

**MATTERS FOR
LOCAL PLANNING PANEL
DETERMINATION**

Monday 29th October 2018

To be held at the
“Gold Room, Liverpool Library”
170 George Street
Liverpool

Doors open at **1:45 PM** to commence at **2:00 PM**

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

Should you wish to address the Panel, please advise Danielle Hijazi, Panel Support Officer on 8711 7627 or 1300 36 2170, by 4pm, Friday, 26 October 2018.

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The following applications are referred to the Local Planning Panel for its consideration and determination.

ITEM No.	SUBJECT	PAGE No.
1	<p>Rezoning Application RZ-3/2018</p> <p>Rezoning from E4 Growth Centre SEPP and RU2 Liverpool LEP to R2 with associated amendment to the minimum Lot size to 450sq meters to enable the development of 44 lots resulting in a density of 10 dwellings per hectare.</p> <p>LOT 132 DP 1137588 315 DENHAM COURT ROAD, DENHAM COURT</p>	3-299

ITEM No.	SUBJECT	PAGE No.
2	<p>Development Application DA-6/2016</p> <p>Construction of a seven (7) storey residential flat building containing twenty-four (24) apartments, over two (2) basement levels, with associated with drainage and landscape works</p> <p>LOT 20, 21,22 DP 2819 26-30 MILL ROAD, LIVERPOOL</p>	300-375

ITEM No.	SUBJECT	PAGE No.
3	<p>Development Application DA-156/2018</p> <p>Demolition of existing structures and the construction of a multi dwelling housing development comprising of 8 dwellings over basement car parking for 12 vehicles, pursuant to State Environmental Planning Policy 2009</p> <p>LOT 26, 27 DP 219461 14-16 BRALLOS AVENUE, HOLSWORTHY</p>	376-427

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ITEM No.	SUBJECT	PAGE No.
4	Development Application DA-800/2017 Change of use from an existing barn on a rural residential property to place of public worship LOT 151 DP 702549 30 FOX VALLEY ROAD, DENHAM COURT	428-470

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Item no:	1
Application Number:	RZ-3/2018
Proposed Development:	Proposal to rezone 315 and 335 Denham Court Road, Denham Court from E4 — Environmental Living to R2 — Low Density Residential
Property Address	315 and 335 Denham Court Road, Denham Court
Legal Description:	LOT 131, 132 DP 1137588
Applicant:	NELCORB PTY LTD
Land Owner:	Synergy Property Empire Pty Ltd (315 Denham Court Road) and Brian Charles Hobson and Michele Kerry Hobson (335 Denham Court Road)
Cost of Works:	Nil (proposed rezoning only)
Recommendation:	Request for advice
Assessing Officer:	Graham Matthews

1 EXECUTIVE SUMMARY

Council has received a planning proposal (RZ No. 3/2018) to rezone land from E4 — Environmental Living to R2 — Low Density Residential at 315 and 335 Denham Court Road, Denham Court.

The site was rezoned from RU2 — Rural Landscape to E4 — Environmental Living pursuant to State Environmental Planning Policy (SEPP) Sydney Region Growth Centres (2006) in August 2014.

The key issues associated with the proposal relate to the determination of strategic merit, and site specific merit, for the proposal as per the guidelines in *A guide to preparing planning proposals*, as published by the NSW Department of Planning and Environment in 2016. Council staff seek the advice of the Local Planning Panel as to whether the proposal has demonstrated strategic merit or site merit, as outlined in the body of the report below.

The application is referred to the Liverpool Local Planning Panel (LLPP) in accordance with the Local Planning Panel direction – Planning Proposals dated 23 February 2018.

2 SITE DESCRIPTION AND LOCALITY

The site

The subject site is comprised of two lots (Lot 131 and Lot 132 DP 1137588) with a total site area of approximately 3.9 ha. The site is part of the East Leppington precinct and was rezoned pursuant to the Sydney Region Growth Centres SEPP 2006 from RU2 — Rural Landscape to E4 — Environmental Living on 8 August 2014.

The subject site is bounded by Denham Court Road to the south and west and the Upper Canal to the north. To the east are three other lots zoned E4 — Environmental Living transitioning to land zoned RU2 — Rural Landscape.

The subject site falls towards the Upper Canal to the north, draining land from the east and south towards the canal. The subject site falls approximately 5 m from south to north (toward the Upper Canal). The subject site is also at the base of steeply sloping land to the east, which falls by approximately 44 m over approximately 500 m (a fall of approximately 8.8%).

To the south and west of the subject site is land in the Campbelltown LGA which was rezoned to R2 — Low Density Residential pursuant to the Sydney Region Growth SEPP (2006) on 15 March 2013, 17 months prior to the Liverpool portion of East Leppington. North of the Upper Canal, land in the Liverpool portion of the East Leppington precinct was similarly rezoned R2 — Low Density Residential.



Figure 1: Aerial view of site (Source: Nearmap, August 2018)

3 THE LOCALITY

The subject site is an integral part of the Liverpool portion of the East Leppington precinct. The East Leppington Precinct was rezoned pursuant to the Sydney Region Growth Centres SEPP 2006 primarily for a mix of residential densities in August 2014. Specifically, the subject site comprises two of the five lots zoned

E4 —Environmental Living, and intended for very low density residential density, according to the Indicative Layout Plan (ILP).

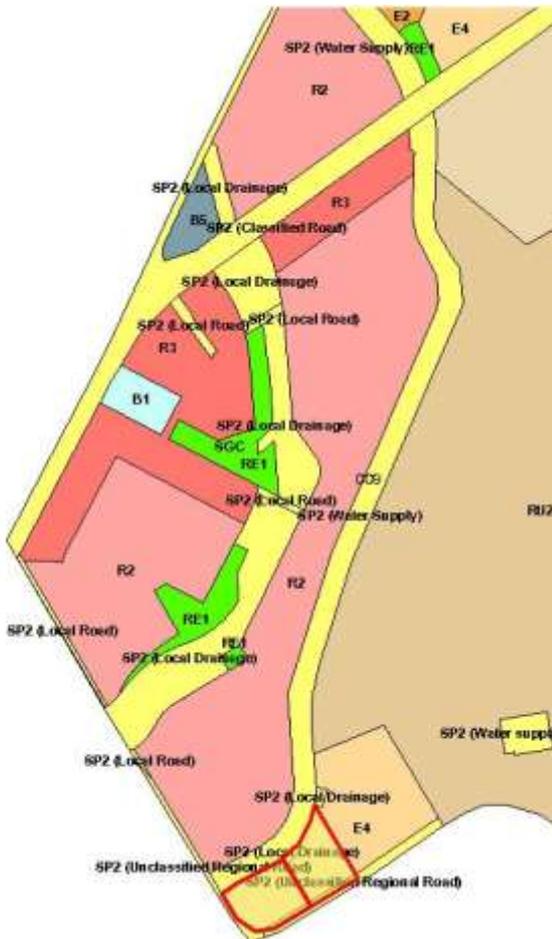


Figure 2: Liverpool portion of East Leppington precinct. Subject site highlighted

4. DETAILS OF THE PROPOSAL

History

- Pre-lodgement advice was provided to the proponent on 12 December 2017. The advice indicated the following:
 - that a proposed reduction in the minimum lot size to 450 m² would require the rezoning of the site from E4 to R2;
 - that the indicative layout provided was materially inconsistent with the East Leppington DCP and that an amendment to the DCP would need to be lodged;
 - that any intended development would need to be consistent with guidelines relating to the Upper Canal;
 - that any proposed development would need to ensure that drainage from the site would not discharge into the upper canal;
 - that the proposed road layout would need to be modified to comply with the requirements of APA regarding the gas easements bisecting the site;
 - that the urban design of the proposed lot layout would need to be modified; and

- Council could not support a rezoning application unless the relevant constraints have been adequately addressed.
- The planning proposal was lodged with council on 5 May 2018. The proposal sought a rezoning, as was advised by Council would be necessary to support 450 m² lot sizes. The proposal included modifications to the indicative layout, in line with APA requirements, but did not specify any proposed amendment to the relevant DCP;
- A letter was sent to the proponent detailing the reasons why the proposal would not be supported by Council staff on 6 August 2018;
- Discussion was had between council officers and the proponent's representatives on 13 August 2018;
- The proponent provided Council with a letter detailing the response to Council staff's concerns on 22 August 2018; and
- Council staff emailed proponent with further advice on 18 September 2018.

5. THE PROPOSAL

The planning proposal seeks a spot rezoning, to rezone approximately 3.9 ha (39,250 m²) of land at 315 and 335 Denham Court Road (Lots 131 and 132 DP 1137588), Denham Court from E4 Environmental Living to R2 — Low Density Residential per the SEPP (Sydney Region Growth Centres) 2006. The planning proposal also seeks the following amendments to development standards pertaining to the subject site:

- Reduce the minimum lot size from 2000 m² to 450 m²; and
- Introduce a minimum dwelling density requirement of 10 dwellings per hectare.

The proposal seeks to rezone the underlying zoning of the land (i.e. the zoning of the land under Liverpool local Environmental Plan 2008) from RU2 — Rural Landscape to R2 — Low Density Residential, and modify development standards pertaining to the site to be consistent with those described above.

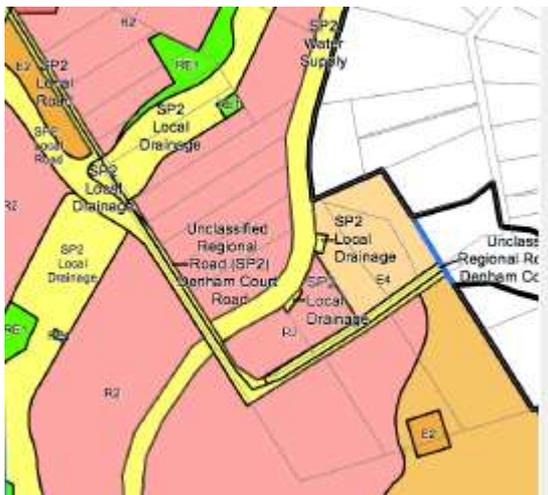


Figure 3: Section of proposed zoning map submitted by the proponent



Figure 4: Section of proposed minimum lot size map submitted by the proponent, decreasing minimum lot size on the subject site to 450 m²

6. CONSIDERATIONS FOR STRATEGIC MERIT

The department's *A guide to preparing planning proposals* includes the following questions to justify the proposal (section a, q1 and q2).

1. *Is the planning proposal a result of any strategic study or report?*
The planning proposal is not the subject of any strategic study or report.
2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*
The objective of the proposal is to increase the permissible residential density on the site by decreasing the minimum lot size from 2000 m² to 450 m². Based on the objectives of the existing E4 — Environmental Living zone, the only way this densification could be achieved would be via a planning proposal, to rezone the subject site to R2 — Low Density Residential.

The department's *A Guide to Preparing Planning Proposals* includes the following question to delineate consistency with the NSW strategic planning framework (section b, q3).

3. *Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?*

The proponent has argued that the proposal is generally consistent with the Greater Sydney Regional Plan (A Metropolis of Three Cities) finalised by the Greater Sydney Commission in March 2018. Specifically it argues:

The proposed development is in a corridor to the south of Camden Valley Way between Edmondson Park and Narellan that is undergoing significant change from low rural uses to intense housing. The site is immediately located to a new housing estate [sic]. The proposal meets the strategic direction by offering

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more housing in a corridor where the future character will be dominated by residential housing. (Planning Proposal p28)

While the site is part of the East Leppington precinct, rezoned for residential uses in August 2014, neither the greater Sydney Regional Plan nor the Western City District Plan describe the subject site as being within any strategic corridor.

The proposal references a number of strategic plans for the Greater Sydney Region as justification for the proposed rezoning of the site. Specific reference is made to the following:

A Plan for Growing Sydney

The proposal references specific directions to the Plan as follows:

Direction 2.1 — accelerate housing supply across Sydney

The proposal states the following:

Under the above direction a key action is, 'Action 2.1.1: Accelerate Housing Supply and Local Housing Choice'. The action requires the Government to take a lead on directing the Greater Sydney Commission to work with Councils in reviewing and preparing LEPs, to target locations which deliver homes closer to jobs, and provide housing in and around strategic centres. The proposal supports the Government in achieving the above actions by providing more housing close to the Leppington Strategic Centre, providing housing closer to jobs in Leppington, Campbelltown, Glenfield and Macarthur Urban Renewal Corridor and to Liverpool (PP p55).

The proposal appears to conflate two processes here; the rezoning process pursuant to the Sydney Region Growth Centres SEPP 2006 and the directive to certain metropolitan councils to review their LEP for consistency with the Metropolitan and District Plans. The subject site was rezoned pursuant to the Sydney Region Growth Centres SEPP 2006 in August 2014. Council's LEP review does not have the scope to reassess the zoning of the land. Land in the East Leppington precinct has already been "released" for residential purposes. No further strategic review of the zoning of the land at the subject site would be required by this process. It is Council Officer's opinion that the proponent also fails to consider that part of the intent of this direction is also to provide a variety of housing choice. There are relatively few areas that support larger lot housing, which provides residents with the opportunity to live in a new dwelling surrounded by established mature native vegetation.

Direction 2.4 — Deliver timely and well-planned greenfield precincts in housing

The proposal states the following:

The key action relates to this direction is, 'Action 2.4.1: Deliver greenfield housing supply in the north west and south west growth centres.' The action requires the Government to work with Councils and developers to deliver new homes in the growth centres precincts. The proposal supports Government to achieve this by proposing a logical continuation of housing in context of surrounding new housing developments, within the South West Growth Centre (PP p55).

Council worked closely with the NSW government on the rezoning of the Liverpool portion of the East Leppington precinct to 2014. During this period, the proposed rezoning of the precinct (including the subject site) was publicly exhibited on two occasions (2012 and 2013). Landowners were advised of the rezoning process, and in either exhibition was a submission received concerning the proposed minimum lot size at the subject site (2000 m²). The proposed rezoning of the site to E4 —Environmental Living was publicly exhibited in 2013. No objections to this rezoning were received.

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The statement that the proposed rezoning is “a logical continuation of housing in context of surrounding new housing developments” (PP p55), is not supported by any evidence. The simple proximity of the site to others, zoned for higher-order residential purposes, is not sufficient to justify the rezoning of the subject site. The rezoning of the subject site in 2014, permitting an intensification of development by a factor of 10, is sufficient evidence that the direction has been satisfied with regard to this site.

Direction 3.2 - Create a network of interlinked, multipurpose open and green spaces across Sydney

The proposal states the following:

The proposal includes a large area of open space that encourages a green link across the site with adjoining lands (PP p55).

The proposal includes an indicative subdivision, which includes a residue lot that would encompass the easement for the high-pressure gas pipelines which traverses the site (see Figure 5 below). The proposal indicates that this land would be retained for drainage purposes. The ongoing ownership/management of this land has also not been explored in the proposal, and the proposal does not proposed to rezone any land RE1 or a similar public open space zone.

It should also be noted that a DA has not been submitted concurrently with the planning proposal. The indicative subdivision pattern, is simply indicative. Council has not assessed the merits of such a subdivision proposal. It is therefore unreasonable to rely on any particular element of the proposed subdivision, with respect to strategic directions codified in *A Plan for Growing Sydney*.



Figure 5: Indicative proposed subdivision (Planning Proposal)

Direction 4.1 – Protect our natural environment and biodiversity

The proposal states the following:

The site as indicated in the supporting expert ecological assessment report does not contain any sensitive ecological communities and species. Therefore, it does not obstruct the ability for the State Government to achieve the direction in other parts of Western Sydney. Nor does the proposal contribute to diminishing the quality of any ecological sensitive areas (PP p55).

Consideration of the environmental value of the site, and the appropriateness of the current zoning, is further

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developed in consideration of the Section 9.1 directions, Direction 2.1 Environmental Protection Zones, below.

A Metropolis of Three Cities - Greater Sydney Region Plan (March 2018)

The proposal invokes two themes regarding the *Greater Sydney Region Plan*; housing and sustainability.

With regard to housing, the proposal refers to:

'Objective 10, Greater housing supply', which identifies that Sydney will require an additional 725,000 new homes by 2036 to meet demand. The objective recognises that the Priority Growth Area established by the NSW Government that includes the South West and in which the site is located, are suitable programs to cater for future housing demand (PP p58).

The proposal does not acknowledge however, that the subject site, part of the East Leppington precinct, has already made an appropriate contribution to the demand for additional housing, when its potential dwelling density was increased by factor of 10 at the time of rezoning in 2014. It must also be noted that dwelling approvals in Liverpool have far exceeded housing targets for the LGA as a whole to 2021.

With regard to sustainability, the proposal states the following:

The site is located within the (sic.) an 'urban area', which is part of the South West Priority Area. The urban context of the site is evident by way of the new surrounding housing development. As discussed previously, the site is located within a corridor undergoing significant change from a rural context to intense housing (PP p58).

Council's assessment of the basis for the retention of the E4 — Environmental Living zoning for the site is explored with regard to the Section 9.1 directions below.

The proposal also notes that Denham Court Road is to be widened. However, such road widening was planned at the time the site was rezoned in 2014. The road widening will not elevate the strategic significance of Denham Court Road, which remains an unclassified (local) road joining Campbelltown Road in the south and Camden Valley Way in the north.

Western City District Plan (WCDP) 2018

The planning proposal specifically addresses three priorities under the Western City District Plan, Planning Priority W5 — Providing Housing Supply, Choice And Affordability, With Access To Jobs And Services, Planning Priority W6 — Creating And Renewing Great Places And Local Centres, And Respecting The District's Heritage, and W16 — Protecting And Enhancing Scenic And Cultural Landscapes.

W5 — Providing Housing Supply, Choice And Affordability, With Access To Jobs And Services

The proposal argues that the proposed rezoning is consistent with W5 and W6 on the basis that it seeks to provide "1) more housing in an area that is changing rapidly, and 2) housing choice by way of potential building types and lot types that are slightly larger than other development occurring in the surrounding area" (PP p61). Further it argues, "While it is evident that the proposal is consistent with the surrounding urban development with respect to future land use and general urban pattern, the proposal is different in that it provides a transition between larger lot development to the northeast and east, and that to the south and southwest" (PP p61).

However, the WCDP states that,

New housing must be in the right places to meet demand for different housing types, tenure, price points,

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preferred locations and design. ... This means that some areas are not appropriate for additional housing due to natural or amenity constraints, or lack of access to services and public transport. (p 39)

As will be developed in more detail below, the subject site is severely constrained. The constrained nature of the site limits the degree to which it may be leveraged for residential purposes. In this context, the current zoning, permitting very low density residential development is viewed as appropriate. The current zoning of the site, along with a requirement for a minimum lot size of 2000 m², will also enable the development of a housing type (i.e. detached dwellings on a larger lot) which is seldom offered elsewhere in the precinct, offering greater housing choice than that envisaged in the proposal, which is a relatively homogenous suburban offering.

The WCDP continues, "The Growth Area programs of the NSW Department of Planning and Environment guide the development of new communities in land release areas and provide significant capacity into the medium and longer term. These include the North West, South West, Wilton and parts of the Greater Macarthur Growth Areas" (p42). As noted, the subject site is within the East Leppington precinct of the South West Growth Centre. Taking account of the significant constraints on the site, the subject site was rezoned in 2014 for very low density residential uses.

W6 — Creating and Renewing Great Places at Local Centres, and Respecting the District's Heritage

Planning priority W6 seeks to create "great places" and engender a place based approach to development. However, the planning proposal seeks to play down the more unique elements of the subject site (proximity to the heritage-listed Upper Canal, remnant endangered vegetation) and adopt a similar building form as elsewhere in the precinct.

W16 — Protecting and Enhancing Scenic and Cultural Landscapes

The proposal invokes planning priority W16, arguing that "The visual assessment provided in the supporting Urban Design Report shows that the proposal would not be visible from important view lines and particularly from the ridgeline to the northeast and east of the site. Moreover, the proposal is not as prominent in the landscape as the adjoining larger Stockland new housing estate, to the south of the site" (PP p62).

An additional direction of the WCDP, not canvassed by the planning proposal is W15 — Increasing Urban Tree Canopy Cover and Delivering Green Grid Connections.

As noted above, no DA was submitted alongside the proposal. Council staff therefore have not assessed the appropriateness of the indicative subdivision submitted with the planning proposal.

W15 — Increasing Urban Tree Canopy Cover and Delivering Green Grid Connections

The proposal seeks to rezone the subject site from an environmental zone (E4 — Environmental Living) to a residential zone (R2 — Low Density Residential).

The subject site is bounded to the north by the Upper Canal, an important infrastructure asset, conveying drinking water. The subject site falls and drains towards the Upper Canal, and occupies the low point of the hill rising to a high point at Fox Valley Road to the east of the subject site. The subject site was zoned E4 — Environmental Living at the time of the rezoning of the East Leppington precinct, partly in recognition of the need to protect this infrastructure asset.

Rezoning the subject site to increase the permissible residential density by more than a factor of four (from a minimum lot size of 2000 m² to 450 m²) will increase the potential for stormwater contamination of the Upper Canal. Protection of the Upper Canal is listed as priority corridor 19 pursuant to planning priority W15.

The Infrastructure and Services Report, submitted as Appendix 11 to the planning proposal, states that

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stormwater would drain “into the existing Sydney Water Supply Channel”. Water NSW, as owners of the Upper Canal were strictly unsupportive of this proposal (see comments in question 11 below). Their comments indicate that stormwater must not be permitted to enter the Upper Canal.

Subsequent correspondence from the proponent has indicated an intention to fill the land on the site in an unspecified manner. The proponent has indicated that “Any batters or retaining walls adjoining the Sydney Water Canal will have appropriately designed drainage or diversion drains to direct any surface runoff to a suitable discharge point” (Proponent’s letter to Council 22 August 2018).

The impacts of any proposed filling and the degree of change in levels that would be required to support the proposed subdivision pattern are not sufficiently explored by the proposal, or any of its appendices. Rezoning the site for higher order residential uses, without fully exploring the underlying assumption that significant changes to the landform would be required, would invite uncontrolled risk.

The subject site is further constrained by the fact that it is bisected by an easement for two high-pressure gas pipelines, which run from the south-west to north-east of the subject site. Increasing dwelling density in proximity to the high-pressure gas easement does not reflect good planning priorities.

The department’s *a guide to preparing planning proposals* includes the following question (section b, q4)

4. Is the planning proposal consistent with council’s local strategy or other local strategic plan?

The proposal is inconsistent with the East Leppington precinct ILP.

The subject site was rezoned from rural to residential purposes in August 2014, pursuant to the Sydney Region Growth Centres SEPP (2006). The land was rezoned E4 — Environmental Living, and intended for very low density residential purposes, in consideration of the following constraints:

- The relative isolation of the subject site from the remainder of the East Leppington precinct (it is separated from the remainder of the East Leppington precinct by the Upper Canal to the north and Denham Court Road to the east and south);
- The subject site’s connection to land zoned for rural purposes to the east (RU2 — Rural Landscape);
- The fact that the land falls towards the Upper Canal, and is the low point draining a significant hill reaching its peak at Fox Valley Road;
- That the subject site is bisected by an easement for high-pressure gas pipelines;
- That the subject site contains an endangered ecological community; and
- The fact that the subject site is exposed to the potential for excessive traffic noise.

In response to the multiple constraints affecting the subject site, the land was zoned E4 — Environmental Living, with a minimum lot size of 2000 m².

In seeking to justify an increase the residential density of the subject site, the proposal dwells on the relative lack of the scenic value of the site and the fact that development on the site would not be visible from the nearby ridge line. However, the proponent does not sufficiently address the multiple constraints impacting on the site, opportunities afforded by the site, nor acknowledge these as the basis for the E4 — Environmental Living zoning.

Section 9.1 directions

The proposal has not adequately addressed Ministerial Direction 2.1 Environmental Protection Zones.

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2.1 Environmental Protection Zones

The objective of this direction is “to protect and conserve environmentally sensitive areas”. The specific direction relating to the proposal is subclause 5, as follows:

A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with Clause e (5) of direction 1.5 “Rural Lands”. [NB: direction 1.5 “Rural Lands” specifies the SEPP (Rural Lands)) 2008, which does not apply to Liverpool LGA]

Inconsistency with this direction must be justified according to subsection (6)(c) by “a study prepared in support of the planning proposal which gives consideration to the objectives of this direction”. The section of the planning proposal which addresses ministerial directions states that:

While the site is zoned for Environmental Living purposes in the SEPP, it does not exhibit any environmentally sensitive qualities and nor does it have any environmentally sensitive areas. The proposal would not adversely impact an area that is already undergoing a significant change in character. The site is enveloped by new urban development. Support studies attached to this report present evidence to that effect (PP p32).

The planning proposal includes a Flora and Fauna Assessment (Appendix 10) and an Infrastructure and Services Report (Appendix 11), which the planning proposal relies on for the above stated conclusions.

With respect to the Flora and Fauna Assessment, prepared by Eco Logical in April 2018, it notes that the subject site is biocertified and that “no further assessment of impacts to threatened species, populations or ecological communities is required under NSW legislation”. It also notes that, “the subject site does not contain vegetation mapped in either of these categories [existing natural vegetation (ENV) and native vegetation retention (NVR)] and therefore has no further restriction of clearing of vegetation”.

Were the matter under consideration a DA, under Part 4 of the Environmental Planning and Assessment (EP&A) Act 1979, the conclusion in the Flora and Fauna Assessment, may have some validity. However, the matter under consideration is a proposal to rezone the site from an environmental zone to a residential zone pursuant to Part 3 of the Act. In this process, the presence of an endangered ecological community on the subject site must be a significant consideration. Biocertification of the subject site is not a valid consideration under Part 3 of the Act.

A significant portion of the site (see Figure 7 below) has been mapped under the Council's Biodiversity Management Plan 2012 (prepared by Eco Logical Australia) as an endangered ecological community, Grey Box - Forest Red Gum grassy woodland on flats of the Cumberland Plain, Sydney Basin (TEC). The vegetation has been mapped as being of Regional Core significance, albeit in poor condition. The vegetation was not considered to be of such size or quality as to preclude biocertification at the time the site was rezoned in August 2014. Nevertheless, its presence adds to the case for retention of the environmental protection zoning E4 — Environmental Living, which would allow sympathetic and very low density redevelopment of the site. As the Flora and fauna assessment notes,

*The site provides stepping stone habitat for highly mobile species (bats and birds)...
The vegetation on the site is connected with Cumberland Plain Woodland in the locality, particularly to the north and south but is not part of a Riparian Protection Area. (Appendix 11 ,Flora and Fauna assessment p5)*

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Section 2.4 of the Assessment does note that sections 2.6 and 2.7 of the East Leppington DCP apply to the subject site. Specific development controls applicable include the requirement for larger lot sizes, to allow trees to be retained within larger setbacks, and that subdivision design and housing location are to consider the environmental and infrastructure constraints. Nevertheless, the assessment does not consider any alternative development of the site, other than low density residential development as indicated by the planning proposal.

The Infrastructure and Services Report states that the subject site has a gentle slope of approximately 2.1%. The report does not however, consider the context of the subject site, and the fact that the steep land surrounding the site (as discussed above) drains into the site from both the east and south of the subject site. It notes the existence of the water supply channel (Upper Canal) to the north of the subject site, yet fails to adequately account for the impact of this constraint on development on the subject site. In fact, it proposes that stormwater generated from the site, when developed, should discharge into the "Sydney water supply channel easement" (page 6).

The proposal has not given due weight to the fact that the subject site falls towards the Upper Canal and that the qualitative increase in stormwater flow across the site, if developed for low density residential purposes, would place the Upper Canal at increased risk of stormwater contamination (as discussed above).

In assessing the importance of the environmental protection zoning for the subject site, the planning proposal has not taken sufficient account of the environmental constraints applying to the site. The *East Leppington Precinct Planning Report*, published by the Department of planning in July 2012, as part of the first public exhibition underlying the rezoning of the East Leppington precinct, is an important reference.

In explaining that the new precinct will provide in excess of 4100 dwellings, housing over 13,000 people, it notes that, "Very Low Density Residential areas allow houses on large lots to respond to existing constraints including topography and infrastructure easements." (p 37) The report goes on to say, "Land in the Precinct that has significant constraints (such as flooding, topography and infrastructure easements), but still has some development potential, is proposed to accommodate lower density housing as shown on the draft ILP." (p 47)

The ILP was modified after the initial public exhibition in 2012, at which time it was proposed to rezone the subject site to R2 — Low Density Residential. The proposed zoning of the subject site was changed to E4 — Environmental Living prior to re-exhibition in 2013. Nevertheless, the proposed minimum lot size (2000 m²) remained consistent throughout the exhibition process. As the *Precinct Planning Report* noted, "varying minimum lot sizes are proposed for land in these zones to respond to different environmental constraints including protection of visually sensitive areas, protection of native vegetation, and presence of infrastructure easements and minimising risks of impacts on water quality in the Sydney Catchment Authority Upper Canal." (p138)

Additionally, it is important to note that in its submission to the public exhibition of the draft Precinct Plan of 16 August 2012, Council made the following comments with regards to the ecological assessment of the precinct,

It is recommended that once this additional work is undertaken and reviewed by the Councils that the ILP be reviewed to ensure protection of sensitive areas from development. It is also recommended that application of the E4 zone to minimise land acquisition and allow limited and sensitive development in fringe areas be undertaken.

When full account is taken of the environmental constraints applying to the site, retention of the E4 — Environmental Living zoning applied to the site may be the most reasonable outcome. Similarly, retention of the minimum lot size requirement of 2000 m² is equally reasonable.

Council staff acknowledge that the proponent has indicated that a technical solution may be proposed to prevent

(PP p14), which require the protection afforded by the Environmental Living zoning.

The proposed rezoning however, does not take sufficient account of the constraints impacting the subject site, ecological and technical, which informed the original decision to rezone the site to E4 — Environmental Living, as discussed extensively above. When these matters are fully accounted for, it may be concluded that the current zoning and development standards applying to the site would allow the site to develop to its highest and best use.

7. CONSIDERATIONS FOR SITE SPECIFIC MERIT

The Department's *A guide to preparing planning proposals* includes the following site-specific merit questions (section b, q3b).

Does the proposal have site-specific merit, having regard to the following:

- *The natural environment (including known significant environmental values, resources or hazards) and*
- *The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and*
- *The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.*

The subject site is part of an isolated and highly constrained parcel of land providing a transition between the Rural Landscape zoned land to the east and the Low Density Residential zoned land elsewhere in the precinct. While acknowledging that the subject site provides a transition, the proposal argues that increased residential density will not have any discernible ecological impact.

Upper Canal

The subject site is at the bottom of significantly sloping land, land which falls towards the Upper Canal to the north of the site, draining land from both the east and south of the site.

Where land has been rezoned for residential uses in the neighbouring Austral and Leppington North precinct, land that drains towards the Upper Canal has been zoned E4 — Environmental Living. It is to be noted, that the lot draining towards the Upper Canal in Austral do enjoy a lower minimum lot size than the subject site. However, the lots in Austral are not flood affected, and nor are they impacted by a high-pressure gas pipeline easement bisecting the site. As discussed below, the subject site is significantly constrained. Taking full consideration of these constraints explains both the zoning and minimum lot size applying to the subject site.

It is important that stormwater does not run off into the Upper Canal, as this piece of infrastructure supplies Sydney with a portion of its clean drinking water. The Upper Canal generally runs along the top of a ridge line, to ensure that any stormwater drains away from the canal, from Broughtons Pass near Wilton to the Prospect Reservoir.

In such instances, within the Sydney Region Growth Centres, the Department of Planning and Environment has generally zoned such land for lower intensity uses, so as to minimise the quantity of stormwater run-off (which increases proportionately to the area of paved surfaces), and to ensure that large quantities of on-site vegetation can filter some of the run-off pollutants. Allowing the land-uses on this site to be intensified would contradict this principle, create an anomaly, and instigate pressure to rezone similar E4 lands in Austral and Leppington North which are also noted as being adjacent to R2 — Low Density Residential zoned lands.

High-pressure gas easement

The subject site is dissected diagonally by two existing easements for high-pressure gas lines owned by Jemena

and APA. The land parcels created, in particular between the gas easement and the Upper Canal are of a difficult shape and problematise subdivision, particularly of the density sought by the proposal.

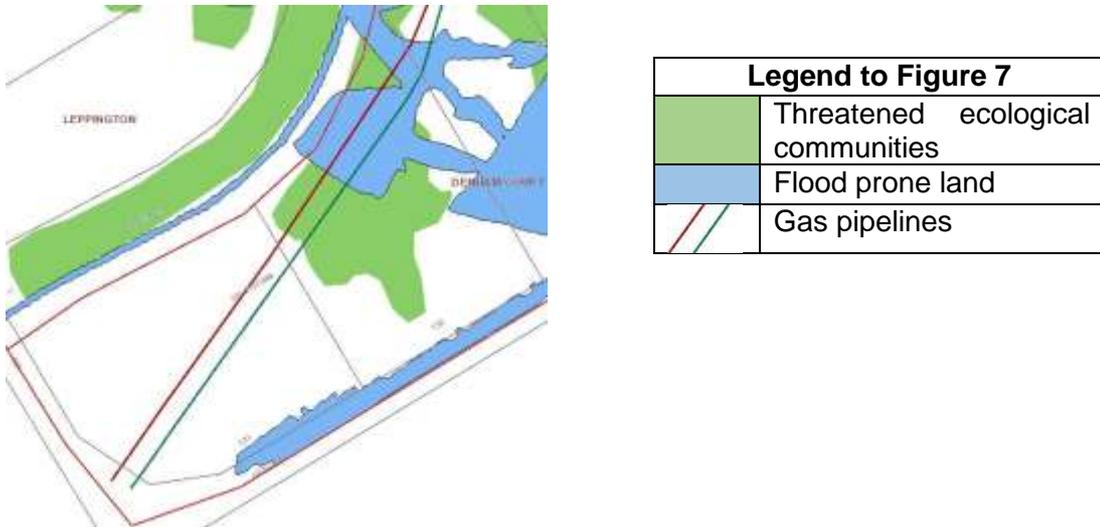


Figure 7: Constraints on the subject site — Water NSW Upper Canal, high-pressure gas pipelines, flood prone land, endangered ecological community

Further, the indicative subdivision proposes to create a residue lot encompassing the easement for the gas pipeline running through the site. It is proposed to retain the easement as “communal public space reserve” (PP p41). It is not clear, and the proposal has not indicated, how such communal public space would be managed.

Endangered Ecological Community

A significant portion of the site (see Figure 7 above) has been mapped under the Council's Biodiversity Management Plan 2012 as an endangered ecological community, Grey Box - Forest Red Gum grassy woodland on flats of the Cumberland Plain, Sydney Basin (TEC). The vegetation has been mapped as being of Regional Core significance, albeit in poor condition. The vegetation was not considered to be of such size or quality as to preclude biocertification. Nevertheless, as discussed above, its presence adds to the case for retention of the environmental protection zoning E4 — Environmental Living, which would allow sympathetic and very low density redevelopment of the site.

A considerable number of trees remaining on the site would require removal based on the proposed subdivision pattern (PP p18). While it is acknowledged that the site has been biocertified, the East Leppington precinct DCP seeks to minimise the impact of development (DCP page 27), and the existing zoning would allow for the preservation of much of the vegetation. Rezoning the site for greater dwelling density would necessarily lead to greater tree loss than otherwise anticipated (as developed in detail below).

A portion of the site is also flood prone. It is noted that the proponent has indicated that there may be a technical solution to this affectation.

Existing use and potential impact on adjacent sites

As noted above, when considering site-specific merit the *Guide* requires that consideration be given to:

- *The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal*

The planning proposal argues that the subject site is “significantly underutilised” (PP p14). It further argues that,

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“The sites, under the current zoning and minimum lot sizes, have very low potential to deliver sustainable outcomes consistent with State and Local planning strategies and policies” (PP p3). Nevertheless, DA-1162/2016 was lodged for the subdivision of the site, pursuant to its existing zoning (E4 — Environmental Living) on 6 December 2016. The DA was formally refused on 1 December 2017, only after the applicant failed to respond to requests for further information regarding how the proposal would meet heritage, engineering and gas company concerns.

The option remains for the applicant to pursue subdivision of the subject site should the required information be provided. It is also to be noted that DA-411/2018, for the subdivision of adjacent sites 295 to 305 Denham Court Road, pursuant to existing zoning and development standards (i.e. E4 — Environmental Living and 2000 m² minimum lot size) is under assessment.

In the context of the subject proposal, the impact on adjacent sites zoned E4 — Environmental Living must also be considered. The five lots that make up the land zoned E4 — Environmental Living in the southern part of the Liverpool portion of the East Leppington precinct form a contiguous whole. Collectively, the lots provide a transition between the RU2 — Rural Landscape zoned land to the east, and the Low Density Residential zoned land elsewhere in the precinct.

The affectations of the subject site apply to the adjacent lots, and arguably other E4-zoned lands in the Austral and Leppington North precincts. Rezoning the subject site would establish a precedent allowing landowners on the adjacent sites to also seek to rezone the land from E4 — Environmental Living to R2 — Low Density Residential, with the concomitant increase in development standards applying to those lots also. Were Council to agree to the rezoning of the subject site, it is likely that the entire existing buffer between the RU2 — Rural Landscape zoned land to the east, and the R2 — Low Density Residential zoned land elsewhere in the precinct may be subject to rezoning.

Road noise

The East Leppington precinct (Liverpool) DCP, maps the site as being subject to considerable road noise. The DCP seeks to find a solution, using means other than the installation of acoustic barriers. Acoustic barriers are generally inappropriate at this location due to the desire to maintain the rural landscape amenity along Denham Court Road. Key among proposed measures is consideration of the location of dwellings and providing considerable setbacks to Denham Court Road. Enabling the situation of dwellings further from Denham Court Road will reduce the impact of the road noise on any dwellings to be developed on the subject site.

Increasing the intensity of development as sought by the planning proposal, would necessarily increase the impact of road noise, substantially reducing the amenity of dwellings to be produced at the site. The planning proposal does not provide any means of mitigating road noise.

Medium density housing code

The subject site has not been incorporated into land subject to the Greenfield Housing Code (see map: <https://www.planning.nsw.gov.au/Policy-and-Legislation/Housing/Greenfield-Housing-Code/~media/F8E35B4D089E42A1B63E2F6E55FB7942.ashx>). As the subject site is not within the purview of the Greenfield Housing Code, the Medium Density Housing Code will apply, as multi dwelling housing is a permissible use on land zoned R2 — Low Density Residential under the Sydney Region Growth Centres SEPP 2006. SEPP should be noted that the Medium Density Housing Code has been deferred in the Liverpool LGA until 1 July 2019.

While the proponent has included a proposed subdivision pattern for the subject site, showing a dwelling yield of approximately 11 dwellings per hectare, the applicability of the Medium Density Housing Code to the site may enable far greater dwelling densities than envisaged. While medium density housing is planned for parts of the East Leppington precinct (to the north of the site), it would be an undesirable outcome for the subject site

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considering both the site constraints and its proximity to the RU2 — Rural Landscape zoned land to the east. Nevertheless, if the subject site is zoned R2 — Low Density Residential, there may be little that the consent authority could do to prevent the development of the subject site for medium density housing, as any applications for medium density development under the Code would not need consent from Council.

The department’s *A guide to preparing planning proposals* includes the following questions regarding state environmental planning policies (section b, q5).

5. Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policies (SEPPs) relevant to the proposed rezoning of the subject site are as follows:

State Environment Planning Policy	Comment
State Environmental Planning Policy (Infrastructure) 2007	<p>Clause 66C of the SEPP specifies a Council must be satisfied the potential risks associated with development adjacent to a gas pipeline have been fully identified, and that those risks have been taken into account.</p> <p>In addition, it requires Council to refer any development application in the vicinity of a gas pipeline to the pipeline operator for comment, and to take those comments into consideration. While no DA has been lodged pursuant to the rezoning request, Council nevertheless referred the draft proposal to both APA and Jemena. Initial comments received are reproduced in answer to question 11, below.</p> <p>According to the <i>East Leppington Precinct Traffic Assessment</i>, prepared by Cardno for the DP&E in 2013, the expected daily volume of traffic on Denham Court Road will not exceed 10,000 vehicles per day. In addition, Denham Court Road is not a classified road, and therefore any DA lodged pursuant to the proposal would not require referral to the RMS, nor additional requirements for building standards.</p>
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	<p>The proposal indicates consistency with this SEPP based on the fact that it will facilitate housing supply consistent with the broad SEPP objectives. However, there are nine aims of the policy. Council staff assessment indicates that the proposal would not be consistent with the</p>

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	<p>following aims:</p> <p>(e) to provide controls for the sustainability of land in growth centres that has conservation value, and</p> <p>(i) to provide land use and development controls that will contribute to the conservation of biodiversity.</p>
State Environmental Planning Policy No. 55 - Remediation of Land	A preliminary site investigation concluded suitability of the site accounting for potential contamination issues.

The department's *A guide to preparing planning proposals* (section b) includes the following questions for consideration:

<i>Question</i>	<i>Comment</i>
7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?	<p>As depicted in Figure 7 above, the subject site contains a threatened ecological community (Grey Box - Forest Red Gum grassy woodland on shale of the southern Cumberland Plain, Sydney Basin (TEC))</p> <p>The vegetation is mapped as being of core significance albeit in poor condition. The Flora and Fauna Assessment (appended to the proposal), failed to account for the impact of the proposed rezoning on the endangered ecological community on site (see below).</p> <p>The flora and fauna assessment has correctly identified that the site is biocertified. However, biocertification, while impacting the assessment of a DA pursuant to Part 4 of the EP&A Act, does not impact on the assessment of a rezoning proposal pursuant to Part 3 of the EP&A Act.</p>
8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?	<p>The proposal would indicate the removal of between 50 and 62 existing trees on site, including existing habitat trees. Greater density of development and smaller lot sizes will lead to greater loss of tree canopy, particularly at 315 Denham Court Road, than envisaged in the precinct plan.</p> <p>The East Leppington DCP envisages large lots on the subject site, partly to ensure the retention of as many existing trees as possible.</p>

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<p>9. Has the planning proposal adequately addressed any social and economic effects?</p>	<p>No, as per 10. below.</p>
<p>10. Is there adequate public infrastructure for the planning proposal?</p>	<p>The East Leppington precinct infrastructure delivery plan notes that open space provision within the Liverpool Council portion of the precinct is already significantly below the growth centres development code requirements. The proposed densification of development on the subject site will increase pressure on limited social infrastructure in the precinct.</p>
<p>11. What are the views of state and commonwealth public authorities consulted in accordance with the gateway determination?</p>	<p>The proposal has not (yet) received Gateway determination. Nevertheless, both Water NSW, Jemena and APA (owners of the high-pressure gas lines traversing the site) have responded to Council's request for comment.</p> <p>Water NSW: both the planning proposal and the "Infrastructure Due Diligence Report" discuss the option of upgrading the stormwater treatment measure in the "Sydney Water easement prior to discharging into the Sydney Water Supply Channel [Upper Canal]".</p> <p>...</p> <p>It is critical that all stormwater running into the Upper Canal control area post-development is not greater in quantity nor reduced in quality when compared to the predevelopment state. Water NSW does not support the upgrade of the culvert or any discharges directly into the open waters of the Canal. All treatment and management measures must be contained within the site and designed to avoid any impact to the Upper Canal corridor.</p> <p>APA: APA supports the current rezoning proposal subject to the following conditions:</p> <ul style="list-style-type: none"> • APA easement is maintained as an open space green reserve in single or communal ownership. • Any use of the green reserve for stormwater management will be subject to APA review and authorisation. • Only a single road crossing is permitted at the proposed location, and all services must cross

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	<p>within this road crossing. The road width at the crossing point is to be reduced to that required for one lane of traffic each way only.</p> <ul style="list-style-type: none">• The road crossing must be designed to APA requirements to avoid impact on the pipeline.• No improvements will be allowed on the easement without the prior written consent of APA. Such improvements include buildings, structures, roadway, pavement, pipeline, cable, fence, landscaping, change in ground level, or any other improvement on or under the land.• A co-use agreement will be required with Council to formalise access rights for future works within the shared space (road crossing).• APA is to be consulted regarding any changes to the planning instruments to reflect the proposed rezoning.• APA is to be consulted regarding future development applications for the subject site. <p>Jemena: “An engineering review is being conducted into the proposed development situated at 315 – 335 Denham Court Road, Denham Court and its possible impacts on the Jemena controlled Central Trunk pipeline. Jemena will supply its recommendations as to any controls it would be seeking to enable the application to proceed, however until such time, we cannot rule out at this stage that we will oppose to the application as it adversely impacts our real property rights under the (Real Property Act 1900) and diminishes our ability to access and operate the gas pipeline under the Pipelines Act 1967.”</p>
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Next steps

The usual process for planning proposal applications, following a review of the application, is for Council officers to finalise the proposal detailing the proposed changes to Sydney Region Growth Centres SEPP 2006 (this report). The planning proposal would then be reported to Council. Should Council endorse the proposal, it shall be forwarded to the Department of Planning and Environment seeking a Gateway Determination.

Should a Gateway Determination be issued for the planning proposal, there will be public authority and community consultations, a public exhibition period and a further report to Council prior to proceeding further.

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6. CONCLUSION

The planning proposal is not supported by Council staff. The above discussions of strategic and site merit are presented to the panel for consideration and advice.

9. RECOMMENDATION

The above discussions of strategic and site merit are presented to the panel for consideration and advice.

10. ATTACHMENTS

- 1. Planning proposal**
- 2. Flora and fauna assessment**
- 3. Infrastructure and services report**
- 4. East Leppington precinct planning report – July 2012**
- 5. Preplanning proposal advice 315-335 Denham Court Road, Denham Court**
- 6. Proponent response to Council staff advice**

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Attachment 1- Planning Proposal

PLANNING PROPOSAL

315 & 335 DENHAM COURT ROAD
DENHAM COURT

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Attached:

- Appendix 4 Urban Design Plan (Tony Owen Partners) (A3)
- Appendix 5 – Not used
- Appendix 6 Arboricultural Impact Assessment (Eco Logical)
- Appendix 7 Archaeological and Heritage Impact Assessment (Eco Logical)
- Appendix 8 Bushfire Protection Assessment (Eco Logical)
- Appendix 9 Dam Water and Sediment Assessment (DLA Environmental Services)
- Appendix 10 Flora and Fauna Assessment (Eco Logical)
- Appendix 11 Infrastructure and Services Report (Jones Nicholson Consulting Engineers)
- Appendix 12 Social and Economic Impact Assessment (HillPDA)
- Appendix 13 Preliminary Site Investigation (DLA Environmental Services)
- Appendix 14 Traffic Report (TSA)
- Appendix 15 Statutory Maps (A3)

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Planning Proposal
315 & 335 Denham Court Road, Denham Court
Liverpool City Council

Executive Summary

This Planning Proposal relates to the sites located at 315 and 335 Denham Court Road, Denham Court in the Liverpool City Council Area. The sites are located in an area undergoing changes by way of low density residential intensification. The sites are also located in a transition zone between the nearby residential low density suburban redevelopment and lower density rural setting towards a ridgeline.

The sites are currently zoned E4 Environmental Living under State Environmental Planning Policy (Sydney Growth Centres SEPP) 2006 and RU2 – Rural Landscape under the Liverpool LEP 2008. Residential development is a permissible use under both zonings with a minimum subdivision Lot size of 2000sqm.

This Planning Proposal, supported by evidence-based studies and analysis, justifies a rezoning of the site to R2-medium density and associated amendments to the minimum lots size to 450sqm. An appropriate urban design-built form is being proposed to reflect the transitioning nature of the site and other site constraints.

Proposed lots sizes range from 450sqm to larger blocks of 550sqm – 850sqm at key nodes – resulting in 44 lots at 10 dwellings per hectare.

It is proposed to implement the Planning Proposal statutory provisions by way of an amendment to the Sydney Growth Centre SEPP, 2006 and for consistency the relevant provisions of the Liverpool LEP, 2008.

The rationale for the Planning Proposal is that the sites are significantly under-utilised and are not contributing to their current zone objectives. The sites, under the current zoning and minimum lot sizes, have very low potential to deliver sustainable outcomes consistent with State and Local planning strategies and policies. Existing and emerging trends have seen adjacent sites redeveloped for residential uses of higher densities. Studies undertaken indicate that there are no special ecological, aesthetic or rural / agricultural values that would prevent similar residential intensification of the sites, albeit at a low scale.

The Planning Proposal has been tested against the relevant provisions of key planning strategies – namely the Greater Sydney Regional Plan, 2018 and the Western City District Plan, 2018, as well as current State Environmental Planning Policies, and S118 Directions. It was found to be justifiable and compliant.

The Planning Proposal will contribute to housing supply, choice and affordability; is accessible particularly to the important Leppington strategic Centre; its impacts on the environment, natural hazards, visual and scenic qualities of the area are minimal, and can all be appropriately managed.

Support studies and assessments indicate that all site-specific, transport, environmental and amenity issues have been addressed and can be managed with no or little residual impacts. Social and economic implications of the proposals are predicted to be positive.

The sites' location and site-specific constraints have been specifically accounted for in the Urban Design aspects of the Planning Proposal, as well as accounting for DCP and State policies development control requirements.

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In particular:

- No direct access from Denham Court Road
- Setback green space as a buffer along the Upper Canal with housing not fronting the canal
- A green corridor along the pipeline easement with road crossing avoided and consistent with the requirements of the Pipeline operators / owners

Liverpool City Council officers have been consulted and issues raised addressed in the formulation of the proposals.

The Planning Proposal will deliver an enhanced residential community of appropriate scale and urban form for the locality and the region and is recommended to progress to Gateway determination to allow detailed rezoning and community consultation to proceed.



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Part 1

1. Introduction

1.1. Overview/ The purpose of this Planning Proposal

The sites at 315 & 335 Denham Court Road, Denham Court in the Liverpool City Council LGA under the same ownership, are substantially underutilised with sparse activity or productive land use. Emerging residential development in proximity and adjacent to the sites demonstrate the changing nature of land use in this locality.

The sites are mostly zoned E4 Environmental Living (under the *Growth Centre State Environmental Planning Policy*) and RU2 Rural Landscape (under the *Liverpool Local Environmental Plan 2008*). The objectives of those zones no longer reflect the pattern of evolving land uses in the area and can be appropriately achieved under alternative zoning which provide for a more productive use of the land consistent with government planning strategies.

Importantly, the current planning development controls limit residential lot sizes to 2,000sqm and prevent opportunities for more intensive residential development whilst accommodating site constraints, environmental and amenity issues.

The purpose of this Planning Proposal is:

- to recognise the changing nature of planning and development in this locality;
- to make better use of the land whilst facilitating government policy of increasing housing supply, diversity and affordability;
- to recognise the transitional nature of the site by providing housing density of an appropriate scale and urban form between rural large lots and smaller lots in the vicinity;
- to respect the rural landscape and visual characteristics of the area; and,
- to accommodate the site constraints mostly in terms of access to Denham Court Road, the gas pipeline easement that traverse the site and the site abutting the Upper Canal.

The above objectives are proposed to be implemented by way of:

- rezoning the relevant parts of the sites to R2 – Medium Density Residential by amending the *Growth Centres SEPP* and for consistency of the *Liverpool Local Environmental Plan 2008*;
- amending the minimum lot sizes from 2,000sqm in the SEPP and minimum lot size of 2ha in the LEP to a minimum of 450sqm. Noting that the Planning Proposal provides an urban design of a typology of housing ranging in lot sizes of mostly 450sqm with larger lots of 550sqm – 850sqm at nodes; and,
- associated changes to broader layout plans and Development Controls would be undertaken pending the Gateway determination, and any conditions associated with that determination.

1.2. Structure of the report

This Planning Proposal is submitted for the purpose of a Gateway determination to progress a rezoning of the site and amendments to minimum lot sizes. The Planning Proposal has been prepared in accordance with (and has been informed by) the Department of Planning and Environment – *A guide for preparing Planning Proposals 2016*.

The report is structured in two parts with the main objectives of justifying the strategic consistency of the proposals with current applicable state and local planning strategies, policies and directions; and addressing site specific constraints and opportunities supported by evidence-based specialist studies and support information.

Part 1 of the report: outlines the locational and statutory provisions applicable to the site; an overview strategic justification of the Proposals; and the outcome of various site-specific studies.

Part 2 of the report deals with the various aspects of the Planning Proposal as per the Departmental guidelines.

The Appendices provide support information. The Urban Design; Social and Economic Assessment; and support environmental, transport and amenity studies are attached in full to the main Planning Proposal document and form an integral part of the Planning Proposal.

1.3. Preparation of the Planning Proposal

This Planning Proposal was documented, co-ordinated and overseen by SG HADDAD ADVISORY and NELCORB Pty Ltd. Support specialist studies (as part of this Report and appended in full) were prepared as follows:

• Urban Design and Visual Impact Assessment	Tony Owen Partners
• Social and Economic Impact Assessment	HillPDA
• Traffic and Transport Impacts	TSA Pty Ltd
• Service and Infrastructure	Jones Nicholson Consulting Engineers
• Heritage Assessment	Eco Logical
• Flora and Fauna Assessment	Eco Logical
• Bushfire Protection Assessment	Eco Logical
• Aboriginal Archaeological and Historical Impact Assessment	Eco Logical
• Arboricultural Impact Assessment	Eco Logical
• Contamination/Preliminary Site Investigation	DLA Environmental Services
• Dam Water and Sediment Assessment	DLA Environmental Services

2. Site and locational context

2.1. The site and surrounds

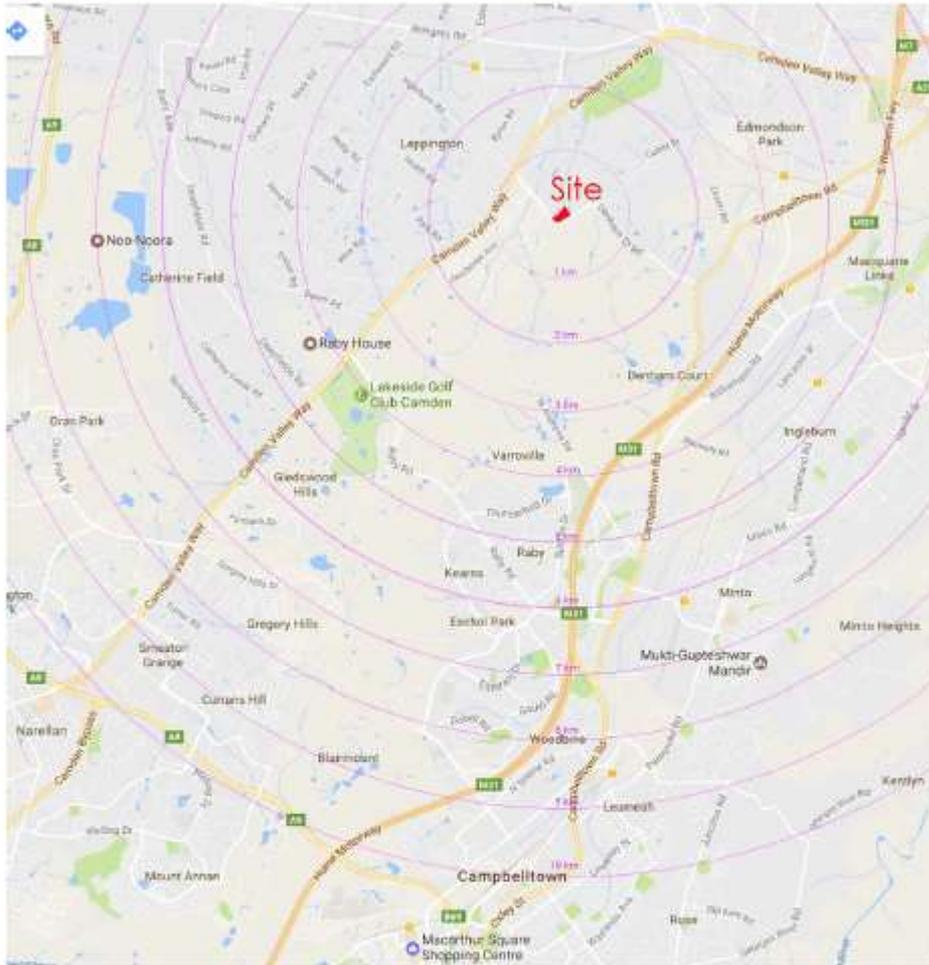


Figure 1 – Locality Map

The site (the subject of the Planning Proposal) is located at 315 and 335 Denham Court Road, Denham Court, in the Liverpool City Council Area (lots 131 and 132/DP 1137588).

The site comprises two residential allotments on the northern side of Denham Court Road. The Planning Proposal relates to circa 3.9 hectares of the entire site which is bounded by Sydney Water Upper Nepean Canal to the northwest, by a rural residential allotment to the east and by Denham Court Road to the south and south west. The site immediately adjoins large residential subdivisions including Stockland's Willowdale Estate development. There are currently two residential dwellings erected since 1986 and 2016 with disused equipment's spread across the site.

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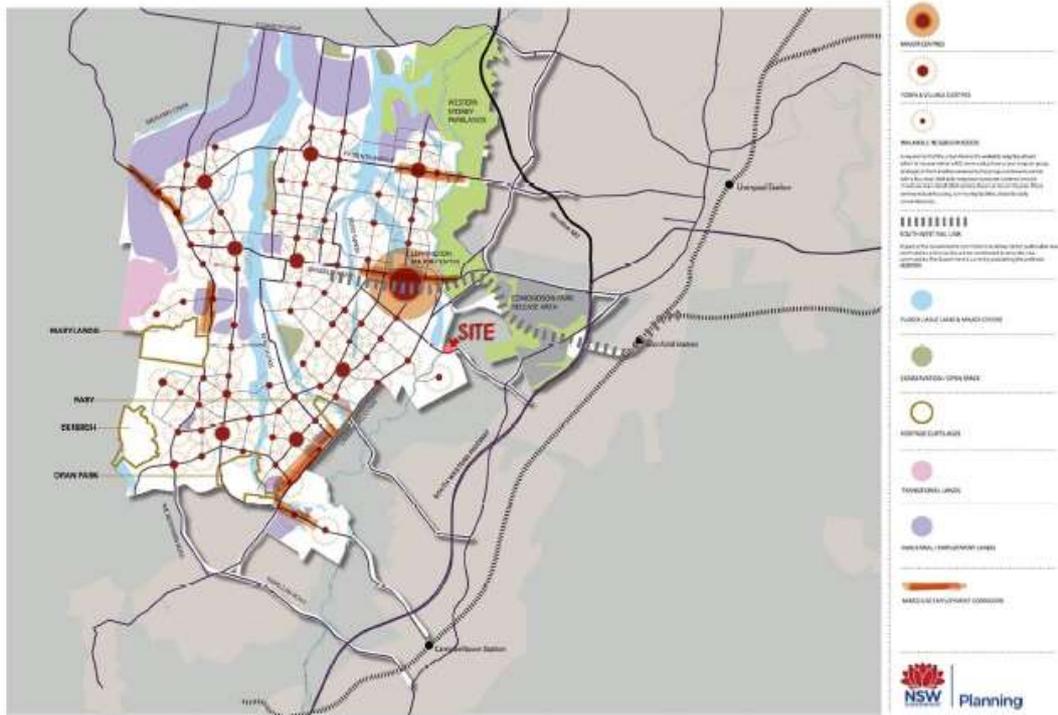


Figure 2 – The Regional Context

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Each exiting property has a separate driveway entry located off Denham Court Road. A pipeline easement runs through the site, with gas pipelines owned and operated by Gemena and APA. The site has a gentle grade generally from west to east, with the lowest point located near an existing dam.

As can be seen from the position of the site in the context of Figures 1, 2 and 3, the site is well connected to strategic and other centres particularly through Denham Court Road to Campbelltown Road and Camden Valley Way. The main centre of relevance being Leppington, a significant emerging centre providing core residential housing for the Badgerys Creek Airport and surrounding Aerotropolis and employment precinct.

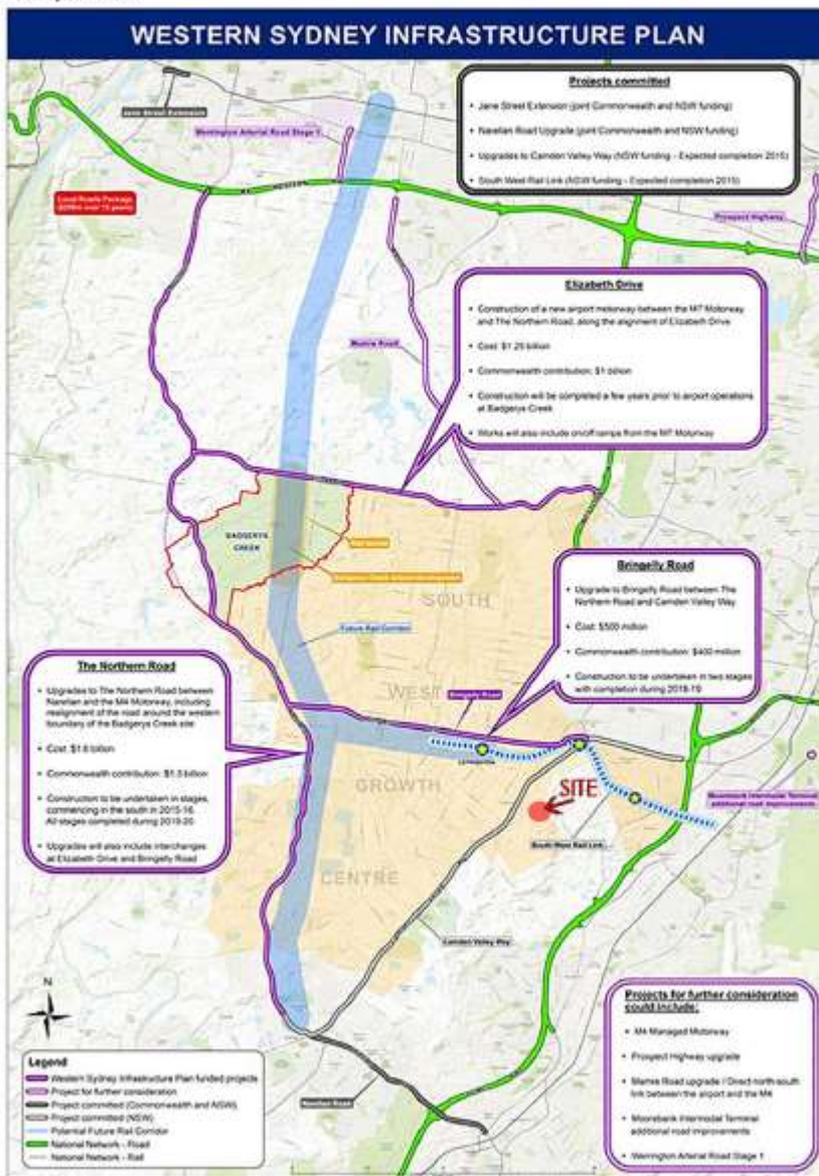


Figure 3 – Western Sydney Infrastructure Plan

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2.2. The statutory context

The key environmental planning instrument that applies to the site is the *State Environmental Planning Policy (Sydney Growth Centres) 2006* (Growth Centres SEPP). Table 1 lists the relevant development and statutory planning provisions.

Table 1 Growth Centres SEPP development standards applicable to each allotment

Item	SEPP Clause	Development Standard – No. 315	Development Standard – No. 335
Land Use Zone	Cl.2.2	SP2 Local Drainage SP2 Unclassified Regional Road E4 Environmental Living	SP2 Unclassified Regional Road E4 Environmental Living
Minimum Subdivision Lot Size	Cl.4.1	(V1) 2,000sqm	(V1) 2,000sqm
Residential Density	Cl.4.1B	Not applicable	Not applicable
Building Height	Cl.4.3	(J1) 9 metres	(J1) 9 metres
Floor Space Ratio	Cl.4.4	Not applicable	Not applicable
Land Reservation Acquisition	Cl.5.1	SP2 Unclassified Regional Road Along southern boundary of site to Denham Road	SP2 Unclassified Regional Road Along southern boundary of site to Denham Road
Heritage	Cl.5.10	No heritage item identified on the site. Site is not identified as a heritage item. However, site adjoins a State heritage item identified as 'no.16 – Upper Nepean Scheme – Upper Canal'	No heritage item identified on the site. Site is not identified as a heritage item. However, site adjoins a State heritage item identified as 'no.16 – Upper Nepean Scheme – Upper Canal'
Native Vegetation Protection	Cl.6.2	Not applicable	Not applicable

Table 1

Under the SEPP dwelling houses are permissible with council consent. The applicable zonings are: E4 Environmental Living; SP2 Local Drainage; and SP2 Unclassified Regional Road. Of particular relevance to this Planning Proposal is the E4 Environmental Living zoning of the site.

The relevant objectives of the E4 zoning are: to provide low-impact residential development in areas of special ecological, scientific or aesthetic value; and to ensure that residential development does not have an adverse effect of those values. The applicable minimum subdivision lot size of 2,000sqm presumably reflects those objectives. Specialist evidence-based studies undertaken as part of this Planning Proposal demonstrate that the site does not possess any of those values that justify the retention of the minimum lot size constraints.

The Local Environmental Planning Instrument that applies to the site is the *Liverpool Local Environmental Plan 2008* (LEP). Dwelling houses are permissible uses with Council's consent.

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The applicable land use zone is (RU2) Rural Landscape. The relevant objectives of this zone include: encouraging sustainable primary production by maintaining and enhancing the natural resource base; maintaining the rural landscape; providing compatible land uses including extensive agriculture ensuring that development is compatible with the rural character; and the preservation of bushland, wildlife corridor and natural habitat.

The minimum lot size applicable to the site of 2,000sqm seeks to reflect those objectives. However, specialist evidence-based studies undertaken as part of this Planning Proposals demonstrate that those objectives are no longer applicable to the site, they are inconsistent with the changing character of the area and can be achieved by way of a well-designed low scale urban development that fits into the locality.

Table 2 lists the applicable site development controls under the LEP.

Table 2 Liverpool LEP (2008) Development Controls applicable to each allotment.

Item	LEP Clause	Development Standard – No. 315	Development Standard – No. 335
Land Use Zone	Cl.2.2	(RU2) Rural Landscape	(RU2) Rural Landscape
Minimum Subdivision Lot Size	Cl.4.1	(Z) 2,000sqm	(Z) 2,000sqm
Building Height	Cl.4.3	(I) 8.5 metres	(I) 8.5 metres
Floor Space Ration	Cl.4.4	(A2) 0.1:1	(A2) 0.1:1
Land Reservation Acquisition	Cl.5.1	Not identified	Not identified
Heritage	Cl.5.10	No heritage item identified on the site. Site is not identified as a heritage item. However, site adjoins a State heritage item identified as 'no.16 – Upper Nepean Scheme – Upper Canal'	No heritage item identified on the site. Site is not identified as a heritage item. However, site adjoins a State heritage item identified as 'no. 16 – Upper Nepean Scheme – Upper Canal'
Flood Planning	Cl.7.8	Not applicable	Not applicable
Dwelling Density	Cl.7.11 and Cl.7.12	Not applicable	Not applicable
Delayed Rezoning	Cl.7.21	Not applicable	Not applicable
Key sites	Cl.7.24	Not applicable, however, on opposite side of the canal to the site is a large key site identified as a released precinct.	Not applicable, however, on opposite side of the canal to the site is a large key site identified as a released precinct.

Table 2

The relevant *Development Control Plan* (DCP) that guides the development vision and layout planning considerations for the site is the *Liverpool Growth Centre Precincts DCP*, and specifically *Schedule 3 East Leppington* of the DCP where the site is identified. Figure 4 from the DCP is the applicable Indicative Layout Plan.

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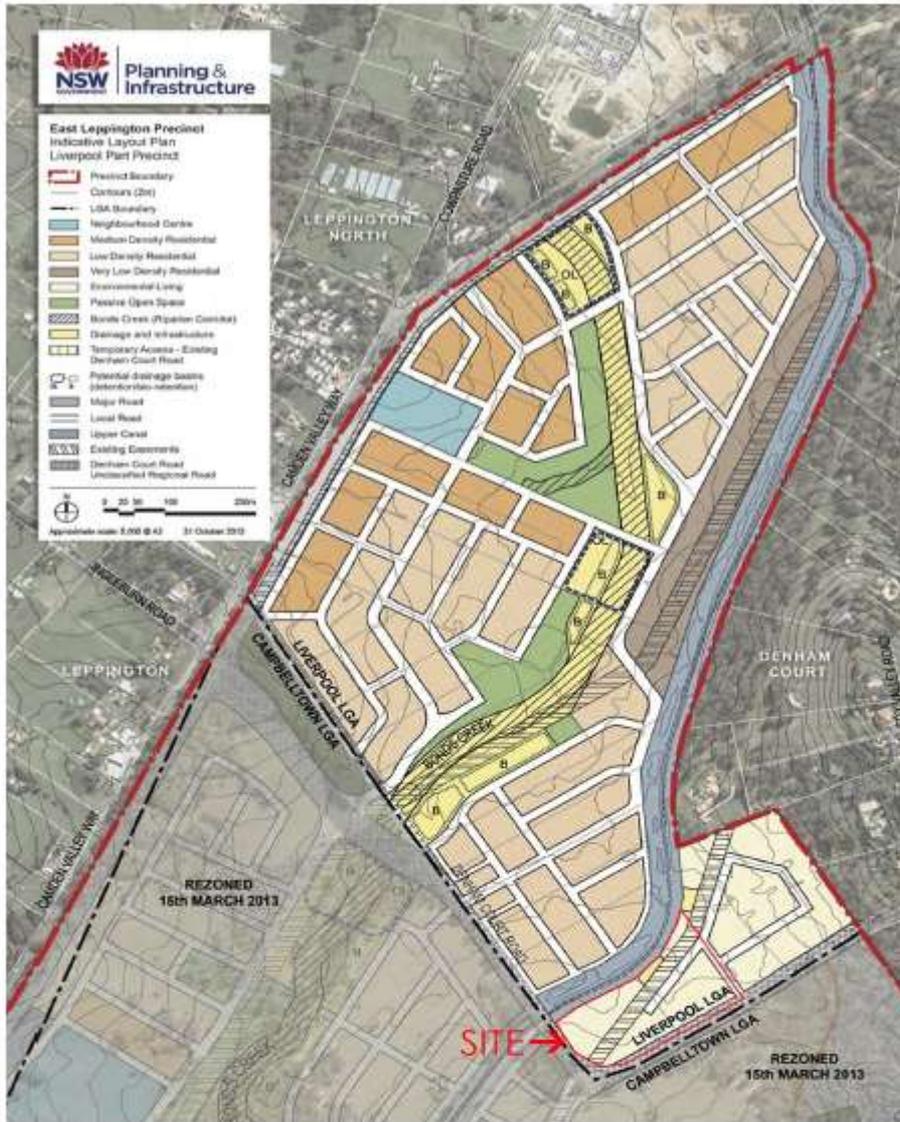


Figure 4: NSW Planning and Infrastructure East Leppington Precinct Indicative Layout Plan

The Urban Design proposal (at Appendix 4) for the site's redevelopment accounts for the DCP principles with regards to development on or in proximity to the gas pipelines corridor; access/egress to and from the site to Denham Court Road and surrounds; and adjacent to the Upper Canal.

A compliance table with the DCP provisions is included at Appendix 1.

2.3. The strategic context

The site is part of the South West Priority Growth area, (see Figure 3) targeted by the government for growth in housing and employment, with planned and progressively being constructed infrastructure. The overriding provisions of the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* is evidence of the strategic significance of this precinct in delivering sustainable growth. Strategically, the site is in an area undergoing significant transformation with surrounding residential development of densities up to 40 dwellings/ha. The Urban Design Report (see Appendix 4) highlights the extent of such development, planned and underway.

The site has also excellent connectivity to existing and emerging centres in the nearest growing centre of Leppington with rail links to other centres and eventually the Western Sydney Airport at Badgers Creek. The site can be seen in its broader context at Figure 5.

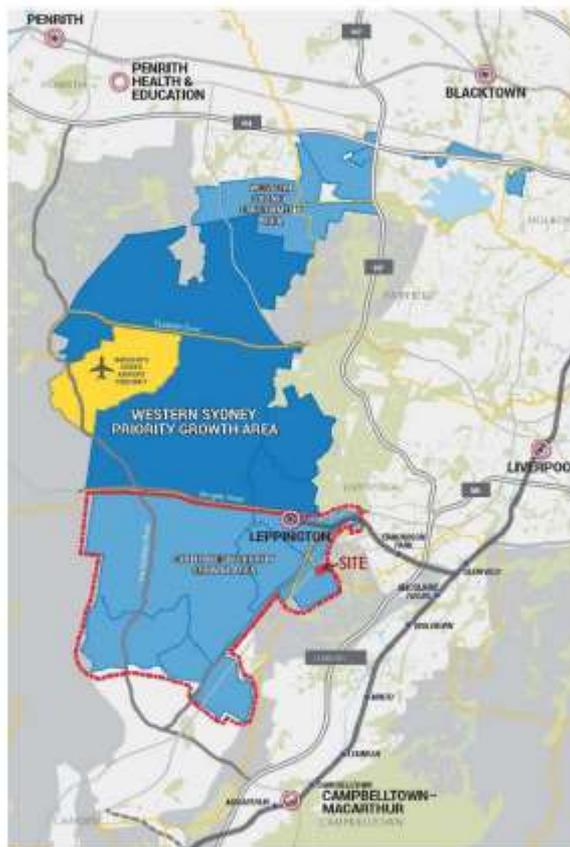


Figure 5: Western Sydney Priority Growth Area

Liverpool Council's vision for the site as being transitional one is supported in a strategic context. The Planning Proposal ensures that proposed development densities transition from the larger 2,000m²/lot to the more dense nearby site of 40 dwellings/ha – the density being proposed in the order of 10 dwellings/ha (450 – 600m²/lot). See Figure 6.



Figure 6 – The Site in the context of Transition

3. The case for change

The rationale for the Planning Proposal is that the site is significantly underutilised and not contributing to its currently zoned objectives nor its potential to deliver sustainable outcomes consistent with more up to date planning strategies.

Three main support points are made in that regard:

- Existing and emerging trends in the surrounding lands are for redevelopment to residential of varying densities including relatively smaller lots. Dwelling houses are permissible on the site under the current zoning. The transitional site objective of Liverpool Council can be achieved via an appropriate increase in density hence contributing to the broader strategic objective of achieving an increase in housing supply and affordability.
- The E4 *Environmental Living* objective applicable to the site under the SEPP is no longer appropriate. Site specific evidence indicates that the site has no special ecological nor scientific values. The aesthetic values of the site (within the broader scenic context) can be maintained (and enhanced) as demonstrated by *The Urban Design* scheme for the site.
- The objectives of the *RU2 Rural Landscape Zoning* (applicable under the *Liverpool LEP 2008*) of special landscape value does not appear to be applicable and can be managed as demonstrated by specialist visual assessment undertaken. The patterns of subdivision and siting of dwellings as proposed demonstrate landscape compatibility in that regard.

Further the use of the site does not demonstrate any agricultural productive capacity nor economic value in that regard.

The following sections is an overview strategic (Section 3.1) and site-specific (Section 3.2) justification that support the case for change.

3.1. Strategic justification

The key planning strategies that guide planning and development objectives for the site are:

- *Greater Sydney Region Plan – A Metropolis of Three Cities, March 2018* (the Plan); and
- *Western City District Plan, March 2018* (the District Plan).

Both published by the Greater Sydney Commission, the documents set the integrated infrastructure and land use strategic planning for Greater Sydney and the five Districts. The plans are broadly consistent with previously published draft strategies by the Commission.

Appendix 2 is a detailed analysis justifying the Planning Proposal objectives and provisions with the Commission's final strategic plans (above). The Planning Proposal will facilitate the attainment of the government's planning objectives in that regard.

Due regard has also been given to the precursor of the current strategic plans, the *Plan for Growing Sydney, 2014*. Current S117 Directions refer to that plan. Many of its strategic objectives and policies still apply given the location of the site in a growth area which is a priority area for the NSW Government in terms of planning and development.

3.1.1. Plan for growing Sydney

A *Plan for Growing Sydney (2014)* represent the strategic planning vision for Sydney, as a precursor to the finalisation of the current most up to date strategies by the Greater Sydney Commission.

The site of this Planning Proposal is located within the South West Growth Centre, an area targeted for housing and jobs growth. The Planning Proposal is consistent and will facilitate the implementation of the following provisions of this plan:

- Will facilitate the acceleration of housing supply by providing 42 lots.
- Will deliver well planning housing in a changing greenfield environment.
- The impact on the environment, natural hazards and biodiversity is well managed and of minimal consequences.

3.1.2. Greater Sydney Region Plan

The Planning Proposal is consistent with the key relevant objectives of the Plan, in that:

- It is consistent with the objective of – Greater house supply and the objective of – Housing is more diverse and affordable. The Planning Proposal with increased supply and hence improve affordability. The transitional nature of the site providing lot sizes descending from large to small lots will also address the diversity objective of the policy.
- The proposed urban design and support landscape and visual assessment demonstrate consistency with the strategy's objective of requiring, scenic and cultural landscapes are protected.

3.1.3. Western City District Plan

The Planning Proposal addresses and facilitates key objectives and actions of the District Plan as follows: (see a comprehensive analysis of the planning proposals compliance with the Western Sydney District Plan in the Strategic Justification at Appendix 2).

- The proposal is consistent with the District Plan's Priorities: Protecting and enhancing scenic and cultural landscapes; providing housing supply, choice and affordability with access to jobs and services.

The Planning Proposal will increase housing with good access to the strategic centre of Leppington (and associated jobs and services) and other centres without compromising the site scenic nor landscape characteristics.

3.2. Site specific considerations

Appendices 6 to 14 (attached) document the various specialist support studies dealing with the site specific environmental, traffic, social and economic aspects of the Planning Proposal. The evidence supports the case for a change in zoning and housing density outcomes as proposed. Key findings in that regard follows.

3.2.1. Traffic and Transport Impacts

TSA have prepared a Traffic and Transport Impact Assessment (see Appendix 14). The proposed development was assessed to generate approximately 471 daily vehicle trips, 42 morning peak hour vehicle trips and 44 evening peak hour vehicle trips based on RMS traffic generation rates for Sydney urban areas. Key findings (Section 6 – summary and conclusions)

- The majority of the inbound and outbound trips associated with the proposed development are expected to utilise the intersection of Camden Valley Way and Denham Court Road, given the proximity of the site to this intersection;
- The peak hour through traffic volumes within Denham Court Road is derived from Cardno's East Leppington Precinct Traffic Assessment 2013, which has been used to estimate the projected 2036 peak hour traffic demand at the junction of Denham Court Road and Road 1;
- The future junction of Denham Court Road and Road 1 incorporating the projected 2036 peak hour traffic volumes have been assessed using SIDRA, which have indicated good operating conditions at this junction during peak periods;
- The strategic planning process for the East Leppington and other surrounding Precincts of the South West Growth Centre has considered the broader traffic and transport infrastructure requirements to service the additional demand in South West Sydney. The proposed development is generally in accordance with the strategic planning intent for the subject land and the broader impacts of the development have therefore been considered in past studies;
- The proposed subdivision layout departs slightly from the road layout identified in the East Leppington Precinct ILP, in that Road 2 forms a circulating loop which connects with Road 1 via two T-junctions. From a traffic perspective, and having regard to the low traffic flows expected within the immediate precinct, this departure is not of significance and the road alignment as proposed is considered acceptable;
- Access movements between private driveways and the proposed public roads are expected to occur with relative ease having regard to the expected low traffic volumes within Road 1 and Road 2; and
- The interim and ultimate road cross sections for Roads 1 and 2 satisfy the provisions of DCP 2013, including the provision of a 1.5m wide footpath to facilitate pedestrian movement.

3.2.2. Social and Economic Impacts

HillPDA undertook a Socio-Economic Impact Assessment of the Planning Proposal (Appendix 12). Key finding associated with the demographic and socio-economic setting of Denham Court were summarised as follows:

- Denham Court population as at 2016 approximates 1980 with a median age of 35 which is marginally lower than Greater Sydney of 36 years old.
- Denham Court is characterised by a high proportion of people aged 15-29 (26%) than Greater Sydney (21%) and lower proportion of children aged (0-14%) compared to Greater Sydney (19%).
- The total age dependency ration measures the number of dependents (aged 0-14 and aged 65+), to the total population of working age (15 to 64). As the ratio increases there may be an

increased burden on the working population to financially maintain the economically dependent. At 0.30 Denham Court had a slightly lower dependency ration than Greater Sydney (0.33).

- There were considerable number of family households in Denham Court (84%) with an average occupancy rate of 3 persons per dwelling which is higher than Greater Sydney average (2.8).
- Home ownership within Denham Court (72%) is high compared to Greater Sydney (64%).
- Dwelling diversity within Denham Court is limited with detached dwellings comprising of 92% of Denham Courts overall housing stock.
- The median weekly income in Denham Court (\$578 personal and \$1,777 per household) was low when compared to Greater Sydney (\$719 personal and \$1,750 household).
- Denham Court scored high on the SEIFA index which indicates the area is relatively socio-economically advantaged and crime rates were low.
- The top five industries of employment were construction (21%) manufacturing (10%), professional scientific and technical services (8%), transport, postal and warehousing (8%) and public administration and safety (6%).

The Planning Proposal when implemented would result in an estimated 140 persons with a dominant age structure predicted to be young workforce (25 to 34) and parents and homebuilders (35 to 49). The proportion of young children under 4 years (about 12%) would be high compared to greater Sydney (6.8%) resulting in an increase in the need for childcare facilities. There will also be growth (20%) among children of school age (5-17) which would also increase in primary and secondary schooling.

The positive and negative socio-economic impacts of the development were analysed in the HillPDA Report and the overall conclusion being that the proposed development resulting from the Planning Proposal would have an overall beneficial socio-economic outcome.

3.2.3. Service and Infrastructure

Appendix 11, prepared by Jones Nicholson Consulting Engineers, documents infrastructure and service needs and implications of the Planning Proposal. The key findings are as follows:

- In accordance with Liverpool City Council's On-Site Stormwater Detention Technical Specification, Stormwater drainage works will include an appropriately sized On-Site Detention (OSD) system and permanent WSUD measures to improve runoff quality by reducing post-development pollutant loads. Offsite stormwater measures could possibly include the upgrade of an existing treatment structure located outside the north-eastern boundary of the site, within the Sydney Water Easement, prior to discharging into the existing Sydney Water Supply Channel.
- Currently there are no authority sewer at the site. The nearest authority sewer main is located North West of the site on Plumegrass Ave. Approximately 100m away.
- The site has frontage to an existing 100m water main for half of its length on the southern side of the site on Denham Court Road. There is an existing 250mm diameter water main approximately 180m north of the site on Denham Court Road that is also available for extension across the bridge and to the site. The existing water pressure from the onsite hose taps visually was suitable pressure and flow for domestic use.
- There are no natural gas services located at the site. There is an existing 1050Kpa high pressure gas trunk main traversing the site. All excavation, building structures, roads and services need to be approved by the Jemena gas company prior to works commencing. There are gas mains in the vicinity that could be connected to an extended to the site following application to and approval from Jemena.

- It may be possible to utilise the existing pole mounted substation on the eastern side of the site however the site should be provisioned for a kiosk substation on the west.
- Dial Before You Dig has revealed there are communications assets existing underground and no issue is foreseen to bring communications services in to the new development.
- It cannot be confirmed at this time whether NBN or Telstra will be providing service to the lots.

Hence, given the surrounding development and nearby infrastructure the site can be serviced for future redevelopment as envisaged in the Urban Design Report.

3.2.4. Aboricultural Impact Assessment

An assessment of the Aboricultural Impact Assessment is outlined in a Report prepared by Eco-Logical at Appendix 6.

The purpose of this report is:

- Identify the trees within the site that are likely to be affected by the proposed works
- Assess the current overall health and condition of the subject trees
- Evaluate the significance of the subject trees and assess their suitability for retention.

Table 1 in Appendix 6 shows the results of the arboriculture assessment. Key points are:

- **Major encroachment (>20%):** 50 trees will be subject to a major encroachment (>20%) within the Tree Protection Zone (TPZ). Under the current proposal, none of these subject trees will be able to be sustainably retained. Trees proposed for removal have the following retention values:
 - 13 trees with a high retention value
 - 27 trees with a medium retention value
 - 10 trees with a low retention value
- **Major encroachment (<20%):** 12 trees will be subject to a major encroachment (<20%). Further detailed assessments will be required to retain these trees. Trees proposed for further detailed assessment have the following retention values:
 - 3 trees with high retention value
 - 8 trees with a medium retention value
 - 1 tree with a low retention value
- **Minor encroachment (<10%):** 25 trees will be subject to a minor encroachment (<10%). No significant impacts to the subject trees area foreseeable under the current proposal, these trees can be successfully retained.

This planning proposal will implement the detailed recommendations of this Report. These can be found at Section 4 of Appendix 6 – pages 9-10).

3.2.5. Archaeological and Heritage Impact Assessment

An Archaeological and Heritage Impact Assessment was undertaken for the site is at Appendix 7. The assessment was undertaken by Eco Logical Australia (ELA).

The property was required to undergo an archaeological survey as mapped in the *Liverpool Development Control Plan (DCP 2014)*. The DCP also required consultation with the Office of Environment and Heritage (OEH) to finalise the archaeological assessment prior to land development. ELA consulted with the OEH regarding this DCP requirement, and the OEH advised that if it was

assessed that an Aboriginal Heritage Impact Permit is not required, then the OEH do not need to be consulted.

A search of relevant databases and registers did not identify any Aboriginal objects or places within the study area. An archaeological survey was undertaken on the property which did not identify any Aboriginal objects. The land is approximately 300 m from the nearest water source, indicating the likelihood of finding Aboriginal artefacts is low. Soil disturbance was identified in the form of tree clearance, construction of houses, sheds and a dam and the installation of a gas easement several metres wide which required substantial trenching and sub-surface disturbance and the construction of the Upper Canal. The study area has been found to be of moderate to high disturbance and coupled with the distance from the waterways, therefore to have low to no Aboriginal archaeological sensitivity.

As outlined above, the north-western boundary of the study area abuts the curtilage of the Sydney Water Upper Canal which is listed on the *State Heritage Register* (item 01373). Specific controls regarding development adjacent to, and in the vicinity of, the Sydney Water Upper Canal is found in the *Liverpool LEP 2008* and *DCP 2013*. These documents establish the significance of the canal and its adjacent land and sets out conservation policies for its treatment and controls for nearby development. Based on the findings of this report the following is recommended.

Aboriginal Cultural Heritage

- Due to past land and soil disturbance, vegetation clearance, gas pipeline easement, house and dam construction and distance to water sources, the study area has low sensitivity for Aboriginal archaeological sites and objects to be present. No further archaeological assessment is recommended.
- Aboriginal objects are protected under the *National Parks and Wildlife Act* (NPW) regardless of whether they are registered on Aboriginal Heritage Information Management System (AHIMS) or not. Should rezoning be granted and if suspected Aboriginal objects, such as stone artefacts are located during future works, works must cease in the affected area and an archaeologist called in to assess the finds. If the finds are found to be Aboriginal objects, the OEH must be notified under section 89A of the NPW Act. Appropriate management and avoidance or approvals under a section 90 Aboriginal Heritage Impact Permit (AHIP) should then be sought if Aboriginal objects are to be moved or harmed.

Historical assessment

- There are no works proposed that will impact on the Upper Canal or within the controlled area curtilage. The proposed subdivision will not impact physically on the upper Canal and similar developments in Gledwood Hills, Catherine Fields, Gregory Hills and East Leppington have already been approved.

The finding of the Aboriginal Archaeological Impact Assessment can be found at Section 4.4.2 of Appendix 7 are they state:

"No Aboriginal sites or objects were located during the site inspection. No culturally modified scarred trees were identified during the field survey. Most trees were found to be of a younger age. No streams or waterways traverse the areas of archaeological sensitivity were identified. The study area was found to be subject to moderate and high soil disturbance from the construction of house sites, landscaping sheds, a dam in survey unity 2, vegetation clearance, the gas pipeline easement, fence lines and construction of the construction of the canal to the west."

The Planning Proposal's site is located adjacent to the Sydney Water Upper Canal. The Upper Canal and associated infrastructure, including canal, bridge, culvert and access gates are listed on the NSW

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State Heritage Register (SHR), Water NSW Section 170 Heritage and Conservation Register and Schedule 5 of the Liverpool LEP 2008.

The assessment (Appendix 7) resulted in the following conclusions:

- The subdivision will not impact physically on the Upper Canal or within the controlled area curtilage. Similar developments in Gledswood Hills, Catherine Fields, Gregory Hills and East Leppington have already been approved adjacent to the canal.
- The proposed works will not detract from the heritage significance of the heritage listed canal, its significance is concerned with engineering and water supply which will not change.
- The proposal will have no impact on any known or potential historical or Aboriginal archaeological resource.
- Access inside the Sydney Catchment Authority controlled area and the curtilage of the heritage item will not be required, and no crossing of the canal is proposed.
- No heritage fabric or significant elements will be removed or disturbed.
- The proposed development does not require approval under subsection 57(1) of the Heritage Act.
- Written approval from Sydney Catchment Authority is not required.

The Report also details compliance with the DCP Requirements for Land Adjacent to the Upper Canal (at Table 4 of Appendix 7).

3.2.6. Flora and Fauna Assessment

Eco Logical Australia Pty Ltd (Appendix 10) undertook a Flora and Fauna Assessment of the site subject to the Planning Proposal regarding the impacts of the proposed subdivided lots.

The site is located on 'biodiversity certified land' according to the *Order to confer biodiversity certification on the State Environmental Planning Policy Sydney Region Growth Centres 2006*. As such, no further assessment of impacts to threatened species, populations or ecological communities is required under NSW legislation.

With regards to the Commonwealth's *Environment Protection and Biodiversity Act 1999* (EPBC Act), all actions associated with the development of the Western Sydney Growth Centres as described in the *Sydney Growth Centres Strategic Assessment Program Report (2010)* have been assessed at the strategic level and approved regarding their impact Matters of National Environmental Significance. As such, there is no requirement to assess the impact of the proposed subdivision on Matters of National Environmental Significance and no requirement for referral to the Commonwealth Department of Environment.

The flora and fauna assessment undertaken, reports on the ecological values within the study area and considers the impacts of the proposed subdivision in relation to the *Sydney Regional Growth Centres SEPP* and the *Liverpool Growth Centre Precincts DCP*.

A field survey has confirmed that the vegetation within the study area contains the native vegetation community Shale Plains Woodland, a sub-community of Cumberland Plain Woodland (CPW). No threatened flora species were identified within the study area. Fauna habitat features are generally poor due to the highly disturbed nature of the study area; however, three hollow-bearing trees were observed. A search was made for *Meridolum corneovirens* (Cumberland Plain Land Snail) within potential habitat, however no live or empty shells were observed.

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3.2.7. Bushfire Protection Assessment

Appendix 8 is a report on the outcome of an assessment concerning bushfire potential affecting the site.

The assessment concludes in Section 7:

"The proposal is for the subdivision of two large lots that, due to removal of vegetation hazard in the development of surrounding land, is no longer bush fire prone."

The Report makes a number of recommendations (See Section 7 of Appendix 8) to ensure compliance with relevant standards.

3.2.8. Contamination/Preliminary Site Investigation

DLA Environmental services undertook a preliminary site investigation consistent with the requirements of the *State Environmental Planning Policy No.55* and associated guidelines (see Appendix 13).

The site and surrounding properties are not encumbered by any notices from the NSW EPA regarding contaminated land.

Site contamination from historical use of the site was found to be expected to be of relatively low risk. The preliminary site investigation concluded that the site is suitable for the intended proposed use of residential development.

It was noted that the existing dwelling and adjacent shed was potentially constructed with asbestos containing material. At the Planning Proposal implementation stage, a work cover approved contractor will have to oversee the building(s) demolition process.

3.2.9. Dam Water and Sediment Assessment

Appendix 9 presents the outcome of a water and sediment quality assessment for a single dam located on the site. The main objective being to ensure that the dam is dewatered and decommissioned without any detrimental impact to the environment; and the suitability of the dam water to be discharged and dam sediment to be retained.

The following conclusion and recommendation were made as the result of the expert assessment:

- The water samples collected from the dam were analysed for a common suite of water quality parameters, those being; heavy metals, dissolved oxygen, biological oxygen demand, bacterial indications, nutrients, pH, Electrical Conductivity (EC) and Total Suspended Solids (TSS). Water quality results indicate the water complies with stormwater reuse criteria (NSW Dec 2006) and irrigation trigger values (ANZECC, 2000).
- The sediment samples collected from the dam were analysed for key chemicals and heavy metals. Based upon the analytical results, the dam sediments are suitable for reuse onsite consistent with the intended land use as *Residential A – Residential with gardens and accessible soil*.
- Accordingly, following assessment of the dam waters and sediments, the conclusion is that the water in the dam at 315 Denham Court Road, Denham Court is suitable for reuse at the site via irrigation to land without the requirement for prior treatment. The dam sediments are also suitable for beneficial reuse onsite consistent with the proposed land use as *Residential with gardens and accessible soil*. The decommissioning of the dam should be undertaken in accordance with established Dam Commission Work Method procedure.

4. Urban Design Setting

A comprehensive urban design study was carried out by Tony Owen Partners (see Appendix 4) accounting for the site's constraints and opportunities by reference to local controls and site-specific characteristics and issues. Of particular relevance are the following:

- The site is impacted by several surrounding constraints features. The site adjoins the Upper Nepean Canal to the north. The canal includes a setback zone. This zone extends onto the site and reduces the potential area of development on the site.
- The site contains an easement for a Jemena and APA gas pipeline which runs diagonally approximately north south across the site. This easement is 14m wide with an additional 5m setback on either side. This easement cannot contain any structures or landscaping. Portions of the easement are traversed by roadways.
- A large area of land, the south west of the site has been developed as residential subdivision. This forms part of the Stocklands Willowdale Development. Part of this development includes upgrades to Denham Court Road. The upgrade includes a new roundabout at the south west corner of the site. The road enhancements and roundabout impact the site and further reduce the developable area. This road will improve vehicle access to the site.
- The DCP indicates that direct access from this road to individual units is not permitted, so access to individual lots will be from an internal road network.
- The site has gentle topography and slopes from west to east. There is also an artificial dam located at the north-east corner. It is assumed that this dam can be removed.
- The site has several mature trees on site. These are concentrated on the boundary with the canal as well as along Denham Court Road. The urban design will account for retaining the most significant trees as per arboricultural assessment.
- The East Leppington Precinct DCP includes an indication of a desired future subdivision layout. This plan includes the subject site and the adjoining site to the east. This indicates a shared access road located on the eastern boundary of the site to be shared with the adjoining property. It also indicates a road circuit on the adjoining property and a potential road which aligns with the canal. This layout will influence the design of the proposed development, as any road design will have to interface with a future road on the adjoining site.
- The urban design of the Planning Proposals includes above considerations, in addition to the following issues flagged as of particular interest to Liverpool Council in their strategic planning for the area:

The site as a transitional zone:

- Council's vision for the site as a transitional zone is supported. The proposed densities have been limited to 10 dwellings per hectare (See Figure 7), relative to surrounding proposed and current developments of 40 dwellings per hectare. Accordingly, the urban design and density achieves the objective of the transitional zone.



Figure 7 – Densities in surrounding precinct – see Appendix 4, page 14

Site scenic value (See the Visual Assessment and View Analysis in Appendix 4)

Council has identified the site as falling within a zone identified for its scenic value. From discussion with Council officers this relates to the vista from the ridge line. View 6 shows that the site is not visibly part of the scenic value zones. The site lies in a transition between the existing approved developments to the south and west and the scenic zone to the east.

o **Visual Assessment/View Analysis**

A visual assessment of the proposed development per the outcome of the urban design was undertaken. This demonstrates that the scale of development is consistent with the current and future character of the area and is suitable as a transitional zone between suburban and rural neighbourhoods.

View 3 shows that the massing of the lots is consistent with the surrounding development areas.

Views 5 and view 6 represent the views within the critical scenic zone. This study shows that the development is not visible from these critical areas. As such the development will have no impact on critical scenic views.

From these assessments, it is evident that the proposal would not have a significant adverse impact on the visual character of the area. Therefore, in consideration of the extent of the surrounding development and from the findings of the visual analysis, it is clear that the proposal does not offend the objectives of clause 7.6 of the Campbelltown LEP, as follows, given that the subject site is located on the boundary between the Campbelltown Local Government Area and Liverpool Council:

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- The proposal is set low from the surrounding elevated lands at a bend in Denham Court Road. The level, orientation and location of the site allows the residential type development to the north and more intense residential housing to the south.
- The landscape transition between the landscape character of lands to the north and lands to south can be managed and reinforced by the proposal with the use of extensive and sensitive landscape treatments.
- The proposal with sensitive landscape treatment can maintain high quality visual aesthetic that Denham Court Road and surround lands.

Therefore, the proposal would not detract from the landscape character and visual quality of the Scenic Hills.

Urban Design Outcome

Accounting for site specific constraints and opportunities and best fit with surrounds, the urban design outcome proposes 44 lots of mostly 450sqm and comprising some 550sqm – 850sqm at key nodes (See Figure 8). This is consistent with the transitional zone objectives as well as with other development in Leppington and beyond.

The urban design scheme being proposed is based on the following key principles:

Following this analysis, we have prepared 2 options which demonstrate different density options for the site. These designs are based on the following principles:

- The lots are designed off an internal road loop. This ensures there is no direct access to lots from Denham Court Road. This road is accessed off Denham Court Road in the south-east corner from an alignment shared with the adjoining property. This road aligns with the proposed roads as indicated in the DCP. The road forms a circuit for easy orientation and access.
- The design includes a 16m road reserve consistent with the DCP design.
- The road aligns with the canal to ensure dwellings don't face onto the canal.
- The plan incorporates areas for a setback from the canal, the gas easement and the enhancement of Denham Court Road. These areas are not developed.
- It is proposed that the gas easement will form a communal open space reserve. This reserve also includes other peripheral areas such as between the easement and the canal that are otherwise undevelopable. This forms a larger area of communal green space at the northern corner.
- The easement green space may form part of a drainage zone and include areas for water detention swale.

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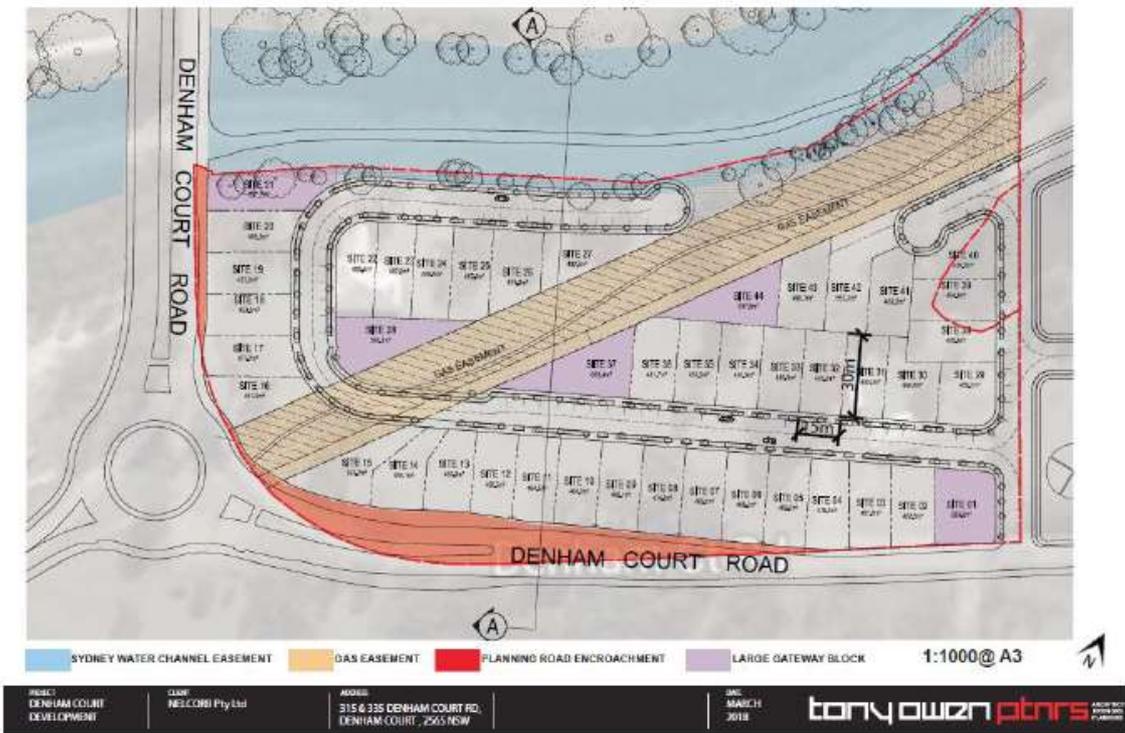


Figure 8 – Proposed Site Sub-Division Plan

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Part 2

5. Planning Proposal justification

5.1. Objectives and intended outcomes

The Planning Proposal aims at establishing a high amenity low density residential community, consistent with a transitional setting between a low density rural environment setting and a higher residential setting on adjoining sites.

The Planning Proposal will facilitate and enable the delivery of the following strategic and site-specific outcomes:

- Contribute and strengthen the supply of housing consistent with government planning policies and strategies, whilst recognising appropriate density of development.
- Improve housing diversity by providing residential lot sizes within a transitional setting.
- Compatible and complementary to surrounding existing and emerging residential development.
- Addresses the requirements of the applicable Development Control Plan, particularly regarding access to and from Denham Court Road; setbacks from the Upper Canal and development constraints on top of the pipeline reservation.
- A high quality residential development associated with open space and with no residual impact on the landscape or visual assets of the area.

5.2. Explanation of provisions

Tables 3 and 4 compare the current and proposed statutory provisions applicable to the Planning Proposal.

Table 3 Statutory Provisions under the Growth Centre SEPP

Item	SEPP Clause	Current	Proposed
Land Use Zone	Cl.2.2	SP2 Local Drainage SP2 Unclassified Regional Road E4 Environmental Living	SP2 Unclassified Regional Road SP2 Local Drainage R2 Low Density Residential
Minimum Subdivision Lot Size	Cl.4.1	(V1) 2,000sqm	(V1) 450sqm
Residential Density	Cl.4.1B	Not applicable	Not applicable
Building Height	Cl.4.3	(J1) 9 metres	(J1) 9 metres
Floor Space Ratio	Cl.4.4	Not applicable	Not applicable
Land Reservation Acquisition	Cl.5.1	SP2 Unclassified Regional Road Along southern boundary of site to Denham Road	SP2 Unclassified Regional Road Along southern boundary of site to Denham Road

Heritage	Cl.5.10	No heritage item identified on the site. Site is not identified as a heritage item. However, site adjoins a State heritage item identified as 'no.16 – Upper Nepean Scheme – Upper Canal'	No heritage item identified on the site. Site is not identified as a heritage item. However, site adjoins a State heritage item identified as 'no.16- Upper Nepean Scheme – Upper Canal'
Native Vegetation Protection	Cl.6.2	Not applicable	Not applicable

Table 4 Statutory Provisions Applicable under Liverpool LEP, 2008

Item	LEP Clause	Current	Proposed
Land Use Zone	Cl.2.2	(RU2) Rural Landscape	R2 Low Density Residential
Minimum Subdivision Lot Size	Cl.4.1	(Z) 2,000sqm	(Z) 450sqm
Building Height	Cl.4.3	(I) 8.5 metres	(I) 8.5 metres
Floor Space Ration	Cl.4.4	(A2) 0.1:1	Not applicable
Land Reservation Acquisition	Cl.5.1	Not identified	Not identified
Heritage	Cl.5.10	No heritage item identified on the site. Site is not identified as a heritage item. However, site adjoins a State heritage item identified as 'no.16 – Upper Nepean Scheme – Upper Canal'	No heritage item identified on the site. Site is not identified as a heritage item. However, site adjoins a State heritage item identified as 'no.16 – Upper Nepean Scheme – Upper Canal'
Flood Planning	Cl.7.8	Not applicable	Not applicable
Dwelling Density	Cl.7.11 and Cl.7.12	Not applicable	Not applicable
Delayed Rezoning	Cl.7.21	Not applicable	Not applicable
Key sites	Cl.7.24	Not applicable, however, on opposite side of the canal to the site is a large key site identified as a released precinct	Not applicable, however, on opposite side of the canal to the site is a large key site identified as a released precinct.

Note that the current zoning and key development controls applicable to the site(s) are inconsistent in the two planning instruments – the *Growth Centres SEPP* and the *Liverpool LEP 2008*, the proposed amended provisions are to institute consistency in both instruments, specifically with regards to the introduction of an R2 low density residential zoning and a minimum lot size of 450m². The amended provisions are:

- Amending the Land Use Zone in Cl.2.2 of the Growth Centre SEPP from E4 Environmental Living to R2 Medium Density Residential.
- Amending the minimum subdivision lot size in Cl.4.1 of the Growth Centre SEPP from 2,000sqm to 450sqm.

- Amending the land use zone in C1.2.2 in the Liverpool LEP 2008 from (RU2) Rural Landscape to R2 low density residential.
- Amending the minimum subdivision lot size in C1.4.1 of the Liverpool LEP 2008 from 2ha to 450sqm.
- For consistency with the relevant provisions in the Growth Centre SEPP, amend C1.4.4 of the Liverpool LEP 2008 to delete applicability of FSR provisions; and to stipulate a height limit of 9m in the Building Height Clause 4.3.
- Should council adopt the Planning Proposal, it is proposed that the relevant zoning and minimum lot sizes be amended in the SEPP. Amendment to the Liverpool LEP 2008 could then be (as a matter of course) amended for consistency.

