

MATTERS FOR LIVERPOOL LOCAL PLANNING PANEL DETERMINATION

Monday 25th March 2019

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

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

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

Should you wish to address the Panel, please advise Danielle Hijazi, Panel Support Officer on 8711 7627 or 1300 36 2170, by 4pm, Friday, 22nd March 2019.

LIVERPOOL CITY COUNCIL**LOCAL PLANNING PANEL REPORT****25 March 2019**

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

ITEM No.	SUBJECT	PAGE No.
1	Rezoning Application RZ-10/2018 Planning proposal to amend Schedule 1 of the Liverpool Local Environmental Plan 2008 (LLEP 2008) to include a vehicle sales or hire premises as an additional permitted land use at 36-36A Kookaburra Rd, Prestons (Lot A and B DP 408207). Lot A and B DP 408207 36-36A Kookaburra Rd, Prestons	2-49

ITEM No.	SUBJECT	PAGE No.
2	Development Application DA-133/2018 Fitout and use for an educational training centre Lot 201 DP 1224084 306 -310 Macquarie St, Liverpool	50-74

ITEM No.	SUBJECT	PAGE No.
3	Development Application DA-100/2017 Demolition Of Existing Structures And Construction Of A Six-Storey Residential Flat Building Containing 16 Residential Units Above A Basement Car Park. The Application is Made Pursuant To The Provisions Of State Environmental Planning Policy (Affordable Rental Housing) 2009 LOT 69 DP 235785 14 Mckay Avenue, Moorebank	75-152

Item no:	1
Application Number:	RZ-10/2018
Proposed Development:	Planning proposal to amend Schedule 1 of the Liverpool Local Environmental Plan 2008 (LLEP 2008) to include a vehicle sales or hire premises as an additional permitted land use at 36-36A Kookaburra Rd, Prestons (Lot A and B DP 408207).
Property Address	36-36A Kookaburra Rd, Prestons
Legal Description:	Lot A and B DP 408207
Applicant:	Craig Thomas, Logos Property
Land Owner:	Perpetual Corporate Trust Limited ATF LALV Prestons Trust
Recommendation	Proceed to Gateway determination
Assessing Officer:	Luke Oste – Strategic Planner

1. EXECUTIVE SUMMARY

Council has received a planning proposal (**Attachment 1**) to amend Schedule 1 of the Liverpool Local Environmental Plan 2008 (LLEP) to include a *vehicle sales or hire premises* as an *additional permitted land use* at Lot A and B Kookaburra Road, Prestons (Lot A and B DP 408207). The site is currently zoned IN3 Heavy Industrial and the proposed land use (*vehicle sales or hire premises*) is prohibited under the LLEP 2008.

The proposal has been submitted pursuant to Section 3.33 of the *Environmental Planning and Assessment Act (EPAA) 1979* and the proposal is referred to the Liverpool Local Planning Panel in accordance with Section 2.19 of the *EP&A Act 1979* for advice.

Council also received a Development Application (DA-802/2018) for the temporary use of the site for minor retail activities to occur for a maximum of 52 days in any given period of 12 months. The DA was approved by Council on 20 February 2019.

The planning proposal has strategic and site specific merit. The proposal to amend the LLEP 2008 is consistent with *Section 9.1 Directions* and other relevant regional and local plans as identified in this report.

2. SITE DESCRIPTION AND LOCALITY

The Site

This planning proposal is site specific and relates to land at Lot A and Lot B DP 408207 known as Lot A and B Kookaburra Road, Prestons. The site is approximately 1.2km south-west of the M7 connection in the centre of the Prestons Industrial Estate. The site is surrounded by IN3 zoned land to the north, and IN1 zoned land to the south. The nearest residential development is located approximately 235m south of the site, with additional dwellings located approximately 325m to the north-west of the site. Cabramatta Creek and associated bushland is located to the west of the site, forming a border between the Prestons Industrial Estate and the surrounding residential area.



Figure 1 Aerial photograph of subject site (Source: Nearmap)



Figure 2 View of the existing warehouse from Kookaburra Rd

History

- Lots A and B DP 408207 were previously used for agricultural purposes. In 2017 native vegetation was cleared, with the exception of a small portion along the north western corner of the site. The stripping, including the removal of the remaining vegetation, remediation and the capping of Lots A and B was approved under a Complying Development Certificate CDC-1227/2017 and works were carried out accordingly.
- On 13th February 2017 approval was sought to modify consent SSD 7155. The modification included the following which was relevant to the subject site:
 - Reconfigure the layout of the industrial estate to incorporate additional lots. These lots consisted of the subject site (Lots A and B DP 408207).
 - Construction of a new Warehouse 6 on new lots (Lots A and B DP 408207).
 - Warehouse 6 to be used for the storage and distribution (and ancillary retail sale) of vehicle parts.
- The servicing of vehicles use proposed could not be approved as part of SSD_7155 (MOD 3), as the Department of Planning and Environment (DPE) determined that the proposed use would be outside the scope of a Section 4.55(2) application (formerly section 96(2)).
- A complying development certificate was issued on the 8th of August 2018 for the change of use of Warehouse 6 from warehouse and distribution to light industry to allow a vehicle repair station.
- A pre-planning proposal meeting was held to discuss the possibility of enabling an additional permitted on the site to permit Vehicle sales and hire.
- Council received a Development Application (DA-802/2018) on 23 October 2018 for the temporary use of the site for minor retail activities to occur for a maximum of 52 days in any given period of 12 months. This DA was approved by Council on 20 February 2019.

3. DETAILS OF THE PROPOSAL

The proposal seeks to amend the Liverpool Local Environmental Plan (LLEP) 2008 as follows:

Schedule 1 is proposed to be amended by adding the following:

24 Use of certain land at Prestons Industrial Estate

(1) This clause applies to Lot A DP408207; Lot B DP408207 at 36-36A Kookaburra Road, Prestons.

(2) Development for the purposes of a vehicle sale and hire premises is permitted with development consent.

The LLEP 2008 Key Sites Map will need to be amended.

Key features of the temporary use consent under DA-802/2018 are defined below:

Office	The first-floor administration office includes an open-plan desk area to accommodate seven (7) retail staff associated with the proposed temporary retail use.
Customer Car Parking	17 parking spaces including an accessible parking space are located alongside the ground floor office that have been allocated as customer parking.
Staff Car Parking	7 parking spaces within the existing staff carpark have been allocated as retail staff parking.
Hours of Operation	The temporary use of the site for retail operations is to operate from 9am to 5pm every Friday.
Number of Employees	A maximum of seven (7) staff will be employed as part of the temporary retail component of the warehouse.

4. CONSIDERATIONS FOR STRATEGIC MERIT

The Department's *A guide to preparing planning proposals* includes the following questions to justify the proposal (Section A, Q1 and Q2).

1. *Is the planning proposal a result of any strategic study or report?*
2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

The Planning Proposal seeks to amend Schedule 1 of the LLEP 2008. Although the proposal has not been made as a result of any strategic study or report, it is considered to be the best means of facilitating the intended outcome.

The proponent provides justification as to why the planning proposal is the best means of achieving the intended outcome as follows:

"A planning proposal is the only means of achieving the objectives and intended outcomes for the site as the proposed vehicle sale use is prohibited within the existing IN3 zone and there is limited land within the Prestons catchment which permits vehicle sales."

"Without an amendment to the planning controls, the opportunity to provide a supporting sale use to the surrounding industrial uses (the sale of heavy vehicles) within the precinct would be lost."

The Department's *A guide to preparing planning proposals* includes the following question to delineate consistency with the NSW strategic planning framework (Section B, Q3).

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

The Department includes 'assessment criteria' which provide guidance on assessing a proposal's consistency with matters raised in Question 3. The following table summarises the assessment criteria (Part A of the Assessment Criteria).

Guideline Assessment Question	Response
<i>Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or</i>	This question is addressed in detail below.
<i>Consistent with a relevant local council strategy that has been endorsed by the Department; or</i>	There are no relevant local Council strategies that have been endorsed by the Department to consider.
<i>Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.</i>	There are no notable changes in circumstances that have not been recognised by existing planning controls.

A Plan for Growing Sydney

A Plan for growing Sydney has now been superseded by a Metropolis of Three Cities Regional Plan. Note, the Ministerial direction has not been updated to reflect this.

A Plan for Growing Sydney (Metro Plan) is a NSW Government regional strategy for the Sydney area which replaced the Metropolitan Plan for Sydney 2036. It includes general goals and directions applicable across the Greater Sydney area and more localised sub regional strategies. The proponent didn't provide an assessment, nonetheless the proposal generally aligns with key strategic directions defined in the strategy. Council's assessment responses to key strategic directions are provided below.

Item	Assessment Response
1.9 Support Priority Economic Sectors	The proposal supports Action 1.9.2 as the IN3 zone will not be altered and the proposal will not impact on the industrial land stocks of Liverpool.
Action 1.9.2 Support key industrial precincts with appropriate planning controls	
South West Subregion <ul style="list-style-type: none"> ▪ A competitive economy ▪ Priorities for strategic centres 	The proposal supports the subregional priority to 'identify and protect strategically important industrial-zoned land'.

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

Objective 23 of The Greater Sydney Region Plan 2018 focuses on retention and management of existing industrial and urban services land and to ensure it is *safeguarded from competing pressures, especially residential and mixed-use zones*. The proposal is consistent with this objective in that the land remains serviceable for existing and future industrial purposes. This objective is reiterated as Action 51 in the Western City District Plan.

Objective 24 of The Greater Sydney Region Plan 2018 aims to ensure that competing opportunities are managed and land values for industries that are fundamental to the overall economy are protected. The planning proposal justification report states that the proposal "encourages a diverse range of employment opportunities on land already adequately serviced, and therefore meets this objective".

Western City District Plan

Planning Priority W10 of the Western City District Plan focuses on managing and retaining the industrial precincts of Western Sydney as these areas will be the major long-term industrial/employment land for Greater Sydney. The proposal is consistent with this priority as it will not impact on the zoning or potential future use of land which has been identified as important to protect for industrial employment.

The Department's *A Guide to Preparing Planning Proposals* includes the following question (Section B, Q4)

- 4. Is the planning proposal consistent with Council's local strategy or other local strategic plan?*

Draft Liverpool Industrial Land Study (2018)

SGS Economics and Planning was engaged by Council to investigate Liverpool LGA's industrial land and to provide various recommendations to ensure the sufficient supply of industrial land; to effectively manage existing industrial precincts; and to encourage economic development initiatives. Despite this draft report not being finalised and endorsed by the Department, it has been considered as part of the subject planning proposal.

The planning proposal is consistent with the findings and recommendations of the Draft Liverpool Industrial Land Study (2018) in leveraging the characteristics of the site and wider Prestons Industrial Estate appropriately.

Our Home, Liverpool 2027

Council's *Our Home, Liverpool 2027* is a Community Strategic Plan (CSP) and provides strategic directions that have been identified by the community and the measures that will allow Council to determine progress towards achieving them. The four key directions are: creating connection, strengthening and protecting our environment, generating opportunity and leading through collaboration. The proposal aligns with the third direction (generating opportunity) which states:

Liverpool Council will

- *Attract businesses for economic growth and employment opportunities*
- *Create an attractive environment for investment*

The planning proposal justification report lodged did not address this local plan. Nonetheless, the proposal will support an expanded use of the site and promote employment generating activities in alignment with this plan.

Section 9.1 Directions by the Minister (previously Section 117)

The planning proposal addresses the following directions, pursuant to Section 9.1 of the EP&A Act 1979:

Direction	Objectives	Council officer comments
9.1 DIRECTIONS		
1.1 Business and Industrial Zones	<i>To encourage employment growth in suitable locations.</i>	Consistent. The proposal is generally consistent with this direction and will provide for employment growth in Prestons.
	<i>To protect employment land in business and industrial zones.</i>	Consistent. The proposal will retain existing IN3 zoned land for employment uses.
	<i>To support the viability of identified strategic centres.</i>	N/A
3.4 Integrating Land Use and Transport	<i>improving access to housing, jobs and services by walking, cycling and public transport</i>	Not consistent. A lack of public transport is present within the area. This inconsistency is of minor significance.
	<i>increasing the choice of available transport and reducing dependence on cars</i>	N/A
	<i>reducing travel demand including the number of trips generated by development and the distances travelled, especially by car</i>	N/A
	<i>supporting the efficient and viable operation of public transport services</i>	N/A
	<i>providing for the efficient movement of freight</i>	Consistent, the proposal will facilitate the colocation of vehicle sales close to Sydney's main freight corridors which will provide for efficient integration of land use and transport infrastructure.
4.3 Flood Prone Land	<i>To ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005.</i>	Consistent. The north-western portion of the site is identified as a flood planning area and containing low and medium flood risk. The proponent has identified that the proposed use would be taking place within the existing building on the site.
	<i>To ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.</i>	Council's Flooding Section have reviewed the proposal and provide support noting that the site is affected by the 1% AEP flooding from Cabramatta Creek. The proposal will not have any adverse impact on flooding and there is no objection to the proposal from a flooding perspective given that the issue of flooding has been resolved during the construction of the

		warehouse building and associated parking areas.
5.10 Implementation of Regional Plans	<i>The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</i>	Consistent, as discussed within this report.
6.3 Site Specific Provisions	<i>The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.</i>	Consistent. The planning proposal will allow the vehicle sales and hire premises land use to be carried out in the zone the land is situated on (IN3).

Liverpool Local Environmental Plan 2008

(a) Zoning

The site is zoned IN3 – Heavy Industrial. An extract of the zoning map is provided below.



Figure 2 – Extract of LLEP 2008 zoning map

(b) Permissibility

The site is zoned IN3 – Heavy Industrial under Liverpool LEP 2008, within which Vehicle Sales or Hire Premises are identified as a prohibited land use.

Vehicle sales or hire premises are defined by the LLEP 2008 as follows:

vehicle sales or hire premises means a building or place used for the display, sale or

hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there.

The current use of the site is a vehicle repair station which is permissible in the IN3 zone.

(c) Objectives

The objectives of the IN3 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 creation of *vehicle sales or hire premises* as an additional permitted use under Schedule 1 of the LLEP is considered consistent with the objectives of the zone. This amendment will support an additional use within an existing warehouse facility which will provide further employment while having minimal impacts on existing and future industrial land uses in the vicinity of the site.

Liverpool Development Control Plan 2008

A Traffic Statement was provided with the planning proposal that was prepared for DA-802/2018 by Transport and Traffic Planning Associates (TTPA). This statement referenced the previous Traffic and Parking Assessment undertaken for the Volvo development TTPA S96 (2) Application (MOD 3) June 2017 (Rev C) which took into account the existing Volvo facility located on the Hume Highway at Chullora. The assessment demonstrates that the Prestons facility will be able to accommodate the limited needs of the proposed retail element.

The parking provisions proposed have been assessed with reference to the Liverpool Development Control Plan 2008 and are supported by Council's Traffic and Transport Section.

5. CONSIDERATIONS FOR SITE-SPECIFIC MERIT

The Department's planning proposal guide includes the following site-specific 'assessment criteria' (Section B, Q3b).

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

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

Natural environment

The proposal is unlikely to have any measurable impact on the natural environment. The site is industrial and there is no direct connectivity to any natural environmental areas.

Existing and future uses

Vehicle sales on the site would support the existing truck repair operations and would provide a compatible mix of land uses which would not negatively impact land use in the vicinity. The significant scale of the broader Prestons industrial estate, and the nature of these warehouse and distribution uses will benefit from the conveniently collocated retail portion of the site as facilitated by this proposal.

Services and infrastructure

The planning proposal highlights that a full review of available services infrastructure was undertaken during SSD 7155 (as modified) which concluded that all utilities are available at the site. It is noted that the closest bus stop is located over 800m walking distance from the site along Braidwood Drive. It is noted that the Prestons industrial area as a whole is poorly serviced by public transport. The proposed retail use will be capable of operating acceptably despite poor public transport access to the subject site. This issue is considered to be of minor significance.

The minor nature of the additional proposed retail component will not place unacceptable strain on the existing service provision to the overall development. It is noted that a DA consent is in place that permits the temporary use of this retail element currently, with service and infrastructure provision being satisfactory at present.

Flooding

The north-western portion of the site is identified as a flood planning area and containing low and medium flood risk. The proponent has identified that the proposed use would be taking place within the existing building on the site.

Council's Flooding Section have reviewed the proposal and provide support noting that the site is affected by the 1% AEP flooding from Cabramatta Creek. The proposal will not have any adverse impact on flooding and there is no objection to the proposal from a flooding perspective given that the issue of flooding has been resolved during the construction of the warehouse building and associated parking areas.

Statutory considerations / Conditions

A number of conditions would need to be stipulated should the planning proposal be supported in order to maintain the objectives of the IN3 zone. The following points are to be addressed:

- The proposed additional permitted use of vehicle sales or hire premises be confined to within the existing warehouse building only;
- The additional vehicle sales and hire premise use be limited to an ancillary use that is subservient and supportive to the primary vehicle repair station (industrial) use of the site; and
- The external storage area and parking areas are not to be used for the display of vehicles for sales.

The Department's *A guide to preparing planning proposals* includes the following questions regarding State Environmental Planning Policies (Section B).

Q5 PPG – Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPP)?

The proponent provides a review of the relevant SEPPs as provided below.

Policy	Comments
SEPP No. 33 - Hazardous and Offensive Development	The land uses which immediately surround the site are either light industry or warehouse and distribution and accordingly do not generate unacceptable impacts (noise, odour etc) above what is ordinarily anticipated in an industrial precinct.
SEPP 55 – Remediation of Land	All contamination was assessed in detail during the assessment of SSD 7155 (as modified).

It is noted that the site falls within the Georges River Catchments, with the *Greater Metropolitan REP No. 2 – Georges River Catchment* being applicable as a result. The planning proposal is consistent with this REP, given the minor nature of the proposal and the lack of physical works to occur.

Q7 PPG - Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The proposed use will be contained within the existing warehouse and therefore there is a very low likelihood of any adverse impacts on ecological communities or their habitats. It is noted that biodiversity and environmental values to the site were assessed in detail during the assessment of SSD 7155 and conditioned accordingly.

Q8 PPG - Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Environmental effects were assessed as part of SSD 7155 (as modified), including soil management (salinity) and water management (quantity and quality). Those assessments found the site was suitable for the Volvo operation and relevant ongoing environmental management measures have been implemented.

Q9 PPG - Has the planning proposal adequately addressed any social and economic effects?

Council's City Economy section raised no concerns regarding the proposed amendment to permit a minor retail use within the existing warehouse.

There are no notable social implications for the proposal.

Q10 PPG - Is there adequate public infrastructure for the planning proposal?

This question has been addressed in Part 6 (site-specific merit 'assessment criteria') of this report. To reiterate, the site is sufficiently serviced to enable the proposed retail use.

Q11 PPG - What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

A Gateway determination will identify which authorities should be consulted.

6. PROPOSED LEP AMENDMENT

In consideration of the amendment sought by the applicant and Council's internal referral responses, the following LLEP amendment is proposed:

Schedule 1 is proposed to be amended as follows:

Use of certain land at Prestons in Zone IN3

- (1) This clause applies to Lot A and B, DP 408207 in Zone Heavy Industrial at Lot A and B Kookaburra Road, Prestons.*
- (2) Development for the purposes of a Vehicle Sales or Hire Premises is permitted with consent as an ancillary component to the dominant industrial use of the site.*
- (3) The proposed additional permitted use of vehicle sales or hire premises is to be confined to within the existing warehouse building only;*
- (4) The external storage area shall not be used for the display of vehicles for sales and no sales of vehicles is allowed to be conducted from the site other than from the inside of the warehouse building.*

Next Steps

The usual process for planning proposal applications, following a review of the application, is for Council officers to finalise the proposal detailing the proposed changes to LLEP 2008 (this report). The Planning Proposal would then be reported to Council for endorsement and subsequently forwarded to the Department of Planning and Environment seeking a Gateway determination.

Following a Gateway determination in support of the Planning Proposal, there will be public authority and community consultations, a public exhibition period and a further report to Council prior to proceeding with the making of any amendment to LLEP 2008.

7. CONCLUSION AND RECOMMENDATION

This report has been prepared following consultation with Council's City Economy, Traffic and Transport, Flooding and Development Assessment sections. Comments provided by Council departments indicate support for the proposal for the reasons outlined in this report.

The above assessment has shown that the proposal is consistent with State and local strategies. There is strategic merit to support the proposal. The proposal also demonstrates site specific merit in that the additional permitted use can support the existing operations while not negatively impacting on current or future land uses in the vicinity.

It is recommended that the planning proposal to allow the additional permitted use for a *vehicle sales or hire premises* on the subject site proceed and that a report be drafted detailing a decision to support the proposal for consideration by Council.

8. ATTACHMENTS

1. Applicant's Planning Proposal

Attachment 1: Applicant's Planning Proposal



PREPARED FOR LOGOS PROPERTY



LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

25 March 2019

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

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Project Code	SA7442
Report Number	SA7442_Planning Proposal

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1. INTRODUCTION

This report has prepared on behalf on Logos Property (the Proponent) to initiate an amendment to the *Liverpool Local Environmental Plan 2008* (LLEP 2008). The planning proposal request is to make the necessary amendments to Schedule 1 to include *vehicle sales and hire premises* as an additional permitted use on the site (Lots A & B Kookaburra Road, Prestons). This will allow Volvo Commercial Vehicle Facility (Volvo) to provide retail services to local and regional industrial businesses to boost the commercial success of the Prestons Industrial Estate and encourage employment opportunities.

The main function of the site is for the repair and servicing of vehicles as well as ancillary vehicle parts storage and distribution, and ancillary office. The vehicle sales component is subordinate to those land uses.

The site is located in proximity to the M5 and M7 Motorways providing excellent access for the distribution of vehicles and movement of employees. The Prestons Industrial Estate accommodates approximately one third of Liverpool Local Government Areas (LGA) industrial employment land with the majority of the jobs in manufacturing, construction, transport, distribution, warehousing and wholesaling sectors. The planning proposal seeks to leverage the precinct's economic and locational characteristics and support its regional role as an economic and employment hub by providing a facility to service the surrounding industrial businesses. The planning proposal also accords with Department of Planning and Environment (DPE) strategic directions to facilitate employment generating development and economic activities near major transport corridors.

1.1. PROJECT BACKGROUND

On 13 February 2018 DPE approved SSD 7155 MOD 3 which involved the construction of a warehouse building to be used for the Volvo operation. The use of the Volvo facility will be used as part warehouse and distribution and part vehicle servicing both of which are permitted with consent in the sites IN3 Heavy Industrial zoning.

There is also a small component of Volvo's operation that involves activities that are considered to be defined as a type of 'vehicle sales and hire premises' under LLEP 2008, a land use currently prohibited on site. SSD 7155 approved the construction of the warehouse building and associated works and the warehouse and distribution component of the operation.

The Volvo facility building is complete and Volvo have lodged a temporary use of land development application (DA) to permit vehicle sales and hire premises use temporarily (52 days in a year), whilst the planning proposal is being considered by Council and the Department of Planning and Environment (DPE).

1.2. COUNCIL CONSULTATION

The Proponent and representatives of Volvo met with Senior Strategic and Statutory Planning Officers on 27 August 2018 regarding the planning proposal and the temporary use of land DA. The following provides a summary of the issues:

Table 1 – Response to Issues (27 August 2018 meeting)

Issues	Response
Generally, there is a need to clearly identify the long term future uses within the industrial precinct and how any proposed use would be compatible with the objectives of the IN3 zone, which include offensive uses (and vice versa).	<p>As stated in Section 3.1.1, the proposed 'vehicle sales and hire premises' use is compatible with the objectives of the IN3 Heavy Industrial zone for the following reasons:</p> <ul style="list-style-type: none">• The proposed vehicle sales activities will encourage employment opportunities for sale staff on site. The use also supports the vehicle servicing component to ensure the commercial success of the business and ongoing employment of service and administrative employees.

Issues	Response
	<ul style="list-style-type: none"> • The predominant land use is industrial (vehicle servicing and repair) supported by minor vehicle sale activities. Permitting the minor retail use would not reduce the land available for industrial development in the area given the site is predominantly used for industrial related activities. • In most cases, sales staff will deliver vehicles to customers. The site is ideal for this service and will support surrounding uses (manufacturing, construction, transport, distribution, warehousing and wholesaling) in the Prestons Industrial Estate to maintain its regional employment role. • Given the minor nature and frequency of the sales activities, the typical adverse impacts of a vehicle and sales premises are unlikely to be experienced to the same degree. • The proposed approach to include a Schedule 1 amendment ensures that the permissibility is site-specific, allowing for other IN3 zoned sites to be developed in accordance with the land use table.
<p>Any justification should include evidence that there is a need within the greater area for the proposed use (catchment analysis), that there are no suitably zoned lands within the broader catchment to support the proposed uses, and explain how the subject site meets that need without creating adverse impacts, anomalies or conflict with other land uses within the precinct.</p>	<p>Given the predominant land use of the facility is industrial (vehicle servicing and repair) supported by the proposed minor retail activities, permitting the minor retail use would not reduce the land available for industrial development in the area. The minor nature of the retail activities also reduces the potential land use conflict between the site and surrounding uses. As noted in Council's draft industrial land study, Prestons primarily involves <i>transport and logistics, and manufacturing businesses</i>. These land uses would not create environmental impacts beyond what is acceptable for the Volvo operation as the business is largely industrial.</p> <p>As detailed in Section 6.3.3, the introduction of the vehicle sales uses will not erode the industrial and economic function of the Prestons Industrial Estate nor will it result in land use conflict. The land uses which immediately surround the site are either light industry or warehouse and distribution and accordingly do not generate unacceptable impacts (noise, odour etc) above what is ordinarily anticipated in a light industrial precinct.</p> <p>As detailed in the catchment analysis at Section 6.1.2, there is limited land within the Prestons Industrial Estate which permits vehicle sales. The only land use zones which permit vehicle sales and hire premises under LLEP 2008 is B5 Business</p>

Issues	Response
	Development and IN2 Light Industrial zones. There are no B5 zones and all of the IN2 zoned land in the Estate has been developed meaning there is limited sites left that could accommodate the proposed use.
It is requested that the planning proposal for the additional use (vehicle sales or hire premises) be accompanied by the concurrent submission of a DA.	A DA for the temporary use of the site as a vehicle sales and hire premise was lodged with Council in October 2018.
Submission requirements Council would expect the following documents to be submitted as part of any application for a planning proposal: <ul style="list-style-type: none"> • Planning proposal, written in accordance with the NSW Department of Planning and Environment's 'A guide to preparing planning proposals' • Written statements expressing consistency with all relevant Section 9.1 directions (Environmental Planning and Assessment Act 1979) 	This planning proposal is prepared in accordance with DPE's 'A guide to preparing planning proposals'. Refer to Section 6.2.4 for an assessment of the planning proposal against section 9.1 directions.

1.3. REPORT STRUCTURE

This Planning proposal has been prepared in accordance with Section 3.33 of the EP&A with consideration of DPE's *A guide to preparing Planning proposals* (August 2016). Accordingly, the proposal is discussed in the following parts:

- Site Description
- Statutory Planning Framework Overview
- Part 1 – A statement of the objectives and intended outcomes
- Part 2 – An explanation of the provisions that are to be included in the proposed LEP
- Part 3 – The justification for the planning proposal and the process for the implementation
- Part 4 – Mapping
- Part 5 – Details of community consultation that is to be undertaken for the planning proposal
- Part 6 – Project timeline

2. SITE DESCRIPTION

2.1. SITE

- **Address:** 36-36A Kookaburra Road, Prestons
- **Legal description:** Lot A DP408207; Lot B DP408207
- **Site area:** Lot A: 2.022ha; Lot B: 2.023ha
- **Road network:** bound by Yarrunga Street to the north, Bernera Road to the east, Kurrajong Road to the south, and Walbunga Street.

Figure 1 – Site Location



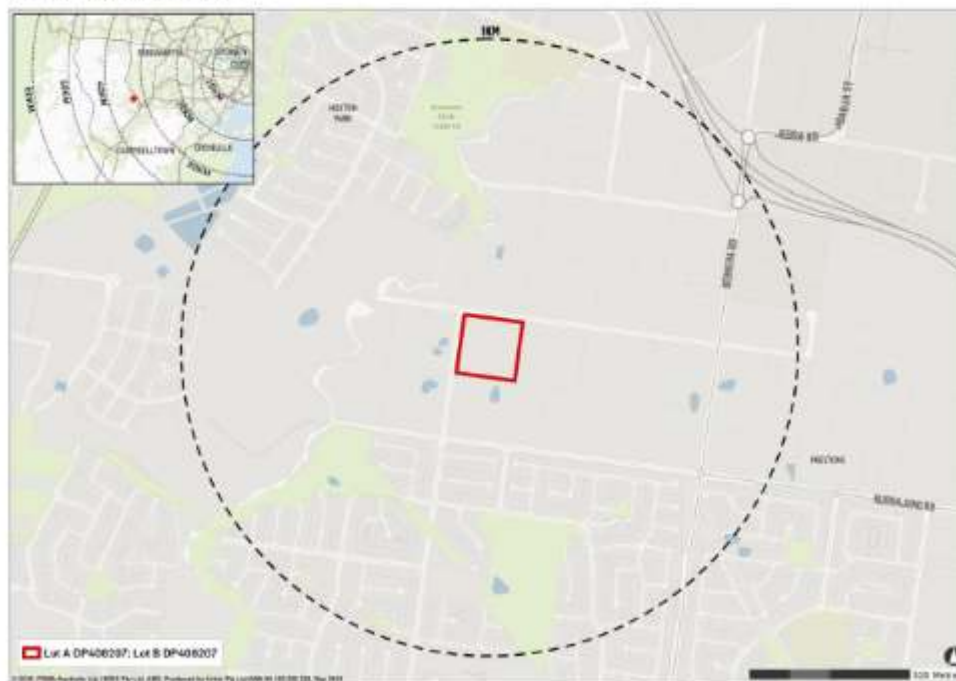
Source: Urbis GIS

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Figure 2 – Regional Context



Source: Urbis GIS

2.2. CONTEXT

The following properties and development surround the site.

