

Item Number:	Electronic Determination
Application Number:	DA-560/2024
Proposed Development:	One into two lot Torrens title subdivision of the subject site
Property Address	Hammondville Park, Heathcote Road, Hammondville NSW 2170
Legal Description:	Lot 10 DP 1162812
Applicant:	Premise Planning
Land Owner:	Liverpool City Council
Cost of Works:	Nil
Recommendation:	Approval, subject to conditions of consent
Assessing Officer:	Leena Sebastian - Monteath & Powys

1 EXECUTIVE SUMMARY

Council has received a Development Application (DA-560/2024) seeking consent for one into two lot Torrens title subdivision at Lot 10 DP 1162812, Hammondville Park, Heathcote Road, Hammondville (the subject site).

The subject site is zoned RE1 Public Recreation and RE2 Private Recreation under the Liverpool Local Environmental Plan (LLEP) 2008, and the proposed development is permissible with consent.

The development application was initially notified for 14 days from 2 December 2024 to 18 December 2024. A second round of notification was undertaken for 28 days between 12 February and 13 March 2025 in accordance with the requirements for Council-related applications in the Community Participation Plan 2022. No submissions were received during these notification periods.

The application is referred to the Liverpool Local Planning Panel (LLPP) in accordance with the *Local Planning Panels Direction – Development Applications and Applications to Modify Development Consent* on May 6 2024, as the development falls in the category of:

SCHEDULE 1

1. Conflict of interest

Development for which the applicant or landowner is:

(a) the council,

....

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 locality is generally characterised by low and medium density developments with sporting grounds and recreational areas along the western fringe.

The adjoining properties to the subject site include:

- Residential developments to the north
- Kokoda Oval to the southeast and Holsworthy Sewage Treatment Plant to the east
- Residential developments to the west, across Heathcote Road

Figure 1 shows the location of the subject site.



Figure 1: Context of the Subject Site (Source, Metromap, 2024)

2.2 The site

The subject site is identified as Lot 10 DP 1162812 and is known as Hammondville Park. It is irregular in shape with a frontage of 470m to Heathcote Road and an approximate area of 16.5 hectares.

Hammondville Park is a public recreational facility containing sporting grounds, associated amenities and car park. The precinct features a centrally located oval surrounded by sporting fields, with a car park on the north-western side. The facility supports nearly a third of the registered sports participants in Liverpool LGA.

The Moorebank Sports Club (MSC) exists as an almost landlocked parcel between the irregular boundaries of the subject site. Direct access to the car park is gained through a signalised intersection on Heathcote Road and Infantry Parade. A second access option is available via a left-in, left-out arrangement to the south of this intersection, which services both the sporting facility and the MSC.

Harris Creek runs along the southern, eastern boundaries of the subject site, with the vegetated corridor along the creek identified as environmentally significant land as shown in Figure 2. An aerial view of Hammondville Park and MSC is provided in Figure 3.

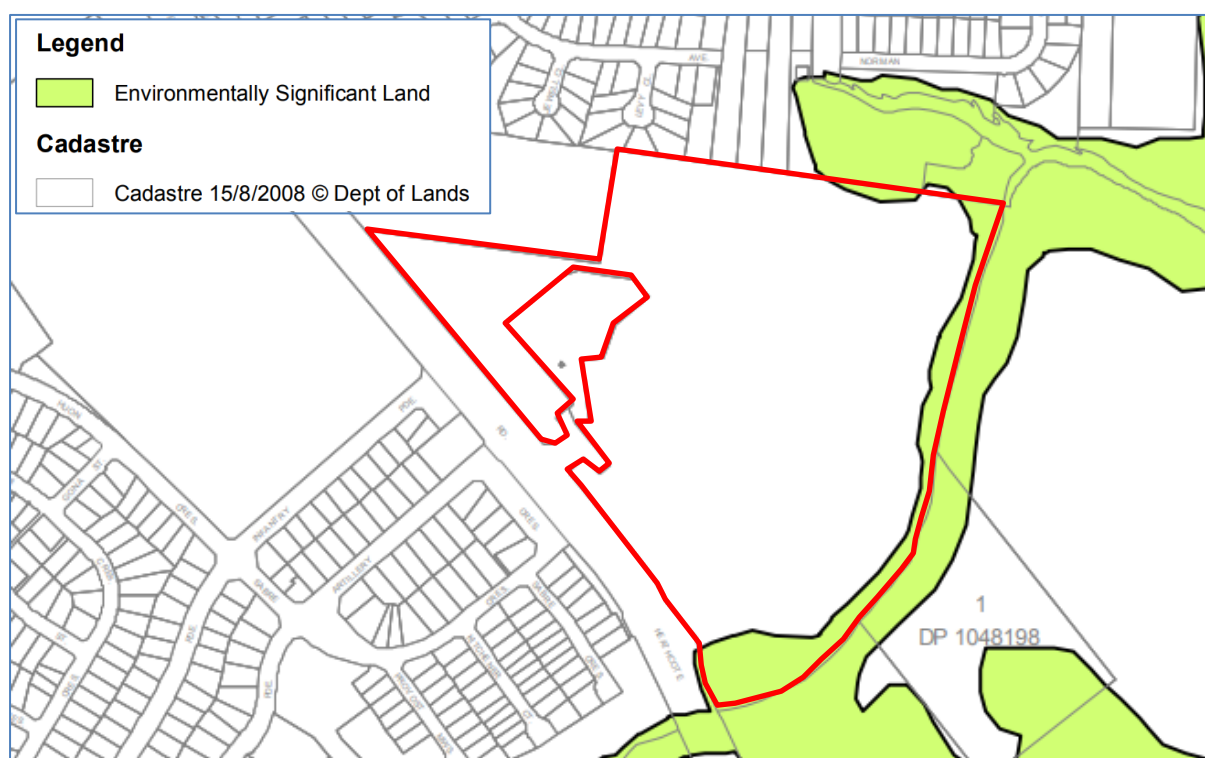


Figure 2: Environmentally Significant Land Bordering the Subject Site (Source, LLEP, 2025)



Figure 3: View of Hammondville Park (Source, Liverpool Council website, 2025)

3. BACKGROUND/HISTORY

The subject DA was lodged with Council on 28 November 2024. The proposed subdivision intends to excise the car park into a separate lot to enable its future sale to MSC. The proposal is the result of extensive planning and public consultation to realise Council's vision to upgrade Hammondville Park to an aquatic and leisure precinct.

The Hammondville Aquatic and Leisure Precinct Masterplan was developed by Liverpool Council as a major initiative to transform the existing facility into a combined aquatic and leisure precinct. Other upgrades to the existing sporting facility and improved connectivity to key destinations are also included in the proposal. The Masterplan recognises the key role of MSC operating centrally within the precinct, and the significant administrative, financial and advocacy support it offers to the local sports clubs.

Several business cases were considered by Council for the funding of Hammondville Aquatic and Leisure Precinct, with the potential sale of assets being one of the options. The proposed subdivision will excise the operational land containing the car park from the remainder of the sporting facility for sale to the adjoining sports club.

Below is a timeline of key events leading to the masterplan and the decision on the sale of the car park.

- April 2020 - Council resolved to develop a master plan for Hammondville Park.
- June – September 2023 – A concept Masterplan for Hammondville Park was presented to the public for consultation as per *Council's Community Engagement Strategy 2022*.
- October 2023 – The revised Hammondville Leisure Precinct Master Plan and Hammondville Park Draft Plan of Management was approved for public exhibition by Council on 25 October 2023.
- November 2023 – January 2024 – The revised Master Plan and Plan of Management for Hammondville Park was publicly exhibited for feedback.
- December 2023 – Community consultation was undertaken by Council on the sale of existing carpark at Hammondville Part to MSC, with the following conditions of sale:
 - The Club agrees to provide two hundred and eighty three (283) marked car parking spaces for unrestricted free community use on land owned by the Club.
 - The Club agrees to the provision of the car parking spaces, and the rights of Council to access the Land to be formally documented.

The sale of land would support the delivery of Masterplan while realising the club's vision for enhancing sporting infrastructure. This transaction is also expected to establish a key partnership between Council and MSC and ensure the long-term retention of the local sporting clubs within Liverpool LGA.