5.3. Need for the Planning Proposal

The need for this Planning Proposal emanates from the desire to achieve better planning and development outcomes on a relatively disused site where current zoning objectives no longer apply. The need is justified mostly:

- Housing supply, affordability and diversity will benefit from the proposals.
- The development outcome will be delivered without compromising the transitional objectives of the site, nor the visual and landscaping attributes of the area.
- There are no environmental nor amenity site specific issues that cannot be appropriately managed.
- The proposal's urban design accounts for the relevant provisions of the applicable DCP, particularly regarding development near the Upper Canal and on/near the pipeline easement.

Is the Planning Proposal the result of any strategic study or report?

The Planning Proposal has been developed with reference to comprehensive justification and analysis in the context of the following strategic planning documents:

- *Plan for Growing Sydney 2036;*
- *(Draft) Greater Sydney Region Plan 2056;*
- *(Draft) South West District Plan;*
- *Liverpool Local Environment Plan, 2008;*
- *South West Priority Growth Area East Leppington Precinct;*
- *Liverpool City Council Growth Centre Precincts Development Control Plan – Schedule 3 East Leppington;* and
- *Liverpool City Council Community Strategic Plan 2027.*

The following site-specific studies guided the formulation and justification of the Planning Proposal. These are appended to this report and form an integral part of the Planning Proposal.

- Urban Design, including Landscape and Visual Assessment;
- Social and Economic Impact Assessment;
- Traffic and Transport Impacts;
- Social and Economic Impacts;
- Service and Infrastructure;
- Heritage Assessment;
- Flora and Fauna Assessment;
- Bushfire Protection Assessment;
- Aboriginal Archaeological and Historical Impact Assessment;
- Arboricultural Impact Assessment;
- Contamination/Preliminary Site Investigation; and
- Dam Water and Sediment Assessment.

Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

An alternative being considered is to retain E4 Environmental Living and/or the RU2 Rural Landscape Zoning of the site and solely amend the minimum lot sizes from the current minimum lot size of 2,000sqm in the SEPP and 2,000sqm in the LEP to the proposed minimum of 450sqm.

This alternative approach was not supported by Liverpool Council officers on the basis that it may not entirely reflect the objectives of the proposed residential intensification, notwithstanding it being of a low residential environment.

An R1 General Residential Zone is another alternative given that the Planning Proposal provides for housing needs of this variety.

It is however considered that the proposed R2 – low density housing with a proposed minimum lot size of 450sqm is more consistent with surrounding land zonings and more appropriately reflects the development intention of the site.

5.4. Relationship to Strategic Planning Framework

Is the Planning Proposal consistent with the objectives and outcomes of the applicable regional, sub-regional and district plan or strategy (including and exhibited draft plans or strategies)?

Appendix 2 documents an assessment of the strategic justification relevant to the Planning Proposal Section of this report is an outline of the intent of the Planning Proposal in the context of state and regional planning strategies. Overall the Planning Proposal is not inconsistent and will facilitate the implementation of the objectives of those strategies.

Table 5 Assessment criteria

Criteria	Summary Evaluation	Outcome
Does the Proposal have strategic merit?	<ul style="list-style-type: none"> The Planning Proposal will increase housing supply and diversity at an appropriate scale and location consistent with emerging growth and residential needs. The current use of the site does not reflect the current zoning objectives. The transitional nature of the site is better strategically reflected by the Planning Proposal. The Planning Proposal does not contravene any directions of the draft strategies regarding the protection of rural land nor the scenic landscape of the region as site specific studies provide evidence to that effect. 	<p>✓</p> <p>✓</p> <p>✓</p>
Does the Proposal have site- specific merits?	<ul style="list-style-type: none"> The Planning Proposal will result in a better environment/scenic setting. All environment and amenity issues are comprehensively addressed. The Proposal is consistent with residential development emerging in its surrounds. 	<p>✓</p> <p>✓</p>
Strategic and Site-Specific Merit	The HillPDA study (Appendix 12) and the site specific related studies demonstrate that the Planning Proposal appropriately respond to changing demographic and housing supply needs.	<p>✓</p>

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Is the Planning Proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

Table 6 List of all SEPPs

SEPP	Applicability	Consistency
State Environmental Planning Policy (State and Regional Development) 2011	Not applicable	
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	Not applicable	
State Environmental Planning Policy (Urban Renewal) 2010	Not applicable	
State Environmental Planning Policy (Affordable Rental Housing) 2009	Not applicable	
State Environmental Planning Policy (Western Sydney Parklands) 2009	Not applicable	
State Environmental Planning Policy (Exempt and Complying Codes) 2008	Not applicable	
State Environmental Planning Policy (Western Sydney Employment Area) 2009	Not applicable	
State Environmental Planning Policy (Rural Lands) 2008	The policy aims to facilitate the orderly and economic development and use of rural land.	The site is not and has not for many years been used for rural purposes. Surrounding land uses are not rural and no economic value is associated with a rural use.
State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007	Not applicable	
State Environmental Planning Policy (Infrastructure) 2007	Not applicable. The proposal does not trigger any clauses within the SEPP.	
State Environmental Planning Policy (Miscellaneous Consent Provisions) (2007)	Not applicable	
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	Not applicable	
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	Applicable	The site is located within the South West Growth Centre. Planning Proposal will facilitate housing supply consistent with emerging surrounding development and the broad SEPP objectives.
State Environmental Planning Policy (State Significant Precincts) 2005	Not applicable	
State Environmental Planning Policy No. 55 - Remediation of Land	Applicable	A preliminary site investigation concluded suitability of the site accounting for potential contamination issues.
State Environmental Planning Policy No. 52 – Farms Dams and other works in Land and Water Management Plan areas	Not applicable	
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Applicable at Development Application stage	To be addressed at DA stage post-rezoning as appropriate.
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2007	Not applicable	

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State Environmental Planning Policy No. 71 – Coastal Protection	Not applicable	
State Environmental Planning Policy No. 65 -Design Quality of Residential Apartment Development	Not applicable	
State Environmental Planning Policy No. 70 – Affordable Housing (Revised scheme)	Not applicable	Affordable Housing will be offered/provided as part of a Voluntary Planning Agreement in accordance with council policy.
State Environmental Planning Policy No. 64 – Advertising and Signage	Not applicable	
State Environmental Planning Policy No. 62 – Sustainable Aquaculture	Not applicable	
State Environmental Planning Policy No. 50 – Canal Estate Development	Not applicable	
State Environmental Planning Policy No. 47 – Moore Park Showground	Not applicable	
State Environmental Planning Policy No. 44 Koala Habitat Protection	Not applicable	
State Environmental Planning Policy No. 36 – Manufactured Homes Estate	Not applicable	
State Environmental Planning Policy No. 21 – Caravan Parks	Not applicable	
State Environmental Planning Policy No. 33 – Hazardous and Offensive Development	Not applicable	
State Environmental Planning Policy No. 30 – Intensive Agriculture	Not applicable	
State Environmental Planning Policy (Kumell Peninsula) 1989	Not applicable	
State Environmental Planning Policy No. 26 – Littoral Rainforests	Not applicable	
State Environmental Planning Policy (Penrith Lakes Scheme)	Not applicable	
State Environmental Planning Policy No. 19 – Bushland in Urban Areas)	Not applicable	
State Environmental Planning Policy No. 14 – Coastal Wetlands	Not applicable	
State Environmental Planning Policy No. 1 – Development Standards	Not applicable	May need to be considered at Development application stage
State Environmental Planning Policy (Three Ports) 2013	Not applicable	

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Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?

The Planning Proposal has been assessed against the s117 Ministerial Directions and is consistent with each of the relevant matters, as outlined below.

Table 7 Assessment of s.117 Directions

Direction No.	Direction	Assessment
1. Employment and Resources		
1.1	Business and Industrial Zones	Not applicable
1.2	Rural zones (1) The objective of this direction is to protect the agricultural production value of rural land.	While the site is zoned for rural purposes, it has no agricultural value, nor is it used for rural purposes. The proposal would not contribute to reducing the amount of available productive rural lands.
1.3	Mining, Petroleum Production and Extractive Industries	Not applicable
1.4	Oyster Aquaculture	Not applicable
1.5	Rural Lands (1) The objectives of this direction are to: (a) Protect the agricultural production value of rural land; (b) to facilitate the orderly and economic development of rural lands for rural and related purposes.	The land has no associated agriculture production value nor economic implications of loss of any agriculture production.
2. Environment and Heritage		
2.1	Environment Protection Zones (1) The objective of this direction is to protect and conserve environmentally sensitive areas.	While the site is zoned for environmental living purposes in the SEPP, it does not exhibit any environmentally sensitive qualities and nor does it have any environmentally sensitive areas. The proposal would not adversely impact an area that is already undergoing a significant change in character. The site is enveloped by new urban development. Support studies attached to this report present evidence to that effect.
2.2	Coastal Protection	Not applicable
2.3	Heritage Conservation	Not applicable
2.4	Recreation Vehicle Areas	Not applicable
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable
3. Housing Infrastructure and Urban Development		

3.1	<p>Residential Zones</p> <p>(1) The objectives of this direction are:</p> <ul style="list-style-type: none"> (a) To encourage a variety and choice of housing types to provide the existing and future housing needs; (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services; and (c) to minimise the impact of residential development on the environment and resource lands. 	<p>The proposal is in an area that is undergoing a significant change in character. The site is enveloped by new urban development.</p> <p>The proposal is consistent with the direction in that it provides housing in an area that is proposed for urban development, strengthen housing supply and choices and address housing affordability issues.</p>
3.2	Caravan Parks and Manufactured Home Estates	Not applicable
3.3	Home Occupations	Not applicable
3.4	<p>Integrating Land Use and Transport</p> <p>(1) The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <ul style="list-style-type: none"> (a) Improving access to housing, jobs and services by walking, cycling and public transport; (b) increasing the choice of available transport and reducing dependence on cars; (c) reducing travel demand including the number of trips generated by development and the distance travelled, especially by car; (d) supporting the efficient and viable operation of public transport services; and (e) providing for the efficient movement of freight. 	Denham Court Road provides the site with connectivity to major roads including Camden Valley Way and Campbelltown Road. Public transport current and proposed provide good accessibility to major centres (see TSA traffic report in the Appendix 14).
3.5	Development near licensed Aerodromes	Not applicable
3.6	Shooting Ranges	Not applicable
4. Hazard and Risk		
4.1	Acid sulphate soils	Not applicable
4.2	Mine subsidence and unstable land	Not applicable
4.3	<p>Flood prone land</p> <p>(1) The objectives of this direction are:</p> <ul style="list-style-type: none"> (a) to ensure that development of flood prone land is consistent with the <i>NSW Government's Flood Prone Land Policy</i> and the principles of the <i>Floodplain Development Manual 2005</i>; (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land. 	A small portion of the site is identified as being flood prone. Flooding is not considered to be a major constraint on the site. The site can be redeveloped to ensure that any flooding impacts are addressed.

4.4	Planning for Bushfire protection	The bushfire assessment Appendix 8 concludes that the site can be redeveloped with appropriate bushfire mitigation measures. "The proposal is for the subdivision of two large lots that, due to removal of vegetation hazard in the development of surrounding land, is no longer bush fire prone."
5. Regional Planning		
5.1	Implementation of Regional Strategies	The Planning Proposal has been formulated accounting for the relevant objectives and provisions of applicable regional strategies.
5.2	Sydney Drinking Water Catchments	Not applicable
5.3	Farmland of State and Regional Significance of the NSW Far North Coast	Not applicable
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
5.5	Development near Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)	Not applicable
5.6	Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	Not applicable
5.7	Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	Not applicable
5.8	Second Sydney Airport: Badgerys Creek	Not applicable
5.9	North Western Rail Link Corridor Strategy	Not applicable
5.10	Implementation of Regional Plans	To be completed
6. Local Plan Making		
6.1	Approval and Referral Requirements	Not applicable at Gateway stage. May apply at DA stage. The relevant development standards that apply to the site fall under the <i>State Environmental Planning Policy (Sydney Region Growth Centres) 2006</i> .
6.2	Reserving Land for Public Purposes	Not applicable
6.3	Site Specific Provisions (1) The objective of this direction is to discourage unnecessary restrictive site-specific planning controls.	The proposal meets this Direction. The proposal seeks to remove unnecessary development standards on the site that are inconsistent with surrounding urban development. The Planning Proposal proposes to amend both the State Policy and the LEP to an R2 Zoning.
7. Metropolitan Planning		
7.1	Implementation of A Plan for Growing Sydney	Not applicable
7.2	Implementation of Greater Macarthur Land Release Investigation	Not applicable
7.3	Parramatta Road Corridor Urban Transformation Strategy	Not applicable

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Is the Proposal consistent with Council's local strategies and Plans?

A. Consistency with *Liverpool City Council Growth Centre Precincts Development Control Plan – November 2016* (DCP)

Appendix 1 tabulates compliance of the Planning Proposal with the provision of the applicable DCP. In particular:

- The Proposal's dwelling density of 10 dwellings per hectare is appropriate transition relative to neighbouring site of 40 dwellings per hectare. It facilitates the range of housing types, and affordability options to meet the need of a growing community as per the DCP objectives and vision.
- The Proposal's urban design safeguards for open space on top of the pipeline easement as per outcome of discussions with the pipeline's owners; meet the constraints of appropriate landscape and housing orientation along the Upper Canal boundaries; and control access to/from Denham Court Road as per the DCP requirements.
- The Proposal includes street tree planting and extensive planting throughout the site. Consistent with the recommendations of an arborist assessment, the Proposal provides an appropriate tree retention and management scheme.

B. *Our Home, Liverpool 2017 – Community Strategic Plan*

The Planning Proposal is not inconsistent with the higher strategic level aspirations set by the plan.

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5.5. Environmental, Social and Economic Impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected by the proposal?

No. A Flora and Fauna assessment was undertaken for the site (see Appendix 10) and concluded that there are no threatened species identified on the site. Fauna habitat features are generally poor due to the high disturbed status of the site.

Are there any environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

As highlighted by the support studies prepared by EcoLogical Australia (appended to this document) there are no residual environmental amenity impacts that cannot be managed nor prevent the development proceeding.

Table 8 Summary environmental impact assessment

Issue	Summary assessment
Heritage	No impact on the Upper Canal or within the controlled area curtilage.
Flora and fauna	No threatened species identified and no fauna habitat values of significance.
Bushfire protection	Several fire protections identified will be further developed and implemented post gateway and at development assessment (DA) stage.
Aboriginal Archeological	An archeological survey did not identify any aboriginal objects on the site. Conservation measures have been identified and will be implemented regarding the development near the Upper Canal.
Arboricultural assessment	A tree removal/retention management strategy has been developed to maximize the retention of significant trees and replacement when removal is unavoidable.
Contamination	Preliminary site contamination concludes that the site is suitable for the proposed intended use.

Has the Planning Proposal adequately addressed any social and economic effects?

Yes. HillPDA undertook a social and economic impact assessment (Appendix 12) where the overall conclusion is that the proposed development from the Planning Proposal will have an overall beneficial socio-economic impact.

5.6. State and Commonwealth Interests

Is there adequate public infrastructure for the Planning Proposal?

The Traffic and Transport impacts assessment of the Proposal did not identify the need for any additional traffic related infrastructure beyond existing and planning upgrades in the locality.

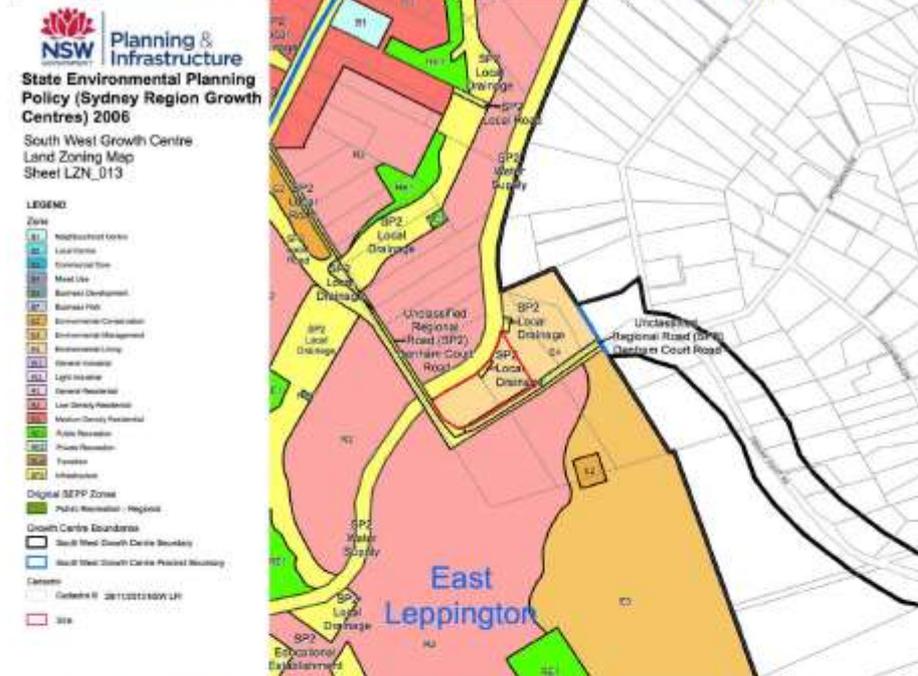
The Service and Infrastructure assessment undertaken (see Appendix 11) concludes the availability of water, electricity and gas to the site without the need for augmentation. Stormwater and effluent sewage management will be undertaken in accordance with Liverpool City Council's on-site stormwater Detention Technical Specification. There are no Commonwealth interests associated with the Planning Proposal.

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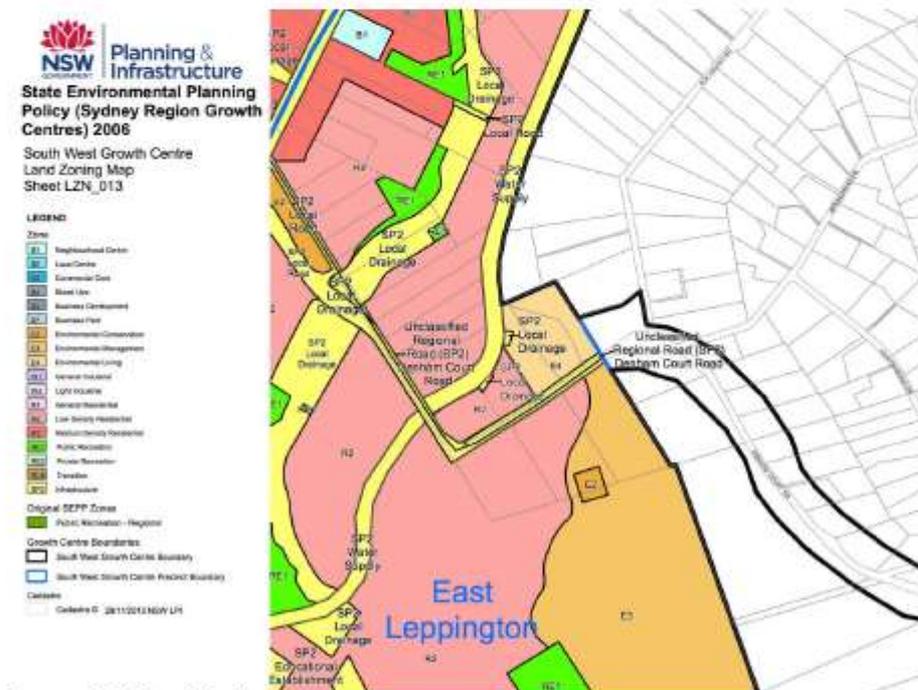
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5.7. Mapping

(See Appendix 15 for full set of A3 Statutory Maps in landscape orientation)



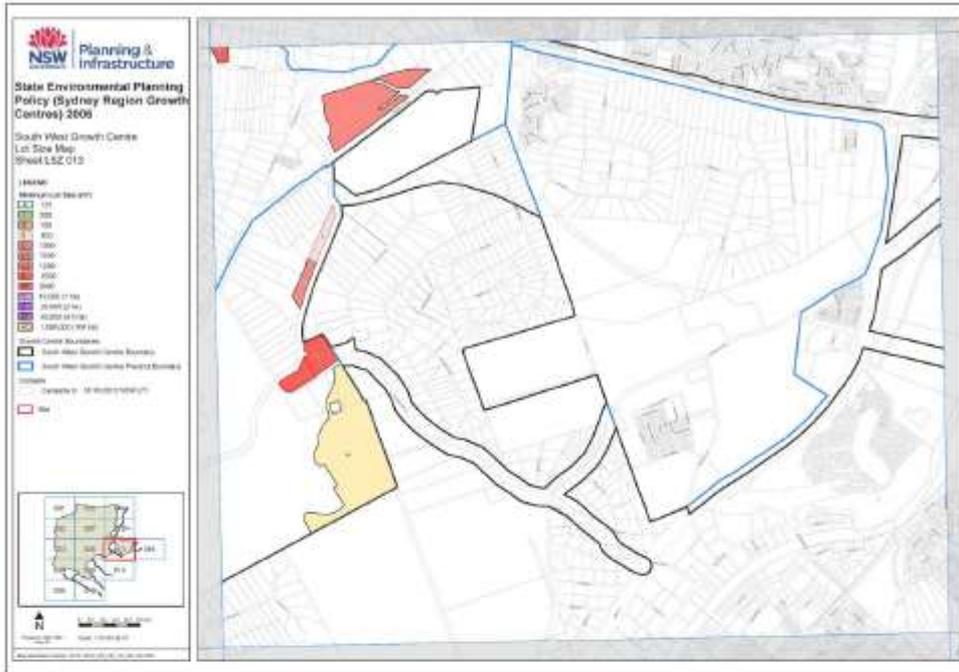
Current SEPP Land Use Map



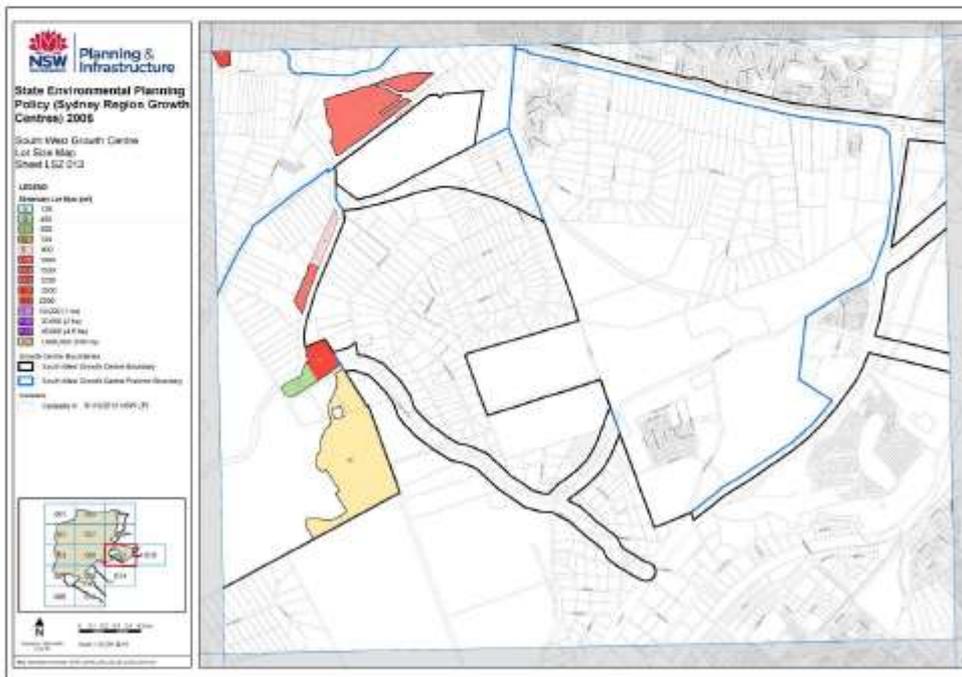
Proposed SEPP Land Use Map

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Current SEPP Lot Size Map



Proposed SEPP Lot Size Map

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Current SEPP Residential Density Map



Proposed SEPP Residential Density Map

5.8. Consultation

5.8.1. Consultation with Liverpool City Council

A consultation meeting with Liverpool City Council officers highlighted key site constraints and associated strategic and site-specific issues to be addressed. The Urban Design and Planning Proposal layout and densities were adjusted as applicable to account for Council's vision and planning objectives for the site. Appendix 3 documents how the proposal responds to Council issues and site objectives. The following points are relevant in that regard:

- The lots are designed off an internal road loop. This ensures there is no direct access to lots from Denham Court Road. This road is accessed off Denham Court Road in the south east corner from an alignment shared with the adjoining property. This road aligns with the proposed roads as indicated in the DCP. The road forms a circuit for easy orientation and access.
- The design includes a 16m road reserve consistent with the DCP design.
- The road aligns with the canal to ensure dwellings do not face on to the canal.
- The plan incorporates areas for a setback from the canal, the gas easement and then enhancement of Denham Court Road. These areas are not developed.
- It is proposed that the gas easement will form a communal open space reserve. This reserve also includes other peripheral areas such as between the easement and the canal that are otherwise undevelopable. This forms a larger area of communal green space at the northern corner.
- The easement green space may form part of a drainage zone and include areas for water detention swale.

Strategic justification consistent with current state strategic plans are demonstrated in Appendix 2 of this Report. Council Officers highlighted the need to demonstrate the transitional nature of the site as far as density. The Urban Design being proposed provides a typology of housing lots mostly at 450m² with larger lots in the range of 550m² – 850m² traffic nodes. The average density is approximately 10 houses/ha compared to surrounds of 40 houses/ha.

The Urban Design for the site recognise the landscape and visual values of the district as highlighted by Council officers. Specialist studies as per the supporting documentation demonstrate the appropriateness of the Proposal in that regard. It is therefore submitted that all planning constraints identified by Council officers have been addressed.

5.8.2. Consultation with APA Gas

In response to concerns expressed by APA Gas to Council concerning potential risk to the gas pipeline within the easement that traverse the site, consultation discussions were conducted with APA Gas representatives. The Urban Design layout was modified in regard to road crossings across the easement, consistent with APA requirements.

5.8.3. Community Consultation

Comprehensive community consultation and engagement will be undertaken post gateway determination and as part of the rezoning process. The engagement will also contribute to addressing any residual social impact emanating from the Proposals.

5.9. Timeline

Gateway Determination	Start of timeline
Preparation of SEPP / LEP amendments with support documentation	2 months
Public Exhibition and Consultation	1 month
Respond to submissions and develop the final instrument for amendment and re-zoning	1 month
Gazettal	1 month

6. Conclusion and recommendation

The Planning Proposal to rezone site(s) 315 & 335 Denham Court Road, Denham Court complies with applicable planning strategies and addresses site specific constraints. The proposals will deliver appropriate planning and development outcomes for the locality. It is therefore recommended that Gateway be granted to enable a more detailed rezoning study and public participation to proceed.

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Appendices

Appendix 1 Liverpool City Council Growth Centre Precincts
Appendix 2 Strategic Planning Justification
Appendix 3 Consultation with Liverpool City Council officers
Appendix 4 Urban Design Report (Tony Owen Partners)
Appendix 5 Not used
Appendix 6 Arboricultural Impact Assessment (Eco Logical)
Appendix 7 Archaeological and Heritage Assessment (Eco Logical)
Appendix 8 Bushfire Protection Assessment (Eco Logical)
Appendix 9 Dam Water Sediment Assessment (DLA Environmental Services)
Appendix 10 Flora and Fauna Assessment (Eco Logical)
Appendix 11 Infrastructure and Services Report (Jones Nicholson Consulting Engineers)
Appendix 12 Social and Economic Impact Assessment (HillPDA)
Appendix 13 Preliminary Site Investigation (DLA Environment Services)
Appendix 14 Traffic Report (TSA)
Appendix 15 Statutory Maps (A3)

Appendix 1 Assessment against DCP Provisions

Development Control Plan – November 2016
Table 9 DCP Assessment 315 and 335

Section	Control	Assessment	Compliance
Schedule Three – East Leppington Precinct			
Section 1 - Introduction			
1.2 Structure of this Schedule	Figure 1-1 Land Application Map	The site falls within the precinct area shown in Figure 1-1.	Yes
Section 2 – Subdivision Planning and Design			
2.1 East Leppington Precinct Vision	<p>The entire Precinct will provide:</p> <ul style="list-style-type: none"> For a range of residential densities, housing types and affordability options to meet the needs of a diverse and growing community. 	<p>The proposal provides housing in an area that is undergoing significant change. The surrounding development to the west and south west of the site achieves densities of approximately 40 dwellings per hectare. While the proposal achieves a dwelling density of 10 dwellings per hectare.</p> <p>Hence, the proposal offers different type of lot size to other surrounding development, with potentially a different housing product. Moreover, the proposed density provides a transition from more dense residential housing to larger lot and environmentally sensitive land to the east and north east of the site.</p>	Yes
	<ul style="list-style-type: none"> Detached housing will comprise much of residential development, with medium density development located close to the Centres, along bus routes and areas of higher amenity with larger lots on the periphery of the Precinct. 	<p>The proposal includes only detached dwellings. Refer to above in relation to proposed density and surrounding density assessment.</p>	Yes
	<ul style="list-style-type: none"> A Local Centre located at the 'gateway' of the East Leppington Precinct. The Local Centre will be the main retail centre, providing for a mix of retail, commercial and community services to cater for the needs of local residents. It will be highly accessible by all modes of transport, being located off Camden Valley Way and surrounded by medium density residential and mixed-use development. 	<p>The additional housing through increased population supports future and existing centres in the area. Vice versa those centres would support the daily needs of the future residents on the site.</p>	Yes
	<ul style="list-style-type: none"> A neighbourhood centre located in the north of the Precinct to serve the daily needs of the local community. 	<p>As above.</p>	Yes
	<ul style="list-style-type: none"> A public domain that will include special places focused on important landscape and cultural features including the Leppington House archaeological site. Passive recreation opportunities will be maximised along the Bonds Creek 	<p>The proposal, given the proposal density, and constraints and opportunities analysis, is found to be able to provide a large amount of open space. Refer to urban design report that supports this proposal.</p>	Yes

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Section	Control	Assessment	Compliance
	riparian corridor whilst active recreation opportunities will be catered through the provision of sporting fields. Where possible, remnant vegetation will be retained in public parks and areas containing endangered ecological communities will be conserved. The visual and landscape quality of the Soenic Hills will be protected.		
	<ul style="list-style-type: none"> For the incorporation of principles of ecological sustainability and measures to ensure that the important historic, environmental and visual elements of the Precinct are recognised and protected for future generations. 	The proposal has considered and assessed the relevant principles. The relevant reports support this Planning Proposal. The reports found that the site is suitable for the proposal.	Yes
2.2 Referenced Figures	Figure 2-1 Indicative Layout Plan (ILP)	The site is located within the ILP.	Yes
	Figure 2-2 Flood prone land	The map does not show the site to be flood affected.	Yes
	Figure 2-3 Areas of potential salinity risk	The map does not show the site to be affected by potential salinity.	Yes
	Figure 2-5 Aboriginal cultural heritage areas	The map does not show the site to include any items of aboriginal cultural heritage.	Yes
	Figure 2-6 European cultural heritage	The map does not show the site to include any items of European cultural heritage.	Yes
	Figure 2-7 Asset Protection Zone requirements	The map does not show the site that this is subject to any APZ requirements.	Yes
	Figure 2-8 Location of infrastructure easements	<p>The map shows that the site is subject to a high-pressure gas easement and that it is on the boundary of the Upper Canal.</p> <p>In relation to the high-pressure gas easement, the Applicant has consulted with the owner of the gas pipeline. The owner of the gas pipeline has provided the relevant requirements to ensure the safety, security and maintenance of the gas pipeline to the Applicant.</p> <p>The requirements have been taken into consideration and the proposed indicative subdivision of the site has suitably responded to those requirements.</p> <p>In relation to the Upper Canal, the proposal does not generate any adverse impact on the canal.</p>	Yes
	Figure 2-9 Odour	The map does not show that the site to be affected by any Odour issues and is not subject to any odour buffers.	Yes
	Figure 2-10 Residential structure	While the map does not show any future residential urban pattern on	Yes

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		the site, it is evident that the proposal suitably weaves into the surrounding urban framework. Refer to urban design report that supports this proposal.	
	Figure 2-11 Precinct road hierarchy	While the map does not show the existing/future road hierarchy for the site, it is evident that the proposal is not inconsistent with the precinct road hierarchy. The proposal includes one entry/exit location from Denham Court Road into the future subdivision. Refer to urban design report that supports this proposal.	Yes
	Figure 2-12 Pedestrian and cycleway network	While the map does not show the existing/future pedestrian and cycleway network for the site, it is evident that the proposal is not inconsistent with this network. Moreover, the proposal reinforces the surrounding pedestrian and cycleway network offering plenty of opportunities for pedestrian and cycling access across the site. Refer to urban design report that supports this proposal.	Yes
2.2.1 Street Network and Design			
Objectives 2.2.1(a)(b)(c) (d)	a. To facilitate the development of street types which are particular to the East Leppington Precinct and give clear, safe and convenient access within and beyond the Precinct.	The proposal ensures the development of good quality streets that give clear, safe and convenient access within the site. Refer to urban design report that supports this proposal.	Yes
	b. To enable road design and construction to respond to particular site constraints or opportunities.	The proposed road network responds to the constraints and opportunities of the site and the high-pressure gas pipeline/easement.	Yes
	c. To ensure reasonable standards of public amenity and a high quality public domain in the vicinity of gas easements.	The proposal offers a high level of public amenity and proposes that the easement be a central landscaped, pedestrian and cycleway network through the site.	Yes
	d. To retain, where possible significant trees in streets for landscape, cultural, aesthetic and ecological purposes.	The proposal retains trees where possible, especially to the Upper Canal interface.	Yes
Controls 2.2.1(1)	The design and construction of streets in East Leppington is to be consistent with the typical design in Figure 2-13 as well as the relevant typical designs in the Main DCP and Council's Engineering Design Guide.	Figure 2-13 does not apply to the site. The proposal complies with a typical local road design shown in Figure 3-13 of Section 3.3 Movement Network in the Main DCP	Yes
2.2.1(2)	The typical design in Figure 2-13 are based on minimum dimensions and may be modified to accommodate water sensitive urban design measures and to ensure appropriate drainage.	As above. In relation to landscaping and WSUD principles the proposal could comply. These works to be undertaken at detailed design and development application stages.	Yes

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2.2.1(3)	Development adjacent to and along Camden Valley Way will require appropriate noise attenuation measures.	Not applicable.	N/A
2.2.1(4)	Noise attenuation is to include native, low maintenance, landscape planting and is to be maintained for a period of time following construction as specified by Council.	The proposal is a standard low-density development and includes extensive landscaping to assist with noise attenuation.	Yes
2.2.1(5)	The design of noise attenuation is to be consistent along the length of Camden Valley Way.	Not applicable	N/A
2.2.1(6)	Noise attenuation shall be in place prior to the occupation of any dwelling in the Precinct that is likely to be subject to unacceptable noise levels (e.g. traffic).	Not applicable at this stage. The proposal could comply. These works to be undertaken at detailed design and development application stages.	N/A
2.2.1(7)	Where noise attenuation includes a structure, in addition to vegetation, the use of natural materials including gabions, stone, timber or similar is preferred.	As above.	N/A
2.2.1(8)	Council may consider alternative, innovative noise attenuation measures that comply with the relevant Australian Standard and any other relevant agency guidelines.	As above.	N/A
2.2.1(9)	The design of the acoustic and landscape treatment to Camden Valley Way is to consider any existing underground utilities.	Not applicable.	N/A
2.2.1(10)	Existing significant tree plantings (see Figure 2-6) should be incorporated into the public road reserve, public domain, parks or private domain wherever possible. Where trees cannot be retained, they are to be interpreted in the subdivision pattern and are to be replaced by new plantings subject to Council specification.	The proposal includes street tree planting and extensive planting throughout the site.	Yes
2.2.1(11)	An Arborist Assessment shall be prepared by a suitably qualified professional and is to be submitted with any Development Application involving development adjacent to any of the significant trees identified in Figure 2-6 and Figure 2-14. The assessment shall include: i) Evaluation of the viability and safety of incorporating the trees within a road reserve, the public domain or within appropriate setbacks on individual lots; ii) Recommendations for their retention, conservation, supplementation and/or reinstatement;	An Arborist Assessment prepared by Eco Logical Australia supports the Planning Proposal. The report identifies which trees could be retained and which are impacted by the proposal. Subject to the findings of the tree assessment, the report recommends tree protection and management measures as well as which trees require future assessment. The proposal is suitable for site with respect to the proposed tree management measures.	Yes

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	<p>iii) Identification of protection measures for the retention of trees during adjacent construction works; and</p> <p>iv) Recommendations for their maintenance regime.</p>		
2.2.1(12)	Other individual trees and tree rows are encouraged to be retained in the design and location of dwellings. The matters for consideration will include the health, species, size and viability of the tree along with other relevant matters determined by Council.	As above.	Yes
2.2.1(13)	Applications for residential subdivision should consider the presence of saline soils (Figure 2-4), the location of infrastructure easements (Figure 2-8) and sources of potential odour (Figure 2-9). Refer to the Main DCP for specific guidance and controls.	Figure 2-3 does not show the site to be affected by potential salinity. Further, a Preliminary Site Investigation prepared by DLA Environmental Services supports the proposal. The report found that, <i>"A salinity assessment indicated that the soils on-site have negligible salinity effects, while the results of an aggressive assessment indicated that the soils located on-site are expected to be non-aggressive towards steel, with possible localised mild aggressivity towards."</i>	Yes
2.2.2 Native Vegetation and Ecology			
Objectives 2.2.2(a)(b)	<p>a. To provide for opportunities for the retention of areas of high ecological value vegetation to improve amenity and urban development outcomes.</p> <p>b. To facilitate the integration of high quality native vegetation with the urban housing fabric for the Precinct.</p>	<p>The proposal aims to retain tree where possible.</p> <p>The proposal offers a large amount of landscaped open space.</p>	Yes
Controls 2.2.2(1)	<p>Areas of high ecological value native vegetation should be considered for retention within the subdivision, for example by:</p> <p>i) Adopting larger lot sizes, to allow trees to be retained within larger setbacks.</p> <p>ii) Locating minor open spaces where good quality vegetation exists.</p>	<p>The site is not identified as being of a high ecological value. A Flora and Fauna Assessment was undertaken by Eco Logical Australia, which found that, <i>"Fauna habitat features are generally poor due to the highly disturbed nature of the study area"</i>.</p> <p>The site is suitable for the proposed development. However, the report also recommended more detailed ecological assessment, which is proposed to be undertaken as part of any future DA on the site.</p> <p>Furthermore, the supporting assessment reports prepared by Eco Logical Australia also state, <i>"The subject land is situated within the Sydney Growth Centres biodiversity certified areas. Under Part 7AA of the Threatened Species Conservation Act 1995 (TSC Act), biodiversity certification removes the need to conduct impact assessment on certified land for threatened</i></p>	Yes

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		<i>species population and communities listed under the TSC Act."</i>	
2.2.2(2)	<p>Within land that is shown as Riparian Corridor in Figure 2-12:</p> <ul style="list-style-type: none"> • all existing native vegetation is to be retained and rehabilitated, except where clearing is required for essential infrastructure such as roads, footpaths, cycleways and drainage; and • native vegetation is to be conserved and managed in accordance with the Guidelines for Riparian Corridors prepared by the NSW Office of Water. 	The site is not subject to a riparian corridor. Not applicable.	N/A
2.2.3 Bushfire Hazard Management			
2.2.3(a)(b)	<p>a. To ensure an appropriate level of asset protection in East Leppington consistent with the requirements for bushfire planning.</p> <p>b. To provide for asset protection zones in a land use efficient manner/manner than enhances the efficient use of land for housing within East Leppington.</p>	The proposal does not generate or is subject to any major bushfire hazards. The proposal provides required APZs as per the NSW Rural Fire Service, <i>Planning for Bush Fire Protection 2006 (PBP)</i> .	Yes
Controls 2.2.3(1)	The APZ for East Leppington will be in accordance with bushfire planning guidelines.	A Bushfire Protection Assessment report prepared by Eco Logical Australia supports this Planning Proposal. The report found that, <i>"The proposal is for the subdivision of two large lots that satisfies the aim and objectives of PBP and the standards for subdivision as specified in Section 4.1.3 of PBP."</i>	Yes
2.3 Open Space Network			
Objectives 2.3 (a)(b)(c)(d)(e) (f)	<p>a. To establish an open space network focused on the Bonds Creek and Bonds Creek South riparian corridor that provides for the passive and active recreation needs of the local community.</p> <p>b. To retain and enhance significant stands of remnant vegetation within the open space network wherever possible.</p> <p>c. To provide appropriate tree planting within key road corridors.</p> <p>d. To establish a public domain that responds to key environmental features of the Precinct, including prominent knolls and the Scenic Hills.</p> <p>e. To establish a public domain that respects and interprets the cultural heritage of the Precinct.</p> <p>f. To establish a public domain that respects the Aboriginal cultural heritage of the Precinct including areas of high significance.</p>	<p>The proposal provides extensive landscaped open space and street tree planting.</p> <p>Refer to urban design report that supports this proposal.</p>	Yes

Section	Control	Assessment	Compliance
Controls 2.3(1)	The open space network should be provided generally in accordance with Figure 2-17.	As above. Also, Figure 2-17 does not include any proposed future landscaping on the site.	Yes
2.3(2)	The minimum area for a local park is 0.6ha and parks should be located within walking distance (400m walking catchment) of most residential dwellings. Where appropriate, a children's' playground should be provided.	Not applicable. Site identified to include a local park. However, the proposal provides extensive landscaped open space and street tree planting.	Yes
2.3(3)	The open space network shall be connected via a network of pedestrian and cycle links as per Figure 2-12 with a focus along the riparian corridors.	Figure 2-12 does not show the existing/future pedestrian and cycleway network for the site, it is evident that the proposal is not inconsistent with this network. Moreover, the proposal reinforces the surrounding pedestrian and cycleway network offering plenty of opportunities for pedestrian and cycling access across the site. Refer to urban design report that supports this proposal.	Yes
2.3(4)	Passive recreation opportunities are to be maximised along Bonds Creek open space corridor by providing walking and cycling tracks, picnic and barbeque areas, seating and viewing areas.	Not applicable.	N/A
2.3(5)	Significant trees and remnant native vegetation are to be retained in open space wherever possible.	Trees are proposed to be retained where possible.	Yes
2.3(6)	Where parks are to incorporate Aboriginal or European cultural heritage items, they shall be sensitively designed in accordance with the following provisions: i) For Aboriginal Heritage, areas identified in Figure 2-5 and described in Section 4.2 of this DCP Schedule. ii) All new plantings shall be in accordance with Council's Prescribed Trees and Preferred Species list contained in Appendix C of the Main DCP. iii) Landscape materials and design should respond to an identified planting palette. iv) Street furniture, lighting, paving etc. should be contemporary and reflect the local environmental character of the Precinct as well as interpretation initiatives (where appropriate).	The Planning Proposal is supported by relevant environmental assessments that conclude that the site is suitable for the proposed development.	Yes
2.4 Road Layout and Fragmented Land Ownership			
Objectives 2.4 (a)(b)	a. To provide for both flexibility in road layout design and the coordinated delivery and servicing of land in fragmented ownership. b. To provide opportunities for land holdings to be developed individually or	The proposal provides a suitable subdivision pattern for the site that achieves good quality design principles. Refer to urban design report that supports this proposal.	Yes

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	collectively and to facilitate incremental development of land.		
Controls 2.4(1)	The location of local roads may be parallel or perpendicular to property boundaries and may be shared on common boundaries, situated on lot edges or in the middle of a lot depending on particular circumstances.	Not applicable. Refer to urban design report that supports this proposal.	N/A
2.4(2)	The existing lot width, together with the proposed lot depth and the pattern of access should be taken into consideration in determining the preferred location of local roads.	This has been taken into consideration and it was found that the proposal is suitable for the site. Refer to urban design report that supports this proposal.	Yes
2.4(3)	Consideration should be given to the provision of servicing infrastructure when considering alternative local road layouts on fragmented land.	The proposal is supported by a utilities and servicing infrastructure report that is enclosed with this Planning Proposal. The site could be adequately serviced to provided proposed number of dwellings.	Yes
2.5 Residential Density			
Objectives 2.5 (a)(b)	a. To provide for housing choice, affordability and increased opportunities for housing density in close proximity to public transport or regional community facilities and centres. b. To accommodate market demand and to facilitate the delivery of additional housing density in appropriate locations.	The proposal provides housing in an area that is undergoing significant change. The surrounding development to the west and south west of the site achieves densities of approximately 40 dwellings per hectare. While the proposal achieves a dwelling density of 10 dwellings per hectare. Hence, the proposal offers different type of lot size to other surrounding development, with potentially a different housing product. Moreover, the proposed density provides a transition from more dense residential housing to larger lot and environmentally sensitive land to the east and north east of the site.	Yes
Controls 2.5(1)	Opportunities for additional housing density within the Precinct shall generally be encouraged in appropriate locations. Refer to Figure 2-10.	As above.	Yes
2.5(2)	Consideration shall be given to locations accessible to public transport and in close proximity to social and community infrastructure, centres and areas of higher residential amenity such as local parks and riparian corridors.	The local services, centres and other infrastructure have been considered. In context of these and the changing nature of the area the proposal is suitable for the site.	Yes
Section 4 – Site Specific Controls			
4.1 View corridors and land associated with the Scenic Hills			
Objectives 4.1 (a)(b)	a. To provide for residential development in proximity to The Scenic Hills in a manner that does not adversely impact the visual quality of the Scenic Hills.	The proposal has considered views to and from the Scenic Hills area. The urban design report that supports this proposal includes a visual assessment of the proposal	Yes

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	b. To ensure that urban development in proximity to the Scenic Hills responds to the natural environment and visual sensitivity of the place and key view corridors are maintained.	from the surrounding area. It was found that the proposal does not have an adverse impact to and from views to the Scenic Hills.	
Controls 4.1(1)	Development shall maintain and interpret the significant visual and physical links associated with the Scenic Hills shown in Figure 4-1 based on the following principles: i. The view corridor between the Heath Road entry from Camden Valley Way and the prominent "Lookout Knoll" is to be maintained and interpreted in the urban subdivision pattern ii. Impacts on significant regional views from Lookout Knoll, Lookout Point and the former Leppington House archaeological site are to be minimised	As above. Refer to the urban design report that supports this proposal that includes a visual assessment.	Yes
4.1(2)	Key existing view corridors are shown in Figures 4-1, 4-2 and 4-3.	As above. Refer to the urban design report that supports this proposal that includes a visual assessment.	Yes
4.1(3)	All landscaping and public domain elements must respond to the natural environmental character of the area.	The site includes extensive landscaping and responds to the changing nature of the area.	Yes
4.1(4)	A Vegetation Management Plan (VMP) is to be prepared and submitted with any relevant Subdivision or Development Application.	Subject to detailed DA on the site. However, Planning Proposal is supported by an ecological assessment.	Yes, ecological assessment provided
4.2 Aboriginal Cultural Heritage Management Areas			
Objectives 4.2 (a)(b)(c)	a. To ensure future development does not adversely impact Aboriginal cultural heritage conservation areas or sites of Aboriginal heritage value. b. To ensure identified conservation areas and areas of high Aboriginal cultural heritage value are protected and conserved. c. To ensure appropriate management and mitigation measures are implemented for identified Aboriginal conservation areas and Aboriginal heritage sites of moderate heritage value.	The proposal is supported by an Aboriginal and cultural heritage assessment reports prepared by Ecological. The report found that, "A search of relevant databases and registers did not identify any Aboriginal objects or places within the study area. An archaeological survey was undertaken on the property which did not identify any Aboriginal objects."	Yes
Controls 4.2(1)	For land that has not been subject to detailed Aboriginal heritage surveys as part of the Precinct Planning Process, an Aboriginal Heritage Assessment is to be carried out by a suitably qualified professional and submitted with any Development Application. The provisions of this DCP and Section 2.3.4 of the Main DCP apply.	As above.	Yes
4.2(2)	Suggested mitigation measures for Aboriginal heritage management areas	As above.	Yes

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	are identified in the East Leppington technical Heritage Report (GML, 2012).		
4.2(3)	Mitigation measures for Aboriginal heritage sites are to be identified and implemented in consultation with the Office of Environment and Heritage as part of the Development Application.	As above.	Yes
4.2(4)	Where archaeological excavation of high or moderate heritage value deposits is required, sites are to be adequately fenced and clearly signposted with zero soil impact during site works.	As above.	Yes
4.2(5)	A Plan of Management (PoM) is to be prepared to address all Aboriginal heritage management areas and is to be submitted with relevant Development Applications. The PoM is to be prepared by a suitably qualified professional and developed in consultation with the relevant Aboriginal communities and the Office of Environment and Heritage.	As above.	Yes

Appendix 2 Strategic Planning Justification

Overview

The current status of the site fails to effectively provide the scale, form and quality of development that is commensurate with a site at this location accounting for strategic planning objectives. The Planning Proposal is therefore a direct and positive response to the site's location within the broader strategic regional and sub-regional objectives for the area. The Planning Proposal will facilitate the achievements of government's applicable planning strategies.

The key planning strategies (at the Sydney and District plan levels) that guide the planning and development of the site are essentially:

- *Greater Sydney Region Plan - A Metropolis of the Cities (March 2018) (the Strategy); and*
- *Western City District Plan (March 2018), (District Plan).*

Both by the Greater Sydney Commission. Both strategies reflect (draft) strategies which essentially set the direction for the resultant sustainable growth and integrated infrastructure and land use provisions of the new finalised plans.

A relevant precursor to those strategies is *A Plan for Growing Sydney* released in 2014. Strategic Directions in that plan are relevant in the context of the site located in a growth area and many of the relevant S117 Directions are referred in that document.

Provisions applicable to the South West Priority Growth Area and the associated *State Environmental Planning Policy* and its structure plan – *Indicative Layout Plan – East Leppington Precinct*, are also relevant in assessing the strategic justification of the Planning Proposal.

This section of the Planning Proposal, presented as a stand-alone Appendix provides an analysis to support the strategic justification of the Planning Proposal with reference to the strategic plans mentioned above.

A Plan for Growing Sydney

A Plan for Growing Sydney (the Plan) released by DP&E in December 2014, is the planning vision for metropolitan Sydney to the recently released strategic plans. Many of those policies and Directions are relevant and applicable to contemporary strategies.

The site is situated within the South West Growth Centre of the Plan. The Plan also identifies Leppington as a 'Strategic Centre', which is the nearest centre to the site.

The Plan establishes goals, directions and actions to manage the projected growth of Sydney. The key goal that supports the proposal is, 'Goal 2. Sydney's Housing Choice.' The important directions and actions under this goal that frame the site's strategic planning position is as follows

Direction 2.1 – Accelerate housing supply across Sydney

The direction seeks to encourage the provision of more housing and different types of housing as the population grows, in order to reduce the pressure on rising house prices.

The direction clearly states that Sydney will require an additional 664,000 new dwellings over the next 20 years to accommodate the projected population growth. Importantly the direction states:

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“Research indicates that delivery of new housing at the projected level, compared to today’s levels, could increase Gross State Product in 2031 by around \$6 billion. The value of this to the State would be lost if people moved elsewhere. The Government’s objective to grow the level of housing production in Sydney could lead to further economic benefits.”

Under the above direction a key action is, ‘Action 2.1.1: Accelerate Housing Supply and Local Housing Choice’. The action requires the Government to take a lead on directing the Greater Sydney Commission to work with Council’s in reviewing and preparing LEPs, to target locations which deliver homes closer to jobs, and provide housing in and around strategic centres. The proposal supports the Government in achieving the above actions by providing more housing close to the Leppington Strategic Centre, providing housing closer to jobs in Leppington, Campbelltown, Glenfield and Macarthur Urban Renewal Corridor and to Liverpool.

Direction 2.4 – Deliver timely and well planned greenfield precincts and housing

The direction states that greenfield development plays a vital role in Sydney’s overall housing supply, identifying that in recent years it has made up almost a quarter of Sydney’s housing growth. Specifically, the direction states:

“It (Greenfield development) helps provide Sydney’s residents with a diversity of housing that suits diverse needs, budgets and lifestyle choices. Greenfield housing development will continue to be primarily focused in the North West Growth Centre and South West Growth Centre.”

The key action relates to this direction is, ‘Action 2.4.1: Deliver greenfield housing supply in the north west and south west growth centres.’ The action requires the Government to work with Council’s and developers to deliver new homes in the growth centres precincts. The proposal supports Government to achieve this by proposing a logical continuation of housing in context of surrounding new housing developments, within the South West Growth Centre.

Further to the above directions, the site is strategically located near the Glenfield to Macarthur Renewal Corridor regional road network, and ongoing and planned transport infrastructure. The proposal will therefore deliver homes closer to jobs in strategic areas and contribute towards improved economic viability of Western Sydney.

Direction 3.2 - Create a network of interlinked, multipurpose open and green spaces across Sydney

The proposal includes a large area of open space that encourages a green link across the site with adjoining lands.

Direction 4.1 – Protect our natural environment and biodiversity

The site as indicated in the supporting expert ecological assessment report does not contain any sensitive ecological communities and species. Therefore, it does not obstruct the ability for the State Government to achieve the direction in other parts of Western Sydney. Nor does the proposal contribute to diminishing the quality of any ecological sensitive areas.

Direction 4.2 – Build Sydney’s resilience to natural hazards

A small portion of the site to the northeast is identified as being flood prone. The Bushfire Protection Assessment found that “The proposal is for the subdivision of two large lots that, due to removal of vegetation hazard in the development of surrounding land, is no longer bush fire prone.”

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Based on available mapping, surrounding lands that have already been developed for residential development are identified to be more extensively subject to flooding and bushfire.

Given the significant change of the surrounding area from rural land uses to suburban residential land uses, it is considered that flooding and bushfire are likely to be an impact of low risk to human health and property.

Specialist studies concerning bushfire hazards indicate this can be appropriately managed.

Direction 4.3 – Manage the impacts of development on the environment

The proposal has accounted for all applicable constraints of the site. The proposal includes large landscaped open space and landscaped interfaces with the Denham Court Road and the Sydney Water Channel. No significant environment or amenity impacts have been identified.

A Metropolitan of Three Cities - Greater Sydney Region Plan (March 2018)

In November 2016, the Greater Sydney Commission (GSC) released (in draft) *Towards our Greater Sydney 2056* (the Strategy) which is a plan for growing Sydney. This plan aims to deliver a new vision to address the growth and future of Greater Sydney.

The fundamental difference between *A Plan for Growing Sydney* and this plan is that *Towards our Greater Sydney 2056* focuses the strategic urban planning vision for Greater Sydney on the regional significance of central and western Sydney. The plan states:

“As the new economic activity around the Western Sydney Airport starts to emerge and as the success of the Sydney City in the east continues, the Greater Parramatta and the Olympic Peninsula (referred to as GPOP) will develop its role as Greater Sydney’s second city region.

This means a shift away from thinking of Greater Sydney as a place anchored by an economically strong single central business district – a monocentric approach – and instead looking at the outstanding assets in three cities and the many local places and connections between these cities – a genuine polycentric approach.”

The core strategy of the plan is to envisage Greater Sydney as three cities while establishing a framework that can better deliver strategic planning outcomes for a more productive, liveable and sustainable city. The three cities identified in the plan include the Eastern City, Central City and Western City. The site is located in the indicative transition area between the Central City and the Western City.

In October 2017, a revised version of *Towards our Greater Sydney 2056* was released by the GSC titled, *Draft Greater Sydney Region Plan* (revised Strategy). The revised Strategy retains the central theme of a three-city model for the greater Sydney metropolitan area. The three cities and their vision, as per the revised Strategy are:

- **The Eastern Harbour City** – Vision is to build upon its strong financial, professional, health and education sectors and extend its capabilities with an innovation precinct that will boost productivity and global connections.

- **The Central River City** – Vision is to capitalise on its location in the centre of Greater Sydney with enhanced radial transport links, continue developing its world-class health, education and research institutions as well as its finance, business services and administration sectors to drive the economy.
- **The Western Parkland City** – Vision is to grow a strong trade, logistics, advanced manufacturing, health, education and science economy and be the most connected place in Australia, underpinned and driven by the new Western Sydney Airport and Badgerys Creek Aerotropolis.

The revised Strategy also reinforces the following key principles:

- **Population** - Need to cater for a forecast population of 8 million people across the metropolitan area by 2056;
- **People and Places** - Recognition and enhancement of greater places that people love.
- **Housing** – Need to provide an additional 725,000 new homes over the next 20 years;
- **Jobs** – Need to provide 817,000 new jobs by 2036;
- **Connections** – Need to efficient transport network to cater for the projected 22 million daily trips within Greater Sydney by 2036; and
- **Landscape** – Protect and enhance the unique landscape of the Greater Sydney Basin.

The revised Strategy establishes objectives under the four themes, being infrastructure and collaboration, productivity, liveability and sustainability. The most relevant theme is 'Liveability' which focuses on the delivery on positive cultural, housing and social outcomes for the city.

The revised Strategy identified that the nearest centre to the subject site is Leppington, which is identified as Strategic Centre. Leppington is proposed to be serviced by a new railway link that will connect the future Western Sydney Airport (WSA) with St. Marys and Marsden Park. The proximity of the site to Leppington ensures that site is well serviced by mixed uses, employment as well as high frequency public transport.

On 18 March 2018, the GSC released the final *Greater Sydney Region Plan* (the Strategy). The Strategy maintains the principles, directions and actions set out in the previous revised Strategy. The key directions in the Strategy that relates to the proposal are discussed below.

Housing Targets

The key direction under this theme is 'Housing the City. The Strategy under this direction states:

"Sustained population growth over the coming decades will require a minimum of 36,250 new homes every year. Combined with changing demographics and housing affordability challenges, greater housing choice will be needed. This relates to a range of housing types, tenures and price points together with rental accommodation for lower income households and social housing for the most vulnerable. The provision of more housing will occur concurrently with the creation of liveable neighbourhoods close to employment opportunities, public transport, walking and cycling options for diverse, inclusive multi-generational and cohesive communities."

The proposed development is in a corridor to the south of Camden Valley Way between Edmondson Park and Narellan that is undergoing significant change from low rural uses to intense housing. The site is immediately located to a new housing estate. The proposal meets the Strategic direction by offering more housing in a corridor where the future character will be dominated by residential housing.

The above direction is supported by the 'Objective 10. Greater housing supply', which identifies that Sydney will require an additional 725,000 new homes by 2036 to meet demand. The objective recognises that the Priority Growth Area established by the NSW Government that includes the South West and in which the site is located, are suitable programs to cater for future housing demand. Hence, the site fits within the broader strategic housing goals for Sydney. Refer to the figure on the following page, which is an extract from the Strategy shows the Priority Growth Areas and areas of housing supply. The location of the site has been marked on the figure. Not only does the site fall within the South West Priority Growth Area but also falls within the corridor identified as housing that is forecast for completion by 2021. This is only three years away from the date of this report.

The Strategy lists housing targets for each district between 2016 and 2036. The site is located within the Western City District where the housing targets are:

- Between 2016 – 2021 – housing target is an additional 39,850 dwellings; and
- Between 2016 – 2036 - housing target is an additional 184,500 dwellings.

Further to this the objective recognises the role developers have in delivering housing, stating that: *"Developers play an important role in supporting housing outcomes. The development industry needs to continually provide new housing and translate the development capacity created by the planning system into approvals and supply."*

The proposal clearly contributes to providing housing within the South West Priority Growth Area and assists the NSW State Government's delivery of its objectives and housing targets.

Sustainability

The Strategy established directions and objectives aimed at protecting the long term environmental health of the Sydney Metropolitan area. The Strategy recognises that, *'Planning for sustainability involves taking a long-term approach to managing Greater Sydney's waterway, biodiversity and bushland, rural lands, its connected green spaces and corridors. It also involves greening streets and neighbourhoods with increased tree canopy.'*

Further, the Strategy identifies four major landscape types, which include, protected natural areas, metropolitan rural areas, urban areas and coast and harbours. The figure on the following page, which is an extract from the Strategy shows the Priority Growth Areas and areas of landscape types. The location of the site has been marked on the figure. The site is located within the an 'urban area', which is part of the South West Priority Area. The urban context of the site is evident by way of the new surrounding housing development. As discussed previously, the site is located within a corridor undergoing significant change from a rural context to intense housing.

In consideration of the changing character of the subject area, the key objective under the 'Sustainability' direction of the Strategy, is *'Objective 28 – Scenic and cultural landscapes are protected'*. With respect to the subject site, the objective states the following:

"In the Western Parkland City historic homesteads and significant views are protected through heritage curtilages under State heritage provisions. Other significant scenic landscapes such as the Scenic Hills around Campbelltown are protected through local environmental plans.

Views to the escarpment of the Blue Mountains to the west and to the ridgelines of the Western Sydney Parklands to the east may be highlighted by retaining or creating vistas along east-west road links. In the flatter and drier landscape of the Cumberland Plain water may be featured in the environment to improve amenity and emphasise its many creek crossings."

The site is not listed as a heritage item and there are no heritage items located on the subject site. Moreover, the site is located within the Liverpool Local Government Area (LGA). The local environmental planning instrument under the LGA is the *Liverpool Local Environmental Plan 2008*. The LEP does not identify any environmental constraints on the site. Notwithstanding this, given that the site falls under the South West Priority Growth Area, the LEP does not apply to the site. The governing environmental planning instrument is the *State Environmental Planning Policy (Sydney Regional Growth Centres) 2008*.

For completeness, the surrounding lands to the site were reviewed with respect to relevant local environmental planning instruments. It was found that the lands to the south of the site and Denham Court Road fall within the Campbelltown LGA. The relevant planning instrument in this case is the *Campbelltown Local Environmental Plan 2015*. Specifically, in relation to the Scenic Hills overlay in the Campbelltown LEP, the site does not adjoin the identified Scenic Hills area. Refer to the figure on the following pages that shows the location of the site in context of the Scenic Hills area.

The site is located at a junction in Denham Court Road where a future entry to new housing estate to the south will be developed. The area immediately adjoining the site to the south and southwest is currently being redeveloped. The extent of the new housing estate, which also adjoins the Scenic Hills area to the south, is far more prominent in the landscape than the proposed redevelopment of the subject site. The subject site is proposed to include extensive street tree planting and landscaping throughout, to achieve a landscape interface between the housing and surrounding properties.

The urban design report that supports this report provides a visual analysis of the proposed development when viewed from surrounding lands. It is evident that the proposal would not have a significant adverse impact on the visual character of the area. Therefore, in consideration of the extent of the surrounding development and from the findings of the visual analysis, it is clear that the proposal does not offend the objectives of clause 7.6 of the Campbelltown LEP, as follows:

- The proposal is set low from the surrounding elevated lands at a bend in Denham Court Road. The level, orientation and location of the site allows the site to be designed in a manner that is a transition between larger lot rural-residential type development to the north and more intense residential housing to the south.

- The landscape transition between the landscape character of lands to the north and lands to south can be managed and reinforced by the proposal with the use of extensive and sensitive landscape treatments.
- The proposal with sensitive landscape treatment is able to maintain high quality visual aesthetics of Denham Court Road and surrounding lands.

Therefore, proposal would not detract from the landscape character and visual quality of the Scenic Hills.

In summary, the proposal is considered to be suitable for the site as it meets key strategic planning directions in the Greater Sydney Region Plan, while not being inconsistent with its environmental objectives. Moreover, the proposal assists the NSW State Government to achieve its broader strategic planning goals for Western Sydney.

Western City District Plan 2018

In November 2016, the GSC released the *Draft South West District Plan* (DSWDP) in order to address and provide a strategic framework for the future growth of Sydney's Western metropolitan region. The DSWDP was one of six such plans applicable to the Greater Sydney Metropolitan Area that fell under the overarching strategic planning framework of '*Towards our Greater Sydney 2056*'.

The DSWDP includes priorities and actions to manage the anticipated economic and urban growth of the District, under the themes of a 'Productive City', a 'Sustainable City' and a 'Liveable City'. The *Draft Greater Sydney Region Plan* establishes these themes, which inform the strategic planning framework for the DSWDP.

In October 2017, the GSC released a revised version of the South West District Plan known as the *Draft Western City District Plan* (Draft District Plan). The revised Draft District Plan is now one of five District Plans that come under the revised metropolitan strategy, the *Draft Greater Sydney Region Plan*.

On 18 March 2018, the GSC released the final version of the *Western City District Plan* (District Plan), which is still one of five District Plans. The District Plan still sets out priorities relating to improving the productivity, liveability and sustainability of the district. Hence, the District Plan as per the other four District Plans follow a consistent overarching strategic planning framework of the *Greater Sydney Region Plan*.

Specifically, the District Plan sets housing and employment targets for the district. The projected amount of housing for the district by 2036 is 572,500 dwellings. The district currently has 388,000 dwellings therefore this is a projected increase of 184,500 dwellings by 2036. The District Plan identifies Leppington as the nearest Strategic Centre to the site. Leppington alone is projected to include between 7,000 – 12,500 jobs by 2036.

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While the District Plan sets out numerous priorities to manage this growth, the key priorities identified in the District Plan that relate to the proposal include:

Direction: Housing the city

Giving people housing choices

- Planning Priority W5
Providing housing supply, choice and affordability, with access to jobs and services

Direction: A city of great places

Percentage of dwellings within walking distance of open space

- Planning Priority W6
Creating and renewing great places and local centres, and respecting the District's heritage

The proposal contributes to achieving the above priorities and the urban growth of the Denham Court area by providing, 1) more housing in an area that is changing rapidly, and 2) housing choice by way of potential building types and lot types that slightly larger than other development occurring in the surrounding area. As such, a positive outcome of the proposal is its ability to provide large open spaces.

While it is evident that the proposal is consistent with the surrounding urban development with respect to future land use and general urban pattern, the proposal is different in that it provides a transition between larger lot development to the northeast and east, and that to the south and southwest.

Similar to the discussion presented under *A Plan for Growing Sydney* and the *Greater Sydney Region Plan*, the Planning Proposal facilitates the State Government's ability to achieve other priorities in the District Plan. In particular, the proposal delivers a relatively large amount of open space in consideration of the site area and is expected to provide extensive landscaping throughout the site.

As such, the proposal also meets a key priority under the Sustainability item, which is:

Direction: A city in its landscape

Valuing green spaces and landscape

- Planning Priority W16
Protecting and enhancing scenic and cultural landscapes

The District Plan states that '*Scenic and cultural landscapes can complement green infrastructure, particularly where scenic landscapes include waterways and urban bushland.*' Further to this, the District Plan includes two actions to ensure that this Planning Priority is achieved, which includes:

76. *Identify and protect scenic and cultural landscapes, specifically the Scenic Hills, Mulgoa Valley and the escarpments of the Blue Mountains, and*
77. *Enhance and protect views of scenic and cultural landscapes from the public realm.*

The Planning Proposal is not inconsistent with the above actions to be achieved by Council, other planning authorities and State agencies. Also, as discussed previously the proposal does not detract from the scenic landscape quality of the area and in particular the Scenic Hills provisions in the LEP. The visual assessment provided in the supporting Urban Design Report shows that the proposal would not be visible from important view lines and particularly from the ridgeline to the northeast and east of the site. Moreover, the proposal is not as prominent in the landscape as the adjoining larger Stockland new housing estate, to the south of the site.

Based on the above, the Planning Proposal is considered to meet the NSW State Government's strategic planning objectives.

Liverpool City Council Community Strategic Plan, *Our Home Liverpool 2017*

In February 2017, Liverpool City Council released *'Our Home, Liverpool 2017 – Community Strategic Plan'* (Community Strategic Plan). The Community Strategic Plan is a high level strategic planning document that sets out the challenges, vision and directions for the Liverpool LGA. The proposal is not inconsistent with the higher strategic level set by the Community Strategic Plan and broadly meets the aspirations of the community in 2027.

South West Priority Growth Area

The site is located within the South West Priority Growth Area. The governing legislation that establishes the planning framework and relevant development standards for the area is the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (SEPP). Under the South West Priority Growth Area are Precincts established by the NSW Department of Planning and Environment (DP&E) in order to manage the orderly and economic release and development of land. The subject site falls under the East Leppington. The East Leppington Precinct is discussed below.

In establishing the South West Priority Growth Area DP&E set housing targets for the area. However, since the publication of the SEPP the housing targets published by the Greater Sydney Commission in the *Draft Western City District Plan* have superseded these housing targets.

East Leppington

The South West Priority Growth Area is subject to an overall Structure Plan that provides the urban planning framework and core principles for the desired future urban planning outcome of the Growth Centre. Refer to the figure on the following page that shows the location of the site in context of the overall Structure Plan.

The Growth Centre has been separated into specific urban release precincts that are subject to individual structure plans. As mentioned above, the site falls within the East Leppington Precinct and is subject to an Indicative Layout Plan (ILP) dated 31 October 2013. Refer to the ILP on the following pages that shows the location of the site within the precinct.

East Leppington is projected to provide an additional 3,000 new dwellings to equate to a total of about 4,386 dwellings and 14,500 people.

Specific to the subject site, Section 4.2.2 of the East Leppington Precinct Plan Finalisation Report identifies that the Denham Court Road is proposed to be widened. The proposed development

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does not hinder the ability for the Denham Court Road to be widened and the widening has been designed into the development concept of the site.

Further, the proposal ensures that the Denham Court Road widening is achieved therefore assisting the NSW State Government to deliver an important strategic outcome.

Section 4.4.2 of the finalisation report discusses requirements for developing land adjoining the Upper Canal. The report states that:

"As development of the precinct progresses, fencing of The Upper Canal will be required by developer/s or land owners to the satisfaction of Sydney Catchment Authority (SCA) to prevent the community from accessing this infrastructure due to safety and security concerns. No new vehicular or pedestrian crossings are proposed over the Upper Canal in this part of the precinct."

The proposal is able to comply with any SCA requirements for developing the site next to the Upper Canal. Importantly the proposal does not diminish the ability of the Upper Canal to function and is unlikely to have an adverse impact on the canal.

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Appendix 3 Consultation with Liverpool City Council officers

Table 10 Response to issues raised

Issue	Response
1. Background and character – site constraints and transition	<p>The site layout, urban design and subdivision setting address the site's its transitional nature and constraints (see Urban Design Report attached):</p> <ul style="list-style-type: none"> • A green reserve will be provided along the pipeline corridor and road crossing avoided/minimised. • Setback green space provide along the Upper Canal with houses not facing the Canal. • Density is considered to be suitable for the site as site exhibits a transitional nature being at 10 dwellings/ha relative to surrounds 15 dwellings/ha and 40 dwellings/ha.
2. Site zoning	The R2 – Low Density Zoning as well as an amendment to the minimum lot size to 450sqm.
3. DCP amendment	The proposed urban design accommodates DCP requirements. Further amendments to the DCP will be made as applicable past gateway as part of the Planning Proposal rezoning process.
4. Interface with the Upper Canal	Vegetated open area and a road separate the lots from the upper Canal and lots do not directly back the Canal.
5. Drainage	An Infrastructure and Service assessment (attached) provide the basis of storm water management being proposed.
6. Gas Pipeline Easement	Consultation with APA Gas addressed their concern with the site layout modified to meet their requirements of minimising/avoiding road crossings over the easement.
General	A range of documentation is being submitted to demonstrate on evidence the appropriateness of the Planning Proposal; and that applicable site constraints have been addressed.

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List of Attached Appendices

- Appendix 4 Urban Design Plan (Tony Owen Partners)
- Appendix 5 Not Used
- Appendix 6 Arboricultural Impact Assessment (Eco Logical)
- Appendix 7 Archaeological and Heritage Impact Assessment (Eco Logical)
- Appendix 8 Bushfire Protection Assessment (Eco Logical)
- Appendix 9 Dam Water and Sediment Assessment (DLA Environmental Services)
- Appendix 10 Flora and Fauna Assessment (Eco Logical)
- Appendix 11 Infrastructure and Services Report (Jones Nicholson Consulting Engineers)
- Appendix 12 Social and Economic Impact Assessment (HillPDA)
- Appendix 13 Preliminary Site Investigation (DLA Environmental Services)
- Appendix 14 Traffic Report (TSA)
- Appendix 15 Statutory Maps (A3)

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Attachment 2 - Flora and fauna assessment

Appendix 10

**eco
logical**
AUSTRALIA

315 and 335 Denham Court Road, Denham Court
Flora and Fauna Assessment

Prepared for
CDL Planning

April 2018



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Executive summary

Eco Logical Australia Pty Ltd (ELA) has been engaged by CDL Planning to prepare a Flora and Fauna Assessment for a proposed residential subdivision at 315 and 335 Denham Court Road, Denham Court. The subdivision includes 44 lots with a minimum lot size of 450 m².

The site is located on 'biodiversity certified land' according to the *Order to confer biodiversity certification on the State Environmental Planning Policy Sydney Region Growth Centres 2006*. As such, no further assessment of impacts to threatened species, populations or ecological communities is required under NSW legislation.

With regards to the Commonwealth EPBC Act, all actions associated with the development of the Western Sydney Growth Centres as described in the Sydney Growth Centres Strategic Assessment Program Report (2010) have been assessed at the strategic level and approved in regards to their impact Matters of National Environmental Significance. As such, there is no requirement to assess the impact of the proposed subdivision on Matters of National Environmental Significance and no requirement for referral to the Commonwealth Department of Environment.

This flora and fauna assessment reports on the ecological values within the study area and considers the impacts of the proposed subdivision in relation to the Sydney Region Growth Centres SEPP and the Liverpool Growth Centre Precincts DCP.

A field survey has confirmed that the vegetation within the study area contains the native vegetation community Shale Plains Woodland, a sub-community of Cumberland Plain Woodland (CPW). No threatened flora species were identified within the study area. Fauna habitat features are generally poor due to the highly disturbed nature of the study area, however three hollow-bearing trees were observed. A search was made for *Meridolum comeovirens* (Cumberland Plain Land Snail) within potential habitat, however no live or empty shells were observed.

A pre-clearance survey by an ecologist is recommended to ensure no *Meridolum comeovirens* are present prior to habitat removal. If present, the species should be relocated into appropriate habitat close by. Removal of hollow-bearing trees should be supervised by an ecologist to ensure animal welfare and relocation if required.

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1 Introduction

Eco Logical Australia Pty Ltd (ELA) has been engaged by CDL Planning to prepare a Flora and Fauna Assessment for a proposed 44 lot subdivision at 315 and 335 Denham Court Road, Denham Court. The study area (Figure 1) occurs within the South West Growth Centre within the Liverpool Growth Centres Precinct Plan. The State heritage listed Upper Canal occurs to the immediate north of the site and a high pressure gas easement traverses the site. Denham Court Road occurs to the southeast and south west.

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Figure 1: Location of the study area

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2 Legislative context

2.1 Biodiversity Certification (TSC Act)

Eco Logical Australia has undertaken a review of the proposed development at 315 and 335 Denham Court Road and can confirm that the entire site is located on 'biodiversity certified land' according to the *Order to confer biodiversity certification on the State Environmental Planning Policy Sydney Region Growth Centres 2006* (Figure 2).

Under s126(l) of the *Threatened Species Conservation Act 1995* development on biodiversity certified land is taken to be development that is *not likely to significantly affect any threatened species, population or ecological community or its habitat*. A consent authority is not required to take into consideration the likely impact of the development on biodiversity values (despite any provision of the EP&A Act or any regulation or instrument made under that Act). Therefore, no further assessment of impacts to threatened species, populations or ecological communities is required under NSW legislation.

2.2 Commonwealth Strategic Assessment (EPBC Act)

On 28th February 2012, the Commonwealth Minister for the Environment announced that the program of development activities within the Growth Centres was approved under the EPBC Act Strategic Assessment process. Specifically, all actions associated with the development of the Western Sydney Growth Centres as described in the Sydney Growth Centres Strategic Assessment Program Report (Nov 2010) have been assessed at the strategic level and approved in regards to their impact on the following Matters of National Environmental Significance:

- World Heritage Properties
- National Heritage Places
- Wetlands of International Importance
- Listed threatened species and communities
- Listed migratory species

These decisions indicate that the Commonwealth is satisfied that the conservation and development outcomes that will be achieved through the Western Sydney Growth Centres Program will satisfy their requirements for environmental protection under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Provided that development activity proceeds in accordance with the Growth Centres requirements (such as the Biodiversity Certification Order, the Growth Centres SEPP and DCPs, Growth Centres Development Code etc.) then there is no requirement to assess the impact of development activities on Matters of National Environmental Significance within the Growth Centres and no requirement for referral of activities to the Commonwealth Department of Environment.

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Figure 2: The study area is located with biodiversity certified land

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2.3 Sydney Region Growth Centres SEPP 2006

The Sydney Region Growth Centres SEPP Appendix 8 Liverpool Growth Centres Precinct Plan contains controls for the clearing of Existing Native Vegetation (ENV) and Native Vegetation Retention (NVR) areas as shown on the Native Vegetation Protection Map. The subject site does not contain vegetation mapped in either of these categories and therefore has no further restriction of clearing of vegetation (see Figure 2).

Section 2.3.5 of the precinct plan lists objectives and controls for native vegetation and ecology. This includes a number of controls for Council to consider when assessing an application to remove trees. These controls are listed below in Table 1 along with relevance to the study area and proposed subdivision (ELA comment). The accompanying Arboricultural Impact Assessment (AIA) report (ELA 2017) provides further details on the location, species, size, condition and retention value of trees within the study area.

Table 1: Liverpool Growth Centre Precincts DCP - Section 2.3.5 Native Vegetation and Ecology

Control	ELA comment
Form(s) a prominent part of the streetscape or the landscape character of the locality.	Yes, there are a number of large native trees that contribute to the landscape character of the locality.
Is of historic or cultural significance or is/are registered on any Council register of significant trees.	No. Please see accompanying Archaeological and Heritage Assessment report (ELA 2017).
Is prominent due to its height, size, position or age.	Yes – see AIA for details.
Is a locally indigenous.	All trees on the site are locally indigenous.
Provides visual screening.	Some large trees are located around the periphery of the study area and may provide minimal visual screening.
Is part of an important habitat for wildlife.	Vegetation on the site has not been identified as part of the open space and riparian corridor within the ecology strategy in the DCP. The site provides stepping stone habitat for highly mobile species (bats and birds).
Is part of a larger vegetation remnant or is in a Riparian Protection Area.	The vegetation on the site is connected with Cumberland Plain Woodland in the locality, particularly to the north and south but is not part of a Riparian Protection Area.
Can be effectively treated by applying appropriate remedial treatment such as pruning of branches, pruning of roots and removal of deadwood or by other appropriate action as recommended by an arborist.	See accompanying AIA.

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Control	ELA comment
Is (when located on non-certified land) listed under the provisions of the Threatened Species Conservation Act 1995 (Listed as a threatened species, is habitat of a threatened species or is part of a threatened ecological community).	N/A – the study area occurs on biodiversity certified land.
Is unsafe.	See accompanying AIA.

Other considerations within the DCP including weeds and fauna relocation have been incorporated into this mitigation measures in this report.

2.4 Liverpool Growth Centre Precincts DCP Schedule 3 East Leppington

Under this precinct plan, the study area is zone E4 Environmental Living. Section 2.6 of this plan lists the objectives and controls for existing native vegetation. Controls relevant to the study area and the proposed subdivision include:

- Areas of native vegetation should be considered for retention by:
 - Adopting larger lot sizes, to allow trees to be retained within larger setbacks.
 - Retaining trees within open spaces where good quality vegetation exists.
 - Retaining large trees within the verges of new roadways

Section 2.7 discusses residential density for areas zoned Environmental Living. Relevant controls for the ecological values of the site include:

- Subdivision design and housing location are to consider the environmental and infrastructure constraints of the locality while providing an efficient road and pedestrian network.
- Avoiding impacts on Existing Native Vegetation and other remnant native vegetation.

While there is no Existing Native Vegetation mapped within the study area, the large trees present on the site are considered to be remnant native vegetation and should be retained where possible.

3 Site inspection

A site inspection was conducted on Monday 20th November 2017 by ecologist Karen Spicer and Arborist Elizabeth Hannon totalling approximately six person hours. The weather was 22°C, cloudy with light rain and light northerly winds. The soil conditions were very dry with cracks observed in the clay soils.

The site inspection involved traversing the study area to:

- determine the extent and condition of any native vegetation communities
- identify and record fauna habitat features including hollow-bearing trees
- conduct targeted survey for *Meridolum comeovirens* (Cumberland Plain Land Snail) within likely habitat

Flora species recorded are listed in Appendix A and fauna species observed are listed in Appendix B. *Nassella neesiana* (Chilean Needlegrass) was recorded within the study area (see Figure 3). This species is a priority weed and is listed as a weed of national significance (WONS). Areas containing this species should be identified prior to any earthworks commencing, removed and taken to landfill to prevent further spread.

The site contains Shale Plains Woodland (Cumberland Plain Woodland), present as remnant trees. The site is regularly slashed and understorey species were largely absent, apart from a section along the northern boundary, which formed potential habitat for *Meridolum comeovirens*. This area was searched beneath fallen logs and leaf litter at the base of trees, but no live or empty shells were observed. However, the soil conditions were very dry and a pre-clearance check is recommended within wet weather prior to impacting potential habitat (see Figure 3). Any live *Meridolum comeovirens* found should be relocated into appropriated habitat close to the study area.

Three hollow-bearing trees (HBT's) were recorded as shown in Figure 3. Two HBT's are dead stags and the other HBT has a hollow about 1 m from the ground. Removal of these trees should be supervised by an ecologist using soft fall techniques to protect animal welfare.

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Figure 3: Location of hollow-bearing trees, significant weeds and potential habitat for Cumberland Plain Land Snail

4 Mitigation measures

The following safeguards are recommended to minimise potential impacts to the environment:

- Vegetation clearance and disturbance will be kept to a minimum. Vegetation clearance and disturbance is to be limited to the works area with trees retained and protected where possible.
- As stated in the DCP, all existing indigenous trees shall be retained or replaced where removal is unavoidable. Replacement species should be locally indigenous species.
- Removal of identified hollow-bearing trees should be supervised by an ecologist using soft fall techniques to protect animal welfare.
- Areas containing *Nassella neesiana* (Chilean Needlegrass) should be identified prior to any earthworks commencing. This vegetation should be removed and taken to landfill to prevent further spread. This species is a priority weed and listed as a weed of national significance (WONS).
- Plant, equipment and stockpiles will be placed in cleared areas in a manner that does not damage surrounding trees.
- Erosion and sediment control measures will be established before work begins and maintained in effective working order throughout the duration of the works, and until the site has been stabilised to prevent off-site transport of eroded sediments.
- Any soil stockpiles are to be limited to cleared areas and are to be managed in an appropriate manner to prevent dust, erosion and sediment runoff.

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Appendix A Flora species recorded in the study area

A "*" preceding the species name indicates an exotic species.

Family	Species	Common Name	Status	Priority Weed	WONS
Apocynaceae	<i>Araujia sericifera</i>	Moth Vine	E		
	<i>Gomphocarpus fruticosus</i>	Narrow-leaved Cotton Bush	N		
Asteraceae	<i>Cirsium vulgare</i>	Spear Thistle	E		
	<i>Conyza sp.</i>	Fleabane	E		
	<i>Euchiton sphaericus</i>		N		
	<i>Gamochaeta coarctata</i>		E		
	<i>Senecio madagascarensis</i>	Fireweed	E	Class 4	Yes
	<i>Sonchus oleraceus</i>	Common Sow-thistle	E		
Caryophyllaceae	<i>Paronychia brasiliiana</i>	Chilean Whitlow Wort	E		
Chenopodiaceae	<i>Einadia trigonos</i>	Fishweed	N		
Convolvulaceae	<i>Dichondra repens</i>	Kidney Weed	N		
Cyperaceae	<i>Cyperus sp.</i>		E		
Fabaceae - faboideae	<i>Glycine microphylla</i>	Small-leaf glycine			
	<i>Glycine tabacina</i>		N		
	<i>Hardenbergia violacea</i>	Purple Coral Pea	N		
	<i>Medicago polymorpha</i>	Burr Medic	E		
Juncaceae	<i>Juncus usitatus</i>		N		
Loranthaceae	<i>Amyema pendula</i>		N		
Malvaceae	<i>Sida rhombifolia</i>	Paddy's Lucerne	E		
	<i>Modiola caroliniana</i>	Red-flowered Mallow	E		
Myrtaceae	<i>Angophora floribunda</i>	Rough-barked Apple	N		
	<i>Eucalyptus eugenioides</i>	Thin-leaved Stringybark	N		
	<i>Eucalyptus fibrosa</i>	Red Ironbark	N		
	<i>Eucalyptus moluccana</i>	Grey Box	N		
	<i>Eucalyptus sideroxylon</i>	Mugga Ironbark			
	<i>Eucalyptus tereticomis</i>	Forest Red Gum	N		
Oleaceae	<i>Olea europaea subsp. cuspidata</i>	African Olive	E	Class 4	
Pittosporaceae	<i>Bursaria spinosa</i>	Blackthorn	N		
Poaceae	<i>Aristida ramosa</i>	Purple Wiregrass	N		
	<i>Aristida vagans</i>				
	<i>Briza subaristata</i>		E		
	<i>Bromus catharticus</i>	Prairie Grass	E		
	<i>Cenchrus clandestinus</i>	Kikuyu	E		
	<i>Chloris ventricosa</i>	Plump Windmill Grass	N		
	<i>Cynodon dactylon</i>	Couch, Bermuda Grass	E		
	<i>Eragrostis curvula</i>	African Lovegrass	E		
	<i>Eriochloa pseudoacrotricha</i>	Early Spring Grass	N		

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Family	Species	Common Name	Status	Priority Weed	WONS
	<i>Nassella neesiana</i>	Chilean needlegrass	E	Yes	Yes
	<i>Paspalum dilatatum</i>	Paspalum	E		
	<i>Stenotaphrum secundatum</i>	Buffalo Grass	E		
	<i>Themeda triandra</i>	Kangaroo Grass	N		
Primulaceae	<i>Lysimachia arvensis</i>	Scarlet Pimpernel	E		
Solanaceae	<i>Lycium ferocissimum</i>	African Boxthorn	E	Class 4	Yes
	<i>Solanum nigrum</i>	Blackberry Nightshade	E		
	<i>Solanum prinophyllum</i>	Forest Nightshade	N		
Typhaceae	<i>Typha domingensis</i>	Narrow-leaved Cumbungi	N		
Verbenaceae	<i>Verbena bonariensis</i>	Purpletop	E		

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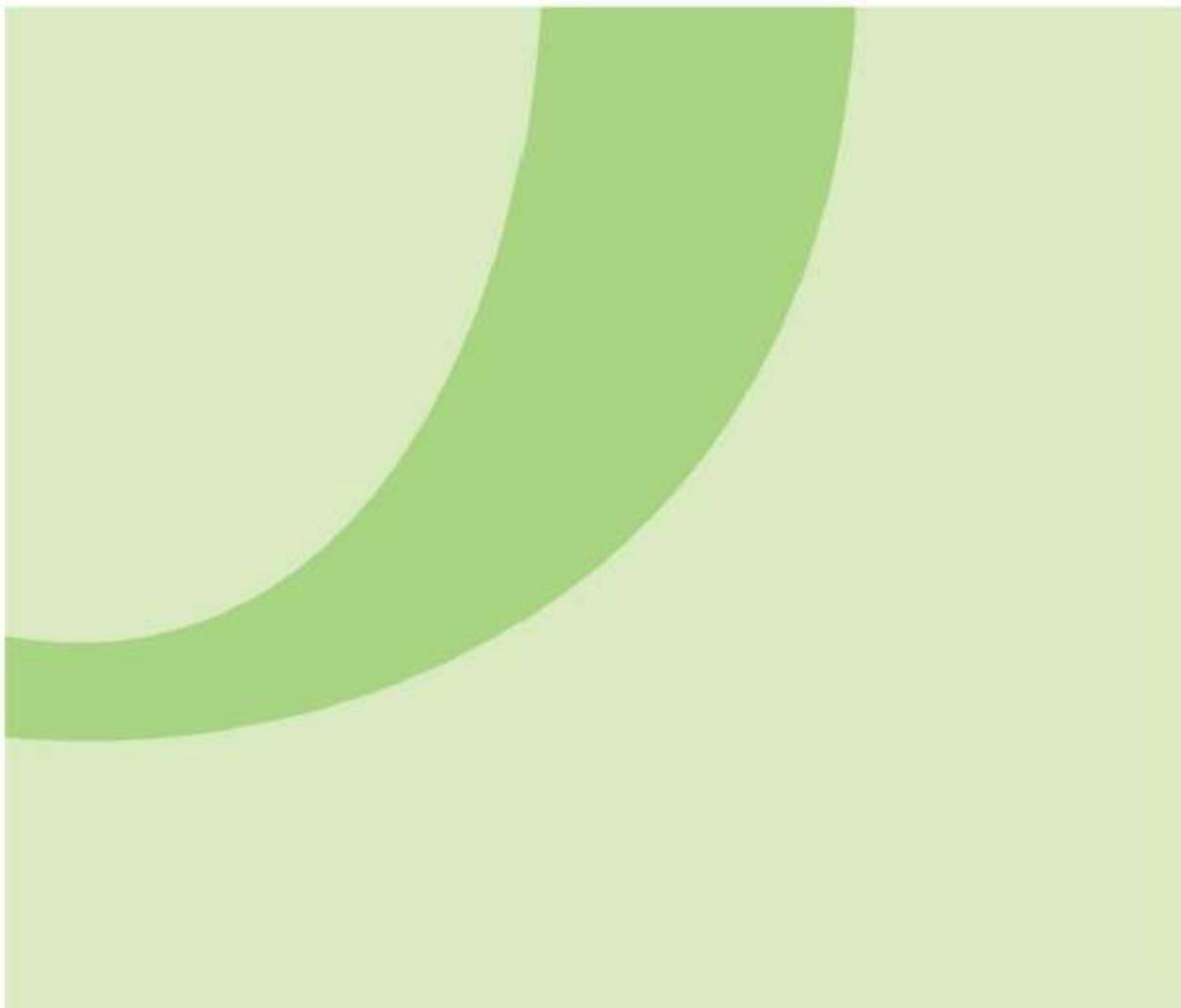
315 & 335 Denham Court Rd, Denham Court FFA

Appendix B Fauna species recorded in the study area

Species	Common Name	Status
AVES		
<i>Corvus coronoides</i>	Australian Raven	N
<i>Cracticus tibicen</i>	Australian Magpie	N
<i>Grallina cyanoleuca</i>	Magpie-Lark	N
<i>Hirundo neoxena</i>	Welcome Swallow	N
<i>Acridotheres tristis</i>	Indian Mynah	E
<i>Manorina melanocephala</i>	Noisy Miner	N
<i>Manorina melanophrys</i>	Bell Miner	N
<i>Microcarbo melanoleucos</i>	Little Pied Cormorant	N
<i>Rhipidura leucophrys</i>	Willie Wagtail	N
<i>Strepera graculina</i>	Pied Currawong	N
<i>Trichoglossus moluccanus</i>	Rainbow Lorikeet	N
MAMMALS		
<i>Capra aegagrus hircus</i>	Domestic Goat	E
<i>Oryctolagus cuniculus</i>	European Rabbit	E

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Attachment 3 - Infrastructure and services report



Appendix 11

INFRASTRUCTURE DUE DILIGENCE REPORT

FOR

**315-335 DENHAM COURT ROAD
DENHAM COURT NSW 2565**

PREPARED FOR
CDL PLANNING



DATE: 26 Apr 2018

OUR REFERENCE: 17010748 - REV B

ENGINEER: SCOTT MCMILLAN, DAREN LANG & ONIL SURESH

SUTHERLAND
ABN 51 003 316 032
Suite 45, 40-44 Belmont Street,
SUTHERLAND NSW 2232
PO Box 477, SUTHERLAND NSW 1499
Tel: 02 9521 3088 Fax: 02 9521 3066
Email: Nsw.mail@jonesnicholson.com.au
www.jonesnicholson.com.au



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REVISION HISTORY

REVISION	DATE	BY	CHECKED	COMMENTS
A	29/11/2017	SM/DL/RW	BM	Preliminary
B	26/04/2018	SMcM	OGS	For Approval

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1 INTRODUCTION

Jones Nicholson were commissioned by CDL Planning, to complete an engineering investigation and review of the infrastructure and utilities of the subject site and adjacent area to 315-335 Denham Court Road, Denham Court. The proposed development is for a 44 lot residential subdivision, including the erection of dwelling houses, and Jones Nicholson have been tasked to liaise with the utilities and council to understand the expected infrastructure that will be available to the site in the near future to support the proposed development.

This report outlines the results of the investigation on the stormwater, flooding, water, sewer, gas electricity and telecommunications and is based on the visual inspection together with information provided by the council and the various utilities.

Jones Nicholson inspected the site and adjacent area on Monday 27th November 2017.

2 EXECUTIVE SUMMARY

The site at Denham Court Road has been a semi-rural area and the surrounding suburbs are currently undergoing a transformation with new estates being created resulting in significant increases in residential housing. The site is adjacent to a large residential subdivision under construction. The following summary outlines the expected infrastructure and potential issues.

- Flooding is not currently identified on this site by Council's online mapping system, however Council advised that this site has not been investigated.
- In accordance with Liverpool City Council's On-Site Stormwater Detention Technical Specification, Stormwater drainage works will most probably include an On-Site Detention (OSD) system in the range of 120m³ of storage, and permanent WSUD measures to improve runoff quality by reducing post-development pollutant loads. Offsite stormwater measures could possibly include the upgrade of an existing treatment structure located outside the north-eastern boundary of the site, within the Sydney Water Easement, prior to discharging into the existing Sydney Water Supply Channel.
- Currently there are no authority sewer services at the site. The nearest authority sewer main is located North West of the site on Plumegrass Ave. Approximately 100m away.
- The site has frontage to an existing 100mm water main for half of its length on the Southern side of the site on Denham Court Rd.

There is an existing 250mm Diameter water main approximately 180m North of the site on Denham Court Rd that is also available for extension across the bridge and to the site.

The existing water pressure from the onsite hose taps visually was of suitable pressure and flow for domestic use. JN have lodged a pressure enquiry with Sydney Water and will confirm the results when received.

- There are no natural gas services located at the site. There is an existing 1050Kpa high pressure gas trunk main traversing the site. All excavation, building structures, roads and services need to be approved by the Jemena gas company prior to works commencing.

There are gas mains in the vicinity that could be connected to and extended to the site following application to and approval from Jemena.

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- It may be possible to utilise the existing pole mounted substation on the eastern side of the site, however the site should be provisioned for a kiosk substation on the west.
- Dial Before You Dig has revealed there are communications assets existing underground and no issue is foreseen to bring communications services in to the new development.
 - It cannot be confirmed at this time whether NBN or Telstra will be providing service to the lots.

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3 STORMWATER AND FLOODING

Flooding

The subject site appears to be located in the upper reaches of the Georges River catchment. According to Council's online mapping system, the subject site is not identified as land subject to Flooding, however Council advised that this site has not specifically been investigated.

Stormwater

The existing site falls from a high point of RL96.7mAHD on the South/West boundary to the lowest point of RL89.9mAHD at the North/East boundary at a gentle slope of approximately 2.1%. The site topography is typified by a depression that runs diagonally through the site from an existing headwall outlet (3 x 375 pipes) approximately midway along the southern boundary, down to the north-eastern corner of the site, where stormwater runoff enters an assumed treatment structure prior to discharging into the existing Sydney Water Supply Channel. In accordance with Liverpool City Council's On-Site Stormwater Detention Technical Specification, the stormwater runoff shall drain by gravity, therefore the site discharge will be at the North/East boundary into the Sydney Water Supply Channel Easement, refer Figure 3.1.

There is currently no kerb and gutter and/or stormwater infrastructure along Denham Court Road, however proposed road upgrade works for an adjacent residential subdivision are in their initial stages. The proposal includes the construction of a kerb and gutter and stormwater system in Denham Court Road. It is likely that a kerb inlet pit will be required to replace the existing headwall outlet and collect the 3 x 375 pipes. A drainage easement could be required through the site or alternatively a pit and pipe system along Denham Court Road heading in an easterly direction could be constructed to direct the underground stormwater to the proposed site entry Road between No.315 and the neighbouring site at No.305 Denham Court Road.



Figure 3.1

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Stormwater - Water Sensitive Urban Design (WSUD)

Connecting to a Sydney Water Waterway requires approval from Sydney Water. The stormwater runoff from the site must be of appropriate quality and quantity prior to it entering the Sydney Water Waterway. The required WSUD objectives are to meet the following targets for post-development load reductions, as follows:

- 90% reduction in the post development mean annual load of total gross pollutants (> 5 mm);
- 85% reduction in the post development mean annual load of Total Suspended Solids;
- 65% reduction in the post development mean annual load of Total Phosphorus;
- 45% reduction in the post development mean annual load of Total Nitrogen; and

We expect that these targets could be met with proprietary filter systems (e.g. storm filter cartridge system by Stormwater360, or similar) and/or bio-retention swale areas and individual lot measures such as rainwater tanks re-use system.

Stormwater – On-Site Detention (OSD)

Liverpool City Council's OSD requirements are to be in accordance with their On-Site Stormwater Detention Technical Specification. Based on the proposed residential subdivision works increasing the impervious area of the site from 7% pre-development to approximately 60% post-development, we have calculated a probable On-Site Detention (OSD) system in the range of 120m³ of storage.

Above ground OSD storage in a landscaped basin located at the North/Eastern corner of the site prior to discharging into the Sydney Water Easement, would appear to be the most suitable OSD system for this proposed residential development, Refer Figure 3.2. For ponding depths exceeding 300mm a pool safety fence surrounding the OSD basin will be required.

It may be possible that Rainwater tanks on the individual lots could offset the OSD volume required, although this was not specified in Council's OSD policy, and therefore would need to be clarified during the DA design process.

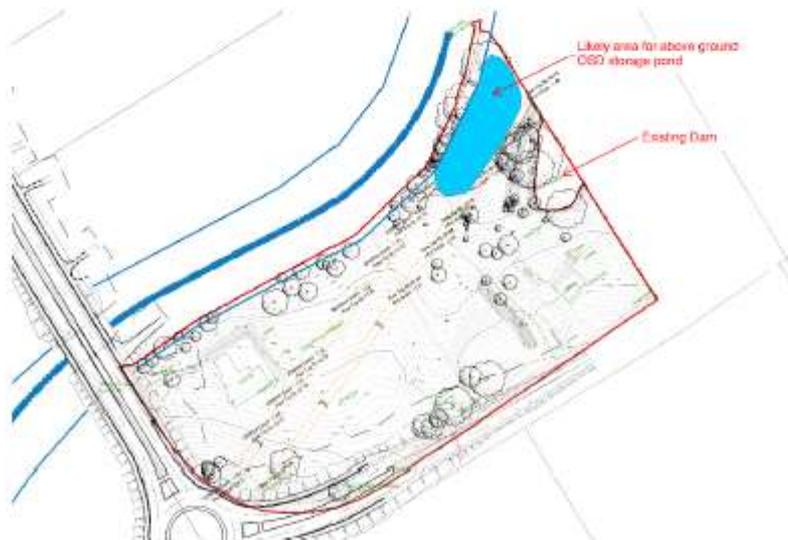


Figure 3.2

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4 WATER AND SEWER

Water services;

The proposed new site (shaded Fig 4.1) has frontage to an existing water main for half of its Southern side length on Denham Court Rd. The water main is 100mm diameter and currently serves the existing water meters (see fig 4.2) on the site.

There is an existing 250mm diameter water main approximately 180m North of the site on Denham Court Rd that is also available for extension across the bridge and to the site. The final water services requirements for the site will be confirmed by Sydney Water when the section 73 application is submitted, and the notice of requirements is received.

The existing water pressure from the onsite hose taps was visually of suitable pressure and flow for domestic use. JN have lodged a pressure enquiry with Sydney Water and will confirm the results when received.

Expected average water usage for each dwelling is 623L Per day (water supply code of Australia)

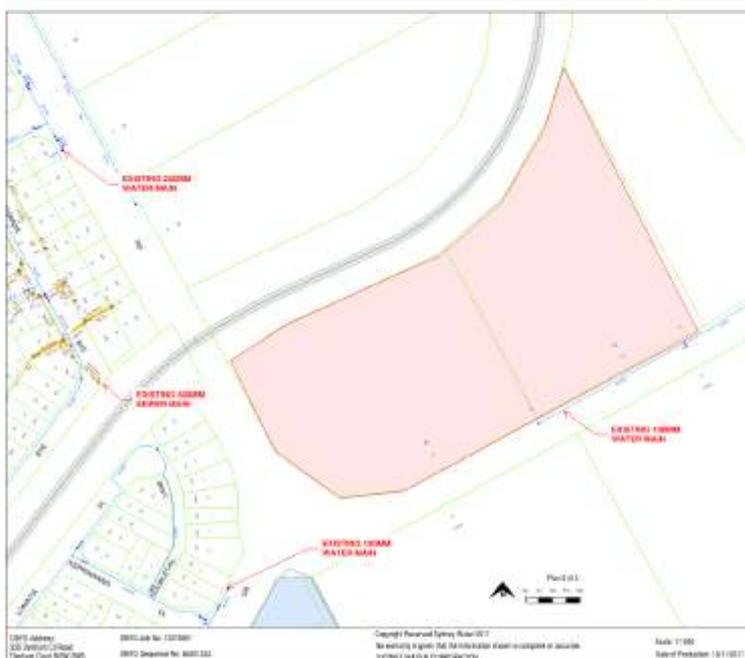
Street fire hydrants will be required within the site to provide fire hydrant coverage to the dwellings and water supply to the brigade's appliance during a fire event.

Sewer services;

Currently there are no sewer services at the site. The nearest sewer main is located North West on Plumegrass Ave. The depth of the sewer in this location is just over 4m and could be suitable for extension to the site pending Sydney Water Notice of Requirements and approval.

The expected average sewer discharge rate for each dwelling is 470L per day.

Water efficient fixture selection can reduce the water and waste requirements for the site and will form part of the Basix commitment.



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Figure 4.1



Figure 4.2

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5 GAS SERVICES

Natural Gas services;

Currently there are no authority natural gas services located at the site. There is an existing 1050Kpa authority high pressure gas trunk main traversing the site. All excavation, building structures, roads and services need to be approved by the Jemena gas company prior to works commencing due to easement requirements.

Following discussions with Jemena representative Neale Hilton we have been informed that for minor structures like street bench seats, picnic tables etc the developer will need to engage legal advice under the terms of the easement and then formally advise Jemena legal services which minor structures will be located within the easement for approval.

Existing gas services are available for extension to the site, pending Jemena approval. A 100mm gas main is located North West of the site on Denham Court Rd approximately 150m away over the bridge. See figure 4.3.

Existing gas mains are also located in the new estate South West of our site on Commissioners Dr. The mains consist of a 100mm Diameter PE main and a 37mm Diameter nylon main. These mains are also available for extension to the site pending Jemena application and approval

The expected peak hourly gas consumption for each dwelling is 250mj/hr when the dwelling is utilising gas instantaneous hot water units and having gas cook tops.

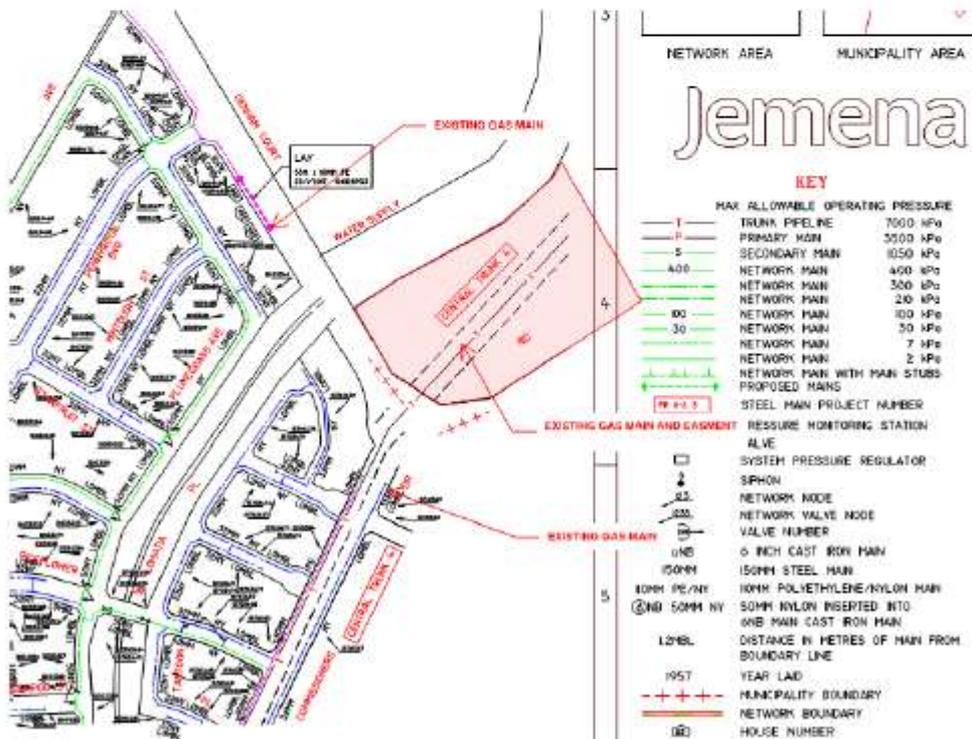


Figure 4.3

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6 ELECTRICITY

6.1 EXISTING CONNECTIONS

There is an existing pole mounted substation on the eastern corner of 315 Denham Court Rd, adjacent to the property boundary. Nearby utility pole references are #651993, #951963, and #777637.