Table 2 – Surrounding Development

Direction	Surrounding Development
North	Yarrunga Street, Favelle Favco Cranes Pty Ltd. Large industrial warehouse and storage yards. Directly opposite the access driveway for Warehouse 1, 2 and 5 is a site currently under construction. One residential property is located to the north however the site zoned industrial and surrounded by industrial land uses. Each site is being developed for industrial uses.
South	Warehousing and distribution centres located directly to the south of site and the opposite side of Walbunga Street. Kurrajong Road, low density residential development ranging from one to two storey detached houses. The majority of the residential properties are orientated away from the subject site.
East	Bernera Road and the LDN Distribution Centre are located directly to the east. There is also significant quantum's of vacant land towards to the east of site.
West	Directly to the west beyond the Logos Industrial Estate sits vacant land and small industrial uses. Further west is Cabramatta Creek and the suburb of Hoxton Park.

The following photos illustrate the development surrounding the site.

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Figure 3 – Development to the North



Picture 1 – Residential Property to the North on Yurrunga Street



Picture 2 – Development site to the North on Yurrunga Street

Source: Google Maps

Figure 4 – Development to the South



Picture 3 – Residential Properties to the South on Kurrajong Road



Picture 4 – Development at the Corner of Kurrajong Road and Bernera Road

Source: Google Maps

Figure 5 – Development to the East



Picture 5 – Industrial Development to the East on Bernera Road (adjacent to site)



Picture 6 – Vacant Lot to the East at Corner of Bernera Road and Kurrajong Road

Source: Google Maps

Figure 6 – Development to the West:



Picture 7 – Vacant lot on the corner of Kookaburra Road North and Kurrajong Road – looking North-East



Picture 8 – Kookaburra Road North and lots adjacent to Volvo site – looking North

Source: Google Maps

3. STATUTORY PLANNING FRAMEWORK

3.1. LIVERPOOL LOCAL ENVIRONMENTAL PLAN 2008

The principal statutory planning instrument applying to the site is the *Liverpool Local Environmental Plan 2008* (LLEP 2008).

3.1.1. Zoning and Permissibility

The site is zoned IN3 Heavy Industrial under LLEP 2008 as illustrated in Figure 7.

Figure 7 – Zoning Map



Source: NSW Legislation

The existing zoning controls applying to the site are summarised in Table 2 below.

Table 3 – Summary of Zoning Provisions

Provisions	IN3 Heavy Industrial
Zone Objectives	<ul style="list-style-type: none">• 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.

Provisions	IN3 Heavy Industrial
Permitted without consent	Nil
Permitted with consent	Boat building and repair facilities; Boat sheds; Building identification signs; Business identification signs; Cemeteries; Crematoria; Depots; Environmental facilities; Environmental protection works; Flood mitigation works; Freight transport facilities; General industries; Hazardous storage establishments; Heavy industrial storage establishments; Heavy industries; Helipads; Horticulture; Kiosks; Light industries; Mortuaries; Offensive storage establishments; Passenger transport facilities; Recreation areas; Recreation facilities (outdoor); Resource recovery facilities; Roads; Rural industries; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres
Prohibited	Any development not specified above

vehicle sales or hire premises means a building or place used for the display, sale or hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there.

The proposed 'vehicle sales and hire premises' use is compatible with the objectives of the IN3 Heavy Industrial zone for the following reasons:

- The proposed vehicle sales activities will encourage employment opportunities for sale staff on site. The use also supports the vehicle servicing component to ensure the commercial success of the business and ongoing employment of service and administrative employees.
- The predominant land use is industrial (vehicle servicing and repair) supported by minor vehicle sale activities. Permitting the minor retail use would not reduce the land available for industrial development in the area given the site is predominantly used for industrial related activities.
- In most cases, sales staff will deliver vehicles to customers. The site is ideal for this service and will support surrounding uses (manufacturing, construction, transport, distribution, warehousing and wholesaling) in the Prestons Industrial Estate to maintain its regional employment role.
- Given the minor nature and frequency of the sales activities, the typical adverse impacts of a vehicle and sales premises are unlikely to be experienced to the same degree.
- The proposed approach to include a Schedule 1 amendment ensures that the permissibility is site-specific, allowing for other IN3 zoned sites to be developed in accordance with the land use table.

4. PART 1 – OBJECTIVE & INTENDED OUTCOME

4.1. OBJECTIVE

The key objective of the Planning proposal is to obtain the necessary amendments to Schedule 1 of *Liverpool Local Environmental Plan 2008* to:

- Include *vehicle sales and hire premises* as an additional permitted use on the site in order to enable retail activities to occur on site.

4.2. INTENDED OUTCOME

The intended outcomes of this planning proposal are to:

- Enable vehicle sale activities to occur on site to support the dominant use of the site (vehicle servicing and repair).
- Deliver opportunities for employment growth to support the overall growth of the precinct and district, including the achievement of identified job targets.

5. PART 2 – EXPLANATION OF THE PROVISIONS

The objectives of this planning proposal can be achieved through the inclusion of the following amendments to LLEP 2008:

- Addition to 'Schedule 1 Additional Permitted Uses':

24 Use of certain land at Prestons Industrial Estate

(1) This clause applies to Lot A DP408207; Lot B DP408207 at 36-36A Kookaburra Road, Prestons.

(2) Development for the purposes of a vehicle sale and hire premises is permitted with development consent.

Vehicle sales or hire premises is a defined term within LLEP 2008. Its definition is extracted below:

vehicle sales or hire premises means a building or place used for the display, sale or hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there.

6.2. RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

DPE's Planning Circular (PS 16-004) notes that a key factor in determining whether a proposal should proceed to Gateway determination should be its strategic merit and site specific merit. It is considered that the planning proposal meets these tests as outlined in the following sections.

6.2.1. Q3 - Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

a) Does the proposal have strategic merit?

The strengthened strategic merit test criteria require that a planning proposal demonstrate strategic merit against (at least one of) the following three criteria:

1. *Consistent with the relevant district plan, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment.*
2. *Consistent with a relevant local council strategy that has been endorsed by the Department.*
3. *Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.*

The planning proposal demonstrates strategic merit in relation to Criteria 1 above as set out below.

Table 4 – Strategic Plan Merit Test

Criteria	Planning Proposal Response
Regional / District Plan	<p>The proposal will respond to the key priorities and directions which underpin the following strategic planning documents:</p> <ul style="list-style-type: none"> • Greater Sydney Region Plan (GSRP) • Western Sydney District Plan <p>The key Priorities of relevance to the Planning proposal are outlined below:</p> <p>Greater Sydney Region Plan (2018)</p> <p>Objective 23 Industrial and urban services land is planned, protected and managed</p> <p>The GSRP provides principles for managing industrial land, including the retention and management of industrial land to safeguard it from competing pressures, especially residential and mixed-use zones. The principle maintains that the approach retains industrial land for economic activities for Greater Sydney's operation. Further, GSRP states, <i>specifically these industrial lands are required for economic and employment purposes. Therefore, the number of jobs should not be the primary objective – rather a mix of economic outcomes that support the city and population.</i></p> <p>The planning proposal is highly consistent with this principle for the following reasons:</p> <ul style="list-style-type: none"> • The overall use of the site provides a range of different land uses (vehicle servicing and repair, parts warehousing and distribution and vehicle sales) and as such will provide a mix of economic outcomes. • The planning proposal supports the Volvo business and encourages employment opportunities.

Criteria	Planning Proposal Response
	<ul style="list-style-type: none"> The planning proposal will not impact on IN3 land as the introduction of the vehicle sales uses will not erode the industrial and economic function of the Prestons Industrial Estate nor will it result in land use conflict. The land uses which immediately surround the site are either light industry or warehouse and distribution and accordingly do not generate unacceptable impacts (noise, odour etc) above what is ordinarily anticipated in a light industrial precinct. <p>Objective 24 Economic sectors are targeted for success</p> <p>All three levels of government in Australia are working together to create a highly skilled workforce that has access to high quality local jobs. The NSW Department of Industry is leading the development and coordination of sector-specific industry development strategies to grow and globally position key sectors of the economy.</p> <p>This planning proposal encourages a diverse range of employment opportunities on land already adequately serviced, and therefore meets this objective.</p> <p>Western Sydney District Plan (2018)</p> <p>As per Objective 23 and 24, the Planning proposal will enable employment opportunities, encourage positive economic outcomes for the District, and will not erode the industrial nature of the Prestons Industrial Estate.</p>
Local Plan	<p>Draft Liverpool Industrial Land Study (2018)</p> <p>SGS Economics and Planning was engaged by Council to investigate Liverpool LGA's industrial land and to provide various recommendations to ensure the sufficient supply of industrial land; to effectively manage existing industrial precincts; and to encourage economic development initiatives. Relevant findings of the draft study include:</p> <ul style="list-style-type: none"> The Prestons industrial estate accounts for almost a third of the Liverpool LGA's employment within industrial lands. The majority of jobs within the estate are in manufacturing, construction, transport, postal and warehousing and wholesaling sectors. The estate is a large precinct which is developing a strong cluster of transport and logistics, and manufacturing businesses. The precinct plays a significant regional role and scores above average across a number of economic indicators including investment, site range, and rental yields. <p>The planning proposal, albeit a minor amendment to the LEP, leverages the characteristics of the site and Estate as follows:</p> <ul style="list-style-type: none"> The proposed vehicle sales use supports the Volvo business by diversifying the range of commercial services on site. The vehicle sales use will encourage employment opportunities for sale staff on site. The use also supports the vehicle servicing land use to ensure the commercial success of the business and ongoing employment of service and administrative employees.

Criteria	Planning Proposal Response
	<ul style="list-style-type: none"> The predominant land use of the facility is industrial (vehicle servicing and repair) supported by minor vehicle sales activities. Permitting the minor vehicle sales use would not reduce the land available for industrial development in the area given the site is predominantly used for industrial related uses. The vehicle sales activities support surrounding industrial businesses by providing an opportunity to purchase trucks in a convenient and accessible location. Generally, sales staff will deliver vehicles to customers. The location of the site is ideal for this service and it will support surrounding uses (manufacturing, construction, transport, distribution, warehousing and wholesaling) in the Prestons Industrial Estate to maintain its regional employment role.
Change in circumstances	Not applicable.

b) Does the proposal have site-specific merit?

In addition to meeting at least one of the strategic merit criteria, a Planning proposal is required to demonstrate site-specific merit against the following criteria:

Table 5 – Site Specific Merit Test

Criteria	Planning Proposal Response
Does the planning proposal have site specific merit with regard to: the natural environment (including known significant environmental values, resources or hazards)?	The biodiversity and environmental values of the site were assessed in detail during the assessment of SSD 7155 MOD 3. All relevant management and biodiversity offsets were conditioned as part of the approval and subsequent modifications.
the existing uses, approved uses and likely future uses of land in the vicinity of the land subject to a proposal?	The planning proposal is consistent with this criterion because it proposed to permit minor retail activities on site to support the primary use of the site (vehicle servicing and repair), which is consistent with the prevailing industrial character of the locality and the objectives of various strategic documents, as outlined above.
the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision?	A full review of available services infrastructure was undertaken during SSD 7155 (as modified) and concluded all utilities are available at the site. The Traffic Impact Statement submitted with this planning proposal finds that the traffic impacts associated with the retail component of the development were assessed during SSD 7155 (MOD 3) and there were no resultant adverse traffic implications for the site accesses or the surrounding road network.

6.2.2. Q4 - Is the planning proposal consistent with a council's local strategy or other local strategic plan?

As noted in the pre-planning proposal meeting minutes (Appendix A), an industrial land study was commissioned by Liverpool Council. Whilst the study has only recently been completed and is still in draft, some of the findings from that investigation which are relevant for any consideration of a proposal to amend the LEP are outlined here:

- *The Prestons industrial estate accounts for almost a third of the Liverpool LGA's employment within industrial lands.*

The Planning proposal encourages employment opportunities for sale staff on site.

- *The majority of jobs within the estate are in manufacturing, construction, transport, postal and warehousing, wholesaling sectors.*

The use also supports the vehicle servicing land use to ensure the commercial success of the business and ongoing employment of service and administrative employees.

- *The estate is a large precinct which is developing a strong cluster of transport and logistics, and manufacturing businesses.*

Although the vehicle sales use is subordinate to the vehicle servicing use, the proposed use provides a facility for surrounding transport, logistics and industrial businesses to purchase heavy vehicles in a convenient location. As shown in the catchment analysis, there are no sites available in the Estate for this use and industrial businesses in the Estate need to travel further to purchase heavy vehicles.

- *The precinct plays a significant regional role and scores above average across a number of economic indicators including investment, site range, and rental yields.*

The Planning proposal supports the regional role of the Prestons Industrial Estate.

- *The employment precinct incorporates on its northern boundary, land that is zoned IN2 Light Industrial and ~~B6 Enterprise Corridor~~ [B5 Business Development] to accommodate lighter uses, including retail.*

The only land use zones which permit vehicle sales and hire premises is B5 Business Development and IN2 Light Industrial zones. As shown in Figure 8 earlier in this report, there is limited land within the Prestons Industrial Estate which is zoned to permit vehicle sales and hire premises. There are no B5 zoned sites in the Estate and all IN2 zoned land in the Estate has been developed meaning there are no sites left that could accommodate the proposed use.

The Planning proposal is highly consistent with the draft industrial land study.

6.2.3. Q5 - Is the planning proposal consistent with applicable State Environmental Planning Policies?

The relevant of the current State Environmental Planning Policies (SEPPs) are Regional Environmental Plans (REPs) for the Sydney and Greater Metropolitan Regions, which are deemed SEPPs, is summarised in Table 6 and Table 7.

Table 6 – Consistency with State Environmental Planning Policies

State Environmental Planning Policy	Comment / Consistency
SEPP (Educational Establishments and Child Care Facilities) 2017	Not applicable.
SEPP Amendment (Child Care) 2017	Not applicable.
SEPP (State and Regional Development) 2011	Not applicable.
SEPP (Sydney Drinking Water Catchment) 2011	Not applicable.

State Environmental Planning Policy	Comment / Consistency
<i>SEPP (Urban Renewal) 2010</i>	Not applicable.
<i>SEPP (Affordable Rental Housing) 2009</i>	Not applicable.
<i>SEPP (Western Sydney Parklands) 2009</i>	Not applicable.
<i>SEPP (Exempt and Complying Development Codes) 2008</i>	Not applicable.
<i>SEPP (Western Sydney Employment Area) 2009</i>	Not applicable.
<i>SEPP (Rural Lands) 2008</i>	Not applicable.
<i>SEPP (Kosciuszko National Park – Alpine Resorts) 2007</i>	Not applicable.
<i>SEPP (Infrastructure) 2007</i>	Not applicable.
<i>SEPP (Miscellaneous Consent Provisions) 2007</i>	Not applicable.
<i>SEPP (Mining, Petroleum Production and Extractive Industries) 2007</i>	Not applicable.
<i>SEPP (Sydney Region Growth Centres) 2006</i>	Not applicable.
<i>SEPP (State Significant Precincts) 2005</i>	Not applicable.
<i>SEPP (Building Sustainability Index: BASIX) 2004</i>	Not applicable.
<i>SEPP (Housing for Seniors or People with a Disability) 2004</i>	Not applicable.
<i>SEPP (Penrith Lakes Scheme) 1989</i>	Not applicable.
<i>SEPP (Kumell Peninsula) 1989</i>	Not applicable.
<i>SEPP No. 1 Development Standards</i>	Not applicable.
<i>SEPP No. 14 Coastal Wetlands</i>	Not applicable.
<i>SEPP No. 19 Bushland in Urban Areas</i>	Not applicable.
<i>SEPP No. 21 Caravan Parks</i>	Not applicable.
<i>SEPP No. 26 Littoral Rainforests</i>	Not applicable.
<i>SEPP No. 30 Intensive Agriculture</i>	Not applicable.
<i>SEPP No. 33 Hazardous and Offensive Development</i>	The land uses which immediately surround the site are either light industry or warehouse and distribution and accordingly do not generate unacceptable impacts (noise, odour etc) above what is ordinarily anticipated in a light industrial precinct.
<i>SEPP No. 36 Manufactured Home Estates</i>	Not applicable.

State Environmental Planning Policy	Comment / Consistency
SEPP No. 44 Koala Habitat Protection	Not applicable.
SEPP No. 47 Moore Park Showgrounds	Not applicable.
SEPP No. 50 Canal Estate Development	Not applicable.
SEPP No. 52 Farm Dams and Other Works in Land and Water Management Plan Areas	Not applicable.
SEPP No. 55 Remediation of Land	All contamination was assessed in detail during the assessment of SSD 7155 (as modified).
SEPP No. 62 Sustainable Aquaculture	Not applicable.
SEPP No. 64 Advertising and Signage	Not applicable.
SEPP No. 65 Design Quality of Residential Apartment Development	Not applicable.
SEPP No. 70 Affordable Housing (Revised Schemes)	Not applicable.
SEPP No. 71 Coastal Protection	Not applicable.

Table 7 – Consistency with Regional Environmental Plans

Regional Environmental Plan	Comment
Sydney REP No. 8 – Central Coast Plateau Areas	Not applicable.
Sydney REP No. 9 – Extractive Industry	Not applicable.
SREP No. 16 – Walsh Bay	Not applicable.
SREP No. 20 – Hawkesbury-Nepean River	Not applicable.
SREP No. 24 – Homebush Bay Area	Not applicable.
SREP No. 26 – City West	Not applicable.
SREP No. 30 – St Marys	Not applicable.
SREP No. 33 – Cooks Cove	Not applicable.
Sydney (SREP) (Sydney Harbour Catchment) 2005	Not applicable.
Greater Metropolitan REP No. 2 – Georges River Catchment	Not applicable.
Willandra Lakes REP No. 1 – World Heritage Property	Not applicable.
Murray REP No. 2 – Riverine Land	Not applicable.

6.2.4. Q6 - Is the planning proposal consistent with applicable Ministerial Directions?

The planning proposal's consistency with applicable section 9.1 Ministerial Directions is outlined in Table 8.

Table 8 – Section 9.1 Compliance Table

Ministerial Direction	Comment
1. Employment and Resources	
1.1 Business and Industrial Zones	The planning proposal is consistent with the Direction as it will facilitate employment generating development and economic activities near major transport corridors. Further, the proposal will strengthen and enhance the existing cluster of industrial land within the Prestons Industrial Estate and Liverpool LGA.
1.2 Rural Zones	Not applicable.
1.3 Mining, Petroleum Production and Extractive Industries	Not applicable.
1.4 Oyster Aquaculture	Not applicable.
1.5 Rural Lands	Not applicable.
2. Environment and Heritage	
2.1 Environmental Protection Zones	Not applicable.
2.2 Coastal Protection	Not applicable.
2.3 Heritage Conservation	Not applicable.
2.4 Recreation Vehicle Areas	Not applicable.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable.
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	Not applicable.
3.2 Caravan Parks and Manufactured Home Estates	Not applicable.
3.3 Home Occupations	Not applicable.
3.4 Integrating Land Use and Transport	Yes – as discussed in this report, the colocation of vehicle sales close to Sydney's main freight corridors will provide for efficient integration of land use and transport infrastructure.
3.5 Development Near Licensed Aerodromes	Not applicable.
3.6 Shooting Ranges	Not applicable.

Ministerial Direction	Comment
4. Hazard and Risk	
4.1 Acid Sulphate Soils	All contamination was assessed in detail during the assessment of SSD 7155 (as modified).
4.2 Mine Subsidence and Unstable Land	Not applicable.
4.3 Flood Prone Land	All flooding impacts were assessed in detail during the assessment of SSD 7155 (as modified).
4.4 Planning for Bushfire Protection	Not applicable.
5. Regional Planning	
5.2 Sydney Drinking Water Catchments	Not applicable.
5.3 Farm Land of State and Regional Significance on the NSW Far North Coast	Not applicable.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable.
5.8 Second Sydney Airport: Badgerys Creek	Not applicable.
5.9 North West Rail Link Corridor Strategy	Not applicable.
5.10 Implementation of Regional Plans	Refer to Section 6.2.1, in summary: <ul style="list-style-type: none"> The overall use of the site provides a mix of economic outcomes. The planning proposal supports the Volvo business and encourages employment opportunities. The planning proposal will not impact on IN3 land as the introduction of the vehicle sales uses will not erode the industrial and economic function of the Prestons Industrial Estate nor will it result in land use conflict.
6. Local Plan Making	
6.1 Approval and Referral Requirements	Noted.
6.2 Reserving Land for Public Purposes	Not applicable.
6.3 Site Specific Provisions	The planning proposal will be consistent with this direction by allowing the <i>land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.</i>

Ministerial Direction	Comment
7. Metropolitan Planning	
7.1 Implementation of A Plan for Growing Sydney	The planning proposal is highly consistent with the relevant objectives of the Greater Sydney Region Plan and the Western Sydney District Plan, as outlined in Section 6.2.1.
7.2 Implementation of Greater Macarthur Land Release Investigation	Not applicable.

6.3. ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

6.3.1. Q7 - Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats will be adversely affected as a result of the proposal?

The biodiversity and environmental values of the site were assessed in detail during the assessment of SSD 7155. All relevant management and biodiversity offsets were conditioned as part of the approval and subsequent modifications.

6.3.2. Q8 - Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

A range of detailed environmental matters were assessed during SSD 7155 (as modified), including soil management (salinity) and water management (quantity and quality). Those assessments found that the site was suitable for the Volvo operation and relevant ongoing environmental management measures have been implemented.

6.3.3. Q9 - Has the planning proposal adequately addressed any social and economic effects?

The Volvo operations will support the Prestons Industrial Estate and contribute to the growth of the industrial sector in the Western Sydney region. The overall development is expected to generate 100 operational jobs and significant full time equivalent jobs during construction. The vehicle sales component is expected to employ seven staff.

The vehicle sales use supports the vehicle servicing land use to ensure the commercial success of the business and ongoing employment of service and administrative employees. The proposed use provides a facility for surrounding transport, logistics and industrial businesses to purchase heavy vehicles in a convenient location. Therefore, the proposal has positive economic benefits for the Prestons Industrial Estate and Liverpool LGA.

The introduction of the vehicle sales uses will not erode the industrial and economic function of the Prestons Industrial Estate. As shown in Figure 9, the land uses which immediately surround the site are either light industry or warehouse and distribution and accordingly will not generate unacceptable impacts (noise, odour etc) that will conflict with the vehicle sales uses of the Volvo operation.

Figure 9 – Immediately surrounding land uses



Source: Near Map

6.4. STATE AND COMMONWEALTH INTERESTS

6.4.1. Q10 - Is there adequate public infrastructure for the planning proposal?

The infrastructure investigations completed within SSD 7155 (as modified) have demonstrated that adequate public infrastructure is either available or capable of being provided in order to support the industrial development of the subject area.

TTPA assessed the overall operation during the preparation of SSD 7155 (MOD 3). The Traffic Impact Statement (Appendix B) finds there is *no resultant adverse traffic implications for the site accesses or the surrounding road network*.

Accordingly, there is adequate public infrastructure for the planning proposal.

6.4.2. Q11 - What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

The Gateway Determination will advise the public authorities to be consulted as part of the planning proposal process. Any issues raised will be incorporated into this planning proposal following consultation in the public exhibition period.

7. PART 4 – MAPPING

No amendment is required to the LEP maps.

8. PART 5 – COMMUNITY CONSULTATION

Schedule 1, Clause 4 of the EP&A Act requires the relevant planning authority to consult with the community in accordance with the Gateway determination. The planning proposal will be publicly exhibited for at least 28 days in accordance with DP&E's A Guide to Preparing Local Environmental Plans.

At a minimum, the notification of the public exhibition of the Planning proposal is expected to involve:

- A public notice in local newspaper(s),
- Notification on the Liverpool City Council website, and
- Written correspondence to owners and occupiers of adjoining and nearby properties and relevant community groups.

9. PART 6 – PROJECT TIMELINE

It is anticipated that the LEP amendment will be completed within 9-12 months. An indicative project timeframe is provided below.

Table 9 – Indicative Project Timeline

Stage	Anticipated timeframes
Consideration by Liverpool City Council	October to December 2018
Planning proposal referred to DPE for Gateway Determination	Early-2018
Gateway Determination by DPE	Early-2018
Commencement and completion of public exhibition period	Dates are dependent on Gateway determination. Anticipated timeframe for public exhibition is 28 days.
Consideration of submissions	6 weeks
Consideration of the Planning proposal post-exhibition	6 weeks
Submission to DPE to finalise the LEP	To be determined
Gazettal of LEP Amendment	To be determined

10. CONCLUSION

The objective of the planning proposal is to make the necessary amendments to Schedule 1 of LLEP 2008 to include *vehicle sales and hire premises* as an additional permitted use on the site.

This will allow Volvo to provide vehicle sales services to local and regional industrial businesses to boost the commercial success of the Prestons Industrial Estate and encourage employment opportunities.

The planning proposal has strategic merit because it:

- Contributes to the economic success of the Prestons Industrial Estate by supporting the Volvo business.
- The site strategically located in an accessible location relative to Sydney's key freight routes and the Greater Parramatta area.
- Delivers opportunities for employment growth.
- Provides an opportunity to deliver an industrial development that is responsive to developing trends in transport and logistics within the Prestons Industrial Estate.
- The proposed use will complement the primary existing operations on and surrounding the site.
- The investigations have demonstrated both the capability of the land to be used for minor retail purposes without constraint or adverse impact.

The planning proposal has been prepared in accordance with the Department's Guidelines for the Preparation of Planning Proposals.

It is recommended that the planning proposal is supported by Liverpool Council for advancement to Gateway Determination, allowing to progress statutory process and stakeholder engagement, including public notification and referral to relevant agencies.

DISCLAIMER

This report is dated 27 September 2018 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd's (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Logos Property (**Instructing Party**) for the purpose of Planning Proposal (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

**APPENDIX A PRE-PLANNING PROPOSAL MEETING
MINUTES (PPL-7/2018)**

APPENDIX B TRAFFIC STATEMENT



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Item no:	2
Application Number:	DA-133/2018
Proposed Development:	Fitout and use for an educational training centre
Property Address	306 -310 Macquarie St, Liverpool NSW 2170
Legal Description:	Lot 201 of DP1224084
Applicant:	Muhammed Ahram (ACTA College Pty Ltd)
Land Owner:	Liverpool City Council
Cost of Works:	\$50,000
Recommendation:	Approved subject to conditions of consent
Assessing Officer:	Emmanuel Torres – Senior Development Planner

1. EXECUTIVE SUMMARY

Council has received a Development Application (DA No.) seeking consent for **Fitout and use for an educational training Centre at 306 -310 Macquarie St, Liverpool**

The site is zoned **B4 Mixed Use** pursuant to Liverpool Local Environmental Plan 2008 and the proposed development is permissible with consent.

The development application was advertised for a period of **14** days from **11 April 2018** to **27 April 2018** in accordance with Liverpool Development Control Plan 2008. **One** submission was received during the period objecting to the proposal. The issue of concern raised in the submission relate to the **proposed signage and the curtilage of the heritage building**. Council's Heritage planner reviewed the application and provided conditions of consent to manage these issues.

The application is referred to the Liverpool Local Planning Panel (LLPP) in accordance with its referral criteria and procedural requirements in that the development falls into the category of conflict of interest, the Council being owner of the subject site.

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 property is located within the central business district of Liverpool in close proximity to the Liverpool Interchange, as seen in figure 1. The property is zoned B4 Mixed Use in accordance with the Liverpool Local Environmental Plan 2008 (LLEP 2008), with the existing structure on the site known as the Memorial School of Arts which is identified as Heritage Item No. 99 in Schedule 5 of the Liverpool Environmental Plan 2008 (LLEP 2008).



Figure 1: Locality Surrounding No. 306-310 Macquarie Street, Liverpool (Source: Near maps)

2.2 The site

The subject site is identified as Lot 201 in DP 1224084 and is known as 306-310 Macquarie Street, Liverpool. It is irregular in shape with a frontage of 85 metres to Macquarie Street with a total area of 2133m².