Extensive community consultation on the sale of the car park was undertaken by the Council in February 2024 through Community Forum presentation, dedicated webpage, social media posts, direct mail to residents, online survey and electronic signs. Widespread support from the community was received from the community in response.

4. DETAILS OF THE PROPOSAL

The proposed development involves subdivision of the subject site into two Torrens title lots as shown in Figure 4. The existing car park will be excised into a separate lot, Lot 101 with an area of 1.689 hectares. The remaining 14.89 hectares of land with the sporting grounds will form proposed Lot 100 where future upgrades are envisioned by the Council.

The creation of new lots will also involve easements for services including access to the car park and ongoing use of 283 parking spaces by the public. This will ensure existing services are protected and additional easements are created for services as well as to ensure unrestricted use of the car park by the public. Attachment 1 provides details of the existing services and Attachment 2 contains the Plan of Proposed Subdivision.

The purpose of the subdivision is to enable the transfer of ownership to the adjoining MSC to fund the upgrade of the sporting precinct.

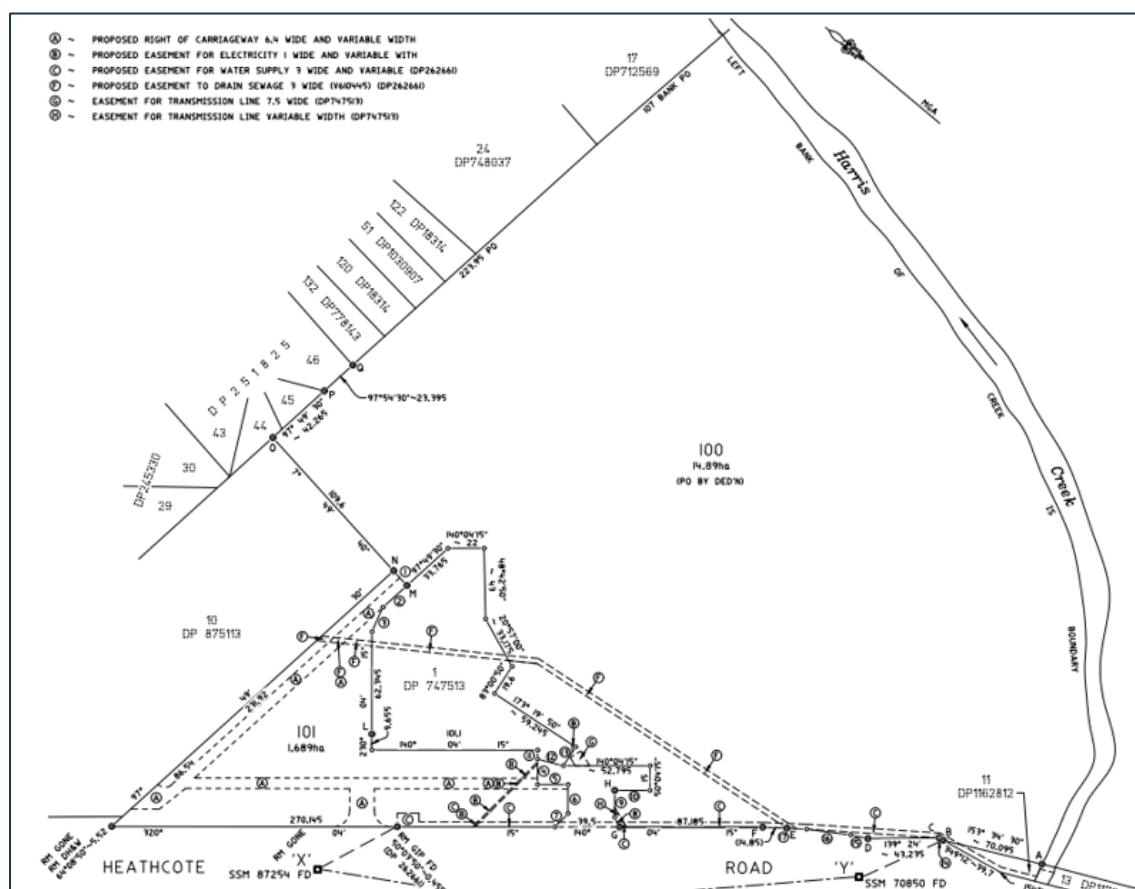


Figure 4: Plan of Proposed Subdivision (Source, Warren Raymond Saunders, 2024)

5. STATUTORY CONSIDERATIONS

5.1 Relevant matters for consideration

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

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Biodiversity Conservation) 2021
- Liverpool Local Environmental Plan 2008
- Liverpool Development Control Plan 2008
- Community Engagement Strategy 2022

Contributions Plan

Subject site lies within the catchment of Liverpool Contributions Plan 2018 - Established Areas. However, it is noted that the proposed subdivision does not increase the demand for

public amenities or services and therefore it is considered to be exempt from the contributions levy in accordance with Section 3.7 of this plan.

6. ASSESSMENT

The development application has been assessed in accordance with the relevant matters of consideration prescribed by Section 4.15 Evaluation of the EP&A Act 1979 and the Environmental Planning and Assessment Regulation 2021, as follows:

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

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

Chapter 2, Section 2.119(2) of the State Environmental Planning Policy (Transport and Infrastructure) 2021 (hereafter referenced as the Transport and Infrastructure SEPP) outlines the following matters for consideration for consent authorities prior to granting of consent for a development with frontage to a classified road.

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

The subject site has frontage and access to Heathcote Road, a classified State Road under the control of Transport for NSW (TfNSW). The proposed subdivision does not change the access arrangement or result in additional traffic generation from the subject site. Given no change to the site activities, the safety and ongoing operation of Heathcote Road will not be impacted by the proposed subdivision.

The existing recreational use on the subject site is not a noise sensitive development nor will this application affect any changes to the site activities. Therefore, consideration of noise impacts and emissions from the road adjoining classified road is not relevant to this application.

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

Chapter 2 of this policy provides an integrated and coordinated approach to land use planning in a coastal zone consistent with the objects of Coastal Management Act 2016. The

northeastern part of the site is identified as a coastal environment area and coastal use area under Divisions 3 and 4 of this policy respectively. In reviewing the requirements for development under these divisions, it is noted that the proposed subdivision does not involve any works that affect the attributes or ecological processes of the coastal environment or adversely impact the use of the coastal area. Therefore, it is considered to be consistent with the objectives of Chapter 2.

Chapter 4, Section 4.6 of this policy requires the consent authority to assess whether the land is contaminated and ensure that it is either suitable in its current state or can be made suitable through remediation for the intended use before determining a development application. An assessment against this section is provided in the table below.

Section 4.6 - Contamination and remediation to be considered in determining development application	Comment
(1) A consent authority must not consent to the carrying out of any development on land unless:	
(a) it has considered whether the land is contaminated, and	It is unlikely the land is contaminated as it is an existing sporting facility.
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and	The proposed subdivision does involve any change to the existing use of the site as a sporting facility. The site has long been used for this purpose and therefore it is not likely to be contaminated to warrant further investigation.
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.	The land does not require remediation.

Based on the above assessment, the proposal is considered to satisfy the relevant objectives of State Environmental Planning Policy (Resilience and Hazards) 2021 and therefore, it is considered that the subject site is suitable for the proposed development.

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

The site is located within the Georges River catchment which triggers considerations under Chapter 6 of this policy.

Part 2, Sections 6.6, 6.7 and 6.8 provide the considerations for consent authorities when determining developments within a regulated catchment mainly to protect the water quality, aquatic ecology and to minimise impact on the water flow. In this regard, it is noted that the proposal does not involve any physical works, nor does it affect the existing use on the subject

site. As such, the existing stormwater regime, aquatic ecology and water quality in the river will not be impacted by the proposal.

Section 6.9 contains provisions to protect the recreational use of the river and to ensure developments do not impact the foreshore access. The site does not have direct frontage and access to Georges River to have any adverse impact on its recreational use.

The proposal is consistent with the objectives of this policy and does not interfere with the functioning, water quality or ecological processes of Georges River.

(d) Liverpool Local Environmental Plan 2008

(i) Zoning

The subject site is split zoned with the car park located in RE2 Private Recreation Zone and the remainder of the site in RE1 Public Recreation Zone (refer Figure 5). The RE2 zoned part of the subject site is also classified as operational land.

