

LOCAL PLANNING PANEL AGENDA

29 April 2024

LIVERPOOL
CITY
COUNCIL



LIVERPOOL CIVIC CENTRE,
COUNCIL CHAMBERS
50 SCOTT STREET,
LIVERPOOL

MATTERS FOR THE LOCAL PLANNING PANEL'S DETERMINATION

Monday, 29 April 2024

**LIVERPOOL CIVIC CENTRE, COUNCIL CHAMBERS,
50 SCOTT STREET, LIVERPOOL**

Commencing at **2:00 PM**

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

Should you wish to address the Panel, please advise Amanda Merchant, Panel Support Officer on 8711 7712, by 4pm, 26th April 2024.

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

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

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2	<p>DEVELOPMENT APPLICATION DA-735/2022</p> <p>THE SECOND STAGE OF A STAGED DEVELOPMENT AT NOS.1400-1480 ELIZABETH DRIVE, COMPRISING THE OPERATION AND CONSTRUCTION OF BUILDINGS FOR THE PURPOSES OF A MOTEL, A PUB, WITH AN ASSOCIATED BOTTLE SHOP AND LANDSCAPING FOR THE BEER GARDEN. THE PROPOSAL IS IDENTIFIED AS 'INTEGRATED DEVELOPMENT' REQUIRING APPROVAL FROM NSW RURAL FIRE SERVICES (RFS) UNDER THE RURAL FIRES ACT 1997.</p> <p>LOTS 11-19 DP 126871</p> <p>1400-1480 ELIZABETH DRIVE, CECIL PARK NSW 2178</p>	137 - 211

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3	<p>DEVELOPMENT APPLICATION DA-77/2023</p> <p>DEMOLITION OF EXISTING STRUCTURES AND THE CONSTRUCTION OF A MULTI DWELLING HOUSING DEVELOPMENT COMPRISING 12 ATTACHED DWELLINGS WITH AT GRADE PARKING.</p> <p>LOT 10-12 DP31382</p> <p>8,10 &12 MAYBERRY CRESCENT, LIVERPOOL NSW 2170</p>	212 - 291

ITEM No.	SUBJECT	PAGE No.
4	<p>DEVELOPMENT APPLICATION DA-1291/2010/A</p> <p><u>APPROVED DEVELOPMENT:</u></p> <p>STAGED DEVELOPMENT OF A CREMATORIUM COMPRISING THE FOLLOWING:</p> <p><u>STAGE 1:</u></p> <p>CONSTRUCTION OF CREMATORIUM AND TWO (2) ASSOCIATED CEREMONIAL HALLS, INFORMATION CENTRE, MEMORIAL GARDENS (CEMETERY) INCORPORATING CONTAINMENT OF 10,000 ASHES IN RECEPTABLES, CAR PARKING AND ACCESS ROADS, ASSOCIATED LANDSCAPING, FENCING AND SIGNAGE.</p> <p><u>STAGE 2:</u></p> <p>CONSTRUCTION OF TEMPLE, (PLACE OF PUBLIC WORSHIP) INCLUDING FACILITIES FOR MEDITATION AND DINING, ANCILLARY DORMITORY ACCOMMODATION, EXTENSION OF PRIVATE ACCESS ROAD AND CAR PARKING, ASSOCIATED LANDSCAPING, FENCING.</p> <p>NOTE: PROPOSAL IS NOMINATED INTEGRATED DEVELOPMENT UNDER THE <i>WATER MANAGEMENT ACT 2000</i> (DEPARTMENT OF ENVIRONMENT CLIMATE CHANGE & WATER) & INTEGRATED DEVELOPMENT UNDER <i>RURAL FIRES ACT 1997</i> (NSW RURAL FIRE SERVICE).</p> <p><u>MODIFICATION DEVELOPMENT:</u></p> <p>MODIFICATION TO DEVELOPMENT CONSENT DA-1291/2010 UNDER SECTION 4.55 OF THE <i>ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979</i>, TO RELOCATE THE TEMPLE / MEDITATION CENTRE (PLACE OF PUBLIC WORSHIP), THE MEMORIAL GARDENS AND SUBDIVIDE THE SITE INTO TWO LOTS.</p> <p>LOT 1 IN DP 520904</p> <p>992 GREENDALE ROAD, GREENDALE NSW 2745</p>	292 - 332

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5	<p data-bbox="373 199 991 230">DEVELOPMENT APPLICATION DA-377/2023</p> <p data-bbox="373 293 1142 398">ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING HOUSE FOR THE PURPOSE OF A CENTRE BASED CHILDCARE USE.</p> <p data-bbox="373 456 647 488">LOT 101 DP 603767</p> <p data-bbox="373 546 1126 577">25 CENTRAL AVENUE CHIPPING NORTON NSW 2170</p>	333 - 439

Item Number:	1
Application Number:	DA-1018/2013/A
Proposed Development:	Modification of Development Consent No. DA-1018/2013 to amend the approved operating hours of the community recycling centre to between 7am to 5pm, Monday to Sunday
Property Address	NOS. 99-101 ROSE STREET LIVERPOOL NSW 2170
Legal Description:	Lot 13 in DP 1089620
Applicant:	LIVERPOOL CITY COUNCIL
Land Owner:	LIVERPOOL CITY COUNCIL
Cost of Works:	NIL
Recommendation:	Approval subject to amending and adding conditions
Assessing Officer:	GAT and Associates

1. EXECUTIVE SUMMARY

The subject Modification Application DA-1018/2013/A seeks modification of Development Consent No. DA-1018/2013 under Section 4.55(1A) of the Environmental Planning & Assessment Act 1979. DA-1018/2013 approved the *"construction of a shed at the existing Liverpool Council depot located on Lot 13 DP1089620 with frontage to Rose Street; use of the shed as a Community Recycling Centre (i.e. waste management facility); and installation of signage"* at Nos. 99-101 Rose Street, Liverpool.

The subject application was lodged on 21 November 2022.

DA-1018/2013 was determined by delegated authority on 30 April 2014.

The modification proposes an increase in the hours of operation, from 8am to 3pm Monday to Saturday, to 7am to 5pm, Monday to Sunday.

The site is zoned SP2 (Depot) - Infrastructure pursuant to Liverpool Local Environmental Plan 2008. The land use of a waste or resource transfer station continues to be permissible with consent under State Environmental Planning Policy (Transport and Infrastructure) 2021, as discussed in section 6 of this report.

The application was required to be notified in accordance with the Liverpool Community Participation Plan 2019. The application was on notification between 4 March 2024 and 18 March 2024. Two submissions were received, and these submissions are discussed in detail within section 6.9(b) of this report. The issues raised are in relation to additional Sunday operating hours and the potential for increased vehicular traffic, noise, and pollution impacts.

Despite these issues, it is considered that appropriate mitigation measures can be incorporated into the development, to address the concerns and that the proposal is acceptable.

The application is referred to the Liverpool Local Planning Panel (LLPP) in accordance with the Local Planning Panels Direction – Development Applications and Applications to Modify Development Consent, endorsed by the Minister for Planning and Public Spaces on 30 June 2020, as the development falls in the categories of:

- Conflict of interest – the Council is the applicant and landowner.

The proposed modification solely relates to an increase in hours of operation for the Liverpool Community Recycling Centre (CRC) to increase opportunities for residents of Liverpool City Council to undertake recycling practices on offer. The modification does not result in any changes to the physical fabric of the facility, however, may lead to increased traffic movements within the locality. It is not considered that the increase in hours would adversely impact the surrounding locality, subject to the recommendations made by Council's internal sections. As such, the proposed modification is recommended for approval.

2. SITE DESCRIPTION AND LOCALITY

2.1 The subject site and locality

The subject CRC is located within an existing Council depot along Rose Street. The subject site is zoned SP2 (Depot) – Infrastructure.

The subject site is adjoined by an R2 Low-Density Residential zone to the south and an R3 medium-density zone to the east, which are characterised by predominantly single and two storey dwellings and semi-detached dwellings. The subject site adjoins Pearce Park to the north and west, which is zoned RE1 Public Recreation.

Please refer to figure 1 for an aerial of the subject site.



Figure 1 – Aerial view of the locality (source: Geocortex)

3. BACKGROUND/HISTORY

This modification application relates to the development consent granted for the construction of a shed and use as a community recycling facility (CRC) under DA-1018/2013. This consent was granted on 30 April 2014.

The subject modification application was lodged on 15 November 2022. A preliminary assessment of the application indicated issues that prevented the application from being supported. These issues formed a request for additional information (RFI) dated 20 March 2023, as outlined below:

- Confirmation of whether the proposed extension of hours included the use of Sundays and public holidays.
- Confirmation of whether the proposed increase in operations due to the increased hours of operation would result in the development being classified as 'designated development'.
- Submission of an amended environmental operations plan (EOP) to reflect the increase in traffic movements.

Amended information was submitted by the applicant dated 5 May 2023, which addressed the issues raised above. The applicant outlined the following:

- The applicant has confirmed that the proposed extension of hours would include Sundays and public holidays. The overall hours of operation sought as part of this

application are 7am to 5pm, Monday to Sunday. The application was referred to the Council's environmental health unit to comment on the proposed increase to the hours of operation. The Council's environmental health unit requested an acoustic assessment to be carried out to establish if the extended operating hours posed any significant adverse noise impacts upon residential receivers.

The applicant submitted an operational noise assessment prepared by VMS Australia. This assessment was subsequently reviewed by the Council's environmental health unit, who supported the findings and subsequently supported the increase in hours, subject to conditions.

- The applicant has confirmed within their RFI response letter that the CRC only accepts residential waste streams and household quantities of waste, typically restricted to 20 kilograms or 20 litres. The applicant outlined that the current volume of waste is no greater than 1,300 tonnes per annum. The applicant anticipates that the increase in hours of operation would result in this volume increasing to 2,000 tonnes per annum. Notwithstanding the above, condition 51 of the consent would remain in place, as discussed in section 6.5 of this report, to ensure the development does not evolve into a 'designated development'.
- Within their RFI response, the applicant outlined an electronic copy of the EOP could not be located as it was prepared over a decade ago. The applicant outlined the following mitigation measures to be implemented and requested a condition to be imposed to ensure the mitigation measures are included. These measures included:
 - *Direction signage and line marking to define paths of travel.
Line marking to be maintained.*
 - *Ensure all trafficable areas are clear of any obstacles.*
 - *Traffic safety barriers to be maintained to prevent vehicles from entering other parts of the depot site.*
 - *Direct all vehicles to queue within the CRC/depot and not on Rose Street.*
 - *Ensure all vehicles must enter and exit in a forward direction.*
 - *Set an appropriate speed limit within the site to ensure safety issues and conflicts between vehicles and pedestrians is mitigated.*
 - *Installation of traffic calming measures including small speed bumps.*
 - *In the event of significant congestion, employees will be deployed to direct traffic.*

A condition of consent is recommended requiring the EOP to be updated in line with the above mitigation measures prior to any occupation certificate (OC) being issued and the amended hours being implemented.

In addition to the above, the application was referred to the Council's traffic and transport and environmental health sections, who supported the application subject to conditions.

As such, the application has been recommended for approval.

4. DETAILS OF THE PROPOSAL

The subject Section 4.55(1A) modification application seeks to modify condition 49, which relates to the hours of operation of the facility.

Condition No. 49 currently reads:

"Hours of Operation

49. The hours of operation associated with the waste management facility are limited to:

*Monday to Saturday: 8:00am to 3.00pm
Sunday and Public Holidays: No operation Permitted."*

The applicant requests that this condition be amended to read the following:

"Hours of Operation

49. The hours of operation associated with the waste management facility are limited to:

*Monday to Saturday: 7am to 5pm
Sunday and Public Holidays: 7am to 5pm."*

5. STATUTORY CONSIDERATIONS

5.1 Relevant matters for consideration

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

- SEPP (Transport and Infrastructure) 2021.
- State Environmental Planning Policy (Resilience and Hazards) 2021.
- State Environmental Planning Policy (Biodiversity and Conservation) 2021.
- Liverpool Local Environmental Plan (LLEP) 2008.
- Liverpool Development Control Plan (LDCP) 2008.

6. ASSESSMENT

This application has been lodged pursuant to Section 4.55(1A) of the Environmental Planning and Assessment Act 1979. It is considered that the development can be determined under Section (1A) of the Environmental Planning and Assessment Act (EP&A Act) 1979, which states as follows:

"(1A) Modifications involving minimal environmental impact A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (c) it has notified the application in accordance with—*
 - (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

Subsections (1), (2) and (5) do not apply to such a modification."

Pursuant to subclause (a) of the above extract, the proposal can be described as having a 'minor environmental impact' as it solely relates to an increase in the hours of operation and that the form and fabric of the CRC would remain unaltered. The potential impacts only relate to potential acoustic and traffic impacts resulting from the increase in traffic movements to the CRC.

The applicant has demonstrated, through the submission of consultant reports, that the increased hours of operation would not cause any significant adverse environmental impacts, such as acoustic or traffic impacts, and that appropriate mitigations are currently implemented and would be maintained and increased where available.

Furthermore, the Council's internal traffic and environmental health units have supported the increase in hours subject to conditions. The application has also been referred to Transport for New South Wales (TfNSW), who did not object to the proposal.

It is considered that any potential impacts are all able to be mitigated to ensure that no significant adverse impacts would result, and therefore, it is noted Council would be satisfied that the proposed increase to hours, is of a minor environmental impact.

Pursuant to subclause (b) of the above extract, the proposed modification would be 'substantially the same' development as it solely relates to increasing hours of operation, and the physical fabric of the development is unaltered.

Pursuant to subclauses (c) and (d), the application was required to be notified in accordance with the Liverpool Community Participation Plan 2019. The application was on notification between 4 March 2024 and 18 March 2024. Two submissions were received, and these submissions are to be discussed within section 6.9(c) of this report.

The application can be considered under Section 4.55(1A) of the EP&A Act 1979.

In reference to clause (3) of Section 4.55 of the EP&A Act 1979, the consent authority must consider the following:

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

This report has appropriately responded to the heads of consideration of Section 4.15 of the EP&A Act 1979, relevant to this application, as discussed within the remainder of the report. Furthermore, this assessment agrees with the original reasons given by the consent authority within the delegated assessment report for DA-1018/2013. As this modification solely seeks to change hours of operation and would not substantially alter the as-built development or the nature of operation itself. The proposed hours of operation, as outlined in this report, are unlikely to have significant adverse impacts on adjoining and surrounding properties, as originally noted within Council's assessment under DA-1018/2013.

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

In accordance with Section 4.55(3) of the Environmental Planning and Assessment Act 1979, this modification application has been assessed in accordance with the relevant matters of consideration prescribed by Section 4.15 Evaluation of the EP&A 1979 and the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation), as follows:

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

DA-1018/2013 was approved pursuant to Division 23 of Part 3 of SEPP (Infrastructure) 2007. This SEPP was repealed on 1 March 2022, and its provisions were consolidated into SEPP (Transport and Infrastructure) 2021. The subject application is now applicable to the provisions of Division 23 of Part 2.3 of Chapter 2 of SEPP (Transport and Infrastructure) 2021.

Pursuant to Clause 2.152 of the SEPP, the subject land use under the SP2 Infrastructure zone remains a prescribed zone. Pursuant to Clause 2.153 of the SEPP, the use as a waste or resource transfer station, as approved, can be carried out with consent in a prescribed zone.

DA-1018/2013 approved the CRC as a waste or resource transfer station. The Liverpool LEP 2008 defines this use as a:

“waste or resource transfer station means a building or place used for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport.”

It is not considered that the proposed modification alters the definition of the use. The CRC remains to be a waste or resource transfer station, as it remains to be a building/place for the collection of waste material, including temporary storage. The subject land use of waste or resource transfer station remains to be permissible with consent.

Pursuant to Clause 2.122 and Schedule 3 of SEPP (Transport and Infrastructure) 2021, the subject land use is identified as a traffic-generating development to be referred to TfNSW, as the subject land use is for waste or resource management facilities of any size or capacity and has access to a road. DA-1018/2023 was referred to the Roads and Traffic Authority (RTA) now TfNSW, who supported the application subject to conditions.

The subject application does not involve any physical changes, such as new road access; however, it may provide for increased traffic movements due to the increased operating hours, and it has been noted by the applicant within their RFI response dated 5 May 2023, that the capacity of the CRC would increase. As a result, in line with the provisions of Clause 2.122 of SEPP (Transport and Infrastructure) 2021, the application has been referred to TfNSW.

TfNSW provided the following comments dated 19 September 2023:

“A traffic impact assessment prepared by a suitability qualified professional, to include an assessment of the Hoxton Park Road/Gill Ave and Hume Highway/ Rose Street signalised intersections. This will assist TfNSW in concluding a full review of the modification application.”

The applicant submitted a traffic impact assessment prepared by Traffix dated November 2023. This information was re-referred to TfNSW, who provided their further comments dated 18 December 2023, which had raised no objections.

As such, the proposal adequately satisfies Clause 2.122 of SEPP (Transport and Infrastructure) 2021.

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

Pursuant to Clause 4.6 of SEPP (Resilience and Hazards) 2021, a consent authority is unable to grant development consent unless it has considered whether the land is

contaminated and, if so, whether the consent authority is satisfied that the land is suitable in its contaminated state, or can be remediated to be made suitable for the purposes for which the development is proposed to be carried out.

Clause 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	The subject modification does not include any physical work and only seeks an increase in operating hours. This modification does not impact the conclusions made under DA-1018/2013.
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and	As above.
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.	The land does not require remediation.

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

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

State Environmental Planning Policy (Biodiversity and Conservation) 2021 aims to maintain and improve the water quality and river flows in the majors Rivers associated its tributaries. As the site is located within the Georges River Catchment, Chapter 6 of the SEPP is applicable.

The subject modification does not include any physical work. The modification only seeks an increase in operating hours.

This modification does not impact the conclusions made under DA-1018/2013.

It is considered the proposal satisfies the provisions of SEPP (Biodiversity and

Conservation) 2021.

(d) Liverpool Local Environmental Plan 2008

(i) Zoning

The subject site is zoned SP2 (Depot) - Infrastructure under Liverpool Local Environmental Plan 2008 (LLEP 2008). An extract of the zoning map is provided in figure 2 below.

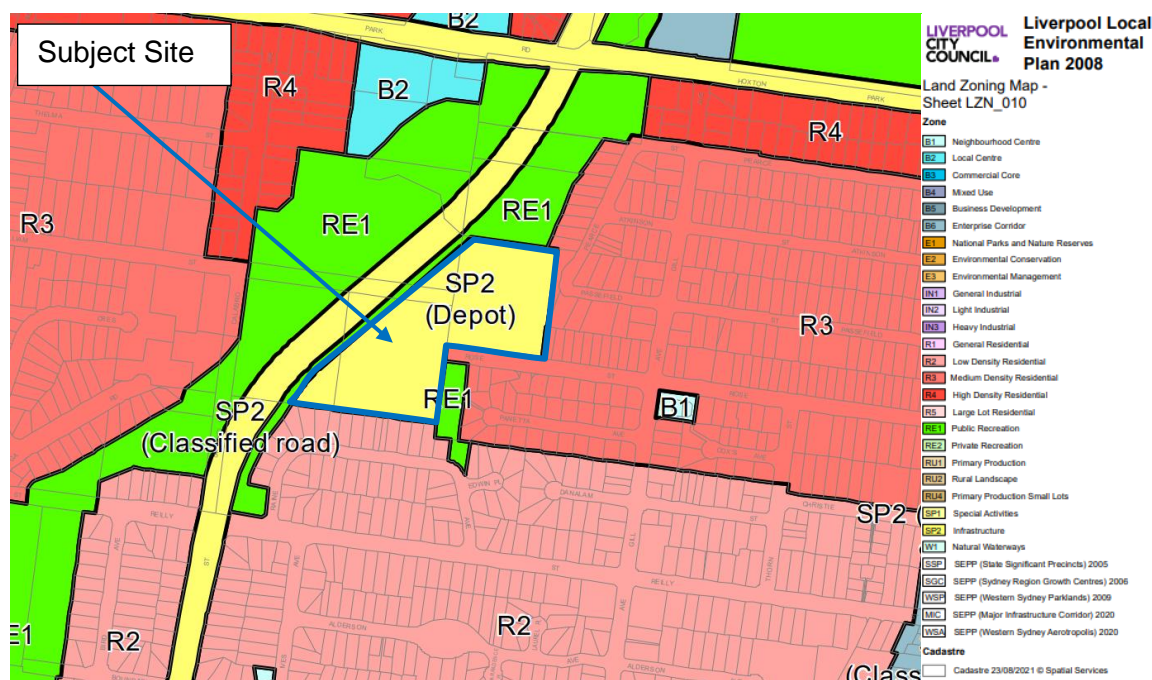


Figure 2: Zoning map (source: LLEP 2008)

(ii) Permissibility

The proposed development is appropriately defined as a waste or resource transfer station, which is defined as:

"waste or resource transfer station means a building or place used for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport."

The subject site continues to contain a building used for the collection of waste material for temporary storage, and then the distribution of waste via road transport.

The subject land use remains permissible pursuant to Division 23 of Part 2.3 of Chapter 2 of SEPP (Transport and Infrastructure) 2021, as discussed in section 6.1(a) of this report.

(iii) Objectives of the zone

The objectives of the SP2 - Infrastructure zone are as follows:

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*
- *To reserve land for the provision of infrastructure.*

The proposed development satisfies the objectives of the SP2 - Infrastructure zone in that:

- The subject site continues to provide for an infrastructure land use, being that of a waste or transfer resource station, which is utilised by the public of the Liverpool Local Government Area.
- The subject site continues to contain a land use that is compatible with the infrastructure land zoning.
- The subject site is zoned as SP2 Infrastructure and provides a land use that is permissible with consent under the relevant EPI.

The subject land use continues to be consistent with the objectives of the zone.

(ii) Principal Development Standards

The subject modification application does not alter the subject site's compliance with any principal development standards or sections of the LEP, apart from those discussed above, in relation to permissibility.

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

There are no draft environmental planning instruments that apply to the site.

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

(a) Liverpool Development Control Plan (LDCP) 2008

The proposed development is subject to the Liverpool Development Control Plan 2008 (LDCP) 2008. The proposed modification has been assessed under the following parts of LDCP 2008:

- Part 1 of the LDCP 2008 covers general controls relating to all types of development within the Liverpool LGA.

The proposal, as modified, is consistent with the controls outlined in Liverpool Development Control Plan 2008. All relevant compliance tables for LDCP 2008 can be found below.

LDCP 2008 - Part 1 General Controls for all Development		
Control	Requirement	Complies/Comment
Section 20 – Car parking and access	<ul style="list-style-type: none"> <u>Overall Design Consideration</u> <ol style="list-style-type: none"> The need for traffic to move to and from the frontage road with minimum disruption to passing traffic and maximum pedestrian safety. Provision of adequate capacity in circulation roadways and aisles to handle peak hour movements without congestion. Avoid as far as practicable conflicts between intersecting streams of circulating traffic. Minimum length travel paths between entry/exit points and car parking spaces. Safe treatment of points of conflict with pedestrians and other road users. 	<p>Complies</p> <p>The application was referred to the Council's traffic and transport unit, which reviewed the potential traffic-related impacts resulting from the proposed increased hours of operation.</p> <p>The traffic and transport unit is supportive of the proposal and has recommended conditions as discussed in section 6.9(a) of this report.</p>

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

There are no planning agreements which apply to the development.

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

DA-1018/2013 assessed whether the development fell under the 'designated development' provisions as outlined in Clause 32 of Schedule 3 of the Environmental Planning and Assessment Regulation 2000. Since the approval of this DA, these provisions have been transferred to Clause 45 of Schedule 3 of the Environmental Planning and Assessment Regulation 2021.

The original assessment report noted that a condition was recommended and imposed in the final notice of determination to ensure that the development does not evolve into a 'designated development' in relation to original Clause 32.

This condition stated that:

"51. Waste associated with the development shall not exceed the amount specified within Clause 32, Schedule 3 of the EP&A."

The applicant has provided a comment under their RFI response, received by Council dated 5 May 2023, which outlined that the current facility only receives household quantities of waste being approximately limited to 20 kilograms or 20 litres. The current volume of the centre is no greater than 1,300 tonnes per annum.

The applicant anticipates that the extension of the operating hours and projected growth of the CRC would increase the volume of material to approximately 2,000 tonnes. It is not considered that the increase in hours of operation would result in the operation exceeding the provision of Clause 32, Schedule 3 of the EP&A Regulations 2000, now Clause 45 of Schedule 3 of the Environmental Planning and Assessment Regulation 2021.

Notwithstanding, the condition is to remain in place to ensure the subject site does not exceed the specified amount.

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

Natural & Built Environment

The proposed modification to the approved CRC in relation to its hours of operation is unlikely to create a detrimental impact on the natural and built environment. The proposed hours of operation would result in additional traffic movements; however, the increase is supported by the Council's traffic and transport unit subject to traffic-related conditions.

In addition, Council's environmental health unit raised potential acoustic issues due to the increased traffic movements and hours of operation. The applicant submitted an operational noise assessment, which the unit supported. Additionally, there are no physical changes made to the CRC that would change the approved structure.

Social Impacts and Economic Impacts

The proposed modification to the CRC is unlikely to have any detrimental social or economic impacts. It is noted that Council internal units have concluded that the increase in hours would not significantly adversely impact on residents within the immediate locality. It is considered that a positive social and economic impact would result, as additional hours would be provided to allow more time for residents to access the CRC and undertake in recycling practices that would lead to more waste finding its way into the appropriate recycling streams rather than landfill.

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

The subject site would remain suitable for the approved land use, as it remains permissible within the SP2 – Infrastructure zone. The modification has been assessed to have no significant adverse impact on surrounding 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 the Council's internal departments:

DEPARTMENT	COMMENTS
Traffic and Transport	<p>Supported, subject to conditions.</p> <p>The application was referred to the Council's traffic and transport unit. The referral supported the justifications made within the applicant's Statement of Environmental Effects (SEE). The referral recommended a range of recommended traffic-related conditions. These recommendations include:</p> <ol style="list-style-type: none"> 1. <i>Traffic safety barriers to be placed adjacent to entry and exit points to guide the flow of traffic through the CRC shed and to prevent vehicles from entering other areas within the depot.</i> 2. <i>Appropriate directional signs to be placed to direct motorists on where to drive.</i> 3. <i>During the peak times on-street overflow waiting vehicles to enter the recycling centre is to be managed by a certified traffic controller attendant to manage traffic flow to prevent queuing.</i> 4. <i>Ensure that the queuing vehicles during peak times do not obstruct the nearby residents' driveways.</i> 5. <i>Notify all residents living along Rose Street between Gill Avenue and Council depot of the proposed change of operating hours of the community recycling centre.</i> 6. <i>Seek concurrence from the relevant authority/Council person for the extended operating hours during Sundays of the community recycling centre during Sundays.</i> 7. <i>Maintain safe access for emergency vehicles, at all, times.</i> <p>It is noted that recommendations 3 and 4 are incorporated into modified condition 53.</p> <p>Notification has occurred to address recommendation 5.</p> <p>Recommendation 6 has been addressed by Council's environmental health unit, which supported the operation</p>

	<p>of the CRC on Sundays and public holidays.</p> <p>The remaining recommendations are included in the amended consent conditions within attachment 1.</p>
<p>Environmental Health</p>	<p>Supported subject to conditions.</p> <p>The application was referred to the Council's environmental health unit to comment on the proposed increase to, the hours of operation. The unit had requested an acoustic assessment to be carried out to establish if the extended operating hours would pose any significant adverse noise impacts upon residential receivers.</p> <p>The applicant submitted an operational noise assessment prepared by VMS Australia. This assessment was reviewed by Council's environmental health unit, who supported the findings and the increase in hours, subject to the following recommendations:</p> <ul style="list-style-type: none"> • The hours of operation between 7am to 5pm Monday to Sunday (including public holidays) are supported. However, deliveries, waste collection, and activities which involve the use of a forklift are limited to 8am to 5pm on Monday to Sunday (including public holidays). • Amendments to the approved environmental operations plan prepared by Mike Ritchie & Associates dated 19/07/2023 are to be undertaken and are to include the following information: <ul style="list-style-type: none"> ○ Section 1.1 – must be updated to include all types of waste accepted by the facility (i.e. cardboard, fire extinguishers, ink cartridges, smoke detectors, electronic waste, paint, and x-rays have not been included in section 1.1. of the approved EOP). ○ Section 2.1.1 – the average number of vehicles must be updated in accordance with the traffic management plan/forecasted vehicle numbers. ○ Section 2.1.2 – the hours and days of operation must be updated. ○ Section 2.3.2 – should be updated to include best practice guidelines and incorporate conditions 39 and 40 bunding

	<p>requirements.</p> <ul style="list-style-type: none"> ○ Section 2.4.1 - the average number of vehicles must be updated in accordance with the traffic management plan/forecasted vehicle numbers. ○ Any changes that have taken place since the EOP was approved. ● Preparation of a noise management plan which can be a sub-plan within the operational environmental management plan. ● The forklifts and delivery vehicles must utilise smart self-adjusting alarms, instead of tonal alarms. ● The use of premises must not give rise to any adverse emission to the surrounding locality (this condition is already formed part of the original consent under condition 59). <p>The above recommendations have been included in the modified consent.</p>
--	--

(b) Community Consultation

In accordance with the Liverpool Community Participation Plan 2019, the application was notified between 4 March 2024 and 18 March 2024. Two submissions were received in response to the exhibition period.

The issues raised in the submission and a response to each are summarised below:

ISSUE 1: *Increase in pollution and noise.*

The application has been supported by an operational noise assessment report prepared by VMS Australia. The assessment outlined that the proposed increased operational hours and the predicted noise emissions are compliant, with key noise policy requirements. The report was supported by, Council’s environmental health officer, who included conditions to limit deliveries, waste collection, and forklift activities to begin after 8am (instead of 7am) and the implementation of a noise management plan. The noise management plan would ensure proper staff training, the management of noise emissions and implement a complaint and review process to ensure noise complaints are appropriately dealt with.

It is not considered that the proposal would result in significant adverse noise impacts for residents, and appropriate measures would be incorporated to further ensure that no significant adverse impacts would result.

In relation to issues raised with pollution, the recycling centre is for storage and future transfer only. The items are not processed at the site. It is therefore considered unlikely that

the increased operation of the site would result in unreasonable emission of pollution beyond the approved development. The increased hours of operation would likely see more traffic movements to the site, however, the impact to the surrounding network is considered to be low. Accordingly, there is unlikely to be more pollution from vehicles than would be typically expected in this locality.

ISSUE 2: *Operation on Sundays.*

The application has been supported by an operational noise assessment report prepared by VMS Australia. The assessment outlined that the proposed increased operational hours and the predicted noise emissions are to be compliant with key noise policy requirements. The assessment specifically assessed the impact of the increased hours on residential properties on Sundays. The report demonstrated that the operation of the facility on Sundays would not result in any adverse significant noise impacts.

The report was supported by the Council's environmental health officer subject to conditions, including limiting deliveries, waste collection, and forklift activities to begin after 8am on Monday through Sunday.

A condition is also imposed to ensure a noise management plan is prepared and maintained to limit the emission of noise from the facility. The noise management plan would ensure proper training of staff for the management of noise emissions and implement a complaint and review process to ensure noise complaints are appropriately dealt with. It is not considered that the operation of the premises on a Sunday would be inappropriate as no significant adverse noise or traffic impacts would result.

8. CONCLUSION

The subject application has been assessed having regard to the provisions of Section 4.15 of the EP&A Act 1979 and environmental planning instruments, including applicable state environmental planning policies, Liverpool LLEP 2008, LDCP 2008, and relevant codes and policies of Council.

This assessment has taken into consideration the submitted SEE and all other documentation supporting the application. The proposed modification does not result in any unreasonable impacts on adjoining and surrounding properties subject to the conditions contained within the recommendation.

In consideration of the proposal, the development as amended is:

- Consistent with the objectives of the SP2 (Depot) - Infrastructure zone under LLEP 2008.
- Consistent with the objectives of Liverpool DCP.
- Consistent with the objectives of applicable EPI's.
- Consistent with the objectives of the EP& A Act 1979.

9. RECOMMENDATION

The Liverpool Local Planning Panel, as the consent authority, grants modification consent to DA-1018/2013/A to modify the approved operating hours of the community recycling centre to between 7am to 5pm Monday to Sunday subject to the conditions as outlined within attachment 1.

ATTACHMENTS

1. Draft Notice of Determination
2. RFI Response - **Confidential**
3. Operational Noise Assessment
4. Statement of Environmental Effects
5. Approved Environmental Operations Plan
6. Traffic Impact Assessment
7. TfNSW Agency Advice



Our Ref: DA-1018/2013/A
Contact: Ben Paterson
Ph: 02 8711 7535
Date: #####.

LIVERPOOL CITY COUNCIL
99 ROSE ST
LIVERPOOL NSW 2170

Dear Sir / Madam,

**99 ROSE STREET, LIVERPOOL NSW 2170, LOT 13, DP 1089620
SECTION 4.55(1A) MODIFICATION TO DEVELOPMENT CONSENT DA-1018/2013**

I am writing to advise you that Council has determined your Section 4.55(1A) application, DA-1018/2013/A to modify DA-1018/2013, which approved for:

Construction of a shed at the existing Liverpool Council depot located on Lot 13 DP1089620 with frontage to Rose Street; use of the shed as a Community Recycling Centre (i.e. waste management facility); and installation of signage.

The modification seeks:

Modification under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979 seeking to modify the approved operating hours of the Community Recycling Centre to 7am to 5pm, Monday to Sunday.

The modification is approved under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979. Accordingly, Development Consent No. DA-1018/2013 has now been amended as follows:

Condition 49 is to be inserted under Part E. Prior to issue of occupation certificate to read:

49. Prior to obtaining the occupation certificate in relation to the extended operating hours approved under DA/1018/2013/A, and prior to the use of the premises with the modified operating hours, an amended Environmental Operations Plan and Operational Environmental Management Plan is to be submitted to the Council or the Private Certifier that includes the following measures:

- *Direction signage and line marking to define paths of travel. Line marking to be maintained. Ensure all trafficable areas are clear of any obstacles.*
- *Traffic safety barriers to be maintained to prevent vehicles from entering other parts of the depot site.*
- *Direct all vehicles to queue within the CRC/depot and not on Rose Street.*
- *Ensure all vehicles must enter and exit in a forward direction.*
- *Set an appropriate speed limit within the site to ensure safety issues and conflicts between vehicles and pedestrians is mitigated.*



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- *Installation of traffic calming measures including small speed bumps.*
- *In the event of significant congestion, employees will be deployed to direct traffic.*

The Environmental Operations Plan prepared by Mike Ritchie & Associates dated 19/07/2023 is to be amended to include the following information:

- *Section 1.1 – Section 1.1 must be updated to include all types of waste accepted by the facility (i.e. cardboard, fire extinguishers, ink cartridges, smoke detectors, electronic waste, paint, and x-rays have not been included in section 1.1. of the approved EOP);*
- *Section 2.1.1 – The average number of vehicles must be updated in accordance with the Traffic Management Plan/forecasted vehicle numbers;*
- *Section 2.1.2 – The hours and days of operation must be updated;*
- *Section 2.3.2 – Should be updated to include best practice guidelines and incorporate conditions 39 and 40 bunding requirements;*
- *Section 2.4.1 - The average number of vehicles must be updated in accordance with the Traffic Management Plan/forecasted vehicle numbers; and*
- *Any changes which have taken place since the EOP was approved.*

The amended Environmental Operations Plan is to be kept on-site at all times and presented to the Council upon request.

Condition 50 is to be inserted under Part E. Prior to issue of occupation certificate to read:

50. Prior to obtaining the occupation certificate in relation to the extended operating hours approved under DA/1018/2013/A, and prior to the use of the premises with the modified operating hours, the following measures are to be implemented into the Community Recycling Centre:

- *Traffic safety barriers to be placed adjacent to entry and exit points in order to guide the flow of traffic through the CRC shed and to prevent vehicles from entering other areas within the depot.*
- *Appropriate Directional signs to be placed to direct motorists on where to drive.*
- *Maintain safe access for Emergency vehicles at all times.*

Condition 51 is to be inserted under Part E. Prior to issue of occupation certificate to read:

51. Prior to obtaining the occupation certificate in relation to the extended operating hours approved under DA/1018/2013/A, and prior to the use of the premises with the modified operating hours, a Noise Management Plan prepared under the supervision of a suitably qualified acoustic consultant is to be submitted to the Council or the Private Certifier. The Noise Management Plan must identify and implement strategies to minimise noise from the proposed development and incorporate: approaches for promoting noise awareness by patrons and staff; training procedures; a complaint lodgement procedure to ensure that members of the public and local residents are able to report noise issues; an ongoing review process and a plan for responding to noise complaints. The Noise Management Plan shall clearly specify the responsibilities of site personnel in managing noise and include a detailed list of steps taken to



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manage potential noise impacts. The Noise Management Plan can be incorporated as a subplan under the Operational Environmental Management Plan required under Condition 49 of this consent.

Condition 49 (now Condition 52) of Development Consent No. DA-1018/2013 is amended to read:

Hours of Operation

52. Hours of Operation of the waste management facility:

a) The hours of operation associated with the waste management facility are limited to:

Monday to Sunday (including public holidays): 7:00am until 5:00pm

b) Deliveries, waste collection, and activities which involve the use of forklifts are limited to:

Monday to Sunday (including Public Holidays): 8:00am until 5:00pm.

Condition 50 (now Condition 53) of Development Consent No. DA-1018/2013 is amended to read:

53. During peak times, an attendant is to be available on-site at all times to manage traffic flow in order to avoid queuing of vehicles on the public road, and driveways of nearby residential properties.

Condition 69 is to be inserted under Part F. Conditions relating to use of the premises to read:

Noise Management Plan

69. The approved Noise Management Plan prepared under Condition 51 of this consent is to be complied with at all times.

Condition 70 is to be inserted under Part F. Conditions relating to use of the premises to read:

Forklifts and Delivery Vehicles

70. To minimise potential noise impacts, all forklifts and delivery vehicles associated with the use must be equipped with smart (self-adjusting) reverse alarms, broadband reverse alarms, combination alarms, or other suitable noise reduction technologies instead of tonal reversing alarms.

All other conditions of Development Consent DA-1018/2013 remain unchanged apart from renumbering as per the implemented conditions above.

ADVISORY NOTES:



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- (a) Section 8.2 of the *Environmental Planning and Assessment Act, 1979* gives you the right to request Council to review this determination within six (6) months of the date of determination.
- (b) Sections 8.9 of the *Environmental Planning and Assessment Act, 1979* gives you the right to appeal to the NSW Land and Environment Court within six (6) months after:
- (a) the date on which the applicant received notice, given in accordance with the regulations, of the determination of that application or,
 - (b) the date on which the applicant's application is taken to have been determined in accordance with regulations made under section 8.5 (3), 4.55 (6).
- (c) The Section 4.55 Modification Application does not extend the timeframe of the development consent initially granted by Council.
- (d) Modification of the development consent does not remove the need to obtain any other statutory consent necessary under the Act.

Should you have any queries please contact Ben Paterson on the phone number shown at the top of this page.

Yours faithfully

Team Leader
Development Assessment



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11 August 2023

22065 Operational Noise Assessment 20230811 Rev 1

The APP Group
Level 14
10 Spring Street
SYDNEY NSW 2000

Attention: Katherine McIntosh

**Operational Noise Assessment
Rose Street Depot - Community Recycling Centre
99 Rose Street, Liverpool NSW 2170**

1 Introduction

VMS Australia Pty Ltd (VMS) have been engaged by The APP Group (APP) to undertake an operational noise assessment of the Rose Street Depot - Community Recycling Centre (CRC) to support the Section 4.55 (Modification) Application currently lodged with Liverpool City Council (Council) (REF: DA-1018/2013/A). The proposed modification is limited to an amendment in the hours of operation of the CRC as presented below in **Section 3**. This assessment references the following:

- NSW Noise Policy for Industry (2017) (NPfi).
- NSW Road Noise Policy (2011) (RNP).
- The APP Group – Statement of Environmental Effects, Section 4.55(1A) Modification Change of Operating Hours, dated November 2022.
- Liverpool City Council – Hourly vehicular movements associated with the Community Recycling Centre as a percentage of the total depot vehicular movements, provided via email on 7 August 2023.
- Request for Information (RFI) by Liverpool City Council on 20 March 2023 and response by The APP Group defining the proposed operation time period of the CRC for Sundays and Public Holidays as 7:00am to 5:00pm.

ABN: 52 168 418 013
Unit 45, 45 Green Street
BANKSMEADOW NSW 2019

vms.com.au
1800 867 000
info@vms.com.au

2 Typical Operation of the CRC

The Council CRC facility provides the community with a free and convenient way of dropping off their problem wastes for environmentally friendly recycling. Typical operation of the CRC is as follows:

- Passenger vehicle enters the site, engine switched off.
- Staff personnel enquire about items being dropped off, and then manually handles the items and disposes of them appropriately.
- Passenger vehicle exits the site.
- Approximate total time period per vehicle entering and leaving is 5 minutes typically.
- Occasional use of a forklift and small truck to remove the items off-site which occurs during existing approved operational hours. This is not simultaneous with customer item drop offs and is generally a few times a week (at most once a day) between 8:00am-3:00pm.

3 Proposed Modification

Existing operational hours of the community recycling centre:

- Monday to Saturday: 8:00am – 3:00pm.
- Sunday and Public Holidays: No operation permitted.

Proposed operational hours of the community recycling centre:

- Monday to Sunday (inclusive of Public Holidays): 7:00am – 5:00pm.

4 Noise Emission Assessment

4.1 Project Noise Trigger Levels and Criteria

4.1.1 Operation of the Community Recycling Centre

The NPfl is the most relevant guideline and provides guidance to develop project noise trigger levels (PNTLs) for residential receivers which is based on the background noise monitoring data obtained via logging conducted by VMS in the front yard of the residential property at 72 Rose Street, Liverpool, between Thursday 5 May 2022 and Monday 16 May 2022 (daily charts of the noise monitoring data presented in **Appendix A** including filtered weather affected data).

Summarized PNTLs and sleep disturbance screening criterion are presented below in **Table 1**.



Table 1 Summarized Project Noise Trigger Levels during NPfI Defined Periods

Receiver	Time Period		Intrusiveness	Sleep Disturbance
			PNTL ¹ L _{eq} (15minute) dBA	(Screening Criterion) L _{max} dBA
All Residential Receivers	Day Time	7:00am to 6:00pm Monday to Saturday	50	-
		8:00am to 6:00pm Sundays and Public Holidays		
	Night Time	7:00am to 8:00am ² Sundays and Public Holidays		60 ²

Note 1: Based on an RBL of 45dBA and the NPfIs intrusiveness noise level (RBL + 5dBA) which is lower than the amenity noise level for this project and is therefore the project noise trigger level.

Note 2: In accordance with the NPfI, this period is considered night time and therefore sleep disturbance impacts are required to be assessed based on an RBL of 45 against a screening criterion (RBL + 15dBA).

4.1.2 Additional Traffic Generated on the Road Network

Road traffic generated by the CRC may result in increased levels of noise at residential receivers primarily on Rose Street which is classified as a local road. Based on the recommendations of the NSW *Road Noise Policy* (EPA 2011) the relevant criterion for daytime operations is presented in **Table 2** to assess impacts along local roads.

Table 2 Road Traffic Noise Assessment Criterion – Additional Traffic

Road Category	Type of Project/Land Use	Assessment Criterion - dBA
Local	Existing residences affected by additional traffic on existing local roads generated by land use developments	55 L _{eq} (1hour)

Note: The assessment criteria are applied externally and to residential receivers only.

4.2 Predicted Noise Levels

4.2.1 Operation of the Community Recycling Centre

The following assumptions have been implemented in the assessment of predicted noise emission levels:

- Considering an approximate 5 minutes per vehicle for item drop offs, three (3) vehicles in a 15-minute period has been conservatively considered.
- Sound power level (SWL) for a passenger vehicle (typical car) was modelled as 81 dBA (AAAC Guidelines).
- Instantaneous and intermittent maximum noise levels will contribute negligible impact to the predicted noise levels in comparison with vehicular movements.

Further to that, predicted noise levels below in **Table 3**.

Table 3 Predicted Noise Levels from the Operation of the Recycling Centre

Receiver Type and Address ¹	Time Period	PNTL L _{eq(15minute)} dBA	Predicted Noise Level L _{eq(15minute)} dBA	Assessment
Residential at 74 Rose Street, Liverpool NSW 2170	7:00am to 6:00pm Monday to Saturday	50	39	COMPLIES
	8:00am to 6:00pm Sundays and Public Holidays			
	7:00am to 8:00am Sundays and Public Holidays			
Residential at 72 Rose Street, Liverpool NSW 2170	7:00am to 6:00pm Monday to Saturday	50	39	COMPLIES
	8:00am to 6:00pm Sundays and Public Holidays			
	7:00am to 8:00am Sundays and Public Holidays			

Note 1: Predicted noise emission compliance at the worst noise affected receivers assessed above ultimately means that noise emission levels will also comply at all other similar receivers due to further screening, directivity, and distance attenuations.

The following assumptions have been implemented in the assessment of sleep disturbance:

- Typical maximum noise level events associated with the operation of the CRC could involve dropping items such as gas bottles or paint tins, car doors slamming, or the like. The worst case maximum noise level activity is assumed to be a car door slamming shut.
- Sound power level (SWL) for a car door slam was modelled as 98 dBA (based on previous measurements).

Further to that, predicted noise levels impacting sleep disturbance are shown below in **Table 4**.

Table 4 Predicted Noise Levels On-Site Impacting Sleep Disturbance (Screening Criterion)

Receiver Type and Address ¹	Time Period ²	Sleep Disturbance (Screening Criterion) L _{max} dBA	Predicted Noise Level L _{max} dBA	Assessment
Residential at 74 Rose Street, Liverpool NSW 2170	7:00am to 8:00am Sundays and Public Holidays	60	58	COMPLIES
Residential at 72 Rose Street, Liverpool NSW 2170	7:00am to 8:00am Sundays and Public Holidays	60	58	COMPLIES

Note 1: Predicted noise emission compliance at the worst noise affected receivers assessed above ultimately means that noise emission levels will also comply at all other similar receivers due to further screening, directivity, and distance attenuations.

Note 2: This is applied externally to residential receivers only during the NPfI defined night time period.

4.2.2 Additional Traffic Generated on the Road Network

The potential impact of noise from additional traffic generated as a result of the CRC has been considered to residential receivers along Rose Street.

The *Calculation of Road Traffic Noise (CoRTN)* 1988 algorithm was used to predict the $L_{Aeq(1hour)}$ traffic noise level generated by the CRC at residential properties along Rose Street.

The prediction of road traffic noise generated is based on the information below, which included:

- Hourly vehicular movements (data collected over several typical days) associated with the Community Recycling Centre as a percentage of the total daily depot vehicular movements, provided by Liverpool City Council.
- Maximum daily vehicular movements associated with the depot as provided in the SEE.

The maximum daily vehicular movements provided was 240 movements, on this basis, a typical worst traffic hour for this assessment (associated with the CRC) as provided by Liverpool City Council was 21% of the total depot vehicular movements per day of operation. This results in approximately a worst case of 50 vehicular movements per hour associated with the recycling centre (25 cars arriving and leaving). It is to be noted that in accordance with the data provided by Liverpool city council, this hourly traffic associated with the CRC generally occurs for 1 or 2 hours per day of operation and not the entire daily operational period, traffic generated is much less for other non-peak operation hours per day.

Table 5 shows the predicted $L_{Aeq1hour}$ traffic noise level generated as a result of the CRC. Predictions below are based on a typical receiver distance of approximately 11m from the curb and a vehicle speed of 50km/h (based on the sign posted speed limit of Rose Street).

Table 5 Predicted Generated Traffic Noise Levels

Location	Traffic Scenario	Predicted Noise Level $L_{Aeq(1hour)}$ dBA	Assessment Criterion $L_{Aeq(1hour)}$ dBA	Assessment
Residential Receivers along Rose Street	Future	53 ¹	55	COMPLIES

Note 1: These levels are predicted to occur only 1 – 2 hours per day of operation, it will be lower at all other times.

5 Conclusion

VMS has undertaken an operational noise assessment of the Rose Street Depot - Community Recycling Centre to support the Section 4.55 (Modification) Application currently lodged with Liverpool City Council (Council) (REF: DA-1018/2013/A).

The proposed modification is limited to an amendment in the hours of operation of the CRC as such:

- Monday to Sunday (inclusive of Public Holidays): 7:00am – 5:00pm.

The following was assessed and shown to be compliant with the EPA's Noise Policy for Industry and the NSW Road Noise Policy:

- Operational noise including (but not limited) vehicular movements within the CRC.
- Sleep disturbance (screening criterion) impacts during NPfl defined night time periods.
- Traffic generated on the road network associated with the CRC.

We trust this information meets with your immediate requirements. However, should you require additional information, or would like to discuss further, please do not hesitate to contact the undersigned directly on 0438 769 165.

This assessment has been prepared by Mr Feras Ahmed and Mr Sam Demasi. Both are qualified mechanical engineers, and both have membership with the Australian Acoustical Society (AAS).

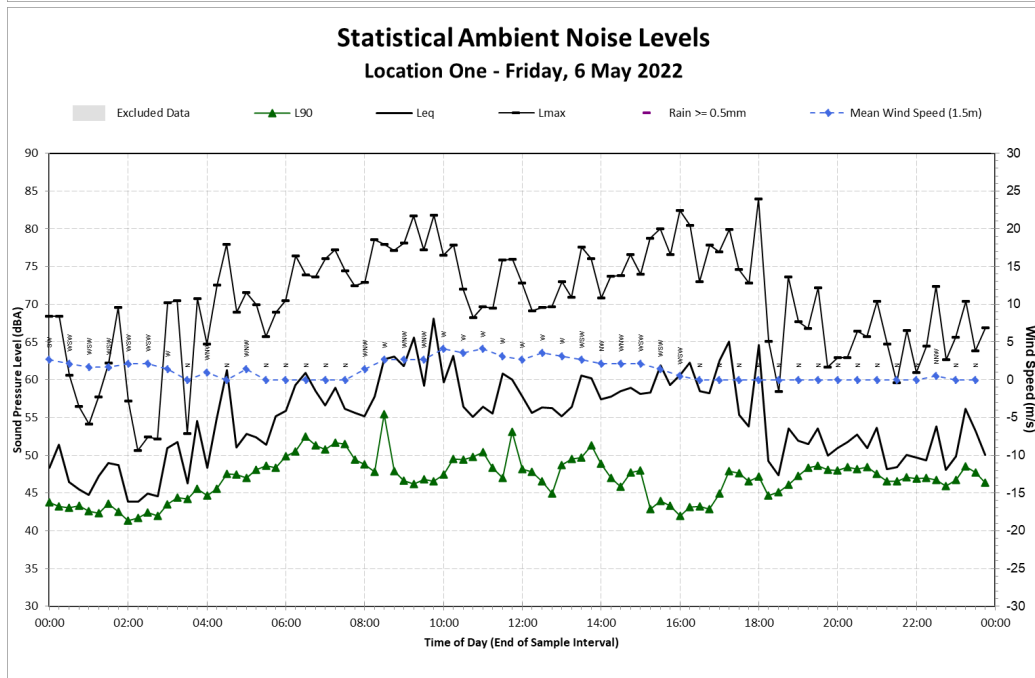
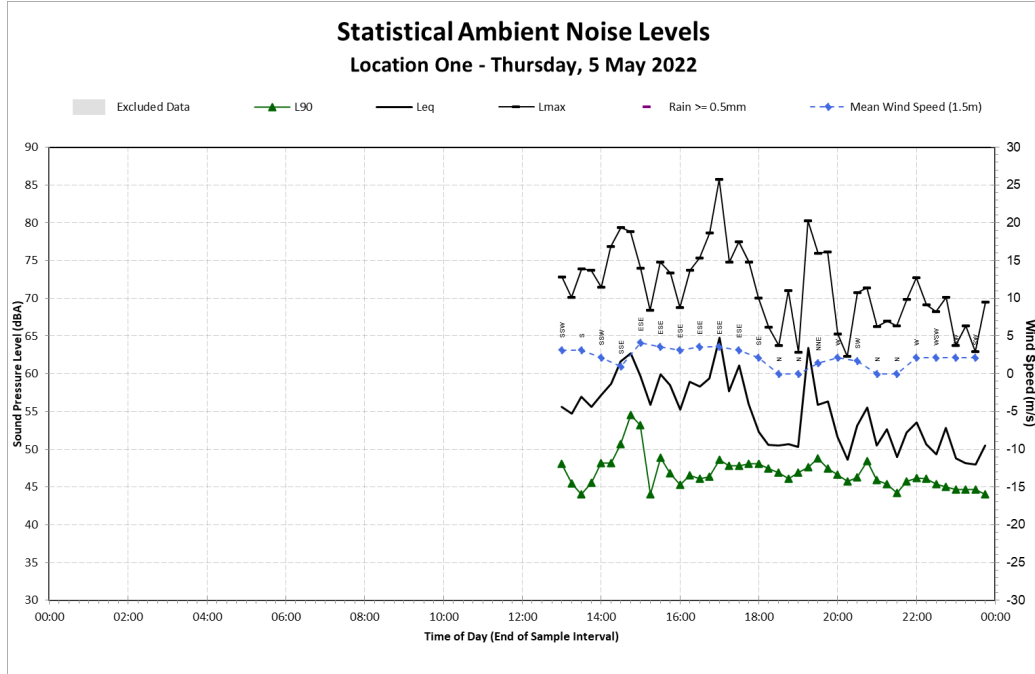
Mr Demasi is the peer reviewer of the assessment and has been working in acoustics for over 25 years. He was admitted to the grade of Member of the AAS in 2008.

Mr Ahmed's AAS Member ID is 4032 and Mr Demasi's AAS Member ID is 1033.

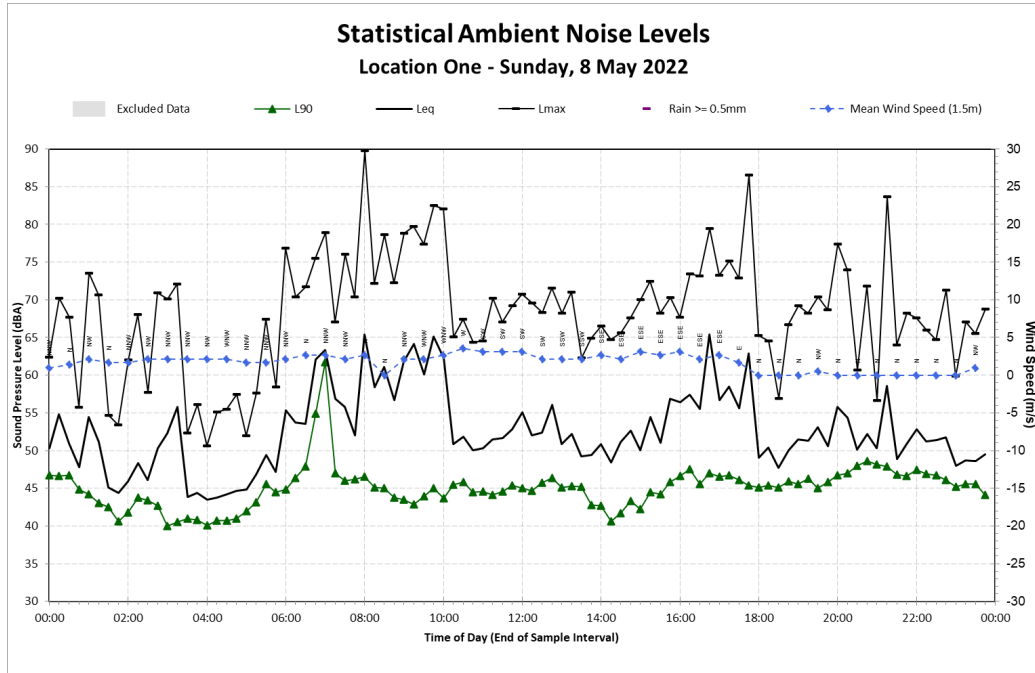
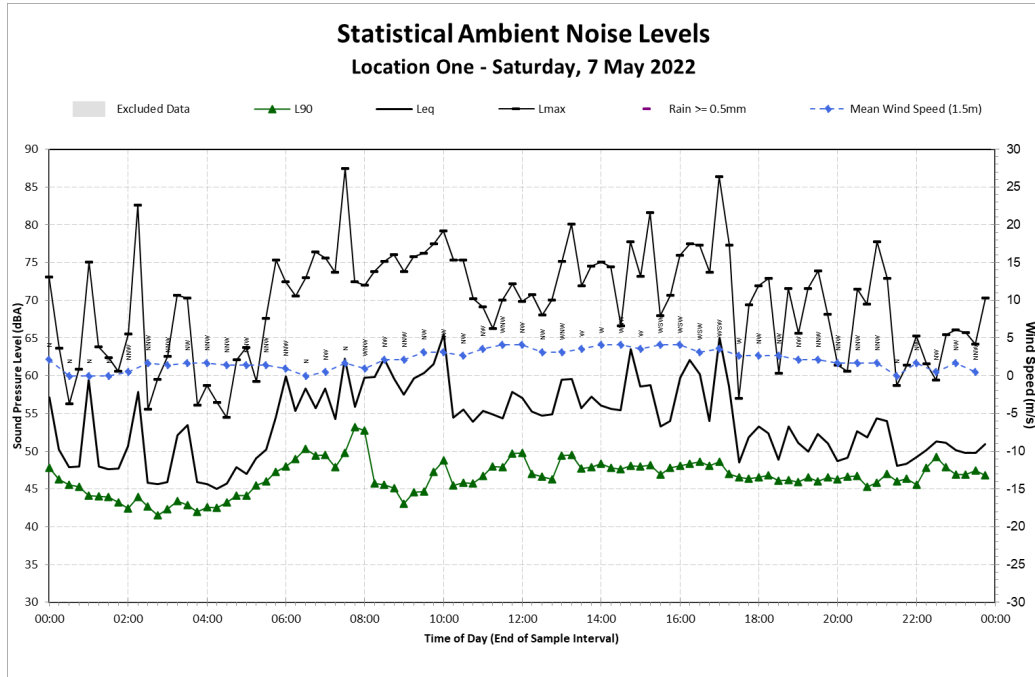
Senior Consultant – Acoustics & Vibration

QA: Sam Demasi – Principal – Acoustics & Vibration

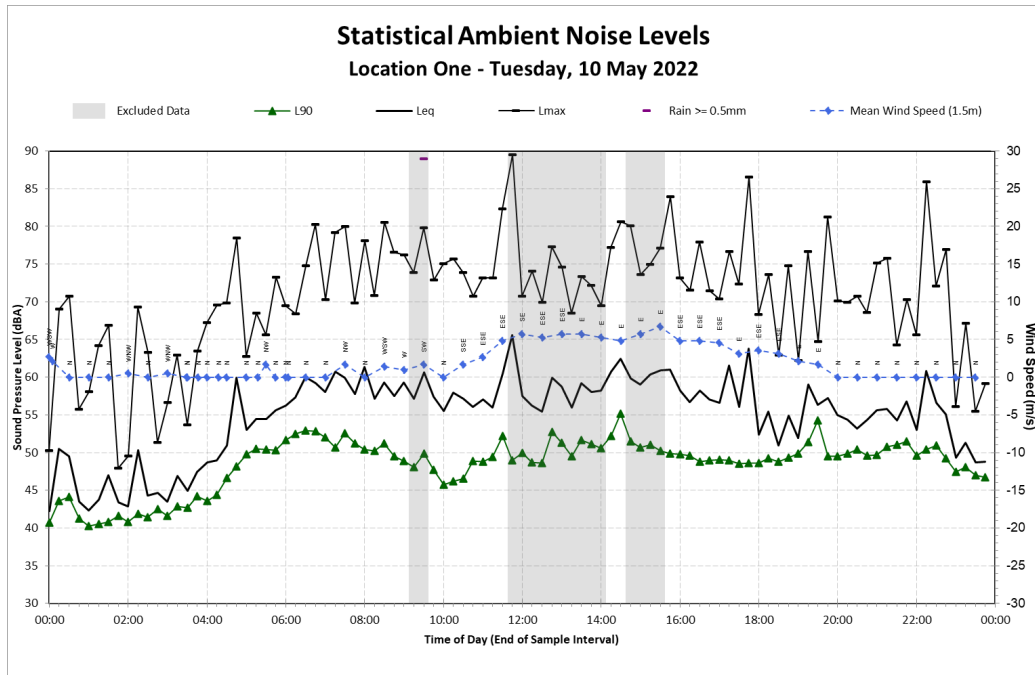
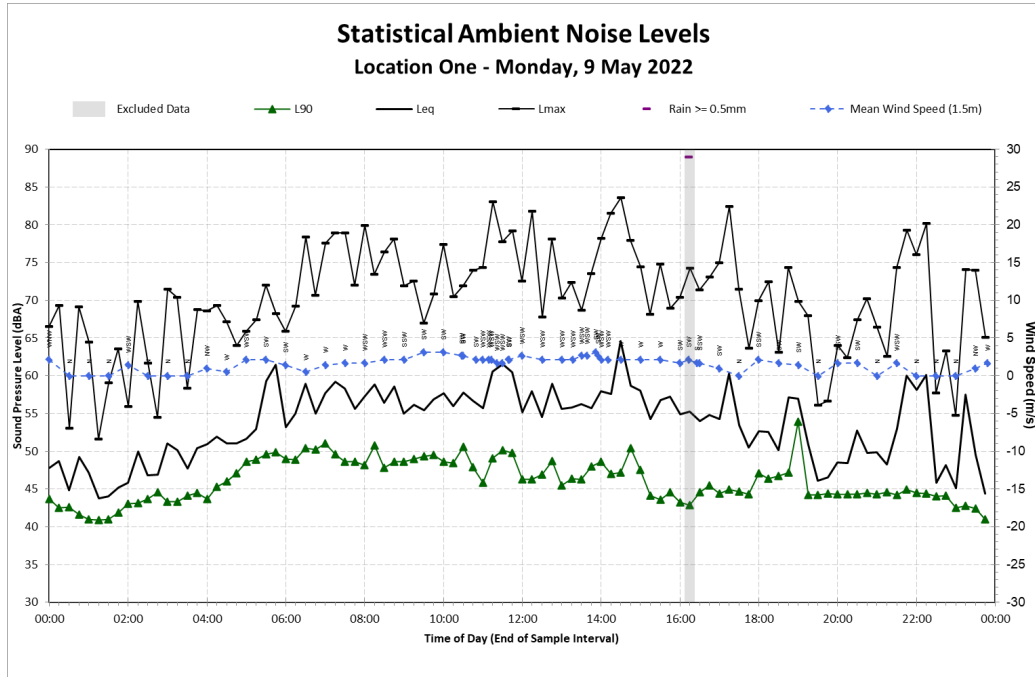
Appendix A Daily Noise Plots 22065



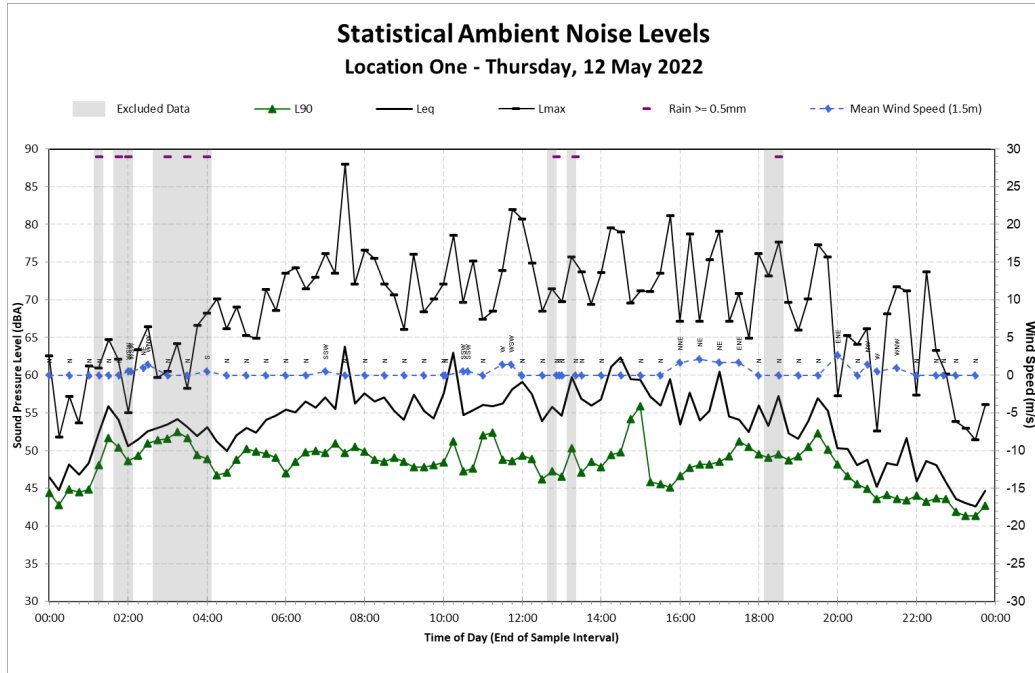
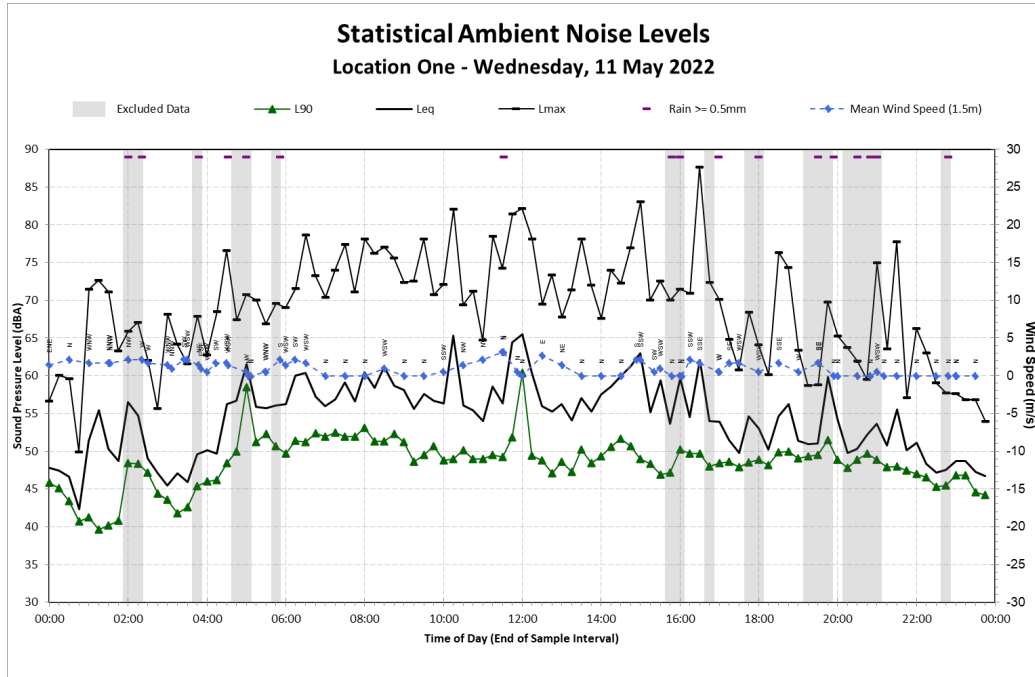
Appendix A
Daily Noise Plots
22065



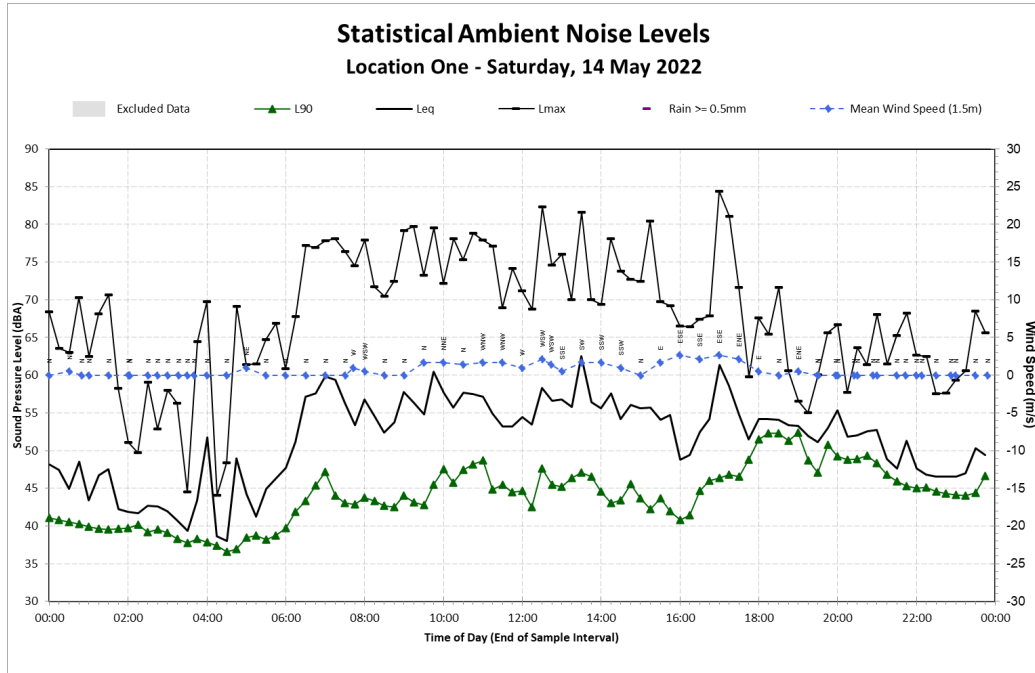
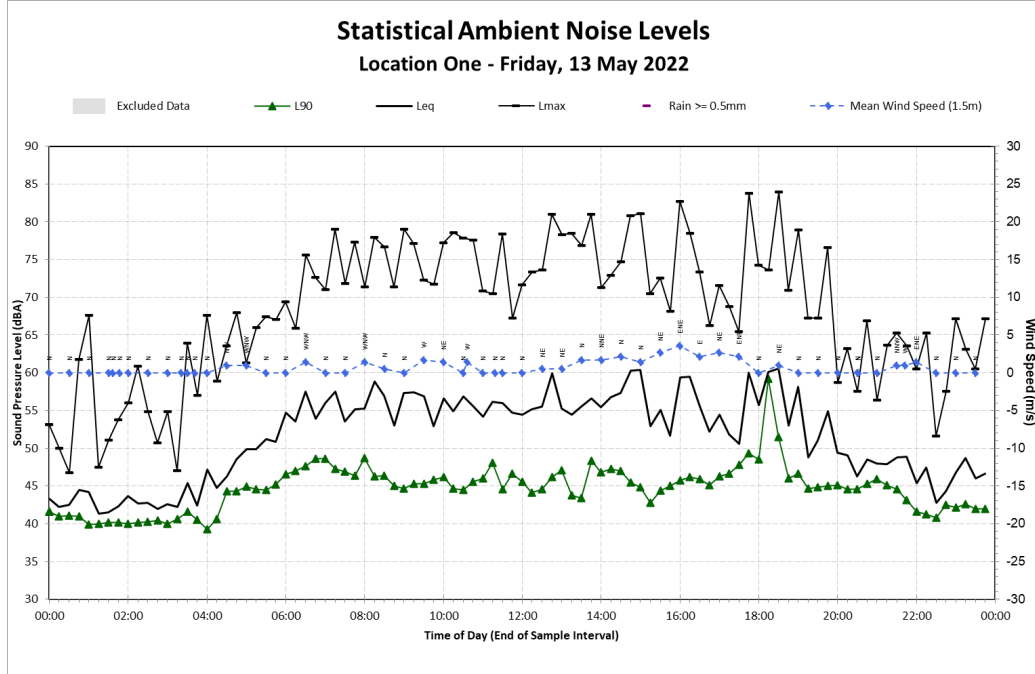
Appendix A
Daily Noise Plots
22065



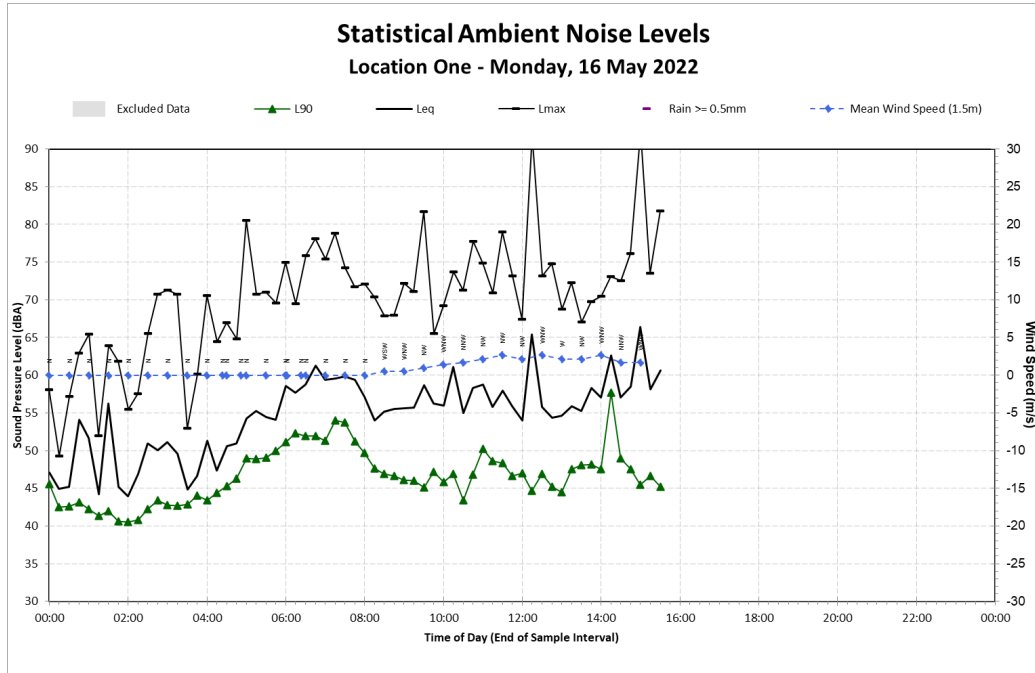
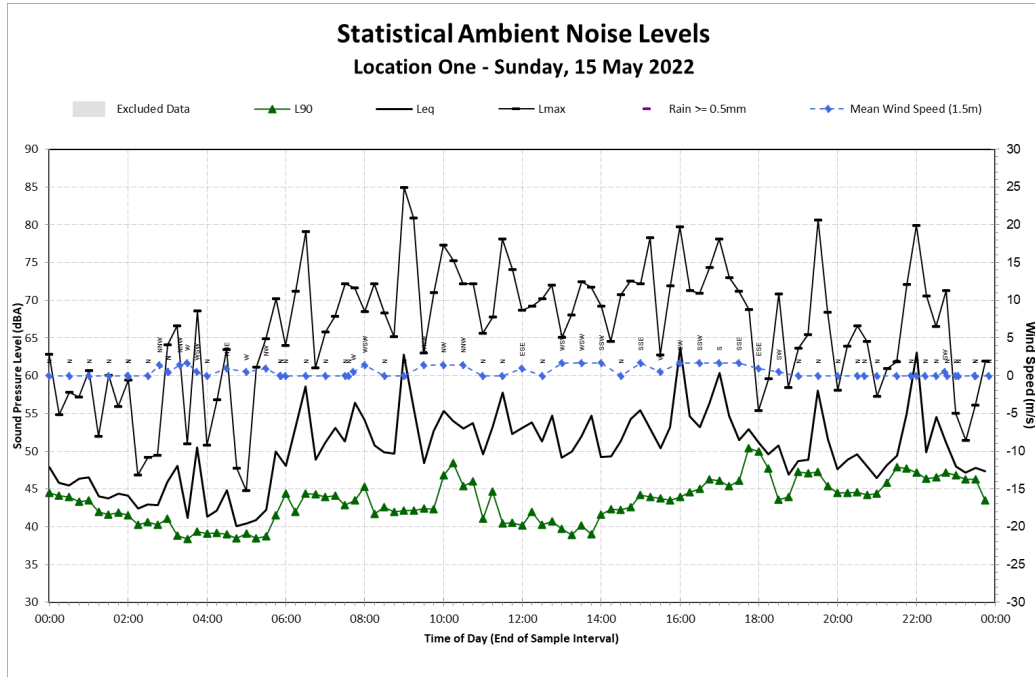
Appendix A
Daily Noise Plots
22065



Appendix A
Daily Noise Plots
22065



Appendix A Daily Noise Plots 22065



Statement of Environmental Effects

Section 4.55(1A) Modification
Change of Operating Hours

Liverpool City Council Works Depot
99 Rose Street, Depot



The APP Group



Amendment, Distribution & Authorisation Record

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This report has been prepared in accordance with our quality control system. The report is a preliminary draft unless it is signed below.

This report has been prepared by: Katherine McIntosh
Urban Planner
November 2022

This report has been reviewed by: Mitchell Brown
Senior Planner
November 2022



Statement of Environmental Effects

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1. Introduction

This Statement of Environmental Effects (SEE) has been prepared by The APP Group on behalf of Liverpool City Council (the Council) in support of a Section 4.55(1A) application to modify Development Consent DA-1018/2013 to amend the approved operating hours of the Community Recycling Centre (CRC) at 99 Rose Street, Liverpool.

The site is legally identified as Lot 13 in DP 1089620, known as 99 Rose Street, Liverpool and used as Councils Works Depot. The site is zoned SP2: Infrastructure (Depot) under the Liverpool Local Environmental Plan 2008 (LLEP 2008).

Development Consent under DA-1018/2013 was granted on 30 April 2014 by Liverpool City Council for the following works:

- ▶ The construction of a shed at the existing Liverpool Council depot;
- ▶ Use of the shed as a Community Recycling Centre;
- ▶ Operational hours Monday to Saturday 8:00am to 3:00pm, with no operation permitted Sunday and public holidays;
- ▶ Reconfiguration of vehicular access to the site; and
- ▶ The removal of eight trees.

The proposed modification is limited to an amendment in the hours of operation from the approved Monday to Saturday 8:00am to 3:00pm, with no operation permitted on Sunday and public holidays, to the proposed operating hours of 7am to 5pm with operation permitted on Sundays and public holidays. This will require modification to Condition No. 49 of consent DA-1018/2013 to reference the amended hours of operation.

The physical fabric and nature of the facility are not altered by this proposal. The use of the facility will not be intensified, with the shift in hours of operation. The modification is sought to enable flexibility in operation, improving the ability of the community to access the service and cater for busy periods including holidays.

This application describes the proposed modifications and provides an assessment of the likely impacts in terms of the matters for consideration under section 4.15(1A) of the *Environmental Planning and Assessment Act, 1979* (EP&A Act). It confirms that the proposed changes are very minor in the overall context of the development, having no impact on the approved built form and results in substantially the same development. Accordingly, the proposed amendments are deemed worthy of support.



1.1. Structure and Reports

The report is structured as follows:

- ▶ **Section 1** – Introduction
- ▶ **Section 2** – Description of Approved Development under DA-1018/2013
- ▶ **Section 3** – Proposed Modifications
- ▶ **Section 4** – Planning Framework
- ▶ **Section 5** – Environmental Assessment
- ▶ **Section 6** – Conclusion

The SEE should be read in conjunction with the original documents which supported DA-1018/2013.

Table 1 Supporting Plans and Documentation

Appendix	Documentation	Prepared by	Date/ Revision
Appendix A	Stamped Liverpool City Council Community Recycling Centre Environmental Operations Plan	Mike Ritchie and Associates	19.07.2013
Appendix B	Survey	Liverpool City Council Design Services	22.05.09
Appendix C	Owners Consent	-	-



2. Description of Approved Development DA-1018/2013

2.1. Development Site

The site is 99 Rose Street, Liverpool and is located within the Liverpool Council Depot. The subject land is legally identified as Lot 13 in DP 1089620 and is located adjacent to Rose Street, at the southern edge of the Depot.

The site is located at the edge of an established residential area and adjoins a public reserve to the north and west of the site. The surrounding developments are characterised by residential development including dwellings, sheds and other residential structures. Pearce Park adjoins the Depot to the north. The CRC is accessed via Rose Street, with a separate vehicle ingress and egress point.

The site is not identified as containing terrestrial biodiversity or as falling within a bushfire hazard zone. No other environmental affectations are identified at the site.

Figure 1 Surrounding context – Depot outlined in red, CRC outlined in blue



(Source: Six Maps)

2.1.1. Existing Development

The Depot maintains several established buildings including storage sheds, a staff training centre, business administration buildings, lunchrooms, amenities, workshops and the CRC.



The site also features an area used for the storage of landscape and other materials used for the maintenance of Council owned parks and public space.

2.1.1.1. Community Recycling Facility

The CRC is located adjacent to the southern boundary of the Liverpool Council Works Depot, with the location of the CRC identified in the below **Figure 2**. The CRC operates within a metal shed, with a floor area of 300m². The shed is comprised of a fabricated metal that is grey in colour. The CRC functions as a designated point at which residents can deposit their recyclable household items. The following waste items are accepted:

- ▶ Cardboard
- ▶ Gas bottles and fire extinguishers
- ▶ Mobile phones and fluoro globes
- ▶ Polystyrene
- ▶ Ink cartridges and household and car batteries
- ▶ Smoke detectors
- ▶ Electronic waste
- ▶ Paints
- ▶ X-rays and
- ▶ Motor and other oils.

Materials received at the centre are then transferred off-site to be processed and reused, recycled or disposed of. The existing buildings and structures within the site are shown in Figures 2 and 3 below.

Figure 2 Aerial view of the site identifying location of the Community Recycling Centre



(Source: Sixmaps)



Figure 3 Site inspection photographs



Photo 1. The subject site, looking north from Rose Street.



Photo 2. Rose Street, looking west.



Photo 3. Rose Street Depot, taken from the rear boundary, looking north-east.



Photo 4. Rose Street Depot, taken from the rear boundary, looking south.



Photo 5. View of reserve to rear of the site.



Photo 6. Rose Street, looking east.

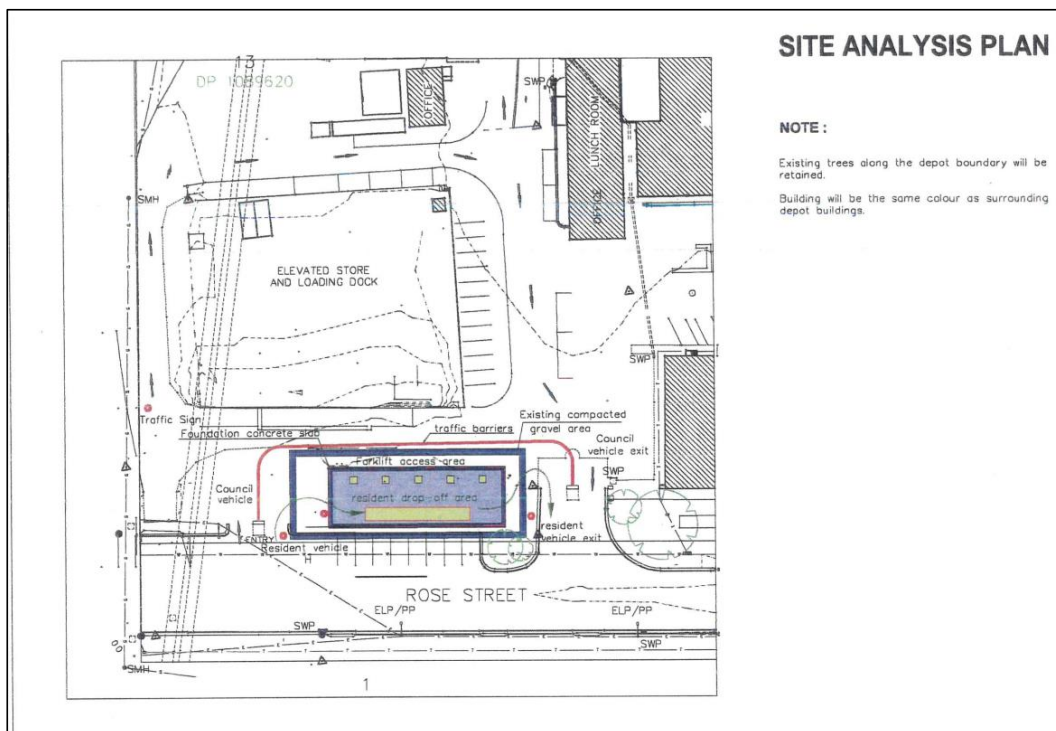


2.2. Approved Development

On 30 April 2014, consent was granted subject to conditions, to DA-1018/2013, which included the following key elements:

- ▶ The construction of a shed at the existing Liverpool Council depot;
- ▶ Use of the shed as a Community Recycling Centre;
- ▶ Operational hours Monday to Saturday 8:00am to 3:00pm, with no operation permitted Sunday and public holidays;
- ▶ Reconfiguration of vehicular access to the site; and
- ▶ Removal of eight trees.

Figure 4 Approved Site Analysis Plan



(Source: Liverpool City Council Community Recycling Centre Environmental Operations Plan)



3. Proposed Modifications

This section of the report outlines the proposed modifications to the approved development under DA-1018/2013.