The incoming electrical cabling (consumer mains cables) for both lots utilises an Under-Ground from Over-Head connection (UGOH). There are aerial cables coming from the utility network, which connect to a private power pole within the property boundary. The consumer mains reticulate underground directly to the existing properties on the lots.



6.2 PROPOSED CONNECTION

A residential development with a proposed 44 residences will require an estimated electrical demand of 280 Amps – 400 Amps.

The maximum service size that can be obtained from a pole mounted kiosk substation is 350 Amps, which also assumes that it does not need to provide power to other utility customers.

There is a moderate chance the development will be able to connect to the existing pole mounted substation, but it is strongly recommended that DA plans are provisioned with a 5.5m x 2.7m plinth for a substation.

Advice from a Level 3 ASP should be sought before locating the substation as it will be imperative to locate it nearest to existing high voltage assets. The Dial-Before-You-Dig indicates that a western location for the sub will be most economic.

6.3 LIGHTING

There is a total of 5 area lights / street lights along Denham court which are directly along the properties boundaries.

The lamp heads are approx. 8.1 meters from the finish road level, connected to up-ward outriggers approx. 4.8m in length.

The current council lighting conditions to AS1158.1 are unknown however it is most likely that the existing street light may require an upgrade.

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New street lighting to council requirement will be required to new sub-division.

7 TELECOMMUNICATIONS

The Dial-Before-You-Dig has revealed that there are two Type-5 telecommunication pits along Denham Court Rd, and a Type-2 pit for private use on the western lot.

Both properties have copper services incoming. As the development upgrades to 30+ residences, the NBN rollout may have caught up to the area and a FttP/FttN/FttB fibre strategy may be required.

Notwithstanding the standard of Fibre/Copper (NBN/Telstra), there are no apparent issues with the future provisions of communications services to the site.



Type-5 Telecommunications Pit along Denham Court Rd



Overview of electrical services along the boundary

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'APPENDIX'



Photo 1: Existing Headwall discharging 3 x 375 pipes onto the site



Photo 2: Existing Dam partially on the site of No.315

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Photo 3: Existing overflow channel from Dam directed towards North/East corner of site.



Photo 4: Existing treatment structure discharging stormwater to Sydney Water Supply Channel.

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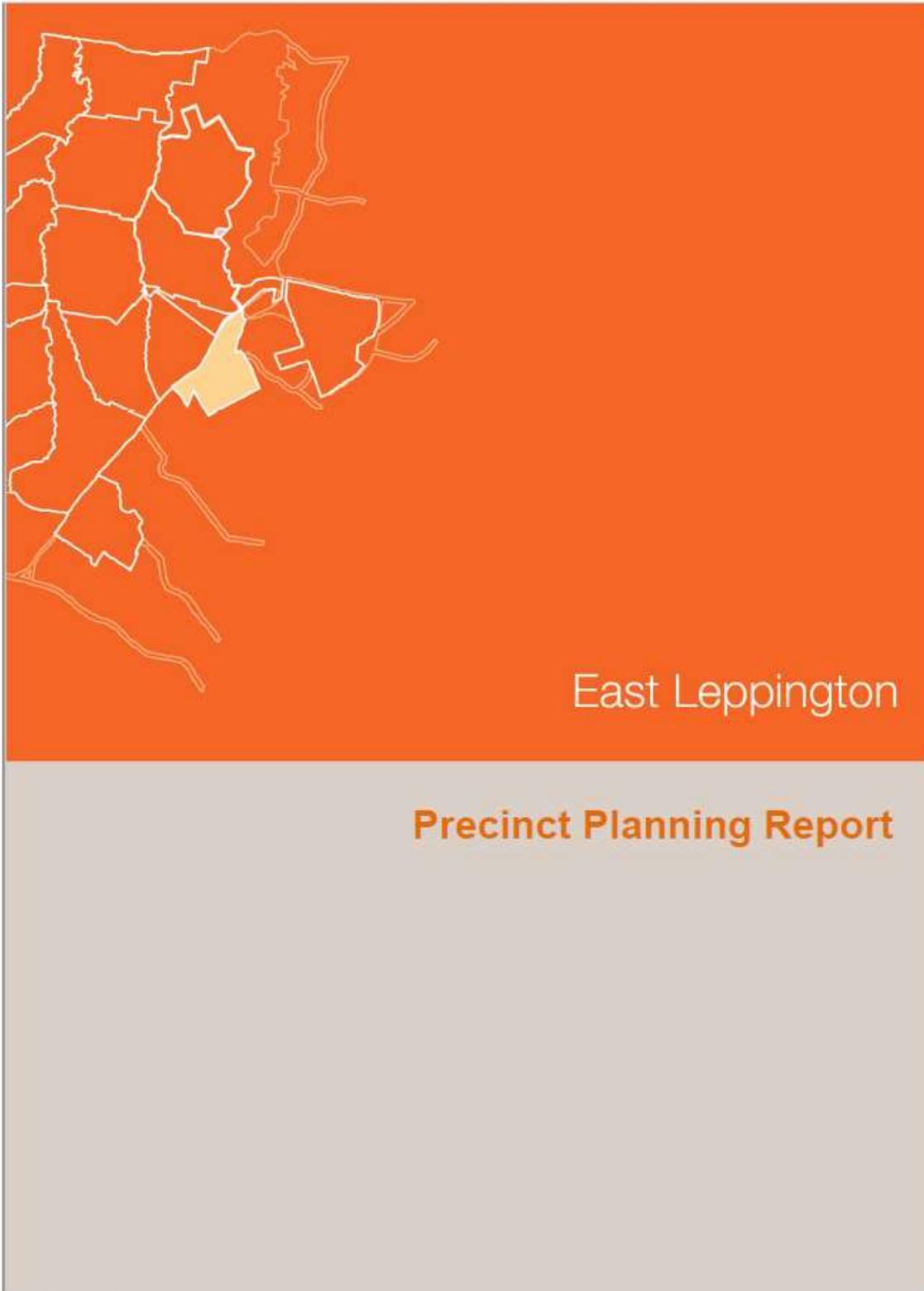


Photo 5: Existing Sydney Water Supply Channel.

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Attachment 4 - East Leppington precinct planning report – July 2012



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Printed July 2012

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Glossary

ABS	Australian Bureau of Statistics
AHIP	Aboriginal Heritage Impact Permit
ARI	Average Recurrence Interval
BASIX	Building and Sustainability Index
CBD	Central Business District
COPC	Contaminants of Potential Concern
DA	Development Application
DCP	Development Control Plan
DEC	Department of Education and Communities
DECCW	Department of Environment, Climate Change and Water
EPA	Environmental Protection Authority
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPBC Act	Environment Protection and Biodiversity Conservation Act
IDP	Infrastructure Delivery Plan
IPART	Independent Pricing and Regulatory Tribunal
ILP	Indicative Layout Plan
LEP	Local Environmental Plan
LGA	Local Government Area
NES	National Environmental Significance
NOW	NSW Office of Water
NPW Act	National Parks and Wildlife Act
OEH	Office of Environment and Heritage
PAD	Potential Archaeological Deposit
PCG	Project Control Group
PMF	Probable Maximum Flood
PWG	Project Working Group
RF Act	Rural Fires Act
RMS	Roads and Maritime Services (formerly RTA)
SEPP	State Environmental Planning Policy
SIC	Special Infrastructure Contribution
SREP	Sydney Regional Environmental Plan
SWRL	South West Rail Link
The Department	NSW Department of Planning and Infrastructure
TSC Act	Threatened Species Conservation Act
WM Act	Water Management Act
WSUD	Water Sensitive Urban Design

Executive Summary

The East Leppington Precinct is located in the South West Growth Centre and covers an area of 463 hectares. The Precinct is located within the Camden, Campbelltown and Liverpool Local Government Areas (LGAs). The Precinct is located approximately 40 kilometres south-west of the Sydney CBD with the majority of the Precinct (approximately 73 percent) under the control of a single landowner, Stockland Pty Ltd.

The precinct planning process has been set up to streamline the land release process and deliver new comprehensive planning controls to allow urban development to take place within the East Leppington Precinct. The planning process aims to work within the constraints of the land and environment, to meet housing and employment targets whilst implementing best practice planning outcomes. The process balances competing natural and man-made opportunities and constraints present in the Precinct to deliver a good quality of life for future residents by providing access to a range of employment/retail opportunities, services and amenity.

The precinct planning for East Leppington addresses issues and benchmarks set out in a range of strategic planning documents including the Metropolitan Plan for Sydney 2036, Metropolitan Transport Plan, South West Structure Plan and the Growth Centres Development Code.

Precinct Planning Process

Precinct planning for the East Leppington Precinct has involved the sharing of information and consultation between the Department, Camden Council, Campbelltown Council, Liverpool Council, the major landowner (Stockland), State agencies, consultants and relevant stakeholders.

The Precinct planning process is guided by a Project Working Group (PWG) of which the Department, Councils and the major landowner (Stockland) are members. The precinct planning process is overseen and directed by a Protect Control Group (PCG) comprising of representatives from the Department and the three Councils at a senior level. An endorsed Probity Plan was prepared to address probity issues arising from landowner involvement in the precinct planning process.

A series of technical reports have been prepared for the East Leppington Precinct to inform the draft Indicative Layout Plan (ILP) and precinct planning package. The technical studies cover the following areas; biodiversity, flooding and water cycle management, traffic and transport, heritage, noise, odour, contamination, land capability, open space and social infrastructure and retail and employment assessment. The ongoing detailed planning process requires a high degree of consultation and integration with the technical consultants. The highly iterative process has allowed for issues to be identified and solutions to be investigated in an attempt to balance competing environment, social and economic goals in the draft ILP and planning package.

Draft Indicative Layout Plan

The draft ILP provides for a minimum of 4,110 dwellings, and a population of 13,910 people. There will be a range of housing types at varying densities across the Precinct. The majority of the Precinct is identified for low density residential development, predominantly single dwellings on lots averaging around 550 square metres, typical of urban growth areas in other parts of Sydney.

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A small area of medium density development will be concentrated around the new Local Centre. The residential development is supported by associated road, drainage and open space infrastructure. The Precinct has also recognised the importance of listed and potential heritage items including the Upper Canal and Leppington House Estate as well as protecting the landscape and environmental values of the Scenic Hills area. Table 1 provides a summary of the key features of the draft ILP for the East Leppington Precinct.

Table 1 Key ILP features

ILP Feature	Description
Residential areas	<ul style="list-style-type: none"> ▪ The draft ILP provides for 4,100 dwellings and 13,910 people. ▪ A mix of housing types ranging from townhouses and terrace style houses to single dwellings on both large and small blocks. ▪ Minimum residential densities to encourage efficient use of land and infrastructure. ▪ A medium density residential area concentrated around the Local Centre. ▪ Very low density residential areas allow houses on large lots to respond to existing constraints including topography and infrastructure easements. ▪ Residential areas located in proximity to the major ridge, the Scenic Hills and Leppington House Estate will need to respond to the visual sensitivity of these areas.
Activity Centres	<ul style="list-style-type: none"> ▪ A Local Centre is located near the Heath Road and Camden Valley Way intersection with the capacity for up to 15,000m² of retail and commercial floorspace. ▪ An indicative neighbourhood centre has been located in the north of the Precinct.
Education facilities	<ul style="list-style-type: none"> ▪ A new primary school is located in the centre of the Precinct within walking distance to the sports fields. ▪ The Department of Education and Communities has agreed to be the acquisition authority.
Road network	<ul style="list-style-type: none"> ▪ Upgrades to Camden Valley Way are proposed by the Roads and Maritime Services (RMS) with construction to commence in 2012. ▪ It is anticipated that Denham Court Road will require widening by 2028. ▪ An extension of Heath Road from Camden Valley Way will provide one of the main access points to the Precinct. ▪ Alternative access points will be provided along Denham Court Road and St Andrews Road. ▪ Access points in the north along Camden Valley Way are consistent with signalised intersections proposed by RMS. ▪ The local road network is generally in the form of a grid network and responds to the existing constraints and topography. ▪ There will be two vehicular crossings over the Upper Canal and one pedestrian crossing (excluding the existing crossing). ▪ There will be six vehicular crossings over Bonds Creek and associated

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	tributaries (excluding the existing crossing).
Open space network and social infrastructure	<ul style="list-style-type: none"> ▪ 5.5 hectares of active open space (2 sporting fields) ▪ 12.4 hectares for local parks ▪ 10.3 hectares of passive open space adjacent to the riparian corridor ▪ 9.6 hectares of passive open space within the riparian corridor ▪ There will be a local community centre co-located with the Local Centre ▪ A local park is co-located with the Leppington House archaeological site and cultural heritage elements and will remain in public ownership.
Pedestrian and cycleway network	<ul style="list-style-type: none"> ▪ Pedestrian paths and cycleways within the open space network are located along the riparian corridors. ▪ Several pedestrian bridges will be provided over Bonds Creek providing additional access in the Precinct. ▪ On road cycle lanes and off-road pedestrian/shared paths on all roads. ▪ A pedestrian connection will be provided over the Upper Canal and will facilitate pedestrian access across the south of the Precinct.
Public transport	<ul style="list-style-type: none"> ▪ The road network provides opportunities for bus routes within walking distance of the majority of homes, to provide access to Leppington Major Centre, and to other regional destinations. ▪ Local road network suitable for a bus route.
Protection of the environment	<ul style="list-style-type: none"> ▪ Riparian corridors along Bonds Creek and the other unnamed tributaries will be retained and progressively rehabilitated. ▪ The creek corridor in the north of the Precinct will be reconstructed to emulate a former naturalised creek system. ▪ Where possible, the full extent of riparian corridors is incorporated into drainage and open space reserves and will be publicly owned. ▪ Where parts of the riparian corridors are not bought into public ownership, the Growth Centres SEPP has a Riparian Protection Area Map and provisions to ensure that riparian corridors are restored and managed in the future. ▪ Non-Certified Existing Native Vegetation is retained and protected to meet the requirements of the Biodiversity Certification. ▪ The two areas containing the endangered plant <i>Pimelea spicata</i> will be protected under an environmental conservation zone and appropriate management measures will be developed for these areas.
Scenic Hills	<ul style="list-style-type: none"> ▪ The Scenic Hills is identified as having significant landscape and environmental values and will be retained. ▪ The area is zoned environmental management, an equivalent zoning to the existing zoning which will allow one dwelling per 100 hectares. ▪ The area will remain in private ownership. ▪ Specific development controls have been developed for residential areas beyond the major ridgeline to ensure development is not visible from Denham Court Road in order to protect the landscape values of the Scenic Hills.

Heritage	<ul style="list-style-type: none">▪ The Upper Nepean Scheme (Upper Canal) is State-heritage listed and will be retained and protected.▪ The Leppington House Estate (or archaeological site), is now in ruins and is identified as being of potential State-significance.▪ Leppington House and the minimum archaeological curtilage determined by technical specialists will be incorporated into a local park for public benefit.▪ The park provides uninterrupted views to the city and Blue Mountains and will be an asset to the Precinct.▪ Historic tree plantings and the former carriageway associated with Leppington House will be incorporated as part of the subdivision pattern.▪ A significant Aboriginal heritage area of intangible significance will be protected by the environmental management zone.▪ Further investigations are required for these heritage areas at the Development Application stage.
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Development Control Plans

A Development Control Plans (DCPs) has been prepared for each of the Council areas within the East Leppington Precinct. The DCPs have been structured based on previous draft DCPs for the Growth Centres and provides site specific controls for the Precinct. Controls relating to the Scenic Hills and associated visual impacts, Leppington House archaeological site, the local centre and the structure of the road network are included in the DCPs.

Infrastructure Delivery

At present infrastructure in the Precinct is only provided to a rural standard and is not suitable for urban development. The Infrastructure Delivery Plan (IDP) outlines local and regional level infrastructure required to meet the needs of the future residential and working population, including electricity, water, sewer, trunk drainage, roads, education facilities, community facilities and open space. The IDP also discusses delivery mechanisms for the infrastructure and the likely timing and staging of development, as it relates to essential infrastructure provision.

Ultimately, servicing the Precinct will require significant investment by Government in water, sewer, power and road infrastructure. The Department has worked with infrastructure providers to ensure that the delivery of essential infrastructure will match demand from development. Major road upgrades are planned along Camden Valley Way, a new electrical sub-station and primary school are proposed and drinking water and sewer infrastructure will be provided in accordance with Sydney Water's long term servicing strategy.

An Interim Servicing Strategy has been identified based on the augmentation of existing infrastructure prior to needing to commit to the full suite of infrastructure. This strategy will be refined in further detail with the relevant service providers during and after the exhibition of the Precinct. Interim services would be funded and delivered by Government agencies and private developers.

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Proposed SEPP Amendment

A plain English explanation of the proposed amendment to the Growth Centres SEPP has been prepared along with draft SEPP Maps for East Leppington. The SEPP Amendment will include statutory development control provisions for the Precinct that will come into force after Notification.

The SEPP Amendment will include specific clauses, land use tables and zones as well as other local provisions. A package of maps will also accompany the Amendment to demonstrate how the provisions apply to the Precinct such as zoning, minimum residential densities, heights of buildings, heritage and native vegetation to be protected.

The SEPP Amendment will rezone the majority of land within the Precinct for urban development by establishing new residential, business, recreational, environmental and infrastructure land use zones.

Draft Section 94 Contributions Plans

The Department is preparing separate Section 94 Contributions Plans with Camden Council and Liverpool Council for land within the Precinct to enable Council to collect contributions from developers towards the costs of essential infrastructure including local roads, drainage infrastructure and open space. The draft plans are anticipated to be completed in the near future and will be exhibited by each of the Councils.

The major landowner is proposing to enter into a Voluntary Planning Agreement (VPA) with Campbelltown Council for a large proportion of the Precinct which would be exhibited. A Section 94 Contribution Plan will therefore not be prepared for Campbelltown Council.

Consistency with the Biodiversity Certification Order 2007

The Precinct Plan and draft ILP will be consistent with the conditions of the Biodiversity Certification Order 2007 and the Commonwealth Strategic Assessment Program 2012 under the *Environmental Protection and Biodiversity Conservation Act 1999* and will include provisions relating to the protection of Existing Native Vegetation (ENV). Approximately 5.8 hectares of ENV will be protected within the Precinct and will contribute to the maintenance of at least 2,000 hectares of ENV across the Growth Centres.

Summary

In summary, the purpose of this Precinct Planning Report is to:

- Explain the process of preparing the draft ILP and associated planning documentation;
- Summarise the technical studies that informed the design process; and
- Provide details of infrastructure planning and coordination as part of the process.

The East Leppington precinct planning package will be exhibited for four week and community information sessions will be held during this period. Submissions are sought and will be considered by the Department in the finalisation of the draft planning package for the East Leppington Precinct.

1 Background

1.1 Introduction

In 2005 the NSW Government produced the *Metropolitan Strategy City of Cities: A Plan for Sydney's Future* (Metropolitan Strategy). A scheduled five year review was undertaken in 2010 resulting in the *Metropolitan Plan for Sydney 2036* and the Discussion Paper: *Sydney Over the Next 20 Years*.

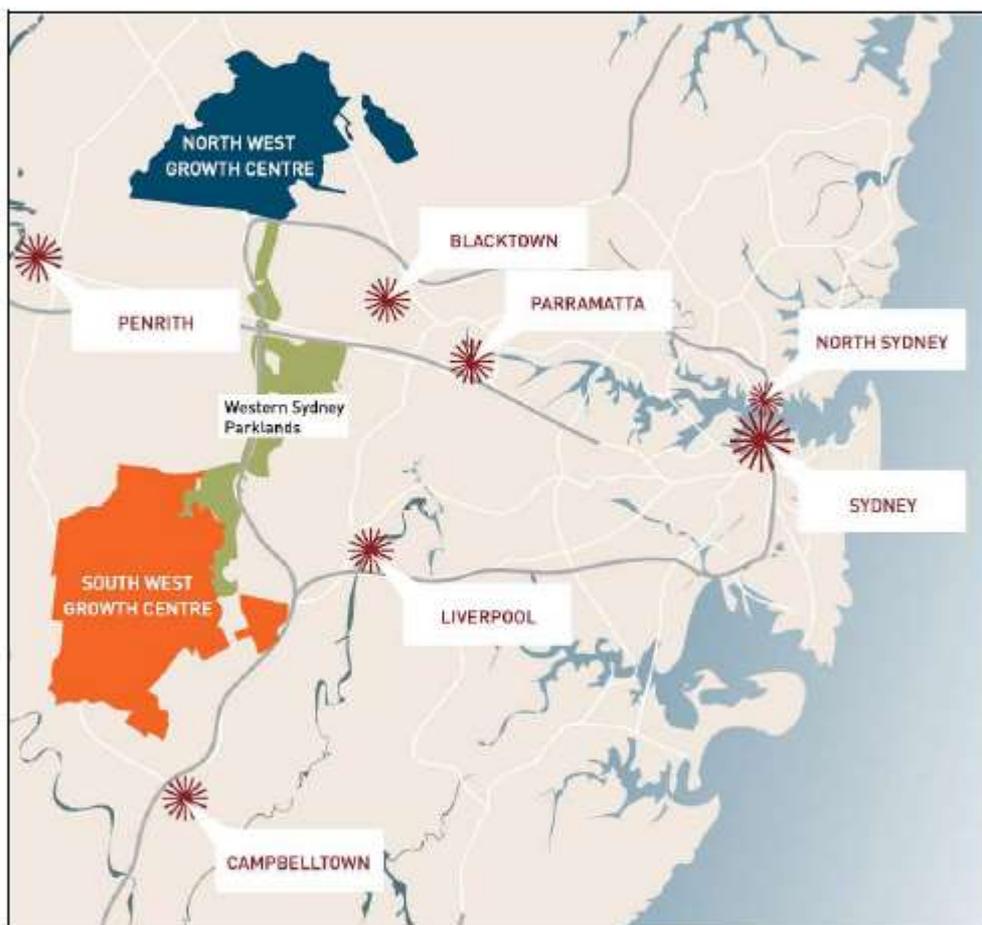


Figure 1-1 Location of North West and South West Growth Centres

The East Leppington Precinct is located within the South West Growth Centre (see Figure 1-2). A Structure Plan has been prepared for each Growth Centre to guide planning and development (refer to Section 2.2).

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The process of precinct planning for land in a Growth Centre can commence once land is 'released for urban development' by the Minister for Planning and Infrastructure under Clause 276 of the *Environmental Planning and Assessment Regulation 2000*. Rezoning of land within a Growth Centre takes an average of two years from release.

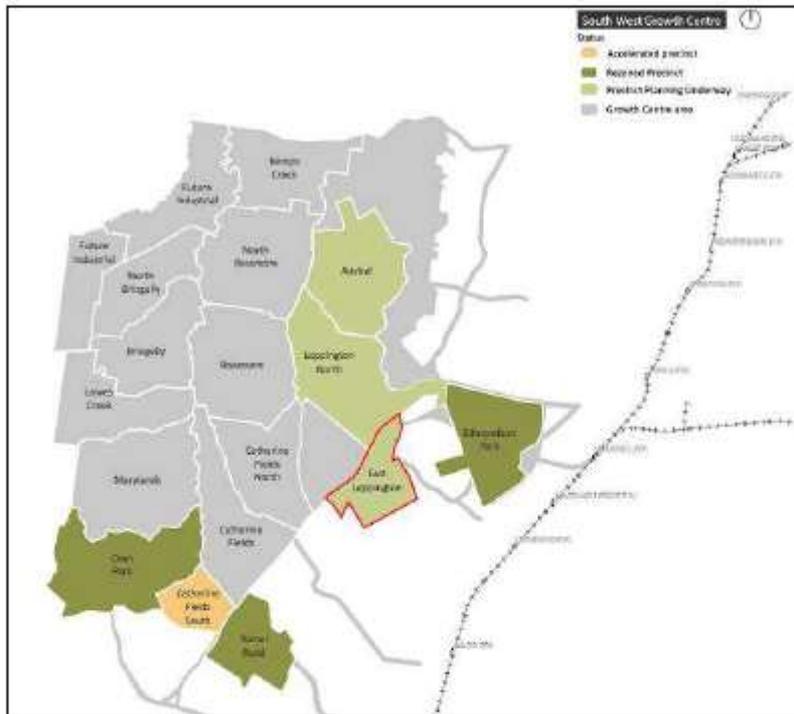


Figure 1-2 South West Growth Centre Precincts

In the South West Growth Centre, two precincts (Oran Park and Turner Road) have been rezoned under the precinct planning process with Austral, Leppington North, Leppington, East Leppington and Catherine Fields (Part Precinct) currently undergoing precinct planning. Edmondson Park was rezoned by Council before the introduction of the Growth Centres SEPP. The East Leppington Precinct was released by the Minister for Planning and Infrastructure in November 2011.

A draft precinct planning package has been finalised which includes:

- A Precinct Planning Report (this report).
- A draft Indicative Layout Plan (ILP) representing a master plan for the development of the Precinct, showing proposed road patterns and future land uses.
- An Explanation of Intended Effect, explaining the proposed amendment to the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (the Growth Centres SEPP).
- Three Development Control Plans (DCPs), one for each local government area.

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- Technical studies.
- An Infrastructure Delivery Plan.

1.2 Purpose of the Report

The purpose of this report is to document and explain the preparation of the draft precinct planning package for the East Leppington Precinct through:

- Examining the context of the Precinct
- Identifying environmental constraints
- Exploring development opportunities
- Responding to the legislative requirements and best practice guidelines of State and Local government
- Addressing feedback received through community and stakeholder consultation
- Confirming consistency of the draft planning package with relevant planning documents.

2 Precinct Planning Process

2.1 Overview

The precinct planning process for land within Sydney's Growth Centres is identified in Figure 2-1, from the release of the Precinct initiated by the NSW Government, through to rezoning allowing development to commence. Further details on the precinct planning process are provided on Section 2.3.

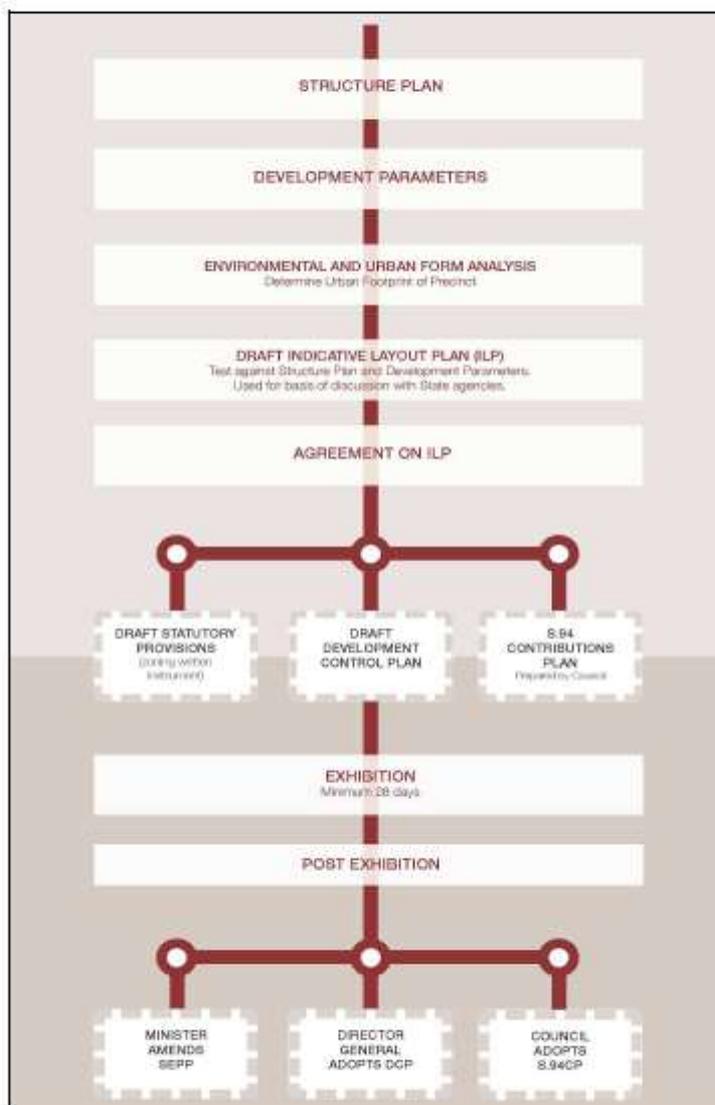


Figure 2-1 Precinct Planning Process

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The Growth Centres Development Code incorporates guidelines for undertaking Precinct Planning in the Growth Centres and sets out the process that will result in rezoning of the land. The process adopted for the East Leppington Precinct is generally consistent with the Development Code. Refer to Figure 2-1 for the Precinct planning process.

The first phase in the process (up to completion of the draft planning documents) has been completed for East Leppington and the process and its outcomes are described in this Report. The explanation of intended effect, draft SEPP maps, draft DCPs, and associated background documentation supporting this Precinct Planning Report are publicly available as part of the exhibition process and comment is being sought during the public exhibition period.

The preparation of the draft ILP and associated documentation has been integrated to ensure constraints and opportunities have been identified and appropriately addressed. This Report reflects the attention given to the management of key environmental issues, including:

- riparian corridors and biodiversity
- land capability and contamination
- management of stormwater and flooding
- bushfire risk
- Aboriginal and European heritage
- traffic and transport
- housing choice and density
- location, size and function of centres
- the relationship to surrounding rural and urban areas
- provision of open space and community facilities.

Following the exhibition period, all submissions will be reviewed, and, with assistance from Camden, Campbelltown and Liverpool Councils and State agencies, the need to amend the Precinct Planning documents prior to finalisation will be considered.

2.2 South West Structure Plan

The South West Structure Plan consists of a map (refer to Figure 2-2) and supporting Explanatory Notes. The Structure Plan was prepared by the then Department of Planning in 2005 and (with subsequent amendments) provides an important guide to the detailed planning of the Precinct. Under the Structure Plan and Explanatory Notes, over 110,000 new dwellings are planned to be delivered in the South West Growth Centre over the next 25 to 30 years.

The Structure Plan is the blueprint for all development in the South West Growth Centre. It ensures the planning of the Precinct is integrated with servicing and other infrastructure requirements. It is based on principles and objectives in relation to:

- land use and location
- densities and their distribution

- the hierarchy of centres (walkable neighbourhoods and centres)
- local employment
- community development
- transport network
- the environment.

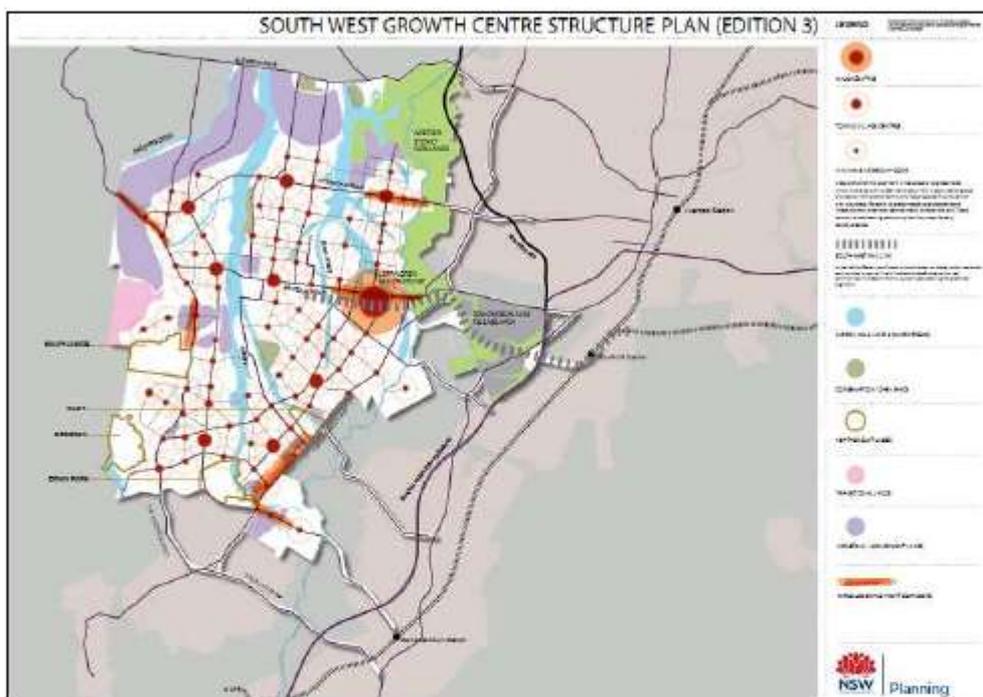


Figure 2-2 South West Growth Centre Structure Plan (Edition 3)

The Structure Plan sets indicative development parameters for the East Leppington Precinct as shown at Figure 2-3 and summarised in Table 2-1. As these were developed at a broad strategic scale, they provide targets and flag issues that are addressed in much finer detail through the precinct planning process for the East Leppington Precinct.

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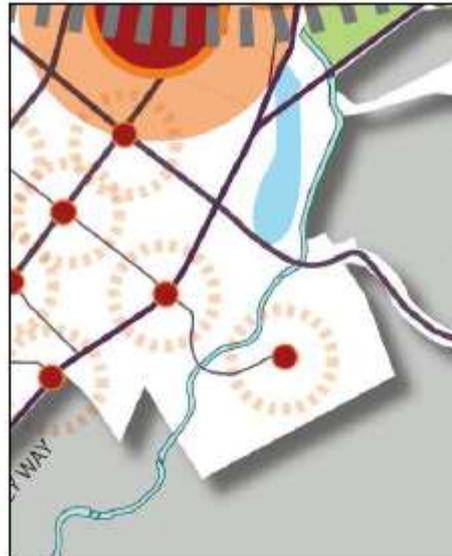


Figure 2-3 Structure Plan – East Leppington Precinct

Table 2-1 South West Structure Plan details for the East Leppington Precinct

Structure Plan	East Leppington Precinct
Target Dwelling Yield	<ul style="list-style-type: none"> 3,000 dwellings
Target Population	<ul style="list-style-type: none"> 8,000 people
Flooding	<ul style="list-style-type: none"> Bonds Creek and associated tributaries traverse the East Leppington Precinct Unnamed tributary in the south west corner The Upper Water Supply Canal traverses the Precinct, however is not prone to flooding Flooding has been identified on land north of Denham Court Road
Rail	<ul style="list-style-type: none"> New station to be constructed at Leppington Major Centre (not within the East Leppington Precinct)
Roads	<ul style="list-style-type: none"> Upgrade and widening of Camden Valley Way
Retail	<ul style="list-style-type: none"> Two to three neighbourhood centres located within the East Leppington Precinct
Public Open Space	<ul style="list-style-type: none"> 2.83 hectares per 1,000 people

2.3 Governance Structure

The Minister for Planning and Infrastructure has the responsibility for recommending (or not) to the Governor the Publication (formerly gazettal) of the proposed amendment to the Growth Centres SEPP. The Director-General of Planning and Infrastructure has the authority to adopt the proposed DCPs, subject to the provision of the EP&A Act, the Councils (Camden, Campbelltown and Liverpool) are the consent authority for future development and have responsibility for the implementation of the DCPs.

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The precinct planning process is guided by the Project Working Group (PWG) of which the major landowner, Stockland is a member. The precinct planning process is overseen and directed by a Project Control Group (PCG). The East Leppington PCG consists of representatives from DP&I, Camden Council, Campbelltown Council and Liverpool Council at a senior level. The PCG is responsible for reviewing and directing the project, including:

- Reviewing existing environmental studies and engaging technical specialists for the completion of any further studies
- Making key decisions about the process, including the endorsement of the draft ILP and the final precinct planning package.
- Consulting agencies and community throughout the precinct planning process
- Exhibiting draft planning documents, including the draft ILP
- Final recommendations to the Director-General of the DP&I regarding the precinct planning documentation.

The ongoing detailed planning process requires a high degree of consultation and integration with specialist consultants. Regular meetings with DP&I, the Councils, relevant government agencies and technical specialists are held to facilitate effective management, communications and decision making. This assists in negotiations with and coordinating input and decisions from government agencies.

This highly iterative process has allowed for issues and conflicts to be identified and solutions to be investigated, in an attempt to balance competing environmental, social and economic goals in the draft ILP and precinct planning package.

2.4 Precinct Boundary Review Process

There was no Precinct Boundary Review required for the East Leppington Precinct.

2.5 Stakeholder and community involvement

Stakeholder and community input are critical to the preparation of the East Leppington Precinct Plan. During the preparation of the ILP, the Department has been in contact with the community and state government agencies to inform of the process of Precinct Planning as well as to provide an opportunity for stakeholder to raise questions and issues with the Department. Key aspects of the communication and consultation that has taken place with the community and other key stakeholders is summarised below:

2.5.1 Community involvement

There are 44 separate land parcels and 39 different landowners within the East Leppington Precinct. A number of the properties are tenanted. A major landowner controls over 70 percent of the Precinct and is a member of the PWG for the Precinct consistent with the Probity Plan prepared for the Precinct. Landowners and tenants have interests in the planning process as the outcomes of the Precinct Planning will directly influence decisions about the future of their land, homes and businesses. The focus of consultation with landowners has been to provide information about the

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precinct planning process and to engage and inform landowners during precinct planning, exhibition and rezoning. Consultation with landowners and the broader community has been conducted through:

- DP&I (Growth Centres) website updates
- A Community Information Session
- Landowner newsletter
- Landowner survey
- Landowner access requests
- Growth Centres Community Information telephone and email service
- Public exhibition material
- Individual meetings as requested.

Website

The DP&I and Growth Centres website have been regularly updated with text, maps and progress updates throughout the precinct planning process.

Community Information Sessions

A Community Information Session was held at the Leppington Progress Association Hall on 13 December 2011. Approximately 23 landowner and community members plus Council representatives attended the session in December. The objective of the session was to explain the precinct planning process as well as giving the community an opportunity to meet Department representatives and ask questions.

A follow-up Community Workshop was held at the Hoxton Park Anglican Church Auditorium on 2 February 2012. Approximately 24 landowner and community members attended the sessions plus representatives from each of the local Councils. The workshop presented the preliminary technical findings to date together with a draft 'Development Footprint Plan'. This plan formed the basis of small working group sessions to discuss the community's key issues.

Landowner Correspondence

Since the release of the East Leppington Precinct two letters have been sent to landowners. The first letter was distributed in November 2011 to advise landowners of the results of the release of the Precinct, invite landowners to attend a series of information sessions and to request permission to access properties for the purpose of the technical studies. The second letter, sent in January 2012, thanked landowners who attended the information sessions and provided an invite to the Community Workshop in February.

Public Exhibition

The East Leppington precinct planning package will be exhibited for four weeks. Submissions are sought and will be considered by the Department in the finalisation of the draft package. The following mechanisms will be employed throughout the public exhibition process:

- Distribution of exhibition alerts as per previous DP&I exhibitions, by way of newspaper advertisements, website updates, e-news alerts and letters to landowners and relevant stakeholders (industry groups, State agencies, Councils) inviting comment.
- Links from Council websites.

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- Exhibition material located at DP&I and Council offices, and other local venues such as local libraries.
- Media releases and Ministerial announcements, complemented by fact sheets of key land use features, such as housing densities, local employment, community facilities and infrastructure delivery to the local community

Other State Agency Consultation

In addition to community consultation undertaken by the Department, the Roads and Maritime Service (formerly RTA) also previously undertook community consultation for the upgrade of Camden Valley Way. Methods included community information sessions and meetings as well as the RMS website, advertisements and community updates.

2.5.2 State agency and stakeholder consultation

State agency input to Precinct Planning is essential to achieving consistency with relevant legislation and the effective coordination of infrastructure and services provision. The Department has worked with State agencies with statutory and policy responsibilities for land and infrastructure in the East Leppington Precinct. As the responsibilities of agencies are often inter-related, the Department has facilitated inter-agency meetings to coordinate agency inputs. Agencies have provided input to, and reviewed a series of technical studies that address their areas of responsibility, and provided input to the development of the ILP, explanation of intended effect and draft DCPs. Meetings with individual agencies were also held as required.

State agencies and privately owned utilities companies that have been consulted by the Department directly or through its contractors as part of the East Leppington Precinct Planning are summarised in Table 2-2 below.

Table 2-2 State agency consultation

State agency or stakeholder	Key area of consultation
Department of Education and Communities	Public education facility planning
Department of Housing	Community, social and public housing
Department of Industry and Investment	Agriculture and primary industries and impact on environment
Endeavour Energy	Infrastructure and servicing requirements and delivery
Jemena	Gas infrastructure servicing and planning around existing gas pipelines
Gorodok/APA	Gas infrastructure servicing and planning around existing gas pipeline
NSW Office of Water - Office of Hawkesbury Nepean Catchment	Riparian corridors and water cycle management
Transport for NSW	Bus network servicing
NBN Co	Infrastructure and servicing requirements and delivery
Office of Environment and Heritage	Indigenous heritage, Non Indigenous heritage, water cycle management, land capability and biodiversity
Roads and Maritime Services	Major road upgrades and network planning
Rural Fire Service	Bushfire management planning

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State Emergency Service	Flood evacuation requirements
Sydney Catchment Authority	Integration and planning around the Sydney Water Supply Canal (Upper Canal)
Sydney Water Corporation	Infrastructure and servicing requirements and delivery
Telstra	Infrastructure and servicing requirements and delivery
Western Sydney Parklands	Integration with the Precinct and open space and recreation planning

Agency and stakeholder consultation will continue following the exhibition period. The Minister for Planning and Infrastructure will consult with relevant Ministers prior to finalising the Amendment to the Growth Centres SEPP.

2.6 The project team

The project team has been led by the Department, with significant input from Camden, Campbelltown and Liverpool Councils, the major landowner and the advice of technical consultants. The reports outlining the technical advice are provided in the precinct planning package and are also available on the Growth Centres website (www.growthcentres.nsw.gov.au).

The Master Planner provided support to the Department in coordinating information from the technical specialists into the development of the ILP and the required statutory documentation. The technical consultants engaged for this precinct planning process are outlined in Table 2-3.

Table 2-3 East Leppington technical consultants

Specialist area	Consultant
Overall Master Planning	LFA (Pacific)
Urban Design and Landscape Analysis	LFA (Pacific)
Biodiversity Riparian and Bushfire	Ecological Australia
Water Cycle Management and Flooding	Cardno
Transport Assessment	Cardno
Infrastructure Delivery and Contributions Plans	AECOM
Demographics and Social Infrastructure	Elton Consulting
Retail and Employment Assessment	SGS Economics and Planning
Indigenous and Non-Indigenous Heritage	Godden Mackay Logan
Land Capability	Douglas Partners
Odour and Air Quality	JBS Environmental
Noise and Vibration	SLR Consulting
Contamination	JBS Environmental
Utility Servicing	Cardno

These studies were, by necessity, completed prior to the finalisation of this Precinct Planning Report and draft ILP. The specialist consultant reports, therefore, may vary with the information and figures in this Precinct Planning Report, the draft DCPs and draft Precinct Plan in some instances. These inconsistencies have been reviewed and are not considered significant with respect to the land use

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planning pattern or the environmental, social and economic outcomes. Other differences between the specialist consultant reports and this Precinct Planning Report, which are more significant, are addressed throughout this Report.

3 Precinct Context

3.1 Location

The East Leppington Precinct is approximately 463 hectares in area and is located within three Local Government Areas (LGAs); Camden, Campbelltown and Liverpool. The Precinct is approximately 40 kilometres south-west of the Sydney CBD and is located immediately east of Camden Valley Way. The south of the Precinct is bound by St Andrews Road and the north by the Sydney Catchment Authority Upper Canal. The location of the Precinct within the context of the South West Growth Centre is shown on Figure 3-1.

Denham Court Road is the major east-west road in the Precinct with Camden Valley Way the major north-south transport corridor serving the Precinct. Access to the M7 and M5 motorways is relatively direct via Camden Valley Way.

3.2 Site Description

Existing Subdivision Pattern and Road Network

The majority of the Precinct is controlled by a major landowner, Stockland, having control/arrangements for more than 70 percent of the Precinct. This area is predominantly located in the Campbelltown and Camden LGA and is unfragmented and is rural in nature. North of Denham Court Road within the Liverpool LGA, the land is fragmented and is used for predominantly rural residential, some forms of agriculture such as greenhouses and market gardens, and some commercial land uses. Access to these properties is via either Camden Valley Way or Denham Court Road.

Waterways

All water courses in the Precinct flow intermittently, although some sections of Bonds Creek are assumed to retain permanent water in ponds during all but the driest conditions. A key feature of the existing Precinct is the large number of farm dams that are located along these water courses and other drainage depressions. Sections of Bonds Creek in the north of the Precinct have been heavily modified with channel and bank forming works and the straightening or diversion of some sections of the creek.

Topography and Landform

The Precinct contains a wide range of landforms. Areas in the north of the Precinct that are prone to flooding and areas near Camden Valley Way are generally flat and have mostly been cleared. Areas surrounding the Upper Canal are also very flat.

The major ridgeline in the east of the Precinct forms the highest part of the Precinct. This forms the edge to what is referred to as the Scenic Hills area. At various points along the ridgeline the city skyline and the Blue Mountains can be seen providing significant regional views. Views and vistas vary across the Precinct and include exceptional views, vistas and panoramas in the south eastern corner.

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Transmission Lines

Endeavour Energy manages an electricity easement for overhead electricity transmission lines that run north to south, through the Precinct. The majority of the Endeavour Energy easement runs through predominantly flood prone land and is constructed of dual wooden posts and 132kV overhead lines (refer to Figure 3-2). Endeavour Energy has indicated that they have no plans to relocate the overhead lines, and placing them underground is cost-prohibitive.

Gas Pipelines

There are three high pressure gas mains that run through the Precinct, they include:

- DN 850 natural gas pipeline – Moomba to Wilton (Jemena JGN)
- DN 200 phase ethane pipeline – Moomba to Botany (Gorodok)
- DN 450 natural gas pipeline – Longford to Horsley Park (Jemena EGP)

The DN 850 gas and the DN 200 ethane pipelines share a common easement located to the east of the Upper Canal. The DN 850 pipeline is located in an easement that follows Bonds Creek and then along Denham Court Road. The gas mains are located underground within easements that run through existing rural land adjacent to dwellings and other rural land uses.

Sydney Upper Canal

The Sydney Upper Canal runs diagonally north-south through the majority of the Precinct and forms the eastern boundary in the northern half of the Precinct. The Upper Canal links water supply dams south of Sydney to the Prospect Reservoir and is part of the water supply system for Sydney. Much of the open canal is constructed of concrete and sandstone and is listed as a State Heritage item. Ensuring the quality of water within the Upper Canal is a key issue for surrounding developments.

Leppington House Estate

The ruins of the Leppington House Estate are located on the major ridgeline in the east of the Precinct. The ruins have been identified as being of potential State heritage significance. Remaining cultural heritage elements of the estate such as significant tree plantings and former carriageway routes also remain within the Precinct.

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Figure 3-1 East Leppington Precinct

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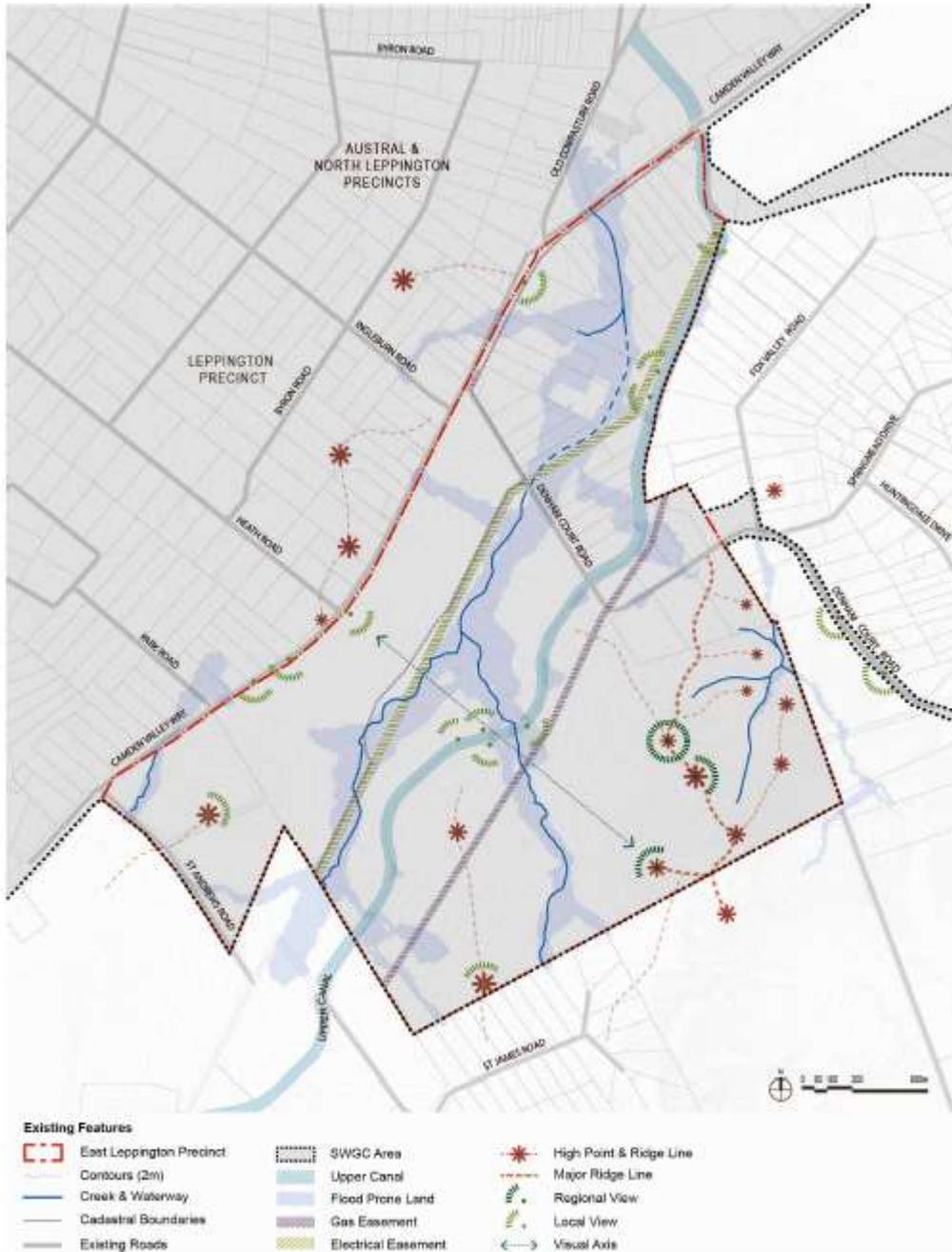


Figure 3-2 Existing Features of the East Leppington Precinct

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3.3 Current land use and zoning

The Precinct is generally defined as rural and rural residential lands. The majority of land in the Precinct is currently zoned for rural purposes under Liverpool Local Environmental Plan (LEP) 2008, Camden Local LEP 2010 and Campbelltown LEP (District 8 - Central Hills Land) 2008. Current zoning is shown on Figure 3-3.

Land within the Liverpool and Camden LGA's is zoned for rural purposes. The majority of land within the Campbelltown LGA is zoned 7(d1) Environmental Protection (Scenic) with the exception of the Upper Canal that is zoned 5(a) Special Uses (Water Supply).

Current land use within the Liverpool LGA (north of Denham Court Road) comprises of generally rural residential land and small lot agricultural activities including market gardens, grazing and poultry farms. Several businesses such as a childcare centres and greenhouses are currently in operation along Camden Valley Way.

Land within the Campbelltown LGA is currently used predominantly for agricultural purposes and is owned by a single landowner. Within the Camden LGA there is a fireworks business surrounded by agricultural land uses. Current land use is shown on Figure 3-4.

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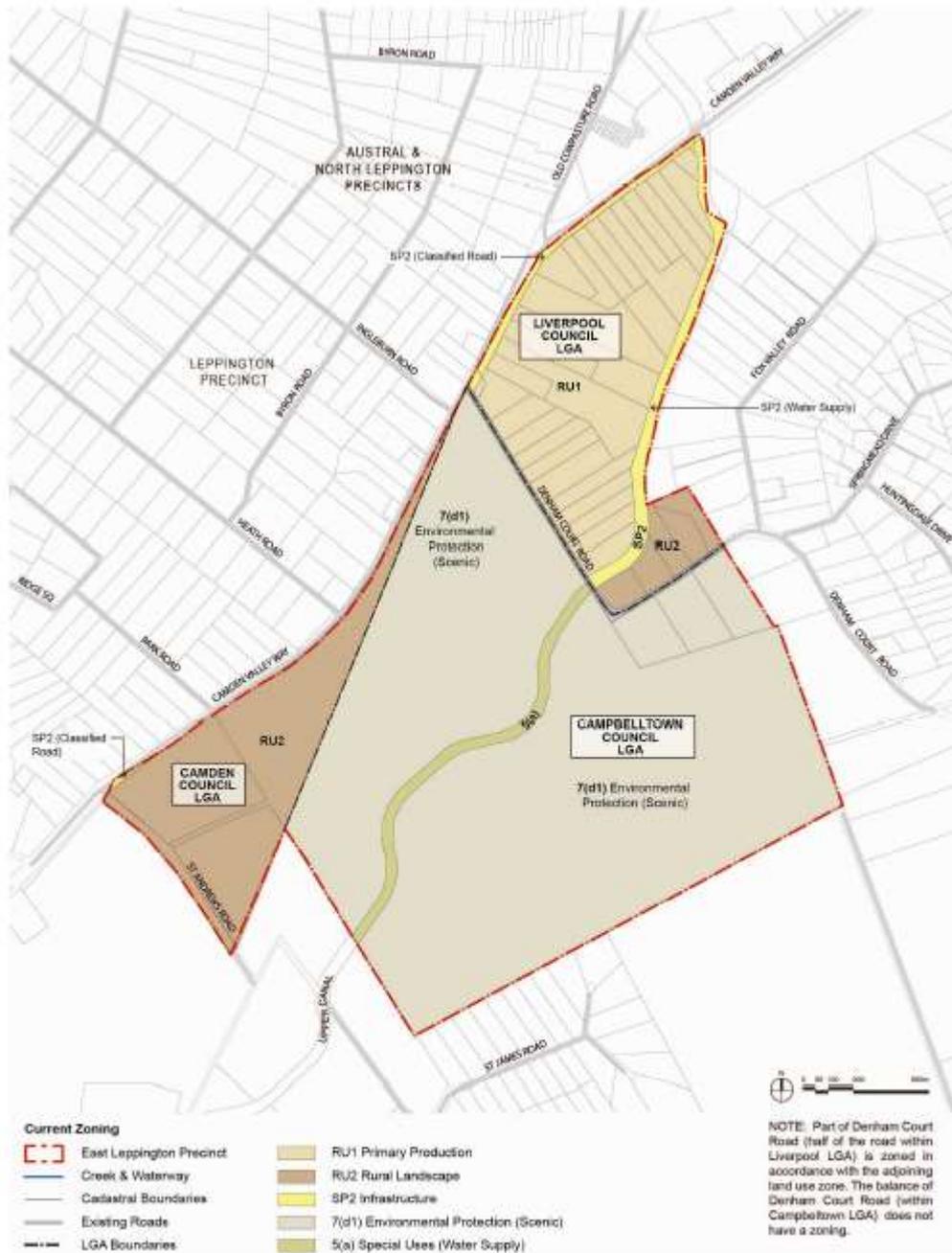


Figure 3-3 Current zoning under Camden, Campbelltown and Liverpool LEPs

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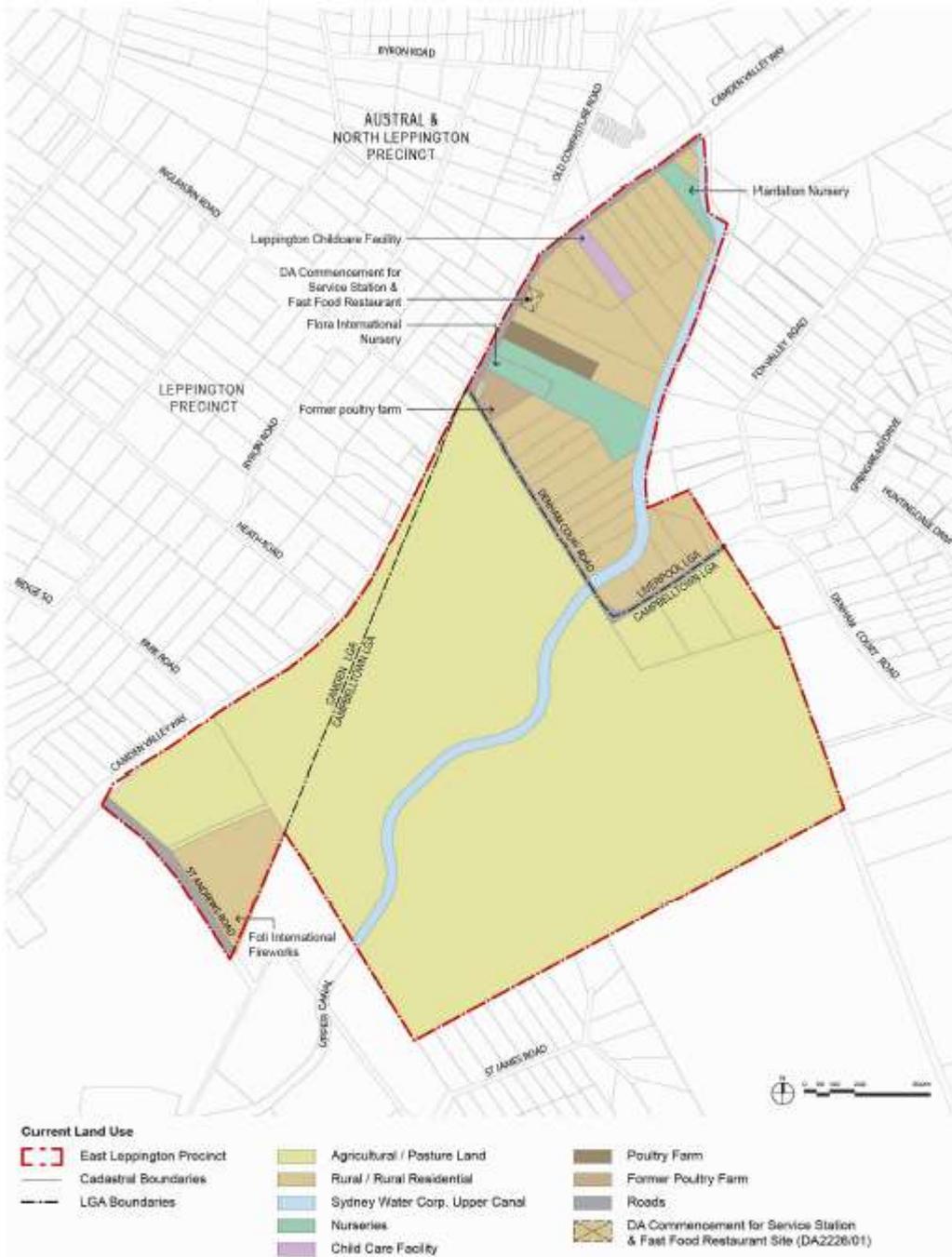


Figure 3-4 Current land uses

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3.4 Land ownership

There are a total of 44 separate properties within the East Leppington Precinct. The majority of the Precinct is relatively unfragmented. Over 70 percent of the Precinct is owned/controlled by one major landowner (refer to Figure 3-5). The unfragmented area is located within the Campbelltown and Camden LGAs. Land north of Denham Court Road within the Liverpool LGA comprises of individually owned parcels.

3.5 Surrounding land use and development

Existing land uses and likely future development on land in the vicinity of the East Leppington Precinct is described below.

North

Land to the north-west of the East Leppington Precinct on the western side of Camden Valley Way forms part of the Leppington North and Austral Precinct. The Precinct Plan for Leppington North and Austral was exhibited in late 2011 and will be rezoned in 2012. Under the draft Precinct Plan, areas on the western side of Camden Valley Way are proposed to be zoned for a mix of Medium Density Residential and Infrastructure. Located further behind this area is the future Leppington Railway Station and the Leppington Major Centre.

East

Areas to the north-east of the Precinct beyond the Upper Canal form part of Denham Court. This is a predominantly rural residential area comprising of often large houses located on undulating terrain along Denham Court Road and Fox Valley Road. This area also forms part of Scenic Hills area identified by Campbelltown Council.

South

The majority of the area located south of the Precinct forms part of the Scenic Hills area and is predominantly undeveloped. A former Horse Riding School is located directly south of the Precinct boundary. There is also a small area directly south of the Precinct that has been developed for large lot residential development along St James Road and remains relatively vegetated.

To the south-west of the Precinct on the other side of St Andrews Road is a largely unfragmented land holding. A planning proposal for the development of this site (known as Emerald Hills) for more than 1,000 dwellings has been submitted. This area falls outside of the Growth Centres boundary.

West

Leppington Precinct is located on the western side of Camden Valley Way. This Precinct was released for development by the Minister for Planning and Infrastructure in November 2011 and precinct planning is currently underway. This area is predominantly in fragmented landownership.

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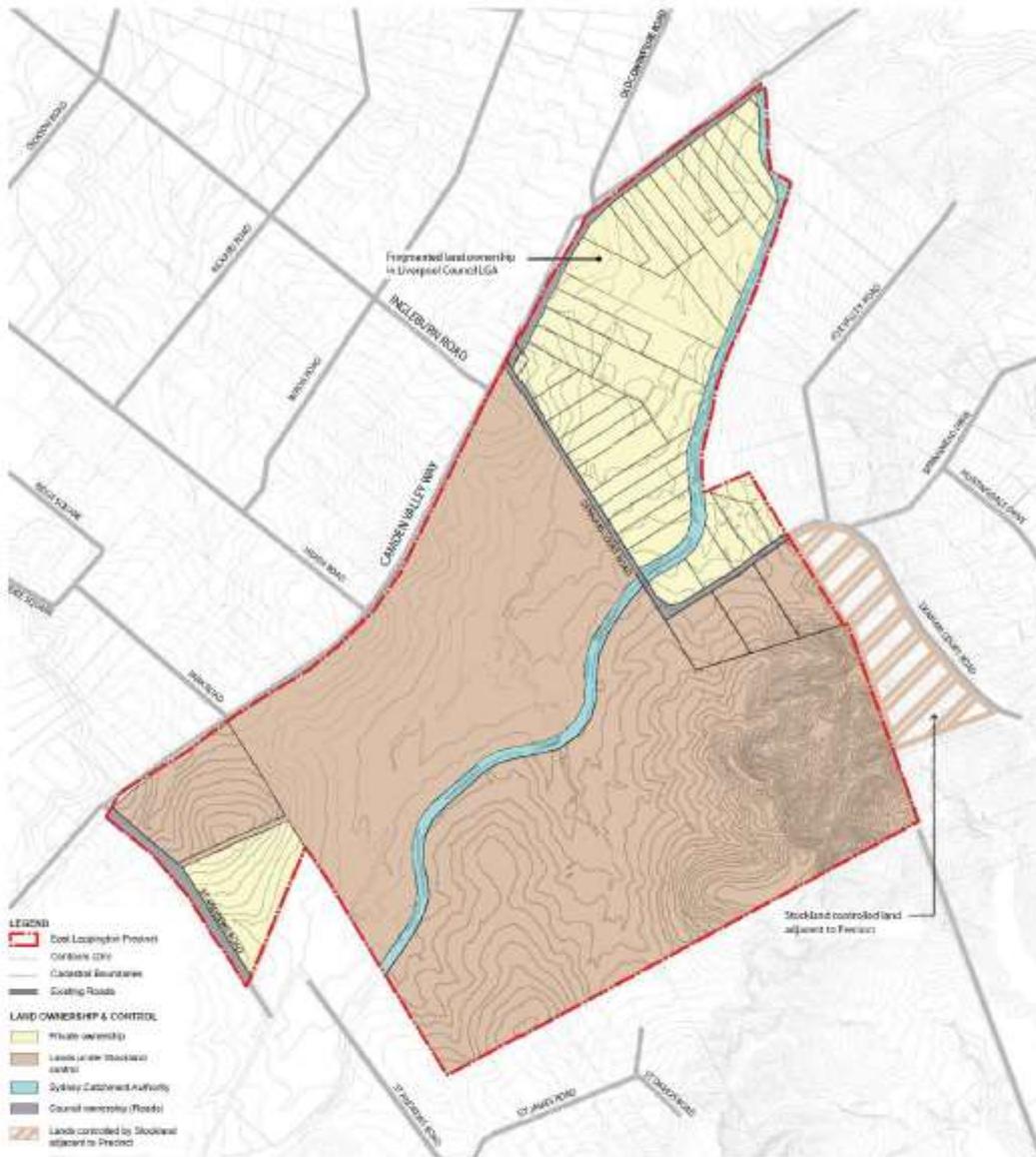


Figure 3-5 Land ownership and control

4 Strategic and Statutory Frameworks

4.1 State and regional planning strategies

4.1.1 State Plan

The NSW Government's State Plan 2010 – *Investing in a Better Future* is a long term plan to deliver services in NSW. Seven key action areas for change have been identified including:

- better transport and liveable cities
- supporting business and jobs
- clever state
- healthy communities
- green state
- stronger communities
- keeping people safe.

Precinct planning for the Precinct is informed by the relevant directions of the State Plan and aims to contribute to the following identified priorities:

- increase walking and cycling through the provision of appropriate infrastructure
- increase public transport use through adequate provision of services
- increase the number of jobs closer to home
- grow cities and centres as functional and attractive places to live, work and visit
- improve housing affordability through increasing the number and variety of dwellings.

4.1.2 Sydney Over the Next 20 Years (Discussion Paper)

A new Metropolitan Strategy is being developed for Sydney. It will provide a framework for Sydney's growth to help plan for housing, employment, transport, infrastructure, the environment and open space. The strategy will update the current Metropolitan Plan for Sydney and link it to the government's other long-term plans – the Long Term Transport Master Plan and the State Infrastructure Strategy. Key issues highlighted in the paper include planning for enough housing and jobs of the right type in the right place, properly serviced by infrastructure and transport networks.

Both of these plans identified the Growth Centres in the north west and south west of Sydney. The Growth Centres are anticipated to accommodate 30 to 40 per cent of Sydney's long term housing growth via 181,000 new homes for up to 500,000 people that will be serviced by \$7.5 billion (in 2006 dollars) of infrastructure over the next 30 years.

4.1.3 Metropolitan Plan for Sydney 2036

The *Metropolitan Plan for Sydney 2036*, released in 2010, sets the framework for Sydney's future toward 2036 taking into account population forecasts, housing and employment needs, sustainability, affordability, liveability and equity. The document was prepared as a scheduled five year review of the

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2005 Metropolitan Strategy, and outlines the strategic direction for the Sydney Region over the next 25 years, which is expected to grow by more than 56,000 people per year over that time, or 1.7 million in total to reach six million by 2036. As a result, it is recognised that this population growth will require the following:

- 770,000 new homes, with a target of 30% to be located in urban growth areas, and
- 760,000 new jobs, with half planned for Western Sydney.

These targets exceed those established in *Metropolitan Strategy: A City of Cities* (2005) which planned for a projected population increase of 1.1 million people by 2031. The Metropolitan Plan for Sydney 2036 incorporates a number of strategic directions and key policies including:

- Planning for a growing population
- Making Sydney climate change ready
- Integrating land use with transport
- More jobs in the Sydney region
- Growing Sydney's value
- Meeting changing housing needs
- Balancing land uses on the city fringe.

Key transport initiatives proposed in the strategy include:

- New express rail services for Western Sydney – supporting jobs and housing growth
- Rail to match the demands of growth – servicing the North West and South West Growth Centres
- Better bus connections – to get buses out of traffic and back on schedule
- Getting Sydney moving – promoting a happy, healthy and active lifestyle
- Increasing the efficiency of the road network – making the most of the system we have
- Key freight projects – boosting the economy with efficient freight movements
- A better customer experience – helping to encourage public transport use
- Planning the future transport network – providing the right transport as Sydney grows and changes.

The precinct planning process has provided the opportunity to incorporate optimal land use outcomes in accordance with key objectives of the Metropolitan Plan for Sydney 2036, such as:

- Greater housing densities near future rail links and major centres and improving local opportunities for walking and cycling
- Increasing the proportion of homes within 30 minutes by public transport of jobs in a major centre, ensuring more jobs are located closer to home
- Integrating environmental targets into land use and infrastructure decisions.
- Providing a range of different housing types.

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- Ensuring appropriate provision and access to social infrastructure is delivered to the Precinct through the open space network, community and civic facilities.

4.1.4 Metropolitan Transport Plan – Connecting the City of Cities (2010)

The Metropolitan Transport Plan (2010) prepared by the then NSW Department of Transport and Infrastructure (DTI), outlines a 25 year vision for land use planning in Sydney together with a package of transport infrastructure to support it. The vision of the Metropolitan Transport Plan is to meet Sydney's expected population and employment growth over the next 10 years.

Through precinct planning there is an opportunity to incorporate best practice transport planning into the Indicative Layout Plan. The plan raises challenges regarding future planning which have been considered by specialists in the preparation of their reports that contribute to planning for the Precinct and may also need to be considered following exhibition.

4.1.5 Draft South West Sub-Regional Strategy

Subregional strategies have been prepared to translate objectives of the Metropolitan Plan, the Metropolitan Plan and State Plan to the local level. The South West Sub-Region covers an area broader than just the South West Growth Centre. The draft South West Subregional Strategy prepared in December 2007 aims to guide land use planning until 2031.

The vision for the South West region involves achieving eight key directions:

- Plan for major housing growth (an additional 155,000 new homes, approximately 100,000 in the South West Growth Centre)
- Plan for major employment growth (an additional 89,000 jobs in the region)
- Develop Liverpool as a Regional City
- Intensify existing areas around existing retail centres and public transport corridors
- Strengthen centres with public transport
- Extend transport networks to connect the South West Growth Centre to existing centres
- Recognise and support unique rural character
- Protect resource lands

The Precinct Planning process for the East Leppington Precinct has considered these directions to achieve optimal land use planning outcomes such as:

- Providing 4,474 new homes within the Precinct.
- Residential densities are concentrated around proposed centres and proximity to the Leppington Major Centre.
- Integrating key road upgrades into the planning for the East Leppington Precinct and surrounds.
- A range of housing types and land designated for open space and conservation serve to protect unique areas within the Precinct whilst balancing the residential and employment land requirements for the Precinct.

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4.1.6 South West Growth Centre Structure Plan

The Structure Plan was prepared by the then Department of Planning in 2005 and provides an important guide to the detailed planning of the Precinct. Under the Structure Plan and associated documents, over 110,000 new dwellings are planned to be delivered in the South West Growth Centre over the next 25 to 30 years.

The Structure Plan acts as a starting point for the precinct planning process and identifies key site constraints, opportunities for different land uses and development as well as setting residential dwelling and population targets for the Precinct. A detailed breakdown of key planning parameters of the Structure Plan that have informed the precinct planning process for East Leppington is provided in Section 2.2. Section 8.3.3 of this report provides further assessment of the consistency of the draft Precinct Plan with the Structure Plan.

4.1.7 South West Sector Bus Servicing Plan

In February 2009, the Ministry of Transport released the South West Sector Bus Servicing Plan which defines the future long-term bus service needs for the South West Sector. Development guidelines for bus routes within the South West Sector include provision of services that:

- link to regional centres
- pass through patronage generators such as district centres, TAFE colleges, hospitals and universities
- connect with other transport modes
- are multifunctional (serving journeys to work, education, shopping and recreation)
- are frequent and direct
- meet specified network planning benchmarks.

Precinct Planning for the East Leppington Precinct has taken these objectives into consideration. The specialist studies undertaken for the Precinct have incorporated the above strategies and proposed a number of strategic corridors and local connections into the proposed bus network.

4.2 Statutory Planning Framework

4.2.1 NSW Environmental Planning and Assessment Act 1979

The NSW *Environmental Planning and Assessment Act 1979* (EP&A Act) and the NSW *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) provide the statutory planning context for environmental assessment and approval in NSW.

Clauses 275 and 276 in the EP&A Regulation relate to the release of land in growth centres for urban development and the preparation of a Development Code to provide guidelines in conjunction with the Growth Centre Structure Plan. In accordance with Clause 276(1) of the EP&A Regulation the Minister for Planning released the land in the East Leppington Precinct in November 2011.

The draft ILP for the East Leppington Precinct has been prepared in accordance with the EP&A Act and Regulations.

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Special Infrastructure Contribution

Under Sections 94ED through to 94EM of the EP&A Act a Special Infrastructure Contribution (SIC) Plan was established for the Growth Centres. It provides for a one-off financial contribution payable by any developer or landowner in the Growth Centres who is developing or subdividing land in a manner triggered by the provisions of the plan. The SIC will help fund regional infrastructure required for development in the North West and South West Growth Centres over the next 30 years.

The Infrastructure Delivery Plan describes the regional and state infrastructure to be funded by the Contribution in relation to the East Leppington Precinct. For more information refer to the Special Infrastructure Contribution Determination (on www.growthcentres.nsw.gov.au). Specific infrastructure items for the Precinct to be funded at least in part by the SIC include:

- Camden Valley Way
- Denham Court Road.

Section 94

Section 94 of the EP&A Act provides for a local council to prepare and implement a plan to capture payment to fund the provision of local services required by a development.

On 31 August 2010, the Minister for Planning announced that development contributions for Greenfield sites are to be capped at \$30,000 per residential lot. Contributions Plans may exceed the cap only if approved by the Minister for Planning following a review process led by the Independent Pricing and Regulatory Tribunal (IPART).

Section 117

Ministerial Directions under Section 117 of the EP&A Act require Councils to address a range of matters when seeking to rezone land. The Section 117 Directions are not directly applicable to precinct planning and the rezoning process adopted for the Growth Centres because it is being implemented through a SEPP rather than an LEP. However, these directions have nevertheless been considered in planning the East Leppington Precinct. The draft ILP and associated documentation for East Leppington is consistent with relevant directions as summarised in Appendix E. Environmental studies have also been undertaken similar to those that would be prepared for a Local Environmental Study (as part of the LEP process), and are included in the Precinct Planning exhibition package.

4.2.2 Threatened Species Conservation Act 1995

The *Threatened Species Conservation Act 1995* (TSC Act) identifies and protects threatened and endangered species, populations and ecological communities. The objectives of the Act include:

- conserving biological diversity and promoting ecologically sustainable development
- preventing the extinction and promoting the recovery of threatened species, populations and ecological communities
- protecting critical habitats
- encouraging the conservation of threatened species, populations and ecological communities.

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The TSC Act also provides for the Biodiversity Certification of environmental planning instruments such as the Growth Centres SEPP (as outlined above). The adoption of the Biodiversity Certification for the Growth Centres means that development on lands that are subject to certification no longer requires assessment under the TSC Act.

As part of the biodiversity certification of the Growth Centres SEPP the Growth Centres Biodiversity Offset Program was established. The program is seeking to permanently protect bushland inside and outside the Growth Centres through the acquisition of land for new reserves, and by establishing in-perpetuity conservation agreements, such as bio-banking agreements directly with landowners.

The Precinct Planning process for East Leppington has considered the presence of species, populations and communities listed under the TSC Act, and where possible has sought to conserve them. This issue is further addressed in Section 6.1.

4.2.3 Environment Protection and Biodiversity Conservation Act 1999

The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) particularly protects matters of National Environmental Significance (NES). It streamlines national environmental assessment and approvals processes, protects Australian biodiversity and integrates management of important natural and cultural places.

Cumberland Plain Woodland is an Endangered Ecological Community under the Act and is therefore a matter of NES. Precinct Planning offers the opportunity to rehabilitate existing degraded ecological communities within the Precinct as well as preserve areas of high quality vegetation.

To enable development to proceed in the Sydney Growth Centre while protecting Sydney's sensitive environment, the NSW Government undertook a Strategic Assessment of the Growth Centres under the EPBC Act. On 20 December 2011, the Commonwealth Environment Minister endorsed the Sydney Growth Centres Strategic Assessment Program. On 28 February 2012, the Minister approved all actions associated with development of the Sydney Growth Centres as described in the Program Report. The need for site by site approvals under the EPBC Act for the approved actions is no longer required, as long as the actions are consistent with the endorsed Program.

4.2.4 Water Management Act 2000

The *Water Management Act 2000* (WM Act) provides for the sustainable and integrated management of water resources of the State. Objectives of the Act relevant to the East Leppington Precinct include:

- applying the principles of ecologically sustainable development
- protecting, enhancing and restoring water sources, their associated ecosystems, ecological processes and biological diversity and their water quality
- the classification of water courses
- fostering the sustainable and efficient use of water
- integrating the management of water sources with the management of other aspects of the environment, including land, native vegetation and fauna.

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The WM Act repeals and replaces a number of other Acts including the *Rivers and Foreshores Improvement Act 1948*. If practical, exemptions for the need for controlled activity approvals under the WM Act will be obtained across the East Leppington Precinct.

Precinct Planning for East Leppington has addressed the requirements of the Act and the categorisation and management of riparian corridors is reflected in the draft ILP. The new policy for riparian corridors adopted by the Government in May 2012 has been applied to the planning for the East Leppington Precinct.

4.2.5 Rural Fires Act 1997

Amongst its objectives, the *Rural Fires Act 1997* (RF Act) seeks to prevent, mitigate and suppress bush and other fires. Under Section 100B of the RF Act, a permit is required from the NSW Rural Fire Service should a development fall within the boundaries of a Bushfire Prone Area. The granting of this permit is dependent upon the development's compliance with standards regarding setbacks, provision of water supply and other matters necessary to protect persons, property or the environment from bushfire danger.

Precinct Planning for East Leppington has addressed the requirements of the Act and the management of potential bushfires by the identification of appropriate Asset Protection Zones and Construction Standards. It is not currently possible under the RF Act to obtain permits over the whole of the Precinct at the rezoning stage. It is considered that the draft ILP meets the requirements of Section 100B.

4.2.6 National Parks and Wildlife Act 1974

The *National Parks and Wildlife Act* (NPW Act) provides the primary basis for the legal protection and management of Aboriginal sites and relics within NSW. The NPW Act requires amongst other things:

- consultation with the Office of Environment and Heritage (OEH) prior to development to determine the existence of items of Aboriginal heritage
- consultation with local Aboriginal groups
- consent to disturb or destroy Aboriginal heritage sites/items.

Precinct Planning for East Leppington Precinct has addressed the requirements of the NPW Act through consultation with OEH (formerly the Department of Environment, Climate Change and Water) on the methodology and results of Aboriginal heritage investigations, consultation with and the participation of Aboriginal groups in field investigations and reporting, and recommendations for the management of Aboriginal heritage. Land containing Aboriginal cultural heritage impacted by future development will be subject to an application for an Aboriginal Heritage Impact Permit of the NPW Act. Local Aboriginal Land Councils and stakeholders were consulted in accordance with the *Protocol for Aboriginal Stakeholder Involvement in the Assessment of Aboriginal Heritage in the Sydney Growth Centres*.

4.2.7 Heritage Act 1977

The *Heritage Act 1977* includes a range of provisions for identifying and protecting items of environmental heritage. The Act controls development of, or in the vicinity of, a State heritage item.

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The State Heritage Register, established under Section 22, lists items which have been assessed as being of State significance.

There is one identified State Significant heritage item declared within the East Leppington Precinct, namely the Sydney Catchment Authority Upper Canal. A number of other potentially state significant items have also been identified. The State Significant heritage item will need to be protected in accordance with the recommendations provided in the specialist heritage study. The Upper Canal (Water Supply Canal running along the eastern boundary of the Precinct) is listed in the State Heritage Register.

4.2.8 State Environmental Planning Policies

SEPP (Sydney Region Growth Centres) 2006

The Growth Centres SEPP is the primary statutory plan governing the release and rezoning of land in the Growth Centres and establishes the broad planning controls required to oversee the development of the Growth Centres. The aims of the SEPP are:

- To co-ordinate the release of land for residential, employment and other urban development in the North West and South West Growth Centres in the Sydney region
- To enable the Minister from time to time to designate land in those growth centres as ready for release for development
- To provide for comprehensive planning for those growth centres
- To enable the establishment of vibrant, sustainable and liveable neighbourhoods that provide for community well being and high quality local amenity
- To provide controls for the sustainability of land in those growth centres that has conservation value
- To provide for the orderly and economic provision of infrastructure in and to those growth centres
- To provide development controls in order to protect the health of the waterways in those growth centres
- To protect and enhance land with natural and cultural heritage value
- To provide land use and development controls that will contribute to the conservation of biodiversity.

Further, the Growth Centres SEPP outlines development controls for:

- Determining development applications prior to and after the finalisation of the precinct planning process
- Flood prone and major creeks land
- Clearing native vegetation
- Cultural heritage landscape area.

An outcome of the Precinct Planning Process will be an Amendment to the Growth Centres SEPP to establish the zoning and planning controls for the East Leppington Precinct.

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State Environmental Planning Policy (Infrastructure) 2007

The Infrastructure SEPP replaces a range of SEPPs relating to the provision of infrastructure across NSW. It aims to establish clear rules in relation to the permissibility of various infrastructure types (including roads, rail, water and sewer, electricity, schools and health facilities). The Infrastructure SEPP specifies whether certain types of infrastructure are permissible with or without consent in the various zones identified in the *Standard Instrument (Local Environmental Plans) Order 2006*. The provisions of the Infrastructure SEPP have been considered in the preparation of the explanation of intended effect. Additionally, section 5.12 of the explanation of intended effect states that the draft Precinct Plan has no effect on infrastructure that is permissible without consent under the Infrastructure SEPP.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The BASIX SEPP aims to provide for consistent application of the BASIX requirements as set out in the EP&A Regulation by overriding the provisions of any environmental planning instrument relating to energy and water efficiency. It applies to residential development to which the BASIX requirements apply, as set out in the Regulation.

State Environmental Planning Policy (Western Sydney Parklands) 2009

The Western Sydney Parklands SEPP aims to encourage the protection of natural and cultural features within the Parklands and ensure that development is undertaken in an ecologically sustainable manner. It defines permissible land uses, heritage conservation requirements and types of development which are exempt development. Precinct Planning for the East Leppington Precinct provides a consistent approach with these objectives.

State Environmental Planning Policy (Affordable Rental Housing) 2009

The Affordable Housing SEPP aims to facilitate the effective delivery of sufficient affordable rental housing within NSW. The East Leppington Precinct is specifically planned to provide for a range of housing types and densities to encourage housing that is affordable and suitable to the needs of occupants.

State Environmental Planning Policy 19 – Bushland in Urban Areas

SEPP 19 aims to protect and preserve bushland within urban areas. Planning for the East Leppington Precinct involves the conservation and enhancement of areas of bushland that are of high value relative to other vegetation within the Precinct. Future development will need to be managed in accordance with SEPP 19.

State Environmental Planning Policy 55 – Remediation of Land

SEPP 55 aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. It specifically requires consideration when rezoning land and in determining Development Applications (DAs), and requires that remediation work meets certain standards and notification requirements.

In particular, clause 6 of SEPP 55 requires that a planning authority, when preparing an Environmental Planning Instrument, considers whether land will be suitable for the land uses that are to be permissible under the new planning controls. Managing Land Contamination – Planning Guidelines (Department of Urban Affairs and Planning and Environment Protection Authority 1998) provides guidance on the level of assessment that is required to satisfy clause 6, for large rezonings as follows:

"Rezonings that cover a large area... usually describe proposed land uses very generally both in type and location. This makes it difficult for a planning authority to be satisfied that every part of the land is suitable for the proposed use(s) in terms of contamination at the rezoning stage. In these cases, the rezoning should be allowed to proceed, provided measures are in place to ensure that the potential for contamination and the suitability of the land for any proposed use are assessed once detailed proposals are made. However, if the rezoning includes the identification of locations for sensitive uses, such as childcare centres, then it may be appropriate to determine the suitability of the land in those locations at the rezoning stage."

Based on the guidance provided above, the requirements of SEPP 55 have been considered during Precinct Planning and will be further addressed during the development assessment process.

State Environmental Planning Policy 65 – Design Quality of Residential Flat Buildings

SEPP 65 establishes design standards and matters for consideration in the assessment of development applications for residential flat buildings. SEPP 65 overrides local planning controls to establish consistent design outcomes for residential flat buildings. It also establishes design review panels that provide advice to applicants and Councils on DAs and the preparation of environmental planning instruments.

SEPP 65 also requires the inclusion of design controls in all environmental planning instruments and development control plans that permit residential flat buildings. Any such instruments must be referred to the design review panel for comment prior to being made. SEPP 65 is currently under review.

State Environmental Planning Policy – Hawkesbury Nepean River

State Environmental Planning Policy – Hawkesbury Nepean River seeks to protect the environment of the Hawkesbury-Nepean River system. Development within the catchment is required to consider the general and specific principles and controls listed in the SEPP to ensure that the impacts of future land use are considered in a regional context. Bonds Creek is a tributary of the Hawkesbury-Nepean River system and therefore Precinct Planning has considered the impacts of the development on the health of the system.

4.2.9 Growth Centres Development Code

The Growth Centres Development Code was released in October 2006 to guide the precinct planning process. The Development Code contains precinct development parameters, guidelines for the preparation of an ILP, including an environmental analysis of a Precinct and an urban form analysis for development of a Precinct.

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The Development Code has been used by the project team as a reference document in the undertaking of all studies and generally as part of the precinct planning process. Refer to Appendix E for a discussion on the consistency of the ILP with the Development Code.

4.3 Local Planning Framework

4.3.1 Camden Council planning policies and strategies

Camden Local Environmental Plan 2010

Camden Local Environmental Plan 2010 (CLEP 2010) applies to the Camden LGA (see Figure 3-3) for existing zoning and Local Government Area boundaries). The plan consolidates existing environmental planning instruments and introduces modern flexible planning provisions to enable more rapid examination of development proposals and to encourage innovative development.

Once the East Leppington Precinct is zoned under the Growth Centres SEPP, CLEP 2010 will no longer apply to land within the Precinct. Subject to the EP&A Act 1979, Camden Council will continue to be the development consent authority for land in the East Leppington within the Camden LGA.

Camden Development Control Plan

Camden Development Control Plan 2011 (CDCP 2011) currently applies to the East Leppington. Once the Amendment to the Growth Centres SEPP is gazetted and the draft Camden Growth Centre Precincts DCP is adopted, this will provide the detailed controls for all forms of development in the East Leppington Precinct. Some aspects of CDCP 2011 may continue to provide guidance for particular issues relating to some development in the Precinct, where referred to in the Camden Growth Centre Precincts DCP.

4.3.2 Campbelltown Council planning policies and strategies

Campbelltown Local Environmental Plan – District 8 (Central Hills Land) 2008

Campbelltown Local Environmental Plan – District 8 (Central Hills Land) 2008 (CLEP 2008) applies to areas within the East Leppington Precinct (see Figure 3-3.) for existing zoning and LGA boundaries). The Plan applies to the Central Hills Lands, located west of the urban area of Campbelltown, generally within the suburbs of Denham Court, Varroville and Gregory Hills.

Once the East Leppington Precinct is zoned under the Growth Centres SEPP, the CLEP 2008 will no longer apply to land within the Precinct. Subject to the EP&A Act, Campbelltown Council will continue to be the development consent authority for land in the East Leppington Precinct within the Campbelltown LGA.

Development Control Plans

Campbelltown (Sustainable City) Development Control Plan 2009 (CDCP 2009) does not currently apply to the Growth Centres. A number of DCPs currently apply to land within the East Leppington Precinct including DCP No. 49 – Rural Environmental Subdivision Dwelling Policy.

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4.3.3 Liverpool Council planning policies and strategies

Liverpool Local Environmental Plan 2008

Liverpool Local Environmental Plan 2008 (LLEP 2008) applies to the Liverpool LGA (see Figure 3-3) for existing zoning and LGA boundaries). The Plan consolidates existing environmental planning instruments and introduces modern flexible planning provisions to enable more rapid examination of development proposals and to encourage innovative development under the Standard Instrument.

Once the East Leppington Precinct is zoned under the Growth Centres SEPP, the LLEP 2008 will no longer apply to land within the Precinct. Subject to the EP&A Act, Liverpool Council will continue to be the development consent authority for land in the East Leppington Precinct within the Liverpool LGA.

Liverpool Development Control Plan

Liverpool Development Control Plan 2008 (LDCP 2008) currently applies to the East Leppington Precinct. Once the Amendment to the Growth Centres SEPP is gazetted and the draft Liverpool Growth Centre Precincts DCP is adopted, this will provide the detailed controls for all forms of development in the East Leppington Precinct. Some aspects of LDCP 2008 may continue to provide guidance for particular issues relating to some development in the Precinct where referred to in the Liverpool Growth Centre Precincts DCP.

Both LDCP 2008 and CDCP 2011 have been referred to extensively in the development of the draft East Leppington DCP, with consistent development controls adopted where appropriate. Campbelltown Council's DCPs will also be referenced in the East Leppington Growth Centres DCP for its area.

5 Draft Indicative Layout Plan

This Section provides an overview of the vision, objectives and planning principles that were used to inform the draft Indicative Layout Plan (ILP) for the East Leppington Precinct. An overview of the draft ILP including a description of the urban structure, proposed zones, densities and population yields is provided.

Section 6 summarises the technical studies undertaken for the Precinct and identifies how the key technical issues and constraints were addressed as part of the precinct planning process and incorporated into the draft ILP.

5.1 Design philosophy

The philosophy underpinning the draft ILP is to establish a robust public domain framework, comprising the key elements of roads, open spaces and education facilities, that responds to the Precinct's natural environment and that allows private land to be developed flexibly and sustainably over time. The public domain framework should be flexible enough to permit minor streets, subdivisions and even land uses to change, while maintaining the key connections to surrounding places and place within the Precinct.

The philosophy is consistent with the desire to create a high quality urban environment while permitting flexibility in the private domain.

5.2 Planning principles

The draft ILP is underpinned by the principles set out in the following sections. The principles are based on the specialist investigations summarised in Section 6, the South West Structure Plan and Explanatory Notes, the Growth Centres Development Code and input from stakeholders including State agencies, Camden Council, Campbelltown Council, Liverpool Council and the major landowner.

5.2.1 Public domain and the natural environment

- A public domain framework of streets and open space that creates a connected network linking places within the Precinct and places adjoining the Precinct, particularly along the major creeks and the Upper Canal.
- A strong neighbourhood structure focused on neighbourhood centres and social hubs such as a school and community centre. Residential neighbourhoods also have community or open space activity nodes within walking distance of 400 metres of most homes, and these neighbourhood nodes are linked by the open space and road networks.
- Local and neighbourhood parks take advantage of and retain the key environmental features of the Precinct, including high points, views to the Blue Mountains and the city, creeks and areas of existing vegetation.
- The majority of watercourses will be publicly owned and managed, and the drainage and open space networks are integrated to create a backbone of recreational open space corridors that utilise waterways as a feature of the open space. By bringing the majority of

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watercourses into public ownership it is envisaged that this will achieve a better environmental outcome for the watercourses than leaving them in fragmented ownership.

- The catchments of Bonds Creek and associated tributaries are linked by the open space and drainage and road networks.
- Areas not certified under the Growth Centre Biodiversity Conservation with significant ecological value are protected by their location within the public open space and conservation areas where possible.
- Flood-prone land is predominantly publicly owned (where required for open space or drainage purposes). Some flood prone land retains a passive recreation function.
- The Scenic Hills is protected to conserve its landscape and environmental values and remains in private ownership. Views from Denham Court Road to the major ridgeline in Scenic Hills are protected from urban development.
- Conservation of the endangered species *Pimelea spicata* is achieved by excluding the land supporting them from the future urban footprint.

5.2.2 Transport and access

- A hierarchy of roads that ensures efficient movement of vehicles and pedestrians around the Precinct, minimises conflicts between through and local traffic and residential amenity, and provides direct access to the planned Local Centre and also the Leppington Major Centre.
- The road network enables efficient public transport routes to be planned so that the majority of residents are within walking distance of a bus stop.
- Walking and cycling are encouraged by a modified grid street network that maximises permeability, and by provision of paths both on road (for cyclists), within road verges and within the open space network.
- Planned subdivisional roads follow existing property boundaries where possible to maximise efficient subdivision and encourage coordinated development.
- The street and open space networks respond to the Precinct's steep topography, regional and local views, existing watercourses, the Upper Canal and existing vegetation.
- Local streets are located adjacent to open space where possible, to create a legible street pattern.
- Local streets are located adjacent to riparian corridors (Bonds Creek), the Upper Canal and drainage areas to provide activity and surveillance, as well as to take advantage of the amenity these areas will provide.
- Local streets also interpret existing cultural heritage elements such as historic tree plantings and former carriageways where possible.
- Camden Valley Way is to be upgraded, providing direct access to the majority of the Precinct.
- Denham Court Road is to be widened with the upgrades required for this road.

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5.2.3 Land use

- The riparian corridors, Upper Canal, steep topography and existing road pattern creates distinct neighbourhoods within the Precinct, each with its own activity focus around the Local Centre, school or open space where possible.
- A mix of housing types and sizes is permissible to create housing choice for a wide range of buyers or renters, and to encourage a diverse community.
- The density of housing is planned to be higher around the Local Centre. This ensures access to the Local Centre, while maintaining a low density residential character throughout the remainder of the Precinct.
- Housing density and form in other parts of the Precinct responds to environmental constraints, including flood prone land, areas of high visibility near Scenic Hills and the major ridgeline, topography and heritage elements.
- Communities across Denham Court Road and across the Upper Canal are integrated where possible.
- The density and mix of housing takes advantage of access to public transport, with higher density housing proposed in the neighbourhood closest to the Local Centre and near major bus routes and on Camden Valley Way.
- The existing electrical and gas easements are managed and integrated within the design of the urban pattern.
- Land uses that provide for the needs of residents, including a school, shops, parks and sporting fields, and a community centre, are positioned to be accessible to residents where possible.
- Scenic Hills retains the significant landscape and environmental values associated with this area within the Precinct.

5.3 Overview of the draft ILP

The draft ILP sets the framework for the future residential areas and a hierarchy of centres, identifies the road pattern, infrastructure requirements, environmental conservation areas, open space, riparian corridors, areas of heritage and visual significance and stormwater management measures for the East Leppington Precinct.

The development of the draft ILP was an iterative process with the Project Working Group (PWG), Project Control Group (PCG) and relevant government agencies. The draft ILP represents the preferred planning outcome for the East Leppington Precinct based on the review of specialist investigations and the principles above. The key features of the draft ILP are summarised in Table 5-1 and the draft ILP is shown in Figure 5-1. Section 5.4 describes in detail the major elements of the draft ILP for the East Leppington Precinct.

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Table 5-1 Draft ILP key features

ILP Feature	Description
Residential areas	<ul style="list-style-type: none"> ▪ Capacity for 4,110 dwellings and 13,910 people. ▪ A mix of housing types ranging from town houses and terrace style houses to single dwellings on both large and small blocks. ▪ Minimum residential densities to encourage efficient use of land and infrastructure. ▪ Medium density residential areas concentrated around the Local Centre. ▪ Very Low Density Residential areas allow houses on large lots to respond to existing constraints including topography and infrastructure easements. ▪ Residential areas located in proximity to the major ridge, the Scenic Hills and Leppington House Estate will need to respond to the visual sensitivity of these areas.
Activity centres	<ul style="list-style-type: none"> ▪ A Local Centre is located near the Heath Road and Camden Valley Way intersection with the capacity for up to 15,000m² of retail and commercial floorspace. ▪ A community centre is located adjacent to the Local Centre. ▪ An indicative neighbourhood centre has been located in the north of the Precinct with the capacity for 2,500m² of retail space.
Education Facilities	<ul style="list-style-type: none"> ▪ The location for a primary school is located in the centre of the Precinct within walking distance to the sports fields. ▪ The primary school covers an area of 3 hectares.
Road network	<ul style="list-style-type: none"> ▪ Upgrades to Camden Valley Way are proposed by RMS. ▪ Denham Court Road will require widening based on the predicted traffic volumes. ▪ An extension of Heath Road will provide one of the main access points to the Precinct. ▪ Alternative access points will be provided along Denham Court Road and St Andrews Road. ▪ Access points in the north of the Precinct along Camden Valley Way are consistent with signalised intersections proposed by RMS as part of the Camden Valley Way upgrade. ▪ The local road network is generally in the form of a grid network and responds to the existing constraints and topography. ▪ There will be two vehicular crossings over the Upper Canal and one pedestrian crossing (excluding the existing Denham Court Road crossing). ▪ There will be six vehicular crossings over Bonds Creek and associated tributaries (excluding the existing Denham Court Road crossing).

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ILP Feature	Description
Open space and community facilities	<ul style="list-style-type: none"> ▪ 5.5 hectares of active open space (2 sporting fields) ▪ 12.4 hectares for local parks ▪ 10.3 hectares of passive open space adjacent to the riparian corridor ▪ 9.6 hectares within the riparian corridor ▪ There will be one local community centre co-located with the Local Centre ▪ A local park is co-located with the Leppington House Estate ruins and cultural heritage elements and will remain in public ownership.
Pedestrian and cycleway network	<ul style="list-style-type: none"> ▪ Pedestrian paths and cycleways within the open space network are located along the riparian corridors. ▪ Several pedestrian bridges will be provided over Bonds Creek providing additional access in the Precinct. ▪ On road cycle lanes and off-road pedestrian/shared paths on all roads. ▪ A pedestrian connection will be provided over the Upper Canal and will facilitate pedestrian access across the south of the Precinct.
Public transport	<ul style="list-style-type: none"> ▪ The road network provides opportunities for bus routes within walking distance of at least 90% of homes, to provide access to Leppington Major Centre, and to other regional destinations. ▪ Local road network suitable for a bus route.
Protection of the environment	<ul style="list-style-type: none"> ▪ Riparian corridors along Bonds Creek and the other unnamed tributaries will be retained and progressively rehabilitated. ▪ The creek corridor in the north of the Precinct will be reconstructed to emulate a former naturalised creek system. ▪ Where possible, the full extent of riparian corridors is incorporated into drainage and open space reserves and will be publicly owned. ▪ Where parts of the riparian corridors are not bought into public ownership, the Growth Centres SEPP has a Riparian Protection Area Map and provisions to ensure that riparian corridors are restored and managed in the future. ▪ Non-Certified Existing Native Vegetation is retained and protected to meet the requirements of the Biodiversity Certification. ▪ The two areas containing <i>Pimelea spicata</i> will be protected under an environmental conservation zone and appropriate management measures will be developed for these areas.

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ILP Feature	Description
Scenic Hills	<ul style="list-style-type: none"> ▪ The Scenic Hills is identified as having significant landscape and environmental values and will be retained. ▪ This area is zoned environmental management, an equivalent zoning to the existing zoning which will allow one dwelling per 100 hectares. ▪ The area will remain in private ownership. ▪ Specific development controls have been developed for residential areas beyond the major ridgeline to ensure development is not visible from Denham Court Road in order to protect the landscape values of Scenic Hills.
Heritage	<ul style="list-style-type: none"> ▪ State-heritage listed Upper Canal is retained and protected. ▪ The Leppington House Estate (also referred to as Leppington homestead), now in ruins is identified as being of potential State-Heritage significance. ▪ Leppington House Estate and the minimum archaeological curtilage determined by technical specialists will be incorporated into a local park for public benefit. ▪ The local park provides uninterrupted views to the city and Blue Mountains and will be an asset to the Precinct. ▪ Historic tree plantings and the former carriageway associated with Leppington House Estate will be incorporated as part of the subdivision design of the Precinct. This is likely to be in the form pedestrian linkages to the ruins. ▪ A significant Aboriginal heritage area of intangible significance will be protected by the environmental management zone. ▪ Further detailed investigations are required for all heritage items and areas prior to development proceeding.

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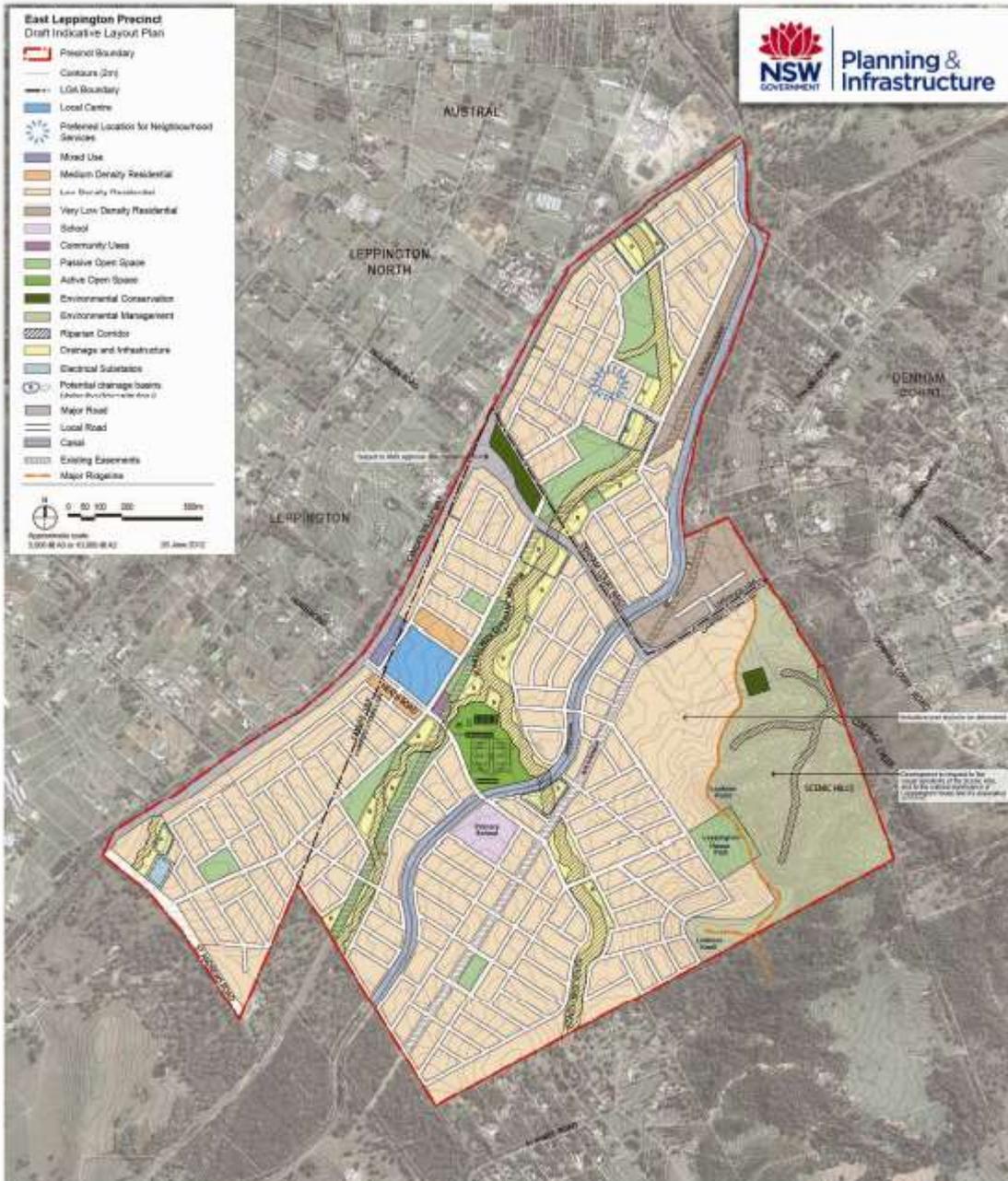


Figure 5-1 Draft East Leppington ILP

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5.4 Draft ILP Design

The draft ILP (refer to Figure 5-1) responds to specialist technical studies and advice from various PWG stakeholders including Camden Council, Campbelltown Council and Liverpool Council, the major landowner Stockland as well as the relevant state agencies. The following section describes the design response and principle strategies adopted in the draft ILP.

5.4.1 Urban structure

A development footprint for the East Leppington Precinct was defined by an analysis of opportunities and constraints informed by the technical studies. Details of these studies and key findings are discussed in Section 6. The development footprint identifies land within the Precinct that is suitable for urban development (refer to Figure 5-2).

The existing Bonds Creek system and associated floodplain was identified as a constraint for land throughout the Precinct. The 1 in 100 year flood extent, as refined based on detailed investigations undertaken by Cardno (refer to Section 6.3.1) has generally been adopted as the boundary for urban development to ensure adequate management of flooding risks for future residents in the Precinct. The existing Bonds Creek and associated tributaries also serve to act as physical boundaries that break the Precinct into different residential areas or sub-precincts.

The provision of passive open space has been largely focused around the riparian corridors due to the extent of flood prone land and the associated environmental values as well as remnant vegetation. Multiple use of flood prone land for recreation, environmental and stormwater management is a key feature of the draft ILP. The majority of land affected by flooding will be brought into public ownership. Some properties in the north of the Precinct are significantly affected by flooding due to the flat topography of the area.

Aside from the key existing roads of Camden Valley Road, Denham Court Road and St Andrews Road there is no existing internal local road network within the Precinct. The urban structure proposed in the draft ILP is largely dictated by access from the existing roads and is consistent with the RMS approved Camden Valley Way upgrade.

