Minimal impact anticipated to occur as a result of the proposal. The proposal is unlikely to have a detrimental impact on adjacent or downstream LGAs.
(c) the cumulative impact of the proposed development or activity on the Georges River or its tributaries,	The proposal is unlikely to have a cumulative impact on the Georges River or its 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 <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,	No referral to state agencies is required.
(g) whether there are any feasible alternatives to the development or other proposal concerned.	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.

<b>Clause 9 Specific Principles</b>	<b>Comment</b>
(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.
(3) Flooding	No flood impact anticipated to occur as a result of the proposal. Site is not flood affected.
(4) Industrial discharges	Not applicable.
(5) Land degradation	No land degradation anticipated with the proposal.
(6) On-site sewage management	Not applicable.
(7) River-related uses	Not applicable.
(8) Sewer overflows	Not applicable.
(9) Urban/stormwater runoff	The proposal will not cause urban/stormwater runoff issues.
(10) Urban development areas	The site is located within an established residential area. The proposal involves the construction of a multi dwelling housing development containing 3 attached dwellings with associated strata subdivision.
(11) Vegetated buffer areas	Not applicable
(12) Water quality and river flows	No water quality and river flows issues.
(13) Wetlands	Not applicable.



### Attachment 3: Liverpool Development Control Plan 2008

Liverpool Development Control Plan 2008 (LDCP) Parts 1 and 3.6 apply to the development. Part 1 prescribes general controls for all development and Part 3.6 prescribes specific controls for multi-dwelling housing developments. The relevant development controls are summarised in the following table:

Development Control	Provision	Comment
<b>Part 1 – General Controls for all Development</b>		
Landscaping and Incorporation of Existing Trees	This section contains controls relating to the provision of landscaping and the retention of existing vegetation.	<p><b>Complies</b></p> <p>A palm tree located within the front setback area of the site is proposed for removal.</p> <p>A paperbark Street tree is also proposed for removal.</p> <p>A large tree located at the rear of the site is proposed for retention and integrated with landscaping of the site.</p> <p>Council's Landscaping Section is satisfied with the submitted landscaped plan including the removal of the trees from the site.</p>
Bushfire Risk	Provisions relating to development on bushfire prone land	<p><b>N/A</b></p> <p>The land is not identified as being bushfire prone land</p>
Water Cycle Management	Stormwater runoff shall be connected to Council's drainage system by gravity means. A stormwater drainage concept plan is submitted.	<p><b>Complies</b></p> <p>A Stormwater Drainage design has been prepared. This aspect of the development has been reviewed by Council's Engineers who have raised no issues.</p>
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.	<p><b>N/A</b></p> <p>The land is not located within 40m of a watercourse or involve the removal of riparian vegetation</p>

Erosion and Sediment Control Plan	The development application shall be accompanied by an erosion and sediment control plan.	<b>Complies</b> An erosion and sediment control plan has been submitted. It is recommended that conditions are imposed regarding the implementation of erosion and sediment control measures throughout the construction process.
Flooding Risk	Provisions relating to development on flood prone land.	<b>N/A</b> The land is not located in an area identified as being at risk of flood
Contaminated Land Risk	If the initial evaluation by Council finds insufficient information available, or sufficient information is available, which indicates that contamination is an issue for the site, a Preliminary Contamination Investigation (Stage 1) shall be undertaken.	<b>Complies</b> Subject site is unlikely to be contaminated as previous uses were for residential purposes.
Salinity Risk	Salinity management response plan is to be submitted if the site is identified as moderate to high salinity potential.	<b>Complies</b> The proposed development is not considered a salinity risk activity. Conditions will be imposed to ensure that the development complies with the requirements of the BCA.
Acid Sulfate Soils	Identify areas of acid sulphate soil risk to prevent unnecessary impact on the environment	The subject site is identified on the Acid Sulfate Soils Map at Class 5. There are no proposed works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land, therefore, it is not applicable to this proposal.
Weeds	Where the site analysis identifies noxious weeds on the site, a Weed Management Strategy (WMS) shall be submitted with any development application.	<b>Complies</b> The site is not known to contain any noxious weeds.
Demolition of Existing Buildings	All demolition work must comply with the Australian Standard	Demolition of the existing structures forms part of this proposal.

	<i>AS2601 - 1991, The Demolition of Structures.</i>	
Aboriginal Archaeology	To identify and where possible preserve relics of the occupation of the land by Aboriginal communities.	<b>N/A</b> The land has been previously been cleared.
On Site Sewage Disposal	Applications to be accompanied by an application under s68.	<b>N/A</b> Reticulated sewerage available.
Heritage and Archaeological Sites	This section applies to development affecting a heritage item, land in a heritage conservation area or an archaeological site as identified in the Liverpool Local Environmental Plan 2008, as well as land in the vicinity of a heritage item.	<b>N/A</b> The land is neither a heritage item, nor is it located in the vicinity of a heritage item.
Notification of Applications	The application is to be advertised. All properties within 75m of the site are to be notified.	<b>Complies</b> In accordance with Council's Community Participation Plan 2022, land owners within 75m of the site were notified of the proposal from 13 January to 30 January 2023.
Car Parking Requirements	Car parking requirements are as follows: - 2 spaces per 3+ bedroom - 1.5 spaces per 2 bedroom - 1 visitor space per every 4 units  <b>Required:</b> Residents = (2 x 1) + (2 x 1.5) = 5 spaces Visitors = 1 Total = 6  <b>Provided:</b> Residents = 6	The proposal requires 1 visitor car parking space and 5 resident car parking spaces to be provided on-site. Whilst no visitor car space is provided on-site, the quantum of car parking spaces complies with the minimum required 6 car parking spaces. Given the arrangements of the development of 3 attached dwellings facing the street and each dwelling is provided with 2 car parking spaces, the parking arrangements are considered acceptable in this instance.
Car Parking Objectives	Achieve objectives of Part 20 of LDCP 2008	<b>Complies</b>
Subdivision of Land and Buildings	Strata subdivision to be consistent with consent in allocation of private and common	Strata subdivision is proposed for the multi-dwelling housing development, though no

	property. Visitor parking to remain as common property.	common property and visitor parking is proposed.
Energy Conservation	New dwellings are to demonstrate compliance with State Environmental Planning Policy – Building Sustainability Index (BASIX).	<b>Complies</b> BASIX certificates have been provided.
Waste Disposal and Reuse Facilities	A Waste Management Plan (WMP) shall be submitted with a Development Application	<b>Complies</b> A Waste Management Plan has been submitted with this application.
<b>Part 3.6 – Multi Dwelling Housing (Villas and Townhouses) in the R3 and R4 Zones</b>		
2 Subdivision, Frontage and Lot Size	Min. Lot size – 1000sqm Where development pursuant to section 4 is proposed, the minimum lot size shall be 650 <u>m</u> 2.	<b>Complies</b> The site has an area of 693.3m <sup>2</sup> and the proposal has been submitted under section of the DCP.
	Min. Frontage 22m Where development pursuant to section 4 is proposed, the minimum lot width shall be 18 <u>m</u> .	<b>Complies</b> The site has a frontage to Artillery Crescent of 18.1m and the proposal has been submitted under Section of the DCP.
3 Site Planning	Site layout should consider, and as far as possible minimise overshadowing, acoustic and visual intrusion on neighbouring and on-site dwellings.	The revised proposal now provides reasonable solar access to the living area of each dwelling. The introduction of carefully placed windows along the side elevations of the building have significantly improved solar access within the development. As demonstrated in the submitted shadow diagrams, the proposal would not result in an unsatisfactory overshadowing within the site and upon neighbouring sites.
	Direct link from living area to POS	<b>Complies</b> All dwellings have direct access from a living area to POS.