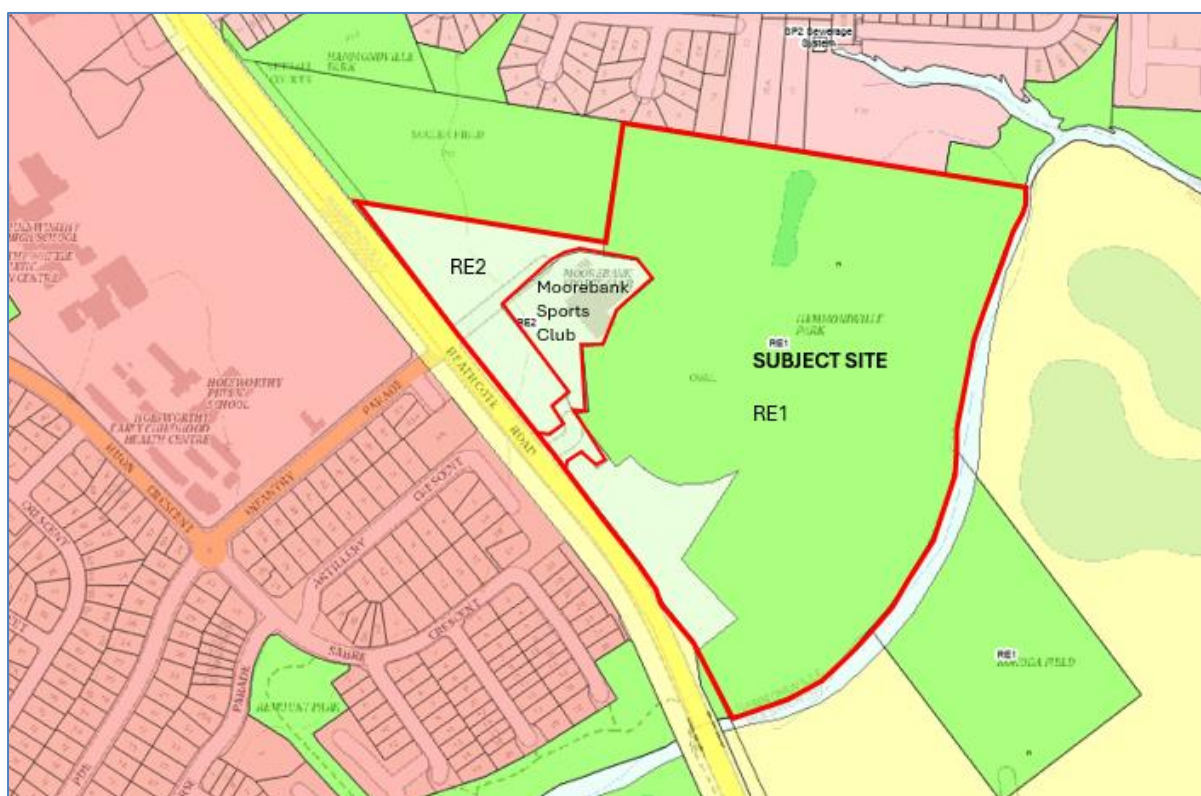


Figure 5: Zoning Map (Source, NSW Planning Portal Spatial Viewer, 2024)

(ii) Permissibility

Clause 2.6 of Liverpool Local Environmental Plan (LLEP) 2008 permits subdivision with consent on land to which the plan applies. The principal development standards are provided in Part 4 of LLEP 2008 which are discussed later in this report.

The proposed subdivision follows the zoning boundaries wherein Lot 101 with the car park will contain RE2 land, and Lot 101 with the sporting grounds will encompass the RE1 zoned area of the subject site. Car parks are a permissible form of development in RE2 zone. Similarly, the sporting ground and ancillary structures are captured under the definition of a 'recreation area' which is permitted with consent in RE1 zone. Therefore, resultant lots will contain uses that are permissible in respective zones and does not present any inconsistency with LLEP 2008.

(iii) Objectives of the zone

The objectives of the RE1 zone are as follows:

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

The proposal is considered consistent with the objectives of the zone in that it will facilitate the ongoing use of the sporting facility without impacting on the environmentally significant areas on the site. The land available for public recreational use is not compromised by the subdivision and the proposal includes suitable mechanisms to allow seamless use of the car park by the public.

The objectives of the RE2 zone are as follows:

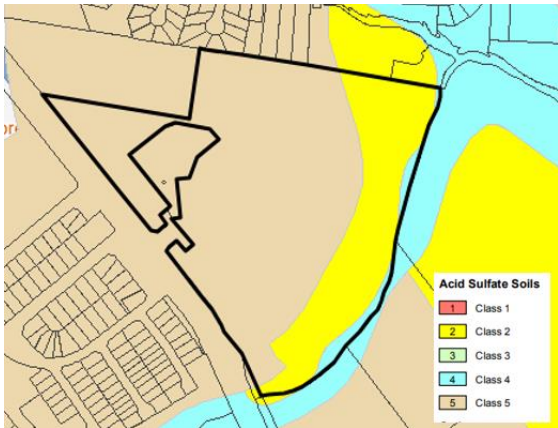
- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To enable land uses that are compatible with, and complimentary to, recreational uses.

The separation of the car park into its own lot for future amalgamation with MSC is considered complimentary to the existing club and therefore consistent with the objectives of the RE2 zone. Suitable mechanisms will be in place to enable sharing of the car park between the club and the adjoining sporting facility. This will ensure a seamless integration of the car park with the club, while ensuring ongoing use of the car park by the sporting facility.

(iv) Principal Development Standards and other provisions in LLEP 2008

LLEP 2008 contains a number of principal development standards and other provisions which are applicable to the development, as detailed in the table below. Where a provision is not explicitly listed, it has been considered and deemed not relevant to the proposed subdivision.

Part 4 – Principal Development Standards		
Development provision	Requirement	Comments
Clause 4.1- Minimum subdivision lot size	The Minimum Lot Size Map indicates 1 hectare as the minimum area for RE2 zone while the RE1 zone does not have a minimum lot size requirement.	Complies. The proposed Lot 101 containing RE2 land has an area of 1.689 hectares.
Part 5 – Miscellaneous Provisions		
Clause 5.2 – Classification and reclassification of public land	The objective of this clause is to allow Council to classify or reclassify and as operational or community land. The RE2 zoned area of the subject site is identified as operational land in the land reclassification mapping referenced in Part 2 in Schedule 4 of LLEP 2008.	Complies. The proposed Lot 101 contains the entire operational land on the subject site. An operational land has no specific restrictions, and it may be managed as private land or sold off by Council. The proposed use of Lot 101 by MSC does not present any inconsistency with its classification. The proposal does not present any inconsistency with the Plan of Management (PoM) for Hammondville Park (May 2024). Section 3.3.1 of the PoM acknowledges the potential sale of the operational land containing the car park.
Part 7 – Additional Local Provisions		
Clause 7.6 - Environmentally significant land	The consent authority is required to consider: - the impact of any vegetation clearing on the sensitivity of the land - relative stability of bed and banks - impact on water quality, stream flow and ecosystems	Complies. The proposed subdivision does not involve any physical work to cause material changes to the subject site. The environmentally sensitive corridor along the boundaries of the site will not be impacted by the development. No adverse impact will occur on the environmentally significant land on the site.

	public access to, and the use of any waterbody and foreshores	
Clause 7.7 - Acid sulfate soils	Consent is required for undertaking works on land containing acid sulfate soils, or for those works in the vicinity of such land which likely to result in lowering of watertable below prescribed limits.	Sensitive land containing acid sulfate soils Class 2 and 4 are located along the boundaries of the site as shown in the figure below. However, as the proposed subdivision does not involve any physical work to cause any disturbance to these soils, no adverse impacts are anticipated.  The map displays a site boundary in black. Surrounding the site are areas of acid sulfate soils, color-coded by class. A legend titled 'Acid Sulfate Soils' indicates: Class 1 (red), Class 2 (yellow), Class 3 (green), Class 4 (blue), and Class 5 (brown). Class 2 (yellow) and Class 4 (blue) soils are shown along the eastern and southern boundaries of the site, adjacent to a water body.

