

**MATTERS FOR
LOCAL PLANNING PANEL
DETERMINATION**

Monday 30th April 2018

To be held at the
'Casula Powerhouse'
1 Powerhouse Drive
Casula

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 on 8711 7627 or 1300 36 2170, by 4pm, Friday, 27th April 2018.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

ITEM No.	SUBJECT	PAGE No.
1	<p>Development Application DA-593/2016</p> <p>Demolition of the existing building and construction of a five (5) storey boarding house development containing nineteen (19) boarding rooms with ground floor car parking and associated landscaping</p> <p>LOT 5 DP 249435 71 LACHLAN STREET, WARWICK FARM NSW 2170</p>	3-51

ITEM No.	SUBJECT	PAGE No.
2	<p>Development Application DA-527/2017</p> <p>Construction and operation of a concrete batching plant and a materials blending plant. The proposal involves:</p> <ul style="list-style-type: none"> * demolition of an existing dwelling * construction of the proposed CBP and MBP * construction of site infrastructure including vehicle access, internal driveway and egress arrangements, parking areas, amenities, store room and laboratory, a plant control room and office, a weighbridge, an above ground fuel storage tank. <p>The proposed development is Designated Development under the Environmental Planning and Assessment Regulation 2000 and is Nominated Integrated Development pursuant to Clause 5(1)(b) of the Environmental Planning and Assessment Regulation 2000, as it requires an Environmental Protection Licence (EPL) under Schedule 1 of the Protection of the Environment Operations Act 1997 (POEO Act) and approval from NSW Department of Primary Industries Water (DPI Water) pursuant to the Water Management Act 2000.</p> <p>The proposed development is also identified as Integrated Development pursuant to Section 91 of the Environmental Planning and Assessment Act 1979 and requires an approval from NSW Rural Fire Service under Section 100B of the Rural Fires Act 1997. Liverpool City Council is the consent authority</p> <p>LOT 10 DP 28729 14 YARRUNGA ROAD, PRESTONS NSW 2170</p>	52-134

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

ITEM No.	SUBJECT	PAGE No.
3	Development Application DA-581/2017 Demolition of existing structures and the construction of an 8-storey residential flat building containing 50 apartments above basement parking with associated landscaping LOT 21 DP 758620 13-15 BATHURST STREET, LIVERPOOL NSW 2170	135-218

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

Item no:	1
Application Number:	DA-593/2016
Proposed Development:	DEMOLITION OF THE EXISTING BUILDING AND CONSTRUCTION OF A FIVE (5) STOREY BOARDING HOUSE DEVELOPMENT CONTAINING NINETEEN (19) BOARDING ROOMS WITH GROUND FLOOR CAR PARKING AND ASSOCIATED LANDSCAPING
Property Address:	71 LACHLAN STREET, WARWICK FARM NSW 2170
Legal Description:	DP 249435 LOT 5 SEC 20
Applicant:	ACA DESIGN CONSULTANTS
Land Owner:	HAS HOS PTY LTD
Cost of Works:	\$2,797,880.00
Recommendation:	Refusal
Assessing Officer:	Boris Santana, Senior Development Planner

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, as the development proposes a variation of more than 10% to a development standard of the Liverpool Local Environmental Plan (LLEP) 2008.

The proposed development fails to comply with Clause 7.4 of the LLEP 2008 which stipulates a minimum building separation of 9 metres for parts of buildings between 12 metres and 25 metres above ground level, on land in Zone R4 High Density Residential.

It is generally applicable that half the building separation distance is provided to the boundary, as adjoining development would provide the remaining half of the separation distance. Thus, the development is only required to provide a minimum separation distance of 4.5 metres from the property boundary.

The application proposes a separation distance of 1.7m to the eastern boundary and 2.2m to the western boundary, which at a maximum, represents a 2.7m or 62% variation.

The proposed development also fails to comply with Clause 7.14 of the LLEP 2008, which identifies a minimum building street frontage of 24 metres for the proposed development. The site has a frontage of 21.3m to Lachlan Street, which represents a non-compliance of 2.7m or 11%.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

The proposal

Council has received a Development Application proposing the demolition of the existing building and construction of a five (5) storey boarding house development containing nineteen (19) boarding rooms with ground floor car parking and associated landscaping at 71 Lachlan Street, Warwick Farm.

The site

The site is identified as Lot 5 Sec 20 DP 249435 and is located at 71 Lachlan Street, Warwick Farm. The site has a frontage of approximately 21.3m to Lachlan Street and 14m to Sydney Road. The site provides a reasonably level parcel of land, with a fall of around 200mm from the north to the south of the site. The site area is 691.5m².

Currently, the subject site contains a single storey dwelling and associated structures such as outbuildings. No significant trees are located on the site.

The issues

- The proposed development is considered to be inconsistent with the provisions of Clause 4.6 relating to the variations proposed to Clause 7.4 Building separation and Clause 7.14 Minimum building street frontage within LLEP 2008.
- The proposed development is inconsistent with the provisions of Clause 30A of Division 3 of SEPP (Affordable Rental Housing) 2009 in that the design of the development is not compatible with the character of the local area and will have an adverse impact on the physical amenity of the neighborhood.
- The proposed development does not achieve compliance with the relevant controls as stipulated in Liverpool Development Control Plan (DCP) 2008 Chapter 4 –regarding Section 2.1 Controls for Building Form, Section 2.3 Site Cover and Deep Soil Zones and Section 5.5 Noise.

Exhibition of the proposal

The proposal was notified and advertised between 2 November 2016 and 17 November 2016 in accordance with LDCP 2008. One (1) written objection was submitted to Council from 67, 69 & 73 Lachlan Street. It is noted that the owners of the above neighbouring properties have made objections to Council on the grounds that this proposal will prevent their respective sites from being considered for high density residential, and suggest a better option is to develop the four sites in a more integrated way to avoid the fragmentation of land and lost opportunity for high density housing stock. Efforts by the applicant have been made to amalgamate the site with the above site to prevent it from becoming an isolated site, however these efforts were unsuccessful.

Conclusion

The application has been assessed pursuant to the provisions of the Environmental Planning and Assessment (EP&A Act) 1979. It is considered that the design of the proposed development has failed to demonstrate that the proposed boarding house is compatible with the character of the area. In its present form, the design of the development is considered to be out

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

of character with the existing and desired character of residential development in the area. Also, it is considered that the configuration of the boarding house is likely to adversely impact on the amenity of the adjoining neighbours.

2. SITE DESCRIPTION AND LOCALITY

The Site

The site is identified as Lot 5 Sec 20 DP 249435 and is located at 71 Lachlan Street, Warwick Farm. The site has a frontage of approximately 21.3m to Lachlan Street and 14m to Sydney Road. The site provides a reasonably level parcel of land, with a fall of around 200mm from the north to the south of the site. The overall site area is 691.5m².

Currently, the subject site contains a single storey dwelling and associated structures such as outbuildings. No significant trees are located on the site.

The site is currently adjoined by a two residential dwelling at its western boundary, and further west, on the corner of Lachlan Street and Sydney Road, a single story residential dwelling. The site is bounded to the north by Sydney Road/Hume Highway. The east of the site adjoined by single story dwelling houses. To the south, on the opposite side of Lachlan Street, is a two story dwelling house and a five story residential flat building.

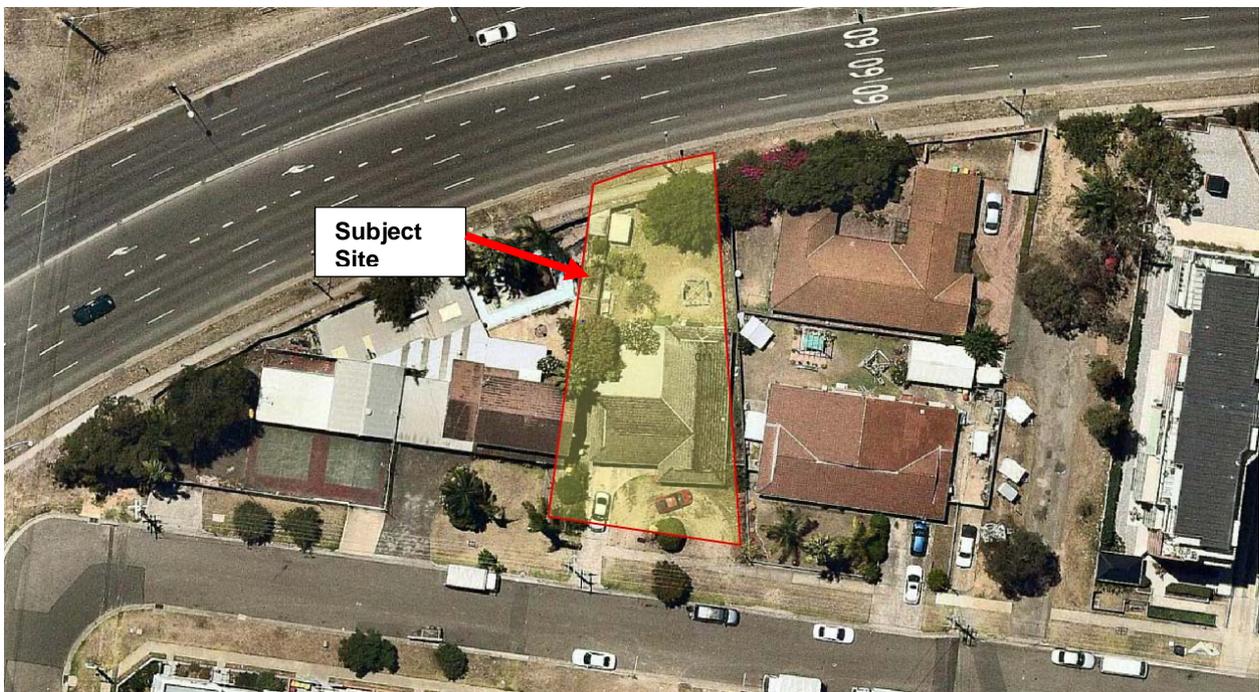


Figure 1: Aerial view of site

The Locality

The site is located on the periphery of the Liverpool City Centre. The site is located in a residential block bounded by Sydney Road/Hume Highway, Lachlan Street and Liverpool Memorial Park. The block contains a mixture of one and two story detached dwelling houses of mainly brick, stone and concrete construction. Opposite of the site is an existing five story

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

residential flat building.

The locality also demonstrates a similar combination of built forms, with buildings ranging from single story dwellings to six story residential apartment buildings. The subject site and its immediate surrounds are currently in transition from the low density housing stock characteristic of the area to a high density residential environment.

Liverpool Westfield is located 300m to the south east of the site and Liverpool train station is located 1.1km to the south east of the site. Liverpool Memorial Park is approximately 160m east of the site. Located 700m to the north of the site is the Grove Homemaker Centre.

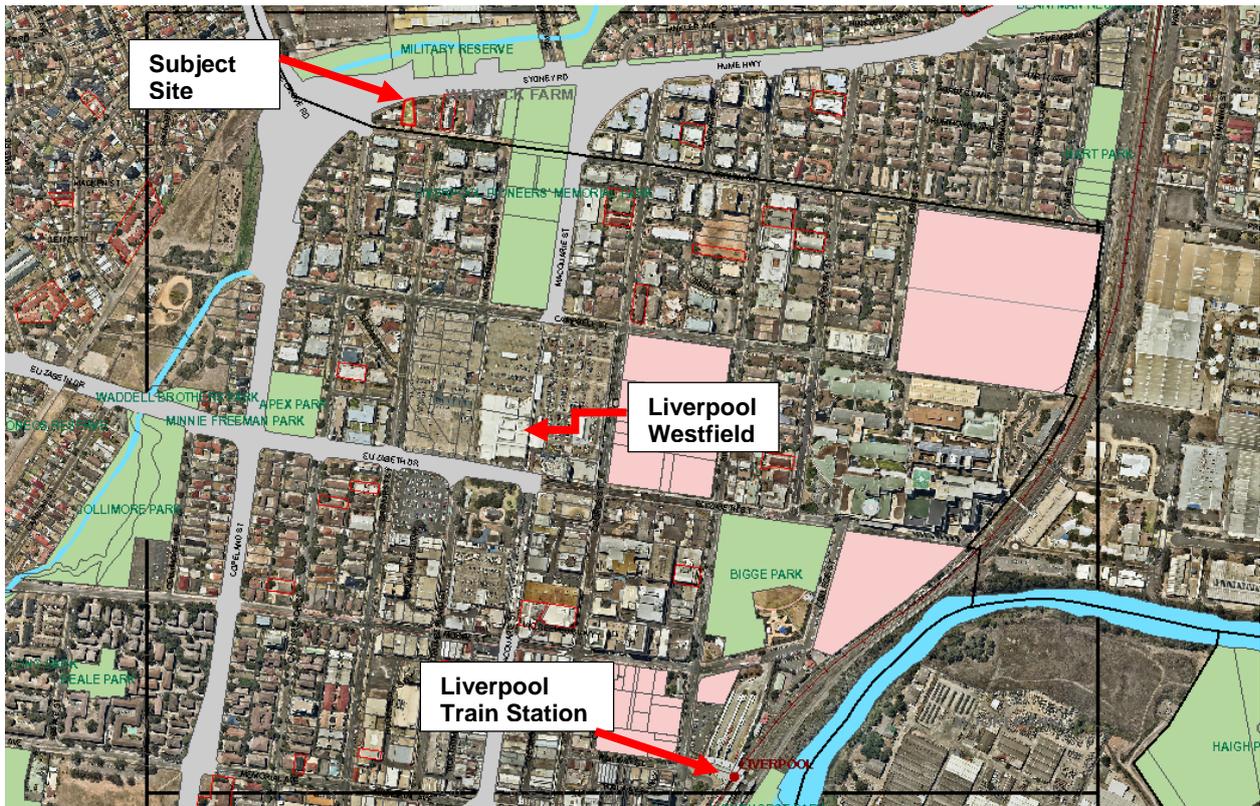


Figure 2: Locality map

3. HISTORY OF THE APPLICATION

- A pre-lodgement meeting was held for the subject proposal on 23 December 2014.
- A meeting was held with the Design Excellence Panel for the subject proposal on 16 April 2015 and 17 March 2016.
- The subject DA was lodged with Council on 30 June 2016.
- The DA was notified to adjoining and opposite properties between 2 November 2016 and 17 November 2016 in accordance with LDCP 2008.
- Council requested additional information and amendments to the proposed development on 7 July 2016, 21 March 2017 and 23 May 2017.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

- On 2 February 2017, a meeting was held between Council officers and the Applicant to discuss the application. The Applicant was advised that the proposal has a number of deficiencies, including but not limited to, setbacks, landscaping, heritage and building frontage. It was advised that a significant redesign of the proposal would be required in order to address these deficiencies.

It was further recommended that the application be withdrawn as it cannot be supported in the form proposed. On 19 February 2018, the applicant requested that Council proceed with the determination of the current application. Accordingly, due to the variations proposed, this matter is referred with a recommendation for refusal.

4. DETAILS OF THE PROPOSAL

Demolition of the existing building and construction of a five (5) story boarding house development containing nineteen (19) boarding rooms with ground floor car parking and associated landscaping.

Additional details are as follows:

- The proposed boarding house provides for 19 self-contained boarding rooms with private kitchen and bathroom facilities. Ten (10) boarding rooms will cater for 2 lodgers and nine (9) boarding rooms will cater for a single lodger. The boarding house is designed to accommodate twenty (29) lodgers at the site.
- As the boarding house accommodates more than 20 lodgers, a boarding room has also been provided for a boarding house manager on the fifth level.

Vehicular and Pedestrian Access

- The proposal involves the construction of a driveway, with access from Lachlan Street, located toward the western boundary of the site. The driveway will provide two-way vehicular access to ground level car parking. The main pedestrian access to the development is provided from Lachlan Street.

Parking Provisions

- The proposed development will provide 8 parking spaces at ground level with 1 accessible space. Parking for motorbikes and bicycles is provided along the eastern boundary.

Site Servicing Facilities

- A waste room for the storage of waste and recycling is proposed on the ground floor of the site. Collection of bins will be undertaken at the street frontage.

Communal Open Space and Landscaping

- The proposed development provides a communal terrace (44sqm) on the fifth floor with direct access from the communal room.
- The fifth floor is also provided with a separate roof garden.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

- Landscaping is provided along the side and rear boundaries as well as within the front setback.

Stormwater Drainage

- Stormwater runoff from the proposed development will connect to the proposed underground on-site detention tank located within the driveway.
- Stormwater will be connected to the kerb inlet pit within Lachlan Street.

Demolition

- Demolition of existing buildings on site, consisting of one detached dwelling and associated structures.

5. STATUTORY CONSIDERATIONS

Zoning

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

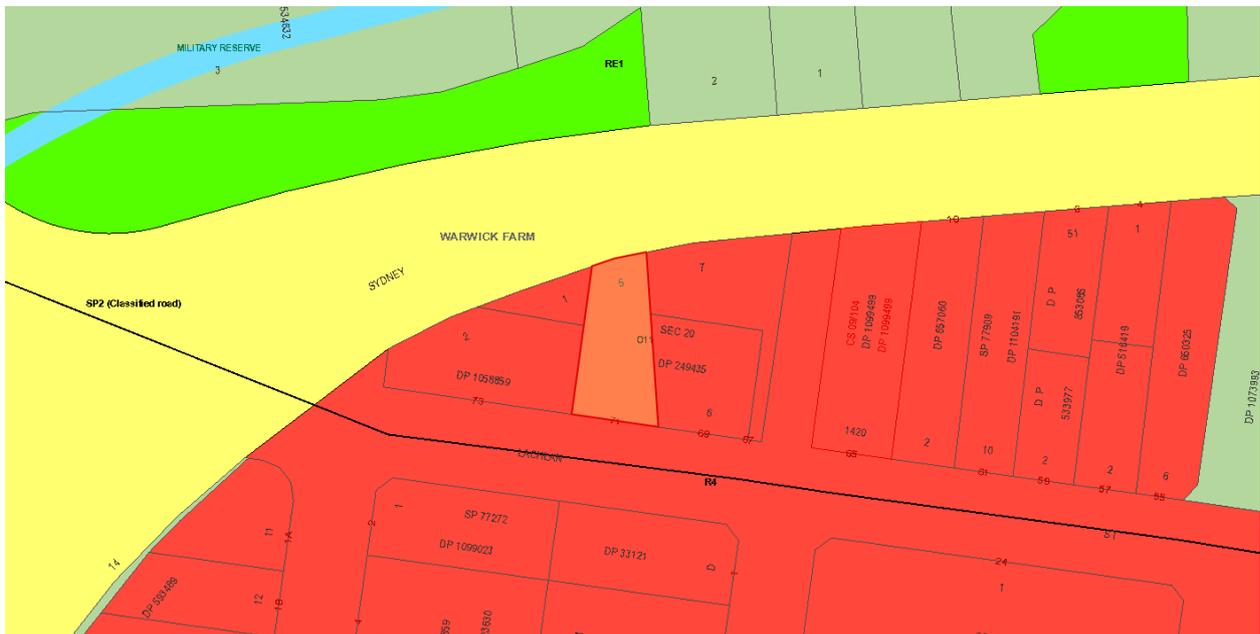


Figure 3: Zoning Map

Relevant matters for consideration

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

- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (deemed SEPP);
- State Environmental Planning Policy (Affordable Rental Housing) 2009;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

- Liverpool Local Environmental Plan (LLEP) 2008;

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 Act 1979 and the Environmental Planning and Assessment Regulation 2000 as follows:

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

(a) State Environmental Planning Policy (Affordable Rental Housing) 2009

The SEPP (Affordable Rental Housing) 2009 is the applicable Environmental Planning Instrument as it contains specific provisions in relation to the proposed development, being a boarding house. The application has been assessed against the relevant provisions of the SEPP (Affordable Rental Housing) 2009 and the compliance tables for this SEPP is contained in Attachment 2.

The development is found to be unsatisfactory with regard to the following objectives and development controls of SEPP (Affordable Rental Housing) 2009:

Clause 30A Character of the local area

The SEPP ARH requires the consent authority to take into consideration whether the proposal is compatible with the character of the local area. The approach was adopted in the following recent court decisions: *Cehine-Nehmetallah v Bankstown City Council*¹; *Succar v Bankstown City Council*².

In these cases the planning principle in *Project Venture Developments v Pittwater Council*³ is adopted which poses the following two questions in regards to the character of a locality: Are the proposal's physical impacts on surrounding development acceptable? The physical developments include constraints on the development potential of surrounding sites. Is the proposal's appearance in harmony with the buildings around it and the character of the street?

The local area is comprised of those properties on the northern and southern side of Lachlan Street in the block between Sydney Road/Hume Highway and Northumberland Street. The development within the local area is characterised by a mix of development consisting both of low density residential typified by single and double story detached dwelling houses and high density living such as residential flat buildings.

Physical Impact

In these cases the planning principle in *Project Venture Developments v Pittwater Council*⁴ the following comment was also made in regards to character:

“The physical impacts, such as noise, overlooking, overshadowing and constraining development potential, can be assessed with relative objectivity.”

1 [2013] NSWLEC 1085

2 [2012] NSWLEC 1255

3 [2005] NSWLEC 191

4 [2005] NSWLEC 191

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

In its present form, it is considered that the proposed development has been conceived with inadequate regard to the amenity of the surrounding residential properties.

Concern is raised in relation to physical impacts associated with the proposed side setbacks of the development. Setbacks from side boundaries provides rhythms and voids between buildings that assist in providing residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access and outlook. In this case, the Liverpool DCP prescribes side setback distances relative to the height of the building. The development has not been setback in accordance with the applicable controls.

The setbacks also need to be considered in the context of its immediate surrounds. For instance, it is expected that adjoining sites will be redeveloped for high density residential living as envisioned in the R4 zone. It is reasonable then to assume that any development on these sites would need to be setback in accordance with the Apartment Design Guide (ADG). Like the setbacks prescribed in the Liverpool DCP the ADG also prescribes minimum building separation distances.

Building separation distances are required to be shared equitably between buildings to maintain a high standard of residential amenity in high density zones. The proposal contravenes the distances to the side boundary and is therefore likely to impact on the amenity of any future residential development on adjoining sites unless the shortfall is offset. As such, any building onsite needs to be setback the minimum distances from side boundary so as to negate any prejudice to the development potential of adjoining sites.

Given the above, it is considered of fundamental importance that the building be designed such that it is setback in a manner that is consistent with the applicable standards so as to reduce the physical impacts on its immediate surrounds.

Visual Impact

In these cases the planning principle in *Project Venture Developments v Pittwater Council*⁵ the following comment was also made in regards to character:

“For a new development to be visually compatible with its context, it should contain, or at least respond to, the essential elements that make up the character of the surrounding urban environment. In some areas, planning instruments or urban design studies have already described the urban character. The most important contributor to urban character is the relationship of built form to surrounding space, a relationship that is created by building height setbacks and landscaping.”

The local area is currently in transition from the low density housing stock to a high density residential environment as characterised by existing residential flat buildings in the street. It is expected that the locality will be characterised residential flat buildings once the area completes its transition. In this case, to ensure that the development is compatible with desired future character of the local area, it appropriate to consider the development in the context of a high density environment.

The boarding house is consistent with the maximum height of buildings in the locality, as outlined in the LLEP 2008. In this regard, no concern is raised in relation to the height of the development as it is significantly less than the height permitted on the site. However, with

⁵ [2005] NSWLEC 191

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

regards to setbacks and landscaping, it is noted that the development proposes a number of departures from the applicable planning instruments and development codes.

Front setbacks and the way they are treated are an important element of urban character. Where there is a uniform building line, even small differences can destroy the unity. Part 4 of LDCP 2008 prescribes a setback of 4 to 4.5 metres from Lachlan Street. The ground floor is setback 4.5 metres with the exception of the front porch which encroaches onto the setback by 1.2 metres. Also, the upper storeys are only setback 3.3 metres from Lachlan Street. It is considered that such a departure detracts from the unity of the streetscape.

The site also has a frontage to Hume Highway. Part 4 of LDCP 2008 prescribes a landscaped setback of 8 metres to any buildings with a frontage to Hume Highway. In this case, the landscaped setback also defines the character of the locality, as it is perceived from Hume Highway. The development is setback 6.3 to 8.5 metres from Hume Highway, of which the majority is below 8 metres. Additionally, the ground floor car parking encroaches onto this setback and prevents any deep soil landscaping along this frontage.

Setbacks from side boundaries provides rhythms and voids between buildings that contributes to the urban character of an area. In high density environments, the Liverpool DCP prescribes side setback distances relative to the height of the building. The development has not been setback in accordance with the applicable controls. Accordingly, any adjoining redevelopment would need to provide additional separation distance so as to provide appropriate massing and spaces between buildings that is anticipated in the local area.

The visual impact of development on any nearby heritage items also needs to be considered. Lachlan Street is listed as a heritage item and any development is to be designed so that buildings relate to the heritage significance of the item – in this case the street grid. While the shape of the site is acknowledged as not being rectangular, the design of the proposal is skewed in a manner that fails to reinforce the street alignment. Adequate consideration has not been given to the impact of development on the heritage significance of the street grid.

Overall, the landscaping, setbacks and architectural style of the development are not compatible with existing and desired character that is anticipated in the locality.

Communal Areas

Clause 30 stipulates that a consent authority cannot consent to development unless the boarding house with 5 or more boarding rooms is provided with one communal living room. One area of at least 20 square metres is also required to be provided as a communal open space area. The applicant proposes a communal room on the fifth floor with direct and level access to an outdoor terrace. The communal room is provided with laundry and toilet facilities. To ensure a high level of resident amenity, it is prudent that any communal open space are co-located with deep soil areas.

(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

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

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.

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

The proposal seeks development consent for demolition of an existing brick dwelling and proposed new construction of a 5 story boarding that comprises 19 boarding rooms units with at-grade car parking.

Aerial images from Council mapping system show that the site appears to have been used for residential purposes at least since 2002. This is based on aerial imagery showing that the current dwellings on-site were in existence and have since not been physically altered.

Based on the above assessment, the proposal is considered to satisfy the relevant objectives and provisions of SEPP 55, therefore, it is considered that the subject site is suitable for the proposed development.

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

The proposal is accompanied by a BASIX Certificate which is consistent with the aims and intent of the Plan.

(e) Liverpool Local Environmental Plan 2008

(i) Permissibility

A “Boarding House” is identified as a permitted land use subject to consent within the R4 High Density Residential Zone and is defined in the dictionary contained within LLEP 2008 as:

Boarding house means a building that:

- (a) is wholly or partly let in lodgings, and*
- (b) provides lodgers with a principal place of residence for 3 months or more, and*
- (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and*
- (d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers, but does not include backpackers’ accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.*

The proposal meet the definition of a boarding house.

(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.*

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

- *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 is for a five story boarding house, and while the R4 zone permits this form of development, it is considered deficient with regards to the objectives of the zone, namely to provide for the housing needs of the community within a high density residential environment, and to minimise the fragmentation of land that would prevent the achievement of high density residential development.

(iii) Principal Development Standards

LLEP 2008 contains a number of principal development standards which are relevant to the proposal. The compliance tables for the LLEP 2008 is contained in Attachment 3. The development is found to be unsatisfactory with regard to the following objectives and development controls of LLEP 2008:

Heritage Conservation

Reference is made to subclause (4) of Clause 5.10 Heritage Conservation within LLEP 2008; as follows:

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

Lachlan Street is listed as a heritage item and the development is to be designed so that buildings relate to the heritage significance of heritage items – in this case the street grid. See Figure 4 below.

While the shape of the site is acknowledged as not being rectangular, the proposal does not provide appropriate building setbacks nor does the design generally reinforce the street alignment.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018



Figure 4: Heritage Map

Building Separation in Liverpool City Centre

Reference is made to subclause (2)(a) of Clause 7.4 Building separation in Liverpool city centre within LLEP 2008; as follows

(2) 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:

(a) 9 metres for parts of buildings between 12 metres and 25 metres above ground level (finished) on land in Zone R4 High Density Residential, and

Clause 7.4(2)(a) of the LLEP 2008 identifies a minimum building separation of 9 metres for the site. It is generally applicable that half the building separation distance is provided, as adjoining development would provide the other half of the separation distance to ensure compliance. Thus, the development is only required to provide a minimum separation distance of 4.5 metres from the property boundary.

The application proposes a separation distance of 1.7m to the eastern boundary and 2.2m to the western boundary, which at its worst, represents 2.7m or 62%.

Consequently, the applicant has provided a clause 4.6 variation to justify the non-compliance.

The submitted written request to vary Clause 7.4 – Building separation has been assessed against the provisions of Clause 4.6; the objectives of the Clause being varied; and the objectives of the R4 zone, are discussed below:

The objectives and standards of Clause 4.6 of the Liverpool Local Environmental Plan (LEP) 2008 are as follows:

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
- (a) *the consent authority is satisfied that:*
- (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
- (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- 1) Written request addressing why compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient planning grounds to justify the contravening of the development standard

The applicant has provided the following comments addressing why compliance with the development standard is unreasonable or unnecessary in this case, as summarised:

The variation is considered reasonable on the basis that:

- *The breach to the separation distance is primarily due to the relatively narrow width of the site (approximately 13m at the narrowest point).*
- *The facade of the building has been articulated to create visual interest and reduce the perceived bulk and scale of the proposal.*
- *The proposal will result in a better planning outcome as it will allow for affordable housing in line with the desired future character of the area being in a R4 – High Density Residential zone within the Liverpool City Centre. The proposed built form will be of a bulk and scale that is less than that of the neighbouring residential flat buildings.*
- *Level 5 of the proposed boarding house has been designed to orientate the terraces of the manager's room and communal room to either the front or rear of the site where appropriate in order to reduce overlooking and privacy impacts to future neighbouring developments to the east and west. Metal framed fixed privacy screens will be fitted to the recreational roof garden in order to mitigate any potential privacy impacts. No habitable room windows are within 4.5m of a side boundary on this level.*
- *The proposal will feature a north facing communal room and terrace which will maximise solar access. As demonstrated by the submitted shadow diagrams the neighbouring properties to the east and west will receive at least 3hrs of sunlight.*

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

- *The proposal provides a social benefit to the community providing for new, affordable accommodation in an area well serviced by local infrastructure and amenities.*
- *The proposed building complies with FSR and height controls for the site and is not considered to be of an excessive bulk and scale. It should also be noted that the owner of the property has attempted to consolidate with the neighbouring properties however this has been unsuccessful.*
- *Given the constraints of the site, being a narrow lot and that the non-compliance is only to level 5 of the proposal in this case, strict compliance with the development standard for separation distance of the LLEP 2008 is unnecessary and unreasonable.*

In response to the applicant's submission, Council does not accept that strict compliance with the applicable building separation control is unreasonable and that there are sufficient planning grounds to justify the contravening of the development standard. The following is noted:

- The width of the site is not considered to be environmental grounds for varying the building setbacks. LLEP 2008 requires that any building greater than two storeys has a minimum frontage of 24 metres to the street. Consequently, in instances where amalgamation is not possible with adjoining lots, the width becomes a site constraint to be considered in the design of any development.
- Setbacks from side boundaries provides rhythms and voids between buildings that contributes to the urban character of an area. The adjoining sites are expected to be redeveloped to high density residential living as envisioned in the R4 zone. It is reasonable then to assume that redevelopment of these sites would require a setback in accordance with the applicable design criteria. However, unless any redevelopment of adjoining offsets the proposed shortfall in side setback then the proposal is likely to detract from the character of the local area.
- Building separation distances is required to be shared equitably between buildings to maintain a certain level residential amenity expected in high density zones. The proposal contravenes the distances to the side boundary and is likely to impose additional overshadowing due to a lack of spacing appropriate for development that is greater than two storeys in height.

2) Consistency with objectives of the development standard Clause 7.4 Building separation in Liverpool city centre

The objectives of Clause 7.4 and assessment are as follows:

- (1) the objective of this clause is to ensure minimum sufficient separation of buildings for reasons of visual appearance, privacy and solar access.*

Setbacks from side boundaries provides rhythms and voids between buildings that contributes to the urban character of an area and assist in providing residential amenity including visual privacy as well as sunlight and daylight access. In this case, the LLEP prescribes side setback distances relative to the height of the building. The development has not been setback in accordance with the applicable controls. Accordingly, any redevelopment of adjoining sites would require additional separation distance to offset the shortfall as a result of the proposal

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

unless there is to be impacts to the streetscape and amenity of future occupants.

3) Consistency with objectives of the zone – R4 High Density Residential

The objectives of the R4 zone are as follows;

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

The proposal provides affordable housing in an area that is transition existing low density housing stock to high density living typified by residential flat buildings. It is necessary then that any development to employ primary development controls such as setbacks to manage the scale of development so that is suitable in a high density residential environment. The proposed development fails to consider the physical and visual impacts of a reduced setback in the context of future development envisioned in the local area.

4) Consistency with Clause 4.6 objectives

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

The width of the site is not considered to be environmental grounds for varying the building setbacks. Accordingly, in instances where building frontage is less than that necessary to accommodate such a development, the width becomes a site constraint to be considered in the design of any development.

5) Recommendation

The proposed variation to the Clause 7.4 *Building separation in Liverpool City Centre* has failed to satisfy the provisions of Clause 4.6 and is not supported in this circumstance.

Building Street Frontage

Reference is made to subclause (2)(b) of Clause 7.14 Minimum building street frontage within LLEP 2008; as follows

(2) 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 least 24 metres:

(b) any building of more than 2 storeys on land in Zone R4 High Density Residential, B1 Neighbourhood Centre or B2 Local Centre, or

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

Clause 7.14(2) of the LLEP 2008 identifies a minimum building frontage of 24 metres for the proposed development. The site has a frontage to Lachlan Street of 21.3m which represents a non-compliance of 2.7m or 11%.

Consequently, the applicant has provided a clause 4.6 variation to justify the non-compliance.

The submitted written request to vary Clause 7.14 – Minimum building frontage has been assessed against the provisions of Clause 4.6; the objectives of the Clause being varied; and the objectives of the R4 zone, are discussed below:

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

The applicant has provided the following comments addressing why compliance with the development standard is unreasonable or unnecessary in this case, as summarised:

- *The building is considered to be well proportioned in that it complies with height and FSR controls for the site, and it is of similar bulk and scale to neighbouring residential flat buildings.*
- *Vehicle access to the site will remain off Lachlan Street as the existing vehicle crossing will be retained. The site will comply with the parking requirements under SEPP (Affordable Housing) 2009. On-site parking will be provided at ground level at the rear of the site. There is sufficient space within the car park for vehicles to manoeuvre as well as enter and exit the site in a forward direction.*
- *The proposed boarding house development will be of a similar scale to the existing flat buildings in the vicinity of the site and will be of a built form that suites the desired future character of the area.*
- *The proposal will provide a better outcome for the site than keeping a residential dwelling or the like on the site, as it will provide greater housing opportunities in an area that is relatively close to the Liverpool CBD. The proposal meets the objectives of the R4 zone and is suitable for the site.*
- *The Lachlan Street frontage is existing and cannot be altered. The frontage is 2.665m short of the minimum required, which is not significant. The non-compliance does not restrict on-site car parking or manoeuvring, and the proposed building is provided with adequate setbacks to side boundaries to ensure that the privacy of adjoining properties is maintained.*
- *It is considered that this submission provides sufficient environmental planning grounds to justify contravening the development standard. As demonstrated, the objectives of this standard have been achieved.*
- *The proposal provides a social benefit to the community providing for new, affordable accommodation in an area well serviced by local infrastructure and amenities.*
- *The proposed building complies with FSR and height controls for the site and is not considered to be of an excessive bulk and scale. It should also be noted that the owner*

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

of the property has attempted to consolidate with the neighbouring properties however this has been unsuccessful.

In response to the applicant's submission, Council accepts that strict compliance with the applicable height control is unreasonable and unnecessary having regard to the following:

- The applicant has attempted to amalgamate with No. 67, 69 & 73 Lachlan Street, Warwick Farm. A letter has been submitted, signed by a senior sales consultant, which details the number of occasions that the owner of the subject site has met with the adjoining land owner to amalgamate. The applicant has submitted evidence, including a valuation report, of the supposed offer made to the owner of No. 67, 69 & 73 Lachlan Street, Warwick Farm. Although no evidence has been submitted with the rejection of any offer by adjoining owners and only an anecdotal summary of the amalgamation attempts has been submitted.

2) Consistency with objectives of the development standard Clause 7.14 Minimum Building Street frontage

The objectives of Clause 7.14 and assessment are as follows:

- (a) to ensure that, visually, buildings have an appropriate overall horizontal proportion compared to their vertical proportions,*
- (b) to ensure that vehicular access is reasonably spaced and separated along roads and lanes,*
- (c) to provide appropriate dimensions for the design of car parking levels,*
- (d) to encourage larger development of commercial office, business, residential and mixed use buildings provided for under this Plan.*

The applicant proposes at-grade car parking as the site is not purportedly unable to accommodate basement parking. As a result, at-grade parking is provided in a manner that conflicts with the landscaped setback required at the Sydney Road frontage. The proposal does not meet the objectives of the clause in that site cannot accommodate a car parking level that avoids conflicts with the desired character of the area.

3) Consistency with objectives of the zone – R4 High Density Residential

The objectives of the R4 zone are as follows;

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

The proposal provides affordable housing in an area that is transition existing low density housing stock to high density living typified by residential flat buildings. It is necessary then that any development employs primary development controls to manage to scale of the

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

development to ensure it is compatible with the local area.

4) Consistency with Clause 4.6 objectives

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

Site amalgamation is integral to achieve a good planning outcome for the development proposed and the local area. Council will only consider the proposal on the provision that the applicant could adequately demonstrate that amalgamation is not an option for this application. However, the reduced building frontage does not negate the importance of designing a development that is compatible within its context.

5) Recommendation

The proposed variation to the Clause 7.14 *Minimum building street frontage* has failed to satisfy the provisions of Clause 4.6 and is not supported in this circumstance.

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 4 *Development in Liverpool City Centre* (the compliance tables for these part of the DCP are contained in Attachment 4). The development is found to be unsatisfactory with regard to the following objectives and development controls of LDCP 2008:

Building to Street Alignment and Street Setbacks

- Section 2.1 – Building to Street Alignment and Street Setbacks, Part 4, of the LDCP 2008 requires that any building on the site is setback 4 to 4.5 metres from Lachlan Street. The ground floor is setback 4.5 metres but the front porch encroaches by 1.2 metres. Similarly, the upper storeys are only setback 3.3 metres from Lachlan Street and does not meet this requirement.

Also, any building on the site requires an 8 metre landscaped setback from Sydney Road/Hume Highway. The development provides a setback ranging from 6.3 to 8.5 metres, of which the majority is below the required 8 metres. Despite this, the ground floor car parking encroaches onto this setback and prevents any deep soil landscaping along this frontage.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

Heritage

- Section 2.1 – Boundary Setbacks and Building, Part 4, of the LDCP 2008 requires that street frontage of any new building adjacent to heritage items is to be appropriately scaled. Lachlan Street is listed as a heritage item and the development is to be designed so that buildings relate to the heritage significance of heritage items – in this case the street grid. While the shape of the site is acknowledged as not being rectangular, the proposal does not provide appropriate building setbacks nor does the design generally reinforce the street alignment.

Boundary Setbacks and Building

- Section 2.1 – Boundary Setbacks and Building, Part 4, of the LDCP 2008 requires that any building is setback from the side property boundaries as follows:
 - *Up to 12 metres in height:*
 - *6m between habitable rooms/balconies;*
 - *3m between non-habitable rooms.*

The proposed boarding house contains windows to habitable rooms on the western elevation on levels 2 -4. In this regard, a 6m building separation distance from the western property boundary is applicable (i.e. between habitable rooms/balconies) to all three levels. The application proposes a separation distance of 2.2m to 6m. In contrast, the east elevation of the building requires a 3m building separation distance from the side property boundary (i.e. between non-habitable rooms). The application proposes a separation distance of 1.7m to 2.1m to the property boundary. These areas of non-compliance can be seen in **Figure 4** below.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

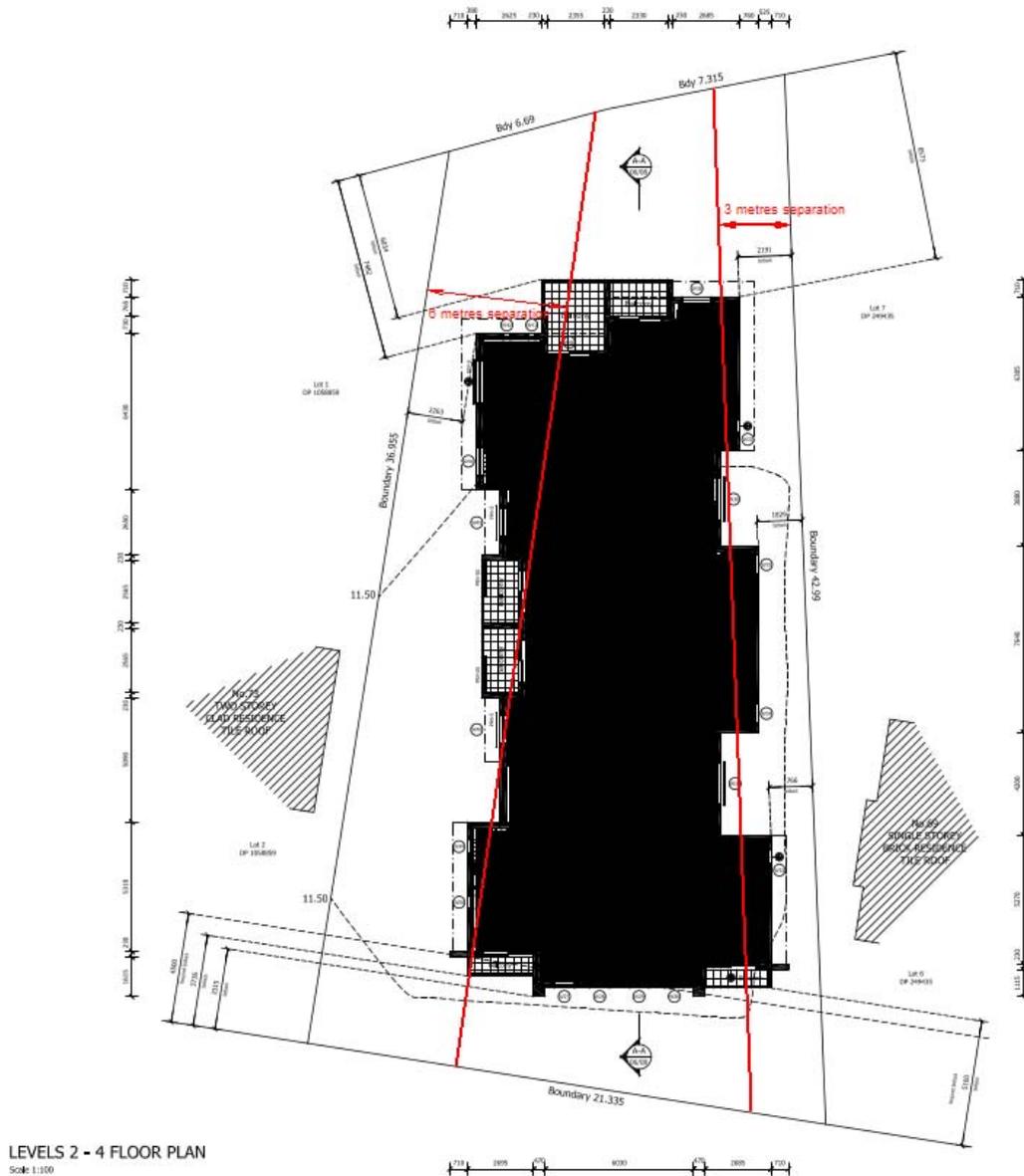


Figure 4: Extract of the floor plan that shows the extent of non-compliance with Building Setbacks on levels 2 - 4

- 12 metres to 25 metres in height:
 - o 9m between habitable rooms/balconies;
 - o 4.5m between non-habitable rooms.

The proposed boarding house contains windows to habitable rooms on the western elevation of level 5. In this regard, a 9m building separation distance from the side property boundary is applicable (i.e. between habitable rooms/balconies) to the fifth floor. The application proposes a separation distance of 2.2m to 6m. In contrast, the east elevation of the building requires a 4.5m building separation distance from the side property boundary (i.e. between non-habitable rooms). The application proposes a separation distance of 1.7m to 2.1m to the property boundary. These areas of non-compliance can be seen in **Figure 5** below.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

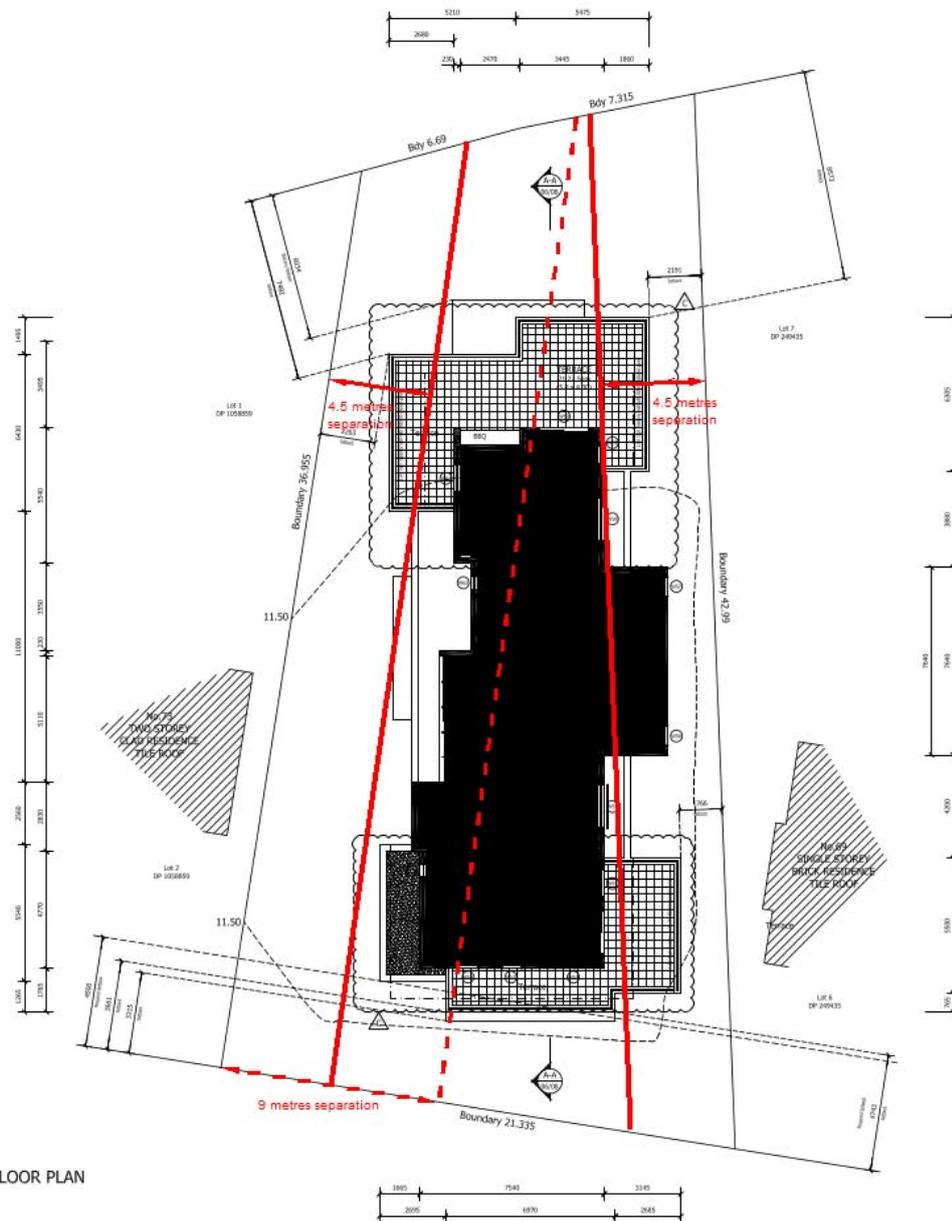


Figure 5: Extract of the floor plan that shows the extent of non-compliance with Building Setbacks on levels 5

- Section 2.1 – Boundary Setbacks and Building and Section 5.5 Noise, Part 4, of the LDCP 2008 requires that buildings with a boundary to the Hume Highway are to be setback a minimum of 8 metres. With regards to Hume Highway, the development provides a setback ranging from 6.3 to 8.5 metres, of which the majority is below the required 8 metres.