The proposed local road network establishes a finer grained grid street pattern within the framework of the existing roads and is designed to demonstrate how a local road network can support residential development. The grid street network as proposed would be progressively developed as subdivision occurs, with new roads connecting to the existing roads to provide direct access to housing. This grid street network has been designed to enable individual properties to be subdivided and developed while maintaining the integrity of the proposed network at all stages in the development of the Precinct. The grid street network is also generally easy to navigate and provides relatively direct access routes throughout the Precinct to key destinations such as the Local Centre, the primary school and local parks. It provides flexibility for the development of bus routes to service the area as development expands and responds to the steep topography in areas.

Camden Valley Way provides the major north-south link on the western boundary of the Precinct. The RMS has approval to upgrade Camden Valley Way from a two lane to a four lane divided arterial road with the potential to be widened to six lanes, if required. Construction of part of this upgrade is to

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commence in 2012. The intersection between Ingleburn Road and Denham Court Road will be realigned to a four-way intersection with traffic lights; the final alignment of this intersection is subject to Roads and Maritime Services (RMS) approval.

Denham Court Road is the key east-west road in the Precinct with multiple access points proposed along this road to the north and south of the Precinct. The road will require widening in the long term to accommodate the increased traffic. Several roundabouts will be located on this road to provide through access from the north to the south of the Precinct.

An extension of Heath Road east into the Precinct will provide to of the main entrance points to the new residential areas. The other main access point is likely be a roundabout at the first corner of Denham Court Road travelling east. This road is centred on the easement of two high pressure gas pipelines in order to best utilise the constraints and limited land use potential associated with the easement. The majority of the road will be a dual carriageway with the pipelines located in the road median for safety, surveillance and access purposes which results in a wider than usual collector road. This has however been determined in consultation with the relevant utility providers.

The collector roads will act as the link between the major roads and the suburban streets, providing an efficient transition between the busy regional road network and individual properties. Roads have been located along the edge of the riparian corridors and the Upper Canal to increase amenity and provide public access and surveillance to these areas as well as pedestrian connectivity throughout the Precinct. In the east of the Precinct towards Scenic Hills the proposed local road pattern responds to the steep topography of the land and also respects and reflects historic cultural elements such as historic tree plantings and historic carriage way routes. An indicative road layout has not been shown for part of the Precinct located immediately west of the Scenic Hills.

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Figure 5-2 Urban structure and land use

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5.4.2 Local and Neighbourhood Centres

An assessment of the retail floorspace demand in the East Leppington Precinct was undertaken (see Section 6.11), and consideration of the hierarchy of centres in the Structure Plan, has led to the identification of a Local Centre and an indicative neighbourhood centre on the draft ILP.

The draft ILP proposes a Local Centre located on Heath Road near the intersection with Camden Valley Way (refer to Figure 5-3). The Local Centre will provide for up to 15,000 square metres of retail floor space and will be capable of accommodating a variety of uses including supermarkets and small-scale retail and commercial premises. Figure 5-4 shows the possible layout for the Local Centre. The Local Centre will be supported with passive open space located along the Bonds Creek riparian corridor with the community centre co-located with the centre. Medium density housing will be located either side of the Local Centre to utilise the proximity to the centre and also to public transport.

The Employment and Retail Assessment prepared by SGS recommended a Local Centre and two zoned neighbourhood centres to be located within the East Leppington Precinct to accommodate for local and neighbourhood retail demand. However, following consultation with the relevant Councils, only one retail centre within the East Leppington Precinct will be zoned.

An indicative neighbourhood centre has been identified in the north of the Precinct to accommodate a portion of future neighbourhood demand. The indicative neighbourhood centre is located on the main north-south collector road and is close to the riparian corridor. This neighbourhood centre has not been zoned and the location is the preferred location should demand for neighbourhood retail services arise. Specific controls for the indicative neighbourhood centre are provided in the DCP.

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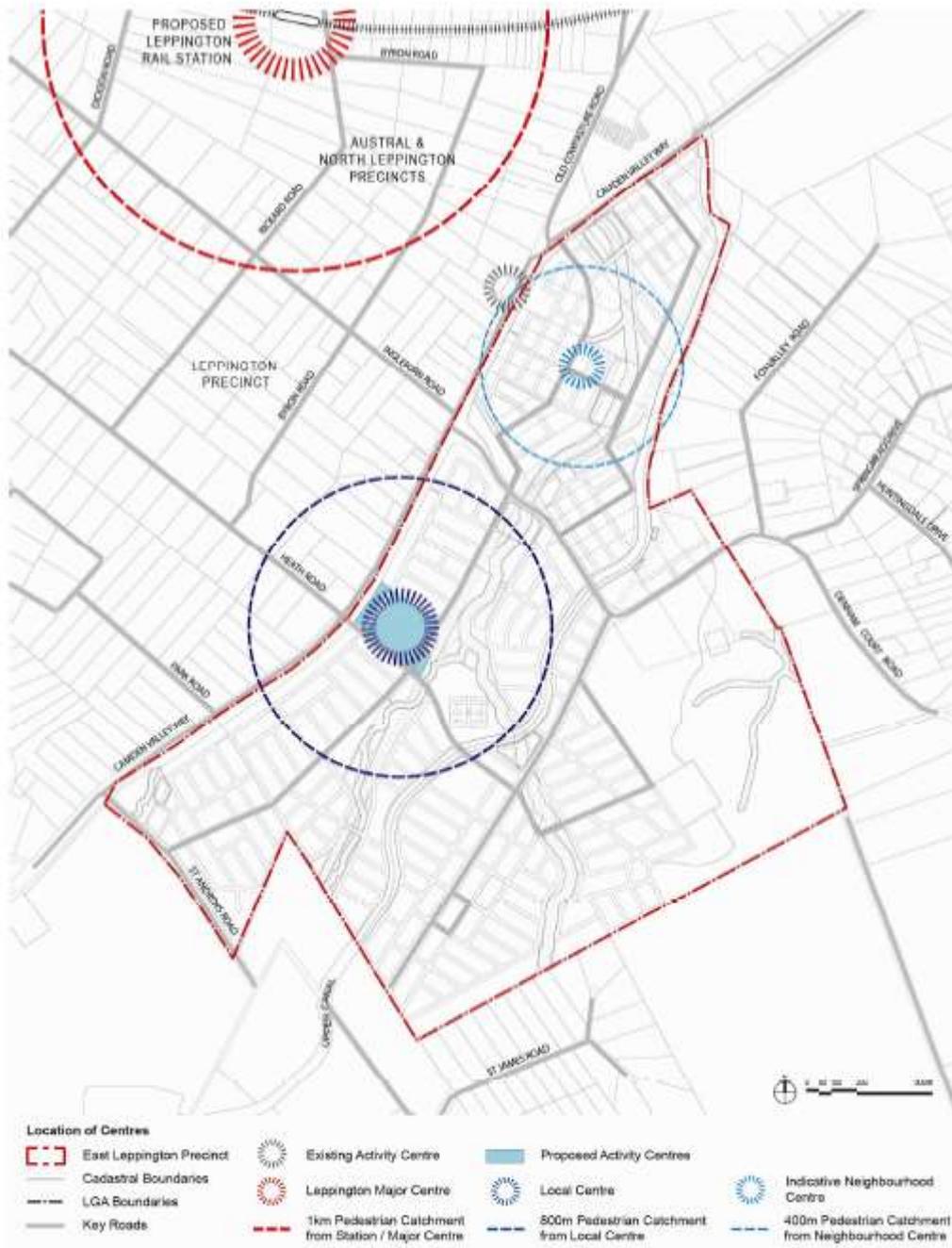


Figure 5-3 Locations of proposed centres

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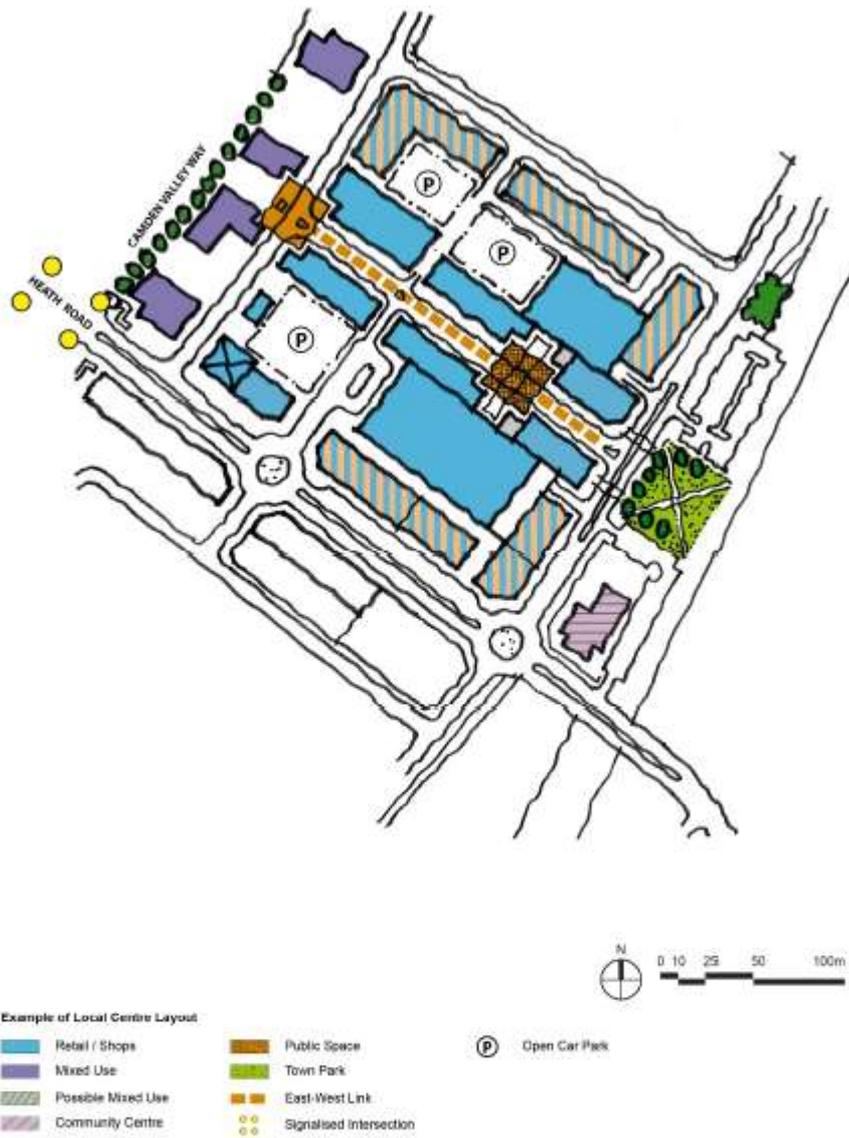


Figure 5-4 Local Centre layout

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5.4.3 Housing mix and density

Precinct planning has determined the distribution and mix of residential areas based on analysis of opportunities and constraints as well as the demographic assessment carried out as part of the technical investigation (see Section 6.10). Generally, a mix of housing types and sizes will be permissible throughout the Precinct to create housing choice for a wide range of buyers or renters, and to encourage a diverse community.

The majority of the land in the Precinct is proposed to contain low density residential development. The typical density of housing in these areas will be at least 15 dwellings per hectare. This means houses that are, on average, on blocks of around 500-550 square metres, which is typical of many urban growth areas in Sydney.

More dense housing is proposed to be concentrated around the Local Centre and to take advantage of key public transport corridor along Camden Valley Way. Given the significant public transport interchange that will be provided at Leppington Station, the Department considers that medium density residential development should also be considered for areas within relative close proximity to Leppington Major Centre.

Land in the Precinct that has significant constraints (such as flooding, topography and infrastructure easements), but still has some development potential, is proposed to accommodate lower density housing as is shown on the draft ILP.

An analysis of the dwelling yield indicates the potential for 4,110 dwellings. A summary of the net residential areas (including local roads) and breakdown of housing types and dwelling yields in the Precinct is provided in Table 5-2. While the numbers below appear precise, they are estimates based on the minimum residential density that will be permitted in each residential zone. Actual dwelling numbers are likely to differ from these as the Precinct develops.

Table 5-2 Dwelling Yield and Population Summary

Residential Density	Area (ha)	% of residential developable area	Dwelling per hectares	Dwellings	Population
Medium	3.2	1.1%	25	80	208
Low	259.1	89.0%	15	3,886	13,212
Very Low	28.8	9.9%	5	144	490
TOTAL	291.1	100%	14.2 (average)	4,110	13,910

The overall dwelling yield of 4,110 dwellings is significantly more than the target of 3,000 dwellings identified in the South West Structure Plan for East Leppington. The main factor contributing to the higher dwelling yield in the draft ILP is the reduced riparian corridor widths as a result of a new riparian corridor policy in 2012 and generally the higher proportion of land available for development across the Precinct.

Overall, dwelling densities have been conservatively estimated, based on advice from Elton Consulting in relation to the likely market for medium to high density residential development in the Precinct. Although a small proportion of the Precinct has been zoned for medium density

development, Elton Consulting advises that the market for multi-unit and smaller lot housing is likely to be weak initially, until services and amenities that are traditionally attractors for these types of housing become more established.

Subsequently, it is noted that the draft ILP population yield of 13,910 people is significantly higher than the Structure Plan target of 8,000 people. The estimated population has been informed by the demographic investigation carried out as part of the precinct planning that has identified that the average dwelling occupancy rates for Sydney's south west are traditionally higher than for the north-west and other parts of Sydney.

5.4.4 Transport and access

The road network

The draft ILP retains all existing roads and further develops access from these roads to provide a more fine grain grid network suitable of supporting urban development. In the north of the Precinct, roads have been generally located to respond to issues of existing fragmented ownership, and to minimise property severance. Roads have been positioned, where possible, to enable each current land holding to be developed independently of others. This is critical to enabling the development of fragmented land. Road orientation has been designed to access destinations such as open space and the indicative neighbourhood centre, assist with stormwater management, and to maximise solar access to new houses.

The proposed hierarchy of roads, streets and paths collectively creates an overall circulation system for both vehicular and pedestrian traffic that serves both the Precinct and its regional surroundings. The road network, and hierarchy of arterial, sub-arterial roads, collector roads and local streets is illustrated in Figure 5-5.

The design of roads is generally in accordance with the Growth Centres Development Code and Camden, Campbelltown and Liverpool Council's development standards. However, some roads cross sections differ from those in the Development Code to integrate with connections to roads outside the Precinct. Typical cross sections for each category of road are provided in the draft East Leppington DCP.

Specific road cross sections have been developed for streets that will serve a function in controlling stormwater flows and quality as part of the trunk drainage network. These roads are typically required where stormwater catchments are unable to drain to stormwater detention/quality basins due to topography and catchment size.

The key collector road heading south from Denham Court Road will be an exception to the standard collector road cross-section. Due to the presence of two high pressure gas easements, the easements will be located in the median of this road based on discussions with the utility providers. A cross-section for this collector road is provided in the DCP.

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Arterial and sub-arterial roads

Camden Valley Way is the principal arterial road in the Precinct and an upgrade for this road, part of which is located in the East Leppington Precinct has approval for widening to a four-lane road. A number of signalised intersections are proposed on Camden Valley Way in the Precinct located at the intersections with: Old Cowpasture Road, Ingleburn Road/ Denham Court Road, Heath Road and St Andrews Road.

As identified in the South West Structure Plan, traffic modelling undertaken for Precinct Planning confirms that Camden Valley Way will carry a very high volume of traffic and will be the major north-south public transport route. This road also provides good access to the strategic highway network including the M7 and M5 and will carry significant traffic volumes with future development of the South West Growth Centre.

Denham Court Road has been identified as serving a sub-arterial road function and will be essential in allowing traffic travelling in an east-west direction. Traffic modelling has indicated that this road will carry a large volume of traffic with the development of the Precinct and will likely require widening to two lanes in each direction by 2026. This is based on the strategic capacity of 950 vehicles per hour (vph) as recommended in the '*RTA Guide to Traffic Generating Developments*'. However depending on a number of factors including the condition of road way and heavy vehicle usage, it may not need to be upgraded until 2031 as it may be able to carry a capacity of up to 1,400 vph.

It should be noted that predicting traffic volumes further than ten years in the future can be inaccurate as they are based on a number of assumptions. A road network strategy under preparation by RMS will inform decisions about any further upgrades to this road that may be required as part of the overall development within the South West Growth Centre and adjoining areas.

Both Campbelltown and Liverpool Councils have raised the issue of the carrying capacity of this road in the intervening section between Camden Valley Way and Campbelltown Road. This issue has gained prominence given the proposed major intersection works where the road intersects with Camden Valley Way and also with Campbelltown Road.

The Department recognises that the existing nature of the road will be altered with a number of intersections/roundabouts proposed to provide north-south access within the East Leppington Precinct sector. The draft ILP has also been designed to accommodate the necessary road widening to accommodate the future road widths and cross sections as identified in the technical study.

The RMS is undertaking a strategic review of the South West road network which will determine the importance of critical road connections within the Growth sector. The review will provide a strategic context within which the implications of growth and development from both East Leppington and the broader South West Growth Centre on this sub-arterial road can be properly assessed and recommendations made for its future.

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Local roads

Within the Camden and Campbelltown LGA the majority of the Precinct is in single ownership. The proposed local road pattern is based on a grid structure and topography and seeks to demonstrate how the road network could work within the Precinct. Local roads in the south-east of the Precinct have been designed to interpret significant cultural heritage elements such as historic tree plantings and former carriageways and to form a grid pattern.

Within the Liverpool LGA, the Department has had detailed discussions with Liverpool Council regarding the local road layout to assist in facilitating the development of this fragmented area. The draft ILP adopts Liverpool Council's preferred layout for the local road network. It is noted that alternative approaches are also possible (i.e. locating centre line of local roads on property boundaries) and the issue will be considered further during the post-exhibition phase.

There may be situations where the development of a particular parcel of land requires roads to be located differently to where they are indicated on the ILP. In these instances, the location of local roads may be varied through the subdivision approval process, and the draft DCP provides guidance and principles for acceptable amendments to the locations of local roads. An alternative road layout for the fragmented lands is provided in the DCP.

The main local roads have been positioned to:

- Connect local destinations visually and functionally (e.g. riparian corridors and open space);
- Provide direct connections between residential areas and collector roads to maximise transport efficiency and legibility;
- Maintain or establish view corridors;
- Align with property boundaries wherever possible to facilitate development of the fragmented land holdings;
- Align with drainage lines to incorporate WSUD measures and provide flow paths to creeks where necessary;
- Provide active frontages to public lands including local open space, the Upper Canal, riparian corridors and major roads (rather than rear property boundaries); and
- Enable flexibility at the subdivision stage should developers identify alternative road layouts that still achieve the connectivity, orientation and drainage principles of the ILP.

Intersections

Recommended intersection treatments are shown on Figure 5-6 for the major intersections in the Precinct. Intersection connectivity and turning movements are indicative at this stage and subject to detailed traffic assessment and feedback from stakeholders.

Preference is given to signalised junctions at intersections with higher order roads in order to increase traffic efficiency and to allow for safer pedestrian connections. This is particularly important on Camden Valley Way which is proposed to be widened to a six lane road in the future.

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Connectivity between the north and south of the Precinct across Denham Court Road is essential to ensure connectivity across the Precinct. It is proposed that these intersections will be predominantly in the form of roundabouts, refer to the Traffic Assessment technical report.

To maximise connectivity, intersections between lower order and higher order roads may be served through left-in left-out junctions. Left-in left-out movements have been permitted along Camden Valley Way (in the north of the Precinct) and along Denham Court Road to increase traffic permeability through the Precinct. Lower order connections may not require signals and can be controlled by signage.

Intersection controls between local roads, and for other intersections not specified in the draft DCP, will need to be determined as the Precinct develops. However, these intersections are likely to require signage controls only.

The pedestrian and cycle network

A grid pattern local street network is to generally be followed to maximise accessibility by pedestrians, cyclists and for public transport. The major pedestrian and bicycle routes within the Precinct are located adjacent to the riparian corridors, the Upper Canal and open space networks as shown on Figure 5-6. A pedestrian link linking the park located at Leppington House Estate and the ridgeline forming the boundary of Scenic Hills will be an important pedestrian link.

Major roads (arterial and sub-arterial) would all have shared pedestrian-cycle paths within at least one road verge. These will provide for safe pedestrian and cyclist movement (separate to road traffic) linking the key locations in the Precinct and surrounding areas. These routes will link the Precinct with surrounding SWGC Precincts, the Leppington Major Centre and the Western Sydney Parklands. These major roads will also have on-road cycle lanes for commuter cyclists.

Public transport

Recommended indicative bus routes are shown on Figure 5-7. The indicative routes utilise the sub-arterial and arterial roads and collector roads and have been designed to ensure the majority of the population is within 400 metres of a bus stop. Regional bus routes are proposed on Camden Valley Way to connect Campbelltown, Narellan and Macarthur through the Precinct to Liverpool, Parramatta and further north and east. Other local connections are proposed throughout the Precinct to improve local and neighbourhood connectivity between the Local Centre as well as to the Leppington Station.

The future SWRL and Leppington station is also likely to service the East Leppington Precinct and provide good access to the Cityrail network and links to Greater Metropolitan Sydney. Leppington station and its associated transport interchange will provide important local and regional connectivity, travelling from Leppington to Glenfield and onto Liverpool, Parramatta and central Sydney.

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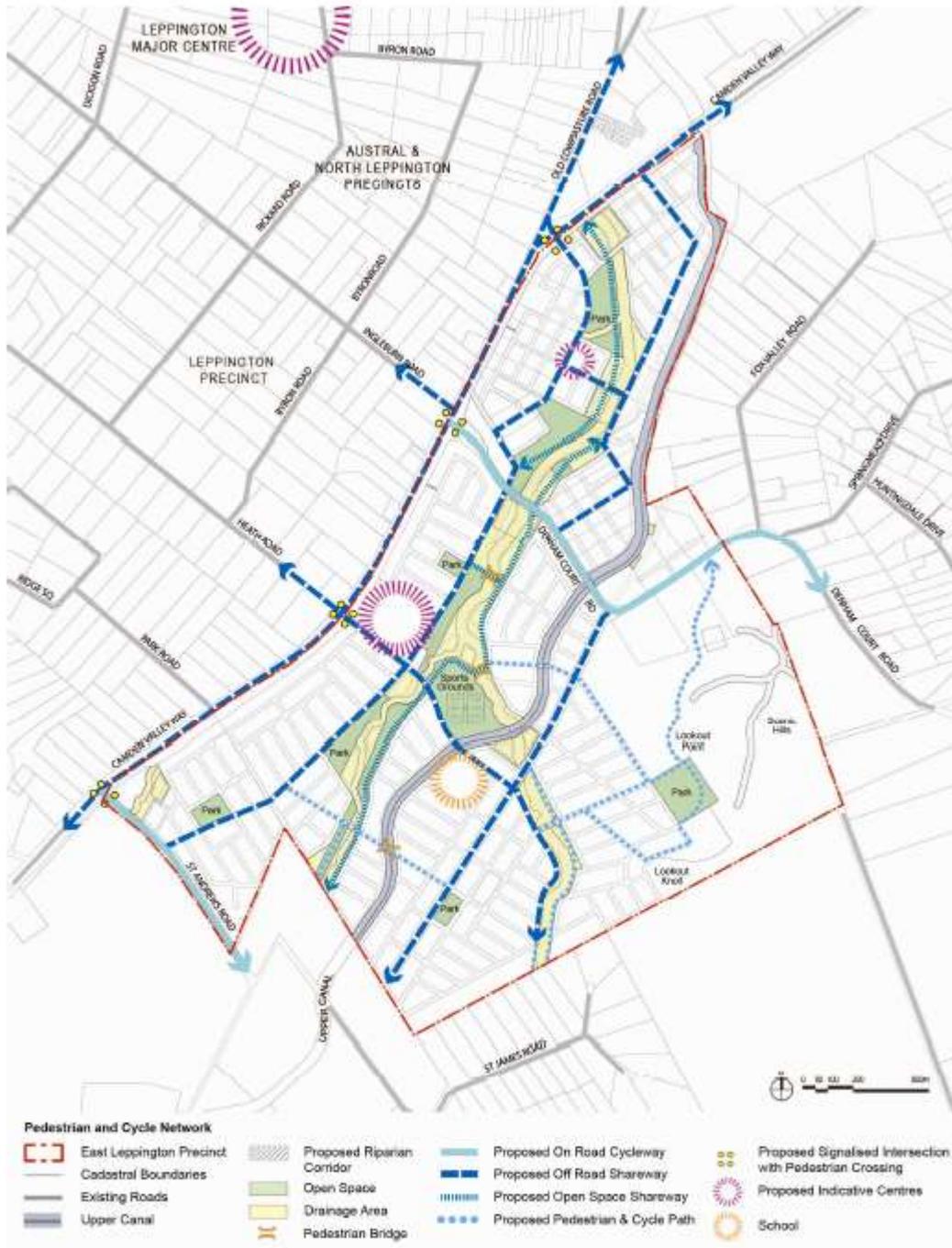


Figure 5-6 East Leppington pedestrian and cycleway network

5.4.5 Demographics and social infrastructure

Community and Other Services

Analysis of the demand for community facilities undertaken by Elton Consulting (see Section 6.10), and input from Camden, Campbelltown and Liverpool Councils, has concluded that a local level community centre is to be co-located the Local Centre. One neighbourhood level, multi-purpose community centre is to be provided within the Precinct. The Elton Consulting report recommends that community centres be located directly adjacent to open space in order to encourage spill over for outdoor events such as festivals and markets. The co-location of the community centre with the Local Centre ensures close proximity to transport and other community services such as shops and open space.

It is noted that the community centre is located adjacent to existing gas and electricity easements and this issue has been discussed at various meetings between the Department and PWG. Development for the community centre will need to address a range of matters including the appropriateness of location and any infrastructure requirements associated with the proximity of existing easements.

Other facilities including possibly three or four child care centres (provided by the private sector), places of public worship and a local medical centre should be accommodated as development progresses depending on market demand. Both places of public worship and child care services are generally permitted within most residential zones and will be provided for as the market demands a need for such services.

Services for older and younger people including entertainment and leisure activities are to be provided in activity nodes, particularly the Local Centre and community centre. This ensures co-location with other facilities including indoor and outdoor recreation and open space.

Community and cultural development plans will be prepared or updated by Camden, Campbelltown and Liverpool Councils to ensure the effectiveness and use of community facilities and entertainment and recreational spaces. A well resourced community and cultural development strategy is vital to activate community facilities and to develop activities, programs and services for people of mixed ages and abilities.

Primary School

There are no existing schools within the East Leppington Precinct. Based on current standards provided by the Department of Education and Communities (DEC) and discussions with DEC, there is likely to be a demand for one primary school within the Precinct. With a proposed population of 13,910 it is likely that not all of the future demand will be accommodated within one new primary school. Part of the future demand will need to be met by another primary school. The DEC is considering how this need might be met, in the context of the surrounding Precincts and developments.

The following principles were applied to the selection of the preferred site for the primary school:

- The site was located above 1:100 flood extent and has a slope of less than 1:10;
- The site was located on the major pedestrian and cycle paths located in open space networks to enhance connectivity and reduce vehicular traffic;

- Sports fields or open space are located in close proximity to the school site and would be easily accessible for use by the school, should Council and DEC negotiate an agreement on the shared use of the playing fields.

In response to these requirements, and based on DEC's criteria for school sites, the draft ILP identifies the site for the public school in the centre of the East Leppington Precinct. The school is located within 100 metres of the active playing fields and within walking distance to the Local Centre and community centre. The primary school site has been reserved for acquisition by DEC and included on the Land Acquisition Reservation SEPP Map.

East Leppington itself is not large enough to warrant the provision of a new high school; however it will contribute significantly to the high school demand in the wider area. DEC is currently considering how future high school needs might be met across the broader district. No provision has been made in the draft ILP for a high school.

5.4.6 Open space, drainage and conservation

The master planning response to the findings of baseline investigations in relation to open space provision, drainage, riparian zone management and ecological values have been used to integrate these elements as much as possible into the draft ILP. The location of riparian corridors in the Precinct relative to proposed land uses creates opportunities for natural corridors to also serve important drainage, open space and pedestrian connectivity functions. Multiple uses of the riparian corridors for other public uses is a key element of the overall structure of the draft ILP and have been incorporated as part of the overall open space network. The elements of the draft ILP that contribute to open space, drainage and conservation outcomes are shown on Figure 5-8. Table 5-3 provides a summary of the function of each component of the open space and drainage lands.

Table 5-3 Summary of proposed open space and drainage land

Park Type	Function	Character
Local park	Access to public open space within walking distance of all homes in the Precinct	Urban character, with a range of play spaces and opportunities and cater to older as well as younger children, with grassed areas for ball games, seats and shelter. May also contain practice wall, fitness equipment etc.
District (key suburb) park	Access to public open space with a range of facilities to cater for the whole family	Urban character, with a combination of outdoor activities such as basketball, netball, skate park, shared pathways, children's play equipment, outdoor fitness equipment, performance space, water feature, picnic/BBQ facilities, unleashed dog exercise area etc.
Local sports grounds	To accommodate demand for local sport and recreation training and competition	Urban character, co-located with schools, playground, community facilities etc., with fields, courts, amenities and parking facilities.

Park Type	Function	Character
Riparian corridors	Areas that provide for the local open space needs of the community while retaining significant native vegetation within the public domain	Passive recreational activities and linkages to adjoining areas or destinations within the Precinct within an environment that emphasises the retention and enhancement of ENV for ecological and amenity reasons.
Drainage lands	Drainage lands including water quality basins and stormwater retention basins, to treat and retain water flowing from the urban parts of the Precinct before being discharged into creeks and rivers	Stormwater infrastructure that is designed to complement and mimic natural systems, including landscaping. These areas may have a secondary peripheral function as passive open space areas serving surrounding neighbourhoods. In some cases, these are combined with local and district parks.

Parks and sports fields

The technical report prepared by Elton Consulting recommended the provision of 42 hectares of local open space (approximately 2.95 hectares per 1000 people) based on an occupancy rate of 3.4 persons per dwelling in low density residential development and 2.6 persons per dwelling in medium density residential development. The recommended local open space would comprise a 35:65 split between active and passive open space.

Based on further changes to the type of housing proposed within majority of the Precinct as shown on the draft ILP, the population figures have been revised downwards from 14,400 to 13,910. A further review of the figures based on the recently released census data is anticipated post-exhibition and will enable a more accurate calculation of the potential population within the Precinct prior to finalisation of the draft Plan.

Passive open space

The draft ILP includes 32.3 hectares of passive open space of different sizes that will serve different functions. This comprises the following:

- 12.4 hectares of local parks
- 10.3 hectares of open space adjacent to the riparian corridors
- 9.6 hectares within the riparian corridors.

The passive open space has been distributed to maximise accessibility to future residents, respond to the natural features of the Precinct including high points with views, respond to areas of heritage significance (Leppington House archaeological site) and protect existing native vegetation.

A key feature of the Precinct is the local park that is co-located with the Leppington House archaeological site. The park has been located on the major ridgeline to incorporate the archaeological area associated with the former house (now in ruins) and the heritage curtilage which incorporates existing tree rows and the paddock immediately surrounding the former homestead. Location of a public park in this location will ensure spectacular views eastwards to the city and westwards to the Blue Mountains are retained while also maximising protection of the Leppington

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House site which has been identified in the technical study as being of potential State heritage significance. This park covers an area of approximately 3 hectares.

Active open space

The draft ILP includes 5.5 hectares of active open space accommodating two sports fields and other courts (e.g. tennis, basketball or netball). The active open space area has been located adjacent to flood prone land to make the best use of relatively level lands that otherwise have limited development potential. Each playing field is suitable for a variety of sports including cricket and the various football codes.

While the technical study recommends a 35:65 split between active and passive open space, the draft ILP as currently shown provides for a split of 15:85, indicating a provision gap in active open space. On the basis of the projected population, this equates to a requirement for an additional double playing field. This issue has been raised with Councils and will form the basis of further discussions during exhibition and review of the Precinct planning package.

In terms of local government areas, Liverpool Council has advised that the amount of open space indicated in the draft ILP is significant for its area. The open space identified for Liverpool includes land that contains existing native vegetation (ENV) and consideration has been applied to its protection within the Precinct in accordance with the Biodiversity Certification Order. Camden Council has advised that additional open space would be required for its population based on its current levels of provision of open space. Campbelltown Council has advised that the open space provided would adequately cater for the potential population within its area and does not acknowledge that a shortfall in active open space exists. Council is satisfied that it will meet its recreation needs in light of provision of facilities elsewhere within the LGA and that the exhibited level of provision of active open space is consistent with Council's maintenance obligations.

The Department supports the provision of open space that is appropriately configured to provide for the needs of the new communities and considers that use of the riparian corridor as a unifying element within the Precinct will provide opportunities for a range of recreational forms across the precinct. This element will also provide visual relief and definition within the context of the proposed residential land use. Further, the Scenic Hills area is subject to provisions that would not permit housing development beyond what is currently permitted. In this regard, Campbelltown Council considers that the Scenic Hills provides additional visual amenity within the Precinct. Further consideration of the provision of district or regional facilities will be undertaken as part of the review of the planning package on the basis of the newly released census data, and other data as it becomes available.

Riparian corridors, drainage and flooding

Where possible, the riparian corridors have been retained in public ownership as part of the open space network and trunk drainage lands. These are linked by pedestrian and cycling routes that follow the major internal road network. The connections will form part of the overall open space network and will provide green links from the south of the Precinct to the north and will contribute to the total open space calculation for the Precinct. A total of 10.3 hectares of open space is provided in the open space areas adjacent to the riparian corridors. In addition, a total of 9.6 hectares is provided within the riparian corridor and will also form part of the open space network.

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The existing remnant vegetation within riparian corridors will be retained, regenerated and managed for ecological values, but primarily these vegetated areas will contribute to the quality of the public spaces within the Precinct. The waterways will also serve water quality, flood management and ecological functions. By integrating these lands into the public domain, environmental and social objectives of Precinct Planning can be met with a maximum of efficiency and achieve more consistent outcomes for the riparian corridors.

Open space provided along the riparian corridors in the south of the Precinct, also comprises an electricity easement and a high pressure gas pipeline easement. The Open Space technical report raises questions over the usability and effectiveness of this land contributing to usable passive open space. However areas within the easement have been counted towards the open space calculations on the basis that they provide some visual amenity within the Precinct.

Changes to the ability of Councils to collect contributions under Section 94 of the EP&A Act were announced by the NSW Government in October 2007. Under the changes, Council can no longer levy for Section 94 contributions to cover the cost of purchase of land and works to conserve riparian zones, as a mechanism for managing these corridors under the WM Act. All three Councils have indicated that they do not have the capacity to purchase land for riparian zone management purposes using funds from other sources. However, Campbelltown and Liverpool Councils have indicated that they consider the major creek lines in the Precinct to be part of the trunk drainage system that will manage urban stormwater flowing from development in the Precinct.

Where riparian lands serve a function that is able to be levied for under Section 94 (such as open space, pedestrian/cycle links or drainage), Council can utilise Section 94 funds to bring these lands into public ownership. The master planning response to riparian corridors for the East Leppington Precinct has been to locate some other elements of the public domain along key riparian corridors, to enable public uses that are compatible with the water quality, drainage, ecology and soil conservation functions of riparian zones.

Land required by Liverpool and Campbelltown Councils for trunk drainage purposes is shown on Figure 5-9. This includes the main creek channels and any lands required for maintenance access, and land identified for stormwater detention or water quality basins.

Existing Native Vegetation and high value habitats

Key areas of existing native vegetation (ENV), serving both visual amenity and ecological functions, are located primarily along creek lines and flood-prone land. Specific areas of remnant vegetation that are of ecological value and visual significance include relatively large stands of Cumberland Plain Woodland in the East Leppington Precinct. The majority of this vegetation is to be incorporated into an open space zoning along the riparian corridors. Whilst the majority of the Precinct is certified, the retention of this vegetation, where possible will conserve some of the key visual features within these parts of the Precinct and reduce the dominance of built form by providing a significant stand of mature vegetation in a highly visible location.

Areas of non-certified ENV in the north of the Precinct have been protected through open space zonings in accordance with the requirements of the Certification Order. These areas are shown on the

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Native Vegetation Protection Map. Any areas of non-certified ENV that are removed (i.e. for the reconstruction of the creek in the north) will need to be offset. The East Leppington Precinct is required to contribute to the protection of 2,000 hectares of ENV across the Growth Centres.

Remnant native vegetation has been conserved by inclusion in the open space and drainage networks and a Native Vegetation Protection Map is proposed in the Explanation of Intended Effect to ensure that existing native vegetation that is of moderate to high ecological value is retained and managed. Appropriate Plans of Management will be prepared and implemented by the Councils to manage existing vegetation as part of the embellishment of the open space network as it is delivered.

Due to limitations on the area of open space that can be justifiably acquired and maintained by the local Councils, some areas of remnant native vegetation are within the developable parts of the Precinct. In areas where this vegetation makes an important visual or ecological contribution, site specific controls have been incorporated into the draft DCP to maximise the retention and long term management viability of the vegetation.

The area shown as the Scenic Hills on the draft ILP will be zoned environmental management which is an equivalent zone to the existing zoning. The environmental management zone covers an area of 48.4 hectares. This area will remain in private ownership and will not contribute to the open space calculation. This area has the potential to be revegetated.

Conservation Areas

Two conservation areas have been identified on the draft ILP and will be zoned for as environmental conservation and are total of 2.5 hectares. These areas both contain the Spiked Rice Flower (*Pimelea spicata*) which is a threatened species and requires protection under the Certification Order. The ILP shows the conservation areas as being in private ownership.

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Figure 5-8 Drainage, open space and conservation area outcomes

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5.4.7 Landscape Analysis

A landscape analysis for the East Leppington Precinct has been undertaken to identify existing landscape characteristics. This analysis was undertaken in parallel to the development of the draft ILP to identify key landscape elements that should be considered in the iteration of the ILP. The landscape assessment divided the Precinct into a number of landscape 'sub-precincts' (refer to Figure 5-10). These sub-precincts include:

- North East
- North West
- Heath Road
- West Hills
- Canal
- Leppington
- Denham Court Road
- Scenic Hills

North East Sub-Precinct

This sub-precinct is characterised by generally poorer quality, cleared land within rural residential subdivision patterns. The topography is flat and generally poorly drained. The sub-precinct includes an area of natural wetland in the centre. The Upper Canal is located on the eastern boundary of the Precinct and is not accessible. Visual connection between the rural residential developments and the canal is blocked due to the mounding associated with the canal and vegetation.

North West Sub-Precinct

This sub-precinct has similar landscape characteristics to the north-east sub-precinct, however has more potential when developed to provide views towards Bonds Creek which will require reconstruction. Development of this area should provide maximum social and visual amenity to these areas. There is an existing patch of vegetation at the northern end of this sub-precinct that could potentially be incorporated into a park or open space of some form.

Heath Road Sub-Precinct

The Heath Road sub-precinct is almost entirely characterised by open pasture, gently sloping towards the north-south running Bonds Creek. Any future development should take advantage of this asset by facilitating views towards the creekline and to the ridgelines. At the northern end of this sub-precinct, there are stands of existing vegetation that should be incorporated into future development patterns as they provide visual separation and variety within the urban form. Heath Road, at the main entry point should focus on the vista towards the visually prominent knoll in the east.

West Hill Sub-Precinct

The landscape character of the West Hill sub-precinct is defined as much by landform as by vegetation because it occupies a low hill. The northern half of this sub-precinct is mostly cleared and slopes north west towards Camden Valley Way. The southern half has a gently wooded character and slopes to the south. Differences from north to south are likely to be reflected in individual dwelling design. There is a vegetated creekline located in the western corner.

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Canal Sub-Precinct

This sub-precinct is the largest development area within the Precinct . It is mostly cleared with undulating topography and with a portion of good quality open woodland on the western side. Notable features of this sub-precinct that will impact on the development pattern include the Upper Canal and cultural heritage elements such as historic fence and tree lines. These elements have the potential to be interpreted in the urban design of the Precinct. Any open space provided in this sub-precinct should where possible try to capture any areas of good quality vegetation. Streets within this area should focus on the Upper Canal with potential views in some areas to the canal and also to Bonds Creek South.

Leppington Sub-Precinct

The majority of this sub-precinct has characteristics similar to the Canal sub-precinct. The particular distinguishing feature is the knoll at the southern end and the steep slopes associated with it. This means residential development in this area will be afforded good views across Bonds Creek and the Blue Mountains in the distance. Other features include the knoll itself and cultural heritage items including historic fence lines, tree avenues and the historic carriageway. These elements should be considered for conservation. There is also an opportunity to utilise some of the flood prone land along Bonds Creek for open space including active open space.

Denham Court Sub-Precinct

The boundaries of this area are determined by the proximity of Denham Court Road but its characteristics are mainly wooded in nature. A feature of this sub-precinct is the intersection of a number of fence/tree lines of historic significance. The north-west portion of the sub-precinct is mainly cleared, but also includes some patches of open woodland.

Scenic Hills Sub-Precinct

Scenic Hills contains land which is largely unsuitable for residential development as the majority of land is generally too steep for residential development. This area has been identified by Council as having significant landscape character. The Leppington House ruins are located on the ridgeline and should remain free of any form of development that is likely to diminish the visual curtilage. It is recommended that this area of the Precinct be protected and linkages provided to areas of historic interest.

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Figure 5-10 Landscape sub-precincts

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5.4.8 Scenic Hills and Visual Analysis

The Scenic Hills has been identified by Campbelltown Council as an area of high importance due to its landscape and environmental characteristics and an area that should be retained in its existing form and contain only very limited development, if at all. Scenic Hills located in the south-east of the Precinct forms the highest part of the Precinct and the eastern ridgeline provides a physical edge between the Scenic Hills area and development of the remainder of the Precinct.

The ridgeline has uninterrupted views to the city skyline and Blue Mountains. The land within the Scenic Hills area comprises of steep land and drains into Cottage Creek and then rises again towards Denham Court Road. Figure 5-11 shows the Scenic Hills as viewed from Denham Court Road. Leppington House is also located on the major ridgeline. Refer to Section 6.8 for further details.



Figure 5-11 Scenic Hills viewed from Denham Court Road

The Scenic Hills will be zoned environmental management which is an equivalent zone to the existing zoning of 7(d) Environmental Protection (Scenic). One dwelling per 100 hectares consistent with the existing zoning will remain the planning control for this land. This area is to remain in private ownership. This is supported by Campbelltown Council.

A key concern raised by Campbelltown Council was to ensure that urban development will not visually impact on views of the Scenic Hills as viewed from Denham Court Road (refer to Figure 5-11). A visual analysis to identify exposed areas along the major ridgeline and to develop controls to ensure any future development will not be visible from Denham Court Road and therefore impact on the landscape character of the Scenic Hills has been undertaken as part of the precinct planning.

As a result of the visual, topographic and landscape analysis undertaken for East Leppington Precinct, a number of controls have been developed and included in the DCP to ensure that urban development is not visible from Denham Court Road. A number of cross-sections prepared to determine this area have been applied in determining where unobstructed sight lines could be achieved from.

A ridgeline sensitivity zone has also been identified where particular care is needed to ensure that urban development does not impact views of the Scenic Hills from Denham Court Road (refer to Figure 5-12). Appropriate development controls and mitigation measures will apply to this zone. Further detailed site specific investigations would be required to be carried out the DA stage to ensure the objectives identified in the DCP are achieved.

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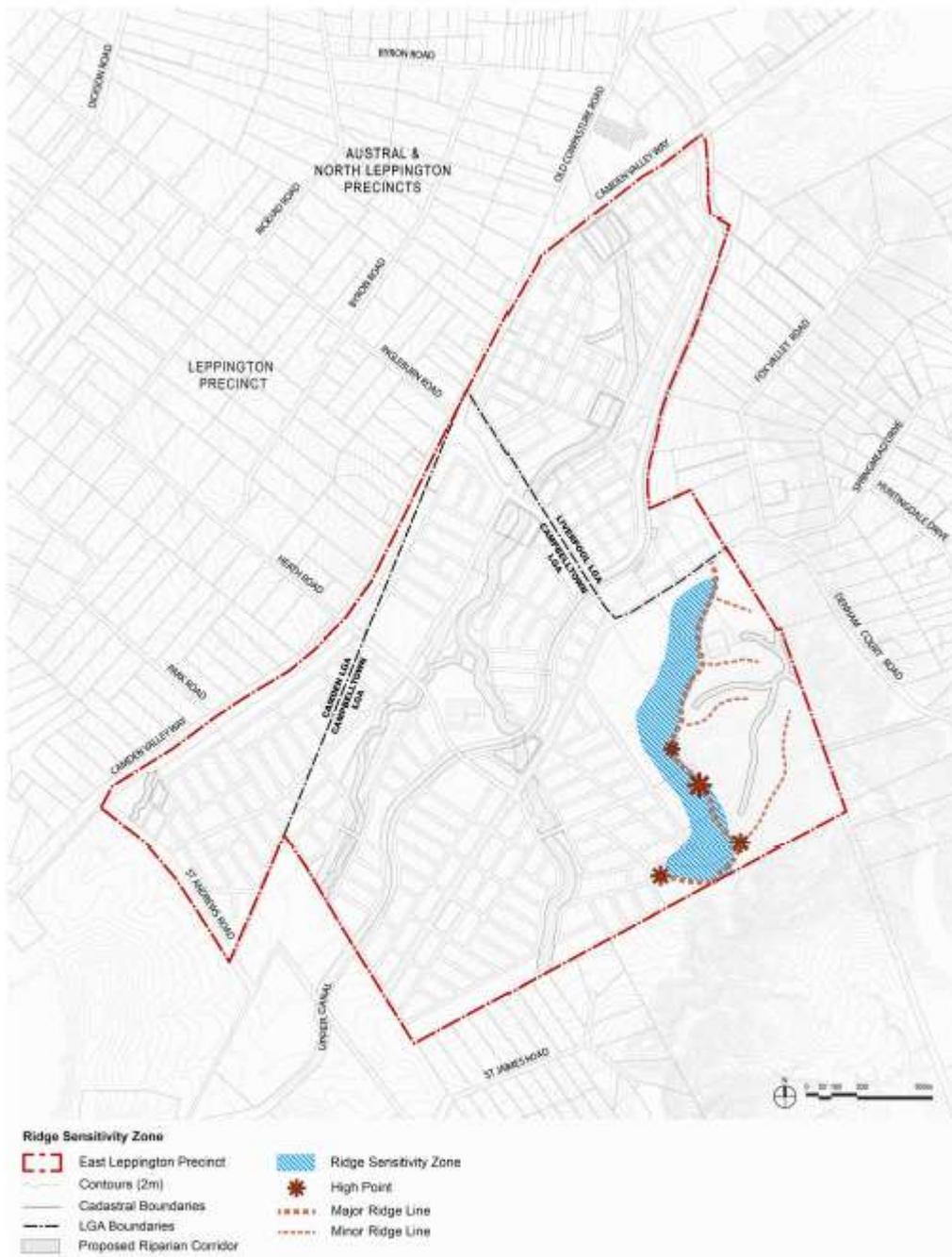


Figure 5-12 Ridge sensitivity zone

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5.4.9 Heritage

The Sydney Upper Canal is the only listed heritage item within the Precinct. The State-heritage listed Upper Canal and curtilage will remain unchanged. Fencing surrounding the Upper Canal will need to be upgraded to accommodate the changing land use from rural to urban to ensure safety, water security and access to the curtilage are appropriate. Two additional vehicle crossings are shown on the draft ILP over the canal and one pedestrian crossing. Any crossings over the canal will need to be in accordance with SCA and the Heritage Office's requirements.

The canal and associated curtilage will not be publicly accessible, however local roads have been located along the boundary of the canal to provide passive surveillance of the canal and to facilitate pedestrian and cycle linkages throughout the Precinct.

The heritage report prepared for the East Leppington Precinct (refer to Section 6.8) identified Leppington House Estate (or homestead) as being a potentially State-significant heritage item. The house is now in ruins and the archaeological curtilage surrounding the ruins has been determined by the technical consultant. A local park has been located on the ridgeline incorporating the archaeological ruins and the original paddock surrounding the former house. This ensures that this significant heritage item can be retained and interpreted through an open space area that will be publicly accessible. The park also contains spectacular views to the city in the east and the Blue Mountains in the west. Further site specific heritage investigations and a management plan will be required at the subdivision stage.

Significant cultural heritage elements such as remnant tree plantings, the former carriageway, the former paddock arrangement and original land grant have been interpreted in the design and road layout of the Precinct. Further controls for the protection and interpretation of these areas are contained in the DCP.

A number of Aboriginal heritage management areas have been identified within the Precinct. A large number of these management areas are located within the riparian corridors along Bonds Creek and development is unlikely to impact on the archaeological significance of these areas. Further controls for Aboriginal heritage management areas have been included in the DCP.

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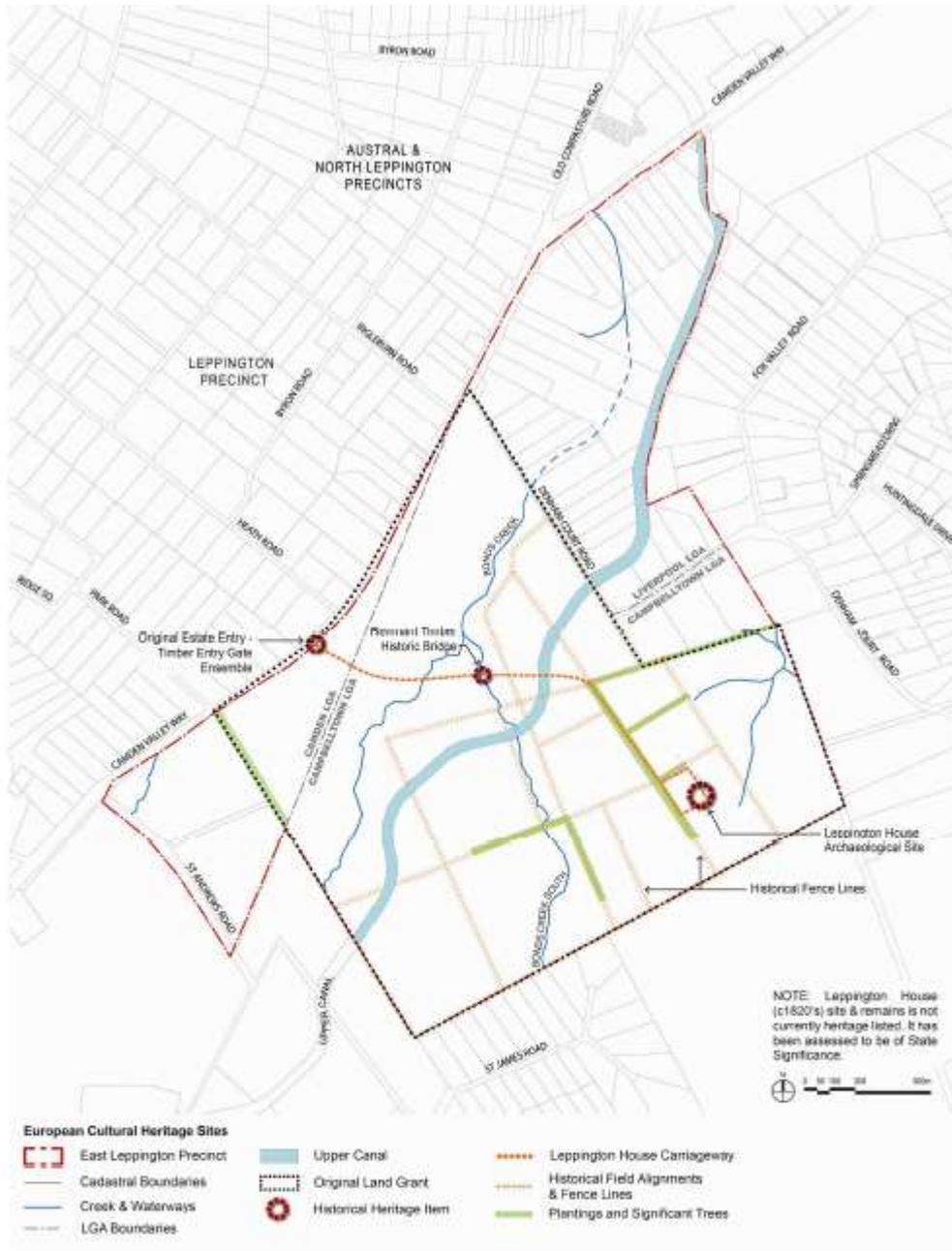


Figure 5-13 Heritage items within the Precinct

6 Specialist Investigations

Specialist investigations were carried out to identify the existing conditions and the implications for precinct planning. The results of these investigations are summarised in this chapter. The Specialist Reports are included as part of the exhibition material and are available on the Growth Centres website (www.growthcentres.nsw.gov.au). The specialist investigations are:

- Biodiversity
- Riparian
- Bushfire
- Water Cycle Management
- Land Capability, Salinity and Contamination
- Odour
- Noise
- Indigenous Heritage
- Non-Indigenous Heritage
- Transport
- Demographics and Social Infrastructure
- Retail and Employment Demand

6.1 Biodiversity

A Biodiversity, Riparian and Bushfire Assessment for the East Leppington Precinct was prepared by Ecological Australia. The purpose of this assessment was to identify the existing conditions, key ecological constraints, assess the impact of the draft ILP for the Precinct and provide appropriate management recommendations. The assessment included field work and reviews of past studies and mapping to identify areas of ecological value including the presence of threatened species, endangered ecological communities, bushland conditions and habitat values. A summary of the assessment is provided below:

6.1.1 Growth Centres Biodiversity Certification Order

Biodiversity Certification was granted on the Growth Centres SEPP in December 2007. This means that for lands that are identified as certified, no further assessment is required under the TSC Act. This strategic approach to the conservation of species and communities listed under the TSC Act has been undertaken to streamline the development process and to ensure that the areas of highest conservation value have been identified and conserved across the Growth Centres.

Where impacts on ENV, that is on non-certified land are proposed, assessment in accordance with the threatened species requirements of the EP&A Act and the TSC Act is required. Any impacts on this vegetation must be offset by the protection of the same area of vegetation, in the certified lands or outside the Growth Centres.

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The biodiversity certification requires that, across the Growth Centres, a minimum of 2,000 hectares of endangered vegetation is retained and conserved. Within the East Leppington Precinct, a total of 5.87 hectares of ENV is to be retained and conserved.

Within East Leppington, a portion of non-certified land exists at the corner of Camden Valley Way and Denham Court Road and is subject to Conditions 8, 17 and 19 of the Certification Order. This part of the Precinct has not been certified due to the presence of a population of the endangered plant, *Pimelea spicata*.

Additional non-certified lands in the Liverpool portion of the Precinct coincide with the preliminary Growth Centres 1 in 100 year flood extents and contain two different endangered ecological communities. Stands of ENV in this area must be protected or offset if clearing is required for the provision of essential infrastructure.

Field validation of the vegetation across the Precinct has been undertaken in accordance with the biodiversity certification order. As such, the field validation has updated the extent of ENV within the Precinct. This has resulted in changes to the boundaries of mapped ENV and mapping of new areas of Additional High Conservation Value Vegetation (AHCVV), that is vegetation which meets criteria a) and b) but was not mapped in the original conservation plan.

Figure 6-1 shows lands that are certified and non-certified within the East Leppington Precinct. The Conservation Plan mapped 122.22ha of ENV within the East Leppington Precinct. 13.35 hectares was located in Non-Certified areas and 108.87 was located in Certified areas.

The approval of both stages of the Strategic Assessment of the EPBC Act occurred on 28 February 2012. Provided that development activity proceeds in accordance with the Growth Centre requirements (i.e. Biodiversity Certification Order, Growth Centres SEPP, DCPs, and Development Code), then there is no requirement to assess the impact of development activities on matters of National Environmental Significance.

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Figure 6-1 Certified and non-certified land and existing native vegetation

6.1.2 Existing ecological characteristics and values

The Precinct contains a number of ecological values that are currently protected under State and Commonwealth legislation. The Precinct is dominated by exotic grassland with medium to large sized patches of remnant native vegetation concentrated along the watercourses.

Flora

The two main native vegetation communities within the Precinct are; Cumberland Plain Woodland (CPW) and Alluvial Woodland. CPW is a Critically Endangered Ecological Community listed under both the *Threatened Species Conservation Act 1995* and *Environmental Protection Biodiversity Conservation Act 1999*. There are two sub-communities of CPW being Shale Plains Woodland and Shale Hills Woodland. Alluvial Woodland (AL) within the Precinct comprises the endangered ecological community River-Flat Eucalypt Forest which is listed in the *Threatened Species Conservation Act 1995*. Vegetation community classification for the East Leppington Precinct is shown in Figures 6-2 and 6-3.

The main concentrations of remnant vegetation within the Precinct are along the creek lines and associated margins. There are a number of small isolated remnant pockets of vegetation however, the majority of land has been cleared for agricultural uses. Existing native vegetation within the Precinct was generally found to be of medium or high quality. A map indicating the quality of vegetation within the Precinct, as assessed by Ecological, is shown in Figure 6-2. The percentages of remnant vegetation (in terms of the total area of all vegetation remnants) assessed as High, Medium and Low quality are detailed in Table 6-1 and 6-2 below.

Table 6-1 Summary of area occupied by TSC listed vegetation and TSC condition

Vegetation Community	Condition		
	A, B, C (Good)	Tx (Poor)	Total
TSC Act (Non-Certified)			
Cumberland Plain Woodland	8.71	0	8.71
Alluvial Woodland	5.920		5.92
TSC Act (Certified)			
Cumberland Plain Woodland	95.83	12.16	107.99
Alluvial Woodland	6.92		6.92
Total (Certified and Non-Certified)	117.38	12.16	129.54

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Table 6-2 Summary of area occupied by EPBC listed vegetation and EPBC condition

Vegetation Community	Condition				Total
	Condition A	Condition B	Condition C	Condition D	
EPBC Act listed					
Cumberland Plain Woodland (Non-Certified)	8.04	0	0	0	8.04
Cumberland Plain Woodland (Certified)	73.85	1.69	5.21	3.82	84.58
All lands	81.90	1.69	5.21	3.82	92.63

A targeted survey identified one threatened flora species the Spiked Rice Flower (*Pimelea spicata*) in two locations in the Precinct. The *Pimelea spicata* is listed as an endangered species in both the TSC Act and EPBC Act. One small population of 5 plants occurs within the non-certified area of land at the corner of Denham Court Road and Camden Valley Way. The magnitude of the impacts on this population from the intersection re-alignment works associated with Camden Valley Way are not yet known as the alignment as not be finalised. The second population of at least 179 plants occurs towards the eastern boundary of the Precinct, in the middle of a relatively large patch of Cumberland Plain Woodland (refer to Figure 6-4). It is recommended by Ecological that this population should be preserved with sympathetic land uses and management regimes developed for the immediate area.

Fauna

The field survey identified 53 fauna species within the Precinct, of which 44 were native and 9 were introduced species. The survey identified several species listed under the TSC Act and/or EPBC Act including:

- Cumberland Land Snail (*Meridolum comeovirens*)
- Cattle Egret (*Ardea ibis*)
- Little Eagle (*Hieraaetus morphnoides*)
- Flame Robin (*Petroica phoenicea*)
- Scarlet Robin (*Petroica boodang*)
- Squirrel Glider (*Petaurus norfolcensis*).

Ecological recommended that prior to the widening of Camden Valley Way, or any urban development within certain sections of the Precinct, that a relocation program be undertaken for the Cumberland Land Snail. The retention of significant stands of Cumberland Plain Woodland and Alluvial Woodland and where possible, hollow bearing trees in the development of the Precinct will assist the continued presence of the Little Eagle, Scarlet Robin, Flame Robin and Squirrel Glider.

Other Major Terrestrial Ecology Factors

The East Leppington Precinct is surrounded to the south and west by significant stands of remnant native vegetation outside of the Precinct. The vegetation to the west of the Precinct boundary, on the western side of St Andrews Road is a very large area of good quality Cumberland Plain Woodland. This stretch of vegetation is almost continuous with the remnant CPW vegetation which exists along

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the southern boundary of the Precinct. There is also a significant stand of vegetation to the east of the Precinct, within the Edmondson Park Precinct, which is currently the subject of further ecological investigations. These regional tracts of remnant native vegetation are concentrated along watercourses throughout the Central Hills area.

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Figure 6-2 TSC Act vegetation community classification

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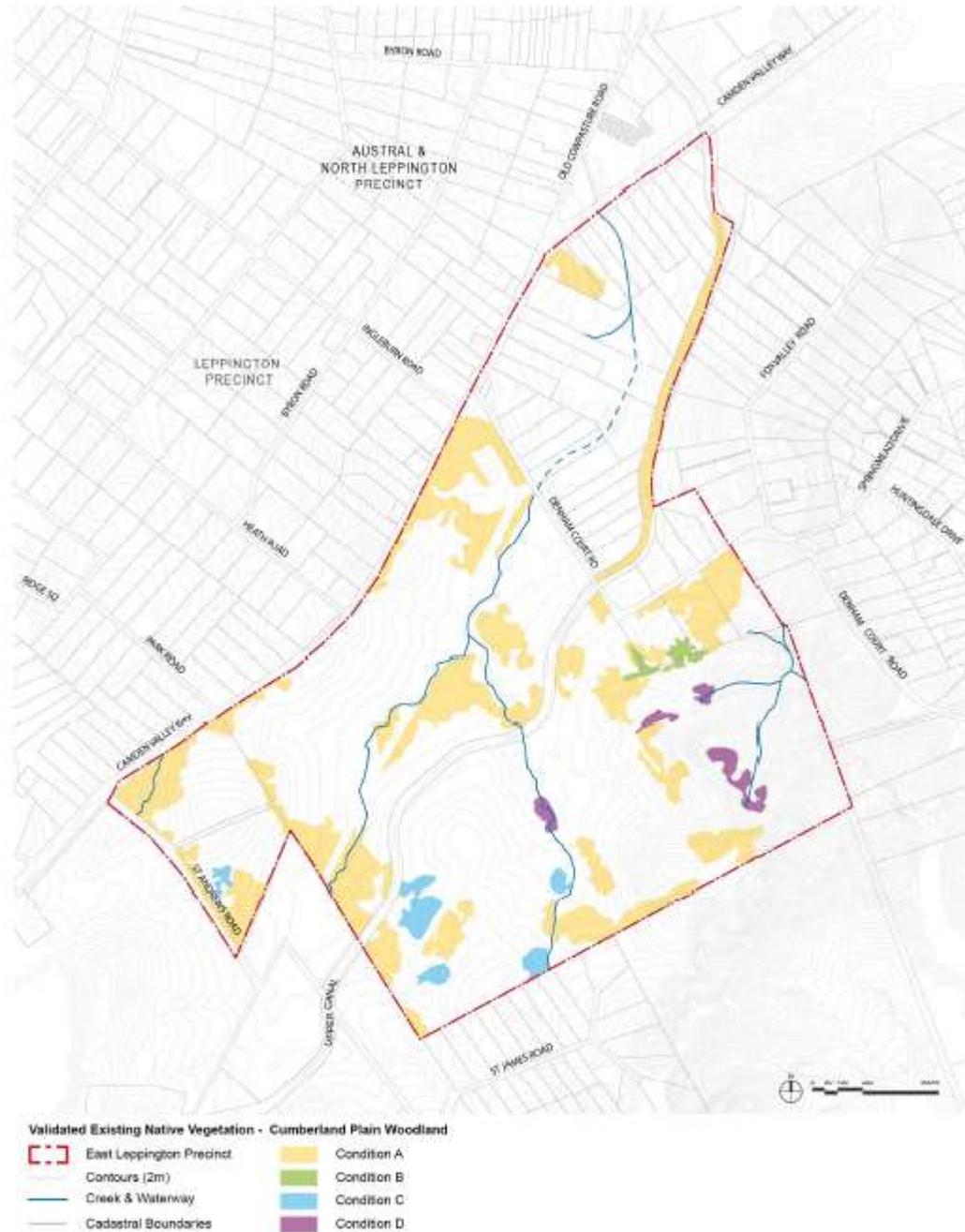


Figure 6-3 EPBC Act vegetation community classification

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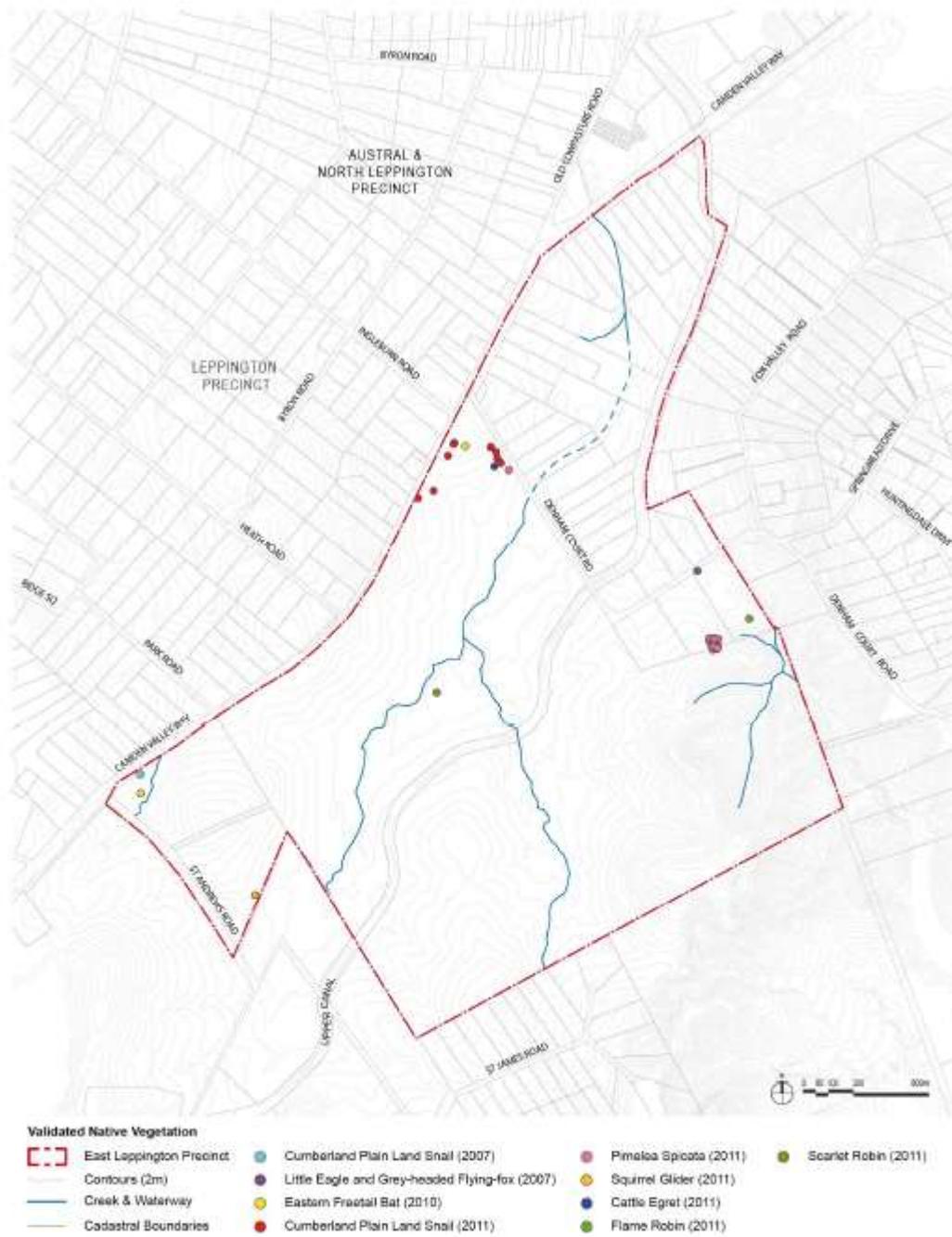


Figure 6-4 Threatened flora and fauna

6.1.3 Consistency with the Biodiversity Certification Order

The biodiversity certification requires that, across the Growth Centres, a minimum of 2,000 hectares of endangered vegetation is retained and conserved. Within the East Leppington Precinct, a total of 5.87 hectares of ENV is to be retained and conserved. This exceeds the 5.47 hectares identified in the Conservation Plan.

The loss and fragmentation of 7.07 hectares of field validated Non-Certified ENV is considered necessary for the purpose of essential infrastructure along the reconstructed riparian corridor in the north of the Precinct. This also includes the area of non-certified land subject to Clause 17 of the Order, that does not contribute to 2,000 hectare ENV target.

The area of ENV subject to RBMs 8, 17 and 19 is 7.88 hectares. This area was identified as non-certified due to the presence of a population of *Pimelea spicata*, however it was not included in the 2,000 hectare Growth Centres wide target. A small population of 5 plants occurs within this location, the magnitude of impacts on this population from the Camden Valley Way intersection works are not yet known. A second population of 179 *Pimelea spicata* plants occurs towards the eastern boundary of the Precinct. In accordance with Clause 17, suitable habitat for two existing *Pimelea spicata* populations has been protected through the two E2 Environmental Conservation zones of 1.65 hectares and 0.59 hectares each.

To maintain parity with the 2,000 hectare target, a total of 5.47 hectares of ENV must be protected in the Precinct, a total of 5.87 hectares of field validated ENV is protected.

A separate report has been prepared by Ecological assessing the consistency of the draft East Leppington Precinct Plan with the Relevant Biodiversity Measures. This report is included in the Precinct Planning exhibition package.

6.1.4 Implications for Precinct Planning

Ecological's recommendations give greatest priority to conserving areas with high ecological value either as conservation reserves or public open space. The majority of the vegetation recommended for retention is located near creek lines, and this reflects both the location of native vegetation remnants and the ability to conserve vegetation in an urban environment. There are a small number of vegetation remnants located away from the riparian corridors, which are to be protected through the incorporation into the open space network.

The priority for Precinct Planning is to protect non-certified ENV and where this can not be achieved, be offset at an alternative location through the protection of certified ENV. The draft ILP ensures that protection is provided to 5.87 hectares of ENV.

The areas of non-certified ENV in the north of the Precinct have been protected through an open space zoning where possible, however some areas of non-certified ENV were unable to be protected. These areas are located within the reconstructed riparian corridor and will need to be cleared in order for the riparian corridor to be reconstructed. These works are essential for the development of the Precinct, and any areas of non-certified ENV that are not protected have been offset elsewhere within the Precinct.

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This exceeds the specific targets set for the Precinct to contribute towards maintenance of the 2,000 hectares that is required to be protected across the Growth Centres under the Biodiversity Certification.

The Native Vegetation SEPP Map shows the location of vegetation remnants that are to be protected to meet the requirements of certification, and to ensure that other vegetation, while not necessarily required to be protected under the certification, is conserved where possible.

Protection of vegetation of high ecological value along the riparian corridors and where possible other areas of remnant vegetation has been reflected in the draft ILP through the zoning of land for open space and drainage. Additional protection for this vegetation is achieved through provisions proposed in the SEPP Amendment that prohibit the clearing of protected ENV, and limit the clearing of other native vegetation. The draft DCP also contains provisions that aim to protect high quality remnant native vegetation.

The two areas within the Precinct that are known to contain the Spiked Rice Flower (*Pimelea spicata*) have been zoned environmental conservation to ensure these areas will be adequately protected. This plant is listed as an endangered species in the TSC Act and EPBC Act. These areas are not proposed to be acquired by Council. One of the areas is located adjacent to the realignment of the Denham Court and Ingleburn Road intersection and is required to be protected as a condition of the Certification Order to the satisfaction of OEH. The final detailed design of the realignment is yet to be confirmed by RMS. The other area of *Pimelea spicata* is located in the Scenic Hills area which will remain in private ownership and undeveloped.

Of key ecological importance is the provision of connectivity through the retention of appropriate riparian corridor widths. The draft ILP generally preserves existing riparian corridors to ensure connectivity between key habitat areas within the Precinct.

6.1 Riparian Assessment

Ecological conducted a riparian corridor assessment of the East Leppington Precinct. The assessment categorises streams and identifies their corresponding management objectives.

6.1.1 Changes to Riparian Corridor Policy

The NSW Office of Water (NOW) has developed a new, flexible approach for regulating controlled activities in riparian corridors. Providing greater flexibility in the uses permissible in the riparian corridor can result in significant savings while maintaining water quality and other environmental outcomes.

On 1 July 2012 new reforms will be introduced. The former Riparian Corridor Objective Setting (RCOS) approach will be replaced by the Strahler stream ordering methodology. This is an objective approach which includes set riparian corridor widths. The Department has immediately commenced the implementation of this new policy in the East Leppington Precinct. The new principles will be applied across the state from 1 July 2012.

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More land will be made available for urban development and greater certainty will be provided to developers, government and landholders by:

- Establishing and publicising clear and appropriate rules on the width of riparian corridors
- Greater flexibility in urban design by allowing a broader range of uses in riparian corridors including detention basins, cycleways, roads and recreational areas
- Enabling works and activities to be off-set along the length of the riparian corridor
- Providing greater flexibility with watercourse crossing design
- Removing the need for vegetated buffers in addition to a riparian zone; and
- Introducing a streamlined assessment approach so compliant proposals can be assessed more quickly.

Key aspects of the new reforms as they relate to the draft ILP include:

- Greater flexibility in permissible uses and works permitted within riparian corridors
- Core Riparian Zone (CRZ) and Vegetated Buffer (BV) have been combined into a single Vegetated Riparian Zone (VRZ)
- The width of the VRZ has been pre-determined and standardised for first, second, third and fourth order watercourses
- Where appropriate, non-riparian corridor works or development within the outer 50 percent of a VRZ may be undertaken.

The width of the VRZ is based on the watercourse order classified under the Strahler System of ordering watercourses and using the 1:25,000 topographic maps. The width of the VRZ is measured from the top of the highest bank on both sides of the watercourse. Table 6-3 summaries the recommended riparian corridor widths.

Table 6-3 Riparian corridor widths

Watercourse Type	VRZ width (each side of watercourse)	Total riparian corridor width
1 st order	10m	20m + channel width
2 nd order	20m	40m + channel width
3 rd order	30m	60m + channel width
4 th order (includes estuaries, wetlands and any parts of rivers influenced by tidal waters)	40m	80m + Channel width

6.1.2 Riparian Assessment

The riparian and aquatic assessment undertaken for the East Leppington Precinct identified the following Vegetated Riparian Zone (VRZ) widths for the Precinct in accordance with the policy changes under the WMA as identified above.

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The East Leppington Precinct contains the floodplains of several tributaries of the Hawkesbury-Nepean River Catchment as well as numerous other ephemeral creeks, farm dams and wetland areas. Riparian categorisation and corridor mapping has been carried out on accordance with the requirements of the Growth Centres Development Code. Top of Bank (TOB) surveys were undertaken for watercourses within the Precinct, refer to Figure 6-5.

The results of the TOB mapping and the delineation of VRZs are shown in Figure 6-5. As the Precinct is located high in the catchment, none of the streams on the site exceed a Strahler 2nd order classification and the majority of streams are first order streams. Ten and twenty metre buffers either side as measured from the top of bank are required for first and second order streams respectively.

An integrated riparian corridor has been identified for Bonds Creek upstream of Denham Court Road. This corridor incorporates riparian buffers as identified in Table 6-3 above. The corridor incorporates riparian buffers as identified above with power and gas easements, basins and passive recreational use.

Downstream from Denham Court Road, the creek line has been significantly modified by previous land use practices and is proposed to be realigned and engineered between Denham Court Road and Camden Valley Way.

The centrally located south-west to north-east running Bonds Creek watercourse is the main stream within the Precinct. The creek will provide a key linkage to the existing good quality vegetation on the western side of St Andrews Road located outside of the Precinct. The electricity easement in places traverses the riparian corridor of the Bonds Creek stream. Some level of modified restoration will be able to be undertaken provided that Endeavour Energy are satisfied with these arrangements.

The significant tributary originating south of the Precinct boundary currently crosses the Upper Canal through a set of culverts, with a concrete lined channel immediately upstream of the crossing extending for approximately 10 metres.

A small stretch of watercourse cuts through the south-west corner of the Precinct adjacent to the Camden Valley Way and St Andrews Road intersection. A small dam exists within this corner of the Precinct and the banks of the watercourse are relatively well vegetated, possibly due to lower frequency access by cattle.

The condition of the overall surveyed length of watercourses in the Precinct was generally determined to be moderate. Whilst canopy cover was quite good across the Precinct within the immediate vicinity of the streambanks, there are large areas of dense weed infestation of the mid-storey and understorey. A significant proportion of the total length of watercourses has been subject to streambank erosion, some of which is still active, particularly where cattle have continued direct access to the watercourse.

With the likely requirements for riparian corridor restoration for the watercourses, the aquatic and riparian habitat of the existing watercourses within the Precinct will improve over time as development

works progress on adjacent land. Natural recovery potential is generally moderate, but ranges from low to high in some parts.

The town main streams contain lengths which are highly modified from their original natural state due to the removal of riparian vegetation, provision of stock watering points, increased in sediment load, and nutrient additional and transport through the system. While it is unlikely that any threatened aquatic species utilise the habitat in the Precinct, there are a host of common aquatic species including eels, yabbies and macroinvertebrates that rely on the health of the aquatic habitat for their ongoing survival/

6.1.3 Implications for Precinct Planning

The new reforms to the riparian corridor policy provide for more flexibility in relation to controlled activities. The draft ILP has accommodated the VPZ buffers recommended by Ecological. In most cases, the riparian corridors are consistent with the watercourse classification under the specified Strahler categorisation system. In some instances in the north of the Precinct, some of the smaller streams have been highly modified and no longer exist.

The new policy within the Precinct will improve over time as development works progress. Given the current depauperate state of the water course north of Denham Court Road where for some stretches there is no discernible channel or bed and banks, realignment and restoration of this stretch of watercourse will result in a much improved environmental outcome.

In some instances, the riparian corridors are much narrower than the 1 in 100 year flood extent. The land adjacent to the riparian corridor still remains unsuitable for residential development as it is flood prone. This land has however generally been zoned for open space (or drainage infrastructure where required). Pedestrian and cycle linkages will be able to be located within the open space adjacent to the riparian corridor. This will also contribute to meeting the open space requirements for the future population.

The extent to which riparian zones constitute useable open space or drainage land depends on a number of factors including the relationship of the land to other land uses and development, and the ability to permit a range of activities within them. Furthermore, the ability of Councils to levy Section 94 contributions to acquire riparian zones is limited unless the lands have an 'essential infrastructure' function such as drainage or open space.

The draft ILP has adopted the Strahler classification of VRZ widths plus the channel width. In most instances throughout the Precinct, the riparian corridors will be in public ownership. Councils will take ownership of the major drainage corridors to ensure their obligations for the management and control of stormwater runoff are able to be met. This extent of land minimises Councils obligations to acquire land for drainage purposes, while allowing for movement in channel locations due to erosion, allowing Councils to carry out maintenance and bank stabilisation works if necessary and minimise flood damage to private properties.

Reinstating the riparian corridor north of Denham Court Road will require significant earthworks and revegetation. Given that this section of channel is likely to be engineered, it is recommended that this section of the riparian corridor is to be excluded from the Riparian Protection Area SEPP Map.

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However, there is approximately 5.47 hectares of non-certified ENV that should be retained. If retention is not possible due to the construction of essential infrastructure, it will need to be offset through the protection of an equal area of certified ENV within the Precinct.

The ultimate stream classification proposed by Ecological provides a sustainable balance between development opportunities and environmental outcomes within an urban setting. The function of the corridor network will be supplemented by WSUD initiatives as specified in the draft DCPs.

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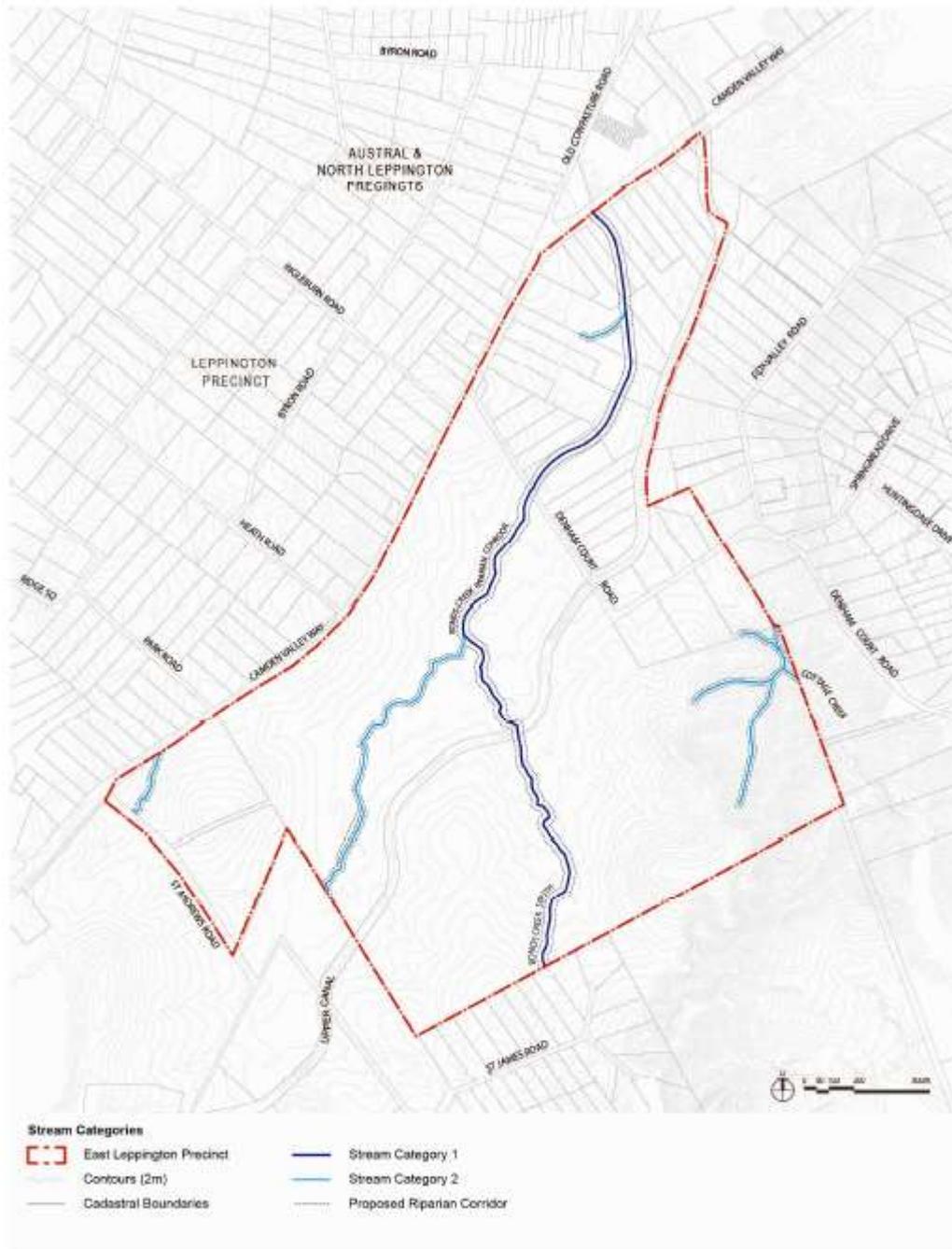


Figure 6-5 Stream categories and proposed riparian corridor network

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6.2 Bushfire

Ecological conducted an assessment of bushfire prone lands to contribute to the preparation of the Precinct Plan for the East Leppington Precinct. The aims of the study were to:

- ensure statutory requirements for bushfire protection are met;
- achieve innovative management of bushfire and vegetation issues;
- undertake an assessment of potential bushfire hazards within and adjacent to the Precinct;
- determine the best bushfire protection measures in line with the requirements of *Planning for Bushfire Protection 2006* (PBP 2006) (NSWRFS 2006); and
- provide advice on Asset Protection Zones (APZs) and construction standards in accordance with *Planning for Bushfire Protection 2006* (PBP 2006) (NSWRFS 2006).

The report assesses bushfire hazards and protection measures for the current and future development of the Precinct. Recommendations have been made regarding APZs, indicative building construction standards, emergency access/egress, water supply, construction standards and other measures to protect development from the potential impact of bushfires.

Bushfire planning requires consideration of the matters raised in PBP 2006. This document aims to provide for the protection of human life and to minimise impacts on property from the threat of bushfire, while having due regard to development potential, on-site amenity and protection of the environment. It also provides planning controls for building in bushfire prone areas as well as guidance on effective bushfire protection measures.

6.2.1 Existing Conditions

A bushfire hazard is defined as a combination of environmental factors that creates a situation or condition with the potential for loss or harm to the community or environment. A hazard is a combination of the vegetation type, slope and size/width of an area. A number of bushfire hazards have been identified in and adjacent to the Austral and Leppington North Precincts.

A large portion of the Precinct has been subject to extensive clearing, with most of the natural vegetation having been removed for agricultural purposes or for rural residential lots in the north of the Precinct. However, within the Precinct there are reasonably large patches of CPW and smaller patches of AW within the immediate surrounds of the watercourses. In addition to the significant vegetation within the Precinct, there are large areas of CPW outside the Precinct beyond the southern and western boundaries. These areas of vegetation are likely to remain and continue to present a level of bushfire threat to lands and subsequent urban development within the Precinct.

The slope of the Precinct was also assessed using one metre contour data. Slope was generally less than 10 degrees across the entire Precinct, with the exception of a steeper portion in the south-east of the Precinct (Scenic Hills). The Precinct is considered to have a low 'relative hazard' rating. Relative hazard for the Precinct has been assessed based on the slope, vegetation (both type and amount) and required APZs according to PBP 2006. The hazard analysis has also considered the topographic position within the landscape of bushfire prone vegetation, relative to the topographic position of

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areas of future residential development. The hazard rating assumes that the bushland is downslope from future development and therefore provides a greater hazard.

If cleared areas are identified for regeneration during the development stage of the Precinct (i.e. riparian corridors) then bushfire issues will need to be adequately incorporated into planning the regeneration areas if it is expected that they will be regenerated to a level that would be considered a bushfire hazard. Similarly, if the Scenic Hills area is retained and revegetated, then this will also significantly increase the bushfire threat level to this part of the Precinct.

Bushfire Hazard Assessment

Development in bushfire prone areas requires consideration of the overall threat to a site and the way occupants are potentially able to cope in the event of a bushfire. This allows an effective approach to designing appropriate bushfire protection measures for future development.

The bushfire hazards affecting the Precinct were determined through site inspections, desktop assessment and the draft ILP. The study identified bushfire hazards both inside and adjacent to the Precinct.

Asset Protection Zones (APZs)

APZs are areas located between bushfire hazards and development in order to reduce flame contact and radiant heat impacts. The APZ widths determined by Ecological for the East Leppington Precinct are in accordance with PBP 2006 standards and are shown in Figure 6-6.

The proposed APZs are focussed around the creek network with the largest widths occurring around Bonds Creek (10 to 15m either side of the riparian area) and areas adjoining vegetated areas outside of the Precinct. Ecological has also recommended the use of temporary APZs during any staged development within the Precinct.

Emergency Access and Egress

Emergency access and egress relates to the provision of safe access, egress and defensible spaces for emergency services. It also relates to emergency management arrangements including evacuation procedures and safe areas.

Provision of a simple layout with perimeter roads and frequent direct access to the internal road system will provide sufficient access/egress in the case of an emergency. Public roads should provide safe operational access to structures and water supply. Perimeter roads will be required at APZ bushland interface locations where a significant bushfire hazard exists. However, minor drainage corridors present a lower risk and should not require a perimeter road. Property access roads will also need to provide safe access for emergency services and provide protection to properties and occupants during a bushfire.

Services

Water supply to protect buildings during and after the passage of a bushfire is to be provided via a ring main system complying with *AS 2419.1 – 2005 Fire Hydrant Installations*. Dwellings in rural or environmental zones which do not have access to a hydrant will need to have a dedicated static water

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supply in the form of a tank. Electricity and gas services should be located so as not to pose a hazard to surrounding bushland and buildings or restrict emergency access.

Construction Standards

Development must comply with *AS3959 – 2009 Construction of Buildings in Bushfire Prone Areas* and adhere to bushfire attack levels (BALs). Indicative BALs have been provided in the report however site specific BALs are to be considered at the development application stage for particular buildings based on the bushfire hazard at that time and the design of the building.

Special Fire Protection Purpose (SFPP)

Precinct Planning will need to provide for the special characteristics and needs of occupants of SFPPs. SFPPs are identified by PBP 2006 as a category of land use that requires more stringent consideration of bushfire protection measures due to the vulnerable nature of the occupants of such establishments. Such land uses include schools, child care centres, tourist facilities, establishments for the mentally impaired, housing for elderly people and group homes.

A primary school has been located within the East Leppington Precinct. The proposed school is considered a SFPP and has been planned for accordingly through the design of APZs and the indicative road layout.

6.2.2 Implications for Precinct Planning

Bushfire hazard has been assessed across the Precinct and found to be low for the majority of the Precinct, based on the gentle slopes and low fuel accumulation of the vegetation present. On the basis of the Bushfire Assessment, indicative APZ requirements have been provided, however it is difficult to accurately map given that the extent of vegetation clearance within the Precinct is not yet known.

The draft ILP has been designed so that the majority of APZs fall within open space areas or over the adjoining road network to reduce the impact on the development potential of the Precinct. The indicative road layout also places considerable weight on evacuation procedures through the implementation of perimeter roads and a well connected road system that avoids roundabouts and dead end streets, with appropriate links and crossings into neighbouring areas.

The draft DCP has been prepared so that it generally complies with the aims and objectives of PBP 2006. The bushfire assessment report concludes that the draft ILP is capable of supporting adequate APZs, provides efficient and effective access/egress capabilities and has potential to support adequate water supply. A number of existing fire stations are in close proximity to the Precinct and are considered likely to be able to adequately service the area.

Planning for bushfire protection will need to take into account the needs of future development and the reduction in bushfire hazard resulting from the clearing of vegetation as development progresses.

The development of the Precinct will occur progressively over a period of many years. This means that, over this period, bushfire risk will change as vegetation is cleared or reinstated. Consideration of bushfire risk will therefore need to respond to these changing conditions, and consider the particular risks to development sites at the time development is proposed, and with consideration of the current

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and future development potential of adjoining land. The draft DCPs include provisions to address this issue. Formalised bushfire assessments will be required to facilitate the development approvals process once the Precinct is rezoned.

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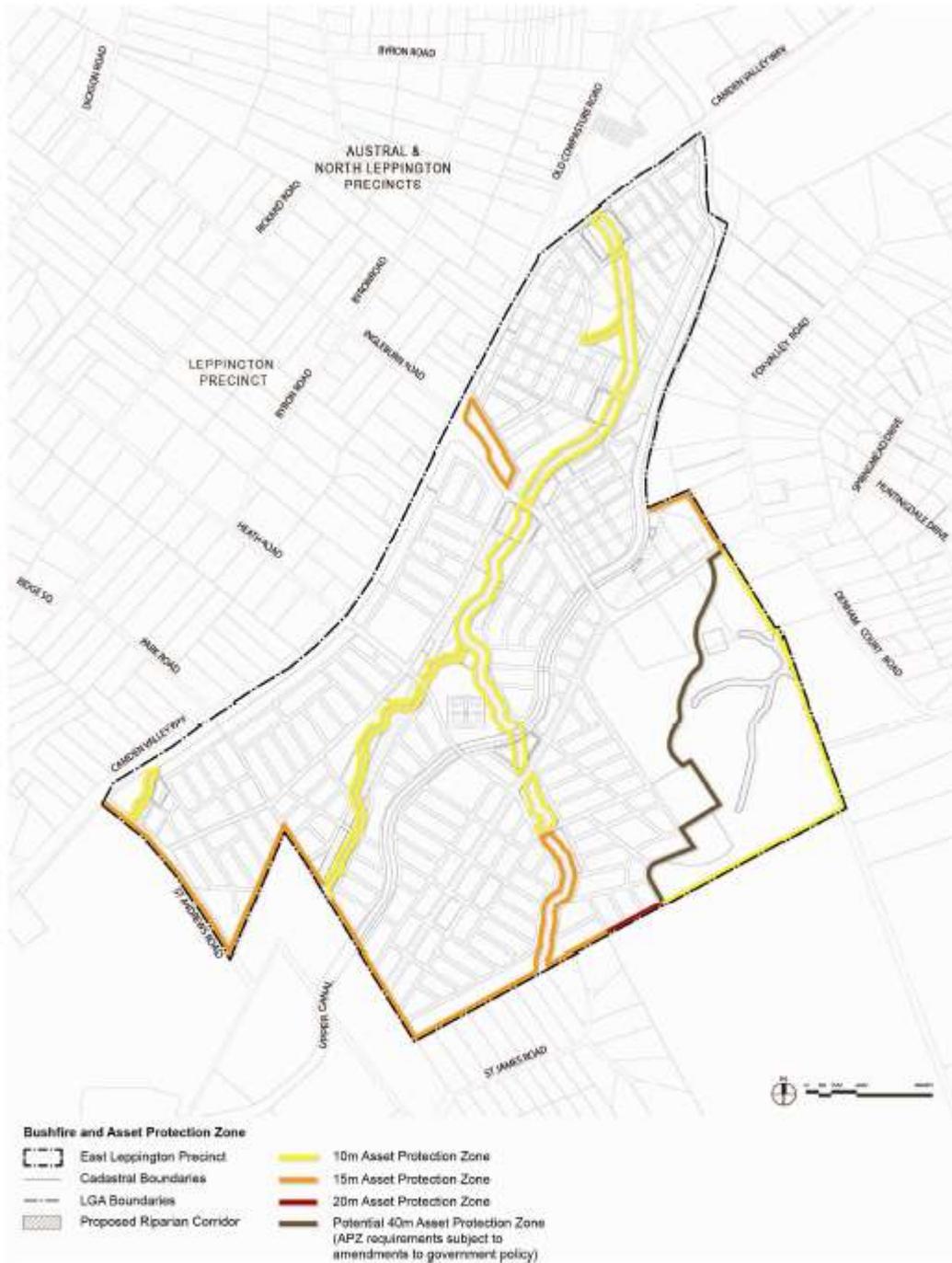


Figure 6-6 Bushfire Asset Protection Zones

6.3 Water Cycle Management

Cardno undertook a Water Cycle Management Assessment for the East Leppington Precinct. The assessment considers the flood and stormwater behaviour in order to identify appropriate flood extents and a strategy for stormwater quantity and quality management for development within the Precinct.

Existing Conditions

The East Leppington Precinct is situated within the Cumberland Plain. There are two main creeks within the Precinct; Cottage Creek is located along the eastern boundary and Bonds Creek flowing from south-west to north-west centrally through the Precinct. Bonds Creek also has a number of tributaries flowing from the south.

The Sydney Catchment Authority (SCA) Upper Canal flows from south-west to north-east and bisects the Precinct. Topographical information indicates that surface water in the east of the Precinct is conveyed to Cottage Creek with the remaining being conveyed to Bonds Creek. A number of existing culverts convey overland flow across the SCA canal.

Cardno investigated the existing flood conditions for the East Leppington Precinct. The investigation was based on previous studies undertaken within the East Leppington Precinct as well as subsequent modelling undertaken by Cardno. Cardno's analysis included modelling for 1 yr ARI, 2 yr ARI, 5 yr ARI, 20 yr ARI, 100 yr ARI, 500 yr ARI and Probable Maximum Flood (PMF) flood levels. Cardno's modelling has resulted in minor modifications to the extent of the existing 1 in 100 year flood, compared to the extent of flooding shown on the Growth Centres SEPP.

Previous studies have indicated that the general flood characteristics of the area include creek channels with limited hydraulic capacity, frequent flooding of road crossings and a relatively flat floodplain giving rise to larger flood flows carried with moderate increases in flood depth. It is noted that Cardno's modelling is generally consistent with the results indicated by the previous studies. Twenty year and 100 year Average Recurrence Interval (ARI) and Probable Maximum Flood (PMF) levels for the Precinct determined by Cardno's modelling are shown on Figure 6-7.

Developed Conditions

Cardno ran the TUFLOW model for the 20 year ARI, 100 year ARI and PMF events under fully developed conditions as shown in the draft ILP using hydrographs. The assessment included detention basins and incorporated the upgrades to the culverts under Camden Valley Way as part of the road upgrade.

The results show that there is a general increase in flood levels upstream of Denham Court Road with the increase level varying from 0.01 to 1m. Throughout the floodway the increase is approximately 0.0m to 0.2m with pronounced increases at the location of detention basins. The increases upstream of Denham Court Road are not considered problematic as they occur within the Precinct, within a single landholding and would only occur as a result of filling to contain the flood extents. In addition, any increases due to the construction of detention basins are not considered to be a major issue. Basins would be appropriately designed to provide freeboard between flood levels in the basins and

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surrounding development. Any increases in flood levels can be managed within the Precinct without adversely affecting landholdings within or adjacent to the East Leppington Precinct.

Floodplain Management

Existing flood extents vary throughout the Precinct from approximately 75m to 300m in width north of Denham Court Road as a result of existing topography and artificial fill and other impediments within the floodway. In order to appropriately manage the flood extents, an assessment of reshaping the floodplain throughout the Precinct was undertaken to assess the impact on water levels and extents.

In the ultimate development scenario when the north of the Precinct (fragmented ownership) is fully developed, it is proposed that a broad naturalised channel would be excavated into the existing floodplain to formalise the floodway which is currently severely impacted by artificial fill. There are a number of obstructions within the 100 year ARI floodplain in the existing conditions that would likely be removed in the full development scenario.

6.3.1 Flooding and Water Sensitive Urban Design

Cardno undertook a water sensitive urban design (WSUD) and flooding assessment of the East Leppington Precinct. The study has led to the development of a water cycle management strategy to manage the quality and quantity of stormwater generated as a result of urban development in the Precinct. Key objectives of the study are to:

- Integrate stormwater controls into public spaces to allow combined water management and recreation uses;
- Soften the structural elements of stormwater controls to improve visual amenity and allow for embellishment of the landscape;
- Manage stormwater quantity to ensure that post-development peak flows during the 2 yr and 100 yr ARI storm events are no greater than pre-development conditions;
- Manage stormwater quality to ensure that pollutants are reduced to concentrations agreed for the Growth Centres; and
- Consolidate stormwater quality and quantity controls in order to control construction costs and reduce allocation of valuable land for water management purposes.

WSUD encompasses all aspects of urban water cycle management including water supply, wastewater and stormwater management. It is a multi-disciplinary approach that promotes opportunities for linking water infrastructure with landscape design and the built form in order to minimise the impacts of development on the water cycle and achieve more sustainable forms of development. Without WSUD the East Leppington would have the following impacts:

- Increase stormwater runoff, which will affect sensitive aquatic habitats, rates of erosion and water quality.
- Reduction in rainwater infiltration and decreased groundwater recharge.
- Disturbance of groundwater flow due to site compaction, landscaping and earthworks.

Detention (or retarding) basins are required to attenuate peak flows expected during the developed 100 year ARI to pre-development levels. It has been requested by Campbelltown Council in

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consultation with the Department that the detention basins be located on-line in order to reduce the land take associated with future maintenance costs. Offline detention basins have also been located within the Precinct as appropriate.

6.3.2 Evacuation Strategy

The development of safe evacuation routes takes into consideration pedestrian and vehicular safety with three 'velocity x depth' criteria. This criteria is used to estimate the potential hazards to pedestrians and vehicles increasing value with risk. The PMF and its velocity were plotted on the draft ILP. Whilst the evacuation strategy will only be required for the 1 in 500 year ARI flood, the exercise was undertaken using the PMF to demonstrate the feasibility for a flood evacuation plan in the Precinct.

Camden Valley Way is to be upgraded to be above the 500 year ARI and therefore will be a key evacuation route for the Precinct as well as the South West Growth Centre. As the Precinct is fragmented by Bonds Creek and the Upper Canal, it is recommended that several of the proposed creek crossings are to be above the 500 year ARI in order to provide safe evacuation routes.

6.3.3 Implications for Precinct Planning

The flood modelling undertaken by Cardno identifies the extent of flood prone land with greater accuracy than the extent shown on the current Development Control Map under the Growth Centres SEPP. Modifications to the extent of flood prone land are proposed to be incorporated into the Growth Centres SEPP by amending the Development Control Map. As the boundaries of flood affected land primarily determine the boundaries of certified and non-certified land under the Biodiversity Certification, the certification boundaries may also be modified when Precinct Planning is complete to reflect the more detailed flood modelling and development potential of land in the Precinct.

Stormwater is to be managed through the allocation of drainage corridors that exclude incompatible land uses within flood risk zones. Methods to convey stormwater from local sub catchments to Stream Classifications 1 and 2 (under the Strahler Classification) within the Precinct streams within the Precinct have been investigated as part of the WSUD strategy. Drainage requirements for the streams have been defined by the flood extents of the 2 year ARI and 100 year ARI events. Drainage basins (both online and offline) have been sized and located to capture the increased runoff resulting from urban development in order to maintain flood conditions as close as possible to pre-development conditions.

It is a requirement that habitable floor levels are located 500 millimetres above the 100 year flood level and areas that are within PMF levels must have a flood evacuation strategy. The draft ILP has responded to this constraint by incorporating multiple access and egress points into the proposed road network and locating residential areas outside of flood prone areas.

Given the extent of flood prone land within the Precinct a variety of management approaches have been implemented with regards to zoning. Some flood prone areas have been zoned for open space and drainage purposes and will offer opportunities for recreational activities and environmental conservation, consistent with the flood risk applying to the land. Several infrastructure easements are also located within flood prone land.

The need to mitigate flooding has been dealt with by the draft ILP through an open channel system of vegetated drainage swales, culverts and detention basins located in the open space network and land set aside for drainage purposes. Cardno has prepared preliminary sizing for the detention basins, which are reflected in the extents and locations of drainage land shown on the draft ILP.

Where possible, the indicative road layout has been adjusted according to the topography of the Precinct in order to incorporate surface flows into the streetscape, particularly in the east of the Precinct. Generally flows have been directed towards one of approximately 19 detention and bio-retention basins, before being discharged into the natural waterways. Basin locations have been selected based on:

- Stormwater modelling and water catchment delineation;
- Stakeholder views on the merits of siting basins on the different stream classifications;
- The location of high quality vegetation; and
- The 100 yr ARI flood extent.

The locations of the proposed basins and stormwater channels, as recommended by Cardno, have been incorporated into the draft ILP, and are shown on Figure 6-8.

Co-located detention and bio-retention basins are placed at key locations for the detention and treatment of stormwater to meet both flooding and water quality objectives. These systems essentially comprise a dry basin to serve a detention function with bio-retention areas in the basin floor to provide a water quality treatment function. Incorporating water quality treatment within the road reserves could potentially allow for a reduction in these basins across the Precinct, but this would be difficult to implement on a large scale across the Precinct, so a more consolidated approach to water quality treatment in basins has been adopted. Structural measures such as gross pollutant traps are required before discharge into these detention systems.

A number of sub-catchments within the Precinct will not drain directly to regional stormwater basins. This is because a strategy that located basins within all sub-catchments would result in significantly more basins across the Precinct, and this would be an expensive and inefficient way to manage stormwater quantity. The strategy instead proposes up-sizing of detention basins to compensate for inflows from catchments with no detention basins. This approach has been modelled to confirm that the proposed strategy will match as closely as possible the pre and post-development conditions. The modelling indicates that this has generally been achieved for the 100 yr ARI event, but that flows are increased in some locations under the 2 year ARI event. Detailed design of stormwater basins, at a later stage, has the potential to result in improved outcomes for smaller flood events.