3.1. Proposed Modification

The Section 4.55(1A) application seeks consent for amendments to the approved hours of operation to extend the operating hours from the approved hours of operation of:

Monday to Saturday: 8:00am to 3:00pm
Sunday and Public Holidays: No operation permitted

To the proposed hours of operation:

Monday to Saturday: 7am to 5pm
Sunday and Public Holidays: Operation permitted

3.2. Justification for Modifications to the Approved DA

The proposed modification is sought to provide flexibility to the operation of the CRC. The modification is minor in the overall context of the development, being limited to the extension of the approved hours of operation of the CRC.

The CRC has been operating within the approved hour of operation since 2013. As community demand expands, an extension of the hours of operation is necessary to continue serving the community with the primary function of waste recycling services. Demand for waste recycling services fluctuates seasonally and the extension of the approved hours of operation will provide flexibility to accommodate community demand over busy periods.

3.3. The proposed modification will not have a significant environmental impact, given that the CRC functions as a temporary storage point for materials collected, with the materials collected being recycled off-site. As such, significant noise, odour or air quality impacts are not anticipated. Modification to Conditions of Consent

This Section 4.55(1A) application seeks to modify Condition No. 49 of consent DA-1018/2013 to reference the proposed hours of operation, as described above.

Hours of Operation

49. The hours of operation associated with the waste management facility are limited to:

*Monday to Saturday: 8:00am to 3:00pm
Sunday and Public Holidays: No operation permitted.*



4. Section 4.55(1A) Minor Modifications

The proposed amendments outlined in Section 3 are considered under Section 4.55(1A) of the EP&A Act. Section 4.55(1A) states:

(1A) Modifications involving minimal environmental impact

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

- (a) It is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) It is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (c) It has notified the application in accordance with –
 - (i) The regulations, if the regulations so require, or*
 - (ii) A development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and**
- (d) It has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

Subsections (1), (2) and (5) do not apply to such a modification.

The modification proposed under this application will result in substantially the same development as that approved under DA-1018/2013. The proposed modification is minor in nature and will be of minimal environmental impact, and as such requires consideration under Section 4.55(1A).

The modification of the approved hours of operation will extend operating hours from 8:00am to 3:00pm with no operation permitted on Sunday and public holidays, to the proposed 7:30am to 5:00pm with operation permitted Sunday and public holidays. The physical fabric and nature of the facility are not altered by this proposal.

Modification is required to ensure that the facility continues to meet community needs. Since commencing operation, community demand for CRC access beyond the approved window has increased substantially. This is driven in part by increased demand during busy periods, namely over Christmas.

Importantly, the use of the facility is not proposed to be intensified, with the shift in hours of operation sought to provide flexibility in operation and improve community access. No changes to the existing traffic arrangement or other operational detail are sought.



4.1. Substantially the Same Development

In accordance with Section 4.55(1A) of the EP&A Act, the proposal will not result in any substantial change to the approved development. The proposed amendment is limited to the hours of operation. Amendment of the built form, nature of the use or landscape arrangement is not sought.

The proposed change is minor in the context of the overall development and will not significantly alter the quality, function or any important feature of the original approval. On this basis, the proposed amendment is considered to result in substantially the same development to which consent was previously granted under DA-1018/2013.

The revised operating hours will provide the CRC with flexibility in the operations, allowing operation to meet fluctuating community demand in a considered and appropriate manner.



5. Planning Framework Compliance Assessment

5.1. Relevant Legislation, Plans and Policies

This section outlines the relevant environmental planning framework applicable to the proposed development site. Section 4.15 of the Environmental Planning and Assessment Act, 1979 (EP&A Act) outlines Council's statutory obligations to consider the likely impacts of development including the impacts on the natural and built environments, as well as social and economic impacts on the locality.

This chapter includes an assessment of the development as proposed to be modified against the relevant environmental planning instruments, the Liverpool DCP and considers the likely environmental impacts and management strategies. The following environmental planning instruments and development control plan have been considered in the assessment of the proposed modification:

- ▶ *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- ▶ *Liverpool Local Environmental Plan 2008*
- ▶ *Liverpool Development Control Plan 2008*

The proposed modification of the approved hours does not give rise to any significant environmental impacts beyond what was considered acceptable and capable of being managed under DA-1018/2013.

5.2. State Environmental Planning Policy (Transport and Infrastructure) 2021

The proposal does not seek to alter the approved use of the CRC, which is best defined as a 'waste or resource transfer station'. This use is permissible with consent in the SP2 zone under Division 23, Clause 2.153 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021*.

5.3. Liverpool Local Environmental Plan 2008

The site, being located within the Liverpool LGA, is subject to the provisions under the Liverpool LEP 2008.

The site is located within zone SP2 (Depot). The objectives of the SP2 zone are as follows:

- ▶ *To provide for infrastructure and related uses.*
- ▶ *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*
- ▶ *To reserve land for the provision of infrastructure.*

The CRC as amended will continue to provide for essential waste storage services to support the local community. The nature of the use will not be altered from that approved, being defined as a 'waste or resource station'.



Figure 5 Land zoning map, site identified by red outline



Source: Liverpool LEP 2008

All other relevant Liverpool LEP 2008 provisions are identified and assessed in Table 2 below.

Table 2 Relevant provisions of the LEP

Provision	Comment
Part 4 Principal development standards	
4.3 Height of buildings (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.	No proposed amendments to the development, as approved.
4.4 Floor space ratio (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.	No proposed amendments to the development, as approved.
Part 5 Miscellaneous provisions	
5.12 Infrastructure development and use of existing buildings of the Crown (1) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any	The proposed alteration is not classified as exempt development under Chapter 2 of the SEPP.



Provision	Comment
development, by or on behalf of a public authority, that is permitted to be carried out with or without development consent, or that is exempt, development, under <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> , Chapter 2.	Resource recycling facilities, are however permissible with consent within the SP2 zone under Division 23 within Chapter 2 of the SEPP.

5.4. Liverpool Development Control Plan 2008

The Liverpool Development Control Plan 2008 (DCP) contains controls applicable to development within the LGA. The DCP provides limited controls relevant to the proposed development, with applicable controls largely limited to car parking and access.

Table 3 Relevant DCP controls

Provision	Comment on Compliance
20. Car Parking and Access	
<p>Overall Design Considerations</p> <p>The layout of a car parking area shall consider the entire facility, including car parking modules, landscaping, circulation aisles and roadways, access driveways and, if necessary, frontage road access as an integrated coordinated design. The management of traffic within a car parking facility should take into account:</p> <ol style="list-style-type: none"> 1. The need for traffic to move to and from the frontage road with minimum disruption to passing traffic and maximum pedestrian safety. 2. Provision of adequate capacity in circulation roadways and aisles to handle peak hour movements without congestion. 3. Avoid as far as practicable conflicts between intersecting streams of circulating traffic. 4. Minimum length travel paths between entry / exit points and car parking spaces. 5. Safe treatment of points of conflict with pedestrians and other road users. 	<p>No changes to the existing parking or traffic arrangement are proposed.</p> <p>The proposed modification will not result in an increase in floor area, and as such additional car parking is not warranted.</p> <p>The existing arrangement features a moving queue to unload materials. Overflow parking is available on-street. During peak times an attendant manages traffic flow to prevent queuing.</p>
<p>Loading Facilities</p> <p>1. Adequate facilities for servicing developments shall be provided on-site to ensure loading/unloading activities do not occur on street and compromise the</p>	<p>As above, no changes are proposed to the existing access / traffic arrangement.</p>



Provision	Comment on Compliance
<p>safety, amenity and capacity of the public road system.</p> <p>2. Provision for loading facilities shall be provided for development in accordance with AS 2890.2 – 2002.</p> <p>3. Service facilities shall be conveniently located close to service entrances (or other building entrances) to discourage loading / unloading in other than the designated areas.</p> <p>4. Areas where heavy vehicles are manoeuvring shall be separated from areas of car parking or pedestrian movement with safety being the overriding consideration.</p>	



6. Environmental and Planning Assessment

This section examines the suitability of the proposed modification, having regard to the proposal's potential environmental impacts.

6.1. Any Environmental Planning Instruments

Consideration and assessment of the proposed development with regards to the relevant environmental planning instruments has been provided in Section 5 of this SEE.

6.2. Any Proposed Instrument

There are no proposed or draft environmental planning instruments relevant to the proposed development site.

6.3. Any Development Control Plan

The development as proposed to be modified has been assessed against the relevant development controls and objectives under the Liverpool DCP in Section 5.4. The proposed modification is consistent with the relevant DCP provisions.

6.4. The Regulations

There are no relevant provisions of the Regulations which apply to the proposed development of the subject site.

6.5. Likely Impacts of the Development

The modification sought is minor in nature, being limited to the alteration of the approved hours of operation. The proposal will not result in change to the physical fabric of the facility, nor the nature of the existing operations.

This modification will, however, provide the CRC with the flexibility to continue serving the local community, and meet the increased demand anticipated over busy periods.

6.5.1. Traffic and Transport

The operation of the CRC as modified, will maintain the existing traffic and carparking arrangements, except for vehicle generation as discussed below. An Environmental Operations Plan was prepared and approved in support of the DA-1018/2013.

It is understood that the facility was originally envisaged to generate 80 vehicle movements per day (1 x in and 1 out movement per vehicle = 40 passenger vehicles) which will be increased to approximately 240 movements per day (1 x in and 1 out movement per vehicle = 120 passenger vehicles) based on the extension of the hours of operation and the growing success of the facility over the last few years.

Recently, the traffic volumes have exceeded the envisaged daily traffic movements due to demand and success of the facility. As discussed above, traffic volumes are originally anticipated for the CRC were 80 vehicle movements per day assuming a rate of 11/12 vehicle movements per hour on average. The proposed increase



in operating hours and increased traffic movements of 240 vehicle movements per day assumes a rate of 24 vehicle movements per hour.

The traffic generation caused by the success of the facility and extended operating hours will increase vehicle movements significantly, however due to the extended operating hours will have a lesser impact on vehicle movements per hour.

Based on an average of 24 vehicle movements per hour, users of the facility would have approximately 2.5 minutes to enter the site, unload the waste and exit the site. It is understood that this process would generally take approximately 5 minutes per vehicle and will therefore cause queueing of 1 vehicle at a time.

While the traffic impacts, as a result of the success of the facility and the extended hours of operation, have been increased, the existing mitigation measures described below are considered adequate to minimise traffic impacts caused by the development.

The CRC will continue to operate in accordance with the approved Environmental Operations Plan provided at **Appendix 1**. The plan provides measures to minimize amenity impacts associated with the operation of the recycling centre and provides traffic management measures, as follows:

- ▶ Traffic safety barriers will be placed adjacent to entry and exit points in order to guide the flow of traffic through the CRC shed and prevent vehicles from entering other areas within the depot.
- ▶ Traffic signs will also assist with instructing vehicles on where to drive.
- ▶ Vehicles will queue within the CRC/depot, in the event of heavy traffic associated with the CRC.
- ▶ Staff member will be deployed to assist with traffic management if congestion becomes severe.

In the event of traffic congestion, residential vehicles visiting the centre will be directed to queue within the centre and depot site, rather than onto Rose Street. Resident vehicles will only be permitted to visit the centre during operating hours and the transport of materials offsite will also only occur during operation hours.

Given the nature of the operation and the amendments, these measures will ensure that traffic volume continues to be effectively controlled.

6.5.2. Acoustic

Located within a fully operational works depot, the CRC already implements measures to minimize acoustic impacts to surrounding development, which is largely comprised of residential development and recreational space. The approved Environmental Operations Plan provides measures to minimize noise emissions that may arise as a result of the operation of the facility.

The following mitigation measures are currently employed:

- ▶ Vehicle movements associated with CRC will only occur during hours of operation.
- ▶ Vehicles will not be left idling.
- ▶ Resident vehicles will queue within the CRC / Depot. All trucks used will have mufflers and other noise control equipment.
- ▶ Program of community liaison and complaint response will be implemented.



No changes are proposed to the existing arrangement and mitigation measure implemented. The existing measures are considered to be sufficient in ensuring that operation does not cause substantial acoustic impact as there will be no intensification in use, simply an extension in the hours of operation.

6.5.3. Air Quality

Given the nature of the use, dust and odour emissions may arise from the operation of the CRC. As an existing operational facility, a number of management measures are already implemented to control dust and odour emissions. These are outlined within the approved Environmental Operations Plan (**Appendix 1**), which provides the following measures of relevance:

- ▶ All loaded trucks will be covered with a load cover.
- ▶ All recycling collection trucks will be maintained to avoid odours.
- ▶ Approach roads and paths inside the CRC are to be kept mud and dust free.
- ▶ Any spills are to be cleaned immediately to reduce potential for offensive odours.
- ▶ All odorous materials collected (for example, paint and oil) are to be stored within the CRC shed.

Within the modified hours of operation, the CRC will continue to implement these mitigation measures to reduce risk of amenity impacts associated with the operation of the facility. This is considered to be sufficient in the context of the proposal, as materials will continue to be recycled off-site, and the current intensity of operation is to be maintained.

6.6. Submissions

Any submissions made during public notification of the development modification are to be duly considered by Council as part of their assessment.

6.7. Site Suitability and Public Interest

This SEE has demonstrated that this Section 4.55(1A) application to modify DA-1018/2013 is suitably justified and will enhance the operation of the CRC. The change in hours of operation is capable of being undertaken within causing any detrimental impacts to the surrounding environment. This change does not substantially alter the extent of compliance with the relevant planning framework previously demonstrated under DA-1018/2013.

The modification sought is relatively minor in the context of the development and will not alter the previously approved development in terms of built form, nature of use and intensity of operation. The proposed modification will provide much-needed flexibility to the operation of the CRC, with demand for community access outside of the approved hours of operation increasing, particularly during busy periods.

The CRC provides an essential community function, accepting problem waste, free of charge. This waste is stored at site and is then recycled off-site, providing environmental benefit and delivering high-quality waste services to support the local community.

For the reasons set out in this report, the modification is deemed to be in the interests of the public.



7. Conclusion

This SEE has been prepared in support of proposed modification under Section 4.55(1A) of the EP&A Act to the approved Community Recycling Centre at the Liverpool Council Depot, under DA-1018/2013. The modification sought is limited to the extension of the hours of operation from the approved Monday to Saturday 8:00am to 3:00pm, with no operation permitted on Sunday and public holidays, to the proposed hours of operation of 7am to 5pm with operation permitted on public holidays and Sundays. The physical fabric and nature of the facility are not altered by this proposal.

An assessment has been carried out against the relevant statutory framework including the State Environmental Planning Policy (Transport and Infrastructure) 202, Liverpool Local Environmental Plan 2008 and the Liverpool Development Control Plan 2008. Which has confirmed continued compliance and general alignment with the applicable controls and objectives.

Altering the approved hours of operations will not generate any significant environmental impacts beyond what was considered acceptable under the original DA.

The intent of the modification proposed is to afford flexibility in the operation of the CRC, allowing the facility to meet community demand over busy periods and meet community demand for access outside of the approved hours.

Based on the information presented in this SEE and supporting documents, the proposed modification is worthy of Council's support.

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Liverpool City Council Community Recycling Centre Environmental Operations Plan



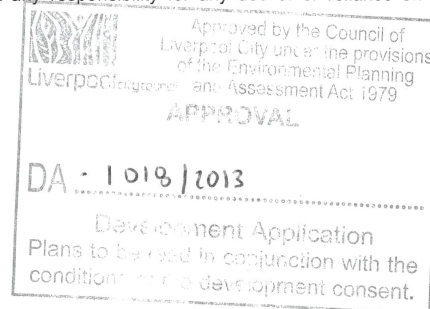
Document History:

Title	Date
Liverpool City Council Community Recycling Centre Environmental Operations Plan	19.07.13

This report has been prepared by Mike Ritchie and Associates for Liverpool City Council in accordance with the terms and conditions of appointment.

Mike Ritchie & Associates (ABN: 13 143 273 812) cannot accept any responsibility for any use of or reliance on the contents of this report by any third party.

Issue A
REFERENCE NUMBER: 001



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Executive Summary

This Environmental Operations Plan (EOP) has been compiled in support of the proposal to establish a Community Recycling Centre (CRC) within the boundaries of the existing Liverpool City Council Works Depot at 99 Rose Street in Liverpool. The purpose of the CRC is to function as a designated point at which community members and residents can deposit their household items that are recyclable, but are too large to be collected through the domestic kerbside collection service. Materials received at the centre will be transported offsite to be processed and reused and/or recycled.

The purpose of this EOP is to demonstrate that best practice environmental management measures will be implemented during the CRC's operations. In turn, the EOP has the following objectives:

- To minimise visual, noise and odour impacts of the CRC upon neighbouring residents.
- To ensure that all materials received at the CRC are dealt with in an environmentally safe and sound manner and according to best practice recycling/disposal standards for each material category.
- To minimise the physical impacts on the environment associated with both the construction and operation of the CRC.
- To ensure that appropriate monitoring and reporting methods are implemented to facilitate the efficient and effective implementation of the EOP.

The EOP identifies the likely environmental impacts associated with the CRC, including noise, air quality, water, traffic & transport, materials handling and litter & illegal dumping. The mitigation measures suggested for each of these impacts form the basis of the environmental management activities and controls, and are listed in Table 1 below.

Finally, implementation measures are also discussed, including requirements regarding reporting, monitoring, auditing and EOP review. Instigating these measures is fundamental to ensuring the ongoing relevance and effectiveness of the EOP.

Table 1 Summary of Management Activities & Controls

Environmental Aspect	Potential Impact	Management Activities/Controls
Noise	Increase in noise emissions associated with vehicle, truck and forklift movements.	<ul style="list-style-type: none"> • Vehicle movements associated with CRC will only occur during hours of operation. • Vehicles will not be left idling. • Resident vehicles will queue within the CRC/depot. All trucks used will have mufflers and other noise control equipment. • Program of community liaison and complaint response will be implemented.
Air Quality	Increase in dust and odour emissions during construction and operation due to an increased number of trucks/vehicles onsite	<ul style="list-style-type: none"> • All loaded trucks will be covered with a load cover. • All recycling collection trucks will be maintained to avoid

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Environmental Aspect	Potential Impact	Management Activities/Controls
	and other movements associated with the CRC.	odours. <ul style="list-style-type: none"> • Approach roads and paths inside the CRC are to be kept mud and dust free. • Any spills are to be cleaned immediately to reduce the potential for offensive odours. • All odorous materials collected (for example, paint and oil) are to be stored within the CRC shed.
Water Management	Potential for materials to accidentally be spilt into the stormwater system, namely liquid materials such as paint and oils.	<ul style="list-style-type: none"> • Materials will be packaged and stored correctly on pallets, according to acceptable package/storage weights and quantities. • Materials are to be transported by forklift within and from the CRC. • Emergency spill kits are to be made available onsite.
Traffic & Transport	Increase in vehicle movements, due to residents using CRC and trucks collecting material from CRC.	<ul style="list-style-type: none"> • Traffic safety barriers will be placed adjacent to entry and exit points in order to guide the flow of traffic through the CRC shed and prevent vehicles from entering other areas within the depot. • Traffic signs will also assist with instructing vehicles on where to drive. • Vehicles will queue within the CRC/depot, in the event of heavy traffic associated with the CRC. • Staff member will be deployed to assist with traffic management if congestion becomes severe.
Materials Management	<ul style="list-style-type: none"> • Increase in materials received at the depot site. • Potential for materials to cause harm to the environment if not processed correctly. • Possibility of incorrect materials being deposited at CRC. 	<ul style="list-style-type: none"> • Materials will only be received during depot operating hours. • Suitable materials processors will be selected to process material once offsite, to ensure safe handling. • Reports will be obtained from materials processors as evidence of appropriate

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Environmental Aspect	Potential Impact	Management Activities/Controls
		<p>processing methods.</p> <ul style="list-style-type: none"> • Incorrect/unrecyclable materials will be deposited into general waste stream. • Signage will be installed with information on acceptable materials and advertising undertaken external to the CRC/depot site.
Litter & Illegal Dumping	<ul style="list-style-type: none"> • Illegal dumping of materials may occur outside depot operating hours. • Litter may occur due to resident vehicles/debris from CRC materials. 	<ul style="list-style-type: none"> • CRC/depot staff will conduct regular (daily) checks of Rose Street and surrounding environment to identify and collect any litter/illegally dumped material. • General waste bins will be provided for resident vehicles to deposit potential litter items, within the CRC.

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1. Introduction

1.1 Background

This Environmental Operations Plan (EOP) has been compiled in support of the proposal to establish a Community Recycling Centre (CRC) within the boundaries of the existing Liverpool City Council Works Depot at 99 Rose Street in Liverpool. The CRC will encompass a 30m x 10m x 6.5m prefabricated metal shed, which will be installed on a 45mx10m foundational concrete slab, adjacent to the southern boundary of the depot, parallel to Rose Street. The CRC shed will also house a bathroom facility and entail a 46,000L on-ground rainwater tank, as well as Solar PV cells on the roof of the shed.

The purpose of the CRC is to function as a designated point at which community members and residents can deposit their household items that are recyclable but are too large to be collected through the kerbside-recycling stream. The items that will be accepted at the CRC include:

- Televisions;
- Computers;
- Computer equipment;
- Car batteries;
- Household paints;
- Motor oil;
- Fluorescent light tubes;
- Mobile phones;
- Gas cylinders; and
- Polystyrene packaging.

Materials received at the centre will be transported offsite to be processed and reused and/or recycled. The CRC will simply function as a temporary storage point for the materials collected, with convenient access for the community to drop materials off free of charge, reducing the incentive to dispose of them illegally.

1.2 Purpose & Objectives of the EOP

The purpose of this EOP is to demonstrate that best practice environmental management measures will be implemented during the CRC's operations. The objective of the EOP and CRC as a whole is to protect and preserve the Liverpool environment for the benefit of residents and other visitors to the Local Government Area (LGA). By providing a convenient and free option for responsible waste disposal, the occurrence of illegal dumping will be minimised, as will the contamination of recycling and garden organics bins. In achieving this objective, the CRC will also contribute towards enhancing sustainability, through facilitating the reuse and reprocessing of recyclable materials, thus contributing to a reduction in demand for raw resources. The EOP will contribute towards achieving these objectives and ensure that this is done so in a manner that minimises potential harm to the environment.

In turn, the following EOP objectives have been established:

- Minimise visual, noise and odour impacts of the CRC upon neighbouring residents.
- Ensure that all materials received at the CRC are dealt with in an environmentally safe and sound manner, according to best practice recycling/disposal standards for each material category.
- Minimise the physical impacts on the environment associated with both the construction and operation of the CRC.

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- Ensure that appropriate monitoring and reporting methods are implemented to facilitate the efficient and effective implementation of the EOP.

2. Environmental Impacts & Mitigation

Through drawing on the assessment of environmental impacts and corresponding mitigation methods in the Statement of Environmental Effects (SEE), this section examines the environmental impacts that are likely to stem from the operational activities of the CRC. The impacts of CRC activities are discussed by environmental impact category, followed by a discussion of corresponding mitigation measures. These mitigation measures will then form the basis of the environmental management activities and controls, which will guide the implementation of the EOP.

2.1 Noise

2.1.1 Impact

Operation of the CRC is likely to cause a marginal increase in noise emissions, due to the increased movements of vehicles, trucks and forklifts, associated with day to day running of the CRC. The CRC is expected to receive an average of 40 vehicles per day. An external truck will collect materials received by the CRC no more than twice per week. Finally, a forklift will be dedicated to managing materials received by the CRC, which will entail the movement of stockpiled material within the CRC and depot.

2.1.2 Mitigation

Noise emissions from the CRC will be kept to a minimum by ensuring that vehicle movements are restricted to the operating hours of the CRC (8am-3pm, Monday to Saturday). Trucks and cars that visit the CRC will not be left idling at any time, in order to reduce unnecessary noise emissions. When possible, vehicles visiting the CRC will be contained within the CRC shed, both during waiting and unloading times.

2.2 Air Quality – Dust and Odour

2.2.1 Impact

The increase in vehicle movements and increase in quantities/types of materials received at the CRC may lead to an increase in generation of dust and odour. A substantial increase in dust emissions is unlikely to occur post construction of the CRC, given that the expected vehicle movements only entail a small increase from the current level of vehicle movements.

The level of odour emitted from the CRC is dependent on both vehicle movements and the types and quantities of materials accepted at the CRC. For example, large quantities of odorous materials such as paints are likely to cause a significant increase in odour emissions.

2.2.2 Mitigation

Dust emissions associated with vehicle movements are largely a factor of the surface that vehicles are driving on, therefore, all ground surfaces within and surrounding the CRC will be paved or dampened/compacted to a level that prevents substantial increases in dust emissions. Materials received at the CRC will be stored in an appropriate manner, so as not to allow for substantial increases in dust emissions.

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Odorous materials will only be accepted and stored in quantities small enough to not cause a substantial increase in odour. These materials will also be made a priority for collection and transport offsite, particularly as they are also likely to be hazardous materials. All potentially odorous materials will be stored in the CRC until they are transported offsite, in order to shield their potential odour emissions from surrounding neighbours. No putrescible waste will be accepted at the CRC.

2.3 Water

2.3.1 Impact

Operation of the CRC will lead to an increase in the amount and variety of materials temporarily stored at the depot. Some of these materials, namely liquids such as oils and paints, have the potential to contaminate waterways if they are emitted into the waterway system via drainage systems located throughout the depot. This possibility is only likely to occur in the event of an accident leading to spillage of materials into the drainage system.

2.3.2 Mitigation

Given that water contamination is most likely to occur as a result of an accidental spillage, particular attention will be paid to the transport of materials from within the CRC. Materials will be packaged and stored correctly on pallets, according to acceptable package/storage weights and quantities, and will be transported by forklift within and from the CRC. Emergency spill kits will also be kept onsite throughout the depot, in order to contain liquid contaminants in the unlikely event that a spill does occur.

2.4 Traffic & Transport

2.4.1 Impact

As discussed earlier within section 2.1, the CRC will entail a marginal increase in vehicle movements associated with the CRC. It is anticipated that an average of 40 cars will visit the CRC per day and materials received at the CRC will be transported offsite, using an externally supplied truck, up to twice a week. These vehicle movements are unlikely to cause a substantial increase in traffic congestion; however, precautions must be put in place in order to address this possibility.

2.4.2 Mitigation

In the event of traffic congestion, residential vehicles visiting the CRC will be directed to queue within the CRC and depot site, rather than onto Rose Street. Resident vehicles will only be permitted to visit the CRC during the aforementioned operating hours and the transport of materials offsite will also only occur during CRC operating hours. Street signs and barriers within the depot will be used to clearly direct traffic flow so as to minimise the possibility of traffic congestion. If traffic does become severely congested, a CRC/depot staff member will be deployed onto Rose Street to assist with managing the traffic flow.

2.5 Materials Management

2.5.1 Impact

The CRC will lead to an overall increase in materials and items accepted at the CRC/depot site. Materials received at the CRC that are not handled and processed using appropriate methods have the potential to harm the surrounding environment, for example, through pollution emissions or increases in debris. Some materials must also undergo unique processing methods once offsite, for example degassing, which is required for gas bottles to ensure that their deconstruction does not harm the environment or jeopardise the safety of others. It is the responsibility of the CRC operators to ensure that the materials received are

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transported offsite and processed by the suitable processors. There is also the possibility that incorrect materials will be deposited at the CRC site.

2.5.2 Mitigation

CRC operators will ensure that each category of material is processed appropriately once transported offsite, through arranging suitable contractors/parties to undertake the processing. This will also help to ensure that negative environmental impacts do not occur 'down the line' from the CRC. To ensure that materials are being processed correctly, CRC operators will regularly acquire reports and data detailing the types and quantities of materials processed, as well as the way in which they were processed. This will also assist in gauging the overall success of the CRC.

Any materials received onsite that fall outside of the CRC material categories will be transported offsite and deposited into the general waste stream (if unrecyclable). Furthermore, comprehensive signage will be erected within the depot/CRC site and external advertising undertaken in order to clearly indicate the materials that will be accepted at the CRC.

Waste materials associated with the general operation of the CRC will be combined with other depot waste streams and recycled if it is possible to do so.

2.6 Litter & Illegal Dumping

2.6.1 Impact

There is a possibility that materials will be deposited at the CRC outside of operating times, leading to the occurrence of illegal dumping. The incidence of littering also has the potential to increase as a result of resident vehicles visiting the CRC site and due to debris that may become loose from CRC materials.

2.6.2 Mitigation

CRC/depot staff will do routine checks along Rose Street and surrounding areas each morning that the CRC/depot is open, in order to ensure that any materials 'dumped' outside of operating hours is collected from the street/surrounding area and deposited within the CRC. This will apply whether the materials fall into the CRC's acceptable material categories or not.

General waste bins will be made available to resident vehicles within the CRC, to minimise the possibility of residents depositing litter onto Rose Street or surrounding areas. CRC/depot staff will also conduct routine checks to collect any litter emitted into the surrounding environment as a result of CRC activities.

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3. Environmental Management Activities and Controls

Table 2 provides a summary of the potential impacts and mitigation measures discussed in the previous section, associated with the operation of the CRC. The management activities and controls listed below will be implemented as the foundation of the EOP, in order to ensure minimal impact upon the surrounding CRC environment and residential neighbours.

Table 2 Summary of Management Activities & Controls

Environmental Aspect	Potential Impact	Management Activities/Controls
Noise	Increase in noise emissions associated with vehicle, truck and forklift movements.	<ul style="list-style-type: none"> • Vehicle movements associated with CRC will only occur during hours of operation. • Vehicles will not be left idling. • Resident vehicles will queue within the CRC/depot. All trucks used will have mufflers and other noise control equipment. • Program of community liaison and complaint response will be implemented.
Air Quality	Increase in dust and odour emissions during construction and operation due to an increased number of trucks/vehicles onsite and other movements associated with the CRC.	<ul style="list-style-type: none"> • All loaded trucks will be covered with a load cover. • All recycling collection trucks will be maintained to avoid odours. • Approach roads and paths inside the CRC are to be kept mud and dust free. • Any spills are to be cleaned immediately to reduce potential for offensive odours. • All odorous materials collected (for example, paint and oil) are to be stored within the CRC shed.
Water Management	Potential for materials to accidentally be spilt into the stormwater system, namely liquid materials such as paint and oils.	<ul style="list-style-type: none"> • Materials will be packaged and stored correctly on pallets, according to acceptable package/storage weights and quantities. • Materials are to be transported by forklift within and from the CRC. • Emergency spill kits are to be

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Environmental Aspect	Potential Impact	Management Activities/Controls
Traffic & Transport	Increase in vehicle movements, due to residents using CRC and trucks collecting material from CRC.	<p>made available onsite.</p> <ul style="list-style-type: none"> • Traffic safety barriers will be placed adjacent to entry and exit points in order to guide the flow of traffic through the CRC shed and prevent vehicles from entering other areas within the depot. • Traffic signs will also assist with instructing vehicles on where to drive. • Vehicles will queue within the CRC/depot, in the event of heavy traffic associated with the CRC. • Staff member will be deployed to assist with traffic management if congestion becomes severe.
Materials Management	<ul style="list-style-type: none"> • Increase in materials received at depot site. • Potential for materials to cause harm to environment if not processed correctly. • Possibility of incorrect materials being deposited at CRC. 	<ul style="list-style-type: none"> • Materials will only be received during depot operating hours. • Suitable materials processors will be selected to process material once offsite, to ensure safe handling. • Reports will be obtained from materials processors as evidence of appropriate processing methods. • Incorrect/unrecyclable materials will be deposited into general waste stream. • Signage will be installed with information on acceptable materials and advertising undertaken external to the CRC/depot site.
Litter & Illegal Dumping	<ul style="list-style-type: none"> • Illegal dumping of materials may occur outside depot operating hours. • Litter may occur due to resident vehicles/debris from CRC materials. 	<ul style="list-style-type: none"> • CRC/depot staff will conduct regular (daily) checks of Rose Street and surrounding environment to identify and collect any litter/illegally dumped material. • General waste bins will be provided for resident vehicles to deposit potential litter items, within the CRC.

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3.1 CRC-Design Environmental Controls

Environmental impact mitigation measures have also been incorporated into the design of the CRC itself, as demonstrated by the Site Analysis Plan in Figure 1 and Appendix A. The CRC shed is to be the same colour as surrounding buildings within the depot so as to remain relatively inconspicuous. The six existing trees along the southern boundary fence of the depot will be retained throughout the course of the development and operation of the CRC. This is in order to preserve the existing flora and maintain the visual shield that the trees provide between Rose Street and the rest of the depot.

Furthermore, the development footprint will not entail changes to any existing structures throughout the depot. The design of the CRC shed allows for a convenient flow of cars from the western entrance gate, through the CRC shed to the eastern exit gate. The prospective location of the CRC shed will also ensure that other areas of the depot are not disturbed by activity associated with the CRC.

The CRC shed will be large enough to stockpile the materials collected if required, which is particularly beneficial as some materials are currently stored onsite in exposed areas. The shed will have 4-5 roller doors along the northern side, parallel to the service-way, which will allow forklifts to extract materials collected and stored on pallets within the shed. The service-way itself is large enough for the forklifts to manoeuvre and transport materials to be loaded onto trucks.

In addition to these measures, the visual amenity of the site will be further improved by landscaping the areas at each end of the prospective CRC, as demonstrated by the landscape plan in Figure 2 and Appendix B. These areas will entail the use of local endemic species for Cumberland Plain Woodland, in order to be in keeping with surrounding flora.

The installation of the on-ground rainwater tank and rooftop solar PV cells will also assist in minimising the CRC's environmental impacts. The solar PV cells will reduce the CRC's reliance on externally supplied energy and is a renewable energy source that reduces the generation of greenhouse gases. The rainwater tank will supply water for the prospective internal bathroom facility and may also be used to irrigate the newly landscaped areas, at each end of the CRC shed. Given that the capacity of the on-ground rainwater tank is 46,000L, it is likely that this water can also be used for other purposes throughout the depot.

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Figure 1 Site Analysis Plan

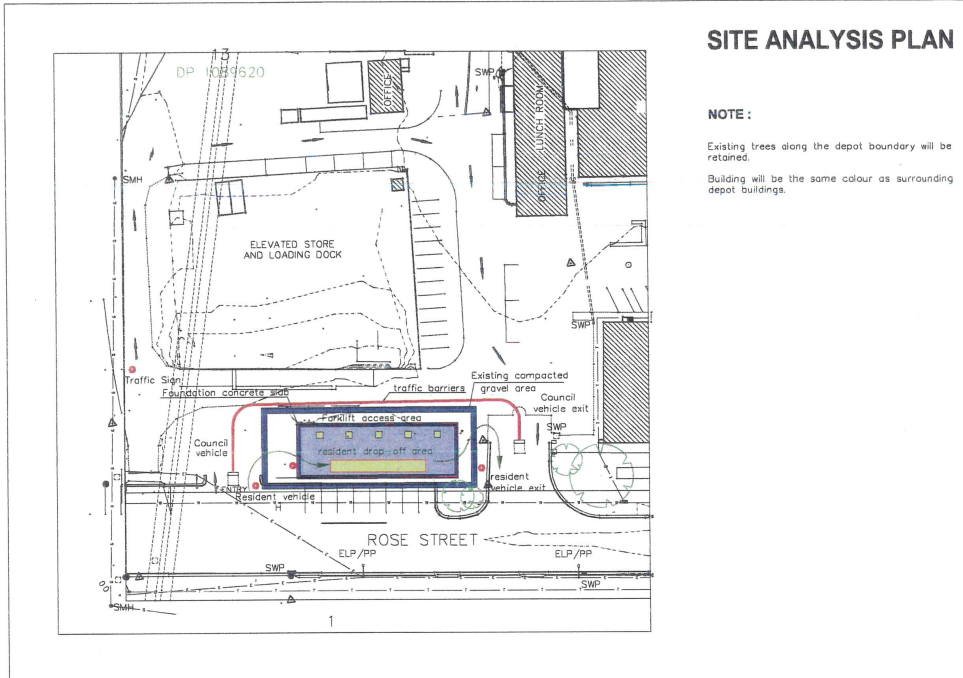


Figure 2 Landscape Plan



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4. Implementation

4.1 Environmental Management Structure and Responsibility

A member of the CRC/depot staff will be selected as the Environmental Management Representative (EMR) and will be tasked with the responsibility of ensuring that measures within the EOP are implemented and that the EOP objectives are met. The EMR will ensure that these actions are conducted in a regular and consistent manner by being responsible for the coordination of environmental activities and controls. The EMR will also be responsible for meeting reporting requirements pertaining to EOP monitoring.

4.2 Reporting

Biannual EOP reports will be compiled detailing the overall performance of the CRC, both operationally and environmentally. The annual reports will comprise information gathered through a series of reports that are specific to different classes of activity associated with the depot, for example:

- Quantity and type of materials received and processed offsite.
- Method of materials processing.
- Number and type of vehicles that visit the site each day/week/month/year.
- Details relating to any complaints received and the corresponding method of resolution.
- Breaches of licensing/approvals/environmental safety requirements.
- Corrective action employed to address licensing/approvals/environmental safety breaches.

These activity-specific reports will be obtained at various stages during the operation of the depot, depending on the category activity. For example, it is likely that information regarding the collection and processing of materials will be received and reported upon more frequently than breaches of licences or approvals conditions. Information from all reporting faculties will be combined to form the biannual EOP reports.

4.3 Monitoring & Auditing

Implementing monitoring measures is necessary in order to assess the adequacy of the EOP management activities and controls. Given the diversity of activities associated with the CRC and the range of management activities and control, several different forms of monitoring will need to be undertaken in order to comprehensively assess the effectiveness of the EOP. Issues that need to be monitored stem from the environmental impacts discussed in section 2 and 3 of the EOP. Examples of issues/activities that require monitoring include:

- Neighbourhood and wider community satisfaction/contentedness with CRC facility.
- Incidents of litter and illegal dumping surrounding the CRC.
- Trend in illegal dumping incidents throughout the Liverpool LGA.
- Quantity and frequency of resident and materials processor vehicle movements.
- Quantity and types of materials received at the CRC.
- Length of time that materials are stored onsite (particularly hazardous materials).

Auditing may be required in order to verify environmental claims made in relation to CRC function and activities. For example, the CRC is premised on the benefit derived from reusing materials recycled and its effectiveness in reducing the occurrence of illegal dumping. These claims may need to be verified periodically through an audit process. Auditing is also useful as a basis for devising corrective behaviour.

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For example, if resident vehicles repeatedly bring unacceptable materials to the CRC, auditing may be useful in determining why this is the case.

4.4 EOP Review

Periodic review of the EOP must be undertaken in order to ensure that the EOP is achieving its objectives and targets and that the EOP continues to evolve and effectively addresses all potential environmental impacts. A review of the EOP should be conducted once every three to five years.

Criteria for reviewing the EOP and assessing whether changes to the EOP are required, may include the following:

- Whether environmental impacts have occurred that are outside the scope of this EOP.
- Whether certain environmental issues have repeatedly occurred and require increased attention within the EOP.
- Whether any significant change to the structure and/or function of the CRC has occurred, thus requiring alterations to the original EOP parameters.

The review would also involve the assessment of all biannual reports and monitoring and auditing results against the objectives, targets, and management activities and controls, discussed in the current version of the EOP.

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5. Conclusion

This EOP has been compiled in support of the proposal to establish a CRC within the boundaries of the existing Liverpool City Council Works Depot at 99 Rose Street in Liverpool. The purpose of the CRC is to function as a designated point at which community members and residents can deposit their household items that are recyclable, but are too large to be collected through the kerbside-recycling stream. Materials received at the centre will be transported offsite to be processed and reused.

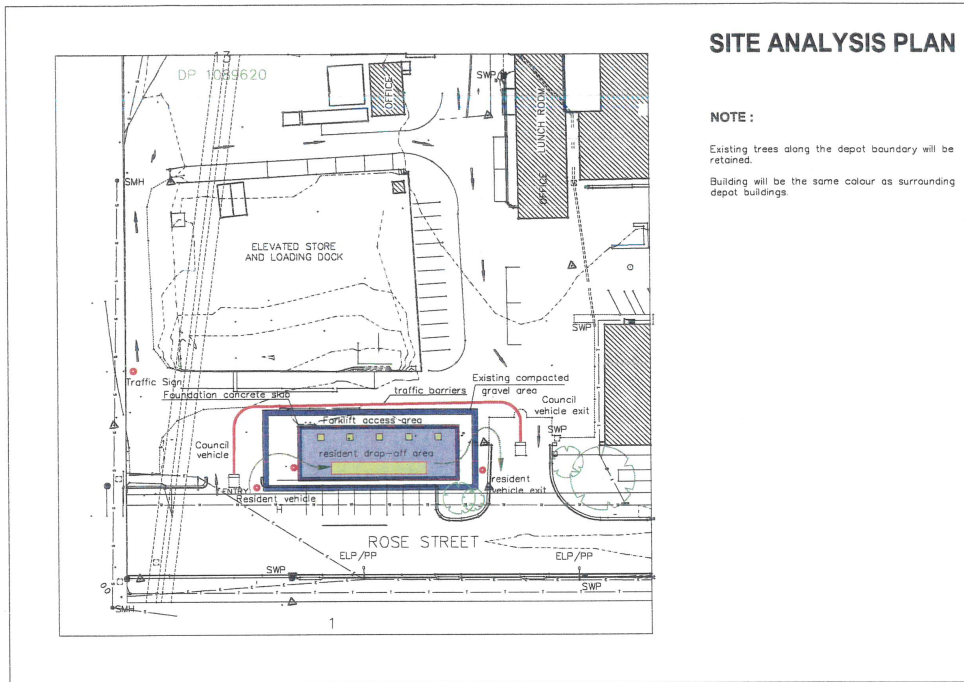
The purpose of this EOP is to demonstrate that best practice environmental management measures will be implemented during the CRC's operations. The objective of the EOP and CRC as a whole is to protect and preserve the Liverpool environment for the benefit of residents and other visitors to the Local Government Area (LGA). By providing a convenient and free option for responsible waste disposal, the occurrence of illegal dumping and domestic kerbside bin contamination will be minimised.

In turn, the EOP has considered potential environmental impacts that may emanate from the CRC, through discussing the nature of potential impacts and their associated mitigation measures. Environmental impacts discussed include noise, air quality, water, traffic & transport, materials handling and litter & illegal dumping. The mitigation measures suggested for each of these impacts form the basis of the environmental management activities and controls, identified in section 3. These activities and controls will form the foundation of the EOP and dictate the measures that must be adopted in order to effectively manage environmental impacts associated with the CRC.

Finally, section 4 discusses the implementation measures necessary to ensure that the EOP itself is managed and assessed appropriately. This section provides prescriptions regarding regular reporting, monitoring, auditing and EOP review, all of which are essential to the effective implementation and ongoing relevance of the EOP.

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6. Appendix A



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7. Appendix B

LANDSCAPE PLAN

NOTE:  LOCATION OF SHED ON EXISTING COMPACTED GRAVEL SURFACE
 AREA TO BE LANDSCAPED - LOCAL ENDEMIC SPECIES FOR CUMBERLAND PLAIN WOODLAND
EXISTING TREES ALONG BOUNDARY FENCE WILL BE RETAINED



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LIVERPOOL COMMUNITY RECYCLING CENTRE

Traffic Management Plan for Development Application.

1. Construction traffic:

The construction of the hardstand area and recycling centre shed will take approximately 1 month; the first 2 weeks being site levelling and concrete slab placement; the second 2 weeks will see the shed fabricated on site. During construction the site will be fully fenced. All construction vehicles will report to the site supervisor before entry and remain within the site boundary for the duration of their stay.

Construction vehicles for the slab will be approximately 6 workers cars, parked on the road outside the perimeter fence, with heavy vehicles delivering formwork, reinforcing steel and cement on approximately 20 occasions. These vehicles will enter and leave the site via the existing gates and are expected to be onsite for 1 hour each visit and probably only 1 vehicle at a time. It may be necessary for a concrete pumping truck to be on site for 1 day.

The shed fabrication will require approximately 4 workers cars, parked on the road outside the perimeter fence, with heavy vehicles delivering materials on approximately 6 occasions. It may be necessary to locate a small crane on site for 1 day.

2. Residents' traffic:

The centre will be open from 8.00am to 3.00pm Monday to Saturday. Approximately 40 cars per day are anticipated for the Centre, with peak periods expected between 8.00am and 9.00am and between 2.00pm and 3.00pm on Saturdays. As unloading is expected to take less than 10 minutes per car, normal operation should see no more than 2 residents' cars on site at any one time during non-peak periods and no more than 6 cars at any one time during peak periods (see plan for parking and unloading areas). There is only occasional use of the depot by Council vehicles on Saturdays.

Entry to the Community Recycling Centre will be via the new entrance (see plan) and exit via the new exit gate. Residents' cars will share the entry and exit with Council vehicles but will be directed to the Centre by signage and prevented from straying into other areas of the depot by permanent barriers (see plan). There will be sufficient space inside the shed for up to 6 cars (each being 5 metres in length), or 3 cars with trailers (each being 8 metres in length) to park and unload at the same time. Site development will allow sufficient space (6 metre width) for leaving cars to safely pass cars still parked and unloading.

3. Contractors' traffic:

Recyclable materials collected by the Community Recycling Centre will be periodically collected by recycling contractors. The vehicles used for this purpose will be table-top trucks for small boxes and bins, hook-lift trucks

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for skips and side-lift trucks for large containers. These vehicles will be up to 9 metres long and 2.5 metres wide, requiring up to 15 metres clearance in front for hooklift trucks and 3 metres alongside for sidelif containers. Small bins and boxes will be loaded manually onto trucks and by the Centre's forklift. Sufficient space will be provided (see plan) for the safe collection of assorted material by these vehicles. As far as possible, collection by contractor's trucks will be pre-arranged to occur outside the opening hours for residents' drop-off.

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TRAFFIC IMPACT ASSESSMENT (TIA)

Proposed Modification to Council Depot 99 Rose Street, Liverpool

Reference: 22.217r02v02
Date: November 2023

Suite 2.08, 50 Holt St
Surry Hills, NSW 2010

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w: www.traffix.com.au



DOCUMENT VERIFICATION

Job Number	22.217			
Project	Rose Street Depot (99 Rose Street, Liverpool)			
Client	APP Corporation Pty Ltd			
Revision	Date	Prepared By	Checked By	Signed
v02	14/11/2023	Redacted		



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Appendices

Appendix A: SIDRA Outputs



1. INTRODUCTION

TRAFFIX has been commissioned by APP Corporation Pty Ltd to undertake a traffic impact assessment (TIA) in support of a Section 4.55 (s4.55) modification application relating to the operating hours of the existing Community Recycling Centre (CRC) located at 99 Rose Street, Liverpool. The development is located within the Liverpool City Council Local Government Area (LGA) and has been assessed under that Council's controls.

This report documents the findings of our investigations and should be read in the context of the Statement of Environmental Effects (SEE) prepared separately. It is understood that the development application does not seek to enlarge/expand the existing community recycling facility.

The report is structured as follows:

- Section 2: Describes the site and its location
- Section 3: Documents existing traffic conditions
- Section 4: Describes the proposed development
- Section 5: Assesses the parking requirements
- Section 6: Assesses traffic impacts
- Section 7: Discusses access and traffic management
- Section 8: Presents the overall study conclusions



2. LOCATION AND SITE

The subject site at 99 Rose Street, Liverpool and is located approximately 1.6 kilometres southwest of Liverpool Central Business District (CBD). More specifically, it is located on the northern side of Rose Street, approximately 260m west of the intersection of Rose Street and Gill Avenue.

The site has an irregular-shaped configuration and has a total site area of approximately 2.4 hectares. It has a northern frontage measuring approximately 60-metres to Pearce Park, eastern boundary measuring approximately 180-meters to residential properties, western boundary measuring approximately 250-metres to Paciuillo Park and Pearce Park, and southern frontage to Rose Street measuring approximately 140-metres.

A Location Plan is presented in **Figure 1**, with a Site Plan presented in **Figure 2** which provide an appreciation of the general character of roads and other key attributes within proximity of the site.



Figure 1: Location Plan



Figure 2: Site Plan

3. EXISTING TRAFFIC CONDITIONS

3.1 Road Network

The road hierarchy in the vicinity of the site is shown in **Figure 3** with the following roads of particular interest:

- Hume Highway: a TfNSW Highway (HW2) that generally runs in a north-south direction between Parramatta Road in the north and the Victorian Border in the south. In the vicinity of the site, the Hume Highway has a posted speed limit of 60km/hr and carries three (3) traffic lanes in both directions separated by a median. Clearway restrictions operation between 6am-10am and 3pm-7pm Monday to Friday along both side of the road.
- Hoxton Park Road: a TfNSW Main Road (MR681) that generally runs in an east-west direction between Hume Highway in the east and Cowpasture Road in the west. In the vicinity of the site, Hoxton Park Road has a posted speed limit of 70km/hr and carries two (2) traffic lanes in both directions separated by a bi-directional T-Way running along the centre of the road. Kerbside parking is not permitted on either side of Hoxton Park Road.
- Gill Avenue: a local collector road that traverses in a north-south direction between a cul-de-sac in the north providing access for NSW SES Liverpool Unit & NSW Ambulance and Boundary Road in the south. Within vicinity of the site, Gill Avenue is subject to a speed limit of 50km/h and carries a single lane of traffic in either direction. Unrestricted kerbside parking is permitted along both sides of Gill Street. Gill Avenue has a carriageway width (kerb to kerb) of approximately 8.9m.
- Rose Street: a local road that traverses in an east-west direction between Hume Highway in the east and a cul-de-sac in the west. Within vicinity of the site, Rose Street is subject to a speed limit of 50km/h and carries a single lane of traffic in either direction. Kerbside parking is permitted



along both sides of Rose Street subject to various on-street parking restrictions. Rose Street has a carriageway width (kerb to kerb) of approximately 11.6m.

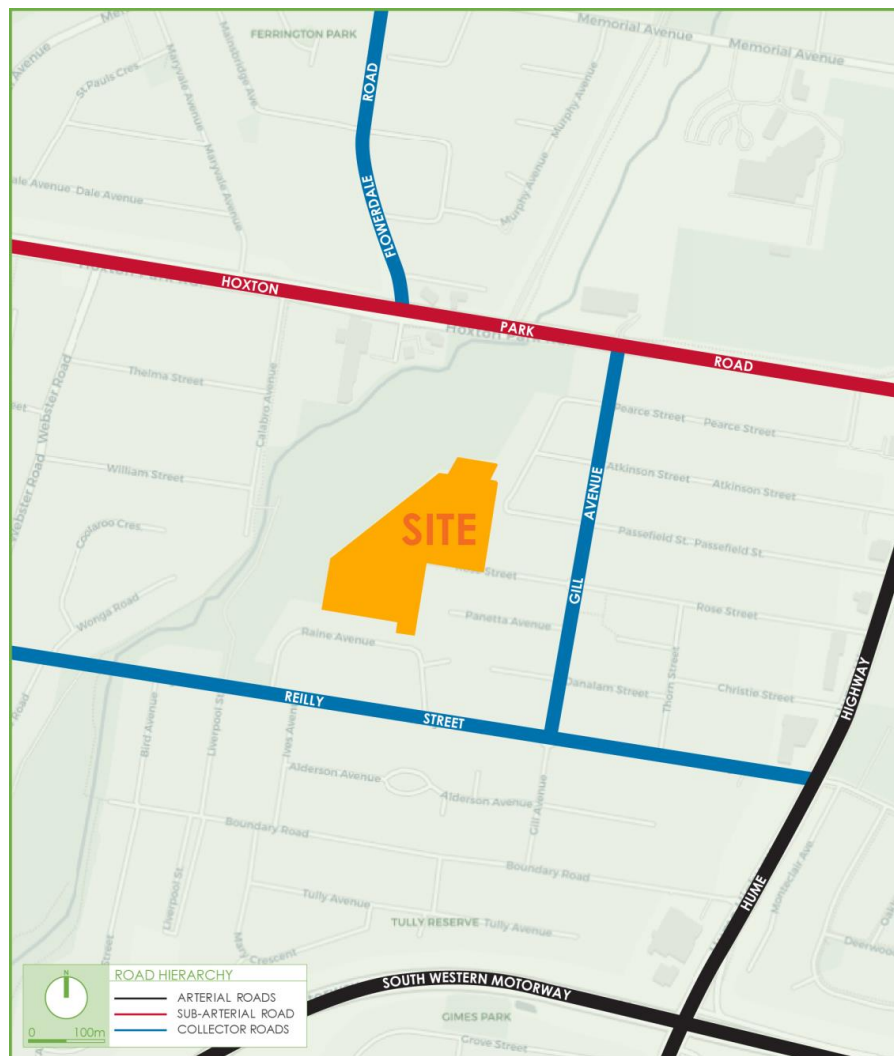


Figure 3: Road Hierarchy

It is clear from Figure 3 that the site is conveniently located with respect to the arterial road network with connections to the north/south via Hume Highway and west via Hoxton Park Drive.

3.2 Key Intersections

3.2.1 Hoxton Park Road / Gill Avenue



Figure 4: Hoxton Park Road and Gill Avenue

It can be seen from **Figure 4** that the intersection of Hoxton Park Road and Gill Avenue is a four-legged signalised intersection. The main attributes of each approach are outlined below:

- Hoxton Park Drive (east and west legs)
 - The westbound approach provides two (2) through lanes and a dedicated right turn lane.
 - The eastbound approach provides two (2) through lanes and a dedicated right turn lane.

- Gill Avenue (north and south legs)
 - The southbound approach provides two (2) through lanes with the kerbside lane permitting through and left turns and the centre lane permitting through and right turns.
 - The northbound approach provides a single through / right turn lane and a dedicated left turn lane.

3.2.2 Hume Highway / Rose Street



Figure 5: Hume Highway and Rose Street

It can be seen from **Figure 5** that the intersection of Hume Highway and Rose Street is a three-legged signalised intersection. The main attributes of each approach are outlined below:

- Hume Highway (north and south)
 - The southbound approach provides three (3) through lanes and a dedicated right turn lane.
 - The northbound approach provides three (3) through lanes with the kerbside lane permitting left turns.



- Rose Street (west leg)
 - The eastbound approach provides a single left turn lane and single right turn lane.

3.3 Existing CRC Operations

3.3.1 Vehicle Access Arrangements

The existing CRC provides a one-way loop arrangement with vehicle access via Rose Street. The existing CRC provides the following vehicle accesses:

- An entry driveway on the western side of the CRC; and
- An exit driveway on the eastern side of the CRC.

3.3.2 Staff Car Parking

It is understood that CRC staff parking within the main depot off-street parking area.

3.3.3 Operating Times

The approved hours of operation are as follows:

- 8:00am to 3:00pm Monday to Saturday; and
- No operations permitted on Sunday or Public holidays.

3.3.4 Staffing Requirements

There are 3 to 4 depot staff operation the CRC at any given time.

3.3.5 Vehicle Movements

Council has provided historical vehicle movement data from May 2022. The existing vehicle data is summarised in **Chart 1, 2 and 3** below:



Chart 1: Total Vehicle Movements Per Day

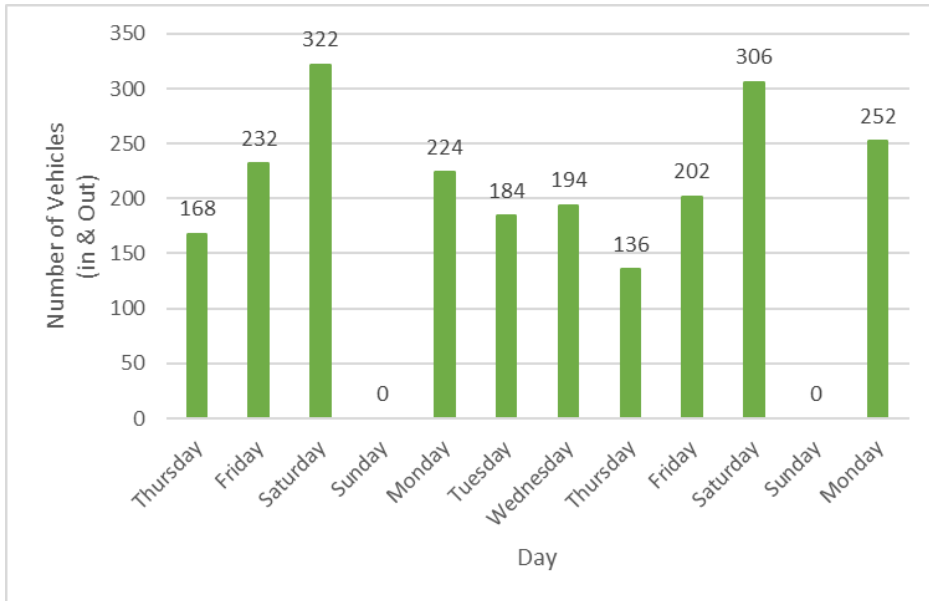


Chart 2: Average Weekday Vehicle Movements

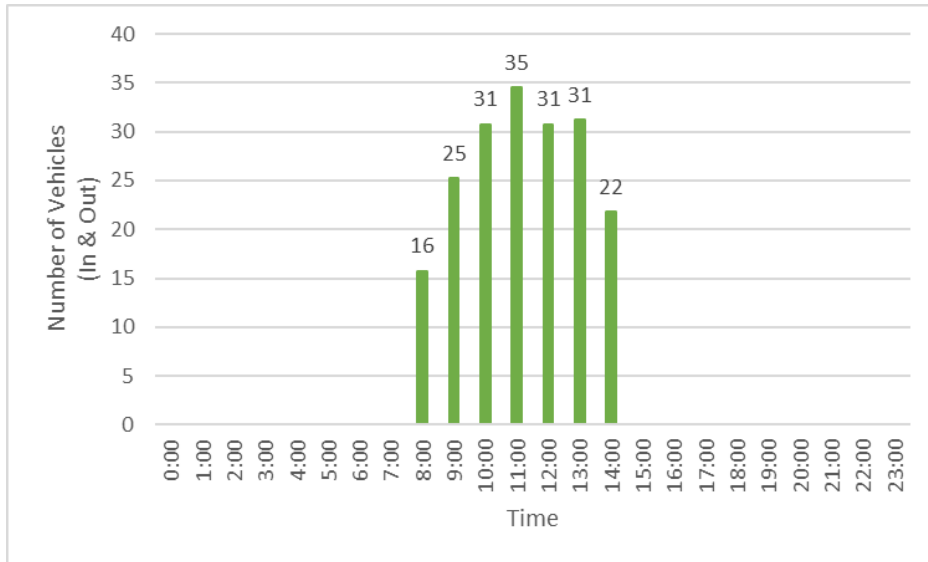
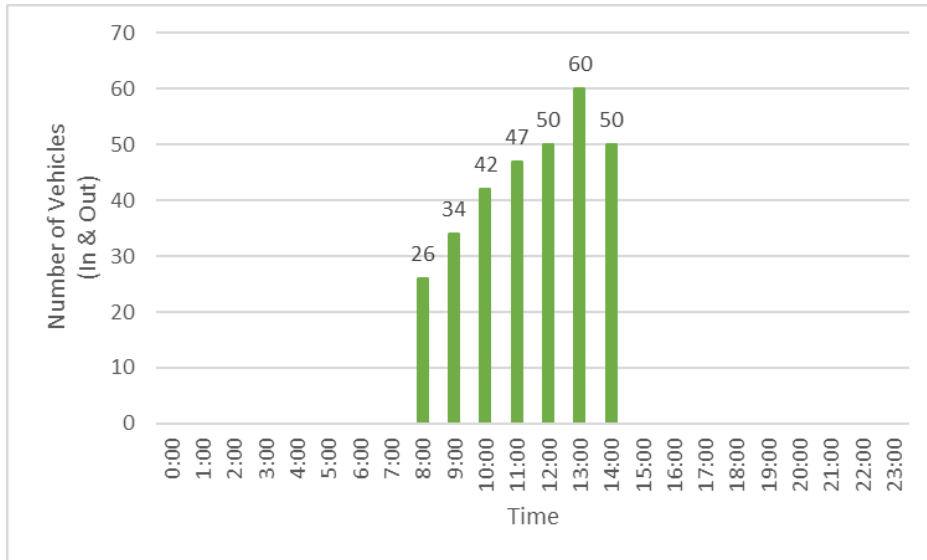




Chart 3: Average Saturday Vehicle Movements





4. DESCRIPTION OF PROPOSED DEVELOPMENT

A detailed description of the proposed development is provided in the Statement of Environmental Effects prepared by The APP Group. In summary, the proposed modification application seeks approval to extend the operating hours of the existing Community Recycle Centre as follows:

- Proposed Operating Hours
 - 7:00am to 5:00pm, Monday to Sunday, including Public Holidays.
- Staff Requirements are as follows:
 - 3 x staff Monday to Friday
 - 4 x staff Saturday, Sunday and Public Holidays
- No increase to Council's vehicle fleet.

The parking and traffic impacts arising from the development are discussed in **Section 5** and **Section 6**.



5. PARKING REQUIREMENTS

No changes are proposed to the existing Council Depot/CRC parking numbers, noting the proposed modification simply seeks to extend the CRC operating hours and does not seek to expand the depot or increase staff numbers. As such, the subject modification is supportable from a traffic planning perspective.



6. TRAFFIC AND TRANSPORT IMPACTS

6.1 Key Intersection Performance

Traffic surveys were undertaken at the abovementioned intersection on 31 October 2023 during the network peak periods, being between 7:00am and 9:00am (morning peak period) and 4:00pm and 6:00pm (evening peak period).

The traffic volumes in these surveys formed the base case volumes for software modelling undertaken to assess intersection performance characteristics under existing traffic conditions. The SIDRA Intersection 9 model produces a range of outputs, the most useful of which are the Degree of Saturation (DOS) and Average Vehicle Delay per vehicle (AVD). The AVD is in turn related to a level of service (LOS) criteria. These performance measures can be interpreted using the following explanations:

DoS - the DoS is a measure of the operational performance of individual intersections. As both queue length and delay increase rapidly as DoS approaches 1, it is usual to attempt to keep DoS to less than 0.9. When DoS exceeds 0.9 residual queues can be anticipated, as occurs at many major intersections throughout the metropolitan area during peak periods. In this regard, a practical limit at 1.1 can be assumed. For intersections controlled by roundabout or give way/stop control, satisfactory intersection operation is generally indicated by a DoS of 0.8 or less.

AVD - the AVD for individual intersections provides a measure of the operational performance of an intersection. In general, levels of acceptability of AVD for individual intersections depend on the time of day (motorists generally accept higher delays during peak commuter periods) and the road system being modelled (motorists are more likely to accept longer delays on side streets than on the main road system).

LoS - this is a comparative measure which provides an indication of the operating performance of an intersection as shown in **Table 1** below.



Table 1: Existing Intersection Performance Indicators (TfNSW)

Level of Service (LoS)	Average Delay per Vehicle (sec/veh)	Traffic Signals, Roundabout	Give Way and Stop Signs
A	Less than 14	Good Operation	Good Operation
B	15 to 28	Good with acceptable delays and spare capacity	Acceptable delays and space capacity
C	29 to 42	Satisfactory	Satisfactory but accident study required
D	42 to 56	Operating near capacity	Near capacity and accident study required
E	57 to 70	At capacity; at signals incidents will cause excessive delays. Roundabouts require other control mode	At capacity and requires other control mode
F	More than 70	Unsatisfactory and requires additional capacity	Unsatisfactory and requires other control mode or major treatment

A summary of the modelled results is provided below in **Table 2**. Reference should also be made to the SIDRA outputs provided in **Appendix A** which provide detailed results for individual lanes and approaches.

Table 2: Existing Weekday Intersection Performances

Intersection	Control	Period	Degree of Saturation	Average Delay (s)	LoS
Hoxton Park Road / Gill Avenue	Signalised	AM	0.855	44.0	D
		PM	0.645	26.3	B
Hume Highway / Rose Street	Signalised	AM	0.736	17.6	B
		PM	0.945	31.7	C



It can be seen from Table 2 that the intersection of Hoxton Park Drive / Gill Avenue currently operates at a level of service 'D' in the AM peak period and level of service 'B' in the PM peak period.

The intersection of Hume Highway / Rose Street currently operates at a level of service 'B' in the AM peak period and level of service 'C' in the PM peak period.

6.2 Existing Traffic Generation

As outlined in Section 3.3.5 above, the existing CRC generates the following traffic during the following periods:

➤ Weekday (8am-9am)	16 vehicle trips per hour	(8 in, 8 out)
➤ Weekday (5pm-6pm)	0 vehicle trips per hour	(0 in, 0 out)
➤ Weekday Daily	198 vehicle trips per day	(99 in, 99 out)
➤ Saturday (1pm-2pm)	60 vehicle trips per hour	(30 in, 30 out)
➤ Saturday Daily	310 vehicle trips per day	(155 in, 155 out)

6.3 S4.55 Traffic Generation

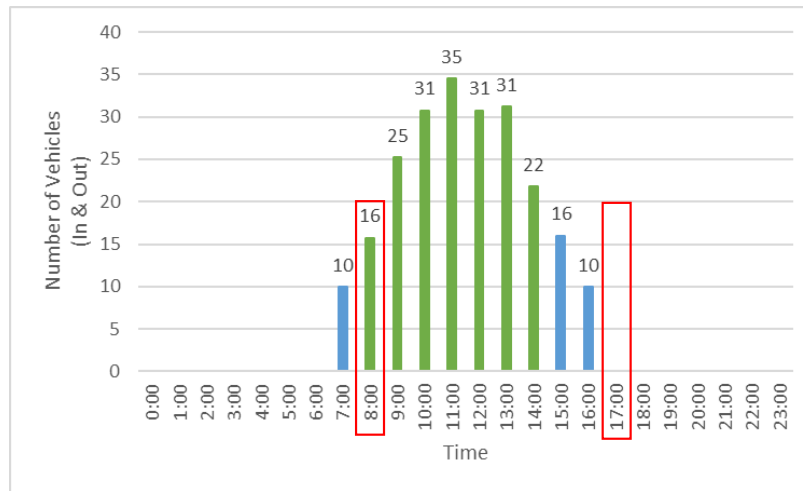
The subject modification seeks to extend the existing operating hours by one (1) hour in the morning and two (2) hours in the evening, whilst also extending operations to Sundays. Whilst the exact number of additional vehicles is unknown, the existing vehicle movement data demonstrates a linear increase from 8am to midday and a linear decline from 1pm to close (3pm).



6.3.1 Weekday Volumes (Critical)

In order to estimate the number of weekday (critical) vehicles between 7am-8am and 3pm-5pm, the existing vehicle movement trends were extrapolated. An estimate of the additional weekday vehicle movements is shown in blue in **Chart 4** below:

Chart 4: Estimated Additional Vehicle Movements (Weekday)



Noting that the weekday network AM peak lies between 8:00am and 9:00am and the PM peak is between 5:00pm and 6:00pm, the additional network peak hour traffic generation of the development is as follows:

- Weekday (8am-9am) +0 vehicle trips per hour (0 in, 0 out)
- Weekday (5pm-6pm) +0 vehicle trips per hour (0 in, 0 out)
- Daily +36 vehicle trips per day (18 in, 18 out)

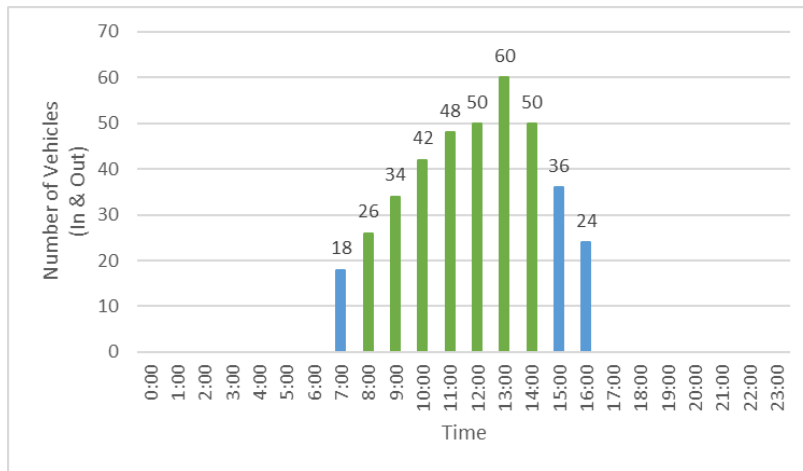
As mentioned above, there is no increase the existing staffing requirements, and as such, staff movements after 5pm will be minimal.



6.3.2 Saturday Volumes

Likewise, in order to estimate the number of Saturday vehicles between, the existing vehicle movement trends were extrapolated. An estimate of the additional Saturday vehicle movements is shown in blue in **Chart 5** below:

Chart 5: Estimated Additional Vehicle Movements (Saturday)



The additional traffic generation of the development is as follows:

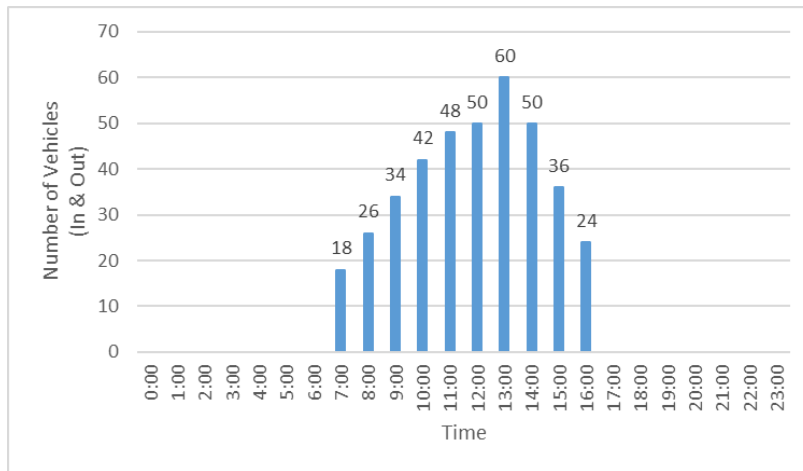
- Saturday (7am-8am) +18 vehicle trips per hour (9 in, 9 out)
- Saturday (3pm-5pm) +60 vehicle trips (30 in, 30 out)
- Daily +78 vehicle trips per day (39 in, 39 out)



6.3.3 Sunday Volumes

Whilst no existing traffic movement data is provided for a Sunday, the Saturday data is considered a conservative estimate. An estimate of the additional Sunday vehicle movements is shown in blue in **Chart 6** below:

Chart 6: Estimated Additional Vehicle Movements (Sunday)



The additional traffic generation of the development is as follows:

- Sunday Peak (1pm-2pm) +60 vehicle trips per hour (30 in, 30 out)
- Daily +388 vehicle trips per day (194 in, 194 out)

6.4 Traffic Impacts

6.4.1 Weekday Impacts (Critical)

As can be seen from Section 6.3.1 above, there are no additional traffic movements in the critical weekday AM and PM network peak periods. The expected additional traffic associated with the extended hours of operation are moderate and in the order of 36 additional vehicle movements per weekday. The additional daily traffic will be diluted throughout the nearby road network, reducing the impacts at any one intersection.



In addition, nearby signalised intersections operate at a level of service 'B' or better, with the exception of the Hoxton Park Road / Gill Avenue AM period, which currently operates near capacity (LoS D).

6.4.2 Saturday Impacts

As can be seen from Section 6.3.2 above, the estimated number of additional vehicles on a typical Saturday is moderate equating to a peak of 36 additional vehicle movements (1 inbound vehicle every 3 minutes) across a one (1) hour period (3-4pm). Noting the excellent connections to the north and south via Hume Highway and the west via Hoxton Park Road and Reilly Street, the additional traffic movements will not have any adverse impacts to the surrounding road network, noting these movements will be diluted across key intersections. It is also noted that the Saturday intersection peak period typically lies between 12pm and 1pm, with no increases expected during this period, noting the existing CRC can already operate to 3pm.

6.4.3 Sunday Impacts

As can be seen from Section 6.3.3 above, the estimated number of additional vehicles on a typical Sunday is moderate equating to a peak of 60 additional vehicle movements (1 inbound vehicle every 2 minutes) across a one (1) hour period (1-2pm). It is emphasised that the Sunday volumes are based of the existing Saturday volumes, and in reality, the Sunday volumes will likely be less. Again, the excellent connections to the north and south via Hume Highway and the west via Hoxton Park Road and Reilly Street, will see the Sunday movements diluted across the adjacent road network, minimising impacts at any one intersection.

6.4.4 Summary

Noting the above, the proposal will not have any adverse impacts to the surrounding road network and no external improvements are required to facilitate the proposal. The development is therefore supportable from a traffic planning perspective.



7. ACCESS AND TRAFFIC MANAGEMENT

7.1 Site Vehicular Access

No changes are proposed to the existing light vehicle access points on Rose Street.

7.2 Traffic Management

The CRC will continue to operate in accordance with the approved Environmental Operations Plan, as detailed in the SEE. The plan outlines the management measures the depot implements to manage visitor arrivals. These measures include the following:

- Traffic safety barriers will be placed adjacent to entry and exit points in order to guide the flow of traffic through the CRC shed and prevent vehicles from entering other areas within the depot.
- Traffic signs will also assist with instructing vehicles on where to drive.
- Vehicles will queue within the CRC/depot, in the event of heavy traffic associated with the CRC.
- Staff member will be deployed to assist with traffic management if congestion becomes severe.

No changes are proposed to the above approved traffic management measures.

8. CONCLUSIONS

The following is noteworthy:

- The proposal seeks approval to extend the operating hours of the existing Community Recycling Centre at the existing Council Depot located at 99 Rose Street, Liverpool. The proposal includes extending the hours of operations for 1-hour in the morning and 2-hours in the afternoon.
- No changes are proposed to the existing Council Depot/CRC parking numbers, noting the proposed modification simply seeks to extend the CRC operating hours and does not seek to expand the depot or increase staff numbers.
- The intersection of Hoxton Park Drive / Gill Avenue currently operates at a level of service 'D' in the AM peak period and level of service 'B' in the PM peak period. The intersection of Hume Highway / Rose Street currently operates at a level of service 'B' in the AM peak period and level of service 'C' in the PM peak period.
- The subject modification will see no additional traffic movements during the critical weekday peak periods, and as such, key signalised intersections will continue to operate at a satisfactory level of service. During a typical Saturday, the additional traffic is estimated to equate to 78 vehicle trips (in and out) per day, based on existing trends. Likewise, a typical Sunday is expected to see an additional 388 vehicle trips (in and out) over a 10-hour period, peaking at 60 vehicle trips between 1pm and 2pm. Noting the excellent connections to the north and south via Hume Highway and the west via Hoxton Park Road and Reilly Street, the additional weekend traffic movements will not have any adverse impacts to the surrounding road network, noting these movements will be diluted across key intersections.
- No changes are proposed to the existing light vehicle access points on Rose Street.
- Approved traffic management measures will continue to be implemented by depot staff.

This traffic impact assessment therefore demonstrates that the subject application is supportable on traffic planning grounds. TRAFFIX anticipates an ongoing involvement during the development approval process.

APPENDIX A

SIDRA Outputs

USER REPORT FOR SITE

Project: 22.217m01v01

Template: Default Site User Report

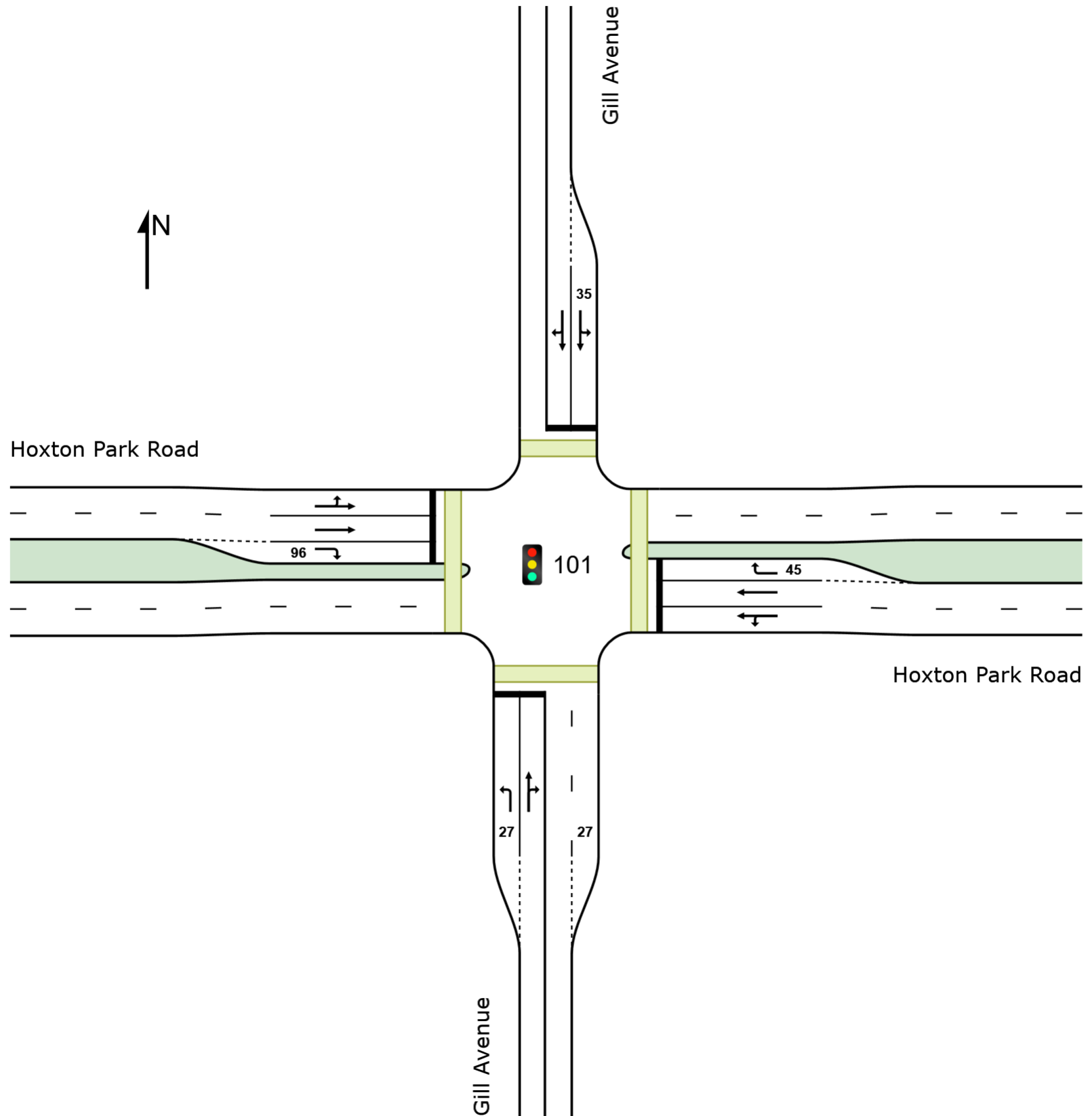
Site: 101 [Gill Avenue x Hoxton Park Road - Existing - AM PEAK (Site Folder: General)]

New Site
Site Category: (None)
Signals - EQUISAT (Fixed-Time/SCATS) Isolated

Timings based on settings in the Site Phasing & Timing dialog
Phase Times determined by the program
Phase Sequence: Four-Phase Leading Right Turns
Input Phase Sequence: A, B*, C*, D, E, E1*, E2*
Output Phase Sequence: A, B*, D, E
Reference Phase: Phase A
(* Variable Phase)

Site Layout

Layout pictures are schematic functional drawings reflecting input data. They are not design drawings.



USER REPORT FOR SITE

 Project: 22.217m01v01

Output produced by SIDRA INTERSECTION Version: 9.1.3.210

Template: Movement Summaries

Site: 101 [Gill Avenue x Hoxton Park Road - Existing - AM PEAK (Site Folder: General)]

New Site

Site Category: (None)

Signals - EQUISAT (Fixed-Time/SCATS) Isolated Cycle Time = 120 seconds (Site Optimum Cycle Time - Minimum Delay)

Variable Sequence Analysis applied. The results are given for the selected output sequence.

Timings based on settings in the Site Phasing & Timing dialog

Phase Times determined by the program

Phase Sequence: Four-Phase Leading Right Turns

Input Phase Sequence: A, B*, C*, D, E, E1*, E2*

Output Phase Sequence: A, B*, D, E

Reference Phase: Phase A

(* Variable Phase)

Vehicle Movement Performance															
Mov ID	Turn	Mov Class	Demand Flows		Arrival Flows		Deg. Satn	Aver. Delay	Level of Service	95% Back Of Queue		Prop. Que	Eff. Stop Rate	Aver. No. of Cycles	Aver. Speed
			[Total	HV]	[Total	HV]				[Veh.	Dist]				
			veh/h	%	veh/h	%	v/c	sec	veh		m				
South: Gill Avenue															
1	L2	All MCs	20	0.0	20	0.0	0.024	23.8	LOS B	0.6	4.4	0.58	0.65	0.58	26.7
2	T1	All MCs	5	20.0	5	20.0	0.026	36.6	LOS C	0.5	3.6	0.69	0.72	0.69	12.4
3	R2	All MCs	7	0.0	7	0.0	0.026	33.3	LOS C	0.5	3.6	0.69	0.72	0.69	31.1
Approach			33	3.2	33	3.2	0.026	28.0	LOS B	0.6	4.4	0.62	0.67	0.62	24.6
East: Hoxton Park Road															
4	L2	All MCs	15	0.0	15	0.0	0.836	40.6	LOS C	36.9	275.8	0.95	0.91	1.01	31.0
5	T1	All MCs	1268	8.2	1268	8.2	* 0.836	44.5	LOS D	36.9	275.8	0.95	0.91	1.01	32.6
6	R2	All MCs	99	3.2	99	3.2	* 0.569	77.1	LOS F	3.0	21.7	1.00	0.77	1.00	19.8
Approach			1382	7.8	1382	7.8	0.836	46.8	LOS D	36.9	275.8	0.96	0.90	1.01	31.3
North: Gill Avenue															
7	L2	All MCs	326	4.2	326	4.2	0.414	31.4	LOS C	11.0	79.5	0.62	0.58	0.62	22.5
8	T1	All MCs	13	0.0	13	0.0	0.855	65.7	LOS E	19.2	136.9	0.99	1.11	1.21	9.7
9	R2	All MCs	287	2.6	287	2.6	* 0.855	66.7	LOS E	19.2	136.9	0.99	1.11	1.21	10.1
Approach			626	3.4	626	3.4	0.855	48.3	LOS D	19.2	136.9	0.80	0.83	0.90	16.1
West: Hoxton Park Road															
10	L2	All MCs	80	2.6	80	2.6	0.668	44.5	LOS D	20.6	153.7	0.91	0.82	0.91	12.5
11	T1	All MCs	747	9.2	747	9.2	0.668	35.6	LOS C	20.6	153.7	0.91	0.80	0.91	32.3
12	R2	All MCs	6	0.0	6	0.0	0.071	67.1	LOS E	0.4	2.6	0.98	0.65	0.98	14.8
Approach			834	8.5	834	8.5	0.668	36.7	LOS C	20.6	154.9	0.91	0.80	0.91	29.8
All Vehicles			2875	7.0	2875	7.0	0.855	44.0	LOS D	36.9	275.8	0.90	0.85	0.95	26.6

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Options tab).

Vehicle movement LOS values are based on average delay per movement.

Intersection and Approach LOS values are based on average delay for all vehicle movements.

Delay Model: SIDRA Standard (Control Delay: Geometric Delay is included).

Queue Model: SIDRA queue estimation methods are used for Back of Queue and Queue at Start of Green.

Gap-Acceptance Capacity Formula: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

Arrival Flows used in performance calculations are adjusted to include any Initial Queued Demand and Upstream Capacity Constraint effects.

* Critical Movement (Signal Timing)

Site: 101 [Gill Avenue x Hoxton Park Road - Existing - PM PEAK (Site Folder: General)]

New Site

Site Category: (None)

Signals - EQUISAT (Fixed-Time/SCATS) Isolated Cycle Time = 120 seconds (Site Optimum Cycle Time - Minimum Delay)

Variable Sequence Analysis applied. The results are given for the selected output sequence.