Currently, the subject site contains a two storey brick structure built in the Inter War period and retains the distinctive external and internal building features representative of the Georgian revival style, as seen in figure 2.



Figure 2: View of the site from Macquarie Street (Source: LCC)

3. DETAILS OF THE PROPOSAL

The proposed development seeks Council consent for the fitout to create educational training for international and local students and signage on Lot 201 DP1224084, 306 Macquarie Street, Liverpool.

The training college will use existing facilities to accommodate students, staff and visitors. The premises will be used as an Education Establishment with an ancillary office, offering face to face content for various courses including automotive technology, building and construction, painting and decorating, carpentry and the like. All practical work for these courses will be completed at different locations.

Fit out of the premises to include internal stud walls to be installed on the ground floor and on the first floor. The ground floor partition wall will create an office room for 2 persons and one training room for 20 students. A toilet for disabled person will also be made available. No works are proposed on the existing staff room and disabled toilets.

First floor partition wall will create an office room for 2 persons and 2 training rooms each with capacity for 30 students. No works are proposed on the existing storeroom.

The office is designed to accommodate a total of 4-6 staff and 80 students at any one time on site, with operating hours proposed as follows:

- Monday to Friday: 9am to 5pm
- Saturday: 10am to 6pm.
- Sunday: Closed

The proposed application also seeks to include external signage situated in front of the building on the Macquarie Street frontage of the site with dimensions of 1.8m (height) x 0.51m (width). The Development Application was accompanied and supported by:

- Site Plan;
- Proposed Floor Plan (Design by Parish Management Pty Ltd., dated 24.05.17);
- Heritage Impact Statement;
- Statement of Environmental Effects; and
- Waste Management Plan.

4. STATUTORY CONSIDERATIONS

4.1 Relevant matters for consideration

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

- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (now deemed SEPP);
- State Environmental Planning Policy (Infrastructure) 2007
- SEPP No.55 – Remediation of Land
- SEPP No. 64 – Advertising and Signage
- Liverpool Local Environmental Plan (LLEP) 2008;
- Liverpool Development Control Plan (LDGP) 2008;

5. ASSESSMENT

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

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

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

The subject land is located within the Georges River Catchments and as such The Greater Metropolitan Regional Environmental Plan No. 2 – Georges River applies to the application. The Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment generally aims to maintain and improve the water quality and river flows of the Georges River and its tributaries.

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

(b) State Environmental Planning Policy (Infrastructure) 2007;

The State Environmental Planning Policy (Infrastructure) 2007 (SEPP) applies to all of the Liverpool LGA. The aims of SEPP Infrastructure are to identify matters to be considered in the assessment of development for the purpose of residential, place of public worship, hospital, educational facility or child care.

The proposed development is located approximately 70m north of Terminus Street – Newbridge Road, a classified road. In between this road and the proposed training (educational) facility is the existing 9-storey mixed use structure (300 Macquarie Street) that acts as an acoustic barrier. The proposed facility itself will not use noise generators such as heavy plant or machinery.

It is considered that an acoustic assessment is not required as noise annoyance from the classified road is expected to be mitigated.

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

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

As the proposed works are internal only, a land contamination assessment is not considered to be necessary.

(d) State Environmental Planning Policy No. 64 – Advertising and Signage

SEPP 64 Assessment Criteria Clause 3 – Aims, Objectives	Comment	Compliance
Consistency with the objectives of SEPP64 as set out in clause 3 (1)(a):	The proposed signage will incorporate the name of the education establishment. The sign will be 1.8m x 51cm this is compatible	YES

<p>a) <i>to ensure that signage (including advertising):</i></p> <p>(i) <i>is compatible with the desired amenity and visual character of an area, and</i></p> <p>(ii) <i>provides effective communication in suitable locations, and</i></p> <p>(iii) <i>is of high quality design and finish.</i></p>	<p>with the desired amenity of the area with the property adjacent including signs of similar size.</p>	
Schedule 1 Criteria	Comment	
<p>Character of the area</p> <p>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</p> <p>Is the proposal consistent with a particular theme for outdoor advertising in the area of locality?</p>	<p>The proposed signage will incorporate the name of the educational establishment occupancy of the structure. With the proposal using similar design to other signs in the area, putting this business identification signage up will be compatible with the existing character of the area.</p>	YES
<p>Special Areas</p> <p>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?</p>	<p>The proposed business identification signage does not detract from the already existing amenity or the visual quality of any environmentally sensitive areas.</p>	YES
<p>Views and Vistas</p> <p>Does the proposal obscure or compromise important views? Does the proposal dominate the skyline and reduce the quality of vistas? Does the proposal respect the viewing rights of other advertisers?</p>	<p>The proposed business identification signage is 1.8m in height and will sit in front of two storey building and a 10 Storey building behind. Thus the sign will not dominate the skyline or affect important views. The proposed sign identifies the business and does not inflict advertising or viewing rights of any surrounding businesses.</p>	YES
<p>Streetscape, Setting or Landscape</p> <p>Does the proposal contribute to the visual interest of the streetscape, setting or landscape? Does the proposal reduce clutter by rationalising and simplifying existing advertising? Does the proposal screen unsightliness? Does the proposal protrude above buildings, structures or tree canopies in the area or locality? Does the proposal require ongoing vegetation management?</p>	<p>The proposed business identification signage will sit in front of the property of the proposed education establishment. The proposed signage contributes to the visual interest of the setting and landscape and acts as a guide to identity the education establishment operating out of the building</p> <p>The proposed sign is simple in nature and includes the name of the operator of the educational establishment. The signage does not require vegetation management and does not screen any unsightliness.</p>	YES
<p>Site and Building</p> <p>Is the proposal compatible with the scale, proportion and other characteristics of the site or</p>	<p>The proposed business identification signage compliments the scale and design of the character of the area as there are other signs in the vicinity of similar size. The</p>	YES

building, or both, on which the proposed signage is to be located? Does the proposal respect important features of the site or building, or both? Does the proposal show innovation and imagination in its relationship to the site or building, or both?	proposed signage will sit in front of the structure that the educational establishment will operate out of to respect the heritage of the building. The proposed signage uses innovation and imagination to create an intimate relationship between the outside, entry and inside of the business building.	
Associated devices and logos with advertisements and advertising structures Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it to be displayed?	On this site, which is zoned B4- Mixed Use advertising structures are prohibited, however business identification signs are permitted with consent. Under the definition of Business Identification under the LLEP 2008 the business name, owner and logos are to be incorporated into the design which has seen in the proposed signage.	YES
Illumination Would illumination result in unacceptable glare? Would illumination affect safety for pedestrians, vehicles or aircraft? Would illumination detract from the amenity of any residence or other form of accommodation? Can the intensity of the illumination be adjusted, if necessary? Is the illumination subject to a curfew?	The propped signage does not include illumination	N/A
Safety Would the proposal reduce the safety for any public road? Would the proposal reduce the safety for pedestrians or bicyclists? Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	Due to the proposed location of the proposed sign sits behind the pedestrian foot path there are no concerns for the safety of pedestrians, cyclists and motorists.	YES

(e) Liverpool Local Environmental Plan 2008**(i) Zoning**

The subject site is zoned **B4 Mixed use** pursuant to the LLEP 2008. An extract of the zoning map is provided in Figure 3.



Figure 3: Zoning Map (source: Geocortex) – Insert zoning map

(ii) Permissibility

The proposed development is appropriately defined as an *Educational establishment* and is identified as permitted land use with consent within the Zone B4 Mixed Use under Liverpool Local Environment Plan 2008.

The definition of an 'Education Establishment' pursuant to the LLEP 2008 means a building or place used for education (including teaching), being:

- (a) a school, or
- (b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.

Comment:

The proposed use is to include face-to-face lectures in automotive technology, building and construction, painting and decorating, carpentry and the like and run by the tertiary education provider ACTA.

(iii) Objectives of the zone

The objectives of the Zone B4 Mixed Use are as follows:

To provide a mixture of compatible land uses.

- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To allow for residential and other accommodation in the Liverpool city centre, while maintaining active retail, business or other non-residential uses at street level.*

- *To facilitate a high standard of urban design, convenient urban living and exceptional public amenity.*

Comment:

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

- The proposed educational establishment is located within 450m distance to public transport being the Liverpool interchange. It will encourage patronage of public transport as well as well as alternative modes of transport from motor vehicles walking and cycling
- The proposed development will have a student population that will support active retail and other business, recreational and other establishments in the CBD.

(iv) Principal Development Standards

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

Development Provision	Requirement	Proposed	Comment
4.4 Floor Space Ratio	3:1	No change to the gross floor area is proposed.	Not applicable
5.10 Heritage Conservation	The consent authority may, before granting consent to any development: (b) on land that is within a heritage conservation area. require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.	The building is listed as a heritage item in the Liverpool LEP 2008. A Statement of Heritage Impact prepared by David Scobie Architects was submitted with the application	Complies, The application was reviewed by councils Heritage Planner which was supported subject to conditions.
7.1 Objectives for development in Liverpool City Centre	Before granting consent for development on land in the Liverpool city centre, the consent authority must be satisfied that the proposed development is consistent with such of the following objectives for the redevelopment of the city centre as are relevant to that development: (a) to preserve the existing street layout and reinforce the street character through consistent building	The proposal does not alter the street layout.	Complies

	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, (d) to improve the quality of public spaces in the city centre, (e) to reinforce Liverpool railway station and interchange as a major passenger transport facility, including by the visual enhancement of the surrounding environment and the development of a public plaza at the station entry, (f) to enhance the natural river foreshore and places of heritage significance, (g) to provide direct, convenient and safe pedestrian links between the city centre (west of the rail line) and the Georges River foreshore.	No external works are proposed. No external works are proposed. No external works are proposed. No external works are proposed. No external works are proposed. No external works are proposed.	
7.3 Car parking in Liverpool City Centre	Development consent must not be granted to development on land in the Liverpool city centre that is in Zone B3 Commercial Core or B4 Mixed Use that involves the erection of a new building or an alteration to an existing building that increases the gross floor area of the building.	No increase in the gross floor area is proposed.	Complies

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

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

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

5.3 Section 4.15(1)(a)(iii) - 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*

The development is found to achieve full compliance with the provisions of the LDCP 2008, as detailed within the tables in Attachment 3 of the report.

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

There are no Planning Agreements which apply to the development.

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

The Environmental Planning and Assessment Regulation 2000 requires the consent authority to consider the provisions of the BCA. Accordingly, appropriate conditions of consent will be imposed.

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

The proposed development is unlikely to have a negative impact on the surrounding locality as it is located within the existing centre.

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

The subject site is a permissible development and the proposal satisfies the key planning controls for the site as detailed above and is generally considered to be suitable for the site.

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

(a) Public submission

The proposal was required to be advertised for a period of 14 days between the 11th of April and the 27th of April 2018 in accordance with the Liverpool Development Control Plan 2008.

One submission was received in response to the advertised development. The key issue raised was on the proposed signage and the curtilage of the Heritage Building.

In response to this submission the application was reviewed by Council's Heritage planner and provided comment that the issues can be managed subject to conditions of consent.

(b) Internal Referrals

The following comments have been received from Council's internal departments:

DEPARTMENT	COMMENTS
Heritage	Approval subject to conditions of consent
Traffic	Approval subject to conditions of consent

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

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

6. DEVELOPMENT CONTRIBUTIONS

Contributions are not applicable in accordance with Liverpool Contributions Plan 2007 (Liverpool City Centre).

7. CONCLUSION

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

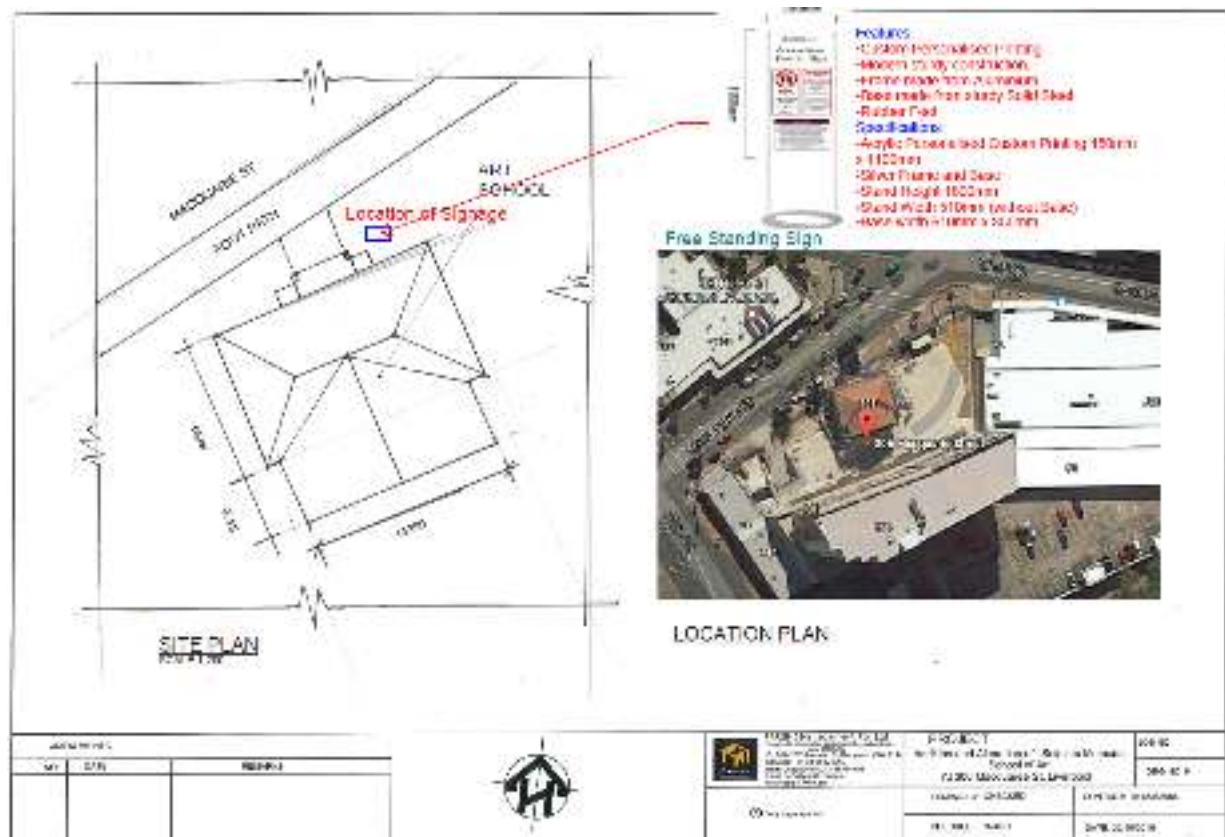
8. RECOMMENDATION

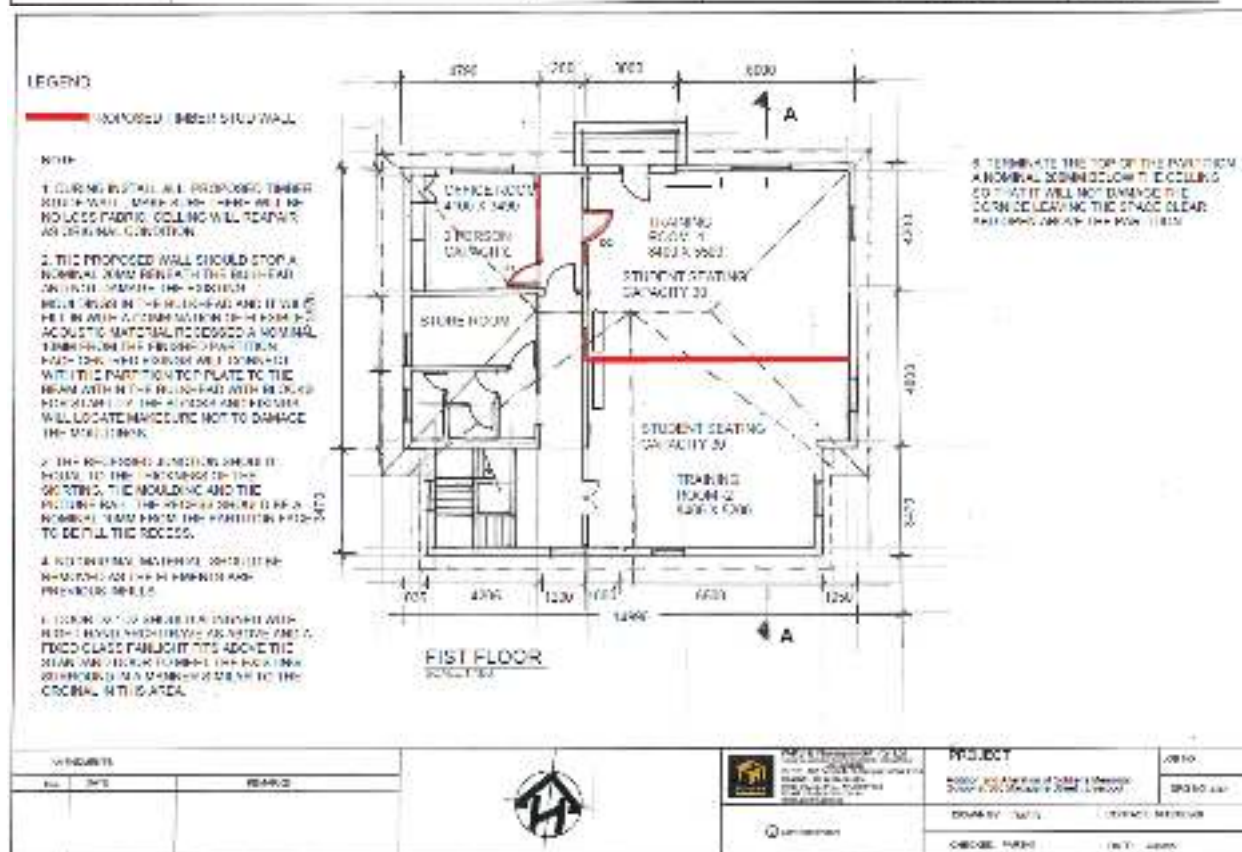
Based on the assessment of the application, it is recommended that Development Application DA-133/2018 seeking Council's consent *for fitout and use for an educational training centre* at Lot 201 DP1224084 at 306 - 310 Macquarie St, Liverpool be approved subject to conditions of consent.

9. ATTACHMENTS

- 1. PLANS OF THE PROPOSAL**
- 2. DCP COMPLIANCE TABLE**
- 3. CONDITIONS OF CONSENT**

ATTACHMENT 1: PLANS OF THE PROPOSAL





25 March 2019



ATTACHMENT 2 – LIVERPOOL DCP 2008 COMPLIANCE TABLE

LDCP 2008 - Part 1 General Controls for All Development

Control	Requirement	Proposed	Comment
Part 1 General Controls for all Development			
Section 2 – Tree Preservation	Consider impact of development on existing vegetation	No trees on site to be removed	N/A
Section 3 – Landscaping and Incorporation of Existing Trees	Incorporation of existing trees into development where appropriate	No trees on site to be removed	N/A
Section 4 – Bushland and Habitat Preservation	Consider impact of development on bushland and habitats	No ESL on site.	N/A
Section 5 – Bushfire Risk	Land on or adjacent to bushfire prone land to comply with RFS requirements	Not affected	N/A
Section 6 – Water Cycle Management	Consideration of stormwater and drainage	No construction activities.	N/A
Section 7 – Development Near a Watercourse	Consideration of impact to riparian corridors	N/A	N/A
Section 8 – Erosion and Sediment Control	Sediment Control Plan or Soil and Water Management Plan required	No construction activities.	N/A
Section 9 – Flooding Risk	Flood affection of property to considered	No construction activities.	N/A
Section 10 – Contaminated Land Risk	Previous use to be considered in assessing risk	No construction activities.	N/A
Section 11 – Salinity Risk	Salinity Management response required for affected properties	No construction activities.	N/A
Section 12 – Acid Sulfate Soils Risk	Affected properties to consider impact of development on soils	No construction activities.	N/A
Section 13 - Weeds	Noxious weeds to be removed as part of development where applicable	N/A	N/A
Section 14 – Demolition of Existing Development	Appropriate measures proposed	No demolition proposed.	N/A
Section 15 – Onsite Sewage Disposal	S68 Application required where connection to sewer not available	N/A	N/A
Section 16 – Aboriginal Archaeology	AHIA required where items of aboriginal archaeology exist	N/A	N/A

Control	Requirement	Proposed	Comment
Section 17 – Heritage and Archaeological Sites	A Heritage Impact Statement will	The building is listed as a heritage item in the Liverpool LEP 2008.	Complies, The heritage property is not located within the Heritage conservation area. A heritage impact statement was provided and reviewed by council's heritage planner, which is supported subject to conditions.
Section 20 – Car Parking and Access	Car parking to comply with Table 13. - 1 space for every 100m ² of GFA	The property has two car parking spaces with a floor area of approximately 317m ² . As the proposed does not seek to increase the floor area and the property is in close proximity to public transport the shortfall of 1 car parking space is justifiable in this instance.	Complies based on merit,

Control	Requirement	Complies?
Part 1 General Controls for all Development: Section 26 Outdoor Advertising and Signage		
26.3 Outdoor Advertising - All proposals for Outdoor advertising shall comply with the following: <ul style="list-style-type: none"> Conforms to the desired future character of the area or zone as described in the objectives for the zone. Complements the dominant character of an urban or rural landscape. Complements the character of a building, site or area, e.g. an historic building, public garden, view of urban or rural landscapes. Conveys the advertiser's message or image while conforming to the surrounding character. Rationalises or reduces the number of existing signs. Does not adversely affect traffic and/or pedestrian safety. 	<p>The proposed business identification sign is within the Liverpool CBD area where many other businesses have business identification signs.</p> <p>The proposed sign will also be used in this regard to conform to the desired future character of the area.</p> <p>The sign will include 1 business identification sign to a height of 1.8m and conditions will be added to the consent to ensure no traffic and/or pedestrian safety impact occurs from the proposed development.</p>	YES

<ul style="list-style-type: none"> Complements any established theme or pattern of signage. - Refers to an approved or lawful use of the site or building. 		
<p>26.4 Consistency with the objectives of General Controls for all Development: Outdoor Advertising</p> <ul style="list-style-type: none"> To permit the display of information concerning the identification of premises, and the name of the occupier and activity conducted on the land or in the building. To minimize the negative visual impact of cluttered and untidy advertising signs, in particular at gateway sites and entry points to industrial precincts, so as to promote the townscape qualities of Liverpool 	<p>The proposed signage is to include the business operating out of the building.</p> <p>Conditions will be applied to the consent to ensure the signage is consistent with the desired built form of the area.</p> <p>The signage will by using simple architectural design and uses the business logo, name and owner once to avoid cluttering caused by signage in the area.</p>	YES
<p>Signage in Particular Developments</p> <ul style="list-style-type: none"> Service stations Exhibition Home and Exhibition Village 	<p>The proposed signage is not associated with any of the prescribed developments</p>	N/A
<p>Other Types of Signage</p> <ul style="list-style-type: none"> Illuminated Street Name Signs Inflatable Signs 	<p>The proposed signage is not associated with any of other Signage Types</p>	N/A
<p>Design Criteria – Window Sign attached to, or displayed on, the shop window.</p>	N/A	N/A

LDCP 2008 - Part 4: Development in Liverpool City Centre

Part 4 Development in Liverpool City Centre			
Control	Requirement	Proposed	Comment
4.3 On-site parking	Parking rates to comply with LLEP 2008	The property has two car parking spaces with a floor area of approximately 317m2. As the proposed does not seek to increase the floor area and the property is in close proximity to public transport the shortfall of 1 car parking space is justifiable in this instance.	Complies, based on merit.
5.5 Noise	An acoustic report is required for all noise affected locations.	The site is identified as affected in the map. There are no external works proposed and the site is heritage listed and thus an acoustic report is not needed in this instance.	Complies, based on merit.
5.6 Waste	Development applications for all non-residential development must be accompanied by a waste management plan	A waste management plan has been submitted with the application that will form part of the approved plans.	Conditions to be applied to the consent.

ATTACHMENT 3: DRAFT CONDITIONS OF CONSENT**Approved Plans**

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

Plans

Title	Plan No.	Revision	Dated	Prepared by
Site and Location Plan	1/1	-	22.10.2016	PARISHI Management Pty Ltd
Ground Floor	A01	-	24.05.2017	PARISHI Management Pty Ltd
First Floor	A02	-	24.05.2017	PARISHI Management Pty Ltd
West Elevation & East Elevation	A04	B	24.05.2017	PARISHI Management Pty Ltd
Section A-A	A05	-	24.05.2017	PARISHI Management Pty Ltd

Reports

Title	Dated	Prepared by
Waste Management Plan		PARISHI Management Pty Ltd
Statement of Heritage Impact	January 10 2018	David Scobie Architects Pty Ltd

except where modified by the undermentioned conditions.

2. The internal and external original fabric is not to be altered or modified, except as might be identified by this development consent, without any further approvals from Liverpool City Council.
3. 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.

4. In accordance with section 80 A (11) of the Environmental Planning & Assessment Act 1979 and clause 98 of the Environmental Planning & Assessment Regulation 2000, it is a prescribed condition that all building work must be carried out in accordance with the applicable Performance Requirements of the National Construction Code. Compliance with the Performance Requirements can only be achieved by:

- (a) Complying with the Deemed to Satisfy Provisions; or
- (b) Formulating an Alternative Solution, which complies with the Performance

Requirements or is shown to be at least equivalent to the Deemed to Satisfy Provision, or a combination of (a) and (b).

B. PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

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

- 5. Building work shall not commence prior to the issue of a Construction Certificate. Building work as defined under Section 4 of the EP&A Act means any physical activity involved in the erection of a building and includes but is not limited to, the placement of any site shed/s or builders facilities, site grading, retaining walls, excavation, cutting trenches, installing formwork and steel reinforcement or, placing of plumbing lines.
- 6. 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. The payment must be based on the value specified with the Development Application/Construction Certificate.

The following fees may be applicable;

- (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) If required, fee associated with Application for Permit to Carry Out Work Within a Road, Park and Drainage Reserve.

These fees are reviewed annually and will be calculated accordingly.

- 7. 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.
- 8. Amended signage designs are to be submitted to Council and approved by the Heritage Officer prior to issue of construction certificate. The design is to be prepared in accordance with the following:
 - a) Only one sign is to be installed on site.
 - b) The sign is to be no more than 500mm from the base of the heritage building;
 - c) The sign is to be located on the memorial avenue (front) elevation;
 - d) The sign is to be free standing, anchored to the ground by bolts or alternate fixing method;

- e) The sign is to be restricted to the name of the company and contact details; and
 - f) The sign is to be a maximum 1200mm high and 600mm wide.
9. The certifying authority must advise Council, in writing of:
- a) The name and contractor licence number of the licensee who has contracted to do or intends to do the work, or
 - b) The name and permit of the owner-builder who intends to do the work.
- If these arrangements are changed, or if a contract is entered into for the work to be done by a different licensee, Council must be immediately informed.
10. All works are to be guided and supervised by an appropriately qualified and experienced heritage architect. Council is to be notified of the heritage architect engaged to guide and supervise the work prior to issue of Construction Certificate.
11. Access must be provided to the building for people with a disability in accordance with the relevant requirements of the Building Code of Australia, Disability (Access to Premises – Buildings) Standard 2010 and Australian Standard – AS1428.1 (2009), Design for Access and Mobility – General requirements for new building work, to the satisfaction of the Certifying Authority.

C. PRIOR TO WORKS COMMENCING

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

12. 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.

13. The applicant/ builder shall be responsible to report to the Council any damage to Council's footpath and road carriageway as a consequence of 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.
14. 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.
15. 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.

D. DURING CONSTRUCTION

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

16. 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.
17. 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.
18. All works are to be undertaken in accordance with this development consent, the conservation management plan and the Burra Charter.
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. A sign must be erected and maintained in a prominent position on the site, which contains the following details:
 - a) 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)

- b) name, address and telephone number of the Principal Certifying Authority
- c) a statement stating that 'unauthorised entry to the work site is prohibited'.

- 21. No banners or other temporary signage are to be displayed, anchored or tied to the building.
- 22. 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.
- 20. Construction work/civil work/demolition work, including the delivery of materials, is only permitted on the site between the hours of 7:00am to 6:00pm Monday to Friday, 8:00am to 1:00pm Saturday. No work will be permitted on Sundays or Public Holidays, unless otherwise approved by Council.
 - 21. 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.
 - 22. 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.

E. PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

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

- 23. The supervising heritage architect is to provide a written report to Council, prior to issue of occupation certificate, certifying that the proposed works have been undertaken in accordance with this development consent, the conservation management plan and the Burra Charter.
- 24. 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.

25. 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.
26. 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.
27. The Principal Certifying Authority shall ensure that all compliance certificates required by this development consent are referenced to the condition consent number. The Compliance Certificate is to state that the works as constructed comply fully with the required condition of consent being acted on by the certifier.