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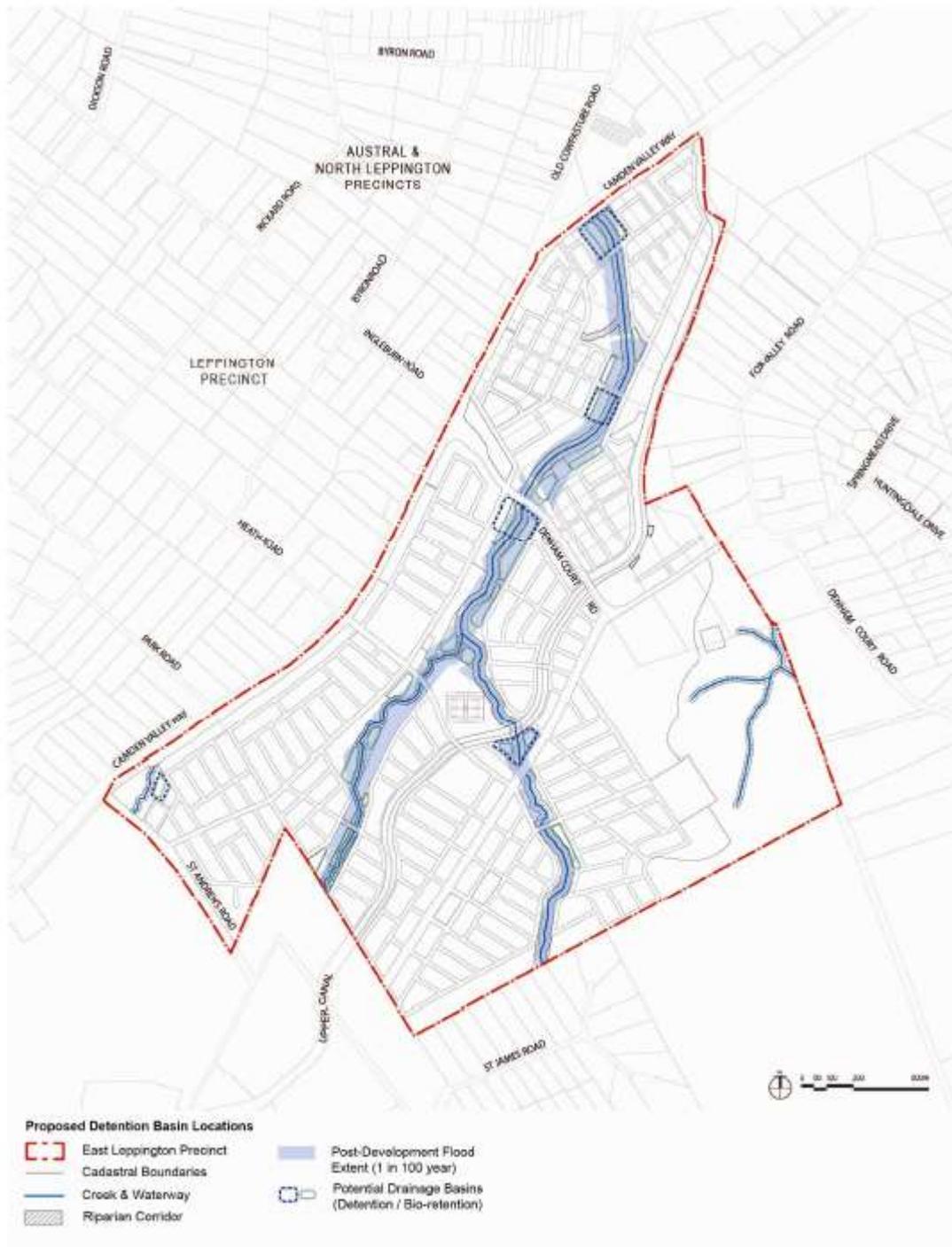


Figure 6-8 Proposed Detention Basin Locations

6.4 Land Capability and Contamination

JBS Environmental was engaged to prepare a preliminary Contamination Assessment (referred to as Preliminary Environmental Site Assessment) and Douglas Partners was engaged to prepare a Land Capability Assessment. The findings from these two assessments have been summarised in this Section.

The assessments included consideration of the topography, geology and hydrology of land within the Precinct. Contaminants of potential concern (COPCs) resulting primarily from past and present human activities were also identified. A potential contamination risk rating for the Precinct was also determined.

6.4.1 Existing land contamination conditions

The intent of the contamination assessment was not to comprehensively assess contamination sources, but to identify potential risks as a basis for further investigation at a later stage, where necessary. Preliminary assessment of potential contamination sources within the East Leppington Precinct was undertaken using a combination of desktop sources, field observations, and limited field sampling with laboratory testing. The Preliminary Assessment was undertaken consistent with the requirements of SEPP 55 and the Managing Land Contamination - Planning Guidelines (Department of Urban Affairs and Planning and Environment Protection Authority 1998).

The Precinct is predominantly used for grazing, market gardening and poultry farming and other rural production uses. There are also rural residential uses and several commercial properties. Based on observations made during inspections of the Precinct and review of historical photographs a contamination risk ranking was assigned for individual lots.

Soil contamination risks have been assessed using a qualitative risk rating, based on the potential for contamination to exist at particular locations within the Precinct. Areas have been mapped according to whether the risk rating identifies a low, medium or high risk of soil contamination and are identified in the technical report. The assessment is based on historical land use data, visual inspection of selected locations in the field and discussions with property owners. Data was also sourced from the Department of Environment, Climate Change and Water (now OEH) public register as well as previous investigations undertaken by JBS Environmental. A number of properties representative of the high risk ranking were selected for additional investigation to assess the validity and refine the risk rankings.

The preliminary assessment concluded that there is the potential for some contamination of portions of the Precinct to have occurred as a result of past and present site activities. However, the potential contamination is unlikely to be of such a scale or occurrence that common remediation and/or management techniques could not render the Precinct suitable for the proposed uses. Therefore, the potential for contamination to occur within the Precinct is not considered to represent a significant barrier to the future development of East Leppington.

JBS recommends that intrusive sampling be undertaken at particular sites of concern to provide an adequate assessment of soil and background soil concentrations. It is also recommended that hazardous materials audits be conducted on any buildings that may require demolition within the

Precinct. Further to any future investigation and sampling, it is recommended that (where contamination is found to exist) a remediation action plan or environmental management plan be prepared to make the land suitable for any proposed future use.

As a result of anecdotal information that the Precinct may have been previously used for military training, a specialist sub-consultant was engaged to provide an assessment of the potential for unexploded ordnance (UXO). Records indicated that Leppington Camp was occupied in the 1940's by an artillery regiment. Based on a desktop review and some field assessment, it was concluded that there was no direct evidence of UXO contamination in the Precinct.

The preliminary assessment of groundwater and surface water contamination included limited sampling of ground and surface waters and consideration of potential contamination based on past and current land uses. Sampling of the surface waters concluded that no sign of potential gross contamination was found within the Precinct. Sampling of groundwater indicated that contaminant levels were within acceptable limits.

6.4.2 Land capability

The land capability assessment conducted by Douglas Partners is based on previous studies undertaken in the Precinct prior to the Precinct being released in 2011. The assessment considers factors such as topographic position, slope angle, soil types and underlying geology to determine the risk of instability that may affect urban development potential.

The majority of the Precinct, with the exception of flood risk areas, has been assessed as suitable for a wide range of urban development types including various types of residential development. The flood affected areas are only suitable for uses such as drainage infrastructure, open space and recreational uses.

The Penrith soil landscape series sheet indicated that the site overlies fluvial soils of the South Creek soil landscape group, residual soils of the Blacktown soil landscape group and erosional soils of the Luddenham soil landscape group.

Figure 6-11 illustrates the geotechnical constraints (slope, instability, erosion and water logging) within the Precinct. Areas in the east of the Precinct forming part of the Scenic Hills areas have been observed to have deep-seated slope instability (landslip) which has the potential to affect the moderately and steep sloping hillsides surrounding the Cottage Creek drainage system. Of particular concern is the potential for instability of over-steepened gully heads and the extension of instability into adjacent margins of ridge crests. This instability is considered to be a major constraint to development.

No landslip activity has been identified. Within the steeper hillsides within the south-east part of the Precinct of the Bonds Creek drainage area, there is potential for soil creep. The remainder of the gently sloping hillsides are considered to be suitable for residential development. It is considered that stream bank instability will impose only minor constraints on development within the Precinct.

6.4.3 Acid Sulphate Soils Assessment

JBS undertook an assessment of the Acid Sulphate Soils (ASS) issues affecting the Precinct. The aim of the assessment was to obtain information of any ASS issues of relevance to the development of the Precinct. Review of the Acid Sulfate Soil Risk Map identified that the Precinct is located within an area of 'no known occurrence of Acid Sulfate Soils'. Acid sulphate soils are not known or expected to occur in areas having this classification.

6.4.4 Salinity Assessment

A review of the 'Salinity Potential in Western Sydney' map indicated that the Precinct is located in an area with moderate salinity potential with some areas of high salinity potential along the various watercourses throughout the Precinct.

Electromagnetic (EM) profiling was undertaken to examine the soil salinity potential for the Precinct. In addition, 65 test pits were excavated across the Precinct to assist with the salinity investigations. The results of the assessment are shown in Figure 6-12. Areas of high salinity potential are typically encountered in lower slopes and drainage systems where water accumulation is high. High salinity potential within the Precinct correlates with Bonds Creek and tributaries and the unnamed creek in the south-west of the Precinct.

6.4.5 Implications for precinct planning

Land capability and contamination issues present only a minimal potential constraint to the majority of urban development within the East Leppington Precinct. Contamination is likely to be limited to isolated areas associated with current or past land uses such as fuel and chemical stores, and there is no expectation of widespread contamination of soils or groundwater based on the preliminary assessments completed to date. However, further assessment of these issues is recommended at the subdivision planning stage to ensure compliance with the *Contaminated Land Management Act* and to gain a better understanding of risks and appropriate management measures. The need for further assessment has been addressed through appropriate controls in the draft DCP.

The JBS Environmental assessment indicates that the likely levels of contamination do not prevent the rezoning of land in the Precinct for urban land uses, but that site specific assessments should be undertaken prior to development to confirm existing conditions and any remediation that may be required. The Managing Land Contamination – Planning Guidelines, state that the approach of requiring more detailed assessments when specific development proposals are known (ie. at the subdivision of building DA stage) is appropriate for large scale rezonings. Where a large scale rezoning proposes specific locations for certain sensitive land uses (e.g. a school) the Guidelines suggest that more detailed investigations may be appropriate to confirm the suitability of the land for the particular use. However, the draft Precinct Plan does not specify locations for sensitive land uses to this level of detail, and therefore the approach to assessment of contamination risks is considered appropriate for this rezoning proposal.

In regards to land capability, the assessment identified areas within Scenic Hills as being unstable with potential for landslip and therefore unsuitable for development. Scenic Hills is shown on the draft ILP to be zoned as environmental management with very limited development potential (i.e. one dwelling per 100 hectares). Therefore the draft ILP has reflected the recommendations for no

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development in this area of the Precinct. Controls are also provided in the DCPs regarding development on steep land.

The assessment indicated salinity to be a significant issue within the Precinct. Salinity presents a potentially significant risk to urban development and the environment, and requires consideration in the Precinct Planning Process. Douglas Partners has provided recommendations in relation to the management of salinity in the East Leppington Precinct. Controls for salinity have been included in the DCP in regards to the preparation of a Salinity Management Plan.

Precinct Planning has considered urban salinity issues and these have been addressed to the extent possible at this stage of the development process through measures such as road layout design, consideration of densities and building form, the positioning of open space and drainage lands and the preliminary design of stormwater detention basins. While salinity is potentially a significant issue in the Precinct, the salinity assessment does not recommend any constraints on the zoning of land for urban development.

Further assessment of salinity issues will be required at the subdivision planning stage to gain a better understanding of risks and appropriate management measures. The draft DCPs have included appropriate controls to ensure that further detailed assessment of site specific salinity conditions and appropriate management plans are prepared.

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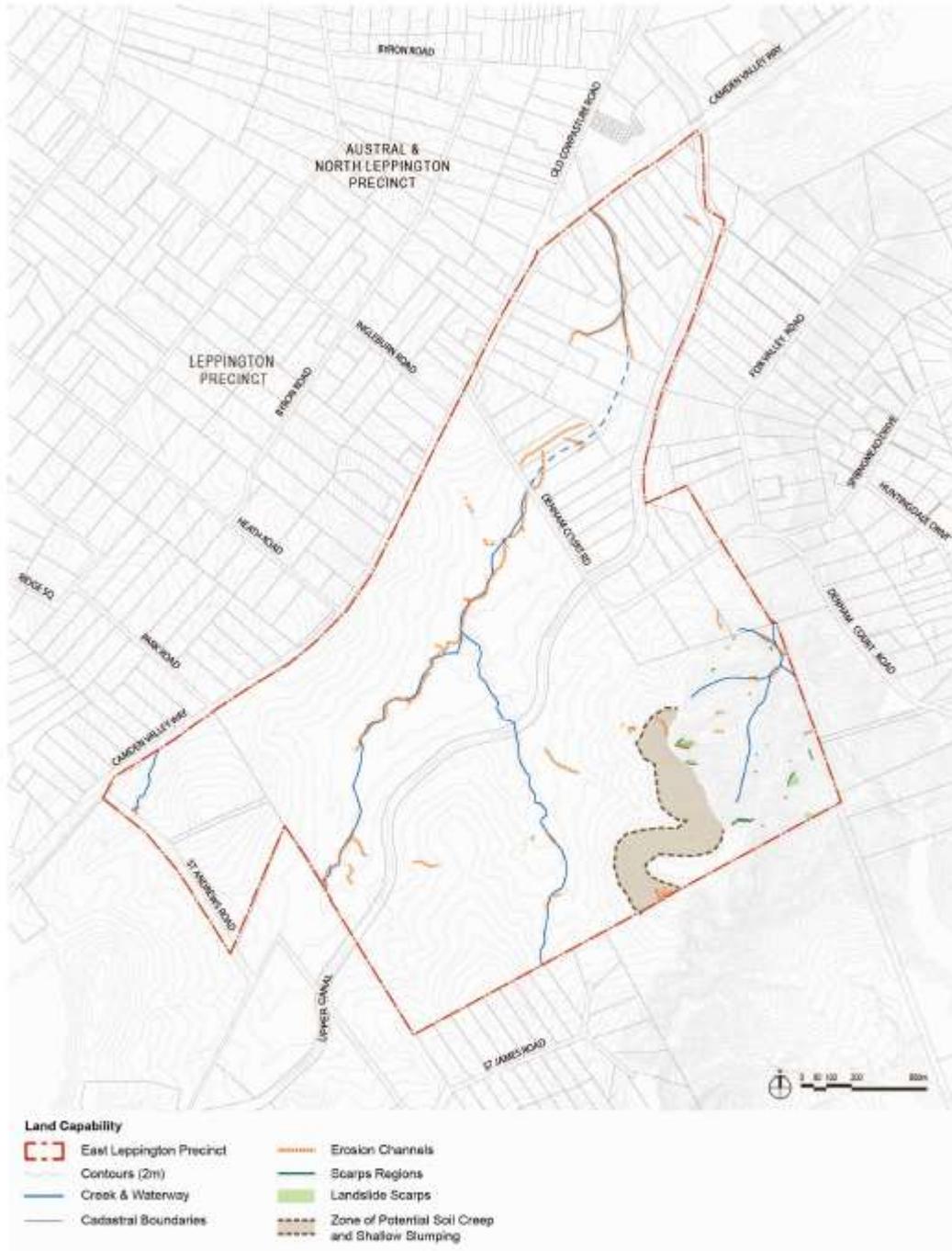


Figure 6-9 Land capability

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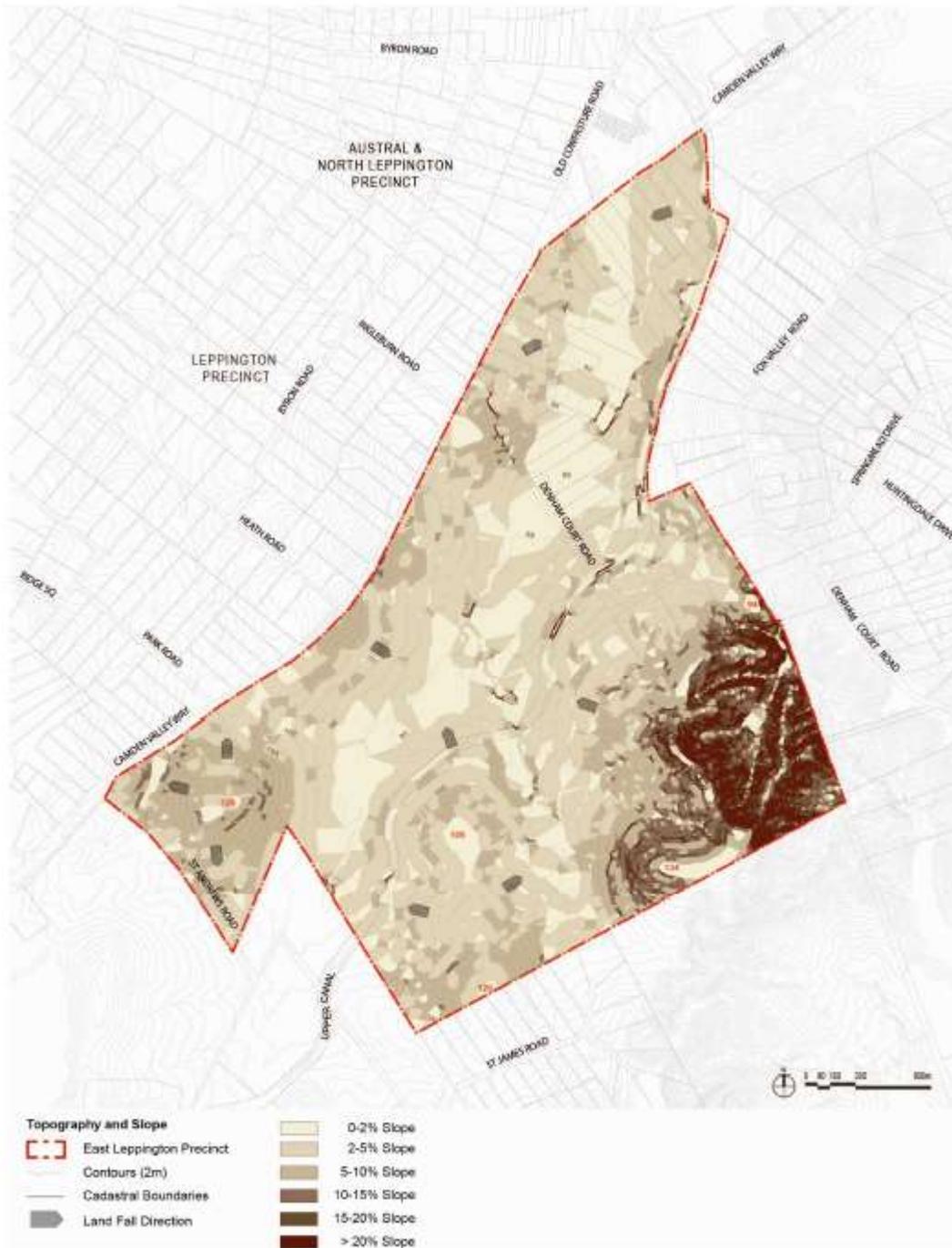


Figure 6-10 Topography and slope

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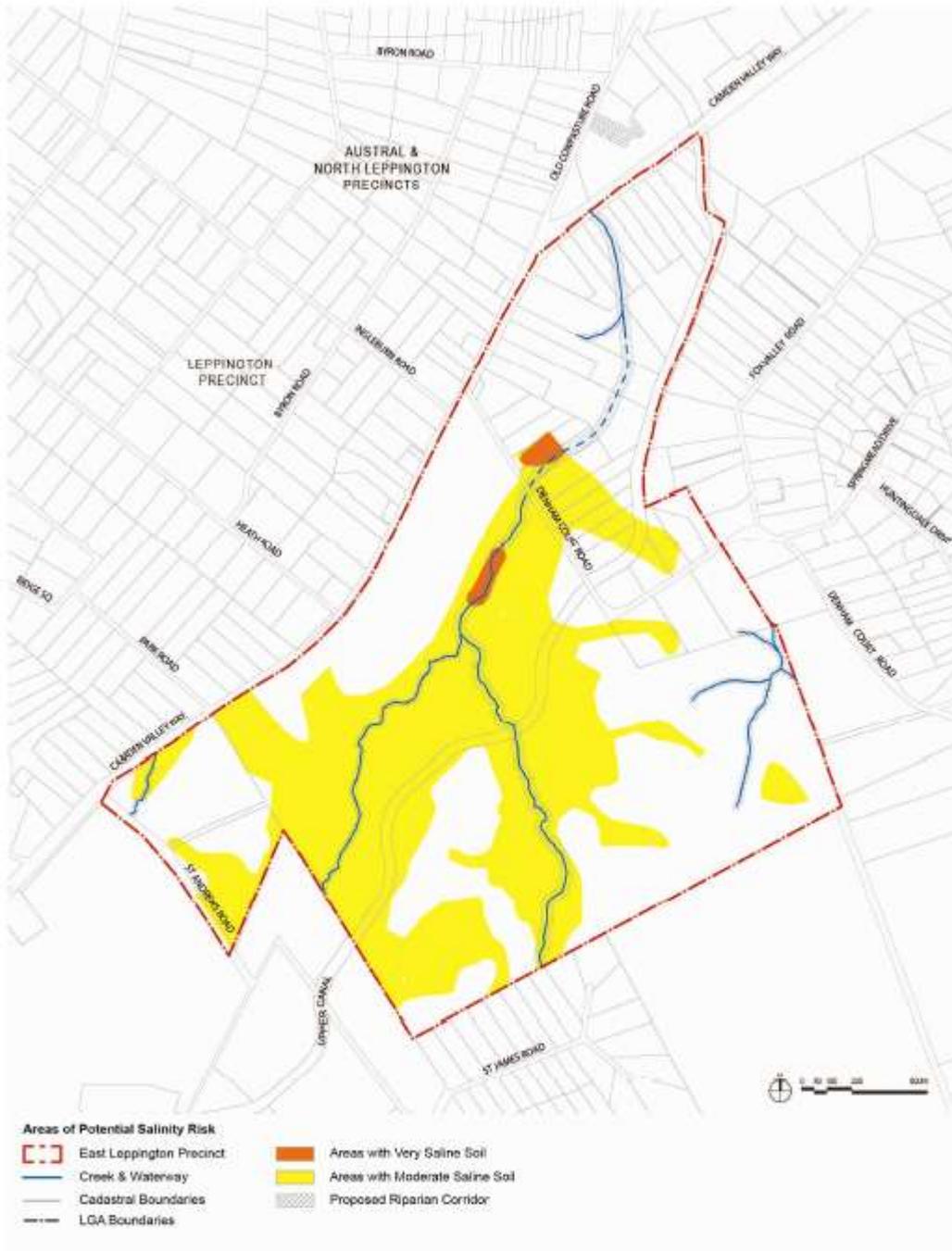


Figure 6-11 Soil salinity

6.5 Odour

6.5.1 Existing conditions

A preliminary odour assessment was undertaken by JBS Environmental to identify possible constraints on future development within the Precinct. The assessment comprised a review of existing and proposed land uses, review of local air quality and meteorological conditions and quantitative assessment of odour impacts using AUSPLUME dispersion modelling. The odour assessment completed to date is preliminary and does not include detailed modelling, but is based on typical odour emissions from the odour sources identified in and adjacent to the Precinct, and has been prepared in accordance with relevant EPA (now OEH) guidelines for Level 1 odour assessments.

The odour assessment undertook a detailed inspection, to the extent possible to identify potential odour generating industries. The surrounding area was assessed to the extent of one kilometre from the Precinct boundary. The most significant potential odour generating properties identified in proximity to the Precinct were poultry farms. One poultry farm was identified within the Precinct (on Camden Valley Way). Several poultry sheds were also located on Denham Court Road however have not been operational for an extended period of time. The following poultry farms were identified within a one kilometre radius of the Precinct:

- Park Road (chickens)
- Ridge Square (chickens)
- Cowpasture Road (geese/ducks)
- Dickson Road (ducks).

The results indicate that, based on the current distribution of odour sources across the Precinct, the majority of existing odour sources would not exceed the criteria for urban development. A map showing the current odour exceedences throughout the Precinct is provided in Figure 6-12.

6.5.2 Implications for Precinct Planning

The results of the odour assessment indicate that some areas within the Precinct will exceed the assessment criteria for residential subdivision and development. The areas where exceedences occur are:

- In the north of the Precinct the model results suggest odours will exceed the highest of the EPA odour assessment criteria
- In the south-western boundary of the Precinct there will also be exceedences provided for typical residential areas.

The odour assessment acknowledges that the land in the Precinct will predominantly be rezoned for residential purposes. As a result, it is likely that the current odour sources would be progressively developed over time for urban development and therefore would not need to be considered as permanent limiting factors for the development of the Precinct. Such a scenario would require a mechanism for notification, or controls on development to ensure future purchasers were made aware of the existing odour impacts that are present within the Precinct. The draft DCPs include advice to this effect, and requirements for additional investigations where necessary.

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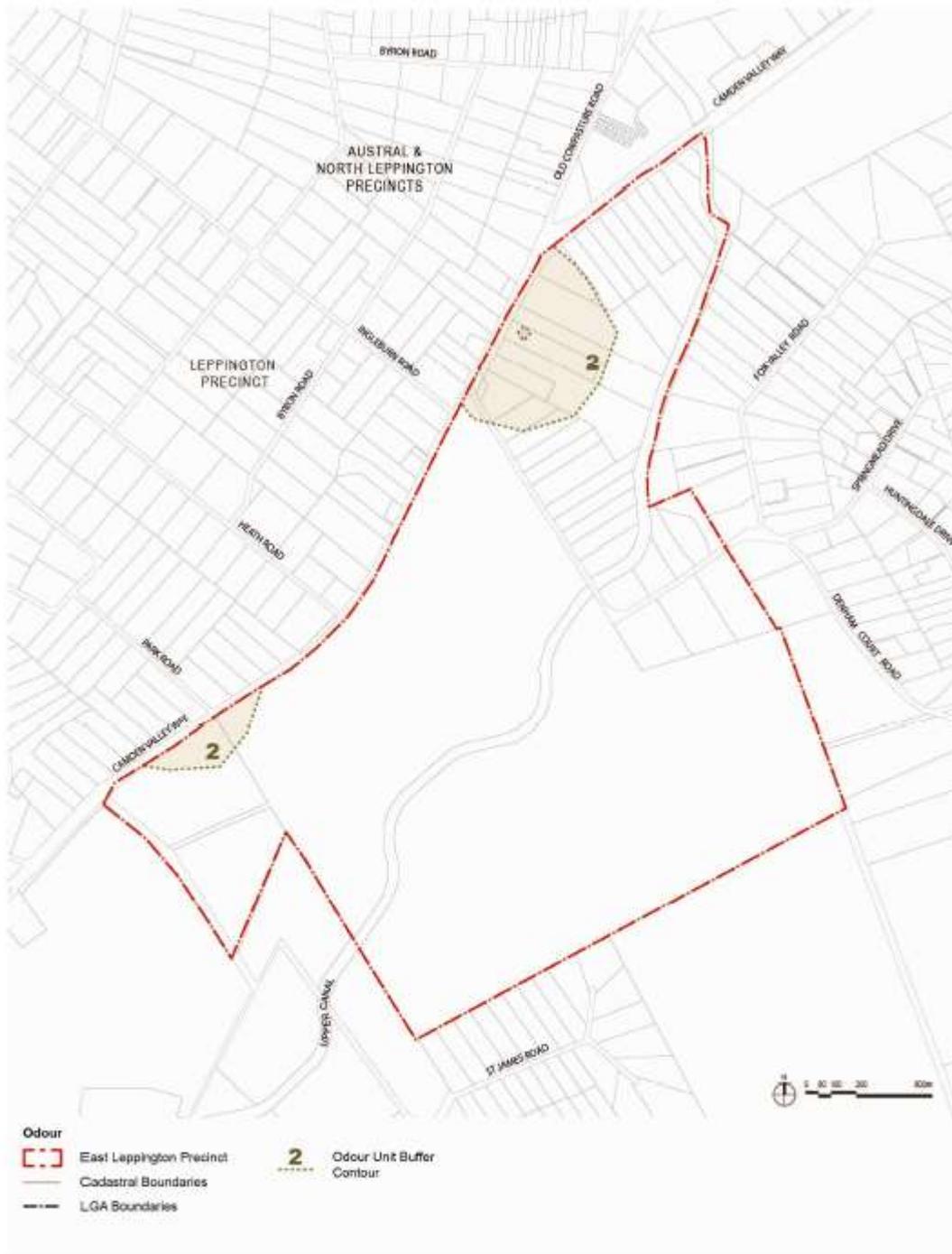


Figure 6-12 Odour sources within the Precinct

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6.6 Noise

6.6.1 Noise Conditions

SLR Consulting Australia was engaged to undertake an assessment of the impact of noise and vibration on the East Leppington Precinct. Noise criteria were determined in accordance with the NSW Department of Planning *Development near Rail Corridors and Busy Roads – Interim Guideline 2008* (the Guideline). Future noise conditions, taking into consideration future urban development including proposed road upgrades were assessed using noise modelling. The assessment considered the findings of Environmental Assessments undertaken for the proposed Camden Valley Way upgrade. Traffic data on the major roads within the Precinct was provided by Cardno and was also utilised for the assessment.

The assessment considered the impacts of noise resulting from increased traffic volumes and also the potential impact from aircraft noise at Camden airport. SLR conducted modelling and assessment on Camden Valley Way which will both carry an average annual daily traffic volume of greater than 40,000 vehicles. Noise modelling was used to predict indicative day time and night time noise levels at selected locations on these roads. Results for these locations are considered to be broadly representative of future conditions at other locations along the selected roads.

Predicted future noise levels are for the year 2036, which is based on a “10 year after opening” scenario. It is also noted by SLR that 2036 flows *“are typically 70 percent higher than 2026 flows and the corresponding increase in traffic noise is 2 dBA to 3 dBA with other factors unchanged”*. Recommendations where noise levels exceed acceptable levels according to the adopted criteria are also provided and relate to architectural layout and building façade treatments.

Table 6-4 Predicted Daytime and Nighttime Noise Conditions

Road	Day Time Building Façade Noise Level (dBA)	Night Time Building Façade Noise Level (dBA)
Camden Valley Way	62	59
Denham Court Road	64	59

The results indicate that, without implementation of noise mitigation measures, the predicted noise levels will mostly exceed acceptable levels for both residential and other development.

Mitigation impacts are considered for traffic noise. Buildings and building elements will provide effective barriers to noise once development of the Precinct begins. Additionally, SLR Consulting proposes a number of architectural guidelines to minimise the impacts of noise on residential and similar development including:

- Construct buildings at least three metres above the road surface and construct with solid masonry or similar material;
- Locate the most sensitive areas of buildings (for example living and sleeping areas of residential housing) away from the noise exposed façade;
- Provide adequate sealing of doors and windows; and

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- Use "comfort ventilation" to ventilate buildings where doors/windows must be removed to meet noise criteria.

Façade treatments can easily provide up to 20dBA noise reduction, however (barriers or earth-mounds) may be required where more than a 20dBA noise reduction is required. The report suggests that based on the Camden Valley Way REF an offset (buffer distance) varying along the length of the road frontage in accordance with the contours, would be required for low rise residential development without any roadside barriers. The night-time contours extend from the centre of Camden Valley Way to approximately 165 metres.

The report also suggest that the buffer distance can be significantly reduced by incorporating sufficiently boundary walls that by incorporating a four metre noise barrier along parts of Camden Valley Way only minor facade mitigation would likely be required for the first row of dwellings. Further that, where possible, it is beneficial for the rear of properties to face the arterial and sub-arterial roads, however this is generally not the preferred approach. More detailed noise modelling would be required at the DA and subdivision stage.

The East Leppington Precinct is located well beyond the ANEF contour for Camden airport and the impact of aircraft noise in the Precinct is not an issue. The Precinct is dominated by road traffic noise. A number of mitigation strategies including; architectural design of future development, architectural layout, use of private open space and architectural treatments are strategies that will help to protect the future acoustical amenity of urban development.

6.6.2 Implications for Precinct Planning

A significant amount of residential development will be potentially affected by noise due to its close proximity to major transport routes such as Camden Valley Way and Denham Court Road. While traffic noise can impact on residential amenity, it is also important to locate as many residents as possible near transport infrastructure (located along these main roads) to provide residents with accessibility and a range of transport options.

SLR's recommendations to achieve appropriate noise levels within the Precinct have been adopted within the draft DCP, to ensure this issue is addressed during the development design stage. Based on advice from SLR, implementation of the recommended mitigation measures will be effective in ensuring appropriate amenity for residents in noise affected areas.

The approach adopted in the precinct plan does however emphasise the importance of dwelling frontages facing roads so as to minimise potential adverse visual impacts arising from the location of backyards facing road frontages.

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6.7 Indigenous Heritage

6.7.1 Existing conditions

Godden Mackay Logan (GML) assessed the Aboriginal cultural values of the East Leppington Precinct. The study was undertaken in accordance with the *Protocol for Aboriginal Stakeholder Involvement in the Assessment of Aboriginal Heritage in the Sydney Growth Centres* and the requirements of the *National Parks and Wildlife Act 1974* and the *National Parks and Wildlife Amendment Regulation 2010*. The study methodology included:

- Gathering existing information and knowledge from previous studies, reports, academic work and knowledge holders;
- Consultation with Aboriginal groups and individuals with a declared interest in the study area, and the participation of these groups and individuals in the field work;
- Summary of existing information and identification of data gaps to be addressed in later work;
- Scientific assessment of the significance of identified sites;
- Cultural assessment of the significance of the identified sites, based on advice from Aboriginal people involved in the investigations;
- Establishment of Aboriginal heritage and cultural values associated with the Precinct; and
- Reporting to document the study process, results and recommendations for management of the identified sites.

A number of previous studies were undertaken for the Precinct by other consultants, identifying 60 Aboriginal sites within the Precinct. GML undertook 'land history impact' mapping identifying areas that had been significantly disturbed which would have impacted on the integrity and condition of many Aboriginal sites located across the Precinct. In addition to the standard field survey undertaken for Precinct Planning for indigenous heritage items, an archaeological investigation of the Precinct for areas that had not been subject to significant land disturbance was also undertaken.

A further survey of Aboriginal sites (in addition to those already identified) were recorded during the survey of the Precinct in 2011. Five of these sites were isolated finds (where the objects were not of a specific tool type). Table 6-5 provides a summary of the newly recorded archaeological sites.

Table 6-5 Summary of Aboriginal Sites Identified by GML

Reference	Type	Description
GML6-EL-IF3	Isolated find	Flake
GML7-EL-IF4	Isolated find	Flake
GML8-EL-IF5	Isolated find	Distal flake-snapped
GML9-RL-IF6	Isolated find	Flake
GML10-EL0AS4	AS	Flakes, bladelets
GML11-EL-IF7	Isolated find and PAD	Flake
GML12-EL-AS5	AS and PAD	Flakes, cores, retouched pieces, 1x ground and flaked axe

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6.7.2 Test Excavation

In addition to the field survey, test excavation of the Precinct based on land history impact mapping resulted in a total of 533 test pits. The outcome of the test excavation was the identification of a further 196 locations that contain Aboriginal objects. When combined with the results of the field surveys (carried out in 2011 and by previous consultants), a potential 272 Aboriginal 'sites' require heritage management and consideration during the Precinct planning process.

In order to provide a pragmatic management for Aboriginal heritage, the Precinct has been divided into 37 Aboriginal heritage management areas. The heritage management areas have been established through consultation with the Aboriginal community. The management areas ensure Aboriginal heritage is proactively and appropriately managed. Whilst much of the Precinct was identified as having low archaeological potential for Aboriginal heritage, a number of management areas possess moderate and high archaeological potential and will require archaeological excavation as an impact mitigation strategy if they are impacted as a result of the development of the Precinct.

The 37 Aboriginal heritage management areas are detailed in Table 6-6 below and are also shown in Figure 6-14. The Conservation and Impact Levels are based on the draft ILP and the anticipated impact the proposed development would have on the management areas. The Conservation/Impact levels comprise of the following:

- Conservation Level 1 – Land in this area will be subject to conservation and cannot be modified in any way. All soil horizons will be retained in an 'as is' condition.
- Conservation Level 2 – Land in this area will not be subject to residential development but will be zoned for environmental purposes.
- Impact Level 1 – These areas will be subject to limited impacts, which will either involve retention of the original ground surface level or the 'build-up' of a raised ground surface level.
- Impact Level 2 – The future if these areas can not be determined at the time of the final report as it is subject to detailed design at the DA stage
- Impact Level 3 – These areas will be subject to holistic soil stripping and potentially deep excavation works.

Table 6-6 Aboriginal Heritage Management Areas

Management Area	Heritage Value	Conservation/Impact Level (based on draft ILP)
A	Low	Impact 3
B	Low	Impact 3
C	Low	Impact 3
D	Low	Impact 3
E	Low	Impact 3
F	Low	Impact 3
G	High	Impact 2
H	High	Impact 2
I	High	Impact 1
J	Low	Impact 3
K	High	Impact 2

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Management Area	Heritage Value	Conservation/Impact Level (based on draft ILP)
L	Low	Impact 1
M	Low	Impact 3
N	Low	Impact 3
O	Low	Impact 3
P	Low	Impact 3
Q	Low	Impact 3
R	Low	Impact 3
S	Low	Impact 3
T	Low	Impact 3
U	Low	Impact 3
V	Low	Impact 3
W	Low	Impact 3
X	Moderate	Impact 2
Y	High	Impact 1
Z	High	Impact 2
A1	Low	Impact 3
B1	High	Impact 3
C1	Low	Impact 3
D1	High	Impact 1
E1	High	Impact 2
F1	Low	Impact 2
G1	Low	Impact 2
H1	Low	Impact 3
I1	Low	Impact 3
J1	Moderate	Impact 3
J1	Low	Conservation 1
K1	Low	Impact 3
L1	Unknown	Conservation 1
L1	Unknown	Conservation 2
All other land	-	Impact 3

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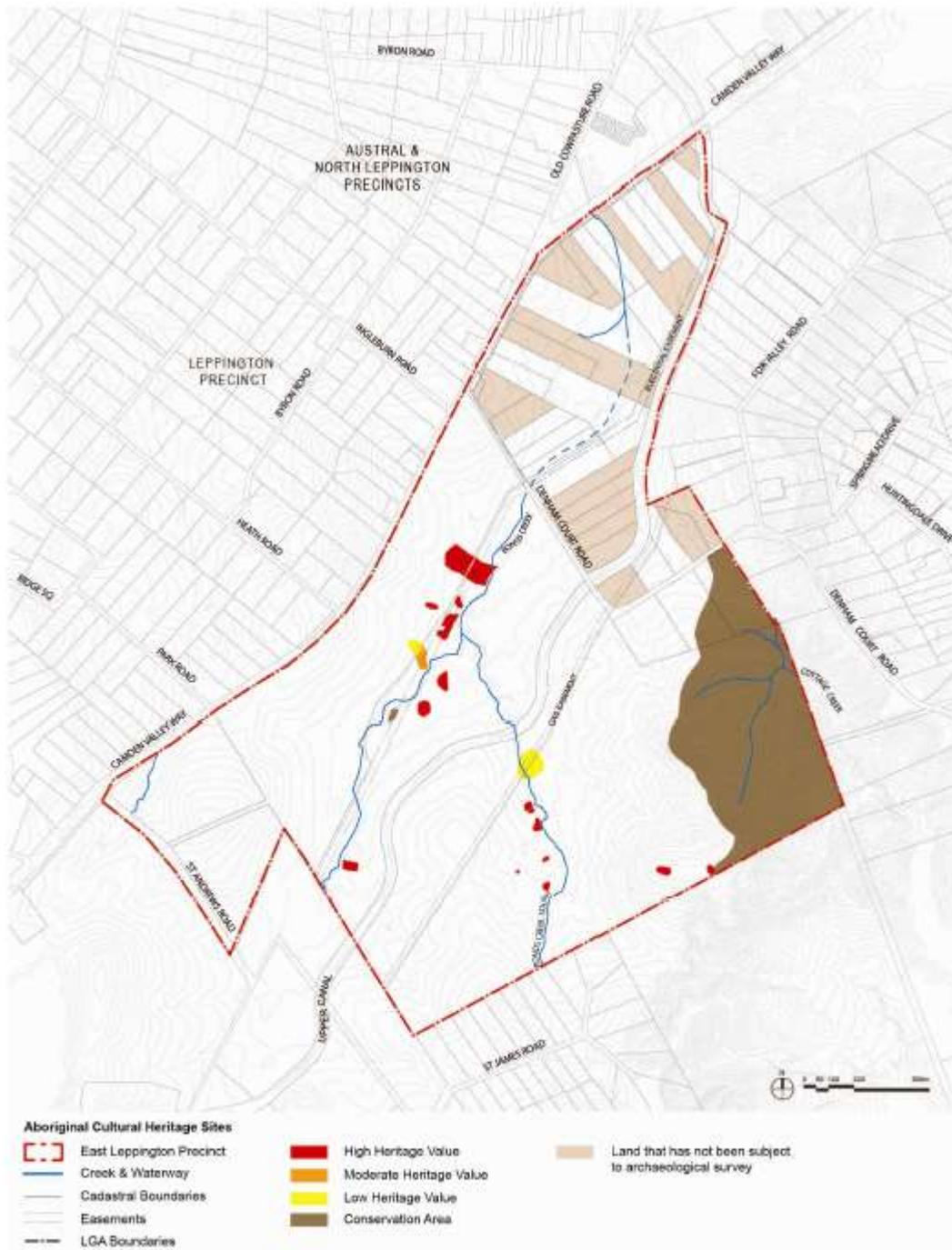


Figure 6-13 Aboriginal heritage conservation and impact assessment

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A number of management areas contain Aboriginal archaeological deposits and should be conserved without any impact as they contain geo-stratified archaeological sequences and/or intact archaeological deposits.

Of particular importance, Management Area I which is located in the east of the Precinct possesses 'intangible' Aboriginal heritage values. GML in discussions with local registered Aboriginal stakeholders have indicated that the local hills which provide views to the city and Blue Mountains may have been used for 'men's business' and potentially activities that did not necessitate stone resources. These uses could have included ceremonial activities, communication with other groups and male initiation. Management Area I has been identified as a location that holds such values and is important to the local Aboriginal community.

6.7.3 Implications for Precinct Planning

GML recommended that an Aboriginal Heritage Plan of Management be prepared to facilitate and manage all Development Application heritage matters. Based on the land uses identified in the draft ILP there are likely to be some impacts on the management areas identified within the Precinct. These impacts range from very low to high impacts.

Table 6-4 above provides a summary of the Aboriginal Heritage Management Areas and the impact that the land uses proposed in the draft ILP will have on the management areas. GML have recommended further assessment work do be undertaken prior to the development of the Precinct.

The development of the ILP has been an iterative process and the Department has worked closely with GML to determine the most appropriate way to ensure significant Aboriginal heritage areas are conserved or appropriate controls established to ensure any impacts are appropriately mitigated.

Areas identified as Conservation Level 1 or 2 have been zoned for Environmental Management, Environmental Conservation or Public Open Space. These areas are not subject to residential development and this will ensure that these management areas will not be modified and will be subject to conservation.

Where possible, management areas have been incorporated into a number of local parks or the riparian corridor. In particular, Management Area 1 which has intangible Aboriginal heritage values has been zoned environmental management and forms part of the Scenic Hills area. This zoning will ensure the heritage values of this management area are protected, however will remain in private ownership. Further development controls are provided in the DCP in relation to Aboriginal heritage.

6.8 Non-Indigenous Heritage

Godden Mackay Logan (GML) was engaged to carry out the indigenous and non-indigenous heritage investigation for the East Leppington Precinct. The study methodology for non-indigenous heritage included:

- Review of statutory and non-statutory lists and registers, to identify heritage items and places in the vicinity of the Precinct;
- Historical background research, to provide an historical context to the Precinct, to identify other potential historic structures and landscape features within the Precinct, and to identify areas of potential historical archaeological sensitivity;
- Field surveys, to analyse the historic character of the area and to confirm the location and condition of known and potential historic heritage items and places;
- Statements of significance for existing heritage items;
- Archaeological test excavation to determine the extent of the core archaeological resource of Leppington House;
- Cultural Landscape Study undertaken to identify cultural heritage elements within the Precinct;
- Assessments of significance for potential heritage items, places, and areas of historical archaeological sensitivity.

6.8.1 Historical Context

The study area covers the original land grants of Simeon Lord (600 acres granted in 1810), William Cordeaux (700 acres granted in 1821) and Henry Kable (300 acres granted in 1810). Lord's 600 acres, north of Denham Court Road were purchased by Richard Brooks, owner of the nearby Denham Court Estate in 1818.

Leppington House Estate (or homestead) dates to the 1820s and was built by William Cordeaux, one of the largest sheep and cattle owners in the district at the time, using convict labour. The house and outbuildings were destroyed by fire in the 1950s and the site is now in ruins. The site has been assessed to be of State significance (refer to Section 6.9), but is not listed on the State Heritage Register or in any Local Environmental Plan.

Part of the Upper Nepean Water Supply Scheme, Upper Canal runs through the Precinct (sections 7 and 8). Land was resumed for the construction of the canal in 1882. The canal is still in operation today, supplying approximately 600ML of water per day to Sydney (refer to Figure 6-14).

6.8.2 Existing Heritage Items

The survey of the Precinct identified one listed historic heritage item within the boundary of the Precinct. The Upper Nepean Scheme – Upper Canal Sections 7 and 8 runs diagonally through the East Leppington Precinct. The Canal itself contains sites of varying significance ranging from little or no significance to exceptional significance. The Upper Canal is listed on the State Heritage Register and the parts of the Canal that pass through Liverpool and Campbelltown LGA within the Precinct.



Figure 6-14 Upper Canal

6.8.3 Potential Heritage Items

Based on extensive desk top analysis of historic records, field work and consultation with local Council staff, GML identified a list potential heritage items. The items of potential State significance include:

- Leppington homestead (including main gate for entry to the estate located off Camden Valley Way)
- cultural landscape of Precinct
- historic alignment of Camden Valley Way
- historic alignment of Denham Court Road

The remains of Leppington House Estate (or homestead), its associated outbuildings, gardens, terracing and archaeological resources are items of potential State-significance. These relics are items that can contribute important information regarding the early settlement pattern of the southern Cumberland Plain and the establishment of agriculture and dairying in the nineteenth and twentieth century.

The former Leppington House has very high archaeological potential and is considered to be State-significant for its research value, rarity, representative value and association with significant individuals in the history of NSW (refer to Figure 6-15). The cultural landscape of the Leppington homestead has been assessed to be of potential State-significance. The elements identified in Table 6-7 contribute to an understanding of the cultural significance of Leppington House and its surrounds. In addition, an archaeological test excavation was undertaken by GML for Leppington House to provide further information and to identify an appropriate curtilage for Leppington House (refer to Section 6.8.4 for further details).

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Table 6-7 Potential Cultural Heritage Items and Significance

Heritage Item	Significance
Leppington house core (including layout, fencing and Hoop Pine)	High
Early entry site	High
Original grant area	High
Old remnant woodland trees (lines or groups)	Exceptional
Planted locally indigenous vegetation to Avenue and fence lines	High
Views from homestead site to Sydney	Exceptional
Views to Blue Mountains	High
Timber bridge remnants at Bonds Creek tributary	High

* Significance has been ranked: Exceptional, High, Moderate, Low or Neutral based on a Cultural Landscape Assessment

A portion of both Camden Valley Way (formerly Cowpasture Road) and Denham Court Road have also been assessed to be of potential State heritage significance. Camden Valley Way is significant as it follows the original 1805 road alignment which was one of the earliest roads in Australia. Denham Court Road is an early colonial road built in approximately 1826 and until 1965 remained on the original alignment.



GML, 2012



Historic Houses Trust of NSW, Demolished Houses of Sydney

Figure 6-15 Former Leppington House



Figure 6-16 Old remnant woodland trees forming an avenue to the former carriage drive to Leppington House

6.8.4 Implications for Precinct Planning

The GML assessment identified key opportunities and constraints for the East Leppington Precinct in relation to non-indigenous heritage items. The assessment recommended the following in relation the development of the ILP:

General

- Remaining fabric and layout testifying to the formative Colonial period of the Leppington site should be conserved. This includes the homestead site and as much as possible of the former estate entry, the carriage drive remnants, remnant aged woodland trees, planted woodland trees in lines and the timber bridge crossing.

Upper Canal

- Maintained as long as possible in its current form (and operation) as a major water supply vehicle for Sydney as such continued use will maximise the conservation of its heritage values.
- Managed to conserve its aesthetic qualities by protecting the immediate setting of the canal by a buffer zone and ensuring development in the vicinity is sympathetic
- Preparation of a Heritage Management and Interpretation Plan of this section of the canal
- Long term, if the canal is decommissioned, an Adaptive Reuse Study Should be undertaken for the canal that explores all possible reuse options.

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Leppington House Estate

- The footprint of the former Leppington House site containing the core archaeological resource to be protected and interpreted. The plan proposes that the site is to be zoned for open space and to become part of the public domain.
- The Leppington House site (including remains of outbuildings and ornamental plantings/gardens) as identified by archaeological investigation should be protected and interpreted by incorporation in a local park or dedicated public open space.
- This area would be complemented by other lands to create a public Leppington Park. As a minimum to protect the homestead site, it is recommended that the park should include the paddock area immediately to the west of the Leppington homestead site, as well as the carriageway in its new function as pedestrian access to the park.
- The paddock area to the immediate west is a key landscape area and it and any adjoining residential development should be guided by a DCP.
- Any development in the vicinity of the Leppington homestead should be controlled by a site specific DCP.

Former Carriageway and Trees

- The path of the former carriageway should be conserved and adaptively reused for access purposes to the new park
- As many of the planted trees as possible, bordering the carriageway, should be retained in the adaptive reuse of the carriageway as a walkway
- As a minimum, the trees on the eastern side should be retained and where necessary supplemented by further plantings
- New residential design should recognise, retain and reinstate as much of the cultural features including the original land grant, paddock layout and rows of trees as possible.

Original Fencelines and Paddock Arrangements

- Where possible, the original land grant boundaries, fencelines and paddocks should be recognised in the design of the new residential area

Significant Views

- Ensure the maintenance of outstanding scenic views from the homestead site to both the Sydney (east) and Blue Mountains (north and west) skylines.

These key recommendations were illustrated by GML in Figure 6-17 below, including the recommendation for the Leppington Park incorporating the Leppington homestead ruins and the carriageway and remnant plantings.

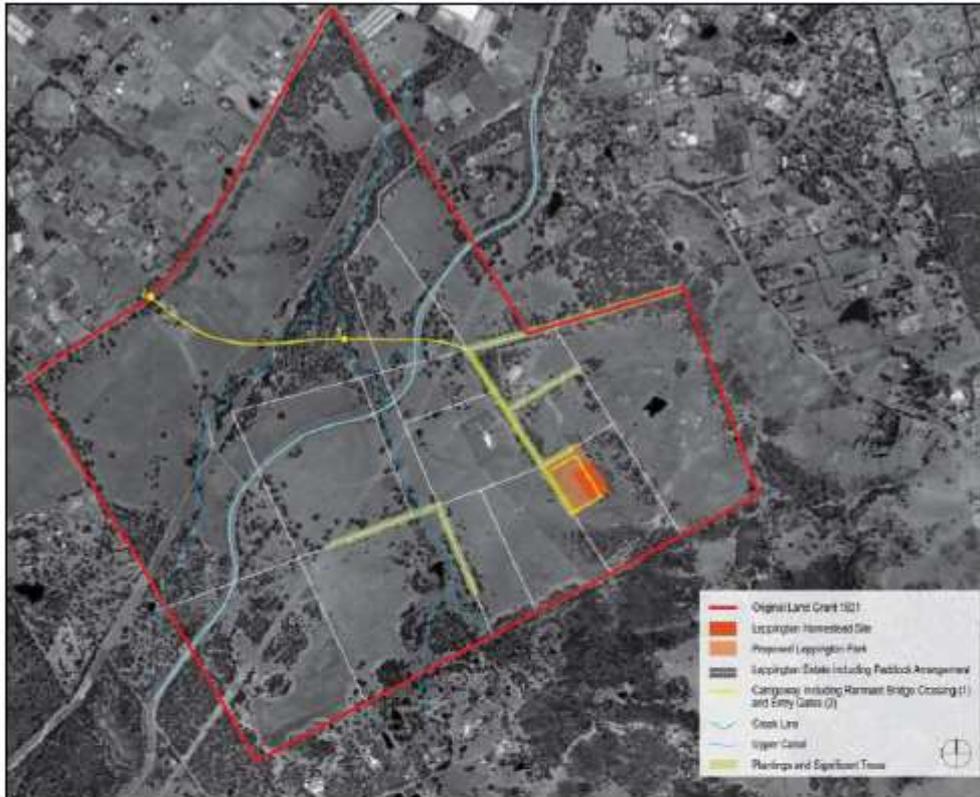


Figure 6-17 Historical heritage items and recommendation (GML, 2012)

The draft ILP has responded to a number of these recommendations by locating open space in the form of a local park at the site of the former Leppington House. The size and layout of the park directly reflects the recommendations regarding curtilage provided by GML. The park also has the potential to provide pedestrian linkages with the associated cultural heritage elements including remnant tree plantings and the carriageway. Whilst these linkages are not zoned for open space, controls are provided in the DCP to ensure these elements are incorporated into the urban design of the Precinct. This park also has significant views to the city and Blue Mountains which were identified as being of exceptional and high cultural heritage significance.

The urban design and local street pattern has been designed to interpret the historic tree rows, fence lines and paddock arrangements. Whilst not zoned, DCP controls have been developed for these areas to ensure these significant cultural heritage elements are retained before development proceeds. The double tree rows forming part of the original carriageway, are significant and present a great opportunity for interpretation in the Precinct.

Leppington House will be protected under the provisions of the SEPP Amendment and will be listed as a heritage item. In addition, the SEPP Amendment also includes a provision relating to the

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conservation of heritage items within the Precinct requiring a Heritage Impact Assessment and/or Heritage Conservation Management Plan.

The Upper Canal will remain in its current form. However, existing fencing surrounding the canal will need to be upgraded as development progresses to reduce any security and safety risks associated with an open water canal. Development in the vicinity of the Upper Canal should aim to maintain the form, fabric and operational utility of the canal and its heritage curtilage and preserve its outstanding curtilage elements. Where possible, the draft ILP has road frontage along the Upper Canal to provide passive surveillance and an appropriate buffer to the canal. This will also facilitate the potential for pedestrian and cycleways to be located alongside the canal. Two vehicle and one pedestrian crossing over the Upper Canal are shown in the draft ILP. Appropriate development controls are provided in the DCP to ensure the heritage significance and associated landscape are retained as development occurs in the Precinct.

In addition, the GML assessment has recommended a number of additional studies be undertaken prior to work commencing in areas of potential heritage significance (refer to Table 6-8).

Table 6-8 Recommended further studies

Heritage Item	Recommended Studies
Leppington House Estate	<ul style="list-style-type: none"> ▪ Heritage (Archaeological) Management Plan ▪ Interpretation Plan ▪ Landscape Plan
Camden Valley Way	<ul style="list-style-type: none"> ▪ Heritage Impact Assessment
Remnant tree rows and plantings	<ul style="list-style-type: none"> ▪ Aboricultural Assessment ▪ Further archaeological test sampling of the carriageway beyond homestead site
Upper Canal	<ul style="list-style-type: none"> ▪ Interpretation Plan ▪ Heritage Management Plan ▪ DCP to guide development in vicinity of canal ▪ Adaptive Reuse Study (long term)

6.9 Transport

A traffic and transport assessment was undertaken by Cardno for the Precinct. The assessment provides a solid foundation for development of the ILP by identifying the key transport and traffic circulation routes required to serve the future residential and working population. The assessment was prepared in consultation with Transport NSW and RMS.

6.9.1 Existing Transport Networks

Existing road and bus networks are shown on Figure 5-5 and described briefly below. There is currently very limited provision for walking and cycling within the East Leppington Precinct, and these modes account for a very small proportion of trips, typical of a rural area.

The East Leppington Precinct lies to the east of Camden Valley Way, a regional road that provides a link between Hoxton Park and Narellan. The road is a single carriageway with two lanes of 15m width. The majority of the intersections along the length are either Give Way or Stop controlled priority intersections. Camden Valley Way connects to the M7 and M5 motorways further to the east.

Denham Court Road runs east-west through the Precinct and serves a sub-arterial function linking Denham Court, Ingleburn and Leppington. Denham Court is a two lane road with a width of 8.9m. The road provides residential and business access and the majority of the intersections along the road are priority controlled. Cowpasture Road in the north of the Precinct is a linking road between Camden Valley Way and Bringelly Road and serves a sub-arterial function. It is a two lane road with a width of 6.5m.

There are several collector and local roads within or adjacent to the Precinct that provide direct access for residential properties, businesses and schools. Both Ingleburn and Heath Roads are collector roads that are 6.5m in width. St Andrews Road is a local road that serves a number of properties to the south of the Precinct. This road is 5m; but is not a through road and does not connect to the other end of St Andrews Road located further east of the Precinct. These are the only existing roads within the East Leppington Precinct.

At present, the closest rail facilities to the Precinct are at Ingleburn Station located on the Cumberland, South and Airport/East Hills train lines. Services from Ingleburn to the city operate approximately every 15-20 minutes.

Two bus routes, both operated by Busabout, service the East Leppington Precinct. There is one stop along the Precinct boundary, adjacent to the Leppington Hotel. The 857 and 856 services go between Liverpool Railway Station and Narellan Town Centre. The services are timed to arrive at Liverpool station to connect with onward rail services to the City. The coverage of bus routes and frequency of services reflect the current rural land use in the Precinct.

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6.9.2 Future Transport Provision

Roads

Cardno's assessment of future transport network requirements identified the need for upgrades to road, pedestrian and cyclist infrastructure and additional district and regional bus services. These recommendations have been used as a basis for the design of the road network that forms part of the East Leppington draft ILP (refer to Figure 5-1). Section 5.2.2 describes how the Cardno recommendations have been incorporated into the draft ILP. The Infrastructure Delivery Plan and Section 7 discusses how transport infrastructure improvements are to be delivered by the Councils and the NSW Government.

The major roads in and around the East Leppington Precinct that are predicted by the traffic modelling to carry high volumes of traffic and serve regional or subregional roles include:

- Camden Valley Way will be the main arterial road in the Precinct which is currently being upgraded by RMS to a four-lane road with the potential to expand to six lanes. Four access points via signalised intersections along Camden Valley Way will be constructed
- Denham Court Road will be a sub-arterial road within the boundaries of East Leppington and will be the key east-west link in the Precinct. As the Precinct develops, the road environment of Denham Court Road will change from rural arterial to urban arterial. This will address potential safety deficiencies relating to lighting and alignment. This road will also require widening in the long term.

Collector roads are proposed to provide higher standard connections between the local road network and the major roads listed above. Proposed collector roads include:

- Extension of Heath Road into the East Leppington Precinct providing access to the Local Centre, mixed use areas and school
- North-south collector road running along the south-east gas easement connecting with the corner of Denham Court Road
- North-south road running along the riparian corridor from St Andrews Road to Camden Valley Way in the north of the Precinct
- Road running along the eastern side of the riparian corridor in the north of the Precinct

There will be a number of road intersections in the Precinct to facilitate the urban development of the Precinct. The form of these intersections (i.e. signalised, roundabout or Left in-Left out) is detailed in the traffic and transport report. The main intersections in the Precinct include:

- Camden Valley Way | St Andrews Road
- Camden Valley Way | Heath Road
- Camden Valley Way | Ingleburn Road | Denham Court Road
- Camden Valley Way | Cowpasture Road
- Denham Court Road | collector road along gas easement
- Denham Court Road | north-south collector road

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- St Andrews Road | north-south collector road

There will be no additional driveway access along Denham Court Road and Camden Valley Way. Due to the large number of existing constraints in the Precinct including Bonds Creek, Upper Canal, electricity and gas easements, the road network has had to be designed to minimise the number of creek and canal crossings due to significant costs associated with these structures, whilst still allowing for an efficient and legible road network.

In the south of the Precinct there is proposed to be two creek crossings over Bonds Creek and two creek crossings over the east-west running tributary (Bonds Creek South). There are two proposed creek crossings over the Upper Canal. In the north of the Precinct there will only be one crossing over Bonds Creek.

One of the key north-south collector roads in the east of the Precinct will not be the width of a standard collector road. Due to the presence of two high pressure gas pipelines, the pipelines will be located in the median of this road based on discussions with the infrastructure providers. This road will be in the form of a dual carriageway. The final form of the road will be based on further detailed design.

Rail

Whilst there is no rail line in the East Leppington Precinct, the proposed SWRL is planned to run from Glenfield Station into the proposed Leppington Major Centre and is located within 1.5 kilometres of the East Leppington Precinct. The new Leppington Station will significantly increase the capacity for surrounding residents to connect with other centres such as Liverpool and Campbelltown and areas further away such as Parramatta and Sydney CBD.

The proposed Leppington station is a key element of the transport network for the South West Growth Centre and will serve parts of the East Leppington Precinct. Construction of the station commenced in late 2011 and the new rail line is planned to be operational in 2016.

Bus

Future bus services will need to provide sufficient east-west and north-south connectivity. Also important is the linking of bus services to surrounding major trip generators such as the Leppington Major Centre (including the new station and transport interchange).

A recommended Bus Network Plan prepared by Cardno forms the basis of the proposed bus network for the East Leppington Precinct. A proposed regional bus route will run north-south along Camden Valley Way. Cardno has also indicated the potential route for district and local bus services within the Precinct. The local services are proposed to service the Local Centre, primary school and other points of interest such as open space areas. Whilst not shown, bus stops are suggested at 400m intervals to maximise mobility throughout the Precinct and pedestrian access.

Pedestrian and Cycle Network

Because of the nature of the shift from largely rural land use to urban development, the mode share of walking and cycling trips is likely to increase, particularly for shorter journeys, due to changes in the nature and destination of local trips. Providing viable alternatives to cars for journeys within and outside of the Precinct is vital for sustainable development and an important consideration for Precinct

Planning. Good opportunities to provide pedestrian and cycle ways are provided by the proposed public ownership of the Bonds Creek riparian corridor and also adjacent to the Upper Canal.

A potentially significant barrier to pedestrian and cycle movements within the Precinct is the crossings at the major roads including Camden Valley Way and Denham Court Road. Provisions need to be made in the upgrading of these roads, pedestrian and cycleways connections. A number of pedestrian crossings are provided over Bonds Creek and associated tributaries as well as a pedestrian crossing over the Upper Canal in the south of the Precinct. Figure 5-6 shows the proposed pedestrian and cycleways in the Precinct.

6.10 Demographics and Social Infrastructure

Assessment of the existing and predicted future demographic characteristics of the population, and the associated demand for community facilities, open space and recreation facilities, was undertaken for East Leppington Precinct by Elton Consulting.

6.10.1 Population and Household Composition

Analysis of ABS 2006 Census Data was undertaken to determine future population characteristics including dwelling size, household composition, population age and household character.

Average household size was determined for the Sydney statistical division, Camden, Campbelltown and Liverpool LGAs as well as other surrounding areas. The results indicated that the average household size within the three LGAs was larger than the Sydney average, reflecting the dominance of detached family dwellings within the South West Sub Region. Taking into account the range of occupancy rates in adjacent equivalent release areas, the following occupancy rates are recommended by Elton Consulting to apply in the East Leppington Precinct:

- Detached dwelling: 3.4 people per dwelling
- Semi-detached dwelling, townhouse, terrace: 2.6 people per dwelling
- Flat, unit, apartment: 1.8 people per dwelling

These are consistent with the occupancy rates adopted in the Austral and Leppington North Precinct. Based on the proposed numbers of dwellings (4,110) for the Precinct, and the household composition identified by Elton. The projected population for the East Leppington Precinct, assuming full development is 13,910.

Based on discussions with industry representatives, academic research and previous research on Oran Park, Austral and Leppington North Precincts and other surrounding areas, Elton Consulting has predicted future demographic characteristics for the East Leppington Precinct. The results indicate that the initial population of the Precinct will comprise a high proportion of young couples and families, in line with other surrounding release areas. As the Precinct develops, the proportion of empty nesters and older people is likely to increase. In general, the diversity of the population is set to increase, fuelled by the development of the nearby Leppington Major Centre, proposed Local Centre within the Precinct and other facilities and services within the Precinct. By the time the Precinct is fully developed, the proportion of persons aged above 55 will peak and young adults and children will be a lower proportion of the overall population. An analysis of the ethnic make up of the Precinct was not attempted as part of the study.

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6.10.2 Implications for Precinct Planning

Consistent with the small existing population and semi-rural character, existing social infrastructure within the East Leppington Precinct is currently very limited. Overall growth in the population of the Precinct will create demand for a wide range of additional community facilities or upgrades to existing facilities. These include things like open space and recreational facilities, community facilities, care for children and older people, youth services, health care facilities and education. Elton consulting has estimated the required provision of a range of community facilities and services based on the predicted growth in the population and its likely demographic composition.

A key issue in the delivery of community facilities that will be required by residents of the Precinct is the availability of funding for construction. A Community centre is proposed adjacent to the Local Centre and is currently unfunded (although the cost of land acquisition is included in the draft Contributions Plans currently under preparation). The Department will continue to work with the councils to identify appropriate sources of funding for this and other facilities, to ensure that they can be delivered to meet demand. Arrangements will also need to be made in the draft Contribution Plans to ensure the East Leppington population contributes towards the provision of major regional facilities provided within the Leppington North Precinct, particularly if requirements for active open space are under-provided.

The primary school site is shown on the Land Reservation Acquisition SEPP map for acquisition by the Department of Education and Communities which provides certainty for the provision of education facilities in the Precinct.

The draft ILP also responds to the requirements of the Councils and the major landowner which are not necessarily consistent with the technical report recommendations. The technical report recommends a total of 42 hectares of local open space in order to achieve the Development Code adopted standards of 2.83 hectares of open space per 1,000 people.

The draft ILP on this basis provides for a total 37.8 hectares of open space. The draft ILP provides adequate passive open space within the Precinct, however provides less than the recommended provision for active open space (based on the 35:65 ratio for active: passive open space). The provision of active open space will be re-addressed during post-exhibition. Refer to section 5.4.6.

Areas adjacent to and areas within the riparian corridors contribute towards passive open space in the Precinct. The riparian corridor will provide visual amenity when the Precinct is fully developed and allow for a range of uses. The draft ILP therefore incorporates 50 percent of the riparian corridors as part of the open space within the Precinct.

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6.11 Retail and Employment Demand

SGS Economics and Planning was engaged by the Department to undertake an assessment of the likely future requirements for employment and retail within the East Leppington Precinct. The study identifies retail and commercial land use requirements for neighbourhood centres proposed under the South West Growth Centre Structure Plan and population thresholds for retail and employment over time. It also investigated the impacts on surrounding or proposed retail centres. A summary of the key findings from report and other assessments undertaken by the Department is provided below.

6.11.1 Retail Demand Analysis

A retail demand assessment was completed to estimate the supportable floor space for neighbourhood centres within the East Leppington Precinct. The total demand by 2031 for neighbourhood floor space is estimated to be around 8,400 square metres (refer to Table 6-9). The neighbourhood floor space is in addition to the recommended local centre floor space (described later in this section). This includes demand for approximately 5,200m² of supermarket floorspace. This assumes that 22 percent of the resident retail expenditure on the Precinct would be captured within the neighbourhood centre.

Table 6-9 Neighbourhood Centre Floorspace Demand

	2016	2021	2026	2031
Total floorspace	1,439m ²	4,051m ²	6,911m ²	8,410m ²

A Gravity Model has developed to assess the impact of a potential Local Centre in the East Leppington and the impact this would have on the surrounding major centres including; Leppington Major Centre, Edmondson Park Town Centre and Catherine Fields North Town Centre.

If a local centre of 20,000m² was proposed in the East Leppington Precinct then this would result in a reduction in turnover (or RTS) of 13 percent for Leppington Major Centre and Edmondson Park Town Centre and 7% for Catherine Fields North Town Centre. An impact over 10% is considered significant and would not be acceptable.

Therefore an iterative analysis modelling a 15,000m² Local Centre in the East Leppington Precinct was undertaken to determine the impacts on the surrounding centres. The analysis shows that a Local Centre with floorspace of 15,000m² would not significantly impact on the performance of the three surrounding centres. The impacts were modelled to be a 9.5 percent impact on Leppington Major Centre, 9.4 percent on Edmondson Park Town Centre and 5.2 percent on Catherine Fields North Town Centre. It was therefore suggested that a Local Centre of 15,000m² within the East Leppington Precinct by 2031 would be appropriate. The technical consultants advised that growth of the Local Centre should be restricted to 4,000m² until after 2016.

The total retail floorspace recommendations for the East Leppington Precinct are for the following:

- Local Centre – 15,000m² floorspace
- Neighbourhood Centre 1 (south) – 4,205m² floorspace

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- Neighbourhood Centre 2 (north) – 4,205m² floorspace.

It is recommended that the location of the Local Centre should balance the desire from surrounding areas to the west and south, whilst locating centrally to the southern part of the East Leppington Precinct to encourage opportunities for walking trips from this neighbourhood. A location in the north of the Precinct and also the south-east of the Precinct should be considered for the location of the neighbourhood centres.

6.11.2 Employment Demand Analysis

An analysis of demand of employment lands in the Precinct was completed and considered population driven employment, and a review of the impact of the upgrade of Camden Valley Way on the relative attractiveness of the Precinct for strategic 'footloose' employment uses. The result show that of the population driven employment there would be 1,239 jobs generated by incoming East Leppington residents. Of these, it is projected that 237 jobs (excluding retail) will most likely to be located within the Precinct. These jobs may comprise of primary and secondary education services, health services and local light industrial services.

6.11.3 Implications for Precinct Planning

Demand for retail and commercial development is affected by the characteristics of the surrounding network of local centres. Neighbourhood centres have the benefit of promoting walkable catchments and providing local services.

The South West Growth Centre Structure Plan identifies a hierarchy of centres from major centres to town and village centres and walkable neighbourhood nodes. The Structure Plan identifies the provision for 2 to 3 neighbourhood centres within the East Leppington Precinct. The draft ILP is generally consistent with the Structure plan as it proposes one zoned Local Centre and an un-zoned neighbourhood centre. The Structure Plan provides guidance for the structure and location for centres and alternative options can be provided if supported by technical analysis.

The draft ILP has an indicative neighbourhood centre is shown in the north of the Precinct, however this area is not zoned and is identified as an indicative preferred location should future demand as identified in the study eventuate. The indicative centre in the north of the Precinct would accommodate the identified future neighbourhood retail demand.

Given the identified neighbourhood demand attributed to the south-western part of the Precinct, it is considered necessary that provisions be included in the DCP. The provisions would assist in determining an appropriate location for a small neighbourhood centre within this part of the Precinct should these uses be identified in the future. Such an approach is prudent given that the Local Centre at Heath Road intersection will be capped at 15,000m², while an additional purely neighbourhood demand of about 8,000m² has been identified in the study.

Based on the advice of Campbelltown Council and the major landowner, a neighbourhood centre is not shown in the south of the Precinct. It was considered that a neighbourhood centre would not be viable due to the proximity of the Local Centre. However, the technical advice states that these centres would provide a different retail function and would only be developed if there was a demand for these services.

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The Local Centre has been located near the intersection of Camden Valley Way and Heath Road and will be co-located with a community centre. The Local Centre will provide for 15,000m² of retail floorspace, however controls have been provided to ensure that only a maximum of 4,000m² can be built until 2016. The introduction of an additional Local Centre into the planning for the South West Growth Centre will be a positive addition to the centres hierarchy, whilst not undermining the development of the Leppington Major Centre or surrounding town and village centres.

7 Infrastructure Delivery Plan

At present, infrastructure and essential services provided in the East Leppington Precinct are consistent with the dominant rural and rural residential land uses. The East Leppington Precinct currently has access to limited drinking water and the majority of the Precinct has on-site septic systems for waste water treatment. Power is available via aboveground transmission lines that generally follow the road network.

Advice from the key utilities agencies indicates that the capacity of wastewater infrastructure and electricity networks in the Precinct will not be sufficient to service future urban development and will require significant augmentation. Provision of urban standard infrastructure will be expensive and will need to be staged to match investment with demand. Prior to public exhibition, planning for future infrastructure delivery is conceptual only, and will be refined as the likely pattern and rate of development in the Precinct is better understood.

The timely provision of primary utilities in line with the rezoning and development of land is often a significant factor that prevents development from occurring in new release areas. Given the lack of existing services available to the Precinct, an Infrastructure Delivery Plan (IDP) has been prepared as a guide for landowners and developers to consult when considering the development of land in the Precinct. The IDP identifies the various pieces of infrastructure that will need to be delivered to enable the development of the Precinct, such as water mains, roads, telecommunications and social infrastructure such as schools and parks. The IDP identifies two key stages in the delivery of enabling infrastructure, which is infrastructure that is required to enable development to occur:

- An interim servicing strategy to ensure essential infrastructure is available for early stages of development (described in Section 7.1); and
- The ultimate, or long term, servicing strategy, which requires major investment in large scale infrastructure to ensure services are available across the whole of the Precinct (described in Section 7.2).

The IDP will be updated and refined by the Department, in consultation with infrastructure providers, as planning and development proceeds. The IDP will be used by the Department and other agencies to progress planning within Government to ensure commitments are obtained to funding and timing of essential infrastructure to service the Precinct.

7.1 Interim Servicing Strategy

The Department has been consulting with Sydney Water Corporation (SWC) and Endeavour Energy to determine existing capacity of infrastructure either in the Precinct or within close proximity that could be augmented to allow initial development to occur within the Precinct. The interim servicing strategy described below is preliminary, and the Department will continue to work with relevant agencies to confirm infrastructure provision for the initial stages of development in the Precinct.

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7.1.1 Availability of interim services

Water

SWC has advised that the East Leppington Precinct is in close proximity to three water reservoirs and multiple trunk water mains. These include:

- The Raby reservoirs and pumping stations located above the Upper Canal in Denham Court
- The Leppington reservoirs and pumping station located in Woolglen Park Road, Leppington
- The Denham Court reservoirs located north of the Precinct on Fox Valley Road
- A 450mm main crossing the northern part of the Precinct, a 500mm main crossing the western part of the Precinct and various mains between 200 and 500mm along Camden Valley Way.

SWC has advised that the existing 500mm main located along Camden Valley Way will have sufficient capacity in the interim to service up to 1,400 dwellings up until approximately 2017. Costs of temporary servicing measures are typically born by the developer. This arrangement would be sufficient to service development stages 1 to 3 of the Precinct.

Sewer

The Precinct is not currently serviced for wastewater and does not have any connections to the Sydney Water sewer network. The closest existing wastewater infrastructure is currently located on Camden Valley Way approximately three kilometres north of the Precinct and has limited capacity.

Substantial upgrades to the sewer infrastructure throughout the South West Growth Centre are currently being investigated by SWC; however this infrastructure will not be delivered in time to service the first stages of development in the East Leppington Precinct. Recent advice from SWC suggests that this trunk infrastructure will be delivered in mid-2015.

SWC has advised that the interim sewer servicing for the Precinct will consist of pump-out system consisting of a wet-well which is regularly pumped-out and trucked to an STP. This interim arrangement will potentially service stages 1 and part of stage 2. SWC has advised that individual pump-out systems are typically limited to servicing 150 dwellings due to restrictions on truck movements. The interim measure will be employed until the ultimate long term servicing scheme is rolled out by SWC.

Electricity

Endeavour Energy has advised that existing capacity within the East Leppington Precinct is limited and significant system upgrades are required. Endeavour Energy proposes to install a zone substation fronting St Andrews Road in the south of the Precinct. It is anticipated that the zone substation will be acquired by Endeavour Energy in mid-2012 with it anticipated to be operational by mid-2014. In the event that dwellings have been constructed prior to this date, Endeavour Energy has advised that it will work with developers to determine interim servicing arrangements.

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Gas

Jemena has advised that natural gas is available adjacent to the Precinct and could be extended to supply any proposed development in the Precinct, subject to commercial viability being achieved.

7.1.2 Initial development areas

From the above, it is evident that there are two key initial development fronts available to the Precinct. These areas are shown on Figures 7-1 and 7-2. Development within the East Leppington Precinct would be likely to occur on the western side of the Precinct near the intersection of Camden Valley Way and Heath Road. This location is largely driven by the following factors:

- Shortest distance to extend Endeavour Energy electricity feeders from new substation;
- Water capacity in the existing network along Camden Valley Way and reduced need for augmentation;
- Temporary pump-out systems;
- Heath Road intersection to be upgraded as part of RMS Camden Valley Way upgrade works;
- Preference from major landowner to develop this area of the Precinct first.

The majority of the temporary servicing infrastructure works would need to be funded by developers. The majority of the Precinct is owned by a major landowner and therefore for this portion of the Precinct, this is anticipated to be capable of development soon after rezoning.

In the north of the Precinct, to allow for temporary infrastructure works, may require some consolidation of land or landowners to come together to achieve the necessary economies of scale to carry out the subdivision and infrastructure works. The funding of temporary infrastructure ahead of SWC and Endeavour Energy's works programs is typical of large greenfield releases that are in single or consolidated land holdings. However, for the north of the Precinct which has many small land holdings in different ownerships, a higher degree of involvement is likely to be required from infrastructure providers, and a more cooperative approach from land owners to demonstrate to infrastructure agencies that demand is sufficient to warrant investment.

Given the degree of land fragmentation in the north of the Precinct, the Department will continue to investigate alternative funding delivery approaches with SWC and Endeavour Energy during and after the exhibition period to where possible, create more certainty around the interim servicing strategy. The initial development areas are indicative only. Should owners in other areas want to develop earlier, they would be subject to discussion with SWC, Endeavour Energy and their local Council to determine the feasibility of providing enabling infrastructure. The Department would support any enquiry into servicing land and would look to provide an active role in facilitating discussions with the relevant agencies.

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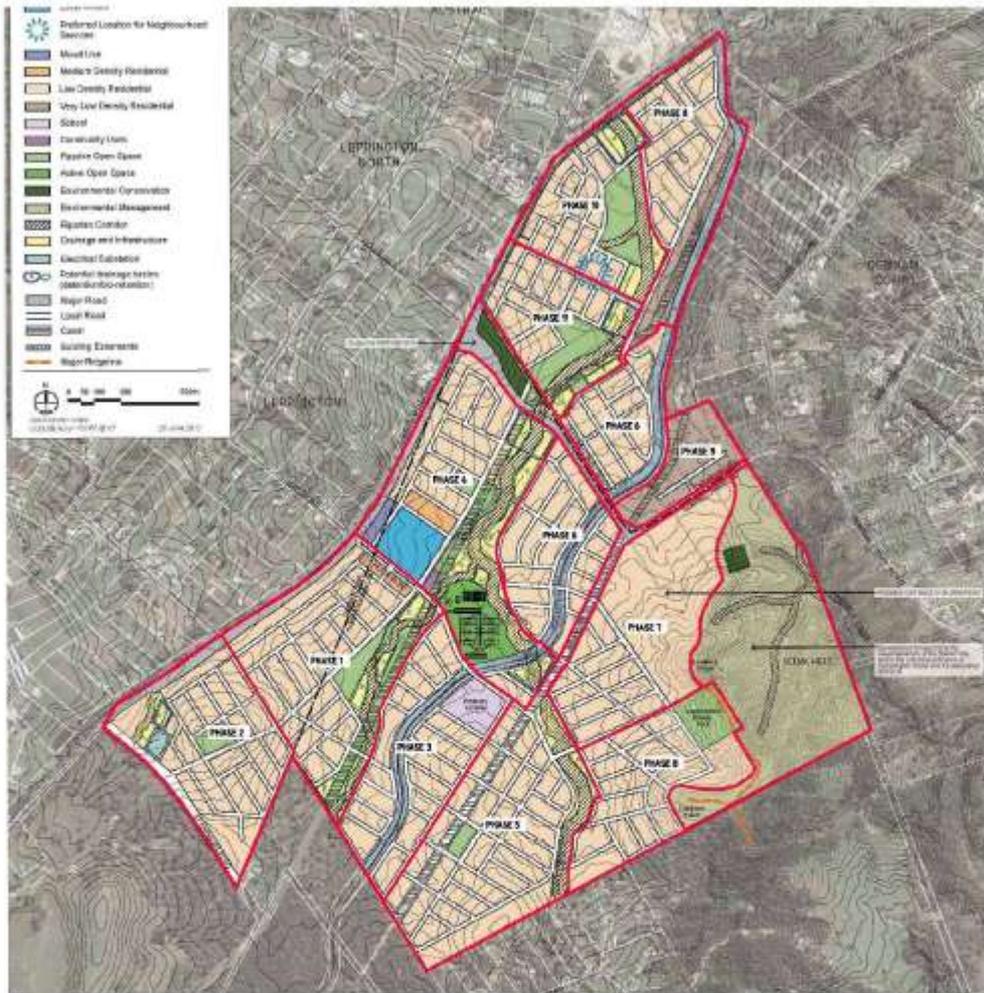


Figure 7-1 Indicative development staging plan

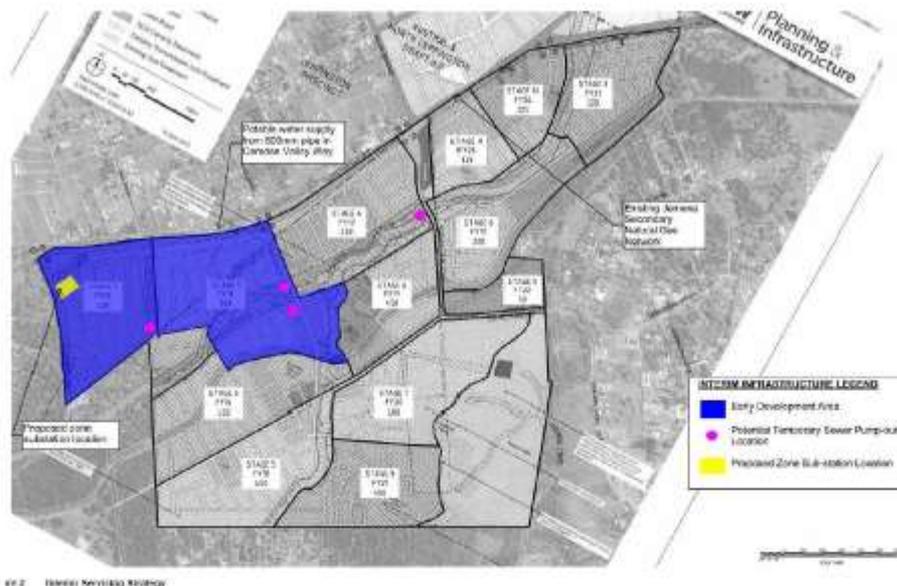


Figure 7-2 Interim Servicing Strategy and Initial Development Areas

7.2 Ultimate Servicing Strategy

A short explanation of the ultimate servicing requirements for the Precinct is provided below.

7.2.1 Water Reticulation

SWC is currently reviewing their strategy for the delivery of water infrastructure to the South West Growth Centre. It is anticipated that this overall strategy will require upgrades to existing SWC infrastructure external to the East Leppington Precinct, which will service development for the overall Growth Centre.

SWC advised that off-site infrastructure works will provide further capacity at the existing 500mm water main located along Camden Valley Way, providing sufficient capacity for this main to service the whole Precinct.

SWC amended recycled water servicing strategy for the North West and South West Growth Centres does not propose that the Precinct be serviced by recycled water.

7.2.2 Sewer

SWC is currently reviewing their strategy for the delivery of sewer infrastructure to the South West Growth Centre. Advice from SWC indicates that the ultimate servicing strategy for the Precinct will consist of a new trunk gravity main falling in a northerly direction, following the alignment of Bonds Creek. There is potential for this carrier main to discharge to the existing Liverpool STP via a pump station or to connect to the Kemps Creek STP by gravity. These options are currently being reviewed by SWC.

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7.2.3 Electricity

Endeavour Energy is currently progressing planning for the installation of a new zone substation fronting St Andrews Road, near Camden Valley Way, to service the East Leppington Precinct. The site location has been agreed by Endeavour Energy and the landowner and it is anticipated that the substation will be operational by early 2014.

The location of the substation allows for the installation of 132kV feeders along St Andrews Road to the south and to the existing 132kV feeders which run through the Precinct, as well as in both directions along Camden Valley Way. The substation will form a strategic role in supplying the South West Growth Centre and wider area.

Endeavour Energy also advised that as part of its system upgrades, it intends to upgrade the 132kV overhead conductors running through the Precinct.

7.2.4 Natural Gas

Jemena has advised that the High Pressure Secondary Network (HPSN) which currently terminates on Camden Valley Way approximately 200 metres south of the Cowpasture Road intersection would need to be extended to service the Precinct. A pressure reducing station would be required to be installed by Jemena to reduce pressure suitably for reticulation purposes.

The details and timing of delivery of the ultimate gas supply will be determined by Jemena following a review of the commercial viability.

7.2.5 Telecommunications

From January 2011, the funding and installation of optic fibre for all Greenfield developments will be undertaken by NBN Co as part of the National Broadband rollout. The NBN Co agreement ensures that development within the Precinct will be serviced by telecommunications infrastructure before dwellings are habitable. Under this agreement, NBN Co is only obligated to provide optic fibre to developments of 100 lots or more before dwellings are habitable.

7.2.6 Roads

The RMS is currently managing the detailed design and construction of the Camden Valley Way upgrade.

The upgrade of Camden Valley Way and Denham Court Road will be partially funded by the State Infrastructure Contribution (SIC, a levy that is paid by landowners and developers in the Growth Centres to fund major infrastructure). Camden Valley Way will be a full upgrade to four (and capable of six) lanes, while Denham Court Road is a partial upgrade.

7.2.7 Public Transport

The South West Rail Line including the line to Leppington Station, associated station platform, bus interchange and commuter car parking is currently under construction and is expected to be operational in 2016. These facilities are located in the adjacent Leppington North Precinct.

The delivery of the local and regional bus network will be staged and typically follow the rate of development in the Precinct. Transport NSW is responsible for delivering rail and bus transport.

7.3 Key issues facing infrastructure delivery and Precinct development

7.3.1 Infrastructure delivery schedule and initial development

Prior to rezoning, further work and consultation will be undertaken by the Department with servicing authorities, in particular SWC and Endeavour Energy to determine the long term funding and delivery commitments for the essential infrastructure to provide landowners and developers certainty. In addition, the interim servicing strategy for the Precinct will be further developed and refined to ensure that initial stages of development have access to enabling infrastructure.

7.3.2 Land fragmentation and infrastructure delivery

The IDP acknowledges that standard practice to the delivery of infrastructure to urban growth areas needs to be tailored to enable development in Precinct, such as in the north of East Leppington which are characterised by numerous small land holdings. The Department will continue to work with key service authorities and other parts of Government to develop appropriate funding and delivery models that allows the timely delivery of infrastructure that is able to respond to development fronts as demand arises.

Given the existing subdivision and ownership pattern in the north of the Precinct, land owners wishing to develop or sell may need to consider the intentions of their neighbours, and where these align, cooperate to foster interest from the development industry and to demonstrate to infrastructure agencies that there is a willingness to develop the land. The Department will work with landowners and developers that are interested in developing their land to help coordinate the future discussions and planning with servicing authorities.

7.3.3 Funding of local infrastructure above the Section 94 Contributions cap

Draft Section 94 Contributions Plans are being prepared with Camden Council and Liverpool Council. Campbelltown Council has advised that a VPA is currently being prepared between it and the major landowner in place of a draft Section 94 Plan.

The Section 94 Plans for Camden and Liverpool will enable the Councils to levy contributions on residential and employment based development within the Precinct. Funding sourced from these contributions will be used by the Councils to deliver essential infrastructure required by the Precinct. This will typically include:

- Major local road infrastructure such as sub-arterial roads, creek crossings and parts of collector roads and the necessary land to build them;
- Drainage infrastructure including detention basins, parts of riparian corridors used to convey stormwater and new drainage channels and the necessary land to build them;
- Open space including embellishment of new parks, playgrounds and sporting fields and the necessary land to building; and
- The land for the community centre (construction of the facilities can not be delivered from Section 94 contributions and councils need to find alternative funding for these).

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Under current Government policy, funding for this type of infrastructure that can be collected by councils from Section 94 Contributions is limited to \$30,000 per residential lot. However, given the size of the Precinct, the significant amount of infrastructure that is required for the future residential and working population, and amount of constrained land (i.e. land that will be undevelopable due to flooding, riparian corridors, Upper Canal, infrastructure provision and easements etc), it is likely that the average Section 94 Contribution per residential lot will exceed the \$30,000 limit. As such, during and after the exhibition of the Precinct, the Department will continue working with the councils to resolve issues related to the funding of this essential infrastructure.

8 Draft Statutory and Development Controls

The suite of planning documents that will apply to the East Leppington Precinct include an amendment to the Growth Centres SEPP to provide statutory planning controls for the land in the Precinct (similar to a Local Environmental Plan), and Development Control Plans (DCPs) to provide design guidance for development within the Precinct. Draft controls have been prepared for the SEPP Amendment and DCPs.

8.1 Proposed SEPP Amendment

Under amendments to Section 38 of the EP&A Act, there is no longer a requirement to exhibit draft SEPP Amendments. Instead, a 'plain English' explanation of the planning controls that are proposed to be in the SEPP Amendment has been prepared, along with draft SEPP maps. The 'Explanation of Intended Effect' and draft SEPP maps are available as part of the exhibition material.

The proposed SEPP Amendment will, when published, make amendments to the Growth Centres SEPP, comprising:

- Amendments to the main body of the existing Growth Centres SEPP; and
- A new Appendix to the SEPP, the East Leppington Precinct Plan, containing new planning controls for the land in the Precinct.

Subject to the provisions of the EP&A Act, Camden Council, Campbelltown Council or Liverpool Council will be the consent authority under the Precinct Plan for development within their respective LGAs. This means the Councils will retain primary responsibility for the assessment and determination of development applications in the Precinct.

Reference should be made to the Explanation of Intended Effect for a more detailed description of the proposed SEPP Amendment, and to the draft SEPP maps to understand how the proposed controls are intended to apply to land in the Precinct. The following sections provide an overview of the key aspects of the proposed SEPP Amendment, and explanation of the reasons behind the proposed controls where necessary.

8.1.1 Land to which the proposed SEPP Amendment will apply

The East Leppington Precinct Plan will apply to all land in the Precinct. Minor adjustments to the Precinct boundaries have also been made in various locations, to align the boundary with cadastral boundaries. This has been done to avoid the partial application of the planning controls to properties where the original Precinct boundaries did not align precisely with property boundaries.

8.1.2 Land use zones and permissibility of development

Land use zones have been selected for all land in the Precinct based on the intended future use of the land as described in the draft ILP (refer to Section 5). Table 8-1 summarises the proposed zoning of land, and the reasons why certain zones are proposed to apply.

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Table 8-1 Proposed land use zones and their application

Zone	Application and rationale
R2 Low Density Residential	Provides for a mix of dwelling types in a predominantly low density residential environment and is applied to the greatest area of land in the Precinct. Flexibility has been provided to allow for a range of dwelling types.
R3 Medium Density Residential	Allows a range of dwelling types in a medium density residential environment located adjacent to the Local Centre on Heath Road.
B2 Local Centre	Applies to the Local Centre located near the intersection of Heath Road and Camden Valley Way which is likely to contain a supermarket, specialty retail stores, local businesses and other services for the surrounding population.
B4 Mixed Use	Applies to the fringes of the Local Centre providing opportunities for a mix of retail, commercial and residential development.
E2 Environmental Conservation	Applies to two areas within the Precinct that are known to contain the threatened species <i>Pimilea spicata</i> and contain significant native vegetation. These areas will be protected and are intended to remain in private ownership.
E3 Environmental Management	Applies to the area referred to as the Scenic Hills which has significant landscape and scenic qualities as well as existing native vegetation and places of historic and cultural heritage significance. This zone is equivalent to the existing zone.
SP2 Infrastructure	Applies to land that is required for public purposes including: <ul style="list-style-type: none"> ▪ Major roads including Camden Valley Way and Denham Court Road ▪ Upgrades to existing roads or construction of new sections of road that are to be funded by local infrastructure contributions ▪ Trunk drainage land including stormwater detention basins and major creek lines ▪ Community centre ▪ Primary school.
RE1 Public Recreation	Land that is to be acquired and embellished by the Councils to provide for the recreational needs of the residents and workers in the Precinct. This includes sporting fields, local parks, land adjacent to the riparian corridors and pedestrian/cycle links through the Precinct.

For each zone, the zoning table in the Precinct Plan will specify land uses that are permissible, either with or without the consent of Council, or prohibited. A draft zoning table has been prepared as part of the Explanation of Intended Effect.

8.1.3 Exempt and complying development

The EP&A Act enables certain types of development to proceed without the need for any environmental assessment or development consent. This is known as exempt development. It also enables some types of development to proceed through a fast tracked approval process, where it complies with relevant building standards. This is known as complying development. The types of

development that are exempt and complying are generally set out in SEPP (Exempt and Complying Development Codes) 2008 (referred to as the Codes SEPP).

The Codes SEPP specifies that exempt and complying development cannot be carried out on certain environmentally sensitive land that is identified under another Environmental Planning Instrument. The East Leppington Precinct Plan is proposed to exclude the operation of the General Housing Code (part of the Codes SEPP) from applying to land that is to be zoned Environmental Conservation or Environmental Management, and land shown as Existing Native Vegetation or a Native Vegetation Retention Area, on the Native Vegetation Protection Map. This means that construction of new dwellings in these areas will require development consent from Council.

8.1.4 Development standards

The Precinct Plan will establish development standards that are intended to control different aspects of the bulk, scale or intensity of development. The purpose of these standards is to ensure that development is consistent with the objectives of the zone and of the Precinct Plan as a whole. The following development standards are proposed:

- Minimum lot sizes for subdivision for some residential areas identified as Very Low Density Residential and Environmental Management on the draft ILP (refer to SEPP Map).
- Maximum height of buildings
- Minimum residential densities.

The intent of application of each of the development standards to land in the Precinct is described below.

Minimum subdivision and lot sizes for residential development

The Precinct Plan will specify minimum subdivision lot sizes for some land zoned R2, R3 and E3. Varying minimum lot sizes are proposed for land in these zones to respond to different environmental constraints including protection of visually sensitive areas, protection of native vegetation, presence of infrastructure easements and minimising risks of impacts on water quality in the Sydney Catchment Authority Upper Canal. The proposed minimum subdivision lot sizes are as shown on the Minimum Lot Size SEPP Map. In addition to the Lot Size Map, there are two specific clauses relating to lot sizes in certain areas:

- Maximum of 350m² for dwelling houses in the R3 Medium Density Residential zone;
- Minimum lot size of 100 hectares for areas in the E3 Environmental Management zone.

Minimum subdivision lot size controls are usually specified in LEPs based on a map that shows the minimum lot size. A different approach has been adopted in the Growth Centres, recognising that different dwelling types can be constructed on lots of different sizes. The Precinct Plan therefore proposes that, rather than show a generic minimum lot size for the residential zones on the Minimum Lot Size SEPP Map, a control would be included in the Precinct Plan specifying minimum lot sizes for different types of residential accommodation, for example dwelling houses, attached dwellings, dual occupancies and multi-dwelling housing. This approach is proposed because it provides clearer guidance to developers as to the minimum lot size that is appropriate for the particular dwelling type they propose.

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Maximum height of buildings

The maximum height of building control will help to control the size of buildings within the Precinct, in accordance with the objectives of the Precinct Plan and the relevant land use zones. The maximum height controls have been determined based on the desired character of the various land use zones, and to manage impacts such as overshadowing and loss of privacy.

Maximum height controls are proposed in the residential zones. The draft SEPP maps show the proposed maximum height controls in these areas. They are generally intended to limit the height of residential buildings (and other buildings that are permissible in these zones) to 3 storeys. These building heights are typical of buildings in low to medium density residential areas.

Maximum building heights are specified for the Local Centre. The maximum building height allows for retail uses that require a larger floor to ceiling height (eg. supermarkets or discount department stores) and for mixed use developments such as shop top housing. The height controls in this zone has been set to enable a building with commercial or retail uses at the ground floor, and residential uses on the upper floors. The proposed controls allow buildings in these centres to be taller than in the surrounding residential zones to assist in reinforcing the centre as destinations and activity node within the urban areas.

Floorspace ratio

No FSR controls are proposed in the SEPP Amendment. The bulk and scale of development in these zones will be controlled by the maximum building height control, and by controls such as maximum site coverage and minimum landscaped area in the DCPs.

8.1.5 Additional provisions

The SEPP Amendment is proposed to contain a range of additional provisions, generally based on those in the Standard Instrument LEP template. These provisions relate to matters such as:

- Land acquisition for public infrastructure purposes (discussed further in Section 8.1.6);
- Flexible zone boundary provisions, that enable development (in some circumstances) to be carried out within a certain distance of the zone boundary, where it is permissible in the adjoining zone;
- Heritage conservation controls to ensure the protection of significant historic and cultural heritage within the Precinct;
- Controls relating to Leppington House cultural heritage landscape area;
- Miscellaneous controls in relation to a range of land uses.

8.1.6 Acquisition of land for public purposes

The Infrastructure Delivery Plan, which is part of the draft Precinct Planning package, provides more information in relation to the proposed mechanisms for funding and delivery of infrastructure in the Precinct. The acquisition of land that is required for public purposes is a key element in the delivery strategy for urban infrastructure in the Precinct.

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The draft Explanation of Intended Effect nominates a range of Government agencies, including Camden, Campbelltown and Liverpool Councils, as the relevant acquisition authority for the purposes listed above. The draft Land Reservation Acquisition map identifies the land that is to be acquired for those purposes. The sections that follow provide some explanation of funding arrangements and any areas of uncertainty, in relation to the acquisition of land for public infrastructure purposes.

The acquisition requirements of the SEPP Amendment will not come into force until the Amendment is finalised. Following exhibition, the Department intends to continue to work closely with all infrastructure agencies to resolve uncertainty around the funding for local infrastructure, to enable the SEPP Amendment to proceed with clear funding arrangements in place for local infrastructure. The Councils also intend to exhibit draft Contributions Plans for the Precinct, unless a VPA with the major landowner has been entered into with the major landowner. The Contributions Plans are intended to be finalised to coincide as closely as possible with the finalisation of the SEPP Amendment.

Local infrastructure

Camden Council, Campbelltown Council and Liverpool Council are nominated as land acquisition authorities for purposes including:

- Local roads (widening of existing roads or construction of some new sections of roads).
- Public recreation land;
- Drainage infrastructure land;
- Land that is required for the community centre.

Traditionally, the infrastructure listed above has been provided in new urban growth areas by Council, and funded partly or wholly by developer charges under section 94 of the EP&A Act. The Department and Councils (Camden and Liverpool only) are jointly preparing draft Contributions Plans (under section 94) that will specify the types of infrastructure to be provided by the Councils using section 94 funding, the cost of that infrastructure and the land requirements. Preliminary calculations indicate that the infrastructure costs to provide for the needs of the future population of the Precinct will exceed a \$30,000 per residential lot contribution cap that has been imposed by the NSW Government. This means that funding for a proportion of the land and capital works costs specified in the draft Contributions Plans will be required from alternate sources.

Regional roads

The Western Sydney Growth Areas Special Infrastructure Contribution (the SIC) identifies regional infrastructure that is to be provide to service the Growth Centres, and other growth areas in western Sydney. The SIC nominates a number of regional roads in the East Leppington Precinct, to be funded by the NSW Government, with contributions from the private sector through levies on development to cover part of the cost.

For the purposes of exhibition of the draft Precinct Plan only, the Department has nominated the RMS as the relevant acquisition authority for SIC roads (identified on the Land Reservation Acquisition map as Classified Roads). The Department will continue to work with the RTA and other relevant agencies to confirm funding arrangements for the regional roads identified in the SIC, and will confirm land acquisition arrangements prior to finalising the Precinct Plan.

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School site

As discussed in Section 5.4.5, the draft ILP indicates the location for a potential primary school site. DEC has advised that it is agreeable to be listed as the acquisition authority for this site and therefore this is reflected in the SEPP maps.

8.1.7 Local provisions

The draft SEPP includes a number of local provisions that relate to matters of particular relevance to the East Leppington Precinct. These include:

- A requirement that essential utilities (water, sewer and electricity) are available to the land before Councils grant consent to applications for urban development;
- Controls to limit the clearing of remnant native vegetation, and require offsetting of any clearing;
- Controls to prevent the clearing of Existing Native Vegetation that is required to ensure consistency with the biodiversity certification under the Threatened Species Conservation Act (refer to Section 4.2.2);
- Controls on the location of restricted premises and sex services premises.
- Controls relating to Leppington House Estate and the protection of the heritage values of the Estate
- Controls relating to Scenic Hills and maintaining the existing natural landscape and landform
- Controls relating to the gross floor area of the Local Centre.

8.2 Draft DCPs

Three Development Control Plans are proposed, as the Precinct is located within the Camden, Campbelltown and Liverpool LGAs. Separate DCPs for each Council area enable the Councils to make amendments to the DCPs (under delegated authority from the Director-General of DP&I) without the involvement of the other Councils. This is considered important in terms of the administrative efficiency of the planning controls that will apply to the land. Separate DCPs also enable the Councils to implement local policy decisions consistently across their Council areas, without causing conflict where policies on certain issues may differ between the three Councils. In these situations, the Department retains the ability to respond to any proposed DCP amendments that are not consistent with planning policy or objectives that apply broadly to, and necessitate a consistent approach across, the Growth Centres.

The draft DCPs are:

- The Camden Growth Centre Precincts Development Control Plan 2011
- The Campbelltown Growth Centre Precincts Development Control Plan 2012; and
- The Liverpool Growth Centre Precincts Development Control Plan 2011.

The structure and content of the DCPs is generally the same at this stage, as set out in Table 8-2.

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Table 8-2 Structure of the draft DCPs

DCP Part	Summary
1 – Introduction	Sets out the aims and objectives of the DCP, identifies the land to which the DCP applies, explains the structure of the document, the relation of the DCP to other planning documents, and explains procedures for exempt and complying development and submitting a development application.
2 – Precinct Planning Outcomes	Sets out the general structural elements of the draft ILP which subdivisions should comply with. Also establishes matters to be addressed when carrying out a site analysis to inform the design of subdivisions. This part of the DCP provides the rationale for the more detailed and specific planning controls that are contained in subsequent sections.
3 – Neighbourhood and subdivision design	Provides objectives and controls related to residential subdivision design including the residential character, road layout, access to arterial and sub-arterial roads, neighbourhood design, lot orientation and solar access.
4 – Development in the residential zones	Establishes the objectives and controls that guide residential development, including residential design controls for dwelling houses, attached dwellings, semi detached dwellings, multi unit housing, secondary dwellings, dual occupancies, residential flat buildings and shop top housing. Also covers residential amenity controls such as streetscape, safety, visual and acoustic privacy, floor to ceiling heights, sustainable building design, fencing, waste management and site services. This section also contains controls applying to non-residential development in residential zones, such as child care centres, neighbourhood shops, home businesses, schools and other community uses.
5 – Town Centres and Neighbourhood Centres Development Controls	Provides objectives, controls and design principles for the Local Centre and potential Neighbourhood Centre, including the core retail and commercial area and the mixed use fringe areas.
Precinct Schedule	A schedule for the Precinct that provides additional objectives and controls which are precinct specific, as well as precinct specific maps which are referred to throughout the main body of this DCP. A separate schedule which apply to the East Leppington Precinct.
Appendix A – Glossary	Explains the terms used in the DCP.
Appendix B – Riparian Protection Area Controls	Provides details of the management of the riparian zones along the main creek lines in the Precinct, and the management of stormwater quantity and quality from development, to achieve environmental objectives for waterways.
Appendix C – Salinity management plan	Provides details to guide subdivision and building development applications and works, to minimise the risk of developments increasing the risk of, and impacts from, soil and groundwater salinity.

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DCP Part	Summary
Appendix D – Prescribed trees and preferred species	Identifies trees that are subject to the tree preservation provisions of the Precinct Plans, and provides a list of plant species that are preferred for use in landscaping within the Precinct.

The draft DCPs have been structured based on previous draft DCPs for the Growth Centres. Currently, the draft DCPs are proposed to apply to the Austral and Leppington North Precincts in the Camden and Liverpool LGAs. Should the Government decide to prepare Precinct Plans for additional Growth Centre Precincts, the main body of the DCP contains controls that would be applicable across each Growth Centre Precinct. Application of the main DCP controls to each Precinct will assist applicants and the Councils when preparing and assessing development applications.

The DCPs would be amended by the inclusion of a new schedule for each new Precinct that provides precinct-specific information, and controls that respond to the Precinct's particular characteristics. The East Leppington Precinct Schedule will be added to the draft DCPs for Camden and Liverpool LGAs (Schedule Three). The East Leppington Precinct will be Schedule One for the Campbelltown draft DCP.

8.3 Statements of consistency

An assessment of consistency of the draft Precinct Plan with the key policies, plans and statutory requirements that guide and inform Precinct Planning has been undertaken. A summary of those assessments is provided in each of the following sections.

8.3.1 Section 117 directions

The proposed SEPP amendment is not strictly required to comply with these directions, as they apply only to the preparation of Local Environmental Plans. However, the Precinct Plan may at some point be incorporated into the relevant Council Local Environmental Plans and it is therefore appropriate that the Precinct Plan be consistent with the Section 117 directions to the maximum possible extent.

An assessment of consistency with Directions issued by the Minister (or Director-General of DP&I under delegation) under Section 117 of the EP&A Act is included at Appendix E. The assessment concludes that the proposed SEPP Amendment will be generally consistent with the Directions.

8.3.2 Biodiversity certification

Biodiversity Certification under the *Threatened Species Conservation Act 1995* was conferred upon the Growth Centres SEPP in December 2007 and confirmed in July 2008 via an amendment to the TSC Act. The Certification effectively switches off the need to undertake assessment and obtain approvals required under the TSC Act for development on land that is Certified. The Biodiversity Certification includes a number of requirements (or Relevant Biodiversity Measures – RBMs) that must be satisfied in order to maintain the Certification.

RBM 35 requires that a report be prepared assessing the consistency of the East Leppington Precinct Plan with the Biodiversity Certification. This report has been prepared and is included at Appendix D.

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The assessment concludes that there are some minor anticipated impacts on Existing Native Vegetation within non-Certified lands, as a result of:

- These areas being found to be highly modified and impacted and the remaining native vegetation being of a poor quality.
- The need to locate some essential infrastructure, including drainage infrastructure within non-Certified areas.

The impacts above are proposed to be offset by the protection of ENV elsewhere in the Precinct. The outcomes for protection of ENV are therefore consistent with the RBMs. The draft Precinct Plan is consistent with all other requirements of the Certification. It is therefore recommended that:

- The Minister for Climate Change and the Environment maintains the Biodiversity Certification; and
- The South West Growth Centre Biodiversity Certification Map be updated to reflect the conservation outcomes that will be achieved through the East Leppington Precinct Plan.