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

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

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

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

(a) Liverpool Development Control Plan (LDCP) 2008

An assessment of the proposal against relevant sections in LDCP 2008 is provided in the table in attachment 4. Where a development control is not explicitly listed, it has been considered and deemed not relevant to the proposed subdivision.

Overall, the proposal is considered to be consistent with the key controls outlined in the LDCP 2008 as demonstrated in the table in attachment 4.

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

There are no Planning Agreements which apply to the development.

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

There are no additional matters in Environmental Planning and Assessment Regulation 2021 for consideration by the determining authority prior to granting of consent to this application.

6.6 Section 4.15(1)(b) - The Likely Impacts of the Development**Natural and Built Environment**

The proposed development does not involve any works or operational changes which would cause additional impacts to the existing natural and built environment. The existing recreational facility will continue to operate without any detrimental impacts on the adjoining properties or the locality as a whole.

Social Impacts and Economic Impacts

The proposed subdivision will not introduce a new use or cause any change to the existing activities. Hammondville Park and the adjoining MSC will continue to operate seamlessly with the proposed subdivision. Therefore, no adverse socio-economic impacts are anticipated from the proposal.

Further, it is noted that the subdivision will enable the sale of the car park to MSC to raise funds for the upgrade of the existing facility to an aquatic and leisure precinct. This initiative was well supported by the community and the precinct is anticipated to contribute positively to the local community, noting a detailed socio-economic assessment will be undertaken in future at the development assessment stage for the Hammondville Aquatic and Leisure Precinct.

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

The proposed subdivision complies with the zoning objectives and lot size requirements in LLEP 2008. It does not interfere with the PoM for Hammondville Park or impact the existing or future use of the community land in the precinct. The subject site is considered suitable for the proposed subdivision, which is not expected to cause any physical or operational changes to the existing activities.

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

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

DEPARTMENT	COMMENTS
Land Development Engineer	The proposed subdivision is supported subject to conditions requiring a Subdivision Certificate Application, accompanying plans, 88B instrument, and evidence of suitable arrangements for services to each lot to be submitted.
Floodplain Management Engineer	The proposed subdivision does not involve any flooding issues as no physical work is proposed. Therefore, no flood-related requirements apply to the proposal.
Traffic Management Engineer	The Traffic Management engineer's assessment queried the basis for 6.4m width proposed for the right of carriageway; however, it was not raised as a concern due to the low volumes of traffic. The assessment concluded that the proposal will not generate additional traffic and the application was supported, subject to the following conditions: <u>Right of carriageway to be provided</u> The development is to provide a right of carriageway of 6.4m and variable width to serve Lot 100 to access Heathcote Road and the existing 283 car parking spaces, as proposed. <u>A provision on the title via s88B of the Conveyancing Act</u> The proposed sale is to include a guarantee that the Club would provide the following: a) Unrestricted free community access to the existing two hundred and eighty-three (283) marked carparking spaces once it is sold to the Moorebank Sports Club; b) A provision on the title via s88B of the Conveyancing Act to ensure ongoing public access to the car park and to Heathcote Road as indicated in the submitted plan.
Property Services	Council's Property Services officer has reviewed the application and supported the subdivision subject to conditions recommended by the Traffic Engineer. Additional conditions were also recommended to ensure the 88B has provisions to acknowledge the existing services on Proposed Lot 101 as per the plans submitted with the DA, and to accommodate the relocation of any services should this lot be redeveloped in the future.

(b) External Referrals

No external referrals were required for this application.

(c) Community Consultation

The development application was initially notified for a period of 14 days from 2 December 2024 to 18 December 2024. A second round of notification was undertaken for 28 days between 12 February and 13 March 2025 in accordance with the requirements for Council-related applications in the Community Participation Plan 2022. No submissions were received during these notification periods.

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

The development is considered to be in public interest as it is consistent with Council's adopted planning instruments which have been subject to public review and consultation.

7. DEVELOPMENT CONTRIBUTIONS

Subject site lies within the catchment of Liverpool Contributions Plan 2018 - Established Areas. However, the proposed subdivision does not increase the demand for public amenities or services and therefore, it is considered to be exempt from the contributions levy in accordance with Section 3.7 of this plan

8. CONCLUSION

The application has been assessed having regard to the provisions of Section 4.15 of the EP&A Act 1979, and the Environmental Planning Instruments, including the applicable State Environmental Planning Policies, Liverpool LEP 2008, LDCP 2008, and the relevant codes and policies of Council.

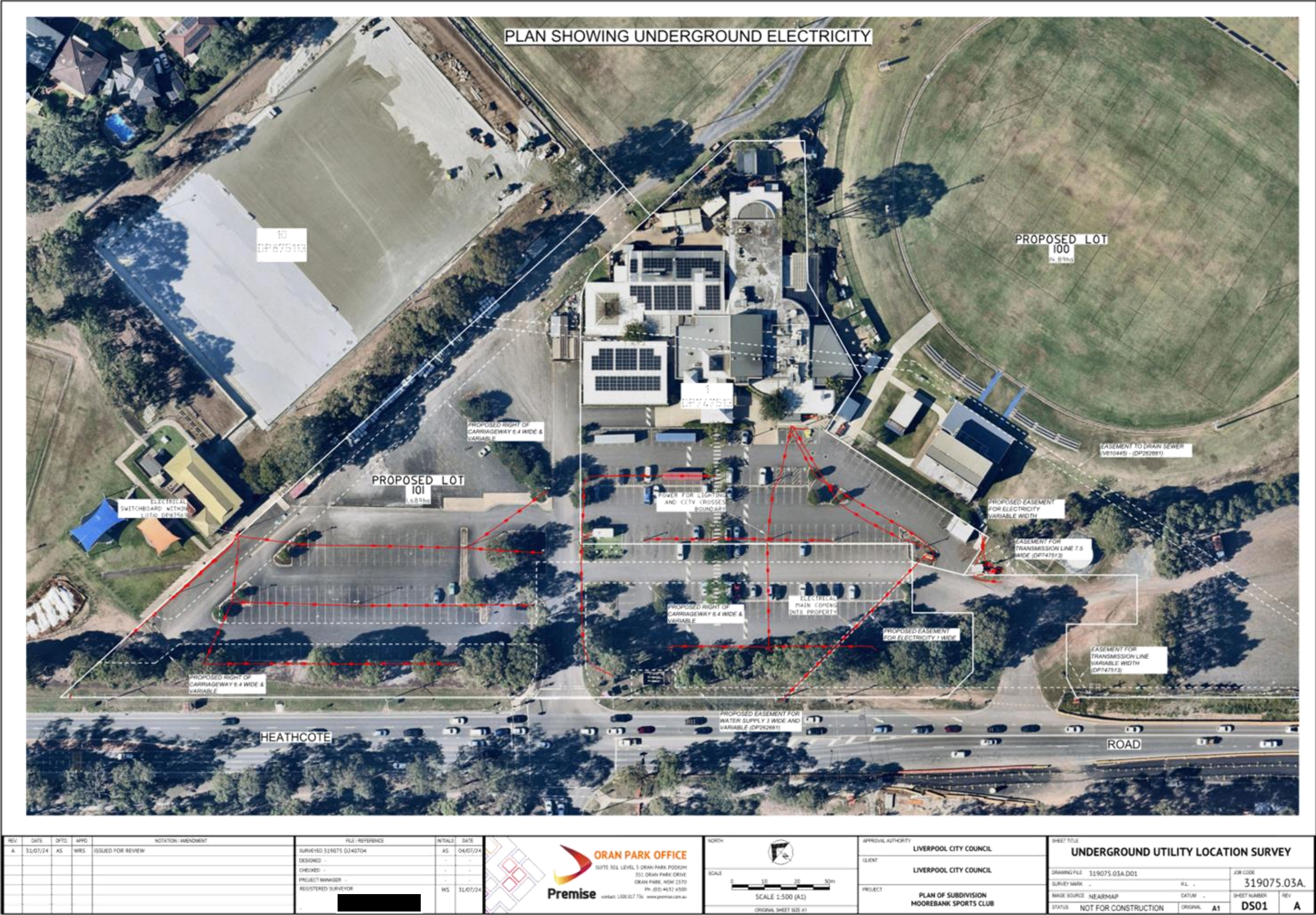
Based on the assessment of the application, it is recommended that the application be approved subject to the imposition of conditions.