Timings based on settings in the Site Phasing & Timing dialog

Phase Times determined by the program

Phase Sequence: Four-Phase Leading Right Turns

Input Phase Sequence: A, B*, C*, D, E, E1*, E2*

Output Phase Sequence: A, D, E, E1*

Reference Phase: Phase A

(* Variable Phase)

Vehicle Movement Performance															
Mov ID	Turn	Mov Class	Demand Flows		Arrival Flows		Deg. Satn	Aver. Delay	Level of Service	95% Back Of Queue		Prop. Que	Eff. Stop Rate	Aver. No. of Cycles	Aver. Speed
			[Total	HV]	[Total	HV]				[Veh.	Dist]				
			veh/h	%	veh/h	%	v/c	sec		veh	m				km/h
South: Gill Avenue															
1	L2	All MCs	20	5.3	20	5.3	0.039	37.0	LOS C	0.8	6.1	0.74	0.68	0.74	21.2
2	T1	All MCs	14	0.0	14	0.0	0.154	56.2	LOS D	1.6	11.4	0.92	0.74	0.92	10.0
3	R2	All MCs	17	0.0	17	0.0	0.154	58.9	LOS E	1.6	11.4	0.92	0.74	0.92	24.1
Approach			51	2.1	51	2.1	0.154	49.5	LOS D	1.6	11.4	0.85	0.71	0.85	18.4
East: Hoxton Park Road															
4	L2	All MCs	83	0.0	83	0.0	0.402	18.5	LOS B	13.7	97.8	0.56	0.54	0.56	42.0
5	T1	All MCs	815	2.7	815	2.7	0.402	13.9	LOS A	13.7	97.8	0.56	0.52	0.56	45.6
6	R2	All MCs	169	2.5	169	2.5	*0.645	64.6	LOS E	9.6	69.0	0.99	0.82	1.01	16.6
Approach			1067	2.5	1067	2.5	0.645	22.3	LOS B	13.7	97.8	0.63	0.57	0.63	36.1
North: Gill Avenue															
7	L2	All MCs	188	0.0	188	0.0	0.266	27.1	LOS B	7.5	52.5	0.73	0.61	0.73	20.5
8	T1	All MCs	41	2.6	41	2.6	*0.641	50.3	LOS D	8.1	57.0	0.99	0.84	1.03	9.5
9	R2	All MCs	99	0.0	99	0.0	0.641	56.6	LOS E	8.1	57.0	0.99	0.84	1.03	9.9
Approach			328	0.3	328	0.3	0.641	38.9	LOS C	8.1	57.0	0.84	0.71	0.85	15.7
West: Hoxton Park Road															
10	L2	All MCs	123	5.1	123	5.1	0.635	31.1	LOS C	25.1	181.6	0.78	0.75	0.78	14.5
11	T1	All MCs	1085	3.9	1085	3.9	*0.635	23.2	LOS B	25.2	182.6	0.78	0.72	0.78	38.9
12	R2	All MCs	40	2.6	40	2.6	0.394	69.9	LOS E	2.4	17.2	1.00	0.74	1.00	14.6
Approach			1248	4.0	1248	4.0	0.635	25.5	LOS B	25.2	182.6	0.78	0.73	0.78	34.9
All Vehicles			2695	2.9	2695	2.9	0.645	26.3	LOS B	25.2	182.6	0.73	0.66	0.73	31.3

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Options tab).

Vehicle movement LOS values are based on average delay per movement.

Intersection and Approach LOS values are based on average delay for all vehicle movements.

Delay Model: SIDRA Standard (Control Delay: Geometric Delay is included).

Queue Model: SIDRA queue estimation methods are used for Back of Queue and Queue at Start of Green.

Gap-Acceptance Capacity Formula: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

Arrival Flows used in performance calculations are adjusted to include any Initial Queued Demand and Upstream Capacity Constraint effects.

* Critical Movement (Signal Timing)

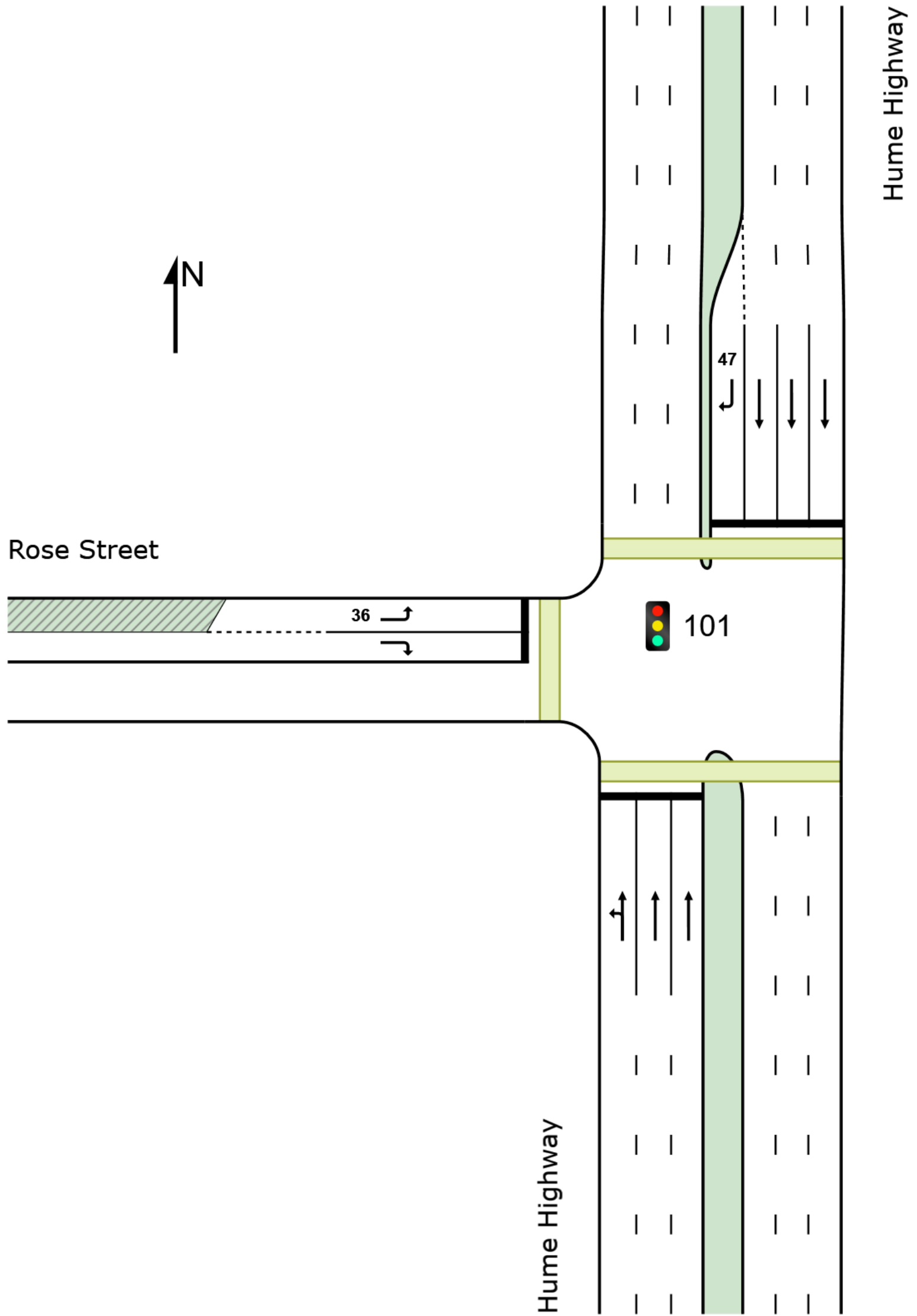
Site: 101 [Rose Street x Hume Highway - Existing - AM PEAK (Site Folder: General)]

New Site
Site Category: (None)
Signals - EQUISAT (Fixed-Time/SCATS) Isolated

Timings based on settings in the Site Phasing & Timing dialog
Phase Times determined by the program
Phase Sequence: Four-Phase Leading Right Turns
Input Phase Sequence: A, B, C, D*
Output Phase Sequence: A, C, D*
Reference Phase: Phase A
(* Variable Phase)

Site Layout

Layout pictures are schematic functional drawings reflecting input data. They are not design drawings.



Site: 101 [Rose Street x Hume Highway - Existing - AM PEAK (Site Folder: General)]

New Site

Site Category: (None)

Signals - EQUISAT (Fixed-Time/SCATS) Isolated Cycle Time = 145 seconds (Site Optimum Cycle Time - Minimum Delay)

Variable Sequence Analysis applied. The results are given for the selected output sequence.

Timings based on settings in the Site Phasing & Timing dialog

Phase Times determined by the program

Phase Sequence: Four-Phase Leading Right Turns

Input Phase Sequence: A, B, C, D*

Output Phase Sequence: A, C, D*

Reference Phase: Phase A

(* Variable Phase)

Vehicle Movement Performance															
Mov ID	Turn	Mov Class	Demand Flows		Arrival Flows		Deg. Satn	Aver. Delay	Level of Service	95% Back Of Queue		Prop. Que	Eff. Stop Rate	Aver. No. of Cycles	Aver. Speed
			[Total	HV]	[Total	HV]				[Veh.	Dist]				
			veh/h	%	veh/h	%	v/c	sec		veh	m				km/h
South: Hume Highway															
1	L2	All MCs	12	9.1	12	9.1	* 0.736	26.5	LOS B	40.8	305.8	0.74	0.68	0.74	37.8
2	T1	All MCs	2563	8.1	2563	8.1	0.736	18.6	LOS B	40.8	305.8	0.74	0.68	0.74	41.7
Approach			2575	8.1	2575	8.1	0.736	18.6	LOS B	40.8	305.8	0.74	0.68	0.74	41.6
North: Hume Highway															
8	T1	All MCs	1640	8.5	1640	8.5	0.423	7.1	LOS A	14.6	109.4	0.40	0.36	0.40	51.3
9	R2	All MCs	120	8.8	120	8.8	* 0.733	55.9	LOS D	7.4	55.9	1.00	0.96	1.14	28.4
Approach			1760	8.6	1760	8.6	0.733	10.5	LOS A	14.6	109.4	0.44	0.40	0.45	47.9
West: Rose Street															
10	L2	All MCs	152	4.2	152	4.2	0.335	51.9	LOS D	8.7	63.1	0.86	0.78	0.86	29.0
12	R2	All MCs	96	4.4	96	4.4	* 0.364	64.9	LOS E	6.2	44.8	0.94	0.78	0.94	23.0
Approach			247	4.3	247	4.3	0.364	56.9	LOS E	8.7	63.1	0.89	0.78	0.89	26.6
All Vehicles			4582	8.1	4582	8.1	0.736	17.6	LOS B	40.8	305.8	0.63	0.58	0.64	42.2

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Options tab).

Vehicle movement LOS values are based on average delay per movement.

Intersection and Approach LOS values are based on average delay for all vehicle movements.

Delay Model: SIDRA Standard (Control Delay: Geometric Delay is included).

Queue Model: SIDRA queue estimation methods are used for Back of Queue and Queue at Start of Green.

Gap-Acceptance Capacity Formula: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

Arrival Flows used in performance calculations are adjusted to include any Initial Queued Demand and Upstream Capacity Constraint effects.

* Critical Movement (Signal Timing)

Site: 101 [Rose Street x Hume Highway - Existing - PM PEAK (Site Folder: General)]

New Site
Site Category: (None)
Signals - EQUISAT (Fixed-Time/SCATS) Isolated Cycle Time = 150 seconds (Site Optimum Cycle Time - Minimum Delay)
Variable Sequence Analysis applied. The results are given for the selected output sequence.

Timings based on settings in the Site Phasing & Timing dialog

Phase Times determined by the program
Phase Sequence: Four-Phase Leading Right Turns
Input Phase Sequence: A, B, C, D*
Output Phase Sequence: A, B, C
Reference Phase: Phase A
(* Variable Phase)

Vehicle Movement Performance															
Mov ID	Turn	Mov Class	Demand Flows		Arrival Flows		Deg. Satn	Aver. Delay	Level of Service	95% Back Of Queue		Prop. Que	Eff. Stop Rate	Aver. No. of Cycles	Aver. Speed
			[Total	HV]	[Total	HV]				[Veh.	Dist]				
			veh/h	%	veh/h	%	v/c	sec		veh	m				km/h
South: Hume Highway															
1	L2	All MCs	40	0.0	40	0.0	0.599	29.4	LOS C	29.8	220.0	0.70	0.65	0.70	36.1
2	T1	All MCs	1859	6.7	1859	6.7	0.599	21.9	LOS B	29.8	220.0	0.70	0.64	0.70	39.5
Approach			1899	6.6	1899	6.6	0.599	22.0	LOS B	29.8	220.0	0.70	0.64	0.70	39.4
North: Hume Highway															
8	T1	All MCs	3257	2.7	3257	2.7	* 0.945	34.4	LOS C	91.5	655.1	0.95	0.94	1.04	34.4
9	R2	All MCs	152	4.2	152	4.2	0.453	68.7	LOS E	10.2	73.6	0.95	0.95	0.95	29.7
Approach			3408	2.8	3408	2.8	0.945	35.9	LOS C	91.5	655.1	0.95	0.94	1.04	34.1
West: Rose Street															
10	L2	All MCs	51	6.3	51	6.3	0.084	39.4	LOS C	2.4	18.0	0.70	0.70	0.70	32.4
12	R2	All MCs	96	1.1	96	1.1	* 0.364	67.4	LOS E	6.4	45.2	0.95	0.78	0.95	22.6
Approach			146	2.9	146	2.9	0.364	57.7	LOS E	6.4	45.2	0.86	0.75	0.86	25.6
All Vehicles			5454	4.1	5454	4.1	0.945	31.7	LOS C	91.5	655.1	0.86	0.83	0.92	35.4

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Options tab).
Vehicle movement LOS values are based on average delay per movement.
Intersection and Approach LOS values are based on average delay for all vehicle movements.
Delay Model: SIDRA Standard (Control Delay: Geometric Delay is included).
Queue Model: SIDRA queue estimation methods are used for Back of Queue and Queue at Start of Green.
Gap-Acceptance Capacity Formula: SIDRA Standard (Akçelik M3D).
HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.
Arrival Flows used in performance calculations are adjusted to include any Initial Queued Demand and Upstream Capacity Constraint effects.

* Critical Movement (Signal Timing)

Transport for NSW

18 December 2023

TfNSW Reference: SYD13/01128/04

Emily Lawson
Liverpool City Council
RE: DA-1018/2013/A | CNR-59422
Locked Bag 7064
Liverpool BC
NSW 1871



**ADDITIONAL INFORMATION- COMMUNITY RECYCLING CENTRE MODIFICATION
99 ROSE STREET
LIVERPOOL**

Dear Ms Lawson,

Transport for NSW (TfNSW) is in receipt of Council's referral dated 22 November 2023 relevant to the traffic impact assessment for the community recycling centre at 99 Rose Street, Liverpool. The application was referred to TfNSW in accordance with s2.122 State Environmental Planning Policy (Transport and Infrastructure) 2021.

TfNSW has reviewed the traffic impact assessment and provides no further comment.

Any relevant queries, please contact Zeliha Cansiz via development.sydney@transport.nsw.gov.au.

Sincerely,

A handwritten signature in cursive script that reads "Zeliha C." is placed over a light grey rectangular background.

Zeliha Cansiz
A/Senior Coordinator Land Use Assessment
Planning and Programs
Greater Sydney Division

OFFICIAL

4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150
PO Box 973 Parramatta CBD NSW 2124

W transport.nsw.gov.au

Item Number:	2
Application Number:	DA-735/2022
Proposed Development:	The second stage of a staged development at Nos.1400-1480 Elizabeth Drive, comprising the operation and construction of buildings for the purposes of a motel, a pub, with an associated bottle shop and landscaping for the beer garden. The proposal is identified as 'Integrated Development' requiring approval from NSW Rural Fire Services (RFS) under the Rural Fires Act 1997.
Property Address	Nos. 1400-1480 Elizabeth Drive, Cecil Park
Legal Description:	Lots 11-19 in DP 126871
Applicant:	Western Sydney Town Centre Pty Ltd
Land Owner:	Western Sydney Town Centre Pty Ltd
Cost of Works:	\$13,167,915
Recommendation:	Refusal
Assessing Officer:	Robert Micallef

1 EXECUTIVE SUMMARY

The subject Development Application (DA-735/2022) seeks consent for the second stage of a staged development of Nos. 1400-1480 Elizabeth Drive, comprising the operation and construction of buildings for the purposes of a motel, a pub, with an associated bottle shop and landscaping for the beer garden at Nos. 1400-1480 Elizabeth Drive, Cecil Park. The proposal is identified as 'Integrated Development' requiring approval from NSW Rural Fire Services (RFS) under the Rural Fires Act 1997.

At the time the development application was lodged, the site was zoned IN2 Light Industrial under Liverpool Local Environmental Plan (LLEP) 2008. The land zoning was changed to Zone E4 General Industrial following the employment zones reform under *Standard Instrument (Local Environmental Plans) Amendment (Land Use Zone) Order 2021*. The proposal is permissible with consent under the zone.

The development application was advertised and notified between 14 September 2022 and 28 September 2022 in accordance with the Liverpool Community Participation Plan 2019. Two submissions were received during the public consultation period objecting to the proposal. The issues of concern raised in the submissions are summarised as follows:

- Economic and social impacts of a second licensed premises in the vicinity.
- No social impact assessment was undertaken to support the conclusion that the development would have a positive social impact.
- Biodiversity offsets.

- Odour impacts from planned restaurants onto adjoining residences.
- Missing information from the Statement of Environmental Effects (SEE).

Following a preliminary assessment by both Council and the Liverpool Design Excellence Panel (DEP), the applicant was provided with a request to amend their plans on 3 February 2023. No formal response was received and as such the application has been proceeded to be determined. It is noted that Transport NSW (TfNSW) proposes to acquire a significant portion of the subject site's frontage to Elizabeth Drive and Range Road for future road widening purposes and upgrade works to Elizabeth Drive.

Although there is insufficient information provided with the subject application, it is acknowledged that due to the overarching issues relating to road acquisition impacts on the development, it would have been considered important to aim to resolve the land acquisition issue prior to amending the remainder of the requested information. Although insufficient information exists with most of the reasons for refusal recommended, the main issue regarding land acquisition and development feasibility had not been adequately resolved.

The application is referred to the Liverpool Local Planning Panel (LLPP) in accordance with the *Local Planning Panels Direction – Development Applications and Applications to Modify Development Consent*, endorsed by the Minister for Planning and Public Spaces on 30 June 2020, as the development falls in the categories of:

- *Development for the purposes of new licensed premises, that will require one of the following liquor licences:*
 - (i) *A club licence under the Registered Clubs Act 1976,*
 - (ii) *A hotel (general bar) licence under the Liquor Act 2007,*
 - (iii) *An on-premises licence for public entertainment venues under the Liquor Act 2007.*

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 the reasons outlined in this report and the draft reasons for refusal are contained within its attachments.

2. SITE DESCRIPTION AND LOCALITY

2.1 The Site

The subject site is legally identified as Lots 11-19 in DP 126871 and is known as Nos. 1400-1480 Elizabeth Drive, Cecil Park. The land is situated on the corner of Elizabeth Drive and Range Road and had been recently subdivided by land acquired for the future M12 Motorway, which is currently under construction. Previously, the entire site was captured between Elizabeth Drive to the north and Range Road to the south. The development site is now situated on the portion of land to the north of the M12 Motorway corridor and occurs over Lots 11-17 and Part Lot 18 in DP 126871.

The development site is irregular in shape with a site area of 9.419 hectares, a frontage of 588.24 metres to Elizabeth Drive to the north and 281.21 metres to the east with Range

Road. Currently, the site is vacant containing trees and substantial works have occurred on the portion of the land now part of the M12 Motorway corridor, in the area outlined in black in Figure 1 below.

The site under the subject development application is on one lot that would be created under a development application (DA-716/2022) that was concurrently lodged comprising subdivision of the site into 10 lots, site preparation works, construction of vehicle access roads, 190 non-designated at grade car parking spaces, footpaths, construction and use of buildings on Lots 3, 4, 5 and 6 for the purposes of 1 x service station, 5 x neighbourhood shops, 3 x takeaway food and drink premises with a drive through, signage, site landscaping, services and infrastructure.

The proposed development under this application is sought on Lot 7 which would be created under DA-716/2022 (it is noted that this DA is also likely to be recommended for refusal). Refer to Figure 2 for the location of the proposed development on the site in the context of the precinct development.



Figure 1: Aerial view of the site (subject site in red)

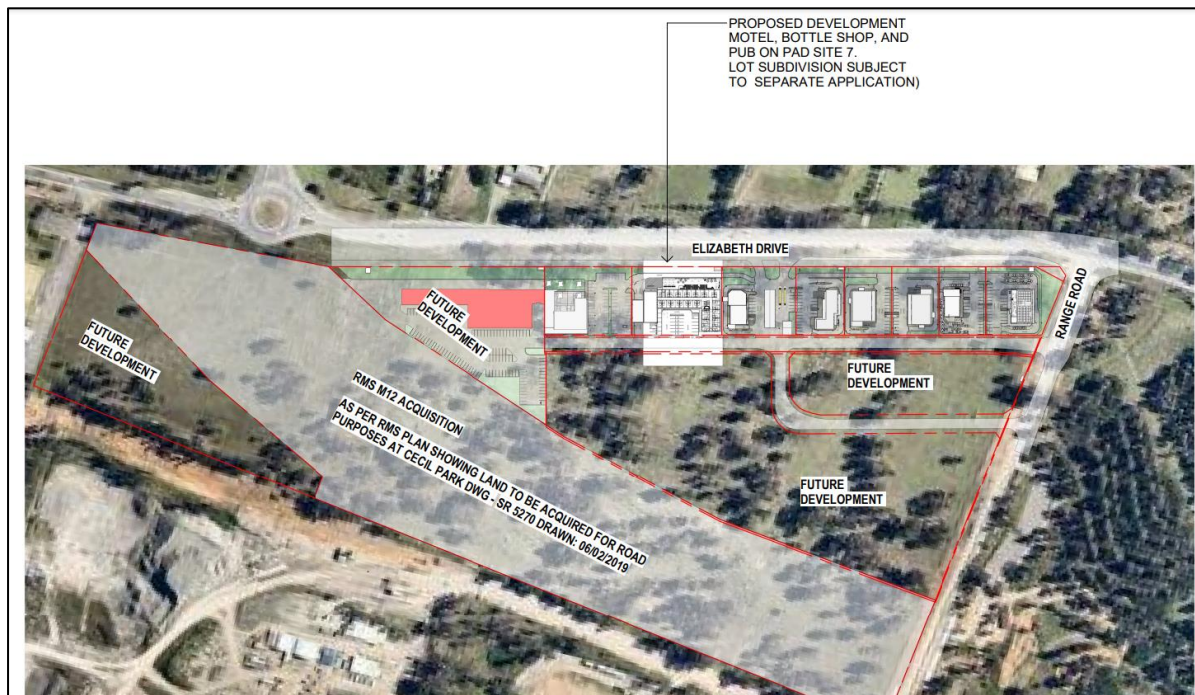


Figure 2: Site concept plan

2.2 The Locality

The area is characterised by single and two-storey structures with a diversity of purposes. The area is rural in nature however, it is situated on Elizabeth Drive, a major through route between the M7 Motorway and the Western Sydney International Airport (under construction), which is approximately 6km west of the subject site. Elizabeth Drive is the border between the Liverpool and the Penrith LGA to the north of the subject site.

The surrounding land uses around the site include:

- To the north across Elizabeth Drive, the land is zoned C4 Environmental Living under Penrith Local Environmental Plan 2010 and comprises single and two-storey dwellings on large lots.
- To the east across Range Road, the land is part of the Western Sydney Parklands and contains a large mountain biking and BMX trail precinct known as “Wylde.”
- To the south is the M12 Motorway (under construction). Further to the south is Brandown Quarry, a landfill and resource recovery centre.
- To the west is the single-storey Kemps Creek Sporting and Bowling Club.

3. BACKGROUND/HISTORY

DA-735/2022 was lodged around the same time as DA-716/2022 and DA-736/2022 which are Stages 1 and 3 of this proposed centre. The DAs and associated stages are as follows:

DA-716/2022 – The first stage of the staged development of Nos. 1400-1480 Elizabeth Drive comprising the subdivision of site into 10 lots, site preparation works, construction of vehicle access roads, 192 non-designated at grade car parking spaces, footpaths, construction, use of buildings on Lots 3, 4, 5 and 6 for the purposes of 1 x service station, 5 x neighbourhood shops, 3 x takeaway food and drink premises with a drive through, signage, site landscaping, services and infrastructure.

DA-735/2022 – The second stage of the staged development of Nos. 1400-1480 Elizabeth Drive, comprising the operation and construction of buildings for the purposes of a motel, a pub, with an associated bottle shop and landscaping for the beer garden.

DA-736/2022 – The third stage of the staged development of Nos. 1400-1480 Elizabeth Drive comprising the construction and operation of a centre-based childcare facility and neighbourhood shops on Lot 8 of the subject site at Nos. 1400-1480 Elizabeth Drive.

At the time of writing this report, DA-716/2022 & DA-736/2022 for Stages 1 and 3 are currently under assessment and are anticipated to be determined under Council's delegated authority.

Date	Event
22 March 2019	RZ-3/2019 lodged on the site for a planning proposal to rezone the site from RU4 Primary Production Small Lots to part IN2 Light Industrial and SP2 Infrastructure and to establish a maximum permissible floor space ratio (FSR) development standard of 1:1.
24 September 2021	Liverpool Local Environmental Plan 2008 (Map Amendment No 2) gazetted changing the zoning and development standards on the site in accordance with RZ-3/2019.
4 July 2022	Subject Development Application DA-735/2022 lodged.
14 September 2022 to 28 September 2022	Development Application advertised and notified. Two submissions received.
13 October 2022	Applications (DA-716/2022 DA-735/2022 and DA-736/2022) reviewed by the Liverpool DEP.
3 February 2023	Request for information sent to applicant raising the following matters: <ul style="list-style-type: none"> • A survey plan prepared by a registered surveyor. • The architectural plans insufficient, with the following identified/requested: <ul style="list-style-type: none"> ○ Indicative or specific layout to the pub and beer garden. ○ No setbacks or dimensions on the plans. ○ Incomplete elevations. ○ The purposes of all rooms were not labelled. ○ Absence of accessible rooms in the motel. ○ Details of facilities in the motel rooms. ○ No motel storage identified.

	<ul style="list-style-type: none"> ○ Plan errors on the first floor (e.g. additional walls). ○ Doors to fire stairs. ○ Fire stairs go into the beer garden and must re-enter the building. ○ RLs incorrect. ○ A door appears to open onto a car space on Lot 8 from the bottle shop drive-through. ○ No fencing or screening details of the beer garden and waste area. ○ Staff facilities. ○ Insufficient information that the services are adequate. ● Erosion and sediment control plan. ● A plan of management for all uses. ● Details on the capacity and staff, waste collection, deliveries, and gaming machines proposed etc. ● Unclear waste collection processes, given the only loading bay is a significant distance from the pub/motel bin room. ● Insufficient waste management plan. ● Inadequate landscaping to Spine Road A. ● The main entry of the pub had insufficient detail for materials, finishes and architectural presentation. ● Relocate the access ladder on the roof of the bottle shop to a less prominent position. ● Salinity report. ● Evacuation plan. ● Access report. ● Assessment of the principles of CPTED. ● Clarification if signage is sought due to inconsistencies in the SEE and signage sought under DA-716/2022. ● Stage 2 detailed site investigation. ● Acoustic assessment. ● Detailed floor and section plans, for all food premises. ● Plans and specifications of the mechanical ventilation system. ● Waste storage area to be identified as a fully enclosed room. ● Overland flow path study. ● Concept stormwater management plan to be provided with OSD and water quality treatment devices. ● Social impact assessment. ● Bushfire report. ● Address TfNSW comments. ● Address Endeavour Energy comments. ● Address Sydney Water comments indicating that wastewater would be unavailable until after 2025/2026. ● Address DEP advice.
23 February 2023	Meeting held between Council and the applicant to discuss the RFI letters issued for all three related DAs.
April 2023	TfNSW contacted Council and the applicant separately regarding

	the future Elizabeth Drive upgrades, which was in 100% concept stage, and included acquisition details of the subject site (see <i>further discussion below</i>).
May – October 2023	Department of Planning (DOP) - Planning Delivery Unit (PDU) advised of the matter and the PDU held various meetings with Council, the applicant and TfNSW to attempt find a solution to the acquisition problem.
September 2023	Review of environmental factors (REF) for the Elizabeth Drive upgrade was issued for community consultation by TfNSW.
1 November 2023	Formal advice received from TfNSW indicating their non-support of the proposal (specifically to DA-716/2022 as it is stage 1) and the subsequent stages within the related DAs.
22 November 2023	A 7-day letter sent to applicant requesting withdrawal of the application due to the TfNSW issues.
28 November 2023	Correspondence with the applicant for Council to determine applications. As such, the DAs would be determined based on the available current information (noting no new information had been submitted due to the ongoing and unresolved Elizabeth Drive matter).

Elizabeth Drive upgrade and Transport for NSW (TfNSW) acquisition

In April 2023, TfNSW had contacted Council about the future Elizabeth Drive upgrade and the extent of the land acquisition required on the development site as part of road widening and upgrade works, which was in a 100% concept phase and would be exhibited shortly. TfNSW also held a meeting with the applicant to relay these matters as well.

The Elizabeth Drive upgrades are planned to support the Western Sydney International Airport and the employment land connectivity functionality of Elizabeth Drive into the future. A formalised upgrade plan in a REF was placed on exhibition by TfNSW in September 2023. The REF identified the land acquisition of a large portion of the development site frontage to Elizabeth Drive and Range Road, which would be required for future upgrade works.

The acquisition would result in the full acquisition of Lots 17 and Part Lot 18 and the partial acquisition of between approximately 25m to 80m to Elizabeth Drive of Lots 11-16 as well as approximately 36m tapering to zero along Range Road. Refer to the below extract from the Elizabeth Drive Upgrade East REF with the area of the site to be acquired highlighted.

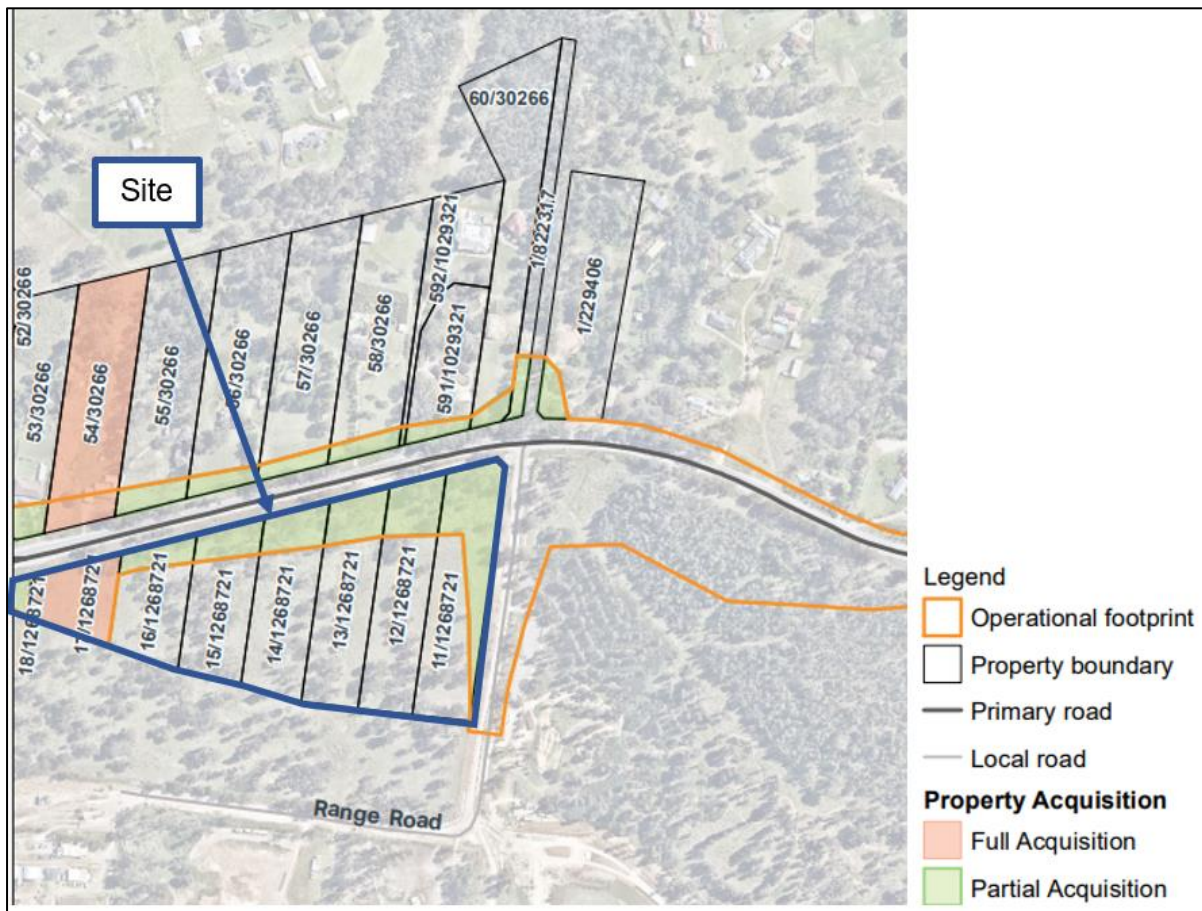


Figure 3: Figure 3-28 Property acquisition and temporary leases for the proposal from the Elizabeth Drive Upgrade East REF p.107.

Due to the extent of the acquisition which would be required for the Elizabeth Drive upgrade works, the developments as proposed would be severely impacted by the acquisition and make the proposal unfeasible. Formal advice from TfNSW received on 1 November 2023 stated that any future development would not have vehicular access on the Elizabeth Drive frontage and must be from Range Road and that all development must be erected clear of the land required for the upgrade. It is noted that Council had issued a letter to the applicant requesting to withdraw the Development Applications due to the concerns raised by TfNSW and the conflicts with planned acquisitions.

Approval of these developments could not occur as they would impact on the delivery of future infrastructure. Any new buildings or structures (including signage), together with improvements integral to the future use of the site, are to be erected clear of the land required for the road and the Elizabeth Drive future boundary. Further, to limit vehicular conflict points along the arterial road network, all vehicular access to the site would be required to be provided via Range Road as access would be denied from Elizabeth Drive.

The development applications are now being determined based on the extent of the current level of information lodged. Although there is insufficient information submitted for these

development applications, it is acknowledged that due to the overarching issues relating to road acquisition impacts on the development, it would be important to resolve the land acquisition issue prior to providing the remainder of the requested information. As such, although insufficient information constitutes most of the recommended reasons for refusal, the overarching issue regarding land acquisition and development feasibility has not been adequately resolved.

4. DETAILS OF THE PROPOSAL

The development application is the second stage of a staged development at Nos. 1400-1480 Elizabeth Drive, comprising the operation and construction of buildings for the purposes of a motel and a pub with an associated bottle shop, and landscaping for the beer garden.

Details of the proposal are provided as follows:

- Construction of a three-storey mixed use building comprising a ground floor pub and motel across Levels 1 and 2.
- Construction of an attached drive-through bottle shop.

Pub

- The pub includes a large seating/public area, a bar, and bathrooms at the northern portion of the building.
- The back of house area includes a kitchen, staff bathrooms, an office, storage and waste room.
- A beer garden is located on the northern side of the building.

Motel

- The lobby is accessed from the car park on the southern side of the building to a reception area with two lifts.
- A total of 70 motel rooms are proposed, with 35 rooms per floor.
- Each motel room is shown to be supplied with a bed and bathroom.

Bottle Shop

- Two lanes are provided to the drive-through area.
- A trading area, cool room and stock room including staff bathroom are incorporated within the proposed building.

General Details

- All three uses are to be operated between 7am to 1am, seven days a week.
- All car parking, vegetation removal, landscaping, site preparation works, and the like are sought under a separate development application, DA-716/2022.

The table below provides key development data for the proposal.

Element	Proposed
Site Area	3,960m ² (as proposed under DA-716/2022)
FSR	Site area = 3,960m ² Proposed GFA = 3,076.7m ² FSR = 0.78:1
Height	Approximately 13m (unclear as no contour survey plan had been submitted with the subject application).



Figure 4: Photomontage of the proposed development (Elizabeth Drive perspective)



Figure 5: Photomontage of the proposed development (Spine Road A perspective)

5. STATUTORY CONSIDERATIONS

5.1 Relevant matters for consideration

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

- State Environmental Planning Policy (Biodiversity and Conservation) 2021.
- State Environmental Planning Policy (Resilience and Hazards) 2021.
- State Environmental Planning Policy (Transport and Infrastructure) 2021.
- Liverpool Local Environmental Plan (LLEP) 2008.
- Liverpool Development Control Plan (LDCP) 2008.
 - Part 1: General Controls for All Development.
 - Part 7: Development in Industrial Zones.

Draft Environmental Planning Instruments

- No draft environmental planning instruments are applicable to the assessment of the subject application.

Contributions Plans

- Liverpool Contributions Plan 2009 applies to the development.

6. ASSESSMENT

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

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

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

(i) Chapter 4 Remediation of Land

The proposal has been assessed under the relevant provisions of SEPP (Resilience and Hazards) 2021 as the proposal involves a change of use of land with the potential under the SEPP 55 (previous) guidelines to be a site that could be contaminated (*agricultural/horticultural activities*). Therefore, under the guidelines the subject site is identified as a site that could be contaminated.

The objectives of SEPP (Resilience and Hazards) 2021 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.

Pursuant to Clause 4.6 of SEPP (Resilience and Hazards) 2021, a consent authority is unable to grant development consent unless it has considered whether the land is contaminated and, if so, whether the consent authority is satisfied that the land is suitable in its contaminated state, or can be remediated to be made suitable for the purposes for which the development is proposed to be carried out.

Pursuant to Clause 4.6 of SEPP (Resilience and Hazards) 2021, Council is also required to undertake a merit assessment of the proposed development. The following table summarises the matters for consideration in a determining development application (Clause 4.6).

Clause 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	A Stage 1 preliminary site investigation (PSI) was submitted that identified areas of environmental concern and recommended a Stage 2 detailed site investigation (DSI) be prepared.
(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 Stage 2 DSI was not submitted with the application. Therefore, the consent authority cannot be satisfied that the land would be suitable for the proposed development.
(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.	It is not clear if the land requires remediation.

It is noted Council's environmental health section has reviewed the application and has requested a Stage 2 DSI to be prepared and this formed part of the request for additional information dated 3 February 2023. No further contamination information was submitted as part of the subject application.

Based on the above assessment, the proposal is not considered to satisfy the relevant objectives and provisions of SEPP (Resilience and Hazards) 2021 as insufficient information has been submitted to determine if the site is contaminated and, if so, it can be made suitable for the proposed use.

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

(i) Chapter 2 Vegetation in Non-Rural Areas

Chapter 2 of State Environmental Planning Policy (Biodiversity and Conservation) 2021 aims to protect the biodiversity values of trees and other vegetation in non-rural areas and preserve the amenity of non-rural areas through the preservation of trees and other vegetation. The development is within a non-rural area and Chapter 2 of the SEPP is applicable.

The subject site contains numerous trees and tree removal is proposed as part of the concurrently submitted Stage 1 application DA-716/2022. Although the land is biodiversity certified and removes the need for a flora and fauna assessment, the applicant was questioned on the need to remove all the trees with exception of only four trees. An arboricultural impact assessment was requested in that application however it was not submitted. It is advised that the Stage 1 application of DA-716/2022 is likely to be refused.

No tree removal has been separately sought within this application and the same requirement for an arborist report to justify their removal and explore potential retention would apply. The proposed tree removal is not supported based on the level of information submitted with this application and therefore is recommended for refusal.

(ii) Chapter 9 Hawkesbury-Nepean Catchment

(Note: Chapters 7 – 12 of State Environmental Planning Policy (Biodiversity and Conservation) 2021 were repealed on 21 November 2022. However, the savings and transitional provisions in Part 6.6 of the SEPP (Biodiversity and Conservation) 2021 state these former repealed provisions of the SEPP continue to apply to a development application made, but not yet determined, before the date of the repeal. Given that DA-735/2022 was lodged and not determined before the repeal date of 21 November 2022, the former Chapter 9 of the SEPP (Biodiversity and Conservation) 2021 applies to this DA.)

The subject land is located within the Hawkesbury-Nepean Catchment and as such Chapter 9 – Hawkesbury-Nepean River of State Environmental Planning Policy (Biodiversity and

Conservation) 2021, formerly Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No 2 - 1997), applies to the application.

State Environmental Planning Policy (Biodiversity and Conservation) 2021 aims to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

When a consent authority determines a development application, planning principles are to be applied (Clause 9.3). Accordingly, a table summarising the matters for consideration in determining development applications (Clause 9.4 and Clause 9.5), and compliance with such is provided below.

Clause 9.4 General Planning Considerations	Comment
(a) the aims of this plan,	The plan aims to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.
(b) the strategies listed in the Action Plan of the Hawkesbury-Nepean Environmental Planning Strategy	The strategies are applied to this planning assessment in the table under Clause 9.5
(c) whether there are any feasible alternatives to the development or other proposal concerned	The proposed development option for the land is permissible with consent. No alternatives are required to be considered, although insufficient information has been submitted to fully assess the proposed uses.
(d) the relationship between the different impacts of the development or other proposal and the environment, and how those impacts will be addressed and monitored	It is noted that Council's development engineers have requested additional information regarding further details on the OSD basins, storage calculations and with a stormwater concept plan. This information had not been submitted and, therefore, the impacts could not be fully assessed.
Clause 9.5 Specific Planning Policies and Recommended Strategies	Comment
(1) Total catchment management	The extent of impact of the development on the total catchment is unclear without further stormwater details where insufficient information has been provided.
(2) Environmentally sensitive areas	The site is not part of an environmentally sensitive area.

(3) Water quality	It is noted that Council's land development engineering section required further information. The required information has not been received and insufficient information has been submitted to assess any potential impact on water quality.
(4) Water quantity	It is noted that Council's land development engineering section required further information. The required information has not been received and insufficient information has been submitted to assess any potential impact on water quantity.
(5) Cultural heritage	The site is not identified as being of or containing European or Aboriginal heritage.
(6) Flora and fauna	The site is identified as biodiversity certified land. No further assessment is required for flora and fauna.
(7) Riverine scenic quality	Not applicable.
(8) Agriculture/aquaculture and fishing	Not applicable.
(9) Rural residential development	Not applicable. The land has been rezoned for industrial purposes.
(10) Urban development	The site has been rezoned to accommodate the proposed uses. Further, information has been requested regarding the development to improve the quality of expected stormwater discharge from the site.
(11) Recreation and tourism	Although a hotel/motel could be considered as tourism related developments, the proposal is not along the river and would be unlikely to impact on the value of the riverine quality along the riverine corridor.
(12) Metropolitan strategy	The proposal is generally consistent with the Metropolitan Strategy by contributing to development in support of the Aerotropolis and surrounding industrial areas.

As insufficient information had been submitted to address the above, the proposal has not adequately satisfied the provisions of Chapter 9 of SEPP (Biodiversity and Conservation) 2021.

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

(i) Chapter 2 Infrastructure

The proposed development is subject to Section 2.119 Development with frontage to classified road and Section 2.122 Traffic-generating development of Chapter 2 Infrastructure of SEPP (Transport and Infrastructure) 2021 which relates to development with a frontage to

a classified road and traffic-generating development. The application was referred to TfNSW who provided a letter on 13 December 2022 stating concurrence could not be provided until the matters raised in Stage 1 were resolved. The matters raised in Stage 1 included:

1. The subject property is within a broad investigation area for the long-term widening of Elizabeth Drive (ED) as identified in Aerial Map enclosed in Attachment A below.

2. Given there is no certain timeframe for the delivery of upgrades to ED, details of the access arrangements for ED in the current configuration should be provided for TfNSW consideration, noting that an access to the service station from ED could only be considered if a suitable design is agreed upon.

3. TfNSW notes Figure 8, Masterplan Traffic and Parking Impact Assessment (MTPIA), Access Arrangements shows left in and left out of ED, with a proposed deceleration lane which is 144m in length for a 90kph design speed and including correction for the down grade. It is also noted that two access points are proposed from Range Road, of which, one will be close to ED.

ED upgrade proposes a right turn lane with a raised median from Range Road to Elizabeth Drive, therefore if access from Range Road into the development is agreed to it would need to be reduced to a single access as far from Elizabeth Drive as possible, with a right turn lane and a left turn deceleration lane. This will have a significant impact on the Elizabeth Drive upgrade design.

4. The MTPIA states that the combined M12/Elizabeth Drive corridor will be able to accommodate the traffic generated by the development. To the contrary, it is noted that the traffic generated by the proposed development will predominantly impact Elizabeth Drive.

5. Section 5.3, MTPIA indicates that 100% of passing trade utilising the service station will obtain access from the deceleration lane on ED. Further information is required to demonstrate how traffic will be managed to ensure no traffic will access the service station from the west via Range Road.

6. The MTPIA appears to assume that the intersection of Elizabeth Drive/Range Road will be signalised by 2026. At the present time the ED upgrade through this section, including the signalisation of the ED and Range Road intersection, is unlikely to be in place by 2026. The intersection of Elizabeth Drive/Range Road will need to be modelled as a priority-controlled intersection with all traffic from Range Road turning left into Elizabeth Drive. It must be noted that the signalising of the Range Road intersection is subject to further investigation and may not be provided with the ED widening.

7. *The proposed deceleration lane on ED should be located taking into account the future proposed kerb line of the widened Elizabeth Drive.*

8. *Given the increased traffic turning right from Elizabeth Drive into Range Road as a result of this development and given the 80km/h speed limit and the two existing eastbound traffic lanes, a right turn bay from Elizabeth Drive should be provided in addition to the existing eastbound traffic lanes to reduce the potential for rear end crashes. The right turn bay will need to be of sufficient length to store the expected traffic queue for the right turn movement.*

9. *As a priority-controlled intersection, the traffic queues on Range Road during the peak periods may extend beyond the intersection of Range Road/Spine Road A. This would potentially prevent traffic turning right into Spine Road A from completing the turn, which could extend the traffic queue back into the Elizabeth Drive intersection. The impacts of the intersection of Elizabeth Drive/Range Road remaining as a priority-controlled intersection with the development in place needs to be suitably modelled.*

10. *TfNSW notes the MTPIA assumes that the M12 Motorway will have three lanes in each direction. The M12 Motorway will only have two lanes in each direction.*

11. *The MTPIA makes reference to the RMS' M12 Motorway Environmental Impact Statement - Appendix F Transport and Traffic Assessment Report dated October 2019 which outlines the future expected traffic volumes along ED and Mamre Road as part of the M12 Motorway traffic impact assessment. The MTPIA must take into account land use changes to the west of the development site and not just the changes outlined in the M12 EIS report. These land use changes were not available at the time of the preparation of the M12 EIS report. TfNSW recommends updating the MTPIA to take into consideration any increase in traffic volumes as a result of the changes to the surrounding land uses.*

12. *The location of the bio-retention / OSD is hard-up to the road corridor boundary which seems to indicate that it will discharge at almost ground level RL to be able to connect with our headwalls. Sufficient scour protection is required to be considered.*

13. *It is noted that the drainage design is based on Liverpool City Council's (LCC's) requirements to pre-development phase for 20 year and 100 year flood events. TfNSW requests calculations, and models to demonstrate compliance to Council's requirements in relation to attenuating flood events pre-development*

14. *TfNSW request a design report including details on flow concentration that is discharging to Transports transverse inlets, to prevent scouring.*

15. *Further clarification is requested for the intended use of bio-retention basin and onsite detention (OSD), as both differ in functionality.*

16. Swept paths need to be provided to demonstrate a vehicle can be parked at every bowser and a second vehicle could be accommodated behind each parked vehicle without blocking access to other bowsers or interfere with vehicular manoeuvrability within the site.

17. The location of the petrol refueling points are too close to the entry driveway and likely to result in queuing and interference with vehicular manoeuvrability, both on site and ED. A more suitable location for petrol refueling points must be considered to avoid any adverse impacts. Swept path plans must also be prepared to demonstrate vehicular manoeuvrability within the site whilst a tanker is stopped/refueling.

18. Swept paths for longest vehicles exiting the site using the internal road and the drive through, north of tenancy 6A, is required to be provided. Please refer to highlighted area (in Red) in Attachment B enclosed for reference.

The above matters are extensive and may have flow on effects on the entire staged developments intended for the entire site.

The above was provided to the applicant with the request for additional information letter dated 3 February 2023. Since the request for information was made, further information from TfNSW came to light regarding further specifics to the Elizabeth Drive upgrades planned to support the Western Sydney International Airport and employment land connectivity function of Elizabeth Drive. This upgrade plan identified a large portion of the land to be acquired for the upgrade works, as discussed above in this report.

The development applications are now being determined based on the current level of information that has been submitted. Although there is insufficient information submitted for these development applications, it is noted that due to the overarching issues relating to road acquisition impacts on the development, it would have been important to resolve the land acquisition issue prior to amending the remainder of the requested information. Although insufficient information contains most of the reasons for refusal recommended, the main issue regarding land acquisition and development feasibility has not been adequately resolved.

(d) Liverpool Local Environmental Plan 2008

(i) Zoning

The subject site is zoned E4 General Industrial pursuant to LLEP 2008. An extract of the zoning map is provided below.

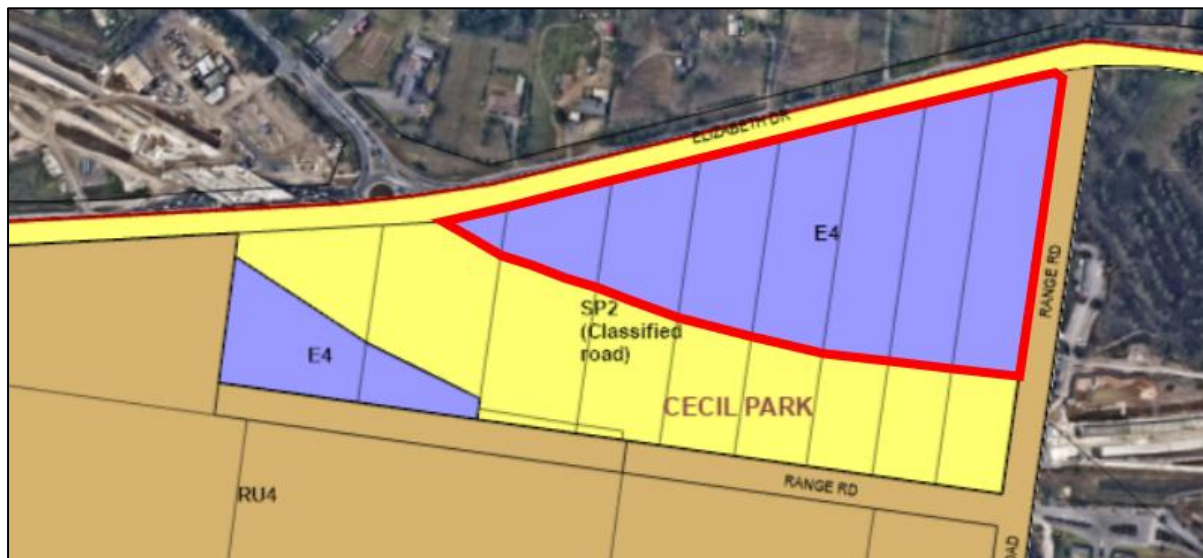


Figure 7: Land zoning map

At the time of lodgement, the land was zoned IN2 Light Industrial under LLEP 2008. The land zoning was changed to Zone E4 General Industrial following the employment zones reform under *Standard Instrument (Local Environmental Plans) Amendment (Land Use Zone) Order 2021*. This includes savings provisions that allows for land uses within the IN2 zone, which are now prohibited, to still be permissible in the new E4 zone until 26 April 2025 and any new permitted uses under the E4 zone would now be permissible.

(ii) Permissibility

The proposed development is appropriately defined by the definitions contained within the standard instrument as a pub and hotel or motel accommodation which are permissible uses with consent. The relevant definitions are detailed below.

pub means licensed premises under the Liquor Act 2007 the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.

Note—

Pubs are a type of **food and drink premises**—see the definition of that term in this Dictionary.

hotel or motel accommodation means a building or place (whether or not licensed premises under the Liquor Act 2007) that provides temporary or short-term accommodation on a commercial basis and that—

(a) comprises rooms or self-contained suites, and

(b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

Note—

Hotel or motel accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

While the proposal contains insufficient information about its operation and layout, the proposal is deemed to be satisfactory to meet the definition of pub and hotel or motel accommodation and is therefore a permissible form of development in the zone.

The bottle shop component is an ancillary element to the pub and is therefore permissible with consent.

(Note: In the current E4 zoning, a pub is not listed as permissible with consent and is therefore prohibited. However, under Standard Instrument (Local Environmental Plans) Order 2006, Schedule 1, Part 2, Section 5 states that development that is permitted with consent on land in a former zone under a local environmental plan continue to be permitted with development consent on the land until 26 April 2025. A pub was listed as permissible with consent in the IN2 zone and as such remains permissible under 26 April 2025. Consequently, the proposal is permissible with consent.

Further, the subject site is listed as having an additional permitted use on the site in accordance with Clause 36 of Schedule 1 of the LLEP 2008).

(ii) Objectives of the Zone

The objectives of the E4 General Industrial zone are as follows:

- *To provide a range of industrial, warehouse, logistics and related land uses.*
- *To ensure the efficient and viable use of land for industrial uses.*
- *To minimise any adverse effect of industry on other land uses.*
- *To encourage employment opportunities.*
- *To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.*
- *To allow other land uses that are compatible with industry and that can buffer heavy industrial zones while not detracting from centres of activity.*

The proposal seeks a range of permissible related land uses which would create employment opportunities. The proposal supports non-industrial land uses that would service the needs of businesses and workers in the form of a pub, attached bottle shop and motel accommodation. The development would be compatible with other potential industrial uses adjoining the land without detracting from any nearby centres.

However, insufficient information has been submitted to properly assess the application to ensure that a licensed premises is appropriate. Whilst the objective emphasises industrial uses, given the matters of subdivision, earthworks, car parking and the like were all to be addressed under DA-716/2022, this application is likely to be refused. The proposal in its current form does not ensure the efficient and viable use of land. Whilst the objective emphasises industry, the application has not been supported by an acoustic assessment to confirm that the proposal would minimise adverse effects on other land uses.

(iii) Principal Development Standards

The following principal development standards of LLEP2008 apply to the proposal:

Development Provision	Requirement	Compliance
2.7 Demolition	The demolition of a building or work may be carried out only with development consent.	N/A No demolition is sought with this application.
4.1 Minimum Subdivision Lot Size	Minimum lot size of 2,000m ²	N/A The land is not sought to be subdivided under this application. Subdivision is being sought under DA-716/2022.
4.3 Height of Building	N/A	N/A Approximately a maximum building height of 13m. It is noted that a survey plan had not been submitted to accurately assess height, however no height limit applies to the site.
4.4 Floor Space Ratio	The permitted FSR for the site is 1:1 under LLEP2008.	Complies Site area (as proposed under DA-716/2022) = 3,960m ² Proposed GFA = 3,076.7m ² FSR = 0.78:1
5.10 Heritage Conservation	Conserve the environmental heritage of Liverpool.	Complies The site is not identified as a heritage item or within a heritage conservation area. An Aboriginal due diligence assessment was submitted as part of the M12 Motorway design process. Council's heritage officer has assessed the report (under DA-716/2022) and raised no objections, subject to conditions. No further assessment is warranted.
5.21 Flood Planning	Development is to minimise flood risk.	Insufficient Information provided. The site is not identified as affected by mainstream flooding. Council's floodplain engineering section had identified an overland flow path in the vicinity of the site. An overland flow

		path study was requested however has not been provided.
7.26 Restaurants, take away food and drink premises, centre-based child care facilities and hotel or motel accommodation in Zone E4	Development consent must not be granted to development for the purposes of a centre-based child care facility or hotel or motel accommodation on land in Zone E4 General Industrial unless— (a) the proposed development is at least 150 metres from any land in Zone E5 Heavy Industrial, and (b) if any heavy industry is in the vicinity of proposed development, the consent authority has considered whether the development will be sited, designed and constructed so as to minimise any impact from that heavy industry.	Complies The site is located more than 150m from any land zoned E5 Heavy Industrial and any heavy industrial activity.
7.41 Certain developments in Zones E4 and E5	Controls for Depots, Transport Depots, Warehouse and Distribution Centres, and Vehicle Sales or Hire Premises.	N/A The proposed development does not involve depots, transport depots, warehouse and distribution centres, and vehicle sales or hire premises.
Schedule 1 – Clause 36 - Use of certain land in Zone E4	(1) Development for the purposes of pubs is permitted with development consent on land identified as “Area B” or “Area F” on the Land Zoning Map. (2) Development for the purposes of registered clubs is permitted with development consent on land identified as “Area B” on the Land Zoning Map	Complies A pub proposed and is a permissible land use on the subject site.

As demonstrated in the above compliance table, the application has not submitted sufficient information to fully address the provisions of LLEP 2008. This would form part of the recommendation for refusal.

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

There are no draft environmental planning instruments that affect the development or the assessment of this application.

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

(a) Liverpool Development Control Plan (LDCP) 2008

The proposed development is subject to the Liverpool Development Control Plan 2008 (LDCP) 2008. The proposal has been assessed under the following parts of LDCP 2008:

- Part 1: General Controls for all Development.
- Part 7: Development in Industrial Zones

In its current form, the development has not provided sufficient information to satisfy the controls and objectives of LDCP 2008 as detailed in the comments below. Detailed compliance tables addressing each relevant section are provided in attachment 2.

LDCP 2008 Part 1: General Controls for All Development			
Development Control	Requirement	Comment	Complies
2. Tree Preservation	Consider the impact of development on existing vegetation	Although tree removal is sought under DA-716/2022, no information was submitted on what trees would need to be removed in this part of the site or as part of this application. No arboricultural impact assessment was submitted to assess such removal. The appropriateness of full removal could not be assessed and whether any tree could be retained within the development site itself.	Insufficient information provided
3. Landscaping and Incorporation of Existing Trees	Incorporation of existing trees into development where appropriate	As above, tree removal and potential retention into the landscape design could not be fully assessed due to insufficient information submitted.	Insufficient information provided
5. Bush Fire Risk	Land on or adjacent to bushfire-prone land to comply with RFS requirements	The site is identified as bushfire prone land. As hotel and motel accommodation is a sensitive land use, the application is 'integrated development'. A referral to RFS occurred who requested	Insufficient information provided

LDCP 2008 Part 1: General Controls for All Development			
Development Control	Requirement	Comment	Complies
		further information. Insufficient information has been provided for the proposed development to satisfy relevant bushfire requirements.	
6. Water Cycle Management	Stormwater runoff shall be connected to Council's drainage system by gravity means. A stormwater drainage concept plan is to be submitted.	The proposal was referred to Council's land development engineer who requested additional information including a stormwater concept plan, and OSD and water quality treatment details. No additional information has been submitted and there is insufficient information available to allow for a full and proper assessment.	Insufficient information provided
8. Erosion and Sediment Control	A Sediment Control Plan or Soil and Water Management Plan is required	A separate erosion and sediment control plan was requested. The document was not submitted.	Insufficient information provided
9. Flooding Risk	Provisions relating to development on flood prone land.	The site is not identified as affected by mainstream flooding. However, it has been identified by Council's floodplain engineering section that there is an overland flow path in the vicinity of the site. An overland flow path study was requested however it has not been provided.	Insufficient information provided
10. Contaminated Land Risk	Previous use to be considered in assessing risk	Refer to the comments in the assessment report under SEPP (Resilience and Hazards) 2021. Insufficient information has been received to satisfactorily demonstrate the site is suitable for the proposal.	Insufficient information provided
11. Salinity Risk	Salinity Management response required for	The Stage 1 preliminary site investigation submitted	Insufficient information

LDCP 2008 Part 1: General Controls for All Development			
Development Control	Requirement	Comment	Complies
	affected properties	acknowledges that the site had evidence of salinity present. Further, the site is identified as 'moderate and high risk'. A salinity report was requested, and no additional information was submitted.	provided
15. On Site Sewage Disposal	Provisions relating to OSMS.	The Sydney Water referral identified that there were no plans to service the catchment until after 2025/26 and it is unlikely there would be permanent services available to the site within five years. The development would then require an on-site wastewater system in the interim. Insufficient detail has been provided in this regard.	Insufficient information provided
20. Car Parking and Access	<p><u>Drive-in Liquor Stores</u> Parking while browsing is provided for without interfering with through traffic internal roadway:</p> <p>Two parallel lanes, minimum 3m wide, with queuing min. length 30m.</p> <p>Entry & exit driveways min 4m wide & minimum 1m apart.</p> <p><u>Pub</u> No specific rate.</p>	Refer to the discussion below this table.	Does not comply
25. Waste Disposal and Re-use Facilities	Waste Management Plan shall be submitted for demolition, construction and ongoing waste management.	Refer to discussion below this table.	Insufficient information provided
26. Outdoor Advertising and Signage	Signage design, materials, colours, and placement should be visually	The SEE stated that signage was sought as part of stage 1 under DA-716/2022, however,	Insufficient information provided

LDCP 2008 Part 1: General Controls for All Development			
Development Control	Requirement	Comment	Complies
	compatible with the building, nearby signage, and the surrounding locality.	there were no specific signs sought for the pub, motel, and bottle shop. The finishes indicate that the bottle shop would be a BWS. However, confirmation of whether signage was sought under this DA or DA-716/2022 was never received following a request for additional information.	
27. Social Impact Assessment	<p>A social impact assessment shall be submitted with a development application for all types of development listed in Table 21.</p> <p>Applications for development of, or major changes to:</p> <ul style="list-style-type: none"> - Packaged liquor outlets - Hotels (bars, pubs, taverns) - Applications for liquor licenses and gaming machines 	A social impact assessment was requested by Council's community planning section. Insufficient information has been provided to conduct an assessment against these provisions.	Insufficient information provided
29. Safety and Security	Address 'Safer-by-Design' principles in the design of public and private domain, and in all developments including the NSW Police 'Safer by Design' Crime Prevention Though Environmental Design (CPTED) principles.	No assessment in relation to safer by design or CPTED principles was submitted. This was requested however it has not been provided and there is insufficient information to address this matter.	Insufficient information provided

Section 20 – Car Parking and Access

The subject site is accessed from Spine Road A, a new road sought under DA-716/2022 to the south, with an egress route for the drive-through bottle shop into the adjoining service station which also sought under that application. The vehicle access arrangements were assessed by Council's traffic section as being acceptable subject to resolution of TfNSW

comments. As noted previously, the matters of access and TfNSW concurrence have not been adequately resolved. The broader site area, as part of this application, is effectively landlocked and has no access.

The car parking for the entire precinct is sought under DA-716/2022 and was assessed in that application. The assessment deemed the provision of car parking insufficient and was not supported. A summary of the assessment of the car parking relating to the subject uses is provided below.

The assessment undertaken within that application determined that there was insufficient car parking on the site for the proposed uses within lot 7. The car parking required for the development in part 1 of the LDCP 2008 is as follows:

- Hotel: 1 space per room, plus 1 space per 2 employees.
- Drive-in Liquor Stores: Parking whilst browsing is provided for without interfering with through traffic with two parallel lanes, minimum 3m wide, with a minimum queuing length 30m.
- Pub: no specific control.

The motel proposes to contain 70 rooms and therefore requires 70 car parking spaces.

The drive-in liquor store proposes two parallel lanes at least 3m wide with queueing up to 30m to the boundary of the lot.

The car parking rate for the pub was assessed by the traffic impact assessment by way of a comparative analysis of eight other licensed premises. The analysis indicated that the average maximum parking demand of the premises was 6.9 car spaces per 100m² of GFA, resulting in a demand for the subject pub of 69 car parking spaces.

An assumed eight staff for the motel was assessed with the traffic report (though no details of staffing arrangements have otherwise been mentioned under DA-716/2022 or this application to confirm the assumption would be accurate), generating a demand of four car parking spaces.

The car parking area adjacent to the motel entry (shared with the pub) contains 21 car parking spaces and another 3 car parking spaces adjacent to the drive-through bottle shop.

The traffic and parking impact assessment submitted with the application stated that a reduction in the car parking was required based on dual purpose and peak demand justifications. The report stated:

“The RTA Guide to Traffic Generating Developments states that the incidence of linked and multi-purpose trips can reduce overall trip generation rates. The same logic can be applied to car parking. For the new proposal, it is expected that some portion of patrons and staff who use the car park will visit more than one tenancy within the site

without moving their vehicle to another space. This is likely given the pedestrian connectivity throughout the site...

The analysis identified a peak demand for the uses on lot 7 of 62.7 spaces for the pub, 2 for the bottle shop staff, 7 for the motel and 0.5 for the motel staff, for a total necessary provision of 72.2 car spaces. The individual allotment provided 24 spaces. The remaining required car parking provision would be addressed within other lots on the justification of 'dual purpose' trips.

It is noted that Council's traffic section has reviewed the car parking assessment and have not supported the justifications of the report, requiring that the full quantum of car parking required by the DCP be provided including the assessment of the pub car parking demand.

As this matter remains unsatisfactorily unresolved, the proposal cannot be supported in this instance.

Section 25 – Waste Re-Use and Disposal

The application was submitted with a waste management plan. However, the plan (and with other submitted documents) provided limited information on waste collection, timing, frequency, and location.

The proposal would provide for a loading bay, as illustrated on the ground floor plan in figure 8 below.

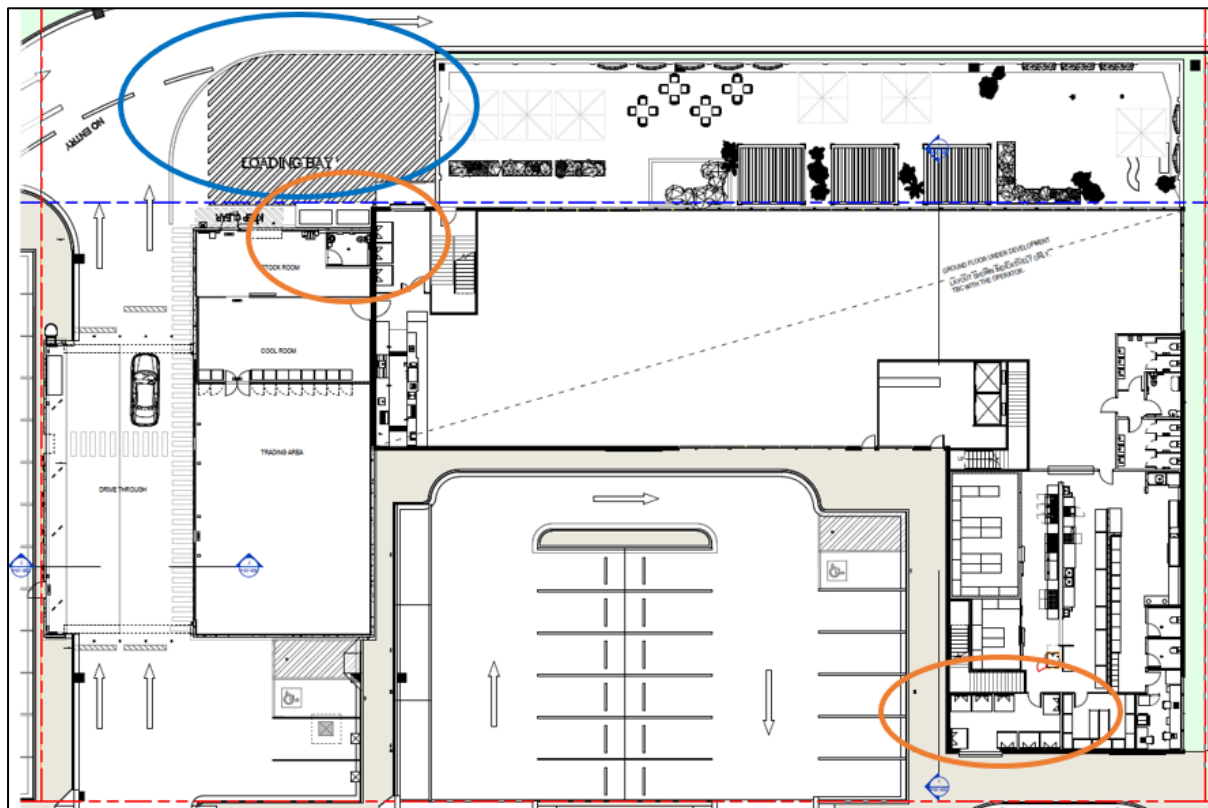


Figure 8: Ground floor plan

On the assumption that waste collection would occur from the loading bay, it was not clear how the bins for the pub kitchen would be transferred. The above figure illustrates the loading bay in the blue circle and the bin rooms in the orange circle. The bottom right bin room has no path of travel to the loading bay without leaving the lot, using the pedestrian footpath along Spine Road A, re-entering the site, and passing through the bottle shop drive-through to access the bay. Collection from Spine Road A would cause conflict with other vehicles and would require further detail to enable support.

Clarification was sought under the request for additional information issued on 3 February 2023. No response was received and as such, this matter remains unresolved.

Council's environmental health officer requested that all waste rooms be fully enclosed (where the bottle shop bins appeared to be outside), mechanically ventilated and additional details to be shown on the plans. This aspect also remains unresolved.

The application has not adequately addressed the waste requirements and as such is recommended for refusal.

LDCP 2008 - Part 7 Development in Industrial Areas			
Control	Requirement	Proposed	Compliance
3. Site Planning	Where possible, site planning allows for the retention of significant trees and vegetation, particularly near the street frontage.	Tree removal was sought under DA-716/2022 and insufficient information was submitted to assess the necessity for full tree removal on the portion of land associated with this application.	Insufficient information provided
	The development must be designed around the site attributes such as slope, existing vegetation and land capability.	All earthworks associated with the portion of land under this application were to be completed under DA-716/2022. No survey plan prepared by a registered surveyor was submitted with the application. As such, it is not clear the extent of earthworks required. A full assessment could not be completed.	Insufficient information provided
4. Setbacks	Classified Roads: Primary Setback (Ground Floor): 18m Primary Setback (First Floor): 15m	The architectural plans were not dimensioned to enable full assessment against the proposed setbacks. Measurements of the plans indicated an 18m front setback to Elizabeth Drive on all floors and would be compliant. Dimensioned plans were requested to confirm this however were not submitted.	Insufficient information provided
	Secondary Setback: All other street frontages: 5m.	A 3m setback, rather than 5m, appears to be proposed to the southern end on all three levels of the proposed pub/motel. The variation was not justified and is not supported.	Does not comply

5. Landscaped Area	A minimum of 10% of the site is to be landscaped at ground level.	Landscaping was sought under DA-716/2022, along with subdivision and vehicle access and car parking. The proposed landscaped area appears to be below 10%. Measurements of the site and landscape plans indicate approximately 355m ² (9%) of landscaped area. Further detail was requested including dimensions on the plans however, this was not received.	Does not comply
	<p>A development must provide a landscaped area along the primary and secondary frontages of an allotment in accordance with Table 2:</p> <p><u>Smaller than 3,999sqm:</u></p> <p>Primary Setback: 5m</p> <p>Secondary Setback: 3m</p>	<p>A 5m front setback was provided which would be landscaped except for a sign and an indicative location of a substation. Considered to be compliant.</p> <p>The secondary street setback (Spine Road A) provided no landscaping.</p>	<p>Complies</p> <p>Does not comply</p>

6. Building Design, Streetscape and Layout	<p>A development must use architectural elements to articulate facades and minimise large expanses of blank walls.</p>	<p>The façades illustrated in the architectural plans are articulated through large expanses of glazing. The elevations have not depicted sun shading devices on the lengthy north facing façade.</p> <p>The pub/motel entry is on the southern side of the building and is not well defined on the submitted elevations. Coupled with the limited pedestrian path width adjacent to the entry, the entry is not well designed and requires further detail. Further the DEP was not supportive of the design to date. This information was requested however was not submitted.</p>	<p>Insufficient information provided</p>
	<p>Driveways must provide adequate sight distance for the safety of pedestrians using the footpath area.</p>	<p>Further information is required regarding traffic and pedestrian safety including pathways near the entry.</p>	<p>Insufficient information provided.</p>
	<p>Pathways should provide direct access and any edgework should be low in height or not reduce visibility of the pathway.</p>	<p>Further detail is required for the pathways and pedestrian walkways.</p>	<p>Insufficient information provided.</p>
	<p>The siting of a telecommunication facility, aerial, satellite dish, plant room, lift motor room, mechanical ventilation stack, exhaust stack, and the like must integrate with the architectural features of the building to which it is attached; or be sufficiently screened when viewed from the street and neighbouring residential zoned land.</p>	<p>Further detail was requested on the mechanical plant and ducting and associated screening. This was not received.</p>	<p>Insufficient information provided.</p>

	Service areas including waste, recycling areas and external storage areas are to be located away from principal street frontages and screened from view.	An access ladder to the roof of the drive-through bottle shop is located on the Elizabeth Drive façade. It was requested to explore relocating this ladder to a less prominent position. The bottle shop waste storage area is within the front setback area. Whilst screened from the street, Council's environmental health officer requested all waste rooms to be enclosed. No response was received to this request for additional information.	Insufficient information provided.
7. Landscaping and Fencing	Landscaping within industrial areas shall generally involve the provision of trees and shrubs in mulched garden beds.	All landscaping proposed is under DA-716/2022 and not under this application. The only landscaping sought under this application was for the proposed beer garden. The architectural plans provided for indicative landscaping only. The DEP commented that the landscape design requires further detail. This has not been provided and insufficient information has been provided in relation to landscaping matters.	Insufficient information provided.
	Trees must be planted in the landscape area at a minimum rate of 1 tree per 30sqm of the landscape area.	Further details required with landscaping and landscape areas to determine the number of trees required to be planted.	Insufficient information provided.
	<u>Screen fencing</u> Where fencing is considered necessary to screen areas such as outside storage it shall consist of the following:	Some screening is provided to the area of the beer garden fronting Elizabeth Drive however, a lack of detail has been provided in relation to this and a full assessment	Insufficient information provided.

	<ul style="list-style-type: none"> - Maximum height of 2m. - May be solid construction. - Shall be located behind the landscaped area. 	cannot occur in this instance.	
	<p><u>Detailed Landscape Plan</u></p> <p>A detailed landscape plan shall accompany a development application. A suitably qualified Landscape architect must prepare all Landscape Plans submitted with the development application. Refer to Part 1 for requirements for Detailed Landscape Plans.</p>	All landscaping was proposed under DA-716/2022 and not under this application. The only landscaping sought under this application was for the proposed beer garden. The architectural plans provided for indicative landscaping only. The DEP commented that the landscape design requires further details. This has not been provided and insufficient information has been provided in relation to landscaping matters.	Insufficient information provided.
8. Car Parking and Access	<p>Car parking areas are to be landscaped to provide shade and reduce the visual impact of parked cars.</p> <p>Provide a 2.5m wide landscape bay between every 6 - 8 car spaces.</p>	A tree is proposed within the car park area associated with the pub/motel. The landscaped bay is after six car parking spaces and is approximately 1m wide.	Does not comply
9. Amenity and Environmental Impact	<p>In order to comply with the Protection of the Environment Operations Act 2008 it may be necessary to construct external works. Mounding, planting and/or noise barriers may be permitted to reduce the impact of noise levels, provided that this does not compromise any other provision in the DCP. The following illustration gives examples of satisfactory treatments</p>	Council's environmental health officer requested an acoustic report, which was not submitted.	Insufficient information provided.

	Hours of operation Development which would have an adverse impact on adjoining or nearby residential areas will be limited to 7 am to 6 pm Monday to Friday and 7 am to 12 pm on Saturday and no work to be undertaken on Sundays	The proposal seeks hours of operation between 7am to 1am, seven days a week. The acoustic assessment that was requested would have addressed whether late night operation would impact on residential properties opposite to the north. This report was not submitted.	Insufficient information provided.
	<u>Contamination</u> Any DA for land identified as potentially contaminated by prior land use activities and shown in Figure 8, must be supported by a phase 1 contamination assessment.	As assessed under SEPP (Resilience and Hazards) 2021. Further information is required.	Insufficient information provided.
10. Site Services	<u>Waste management</u> Owners are to provide their own waste management services. These facilities will vary depending on the needs of the site. Any waste management equipment must not be visible from the street. Waste bins must be provided in a designated area that is easily and safely accessible for workers.	Further information was requested regarding waste storage locations, collection details, etc., as discussed under part 1 of the DCP. This information was not submitted.	Insufficient information provided.

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

There are no planning agreements which apply to the development.

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

The Environmental Planning and Assessment Regulations 2021 requires the consent authority to consider the provisions of the Building Code of Australia. If approved, appropriate conditions would be imposed requiring compliance with the National Construction Code.

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

Built Environment

The proposed built form would be appropriate in relation to bulk and scale impacts and is unlikely to have significant adverse impacts on the surrounding built environment or locality. However, as insufficient information has been submitted to assess the full impact of the development, the development is not supported in its current form and further amendments to the design have been requested by the DEP.

Natural Environment

The proposed development has not provided sufficient information to adequately assess the impact on the natural environment. Tree removal was sought under stage 1 of DA-716/2022 however as that application would also likely be refused, no tree removal had been separately sought within this application. Further, as no response to the request for additional information was submitted, matters relating to drainage have also not been adequately addressed. The application therefore cannot be assessed not to have a significant impact on the natural environment and is recommended for refusal.

Social Impacts and Economic Impacts

The proposal has not provided sufficient information to undertake a detailed assessment in relation to the social and economic impacts of the development. A social impact assessment was requested due to the licensed premises being proposed and this was not submitted.

Given the level of insufficient information submitted, a full and proper assessment cannot occur. The application is therefore recommended for refusal.

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

Due to the history of the site and associated lodged applications including the current outstanding information requested to assess the relevant impacts to enable a complete assessment of the subject application, the subject site would not be suitable for the proposed development.

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	Supported subject to conditions.
Community Planning	Not supported. A social impact statement was requested. A plan of management was also requested to address operational details and social impact management strategies and to support the extended trading hours given inadequate public transport available.
Design Excellence Panel	The proposal was not supported by the DEP and would have required to be returned to the panel, with all feedback originally provided, incorporated, and addressed by the applicant.
Land Development Engineering	Unsatisfactory, pending resolution to issues raised under DA-716/2022 regarding road construction, footpaths, and stormwater impacts.
Landscape	Supported subject to conditions.
Flooding	Not supported. An overland flow path study was to be conducted and OSD and water quality treatment facilities required.
Traffic	Not supported. Applicant to address access issues with Elizabeth Drive, TfNSW and issues with car parking as part of stage 1.

Design Excellence Panel

The application was referred to the panel given the scale or nature of the proposed development including the other two concurrently lodged DAs on proposed lots 1-6 and 8 (under DA-716/2022 and DA-736/2022). The panel identified concerns with the proposal (and the two DAs) with the minutes quoted below:

4.1 Context

- *The Panel considers that the significant land holding bounded by Elizabeth Drive, Range Road and the RMS M12 acquisition is of a scale that requires an integrated / planned approach. The applicant has submitted multiple Development Applications, Planning Proposals, and future (as yet unseen by the Panel) proposals for various parts of the site, which makes it difficult for the Panel to assess the development in a cohesive manner. The Panel recommends that the total site is 'drawn' together as a key part of the Context / Site analysis with development considered in an integrated manner.*
- *In the Panel's view, the proposal does not provide adequate contextual analysis / site analysis for the site. The Panel recommends the Applicant prepare a detailed urban design and contextual analysis for the site; and demonstrate the design thinking / background data that was considered as part of the design development process. The Panel recommends that site analysis includes:*
 - *Existing carriage way of Elizabeth Drive, and future carriage way widening as planned by RMS.*
 - *Future design levels for the RMS M12 extension relative to ground levels on the subject site.*

- Existing vegetation on the subject site, including grading and species of existing trees.
- Preliminary (desktop) acoustic analysis of future traffic volumes demonstrating predicted noise levels across the site. Specifically in reference to current childcare location and assessment of alternative locations.
- Easements including power transmission, and drainage.
- Broader urban context including site relationship to Cecil Park and the Aerotropolis Core precincts.
- The Panel requires the Applicant to undertake a SWAT analysis for the site and detail out the various opportunities and constraints that needs are being considered.
- The Panel questions the Applicant's continued reference to the design as both a "Highway Services" and "Community Hub" precinct. The overall built form appears to be significantly weighted towards a 'business as usual' Highway Services facility focused on the provision of fast food and convenience retail, with little demonstration of 'Community Hub' within the current public domain plan.
- The Panel seeks advice on the remnant parcels of the total site. The Panel recommends the Applicant provide more details on the entire site planning (i.e., as part of master planning of the site).
- The Panel recommends that a design option exercise be undertaken to demonstrate various development potentials for the site. Consider a more urban edge to the open space on the southern side. One potential precedent to consider is the 'Highway services / town centre' arrangement of built form and open space at Lawson along the Great Western Highway.
- The Panel questioned whether a childcare facility is an appropriate use for the site, particularly given the suggested high volumes of traffic on both the M12 and Elizabeth Drive. The Panel remains concerned about the resultant environmental amenity for the proposed childcare facility.
- The Panel recommends the Applicant further liaise with TfNSW and demonstrate the character of the site once the elevated corridor for M12 is constructed. Provide cross sections and 3D visuals to demonstrate the character of the site / proposed development in future (including the transport corridor).
- The Panel raises concern regarding the disconnect between the different facilities being proposed within the precinct (i.e., each facility has its own car park and there is no pedestrian link between the buildings). The Panel recommends the Applicant considers the site as a precinct and develops a pedestrian network plan.
- The Panel recommends that any development proposal includes the full extent of the raised M12, Elizabeth Drive upgrades and an indication of the built form proposed on the balance of the site.
- The Panel seeks more details on the planning proposal (McDonalds / KFC) that is being lodged with Council. The Panel requests the Applicant integrates the planning proposal built form / design with the material that has been already provided.

4.2 Built Form + Scale

- The Panel noted that the building design presented at this stage is very schematic. The Panel requires the Applicant prepare more detailed documentation for all buildings being proposed within the precinct.
- The Panel notes that the design documentation is in its preliminary stages and requires the Applicant to prepare a detailed documentation set for the development proposal. Basic details and information is missing from the plans (e.g., details for wall

thicknesses and insulation, no indication of doors at multiple locations, no indication of sun shading devices, etc.).

4.3 Density

- *The Panel notes that the density being proposed on site is within the permissible limit.*

4.4. Sustainability

- *The Panel requires the Applicant incorporate adequate sustainability measures as part of the design (i.e., incorporate solar PV panels, retain and reuse stormwater for irrigation, etc.). Provide details on all sustainability measures being considered as part of the precinct development.*

4.5. Landscape

- *The Panel notes that the landscape plan needs to be detailed further for the entire precinct. The Applicant suggested that the primary address to the complex was via a landscaped boulevard accessed from Range Road. The Panel noted the left slip ingress / egress from Elizabeth Drive.*
- *The Panel requires the Applicant to provide further details on the proposed boulevard and to consider the provision of associated open space to enhance the amenity of the proposed community hub.*
- *The Applicant should provide further details of the tree retention / replacement strategy for any existing vegetation lost as a result of the development.*

4.6. Amenity

- *The Panel raised concern regarding the level of air and noise pollution that will impact the childcare facility. The Panel requires the applicant prepare a predicted air quality and noise pollution map / study to demonstrate the suitability of the site for a childcare facility. The report should propose all mitigation measures that need to be incorporated in order to safeguard the health of children while playing in the outdoor areas of the facility.*
- *The Panel requests the Applicant provide details on the treatments being considered for solar access during winter and shade during summer.*

4.7. Safety

- *The Panel requests the Applicant provide details on the safety provisions being considered as part of the development.*

4.8. Housing Diversity + Social Interaction

- *NIL*

4.9. Aesthetics

- *The documentation lacks information / significant details, and the Panel is unable to assess the aesthetic quality of the proposal based on the submitted drawings. The aesthetics of the proposal will need to be reviewed / assessed against future submissions to the DEP.*

As no formal response has been received by the applicant, the DEP were not referred a second time. The matters above have not been addressed in relation to the concerns raised above by the Panel. Due to the current level of insufficient information lodged with the subject application, the application is recommended for refusal in this instance.

(b) External Referrals

The following comments have been received from external agencies:

EXTERNAL AGENCY	COMMENTS
Endeavour Energy	Objection to the proposal due to outstanding issues under DA-716/2022 relating to complications in electricity access that may have flow on effects to the subdivision layout.
NSW Police (Liverpool)	Provided recommended conditions.
Rural Fire Services	Not supported. Requested an amended bushfire report which was not received within the legislative timeframe.
Sydney Water	Potable water should be available. Wastewater service is not available until after 2025/26.
Transport for NSW	Does not support until issues relating to site access arrangements under DA-716/2022 are resolved. Issues surrounding site acquisition for widening of Elizabeth Drive and future site access and location of buildings are unresolved.

(c) Community Consultation

The development application was advertised and notified between 14 September 2022 and 28 September 2022 in accordance with the Liverpool Community Participation Plan 2019. Two submissions were received during the public consultation period objecting to the proposal.

The following comments are provided with respect to the concerns raised in the submissions:

ISSUE 1: Social and economic impacts of a second licensed premises in the vicinity

Comment: Concern was raised regarding the social and economic impacts of the development being the second licensed premises at this location, with the existing being the Kemps Creek Sporting and Bowling Club to the immediate west of the M12 Motorway. A social impact assessment was requested, and this was included in the request for additional information dated 3 February 2023. Further, there is no provision which would restrict competition of a use in a locality. The applicant did not provide a formal response to the request and as such the application is to be refused.

ISSUE 2: No social Impact assessment was undertaken to support the assertion the development will have a positive social impact

Comment: Like issue 1, a social impact assessment was requested however has not been submitted. The application is recommended to be refused on the grounds of insufficient information being submitted.