F. CONDITIONS RELATING TO USE

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

Waste Management

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

Hours of Operation

31. The hours of operation of the premises are limited to:

- Monday to Friday: 9am to 5pm
- Saturday: 10am to 6pm.
- Sunday: Closed

Staffing and student population

32. The training centre is not to exceed total accommodation of 4-6 staff and 80 students at any one time.

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) In accordance with Section 8.8 and 8.10 of the Environmental Planning and Assessment Act 1979, an objector who is dissatisfied with the determination of a consent authority to grant consent to a development application for designated development (including designated development that is integrated development), may, within 28 days after the date on which the application is taken to have been determined, appeal to the Land and Environment Court.
- g) The approval of this application does not imply or infer compliance with the Disability Discrimination Act and that the developer should investigate their liability under the Act.
- h) The requirements of all authorities including the Environmental Protection Authority and the Work Cover Authority shall be met in regards to the operation of the building.
- i) "DIAL BEFORE YOU DIG"

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

- j) TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800 810 443.

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

Item no:	3
Application Number:	DA-100/2017
Proposed Development:	Demolition Of Existing Structures And Construction Of A Six-Storey Residential Flat Building Containing 16 Residential Units Above A Basement Car Park. The Application is Made Pursuant To The Provisions Of State Environmental Planning Policy (Affordable Rental Housing) 2009
Property Address	14 McKay Avenue, Moorebank
Legal Description:	LOT 69 DP 235785
Applicant:	E P and A Solutions P/L
Land Owner:	MR M M FARAG, MRS L M FARAG and MR N A ANCONA
Cost of Works:	\$4,462,110
Recommendation:	REFUSAL
Assessing Officer:	Boris Santana – Senior Development Planner

1. EXECUTIVE SUMMARY

Council has received a Development Application (DA-100/2017) seeking consent for the demolition of existing structures and construction of a six-storey residential flat building containing 16 residential units above basement car park pursuant to the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009 at 14 McKay Avenue, Moorebank.

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

The development application was notified for a period of 14 days from 3 April 2017 to 20 April 2017 in accordance with Liverpool Development Control Plan 2008. A total of five (5) written objections were received raised concerns relating to: privacy, traffic, height, solar access, parking, noise, lot size, public infrastructure, dilapidation, local character and affordable housing requirements.

Following an initial assessment by Council officers and the Liverpool Design Excellence Panel, the applicant was advised to amend their plans as the bulk and scale of the development was inappropriate. The applicant was also advised to withdraw the application as it was not considered to be within an “accessible area” in accordance with the State Environmental Planning Policy (Affordable Rental Housing) 2009.

The key issues associated with the proposal relate to:

- The proposed development does not achieve satisfactory compliance with the provisions of Clause 10(2), Division 1 in the SEPP (Affordable Rental Housing) 2009 (SEPP ARH) as the nominated bus stop is not serviced by a regular bus service.
- The proposed development does not comply with the development standard for maximum building height in Clause 4.3 of LLEP 2008 and the written request made under clause 4.6 of LLEP 2008 in relation to the contravention of the development standard is not consistent with the revised proposal.
- The floor space ratio of the proposed development is excessive and does not comply with the development standard for maximum floor space ratio in Clause 4.4 of LLEP 2008.
- The proposal has not been accompanied by a BASIX Certificate that is consistent with the latest set of architectural drawings.
- The proposed method of stormwater disposal is unsatisfactory and inconsistent with Clauses 8 and 9 of the Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment and Section 6, Part 1 of LDCP 2018.
- The proposed development is inconsistent with SEPP 65 Design Principles, Part 2F, 3B, 3C, 3D, 3F, 3G, 3J, 4D, 4E, 4G, 4K, 4L, 4M, 4O, 4P, 4Q, 4V and 4W of the Apartment Design Guide.
- The proposed development is inconsistent with Section 3, 6, 20 and 25 in Part 1 of LDCP 2008. The proposed development is also inconsistent with Sections 2, 3, 5, 6, 7, 8, 9 and 10 in Part 3.7 of the LDCP 2008.

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 categories of departure from development standards and sensitive development.

The application has been assessed pursuant to the provisions of the Environmental Planning and Assessment (EP&A) Act 1979. Based on the assessment of the application, it is recommended that the application be refused, for reasons as outlined in this report.

2. SITE DESCRIPTION AND LOCALITY

2.1 The site

The site is legally known as Lot 69 in DP 235785 with a street address of 14 McKay Avenue, Moorebank. The site is irregular in shape and has a total area of 869sqm. The site has a frontage of approximately 27.125m to McKay Avenue and a frontage to Harvey pathway of 36.59m, and side boundary of approximately 38m to the east, with a rear boundary of 19.12m in length. The site has a gradual cross-slope from the northeast to the southwest of approximately 0.95m. The site is currently occupied by one (1) detached dwelling, outbuildings, and sparse vegetation.

An aerial photograph of the subject site is provided below.



Figure 1: Aerial photograph of the site – highlighted yellow

2.2 The locality

The site is located in a residential block bounded by McKay Avenue, Lucas Avenue (to the east), Harvey Avenue (to the north) and Dredge Avenue (to the west). The area is predominately characterised by single storey and two storey dwellings.

A local centre comprising of Moorebank Shopping Centre and Nuwarra Public School is located to the south of the subject site, while the Ernie Smith Reserve is located approximately 740m to the west. An aerial photograph of the locality is provided below.



Figure 2: Aerial photograph of the locality

3. BACKGROUND/HISTORY

A history of the DA is detailed below:

1. DA-100/2017 was lodged on 24 February 2017.
2. DA-100/2017 was notified to surrounding properties for a period of 14 days from 3 April 2017 to 20 April 2017 in accordance with LDCP 2008. A total of five (5) written objections were submitted.
3. On 12 June 2017 the applicant was requested to provide additional information with regard to non-compliances with the SEPP Affordable Rental Housing, NSW Apartment Design Guide (ADG) and Liverpool Development Control Plan (LDCP) 2008.
4. On 28 July 2017 the applicant submitted draft plans to address issues raised by the DEP and Council officers.
5. On 23 August 2017 Council officers advised the applicant that the draft plans were unsatisfactory, and that the bulk and scale of the development should be reduced.
6. On 11 December 2017 the applicant was advised that the development site is not in an “accessible area” as access to bus stops on Newbridge Road cannot be reached via Moorebank Hotel or the Shopping Centre as there is no public footway.
7. On 27 March 2018 the applicant was asked to withdraw the application as outstanding issues had not been resolved.
8. On 3 April 2018 the applicant provided amended plans with legal advice alleging that the site was in an “accessible area”.
9. On 21 May 2018 the applicant was asked to withdraw the application as Council’s solicitors had provided legal advice purporting that the site was not in an “accessible area”.
10. On 10 December 2018 the applicant was advised to withdraw the application when the Land and Environment Court (*Touma v Liverpool City Council [2018] NSWLEC 1635*) decided that sites within an “accessible area” must rely on one (1) bus stop.

To date the applicant has not heeded any of Council’s advice, especially with regard to reducing the bulk and scale of the development and withdrawing the application. The application will therefore be determined using the information submitted to date.

3.1 Design Excellence Panel

The subject application was considered by Council’s Design Excellence Panel (DEP) on 18 May 2017.

The main issues raised by the panel from the meeting of 18 May 2018 are summarised below:

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

- *Contextual analysis should be shown in 2D and 3D demonstrating that the proposed development would not prejudice the development potential of neighbouring sites and that they are able to be similarly re-developed and achieve compliance with the ADG and Liverpool LEP. Note that this was requested in the previous Panel minutes.*

Comment: The applicant has not submitted a contextual analysis to demonstrate that the proposed development would not prejudice the development potential of neighbouring sites.

- *The application must achieve compliance with FSR. The Panel notes that as this is the first proposal of this scale for the locality the project will set a precedent.*

Comment: The development provides an FSR of 1.73:1, which represents a non-compliance of 44% and even exceeds the full extent of the additional FSR permitted under the ARHSEPP. Notwithstanding this, the proposed development is not considered to benefit from the additional FSR under the ARHSEPP as the site is not located in an 'accessible area'. Moreover, the proposed development is considered to be deficient with respect to a number of relevant planning consideration and would need to be reduced in floor area in order to achieve a form of development that is suitable for the site and the locality.

- *The Panel accepts a minimum incursion above building height plane where it is predominately roof. The butterfly roof is not considered to be necessary*

Comment: The applicant has removed the butterfly roof so that the development results in only a minimum incursion above the building height plane of approximately 0.9m.

- *The Panel recommends a minimum 3050mm to 3100mm floor-to-floor height so as to achieve compliance with the minimum required 2700mm floor-ceiling height as per the ADG.*

Comment: The development has been modified to provide 3050mm floor to floor height so as to achieve compliance with the minimum required 2700mm floor to ceiling height as per the ADG.

- *The Panel continues to encourage the proponent to seek amalgamation with adjoining sites, noting the impact on the bulk and scale of the proposed development has the following constraints,: complex site geometry, additional ARHSEPP FSR, site area under the preferred minimum 1000sqm for R4 development constrained site width overall.*

Comment: The applicant initially submitted evidence to suggest that amalgamation attempts were unsuccessful with the adjoining neighbour to the south-east of the site. The DEP reviewed the documentation and considered that the applicant has not engaged in meaningful attempts to amalgamate. No further attempts have been made by the applicant to amalgamate with adjoining properties to achieve the preferred lot size of at least 1000sqm for R4 development.

- *Proposal must meet the requirements of the ARHSEPP, site area under the preferred minimum 1000sqm for R4 development, constrained site width overall.*

Comment: It is considered that the proposal results in a development that is not suitable for the site and its locality.

- *Proposal must meet the requirements of the ARHSEPP including solar access and deep soil zone requirements. In this regard, where there is an inconsistency between the ARHSEPP and SEPP 65, greater weight should be given to the ARHSEPP requirements.*

Comment: The proposed development complied with the solar access and deep soil zone requirements of SEPP 65.

- *Access to communal open space is not acceptable. Direct access to the common open space is to be provided from the communal lobby. Access from the laneway is not acceptable.*

Comment: The proposed access to communal open space has not been modified as per the DEP comments.

- *Communal open space is not acceptable as currently arranged in terms of access, size and landscape design. The Panel suggests re-planning of Unit 3 on the ground floor into a 1-bedroom apartment and use of the resultant space as an undercover common open space. This result is to be a single, accessible, communal open space accessible from the common lobby that achieves compliance with ARHSEPP in terms of area.*

Comment: Communal open space is considered to be poor in its current form in terms of access, landscape design and relationship to ground floor apartments.

- *The apartment layouts are unnecessarily complicated and contorted. Review apartment planning to minimise corridors and simplify circulation generally.*

Comment: The proposed floor plan has been modified to minimise corridors and simplify circulation generally.

- *The Panel recommends reducing the width of the driveway in order to increase landscaping and deep soil planting on site, noting that the development only provides for a single level basement carpark.*

Comment: Council's Traffic Engineering Branch was consulted to discern whether the driveway could be reduced in width to increase landscaping and deep soil. Council's Traffic Engineering Branch advised that the development would need to maintain the two way traffic movement into and out from the basement car park.

- *The landscape plan must detail how trees proposed over the basement car park will be planted. This should also be indicated on the building sections. Minimum soil depth to follow ADG.*

Comment: No landscape plan has been submitted with the revised architectural plans that addresses this comment.

- *Provide an amended landscape plan to address how the communal open space is to be accessed and used.*

Comment: No landscape plan has been submitted with the revised architectural plans that addresses this comment.

- *Natural light to be provided to the lobby area. The central stairs should be relocated to facilitate this.*

Comment: The development has been modified so that the lobby area has a window to an external wall thereby achieving natural light.

- *Setbacks to McKay Avenue and the laneway to be designed primarily for use for private open space. Landscape plan must balance streetscape amenity with privacy for apartments.*

Comment: No landscape plan has been submitted with the revised architectural plans that addresses this comment.

- *The building to comply with ADG in respect to building separation. Building is to comply with the ARHSEPP in regard to solar access. The may require re-design of some apartments to provide increased northern orientation any may further impact on setbacks*

Comment: The building has been redesigned so that apartments have increased northern orientation. However, it is considered that the building still provides insufficient building separation, particularly along the south-eastern elevation, such that the built form results in additional overshadowing of adjoining sites and also results in an inferior building design for the locality.

- *Given the range of issues noted above, the Panel is of the view that the full extent of additional FSR enabled by the ARHSEPP may not be achievable on this site*

Comment: The applicant proposes the full extent of additional FSR enabled by the ARHSEPP.

Given the above, the proposal is not considered to satisfactorily address the matters raised by the DEP.

4. DETAILS OF THE PROPOSAL

The application initially proposed the demolition of existing structures and construction of a six-storey residential flat building containing 17 residential units above basement car park. The application was made pursuant to the State Environmental Planning Policy (Affordable Rental Housing) 2009.

Following an assessment of the application, the proposal was redesigned in response to issues raised by DEP and Council officers. The application is now seeking development consent for the demolition of existing structures and construction of a six-storey residential flat building containing 16 residential units. The applicant has not indicated which units are proposed to be allocated as affordable housing pursuant to the provisions of ARHSEPP.

Further details of the proposal are provided as follows:

- The proposed RFB provides the following apartment mix:

- i. 1 Bedroom: 1 (6.25%)
 - ii. 2 Bedroom: 8 (50%)
 - iii. 3 Bedroom: 7 (43.75%)
- Communal Open Space (COS) is at ground level with a northern orientation. It has an area of 250m². Access to the COS is achieved by traversing through the landing of fire stairs on the eastern boundary of the ground floor lobby.
- The development proposes to drain the site via an On-Site Detention (OSD) basin located in the rear of the site.
- The development includes one level of basement car parking that includes:
 - i. 19 residential parking spaces;
 - ii. bicycle parking spaces;
 - iii. Bin room; and
 - iv. Residential storage areas.
- A garbage storage room is proposed within the basement of the proposed RFB. Collection of bins will be managed by the private contractor who will administer a kerbside pick-up.
- Vehicular and pedestrian access will be provided as follows:
 - i. The proposal involves the construction of a driveway to McKay Avenue. The driveway will provide two-way vehicular access into the basement.
 - ii. The main pedestrian access to the development is provided via a separate walkway from McKay Avenue.
- The development includes landscaping of the site which includes large and small plantings within deep soil zones and plantings with planter boxes and on structure.
- The building will include external walls with brick veneer and cement render finish, and clear glass balustrades on the balconies.
- Demolition of existing dwelling and associated outbuildings on the site



Figure 3: 3D renders of the proposal

5. STATUTORY CONSIDERATIONS

5.1 Relevant matters for consideration

The following Environmental Planning Instruments, Development Control Plans and Codes or Policies are relevant to this application:

Environmental Planning Instruments (EPI's)

- State Environmental Planning Policy (Affordable Rental Housing) 2009;
- State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development;
- State Environmental Planning Policy No.55 – Remediation of Land;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment; and
- Liverpool Local Environmental Plan 2008

Draft Environmental Planning Instruments

- N/A

Development Control Plans

- Liverpool Development Control Plan 2008
 - Part 1 – Controls applying to all development
 - Part 3.7 – Residential Flat Buildings in the R4 zone

Contributions Plans

- Liverpool Contributions Plan 2009 applies to the subject development.

5.2 Zoning

The site is zoned R4 High Density Residential pursuant to LLEP 2008 as depicted in the figure below.

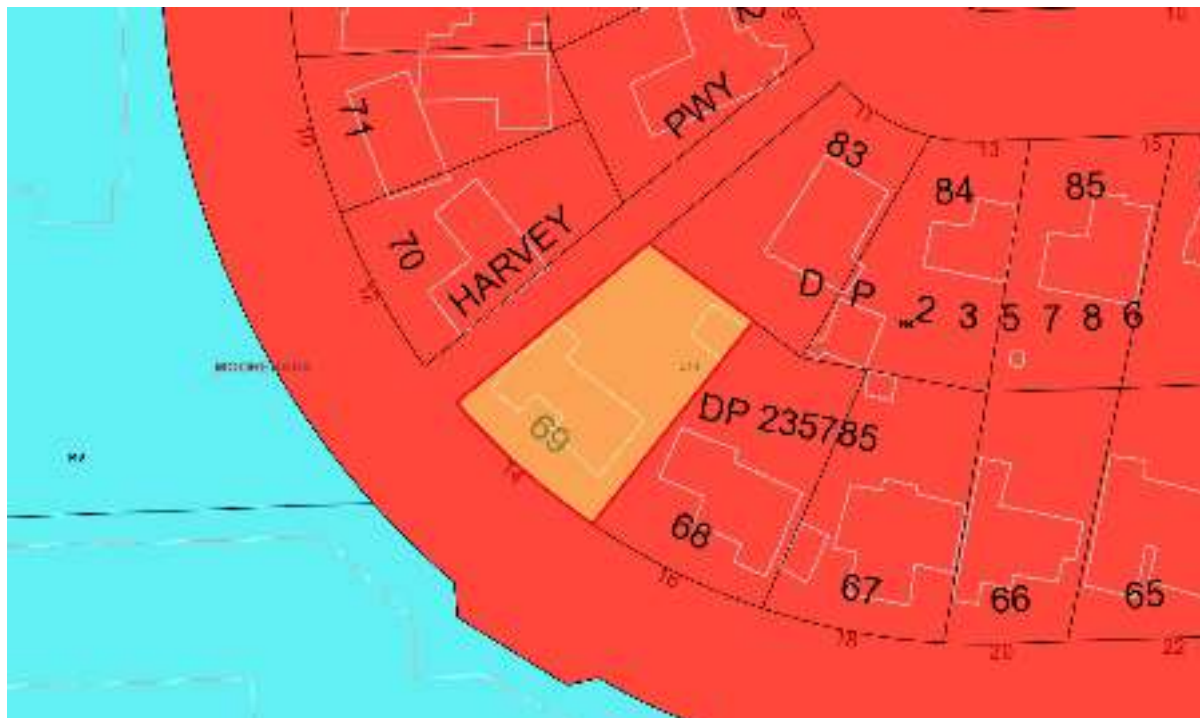


Figure 4: Zoning Map with site highlighted in yellow

5.3 Permissibility

The proposed development is defined as a *Residential flat building*, which is a permissible land use within the R4 High Density Residential zoning, subject to consent.

6. ASSESSMENT

The development application has been assessed in accordance with the relevant matters of consideration prescribed by Section 4.15 of the *Environmental Planning and Assessment 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 (ARH) 2009 is the applicable Environmental Planning Instrument as it contains specific provisions in relation to the proposed development, being residential flat building. The application has been assessed against the relevant provisions of this SEPP and compliance tables are contained in Attachment 2 of this report.

The development is found to be unsatisfactory with regards to Clause 10 of SEPP (ARH) 2009, as follows:

Clause 10 Development to which Division applies

- (1) *This Division applies to development for the purposes of dual occupancies, multi dwelling housing or residential flat buildings if:*

Comment:

The proposal is for a residential flat building development.

- (a) *the development concerned is permitted with consent under another environmental planning instrument, and*

Comment:

The proposal is located in a R4 High Density Residential Zone where residential flat buildings are permissible.

- (b) *the development is on land that does not contain a heritage item that is identified in an environmental planning instrument, or an interim heritage order or on the State Heritage Register under the [Heritage Act 1977](#).*

Comment:

The site is not identified as containing a heritage item.

- (2) *Despite subclause (1), this Division does not apply to development on land in the Sydney region unless all or part of the development is within an accessible area.*

Comment:

In accordance with the ARH SEPP 2009, Part 1 Preliminary, Clause 4(1)(b), an accessible area is defined as follows:

(c) 400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the [Passenger Transport Act 1990](#)) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.

As a result of the assessment of the DA, the proposal was found to **not** be located in an 'accessible area', and therefore, Division 1 of the SEPP does not apply in this circumstance. The applicant notes that the closest bus stop is located at a walking distance of approximately 377m from the subject site on the north of Maddecks Avenue, which provides daily services from Liverpool to Holsworthy via Bus route 902. However, the timetable for Bus route 902 indicates that this bus stop will not be serviced once per hour between 08.00 and 18.00 on each Sunday as it is missing a service at 9:18am.

The Applicant submitted legal advice dated 27 February 2018 indicating the requirement for a service every hour can be satisfied by hourly services to multiple bus stops which is within 400 walking distance of the site. The Applicant indicates that there is a bus stop on the south of Maddeck's Avenue, which provides daily services from Liverpool to Holsworthy via Bus route 902. Accordingly, the combined frequency of the 902 service at both bus stops satisfies the definition of "accessible area" in the ARH SEPP.

Council obtained legal advice in respect to the legal advice provided by the Applicant. The legal advice concludes that the language adopted in clause 4(1)(c) of SEPP ARH expresses an intention to refer to a single bus stop. The Land and Environment Court decision in *Touma v Liverpool City Council [2018] NSWLEC 1635* supports Council's

interpretation, that the clause states that one bus stop is required to provide the level of service indicated in the ARHSEPP.

No alternative bus stop and route has been offered by the applicant that is considered to meet the definition of an 'accessible area'. Based on the information provided by the applicant at this stage, the site fails the accessibility requirement and does not qualify to be assessed under Division 1 In-fill affordable housing.

Notwithstanding the above, the application has been assessed against the relevant provisions of this SEPP and compliance tables are contained in Attachment 2 of this report.

(b) State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development and the Apartment Design Guidelines

The proposal has been evaluated against the provisions of SEPP 65 which aims to improve the design quality of residential flat development. SEPP 65 requires the consent authority to consider the development against 9 key design quality principles and against the guidelines of the ADG. The ADG provides additional detail and guidance for applying the design quality principles outlined in SEPP 65.

The following table provides an assessment of the proposal in accordance with the 9 key design quality principles of SEPP 65, as follows:

Design Quality Principle	Comment
Principle One – Context and Neighbourhood Character	
<i>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.</i>	The proposed development does not comply with the zone objectives in LLEP 2008 for R4 High Density residential development and will therefore fail to address the desired future character of the area.
<i>Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</i>	It is noted that the area is in transition from low density housing to high density housing. However, the building type proposed is considered to be an overdevelopment of the site, has not been designed in a manner that is consistent with the desired character of high density in the locality.
<i>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</i>	It is considered that the proposal is inappropriate for the context and will set a poor precedent for the locality that is inconsistent with the desired future character of the area.
Design Principle 2 – Built form and scale	
<i>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</i>	The bulk and scale of the proposed development is inconsistent with the controls set out in the LEP 2008, ADG and LDGP 2008 and therefore is considered to be inconsistent with the future character of the locality and streetscape.
<i>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</i>	The built form of the proposal was considered

Design Quality Principle	Comment
<p>elements.</p> <p><i>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.</i></p>	<p>by the DEP and found to be unsatisfactory. The plans have since been amended, however due to the impending determination, the application will not be referred to the DEP again.</p> <p>Accordingly, it cannot be determined that the built form and scale of the development is consistent with the design principles of SEPP 65.</p>
Design Principle 3 – Density	
<p><i>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</i></p> <p><i>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</i></p>	<p>The plans do not comply with Council's FSR and building separation of the ADG. Due to the extent of non-compliances it cannot be determined that the development would achieve a density that is appropriate for the site.</p> <p>The built form of the proposal was considered by the DEP and found to be unsatisfactory. The plans have since been amended, however due to the impending determination, the application will not be referred to the DEP again.</p> <p>Accordingly, it cannot be determined that the built form and scale of the development is consistent with the design principles of SEPP 65.</p>
Design Principle 4 – Sustainability	
<p><i>Good design combines positive environmental, social and economic outcomes.</i></p> <p><i>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</i></p>	<p>The proposed development will result in overshadowing of neighbouring properties during mid-winter.</p> <p>The design of the proposed development is considered to appropriately respond to the northern aspect. Also, a majority of the apartments will achieve natural ventilation requirements of the ADG.</p> <p>Given the above, the proposed development is considered to result in an optimal outcome for the site, though with limited regard to neighbouring dwellings in terms of solar access. Accordingly, it is considered that the development has not been designed to achieve sustainable environmental and social outcomes for the locality.</p>
Design Principle 5 – Landscape	
<p><i>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive</i></p>	<p>The proposed landscape plans have been reviewed by Council's Tree officer who, has supported the planting selections and use of</p>

Design Quality Principle	Comment
<p><i>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.</i></p> <p><i>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.</i></p> <p><i>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, and respect for neighbours' amenity and provides for practical establishment and long term management.</i></p>	<p>species. However, given that revised landscape plans have not been submitted to support the amended plans, it cannot be demonstrated that the development achieves the design principles of SEPP 65.</p> <p>Notwithstanding this, it is considered that limited regard has been given to landscaping at the site particularly in terms of the streetscape character. It is considered that the development is not designed in a manner that would enable good landscape design at the site and in the locality.</p>
Design Principle 6 – Amenity	
<p><i>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing.</i></p> <p><i>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.</i></p>	<p>The development does not provide adequate separation distance between the proposed building and the side and rear boundaries. The proposed development is likely to result in additional overshadowing to adjoining sites, particularly to the south-east.</p> <p>Furthermore, the applicant proposes communal open space that completely surrounds Unit 3 on the ground floor. This configuration is not considered to be a good amenity outcome for ground floor apartments as it has the potential to result in overlooking and noise transmission. Accordingly, there is a risk that the communal open space will not be used by residents or may form part of the ground floor apartment as access to the communal space is poor and no clear distinction between communal and private areas exists.</p> <p>Given the above, the proposed development is considered to result in a sub-optimal amenity outcome for the development and neighbouring dwellings in terms of solar access and open space.</p>
Design Principle 7 – Safety	
<p><i>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</i></p>	<p>The thresholds between communal and private areas are not clearly defined to ensure a sense of ownership between the public and private domains.</p>

Design Quality Principle	Comment
<p><i>surveillance of public and communal areas promote safety.</i></p> <p><i>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.</i></p>	<p>The application proposes a basement parking level that provides for inadequate vehicle manoeuvring and vertical clearance in accordance with the Australian Standards.</p> <p>Given the above, it cannot be determined that the development has not been designed to cater for the safety of future occupants.</p>
Design Principle 8 – Housing Diversity and Social Interaction	
<p><i>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</i></p> <p><i>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</i></p> <p><i>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</i></p>	<p>Housing diversity and the inherent social outcomes have not been achieved as the proposed development does not include any provisions for adaptable dwellings. The scarcity of adaptable dwellings limits housing choice for those with a disability and consequently deprives them of opportunities to socially interact with a wider range of people. The absence of accessible parking spaces also limit opportunities for those with a disability.</p> <p>Accordingly, the development does not meet this Design Principle.</p>
Design Principle 9 – Aesthetics	
<p><i>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.</i></p> <p><i>The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</i></p>	<p>The architectural quality of the proposal was considered by the DEP and found to be unsatisfactory. The plans have since been amended, however due to the impending determination, the application will not be referred to the DEP again. Notwithstanding this, it is considered that the proposed development results in a building appearance that lacks proper articulation, particularly along the south-eastern elevation of the building and fails to adequately address Harvey pathway in the form of landscaping, fencing and ground floor apartments.</p>

Further to the above design quality principles, Clause 30(2) of SEPP 65 also requires residential apartment development to be designed in accordance with the ADG. The following table provides an assessment of the proposal against the relevant provisions of the ADG.