Site Cover and Deep Soil Zones

- Section 2.3 Site Cover and Deep Soil Zones, Part 4, of the LDCP 2008 requires that developments with a residential component in all zones, except the commercial core, must include a deep soil zone. The deep soil zone shall comprise no less than 15% of the total

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

site area (or proportionate to the percentage of residential uses in a mixed-use development). It is to be provided preferably in one continuous block but otherwise with no dimension (width or length) less than 6m. The deep soil zone of the development, with a dimension equal to or greater than 6 metres, is less than 15% of the total site area.

Overall, the proposal is considered to be deficient with the key objectives and development controls outlined in the LDCP 2008.

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

There are no Planning Agreements which apply to the development.

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

The proposal is satisfactory with respect to provisions contained in the EP&A Regulations 2000.

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

In its present form, the design of the development is considered to be out of character with the existing and desired character of residential development in the area. Also, it is considered that the design of the boarding house is likely to adversely impact on the amenity of any redevelopment on the adjoining properties for high density residential.

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

It is considered that the site is not suitable for the proposed development as the built form of the proposed development is not compatible with the existing and desired character of the area and is unlikely to preserve and maintain the amenity of the adjoining residential properties.

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
Building Compliance	No objection, subject to conditions
Development Engineer	No objection, subject to conditions
Traffic Engineer	No objection, subject to conditions
Flooding Engineer	No objection, subject to conditions
Heritage Advisor	Concerns raised in relation to the proposal. Lachlan Street is listed as a heritage item and the development is to be designed so that buildings relate to the heritage significance of heritage items – in this case the street grid. The advisor considers that the proposal does not provide appropriate building setbacks nor does the design generally reinforce the street alignment.
Community Planning	Concerns raised in relation to the proposal with regards to setbacks, and parking. Community planning requires the applicant revise the layout on level 5 to ensure compliance with Clause 7.4 (building

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

	<p>separation) of LLEP. This is to ensure minimum sufficient separation of buildings for reasons of visual appearance, privacy and solar access, as an objective of the LLEP clause.</p> <p>The proposal provides 4 bike spaces and 4 motorcycle spaces at the rear of the site. However, the plans indicate that the motorcycle parking is in a narrow obstructed location at the side of the property, likely making it difficult for residents to manoeuvre around the building into the spot.</p>
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(b) Community Consultation

The proposal was notified and advertised between 2 November 2016 and 17 November 2016 in accordance with LDCP 2008. One (1) written objection was submitted to Council.

A two story detached dwelling adjoins the site at No.73 Lachlan Street immediately to the west, and two single story dwellings adjoin the site at No. 69 & 67 Lachlan Street to the east. It is noted that the owners of the above neighbouring properties have made objections to Council on the grounds that the proposal does not meet the objectives of the LLEP 2008 for R4 high density residential “to minimise the fragmentation of land that would prevent the achievement of high density”.

They state the development of this proposal will prevent their respective sites from being considered for high density residential, which are constrained by north and south setbacks, and suggest a better option is to develop the four sites in a more integrated way to avoid the fragmentation of land and lost opportunity for high density housing stock. Efforts have been made to amalgamate the site with the above site to prevent it from becoming an isolated site, however these efforts were unsuccessful according to the applicant.

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

Approval of the application is not considered to be in the public interest, for the reasons outlined in this report.

7. CONCLUSION

Overall, it is considered that the design of the proposed development has failed to demonstrate that the proposed boarding house is compatible with the character of the area. In its present form, the design of the development is considered to be out of character with the existing and desired character of residential development in the area. As a result, the development is not considered to be an attractive high quality development and would provide poor quality boarding house accommodation to future tenants. Consequently, it is considered that the configuration of the boarding house is likely to adversely impact on the amenity of the adjoining neighbours.

Accordingly, and taking into consideration the submissions received from local residents, it is recommended that the application be refused.

8. RECOMMENDATION

That Development Application DA-593/2016 for demolition of the existing building and construction of a five (5) storey boarding house development containing nineteen (19) boarding

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

rooms with ground floor car parking and associated landscaping at 71 Lachlan Street, Warwick Farm be refused for the following reasons:

1. The proposed development is inconsistent with the provisions of Clause 30A of Division 3 of Part 2 of SEPP (Affordable Rental Housing) 2009 in that the design of the proposed development is not compatible with the existing and desired character of the local area and will have an adverse impact on the physical amenity of the neighbourhood, pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.
2. The proposed development is considered to be inconsistent with the objectives of the R4 high density zone as the proposed development is not considered to be compatible with the urban character and amenity that is considered suitable for development in a high density environment, pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.
3. The proposed development is considered to be inconsistent with the provisions of the Clause 4.6 as it relates to the variations proposed to Clause 7.4 Building separation in Liverpool city centre and Clause 7.14 Minimum building street frontage within LLEP 2008, pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.
4. The proposed development does not achieve satisfactory compliance with the relevant controls as stipulated in Liverpool Development Control Plan (DCP) 2008 Chapter 4 – regarding Section 2.1 Controls for Building Form, Section 2.3 Site Cover and Deep Soil Zones and Section 5.5 Noise, pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979.
5. The design of the proposed development will not provide an acceptable level of amenity to the future occupants of the boarding house and is likely to prejudice any development to the east and west of the land with physical impacts due to the scale of the development, pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979.
6. The proposed development is not considered to be acceptable having regard to the concerns raised during the exhibition of the proposal and from internal referrals within Council, pursuant to the provisions of Section 4.15(1)(d) of the Environmental Planning and Assessment Act 1979.
7. It is considered that in the circumstances of the 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.

9. ATTACHMENTS

- 1. Plans of the proposal**
- 2. SEPP Compliance Table**
- 3. LEP Compliance Table**
- 4. DCP Compliance Table**

LIVERPOOL CITY COUNCIL LOCAL PLANNING PANEL REPORT

30 APRIL 2018

Attachment 1: Plans of the Proposal

DEMOLITION PLAN
Scale 1:500

SITE PLAN
Scale 1:500

SITE ANALYSIS PLAN
Scale 1:500

SEDIMENT FENCE (Scale 1:500)

TEMPORARY CONSTRUCTION EXIT (Scale 1:500)

NOTES

1. The proposed development is shown in red on the site plan.
2. The proposed development is shown in red on the site plan.
3. The proposed development is shown in red on the site plan.
4. The proposed development is shown in red on the site plan.

DESIGNER STATEMENT

DESIGN ARCHITECT

CONSENT STATEMENT

DATE / **DESCRIPTION** / **SCALE** / **IMAGE**

DATE	DESCRIPTION	SCALE	IMAGE
15/03/2018	Initial Design	1:500	1
22/03/2018	Revised Design	1:500	2
29/03/2018	Final Design	1:500	3
05/04/2018	Final Design	1:500	4

PERMITTED PRESENTATION

DESIGN CONSULTANTS

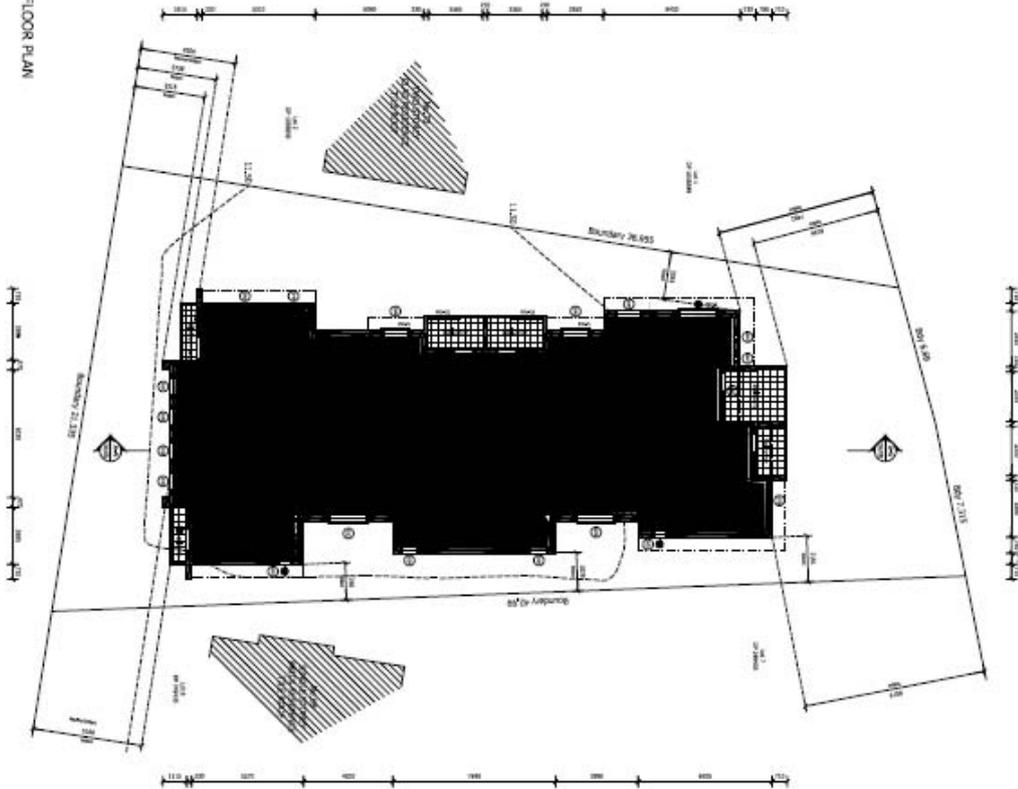
SCALE / **DATE** / **IMAGE**

SCALE	DATE	IMAGE
1:500	15/03/2018	1
1:500	22/03/2018	2
1:500	29/03/2018	3
1:500	05/04/2018	4

LIVERPOOL CITY COUNCIL LOCAL PLANNING PANEL REPORT

30 APRIL 2018

LEVELS 2-4 FLOOR PLAN



ACADEMIC BUILDINGS REQUIREMENTS

1. The building shall be constructed in accordance with the following requirements:

2. The building shall be constructed in accordance with the following requirements:

3. The building shall be constructed in accordance with the following requirements:

4. The building shall be constructed in accordance with the following requirements:

5. The building shall be constructed in accordance with the following requirements:

6. The building shall be constructed in accordance with the following requirements:

7. The building shall be constructed in accordance with the following requirements:

8. The building shall be constructed in accordance with the following requirements:

9. The building shall be constructed in accordance with the following requirements:

10. The building shall be constructed in accordance with the following requirements:

WINDOW SCHEDULE

NO.	DESCRIPTION	AREA (SQM)	TYPE	GLASS TYPE	GLASS THICKNESS (MM)	GLASS WEIGHT (KG)	GLASS AREA (SQM)	GLASS WEIGHT (KG)	GLASS AREA (SQM)	GLASS WEIGHT (KG)
1	Window 1	1.2	Single	6mm	1.2	7.2	1.2	7.2	1.2	7.2
2	Window 2	1.5	Double	12mm	1.5	9.0	1.5	9.0	1.5	9.0
3	Window 3	2.0	Double	12mm	2.0	12.0	2.0	12.0	2.0	12.0
4	Window 4	1.8	Double	12mm	1.8	10.8	1.8	10.8	1.8	10.8
5	Window 5	1.0	Single	6mm	1.0	6.0	1.0	6.0	1.0	6.0
6	Window 6	1.5	Double	12mm	1.5	9.0	1.5	9.0	1.5	9.0
7	Window 7	2.5	Double	12mm	2.5	15.0	2.5	15.0	2.5	15.0
8	Window 8	1.8	Double	12mm	1.8	10.8	1.8	10.8	1.8	10.8
9	Window 9	1.2	Single	6mm	1.2	7.2	1.2	7.2	1.2	7.2
10	Window 10	1.5	Double	12mm	1.5	9.0	1.5	9.0	1.5	9.0
11	Window 11	2.0	Double	12mm	2.0	12.0	2.0	12.0	2.0	12.0
12	Window 12	1.8	Double	12mm	1.8	10.8	1.8	10.8	1.8	10.8
13	Window 13	1.0	Single	6mm	1.0	6.0	1.0	6.0	1.0	6.0
14	Window 14	1.5	Double	12mm	1.5	9.0	1.5	9.0	1.5	9.0
15	Window 15	2.0	Double	12mm	2.0	12.0	2.0	12.0	2.0	12.0
16	Window 16	1.8	Double	12mm	1.8	10.8	1.8	10.8	1.8	10.8
17	Window 17	1.2	Single	6mm	1.2	7.2	1.2	7.2	1.2	7.2
18	Window 18	1.5	Double	12mm	1.5	9.0	1.5	9.0	1.5	9.0
19	Window 19	2.0	Double	12mm	2.0	12.0	2.0	12.0	2.0	12.0
20	Window 20	1.8	Double	12mm	1.8	10.8	1.8	10.8	1.8	10.8
21	Window 21	1.0	Single	6mm	1.0	6.0	1.0	6.0	1.0	6.0
22	Window 22	1.5	Double	12mm	1.5	9.0	1.5	9.0	1.5	9.0
23	Window 23	2.0	Double	12mm	2.0	12.0	2.0	12.0	2.0	12.0
24	Window 24	1.8	Double	12mm	1.8	10.8	1.8	10.8	1.8	10.8
25	Window 25	1.2	Single	6mm	1.2	7.2	1.2	7.2	1.2	7.2
26	Window 26	1.5	Double	12mm	1.5	9.0	1.5	9.0	1.5	9.0
27	Window 27	2.0	Double	12mm	2.0	12.0	2.0	12.0	2.0	12.0
28	Window 28	1.8	Double	12mm	1.8	10.8	1.8	10.8	1.8	10.8
29	Window 29	1.0	Single	6mm	1.0	6.0	1.0	6.0	1.0	6.0
30	Window 30	1.5	Double	12mm	1.5	9.0	1.5	9.0	1.5	9.0
31	Window 31	2.0	Double	12mm	2.0	12.0	2.0	12.0	2.0	12.0
32	Window 32	1.8	Double	12mm	1.8	10.8	1.8	10.8	1.8	10.8
33	Window 33	1.2	Single	6mm	1.2	7.2	1.2	7.2	1.2	7.2
34	Window 34	1.5	Double	12mm	1.5	9.0	1.5	9.0	1.5	9.0
35	Window 35	2.0	Double	12mm	2.0	12.0	2.0	12.0	2.0	12.0
36	Window 36	1.8	Double	12mm	1.8	10.8	1.8	10.8	1.8	10.8
37	Window 37	1.0	Single	6mm	1.0	6.0	1.0	6.0	1.0	6.0
38	Window 38	1.5	Double	12mm	1.5	9.0	1.5	9.0	1.5	9.0
39	Window 39	2.0	Double	12mm	2.0	12.0	2.0	12.0	2.0	12.0
40	Window 40	1.8	Double	12mm	1.8	10.8	1.8	10.8	1.8	10.8
41	Window 41	1.2	Single	6mm	1.2	7.2	1.2	7.2	1.2	7.2
42	Window 42	1.5	Double	12mm	1.5	9.0	1.5	9.0	1.5	9.0
43	Window 43	2.0	Double	12mm	2.0	12.0	2.0	12.0	2.0	12.0
44	Window 44	1.8	Double	12mm	1.8	10.8	1.8	10.8	1.8	10.8
45	Window 45	1.0	Single	6mm	1.0	6.0	1.0	6.0	1.0	6.0
46	Window 46	1.5	Double	12mm	1.5	9.0	1.5	9.0	1.5	9.0
47	Window 47	2.0	Double	12mm	2.0	12.0	2.0	12.0	2.0	12.0
48	Window 48	1.8	Double	12mm	1.8	10.8	1.8	10.8	1.8	10.8
49	Window 49	1.2	Single	6mm	1.2	7.2	1.2	7.2	1.2	7.2
50	Window 50	1.5	Double	12mm	1.5	9.0	1.5	9.0	1.5	9.0
51	Window 51	2.0	Double	12mm	2.0	12.0	2.0	12.0	2.0	12.0
52	Window 52	1.8	Double	12mm	1.8	10.8	1.8	10.8	1.8	10.8
53	Window 53	1.0	Single	6mm	1.0	6.0	1.0	6.0	1.0	6.0
54	Window 54	1.5	Double	12mm	1.5	9.0	1.5	9.0	1.5	9.0
55	Window 55	2.0	Double	12mm	2.0	12.0	2.0	12.0	2.0	12.0
56	Window 56	1.8	Double	12mm	1.8	10.8	1.8	10.8	1.8	10.8
57	Window 57	1.2	Single	6mm	1.2	7.2	1.2	7.2	1.2	7.2
58	Window 58	1.5	Double	12mm	1.5	9.0	1.5	9.0	1.5	9.0
59	Window 59	2.0	Double	12mm	2.0	12.0	2.0	12.0	2.0	12.0
60	Window 60	1.8	Double	12mm	1.8	10.8	1.8	10.8	1.8	10.8
61	Window 61	1.0	Single	6mm	1.0	6.0	1.0	6.0	1.0	6.0
62	Window 62	1.5	Double	12mm	1.5	9.0	1.5	9.0	1.5	9.0
63	Window 63	2.0	Double	12mm	2.0	12.0	2.0	12.0	2.0	12.0
64	Window 64	1.8	Double	12mm	1.8	10.8	1.8	10.8	1.8	10.8
65	Window 65	1.2	Single	6mm	1.2	7.2	1.2	7.2	1.2	7.2
66	Window 66	1.5	Double	12mm	1.5	9.0	1.5	9.0	1.5	9.0
67	Window 67	2.0	Double	12mm	2.0	12.0	2.0	12.0	2.0	12.0
68	Window 68	1.8	Double	12mm	1.8	10.8	1.8	10.8	1.8	10.8
69	Window 69	1.0	Single	6mm	1.0	6.0	1.0	6.0	1.0	6.0
70	Window 70	1.5	Double	12mm	1.5	9.0	1.5	9.0	1.5	9.0
71	Window 71	2.0	Double	12mm	2.0	12.0	2.0	12.0	2.0	12.0
72	Window 72	1.8	Double	12mm	1.8	10.8	1.8	10.8	1.8	10.8
73	Window 73	1.2	Single	6mm	1.2	7.2	1.2	7.2	1.2	7.2
74	Window 74	1.5	Double	12mm	1.5	9.0	1.5	9.0	1.5	9.0
75	Window 75	2.0	Double	12mm	2.0	12.0	2.0	12.0	2.0	12.0
76	Window 76	1.8	Double	12mm	1.8	10.8	1.8	10.8	1.8	10.8
77	Window 77	1.0	Single	6mm	1.0	6.0	1.0	6.0	1.0	6.0
78	Window 78	1.5	Double	12mm	1.5	9.0	1.5	9.0	1.5	9.0
79	Window 79	2.0	Double	12mm	2.0	12.0	2.0	12.0	2.0	12.0
80	Window 80	1.8	Double	12mm	1.8	10.8	1.8	10.8	1.8	10.8
81	Window 81	1.2	Single	6mm	1.2	7.2	1.2	7.2	1.2	7.2
82	Window 82	1.5	Double	12mm	1.5	9.0	1.5	9.0	1.5	9.0
83	Window 83	2.0	Double	12mm	2.0	12.0	2.0	12.0	2.0	12.0
84	Window 84	1.8	Double	12mm	1.8	10.8	1.8	10.8	1.8	10.8
85	Window 85	1.0	Single	6mm	1.0	6.0	1.0	6.0	1.0	6.0
86	Window 86	1.5	Double	12mm	1.5	9.0	1.5	9.0	1.5	9.0
87	Window 87	2.0	Double	12mm	2.0	12.0	2.0	12.0	2.0	12.0
88	Window 88	1.8	Double	12mm	1.8	10.8	1.8	10.8	1.8	10.8
89	Window 89	1.2	Single	6mm	1.2	7.2	1.2	7.2	1.2	7.2
90	Window 90	1.5	Double	12mm	1.5	9.0	1.5	9.0	1.5	9.0
91	Window 91	2.0	Double	12mm	2.0	12.0	2.0	12.0	2.0	12.0
92	Window 92	1.8	Double	12mm	1.8	10.8	1.8	10.8	1.8	10.8
93	Window 93	1.0	Single	6mm	1.0	6.0	1.0	6.0	1.0	6.0
94	Window 94	1.5	Double	12mm	1.5	9.0	1.5	9.0	1.5	9.0
95	Window 95	2.0	Double	12mm	2.0	12.0	2.0	12.0	2.0	12.0
96	Window 96	1.8	Double	12mm	1.8	10.8	1.8	10.8	1.8	10.8
97	Window 97	1.2	Single	6mm	1.2	7.2	1.2	7.2	1.2	7.2
98	Window 98	1.5	Double	12mm	1.5	9.0	1.5	9.0	1.5	9.0
99	Window 99	2.0	Double	12mm	2.0	12.0	2.0	12.0	2.0	12.0
100	Window 100	1.8	Double	12mm	1.8	10.8	1.8	10.8	1.8	10.8

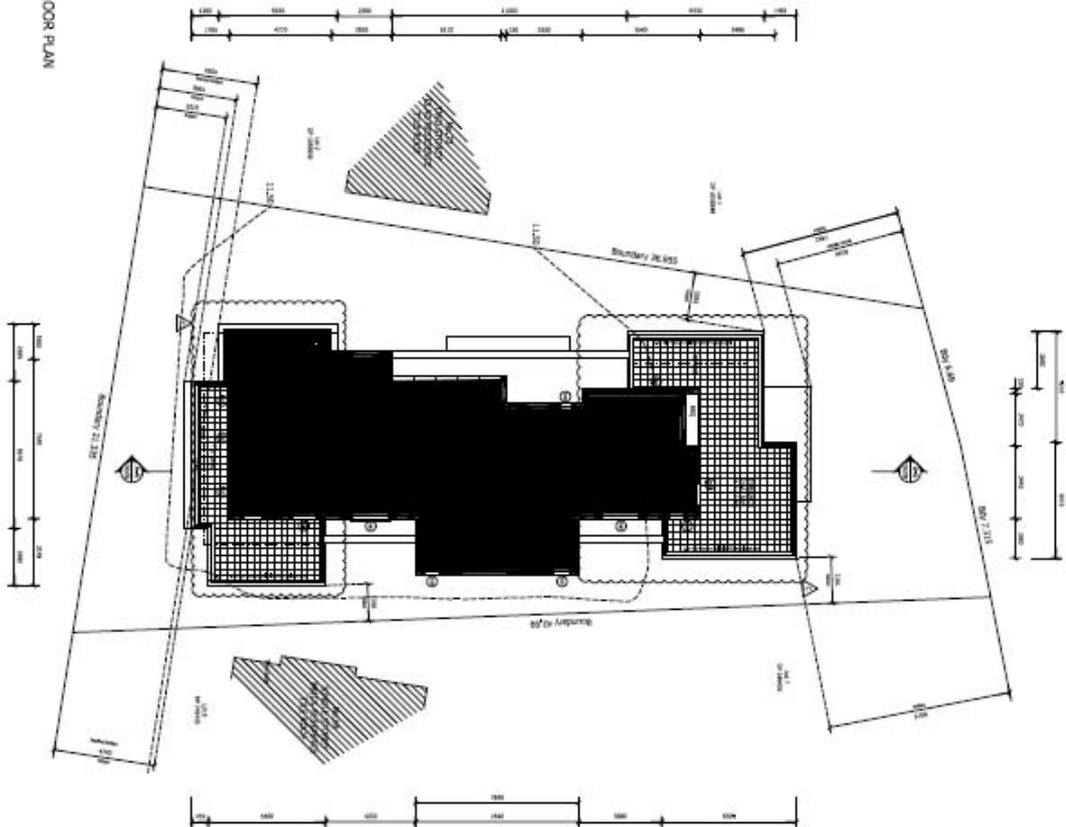
BOARDING ROOM CALCULATIONS

NO.	DESCRIPTION	AREA (SQM)	TYPE	GLASS TYPE	GLASS THICKNESS (MM)	GLASS WEIGHT (KG)	GLASS AREA (SQM)	GLASS WEIGHT (KG)	GLASS AREA (SQM)	GLASS WEIGHT (KG)
1	Boarding Room 1	1.2	Single	6mm	1.2	7.2	1.2	7.2	1.2	7.2
2	Boarding Room 2	1.5	Double	12mm	1.5	9.0	1.5	9.0	1.5	9.0
3	Boarding Room 3	2.0	Double	12mm	2.0	12.0	2.0	12.0	2.0	12.0
4	Boarding Room 4	1.8	Double	12mm	1.8	10.8	1.8	10.8	1.8	10.8
5	Boarding Room 5	1.0	Single	6mm	1.0	6.0	1.0	6.0	1.0	6.0
6	Boarding Room 6	1.5	Double	12mm	1.5	9.0	1.5	9.0	1.5	9.0
7	Boarding Room 7	2.0	Double	12mm	2.0	12.0	2.0	12.0	2.0	12.0
8	Boarding Room 8	1.8	Double	12mm	1.8	10.8	1.8	10.8	1.8	10.8
9	Boarding Room 9	1.0	Single	6mm	1.0	6.0	1.0	6.0	1.0	6.0
10	Boarding Room 10	1.5	Double	12mm	1.5	9.0	1.5	9.0	1.5	9.0
11	Boarding Room 11	2.0	Double	12mm	2.0	12.0	2.0	12.0	2.0	12.0
12	Boarding Room 12	1.8	Double	12mm	1.8	10.8	1.8	10.8	1.8	10.8
13	Boarding Room 13	1.0	Single	6mm	1.0	6.0	1.0	6.0	1.0	6.0
14	Boarding Room 14	1.5	Double	12mm	1.5	9.0	1.5	9.0	1.5	9.0
15	Boarding Room 15	2.0	Double	12mm	2.0	12.0	2.0	12.0	2.0	12.0
16	Boarding Room 16	1.8	Double	12mm	1.8	10.8	1.8	10.8	1.8	10.8
17	Boarding Room 17	1.0	Single	6mm	1.0	6.0	1.0	6.0	1.0	6.0
18	Boarding Room 18	1.5	Double	12mm	1.5	9.0	1.5	9.0	1.5	9.0
19	Boarding Room 19	2.0	Double	12mm	2.0	12.0	2.0	12.0	2.0	12.0
20	Boarding Room 20	1.8	Double	12mm	1.8	10.8	1.8	10.8	1.8	10.8
21	Boarding Room 21	1.0	Single	6mm	1.0	6.0	1.0	6.0	1.0	6.0
22	Boarding Room 22	1.5	Double	12mm	1.5	9.0	1.5	9.0	1.5	9.0
23	Boarding Room 23	2.0	Double	12mm	2.0	12.0	2.0	12.0	2.0	12.0
24	Boarding Room 24	1.8	Double	12mm	1.8	10.8	1.8	10.8	1.8	10.8
25	Boarding Room 25	1.0								

LIVERPOOL CITY COUNCIL LOCAL PLANNING PANEL REPORT

30 APRIL 2018

LEVEL 5 FLOOR PLAN
1:500



WINDOW SCHEDULE

NO.	TYPE	AREA (SQM)	PERCENTAGE OF TOTAL WINDOW AREA	PERCENTAGE OF TOTAL FLOOR AREA
1	GLAZED	12.5	1.2	0.1
2	GLAZED	12.5	1.2	0.1
3	GLAZED	12.5	1.2	0.1
4	GLAZED	12.5	1.2	0.1
5	GLAZED	12.5	1.2	0.1
6	GLAZED	12.5	1.2	0.1
7	GLAZED	12.5	1.2	0.1
8	GLAZED	12.5	1.2	0.1
9	GLAZED	12.5	1.2	0.1
10	GLAZED	12.5	1.2	0.1
11	GLAZED	12.5	1.2	0.1
12	GLAZED	12.5	1.2	0.1
13	GLAZED	12.5	1.2	0.1
14	GLAZED	12.5	1.2	0.1
15	GLAZED	12.5	1.2	0.1
16	GLAZED	12.5	1.2	0.1
17	GLAZED	12.5	1.2	0.1
18	GLAZED	12.5	1.2	0.1
19	GLAZED	12.5	1.2	0.1
20	GLAZED	12.5	1.2	0.1
21	GLAZED	12.5	1.2	0.1
22	GLAZED	12.5	1.2	0.1
23	GLAZED	12.5	1.2	0.1
24	GLAZED	12.5	1.2	0.1
25	GLAZED	12.5	1.2	0.1
26	GLAZED	12.5	1.2	0.1
27	GLAZED	12.5	1.2	0.1
28	GLAZED	12.5	1.2	0.1
29	GLAZED	12.5	1.2	0.1
30	GLAZED	12.5	1.2	0.1
31	GLAZED	12.5	1.2	0.1
32	GLAZED	12.5	1.2	0.1
33	GLAZED	12.5	1.2	0.1
34	GLAZED	12.5	1.2	0.1
35	GLAZED	12.5	1.2	0.1
36	GLAZED	12.5	1.2	0.1
37	GLAZED	12.5	1.2	0.1
38	GLAZED	12.5	1.2	0.1
39	GLAZED	12.5	1.2	0.1
40	GLAZED	12.5	1.2	0.1
41	GLAZED	12.5	1.2	0.1
42	GLAZED	12.5	1.2	0.1
43	GLAZED	12.5	1.2	0.1
44	GLAZED	12.5	1.2	0.1
45	GLAZED	12.5	1.2	0.1
46	GLAZED	12.5	1.2	0.1
47	GLAZED	12.5	1.2	0.1
48	GLAZED	12.5	1.2	0.1
49	GLAZED	12.5	1.2	0.1
50	GLAZED	12.5	1.2	0.1
51	GLAZED	12.5	1.2	0.1
52	GLAZED	12.5	1.2	0.1
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55	GLAZED	12.5	1.2	0.1
56	GLAZED	12.5	1.2	0.1
57	GLAZED	12.5	1.2	0.1
58	GLAZED	12.5	1.2	0.1
59	GLAZED	12.5	1.2	0.1
60	GLAZED	12.5	1.2	0.1
61	GLAZED	12.5	1.2	0.1
62	GLAZED	12.5	1.2	0.1
63	GLAZED	12.5	1.2	0.1
64	GLAZED	12.5	1.2	0.1
65	GLAZED	12.5	1.2	0.1
66	GLAZED	12.5	1.2	0.1
67	GLAZED	12.5	1.2	0.1
68	GLAZED	12.5	1.2	0.1
69	GLAZED	12.5	1.2	0.1
70	GLAZED	12.5	1.2	0.1
71	GLAZED	12.5	1.2	0.1
72	GLAZED	12.5	1.2	0.1
73	GLAZED	12.5	1.2	0.1
74	GLAZED	12.5	1.2	0.1
75	GLAZED	12.5	1.2	0.1
76	GLAZED	12.5	1.2	0.1
77	GLAZED	12.5	1.2	0.1
78	GLAZED	12.5	1.2	0.1
79	GLAZED	12.5	1.2	0.1
80	GLAZED	12.5	1.2	0.1
81	GLAZED	12.5	1.2	0.1
82	GLAZED	12.5	1.2	0.1
83	GLAZED	12.5	1.2	0.1
84	GLAZED	12.5	1.2	0.1
85	GLAZED	12.5	1.2	0.1
86	GLAZED	12.5	1.2	0.1
87	GLAZED	12.5	1.2	0.1
88	GLAZED	12.5	1.2	0.1
89	GLAZED	12.5	1.2	0.1
90	GLAZED	12.5	1.2	0.1
91	GLAZED	12.5	1.2	0.1
92	GLAZED	12.5	1.2	0.1
93	GLAZED	12.5	1.2	0.1
94	GLAZED	12.5	1.2	0.1
95	GLAZED	12.5	1.2	0.1
96	GLAZED	12.5	1.2	0.1
97	GLAZED	12.5	1.2	0.1
98	GLAZED	12.5	1.2	0.1
99	GLAZED	12.5	1.2	0.1
100	GLAZED	12.5	1.2	0.1

WORKING ROOM CALCULATIONS

ROOM NO.	ROOM NAME	FLOOR AREA (SQM)	WORKING ROOM AREA (SQM)	PERCENTAGE OF FLOOR AREA
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ACOUSTIC BUILDING REQUIREMENTS

ROOM NO.	ROOM NAME	FLOOR AREA (SQM)	REQUIRED SOUND REDUCTION (dB)	PROVIDED SOUND REDUCTION (dB)	COMMENTS
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NOTES

1. THE DESIGNER HAS ASSUMED THAT THE BUILDING IS TO BE USED AS A COMMERCIAL BUILDING AND THAT THE BUILDING IS TO BE OCCUPIED BY A SINGLE TENANT.

2. THE DESIGNER HAS ASSUMED THAT THE BUILDING IS TO BE OCCUPIED BY A SINGLE TENANT AND THAT THE BUILDING IS TO BE USED AS A COMMERCIAL BUILDING.

3. THE DESIGNER HAS ASSUMED THAT THE BUILDING IS TO BE OCCUPIED BY A SINGLE TENANT AND THAT THE BUILDING IS TO BE USED AS A COMMERCIAL BUILDING.

4. THE DESIGNER HAS ASSUMED THAT THE BUILDING IS TO BE OCCUPIED BY A SINGLE TENANT AND THAT THE BUILDING IS TO BE USED AS A COMMERCIAL BUILDING.

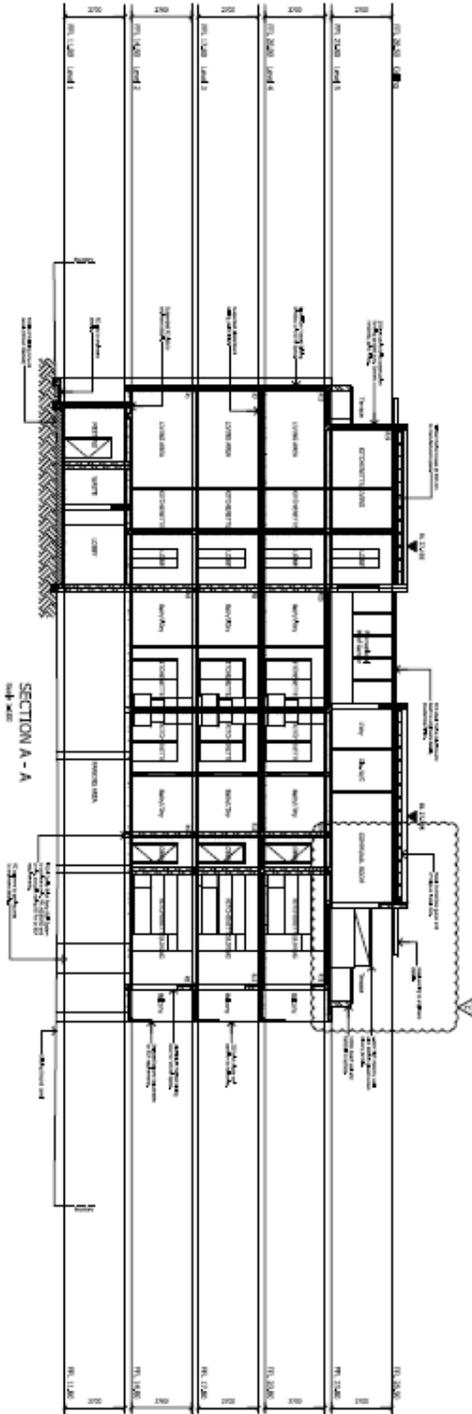
5. THE DESIGNER HAS ASSUMED THAT THE BUILDING IS TO BE OCCUPIED BY A SINGLE TENANT AND THAT THE BUILDING IS TO BE USED AS A COMMERCIAL BUILDING.

6. THE DESIGNER HAS ASSUMED THAT THE BUILDING IS TO BE OCCUPIED BY A SINGLE TENANT AND THAT THE BUILDING IS TO BE USED AS A COMMERCIAL BUILDING.

7. THE DESIGNER HAS ASSUMED THAT THE BUILDING IS TO BE OCCUPIED BY A SINGLE TENANT AND THAT THE BUILDING IS TO BE USED AS A COMMERCIAL BUILDING.

LIVERPOOL CITY COUNCIL LOCAL PLANNING PANEL REPORT

30 APRIL 2018

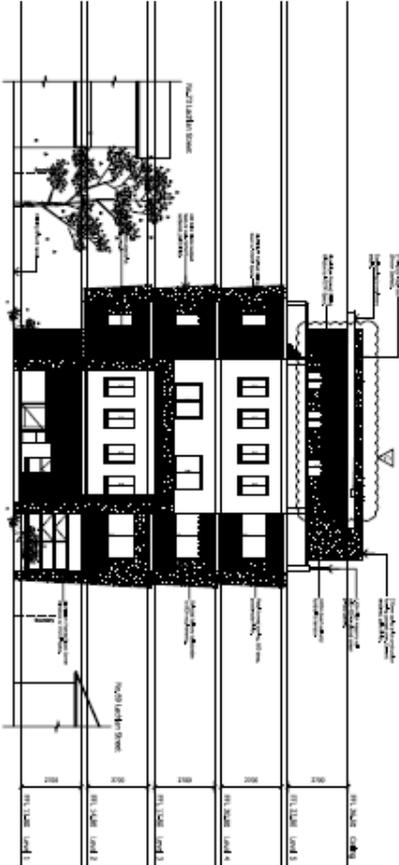


ACOUSTIC BUILDINGS REQUIREMENTS

1. The building must comply with the following requirements:

- The building must be designed to meet the requirements of the Building Regulations Part E.
- The building must be designed to meet the requirements of the Building Regulations Part F.
- The building must be designed to meet the requirements of the Building Regulations Part G.
- The building must be designed to meet the requirements of the Building Regulations Part H.
- The building must be designed to meet the requirements of the Building Regulations Part I.
- The building must be designed to meet the requirements of the Building Regulations Part J.
- The building must be designed to meet the requirements of the Building Regulations Part K.
- The building must be designed to meet the requirements of the Building Regulations Part L.
- The building must be designed to meet the requirements of the Building Regulations Part M.
- The building must be designed to meet the requirements of the Building Regulations Part N.
- The building must be designed to meet the requirements of the Building Regulations Part O.
- The building must be designed to meet the requirements of the Building Regulations Part P.
- The building must be designed to meet the requirements of the Building Regulations Part Q.
- The building must be designed to meet the requirements of the Building Regulations Part R.
- The building must be designed to meet the requirements of the Building Regulations Part S.
- The building must be designed to meet the requirements of the Building Regulations Part T.
- The building must be designed to meet the requirements of the Building Regulations Part U.
- The building must be designed to meet the requirements of the Building Regulations Part V.
- The building must be designed to meet the requirements of the Building Regulations Part W.
- The building must be designed to meet the requirements of the Building Regulations Part X.
- The building must be designed to meet the requirements of the Building Regulations Part Y.
- The building must be designed to meet the requirements of the Building Regulations Part Z.

Item	Description	Quantity	Unit	Notes
1	Concrete	1000	m ³	For foundation and ground floor slab
2	Brickwork	1000	m ²	For external walls
3	Roofing	1000	m ²	For pitched roof
4	Windows	1000	m ²	For double glazed windows
5	Doors	1000	m ²	For external doors
6	Internal walls	1000	m ²	For internal walls
7	Floors	1000	m ²	For ground floor and first floor
8	Roof	1000	m ²	For pitched roof
9	External walls	1000	m ²	For external walls
10	Windows	1000	m ²	For double glazed windows
11	Doors	1000	m ²	For external doors
12	Internal walls	1000	m ²	For internal walls
13	Floors	1000	m ²	For ground floor and first floor
14	Roof	1000	m ²	For pitched roof
15	External walls	1000	m ²	For external walls
16	Windows	1000	m ²	For double glazed windows
17	Doors	1000	m ²	For external doors
18	Internal walls	1000	m ²	For internal walls
19	Floors	1000	m ²	For ground floor and first floor
20	Roof	1000	m ²	For pitched roof



NOTES

1. The building must be designed to meet the requirements of the Building Regulations Part E.
2. The building must be designed to meet the requirements of the Building Regulations Part F.
3. The building must be designed to meet the requirements of the Building Regulations Part G.
4. The building must be designed to meet the requirements of the Building Regulations Part H.
5. The building must be designed to meet the requirements of the Building Regulations Part I.
6. The building must be designed to meet the requirements of the Building Regulations Part J.
7. The building must be designed to meet the requirements of the Building Regulations Part K.
8. The building must be designed to meet the requirements of the Building Regulations Part L.
9. The building must be designed to meet the requirements of the Building Regulations Part M.
10. The building must be designed to meet the requirements of the Building Regulations Part N.
11. The building must be designed to meet the requirements of the Building Regulations Part O.
12. The building must be designed to meet the requirements of the Building Regulations Part P.
13. The building must be designed to meet the requirements of the Building Regulations Part Q.
14. The building must be designed to meet the requirements of the Building Regulations Part R.
15. The building must be designed to meet the requirements of the Building Regulations Part S.
16. The building must be designed to meet the requirements of the Building Regulations Part T.
17. The building must be designed to meet the requirements of the Building Regulations Part U.
18. The building must be designed to meet the requirements of the Building Regulations Part V.
19. The building must be designed to meet the requirements of the Building Regulations Part W.
20. The building must be designed to meet the requirements of the Building Regulations Part X.
21. The building must be designed to meet the requirements of the Building Regulations Part Y.
22. The building must be designed to meet the requirements of the Building Regulations Part Z.

DESIGNER STATEMENT

The building has been designed to meet the requirements of the Building Regulations Part E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z.

DESIGN ARCHITECT

JOHNNY ARCHITECT
1000 1000 1000
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DATE	DESCRIPTION	SCALE	PAGES
10/10/17	Initial design	1:50	1
15/11/17	Revised design	1:50	2
20/12/17	Final design	1:50	3

DESCRIPTION OF BUILDING STRUCTURE AND FINISHES

Structure: A-frame structure
 External walls: Brickwork
 Internal walls: Plaster
 Floors: Concrete
 Roof: Pitched roof
 Windows: Double glazed
 Doors: External doors

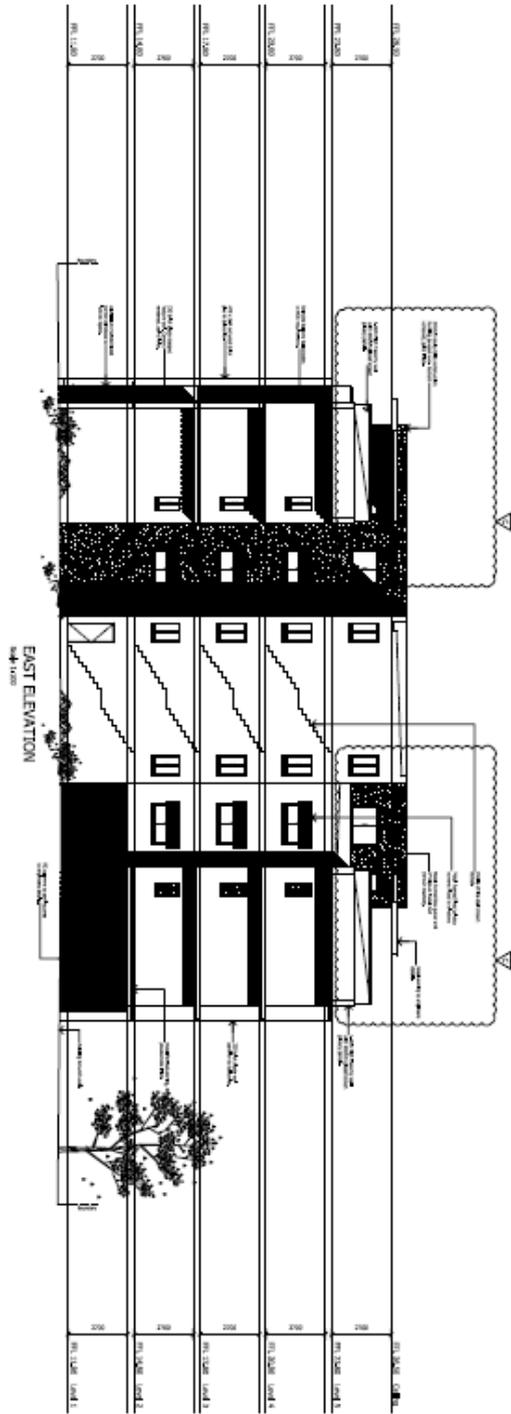
PERSON CONTACTS

NAME: JOHN DOE
 ADDRESS: 1000 1000 1000
 PHONE: 1000 1000 1000
 EMAIL: 1000@1000.1000

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LIVERPOOL CITY COUNCIL LOCAL PLANNING PANEL REPORT

30 APRIL 2018

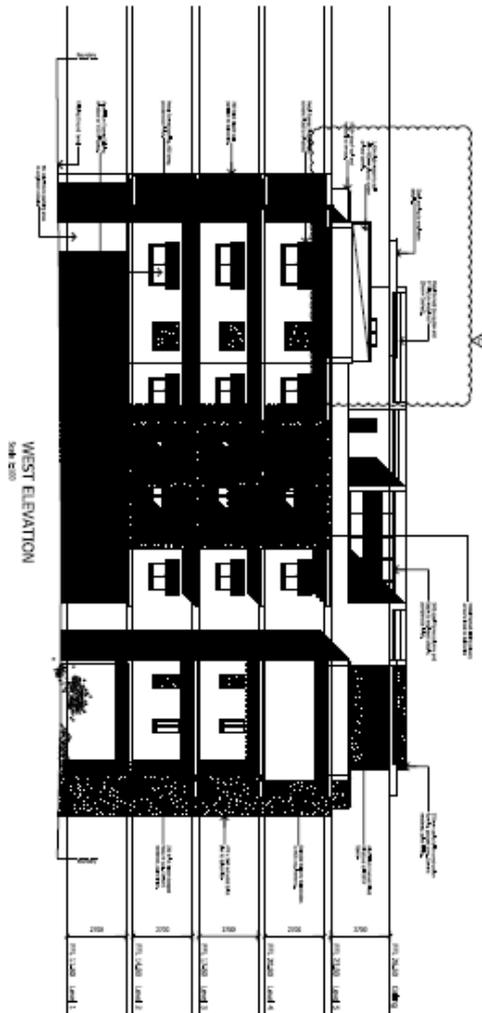


ACOUSTIC BUILDING REQUIREMENTS

NOTE: The acoustic building requirements are based on the acoustic building requirements set out in the Building Regulations 2010 (as amended) and the Building Regulations 2010 (as amended) (Approved Document A) and the Building Regulations 2010 (as amended) (Approved Document B).

NOTE: The acoustic building requirements are based on the acoustic building requirements set out in the Building Regulations 2010 (as amended) and the Building Regulations 2010 (as amended) (Approved Document A) and the Building Regulations 2010 (as amended) (Approved Document B).

Room	Volume (m³)	Sound Reduction Index (Rw)	Sound Reduction Index (Rw) + C	Sound Reduction Index (Rw) + C
Room 1	100	45	45	45
Room 2	100	45	45	45
Room 3	100	45	45	45
Room 4	100	45	45	45
Room 5	100	45	45	45
Room 6	100	45	45	45
Room 7	100	45	45	45
Room 8	100	45	45	45
Room 9	100	45	45	45
Room 10	100	45	45	45
Room 11	100	45	45	45
Room 12	100	45	45	45
Room 13	100	45	45	45
Room 14	100	45	45	45
Room 15	100	45	45	45
Room 16	100	45	45	45
Room 17	100	45	45	45
Room 18	100	45	45	45
Room 19	100	45	45	45
Room 20	100	45	45	45
Room 21	100	45	45	45
Room 22	100	45	45	45
Room 23	100	45	45	45
Room 24	100	45	45	45
Room 25	100	45	45	45
Room 26	100	45	45	45
Room 27	100	45	45	45
Room 28	100	45	45	45
Room 29	100	45	45	45
Room 30	100	45	45	45
Room 31	100	45	45	45
Room 32	100	45	45	45
Room 33	100	45	45	45
Room 34	100	45	45	45
Room 35	100	45	45	45
Room 36	100	45	45	45
Room 37	100	45	45	45
Room 38	100	45	45	45
Room 39	100	45	45	45
Room 40	100	45	45	45
Room 41	100	45	45	45
Room 42	100	45	45	45
Room 43	100	45	45	45
Room 44	100	45	45	45
Room 45	100	45	45	45
Room 46	100	45	45	45
Room 47	100	45	45	45
Room 48	100	45	45	45
Room 49	100	45	45	45
Room 50	100	45	45	45
Room 51	100	45	45	45
Room 52	100	45	45	45
Room 53	100	45	45	45
Room 54	100	45	45	45
Room 55	100	45	45	45
Room 56	100	45	45	45
Room 57	100	45	45	45
Room 58	100	45	45	45
Room 59	100	45	45	45
Room 60	100	45	45	45
Room 61	100	45	45	45
Room 62	100	45	45	45
Room 63	100	45	45	45
Room 64	100	45	45	45
Room 65	100	45	45	45
Room 66	100	45	45	45
Room 67	100	45	45	45
Room 68	100	45	45	45
Room 69	100	45	45	45
Room 70	100	45	45	45
Room 71	100	45	45	45
Room 72	100	45	45	45
Room 73	100	45	45	45
Room 74	100	45	45	45
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Room 85	100	45	45	45
Room 86	100	45	45	45
Room 87	100	45	45	45
Room 88	100	45	45	45
Room 89	100	45	45	45
Room 90	100	45	45	45
Room 91	100	45	45	45
Room 92	100	45	45	45
Room 93	100	45	45	45
Room 94	100	45	45	45
Room 95	100	45	45	45
Room 96	100	45	45	45
Room 97	100	45	45	45
Room 98	100	45	45	45
Room 99	100	45	45	45
Room 100	100	45	45	45



PERMITTEE'S DECLARATION

I, the undersigned, being the owner of the land to which this application relates, hereby declare that the information provided in this application is true and correct to the best of my knowledge and belief.