	Minimise overlooking from first floor windows to POS of neighbours.	First floor bedroom windows facing the side boundaries are provided with a minimum 1.5m sill height and the first-floor hallway windows facing the side boundaries are provided with fixed privacy louvres. These privacy measures are satisfactory in terms of minimizing overlooking of neighbouring properties.
	Stormwater drained satisfactorily	<b>Complies</b> A Stormwater Drainage design has been prepared. This aspect of the development has been reviewed by Council's Engineers, who have raised no issues.
	Siting of dwellings shall be orientated to maximise solar access	The revised proposal satisfactorily addresses solar access.
	Where possible all existing substantial vegetation on site shall be retained	A large tree located at the rear of the site is to be retained. A landscape plan has been provided.
	Multi-Dwelling Housing is not permitted on cul-de-sac heads or streets with a carriageway width of less than 6.5m.	<b>Complies</b>
4 Townhouse and Villa Development on an 18m frontage block	At least two dwellings must have a maximum floor space of 80sqm. - These <u>dwellings</u> must have a maximum of two bedrooms. - These dwellings must have a carport, rather than a garage. This control applies over Section 7 – Car Parking and Access.	Proposal provides for 3 attached dwellings. As amended, 2 of the dwellings now consist of 2-bedrooms with a maximum floor area of 80m <sup>2</sup> . In addition, the 2-bedroom dwellings are provided with carports.
	Dwellings at the rear of the property must not be more than 1 <u>storey</u> high. An <u>attic</u> is permitted.  The rear of the property for Section 4 means all land 15 <u>m</u> from the rear property boundary.	The proposal has been amended whereby the rear 15m of the property is now only single storey in scale.

	At least one <u>dwelling</u> should face and address the street.	All 3 dwellings face the street.
	All dwellings built must conform to the Controls listed within this Part.	<b>Complies</b>
5 Setbacks	Ground level front setback 4.5m	<b>Complies</b> 5.5m
	First floor front setback 5.5m	<b>Complies</b> >5.5m
	Garages or Carports must be set back a minimum of <u>1m</u> behind the main face of the <u>dwelling</u> (see Figure 2). (The main face is the first wall of a <u>habitable room</u> )	Garage and carport recessed 1m behind the first-floor balconies but are forward of the main entrance to each dwelling. Considered acceptable.
	Verandahs, balconies, eaves and other sun control devices may encroach on the minimum front and secondary <u>setback</u> by up to <u>1m</u> .	Front balconies encroach into the front setback area by 1m.
	Ground floor without windows to habitable rooms – Side 0.9m	<b>Complies</b> 1m
	Ground floor without windows to habitable rooms – Rear 4.0m	NA
	Ground floor with windows to habitable rooms – Side 4.0 m	<b>Acceptable.</b> 1m – 4m proposed. The proposed side facing ground floor windows facilitate solar access and cross-ventilation without causing amenity impact upon adjoining properties. Thus, considered acceptable.
	Ground floor with windows to habitable rooms – Rear 4.0 m	Complies >9m
	First floor without windows to habitable rooms –Side 1.2m	<b>Complies</b> 1.2m provided
	First floor without windows to habitable rooms – Rear 4.5m	<b>N/A</b>
	First floor with windows to habitable rooms and neighbouring private open space – Side 4.0m	<b>Acceptable.</b> 1.2m – 4m. The proposed side facing first-floor windows facilitate solar access and cross-ventilation without causing amenity impact upon adjoining properties. These



		bedroom, hallway and stairwell windows are provided with 1.5m sill height or fixed privacy screens. These proposed privacy measures are considered satisfactory to ameliorate any privacy impact upon adjoining sites. Thus, considered acceptable.
	First floor with windows to habitable rooms and neighbouring private open space – Rear 6.0m	<b>Complies</b> >15m
Landscaping	Landscaped area min 20%  LLEP 2008 definition of landscaping: <i>a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.</i>	<b>Complies</b> Required landscaped area – 138.7m <sup>2</sup> (20%) Proposed landscaped area – 222.7m <sup>2</sup> (32%).
	4 x 5m area at rear	<b>Complies</b> 4 x 5m area provided
Private Open Space (POS)	To ensure that Private Open Space is private, landscaped, screened from overlooking and receives an adequate amount of solar access.	<b>Complies</b> POS is suitably located behind the front building line to receive good solar access.
	Small <65m <sup>2</sup> = 30sqm Medium 65 – 100m <sup>2</sup> = 40sqm Large > 100m <sup>2</sup> = 50sqm	<b>Complies</b> POS provided: Unit 9 (79.9m <sup>2</sup> ) = 80.7m <sup>2</sup> Unit 9a (79.5m <sup>2</sup> ) = 65.8m <sup>2</sup> Unit 9b (146.5m <sup>2</sup> ) = 68.9m <sup>2</sup>
	Areas < 1.5 m in width does not qualify as <u>Private Open Space</u>	<b>Complies.</b>
	<u>Private Open Space</u> must be directly accessible from the main living area.	<b>Complies.</b>
	50% of POS to receive 3 hours sunlight between 9am and 5pm on 21 June	<b>Complies</b> Shadow diagrams provided with the application demonstrate that each POS will receive solar access all day.