Provisions	Comment
2E Building depth	
Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line when precinct planning and testing development controls. This will ensure that apartments receive adequate daylight and natural ventilation and optimise natural cross ventilation	<p>Complies</p> <p>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.</p>
2F Building separation	

Provisions	Comment
<p>Minimum separation distances for buildings are:</p> <p><u>Up to four storeys (approximately 12m):</u></p> <ul style="list-style-type: none"> • 12m between habitable rooms/balconies • 9m between habitable and non-habitable rooms • 6m between non-habitable rooms <p><u>Five to eight storeys (approximately 25m):</u></p> <ul style="list-style-type: none"> • 18m between habitable rooms/balconies • 12m between habitable and non-habitable rooms • 9m between non-habitable rooms <p><u>Nine storeys and above (over 25m):</u></p> <ul style="list-style-type: none"> • 24m between habitable rooms/balconies • 18m between habitable and non-habitable rooms • 12m between non-habitable rooms <p>Note: Where applying separation to buildings on adjoining sites, apply half the minimum separation distance measured to the boundary. This distributes separation equally between sites.</p>	<p>Does not comply</p> <p><u>Up to four storeys</u></p> <p>The proposal provides a compliant building separation distance with the exception of the following:</p> <ul style="list-style-type: none"> - North western boundary of 3 metres between habitable rooms/habitable rooms. <p><u>Five to eight storeys</u></p> <p>The proposal provides a compliant building separation distance with the exception of the following:</p> <ul style="list-style-type: none"> - North Western boundary of 6 metres; between habitable rooms/balconies. - North Eastern boundary of 6 metres between habitable rooms/balconies; - South Eastern boundary of 4.78 metres between habitable and non-habitable rooms. <p>Nothing over 25m</p>
3A Site analysis	
<p>Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context</p>	<p>Complies</p> <p>A detailed site analysis plan has been provided.</p>
3B Orientation	
<p>Building types and layouts respond to the streetscape and site while optimising solar access within the development</p> <p>Overshadowing of neighbouring properties is minimised during mid-winter.</p> <p>Solar Access to living rooms, balconies and private open spaces of neighbours should be considered.</p> <p>If the proposal will significantly reduce the solar access of neighbours, building separation should be increased beyond the minimums contained in section 3F Visual Privacy</p>	<p>Does not comply</p> <p>Shadow diagrams have been submitted for the development during 21 December which is not the winter solstice. The north point on the shadow diagram is also incorrect. There is insufficient information to demonstrate compliance with this aspect of the development. Notwithstanding this, the site has an orientation that is conducive to overshadowing on the neighbouring dwelling to the south-east of the site.</p> <p>In such circumstances, it is appropriate that building separation is provided beyond the minimums contained in section 2F Building</p>

Provisions	Comment
<p>Overshadowing should be minimised to the south or downhill by increased upper level setbacks.</p> <p>A minimum of 4 hours of solar access should be retained to solar collectors on neighbouring buildings.</p>	<p>Separation to mitigate the shadow impact of the development. However, the proposal has been designed with separation below the minimums so as to facilitate a design on the site that results in dwelling orientations that achieve a northerly orientation.</p> <p>Although openings are minimised on the south-west elevation so as to avoid overlooking, the proposed setback results in a built form that will limit solar access rather than shadow impacts to the adjoining site. The development is likely to require additional separation to achieve a development that achieves adequate solar access.</p>
3C Public Domain Interface	
<p>Transition between private and public domain is achieved without compromising safety and security.</p> <p>Amenity of the public domain is retained and enhanced.</p>	<p>Does not comply</p> <p>The proposed development adjoins Harvey pathway without addressing this interface. The original development proposed pedestrian access from the pathway to the development. However, pedestrian paths have been removed as the development has been modified to achieve compliance with other design criteria of the ADG. This is not an acceptable design solution as the current interface between the pathway and the site is considered to be an inferior public domain outcome.</p>
3D Communal and public open space	
<p>Communal open space has a minimum area equal to 25% of the site</p> <p>Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)</p> <p>Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting.</p> <p>Communal open space should be co-located with deep soil areas.</p> <p>Where communal open space cannot be provided at ground level, it should be provided on a podium or roof</p>	<p>Does not comply</p> <p>Communal Open Space is provided to the rear of the site with a northern orientation which allows for good solar access. It has an area equivalent to 28% of the site area.</p> <p>Access to the communal open space is achieved via the fire stairs and is not considered to be easily identifiable or direct.</p> <p>Communal open space is required to be co-located with deep soil. The proposed communal open space is co-located with an area of deep soil that is to be set aside for bio-retention area.</p>
3E Deep soil zones	

Provisions			Comment
Deep soil zones are to meet the following minimum requirements:			Complies Proposal provides 130.87m ² of deep soil zone, which is 15% of the site area. However, from the original stormwater plans, the rear deep soil zone is to be used for above ground OSD. It is not appropriate to co-locate stormwater infrastructure with deep soil zones Were this area of deep soil to be excluded from the calculation then the site would have a total 61m ² of deep soil zone, which is equivalent to 7% of the site area. The deep soil zones have minimum dimensions of 3m.
Site Area	Minimum Dimensions	Deep Soil Zone (% of site area)	
Less than 650m ²	-	7%	
650m ² to 1500m ²	3m		
Greater than 1500m ²	6m		
Greater than 1500m ² with significant tree cover	6m		
3F Visual Privacy			
Minimum separation distances from buildings to the side and rear boundaries are as follows:			Does not comply <u>Up to four storeys</u> The proposal provides a compliant building separation distance with the exception of the following: - North western boundary of 3 metres between habitable rooms/habitable rooms. <u>Five to eight storeys</u> The proposal provides a compliant building separation distance of with the exception of the following: - North Western boundary of 6 metres; between habitable rooms/habitable rooms. - North Eastern boundary of 6 metres between habitable rooms/habitable rooms. Nothing over 25m
Building Height	Habitable Rooms and Balconies	Non Habitable Rooms	
Up to 12m (4 storeys)	6m	3m	
12m to 25m (5-8 storeys)	9m	4.5m	
Over 25m (9+ storeys)	12m	6m	
Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.			
New development should be located and oriented to maximise visual privacy between buildings on site and for neighbouring buildings. Design solutions include: • site layout and building orientation to minimise privacy impacts (see also section 3B Orientation) • on sloping sites, apartments on different levels have appropriate visual separation distances (see figure 3F.4)			
Apartment buildings should have an increased separation distance of 3m (in addition to the requirements set out in design criteria 1 when adjacent to a different zone that permits lower density residential development to provide for a transition in scale and increased landscaping			

Provisions	Comment
(figure3F.5)	
Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.	Does not comply Communal open space has been designed in a manner that is not separated from the private open space and windows to Unit 3 on the ground floor, particularly habitable room windows. The communal open space is neither accessible nor easily identifiable as communal and more of a private open space belonging to Unit 3.
3G Pedestrian Access and Entries	
Building entries and pedestrian access connects to and addresses the public domain	Does not comply The development site is unique in that it shares a boundary with Harvey pathway. However, in its current form, no communal building entries or individual ground floor entries are proposed from the pathway. Building entries are not clearly identifiable and communal areas area is not distinguishable from private entries.
Access, entries and pathways are accessible and easy to identify	
Large sites provide pedestrian links for access to streets and connection to destinations	
3H Vehicle Access	
Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes	Complies Vehicle access point is considered to be in a satisfactory location.
3J Bicycle and Car Parking	
For development in the following locations: <ul style="list-style-type: none">- on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or- on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less. The car parking needs for a development must be provided off street	Does not comply The proposal involves the construction of a singular driveway to McKay Avenue. The driveway will provide two-way vehicular access into the basement. However, the basement car park and access to the basement does not comply with the Australian Standards (AS 2890).
Parking and facilities are provided for other modes of transport	
Car park design and access is safe and secure	
Visual and environmental impacts of underground car parking are minimised	

Provisions		Comment										
Visual and environmental impacts of on-grade car parking are minimised												
Visual and environmental impacts of above ground enclosed car parking are minimised												
4A Solar and Daylight Access												
Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas		Complies A total of sixteen units are proposed. Fourteen units receive 2 hours sunlight between 9am and 3pm during mid-winter and equates to 87% of the units. No units receive no sunlight.										
In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid-winter												
A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter												
Courtyards, skylights and high level windows (with sills of 1,500mm or greater) are used only as a secondary light source in habitable rooms												
4B Natural Ventilation												
All habitable rooms are naturally ventilated		Complies 12 out of 16 apartments are naturally cross ventilated.										
The layout and design of single aspect apartments maximises natural ventilation												
At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed												
Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line												
4C Ceiling Heights												
Measured from finished floor level to finished ceiling level, minimum ceiling heights are:		Complies All storeys are provided with 2.7m floor to ceiling heights.										
<table><tr><th colspan="2">Minimum ceiling height</th></tr><tr><td>Habitable rooms</td><td>2.7m</td></tr><tr><td>Non-habitable</td><td>2.4m</td></tr><tr><td>For 2 storey apartments</td><td>2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area</td></tr><tr><td>Attic spaces</td><td>1.8m at edge of room with a 30 degree minimum</td></tr></table>			Minimum ceiling height		Habitable rooms	2.7m	Non-habitable	2.4m	For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area	Attic spaces	1.8m at edge of room with a 30 degree minimum
Minimum ceiling height												
Habitable rooms	2.7m											
Non-habitable	2.4m											
For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area											
Attic spaces	1.8m at edge of room with a 30 degree minimum											

Provisions			Comment
	ceiling slope		
If located in mixed use areas	3.3m from ground and first floor to promote future flexibility of use		
Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms			
Ceiling heights contribute to the flexibility of building use over the life of the building			
4D Apartment Size and Layout			
Apartments are required to have the following minimum internal areas:			Complies <ul style="list-style-type: none">All 1 bedroom units are $\geq 50\text{m}^2$All 2 bedroom units are $\geq 70\text{m}^2$The 3 bedroom unit is $\geq 90\text{m}^2$
Apartment Type	Minimum Internal Area		
Studio	35m ²		
1 bedroom	50m ²		
2 bedroom	70m ²		
3 bedroom	90m ²		
The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m ² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m ² each			
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			Complies Habitable rooms are provided with windows of sufficient glass areas.
Habitable room depths are limited to a maximum of 2.5 x the ceiling height			Complies Habitable rooms are generally limited to 2.5 x the ceiling height.
In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window			Does not comply Kitchens of units 13 and 15 are more than 8m from a window.
Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space)			Does not comply Bedrooms are of sufficient size, with the exception of one bedroom in Unit 13 and 15.
Bedrooms have a minimum dimension of 3m (excluding wardrobe space)			Does not comply Bedrooms have a minimum dimension of 3m, with the exception of one bedroom in Unit 13 and 15.
Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none">3.6m for studio and 1 bedroom apartments4m for 2 and 3 bedroom apartments			Complies Sufficient widths are provided to living rooms/dining rooms.
4E Private Open Space and Balconies			

Provisions			Comment
All apartments are required to have primary balconies as follows:			Does not comply All apartments provide the minimum required balcony areas and depths, with the exception of the following: <ul style="list-style-type: none">Unit 13 and 15 have a minimum width of less than 2.4m; andUnit 14 and 16 have a balcony area of less than 12sqm.
Dwelling Type	Minimum Area	Minimum Depth	
Studio	4m ²	-	
1 bedroom	8m ²	2m	
2 bedroom	10m ²	2m	
3 bedroom	12m ²	2.4	
The minimum balcony depth to be counted as contributing to the balcony area is 1m			
For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m ² and a minimum depth of 3m			Does not comply Unit 3 does not provide courtyards with a minimum area of 15m ² and Unit 1 does not provide a courtyard with minimum depth of 3m.
4F Common Circulation and Spaces			
The maximum number of apartments off a circulation core on a single level is eight			Complies Single lift core provided. Maximum 3 units are proposed off one lift.
For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40			Not applicable
Daylight and natural ventilation should be provided to all common circulation spaces that are above ground. Windows should be provided in common circulation spaces and should be adjacent to the stair or lift core or at the ends of corridors			Complies The lift lobby area has windows in an external wall
4G Storage			
In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:			Does not comply Adequate storage has not been provided for all units, with the exception of Units 13, 14, 15 and 16. Also, storage within apartments has not been indicated on the plans.
Dwelling Type	Storage Size Volume		
Studio	4m ³		
1 bedroom	6m ³		
2 bedroom	8m ³		
3 bedroom	10m ³		
At least 50% of the required storage is to be located within the apartment.			
4H Acoustic Privacy			
Noise transfer is minimised through the siting of buildings and building layout			Complies The development is in accordance with the

Provisions	Comment
Noise impacts are mitigated within apartments through layout and acoustic treatments	objectives.
4K Apartment Mix	
A range of apartment types and sizes is provided to cater for different household types now and into the future	Does not comply 1 x 1 bedroom units = 6% 8 x 2 bedroom units = 50% 7 x 3 bedroom units = 44%
The apartment mix is distributed to suitable locations within the building	
4L Ground Floor Apartments	
Street frontage activity is maximised where ground floor apartments are located	Does not comply Access to the street for ground floor apartments is provided from the front setback to each courtyard. However, it would be considered appropriate that each apartment retains direct access to the public domain that the apartment addresses. In this regard, Units 2 and 3 have not been designed to address the interface between the development and Harvey pathway. Private open space of Unit 3 does not face the pathway.
Design of ground floor apartments delivers amenity and safety for residents	
4M Facades	
Building facades provide visual interest along the street while respecting the character of the local area	Does not comply The design of the building façade fails to provide appropriate transition from the bottom four storeys to the top two storeys. The building envelope is reduced on the top two floors to provide additional building separation for to the north east and north west. However, additional separation distance is not continued along the south-western elevation resulting in a blank façade without any modulation. The overall design is considered to consistent with the desired character of the locality.
Building functions are expressed by the facade	
4N Roof Design	
Roof treatments are integrated into the building design and positively respond to the street	Does not comply The development results in a non-compliance with the height controls of the LLEP 2008. Additionally, there are no discernible sustainability features incorporated into the roof design of the building. Accordingly, it has not been demonstrated that the roof design meets the objectives of the ADG.
Opportunities to use roof space for residential accommodation and open space are maximised	
Roof design incorporates sustainability features	
4O Landscape Design	
Landscape design is viable and sustainable	Does not comply No landscape design has been submitted for the revised proposal. Notwithstanding this, having regard to the submitted landscape design, it appears that the plant types provided, particularly in planter boxes, do not
Landscape design contributes to the streetscape and amenity	

Provisions	Comment
	conform to the minimum soil standards of the ADG. Also, it is not considered that the deep soil zone to the rear will be able to accommodate mature tree species as this zone will be co-located with on-site stormwater detention associated with the development.
4P Planting on Structures	
Appropriate soil profiles are provided	Does not comply No landscape design has been submitted for the revised proposal. Notwithstanding this, having regard to the submitted landscape design, it appears that the plant types provided, particularly in planter boxes, do not conform to the minimum soil standards of the ADG.
Plant growth is optimised with appropriate selection and maintenance	
Planting on structures contributes to the quality and amenity of communal and public open spaces	
4Q Universal Design	
Universal design features are included in apartment design to promote flexible housing for all community members	Does not comply The development does not provide any adaptable units in accordance with the Australian Standard AS 4299-1995 <i>Adaptable Housing</i> . Accordingly, the proposal does not meet these objectives.
A variety of apartments with adaptable designs are provided	
Apartment layouts are flexible and accommodate a range of lifestyle needs	
4R Adaptive Reuse	
New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place	Not Applicable The DA is for the development of a new building and not the adaptive reuse of an existing building.
Adapted buildings provide residential amenity while not precluding future adaptive reuse	
4S Mixed Use	
Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement	Not Applicable The DA does not proposed a mixed use development.
Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents	
4T Awnings and Signage	
Awnings are well located and complement and integrate with the building design	Complies Awnings are provided to entries for wet weather protection.
Signage responds to the context and desired streetscape character	Complies Building address signage will be integrated into the building design.
4U Energy Efficiency	
Development incorporates passive environmental design.	Complies The proposal is accompanied by a BASIX Certificate which is inconsistent with the latest set of architectural plans. Therefore, it cannot be demonstrated that the proposal meets the
Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer	

Provisions	Comment
Adequate natural ventilation minimises the need for mechanical ventilation	aims and intent of the Plan.
4V Water Management and Conservation	
Potable water use is minimised	Does not comply The proposal is accompanied by a BASIX Certificate which is inconsistent with the latest set of architectural plans. Therefore, it cannot be demonstrated that the proposal meets the aims and intent of the Plan.
Urban stormwater is treated on site before being discharged to receiving waters	Does not comply Insufficient information has been submitted with the application to satisfy Council that the proposed development will be adequate both in terms of water quantity and water quality.
Flood management systems are integrated into site design	Not applicable
4W Waste Management	
Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents	Does not comply Waste storage facilities are provided and will be maintained by the caretaker. However, the submitted plan shows 3 x 660L bins to accommodate the waste and recycling of the proposal. The proposal generates the requirement for 6 waste and recycling bins. Furthermore, no provision has been made for green waste in the storage facility.
Domestic waste is minimized by providing safe and convenient source separation and recycling	
4X Building Maintenance	
Building design detail provides protection from weathering	Complies The development is in accordance with these objectives
Systems and access enable ease of maintenance	
Material selection reduces ongoing maintenance costs	

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

The objectives of SEPP 55 are:

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

Pursuant to the above SEPP, Council must consider:

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

Clause 7 of SEPP 55 states:

- (1) *A consent authority must not consent to the carrying out of any development on land unless:*

- (a) *it has considered whether the land is contaminated, and*
- (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The land is currently utilised only for residential purposes and has been since the lot was created in the late 1960s. The subject land has been used for residential purposes for approximately 50 years. There is no reason to suspect that the land is contaminated or requires specific remediation or works beyond those that will be required in accordance with standard conditions attached to any consent issued (if applicable).

With consideration to this and the above information, there is no evidence to suggest that the land has been or is contaminated and a formal land contamination assessment is considered to not be necessary.

Given the above, SEPP 55 considerations have been addressed and the land is considered suitable for its continued use for residential purposes.

(d) State Environmental Planning Policy (BASIX) 2004

The proposal is accompanied by a BASIX Certificate which is inconsistent with the latest set of architectural plans. Therefore, it cannot be demonstrated that the proposal meets the aims and intent of the Plan.

(f) Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (now deemed SEPP).

The Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment generally aims to maintain and improve the water quality and river flows of the Georges River and its tributaries. The application was referred to Council's Land Development Engineering section as part of the assessment of the proposal. Council's land development engineers raised objections to the proposed methods of stormwater management as follows:

- *OSD shall be located in common area and OSD located in the rear property shall be underground.*
- *Outlet pipes to kerb shall be 200 x 100 x 6 RHS*
- *Submit Drains file for review*

The applicant has yet to formally submit the above information as required. Accordingly, it is considered that the proposal does not satisfy the provisions of the GMREP No. 2. In this regard, the development will have adverse impacts on the Georges River Catchment and is considered to be inconsistent with the provisions of the deemed SEPP.

(g) Liverpool Local Environmental Plan 2008

(i) Permissibility

The proposed development is for a *residential flat building*, which is defined as follows:

Residential flat building means a building containing 3 or more dwellings, but does not include

an attached dwelling or multi dwelling housing.

The proposed development satisfies the definition of a *residential flat building* as it is a building which contains more than 3 dwellings.

(ii) Objectives of the zone

The objectives of the R4 – High Density Residential zone are as follows:

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

The proposal does not satisfy the above objectives of the R4 zone as follows:

- The building does not provide for housing needs as none of the units will incorporate universal design principles.
- The site is not within an accessible area as there is a lack of appropriate bus services within 400m of the site.
- The proposal results in a development that is inconsistent with the desired character a high density environment.
- The redevelopment potential of adjoining sites for high density development are likely to be adversely impacted by the proposed development

Accordingly, the proposed development does not meet the objectives of the R4 High Density Residential zone.

(iii) Principal Development Standards

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

Clause	Provision	Comment
Clause 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.

Clause 4.1 Minimum Subdivision Lot Size	The size of any lot resulting from a subdivision of land is not to be less than 1000sqm.	<p>Not Applicable</p> <p>The proposal development comprises a residential flat building on an existing lot of less than 1000sqm. Although this clause of the LLEP does not apply to the proposal as no subdivision is proposed, it is important to consider its objectives.</p> <p>The minimum subdivision lot size ensures that lot sizes are able to accommodate development that is suitable for its purpose and consistent with relevant development controls. Having regard to the site and its locality, the clause indicates that any lot less than 1000sqm is the minimum required to develop the site for the purpose of high density residential i.e. residential flat building.</p> <p>Given the above, it was requested that the applicant amalgamate with adjoining properties to achieve a site area that is greater than the minimum subdivision lot size of the LLEP. The applicant submitted evidence to suggest that amalgamation attempts were unsuccessful with the adjoining neighbour to the south-east of the site.</p> <p>Council has reviewed the documentation and considers that the applicant has not engaged in meaningful attempts to amalgamate. Notwithstanding this, for Council to consider any application on the site, it would need to be satisfied that any development is suitable for the site and locality.</p> <p>In its current form, it is considered that proposal results in a development that maximises the yield of dwellings on the site without adequate regard of adjoining sites and the locality predominately in terms of building separation, streetscape character and open space. The development would need to be modified in order to accommodate a form of high density residential that is suitable for the site and its locality.</p>
Clause 4.3 Height of Buildings	Maximum height of 18m	<p>Does not comply</p> <p>A building height of 18.9m is proposed which represents a non-compliance of 0.9m or 5%. An updated Clause 4.6 Variation has not been submitted to Council for the revised proposal.</p>
Clause 4.4 Floor Space	Maximum FSR of 1.2:1	<p>Does not comply</p> <p>The development provides an FSR of</p>

Ratio		1.73:1, which represents a non-compliance of 44%. It appears that the applicant has excluded internal wall thickness in the calculation of FSR. A 4.6 variation request has not been submitted to support the proposed FSR as the applicant has lodged the application pursuant to ARHSEPP.
Clause 4.6 Exceptions to development standards	Provisions relating to exceptions to development standards	Does not comply A request to vary Clause 4.3 Height of Buildings has not been submitted for the revised proposal.
Clause 7.14 Minimum Building Street Frontage	Minimum building street frontage of 24m	Complies The site has a frontage of approximately 27.125m
Clause 7.31 Earthworks	Provisions relating to bulk earthworks	Complies No earthworks proposed other than those ancillary to the development being excavation for the proposed basement

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

No draft Environmental Planning Instruments applies to the site.

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

The application has been assessed against the controls of the LDCP 2008, particularly Part 1 *General Controls for all Development*; and Part 3.7 *Residential Flat Buildings in the R4 Zone*.

The tables below provides an assessment of the proposal against the relevant controls of the LDCP 2008.

LDCP 2008 Part 1: General Controls for All Development

Development Control	Provision	Comment
Section 2. Tree Preservation	Controls relating to the preservation of trees	Not Applicable No trees on site.
Section 3. Landscaping and Incorporation of Existing Trees	Controls relating to landscaping and the incorporation of existing trees.	Does Not Comply An amended landscape plan has not been submitted to support the revised architectural plans.
Section 4 Bushland and Fauna Habitat Preservation	Controls relating to bushland and fauna habitat preservation	Not Applicable The development site is not identified as containing any native flora and fauna.
Section 5. Bush Fire Risk	Controls relating to development on bushfire prone land	Not Applicable The development site is not identified as being bushfire prone land.
Section 6.	Stormwater runoff shall be	Non-compliant

Development Control	Provision	Comment
Water Cycle Management	connected to Council's drainage system by gravity means. A stormwater drainage concept plan is to be submitted.	This aspect has been reviewed by Council's Land Development Engineers, who have raised objections, as an above ground OSD tank has been proposed within the rear communal open space area. The applicant has not formally submitted amended plans or documentation to address the concerns.
Section 7. Development Near a Watercourse	If any works are proposed near a water course, the Water Management Act 2000 may apply, and you may be required to seek controlled activity approval from the NSW Office of Water.	Not Applicable The development site is not within close proximity to a water course.
Section 8. Erosion and Sediment Control	Erosion and sediment control plan to be submitted.	Addressed by Condition Conditions of consent will be imposed to ensure that erosion and sediment controls measures are implemented during the construction of the development.
Section 9. Flooding Risk	Provisions relating to development on flood prone land.	Not Applicable The development site is not affected by flooding.
Section 10. Contaminated Land Risk	Provisions relating to development on contaminated land.	Complies As discussed earlier within this report, the site is considered suitable for the development.
Section 11. Salinity Risk	Provisions relating to development on saline land.	Addressed by Condition The development site is identified as containing a moderate salinity potential. Should the DA be supported, conditions are recommended to be imposed to manage salinity at the construction stage.
Section 12. Acid Sulphate Soils	Provisions relating to development on acid sulphate soils	Not Applicable The development site is not identified as containing the potential for acid sulphate soils to occur.
Section 13. Weeds	Provisions relating to sites containing noxious weeds.	Not Applicable The site is not identified as containing noxious weeds.
Section 14. Demolition of Existing Development	Provisions relating to demolition works	Addressed by Condition Should the application be supported, conditions of consent will be imposed to ensure demolition works are carried out in accordance with relevant Australian Standards
Section 15. On Site Sewage Disposal	Provisions relating to OSMS.	Not Applicable OSMS is not proposed or required.
Section 16.	An initial investigation must	Not Applicable

Development Control	Provision	Comment
Aboriginal Archaeology	be carried out to determine if the proposed development or activity occurs on land potentially containing an item of aboriginal archaeology.	The site is highly disturbed. As such, it is unlikely that it would contain Aboriginal Archaeology.
Section 17. Heritage and Archaeological Sites	Provisions relating to heritage sites.	Not Applicable The site is not identified as a heritage item or within the immediate vicinity of a heritage item.
Section 18. Notification of Applications	Provisions relating to the notification of applications.	Complies The application was notified to properties within 75m of the site. 5 submissions were received.
Section 19. Used Clothing Bins	Provisions relating to used clothing bins.	Not Applicable The DA does not propose used clothing bins.
Section 20. Car Parking and Access	Residential Development Car Parking Requirements: <ul style="list-style-type: none"> - 1 space per one bedroom; - 1.5 spaces per two bedroom units; - 2 spaces per three or more bedroom dwelling; - 1 space per 4 units or part thereof, for visitors - One service bay 	Does not comply The following parking is required: <ul style="list-style-type: none"> - 1 x 1 bedroom units require 1 space - 8 x 2 bedroom units require 12 spaces - 7 x 3 bedroom units requires 14 spaces - 13 residential units require 4 visitor spaces A total of 31 spaces required for the proposed development. Only 19 car parking spaces have been provided.
Section 21. Subdivision of Land and Buildings	Provisions relating to the subdivision of land.	Not Applicable The DA does not propose the subdivision of land.
Section 22. and Section 23 Water Conservation and Energy Conservation	New dwellings are to demonstrate compliance with State Environmental Planning Policy – Building Sustainability Index (BASIX).	Complies Should the DA be supported, conditions of consent will be imposed to ensure compliance with the BASIX commitments.
Section 25. Waste Disposal and Re-use Facilities	Provisions relating to waste management during construction and on-going waste.	Does not comply Waste storage facilities are provided and will be maintained by the caretaker. However, the submitted plan shows 3 x 660L bins to accommodate the waste and recycling of the proposal. The proposal generates the requirement for 6 waste and recycling bins. Furthermore, no provision has been made for green waste in the storage facility.

Development Control	Provision	Comment
Section 27. Social Impact Assessment	A social impact comment (SIC) shall be submitted for residential flat buildings greater than 20 units or affordable rental housing.	Not Applicable Although the DA was lodged pursuant to SEPP ARH, it has not been demonstrated that the site is in an accessible area. Therefore there is no scope to incorporate affordable rental housing as part of the development. Accordingly, a SIC is not warranted or required in this instance.

LDCP 2008 Part 3.7: Residential Flat Buildings in the R4 Zone

Development Control	Provision	Comment
Frontage and Site Area		
	Minimum lot width of 24m	Does not comply The site provides for a frontage of 27.125m to McKay Avenue. However, the proposed development has a rear lot width of 19.125m. The average lot width is 23.125m.
Site Planning		
	The building should relate to the site's topography with minimal earthworks, except for basement car parking.	Complies Minimal earthworks are proposed except for the basement level.
	Siting of buildings should provide usable and efficient spaces, with consideration given to energy efficiency in the building design	Does not comply The building has been designed to maximise northern exposure of the dwelling. However, insufficient consideration has been given to the impact of overshadowing on the adjoining site.
	Site layout should provide safe pedestrian, cycle and vehicle access to and from the street.	Complies The vehicular access and parking arrangements are safe
	Siting of buildings should be sympathetic to surrounding development, taking specific account of the streetscape in terms of scale, bulk, setbacks, materials and visual amenity.	Does not comply The development is not in accordance with the objectives of the zone and provides for an inappropriate built form due to overdevelopment, poor urban design outcomes and excessive height.
	Stormwater from the site must be able to be drained satisfactorily. Where the site falls away from the street, it may be necessary to obtain an easement over adjoining property to drain water satisfactorily to a Council stormwater system. Where stormwater drains directly to the street, there may also be a need to incorporate on-site	Does not comply This aspect has been reviewed by Council's technical officers, who have raised concerns about this aspect of the application. The applicant has not submitted amended plans to address the stormwater drainage concerns.

Development Control	Provision	Comment
	detention of stormwater where street drainage is inadequate	
	The development will need to satisfy the requirements of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development.	Does not comply As demonstrated within this report, the development does not demonstrate compliance with SEPP 65.
Setbacks		
Front Setback	Front setback of 5.5m is required Verandahs, eaves and other sun control devices may encroach on the front and secondary setback by up to 1m.	Complies A front setback of 5.6m is provided.
Side Setback	Boundary to land in R4 zone: 3m building setback required for a building height up to 10m (i.e. ground floor, Level 1, Level 2 and Level 3	Not Applicable The side and rear setbacks of the development have been proposed in accordance with the ADG associated with SEPP 65 which takes precedence over the LDCP 2008.
	Boundary to land in R4 zone: 8m building setback required for a building height greater than 10m	
Rear Setback	Boundary to land in R4 zone: 8m building setback required for all building heights	
Landscaped Area and Private Open Space		
Landscaped Area	A minimum of 25% of the site area shall be landscaped area.	Complies Based on a site area of 869sqm, a minimum landscaped area of 217.25sqm is required. The proposed architectural plans indicate that approximately 424.91sqm of landscaping area will be provided, which equates to 48.9% of the site area.
	A minimum of 50% of the front setback area shall be landscaped area	Complies Architectural plans indicate that a majority of the front setback area to Mc Kay Avenue will be landscaped.
	Optimise the provision of consolidated landscaped area within a site by: - The design of basement and sub-basement car parking, so as not to fully cover the site. - The use of front and side setbacks. - Optimise the extent of landscaped area beyond the	Complies Architectural plans indicate that landscaped areas will be generally consolidated within the front, side setbacks and rear setback areas.