DESIGNER'S DECLARATION

I, the undersigned, being the designer of the development, hereby declare that the information provided in this application is true and correct to the best of my knowledge and belief.

DATE: 15/04/2018

SIGNATURE: [Signature]

NAME: [Name]

POSITION: [Position]

COMPANY: [Company Name]

ADDRESS: [Address]

POSTCODE: [Postcode]

TELEPHONE: [Telephone Number]

FAX: [Fax Number]

EMAIL: [Email Address]

MOBILE: [Mobile Number]

9

DATE	DESCRIPTION	CODE	MARKED
15/04/2018	Submission made	A	✓
15/04/2018	Accepted for consideration	B	✓
15/04/2018	Approved	C	✓
15/04/2018	Refused	D	✓
15/04/2018	Withdrawn	E	✓
15/04/2018	Other	F	✓

DESIGNER'S DECLARATION

I, the undersigned, being the designer of the development, hereby declare that the information provided in this application is true and correct to the best of my knowledge and belief.

DATE: 15/04/2018

SIGNATURE: [Signature]

NAME: [Name]

POSITION: [Position]

COMPANY: [Company Name]

ADDRESS: [Address]

POSTCODE: [Postcode]

TELEPHONE: [Telephone Number]

FAX: [Fax Number]

EMAIL: [Email Address]

MOBILE: [Mobile Number]

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

Attachment 2: Compliance Table for ARH SEPP

Provision	Comment	
Part 2 New Affordable Rental Housing		
Division 3 Boarding Houses		
Clause 26: Land to which this division applies		
<p><i>This Division applies to land within any of the following land use zones or within a land use zone that is equivalent to any of those zones:</i></p> <p>(a) <i>Zone R1 General Residential,</i> (b) <i>Zone R2 Low Density Residential,</i> (c) <i>Zone R3 Medium Density Residential,</i> (d) <i>Zone R4 High Density Residential,</i> (e) <i>Zone B1 Neighbourhood Centre,</i> (f) <i>Zone B2 Local Centre,</i> (g) <i>Zone B4 Mixed Use</i></p>	<p>Complies The proposed development is located within the R4 High Density zone pursuant to the LLEP 2008.</p>	
Clause 27: Development to which Division Applies		
<p><i>This Division applies to development, on land to which this Division applies, for the purposes of boarding houses.</i></p> <p><i>This division does not apply to development on land within zone R2 Low Density Residential or within a land use zone that is equivalent to that zone in the Sydney region unless the land is within an accessible zone.</i></p>	<p>Complies The site is not zoned R2 Low Density Residential and is not required to be within an accessible zone.</p>	
Clause 28: Development may be carried out with consent		
<p><i>Development to which this division applies may be carried out with consent.</i></p>	<p>Noted Development consent is sought for a boarding house.</p>	
Clause 29 Standards that cannot be used to refuse consent		
<p>(1) <i>A consent authority must not refuse consent to development to which this Division applies on the grounds of density or scale if the density and scale of the buildings when expressed as a floor space ratio are not more than:</i></p>	<p>(a) <i>the existing maximum floor space ratio for any form of residential accommodation permitted on the land, or</i></p>	<p>Complies The FSR of the development is 1.3:1. LLEP 2008 control is 2.0:1.</p>
	<p>(b) <i>if the development is on land within a zone in which no residential accommodation is permitted—the existing maximum floor space ratio for any form of development permitted on the land, or</i></p>	<p>Not Applicable</p>
	<p>(c) <i>if the development is on land within a zone in which residential flat buildings are permitted and the land 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—the existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus:</i></p> <p style="padding-left: 20px;"><i>(i) 0.5:1, if the existing maximum floor space ratio is 2.5:1 or less, or</i> <i>(ii) 20% of the existing maximum floor space ratio, if the existing maximum floor space ratio is greater than 2.5:1.</i></p>	<p>The applicant is entitled up to bonus 0.5:1 of FSR.</p>

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

<p>(2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:</p>	<p>(a) <i>building height:.....</i> <i>if the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land,</i></p>	<p>Complies A maximum building height of 35m is proposed. LLEP 2008 control is 15.68m.</p>
	<p>(b) <i>landscaped area.....</i> <i>if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located,</i></p>	<p>Complies The landscape character of the front setback within the immediate area is characterised by grassed areas, driveways and low level shrubs. The proposed landscape plan reflects this character.</p>
	<p>(c) <i>solar access.....</i> <i>where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,</i></p>	<p>Complies Communal living rooms are proposed on the ground floor level. The room benefits from a northerly orientation.</p>
	<p>(d) <i>private open space.....</i> <i>if at least the following private open space areas are provided (other than the front setback area):</i> <i>(i) one area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers,</i> <i>(ii) if accommodation is provided on site for a boarding house manager— one area of at least 8 square metres with a minimum dimension of 2.5 metres is provided adjacent to that accommodation,</i></p>	<p>Complies A total area of 21m² is proposed, accessed from the communal living room and shared by all lodgers. Accommodation of 13sqm for an onsite boarding house manager is provided.</p>
	<p>(e) <i>parking if:</i> <i>(i) in the case of development in an accessible area—at least 0.2 parking spaces are provided for each boarding room, and</i> <i>(ii) in the case of development not in an accessible area—at least 0.4 parking spaces are provided for each boarding room, and</i> <i>(iii) in the case of any development—not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site,</i></p>	<p>Complies The proposed development is not located within an accessible area, therefore based on 18 boarding rooms and one on-site manager, a total of 8 car parking spaces are required. A total of 8 car parking spaces are provided on the ground floor.</p>

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

	(f) accommodation size..... if each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least: (i) 12 square metres in the case of a boarding room intended to be used by a single lodger, or (ii) 16 square metres in any other case.	Complies Unit 1, 7 & 13 = 16sqm Unit 2, 8 & 14 = 16sqm Unit 3, 9 & 15 = 12sqm Unit 4, 10 & 16 = 12sqm Unit 5, 11 & 17 = 12sqm Unit 6, 12 & 18 = 12sqm
(3)	A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room.	Complies Each boarding room contains a kitchen and bathroom facilities.
(4)	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).	Noted
Clause 30: Standards for Boarding Houses		
1) A consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following:	(a) if a boarding house has 5 or more boarding rooms, at least one communal living room will be provided,	Complies One communal living room is proposed.
	(b) no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 square metres,	Complies No boarding room has a gross floor area of more than 25m ² (excluding kitchen and bathroom facilities).
	(c) no boarding room will be occupied by more than 2 adult lodgers,	Complies No more than 2 persons in any boarding room at any one time. A condition of consent in this regard is recommended.
	(d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,	Complies Each boarding room will be provided with kitchen and bathroom facilities.
	(e) if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager,	Complies The boarding house is capable of accommodating at least 26 lodgers. A room for a boarding house manager is provided.
	(f) (Repealed)	Noted.
	(g) if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use,	Not Applicable The subject site is zoned R4 High Density Residential.
	(h) at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.	Complies The boarding house is required to provide 4 bicycle spaces and 4 motorcycle spaces. The development provides for motorcycle parking and bicycle parking.
Clause 30A: Character of local area		

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

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.

Does not comply

The boarding house is not considered to be compatible with the character of the local area in that the built form results in visual impacts that detracts from the existing and desired character of the local area.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

Attachment 3: LEP compliance table

Liverpool Local Environmental Plan 2008		
Clause	Provision	Comment
Part 4 Principal Development Standards		
2.7 Demolition	The demolition of a building or work may be carried out only with development consent	Complies Development consent is sought for the demolition of the existing buildings on the development site.
4.3 Height of Buildings	The height of the building must not exceed 35m	Complies The building has a RL of 68.18. A maximum building height of 15.68m is proposed.
4.4 Floor Space Ratio	The maximum floor space ratio permitted is 2.0:1	Not Applicable The application is pursuant to SEPP (ARH) 2009.
5.10 Heritage Conservation	To protect existing items/locations identified as containing significant heritage value	Does not comply Lachlan Street is listed as a heritage item generally and the development is to be designed so that buildings relate to the heritage significance of heritage items – in this case the street grid. The design is not considered to be acceptable in the circumstances.
Part 7 Additional local provisions		
7.1 Objectives for Development in Liverpool City Centre	Council must be satisfied that the proposed development is consistent with such of the objectives considered relevant to the development.	Does not comply Objectives for Development in Liverpool City Centre have not been met.
7.4 Building Separation in Liverpool City Centre	Minimum Separation distances for buildings on land in Zone R4 High Density Residential are: Five to eight storeys (12m to 25m): • 9 metres for parts of buildings	Does not comply The extent of the building separation non-compliance along the eastern elevation on level 5 equates to 2.7m or 38%
7.14 Minimum building street frontage	Development consent must not be granted to development, 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 least 24 metres.	Does not comply The street frontage is 21 metres. This represents
7.31 Earthworks	No earthworks proposed other than those ancillary to the development being excavation for the proposed basement	Complies Matters considered by Council Land Development Engineering

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

Attachment 4: DCP compliance table

Consideration of LDCP 2008 - Part 1 General Controls for All Development

Development Control Sections	Provision	Comment
2. Tree Preservation	Controls relating to the preservation of trees	Complies All trees to be removed however none are native or significant and retention would otherwise hinder coherent development. Detailed landscape plan provided which is satisfactory.
3. Landscaping and Incorporation of Existing Trees	Controls relating to landscaping and the incorporation of existing trees.	Complies A landscape plan has been submitted which provides an appropriate landscaped area.
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.
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.
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 raise no objections subject to conditions of consent.
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.
8. Erosion and Sediment Control	Erosion and sediment control plan to be submitted.	Complies Conditions of consent can be imposed to ensure that erosion and sediment controls measures are implemented during the construction of the development.
9. Flooding Risk	Provisions relating to development on flood prone land.	Complies The proposed development is located within Brickmakers Creek catchment. The site is affected by the Probable Maximum Flood (PMF) event. However, from a mainstream flooding perspective, no conditions applies for the proposal.
10. Contaminated Land Risk	Provisions relating to development on contaminated land.	Complies Subject site is unlikely to be contaminated as previous uses were for residential purposes.
11. Salinity Risk	Provisions relating to development on saline land.	Complies To comply with BCA requirements
12. Acid Sulphate Soils	Provisions relating to development on acid sulphate soils	Not Applicable The site is not affected by Acid Sulfate Soils.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

Development Control Sections	Provision	Comment
13. Weeds	Provisions relating to sites containing noxious weeds.	Not Applicable The site is not identified as containing noxious weeds.
14. Demolition of Existing Development	Provisions relating to demolition works	Complies Demolition works will be conditioned to comply with the relevant standards.
15. On Site Sewage Disposal	Provisions relating to OSMS.	Not Applicable OSMS is not proposed.
16. Aboriginal Archaeology	An initial investigation must be carried out to determine if the proposed development or activity occurs on land potentially containing an item of aboriginal archaeology.	Not Applicable The development site is unlikely to contain any items of aboriginal archaeology, as the site has been previously developed for residential use.
17. Heritage and Archaeological Sites	Provisions relating to heritage sites.	Does not comply Lachlan Street is listed as a heritage item generally and the development is to be designed so that buildings relate to the heritage significance of heritage items – in this case the street grid. It is considered that the proposed development has not been designed such that it is sympathetic to the street pattern.
18. Notification of Applications	Provisions relating to the notification of applications.	Complies The application was advertised and notified.
19. Used Clothing Bins	Provisions relating to used clothing bins.	Not Applicable The DA does not propose used clothing bins.
20. Car Parking and Access	Car parking rates for Residential Flat Buildings are as follows: <ul style="list-style-type: none"> - 1 space per 1 bedroom apartment - 1.5 spaces per 2 bedroom apartment - 2 spaces per 3 bedroom apartment - 1 space for every dwelling or part thereof 	Not Applicable See SEPP (ARH) 2009.
21. Subdivision of Land and Buildings	Provisions relating to the subdivision of land and buildings	Not Applicable The DA does not propose subdivision.
25. Waste Disposal and Re-use Facilities	Provision of ongoing waste management facilities shall include: <ul style="list-style-type: none"> - In the case of multi dwelling housing of 9 or more dwellings and residential flat buildings one or more garbage and recycling enclosures (bin bays) are to be provided within the site. - Bin bays are to be well ventilated and screened to a 	Complies A bin enclosure is provided on the ground floor behind the building line and does not detract from the streetscape character.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

Development Control Sections	Provision	Comment
	minimum height of 1.5m by a structure and landscaping. Construction materials are to be compatible with the proposed development and adjoining development.	
26 Outdoor Advertising and Signage	Provisions relating to signage.	Not Applicable The DA does not propose any signage.
27. Social Impact Assessment	The DCP requires a Social Impact Comment for affordable housing, within the meaning of SEPP (Affordable Rental Housing) 2009.	Complies The Social Impact Comment is considered to be acceptable.

Consideration of LDCP 2008 - Part 4 Liverpool City Centre

Development Control	Provision	Comment
Part 4 Liverpool City Centre		
Controls for Building Form		
Building to Street Alignment and Street Setbacks	Street building alignment and street setbacks are to comply with the following: <ul style="list-style-type: none"> 8m landscaped setback to Sydney Road 4-4.5m setback to Lachlan Street. 	Does not comply The development does not have an 8m landscaped setback to Sydney Road. The ground floor is setback 4.5m from Lachlan Street but the front porch encroaches by 1.2m. The setback of upper storeys is 3.3m and does not comply with this provision.
	The external facades of buildings are to be aligned with the streets that they front.	The external façade of the building is aligned with Lachlan Street.
	Notwithstanding the setback controls, where development must be built to the street alignment (as identified in Figure 3), it must also be built to the side boundaries (0m setback) where fronting the street. The minimum height of development built to the side boundary is to comply with the minimum street frontage height requirement.	N/A
	Balconies may project up to 1.2m into front building setbacks in the High Density Residential zone and up to 600mm in all other zones, provided the cumulative width of all balconies at that particular level totals no more than 50% of the horizontal width of the building façade, measured	Balcony does not project more than 1.2m into front building setbacks. The width of the balcony amounts to less than 50% of the horizontal width of the building.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

Development Control	Provision	Comment
	at that level.	
	Minor projections into front building lines and setbacks for sun shading devices, entry awnings and cornices are permissible (see also Section 3.8 Building Exteriors).	Noted
	The street frontage height of buildings must comply with the minimum and maximum heights above mean ground level on the street front as follows: <ul style="list-style-type: none"> • Street frontage height between 15m and 25m required (5-7 storeys) 	The street frontage of Lachlan Street has a height of 5 storeys.
	Notwithstanding the above, the street front height of any new building is to be consistent with the controls in Section 2.6 Solar Access.	Noted.
	Notwithstanding the controls in Figure 5, the street frontage height controls of any new building adjacent to Heritage Items is to be appropriately scaled (refer to Section 7.1 Heritage Items and Special Heritage Areas).	Does not comply Heritage advisor has requested additional information to ensure the proposal respects the streetscape character.
	'Fake' building street walls (frames with the building line recessed behind) will not be permitted up to street frontage height level.	Noted
Building Depth and Bulk	The maximum floor plate sizes and depth of buildings in residential zones are as follows: <ul style="list-style-type: none"> • Above 25m in height. The gross floor area permitted above this height is 20% of the GFA of the development. • Maximum GFA per floor of 500sqm • Maximum building depth of 18m (excludes balconies) 	The GFA per floor of the building is less than 500sqm. The maximum building depth is less than 18m.
	Notwithstanding the above, the component of a building above the maximum specified street frontage is not to have a building length in excess of 45m	Noted

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

Development Control	Provision	Comment
	Maximum floor plate sizes only apply above street frontage height levels.	Noted
	All points on an office floor should be no more than 10m from a source of daylight (e.g. window, atria, or light wells) in buildings less than 25m in height, and no more than 12.5m from a window in buildings over 25m in height.	N/A
Boundary Setbacks and Building	The minimum building setbacks from the front, side and rear property boundaries are as follows: All uses up to 12m height: <ul style="list-style-type: none"> • Non habitable rooms = 3m to side and 6m to rear • Habitable rooms = 6m to side and rear All uses between 12 – 25m height: <ul style="list-style-type: none"> • Non-habitable rooms = 4.5m to side and 6m to rear • Habitable rooms = 9m to side and to rear 	Does not comply Up to a height of 12m the following non-compliances are noted: <ul style="list-style-type: none"> • Stairs to eastern boundary is 1.8m. • Boarding rooms is less than 3m to eastern boundary • Boarding rooms is less than 6m to western boundary. Upwards of a height of 12m the following non-compliances are noted: <ul style="list-style-type: none"> • Stairs to eastern boundary is 2.7m • Terrace to eastern boundary is 2.1m • Terrace to western boundary is 2.2m
	In mixed use buildings, setbacks for the residential component are to be the distances specified in the table below for residential development in the specified zone.	N/A
	If the specified setback distances cannot be achieved when an existing building is being refurbished or converted to another use, appropriate visual privacy levels are to be achieved through other means. These will be assessed on merit by the consent authority.	N/A
	Buildings with a boundary to the Hume Highway are to be a setback a minimum of 8m.	Does not comply The building is not setback at least 8m from Hume Highway.
	The front setback for buildings on the southern side of Elizabeth Street between Macquarie Street Mall and George Street (Lot 2 DP 90210) must be 3m for the ground floor. Any awning / roof structure above the 3m setback	N/A

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

Development Control	Provision	Comment
	area shall not restrict solar access to the footpath area.	
	Buildings with a rear or side boundary to the rail corridor are to be setback a minimum of 12m with a landscaped area.	N/A
	In exceptional circumstances where the required setback distances are not possible, the portion of a building over 45m in height may be considered on merit by the consent authority so long as the following minimum separation distances between tall buildings, or potential future tall buildings are adhered to: - 20m applies between commercial uses and - 28m between residential uses.	N/A
2.3 Site Cover and Deep Soil Zones		
	The maximum site cover for development is 50%.	The building is 303sqm which amounts to 44% of the site area.
	Developments with a residential component in all zones, except the Commercial Core, must include a deep soil zone.	Noted
	The deep soil zone shall comprise no less than 15% of the total site area (or proportionate to the percentage of residential uses in a mixed-use development). It is to be provided preferably in one continuous block but otherwise with no dimension (width or length) less than 6m.	Does not comply Approximately 104sqm of deep soil is required to be provided for the site with a lot area of 691.5sqm. Only 25sqm of deep soil with a dimension of no less than 6m is provided.
	Where non-residential development results in full site coverage and there is no capacity for water infiltration, the deep soil component must be provided on structure, in accordance with the provisions of Section 2.5. In such cases, compensatory stormwater management measures must be integrated within the development to minimise stormwater runoff.	N/A
	Where deep soil zones are provided, they must accommodate existing mature trees as well as allowing for the planting of trees/ shrubs that will grow to be mature plants.	Noted

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

Development Control	Provision	Comment
	No structures, works or excavations that may restrict vegetation growth are permitted in this zone (including but not limited to car parking, hard paving, patios, decks and drying areas).	Noted
2.4 Landscape Design		
	Landscaped areas are to be irrigated with recycled water.	Noted
	Landscape species are to be selected in accordance with Council's schedule of Preferred Landscape Species.	Noted
	Commercial and retail developments are to incorporate planting into accessible outdoor spaces.	N/A
	Remnant vegetation must be maintained throughout the site wherever practicable.	Noted
	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.	Noted
	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).	N/A
3.2 Active Street Frontages		
	Residential developments are to provide a clear street address and direct pedestrian access off the primary street front, and allow for residents to overlook all surrounding streets.	The development provides a clear street address for pedestrians. Overlooking of the street is provided from upper floors.
	Provide direct "front door" access to ground floor residential units.	There are no ground floor residential units.
	Residential buildings are to provide not less than 65% of the lot width as street address	12.8 metres amounts to 65% of the lot width at the building line.
3.6 Vehicle Footpath Crossings		
	No additional vehicle entry points will be permitted on Sydney Roads	No additional vehicle entry points are provided on Sydney Road.
4.3 On Site Parking		

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

Development Control	Provision	Comment
	Onsite parking for residential flat buildings (or residential flat building component of a mixed use development) is to be wholly in basement parking unless Council is satisfied that unique site conditions prevent achieving all parking in basements. Council may require provision of a supporting geotechnical report or other supporting documentation, prepared by an appropriately qualified professional as information to accompany a development application to Council.	The proposed development is not a residential flat building.
	The impact of any on grade car parking must be minimised by: <ul style="list-style-type: none"> - Locating parking on the side or rear of the lot, away from the street frontage - Provision of fencing or landscaping to screen the view of cars from adjacent streets and buildings - Incorporating car parking into landscape design of the site (such as plantings between parking bays to improve views, selection of paving material and screening from communal and open space areas) 	Considered acceptable as the parking is located behind the front building line and is properly screened from the public domain.
5.1 Energy Efficiency and Conservation		
	New dwellings, including dwellings within a mixed use building and serviced apartments intended or capable of being strata titled, are to demonstrate compliance with State Environmental Planning Policy – Building Sustainability Index (BASIX). A complying BASIX report is to be submitted with all development applications containing residential activities.	A BASIX Certificate has been provided for the development.
5.2 Water Conservation		
	New dwellings, including a residential component within a mixed use building and serviced apartments intended or capable of being strata titled, are to demonstrate compliance with State Environmental Planning Policy – Building Sustainability Index (BASIX).	A BASIX Certificate has been provided for the development.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

Development Control	Provision	Comment
5.3 Reflectivity		
	New buildings and facades should not result in glare that causes discomfort or threatens safety of pedestrians or drivers.	Noted
	Visible light reflectivity from building materials used on the facades of new buildings should not exceed 20%.	Noted
	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 motorists may be required.	Noted.
5.5 Noise		
	An acoustic report is required for all noise affected locations, as identified in Figure 25. This report is to demonstrate that appropriate noise attenuation and barrier planning is to be implemented.	An acoustic report has been submitted with the DA to carry out a road noise intrusion study for the proposed development. The report concludes that the development will meet the noise criteria in the SEPP (Infrastructure) 2007 provided that the recommendations are complied with. A condition will be imposed on any consent granted for this development.
	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. Depending on the type and scale of development, acoustic assessment may be required for sites outside the noise source 3 areas. Fig. 5.1	Noted
	An 8m setback is to be provided to any residential component of development located fronting onto Terminus Street.	N/A
	An 8m setback is to be provided to any habitable building located adjacent to the Hume Highway	Does not comply An 8m setback is not provided to habitable buildings located adjacent to the Hume Highway
5.6 Waste		
	Development applications for all non-residential development must be accompanied by a waste management plan	19 dwellings on-site. 3 x 660L bins are required for garbage + 3 x 660L bins are required for recycling. In total, 6 x 660L bins are required, not including bins for green waste. This is a bin footprint of 6.96m. The waste room has a size in excess of this.
	Provision must be made for	Complies

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

Development Control	Provision	Comment
	<p>waste generation</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 space, windows or clothes drying areas 	<p>A waste room is provided on the ground floor that is accessible to residents, not visible from the street and does not adjoin POS, 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>Noted.</p>
5.7 Floodplain and Water Cycle Management		
	<p>Significant areas of the city centre are potentially impacted by a 100 yr ARI flood event and/or a Probable Maximum Flood (PMF) event. In such circumstances it is important that future development is managed in a way that takes account of flood risks on individual sites and that flood risk is not increased generally in the city centre and surrounds.</p>	<p>The application was referred to Council's Flooding Engineering Branch who raised no concerns.</p>
5.8 Sewage Treatment Plant		
	<p>Development within 400m of the Schrivener Street Sewage Treatment Plant needs to be referred to Sydney Water for assessment.</p>	<p>N/A</p>

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

Item no:	2
Application Number:	DA-527/2017
Proposed Development:	<p>Construction and operation of a Concrete Batching Plant (CPB) and Materials Blending Plant (MPB). The proposal includes:</p> <ul style="list-style-type: none"> • Demolition of all existing structures on site including a former dwelling house; • Earthworks to prepare the land for the development; • Construction of site infrastructure including vehicle access, internal driveways and vehicle parking areas, • Construction of the proposed CBP and MBP; • Construction of supporting facilities including a plant control room and office, laboratory, store room and staff amenities; • Construction of a weighbridge and an above ground fuel storage tank. <p>The proposed development is submitted as Designated Development under the Environmental Planning and Assessment Regulation 2000 and is Nominated Integrated Development pursuant to Clause 5(1)(b) of the Environmental Planning and Assessment Regulation 2000, as it requires an Environmental Protection Licence (EPL) under Schedule 1 of the Protection of the Environment Operations Act 1997 (POEO Act).</p> <p>The proposed development is also identified as Integrated Development pursuant to Section 4.46 of the Environmental Planning and Assessment Act 1979 and requires an approval from NSW Rural Fire Service under Section 100B of the Rural Fires Act 1997.</p>
Property Address	14 Yarrunga Street, Prestons NSW 2170
Legal Description:	Lot 10 DP 28729
Applicant:	Gunlake Concrete P/L
Land Owner:	Gunlake Concrete P/L
Cost of Works:	\$5,031,777
Recommendation:	Approval subject to conditions of consent
Assessing Officer:	Glenn Ford

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

2. EXECUTIVE SUMMARY

Council has received a development application for the construction of and operation of a Concrete Batching Plant (CBP) and Materials Blending Plant (MBP). The CBP and MBP will have a production capacity to produce up to 150,000 cubic metres of concrete per year and storage capacity 200,000 tonnes material per year. A full description of the proposal is given in Section 4 of this report.

The site is zoned IN3 – Heavy Industrial under Liverpool Local Environmental Plan 2008 (LLEP) and the proposed development is permitted with consent.

The application has been submitted as Designated Development in accordance with Section 4.10 of the Environmental Planning and Assessment (EP&A) Act and Clause 14 of Schedule 3 of the Environmental Planning and Assessment (EP&A) Regulation.

The proposal has been assessed under applicable Commonwealth, State and local legislation and planning controls and is considered to satisfy or be capable of satisfying all pertinent requirements. The key issues associated with the proposal relate to implementation of roadworks to accommodate the required truck traffic and a focus on ensuring that the operation of the CBP and MBP does not impact on local air quality. These matters are addressed in the body of this report.

The proposal was advertised and notified in accordance with the EP& A Regulations and in accordance with Council's Policy LDGP. One submission was received that did not object to the proposal but sought that consideration be given to making sure that proposal will not impact on adjoining developments.

With regard to Council's controls, the proposed development is generally consistent with the objectives and development standards of the LLEP and is compliant with the provisions of the Liverpool Development Control Plan 2008 (LDGP).

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 - designated development.

This report summarises the key issues to be considered in the determination of the proposal in accordance with the provisions of the Environmental Planning and Assessment Act 1979 (EP & A Act) and Liverpool Local Environmental Plan 2008 (LLEP 2008) and based on the assessment of the proposed development it is recommended that the application be approved subject to the attachment of conditions.

2. SITE DESCRIPTION AND LOCALITY

2.1 Site Description

The site is rectangular in shape with a frontage to Yarrunga Street of 100.89m, a depth of 201.17m and an area of approximately 20,300m² or 2.03 hectares (based on Lot 10 DP 28729).

The site slopes down from Yarrunga Street with a general fall across the site from the south-western corner (40.5 AHD) to the north-eastern corner (33.8 AHD) of 6.7 metres or about 3%.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

Currently on site is a former dwelling house and vegetation from the time when the land was a semi-rural small-holding. The site is centrally located within the Prestons Industrial area which has been zoned to permit general and heavy industrial uses including uses that rely on transporting bulky goods and good access to high speed roads.



Figure 1: Aerial view of subject site and surrounds. It is centrally located within the Prestons Industrial Area and well away from residential areas. The nearest residences are approximately 450m away and shielded from the development site by large buildings and the general terrain.

2.2 Locality Description

The area is predominately characterised by large scale industry and warehousing. Existing uses immediately surrounding the site include:

- To the north: Mainfreight Transport Depot and Warehouse in Yarrowa Road.
- To the east: An easement for high voltage electricity transmission with pylons and wires (Transgrid) and an undeveloped site adjoining small industrial premises that face Bernera Road.
- To the south: Yarrunga Street with the new Toll Distribution Centre opposite the front of the subject site.
- To the west: A new Distribution Centre which will be used for storage and distribution of medical and health care products, electronics, alcohol and paper goods. The facility includes capacity for refrigerated containment for food handling outside of the main warehouse.

There is an existing concrete batching plant operating in Prestons adjacent to the M7 Motorway (see Figure 2). This CBP is approximately 250m from the development site (boundary to boundary). The cement silos would be approximately 500m apart.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

Photographs of the locality are provided in Figures 2 to 7 below.

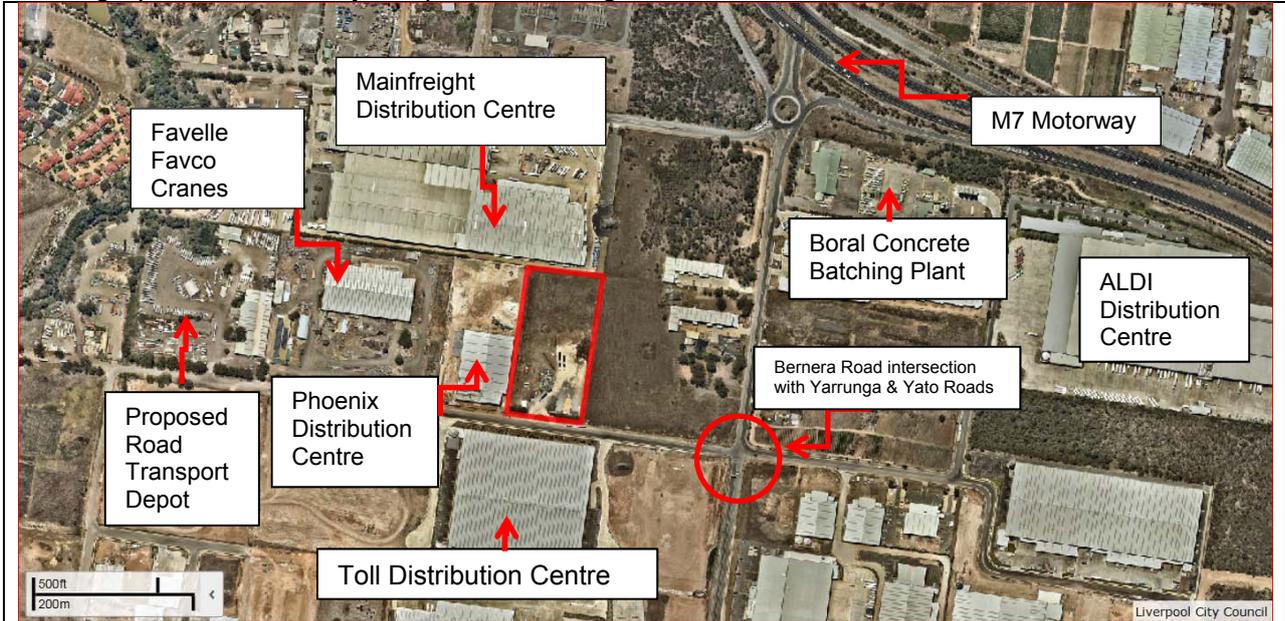


Figure 2: Development surrounding the subject site.

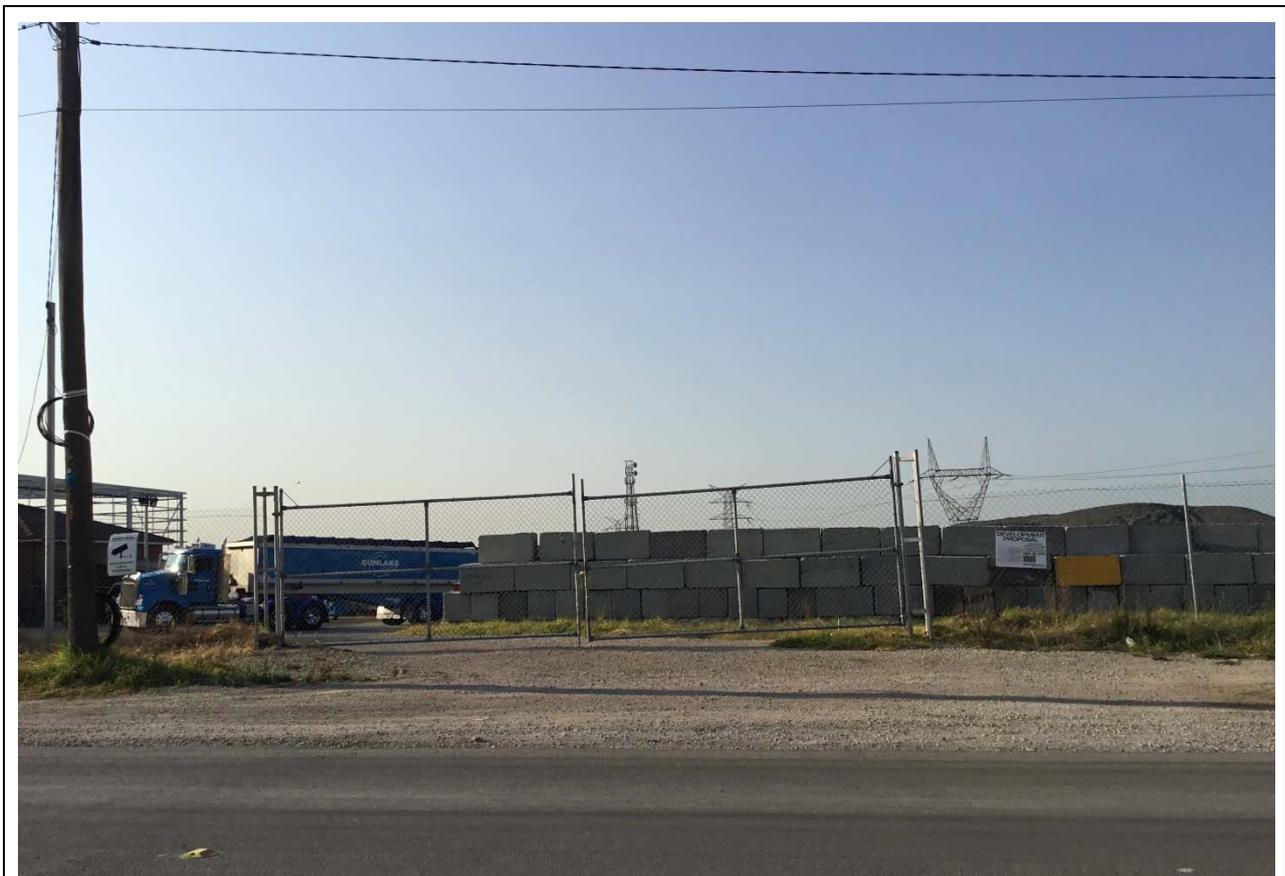


Figure 3: The subject site viewed from Yarrunga Street looking north

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018



Figure 4: The new Toll Distribution Centre on the southern side of Yarrunga Street opposite the subject site.



Figure 5: The existing Boral Concrete Batching Plant viewed from Yato Road (looking north over remnant market gardens).

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018



Figure 6: The subject site viewed from No. 20 Yarrunga Street when it was under construction (looking south towards the Toll Distribution Centre).



Figure 7: The subject site viewed from No. 20 Yarrunga Street (looking east towards Bernera Road. The Boral CBP silos can be seen in the distance above the orange building).

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

3. BACKGROUND

3.1 Application History

- A Pre-DA meeting was held with Council on 20 April 2016 (PL-37/2016).
- Department of Planning and Environment Secretary's Environmental Assessment Requirements (SEARs) issued on 27 April 2016.

The submitted application has been assessed against the SEARs and is considered to meet the expectations and requirements set for this proposal by the Secretary of the Department of Planning and Environment.

- A follow-up Pre-DA meeting was held on 15 February 2017 (PL-12/2017).

The EIS submitted by the applicant includes a section that considers the advice received from Council at both Pre-DA meetings and provides a table identifying where Council's comments and requirements have been addressed in this DA.

- DA-567/2017 was lodged with Council on 1 July 2017.
- The DA was advertised from 23 August 2017 to 22 September 2017.[See Section 6.8(c) of this report]
- On 1 March 2018, the Minister for Planning issued a Direction that all Designated Development Applications were required to be presented to a Council's Local Planning Panel for determination.

4. PROPOSED DEVELOPMENT

The proposed development is for construction and operation of a Concrete Batching Plant (CBP) and Materials Blending Plant (MBP).

The proposal includes:

- Demolition of all existing structures on site including a former dwelling house;
- Earthworks to prepare the land for the development;
- Construction of site infrastructure including vehicle access, internal driveways and vehicle parking areas;
- Construction of the proposed CBP and MBP;
- Construction of supporting facilities including a plant control room and office, laboratory, store room and staff amenities; and
- Construction of a weighbridge and an above ground fuel storage tank.

The proposed development is Designated Development under the Environmental Planning and Assessment Regulation 2000 and is Nominated Integrated Development pursuant to Clause

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

5(1)(b) of the Environmental Planning and Assessment Regulation 2000, as it requires an Environmental Protection Licence (EPL) under Schedule 1 of the Protection of the Environment Operations Act 1997 (POEO Act).

The proposed development is also identified as Integrated Development pursuant to Section 4.46 of the Environmental Planning and Assessment Act 1979 and requires an approval from NSW Rural Fire Service under Section 100B of the Rural Fires Act 1997.



Figure 8: Identification of structures and buildings proposed on the subject site.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

4.1 Details of the proposal

Demolition

Demolition of the former dwelling house and removal of existing vegetation on site.

Site preparation

It is proposed to carry out some minor earthworks to prepare the site for new infrastructure (roads and drainage) and new buildings and structures.

Construction of Site Infrastructure

This will include constructing the new vehicle entry and exits for the site and internal roads and car parking area. Roadworks will include constructing 3m wide road pavement with kerb and gutter, drainage, concrete footpath and landscaping in Yarrunga Street for the full frontage of the site; and construction of two site access driveways with heavy duty vehicle crossovers in accordance with Council's requirements.

Construction of Concrete Batching Plant and Materials Batching Plant

Building, plant and machinery to be constructed or installed for the proposed CBP will include:

- five below-ground drive over aggregate receiving bins, each with a maximum storage capacity of 100 tonnes and a maximum depth of 8 m below ground level;
- five above-ground aggregate bins, each with a maximum storage capacity of 200 tonnes.
- a conveyor system;
- an eight-unit overhead storage bin arrangement with a total capacity of 800 tonnes;
- four cement/fly ash silos, each with a maximum storage capacity of 120 tonnes and a maximum height of approximately 22.5 m above ground level;
- a holding hopper, a cement-weigh hopper and a water-weigh hopper;
- PVC admixtures storage tanks;
- double alley concrete loading bays with one alley comprising a horizontal roller wet batch mixer;
- one below-ground stormwater detention tank;
- three above-ground green water tanks;
- truck parking areas adjacent to the slump shed and in the north-east corner of the site;
- four concrete waste bins;
- a slump stand and four wash-out bays;
- a concrete reclaiming facility and waste water recycling system; and
- a final mixing area.

The proposed CBP will have a production capacity of 150,000 m³ of concrete per annum. The main raw materials that will be used on site to make ready-mixed concrete are coarse aggregate (gravel), fine aggregate (sand), fine sand, fly ash powder, cement; and water. Additive components used such as oxides, steel fibres, set point retardants and accelerators, polypropylene agents and air entraining agents will be stored in much smaller quantities than the raw materials listed above.

Plant and machinery for the proposed MBP will include:

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

- 15 material storage bays;
- four elevated aggregate bins, each with a maximum storage capacity of 100 tonnes and a ramp leading up to the bins;
- a blending plant and radial stacker conveyor;
- three product stockpiles;
- two cement / fly ash silos with maximum 100 tonnes capacity; and
- two front end loaders.

Construction of supporting facilities including a plant control room and office, laboratory, store room and staff amenities

Buildings proposed on site include the plant control room, office, amenities (including bathroom and crib room) and laboratory constructed in lightweight materials and generally 'shale grey' in colour.



Figure 9: Proposed buildings to be constructed on site.

Construction of a weighbridge and an above ground fuel storage tank.

It is proposed to install a weighbridge near the vehicle exit for the site and a bunded above-ground fuel storage tank (with a capacity of approximately 40,000 Litres) near the rear of site and adjacent to the slump shed. Plant and vehicles will be refuelled from a bowser in a refuelling area next to the diesel tank. The tank and refuelling area will be covered to prevent rain falling into the bunds.

Processes proposed to be carried out on site

The following descriptions are extracted from the EIS and describe the process and activities to be carried out on the site:

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

Concrete Batching Plant

Aggregate and sand will be delivered to the site by B-Double trucks, semi-trailers or trucks and dog trailer and be bottom-dumped through a drive-over grid into the below-ground aggregate storage bins. Material in the storage bins will feed up to the overhead storage bins via conveyor. Once in the overhead storage bins the materials will be gravity fed into weigh-bins beneath the bins and onto a conveyor. The conveyor will transport the material to a raised transfer point and into either a holding hopper or into the wet batch mixer depending on which alley is selected.

Cement and fly ash powder will be delivered by a sealed tanker and pneumatically transferred to the above-ground silos in the final mixing area. For the dry batch process water for the ready-mixed concrete will be stored in a water weigh-hopper also located within the final mixing area. As the cement, fly ash powder and the aggregates are discharged from the weigh-hopper they will be mixed with the pre-determined amount of water and appropriate admixtures to form the concrete batch in the mixer truck.

For the wet batch process water for the ready-mixed concrete will be stored in a water weigh-hopper also located within the final mixing area. As the cement and fly ash powder and the aggregates are discharged from the weigh-hoppers they will be mixed with the pre-determined amount of water and appropriate admixtures to form the concrete batch in the horizontal roller mixer. The mix is then discharged into the mixer truck.

Solid and liquid admixtures are used to impart a range of specific concrete setting properties and qualities. Liquid admixtures will be delivered by tanker trucks and pumped into PVC storage tanks. Solid admixtures will usually be delivered in bags on pallets and loaded into the mixer trucks without debagging. Concrete agitator trucks will be loaded at ground level, beneath the final mixing area. This will be achieved by the simultaneous discharge into the truck of:

- sand and aggregate from the holding hopper;
- cement/fly ash powder from the cement weigh-hopper;
- water from the water weigh-hopper; and
- admixtures through a chute directly into the mixer truck.

The material will be partially blended through this simultaneous discharge into the truck. Mixing will be completed within the agitator truck as the concrete is transported to the customer.

Any dust generated during the loading of the batch into the concrete agitator truck will be pneumatically extracted via a hood located above the truck. This airflow will then be directed back into the cement and fly ash silos above.

Once loading is complete, the duct extractors will stop and the agitator trucks will move to the slump stands washout bays where the truck will be washed down to remove any external material before leaving the site. If necessary, the concrete agitator truck operator will manually add additional water to the batch while at the slump stand. Water and sludge from the washout bays will be pumped into the drying areas, where any product recovered after drying will be recycled and re-used in the process. Any ready-mixed concrete not utilised by customers will be returned to the batching plant and recycled either into ready-mixed concrete product or returned to Gunlake's quarry for use as road base material.

Material Batching Plant

The proposed MBP will store and blend up to 200,000 tonnes of material received from Gunlake's Marulan quarry and elsewhere, comprising 10 mm and 20 mm aggregates, quarry sand (manufactured sand) and road base along with cement and water. Blended materials will include a mix of specified, stabilised and other road base as well as stabilised aggregate and sand.

Material will be received onsite by B-Double trucks, semi-trailers or trucks and dog trailer. It will be bottom dumped directly into one of ten aggregate storage bays around the perimeter of the proposed MBP. The material will then be transferred via a front end loader into one of four above-ground storage bins. The material in the storage bins will be gravity fed onto a conveyor and into the blending facility where it will be blended with cement and water as required and will be fed onto a radial stacker conveyor.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

Proposed Hours of Operation and Staffing

The site proposes to operate 24 hours per day, seven days a week, with the majority of activity occurring between the hours of 6 am to 6 pm - Monday to Friday and 6 am to 1 pm - Saturday. The normal peak period for concrete production at the site will be during the early morning or mid-morning. Peak times for raw material deliveries will be between 6 am and 12 pm.

There will be 32 full time employees on site comprising 25 concrete mixer truck drivers and 5 office staff for the proposed CBP and 2 staff for the proposed MBP.

Access and vehicle parking

There will be two driveways connecting the site to Yarrunga Street. The entry driveway will be along the western boundary and the exit driveway will be on the eastern boundary. This configuration will enable all vehicles to enter and leave the site in a forward direction. Trucks leaving the site with aggregate will be weighed at the weighbridge on the eastern driveway before leaving the site.

To accommodate the workforce of 32 full time employees and to allow for the provision of visitor parking spaces, 36 car parking spaces including 1 disabled parking space will be provided. Car parking will be adjacent to the office and amenities building and near the eastern boundary of the site.

Parking for the concrete agitator trucks will be provided in the north-east corner of the site. These trucks will be parked on site when not in use. Safety lighting will be installed in car parking areas.

5. LEGISLATIVE FRAMEWORK

The application is accompanied by a comprehensive Environmental Impact Statement (EIS) addressing all aspects of the proposed development. The EIS includes a consideration of legislation applying to the use of the site and relevant policies and guidelines.

5.1 Commonwealth Legislation

Approval is not required under the Commonwealth Environment Protection and Biodiversity Protection Act 1999 as it is considered not to impact on any matters of national environmental significance listed in that Act.

5.2. State Strategic Matters

The EIS includes a consideration of strategic planning documents guiding growth and development in the Sydney Region and particularly in the South-West District. The encouragement of business and employment growth is a common theme in these documents and the establishment of the proposed facility is considered to be consistent with the strategic directions contained in them.

5.3. NSW Environment Protection Authority (EPA)

The DA was referred to the NSW Environment Protection Authority which provided the following response:

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

In accordance with s48 of the Protection of the Environment Operations Act 1997, the proposed development as described in the Environmental Impact Statement indicates that an Environmental Protection Licence is required for the premises at which the activity is carried on.

The information provided in the development application also meets the definition of a non-scheduled activity as stated within s.92 of the Protection of the Environment Operations (General) Regulation 2009.

In both instances, the EPA is prescribed as the Appropriate Regulatory Authority (“ARA”). That is the EPA is the ARA for the construction and operation of the proposed facility.

Given that the EPA is currently reviewing the thresholds listed within Schedule 1 of the Protection of the Environment Operations Act 1997, the EPA has chosen to treat this application as a non-scheduled activity.

A series of draft conditions of consent have been provided for Council’s consideration in line with the provisions of a Designated Development, as defined in the Environmental Planning and Assessment Act 1979.

The EPA has provided the draft conditions (which mainly focus on operational matters) in light of the fact that the EPA will regulate this site if it is approved. The conditions will be included in any consent issued for the proposed development

5.5 STATUTORY CONSIDERATIONS

Relevant matters for consideration

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

- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy No.33 – Hazardous and Offensive Development;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (deemed SEPP);
- State Environmental Planning Policy (State and Regional Development) 2011; and
- Liverpool Local Environmental Plan (LLEP) 2008.