Cut and Fill of Land	Max cut 500mm	<b>Acceptable</b> Cut proposed: >800mm at the highest point. Minimal impacts upon adjoining sites.
	All retaining walls masonry construction	<b>Complies</b> Will be required as a condition of consent
Building Design and Appearance	Visible front entrance	<b>Complies</b> All 3 dwellings address the street.
	Where possible at least one living area towards the street.	Unit 9b provides for 2 separate living areas, with the front facing living area has a direct sightline to the street. Units 9 and 9a incorporate a kitchen window that has a direct sightline to the street.
	Facades to be articulated	Façade is well modulated.
	The first floor no greater than 2/3 GFA	<b>Acceptable.</b> First floor – 145.5m <sup>2</sup> Ground floor – 160.4m <sup>2</sup> First floor is equivalent to 90.7% of the ground floor. The ratio of first to ground floor as proposed is considered acceptable and would not have any adverse impact upon neighbouring properties and the locality. The 3 dwellings face the Street and the 2-storey component of the proposal is towards the street and would have minimal impacts upon adjoining sites. This control is considered more pertinent to a traditional multi-dwelling housing development rather than the terrace type topology as proposed.
	A sidewall no longer than 10m, unless articulated.	Complies. No side wall exceeds 10m in length.
	Units built at the rear of the allotment must take into consideration privacy of neighbouring properties. The use of windows with high sill heights	<b>N/A</b>

	should be used to avoid potential privacy issues.	
	Driveways should avoid a 'gun barrel' effect	<b>Complies</b>
	Attic to be wholly within the roof pitch	<b>N/A</b>
	Space used for car parking shall be included as a storey if the ceiling of the car parking level exceeds more than 1m above the natural ground level.	<b>N/A</b>
	The maximum roof pitch shall be 36 degrees.	<b>Complies</b> 1% roof pitch proposed
	Townhouses built on steep or sloping blocks should be built of split-level construction.	Single level design is proposed.
	Balconies are not permitted on the first floor of the side and / or rear portion of the dwelling.	<b>Complies</b>
Internal Design	Habitable rooms to front of building	Only first floor habitable bedrooms are located at the front of the dwellings.
	Living rooms should take advantage of northern aspects where possible.	<b>Complies</b> Living room of each dwelling is appropriately due north-west.
	Access to POS from living room	<b>Complies</b> POS accessible from living room for all dwellings.
	The internal layout of the dwelling must incorporate cross ventilation.	<b>Complies</b> All dwellings will be able to achieve cross ventilation.
	Min storage area 8sqm	Adequate storage area provided for each dwelling in the form cupboards within bedrooms.
Car Parking	Internal driveway width to be 3.5m (in accordance with Part 1)	<b>N/A</b>
	The extent of paved area for driveways shall be kept to a minimum.	The proposal provides for 3 separate driveways, which are kept to a maximum of 3m in width.
	Basement car parking is permitted but will be included as a storey if the ceiling is located more than 1m above the natural ground level.	<b>NA</b>

	Driveways to the street shall be kept to a minimum	<b>Complies</b> Driveways kept to a minimum.
	Driveways may be permitted to individual dwellings provided that the streetscape is not adversely affected and the application complies elsewhere with the DCP.	<b>The driveways are kept to a minimum.</b>
Landscaping	Plan to include canopy trees with mature height 8m in front and rear setbacks.	2 trees reaching a mature height of 8m are proposed within the front setback area, a plus 7m tall tree. This is due to the extensive driveways proposed within the front setback zone. A revised landscaped plan that is consistent with the revised architectural plans shall be submitted to and approved by the Council prior to the issue of a Construction Certificate.
	The landscaping is to include a mix of canopy trees, shrubs and groundcovers.	<b>Complies</b> A variety of vegetation types are to be provided.
	Driveway landscaping not to obstruct visibility	<b>Complies</b> Minimal landscaping proposed within close proximity to the driveway.
	Landscaping shall be provided along the side and rear boundaries to provide privacy for adjoining residents.	<b>Complies</b> Landscaping is provided which supports privacy.
	2m wide landscaped area shall be provided between the internal driveway and a property boundary to provide privacy to the adjoining property and to soften the appearance of the internal driveway.	<b>Acceptable</b> The landscaped area between the driveways and the property boundaries range between 1.5m and 2.5m
	A maximum of 30% of the front setback is to be paved or sealed excluding driveway area	<b>Complies</b> Front setback area $5.5 \times 18.1 = 99.6\text{m}^2$ Driveways/Paved area = $58\text{m}^2$ Landscaped area $99.5 - 58 = 41.5\text{m}^2$ (41.7%)

	Any tree with a mature height over 8m should be planted a minimum distance of 3m from the building or utility services.	<b>Complies</b> No tree with a mature height over 8m is within 3m of the building.
	Areas between a driveway and the windows of a dwelling shall be landscaped.	<b>Complies</b>
9 Fencing	Max height front fence 1.2m	<b>NA</b>
	The front fence may be built to a maximum height of 1.5m if the fence is setback 1m from the front boundary with suitable landscaping in front of the proposed fence.	<b>NA</b>
	Front fence 30% transparent	No 'front fence' is proposed.
	Fence may be up to 1.8m on classified road with landscaping	<b>N/A</b>
	Side fence max height 1.8m, 1.2m for first 9m on a secondary frontage side boundary	Standard 1.8m high fence is proposed on the boundaries.
10 Over-shadowing	Adjoining properties receive 3 hours sunlight to 50% of POS and living area	View from the sun diagrams show the POS and living area of the adjoining properties receive >3 hours of sunlight between 9am and 3pm in mid-winter.
Privacy	Building siting, window location, balconies and fencing should take account of the importance of the privacy of on site and adjoining buildings and outdoor spaces.	The revised proposal satisfactorily addresses privacy issue to adjoining sites, as a result of 1.5m sill height proposed to side facing windows and privacy louvres to side facing hallway/stairwell windows.
	Windows to habitable rooms should be located so they do not overlook such windows in adjoining properties, other dwellings within the development or areas of private open space.	As per above.
	Landscaping should be used where possible to increase visual privacy between dwellings and adjoining properties.	<b>Noted.</b>
Acoustic Privacy	Noise attenuation measures should be incorporated into building design to ensure	<b>Complies</b>

	acoustic privacy between on-site and adjoining buildings.	
	Developments in areas adversely impacted upon by rail or traffic related noises must incorporate the appropriate noise and vibration mitigation measures into the design	<b>Complies</b>
	Where party walls are provided they must be carried to the underside of the roof and be constructed in accordance with Part F5 of the Building Code of Australia.	<b>Complies</b> To be conditioned in accordance with BCA standards.
	The proposed buildings must comply with the Environment Protection Authority criteria and the current relevant Australian Standards for noise and vibration and quality assurance.	<b>Complies</b> To be conditioned in accordance with BCA standards.
11 Waste Management	Waste disposal facilities shall be provided for development.  Any structure involving waste disposal facilities shall be located as follows: <ul style="list-style-type: none"> <li>- <b>Setback 1m</b> from the front boundary to the street.</li> <li>- Landscaped between the structure and the front boundary and adjoining areas to minimise the impact on the streetscape.</li> </ul>	<b>Complies</b> A waste management plans has been submitted with the application which satisfies this control.  The bin bay for dwelling 9a is setback 1m from the front boundary.
Council Infrastructure	Frontage works and damage to Council infrastructure at full cost to developer	<b>Complies</b> Will be conditioned.
Electricity Sub Station	It may be necessary to provide an electricity substation at the front of the development adjacent to the street frontage.	<b>Complies</b> A condition of consent requiring confirmation of available services from Endeavour Energy will be imposed.