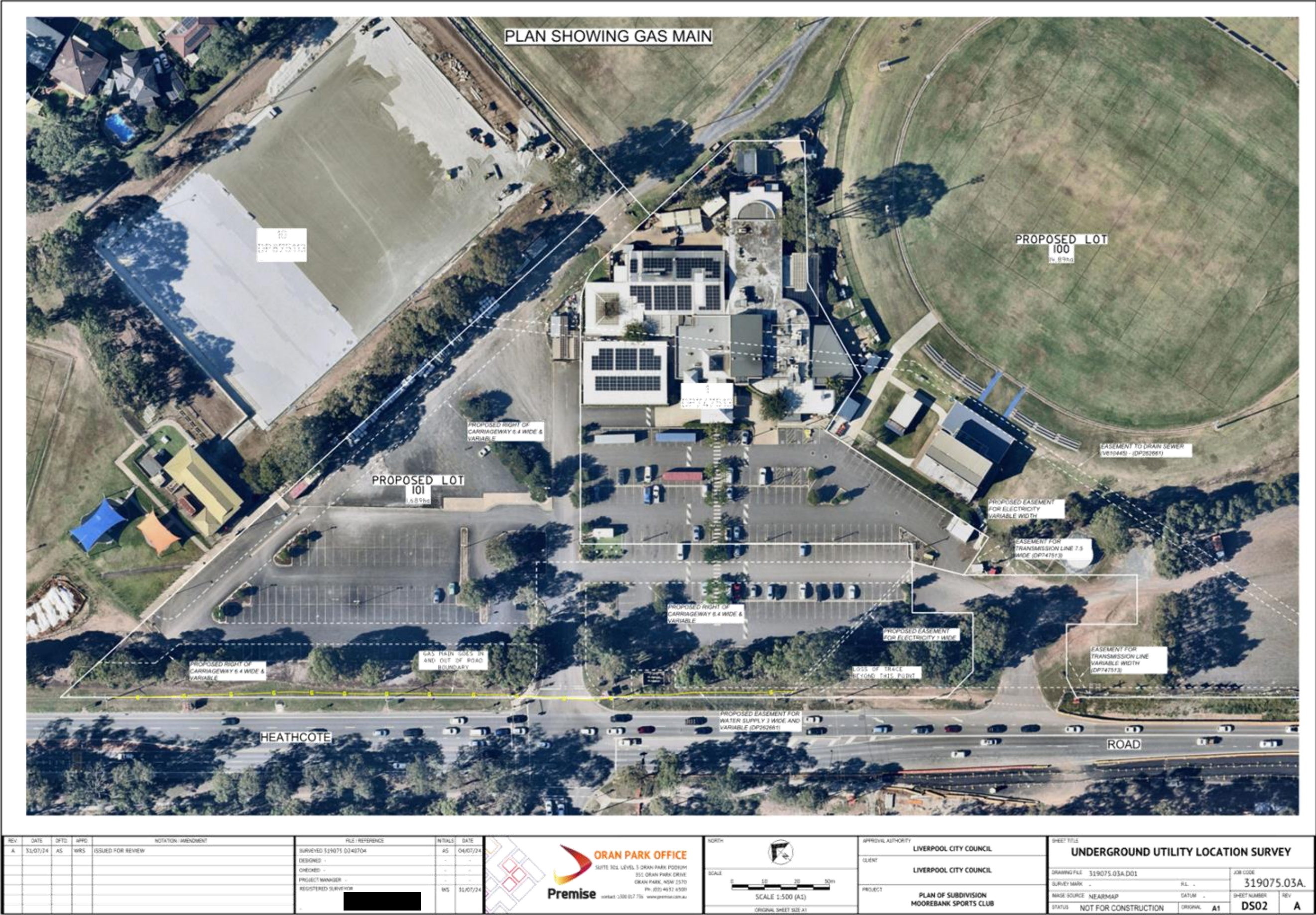
9. RECOMMENDATION

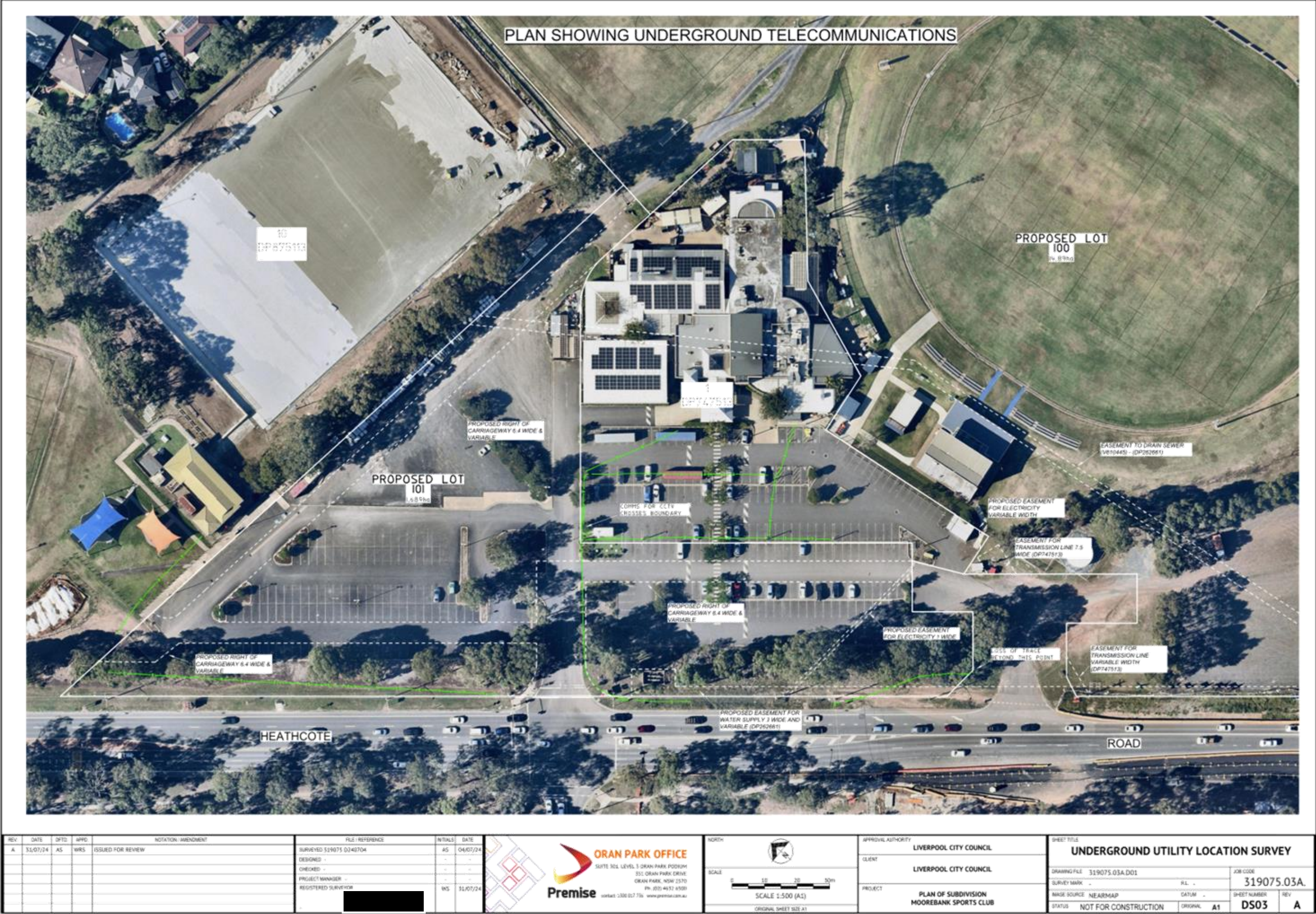
That Liverpool Local Planning Panel, as the consent authority, grants consent to DA-560/2024 for the proposed one into two lot Torrens tile subdivision, subject to conditions of consent outlined in Attachment 3.