Other Plans and Policies

- Liverpool Development Control Plan (LDCP) 2008;
 - Part 1: General Controls for All Development; and
 - Part 7: Industrial Development
- Liverpool Contributions Plan 2009 applies to all development pursuant to Section 7.11 of the EPA & Act.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

6. PLANNING ASSESSMENT

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

6.1 Section 4.15(1)(a)(i) – any environmental planning instrument

(a) State Environmental Planning Policy (Infrastructure) 2007

The Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State. While the SEPP predominantly applies to infrastructure projects, such as roads, rail, water and sewer, it also applies to certain traffic generating developments which may potentially impact on the State's road networks.

(i) Roads and Traffic

Yarrunga Street is a local road. Therefore Clause 101 of the Infrastructure SEPP (which requires that certain matters to be satisfied for land that has a frontage to a classified road) does not apply to this proposal.

However, Clause 104(1) of the Infrastructure SEPP does apply to new premises of the relevant size or capacity including 'industry' that is on a site which is on land with an area of 2 ha or more with access to any road. The subject site is 2.03ha in area so Clause 104 applies to it.

Pursuant to Clause 104(3) of the Infrastructure SEPP, before determining such a development application, Council must give written notice to the RMS and take into consideration any submission provided in response.

The RMS has written to Council and the issues raised in that correspondence are dealt with in Section 6.8(b)(iii) of this report.

Section 104(3) also requires Council to consider the accessibility of the site concerned, including:

- (A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and
- (B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and
- (iii) any potential traffic safety, road congestion or parking implications of the development

These matters have been considered in the regard to the proposed development. With regard to (A) and (B), the site is located close to the M7 Motorway which provides a direct connection to the raw materials that will be delivered to the site with the minimal distance on regional and local roads. Most of the distance travelled by the delivery trucks will be on the national road network. With regard to item (iii), these matters are considered in Section 6.8(b)(iii) of this report relating to the need to upgrade the intersection of Bernera Road / Yarrunga Street / Yato Road to accommodate future demands from this site and other development sites in Prestons Industrial Area.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

(ii) Electricity Network

Clause 45(2) of the Infrastructure SEPP relates to development likely to affect an electricity transmission or distribution network and requires that before determining such a development application, Council:

- (a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and
- (b) take into consideration any response to the notice that is received within 21 days after the notice is given.

In this case, the south-eastern corner of the site is traversed by an electricity easement and overhead powerlines associated with a Transgrid transmission line. Clause 45 necessitated referral of the DA to Transgrid specifically because part of the proposed development is within 10 metres of an electricity tower on the easement.

Transgrid has responded and has required a minor amendment to the submitted parking layout for concrete agitator trucks and provided conditions to be attached to any consent. Details are provided in Section 6.8(b) of this report.

(b) State Environmental Planning Policy No. 33 – Hazardous and Offensive Developments

SEPP 33 was introduced to ensure that applications for potentially hazardous and / or offensive developments are properly assessed in relation to off-site risk and offence. The EIS has used the Department of Planning's 2010 publication *Hazardous and Offensive Development Application Guidelines - Applying SEPP 33* to help identify if this development should be considered under SEPP 33. It has determined that because specific environmental amenity criteria relating to matters such as noise emission and air quality assessment can be readily achieved then SEPP 33 does not apply. Further, as the proposed development does not include the use or storage of any dangerous goods pursuant to Australian Dangerous Goods Code (ADG), it is therefore considered that the proposed development does not constitute hazardous or offensive industry and no further assessment is required under SEPP 33.

This consideration is relevant to determining how the proposed development is defined in the land use table of Liverpool Local Environmental Plan 2008.

(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 it is satisfied that the land is suitable in its contaminated state for the purposes for which the development is proposed to be carried out if remediation is required to make it suitable.

The applicant has provided a preliminary investigation of the site potential areas of contamination. The investigation which was undertaken by EMM Consulting P/L found limited potential for contamination onsite and no measurable risks to health. An elevated zinc concentration was observed in a small quantity of imported fill on the site. This was not considered to be a risk to human health or the environment as the site contains no sensitive

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

ecological receptors and removal and treatment of the fill will be addressed as part of the earthworks and development of the site.

Details of the site investigation procedures and results are included in Appendix H of the EIS. The submitted documentation also includes the management measures to be implemented in earth works for the site which replicate conditions that would be attached to any consent for the use.

These measures will include:

- *all uncontrolled fill within the site will be removed from the development footprint and replaced with inert material;*
- *a construction environmental management plan (CEMP) will be prepared;*
- *if contamination is encountered during construction, advice will be sought from an appropriately qualified environmental consultant;*
- *an unexpected finds protocol will be developed to manage any undiscovered contamination;*
- *all earthworks and retaining walls will comply with Council's Development Control Plan; and*
- *all fill materials used onsite will comply with Council's Development Control Plan.*

As such, it is considered that the requirements of SEPP 55 are satisfied for the proposed development.

(d) State Environmental Planning Policy (State and Regional Development) 2011

Under Schedule 3 of this SEPP, concrete premix industries that have a Capital Investment Value (CIV) greater than \$30 million are deemed to be State Significant Development (SSD). The CIV of the proposed development is approximately \$5 million and is therefore is not defined as a SSD.

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

The subject land is located within the Georges River Catchments and as such the Greater Metropolitan Regional Environmental Plan No. 2 – Georges River applies to the application. The REP aims to maintain and improve the water quality and river flows of the Georges River and its tributaries. The nearest downstream watercourse is Maxwell's Creek approximately 500 metres from the eastern boundary of the site. Maxwell's Creek is a tributary of Cabramatta Creek which drains to Georges River approximately 9 km further downstream.

When a consent authority assesses a development application, planning principles are to be applied under Clause 7(b) of the REP. A full assessment of the matters for consideration in determining development applications under the REP (Clause 8 and Clause 9) and check of compliance is provided in Attachment 3 of this report.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

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 and proper management of stormwater in the operation of the use. Conditions of consent covering these matters will be attached to any consent for the use.

(f) Liverpool Local Environmental Plan 2008

(i) Zoning

The subject site is zoned IN3 – Heavy Industrial under LLEP 2008. An extract of the zoning map is provided in Figure 10 below.

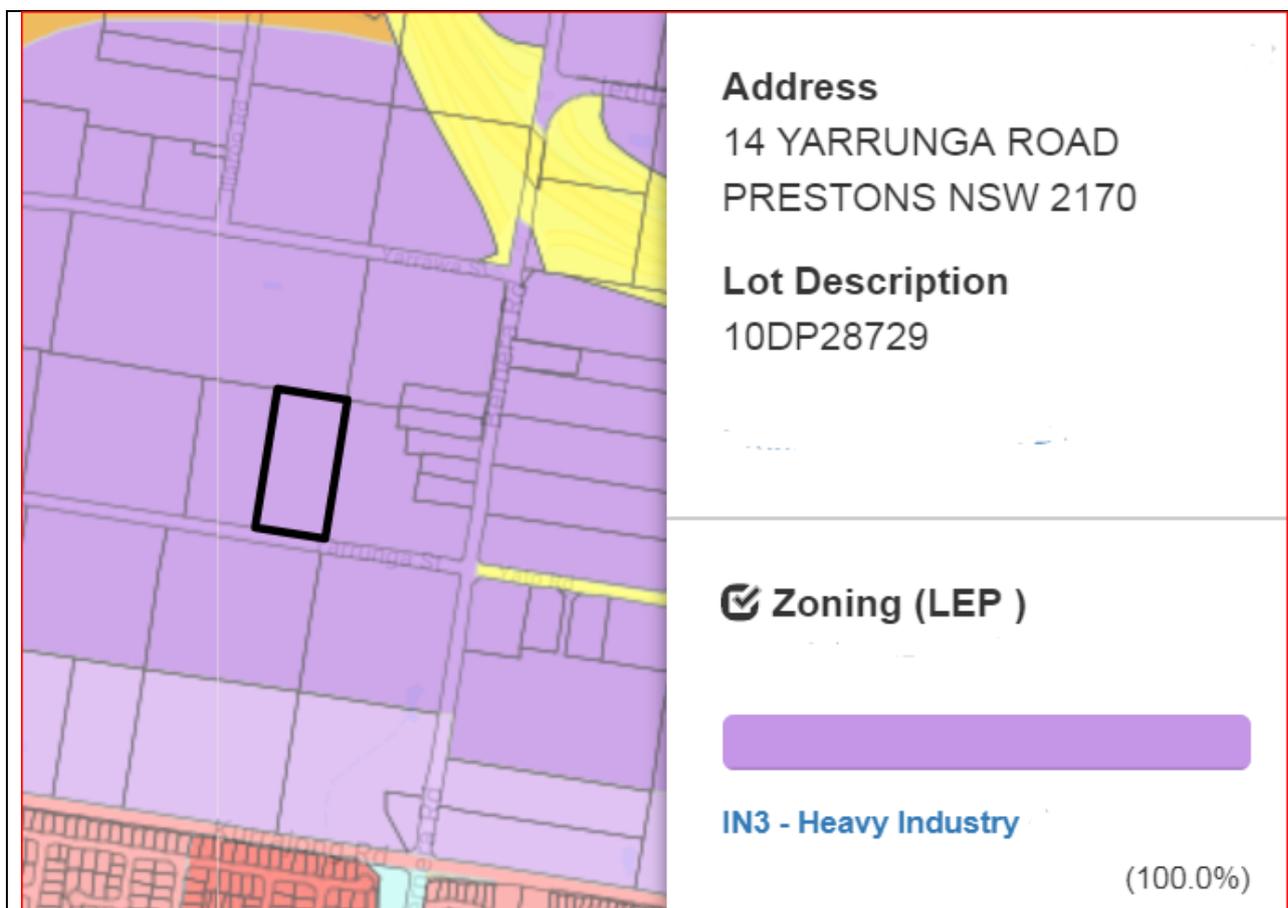


Figure 10: Zoning Map from Council's e-portal

(ii) Permissibility

The submitted EIS provides a detailed presentation on the permissibility of the proposed use.

Within the IN3 Heavy Industrial zone, no development is permitted without consent. The descriptor in the land use table for IN3 in LLEP 2008 that best fits the proposal is "General Industry" which is defined as *a building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity.*

Under the Liverpool LEP, Heavy industries are also permitted in the IN3 zone and are defined as: *a building or place used to carry out an industrial activity that requires separation from other*

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

development because of the nature of the processes involved, or the materials used, stored or produced, and includes:

- (a) hazardous industry, or*
- (b) offensive industry.*

It may also involve the use of a hazardous storage establishment or offensive storage establishment.

As discussed in Section 6.1(b) above, the proposed development is not identified as potentially hazardous or offensive industry and as a result is not defined as 'heavy industry'. The proposed development is therefore defined as "General Industry" and is permissible with consent in the IN3 Heavy Industrial zone.

(iii) Objectives of zone

Objectives of the IN3 – Heavy Industrial Zone are;

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

The proposal generally satisfies the above objectives of the IN3 zone as follows:

- The proposed use is permitted with consent and is the type of use suited to the zone as it involves activities that are preferably separated from residential and other more sensitive uses.
- It will provide new employment opportunities on site (construction and operation) and support employment elsewhere (material supply, transport and construction of premises) requiring concrete and other building products.
- With appropriate safeguards in place, it should not impact on the operations of other approved industrial and warehousing uses in the locality.
- It is an appropriate and permissible use of industrial land for industrial purposes.
- With appropriate safeguards in place, it will not hinder the establishment of other industries suited to location in the IN3 – Heavy Industrial zone

It is considered that the use of the land for a CBP and MBP is in keeping with the above zone objectives.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

(iv) Principal Development Standards and Provisions

The application has been considered against the relevant provisions and principal development standards of the LLEP 2008, which are listed in the table below. The proposal demonstrates compliance with applicable controls of the LEP.

Clause	Provision	Comment
2.7 Demolition	The demolition of a building or work may be carried out only with development consent	Complies Development consent is sought for the demolition of the existing buildings on the development site and forms part of the development description for this DA. A Demolition Work Statement and Waste Management Plan (WMP) have been submitted with the DA. Demolition will be carried out in accordance with Australian Standard AS-2601 and WorkCover requirements. The types and volumes of waste expected to be generated are provided in the WMP which also includes processes to minimise the volume of waste going to landfill and to promote re-use and recycling of materials in accordance with the objectives of the Liverpool DCP 2008 for the demolition of existing structures.
4.3 Height of Buildings (as per HOB Map)	30m	Complies The proposed development is generally low scale with the height of occupied buildings being generally limited to 2 storeys and well below 30m. The tallest structure on site is the Batching Plant silo (23m). It is located close to the low point of the site providing an AHD height of 57.5. The Blending Plant silos which are closer to Yarrunga Street are 13.5m high (51.0 AHD).
4.4 Floor Space Ratio (as per FSR Map)	No FSR applies to the land	Not Applicable
7.31 Earthworks	Proposed earthworks are not to have a detrimental impact on environmental functions and processes, neighbouring uses...or features of the surrounding land	Can comply The proposed site preparation will not involve major earthworks of the type that have been undertaken for other sites in the locality. Most buildings proposed on site do not have deep footings. Procedures will be put in place to manage earthworks across the site with conditions attached to any consent to ensure compliance.

It is considered that the proposal satisfies the provisions of the Liverpool LEP.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

6.2 Section 4.15(1)(a)(ii) - any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority

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 been assessed against the relevant controls of the LDCP 2008, including *Part 1 - General Controls for all Development* and *Part 7 - Development in Liverpool City Centre*. The development is found to be generally compliant on merit and suitable for support.

A Table showing compliance with the LDCP 2008 is included as Attachment 3 of this report.

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

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

No offer or draft offer to enter into a voluntary planning agreement has been made.

6.5 Section 4.15(1)(a)(iv) - the regulations

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

The DA has been advertised and assessed in accordance with the regulations applying to Designated Development and Integrated Development.

6.6 Section 4.15(1)(b) - the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

(a) Natural and Built Environment

The character and scale of the proposed CBP and MBP is such that they fall into categories of development (i.e. designated and integrated) that require a comprehensive and detailed assessment of potential impacts. The submitted DA has addressed all these requirements and recognises the constraints and challenges that are present in managing and operating such an active industrial use.

However, CBP and MBP are not unusual facilities in the urban and industrial landscape. There is an existing CBP in Prestons (less than 500m from this site) that has been operating satisfactorily for some years. There are similar in the local region including Smithfield and Lansvale. Gunlake P/L operates a CBP at Smeaton Grange in Camden and in Glendinning in Blacktown and Silverwater in Auburn. The company is currently establishing a new facility at Banksmeadow.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

Given the level of development activity proposed in the south-western region of Sydney in the near future, it is expected that there will be more CBP proposed locally in coming years.

Gunlake has realised the strategic advantages of the site given its accessibility to its source materials and to the expanding market of south-west Sydney. Good access to the regional road network provides an opportunity to create efficiencies in the delivery processes that will help the environment. A feature of this site and this proposal is the interface between the material source and the facility.

The Prestons facility is to be located in a precinct that has been established for heavy industrial uses. As such, it is recognised that the local environment will change over time to accommodate the establishment of industry and growth in traffic that will occur as a consequence. The proposed development has given consideration to the issues that need to be addressed to ensure that facility operates in a way to minimise any environmental impact.

In this regard it is noted that the facility needs to be licensed by the NSW Environment Protection Authority which should provide an on-going safeguard to its satisfactory operation.

(b) Social Impacts and Economic Impacts

The proposal will provide a positive economic impact arising from the construction of the new facility and its continuing operation providing at least 7 local jobs on site and work for 25 truck drivers.

6.7 Section 4.15(1)(c) - the suitability of the site for the development

The proposed use is permitted in the IN3 zone. The zone has been established in Prestons given the suitability of the locality to accommodate the type of development anticipated to be carried out in the IN3 zone. The site is centrally located within the Prestons Industrial Area and is well away from residential development so that potential amenity conflicts do not arise with that category of development. The proposed use relies on good road connections regionally and locally. Proximity to the M7 Motorway means that truck deliveries of raw materials can be made without traversing local roads or non-industrial precincts. The subject site has sufficient area to accommodate the proposed use and provides scope to manage environmental aspects of the activity to be carried out on site. Given the nature of the industry proposed, proper management of operations would be required for any site to successfully accommodate the type and level of activities to be carried out. The subject site has assets that will enable that to be achieved and is considered suitable for the proposed Concrete Batching Plant and material Blending Plant.

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
BUILDING	Approval subject to standard conditions of consent for demolition and for new building work.
LAND ENGINEERING	Approval subject to conditions of consent.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

NATURAL ENVIRONMENT & LANDSCAPING	Approval (no conditions).
HERITAGE	Approval subject to conditions relating to unexpected finds.
ENVIRONMENT & HEALTH	No objection to Preliminary Contamination Assessment.
TRAFFIC	Approval subject to conditions of consent plus: Contribution to upgrade of Bernera Road / Yarrunga Street Intersection (see below)

(b) External Referrals

The following comments have been received from External Authorities:

DEPARTMENT / AUTHORITY	COMMENTS
Department of Planning and Environment	No comments received. Any approval will be sent to the Department.
Transgrid	Approval subject to reconfiguration of truck parking adjacent to the electricity easement (see below) and conditions.
Rural Fire Service (RFS)	Approval with no conditions
Roads and Maritime Services (RMS)	The RMS has raised issues for Council's consideration relating to the upgrade of the intersection of Bernera Road, Yato Road and Yarrunga Street, as detailed below.

(i) Transgrid

The applicant has provided an amended layout for truck parking in the bottom corner of the development site which is traversed by a high voltage electricity easement. The amended plan shown in Figure 11 below is endorsed by Transgrid which has advised that it has no objection to the proposed development subject to the attachment of conditions contained in the box below Figure 11.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

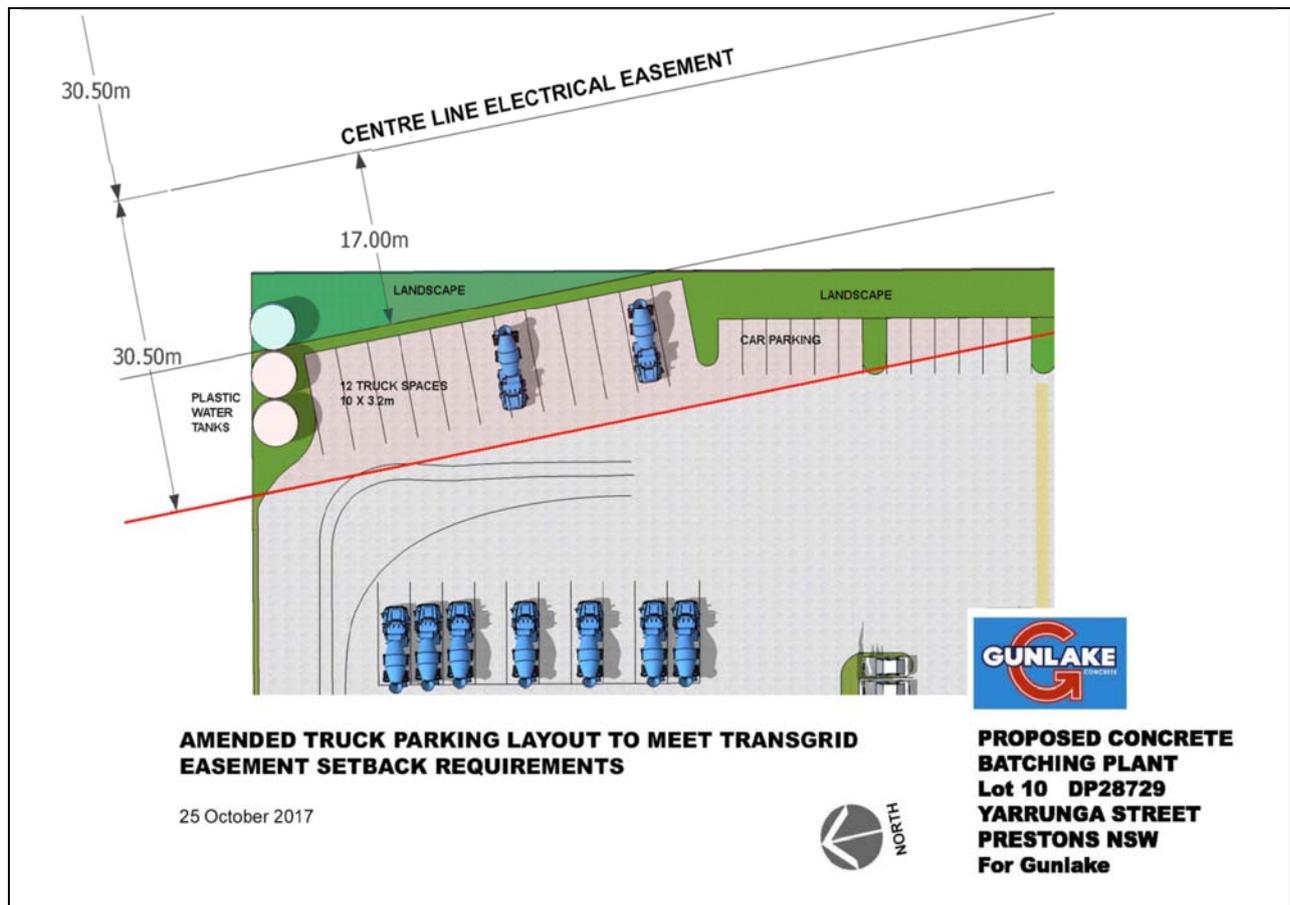


Figure 11: Amendment to truck parking layout proposed to provide required separation to the electrical easement in the south-eastern corner of the site.

Transgrid Conditions of Consent

1. All works shall be carried out in accordance with the NSW WorkCover *Work Near overhead power lines Code of Practice 2006* and TransGrid's *Easement Guidelines for Third Party Development*. Please contact TransGrid in the event of any uncertainty.
2. Safety clearances must be observed near powerlines.
3. Activities and operating plant within the easement are limited to a height restriction of 4.3m above ground height to ensure safe clearances to the overhead powerline.
4. During the construction phase, TransGrid must have unrestricted access for the purpose of undertaking normal maintenance and inspection activities. At completion of works, access to transmission lines and structures must be freely available at all times for TransGrid plant and personnel. TransGrid operates 40 tonne heavy vehicle maintenance trucks throughout the full length of the easement. Please ensure the ground makeup can bear this weight.
5. The easement area shall not be used for temporary storage of construction spoil, topsoil, gravel or any other construction material.
6. The erection of any structure in a location that could create an unsafe situation or work area for TransGrid staff is prohibited.
7. During construction, adequate precautions must be taken to protect structures from accidental damage.
8. TransGrid shall be provided formal written notification of any amendment and/or additional works proposed to the subject site. Any works proposed within the easement require an assessment by TransGrid to ensure that clearances to transmission lines and structures are met. TransGrid's

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

- clearance requirements must be met for safety reasons.
9. The height of the water tanks in the vicinity of the electricity easement must not exceed 2.5 metres.
 10. Parking for the concrete agitator trucks must be located at least 17 metres away from transmission centreline as per the plan titled "Amended Truck Parking Layout to meet Transgrid easement setback requirements" plans prepared on behalf of Gunlake P/L and dated 25 October 2017.
 11. The proposed chain wire fence must be earthed where it enters and exits the easement as per TransGrid Fencing guidelines.

(ii) Rural Fire Service (RFS)

The site is identified as being subject to Bushfire Risk. The minor extent of that affectation is shown in Figure 12 below. For this reason, the DA is Integrated Development and was referred to the RFS for General Terms of Approval in accordance with Section 4.46 of the EP&A Act.

The DA includes a Bushfire Assessment which has concluded that:

Bushfires do not pose a significant risk to the proposed development as only a small portion (approximately 2%) of the site is within bushfire prone land and there is sufficient distance to eliminate radiant heat and reduce ember impacts. The adjacent vacant lot containing the bushfire prone vegetation is zoned IN3 – Heavy Industrial and is likely to be developed in the future, further reducing the potential risk of bushfire to the proposed development.

The RFS has responded to the referral with advice that "This response is to be deemed a bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997' and is issued without any specific conditions".

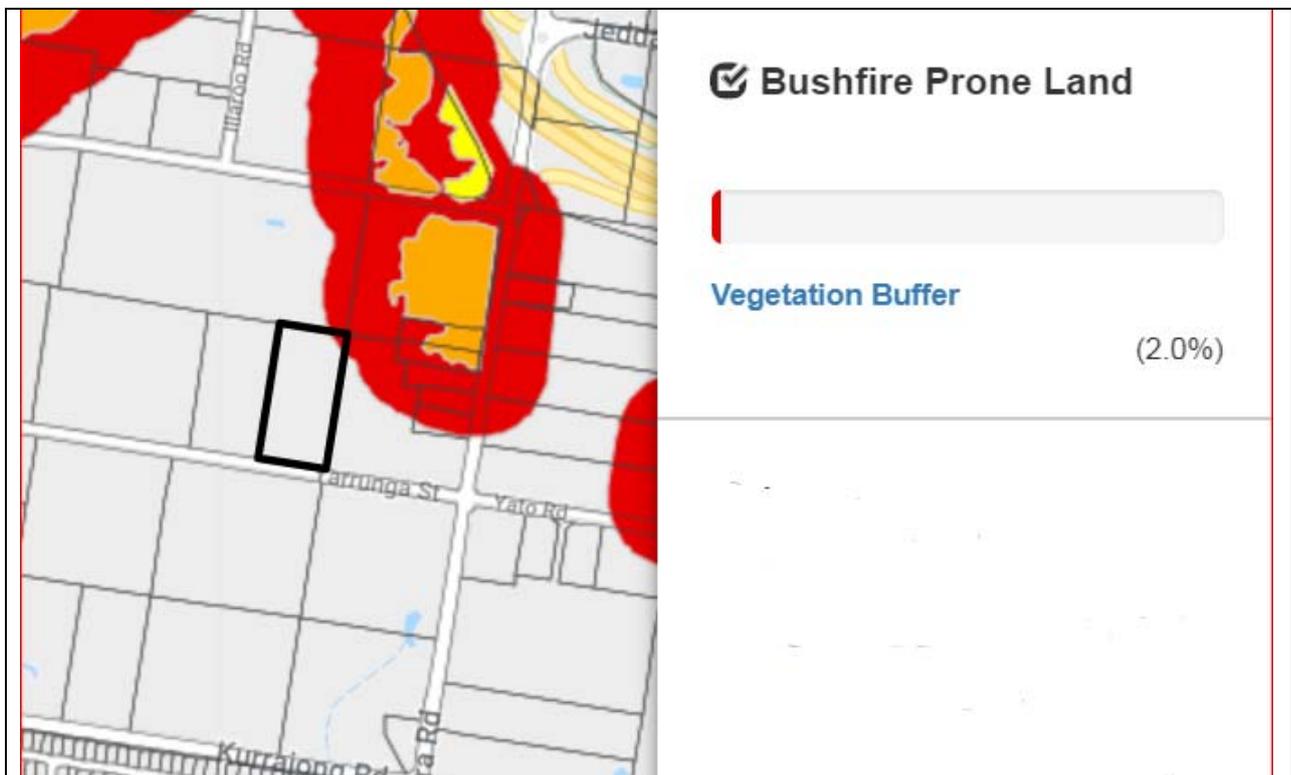


Figure 12: Bushfire Prone Land affectation for the site

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

(iii) Roads and Maritime Services (RMS)

Council provided written notice of the DA to RMS in accordance with Clause 104(3) of the Infrastructure SEPP. On 3 November 2017, the RMS responded to Council in the following terms:

CONSTRUCTION AND OPERATION OF CONCRETE BATCHING PLANT – 14 YARRUNGA ROAD, PRESTONS

Reference is made to Council's correspondence dated 16 August 2017, regarding the abovementioned Application which was referred to Roads and Maritime Services (Roads and Maritime) for comment in accordance with *State Environmental Planning Policy (Infrastructure) 2007*.

Roads and Maritime has reviewed the submitted application and provides the following issues for Council's consideration in the determination of this application:

1. The intersection layout used by the proponent for the Bernera Road/Yato Road/Yarrunga Road intersection has not been yet approved by Roads and Maritime Services under section 87 of the *Roads Act, 1993*. There are still outstanding issues raised by Roads and Maritime that safe and efficient turning paths for heavy vehicles have not been provided at this intersection, and additional truck movements from the proposed development will only exacerbate this issue.
2. The Traffic report refers to additional widening of the existing road carriageway at the Bernera Road/Yato Road/Yarrunga Road intersection which is supposed to "ensure that B Doubles visiting the site can safely turn into and out of the site without conflicting with any traffic movements by vehicles travelling on the opposite (southern) side of Yarrunga Road." The additional widening on Yarrunga Road that the traffic analysis is relying on is not occurring and complimentary left turning vehicles are conflicting with right turning movements for the existing and proposed intersection layout.
3. There seem to be inconsistencies between the existing intersection layout and the intersection layout used in the SIDRA modelling for the Bernera Road/Yato Road/Yarrunga Road intersection. Also the SIDRA modelling shows that the intersection operates in diamond phase on Yarrunga Road but the plan shows only Bernera Road operating the diamond phase. Further clarification is required regarding the phasing and layouts used in the SIDRA modelling.
4. It is requested that the traffic modelling is updated to include a cycle length of 100-120 seconds.
5. The proposed transport routes provided in Figure 3.1 of the Traffic Report are not consistent with Council's proposal to restrict B-double routes south of the Bernera Road/Yato Road/Yarrunga Road intersection.

Roads and Maritime requires additional information to be submitted addressing the above concerns. Upon receipt of additional information, Roads and Maritime will assess the information and provide a response accordingly.

The outstanding issues referred to by the RMS relate to:

1. a need to upgrade the Bernera Road / Yarrunga Street intersection, not only for this proposal, but also for several other projects and project sites in the Prestons Industrial Area; and
2. Clarifying and verifying the traffic modelling provided for the DA.

With regard to Item 2, additional information was provided to the RMS and on 20 February 2018, it advised that:

Roads and Maritime has reviewed the additional information and advises that Council should be satisfied the traffic generation from the proposed development will not have a detrimental impact on the local road network. Council should also be satisfied that the existing Bernera Road/Yato

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

Road/Yarrunga Street signalised intersection has adequate capacity to accommodate the traffic generated by the proposed development.

It is noted that the SIDRA movement summaries dated 14 February 2018 indicate that the performance of several turning movements on Yarrunga Street and Bernera Road for the 'existing intersection with modifications for currently approved developments' scenario are at a poor level of service. Previous Roads and Maritime comments regarding the proposed intersection upgrade works at the Bernera Road/Yato Road/Yarrunga Street also remain applicable for Council's attention.

Item 1 relating to the need to upgrade the existing intersection of Bernera / Yarrunga Street and Yato Road remains to be resolved. In this regard, Council has been negotiating with several property owners and developers to design and fund the works required to improve the intersection. At this stage, the scope of the work required has been determined and it has been costed. Council has also been able to apportion costs based on properties that will benefit from the improvement to the intersection including for No. 14 Yarrunga Street (see Figure 13B).

Local Traffic Improvement Works - Yarrunga Street Intersection with Bernera Road

The existing signalised Bernera Road/Yarrunga Street/Yato Road intersection was constructed as part of the development of the Aldi Distribution Centre in 2009.

At the time, most of the Prestons Industrial Area had rural land uses, and, therefore, the signalised intersection was constructed as a basic four-way interim configuration without dedicated right and left turn lanes along Bernera Road or Yarrunga Street.

A Traffic Study which was used as the basis of Council's Prestons Industrial Area Developer Contribution Plan, identified the need for a signalised intersection. However, the Contribution Plan only included the basic four-way signalised intersection.

With recent additional developments in the Industrial Area, including the LOGOS site (~207,210m²) and Charter Hall development (~149,900m²) generating a total of approximately 842 vehicles per hour, RMS and Council have identified the need for an intersection upgrade. The upgrade is required to ensure that the intersection continues to operate with an acceptable level of service and accommodate the turning paths of the expected heavy vehicles (including B-double vehicles). In this regard, traffic impact assessments and development consents for these two developments include conditions for significant portions of the intersection upgrade to be carried out (See Figure 13B).

Council had identified works required on behalf of each affected property and included those works as a condition in any consent.

A need has been identified to upgrade the intersection to accommodate future traffic demands from several other proposed developments which will rely on this facility for access. It is proposed to that the same approach for those sites. At this stage the condition will require works to be carried out that contribute to the upgrade of the intersection based on site area and traffic movements. The apportionment for this site is 6% of the total cost.

If an alternative approach is seen to be more practical or feasible to upgrade the intersection, then the terms of that condition can be revisited for each separate development.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018



Figure 13A: The intersection of Bernera Road with Yarrunga Street and Yato Road looking to the west towards the development site.

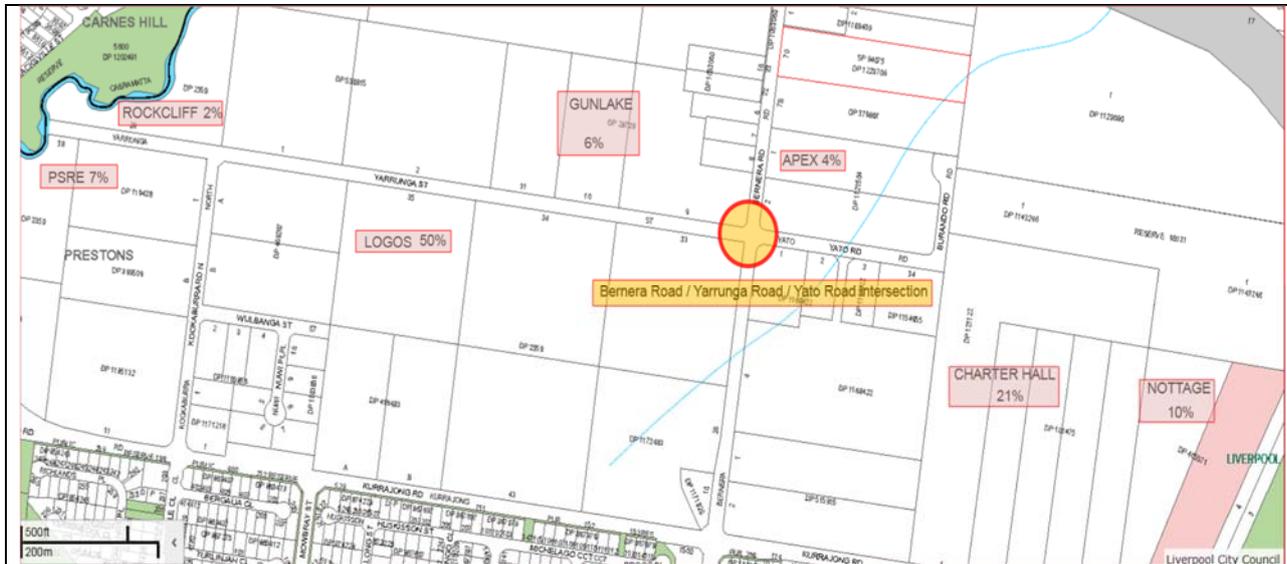


Figure 13B: Map showing development sites and projected contribution to upgrade of the Bernera Road / Yarrunga Street / Yato Road intersection based on land area and traffic movements. Other works associated with each individual site will be required as conditions of consent.

(c) Notification and Community Consultation

The Application was notified and advertised in accordance the regulations applying to Designated Development. It was advertised from 23 August 2017 to 22 September 2017. Letters were sent to owners of property surrounding the site and a sign was placed on the land (see Figure 14)

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018



Figure 14: Notification of the proposal included a sign on the land.

In response, one submission was received. The submission does not object to the proposed development but requested that in dealing with the application, Council gave proper regard to the issue of dust and air quality including the potential impact on existing and proposed warehousing development around the site. The concern raised is that dust and other particulates from the CBP and MBP may be blown onto adjoining properties and will adversely impact on a variety of sensitive and high value goods stored on those sites.

The submission observes that within the IN3 zoning, Prestons Industrial Estate has enabled the establishment of several Distribution Centres. Four of these are identified in Figure 2 of this report including Mainfreight, Phoenix, Toll (all adjoining the site) and Aldi nearby. The Distribution Centres handle a wide range of goods including specialised products including medical and health care products, clothing, electronics, alcohol and paper goods. The facility includes capacity for refrigerated containment for food handling outside of the main warehouse. Also nearby are other food processing industries including Inghams Coldstore.

The submitter is particularly concerned with the open nature of materials delivery and storage. These processes have been described in earlier section of this report and the Figures below illustrate some of the activities on site which are of concern.

LIVERPOOL CITY COUNCIL
 LOCAL PLANNING PANEL REPORT

30 APRIL 2018

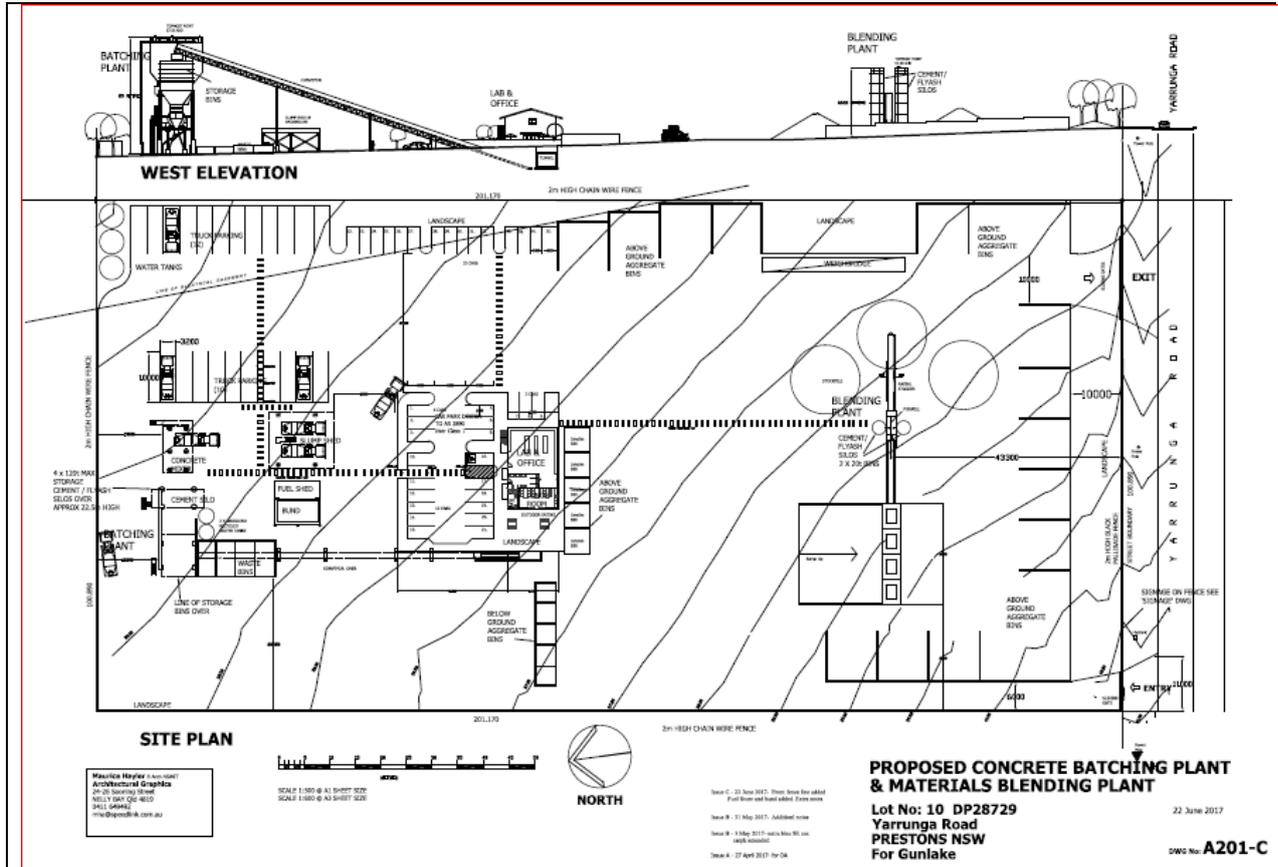


Figure 15A: The site plan shows the above ground aggregate bins and the below ground aggregate bins in the mid-section of the site as well as the above ground aggregate bins associated with the blending plant at the southern end of the site. See also Figures 6 & 7.



Figure 15B: The above drawing illustrates some of the concerns raised by the submitter including the open delivery of material to the below ground aggregate bins and the movement of materials by front end loader around the materials blending plant. In particular, the submitter is concerned that this area of activity is close to the end of the warehouse on No. 20 Yarrunga Street and creates exposure to windblown dust contamination of materials that will be stored on that site.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

The submitted EIS includes an air quality impact assessment for the proposed development. The assessment concluded that the proposed development is unlikely to cause significant exceedances of the relevant air quality impact assessment criteria at nearby receptors. A series of best practice management and mitigation measures will be implemented to reduce potential air quality impacts from the proposed development

It also includes a section on consultation carried out with surrounding landowners (Volume 1, Chapter 4.4). The following provides an extract of that section which identifies how the issue has been addressed.

A community briefing letter comprising details of and a justification for the proposed development was hand delivered to all occupied properties adjoining or adjacent to the site on 21 November 2015. A total of six letters were delivered to the following properties:

- 28 Yarrunga Street, Prestons;
- 20 Yarrunga Street, Prestons;
- 27 Bernera Road, Prestons;
- 23-25 Bernera Road, Prestons;
- 19 Bernera Road, Prestons; and
- 20-50 Yarrowarra Street Prestons.

One community response was received from the owner of 20 Yarrunga Street, enquiring about the management control measures which would be adopted to control dust and airborne contamination to the neighbouring site. In response to this enquiry, it is noted that an air quality impact assessment (AQIA) has been prepared for the proposed development (see Chapter 8 and Appendix G). The AQIA found the proposed development is unlikely to cause significant exceedances of the relevant air quality impact assessment criteria at nearby receptors. A series of best practice management and mitigation measures will be implemented to reduce potential air quality impacts from the proposed development.

These include:

- *automatic water sprays will be installed and operated at each of the aggregate receiver bins;*
- *all conveyors will be enclosed with colour bond sheeting;*
- *covered roofing will be installed on overhead aggregate storage bin housing where material is discharged into each bin;*
- *an automatic dust extraction fan will be installed and operated in each load bay to recycle cement dust back into silos;*
- *three-sided enclosures will be constructed for all storage bins;*
- *regular sweeping and cleaning of all internal roads will occur; and*
- *an air quality management plan will be developed for the site in consultation with the relevant stakeholders and will include relevant management and mitigation measures.*

As the future operator of the site, Gunlake P/L has committed to controlling dust movement on the site and to ongoing consultation with neighbours to ensure as much as possible that issues do not arise with the operation of the plant. It is reiterated that the air quality assessment carried out concluded that the operation of the proposed development is unlikely to cause exceedances of the relevant air quality impact assessment criteria at any of the nearby receptors. In this regard, it is important to note that included in the EIS is a Statement of Commitments by

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

Gunlake covering many aspects of any future operation of the site. All of the above management measures are included in that statement. It is expected that the commitments will be implemented through operational manuals for the site, staff induction and management procedures and workplace safety imperatives. In short, it is in the interests of Gunlake to operate in this way as part of any effective and efficient corporation.

An additional imperative is the need to satisfy EPA licencing requirements which will be included as conditions of any consent but are also separately enforceable under the Protection of the Environmental Operations (POEO) Act.

It is understood that there has been direct contact between Gunlake and the owner of No.20 Yarrunga Street to explore ways to further mitigate migration of dust from the development site – in addition to the measures outlined above. This could include the erection of additional screens by the applicant on the shared boundary and additional landscaping or dense planting that with time may provide some additional screening of airborne particulate matter.

The submitted AQIA has identified and assessed the impact on “industrial” receptors in Prestons. The concern raised by the submitter is that the character of industrial development that has been established around the development site is based on warehousing and logistics rather than manufacturing processes. Further, many of the products being transported and stored are sensitive to contamination and therefore, the compatibility suggested by both types of uses being permitted in the IN3 Heavy Industrial zone is not matched by the nature of the activities involved in the different uses.

In this regard, it is considered appropriate to require the installation of screens and planting on the western boundary of the site to supplement the measures already proposed by the applicant aimed at controlling dust on the site. However, it is difficult to prescribe the extent of screening or other action that may be appropriate particularly in light of the findings of the air quality impact assessment.

The AQIA was carried out prior to completion of the nearby Distribution Centres. The Phoenix Freight Distribution Centre at No. 20 Yarrunga Road was approved in 2012 (DA-1067/2012) and has been under construction since mid-2014 to 2018. The AQIA was carried out during the construction phase of the Phoenix Centre and before the most proximate neighbour was in place. As such, and in light of concerns expressed on behalf of Phoenix Freight, it is considered that a review of the AQIA is warranted to provide a targetted assessment of the possible impacts and a consideration of whether additional mitigation works are warranted and / or additional management measures should be implement on the CBP and MBP site.

Such consideration may include additional enclosure of material storage bins and / or additional screening around receiving areas. It is recommended that a condition be attached to require a review of the AQIA to take account of the changed circumstances and to consider what additional mitigating and management measures can be incorporated into the proposed development.

The EIS has also considered the issue of dust control in the site preparation and construction phase. Construction is expected to take up to six months during which time the existing building will be demolished and the new batching plant and associated buildings will be constructed and commissioned.

It should be noted that development of the site for any industrial purpose would involve significant site disturbance. Here, excavation down to 6m below the current surface level is

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

required to install in-ground storage bins and stormwater detention tanks. However, it is not intended to import fill to the site.

Mitigation measures will be implemented during the demolition and construction phases to ensure that dust emissions are minimised. These may include:

- the use of water sprays on exposed areas, particularly when it is windy;
- keeping exposed areas to a minimum;
- keeping unsealed traffic areas moist;
- keeping travel speeds to a minimum;
- the use of a wheel wash before trucks leave the site;

Conditions will be attached to any consent to require appropriate management of the site during the demolition and construction phases.



Figure 16: The development site showing the type of vehicles that will be used on site to move materials (Front end loader) and to deliver finished products (Concrete Agitator Truck)

6.9 Section 4.15(1)(e) - the public interest

The proposed use is permissible in the IN3 zone and has satisfied all the requirements for reporting and assessment required under the EP&A Act. The EIS submitted has adequately dealt with all matters that it is required to address. As a compliant development it is in the public interest that the application be approved. It is also in the public interest that the proposed development will provide services to other local industries and activities and will provide new local employment.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

7. DEVELOPMENT CONTRIBUTIONS

A Section 7.11 Development Contribution applies to the proposed development in accordance with Liverpool Contributions Plan 2009 and will be attached as a condition of consent of any approval for the proposed development.

Based on the current quarterly figures, the development attracts a total contribution of \$694,717. The calculations for Section 7.11 have been confirmed as correct by Councils Assets and Infrastructure Accountant.

8. CONCLUSION

The application has been assessed having regard to the provisions of Section 4.15 of the EP&A Act 1979.

The proposed development has been the subject of a comprehensive assessment under the EP&A Act. It has demonstrated compliance with all applicable planning controls and is considered to be worthy of support. As it involves industrial activities, legislative processes have been put in place that requires separate licencing and on-going monitoring of the use. Alongside the stated commitments of the applicant, these protections will aim to ensure that the proposed CBP and MBP will operate successfully and satisfactorily into the future.

9. RECOMMENDATION

That pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act, 1979, Development Application DA-527/2017 be approved subject to conditions of consent.