8.3.3 South West Structure Plan

Precinct Planning for the East Leppington Precinct has been guided by the Structure Plan, however, it is important to note that the outcomes of Precinct Planning may differ from the Structure Plan as a result of more detailed investigations or other factors that influence Precinct Planning. The draft Precinct Plan is generally consistent with the Structure Plan and Explanatory Notes, with the exception of the following outcomes that have arisen from Precinct Planning.

Neighbourhood Centres

The Explanatory Notes indicate that East Leppington Precinct will accommodate 2-3 neighbourhood centres. The draft ILP provides for a zoned Local Centre and un-zoned neighbourhood centre. The location for an indicative neighbourhood centre is shown in the north of the Precinct.

Technical investigations indicated that a Local Centre could be provided in the East Leppington Precinct without having a significant impact on surrounding centres such as the Leppington Major Centre, Edmondson Park Local Centre and Catherine Fields North Town Centre. The technical investigations also recommended two neighbourhood centres within the Precinct, however a decision was taken not to zone these centres due to issues associated with potential viability. It is important to note that the increase in floorspace from a neighbourhood centre to a Local Centre is not at the expense of other smaller centres in the South West Growth Centre.

Dwelling yield

The Structure Plan establishes a dwelling target of 3,000 for the East Leppington Precinct. The draft ILP provides for 4,110 dwellings which is significantly more than was anticipated in the Structure Plan. There are a number of reasons for this:

- Changes in the Riparian Corridor Policy have led to reduced riparian corridor widths leading to more land within the Precinct being able to be developed. Areas within the 1 in 100 year flood extent were utilised for public open space and infrastructure purposes such as detention basins and rain gardens. Previously detention basins were required to be located outside of the riparian corridors.

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- As the majority of the Precinct is Certified, there is more flexibility in relation to the proposed land uses.
- No significant land take from State infrastructure agencies which are being provided outside of the Precinct.

8.3.4 Growth Centres Development Code

The Growth Centres Development Code has been referred to as a guide to the preparation of the draft Precinct Plan. The Development Code provides for consistent processes and standards of development across the Growth Centres. The draft Precinct Plan has been prepared in accordance with the Precinct Planning process outlined in the Development Code. The Department has referred primarily to the Development Code for guidance on appropriate development controls. However, in some situations deviations from the Development Code have occurred where particular site characteristics necessitate a different approach, or where consistency with a local Council policy or planning control takes precedence.

In summary, the Precinct Plan is consistent with the Development Code except where site specific controls or Council policies necessitate different controls. An assessment of consistency with the Development Code is included in Appendix E.

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Attachment 5 - Preplanning proposal advice 315-335 Denham Court Road, Denham Court



Our Ref: 332637.2017
Contact: Kieran Woolfe
Ph: 9821 9306
Date: 12 December 2017

Mr Tom Forrest
Synergy Property Empire
Nelcorp Pty Ltd

By email: tom.forrest@tpg.com.au

Dear Mr Forrest,

Re: Pre-planning proposal meeting PL-154/2017 for 315-335 Denham Court Road, Denham Court

I write to you regarding the pre-planning proposal meeting held on 20 November 2017 to discuss a potential planning proposal for 315-335 Denham Court Road, Denham Court.

Council officers have reviewed the proposal presented for the site, including the two indicative subdivision layouts, and provide the following comments for your consideration.

It is understood that the proposal involves the following:

- Reduction of the minimum lot size requirement; and
- Potential rezoning of the site from E4 to R2

Background and Character

The subject site is zoned E4 – Environmental Living under the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (the SEPP) together with the other lots in the Liverpool part of the East Leppington Precinct between the Upper Canal and Denham Court Road. This reflects the need for a built form transition away from the suburban redevelopment in most of the precinct and towards the Ridgeline which runs along Fox Valley Road. It also reflects the constraints caused by a gas easement and pipelines and the Upper Canal.

The ridgeline along Fox Valley Road connects the Scenic Hills with the Western Sydney Parklands. It is an important part of the scenic landscape of Liverpool and along with the remainder of Denham Court, provides a relatively undeveloped green corridor dividing the currently developed parts of Liverpool and the future development sites to the West. Any proposed rezoning of this site should acknowledge the scenic importance of this ridgeline, should enable the creation of a transition to lower density towards the east and should not create a precedent whereby subdivision will proceed up the hill into Denham Court.

Of the two presented subdivision plans, Option 2 is more appropriate as the proposed lot sizes are larger. This would be more in keeping with the context of the site. However, even with this layout the need for a density transition would still need to be addressed.



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

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Site Zoning

The preliminary urban design framework submitted for the pre-planning proposal meeting does not indicate what amendments to the SEPP would be sought although the indicative subdivision layouts presented would require at least a reduction in the minimum lot size control.

The site is currently zoned E4 – Environmental Living and has a minimum lot size of 2,000sqm. The proposed subdivision layouts would not be consistent with the objectives of the E4 zone, and it would be difficult for Council to support a planning proposal which intends to facilitate a subdivision which is inconsistent with the proposed zoning. It is considered that a zoning of R2 low density residential would be most consistent with the proposals. In addition, an amended minimum lot size under Clause 4.1 of Appendix 8 of the SEPP would be required to permit the proposed development.

The imposition of a minimum density control under Section 4.1B of Appendix 8 of the SEPP would be inappropriate given the constraints on the site. It is also considered that an FSR control should not be applied to the site as this would imply a built form capacity on the site which may not be possible given the constraints which apply.

DCP Amendment

The proposed rezoning of the site would enable a development outcome which is substantially different to that envisaged in the indicative layout plan (ILP) in the *Liverpool Growth Centre Precincts Development Control Plan* (LGCP DCP), and to the proposed development layout on page 29 of the LGCP DCP. Section 1.7.3 of the LGCP DCP concerns development applications with variations from the ILP and provides that development consent may be granted for minor variations which are consistent with the precinct planning outcomes. As the proposed variation is not minor, an amendment must be made to the LGCP DCP in order for Council to be able to grant development consent to the proposed development.

In order to ensure that an appropriate development outcome is achieved and to facilitate development assessment subsequent to the amendment, a DCP amendment should be submitted with any planning proposal. This amendment should include an updated ILP and an amendment to the proposed development layout in section 2.7 of the LGCP DCP Schedule 3.

Interface with Upper Canal

One edge of the subject site is formed by the Upper Canal, which is a critical piece of water supply infrastructure and listed on the State Heritage Register. The Upper Canal corridor is a declared controlled area under the *Water NSW Act 2014* and is owned and managed by WaterNSW.

Any proposed subdivision layout should be consistent with LGCP DCP Schedule 3 Section 4.5 – Land adjacent to the Sydney Catchment Authority Upper Canal and with the *Guidelines for development adjacent to the Upper Canal and Warragamba Pipelines*. In addition any proposed subdivision layout should not detract from the heritage status of the canal.

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The proposed subdivision layouts have lots facing onto the internal streets with back fences facing the Upper Canal. This is contrary to the *Guidelines for development adjacent to the Upper Canal and Warragamba Pipelines* which requires that a local road and vegetated verge be located between development and the Upper Canal. Subdivisions with residential lots backing directly onto the Canal are explicitly discouraged as they reduce WaterNSW's ability to prevent activities occurring on adjoining properties that could impact on the canal.

It is acknowledged that the existing ILP in the LGCP DCP contains lots which directly back onto the Upper Canal. In each case this is either unavoidable due to the presence of easements or would result in significantly less lots backing onto the Canal than are proposed in the submitted subdivision layouts. A rezoning of this site for higher density could only be supported if it resulted in a rational lot layout in which no lots backed onto the Upper Canal.

Drainage

The LGCP DCP and the *Guidelines for development adjacent to the Upper Canal and Warragamba Pipelines* require that developments adjacent to the Upper Canal be designed to ensure that stormwater does not enter the Canal. Despite this, the proposed layouts remove the area of SP2 zoned land which would permit stormwater to be collected and conveyed past the canal. In addition, the increased development density proposed would increase impermeable surfaces on the site, which could lead to a risk of increased discharge of stormwater into the Canal.

Any proposed rezoning of the site should demonstrate that sufficient stormwater infrastructure could be included which would prevent any discharge into the Upper Canal. If the area of land zoned SP2 is not necessary for this purpose then this must be demonstrated in the proposal.

Gas Pipeline Easement

The site is bisected by a gas easement containing two gas pipelines, one owned by APA Gas and the other by Jemena Gas. As well as respecting the conditions of the easement, any proposed subdivision of the site must not create potential safety hazards, including not inhibiting APA Gas or Jemena's abilities to maintain their pipelines. LGCP DCP Schedule 3 Section 4.3 contains development standards which any proposed development should comply with, including any indicative layout presented with a planning proposal.

APA Gas has provided comments on the proposal, which are attached to this letter. They have indicated that subdivision of the easement or placing a road over it would cause significant issues for maintenance of the pipeline. They will only accept absolutely necessary perpendicular road crossing of the easement, and will not accept any further subdivision of the land under the easement.

It is noted that the proposed subdivision layouts respond to some of APA's requirements, in that the easement is preserved as an open space and is not subdivided. However, two non-perpendicular road crossings of the easement are proposed, which does not comply with APA's requirements.

It is noted that Clause 55 of Division 9 of the *State Environmental Planning Policy (Infrastructure) 2007* requires risks associated with development adjacent to a gas

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pipeline corridor to be assessed when determining a development application. For this reason, development consent could not be granted to a subdivision which would create safety risks in a pipeline corridor, and Council could not support a rezoning to facilitate such a development.

Urban Design

The potential subdivisions both have an internal focus with rear fences facing onto Denham Court Road. This is an inappropriate urban design outcome which fails to address Denham Court Road, creating a less than ideal public realm and a lack of passive surveillance.

While direct vehicular access to Denham Court Road is not permitted under the LGCP DCP, dwellings should address Denham Court Road. This would be consistent with the precedent set in the adjacent Willowdale development in Campbelltown LGA, which features battle-axe lots with dwellings facing Denham Court Road and shared driveways providing vehicular access off parallel local roads. Alternatively, rear vehicle access to lots fronting Denham Court Road could be provided with a laneway.

The proposed subdivision layouts also create several irregularly shaped lots (for example sites 34-38 in Option 1), some of which occupy the entire length of the block between the proposed streets. This would not comply with the requirements of the LGCP DCP. Any amended indicative subdivision layout should contain lots which are a regular shape and which address every street and park.

Documents to be submitted

A planning proposal must demonstrate that the proposed rezoning has strategic and site-specific merit, having regard to all relevant Section 117 Directions under the Environmental Planning and Assessment Act 1979 and to the strategic planning context including the draft Western City District Plan.

Council would expect at least the following documents to be submitted as part of any application for a planning proposal:

- Written statements expressing consistency with all relevant Section 117 directions (Environmental Planning and Assessment Act 1979)
- Assessments of the proposal showing consistency with:
 - The Draft Western City District Plan
 - The precinct vision contained in the Liverpool Growth Centre Precincts Development Control Plan Schedule 4 – East Leppington
 - The *Guidelines for development adjacent to the Upper Canal and Warragamba Pipelines*
- Maps showing the current planning standards and the proposed planning standards drawn in accordance with the standard technical requirements for LEP maps
- Proposed amendments to the Liverpool Growth Centres Precinct Development Control Plan
- An urban design report demonstrating how the proposal responds to the need for a transition to lower density towards Fox Valley Road
- A traffic and transport impact assessment

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Attachment 6 - Proponent response to Council staff advice



22 August 2018

David Smith
A/Manager Strategic Planning
Locked Bag 7064
Liverpool City Council
Liverpool BC NSW 1871

By email to: Graham Matthews MatthewsG@liverpool.nsw.gov.au

**Planning Proposal: 315 and 335 Denham Court Rd (Lots 131 and 132 DP 1137588)
Denham Court**

Dear Mr Smith

We write with reference to your letter of 6 August 2018 and our subsequent phone conversation with Graham Matthews and Ian Stendara of Council.

The table at Appendix 1 specifically addresses each of the issues that Council has raised as the basis for their non-support of the Planning Proposal.

In particular, in relation to the strategic justification we note that the Planning Proposal and the associated detailed studies and appendices comprehensively addresses all strategic issues consistent with DPE Guidelines:

- A detailed strategic justification against current planning strategies in the relevant Western City District Plan and Greater Sydney Region Plan has been undertaken and concludes full justification for the proposal.
- Assessment against all State Policies and Directions are also documented in the Planning Proposal and this assessment also indicates full compliance.
- Council's letter is not clear as to where the strategic inconsistencies are in the Planning Proposal. Council has provided no specific evidence of inconsistency with any specific strategic planning policy document.
- Council has not cited any specific housing strategy that applies to the site or referenced any specific inconsistency.
- The Planning Proposal clearly responds to changing circumstances as per significant expenditure from the State and Commonwealth Governments on new transformational infrastructure, changes in growth projections and new/emerging strategic setting within the region. Council's entire LEP will have to be amended to reflect those changes.

That said, this is a proposal to allow for an infill development of a disused site surrounded by much higher density development (existing/allowed).

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The **key strategic issue** is that the site is located within a Priority Growth Area – which growth priority has been further confirmed and strengthened in the most recent District planning strategies.

The strategic justification for increased residential development has been recognised by Council in its 2014 increase in the residential densities of the site. This strategic justification (recognised by Council at the time) has not diminished but significantly further strengthened in light of Regional and District growth strategies.

The justification of increased densities on the site are therefore **site-specific issues** and not strategic in the context of the above.

Council's letter of 12 December 2017, signed by you, appropriately raised some key issues following our pre-planning proposal meeting. All of them were entirely site specific – and each of them were comprehensively addressed in the Planning Proposal. Your letter then did not raise any strategic issues and referred to simply a matter of scale and density (not inconsistency with strategy nor any lack of strategic merit).

Your letter of August 6, 2018 raises some new site-specific issues, and these along with the so-called "Strategic Merit" issues are addressed in detail in the table Attached (see Appendix 1).

In light of our representations, we urge Council officers to reconsider their position and support this planning proposal. We request the opportunity to meet with you and speak further regarding the matters raised in this letter before a final report is prepared by Council for the LPP.

We look forward to hearing from you soon.

Yours sincerely

A handwritten signature in black ink, appearing to read "Tom Forrest".

Tom Forrest
Director
NELCORB Pty Ltd ta FGCS

A handwritten signature in black ink, appearing to read "SHaddad".

Sam G Haddad
Principal
SG Haddad Advisory

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Appendix 1

“Strategic Merit” Issues Raised and Responses:	
1. Issue	<i>The subject site does not lie within any strategic corridor</i>
1. Response	<p>The proposed re-zoning is a proposal for an in-fill development within the South West Growth Centre.</p> <p>The strategic importance of this entire region has been transformed by the announcement and subsequent investment in the new Western Sydney Airport. This is supported by the publication of a District Plan for Western Sydney.</p> <p>There have been significant changes to the Strategic Context since 2012/13/14 including at Leppington and Edmondson Park with changes in population and residential housing demands rendering earlier plans out-dated.</p> <p>A detailed strategic justification against current planning strategies in the relevant Western City District Plan and Greater Sydney Region Plan has been undertaken and concludes full justification for the proposal.</p> <p>Assessment against all State Policies and Directions are also documented in the Planning Proposal and this assessment also indicates full compliance.</p>
2. Issue	<i>The potential dwelling yield of the subject site was already increased by a factor of 10 (i.e. from 1 dwelling per 20,000 m² to 1 dwelling per 2,000 m²) at the time of rezoning in August 2014</i>
2. Response	<p>There is no reason to not re-zone within 5 years when there has been such significant change in the strategic context. The change in the strategic context of the surrounding area is so significant that DPE has funded Council to review its entire LEP.</p> <p>The change that was made in August 2014 is itself a recognition of the merit of greater residential density from a <i>strategic</i> perspective. The issues raised by Council are, therefore, matters of <i>site specific</i> detail. Given the decision to approve R2 zoning to the North, West and South of this site, there is no merit based strategic planning reason not to support this proposal. This site is an in-fill proposal and has been entirely justified from a strategic merit basis in the Planning Proposal. The site is under-utilised and the planning proposal is justified as a sensitive transition without impact on view corridors or infrastructure.</p> <p>Requested yield in the PP is a better transition from 40 dwellings per ha to 10 on our site and then to 5 d/p/ha next door to our east. However, this is a site-specific matter for consideration and not a matter of strategic assessment.</p>
3. Issue	<i>No additional (i.e. hitherto unplanned) infrastructure is to be delivered in the vicinity of the subject site</i>
3. Response	<p>There is no additional infrastructure required for this site. This is a planning proposal for circa 40 homes. The subject site is surrounded to the North, the West and the south by new R2 residential housing.</p> <p>The infrastructure provided for in the planning proposal is consistent with the East Leppington Precinct Indicative Layout Plan. The details can be further refined post gateway</p> <p>There are no major infrastructure needs identified beyond what is being proposed.</p>

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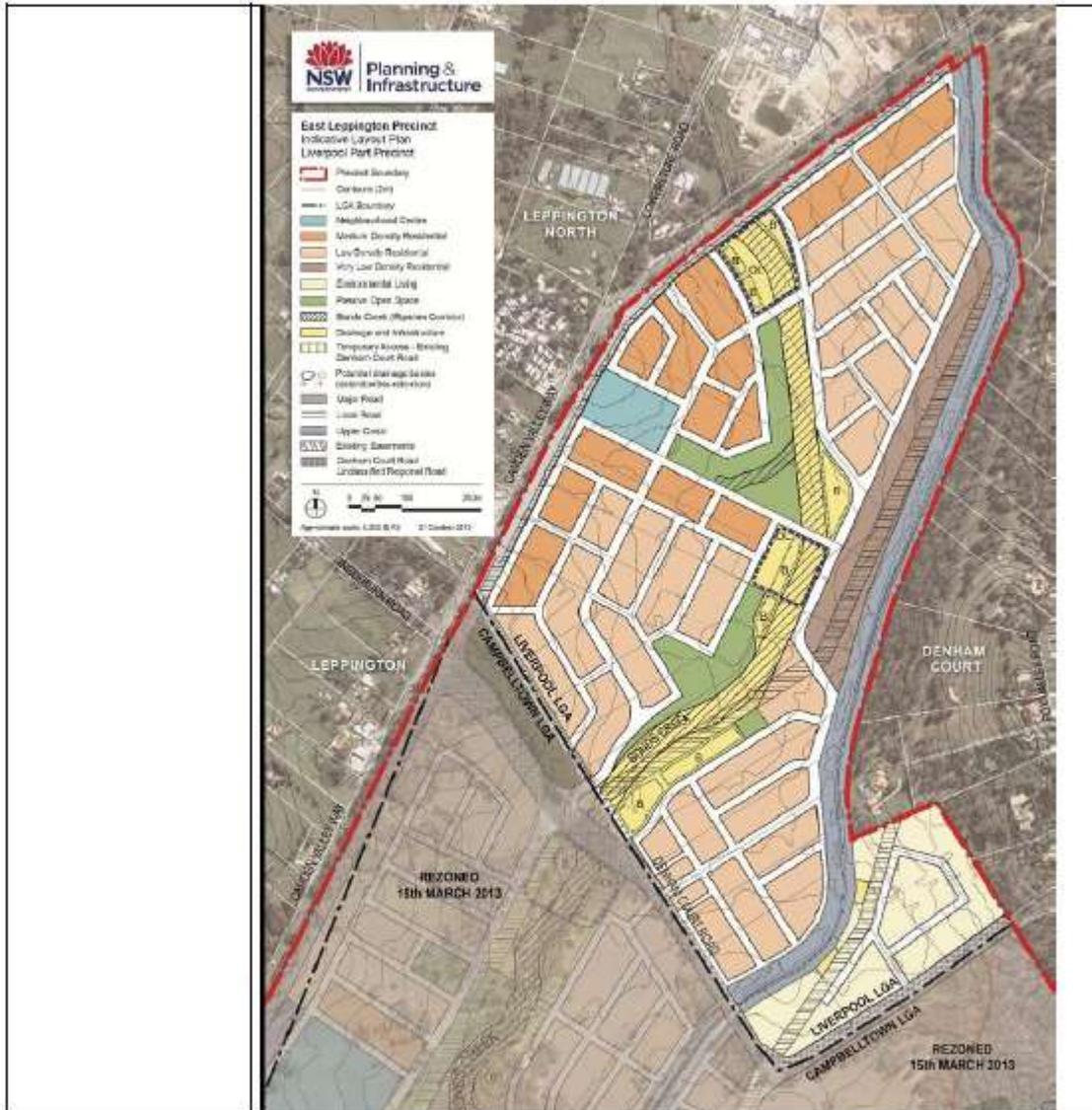
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4. Issue	<i>The subject site is not in the vicinity of the Glenfield Macarthur renewal corridor It is however in close proximity (less than 3.5km) to Leppington Station (and the planned Leppington town centre) both of which were planned/under construction at the time of rezoning in 2014</i>
4. Response	The planning proposal includes a detailed analysis of the connections to major growth corridors in the immediate vicinity. The strategic context and growth scenarios for this region have substantially changed. Leppington and other strategic centres' growth predictions have substantially increased.
5. Issue	<i>The subject site is within the Priority Growth Area (i.e. the south-west growth centre), established by the New South Wales Government to provide land for housing development in response to a projected population increase. However, the subject site was already rezoned for residential purposes in 2014, which increased the dwelling potential of the subject site by a factor of 10</i>
5. Response + Evidence (Supporting Documentation)	<p>This point precisely acknowledges the Strategic merit of the proposal. The detail of what is appropriate for this site is a matter for merit-based site specific analysis.</p> <p>As noted above, the strategic importance of this entire region has been transformed by the announcement and subsequent investment in the new Western Sydney Airport. This is supported by the publication of a District Plan for Western Sydney. There have been significant changes to the Strategic Context since 2012/13/14 including at Leppington and Edmondson Park with changes in population and residential housing demands rendering earlier plans outdated.</p> <p>The fact that there was a change in 2014 is not relevant given the massive changes in the strategic context of this site and region and it is particularly not pertinent to a small planning proposal to allow for in-fill development.</p>
6. Issue	<i>The site not part of council strategy approved by the Department of Planning and Environment, separate to its inclusion in the East Leppington precinct, rezoned for residential purposes in 2014.</i>
6. Response + Evidence (Supporting Documentation)	<p>This is a planning proposal for moderate in-fill development which is consistent with surrounding development to the North, South and West and provides an appropriate transition for the site to the East.</p> <p>The strategic merit of the proposal has not been challenged by Council with reference to the District Plan. The Planning Proposal specifically referenced each and every S.117 Direction as well as each and every SEPP.</p> <p>Council has not identified any inconsistency with any particular local strategy and has not identified any strategic merit-based reasons for their current position. Just stating that the proposal is not currently in the Council strategy is not a reason to not support the planning proposal. In fact – it is the reason why we need to lodge a planning proposal.</p> <p>The following two figures clearly show the fact that the properties to the north, south and west of the subject site have been zoned R2 to allow for up to 40 dwellings per Ha.</p>

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<u>“Site-Specific” Merit Issues and Responses</u>	
1. Issue	<i>In assessing the ecological constraints of the subject site and, therefore the appropriateness of the current E4 zoning, the planning proposal has not accounted for the fact that the subject site drains towards the Upper Canal, and the impact that increased densification, and the site run-off, would have on that significant infrastructure facility</i>
1. Response	<p>The subject site currently drains into the Canal. The development proposed in the Planning Proposal will result in considerably less (zero) water drainage into the Canal. The site, when developed, will not drain into the Sydney Water Canal for the following reasons:</p> <ul style="list-style-type: none"> i. Increased densification means more site area will be directed into the stormwater system via either inter-allotment drainage to the rear of the site, or directly into the kerb and gutter ii. The road drainage system will then discharge to the culvert which passes underneath the Sydney Water Canal at the North Eastern boundary; iii. Any batters or retaining walls adjoining the Sydney Water Canal will have appropriately designed drainage or diversion drains to direct any surface runoff to a suitable discharge point iv. These concerns regarding stormwater runoff can be conditioned by a development consent and have already been addressed on multiple occasions in the adjacent Willowdale Precinct. v. The canal is marked in blue below, showing that this has been addressed previously at Willowdale (see below) <div style="text-align: center;">  </div>



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	<p>As noted above, draining towards the upper canal currently occurs because of the slope of the land. However, we specifically submitted in our PP that <u>no water will flow into the canal as per The Liverpool Growth Centres DCP</u> section 4.1. referenced on pages 9 to 13 of our archaeological and heritage assessment. Below is the conclusion from our Statement of Heritage Impact found on the above pages of the report.</p> <p><i>"This assessment has resulted in the following conclusions:</i></p> <ul style="list-style-type: none"> • <i>The subdivision will not impact physically on the Upper Canal or within the controlled area curtilage. Similar developments in Gledswood Hills, Catherine Fields, Gregory Hills and East Leppington have already been approved adjacent to the canal.</i> • <i>The proposed works will not detract from the heritage significance of the heritage listed canal, its significance is concerned with engineering and water supply which will not change.</i> • <i>The proposal will have no impact on any known or potential historical or Aboriginal archaeological resource.</i> • <i>Access inside the Sydney Catchment Authority controlled area and the curtilage of the heritage item will not be required, and no crossing of the canal is proposed.</i> • <i>No heritage fabric or significant elements will be removed or disturbed.</i> • <i>The proposed development does not require approval under subsection 57(1) of the Heritage Act. • Written approval from Sydney Catchment Authority will not be required to lodge the PP."</i> <p>Council's letter of 12 December 2017 specifically raised concern regarding our earlier pre-Planning Proposal layout which had lots backing directly onto the canal. In preparing the Planning Proposal, we specifically took note of this advice and re-designed the lot layout to ensure that this was not the case. A significant buffer area has been proposed which will prevent water flow into the canal and ensure that no lots back onto the canal.</p>
<p>2. Issue</p>	<p><i>Part of the subject site is mapped as being flood prone land. The proposal has not addressed this affectation on the land through any proposed mitigation measures. A floodplain analysis report was not included for Council's consideration with the planning proposal</i></p>
<p>2. Response</p>	<p>It is correct that part of the site is listed as flood impacted. This matter can be resolved by the Stocklands Denham Court Rd drainage system being directed straight to the stormwater culvert which passes underneath the canal.</p> <p>In fact, the establishment of a storm water management system and road guttering system will result in less storm water run-off into the Canal. We are advised that Stocklands are also going to be doing onsite detention on the opposite side of Denham Court Rd as part of their development proposal.</p> <p>The site will need to be filled to adapt to the Stockland's Denham Court Rd design – this will resolve the flood issues. The site is subject to storm water catchment requirements and these will be dealt with or incorporated as water volumes to be detained and discharged from the</p>



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	<p>site during a future subdivision DA as they fall under engineering requirements not flood proofing issues.</p> <p><u>Nonetheless, we agree that a flood management report should be commissioned given that the site is listed as flood impacted.</u></p>
3. Issue	<p><i>The subject site is traversed by a diagonal easement for high-pressure gas lines. The land parcels created between the gas easement and the Upper Canal are of a difficult shape and would be problematic for a subdivision at the proposed density envisaged by the proposal</i></p>
3. Response	<p>APA provided the following advice following consultation with them on 13/3/2018.</p> <p><i>In providing this advice we note that APA has a 6m wide easement which is part of a 24.835m wide easement benefiting Jemena (see plan previously provided), who have a separate pipeline. Therefore, our advice only relates to our easement and pipeline. However, Jemena and APA must both operate under Australian Standard 2885, which we expect will result in similar requirements.</i></p> <p><i>APA is willing, in principal, to generally accept the proposed subdivision of your land at 315-325 Denham Court Road (Lots 131 & 132 in DP1137588), as show on the attached plan by Tony Owen Partners (dated November 2017), with the exception that we will only accept a single crossing of the pipeline near the proposed round-about at the corner of Denham Court Road. Our position is that on balance a no-through road terminating in a cul-de-sac adjacent to the Sydney Water Supply Channel and the gas easement is the best outcome. Such an outcome:</i></p> <ul style="list-style-type: none"> <i>• provides the best safety outcome in relation to development near the pipeline, while still providing necessary access</i> <i>• minimises impact on the gas pipelines by limiting crossings points where risk is elevated (both during construction and with future works in the road reserve for road maintenance or services)</i> <i>• minimises reduction in easement rights therefore preserving (as much as possible) pipeline licensees' future access for works</i> <i>• provides improved connectivity of green reserve</i> <i>• allows for a cul-de-sac in a location where it should not impact on yield</i> <i>• does not have any significant impact on access and connectivity to all proposed dwellings</i> <i>• still allows for cycle/walking connectivity through the extended green reserve.</i> <p><i>We support the preservation of the easement in a green reserve where any future works will be limited and highly controlled. As noted above our position is that this green reserve be extended at the northern end where a road crossing currently is shown on the plans.</i></p> <p><i>We support the narrowing of road at the remaining crossing point through the removal of on-street parking. Any further narrowing of the road at the crossing would be welcomed as this would further reduce the impact on pipelines and provide for a safer crossing point for users of the green reserve.</i></p>

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We note that it is proposed to rezone the land to allow for higher density of development. APA has no objection to the proposed density of development for residential uses.

APA is willing to accept an oblique crossing of the pipeline, given that the site and pipeline orientation make a perpendicular crossing difficult. The road crossing must be designed to APA requirements to avoid impact on the pipeline. A co-use agreement will be required with Council to formalise access rights for future works within the share space (road crossing). Services must be in the same place as the road crossing to further minimise the number of locations where the pipeline is crossed.

Please do not hesitate to contact me should you have any queries. We appreciate the effort taken to understand our requirements to ensure ongoing safety of the proposed development and are happy to provide further feedback and advice as requested. Apart from this advice, we also require the rezoning proposal to be referred to us so that we can understand all relevant details and provide formal advice as part of the rezoning process.

Kind regards

*Ross Larsen
Senior Urban Planner
APA Group
Infrastructure Planning & Protection
Level 1, 121 Wharf Street, Spring Hill, Qld 4000
d +61 7 3223 3382
m +61 459 899 076
e ross.larsen@apa.com.au
w www.apa.com.au*

Further, the majority of lots are of standard shape. A small number of lots are irregular. This, in of itself is not a precluding factor. In fact, quality urban design includes diversity of lot types, shapes and sizes to provide variety of dwelling types. The irregular lots are typically larger and allow for diversity of dwellings.

Sheet LZN_013 from the South West Growth Centre Land Zoning Map clear demonstrate the Stocklands development containing an R2 zone that passes our boundary and only leaves one lot of E4 land between the 40d/p/h and the ridge line to the east. Our PP still allows for at least 3 lots to remain E4 to our east and adjacent to the ridge line and this helps to create greater symmetry with the Stocklands R2 boundaries.

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4. Issue	<i>The potential impact of the proposal on adjacent sites zoned E4, Environmental Living must also be considered. The five lots that make up the land zoned E4, Environmental Living, in the southern part of the Liverpool Portion of the East Leppington Precinct form a contiguous whole. Collectively, the lots provide a transition between the RU2, Rural Landscape, zoned land to the east and the Low Density Residential zoned land elsewhere in the precinct</i>
4. Response	<p>The proposed subdivision represents a transition between the more sensitive environmental zones to the east and the more density developed areas to the west of our site. The proposed density of 10 dwellings per Ha is an appropriate transitional density.</p> <p>There is no impact or precedent. The sites to the South, North and West have already been rezoned and will all be developed (or are being developed) at significantly higher density (40 dwellings per Ha).</p> <p>The property to the East is the subject of a current DA under the current zoning. There is therefore no impact on the adjoining property arising from the Planning Proposal.</p> 
5. Issue	<i>Rezoning the subject site would establish a precedent allowing landowners on the adjacent sites to also seek rezone the land from E4, Environment Living to R2, Low Density Residential, with the same increase in development intensity. Were Council to agree to the rezoning of the subject site therefore, it is likely that the entire existing buffer between the RU2, Rural Landscape, zoned land to the east, and the R2, Low Density Residential, zoned land elsewhere in the precinct would be subject to rezoning</i>
5. Response	The fundamental difference between the PP site and those other sites is that this site Some of the areas in question are of higher environmental sensitivity than others due to their scenic location on the ridge and proximity to native fauna. This site in proximity to the denser developments and infrastructure assets, is inherently less sensitive, so would not be a precedent.

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	<p>This "precedent is well and truly established already by the Stocklands Developments where they have left only one lot as a buffer. Council is currently assessing an application for the subdivision of the block next door and that has a yield of 5 d/p/ha and is currently permissible under the LEP and SEPP. Our PP therefore represents the perfect transition to 10d/p/ha and through to Stocklands 40/d/p/ha.</p>
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Item no:	2
Application Number:	DA-6/2016
Proposed Development:	Construction of a seven (7) storey residential flat building containing twenty-four (24) apartments, over two (2) basement levels, with associated with drainage and landscape works
Property Address	26-30 MILL ROAD, LIVERPOOL
Legal Description:	LOTS 20, 21 & 22 DP2819
Applicant:	MR W KARAVELAS
Land Owner:	MILL STREET DEVELOPMENTS PTY LTD
Cost of Works:	\$8,500,000
Recommendation:	APPROVAL
Assessing Officer:	MICHAEL OLIVEIRO

1. EXECUTIVE SUMMARY

Council has received a Development Application (DA No.6/2016) seeking consent for the construction of a seven (7) storey residential flat building containing twenty-four (24) apartments, over two (2) basement levels, with associated with drainage and landscape works at 26-30 Mill Road, Liverpool.

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

The development application was advertised/notified for a period of 14 days from 22 March to 5 April 2016 in accordance with Liverpool Development Control Plan 2008. No submissions were received during the public consultation period.

The key issues associated with the proposal relate to:

1. The development proposal originally submitted with the DA significantly exceeded maximum floor space ratio (FSR) and building height development standards contained in the Liverpool Local Environmental Plan (LLEP) 2008 which are applicable to site. The FSR exceeded the maximum requirement by 48% and the building height was over by approximately two additional storeys. The applicant attempted to justify these variations by way of Clause 4.6 Variation Statements, however, these were not supported by the assessing officer. Accordingly, the applicant amended the application to comply with the FSR and building height development standards and the proposal is now considered to be an acceptable development with regards to the LLEP 2008 provisions.
2. The original development proposal submitted with the DA also did not comply with the building separation provisions outlined in the Apartment Design Guide (ADG). The applicant has since amended the application to be consistent with these guidelines. Accordingly, the application is considered acceptable with regards to the ADG; and
3. Since the lodgement of the DA in January 2016 a significant tree has been removed from the rear of the site that had the potential to be retained and incorporated into the site design. In response to this issue, the

applicant amended the landscape plan to include an advanced tree planting within the rear setback area of the proposal to compensate for the loss of the tree at the rear of the site.

As the applicant has resolved the main issues associated with the application, the proposed development is now considered an acceptable form of development and can be supported, subject to conditions.

The application is referred to the Liverpool Local Planning Panel (LLPP) in accordance with its referral criteria and procedural requirements in that the development falls into the category of sensitive development.

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

2. SITE DESCRIPTION AND LOCALITY

2.1 The Site

The site is identified as Lots 20, 21 and 22 of DP 2819 and is known as 26-30 Mill Road, Liverpool. The site has a northern frontage of 33.835m to Mill Road, a southern rear boundary of 33.835m and side boundaries of 35.66m. The site has a total area of 1206m² and slopes to the rear towards the south-eastern boundary.

The site is currently vacant with no structures or significant vegetation. The site adjoins undeveloped land on the western boundary, which is reserved as a public roadway. Council has no plans to develop this land as a roadway at this stage. Adjoining the site to the east and south are three detached dwellings.



Figure 1: Aerial Photograph of the site outlined in red, with laneway outlined in yellow

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Figure 2: Localitiy

2.1 The Locality

To the north and east of the subject site are residential flat buildings ranging from 3 storeys to 30 storeys high. To the west and south of the subject site are both high and low density residential dwellings. Immediately west of the subject site is row of commercial uses that front the Hume Highway.

The site is located on the peripheries of Liverpool City Centre, approximately 850m south-west of Liverpool Train Station, and is 800m south of Macquarie Mall. The site is located within an existing residential area that is undergoing high density urban transformation.

3. BACKGROUND

3.1 Design Excellence Panel Meetings

The first DEP meeting for the subject application was held on 19 May 2016. The following comments were made by the panel for the applicant to address:

Design Excellence Panel Comment	Assessing Officer Comment
The DA exceeds the allowable height by two floors and exceeds the floor space by 48%. The Panel views these LEP non-compliances with serious concern, particularly the large FSR exceedance.	The applicant has amended the proposed development to be compliant with the maximum building height and FSR applicable to the site.

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The development does not comply with the ADG separation distances from the side boundaries.	The proposed development has been redesigned to comply with the ADG separation distances from the side boundaries.
Apart from the LEP and ADG non-compliances, there are no issues with the overall design.	Noted.
The basic floor planning of 4 units per floor is satisfactory as this provides a high level of amenity, good cross ventilation and daylight to apartments.	Noted.
The Panel is unable to support the proposal in its current form. This is due to the LEP exceedances and the non-compliance of set-backs (50% of ADG building separation distances) on the western and eastern boundaries. The Panel highly recommends that the applicant reduces the FSR to be LEP compliant and site the building so that the ADG set-backs are achieved.	The applicant has amended the proposal to comply with LEP building height and FSR standards and the ADG separation distances.
The Panel recommends a floor-to-floor height of 3050mm. This enables a floor-to-ceiling height of 2.7m in the ADG to be more easily achieved.	3050mm floor-to-floor heights have been provided.
In the event that amended plans are submitted to Council to address the concerns of the Design Excellence Panel the amended plans should be referred back to the Panel for comment.	Noted

A second DEP meeting for the subject application was held on 14 June 2018. The following comments were made by the panel for the applicant to address:

Design Excellence Panel Comment	Applicants Comment	Assessing Officer Comment
The Panel thanks the proponent for bringing the scheme back to the Panel for re-consideration and the explanation provided by the applicant on how the scheme has responded to the Panel's previous minutes.	No comment.	Noted.

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<p>The quality of the Communal Open Space on the ground level and rooftop should be enhanced. The Panel recommends that shade structures, amenity facilities (toilet) and barbeque area be introduced to the rooftop terrace to enhance the amenity of the rooftop terrace.</p>	<p>These recommendations have been added to the proposal and are reflected in the amended architectural plans and landscape plans attached.</p>	<p>The amended landscape plans demonstrate COS areas at ground and roof top levels that have been enhanced by additional amenity devices and site design.</p>
<p>The split communal open space proposed including the rooftop terrace is supported</p>	<p>No comment.</p>	<p>Noted.</p>
<p>The extent of render incorporated into the building should be reduced and render is discouraged by the panel.</p>	<p>Whilst the proposal has a painted finish, there is no render on the building. It is proposed that the external walls of the building be constructed from AFS Logicwall. This is a robust, low maintenance material. AFS Logicwall is a permanent formwork system for concrete walling for external and internal walls. It consists of lightweight sandwich panels created by bonding hard-wearing fibre cement sheets to galvanised steel stud frames. These panels are set and painted. The finish is long wearing and permanent. There is no cracking or leaching as with render.</p>	<p>The applicant has not proposed render as part of the proposal.</p>
<p>Columns protruding through balconies should be moved to the edge of the balconies to improve the functionality of the balconies.</p>	<p>This recommendation has been adopted and is reflected in the amended architectural plans attached.</p>	<p>The applicant has amended the architectural plans to remove columns protruding through balconies.</p>
<p>The panel notes that a large tree at the rear of the site has been removed. This is unfortunate as the tree would form a landscape feature of the site and the locality.</p>	<p>The recommendation is reflected in the amended landscape plans attached.</p>	<p>The landscape plans have been amended to utilise an advanced tree planting within the rear setback. The inclusion of the advanced planting is also</p>

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Advanced species should be planted to replace the tree removed.		recommended as a condition.
The proposal is acceptable subject to the incorporation of the above Panel advice and will not need to be seen by the Panel again.	No comment.	Noted.

As per the DEP summary tables above, the amended proposal is considered to satisfy the comments raised by the panel and is therefore considered to provide design excellence.

4. DETAILS OF THE PROPOSAL

The subject application is seeking development consent for the construction of a seven (7) storey residential flat building containing twenty-four (24) apartments, over two (2) basement levels, with associated with drainage and landscape works. Further details of the proposed as provided as follows:

- The proposed RFB provides the following apartment mix:
 - i. 1 Bedroom: 4 (16.7%)
 - ii. 2 Bedroom: 17 (71%)
 - iii. 3 Bedroom: 3 (12.5%)
- Communal Open Space (COS) is provided at ground level and roof level, as follows:
 - i. Ground level COS is provided within the front setback area within the north-west corner of the site. This has an area of 53.4m² and will include seating and a lawn.
 - ii. Ground level COS is provided within the rear setback area and runs for the length of the site. This space has an area of 370.29m² and will include large tree plantings, seating, a lawn and clothes drying lines.
 - iii. Roof level COS is provided addressing the southern elevation of the building and has an area of 161.5m². This space will include plantings, seating, a barbeque facility and toilets.
- The development proposes to drain the site through a drainage easement over Lots 1 and 2 DP 500066, immediately to the east of the site.
- The development includes the creation of two levels of basement car parking that includes:
 - i. 31 car parking spaces in total;
 - ii. 26 residential parking spaces
 - iii. 4 visitors parking spaces and 1 service bay;
 - iv. Residential storage areas;
 - v. Bicycle parking; and
 - vi. Motorcycle parking.

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Figure 4: 3D render of the proposal from Mill Road looking south-east



Figure 5: Northern elevation plan showing view of building from Mill Road

5. STATUTORY CONSIDERATIONS

5.1 Relevant matters for consideration

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

Environmental Planning Instruments (EPI's)

- State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development;
- State Environmental Planning Policy No.55 – Remediation of Land;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- State Environmental Planning Policy (Infrastructure) 2007;
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment; and
- Liverpool Local Environmental Plan 2008.

Draft Environmental Planning Instruments

- N/A

Development Control Plans

- Liverpool Development Control Plan 2008
 - Part 1 – Controls applying to all development
 - Part 4 – Development in Liverpool City Centre

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

(a) State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development and the Apartment Design Guidelines

The proposal has been evaluated against the provisions of SEPP 65 which aims to improve the design quality of residential flat development. SEPP 65 requires the consent authority to consider the development against 9 key design quality principles and against the guidelines of the ADG. The ADG provides additional detail and guidance for applying the design quality principles outlined in SEPP 65. The following table provides an assessment of the proposal in accordance with the 9 key design quality principles of SEPP 65, as follows:

Design Quality Principle	Comment
Principle One – Context and Neighbourhood Character	
<p>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</p> <p>Responding to context involves identifying the desirable elements of an area’s existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</p> <p>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</p>	<p><i>The proposal is for a residential flat development located on the fringe of the city centre precinct, which is predominantly a residential area. The proposed development would complement the existing RFB’s within the locality and is considered likely to result in increased streetscape amenity along Mill Road.</i></p> <p><i>The development site is located in a highly serviced area with access to medical services, a variety of public transport services, educational services, employment opportunities, commercial/retail services, recreation facilities and community uses. Accordingly, the proposed intensification of the site will facilitate the increased accessibility of services to future occupants of Liverpool City Centre.</i></p>
Design Principle 2 – Built form and scale	
<p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>Good design also achieves an appropriate built form for a site and the building’s purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p><i>The bulk, scale and height of the proposed development is consistent with the controls set out in the LEP 2008, ADG and LDCP 2008 and therefore is considered to be consistent with the future character of the locality and streetscape.</i></p> <p><i>The built form of the amended proposal has been endorsed by the DEP and as a result is considered to exhibit design excellence.</i></p>

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Design Quality Principle	Comment
Design Principle 3 – Density	
<p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>Appropriate densities are consistent with the area’s existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p><i>The application has been amended by the applicant to comply with Council’s FSR requirements and is therefore considered to consistent with the desired future density of the locality.</i></p>
Design Principle 4 – Sustainability	
<p>Good design combines positive environmental, social and economic outcomes.</p> <p>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation</p>	<p><i>The development is designed to respond to the requirements of BASIX and the SEPP 65 Apartment Design Guide.</i></p> <p><i>Apartment layouts are optimally designed for a passive response to solar design principles and cross ventilation as outlined in the Apartment Design Guide.</i></p>
Design Principle 5 – Landscape	
<p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development’s environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p> <p>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, and</p>	<p><i>The applicant has amended the proposal to include an advanced tree planting in the rear setback to ensure adequate landscaping is provided within the site and softens the development from its inception.</i></p> <p><i>The proposed landscape plans have been reviewed by Council’s Tree officer who, has supported the planting selections and use of species.</i></p>

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Design Quality Principle	Comment
<p>respect for neighbours' amenity and provides for practical establishment and long term management.</p>	
Design Principle 6 – Amenity	
<p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing.</p> <p>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</p>	<p><i>The development provides the following mix of units:</i></p> <ul style="list-style-type: none"> - 16.7% one bedroom apartments - 71% two bedroom apartments - 12.5% three bedroom apartments <p><i>Apartments comply with storage requirements and additional storage cages are located in the basement carparking levels. These levels also have the capacity to accommodate parking for bicycles.</i></p> <p><i>Communal open spaces will provide passive and active recreational opportunities including: raised garden beds and benches for seating, grassed, paved and planted surfaces, shaded, sunny and feature-lit areas.</i></p> <p><i>Balcony sizes generally exceed those required by the Apartment Design Guide to ensure quality private open space for residents.</i></p>
Design Principle 7 – Safety	
<p>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p> <p>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p><i>The building design openly addresses the street and has been carefully designed to ensure safe access to and egress from the buildings by ensuring direct sight lines to the residential lobbies from the street.</i></p> <p><i>The thresholds between public, communal and private areas are clearly defined to ensure a sense of ownership between the public and private domains.</i></p> <p><i>Ground floor apartments will provide lighting to the COS areas at night with passive surveillance of the street and opportunity for night-time activation.</i></p> <p><i>Apartments overlook communal open</i></p>

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Design Quality Principle	Comment
	<p><i>spaces providing passive surveillance to improve safety and the development is considered to have been designed to avoid blind corners and hidden spaces. Secure parking for residents is located within the basement with clear and direct lift access to the apartments. The entrance to the parking area is minimised to maximise street activation and surveillance</i></p>
Design Principle 8 – Housing Diversity and Social Interaction	
<p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</p>	<p><i>The proposed development provides housing choice through varied apartment sizes. The communal open spaces and public street interface will encourage social interaction amongst residents and the community. The ground floor apartments and the interface between the streetscape have also been carefully designed to enhance street activation. The proposed development will create opportunities for families in the surrounding suburbs to move into the area when their family needs change. The provision of one bedroom apartments in the development will provide for a more affordable entry point into the housing market. Variety in sizing, aspect and outlook within apartment types is considered likely result in some price differentiation. Dedicated residential communal open spaces are provided on various levels to support the communal life of the building. These spaces typically have direct access from the circulation core.</i></p>
Design Principle 9 – Aesthetics	
<p>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures. The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the</p>	<p><i>The street façade has been designed to give a consistent and pleasing appearance to Mill Road. The interplay of building materials assists in creating a visually varied façade without cluttering the overall building appearance. The architectural quality of the amended proposal has been endorsed by the DEP and as a result is considered to exhibit design excellence.</i></p>

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Design Quality Principle	Comment
streetscape.	

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

Provisions	Comment
2E Building depth	
Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line when precinct planning and testing development controls. This will ensure that apartments receive adequate daylight and natural ventilation and optimise natural cross ventilation	Complies Building depths are generally 18m.
2F Building separation	
<p>Minimum separation distances for buildings are:</p> <p><u>Up to four storeys (approximately 12m):</u></p> <ul style="list-style-type: none"> • 12m between habitable rooms/balconies • 9m between habitable and non-habitable rooms • 6m between non-habitable rooms <p><u>Five to eight storeys (approximately 25m):</u></p> <ul style="list-style-type: none"> • 18m between habitable rooms/balconies • 12m between habitable and non-habitable rooms • 9m between non-habitable rooms <p><u>Nine storeys and above (over 25m):</u></p> <ul style="list-style-type: none"> • 24m between habitable rooms/balconies • 18m between habitable and non-habitable rooms • 12m between non-habitable rooms <p>Note: Where applying separation to buildings on adjoining sites, apply half the minimum separation distance measured to the boundary. This distributes separation equally between sites.</p>	<p>Complies 6m provided to southern and eastern boundaries</p> <p>Complies 9m provided to southern and eastern boundaries</p> <p>Not applicable Nothing over 25m</p>
3A Site analysis	
Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context	Complies A detailed site analysis plan has been provided.
3B Orientation	

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Provisions		Comment												
<p>Building types and layouts respond to the streetscape and site while optimising solar access within the development</p> <p>Overshadowing of neighbouring properties is minimised during mid-winter</p>		<p>Complies</p> <p>The building type is appropriate for the streetscape.</p> <p>Overshadowing of neighbouring properties is minimised by the amended design. The proposal now complies with the maximum building height and would not overshadowing adjoining site beyond what was expected under the LEP.</p>												
3D Communal and public open space														
<p>Communal open space has a minimum area equal to 25% of the site</p> <p>Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)</p> <p>Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting</p> <p>Minimum 3m dimension</p>		<p>Complies</p> <p>$340+130 = 470m^2$</p> <p>$470/1206 = 39\%$</p> <p>More than 50% of COS receives direct sunlight at mid-winter</p>												
3E Deep soil zones														
<p>Deep soil zones are to meet the following minimum requirements:</p> <table border="1"> <thead> <tr> <th>Site Area</th> <th>Minimum Dimensions</th> <th>Deep Soil Zone (% of site area)</th> </tr> </thead> <tbody> <tr> <td>Less than 650m²</td> <td>-</td> <td rowspan="4">7%</td> </tr> <tr> <td>650m² to 1500m²</td> <td>3m</td> </tr> <tr> <td>Greater than 1500m²</td> <td>6m</td> </tr> <tr> <td>Greater than 1500m² with significant tree cover</td> <td>6m</td> </tr> </tbody> </table>		Site Area	Minimum Dimensions	Deep Soil Zone (% of site area)	Less than 650m ²	-	7%	650m ² to 1500m ²	3m	Greater than 1500m ²	6m	Greater than 1500m ² with significant tree cover	6m	<p>Complies</p> <p>Proposal provides 225m² of deep soil zone, which is 19% of the site area.</p> <p>The deep soil zones at the rear of the site have minimum dimensions of 6m.</p>
Site Area	Minimum Dimensions	Deep Soil Zone (% of site area)												
Less than 650m ²	-	7%												
650m ² to 1500m ²	3m													
Greater than 1500m ²	6m													
Greater than 1500m ² with significant tree cover	6m													
3F Visual Privacy														
<p>Minimum separation distances from buildings to the side and rear boundaries are as follows:</p> <table border="1"> <thead> <tr> <th>Building Height</th> <th>Habitable Rooms and Balconies</th> <th>Non Habitable Rooms</th> </tr> </thead> <tbody> <tr> <td>Up to 12m (4 storeys)</td> <td>6m</td> <td>3m</td> </tr> </tbody> </table>		Building Height	Habitable Rooms and Balconies	Non Habitable Rooms	Up to 12m (4 storeys)	6m	3m	<p>Complies</p> <p>6m setback to all boundaries up to four stories</p>						
Building Height	Habitable Rooms and Balconies	Non Habitable Rooms												
Up to 12m (4 storeys)	6m	3m												

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Provisions			Comment
12m to 25m (5-8 storeys)	9m	4.5m	9m setback to all boundaries up to seven stories
Over 25m (9+ storeys)	12m	6m	
3G Pedestrian Access and Entries			
Building entries and pedestrian access connects to and addresses the public domain			Complies Pedestrian access and entries complies with the objectives of the ADG.
Access, entries and pathways are accessible and easy to identify			
Large sites provide pedestrian links for access to streets and connection to destinations			
3H Vehicle Access			
Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes			Complies Vehicle access points are located to achieve safety and minimize conflict.
3J Bicycle and Car Parking			
For development in the following locations: <ul style="list-style-type: none"> - on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or - on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre <p>the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less. The car parking needs for a development must be provided off street</p>			Complies Bicycle and car parking is provided in accordance with the requirements of the LDCP 2008.
Parking and facilities are provided for other modes of transport			
Car park design and access is safe and secure			
Visual and environmental impacts of underground car parking are minimised			
Visual and environmental impacts of on-grade car parking are minimised			
Visual and environmental impacts of above ground enclosed car parking are minimised			
4A Solar and Daylight Access			
Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney			Complies. 24 Units proposed.

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Provisions	Comment												
Metropolitan Area and in the Newcastle and Wollongong local government areas	24 units receive 2 hours sunlight or 100% of units.												
In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid-winter	No units receive no sunlight.												
A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter													
4B Natural Ventilation													
All habitable rooms are naturally ventilated	Complies												
The layout and design of single aspect apartments maximises natural ventilation	All units are naturally cross ventilated.												
At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed													
Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line													
4C Ceiling Heights													
Measured from finished floor level to finished ceiling level, minimum ceiling heights are:	Complies												
<table border="1" data-bbox="105 1267 676 1845"> <thead> <tr> <th colspan="2">Minimum ceiling height</th> </tr> </thead> <tbody> <tr> <td>Habitable rooms</td> <td>2.7m</td> </tr> <tr> <td>Non-habitable</td> <td>2.4m</td> </tr> <tr> <td>For 2 storey apartments</td> <td>2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area</td> </tr> <tr> <td>Attic spaces</td> <td>1.8m at edge of room with a 30 degree minimum ceiling slope</td> </tr> <tr> <td>If located in mixed use areas</td> <td>3.3m from ground and first floor to promote future flexibility of use</td> </tr> </tbody> </table>	Minimum ceiling height		Habitable rooms	2.7m	Non-habitable	2.4m	For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area	Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope	If located in mixed use areas	3.3m from ground and first floor to promote future flexibility of use	3050mm floor to floor heights provided in accordance with the recommendations of Council's Design Excellence Panel.
Minimum ceiling height													
Habitable rooms	2.7m												
Non-habitable	2.4m												
For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area												
Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope												
If located in mixed use areas	3.3m from ground and first floor to promote future flexibility of use												
Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms													
Ceiling heights contribute to the flexibility of building use over the life of the building													

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Provisions		Comment										
4D Apartment Size and Layout												
<p>Apartments are required to have the following minimum internal areas:</p> <table border="1"> <thead> <tr> <th>Apartment Type</th> <th>Minimum Internal Area</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>35m²</td> </tr> <tr> <td>1 bedroom</td> <td>50m²</td> </tr> <tr> <td>2 bedroom</td> <td>70m²</td> </tr> <tr> <td>3 bedroom</td> <td>90m²</td> </tr> </tbody> </table> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each</p>		Apartment Type	Minimum Internal Area	Studio	35m ²	1 bedroom	50m ²	2 bedroom	70m ²	3 bedroom	90m ²	<p>Complies</p> <ul style="list-style-type: none"> All 1 bedroom units are ≥ 50m². All 2 bedroom units are ≥ 70m² and ≥ 75m² with 2 bathrooms All 3 bedroom units are ≥ 95m².
Apartment Type	Minimum Internal Area											
Studio	35m ²											
1 bedroom	50m ²											
2 bedroom	70m ²											
3 bedroom	90m ²											
<p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms</p>		<p>Complies</p> <p>Habitable rooms are provided with windows of sufficient glass areas.</p>										
<p>Habitable room depths are limited to a maximum of 2.5 x the ceiling height</p>		<p>Complies</p> <p>Habitable rooms are generally limited to 2.5 x the ceiling height.</p>										
<p>In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window</p>		<p>Complies</p> <p>Kitchens are generally 8m from a window.</p>										
<p>Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space)</p>		<p>Complies</p> <p>Bedrooms are of sufficient size.</p>										
<p>Bedrooms have a minimum dimension of 3m (excluding wardrobe space)</p>		<p>Complies</p> <p>Bedrooms have a minimum dimension of 3m.</p>										
<p>Living rooms or combined living/dining rooms have a minimum width of:</p> <ul style="list-style-type: none"> 3.6m for studio and 1 bedroom apartments 4m for 2 and 3 bedroom apartments 		<p>Complies</p> <p>Sufficient widths are provided to living rooms/dining rooms.</p>										
4E Private Open Space and Balconies												
<p>All apartments are required to have primary balconies as follows:</p> <table border="1"> <thead> <tr> <th>Dwelling Type</th> <th>Minimum Area</th> <th>Minimum Depth</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>4m²</td> <td>-</td> </tr> <tr> <td>1 bedroom</td> <td>8m²</td> <td>2m</td> </tr> </tbody> </table>		Dwelling Type	Minimum Area	Minimum Depth	Studio	4m ²	-	1 bedroom	8m ²	2m	<p>Complies</p> <p>All apartments provide the minimum required balcony areas and depths.</p>	
Dwelling Type	Minimum Area	Minimum Depth										
Studio	4m ²	-										
1 bedroom	8m ²	2m										

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Provisions			Comment
2 bedroom	10m ²	2m	
3 bedroom	12m ²	2.4	
The minimum balcony depth to be counted as contributing to the balcony area is 1m			
For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m ² and a minimum depth of 3m			Complies More than 15m ² of private open space is provided to ground floor units.
4F Common Circulation and Spaces			
The maximum number of apartments off a circulation core on a single level is eight			Complies Single lift core provided. Maximum 4 off one lift.
For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40			Not applicable
4G Storage			
In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:			Complies Half of storage spaces provided in units. Applicant has provided storage in basement. Storage is recommended to be imposed as a condition of consent.
Dwelling Type	Storage Size Volume		
Studio	4m ³		
1 bedroom	6m ³		
2 bedroom	8m ³		
3 bedroom	10m ³		
At least 50% of the required storage is to be located within the apartment.			
4H Acoustic Privacy			
Noise transfer is minimised through the siting of buildings and building layout			Complies The development is in accordance with the objectives.
Noise impacts are mitigated within apartments through layout and acoustic treatments			
4K Apartment Mix			
A range of apartment types and sizes is provided to cater for different household types now and into the future			Complies 4 x 1 bedroom units = 16.7% 17 x 2 bedroom units = 70.8% 3 x 3 bedroom units = 12.5%
The apartment mix is distributed to suitable locations within the building			
4L Ground Floor Apartments			
Street frontage activity is maximised where ground floor apartments are located			Complies The development is in accordance with these objectives.
Design of ground floor apartments delivers			

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Provisions	Comment
amenity and safety for residents	
4M Facades	
Building facades provide visual interest along the street while respecting the character of the local area	Complies The overall design including building façade has been endorsed by the Design Excellence Panel.
Building functions are expressed by the facade	
4N Roof Design	
Roof treatments are integrated into the building design and positively respond to the street	Complies The development is in accordance with these objectives.
Opportunities to use roof space for residential accommodation and open space are maximised	
Roof design incorporates sustainability features	
4O Landscape Design	
Landscape design is viable and sustainable	Complies The development is in accordance with these objectives. The DA has been reviewed by Council's Landscape Officer who has raised no objections to the landscape design.
Landscape design contributes to the streetscape and amenity	
4P Planting on Structures	
Appropriate soil profiles are provided	Complies The development is in accordance with these objectives. The DA has been reviewed by Council's Landscape Officer who has raised no objections to the landscape design.
Plant growth is optimised with appropriate selection and maintenance	
Planting on structures contributes to the quality and amenity of communal and public open spaces	
4Q Universal Design	
Universal design features are included in apartment design to promote flexible housing for all community members	Complies The development is in accordance with these objectives.
A variety of apartments with adaptable designs are provided	
Apartment layouts are flexible and accommodate a range of lifestyle needs	
4R Adaptive Reuse	
New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place	Not Applicable The DA is for the development of a new building and not the adaptive reuse of an existing building.
Adapted buildings provide residential amenity while not precluding future adaptive reuse	
4S Mixed Use	
Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement	Not Applicable The DA does not proposed a mixed use development.

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Provisions	Comment
Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents	
4T Awnings and Signage	
Awnings are well located and complement and integrate with the building design	Complies Awnings are provided to entries for wet weather protection.
Signage responds to the context and desired streetscape character	Complies Building address signage is integrated into the building design.
4U Energy Efficiency	
Development incorporates passive environmental design.	Complies The development is in accordance with these objectives. The development has been submitted with a BASIX certificate. This is recommended to form a condition of consent.
Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer	
Adequate natural ventilation minimises the need for mechanical ventilation	
4V Water Management and Conservation	
Potable water use is minimised	Complies Potable water use is minimized and water efficient devices will be provided in accordance with the requirements of the BASIX certificate.
Urban stormwater is treated on site before being discharged to receiving waters	Complies This aspect has been reviewed by Council's Land Development Engineers who have raised no issues subject to conditions.
Flood management systems are integrated into site design	Not applicable
4W Waste Management	
Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents	Complies Waste storage facilities are provided and will be maintained by the caretaker.
Domestic waste is minimized by providing safe and convenient source separation and recycling	
4X Building Maintenance	
Building design detail provides protection from weathering	Complies The development is in accordance with these objectives
Systems and access enable ease of maintenance	
Material selection reduces ongoing maintenance costs	

For the reasons detailed above the development is considered acceptable with regards to SEPP 65 and the ADG.

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

The objectives of SEPP 55 are:

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

Pursuant to the above SEPP, Council must consider:

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

Clause 7 of SEPP 55 states:

- (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*
 - (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*
 - (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.*

For the purposes of this Clause, the “land concerned” is:

- (a) *land that is within an investigation area,*
- (b) *land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
- (c) *to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:*
 - (i) *in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
 - (ii) *on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

The DA was referred to Council's Environmental Health Section for assessment regarding potential contamination at the site. Council's Environmental Health Section reviewed the contamination assessment and remediation documentation submitted by the applicant in support of the proposal; and is supportive of the investigations and the remedial action plan provided. Accordingly, the proposed remediation methodology to be used at the site is recommended to be imposed as a condition of consent.

Given the above, SEPP 55 considerations have been addressed and the land is considered suitable for its continued use for residential purposes based on site remediation and subsequent validation.

(c) State Environmental Planning Policy (BASIX) 2004

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

(d) State Environmental Planning Policy Infrastructure 2007

In accordance with Clause 102 – Impact of road noise or vibration on non-road development of the Infrastructure SEPP 2007 a consent authority must take into consideration any guidelines regarding the impacts of road noise or vibration on residential accommodation. The applicant submitted an Acoustic Report, prepared by Acoustic

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Logic and dated February 2016, in support of the application that assessed the impacts of the Hume Highway on the proposed development. The report has provided recommendations for treating the proposed RFB against any noise or vibration impacts associated with the highway. Compliance with the acoustic report and its recommendation has been imposed as a condition of consent.

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

The Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment generally aims to maintain and improve the water quality and river flows of the Georges River and its tributaries. The application was referred to Council's Land Development Engineering section as part of the assessment of the proposal. Council's land development engineers raised no objection to the proposed methods of stormwater management to be used by the development and its water quality treatment.

Accordingly, it is considered that the proposal satisfies the provisions of the GMREP No.2, subject to appropriate sedimentation and erosion controls being upheld during construction. In this regard, the development will have minimal impact on the Georges River Catchment and is considered consistent with the provisions of the deemed SEPP.

(f) Liverpool Local Environmental Plan 2008

(i) Permissibility

The proposed development is for a *residential flat building*, which is defined as follows:

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

The proposed development satisfies the definition of a *residential flat building* as it is a building which contains more than 3 dwellings.

(ii) Objectives of the zone

The objectives of the R4 – High Density Residential zone are as follows:

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

The proposed development would meet and satisfy the above stated objectives. Specifically, the building will provide a total of 24 dwellings (with a mix of, 1, 2, 3 bedroom units) and the site is located in an area identified for urban renewal and transformation, in close proximity to Liverpool Railway Station, community uses and retail and commercial facilities.

(iii) Principal Development Standards

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

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Clause	Provision	Comment
Clause 4.1 Minimum subdivision lot size	Minimum 1000m ²	Complies Consolidated site area is 1206m ²
Clause 4.3 Height of Buildings	Maximum height of 24m	Complies Natural ground = 22.6 Top of building = 46.6 A maximum height of 24m is proposed.
Clause 4.4 Floor Space Ratio	Applicable FSR of 1.64:1 (Clause 4.4 (2B))	Complies Site area = 1206m ² Proposed FSR: 1916/1206 = 1.588723... FSR = 1.59:1
Clause 7.4 Building Separation in Liverpool City Centre	Development consent must not be granted to development for the purposes of a building on land in Liverpool city centre unless the separation distance from neighbouring buildings and between separate towers, or other separate raised parts, of the same building is at least: <ul style="list-style-type: none"> - 9 metres for parts of buildings between 12 metres and 25 metres above ground level (finished) - 12 metres for parts of buildings between 25 metres and 35 metres above ground level (finished) 	Complies From 12m to 24m the building is setback 9m from the southern and eastern boundaries
Clause 7.14 Minimum Building Street Frontage	Development consent must not be granted to development for the purposes of any of the following buildings, unless the site on which the buildings is to be erected has at least one street frontage to a public street (excluding service lanes) of at	Complies Both street frontages exceed 33.8m.

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	least 24 metres: - any residential flat building.	
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As per the above table, the development is considered to be consistent with the development standards of the LLEP 2008.

(iv) Other Relevant LLEP 2008 Clauses

In addition to the above development standards, the application has also been considered in regards to other relevant standards of the LLEP 2008. The key clauses applicable to the application are discussed in further detail below. The proposal demonstrates full compliance with the LLEP 2008 standards and is satisfactory.

- **Clause 5.10 Heritage Conservation**

The development site is not listed as a heritage item under Schedule 5 of the LLEP 2008, however, it is located approximately 100m from heritage item Number 88, known as 'Collingwood Inn Hotel'. Item No.88 is located west of the subject site close to the intersections of the Hume Highway and Hoxton Park Road.

Council's Heritage Officer has reviewed the proposal and has raised no objection to the development with regards this heritage item or its effect on heritage conservation, and required no heritage impact assessment to be conducted for the proposal.

- **Clause 7.1 Objectives for Development in Liverpool City Centre**

Clause 7.1 of the LLEP 2008, stipulates the objectives that must be satisfied by any redevelopment in the city centre. The proposed development is generally consistent with the relevant objectives as follows:

(a) to preserve the existing street layout and reinforce the street character through consistent building alignments,

Comment: The development provides a residential flat building which aligns with the street.

(b) to allow sunlight to reach buildings and areas of high pedestrian activity,

Comment: The proposed development has been designed to maximise the ability for sunlight to reach buildings and the pedestrian areas.

(c) to reduce the potential for pedestrian and traffic conflicts on the Hume Highway,

Comment: The development is unlikely create pedestrian or traffic conflicts on the Hume Highway.

(d) to improve the quality of public spaces in the city centre,

Comment: The development provides a high quality presentation to the public domain.

(e) to reinforce Liverpool railway station and interchange as a major passenger transport facility, including by the visual enhancement of the surrounding environment and the development of a public plaza at the station entry,

Comment: Not relevant.

(f) to enhance the natural river foreshore and places of heritage significance,

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Comment: Not relevant.

(g) to provide direct, convenient and safe pedestrian links between the city centre (west of the rail line) and the Georges River foreshore.

Comment: Not relevant.

- **Clause 7.5 Design Excellence in Liverpool City Centre**

Clause 7.5 of the LLEP 2008 prescribes that development consent must not be granted to development within the Liverpool City Centre, unless the consent authority considers that the development exhibits design excellence. The objective of this clause is to deliver the highest standard of architectural and urban design within the city centre.

As per Part 3.1 of this report, the applicant is considered to have satisfied Council's design excellence panel comments. Therefore, the development is considered to exhibit design excellence.

In conclusion, the overall development satisfies the LLEP 2008 design excellence provisions and demonstrates satisfactory design quality.

As per the LLEP 2008 assessment above, the development is considered consistent with the relevant objectives and provision of the LLEP 2008.

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

No draft Environmental Planning Instruments applies to the site.

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

The application has been assessed against the controls of the LDCP 2008, particularly Part 1 *General Controls for all Development*, and Part 4 *Development in Liverpool City Centre*.

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

LDCP 2008 Part 1: General Controls for All Development

Development Control	Provision	Comment
Section 2. Tree Preservation	Controls relating to the preservation of trees	Considered Acceptable The site has been cleared since lodgement of the subject application. The applicant has amended the proposed landscape plan to include an advanced tree planting at the rear to compensate for the loss of a significant tree at the rear of the site. The inclusion of the advanced planting is also recommended as a condition.
Section 3. Landscaping	Controls relating to landscaping and the	Complies The landscape plan has been reviewed by

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Development Control	Provision	Comment
g and Incorporation of Existing Trees	incorporation of existing trees.	Council's Landscape Officer, who has raised no issues with the design. The Landscape Plan proposes a variety of planting along the street frontages, communal open space and podiums.
Section 4 Bushland and Fauna Habitat Preservation	Controls relating to bushland and fauna habitat preservation	Not Applicable The development site is not identified as containing any native flora and fauna.
Section 5. Bush Fire Risk	Controls relating to development on bushfire prone land	Not Applicable The development site is not identified as being bushfire prone land.
Section 6. Water Cycle Management	Stormwater runoff shall be connected to Council's drainage system by gravity means. A stormwater drainage concept plan is to be submitted.	Complies This aspect has been reviewed by Council's Land Development Engineers, who have raised no issues subject to conditions.
Section 7. Development Near a Watercourse	If any works are proposed near a water course, the Water Management Act 2000 may apply, and you may be required to seek controlled activity approval from the NSW Office of Water.	Not Applicable The development site is not within close proximity to a water course.
Section 8. Erosion and Sediment Control	Erosion and sediment control plan to be submitted.	Complies Conditions of consent will be imposed to ensure that erosion and sediment controls measures are implemented during the construction of the development.
Section 9. Flooding Risk	Provisions relating to development on flood prone land.	Not Applicable The development site is not affected by flooding.
Section 10. Contaminated Land Risk	Provisions relating to development on contaminated land.	Complies As discussed earlier within this report, the site is considered suitable for the development as per the submitted remediation action plan.
Section 11. Salinity Risk	Provisions relating to development on saline land.	Non-compliance The development site is identified as containing a moderate salinity potential. Conditions are recommended to be imposed to manage salinity at the construction stage.

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Development Control	Provision	Comment
Section 12. Acid Sulphate Soils	Provisions relating to development on acid sulphate soils	Not Applicable The development site is not identified as containing the potential for acid sulphate soils to occur.
Section 13. Weeds	Provisions relating to sites containing noxious weeds.	Not Applicable The site is not identified as containing noxious weeds.
Section 14. Demolition of Existing Development	Provisions relating to demolition works	Not Applicable No demolition required.
Section 15. On Site Sewage Disposal	Provisions relating to OSMS.	Not Applicable OSMS is not proposed.
Section 16. Aboriginal Archaeology	An initial investigation must be carried out to determine if the proposed development or activity occurs on land potentially containing an item of aboriginal archaeology.	Not Applicable Condition to be imposed that requires special procedures if aboriginal archaeological evidence is found onsite during works.
Section 17. Heritage and Archaeological Sites	Provisions relating to heritage sites.	Not Applicable Conditions will be imposed to ensure that the proposal does not detract from surrounding heritage items.
Section 18. Notification of Applications	Provisions relating to the notification of applications.	Complies The application was notified to properties within 75 of the site. No submission received.
Section 19. Used Clothing Bins	Provisions relating to used clothing bins.	Not Applicable The DA does not propose used clothing bins.
Section 20. Car Parking and Access	Residential Development Car Parking Requirements: - 1 space per two studio apartments - 1 space per one bedroom or two bedroom apartments - 1.5 spaces per three of more bedroom units - 1 space per 10 units or part thereof, for visitors	Complies The following parking is required: - 4 x 1 bedroom units requires 4 spaces - 17 x 2 bedroom units requires 17 spaces - 3 x 3 bedroom units requires 4.5 spaces A total of 25.5 (26) spaces required for the residential units

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Development Control	Provision	Comment
	<ul style="list-style-type: none"> - 1 space per 40 units for service vehicle (including removalist vans (and car washing bays, up to a maximum of 4 spaces per building). 	<ul style="list-style-type: none"> - 24 residential units requires 2.4 visitor spaces - 1 carwash/service bay are required. <p>The following parking is provided:</p> <ul style="list-style-type: none"> - 26 spaces for residential units - 4 visitors spaces - 1 carwash/service bays
	<p>Provision is to be made for motorcycle parking at the rate of 1 motorcycle space per 20 car spaces</p>	<p>Complies</p> <p>A total of 30 parking spaces (excluding the car carwash/service bays) are provided which equates to 1.5 motorcycle spaces.</p> <p>A total of 2 motorcycle spaces have been provided.</p>
	<p>Provide 2% of the total demand generated by a development, for parking spaces accessible, designed and appropriately signposted for use by persons with disabilities.</p>	<p>Complies</p> <p>A total 0.6 spaces of the 30 parking spaces shall be accessible spaces.</p> <p>A total of 3 accessible spaces have been provided.</p>
	<p>1 bicycle space per 200m² of gross floor area.</p> <p>15% of this requirement is to be accessible to visitors</p>	<p>Complies</p> <p>A total of 9.625 (10) bicycle spaces are required.</p> <p>A total of 12 bicycle spaces are provided including half which are accessible to visitors.</p>
<p>Section 21. Subdivision of Land and Buildings</p>	<p>Provisions relating to the subdivision of land.</p>	<p>Not Applicable</p> <p>The DA does not propose the subdivision of land.</p>
<p>Section 22. and Section 23 Water Conservation and Energy Conservation</p>	<p>New dwellings are to demonstrate compliance with State Environmental Planning Policy – Building Sustainability Index (BASIX).</p>	<p>Complies</p> <p>Conditions of consent will be imposed to ensure compliance with the BASIX commitments.</p>
<p>Section 25. Waste Disposal and Re-use Facilities</p>	<p>Provisions relating to waste management during construction and on-going waste.</p>	<p>Complies</p> <p>During Construction: A waste management plan has been submitted. Conditions of consent will be</p>

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Development Control	Provision	Comment
		<p>imposed to ensure that compliance with the WMP is achieved during construction.</p> <p>On-going Waste Management: The development includes a waste storage area at ground level for waste collection and storage.</p> <p>Bins will be wheeled to the front of the site within the property boundary for collection and will be collected from Mill Road.</p>
Section 26 Outdoor Advertising and Signage	Provisions relating to signage.	Not Applicable The DA does not propose any signage.
Section 27. Social Impact Assessment	A comprehensive social impact comment shall be submitted for residential flat buildings greater than 20 units.	Complies A social impacts were assessed by Council's Community Planners, who supported the subject DA with regards to social matters.

LDCP 2008 Part 4: Liverpool City Centre

Development Control	Provision	Comment
Section 2 Controls for Building Form		
Building Form	Street building alignment and street setbacks applicable to the site is a 4-4.5m landscaped setback to Mill Road in this part of the city centre.	Complies The proposal provides a minimum 4m setback to Mill Road.
	Balconies may project up to 1.2m in high density residential zones.	
	The external facades of buildings are to be aligned with the streets that they front.	Complies The external facades align with the streets.
	Minor projections into front building lines and setbacks for sun shading devices, entry awnings and cornices are permissible.	Complies Projections into the building setbacks are provided for building articulation.

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Development Control	Provision	Comment
Street Frontage Height	A street frontage height (SFH) of 15m-20m is required for Mill Road in this part of the city centre.	Complies A minimum SFH of 24m is provided.
Building Depth and Bulk	Maximum floor plate size of 500m ² (GFA) and building depth of 18m (excluding balconies) is required above street frontage height (i.e Level 8)	Complies The building floor plate does not exceed 500m ² and the building depth of the floor plate does not exceed 18m in depth.
Side and Rear Setback	Residential uses up to 12m (i.e Ground floor, Level 1, Level 2 and Level 3) require a minimum side setback of: <ul style="list-style-type: none"> - 3m to non-habitable rooms. - 6m to habitable rooms. 	Partial non-compliance 4.5m setback to western laneway considered acceptable. From the centre line of the laneway the building is setback 9m. Accordingly, there will be 18m building separation if a similar building is built on the opposite side of the laneway. This setback was endorsed by Council's DEP. 6m to rear and eastern site boundary.
	Residential uses between 12-25m (i.e. Level 4, Level 5, Level 6 and Level 7) require: <ul style="list-style-type: none"> 4.5m to non-habitable rooms. - 9m to habitable rooms 	Partial non-compliance 4.5m setback to western laneway considered acceptable. From the centre line of the laneway the building is setback 9m. Accordingly, there will be 18m building separation if a similar building is built on the opposite side of the laneway. This setback was endorsed by Council's DEP. 9m to rear and eastern site boundary.
	Residential uses between 25-45m (i.e. Level 8) require: <ul style="list-style-type: none"> - 6m to non-habitable rooms. - 12m to habitable rooms 	Not applicable
Site Cover and Deep Soil Zones	Maximum site cover of 50%	Considered Acceptable Proposed site cover is 54%. The development is considered to achieve the intent of the site cover objective which involves enabling soft landscaping onsite and limit building bulk onsite. The development is considered to be consistent with the ADG and the amended design is

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		considered to achieve the design advice of the DEP.
	The deep soil zone shall comprise no less than 15% of the total site area. It is to be provided preferably in one continuous block but otherwise with no dimension (width or length) less than 6m.	Complies Proposal provided 225m ² of deep soil zone, which is 19% of the site area.
	Deep soil zones are to accommodate existing mature trees as well as allowing for the planting of trees/shrubs that will grow to be mature plants.	Complies The deep soil zones will include trees that will reach a mature height of ≥ 6m.
Landscape Design	Landscaped areas are to be irrigated with recycled water.	Complies Can be conditioned.
	Landscape species are to be selected in accordance with Council's schedule of Preferred Landscape Species.	Complies Suitable landscape species have been chosen. The landscape plan has been reviewed by Council's Landscape Officer who has raised no issues.
	Remnant vegetation must be maintained throughout the site wherever practicable.	Complies Existing street trees in front of the site are to be retained
	A long-term landscape concept plan must be provided for all landscaped areas, in particular the deep soil landscape zone. The plan must outline how landscaped areas are to be maintained for the life of the development.	Complies Conditions can be imposed to ensure the long term maintenance of the landscaped areas.
	Any new public spaces are to be designed so that at least 50% of the open space provided has a minimum of 3 hours of sunlight between 10am and 3pm on 21st June (Winter Solstice).	Not Applicable Public spaces are not proposed.
Planting on Structures	Areas with planting on structures are to be irrigated with recycled water.	Complies The landscape plan has been reviewed by Council's Landscape Officer, who has raised no issues in regards to this aspect, subject to conditions.
	Design for optimum conditions for plant growth by: - providing soil depth, soil	

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	<p>volume and soil area appropriate to the size of the plants to be established,</p> <ul style="list-style-type: none"> - providing appropriate soil conditions and irrigation methods, and - providing appropriate drainage. - Design planters to support the appropriate soil depth and plant selection by ensuring planter proportions accommodate the largest volume of soil possible and soil depths to ensure tree growth, and providing square or rectangular planting areas rather than narrow linear areas. 	
	<p>Increase minimum soil depths in accordance with:</p> <ul style="list-style-type: none"> - the mix of plants in a planter for example where trees are planted in association with shrubs, groundcovers and grass, - the level of landscape management, particularly the frequency of irrigation, - anchorage requirements of large and medium trees, and soil type and quality. 	
	<p>Provide sufficient soil depth and area to allow for plant establishment and growth. The following minimum standards are recommended:</p> <ul style="list-style-type: none"> - Large trees (over 8m high) minimum soil depth 1.3m, minimum soil volume 150m³ - Medium trees (2 – 8m high), minimum soil 	

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Development Control	Provision	Comment
	depth 1m, minimum soil volume 35m ³ - Small trees (up to 2m high), minimum soil depth 0.8m, minimum soil volume 9m ³ - Shrubs and ground cover, minimum soil depth 0.5m, no minimum soil volume.	
Amenity		
Front Fences	Controls relating to front fences	Not Applicable Front fences are not proposed.
Safety and Security	Address 'Safer-by-Design' principles to the design of public and private domain, and in all developments (including the NSW Police 'Safer by Design' crime prevention though environmental design (CPTED) principles).	Complies The proposed development is considered to be satisfactory in relation to the safer by design principles.
	Ensure that the building design allows for passive surveillance of public and communal spaces, access ways, entries and driveways.	Complies The design of the development allows for passive surveillance of access ways and driveways.
	Avoid creating blind corners and dark alcoves that provide concealment opportunities in pathways, stairwells, hallways and car parks.	Complies The development does not create any blind corners or dark alcoves.
	Maximise the number of residential 'front door' entries at ground level.	Complies Front entrances are provided to the street frontage.
	Provide entrances which are in visually prominent positions and which are easily identifiable, with visible numbering.	Complies The front entrance is orientated to the street and are easily identifiable.
Awnings	Wet weather protection to be provided to all entrances	Complies Wet weather protection is provided to the entrances.
Vehicle Footpath Crossings	No additional vehicle entry points will be permitted into the parking or service areas of development along those streets identified within the LDCP2008.	Complies Only one vehicle entry point is proposed from Mill Road.

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	In all other areas, one vehicle access point only (including the access for service vehicles and parking for non-residential uses within mixed use developments) will be generally permitted.	Complies The proposed development will involve one vehicle entry point, for all vehicles and service vehicles.
	Where practicable, vehicle access is to be from lanes and minor streets rather than primary street fronts or streets with high pedestrian priority routes identified in Figure 18 (marked yellow).	N/A The site does not adjoin a laneway or a minor street.
	Where practicable, adjoining buildings are to share or amalgamate vehicle access points. Internal on-site signal equipment is to be used to allow shared access. Where appropriate, new buildings should provide vehicle access points so that they are capable of shared access at a later date.	N/A The adjoining sites are already developed.
	Vehicle access ramps parallel to the street frontage will not be permitted.	N/A The development does not provide for a parallel access ramp.
	Ensure vehicle entry points are integrated into building design.	Complies The driveway entry is integrated into the building design.
	Vehicle entries are to have high quality finishes to walls and ceilings as well as high standard detailing. No service ducts or pipes are to be visible from the street.	Complies The vehicle entry will use the same materials as per the rest of the building.
Building Exteriors	Balconies and terraces should be provided, particularly where buildings overlook public spaces. Gardens on the top of setback areas of buildings are encouraged.	Complies The development provides for balconies and terraces to all floors.
	Articulate façades so that they address the street and add visual interest. Buildings are to be articulated to differentiate between the base (street frontage height), middle and top in design.	Complies The building facades are articulated through the provision of a wide variety of design elements such as windows with varying proportions, balconies, glazed and masonry balustrades and screens.

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	Limit sections of opaque or blank walls greater than 4m in length along the ground floor to a maximum of 30% of the building frontage.	Complies The building frontage does not contain any blank walls.
	Highly reflective finishes and curtain wall glazing are not permitted above ground floor level.	Complies Highly reflective materials will not be used.
	A materials sample board and schedule is required to be submitted with applications for development over \$1million or for that part of any development built to the street edge.	Complies A colour schedule as well as 3D modelling has been provided which gives a clear indication of the colour and types of materials that will be used.
	Roof top structures, such as air conditioning, lift motor rooms, and the like are to be incorporated into the architectural design of the building.	Complies Roof top structures are incorporated within the internal design of the development and will not be visible from public view.
Traffic And Access		
Pedestrian Access and Mobility	Main building entry points should be clearly visible from primary street frontages and enhanced as appropriate with awnings, building signage or high quality architectural features that improve clarity of building address and contribute to visitor and occupant amenity.	Complies The main entry point is orientated to the street and will be visible. The main entry is located after a large courtyard and communal area addressing the streetscape.
	The design of facilities (including car parking requirements) for disabled persons must comply with the relevant Australian Standards.	Complies The design of the car parking facilities is in accordance with Australian Standards. The application has been reviewed by Councils Traffic and Transport Section who have responded in support, subject to conditions.
	The development must provide at least one main pedestrian entrance with convenient barrier free access in all developments to at least the ground floor.	Complies Barrier free access is provided to the ground floor.

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Development Control	Provision	Comment
	<p>The development must provide accessible internal access, linking to public streets and building entry points.</p>	<p>Complies Sufficient accessible internal access is provided to the street and building entry points. The accessible unit is located on the ground floor.</p>
	<p>Pedestrian access ways, entry paths and lobbies must use durable materials commensurate with the standard of the adjoining public domain (street) with appropriate slip resistant materials, tactile surfaces and contrasting colours.</p>	<p>Complies Durable materials will be used which include but limited to concrete footpath, paving and tiles.</p>
<p>Vehicular Driveways and Manoeuvring Areas</p>	<p>Driveways should be:</p> <ul style="list-style-type: none"> - provided from lanes and secondary streets rather than the primary street, wherever practical, - located taking into account any services within the road reserve, such as power poles, drainage inlet pits and existing street trees, - located a minimum of 10m from the perpendicular of any intersection of any two roads, and - Located to minimise noise and amenity impacts on adjacent residential development. 	<p>Complies A driveway is provided located on the north-eastern side of the development with access from Mill Road. The location of the driveway will not be in conflict with any services located within the road reserve. The location of the driveway is unlikely to create a noise and amenity impact on adjacent residential development.</p> <p>Furthermore, it is recommended that advisory notes are imposed advising the application to conduct a 'dial before you dig'.</p>
	<p>Vehicle access is to be integrated into the building design so as to be visually recessive.</p>	<p>Complies The vehicle access is visually recessive as it leads down to basement car parking.</p>
	<p>All vehicles must be able to enter and leave the site in a forward direction without the need to make more than a three point turn.</p>	<p>Complies Minimum aisle widths are provided within the basement car parking area to sufficiently enable a three point turn. All vehicles will therefore be able to enter and exit the site in a forward direction.</p>

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Development Control	Provision	Comment
	Design of driveway crossings must be in accordance with Council's standard Vehicle Entrance Designs, with any works within the footpath and road reserve subject to a Section 138 Roads Act approval.	Complies Conditions will be imposed regarding the approval of Section 138 Roads Act certificate and a driveway crossing application.
	Driveway widths must comply with the relevant Australian Standards.	Complies A suitable driveway width is provided which is in accordance with AS, as per the comments from Council Traffic Engineers.
	Car space dimensions must comply with Australian Standard 2890.1.	Complies Car space dimensions are in accordance with AS, as per the comments from Council Traffic Engineers.
	Driveway grades, vehicular ramp width/ grades and passing bays must be in accordance with the relevant Australian Standard, (AS 2890.1).	Complies The driveway grades, vehicular ramp width/grades are in accordance with relevant AS, as per the comments from Council Traffic Engineers.
	Access ways to underground parking should be sited to minimise noise impacts on adjacent habitable rooms, particularly bedrooms.	Complies Development is considered to be design to minimise noise impacts from vehicle access and basement car parking.
On Site Parking	<p>Car Parking Requirements</p> <ul style="list-style-type: none"> - 1 space per one bedroom or two bedroom apartments; - 1.5 spaces per three or more bedroom units - 1 space per 10 units for visitors - 1 space per 40 units for service vehicle <p>Motorcycle Car Parking Spaces</p> <ul style="list-style-type: none"> - 1 motorcycle space per 20 car spaces <p>Accessible Car Parking Spaces</p> <ul style="list-style-type: none"> - 2% of the total demand generated by a development. 	As discussed in Part 1 assessment above, appropriate parking facilities are provided.

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Development Control	Provision	Comment
	Bicycle Parking - 1 bicycle space per 200m ² of LFA.	
	Car parking and associated internal manoeuvring areas provided over and beyond that required by the LDCP 2008 is to be calculated towards gross floor area.	N/A
	Car parking above ground level is to have a minimum floor to ceiling height of 2.8 so it can be adapted to another use in the future.	N/A Car parking above ground level is not provided.
	Onsite parking must meet the relevant Australian Standards	Complies Subject to conditions.
Environmental Management		
Energy Efficiency and Conservation	New dwellings are to demonstrate compliance with SEPP (BASIX), 2004	Complies The proposal is accompanied by a BASIX Certificate which is consistent with the aims and intent of the SEPP (BASIX), 2004. It is recommended that conditions are imposed to ensure compliance with the BASIX commitments.
Water Conservation	New dwellings are to demonstrate compliance with SEPP (BASIX), 2004	Complies The proposal is accompanied by a BASIX Certificate which is consistent with the aims and intent of the SEPP (BASIX), 2004. It is recommended that conditions are imposed to ensure compliance with the BASIX commitments.
Reflectivity	New buildings and facades should not result in glare that causes discomfort or threatens safety of pedestrians or drivers.	Complies The types of building materials used in the facade are considered unlikely to result in an unacceptable level of glare on pedestrians and/or drivers.
	Visible light reflectivity from building materials used on the facades of new buildings should not exceed 20%.	Complies It is recommended that a condition is imposed to ensure compliance with this provision.
	Subject to the extent and nature of glazing and reflective materials used, a Reflectivity Report that analyses potential solar glare from the proposed development on pedestrians or	N/A A reflectivity report is not required given the materials used will not result in an unacceptable level of solar glare.

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Development Control	Provision	Comment
	motorists may be required	
Wind Mitigation	<p>To ensure public safety and comfort, the following maximum wind criteria are to be met by new buildings:</p> <ul style="list-style-type: none"> - 10m/second in retail streets, - 13m/second along major pedestrian streets, parks and public places, and - 16m/second in all other streets. 	<p>Complies It is unlikely the proposed development will impact upon the public safety in terms of wind.</p>
	<p>Site design for tall buildings (towers) should:</p> <ul style="list-style-type: none"> - set tower buildings back from lower structures built at the street frontage to protect pedestrians from strong wind downdrafts at the base of the tower, - ensure that tower buildings are well spaced from each other to allow breezes to penetrate city centre, - consider the shape, location and height of buildings to satisfy wind criteria for public safety and comfort at ground level, and - ensure useability of open terraces and balconies. 	<p>N/A The proposed building is not considered to be a tall building.</p>
	<p>A Wind Effects Report is to be submitted with the DA for all buildings greater than 35m in height.</p>	<p>N/A The development does not exceed 35m in height.</p>
	<p>For buildings over 48m in height, results of a wind tunnel test are to be included in the report</p>	<p>N/A The development does not exceed 48m in height.</p>
Noise	<p>An acoustic report is required for all noise affected locations, as identified in figure 25.</p>	<p>Complies An acoustic report was submitted with</p>

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Development Control	Provision	Comment
	<p>Sites adjacent to noise sources identified in figure 25 are to be designed in a manner that any residential development is shielded from the noise source by virtue of the location and orientation of built form on the site.</p> <p>An 8m setback is to be provided to any habitable building located adjacent to the Hume Highway</p>	<p>the DA in support of the proposal. It was reviewed by Council's Environmental Health Section who support its findings, subject to conditions.</p>
<p>Waste</p>	<p>Provisions must be provided for the following waste generation:</p> <ul style="list-style-type: none"> - General waste: 120L/week/dwelling. - Recycling: 120L/week/dwelling - Green waste: a communal waste bin of sufficient capacity to accept waste from landscape areas. 	<p>Complies by condition</p> <p>A condition of consent is recommended to be imposed that would require the applicant to ensure appropriate facility for waste bins are provided, in consultation with Council's Waste Management Coordinator, prior to the issue of a CC.</p>
	<p>In a development of more than six dwellings or where the topography, or distance to the street makes access difficult for individual occupants, a collection and storage area is required. The storage area must be located in a position which is:</p> <ul style="list-style-type: none"> - Not visible from the street - Easily accessible to dwelling occupants - Accessible by collection vehicles (or adequately managed by the body corporate to permit relocation of bins to an approved collection point), - Has water and drainage facilities for cleaning and maintenance; and - Does not immediately adjoin private open 	<p>Complies by condition</p> <p>The applicant has provided a waste management room at ground level and with unobstructed access to the street for collection. The design of this room was endorsed by the DEP as is was designed to be integrated with the building and not appear as a waste storage area from the streetscape.</p>

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Development Control	Provision	Comment
	<p>space, windows or clothes drying areas</p> <p>The size and number of the waste bins shall be determined having regard to the need for either on-site access by collection vehicles or the requirement for bins to be wheeled to the street for collection by a contractor. If transferred to the street for collection, the body corporate or a caretaker must be responsible for the movement of bins to their collection point.</p>	<p>Complies</p> <p>The waste bins will be wheeled to the designated collection point for collection by Council.</p>
Controls for Residential Development		
Housing Choice Mix	<p>To achieve a mix of living styles, sizes and layouts within each residential development, comply with the following mix and size:</p> <ul style="list-style-type: none"> - studio and one bedroom units must not be less than 10% of the total mix of units within each development; - three or more bedroom units must not to be less than 10% of the total mix of units within each development, and <p>For smaller developments (less than six dwellings) achieve a mix appropriate to the locality.</p> <p>For development built by (or on behalf of) the Department of Housing, an alternative mix of unit types may be approved, subject to housing needs being demonstrated by the Department.</p> <p>For residential flat buildings and multi-unit housing, 10% of all dwellings (or at least one dwelling – whichever is greater) must be designed to be capable of adaptation for disabled or elderly residents. Dwellings must be designed in</p>	<p>Complies</p> <p>1 Bedroom: 4 (16.7%) 2 Bedroom: 17 (71%) 3 Bedroom: 3 (12.5%)</p> <p>N/A</p> <p>N/A</p> <p>The development will not be built by the Department of Housing.</p> <p>Complies by condition</p> <p>A condition is recommended that the applicant demonstrate that 10% of apartments are adaptable, prior to the issue of a CC.</p>

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Development Control	Provision	Comment
	accordance with the Australian Adaptable Housing Standard (AS 4299-1995), which includes “pre-adaptation” design details to ensure useability is achieved.	
	The development application must be accompanied by certification from an accredited Access Consultant confirming that the adaptable dwellings are capable of being modified, when required by the occupant, to comply with the Australian Adaptable Housing Standard (AS 4299-1995).	<p>Complies by condition</p> <p>It is recommended by way of condition, that an Access Report is submitted to the satisfaction of the PCA prior to issue of a CC, to confirm that the adaptable dwellings are capable of being modified to comply with AS 4299-1995.</p>

As per the above DCP compliance tables, the development is generally consistent with the relevant development control. Where the development controls have not been addressed at this stage, conditions of consent are recommended to be imposed.

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

No planning agreement relates to the site or proposed development.

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

No planning agreement relates to the site or proposed development.

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

The Environmental Planning and Assessment Regulations 2000 requires the consent authority to consider the provisions of the Building Code of Australia. If approved appropriate conditions of consent will be imposed requiring compliance with the BCA.

6.7 Section 4.15 (1)(a) (v) – Any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates

There are no Coastal Zones applicable to the subject site.

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

(a) Natural and Built Environment

Built Environment

It is considered that the proposed development will have minimal impact on the built environment given that it is located within the bounds of the City Centre and the site is zoned for high density residential purposes. Therefore, the proposal is considered to be consistent with the current and future character of the locality, especially

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considering the building has been redesigned to comply with the LLEP 2008 and the ADG.

Natural Environment

The impacts of the development on the natural environment have been assessed and the development is considered to be acceptable and unlikely to cause any adverse impact to the natural environment.

The proposed development was referred to Council's Tree officer who has raised no objections or issues with the proposal with regards to landscaping matters, subject to conditions of consent.

(b) Social Impacts and Economic Impacts

The development is likely to result in a positive social impact within the locality. The provision of communal open space in varied locations throughout the site will promote social interaction among building occupants. The development provides bicycle parking which will encourage users to engage in outdoor activities and increased movement.

The development will result in a positive economic impact, through the provision of employment generated during the construction of the development and the on-going building maintenance. The development will result in increased housing availability within walking distance of an existing regional economic centre with access to public transport.

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

The site is considered to be suitable for the proposed development. The proposal is generally compliant with the provisions of LLEP 2008, the applicable SEPP's and LDCP 2008 as outlined in this report.

6.10 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:

Department	Comments
Building	Support, subject to conditions.
Engineering	Support, subject to conditions.
Heritage Advisor	No objection, no specific conditions of approval.
Landscaping	Support, subject to conditions.
Traffic and Transport	Support, subject to conditions.
Environmental Health	Support, subject to conditions.
Community Planning	No objection, no specific conditions of approval.

(a) Community Consultation

In 2016 the LDCP 2008 required residential flat buildings to be notified to surrounding properties. Accordingly, the subject application was notified from 22 March to 5 April 2016. No submissions were received with regards to the proposal.

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

The proposed development is consistent with the zoning of the land and would represent a high quality

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development for Liverpool City Centre. The development provides additional housing opportunities within close proximity to employment opportunities and public transport.

In this regard, the proposal is considered to be in the public interest.

7 SECTION 7.12 CONTRIBUTIONS

Section 7.12 of the Act is applicable to development in the Liverpool City Centre. The applicable contribution amount for the subject proposal is **\$196,842**, subject to CPI at the time of payment.

8 CONCLUSION

In conclusion, the following is noted:

- The subject Development Application has been assessed having regard to the matters of consideration pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979 and is considered satisfactory.
- The amended proposal provides an appropriate response to the site's context and satisfies the SEPP 65 design principles and the requirements of the ADG. The scale and built form is consistent with the desired future character of the area that is envisaged under the LLEP 2008 and LDCP 2008.
- The development will be well located in relation to transport, employment, shopping, business and community services, as well as recreation facilities. It will deliver an efficient use of the site with well-designed high amenity dwellings.
- The proposed development will have positive impacts on the surrounding area, which are largely anticipated by the zoning of the site.

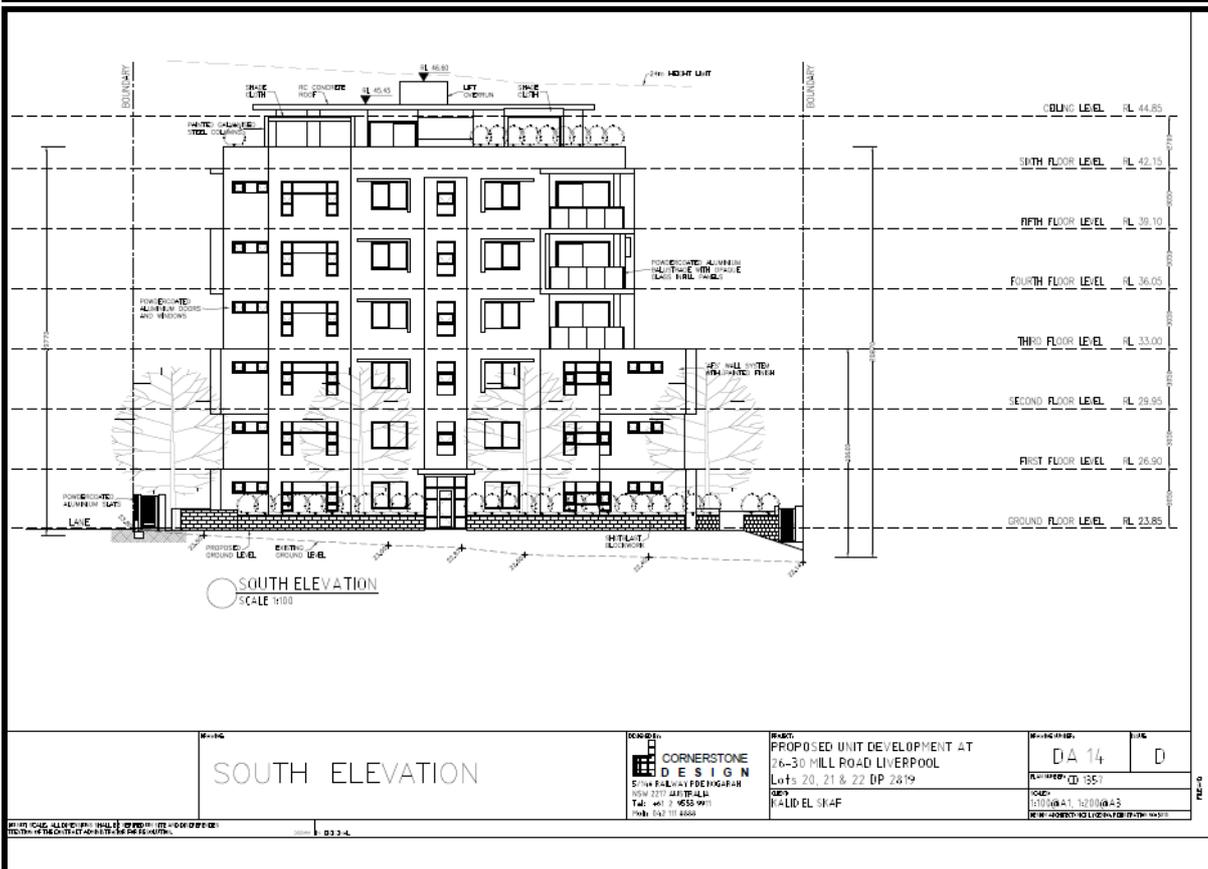
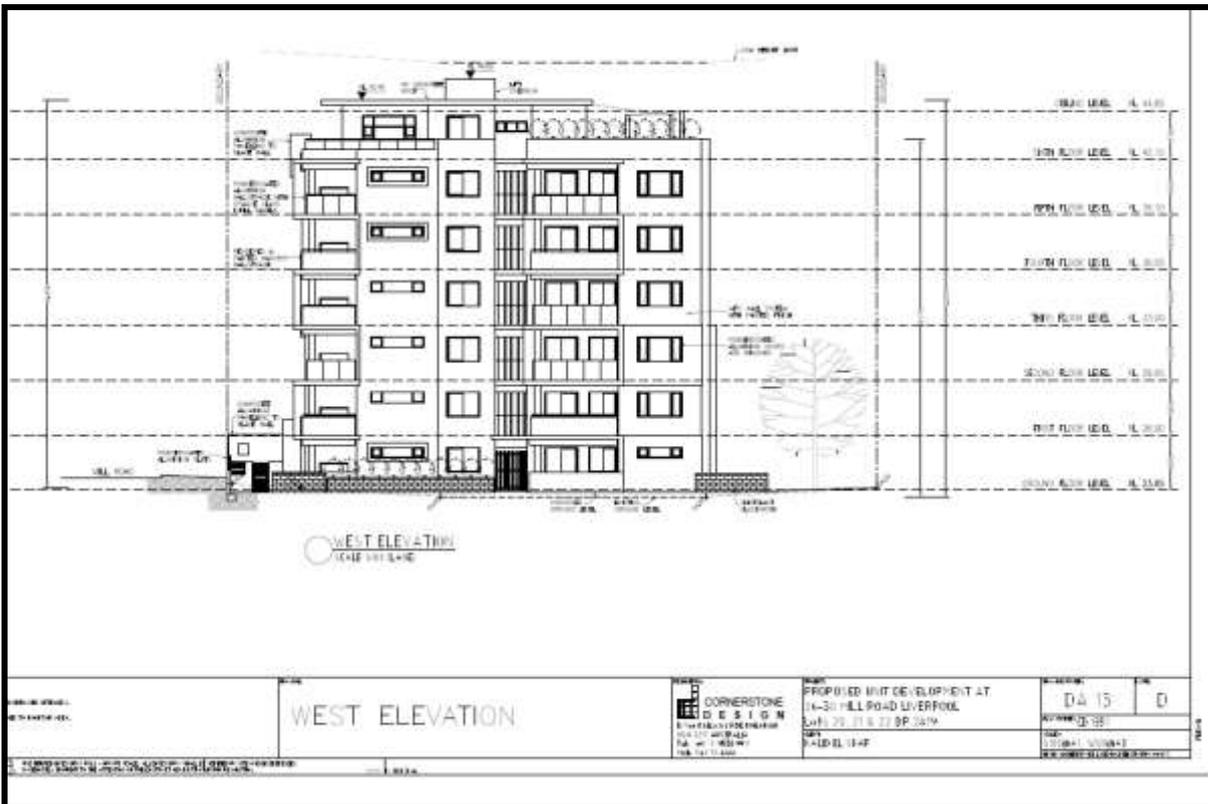
It is for these reasons that the proposed development is considered to be satisfactory and DA-6/2016 is recommended for approval, subject to conditions.