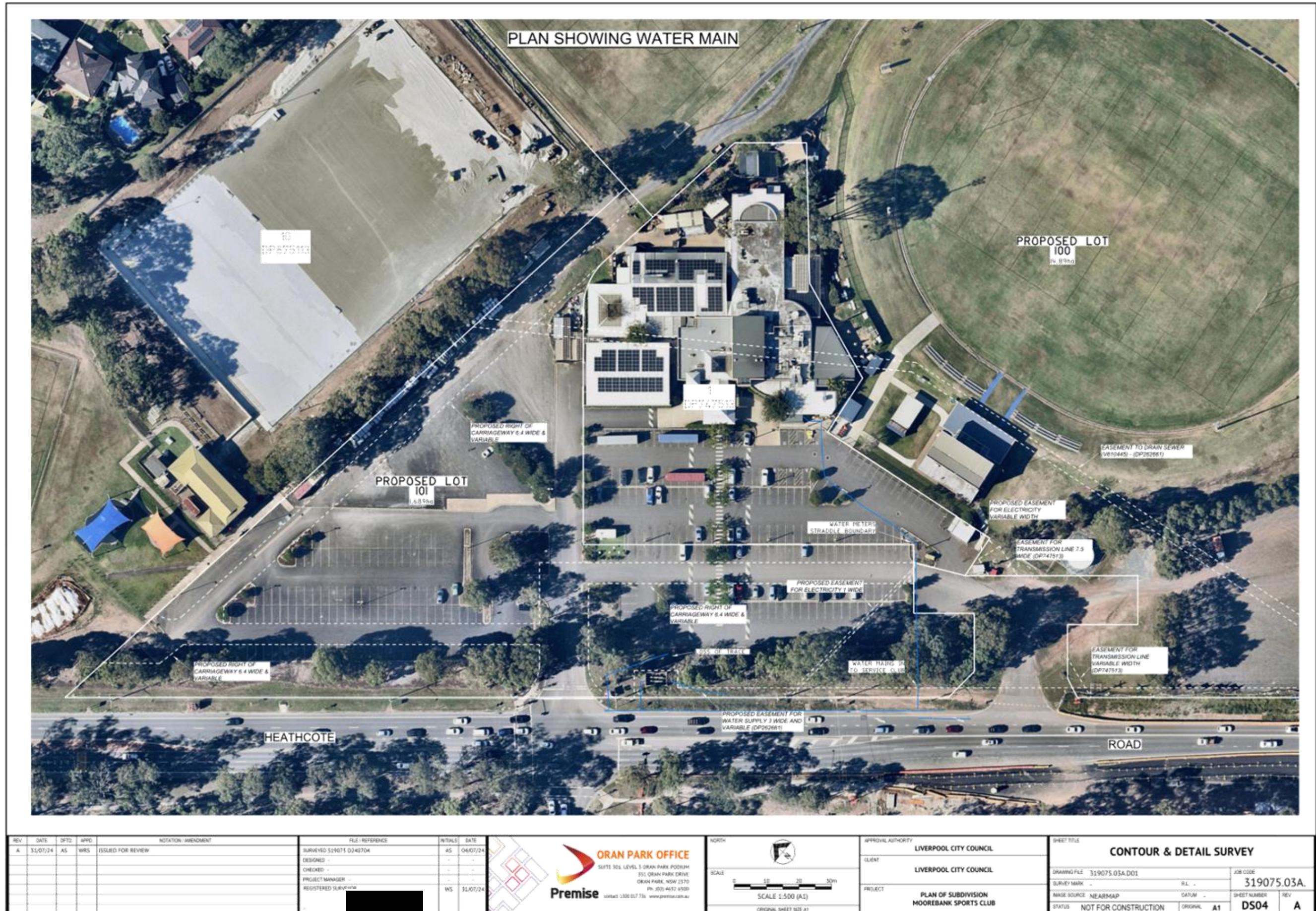
ATTACHMENTS

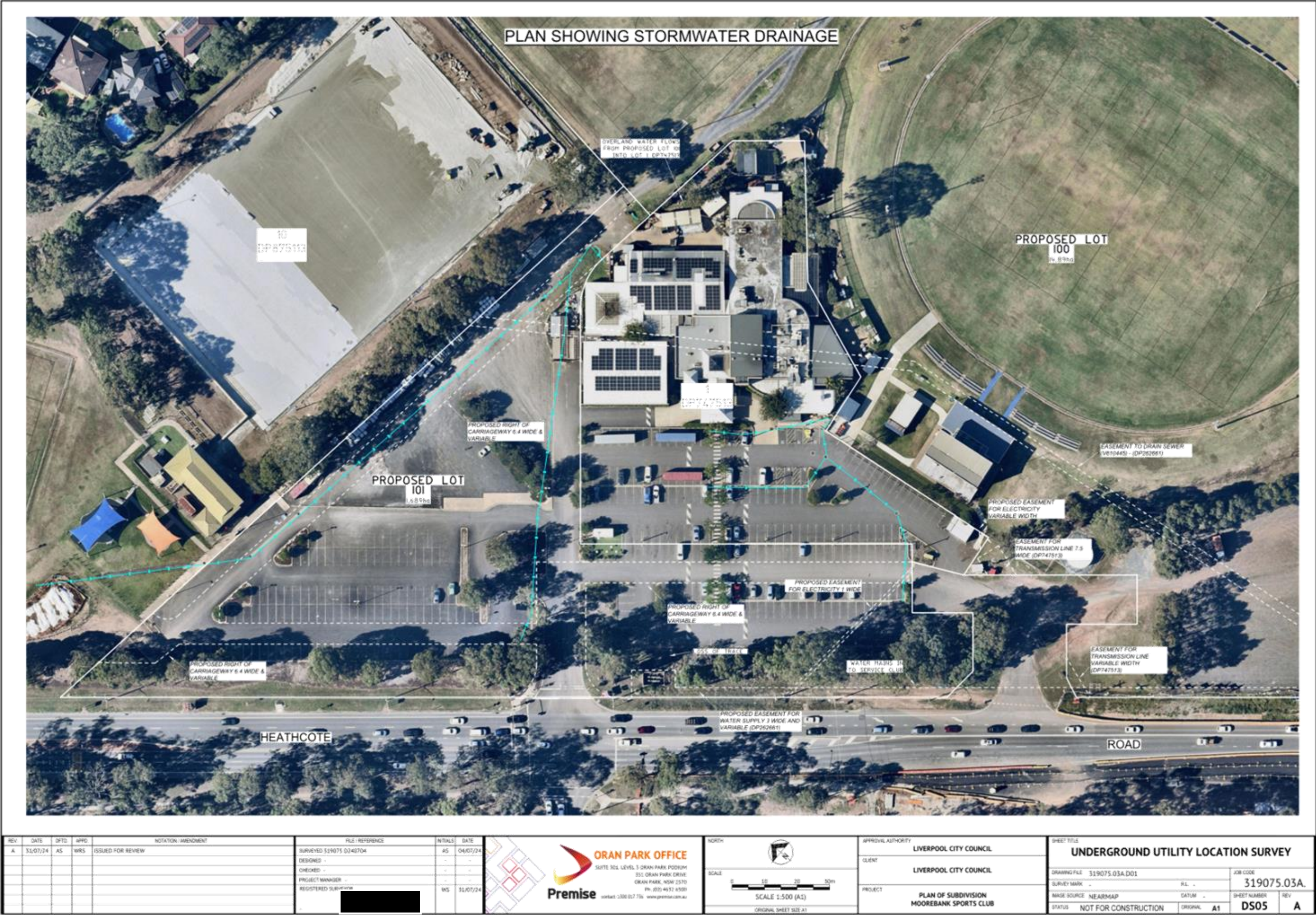
1. Plans showing existing services
2. Plan of Proposed Subdivision
3. Draft Notice of Determination
4. Liverpool Development Control Plan 2008 assessment table