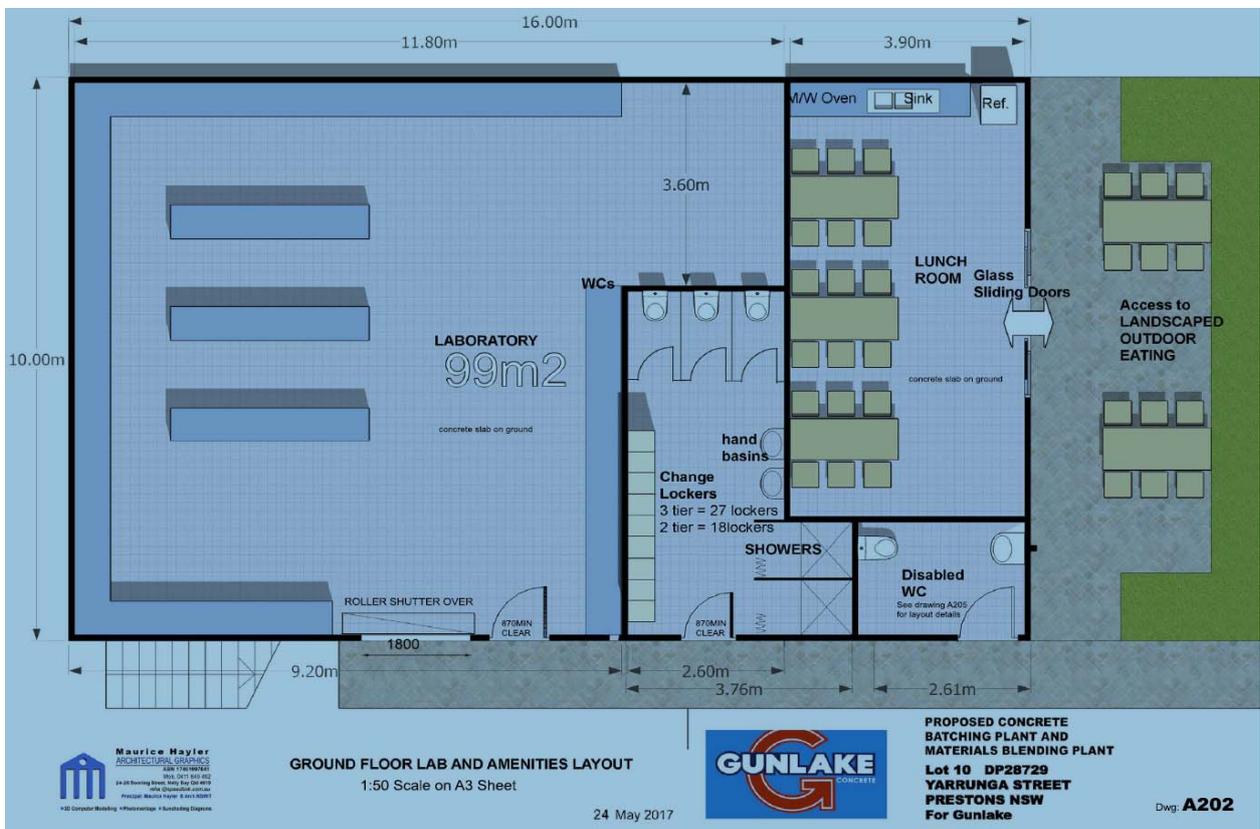
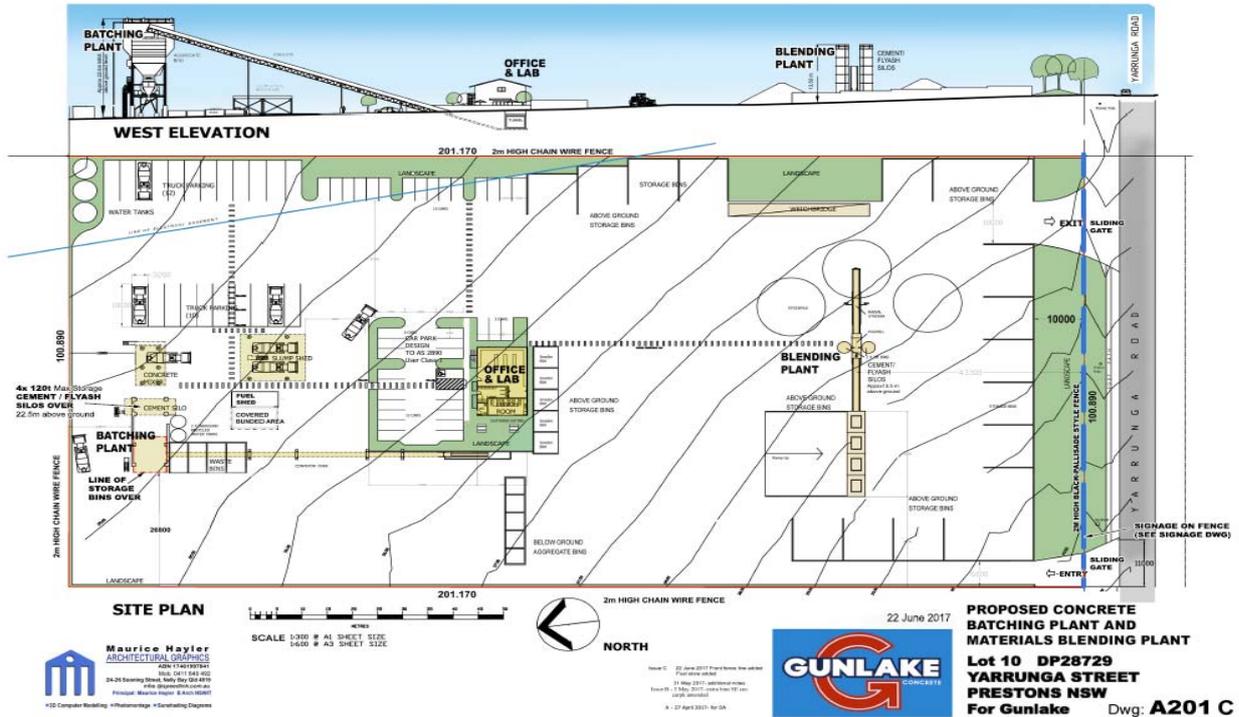
10. ATTACHMENTS

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

LIVERPOOL CITY COUNCIL
 LOCAL PLANNING PANEL REPORT

30 APRIL 2018

ATTACHMENT 1: PLANS OF THE PROPOSAL



LIVERPOOL CITY COUNCIL
 LOCAL PLANNING PANEL REPORT

30 APRIL 2018



Maurice Hayler
 ARCHITECTURAL GRAPHICS
 24-26 Seering Street, Nelly Bay Qld 4819
 Mob: 0411 641 452
 Email: maurice@mh.com.au
 Principal: Maurice Hayler B Arch NSWIT

FIRST FLOOR OFFICE LAYOUT

1:50 Scale on A3 Sheet

24 May 2017



PROPOSED CONCRETE
 BATCHING PLANT AND
 MATERIALS BLENDING PLANT
 Lot 10 DP28729
 YARRUNGA STREET
 PRESTONS NSW
 For Gunlake

Dwg: A203



NORTH ELEVATION

STAIR TO BCA
 REQS



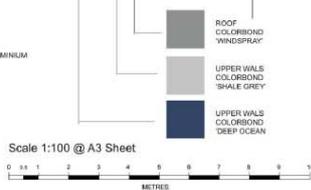
WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION



Maurice Hayler
 ARCHITECTURAL GRAPHICS
 ABR 1746197041
 Mob: 0411 641 452
 24-26 Seering Street, Nelly Bay Qld 4819
 Email: maurice@mh.com.au
 Principal: Maurice Hayler B Arch NSWIT

ELEVATIONS - OFFICE, LABORATORY AND AMENITIES

24 May 2017

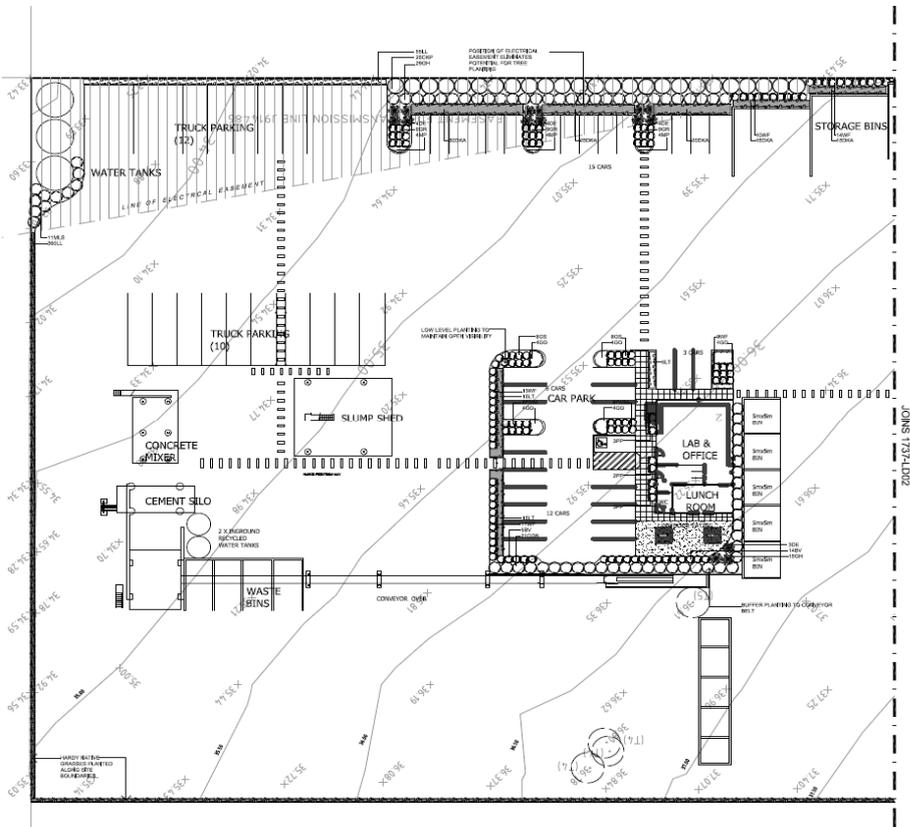
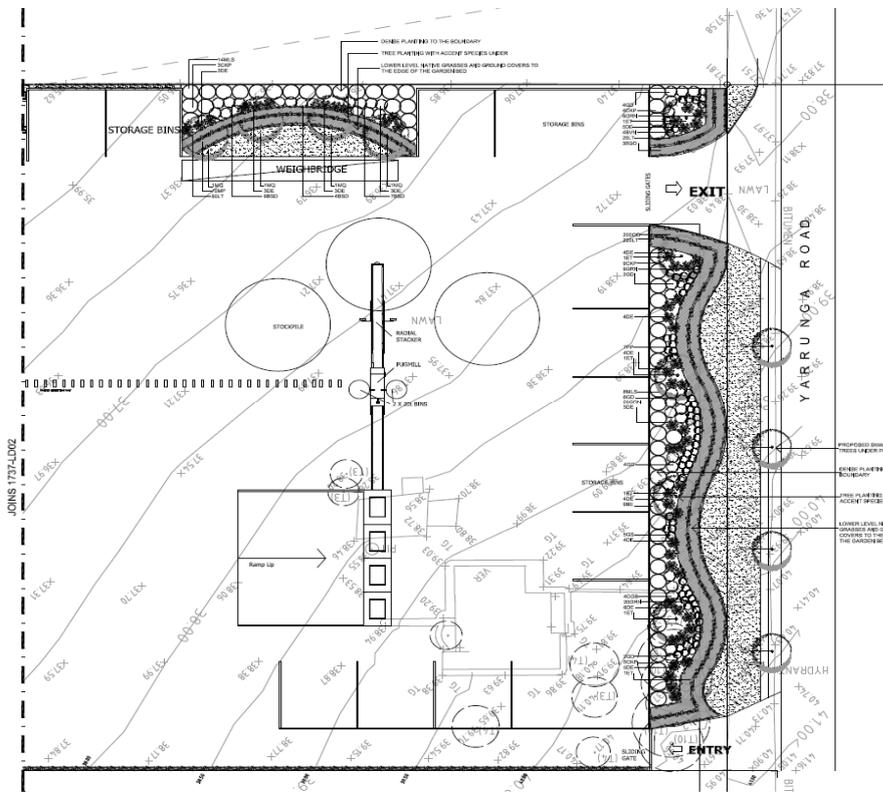


PROPOSED CONCRETE
 BATCHING PLANT AND
 MATERIALS BLENDING PLANT
 Lot 10 DP28729
 YARRUNGA STREET
 PRESTONS NSW
 For Gunlake

Dwg: A204

LIVERPOOL CITY COUNCIL LOCAL PLANNING PANEL REPORT

30 APRIL 2018



LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

ATTACHMENT 2: DRAFT CONDITIONS OF CONSENT

A. THE DEVELOPMENT

Approved Plans

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

Plan Name	Drawing Reference No.	Date	Revision	Prepared By
Architectural Drawings		22/06/2017		Maurice Hayler Architectural Graphics
Site Plan	A201-C	22/06/2017	C	Maurice Hayler Architectural Graphics
Ground Floor Lab & Amenities Layout	A202	24/5/2017		Maurice Hayler Architectural Graphics
First Floor Office Layout	A203	24/5/2017		Maurice Hayler Architectural Graphics
Elevations – Office, Laboratory and Amenities	A204	24/5/2017		Maurice Hayler Architectural Graphics
Disabled WC Details	A205	24/5/2017		Maurice Hayler Architectural Graphics
Proposed Street Signage	A206A	22/06/2017		Maurice Hayler Architectural Graphics
Amended Truck Parking Layout to Meet Transgrid Easement Setback Requirements		25/10/2017		Maurice Hayler Architectural Graphics
Landscape Plan	1737-LD01	23/06/2017		Ochre Landscape Architects
Landscape Plan	1737-LD02	23/06/2017		Ochre Landscape Architects
Landscape Details	1737-LD03	23/06/2017		Ochre Landscape Architects
Civil Design Turnpath Analysis Plan Sheet 1	10670 / DA5.11	30/06/2017	3	Sparks & Partners
Civil Design Turnpath Analysis Plan Sheet 2	10670 / DA5.12	30/06/2017	3	Sparks & Partners

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

Civil Design Stormwater Management and Grading Plan Sheet 1 of 2	10670 / DA4.01	29/06/2017	2	Sparks & Partners
Civil Design Stormwater Management and Grading Plan Sheet 2 of 2	10670 / DA4.02	29/06/2017	2	Sparks & Partners
Civil Design Soil and Water Management Plan	10670 / DA2.01	29/06/2017	1	Sparks & Partners
Survey Plan	18510	24/11/2015		Dunlop Thorpe & Co Pty Ltd

Report Name	Date	Reference	Prepared By
Environmental Impact Statement – Proposed Concrete Batching Plant and Materials Blending Plant - Volume 1	29 June 2017	Report J16006RP1	EMM
Environmental Impact Statement – Proposed Concrete Batching Plant and Materials Blending Plant - Volume 2	29 June 2017	Report J16006RP1	EMM
Bushfire Assessment Report	20 May 2017	J16006 Bushfire Assessment_v01_LW	EMM
Biodiversity Assessment	27 October 2017		EMM
Prestons Concrete Batching Plant – Air Quality Assessment and Materials Blending Plant	23 June 2017	AQU-NW-001_21201	Pacific Environment
Noise and Vibration Impact Assessment	9 May 2017	Report J16006RP1	EMM
Aboriginal Heritage Due Diligence Assessment	16 March 2017	Report J16006RP1	EMM
Traffic Impact Assessment	30 May 2017	Report J16006RP1	EMM
Preliminary Investigation of Contamination	14 May 2017	Report J16006PCA1	EMM
Waste Management Plan	26 May 2017	Submitted with DA-527/2017	EMM

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

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.

General Terms of Approval

3. All proposed conditions issued by the NSW Environmental Protection Authority shall be complied with prior, during, and at the completion of construction, as required in accordance with the attached correspondence dated 5 September 2017.

NSW Environmental Protection Authority's Requirements

4. The following requirements of the NSW EPA shall be implemented and complied with at all times:

(a) Water Management

- (i) The proponent must implement erosion and sediment control measures to prevent pollution of waters in accordance with the Soils and Construction: Managing Urban Stormwater (2004) - 'the Blue Book'.
- (ii) All stormwater quality management controls installed at the premises, during both construction and operation, must be inspected:
 - regularly during normal construction hours
 - daily during rainfall events
 - within 24 hours of the cessation of a rainfall event causing run off to occur from the premises.
- (iii) The proponent must keep written records of all observations and actions made in relation to the above inspections, including any works undertaken to repair and/or maintain stormwater management controls.

(b) Noise and Vibration Impacts

- (i) All works and activities undertaken at the premises must be undertaken in a manner that will minimise noise and vibration impacts at sensitive receivers.
- (ii) Noise generated at the premises should not exceed the project specific noise goals defined in Figure 3.1 – Noise Monitoring and Assessment Locations and Table 4.4 Project Specific Noise Levels extracted from EMM Consulting Pty Limited (ref. 16006RP1, May 2017).
- (iii) If noise emissions exceed the identified project specific noise goals, the proponent must investigate the cause of the exceedance and implement all reasonable and feasible measures to avoid a repeat of the exceedance.
- (iv) A post-commissioning report produced by an independent organisation that is eligible for membership with the Association of Australian Acoustic Consultants must be provided to the NSW Environment Protection Authority within 3 months of the premises commencing operations, to validate the mitigation measures identified in

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

the document titled Noise and Vibration Assessment, EMM Consulting Pty Limited (ref. 16006RP1, May 2017).

(c) Air Quality

- (i) The proponent must minimise the emission of offensive odours from the premises at all times.
- (ii) The proponent must minimise the emission of dust from the premises at all times, including during the construction phase.
- (iii) The EPA recommends that particulate monitoring be undertaken at the premises for the first year of operation to validate the modelled air impacts. The proponent should prepare an Air Quality Management Plan (“AQMP”) that details an appropriate air monitoring and reporting regime, with reference to the Ambient Air-NEPM (NEPC, 2003) advisory reporting standards for particulate matter. The AQMP should include an assessment of the need for site-specific meteorological monitoring, and should include a commitment to publish all monitoring results on the proponent’s website as soon as possible.
- (iv) The results of any air sampling undertaken as part of the air quality management plan must be recorded and produced to any authorised officer of the EPA on request.

(d) Dangerous Goods and Chemical Transport, Storage and Handling

- (i) The proponent must ensure that environmental risks associated with the storage, processing and handling of hazardous materials and dangerous goods are minimised. Storage and handling of any dangerous goods must be undertaken in accordance with the most the up-to-date version of The Storage and Handling of Dangerous Goods Code of Practice. (The current version as at the date of this letter is 2005 and it can be viewed online at: http://www.safework.nsw.gov.au/__data/assets/pdf_file/0005/50729/storage-handlingdangerous-goods-1354.pdf.)
- (ii) The type, quantity and location of all dangerous goods, chemicals and waste should be easily identified by site personnel, and included in relevant environmental management plans/ documentation for the premises.
- (iii) The proponent must develop and implement effective controls for the storage, processing and handling of materials at the premises. These controls should include operating and maintaining bunds or spill containment systems where necessary to minimise the risk of pollution from potential spills and leaks. Information on bunding and spill management can be found online at: <http://www.epa.nsw.gov.au/mao/bundingspill.htm>

(e) Management Plans and Record Keeping

- (i) All written records must be:
 - in a legible form, or in a form that can readily be reduced to a legible form;
 - kept for at least 4 years after the monitoring or event to which they relate took place; and

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

- produced in a legible form to any authorised officer of the EPA who asks to see them.
- (ii) Prior to the commencement of any construction works, an appropriately qualified person must prepare a detailed Construction Environment Management Plan (“CEMP”), which includes, but is not necessarily limited to:
 - dust (air quality) management strategy
 - procedures for validation of imported fill material and the proposed means of disposing overburden
 - waste and materials re-use on-site
 - community response and management procedure outlining the course of action to be undertaken following receipt of a complaint
 - Chemical Handling and Dangerous Goods Management Plan
 - Pollution Incident Response Management Plan
 - Noise Management Plan

(f) Waste Management

- (i) The proponent must assess, classify and manage any liquid and/or non-liquid waste generated and/or stored at the premises in accordance with the EPA's Waste Classification Guidelines as in force from time to time.
- (ii) The proponent must ensure the collection, storage and disposal of waste generated at the premises does not pollute waters.

(g) Community Engagement

- (i) The EPA recommends that the proponent establish a 24-hour complaints hotline to enable real-time responses to community complaints relating to the operation of the approved development. The EPA recommends that the proponent establishes a website that will:
 - 1) enable the community and local businesses to register queries/ complaints;
 - 2) enable the proponent to advise the community about environmental incidents at the premises in real-time; and
 - 3) enable the publication of environmental monitoring results.

TransGrid Requirements

- 5. The following requirements of TransGrid shall be implemented and complied with at all times:
 - (a) Prior to the issue of any Construction Certificate, the approved plans be amended in accordance with the plan titled *Amended Truck Parking Layout to Meet Transgrid Easement Setback Requirements* dated 25/10/2017 prepared by Maurice Hayler Architectural Graphics. Parking for the concrete agitator trucks must be located at least 17 metres away from transmission centreline in accordance with this plan.
 - (b) All works shall be carried out in accordance with the NSW WorkCover *Work Near overhead power lines Code of Practice 2006* and TransGrid's *Easement Guidelines for Third Party Development* Please contact TransGrid in the event of any uncertainty.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

- (c) Safety clearances must be observed near powerlines.
- (d) Activities and operating plant within the easement are limited to a height restriction of 4.3m above ground height to ensure safe clearances to the overhead powerline.
- (e) During the construction phase, TransGrid must have unrestricted access for the purpose of undertaking normal maintenance and inspection activities. At completion of works, access to transmission lines and structures must be freely available at all times for TransGrid plant and personnel. TransGrid operates 40 tonne heavy vehicle maintenance trucks throughout the full length of the easement. Please ensure the ground makeup can bear this weight.
- (f) The easement area shall not be used for temporary storage of construction spoil, topsoil, gravel or any other construction material.
- (g) The erection of any structure in a location that could create an unsafe situation or work area for TransGrid staff is prohibited.
- (h) During construction, adequate precautions must be taken to protect structures from accidental damage.
- (i) TransGrid shall be provided formal written notification of any amendment and/or additional works proposed to the subject site. Any works proposed within the easement require an assessment by TransGrid to ensure that clearances to transmission lines and structures are met. TransGrid's clearance requirements must be met for safety reasons.
- (j) The height of the water tanks in the vicinity of the electricity easement must not exceed 2.5 metres.
- (k) The proposed chain wire fence must be earthed where it enters and exits the easement as per TransGrid Fencing guidelines.

B. PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

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

SECTION 7.11 PAYMENT (Liverpool Contributions Plan 2009)

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

- The total contribution is **\$ 694,717.00**

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

Whitlam Centre Extensions, Liverpool Central Library and Local Land - Early acquisition (Middleton Grange)

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

Contributions, with the exception of those for the Whitlam Centre Extensions, Liverpool Central Library and Local Land - Early acquisition (Middleton Grange) will be adjusted at the time of payment.

Capital Works, Administration, Professional and Legal Fees Components

Capital works, Administration, Professional and Legal Fees components will be adjusted quarterly 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

Land Component

The value of the land component will be adjusted quarterly in line with the latest average land value estimate published by Council. The average land value estimate will be reviewed on a quarterly basis and determined by averaging residential land values per square metres with the relevant catchment, over the previous quarter.

$$\text{Contribution at the time of payment} = \frac{\mathbf{C} \times \mathbf{L}_2}{\mathbf{L}_1}$$

Where:

C = Original contributions as shown on the consent

L₂ = Latest Average Estimated Land Acquisition Cost per square metre published by the Council at the time that the contribution is to be paid

L₁ = Latest Average Estimated Land Acquisition Cost per square metre published by the Council at the time of granting the development consent

Where a developer undertakes to transfer land or provide a work which is included in the Contributions Plan, the appropriate payments may be reduced accordingly.

The Contributions Plan may be inspected at Council's Administration Centre, 33 Moore Street, Liverpool or at www.liverpool.nsw.gov.au.

Please note. Payment must be accompanied by the attached form.

This contribution involves contributions for Local Streets and Traffic Facilities and Local Drainage. It should be noted that any further development consents for the development of a particular site will contain a condition requiring contributions for the following facilities.

- (i) District Roads and Traffic Facilities
- (ii) District Drainage Basins
- (iii) Landscape Buffer Land
- (iv) Landscape Buffer Embellishment

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

- (v) Professional and Legal Fees
- (vi) Tree Planting

Provision of Services

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

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

8. 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.
9. 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 Company’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.

Fee Payments

10. 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.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

- (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.

11. The required Long Service Levy payment, under the *Building and Construction Industry Long Service Payments Act 1986*, is to be forwarded to the Long Service Levy Corporation or the Council, prior to the issuing of a Construction Certificate, in accordance with Section 6.8 of the *Environmental Planning & Assessment Act 1979*.

Road Opening Permit

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

Site Development Work

13. 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.
14. 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.
15. The traffic management plan is to be prepared by an accredited designer and submitted to and stamped 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.

Site Notice

16. 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.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

Site Facilities

17. 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.
18. 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.
19. 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.
20. 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:
 1. be a standard flushing toilet connected to a public sewer, or
 2. have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
 3. be a temporary chemical closet approved under the *Local Government Act 1993*.

Retaining Walls on Boundary

21. 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.

Electrical Substations

22. The proposed building is likely to require a substation. The Applicant shall identify the location of the proposed electrical substation for this proposal. For substations located outside the building envelope, provide details in accordance with Integral Energy Substation Design Instruction Document No SDI 104 (Current Version)."

If the proposed substation is located outside the building envelope, the distance between the substation and the closest part of the building must exceed 3m otherwise a 6m high fire rated wall will be required as part of the design.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

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

Legislative Requirements

23. 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.

24. 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:
- (b) Complying with the Deemed to Satisfy Provisions; or
 - (c) 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

25. 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

Upgrading of Yarrunga Street in front of site and S138 Roads Act – roadworks requiring approval of civil drawings

26. Prior to the issue of any Construction Certificate for works on the site, the Certifying Authority shall ensure that a S138 Roads Act application, including the payment of application and inspection fees, has been lodged with, and approved by Liverpool City Council (being the Roads Authority under the Roads Act) for provision of half road width in Yarrunga Street.

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

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

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

Note: The requirement for road works across the frontage of the site is separate to works covered by conditions 107 to 109 relating to local Traffic Improvement Works.

Road design criteria table

27. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the proposed roadworks have been designed in accordance with Liverpool City Council's Design Guidelines and Construction Specification for Civil Works and the following criteria:

Road Name.	Road Reserve Width	Carriageway Width	Verge	Footpath (1.5m wide)	Design ESA
Yarrunga Street	10.05m (half width)	6.5m and variable	3.5m	1.5m	1 x 10 ⁷

28. Full formation and half road width construction across the full Yarrunga Street frontage of the site shall be provided including road pavement, kerb and gutter, footpath construction, landscaping, drainage, sealing and service adjustments to Council's specifications.
29. Upgrading of Yarrunga Street along the frontage of the site shall be designed and constructed to ensure that all trucks entering and leaving the site will remain on the correct side of the carriageway is required to Council's satisfaction.
30. The applicant is to provide 'No Stopping' parking restrictions along the Yarrunga Street frontage following approval by the Traffic Committee.
31. Detailed design plans for the entry and exit driveways and car park including swept path analysis, line markings and sign posting in accordance with the DCP and AS2890 should be submitted to Council's Traffic and Transport Section for review.

Performance Bond

32. Prior to the issue of any Construction Certificate a performance bond is to be lodged with Liverpool City Council for Half Road width construction in Yarrunga Street. The value of the bond shall be determined in accordance with Liverpool City Council's Bond Policy. The bond will be administered in accordance with this policy.

Note: Contact Council's **Land Development Section** for further information relating to bond requirements.

Road Safety Audit

33. A Stage 3 (detailed design) Road Safety Audit (RSA) shall be undertaken on the proposed roadworks by an accredited auditor who is independent of the design consultant. A copy of the RSA shall accompany the design plans submitted with the Construction Certificate or Roads Act application.

Prior to the issue of the Construction Certificate or Roads Act approval, the Certifying Authority shall ensure that the recommendations of the RSA have been addressed in the final design.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

Construction Traffic Management Plan

34. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.

Street Lighting

35. The applicant is to provide underground cabling and LED street lighting upgrade to Category 'P4' to Council's specifications across the full frontage of the development site.

Air Quality Assessment Review

36. Prior to the release of any Construction Certificate, the Air Quality Impact Plan for the development site shall be reviewed to provide an updated assessment of the possible impact on new buildings surrounding the development site. The review shall consider the effectiveness of the proposed mitigation and management procedures during both the construction phase and the operation phase and determine whether amended and or additional measures are required to maintain satisfactory air quality in the long term. The reviewed Air Quality assessment shall be submitted to Councils Manager Development Assessment for approval.

Stormwater Concept Plan

37. A stormwater drainage system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Sparks and Partners, reference number DA4.01, revision 2, dated June 29 2017.

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.

On-Site Detention

38. On-Site Detention shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Sparks and Partners, reference number DA4.01, revision 2, dated June 29 2017.

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.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

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

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

Water Quality

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

The Construction Certificate must be supported by:

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

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

Access, Car Parking and Manoeuvring – General

40. 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.
41. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that:
- a) Off street access and parking complies with AS2890.1.
 - b) Vehicular access and internal manoeuvring has been designed for B-Double/ Heavy Rigid and Medium Rigid vehicles in accordance with AS2890.2.
 - c) Sight Distance at the street frontage has been provided in accordance with AS 2890.1.
 - d) All cars can enter and exit the site in a forward direction

C. PRIOR TO WORKS COMMENCING

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

Construction Certificate

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

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

- (a) Construction Certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*.
 - (b) Where a Construction Certificate is obtained from an Accredited Certifier, the applicant shall advise Council of the name, address and contact number of the Accredited Certifier, in accordance with Section 6.6 of the Act.
 - (c) A copy of the Construction Certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.
 - (d) A Principal Certifying Authority (PCA) must be appointed to carry out the necessary building inspections and to issue an occupation certificate; and
 - (e) The PCA must advise Council of the intended date to commence work which is the subject of this consent by completing a notice of commencement of building works or subdivision works form, available from Council's Customer Service Centre. A minimum notice period of two (2) working days must be given.
43. Demolition works shall be carried out in accordance with the following:
- (a) Prior to the commencement of any works on the land, a detailed demolition work plan designed in accordance with the Australian Standard AS 2601-2001 – The Demolition of Structures, must be prepared by a suitably qualified person with suitable expertise and shall include the identification of any hazardous materials, method of demolition, precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials,
 - (b) Prior to commencement of any works on the land, the demolition Contractor(s) licence details must be provided to Council, and
 - (c) The handling or removal of any asbestos product from the building/site must be carried out by a NSW Work Cover licensed contractor irrespective of the size or nature of the works. Under no circumstances shall any asbestos on site be handled or removed by a non-licensed person. The licensed contractor shall carry out all works in accordance with NSW Work Cover requirements.

Sediment & Erosion Control

44. Prior to commencement of works sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate and to ensure compliance with the Protection of the Environment Operations Act 1997 and Landcom's publication "Managing Urban Stormwater – Soils and Construction (2004)" – also known as "The Blue Book".

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

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

Traffic Control Plan

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

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

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

Dilapidation report

46. Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in Yarrunga Street is to be submitted to Liverpool City Council. The report is to include, but not limited to, the road pavement, kerb and gutter, footpath, services and street trees and is to extend 30m either side of the development site.

D. DURING CONSTRUCTION

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

Hours of Construction Work and Deliveries

47. Construction work/civil work/demolition work, including the delivery of materials, is only permitted on the site between the hours of 7:00am to 6:00pm Monday to Friday, 7:00am to 3:30pm Saturday. No work will be permitted on Sundays or Public Holidays, unless otherwise approved by Council.

General Site Works

48. Existing hydrological regimes shall be maintained so as not to negatively impact vegetation to be retained downslope or downstream of the site.
49. Any runoff entering the areas of vegetation to be retained shall be of an equivalent or better quality, and of a similar rate of flow to present levels.
50. The development, including construction, shall not result in any increase in sediment deposition into any water body, wetland, bushland or environmentally significant land.
51. 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.
52. The building works must be inspected by the *Principal Certifying Authority*, in accordance with Section 6.5 of the *Environmental Planning & Assessment Act 1979* and clause 162A

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

of the *Environmental Planning & Assessment Regulation 2000*, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.

53. 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.
54. The building and external walls are not to proceed past ground floor/reinforcing steel level until such time as the PCA has been supplied with an identification survey report prepared by a registered surveyor certifying that the floor levels and external wall locations to be constructed, comply with the approved plans, finished floor levels and setbacks to boundary/boundaries. The slab shall not be poured, nor works continue, until the PCA has advised the builder/developer that the floor level and external wall setback details shown on the submitted survey are satisfactory. In the event that Council is not the PCA, a copy of the survey shall be provided to Council within three (3) working days.
55. 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.
56. 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, works to protect and support the adjoining premises from possible damage from the excavation, and where necessary, underpin the adjoining premises to prevent any such damage shall be undertaken at full cost to the developer:
57. 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.
58. 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.
59. 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.

Car Parking Areas

60. 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

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

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.

61. Directional signage indicating the location of all car and truck parking, “in” and “out” crossings and directional arrows are to be provided to ensure safe movement of all vehicles on the site.

Traffic Management

62. All works within the road reserve are to be at the applicant's cost and all signage is to be in accordance with the RMS Authority's Traffic Control at Worksites Manual and the RMS Authority's Interim Guide to Signs and Markings.
63. 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.
64. 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..
65. 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.
66. All redundant vehicular crossings shall be removed and replaced with Council's standard kerb and gutter at no cost to Council. The removal and replacement of a driveway with standard integral kerb and gutter shall be the subject of a driveway application to Council and works supervised by that driveway inspection process.

Waste Management Plan

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

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

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

Vegetation and Landscaping Works

68. No known environmental or noxious weeds or known invasive plant species shall be included in the landscaping/revegetation.
69. Cleared (weed free) native vegetation (timber, small branches and leaf litter) shall be reserved and stockpiled for re-use in rehabilitation works, such as mulching.
70. Mulch generated from exotic trees or other weed species cleared shall not be used on site. It shall be removed from the site and disposed of appropriately and in accordance with legislative requirements.
71. Any imported soil and/or mulch shall be free of contaminants, seed and propagules of weeds and undesirable species.
72. Premium quality organic garden soil shall be incorporated into all planting areas in sufficient quantity to achieve optimum plant growing conditions.

Salinity

73. Any works or activities shall adhere to the recommendations outlined in the approved Salinity Management Plan prepared for the site.
74. All building materials utilised below dampcourse level or water proof membranes are to be resistant to damage from salt damp. Dampcourses and water proof membranes are to have a high resistance to construction damage, are to be themselves resistant to damage from salt damp and are not to be bridged in any manner by porous materials.
75. Any site drainage or landscaping works are not to result in the significant mobilisation of soil salts on or off the site.

Contamination

76. 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).
77. 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.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

- (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.

Site Remediation Works

- 78. 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

- 79. Construction work and operation of the site shall be carried out in accordance with the approved Air Quality Plan for the site
- 80. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.
- 81. Where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, dust is to be suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Where wind velocity exceeds five knots the PCA may direct that such work is not to proceed.
- 82. All vehicles involved in the delivery, demolition or construction process departing from the property shall have their loads fully covered before entering the public roadway.
- 83. Gaseous emissions from the development shall comply with the requirements of the POEO Act and Regulations there under. Processes producing airborne particulate matter shall incorporate a suitable dust collection system.
- 84. All woodworking machines shall be fitted with an approved dust collection system and no sawdust or off-cuts shall be burnt on the premises.

Erosion Control

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

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

Water Quality

87. All topsoil, sand, aggregate, spoil or any other material shall be stored clear of any drainage line, easement, water body, stormwater drain, footpath, kerb or road surface and there shall be measures in place in accordance with the approved erosion and sediment control plan.

Pollution Control

88. Building operations such as brick cutting, mixing mortar and the washing of tools, paint brushes, form-work, concrete trucks and the like shall not be performed on the public footway or any other locations which may lead to the discharge of materials into Council's stormwater drainage system.
89. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.

Building Ventilation

90. The premises shall be ventilated in accordance with the requirements of the BCA (if using deemed to satisfy provisions: AS 1668, Parts 1 & 2)
91. The design, construction, installation and commissioning of the mechanical ventilation systems(s) serving the premises shall be carried out in accordance with Australian Standard 1668 Parts 1 & 2. The mechanical exhaust discharge point shall be designed and installed by an appropriately qualified person, and shall be positioned to comply with Section 3.7 of Australian Standard 1668 Part 2 – 1991.
92. The plant associated with any air conditioning system is to be located a minimum of 3 metres from any property boundary, to the satisfaction of the PCA.

Graffiti Management

93. 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.

External lighting

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

Street Lighting

95. Street lighting is to be provided in Yarrunga Street in front of the site to Liverpool City Council's standards.

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

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

illumination requirements and Council's Street Lighting policy. All costs associated with the installation of street lighting shall be borne by the developer.

Drainage Connection

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

Major Filling / Earthworks

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

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

Erosion and sediment control

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

E. PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

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

99. All roadworks and signposting is to be completed to Liverpool Council requirements, at no expense to Liverpool Council or Roads and Maritime Services.
100. 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.
101. A single and complete *Fire Safety Certificate*, certifying the installation and operation of all of the fire safety measures within the building must be submitted to Council with the *Occupation Certificate*.
102. 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.

Certificates

103. All required Compliances Certificates for the critical stage inspections carried out prior, during and at the completion of construction, must be submitted to Council together with the required registration fee payment.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

104. A final fire or interim safety certificate is to be attached to any OC, except in the case of a Class 1a or Class 10 building(s). This must include all the “essential fire services” installed in the building.
105. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the PCA.

Display of Street Numbers

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

Traffic Improvement Works - Design

107. The developer is to provide localised road widening along the northern side of Yarrunga Street at the intersection with Bernera Road to enable 26 metre long B-Double trucks to turn left at the same time that other vehicles are carrying out right turns from Bernera Road to Yarrunga Street and Yato Road. The design plan of the proposed widening must be submitted to Council’s Traffic and Transport Section for review and approval.

Note: A meeting is recommended between the developer and Council’s Traffic and Transport Section prior to the design plan being prepared to discuss design requirements and to finalise the extent of works required to accommodate the type and volume of additional traffic being generated by the proposed development.

Traffic Improvement Works- Section 138 Roads Act – roadworks requiring approval of civil drawings.

108. Prior to the issue of an Occupation Certificate for building works the Certifying Authority shall ensure that a S138 Roads Act application, including the payment of application and inspection fees, has been lodged with, and approved by Liverpool City Council (being the Roads Authority under the Roads Act), for localised road widening along the northern side of Yarrunga Street at the intersection with Bernera Road, to allow a 26m B-double to turn left at the same time when right turns occur from Bernera Road to Yarrunga Street and Yato Road

Engineering drawings are to detail the localised road widening along the northern side of Yarrunga Street at the intersection with Bernera Road to allow a 26m B-double to turn left at the same time when right turns occur from Bernera Road to Yarrunga Street and Yato Road. The design plan of the proposed widening will be submitted to Council Traffic and Transport Section for review and approval.

The proposed intersection upgrade works will require approval by Roads and Maritime Services under Section 87 of the Roads Act, 1993.

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

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

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

Traffic Improvement Works – Construction and completion

109. All roadworks including the required localised road widening along the northern side of Yarrunga Street at the intersection with Bernera Road, signposting and street lighting are to be completed to Liverpool Council requirements, at no expense to Liverpool Council or Roads and Maritime Services.
110. Council's on-street assets including footpaths and drainage should be protected at all times during construction of the Traffic Improvement Works. Any damages should be rectified to Council satisfaction.

Traffic Improvement Works – Liverpool City Council clearance – Roads Act / Local Government Act

111. 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 for the provision of road and drainage construction in Yarrunga Street.

Works as executed – General

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

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

113. Prior to the issue of an Occupation Certificate the Principal Certifying Authority shall ensure that the matters listed below:
 - (a) Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
 - (b) Have met the design intent with regard to any construction variations to the approved design; and
 - (c) Any remedial works required to been undertaken have been satisfactorily completed.

The matters include:

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

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

- (iii) Work as Executed (WAE) drawings of all civil works. The WAE drawings shall be marked in red on copies of the stamped Construction Certificate drawings signed, certified and dated by a registered surveyor or the design engineer. The Work as Executed drawings shall be prepared in accordance with Council's Design Guidelines. Electronic copies of the WAE shall be provided in PDF format and a DXF format to Council along with two hard copies of the WAE plans.
- (iv) The WAE drawings shall clearly indicate the 1% Annual Exceedance Probability flood lines (local and mainstream flooding).
- (v) The WAE drawings shall be accompanied by plans indicating the depth of fill for the entire development site. The plans must show, by various shadings or cross hatchings, the depth of any fill within 0.3m depth ranges.
- (vi) CCTV footage in DVD format to Council's requirements and a report in "SEWRAT" format for all drainage within future public roads and public land. Inspections are to be carried out in accordance with the Conduit Inspection Reporting Code of Australia WSA 05-2006. Any damage that is identified is to be rectified in consultation with Liverpool City Council.
- (vii) Surveyor's Certificate certifying that all pipes and services are located wholly within the property or within appropriate easements and that no services encroach boundaries.
- (viii) Documentation for all road pavement materials used demonstrating compliance with Council Design Guidelines and Construction Specification.
- (ix) A Geotechnical Report certifying that all earthworks and road formation have been completed in accordance with AS3798 and Council's Design Guidelines and Construction specifications. The report shall include:
 - Compaction reports for road pavement construction
 - Compaction reports for bulk earthworks and lot regrading.
 - Soil classification for all residential lots
 - Statement of Compliance
- (x) Structural Engineer's construction certification of all structures.
- (xi) The volume and finished surface profile of compensatory flood storage provided

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

- 114. Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to any on-site detention system and / or stormwater pre-treatment 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.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

Dilapidation Report - Rectification of Damage

115. Prior to the issue of an Occupation Certificate, any damage to Council infrastructure not identified in the dilapidation report, as a result of the development shall be rectified at no cost to Liverpool City Council. Any rectification works within Yarrunga Street will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing.

Linemarking & Signage

116. Prior to the issue of an Occupation Certificate, and installation of regulatory / advisory line-marking and signage, plans are to be lodged with Liverpool City Council and approved by the Local Traffic Committee. The applicant is advised to allow at least eight (8) weeks for approval by the Local Traffic Committee.

Landscaping

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

Recommendations of Acoustic Report

118. 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.

Directional signage

119. Prior to the issue of an Occupation Certificate directional signage and line-marking shall be installed indicating directional movements and the location of customer parking to the satisfaction of the Principal Certifying Authority.

Maintenance Bonds for other works

120. A maintenance bond in the form of a bank Guarantee or cash bond (\$TBA at the time of payment), shall be lodged with Council prior to the issue of an Occupation Certificate. The bond shall cover maintenance and any damage to roads, drainage lines, public reserves or other council property or works required as a result of work not in accordance with Council's standards, and / or development consent conditions. The bond will be held by Council for a minimum period of 12 months from the date of Council acceptance of final works.

Future Traffic Management

121. An Operational Traffic Management Plan Management (OPTM) is to be prepared and submitted to Liverpool City Council to prohibit the use of Kurrajong Road for B-Double

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

trucks and semi-trailers delivering materials to the Concrete Batching Plant and Material Batching Plant. The preferred route is via Bernera Road and M7 Motorway in order to minimise traffic noise impacts on the adjoining residential properties especially at night.

F. CONDITIONS RELATING TO USE

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

Graffiti

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

Waste

123. All solid and liquid waste is to be removed from the site by a registered waste contractor.
124. All waste materials generated as a result of the development are to be disposed at a facility licensed to receive such waste.
125. All solid waste stored on site is to be covered at all times.

Waste Storage Area

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

Car Parking/Loading

127. A total of 36 off-street car parking spaces including two (2) accessible spaces designed, marked and signposted/marked for the use of persons with a disability. All the signs and line-marking are to be maintained to Council's satisfaction.
128. All truck parking and car parking areas shown on the approved plans must be used solely for this purpose.
129. All loading and unloading must take place from the designated loading docks. This area is to be clearly marked / signposted for use by delivery vehicles only.
130. All loading and unloading must take place from the designated loading docks. No goods, waste or extraneous material shall be stored in the areas set aside for vehicular manoeuvring and parking areas. Those areas must be kept clear at all times for the free movement of vehicles.
131. The operator of the development must not permit the reversing of vehicles onto or away from the road reserve. All vehicles must be driven forward onto and away from the development and adequate space must be provided and maintained on the land to permit all vehicles to turn in accordance with AS 2890.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

132. All the measures and travel restrictions in the approved Operational Traffic Management Plan (OTMP) shall be implemented all times.
133. Driveways and car parking spaces must not be used for manufacture, storage or display of goods, materials or equipment. The spaces must be available at all times for all cars associated with the development.

Noise

134. The operation of the business shall be conducted so as to avoid unreasonable noise and cause no interference to nearby residences. Emission of sound from the premises shall be controlled at all times so as not to unreasonably impact upon nearby owners / occupants.
135. The use of the premises shall not give rise to “offensive noise” as defined under the Protection of the Environment Operations Act, 1997.
136. Appropriate signage shall be located on the site to encourage patrons to minimise noise when leaving the premises.
137. Any alarm installed on the site is to be “silent back to base” type.
138. Any intruder alarms associated with the development shall only be permitted to operate in accordance with the requirements of Clause 53 of the Protection of the Environment Operations (Noise Control) Regulation 2000 under the POEO Act. If an intruder alarm is installed on the premises it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act, 1997.

Site Lighting

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

Environmental Amenity

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

Landscaping

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

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

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

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

Heritage and culture – induction and unexpected finds

142. All relevant on-site staff and contractors should be made aware of their statutory obligations for heritage under NSW National parks and Wildlife Act 1974 and the NSW Heritage Act 1977. They are to be informed of what the potential heritage on the site will be and the significance of the heritage. The site supervisor is to maintain a record of who has completed the heritage induction and this is to be provided to Council prior to Issue of Occupation Certificate.
 143. If Aboriginal object/s or historic archaeological relics are identified during works, then all works in the immediate area must cease and the area secured. The Office of Environment and Heritage must be notified by ringing the Enviroline 131 555. No works are to commence until authorisation has been received from the Office of Environment and Heritage and the appropriate permits have been obtained.
 144. In the event that skeletal remains are uncovered, work must cease immediately in that area and the area secured. NSW Police must be contacted and no further action taken until written advice has been provided by the NSW Police. If the remains are determined to be of Aboriginal origin, the Office of Environment and Heritage must be notified by ringing the Enviroline 131 555 and a management plan prior to works re-commencing must be developed in consultation with relevant Aboriginal stakeholders.
 145. Copies of all Archaeological assessments and reports (including summary excavation and analysis reports) are to be provided to Liverpool City Council, Liverpool City Library and the relevant Local Aboriginal Land Councils (where applicable).
-

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

G. ADVISORY

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

h) TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution.

Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800 810 443.

- i) The obligation to comply with the Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required by other conditions of this consent.
- j) Dial Before You Dig

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

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

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

- k) The Liverpool City Council Local Government area soils and ground water may be subject to varying levels of Salinity. Whilst Council may require applicants to obtain Salinity reports relating to some developments, no assessment may be made by Council in that regard. Soil and ground water salinity levels can change over time due to varying factors. It is recommended that all applicants make their own independent inquiries as to appropriate protection against the current and future potential affect of Salinity to ensure the ongoing structural integrity of any work undertaken. Liverpool City Council will not accept any liability for damage occurring to any construction of any type affected by soil and or ground water Salinity.
- l) Letter boxes must be provided in accordance with the requirements of Australia Post. In this regard, the developer is required to obtain approval from Australia Post for address numbering, and letter box positioning and dimensions.
- m) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.
- n) Care shall be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or the applicant's agents may be liable to pay compensation to any adjoining owner if, due to construction works, damage is caused to such an adjoining property.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

ATTACHMENT: SECTION 7.11 CONTRIBUTION

**CONTRIBUTIONS PURSUANT TO SECTION 94 OF THE ENVIRONMENTAL
PLANNING & ASSESSMENT ACT, 1979**

Liverpool Contribution Plan 2009

Note to the applicant: When remitting payment as specified in the Conditions of Consent to the approval, this Form must be submitted with your payment.
These figures have been calculated to the December 2017 CPI Quarter and will be adjusted at the time of payment in accordance with the conditions of consent.

APPLICATION NO: DA-527/2017
APPLICANT: Gunlake Concrete Pty Limited
PROPERTY: 14 Yarrunga Road Prestons
PROPOSAL: Construction and operation of a Concrete Batching Plant (CPB) and Materials Blending Plant (MPB).