Development Control	Provision	Comment
	site boundaries by locating them contiguous with the landscaped area of adjacent properties.	
	Promote landscape health by supporting for a rich variety of vegetation type and size	Does not comply An amended landscape plan has not been submitted to support the revised architectural plans, therefore this aspect of the proposal cannot be demonstrated.
Open Space	Provide communal open space, which is appropriate and relevant to the context and the building's setting.	Does not comply The communal open space will be provided in the rear at ground level that is adjacent to the balcony and habitable bedroom windows of Unit 3. This arrangement compromises the privacy afforded to future occupants of the subject unit, and does not offer an appropriate configuration.
	Where communal open space is provided, facilitate its use for the desired range of activities by: - Locating it in relation to buildings to optimise solar access to dwellings. - Consolidating open space on the site into recognisable areas with reasonable space, facilities and landscape. - Designing its size and dimensions to allow for the range of uses it will contain. - Minimising overshadowing. - Carefully locating ventilation duct outlets from basement car parking.	Does not comply The communal open space will be provided in the rear at ground level adjacent to the balcony and habitable bedroom windows of Unit 3. This arrangement compromises the privacy afforded to future occupants of the subject unit, and does not offer an appropriate configuration for communal open space. Access to the communal open space is also compromised as occupants will need to traverse through the lobby and stairwell before reaching the south-eastern portion of the communal open space.
	Locate open space to increase the potential for residential amenity.	Does not comply The communal open space will be provided in the rear at ground level directly adjacent to the balcony and habitable bedroom windows of Unit 3. This arrangement compromises the privacy afforded to future occupants of the subject unit, and does not offer a high level of residential amenity.
Private Open Space	Private open space shall be provided as follows: - 10m ² for a dwelling size less than 65m ² - 12m ² for a dwelling size over 65m ²	Not Applicable Private open space requirements are provided in accordance with the requirements of the ADG.

Development Control	Provision	Comment
	Private open space may be provided as a courtyard for ground floor dwellings or as balconies for dwellings above the ground floor.	Does not comply Private courtyards are provided for all units on the ground floor, except for unit 3 which has been provided with a balcony that has a direct line of sight into the communal open space area. Balconies have also been provided for units above the ground floor.
	Private open space areas should be an extension of indoor living areas and be functional in size to accommodate seating and the like.	Complies The POS acts as an extension of the internal living rooms.
	Private open space should be clearly defined for private use.	Complies The POS is clearly defined.
Building Design, Style and Streetscape		
Building Appearance and Streetscape	Objectives of the controls are as follows: a) To ensure an attractive streetscape that is consistent with the environment of residential flat buildings. b) To promote high architectural quality in residential flat buildings. c) To ensure that new developments have facades which define and enhance the public domain and desired street character. d) To ensure that building elements are integrated into the overall building form and facade design.	Does not comply The architectural quality of the proposal was considered by the DEP and found to be unsatisfactory. The plans have since been amended, however the building appearance, particularly along the south-eastern elevation lacks articulation between the bottom and top elements of the building and is considered to detract from the overall building form and façade design that is desired of residential flat buildings in the locality.
Roof Design	Objectives of the controls are: a) To provide quality roof designs, which contribute to the overall design and performance of residential flat buildings; b) To integrate the design of the roof into the overall facade, building composition and desired contextual response; c) To increase the longevity of the building through weather protection.	Complies The proposed roof design contributes positively to the design of the building.
Building Entry	Objectives of the controls are: a) To create entrances which provide a desirable residential identity for the development.	Does not comply In this case it is important to provide a physical and direct connection for pedestrians via

Development Control	Provision	Comment
	b) To orient the visitor. c) To contribute positively to the streetscape and building facade design.	Harvey pathway to the site. The original development addressed the pedestrian entry to the pathway in order to activate this interface. However, this element has been removed from the current design which is considered to negatively impact the streetscape and building facade design.
Balconies	Objectives of the controls are: a) To ensure that balconies contribute positively to the facade of a building. b) To ensure balconies are functional and responsive to the environment thereby promoting the enjoyment of outdoor living for dwelling residents. c) To ensure that balconies are integrated into the overall architectural form and detail of residential flat buildings. d) To contribute to the safety and liveliness of the street by allowing for casual overlooking and address.	Complies Proposed balconies are integrated into the architectural form of the development and will complement the facade and also provide for casual surveillance.
Daylight Access	Objectives of the controls area: a) To ensure that daylight access is provided to all habitable rooms and encouraged in all other areas of residential flat development. b) To provide adequate ambient lighting and minimise the need for artificial lighting during daylight hours. c) To provide residents with the ability to adjust the quantity of daylight to suit their needs.	Complies The proposed development is designed in a manner that maximises solar access to future occupants of the apartments.
Internal Design	Objectives of the controls are: a) To ensure that the internal design of buildings provide a pleasant environment for the occupants and residents of adjoining properties.	Complies The building has been designed to take advantage of the northern aspect.
Ground Floor Dwellings	Objectives of the controls are: a) To contribute to the desired streetscape of an area and to create active safe streets. b) To increase the housing and lifestyle choices available in	Does not comply The ground floor units have not been designed in a manner that contributes to the desired streetscape and create active safe streets. All units on the ground floor with the exception

Development Control	Provision	Comment
	dwelling buildings.	<p>of Unit 3 provide a courtyard space for use. Unit 3 provides for a balcony that fails to address Harvey pathway. The dwelling layout provides for a poor visual and physical interface between the habitable rooms and balconies of the unit and communal open space.</p> <p>The courtyards of the Unit 2 has no direct visual and physical connection to Harvey pathway. The courtyards have large fences that prevent direct access and casual surveillance to the public domain, particularly along Harvey pathway.</p>
Security	<p>Objectives of the controls are:</p> <p>a) To ensure that buildings are orientated to allow surveillance from the street and adjoining buildings.</p> <p>b) To ensure that entrances to buildings are clearly visible and easy to locate in order to minimise the opportunities for intruders.</p> <p>c) To ensure buildings are safe and secure for residents and visitors.</p> <p>d) To contribute to the safety of the public domain.</p>	<p>Complies</p> <p>The entrance to the building is clearly defined, causal surveillance opportunities exist, and the development provides a safe and secure building for future occupants and visitors.</p>
Natural Ventilation	<p>Objectives of the controls are:</p> <p>a) To ensure that dwellings are designed to provide all habitable rooms with direct access to fresh air and to assist in promoting thermal comfort for occupants.</p> <p>b) To provide natural ventilation in non-habitable rooms, where possible.</p> <p>c) To reduce energy consumption by minimising the use of mechanical ventilation, particularly air conditioning.</p>	<p>Complies</p> <p>At least 60% of apartments have direct access to natural ventilation.</p>
Building Layout	<p>Objectives of the controls are:</p> <p>a) To provide variety in appearance.</p> <p>b) To provide increasing privacy between dwellings within the building.</p> <p>c) To assist with flow through</p>	<p>Complies</p> <p>Considered to be acceptable in its current form.</p>

Development Control	Provision	Comment
	ventilation. d) To improve solar access.	
Storage Areas	A secure storage space is to be provided for each dwelling with a minimum volume of 8m ³ (minimum dimension 1m ²). This must be set aside exclusively for storage as part of the basement or garage.	Complies Adequate storage spaces are provided within units and basement.
	Storage areas must be adequately lit and secure. Particular attention must be given to security of basement and garage storage areas.	Complies Storage areas within the building are adequately lit.
Landscaping and Fencing		
Landscaping	Objectives of the controls are: a) To ensure that the development uses 'soft landscaping' treatments to soften the appearance of the buildings and complement the streetscape. b) To ensure that the relation of landscape design is appropriate to the desired proportions and character of the streetscape. c) To ensure that the use of planting and landscape elements are appropriate to the scale of the development. a) To retain existing mature trees within the site in a way which ensures their ongoing health and vitality. b) To provide privacy, summer shade and allow winter sun. c) To encourage landscaping that is appropriate to the natural, cultural and heritage characteristics of its locality. d) To add value to residents' quality of life within the development in the forms of privacy, outlook and views.	Does not comply An amended landscape plan has not been submitted to support the revised architectural plans, therefore this aspect of the proposal cannot be demonstrated.
Planting on Structures	a) To contribute to the quality and amenity of communal open space on podiums and internal courtyards. b) To encourage the	Does not Comply An amended landscape plan has not been submitted to support the revised architectural plans, therefore this aspect of the proposal cannot be demonstrated.

Development Control	Provision	Comment
	establishment and healthy growth of trees in urban areas.	
Fencing	Maximum height of front fence is 1.2m. The front fence may be built to a maximum height of 1.5m if the fence is setback 1m from the front boundary with suitable landscaping in front of the proposed fence.	Does not comply The proposed development provides for a maximum height of front fence of 1.2m along McKay Avenue. The proposed development provides for courtyards for Units 1 and 2 along Harvey pathway which appears to be screened from the public domain by a 1.8m high fence. No details of fencing has been provided for the remainder of the development along Harvey pathway.
	Fences should not prevent surveillance by the dwelling's occupants of the street or communal areas.	
	The front fence must be 30% transparent.	
	Front fences shall be constructed in masonry, timber, metal pickets and/or vegetation and must be compatible with the proposed design of the dwelling.	The maximum height of fences in the front setback is 1.5m and the proposal does not meet this requirement. This fence is not considered to be appropriate as it detracts from the desired streetscape character and limits opportunities for surveillance of the public domain. In addition, a 1.5m high fence will only be considered where there is suitable landscaping in front of the fence. In its current form, there is a lack of suitable landscaping that can be provided along Harvey pathway frontage due to the access arrangements provided on the site for courtyards.
	Boundary fences shall be lapped and capped timber or metal sheeting.	Complies Fencing to be provided as required.
Car Parking and Access		
Car Parking	Visitor car parking shall be clearly identified and may not be stacked car parking.	Does not comply Visitor parking has not been provided.
	Visitor car parking shall be located between any roller shutter door and the front boundary.	
	Pedestrian and driveways shall be separated.	Complies Pedestrian access and driveways are separated.
	Driveways shall be designed to accommodate removalist vehicles.	Complies Driveway has been designed to accommodate a range of vehicle types.
	Where possible vehicular entrances to the basement car	Not Applicable Side vehicular entrance is not appropriate in

Development Control	Provision	Comment
	parking shall be from the side of the building. As an alternative a curved driveway to an entrance at the front of the building may be considered if the entrance is not readily visible from the street.	this instance.
	Give preference to underground parking	Complies Underground parking is provided.
Pedestrian Access	Objectives of the controls are: a) To promote residential flat development that is well connected to the street and contributes to the accessibility of the public domain. b) To ensure that residents, including users of strollers and wheelchairs and people with bicycles, are able to reach and enter their dwelling and use communal areas via minimum grade ramps, paths, access ways or lifts.	Complies Pedestrian entries are clearly defined and accessible.
Amenity and Environmental Impact		
Over-shadowing	Adjoining properties must receive a minimum of three hours of sunlight between 9am and 5pm on 21 June to at least: - One living, rumpus room or the like; and - 50% of the private open space.	Does not comply The revised shadow diagrams are inadequate as they do not demonstrate the extent of overshadowing during the winter solstice and the north point on the plan is incorrect.
Privacy	Objectives of the controls are: a) To locate and design buildings to meet projected user requirements for visual and acoustic privacy and to protect privacy of nearby residents. b) To avoid any external impacts of a development, such as overlooking of adjoining sites. c) To provide reasonable levels of visual privacy externally and internally, during the day and at night. d) To maximise outlook and views from principal rooms and private open space.	Complies The building has been designed to comply with the building separation distances of the ADG along the northern, southern and eastern boundaries.

Development Control	Provision	Comment
Acoustic Impact	Objectives of the controls are: a) To ensure a high level of amenity by protecting the privacy of residents within residential flat buildings.	Complies The development is able to achieve an acceptable level of amenity, subject to the implementation of noise attenuation measures as recommended in the submitted Acoustic Report.
Site Services		
	Objectives of the controls are: a) To ensure that the required services are provided. b) To ensure that the services provided are easily protected or maintained.	Does not comply The development is likely to require the installation of a substation. The applicant indicates the potential location of the substation. No details have been submitted to suggest that this location is suitable for the service provider. Also no screening method has been indicated on the submitted plans.

As per the above DCP compliance tables, the development is inconsistent with the relevant development controls.

6.4 Section 4.15 (1)(a)(iiia) - Any Planning Agreement or any Draft Planning Agreement

No planning agreement relates to the site or proposed development.

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

The Environmental Planning and Assessment Regulations 2000 requires the consent authority to consider the provisions of the Building Code of Australia. If approved appropriate conditions of consent will be imposed requiring compliance with the BCA.

6.6 Section 4.15 (1)(a) (v) – Any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates

There are no Coastal Zones applicable to the subject site.

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

(a) Natural and Built Environment

The site is not considered to be of a size that is large enough to accommodate the size and scale of development proposed. 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 residential flat building does not achieve adequate amenity for future residents and is likely to adversely impact on the amenity of any redevelopment on the adjoining properties for high density residential.

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

The site is not considered suitable to accommodate a residential flat building such as that proposed and approval of the application would create an undesirable precedent in the area. 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.

6.9 Section 4.15 (1)(d) – Any submissions made in relation to the Development**(a) Internal Referrals**

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

Department	Comments
Building	No objection subject to conditions of consent.
Engineering	Objection raised to the proposed development, particularly the above ground OSD basin in the rear setback.
Traffic and Transport	Proposed development does not comply with AS and DCP.

(b) Community Consultation

The development application was advertised/notified for a period of 14 days from 3 April 2017 to 20 April 2017 in accordance with Liverpool Development Control Plan 2008. A total of five (5) written objections were submitted raising concerns relating to the development.

Issue	Comment
The height of the development as well as balconies and windows will eliminate privacy for the occupants adjoining the site.	The proposed development does not provide adequate building separation from each property boundary and it is considered that the development results in unacceptable overlooking of adjoining sites.
Adjoining properties will lose sunlight during winter as a result of the height of the building.	No shadow diagrams have been submitted with the revised proposal of the shadow impact associated with the development during the winter solstice. Notwithstanding this, it is considered that any development that reduces building separation, such as the one proposed, is likely to result in additional shadow impacts to surrounds.

<p>The proposal will generate additional traffic in the surrounding streets when existing infrastructure is already at capacity with existing traffic, particularly given the proximity of the development to Nuwarra Public School. Although there is on-site parking for the residents, car parking provided is inadequate and there will be additional cars parked on McKay Avenue. This will create a safety risk for children.</p> <p>No provisions for visitor car parking spaces.</p>	<p>Council's Traffic Engineering Branch has advised that the surrounding road network has spare capacity to accommodate the traffic generation of the proposed development.</p> <p>Also, in terms of car parking, were Council to apply the parking rates within the ARHSEPP then the proposed development provides sufficient car parking. No visitor spaces are required under the ARHSEPP.</p> <p>However, as Council considers that proposal does not benefit from the ARHSEPP provisions, the parking rates of the DCP have been applied to the development.</p> <p>Accordingly, the proposed development generates a parking requirements of 31 spaces, inclusive of four visitor parking spaces. The development provides only 19 car parking spaces.</p>
<p>The neighbouring residents need assurance that no damage or slippage will happen to their property during construction as a result of the basement car park.</p>	<p>The applicant submitted a Geotechnical Report that indicates that a detailed geotechnical subsurface investigation must be carried out prior to final design and issue of CC. A condition can be imposed to ensure that that a Geotechnical Report is submitted to the PCA to ensure that the excavation is satisfactory prior to CC. Council can take action on any development that is not being carried out in accordance with the conditions.</p>
<p>Safety for pedestrians and traffic during the construction phase of the development is a concern.</p>	<p>A condition can be imposed on any consent granted that requires the applicant to submit to Council a Construction Traffic Management Plan for review and approval prior to CC.</p>
<p>The development is not compatible with the local character of the area which is characterised by single and double storey detached houses.</p> <p>Moorebank is not a suitable area for high density residential development, particularly as it is not well serviced by public transportation.</p>	<p>The land and the locality is zoned R4 – High Density Residential. Residential Flat Buildings are types of development that are encouraged within the R4 Zone. It is noted that Moorebank is under transition from low density development to high density development as evidenced by the current construction of flat buildings in the area. However, in its current form, the proposed residential flat building is not considered to be satisfactory and is an overdevelopment of the site.</p>

6.10 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. SECTION 7.11 CONTRIBUTIONS

The proposed development is not supported. Contributions are not required in this instance. However, in the event the application was approved contributions would be applied.

8. CONCLUSION

The application has been assessed having regard to the provisions of Section 4.15 of the EP&A Act, 1979, the provisions of the LLEP 2008, LDCP 2008. Accordingly, and taking into consideration the submissions received from local residents, it is recommended that the application be refused.

9. RECOMMENDATION

It is recommended that Development Application DA-100/2017 for the demolition of existing structures and construction of a 6 storey residential flat building with basement parking at 14 McKay Avenue, Moorebank is refused for the following reasons:

1. The development application be refused as the proposed development does not achieve satisfactory compliance with the provisions of Clause 10(2), Division 1 in the SEPP (Affordable Rental Housing) 2009 (SEPP ARH) as the proposed development is not located within 'an accessible area', pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.
2. The development application be refused as the proposed development does not comply with the development standard for maximum building height (or the objectives of the standard) in Clause 4.3 of LLEP 2008 and the written request made under clause 4.6 of LLEP 2008 in relation to the contravention of the development standard has not been revised to reflect the latest architectural drawings, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.
3. The development application be refused as the floor space ratio of the proposed development is excessive and does not comply with the development standard for maximum floor space ratio in clause 4.4 of LLEP 2008, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.
4. The development application be refused as the proposal is not accompanied by a BASIX Certificate that is consistent with the latest set of architectural plans and the therefore is not consistent with SEPP (Building Sustainability Index: BASIX) 2004, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.
5. The development application be refused as the site's width is considered to be inadequate for the proposed development as the site does not comply with the minimum lot width

control in Section 2 of Part 3.7 of the LDCP 2008, pursuant to Section 4.15(1)(a)(iii) and 4.15(1)(a)(c) of the Environmental Planning and Assessment Act 1979.

6. The development application be refused as the proposed building separation distances are inadequate and do not comply with the SEPP 65 Design Principles and Objective 2F and 3F of the ADG relating to building separation and visual privacy, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.
7. The development application be refused as shadow diagrams have not been submitted that shows the shadow impact of the proposed development to surrounds during mid-winter. The design of the proposed development does not minimise overshadowing of neighbouring properties during mid-winter and therefore does not comply with SEPP 65 Design Principles, Objective 3B of the ADG and Section 9 in Part 3.7 of LDCP 2008, pursuant to Section 4.15(1)(a)(i), (iii) and (b) of the Environmental Planning and Assessment Act 1979.
8. The development application be refused as the submitted landscape plan has not been revised to reflect the revised proposal and is also considered to be deficient as it provides insufficient planting details to confirm that landscaping can be accommodated on the site as proposed in the plan and therefore is not consistent with SEPP 65 Design Principles, Objective 4O and 4P of the ADG or Section 3 in Part 1 of LDCP 2008 and Section 5 in Part 3.7 of LDCP 2008, pursuant to Section 4.15(1)(a)(i) and 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979.
9. The development application be refused as the proposed apartments and private open space of apartments is substandard, and do not comply with the SEPP 65 Design Principles and Objective 4D and 4E of the ADG, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.
10. The development application be refused as the application has not satisfactorily demonstrated compliance with the requirements of Section 6 and 7 in Part 3.7 of the LDCP 2008 in terms of fencing and is considered to have adverse streetscape impacts, pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979.
11. The development application be refused as development has not been designed to adequately address Harvey pathway interface and is not consistent with SEPP 65 Design Principles, Objective 3C, 3G and 4C of the ADG, pursuant to Section 4.15(1)(a)(i) and (b) of the Environmental Planning and Assessment Act 1979.
12. The development application be refused as the proposed communal open space is inappropriate in terms of pedestrian access to and from the space, lack of adequate deep soil zones, amenity impacts to ground floor apartments and absence of an appropriate visual and physical distinction from private open space. The proposed development is not considered to be consistent with SEPP 65 Design Principles and Objective 3D and 4C of the ADG, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

13. The development application be refused as the proposed development is considered to result in adverse visual impacts on the desired future streetscape character in the area given the lack of separation and articulation provided in the top element of the building particularly along the south-eastern elevation. The development is therefore inconsistent with the SEPP 65 Design Principles, Objective 4M of the ADG and Section 25 in Part 1 of the LDCP, pursuant to Section 4.15(1)(a)(i), (iii) and (b) of the Environmental Planning and Assessment Act 1979.
14. The development application be refused because the proposed development has not been designed with adequate provision for storage in the apartments and details of storage have also been excluded from drawings. The proposed development is therefore inconsistent with Objective 4G of the ADG, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.
15. The development application be refused because the proposed development has not been designed with an adequate apartment mix in terms of the volume of one bedroom dwellings provided and is inconsistent with Objective 4K of the ADG, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.
16. The development application be refused because the proposed basement parking is unsatisfactorily designed resulting in vehicle manoeuvring issues, provides insufficient car parking spaces on the site to cater for the demand generated by the development and is not consistent with Objective 3J of the ADG, Section 10 in Part 1 of LDCP 2008 and Section 8 in Part 3.7 of LDCP 2008, pursuant to Section 4.15(1)(a)(i), (iii) and (b) of the Environmental Planning and Assessment Act 1979.
17. The development application be refused as none of the proposed units are capable of adaptation, and in that regard the proposed development is inconsistent with the requirements of Part 4Q of the ADG in terms of universal design, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.
18. The development application be refused as the waste storage facility has not been sized to accommodate the required number of waste and recycling bins for the units proposed and no provision has been made for green waste, and in that regard the proposed development is not consistent with Objective 4W of the ADG and Section 25 in Part 1 of LDCP 2008, pursuant to Section 4.15(1)(a)(i), (iii) and (b) of the Environmental Planning and Assessment Act 1979.
19. The development application be refused because the proposed development is likely to require the installation of a substation, the location and design of which has not been adequately considered in the design of the development in accordance with the requirements of Part 3C of the ADG and Section 10 in Part 3.7 of LDCP 2008, pursuant to Section 4.15(1)(a)(i) and (iii) of the Environmental Planning and Assessment Act 1979.

20. The development application be refused because the proposed method of stormwater disposal is unsatisfactory and insufficient information has been submitted to satisfy the consent authority that it is satisfactory and consistent with Clauses 8 and 9 of the Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment, Objective 4V of the ADG, Section 6 in Part 1 of LDCP 2008 and Section 3 in Part 3.7 of LDCP 2008, pursuant to Section 4.15(1)(a)(i), (iii) and (b) of the Environmental Planning and Assessment Act 1979.
21. The development application should be refused because the further amended development application is not accompanied by a Statement by a qualified designer in accordance with Clause 50(1A) and (1AB) of the Environmental Planning and Assessment Regulation 2000. The required statement by a qualified designer must:
- (a) verify that he or she designed, or directed the design, of the development, and
 - (b) provide an explanation that verifies how the development:
 - (i) addresses how the design quality principles are achieved, and
 - (ii) demonstrates, in terms of the Apartment Design Guide, how the objectives in Parts 3 and 4 of that guide have been achieved.
22. Due to the above reasons, approval of the application is not in the public interest, pursuant to Section 4.15(1)(e) of the EP & A Act 1979.

10. ATTACHMENTS

- 1. Plans of the proposal**
- 2. SEPP ARH Compliance Table**
- 3. Current Timetable for Bus Service 902 (valid from 15 October 2018)**

25 March 2019

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DRAWING LIST		REVISION
DRAWING NO.	DRAWING TITLE	
A-01	INT. FLOOR	0
A-02	CEILING PLAN	0
A-03	MECHANICAL PLAN	0
A-04	ELECTRICAL PLAN	0
A-05	LEVEL PLAN	0
A-06	LEVEL 2 PLAN	0
A-07	LEVEL 3 PLAN	0
A-08	LEVEL 4 PLAN	0
A-09	ROOF PLAN	0
A-10	ELEVATIONS	0
A-11	SECTIONS	0
A-12	SECTION (DRAFT)	0
A-13	SECTION (DRAFT)	0
A-14	SECTION (DRAFT)	0
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GENERAL NOTES

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14 MCKAY AVE MOORBANK NSW
PROPOSED 6 STOREY RESIDENTIAL FLAT BUILDING
IN-FILL DEVELOPMENT UNDER ARHSEPP
CONTAINING 16 UNITS & 1 BASEMENT PARKING
LEVEL



PROJECT CONSULTANT TEAM	
NOMINATED ARCHITECT	 
TOWN PLANNING	 
TRAFFIC	 
HYDRAULIC	 
ACOUSTIC	 
GEOTECHNICAL	 
LANDSCAPING	 
BASIS	 
QUANTITY SURVEYING	 
SURVEY	 

25 March 2019



25 March 2019



LIVERPOOL CITY COUNCIL
LOCAL PLANNING PANEL REPORT

25 March 2019



EPA SOLUTIONS
Environmental Planning & Architectural Solutions
14 MOSKAY AVE MOORABANK NSW
1500 900 000
02 9511 1881
200 Waverley NSW 2232



LIVERPOOL CITY COUNCIL
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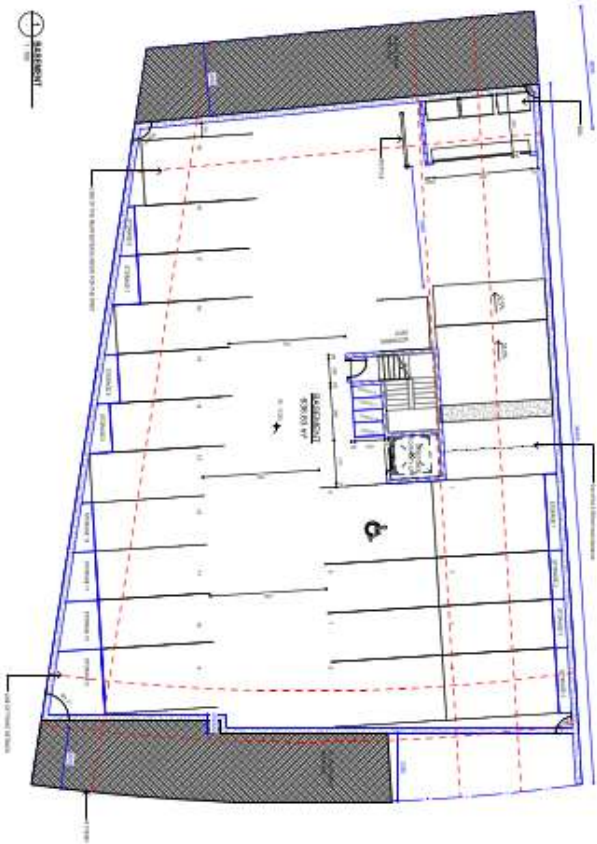
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MRS. L. B. M. M. FORDY GRD M. N. ANCONO
14 MOSKAY AVE MOORABANK NSW