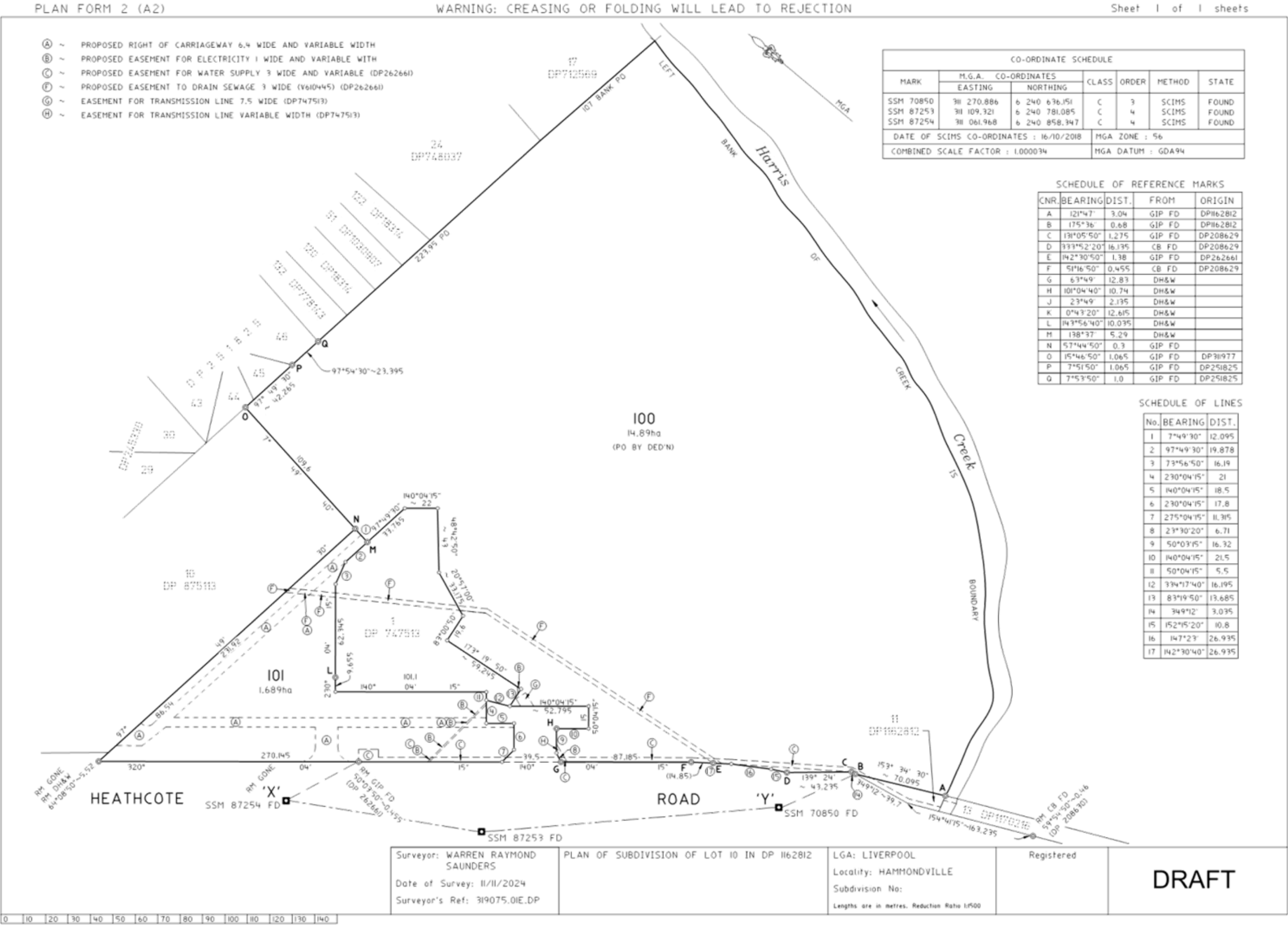














NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application number	DA-560/2024 PAN-490212
Applicant	Liverpool City Council Premise Planning 351 Oran Park Dr Oran Park NSW 2570
Description of development	One into 2 Lot Torrens Title Subdivision to excise the EXISTING car park into a separate lot.
Property	HAMMONDVILLE PARK HEATHCOTE ROAD HAMMONDVILLE NSW 2170 LOT 10 DP 1162812
Determination:	Approved/Refused by Liverpool Local Planning Panel
Date of determination	XX/04/2025
Date from which the consent operates	XX/04/2025
Date on which the consent lapses	XX/04/2030 (unless physically commenced)

Under section 4.18(1) of the EP&A Act, notice is given that the above development application has been determined by the granting of consent using the power in section 4.16(1)(a) of the EP&A Act, subject to the conditions specified in this notice.

Reasons for approval

Right of appeal / review of determination

If you are dissatisfied with this determination:

Request a review

You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 6 months from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

The Dictionary at the end of this consent defines words and expressions for the purposes of this consent.

Peer review (Authorising Officer) sign-off is incomplete

sign-off is incomplete

Person on behalf of the consent authority

For further information, please contact Assessing (Contact Officer) sign-off is incomplete / *sign-off is incomplete*

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

General Conditions

1

Approved plans and supporting documentation

Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

Approved plans				
Plan number	Revision number	Plan title	Drawn by	Date of plan
319075.01E.DP (Sheet 1 of 1)	DRAFT	Plan of Subdivision of Lot 10 in DP 1162812	Warren Raymond Saunders	11/11/2024

Where there is inconsistency with the approved plan, and the conditions of consent, the conditions prevail to the extent of discrepancy.

Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

2.

Comply with EP&A Act

The requirements and provisions of the *Environmental Planning & Assessment Act 1979* and *Environmental Planning & Assessment Regulation 2021* 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

Condition reason: This condition is imposed to ensure compliance with legislative requirements.

3.

No physical works

This approval does not include any building, or demolition works with the exception of signage and line markings associated with the car park. Separate approval shall be obtained for any other works unless they are considered exempt development under an environmental planning instrument.

Condition reason: This condition is imposed to ensure appropriate environmental assessment and approval for those works not considered under this application.

Prior to the Issue of a Subdivision Certificate

4	Right of Carriageway
	The development shall provide a right of carriageway of 6.4m and variable width over proposed Lot 101 in favour of proposed Lot 100, and adjoining Lot 10 DP875113, to maintain the existing access to Heathcote Road. The right of carriageway and details shall be shown on the Final Plan of Subdivision and the 88B Instrument Condition reason: To ensure existing access arrangements are retained by the proposed subdivision.
5	Car parking Spaces
	The Final Plan of Subdivision shall demonstrate a minimum of 283 car parking spaces on proposed Lot 101, with the provisions on the title via 88B of the Conveyancing Act to guarantee the following in the event of transfer of its ownership: a) Unrestricted free community access to 283 marked car parking spaces on proposed Lot 101 b) Ongoing public access to the car park and to Heathcote Road as indicated in the Final Plan of Subdivision

	Condition reason: To ensure ongoing, unrestricted use of the car park by the community in the event of its sale.
6	Subdivision Certificate Application In order to enable a Subdivision Certificate to be issued for submission to the LPI Service, the applicant is required to lodge a separate application along with one (1) original and ten (10) copies of the proposed plan of subdivision and one (1) original and two (2) copies of the proposed 88b instrument (where proposed). Condition reason: To ensure fairness, transparency and probity.
7	Subdivision Certificate Fees The applicant shall pay the standard fee for purpose of subdivision certificate administration of plan checking and release. Condition reason: To ensure fairness, transparency and probity.
8	Linen Plans and 88B Instruments - The final plan of subdivision must be supported by an 88B Instrument, approved by Council. The 88B instrument shall properly reflect the requirements of the conditions of development consent, the plans forming part of the consent, and Council's standards, codes and policies. Correct notation concerning easements is required. The prepared 88B Instrument should be forwarded initially to Council. The land value of the easement and costs associated with checking the instrument are to be borne by the applicant. Part 2 of the 88B instrument shall contain a provision that any easements, right of ways or covenants shall not be extinguished or altered without the written consent of Council. 88B shall make reference to the electrical, telecommunications and stormwater drainage services shown on the surveyor's "underground utility location surveys", (DS01- DS05) submitted as part of this Development Application, in addition to the Right of Carriageway and easements for services identified on the draft survey plan and the conditions of this consent. - Provision should be made in the 88B which acknowledges the presence of the existing electrical, watermain, telecommunications and stormwater drainage services within proposed Lot 101 with provision for these services to be relocated/re-instated to maintain uninterrupted service of service of Council's adjoining properties/facilities, at no cost to Council should proposed Lot 101 be redeveloped in the future. Condition reason: To ensure fairness, transparency and probity.
9	Service Providers The following documentation must be provided before the issue of a subdivision certificate: - Written evidence of suitable arrangements with Sydney Water (Section 73 Compliance Certificate) for the supply of water and sewerage services to the development must be submitted to the certifier before the issue of a Subdivision Certificate. Council will not issue a Subdivision Certificate unless the method of sewerage disposal is by gravity reticulation mains to either Sydney Water branch and trunk sewers or Sydney Water point of treatment. Council will not accept any temporary facilities to service the site, including pump-out wet-wells. - Notification of arrangement for the development from Endeavour Energy must be submitted to Council. - Written certification from the relevant service providers that the telecommunications infrastructure is installed in accordance with: - The requirements of the Telecommunications Act 1997; - For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and - For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line must be located underground. Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connections of optic fibre technology telecommunications. Condition reason: To promote orderly development supported by adequate infrastructure.