<u>Facilities</u>	<u>Amount (\$)</u>	<u>Job No.</u>
District Transport - Land	\$47,652	GL.10000001865.10055
District Transport - Works	\$76,905	GL.10000001865.10055
Local Transport		
West of M7 - Land	\$27,933	GL.10000001865.10077
West of M7 - Works	\$17,435	GL.10000001865.10077
District Drainage - Land	\$248,500	GL.10000001866.10076
District Drainage - Works	\$42,274	GL.10000001866.10076
Local Drainage		
West of M7 - Land	\$63,011	GL.10000001866.10075
West of M7 - Works	\$151,183	GL.10000001866.10075
Landscape Buffer - Land	\$0	GL.10000001869.10078
Landscape Buffer - Works	\$0	GL.10000001869.10078
Administration	\$6,449	GL.10000001872.10081
Professional Fees	\$13,375	GL.10000001872.10080
TOTAL	\$694,717	

----- OFFICE USE ONLY -----
RECORD OF PAYMENT
Total Amount paid: _____
Date: _____
Receipt No.: _____ Cashier: _____

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018



Our Reference: DOC17/434045
Your Reference: DA 527/2017

Mr Glenn Ford
Development Planner
Liverpool City Council
fordg@liverpool.nsw.gov.au

Dear Mr Ford

Construction and Operation of a Concrete Batching Plant and a Materials Blending Plant with production capacity to produce up to 150,000 cubic metres concrete per annum and storage capacity 200,000 tonnes material per year: 14 Yarrunga St, Prestons, NSW, 2170

The NSW Environment Protection Authority ("EPA") refers to your letter received 21 August 2017 requesting input into the development proposal reference DA 527/2017.

In accordance with s48 of the *Protection of the Environment Operations Act 1997*, the proposed development as described in the Environmental Impact Statement indicates that an Environmental Protection Licence is required for the premises at which the activity is carried on.

The information provided in the development application also meets the definition of a non-scheduled activity as stated within s.92 of the *Protection of the Environment Operations (General) Regulation 2009*.

In both instances, the EPA is prescribed as the Appropriate Regulatory Authority ("ARA"). That is the EPA is the ARA for the construction and operation of the proposed facility.

Given that the EPA is currently reviewing the thresholds listed within Schedule 1 of the *Protection of the Environment Operations Act 1997*, the EPA has chosen to treat this application as a non-scheduled activity.

A series of draft conditions of consent have been provided for Council's consideration in line with the provisions of a Designated Development, as defined in the *Environmental Planning and Assessment Act 1979*.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

Page 2

Draft conditions are included in Attachment A. If you have any questions in relation to this letter please contact Tenille Lawrence on 9995 6207 or tenille.lawrence@epa.nsw.gov.au.

Yours sincerely



5 September 2017

JAMES GOODWIN
Director, Sydney Industry
NSW Environment Protection Authority

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

Page 3

Attachment A
Environment Protection Authority

**Proposed Conditions of Consent - Proposed Concrete Batching Plant
and Materials Blending Plant**

Water Management

- The proponent must implement erosion and sediment control measures to prevent pollution of waters in accordance with the *Soils and Construction: Managing Urban Stormwater (2004)* - 'the Blue Book'.
- All stormwater quality management controls installed at the premises, during both construction and operation, must be inspected:
 - regularly during normal construction hours
 - daily during rainfall events
 - within 24 hours of the cessation of a rainfall event causing run off to occur from the premises.
- The proponent must keep written records of all observations and actions made in relation to the above inspections, including any works undertaken to repair and/or maintain stormwater management controls.

Noise and Vibration Impacts

- All works and activities undertaken at the premises must be undertaken in a manner that will minimise noise and vibration impacts at sensitive receivers.
- Noise generated at the premises should not exceed the project specific noise goals defined in Figure 3.1 – *Noise Monitoring and Assessment Locations* and Table 4.4 *Project Specific Noise Levels* extracted from EMM Consulting Pty Limited (ref. 16006RP1, May 2017).
- If noise emissions exceed the identified project specific noise goals, the proponent must investigate the cause of the exceedance and implement all reasonable and feasible measures to avoid a repeat of the exceedance.
- A post-commissioning report produced by an independent organisation that is eligible for membership with the *Association of Australian Acoustic Consultants* must be provided to the NSW Environment Protection Authority within 3 months of the premises commencing operations, to validate the mitigation measures identified in the document titled *Noise and Vibration Assessment*, EMM Consulting Pty Limited (ref. 16006RP1, May 2017).

Air Quality

- The proponent must minimise the emission of offensive odours from the premises at all times.
- The proponent must minimise the emission of dust from the premises at all times, including during the construction phase.
- The EPA recommends that particulate monitoring be undertaken at the premises for the first year of operation to validate the modelled air impacts. The proponent should prepare an Air Quality Management Plan ("AQMP") that details an appropriate air monitoring and reporting regime, with reference to the Ambient Air-NEPM (NEPC, 2003) advisory reporting standards for particulate matter. The AQMP should include an assessment of the need for site-specific meteorological monitoring, and should include a commitment to publish all monitoring results on the proponent's website as soon as possible.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

Page 4

- The results of any air sampling undertaken as part of the air quality management plan must be recorded and produced to any authorised officer of the EPA on request.

Dangerous Goods and Chemical Transport, Storage and Handling

- The proponent must ensure that environmental risks associated with the storage, processing and handling of hazardous materials and dangerous goods are minimised. Storage and handling of any dangerous goods must be undertaken in accordance with the most up-to-date version of *The Storage and Handling of Dangerous Goods Code of Practice*. (The current version as at the date of this letter is 2005 and it can be viewed online at: http://www.safework.nsw.gov.au/data/assets/pdf_file/0005/50729/storage-handling-dangerous-goods-1354.pdf.)
- The type, quantity and location of all dangerous goods, chemicals and waste should be easily identified by site personnel, and included in relevant environmental management plans/ documentation for the premises.
- The proponent must develop and implement effective controls for the storage, processing and handling of materials at the premises. These controls should include operating and maintaining bunds or spill containment systems where necessary to minimise the risk of pollution from potential spills and leaks. Information on bunding and spill management can be found online at: <http://www.epa.nsw.gov.au/mao/bundingspill.htm>

Management Plans and Record Keeping

- All written records must be:
 - in a legible form, or in a form that can readily be reduced to a legible form;
 - kept for at least 4 years after the monitoring or event to which they relate took place; and
 - produced in a legible form to any authorised officer of the EPA who asks to see them.
- Prior to the commencement of any construction works, an appropriately qualified person must prepare a detailed Construction Environment Management Plan ("CEMP"), which includes, but is not necessarily limited to:
 - dust (air quality) management strategy
 - procedures for validation of imported fill material and the proposed means of disposing overburden
 - waste and materials re-use on-site
 - community response and management procedure outlining the course of action to be undertaken following receipt of a complaint
 - Chemical Handling and Dangerous Goods Management Plan
 - Pollution Incident Response Management Plan
 - Noise Management Plan

Waste Management

- The proponent must assess, classify and manage any liquid and/or non-liquid waste generated and/or stored at the premises in accordance with the EPA's *Waste Classification Guidelines* as in force from time to time.
- The proponent must ensure the collection, storage and disposal of waste generated at the premises does not pollute waters.

Community Engagement

- The EPA recommends that the proponent establish a 24-hour complaints hotline to enable real-time responses to community complaints relating to the operation of the approved development. The EPA recommends that the proponent establishes a website that will:

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

Page 5

1. enable the community and local businesses to register queries/ complaints;
2. enable the proponent to advise the community about environmental incidents at the premises in real-time; and
3. enable the publication of environmental monitoring results.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

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

Clause 8 General Principles	Comment
(a) the aims, objectives and planning principles of this plan,	The plan aims generally to maintain and improve the water quality and river flows of the Georges River and its tributaries.
(b) the likely effect of the proposed plan, development or activity on adjacent or downstream local government areas,	Stormwater concept plan reviewed by Council's Engineers and are considered to be satisfactory.
(c) the cumulative impact of the proposed development or activity on the Georges River or its tributaries,	A Stormwater concept plan submitted and reviewed by Council's development engineers. Minimal impact.
(d) any relevant plans of management including any River and Water Management Plans approved by the Minister for Environment and the Minister for Land and Water Conservation and best practice guidelines approved by the NSW Planning Department...,	The site is located within an area covered by the Liverpool District Stormwater Management Plan, as outlined within Liverpool City Council Water Strategy 2004.
(e) the <i>Georges River Catchment Regional Planning Strategy</i> ...,	Consistent with the strategy.
(f) all relevant State Government policies, manuals and guidelines of which the council, consent authority, public authority or person has notice,	The DA has been referred to the NSW Environment Protection Authority which has responded with a set of conditions to be attached to any consent
(g) whether there are any feasible alternatives to the development or other proposal concerned.	The site is located in an area that has been established and zoned for heavy industrial uses. The site has good proximity to the M7 Motorway and classified roads which are important for its efficient operation. Safeguards are proposed to ensure that stormwater is properly treated before leaving the site.
When this Part applies the following must be taken into account:	Planning principles are to be applied when a consent authority determines a development application.
Clause 9 Specific Principles	Comment
(1) Acid Sulphate soils	The land is not identified as containing Acid Sulphate Soils
(2) Bank disturbance	No bank disturbance is proposed.
(3) Flooding	The land is not flood-prone.
(4) Industrial discharges	Not applicable.
(5) Land degradation	An erosion and sediment control plan to minimise erosion and sediment loss required prior to CC.
(6) On-site sewage management	Not applicable.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

(7) River-related uses	Not applicable.
(8) Sewer overflows	Not applicable.
(9) Urban/stormwater runoff	Stormwater Concept Plan has been submitted.
(10) Urban development areas	The site is in an established industrial area.
(11) Vegetated buffer areas	Not applicable
(12) Water quality and river flows	Erosion and sediment control will be implemented in construction.
(13) Wetlands	Not applicable.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

ATTACHMENT 4 – LIVERPOOL DCP 2008 COMPLIANCE TABLE

LDCP 2008 - Part 1 General Controls for All Development

The proposed development is purpose-built for the proposed use and as such, has specific layout, building and management requirements that are essential to its effective and efficient operation. There are matters within this DCP that may apply to generic industrial premises that cannot apply to the proposal for a Concrete Batching Plant / Material Batching Plant.

Development Control	PROPOSAL	COMMENT
PART 1 – General Controls For All Development		
2. Tree Preservation	Existing trees on the site include planted trees positioned at the Yarrunga Street frontage. The trees are not significant and are to be removed for construction of hardstand areas. None of the existing trees provide significant ecological or aesthetic values to the site or the Liverpool LGA. All trees removed would be offset by significant planting of species better suited to the site.	Complies
3. Landscaping	The Landscape Plans provides a satisfactory design of these areas by a qualified landscape architect. A condition of consent will require that these areas are appropriately constructed and maintained.	Complies
4. Bushland and Fauna Habitat Preservation	The site does not include any significant bushland native vegetation.	N/A
5. Bush Fire Risk	The site is not identified as bush fire prone	N/A
6. Water Cycle Management	Retention and reuse of stormwater is proposed and connection to Council's system.	Complies
7. Development Near A Watercourse	The subject site is not within 40m of a watercourse	N/A
8. Erosion And Sediment Control	Soil and erosion measures reviewed by Council Engineers and conditions of consent will be attached to any consent.	Complies
9. Flooding Risk	The site is not identified as flood prone	N/A
10. Contamination Land Risk	The preliminary contamination is considered satisfactory. Works are proposed to treat and manage a small area of fill with a high zinc concentration during site preparation works.	Satisfactory
11. Salinity Risk	Site is identified as containing moderate salinity potential. A Salinity Management Response report will be required to be submitted in conjunction with Geotechnical Report prior to the issue of a Construction Certificate	Complies by condition
12. Acid Sulphate Soils	Site is not identified as affected by Acid Sulphate Soils	N/A
13. Weeds	Site is not affected by Noxious Weeds.	N/A
14. Demolition Of Existing Development	Demolition of existing building is to comply with the relevant standards	Complies

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

15. On-Site Sewerage Disposal	Not proposed.	N/A
16. Aboriginal Archaeological Sites	The proposal does not impact on any aboriginal heritage. Condition to be attached for unexpected finds.	Complies
17. Heritage and Archaeological Sites	Not identified as a heritage listed site and not in the vicinity of a heritage item.	N/A
18. Notification Of Applications	Was notified in accordance with the EP&A Regulation and Council's policy. One submission received.	Complies
20. Car-parking and Access	Satisfactory.	N/A
21. Subdivision of Land and Buildings	Not proposed or required.	N/A
22. Water Conservation	Reuse and recycling of stormwater proposed. Includes a strategy to optimise use of water for site activities.	Complies
23. Energy Conservation	To comply with BCA requirements	Complies by condition
24. Landfill	None Proposed	N/A
25. Waste Disposal And Re-Use	<p>During Construction:</p> <p>A waste management plan has been submitted. Conditions of consent will be imposed to ensure that compliance with the WMP is achieved during construction.</p> <p>Unique Waste requirements to be managed on site (e.g. recycling unused concrete for aggregate)</p>	Complies
26. Outdoor Advertising	Business identification signs and direction signs proposed only.	N/A
27. Social Impact Assessment	A Social Impact Assessment was not required.	N/A

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

LDCP 2008 - Part 7 Development in Industrial Areas

Part 7 Development in Industrial Areas			
Control	Requirement	Proposed	Comment
Site Area	Minimum site area of an allotment: 2,000m ² .	Total site is 2.03ha.	Complies
Site Planning	Allow for the retention of significant trees and vegetation, particularly near the street frontage.	No significant trees on site.	Complies
	Development must be designed around the site attributes such as slope, existing vegetation and land capability.	Site attributes and constraints have been considered in the design	Complies
Setbacks	Classified road:	Site does not front a classified road.	N/A
	Other streets: Front ground 10m 7.5m first floor Secondary 5m	All setbacks exceed the minimum required.	Complies
Landscaping	Min 10% site to be landscaped		Complies
	< 3999sqm: 5m wide within primary setback. 3m wide within secondary setback. >4000sqm: 10m wide within primary setback. 3m wide within secondary setback.	Landscaping Plan submitted with adequate width for planting beds.	Complies
Building Design	A development must use architectural elements to articulate facades, and minimise large expanses of blank walls.	Most prominent buildings are purpose built industrial structures	Complies
	Entrance visible from street	All entrances are visible from the street and car parking area on site.	Complies
	Glazing shall not exceed reflectivity of 20%.	No reflective glazing proposed	Complies
	The administration office or showroom must be located at the front of the building.	Administration office is located in the middle of the site. This is essential as it is the best location to monitor all activities taking place on	Satisfactory

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

		the site.	
	Services must integrate with the architectural features of the building to which it is attached; or be sufficiently screened when viewed from the street and neighbouring residential zoned land.	Purpose built industrial structures incorporate required service in design.	Complies
Landscaping	Trees of at least 8m in height must be planted in the landscape area at a minimum rate of 1 tree per 30m ² of the landscape area.	Landscaping Plan submitted	Complies
	The landscaping shall contain an appropriate mix of canopy trees, shrubs and groundcovers. Avoid medium height shrubs (0.6 -1.8m) especially along paths and close to windows and doors	Landscaping Plan includes appropriate planting	Complies
Fencing	Solid front fences must have a maximum height of 1.2m.	No solid fencing proposed at front	Complies
	Front fences higher than 1.2m shall be consistent with the following: -Maximum height of 2m. -Transparent. -Dark colour.	Fencing at the front of the property will be 2m high black palisade fencing	Complies
	Chain wire, metal sheeting, brushwood and electric fences are not permitted.	Front fence is palisade style. Side and rear fencing need to provide security.	Complies
	Fences should not prevent surveillance by the building's occupants of the main open or communal areas within the property or the street frontage.	Communal areas and amenities are in the middle of the site	N/A
Change of use of existing buildings		Not proposed	N/A
Car parking and access	Driveways and loading bays set out to enable heavy vehicles to enter and exit in a forward direction and park within designated loading bays.	The site will have dedicated entry and exit driveways. Parking and loading bays will be marked. Swept path diagrams are provided in Appendix E.	Complies

LIVERPOOL CITY COUNCIL

LOCAL PLANNING PANEL REPORT

30 APRIL 2018

	Car parking is designed to reduce visual impacts, with a 2.5 m landscape bay provided between every 6-8 car spaces.	Car parking has been designed in accordance with Council requirements (see Appendices A and D).	Complies
Amenity & environmental impact	External processes in an industrial area and storage of materials will not be permitted along a Classified Road frontage or a road frontage opposite a residential area.	The proposed storage of concrete materials will be within designated storage bins and stockpiles set into the site and would not be able to be viewed from Yarrunga Street. The proposed development road frontage is not opposite a residential area.	Complies
External Industrial Activities	Storage and processing of concrete, soil and other similar components screened by fencing and landscaping. The maximum height of a stockpile for the recycling of concrete, soil and other similar materials shall be 6m.	The proposed storage of materials would be within designated storage bins and stockpiles and will have a maximum height of 6 m. All materials being stored onsite would be screened from view of Yarrunga Street by dense landscaping in the setback area in the south of the site.	Complies
Noise	In order to comply with the Protection of the Environment Operations Act 2008 it may be necessary to construct external works. Mounding, planting and/or noise barriers may be permitted to reduce the impact of noise levels, provided that this does not compromise any other provision in the DCP.	A noise and vibration impact assessment has been undertaken to assess any potential impacts of the proposed development on the locality (Chapter 7). This assessment identified that through the implementation of specific environmental management measures predicted emissions would meet relevant government criteria and would not result in unacceptable levels amenity impact on the area.	Complies
Hazardous materials and hazardous operation	Hazardous materials and hazardous operation Certain industrial processes are identified as Designated Development under the Environmental Planning and Assessment Act 1979. It will be necessary to contact the NSW Department of Planning for their requirements for the preparation of an environmental impact statement	While Appendix 3 of the <i>Hazardous and Offensive Development Application Guidelines - Applying SEPP 33</i> identifies cement works, crushing grinding and separating works generally' as an industry that may be potentially offensive but not potentially hazardous, the proposed development is defined as 'concrete works' and not 'cement works', meaning that the proposed	Complies

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

		<p>development is not identified as potentially hazardous or offensive and is therefore not subject to the provisions of SEPP 33. Notwithstanding this, as part of the supporting documentation for this EIS, both a noise impact assessment and an air quality impact assessment have been undertaken to assess any potential impacts of the proposed development on the locality (refer Appendices F and G and Chapters 7 and 8). Both assessments identified that through the implementation of specific environmental management measures predicted emissions will meet relevant government amenity criteria. It is also noted the proposed development does not include the storage of any dangerous goods, pursuant to Australian Dangerous Goods Code (ADG). It is therefore considered that the proposed development does not constitute hazardous or offensive industry and no further assessment is required under SEPP 33.</p>	
<p>Hours of Operation</p>	<p>Development which would have an adverse impact on adjoining or nearby residential areas will be limited: 7 am to 6 pm Monday to Friday 7 am to 12 pm on Saturday no work Sundays.</p>	<p>Proposed hours of operation are 24 hours per day, seven days a week, with the majority of activity occurring between the hours of 6 am to 6 pm Monday to Friday and 6 am to 1 pm Saturday. A noise and vibration impact assessment has been undertaken to assess any potential impacts of the proposed development on the locality during construction and operation (Chapter 7). This assessment identified that noise levels at the closest residential receivers will</p>	<p>Acceptable</p>

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 APRIL 2018

		meet relevant government criteria and will not result in unacceptable amenity impacts.	
Contamination	Any DA for land identified as potentially contaminated by prior land use activities and shown in Figure 11, must be supported by a phase 1 ESA.	A phase 1 ESA has been prepared for the site and is attached as Appendix H. The report concluded that there is limited potential for contamination onsite and no measurable risks to human health. There is no evidence that surrounding land uses pose a contamination risk to the site. The preliminary investigation of contamination did not identify significant contamination issues that would preclude the proposed future industrial land use.	Complies
Site services	Street number made of reflective material visible from the street.	This will be made as condition of consent.	Conditions of consent.
Waste Management	Owners are to provide their own waste management services. An appropriately licenced waste contractor will be engaged by Gunlake (Chapter 14, Section 14.1).	A waste management plan is included in the EIS.	Complies
Frontage works & damage to Council infrastructure	Footpath, road shoulder or new or enlarged access driveway constructed at no cost to Council. Approval from Council given prior to works involving Council infrastructure. Access driveways will be constructed at no cost to Council. Consultation with Council regarding site access has occurred as described in Chapter 4 and Appendix D.	This will be made as condition of consent.	Conditions of consent.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 April 2018

Item no:	3
Application Number:	DA-581/2017
Proposed Development:	Demolition of existing structures and construction of an 8-storey residential flat building containing 50 apartments (5 x 1-bedroom/studio, 40 x 2-bedroom & 5 x 3-bedroom) over 2 levels of basement car park and associated landscaping and rooftop communal open space.
Property Address	13-15 Bathurst Street, Liverpool
Legal Description:	Lots 21 & 22, DP 758620
Applicant:	Zhinar Architects
Land Owner:	Saing Luong & Seng Hun Kung
Cost of Works:	\$12,321,959
Recommendation:	Approved subject to conditions of consent
Assessing Officer:	Nelson Mu

3. EXECUTIVE SUMMARY

Council has received a Development Application (DA No.581/2017) seeking consent for demolition of existing structures and construction of an 8-storey residential flat building containing 50 apartments (5 x 1-bedroom/studio, 40 x 2-bedroom & 5 x 3-bedroom) over 2 levels of basement car park and associated landscaping and rooftop communal open space at 13-15 Bathurst Street, Liverpool.

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

The development application was not required to be placed on public exhibition in accordance with Liverpool Development Control Plan 2008, and no submissions were received.

The proposed development is generally consistent with the objectives and development standards of the LLEP and is compliant with the provisions of the Liverpool Development Control Plan 2008 (LDCP). The proposal is also consistent with the provisions of the State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65) and the design requirements of the Apartment Design Guide.

The key issues associated with the proposal relate to the retention of a large Lemon Scented Gum tree within the front setback area; and that more than 15% of the apartments do not receive any solar access as a result of the re-configuration of south-east corner apartments. These issues were initially raised by Council's Design Excellence Panel at the Pre-lodgement stage and have since been resolved to the satisfaction of the DEP.

The application is referred to the Liverpool Local Planning Panel (LLPP) in accordance with its referral criteria and procedural requirements, as the development constitutes a *sensitive development* in that it is a development to which *State Environmental Planning Policy No. 65*

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 April 2018

Design Quality of Residential Apartment Development applies and is 4 or more storeys in height.

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

2. SITE DESCRIPTION AND LOCALITY

2.1 The locality

The area is predominately characterised by high density residential development and is within an R4 High Density Residential precinct along the north-western boundary of the Liverpool City Centre, with a frontage to Bathurst Street. Bathurst Street is a north-south orientated street that runs parallel to the Hume Highway (Copeland Street). The site is located within the residential block bounded by Bathurst Street to the east, Lachlan Street to the north, Castlereagh Street to the west and Campbell Street to the south. The properties within this block have been re-developed into high density residential flat buildings of 5 to 10-storeys in height, except 8 properties including the subject site that still contain single detached dwellings.

The site is approximately 130 meters to the east of Pioneer Park, 229 meters to the west of Collimore Park and Brickmakers Creek. Westfield's Liverpool is located 100 meters to the south.

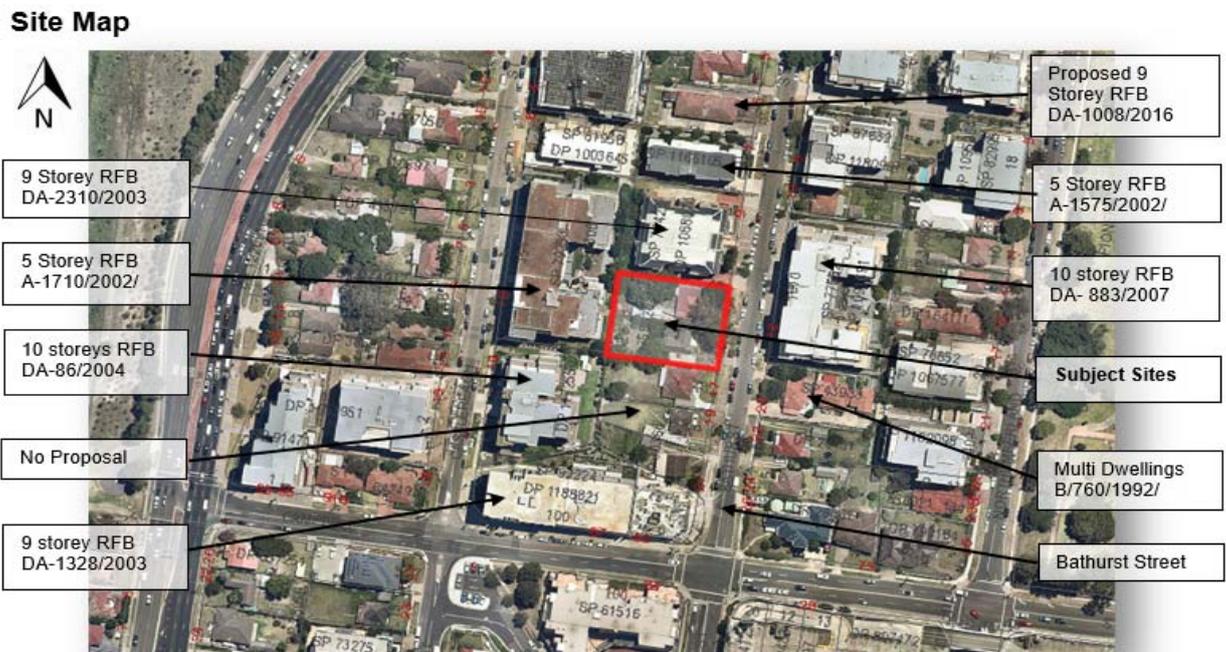


Figure 1: Locality Surrounding the Proposed Development with subject site highlighted in red (Source: Geocortex).

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 April 2018

The site is adjoined by residential properties, as detailed in the following table.

North (side)	9-11 Bathurst Street – 5-storey residential flat building. To the north of which is also a 5-storey residential flat building and 3 single detached dwellings.
South (side)	17-21 Bathurst Street – 3 single storey detached dwellings, whilst the property on the corner of Bathurst Street and Campbell Street has been re-developed into a 10-storey residential flat building.
West (rear)	5-storey residential flat building fronting Castlereagh Street
East (front)	10-storey residential flat building on the opposite side of Bathurst Street.

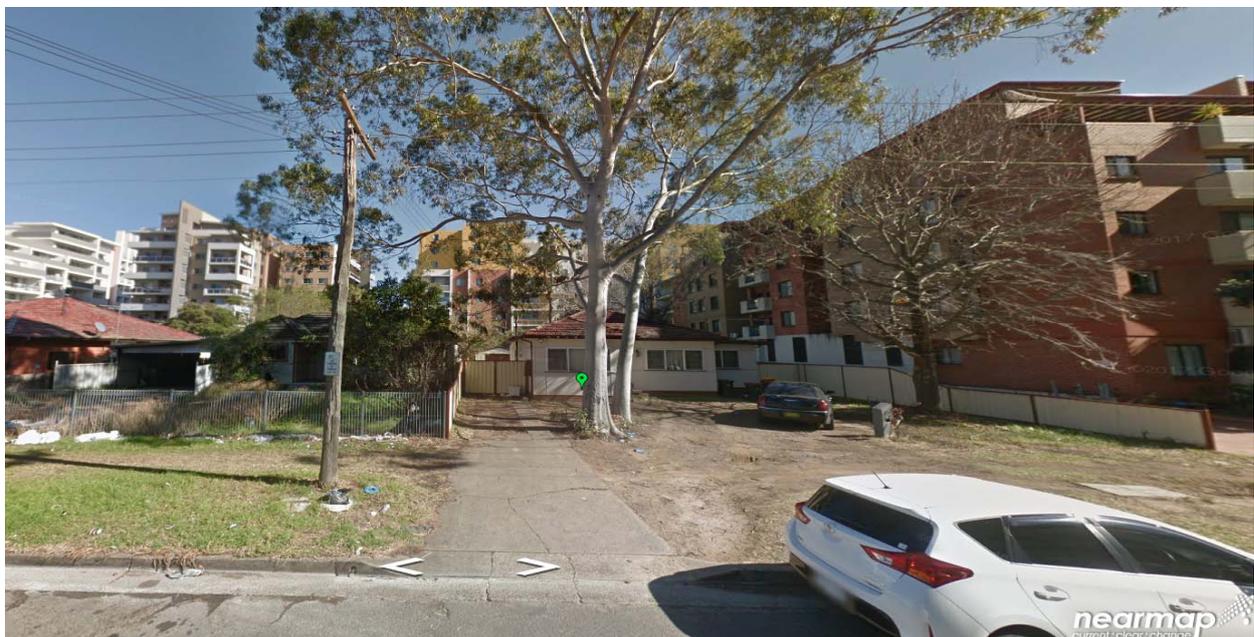


Figure 2: View of the subject site, as seen from Bathurst St – 2 single story detached dwellings and 2 large Lemon Scented Gum trees within front setback area RFB (Source: Nearmap)



Figure 3: View of the southern adjoining sites – single story detached dwellings and a 10-storey RFB (Source: Nearmap)

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 April 2018



Figure 4: View of the northern adjoining site – 5-storey RFB (Source: Nearmap)



Figure 5: View of the site on the opposite site side of Bathurst St – 10-storey RFB (Source: Nearmap)

2.2 The site

The subject site is identified as Lots 21 and 22 in DP758620 and is known as 13-15 Bathurst Street, Liverpool. It is a rectangular shaped allotment with a frontage of 36.58 metres to Bathurst Street and a depth of 45.6 metres, with a total area of 1668.6m². It is an east-west orientated allotment.

Currently, the subject site contains two single storey fibrous cottages with tiled roofs and a detached outbuilding. These are proposed to be demolished to accommodate the proposed development. The site also contains a number of large vegetation including two large Lemon

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 April 2018

Scented Gum trees within the front setback area, one of which is proposed to be retained and incorporated into the development.

3. BACKGROUND/HISTORY

- A pre-lodgement meeting held with Council 5 April 2017.
- A pre-lodgement meeting held with Council's Design Excellence Panel on 18 May 2017.
- The subject DA lodged with Council on 26 July 2017.
- The application considered by Council's Design Excellence Panel on 9 November 2017.
- Application deferred on 30 November 2017 requesting the applicant to address the issues raised by the DEP.
- Amended plans received 12 December 2017.

4. DETAILS OF THE PROPOSAL

Demolition of two detached dwellings and associated structures and the construction of an 8-storey residential flat building consisting of 50 units, a roof terrace, 2 levels of basement parking, landscaping and general site works at 13-15 Bathurst Street, Liverpool.

Details of the proposed development can be summarised as follows:

Basement Level 2

- 29 car spaces, including two accessible, and one carwash space are provided on the lowest basement level. This level is accessible for vehicles through a ramp located to the eastern side, and residents a central lift core and fire stairs to the north-east and south-west corners.
- Storage areas are located to the north-west and south-east corners. Additional storage is provided adjacent to some parking spaces.

Basement Level 1

- 25 residential car spaces, including three accessible spaces, and 5 visitor spaces are provided on basement level 1. Vehicular access to Bathurst Street is via a double width ramp. The visitor spaces are located in proximity to the vehicular ramp and central lift core.
- A service bay is also provided centrally.
- 14 bicycle spaces are located in proximity to the vehicular access.
- Storage is provided in the north-west corner of the basement.
- A plant room is sited in the south-east corner.

Ground Floor

- 5 units are located on the ground floor in the following distribution:
 - 3 x 2-bedroom units, including one adaptable and liveable unit
 - 2 x 3-bedroom units
- Each unit has a private open space, ranging in size from 30.9m² to 53.8m². The units have rear access directly from a pathway that circulates the development to the courtyards.

- A central lobby area running east to west provides pedestrian access to the site from Bathurst Street and access to the rear communal open space. A central lift core in the lobby provides access to all floors of the building. Three sets of fire stairs are accessible from the ground floor, including a central staircase that provides access to upper levels and the roof, and two providing access to the basement in the north-east and south-west corners of the site.
- A communal open space is provided at the rear of the site, oriented to the north, north-west. This space includes deep soil, landscaped area, and a BBQ area.
- The vehicular access is via a double width driveway from Bathurst Street, distinctly separated from the pedestrian entrance.
- 8 bicycle spaces are provided on the southern boundary.
- A waste room is located off the central lobby area in a self-contained room accessed externally.
- A paved pathway leads to the temporary garbage storage area adjacent to the street.

First to Third Floor

- 8 units per level are located on first through third floor in the following distribution:
 - 7 x 2-bedroom units, including Units 9, 17 and 25 as liveable
 - 1 x 1-bedroom unit
- Each unit is provided with private open space in the form of a balcony.
- A lift and stairs allow access to other floors within the development.

Fourth Floor

- The fourth floor has 6 units in the following distribution:
 - 4 x 2-bedroom units, including an adaptable unit
 - 2 x 1-bedroom unit
- Each unit is provided with private open space in the form of a balcony. The balconies for this floor are extended over the roof of the third story. Planter boxes are provided on the outer rim of the balconies to ensure privacy and amenity to both the residents of these units and of adjacent properties.
- A lift and stairs allow access to other floors within the development.

Fifth to Seventh Floor

- 5 units per level are located on the fifth through seventh floor in the following distribution:
 - 4 x 2-bedroom units, including Units 37, 42, and 47 as adaptable
 - 1 x 3-bedroom unit
- Each unit is provided with private open space in the form of a balcony.
- A lift and stairs allow access to other floors within the development.

Roof

- A rooftop communal open space of 248m² is provided. The area is landscaped and is partially roofed to ensure some shading. Amenities associated with the rooftop communal open space are also provided.
- A lift and stairs provide access to other floors within the development.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 April 2018

- A deep soil area of 376.3m² (22.54% of the site) is provided on the ground level around the building and boundaries of the site. A landscaped front setback is provided to the development to soften the view of the development.
- Two areas of communal open space are provided, one on the ground level and a rooftop terrace, for a total of 819.8m² (49.11%) of communal space for the site.

Extracts of the proposed site analysis, site plan and elevations are shown in Figures 6, 7, 8 and 9 below.

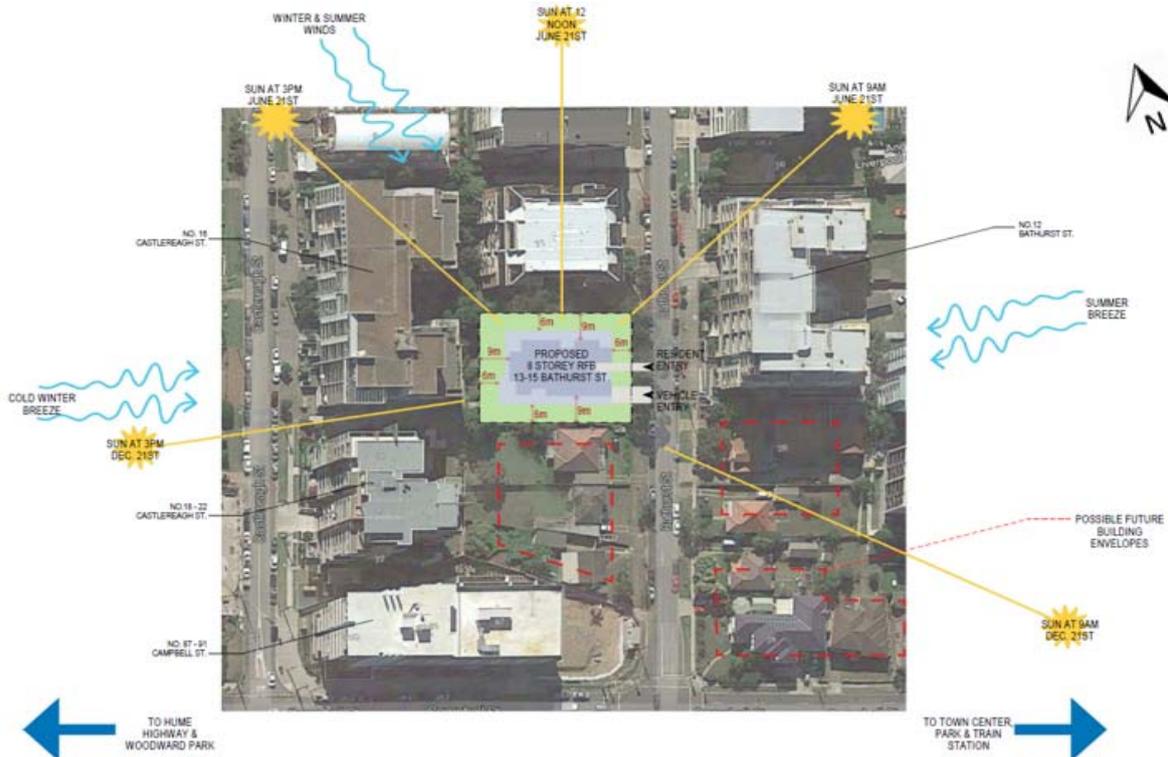


Figure 6: Proposed Site Analysis Plan

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 April 2018

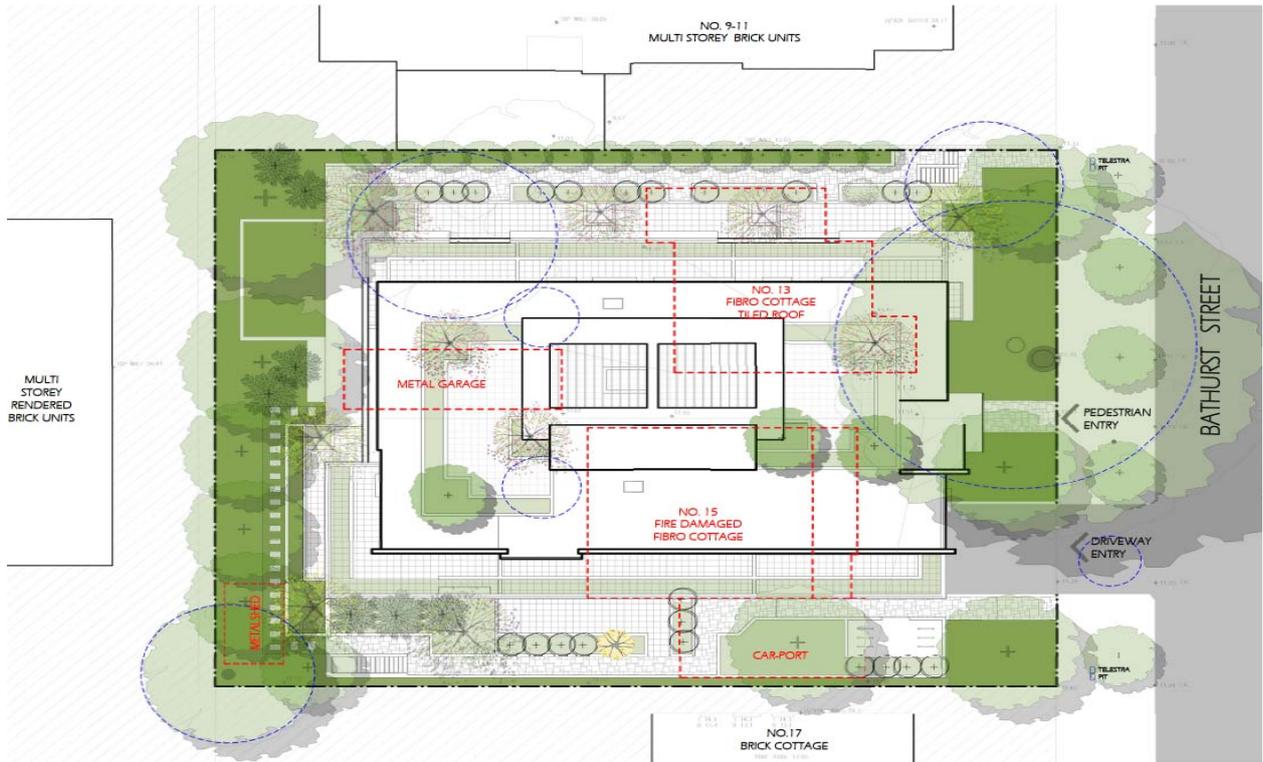


Figure 7: Proposed Site Plan



Figure 8: East and North Elevations of the Proposal



LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 April 2018



Figure 9: View of the South and West Elevations of the Proposal

5. STATUTORY CONSIDERATIONS

5.1 Relevant matters for consideration

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

- State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (now deemed SEPP);
- Liverpool Local Environmental Plan (LLEP) 2008;
- Liverpool Development Control Plan (LDCP) 2008;
 - Part 1: General Controls for All Development; and
 - Part 4: Development in Liverpool City Centre

Other Plans and Policies

- Metropolitan Plan for Sydney 2031, and
- Apartment Design Guide.

Contributions Plans

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

6. ASSESSMENT

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

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 April 2018

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

(a) State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development; and the Apartment Design Guide

The proposal has been evaluated against the provisions of SEPP 65 which aims to improve the design quality of residential flat development. SEPP 65 does not contain numerical standards but requires Council to consider the development against 9 key design quality principles; and against the guidelines of the associated Apartment Design Guide (ADG). The ADG provides additional detail and guidance to the design quality principles outlined in SEPP 65.

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

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

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

The DEP provided the following comments when the matter initially went before the DEP at the Pre-Lodgement stage:

- *The panel appreciates the overall quality of the sketch design presented and support the proponent in attending a Pre-DA meeting with Council to discuss planning issues.*
- *The panel strongly recommends that every effort be made to retain at least one of the significant gum trees within the front setback area of the site. Advice to be obtained from an arborist. The panel notes that the indication from the survey is that the retention of this tree should not present any major issue.*
- *Applicant advised that the site is flood affected and as such, the building has been raised to provide the required 500mm freeboard above the flood level. The panel supports the sketches provided during the panel session indicating a step footpath approach with a ramp offset to the side of the site.*
- *The panel does not support render and should be avoided. Preference is for the consideration of low-maintenance building materials.*
- *The panel would support the following amendments: south-east corner apartments on levels 1-3 could be reconfigured so that the 2 bedroom apartment is on the corner and the 1 bedroom apartment is single aspect south facing. The panel acknowledges that this will increase the proportion of south facing apartments overall but considers that this would be outweighed by the improved internal arrangements of the resultant apartments.*
- *The bin bay on the ground floor is recommended to be relocated to the basement to enable the creation of a more generous entry lobby.*

- *The panel notes that a single lift for 50 units on an 8-storey building is borderline on the ADG, which is not ideal. The panel encourages the provision of a second elevator.*
- *Notwithstanding the guidance of the ADG, the panel would support providing access to the roof space on level 4 from each apartment as an additional to the balconies currently indicated, subject to providing generous planter boxes as a setback from the roof edge.*

The proposal was amended in response to the issues raised by the DEP, incorporating the following amendments:

1. A large *Corymbia citriodora* (Lemon Scented Gum) tree within the front setback area has been retained;
2. The extent of render reduced and additional brickwork introduced;
3. South-east corner apartments on Levels 1-3 has been re-planned where the 2-bedroom apartments have been re-positioned to the corner.
4. Access provided to roof space on Level 4 from each apartment as additional balconies, as well as generous plant boxes as a setback from the roof edge.

The amended scheme was subsequently considered by the DEP where the Panel made the following comments:

- *Sectional drawings should be submitted showing the Lemon Scented Gum tree to be retained and its root system within the front setback area.*
- *The Panel notes that a raised garden and lightweight privacy screen is proposed within the front landscaped setback area in front Unit 01. This raised garden bed appears unnecessary and should be deleted so as to minimise potential impact on the Lemon Scented Gum tree.*
- *The presentation of the pedestrian bridge above the entry driveway to the basement needs to be improved.*
- *The rearrangements of the south-east corner apartments are acceptable.*
- *The DEP's previous minutes recommended that the ground level bin bay be relocated to the basement. However, it is noted that the bin bay remains on the ground level. The applicant indicated that they made a conscious decision to keep the bin bay at the ground level to facilitate ease of transfer of bins to the street for weekly collection and that the space currently occupied by the bay was too small for other uses. In response to questions from the Panel, the applicant advised that the width of the bin bay could be reduced by 800mm, which would allow for widening of the entry lobby of the building, and that additional screen / understorey planting would be provided to improve the presentation to the street. This was acceptable to the panel. (Note that the Panel typically recommends that bins are located in the basement to minimise their impact on the public domain).*
- *The proposed planter boxes on level 4 as part of changes that enable access to the roof setback as a wrap-around balcony are supported by the Panel.*
- *It is noted that the proposal has not provided a second lift as previously recommended. This is not ideal because the proposal provides for 50 apartments sharing a single lift, which exceeds the recommended maximum number of apartments sharing a single lift of 40. However, as the building is less than 10 storeys in height, this is a matter for Council to adjudicate.*
- *The Panel notes that the proposal incorporates extensive use of render, which is not supported. The Panel reiterates its previous comments that it does not support render*

finishes due to the prevalence of issues with this finish across the Liverpool LGA (and elsewhere). The applicant should explore alternative materials and finishes.

- *The Panel is otherwise satisfied that the applicant has satisfactorily responded to the previous DEP minutes.*
- *Consideration must be given by the applicant to the quality of materials and finishes. All apartment buildings are to be made of robust, low maintenance materials and be detailed to avoid staining, weathering and failure of applied finishes. Render is discouraged*
- *The Panel recommends a minimum 3050 to 3100mm floor-to-floor height so as to comfortably achieve the minimum 2700mm floor-to-ceiling height as required by the ADG.*

The proposal is acceptable subject to the incorporation of the above advice given from the Panel and will not need to be seen by the Panel again.

In the event that amended plans are submitted to Council to address the concerns of the Design Excellence Panel the amended plans should be considered by Council.

The applicant has since submitted further amendments to the proposal, which is subject to this report, that have satisfactorily resolved the DEP Panel's issues.

As demonstrated in Attachment 2 of the report, it is considered that the applicant has adequately demonstrated that the proposed development is consistent with the 9 design quality principles of SEPP 65 - Design Quality of Residential Apartment Development.

Apartment Design Guide

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

As shown in Attachment 2 of this report, and specifically within the ADG compliance table, the proposed development achieves compliance with the requirements of ADG, except solar access and daylight access in that more than 15% of the apartments are single aspect south-facing apartments.

Maximum 15% of Apartment to Receive no Direct Sunlight

Control 4A Solar and Daylight Access of the ADG states that a maximum of 15% of apartments to receive no direct sunlight between 9am and 3pm in mid-winter. The original scheme presented to the DEP Panel marginally did not comply with this section of the ADG in that over 22% of the apartments were single aspect south-facing that would not receive direct sunlight. The DEP Panel was of the view that it is more important to provide good residential amenity over numerical requirement in that the scheme provided for a 1-bedroom corner apartment on the south-east corner of the building. As articulated in its original DEP minutes, the Panel recommended that the south-east apartments on Levels 1-3 of the building be re-planned such that the 2-bedroom apartment is on the corner and the 1-bedroom apartment is single aspect south facing. Although the suggested amendments have resulted in an increased proportion of south-facing apartments overall, the panel considers that this would be outweighed by the improved internal arrangements of the resultant apartments.

On the basis that the non-compliance with the numerical requirements of the ADG in respect

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 April 2018

to the number of apartment receiving no direct sunlight is a direct result of the suggestions of the DEP, the strict non-compliance is considered acceptable in this instance.

Shading Devices to West Facing Apartments

The proposal provides for a number of corner apartments on the north-west and south-west corners of the building. Whilst these apartments would receive excellent cross-ventilation and solar access, the west-facing habitable rooms within these apartments should be provided with shading devices to provide protection from the harsh afternoon summer sun. The requirement to introduce shading devices to the west-facing apartments has been made as conditions of consent.

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

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

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

The applicant submitted a Preliminary Site Investigation (PSI) which considered the history of the site, and a visual inspection. It reported that the site has been used primarily for residential purposes in the last 30 years and is situated away from industrial uses, service stations and sites with high level contaminating activities, and has concluded that the site is suitable for the proposed development, subject to the addition of conditions of any consent requiring waste classification of removed soil from the site, and an unexpected asbestos find protocol be applied to the carrying out of works.

Further, a search of Council's available records suggest that the site appears to have been used for residential purposes since the dwellings were constructed. This is based on aerial imagery showing no development or use on-site, and no physical alteration. On this basis, it is unlikely that the site is contaminated and it is considered that no further investigation, such as, the submission of any further contamination reports is necessary.