9 ATTACHMENTS

- 1. Plans of the proposal**
- 2. Recommended conditions of consent**

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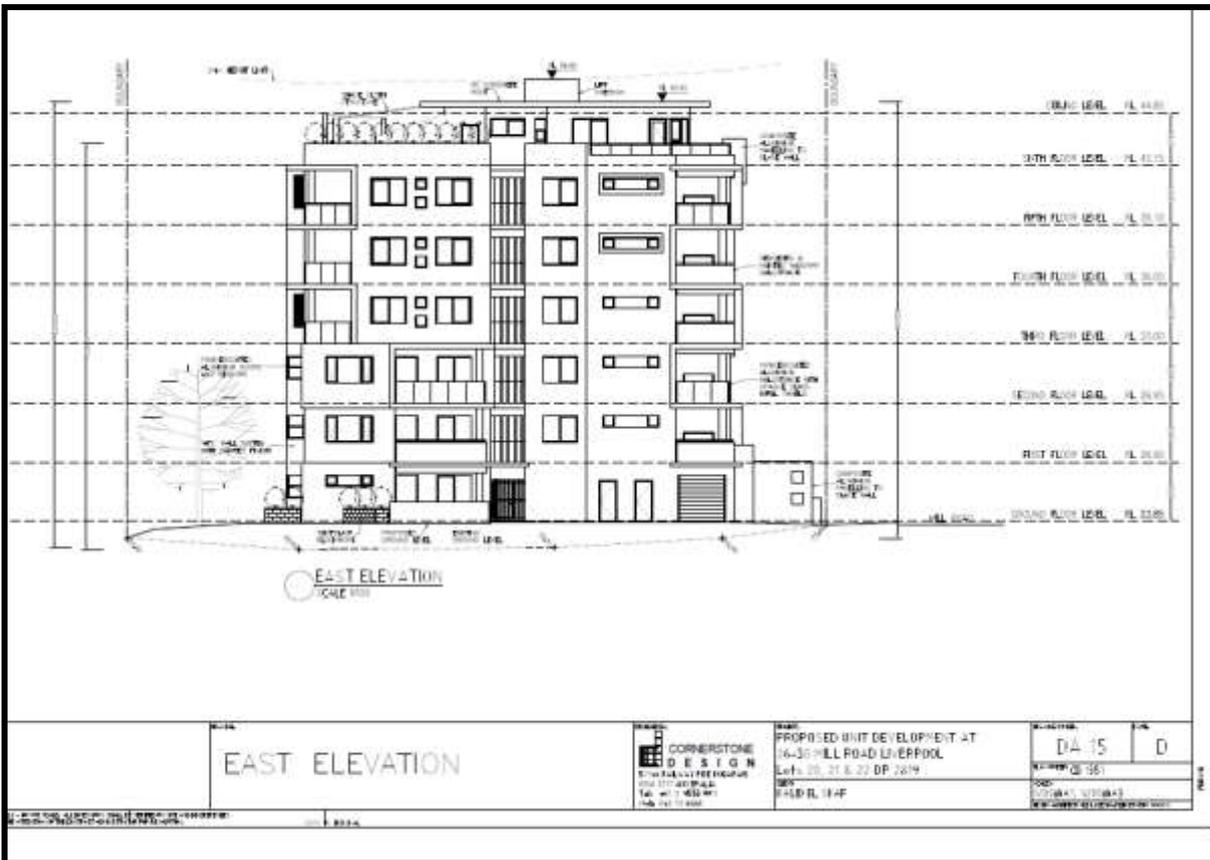
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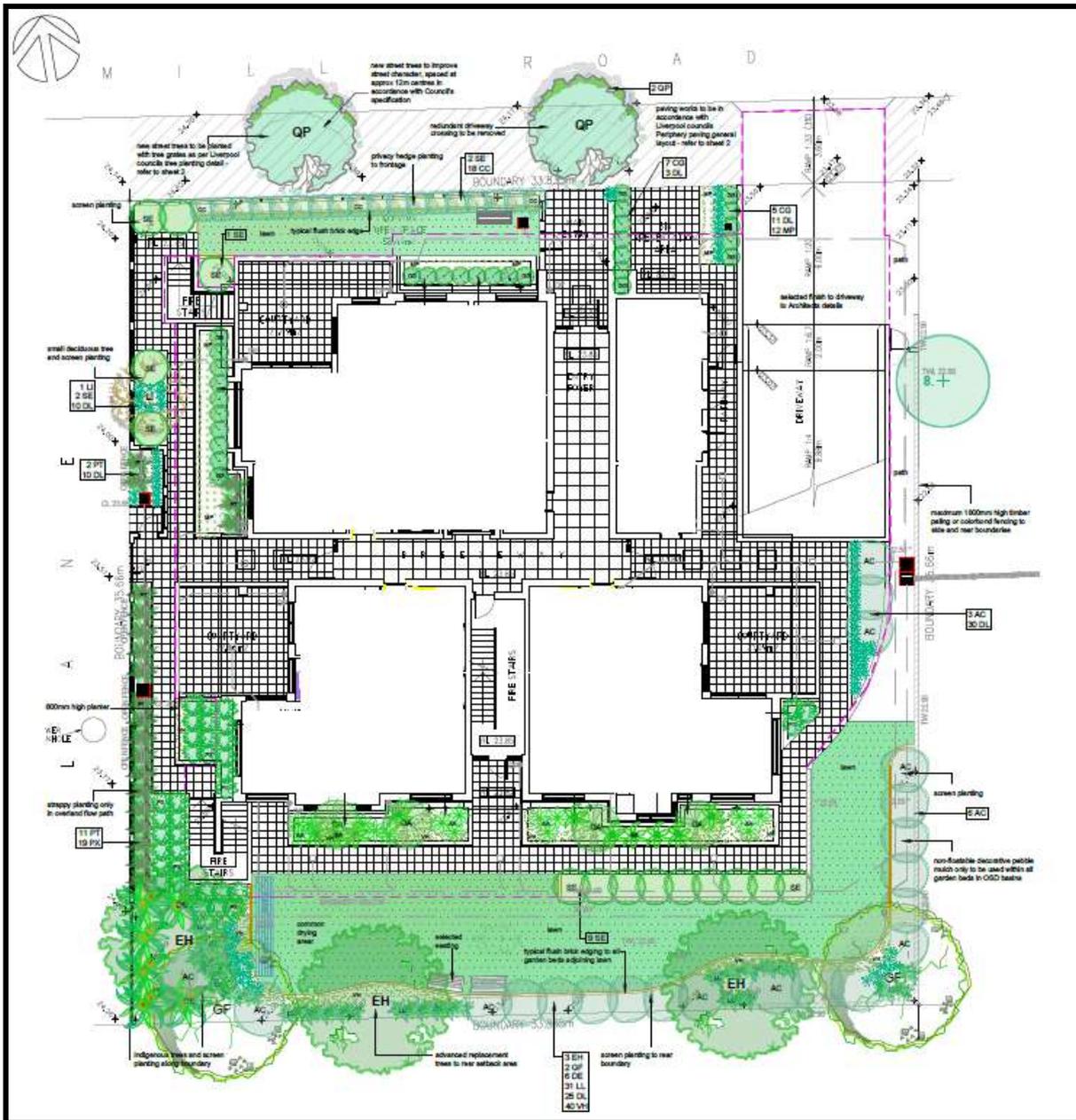
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Site Plan with landscaping arrangement

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ATTACHMENT 2 – RECOMMENDED CONDITIONS OF CONSENT

DEFINITIONS

AEP	Annual Exceedance Probability
NCC	National Construction Code (formerly Building Code of Australia)
Council	Liverpool City Council
DCP	Liverpool Development Control Plan 2008
DECC	Department of Environment and Climate Change and Water
CC	Construction Certificate
1% AEP Flood	The 1 in 100 year flood
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
LPI Service	Land and Property Information Service
OC	Occupation Certificate
PCA	Principal Certifying Authority
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
RMS	Roads and Maritime Services

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A. THE DEVELOPMENT

Approved Plans

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

(a) Architectural plans prepared by Cornerstone Design:

Title	Project Number	Drawing Number	Issue	Date
Lower Basement Plan	CD 1357	DA 02	D	22.3.2018
Upper Basement Plan	CD 1357	DA 03	D	18.9.2017
Ground Floor Plan	CD 1357	DA 04	D	12.9.2018
First Floor Plan	CD 1357	DA 05	D	12.9.2018
Second Floor Plan	CD 1357	DA 06	C	12.9.2018
Third Floor Plan	CD 1357	DA 07	D	12.9.2018
Fourth Floor Plan	CD 1357	DA 08	D	12.9.2018
Fifth Floor Plan	CD 1357	DA 09	D	12.9.2018
Sixth Floor Plan	CD 1357	DA 10	D	12.9.2018
Roof Plan	CD 1357	DA 11	C	12.9.2018
North Elevation	CD 1357	DA 12	D	12.9.2018
West Elevation	CD 1357	DA 13	D	12.9.2018
South Elevation	CD 1357	DA 14	D	12.9.2018
East Elevation	CD 1357	DA 15	D	12.9.2018
Section A-A	CD 1357	DA 16	D	12.9.2018
Fence Elevations & Driveway Profile	CD 1357	DA 16	D	12.9.2018

(b) Landscape plan prepared by Zenith Landscape Design:

Title	Drawing Number	Revision	Date
Landscape Plan	15-3117 LO1	B	13.9.2018

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Landscape Plan	15-3117 LO2	B	13.9.2018
Landscape Plan	15-3117 LO3	B	13.9.2018

(c) Stormwater plan prepared by John Romanous & Associates Pty Ltd:

Title	Project Number	Drawing Number	Revision	Date
Stormwater Drainage/ Sediment Control Details	1652	S1/7	C	20.6.2017
Stormwater Drainage/ Sediment Control Details	1652	S2/7	C	20.6.2017
Stormwater Drainage/ Sediment Control Details	1652	S3/7	C	20.6.2017
Stormwater Drainage/ Sediment Control Details	1652	S4/7	C	20.6.2017
Stormwater Drainage/ Sediment Control Details	1652	S5/7	C	20.6.2017
Stormwater Drainage/ Sediment Control Details	1652	S6/7	C	20.6.2017
Stormwater Drainage/ Sediment Control Details	1652	S7/7	C	20.6.2017

(d) BASIX certificate:

BASIX Certificate Number: 679527M, dated 21 December 2015.

(e) Reports and Documents:

i. Acoustic Report:

Prepared by Acoustic Logic, project number 20160226.1, reference 20160226.1/2602A/R0/EC, dated 26/2/2016;

ii. Remedial Action Plan:

Prepared by Compaction & Soil Testing Service Pty Ltd, reference 284-E1090-AA, revision), dated 9 March 2016;

iii. Site Waste Management Plan

Prepared by the applicant, dated 6 January 2016;

iv. Schedule of Finishes:

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Prepared by the applicant, dated 6 January 2016;

Works at no cost to Council

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

Building work

3. Building work shall not commence prior to the issue of the relevant Construction Certificate. Building work as defined under Section 4 of the EP&A Act means any physical activity involved in the erection of a building and includes but is not limited to, the placement of any site shed/s or builders facilities, site grading, retaining walls, excavation, cutting trenches, installing formwork and steel reinforcement or, placing of plumbing lines.

B. PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

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

SECTION 94A PAYMENT (Liverpool Contributions Plan 2006 Liverpool City Centre)

4. As a consequence of this development, Council has identified an increased demand for public amenities and public services. The following payment represents 2% of the cost of the development and is imposed in accordance with Liverpool Contributions Plan 2006 Liverpool City Centre.

The total contribution is **\$196,842**

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) using the following formula:

$$\text{Contribution at the time of payment} = \frac{\mathbf{C} \times \mathbf{CPI}_2}{\mathbf{CPI}_1}$$

Where:

C = Original contributions as shown on the consent

CPI₂ = Latest "Consumer Price Index: All Groups Index Number" for Sydney available from the Australian Bureau of Statistics at the time that the contribution is to be paid

CPI₁ = Latest "Consumer Price Index: All Groups Index Number" for Sydney available from the Australian Bureau of Statistics as at the time of granting the development consent

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

Please note: Payment must be accompanied by the attached form.

Provision of Services

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

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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.

6. 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.
7. Prior to the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following:
 - 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.

8. 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.

Fee Payments

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

The following fees are applicable and payable:

- (a) Damage Inspection Fee – relevant where the cost of building work is \$20,000 or more, or a swimming pool is to be excavated by machinery.
- (b) Fee associated with Application for Permit to Carry Out Work Within a Road, Park and Drainage Reserve.
- (c) Long Service Levy – based on 0.35% of the cost of building work where the costing of the CC is \$25,000 or more.

These fees are reviewed annually and will be calculated accordingly.

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10. 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.

Statutory Compliance

11. 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.

12. In accordance with section 4.17 (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, it is a *prescribed condition* that all building work must be carried out in accordance with the applicable Performance Requirements of the National Construction Code. Compliance with the Performance Requirements can only be achieved by:
- (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).

Disability Access

13. 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

Fire Safety – Cladding

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

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

Garbage Services

15. The developer shall provide the PCA with written confirmation from Liverpool Council's Waste Management Section that demonstrates the required number of waste and recycle bins for the residential development as well as servicing requirements.

All waste management area requirements shall be incorporated into the construction certificate plans.

Design Verification Statement

16. In accordance with the EP&A Regulation and State Environmental Planning Policy (SEPP) 65 "Design Quality of Residential Flat Development", the subject development must be undertaken or directed by a 'qualified designer' (i.e., a registered architect under the Architects Act). In this regard, a design verification statement shall be submitted to the PCA. The PCA shall ensure that the statement prepared by the qualified designer provides the following:
- (a) A valid and current chartered architect's certificate number (as issued by the Board of Architects of NSW);
 - (b) That the qualified designer has designed or directed the design of the subject development; and
 - (c) That the plans and specifications lodged with the CC achieve or improve the design quality of the development for which the subject development consent was granted, having regard to the design principles set out in Part 2 of SEPP 65.

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

Crime Prevention Through Environmental Design

17. It is recommended that the following Crime Prevention Through Environmental Design (CPTED) principles be incorporated into the building. Where necessary, plans shall be amended to reflect incorporation of the principles and/or details of such to be submitted to the PCA.
- (a) Back to base alarm systems shall be considered;
 - (b) CCTV for the ground level, entry/exit points, car parks, lifts and the exterior of the building shall be considered;
 - (c) 'Way finding' signage should be utilised at all major interchanges such as lifts and stair wells;
 - (d) Lighting is required to be designed in accordance with the Australian and New Zealand Lighting Standard AS 1158. A lighting maintenance policy should be established. Security lighting should be installed in and around the building, and such shall not impact on any adjoining premises. The lighting should be vandal resistant, especially external lighting;
 - (e) Glazed tiling, patterned, porous and non-solid surfaces reduce the reward for graffiti offenders;
 - (f) Any external approved palisade or pool style fencing shall be black in colour, unless otherwise noted on the approved plans/details;
 - (g) Access to the basement parking levels relating to the residential component of the building shall be controlled via a security controlled device.

Recommendations of Acoustic Report

18. The recommendations provided in the approved acoustic report shall be implemented and incorporated into the design and construction of the development and shall be shown on plans accompanying the CC application. The recommendations are as follows:
- a) Mechanical plant shall be selected in consultation with a suitably qualified and experienced consultant to ensure compliance with the internal noise levels detailed within DA Acoustic Assessment - 'prepared by Acoustic Logic (project no: 20160226.1) dated February 2016.'

Residential Storage

19. The construction certificate plans shall be designed to show storage for all residential apartments in the following arrangements:
- 1 Bedroom apartments: 6m³
 - 2 Bedroom apartments: 8m³
 - 3+ Bedroom apartments: 10m³

A minimum of 50% of the required storage space shall be located within apartments.

Reflectivity

20. The construction certificate plans shall be designed to show visible light reflectivity from building materials used on the facades of new buildings should not exceed 20%.

Adaptable Apartments

21. The construction certificate plans shall be designed to show 10% of all apartments are designed to be capable of adaptation for disabled or elderly residents. These apartments must be designed in accordance with the Australian Adaptable Housing Standard (AS 4299-1995), which includes “pre-adaptation” design details to ensure useability is achieved.

S138 Roads Act – Minor Works in the public road

22. Prior to the issue of a Construction Certificate a S138 Roads Act application/s, including payment of fees shall be lodged with Liverpool City Council, as the Roads Authority for any works required in a public road. These works may include but are not limited to the following:
- Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
 - Road opening for utilities and stormwater (including stormwater connection to Council infrastructure)
 - Road occupancy or road closures

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

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

Retaining Walls on Boundary

23. 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.

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No Loading on Easements

24. Prior to the issue of the relevant 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.

Liverpool CBD – Street Lighting Upgrade

25. The applicant/developer shall upgrade street lighting system for entire frontage of the development including any side streets. The street light pole shall be multi-function pole including all necessary accessories. The specification and accessories details are to be obtained from Infrastructure and Environment Group of Council. The applicant/developer shall engage services of Endeavour Energy accredited ASP Level 3 service provider to prepare electrical design and obtain certification from Endeavour Energy. The electrical design shall include undergrounding of existing aerial power lines and communication cables for entire frontage of the development including frontage to side streets. The approved design shall be submitted to Council for review and approval prior to any construction works.

Liverpool CBD – Communication Conduits

26. The applicant/developer shall also supply and install two 50mm white communication conduit with draw wires approximately 300mm behind kerb and gutter connecting multifunction poles. Details can be obtained from Infrastructure and Environment Group of Council. Please contact the Coordinator – Roads and Transport on 1300 36 2170.

Liverpool CBD – Footpath Paving and Landscaping Works

27. Periphery Type paving shall be installed along the entire Mill Street frontage/s, as part of this development. Footpath paving and Landscaping works shall be strictly in accordance with the Liverpool CBD Street Tree and Landscape Strategy 2005 and The Liverpool CBD Streetscape and Paving Guidelines 2005.

Detailed plans are required to be submitted to and approved by Council showing the proposed tree locations, species and planting sizes, paving location and layout, including references to the relevant details and specifications as contained in the abovementioned documents.

To ensure that the street tree planting size, quantity and quality is maintained throughout the Liverpool CBD, please contact Council's Land Development Section on 1300 36 2170 for further information.

A Section 138 Roads Act Approval for all works within Council's road reserve will be required.

Retaining Walls on Boundary

28. 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.

Stormwater Concept Plan

29. A stormwater drainage system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by John Ramanous & Associates, reference number 1652-s3/7, revision C, dated 20.6.17.

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 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.

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.

Stormwater Discharge – Basement Car parks

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

Access, Car Parking and Manoeuvring – General

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

Engineering Works

32. A traffic management plan is to be submitted to Liverpool City Council's Traffic Committee for approval. Works within the road reserve shall not commence until the traffic management plan has been approved.
33. The traffic management plan is to be prepared by an accredited designer and submitted to and stamp approved by Council via a standard Section 138 Roads Act Permit application available at Council's customer service counter. The stamped approved Roads Act Permit is to be obtained by the PCA. A copy of the stamped approved Roads Act Permit and traffic management plan is to be available on the works site for inspection at any time by an authorised Council officer.

C. PRIOR TO WORKS COMMENCING

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

Construction Certificates

34. Construction Certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*.
35. 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 6.6 (4) of the Act.
36. 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.
37. Principal Certifying Authority (PCA) must be appointed to carry out the necessary building inspections and to issue an occupation certificate.
38. The PCA must advise Council of the intended date to commence work that 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.
39. Detailed Civil engineering plans and specifications relating to the work shall be endorsed with a CC, in accordance with Section 81A of the Act, and a copy registered with Council.
40. Detailed engineering plans and specifications relating to the work shall be endorsed with a CC, in accordance with Section 81A of the EP&A Act, and a copy submitted to Council, with payment of any relevant fees.
41. 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 CC and a separate Building CC.

Site Development Work

42. 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.

Site Facilities

43. 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.

Fencing, Hoarding and Scaffolding

44. 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.

45. Prior to the commencement of works appropriate fencing is to be in place along the rail corridor to prevent unauthorised access to the rail corridor during construction. Details of the type of fencing and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.
46. No scaffolding or hoarding is to be used facing the rail corridor unless prior written approval has been obtained from Sydney Trains. To obtain approval the proponent will be required to submit details of the scaffolding and hoarding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor. Unless agreed to by Sydney Trains in writing, scaffolding shall not be erected without isolation and protection panels.

Site Notice Board

47. 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.

Notification of Service Providers

48. The approved development must be approved through the 'Sydney Water Tap in' service to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easements, and if any requirements need to be met. A receipt must be provided to Council. Please refer to the website www.sydneywater.com.au for more information.

DIAL BEFORE YOU DIG

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

Sediment & Erosion Control

50. 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

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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.

Dilapidation Survey

51. 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.

Pipe Condition/ Upgrade

52. The developer shall ensure that the existing pipe within the easement is in good condition and has adequate capacity to convey flows. Alternatively the pipe shall be upgraded to ensure the development site can be satisfactorily drained

Waste Classification

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

Environmental Management

54. An Environmental Management Plan (EMP) shall be developed and submitted to the Principal Certifying Authority for approval. The EMP shall provide a comprehensive and complete action and implementation plan to ensure that the anthropological and natural environment is not unacceptably impacted upon by the proposal. The EMP shall include but not be necessarily limited to the following measures:

- (a) Measures to control noise emissions from the site;
 - (b) Measures to suppress odours and dust emissions;
 - (c) Selection of traffic routes to minimise residential noise intrusions;
 - (d) Soil and sediment control measures;
 - (e) Measures to identify hazardous and industrial wastes and the procedures for removal and disposal including asbestos; and
 - (f) Community consultation.
55. 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.

Traffic Control Plan

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

The approved traffic control plan shall be implemented during construction. A copy of the plan shall be available on site at all times.

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

D. DURING CONSTRUCTION

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

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 8:00pm Monday to Friday, 7:00am to 5:00pm Saturday. No work will be permitted on Sundays or Public Holidays, unless otherwise approved by Council.

Construction Noise

59. Construction noise shall not exceed the management levels defined within the Interim Construction Noise Guideline published by the NSW Department of Environment and Climate Change dated July 2009.

Building Inspections

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60. 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.
61. 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 proceeding to the subsequent stages of construction or finalisation of the works.

Identification Survey Report

62. 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 shall works continue, until the PCA has advised the builder/developer that the floor level and external wall setback details shown on the submitted survey are satisfactory.

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

63. 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.

Protection of adjoining buildings

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:
- Protect and support the adjoining premises from possible damage from the excavation, and
 - Where necessary, underpin the adjoining premises to prevent any such damage.
 - Retaining walls or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated subsoil drainage and surface stormwater drainage measures, shall be designed strictly in accordance with the manufacturers details or by a practising structural engineer.

Toilet Facilities

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:

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

Hoarding, Lifting and Craning

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.

General Site Works

68. All dangerous and/or hazardous material shall be removed by a suitably qualified and experienced contractor, licensed by WorkCover NSW. The removal of such material shall be carried out in accordance with the requirements of WorkCover NSW. The material shall be transported and disposed of in accordance with DECCW (EPA) requirements.

Contamination

69. 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).

70. All fill introduced to the site must undergo a contaminated site assessment. This assessment may consist of either:

- (a) a full site history of the source of the fill (if known) examining previous land uses or geotechnical reports associated with the source site to determine potential contamination as per the NSW DECCW 'Waste Classification Guidelines' April 2008; or
- (b) clearly indicate the legal property description of the fill material source site;
- (c) provide a classification of the fill material to be imported to the site in accordance with the 'NSW DECCW 'Waste Classification Guidelines' April 2008.
- (d) a chemical analysis of the fill where the site history or a preliminary contamination assessment indicates potential contamination or contamination of fill material; and
- (e) must provide Council with copies of validation certificate verifying the material to be used is free of contaminants and fit for purpose re use in residential, commercial or industrial use.

71. 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

72. Remediation works must be carried out in accordance with Remediation plan (Doc ref: 284-E1090-AA) prepared by Compaction & Soil Testing Services Pty Ltd dated March 2016. Any variation to the proposed remediation works must be approved in writing by Council or the PCA prior to the commencement of these works. The applicant must inform Council or the PCA in writing of any proposed variation to the remediation works. Council or the PCA must approve these variations in writing prior to commencement of works approved under the development consent.
73. 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

74. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.
75. 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.
76. 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.

Car Parking Areas

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

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

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

Traffic Management

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

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80. 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.
81. 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.

Paving and Landscaping

82. Paving and landscaping of the entire frontage of the site on Mill Road shall be constructed in accordance with "The Liverpool CBD Streetscape & Paving Guidelines 2005" and "The Liverpool CBD Street Tree and Landscape Strategy 2005".

Construction Noise and Vibration

83. Noise and vibration associated with excavation, demolition and construction phases shall comply with the management levels detailed within the 'Interim Construction Noise Guideline' published by the Department of Environment and Climate Change NSW (DECC 2009/265) dated July 2009 and acceptable vibration values prescribed within the Environmental Noise Management Assessing Vibration: A Technical Guideline (Department of Environment and Conservation, 2006).
84. All feasible and reasonable noise and vibration mitigation measures shall be implemented and any activities which may exceed the construction noise management levels and vibration criteria shall be identified and managed in accordance with the approved Construction Environmental Management Plan.
85. A Complaints Handling Register shall be maintained for the duration of construction works at the subject premises. The Complaints Register is to be kept by the Site Manager or other suitable staff members and is to include the following:
 - a) the date and time, where relevant, of the complaint;
 - b) the means by which the complaint was made (telephone, mail or email);
 - c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
 - d) the nature of the complaint;
 - e) any action(s) taken in response to the complaint, including any follow-up contact with the complainant;
 - f) if no action was taken in relation to the complaint, the reason(s) why no action was taken; and
 - g) Allocate an individual "complaint number" to each complaint received.

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

Erosion and sediment control

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

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Pollution Control

87. 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.
88. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.

Ventilation

89. The premises shall be ventilated in accordance with the requirements of the BCA (if using deemed to satisfy provisions: AS 1668, Parts 1 & 2).

Waste Management Plan

90. The Waste Management Plan issued 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.
91. All disturbed areas shall be progressively stabilised and/or revegetated so that no areas remain exposed to potential erosion damage for a period of greater than 14 days.
92. Vehicular access to the site shall be controlled through the installation of wash down bays or shaker ramps to prevent tracking of sediment or dirt onto adjoining roadways. Where any sediment is deposited on adjoining roadways it shall be removed by means other than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner which will prevent its mobilisation.
93. All topsoil, sand, aggregate, spoil or any other material shall be stored clear of any drainage line, easement, water body, stormwater drain, footpath, kerb or road surface and there shall be measures in place in accordance with the approved erosion and sediment control plan.

Graffiti

94. 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.

Aboriginal Relics/Artefacts

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

F. PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

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

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Certificates

96. The premises must not be utilised until an Occupation Certificate is issued by the Principal Certifying PCA. Copies of all documents relied upon for the issue of the OC must be attached to the OC and registered with Council.
97. A single and complete *Fire Safety Certificate* where required, certifying the installation and operation of all of the fire safety measures within the building must be submitted to Council with the *Occupation Certificate*.
98. Prior to issuing an occupation certificate the Principal Certifying Authority must be satisfied that suitable evidence has been provided to demonstrate that the external wall cladding material and system is consistent with the consent documentation, NCC and relevant Australian Standards.
99. 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.
100. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the PCA.

Street Numbering

101. Street numbers must be prominently displayed for each residential flat building and at the front of dwellings.

Design Verification Statement

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

Liverpool City Council clearance – Roads Act/ Local Government Act

103. 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

104. 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

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submitted to Liverpool City Council with notification of the issue of the Occupation Certificate where Council is not the Principal Certifying Authority.

Stormwater Compliance

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

- a) On-site detention system/s
- b) Basement Carpark pump-out system
 - 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

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

- a) On-site detention system/s
- b) Basement carpark pump-out system

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

Linen Plans & 88B

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

Linen Plans & 88B

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

Linen Plans & 88B

109. The final plan of subdivision must be supported by an 88B instrument to the approval of Council. The 88B instrument shall properly reflect the requirements of the conditions of development consent, the plans forming part of the consent, and Councils 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.

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Pump-out system

110. Stormwater runoff from the proposed driveway to the underground garage shall be via a pump-out system subject to the following conditions:
- (a) The pump-out system shall be independent of any gravity drainage lines except at the site property boundary inspection pit where a surface grated inlet pit shall be constructed, from which a connection may be permitted to the gravity stormwater system.
 - (b) Engineering details and manufacturer's specifications for pumps and switching system shall be submitted for approval prior to issue of construction certificate.
 - (c) An 88B positive covenant shall be placed on the property title. This requires the property owner to be responsible for the proper maintenance and repair of the abovementioned pumps, pipes and pit system. Council is the Authority benefited and the property owner is burdened by this restriction. Evidence of the creation of the positive covenant shall be forwarded to Council prior to the issue of an OC.

Service Providers

111. Written evidence (Section 73 Certificate) is to be submitted to the PCA prior to the issue of the subdivision certificate.
112. Notification of arrangement for the development from Integral Energy shall be submitted to Council.
113. Compliance Certificate for the development from an approved local telecommunications carrier shall be submitted to Council.

Dilapidation Report

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

Recommendations of Acoustic Report

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

Site Contamination Validation Report

116. After completion of the remedial works, a copy of the Validation Report shall be submitted to the PCA. This Report shall be prepared with reference to the EPA guidelines, Consultants Reporting on Contaminated Sites, and must:
- (a) describe and document all works performed;
 - (b) include results of validation testing and monitoring;
 - (c) include validation results of any fill imported on to the site;
 - (d) outline how all agreed clean-up criteria and relevant regulations have been complied with; and
 - (e) include clear justification as to the suitability of the site for the proposed use and the potential for

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off-site migration of any residual contaminants.

Landscaping

117. Upon completion of the approved landscape works associated with the development and prior to the issue of the relevant OC, an Implementation Report is to be submitted to the PCA attesting to the satisfactory completion of the landscape works in accordance with the approved landscape plan. The report is to be prepared by a suitably qualified person.
118. An advanced replacement tree, as indicated on the approved Landscape Plan with the common name 'Scribbly Gum', shall be established at the site to the satisfaction of the PCA.

Lot Consolidation

119. The existing lots at the site shall be consolidated into one (1) lot and endorsed by a subdivision certificate and registered with the LPI Service.

G. CONDITIONS RELATING TO USE

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

Waste

120. All solid waste stored on site is to be covered at all times.
121. The waste and recycle bins are to be kept at all times within the residential waste storage rooms except before and after collection days. Waste and Recycle bins are to be returned to the storage rooms within 24 hours of collection.

Car Parking/Loading

122. A total of **thirty-one (31)** off street car parking spaces must be provided in accordance with Council's relevant development control plan. **One (1)** service vehicle space must be designed and signposted/marked.
123. All parking areas shown on the approved plans must be used solely for this purpose at all times.

Washing on Balconies

124. The hanging of washing, including any clothing, towels, bedding or other article of a similar type on any balcony is not to be visible from any street.

H. ADVISORY

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

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- c) In accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979, unless otherwise stated by a condition of this consent, this consent will lapse unless the development is commenced within five years of the date of this notice.
- d) 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.
- e) 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.
- f) "DIAL BEFORE YOU DIG" DIAL 1100

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

- g) TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution.

Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800 810 443.

- h) The obligation to comply with the Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required by other conditions of this consent.
- i) The Liverpool City Council Local Government area soils and ground water may be subject to varying levels of Salinity. Whilst Council may require applicants to obtain Salinity reports relating to some developments, no assessment may be made by Council in that regard. Soil and ground water salinity levels can change over time due to varying factors. It is recommended that all applicants make their own independent inquiries as to appropriate protection against the current and future potential affect of Salinity to ensure the ongoing structural integrity of any work undertaken. Liverpool City Council will not accept any liability for damage occurring to any construction of any type affected by soil and or ground water Salinity.
- j) 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.

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ATTACHMENT 2 – SECTION 7.12 PAYMENT FORM

**CONTRIBUTIONS PURSUANT TO SECTION 7.12 OF THE ENVIRONMENTAL
PLANNING & ASSESSMENT ACT, 1979**

Liverpool Contribution Plan 2007 (Liverpool City Centre)

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

These figures have been calculated to the CPI June 2018 quarter and will be adjusted at the time of payment in accordance with the conditions of consent.

APPLICATION NO.: DA-6/2016

<u>Facilities</u>	<u>Amount</u> <u>(\$)</u>	<u>Job No.</u>
Central Library Extensions	\$3,782	GL.10000001870.10112
Whitlam Centre Extensions	\$2,793	GL.10000001869.10110
District Community Facility upgrade (Central area)	\$3,606	GL.10000001870.10099
Woodward and Collimore Parks	\$16,969	GL.10000001869.10105
Georges River Foreshore	\$118,784	GL.10000001869.10105
Bigge Park	\$25,454	GL.10000001869.10105
Pioneer Park	\$25,454	GL.10000001869.10105
Access – car parks, bridge link, bus priority	\$0	GL.10000001868.10108
TOTAL	\$196,842	

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

RECORD OF PAYMENT

Total Amount paid: _____

Date: _____

Receipt No.: _____ Cashier: _____

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Item no:	3
Application Number:	DA-156/2018
Proposed Development:	PROPOSED DEMOLITION OF EXISTING STRUCTURES AND THE CONSTRUCTION OF A MULTI DWELLING HOUSING DEVELOPMENT COMPRISING OF 8 DWELLINGS OVER BASEMENT CARPARKING FOR 12 VEHICLES, PURSUANT TO STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING) 2009.
Property Address	14-16 BRALLOS AVENUE HOLSWORTHY NSW 2173
Legal Description:	LOTS 26 & 27 DP219461
Applicant:	JOSEPH BAINI (BAINI DESIGN)
Land Owner:	TONY BOULUS, PETER TABET & FARES TABET
Cost of Works:	\$1,400,000
Recommendation:	Refusal
Assessing Officer:	Emmanuel Torres
Determination By	Liverpool Local Planning Panel

1. EXECUTIVE SUMMARY

Reasons for the Report

The application is referred to the Liverpool Local Planning Panel (LLPP) in accordance with its referral criteria and procedural requirements in that the development falls into the category of contentious development, as it involves more than 10 objections, and it proposes a departure from a development standard by more than 10%.

The proposal

Council has received DA No. 156/2018, which proposes the *demolition of existing structures and the construction of a multi dwelling housing development comprising of 8 dwellings over basement car parking for 12 vehicles pursuant to SEPP (Affordable Rental Housing) 2009 (SEPP ARH)* at 14-16 Brallos Avenue, Holsworthy.

The site

The subject site is legally described as Lots 26 & 27 of DP219461 and has a street address of No.14-16 Brallos Avenue, Holsworthy. The lot is irregular in shape with a wider frontage width of 36.58m to Brallos Avenue and rear dimension of 25.905m. The side boundaries are 40.37m to the western and 36.575m to the eastern boundaries. The combined total land area is 1176.1m².

The site contains two single storey dwellings and associated structures such as outbuildings and significant trees to the street frontage.

The issues

- The proposed development does not achieve satisfactory compliance with the provisions of Clause 10(2), Division 1 in the SEPP (Affordable Rental Housing) 2009 (SEPP ARH) as the nominated bus stop is not serviced by a regular bus service.
- The proposed development does not achieve satisfactory compliance with Clause 14(1)(d) (i) – deep soil zones (DPZ), Division 1 in the SEPP ARH as the DPZ provided does not have sufficient depth to support the growth of trees.
- The proposed development does not achieve satisfactory compliance with Clause 14 (1)(e) – solar access, Division 1 in the SEPP ARH as the applicant has not adequately demonstrated that 70% of the dwellings receive at least 3 hours daily solar access to private open spaces and living rooms in mid-winter.
- The proposed development does not achieve satisfactory compliance with Clause 16A – Character of the local area, Division 1 of the SEPP ARH as the design of the proposed development is not considered to be compatible with the existing local character and is likely to have an adverse impact on the physical amenity of the neighbourhood due to the design of the car parking entry and presentation of buildings to the streetscape.
- The proposed development does not achieve satisfactory compliance with Clause 4.4 – Floor Space ratio of the Liverpool Local Environmental Plan (LEP) 2008 as the maximum floor space ratio is exceeded by 21.8%, which is equivalent to an additional 150m² of gross floor area.
- The proposed development does not achieve satisfactory compliance with the relevant controls as stipulated in the Liverpool Development Control Plan (DCP) 2008 Part 1 – General controls for all development, Section 25 Waste Disposal and Re-use facilities, regarding the location of the bin bay relative to street collection.
- The proposed development does not achieve satisfactory compliance with the relevant controls as stipulated in Liverpool Development Control Plan (DCP) 2008 Part 3.6 in Section 3 - Site Planning regarding visual intrusion, overlooking and privacy.

Exhibition of the proposal

The proposal was notified from 14 May 2018 to 29 May 2018 in accordance with Liverpool Development Control Plan 2008. Council received a total of 12 objections in relation to the proposed development.

The main points raised in the submissions are as follows:

- The proposal does not meet the required distance from a bus stop and other requirements under the SEPP AHR and the applicant failed to provide a compliant bus route timetable and bus stop location.
- The proposal has insufficient car parking provision. While it complies with the SEPP ARH requirements, it does not comply with the DCP car parking requirement for multi-dwelling.
- The proposal does not meet development controls on overlooking, privacy and overshadowing.
- The site contains 2 large trees that are proposed to be removed.

- The proposal fails to address harmony with surrounding dwellings that are primarily single or dual occupancy and introduction of underground parking which is not in keeping with the existing street character.

Conclusion

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

2. SITE DESCRIPTION AND LOCALITY

2.1 The Locality

The site is located near to Heathcote Road and the M5 motorway to the north. The surrounding area is comprised mainly of single storey residential dwellings on medium sized lots see Figure 1.



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

2.2 The Site

The subject site is legally described as Lots 26 & 27 of DP219461 and located at No.14 -16 Brallos Avenue, Holsworthy. The lot is irregular in shape with a frontage width of 36.58m compared to its rear dimension of 25.905m. Similarly, the side boundaries are 40.37m to the northwest and 36.575m to the southeast. The combined land area is 1176.1m². As shown on Figure 2, the site is comprised of 2 parcels each occupied by a single storey dwelling with several trees found on the property and road reserve.

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View of the Site from Brallos Ave. (Source; Near Maps)



Aerial view of the Site 14-16 Brallos Ave. (Source; Near Maps)

Figure 2: Street and aerial view of the site.

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3. BACKGROUND/HISTORY

3.1 History

A pre-development application meeting was conducted on 23 August 2017 between Council officers and the applicant's representatives. Among the items discussed in the meeting were the following:

- The DA must address compliance with the SEPP ARH
- The DA must address local character including the introduction of basement car parking
- Front Units have no viable deep soil zone
- Non compliances on side and rear setbacks
- First floor are more than 2/3 of ground floor areas
- Provide articulation to frontages
- Overlooking of back units to POS of front units
- Provide information on the side entry along eastern boundary for units 5-8

3.2 Development application background

The subject DA was lodged with Council on 28 February 2018. A stop the clock letter was sent to the applicant on 14 March 2018 requesting the submission of a Quantity Surveyors Report to demonstrate an accurate cost of works. The applicant requested for a 2 weeks extension and the report was provided on 29 March 2018.

On 12 July 2018, a request to provide additional information was sent to the applicant regarding accessibility, floor space ratio and design requirements in the SEPP ARH to establish eligibility and compliance of the site as noted in the pre-DA meeting.

The applicant provided a revised SEE on 7 August 2018 and the critical issue of site accessibility as per Division 1 of the SEPP ARH remained unresolved. The applicant was informed on 10 August 2018 that the nominated Bus Route 902 (Liverpool to Holsworthy via Moorebank) does not comply with the bus frequency requirement. The timetable did not have bus service between 9am to 10am on Sundays and public holidays.

On 24 August, the applicant's consultant planner agreed with the assessment but offered an alternative Bus Route 902 (Holsworthy to Liverpool via Moorebank), going the opposite direction to fill-in the timetable gap in the nominated bus stop/route.

On 27 August, the applicant's planner was informed that Council does not support a mix of bus stops and routes to meet the requirements of Clause 10(2) of the SEPP ARH. A compliant bus stop/route must to be nominated.

It is noted that there are several development applications with Council (DA-1038/2016, DA-854/2017 and DA-156/2018) with similar accessibility issues, one with identical bus frequency non-compliance being contested in the Land and Environment Court. There is also legal advice obtained by Council which supports the position of a single bus stop based on the definition in Clause 4(c) of the SEPP ARH – *400 meters walking distance of a bus stop used by a regular service*. The advice cites the ordinary meaning in the Macquarie dictionary of a single singular determiner 'a' preceding the singular noun 'bus stop' which limits the criteria to a single place or in this case a single bus stop.

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On 5 September, the applicant was informed that since the abovementioned court cases are still being considered, Council's position has not changed.

On October 10, the applicant was informed that the application was recommended for refusal and will be determined by the LPP at its meeting on 29 October 2018.

4. DETAILS OF THE PROPOSAL

The application seeks consent for the demolition of existing structures and the *construction of a multi dwelling housing development comprising of 8 dwellings over basement car parking for 12 vehicles pursuant to SEPP (Affordable Rental Housing) 2009* at 14-16 Brallos Avenue, Holsworthy.

The proposed development consists of the following details:

- Removal of 3 large sized mature trees of varying heights from 7, 16 and 17m along the street frontage.
- Demolition of 2 existing single storey dwelling houses of fibro walls and tile roof construction and ancillary structures located at the rear and side yards comprising of a carport, 2 small sheds, a timber patio and a large garage.
- Construction of 2 rectilinear buildings with the longer sides running parallel to the Barallos Avenue frontage. The building at front has an overall dimension of 23.2m x 11.71m and the building to the rear is 26.34m x 8.06m. The building blocks are separated by a distance of 5.9m on the first floor level.
- Front and rear building setbacks are 5.79m and 4.95m, respectively. The side setbacks are varying from 1m, 2.96m and 2.235m to the property boundary while the eastern side building setbacks are 3.463m, 3.75m and 2.235m to the property boundary.
- The front building comprises 4 attached 2-storey multi dwelling units each with ground floor level open plan of combined kitchen, living and dining space adjoining an outdoor alfresco that extends into the landscaped private open space. A toilet/wash and laundry enclosure occupy the undercroft of the stairway. The first floor level of each unit contains 3 bedrooms with robes and 2 bedrooms share a common T/B. The master bedroom features an ensuite T/B and external balcony with a northerly aspect that also overlooks into the street below.
- The rear building comprises 4 attached 2-storey multi dwelling units with similar ground floor open plan configuration as the front building. The first floor levels upper levels comprise of 2 x 3-bedroom units and 2 x 2-bedroom units.
- The units on the front building have direct access to the street through walkways that link their front doors to individual entry porches and walkways to the public footpath. The rear units are accessed through a 1.5m wide walkway that stretch along the northwestern boundary from the street frontage to the mid-section of the site and it cuts across towards the western boundary providing access and frontage to the rear units. The walking distance from the street frontage to the doorway of the farthest unit (Unit 5) is approximately 24m.
- Construction of a concrete ramp to access basement carparking and a pedestrian walkway to the rear units.
- Car parking for 12 vehicles is provided in the basement level which occupies approximately half of the site and can be accessed through a 6m wide driveway that comes off Barallos Avenue and runs parallel to the northwestern property boundary. The basement level contains 8 storage rooms, one for each unit. Two stairways from the basement to the ground floor level are provided, one to access each building.

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- Two bin areas are provided, one located to the side of Unit 4, approximately 5m from the street frontage and another to the rear in front of Unit 5 located approximately 24m walking distance from the street frontage.
- One undesignated unit is proposed to be dedicated for affordable housing for a period of 10 years.
- The proposed building is to be constructed of brickwalls with rendered features, pitched roofs of colorbond metal construction and aluminium framed windows.

An extract of the proposed landscape plan and a street perspective are provided in Figure 3 below.



View of the proposal from the street



Landscape Plan showing site layout.

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Figure 3: Perspective and landscape plans

5. STATUTORY CONSIDERATIONS

Zoning

The subject site is Zone R3 - Medium Density Residential pursuant to the LLEP 2008. An extract of the zoning map is provided in Figure 4 below.



Figure 4: Zoning Map (source: Geocortex)

5.1 Relevant matters for consideration

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

- State Environmental Planning Policy (Affordable Rental Housing) 2009;
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (deemed SEPP);
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- Liverpool Local Environmental Plan (LLEP) 2008;

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- Liverpool Development Control Plan (LDCP) 2008;
 - Part 1: General Controls for All Development; and
 - Part 3.6: Multi-Dwelling Housing (Villas and Townhouses) in the R3 and R4 zones

Contributions Plans

- Liverpool Contributions Plan 2009 applies to this 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 (Affordable Rental Housing) 2009

The SEPP (ARH) 2009 is the applicable Environmental Planning Instrument as it contains specific provisions in relation to the proposed development, being multi dwelling housing. The application has been assessed against the relevant provisions of this SEPP and compliance tables are contained in Attachment 2 of this report.

The development is found to be unsatisfactory with regards to Clause 10 of SEPP (ARH) 2009, as follows:

Clause 10 Development to which Division applies

The eligibility test for a site to qualify under Division 1 In-fill affordable housing are outlined in Clause 10 as follows:

- (1) *This Division applies to development for the purposes of dual occupancies, multi dwelling housing or residential flat buildings if:*

Comment:

The proposal is for a multi dwelling housing development.

- (a) *the development concerned is permitted with consent under another environmental planning instrument, and*

Comment:

The proposal is located in a R3 Medium Density Residential Zone where multi dwelling housing is permissible.

- (b) *the development is on land that does not contain a heritage item that is identified in an environmental planning instrument, or an interim heritage order or on the State Heritage Register under the [Heritage Act 1977](#).*

Comment:

The site is not identified as containing a heritage item.

- (2) *Despite subclause (1), this Division does not apply to development on land in the Sydney region unless all or part of the development is within an accessible area.*

Comment:

In accordance with the ARH SEPP 2009, Part 1 Preliminary, Clause 4(1)(b), an accessible area is defined as follows:

(c) 400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the [Passenger Transport Act 1990](#)) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.

As a result of the assessment of the DA, the proposal was found to **not** be located in an 'accessible area', and therefore, Division 1 of the SEPP does not apply in this circumstance. The nominated bus stop (ID 217367) is not serviced by a bus route that complies with the frequency requirement specified in the above definition. The nominated bus route 902 (Liverpool to Holsworthy via Moorebank) timetable shows that no services are available between 9am to 10am on Sundays and Public Holidays.

The applicant proposed that the development relies on another bus stop and route in the opposite direction (Holsworthy to Liverpool via Moorebank) to fill the time gap. However, in accordance with the definition above, an approach that utilises mixed bus routes and bus stops is not supported.

Further to the above, information gathered from the transport info website reveals that Bus Route 902 services the nominated bus stop (ID 217367) only once daily (at 15:07) from Monday to Friday and no weekend and holiday services.

In this regard, the nearest bus stop from the site that is serviced by Bus Route 902 is the Walder Rd and Meehan Ave bus stop (ID2170130), which is at a walking distance of 547m from the site.

No alternative bus stop and route has been offered by the applicant that is considered to meet the definition of an 'accessible area'. Based on the information provided by the applicant at this stage, the site fails the accessibility requirement and does not qualify to be assessed under Division 1 In-fill affordable housing.

Council officers have obtained legal advice which supports Council's interpretation that the clause requires the one bus stop to provide the level of service

Notwithstanding the above, the following additional components of the SEPP ARH have been assessed for the panel's consideration:

CI13 Floor space ratios

(1) This clause applies to development to which this Division applies if the percentage of the gross floor area of the development that is to be used for the purposes of affordable housing is at least 20 per cent.

(2) The maximum floor space ratio for the development to which this clause applies is the existing maximum floor space ratio for any form of residential accommodation permitted on the land on which the development is to occur, plus:

(a) if the existing maximum floor space ratio is 2.5:1 or less:

(i) 0.5:1—if the percentage of the gross floor area of the development that is used for affordable housing is 50 per cent or higher, or

(ii) Y:1—if the percentage of the gross floor area of the development that is used for affordable housing is less than 50 per cent, where:

AH is the percentage of the gross floor area of the development that is used for affordable housing.

Y = AH ÷ 100

Comment:

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The proposed multi dwelling was designed by the applicant on the premise that it is located within an 'accessible area'. The FSR calculations under this clause are as follows:

Maximum FSR (LLEP 2008 - Floor space ratio map – sheet FSR-015) = 0.5:1 plus Area 2 bonus of 0.05 = 0.55:1

$Y = 800.15\text{m}^2 \times 20\% / 100 = 1.6$

Maximum FSR = 0.55 + 0.16 = 0.71:1

Proposed FSR = $376.74\text{m}^2 + 423.41\text{m}^2 = 800.15\text{m}^2 / 1183.28\text{m}^2 = 0.67:1 < 0.71$

The proposed application, if it were located within an 'accessible area', would comply with the FSR requirement pursuant to Division 1 of the SEPP ARH.

CI14 Standards that cannot be used to refuse consent

The following development standards on Division 1 of the SEPP ARH have been assessed as follows:

(1) *Site and solar access requirements*

(d) *deep soil zones if, in relation to that part of the site area (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) that is not built on, paved or otherwise sealed:*

(i) *there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15 per cent of the site area (the deep soil zone), and*

Comment:

The submitted architectural plans in particular Section 1 of Drawing Number 06 dated 11/22/17 shows that no sufficient depth for the deep soil area of Units 1 to 4 is provided. Sufficient planting depth is required to sustain the growth and survival of mature trees.

(e) *solar access if living rooms and private open spaces for a minimum of 70 per cent of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.*

Comment:

The site is oriented to the south and it is inherently difficult to achieve optimum solar access. The submitted shadow diagrams do not contain enough information to determine compliance with the 70% of the living rooms and POS of all units will receive at least 3 hours sunlight. It appears that only 50% compliance can be achieved.

2) *General*

A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:

(a) *parking if:*

(ii) *in any other case—at least 0.5 parking spaces are provided for each dwelling containing 1 bedroom, at least 1 parking space is provided for each dwelling containing 2 bedrooms and at least 1.5 parking spaces are provided for each dwelling containing 3 or more bedrooms,*

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Comment:

The development proposal contains 2 x 2 bedroom and 6 x 3 bedroom units. The parking provision requirement will be 2 x 1 parking space + 6 x 1.5 parking space or a total of 11 car parking spaces as per the SEPP ARH and there are 12 provided. However, as the site is not located in an 'accessible area', the proposal should comply with the LDCP 2008 Part 1.

As per the LDCP 2008, multi-dwelling parking requirements for dwellings between 65-110m² is 1.5 spaces plus visitors parking at a rate of 1 per 4 dwellings in accordance with the LDCP. The total parking requirement is 14 car parking spaces and only 12 are proposed.

- (b) *dwelling size if each dwelling has a gross floor area of at least:*
- (iii) *70 square metres in the case of a dwelling having 2 bedrooms, or*
- (iv) *95 square metres in the case of a dwelling having 3 or more bedrooms.*

Comment:

The dwelling area of Units 7 & 8 are 91m² and 89m² respectively, both of which fall short of the 95m² minimum area requirement for a 3 bedroom dwelling.

As per the above assessment, Division 1 of the ARH SEPP cannot be applied to the proposed development and cannot be considered as part of the assessment of this application. Notwithstanding this, the proposal is considered to be inconsistent with Cl 14 with regards to solar access, deep soil and dwelling size development standards. Accordingly, the proposed development is not considered to be an acceptable form of development if Division 1 of the ARH SEPP 2009 were applied.

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

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

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

It is considered that the proposal satisfies the provisions of the GMREP No.2 subject to appropriate sedimentation and erosion controls being implemented during construction. The DA was referred to Council's Land Development Engineering section who have raised no objection to water management associated with the proposal.

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

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

Aerial images from Council mapping system show that the site appears to have been used for residential purposes at least since 2002.

Based on the historic use of the site, there is considered to be a low potential for contamination and as a result further contamination investigation is not considered to be necessary at this stage. If the application were approved, conditions could be imposed to address any contamination that is discovered as a result of works at the site.

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With regard to the above, the proposal is considered to satisfy the relevant objectives and provisions of SEPP 55 and it is considered that the subject site is suitable for the proposed development.

(d) State Environmental Planning Policy (BASIX) 2004

In accordance with this SEPP, 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 all dwellings.

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

(f) Liverpool Local Environmental Plan 2008

(i) Permissibility

The subject site is Zoned R3 – Medium Density Residential. The proposed development for “multi dwelling housing” is permissible with consent in the zone pursuant to LLEP 2008.

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

(iii) Objectives of the zone

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

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

Notwithstanding the inconsistencies with Division 1 of the SEPP ARH 2009, the proposal for a multi dwelling development is considered to be generally compatible with the objectives of the zone as it will enable the provision of additional housing for the community and add to the diversity of housing types. However, at this stage, it is considered incompatible with the existing low density housing character as the proposed development fails to demonstrate how the introduction of basement carparking would be consistent with the current streetscape.

(iv) Principal Development Standards and Provisions

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

Part 4 Principal Development Standards

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Development Provision	Requirement	Proposed	Complies
CI 2.7 Demolition requires development consent	The demolition of a building or work may be carried out only with development consent.	Demolition consent is sought as part of this application.	Yes
4.1 Minimum subdivision lot size	A minimum lot size of 300sqm and 450sqm applies to the site.	No subdivision is proposed	N/A
4.3 Height of Buildings	As per Height of Buildings Map 8.5m (Height of building – sheet HOB-015)	Dwellings include a maximum building height of 6.9m (21.26-14.35) <8.5m	Yes
4.4 Floor Space Ratio	As per the Floor Space Ratio Map Maximum FSR (LLEP 2008- Floor space ratio map – sheet FSR-015) = 0.5:1 plus Area 2 bonus of 0.05 = 0.55 :1	Proposed FSR = 376.74m ² + 423.41m ² = 800.15m ² /1183.28 m ² = 0.67:1 > 0.55:1 FSR is 21.8% over which is equivalent to 150m ² GFA calculations below: Ground Floor = 191.22m ² (Front) + 185.52m ² (rear) = 376.74m ² First Floor = 227.12m ² (Front) + 196.29m ² (rear) = 423.41m ²	No
4.6 Exceptions to development standards	Clause 4.6 Statement required to address the FSR exceedance listed above.	As per the ARH SEPP 2009 assessment above, the proposal cannot be considered as in-fill affordable housing and does not qualify for an FSR bonus. Accordingly, a Clause 4.6 Statement is required to be submitted by the applicant in order to justify any departure from Clause 4.4 of the LLEP 2008. No such statement has been provided to Council for assessment.	No

As demonstrated in the above compliance table, the proposed development is inconsistent with some of the applicable development standards and provisions of LLEP 2008, and is not considered to be acceptable development.

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 (Terraces, Townhouses and Villas) in the R3 and R4 zones. A detailed compliance table is provided in Attachment 3: LDCP 2008 Compliance Table.

As a result of the assessment of the proposal against the relevant LDCP 2008 provision, it is found to be non-compliant with the following controls:

LDCP 2008 Part 1: General Controls for all Development

- Section 20 – Car parking and access:

For multi-dwelling the required parking for dwellings (between 65-110m²) = 1.5 spaces. 8 units x 1.5 = 12, plus visitors parking at a rate of 1 per 4 dwellings, means 2 visitor car parking spaces. The total requirement is 14 car parking spaces at the site to service the proposal and only 12 are proposed.

LDCP 2008 Part 3.6: Multi Dwelling Housing (Terraces, Townhouses and Villas) in the R3 and R4 zones

- Section 3. Site Planning: The proposed site layout where Units 1-4 are arrayed to the front have POS areas that are impacted by overlooking from parallel Units 5-8 located to the rear. In addition, the rear first floor level bedroom windows of Units 1-4 are positioned directly opposite the first floor level windows of bedrooms of Units 5-8.
- Section 6. Landscape and Private Open Space: The designated deep soil zone does not have sufficient depth to support mature trees and the shadow diagrams submitted are not sufficient to demonstrate that 50% of POS will receive 3 hours of sunlight in mid-winter.
- Section 7. Cut and Fill, Building Design, Streetscape and Layout: The first floor of Units 5-8 have sill heights that could potentially overlook into the backyard of adjoining rear lots.
- Section 8. Car Parking and Access: The common driveway adjoins a retaining wall on both sides with no planting provided.
- Section 9. Landscaping and Fencing: The landscaping area provided specifically for DPZ is unlikely to support mature tree planting as required. The front elevation shows fencing to be solid brick or masonry approximately 1.2m high.

As a result of the above listed non-compliances with the DCP, the proposal is not considered to be an acceptable form of development, especially as the provisions of the ARH SEPP does not apply in this case.

The applicant has provided no justifications in response to address the above non-compliances.

Accordingly, the proposal is not considered to be an acceptable form of development as per the LDCP 2008 and is not supported in this regard.

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). If approved, appropriate conditions of consent can be imposed on the development.

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

Natural and Built Environment

The proposed development shows that no sufficient depth for the deep soil area of Units 1 to 4 is provided. Sufficient planting depth is required to sustain the growth and survival of mature trees.

The proposed site layout of the 2 dwellings blocks of Units 1-4 arrayed to the front have POS areas that are impacted by overlooking from parallel Units 5-8 located to the rear. This is exacerbated by the rear first floor bedroom windows of Units 1-4 that are positioned directly opposite the first floor level windows of Units 5-8.

The proposed development would result in the first basement car park to be built on Brallos Avenue. The likely impact on the existing character will be significant as the proposed site layout combines both the hardstand areas of the pedestrian access to the rear units and the basement driveway. This is heightened by its marked presence in-between the proposed 2 storey building block and the adjoining single storey dwelling devoid of architectural and landscaped treatment.

Accordingly, the development is considered to have a negative impact on the natural and built environment.

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.

Due to the design of buildings, there is considered to be unreasonable overlooking between dwellings. Accordingly, the proposal would have a negative social impact.

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

The proposed development relies on the provisions of Division 1 of the SEPP ARH, which does not apply and thus is not suitably designed for the site. In addition, there are several non-compliances with the LLEP 2008 and DCP 2008 controls that makes the proposal not suitable development for the site.

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

(a) Internal Referrals

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

DEPARTMENT	COMMENTS
Land Development Engineering	No objections subject to conditions of consent.

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Natural Environment/Landscaping	The landscaping plan, proposed species use appears generally appropriate for the proposed development. The Arborist report has been reviewed by Councils landscaping officer and no objections were raised.
Traffic and Transport	No objections subject to conditions of consent.

(b) Community Consultation

The proposal was notified from 14 to 29 May 2018 in accordance with the LDCP requirements. A total of 12 written objections to the proposed development were submitted to Council. Among the key issues raised in the submissions relate to the compliance with SEPP ARH 2009, inappropriateness the multi dwellings in the locality, increased traffic and on-street parking congestion, disturbance to character of the local area and the establishment of a planning approval precedent on a particular type, scale and design in the local area.

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

Issues	Comment
SEPP ARH	
<ul style="list-style-type: none"> Does not state that application is made under the SEPP ARH. The proposal does not meet the affordable housing distance from a bus stop and other requirements are not met. Timetable for bus stop 217380 for bus route 902 Holsworthy to Liverpool does not meet the Sunday requirement of hourly buses within 8:00 to 18:00. Only one unit is allocated for affordable housing but the rest will be sold or leased to the private sector which means that the rest will either be sold or leased to the private market with 2 cars. 	<ul style="list-style-type: none"> The application and the SEE states that the application is made under the SEPP ARH. However the accessibility requirement was not adequately addressed and resolved by the applicant. While the site is within the 400m walking distances to the nominated bus stop, the nominated timetable (902) do not comply with the frequency of bus service as previously discussed. In addition, the bus stop is serviced by 902 just once a day and not on the weekends or public holidays. The parking provision is based on the SEPP ARH and relies on the site being in an accessible area. Therefore, the site is not eligible under Division 1 of the SEPP and the car parking provision proposed is found to be deficient as per the LDCP 2008.
Liverpool Local Environmental Plan 2008	
<ul style="list-style-type: none"> When was the land rezoned for quad occupancy Non compliant with medium density zoning 	<ul style="list-style-type: none"> The site is in Zone R3 – Medium Density Residential pursuant to LLEP 2008. The proposed development of “multi dwelling housing,” is permissible with consent in the R3 zone.
Car parking & Traffic	
<ul style="list-style-type: none"> Number of car parking is insufficient for the number of units. Street currently enjoys adequate parking and traffic conditions. Each property has current capacity for off street parking along the narrow street. The result will be 	<ul style="list-style-type: none"> The 12 car parking spaces provided complies with the 11 spaces required under the SEPP ARH. Since the site does not qualify under the SEPP ARH, the parking requirement applicable for multi-dwelling applies. Using the GFA, required

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Issues	Comment
<p>an overflow of car parking in the street impacting on safety and amenity.</p> <ul style="list-style-type: none"> • Brallos Ave is a cul-de-sac with a park which is enjoyed by young families and small children. Increased traffic would increase the danger to small children. • Brallos Avenue is a dead end street with no through traffic that is entered through Derna Avenue that is a narrow street. • It will be difficult for garbage/waste vehicles to traverse the street due to increased vehicles and disposal bins. When they do we cannot overtake a garbage truck • Surrounding streets (Derna and Ambon) are already congested. • The proposal does not align with Delivery Program Plan 2008 – manage traffic and road safety on the local road network. No visitor parking is provided and disabled parking is not on the plan. • The application does not meet the SEPP ARH requirement and carparking must be under the LDCP Part 3.2 that of 2 carparking spaces shall be provided for each dwelling. • There appears to be conflict between the NSW Government and Council requirements • Will the Shell Service station at the end of Brallos be opened to let traffic in and out. 	<p>parking for dwellings between 65-110m² = 1.5 spaces or 8 units x 1.5 = 12 spaces plus visitors parking at a rate of 1 per 4 dwellings or 2 visitor car parking spaces. Total requirement is therefore 14 car parking spaces but only 12 are provided.</p> <ul style="list-style-type: none"> • Brallos Avenue has a limited access shareway where it adjoins Brallos Park. • Garbage and emergency vehicles are still able to traverse the street.. • The submitted Traffic Assessment report submitted with this application section was reviewed by the Traffic and Transport unit of the council and no objections were raised with regards to traffic congestion matters or on-street parking availability and road width • Visitors and disabled parking is not required under the SEPP ARH. However, since the site is not located in an 'accessible area' it is required to provide carparking according to the LDCP 2008 • The SEPP ARH takes precedence over the LEP and DCP. • The service station does not form part of this application.
Privacy	
<ul style="list-style-type: none"> • Insufficient protection of privacy and amenity of neighbouring properties. • The window location and sill heights did not comply with LDCP controls 	<ul style="list-style-type: none"> • The first floor bedroom windows of Units 1-4 and 1-5 are located directly opposite each other, which is considered unacceptable as per the DCP • The sill heights are 0.8m & 0.3m < 0.9m. This is not acceptable. The first floor bedroom windows of Units 5-8 overlook into the POS of units 1-4 and is not acceptable in the DCP
Overshadowing	
<ul style="list-style-type: none"> • Fails to meet development controls on overshadowing on units within the site and on adjoining properties to the sites. • The only dwellings that do not have significant overshadowing on their POS are Units 4 & 5. 	<ul style="list-style-type: none"> • The ARH SEPP requires 70% of the Units to achieve sufficient solar access in mid-winter. The submitted shadow diagrams are inconclusive but it appears that only 50% (4 Units) appears to achieve the prescribed 3 hours solar access for the POS and living area in mid winter. • Adjoining neighbours receive minimum solar access requirements.
Overlooking	

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Issues	Comment
<ul style="list-style-type: none"> • Fails to meet all the development controls. It overlooks into Lots 25,28,63,64 and 65 of DP219461. In particular the privacy and open space of Lots 64 & 65. • The windows appear non-compliant 	<ul style="list-style-type: none"> • Rear yards (POS) of Lots 64 and 65 will be impacted by overlooking from first floor bedrooms of Units 7 & 8. Lot 65 and the adjoining No. 12 Brallos Ave. have backyard swimming pools that will potentially be overlooked into from these units. • The sill heights are 0.8m & 0.3m<1.2m. The sill heights are not acceptable under the DCP.
<ul style="list-style-type: none"> • Fails to meet setback requirements 	<ul style="list-style-type: none"> • Setback requirements are complied with.
<p>Landscaping</p>	
<ul style="list-style-type: none"> • Trees proposed on Units 7 & 8 will potentially overshadow the POS of Lots 64 and 65. • The Sygium Cascade has a usual height of 2-3m and will not provide adequate screening • These plants have spring and summer flowers that pose risk to neighbours with respiratory reactions and reduces usability of the POS. • There are 2 large existing trees. They should remain due to their significance. 	<ul style="list-style-type: none"> • The submitted Landscape Plan nominates the 'Prima Donna' trees to be planted to the rear of Units 7 & 8. These trees reach a mature height of between 8-10m and a spread of 3-4m. • The Sygium Cascade are shrubs for mid-level screening and fencing, above these are the trees as noted above. • Council has a list of recommended plant species in the DCP that can be nominated in any condition of consent. • Four (4) trees to the front of the building line were assessed in the submitted arborist report. The 2 large trees are both recommended for removal being on the location of the proposed driveway and OSD. • The Landscape plan and Arborist report was reviewed by Councils Natural Environment/Landscaping department who did not have any objections to planting selections and locations.
<p>Character of local area</p>	
<ul style="list-style-type: none"> • The SEE report fails to address the harmony with surrounding buildings. The surrounding area is primarily single or dual occupancy dwellings. • Overdevelopment which does not fit with the character of the local area. • Underground parking is not in keeping with the existing street character. 	<ul style="list-style-type: none"> • The SEE does not provide sufficient justification on how the proposal is harmony with the existing character of the street. • The submitted DA did not adequately address how the character of the local area will not be unreasonably impacted by its introduction to the streetscape.
<p>Health, Noise & Safety</p>	

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Issues	Comment
<ul style="list-style-type: none"> • Increase in the prospects of vermin due to the higher amount of rubbish • Put strain on the local piping, sewerage, draining and electricity. • Air-conditioning will increase noise • Noise and traffic from trucks and cars during construction • The carparking will require ventilation ventilation and car movement will affect those living immediately next to the site due to noise • Headlights will affect those living directly across the road. • Underground car park may cause structural damage due to the amount of earth to be removed and use of jack hammer. • The 2 existing dwellings are asbestos homes 	<ul style="list-style-type: none"> • A Waste Management Plan has been provided to by the applicant. • Services are assessed by the respective service providers • An Acoustic Report has been submitted that supported the proposed development subject to the engagement of a qualified acoustic consultant during the design stage. • If approved, conditions can be imposed that would protect adjoining structures during construction. • The proposal is not any different from any development that are impacted by headlights. These can be mitigated with the planting and driveway design. <p>Conditions of consent are imposed for proper demolition and disposal of asbestos, if any.</p>
<p>Services</p>	
<ul style="list-style-type: none"> • Additional drainage wastewater will put a strain on an already old and stressed drainage system. 	<ul style="list-style-type: none"> • If approved, conditions can be imposed that requires the applicant to consult with Sydney Water regarding waste water servicing requirements to support the development of the site.
<p>Property Prices</p>	
<ul style="list-style-type: none"> • Downward impact of housing prices for the remainder of the street. 	<ul style="list-style-type: none"> • The evidence on this is anecdotal and is not supported by any property study or investigation.
<p>Social Impact</p>	
<ul style="list-style-type: none"> • The statement that the proposal will increase the dwelling diversity by adding 8 units as affordable housing is misleading as only one unit is being provided for such. • The proposal will reduce the availability of single dwelling stock. • Increased traffic will reduce safe movement of children, pedestrians and other vehicles. • The proposal states that it encourages interaction given shared facilities on the sites. The basement and bin areas are designated as common property and are unlikely gathering places. • The proposal claims that proximity to public transport and parks will increase health and well-being. However, because of the overlooking and overshadowing, use of the POS will be reduced. Unsafe streets will result on children not using foot or bike to access nearby schools and parks. 	<ul style="list-style-type: none"> • The proposed development is designed to comply with the SEPP ARH provision of bonus FSR provided 20% of the gross floor area is to be used for affordable housing. • While the application is accompanied by a Social Impact Comment, it is considered to contain inaccurate claims including reference to communal areas which are non-existent and 'accessibility' of the site which is not supported by evidence. • There are safety concerns on the adjacency between the basement ramp and the pedestrian walkway to the rear units. The narrow pathway beside a drop of at least 2.5m may pose a risk to resident safety. This walkway that cuts across the midsection of the site pose a potential security and safety risk to residents as it does not have sufficient distance to allow passive surveillance.

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Issues	Comment
<ul style="list-style-type: none">Units 1-4 that face the street have obscured views from proposed planting that will disallow passive surveillance.	<p>This walkway provides a poor frontage to the rear dwellings and potentially cause neighbour conflicts as a result of nuisance, annoyance and odour from the bin storage area.</p> <ul style="list-style-type: none">The proposed planting to the front of Units 1-4 are well spaced to allow surveillance from the first floor balconies.
Statement of Environmental Effects	
<ul style="list-style-type: none">The submitted SEE document is clearly copied from an unrelated document as it mentions existing retail and commercial uses.Assessment of possible contamination in the SEE is erroneous. A proper contaminated land assessment under SEPP 55 should be conducted.Inaccurate diagrams. The shadows cast do not appear to be accurate.Storage spaces are not shown on the drawings.	<ul style="list-style-type: none">It is agreed that there are errors contained with the documentation accompanying the development applicationThe applicant has been allowed sufficient time to respond to deficiencies in the application and requests for additional information.

At this stage, the objections to the proposal remain unresolved and the development is not considered acceptable in that regard.

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

The proposed development is considered not to be in the public interest for reasons outlined in this report.

7. DEVELOPMENT CONTRIBUTIONS

A Section 7.11 Development Contribution is applicable to the proposed development in accordance with Liverpool Contributions Plan 2009. As the application is recommended for refusal, no section 7.11 will be applied.

8. CONCLUSION

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

The proposed development has failed to demonstrate its eligibility to be determined under Division 1 of the SEPP ARH based on a non-complying bus route and timetable frequency. Resultantly, this ineligibility translates into unacceptable LEP and DCP breaches and inconsistencies.

Taking this into consideration with the unresolved submissions, received from local residents objecting to the proposal, it is recommended that the application be refused.

9. RECOMMENDATION

That Development Application DA-156/2017 for demolition of the existing structures and the construction of a multi dwelling housing development comprising of 8 dwellings over basement car parking for 12 vehicles, pursuant

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to state environmental planning policy (Affordable rental housing) 2009 be refused for the following reasons:

1. The proposed development does not achieve satisfactory compliance with the provisions of Clause 10(2), Division 1 in the SEPP (Affordable Rental Housing) 2009 (SEPP ARH) as the nominated bus stop is not serviced by a regular bus service, Clause 14(1)(i) where the DPZ provided does not have sufficient depth to support the growth of trees, Clause 14 (1)(e) by not providing 70% of the dwellings with at least 3 hours daily solar access to private open spaces and living rooms in mid-winter and Clause 16A as the design of the proposed development is not compatible with the existing local character, pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.
2. The proposed development does not achieve satisfactory compliance with Clause 4.4 – Floor Space ratio of the Liverpool Local Environmental Plan (LEP) 2008 as the maximum floor space ratio of 1:0.55 is exceeded by 21.8% equivalent to 150m², pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.
3. The proposed development does not achieve satisfactory compliance with the relevant controls as stipulated in the Liverpool Development Control Plan (DCP) 2008 Part 1 – General controls for all development Section 20 Carparking and Access, regarding provision for parking and Section 25 Waste Disposal and Re-use facilities, regarding the location of the bin bay relative to street collection. In addition, it does not achieve satisfactory compliance with the relevant controls as stipulated in Liverpool Development Control Plan (DCP) 2008 Part 3.6 in Section 3 - Site Planning regarding visual intrusion, overlooking and privacy, pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979.
4. The design of the proposal will not provide an acceptable level of amenity to the future occupants as a result of overlooking and is likely to result in an adverse impact to the existing streetscape character of the local area, pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979.
5. The proposed development is not considered to be acceptable having regard to the concerns raised during the exhibition of the proposal, pursuant to the provisions of Section 4.15(1)(d) of the Environmental Planning and Assessment Act 1979.
6. It is considered in the circumstances of this case, approval of the development would set an undesirable precedent for similar inappropriate development and is therefore not in the public interest, pursuant to the provisions of Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979.

10. ATTACHMENTS

Attachment 1: Plans of the proposal

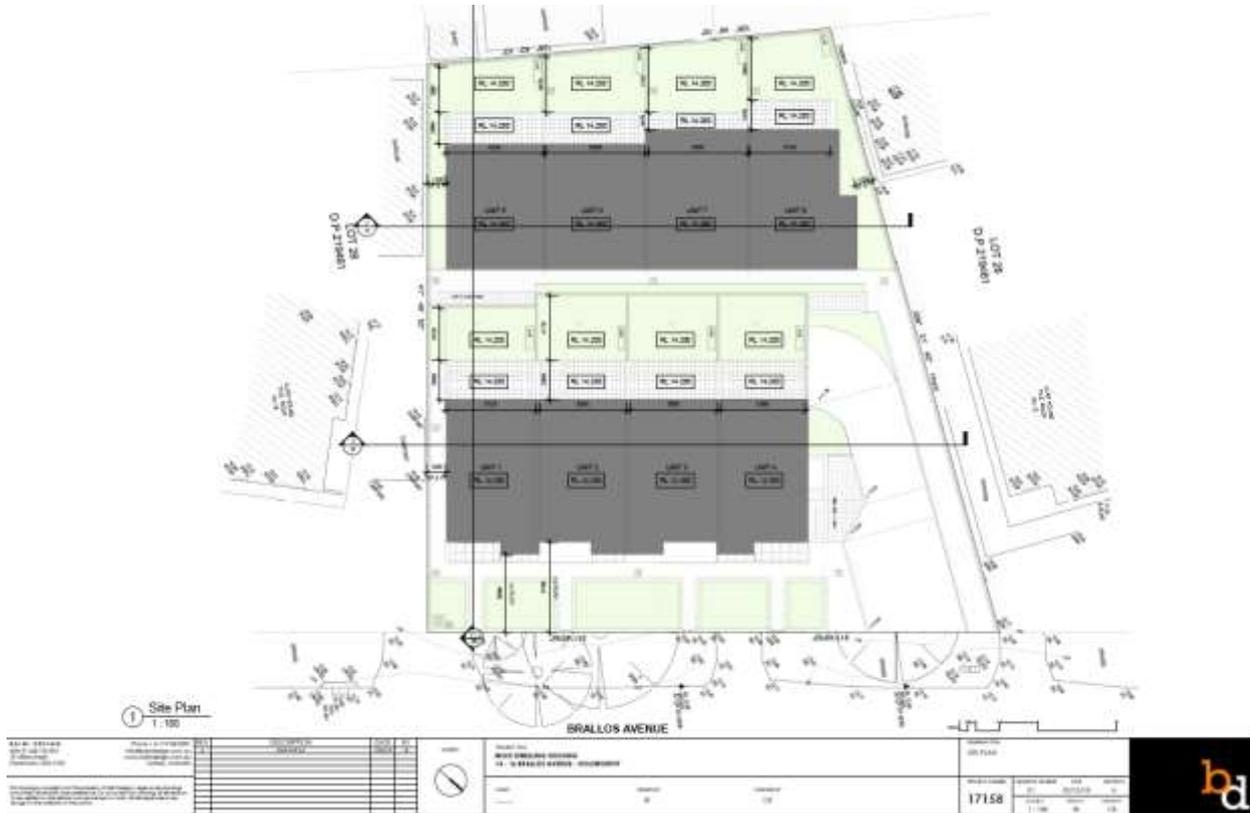
Attachment 2: SEPP ARH Compliance Table

Attachment 3: LDCP 2008 Compliance Table

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ATTACHMENT 1: PLANS OF THE PROPOSAL



SITE PLAN

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SECTIONS



SCHEDULE OF MATERIALS AND FINISHES

REFERENCE	ELEMENT	MATERIAL	FINISH / SPECIFICATION
01	EXTERNAL WALL	FACE BRICK	FACE BRICK - AUSTRAL WISCH / BUCOTTI
02	EXTERNAL WALL	READY MIX PLASTER	READY MIX PLASTER OR EQUIVALENT
03	EXTERNAL WALL	READY MIX PLASTER	READY MIX PLASTER OR EQUIVALENT
04	EXTERNAL WALL	READY MIX PLASTER	READY MIX PLASTER OR EQUIVALENT
05	EXTERNAL WALL	READY MIX PLASTER	READY MIX PLASTER OR EQUIVALENT
06	ROOF	COLORBOND ROOF	COLORBOND ROOF
07	GARAGE DOOR	CONCRETE	CONCRETE
08	DRIVEWAY	CONCRETE	CONCRETE

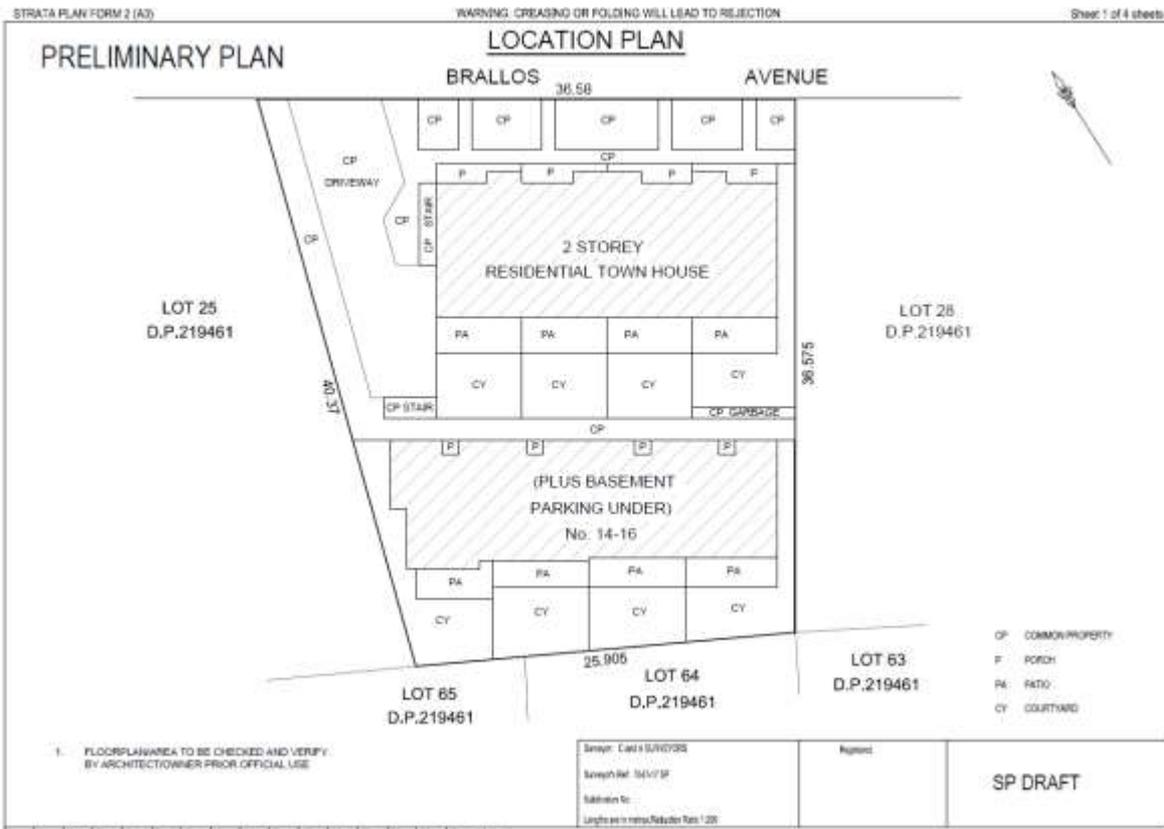
<p>DATE: 29/10/18 DRAWN BY: [Name] CHECKED BY: [Name]</p>	<p>PROJECT: [Name] ADDRESS: [Address]</p>	<p>SCALE: 1:100</p>	<p>DATE: 29/10/18</p>	<p>BY: [Name]</p>	<p>17158</p>	
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SCHEDULE OF FINISHES

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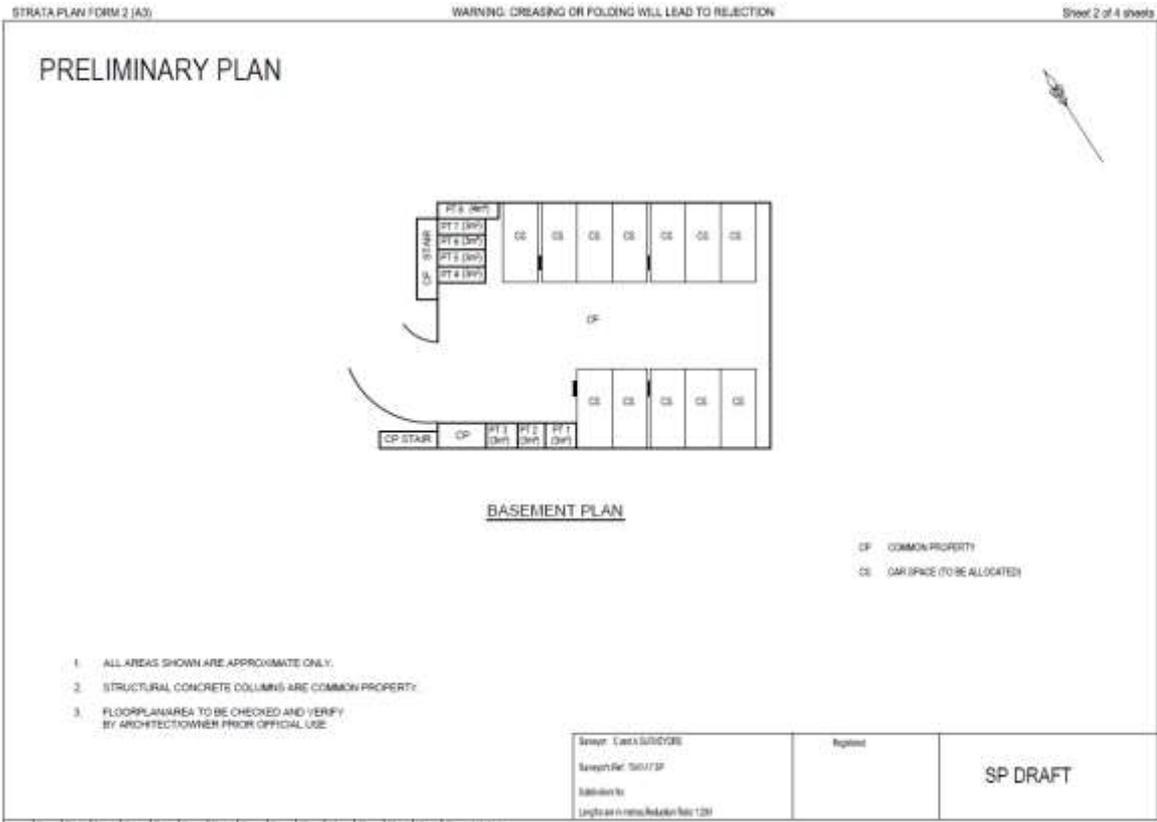
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LANDSCAPE PLAN



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STRATA PLANS

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ATTACHMENT 2: SEPP ARH COMPLIANCE TABLE

Provision	Requirement	Proposed	Complies
Division 1 In-fill affordable housing			
<p>C110 Development to which Division applies</p>	<p><i>(1) This Division applies to development for the purposes of dual occupancies, multi dwelling housing or residential flat buildings if:</i></p> <p><i>(a) the development concerned is permitted with consent under another environmental planning instrument, and</i></p> <p><i>(b) the development is on land that does not contain a heritage item ...</i></p>	<p>The site is located in zone R3 medium density pursuant to the LLEP 2008. The proposed development for 'multi dwelling' housing is a permissible use in that zone.</p> <p>Council mapping does not identify any heritage items heritage item (as identified by Schedule 5 of LLEP 2008) on the site, or within the vicinity of the site.</p>	<p>Yes</p> <p>Yes</p>
	<p><i>(2) Despite subclause (1), this Division does not apply to development on land in the Sydney region unless all or part of the development is within an accessible area.</i></p> <p>Under the SEPP, "accessible area" is defined as land being within "400 metres walking distance of a bus stop used by a regular bus service that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.</p>	<p>The SEE nominated bus stop = Bardia Pde at Brallos Ave. (ID 217367) is located 350m from the site.</p> <p>It is serviced by bus route 902 that does not meet the frequency requirement.</p> <p>No compliant bus stop/service has been provided by the applicant.</p>	<p>No</p> <p>See discussion below</p>
<p><u>Accessibility</u></p> <p>The site is not located in an 'accessible area', and therefore, Division 1 does not apply. The nominated bus stop (ID 217367) is not serviced by a bus route that complies with the frequency requirement. The nominated bus route 902 (Liverpool to Holsworthy via Moorebank) timetable shows that no services are available between 9am to 10am on Sundays and Public Holidays and therefore fails to comply.</p> <p>The applicant offered the opposite direction (Holsworthy to Liverpool via Moorebank) to fill the time gap. However Council does not support this approach of mixed bus routes and bus stops.</p>			

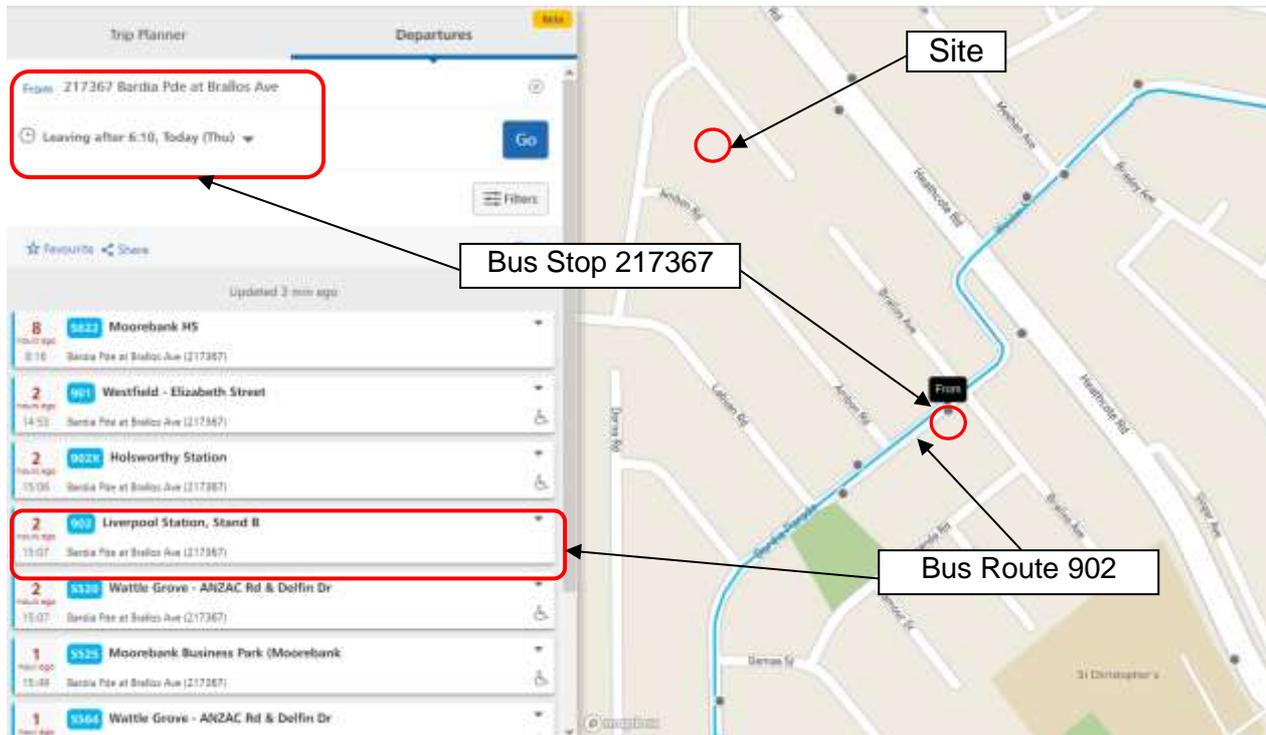
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Provision	Requirement	Proposed	Complies
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Moreover, a simple query from the transport info website reveals that Bus Route 902 services the nominated bus stop (ID 217367) only once daily (15:07) from Monday to Friday and no weekend and holiday services.



The nearest bus stop from the site (14-16 Brallos Ave) serviced by the route is the Walder Rd at Meehan Ave (ID2170130) which requires a walking distance of 547m which falls off the distance.

No alternative bus stop and bus route has been offered and based on the information provided by the applicant, the site fails the accessibility requirement.

Note: At this point, the other provisions of Division 1 cannot be applied to the site. However, to provide clarity and context, the other standards have also been considered.

<p>C113 Floor space ratios</p>	<p>(2) <i>The maximum floor space ratio for the development to which this clause applies is the existing maximum floor space ratio for any form of residential accommodation permitted on the land on which the development is to occur, plus:</i></p> <p>(a) <i>if the existing maximum floor space ratio is 2.5:1 or less:</i></p> <p>(ii) <i>Y:1- if the percentage of the gross floor area of the development that is used for affordable housing is less than 50 per cent, where:</i></p>	<p><u>GFA calcs.</u></p> <p>Ground Floor = 191.22m² (Front) + 185.52m² (rear) = 376.74m²</p> <p>First Floor = 227.12m² (Front) + 196.29m² (rear) = 423.41m²</p> <p>Total GFA = 376.74m² + 423.41m² = 800.15m²</p> <p>Proposed FSR = 800.15m²/1183.28m² = 0.67:1 < 0.71:1</p>	<p>Yes, See discussion below</p>
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Provision	Requirement	Proposed	Complies
	<p><i>AH is the percentage of the gross floor area of the development that is used for affordable housing.</i></p> <p>$Y = AH \div 100$</p> <p>Maximum FSR (LLEP 2008- Floor space ratio map – sheet FSR-015) = 0.5:1 plus Area 2 bonus of 0.05 = 0.55 :1</p> <p><u>If in an accessible area:</u></p> <p>$Y = 800.15m^2 \times 20\% / 100 = 1.6$</p> <p>Max FSR = 0.55 + 0.16 = 0.71:1</p>		
<p><u>FSR (Floor space ratio)</u></p> <p>The site is not located in an accessible area and is not eligible for the FSR bonus under the SEPP ARH. The applicable FSR requirement is 0.55:1.</p> <p>The proposed FSR = $376.74m^2 + 423.41m^2 = 800.15m^2 / 1183.28m^2 = 0.67:1 > 0.55:1$ or 21.8% over</p>			
<p>CI14 Standards that cannot be used to refuse consent</p>	<p>(1) Site and solar access requirements</p> <p>(b) Site area</p> <p>Site area – minimum of 450m²</p>	<p>Site area = 1176.1m² > 450m²</p>	<p>Yes</p>
	<p>(c) Landscaped area if:</p> <p><i>(ii) in any other case—at least 30 per cent of the site area is to be landscaped</i></p> <p>Landscaped area required = 805.6m² x 0.3 = 241.68m²</p> <p>landscaped area means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.</p>	<p>Landscaped area provided = 338m² > 241.68m²</p>	<p>Yes</p>
	<p>(d) Deep soil zones</p> <p><i>(i) there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15 per cent of the site area (the deep soil zone), and</i></p>	<p>The designated deep soil area for Units 1-4 are located above the basement level and no sufficient information is provided to conclude that</p>	<p>No</p> <p>See discussion below</p>

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Provision	Requirement	Proposed	Complies
	<p>The required DSZ is = 15% x 805.6m² = 120.84 m²</p> <p>(ii) each area forming part of the deep soil zone has a minimum dimension of 3 metres, and</p> <p>(iii) if practicable, at least two-thirds of the deep soil zone is located at the rear of the site area,</p>	<p>mature trees can survive.</p> <p>Provided DSZ = 174.4m² > 120.84 m² However</p> <p>Minimum dimensions = 3m</p> <p>2/3 of 120.84m² to the rear = 120.3</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
	<p>(e) Solar access</p> <p>if living rooms and private open spaces for a minimum of 70 per cent of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.</p>	<p>The information on the shadow diagrams submitted are not enough to conclude that sufficient solar access can be achieved.</p>	<p>No</p> <p>See discussion below</p>
	<p>(2) General</p> <p>(a) parking if:</p> <p>(ii) in any other case—at least 0.5 parking spaces are provided for each dwelling containing 1 bedroom, at least 1 parking space is provided for each dwelling containing 2 bedrooms and at least 1.5 parking spaces are provided for each dwelling containing</p> <p>2 x 2 Bedroom = 1 x 2 units = 2 parking spaces</p> <p>6 x 3 Bedroom = 1.5 x 6 units = 9 parking spaces</p> <p>Total required = 11 parking spaces</p>	<p>Provided = 11 basement parking spaces.</p>	<p>Yes</p>
	<p>(b) dwelling size if:</p> <p>each dwelling has a gross floor area of at least:</p> <p>(i) 35 square metres in the case of a bedsitter or studio, or</p> <p>(ii) 50 square metres in the case of a dwelling having 1 bedroom, or</p> <p>(iii) 70 square metres in the case of a dwelling having 2 bedrooms,</p>	<p>Unit 1 = 99 m² - 3br >95</p> <p>Unit 2 = 99 m² - 3br > 95</p> <p>Units 3 = 99 m² - 3br > 95</p> <p>Unit 4 = 99 m² - 3br > 95</p> <p>Unit 5 = 99 m² - 2br >70</p> <p>Unit 6 = 86m² - 2br >70</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

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Provision	Requirement	Proposed	Complies
	<p>or</p> <p>(iv) 95 square metres in the case of a dwelling having 3 or more bedrooms.</p>	<p>Unit 7 = 91 m² - 3br > 95</p> <p>Unit 8 = 89 m² - 3br < 95</p>	<p>No</p> <p>No</p> <p>See discussion below</p>
	<p>(3) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2).</p>	<p>Subclause (1) and (2) are complied</p>	<p>N/A</p>
<p><u>Deep Soil</u></p> <p>The submitted architectural plans in particular Section 1 of Sheet 06) does not show sufficient depth for the deep soil area of Units 1 to 4 being directly above the basement level and there is not enough space between the basement and ground floor levels to accommodate sufficient planting depth to sustain the growth and survival of mature trees.</p> <p><u>Solar Access</u></p> <p>The site is orientated to the south and generally difficult to achieve solar access. The submitted shadow diagram do not contain enough information to determine compliance with the 70% of the living rooms and POS of all units will receive at least 3 hours sunlight. It appears that only 50% compliance can be achieve.</p> <p><u>Dwelling size</u></p> <p>The dwelling are of Units 7 & 8 of 91m² and 98m² respectively, fall short of the 95m² minimum area requirement for a 3 bedroom unit.</p>			
<p>C115 Design Requirements</p>	<p>(1) A consent authority must not consent to development to which this Division applies unless it has taken into consideration the provisions of the <i>Seniors Living Policy: Urban Design Guidelines for Infill Development</i> published by the Department of Infrastructure, Planning and Natural Resources in March 2004, to the extent that those provisions are consistent with this Policy.</p> <p>(2) This clause does not apply to development to which clause 4 of State Environmental Planning Policy No 65—Design Quality of Residential Apartment</p>	<p>This requirement was provided subsequent to the request for additional information after it was not covered in the original submission.</p>	<p>Yes</p>

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Provision	Requirement	Proposed	Complies
	Development applies.		
CI16A Character of local area	A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.	The character of the local area discussed in the SEE did not elaborate or justify the issue of the introduction of a basement ramp/parking that is a significant departure from the existing streetscape. This was discussed in the pre-DA.	No
CI17 Must be used for affordable housing for 10 years	(1) A consent authority must not consent to development to which this Division applies unless conditions are imposed by the consent authority to the effect that: (a) for 10 years from the date of the issue of the occupation certificate: (i) the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and (ii) all accommodation that is used for affordable housing will be managed by a registered community housing provider, and (b) a restriction will be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the <u>Conveyancing Act 1919</u> , that will ensure that the requirements of paragraph (a) are met.	A condition of consent will be imposed to ensure that prior to Occupation Certificate, a restriction to be registered against the title will requiring the following: (a) for 10 years from the date of the issue of the occupation certificate: i. the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and ii. all accommodation that is used for affordable housing will be managed by a registered community housing provider.	N/A
18 Subdivision	Land on which development has been carried out under this Division may be subdivided with the consent of the consent	No subdivision is proposed as part of application.	N/A

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Provision	Requirement	Proposed	Complies
	authority		

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ATTACHMENT 3: LDCP 2008 COMPLIANCE TABLE

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Controls	Requirement	Proposed	Comment
Part 1 General Controls for all Development			
Section 2 – Tree Preservation	Consider impact of development on existing vegetation	Three (3) on-site trees are proposed to be proposed removed. This will be replaced with 3 new trees to the frontage. Arboricultural Assessment and Tree Management Report is provided.	Yes
Section 3 – Landscaping and Incorporation of existing trees	Incorporation of existing trees into development where appropriate	One existing tree (on the road reserve) is proposed to be retained	Yes
	Section 3.1 requires any development to be at least 3m from the existing tree.	The existing tree is located on the road reserve is sufficiently distanced from any development.	Yes
Section 4 – Bushland and Fauna Habitat Preservation	Consider impact of development on bushland and habitats	No bushland or habitats are at threat by the proposed development	N/A
Section 5 – Bushfire Risk	Land on or adjacent to bushfire prone land to comply with RFS requirements	Site is not mapped as bushfire prone land	N/A
Section 6 – Water Cycle Management	Consideration of stormwater and drainage	Stormwater plans was reviewed by Council's Land Development Engineers.	Yes
Section 7 – Development Near a Watercourse	Consideration of impact to riparian corridors	Development does not impact on the near watercourse.	N/A
Section 8 – Erosion and Sediment Control	Sediment Control Plan or Soil and Water Management Plan required	Sediment control details are provided on submitted plans (Demolition Plan)	Yes
Section 9 – Flooding Risk	Flood affection of property to considered	Site is not affected by the flood planning area and flood related development controls do not apply.	N/A
Section 10 – Contaminated Land Risk	Previous use to be considered in assessing risk	See discussion above on SEPP 55.	Yes

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Section 11 – Salinity Risk	Salinity Management response required for affected properties	To comply with BCA requirements	Yes																																												
Section 12 – Acid Sulfate Soils Risk	Affected properties to consider impact of development on soils	No significant excavation over 5m is proposed. Site is identified as Class 5 on the Acid Sulfate Soils map.	Yes																																												
Section 13 - Weeds	Noxious weeds to be removed as part of development where applicable	No noxious weeds were identified as being present on the site.	N/A																																												
Section 14 – Demolition of Existing Development	Must comply with AS 2601-2001	Demolition is proposed. A Waste Management Plan was submitted. Conditions will be imposed	Yes																																												
Section 15 – Onsite Sewage Disposal	S68 Application required where connection to sewer not available	The site is connected to sewer	Yes																																												
Section 16 & 17 – Aboriginal Archaeology	AHIA required where items of aboriginal archaeology exist	Property is not associated with items of aboriginal archaeology or heritage items.	N/A																																												
Section (18) – Notification	Notification to be notified in accordance with Table 9 Level of Notification or Advertising.	Notification was conducted between 14-29 May 2018. 12 submissions were received.	Yes																																												
Section 20 – Car and parking access	<p>1.5 spaces per medium dwelling (65-110m²) or 2 bedrooms.</p> <p>2 spaces per large dwelling (>110m²) or 3/4 bedrooms.</p> <p>1 visitor car space per for every 4 dwellings or part thereof.</p> <p>Using the gross floor area rate, a total of 11 car parking spaces are required as follows:</p> <table border="1"> <thead> <tr> <th>Unit</th> <th>Area (m²)</th> <th>bed</th> <th>parking spaces</th> </tr> </thead> <tbody> <tr><td>1</td><td>99</td><td>3</td><td>1.5</td></tr> <tr><td>2</td><td>99</td><td>3</td><td>1.5</td></tr> <tr><td>3</td><td>99</td><td>3</td><td>1.5</td></tr> <tr><td>4</td><td>99</td><td>3</td><td>1.5</td></tr> <tr><td>5</td><td>92</td><td>2</td><td>1.5</td></tr> <tr><td>6</td><td>86</td><td>2</td><td>1.5</td></tr> <tr><td>7</td><td>91</td><td>3</td><td>1.5</td></tr> <tr><td>8</td><td>89</td><td>3</td><td>1.5</td></tr> <tr><td colspan="3">Visitor parking</td><td>2</td></tr> <tr><td colspan="3">Total</td><td>14</td></tr> </tbody> </table>	Unit	Area (m ²)	bed	parking spaces	1	99	3	1.5	2	99	3	1.5	3	99	3	1.5	4	99	3	1.5	5	92	2	1.5	6	86	2	1.5	7	91	3	1.5	8	89	3	1.5	Visitor parking			2	Total			14	<p>Provided = 11 basement car parking <14 required (incl 2 visitors).</p> <p>See also discussion on parking in ATTACHMENT 2: SEPP ARH COMPLIANCE TABLE</p>	No
Unit	Area (m ²)	bed	parking spaces																																												
1	99	3	1.5																																												
2	99	3	1.5																																												
3	99	3	1.5																																												
4	99	3	1.5																																												
5	92	2	1.5																																												
6	86	2	1.5																																												
7	91	3	1.5																																												
8	89	3	1.5																																												
Visitor parking			2																																												
Total			14																																												

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	20.4 Internal Driveways in accordance with relevant Australian Standards.	Driveway dimensions as shown on plans are as follows: 3.5m <3.5	Yes
	20.5 Driveway Crossings shall be located a minimum distance from the following items: 0.5m from all drainage structures on the kerb and gutter; 1.0m from side property boundaries; 6m from a kerb tangent point of a street corner	Proposed basement driveway is built >1m to the western boundary line	Yes
Section 21 – subdivision of land buildings	20.4 Min width allowed in: R1, R2 300sqm 9m R1, R2 300sqm (Area 3) 9m R1, R2, R3 300sqm (Area 2) 8m R1, R4 300sqm (Area 1) 7m	Torrens Title subdivision is not proposed.	N/A
Section 22 – Water Conservation	New dwellings, including a residential component within a mixed-use building and serviced apartments intended or capable of being strata titled, are to demonstrate compliance with <i>State Environmental Planning Policy – Building Sustainability Index (BASIX)</i> .	BASIX Certificates have been provided which outline water and energy conservation commitments.	Yes
Section 23 – Energy Efficiency	Dwellings, including multi-unit development within a mixed use building and serviced apartments intended or capable of being strata titled, are to demonstrate compliance with <i>State Environmental Planning Policy – Building Sustainability Index (BASIX)</i> . A complying BASIX report is to be submitted with all development applications containing residential activities.	BASIX Certificates have been provided which outline water and energy conservation commitments.	Yes
Section 25 – Waste Management	Waste Management Plan shall be submitted for demolition, construction and on-going waste management.	A waste management plan has been submitted, which outlines procedures for demolition, construction and ongoing waste management.	Yes

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Development Control	Requirement	Proposed	Complies
LDCP 2008 - Part 3.6 Multi Dwelling Housing (Terraces, Townhouses and Villas) in the R3 and R4 zones			
2. Subdivision, Frontage and Lot Size	The minimum lot size for multi dwelling housing is 1,000m ² .	Site area= 1183.28m ² > 1,000m ² .	Yes
	The minimum lot width for multi dwelling housing is 22m. Where development pursuant to section 4 is proposed, the minimum lot width shall be 18m. ARH SEPP does not have provision for minimum lot width. However, the site has a width of 18.28m.	Site front width = 36.58m >22m	Yes
Section 3. Site Planning	Site layout should consider, and as far as possible minimise overshadowing, acoustic and visual intrusion on neighbouring and on site dwellings.	Units 1-4 arrayed to the front have POS areas that are impacted by overlooking from parallel Units 5-8 located on the rear. The rear first floor bedroom windows of Units 1-4 are positioned directly opposite the front first floor level of Units 5-8.	No
	There must be a direct link from at least one living area to the principal private open space.	A direct link is provided from the living areas to the principle private open space.	Yes
	The siting of windows of habitable rooms on the first floor shall minimise overlooking to the principal private open space of neighbouring properties.	As above. Units 1-4 arrayed to the front have POS areas that are impacted by overlooking from parallel Units 5-8 located on the rear.	No
	Stormwater from the site must be able to be drained satisfactorily. Where the site falls away from the street, it may be necessary to obtain an easement over adjoining property to drain water satisfactorily to a Council stormwater system. Where stormwater drains directly to the street, there may also be a need to incorporate on-site detention of stormwater where street drainage is inadequate. Refer to Water cycle management in Part 1.	The concept stormwater plans satisfactorily address the collection and disposal of stormwater and surface runoff. The stormwater concept plan has been assessed by Council's Engineering section who raised no issues with the proposal subject to conditions of consent.	Yes
	The siting of dwellings shall be orientated to maximise solar access to both external courtyards and	The orientation of the site is such that the POS are overshadowed by the respective dwelling units located	No

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	internal living areas.	directly to the north. The shadow diagram provided seem to be inaccurate.	
	Where possible all existing substantial vegetation on site shall be retained.	Three (3) trees will be removed	N/A
	Multi Dwelling Housing is not permitted on cul-se-sac heads or streets with a carriageway width of less than 6.5m.	The site is not located in a cul-de-sac	N/A
Section 5. Setbacks	A front setback of: - 4.5m to ground floor - 5.5 to the first floor	Provided: >ground floor = 5m >first floor = 5.5	Yes
	A side setback of: - 0.9 for the ground floor w/o windows - 1.2m for the first floor w/o windows	Provided: 1.2m 1.2m	Yes
	A rear setback of: - 4m to ground floor; - 4.5m to the first floor	>ground floor = 5m >first floor = 5m & 6m	Yes
	Garages or Carports must be set back a minimum of 1m behind the main face of the dwelling.	Basement parking provided	N/A
	Verandahs, balconies, eaves and other sun control devices may encroach on the minimum front and secondary setback by up to 1m.	Balconies are provided on the first floor level on bedrooms to the unit frontage and overlooking the street below.	Yes
	Buildings shall be setback a minimum of 8m from other buildings across a driveway.	Not Applicable No buildings are located opposite each other along the common driveway.	N/A
Section 6. Landscape and Private Open Space	A minimum of 20% of the site area shall consist of a Landscape Area, this may include lawn, deep rooted trees, garden beds and mulched areas.	Approximately 30% (355m ²) of the site area is landscaped area.	Yes
	A minimum unincumbered area of 4 x 5m shall be provided in rear	The designated deep soil zone to the rear of Units 1 - 4 cannot support	No

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	setback to accommodate deep rooted trees.	mature trees.	
	Private open space shall be as follows: - 30m ² for dwelling size less than 65m ²	ARH SEPP POS requirement is complied.	Yes
	Private Open Space must be directly accessible from the main living area	The private open spaces are to directly accessible from the main living areas.	Yes
	A minimum of 50% of the Private Open Space are must receive 3 hours of hours of sunlight between 9:00am and 5:00pm on 21 June	Shadow diagrams submitted is inconclusive.	No
Section 7. Cut and Fill, Building Design, Streetscape and Layout	The maximum cut on a site must not exceed 500mm.	Basement parking is proposed.	N/A
	All retaining wall structures shall be masonry construction and designed by a suitably qualified person, or constructed as specified by the manufacture of the product. The retaining wall shall be constructed wholly inside (within) the boundary of the site.	Can be conditioned.	Yes
	All slab constructions for dwellings that are above natural ground level are to be constructed using dropped edge beams to retain fill. The maximum fill within the confines of the slab must not exceed 750mm. All fill must be contained within the dwelling footprint.	Can be conditioned.	Yes
	Contaminated fill, either imported or found on site is not permitted.	Can be conditioned.	Yes
	Units with a street frontage shall orientate the main entrance and where possible at least one living area towards the street.	The front entrance of Units 1-4 are orientated towards the street.	Yes
	The first floor of the townhouse developments must be no greater than two thirds of the ground floor area.	The first floor generally has the same area as the ground floor. The variation is considered to be acceptable, given that the facades are articulated through the use difference building materials, colours and finishes. Due to this articulation, the overall bulk and scale	Yes, by merit

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		of the building is reduced.	
	Building facades shall be articulated and roof form is to be varied to provide visual variety.	Building facades are well articulated as the units are arranged in a staggered formation.	Yes
	Walls shall be a mix of masonry, rendered and or bagged, and painted, lightweight clad and painted and/or flush face brick. Justification will be required for 100% face brick facades or 100% rendered and painted brick and will be assessed on merit.	Wall mixes contain a mixture of face brick work, cladding and painted finishes.	Yes
	<p>Facades can be articulated by:</p> <ul style="list-style-type: none"> - The use of different materials and detailing and/or - The inclusion of balconies, varandahs, pergolas and landscaped beds. 	The facades are articulated through the use of different materials, porches, balconies, alfrescos and feature walls and columns.	Yes
	A sidewall must be articulated if the wall has a continuous length of over 10 m.	Side walls are articulated by stepped walls, balconies and use of various finishes and materials.	Yes
	Units built at the rear of the allotment must take into consideration privacy of neighbouring properties. The use of windows with high sill heights should be used to avoid potential privacy issues.	The first floor of Units 5-8 have sill heights that could potentially overlook into the backyard of adjoining rear lots.	No
	Driveways should avoid a 'gun barrel' effect by curving and siting of buildings, which create a driveway form with the divided carriageway separated by soft landscaping.	The common driveway adjoins a retaining wall on both sides.	No
	Attic floor space may be used when it is contained wholly within the roof pitch and will not be counted as a storey provided that the attic space is part of the dwelling unit.	No attics are proposed.	N/A
	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.	Not Applicable	N/A

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Development Control	Requirement	Proposed	Complies
	The maximum roof pitch shall be 36 degrees.	Not shown on submitted plans but appears to be less than 36%	Yes
	Townhouses built on steep or sloping blocks should be built of split-level construction.	The site is relatively flat.	N/A
	Balconies are not permitted on the first floor of the side and / or rear portion of the dwelling. Balconies may be considered if they address public open space, communal open space and/or private driveways.	Balconies are proposed on the front	Yes
	Blank walls in general that address street frontages or public open space are discouraged. Where they are unavoidable building elements or landscaping must be used to break up large expanses of walls. In some cases an anti-graffiti coating will need to be applied to the wall to a height of 2 metres.	There are no blank walls which address public open space or street frontages.	Yes
	Multi Dwelling Housing located on street boundaries shall have habitable rooms located to the front of the dwelling for security and surveillance to the street.	Unit 1-4 have habitable rooms on level 1 that are located towards the street frontage.	Yes
	Living rooms should take advantage of northern aspects where possible.	The site has a south orientation and Units are designed to have the living rooms face the north.	Yes
	Access to private open space must be from at least one living room.	Access to the private open space is from the main living area.	Yes
	The internal layout of the dwelling must incorporate cross ventilation.	All units are cross ventilated.	Yes
	Bathrooms, ensuites, laundries and walk in wardrobes should be located to the side and the rear of the development	The laundry and bathroom on the ground floor are generally located to the side.	Yes
	Each dwelling must provide a minimum storage area of 8m ³ .	Inbuilt wardrobes and linen closets are provided. Additionally, storage areas are provided under the staircases and dedicated lockable lockers on the basement.	Yes

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Development Control	Requirement	Proposed	Complies
	Locate active use rooms or habitable rooms with windows overlooking communal/public areas (e.g. playgrounds, gardens).	No adjoining communal/public area	N/A
Section 8. Car Parking and Access	Driveways to the street shall be kept to a minimum.	Only one common driveway is proposed which provides access to the basement parking. All other existing laybacks and crossovers will be removed and enforced through a condition of consent.	Yes
	Land that is unlikely to be used for manoeuvring shall be used for landscaping or for pedestrian areas and be distinguished by different materials and levels,	Basement parking is proposed.	Yes
	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	Basement car parking is proposed and ceiling line is no greater than 1m from the natural ground level.	Yes
	On sites that slope away from the street, underground car parking structures that protrude more than 1m above the natural ground level towards the rear will not be included as a storey where topographical features warrant and the streetscape is not adversely affected. The car parking area should be adequately obscured from visible sight by the screen planting.		N/A
	Driveways may be permitted to individual dwellings provided that the streetscape is not adversely affected and the application complies elsewhere with the DCP.	Driveways to individual dwellings are not proposed.	N/A
	Kerbs shall be provided along the edge of all internal driveways. All traffic must be able to enter and exit the site in a forward direction.	Can be conditioned.	
Section 9. Landscaping and Fencing	Landscaping		
	The setback areas of development are to be utilised for canopy tree planting. The landscape design for all development must include	There are 8 trees proposed within the site. Four to the front and rear that are capable of reaching mature tree heights	Yes

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Development Control	Requirement	Proposed	Complies
	canopy trees that will achieve a minimum 8m height at maturity within front and rear setback areas.	of 8m.	
	Landscape planting should be principally comprised of native species to maintain the character of Liverpool and provide an integrated streetscape appearance. Species selected in environmentally sensitive areas should be indigenous to the locality. However, Council will consider the use of deciduous trees in small private open space areas such as courtyards for control of local microclimate and to improve solar access.	The overall landscaping design has been reviewed by Council's Landscape Officer, who has raised no issues, subject to conditions. The landscape plan is principally comprised of native species.	
	The landscaping shall contain an appropriate mix of canopy trees, shrubs and groundcovers. Avoid medium height shrubs (600 – 1800mm) especially along paths and close to windows and doors.	The landscape plan comprises a mix of native grasses, ground covers, shrubs and trees.	Yes
	Landscaping in the vicinity of a driveway entrance should not obstruct visibility for the safe ingress and egress of vehicles and pedestrians.	Landscaping in the vicinity of the driveway entrance consists of groundcovers and shrubs.	Yes
	Landscaping shall be provided along the side and rear boundaries to provide privacy for adjoining residents.	Landscaping is provided along the side and rear boundaries for additional privacy.	Yes
	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 front setback is landscaped where possible, except for driveway entrance and pedestrian entrance.	Yes
	Trees adjacent to private open space areas and living rooms should provide summer shade and allow winter sun entry.	Trees adjacent to the private open space provide summer shade.	Yes
	Any tree with a mature height over 8m should be planted a minimum distance of 3m from the building or utility services.	Mature trees are located a minimum of 3m from the building.	Yes

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Development Control	Requirement	Proposed	Complies
	Tree and shrub planting along side and rear boundaries should assist in providing effective screening to adjoining properties. The minimum height of screening to be provided is 2.5 to 3m at maturity.	Tree and shrub planting is provided along the side boundaries.	Yes
	Fencing		
	The maximum height of a front fence is 1.2m.	The front elevation shows fencing to be solid brick or masonry approximately 1.2m high.	No
	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.		
	Fences should not prevent surveillance by the dwelling's occupants of the street or communal areas.		
	The front fence must be 30% transparent.		
	Front fences shall be constructed in masonry, timber, metal pickets and/or vegetation and must be compatible with the proposed design of the dwelling.		
	Side fences and walls must be a maximum of 1.8m in height, and constructed of masonry, timber and/or landscaped	Not shown on the plans. Can be conditioned.	Yes
	For side walls or fences along the secondary frontage, a maximum height of 1.2m is required for the first 9m measured from the front boundary, the remaining fence/wall may then be stepped up to a maximum of 1.8m . The secondary setback is the longest length boundary.	The site is not a corner lot or face public open space.	N/A
	The maximum height of side boundary fencing within the setback to the street is 1.2m.	Not shown on the plans. Can be conditioned.	Yes

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Development Control	Requirement	Proposed	Complies
	Boundary fences shall be lapped and capped timber or metal sheeting	Not shown on the plans. Can be conditioned.	Yes
Section 10. Amenity and Environmental Impact	Overshadowing		
	<p>Adjoining properties must receive a minimum of three hours of sunlight between 9am and 5pm on 21 June to at least;</p> <ul style="list-style-type: none"> - One living, rumpus room or the like; and - 50% of the private open space. 	The submitted shadow diagrams are inconclusive.	
	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.	<p>Units 1-4 arrayed to the front have POS areas that are impacted by overlooking from parallel Units 5-8 located on the rear.</p> <p>The rear first floor bedroom windows of Units 1-4 are positioned directly opposite the front first floor level of Units 5-8.</p>	No
	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 above	No
	Landscaping should be used where possible to increase visual privacy between dwellings and adjoining properties.	Landscaping is proposed within site for additional visual and acoustic privacy.	Yes
	Acoustic Impact		
	Noise attenuation measures should be incorporated into building design to ensure acoustic privacy between on-site and adjoining buildings.	Assessment of traffic noise intrusion was conducted on the site. Recommendations have been made for the engagement of a qualified acoustic consultant during the design phase.	Yes
Developments in areas adversely impacted upon by rail or traffic related noises must incorporate the	N/A		

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Development Control	Requirement	Proposed	Complies
	appropriate noise and vibration mitigation measures into the design in terms of the site layout, building materials and design, orientation of the buildings and location of sleeping and recreation areas.		
	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.	Conditions can be imposed to ensure compliance with the Building Code of Australia.	Yes
	The proposed buildings must comply with the Environment Protection Authority criteria and the current relevant Australian Standards for noise and vibration and quality assurance.	Conditions can be imposed to ensure compliance.	Yes
Section 11. Site Services	Letterboxes		
	Letterboxes shall to be provided for each dwelling on site, easily accessible from the street, able to be securely locked and provided in accordance with Australia Post's requirements.	Not provided in submitted plans	
	Freestanding letterbox structures should be designed and constructed of materials that relate to the main building.		
	Residential numbering should be attached to the letterbox so that it is clearly visible from the street frontage. Numbers should be 75mm in height, reflective and in contrast to the backing material.		
	Waste Management		

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Development Control	Requirement	Proposed	Complies
	<p>Waste disposal facilities shall be provided for development. These shall be located adjacent to the driveway entrance to the site.</p> <p>Any structure involving waste disposal facilities shall be located as follows:</p> <ul style="list-style-type: none"> - Setback 1m from the front boundary to the street. - Landscaped between the structure and the front boundary and adjoining areas to minimise the impact on the streetscape. - Not be located adjacent to an adjoining residential property. 	<p>Two waste storage areas has been provided. One beside Unit 4 and another to the front of Unit 5. The location of the latter is located adjacent and to the front of Unit 5 and will have adverse impact on the amenity of the unit. It is also located approximately 23m from the street frontage.</p> <p>The location of this bin storage area is far removed from the street and the route is through a narrow pathway that will discourage disposal and create problems for Unit 5 and adjoining Units 6, 7 & 8.</p>	<p>No</p>
Frontage works and damage to Council infrastructure			
	<p>Where a footpath, road shoulder or new or enlarged access driveway is required to be provided this shall be provided at no cost to Council.</p>	<p>Noted</p>	<p>N/A</p>
	<p>Council must be notified of any works that may threaten Council assets. Council must give approval for any works involving Council infrastructure.</p>	<p>Noted</p>	<p>N/A</p>
	<p>Where there are no existing street trees in front of the site and contributions have not been collected for street tree planting it may be a condition of consent that street trees be provided in the footpath area immediately in front of the site.</p>	<p>The existing tree on the road will be retained</p>	<p>N/A</p>
Electricity Sub Station			
	<p>In some cases it may be necessary to provide an electricity sub-station at the front of the development adjacent to the street frontage. This will involve dedication of the area as a public road to allow access by the</p>	<p>Not Applicable An electricity substation is unlikely to be required.</p>	<p>N/A</p>

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Development Control	Requirement	Proposed	Complies
	electricity provider. The front boundary treatment used elsewhere on the street frontage shall be used at the side and rear of the area		

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Item no:	4
Application Number:	DA-800/2017
Proposed Development:	Change of use from an existing barn on a rural residential property to place of public worship
Property Address	30 Fox Valley Road, Denham Court
Legal Description:	LOT 151 DP 702549
Applicant:	LIVERPOOL BAPTIST CHURCH
Land Owner:	BAPTIST CHURCH OF NEW SOUTH WALES
Area	3.036 Ha (or 30360m²)
Cost of Works:	\$165,000
Recommendation:	Refusal
Assessing Officer:	Peter Oriehov

1. EXECUTIVE SUMMARY

Council has received a Development Application (DA No. 800/2017) seeking consent for the use of an existing barn as a place of public worship at 30 Fox Valley Road, Denham Court.