ISSUE 3: Biodiversity offsets

Comment: The site is identified as biodiversity certified. The requirement for biodiversity offsets has been switched off for the site and further biodiversity assessment is not required.

Notwithstanding the above, an arboricultural impact assessment was requested to support the extent of proposed tree removal and to better understand if some tree retention was possible. The report was not submitted, amongst other requested information.

ISSUE 4: Odour impacts of planned restaurants.

Comment: Further information was sought by Council's environmental health officer regarding mechanical ventilation systems that would contribute to the mitigation of odour impacts. This information was not submitted.

ISSUE 5: Missing information contained within the submitted SEE.

Comment: This part of the submission is in reference to the submitted SEE under DA-716/2022. The referenced sections in that SEE appear to be in error. Nevertheless, the application is to be refused.

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

Given the absence of considerable information sought to clarify the relevant details of the subject proposal and their likely impacts, approval of the subject application in its current form would be contrary to the public interest.

7. DEVELOPMENT CONTRIBUTIONS

Section 7.11 development contributions would be applicable to the proposed development in accordance with Liverpool Contributions Plan 2009. As the development would be refused, no contributions would be applied in this instance.

8. CONCLUSION

The application has been assessed having regard to the provisions of Section 4.15 of the EP&A Act 1979, the environmental planning instruments, including applicable state environmental planning policies, Liverpool LLEP 2008, LDCP 2008, and relevant codes and policies of Council. The proposed development has not provided sufficient information to demonstrate that it would not result in a significant adverse impact on adjoining properties and the locality. Based on the assessment of the subject application, it recommended that the application be refused.

9. RECOMMENDATION

That Development Application DA No DA-735/2022 be **refused**.

ATTACHMENTS

1. Liverpool DCP Assessment Tables
2. Plans of Proposal
3. Draft Reasons for Refusal

ATTACHMENT 2: LIVERPOOL DEVELOPMENT CONTROL PLAN 2008 COMPLIANCE TABLE
ASSESSMENT Liverpool Development Control Plan (LDCP) 2008

The application has also been assessed against the relevant controls of LDCP 2008, particularly *Part 1 General Controls for all Development and Part 7 – Development in Industrial Zones*

LDCP 2008 Part 1: General Controls for All Development		
Development Control	Requirement	Comment
2. Tree Preservation	Consider the impact of development on existing vegetation	Although tree removal was sought under DA-716/2022, no information was submitted on what trees would need to be removed in this part of the site under this application and no arboricultural impact assessment was submitted to assess such removal. The appropriateness of full removal could also not be assessed and whether any tree could be retained within the area of the development site.
3. Landscaping and Incorporation of Existing Trees	Incorporation of existing trees into development where appropriate	As above, tree removal and potential retention into the overall landscape design could not be fully assessed due to insufficient information submitted.
4. Bushland and Fauna Habitat Preservation	Consider the impact of development on bushland and habitats	The site is biodiversity certified and no further flora and fauna assessment is required.
5. Bush Fire Risk	Land on or adjacent to bushfire-prone land to comply with RFS requirements	The site is identified as bushfire prone land. As hotel and motel accommodation is a sensitive land use, the application is 'integrated development'. A referral to RFS was undertaken who requested further information in relation to the bushfire report. Insufficient information has been provided for the proposed development to satisfy relevant bushfire requirements.
6. Water Cycle Management	Stormwater runoff shall be connected to Council's drainage system by gravity means. A stormwater drainage concept plan is to be submitted.	The proposal was referred to Council's land development engineer who requested additional information including a stormwater concept plan, and OSD and water quality treatment details. No additional information has been submitted and there is insufficient information lodged to conduct a full and proper assessment.
7. Development Near 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
8. Erosion and Sediment Control	A Sediment Control Plan or Soil and Water Management Plan is required	A separate erosion and sediment control plan was requested, and the document was not submitted.

Complies
Insufficient information provided
Insufficient information provided
Complies
Insufficient information provided
Insufficient information provided
N/A
Insufficient information

LDCP 2008 Part 1: General Controls for All Development			
Development Control	Requirement	Comment	Complies
9. Flooding Risk	Provisions relating to development on flood prone land.	The site is not identified as affected by mainstream flooding. However, it has been identified by Council's floodplain engineering section that an overland flow path in the vicinity of the site may be affected. An overland flow path study was requested but has not been provided.	provided Insufficient information provided
10. Contaminated Land Risk	Previous use to be considered in assessing risk	Refer to comments in the assessment report under SEPP (Resilience and Hazards) 2021. Insufficient information has been received to satisfactorily demonstrate the site is suitable for the proposal.	Insufficient information provided
11. Salinity Risk	Salinity Management response required for affected properties	The Stage 1 preliminary site investigation submitted acknowledges the site had evidence of salinity. Further, the site is identified as 'moderate and high risk'. A salinity report was requested, and no additional information was submitted.	Insufficient information provided
12. Acid Sulphate Soils	Affected properties to consider the impact of development on soils	The site is not mapped as acid sulfate soils.	N/A
13. Weeds	Noxious weeds are to be removed as part of development where applicable	No noxious weeds were identified as being present on site.	N/A
14. Demolition of Existing Development	Provisions relating to demolition works	No demolition proposed.	N/A
15. On Site Sewage Disposal	Provisions relating to OSMS.	The Sydney Water referral identified that there were no plans to service the catchment until after 2025/26 and it is unlikely there would be permanent services available to the site within five years. The development would then be required to provide an on-site wastewater system in the interim. Insufficient detail has been provided in this regard.	Insufficient information provided
16. & 17. Aboriginal Archaeology	An initial investigation must be carried out to determine if the proposed development or activity occurs on land potentially containing an item of Aboriginal archaeology.	The site is not mapped as being affected by items of aboriginal archaeology or heritage.	N/A
20. Car Parking and Access	<u>Drive-in Liquor Stores</u> Parking while browsing is provided for without interfering with through traffic internal roadway: Two parallel lanes, minimum 3m wide, with queuing min. length 30m. Entry & exit driveways min 4m wide &	Refer to the discussion in body of report.	Does not comply

LDCP 2008 Part 1: General Controls for All Development		
Development Control	Requirement	Comment
	minimum 1 m apart. <u>Pub</u> No specific rate.	
22. Energy Conservation	All Class 5 to 9 non-residential developments are to comply with the Building Code of Australia energy efficiency provisions.	A condition would be imposed in any approval requiring the development to comply with the BCA, which includes energy efficiency provisions.
23. Reflectivity	Provisions relating to the use of reflective materials on the exterior of buildings.	Highly reflective materials are not proposed.
25. Waste Disposal and Re-use Facilities	Waste Management Plan shall be submitted for demolition, construction and ongoing waste management.	Refer to discussion in the body of report.
26. Outdoor Advertising and Signage	Signage design, materials, colours, and placement should be visually compatible with the building, nearby signage, and the surrounding locality.	The SEE stated that signage was sought as part of stage 1 under DA-716/2022, however, there were no specific signs sought for the pub, motel, and bottle shop. The finishes indicate the bottle shop would be a BWS. However, confirmation of whether signage was sought under this DA or DA-716/2022 was never received following a request for additional information.
27. Social Impact Assessment	A social impact assessment shall be submitted with a development application for all types of development listed in Table 21. Applications for development of, or major changes to: - Packaged liquor outlets - Hotels (bars, pubs, taverns) - Applications for liquor licenses and gaming machines	A social impact assessment was requested in accordance with section 27 of the DCP and by Council's community planning section. Insufficient information has been provided to conduct an assessment against these provisions.
29. Safety and Security	Address 'Safer-by-Design' principles in the design of public and private domain, and in all developments including the NSW Police 'Safer by Design' Crime Prevention Through Environmental	No assessment of the safer by design or CPTED principles was submitted. This was requested however has not been provided and there is insufficient information to address this matter.
		Complies by condition
		Complies
		Insufficient information provided
		Insufficient information provided
		Insufficient information provided
		Insufficient information provided

LDCP 2008 Part 1: General Controls for All Development		
Development Control	Requirement	Comment
	Design (CPTED) principles.	
LDCP 2008 - Part 7 Development in Industrial Areas		
Control	Requirement	Proposed
2. Site Area	Minimum site area of an allotment: 2,000sqm	Both the current site area and the intended subdivided site area exceed 2,000m ² .
3. Site Planning	Where possible, site planning allows for the retention of significant trees and vegetation, particularly near the street frontage.	Tree removal was sought under DA-716/2022 and insufficient information was submitted to assess the necessity for full tree removal on the portion of land associated with this application.
	The development must be designed around the site attributes such as slope, existing vegetation and land capability.	All earthworks associated with the portion of land of this application were to be completed under DA-716/2022. No survey plan prepared by a registered surveyor was submitted with the application. As such, it is not clear the extent of earthworks required. A full assessment could not be completed.
4. Setbacks	Classified Roads: Primary Setback (Ground Floor): 18m Primary Setback (First Floor): 15m	The architectural plans were not dimensioned to enable certainty of the proposed setbacks. Measurements of the plans indicated an 18m front setback to Elizabeth Drive on all floors and would be compliant. Dimensioned plans were requested to confirm however were not submitted.
	Secondary Setback: All other street frontages: 5m.	A 3m setback, rather than 5m, appeared to be proposed to the southern end on all three levels of the proposed pub/motel. The variation was not justified and is not supported.
5. Landscaped Area	A minimum of 10% of the site is to be landscaped at ground level.	Landscaping was sought under DA-716/2022, along with subdivision and vehicle access and car parking. The quantum of landscaped area appears to be below 10%. Measurements of the site and landscape plan indicate approximately 355m ² (9%) of landscaped areas. Further detail was requested including dimensions on the plan however, this was not received.
		Compliance
		Complies
		Insufficient information provided
		Insufficient information provided
		Does not comply
		Does not comply

	<p>A development must provide a landscaped area along the primary and secondary frontages of an allotment in accordance with Table 2: <u>Smaller than 3,999sqm:</u> Primary Setback: 5m Secondary Setback: 3m</p>	<p>A 5m front setback was provided which would be landscaped except for a sign and an indicative location of the substation. Considered compliant.</p> <p>The secondary street setback (Spine Road A) provided no landscaping.</p>	Complies
<p>6. Building Design, Streetscape and Layout</p>	<p>The facades to a development must adopt a contemporary architectural appearance.</p>	<p>The level of detail illustrated on the elevations is limited. However, a contemporary façade design was being adopted for the motel/pub building. The bottle shop resembles a standard attached, drive-through liquor store with associated brand colouring.</p>	Complies
	<p>A development must use architectural elements to articulate facades and minimise large expanses of blank walls.</p>	<p>The façades illustrated in the architectural plans are articulated largely through large expanses of glazing. The elevations have not depicted sun shading devices on the lengthy north facing façade.</p> <p>The pub/motel entry is on the south side of the building and is not well defined on the submitted elevations. Coupled with the limited pedestrian path width adjacent to the entry, the entry appears an afterthought and requires further detail. Further the DEP was not supportive of the design to date. This information was requested but not submitted.</p>	Insufficient information provided
	<p>Where a development proposes a portal frame or similar construction, Council does not permit the “stepping” of the parapet to follow the line of the portal frame.</p>	<p>No portal frame proposed.</p>	N/A
	<p>The street facade of a development on a corner allotment must incorporate architectural corner features to add visual interest to the streetscape.</p>	<p>The building is not located on a corner allotment.</p>	N/A
	<p>Glazing shall not exceed reflectivity of 20%.</p>	<p>A large amount of glazing is proposed for the pub/motel. Compliance would be achieved with this control typically through a condition.</p>	Complies by condition
	<p>A development must use quality materials such as brick,</p>	<p>The development uses a mix of these materials in the</p>	Complies

	glass, and steel to construct the facades to a development	facades.	
The front door to a building should face the street.	The front door to a building should face the street.	The entry to the pub/motel faces south to the car park and Spine Road A.	Complies
The administration office or showroom must be located at the front of the building.	The administration office or showroom must be located at the front of the building.	Orientation of uses is considered appropriate.	Complies
Windows on the upper floors of a building must, where possible, overlook the street.	Windows on the upper floors of a building must, where possible, overlook the street.	Windows on upper floors are considered appropriate.	Complies
The street number of a building must be visible from the street and made of a reflective material to allow visitors and emergency vehicles to easily identify the location of the building.	The street number of a building must be visible from the street and made of a reflective material to allow visitors and emergency vehicles to easily identify the location of the building.	Street numbering can be conditioned.	Complies by condition
Open style or transparent materials are encouraged on doors and/or walls of lifts and stairwells, where fire safety requirements allow.	Open style or transparent materials are encouraged on doors and/or walls of lifts and stairwells, where fire safety requirements allow.	Materials are satisfactory for these areas.	Complies
Waiting areas and entries to lifts and stairwells should be close to areas of active use and be visible from building entrances.	Waiting areas and entries to lifts and stairwells should be close to areas of active use and be visible from building entrances.	Waiting areas, entries and stairwells are in an area visible from the entry.	Complies
Driveways must provide adequate sight distance for the safety of pedestrians using the footpath area.	Driveways must provide adequate sight distance for the safety of pedestrians using the footpath area.	Further information is required regarding traffic and pedestrian safety including the pathways near the entry.	Insufficient information provided.
Pathways should provide direct access and any edgework should be low in height or not reduce visibility of the pathway.	Pathways should provide direct access and any edgework should be low in height or not reduce visibility of the pathway.	Further detail is required for pathways and pedestrian walkways.	Insufficient information provided.
Blank walls in general that address street frontages or public open space are discouraged. Where they are unavoidable building elements or landscaping must be used to break up large expanses of walls. In some cases an anti-graffiti coating will need to be applied to the wall to a height of 2 metres.	Blank walls in general that address street frontages or public open space are discouraged. Where they are unavoidable building elements or landscaping must be used to break up large expanses of walls. In some cases an anti-graffiti coating will need to be applied to the wall to a height of 2 metres.	Wall materials assist in breaking up the large expanses of blank walls.	Complies
Lighting must be provided to the external entry path, common lobby, driveway, and car park to a building using vandal resistant, high mounted light fixtures.	Lighting must be provided to the external entry path, common lobby, driveway, and car park to a building using vandal resistant, high mounted light fixtures.	Compliance would be achieved through a condition.	Complies by condition

<p>The lighting in a car park must conform to AS 1158.1, 1680, and 2890.1.</p> <p>External lighting to an industrial development must give consideration to the impact of glare on the amenity of adjoining residents.</p> <p>The siting of a telecommunication facility, aerial, satellite dish, plant room, lift motor room, mechanical ventilation stack, exhaust stack, and the like must integrate with the architectural features of the building to which it is attached; or be sufficiently screened when viewed from the street and neighbouring residential zoned land.</p> <p>Service areas including waste, recycling areas and external storage areas are to be located away from principal street frontages and screened from view.</p>	<p>Compliance would be achieved through a condition.</p> <p>Compliance would be achieved through a condition.</p> <p>Further detail was requested on the mechanical plant and ducting and associated screening. This was not received.</p> <p>An access ladder to the roof of the drive-through bottle shop is located on the Elizabeth Drive façade. It was requested to explore relocating this ladder to a less prominent position. The bottle shop waste storage area is within the front setback area. Whilst screened from the street, Council's environmental health officer requested all waste rooms to be enclosed. No response was received to the request for additional information.</p>	<p>Complies condition</p> <p>Complies condition</p> <p>Insufficient information provided.</p> <p>Insufficient information provided.</p>
<p>Landscaping within industrial areas shall generally involve the provision of trees and shrubs in mulched garden beds.</p> <p>Trees must be planted in the landscape area at a minimum rate of 1 tree per 30sqm of the landscape area.</p> <p>The trees must be capable of achieving a mature height greater than 8m.</p> <p>Large trees and shrubs should not be located so they can</p>	<p>All general landscaping was proposed under DA-716/2022 and not this application. The only landscaping sought under this application was for the proposed beer garden. The architectural plans provided for indicative landscaping. The DEP commented that the landscape design requires further detail. This has not been provided and insufficient information has been provided for landscaping matters.</p> <p>Further detail required with landscaping and landscape area to determine the number of trees required.</p> <p>Trees are capable to reach mature heights.</p> <p>The proposed trees and shrubs would not be used to</p>	<p>Insufficient information provided.</p> <p>Insufficient information provided.</p> <p>Complies</p> <p>Complies</p>
<p>7. Landscaping and Fencing</p>		

	be used to access buildings on the site or adjoining properties.	access or encourage access to any buildings or adjoining properties.	
	Solid front fences must have a maximum height of 1.2m.	No front fence proposed	N/A
	Front fences higher than 1.2m shall be consistent with the following: - Maximum height of 2m. - Transparent. - Dark colour.	No front fence proposed	N/A
	Chain wire, metal sheeting, brushwood and electric fences are not permitted along front fences.	No front fence proposed	N/A
	Fences shouldn't prevent surveillance by the occupants of the main open or communal areas within the property or street frontage.	No front fence proposed	N/A
	<u>Screen fencing</u> Where fencing is considered necessary to screen areas such as outside storage it shall consist of the following: - Maximum height of 2m. - May be solid construction. - Shall be located behind the landscaped area.	Some screening is provided to the area of the beer garden fronting Elizabeth Drive however, insufficient detail has been provided and a full assessment is not able to be provided.	Insufficient information provided.
	<u>Detailed Landscape Plan</u> A detailed landscape plan shall accompany a development application. A suitably qualified Landscape architect must prepare all Landscape Plans submitted with the development application. Refer to Part 1 for requirements for Detailed Landscape Plans.	All general landscaping was proposed under DA-716/2022 and not this application. The only landscaping sought under this application was for the proposed beer garden. The architectural plans provided for indicative landscaping. The DEP commented that the landscape design requires further detail. This has not been provided and insufficient information has been provided for landscaping matters.	Insufficient information provided.
8. Car Parking and Access	The layout of driveways to loading docks must enable heavy vehicles to: - Enter and exit the site in a forward direction. - Park within designated loading areas. - When possible, loading docks are to be located in areas	The loading bay is located on the northern side of the building, being the Elizabeth Drive frontage. Whilst this would be visible, the landscaping sought in the front setback area once grown would screen the space. Entry and exit in a forward direction had been achieved.	Complies

	<p>that:</p> <p>a. Are not exposed to public streets.</p> <p>b. Are generally separate from and do not interfere with car parking areas.</p>		
	<p>Car parking areas are to be landscaped to provide shade and reduce the visual impact of parked cars.</p> <p>Provide a 2.5m wide landscape bay between every 6 - 8 car spaces.</p> <p>External processes in an industrial area and storage of materials will not be permitted along a Classified Road frontage or a road frontage opposite a residential area.</p> <p>In order to comply with the Protection of the Environment Operations Act 2008 it may be necessary to construct external works. Mounding, planting and/or noise barriers may be permitted to reduce the impact of noise levels, provided that this does not compromise any other provision in the DCP. The following illustration gives examples of satisfactory treatments</p> <p><u>Hazardous materials and hazardous operation</u></p> <p>Certain industrial processes are identified as Designated Development under the Environmental Planning and Assessment Act 1979. It will be necessary to contact the NSW Department of Planning for their requirements for the preparation of an environmental impact statement.</p> <p>Hours of operation Development which would have an adverse impact on adjoining or nearby residential areas will be limited to 7 am to 6 pm Monday to Friday and 7 am to 12 pm on Saturday and no work to be undertaken on Sundays</p> <p><u>Contamination</u></p> <p>Any DA for land identified as potentially contaminated by prior land use activities and shown in Figure 8, must be supported by a phase 1 contamination assessment.</p>	<p>A tree is proposed in the car park area associated with the pub/motel. The landscaped bay after six car spaces is approximately 1m wide.</p> <p>External processes and storage unlikely to occur along road frontage.</p> <p>Council's environmental health officer requested an acoustic report, which was not submitted.</p> <p>The proposed use is unlikely to store any hazardous materials or have hazardous operations.</p> <p>The proposal seeks hours of operation between 7am and 1am, seven days a week. The acoustic assessment that was requested would have addressed whether late night operation would impact on residential properties opposite to the north. This report was not submitted.</p> <p>As assessed under the SEPP (Resilience and Hazards) 2021 section of the main report. Further information is required.</p>	<p>Does not comply</p> <p>Complies</p> <p>Insufficient information provided.</p> <p>Complies</p> <p>Insufficient information provided.</p> <p>Insufficient information provided.</p>
9. Amenity and Environmental Impact			

	<p><u>Letterboxes</u> Letterboxes shall be located along the front boundary and be clearly visible and accessible from the street. The street number of a site must be visible from the street and made of a reflective material to allow visitors and emergency vehicles to easily identify the site.</p> <p><u>Waste management</u> Owners are to provide their own waste management services. These facilities will vary depending on the needs of the site. Any waste management equipment must not be visible from the street. Waste bins must be provided in a designated area that is easily and safely accessible for workers.</p> <p><u>Frontage works and damage to Council infrastructure</u> Where a footpath, road shoulder or new or enlarged access driveway is required to be provided this shall be provided at no cost to Council. Council must be notified of any works that threaten Council assets. Council must give approval for any works involving Council infrastructure.</p> <p><u>Electricity Substation</u> In some cases it may be necessary to provide an electricity substation at the front of the development adjacent to the street frontage. This will involve dedication of the area as a public road to allow access by the electricity provider. The front boundary treatment used elsewhere on the street frontage shall be used at the side and rear of the area.</p> <p>Site planning for a Non Industrial uses shall give consideration to how minimise the impact of industrial uses on the site and how to ensure that a proposed use would not unduly impose restrictions on existing or future nearby industrial uses.</p>	<p>Approval subject to conditions outlining Australia Post requirements.</p> <p>Further information was requested regarding waste storage locations, collection details, etc., as discussed in part 1 of the DCP. This information was not submitted.</p> <p>Footpaths and street tree planting would be subject to conditions if required.</p> <p>A substation is indicatively located in the front setback area.</p> <p>It is unlikely that the provision of a pub, motel and bottle shop on the land would impact current and future industrial uses in the locality.</p>	<p>Complies by condition</p> <p>Insufficient information provided.</p> <p>Complies by conditions</p> <p>Complies</p> <p>Complies</p>
12. Non Industrial Developments			
10. Site Services			

**CECILPARK DA DEVELOPMENT- PS7
PUB, BOTTLE SHOP AND MOTEL**

1400-1480 ELIZABETH DRIVE, CECIL PARK, NSW, 2178

DA DRAWING LIST		
SHEET	NAME	REVISION
PS7-000	COVER PAGE- HOTEL	E
PS7-001	PERSPECTIVES	E
PS7-005	SITE CONCEPT PLAN	B
PS7-100	PS7 - SITE ANALYSIS PLAN	B
PS7-200	TENANCY 7A/7B GROUND FLOOR PLAN	B
PS7-300	TENANCY 7B FIRST FLOOR PLAN	B
PS7-350	TENANCY 7A/7B SECOND FLOOR PLAN	B
PS7-400	BUILDING SIGNAGE DETAILS	C
PS7-500	TENANCY 7A/7B ELEVATIONS SHEET 1	B
PS7-600	TENANCY 7A/7B ELEVATIONS SHEET 2	B
PS7-650	TENANCY 7A/7B SECTION	B
PS7-800	TENANCY 8E TO 8G ROOF PLAN	B
PS7-900	NOTIFICATION PLAN	B
Grand total: 13		



<p>Revisions</p> <table border="1"> <thead> <tr> <th>Issue</th> <th>Description</th> <th>Date</th> <th>Chk</th> <th>Int</th> </tr> </thead> <tbody> <tr> <td>E</td> <td>FOR DA</td> <td>07.06.2022</td> <td>MW</td> <td>MW</td> </tr> <tr> <td>C</td> <td>FOR DA</td> <td>13.06.2022</td> <td>MW</td> <td>MW</td> </tr> <tr> <td>B</td> <td>FOR PLANNING APPROVAL 2</td> <td>10.06.2022</td> <td>MW</td> <td>MW</td> </tr> <tr> <td>DA1</td> <td>FOR DA</td> <td>26.04.2022</td> <td>MW</td> <td>MW</td> </tr> <tr> <td>PS7</td> <td>FOR COORDINATION</td> <td>19.04.2022</td> <td>MW</td> <td>MW</td> </tr> </tbody> </table>				Issue	Description	Date	Chk	Int	E	FOR DA	07.06.2022	MW	MW	C	FOR DA	13.06.2022	MW	MW	B	FOR PLANNING APPROVAL 2	10.06.2022	MW	MW	DA1	FOR DA	26.04.2022	MW	MW	PS7	FOR COORDINATION	19.04.2022	MW	MW	<p>General Notes</p> <p>Do not scale this drawing. The drawing shows design intent only. All dimensions to be checked on site prior to construction or production. Construction details to be confirmed by contractor/manufacturer. This is a computer generated drawing. Do not amend by hand. Figure dimensions are to be used. Contact architect for clarification if dimensions are not clear. All dimensions are in millimeters. All discrepancies and omissions on site must be reported to the architect for their comments or approval prior to commencing work.</p>				<p>Drawing Notes</p>				<p>FOR DA NOT TO BE USED DURING CONSTRUCTION</p>				<p>Richmond+Ross CONSULTING ENGINEERS AND PROJECT LEADERS 38 Willoughby Road Crows Nest NSW 2065 TEL: (02) 9490 9600 FAX: (02) 9438 1224</p>				<p>Client KWC</p>				<p>Project CECIL PARK DEVELOPMENT</p>				<p>Scale @ A1</p>				<p>Project Number 210063</p>			
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<p>Location CECIL PARK 1400-1480 ELIZABETH DRIVE</p>																<p>Drawing Number PS7-000</p>				<p>Issue E</p>																																													



SOUTH-WEST PERSPECTIVE



NORTH-WEST PERSPECTIVE



NORTH PERSPECTIVE

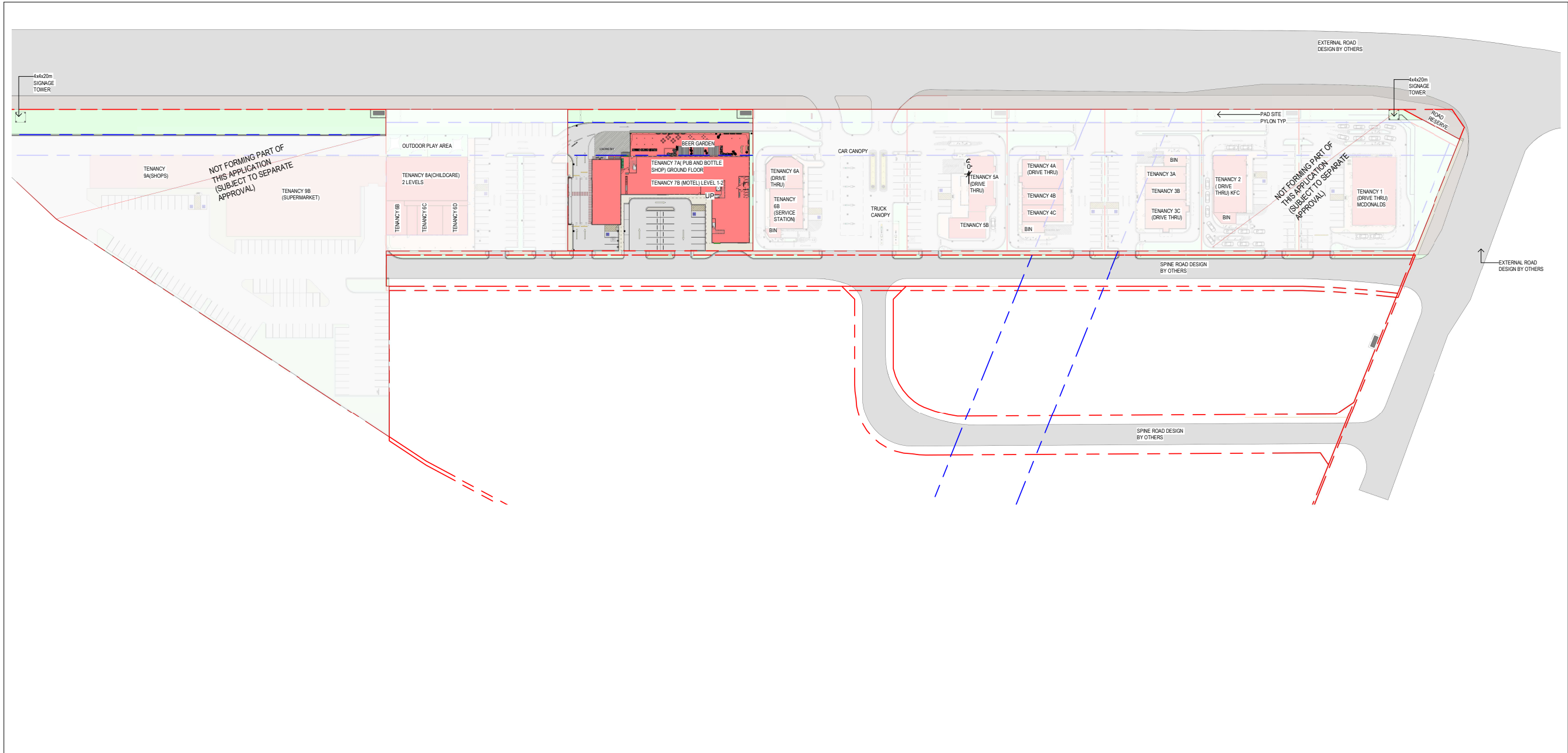


NORTH-EAST PERSPECTIVE

Revisions <table border="1"> <tr> <th>Issue</th> <th>Description</th> <th>Date</th> <th>Chk</th> <th>Int</th> </tr> <tr> <td>E</td> <td>FOR DA</td> <td>07.06.2022</td> <td>MW</td> <td>MW</td> </tr> <tr> <td>B</td> <td>FOR PLANNING APPROVAL 2</td> <td>10.06.2022</td> <td>MW</td> <td></td> </tr> <tr> <td>DA1</td> <td>FOR DA</td> <td>26.04.2022</td> <td>MW</td> <td></td> </tr> </table>		Issue	Description	Date	Chk	Int	E	FOR DA	07.06.2022	MW	MW	B	FOR PLANNING APPROVAL 2	10.06.2022	MW		DA1	FOR DA	26.04.2022	MW		General Notes Do not scale this drawing. The drawing shows design intent only. All dimensions to be checked on site prior to construction or production. Construction details to be confirmed by contractor/manufacturer. This is a computer generated drawing. Do not amend by hand. Figure dimensions are to be used. Contact architect for clarification if dimensions are not clear. All dimensions are in millimeters. All discrepancies and omissions on site must be reported to the architect for their comments or approval prior to commencing work.	Drawing Notes	FOR DA NOT TO BE USED DURING CONSTRUCTION	Richmond+Ross CONSULTING ENGINEERS AND PROJECT LEADERS 38 Willoughby Road Crows Nest NSW 2065 TEL: (02) 9490 9600 FAX: (02) 9438 1224 ABN 34 001 485 436	Client KWC	Project CECIL PARK DEVELOPMENT Location CECIL PARK 1400-1480 ELIZABETH DRIVE	Scale @ A1 Drawing PERSPECTIVES Drawing Number PS7-001	Project Number 210063 Issue E
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LOT NAME	Area
PS7	3960 m ²

PS7 GFA SCHEDULE		
GFA	NAME	ZONE
1262 m ²	TENANCY 7A - PUB AND BOTTLE SHOP	PS7
993 m ²	TENANCY 7B (HOTEL) 1ST FLOOR	PS7
993 m ²	TENANCY 7B (HOTEL) 2ND FLOOR	PS7
3248 m ²		

CAR PARKING PS7			
Type	Count		
5400x2600 (PS7)	7		
5400x2600 (PS7) + WHEELSTOP	12		
5900x2100-PARALLEL PARKING (PS7)	1		
6200x2100- PARALLEL PARKING (PS7)	2		
ACCESSIBLE SPOT WITH CHEVRON (PS7)	2		
Grand total: 24			
LANDSCAPE % PS7			
LOT NUMBER	LOT AREA	LANDSCAPE AREA	LANDSCAPE %
PS7	3960 m ²	439 m ²	11.1

FOR INFORMATION ONLY - NOT PART OF THE SUBMISSION

Revisions	General Notes	Drawing Notes															
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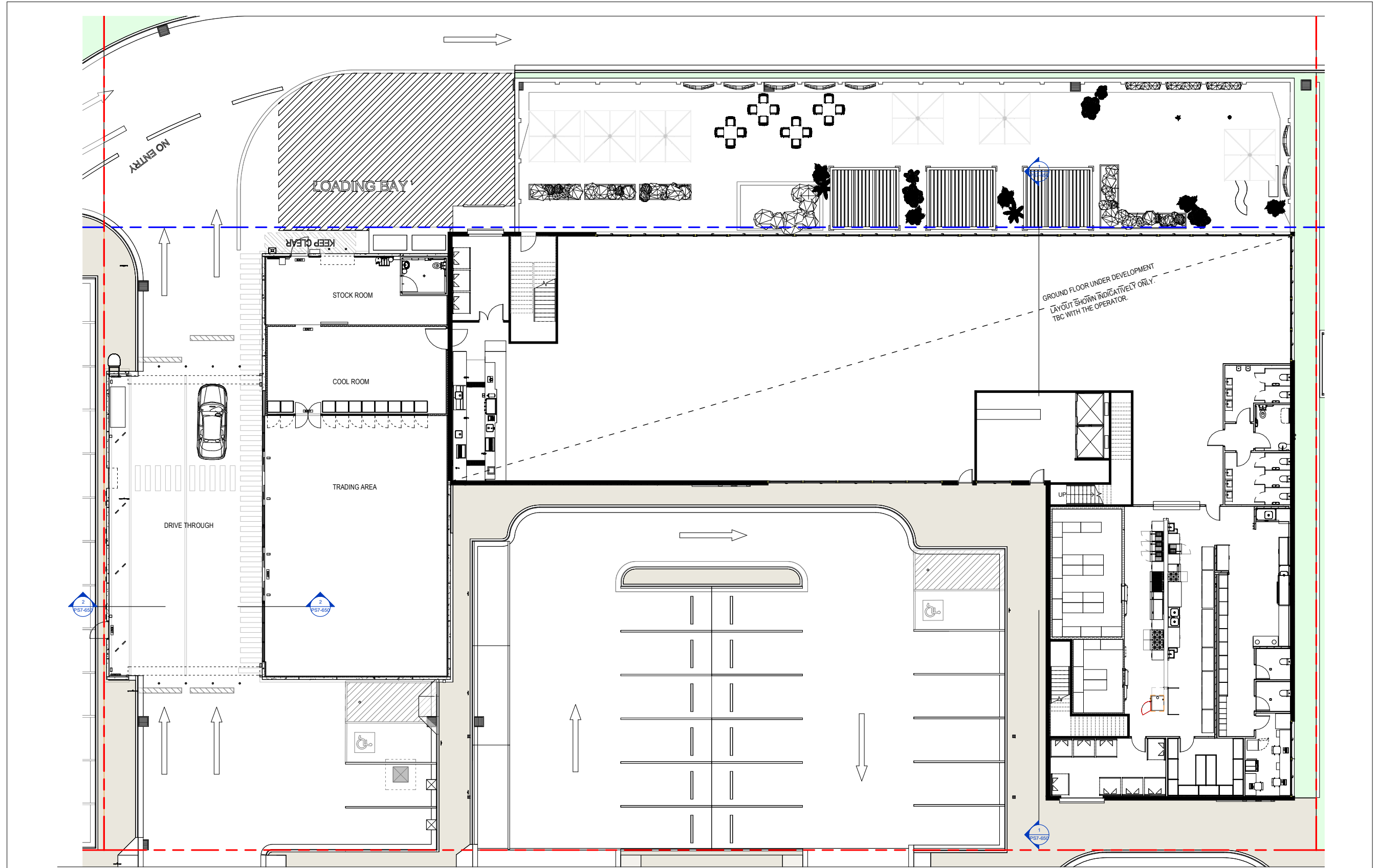
<p>FOR DA NOT TO BE USED DURING CONSTRUCTION</p>	
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ABN 34 001 485 436
Richmond+Ross
CONSULTING ENGINEERS AND PROJECT LEADERS
38 Willoughby Road Crows Nest NSW 2065
TEL: (02) 9490 9600 FAX: (02) 9438 1224

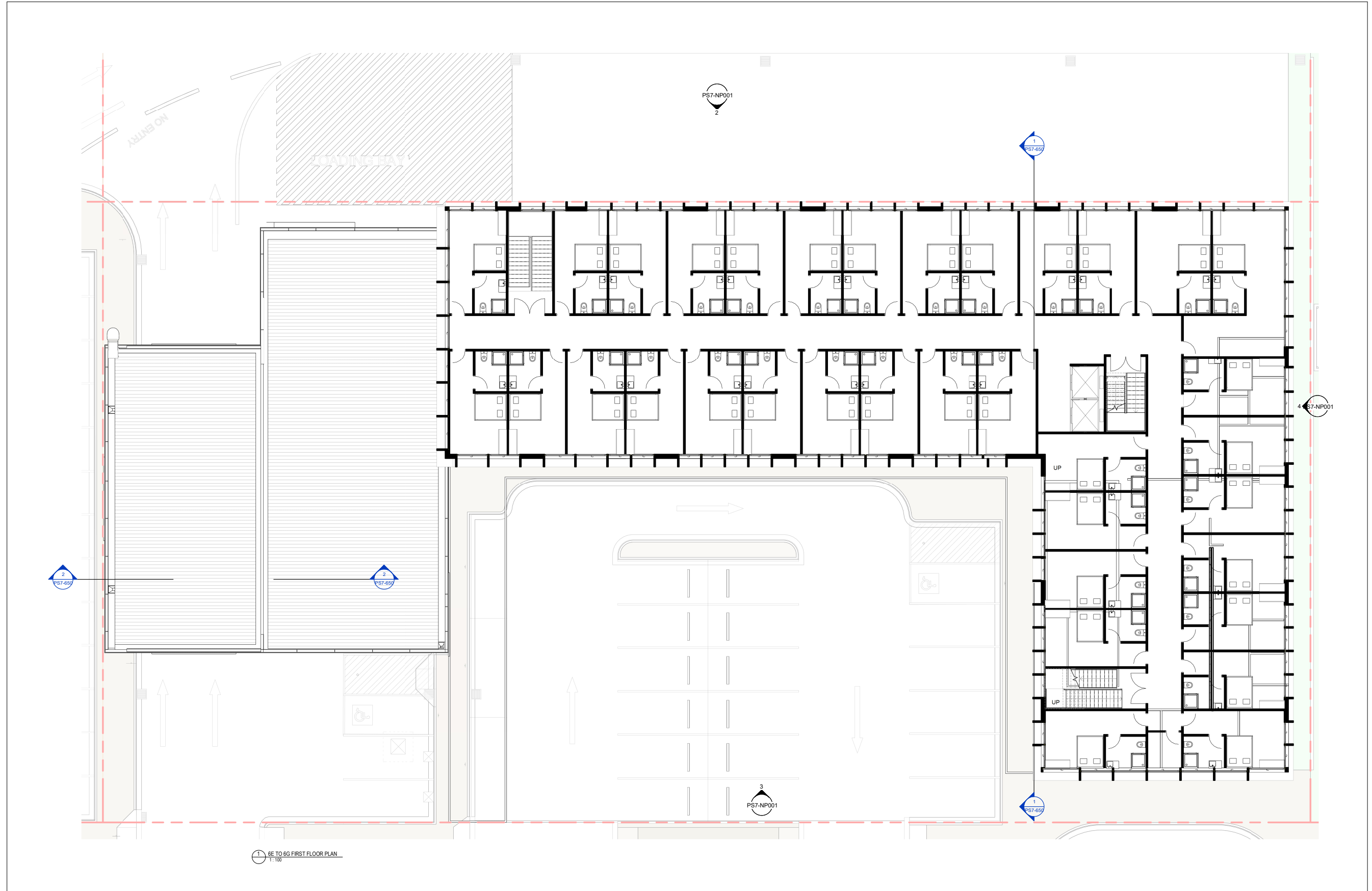
Client	KWC
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Project	CECIL PARK DEVELOPMENT
Location	CECIL PARK 1400-1480 ELIZABETH DRIVE

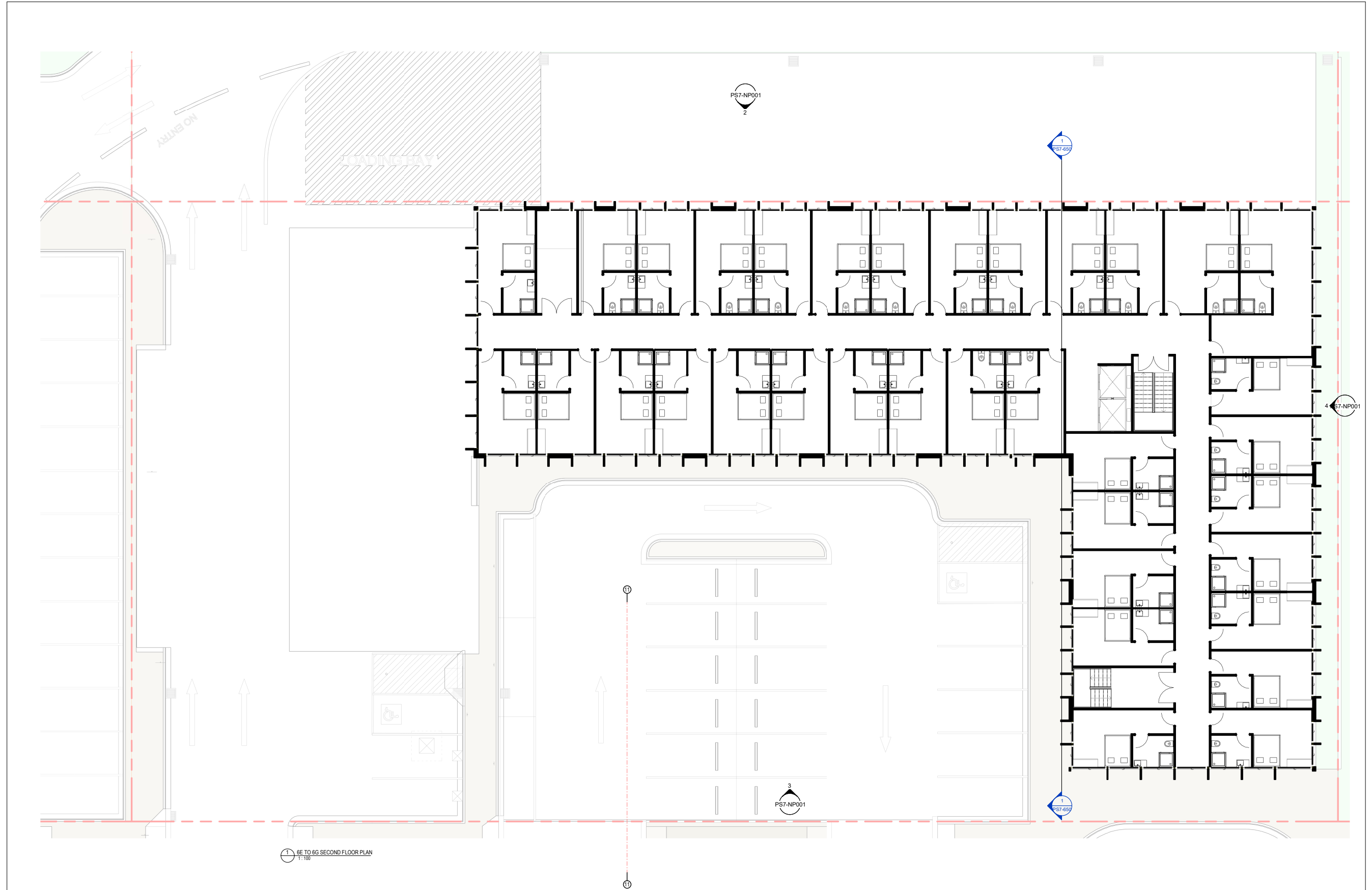
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Drawing	PS7 - SITE ANALYSIS PLAN		
Drawing Number	PS7-100	Issue	B



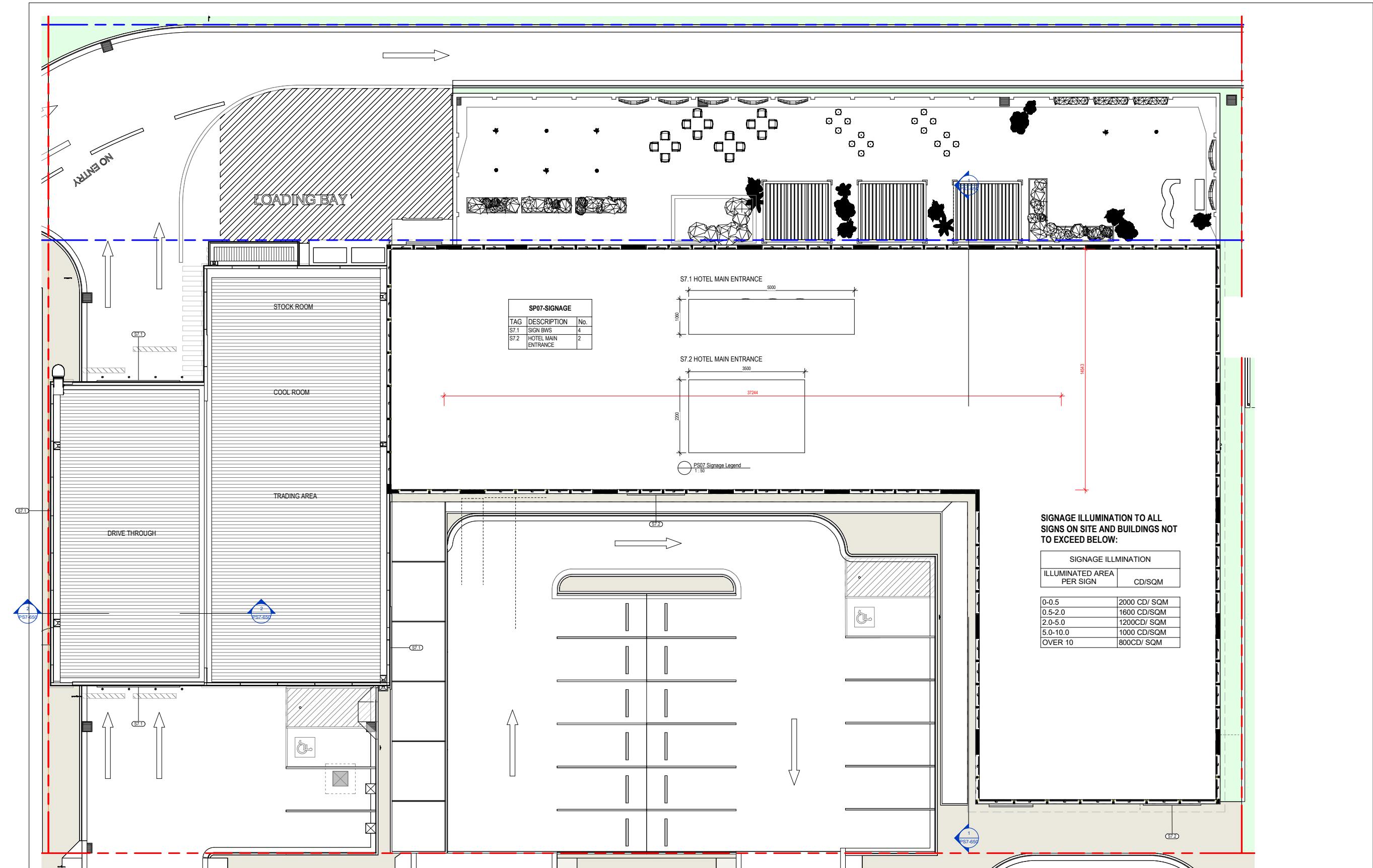
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Revisions B FOR PLANNING APPROVAL 2 DA1 FOR DA P19 FOR PLANNING P16 FOR APPROVAL Issue Description Date Ck Int		10.06.2022 MW 26.04.2022 MW 03.03.2022 MW MW 21.02.2022 MW MW	General Notes Do not scale this drawing. The drawing shows design intent only. All dimensions to be checked on site prior to construction or production. Construction details to be confirmed by contractor/manufacturer. This is a computer generated drawing. Do not amend by hand. Figure dimensions are to be used. Contact architect for clarification if dimensions are not clear. All dimensions are in millimeters. All discrepancies and omissions on site must be reported to the architect for their comments or approval prior to commencing work.	Drawing Notes	FOR DA NOT TO BE USED DURING CONSTRUCTION	ABN 34 001 485 436 Richmond+Ross CONSULTING ENGINEERS AND PROJECT LEADERS 38 Willoughby Road Crows Nest NSW 2065 TEL: (02) 9490 9600 FAX: (02) 9438 1224	Client KWC	Project CECIL PARK DEVELOPMENT Location CECIL PARK 1400-1480 ELIZABETH DRIVE	Scale 1 : 100 @ A1 Drawing TENANCY 7B FIRST FLOOR PLAN Drawing Number PS7-300 Issue B	Project Number 210063
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P16	FOR APPROVAL	21.02.2022	MW	MW																																						



SP07-SIGNAGE		
TAG	DESCRIPTION	No.
S7.1	SIGN BWS	4
S7.2	HOTEL MAIN ENTRANCE	2

SIGNAGE ILLUMINATION TO ALL SIGNS ON SITE AND BUILDINGS NOT TO EXCEED BELOW:

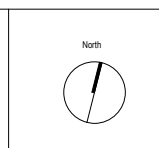
SIGNAGE ILLUMINATION	
ILLUMINATED AREA PER SIGN	CD/SQM
0-0.5	2000 CD/ SQM
0.5-2.0	1600 CD/SQM
2.0-5.0	1200CD/ SQM
5.0-10.0	1000 CD/SQM
OVER 10	800CD/ SQM

Issue	Description	Date	Clk	Int
C	FOR DA	13.06.2022	MW	MW
B	FOR PLANNING APPROVAL 2	10.06.2022	MW	
DA1	FOR DA	26.04.2022	MW	
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FOR DA
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Client
KWC

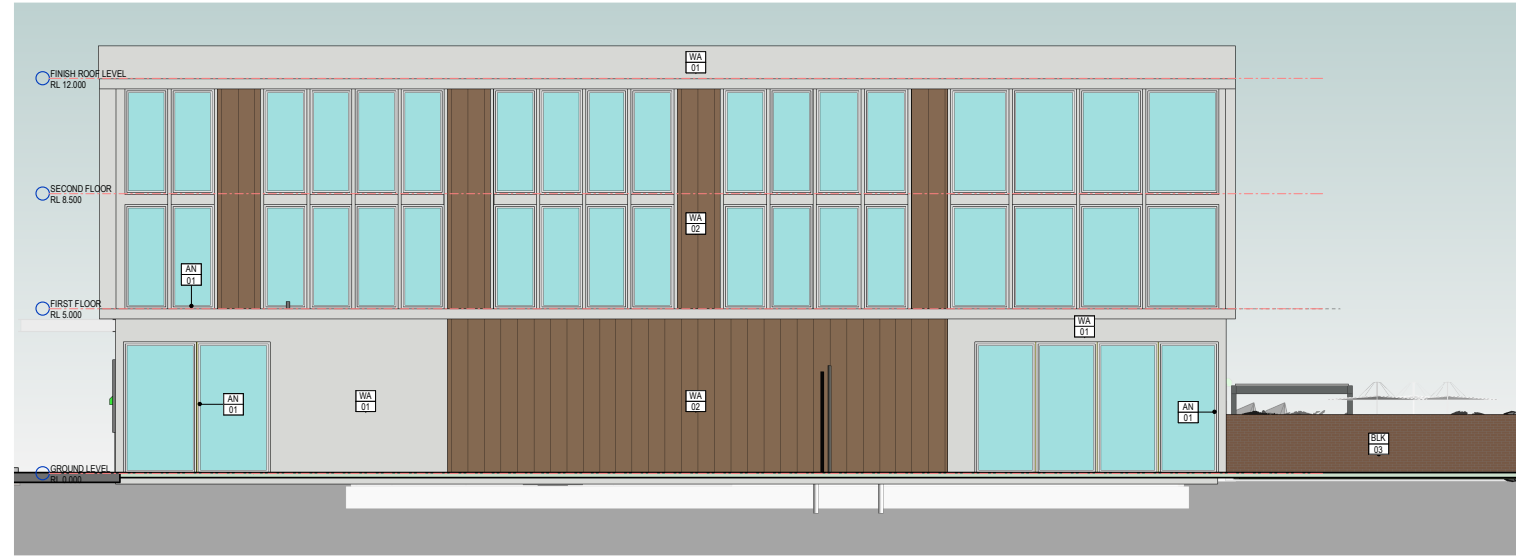
Project
CECIL PARK DEVELOPMENT
Location
**CECIL PARK
1400-1480 ELIZABETH DRIVE**

Scale
As indicated @ A1
Drawing
BUILDING SIGNAGE DETAILS
Drawing Number
PS7-400
Issue
C

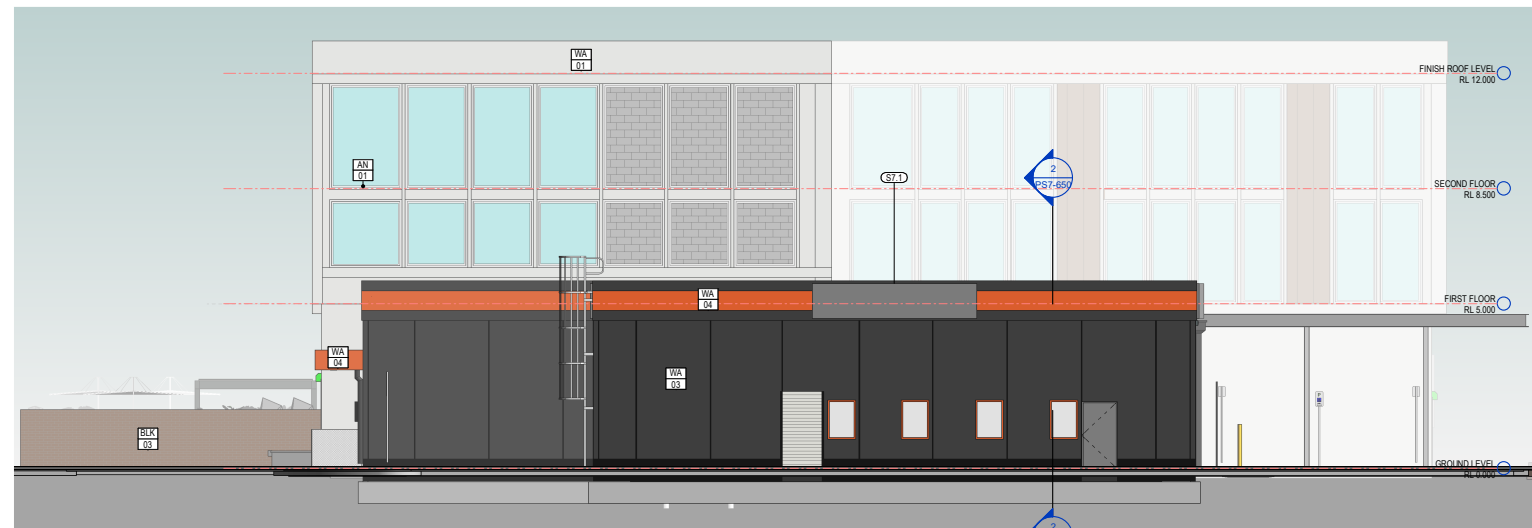
Project Number
210063



Revisions	General Notes	Drawing Notes	FOR DA NOT TO BE USED DURING CONSTRUCTION	Richmond+Ross CONSULTING ENGINEERS AND PROJECT LEADERS 38 Willoughby Road Crows Nest NSW 2065 TEL: (02) 9490 9600 FAX: (02) 9438 1224	Client KWC	Project CECIL PARK DEVELOPMENT Location CECIL PARK 1400-1480 ELIZABETH DRIVE	Scale 1:100 @ A1 Drawing TENANCY 7A,7B ELEVATIONS SHEET 1 Drawing Number PS7-500	Project Number 210063 Issue B
B DA1 P19 P16	FOR PLANNING APPROVAL 2 FOR DA FOR PLANNING FOR APPROVAL	10.06.2022 MW 26.04.2022 MW 03.03.2022 MW MW 21.02.2022 MW MW						
Issue	Description	Date	Chk	Int				



1 EAST ELEVATION
RSP-34 1:100



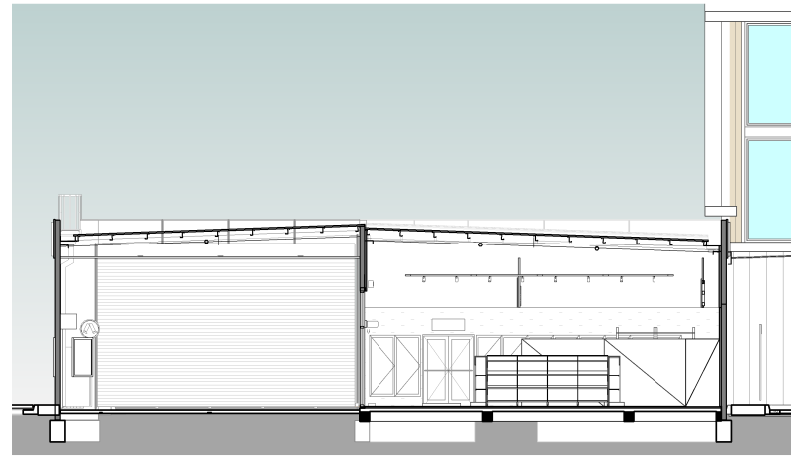
2 WEST ELEVATION
RSP-35 1:100

EXTERNAL FINISHES SCHEDULE FOR HOTEL&BWS						
CODE	No.	AREA	DESCRIPTION	MANUFACTURER	COLOUR	IMAGE
AN	01	ALUMINIUM WINDOWS	PREFABRICATED ALUMINIUM FRAMING	ALUPROF S.A.	RAL7021_BLACK GREY	
BLK	03	BEER GARDEN FENCING	RUNNING BRICK MODULAR	AUSTRAL BRICKS	COMMON BROWN	
FT	01	BEER GARDEN FLOOR	OUTDOOR FLOOR CONCRETE TILES	BEALMONT TILES	LIGHT GREY CONCRETE	
WA	01	HOTEL WALLS	PAINT FINISH	DULUX AUSTRALIA	VIVID WHITE PW10H	
WA	02	HOTEL WALLS	WOOD LIKE ALUMINIUM PANELS	KNOTWOOD	JAPANESE CYPRESS	
WA	03	BWS WALLS	PAINT FINISH	BWS FINISHES	CHARCOAL GREY	
WA	05	BWS WALLS	PAINT FINISH REFER SPECIFICATION FOR DETAILS ON PAINT TYPE & APPLICATION	BWS FINISHES	BRIGHT ORANGE	

Revisions B FOR PLANNING APPROVAL 2 10.06.2022 MW DA1 FOR DA 26.04.2022 MW P19 FOR PLANNING 03.03.2022 MW MW P16 FOR APPROVAL 21.02.2022 MW MW		General Notes Do not scale this drawing. The drawing shows design intent only. All dimensions to be checked on site prior to construction or production. Construction details to be confirmed by contractor/manufacturer. This is a computer generated drawing. Do not amend by hand. Figure dimensions are to be used. Contact architect for clarification if dimensions are not clear. All dimensions are in millimeters. All discrepancies and omissions on site must be reported to the architect for their comments or approval prior to commencing work.		Drawing Notes		FOR DA NOT TO BE USED DURING CONSTRUCTION		Richmond+Ross CONSULTING ENGINEERS AND PROJECT LEADERS 38 Willoughby Road Crows Nest NSW 2065 TEL: (02) 9490 9600 FAX: (02) 9438 1224		Client KWC		Project CECIL PARK DEVELOPMENT		Scale 1 : 100 @ A1		Project Number 210063	
										Location CECIL PARK 1400-1480 ELIZABETH DRIVE		Drawing Number PS7-600		Issue B			
Drawing TENANCY 7A,7B ELEVATIONS SHEET 2																	

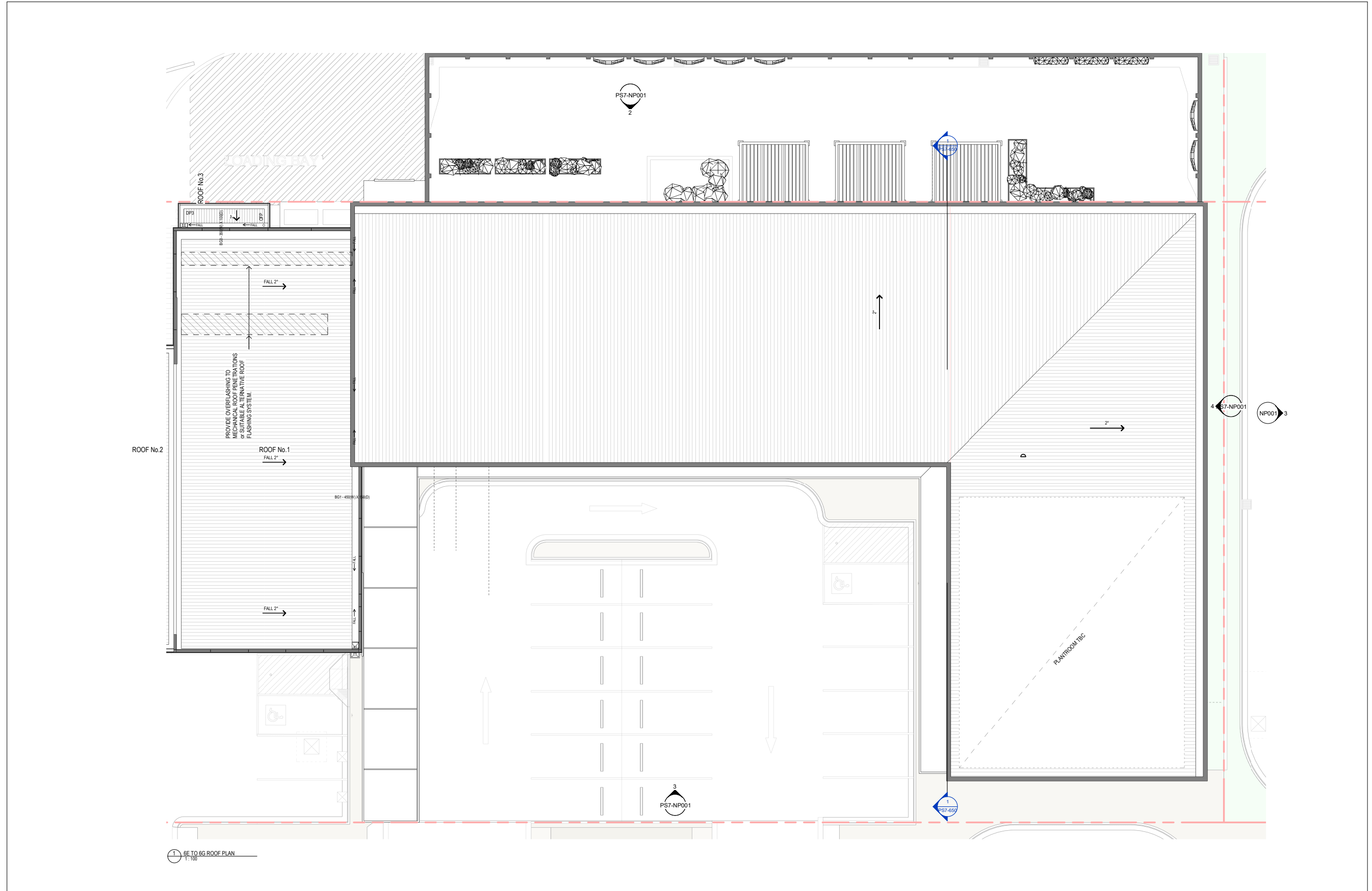


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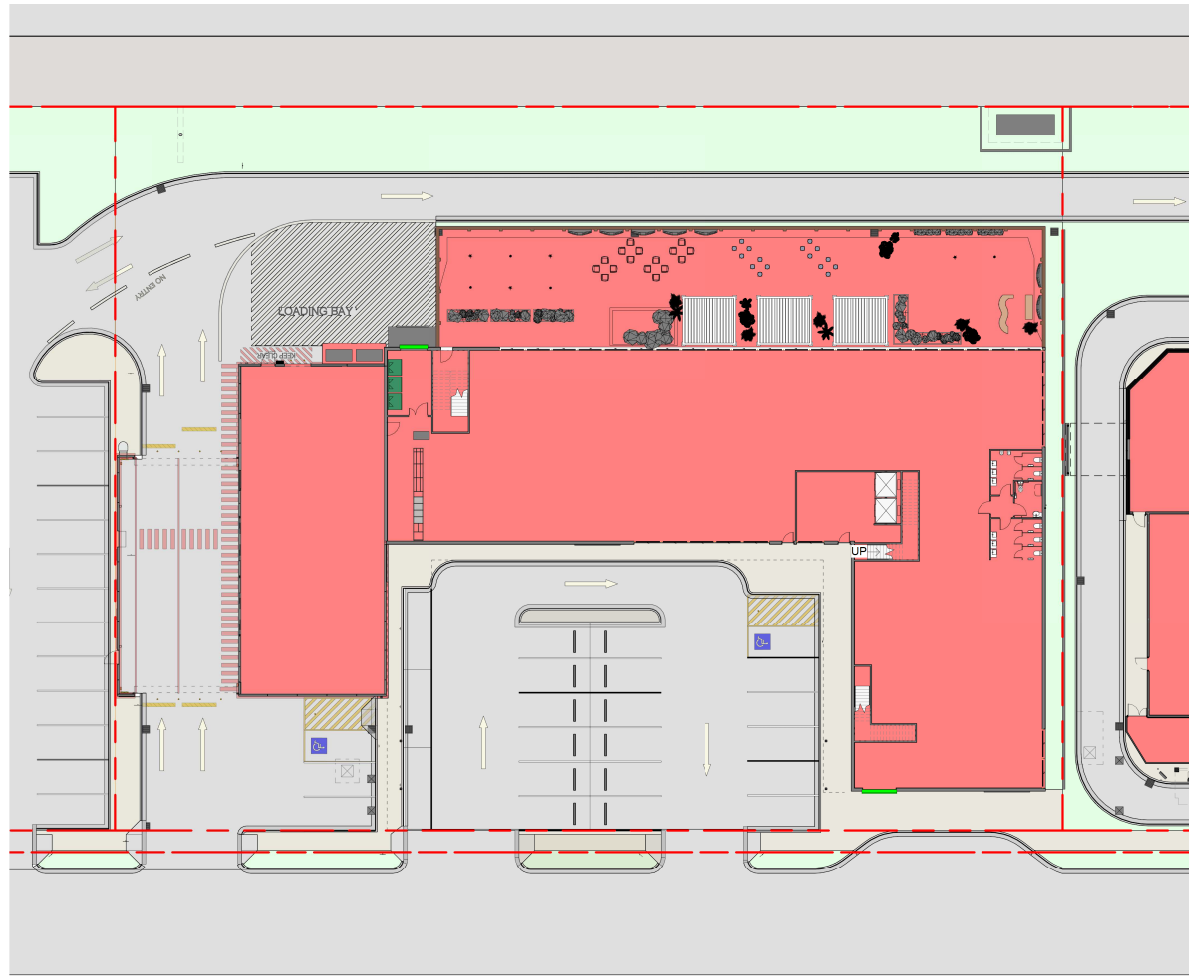


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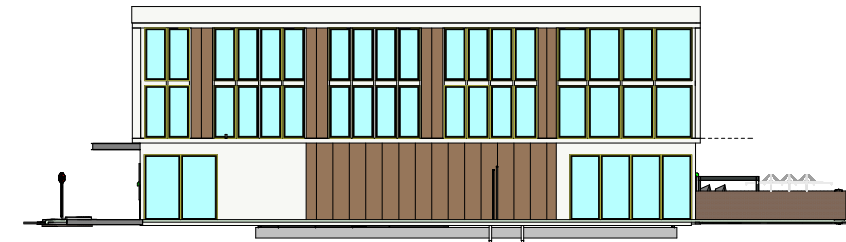
Revisions <table border="1"> <thead> <tr> <th>Issue</th> <th>Description</th> <th>Date</th> <th>Chk</th> <th>Int</th> </tr> </thead> <tbody> <tr> <td>B</td> <td>FOR PLANNING APPROVAL 2</td> <td>10.06.2022</td> <td>MW</td> <td></td> </tr> <tr> <td>DA1</td> <td>FOR DA</td> <td>26.04.2022</td> <td>MW</td> <td></td> </tr> <tr> <td>P16</td> <td>FOR APPROVAL</td> <td>21.02.2022</td> <td>MW</td> <td>MW</td> </tr> </tbody> </table>		Issue	Description	Date	Chk	Int	B	FOR PLANNING APPROVAL 2	10.06.2022	MW		DA1	FOR DA	26.04.2022	MW		P16	FOR APPROVAL	21.02.2022	MW	MW	General Notes Do not scale this drawing. The drawing shows design intent only. All dimensions to be checked on site prior to construction or production. Construction details to be confirmed by contractor/manufacturer. This is a computer generated drawing. Do not amend by hand. Figure dimensions are to be used. Contact architect for clarification if dimensions are not clear. All dimensions are in millimeters. All discrepancies and omissions on site must be reported to the architect for their comments or approval prior to commencing work.	Drawing Notes	FOR DA NOT TO BE USED DURING CONSTRUCTION	ABN 34 001 485 436 Richmond+Ross CONSULTING ENGINEERS AND PROJECT LEADERS 38 Willoughby Road Crows Nest NSW 2065 TEL: (02) 9490 9600 FAX: (02) 9438 1224	Client KWC	Project CECIL PARK DEVELOPMENT Location CECIL PARK 1400-1480 ELIZABETH DRIVE	Scale 1 : 100 @ A1 Drawing TENANCY 7A,7B SECTION Drawing Number PS7-650 Issue B	Project Number 210063
Issue	Description	Date	Chk	Int																									
B	FOR PLANNING APPROVAL 2	10.06.2022	MW																										
DA1	FOR DA	26.04.2022	MW																										
P16	FOR APPROVAL	21.02.2022	MW	MW																									



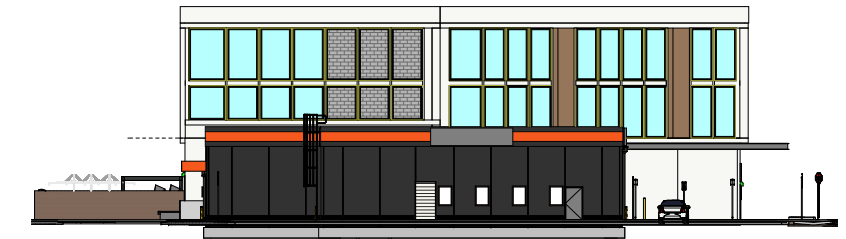
Revisions B FOR PLANNING APPROVAL 2 DA1 FOR DA		10.06.2022 MW 26.04.2022 MW	Date Ck Int	General Notes Do not scale this drawing. The drawing shows design intent only. All dimensions to be checked on site prior to construction or production. Construction details to be confirmed by contractor/manufacturer. This is a computer generated drawing. Do not amend by hand. Figure dimensions are to be used. Contact architect for clarification if dimensions are not clear. All dimensions are in millimeters. All discrepancies and omissions on site must be reported to the architect for their comments or approval prior to commencing work.	Drawing Notes	FOR DA NOT TO BE USED DURING CONSTRUCTION	North 	Richmond+Ross CONSULTING ENGINEERS AND PROJECT LEADERS 38 Willoughby Road Crows Nest NSW 2065 TEL: (02) 9490 9600 FAX: (02) 9438 1224	ABN 34 001 485 436 Client KWC	Project CECIL PARK DEVELOPMENT Location CECIL PARK 1400-1480 ELIZABETH DRIVE	Scale 1 : 100 @ A1 Drawing TENANCY 8E TO 8G ROOF PLAN Drawing Number PS7-800 Issue B	Project Number 210063
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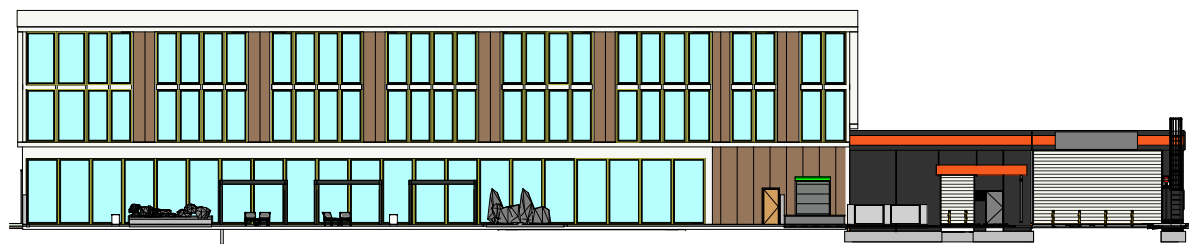
1 NOTIFICATION PLAN
1:200



4 EAST ELEVATION
1:200



5 WEST ELEVATION
1:200



2 NORTH ELEVATION
1:200



3 SOUTH ELEVATION
1:200

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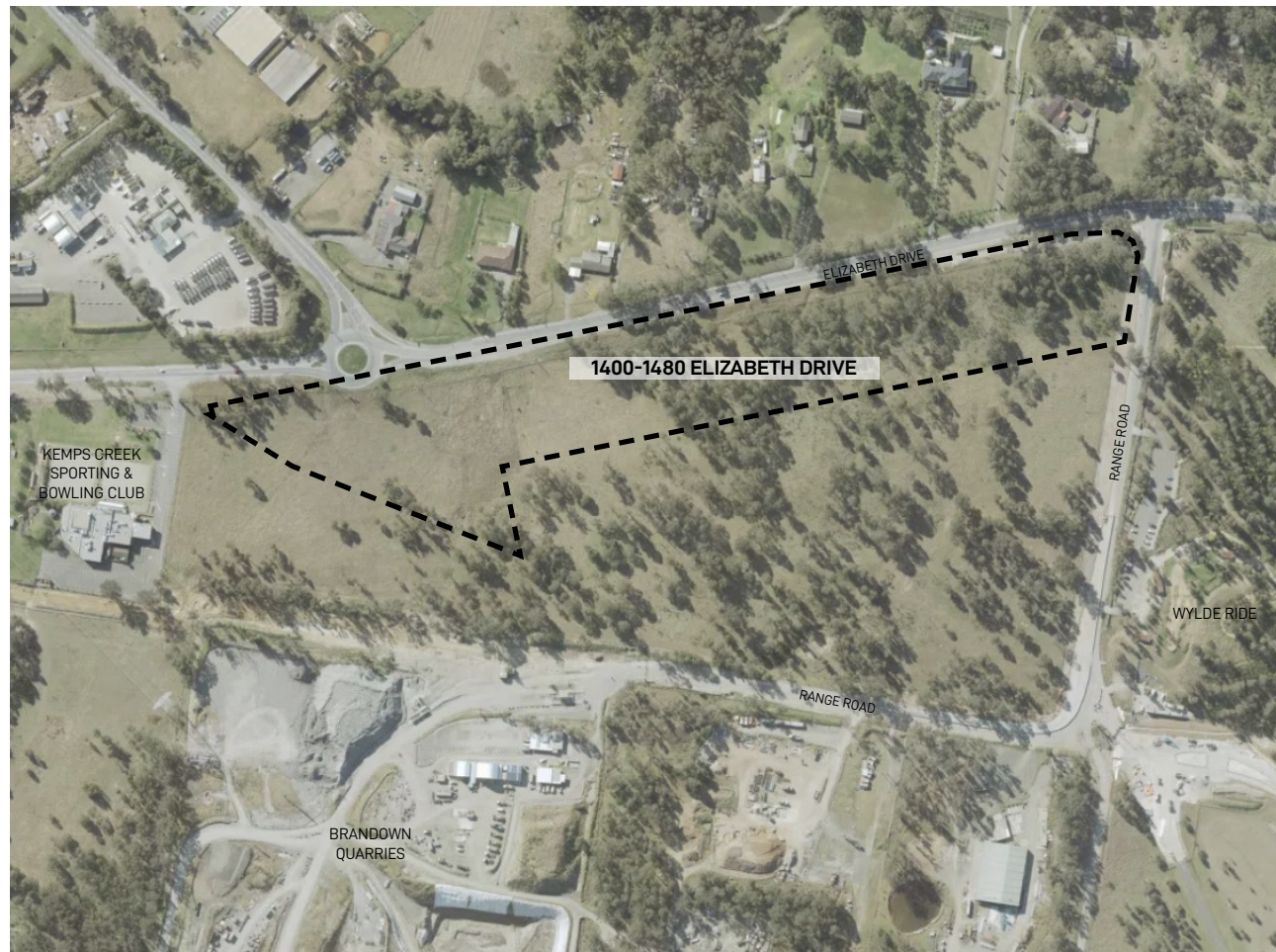
1400-1480 ELIZABETH DRIVE

CECIL PARK NSW 2178

LANDSCAPE DOCUMENTATION - DA

PREPARED BY: GROUND INK LANDSCAPE ARCHITECTS

EXISTING SITE PLAN



DOCUMENT REGISTER

DRAWING NUMBER	DRAWING NAME	SCALE / DRAWING SIZE
LDA-00	LANDSCAPE COVER SHEET	N/A
LDA-01	PLANT PALETTE	N/A
LDA-02	LANDSCAPE MASTERPLAN	N/A
LDA-03	LANDSCAPE PLAN 1	1:200 / A1
LDA-04	LANDSCAPE PLAN 2	1:200 / A1
LDA-05	LANDSCAPE PLAN 3	1:200 / A1
LDA-06	LANDSCAPE DETAILS	1:20 / A1

GROUND INK

LANDSCAPE ARCHITECTS

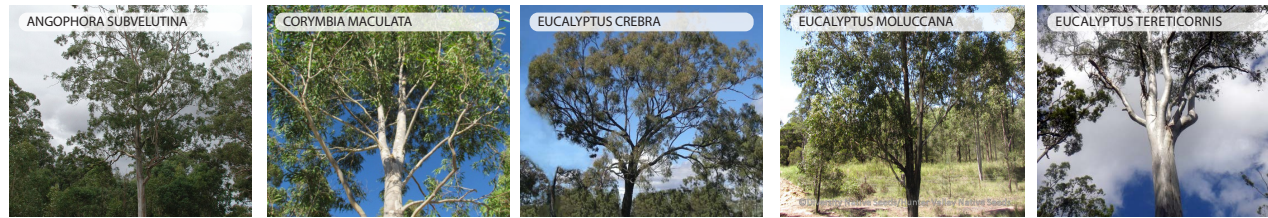
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LANDSCAPE COVER SHEET

LDA-00

LANDSCAPE DOCUMENTATION DA | 1400-1480 ELIZABETH DRIVE, CECIL PARK

PROPOSED PLANT PALETTE
TALL TREES (15 METRES AND ABOVE)



MEDIUM TREES (UP TO 15 METRES TALL)



SHRUBS

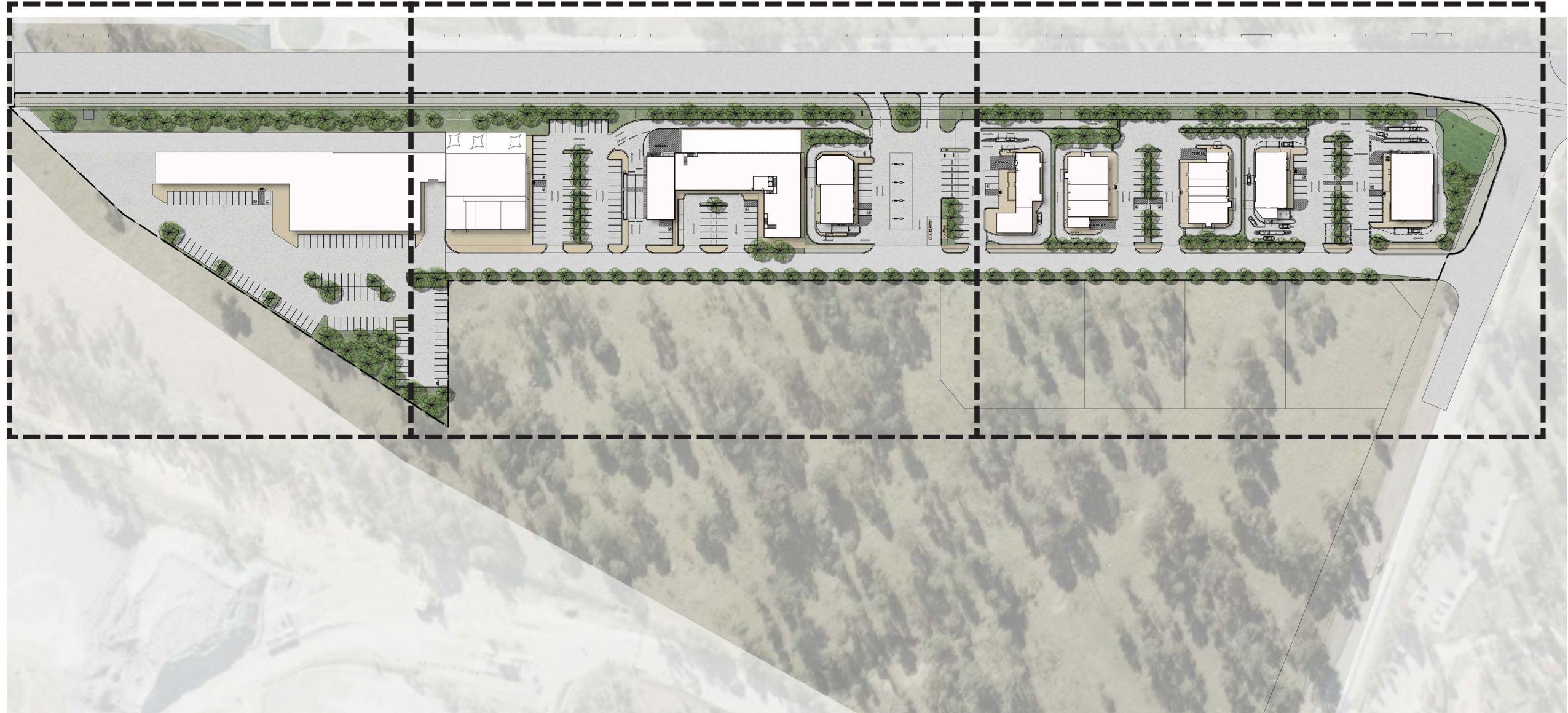


GRASSES AND GROUNDCOVERS



PROPOSED PLANT SCHEDULE

CODE	BOTANICAL NAME (COMMON NAME)	NATIVE	STAKE	EXPECTED MATURE HEIGHT	EXPECTED CANOPY SPREAD	INSTALLATION SIZE	QUANTITY
TALL TREES (15 METRES AND ABOVE)							
ANG SUB	ANGOPHORA SUBVELUTINA (BROAD LEAVED APPLE)	✓	YES	UP TO 25M	8-15M	200L	3
COR MAC	CORYMBIA MACULATA (SPOTTED GUM)	✓	YES	UP TO 25M	10-15M	400L	7
EUC CRE	EUCALYPTUS CREBRA (NARROW-LEAVED IRONBARK)	✓	YES	UP TO 35M	10-15M	200L	2
EUC MOL	EUCALYPTUS MOLUCCANA (GREY BOX)	✓	YES	UP TO 30M	8M	400L	8
EUC TER	EUCALYPTUS TERETICORNIS (FOREST RED GUM)	✓	YES	UP TO 35M	12M	200L	6
MEDIUM TREES (UP TO 15 METRES TALL)							
ACA PAR	ACACIA PARRAMATTENSIS (PARRAMATTA WATTLE)	✓	YES	UP TO 5M	3M	100L	10
ACA IMP	ACACIA IMPLEXA (LIGHTWOOD)	✓	YES	UP TO 15M	5-10M	100L	6
BAC CIT	BACKHOUSIA CITRIODORA	✓	YES	3-20M	1-5M	400L	32
COR EXI	CORYMBIA EXIMIA NANA (YELLOW BLOODWOOD)	✓	YES	6-8M	4-8M	400L	78
MEL DEC	MELALEUCA DECORA (PAPERBARK)	✓	YES	UP TO 10M	4M	400L	7
SHRUBS							
ACA FAL	ACACIA FALCATA (SICKLE WATTLE)	✓	-	2-5M	2.5M	200MM	
BUR SPI	BURSARIA SPINOSA (SWEET BURSARIA)	✓	-	1M	1.5M	200MM	
GRE ROB	GREVILLEA 'ROBYN GORDON'	✓	-	1M	0.8M	200MM	
WES FRU	WESTRINGIA 'AUSSIE BOX'	✓	-	1M	1M	200MM	
GRASSES AND GROUNDCOVERS							
ANI BUS	ANIGOZANTHOS 'BUSH RANGER'	✓	-	0.6M	0.5M	150MM	
DIC REP	DICHONDRA REPENS (KIDNEY WEED)	✓	-	0.1-0.3M	1-5M	150MM	
DIA CAE	DIANELLA CAERULEA (BLUE FLAX LILY)			0.8M	0.8M	150MM	
LOB PUR	LOBELIA PURPURASCENS (WHITE ROOT)	✓	-	0.2M	1M	150MM	
LOM SAV	LOMANDRA 'SAVANNA BLUE'	✓	-	0.4M	0.4M	150MM	
LOM MUL	LOMANDRA MULTIFLORA (MANY-FLOWERED MAT-RUSH)	✓	-	0.4M	0.5-1M	150MM	