The objectives of SEPP 55 are:

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

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	It is unlikely the land is contaminated as it is an existing residentially zoned allotment.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 April 2018

(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and	The land is suitable for the proposed works and as it is unlikely that the land is contaminated, based on Council records
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.	The land does not require remediation.

Based on the above assessment, the proposal is considered to satisfy the relevant objectives and provisions of SEPP 55, therefore, it is considered that the subject site is suitable for the proposed development.

(d) State Environmental Planning Policy (BASIX) 2004

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

A BASIX Certificate has been submitted for the proposed development.

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

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

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

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

When a consent authority determines a development application, planning principles are to be applied (Clause 7(b)). Accordingly, a table summarising the matters for consideration in determining development applications (Clause 8 and Clause 9), and compliance with such is provided within Attachment 3 of this report.

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

(f) Liverpool Local Environmental Plan 2008

(i) Zoning

The proposed development is appropriately defined by the standard instrument as “residential flat building”. Residential Flat Building is identified as permitted land use with consent within the R4 High Density Residential Zone under Liverpool Local Environment Plan 2008.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 April 2018

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

(iii) Objectives of zone

Objectives of the R4 High Density Residential Zone are;

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

The proposal generally satisfies the above objectives of the R4 zone as follows:

- It will provide for housing needs within a high density residential environment. The area has been zoned as High Density Residential and is undergoing transition from low density to high density residential development and it is therefore envisioned that redevelopment of the area will result in the establishment of other residential flat buildings within close vicinity of the subject site.
- It will contain a number of different sized units, thereby providing a variety of housing types within a high density residential environment;
- It will not hinder the opportunity for other land uses that provide facilities or services to meet the day to day needs of residents.
- The site is in the vicinity of transport facilities which include the Liverpool Rail Station.
- It does not result in the fragmentation of land in preventing future high density residential development.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 April 2018

Zoning Map



Figure 10: Zoning Map (source: Geocortex)

(iv) Principal Development Standards and Provisions

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

Clause	Provision	Comment
Part 4 Principal Development Standards		
2.7 Demolition	The demolition of a building or work may be carried out only with development consent	Complies Development consent is sought for the demolition of the existing buildings on the development site.
4.3 Height of Buildings (as per HOB Map)	35m	Complies The proposal provides for a maximum building height of 28m to the rooftop lift overrun and 25m to the uppermost roof level of the top floor.
4.4 Floor Space Ratio (as per FSR Map)	FSR of 2.0:1 + Bonus (Clause 2B & 2C Liverpool City Centre) which is: <i>Clause 2B</i> <i>a) the site area is greater than 1000sqm</i> <i>b) on land in a zone specified in the table (being R4)</i> <i>c) on land for which the maximum building</i>	Complies Maximum allowable floor area is: 4089.9sqm (2.45:1) The proposed floor area is 4088.6sqm (residential floor area) FSR is therefore complying at: 2.45:1

LIVERPOOL CITY COUNCIL

LOCAL PLANNING PANEL REPORT

30 April 2018

	<p>height shown in HOB Map is specified in column 1 (being 35m)</p> <p>d) is in column 2 as it is greater than 1000sqm but less than 2,500sqm.</p> <p>Clause 2C requires that for the purposes of Column 2, X which is the bonus, is to be calculated in accordance with the formula:</p> <p>$X = (\text{site area} - 1000)/1500$ Thus, X is $668.6/1500 = 0.45$</p> <p>Column 2 Formula for FSR is $(2 + X):1$ which is;</p> <p>$(2 + 0.45):1$ and the FSR therefore is</p> <p>FSR of 2.45:1</p>	
5.10 Heritage Conservation	To protect existing items/locations identified as containing significant heritage value	Complies Not identified as a heritage listed site and not in the vicinity of a heritage listed item, except the Liverpool City Road pattern, which this proposal does not affect.
7.1 Liverpool City Centre Provisions	The following relevant objectives are: (a) to preserve the existing street layout and reinforce the street character through consistent building alignments (b) to allow sunlight to reach buildings and areas of high pedestrian activity, (c) to reduce the potential for pedestrian and traffic conflicts on the Hume Highway	Complies Proposal is consistent with the relevant objectives of the Liverpool City Centre
7.4 Building Separation in Liverpool City Centre	This Clause provides a control relevant to the proposed building in that (2) 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: (a) 9 metres for parts of buildings between 12 metres and 25 metres above ground level (finished) on land in Zone R4 High Density Residential	Complies The required building separation for the Liverpool City Centre has been provided by the proposal.
7.5 Design Excellence in Liverpool City Centre	This Clause 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	Complies The relevant objectives have been carefully considered in consultation with the DEP. Consequently, the application has been through amendments to improve the design quality in line with provisions of the LLEP 2008 and the comments

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 April 2018

	city centre. The clause sets out the matters that must be considered by Council.	provided by the DEP. The proposal addresses the design excellence provisions and demonstrates satisfactory design quality, which has been confirmed by the DEP.
7.14 Minimum Building Street Frontage	Minimum building street frontage of 24m	Complies The site has a street frontage of 36.58m
7.31 Earthworks	No earthworks proposed other than those required for the development being excavation for the proposed basement	Complies

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

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

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

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

(a) Liverpool Development Control Plan (LDCP) 2008

The application has also been assessed against the relevant controls of the LDCP 2008, particularly *Part 1 General Controls for all Development and Part 4 Development in Liverpool City Centre*.

Overall, the proposal is considered to be consistent with the key controls outlined in the Liverpool Development Control Plan 2008, as detailed within the tables in Attachment 2 of the report.

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

There are no Planning Agreements which apply to the development.

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

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

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

Natural and Built Environment

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

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 April 2018

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

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

Social Impacts and Economic Impacts

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

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

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

6.8 Section 4.15(1)(d) - Any submissions made in relation to the Development

(a) Internal Referrals

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

DEPARTMENT	COMMENTS
Building Officer	Approval subject to conditions of consent
Development Engineer	Approval subject to conditions of consent
Landscape Officer	Approval subject to conditions of consent
Traffic Engineer	Approval subject to conditions of consent
Flood Engineer	Approval subject to conditions of consent
Heritage Advisor	Approval subject to conditions of consent

(b) Design Excellence Panel

The application was considered by Council's Design Excellence Panel on two separate occasions. It was first referred to the DEP at the pre-lodgement stage and subsequently, when following lodgement of the application.

As articulated earlier in the report, the design issues raised by the DEP have been resolved by the applicant.

(c) Community Consultation

The proposal was not required to be advertised/notified in accordance with the LDCP 2008, and no submissions were received.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 April 2018

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

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

7. DEVELOPMENT CONTRIBUTIONS

A Section 7.11 Development Contributions is applicable to the proposed development in accordance with Liverpool Contributions Plan 2009 and will be imposed as a condition of consent of any approval for the proposed development. The development attracts a total contribution of **\$250,868**.

8. CONCLUSION

The application has been assessed having regard to the provisions of Section 4.15 of the EP&A Act 1979, and the Environmental Planning Instruments, including SEPP 65 and the associated Apartment Design Guide, Liverpool LEP 2008, LDCP 2008, and the relevant codes and policies of Council.

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

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

9. RECOMMENDATION

That Development Application DA No. 581/2017 be approved subject to conditions of consent.

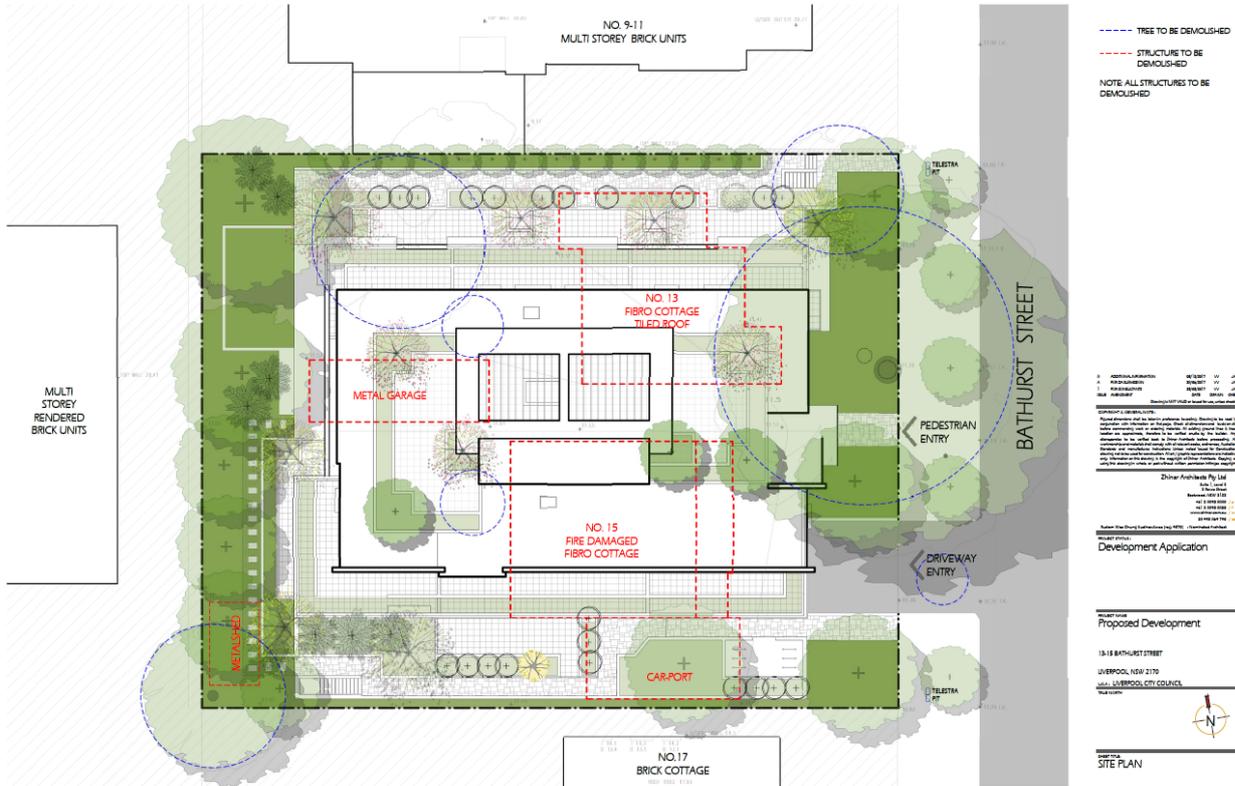
10. ATTACHMENTS

- 1. PLANS OF THE PROPOSAL**
- 2. SEPP 65 & ADG COMPLIANCE TABLE**
- 3. GREATER METROPOLITAN REGIONAL ENVIRONMENTAL PLAN NO. 2 – GEORGES RIVER CATCHMENT (DEEMED SEPP) COMPLIANCE TABLE**
- 4. DCP COMPLIANCE TABLE**
- 5. DRAFT CONDITIONS OF CONSENT**

LIVERPOOL CITY COUNCIL LOCAL PLANNING PANEL REPORT

30 April 2018

ATTACHMENT 1: PLANS OF THE PROPOSAL



zhinarchitects

--- TREE TO BE DEMOLISHED
--- STRUCTURES TO BE DEMOLISHED
NOTE ALL STRUCTURES TO BE DEMOLISHED

zhinarchitects
11-15 BATHURST STREET
LIVERPOOL, NSW 2170
TEL: 02 9510 1111
WWW.ZHINARCHITECTS.COM.AU

Development Application

Proposed Development

13-15 BATHURST STREET
LIVERPOOL, NSW 2170
LIVERPOOL CITY COUNCIL



SITE PLAN

SITE PLAN / DEMOLITION PLAN
1:100 @ A1 sheet
1:200 @ A2 sheet

1:100 @ A1 sheet
8540 DA 03



Legend

- Existing trees to be retained (Shade to be retained to report)
- Existing trees (Shade to be retained to report)
- Proposed design tree
- Proposed deciduous tree
- Tree frame
- Shrub / ground cover
- Low shrub / ornamental grass
- Ground cover
- Turfed areas
- Subsiding / ravel
- Private open space/paving
- Common open space/paving
- Concrete
- Flaking area
- Proposed beds
- Soil layer under

Arboret: Redgum Horticultural Ph: 8824 8314

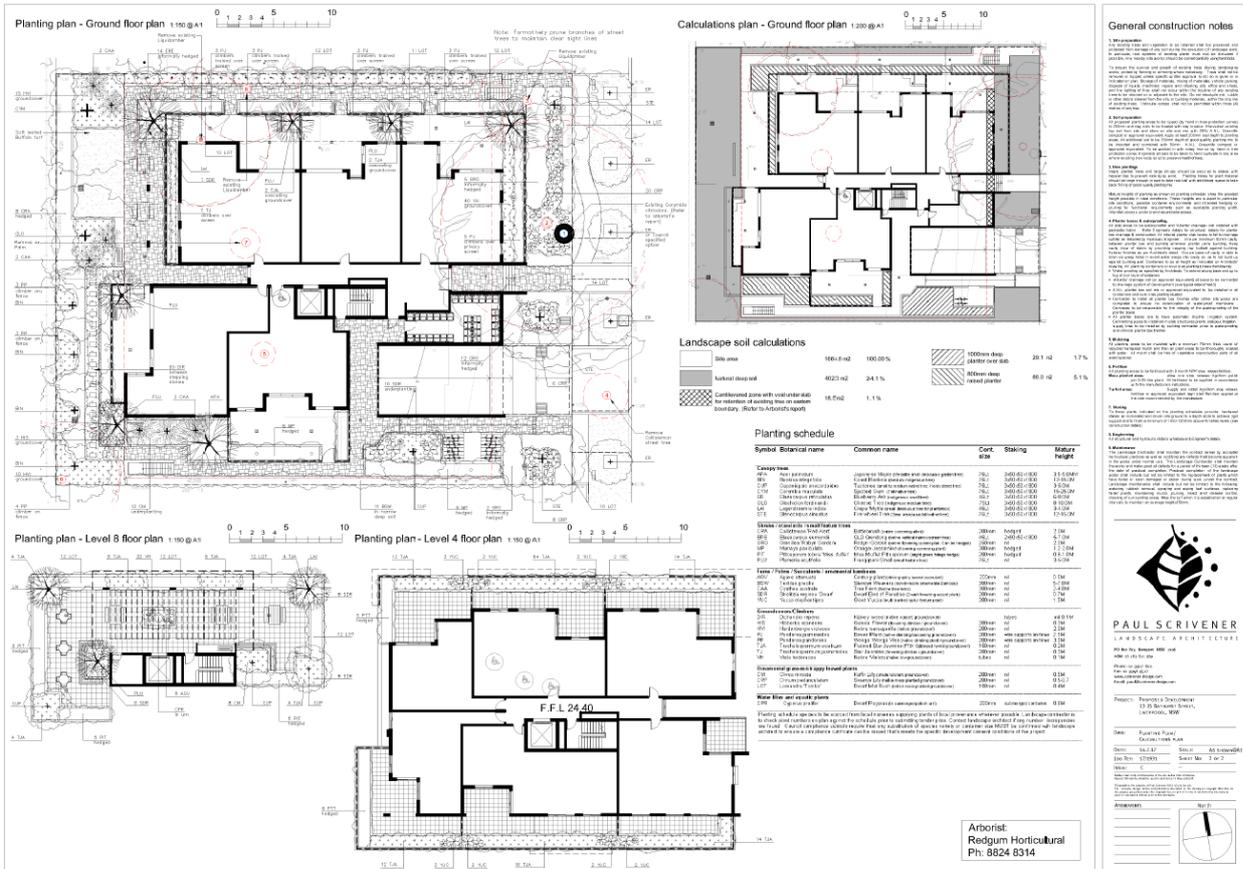
PAUL SCRIVENER
L A S C A P E A R C H I T E C T U R E
11-15 BATHURST STREET
LIVERPOOL, NSW 2170
TEL: 02 9510 1111
WWW.PAULSCRIVENER.COM.AU

Project: Paul Scrivener
13-15 Bathurst Street, Liverpool, NSW

Date: 13/04/18
Scale: 1:100 @ A1 sheet
Scale: 1:200 @ A2 sheet

LIVERPOOL CITY COUNCIL LOCAL PLANNING PANEL REPORT

30 April 2018



MATERIAL SCHEDULE

1	WALL-APPLIED TEXTURED PAINT FINISH PAINT FINISH - LEXICON HALF PR2A1
2	WALL-APPLIED TEXTURED PAINT FINISH PAINT FINISH - HAMMER GREY - 25A8
3	WALL-APPLIED TEXTURED PAINT FINISH PAINT FINISH - GLOSS, RED STOP - 25B8
4	FEATURE WALL-ALUMINIUM CLADDING COLOUR - ANTHRACITE GREY - 118
5	VERTICAL ALUMINIUM BATTEN SCREENING COLOUR - POWDERCOAT - DARK GREY
6	ROOFING - FRANK MILANS POWDERCOAT - DARK GREY
7	ROOFING - FRANK MILANS POWDERCOAT - DARK GREY
8	ROOFING - GRAVEL FINISH
9	GLASS - CLEAR GLASS
10	GLASS - MILE GLASS
11	VERTICAL - POWDERCOAT PAINT FINISH - LEXICON HALF PR2A1
12	PLASTER BOARDS, LIFT & STAIR CORE EXTERIOR WALL-APPLIED TEXTURED PAINT FINISH PAINT FINISH - GLOSS, TRANQUIL RETREAT PE1F1
13	WALL - FACE BRICK AUTUMN - LIGHTSUNDAY - BRUNTON

zhinarchitects

PAUL SCRIVENER
LANDSCAPE ARCHITECTS

Development Application

Proposed Development

13-15 BATHURST STREET
LIVERPOOL, L8 2TH
LIVERPOOL CITY COUNCIL

MATERIAL SCHEDULE

1: 100 @ A1 scale
DA 18

LIVERPOOL CITY COUNCIL LOCAL PLANNING PANEL REPORT

30 April 2018

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NORTH ELEVATION
1:100 @ A1 sheet
1:200 @ A3 sheet



1. APPROVALS/REVIEWS: 02/03/18 WJ, JH
2. PRELIMINARY: 05/03/18 WJ, JH
3. REVISIONS: 08/03/18 WJ, JH
4. APPROVED: 08/03/18 WJ, JH

PROPOSER'S DECLARATION:
I, the undersigned, do hereby declare that the information provided in this application is true and correct to the best of my knowledge and belief. I understand that the Council may require further information and that I shall be responsible for providing such information. I also understand that the Council may require me to provide further information and that I shall be responsible for providing such information.

Zhin Architects Pty Ltd
121, Lord Street, Liverpool, NSW 2157
Tel: 02 9550 8888
Fax: 02 9550 8889
www.zhinarchitects.com.au

Project Name: 15-18 Bathurst Street, Liverpool
Development Application

Proposed Development:
15-18 BATHURST STREET
LIVERPOOL, NSW 2157
LIVERPOOL CITY COUNCIL

NORTH ELEVATION
1:100 @ A1 sheet
1:200 @ A3 sheet
8540 DA 13 B

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EAST ELEVATION
1:100 @ A1 sheet
1:200 @ A3 sheet



1. APPROVALS/REVIEWS: 02/03/18 WJ, JH
2. PRELIMINARY: 05/03/18 WJ, JH
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8540 DA 12 B

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LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 April 2018

ATTACHMENT 2: SEPP 65 AND ADG COMPLIANCE TABLES:

SEPP 65 Design Quality Principles table

Principle	How does the development address the principles?
<p>Principle 1: Context and Neighbourhood Character</p> <p>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions. Responding to context involves identifying the desirable elements of an area's existing or future character.</p> <p>Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</p>	<p><i>The site is situated on the western side of Bathurst St which is located in an established residential area undergoing significant redevelopment.</i></p> <p><i>The subject site sits adjacent to other high density residential zoned land and the proposed residential flat building is therefore considered to reflect the desired future character of the area. To the north is a five-story residential flat building at No. 9-11 Bathurst Street. To the east is an eight-story residential flat building at 12-18 Bathurst Street. To the west is at 10-16 Castlereagh Street. To the south is a remnant single story brick cottage at No 17 Bathurst Street.</i></p> <p><i>The proposed elevation is a contemporary interpretation of an established urban principle in the area, taking into consideration modern aesthetic and amenity standards.</i></p> <p><i>The scheme provides for a more generous landscaped setback, lacking in adjacent developments.</i></p>
<p>Principle 2: Built Form and Scale</p> <p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings. Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p><i>The built form is considered appropriate to the site, in terms of building alignment, proportion and typology. The proposal provides a contemporary architectural form that is appropriate to the context of surrounding development and its proposed residential usage.</i></p> <p><i>The façade are maintained, providing for simple and refined composition of form, materials and finishes. The articulation of the facades expresses both the buildings internal function whilst being responsive to the sites orientation and context.</i></p> <p><i>The building has been appropriately modulated and articulated to reduce apparent bulk and express its residential character; chosen materials underline the building's function. The overall massing of the building compliments the built pattern already established in the area by neighbouring buildings.</i></p> <p><i>The scale of existing development in the area is a mix of older and recent residential flat buildings that are five or more storeys, mostly to the north, east and west of the site. To the south are some older single story dwellings.</i></p> <p><i>Given the scale of existing development in the immediate context of the site, the proposal maintains a scale appropriate to the desired future character of the area as identified by LEP and DCP.</i></p>
<p>Principle 3: Density</p>	<p><i>The development provides for new residential</i></p>

<p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context. Appropriate densities are consistent with the area's existing or projected population.</p> <p>Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p><i>accommodation in a location where there is a demand for such accommodation.</i></p> <p><i>The site complies with density by complying with the building envelope defined by the LEP height controls and DCP setbacks. Hence providing 50 units on a site area of 1669.35m².</i></p> <p><i>The design responds to the shape of its site (and its constraints) in order to minimise adverse effects on its surroundings and adjoining sites. Solar studies demonstrate minimal impact on adjoining sites.</i></p>
<p>Principle 4: Sustainability</p> <p>Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials, and deep soil zones for groundwater recharge and vegetation.</p>	<p><i>The building design reflects a considered and efficient use of natural resources through effective cross-flow ventilation within 60% of units. Effective cross-ventilation minimises the use of air conditioning, hence minimizing carbon emissions. The design is compliant with the cross-ventilation recommendation of the ADG – 60%.</i></p> <p><i>Sustainability is integral to the design; aspects including selection of appropriate and sustainable materials, passive solar design principles and use of energy efficient appliances.</i></p> <p><i>The building will incorporate other energy and water efficient devices appropriate to specification of the building and awareness of needs. Details are provided in the BASIX report.</i></p> <p><i>Waste is managed in an environmentally considerate manner during and after construction, as outlined in the Waste Management Plan.</i></p>
<p>Principle 5: Landscape</p> <p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood. Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values, and preserving green networks. Good landscape design optimises usability, privacy and opportunities for social interaction, equitable access, respect</p>	<p><i>The common and private open spaces, will be landscaped for residents' amenity, featuring significant landscaping within and around the site, including large trees at the front of the site. These features enhance the site's natural environmental performance, and providing pleasant areas of natural vegetation for residents.</i></p> <p><i>The common open space measures 819.8m² (49.11% of net site area). This area, and private courtyards on ground floor, will be landscaped for residents' amenity.</i></p> <p><i>Planting is provided to the roof terrace areas to provide for common amenity, encouraging social interaction and provides added visual interest to the building.</i></p> <p><i>Deep soil areas have been incorporated throughout the perimeter of the site, allow for plantings along the boundaries and providing for visual benefit to the street frontages.</i></p> <p><i>Planting along the street frontage softens the appearance of the building from the street and provides sun shelter to the public.</i></p> <p><i>Body corporate will manage the maintenance of common</i></p>

<p>for neighbours' amenity, provides for practical establishment and long term management.</p>	<p>areas to ensure their ongoing health and appearance.</p> <p><i>As required by SEPP65, aesthetic quality and amenity are provided through the considerate integration of landscape and built form.</i></p>
<p>Principle 6: Amenity</p> <p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing. Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, and ease of access for all age groups and degrees of mobility</p>	<p>Solar Access</p> <p><i>The development has been formed to achieve solar access to 76% of the development or 38 units. Where possible, living areas and balconies have been designed to address north, east and west to achieve solar access. Passive solar design such as eaves, balconies and external shading devices have been included to prevent excessive heat load on apartments during the summer period.</i></p> <p><i>The proposal provides future occupants with a high level of amenity in terms of natural light and natural ventilation. All apartments, have private balconies adjacent to living areas, providing for residents' amenity.</i></p> <p>Visual and acoustic privacy</p> <p><i>The proposal's setbacks from boundaries follow recommendations of the ADG and vary from 3m for walls without windows opening to 6m for bounding structures containing windows for habitable rooms. Vertical louvres are introduced to add to visual and acoustic privacy of the balconies.</i></p> <p><i>The layouts of individual units are configured in a way to assure rooms of similar function are adjacent to common walls (where practicable). Design protects residents' ability to carry out private functions within all rooms and provide open spaces without compromising views, outlook, ventilation and solar access or the functioning of internal and external spaces.</i></p> <p>Apartment layouts, private open spaces</p> <p><i>Individual layouts are fully functional, consistent with spatial recommendations of ADG.</i></p> <p><i>Dwellings feature internal storage areas as per recommendations of ADG; all apartments are provided with additional storage areas in the basement for large objects like sporting equipment, to the minimum volumes required.</i></p> <p><i>Balconies and courtyards are linked to Living and Bedroom areas, and of sufficient size to accommodate the required seating arrangements and comply with the requirements of the ADG.</i></p> <p><i>Other amenity issues include providing accessibility to the pathways and entrance of the building in accordance with AS4299, with all common areas being accessible and five (5) adaptable units provided.</i></p> <p><i>All dwellings achieve 2700mm ceiling heights to all habitable rooms.</i></p> <p>Natural ventilation</p>

	<p>60% of units (30 of 50 units) are all naturally cross-ventilated (ADG guideline – 60%). Careful planning of the proposed built form provides 60% of apartments to achieve cross-ventilation due to their aspect, design and internal layout planning.</p> <p>Communal Open Space</p> <p>Two communal open spaces are provided, one at ground level and the other a covered roof top terrace. Both are sunny and provide opportunities for social gathering and passive recreation. This allows for flexibility in usage spaces and enhances lifestyle opportunities for residents.</p>
<p>Principle 7: Safety</p> <p>Good design optimises safety and security, within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety. A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p>Proposed orientation of building, floor layouts and provision of balconies provide natural passive surveillance of public domain and common open space.</p> <p>Appropriate security arrangements are incorporated at pedestrian entry lobbies. All pedestrian areas are designed to provide clear sight lines and minimise potential for ‘hiding places’.</p> <p>The main entry, lift lobby and hallways will be well lit for better visibility at night.</p> <p>Fences and gates are of a height and rigidity to provide visual privacy and physical security to common open spaces and private areas.</p> <p>Pedestrian entry is well separated from vehicular entry to the rear, providing safe pedestrian access to the building.</p> <p>Storage cages will be of chain wire partitioning to allow visual sight lines.</p>
<p>Principle 8: Housing Diversity and Social Interaction</p> <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, providing opportunities for social interaction amongst residents.</p>	<p>The proposed development of 50 units will complement and extend the range and diversity of residential accommodation available in the area.</p> <p>Apartment mix:</p> <p>1 bedroom units 5.....10%</p> <p>2 bedroom units 40....80%</p> <p>3 bedroom units 5.....10%</p> <p>5 adaptable units are proposed.</p>
<p>Principle 9: Aesthetics</p> <p>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</p>	<p>An appropriate composition of building elements, material textures and colours has been utilised to reflect the building’s residential/mixed use character.</p> <p>The façade fits into the continuous frontage intended for the area by the Council. The articulation of the building facades and the building’s massing composition seek to find balance with its surroundings.</p>

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 April 2018

<p>The visual appearance of well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</p>	<p><i>In compliance with the DCP, the materials are integrated, visually harmonious and attractive, respecting the residential character of the area, and considerate of the long-term impact of their production and use in construction.</i></p>
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Apartment Design Guide Compliance Table

Provisions	Comment
PART 1 IDENTIFYING THE CONTEXT	
1A Apartment Building Types	
<p>A range of apartment building designs are presented and a variety of concepts are provided with desired building types for specific development outcomes depending on orientation, location and local context.</p>	<p>Complies The proposed development is identified as a Tower Apartment Building. The building type is consistent with the context of the urban locality, providing a strong vertical and horizontal form while considering the overshadowing and visual impacts on surrounding properties through appropriate setbacks.</p>
1B Local Character and Context	
<p>Context is to be provided in relationship with the existing and desired future character and whether the proposal relates to a strategic or local centre, or is designed within the context of an urban or suburban neighbourhood.</p>	<p>Complies The proposed building meets the zone requirements and objectives and controls for the subject site, and responds to the urban neighbourhood desired outcome, within close vicinity of a strategic centre including transport and educational facilities.</p>
1C Precincts and individual sites	
<p>Individual sites especially if amalgamated should be considered in terms of desired future character of the neighbourhood and street scales, and should not restrict adjoining sites by way of causing isolation. If the site is subject to a precinct plan it must consider all relevant elements of the strategic outcome expectations.</p>	<p>Complies The site is subject to the Liverpool City Centre provisions, and the locality is in transition from smaller to larger scale high density development. The adjoining sites can be developed to their full potential with a similar amalgamation as proposed.</p>
PART 2 DEVELOPING THE CONTROLS	
2A Primary Controls	
<p>Sets out the objectives of the provisions and in the developing of the controls in assessing apartment buildings.</p>	<p>Complies The proposed development is considered to be consistent with the primary controls.</p>
2B Building Envelopes	
<p>Sets out the appropriate scale of future development in terms of bulk and height relative to streetscape, public and private open space, and block and lot size.</p> <p>They help to define the three dimensional form of buildings and inform decisions about density, open space and future mass and scale of new development.</p>	<p>Complies The proposed development is considered to be consistent with the primary controls.</p> <p>The proposed building envelope provides for a desired future outcome. The density is compliant and design of the building incorporates elements reducing overall impact in terms of bulk and height relative to the streetscape.</p>
2C Building Height	
<p>Helps shape the desired future character and</p>	<p>Complies</p>

LIVERPOOL CITY COUNCIL

LOCAL PLANNING PANEL REPORT

30 April 2018

defines the relationship between buildings and public and private spaces in terms of physical and visual amenity. It informs the maximum number of storeys especially for residential development.	The proposed development is well within the allowable height limit of 35m as per permitted by LLEP2008.
2D Floor Space Ratio	
Helps ensure that optimum capacity and desired density for the site and local area is achieved. It also provides opportunities for building articulation within a building envelope.	Complies The proposed development complies with the allowable FSR for the site. Appropriate building articulation is provided within the building envelope.
2E Building Depth	
Sets out the appropriate building depth and how it relates to the maximum apartment depths, helping to ensure that natural ventilation and access to sunlight.	Complies The proposal responds to the general principals of building depth design in ensuring the minimum requirements for solar access and natural ventilation for the development are met.
2F Building Separation	
Sets out minimum setbacks between buildings relative to height, communal open space, visual privacy and acoustic privacy controls.	Complies by condition The proposed development provides the recommended building separation requirements.
2G Street setbacks	
Sets out the objectives of the front setback in ensuring a coherent threshold between the public and private realms and to promote appropriate entries points and establishing landscaped areas and a passive surveillance and outlook to the street.	The proposed development is consistent with the primary controls in respect to street setbacks. The objectives of the front setback are met in promoting an appropriate transition from the public to private realms.
2H Side and rear setbacks	
Sets out setbacks to boundaries relative to the height of buildings in helping to achieve amenity for development and buildings on adjacent sites, and also providing for open space areas and separation between buildings.	The proposed development is consistent with the primary controls in respect to side and rear setbacks.
PART 3 SITING THE DEVELOPMENT	
3A Site Analysis	
Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context	Complies The proposed development is considered appropriate for its context. The building is consistent in scale to surrounding developments and appropriate building setbacks have been provided.
3B Orientation	
3B-1. Building types and layouts respond to the streetscape and site while optimising solar access within the development	Complies The building layout has been designed to address Bathurst Street. A rectilinear shaped building is proposed for the site, representing a reasonable design response for the site and the orientation of the site. Overshadowing of the northern façade of the existing building to the south is inevitable in mid-winter,
3B-2. Overshadowing of neighbouring properties is minimised during mid-winter	

LIVERPOOL CITY COUNCIL

LOCAL PLANNING PANEL REPORT

30 April 2018

	having regard to the allowable building height of 35m for the locality. However, an appropriate building separation has been provided and the height and scale of the building is appropriate for the site.		
3C Public Domain Interface			
3C-1 Transition between private and public domain is achieved without compromising safety and security	Complies A transition between the private and public domain is achieved in that living areas and balconies are orientated towards the public domain to ensure a safe and secure transition between the private and public domain. The existing large Lemon Scented Gum tree within the front setback area is being retained.		
3C-2 Amenity of the public domain is retained and enhanced			
3D Communal and public open space			
3D-1. An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping 1. Communal open space has a minimum area equal to 25% of the site 2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)	Complies The proposal incorporates a substantial area of communal open space, equivalent to 49% of the site area. This is distributed on the ground and rooftop and is co-located with landscaping and comprises a mix of passive and active spaces. Communal open space is provided on the ground floor and rooftop. These areas will receive more than 2 hours direct sunlight in mid-winter. The multiple landscape elements provide various spaces for residents to relax or be active. Communal garden beds, fixed seating, a BBQ area and lounges are provided within the development. The proposed areas of the ground floor communal open space are accessible and visible from habitable rooms and private open space areas.		
3D-2. Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting			
3D-3. Communal open space is designed to maximise safety			
3D-4. Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood			
3E Deep soil zones			
Site Area >1500m ² Min. Dimensions 6m Deep soil zone (% of site area) - 7%	Complies The development is required to provide a minimum of 116.8m ² of deep soil area. The proposal provides 22.5% (376.3sqm) deep soil landscaping adjacent to the front and rear boundaries. The deep soil areas are a minimum of 6m in dimensions.		
3F Visual Privacy			
Requirement:	Provided:		
Building Height	Habitable Rooms and Balconies	Non Habitable Rooms	
Up to 12m (4 Storeys)	6m	3m	
Up to 25m	9m	4.5m	
	Building Height	Habitable Rooms and Balconies	Non Habitable Rooms
	Ground Floor	6m	6m
	Level 1 - 3	6m	6m
	Level 4	6-9m	9m
	Level 5 - 7	9m	9m
	The proposal provides the required separation to the		

(5-8 Storeys)	boundaries in accordance with this section to address visual privacy. Exceptions relate to the balconies along the southern and northern elevations on Level 4, which would otherwise be roofed areas. These balconies are provided with 1.5m high balustrade and 1.2m high planter box, which is considered an acceptable by Council's Design Excellence Panel is an appropriate privacy measure to ameliorate any potential visual privacy issue.
3G Pedestrian access and entries	
3G-1. Building entries and pedestrian access connects to and addresses the public domain	Complies Building access areas, entries and pathways are clearly visible from the public domain. The entrance to the residential foyers is easily identifiable and distinguishable. Entries and pathways from the front of the building and to the communal open areas are accessible. A through site connection is identified and connects from the rear courtyard to the street via the foyer.
3G-2. Access, entries and pathways are accessible and easy to identify	
3G-3. 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 The proposal provides vehicle access via Bathurst Street which is considered acceptable.
3J Bicycle and Car Parking	
3J-1. Minimum car parking requirement for residents and visitors to comply with Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.	Complies Car parking has been provided as per the requirements of the LDCP. Dedicated undercover bike storage and motorcycle spaces are provided in the basement. Bicycle spaces are also provided on the ground near behind the front setback area. Access to the car parking within the basement levels will require swipe card access and motion sensor lights will be installed. The vehicle access point has been integrated into the building design and the underground car park is not readily visible from the public domain. No on-grade car parking is proposed.
3J-2. Parking and facilities are provided for other modes of transport	
3J-3. Car park design and access is safe and secure	
3J-4. Visual and environmental impacts of underground car parking are minimised	
3J-5. Visual and environmental impacts of on-grade car parking are minimised	
3J-6. Visual and environmental impacts of above ground enclosed car parking are minimised	
PART 4 DESIGNING THE BUILDING	
4A Solar and Daylight Access	
1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter.	Complies A total of 70% (35 of 50) apartments achieve a minimum of two hour solar access between 9am and 3pm in mid-winter. A maximum of 28% (15 of 37) apartments receive no solar access on June 21 between 9am and 3pm.
2. A maximum of 15% of apartments in a building receive no direct sunlight between 9	

am and 3 pm at mid-winter.	The strict non-compliance is a direct product of the orientation of the site and is not considered to be unreasonable by the DEP.						
4A-2 Daylight access is maximised where sunlight is limited	<p>Complies The site provides appropriate solar access to apartments given the orientation of the site.</p> <p>It is to be conditioned that west facing habitable windows of the development be provided with suitable shading devices.</p> <p>The BASIX Certificate for the proposed development identifies that it achieves the required thermal comfort levels. Proposed materials and finishes incorporate shading and glare control measures including external louvres and awnings.</p>						
Objective 4A-3 Design incorporates shading and glare control, particularly for warmer months							
4B Natural Ventilation							
<p>4B-1 All habitable rooms are naturally ventilated to create healthy indoor living environments.</p> <p>1. At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.</p> <p>2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</p>	<p>Complies</p> <p>The site analysis contained within the architectural plans illustrates that prevailing winds originate from the north east.</p> <p>All habitable rooms have access to natural ventilation.</p> <p>Natural ventilation is maximised through a design that encourages corner units.</p> <p>60% apartments will receive natural cross ventilation.</p> <p>No apartment will exceed 18m in depth.</p>						
4B-2 The layout and design of single aspect apartments maximises natural ventilation							
4B-3 The number of apartments with natural cross ventilation is maximised							
4C Ceiling Heights							
<p>4C-1 Ceiling height achieves sufficient natural ventilation and daylight access. Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <p>Minimum ceiling height for apartment and mixed use buildings</p> <table border="0"> <tr> <td>Habitable Rooms</td> <td>2.7m</td> </tr> <tr> <td>Non-Habitable</td> <td>2.4m</td> </tr> <tr> <td>If located in mixed use areas</td> <td>3.3m for ground and first floor</td> </tr> </table>	Habitable Rooms	2.7m	Non-Habitable	2.4m	If located in mixed use areas	3.3m for ground and first floor	<p>Complies All floors achieve a minimum floor-to-ceiling height of 2.7m.</p>
Habitable Rooms	2.7m						
Non-Habitable	2.4m						
If located in mixed use areas	3.3m for ground and first floor						
4C-2 Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms.							
4C-3 Ceiling heights contribute to the flexibility of building use over the life of the	The floor to ceiling heights at ground floor and above is consistent with the residential use. Given the						

building	number of residential apartments on each level, following strata subdivision it is unlikely that these would be converted to commercial uses in the future.
4D Apartment Size and Layout	
<p>4D-1 The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity</p> <p>1. Apartments are required to have the following minimum internal areas:</p> <ul style="list-style-type: none"> • Studio 35m² • 1 bedroom 50m² • 2 bedroom 70m² • 3 bedroom 90m² <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.</p> <p>2. Every habitable room must have a window in an external wall with a total 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>All units meet the required minimum areas.</p> <p>All habitable rooms have a window to an external wall with a total minimum glass area greater than 10% of the floor area of the room.</p>
<p>4D-2 Environmental performance of the apartment is maximised.</p> <p>1. Habitable room depths are limited to a maximum of 2.5 x the ceiling height. Based on ceiling heights of 2.7m, habitable room depths are required to be limited to 6.75m.</p> <p>2. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.</p>	<p>Complies</p> <p>The scheme complies with this requirement, noting that the proposal incorporates open plan layouts.</p> <p>No open plan layout has a habitable room depth more than 8m from a window.</p>
<p>4D-3 Apartment layouts are designed to accommodate a variety of household activities and needs</p> <p>1. Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space)</p> <p>2. Bedrooms have a minimum dimension of 3m (excluding wardrobe space)</p> <p>3. Living rooms or combined living/dining rooms have a minimum width of:</p> <ul style="list-style-type: none"> • 3.6m for studio and 1 bedroom apartments • 4m for 2 and 3 bedroom apartments <p>4. The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts</p>	<p>Complies</p> <p>All master bedrooms and other bedrooms achieve the required areas and the minimum dimension.</p> <p>All apartments achieve the minimum dimension requirements to living/dining rooms.</p> <p>Cross through apartments are more than 4m in width</p>
4E Private Open Space and Balconies	

<p>4E-1 Apartments provide appropriately sized private open space and balconies to enhance residential amenity</p> <p>1. All apartments are required to have primary balconies as follows:</p> <table border="1"> <thead> <tr> <th>Dwelling type</th> <th>Minimum Area</th> <th>Min. Depth</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>4m²</td> <td></td> </tr> <tr> <td>1 bedroom</td> <td>8m²</td> <td>2m</td> </tr> <tr> <td>2 bedroom</td> <td>10m²</td> <td>2m</td> </tr> <tr> <td>3+ bedroom</td> <td>12m²</td> <td>2.4m</td> </tr> </tbody> </table> <p>2. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m.</p>	Dwelling type	Minimum Area	Min. Depth	Studio	4m ²		1 bedroom	8m ²	2m	2 bedroom	10m ²	2m	3+ bedroom	12m ²	2.4m	<p>Complies by condition</p> <p>All apartments comply with and otherwise exceed the minimum numeric requirements and the depth of the balconies and POS.</p> <p>Private open space is directly accessible from the living area of each dwelling and can be used in conjunction with these.</p> <p>The balconies are integrated into the overall design of the development and form part of the detail of the building.</p> <p>All balconies include balustrades of a sufficient height to ensure safety is maintained.</p>
Dwelling type	Minimum Area	Min. Depth														
Studio	4m ²															
1 bedroom	8m ²	2m														
2 bedroom	10m ²	2m														
3+ bedroom	12m ²	2.4m														
<p>4E-2 Primary private open space and balconies are appropriately located to enhance liveability for residents</p>																
<p>4E-3 Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building</p>																
<p>4E-4 Private open space and balcony design maximises safety</p>																
<p>4F Common circulation and spaces</p>																
<p>4F-1 Common circulation spaces achieve good amenity and properly service the number of apartments.</p> <p>1. The maximum number of apartments off a circulation core on a single level is eight.</p> <p>2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40</p>	<p>Complies</p> <p>One circulation area is proposed, with a maximum of 8 units serviced on Levels 1 – 3.</p> <p>The building is not 10 storeys or higher.</p>															
<p>4F-2 Common circulation spaces promote safety and provide for social interaction between residents</p>	<p>The proposal incorporates a common foyer common which provides opportunities for residents to interact.</p>															
<p>4G Storage</p>																
<p>4G-1 Adequate, well designed storage is provided in each apartment.</p> <p>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p> <table border="1"> <thead> <tr> <th>Dwelling Type</th> <th>Storage volume</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>4m³</td> </tr> <tr> <td>1 bedroom</td> <td>6m³</td> </tr> <tr> <td>2 bedroom</td> <td>8m³</td> </tr> <tr> <td>3+ bedroom</td> <td>10m³</td> </tr> </tbody> </table> <p>At least 50% of the required storage is to be</p>	Dwelling Type	Storage volume	Studio	4m ³	1 bedroom	6m ³	2 bedroom	8m ³	3+ bedroom	10m ³	<p>Complies</p> <p>The proposal provides for storage within each apartment and on the basement levels. These areas comply with the minimum volume specified in the ADG.</p>					
Dwelling Type	Storage volume															
Studio	4m ³															
1 bedroom	6m ³															
2 bedroom	8m ³															
3+ bedroom	10m ³															

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 April 2018

located within the apartment	
4G-2 Additional storage is conveniently located, accessible and nominated for individual apartments	Complies Storage is provided within each apartment, and there are 50 spaces allocated for storage within the basement.
4H Acoustic Privacy	
4H-1 Noise transfer is minimised through the siting of buildings and building layout	Complies Noise transfer has been minimised by setting the living areas and bedrooms back from the balconies.
4H-2 Noise impacts are mitigated within apartments through layout and acoustic treatments	The apartments have been configured so that quiet spaces (e.g. bedrooms) are co-located.
4J Noise Pollution	
4J-1 In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings	Complies Where appropriate, windows and door openings have been oriented away from noise sources.
4J-2 Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission	
4K Apartment Mix	
4K-1 A range of apartment types and sizes is provided to cater for different household types now and into the future.	Complies The development the following unit mix: <ul style="list-style-type: none"> • One bedroom: 10% (5). • Two bedroom: 90% (40). • Three Bedroom: 10 (5). <p>The 3 bedroom units are located on the Ground Floor and Levels 1-3, and the 1 bedroom units are located Levels 1 to 3 & 4.</p>
4K-2 The apartment mix is distributed to suitable locations within the building	
4L Ground Floor Apartments	
4L-1 Street frontage activity is maximised where ground floor apartments are located	Complies The ground floor apartments face Bathurst Street and provide opportunities for passive surveillance while achieving privacy to the residents by way of landscaping.
4L-2 Design of ground floor apartments delivers amenity and safety for residents	
4M Facades	
4M-1 Building facades provide visual interest along the street while respecting the character of the local area	Complies Building façades are articulated and modulated through the use of balconies, varying windows, and recessed elements. Ground floor building entries and uses are clearly defined and articulated by the façade.
4M-2 Building functions are expressed by the facade	
4N Roof Design	
4N-1 Roof treatments are integrated into the building design and positively respond to the street	Complies As demonstrated in the elevation drawings and photomontage a flat roof treatment is proposed, which assists in mitigating building bulk and overshadowing Rooftop communal open space is proposed.
4N-2 Opportunities to use roof space for residential accommodation and open space are maximised.	