**Attachment 4 – Recommended Conditions of Consent****A. THE DEVELOPMENT****Approved Plans**

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

## (a) Architectural Plans

Plan Name	Plan No.	Revision	Date	Prepared By
Cover Sheet	DA.00	E	19/10/2023	MDP Atelierleon
Site Plan	DA.01	E	19/10/2023	MDP Atelierleon
Demolition Plan	DA.02	E	19/10/2023	MDP Atelierleon
Strata Subdivision Plan	DA.03	E	19/10/2023	MDP Atelierleon
Ground Floor	DA.04	E	19/10/2023	MDP Atelierleon
First Floor	DA.05	E	19/10/2023	MDP Atelierleon
Roof Plan	DA.06	E	19/10/2023	MDP Atelierleon
Elevations 1 & 2	DA.07	E	19/10/2023	MDP Atelierleon
Elevations 3 & 4	DA.08	E	19/10/2023	MDP Atelierleon
Sections	DA.09	E	19/10/2023	MDP Atelierleon
Streetscape Elevation	DA.10	E	19/10/2023	MDP Atelierleon
Area Computations	DA.11	E	19/10/2023	MDP Atelierleon
Cut & Fill Plan	DA.12	E	19/10/2023	MDP Atelierleon
Shadow Diagrams	DA.13	E	19/10/2023	MDP Atelierleon
Sun Perspectives	DA.14	E	19/10/2023	MDP Atelierleon
Window/Door Schedule	DA.15	E	19/10/2023	MDP Atelierleon
Schedule of Colours and Finishes	DA.16	E	19/10/2023	MDP Atelierleon
3D Perspective	DA.17	E	19/10/2023	MDP Atelierleon
3D Perspective	DA.18	E	19/10/2023	MDP Atelierleon

## (b) Stormwater Plans

Company	Job No./Drawing No.	Title	Revision /Issue	Date
NiTmA Consulting	5574H/ Sheet 1	NOTES & STANDARD DETAILS	B	06.07.2023
NiTmA Consulting	5574H/ Sheet 3	ROOF DRAINAGE PLAN	B	06.07.2023
NiTmA Consulting	5574H/ Sheet 4	FIRST FLOOR DRAINAGE PLAN	B	06.07.2023
NiTmA Consulting	5574H/ Sheet 5	GROUND FLOOR DRAINAGE PLAN	B	06.07.2023
NiTmA Consulting	5574H/ Sheet 6	COMBINED OSD/RWT1 DETAILS	B	06.07.2023

NiTmA Consulting	5574H/ Sheet 7	COMBINED OSD/RWT2 DETAILS	B	06.07.2023
NiTmA Consulting	5574H/ Sheet 8	COMBINED OSD/RWT3 DETAILS	B	06.07.2023
NiTmA Consulting	5574H/ Sheet 9	DRAINAGE DETAILS	B	06.07.2023

## (c) Supporting Documentation

Report Name	Date	Reference	Prepared By
Waste Management Plan	October 2023	2203/WMP	Monument Design Partnership
Soil Classification Report	3 July 2023	64229	Ideal GeoTech
Basix Certificate	19 October 2023	1346027M_03	AENEC
Statement of Environmental	October 2022	P4506	GAT & Associated Pty Ltd
Additional Information Letter	19 October 2023		GAT & Associates Pty Ltd
Adaptable Assessment Report	12 October 2022	22-1040	Xcert Pty Ltd
Aboriginal Report	24 August 2022		The Ents Tree Consultancy
Survey Plan	1/11/2021	2250-21	Precision Surveying

**Amended Plans**

2. The following amendments, as marked in red on the approved plans, shall be incorporated into the approved development and into the drawings to be submitted with the Construction Certificate:
  - a. The Landscaping Plans prepared by A Total Concept Landscape Architects and Swimming Pool Designers, Drawing No. L/01 & L02, Revision A, dated 7 July 2023 shall be amended to correspond with the approved architectural plans referenced in condition 1 above. The amended Landscape Plans shall be submitted to and approved by the Manager Development Assessment of Liverpool City Council prior to the issue of a Construction Certificate for the proposed development.
  - b. The stepping pavers located in front of the building line of the development for Unit 9b shall be deleted and replaced with landscaped area in order to increase the quantum of landscaped area within the front setback area of the site. In this regard, the grasscrete pavers for Unit 9b may extend to the stepping pavers in similar arrangements as those for Unit 9 and 9a. Plans showing the revised stepping paving arrangements for Unit 9b shall be submitted to and approved by the Manager Development Assessment of Liverpool City Council prior to the issue of a Construction Certificate for the proposed development.

**Works at no cost to Council**

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

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

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

**Fee Payments**

4. 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 0.25% of the cost of building work where the costing of the CC is \$250,000 or more.

These fees are reviewed annually and will be calculated accordingly.

5. 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.

**Long Service Levy**

6. *Long Service Levy* payment is applicable on building work having a value of \$250,000 or more, at the rate of 0.25% of the cost of the works. The required Long Service Levy payment, under the *Building and Construction Industry Long Service Payments Act 1986*, is to be forwarded to the Long Service Levy Corporation or the Council, prior to the issuing of a Construction Certificate, in accordance with Section 109F of the *Environmental Planning & Assessment Act 1979*.

**SECTION 7.11 PAYMENT (Liverpool Contributions Plan 2018)**

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

The total contribution is **\$22,778**.

A breakdown of the contributions payable is provided in the attached payment form. Contributions will be adjusted at the time of payment in line with the Consumer Price Index (all groups index number for Sydney).

#### **Site Development Work**

8. 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.

#### **Act and Regulations Compliance**

9. 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.

#### **BCA Compliance**

10. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, it is a *prescribed condition* that all building work must be carried out in accordance with the applicable Performance Requirements of the National Construction Code. Compliance with the Performance Requirements can only be achieved by:

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

#### **Disabled Access**

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

#### **Notification**

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

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

#### **S138 Roads Act – Minor Works in the Public Road**

13. 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), or
- Road occupancy or road closures.

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

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

#### **Retaining Walls on Boundary**

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

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

#### **S138 Roads Act – roadworks requiring approval of civil drawings**

16. Prior to the issue of a Construction Certificate for building works the Principal Certifier shall ensure that a S138 Roads Act application, including the payment of application and inspection fees, has been lodged with Liverpool City Council (being the Roads Authority under the Roads Act), for provision of the following within the Artillery Crescent, Holsworthy site frontage:

- i. Demolish all existing driveways and reinstatement.
- ii. Concrete footpath paving
- iii. Layback integration with the existing street grated gull pit

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

**Note:**

1. All works shall be undertaken at no cost to Liverpool City Council.

**On-site Detention**

17. On-Site Detention shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by prepared by NiTmA Consulting, reference number 5574H, revision B, dated 06.07.2023.

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

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

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

18. The OSD DRAINS model shall be amended, and details updated accordingly on the stormwater design, to correspond with the Lot areas shown on mdp atelierieon Strata Subdivision Plan Rev D dated 13/07/2023. An electronic copy of the DRAINS model used to design the OSD system is to be provided to Council.

Pipes beneath dwellings slabs to be concrete encased.