LEGEND

- - SITE BOUNDARY

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LANDSCAPE MASTERPLAN

LDA-02

LANDSCAPE DOCUMENTATION DA | 1400-1480 ELIZABETH DRIVE, CECIL PARK

TALL TREES

- ANGOPHORA SUBVELUTINA
- CORYMBIA MACULATA
- EUCALYPTUS CREBRA
- EUCALYPTUS MOLUCCANA
- EUCALYPTUS TERETICORNIS

SMALL TREES

- ACACIA PARRAMATTENSIS
- ACACIA IMPLEXA
- BACKHOUSIA CITRIODORA
- CORYMBIA EXIMIA NANA
- MELALEUCA DECORA

SHRUBS

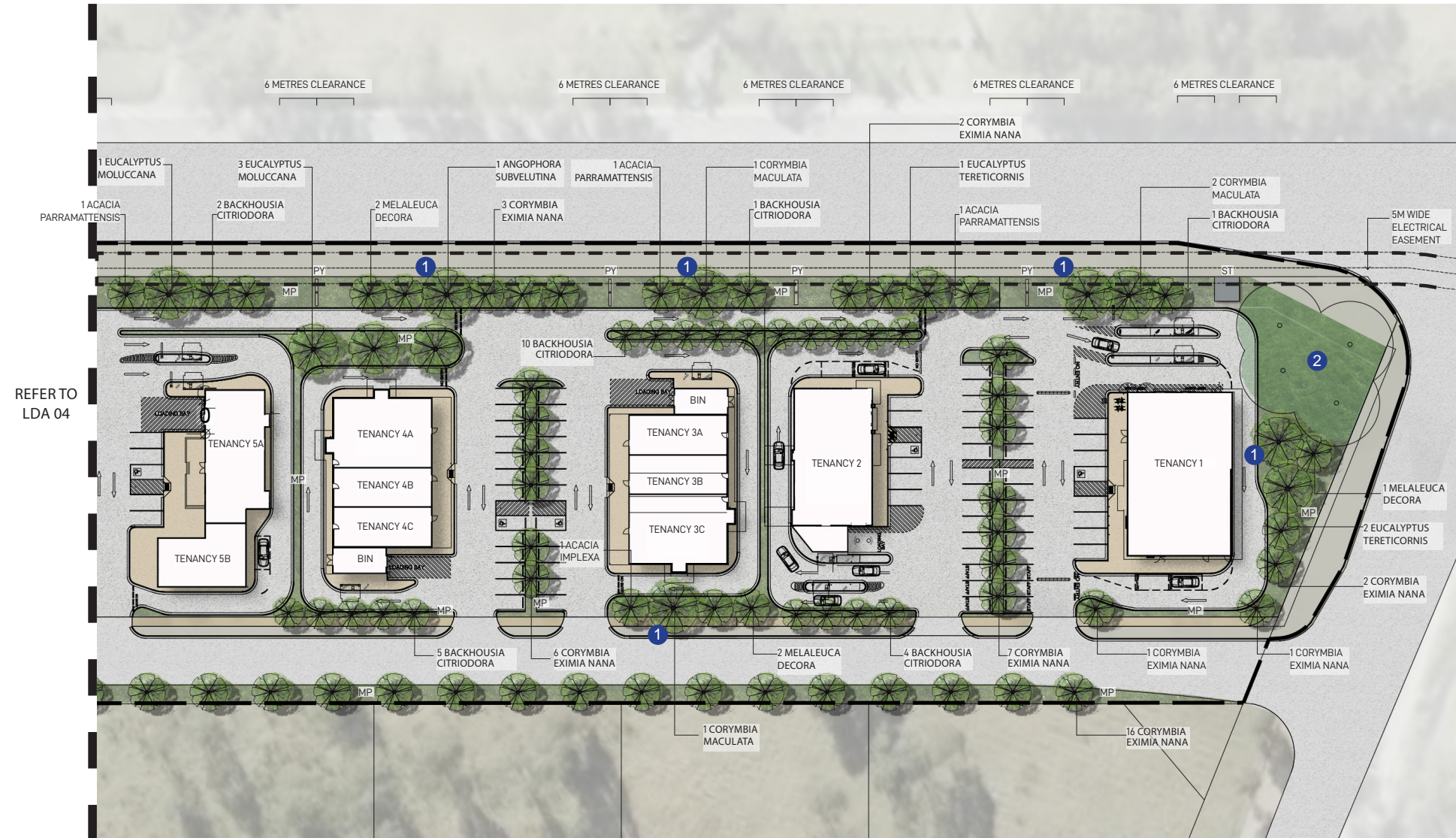
- ACACIA FALCATA
- BURSARIA SPINOSA
- GREVILLEA 'ROBYN GORDON'
- WESTRINGIA 'AUSSIE BOX'

GRASSES AND GROUNDCOVERS

- ANIGOZANTHOS 'BUSH RANGER'
- DICHONDRA REPENS
- DIANELLA CAERULEA
- LOBELIA PURPURASCENS
- LOMANDRA 'SAVANNAH BLUE'
- LOMANDRA MULTIFLORA

LEGEND

- SITE BOUNDARY
- FFL+ FINISHED FLOOR LEVEL
- RL+ PROPOSED SPOT LEVEL
- EX+ EXISTING SPOT LEVEL
- PY PAD SITE PYLON TYP.
- ST 4X4X20M SIGNAGE TOWER
- 1 LARGE EUCALYPTUS AND CORYMBIA TEES FOR SHADE AND BUFFER BETWEEN CAR PARK AND ELIZABETH DRIVE
- 2 EXISTING TREES TO BE RETAINED AND PROTECTED WHERE POSSIBLE, SUBJECT TO ARBORIST ADVICE
- MP MASS PLANTING MIX WITH ANIGOZANTHOS 'BUSH RANGER', DICHONDRA REPENS, DIANELLA CAERULEA, LOBELIA PURPURASCENS, LOMANDRA 'SAVANNAH BLUE', LOMANDRA MULTIFLORA, ACACIA FALCATA, BURSARIA SPINOSA, GREVILLEA 'ROBYN GORDON' AND WESTRINGIA 'AUSSIE BOX'
- CONCRETE ROAD SURFACE TO ARCHITECT'S DETAIL



*** NOTES**

- ALL TREES WITHIN CAR PARK TO BE CROWN LIFTED BY CONTRACTOR TO ENSURE SITE LINES FOR PEDESTRIANS AND DRIVERS ARE PRESERVED
- TREES TO BE PLANTED MINIMUM 6 METRES AWAY FROM PYLONS AND SIGNAGE TOWERS AS INDICATED ON PLANS

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NORTH

1:200 / A1

0 5 10 15M

LANDSCAPE PLAN 1

LDA-03

LANDSCAPE DOCUMENTATION DA | 1400-1480 ELIZABETH DRIVE, CECIL PARK

TALL TREES

- ANGOPHORA SUBVELUTINA
- CORYMBIA MACULATA
- EUCALYPTUS CREBRA
- EUCALYPTUS MOLUCCANA
- EUCALYPTUS TERETICORNIS

SMALL TREES

- ACACIA PARRAMATTENSIS
- ACACIA IMPLEXA
- BACKHOUSIA CITRIODORA
- CORYMBIA EXIMIA NANA
- MELALEUCA DECORA

SHRUBS

- ACACIA FALCATA
- BURSARIA SPINOSA
- GREVILLEA 'ROBYN GORDON'
- WESTRINGIA 'AUSSIE BOX'

GRASSES AND GROUNDCOVERS

- ANIGOZANTHOS 'BUSH RANGER'
- DICHONDRA REPENS
- DIANELLA CAERULEA
- LOBELIA PURPURASCENS
- LOMANDRA 'SAVANNAH BLUE'
- LOMANDRA MULTIFLORA

LEGEND

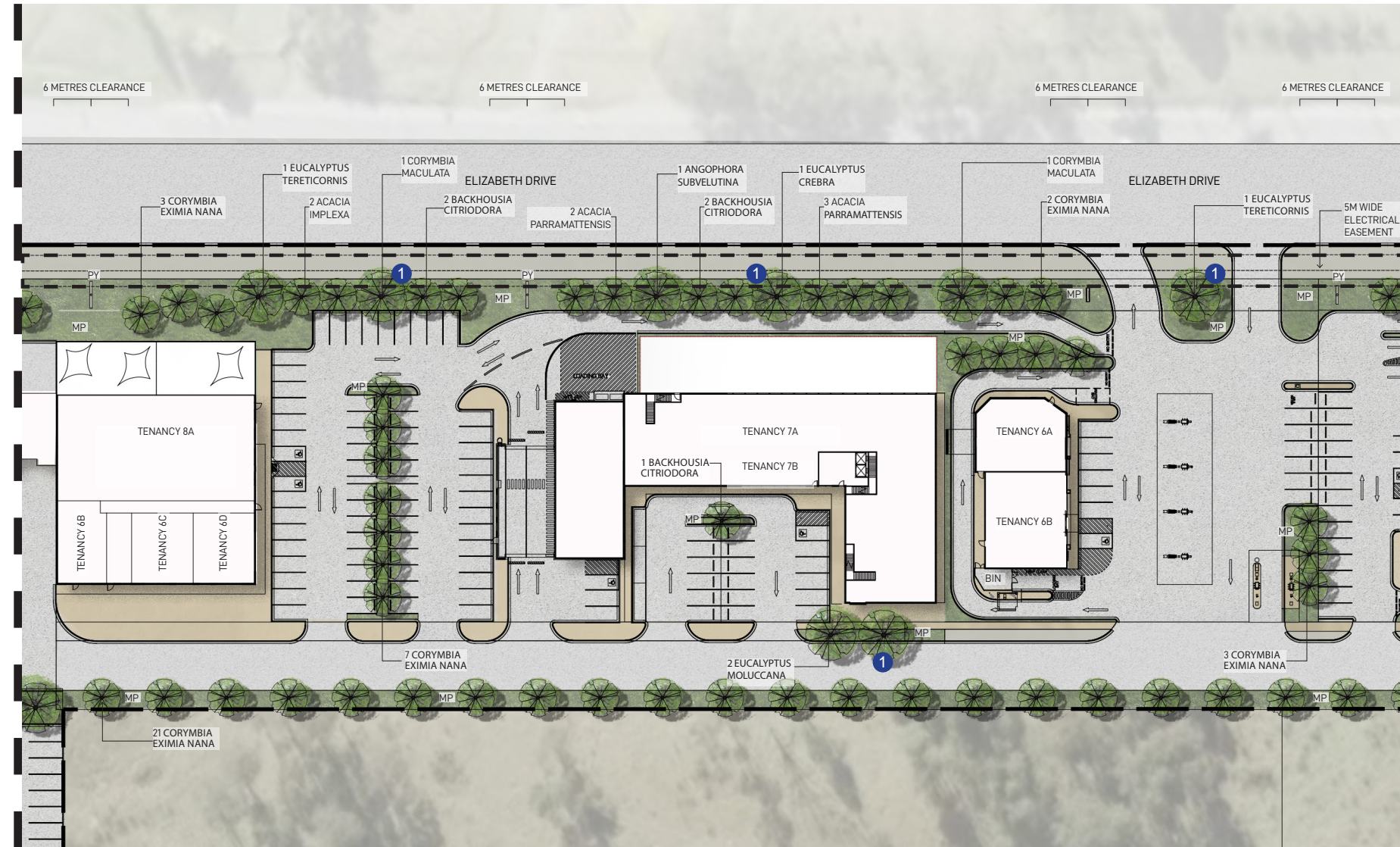
- - - SITE BOUNDARY
- FFL+ FINISHED FLOOR LEVEL
- RL+ PROPOSED SPOT LEVEL
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TREES TO BE PLANTED MINIMUM 6 METRES AWAY FROM PYLONS AND SIGNAGE TOWERS AS INDICATED ON PLANS

REFER TO
LDA 05



REFER TO
LDA 03

TALL TREES

- ANGOPHORA SUBVELUTINA
- CORYMBIA MACULATA
- EUCALYPTUS CREBRA
- EUCALYPTUS MOLUCCANA
- EUCALYPTUS TERETICORNIS

SMALL TREES

- ACACIA PARRAMATTENSIS
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- BACKHOUSIA CITRIODORA
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SHRUBS

- ACACIA FALCATA
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GRASSES AND GROUNDCOVERS

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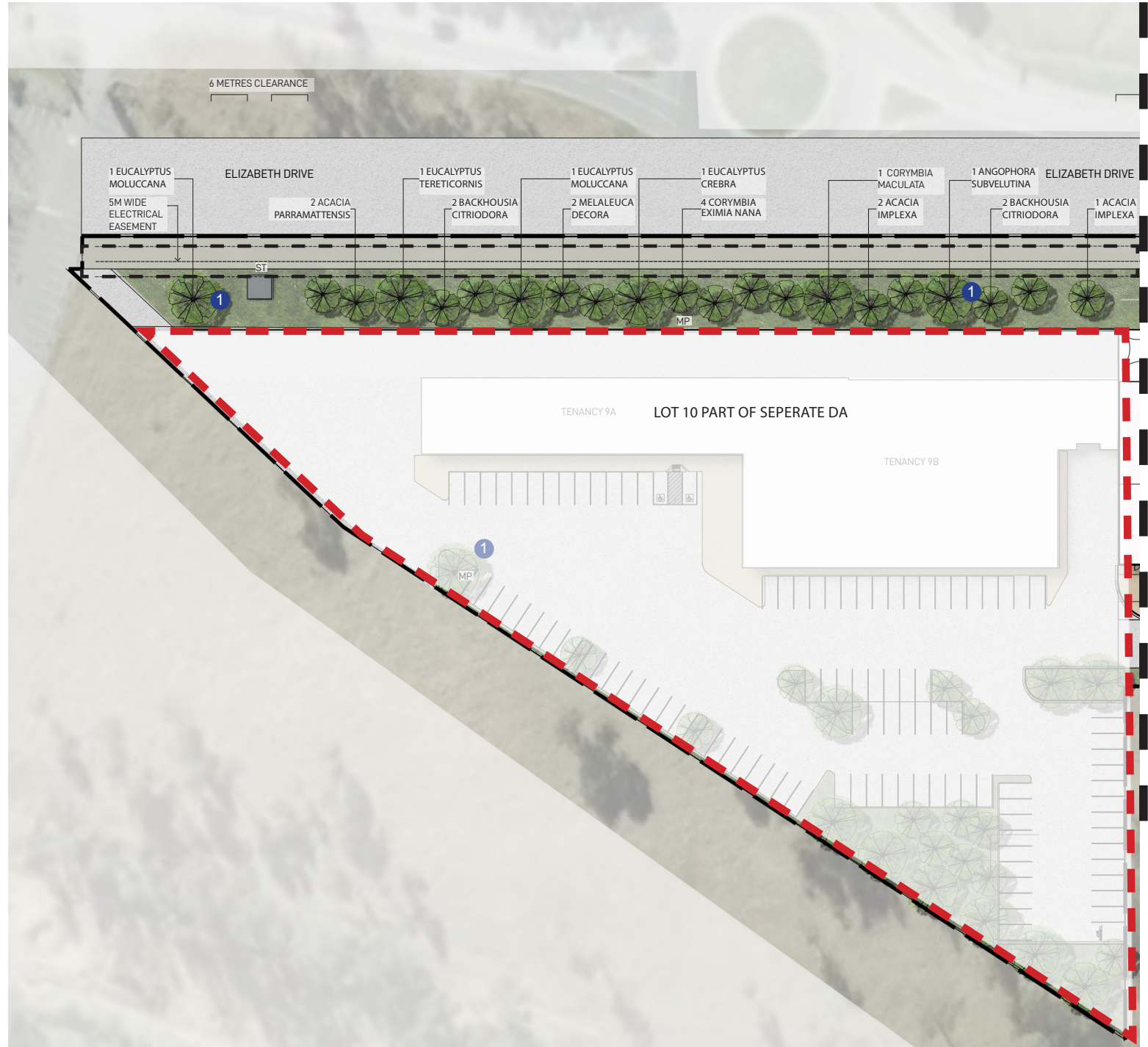
LEGEND

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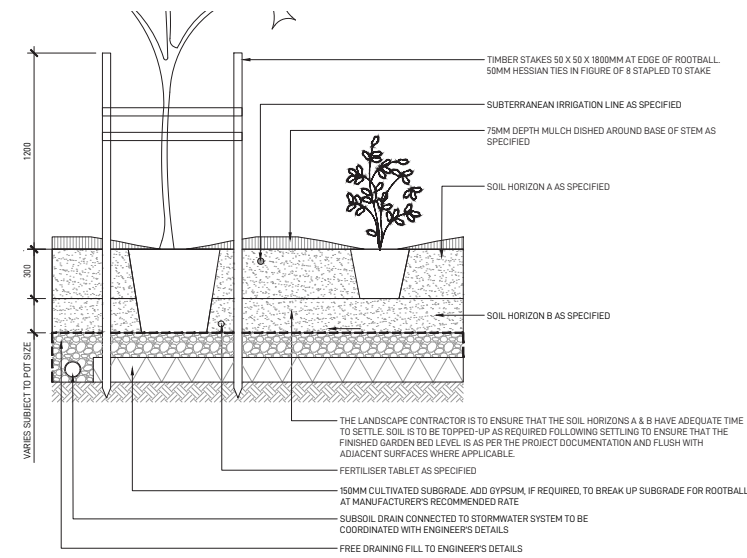
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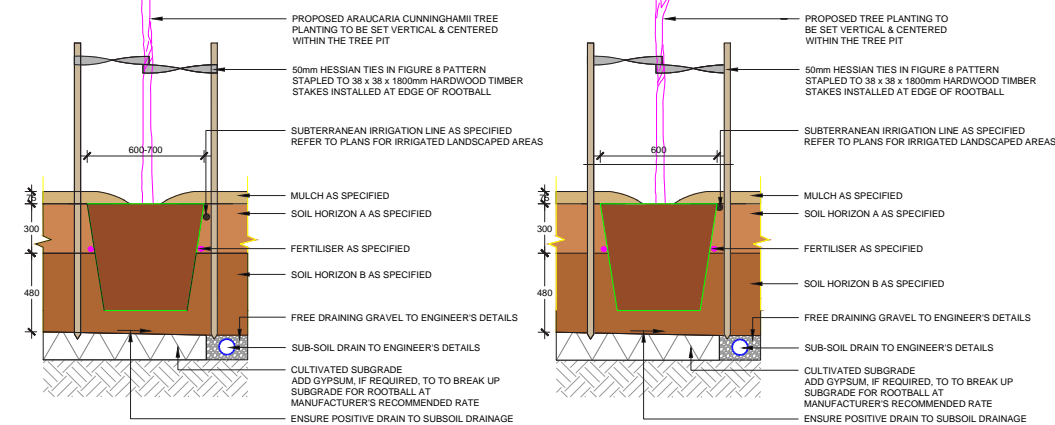
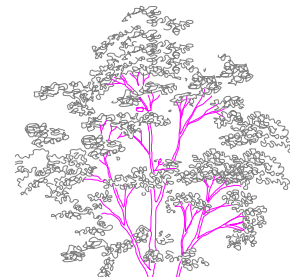
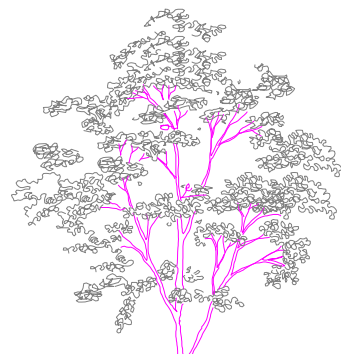


REFER TO
LDA 04

TYPICAL LANDSCAPE DETAILS



MASS PLANTING AND TREE DETAIL
TYPICAL SECTION SCALE 1:20



PLANTING - 400 LITRE TREES TYPICAL SECTION SCALE 1:20

PLANTING - 200 LITRE TREES TYPICAL SECTION SCALE 1:20

OUTLINE LANDSCAPE SPECIFICATION

GENERAL
MAINTENANCE SHALL MEAN THE CARE AND MAINTENANCE OF THE LANDSCAPE WORKS BY ACCEPTED HORTICULTURAL PRACTICE AS RECTIFYING ANY DEFECTS THAT BECOME APPARENT IN THE LANDSCAPE WORKS UNDER NORMAL USE. THE LANDSCAPE CONTRACTOR SHALL ATTEND THE SITE ON A WEEKLY BASIS TO MAINTAIN THE LANDSCAPE WORKS FOR THE FULL TERM APPROVED AT CC STAGE OF THE MAINTENANCE PERIOD (COMMENCING FROM PRACTICAL COMPLETION).

RUBBISH REMOVAL
DURING THE TERM OF THE MAINTENANCE PERIOD THE LANDSCAPE CONTRACTOR SHALL UNDERTAKE RUBBISH REMOVAL FROM THE SITE ON A WEEKLY BASIS TO ENSURE THE SITE REMAINS IN TIDY CONDITION.

WEED ERADICATION
WEED GROWTH THAT MAY OCCUR IN, PLANTED OR MULCHED AREAS IS TO BE REMOVED USING ENVIRONMENTALLY ACCEPTABLE METHODS I.E. NON-RESIDUAL GLYPHOSATE HERBICIDE, (E.G. 'ROUNDUP', APPLIED IN ACCORDANCE WITH THE MANUFACTURER'S DIRECTIONS) OR HAND WEEDING.

TREE REPLACEMENT
TREES SHALL SHOW SIGNS OF HEALTHY VIGOROUS GROWTH AND BE FREE FROM DISEASE AND NOT EXHIBIT SIGNS OF STRESS PRIOR TO HANDOVER TO THE CLIENT. ANY TREES OR PLANT THAT DIE OR FAIL TO THRIVE, OR ARE DAMAGED OR STOLEN WILL BE REPLACED. REPLACEMENT MATERIAL SHALL HAVE THE MAINTENANCE PERIOD EXTENDED IN ACCORDANCE WITH THE LANDSCAPE CONTRACT CONDITIONS. TREES AND PLANT MATERIALS SHALL BE EQUAL TO THE MINIMUM REQUIREMENTS OF SPECIES SPECIFIED AND APPROVED MATERIAL DELIVERED TO SITE. SHOULD THE CONDITION DECLINE FROM THE APPROVED SAMPLE THE SUPERINTENDENT RESERVES THE RIGHT TO REJECT THE TREE / PLANTS. FREQUENCY: AS REQUIRED.

PRUNING
SELECTIVE PRUNING MAY BE REQUIRED DURING THE ESTABLISHMENT PERIOD TO PROMOTE A BALANCED CANOPY STRUCTURE. THESE ACTIVITIES SHALL BE CARRIED OUT TO THE BEST HORTICULTURAL AND INDUSTRY PRACTICE. ALL PRUNED MATERIAL IS TO BE REMOVED FROM SITE.

IRRIGATION
A LOW VOLUME DRIP IRRIGATION SYSTEM TO BE INSTALLED BY A QUALIFIED IRRIGATION ENGINEER. POSITION OF CONTROL BOX, SOLENOIDS AND IRRIGATION CONDUITS TO BE DESIGNED BY THE QUALIFIED IRRIGATION ENGINEER AT CC STAGE. CONTROLLERS SHALL BE MOUNTED ON A STABLE WALL, POWER RACK, OR FORMED AND CONSTRUCTED CONCRETE BASED PEDESTAL. MOUNT, PERFORMANCE SPECIFICATION TO BE PROVIDED BY LANDSCAPE ARCHITECT, NOMINALLY 25MM DELIVERED TO PLANT AREAS EACH WEEK DURING ESTABLISHMENT (DEPENDING ON WEATHER CONDITIONS). AFTER ESTABLISHMENT, IRRIGATION RATES CAN BE DECREASED IN CERTAIN AREAS OF THE LANDSCAPE DEPENDING ON THE SPECIES.

WATERING
IMPLEMENT AN APPROPRIATE HAND WATERING REGIME TO MAINTAIN PLANT HEALTH AND VIGOUR. THE PROGRAM SHALL REFLECT SEASONAL CONDITIONS AND PLANT SPECIES. FREQUENCY: WEEKLY OR AS REQUIRED.

DRAINAGE
ALL LANDSCAPE AREAS ARE TO HAVE POSITIVE DRAINAGE TO SW SYSTEMS. IF AREAS OF POOR DRAINAGE ARE IDENTIFIED ON SITE THEN THIS SHOULD BE BROUGHT TO THE SITE SUPERINTENDENTS ATTENTION. INSTALL AGG LINES IF REQUIRED.

SOILS
HORIZON A - GARDEN BEDS ON NATURAL GROUND
A SANDY LOAM TO CLAY LOAM TOPSOIL MIX DESIGNED FOR GENERAL PURPOSE, ON-GRADE LANDSCAPE GARDEN BED PLANTING OF GRASSES, WOODY AND HERBACEOUS ANNUALS AND PERENNIALS THAT HAVE HIGH NUTRIENT REQUIREMENT FOR SUSTAINED OPTIMUM GROWTH, AND ARE NOT SUBJECT TO COMPACTION BY PEDESTRIAN AND OTHER FOOT TRAFFIC. HEAVIER TEXTURED SOILS IN THIS SPECIFICATION MAY REQUIRE ENGINEERED SOLUTIONS WHERE EXCESSIVE WETNESS IS ANTICIPATED. NOTE THAT ORGANIC SOIL VARIANT SHOULD NOT BE CHOSEN FOR LOW P PLANTINGS AND SHOULD NOT BE USED BELOW 300MM. PLANTING METHODS INCLUDE DIRECT SEEDING, TUBE AND POTTED SPECIMENS UP TO 45L.

HORIZON B - LARGER POTTED PLANTING BELOW 300MM
A SANDY, WELL DRAINED MEDIUM WITH LOW ORGANIC MATTER FOR BACKFILLING BELOW 300MM FROM THE SURFACE IN LARGER POTTED SPECIMENS OVER 45L OR 400MM DEPTH OF ROOT BALL. SEMI-ADVANCED, ADVANCED AND SUPER ADVANCED TREE PLANTING. THE SPECIFICATION MAY USE A SMALL PROPORTION OF SITE WON TOPSOIL OR SUBSOIL, PROVIDED THE ORGANIC MATTER UPPER LIMIT IS NOT EXCEEDED.

CULTIVATION
ALL GARDEN BEDS TO BE CULTIVATED TO A MIN DEPTH OF 150MM AND TREE PITS TO THE DEPTH OF THE ROOT BALL ONLY. IF ADDITIVES SUCH AS GYPSUM ARE REQUIRED CONDUCT THIS AFTER CULTIVATION INTO THE TOP 100MM OF SOIL.

PLANTING
ALL PLANTING TO BE GROWN TO NATSPEC SPECIFICATIONS. CONTRACTOR TO PREPARE SITE FOR PLANTING INCLUDING WATERING, HANDLING, SETTING OUT AND EXCAVATION. EXCAVATE A HOLE FOR EACH PLANT LARGE ENOUGH TO PROVIDE NOT LESS THAN 100MM ALL AROUND THE ROOT SYSTEM OF THE PLANT. FOR TREE PLANTING EACH HOLE SHALL BE DUG WITH A SHOVEL, BACKHOE OR SIMILAR TOOL. INDIVIDUAL HOLES SHALL BE EXCAVATED TO ALLOW ROOT SYSTEM TO SIT FLAT ON THE EXCAVATED HOLE AND 400MM TO EACH SIDE OF THE ROOT SYSTEM. BACKFILL PLANTING HOLES WITH EXISTING SITE SOIL AND TOPSOIL AS DESCRIBED IN SECTION 'SOIL'. PLANT / TREE SHALL BE SET PLUMB, WITH THE ROOT BALL SET SLIGHTLY BELOW THE FINAL SOIL LEVEL.

MULCHING
THE LANDSCAPE CONTRACTOR SHALL SUPPLY AND INSTALL 10MM PINE BARK MULCH TO ALL GARDEN BEDS SHOWN ON THE LANDSCAPE PLANS, TO A MINIMUM DEPTH OF 75MM. ALL MULCH IS TO BE FREE OF DELETERIOUS MATTER SUCH AS SOIL, WEEDS AND STICKS. MULCHED SURFACES ARE TO BE KEPT CLEAN AND TIDY AND FREE OF ANY DELETERIOUS MATERIAL AND FOREIGN MATTER. REINSTATE DEPTHS TO A UNIFORM LEVEL OF 75MM WITH MULCH AS SPECIFIED. MULCH TO BE FREE OF ANY WOOD MATERIAL IMPREGNATED WITH CCA OR SIMILAR TOXIC TREATMENT. MAINTAIN WATERING RINGS AROUND TREES. TOP UP MULCH LEVELS PRIOR TO HANDOVER TO CLIENT.

PEST AND DISEASE CONTROL
THE LANDSCAPE CONTRACTOR SHALL SPRAY FOR PESTS AND DISEASE INFESTATIONS WHEN THE PEST AND FUNGAL ATTACK HAS BEEN POSITIVELY IDENTIFIED AND WHEN THEIR POPULATIONS HAVE INCREASED TO A POINT THAT WILL BECOME DETRIMENTAL TO PLANT GROWTH. APPLY ALL PESTICIDES TO MANUFACTURER'S DIRECTIONS. FREQUENCY: WEEKLY INSPECTION

FERTILISING
PELLETS SHALL BE IN THE FORM INTENDED TO UNIFORMLY RELEASE PLANT FOOD ELEMENTS FOR A PERIOD OF APPROXIMATELY NINE MONTHS EQUAL TO SHIRLEYS KOKEI PELLETS, ANALYSIS 6.3:1.8:2.9 OR SIMILAR APPROVED. KOKEI PELLETS SHALL BE PLACED AT THE TIME OF PLANTING TO THE BASE OF THE PLANT, 50MM MINIMUM FROM THE ROOT BALL AT A RATE OF TWO PELLETS PER 300MM OF TOP GROWTH TO A MAXIMUM OF 8 PELLETS PER TREE. GENERALLY CHECK FOR SIGNS OF NUTRIENT DEFICIENCIES (YELLOWING OF LEAVES, FAILURE TO THRIVE), AND ADAPT FERTILISER REGIME TO SUIT. FERTILISER SHOULD BE APPLIED AT THE BEGINNING AND THE END OF THE (SUMMER) GROWING SEASON.

REASONS FOR REFUSAL

1. Insufficient information has been submitted to enable Council to carry out a full and proper assessment of the application. In this regard, an inadequate response has been received to Council's requests for additional information pursuant to Sections 4.15(1)(a)(iv), 4.15(1)(b), 4.15(1)(c) and 4.15(1)(d) of the Environmental Planning and Assessment Act 1979.
2. The proposed development is inconsistent with Section 2.119 Development with frontage to classified road and Section 2.122 Traffic-generating development under State Environmental Planning Policy (Transport and Infrastructure) 2021 as concurrence has not been received from Transport for NSW, pursuant to Sections 4.15(1)(a)(i) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
3. Insufficient information has been submitted with the proposed development to satisfy the provisions of Clause 4.6 of State Environmental Planning Policy (Resilience and Hazards) 2021, pursuant to Sections 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
4. Insufficient information has been submitted with the proposed development to satisfy the provisions of State Environmental Planning Policy – Biodiversity and Conservation 2021, Chapter 2 Vegetation in Non-Rural Areas, pursuant to Sections 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
5. Insufficient information has been submitted with the proposed development to satisfy the provisions of State Environmental Planning Policy – Biodiversity and Conservation 2021, Chapter 9 – Hawkesbury Nepean River, pursuant to Sections 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
6. The proposed development is considered inconsistent with the objectives of the E4 General Industrial zone under Liverpool Local Environmental Plan 2008 as insufficient information has been submitted *to ensure the efficient and viable use of land for industrial uses and to minimise any adverse effect of industry on other land uses* pursuant to Sections 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
7. The proposed development is inconsistent with and has not submitted sufficient information to address Clause 5.21 Flood Planning under Liverpool Local Environmental Plan 2008 pursuant to Sections 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
8. The proposed development has provided insufficient information and does not achieve satisfactory compliance with the objectives and controls under Liverpool Development Control Plan 2008, including:
 - a. Part 1 General Controls for All Development
 - i. Section 2 – Tree Preservation
 - ii. Section 3 – Landscaping and Incorporation of Existing Trees
 - iii. Section 5 – Bush Fire Risk
 - iv. Section 6 – Water Cycle Management
 - v. Section 8 – Erosion and Sediment Control
 - vi. Section 9 – Flooding Risk
 - vii. Section 10 – Contaminated Land Risk



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- viii. Section 11 – Salinity Risk
- ix. Section 15 – On-Site Sewage Management Systems
- x. Section 20 – Car Parking and Access
- xi. Section 25 – Waste Disposal & Re-Use Facilities
- xii. Section 26 – Outdoor Advertising and Signage
- xiii. Section 27 – Social Impact Assessment
- xiv. Section 29 – Safety and Security

b. Part 7 Development in Industrial Zones

- i. Section 3 – Site Planning
- ii. Section 4 – Setbacks
- iii. Section 5 – Landscaped Areas
- iv. Section 6 – Building Design, Streetscape and Layout
- v. Section 7 – Landscaping and Fencing
- vi. Section 8 – Car Parking and Access
- vii. Section 9 – Amenity and Environmental Impact
- viii. Section 10 – Site Services

pursuant to Sections 4.15(1)(a)(iii), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.

9. Insufficient information has been provided to demonstrate that the proposed development would not have significant adverse impacts on the built environment and natural environment and would not have significant adverse economic and social impacts, pursuant to Sections 4.15(1)(a)(iv), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
10. Insufficient information has been provided to demonstrate that the subject site would be suitable for the proposed development, pursuant to Section 4.15(c) of the Environmental Planning and Assessment Act 1979.
11. The proposed development is not considered to be satisfactory having regard to the concerns raised in external referrals from Transport NSW, Sydney Water, Endeavour Energy and NSW Rural Fire Service, pursuant to the provisions of Section 4.15(1)(d) of the Environmental Planning and Assessment Act 1979.
12. The proposed development is not considered to be satisfactory having regard to the concerns raised from internal referrals within Council and comments from the Liverpool Design Excellence Panel, pursuant to the provisions of Section 4.15(1)(d) of the Environmental Planning and Assessment Act 1979.
13. The proposed development is not considered to be acceptable having regard to the concerns raised from community submissions, pursuant to the provisions of Section 4.15(1)(d) of the Environmental Planning and Assessment Act 1979.
14. Due to the above reasons, approval of the proposed development would set an undesirable precedent for similar inappropriate development and any approval would be contrary to the public interest, pursuant to provisions of Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979.



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ADVISORY NOTES

- a) Section 8.2 of the EP&A Act provides that an applicant may request, within six (6) months of the date of the determination of the Development Application, that Council review its determination (this does not relate to designated development or Crown development).

An application under Section 8.2 of the EP&A Act cannot be reviewed/determined after 6 months of the date of determination. Therefore, the submission of a Section 8.2 Application must allow sufficient time for Council to complete its review within the prescribed timeframe, including the statutory requirement for public notification.

- b) Section 8.7 and 8.9 of the EP&A Act provides that an applicant who is dissatisfied with the determination of a Development Application, may appeal to the Land and Environment Court within six (6) months of the date of determination, or as otherwise prescribed by the EP&A Act.



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Item Number:	3
Application Number:	DA-77/2023
Proposed Development:	Demolition of existing structures and the construction of a multi dwelling housing development comprising 12 attached dwellings with at grade parking.
Property Address	8,10,12 Mayberry Crescent, Liverpool
Legal Description:	Lot 10-12 DP31382
Applicant:	Monument Plan Pty Ltd
Land Owner:	Anderson Avenue Pty Limited
Cost of Works:	\$ 5,093,677
Recommendation:	Refusal
Assessing Officer:	Elizabeth James / Mitchell Brown – The APP Group

1. EXECUTIVE SUMMARY

Council has received a Development Application (DA-77/2023) seeking consent for the demolition of all existing structures and the construction of multi dwelling housing development comprised of twelve (12) dwellings with at grade parking. The site is zoned R4 High Density Residential pursuant to Liverpool Local Environmental Plan 2008 (LLEP), under which the proposed development is permissible with consent.

The development application was notified for a period of 14 days from 13 March to 28 March 2023 in accordance with Community Engagement Strategy and Community Participation Plan 2022. No submissions were received against the development during the public consultation period.

A series of requests for additional information have been issued to the applicant to address outstanding matters, to which unsatisfactory responses have been received. Accordingly, the development has been assessed in its current form.

An assessment of the application has found the proposal has various non-compliances with the Liverpool Development Control Plan 2008. These relate to key built form controls such as site planning, building design, setbacks and parking arrangements. The proposal also does not satisfy the provisions Chapter 6 – Water Catchments of State Environmental Planning Policy (Biodiversity and Conservation) 2021 in relation to stormwater drainage design.

The application is referred to the Liverpool Local Planning Panel (LLPP) in accordance with the Local Planning Panels Direction – Development Applications and Applications to Modify Development Consent, endorsed by the Minister for Planning and Public Spaces on 6 March 2024, as the development falls in the category of:

1. Conflict of interest

Development for which the applicant or landowner is:

(b) the councillor,

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

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

2. SITE DESCRIPTION AND LOCALITY

2.2 The site

The subject site is identified as Lots 10-12 in DP 31382 and is located across 8, 10 and 12 Mayberry Crescent, Liverpool. The site is an irregular shaped allotment with a total area of 2633.6m² and a frontage of 57.916m to Mayberry Crescent.

The site has a gentle sloping topography falling approximately 1.79 metres from the high point on the north-western side of the site at RL 15.30 to the low point on the south-western corner at RL 13.51m.

The development site currently features three (3) x single storey dwellings, one (1) x secondary dwelling, ancillary outbuildings and landscaping. Vehicular access to the site is provided from Mayberry Crescent via three (3) separate driveways. There are a range of trees dispersed across the site, including shrubs within the southwest corner of the site, and grass groundcover in the front and rear setbacks of the site.

The site is adjoined by a multi-dwelling housing complex (townhouses) immediately to its east, which itself is adjoined by a relatively new residential flat building complex. The locality in general is undergoing redevelopment, as individual housing lots are transformed to multi and high-density housing forms.



Figure 1: Aerial view of the subject site (Source: NearMaps)

2.1 The locality

The site is located within the established suburb of Liverpool in an area characterised by a mix of low-density residential development, with higher density developments located along key transport corridors. The immediate locality is zoned R4 High Density and R3 Medium Density Residential.

The site is located approximately 150m east of the Liverpool Cemetery, a local heritage item, and 200m west of Collimore Park which conjoins Barbara Long Park. The site is approximately 300m west of an electricity transmission station. The locality is also bound by classified roads, including Hume Highway, Elizabeth Drive and Flowerdale Road.

The site's locality is depicted in the image below.



Figure 2 – Aerial view of the locality (Source: SIX Maps)

2.3 Site Constraints

<p>Are there any constraints or affectations on the site:</p> <ul style="list-style-type: none"> • Bushfire • Flood Prone Land • Heritage Items • Aboriginal heritage • Environmentally Significant Land • Threatened Species/ Flora/ Habitat/ Critical Communities • Acid Sulphate Soils • Salinity • Aircraft Noise • Flight Paths • Railway Noise • Road Noise/ Classified Road • Significant Vegetation • Contamination • Sydney Water Assets 	<p>Site Constraints:</p> <ul style="list-style-type: none"> • The site is identified as a flood control lot as it is partially affected by the Probable Maximum Flood (PMF) event. • The site is within the Hawkesbury Nepean River Catchment • Existing trees are present on the site, but do not have any specific ecological significance.
<p>Are there are any easements or restrictions on the site?</p>	<p>Drainage easement, 1.83m wide, which runs parallel to the southern boundary of the site</p>

3. BACKGROUND/HISTORY

A brief DA history is presented below:

Date	Details
23 February 2023	DA lodged with Council
13 March 2023 to 28 March 2023	The DA was notified from 13 March 2023 to 28 March 2023. No submissions were received.
08 May 2023	Initial RFI issued to the applicant requesting the following matters to be addressed: <ul style="list-style-type: none"> • Architectural Plans to be amended. • Landscape plans to be amended. • Waste Management Plan to be amended. • Car parking details to be amended. • Stormwater and OSD details to be amended.
12 May 2023	Applicant requested meeting with Council to discuss RFI
10 August 2023	Design Excellence Panel held.
24 August 2023	Design Excellence Panel meeting minutes were released to the applicant. The DEP were unsupportive of the proposal due to key planning issues relating to bulk and scale, setbacks, building separation and deep soil planting,
26 August 2023	Applicant submitted amended Architectural Plans proposing a redesign of the development, including reducing the dwelling yield from 19 multi dwelling units with basement parking, to 12 multi dwelling units with at grade parking.
12 September 2023	RFI issued to applicant requesting revised DA package, inclusive of all technical reports: <ul style="list-style-type: none"> • Amended Plans and reports, including: <ul style="list-style-type: none"> ○ Architectural Plans ○ Landscape Plans ○ Stormwater Plans ○ Statement of Environmental Effects ○ Traffic Report ○ BASIX Certificates ○ Waste Management Plan • Tree retention to be considered particularly along the street frontage. • Parking rates to be amended to incorporate visitor parking. • Architectural plans to be amended to comply with Liverpool DCP controls.
11 October 2023	The applicant submitted a revised development application package including the following documents: <ul style="list-style-type: none"> • Arborist report • Architectural Plans • BASIX Certificate

	<ul style="list-style-type: none"> • Waste Management Plan • Landscape Plan • Cost Estimate Report • Statement of Environmental Effects • Stormwater Management Plan • Flood Risk Report • Survey Plan • Traffic Report
28 November 2023	<p>Further RFI issued to the applicant requesting the following matters to be addressed:</p> <ul style="list-style-type: none"> • Amend Parking and Traffic Details. • Amend Architectural Plans. • Architectural plans must be amended to comply with Liverpool DCP controls. • Tree retention must be considered in accordance with the DCP. • Façade and built form design of development to be amended to consider interface with the public domain. • Tree canopy and planting is to be amended. • Amended Waste Management Plan.
1 February 2024	<p>The applicant submitted a revised development application package including the following documents:</p> <ul style="list-style-type: none"> • Architectural Plans • Construction and Demolition Management Plan • Landscape Plan • Waste Management Plan • Statement of Environmental Effects • Stormwater Management Plan • Traffic Report including swept path diagrams

4. DETAILS OF THE PROPOSAL

Original Scheme

The original proposal under this development application consisted of 19 x three-storey attached dwellings set across 3 building blocks, with basement level parking.

The original scheme presented key planning issues in relation to site planning, setbacks, articulation, building separation and deep soil. The original development was not supported by the Design Excellence Panel. Following numerous additional information requests, the development application has since been amended to the current scheme as detailed below.

Current Scheme

The proposal involves the demolition of existing structures and the removal of on-site vegetation and the construction of a multi dwelling housing development comprising 12 attached dwellings with at grade parking.

Details of the proposal are provided as follows:

Demolition and Vegetation Removal

The proposed development includes demolition of three (3) existing dwellings, one (1) secondary dwelling and all ancillary structures.

Most trees on site are proposed to be removed to accommodate the development, as well as one street tree. One tree within the southwest corner of the site is proposed to be retained. Existing vegetation on the site is not ecologically significant. It does not comprise native bushland.

Two existing vehicle crossovers providing access to the site are proposed to be demolished.

Multi-Dwelling Housing

The multi-dwelling housing development is comprised of three building blocks. Specifically, the development comprises the following:

Block 1: Units 1-5

Unit 1 provides for:

- Ground floor – tandem garage, open plan living, kitchen and dining room, bathroom, laundry and rear yard.
- First floor – 2 x bedrooms with balconies, 1 x main bathroom and outdoor terrace.
- Second floor – 1 x bedroom with ensuite bathroom

Units 2 to 5 provide for:

- Ground floor – tandem garage, open plan living, kitchen and dining room, bathroom, laundry and rear yard.
- First floor – 3 x bedrooms, 1 x main bathroom and outdoor terrace.
- Second floor – 1 x bedroom with ensuite bathroom

Block 2: Units 6-10

Units 6 to 9 provide for:

- Ground floor – tandem garage, open plan living, kitchen and dining room, bathroom, laundry and rear yard.

- First floor – 2 x bedrooms, 1x bed/lounge, 1 x main bathroom and outdoor terrace.
- Second floor – 1 x bedroom with ensuite bathroom

Unit 10 provides for:

- Ground floor – tandem garage, open plan living, kitchen and dining room, bathroom, laundry and rear yard.
- First floor – 2 x bedrooms with balconies, 2x ensuite bathrooms and outdoor terrace.
- Second floor – 1 x bedroom with ensuite bathroom

Block 3: Units 11 & 12

Unit 11 provides for:

- Ground floor – single parking space, open plan living kitchen and dining room, bathroom, laundry and rear yard.
- First floor – two bedrooms, including 1 x main bathroom.

Unit 12 provides for:

- Ground floor – single parking space, open plan living, kitchen and dining room, bathroom, laundry and rear yard.
- First floor – two bedrooms, including 1 x main bathroom.

Access and Parking

The development site is proposed to be accessed from Mayberry Crescent via two driveways, providing a mix of shared and individual access to the dwelling units.

- Driveway 1 – Providing shared access to Units 1 – 10
- Driveway 2 – Providing shared access to Units 11 – 12 and 3 visitor parking spaces

The total parking spaces provided with the development are identified as follows:

- 22 residential parking spaces (2 per dwellings 1 – 10, 1 per dwellings 11 – 12)
- 3 visitor parking spaces
- 10 bicycle parking spaces (1 per dwellings 1 – 10)

Landscaping

The proposal includes the following landscaping scheme for the development:

- Canopy tree planting along the street frontage and rear site boundary, and within the private open space dwelling units.
- Natural lawn groundcover within the private open space of developments
- Landscaped setbacks to the building line from the street

- Boundary hedge planting across the site.

Stormwater Management

The stormwater management arrangement for the proposed development involves a series of connected downpipes to discharge stormwater flows to the kerb inlet pits at Mayberry Crescent. The development includes combined on-site detention and rainwater re-use tanks across the development, and a roof drainage design to accommodate 1% AEP rainfall intensity.

The proposed development is illustrated in the following extracts of submitted plans.



Figure 3. Extract of Ground Floor Architectural Plans for the development

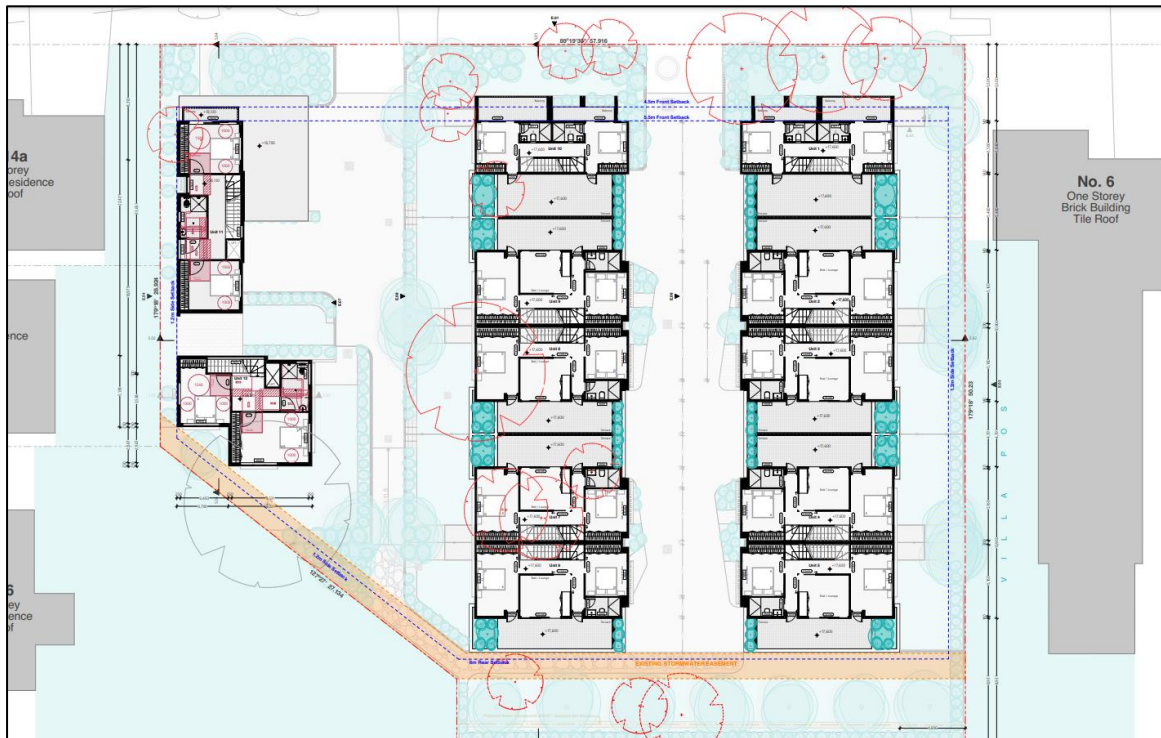


Figure 4. Extract of First Floor Architectural Plans for the development

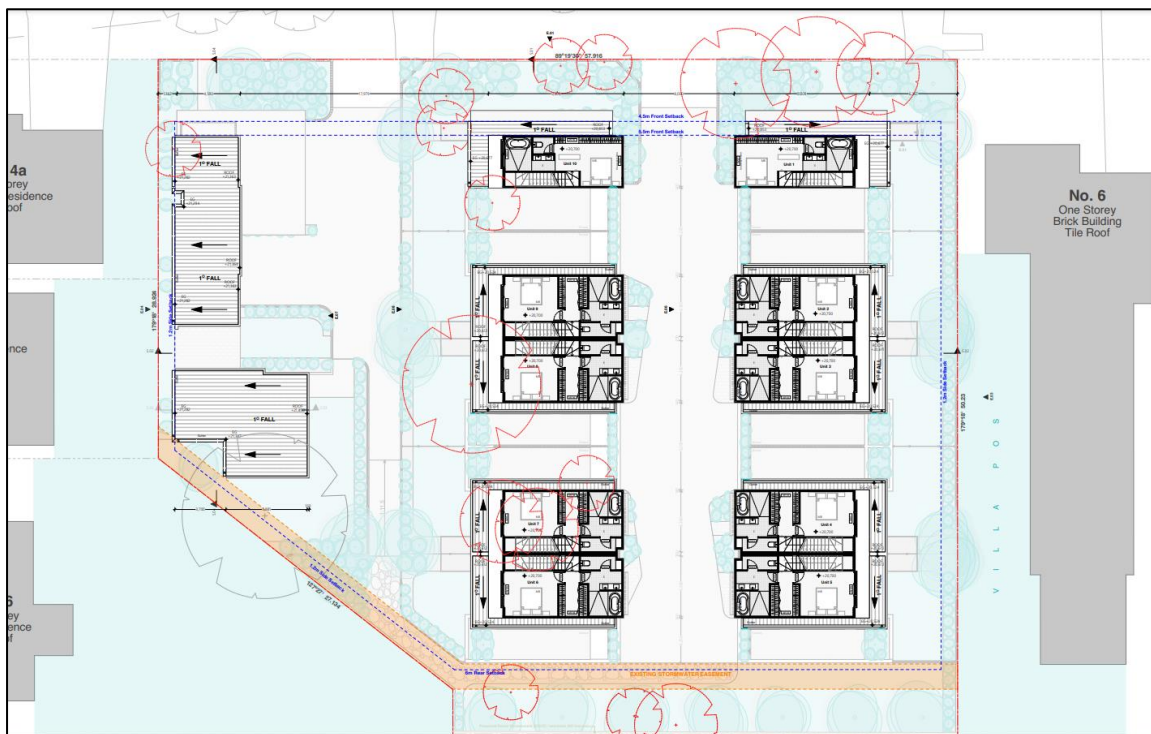


Figure 5. Extract of Second Floor Architectural Plans for the development



Figure 6. Extract of elevations for the proposed development

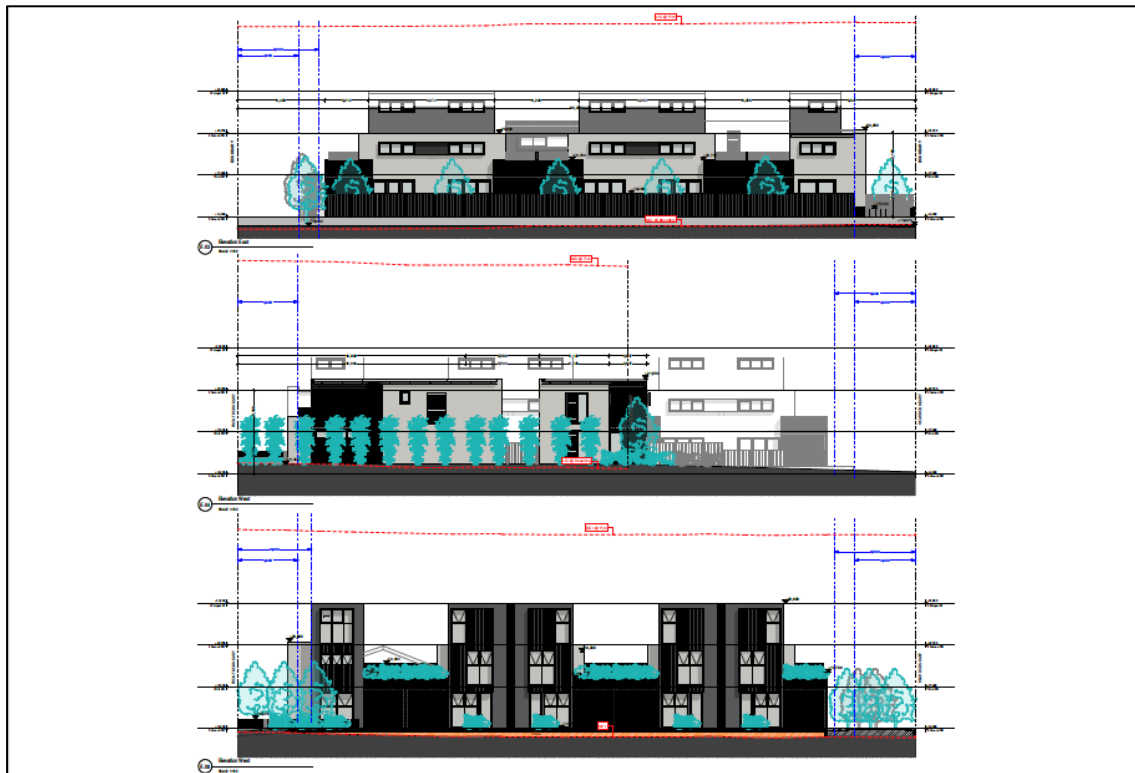


Figure 7. Extract of elevations for the proposed development



Figure 8. Extract of Landscape Plans

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:

- (a) State Environmental Planning Policy (Resilience and Hazards) 2021;
- (b) State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- (c) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- (d) Liverpool Local Environmental Plan 2008; and
- (e) Liverpool Development Control Plan 2008 (Liverpool DCP 2008):
 - Part 1 – General Controls for all developments
 - Part 3.6 – Multi Dwelling Housing in the R3 and R4 Zones

6. ASSESSMENT

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

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

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

The proposal has been assessed under the relevant provisions of SEPP (Resilience and Hazards) 2021, specifically Chapter 4 – Remediation of Land.

The objectives of SEPP (Resilience and Hazards) 2021 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.

The development site is located across three existing residential allotments which have historically been used for residential uses. Accordingly, it is unlikely that contamination is present at the site.

Pursuant to Clause 4.6 of SEPP (Resilience and Hazards) 2021, Council is required to consider the matters in the table below in determining a development application.

Clause 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. The site is comprised of residential zoned allotments with a history of residential use.
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and	As above.

<p>(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.</p>	<p>The land does not require remediation.</p>
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Based on the above assessment, the proposal is considered to satisfy the relevant objectives and provisions of Chapter 4 of the SEPP (Resilience and Hazards) 2021.

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

In accordance with this policy, all new residential dwellings and those seeking alterations and additions require a BASIX certificate that measures the Building Sustainability Index to ensure dwellings are designed to meet energy and water efficiency targets.

A BASIX certificate (No. 1365095M_04) has been submitted with the development. This BASIX certificate was generated based on the previous design scheme (10/10/23), a new BASIX certificate was not submitted for the latest designs dated 31/01/2024. Additionally, the BASIX Certificate references the wrong regulations and therefore would not satisfy the provision of the SEPP.

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

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

The subject land is located within the Georges River Catchment and as such the State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 6 Water Catchments is applicable. This chapter generally aims to protect the environment of river systems, including the Georges River system by ensuring impacts of future land uses are considered in a state, regional, and local context.

The proposed development is supported by an integrated stormwater management system comprising of a connection of underground pipes, rainwater tanks and surface pits which direct all stormwater into the existing kerb drainage outlet.

The development site is mapped as a flood affected lot according to Council's flood mapping records. The proposal has been reviewed by Council's flooding engineers who are supportive of the development subject to conditions requiring adequate habitable floor levels to be achieved to mitigate the adverse impact of flooding. The area of flood affectation relates more broadly to the general R4 locality, which is undergoing redevelopment for high density purposes, i.e. the flood affectation is not site specific.

Despite support from Council’s flooding engineers, Council’s Land Development Engineers are unsupportive of the development proposal for the following reasons:

- The size of the drainage pits do not meet the minimum requirement as per Council’s standard (600mm x 600mm)
- The size of the drainage pipes do not meet the minimum requirement as per Council’s standard (150mm diameter pipe)
- The proposed arrangement of stormwater pipes crossing underneath the building is not accepted.
- An amended DRAINS model is required for the modified scheme.

Noting the site’s flood affectation, a full assessment of its development suitability cannot be achieved without the most up-to-date DRAINS model.

When a consent authority determines a development application, water catchment planning principles are to be applied. Accordingly, a table summarising the matters for consideration in determining development applications, and compliance with such, is provided below.

Part 6.2 Development in Regulated Catchments	
Division 2 Controls on Development Generally	Comment
<p>6.6 Water Quality and Quantity</p> <p>(1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the following—</p> <p>(a) whether the development will have a neutral or beneficial effect on the quality of water entering a waterway,</p> <p>(b) whether the development will have an adverse impact on water flow in a natural waterbody</p> <p>(c) whether the development will increase the amount of stormwater run-off from a site,</p> <p>(d) whether the development will incorporate on-site stormwater retention, infiltration or reuse,</p> <p>(e) the impact of the development on the level and quality of the water table,</p> <p>(f) the cumulative environmental impact of the development on the regulated catchment</p>	<p>Insufficient information has been provided for Council to be satisfied that development has sufficiently considered the relevant matters listed under subsections (1) and (2) in this clause.</p> <p>The stormwater management arrangement proposed includes installing new drainage pipes, pits and rainwater tanks to convey stormwater flows to kerbside outlets at Mayberry Crescent.</p> <p>The development has been reviewed by Council’s Land Development Engineers who are unsupportive of the application as the drainage arrangement includes drainage pits and pipes which do not meet Council’s specification, and the positioning of drainage pipes cross underneath the building envelope.</p> <p>As the stormwater arrangement is unsatisfactory in its current form, Council is unable to confirm that no adverse impacts will arise in regard to water quality and quantity within the Georges</p>

<p>(g) whether the development makes adequate provision to protect the quality and quantity of ground water.</p> <p>(2) Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied the development ensures—</p> <p>(a) the effect on the quality of water entering a natural waterbody will be as close as possible to neutral or beneficial, and</p> <p>(b) the impact on water flow in a natural waterbody will be minimised.</p>	<p>River catchment.</p> <p>The applicant has had multiple opportunities to provide an adequate stormwater drainage arrangement, but has failed to satisfy the request.</p>
<p>6.7 Aquatic Ecology</p>	<p>This clause is not applicable as there is no aquatic ecology present on site.</p>
<p>6.8 Flooding</p> <p>(1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the likely impact of the development on periodic flooding that benefits wetlands and other riverine ecosystems.</p> <p>(2) Development consent must not be granted to development on flood liable land in a regulated catchment unless the consent authority is satisfied the development will not—</p> <p>(a) if there is a flood, result in a release of pollutants that may have an adverse impact on the water quality of a natural waterbody, or</p> <p>(b) have an adverse impact on the natural recession of floodwaters into wetlands and other riverine ecosystems.</p>	<p>The site is located within the Brickmakers Creek Catchment. The site is mapped as flood affected under Liverpool City Council flood maps.</p> <p>The proposal has been reviewed by Council's flooding engineers who are supportive of the development subject to conditions requiring adequate habitable floor levels to be achieved to mitigate the adverse impact of flooding.</p>
<p>6.9 Recreation and public access</p> <p>1. In deciding whether to grant</p>	<p>This clause is not applicable as the proposal is not for recreational uses and is not situated within the vicinity of recreational waterfronts.</p>

<p>development consent to development on land in a regulated catchment, the consent authority must consider—</p> <p>(a) the likely impact of the development on recreational land uses in the regulated catchment, and</p> <p>(b) whether the development will maintain or improve public access to and around foreshores without adverse impact on natural waterbodies, watercourses, wetlands or riparian vegetation.</p>	
<p>6.10 Total catchment management</p> <p>In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consult with the council of each adjacent or downstream local government area on which the development is likely to have an adverse environmental impact.</p>	<p>The development is not considered to be of a scale which would impact upon the adjacent downstream local government area. Therefore no consultation is required.</p>

It is considered that the proposal does not satisfy the provisions of the SEPP (Biodiversity and Conservation) 2021 – Chapter 11 – Georges River Catchment.

(d) Liverpool Local Environmental Plan 2008

(i) Zoning

The subject site is zoned R4 High Density Residential pursuant to Liverpool Local Environmental Plan 2008 (Liverpool LEP 2008). An extract of the zoning map is provided in Figure 8 below.

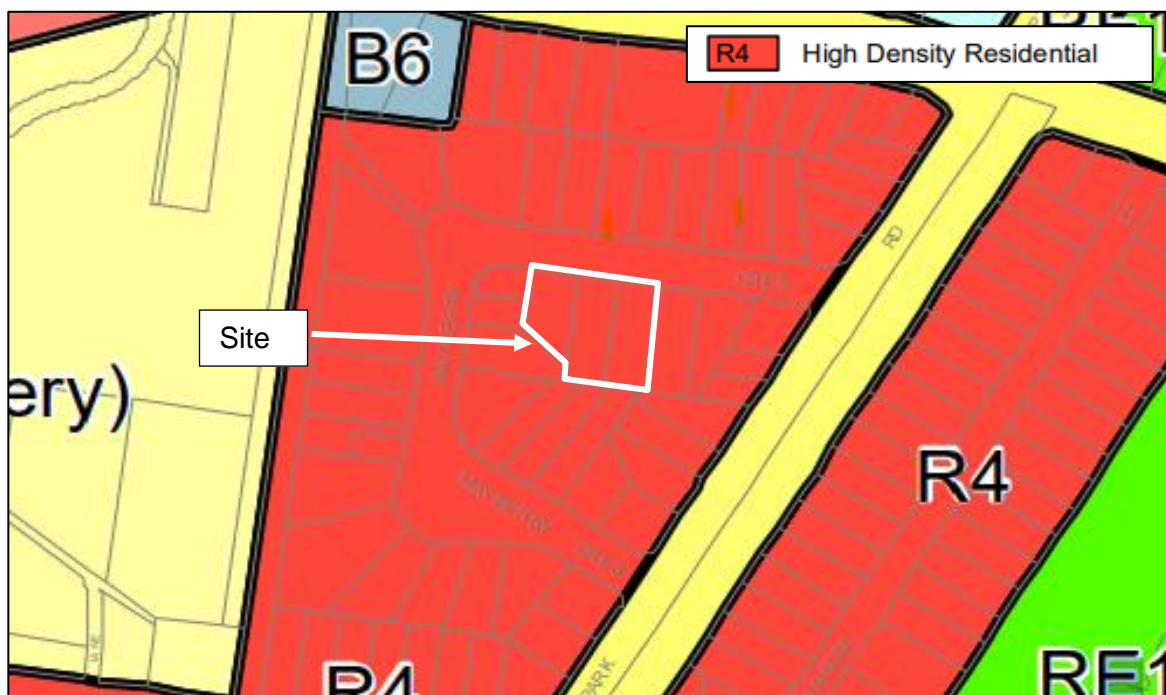


Figure 8: Land Use Zoning Map (source: Liverpool LEP 2008)

(ii) Permissibility

The proposed development is defined as ‘*multi-dwelling housing*’ which is identified as permitted land use with consent within the R4 Zone under the Liverpool Local Environment Plan 2008. A multi-dwelling housing development is defined in Liverpool LEP 2008 as follows:

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

The proposed development satisfies the definition of a multi-dwelling housing as it is a building which contains 3 or more dwellings. This form of the development is permissible within the R4- High Density Residential Zone.

(iii) Objectives of the zone

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

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

- *To provide for a high concentration of housing with good access to transport, services and facilities.*
- *To minimise the fragmentation of land that would prevent the achievement of high-density residential development.*

The proposal is consistent with the objectives of the R4 High Density Residential zone in that it provides for housing within a high-density residential environment. The development presents a variety of dwelling sizes and provides two (2) accessible units in a multi dwelling format. The development provides housing choice in the locality considering the high-density built form of adjoining residential flat buildings. The development site is well located with access to bus services along Elizabeth Drive (140m from site) as well as retail and business services (within 1km of the site). The development proposes the amalgamation of three (3) existing residential allotments to enable high density residential development and does not restrict the ability of adjoining sites to achieve high density residential development in the future.

(ii) Principal Development Standards

The following principal development standards of Liverpool LEP 2008 apply to the proposal:

Clause	Provision	Proposed	Compliance
Part 4 Principal Development Standards			
4.1 Minimum subdivision lot size	1000sqm	The development proposes the amalgamation of three lots, resulting in a total site area of 2633.6 sqm	Complies
4.3 Height of Buildings (as per HOB Map)	15m	The maximum building height for the development is 9.3m.	Complies
4.4 Floor Space Ratio (as per FSR Map)	1:1	GFA: 1422.1sqm Site Area: 2633.6sqm FSR:0.54:1	Complies
5.10 Heritage Conservation	Conservation of environmental heritage and consent requirements	A local heritage item known as Liverpool Cemetery is located approximately 100m west of the development site. The development is not	Complies

		considered to impact upon the heritage significance of the heritage item as the site is not visible from the heritage item, being separated by existing roads and buildings.	
5.21 Flood Planning 5.22 Special flood considerations	To allow development on land that is compatible with the land's flood hazard.	<p>The development site is mapped as flood affected under Liverpool City Council flood maps. The proposal has been reviewed by Council's flooding engineers who are supportive of the development subject to conditions of consent requiring adequate habitable floor levels to be achieved to mitigate the adverse impact of flooding.</p> <p>However, the proposed drainage arrangement for the development is deemed unsatisfactory by Council's land development engineers due to not meeting Council's standards.</p> <p>As further requirements are required for the drainage scenario at the site, it is considered that insufficient information is available to confirm the adequacy of the proposal.</p>	Insufficient information
7.6 Environmentally Significant Land	Maintain bushland, wetlands and wildlife corridors of high conservation value	The site is not identified as comprising Environmentally Significant land.	N/A
7.7 Acid Sulfate Soils	Affected properties to consider impact of development on soils	The site is not identified as being impacted by acid sulfate soils.	N/A
7.14 Minimum building street	(2) Development consent must not be	The development proposes a 3-storey building in an R4 zone.	Complies

frontage	granted to development for the purposes of any of the following buildings, unless the site on which the buildings is to be erected has at least one street frontage to a public street (excluding service lanes) of at least 24 metres— (b) any building of more than 2 storeys on land in Zone R4 High Density Residential or E1 Local Centre, or	The development is proposed to be situated on land which has a public street frontage of 57.916m. This meets the requirement of a 24m frontage and therefore complies.	
7.31 Earthworks	This clause relates to the granting of development consent for earthworks.	The development proposes minimal earthworks, restricted to levelling of the site to accommodate building platforms.	Complies

As demonstrated in the above compliance table, the proposed development is consistent with the provisions of Liverpool LEP 2008 in all regards except for flood planning. Insufficient information has been provided to determine the adequacy of the proposed stormwater drainage arrangement for the flood-controlled site.

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

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

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

(a) Liverpool Development Control Plan (LDCP) 2008

The proposed development is subject to the Liverpool Development Control Plan 2008 (LDCP) 2008. The proposal has been assessed under the following Parts of the LDCP 2008:

- Part 1 of the LDCP 2008, which covers general controls relating to all types of development within the Liverpool LGA;
- Part 3.6: Multi Dwelling Housing (Villas and Townhouses) in the R3 and R4 zones.

The proposal is not considered to be consistent with the key controls outlined in the Liverpool Development Control Plan 2008. All relevant compliance tables for the LDCP 2008 can be found in Report **Attachment 2**. Matters where variations to the development controls occur are also provided below.

Part 1 General Controls for all Development			
Control	Requirement	Proposed	Comment
Section 6 – Water Cycle Management	Consideration of stormwater and drainage.	<p>The Stormwater Plans submitted with the application have been reviewed by Council's Land Development Engineers.</p> <p>The proposed drainage arrangement for the development is deemed unsatisfactory due to drainage pipes and pits not meeting Council's standards, and positioning drainage pipes which cross underneath the building envelope.</p>	Does not comply
Section 20 – Car parking and access	<p>Car parking requirements are as follows:</p> <ul style="list-style-type: none"> - 1 space per 1 bedroom - 1.5 spaces per 2 bedroom - 2 spaces per 3+ bedroom <p>1 visitor space per every 4 units</p> <p>Bicycle space – 1 per 2 units, or 1 for every 4 bedrooms (whichever is greater)</p>	<p>The development is comprised of 10x 4-bedroom dwellings and 2x 2-bedroom dwellings. The following parking requirements apply:</p> <p>Required: 23 resident parking spaces 3 visitor parking spaces 11 bicycle parking spaces</p> <p>The proposal includes the following parking provisions for the development:</p> <p>Proposed: 22 resident parking spaces 3 visitor parking spaces 10 bicycle parking spaces</p> <p>Units 11 and 12 feature just one</p>	Does not comply

		<p>parking space each despite being 2 bedroom dwellings and therefore requiring 1.5 (2) spaces each.</p> <p>For units 11 and 12, the single parking spaces not sheltered in a garage or carport, exposing them to weather conditions.</p> <p>Additionally, unit 12's parking space is not immediately adjacent/ attached to the unit, and instead is located along the eastern elevation of unit 11. This site planning is considered to be an undesirable outcome for the proposal.</p> <p>The three visitor parking spaces are located within a carport along the eastern elevation of Unit 11, immediately adjacent to the allocated parking spaces for unit 11 and 12.</p> <p>Concentrating five parking spaces along this single unit elevation raises concerns regarding the acoustic impact, and amenity of Unit 11.</p>	
<p>Section 22 - Energy conservation</p>	<p>New dwellings, are to demonstrate compliance with State Environmental Planning Policy – Building Sustainability Index (BASIX).</p>	<p>A BASIX certificate (No. 1365095M_04) has been submitted with the development. This BASIX certificate was generated based on the previous design scheme (10/10/23), a new BASIX certificate was not submitted for the latest designs dated 31/01/2024. Additionally, the BASIX Certificate references the wrong regulations and therefore</p>	<p>Does not comply</p>

		would not satisfy the provision of the SEPP.	
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Part 3.6 – Multi Dwelling Housing (Villas and Townhouses) in the R3 and R4 Zones			
Control	Requirement	Proposed	Comment
3. Site Planning	Site layout should consider, and as far as possible minimise overshadowing, acoustic and visual intrusion on neighboring and on-site dwellings.	<p>The development presents various non-compliances in relation to built form massing, including non-compliant setbacks to windows of habitable rooms and unsuitable parking arrangements across the site.</p> <p>Accordingly, it is considered that the development has not sufficiently considered its relationship between proposed units at the site, and to neighboring dwellings.</p>	Does not comply
	Stormwater drained satisfactorily	<p>The Stormwater Plans submitted with the application have been reviewed by Council's Land Development Engineers.</p> <p>The proposed drainage arrangement for the development is deemed unsatisfactory due to drainage pipes and pits not meeting Council's standards, and drainage pipes being sited to cross underneath the building envelope.</p>	Does not comply
5. Setbacks	Verandahs, balconies, eaves and other sun control devices may encroach on the minimum front and secondary setback by up to 1m.	The architectural shade feature on the first floor of development features a 3.7m setback due to the provision of balconies on units 1 and 10, encroaching on the front setback in excess of 1m.	Considered acceptable

		<p>The applicant has provided a justification for the variation stating the encroachment of the façade does not restrict the deep soil planting and landscaping at the site, does not restrict an appropriate level of solar access, and does not impact the visual or acoustic privacy at the site or to adjoining dwellings.</p> <p>The variation is assessed as being acceptable on merit for the following reasons:</p> <ul style="list-style-type: none"> • The excessive encroachment does not run the entire length of the façade, and is limited to the balconies addressing the street of Unit 1 and Unit 10 • The encroachment of the balconies does not present any privacy or acoustic concerns for adjoining sites. • The encroachment of the setback controls allows for additional articulation in the front façade. Some of these components could be considered an architectural feature. • Sufficient landscaping is still able to be accommodated in the front setback area, and presents a screening affect which helps soften the appearance of the building façade. 	
	<p>Ground floor without windows to habitable rooms</p> <p>Side – 0.9m Rear – 4m</p>	<p>Not applicable</p>	<p>Does not comply</p>

	<p>Ground floor with windows to habitable rooms</p> <p>Side – 4m Rear – 4m</p>	<p>Side setback: 1.2m - non-compliant Rear setback: 6.4m - complies</p> <p>The windows to habitable rooms in Units 11 and 12 include both highlight windows and floor to ceiling windows. The proposed floor to ceiling windows have an external louvre device which reduces any privacy and overlooking impacts on adjoining properties.</p> <p>While there is an attempt to reduce privacy impacts through louvres, the setback is still not considered appropriate given the 70% exceedance of the DCP control.</p> <p>The adjoining sites to the west are yet to be redeveloped and will accommodate high density built forms once developed. Accordingly compliance with the setback control is considered vital, to ensure that all development responds to the desired future character of the immediate area.</p>	
	<p>First floor without windows to habitable rooms</p> <p>Side – 1.2m Rear – 4.5m</p> <p>First floor with windows to habitable rooms and neighboring private open space</p>	<p>Side setbacks: Minimum 1.2m Rear setback: Minimum 6.4m</p> <p>The western elevation features windows to habitable rooms and a setback to the adjoining site to the west of 1.2m, encroaching on the 4m setback requirement by 2.8m (70% variation).</p> <p>The applicant has provided</p>	<p>Does not comply</p>

	<p>Side – 4m Rear – 6m</p>	<p>justification for the variation, stating that the window design prevents direct overlooking, and that the adjoining sites to the west continue to receive adequate solar access. The justification is not supported as the bulk and scale which the narrow side setback does not respond to the high density setting in which the site is located.</p> <p>The adjoining sites to the west are yet to be redeveloped and will accommodate high density built forms once developed. Accordingly compliance with the setback control is considered vital, to ensure that all development responds to the desired future character of the immediate area.</p> <p>The elevation further features minimal articulation to provide visual relief to the adjoining properties.</p> <p>The applicant has made no attempt to increase the side setback along the western elevation, and therefore the setback is not supportable.</p>	
<p>6. Landscaping Area and Private Open Space</p>	<p><u>Private Open Space</u> Small dwelling (<65m²) – 30m² Medium dwelling (65-100m²) – 40m² Large dwelling (>100m²) – 50m² POS width must not be less than 1.5m. POS must not be</p>	<p>All dwellings exceed 100sqm in size and are therefore classified as large dwellings.</p> <p>All dwellings except for Unit 11 meet the minimum POS requirements</p> <p>Units 1-10 provide the required POS split between a ground</p>	<p>Considered acceptable</p>

	covered by a roof	<p>floor rear yard, and a first floor open space area.</p> <p>Units 11 and 12 provide POS wholly at ground level, directly accessible from the living areas of the units.</p> <p>Unit 11 provides a POS area of 45sqm, presenting a shortfall of 5sqm (10%). The variation is considered acceptable for the following reasons:</p> <ul style="list-style-type: none"> • The variation is considered minor, being 10% of the required area. • Unit 11 is a 2-bedroom unit with a floor area of 107sqm, which is significantly smaller than the majority of the units at the site. While the POS falls short in meeting the requirements of a 'large' dwelling, the area is considered sufficient to accommodate the use of a 2-bedroom unit. <p>All others significantly exceed the POS requirements, balancing the bulk and scale of the development's built form.</p>	
<p>7. Cut and Fill, Building Design, Streetscape and Layout</p>	<p>First floor no greater than 2/3 ground floor in area.</p>	<p>The development proposal is comprised of a mix of two-storey and three-storey townhouses, with a first floor GFA which is similar to the ground floor area.</p> <p>For proposed units 1-10, while the first floor area is greater than two thirds of the ground floor area, the development has</p>	<p>Considered acceptable</p>

		<p>made attempts to scale down the size of the building footprint for the first storey and second storey component of the development. The massing of the building envelope has been broken up through the provision of first floor open terrace areas located above the garages of the units.</p> <p>For units 11 and 12, the two storey units of the development, the similar floor areas at the ground and first level are considered acceptable as these units are detached in built form, and therefore the building envelopes do not present an excessive bulk and scale for the site.</p> <p>Despite exceeding the first floor GFA requirement, the development continues to satisfy the objectives of the controls in relation to the following:</p> <ul style="list-style-type: none"> • The building design promotes variation through massing, articulation, materials, and architectural features. • The design of the building adds visual interest through articulation, roof details and architectural features <p>Balconies and habitable rooms address the street for units along the street frontage.</p>	
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	<p>A sidewall must be articulated if the wall has a continuous length of over 10 m</p>	<p>Units 2-9 feature a continuous wall length of approximately 10.9m within the first storey component of the units.</p> <p>The minor exceedance in continuous wall length for the first storey element of units 2-9 is considered acceptable as the development demonstrates sufficient articulation in relation to building materials and architectural features across each storey of the façade, and the overlapping planter structures along these elevations help to break up the visual bulk of the development.</p>	<p>Considered acceptable</p>
	<p>Living rooms should take advantage of northern aspects where possible</p>	<p>The siting and orientation of the development does not enable all units to take advantage of northern aspects, however all dwelling units considered to achieve adequate solar access to living areas.</p>	<p>Considered acceptable</p>
<p>9. Landscaping and Fencing</p>	<p>A 2m wide landscaped area shall be provided between an internal driveway and a property boundary to provide privacy to the adjoining property and to soften the appearance of the internal driveway.</p>	<p>A 2m wide landscaped buffer has not been provided between the internal driveway and building entrance.</p> <p>This results in poor amenity for the development and presents a long stand of hardscape between units.</p>	<p>Does not comply</p>
	<p>The maximum height of side boundary fencing within the setback to the street is 1.2m.</p>	<p>The side boundary fencing in the setback to the street ranges in height from 1m to 1.3m following the topography of the site. The minor exceedance in fencing height along a small portion of the side boundary is considered acceptable.</p>	<p>Considered acceptable</p>

<p>10. Amenity and Environmental Impact</p>	<p>Windows to habitable rooms should be located so they do not overlook such windows in adjoining properties, other dwellings within the development or areas of private open space.</p>	<p>The western elevation of the units 6-10 features windows to habitable rooms (upper floor rooms, including bedrooms and bathrooms) which directly overlook the private open space of adjoining units (11 and 12). However, the proposed upper floor windows are highlight windows which provide minimal opportunity for overlooking considering the proposed sill heights.</p> <p>The western elevation of the units 11 and 12 features windows to habitable rooms which directly overlook the private open space of adjoining sites. Notwithstanding the applicants attempt to mitigate any privacy impacts, there is still an unacceptable opportunity for overlooking of adjoining properties.</p>	<p>Does not comply</p>
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Overall, the assessment of the development against the provisions of the Liverpool DCP 2008, finds the proposal to be inconsistent with various key planning controls.

The insufficient information relating to stormwater management, combined with a series of relatively minor matters, which on their own may not warrant refusal of the development, but overall, raise concern about the suitability of the project in its locality.

While the particular housing form is permissible within the R4 zone, the numerous non-compliances relating to setbacks, parking and access indicate that the proposal does not provide an orderly or efficient use of the site, and that better overall amenity could be achieved through a more rigorous design approach.

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

There are no Planning Agreements which apply to the development.

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

The EP&A Regulation 2021 requires the consent authority to consider the provisions of the National Construction Code NCC and the Safety standards for demolition (AS 2601 – 2001). If consent were granted, appropriate conditions of consent could be imposed requiring compliance with the NCC.

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

The proposed development is considered to have an unsuitable impact in relation to the built environment. The development is inconsistent with a number of controls within the Liverpool DCP relating to setbacks, massing, privacy and parking.

Natural Environment

The proposed development satisfactorily addresses concerns relating to the natural environment including flooding, contamination, and water and energy use efficiency. However, insufficient information has been provided in relation to stormwater management for Council to be satisfied that the development will not have an unacceptable impact upon the natural environment.

Social Impacts and Economic Impacts

The proposal would result in a positive economic impact in the locality through the capital investment value of the development and employment within the construction industry.

The proposed development will have a positive social impact through increasing the housing stock within an area designated for high density development. However, the various non-compliances relating to the built form of the development will potentially restrict the amenity of the development, resulting in a negative social impact of the development.

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

The site is not considered to be of an appropriate size and dimensions to accommodate the proposed development. The development proposal fails to achieve the required building setbacks and parking arrangements to ensure the amenity of future residents. Accordingly, the site is not considered to be suitable for the development.

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
Traffic	Supported subject to conditions
Waste Management	Not supported due to insufficient information on asbestos and waste licensing
Land Development Engineering	Not supported due inadequate drainage arrangement
Urban Design and Public Domain	Not supportive
Landscape	Supported, subject to conditions
Flooding	Supported, subject to conditions

(b) External Referrals

The application was not required to be referred to external agencies.

(c) Community Consultation

The development application was advertised/notified for a period of 14 days from 13 March to 28 March 2023 in accordance with Community Engagement Strategy and Community Participation Plan 2022. No submissions were received against the development proposal.

Section 4.15(1e) - The Public Interest

The proposed development demonstrates non-compliance with various key planning controls of the DCP relating to massing, setbacks, parking and stormwater drainage. Accordingly, the development is not considered to be in the public interest.

7. DEVELOPMENT CONTRIBUTIONS

A Section 7.11 Development Contribution is not applicable to the proposal as the Development Application is recommended for refusal.

9. RECOMMENDATION

Based on the assessment of the application in accordance with Section 4.16(1)(a) of the EP&A Act 1979, it is recommended DA-77/2023 be refused.

ATTACHMENTS

1. Architectural Plans
2. Liverpool Development Control Plan 2008
3. Draft Notice of Determination

8-12

Drawing Index

ID	Drawing Name	Scale
DA.00	Coversheet	NTS
DA.01	Demolition Plan	1:200
DA.02	Site Location Plan	NTS
DA.03	Site Analysis Plan	1:200
DA.04	Ground Floor	1:100
DA.05	First Floor	1:100
DA.06	Second Floor	1:100
DA.07	Roof Plan	1:100
DA.08	Elevations 1	1:100, 1:200
DA.09	Elevations 2	1:100
DA.10	Elevations 3	1:100, 1:20
DA.11	Sections	1:100
DA.12	Shadow Diagrams	1:500
DA.13	Sun Perspectives	1:500
DA.14	Area Computations 1	1:200
DA.15	Area Computations 2	1:200
DA.16	Window Door Schedule	NTS
DA.17	Material Finishes Schedule	NTS
DA.18	Architectural Visualisation	NTS



- - - - - BUILDING TO BE DEMOLISHED
- - - - - GREEN WASTE TO BE REMOVED
- - - - - STRUCTURE TO BE DEMOLISHED
- - - - - CONCRETE TO BE DEMOLISHED

REMOVAL OF HAZARDOUS MATERIALS

IF ANY HAZARDOUS MATERIALS (INCLUDING ASBESTOS) ARE FOUND ON SITE, THE FOLLOWING MEASURES ARE TO BE ADOPTED:

- PRIOR TO THE COMMENCEMENT OF THE DEMOLITION WORKS, ALL HAZARDOUS MATERIALS - INCLUDING ASBESTOS - IDENTIFIED ARE TO BE REMOVED BY A SUITABLY LICENCED CONTRACTOR.
- ANY ASBESTOS OR HAZARDOUS MATERIALS ARE TO BE REMOVED BY A CONTRACTOR HOLDING A CLASS A LICENCE FOR FRAGILE ASBESTOS REMOVAL OR A CLASS B LICENCE FOR NON-FRAGILE ASBESTOS REMOVAL. A NOTIFICATION OF NON-FRAGILE ASBESTOS REMOVAL IS TO BE SUBMITTED TO 'WORKCOVER NSW' BY THE LICENCED ASBESTOS REMOVAL CONTRACTOR.
- DURING ASBESTOS REMOVAL, A SIGN 'DANGER ASBESTOS REMOVAL IN PROGRESS' MEASURING NOT LESS THAN 400MM X 300MM IS TO BE ERECTED IN A VISIBLE POSITION ON THE SITE.
- THE ASBESTOS REMOVAL CONTRACTOR IS TO COMPILE AN ASBESTOS REMOVAL CONTROL PLAN AS PER SECTION 3.3 OF THE HOW TO SAFELY REMOVE ASBESTOS CODE OF PRACTICE.
- REMOVAL OF ASBESTOS CONTAINING MATERIALS IS TO BE CARRIED OUT IN ACCORDANCE WITH THE REGULATIONS AND REQUIREMENTS OF THE NSW WORK HEALTH SAFETY REGULATION 2011 AND THE HOW TO SAFELY REMOVE ASBESTOS CODE OF PRACTICE ISSUED BY 'SAFE WORK AUSTRALIA' IN DECEMBER 2012.
- AT THE COMPLETION OF ASBESTOS REMOVAL, A VISUAL CLEARANCE INSPECTION MUST BE CARRIED OUT PRIOR TO THE ASBESTOS REMOVAL AREAS BEING OPENED FOR ACCESS WITHOUT THE USE OF ASBESTOS PPE. WRITTEN CERTIFICATION DETAILING THE RESULTS OF THE VISUAL CLEARANCE INSPECTION IS TO BE PROVIDED.
- ALL ASBESTOS AND HAZARDOUS MATERIALS ARE TO BE MOVED TO A SUITABLY LICENCED LANDFILL ESTABLISHMENT.