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BASEMENT PLAN

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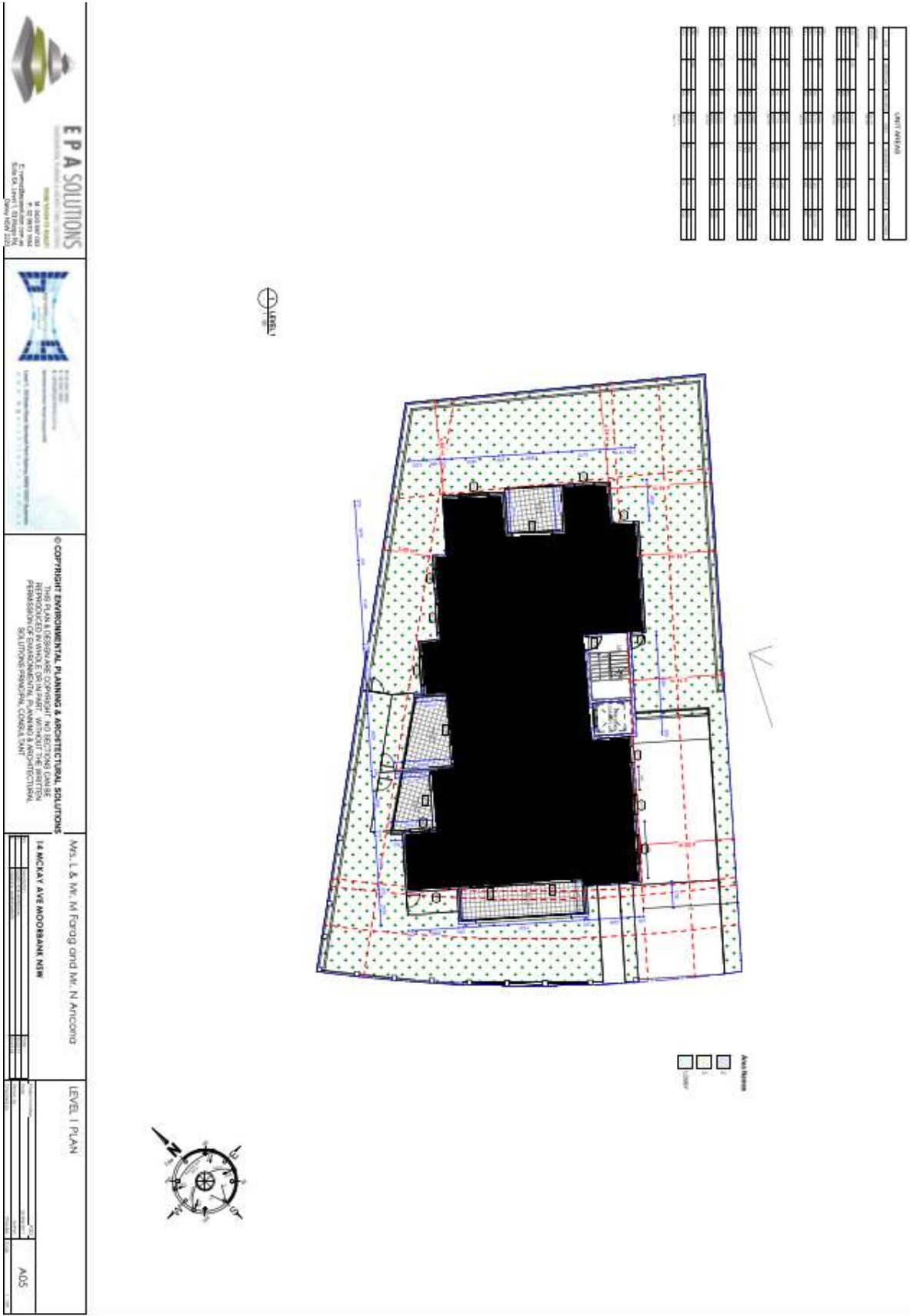
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25 March 2019



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25 March 2019



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25 March 2019

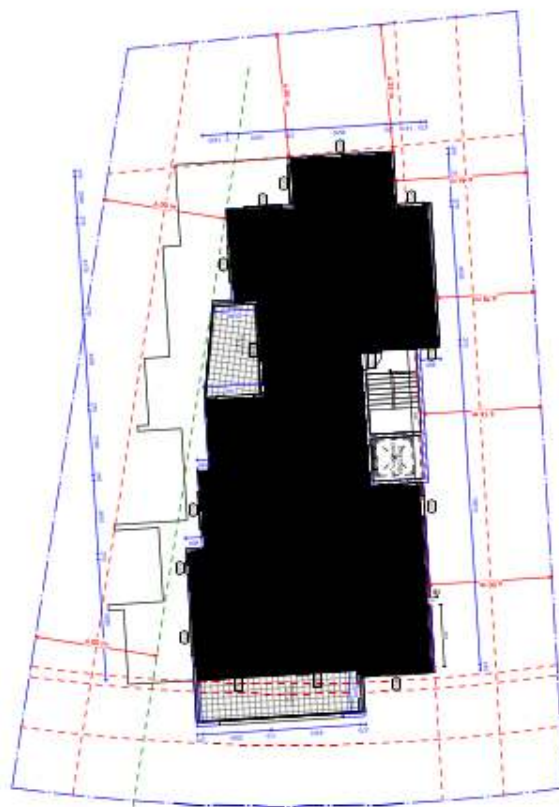


25 March 2019



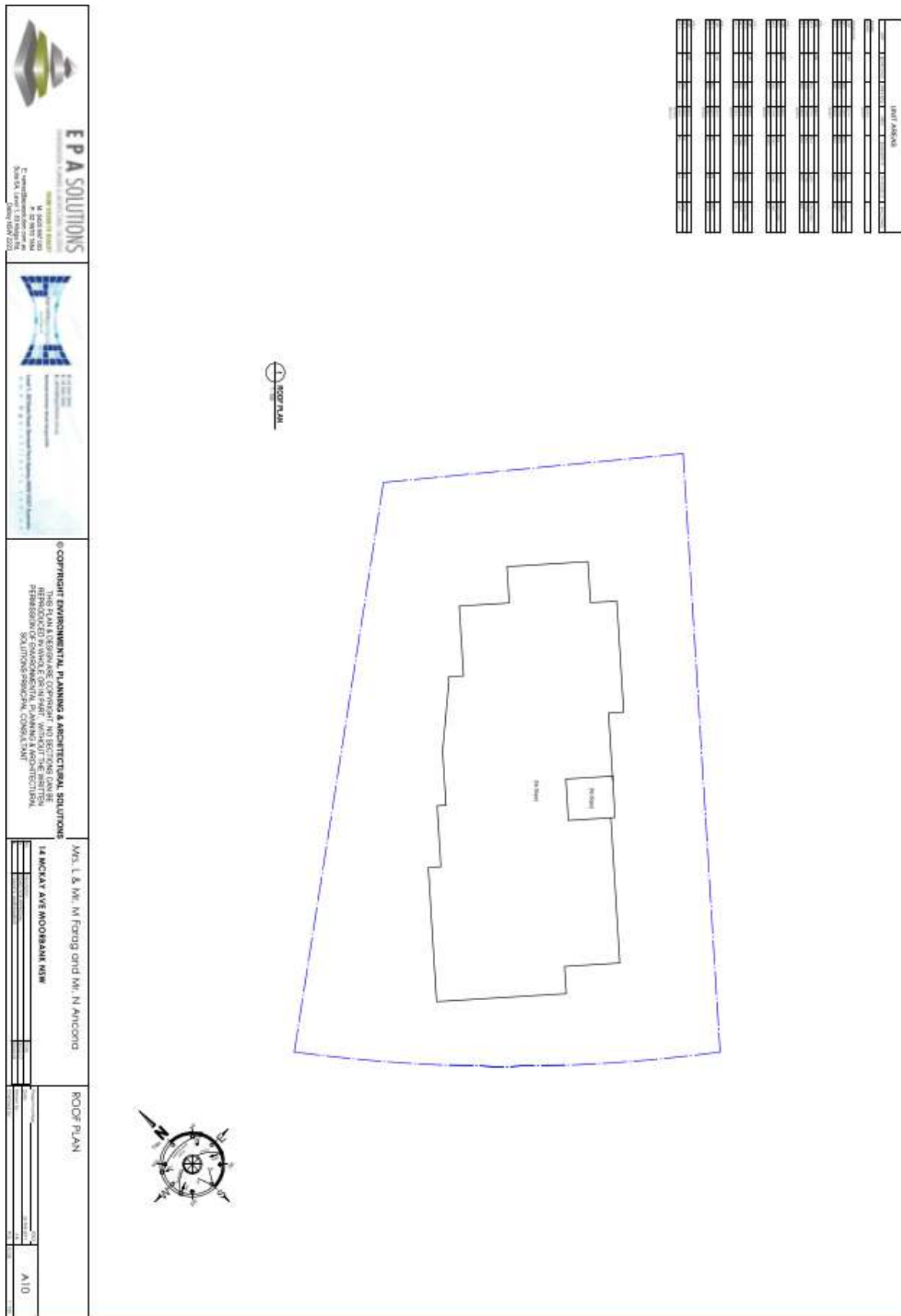
25 March 2019

Figure 1: Building layout

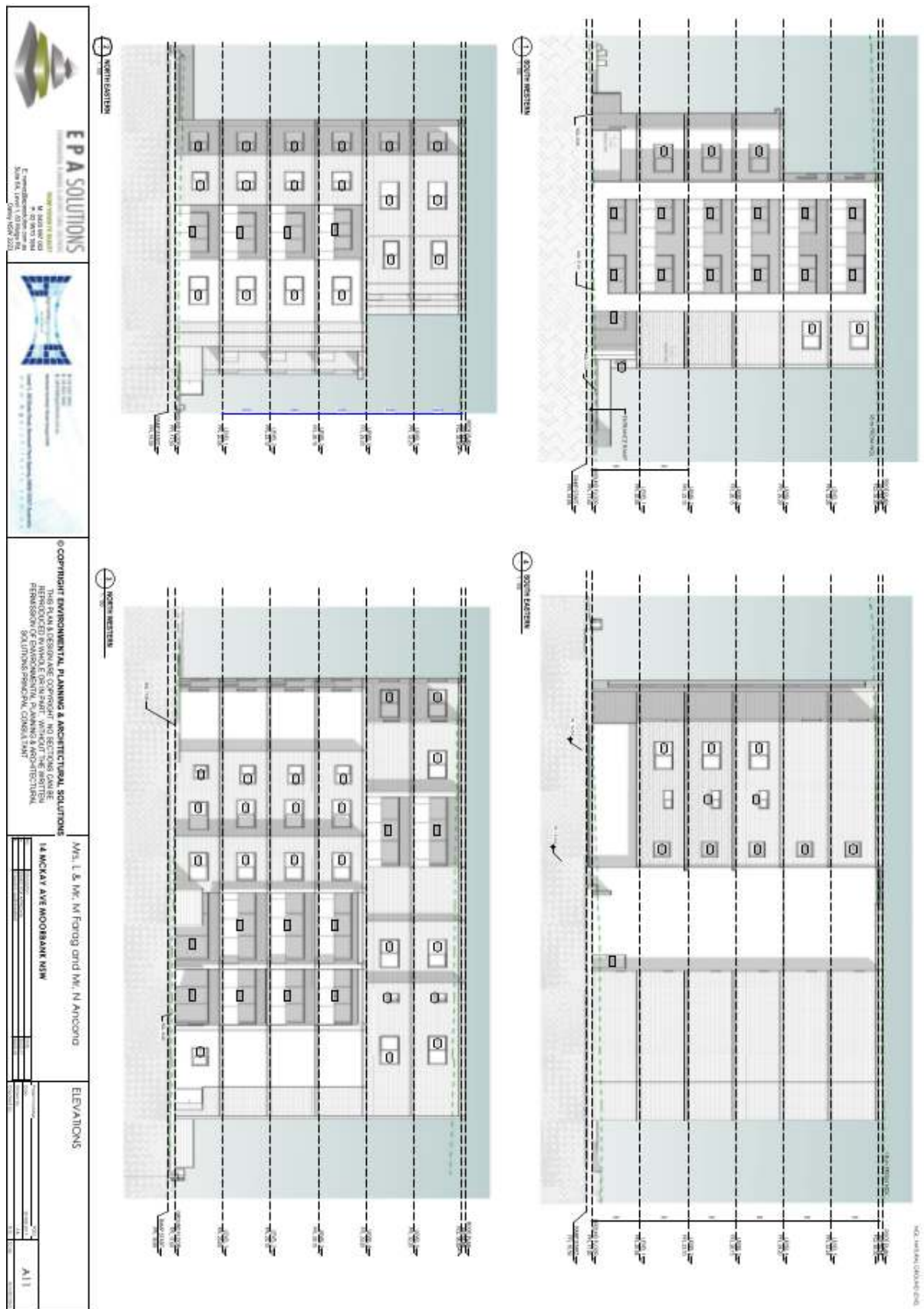


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OR	OR-10-0108
SR	SR-10-0108
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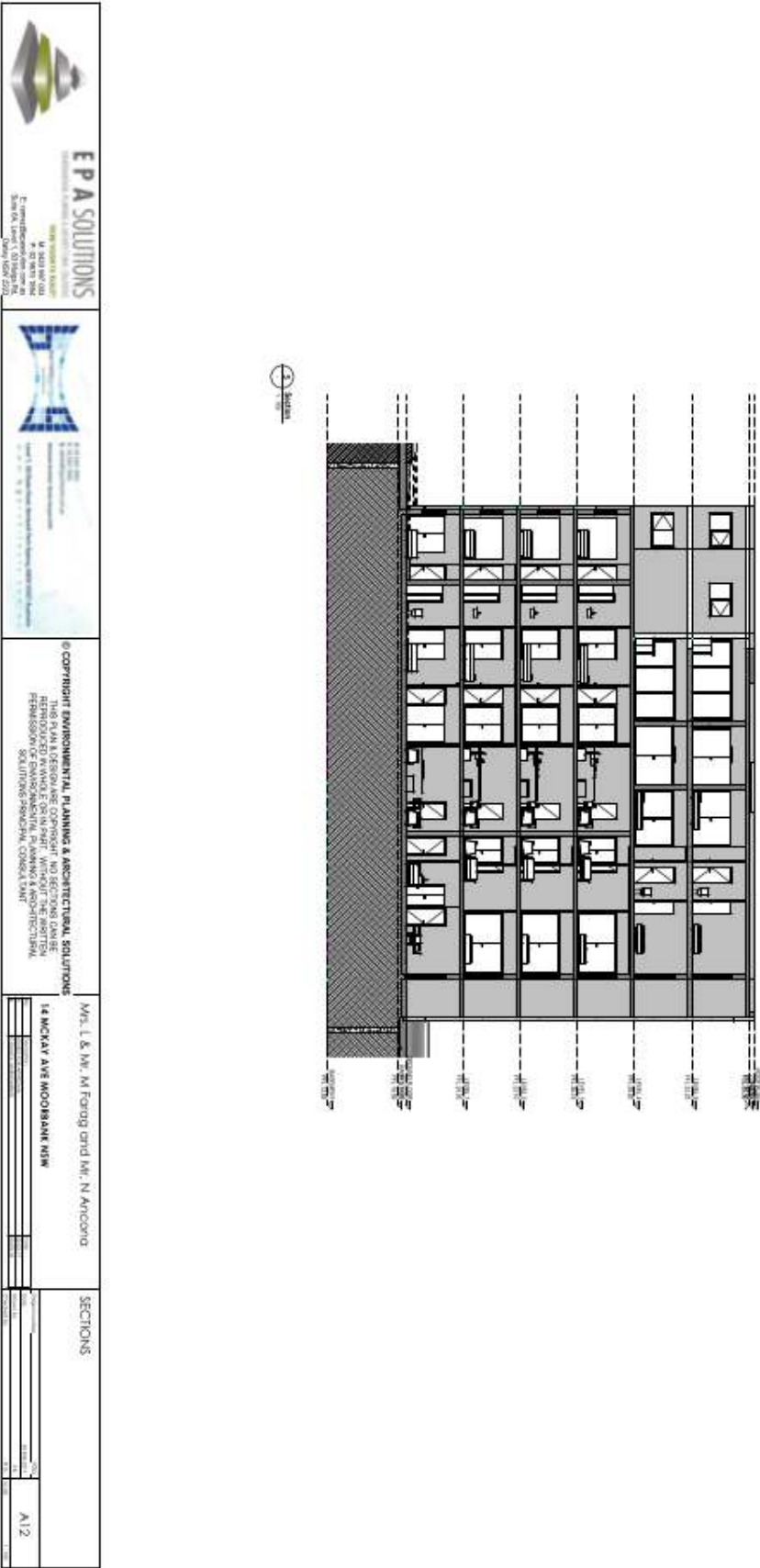


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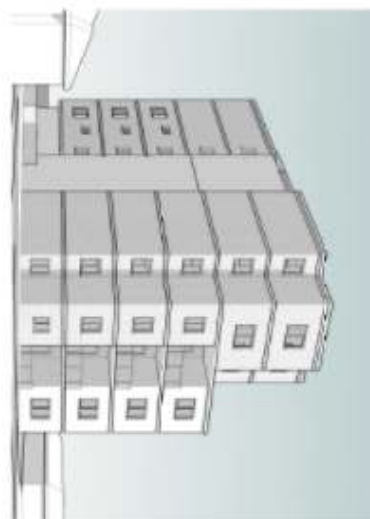
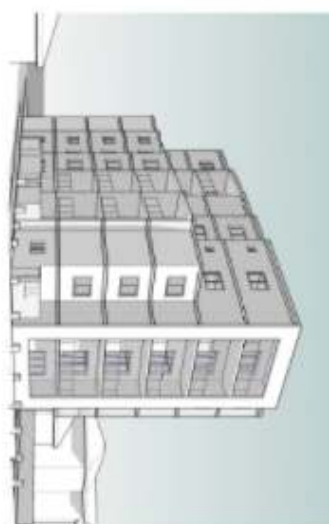
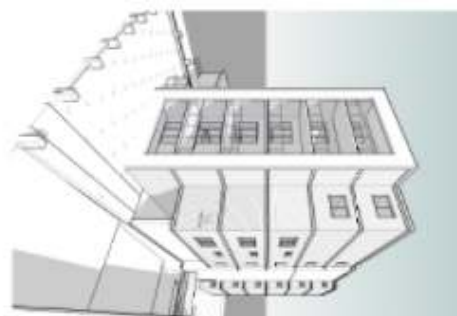
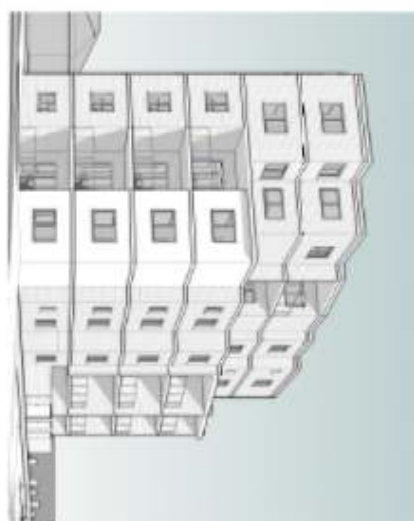
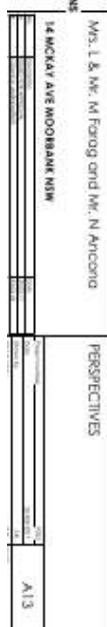


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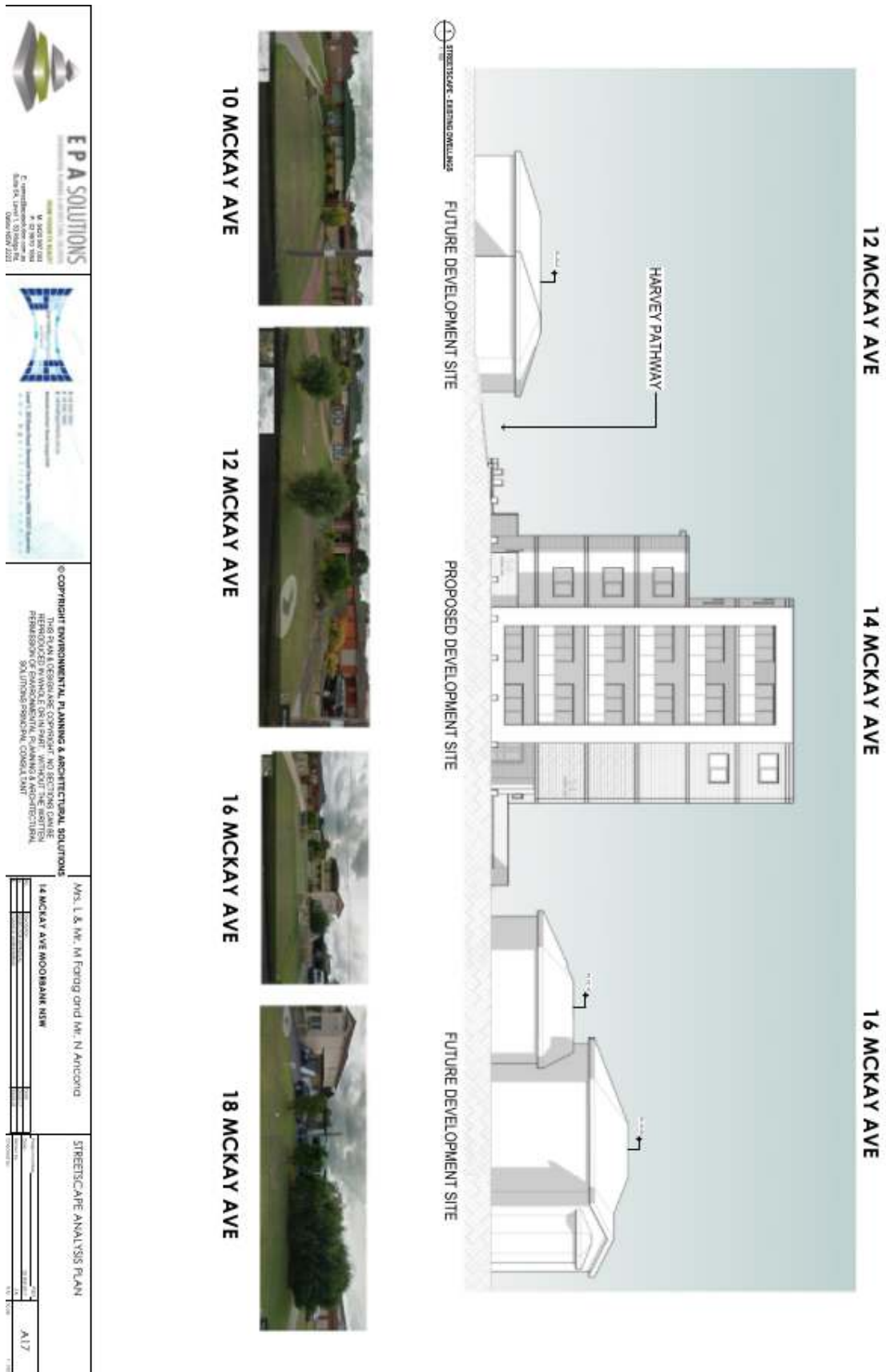
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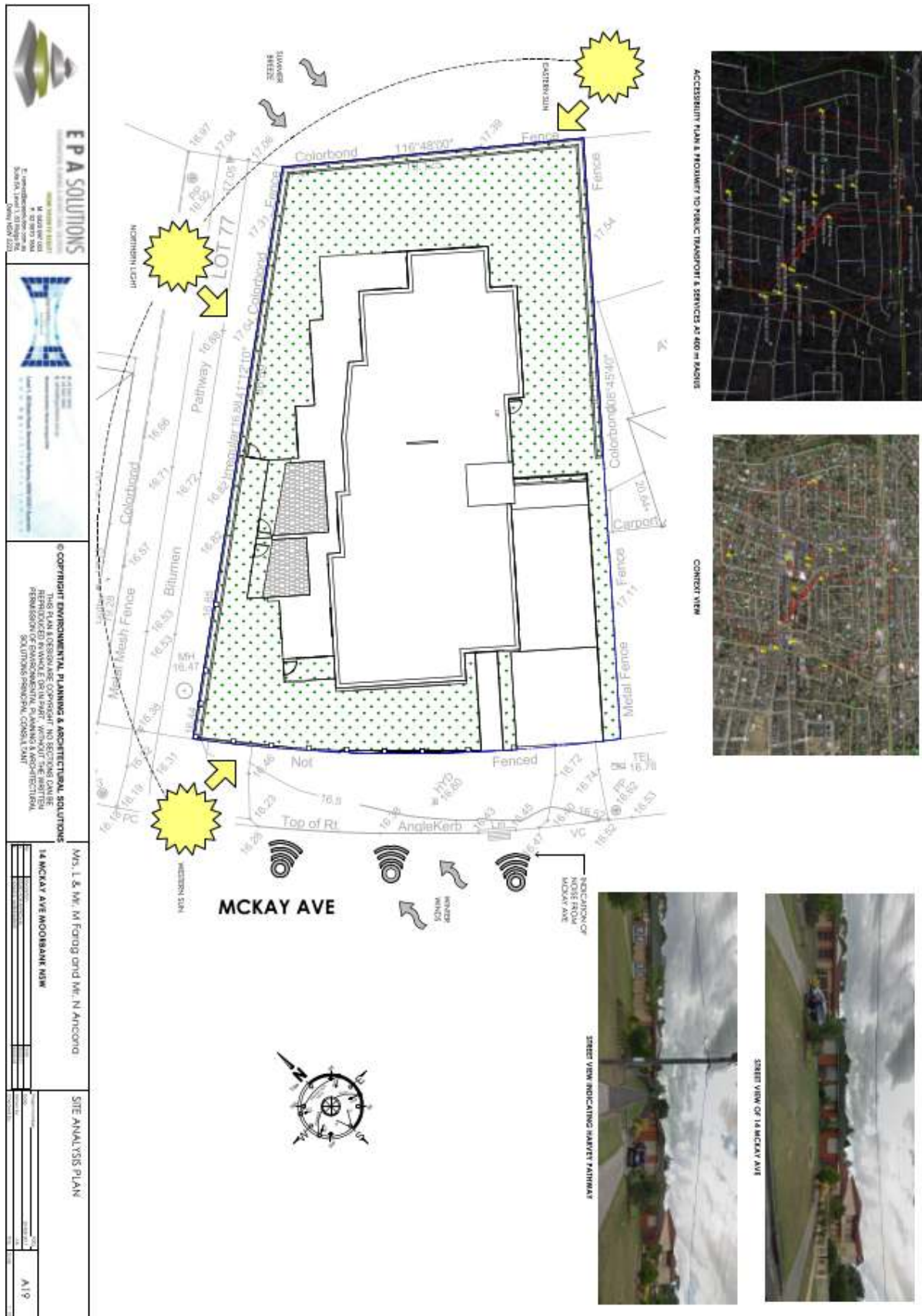
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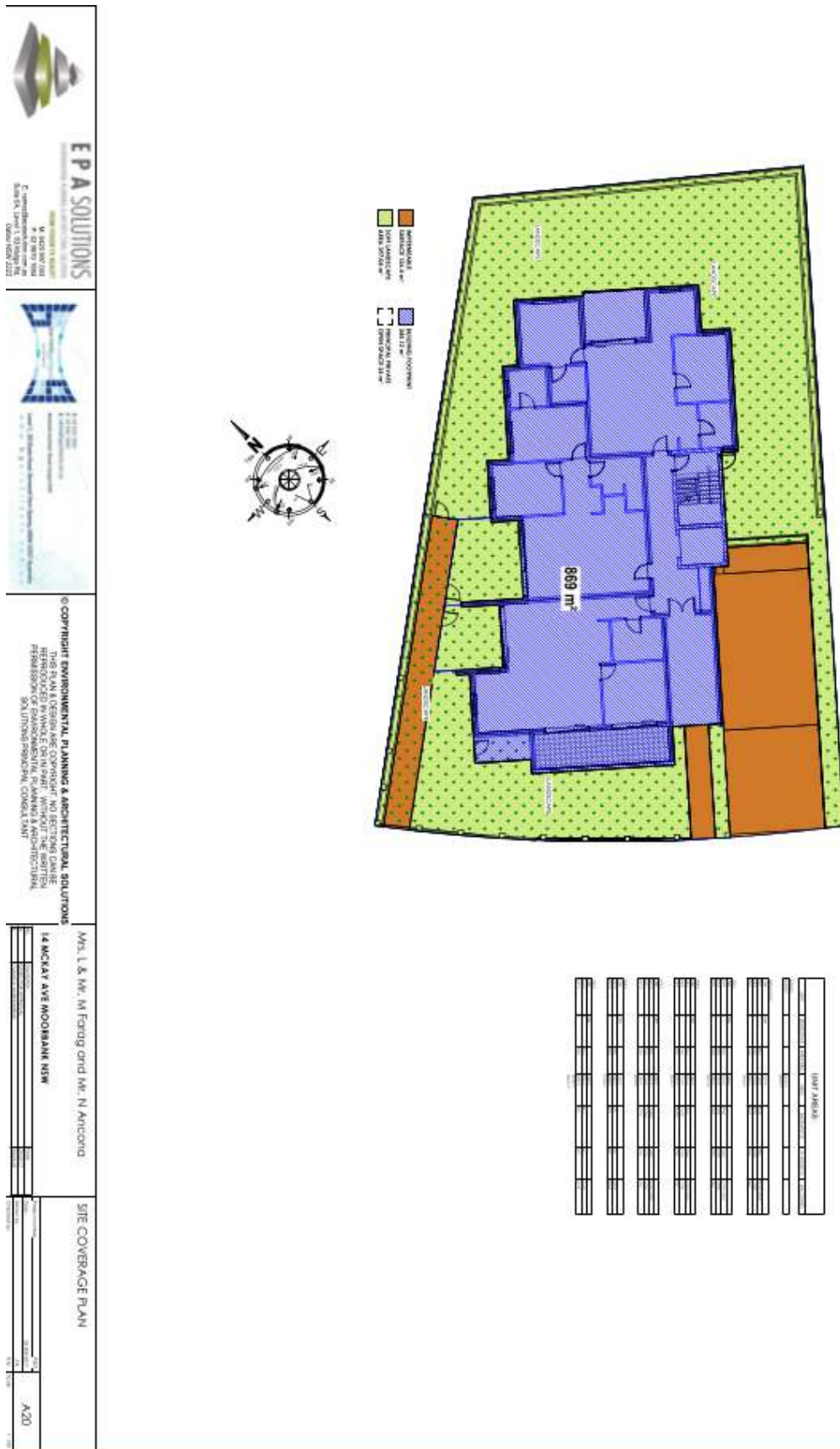
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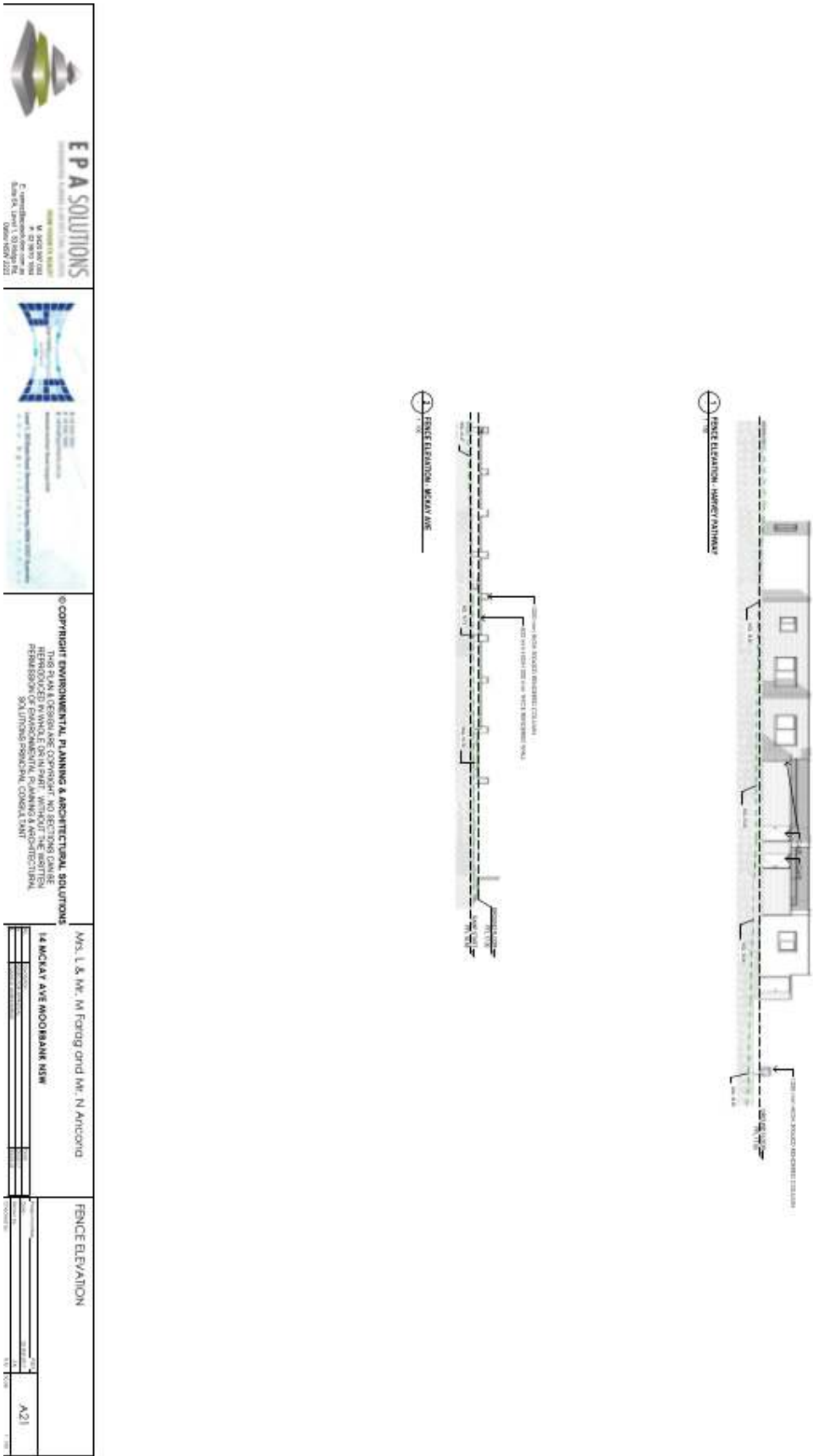