A swale pit and pipe system is required to collect and convey overland flows through the site.

**No Loading on Easements**

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

**Dilapidation report**

20. Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in Artillery Crescent 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 15m either side of the development.

**Provision of Services – Street Lighting****Street Lighting Upgrade**

21. The applicant/developer shall engage the services of an Endeavour Energy accredited ASP Level 3 service provider. The consultant is to lodge Endorsement of Public Lighting Design Application Form. The application is available on Council website and can be lodged online.

This form is to be used to seek Council requirements for upgrading or installing new street lights at all frontages.

Consult Council's Traffic Management Section for streetlight upgrade requirement for infill developments in the existing established areas.

The upgrade shall include undergrounding of existing aerial power lines, communication cables and replacement of existing street light poles with Endeavour Energy approved Macarthur Poles as specified by Council in the public lighting design brief.

#### **Access, Car Parking and Manoeuvring – General**

22. The Certifying Authority shall ensure and certify that vehicular access, Circulation, manoeuvring, pedestrian and parking areas associated with the subject development have been designed and are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Council's Development Control Plan.

#### **Access, Car Parking and Manoeuvring – Detail**

23. The Certifying Authority shall ensure and certify that:
  - Off street access and parking complies with AS2890.1,
  - Vehicular access and internal manoeuvring have been designed for the longest vehicle expected to service the development site, in accordance with AS2890.2,
  - Sight distance at the street frontage has been provided in accordance with AS 2890.1,

#### **Detailed Design Drawings**

24. The applicant is to discuss with Council's Traffic Management Section of the traffic requirements prior to undertaking the detailed design of traffic facilities, signs and linemarking in the existing and/or proposed public domain.

Detailed design drawings of the proposed traffic facilities, signs and line markings in the existing and proposed public domain areas are to be submitted to Council for approval using [Approval of Traffic Facilities including Signs and Line Marking Schemes Application Form](#). The application is available on Council website and should be lodged online. The drawings are to be prepared by a suitably qualified person.

#### **Road Works**

25. Works within the public road reserve shall not commence until the design drawings including the associated signs and line marking scheme have been approved by Council's Traffic Management Section.



**Public – Street Lighting**

26. The approved street lighting designs are to be implemented along all new and existing streets within the proposed development in accordance with Liverpool City Council standards and to the satisfaction of Council.

All street lighting must comply with the service provider Street Lighting Policy and illumination requirements and Council's Street Lighting policy.

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

**Dilapidation survey and report**

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

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

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

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

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

**Provision of Services**

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

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

29. 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.
30. Prior to the issue of a Construction Certificate, the PCA shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following:
  - The requirements of the Telecommunications Act 1997;
  - For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
  - For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

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

31. The applicant is to arrange with the appropriate service provider for any above ground service riser or access point to be constructed clear of any proposed or existing pedestrian footways, and if possible, located in recessed unobtrusive locations. Should any service provider require and/or insist the applicant/developer build a service riser that would create an obstruction and pose a potential safety hazard, then the applicant/developer should refer the request to Council for negotiation directly with the Service Network Authority.

## C. PRIOR TO WORKS COMMENCING

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

### **Building/Compliance**

32. Prior to the commencement of any building works, the following requirements must be complied with:
  - a. A Construction Certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979;
  - b. Where a Construction Certificate is obtained from an Accredited Certifier, the applicant shall advise Council of the name, address and contact number of the Accredited Certifier, in accordance with Section 81A (4) of the Act.
  - c. A copy of the Construction Certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.

- d. A Principal Certifying Authority (PCA) must be appointed to carry out the necessary building inspections and to issue an occupation certificate; and
- e. The PCA must advise Council of the intended date to commence work which is the subject of this consent by completing a notice of commencement of building works or subdivision works form, available from Council's Customer Service Centre. A minimum period of two (2) working days' notice must be given.

#### **Residential Building Work**

- 33. Building work that involves residential building work (within the meaning of the *Home Building Act 1989*), must not be commenced until such time as a contract of insurance is in force in accordance with Part 6 of that Act.
- 34. Building work that involves residential building work (within the meaning of the *Home Building Act 1989*) must not be commenced unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
  - (a) In the case of work for which a principal contractor is required to be appointed:
    - i. The name and licence number of the principal contractor; and
    - ii. The name of the insurer by which the work is insured under Part 6 of that Act,
  - (b) in the case of work to be done by an owner-builder:
    - i. the name of the owner-builder, and
    - ii. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit,

**Note:** A certificate supporting to be issued by an approved insurer under Part 6 of the *Home Building Act 1989* that states that a person is the holder of an insurance policy.

#### **Separate Certificates Required**

- 35. Where this consent requires both civil engineering and building works to be undertaken, a separate construction certificate shall be issued for each category of works ie, a separate Civil Engineering Construction Certificate (CCE) and a separate Building Construction Certificate (CCB).

#### **Demolition**

- 36. Demolition works shall be carried out in accordance with the following:
  - a. Prior to the commencement of any works on the land, a detailed demolition work plan designed in accordance with the Australian Standard AS 2601-2001 – The Demolition of Structures, must be prepared by a suitably qualified person with suitable expertise or experience and shall include the identification of any hazardous materials, method of demolition, precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials,

- b. Prior to commencement of any works on the land, the demolition Contractor(s) licence details must be provided to Council, and
- c. The handling or removal of any asbestos product from the building/site must be carried out by a NSW Work Cover licensed contractor irrespective of the size or nature of the works. Under no circumstances shall any asbestos on site be handled or removed by a non-licensed person. The licensed contractor shall carry out all works in accordance with NSW Work Cover requirements.

#### **Traffic Control Plan**

37. 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.

#### **Construction Traffic Management Plan (CTMP)**

38. A construction traffic management plan (CTMP) prepared by a suitably qualified person is to be submitted to and endorsed by Council's Transport Management Section. The CTMP is to be submitted using Assessment of Construction Traffic Management Plan application form. The application is available on Council website and can be lodged online. Comments on the CTMP will be provided and the updated CTMP are to be implemented during construction.

A copy of the endorsed CTMP and traffic control plans are to be available on the works site for inspection by authorised Council officers.

Construction shall not commence until the assessed construction traffic management plan has been endorsed. The endorsed CTMP is to be implemented during construction.

#### **Work Zone**

39. A Works Zone application is required if on-street parking is affected with commuter parking and there is insufficient off-street parking space.

A Works Zone Application Form is available on Council website and can be lodged online by attaching all required documents indicated on the application form.

#### **Road Occupancy Permit**

40. Road occupancy and road opening approvals will be required from Council to undertake works within the existing road reserve. The following applications are

available on Council's website and can be lodged online attaching all required documents indicated on the application form.