DEMOLITION WORKS

- REFER TO WASTE MANAGEMENT PLAN FOR DETAILS & METHODS OF DISPOSAL OF DEMOLITION MATERIALS.
- REFER TO STORMWATER ENGINEERS DOCUMENTS FOR EROSION CONTROL MEASURES & TEMPORARY STORMWATER DRAINAGE.

OCCUPATIONAL HEALTH AND SAFETY

- ALL SITE WORKS MUST COMPLY WITH THE OCCUPATIONAL HEALTH AND SAFETY REQUIREMENTS OF NEW SOUTH WALES WORK COVER AUTHORITY.
- IF SITE ACCESS IS DIFFICULT, LARGE TRUCKS AND SITE MACHINERY MAY NEED TO DRIVE IN SEPARATELY. THE USE OF TRAFFIC CONTROLLERS MAY BE REQUIRED.

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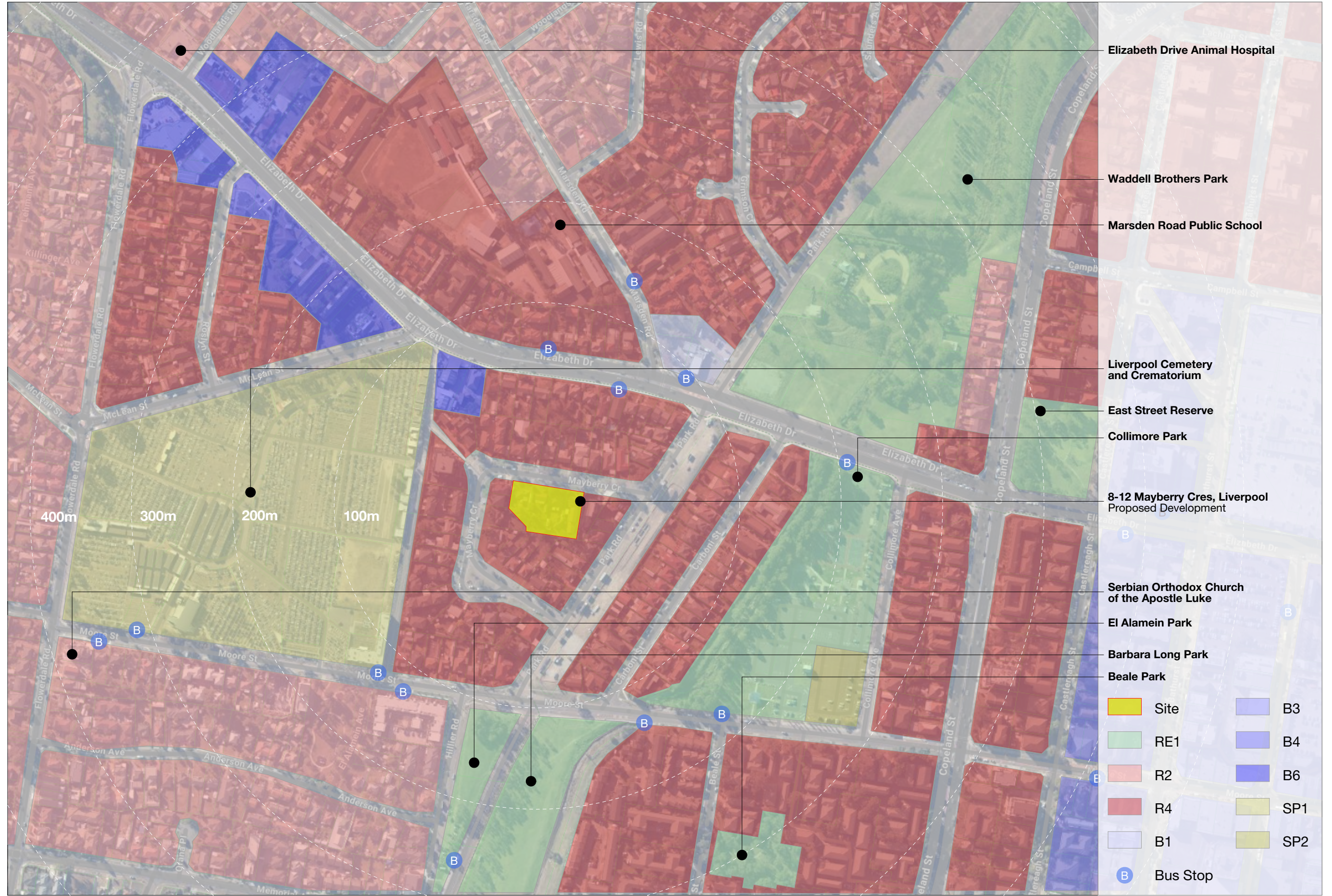
No Investigation of Underground services has been made. All relevant Authorities should be notified prior to any excavation on or near the site.

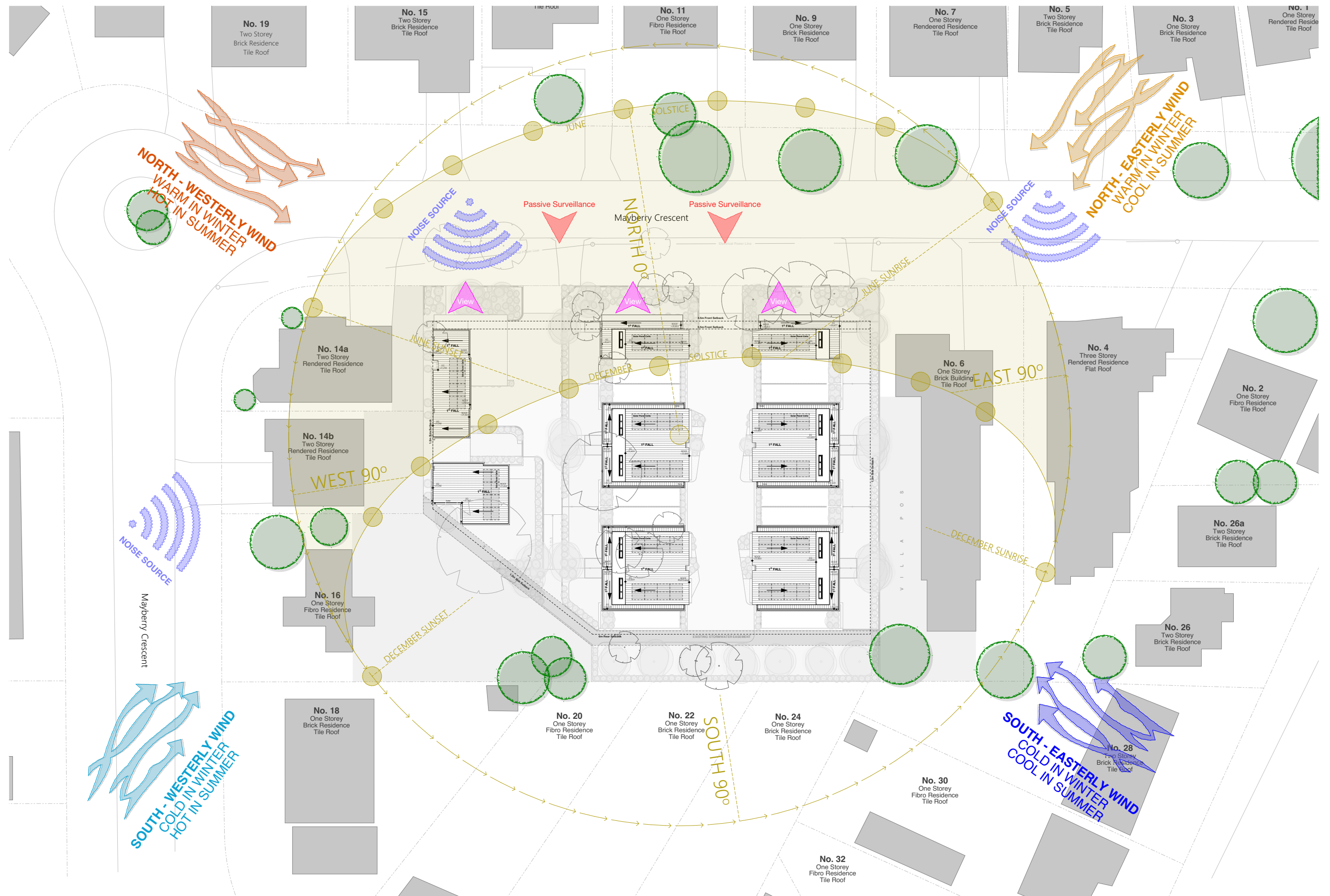
Developers & Excavators may be held financially responsible by the asset owner should they damage underground networks.

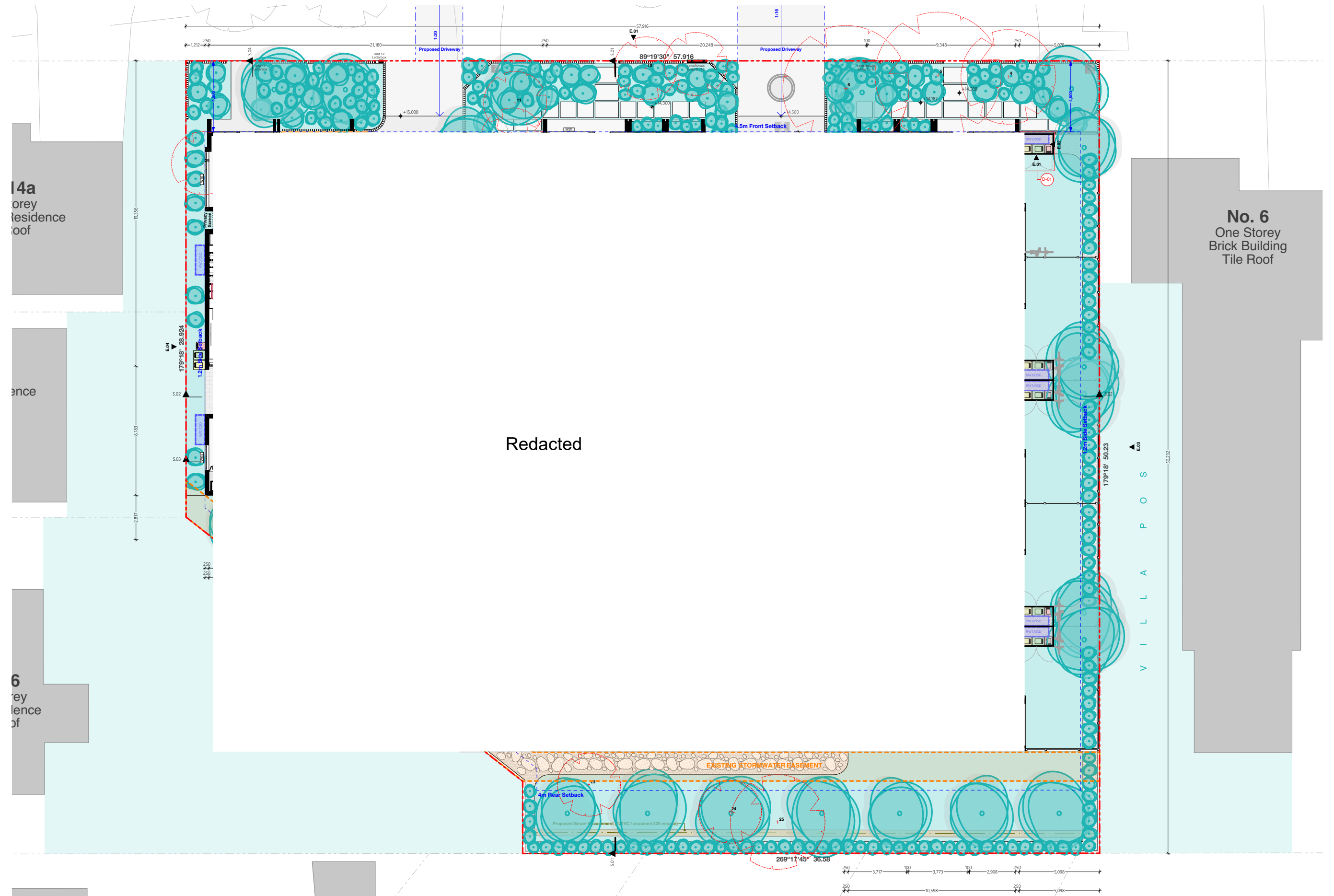
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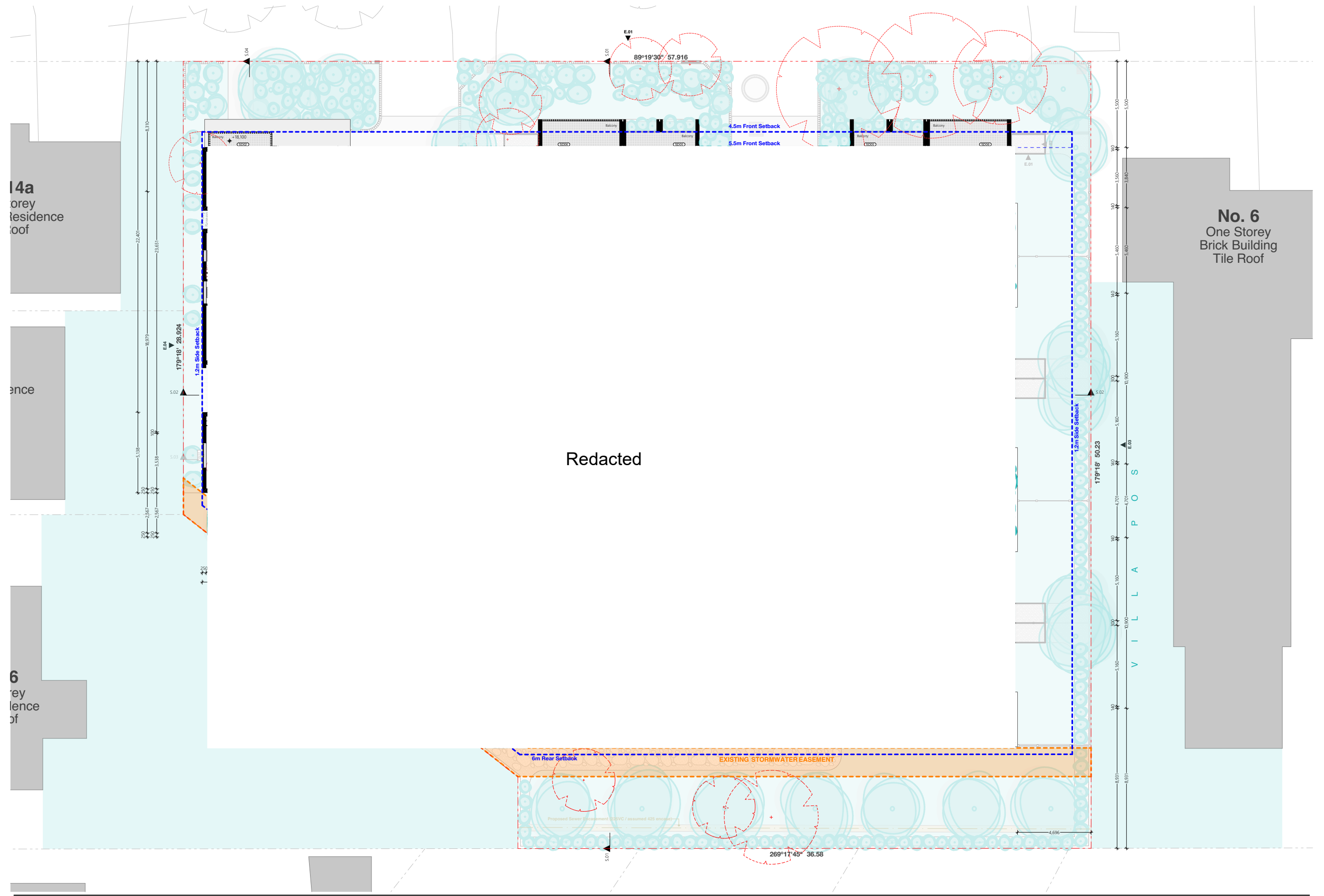
THIS PLAN IS PREPARED FOR DETAIL AND LEVEL PURPOSES ONLY AND AS SUCH DIMENSIONS AND AREAS ARE COMPILED FROM PLANS AVAILABLE FROM LRS. THE BOUNDARIES ON THESE PLANS DO NOT REPRESENT THE MEAN OF THE BOUNDARIES AND SPATIAL INFORMATION ACT 2002. THESE NOTES ARE AN INTEGRAL PART OF THE PLAN AND MUST NOT BE ERASED. ANY STRUCTURES RELATED TO PHYSICAL FEATURES (BUILDINGS, TREES, ETC.) MUST BE CONFIRMED PRIOR TO FINAL DESIGN. ALL SERVICES MUST BE VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION. DISCLAIMER OF LIABILITIES TO ANY THIRD PARTIES: This Plan is made solely for the use and benefit of the client named and no liability or responsibility whatsoever is accepted by any third party who may rely on this Plan wholly or in part. Any third parties acting or relying on this Plan whether wholly or in part are in breach of our copyright and do so at their own risk.

Legend	Scale
1. Proposed	1:100
2. Existing	1:100
3. To be removed	1:100
4. To be constructed	1:100
5. To be demolished	1:100
6. To be removed	1:100









Redacted

No. 6
One Storey
Residence of

No. 6
One Storey
Brick Building
Tile Roof

ence

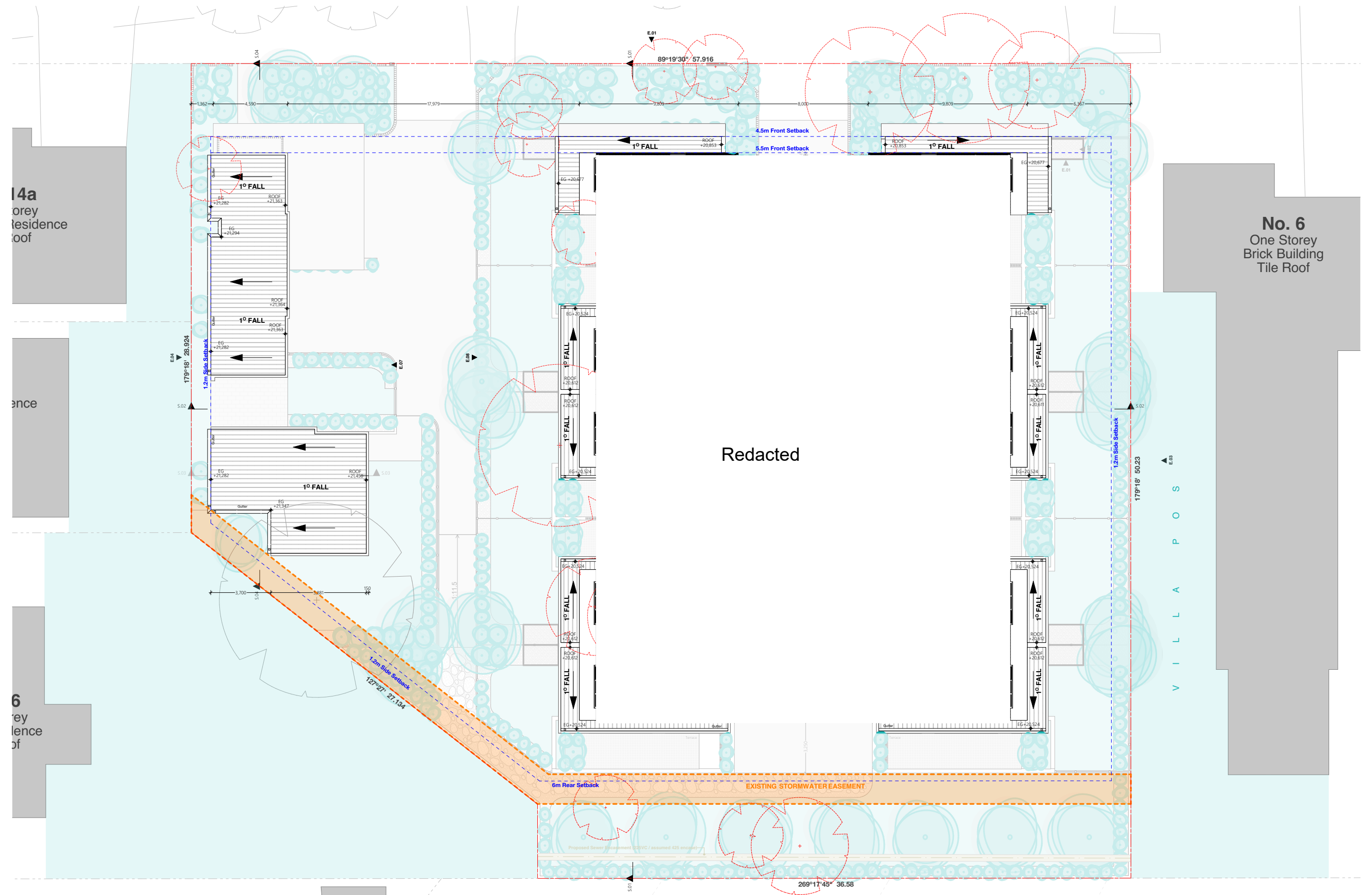
No. 6
One Storey
Residence of

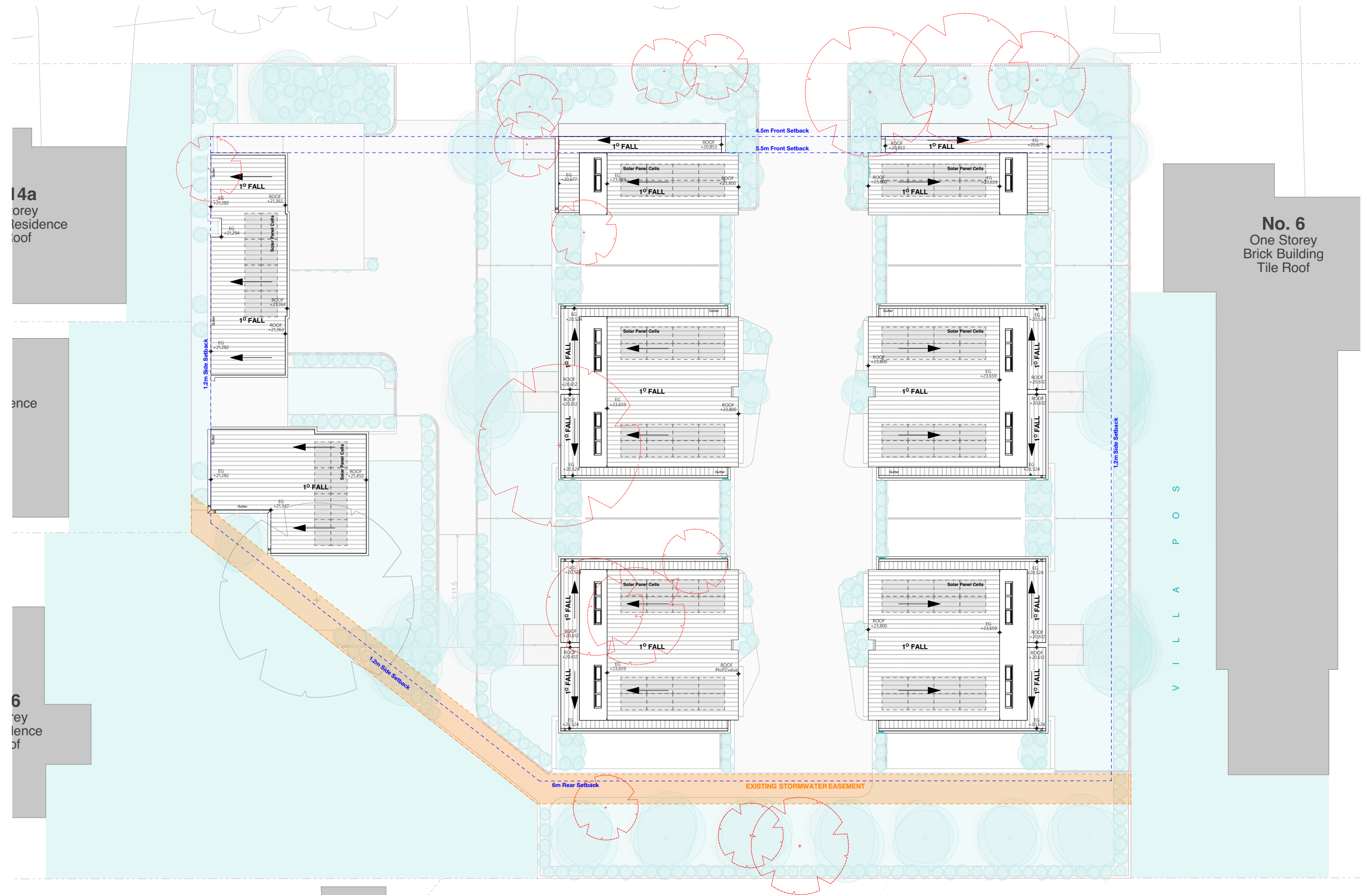


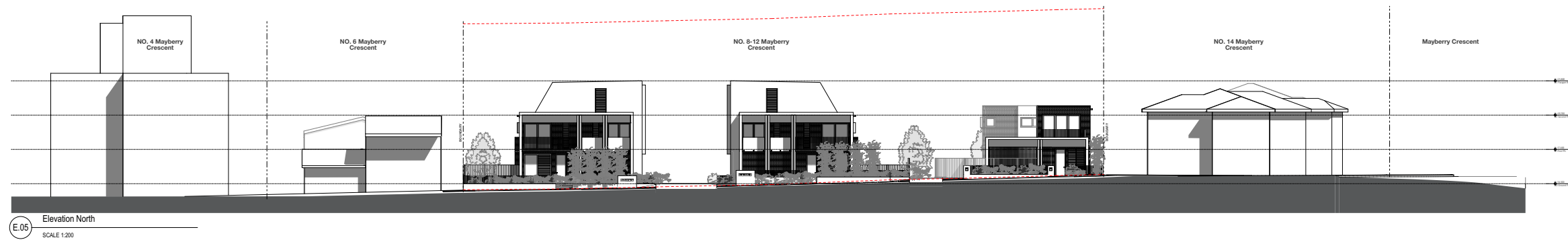
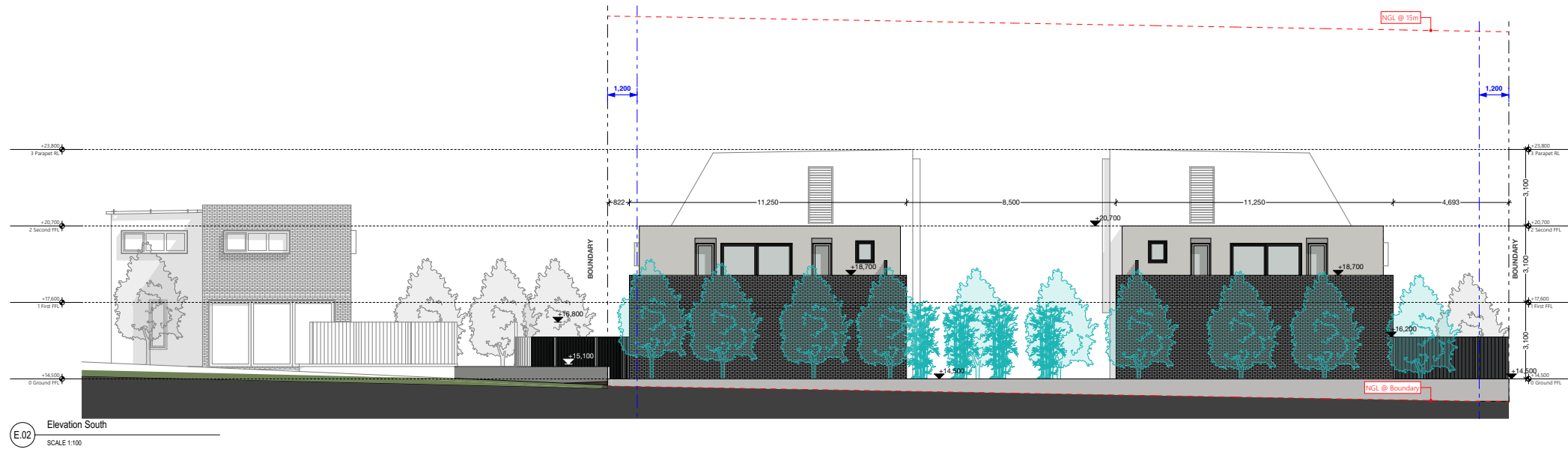
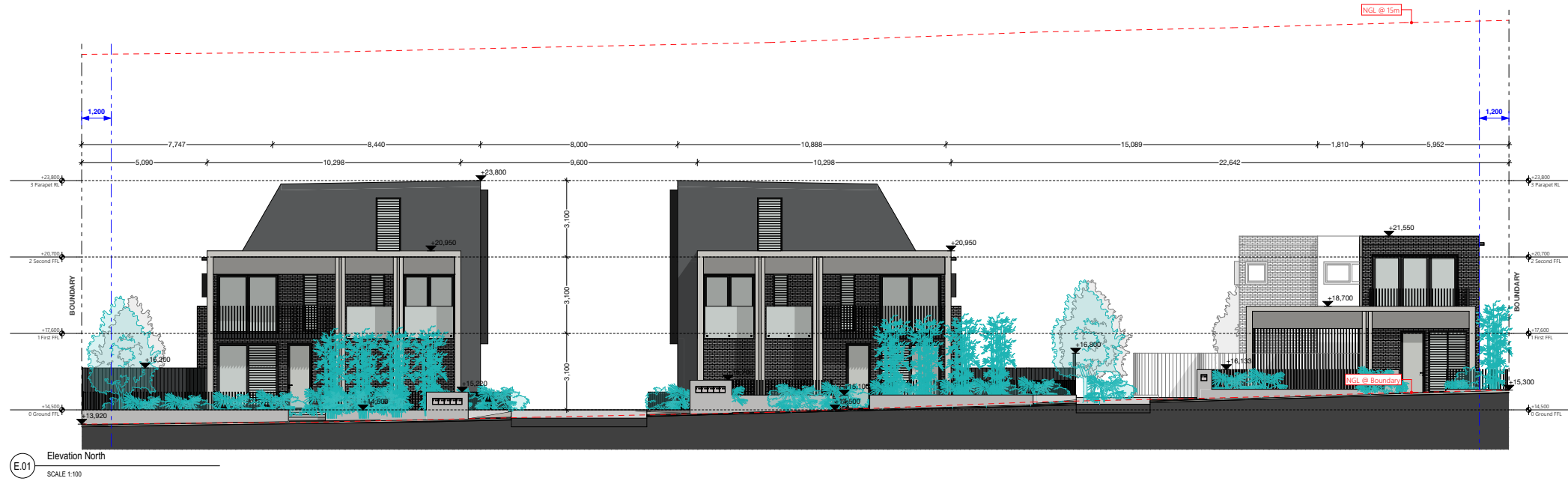
Legend

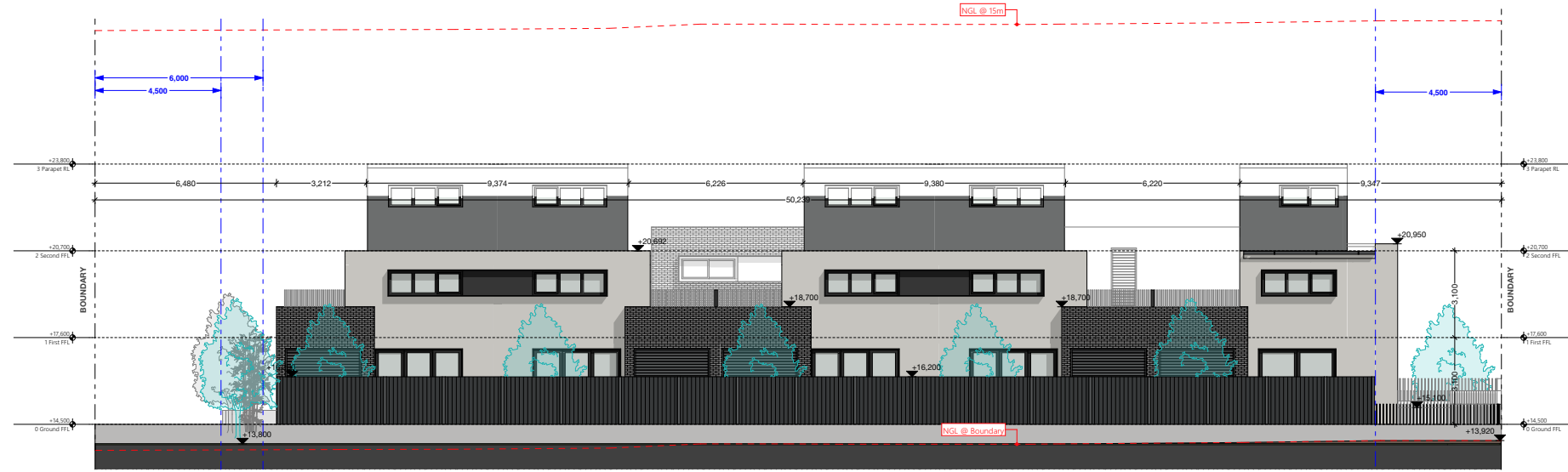
- 1. Boundary
- 2. Lot Line
- 3. Easement
- 4. Setback
- 5. Tree
- 6. Sewer Easement
- 7. Stormwater Easement
- 8. Proposed Structure
- 9. Existing Structure
- 10. Proposed Fencing
- 11. Proposed Driveway
- 12. Proposed Path
- 13. Proposed Parking
- 14. Proposed Garden
- 15. Proposed Deck
- 16. Proposed Terrace
- 17. Proposed Pool
- 18. Proposed Garden
- 19. Proposed Path
- 20. Proposed Parking











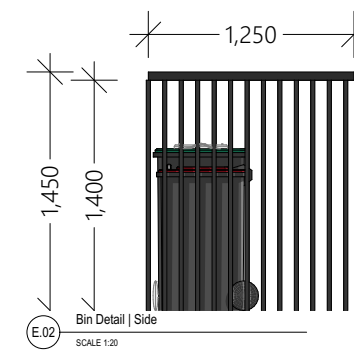
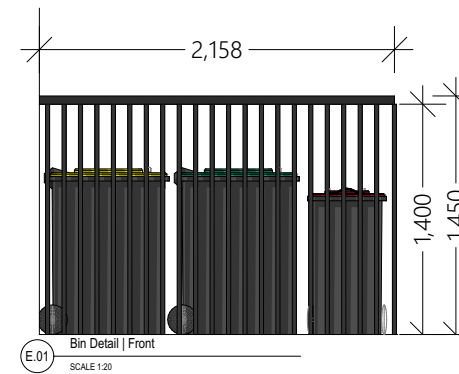
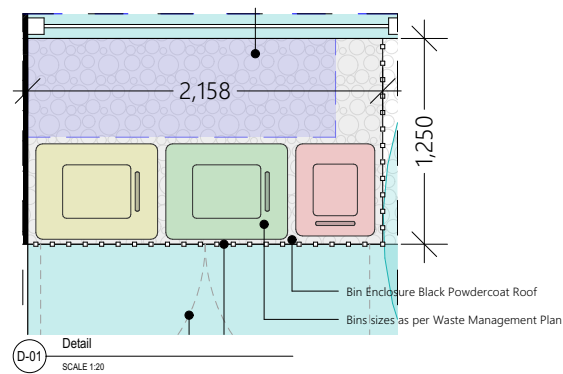
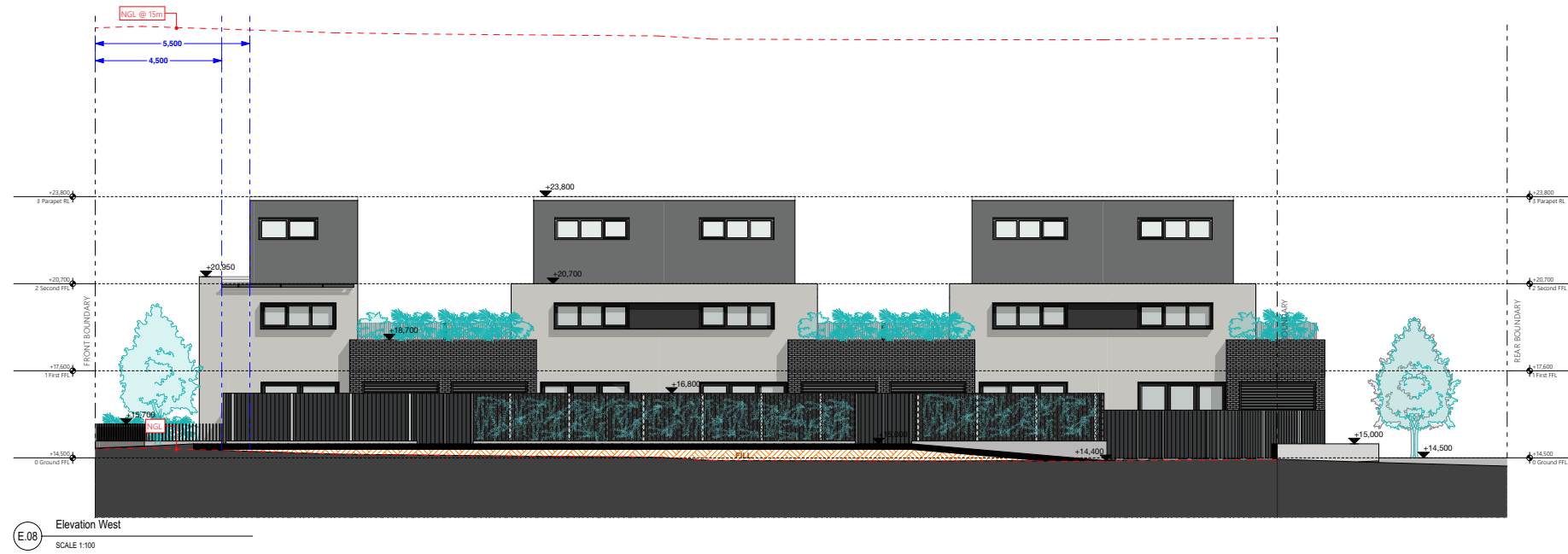
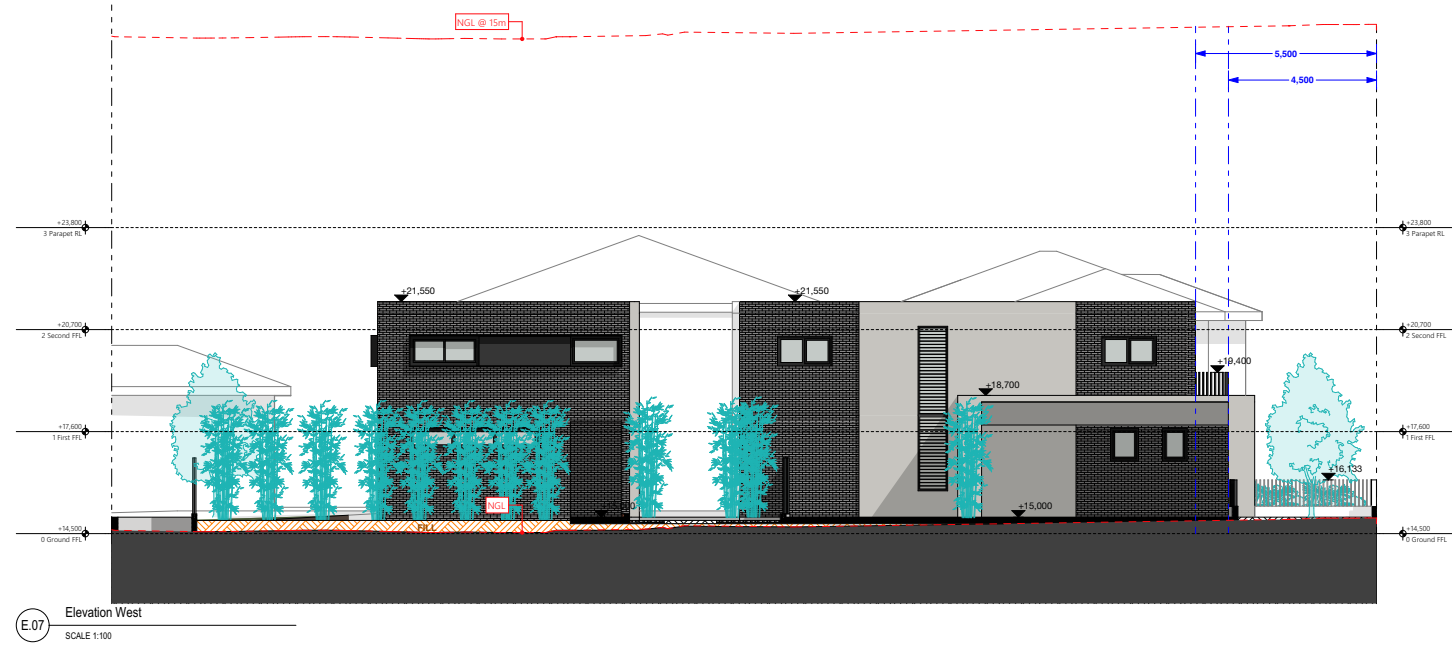
E.03 Elevation East
SCALE 1:100

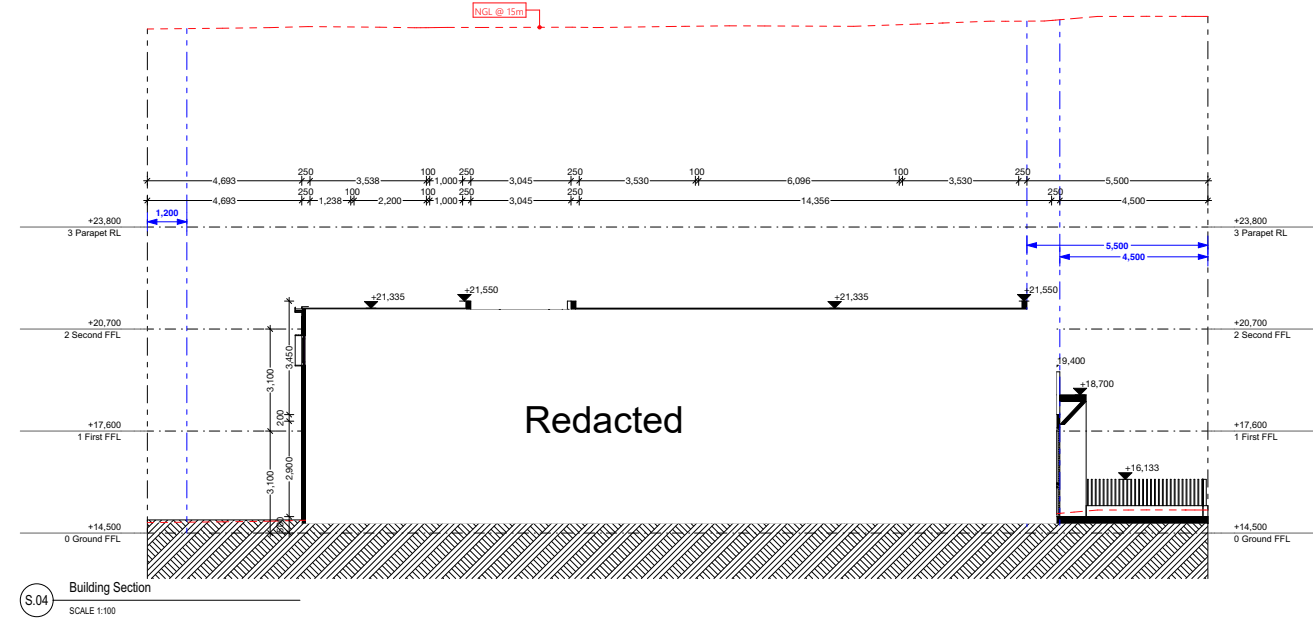
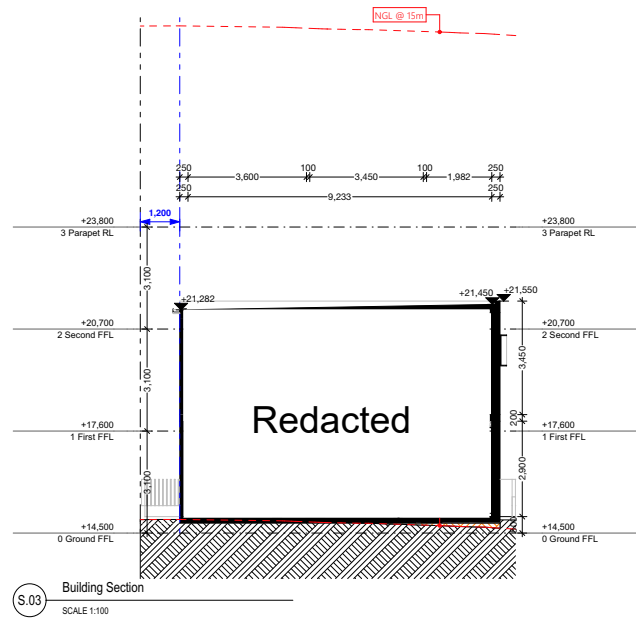
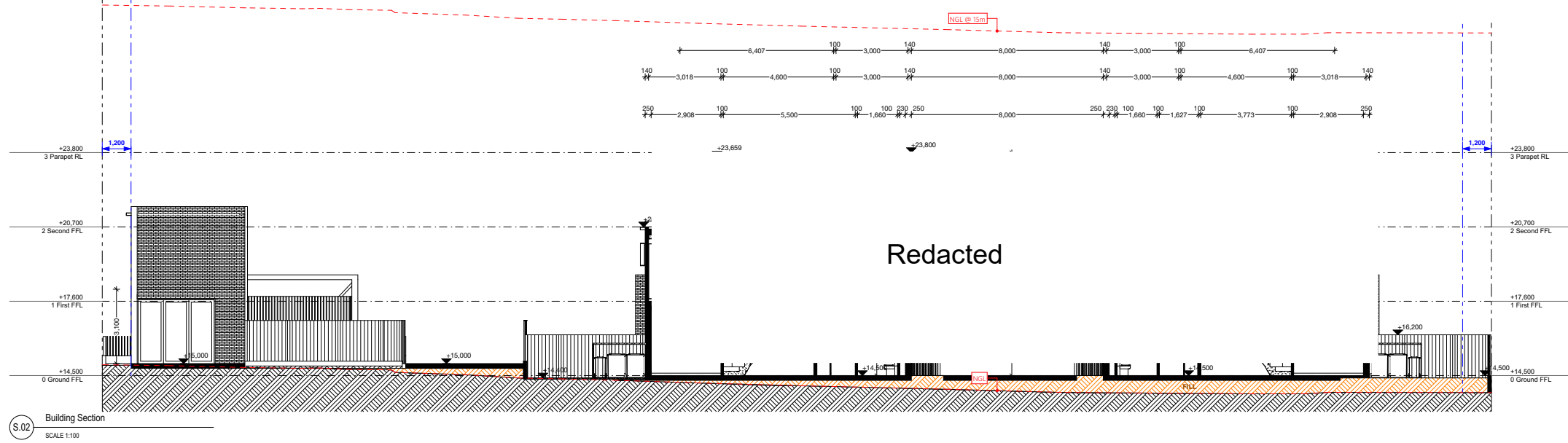
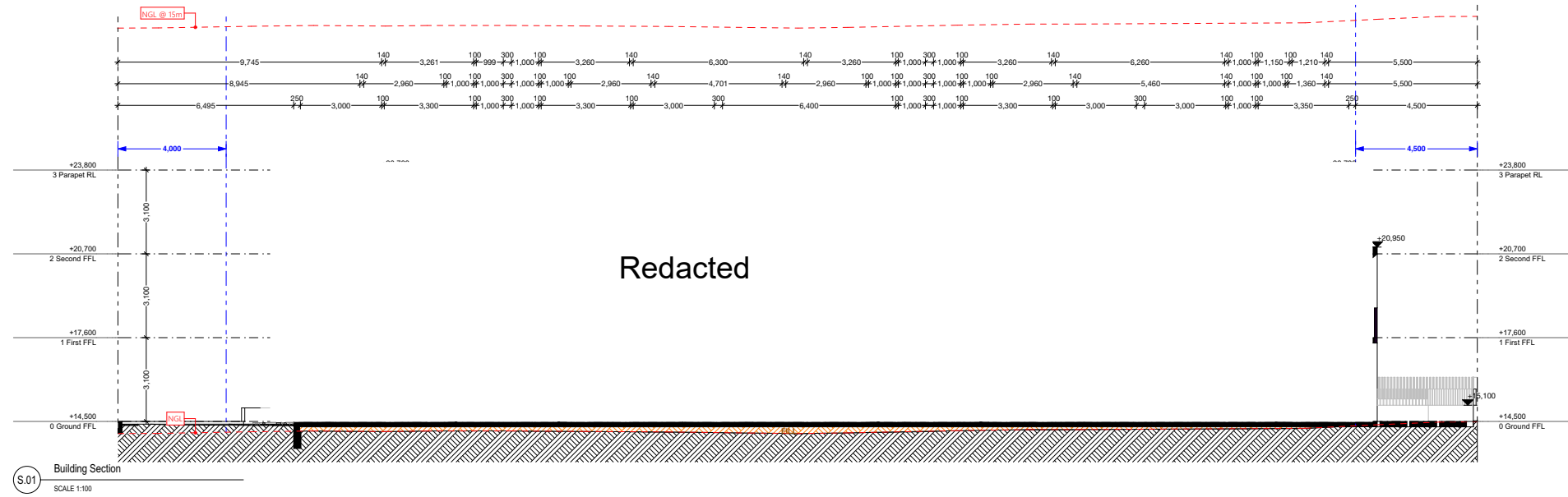


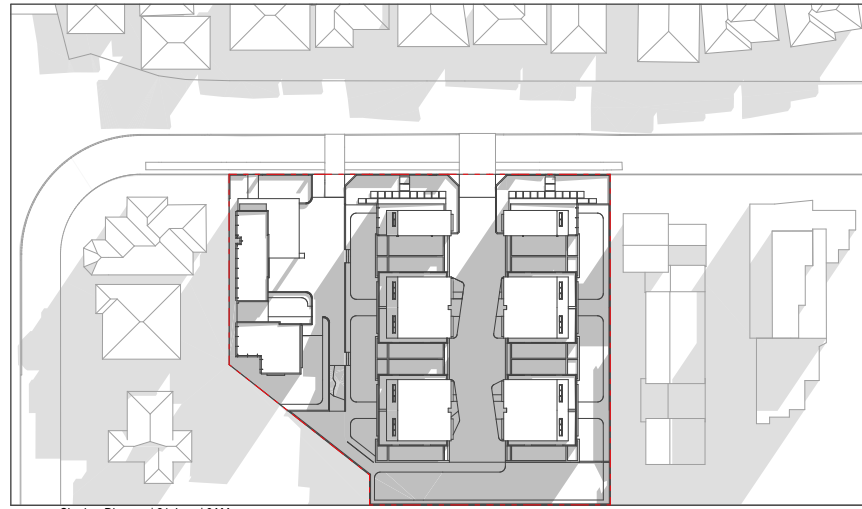
E.04 Elevation West
SCALE 1:100



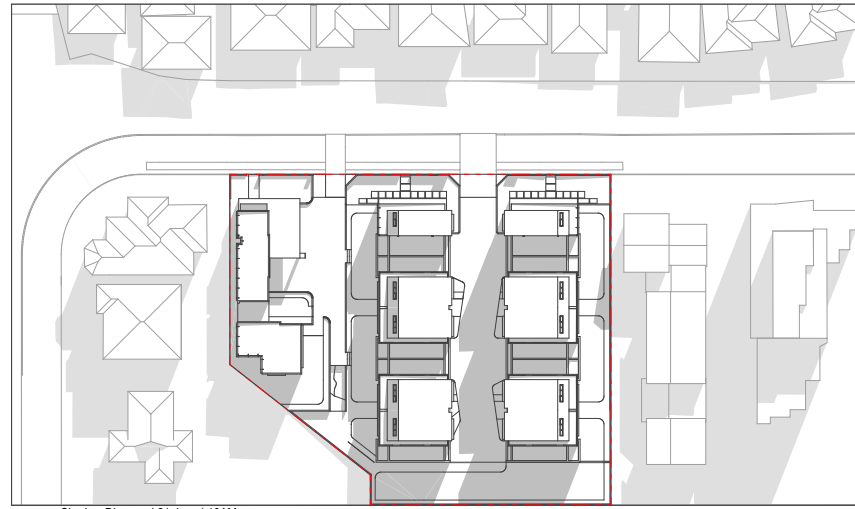
E.06 Elevation West
SCALE 1:100



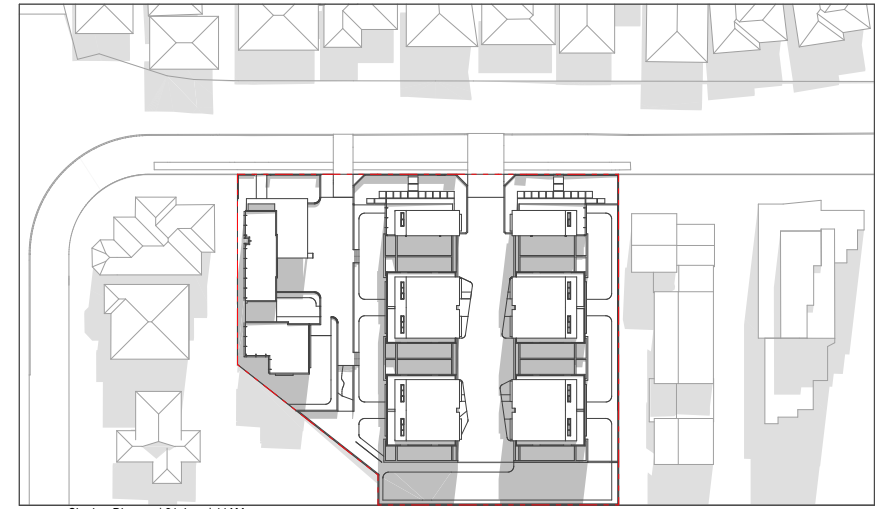




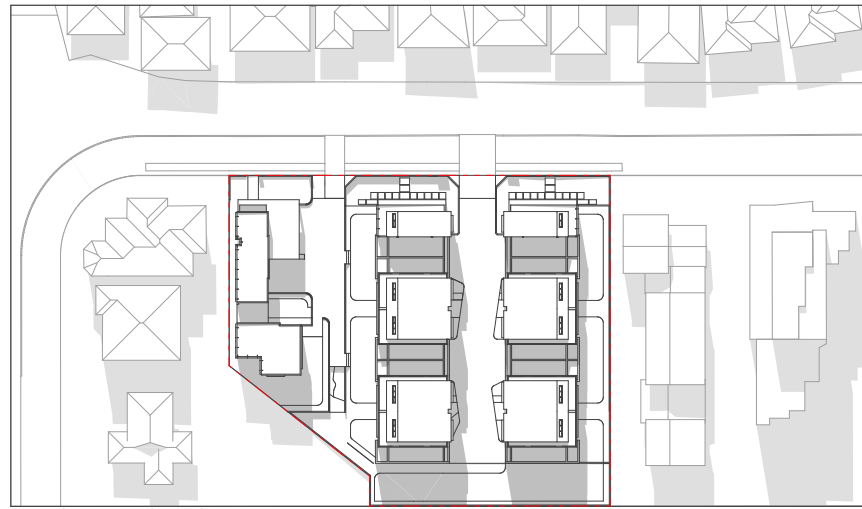
A Shadow Diagram | 21 June | 9AM
SCALE 1:500



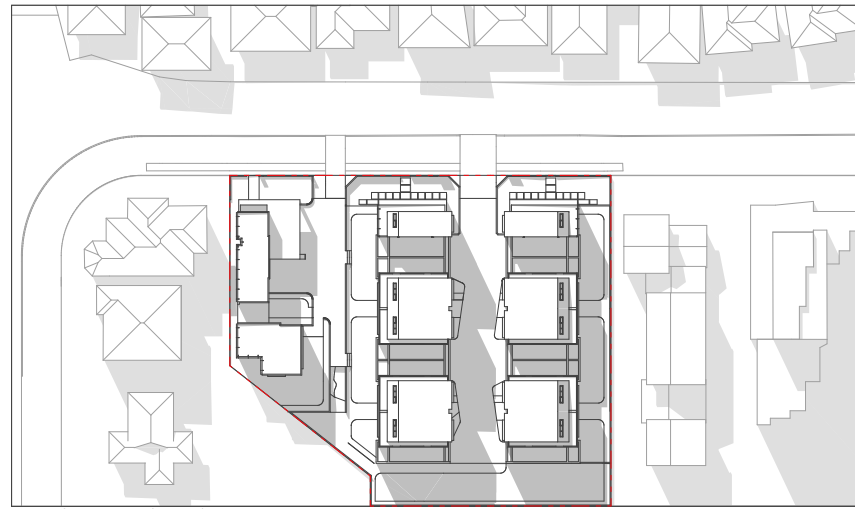
B Shadow Diagram | 21 June | 10AM
SCALE 1:500



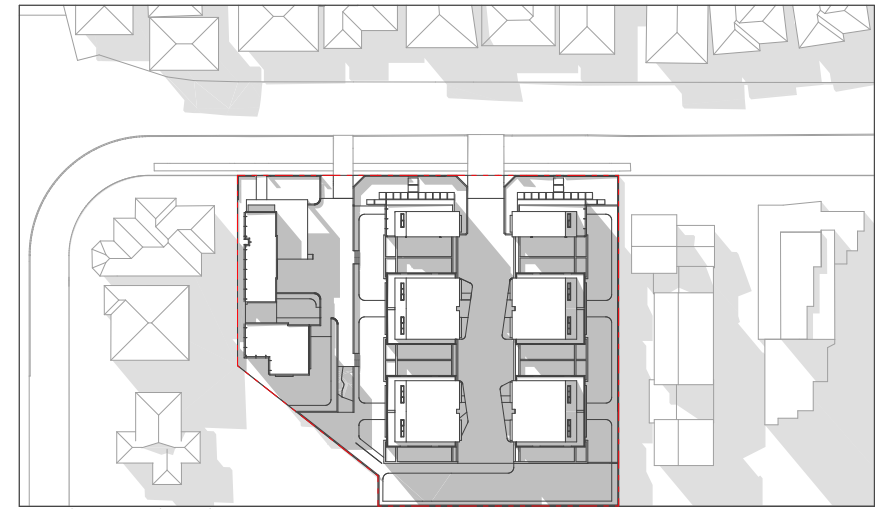
C Shadow Diagram | 21 June | 11AM
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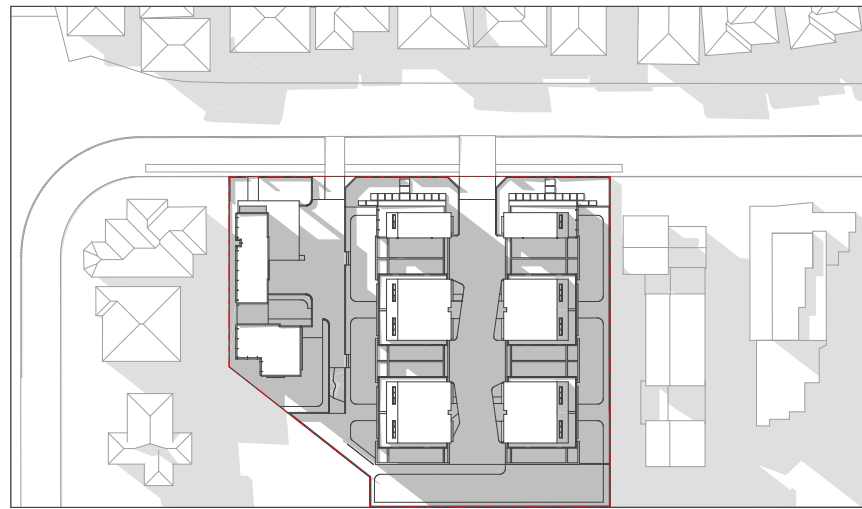
D Shadow Diagram | 21 June | 12PM
SCALE 1:500



E Shadow Diagram | 21 June | 1PM
SCALE 1:500



F Shadow Diagram | 21 June | 2PM
SCALE 1:500

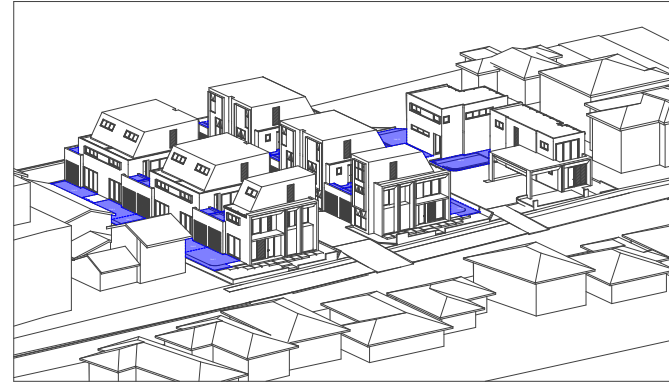


G Shadow Diagram | 21 June | 3PM
SCALE 1:500

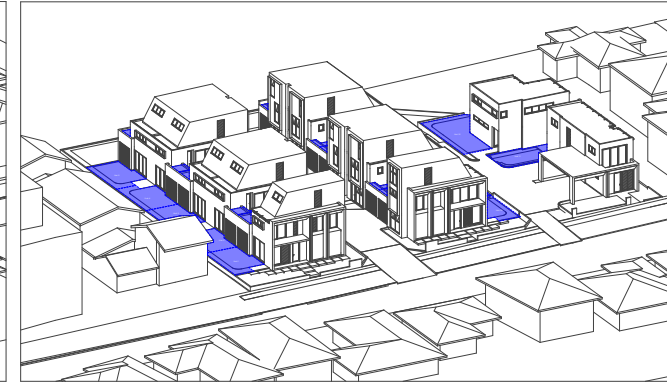
POS SOLAR ANALYSIS

MINIMUM REQUIRED

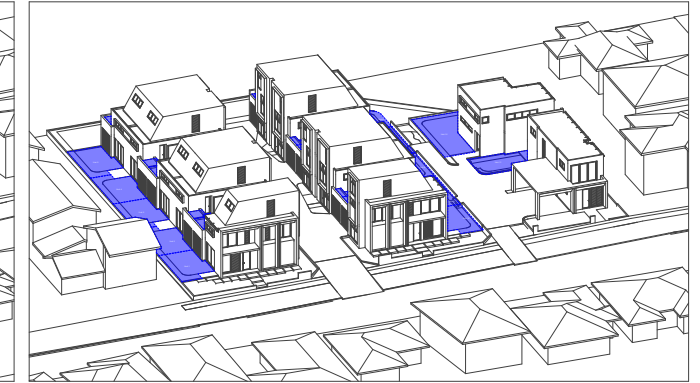
Private Open Space Impacted by Solar Terrace / Unit #	Time Frame	Duration
Unit 1 POS	9:00 AM - 1:30 PM	4:30 Hours
Unit 2 POS	9:30 AM - 12:30 PM	3:00 Hours
Unit 3 POS	9:30 AM - 12:30 PM	3:00 Hours
Unit 4 POS	9:00 AM - 12:30 PM	3:30 Hours
Unit 5 POS	9:00 AM - 12:30 PM	3:30 Hours
Unit 6 POS	10:30 AM - 2:00 PM	3:30 Hours
Unit 7 POS	10:30 AM - 2:30 PM	4:00 Hours
Unit 8 POS	10:30 AM - 2:30 PM	4:00 Hours
Unit 9 POS	10:30 AM - 2:30 PM	4:00 Hours
Unit 10 POS	9:30 AM - 3:00 PM	4:30 Hours
Unit 11 POS	9:00 AM - 12:30 PM	3:30 Hours
Unit 12 POS	9:00 AM - 12:30 PM	3:30 Hours



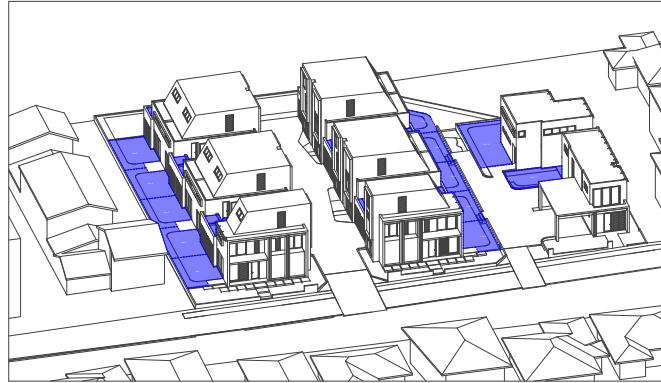
A Sun Perspective | 21 June | 9AM
SCALE 1:500



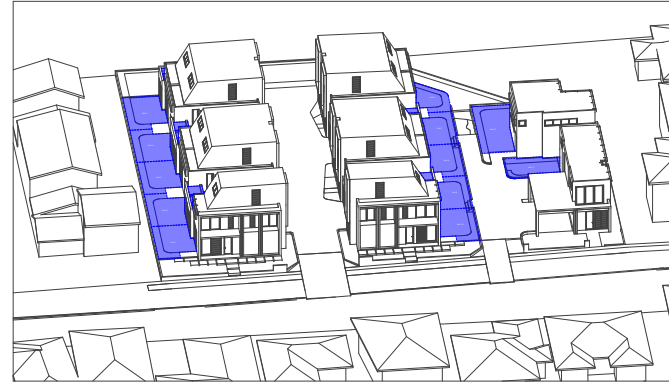
B Sun Perspective | 21 June | 9:30AM
SCALE 1:500



C Sun Perspective | 21 June | 10AM
SCALE 1:500



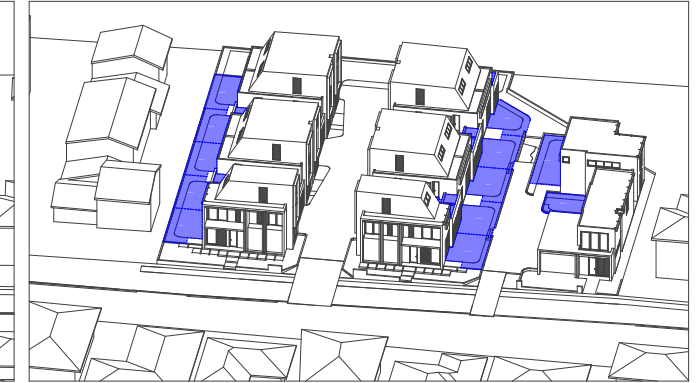
D Sun Perspective | 21 June | 10:30AM
SCALE 1:500



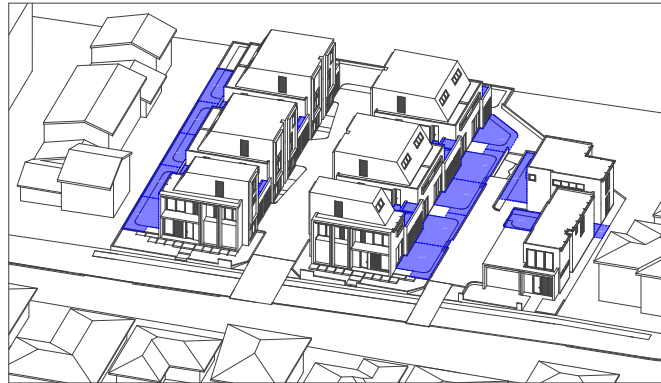
E Sun Perspective | 21 June | 11AM
SCALE 1:500



F Sun Perspective | 21 June | 11:30AM
SCALE 1:500



G Sun Perspective | 21 June | 12PM
SCALE 1:500



H Sun Perspective | 21 June | 12:30PM
SCALE 1:500



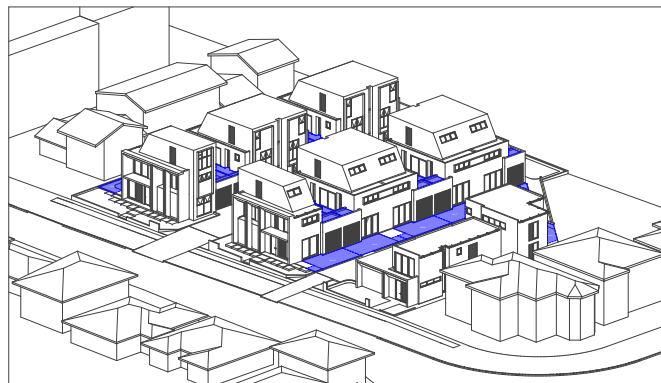
I Sun Perspective | 21 June | 1PM
SCALE 1:500



J Sun Perspective | 21 June | 1:30PM
SCALE 1:500



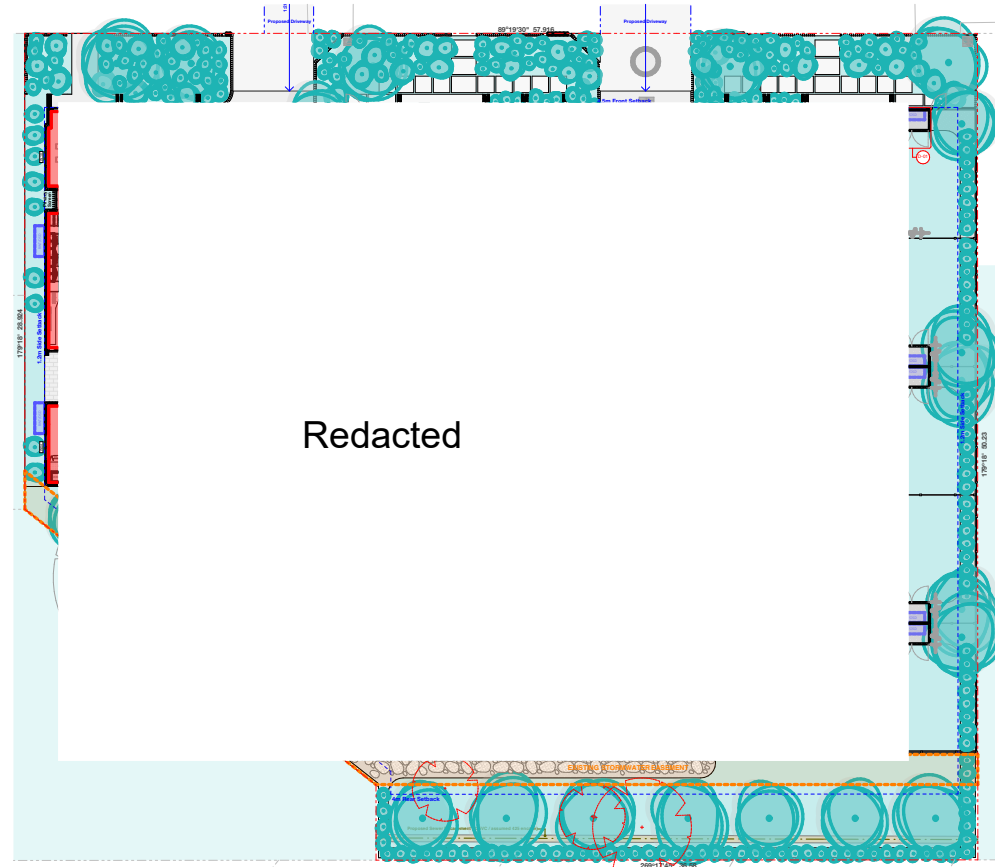
K Sun Perspective | 21 June | 2PM
SCALE 1:500



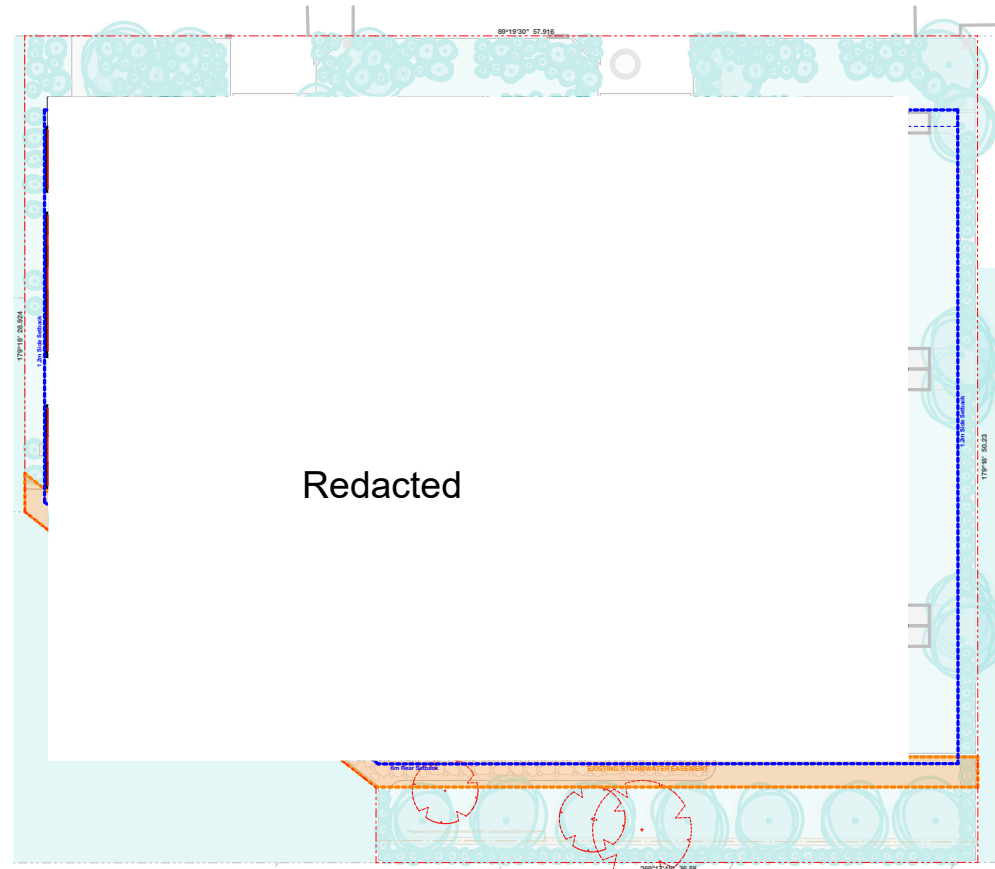
L Sun Perspective | 21 June | 2:30PM
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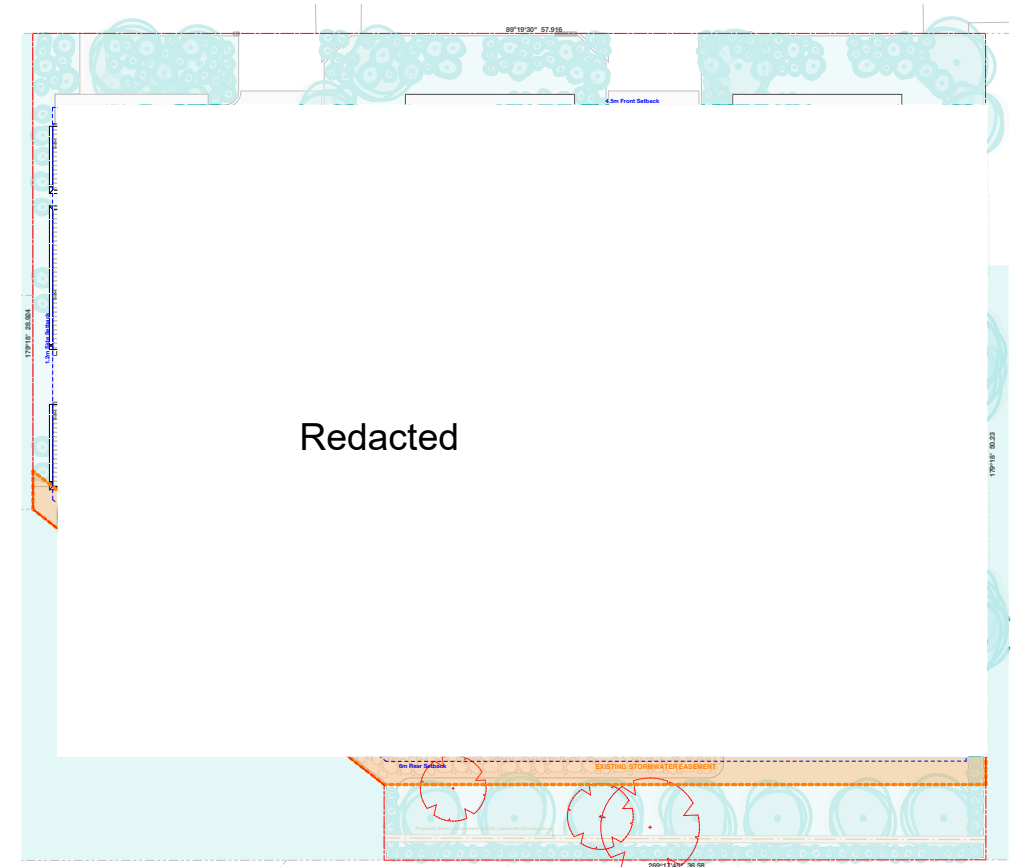
M Sun Perspective | 21 June | 3PM
SCALE 1:500



A FSR | Ground Floor
SCALE 1:200



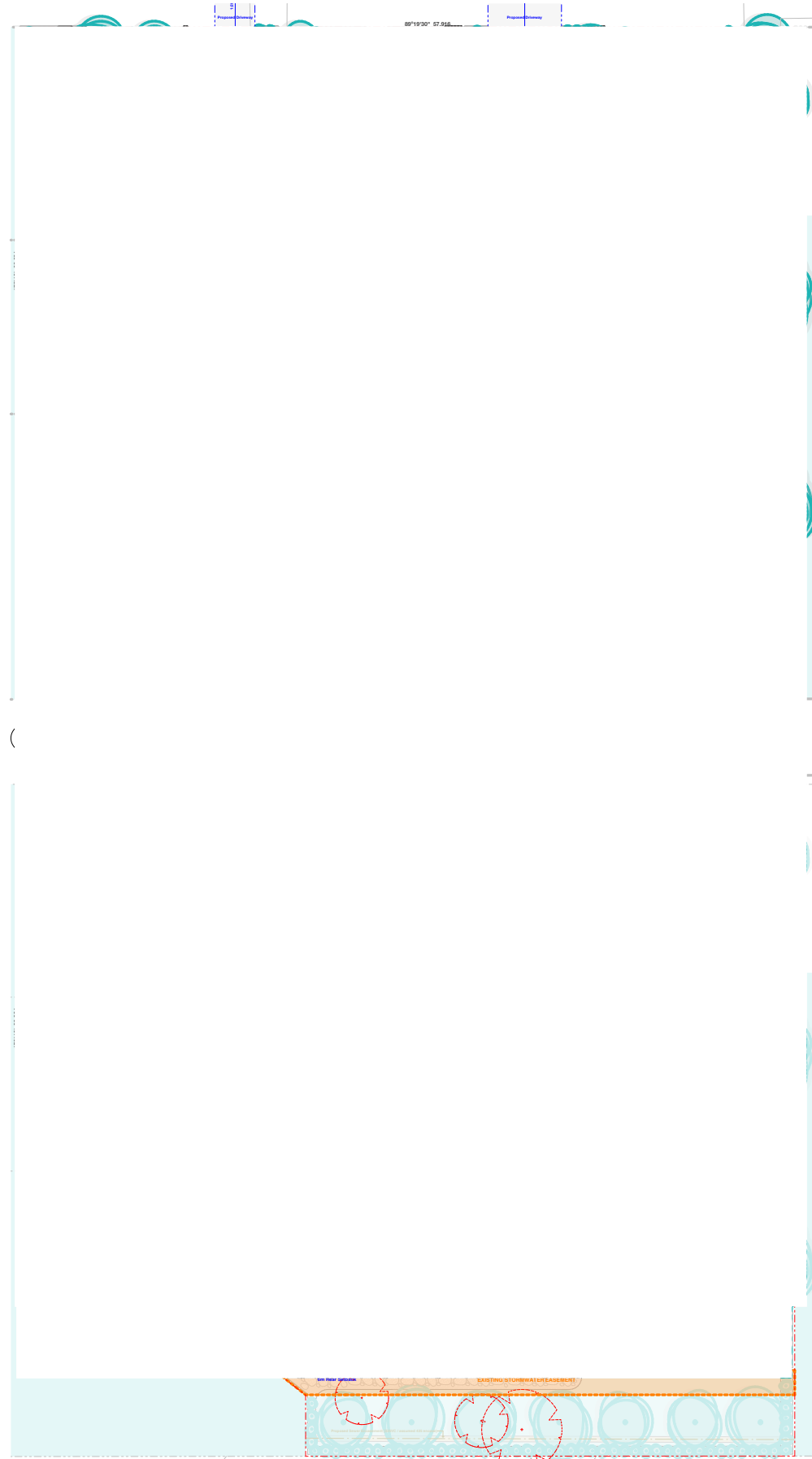
B FSR | First Floor
SCALE 1:200



C FSR | Second Floor
SCALE 1:200

FSR COMPUTATIONS

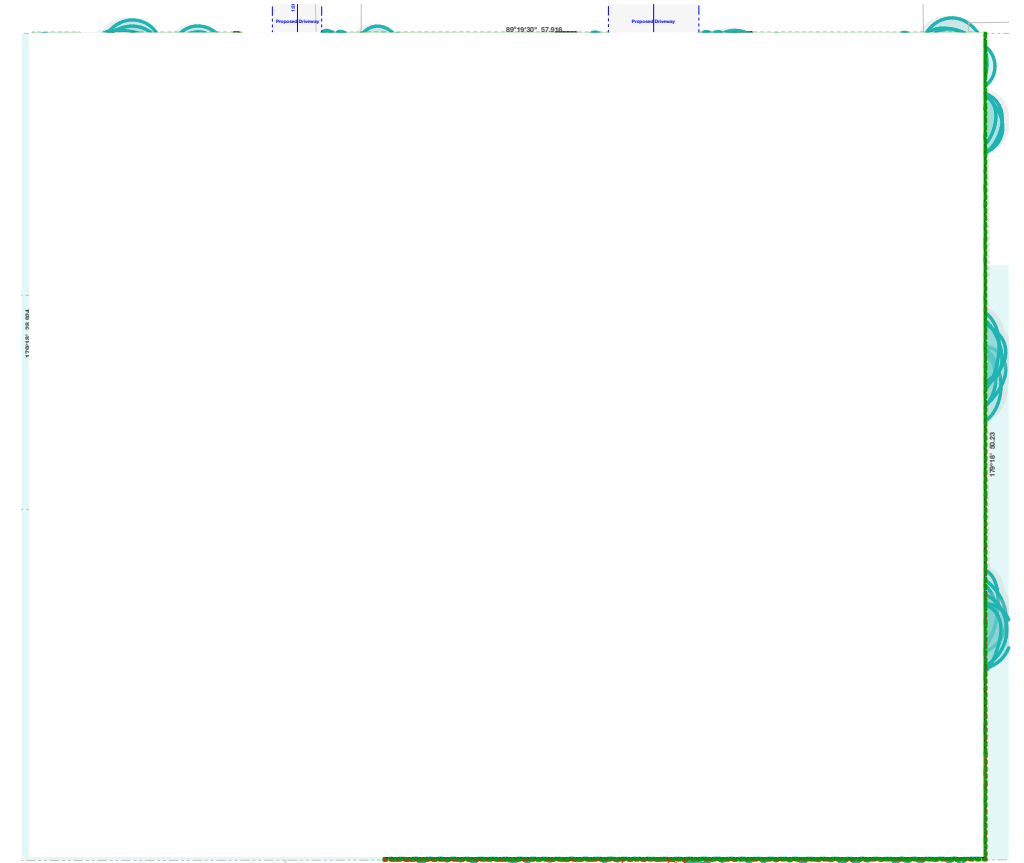
SITE AREA	No.8-12	2633.6m ²
PERMITTED		
FSR	1:1	2633.6m ²
PROPOSED		
Unit 1		103.6m ²
Unit 2		125.6m ²
Unit 3		125.6m ²
Unit 4		125.6m ²
Unit 5		125.6m ²
Unit 6		125.6m ²
Unit 7		125.6m ²
Unit 8		125.6m ²
Unit 9		125.6m ²
Unit 10		103.6m ²
Unit 11		107.9m ²
Unit 12		102.2m ²
Ground Floor		572.5m ²
First Floor		555.0m ²
Second Floor		294.6m ²
TOTAL	SQM	1422.1m ²
	FSR	0.54:1



2 POS | First Floor
SCALE 1:200

Redacted

LANDSCAPE COMPUTATIONS		
SITE AREA		No. 8-12 2633.6m ²
MINIMUM REQUIRED		
LANDSCAPE		20% Total
DEEP SOIL		4m x 5m
PROPOSED		
Ground Floor Landscape		1009.5m ²
Ground Floor Deep Soil		785.6m ²
TOTAL	SQM Overall %	1009.5m ² 38%
POS COMPUTATIONS		
SITE AREA		No. 8-12 2633.6m ²
MINIMUM REQUIRED		
POS		65-100sqm = 40m ² >100sqm = 50m ²
PROPOSED		
Private Open Space		
Unit 1		69.4m ²
Unit 2		61.6m ²
Unit 3		61.6m ²
Unit 4		61.6m ²
Unit 5		60.5m ²
Unit 6		52.9m ²
Unit 7		61.6m ²
Unit 8		61.6m ²
Unit 9		61.6m ²
Unit 10		69.4m ²
Unit 11		50m ²
Unit 12		76.2m ²
TOTAL	SQM	748m ²



3 Landscape | Ground Floor
SCALE 1:200

Window Schedule

ID	W01	W02	W03	W04	W05	W06	W07	W08	W09	W10	W11	W12	W13	W14	W15	W16	W17	W18	W19	W20	W20	W21	W22	W23	W24	W25	W26	W27	W28	W29	W30	W31	W32	
Glass Type	Glass - Obscure	Glass - Clear	Glass - Clear	Glass - Clear	Glass - Clear	Glass - Obscure	Glass - Clear	Glass - Obscure	Glass - Clear	Glass - Clear	Glass - Clear	Glass - Clear	Glass - Clear	Glass - Clear	Glass - Clear	Glass - Clear	Glass - Clear	Glass - Clear	Glass - Clear	Glass - Clear	Glass - Clear	Glass - Clear	Glass - Clear	Glass - Clear	Glass - Clear	Glass - Clear	Glass - Clear	Glass - Clear	Glass - Clear	Glass - Clear	Glass - Clear	Glass - Clear	Glass - Obscure	
Window Type	1 Awning, 1 Fixed	1 Fixed, 1 Awning	Sliding	1 Fixed, 1 Louvre	2 Fixed, 1 Awning	2 Awning, 2 Fixed	Awning	1 Awning, 1 Fixed	Awning	Fixed	Awning	Awning	Awning	3 Awning	Louvre	Louvre	Louvre	Louvre	Louvre	Louvre	1 Fixed, 1 Louvre	2 Awning, 2 Fixed	1 Fixed, 1 Louvre	1 Fixed, 1 Louvre	1 Fixed, 1 Awning	Awning	3 Fixed, 1 Awning	F	Awning	Awning	Louvre	Louvre	Louvre	4 Fixed, 1 Sliding
Quantity	7	2	1	1	20	16	1	1	9	1	1	1	1	2	1	2	4	8	1	2	2	1	1	2	1	1	1	1	1	1	1	1	1	2
Wallhole Dimensions WxH	1,110x2,600	2,100x900	2,100x900	1,800x2,600	2,850x900	1,950x2,600	1,550x900	1,110x2,600	750x900	3,530x600	720x2,000	850x1,000	832x2,600	2,500x900	1,550x2,600	1,000x2,200	600x2,300	1,000x2,300	1,450x2,300	2,500x2,600	2,500x2,600	1,160x2,600	1,600x2,300	1,660x900	900x900	4,120x900	3,900x600	1,060x2,000	750x1,000	1,160x2,300	900x2,300	900x2,700	2,500x2,600	
Sill height	100	1,500	1,500	100	1,500	100	1,500	100	1,600	2,100	700	1,700	100	1,600	100	200	100	100	100	100	100	100	100	1,500	1,500	1,500	2,100	700	1,700	100	800	0	100	
Head height	2,700	2,400	2,400	2,700	2,400	2,700	2,400	2,700	2,500	2,700	2,700	2,700	2,700	2,500	2,700	2,400	2,400	2,400	2,400	2,700	2,700	2,700	2,400	2,400	2,400	2,400	2,700	2,700	2,700	2,400	3,100	2,700	2,700	
Glazed area in sqm	2.89	1.89	1.89	4.16	2.39	5.07	1.40	2.89	0.68	2.12	1.44	0.85	2.16	2.25	4.03	2.20	1.38	2.30	3.34	6.50	6.50	3.02	3.68	1.49	0.81	3.71	2.34	2.12	0.75	2.67	2.07	2.43	6.50	
2D Symbol																																		
2D Elevation																																		

Door Schedule

ID	BD01	BD02	BD03	CD01	CD02	CD03	CD04	CD05	D01	D02	D03	D04	D05	GD01	SD01	SD02	SD03	SD04	SD05	SD06	SD07	SD08
Quantity	1	1	8	4	12	16	10	20	6	12	24	20	10	20	9	1	1	1	2	2	2	8
Wallhole Dimensions	2,050x2,700	1,186x2,700	900x2,700	900x2,400	720x2,700	1,300x2,400	900x2,700	1,000x2,400	1,050x2,400	1,000x2,700	820x2,400	760x2,400	760x2,400	2,700x2,700	3,150x2,700	3,500x2,700	3,250x2,700	5,131x2,700	2,090x2,400	2,500x2,400	2,777x2,700	2,900x2,400
Head height	2,700	2,700	2,700	2,400	2,700	2,400	2,700	2,400	2,400	2,700	2,400	2,400	2,400	2,700	2,700	2,700	2,700	2,700	2,400	2,400	2,700	2,400
2D Symbol																						
2D Elevation																						



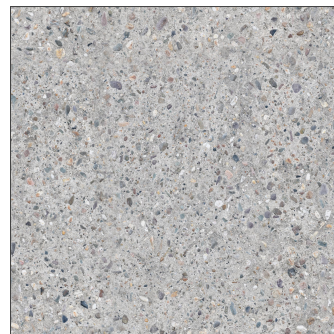
MA1 - Austral Brick Metallix Gun Metal Blue or similar



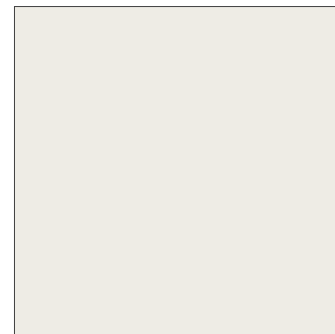
MA2 - DULUX Domino Black Render or similar



MA3 - DULUX Night Sky Black Powdercoat or similar



MA4 - Exposed Concrete Aggregate Driveway or similar



MA5 - DULUX Natural White Render or similar



ATTACHMENT 2 - Liverpool Development Control Plan 2008 (LDCP 2008)

The proposed development is subject to the Liverpool Development Control Plan 2008 (LDCP) 2008. The proposal has been assessed under the following Parts of the LDCP 2008:

- Part 1 of the LDCP 2008, which covers general controls relating to all types of development within the Liverpool LGA;
- Part 3.6: Multi Dwelling Housing (Villas and Townhouses) in the R3 and R4 zones.