The subject site is zoned RU2 – Rural Landscape under Liverpool Local Environmental Plan 2008 (LLEP). The proposal is permissible under the LLEP 2008 subject to consent.

The proposed development was advertised in the Liverpool Leader and notified to neighbouring residents from 8 November 2017 to 23 November 2017 and again from 31 January 2018 to 15 February 2018 in accordance with the LDCP 2008. A total of fifty seven (57) submissions were received during the advertising period. The key issues raised in the submissions relate to: increase noise levels, increase in traffic congestion, loss in property value of surrounding residences, social impacts to the locality, safety risk to pedestrians, and the barn was built over an easement connected to Denham Court Reservoir.

The application is referred to the Liverpool Local Planning Panel (LLPP) in accordance with its referral criteria and procedural requirements in that the development falls into the category of contentious development, due to the application receiving more than ten (10) unresolved objections.

An assessment of the application has revealed a 'building permit' was issued by Liverpool City Council in 1998 for the construction and use of a double brick rendered barn for storage of farming materials and stables to accommodate horses for grazing/timber framed/tiled roof gazebo detached from house.

The documentation submitted with the subject application in particular the survey plan prepared by Apex Surveying indicates that the barn was not constructed in accordance with the stamped plans and it encroaches onto a Sydney Water easement.

The application was referred to Sydney Water for comment, as the existing barn straddles a Sydney Water Easement. Sydney Water advised that they *"did not approve the original structure. Therefore any alterations, additions or change of use of the original structure is unable to be approved as it is within the easement."*

Apart from the Sydney Water concerns with the proposal, and despite numerous requests from Council, insufficient information has been submitted to allow Council to conduct a full and proper assessment of the application.

The application has been assessed pursuant to the provisions of the Environmental Planning and Assessment (EP&A) Act 1979. Based on the assessment of the application, it is recommended that the application be refused for reasons outlined in the report including objection from Sydney Water to the proposal and inadequate information submitted to allow proper consideration of the suitability of the proposal and submissions received.

2. SITE DESCRIPTION AND LOCALITY

The Site

The subject site is known as Lot 151 DP 702549, No. 30 Fox Valley Road, Denham Court and the development site is an irregular shaped allotment with a total site area of approximately 3.036ha (or 30360m²)

The development site has a frontage to Fox Valley Road of approximately 127.81 metres. The northern boundary is approximately 250.85 metres in length and the southern boundary is approximately 207.73 metres. The rear boundary is approximately 126 metres wide.

Currently the development site is occupied by numerous trees, a residential dwelling, swimming pool, tennis court and the unauthorised barn.

The site is constrained with an easement for water supply that dissects through the north-eastern portion of the site. The site is also affected by threatened ecological communities and significant vegetation.

Liverpool Council's Maps indicate the site to be partially affected by bushfire prone land located North-West of the site (seen in Figure 3).

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Figure 1: Aerial view of 30 Fox Valley Road, Denham Court

The Locality

The locality is predominately characterised by rural residential on acreage. The site is approximately 2.5km North-West of Leppington Railway Station and is approximately 10km from the Liverpool CBD.

To the immediate east of the site, on the opposite side of Denham Court Road, is an SP2 zoned land (Water Supply System), and includes Denham Court reservoir. To the immediate west are land zoned E4 Environmental Living and north and south adjoining properties comprise of residential acreage zoned RU2 – Rural Landscape.

The site has no current access to reticulated sewer drainage service.

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Figure 2: Locality map

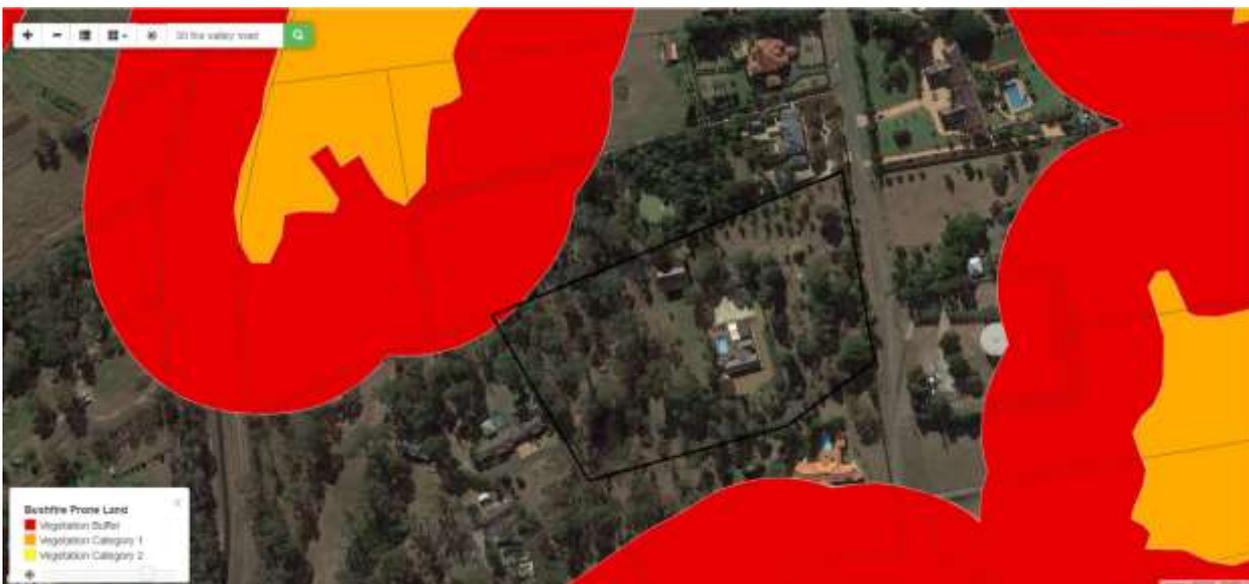


Figure 3: Site identified as 30 Fox Valley Road, Denham Court affected by Bushfire prone land - northwest portion of the site.

3. BACKGROUND/HISTORY OF PROPOSAL

- Perusal of Council's records reveal a 'building permit' was submitted to Liverpool City Council (dated 06 May 1998) for the construction and use of a *double brick rendered barn for storage of farming materials and stables to accommodate horses for grazing/timber framed/tiled roofed gazebo detached from house.*
- On 17 June 1998 a 'notice to applicant of determination of a building application' (No. 3919/98) was issued to the applicant granting approval for the proposed Gazebo and barn class 10a to be constructed in accordance with the stamped plans (see attachment 3). The barn has not been instructed in accordance with BA-3919/98. It is therefore an unauthorised structure.

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- The subject DA was lodged with Council on 29 September 2017.
- A Stop-the-Clock letter issued on 12 October 2017 requesting the submission of a Wastewater report.
- The applicant sought an extension of time until 3 November 2017 to submit the requested information.
- Requested Wastewater Report received on 30 October 2017.
- The DA was advertised in the Liverpool Leader for a period of 14 days from 08 November 2017 to 23 November 2017.
- A 14-day deferral letter sent on 10 January 2018 requesting an updated acoustic report be submitted.
- On 15th January 2018 all properties within 1000m of the subject site were notified of the proposal via notification letters advising of the proposed development, including residences located in Campbelltown Local Government Area.
- The DA was re-advertised in the Liverpool Leader from 31 January 2018 to 15 February 2018 with an amended description. A total of 57 submissions were received in response to public consultation.
- On 29th January 2018 the application was referred to Water NSW for comment and raised no concern to the proposed use.
- On 13th April 2018, Council received correspondence from Sydney Water stating that the change of use is not supported the structure is within a Sydney Water easement (See attachment 5). This was subsequently conveyed to the applicant to address.
- On 28th May 2018, Council received an email from Urban Strategies to confirm they are to act on behalf of the owners and applicants for DA-800/2017.
- On 25th June 2018 a deferral via email was sent to the applicant requesting further information to address Environmental Health and Sustainable Development.
- Environment and health provided comment and was unable *to support the proposed development as the submitted acoustic report demonstrates that the proposed development is likely to cause a noise impact on surrounding residences and the impact of the proposed effluent disposal area has not yet been assessed.*
- Sustainable development provided comment and was unable to support the proposed development as there is inadequate information to address ecological issues onsite.
- On 14 August 2018, a 7-day follow up letter sent to applicant which recommended that the application be withdrawn and re-submitted once the issue pertaining to Sydney Water easement has been resolved.
- The unauthorised barn was reported to council's community standards department for investigation in July 2018.

4. DETAILS OF THE PROPOSAL

The proposed development involves conversion of an existing barn into a place of public worship for Liverpool Baptist Church and includes the following:

- Construction works involving internal fitout of the existing barn into a place of public worship and extensions of existing pavements to allow for vehicle access and parking;
- Residence for the senior pastor at the existing dwelling;
- Modification works to the entry of the barn to provide suitable entry/egress of the structure;
- Use of barn for church based activities, Christian education and mid-week group meetings;
- The maximum number of patrons onsite is likely to reach 200 during events (such as weddings and funerals);
- Activities with children and youth groups in the following age groups:
 - Boys' Brigade (5-18 years);
 - Girls' Brigade (5-18 years);

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- Playgroup (0-5 years and parents);
- Youth Group (approximately 12-18 years); and
- A kids church program during the Sunday morning service;
- The proposed hours of operation of the place of public worship are:
 - Monday to Sunday (9:30am to 11:00pm).

Below is a schedule of events associated with the operation of the place of public worship.

Projected				
Day	Activity	Time	Location	Numbers
Monday	Church office	All day	Dwelling	1-3
	Boys' Brigade	7:00pm-9:00pm	Proposed Hall / Dwelling	35
Tuesday	Church office	All day	Dwelling	1-3
	Bible study	10:00am-12:00pm	Proposed Hall / Dwelling	1
Wednesday	Church office	All day	Dwelling	1-3
	Girls' Brigade	6:30pm-9:00pm	Proposed Hall / Dwelling	35
Thursday	Church office	All day	Dwelling	1-3
	Playgroup	10:00am-12:00pm	Proposed Hall / Dwelling	20
	Bible study	7:30pm-10:00pm	Dwelling	15
Friday	Church office	All day	Dwelling	1-3
	Youth group (to 17)	6:30pm-10:00pm	Proposed Hall	25
Saturday				
Sunday	Morning service	9:30am-12:00pm	Proposed Hall	150
	Children's program	9:30am-12:00pm	Dwelling	25
	Cambodian service	1:30pm-4:00pm	Proposed Hall	35
	Evening service	6:00pm-8:00pm	Proposed Hall	75
	After service fellowship	8:00pm-10:00pm		
OCCASIONAL EVENTS				
Varies	Leadership meetings etc <i>(1 per fortnight)</i>	7:00pm-10:00pm	Dwelling	6-10
Saturdays	Youth event <i>Max 4 per annum</i>	6:00pm-11:00pm	Proposed Hall	75
	Wedding services and activities <i>Max 2 per annum</i>	2:00pm-10:00pm	Proposed Hall and Grounds	Up to 200
Friday/Saturday	Family events <i>Max 4 per annum</i>	To 10:00pm	Proposed Hall and Grounds	Up to 200

Figure 4: Extract from Statement of Environmental Effects illustrating a schedule of events associated with the place of public worship at 30 Fox Valley Road, Denham Court.

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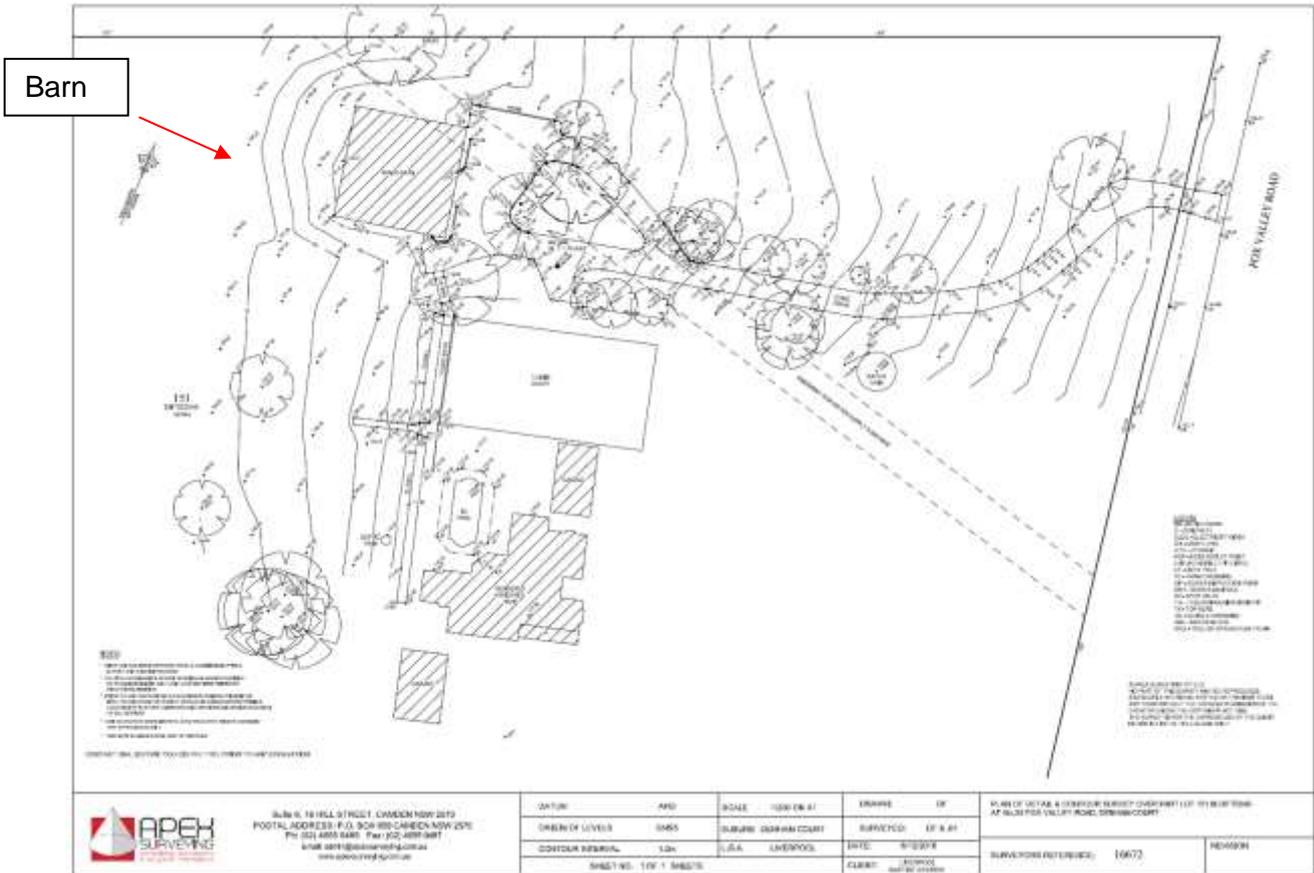


Figure 5: Survey Plan of 30 Fox Valley Road, Denham Court.

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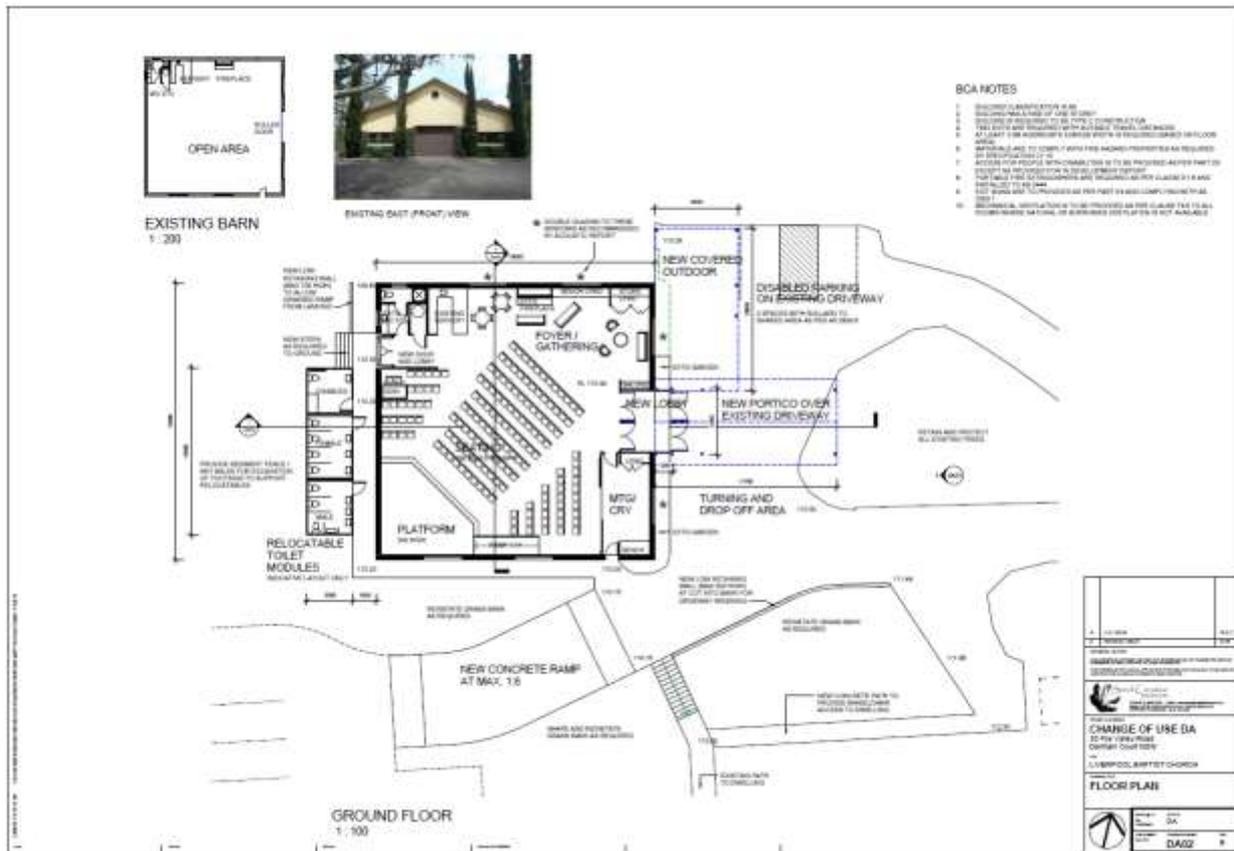


Figure 6: Ground floor plan of proposed place of public worship at 30 Fox Valley Road, Denham Court.

5. STATUTORY CONSIDERATIONS

Zoning

The subject site is zoned RU2 Rural Landscape pursuant to the LLEP 2008. An extract of the zoning map is provided in Figure 7 below.

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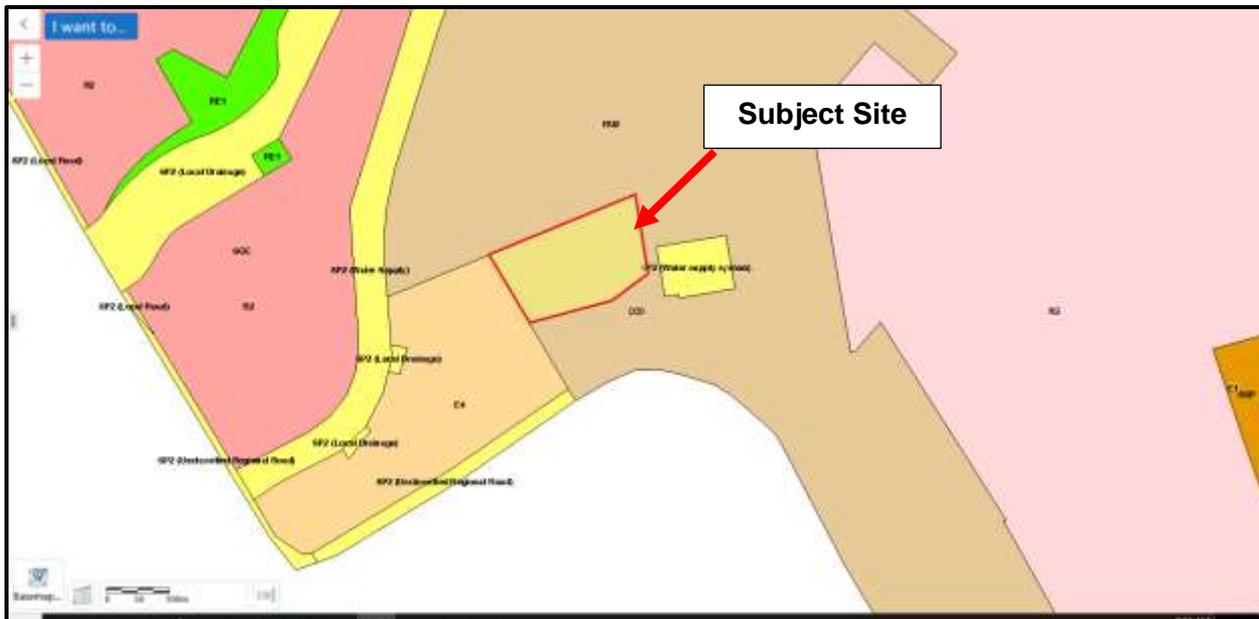


Figure 7: Zoning Map – subject site is zoned RU2 – Rural Landscape

Relevant matters for consideration

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

- Sydney Regional Environmental Plan 20 – Hawkesbury – Nepean River (No 2 – 1997);
- State Environmental Planning Policy No. 55 – Remediation of Land;
- Liverpool Local Environmental Plan (LLEP) 2008; and
- Liverpool Development Control Plan (LDCP) 2008;
 - Part 1: General Controls for All Development; and
 - Part 5: Development in Rural and E3 Zones

6. ASSESSMENT

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

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

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

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

The Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No 2 - 1997) generally aims to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

When a consent authority determines a development application, planning principles are to be applied (Clause

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4). Accordingly, a table summarising the matters for consideration in determining development applications (Clause 5 and Clause 6), and compliance with such is provided below.

Clause 5 General Principles	Comment
(a) the aims of this plan,	The plan aims to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.
(b) the strategies listed in the Action Plan of the Hawkesbury-Nepean Environmental Planning Strategy	The strategies are applied to this planning assessment in the table under Clause 6.
(c) whether there are any feasible alternatives to the development or other proposal concerned	The proposed change of use is not appropriate and alternatives need to be considered.
(d) the relationship between the different impacts of the development or other proposal and the environment, and how those impacts will be addressed and monitored	It is considered that the documentation submitted with the proposal is insufficient in order to make an assessment regarding the likely impacts of the development, namely the applicant has not resolved the easement issue with Sydney Water.
Clause 6 Specific Planning Policies and Recommended Strategies	Comment
(1) Total catchment management	Not Applicable
(2) Environmentally sensitive areas	The site is not part of an Environmentally Sensitive area as defined in this plan.
(3) Water quality	There is an existing system used for residential purposes. A wastewater report was submitted to Council and referred to Environment and Health for comment. The assessing officer raised concern with regards to the proposed effluent disposal area and requested further information. This information has not been submitted by the applicant.
(4) Water quantity	Council's development engineers have assessed the proposed change of use and are unable to support the application.
(5) Cultural heritage	The site is not identified as being of or containing Aboriginal / cultural heritage.
(6) Flora and fauna	The site is not identified as Biocertified and the waste water report has proposed an effluent area located in the north west portion of the site to be approximately 2923m ² . The impact as a result of effluent disposal is currently unknown as there is no flora and fauna report to accompany the application.
(7) Riverine scenic quality	Not applicable.
(8) Agriculture/aquaculture and fishing	Not applicable.
(9) Rural residential development	Not applicable.
(10) Urban development	Not applicable.
(11) Recreation and tourism	Not applicable.

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(12) Metropolitan strategy	Not applicable.
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It is considered that the proposal does not satisfy the provisions of the Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No 2 - 1997), namely the proposed effluent area from the aerated water treatment system is to be disposed of within a threatened ecological community and also in proximity to a water supply line. Also, the applicant has failed to demonstrate satisfactory disposal of stormwater from the development.

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

The proposal seeks development consent for a change of use of an existing barn into a place of public worship.

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

The objectives of SEPP 55 are:

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

Pursuant to the above SEPP, Council must consider:

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

Aerial images from 2009 and 2018 found on the Nearmap photomapping system illustrate the presence of the existing building, which suggests the site has principally been used for residential purposes for at least the past nine (9) years.

Council’s records indicate that historically the uses on site were predominately residential in nature. The proposed development will maintain the residential nature of the site, it is not considered that the proposed use is a ‘sensitive use’ pursuant to the SEPP 55 regulations. The proposal does not involve any uses that will result in human habitation such as dwellings.

The proposed development is a change of use from an existing barn to place of public worship. The proposal does not involve any significant excavation or building work that would generate a detrimental impact in terms of SEPP 55.

Clause 7 - Contamination and remediation to be considered in determining development application	Comment
(1) A consent authority must not consent to the carrying out of any development on land unless:	
(a) it has considered whether the land is contaminated, and	The existing use of the site is residential in which no contaminating uses are considered to have been undertaken. Therefore the subject site is not considered to be contaminated.

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(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and	The land is not contaminated.
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.	The land does not require remediation.

Based on the above assessment, the proposal is considered to satisfy the relevant objectives and provisions of SEPP 55, therefore, it is considered that the subject site is suitable for the proposed development.

(c) Liverpool Local Environmental Plan 2008

(i) Permissibility

The proposed development is appropriately defined by the LLEP 2008 as “*place of public worship*”. Place of public worship is identified as a permitted land use with consent within the RU2 – Rural Landscape under Liverpool Local Environment Plan 2008.

“Place of Public Worship” means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

(ii) Objectives of the zone

The objectives of the RU2 – Rural Landscape are as follows:

- To encourage sustainable primary industry production by maintaining and enhancing the natural base;
- To maintain the rural landscape character of the land;
- To provide for a range of compatible land uses, including extensive agriculture;
- To ensure that development is compatible with the rural character of the land and maintains the feasibility of agricultural uses; and
- To preserve bushland, wildlife corridors and natural habitat.

The proposal is not considered to be compatible with the objectives of the zone, as follows:

- Perusal of Council’s records reveal that the existing barn was not constructed in accordance with the stamped plans (approved under BA No. 3919/98). The barn was constructed over an easement and Sydney Water provided correspondence to Liverpool City Council (dated 13 April 2018) which states that they “*did not approve the original structure. Therefore any alterations, additions or change of use of the original structure is unable to be approved as it is within the easement.*” As a result, the development is unauthorised and will not be supported over the Sydney Water easement.
- The application was referred internally to Council’s natural resource planner and it was revealed that *the site assessment states that the native vegetation is disturbed, and assumes that there will not be a significant effect upon native trees. However, there is little evidence or justification offered within the site assessment to support this conclusion. The site assessment does not conclude whether Part 1 Section 4 (Bushland and Fauna Habitat Preservation) of the DCP is triggered, or provide a discussion on potentially*

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pertinent matters included in this section of the DCP (such as whether a Flora and Fauna Assessment would be warranted). Therefore, based on the information above, the proposed change of use does not meet the objective *to preserve bushland, wildlife corridors and natural habitat.* This further information was required but not submitted by the applicant.

(iii) Principal Development Standards

LLEP 2008 contains a number of principal development standards which are relevant to the proposal as follows:-

Development Provision	Requirement	Proposed	Comment
4.3 Height of Buildings	Max Height 8.5m	Submitted elevation plans do not provide measurements, though Council's calculation indicates that the structure is within the allowable height limit.	Complies
5.1 Relevant Aquisition Authority	Relevant authority to acquire land.	Land is no affected by acquisition	Complies
5.10 Heritage Conservation	To protect existing items/locations identified as containing significant heritage value	The site is not affected by Heritage items	Complies
6.5 Public Utility Infrastructure	Public utility infrastructure must be available	Existing utility infrastructure available	Complies
7.6 Enviromentally Significant Land	To ensure consideration of significance of vegetation, sensitivity of the land and the impact of development on the environment prior to the giving of any development consent.	The site assessment does not conclude whether Part 1 Section 4 (Bushland and Fauna Habitat Preservation) of the DCP is triggered, or provide a discussion on potentially pertinent matters included in this section of the DCP (such as whether a Flora and Fauna Assessment would be warranted).	Complies
7.8 Flood Planning	Land is affected by Flooding	Land is not affected by Flooding	Complies
7.9 Foreshore building line	Land is affected by Foreshore Building line	Land is not affected by Foreshore	Complies
7.31 Earthworks	Council to consider matters listed (a)-(g)	No earthworks proposed	Complies

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

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

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

(a) Liverpool Development Control Plan (LDCP) 2008

The application has been assessed against the relevant controls of the LDCP 2008, particularly Part 1 *General Controls for all Development* and Part 5 *Development in Rural and E3 Zones*.

A compliance table outlining an assessment of the proposal against the provisions of the LDCP 2008 is provided within Attachment 2 of the report.

It is considered that the documentation submitted with the proposal is insufficient in order to make a full assessment regarding LDCP 2008 and there are a number of non-compliances with the DCP, as detailed within Attachment 2.

Furthermore, it is to be noted that the submitted survey plan prepared by Apex Surveying (Ref no: 16672, dated 08 December 2016) indicates that the erection of the barn was not constructed in accordance with the stamped plans associated with a historic application and it encroaches onto a Sydney Water easement.

Sydney Water provided correspondence to Liverpool City Council (dated 13 April 2018) which states that they *“did not approve the original structure. Therefore any alterations, additions or change of use of the original structure is unable to be approved as it is within the easement.”*

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 survey plan prepared by Apex Surveying (Ref no: 16672, dated 08 December 2016) indicates that the erection of the barn was not constructed in accordance with the stamped plans and furthermore, it encroaches onto a Sydney Water easement. The Environmental Planning and Assessment Regulation 2000 requires the consent authority to consider the provisions of the BCA. The existing barn located onsite is an unauthorised structure. The way to legitimise this structure would be by obtaining a building certificate, however, this would not be supportable considering the conflict with the Sydney Water easement.

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

Natural and Built Environment

It is considered that the documentation submitted with the proposal is insufficient in order to make an assessment regarding the likely impacts of the development, namely the applicant has not resolved the easement issue with Sydney Water. Environment and Health is unable to support the acoustic assessment because the submitted acoustic report demonstrates that the proposed development is likely to cause a noise impact on surrounding residences. Furthermore, further information is required with regards to impacts on threatened ecological communities within the proposed effluent disposal area.

Social Impacts and Economic Impacts

It is considered that the documentation submitted with the proposal is insufficient in order to make an assessment regarding the social and economic impacts of the development.

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

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It is considered that the site is not suitable for the proposed development as the barn is currently unauthorised and had not been constructed in accordance with stamped plans associated with building application (no. 3919/98). The barn is unauthorised and the proposal by virtue of the introduction of extensive car parking for the place of public worship would not maintain the rural landscape character of the land. Furthermore, there is no flora and fauna assessment provided to demonstrate that bushland, wildlife corridors and natural habitat will be preserved.

6.8 Section 4.15(1)(d) - Any submissions made in relation to the Development

(a) Internal Referrals

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

DEPARTMENT	COMMENTS
Sustainable Environment Natural Resources	Does not support the proposal. Sustainable Environment Natural Resources advised that 'the site assessment states that the native vegetation is disturbed, and assumes that there will not be a significant effect upon native trees. However, there is little evidence or justification offered within the site assessment to support this conclusion. The site assessment does not conclude whether Part 1 Section 4 (Bushland and Fauna Habitat Preservation) of the DCP is triggered, or provide a discussion on potentially pertinent matters included in this section of the DCP (such as whether a Flora and Fauna Assessment would be warranted).
Environmental Health	Does not support the proposal. The Health Section is unable to support the proposed development as the submitted acoustic report demonstrates that the proposed development is likely to cause a noise impact on surrounding residences and the impact of the proposed effluent disposal area has not yet been resolved.
Development Engineer	Does not support the proposal. Council's Development Engineers have concerns with respect to the following engineering matters: <ul style="list-style-type: none">• No structure shall either encroach upon or be located within the easement for water supply without the written approval from Sydney Water.• A stormwater concept plan consistent with Council's Stormwater Policy and compatible with landscaping and architectural plans shall be provided.• Access driveways, internal driveways and car parking spaces are to be paved to a standard to carry the anticipated loadings. Porous paving materials will be considered, provided that sufficient detail is provided to show that such paving is sustainable. Driveway material must not be allowed to spill or be carried onto road pavement.• The outdoor car park must include at least 1 tree per 10 car parking spaces to the following specifications:

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	<ol style="list-style-type: none"> 1. A tree must be a single trunk species to allow a minimum visibility clearance of 1.5m measured above natural ground level; and 2. A tree must be planted in an island bed that is a minimum 2m in width and 4m in length. <ul style="list-style-type: none"> • Where there is angle parking on one side of an aisle only and the other side is confined by a wall or other high vertical obstruction closer than 300mm to the nominal edge of the aisle, the aisle width shall be increased by 300mm measured to the vertical obstruction.
Traffic Engineer	<p>No objection subject to conditions of consent. Traffic Engineers have requested the following prior to the issue of Construction Certificate:</p> <ul style="list-style-type: none"> • Submits a plan indicating driveway widening including vehicle passing bays along the access route; • Lighting according to AS:1158 be provided along the Access route from Fox Valley Road to the proposed Church; • Detailed design of half road reconstruction of Fox Valley Road with a minimum of 1.5m wide footpath, kerb and gutter is to be submitted to Council for approval; • Car park area should be designed, constructed and maintained according to AS:2890; • Line and signposting plan be submitted to Council for comments.

(b) External Referrals

DEPARTMENT	COMMENTS
Sydney Water	Does not support the proposal, as the proposed structure encroaches onto Sydney Water easement.

(c) Community Consultation

The proposal was advertised in accordance with LDCP 2008 on two separate occasions. The first advertising period was from 8 November 2017 to 23 November 2017. The second advertising period was from 31 January 2018 to 15 February 2018. Residents within 1000m of the site were also notified of the proposal in accordance with LDCP 2008. A total of fifty seven (57) written objections were received in response to the public consultation process. The key issues raised in the submissions relate to: the barn is unauthorised as it was constructed over an easement, traffic and on-street parking congestion, impacts to the environment (including noise and wastewater disposal), notification process, economic loss to the value of the premises surrounding the site, social impact on the locality, privacy and no fencing around dams.

Issues	Comment
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Barn is unauthorised as it was constructed over an easement

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| <ul style="list-style-type: none"> It is unknown whether the barn was approved by Council as the erected structure have encroached over an easement, comprising of a water supply line owned by Sydney Water. | <ul style="list-style-type: none"> A 'building permit' was submitted to Liverpool City Council (dated 6 May 1998) for the construction and use of a double brick rendered barn for storage of farming materials and stables to accommodate horses for grazing/timber framed/tiled roof gazebo detached from house. On 17 June 1998 a 'notice to applicant of determination of a building application' (No. 3919/98) was issued to the applicant granting approval for the proposed Gazebo and barn class 10a to be constructed in accordance with the stamped plans. Condition 3 of building application (No. 3919/98) states:

<i>"Stamped approved building plans must be submitted to Sydney Water prior to commencement of work. Failure to do so will render the owner liable to a penalty and may result in the demolition of the work."</i> An advisory note in BA 3919/98 states that:
<i>"All buildings to be sited well clear of any easements affecting the allotment. The applicant should ascertain if any easements do exist and if so obtain full details of such prior to construction commencing."</i> Sydney Water provided correspondence to Liverpool City Council (dated 13 April 2018) which states that they "did not approve the original structure. Therefore any alterations, additions or change of use of the original structure is unable to be approved as it is within the easement." The structure is therefore unauthorised and this matter has been referred to Council's community standards team for further investigation. |
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Traffic and on-street parking congestion

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| <ul style="list-style-type: none"> Residents believe that this development will cause parking issues around the proposed site and could significantly increase traffic congestion. The development will likely result in illegal parking of vehicles in the locality. On-site car parking area for a total of thirty six (36) parking spaces have been allocated within the site. During events, approximately 200 people are expected, generating an estimate of 150 cars at the site. An appropriate traffic management plan has not been undertaken for this | <ul style="list-style-type: none"> Council's Traffic engineers concur with this statement and have stated <i>the concentration of the expected traffic activity over a short period of time is going to place increased pressure on the existing road network, in particular the intersection of Denham Court Road and Fox valley Road and the junction of the driveway to the proposed church and Fox Valley Road.</i> Section 20 – Car Parking and Access Part 1 of the LDCP 2008 outlines the overall design considerations for place of public worship in rural zones are: <ul style="list-style-type: none"> 1 space per 5sqm LFA or 1 space per 6 seats, whichever is the greater OR subject to traffic report (at the applicants expense) if required by Council, due to the scope of a particular development. LFA of existing barn is approximately 324m². Therefore: |
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<p>development that takes into consideration prevailing traffic conditions.</p> <ul style="list-style-type: none"> Distance to the bus stops as stated by the applicant is misrepresented and inaccurate. There is a lack of public transport options available to the development. 	<ul style="list-style-type: none"> 324/5 = 64.8 car parking spaces required. Council concurs that there is no traffic management plan submitted to Council for consideration. Council concurs that there are inadequate public transport services in the locality.
Loss in property value for surrounding residences	
<ul style="list-style-type: none"> The value of surrounding properties would drop considerably should the development go ahead. 	<ul style="list-style-type: none"> There is no sufficient evidence that the proposed development would impact on the property value of surrounding properties.
Impacts to the environment (including noise and wastewater disposal),	
<ul style="list-style-type: none"> Noise issues; Issues with wastewater; Threatened Ecological communities and vegetation. 	<ul style="list-style-type: none"> Council's Senior Environmental Health Officer have assessed an updated acoustic report prepared by Northrop Consulting Engineers (Dated 24 August 2018) ref no: AR01. Environment and Health is unable to support the acoustic assessment because the submitted acoustic report demonstrates that the proposed development is likely to cause a noise impact on surrounding residences; There is an existing system used for residential purposes. A wastewater report was submitted to Council and referred to Environment and Health for comment. The assessing officer raised concern with regards to the proposed effluent disposal area requested further information. The rear of the premises is affected by Threatened Ecological Communities and Vegetation. The Wastewater report has proposed an effluent area located within the Threatened Ecological Community. Council's Natural Resource Planner have requested a Flora and Fauna assessment.
Notification process	
<ul style="list-style-type: none"> The property was not advertised direct to the residents but only a sign on the property's gate. The sign was misleading to residents. It is suspected that residents assumed the development was minor. 	<ul style="list-style-type: none"> The proposal was advertised in the Liverpool Leader from for a period of 14 days from 8 November 2017 to 23 November 2017 and re-advertised in the Liverpool Leader from 31 January 2018 to 15 February 2018 in accordance with Part 1 of the LDCP 2008. In addition, all properties within 1000m of the subject site received notification letters advising of the proposed development.
Privacy	
<ul style="list-style-type: none"> Privacy concerns are also a major issue for existing residents. Residents believe that balconies and windows will result in overlooking of living areas of adjoining residences. 	<ul style="list-style-type: none"> A site inspection was undertaken and no concern is raised with regards to privacy of adjoining residences. The residential dwelling located adjacent to the site is higher than the barn. Hence, the chance that balconies and windows will result in overlooking of living areas of adjoining residences are minimal.
No fencing around dams	

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<ul style="list-style-type: none">No proper child proofing of Dams has been addressed which can lead to drowning and stress on residences.	<ul style="list-style-type: none">The dam located onsite is unfenced and concern is raised with regards to large gatherings and events where unsupervised children may fall into the dam which can lead to drowning. A plan of management was not submitted to Council that demonstrates the safety and supervision of children during large gathering and events.
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Section 4.15(1)(e) - The Public Interest

The proposed development is considered not to be in the public interest, having regard to Sydney Water's objection to the proposal and inadequate information submitted to allow a full and proper consideration of the application.

7. DEVELOPMENT CONTRIBUTIONS

Not Applicable

8. CONCLUSION

The proposed development has been submitted as a change of use from an existing barn to place of public worship for Liverpool Baptist Church. The proposed development is permissible within the RU2 – Rural Landscape Zone under LLEP 2008. Notwithstanding this, there are a number of concerns with the proposal. The existing barn was not constructed in accordance with the approved stamped plans resulting in an encroachment onto a Sydney Water Supply easement. Sydney Water have advised that they do not support the proposed development as the existing barn was not originally approved and it encroaches onto its water supply easement.

Despite numerous requests by Council, insufficient information has been submitted to allow a full and proper consideration of the application to determine the suitability of the proposal and potential impacts upon the locality including noise impacts.

Accordingly, and taking into consideration the submissions received from local residents, it is recommended that the application be refused.

9. RECOMMENDATION

That Development Application No. 800/2017 be refused for the following reasons:

- 1) The proposed development is considered to be inconsistent with the objectives of the RU2 – Rural Landscape zone in so far as it is not compatible with the rural character of the land and does not maintain the feasibility of agricultural uses pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979;
- 2) The proposed development is considered to be inconsistent with Clauses 3, 4 and 6 of the Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No 2 - 1997), pursuant to Sections 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979;
- 3) The proposed development does not achieve satisfactory compliance with the objectives and controls as stipulated in Liverpool Development Control Plan 2008 Part 1 – General Controls for All Development, Section 2 – Tree Preservation, Section 4 – Bushland and Fauna Habitat Preservation, Section 15 – On-

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site Sewage Management Systems (OSMS), and Section 20 – Car Parking and Access pursuant to Sections 4.15(1)(a)(iii), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979;

- 4) Insufficient information has been submitted to allow a full and proper assessment of the application;
- 5) Due to the above reasons and the submissions received during the advertising period, approval of the application is not in the public interest pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979).

10. ATTACHMENTS

- 1. PLANS OF THE PROPOSAL**
- 2. DCP COMPLIANCE TABLE**
- 3. STAMPED PLANS FOR BA NO. 3919/98**
- 4. NOTICE TO APPLICANT OF DETERMINATION OF A BUILDING APPLICATION NO. 3919/98.**
- 5. CORRESPONDENCE FROM SYDNEY WATER (DATED 13 APRIL 2018)**

Attachment 1: Plans of the Proposal

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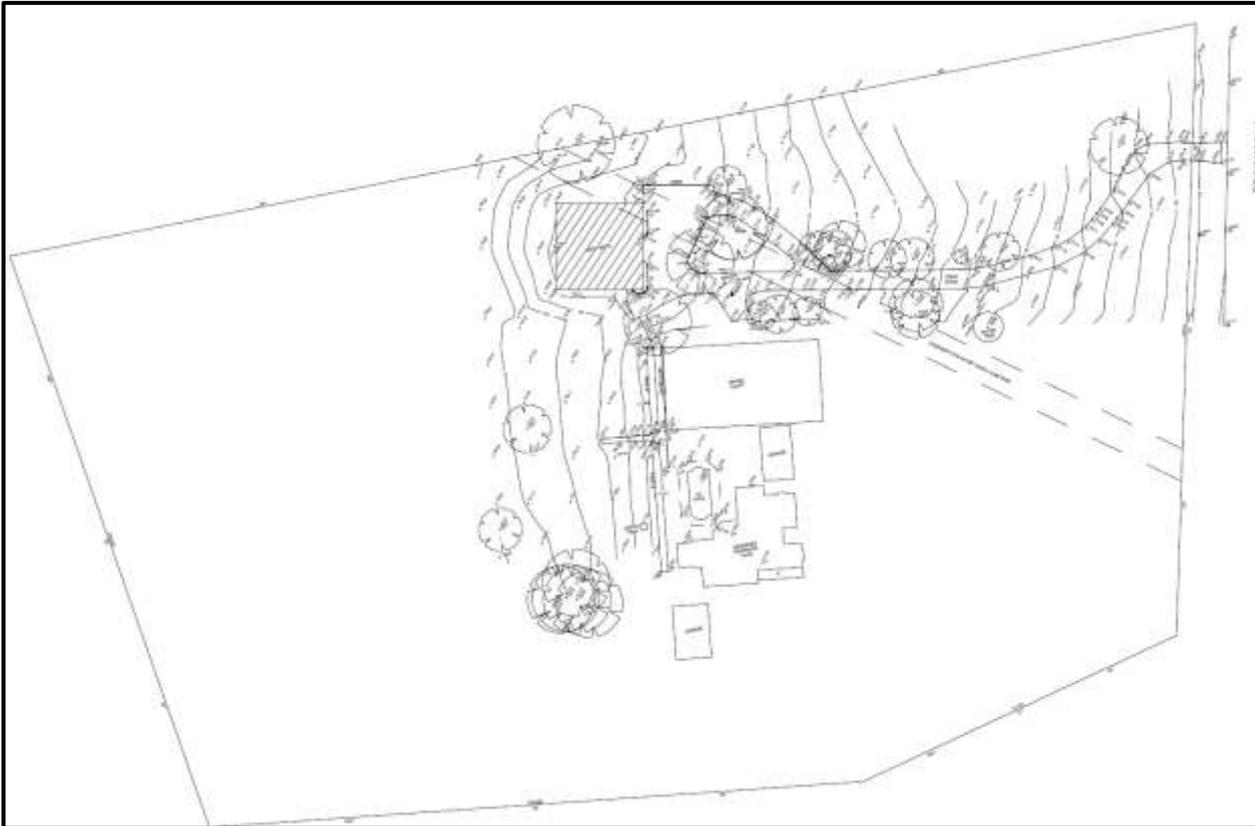


Figure 8: Proposed survey plan for 30 Fox Valley Road, Denham Court

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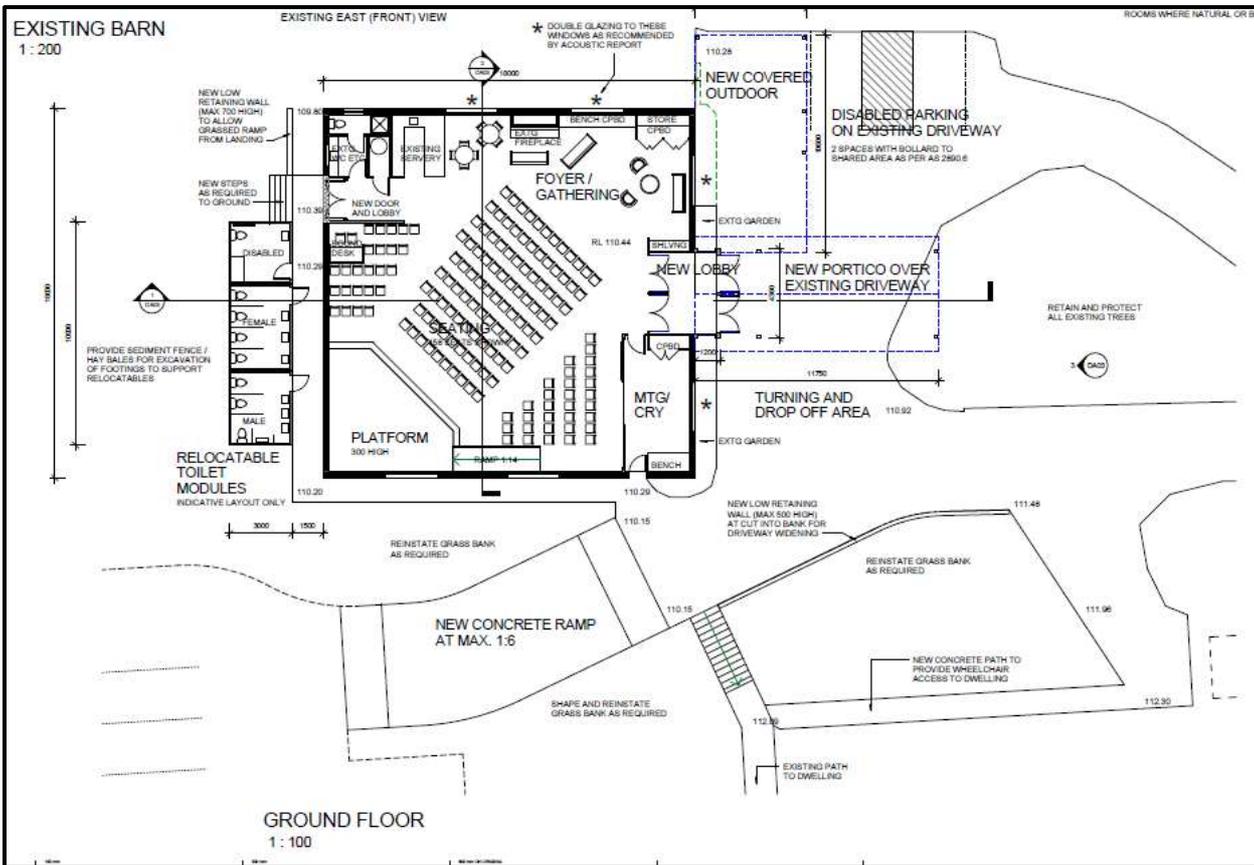


Figure 9: Proposed ground floor plan of proposed place of public worship at 30 Fox Valley Road, Denham Court.

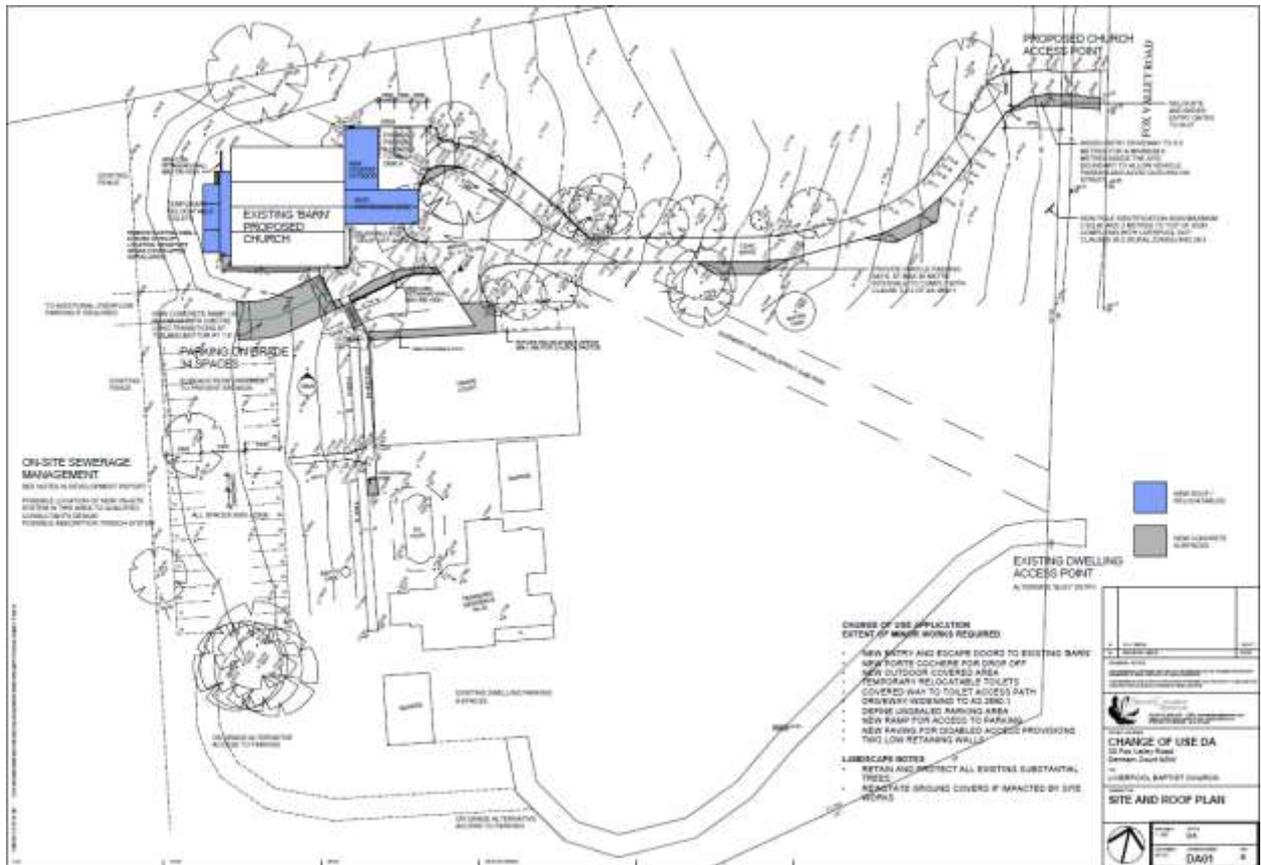


Figure 10: Site plan of 30 Fox Valley Road, Denham Court.

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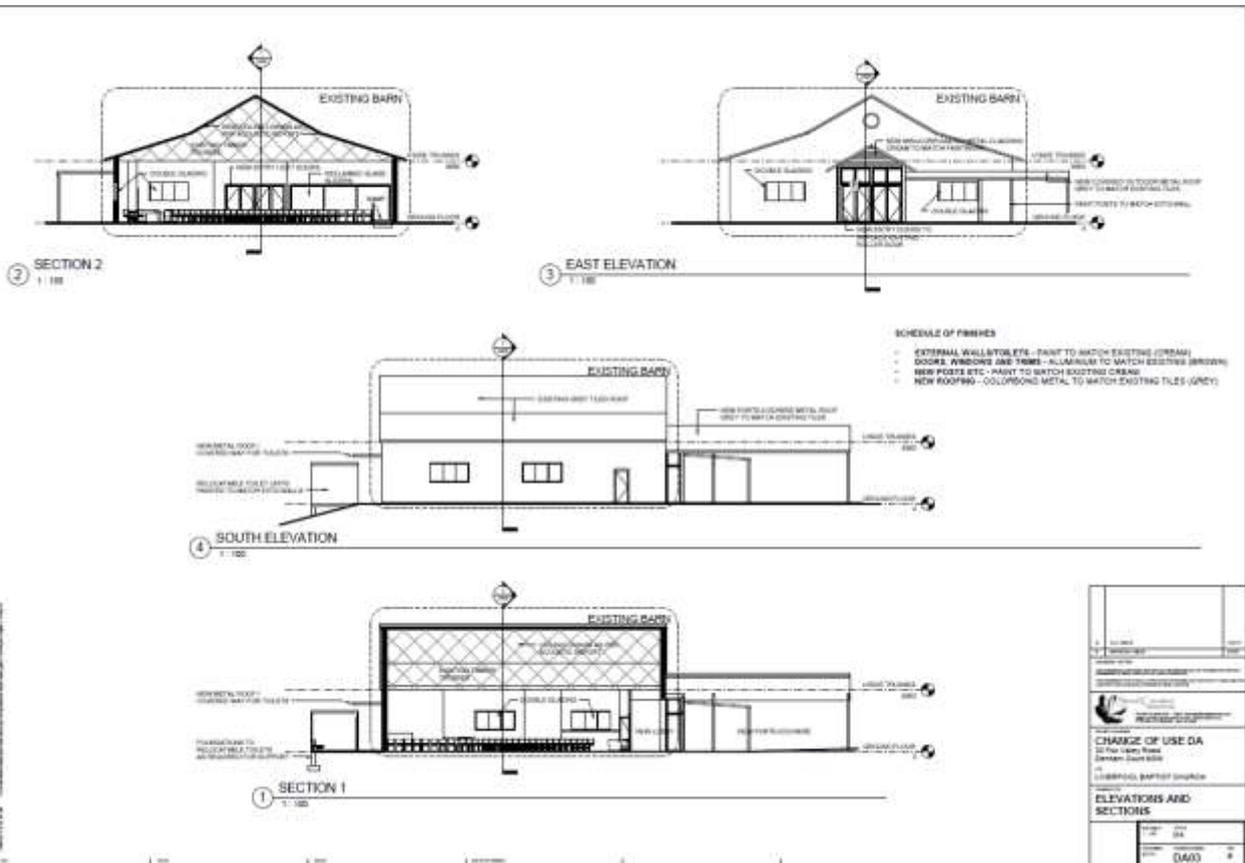


Figure 11: Elevation of existing barn at 30 Fox Valley Road, Denham Court

Attachment 2: DCP Compliance Table

Part 1 General Controls for All Development and Part 5 Development in Rural and E3 Zones.

Part 1.1 General Controls for all Development			
Control	Requirement	Proposed	Comment
Section 2 – Tree Preservation	Consider impact of development on existing vegetation	Effluent disposal area proposed in threatened ecological community and vegetation areas. Flora and fauna assessment was not submitted to Council.	Does not Comply
Section 3 – Landscaping and Incorporation of Existing Trees	Controls relating to landscaping and the incorporation of existing trees.	No trees are proposed to be removed.	Complies
Section 4 – Bushland and Habitat Preservation	Consider impact of development on bushland and habitats	Flora and fauna assessment was not submitted to Council.	Does not comply
Section 5 – Bushfire Risk	Land on or adjacent to bushfire prone land to comply with RFS requirements	Bushfire map indicate the north west corner of the site to be affected by bush fire. The site is affected by 0.2% which is insignificant and do not require a bush fire assessment.	Complies
Section 6 – Water Cycle Management	Consideration of stormwater and drainage	This aspect has been reviewed by Council's Land Development Engineers, who do not support the proposed use in its current form	Does not comply.
Section 7 – Development Near a Watercourse	If any works are proposed near a water course, the Water Management Act 2000 may apply, and you may be required to seek controlled activity approval from the NSW Office of Water.	The development site is not within close proximity to a water course.	Not Applicable
Section 8 – Erosion and Sediment Control	Sediment Control Plan or Soil and Water Management Plan required	Conditions of consent can be imposed to ensure that erosion and sediment controls measures are implemented during the construction works	Complies
Section 9 – Flooding Risk	Provisions relating to development on flood prone land	The site is not affected by flooding	Complies
Section 10 – Contaminated Land Risk	Provisions relating to development on contaminated land.	Subject site is unlikely to be contaminated as previous uses were for residential purposes.	Complies
Section 11 – Salinity Risk	Provisions relating to development on saline land.	To comply with BCA requirements	Complies

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Section 12 – Acid Sulfate Soils Risk	Provisions relating to development on saline land	Not Applicable	Not Applicable
Section 13 – Weeds	Provisions relating to sites containing noxious weeds.	The site is not identified as containing noxious weeds.	Not Applicable
Section 14 – Demolition of Existing Development	Provisions relating to demolition works.	No demolition works proposed	Not Applicable
Section 15 – Onsite Sewage Disposal	Provisions relating to OSMS	There is an existing system used for residential purposes. A wastewater report was submitted to Council and referred to Environment and Health for comment. The assessing officer raised concern with regards to the proposed effluent disposal area requesting further information.	Does not Comply
Section 16 – Aboriginal Archaeology	An initial investigation must be carried out to determine if the proposed development or activity occurs on land potentially containing an item of aboriginal archaeology.	The development site is unlikely to contain any items of aboriginal archaeology, as the site has been previously developed for residential use.	Not Applicable
Section 17 – Heritage and Archaeological Sites	Heritage Impact Statement required for development within the vicinity of a heritage item or Heritage Conservation Area.	The development site is not listed as a heritage item, and is not within the vicinity of a heritage item.	Not Applicable
Section 18 – Notification of Applications	Applications to be notified in accordance with Table 10.	The application was advertised and notified	Complies
Section 19 – Use Clothing Bins	Provision relating to used clothing bins	The DA does not propose used clothing bins	Not Applicable
Section 20 – Car Parking and Access	<p>Car Parking and Access - Overall Design Considerations;</p> <p>1 space per 5sqm LFA or 1 space per 6 seats, whichever is the greater OR subject to traffic report (at the applicants expense) if required by Council, due to the scope of a particular development.</p> <p>LFA of existing barn is approximately 324m². Therefore:</p> <p>324/5 = 64.8 car parking spaces required.</p>	The proposed development provides for thirty-six (36) off-street car parking spaces on ground level, including two (2) accessible parking spaces for people with a disability, plus an additional overflow parking area within the site, for special events if required.	Does not comply
Section 21 – Subdivision of Land and Buildings	Applies to development involving subdivision of land or buildings	The DA does not propose subdivision	Not Applicable

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Section 22 – Water Conservation	Applies to development involving use of water	Not applicable	Not applicable
Section 23 – Energy Efficiency	Applies to development involving the use of energy for all commercial office development over \$5million	Not applicable	Not applicable
Section 25 – Waste Management	Waste Management Plan shall be submitted for demolition, construction and on-going waste management.	Waste Management Plan addressed in Statement of Environmental Effects.	Complies
Section 26 – Outdoor Advertising and Signage	Applies to applications involving outdoor advertising and signage.	Not applicable	Not applicable
Section 27 – Social Impact Assessment	Social Impact Comment (SIC) is required for residential development containing affordable housing.	Not applicable	Not applicable

Part 5 – Development in Rural and E3 Zones

Control	Requirement	Proposed	Comment
Site Planning	<u>Location of Buildings</u>		
	Buildings shall not be located on ridges or in places where they are too visible from the street;	Barn is existing and is not located on a ridge or in proximity to the street.	Complies
	Buildings shall be sited to maximise the retention of existing trees;	Barn is existing and no trees are proposed to be removed as part of the use.	Complies
	When siting buildings and seeking to maximise views, the visual impact of the building on the landscape is to be minimised;	No Landscape plan provided	Does not Comply
	Outbuildings and water tanks associated with rural dwellings are to be organised and planned in a group and not be predominantly from public view;	Outbuildings and water tanks are existing and are not located in public view.	Complies
	Site planning should be sensitive to site attributes, such as streetscape character, natural landform, existing vegetation, views and land capability;	Existing barn was constructed over an easement.	Does not Comply
	The site layout should enhance the streetscape through the use of landscaping and building form;	Barn is existing and no landscape plan provided.	Does not Comply
	Site planning should enable buildings to address streets and public open spaces.	Not Applicable	Not Applicable
Setbacks	<u>Site Coverage</u>		
	Max site coverage 10%	The maximum site covered is no more than 10%.	Complies
	<u>Setback from street frontage</u>	The barn has a front setback of 113m.	Complies

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	Land within the RU2 zone - Front setback 20m		
	Minimum setback to secondary frontage from a public street – 10m	Not Applicable	Not Applicable
	<u>Setback from other boundaries</u> Side setback 2m	Side setback to nearest boundary: 10.76m	Complies
	Rear setback 10m	Rear setback: 111m	Complies
Private Open Space	<u>Dwellings</u> Dwellings shall have private open space area not less than 100sqm;	No new dwellings proposed	Not applicable
	Within the E3 zone, private open space may be varied up to a maximum of 20% if the applicant can show that to provide the maximum level of private open space, would detrimentally effect the Environmentally Sensitive Land.	Not applicable	Not applicable
	Private Open Space must be directly accessible from living areas;	Not applicable	Not applicable
	Private Open Space should be located where they are not visible from the street;	Not applicable	Not applicable
	If necessary, fencing should be provided to provide privacy if Private Open Space is located at the side of the dwelling;	Not applicable	Not applicable
	Areas of Private Open Space must receive at least 3 hours of direct sunlight.	Not applicable	Not applicable
Building Height	<u>Residential Heights in rural areas</u> Residential Buildings are permitted to be a maximum of two (2) Storeys and an Attic in Height. This is equivalent to the height limit that is found across the residential zones of 8.5m	No residential buildings proposed.	Not applicable
	<u>Residential heights in Environmental Protection Areas</u> Dwellings are permitted to be a maximum of (2) storeys and an	Not applicable	Not applicable

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	attic in height. Dwellings must be designed to blend in with the landscape, and minimal clearing works.		
	<u>Other non-residential uses</u> All non-residential uses can have a general maximum height of 8.5m.	Submitted elevation plans do not provide height details.	Do not comply
	<u>Further restrictions on Height</u> All development must fit in with the surrounding areas, and conserve and protect the rural nature of the area. Therefore the above heights are a guide only, and a merit based assessment will occur for all development above 8.5m for a dwelling, and above 8.5m for a non-residential building	Not applicable	Not applicable
	<u>Towers</u> A landscape assessment shall be submitted showing that a tower would not have an adverse impact on the rural landscape.	Not applicable	Not applicable
	<u>Roof Design</u> 1. The roof pitch of a building is not to exceed 36 degrees.	Submitted elevations do not provide roof pitch details	Does not comply
	2. Gabled and hipped rooflines are to be incorporated into the design of a building.	The barn currently has a gabled roofline.	Complies
	<u>Building materials</u> 1. Materials must complement the rural landscape. Examples include stained timbers, brickwork, mud bricks, metal roofs, and similar materials sympathetic to the Australian rural heritage.	The barn is existing. Materials located within the building comprise of timbers and roof is tiled.	Complies
	2. Buildings and structures must complement the rural landscape where possible. However Council will consider the use of the building when assessing building materials.	Barn is existing	Complies
	<u>Colours</u> 1. Natural earth colours and natural vegetation colours	Not Applicable	Not Applicable

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	are to be emphasized on all buildings.		
	2. Highly reflective (shiny) colours are to be avoided for roofs and walls of buildings including sheds.	Not Applicable	Not Applicable
	<u>Streetscape</u> 1. Natural vegetation should be retained in setback to the street.	Natural vegetation located in the front setback shall be retained.	Complies
	2. Buildings shall directly address the street frontage.	Barn is existing and no additional buildings are proposed.	Complies
	<u>Rural landscape</u> 1. Except for driveways, no paved areas or "hard surfaces" are permitted in the front setback	There are no paved areas proposed in the front setback.	Complies
	2. All development should attempt to maintain the existing natural environment.	No removal of trees are proposed and natural vegetation to be retained.	Complies
	<u>Views, Scenic landscape and built features</u> 1. Buildings shall not be sited that obstruct views and vistas.	Existing barn do not obstruct views and vistas.	Complies
	2. Any significant natural and built features should be maintained	No demolition works proposed and natural vegetation to be retained.	Complies
	<u>E3 Landscape</u> 1. No paved areas or "hard surfaces" are permitted in the front setback.	Not Applicable	Not Applicable
	2. All development should attempt to maintain the existing natural environment.	Not Applicable	Not Applicable
	3. Timber decking is an alternative to paving, as it can be built with and around the existing tree landscape.	Not Applicable	Not Applicable
Landscaping and Fencing	<u>Tree Planting</u> 1. Existing trees and native vegetation are to be retained, protected and incorporated into the development proposal. This is particularly important for vegetation which forms part a	No trees or vegetation are proposed to be removed and are to be retained.	Complies

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	ridgeline tree canopy and in foreshore areas (with the exception of weed species).		
	2. Ridgelines shall be visually enhanced through the mass planting of additional indigenous vegetation, including native undergrowth and canopy species.	Not Applicable	Not Applicable
	3. The landscape design of a development must have regard to the prevailing weather conditions.	Not Applicable	Not Applicable
	4. Trees are to be used to provide shade to buildings, outdoor recreation areas and car parking. Unless required for screening or noise attenuation purposes, solid wall or fences, which do not allow 'through vision' along allotment boundaries will not be allowed.	No trees or vegetation are proposed to be removed and are to be retained.	Complies
	5. All other perimeter screen planting is to be native species.	No trees or vegetation are proposed to be removed and are to be retained.	Complies
	6. Hard surfaces should be limited to access, car parking and private open space areas.	Hard surface in the front setback is an existing driveway	Complies
	<p><u>Landscaping for rural landscape</u></p> <p>Landscaping for rural landscape is generally applied for dwellings, out buildings and other buildings. While dense planting in garden beds may form part of the landscape treatment the primary aim is to provide tree planting to enhance the rural landscape. In particular the landscaping shall involve the following:</p>	There are a vast number of trees located onsite and on the street.	Complies
	1. The trees shall provide a canopy for the street and rural landscape.		
	2. Shrubs may be used and preferably in mulched garden beds.	Landscape is existing onsite	Complies
	3. Trees shall only be planted in grass where there is a border or protection around the tree	Landscape is existing onsite	Complies

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	separating it from the grassed area.		
	<p><u>Landscaping for screening</u></p> <p>Landscaping for screening is generally applied to uses such as Intensive Plant Agriculture, Intensive Livestock Agriculture, Extractive Industries, outside storage areas and large storage buildings. The aim is to minimize the view of such buildings and items. It will involve the provision of trees and shrubs in mulched garden beds. In particular the landscaping shall involve the following:</p> <ol style="list-style-type: none"> 1. The trees shall provide a canopy for the streetscape and soften the appearance of the rural environment, without unduly concealing approved on site signage. 	No trees or vegetation are proposed to be removed and are to be retained.	Complies
	<ol style="list-style-type: none"> 2. Mulched garden beds shall incorporate ground covers that will cover the ground area. 	No trees or vegetation are proposed to be removed and are to be retained.	Complies
	<ol style="list-style-type: none"> 3. Large shrubs shall be used under the tree canopy to screen the building or item. 	No trees or vegetation are proposed to be removed and are to be retained.	Complies
	<ol style="list-style-type: none"> 4. Shrubs shall only be planted in mulched garden beds. 	No trees or vegetation are proposed to be removed and are to be retained.	Complies
	<p><u>Fencing</u></p> <ol style="list-style-type: none"> 1. Maximum height for solid fences at the front of site: 1.2m; 	Fence are existing.	Complies
	<ol style="list-style-type: none"> 2. Maximum height for transparent fences at the front of site: 1.8m 	Not applicable	Not applicable
	<ol style="list-style-type: none"> 3. Fences at the front of site shall not be chain wire, metal sheeting, brushwood or electric fences. 	Not applicable	Not applicable
	<ol style="list-style-type: none"> 4. Fences alongside and rear boundaries shall have a maximum height of 1.8m 	Not applicable	Not applicable
	<ol style="list-style-type: none"> 5. Where screening of a building or item is needed a solid fence may be provided behind intensive landscaping. 	Not applicable	Not applicable

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<p>Car Parking & Access</p>	<p><u>Access</u></p> <p>1. The location of access driveways should consider the natural features, topography and existing vegetation of the site. Access driveways should follow the topography and landscaping onsite;</p>	<p>Access driveways to the barn are existing and is of concrete material. The driveway shall be widened to 5.5m to provide for two-way access.</p>	<p>Complies</p>
	<p>2. Access driveways should be located where they are easily visible on the street. Avoid placing driveways at bends or where the road creates visibility problems for access points.</p>	<p>Two driveways are proposed as part of the development. The driveway to the south of the site shall be used to access the existing dwelling. The driveway located north to the site shall be used for the place of public worship. Council's traffic engineers have commented on the driveways requiring upgrades to accommodate increase of traffic in the area.</p>	<p>Complies</p>
	<p>3. Development on sites located on classified roads may be required to provide a deceleration lane to ensure that the flow of traffic is not impeded.</p>	<p>Development is not located on a classified road.</p>	<p>Complies</p>
	<p><u>Design and location of car parking and loading</u></p> <p>1. Loading bays or parking for trucks, should be located in an area that is not visible from the street.</p>	<p>Not applicable</p>	<p>Not applicable</p>
	<p>2. Large car parking areas are not to be visible from the street. Car parking areas must be clearly indicated through signage on site.</p>	<p>Proposed car park is not visible from the street.</p>	<p>Complies</p>
	<p>3. Should the site require overflow parking for special events, an area shall be designated that can be used for temporary car parking.</p>	<p>Additional overflow parking proposed, however there is no further detail in relation to car park design</p>	<p>Does not Comply.</p>
<p>Amenity and Environmental Impact</p>	<p><u>Noise</u></p> <p>Land uses that would create excessive noise will not be permitted. Land uses will be subject to the Protection of the Environment Operations Act 1997.</p>	<p>Council's Senior Environmental Health Officer have assessed an updated acoustic report prepared by Northrop Consulting Engineers (Dated 24 August 2018) ref no: AR01. Environment and Health is unable to support the acoustic assessment because the submitted</p>	<p>Does not comply</p>

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		acoustic report demonstrates that the proposed development is likely to cause a noise impact on surrounding residences	
	<u>Air</u> Land uses that would create excessive pollution and odour will not be permitted. Land uses will be subject to the Protection of the Environment Operations Act 1997.	Not applicable	Not applicable
	<u>Water Cycle</u> Stormwater and excess water associated with irrigation including nutrient enriched waters generated within the site are to be contained and treated on the site.	The Health Section requested that the proposed effluent disposal area be assessed for impacts on flora and fauna however it is understood that this is yet to have been conducted.	Does not comply
	<u>Hazardous Materials</u> Storage and handling of fuels and chemicals (fertilizers', pesticides) is to be contained within areas that are impermeably floored and bunded.	Not applicable	Not applicable
Site Services	<u>Waste Management</u> 1. Non-residential properties shall provide their own waste management	The place of public worship proposes to use Council's collection waste bins.	Does not Comply
	2. Non-residential developments should provide details of their waste management system.	The place of public worship proposes to use Council's collection waste bins.	Does not Comply
	3. The storage of the garbage receptacles shall be screen from public view and from adjoining properties.	Waste storage area is not included in the plans	Does not Comply
	<u>Letterboxes and house numbering</u> 1. Letterboxes shall be located along the front boundary and be clearly visible and accessible from the street.	Letterboxes are existing onsite	Complies
	2. The street number of a site must be visible from the street and made of a reflective material to allow visitors and emergency vehicles to easily identify the site.	Not Applicable	Not Applicable
	<u>Frontage works and damage to Council assets</u>	To be conditioned	Complies

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	1. Where a footpath, road shoulder, new or enlarged access driveway or is required to be provided this shall be provided at no cost to Council.		
	2. Council must be notified of any works that may threaten Council assets. Council must give approval for any works involving Council infrastructure.	To be conditioned	Complies
	<u>Electricity Sub Station</u> In some cases it may be necessary to provide an electricity sub-station at the front of the development adjacent to the street frontage. This will involve dedication of the area as a public road to allow access by the electricity provider. The front boundary treatment used elsewhere on the street frontage shall be used at the side and rear of the area.	Not applicable	Not applicable
	<u>Sewer</u> Applications for development of land where reticulated sewage is not planned to be provided shall be accompanied by an application under Section 68 of the Local Government Act 1993 for an On Site Sewer System. Development consent will not be issued until this application can be issued by Council.	On site sewer system is existing. Wastewater report prepared by Abel & Brown Pty Ltd (File no: 2780) dated August 2017 was referred to Council's Senior Environmental Health Officer for comment. The Health Section requested that the proposed effluent disposal area be assessed for impacts on flora and fauna.	Does not Comply
Additional Requirements – Places of Public Worship	<u>Subdivision, Frontage & Allotment Size</u> Minimum site area: 1 ha	No subdivision proposed	Not applicable
	<u>Site Planning</u> 1. Places of public worship should be located: - On streets with widths that permit adequate safe maneuverability of vehicles & lines of sight for pedestrians, cyclists and vehicles.	The street is approximately 4m and does not accommodate two way traffic. There is no traffic management plan submitted to Council. Traffic Engineers have provided comment and stated that <i>concentration of expected traffic activity over a short period of time is going to place increased pressure on the existing network.</i>	Does not comply
	- Where traffic control devices do not impede vehicular access to site.	There are no traffic control devices in the vicinity of the site.	Not applicable

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	<p>2. Places of public worship shall not be permitted adjacent to activities, which generate significant noise or air pollution.</p>	<p>Council's Senior Environmental Health Officer have assessed an updated acoustic report prepared by Northrop Consulting Engineers (Dated 24 August 2018) ref no: AR01. Environment and Health is unable to support the acoustic assessment because the submitted acoustic report demonstrates that the proposed development is likely to cause a noise impact on surrounding residences</p>	
	<p><u>Site Planning</u></p> <p>The site layout should ensure that the front entrance to the place of public worship is easily located and accessible.</p>		
	<p><u>Building Appearance, Streetscape and Layout</u></p> <p>1. Maximum height: 8.5m and buildings must be consistent with the surrounding amenity.</p>	<p>Building height of existing barn is unknown. There are no measurements in the elevation plans.</p>	Complies
	<p>2. Spires, towers and similar structures shall have a maximum height of 15m and may be considered on the basis of their bulk and scale, the extent of their overshadowing, and their contribution to the streetscape.</p>	<p>Not applicable</p>	Not applicable
	<p>3. Buildings that are for the purpose of ancillary uses to a place of public worship must be single storey and comply with all relevant built form controls within this section.</p>	<p>The existing residential building that is used as an ancillary use is a single storey dwelling.</p>	Complies.
	<p><u>Car Parking and Access</u></p> <p>Overflow car parking may be required to be provided. This may be provided as a grassed area.</p>	<p>Additional overflow parking proposed, however there is no further detail in relation to car park design</p>	Does not Comply.
	<p><u>Amenity and Environmental Impact</u></p> <p>1. Details must be provided of the intended times for services and other ancillary uses. Council will stipulate what times these events are permitted to be held.</p>	<p>A schedule detailing 'current and projected' activities are provided in the statement of environment effects. However, the proposal does not include an operation management plan to demonstrate minimal impact to the environment and amenity of the area.</p>	Partially Complied with
	<p>2. An ancillary use includes schools, halls, residence,</p>	<p>There is an existing dwelling used for the pastor residences.</p>	Complies

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	libraries or other uses directly associated with the place of public worship.		
	<u>Landscaping</u> 1. A landscaped buffer zone of at least 10 metres wide must be provided to the side and rear boundaries of the site. The buffer zone shall not be used for parking areas or the like.	Landscape plan not submitted to Council.	Does not comply

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ATTACHMENT 3 - STAMPED PLANS FOR BA NO. 3919/98

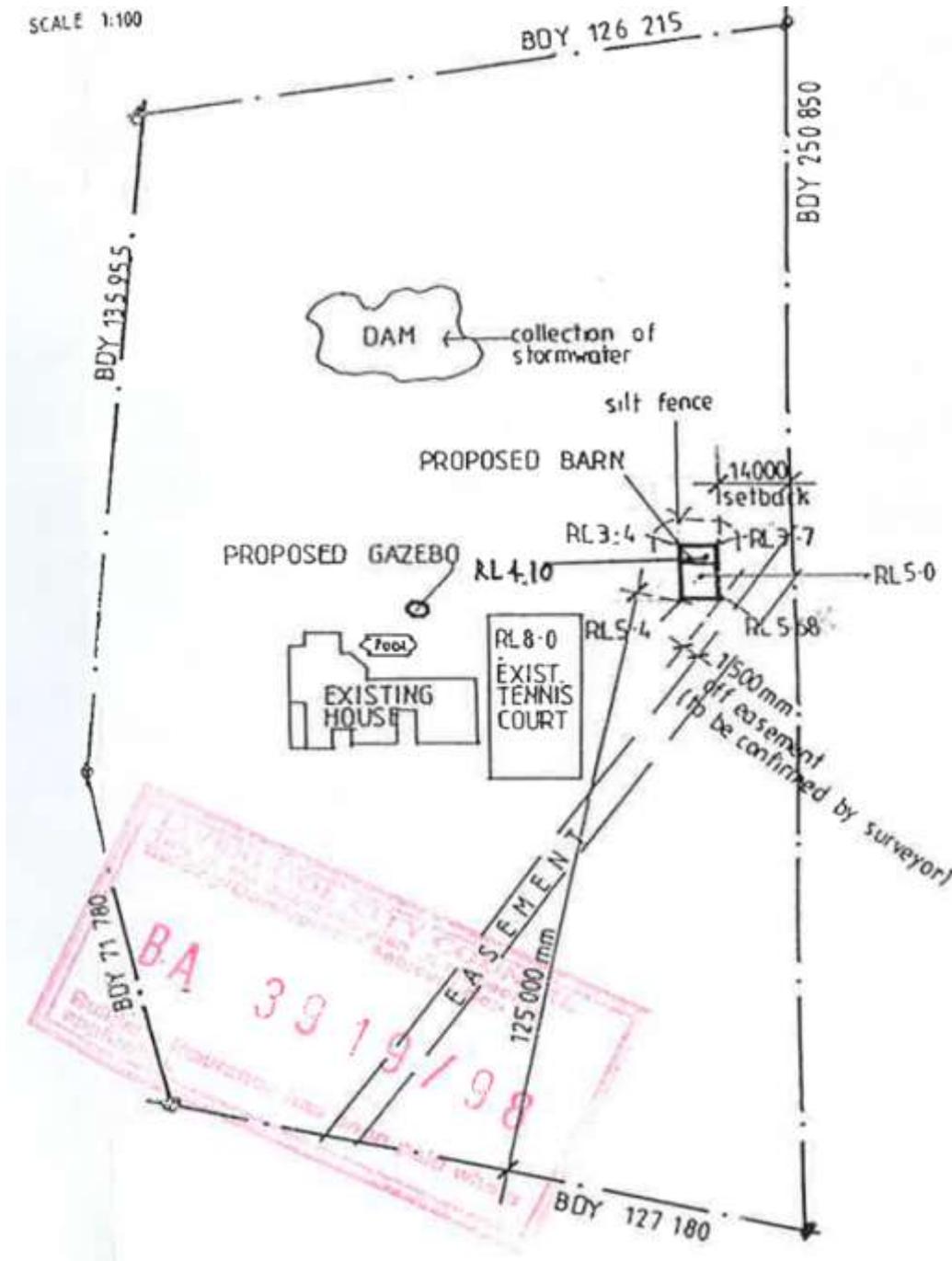


Figure 12 illustrates site plan of proposed barn (submitted to council on 6 May 1998).

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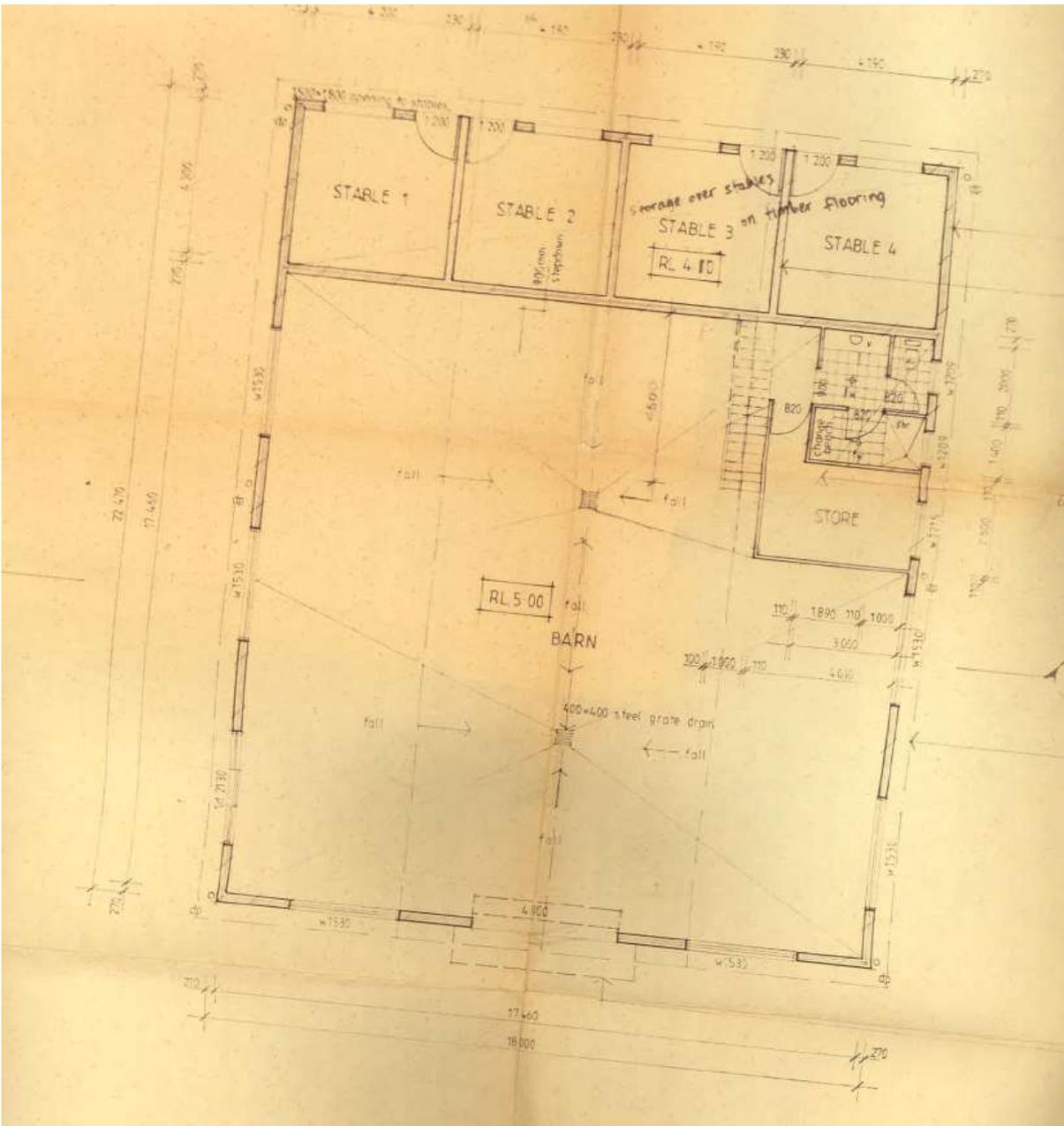


Figure 13 illustrates floor plan of barn at 30 Fox Valley Road, Denham Court.

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ATTACHMENT 4 – NOTICE TO APPLICANT OF DETERMINATION OF A BUILDING APPLICATION NO. 3919/98.

B 1505.40
Mr B Cohen : ae
9821 9389

17 June 1998

Belvadere Designs
1916 Camden Valley Way
EDMONDSON PARK NSW 2170

**LOCAL GOVERNMENT ACT, 1993 AND REGULATIONS AND
BUILDING CODE OF AUSTRALIA (BCA) 1996**

**NOTICE TO APPLICANT OF DETERMINATION OF
A BUILDING APPLICATION**

Being the applicant in respect of Building Application No. 3919/98 and pursuant to Section 99 of the Act, Notice is hereby given of the determination by the Approval Authority of the Building Application No. 3919/98 relating to:

PROPERTY: LOT 151, D.P. 702549, NO. 30-40 FOX VALLEY ROAD, DENHAM COURT
OWNER: MRS W AGOSTINO, 30 FOX VALLEY ROAD, DENHAM COURT
BUILDER: TO BE ADVISED

The Building Application has been determined on 17 June 1998 by granting of approval which operates from 17 June 1998 subject to conditions specified in this Notice.

DESCRIPTION: PROPOSED GAZEBO AND BARN CLASS 10a

CONDITIONS:

THIS IS TO CERTIFY that the attached stamped plans and specification have been approved by Council on the date hereon, subject to the following conditions.

GENERAL

1. Compliance with the Local Government Act, 1993 and Regulations thereunder.
2. A minimum of 24 hours notice should be given for all required inspections by calling Council's Call Centre on 1300 362 170. The required inspections are listed below:
 - (a) All trenches and steel reinforcement prior to pouring of concrete;
 - (b) Framework when complete prior to the fixing of wall sheeting;
 - (c) Flashings in wet areas i.e. bathrooms;
 - (d) Stormwater drainage lines prior to backfilling;
 - (e) Completion of all works.

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17 June 1998

3. Stamped approved building plans must be submitted to Sydney Water prior to commencement of work. Failure to do so will render the owner liable to a penalty and may result in the demolition of the work. A Regional Office of Sydney Water is located cnr. Bigge & Moore Streets, Liverpool, Telephone 9821 0555.
4. Permission is hereby granted for the removal of any tree within 3 metres of the building footprint. Trees located outside this area are not to be removed without the consent of Council.
5. Electrical installations must be in accordance with the requirements of Integral Energy. All enquiries relating to electrical installations should be directed to that Authority.
6. Construction/civil work is only permitted on the site between the hours of 7 am to 6 pm Monday to Friday and 8 am to 1 pm on Saturday with no work permitted on Sundays or Public Holidays, unless otherwise approved by the Planning & Development Department. Construction works do not relate to any works not capable of creating an annoyance to other premises i.e. works not requiring use of machinery or other noise generating processes.
7. Approval is subject to the condition that the builder or person who does the residential building work complies with the applicable requirements of Part 6 of the Home Building Act 1989 whereby a person must contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the proposed work. It is the responsibility of the builder or person who is to do the work to satisfy Council that they have complied with the applicable requirements of Part 6.

SITING, SURVEY REPORTS, FLOODING

8. The gazebo and barn are to be sited in accordance with approved site plan.

DRAINAGE

9. Roofwater to be disposed of to Council's satisfaction so as not to cause nuisance to adjacent lot boundaries.

MISCELLANEOUS

10. Gazebo and barn are to be completed to conform with existing development and amenity of the area.
11. Gazebo and barn are not to be used for human habitation, industrial or commercial purposes.
12. Roof and wall cladding to be fixed and supported in accordance with the manufacturer's recommendations.

NOTES:

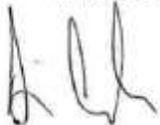
- A All buildings to be sited well clear of any easements affecting the allotment. The applicant should ascertain if any easements do exist and if so obtain full details of such prior to construction commencing.
- B Telstra recommends prewiring for telephone services during construction of dwellings or dwelling additions. Contact Telstra for further details.
- C A review of this approval may be requested by the applicant within twenty eight (28) days of this determination subject to an appropriate fee.
- D If you are aggrieved by any of the aforementioned conditions of approval you are advised of your right of appeal to the Land and Environment Court of NSW. However, any items may be clarified by contacting your Senior Environmental Health and Building Surveyor at Council's Offices.

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- E** Contact should be made with Integral Energy to ascertain maximum clearance between the proposal and overhead electricity supply lines to the property.
- F** Unimpeded access must be available to Integral Energy during and after building for the electricity meters and metering equipment.
- G** ANY FAILURE TO COMPLY WITH THE CONDITIONS OF APPROVAL MAY RESULT IN LEGAL ACTION BEING INSTIGATED AND THE PRECLUSION OF A BUILDING CERTIFICATE AT THE COMPLETION OF WORKS.
- H** You are advised that heavy penalties can be imposed on offenders under the Environmental Offences and Penalties Act, for pollution of waterways. Sediment is considered to be a pollutant and the potential for erosion and sedimentation resulting from site works is such that the provision of erosion and sedimentation control devices is required. These shall remain in place until such time as all disturbed areas of the site are restabilised.
- I** The conditions are imposed taking into account the Local Government Act, 1993 and Regulations thereunder, relevant standards and site conditions.
- J** This approval shall lapse two (2) years from the date on which the approval operates as adopted by Council.
- K** Non slip surface finish is to be provided to any driveway located between the front boundary and Councils footpath. Finishes of glazed silicone or smooth trowel will not be permitted.
- L** Liverpool City Council encourages the installation of approved rainwater tanks for residential dwellings. Consideration should be given to the installation of a tank and should you have any enquiries in relation to location, size etc. you are requested to contact this office. Water from rainwater tanks is not suitable for drinking.
- M** 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. For assistance, you are directed to parts 2, 3 and 4 of the Australian Standards 1428 - Design for access and Mobility (Part 1 is mandatory in the Building Code of Australia).
- N** Builders Insurance is optional for the owner builder. However, you are advised if the residential premises is sold within seven (7) years of completion, an Insurance Certificate is to be obtained and attached to any Contract of Sale.



Bernie Cohen
SENIOR ENVIRONMENTAL HEALTH & BUILDING SURVEYOR

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ATTACHMENT 5 – CORRESPONDENCE FROM SYDNEY WATER (DATED 13 APRIL 2018)



13 April 2018

Shaun Williams
Liverpool City Council
Locked Bag 7064 Liverpool BC NSW 1871

RE: 30 Fox Valley Rd, Denham Court (DA-800/2017)

Dear Mr Williams,

Thank you for notifying Sydney Water of the development application listed above. We have reviewed the application and, based on the provided information, we are objecting to the proposed development for the following reasons.

According to our records, Sydney Water did not approve the original structure. Therefore any alterations, additions or change of use to the original structure is unable to be approved as it is within the easement.

In an event where the asset the easement is covering needs maintenance or urgent repair works, the original structure can hinder access to the asset.

Further advice and requirements for this proposal are in the attachments. If you require any further information, please contact Mary Ellen Trimble of Growth Planning and Development on 02 8849 6073 or email mary.trimble@sydneywater.com.au.

Yours sincerely


Paul Mulley
Manager, Growth Planning and Development