LIVERPOOL CITY COUNCIL

LOCAL PLANNING PANEL REPORT

30 April 2018

4N-3 Roof design incorporates sustainability features	The proposal complies with requirements of BASIX and will include the required thermal insulation techniques.
4O Landscape Design	
4O-1 Landscape design is viable and sustainable	Complies The landscape plan incorporates sustainable environmental design and landscaping to the site. The landscape design maximises the use of drought tolerant species.
4P Planting on Structures	
4P-1 Appropriate soil profiles are provided	Complies As demonstrated in the Landscape Plan the species selected are appropriate for the soil depths and volumes.
4P-2 Plant growth is optimised with appropriate selection and maintenance	
4P-3 Planting on structures contributes to the quality and amenity of communal and public open spaces	
4R Adaptive Reuse	
4R-1 New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place	Not Applicable The development does not proposed new additions or adaptations to an existing building.
4R-2 Adapted buildings provide residential amenity while not precluding future adaptive reuse	
4S Mixed Use	
4S-1 Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement	Not Applicable
4S-2 Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents	
4Q Universal Design	
4Q-1 Universal design features are included in apartment design to promote flexible housing for all community members	Complies A total of 5 apartments, which equates to 10%, are capable of adaptation.
4Q-2 A variety of apartments with adaptable designs are provided	
4Q-3 Apartment layouts are flexible and accommodate a range of lifestyle needs	
4U Energy Efficiency	
4U-1 Development incorporates passive environmental design	Complies The BASIX Certificate provided with the application identifies that the proposed development achieves the required levels of thermal comfort for a development of this scale. The proposed development satisfies the natural ventilation design criteria requirements
4U-2 Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer	
4U-3 Adequate natural ventilation minimises the need for mechanical ventilation	
4V Water Management and Conservation	
4V-1 Potable water use is minimised	Complies

LIVERPOOL CITY COUNCIL

LOCAL PLANNING PANEL REPORT

30 April 2018

<p>4V-2 Urban stormwater is treated on site before being discharged to receiving waters</p>	<p>Potable water use will be minimised where possible. The BASIX Certificate identifies that the proposed development achieves compliance with water efficiency requirements. Stormwater will be treated on site, prior to being discharged into Council's stormwater system. The site is flood affected and the proposed hydraulic designs are appropriate as assessed by Council's engineers.</p>
<p>4V-3 Flood management systems are integrated into site design</p>	
<p>4W Waste Management</p>	
<p>4W-1 Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.</p>	<p>Complies The residential waste facilities are incorporated into the design of development and are not readily visible from the public domain. A separate residential waste room is provided on the ground level.</p>
<p>4W-2 Domestic waste is minimised by providing safe and convenient source separation and recycling</p>	
<p>4X Building Maintenance</p>	
<p>4X-1 Building design detail provides protection from weathering</p>	<p>Complies The proposal incorporates overhangs to protect walls and openings. Centralised maintenance, services and storage will be provided for communal open space areas within the building. The proposed external walls are constructed of robust and durable materials.</p>

LIVERPOOL CITY COUNCIL

LOCAL PLANNING PANEL REPORT

30 April 2018

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

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

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 April 2018

ATTACHMENT 4 – LIVERPOOL DCP 2008 COMPLIANCE TABLE

LDCP 2008 - Part 1 General Controls for All Development

Development Control	PROPOSAL	COMMENT
PART 1 – General Controls For All Development		
2. Tree Preservation	One significant tree within the front setback area of the site to be retained as per Arborist Report and as reviewed and agreed by Council's Landscape Officer.	Complies by condition
3. Landscaping	The Landscape Plans show the location and design of these areas by a qualified landscape architect. A condition of consent will require that these areas are appropriately constructed and maintained.	Complies by condition
4. Bushland And Fauna Habitat Preservation	The site does not include any significant native vegetation.	N/A
5. Bush Fire Risk	The site is not identified as bush fire prone	N/A
6. Water Cycle Management	Plans showing roof runoff directed to discharge to Georges River catchment via Council stormwater system.	Complies by condition
7. Development Near A Watercourse	The subject site is not within 40m of a watercourse	N/A
8. Erosion And Sediment Control	Soil and erosion measures reviewed by Council Engineers and conditions of consent imposed	Complies by condition
9. Flooding Risk	The site is not identified as flood prone	N/A
10. Contamination Land Risk	The site is unlikely to be contaminated and no remediation is required for the proposed works	Complies on merit
11. Salinity Risk	Site is identified as containing moderate salinity potential. A Salinity Management Response report will be required to be submitted in conjunction with Geotechnical Report prior to the issue of a Construction Certificate	Complies by condition
12. Acid Sulfate Soils	Site is not identified as affected by Acid Sulfate Soils	N/A
13. Weeds	Site is not affected by Weeds	N/A
14. Demolition Of Existing Development	Demolition of existing structures is to comply with the relevant standards	Complies by condition
15. On-Site Sewerage Disposal	Not proposed.	N/A
16. Aboriginal Archaeological Sites	The proposal does not impact on any aboriginal heritage	N/A
17. Heritage And Archaeological Sites	Not identified as a heritage listed site and not in the vicinity of a heritage item, except the Liverpool City Road pattern, which this proposal does not affect.	N/A
18. Notification Of Applications	Was not required to be notified as per DCP requirements, and no submissions were received	N/A
20. Car-parking And Access	Refer to Assessment Under Part 4 of the DCP.	N/A
21. Subdivision Of Land And Buildings	None Proposed. The development site is required to be consolidated as proposed.	N/A
22. Water Conservation	To comply with BCA requirements and BASIX	Complies by condition
23. Energy Conservation	To comply with BCA requirements and BASIX	Complies by condition
24. Landfill	None Proposed	N/A
25. Waste Disposal And Re-Use	Management during construction and on-going waste. During Construction: A waste management plan has been submitted.	Complies by condition

LIVERPOOL CITY COUNCIL

LOCAL PLANNING PANEL REPORT

30 April 2018

	<p>Conditions of consent will be imposed to ensure that compliance with the WMP is achieved during construction.</p> <p>On-going Waste Management is dealt with in Part 4 of the DCP.</p>	
26. Outdoor Advertising	No signage proposed	N/A
27. Social Impact Assessment	A Social Impact Assessment was not required to be reviewed by Council's Community Planner.	N/A

LDCP 2008 - Part 4 Liverpool City Centre

Part 4 – Liverpool City Centre		
Development Control	Provision	Comment
Section 2 Controls for Building Form		
Building Form	Figure 3 requires a 4 - 4.5m landscaped building setback to Bathurst Street. Balconies may project up to 1.2m in high density residential zones.	Complies The building is setback 6m from the street and balconies encroach into this setback zone by up to 1.2m.
	The external facades of buildings are to be aligned with the streets that they front.	Complies The external facades align with the street.
	Minor projections into front building lines and setbacks for sun shading devices, entry awnings and cornices are permissible.	Complies Proposal is behind the building line.
Street Frontage Height	A street frontage height (SFH) of 15m-25m is required for Bathurst Street in this part of the city centre.	Complies A SFH of 25m 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)	N/A No levels above the maximum SFH.
Side 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. 	Complies
	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 	Complies The proposal complies with the required side setback requirement.
	Residential uses between 25-45m (i.e. Level 8) require: <ul style="list-style-type: none"> - 6m to non-habitable rooms. 	N/A

LIVERPOOL CITY COUNCIL

LOCAL PLANNING PANEL REPORT

30 April 2018

Development Control	Provision	Comment
	- 12m to habitable rooms	
Site Cover and Deep Soil Zones	Maximum site cover of 50%	Complies 602.4sqm of 1668sqm is 36%.
	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 376m ² of deep soil zone, which is 22.5% 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, and the development provides for the retention of one significant gum tree within the front setback area.
Landscape Design	Landscaped areas are to be irrigated with recycled water.	Complies by condition.
	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 One existing gum tree within the front setback area of the property has been identified retainable as per the submitted Arborist Report.
	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 Comprehensive landscape plan has been submitted.
	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 provided showing the appropriate details which can be conditioned by consent to be implemented and maintained ongoing.
	Design for optimum conditions for plant growth by: <ul style="list-style-type: none"> - providing soil depth, soil volume and soil area appropriate to the size of the plants to be established, - providing appropriate soil conditions and irrigation methods, and - providing appropriate drainage. - Design planters to support the appropriate soil depth and plant 	

LIVERPOOL CITY COUNCIL

LOCAL PLANNING PANEL REPORT

30 April 2018

Development Control	Provision	Comment
	<p>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> <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 depth 1m, minimum soil volume 35m³ - Small trees (up to 2m high), minimum soil depth 0.8m, minimum soil volume 9m³ - Shrubs and ground cover, minimum soil depth 0.5m, no minimum soil volume. 	
Amenity		
Front Fences	Controls relating to front fences require that fences not be higher than 1.3m above the public domain / footpath level, and that they not be sheet metal in material.	Complies No front fence is 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	Complies The proposed development is considered to be satisfactory in relation to the safer by design principles.

LIVERPOOL CITY COUNCIL

LOCAL PLANNING PANEL REPORT

30 April 2018

Development Control	Provision	Comment
	environmental design (CPTED) 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 Copeland Street.
	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).	Not Applicable 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.	Not Applicable Not feasible to share or amalgamate vehicle access points.
	Vehicle access ramps parallel to the street frontage will not be permitted.	Not Applicable 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, including over the public area at the front (road reserve).
	Articulate façades so that they address the	Complies

LIVERPOOL CITY COUNCIL

LOCAL PLANNING PANEL REPORT

30 April 2018

Development Control	Provision	Comment
	street and add visual interest. Buildings are to be articulated to differentiate between the base (street frontage height), middle and top in design.	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. Extensive brickworks are proposed to the finishes.
	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 centrally located within the site.
	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 all Ground floor units.
	The development must provide accessible internal access, linking to public streets and building entry points.	Complies Sufficient accessible internal access is provided to the street and building entry points, and this is supported by the submitted Accessibility Report.

LIVERPOOL CITY COUNCIL

LOCAL PLANNING PANEL REPORT

30 April 2018

Development Control	Provision	Comment
	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.	Complies Durable materials will be used which include but limited to concrete footpath, paving and tiles.
Vehicular Driveways and Manoeuvring Areas	Driveways should be: <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. 	Complies A driveway is located on the southern side of the development with access from Bathurst Street. The location of the driveway will not be in conflict with any services located within the road reserve, and is located more than 10m from any intersection. The location of the driveway is unlikely to create a noise and amenity impact on adjacent residential development. Furthermore, it is recommended that advisory notes are imposed advising the application to conduct a 'dial before you dig'.
	Vehicle access is to be integrated into the building design so as to be visually recessive.	Complies The vehicle access is visually recessive as it leads down to basement car parking.
	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.	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.
	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.

LIVERPOOL CITY COUNCIL

LOCAL PLANNING PANEL REPORT

30 April 2018

Development Control	Provision	Comment
	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 have been designed to minimise noise impacts from vehicle access and basement car parking.
On Site Parking	Car Parking Requirements <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 	Complies Required Spaces = 1 & 2 Bedroom Units is $45 \times 1 = 45$ 3 Bedroom Units is $5 \times 1.5 = 7.5$ Visitors is $50/10 = 5$ 1 For service vehicle = 1 Total Required is 59. Total number spaces proposed is 61. <ul style="list-style-type: none"> - 5 Visitor Spaces - 54 Unit spaces - 1 carwash - 1 service bay
Motorcycle Parking Spaces <ul style="list-style-type: none"> - 1 motorcycle space per 20 car spaces 	<ul style="list-style-type: none"> - 3 Motorcycle Spaces required and 3 provided 	
Accessible Car Parking Spaces <ul style="list-style-type: none"> - 2% of the total demand generated by a development. 	<ul style="list-style-type: none"> - 5 Accessible spaces provided which is 9.09% 	
Bicycle Parking <ul style="list-style-type: none"> - 1 bicycle space per 200m² of LFA. 	<ul style="list-style-type: none"> - 20 required and 22 provided. 	
	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.	Noted
	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.	Not Applicable Car parking above ground level is not proposed.
	Onsite parking must meet the relevant Australian Standards	Complies by condition
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

LIVERPOOL CITY COUNCIL

LOCAL PLANNING PANEL REPORT

30 April 2018

Development Control	Provision	Comment
		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 include painted rendered finish, colourbond cladding, face brick, glazing, aluminium framed windows and concrete roofing. It is unlikely that these materials will 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 by condition 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 motorists may be required	Not Applicable A reflectivity report is not required given the materials used will not result in an unacceptable level of solar glare.
Wind Mitigation	To ensure public safety and comfort, the following maximum wind criteria are to be met by new buildings: <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. 	Complies It is unlikely the proposed development will impact upon the public safety in terms of wind velocity.
	Site design for tall buildings (towers) should: <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 	Complies Building separation is achieved and balconies and terraces are design to ensure useability to reduce the impact of wind.

LIVERPOOL CITY COUNCIL

LOCAL PLANNING PANEL REPORT

30 April 2018

Development Control	Provision	Comment
	at ground level, and - ensure useability of open terraces and balconies.	
Noise	An acoustic report is required for all noise affected locations, as identified in figure 25. 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. An 8m setback is to be provided to any habitable building located adjacent to the Hume Highway	The site is not identified as a noise affected location.
Waste	Provisions must be provided for the following waste generation: - General waste: 120L/week/dwelling. - Recycling: 120L/week/dwelling - Green waste: a communal waste bin of sufficient capacity to accept waste from landscape areas. 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: - 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 space, windows or clothes	<p>Complies by condition (1)</p> <p>On-going Waste Management (to comply with Council's <i>Waste Management Services for Residential Flat Buildings and Multi Dwelling Housing Fact Sheet</i>):</p> <p>The development includes a waste room on the ground level for waste collection and storage.</p> <p>Bins will be wheeled to the front for collection and will be collected from Bathurst Street.</p> <p>Complies</p> <p>The following comments are made:</p> <ul style="list-style-type: none"> - The waste storage area will not be visible from the street as it is in an enclosed room. - It is also easily accessible for dwelling occupants through lift access. - The storage area will be managed by the body corporate - Water facilities can be conditioned. - The waste storage area does not immediately adjoin private open space, windows or clothes drying areas.

LIVERPOOL CITY COUNCIL

LOCAL PLANNING PANEL REPORT

30 April 2018

Development Control	Provision	Comment
	drying areas	
	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.	Complies by condition The waste bins will be wheeled to the designated collection point for collection by a private or Council's contractor.
Controls for Residential Development		
Housing Choice Mix	To achieve a mix of living styles, sizes and layouts within each residential development, comply with the following mix and size: <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 be less than 10% of the total mix of units within each development, and 	Complies: The proposal provides for 10% one bedroom units, 80% two bedroom units and 10% three bedroom units
	For smaller developments (less than six dwellings) achieve a mix appropriate to the locality.	N/A
	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.	N/A The development will not be built by the Department of Housing.
	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 accordance with the Australian Adaptable Housing Standard (AS 4299-1995), which includes “pre-adaptation” design details to ensure useability is achieved.	Complies 5 adaptable units are proposed which equates to 10% of all dwellings.
	Where possible, adaptable dwellings shall be located on the ground floor, for ease of access. Dwellings located above the ground level of a building may only be provided as adaptable dwellings where lift access is available within the building. The lift access must provide access from the basement to allow access for people with disabilities.	Complies Adaptable units are provided throughout various levels of the buildings. This is considered acceptable given that lift access is provided from the basement to the adaptable units on each level.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 April 2018

Development Control	Provision	Comment
	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).	Complies The submitted Access Report confirms that the adaptable dwellings are capable of being modified to comply with AS 4299-1995.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 April 2018

ATTACHMENT 5: DRAFT CONDITIONS OF APPROVAL

A. THE DEVELOPMENT

Approved Plans

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

Plan Name	Job No / Plan Number	Date	Revision	Prepared By
Architectural Plans				
Cover Page	8540	Undated		Zhinar Architects Pty Ltd
Development Summary	8540 DA01	28/06/2017	A	Zhinar Architects Pty Ltd
Site Analysis	8540 DA02	28/06/2017	A	Zhinar Architects Pty Ltd
Site Plan	8540 DA03	05/12/2017	B	Zhinar Architects Pty Ltd
Basement 2 Plan	8540 DA04	05/12/2017	B	Zhinar Architects Pty Ltd
Basement 1 Plan	8540 DA05	05/12/2017	B	Zhinar Architects Pty Ltd
Ground Floor	8540 DA06	05/12/2017	B	Zhinar Architects Pty Ltd
Level 1-3	8540 DA07	05/12/2017	B	Zhinar Architects Pty Ltd
Level 4	8540 DA08	05/12/2017	B	Zhinar Architects Pty Ltd
Level 5-7	8540 DA09	05/12/2017	B	Zhinar Architects Pty Ltd
Level 8	8540 DA10	05/12/2017	B	Zhinar Architects Pty Ltd
Roof Plan	8540 DA11	05/12/2017	B	Zhinar Architects Pty Ltd
East Elevation	8540 DA12	05/12/2017	B	Zhinar Architects Pty Ltd
North Elevation	8540 DA13	05/12/2017	B	Zhinar Architects Pty Ltd
West Elevation	8540 DA14	05/12/2017	B	Zhinar Architects Pty Ltd
South Elevation	8540 DA15	05/12/2017	B	Zhinar Architects Pty Ltd
Section	8540 DA16	05/12/2017	B	Zhinar Architects Pty Ltd
Section	8540 DA17	05/12/2017	B	Zhinar Architects Pty Ltd
Material Schedule	8540 DA18	05/12/2017	B	Zhinar Architects Pty Ltd
Photomontage	8540 DA22	Undated		Zhinar Architects Pty Ltd
Landscape Plan				
Landscape Plan – Ground Floor / Levels 8 & 4 Plan	17/1931 Sheet 1 of 2	14/07/2017	C	Paul Scrivener Landscape Architecture
Planting Plan / Calculations Plan	17/1931 Sheet 1 of 2	14/07/2017	C	Paul Scrivener Landscape Architecture
Stormwater Management Plan				
Basement Level 2 Plan	170295 D2	14/07/2017	B	Quantum Engineers
Basement Level 1 Plan	170295 D3	14/07/2017	B	Quantum Engineers
Site / Ground Floor Plan	170295 D4	14/07/2017	B	Quantum Engineers
Roof Plan	170295 D5	14/07/2017	B	Quantum Engineers
Basement Level 2 OSD Details &	170295 D6	14/07/2017	B	Quantum Engineers

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 April 2018

Calculations				
Sediment Control Plan	170295 D7	14/07/2017	B	Quantum Engineers
Stormwater & Sediment Details	170295 D8	14/07/2017	B	Quantum Engineers
Survey Plan				
Plan Showing Selected Details, Levels	17035-15 Sheet 1 of 1	25/04/2015		J.P. Bates & Inwood Registered Surveyors
BASIX Certificate	843165M	124 July 2017	---	Ecoinnovate

Report Name	Date	Reference	Prepared By
Access Compliance Report	9 July 2017	17130 Issue A	Vista Access Architects Pty Ltd.
Traffic and Parking Assessment Report	6 July 2017	17233	Varga Traffic Planning Pty Ltd
Acoustic Assessment Report	16 June 2017	20170724.1	Acoustic Logic
SEPP 65 Design Verification Statement	July 2017	Issue A	Zhinar Architects
Arboricultural Impact Assessment	20 June 2017	2877	Redgum Horticultural Consultants
Phase 1 Contamination Assessment and Geotechnical Investigation	July 2017	JG17043A	GeoEnviro Consultancy Pty Ltd
Waste Management Plan	20 July 2017	8540	

Amendments

2. The following amendments made in red on the approved architectural drawings shall be incorporated into the proposed development. Details of these amendments shall be submitted to and approved by Liverpool City Council's Manager of Development Assessment prior to the issue of a Construction Certificate:
 - (a) Shading devices shall be provided to the following apartments:
 - i. The west-facing bedroom, kitchen and living room windows of Units 09, 17 & 25 on Levels 1-3;
 - ii. The west-facing kitchen and living room windows of Units 32 & 33 of Level 4; and
 - iii. The west-facing bedroom windows of Units 38, 43 & 48 on Levels 5-7 (no shading device is required for the southern-most bedroom of these Units as they are already provided with a shading device in the form of a balcony).

Works at no Cost to Council

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

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 April 2018

B. PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

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

Fee Payments

4. Unless otherwise prescribed by this consent, all relevant fees or charges must be paid. Where Council does not collect these payments, copies of receipts must be provided. For the calculation of payments such as Long Service Levy, the payment must be based on the value specified with the DA/CC. The following fees are applicable:
- (a) Damage Inspection Fee;
 - (b) Fee associated with Application for Permit to Carry Out Work Within a Road, Park and Drainage Reserve; and
 - (c) Long Service Levy – based on 0.35% of the cost of building work.

These fees are reviewed annually and will be calculated accordingly

Long Service Levy payment is applicable on building work having a value of \$25,000 or more, at the rate of 0.35% of the cost of the works. The required Long Service Levy payment, under the *Building and Construction Industry Long Service Payments Act 1986*, is to be forwarded to the Long Service Levy Corporation or the Council, prior to the issuing of a Construction Certificate, in accordance with Section 109F of the *Environmental Planning & Assessment Act 1979*.

Section 7.11 Payment (Liverpool Contributions Plan 2009)

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

The total contribution is **\$250,868.00**

A breakdown of the contributions payable is provided in the attached payment form. Contributions will be adjusted at the time of payment in line with the Consumer Price Index (all groups index number for Sydney).

Site Development Work

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

BCA Compliance

7. 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

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 April 2018

service of a notice and order by Council.

8. 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:
 - (d) Complying with the Deemed to Satisfy Provisions; or
 - (e) Formulating an Alternative Solution, which complies with the Performance Requirements or is shown to be at least equivalent to the Deemed to Satisfy Provision, or a combination of (a) and (b).
9. Building work shall not commence prior to the issue of a Construction Certificate by Council or an Accredited Certifier. Building work includes but is not limited to, the placement of any site shed/s or builder's facilities, site grading, retaining walls, excavation, cutting trenches, installing formwork and steel reinforcement or, placing of plumbing lines.
10. Access must be provided to the building for people with a disability in accordance with the relevant requirements of the Building Code of Australia, Disability (access to Premises – Buildings) Standard 2010 and Australian Standard – AS1428.1 (2009), Design for Access and Mobility – General requirements for new building work, to the satisfaction of the Certifying Authority.

Cladding

11. For all buildings of Type A and B construction having finishes or claddings other than concrete or masonry, a fire safety report prepared by an accredited C10 fire engineer, must be submitted to the PCA prior to issue of a construction certificate, demonstrating that the proposed external wall cladding material and system for the building complies with the NCC and relevant Australian Standards. The fire safety report is to include evidence of suitability of all proposed external wall cladding materials as per clause A2.2 of the NCC.

Notification

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

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

Design Verification Statement

13. In accordance with the EP&A Regulations and State Environmental Planning Policy (SEPP) 65 “Design Quality of Residential Apartment Development”, the subject development must be undertaken or directed by a ‘qualified designer’ (i.e., a registered

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 April 2018

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

14. The following Crime Prevention Through Environmental Design principles are to be incorporated into the building.
 - (a) Back to base alarm systems shall be installed;
 - (b) Basement parking areas shall be painted a light colour;
 - (c) CCTV for the ground level, entry/exit points, car parks, lifts and the exterior of the building shall be implemented;
 - (d) 'Way finding' signage should be utilised at all major interchanges such as lifts and stair wells;
 - (e) Lighting is required to be designed in accordance with the Australian and New Zealand Lighting Standard AS 1158. A lighting maintenance policy should be established. Security lighting should be installed in and around the building, and such shall not impact on any adjoining premises. The lighting should be vandal resistant, especially external lighting; and
 - (f) Access to the parking levels of the building shall be controlled via a security controlled device.

Security Access to car park

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

S138 Roads Act – Minor Works in the public road

16. Prior to the issue of a Construction Certificate a S138 Roads Act application/s, including payment of fees shall be lodged with Liverpool City Council, as the Roads Authority for any works required in a public road. These works may include but are not limited to the following:
 - Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
 - Road opening for utilities and stormwater (including stormwater connection to Council infrastructure)
 - Road occupancy or road closures

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 April 2018

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.

Liverpool CBD – Street Lighting Upgrade

17. 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

18. 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

19. Periphery Type/ Core Type paving shall be installed along the entire Bathurst Street frontage, 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.

S138 Roads Act – roadworks requiring approval of civil drawings

20. Prior to the issue of a Construction Certificate for building or subdivision works the Certifying Authority shall ensure that a S138 Roads Act application, including the payment of application and inspection fees, has been lodged with, and approved by

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 April 2018

Liverpool City Council (being the Roads Authority under the Roads Act), for provision of footpath paving and new drainage pipe extension in Bathurst Street.

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

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

Stormwater Concept Plan

21. A stormwater drainage system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by prepared by Quantum Engineers, reference 170295, revision B, dated 14 July 2017.

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

22. 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.

Water Quality

23. Prior to the issue of a Construction Certificate the PCA shall ensure that details of a stormwater pre-treatment system have been provided on the stormwater plans and that the design meets pollutant retention criteria in accordance with the LDCP 2008. The CC must be supported by:
- Specification & installation details of the stormwater pre-treatment system
 - The approval of an operation and maintenance manual/ schedule for the stormwater pre-treatment system

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

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 April 2018

Access, Car Parking and Manoeuvring

24. 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.

Retaining Walls on Boundary

25. 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.

Dilapidation Survey

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

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

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

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

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

S68 Local Government Act – Stormwater drainage works

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

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 April 2018

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

Construction Traffic Management Plan

28. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control shall be submitted to Council for approval prior to the issue of a Construction Certificate.
29. 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.

Traffic Noise Mitigation

30. Due to its location the proposed development will be exposed to road traffic noise. The development is to include recommendations outlined in the acoustic report, to reduce road traffic noise to acceptable levels in accordance with the NSW Road Noise Policy.

Recommendations of Acoustic Report

31. 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. These recommendations are as follows:

It is recommended that a qualified acoustic consultant be engaged during the design phase of the project, when details of mechanical plant and equipment and noise emission levels are available, to review the potential environmental noise impact from the development.

Measures that could be considered to reduce noise from mechanical plant and equipment associated with the project include:

- appropriate equipment specification and selection based on acoustic performance
- appropriate equipment siting (eg. air-conditioning outdoor condenser units located on balconies facing away from the adjoining residences); and
- incorporating engineering measures such as acoustic attenuators and acoustic treatment of ductwork

Acoustic privacy between sole-occupancies should be reviewed by a qualified acoustic consultant during the design phase of the project and appropriate construction systems should be incorporated into the design and construction to ensure the Building Code of Australia (BCA) acoustic requirements for sole occupancies are achieved.

Mechanical Plant

32. Mechanical plant shall be selected in consultation with a suitably qualified and experienced consultant to ensure compliance with the internal noise levels detailed within Acoustic Assessment Report (Project No.: 20170724.1 and Document Reference No. 20170724.1/1606A/R0/JL) prepared by Acoustic Logic dated 16 June 2017.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 April 2018

Balcony Balustrades and privacy screen design

33. All glass balustrades must be 1.2m in height and must be translucent, obscured, frosted or sandblasted glazing in design.

Reason: To mitigate inadvertent privacy impacts from a seated position within the units of the building to adjoining properties and to ensure any items stored within the balconies are appropriately screened from the public, and to restrict direct views from the public domain into the living areas of the units.

Balcony and courtyard window and door design

34. The openings for windows and doors to balconies/courtyards are to be full height so that they extend from the floor to the underside of the slab above. This is to:
- enable the openings to read as 'panels' of glazing rather than 'hole in the wall' openings
 - assist in the proportioning of elevations
 - ensure maximum light to the interior of the dwellings
 - create a seamless relationship between the balcony / courtyard and the interior

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

Provision of Services

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

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

36. 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.
37. Should the Electrical Substation be located outside the building envelope, the location and any associated fire separation walls must comply with Integral Energy Substation Design Instruction Document No SDI 104 (Current Version). The colours and materials used in the construction of any wall of structure are to match those of the approved development.
38. Prior to the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the requirements of the Telecommunications Act 1997:

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

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

39. 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.

Flooding Requirements

40. Habitable floor levels shall be no lower than the 1% AEP flood plus half a metre freeboard (i.e. 12.2m + 0.5m = 12.7m Australian Height Datum).
41. The structure shall be constructed from flood compatible building components below the 1% AEP flood plus half a metre freeboard (i.e. 12.2m + 0.5m = 12.7m Australian Height Datum).

Design Plans for Driveway and Carpark

42. Detailed design plans for the access driveways and car park including swept path analysis, line markings and sign posting in accordance with the DCP and AS2890 is to be submitted to Traffic and Transport Section for review.
43. A detailed line marking and sign posting plan shall be submitted to and approved by Council's Traffic and Transport Section prior to the issue of a Construction Certificate. The plan is to include:
- 'No Parking' restrictions along the Bathurst Street frontage
 - paved footpath on the plan

The development is to include the use of noise attenuation materials to reduce traffic noise to acceptable levels in accordance with the NSW Road Noise Policy.

Construction Traffic Management Plan

44. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 April 2018

Street Lighting

45. The applicant is to assess adequacy of the existing street lighting fronting the development site and if required upgrade to P3 category, to Council and Endeavour Energy requirements, in accordance with Australian Standard AS/NZS 1158 – Road Lighting.

The street lighting involving underground cabling and LED street lighting on multi-function poles shall be designed as Category 'P3' to Council's specifications.

The design shall be prepared by a level 3 service provider.

Design drawings for an extension of the existing southbound kerbside left lane on Bathurst Street at intersection with Campbell Street by least 30 metres long (within road reserve), and associated a TCS phasing plan shall be submitted to Council's Traffic and Transport Section for review and RMS for approval prior to the issue of a Construction Certificate.

C. PRIOR TO WORKS COMMENCING

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

Building/Compliance

46. Prior to the commencement of any building works, the following requirements must be complied with:
- (a) Construction Certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*.
 - (b) Where a Construction Certificate is obtained from an Accredited Certifier, the applicant shall advise Council of the name, address and contact number of the Accredited Certifier, in accordance with Section 81A (4) of the Act.
 - (c) A copy of the Construction Certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.
 - (d) A Principal Certifying Authority (PCA) must be appointed to carry out the necessary building inspections and to issue an occupation certificate; and
 - (e) The PCA must advise Council of the intended date to commence work which is the subject of this consent by completing a notice of commencement of building works or subdivision works form, available from Council's Customer Service Centre. A minimum period of two (2) working days' notice must be given.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 April 2018

Tree Protection Measures

47. Tree protection measures are to be undertaken in accordance with those stated in the approved Arboricultural Impact Assessment Report prepared by Redgum Horticultural Consultants dated 20th June 2017.

Residential Building Work

48. Building work that involves residential building work (within the meaning of the *Home Building Act 1989*) must not be commenced unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the name and licence number of the principal contractor; and the name of the insurer by which the work is insured under Part 6 of that Act.
49. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the PCA for the development to which the work relates (not being the Council) has given the council written notice of the updated information.

Notification/Principal Certifying Authority

50. Written notice of intention shall be given to the owners or the adjoining allotments of land, outlining the particulars of the work, which involves:
- a) Any excavation below the base of the footings of a building on an adjoining allotment of land.
 - b) The notice shall be given seven (7) days prior to the commencement of work.
51. In the event the development involves excavation that extends below the level of the base of the footings of a building on adjoining land, the following is to be undertaken at full cost to the developer:
- (a) Protect and support the adjoining premises from possible damage from the excavation, and
 - (b) Where necessary, underpin the adjoining premises to prevent any such damage.

Site Notice Board

52. A sign must be erected in a prominent position on the premises on which work is to be carried out. The sign is to be maintained during work, and removed at the completion of work. The sign must state:
- (a) The name, address and telephone number of the principal certifying authority for the work;
 - (b) The name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
 - (c) Unauthorised entry to the premises is prohibited.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 April 2018

Dilapidation Report

53. Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in Bathurst Street is to be submitted to Council. The report is to include, but is not limited to, the road pavement, kerb and gutter, footpath, services and street trees and is to extend 10m either side of the development
54. A full dilapidation survey and report on the visible and structural condition of all neighbouring structures including the embankment at the rear of the property 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.

Sediment and Erosion Control Measures

55. Prior to the commencement of any works sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate and to ensure compliance with the Protection of the Environment Operations Act 1997 and Landcom's publication "Managing Urban Stormwater – Soils and Construction (2004)" – also known as "The Blue Book". 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.

Recommendations of the Contamination Assessment and Geotechnical Report

56. The recommendations provided in the approved Phase 1 Contamination Assessment and Geotechnical Report shall be implemented where and when required.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 April 2018

Demolition Works

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

Demolition Inspections

58. The following inspections are required to be undertaken by Council in relation to approved demolition works:
- (a) Immediately prior to the commencement of the demolition or handling of any building structure that contains asbestos. The applicant shall also notify the occupants of the adjoining premises and Workcover NSW prior to the commencement of any works. Please note that demolition works are not permitted to commence on site until such time as a satisfactory inspection result is obtained from Council.
 - (b) Immediately following completion of the demolition. Please note that proof of appropriate disposal of demolition materials (including asbestos) may be required at this time in accordance with the approved Waste Management Plan.

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

Waste Classification

59. 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).

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 April 2018

Traffic Control Plan

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

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

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

Site Facilities

61. Toilet facilities must be available or provided at the work site and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must:
- a. be a standard flushing toilet connected to a public sewer, or
 - b. have an on-site effluent disposal system approved under the Local Government Act 1993, or
 - c. be a temporary chemical closet approved under the Local Government Act 1993.
62. 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.

Notification of Service Providers

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

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

D. DURING CONSTRUCTION

The following conditions shall be complied with during construction:

Building Inspections

64. The building works must be inspected by the Principal Certifying Authority, in accordance with sections 109E (3) of the Environmental Planning & Assessment Act 1979 and clause 162A of the Environmental Planning & Assessment Regulation 2000, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.

The Principal Certifying Authority must specify the relevant stages of construction to be

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 April 2018

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

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

Protection of Trees

66. The trees identified in the Arboricultural Impact Assessment, prepared by Redgum Horticultural Consultants, ref: 2877, dated 20 June 2017 to be retained shall be protected and retained in accordance with the recommendation of the Arboricultural Impact Assessment.

Identification Survey Report

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

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

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

Construction Requirements

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

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 April 2018

69. 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.

70. 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.
71. The applicant/ builder shall be responsible to report to the Council any damage to Council's footpath and road carriageway as a consequence of demolition or excavation or building activities or delivery/ departure of materials associated with this site. The damage shall be reported to Council as soon as the damage becomes apparent to the builder/ site manager. Arrangements to the satisfaction of Council are to be made for making safe by temporary repairs to the public way until permanent restoration and repair can be organised with Council.
72. Retaining walls or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated subsoil drainage and surface stormwater drainage measures, shall be designed strictly in accordance with the manufacturers details or by a practising structural engineer. Retaining walls on any boundary are to be of masonry construction.

Security Fence

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

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

Hours of Construction Work

74. Construction work/civil work/demolition work, including the delivery of materials, is only permitted on the site between the hours of 7:00am to 6:00pm Monday to Friday and 8:00am to 1:00pm on Saturday. No work will be permitted on Sundays or Public Holidays, unless otherwise approved by Council.

Construction Noise

75. 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.
76. Construction activities, including operation of vehicles, shall be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. Special precautions must be taken to avoid nuisance in neighbouring

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 April 2018

residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like. In the event of a noise or vibration problem arising at the time, the person in charge of the premises shall when instructed by Council, cause to be carried out, an acoustic investigation by an appropriate acoustical consultant and submit the results to Council. If required by Council, the person in charge of the premises shall implement any or all of the recommendations of the consultant and any additional requirements of Council to Council's satisfaction.

General Site Works

77. 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.
78. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.
79. Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.
80. All topsoil, sand, aggregate, spoil or any other material shall be stored clear of any drainage line, easement, water body, stormwater drain, footpath, kerb or road surface and there shall be measures in place in accordance with the approved erosion and sediment control plan.
81. Where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, dust is to be suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Where wind velocity exceeds five knots the PCA may direct that such work is not to proceed.
82. All vehicles involved in the delivery, demolition or construction process departing from the property shall have their loads fully covered before entering the public roadway.
83. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.
84. All earthworks shall be undertaken in accordance with AS 3798 and Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.
85. 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.

Waste Management Plan

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

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 April 2018

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

Contamination

87. 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).
88. 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.
89. 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.
90. Any new information which comes to light during demolition or construction works which has the potential to alter previous conclusions about site contamination must be notified to Council and the accredited certifier immediately after discovery. A Section 96 Application under the EP&A Act shall be made for any proposed works outside the scope of the approved development consent.

Traffic Management

91. All works within the road reserve are to be at the applicant cost and all signage is to be in accordance with the RMS's Traffic Control at Worksites Manual and the RMS's Interim Guide to Signs and Markings.
92. 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.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 April 2018

93. Notice must be given to Council's Transport Planning section of any interruption to pedestrian or vehicular traffic within the road reserve, caused by the construction of this development. A Traffic Control Plan, prepared by an accredited practitioner must be submitted for approval, 48 hours to prior to implementation. This includes temporary closures for delivery of materials, concrete pours etc.
94. 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.

Approved road works, and if required street lighting upgrade are to be carried out.

Car Parking Areas

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

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

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

Termite Protection

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

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

Ventilation

97. The premises shall be ventilated in accordance with the requirements of the BCA (if using deemed to satisfy provisions: AS 1668, Parts 1 & 2).

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 April 2018

External

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

Graffiti

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

Front fence and boundary fencing

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

Display of Street Numbers

105. Street/address number must be prominently displayed at the front of the development in a contrasting colour to the building materials and at the front of each individual unit.

Security and Safety

106. Adequate lighting is required at the entrances and main foyers or the building, basement carpark, and mailbox area.
107. Cameras are required to be installed covering the entrance and exit and main areas of the car park.
108. The underground car park is required to be locked with access to be provided to residents only.
109. Windows in the building above the ground level are to be fitted with devices to be locked at 12.5cm.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 April 2018

Vegetation and Landscaping

110. No known environmental or noxious weeds or known invasive plant species shall be included in the landscaping/revegetation.
111. Mulch generated from exotic trees or other weed species cleared shall not be used on site. It shall be removed from the site and disposed of appropriately and in accordance with legislative requirements.
112. Any imported soil and/or mulch shall be free of contaminants, seed and propagules of weeds and undesirable species. Mulch shall not be used on flood liable land.
113. Premium quality organic garden soil shall be incorporated into all planting areas in sufficient quantity to achieve optimum plant growing conditions.
114. All garden/planting areas shall be mulched to a depth of not less than 75mm using weed free leaf mulch, wood chip or similar, not pine bark.

Waste Storage Area

115. Any bin bays must be:
 - (a) Provided with mechanical ventilation;
 - (b) Provided with a hose cock for hosing the garbage bin bay and a sewer drainage point in or adjacent to the bin storage area. The drainage point should have a fine grade drain cover sufficient to prevent coarse pollutants from entering the sewer. If the hose cock is located inside the bin storage bay, it is not to protrude into the space indicated for the placement of bins;
 - (c) Provided with sufficient light to permit usage at night;
 - (d) Allocated with sufficient space within the bin bay to allow for access to all required bins by residents and waste collectors, as well as manoeuvring of bins within the bay and for the removal and return of bins by the waste collector;
 - (e) Provided with signage to be prominently displayed in each bin bay, or waste service room, as appropriate indicating that:
 - (f) Garbage is to be placed wholly within the garbage bins provided;
 - (g) Only recyclable materials accepted by Council are to be placed within the recycling bins;
 - (h) The area is to be kept tidy;
 - (i) A phone number for arranging disposal of bulky items;
 - (j) Graphic illustrative content to be 50%.
 - (k) Bin bay signs are available from Council;
 - (l) Should garbage chutes be incorporated into the design of the building, signage on how to use the chutes is to be located prominently next to the chute;
 - (m) Operation, maintenance and cleaning of the garbage compactor and associated equipment is the responsibility of the strata management or body corporate and not of Council;
 - (n) Maximum compaction ratio is 2:1;
 - (o) Operation, maintenance and cleaning of the garbage chutes and associated waste cupboards, rooms, or equipment is the responsibility of the strata management or body corporate, and not of Council.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 April 2018

Archaeological discovery during excavation

116. The subject site has the potential to unearth historic archaeological relics within the road corridor:
- (a) Should any relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.
 - (b) Should any Aboriginal objects be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and NSW Government Office of Environment and Heritage is to be informed in accordance with Section 89A of the National Parks and Wildlife Act 1974.
 - (c) Should any archaeological remains or Aboriginal objects be discovered, a copy of recording of the finds and the final archaeological summary report is to be submitted to Council prior to the Occupational Certificate.
 - (d) If the discovery is on Council's land, Council must be informed.

E. PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

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

Building/Compliance

117. An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.
118. 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.
119. The premises must not be utilised until an Occupation Certificate is issued by the PCA. Copies of all documents relied upon for the issue of the Occupation Certificate must be attached to the Occupation Certificate and registered with Council.

Cladding

120. 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.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 April 2018

Fire Safety Certificate

121. A single and complete *Fire Safety Certificate*, certifying the installation and operation of all of the fire safety measures within the building must be submitted to Council with the *Occupation Certificate*.

Access Report

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

Lot Consolidation/Registration

123. All separate lots shall be consolidated. The applicant shall provide evidence that the linen plan for the required lot consolidation, endorsed by Council, has been registered with the Land Titles Office. This shall be provided to Council prior to the issue of an Occupation Certificate.

Design Verification Statement

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

BASIX

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

Recommendations of Acoustic Report

126. A Compliance Certificate or other documentation deemed suitable to the PCA is to be submitted to the PCA prior to the issue of an Occupation Certificate, detailing compliance with the following:

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 April 2018

- (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.

Landscaping

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

Liverpool City Council clearance – Roads Act/ Local Government Act

128. 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

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

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

Structural Engineer Certificate

130. A Structural Engineer's construction certification of all structures is to be issued to the PCA prior to the issue of the Occupation Certificate.

Stormwater Compliance

131. Prior to the issue of an Occupation Certificate the PCA shall ensure that the on-site detention system, stormwater pre-treatment systems and the basement carpark pump-out system:
- (a) Has been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent;
 - (b) Has met the design intent with regard to any construction variations to the approved design; and.
 - (c) Any remedial works required to been undertaken have been satisfactorily completed.

Details of the approved and constructed system shall be provided as part of the works-as-executed drawings.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 April 2018

Restriction as to User and Positive Covenant

132. Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the on-site detention system, stormwater pre-treatment system and the basement carpark pump-out system shall be registered on the title of the property.

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

Subdivision Compliance documentation

133. Prior to the issue of an Occupation Certificate the following compliance documentation shall be submitted to the Principal Certifying Authority. A copy of the following documentation shall be provided to Council where Council is not the Principal Certifying Authority:

- a) Work as Executed (WAE) drawings of all civil works. The WAE drawings shall be marked in red on copies of the stamped Construction Certificate drawings signed, certified and dated by a registered surveyor or the design engineer. The Work as Executed drawings shall be prepared in accordance with Council's Design Guidelines. Electronic copies of the WAE shall be provided in PDF format and a DXF format to Council along with two hard copies of the WAE plans.
- b) CCTV footage in DVD format to Council's requirements and a report in "SEWRAT" format for all drainage within future public roads and public land. Inspections are to be carried out in accordance with the Conduit Inspection Reporting Code of Australia WSA 05-2006. Any damage that is identified is to be rectified in consultation with Liverpool City Council.
- c) Surveyor's Certificate certifying that all pipes and services are located wholly within the property or within appropriate easements and that no services encroach boundaries.

134. Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the garbage compaction unit to be maintained in perpetuity, shall be registered on the title of the property.

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

135. Prior to the issue of an Occupation Certificate, the following restriction as to user must be registered on the title of the property:

The hanging of washing, including any clothing, towels, bedding or other article of a similar type on any balcony is not to be visible from any street.

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

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 April 2018

Basement Pump-out System

136. Stormwater runoff from the proposed driveway to the underground garage shall be via a pump-out system subject to the following conditions:
- (a) The pump-out system shall be independent of any gravity drainage lines except at the site property boundary inspection pit where a surface grated inlet pit shall be constructed, from which a connection may be permitted to the gravity stormwater system.
 - (b) Engineering details and manufacturer's specifications for pumps and switching system shall be submitted for approval prior to issue of construction certificate.
 - (c) An 88B positive covenant shall be placed on the property title. This requires the property owner to be responsible for the proper maintenance and repair of the abovementioned pumps, pipes and pit system. Council is the Authority benefited and the property owner is burdened by this restriction. Evidence of the creation of the positive covenant shall be forwarded to Council prior to the issue of an OC.

Roadworks

137. All roadworks and signposting, and if required street light upgrade, are to be completed to Council and Endeavour Energy requirements for the provision of the approved public lighting works, at no expense to Liverpool Council or Roads and Maritime Services.

Rectification of Damage

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

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

Dilapidation Report

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

Service Providers

140. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the PCA.
141. Notification of arrangement for the development from Endeavour Energy shall be submitted to Council.
142. Prior to the issue of an occupation certificate, written certification from all relevant service providers that the telecommunications infrastructure is installed in accordance with:
- (a) The requirements of the Telecommunications Act 1997;

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 April 2018

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

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

F. GENERAL CONDITIONS

The following general conditions shall be complied with at all times:

Car Parking / Loading

- 143. A total of 61 off-street car parking spaces must be provided. 4 of the spaces must be designed and signposted/marked for the specific use of persons with a disability.
- 144. All parking areas shown on the approved plans must be used solely for this purpose.
- 145. The operator of the development must not permit the reversing of vehicles onto or away from the road reserve, with the exception of garbage and recycling collection vehicles. All vehicles must be driven forward onto and away from the development and adequate space must be provided and maintained on the land to permit all vehicles to turn in accordance with AS 2890.1 Parking Facilities – Off Street Car Parking.
- 146. All line marking and sign posting is to be maintained in good condition at all times, to the satisfaction of Council.

Landscaping

- 147. Landscaping shall be maintained in accordance with the approved plan, in a healthy state and in perpetuity by the existing or future owners and occupiers of the development. If any of the vegetation comprising the landscaping dies or is removed, it is to be replaced with vegetation of the same species, and similar maturity as the vegetation which has died or was removed.

Mail-boxes

- 148. The mailboxes must not be accessed by universal keys and must each have their own keys for private access.
- 149. Vegetation must not cover or obstruct natural surveillance to the mailboxes.

Noise and Environmental Emissions

- 150. The intruder alarm/s associated with the development shall only be permitted to operate in accordance with the requirements of Clause 53 of the Protection of the Environment Operations (Noise Control) Regulation 2000 under the POEO Act.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 April 2018

Waste Management

151. Waste must be adequately secured and contained within designated waste areas and must not leave the site onto neighbouring public or private properties.
152. Waste bins must be stored in designated garbage areas, which must be kept tidy at all times. Bins must not be stored or allowed to overflow in parking or landscaping areas, must not obstruct the exit of the building, and must not leave the site onto neighbouring public or private properties.
153. Bins must be moved to the kerbside frontage of the building for collection by agents of the body corporate or strata management, or individual owners. The bins shall be collected and returned as soon as possible after collection by the same persons.
154. The garbage compaction unit is to be maintained in operational order in perpetuity.
155. Sufficient space shall be provided within each dwelling for the storage of a minimum of one day's waste and recycling.
156. The development is required to be serviced by a waste collection contractor, twice in any one week.

Washing on Balconies

157. The hanging of washing, including any clothing, towels, bedding or other article of a similar type on any balcony shall not be visible from any street.

G. ADVISORY

- o) Section 8.2, 8.3, 8.4 & 8.5 allows Council to reconsider your proposal. Should you wish to have the matter reconsidered you should make an application under that section with the appropriate fee.
- p) Under Section 8.7 & 8.10 of the Act applicants who are dissatisfied with the outcome of a consent authority have a right of appeal to the Land and Environment Court. This right must be exercised within six (6) months from the date of this notice. The Court's Office is situated at Level 1, 225 Macquarie Street, Sydney (Telephone 9228 8388), and the appropriate form of appeal is available from the Clerk of your Local Court.
- q) 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.
- r) To confirm the date upon which this consent becomes effective, refer to Section 4.20 of the *Environmental Planning and Assessment Act, 1979*. Generally the consent becomes effective from the determination date shown on the front of this notice. However if unsure applicants should rely on their own enquiries.
- s) To confirm the likelihood of consent lapsing, refer to Section 4.53 of the Act. Generally consent lapses if the development is not commenced within five years of the date of approval. However if a lesser period is stated in the conditions of consent, the lesser period applies. If unsure applicants should rely on their own enquiries.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 April 2018

- t) 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.
- u) 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.
- v) 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.

- w) 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.
- x) Dial Before You Dig

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

- y) The Liverpool City Council Local Government area soils and ground water may be subject to varying levels of Salinity. Whilst Council may require applicants to obtain Salinity reports relating to some developments, no assessment may be made by Council in that regard. Soil and ground water salinity levels can change over time due to varying factors. It is recommended that all applicants make their own independent inquiries as to appropriate protection against the current and future potential affect of Salinity to ensure the ongoing structural integrity of any work undertaken. Liverpool City Council will not accept any liability for damage occurring to any construction of any type affected by soil and or ground water Salinity.
- z) Letter boxes must be provided in accordance with the requirements of Australia Post. In this regard, the developer is required to obtain approval from Australia Post for address numbering, and letter box positioning and dimensions.

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 April 2018

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

ATTACHMENT: SECTION 7.11 CONTRIBUTION

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

Liverpool Contribution Plan 2007 (Liverpool City Centre)

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

These figures have been calculated to the CPI December 2017 quarter and will be adjusted at the time of payment in accordance with the conditions of consent.

APPLICANT: ZHINAR ARCHITECTS

LAND: 13-15 BATHURST STREET STREET, LIVERPOOL
NSW 2170
LOTS 21 & 22 DP758620

PROPOSED DEVELOPMENT: Demolition of existing structures and construction of an 8-storey residential flat building containing 50 apartments (5 x 1-bedroom/studio, 40 x 2-bedroom & 5 x 3-bedroom) over 2 levels of basement car park and associated landscaping and rooftop communal open space.

<u>Facilities</u>	<u>Amount (\$)</u>	<u>Job No.</u>
Central Library Extensions	\$4,820	GL.10000001870.10112
Whitlam Centre Extensions	\$3,560	GL.10000001869.10110
District Community Facility upgrade (Central area)	\$4,596	GL.10000001870.10099
Woodward and Collimore Parks	\$21,627	GL.10000001869.10105
Georges River Foreshore	\$151,386	GL.10000001869.10105
Bigge Park	\$32,440	GL.10000001869.10105

LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

30 April 2018

Pioneer Park	\$32,440	GL.10000001869.10105
Access – car parks, bridge link, bus priority	\$0	GL.10000001868.10108
TOTAL	\$250,868	