- [Road Occupancy Application Form](#)
- [Road Opening Application Form](#)

#### **Site Notice Board**

41. A sign must be erected in a prominent position on the premises on which work is to be carried out. The sign is to be maintained during work, and removed at the completion of work. The sign must state:
  - (a) The name, address and telephone number of the principal certifying authority for the work; and
  - (b) The name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
  - (c) Unauthorised entry to the premises is prohibited.
42. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the PCA for the development to which the work relates (not being the Council) has given the council written notice of the updated information.

#### **Dilapidation Report**

43. Prior to the Commencement of any Works a dilapidation report of all infrastructure fronting the development in Artillery Crescent is to be submitted to Liverpool City Council. The report is to include, but not limited to, the road pavement, kerb and gutter, footpath, services and street trees and is to extend 10m either side of the development.

#### **Written Notice**

44. Written notice of intention shall be given to the owners or the adjoining allotments of land, outlining the particulars of the work, which involves:
  - a. Any excavation below the base of the footings of a building on an adjoining allotment of land.
  - b. The notice shall be given seven (7) days prior to the commencement of work.
45. In the event the development involves excavation that extends below the level of the base of the footings of a building on adjoining land, the following is to be undertaken at full cost to the developer;
  - a. Protect and support the adjoining premises from possible damage from the excavation, and
  - b. Where necessary, underpin the adjoining premises to prevent any such damage.

#### **Facilities**

46. 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*.
47. Adequate refuse disposal methods and builders storage facilities shall be installed on the site. Builders' wastes, materials or sheds are not to be placed on any property other than that which this approval relates to.

#### **Construction Requirements**

48. 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.
49. 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.
50. Retaining walls or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated subsoil drainage and surface stormwater drainage measures, shall be designed strictly in accordance with the manufacturers details or by a practising structural engineer. Retaining walls on any boundary are to be of masonry construction.

#### **Sediment & Erosion Control**

51. 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.

#### **Waste Classification**

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

**Notification of Service Providers**

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

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

**Environmental Management**

54. 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.

**Dial Before You Dig**

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

**Return of existing bins**

56. Prior to commencing demolition or site clearing works, any existing domestic waste bins that have been issued to (insert address), must be returned to Liverpool City Council. Please ring Council on 1300 36 2170 to advise that the bins are empty and ready to be removed, so their removal can be noted on Council's rates system.

**Remove and destroy refrigerants**

57. Prior to any works commencing, any air-conditioning or refrigeration systems fitted to the buildings or outbuildings to be demolished, must have the refrigerants present in those systems extracted into a durable, air-tight container by a licensed air-conditioning technician. This container and its contents must be sent intact, for secure destruction, to a facility licensed to destroy such refrigerants. Documentary evidence that this has been completed, if these systems are present, must be sighted by the Principal Certifying Authority and included as part of the Occupation Certificate documentation.



## D. DURING CONSTRUCTION

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

### Hours of Construction Work and Deliveries

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

### Building/Compliance

59. The building works must be inspected by the Principal Certifying Authority, in accordance with sections 109E (3) of the Environmental Planning & Assessment Act 1979 and clause 162A of the Environmental Planning & Assessment Regulation 2000, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.

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).

60. The building and external walls are not to proceed past ground floor/reinforcing steel level until such time as the PCA has been supplied with an identification survey report prepared by a registered surveyor certifying that the floor levels and external wall locations to be constructed, comply with the approved plans, finished floor levels and setbacks to boundary/boundaries. The slab shall not be poured, nor works continue, until the PCA has advised the builder/developer that the floor level and external wall setback details shown on the submitted survey are satisfactory.
61. In the event that Council is not the PCA, a copy of the survey shall be provided to Council within three (3) working days.
62. On placement of the concrete, works again shall not continue until the PCA has issued a certificate stating that the condition of the approval has been complied with and that the slab has been poured at the approved levels.
63. A sign must be erected and maintained in a prominent position on the site, which contains the following details:
- name, address, contractor licence number and telephone number of the *principal contractor*, including a telephone number at which the person may be contacted outside working hours, or *owner-builder* permit details (as applicable)
  - name, address and telephone number of the *Principal Certifying Authority*
  - a statement stating that 'unauthorised entry to the work site is prohibited'.

64. In the event the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the following is to be undertaken at full cost to the developer:
- a. Protect and support the adjoining premises from possible damage from the excavation, and
  - b. Where necessary, underpin the adjoining premises to prevent any such damage.
  - c. Retaining walls or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated subsoil drainage and surface stormwater drainage measures, shall be designed strictly in accordance with the manufacturers details or by a practising structural engineer.
65. 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*.
66. 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.
67. 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.
68. Adequate refuse disposal methods and builders storage facilities shall be installed on the site. Builders' wastes, materials or sheds are not to be placed on any property other than that which this approval relates to.
69. 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.

**Security Fence**

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

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

**Erosion and Sediment Control**

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

**Waste**

72. All dangerous and/ or hazardous material shall be removed by a suitably qualified and experienced contractor licensed by WorkCover NSW. The removal of such material shall be carried out in accordance with the requirements of WorkCover NSW. The material shall be transported and disposed of at a licensed waste facility to receive the waste in accordance with NSW EPA requirements. Waste receipts and the "WasteLocate" consignment number shall be provided to the certifying authority confirming that the waste is disposed of in a lawful manner. Note; Waste loads can be tracked via <https://wastelocate.epa.nsw.gov.au/> to ensure waste has reached its intended destination. If the waste load is not delivered, please contact the EPA.

**Waste Management Plan**

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

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

**Major Filling/ Earthworks**

74. 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.

**Termite Protection**

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

- (a) The method of protection;
- (b) The date of installation of the system;

- (c) Where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label;
- (d) The need to maintain and inspect the system on a regular basis

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

#### **Car Parking Areas**

76. Car parking spaces and driveways must be constructed of a minimum two coat finish seal or better.
- a. All parking spaces must be clear of obstructions and columns, permanently line marked and provided with adequate manoeuvring facilities.
  - b. The design of these spaces must comply with Council's DCP 2008, and Australian Standard 2890.1 Parking Facilities – Off-Street Car Parking.
  - c. All car parking areas are to be appropriately line marked and sign posted in accordance with the Council approved stamped plans.
  - d. All customer/visitor/staff parking areas are to be clearly signposted limiting car parking for customers/visitors/staff only. The applicant is to cover the costs of installation and maintenance of the signage.

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

#### **Public Domain Works**

75. All works within the road reserve, including the approved sign and line making scheme, are to be carried out by the applicant, at no cost to Council, in accordance with the TfNSW/RMS 'Delineation Guidelines'.

#### **Public Works – Street Lighting**

76. Street lights are to be installed in accordance with the Endeavour Energy certified plans to their satisfaction.

#### **Traffic Management**

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

79. Notice must be given to Council's Transport Planning section of any interruption to pedestrian or vehicular traffic within the road reserve, caused by the construction of this development. A Traffic Control Plan, prepared by an accredited practitioner must be submitted for approval, 48 hours prior to implementation. This includes temporary closures for delivery of materials, concrete pours etc.
80. 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.