Part 1 General Controls for all Development			
Control	Requirement	Proposed	Comment
Section 2 – Tree Preservation	Consider impact of development on existing vegetation	<p>The development proposes the removal of all trees at the site except for one, and 1 x Council owned street tree.</p> <p>An Aboricultural Assessment has been submitted with the development application to assess the significance of trees at the site.</p> <p>Consent could be granted for the tree removal on the basis that the aboricultural assessment finds that the majority of the trees would not survive the development.</p> <p>Conditions of consent could be imposed (if consent were granted) to ensure that appropriate measures are taken to protect trees to be retained through the development.</p>	Could be conditioned if consent were granted
Section 3 – Landscaping and Incorporation	Incorporation of existing trees into development where appropriate	One existing tree will be incorporated into the development.	Could be conditioned if consent were granted

of Existing Trees		Conditions of consent could be imposed (if consent were granted) to ensure that appropriate measures are taken to protect trees to be retained through the development.	
Section 4 – Bushland and Habitat Preservation	Consider impact of development on bushland and habitats	The site does not contain nor is adjacent to bushland. The land contains no known habitat for threatened species, populations or communities.	Not Applicable
Section 5 – Bushfire Risk	Land on or adjacent to bushfire prone land to comply with RFS requirements	The site is not bushfire prone and does not directly adjoin bushfire prone land.	Not Applicable
Section 6 – Water Cycle Management	Consideration of stormwater and drainage.	The Stormwater Plans submitted with the application have been reviewed by Council's Land Development Engineers. The proposed drainage arrangement for the development is deemed unsatisfactory due to drainage pipes and pits not meeting Council's standards, and positioning drainage pipes which cross underneath the building envelope.	Does not comply
Section 7 – Development Near a Watercourse	Consideration of impact to riparian corridors	The site is not located near to a riparian corridor.	Not Applicable
Section 8 – Erosion and Sediment Control	Sediment Control Plan or Soil and Water Management Plan required	A Sediment Control Plan has been submitted with the application to demonstrate how erosion and sediment will be controlled throughout the development. If the application were to be approved, a condition of consent could be imposed (if	Could be conditioned if consent were granted

		consent were granted) to ensure compliance with this control.	
Section 9 – Flooding Risk	Flood affectation of property to considered	The development site is mapped as flood affected under Liverpool City Council flood maps. The proposal has been reviewed by Council's flooding engineers who are supportive of the development subject to conditions of consent requiring adequate habitable floor levels to be achieved to mitigate the adverse impact of flooding	Complies
Section 10 – Contaminated Land Risk	Previous use to be considered in assessing risk	The site has a history of residential land use in an established neighborhood, and therefore it is highly unlikely that the site is contaminated	Complies
Section 11 – Salinity Risk	Salinity Management response required for affected properties	The site is mapped for moderate salinity potential. Standard conditions of consent could be imposed (if consent were granted) to manage effects.	Could be conditioned if consent were granted
Section 12 – Acid Sulfate Soils Risk	Affected properties to consider impact of development on soils	The site is not mapped as affected by Acid Sulfate Soils.	Not Applicable
Section 13 - Weeds	Noxious weeds to be removed as part of development where applicable.	No noxious weeds are identified on site.	Not Applicable
Section 14 – Demolition of Existing Development	Appropriate measures proposed.	The existing structures at the site are proposed to be demolished. A Demolition Plan has been provided which clearly details structures and vegetation to be removed and retained through the development. If approved, conditions would be imposed (if consent were granted) ensuring demolition be conducted appropriately in	Could be conditioned if consent were granted

		accordance with Australian Standards.	
Section 15 – Onsite Sewage Disposal	S68 Application required where connection to sewer not available.	Not required. Adequate public infrastructure is available to service the site.	Not Applicable
Section 16- Aboriginal Archaeological Sites	AHIA required where items of aboriginal archaeology exist.	The site is not mapped as containing sites of Aboriginal Archaeological Heritage significance. Conditions of consent could be imposed (if consent were granted) relating to unexpected finds.	Could be conditioned if consent were granted
Section 17 - Heritage and Archaeological Sites	Heritage Impact Statement required	The site does not contain or adjoin and State or Local heritage items. Liverpool Cemetery, a local heritage item, is located 100m west of the development site, however the proposed development is not visible from this site, being separated by existing roads and buildings.	Not Applicable
Section 20 – Car parking and access	Car parking requirements are as follows: - 1 space per 1 bedroom - 1.5 spaces per 2 bedroom - 2 spaces per 3+ bedroom 1 visitor space per every 4 units Bicycle space – 1 per 2 units, or 1 for every 4	The development is comprised of 10x 4-bedroom dwellings and 2x 2-bedroom dwellings. The following parking requirements apply: Required: 23 resident parking spaces 3 visitor parking spaces 11 bicycle parking spaces The proposal includes the following parking provisions for the development: Proposed:	Does not comply

	<p>bedrooms (whichever is greater)</p>	<p>22 resident parking spaces 3 visitor parking spaces 10 bicycle parking spaces</p> <p>Units 11 and 12 feature just one parking space each despite being 2 bedroom dwellings and therefore requiring 1.5 (2) spaces each.</p> <p>For units 11 and 12, the single parking spaces not sheltered in a garage or carport, exposing them to weather conditions.</p> <p>Additionally, unit 12's parking space is not immediately adjacent/ attached to the unit, and instead is located along the eastern elevation of unit 11. This site planning is considered to be an undesirable outcome for the proposal.</p> <p>The three visitor parking spaces are located within a carport along the eastern elevation of Unit 11, immediately adjacent to the allocated parking spaces for unit 11 and 12.</p> <p>Concentrating five parking spaces along this single unit elevation raises concerns regarding the acoustic privacy, and amenity of Unit 11.</p>	
<p>Section 21 - Subdivision of</p>	<p>Min width allowed in:</p>	<p>The amalgamated site has a street frontage width of 57.916m</p>	<p>Complies</p>

land and buildings	R4: 24m		
	Strata subdivision: minimum requirement of three buildings, spaces, or land parcels	Strata subdivision of multi dwelling units is not proposed under this Development Application.	Not Applicable
Section 22 - Energy conservation	New dwellings, are to demonstrate compliance with State Environmental Planning Policy – Building Sustainability Index (BASIX).	A BASIX certificate (No. 1365095M_04) has been submitted with the development. This BASIX certificate was generated based on the previous design scheme (10/10/23), a new BASIX certificate was not submitted for the latest designs dated 31/01/2024. Additionally, the BASIX Certificate references the wrong regulations and therefore would not satisfy the provision of the SEPP.	Does not comply
Section 25 - Waste disposal & re-use facilities	Waste Management Plan required	<p>A Waste Management Plan has been submitted, which outlines procedures for demolition and construction phases of the development.</p> <p>The proposal has been reviewed by Council's Waste Management officers who are unsupportive of the proposed waste arrangement due to a lack of information regarding the licenses of the off-site disposal facilities.</p> <p>Conditions of consent could be imposed (if consent were granted) to ensure that the name and license of the nominated waste facilities are provided to Council prior to the issue of a Construction Certificate.</p>	Could be conditioned if consent were granted

Section 26 - Outdoor advertising and signage	Applicable signage controls for development in Residential Zones	No signage proposed.	Not Applicable
Section 27 - Social Impact Assessment	Social Impact Comment (SIC) is required for residential development containing affordable housing.	Affordable housing is not proposed.	Not Applicable

Part 3.6 – Multi Dwelling Housing (Villas and Townhouses)			
in the R3 and R4 Zones			
Control	Requirement	Proposed	Comment
2. Subdivision, Frontage and Lot Size	<u>Lot Size</u> The minimum lot size for multi dwelling housing is 1,000m ² . Where development pursuant to section 4 is proposed, the minimum lot size shall be 650m ² . Site amalgamation encouraged.	The development proposes the amalgamation of three existing allotments. The total site area following amalgamation will be 2663.6sqm.	Complies
	<u>Lot Width</u> The minimum lot width for multi dwelling housing is 22m. Where development pursuant to section 4 is proposed, the minimum lot width shall be 18m	The amalgamated site has a lot frontage of 57.916m.	Complies

3. Site Planning	Site layout should consider, and as far as possible minimise overshadowing, acoustic and visual intrusion on neighboring and on-site dwellings.	The development presents various non-compliances in relation to built form massing, including non-compliant setbacks to windows of habitable rooms and unsuitable parking arrangements across the site. Accordingly, it is considered that the development has not sufficiently considered its relationship between proposed units at the site, and to neighboring dwellings.	Does not comply
	Direct link from living area to Principal Private Open Space	The PPOS of all dwellings is directly accessible from the living areas of the dwellings.	Complies
	Stormwater drained satisfactorily	The Stormwater Plans submitted with the application have been reviewed by Council's Land Development Engineers. The proposed drainage arrangement for the development is deemed unsatisfactory due to drainage pipes and pits not meeting Council's standards, and drainage pipes being sited to cross underneath the building envelope.	Does not comply
	The siting of dwellings shall be orientated to maximise solar access to both external courtyards and internal living areas.	The east-west orientation of dwellings enables adequate solar access to be provided to the external courtyards and internal living areas of the development.	Complies
	Where possible all existing substantial vegetation on site shall be retained.	Refer to discussion under Section 2 – Tree preservation of the Liverpool DCP Part 1	Complies

		General Controls for All Development	
	Multi dwellings not permitted on cul-de-sac heads or streets with a carriageway width of less than 6.5m	The site is not located in a cul-de-sac or on a street with a carriageway width of less than 6.5m	Not Applicable
4. Townhouse and Villa Development on an 18m frontage block	Controls for townhouses on lot with street frontage width less than the standard 22 m.	Not applicable as the development site has a frontage which exceeds 22m	Not Applicable
5. Setbacks	Front setback required: Ground Floor = 4.5m First Floor = 5.5m	Front setback proposed: GF setback: 4.5m FF setback: 5.5m	Complies
	Secondary setback GF: 2.5m FF: 2.5m	The site does not contain a secondary setback.	Not Applicable
	Verandahs, balconies, eaves and other sun control devices may encroach on the minimum front and secondary setback by up to 1m.	The architectural shade feature on the first floor of development features a 3.7m setback due to the provision of balconies on units 1 and 10, encroaching on the front setback in excess of 1m. The applicant has provided a justification for the variation stating the encroachment of the façade does not restrict the deep soil planting and landscaping at the site, does not restrict an appropriate level of solar access, and does not impact the visual or acoustic privacy at the site or to adjoining dwellings.	Considered acceptable

		<p>The variation is assessed as being acceptable on merit for the following reasons:</p> <ul style="list-style-type: none"> • The excessive encroachment does not run the entire length of the façade, and is limited to the balconies addressing the street of Unit 1 and Unit 10 • The encroachment of the balconies does not present any privacy or acoustic concerns for adjoining sites. • The encroachment of the setback controls allows for additional articulation in the front façade. Some of these components could be considered an architectural feature. • Sufficient landscaping is still able to be accommodated in the front setback area, and presents a screening affect which helps soften the appearance of the building façade. 	
	<p>Garages or Carports must be set back a minimum of 1m behind the main face of the dwelling.</p>	<p>Garages are located in line with main face of dwellings 1-10.</p> <p>However due to the east-west orientation of the development, the garages do not address the street and therefore the proposed arrangement does not result in the garage being a visually dominant aspect of the development.</p> <p>While visitor parking is located in-line with the main face of Unit 11, in the form of a carport, the parking features appropriate screening, and is comprised of</p>	<p>Complies</p>

		architectural features which contribute to a consistent building façade for the development.	
	<p>Ground floor without windows to habitable rooms</p> <p>Side – 0.9m</p> <p>Rear – 4m</p>	Not applicable	Does not comply
	<p>Ground floor with windows to habitable rooms</p> <p>Side – 4m</p> <p>Rear – 4m</p>	<p>Side setback: 1.2m - non-compliant</p> <p>Rear setback: 6.4m - complies</p> <p>The windows to habitable rooms in Units 11 and 12 include both highlight windows and floor to ceiling windows. The proposed floor to ceiling windows have an external louvre device which reduces any privacy and overlooking impacts on adjoining properties.</p> <p>While there is an attempt to reduce privacy impacts through louvres, the setback is still not considered appropriate given the 70% exceedance of the DCP control.</p> <p>The adjoining sites to the west are yet to be redeveloped and will accommodate high density built forms once developed. Accordingly compliance with the setback control is considered vital, to ensure that all</p>	

		development responds to the desired future character of the immediate area.	
	<p>First floor without windows to habitable rooms</p> <p>Side – 1.2m</p> <p>Rear – 4.5m</p> <p>First floor with windows to habitable rooms and neighboring private open space</p> <p>Side – 4m</p> <p>Rear – 6m</p>	<p>Side setbacks: Minimum 1.2m</p> <p>Rear setback: Minimum 6.4m</p> <p>The western elevation features windows to habitable rooms and a setback to the adjoining site to the west of 1.2m, encroaching on the 4m setback requirement by 2.8m (70% variation).</p> <p>The applicant has provided justification for the variation, stating that the window design prevents direct overlooking, and that the adjoining sites to the west continue to receive adequate solar access. The justification is not supported as the bulk and scale which the narrow side setback does not respond to the high density setting in which the site is located.</p> <p>The adjoining sites to the west are yet to be redeveloped and will accommodate high density built forms once developed. Accordingly compliance with the setback control is considered vital, to ensure that all development responds to the desired future character of the immediate area.</p> <p>The elevation further features minimal articulation to provide</p>	<p>Does not comply</p>

		visual relief to the adjoining properties. The applicant has made no attempt to increase the side setback along the western elevation, and therefore the setback is not supportable.	
	8m from dwellings across driveway (internal)	Multi dwelling units are setback at least 8m across an internal driveway.	Complies
6. Landscaping Area and Private Open Space	Min 20% site to be landscaped	Total Landscaping on site: 1009.5sqm = 38% of total site area	Complies
	A minimum unencumbered area of 4x5m shall be provided in rear setback to accommodate deep rooted trees.	Sufficient area is provided within the rear setback of each dwelling to accommodate deep rooted trees.	Complies
	<u>Private Open Space</u> Small dwelling (<65m ²) – 30m ² Medium dwelling (65-100m ²) – 40m ² Large dwelling (>100m ²) – 50m ² POS width must not be less than 1.5m. POS must not be covered by a roof	All dwellings exceed 100sqm in size and are therefore classified as large dwellings. All dwellings except for Unit 11 meet the minimum POS requirements Units 1-10 provide the required POS split between a ground floor rear yard, and a first floor open space area. Units 11 and 12 provide POS wholly at ground level, directly	Considered acceptable

		<p>accessible from the living areas of the units.</p> <p>Unit 11 provides a POS area of 45sqm, presenting a shortfall of 5sqm (10%). The variation is considered acceptable for the following reasons:</p> <ul style="list-style-type: none"> • The variation is considered minor, being 10% of the required area • Unit 11 is a 2-bedroom unit with a floor area of 107sqm, which is significantly smaller than the majority of the units at the site. While the POS falls short in meeting the requirements of a 'large' dwelling, the area is considered sufficient to accommodate the use of a 2-bedroom unit. • All other significantly exceed the POS requirements, balancing the bulk and scale of the development's built form. 	
	<p><u>Solar Access</u></p> <p>50% of private open space area to receive 3 hours sunlight between 9:00am and 5:00pm on 21June</p>	<p>The shadow diagrams provided demonstrate that 50% of the private open space areas of each unit will receive 3 hours solar access on 21 June.</p>	Complies
7. Cut and Fill, Building Design, Streetscape and Layout	Max cut 500mm	<p>Minimal earthworks are proposed to accommodate the development. The development involves filling of land to a maximum depth of 0.6m</p>	Complies

	All retaining walls masonry construction	No retaining walls are proposed.	Not Applicable
	Dropped edge beam to retain fill is required to all dwelling construction.	Drop edge beams have been proposed to retain the fill associated with the development.	Complies
	Conditions of consent can be imposed on the development to ensure that no contaminated fill is used on site.	Conditions of consent could be imposed (if consent were granted) on the development to ensure that no contaminated fill is used at the site.	Could be conditioned if consent were granted
	<u>Building Design</u> Units with street front orientate entrance to street and living area where possible.	The building entrances for dwellings along the street frontage have been designed to address the street.	Complies
	Entry points are to be emphasised	The architectural design of the dwellings has enabled entry points to be clearly visible from the street	Complies
	First floor no greater than 2/3 ground floor in area.	The development proposal is comprised of a mix of two-storey and three-storey townhouses, with a first floor GFA which is similar to the ground floor area. For proposed units 1-10, while the first floor area is greater than two thirds of the ground floor area, the development has made attempts to scale down the size of the building footprint for the first storey and second storey component of the development. The massing of the building envelope has been broken up through the provision of first floor open terrace areas located above the garages of the units.	Considered acceptable

		<p>For units 11 and 12, the two storey units of the development, the similar floor areas at the ground and first level are considered acceptable as these units are detached in built form, and therefore the building envelopes do not present an excessive bulk and scale for the site.</p> <p>Despite exceeding the first floor GFA requirement, the development continues to satisfy the objectives of the controls in relation to the following:</p> <ul style="list-style-type: none"> • The building design promotes variation through massing, articulation, materials, and architectural features. • The design of the building adds visual interest through articulation, roof details and architectural features • Balconies and habitable rooms address the street for units along the street frontage. 	
	Building façades should be articulated and roof forms should be varied	<p>The development façade has incorporated articulation through eaves to highlight build entrances, variation in materials, and balconies addressing the street.</p> <p>The slanting roof form of the second storey component of the development adds visual interest to the form.</p>	Complies
	Walls to be mix of masonry, rendered	Materials and finishes of the development feature a mix	Complies

	and or bagged, lightweight clad, brick	include a mix or concrete renders and timber cladding.	
	A sidewall must be articulated if the wall has a continuous length of over 10 m	Units 2-9 feature a continuous wall length of approximately 10.9m within the first storey component of the units. The minor exceedance in continuous wall length for the first storey element of units 2-9 is considered acceptable as the development demonstrates sufficient articulation in relation to building materials and architectural features across each storey of the façade, and the overlapping planter structures along these elevations help to break up the visual bulk of the development.	Considered acceptable
	The entrance of each dwelling shall be emphasised	Building entrances have been emphasised using fencing and landscaping	Considered acceptable
	Driveways should avoid a 'gun barrel' effect by curving and siting of buildings, which create a driveway form with the divided carriageway separated by soft landscaping.	The driveway design is considered acceptable. The development has been reviewed by Council's traffic engineers, who raise no objection to the development in relation to driveway access design.	Complies
	No balconies on side or rear of buildings	None proposed.	Not Applicable
	Blank walls to street or public open space discouraged.	Blank walls to the street are not proposed	Complies
	<u>Internal Design</u> Habitable rooms are to be orientated to street	Habitable rooms of dwellings along the street frontage address the street.	Complies
	Living rooms should take advantage of northern aspects where possible	The siting and orientation of the development does not enable all units to take advantage of northern aspects, however all dwelling units considered to	Considered acceptable

		achieve adequate solar access to living areas.	
	Access to POS from living rooms	Access to POS is directly accessible from living rooms of dwellings.	Complies
	The internal layout of the dwelling must incorporate cross ventilation	The internal layout of the dwellings enables cross ventilation to be achieved.	Complies
	Min storage area 8m ³	Storage in excess of 8m ³ is provided for each dwelling.	Complies
8. Car Parking and Access	Refer to Part 1 for requirements for minimum widths for Internal Driveways.	The development has been reviewed by Council's traffic engineers who are supportive of the internal driveway width and arrangement.	Complies
	Driveway area must be minimised and concentrated double garages discouraged.	Two driveway access points are provided to the site to access the 12 units. One shared driveway is proposed to access Unit 1-10. A second shared driveway is proposed to access units 11 and 12 and the visitor parking spaces. Double garages are proposed which facilitate tandem parking with a single garage width, minimizing the visual impact of the garages for the development.	Complies
	<u>Basement parking</u> Basement car parking is permitted but will be included as a storey if the ceiling is located more than 1m above	Basement carpark not proposed	Not Applicable

	the natural ground level.		
	<p><u>Access driveways</u></p> <p>Driveways to the street shall be kept to a minimum.</p>	<p>The development proposes two driveways to service the development.</p> <p>A shared driveway is proposed to access Unit 1-10. A second shared driveway is proposed to access units 11 and 12, and the visitor parking spaces.</p> <p>The multiple driveways to service the development is considered acceptable as the arrangement does not increase the number of driveways currently present at the site and has not raised concerns from Council's traffic engineers.</p>	Complies
	Driveways may be permitted to individual dwellings provided that the streetscape is not adversely affected and the application complies elsewhere with the DCP.	No driveways to individual dwellings are proposed.	Not Applicable
9. Landscaping and Fencing	The setback areas of development are to be utilised for canopy tree planting.	The Landscape Plan submitted for the proposed development identifies trees with a mature height of 8m to be located within the front and rear setback areas.	Complies
	Landscape planting should be principally comprised of native species	The landscape species identified for the development are principally comprised of native species.	Complies
	The landscaping shall contain an appropriate mix of canopy trees, shrubs and groundcovers.	The landscaping arrangement proposed for the development includes an appropriate mix of canopy trees, shrubs, and grass	Complies

	groundcover around the building curtilage.	
A 2m wide landscaped area shall be provided between an internal driveway and a property boundary to provide privacy to the adjoining property and to soften the appearance of the internal driveway.	A 2m wide landscaped buffer has not been provided between the internal driveway and building entrance. This results in poor amenity for the development and presents a long stand of hardscape between units.	Does not comply
A maximum of 30% of the front setback is to be paved/sealed, unless for access to garage carport or entryways.	Paved areas within the front setback are limited to driveway and pedestrian access	Complies
Any tree with a mature height over 8m should be planted a minimum distance of 3m from the building or utility services.	Conditions of consent could be imposed (if consent were granted) to ensure that trees with a mature height over 8m will be planted a minimum distance of 3m from building or utility services.	Could be conditioned if consent were granted
<u>Fencing</u> The maximum height of a front fence is 1.2m. Fence may be up to 1.8m on classified road with landscaping	The front fencing for the development is comprised of masonry and metal construction with a maximum height 1.2m. The development incorporates landscaping in front of the panel blade fencing in order to soften the appearance of the development.	Complies
Front fence 30% transparent	The front fencing materials for the development and design achieve adequate transparency.	Complies
The front fence may be built to a maximum of 1.8m only if:	1.8m high front fencing is not proposed.	Not Applicable

	<ul style="list-style-type: none"> The primary frontage is situated on a Classified Road. The fence is articulated by 1m for 50% of its length and have landscaping in front of the articulated portion. 		
	<p><u>Secondary frontages</u></p> <p>Side fences and walls must be a maximum of 1.8m in height, and constructed of masonry, timber and/or landscaped</p>	Secondary frontage not applicable	Not Applicable
	<p><u>Boundary Fences</u></p> <p>Boundary fences shall be lapped and capped timber or metal sheeting</p>	Conditions of consent could be imposed (if consent were granted) to ensure that materials and finishes for fencing in accordance with the DCP	Could be conditioned if consent were granted
	The maximum height of side boundary fencing within the setback to the street is 1.2m.	The side boundary fencing in the setback to the street ranges in height from 1m to 1.3m following the topography of the site. The minor exceedance in fencing height along a small portion of the side boundary is considered acceptable.	Considered acceptable
10. Amenity and Environmental Impact	<p>Adjoining properties must receive a minimum of three hours of sunlight between 9am and 5pm on 21 June to at least;</p> <ul style="list-style-type: none"> - One living, rumpus room or the like; and - 50% of the private open space. 	The shadow diagrams submitted for the development demonstrate that adjoining properties receive adequate for a minimum of three hours of sunlight between 9am and 5pm on 21 June.	Complies

	Windows to habitable rooms should be located so they do not overlook such windows in adjoining properties, other dwellings within the development or areas of private open space.	<p>The western elevation of the units 6-10 features windows to habitable rooms (upper floor rooms, including bedrooms and bathrooms) which directly overlook the private open space of adjoining units (11 and 12). However, the proposed upper floor windows are highlight windows which provide minimal opportunity for overlooking considering the proposed sill heights.</p> <p>The western elevation of the units 11 and 12 features windows to habitable rooms which directly overlook the private open space of adjoining sites. Notwithstanding the applicants attempt to mitigate any privacy impacts, there is still an unacceptable opportunity for overlooking of adjoining properties.</p>	Does not comply
	Developments in areas adversely impacted upon by rail or traffic related noises must incorporate the appropriate noise and vibration mitigation measures.	The development site is not identified as impacted upon by rail or traffic related noises.	Not Applicable
11. Site services	Letterboxes shall to be provided for each dwelling on site, easily accessible from the street, able to be securely locked and provided in accordance with Australia Post's requirements.	Letterboxes for each unit have been identified on the plans.	Complies

	<p>Waste disposal facilities shall be provided for development. These shall be located adjacent to the driveway entrance to the site.</p>	<p>Waste bins have been identified for each individual unit rather than a singular dedicated waste disposal area to service the entirety of the development.</p> <p>Waste bins will be located within the private open space of the units within a contained structure.</p> <p>No concerns have been raised by Council's waste management team regarding waste storage locations for the development.</p>	<p>Complies</p>
	<p>Where a footpath, road shoulder or new or enlarged access driveway is required to be provided this shall be provided at no cost to Council.</p>	<p>The development involves the removal and relocation of the existing driveways which service the site. Conditions of consent could be imposed (if consent were granted) to ensure that these works will be provided at no cost to Council.</p>	<p>Could be conditioned if consent were granted</p>
	<p>Council must be notified of any works that may threaten Council assets. Council must give approval for any works involving Council infrastructure.</p>	<p>Conditions of consent could be imposed (if consent were granted) to protect Council assets to such as street trees.</p>	<p>Could be conditioned if consent were granted</p>
	<p>Where there are no existing street trees in front of the site and contributions have not been collected for street tree planting it may be a condition of consent that street trees be provided in the footpath area immediately in front of the site.</p>	<p>There street verge fronting the site does not currently contain a footpath.</p> <p>Conditions of consent could be imposed (if consent were granted) requiring pedestrian footpaths to be constructed along the street fronting the development, and additional</p>	<p>Could be conditioned if consent were granted</p>

		street trees to replace the Council owned street trees proposed to be removed.	
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**NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

Pursuant to Section 4.16 of *the Environmental Planning and Assessment Act 1979*, Council has granted consent to your Development Application, described as follows:

APPLICANT:	MONUMENT PLAN PTY LTD
LAND:	8-12 MAYBERRY CRESCENT, LIVERPOOL 2170 10, 11 & 12 DP 31382
PROPOSED DEVELOPMENT:	DEMOLITION OF EXISTING STRUCTURES AND THE CONSTRUCTION OF A MULTI DWELLING HOUSING DEVELOPMENT COMPRISING 12 ATTACHED DWELLINGS WITH AT GRADE PARKING.

REASONS FOR REFUSAL

1. Insufficient information has been submitted to allow Council to carry out a full assessment of the application. In this regard, an inadequate response has been received to Council's requests for additional information pursuant to Section 4.15(1)(a)(i), 4.15(a)(iii), 4.15(a)(iv) and 4.15(1)(b), 4.15(c) of the EP&A Act 1979.
2. The proposed development is inconsistent with the provisions of State Environmental Planning Policy (Biodiversity and Conservation) 2021, in which insufficient information has been submitted to satisfy the provisions of Chapter 6 in relation to stormwater management; pursuant to Sections 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
3. The proposed development fails to demonstrate compliance and satisfy the provisions of State Environmental Planning Policy (Building Sustainability Index BASIX) 2004, pursuant to Sections 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
4. The proposed development is not in accordance with the provisions outlined in the Liverpool Local Environmental Plan 2008. Specifically, the proposal fails to demonstrate compliance with objectives of the R4 – High Density Residential Zoning, as well as Clauses 5.21 – Flooding and 5.22 – Special Flooding Considerations.
5. The proposed development does not achieve satisfactory compliance with the controls stipulated in the Liverpool Development Control Plan 2008, Part 1 – General Controls for all



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

All correspondence to Locked Bag 7064 Liverpool BC NSW 1871

Call Centre 1300 36 2170 **Email** lcc@liverpool.nsw.gov.au

Web www.liverpool.nsw.gov.au **NRS** 13 36 77 **ABN** 84 181 182 471

Development, pursuant to Section 4.15(1)(a)(iii), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, in terms of the following sections:

- i. Section 6 – Water Cycle Management;
 - ii. Section 20 – Car Parking and Access
 - iii. Section 22 - Energy conservation
6. The proposed development does not achieve satisfactory compliance with the controls stipulated in the Liverpool Development Control Plan 2008, Part 3.6- Multi Dwelling Hosing (Terraces, Townhouses and Villas, pursuant to Section 4.15(1)(a)(iii), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, in terms of the following sections:
- i. Section 3 – Site Planning
 - ii. Section 5 – Setbacks
 - iii. Section 9 – Landscaping and Fencing
 - iv. Section 10 – Amenity and Environmental Impact
7. The various non-compliances relating to site planning, setbacks, internal amenity, parking, indicate that the proposal does not provide an orderly or efficient use of the site, and that better overall amenity could be achieved through a more rigorous design approach. The proposed design does not provide a suitable or optimal built form outcome.
8. Insufficient information has been provided to demonstrate the site would be suitable for the proposed development, pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
9. It is considered that in the circumstances of the case, approval of the development would set an undesirable precedent for similar inappropriate development is therefore not in the public interest, pursuant to provisions of Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979.
10. The proposed development fails to satisfy the concerns raised from internal referrals within Council, pursuant to the provisions of Clause 4.15(1)(d) of the Environmental Planning and Assessment Act 1979.

ADVISORY NOTES

- a) Section 8.2 of the EP&A Act provides that an applicant may request, within six (6) months of the date of the determination of the Development Application, that Council review its determination (this does not relate to designated development or Crown development).



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An application under Section 8.2 of the EP&A Act cannot be reviewed/determined after 6 months of the date of determination. Therefore, the submission of a Section 8.2 Application must allow sufficient time for Council to complete its review within the prescribed timeframe, including the statutory requirement for public notification.

- a) Section 8.7 and 8.9 of the EP&A Act provides that an applicant who is dissatisfied with the determination of a Development Application, may appeal to the Land and Environment Court within six (6) months of the date of determination, or as otherwise prescribed by the EP&A Act.

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



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Item Number:	4
Application Number:	DA-1291/2010/A
Proposed Development:	<p><u>Approved Development:</u></p> <p>Staged Development of a Crematorium Comprising the following:</p> <p><u>Stage 1:</u></p> <p>Construction of Crematorium and two (2) associated ceremonial halls, information centre, memorial gardens (cemetery) incorporating containment of 10,000 ashes in receptables, car parking and access roads, associated landscaping, fencing and signage.</p> <p><u>Stage 2:</u></p> <p>Construction of temple, (place of public worship) including facilities for meditation and dining, ancillary dormitory accommodation, extension of private access road and car parking, associated landscaping, fencing.</p> <p>Note: Proposal is nominated integrated development under the <i>Water Management Act 2000</i> (Department of Environment Climate Change & Water) & Integrated Development under <i>Rural Fires Act 1997</i> (NSW Rural Fire Service).</p> <p><u>Modification Development:</u></p> <p>Modification to Development Consent DA-1291/2010 under Section 4.55 of the <i>Environmental Planning and Assessment Act 1979</i>, to relocate the temple / meditation centre (place of public worship), the memorial gardens and subdivide the site into two lots.</p>
Property Address	992 Greendale Road, Greendale
Legal Description:	Lot 1 in DP 520904
Applicant:	Paul Anderson
Land Owner:	Nirmal Taluja
Cost of Works:	Nil
Recommendation:	Refusal
Assessing Officer:	Eunice Pedrosa

1 EXECUTIVE SUMMARY

Council has received an application to modify consent DA-1291/2010/A, which approved a two staged development for the purposes of a Crematorium at 992 Greendale Road, Greendale, legally known as Lot 1 in DP 520904. The stages included:

- Stage 1: Construction of Crematorium and two (2) associated ceremonial halls, information centre, memorial gardens (cemetery) incorporating containment of 10,000 ashes in receptables, car parking and access roads, associated landscaping, fencing and signage.
- Stage 2: Construction of temple, (place of public worship) including facilities for meditation and dining, ancillary dormitory accommodation, extension of private access road and car parking, associated landscaping, fencing.

The subject modification application is made pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979) and originally sought to amend Development Consent DA-1291/2010 to relocate the approved meditation centre / temple (place of public worship), the memorial gardens, introduce ancillary activities (florist and café) on the site and subdivide the site into two lots. In accordance with the original consent, no approval was granted for a florist, café and subdivision.

The applicant has amended the subject modification application to remove the florist and café components as there was doubt about whether the development would be substantially the same as originally approved with regards to these uses. Given that the modification continues to propose the subdivision of the site and the relocation of the (approved) meditation centre/ temple, to an unknown location onsite, it is unclear at this stage how the development would be substantially the same as to which consent was granted. Furthermore, insufficient information has been submitted detailing whether the relocation of the (approved) memorial gardens would generate additional removal of native vegetation within the Environmental Significant Lands (ESL), which was not considered under DA-1291/2010.

Clause 4.1 – Minimum Subdivision Lot Size of the Liverpool Local Environmental Plan (LLEP) 2008, stipulates a minimum lots size of 40ha applicable to the subject site. It should be noted, that the subdivision arrangement proposed would result in one lot size of 29.6ha (26% variation) and one of 30.4ha (24% variation). While a clause 4.6 request is not required to be submitted for a modification application, the proposal does not adequately demonstrate that the non-compliance with the minimum lot size development standard is consistent with the objectives of the zone and the standard. As such, there is not considered to be sufficient environmental planning grounds to justify contravening the development standard in this case.

The modification application was advertised/notified for a period of 30 days from 31 May 2022 to 29 June 2022 in accordance with Community Participation Plan 2022. No submissions were received during the public consultation period regarding the proposal.

The application is referred to the Liverpool Local Planning Panel (LLPP) in accordance with the *Local Planning Panels Direction – Development Applications and Applications to Modify*

Development Consent, endorsed by the Minister for Planning and Public Spaces on 30 June 2020, as the modification application falls in the category of:

- *Departure from development standards.*

This report summarises the key considerations in the determination of the proposal in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and Liverpool Environmental Plan 2008 (LLEP). Based on the assessment of the application, it is recommended that the application be **refused**.

2. SITE DESCRIPTION AND LOCALITY

2.1 The locality

The locality primarily consists of rural parcels, with neighbouring properties typically being 10 hectares or greater in size. To the east, separated by Greendale Road is the former St Mark's Anglican Church and to the immediate southeast of the site is the Greendale Roman Catholic Cemetery. To the northwest of the site is a Free Church of Tonga, which comprises of a place of worship and a dwelling house. To the rear of the site is the Nepean River.



Figure 1: Locality Surrounding the proposed development (Source: Geocortex)

2.2 The Site

The subject site is identified as Lot 1 in DP 520904 and is known as 992 Greendale Road, Greendale. The land is described as an elongated triangle shaped allotment that has a total area of 20.13ha (or 201300m²) with a frontage to approximately 423.6m to Greendale Road. The western rear boundary of the site directly adjoins the Nepean River.

Currently, the subject site is undergoing civil engineering works, tree removal and site preparation under development consent DA-1291/2010. Additionally, there are containers and general scattered metal materials located along the southwestern rear portion of the property, adjacent to the southern side boundary. The site contains an existing dam.

The site has access from Greendale Road, which the road facilities two-way traffic movements.

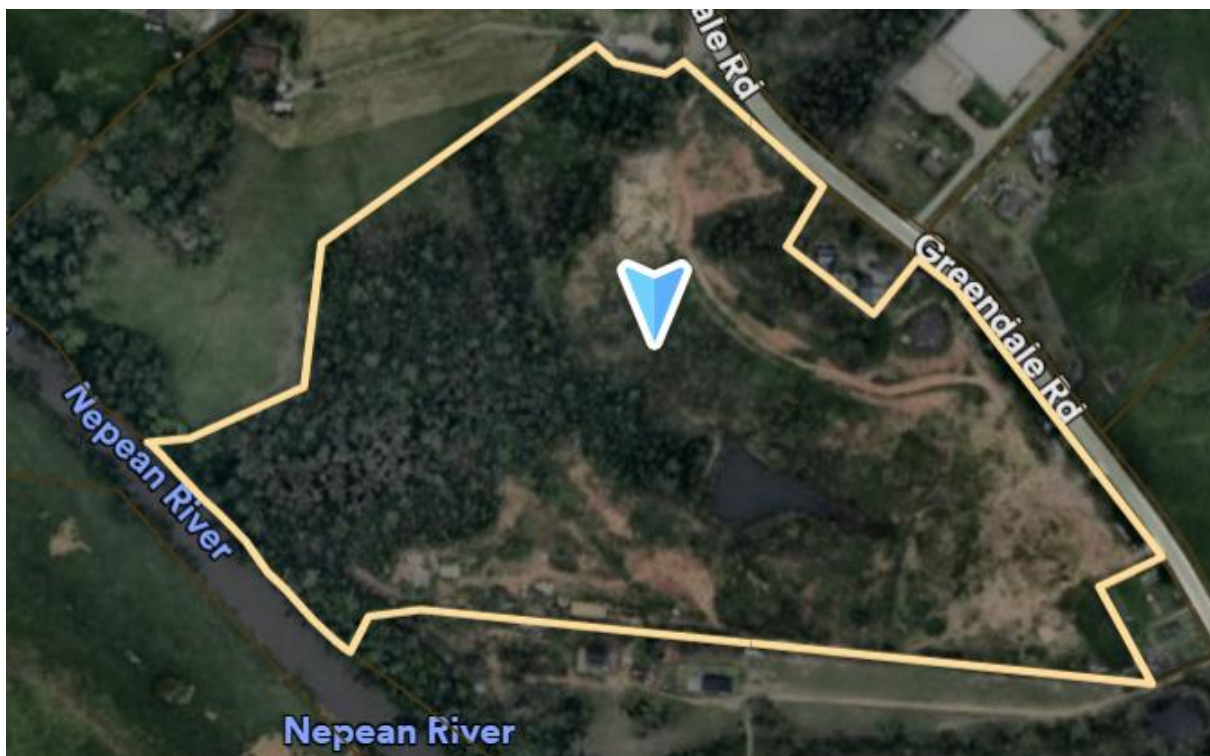


Figure 2: Aerial view of the site (Source: Nearmaps)

3. BACKGROUND/HISTORY

3.1 The Site History

Application	Lodged	Proposal	Determination
DA-566/1989	01/09/1989	Erection of a dwelling	Approved 20/11/1989
DA-226/1992	30/03/1992	Proposed use of property as a paintball playing field.	Refused 11/06/1992
DA-1028/1992	01/12/1992	Erection of a dwelling	Refused 21/12/1992
DA-475/1994	27/06/1994	Land Filling	Refused 04/10/1994
DA-1291/2010	23/04/2010	Staged development - Stage 1: Construction of crematorium and two (2) associated ceremonial	Approved 11/08/2011

		halls; information centre; memorial gardens (cemetery) incorporating containment of 10,000 ashes in receptacles; car parking; access roads; and associated landscaping; bushfire trails and asset protection zones; fencing; and signage. Stage 2: Construction of temple (place of worship) including facilities for meditation and dining; ancillary dormitory accommodation and car parking. (Note: this application is re-advertisement due to amended design and layout) (Note: The proposal is defined as Nominated Integrated Development (Waters Act 2000 - Department of Environment Climate Change and Water) and Integrated Development (Rural Fires Act 1997- NSW Rural Fire Service)	
CCE-16/2015 <i>Construction Certificate</i>	30/04/2010	CC - Engineering (Use SWC for new applications) - Earth works, pipes and road equipment's for proposed Staged development - Stage 1: Construction of crematorium and two (2) associated ceremonial halls; information centre; memorial gardens (cemetery) incorporating containment of 10,000 ashes in receptacles; car parking; access roads; and associated landscaping; bushfire trails and asset protection zones; fencing; and signage. Stage 2: Construction of temple (place of worship) including facilities for meditation and dining; ancillary dormitory accommodation and car parking. (Note: this application is re-advertisement due to amended design and layout) (Note: The proposal is defined as Nominated Integrated Development (Waters	Approved 11/02/2021

		Act 2000 - Department of Environment Climate Change and Water) and Integrated Development (Rural Fires Act 1997- NSW Rural Fire Service)	
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3.2 Assessment History

Date	Event
19 April 2022	Subject Modification Application Lodged
31 May 2022- 29 June 2022	Application notified and no submissions received
21 December 2022	Requested for Information letter sent to the applicant regarding: - Land Development Engineering
27 January 2023	Requested for Information letter sent to the applicant regarding NSW Rural Fire Services, as follows: 1. A bush fire report demonstrating compliance of the proposed works with the relevant sections of <i>Planning for Bush Fire Protection (PBP) 2019</i> shall be provided further assessment of the proposal. 2. The submitted plans shows that the approved meditation centre is proposed to be relocated, however, the new location of the meditation centres is not shown. Updated set of architectural plans drawn to scale showing all the relevant details shall be provided.
20 April 2023	Following letter requesting for information sent to the applicant.
27 April 2023	Due to insufficient information, NSW RFS could not support the proposed development.
27 April 2023	Applicant responded to Requested Information.
24 July 2023	Re-referred the application to NSW RFS.
24 October 2023	Applicant provided revised architectural plans
28 February 2024	Requested for Information letter sent to the applicant for the following: <ul style="list-style-type: none"> The proposal is considered to not be substantially the same development per the provisions of section 4.55 of the <i>Environmental Planning and Assessment Act 1979</i>. As such, the proposal cannot be determined under this application. Per previous advice it is highly recommended that this application be withdrawn, and a new application be lodged for the works. <p>Note: The Florist, Café and Subdivision was not approved under the original consent (ref. DA-1291/2010).</p> <ul style="list-style-type: none"> In addition to the above, the proposal appears to include the subdivision of the site. It is noted that the resultant lots do not comply with the minimum lot size control contained within Clause 4.1 – Rural Subdivision of Liverpool LEP 2008. A Clause 4.6 variation request is not required to be submitted with a section 4.55 modification application, however per previous correspondence Council is unlikely to support such a variation of

	the control.
12 March 2024	No response from the applicant.
04 March 2024	It has been advised to both the current applicant and owner that the application has been recommended for refusal, which both agreed for the application to be refused.

No response has been received by the Applicant. As per the abovementioned timeline, it is considered that ample time has been granted to the applicant in order to address and resolve the matters raised by Council as a result of its assessment. As an insufficient response to these matters has been provided by the applicant, the Modification Application is not in a position to be supported. As such, the application is recommended for refusal.

4. DETAILS OF THE PROPOSAL

The proposed modification development consists of the following:

- Relocate of the approved temple (place of public worship). However, the applicant has not provided the amended location onsite.
- Relocation of the approved memorial garden from the south-east to the north-western portion of the site, with a reflection pond.
- Subdivision of the existing lot into two lots as follows:
 - North-western lot: 9.6ha
 - South-eastern lot: 10.4ha

Please note: No Further changes are proposed by the applicant to the approval issued under DA-1291/2010.



Figure 3: Approved site plan of the development under DA-1291/2010



Figure 4: Master Plan of the proposal at lodgment



Figure 5: Northeastern perspective of the proposed modification

5. Planning Assessment

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

(2) Other modifications

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

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

Comment: The original consent DA-1291/2010 was granted for a staged Crematorium comprising of the construction of ceremonial halls, information centre, memorial gardens and a place of public worship, with associated civil works, landscaping, fencing, signage and car parking. No approval was granted for a florist and café under the parent application DA-1291/2010.

Based on the amended architectural plans, the proposed modification seeks to relocate the approved Meditation Centre/ temple (also known as place of public worship), construct a reflection pond with associated landscaping, and two (2) lot subdivision.

At this stage, Council cannot ascertain the potential impacts from the new location of the (approved) meditation centre/ temple as the applicant has not nominated the new location onsite.

In addition, the modification seeks to relocate the (approved) memorial gardens within the 70metre Asset Protection Zone (APZ) and Environmental Significant Lands (ESL) in the north-western portion of the site. Insufficient information has been provided to Council showing the extent of works occurring within the 70metre APZ and the ESL. The relocation of the memorial gardens could potentially generate additional removal of native vegetation, which would result in development not substantially the same as the development originally approved.

Furthermore, the proposal seeks to subdivide the existing site into two lots providing a lot size of 9.6ha and 10.4ha, which would notably depart from the development standard.

Due to the extent of works proposed under the modification application and the insufficient information provided for assessment, it is considered that the proposal does not meet the requirements under Section 4.55 of the EP&A Act 1979. As such, the development is not

substantially the same development as what was originally granted consent under Development Consent no. 1291/2010.

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

Comment: The application was referred to Department of Planning and Environment - Water and NSW Rural Fire Services due to the proposed amendments to the approved consent. DPE-Water and NSW RFS reviewed the modification application and raised no objections, subject to conditions of consent.

(c) it has notified the application in accordance with—

(i) the regulations, if the regulations so require, or

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

Comment: The development application was advertised/notified for a period of 30 days from 31 May 2022 to 29 June 2022 in accordance with Community Participation Plan 2022. No submissions were received during the public consultation period objecting/supporting the proposal.

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

Comment: The development application was advertised/notified for a period of 30 days from 31 May 2022 to 29 June 2022 in accordance with Community Participation Plan 2022. No submissions were received during the public consultation period.

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

Comment: An assessment of the development as modified against Section 4.15 of the Act is provided in this report. The assessment has found that the proposed modification is inconsistent with Section 4.15 of the Act.

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

Comment: As detailed in this report, the development as modified is not substantially the same as approved under the DA-1291/2010.

5.1 Consideration of the relevant matters in Section 4.15

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

- (a) State Environmental Planning Policy (Biodiversity and Conservation) 2021
- (b) State Environmental Planning Policy (Resilience and Hazards) 2021
- (c) Liverpool Local Environmental Plan (LLEP) 2008;
- (d) Liverpool Development Control Plan (LDCP) 2008;
 - (i) Part 1 – General Controls for all development
 - (ii) Part 5 – Development in Rural and Environmental Zones

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

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

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

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

The proposed modifications to the development are considered to have minimal impact on the Hawkesbury-Nepean Catchment. As such, the proposed modifications are unlikely to have any adverse impacts on the stormwater runoff and water quality. In addition, the modification application was referred to Council's Land Development Engineers who raised no objections, subject to conditions.

In addition, the site is identified as flood prone land. The modification application was referred to the Council's Floodplain Engineers who raised no objections, subject to additional conditions of consent. It is considered that the proposed modifications satisfy the provisions of the Hawkesbury-Nepean Catchment.

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

Land contamination matters were considered under the approved development DA-1291/2010. No further matters for consideration have been identified.

(c) Liverpool Local Environmental Plan 2008

(i) Zoning

The subject site is zoned **RU1 Primary Production** pursuant to the LLEP 2008. An extract

of the zoning map is provided in Figure 6 below.

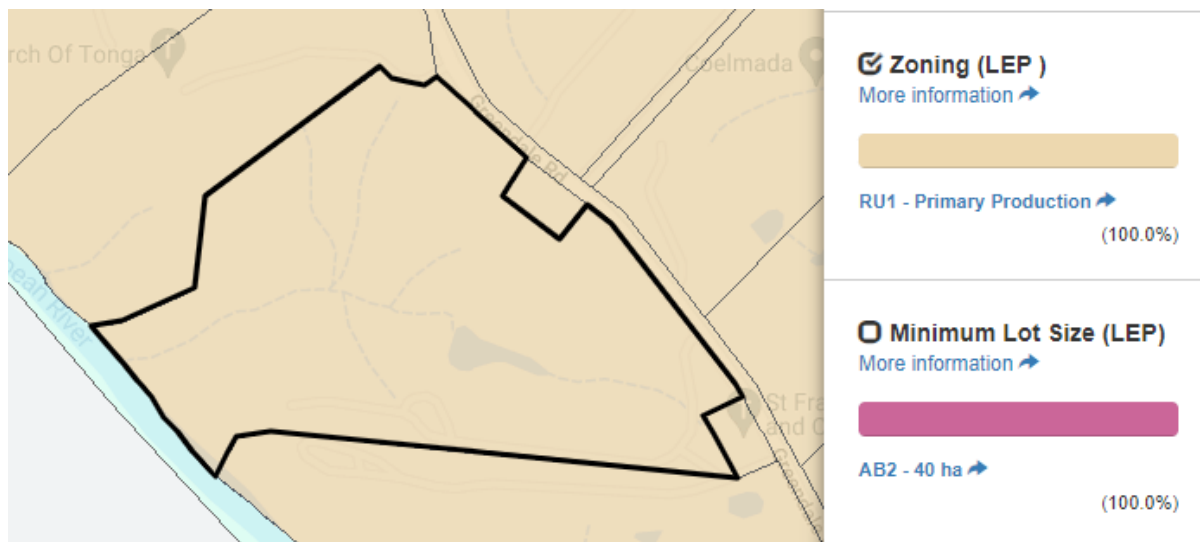


Figure 6: Zoning Map (source: Council's ePlanning Portal)

(ii) Permissibility

The development as determined under DA-1291/2010 is best defined by the Liverpool Local Environmental Plan 2008 (LLEP 2008) as Crematorium and Cemetery which are identified as permitted land use with consent within the RU1 Primary Production Zone under LLEP 2008.

“Crematorium means a building or place in which deceased persons or pets are cremated or processed by alkaline hydrolysis, whether or not the building or place contains an associated building for conducting memorial services.”

and

“Cemetery means a building or place used primarily for the interment of deceased persons or pets or their ashes, whether or not it contains an associated building for conducting memorial services.”

In addition, the proposed reflection pond would be an ancillary use to the Crematorium and Cemetery and is permitted within the RU1 Primary Production zone.

Pursuant to clause 2.6 of the LLEP 2008, subdivision of land is permitted with consent.

(iii) Objectives of the zone

The objectives of the **RU1 Primary Production** zone are as follows:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*

- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To ensure that development does not unreasonably increase the demand for public services or public facilities.*
- *To ensure that development does not hinder the development or operation of Western Sydney International (Nancy-Bird Walton) Airport.*
- *To preserve bushland, wildlife corridors and natural habitat.*

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

- The site subdivided into two (2) lots would result in land fragmentation. The creation of two smaller parcels of land to contain the Crematorium, and the other, the cemetery with a reflection pond and car parking would have potential adverse amenity impacts. The potential for both resulting lots under separate ownerships would generate conflict between uses of the land. It is considered that this will diminish the efficiency and viable use of land for a crematorium and cemetery, both from the proposal and adjoining sites.
- The proposed subdivision would result in alienating the resource and productivity of land. This north-western lot would have no direct access to Greendale Road. As such, all vehicular access to the north-western lot would be via the south-eastern lot to gain access from Greendale Road.
- No substantive evidence has been provided to Council to demonstrate how the subdivision will maintain or increase the functionality of the land.

(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
Part 4 Principal Development Standards			
Clause 4.1 Minimum subdivision lot size	The minimum lot size required for subdivision is 40ha.	The proposed modification provides the following: <ul style="list-style-type: none"> • North-western lot: 9.6ha • South-eastern lot: 10.4ha It is noted that clause 4.6 request is not required to be submitted for a	Does not comply <i>Refer to the detailed discussion below.</i>

		<p>modification application. However, the proposal must adequately demonstrate that the non-compliance with the development standard is consistent with the objectives of the zone and with the minimum lot size objectives.</p> <p>In this case, the proposal does not demonstrate that compliance with the development standard is unreasonable or unnecessary, and there is sufficient environmental planning grounds to justify contravening the development standard.</p>	
Clause 4.2 Rural Subdivision	Land in a zone to which this clause applies may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the <i>Lot Size Map</i> in relation to that land.	Primary Production is not proposed as part of the modification application.	Not applicable
Clause 5.21 Flood Planning	Provisions relating to managing risk to existing and future occupants of flood-prone land from the development.	The site is identified as flood prone land. The proposed modification application was referred to Council's Floodplain Engineers and raised no	Could be conditioned if consent were granted.

		objections, subject to additional conditions of consent.	
Clause 7.6 Environmentally Significant Land	(2) Before determining an application to carry out development on environmentally significant land, the consent authority must consider such of the following as are relevant— (a) the condition and significance of the vegetation on the land and whether it should be substantially retained in that location, (b) the importance of the vegetation in that particular location to native fauna, (c) the sensitivity of the land and the effect of clearing vegetation, (d) the relative stability of the bed and banks of any waterbody that may be affected by the development, whether on the site, upstream or downstream, (e) the effect of the development on water quality,	The site is partially identified within the Environmentally Significant Land and Biodiversity Values Map. As per the original consent, the approved development would remove approximately 0.41ha of Shale/Sandstone Transition Forest with approximately 8.55ha of the community remaining. A further 1.82ha of the community would be affected by the establishment of the Asset Protection Zone. Insufficient information has been provided to Council to demonstrate that the proposed modification does not generate additional removal of native vegetation (inclusive of understorey / groundcovers) that were not considered under DA-1291/2010 and mapped as Environmentally Significant Land. In addition, the site was referred to Council's Environmental Management Officer who requested further	Insufficient Information submitted

	<p>stream flow and the functions of aquatic ecosystems (such as habitat and connectivity), (f) the effect of the development on public access to, and use of, any waterbody and its foreshores.</p>	<p>information. In the event that the proposal requires additional removal of native vegetation, a Biodiversity Development Assessment Report is required to be submitted, however insufficient information has been supplied.</p>	
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Variation to Clause 4.1 Minimum Lot Size)

Clause 4.1(3) of the LLEP 2008 states the following:

“The size of any lot resulting from a subdivision layout to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.”

Based on the Lot Size Map, the site has a minimum lot size requirement of 40 hectares, as shown on the map below.

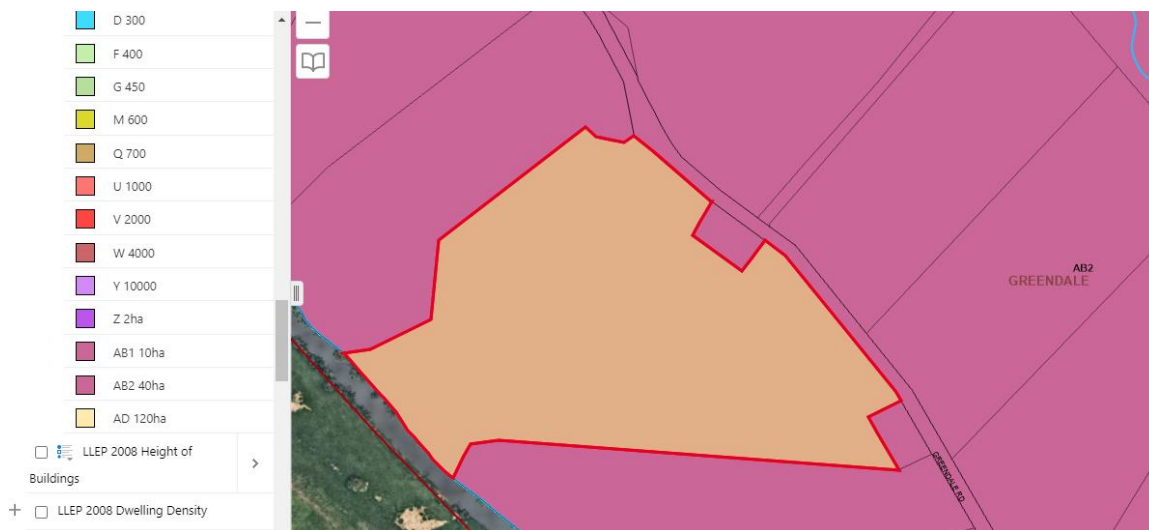


Figure 7: Extract of the minimum Lot size Map

The subject proposal seeks a variation to the minimum subdivision lot size under the LLEP 2008. Under the provisions of the LLEP 2008, the minimum lot size required for subdivision is 40ha. The proposed north-western lot (lot A) provides a lot size of 9.6ha and south-eastern lot (lot B) provides a lot size of 10.4ha. Therefore, a variation of 30.4ha (76%) and

Lot B of 29.6ha (74%) is proposed to the minimum required subdivision lot size sought for Lot A and Lot B.

The objectives of Clause 4.1(1) are as follows:

- (a) *to ensure that lot sizes are consistent with the desired residential density for different locations,*
- (b) *to ensure that lot sizes are able to accommodate development that is suitable for its purpose and consistent with relevant development controls,*
- (c) *to prevent fragmentation of land which would prevent the achievement of the extent of development and nature of uses envisioned for particular locations,*
- (d) *to minimise traffic impacts resulting from any increase in the number of lots on classified roads,*
- (e) *to minimise any likely impact of subdivision and development on the amenity of neighbouring properties,*
- (f) *to ensure that subdivision reflects and reinforces the predominant subdivision pattern of the area,*
- (g) *to ensure that lot sizes allow buildings to be sited to protect natural or cultural features including heritage items and retain special features such as trees and views.*

It is considered that the proposed development does not meet the objectives of the development standard 4.1 Minimum Subdivision Lot size, as listed below:

- (a) *to ensure that lot sizes are consistent with the desired residential density for different locations,*

Comment: The site is located in an established rural area of Liverpool. The immediate locality consists of predominately regular shaped allotments that are approximately 10ha with a dwelling house or place of public worship. As such, it is considered that the proposed subdivision would potentially be consistent with the residential density if residential accommodation was included in the application.

- (b) *to ensure that lot sizes are able to accommodate development that is suitable for its purpose and consistent with relevant development controls,*

Comment: In accordance with Part 5 of the Liverpool DCP 2008, cemeteries and crematoria are to be located on a site with a minimum of 15ha to allow for burial plots, memorial walls, places of public worship and associated parking and landscaped areas to be located on site.

The site subdivided into two (2) lots would result in land fragmentation and generate adverse traffic impacts. The potential for both resulting lots under separate ownerships would generate conflict between uses of the land. As such, this north-western lot would have no direct access to Greendale Road, which would have adverse traffic impacts onsite. It is considered that this will diminish the efficiency and viable use of land for a crematorium and cemetery, both from the proposal and adjoining sites.

In addition, insufficient information has been provided regarding the new location of the meditation centre / temple in relation to the subdivision boundary. At this stage, Council cannot ascertain if the proposed lot sizes are suitable for the meditation centre/ temple.

As such, the proposed subdivision is considered to not be suitable for the purpose of a cemetery, crematorium and meditation centre/ temple (also known as a place of public worship).

(c) to prevent fragmentation of land which would prevent the achievement of the extent of development and nature of uses envisioned for particular locations,

Comment: The subdivision would result in land fragmentation, which would create two smaller parcels of land to contain the Crematorium, and the other lot consisting of the cemetery with a reflection pond and car parking. This is considered to have potential adverse amenity and traffic impacts.

In addition, the proposed subdivision is one of the first subdivisions in the immediate locality. As such, the proposed lot configuration and size does not facilitate a form of development that is consistent with the desired future character. Therefore, the development is likely to set an undesirable precedent within the locality.

As such, the proposal would result in fragmentation of land and would not be able to achieve the desired development and nature of uses envisioned in the locality.

(d) to minimise traffic impacts resulting from any increase in the number of lots on classified roads,

Comment: The proposed modification is not on a classified road, and is expected to maintain safety of the network for vehicle and pedestrian movements.

(e) to minimise any likely impact of subdivision and development on the amenity of neighbouring properties,

Comment: The proposed subdivision layout will accommodate a cemetery, crematorium and place of public worship, and is not considered to achieve appropriate amenities for the neighbouring properties based on non-compliances with the relevant local policies and development control plans.

(f) to ensure that subdivision reflects and reinforces the predominant subdivision pattern of the area,

Comment: The proposed subdivision creates two irregular shaped allotments which are inconsistent with the existing subdivision pattern of the area.

(g) to ensure that lot sizes allow buildings to be sited to protect natural or cultural features including heritage items and retain special features such as trees and views.

Comment: Due to insufficient information, Council cannot ascertain the adverse impacts of the subdivision line in relation to the meditation centre / temple and Environmental Significant Lands.

Council's assessment of variation proposed

The proposed development does not fully comply with the provisions of the relevant LLEP 2008 and relevant LDCP 2008, as demonstrated in this report. The proposed modification does not demonstrate that there are any extenuating circumstances to support the need for a smaller lot size to satisfy zone objectives, specifically 'To ensure that lot sizes are able to accommodate development that is suitable for its purpose and consistent with relevant

development controls'. It has not been demonstrated that there are no other opportunities to satisfy the zone objectives, and other constraints that may warrant consideration to a variation.

As demonstrated in the above compliance table, the proposed development is inconsistent with the provisions of LLEP 2008 in respect to **clause 4.1 Minimum subdivision lot size**.

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

Development Application DA-1291/2010 was assessed under the Liverpool Development Control Plan 2008, Part 1 General Controls for all Development and Part 5 Development in Rural and Environmental Zones. The proposed modification generates the following matters for consideration under Part 1 and Part 5 of the LDCP 2008.

Part 1 General Controls for all Development			
Provision	Requirement	Proposed	Compliance
Section 21 Subdivision of Land and Buildings	<u>Minimum lot sizes</u> Refer to <i>Liverpool LEP 2008</i> written statement and the maps for the minimum allotment sizes in the RU1 and RU4 zones. Note that this varies depending on the location.	The proposed modification provides the following: <ul style="list-style-type: none"> • North-western lot (Lot A): 9.6ha • South-eastern lot (Lot B): 10.4ha 	Does not comply <i>Please refer to clause 4.6 variation section above.</i>
	<u>Minimum lot widths</u> The minimum lot width in the RU1 and RU4 zone is 24m.	The lot widths to both Lot A and Lot B exceed 24m.	Complies

Part 5 Development in Rural and Environmental Zones – Section 9.9 Places of Public Worship			
Provision	Requirement	Proposed	Compliance
Site Planning	The site layout should ensure that the front entrance to the Place of Public Worship is easily located and accessible.	Insufficient information has been provided to show the new location of the meditation centre/ temple onsite.	Insufficient Information

Part 5 Development in Rural and Environmental Zones – Section 9.13 Cemeteries, Crematoriums and Funeral Chapels			
Provision	Requirement	Proposed	Compliance
Setbacks	Buildings and burial plots are to be sited at least 20m from a public street and at least 15m from any side or rear boundary.	The proposed modification provides the following setbacks: <ul style="list-style-type: none"> • Front setback: 73.5m • Rear Setback: 295.4m 	Complies

Overall, the proposal is considered to be inconsistent with the key controls outlined in the LDCP 2008. The proposal does not comply with the key controls outlined in the LDCP 2008.

5.4 Section 4.15(1)(a)(iiia) - 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 2021* includes provisions in which the consent Authority is able to request additional information under Clause 36.

Additional information has been requested for the applicant to provide on 21 December 2022, 27 January 2023, 20 April 2023 and 28 February 2024. The applicant has not submitted a response to Council’s request for additional information dated 28 February 2024.

It is considered that Council has provided ample time to address the issues associated with the proposal. Therefore, a recommendation has been made using the information available.

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

Natural and Built Environment

Insufficient information has been provided showing the new location of the meditation centre / temple, Council is unable to ascertain whether proposed new location would have adverse impacts on the natural and built environment.

In addition, the site is partially identified within the Environmentally Significant Land. Insufficient information has been provided to Council to demonstrate that the proposed modification does not generate additional adverse impacts that were not considered under DA-1291/2010. At this stage, it is considered that the proposed modification would likely have adverse impacts on the natural environment.

Further, the proposed subdivision is inconsistent with the locality in which the site is located and likely to create an unreasonable impact on the natural environment. The proposal does not satisfy the key development controls for the site and development, as detailed above. Accordingly, the proposed modification is likely to have an adverse impact on the natural and built environment.

Social Impacts and Economic Impacts

Insufficient information has been provided showing the new location of the meditation centre / temple, and Council is unable to ascertain whether proposed new location would have adverse social impacts between the land uses onsite and the adjoining sites.

The proposed development is considered to present significant concerns due to the non-compliances with the relevant development controls as detailed in this report. It is considered that this will diminish the efficiency and viable use of land for a crematorium and cemetery, both from the proposal and adjoining sites.

Notwithstanding the above, the proposal would result in a positive economic impact in the locality through the capital investment value of the development.

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

The proposal is a permissible form of development in the zone, however, due to the non-compliances with the relevant development standards, as detailed in this report, the site is not considered to be suitable for a development as proposed to be modified.

5.8 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	Approval subject to conditions of consent
Building Officer	No objection to the proposal
Floodplain Engineers	Approval, subject to conditions of consent
Environmental Management	Insufficient Information The site is in the Biodiversity Values Map, a BDAR would be required, unless the applicant could demonstrate no native vegetation would be cleared (including understorey / groundcovers) and no other trigger for a BDAR. The applicant has not provided any information addressing the abovementioned.

(b) External Referrals

The following comments have been received from external Agencies:

DEPARTMENT	COMMENTS
DPE – Water	No objection to the proposal
NSW Rural Fire Services	Approval subject to conditions of consent

(c) Community Consultation

The proposal was application was advertised/notified from **31 May 2022** to **29 June 2022** in accordance with the Community Participation Plan 2022, and no submissions were received.

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

The proposed development is not considered to be in the public interest.

6. DEVELOPMENT CONTRIBUTIONS

In accordance with the Liverpool Contributions Plan 2009, section 7.12 Contributions are not applicable.

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.

Based on the assessment of the application, it is recommended that the application be **refused**.

8. RECOMMENDATION

That Development Application No DA-1291/2010/A be **refused**.

ATTACHMENTS

1. Reasons for Refusal
2. Architectural plans
3. Statement of Environmental Effects

Reasons for Refusal

1. The proposed modification is considered to not be substantially the same development for which the consent was originally granted and therefore is inconsistent with the provisions of Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*.
2. The proposed development does not achieve satisfactory compliance with the Liverpool Local Environmental Plan 2008, pursuant to Sections 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*, in terms of the following:
 - a. *Clause 4.1 Minimum Subdivision Lot Size*
 - b. *Clause 7.6 Environmentally Significant Land*
3. The proposed development is inconsistent with the objectives of the RU1 – Primary Production zone described within the Liverpool Local Environmental Plan 2008. In particular, *To minimise the fragmentation and alienation of resource lands*, as the proposal is likely to unreasonably impact on the subject site and adjoining site, pursuant to Sections 4.55(3), 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*.
4. The proposed development does not achieve satisfactory compliance with the Liverpool Development Control Plan 2008, Part 1 General Controls for all Development, pursuant to Sections 4.15(1)(a)(iii), 4.15(1)(b) and 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*, in terms of the following:
 - a. *Section 21 – Subdivision of Land and Buildings*
5. The proposed development does not achieve satisfactory compliance with the Liverpool Development Control Plan 2008, Part 5 Development in Rural and Environmental Zones, pursuant to Sections 4.15(1)(a)(iii), 4.15(1)(b) and 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*, in terms of the following:
 - a. *Section 9.9 Places of Public Worship – Site Planning*
6. Insufficient information has been submitted to allow Council to carry out a full assessment of the application. In this regard, inadequate response has been received to Council's requests for additional information pursuant to Section 4.15(1)(a)(iv), 4.15(1)(b) and 4.15(1)(d) of the *Environmental Planning and Assessment Act 1979*.
7. Insufficient information has been provided to demonstrate that the site would be suitable for the proposed modifications to the development, pursuant to Sections 4.55(3) and 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*.
8. Due to the above reasons, it is considered that in the circumstances of the case, approval of the development would set an undesirable precedent for similar inappropriate development and is therefore not in the public interest, pursuant to the provisions of Section 4.55 and 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*.

ADVICE

The following matters are included as advice relative to this application:

- (i) *If you are dissatisfied with this notice of determination or the conditions contained within this notice of determination, Section 8.2, 8.3, 8.4 & 8.5 of the Environmental Planning and Assessment Act 1979 gives you the right to request a review of the determination within 6 months after the date of this determination.*

- (ii) *If you are dissatisfied with this decision, Section 8.7 & 8.10 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.*

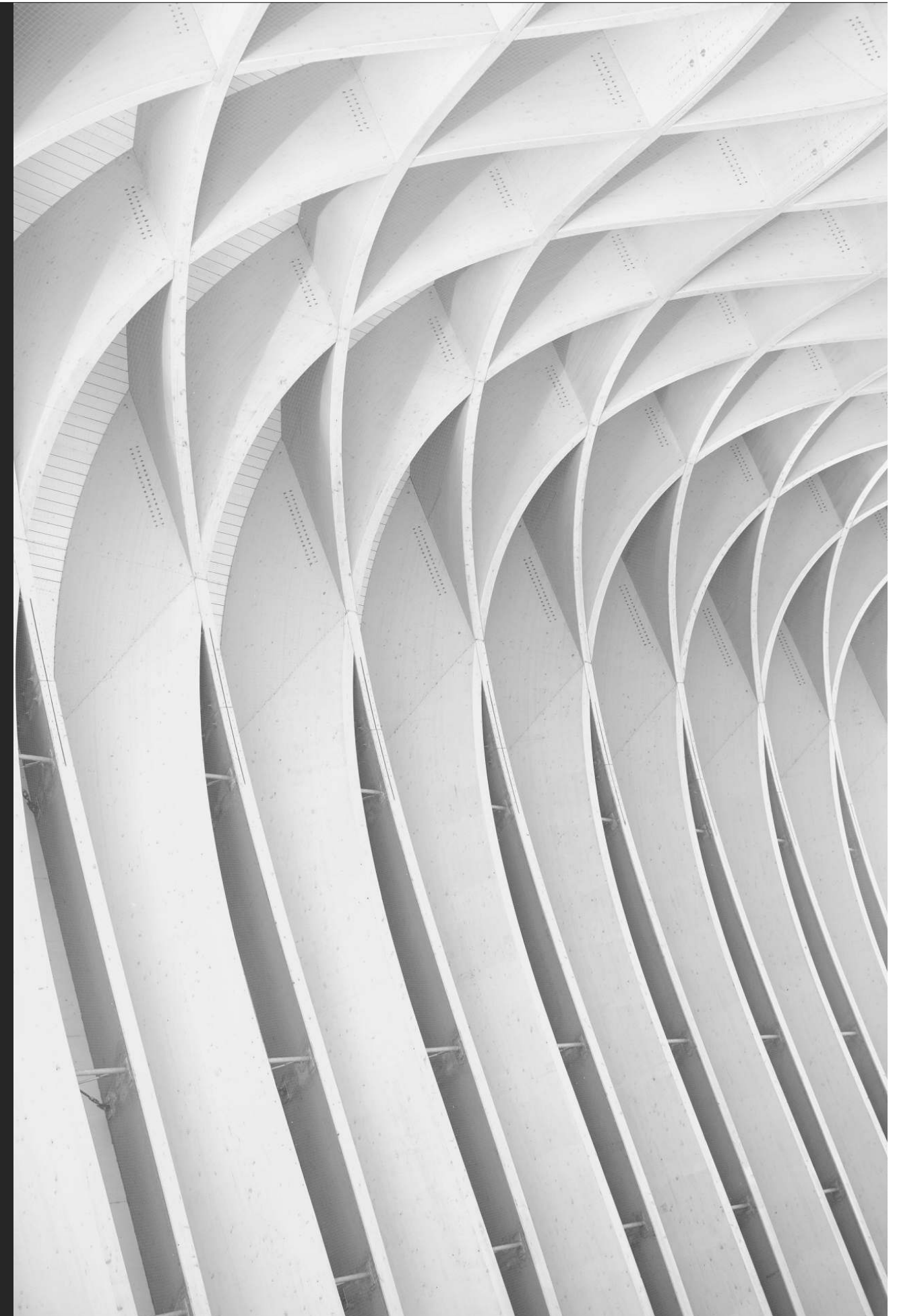


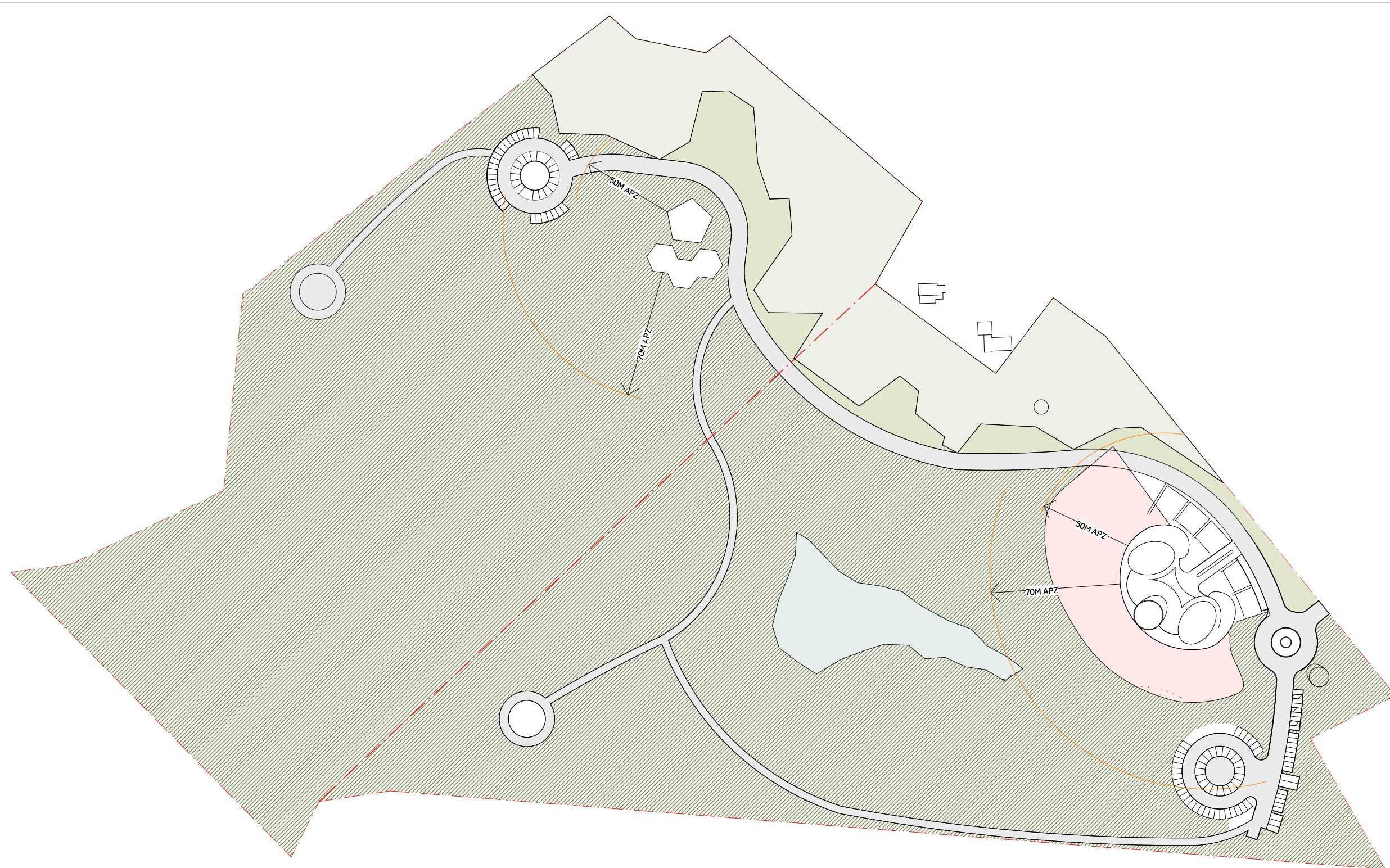
PROJECT NUMBER

22036

PROJECT TITLE

**S 4.55 APPROVED CREMATORIUM & PLACE OF WORSHIP
992 GREENDALE ROAD, GREENDALE NSW 2745**





1 EXISTING SITE PLAN
1 : 1000

A1-01

	PROJECT NUMBER 22036	DRAFT DRAWING TITLE EXISTING MASTER PLAN	DRAWING NUMBER A1-01		Revision Description Date Design Author A SECTION & SA APPLICATION 04/02/2022 GA GA B COUNCIL AMENDMENTS 19/09/2023 GA GA	ABN: 73 938 972 182 PHONE: 0420 610 238 EMAIL: info@deboke.com.au <small>This drawing is copyright and the property of DEBOKE. Larger scale drawings and written dimensions take precedence. Do not scale from drawing. All dimensions to be verified on site before commencement of work. All discrepancies to be brought to the attention of the author.</small>
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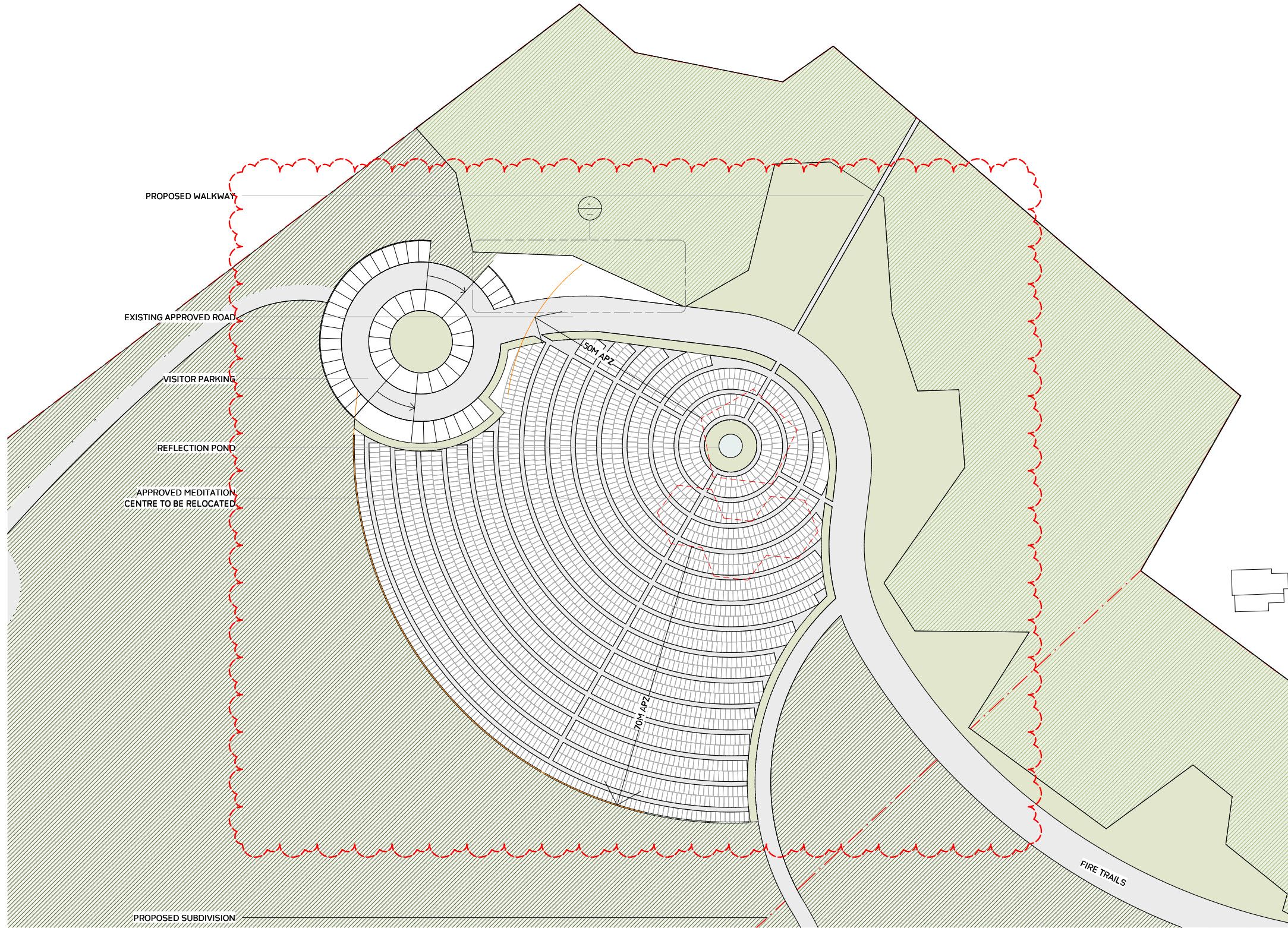


1 PROPOSED MASTER PLAN
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A1-02

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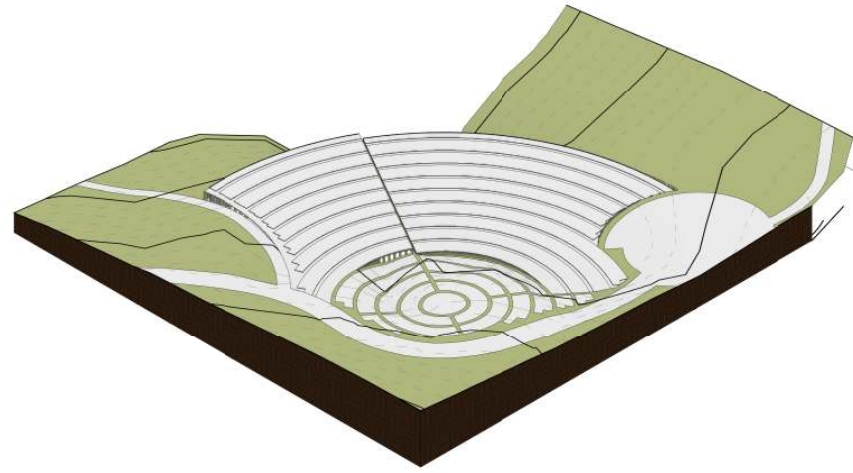


1 CEMETERY CONCEPT
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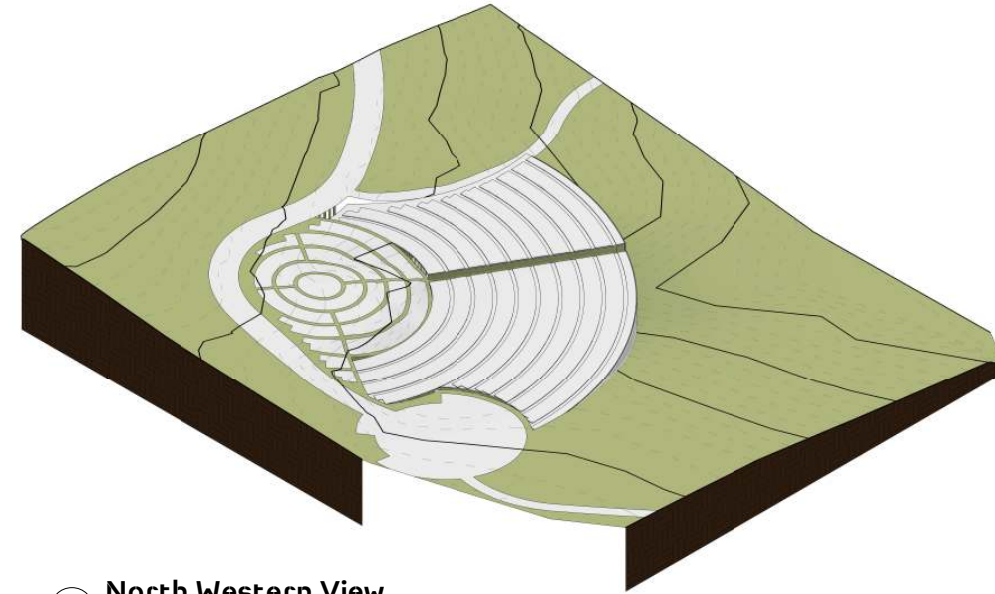
A1-03

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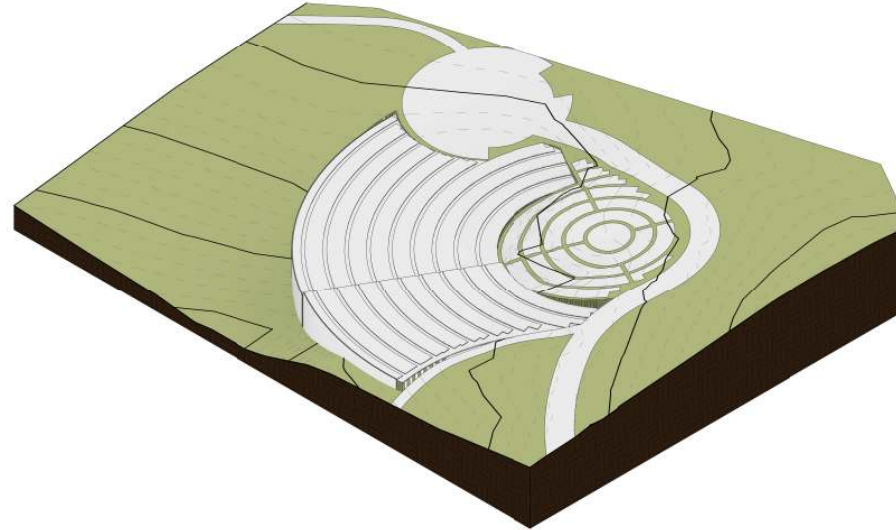
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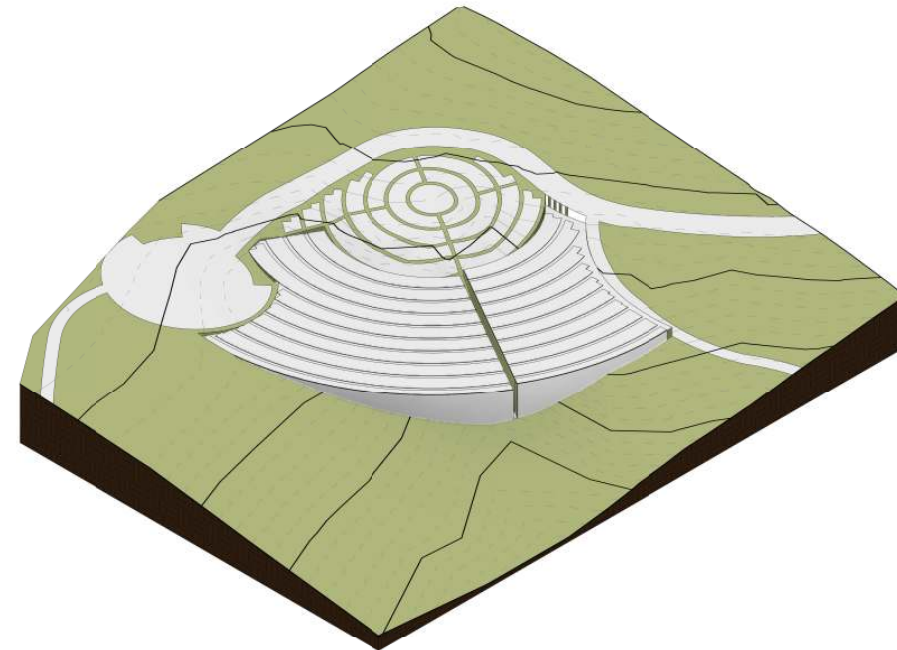
1 North Eastern View



2 North Western View



3 South Eastern View



4 South Western View

A1-04

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Statement of Environmental Effects

Section 4.55(2) Modification to DA 1291/2010

Proposed Crematorium, Cemetery and Ancillary uses at 992 Greendale Road Greendale.