11	Line marking & Signage
	Prior to the issue of a Subdivision Certificate, all car parking spaces on proposed Lot 101, including accessible parking bays shall be line marked, and appropriate signage provided, as required.
	Condition reason: To ensure car parking spaces are appropriately identified.

Occupation and ongoing use

12	Car Parking Management
	All parking areas shown on the approved plans must be used solely for this purpose.
	Condition reason: To ensure that adequate parking and loading are provided.
13	Vehicle Access
	Vehicles entering or leaving the development site should be in forward direction, if practicable.
	To ensure safety.

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [Conditions of development consent: advisory notes](#). The consent should be read together with the Conditions of development consent: advisory notes to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the Building and Development Certifiers Act 2018.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

Council means LIVERPOOL CITY COUNCIL.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means LIVERPOOL LOCAL PLANNING PANEL.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

the collection of stormwater, the

reuse of stormwater,

the detention of stormwater,

the controlled release of stormwater, and

connections to easements and public stormwater systems.

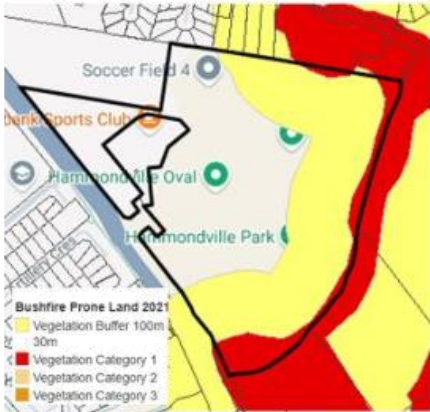
Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

Sydney district or regional planning panel means SYDNEY WESTERN CITY PLANNING PANEL.

Attachment 4: Liverpool Development Control Plan 2008 assessment table.

Part 1 – General Controls for all Development		
Development provision	Requirement	Comments
3.1 - Retention of existing on site trees	Existing trees and vegetation on the site are to be retained and incorporated into the proposal.	No physical work is proposed as part of the proposal. The existing landscaping and vegetation will remain unaffected by the subdivision. The proposal complies with this section in the DCP and is not anticipated to have any adverse impacts on the biodiversity values of the site or locality.
5 - Bush fire risk	Developments on bushfire prone land should be designed to enhance the survivability of the building and be accessible by emergency services at all times. Developments must comply with the Rural Fires Act and Planning for Bushfire Protection 2019.	The subject site is identified as bushfire prone land due to its proximity to the riparian vegetation, as shown below.  The proposed subdivision does not introduce any physical barriers or works which affect the existing access, asset protection zones and other bushfire management measures on the site. Given the non-residential use associated with the subdivision, an integrated development referral to NSW RFS is not triggered by the proposal.
6 – Water cycle management	Developments must ensure no adverse impact from stormwater runoff on	The proposal does not increase the hardstand areas on the site or involve any work that affects the quality of the

	downstream properties in the catchment for all events up to and including 100-year ARI event.	runoff. No changes will occur to the existing stormwater regime or water quality. Easements are proposed where required to ensure the site services and stormwater drainage are not impacted by the proposed subdivision.
7- Development near a watercourse	Controlled Activity Approval is required for works within 40m of a watercourse	The proposal does not involve any physical works.
8- Erosion and Sediment Control	Soil and Water Management Plans are required with Development Applications	As the proposed subdivision does not involve any ground disturbance, this requirement is not applicable.
9 - Flooding risk	This section applies to land identified as at or below the flood planning level. Developments on flood affected land are to be controlled to minimize risk to human life and damage to properties.	The majority of the subject site is identified as low flood risk land outside the 1% AEP extent. While flood planning levels are applicable to the site, no habitable structures are proposed to trigger this requirement. Further, it is noted that the proposed subdivision does not change the existing use or intensify the activities to aggravate the flood risks. The development potential of the subject site is not increased by the proposal, noting the purpose of the subdivision is to separate the car park from the main sporting facility for transfer of ownership to MSC. As no physical works are involved, the existing flood management procedures and evacuation routes will not be impacted by the development. Therefore, it can be concluded that the proposal will not change the flood behavior or increase the flood risks to the subject site and surrounding uses.

10- Contaminated land risk	This section aims to identify contamination and ensure the land is suitably remediate for the proposed use.	The proposed subdivision does involve any change to the existing use of the site as a sporting facility. The site has long been used for this purpose and therefore it is not likely to be contaminated to warrant further investigation.
12- Acid sulfate soils risk	This section aims to identify and prevent adverse impact to the environment from acid sulfate soils.	As discussed previously, the proposed subdivision does not involve any soil disturbance to warrant further consideration of impact on acid sulfate soils.
16- Aboriginal archaeology	This section aims to identify and where possible preserve relics of aboriginal heritage significance.	No works are proposed as part of this application to trigger further investigation of impacts on objects/sites of aboriginal heritage significance. Notwithstanding, a search of the Aboriginal Heritage Information Management System did not identify any sites or places or significance on the site or within a buffer of 50m.
17- Heritage and Archaeological sites	A Statement of Heritage Impact is required for developments affecting heritage items, or for those on land in a heritage conservation area or an archaeological site.	The subject site is not identified as an item of heritage significance nor is it within a heritage conservation area. The closest item of significance is the Holsworthy Pedestrian Bridge (former railway bridge) located to the north-east of the site on Heathcote Road. No adverse impacts will occur on the functioning or any other aspects of this bridge from the proposed subdivision.

20 - Car parking and access	Appropriate car parking, access and service facilities should be provided for all types of vehicles servicing the development.	Hammondville Park currently has two entry points. The car park (proposed Lot 101) is directly accessible from Heathcote Road at the signalised intersection to Infantry Parade. A second option for access to both Hammondville Park and MSC is available at the left-in, left-out access arrangement to the south of this intersection. While the car park is intended to form part of MSC in the future, ongoing access to the car park and sharing of parking spaces will be ensured through appropriate provisions on the title via Section 88B of the Conveyancing Act. This arrangement will ensure seamless functioning of the existing access and availability of 283 unrestricted parking spaces to the public, regardless of the car park being excised into a separate lot. The available parking areas for the sporting facility will therefore remain unaffected by the subdivision. As the proposal does not change the existing operations or intensify the existing uses, the traffic generation and parking demands of the Hammondville Park and MSC will not be impacted. It is noted that TfNSW is currently undertaking works on Heathcote Road in the vicinity of the subject site. The proposal does not change the existing access arrangement or introduce additional traffic that would interfere with these upgrade works.
21- Subdivision of land and buildings	These controls ensure the economic and orderly utilisation of the land resource to cater for the needs of the future users, while minimising adverse impacts on the natural environment.	This section does not have any specific requirements for subdivision on RE1 and RE2 lands. Notwithstanding, it is noted that the proposal does not involve any new works.

27-Social Impact Assessment	This section requires a Social Impact Assessment (SIA) for Council-owned recreation facilities.	The purpose of a SIA is to investigate the impact of a change or activity on the well-being of the community, families and individuals. In this regard, the proposal does not cause any changes to the physical or operational aspects of the development. A SIA is not considered necessary in this instance as Hammondville Park and the adjoining MSC will continue to operate seamlessly with the proposed subdivision. Further, it is noted that the subdivision is to facilitate the sale of the car park to MSC - an initiative which was subject to public consultation and well supported by the community.
28- Safety and security	All developments are required to incorporate the principles of Crime Prevention Through Environmental Design to ensure a safe environment.	No material changes are proposed to the existing facility and as such the safety and security of the premises will not be adversely impacted by the proposed subdivision.