#### **Contamination**

81. The development, including all civil works and demolition, must comply with the requirements of the Contaminated Land Management Act, 1997, State Environmental Planning Policy No. 55 – Remediation of Land, and Managing Land Contamination – Planning Guidelines (Planning NSW/EPA 1998).
82. All fill introduced to the site must undergo a contaminated site assessment. This assessment may consist of either:
  - (a) a full site history of the source of the fill (if known) examining previous land uses or geotechnical reports associated with the source site to determine potential contamination as per the NSW EPA Waste Classification Guidelines (dated November 2014), or
  - (b) clearly indicate the legal property description of the fill material source site;
  - (c) provide a classification of the fill material to be imported to the site in accordance with the NSW EPA Waste Classification Guidelines (dated November 2014).
  - (d) a chemical analysis of the fill where the site history or a preliminary contamination assessment indicates potential contamination or contamination of fill material; and
  - (e) must provide Council with copies of validation certificate verifying the material to be used is free of contaminants and fit for purpose re use in residential, commercial or industrial use.
83. 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.

#### **Site Remediation Works**

84. 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 notified to Council and the accredited certifier immediately after discovery. A Section 96 Application under the EP&A Act shall be

made for any proposed works outside the scope of the approved development consent.

**Air Quality**

85. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.
86. 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.
87. 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.

**Pollution Control**

88. Building operations such as brick cutting, mixing mortar and the washing of tools, paint brushes, form-work, concrete trucks and the like shall not be performed on the public footway or any other locations which may lead to the discharge of materials into Council's stormwater drainage system.
89. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.

**External**

81. Switchboards for utilities shall not be attached to the street and/or road elevations of the development.
82. The mailboxes are to be consistent with the design and colours and materials for the development.
83. Any external lighting is to incorporate full cut-off shielding and is to be mounted so as to not cause any glare or spill over light nuisance within the development, neighbouring properties or road users.
84. The windows of all bathrooms, W.C. and ensuites shall be fitted with translucent obscure glazing to the satisfaction of the PCA.

**Graffiti**

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

**Display of Street Numbers**

86. Street/address number must be prominently displayed at the front of the development in a contrasting colour to the building materials and at the front of each individual unit.

**Vegetation and Landscaping**

87. No known environmental or noxious weeds or known invasive plant species shall be included in the landscaping.
88. 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.
89. Any imported soil and/or mulch shall be free of contaminants, seed and propagules of weeds and undesirable species.
90. Premium quality organic garden soil shall be incorporated into all planting areas in sufficient quantity to achieve optimum plant growing conditions.
91. All garden/planting areas shall be mulched to a depth of not less than 75mm using weed free leaf mulch, wood chip or similar, not pine bark.

**Removal of dangerous and/or hazardous waste**

92. 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.

**Waste Management Plan**

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

Note: Any noncompliance with this requirement will result in penalties being issued.

**Correct waste separation and removal**

94. All demolition, excavation and construction wastes must be separated as they are generated and kept in separate spoil piles, bays, builder's skips and/or site bins. No wastes other than those noted on the approved waste management plan as being re-used on site, are to be left on site after the completion of the works.

**Containment of site wastes during building**

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



**Handling of asbestos during demolition**

96. While demolition work is being carried out, any work involving the removal of asbestos must comply with the following requirements:
- a. Only an asbestos removal contractor who holds the required class of Asbestos Licence issued by SafeWork NSW must carry out the removal, handling and disposal of any asbestos material;
  - b. Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW Environment Protection Authority to accept asbestos waste; and
  - c. Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m<sup>2</sup> or more of asbestos sheeting must be registered with the EPA on-line reporting tool WasteLocate.

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

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

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

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

**Works as executed General**

98. 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.

**Building/Compliance**

99. An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.

100. Details of critical stage inspections carried out by the principal certifying authority together with any other certification relied upon must be provided to Council with the occupation certificate.
101. The premises must not be utilised until an Occupation Certificate is issued by the PCA. Copies of all documents relied upon for the issue of the Occupation Certificate must be attached to the Occupation Certificate and registered with Council.
102. A single and complete *Fire Safety Certificate*, certifying the installation and operation of all of the fire safety measures within the building must be submitted to Council with the Occupation Certificate.

**BASIX**

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

**Stormwater Compliance**

103. Prior to the issue of an Occupation Certificate the Principal Certifying Authority shall ensure that the:
  - a. On-site detention system/s
  - b. Overland flowpath works,
    - Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
    - Have met the design intent with regard to any construction variations to the approved design.
    - Any remedial works required to be undertaken have been satisfactorily completed.

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

**Restriction as to User and Positive Covenant**

104. Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the following shall be registered on the title of the property:
  1. Onsite detention system/s,
  2. Overland flowpath works,

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.

**Subdivision Compliance documentation**

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

a. Surveyor's Certificate certifying that all pipes and services are located wholly within the property or within appropriate easements and that no services encroach boundaries.

b. Structural Engineer's construction certification of all structures.

#### **Rectification of Damage**

106. 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 Artillery Crescent, Holsworthy will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing.

#### **Dilapidation Report**

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

#### **Redundant Crossings**

108. Demolish all redundant driveway crossings and pram ramps. Reinststate with Liverpool City Council Standard Kerb and Gutter.

#### **Service Providers**

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

- a. Written evidence (Section 73 Certificate) is to be submitted to the PCA prior to the issue of the occupation certificate.
- b. Notification of arrangement for the development from Endeavour Energy shall be submitted to Council.
- c. Written certification from the relevant service providers that the telecommunications infrastructure is installed in accordance with:
  - The requirements of the Telecommunications Act 1997;
  - For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
  - For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

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

**Landscaping**

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

**Display of Street Numbers**

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

**PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE**

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

**Completion of Subdivision Works**

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

**Stormwater Compliance**

110. Prior to the issue of an Subdivision Certificate the Principal Certifying Authority shall ensure that the:
1. Onsite detention system/s
  2. Overland flow path works

Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.

Have met the design intent with regard to any construction variations to the approved design.

Any remedial works required to been undertaken have been satisfactorily completed. Details of the approved and constructed system/s shall be provided as part of the Works-As-Executed drawings.

**Restriction as to User and Positive Covenant**

111. Prior to the issue of a Subdivision Certificate a restriction as to user and positive covenant relating to the:
1. Onsite detention system/s
  2. Overland flow path works

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

#### **Rectification of Damage**

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

Any rectification works within Artillery Crescent, Holsworthy will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing.

#### **Subdivision Compliance**

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

1. Work as Executed (WAE) drawings of all civil works. The WAE drawings shall be marked in red on copies of the stamped Construction Certificate drawings signed, certified and dated by a registered surveyor or the design engineer. The Work as Executed drawings shall be prepared in accordance with Council's Design Guidelines. Electronic copies of the WAE shall be provided in PDF format and a DXF format to Council along with two hard copies of the WAE plans,

#### **Linen Plans and 88B Instruments**

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

#### **Linen Plans and 88B Instruments**

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

#### **Linen Plans and 88B Instruments**

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

#### **Linen Plans and 88B Instruments**

117. Correct notation concerning easements is required. The prepared 88B Instrument should be forwarded initially to Council. The land value of the easement and costs

associated with checking the instrument are to be borne by the applicant. Part 2 of the 88B Instrument shall contain a provision that the easement may not be extinguished or altered without the written consent of Council.