LIVERPOOL CITY COUNCIL
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LIVERPOOL CITY COUNCIL
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25 March 2019






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 SOLUTIONS-PS/ARCH. CONSULTANT

MR. L. & MR. M. FORD and MR. N. ANTONIO

14 MOORAY AVE MOORABRAH NSW

SCHEDULE OF FINISHES

NO.	DESCRIPTION	FINISH
1	WALLS	AZZ
2	FLOORS	AZZ
3	CEILING	AZZ
4	ROOF	AZZ
5	GLAZING	AZZ
6	PAINT	AZZ
7	LANDSCAPE	AZZ
8	EXTERNAL LIGHTING	AZZ
9	EXTERNAL FURNITURE	AZZ
10	EXTERNAL SIGNAGE	AZZ

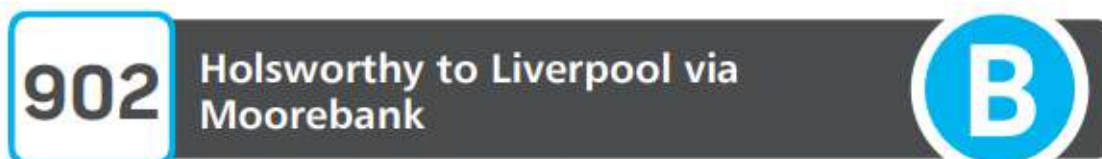
ATTACHMENT 2 – SEPP ARH COMPLIANCE TABLE

Provision	Comment
Part 2 New Affordable Rental Housing	
Division 1 In Fill Affordable Housing	
Clause 10 Development to which Division Applies	
(1) <i>This Division applies to development for the purposes of dual occupancies, multi dwelling housing or residential flat buildings if:</i> (a) <i>the development concerned is permitted with consent under another environmental planning instrument, and</i> (b) <i>the development is on land that does not contain a heritage item that is identified in an environmental planning instrument, or an interim heritage order or on the State Heritage Register under the Heritage Act 1977.</i>	Complies The proposed development is permitted with consent under the LLEP 2008. The site does not contain a heritage item.
(2) <i>Despite subclause (1), this Division does not apply to development on land in the Sydney region unless all or part of the development is within an accessible area.</i> <i>'accessible area' means land that is within 400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday</i>	Does not comply It cannot be demonstrated that the site is within an accessible area. Given that the site is not within an accessible area, Division 1 of the SEPP ARH does not apply to the proposed development.
Clause 13 Floor Space ratio	
(1) <i>This clause applies to development to which this Division applies if the percentage of the gross floor area of the development that is to be used for the purposes of affordable housing is at least 20 per cent.</i>	Not Applicable/Does not comply The proposed development does not indicate the percentage of the gross floor area of the development that is to be used for the purposes of affordable housing.
(2) <i>The maximum floor space ratio for the development to which this clause applies is the existing maximum floor space ratio for any form of residential accommodation permitted on the land on which the development is to occur, plus:</i> (a) <i>if the existing maximum floor space ratio is 2.5:1 or less:</i> (i) <i>0.5:1—if the percentage of the gross floor area of the development that is used for affordable housing is 50 per cent or higher, or</i> (ii) <i>Y:1—if the percentage of the gross floor area of the development that is used for affordable housing is less than 50 per cent, where:</i> <i>AH is the percentage of the gross floor area of the development that is used for affordable housing.</i> $Y = AH \div 100$	Not Applicable/Non-compliant The maximum FSR permitted in the LLEP 2008 is 1.2:1. The development provides an FSR of 1.73:1, which is an addition of 0.53:1. If the site was located in an accessible area pursuant to Clause 10 of the SEPP ARH, the FSR proposed at the site is still greater than the maximum bonus FSR of 0.5:1 that would be applicable in this instance.
Clause 14 Standards that cannot be used to refuse consent	
(1) <i>Site and solar access requirements</i> <i>A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:</i>	
(b) <i>Site Area</i> <i>if the site area on which it is proposed to carry out the development is at least 450 square metres,</i>	Not Applicable The site has an area of 869m ² .

<p>(c) landscaped area: if:</p> <p>(i) in the case of a development application made by a social housing provider—a minimum 35m² of landscaped area per dwelling is provided, or</p> <p>(ii) in any other case—a minimum of 30% of the area of the site is to be landscaped,</p>	<p>Not Applicable/Compliant</p> <p>The plans indicate that 414sqm of the site that will be landscaped, which results in an overall landscaped area of 47%.</p>
<p>(d) Deep Soil Zones</p> <p>In relation to that part of the site area that is not built on, paved or otherwise sealed:</p> <p>(i) there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15% of the site area (the deep soil zone), and</p> <p>(ii) each area forming part of the deep soil zone has a minimum dimension of 3m, and</p> <p>(iii) if practicable, at least two-thirds of the deep soil zone is located at the rear of the site area,</p>	<p>Not Applicable/Non-compliant</p> <p>Proposal provides 130.87m² of deep soil zone, which is 15% of the site area.</p> <p>However, from the original stormwater plans, the rear deep soil zone is to be used for above ground OSD. It is not appropriate to co-locate stormwater infrastructure with deep soil zones.</p> <p>Were this area of deep soil to be excluded from the calculation then the site would have a total 61m² of deep soil zone, which is equivalent to 7% of the site area.</p>
<p>(e) solar access: if living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,</p>	<p>Not Applicable</p> <p>The proposal has been designed to comply with the provisions of the ADG and thus SEPP 65 – Design Quality of Residential Apartment Development to ensure that more than 70% of units of the development provide a minimum of 2 hours of solar access.</p>
<p>(2) General</p> <p>A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:</p>	
<p>(a) parking</p> <p>(ii) ...0.5 parking spaces are provided for each dwelling containing 1 bedroom, at least 1 parking space is provided for each dwelling containing 2 bedrooms and at least 1.5 parking spaces are provided for each dwelling containing 3 or more bedrooms</p>	<p>Not Applicable/Compliant</p> <p>The proposed development requires the following parking:</p> <ul style="list-style-type: none"> - 1 x 1 bedroom requires 0.5 space; and - 8 x 2 bedroom requires 8 spaces. - 7 x 3 bedroom requires 10.5 spaces <p>Total of 19 spaces is required. Total of 19 spaces provided.</p>
<p>(b) dwelling size</p> <p>if each dwelling has a gross floor area of at least:</p> <p>(i) 35m² in the case of a bedsitter or studio, or</p> <p>(ii) 50m² in the case of a dwelling having 1 bedroom, or</p> <p>(iii) 70m² in the case of a dwelling having 2 bedrooms, or</p> <p>(iv) 95m² in the case of a dwelling having 3 or more bedrooms.</p>	<p>Not Applicable/Compliant</p> <p>Apartment sizes comply with these requirements.</p>
<p>(3) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2)</p>	<p>Not Applicable</p> <p>Variations and non-compliances are not supported.</p>
<p>Clause 16 Continued Application of SEPP 65</p>	
<p>Nothing in this Policy affects the application of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development to any development to which this Division applies.</p>	<p>Non-compliant</p> <p>An assessment of SEPP 65 has been carried out and is found to be unsatisfactory. Further discussion is provided within this report.</p>

Clause 16A Character of Local Area	
<i>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.</i>	<p>Does not comply</p> <p>The current character of the area is generally comprised of single and double storey detached dwellings which was influenced primarily by the architecture of mid to late twentieth century brick and tile bungalows with hipped roofs, together with front and rear gardens.</p> <p>The immediate locality is zoned R4 – High Density Residential development. The area is currently in transition from low density residential to high density residential.</p> <p>The proposed development comprises a residential flat building that accommodates a total of 16 dwellings over six storeys, above one basement level for car parking. The proposed development does not conform to the current character of the area, nor does it conform to the future desired character of the area.</p> <p>It is expected that adjoining development would be constructed in accordance with the SEPP 65 and LDCP 2008, however the applicant has not demonstrated that this can be achieved. As a result, the proposed development is encumbered with a range of related non-compliances and does not positively contribute to the desired future character of the area.</p>
Clause 17 Must Be Used for Affordable Housing for 10 Years	
<i>(1) A consent authority must not consent to development to which this Division applies unless conditions are imposed by the consent authority to the effect that:</i>	
<p><i>(a) for 10 years from the date of the issue of the occupation certificate:</i></p> <ul style="list-style-type: none"> <i>(i) the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and</i> <i>(ii) all accommodation that is used for affordable housing will be managed by a registered community housing provider, and</i> <p><i>(b) a restriction will be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, that will ensure that the requirements of paragraph (a) are met.</i></p>	<p>Can be conditioned</p> <p>Should the application be supported conditions of consent will be imposed to ensure compliance with this requirement.</p>

ATTACHMENT 3 – CURRENT TIMETABLE FOR BUS SERVICE 902

**How to use this timetable**

This timetable provides a snap shot of service information in 24-hour time (e.g. 5am = 05:00, 5pm = 17:00). Information contained in this timetable is subject to change without notice. Please note that timetables do not include minor stops, additional trips for special events, short term changes, holiday timetable changes, real-time information or any disruption alerts.

For the most up-to-date times, use the Trip Planner or Departures on transportnsw.info

Real-time planning


You can plan your trip with real-time information using the Trip Planner or Departures on transportnsw.info or by downloading travel apps on your smartphone or tablet.

The Trip Planner, Departures and travel apps offer various features:

- favourite your regular trips
- see where your service is on the route
- get estimated pick up and arrival times
- receive service updates
- find nearby stations, stops, wharves and routes
- check accessibility information

Find the latest apps at transportnsw.info/apps

Accessible services

All new buses are wheelchair-accessible with low-level floors and space for wheelchairs, prams or strollers. Look for the  symbol in this timetable. Some older buses may not have all the features you need. There will be more accessible services as older buses are replaced.

Who is providing my bus services?

The bus services shown in this timetable are run by Transdev NSW.

Fares

To travel on public transport in Sydney and surrounding regions, an Opal card is the cheapest and easiest ticket option.

An Opal card is a smartcard you keep and reuse. Add value before you travel and tap on and tap off to pay your fares throughout Sydney, the Blue Mountains, Central Coast, the Hunter and the Illawarra.

Fares are based on:

- the type of Opal card you use
- the distance you travel from tap on to tap off
- the mode of transport you choose
- any Opal benefits such as discounts and capped fares that apply

Find out more about Opal fares and benefits at transportnsw.info/opal

Which Opal card is right for you?

Adult - Customers 16 years and over who are not entitled to any concessions and normally pay full fare.

Child/Youth - For customers aged 4-15 (inclusive), or customers 16 years or older who hold a NSW/ACT Senior Secondary Student Concession Card.

Gold Senior/Pensioner - For eligible NSW and interstate seniors, pensioners, war widows/ers and asylum seekers.

Concession - For eligible tertiary students, job seekers, apprentices and trainees.

How to get an Opal card

You can get an Adult and Child/Youth Opal cards over the counter at thousands of Opal retailers that display the Opal sign . To find your nearest retailer visit transportnsw.info/opal.

If you are eligible to travel with concession fares you can apply for a Gold Senior/Pensioner or Concession Opal card. Visit transportnsw.info/opal for more information.

Explanation of definitions and symbols

 Wheelchair Accessible

902**Liverpool to Holsworthy via
Moorebank**

Valid from: 30 Jan 2019

Creation date: 04 March 2019

NOTE: Information is correct on date of download.

Monday to Friday									
Liverpool Interchange, Liverpool	05:35	06:00	06:30	07:00	07:30	08:00	08:30	09:38	10:38
Westfield Liverpool, George St, Liverpool	—	—	—	—	—	—	—	09:43	10:43
Heathcote Rd near Seton Rd, Moorebank	05:41	06:07	06:37	07:07	07:37	08:07	08:37	09:50	10:50
Moorebank Plaza Maddecks Av near Metcalfe Av, Moorebank	05:45	06:12	06:42	07:12	07:42	08:12	08:42	09:55	10:55
Brickmakers Dr before Nuwarra Rd, Moorebank	05:48	06:16	06:46	07:16	07:46	08:16	08:46	09:59	10:59
Hammondville Public School, Walder Rd, Hammondville	05:53	06:21	06:51	07:21	07:51	08:21	08:51	10:04	11:04
Holsworthy Station	06:02	06:31	07:01	07:31	08:01	08:31	09:01	10:14	11:14
Monday to Friday									
Liverpool Interchange, Liverpool	11:38	12:38	13:38	14:38	15:08	15:38	16:08	16:38	17:08
Westfield Liverpool, George St, Liverpool	11:43	12:43	13:43	14:43	15:13	15:43	16:13	16:43	17:13
Heathcote Rd near Seton Rd, Moorebank	11:50	12:50	13:50	14:50	15:20	15:50	16:20	16:50	17:20
Moorebank Plaza Maddecks Av near Metcalfe Av, Moorebank	11:55	12:55	13:55	14:55	15:25	15:55	16:25	16:55	17:25
Brickmakers Dr before Nuwarra Rd, Moorebank	11:59	12:59	13:59	14:59	15:29	15:59	16:29	16:59	17:29
Hammondville Public School, Walder Rd, Hammondville	12:04	13:04	14:04	15:04	15:34	16:04	16:34	17:04	17:34
Holsworthy Station	12:14	13:14	14:14	15:14	15:47	16:14	16:44	17:14	17:44
Monday to Friday									
Liverpool Interchange, Liverpool	17:38	18:08	18:46	19:52	20:52				
Westfield Liverpool, George St, Liverpool	17:43	18:13	18:50	19:56	20:56				
Heathcote Rd near Seton Rd, Moorebank	17:50	18:20	18:56	20:02	21:02				
Moorebank Plaza Maddecks Av near Metcalfe Av, Moorebank	17:55	18:25	19:00	20:06	21:06				
Brickmakers Dr before Nuwarra Rd, Moorebank	17:59	18:29	19:03	20:09	21:09				
Hammondville Public School, Walder Rd, Hammondville	18:04	18:34	19:08	20:14	21:14				
Holsworthy Station	18:14	18:44	19:17	20:23	21:23				
Saturday									
Liverpool Interchange, Liverpool	06:30	07:30	08:30	09:30	10:30	11:30	12:30	13:30	14:30
Westfield Liverpool, George St, Liverpool	06:35	07:35	08:35	09:35	10:35	11:35	12:35	13:35	14:35
Heathcote Rd near Seton Rd, Moorebank	06:42	07:42	08:42	09:42	10:42	11:42	12:42	13:42	14:42
Moorebank Plaza Maddecks Av near Metcalfe Av, Moorebank	06:48	07:48	08:48	09:48	10:48	11:48	12:48	13:48	14:48
Brickmakers Dr before Nuwarra Rd, Moorebank	06:50	07:50	08:50	09:50	10:50	11:50	12:50	13:50	14:50
Hammondville Public School, Walder Rd, Hammondville	06:55	07:55	08:55	09:55	10:55	11:55	12:55	13:55	14:55
Holsworthy Station	07:06	08:06	09:06	10:06	11:06	12:06	13:06	14:06	15:06
Saturday									
Liverpool Interchange, Liverpool	15:30	16:30	17:30	18:30					
Westfield Liverpool, George St, Liverpool	15:35	16:35	17:35	18:35					
Heathcote Rd near Seton Rd, Moorebank	15:42	16:42	17:42	18:42					
Moorebank Plaza Maddecks Av near Metcalfe Av, Moorebank	15:48	16:48	17:48	18:48					
Brickmakers Dr before Nuwarra Rd, Moorebank	15:50	16:50	17:50	18:50					
Hammondville Public School, Walder Rd, Hammondville	15:55	16:55	17:55	18:55					
Holsworthy Station	16:06	17:06	18:06	19:06					

902**Liverpool to Holsworthy via
Moorebank**

Sunday & Public Holidays									
Liverpool Interchange, Liverpool	08:00	10:00	11:00	12:00	13:00	14:00	15:00	16:00	17:00
Westfield Liverpool, George St, Liverpool	08:04	10:04	11:04	12:04	13:04	14:04	15:04	16:04	17:04
Heathcote Rd near Seton Rd, Moorebank	08:10	10:10	11:10	12:10	13:10	14:10	15:10	16:10	17:10
Moorebank Plaza Maddecks Av near Metcalfe Av, Moorebank	08:16	10:16	11:16	12:16	13:16	14:16	15:16	16:16	17:16
Brickmakers Dr before Nuwarra Rd, Moorebank	08:18	10:18	11:18	12:18	13:18	14:18	15:18	16:18	17:18
Hammondville Public School, Walder Rd, Hammondville	08:23	10:23	11:23	12:23	13:23	14:23	15:23	16:23	17:23
Holsworthy Station	08:33	10:33	11:33	12:33	13:33	14:33	15:33	16:33	17:33
Sunday & Public Holidays									
Liverpool Interchange, Liverpool	18:00								
Westfield Liverpool, George St, Liverpool	18:04								
Heathcote Rd near Seton Rd, Moorebank	18:10								
Moorebank Plaza Maddecks Av near Metcalfe Av, Moorebank	18:16								
Brickmakers Dr before Nuwarra Rd, Moorebank	18:18								
Hammondville Public School, Walder Rd, Hammondville	18:23								
Holsworthy Station	18:33								

902**Holsworthy to Liverpool via
Moorebank**

Monday to Friday									
Holsworthy Station	-	05:31	06:11	06:41	07:11	07:41	08:16	08:46	09:16
Walder Rd opp Hammondville Public School, Hammondville	-	05:37	06:17	06:47	07:18	07:48	08:23	08:53	09:23
Nuwarra Rd after Heathcote Rd, Hammondville	05:14	05:40	06:20	06:50	07:21	07:51	08:26	08:56	09:26
Brickmakers Dr after Nuwarra Rd, Moorebank	05:16	05:42	06:22	06:52	07:23	07:53	08:28	08:58	09:28
Moorebank Plaza Maddecks Av near Metcalfe Av, Moorebank	05:21	05:47	06:27	06:57	07:29	07:59	08:34	09:04	09:34
Heathcote Rd near Seton Rd, Moorebank	05:24	05:51	06:31	07:01	07:33	08:03	08:38	09:08	09:38
Bigge St opp Liverpool Station, Liverpool	05:32	05:59	06:39	07:09	07:44	08:14	08:49	09:19	09:49
All Saints' College, Campbell St, Liverpool	-	-	-	-	07:45	08:15	08:51	09:21	09:51
Westfield Liverpool, George St, Liverpool	-	-	-	-	07:48	08:18	08:52	09:22	09:52
Liverpool Interchange, Liverpool	05:33	06:01	06:41	07:11	07:52	-	08:55	09:25	09:55
Monday to Friday									
Hammondville Public School, Walder Rd, Hammondville	-	-	-	-	-	-	15:03	-	-
Holsworthy High School, Huon Cres, Holsworthy	-	-	-	-	-	-	15:09	-	-
Holsworthy Station	09:56	10:56	11:56	12:56	13:56	14:56	15:26	15:56	16:26
Walder Rd opp Hammondville Public School, Hammondville	10:03	11:03	12:03	13:03	14:03	15:03	15:33	16:03	16:33
Nuwarra Rd after Heathcote Rd, Hammondville	10:06	11:06	12:06	13:06	14:06	15:06	15:36	16:06	16:36
Brickmakers Dr after Nuwarra Rd, Moorebank	10:08	11:08	12:08	13:08	14:08	15:08	15:38	16:08	16:38
Moorebank Plaza Maddecks Av near Metcalfe Av, Moorebank	10:14	11:14	12:14	13:14	14:14	15:14	15:44	16:14	16:44
Heathcote Rd near Seton Rd, Moorebank	10:18	11:18	12:18	13:18	14:18	15:18	15:48	16:18	16:48
Bigge St opp Liverpool Station, Liverpool	10:29	11:29	12:29	13:29	14:29	15:29	15:59	16:29	16:59
All Saints' College, Campbell St, Liverpool	10:31	11:31	12:31	13:31	14:31	15:31	16:01	16:31	17:01
Westfield Liverpool, George St, Liverpool	10:32	11:32	12:32	13:32	14:32	15:32	16:02	16:32	17:02
Liverpool Interchange, Liverpool	10:35	11:35	12:35	13:35	14:35	-	16:05	16:35	17:05
Monday to Friday									
Holsworthy Station	16:56	17:26	17:56	18:26	18:56	19:56	20:56	21:56	
Walder Rd opp Hammondville Public School, Hammondville	17:03	17:33	18:02	18:32	19:02	20:02	21:02	22:02	
Nuwarra Rd after Heathcote Rd, Hammondville	17:06	17:36	18:05	18:35	19:05	20:05	21:05	22:05	
Brickmakers Dr after Nuwarra Rd, Moorebank	17:08	17:38	18:07	18:37	19:07	20:07	21:07	22:07	
Moorebank Plaza Maddecks Av near Metcalfe Av, Moorebank	17:14	17:44	18:12	18:42	19:12	20:12	21:12	22:12	
Heathcote Rd near Seton Rd, Moorebank	17:18	17:48	18:16	18:46	-	20:16	-	-	
Bigge St opp Liverpool Station, Liverpool	17:29	17:59	18:24	18:54	-	20:24	-	-	
All Saints' College, Campbell St, Liverpool	17:31	18:01	18:26	18:56	-	20:26	-	-	
Westfield Liverpool, George St, Liverpool	17:32	18:02	18:27	18:57	-	20:27	-	-	
Liverpool Interchange, Liverpool	17:35	18:05	18:29	18:59	-	20:29	-	-	
Saturday									
Holsworthy Station	-	07:46	08:46	09:46	10:46	11:46	12:46	13:46	14:46
Walder Rd opp Hammondville Public School, Hammondville	06:53	07:53	08:53	09:53	10:53	11:53	12:53	13:53	14:53
Nuwarra Rd after Heathcote Rd, Hammondville	06:55	07:55	08:55	09:55	10:55	11:55	12:55	13:55	14:55
Brickmakers Dr after Nuwarra Rd, Moorebank	06:56	07:56	08:56	09:56	10:56	11:56	12:56	13:56	14:56
Moorebank Plaza Maddecks Av near Metcalfe Av, Moorebank	06:59	07:59	08:59	09:59	10:59	11:59	12:59	13:59	14:59
Heathcote Rd near Seton Rd, Moorebank	07:03	08:03	09:03	10:03	11:03	12:03	13:03	14:03	15:03
Bigge St opp Liverpool Station, Liverpool	07:19	08:19	09:19	10:19	11:19	12:19	13:19	14:19	15:19
All Saints' College, Campbell St, Liverpool	07:21	08:21	09:21	10:21	11:21	12:21	13:21	14:21	15:21
Westfield Liverpool, George St, Liverpool	07:22	08:22	09:22	10:22	11:22	12:22	13:22	14:22	15:22
Liverpool Interchange, Liverpool	07:26	08:26	09:26	10:26	11:26	12:26	13:26	14:26	15:26

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Holsworthy to Liverpool via Moorebank

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Saturday										
Holsworthy Station	15:46	16:46	17:46	18:46						
Walder Rd opp Hammondville Public School, Hammondville	15:53	16:53	17:53	18:53						
Nuwarra Rd after Heathcote Rd, Hammondville	15:55	16:55	17:55	18:55						
Brickmakers Dr after Nuwarra Rd, Moorebank	15:56	16:56	17:56	18:56						
Moorebank Plaza Maddecks Av near Metcalfe Av, Moorebank	15:59	16:59	17:59	18:59						
Heathcote Rd near Seton Rd, Moorebank	16:03	17:03	18:03	19:03						
Bigge St opp Liverpool Station, Liverpool	16:19	17:19	18:19	19:19						
All Saints' College, Campbell St, Liverpool	16:21	17:21	18:21	19:21						
Westfield Liverpool, George St, Liverpool	16:22	17:22	18:22	19:22						
Liverpool Interchange, Liverpool	16:26	17:26	18:26	19:26						
Sunday & Public Holidays										
Holsworthy Station	08:44	09:44	10:44	11:44	12:44	13:44	14:44	16:14	16:44	
Walder Rd opp Hammondville Public School, Hammondville	08:50	09:50	10:50	11:50	12:50	13:50	14:50	16:20	16:50	
Nuwarra Rd after Heathcote Rd, Hammondville	08:52	09:52	10:52	11:52	12:52	13:52	14:52	16:22	16:52	
Brickmakers Dr after Nuwarra Rd, Moorebank	08:53	09:53	10:53	11:53	12:53	13:53	14:53	16:23	16:53	
Moorebank Plaza Maddecks Av near Metcalfe Av, Moorebank	08:56	09:56	10:56	11:56	12:56	13:56	14:56	16:26	16:56	
Heathcote Rd near Seton Rd, Moorebank	08:59	09:59	10:59	11:59	12:59	13:59	14:59	16:29	16:59	
Bigge St opp Liverpool Station, Liverpool	09:13	10:13	11:13	12:13	13:13	14:13	15:13	16:43	17:13	
All Saints' College, Campbell St, Liverpool	–	10:15	–	12:15	–	14:15	–	16:45	–	
Westfield Liverpool, George St, Liverpool	–	10:16	–	12:16	–	14:16	–	16:46	–	
Liverpool Interchange, Liverpool	09:15	10:20	11:15	12:20	13:15	14:20	15:15	16:50	17:15	