### **Service Providers**

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

1. Written evidence of suitable arrangements with Sydney Water (Section 73 Compliance Certificate) for the supply of water and sewerage services to the development is to be submitted to the PCA prior to the issue of a Subdivision Certificate.

Council will not issue a Subdivision Certificate unless the method of sewerage disposal is by gravity reticulation mains to either Sydney Water branch and trunk sewers or Sydney Water point of treatment. Council will not accept any temporary facilities to service the site, including pumpout wetwells.

2. Notification of arrangement for the development from Endeavour Energy shall be submitted to Council.
3. Written certification from the relevant service providers that the telecommunications infrastructure is installed in accordance with:

- i) The requirements of the *Telecommunications Act 1997*;
  - ii) For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
  - iii) For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.
- Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connections of optic fibre technology telecommunications.

### **Dilapidation Report**

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

### **Public Domain Works – Street Lighting**

120. The approved street lighting designs are to be implemented along all new and existing streets within the proposed development in accordance with Liverpool City Council standards and to the satisfaction of Council. Endeavour Energy pole numbers and the date poles were energised are to be submitted to Council's Traffic Management Section prior to submitting OC or SC application.

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

### **Waste Management**

121. Under current collection arrangements, the property will be issued by Council with 3 x 140L general waste bins, 3 x 240L recycling bins and 3 x 240L green waste bins.

These arrangements re bin sizes and types may be subject to change in future, as FOGO waste services are adopted.

122. Once the Occupation Certificate has been issued, but at least seven days prior to residents moving in, Council is to be contacted to arrange delivery of the domestic bulk waste bins to these units. Please contact Council on 1300 36 2170 to arrange the delivery of the bins.
123. Each residence must present the waste bins for emptying to the kerbside of Artillery Crescent, no earlier than the afternoon before collection. After emptying, all bins must be removed from the kerbside as soon as possible, and no later than 24 hours after collection.
124. Residents must ensure that all materials placed in the yellow-lid recycling bins are acceptable for recycling through that means, and all materials placed in recycling bins must be loose, unbagged and easily separable.
125. Maximum limits for bulky household waste collections apply, and the types of materials accepted will be as per the council conditions at the time. Household materials may be put out for collection at the kerbside no earlier than 24 hours before a booked clean-up is due.

## **F. CONDITIONS RELATING TO USE**

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

### **Landscaping**

126. Landscaping shall be maintained in accordance with the approved plan (as required for the Construction Certificate), in a healthy state and in perpetuity by the existing or future owners and occupiers of the development.

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

### **Car Parking**

127. A total of six (6) off-street car parking spaces must be provided and maintained at all times.
128. All parking areas shown on the approved plans must be used solely for this purpose.

### **Mechanical Equipment Complaints**

129. If any complaints are lodged by residents, Council may issue a Noise Notice, which may require you to engage the services of a suitably qualified and experienced acoustic consultant to carry out noise level tests on the mechanical equipment used at the site and then design an appropriate enclosure and/or relocate the unit to suit your purpose.



**Waste Storage Area**

130. Waste bins must be stored in designated garbage/ trade refuse areas, which must be kept tidy at all times. Bins must not be stored or allowed to overflow in parking or landscaping areas, must not obstruct the exit of the building, and must not leave the site onto neighbouring public or private properties.
131. Sufficient space shall be provided within each dwelling for the storage of a minimum of one day's waste and recycling.
132. Bins must be moved to the kerbside frontage of the building for collection by agents of the body corporate or strata management, or individual owners. The bins shall be collected and returned as soon as possible after collection by the same persons.
133. Waste must be adequately secured and contained within designated waste areas and must not leave the site onto neighbouring public or private properties.

**Car Parking Management**

133. All parking areas shown on the approved plans must be used solely for this purpose.
134. Prior to issue of an Occupation Certificate, all permanent waste signage necessary for the correct separation and disposal of waste items by residents, is to be installed.
135. Prior to issue of an Occupation Certificate, both the PCA and Council are to be provided with records of all waste transport and disposal dockets, demonstrating that waste materials from the project, have been disposed of at the waste facilities nominated in the approved waste management plan.
136. Prior to issue of an Occupation Certificate, the strata by-laws will be drafted in a manner that places the requirement to correctly separate and dispose of waste correctly upon all residents, and ensures that any additional costs incurred by the strata as a result of a failure to do so, can be recovered from the parties responsible.

**G. ADVISORY**

- a. Sections 8.2, 8.3, 8.4 & 8.5 of the Environmental Planning and Assessment Act 1979 allow you to request the consent authority to review this determination notice if you are dissatisfied with it or the conditions contained within this determination notice. This right must be exercised within six (6) months from the date of this notice with the appropriate fee.
- b. If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within six (6) months after the date on which the application is taken to have been determined.
- c. In accordance with Section 95 of the Environmental Planning and Assessment Act 1979, unless otherwise stated by a condition of this consent, this consent will lapse unless the development is commenced within five (5) years of the date of this notice.

- d. 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.
- e. The approval of this application does not imply or infer compliance with the Disability Discrimination Act and that the developer should investigate their liability under the Act.

TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

- f. 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.

- g. 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.
- h. You are advised that the placement of a concrete path around your home may render your home vulnerable to termite attack. To minimise the possibility of any damage, ensure that a minimum of 75mm clearance is provided between the base of the weephole and the level of the path.
- i. The Liverpool City Council Local Government area soils and ground water may be subject to varying levels of Salinity. Whilst Council may require applicants to obtain Salinity reports relating to some developments, no assessment may be made by Council in that regard. Soil and ground water salinity levels can change over time due to varying factors. It is recommended that all applicants make their own independent inquiries as to appropriate protection against the current and future potential effect of Salinity to ensure the ongoing structural integrity of any work undertaken. Liverpool City Council will not accept any liability for damage occurring to any construction of any type affected by soil and or ground water Salinity.
- j. The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.
- k. Care shall be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or the applicant's agents may be liable to pay compensation to any adjoining owner if, due to construction works, damage is caused to such an adjoining property.
- l. Before any excavation work starts, contractors and others should phone "Dial Before you Dig" service to access plans/information for underground pipes and cables, [www.1100.com.au](http://www.1100.com.au)
- m. The Liverpool City Council Local Government Area soils and ground water may be subject to varying levels of Salinity. Whilst Council may require application 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 enquiries as to the appropriate protection against the current and future potential effect of salinity to ensure the ongoing structural integrity of any work undertaken. Liverpool City Council will not accept any liability of damage occurring to any construction of any type affected by soil and ground water salinity.

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