**Prepared for the Malosi Group
April 2022
Updated October 2023.**

PM ANDERSON CONSULTING

ABN 30 617 667 053

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1.0 Introduction

This statement of Environmental Effects has been prepared for the Malosi Group in support of a section 4.55(2) application to Liverpool City Council to modify Development Consent 1291/2010 for the approved crematorium, Cemetery and associated ancillary uses on the land at 992 Greendale Road Greendale.

Development Consent 1291/2010 was granted by Liverpool City Council on the 28th April 2011 as a deferred commencement consent in 2 stages for the construction of crematorium and 2 associated ceremonial halls, information centre, cemetery, temple, ancillary dormitory accommodation, access roads, carparking and associated landscaping. Council advised 11 August 2011 that the parts of consent that needed to be satisfied had been satisfied and the consent was now valid and operative. Physical works have commenced on site and a Construction certificate issued for the civil works undertaken.

The proposed modification maintains the overall "footprint" of the originally approved development but proposes to relocate certain aspects of the development for greater operational and management purposes. This will facilitate a greater operational management of the overall site and ensure access to the site at all times.

The site is zoned RU1 – primary production under the Liverpool LEP 2008, and the proposal remains a permitted use in the zone and remains as substantially the same development for which the consent was issued for in 2011.

This statement considers the proposal against the requirements of Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*, and the relevant planning instruments including the Liverpool LEP 2008, the Liverpool DCP 2008 and relevant state planning controls. The assessment also addresses the matters for consideration under section 4.15(1) of the *Environmental planning and Assessment Act 1979*.

This statement should be read in conjunction with the supporting information submitted with the original application and updated as required with this proposal.

2.0 The proposed Modification

The proposal is to modify development consent 1291/2010 to relocate the memorial gardens on the site into locations previously approved under the original consent for other buildings to facilitate greater operational management and control of the entire facility once completed.

The proposed relocation of the memorial gardens to the North-eastern section of the site will enable the crematorium and chapel to operate more efficiently and to separate the carparking into distinct precincts with specific uses and users. The access to the site, internal roads, carparking areas and fire trails all remain in the areas and locations as previously approved by Council under the original consent with the area in front of the proposed crematorium to be battered and landscaped

to enable the continued rehabilitation of the land under the former SEPP 55 provisions.



Figure 1 – Proposed Site Plan

Source: deboke Visualisations

The specific details of the proposed location of the memorial gardens are provided in the plans prepared by deboke Visualisations and will be subject to landscaping as per the original landscaping plans prepared by HLS Pty Ltd. Additional landscaping is proposed to the memorial gardens as per the drawing prepared by deboke Visualisations. The architectural and site plans are attached to this statement as appendix 1.



Figure 2 – Proposed landscaping – Memorial gardens (Cemetery)

Source: deboke Visualisations

There is otherwise no change to the operations of the approved use and development including employee numbers and traffic generation from the site. In fact the internal traffic generation should be reduced by a more efficient design of the development and the sub location of like and ancillary uses together.

3.0 Planning Considerations

Under section 4.55(2) of the *Environmental Planning & Assessment Act 1979* Development Consent 1291/2010 is able to be modified, in accordance with the following requirements:

(2) **Other modifications**

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

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

- (b) *it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- (c) *it has notified the application in accordance with:*
 - (i) *the regulations, if the regulations so require, or*
 - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) *it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

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

- (3) *In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.*
- (4) *The modification of a development consent in accordance with this section is taken not to be the granting of development consent under this Part, but a reference in this or any other Act to a development consent includes a reference to a development consent as so modified.*

The requirements of section 4.55(2) are addressed below, together with an assessment of the proposal under section 4.15(1) of the act.

3.1 Whether the development to which the consent as modified relates is substantially the same development as the development for which the consent we originally granted.

The proposal as amended will remain substantially the same as the proposal approved under development consent DA 1291/2010 being for a crematorium. Ceremonial halls, information centre, memorial gardens, and other associated developments. The development will occupy a similar footprint to the approved development and as a result can be considered as a modification to the application under the provisions of S4.55(2) of the act.

The proposed modification does not alter the characteristics of the approved development or the use of the land for the crematorium and memorial gardens and associated buildings. The key change to the development the subject of this modification is the relocation of the memorial garden to a site in the North-eastern section of the site to allow for greater operational management of the site and the use of each area on an ongoing basis. As established in *Sydney City Council v Ilenace Pty Ltd* [1984] 3 NSW LR 414 the term "modify" means "to alter without radical transformation". The changes as proposed will "alter" some elements of the approved development, which are not considered to be a "radical transformation" considering the development as a whole.

An assessment of the impacts of the changes has been undertaken and the impacts will remain generally consistent with those of both the approved and modified developments.

3.2 Consultation in respect of a condition imposed as a requirement of a concurrence to the consent.

The original application was referred to the then Department of Environment and Climate Change and Water under the *Water Management Act 2000* and the Rural Fire Service under *Rural Fires Act 1997*. Both agencies issued general terms of approval for inclusion in the consent. Council will determine whether re-referral to these agencies (or their equivalent) is required.

3.3 Notification of the application and consideration of any submissions

The application will require exhibition in accordance with the DCP and the consideration of any submissions received is a matter for the Council to consider once the application has been notified.

3.4 Consideration of the relevant matters under Section 4.15(1)

Section 4.15(1) of the *Environmental Planning and Assessment Act, 1979* sets out a number of considerations in the assessment of Development Applications, including the relevant planning controls and the impacts of the development. The following matters are considered to be relevant to the modification as proposed.

3.4.1 Liverpool LEP 2008

The proposed modification is for the same use as approved being a crematorium, memorial garden, and associated developments. This use remains a permissible use in the RU1 – Primary Production zone. There are no development standards contained in the LEP that are not applicable to the land that require assessment under this proposed modification. This application remains consistent with the objectives of the RU1 – Primary Production zone.

3.4.2 Liverpool DCP 2008

The land is located on Greendale Road in Greendale, a predominantly rural area. The use of the site as a crematorium and memorial gardens is consistent with the

general controls in the DCP and is permissible under the Liverpool LEP 2008. The proposed modified development is consistent with the existing approved DA.

The proposal will involve the relocation of the memorial gardens on site and the removal of the proposed accommodation facility reducing the visual impact of the development to adjoining lands or the public roadway. The existing vegetation and habitat on site will be retained as per the original approvals and supplemented with sympathetic landscaping in accordance with part 1 of the Liverpool DCP.

The application was referred to the RFS for consideration. The RFS issued a set of general terms of approval for the development with reference to bushfire risk and asset protection. This proposed modification is generally in accordance with these matters.

The site has a general fall to the Nepean River and consists of a number of dams and water saving facilities on site. The proposed development proposes to maintain the stormwater controls and management to those approved with the original DA.

The site has an erosion and sedimentation control plan in place with the works undertaken under the current Construction Certificate. This proposed modification will rely upon the existing erosion and sedimentation control plan given the proposal is consistent with the existing approval.

The proposed development sites are not impacted by flooding from the Nepean River.

The site has been previously used as agricultural land and there has been no evidence of previous land uses that would lead to a concern with site contamination. The site is not identified as being acid sulfate soil under the provisions of the SEPP (Resilience and Hazards) 2021.

The site is zoned RU1 – Primary Production and as result part 5 of the Liverpool DCP is applicable to the site.

The proposed modification has taken the provisions of section 1 of part 5 into consideration and has ensured that the proposed modification satisfies these provisions. This included the proposed set back of the development from Greendale Road and other adjoining boundaries.

The buildings proposed with the development and modification have been designed so as to not be intrusive or to adversely impact on the rural nature of the locality.

As mentioned above the vegetation will be preserved where possible and the external fencing shall ensure that it provides natural rural landscape along Greendale Road.

The access driveway, internal roads and carparking areas have all been designed so as to minimise the impact to adjoining properties and to the maintenance of the rural feeling of the area. All internal roads and carparks will be sealed and designed to cater for the traffic generated by the development.

The proposed modification does not pose any impacts with the amenity of the area and adjoining properties.

The proposed modification (as with the original DA) has considered the specific control contained in section 9.13 of part 5 of the Liverpool DCP 2008. The proposed modification is consistent with the objectives contained in Section 9.13. specifically the modified design ensures that there are no adverse impacts to adjoining properties by way of siting the crematorium and memorial gardens well away from adjoining properties and boundaries, is in an appropriate location, with an appropriate site of at least 15ha in area, on a road which has the capacity to accommodate the likely traffic generation and a seal of greater than 6.0m and the development has sufficient controls to manage the ongoing operations of the site to ensure that the operation continue to be such that any impacts are minimised.

3.4.3 SEPP (Biodiversity and Conservation) 2021

This SEPP replaces the former Sydney Regional Environmental Plan No.20 Hawkesbury Nepean River.

The land is affected by the provisions of the new SEPP, which requires the consent authority to consider the general planning consideration as outlined in Clause 9.4 and the specific planning policies as outlined in clause 9.5 prior to granting any consent.

The proposed modification maintains the same land use to that of the approval in generally the same footprint. Sedimentation and erosion controls and water balances have been satisfied with the previous consent and construction certificate and do not rise any potential concerns with clause 9.5 or 9.6 of the SEPP.

3.4.4 Other Impacts

The proposed modification maintains reasonable setbacks from Greendale road and the adjoining property boundaries. The development has an appearance external to the site that is consistent with the zoning and development on adjoining and adjacent lands. The majority of the development will be screened from Greendale roadway with landscaping and the existing vegetative buffer along the front boundary.

The modification relates to the same general development footprint to that approved under the original DA and does not propose the removal of any additional vegetation to that already approved by Council.

The traffic generation will remain consistent with the already approved development and the proponent has provided adequate car parking spaces, internal roads and accessway and vehicle manoeuvring and loading areas for staff, visitor and heavy vehicles that will need to access the site.

4.0 Conclusion

In conclusion, the modification proposes to amend the location of some of the development from those approved in DA 1291/2010 with the same development footprint. The modification will enhance the overall development of the site and will facilitate much greater operational management of the facility when complete and will improve the operations by allowing the differing uses to occur naturally on site in unison without causing overcrowding or congestion in any one area.

The development maintains the approved setbacks from the boundaries and is well screen from the adjoining properties and Greendale road via the existing established vegetation and the landscaping approved as part of the DA.

An assessment under Section 4.55(2) and 4.15 of the *Environmental Planning and Assessment Act 1979* has been undertaken which demonstrates that the proposal is substantially the same as that to which the consent was originally granted and that the modification will not result in adverse impacts on adjoining properties or the surrounding area.

As a result of this assessment and the details contained in this application Council is requested to approve the modification in this circumstance.

Appendix 1 Architectural Plans - deboke Visualisations



Item Number:	5
Application Number:	DA-377/2023
Proposed Development:	Alterations and additions to an existing dwelling house for the purpose of a centre based childcare use.
Property Address	25 Central Avenue Chipping Norton
Legal Description:	Lot 101 DP 603767
Applicant:	Momo Romic
Land Owner:	Ilija Trifunovic
Cost of Works:	\$790,000
Recommendation:	Refusal
Assessing Officer:	Jason Marshall

1. EXECUTIVE SUMMARY

Council is in receipt of a Development Application DA-377/2023 seeking Council consent for alterations and additions to an existing dwelling house for the purpose of a centre based childcare use at 25 Central Avenue, Chipping Norton which is legally described as Lot 101 in DP 603767. The site is zoned R2 – Low Density Residential pursuant to the Liverpool Local Environment Plan 2008 and the proposed development is permissible with consent.

The key issues with the proposal relate to:

- Noise Management;
- Stormwater Management;
- Waste Management;
- Overlooking & Overshadowing;
- Built Form – Fence Height;
- Accessibility;
- Landscaping;
- Parking;
- Internal Layout; and
- Contamination Potential.

Additional information was requested from the Applicant on 8 February 2024, with a follow up letter sent 5 March 2024. The applicant submitted information to Council's requests, however, Council received only a partial response from the Applicant, with the outstanding information relating to the request for:

- Shadow diagrams;
- Stage 1 – Preliminary Site Investigation;
- Construction details specific to food preparation areas in a childcare facility;
- Mechanical ventilation details;
- Noise Management Plan;
- Acoustic Report to include ANEF compliance; and
- Toilet and Hygiene facilities for all age groups.

There remains insufficient information to conduct a complete assessment, and therefore, a recommendation has been made using the information available.

The Development Application was required to be notified to properties within a 75m radius of the subject site, in accordance with the Liverpool Community Participation Plan 2022. The proposal was notified for a period of 14 days from 22 August 2023 to 06 September 2023. Ten (10) unique submissions were received objecting to the proposal. The issues of concern raised in the submissions can be summarised as follows:

- Noise generated during operational hours;
- Noise generated before 7am and after 6.30pm. Including drop offs and pickups outside of operating hours;
- Noise of rain upon the fence angle back;
- Angled fence return not visually permeable, too high, and unsightly;
- Stormwater run off from the angled fence runs into neighbouring properties;
- Overshadowing;
- Overshadowing combined with drainage issues causing mould;
- Overlooking of neighbours Private Open Space;
- Traffic impacts in the locality;
- Parking impacts in the locality;
- Pedestrian safety and illegal traffic manoeuvres;
- Waste causing odours;
- Insufficient demand for childcare in the area with existing childcare centres;
- Local fruit bats and stray cats cause health concerns for the children; and
- Street frontage and lot size don't meet LCC minimums.

The matters of objection have been discussed in detail in the report below and constitute a reason for refusal.

The application is referred to the Liverpool Local Planning Panel (LLPP) in accordance with the *Local Planning Panels Direction – Development Applications and Applications to Modify Development Consent, endorsed by the Minister for Planning and Public Spaces on 30 June 2020*, as the development falls in the category of:

Contentious Development

Development that:

(b) in any other case – is the subject of 10 or more unique submissions by way of objection

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**.

2. SITE DESCRIPTION AND LOCALITY

2.1. Site Description

The subject site is identified as 25 Central Avenue Chipping Norton, which is legally described as Lot 101 in DP 603767. The site is rectangular in shape and has a total area of approximately 835sqm with a frontage to Central Avenue of 18.29m and a depth of 45.64m. The site is relatively flat with a slight downwards slope from the northeast corner (7.38m AHD) to the southwest corner (6.96m AHD) of approximately 0.42m. The site currently contains a single storey dwelling with a metal car port and shed, and is immediately surrounded by one and two storey dwellings, as shown in Figure 1 below.



Figure 1: Aerial Image of subject site (Source: Nearmaps)

2.2. Locality Description

The site is located within northern part of the suburb of Chipping Norton which is characterised by low to medium density residential development with single and double storey dwellings within the locality. The site across the road from Chipping Norton Public School to the east, 800m north of Chipping Norton Plaza (the local centre), and 200m south of Homestead Park, on the bank of the Georges River. The school is listed as local heritage item 18. The site is in line with the end of runways 29L, 29C, and 29R at Bankstown Airport to the southeast, and within the 500m Australian Noise Exposure Forecast (ANEF) buffer zone as shown in figures 2 & 6 below.

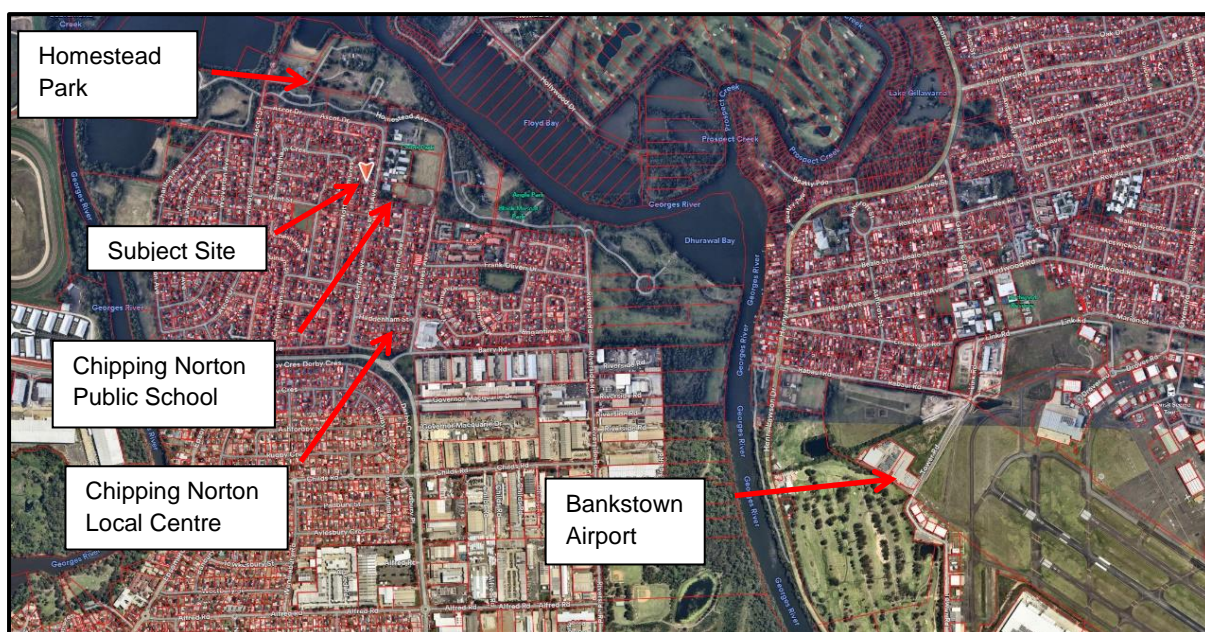


Figure 2: Locality surrounding the proposed development site (Source: Nearmaps)

Site Inspection Photos

A site inspection was conducted on 3 April 2024, the below 3 photos demonstrate potential neighbour impacts.



Figure 3: Subject site window heights in relation to southern boundary fence



Figure 4: Northwest corner showing northern fence sitting atop retaining wall where the proposed 4m tall acoustic fence is proposed.



Figure 5: Neighbouring townhouse to the northwest, east facing first floor window overlooks the external play area on the northern side of the proposed child care centre.

2.3. Site Constraints

<p>Are there any constraints or affectation on the site:</p> <ul style="list-style-type: none"> - Bushfire - Flooding - Heritage Items - Aboriginal heritage - Environmentally Significant Land - Threatened Species/ Flora/ Habitat/ Critical Communities - Acid Sulphate Soils - Aircraft Noise - Flight Paths - Railway Noise - Road Noise/ Classified Road - Significant Vegetation - Contamination - Salinity 	<ul style="list-style-type: none"> - Low Flood Risk Category/ Special Flood Consideration Area/ Flood Planning Area - Moderate Salinity Potential. - 500m ANEF buffer for Bankstown Airport
<p>Are there any restrictions on title? Attach 88B instrument to the report</p>	<p>Nil.</p>

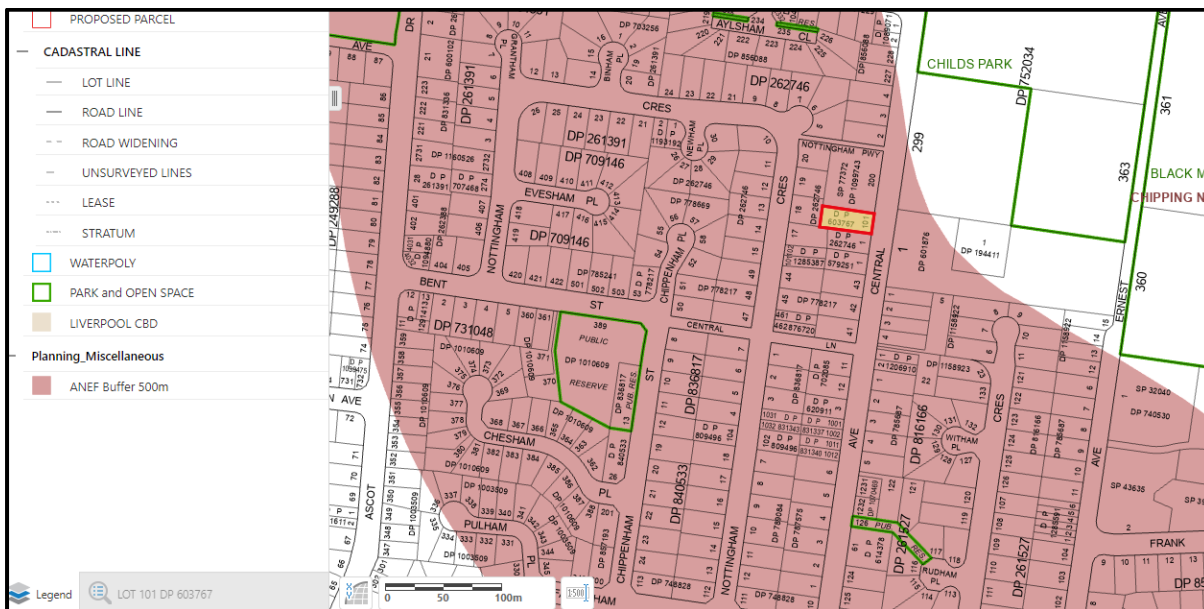


Figure 6: Site is within the 500m ANEF buffer for Bankstown Airport (Source: Geocortex).

3. SUBJECT SITE HISTORY

The following is a list of Applications related to the subject site, from Council's record systems:

No.	Lodged	Proposed Development	Determined
DA-2535/2004	30 June 2004	Construction of nine (9) townhouses (5 x 3 bed & 4 x 2 bed) and basement carparking. <i>(also includes 27 Central Ave)</i>	Approved 7 October 2005
TP-189/2005	5 November 2004	Removal of one tree.	Approved 7 December 2004
DA-377/2023	29 June 2023	Alterations and additions to an existing dwelling house for the purpose of a centre based childcare use.	Currently Under Assessment

4. DEVELOPMENT APPLICATION HISTORY

Below is a brief history of the Development Application:

Date	Action
29 June 2023	Application lodged with Council
22 August 2023 to 6 September 2023	Notification to 75m radius
8 February 2024	<p>Additional information 21 Day request sent to applicant regarding the following Issues:</p> <ul style="list-style-type: none"> • Poor-quality landscape and architectural plans, missing many key details. • No site survey or shadow diagrams submitted. • Noncompliant side setback. • Pedestrian and vehicle separation. • Insufficient parking. • Carpark design. • Fencing details missing. • Accessibility – no ramps. • No emergency evacuation plan submitted. • Internal fitout details. • Hours of operation. • Outdoor play areas near residential boundaries. • Width of pedestrian paths. • Toilet design. • Insufficient internal and external space for the number of children. • Staffing Ratios insufficient. • Stormwater Management. • Social Impact Assessment or Plan of Management not submitted. • Stage 1 – Preliminary Site Investigation not submitted. • Additional acoustic assessment required. • Inadequate waste storage.

	<ul style="list-style-type: none"> • No waste management plan submitted. • Height of acoustic fence. • Community objections.
5 March 2024	Additional information 7 Day follow up request sent to applicant due to no response.
12 March 2024	Applicant responds to RFI. Many issues insufficiently addressed (see detailed assessment below).

5. DETAILS OF THE PROPOSED DEVELOPMENT

The Development Application seeks Council consent for alterations and additions to an existing dwelling house for the purpose of a centre based childcare use (30 children). The proposal would consist of the following:

Demolition:

The proposal includes the removal of the existing:

- Shed, pathway, concrete slab, and veranda in the rear.
- Carport, driveway, crossover, and front portion of the house.
- Windows – to be replaced without removing the openings.

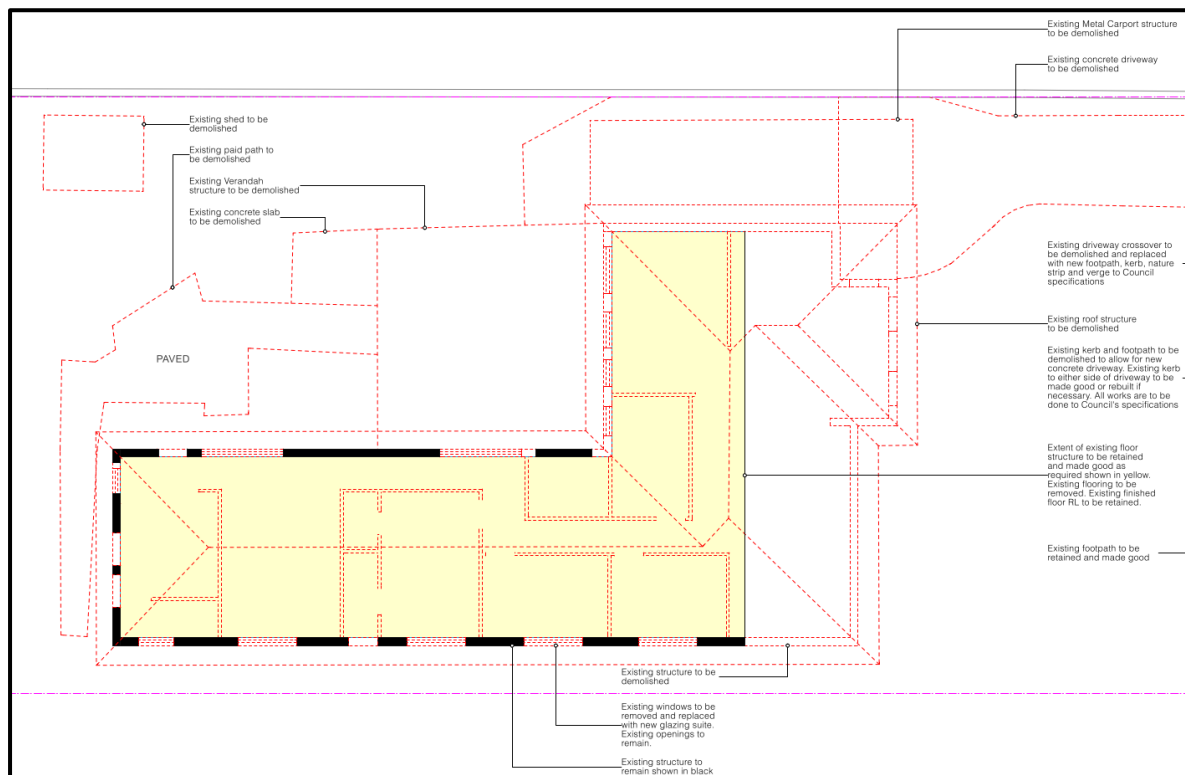


Figure 7: Demolition Plan extract

Construction:

The proposal includes the addition of:

- Landscaping, fencing, gates, a pathway and ramp, and 9 car parking spaces - including one disabled space and a 6m wide crossover - within the front setback.
- Kitchen, meeting room, office, entry with cut outs for a seat and sign in station, bathroom and laundry, babies’ room with an attached cot room, toddlers’ room and preschool room with attached children’s bathroom, and two covered outdoor verandas – one with ramp access to the rear setback – on the ground floor.
- Landscaping and children’s play equipment including a sand pit, inbuilt trampoline, role-play shop and car recharge station, mound and tunnel, racetrack, raised vegetable garden, activity wall, balance log, and artificial turf.
- The proposal also includes an OSD tank in the northern side setback, outdoor storage cupboard on the northern veranda, bin storage cupboard facing the south side boundary, and a 2.1m acoustic barrier with an angle back along part of the north and south side boundaries and all of the rear boundary. The angle back varies in width from 1-3m (3m in the northwest corner) and varies the height from 2.4m to 4m, with the larger height corresponding to the larger width. A 1.8m acoustic barrier without an angle back extends along the length of the north and south side boundaries and into the front setback. The vertical part of the fence is lapped and capped timber, the angle back is transparent polycarbonate fixed to a timber frame (see figures 10 & 11 below).

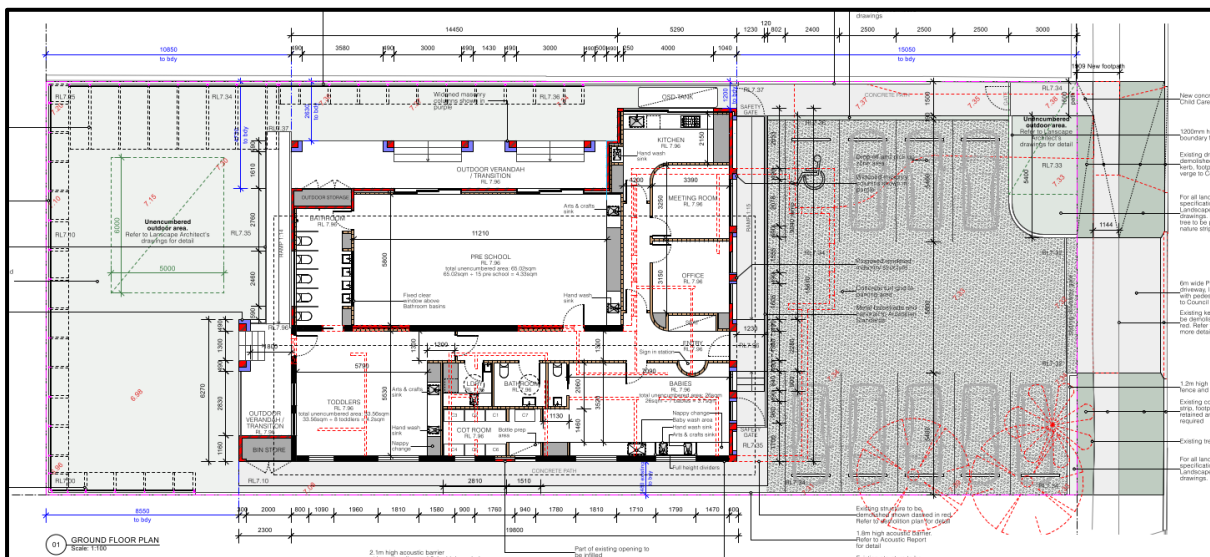


Figure 8: Ground Floor Plan extract

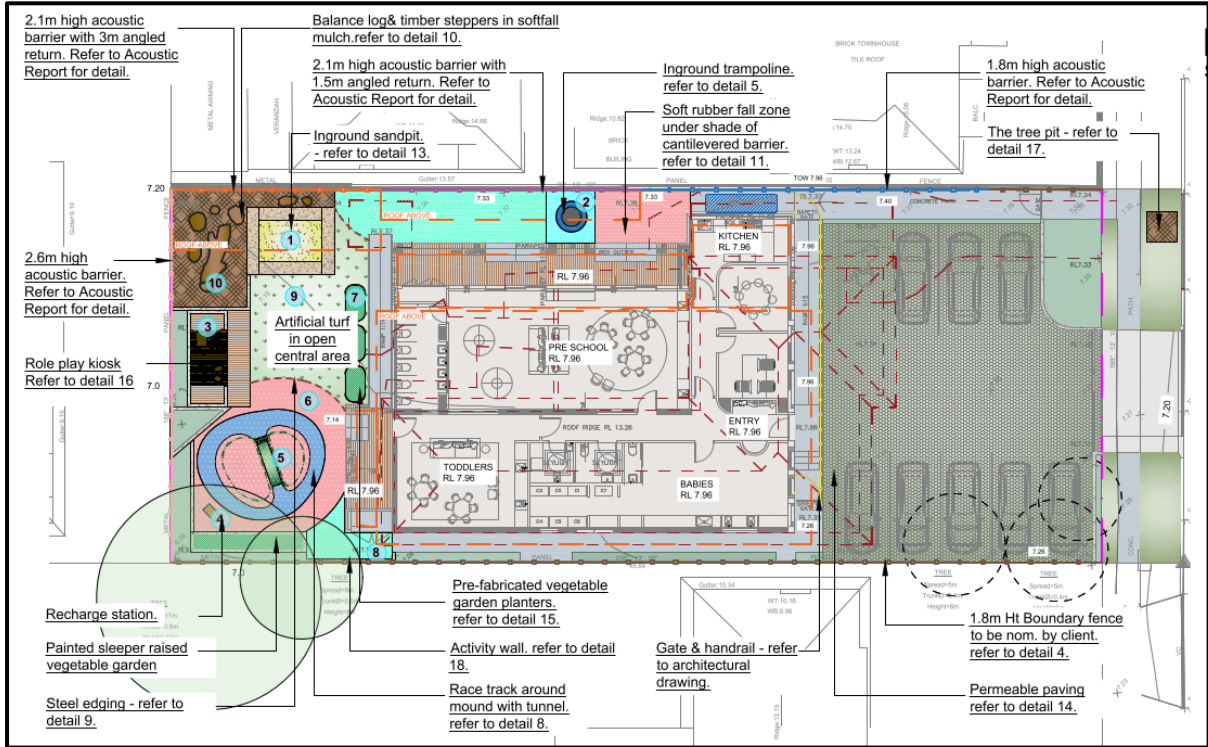


Figure 9: Hardscape Plan extract

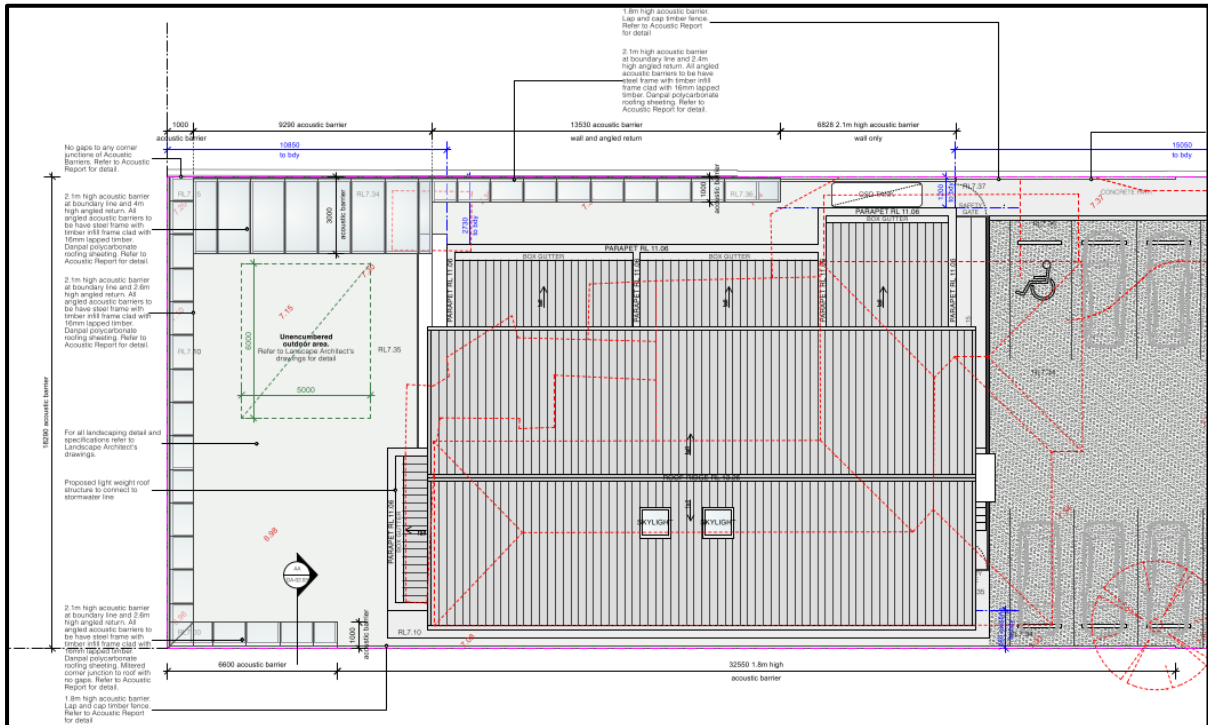


Figure 10: Acoustic Barrier Plan extract

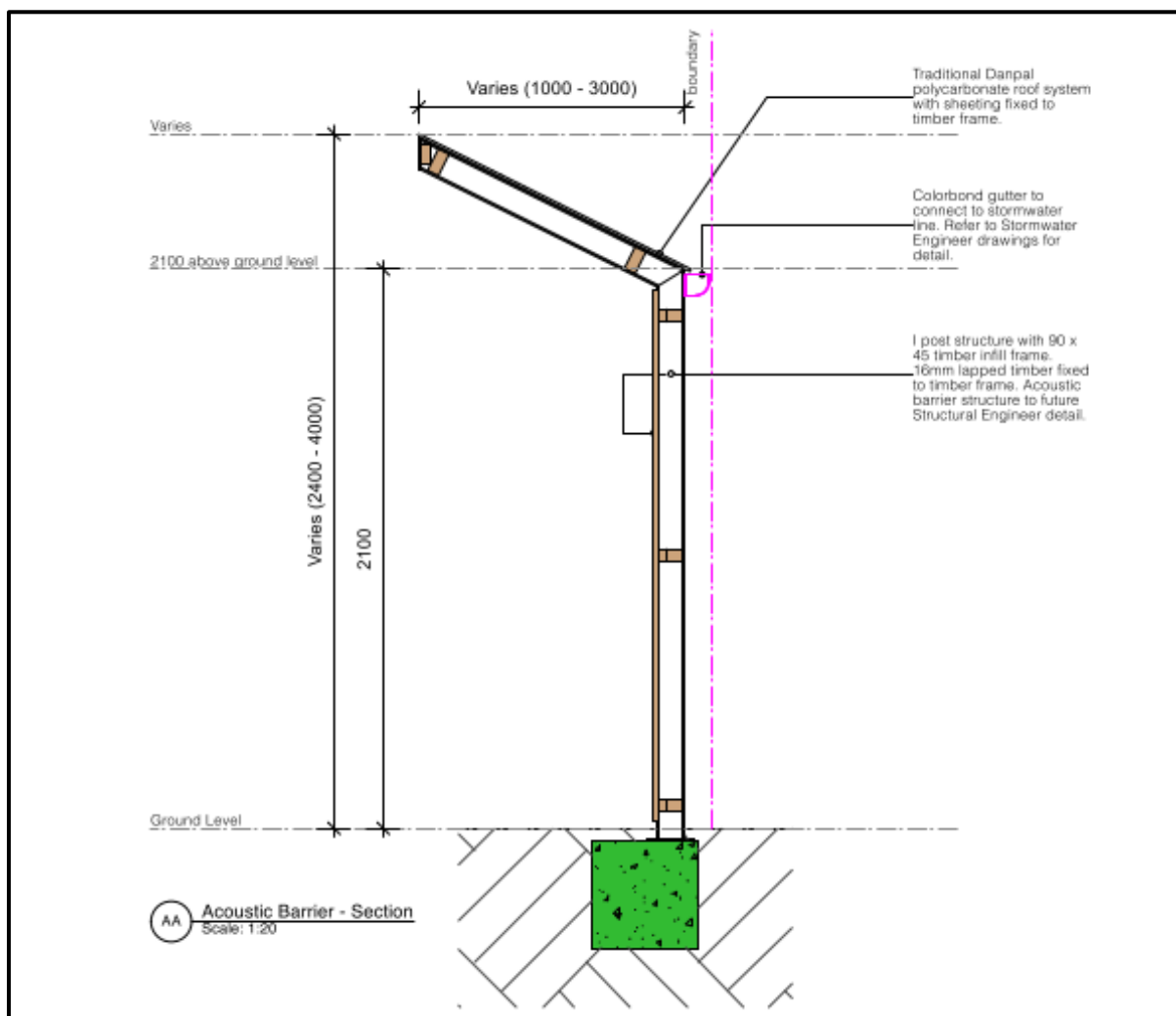


Figure 11: Acoustic Barrier Section

Operation:

The ongoing operational use involves:

- The proposed hours of operation are 7:00am to 6:00pm, Mondays to Friday. The child care centre would be closed on weekends and public holidays.
- Children expected by 10:30am and picked up by 5:45pm.
- 30 children are proposed with 6 educators provided and 1 cook. The cohort age breakdown is:
 - 0-2 years: 7 children
 - 2-3 years: 8 children
 - 3-5 years: 15 children
- Outdoor play limited to 2 hours in the morning and 2 hours in the afternoon.
- Deliveries are proposed outside of peak, using onstreet parking if onsite parking is unavailable.

6. STATUTORY CONSIDERATIONS

The following planning instruments have been considered in the planning assessment of the subject Development Application:

- (a) *State Environmental Planning Policy (Biodiversity and Conservation) 2021*;
- (b) *State Environmental Planning Policy (Resilience and Hazards) 2021*;
- (c) *State Environmental Planning Policy (Transport and Infrastructure) 2021*;
- (d) *Education and Care Services National Regulations 2011*;
- (e) *Child Care Planning Guideline 2021*;
- (f) *Liverpool Local Environmental Plan (LLEP) 2008*; and
- (g) *Liverpool Development Control Plan (LDCP) 2008*:
 - o Part 1 – General Controls for all developments; and
 - o Part 3.8 – Non-Residential Development in Residential Zones.

7. PLANNING 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 2021*, as follows:

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

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

The subject land is located within the Georges River Catchment and as such Chapter 6 Water Catchments of the SEPP, applies to the application. The Biodiversity and Conservation SEPP generally aims to protect the environment of the Georges River Catchments by ensuring that biodiversity values are protected and preserved and that water quality impacts of future land uses are considered in a state, regional, and local context.

The application was referred to Council's Land Development Engineering Department who reviewed stormwater management and drainage associated with the proposal. Council's engineers deferred the application, requesting additional information.

Additional details were provided by the applicant and upon review the response was found to insufficiently address the stormwater concerns, and consequently their impact upon the Georges River Catchment.

When a consent authority determines a development application, water catchment planning principles are to be applied. Accordingly, a table summarising the matters for consideration in determining development applications, and compliance with such, is provided below.

Part 6.2 Development in Regulated Catchments	
Division 2 Controls on Development Generally	Comment
<p>6.6 Water Quality and Quantity</p> <p>(1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the following—</p> <p>(a) whether the development will have a neutral or beneficial effect on the quality of water entering a waterway,</p> <p>(b) whether the development will have an adverse impact on water flow in a natural waterbody</p> <p>(c) whether the development will increase the amount of stormwater run-off from a site,</p> <p>(d) whether the development will incorporate on-site stormwater retention, infiltration or reuse,</p> <p>(e) the impact of the development on the level and quality of the water table,</p> <p>(f) the cumulative environmental impact of the development on the regulated catchment</p> <p>(g) whether the development makes adequate provision to protect the quality and quantity of ground water.</p> <p>(2) Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied the development ensures—</p> <p>(a) the effect on the quality of water entering a natural waterbody will be as close as possible to neutral or beneficial, and</p> <p>(b) the impact on water flow in a natural waterbody will be minimised.</p>	<p>Insufficient information has been provided for Council to be satisfied that development has sufficiently considered the relevant matters listed under subsections (1) and (2) in this clause.</p> <p>The stormwater management arrangement proposed includes installing new drainage pipes, pits and rainwater tanks to convey stormwater flows to kerbside outlets in Central Avenue.</p> <p>The development has been reviewed by Council's Land Development Engineers who are unsupportive of the application as the acoustic fencing requires drainage which is not shown on the stormwater plan, an increase in below ground storage volume is needed to reduce the impact of nuisance ponding in the carpark, and the stormwater calculations are incorrect and possibly noncompliant with regard to pre and post development flows.</p> <p>As the stormwater arrangement is unsatisfactory in its current form, Council is unable to confirm that no adverse impacts will arise in regard to water quality and quantity within the Georges River catchment.</p> <p>The applicant has had multiple opportunities to provide an adequate stormwater drainage arrangement, but has failed to satisfy the request.</p>
6.7 Aquatic Ecology	This clause is not applicable as there is no aquatic ecology present on site.
6.8 Flooding	The site is located within the Floodplain of the Gorges River
(1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the likely impact of the development on periodic flooding that benefits wetlands and other riverine ecosystems.	The property is not affected by mainstream flooding under 1% AEP flood event but a partial portion in the southwest part lies in the flood planning area.

<p>(2) Development consent must not be granted to development on flood liable land in a regulated catchment unless the consent authority is satisfied the development will not—</p> <p>(a) if there is a flood, result in a release of pollutants that may have an adverse impact on the water quality of a natural waterbody, or</p> <p>(b) have an adverse impact on the natural recession of floodwaters into wetlands and other riverine ecosystems.</p>	<p>The proposal has been reviewed by Council's flooding engineers who are supportive of the development subject to conditions requiring adequate habitable floor levels to be achieved to mitigate the adverse impact of flooding.</p>
<p>6.9 Recreation and public access</p> <p>1. In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider—</p> <p>(a) the likely impact of the development on recreational land uses in the regulated catchment, and</p> <p>(b) whether the development will maintain or improve public access to and around foreshores without adverse impact on natural waterbodies, watercourses, wetlands or riparian vegetation.</p>	<p>This clause is not applicable as the proposal is not for recreational uses and is not situated within the vicinity of recreational waterfronts.</p>
<p>6.10 Total catchment management</p> <p>In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consult with the council of each adjacent or downstream local government area on which the development is likely to have an adverse environmental impact.</p>	<p>The development is not considered to be of a scale which would impact upon the adjacent downstream local government area. Therefore, no consultation is required.</p>

Based on the above assessment, the proposal cannot be considered to satisfy the relevant objectives and provisions of SEPP (Biodiversity and Conservation) 2021. Therefore, it is considered that the subject site is not suitable for the proposed development.

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

Pursuant to Chapter 4 (Remediation of Land) of State Environmental Planning Policy (Resilience and Hazards) 2021, a consent authority is unable to grant development consent unless it has considered whether the land is contaminated and, if so, whether the consent authority is satisfied that the land is suitable in its contaminated state, or can be remediated to be made suitable for the purposes for which the development is proposed to be carried out.

Pursuant to Clause 4.6 of SEPP (Resilience and Hazards) 2021, Council is required to undertake a merit assessment of the proposed development. The following table summarises the matters for consideration in determining development application.

Clause 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	Council's Environmental Health section reviewed the proposal and determined that the proposal may be impacted by contaminated soils. A Preliminary Site Investigation (PSI) was requested from the applicant, who refused to provide it citing historical residential use. Council's Environmental Health section reviewed this response and will not support the proposal until the PSI is submitted.
(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	A. As no PSI was submitted, Council is unable to determine whether the land is suitable if contaminated.
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.	As no PSI was submitted Council is unable to determine whether the land requires remediation.

Based on the above assessment, the proposal cannot be considered to satisfy the relevant objectives and provisions of SEPP (Resilience and Hazards) 2021. Therefore, it is considered that the subject site is not suitable for the proposed development.

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

This proposal has been assessed under the provisions of State Environmental Planning Policy (Transport and Infrastructure) 2021, specifically Chapter 3 – Educational establishments and childcare facilities (previously known as State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017).

State Environmental Planning Policy (Transport and Infrastructure) 2021			
Chapter 3 – Educational Establishments and child care facilities			
Part 3.3 Early education and care facilities – specific development controls			
Clause	Requirements	Proposed	Comment
3.22 - Centre-based child care facility— concurrence	This clause applies to development for the purpose of a centre-based child care facility if:	Regulation 107 and 108 of Educational and Care Services National Regulation specifies the following:	

<p>of Regulatory Authority required for certain development</p>	<p>(a) the floor area of the building or place does not comply with regulation 107 (indoor unencumbered space requirements) of the <i>Education and Care Services National Regulations</i>, or</p> <p>(b) the outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements) of those Regulations</p> <p>Note: Screen planting should not be included in calculations of unencumbered outdoor space, as per C17 & C18 of the Child Care Planning Guideline 2021.</p>	<ul style="list-style-type: none"> • Indoor - 3.25m² per child • Outdoor - 7.0m² per child <p>Required: Indoor – (30 x 3.25) 97.5sqm</p> <p>Babies Room – 25.08sqm Pre School Room – 64.25sqm Toddlers Room – 32.89sqm</p> <p>Total Proposed indoor = 122.22sqm</p> <p>Required: Outdoor - (30 x 7) 210sqm</p> <p>Proposed outdoor = 227.44sqm</p>	<p>Complies</p> <p>Complies</p>
<p>23 - Centre-based child care facility—matters for consideration by consent authorities</p>	<p>Before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline, in relation to the proposed development</p>	<p>The assessment of the proposed is in accordance with the Child Care Planning Guidelines (see Planning Guidelines section).</p>	<p>As Below</p>
<p>24 - Centre-based child care facility in Zone IN1 or IN2, or E4 & E5—</p>	<p>To minimise land use conflicts with existing industrial development</p>	<p>The site is zoned R2 Low Density Residential zone and is not located in proximity to industrial development.</p>	<p>Complies</p>

<p>additional matters for consideration by consent authorities</p>			
<p>25 - Centre-based child care facility— floor space ratio</p>	<p>FSR in zone R2 – Low Density Residential is not to exceed 0.5:1 unless specified elsewhere.</p>	<p>Site area: 835sqm GFA: 236.95sqm = 0.28:1</p>	<p>Complies</p>
<p>26 - Centre-based child care facility— non-discretionary development standards</p>	<p>To identify development standards for particular matters relating to a centre-based child care facility that, if complied with, prevent the consent authority from requiring more onerous standards for those matters.</p> <p>a) the development may be located at any distance from an existing or proposed early education and care facility</p> <p>b) indoor and outdoor space complies with regulation 107 and 108 of the Education and Care Services National Regulations</p> <p>c) the development may be located on a site of any size and have any length of street frontage or any allotment depth,</p> <p>d) the development may be of any colour or colour scheme unless it is a State or local heritage item or in a heritage conservation area.</p>	<p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>The site is not listed as a local or state heritage.</p>	<p>Complies</p>
<p>27 - Centre-based child care facility—</p>	<p>1) A provision of a development control plan that specifies a</p>		<p>Complies</p>

development control plans	<p>requirement, standard or control does not apply in relation to</p> <p>a) Operational or management plans or arrangements (including hours of operation)</p> <p>b) Demonstrated need or demand for child care services</p> <p>c) Proximity of facility to other early education and care facilities</p> <p>d) Any matter in relation to development for the purpose of a centre-based child care facility contained in design principles set out in Part 2 of the <i>Child Care planning Guideline</i> or matter for consideration set out in Part 3 of the requirements set out in Part 4 of Guideline other than height, side and rear setback or car parking rates</p>	<p>Noted.</p> <p>Noted.</p> <p>Noted</p> <p>Noted.</p>	
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As detailed in the tables above, the proposal is consistent with SEPP (Transport and Infrastructure) 2021.

(d) Education and Care Services National Regulations 2011

In accordance with the Child Care Planning Guideline 2021, Chapter 4 of the *Education and Care Services National Regulations 2011* is to be applied and the key controls are discussed in the following table:

Education and Care Services National Regulations 2011			
Chapter National Regulations	4 Requirement	Assessment	Comment
97 Emergency and Evacuation Procedures	The emergency and evacuation procedures required under regulation 168 must set out — (a) instructions for what must be done in the event of an emergency; and (b) an emergency and evacuation floor plan.	An emergency evacuation plan was requested and not provided.	Does not Comply
104 Fencing	The approved provider of an education and care service must ensure that any outdoor space used by children at the education and care service premises is enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it.	Fencing has been provided around outdoor spaces used by children.	Complies
106 Laundry and Hygiene Facilities	The proposed development includes laundry facilities or access to laundry facilities OR explain the other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage of soiled clothing, nappies and linen prior to their disposal or laundering. Laundry/hygienic facilities are located where they do not pose a risk to children	Laundry facilities provided and located away from children's play areas.	Complies
107 Indoor Space Requirements	3.25m ² of unencumbered space per child.	Provided. See above.	Complies
108 Outdoor Space Requirements	7m ² of unencumbered space per child.	Provided. See above.	Complies
109 Toilet and Hygiene Facilities	The proposed development includes adequate, developmentally and age appropriate toilet, washing and drying facilities for use by children	Toilets provided are to be shared by two age groups. Council's City Design and Public Domain section and Environmental Health section	Does not Comply

	<p>being educated and cared for by the service.</p> <p>The location and design of the toilet, washing and drying facilities enable safe and convenient use by the children.</p>	<p>have reviewed the proposal and are unsupportive of this approach as one cohort would be using toilets that are not age appropriate.</p>	
110 Ventilation and Natural Light	<p>The approved provider of an education and care service must ensure that the indoor spaces used by children at the education and care service premises —</p> <p>(a) are well ventilated; and</p> <p>(b) have adequate natural light; and</p> <p>(c) are maintained at a temperature that ensures the safety and wellbeing of children.</p>	<p>Natural cross ventilation is available to all playrooms through window openings.</p> <p>Shadow diagrams were requested but not provided.</p> <p>If approved, a condition would be imposed to ensure appropriate temperatures are maintained.</p>	<p>Complies</p> <p>Insufficient Information</p> <p>Could be Conditioned if Consent were Granted</p>
111 Administrative Space	<p>The approved provider of a centre-based service must ensure that an adequate area or areas are available at the education and care service premises for the purposes of—</p> <p>(a) conducting the administrative functions of the service; and</p> <p>(b) consulting with parents of children; and</p> <p>(c) conducting private conversations.</p>	<p>An office, meeting room, kitchen, and reception nook are provided.</p>	<p>Complies</p>
112 Nappy Change Facilities	<p>The proposed development includes an adequate area for construction of appropriate hygienic facilities for nappy changing including at least one properly constructed nappy changing bench and hand cleansing facilities for adults in the immediate vicinity of the nappy change area.</p> <p>The proposed nappy change facilities can be designed and located in a way that prevents unsupervised access by children.</p>	<p>Benches with sinks are provided in all 3 playrooms.</p>	<p>Complies</p>

<p>113 Outdoor Space - Natural Environment</p>	<p>The approved provider of a centre-based service must ensure that the outdoor spaces provided at the education and care service premises allow children to explore and experience the natural environment.</p>	<p>B. A sandpit, shrubs, vegie gardens and a tree are provided. Council's City Design and Public Domain section have reviewed the landscape plans and are unresponsive due to the extensive artificial surfaces.</p>	<p>Does Not Comply</p>
<p>114 Outdoor Space - Shade</p>	<p>The approved provider of a centre-based service must ensure that outdoor spaces provided at the education and care service premises include adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.</p>	<p>C. The submitted landscape plan illustrates awnings covering outdoor play spaces. A tree is also provided.</p>	<p>Complies</p>
<p>115 Premises Designed to Facilitate Supervision</p>	<p>The approved provider of a centre-based service must ensure that the education and care service premises (including toilets and nappy change facilities) are designed and maintained in a way that facilitates supervision of children at all times that they are being educated and cared for by the service, having regard to the need to maintain the rights and dignity of the children.</p>	<p>The internal layout of the proposed centre has been designed to allow for the supervision of children at all times when activity rooms and play spaces are in use.</p> <p>Toilets facilities are located between the pre school and toddler rooms and are expected to be shared by the two cohorts who require different levels of supervision and privacy. Council's Environmental Health and City Design & Urban Domain sections are unresponsive of this approach.</p>	<p>Complies</p> <p>Does Not Comply</p>
<p>123 Educator to child ratios— centre-based services</p>	<p>The minimum number of educators required to educate and care for children at a centre-based service as follows:</p> <p>Children age between 0 to 24 months- 1 educator to 4 children.</p> <p>Children age between 24 months to 36 months - 1 educator to 5 children.</p>	<p>The submitted Plan of management proposes 6 educators and 1 cook. 2 educators per classroom/cohort.</p> <p>7 children proposed – 2 educators required and provided.</p> <p>8 children proposed - 2 educators required and provided.</p>	<p>Complies</p> <p>Complies</p>

	Children age between 36 months and over - 1 educator to 11 children.	15 children proposed - 2 staff required and provided.	Complies
	Children over preschool age- 1 educator to 15 children. Note: Cl. 122 says only include staff if they're qualified and directly working with children.	Nil.	Not Applicable

As detailed in the compliance tables above, the proposal is inconsistent with the Education and Care Services National Regulations 2011.

(d) Child Care Planning Guideline 2021;

Determining a Development Application for development for the purpose of a centre-based childcare facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline 2021 (CCPG).

All key controls are discussed in the compliance tables in Attachment 1. Controls where the development is noncompliant are discussed in the tables below.

Child Care Planning Guideline 2021			
Part 3. Matters for consideration			
Objectives	Considerations	Assessment	Comment
3.1 Site Selection and location			
C1 <i>Proposed developments in or adjacent to a residential zone must consider:</i>	The acoustic and privacy impacts of the proposed development on the residential properties;	D. An Acoustical Report has been submitted and acoustic treatments have been recommended to mitigate potential noise emission. However, the 4m tall acoustic fence is not supported and the applicant has advised that acoustic requirements cannot be met without the proposed treatments. E. F. Council's Environmental Health section have reviewed the proposal and are not supportive, noting that a detailed Noise Management Plan was not provided.	Does not Comply
	Visual amenity impacts (e.g. additional building bulk and	The proposed building changes are an appropriate	Does not Comply

	overshadowing, local character)	local	built form for the locality (with the exception of the fences discussed below) as the bulk is not significantly changed, however shadow diagrams were not submitted and insufficient landscaping in the front setback has been provided to soften the visual impact of the parking.	
	Traffic and parking impacts of the proposal on residential amenity.		<p>The proposed development provides 9 car parking spaces, including 1 disabled space in the front setback.</p> <p>10 car parking spaces, parking for 3 bicycles plus a space for delivery vehicle on-site are required in accordance with the LDCP 2008.</p> <p>Council's Traffic and Transport section have reviewed the proposal and have raised no issues with the traffic generation but they are not supportive of the parking arrangement.</p>	Does not Comply
C2 <i>To ensure that the site selected for a proposed child care facility is suitable for the use.</i>	The location and surrounding uses are compatible with the proposed development or use.		<p>Council's Community Planning section reviewed the proposal and advised that the selected site is suitable for the centre-based childcare as it is located near a school and is surrounded by residential development.</p> <p>However, the intensity of proposal (number of children) may not be compatible with the surrounding residential due to the amount of noise generated, noting the 2.6-4m oversized acoustic barriers required are not compatible with a low density residential built form.</p>	Insufficient Information

		A detailed Noise Management Plan was not provided. Councils Environmental Health section reviewed the proposal and was not supportive.	
	There are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed.	<p>A Stage 1 preliminary site investigation was requested by Council's Environmental Health section. The applicant refused to provide one citing the previous site use as residential. Council's Environmental Health Officers reviewed this response and are unsupportive of the proposal without the PSI.</p> <p>Historical aerial photography shows that the site use was changed from agricultural to residential sometime between 1983 and 1991.</p>	Does not Comply
	<p>The characteristics of the site are suitable for the scale and type of development proposed having regard to:</p> <ul style="list-style-type: none"> • size of street frontage, lot configuration, dimensions and overall size • number of shared boundaries with residential properties 	<p>The number of children proposed for the childcare on the site is inappropriate for both the size of the site number of shared boundaries with residential properties.</p> <p>As detailed elsewhere in this report, in order to mitigate the noise impact of so many children, a variable 2.6m-4m tall acoustic fence is proposed with an angle back, which limits the viability of landscaping along the boundary, and is not supported by submissions from the neighbours. There is also insufficient parking provided for the number of staff and children proposed. The parking that is proposed comes at the expense of landscaped area within the front setback which is</p>	Does not Comply

		substantially below DCP requirements.	
	The development will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas	G. The surrounding areas are not sensitive environmental or cultural areas, but the application is not supported by a Noise Management Plan so impacts cannot be assessed.	Insufficient Information
	There are suitable drop off and pick up areas, and off and on street parking.	H. There is insufficient off-street parking proposed. Council's Traffic and Transport section are not supportive of the proposal.	Does not comply
3.2 Local Character, streetscape and the public domain interface			
C5 <i>To ensure that the child care facility is compatible with the local character and surrounding streetscape.</i>	Use landscaping to positively contribute to the streetscape and neighbouring amenity. Integrate car parking into the building and site landscaping design in residential areas.	Minor landscaping treatments have been incorporated along the front boundary to soften the visual impact of the car parking in the front setback, however the total front setback landscaping area is significantly lower than the DCP requirements to provide space for parking which is also insufficient to meet DCP requirements. Council's city Design and Public Domain section reviewed the proposal and are unresponsive.	Does not Comply
C6, C7 and C8 <i>To ensure clear delineation between the child care facility and public spaces</i>	Windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community	I. Some windows are proposed facing towards Central Avenue which will allow passive surveillance to the street. However Council's City Design and Public Domain section have reviewed the proposal and require the black wall in front of the kitchen to include a window to add to passive street surveillance.	Does not Comply
	Integrating existing and proposed landscaping with fencing.	J. Though not shown on the demolition or survey plans, we can infer that all existing landscaping (a series of small to medium trees along the side and rear boundaries) is likely to be removed, as none of it is shown on the proposed landscape plans. K. L. Council's City Design	Does not Comply

		and Public Domain section reviewed the proposal and identified a conflict between the proposed landscaping along the fence line and the angled back fence.	
3.3 Building orientation, envelope, building design and accessibility			
C11 <i>To respond to the streetscape and site, mitigate impacts on neighbours, while optimising solar access and opportunities for shade.</i>	<p>Orient a development on a site and design the building layout to:</p> <p>Ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by:</p> <ul style="list-style-type: none"> • Facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties. • Placing play equipment away from common boundaries with residential properties • Locating outdoor play areas away from residential dwellings and other sensitive uses. 	<p>Outdoor play areas and equipment are near the residential boundaries.</p> <p>A 1.8m-4m high acoustic fence is proposed to mitigate noise impacts, however this is not supported by submissions from the neighbours.</p> <p>A detailed Noise Management Plan was not provided.</p> <p>Windows facing south boundary are existing. The proposed intensification of use would likely result in increased overlooking both through the existing windows and with the addition of a veranda at the rear at the same floor level.</p>	<p>Does Not Comply</p>
	<p>Optimise solar access to internal and external play areas.</p>	<p>M. Shadow diagrams were requested but not provided.</p>	
C16 <i>To ensure that child care facilities are designed to be accessible by all potential users.</i>	<p>Providing accessibility to and within the building in accordance with all relevant legislation</p>	<p>N. Ramps are provided in the front and rear setbacks to access the building. Council's City Design and Public Doman section reviewed the proposal and are unsupportive of a single rear ramp providing access only to the toddlers room, and not the preschool room. Further concerns were raised about the placement and limited clearance leading to the entry at the rear.</p>	<p>Does not Comply</p>
	<p>Linking all key areas of the site by level or ramped pathways that are accessible to prams and wheelchairs, including between all car parking areas and the main building entry.</p>	<p>O. Ramps are provided in the front and rear setbacks to access the building, as noted above, the preschool room – a key area – is not accessible from the rear by ramp.</p>	

3.4 Landscaping			
<p>C17 and C18 Landscaping <i>To provide landscape design that contributes to the streetscape and amenity.</i></p>	<p>Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space.</p>	<p>Grasses are provided along some of the southern boundary 0.6-0.8m max height. Two thirds of the western boundary is bordered by a 3m max height hedge and a 10m max height tree, though it's unclear how this will work with the acoustic fence that angles 1m back into the from a 2.1m height. Council's City Design and Public Domain section have reviewed the proposal and are unresponsive.</p>	<p>Does not Comply</p>
	<p>Use the existing landscape where feasible to provide a high quality landscaped area by:</p> <ul style="list-style-type: none"> • Reflecting and reinforcing the local context • Incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping. 	<p>P. Part of the existing landscaping is represented on the Survey or Demolition Plans. None of the existing landscaping is shown on the proposed Landscape plans.</p> <p>Proposed landscaping along the front boundary is designed to provide minor screening to extensive car parking.</p> <p>Landscaping area within the front setback does not achieve DCP requirements.</p> <p>Council's City Design and Public Domain section have reviewed the proposal and are unresponsive.</p>	<p>Does not Comply</p>
	<p>Incorporate car parking into the landscape design of the site by:</p> <ul style="list-style-type: none"> • Planting shade trees in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings • Taking into account streetscape, local character and context 	<p>Q. A mix of native and exotic species are proposed along the front boundary which may assist in softening the impact of the carpark in the front setback, however the landscaping area within the front setback does not achieve DCP requirements.</p> <p>R. Council's City Design and Public Domain section have reviewed the proposal and are unresponsive.</p>	<p>Does not Comply</p>

	<p>when siting car parking areas within the front setback</p> <ul style="list-style-type: none"> Using low level landscaping to soften and screen parking areas. 		
3.5 Visual and acoustic privacy			
<p>C19 and 20 <i>To protect the privacy and security of children attending the facility</i></p>	<p>Permanent screening and landscape design.</p>	<p>S. There is insufficient landscaping proposed to screen the children from adjoining properties. Proposed acoustic fence foldbacks are transparent and conflict with the minimal proposed planting. Windows on the first floor of the neighbouring townhouse overlook the external play area.</p>	<p>Does not Comply</p>
<p>C21 <i>To minimise impacts on privacy of adjoining properties.</i></p>	<p>Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through: Appropriate site and building layout</p>	<p>Windows facing south boundary are existing. A 1.8m high acoustic barrier is proposed along the southern boundary, replacing the existing 1.8m high fence. The proposed intensification of use would likely result in increased overlooking both through the existing windows and with the addition of a veranda at the rear at the same floor level.</p>	<p>Does Not Comply</p>
	<p>Landscape design and screening.</p>	<p>Landscape screening is only along part of the rear boundary and is unlikely to grow higher than the acoustic fence foldback. Council's City Design and Public Domain section have reviewed the proposal and are not supportive.</p>	<p>Does not Comply</p>
<p>C22 and 23 <i>To minimise the impact of child care facilities on the acoustic privacy of neighbouring residential developments.</i></p>	<p>A suitably qualified acoustic professional should prepare an acoustic report which will cover the following matters:</p> <ul style="list-style-type: none"> Identify an appropriate noise level for a child care facility located in residential and other zones 	<p>T. An Acoustical Report has been submitted. A Noise Management Plan was not. Council's Environmental Health section reviewed the proposal and are not supportive.</p>	<p>Does not Comply</p>

	<ul style="list-style-type: none"> Determine an appropriate background noise level for outdoor play areas during times they are proposed to be in use <p>Determine the appropriate height of any acoustic fence to enable the noise criteria to be met.</p>		
3.6 Noise and air pollution			
C24 and 25 <i>To ensure that outside noise levels on the facility are minimised to acceptable levels.</i>	Using landscaping to reduce the perception of noise	U. Landscaping within the outdoor area proposed, however this is minimal across the site and conflicts with the fence fold back in the rear.	Does not Comply
	Using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits	Proposal relies mostly on the acoustic fence.	Does not Comply
	<p>An acoustic report should identify appropriate noise levels for sleeping areas and other non-play areas and examine impacts and noise attenuation measures where a child care facility is proposed in any of the following locations:</p> <ul style="list-style-type: none"> On industrial zoned land Where the ANEF contour is between 20 and 25, consistent with AS 2021 – 2000 Along a railway or mass transit corridor, as defined by State Environmental Planning Policy (Infrastructure) 2007 On a major or busy road Other land that is impacted by substantial external noise 	<p>V. Council's Environmental Health section reviewed the proposal and requested ANEF compliance be included in the Acoustic report due to the site's location within the ANEF buffer.</p> <p>W.</p> <p>X. This was not provided, consequently the proposal is not supported.</p>	Does not Comply

3.8 Traffic, parking and pedestrian circulation			
<p>C30, C31 and C32 <i>To provide parking that satisfies the needs of users and the demand generated by the centre and to minimise conflicts between pedestrians and vehicles.</i></p>	<p>Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land.</p>	<p>The proposed development provides 9 car parking spaces, including one disabled space. 10 are required in accordance with the LDCP 2008.</p>	<p>Does Comply Not</p>
	<p>A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised. The study should also address any proposed variations to parking rates and demonstrate that:</p> <ul style="list-style-type: none"> • The amenity of the surrounding area will not be affected • There will be no impacts on the safe operation of the surrounding road network 	<p>Council's Traffic and Transport section reviewed the submitted traffic report and are not supportive of the proposal due to insufficient number of parking spaces provided.</p>	<p>Does Comply not</p>
<p>C35, C36 and C37 <i>To provide a safe and connected environment for pedestrians both on and around the site.</i></p>	<p>Delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities</p>	<p>Y. Space for one delivery vehicle is required by the DCP. No delivery or loading areas are proposed. Council's Traffic and Transport section are not supportive of street deliveries unless the Plan of Management is updated to limit them to off peak.</p>	<p>Does Comply not</p>
	<p>Car parking design should:</p> <ul style="list-style-type: none"> • Include a child safe fence to separate car parking areas from the building entrance and play areas • Provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards • Include wheelchair and pram accessible parking. 	<p>Z. No fencing proposed separating parking from the building entrance access path along the north boundary. AA. BB. One accessible parking space is closest to the entrance, but no pram accessible parking is proposed.</p>	<p>Does Comply Not</p>

As detailed in the compliance tables above, the proposal is inconsistent with the Child Care Planning Guideline 2011.

(e) Liverpool Local Environmental Plan 2008 (LLEP 2008)

(i) Zoning and Permissibility

The subject site is zoned R2 Low Density Residential pursuant to the Liverpool *Local Environmental Plan 2008* (LLEP 2008). The proposed development is best defined as a **centre-based child care**, which is a permissible use within the zone, with consent. A centre-based child care is defined below. The zoning of the site can be seen in Figure 12 below.

centre-based child care facility means—

(a) a building or place used for the education and care of children that provides any one or more of the following—

- (i) long day care,
- (ii) occasional child care,
- (iii) out-of-school-hours care (including vacation care),
- (iv) preschool care, or

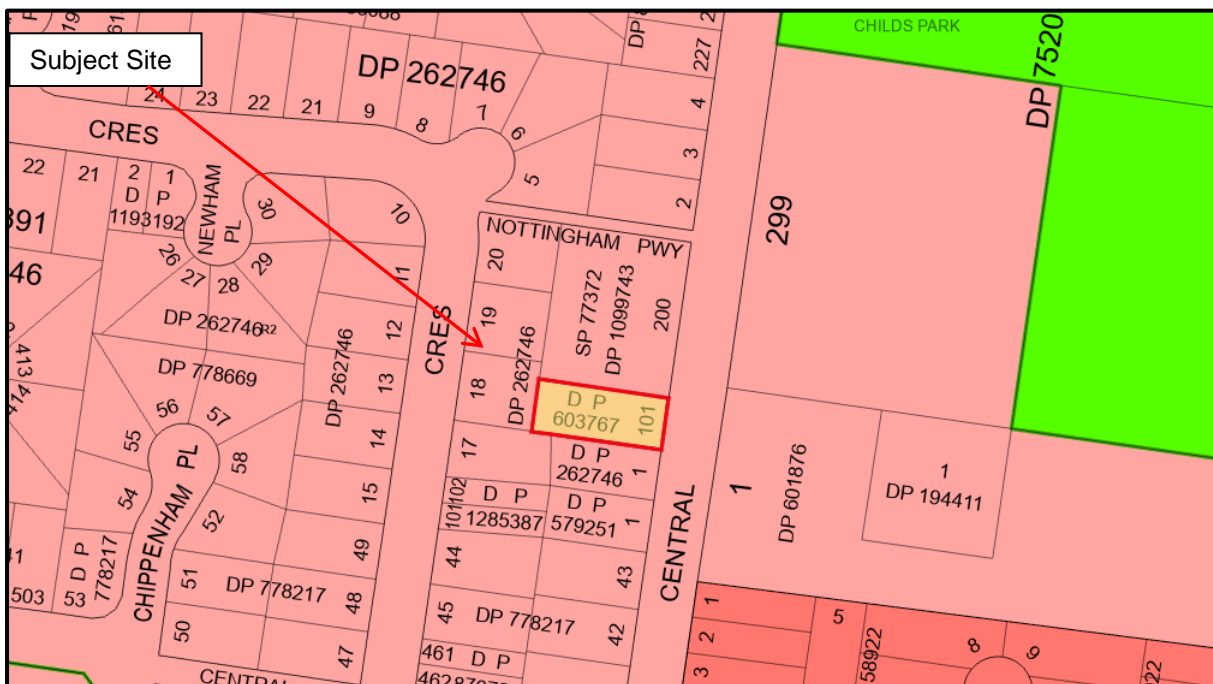


Figure 12: Zoning Map (Source: Geocortex)

(ii) Objectives of the zone

The objectives of the R2 Medium Density Residential zone are:

- To provide for the housing needs of the community within a low-density residential environment.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide a suitable low scale residential character commensurate with a low dwelling density.*
- *To ensure that a high level of residential amenity is achieved and maintained.*

Although providing a service to meet the day to day needs of residents, the proposed development design has been construed in such a way that rather than sitting comfortably withing, co-existing and contributing to the immediate locality, it has provided design responses to minimise (by 4m high acoustic screening) the operational impacts (noise), which result in dominating built forms not anticipated in any low density residential environment, and as such it is inconsistent with a suitable low scale residential character commensurate with a low dwelling density.

Additionally, there is insufficient information to determine whether the proposal is in line with the objectives of the zone in that insufficient noise management details were provided to ensure that a high level of residential amenity is achieved and maintained.

(iii) Principal Development Standards

The LLEP 2008 contains a number of principal development standards which are discussed with respect to the proposal as follows:

Clause	Required	Proposed	Complies
2.7 Demolition requires development consent	The demolition of a building or work may be carried out only with development consent.	A demolition plan was submitted with the application. Should the application be approved, a condition of consent can be imposed to ensure demolition complies with Australian Standards.	Complies
4.3 Height of Buildings	Maximum height of 8.5m	The maximum proposed height in the development is 5.85m.	Complies
4.4 Floor Space Ratio	Maximum FSR of 0.5:1 is applicable.	Site area: 835sqm GFA: 238.64sqm = 0.29:1	Complies
5.10 Heritage Conservation	Effect of proposed development on heritage significance,	The proposal is opposite local heritage item 18: Chipping Norton Public School. As the proposed external changes fronting the street are minimal and generally acceptable in	Complies

		the context of the existing residential streetscape, it is unlikely there will be an impact on the neighbouring heritage and a cl. 5.10(5)(c) heritage management document is not necessary.	
5.21 – Flood Planning	To minimise the flood risk to life and property associated with the use of land.	The proposal is located within the floodplain of Georges River and is mapped as low flood risk. Council's Flood Engineering section have reviewed the proposal and are supportive, subject to conditions.	Could be Conditioned if Consent were Granted
5.22 – Special Flood Considerations	To minimise the flood risk for sensitive and hazardous development.	The proposal is located within the floodplain of Georges River and is mapped as low flood risk. Early education and care facilities (including centre based child care) are a sensitive use. Council's Flood Engineering section have reviewed the proposal and are supportive, subject to conditions.	Could be Conditioned if Consent were Granted
7.7 Acid Sulfate Soils	Class 1, 2, 3, 4 or 5	The site is not mapped as containing acid sulfate soils.	Not Applicable
7.18 Airport Noise	Australian Noise Exposure Forecast in areas mapped exceeding 20.	While the site is within the ANEF buffer zone, it is not within an area mapped exceeding 20.	Not Applicable
7.31 Earthworks	Council to consider matters listed (a)-(g)	Cut and fill not proposed.	Not Applicable

Section 4.15(1)(a)(ii) – Any Draft Environmental Planning Instruments

No applicable draft EPIs.

Section 4.15(1)(a)(iii) – Any Development Control Plan

(a) Liverpool Development Control Plan 2008

The proposed development is subject to the Liverpool Development Control Plan 2008 (LDCP) 2008.

All key controls are discussed in the compliance tables in Attachment 2. Controls where the development is noncompliant are discussed in the tables below.

Part 1 of the LDCP 2008 covers general controls relating to all types of development within the Liverpool LGA.

Part 1 General Controls for all Development			
Control	Requirement	Proposed	Comment
6. Water Cycle Management	Consideration of stormwater and drainage	The application was referred to Council's Land Development Engineering section who reviewed stormwater management and drainage associated with the proposal. The applicant provided additional stormwater details in response to a request for additional information, however the Land Development Engineering section found these to still be insufficient and are not supportive of the proposal.	Does not Comply
10. Contaminated Land Risk	Previous use to be considered in assessing risk	A Stage 1 - Preliminary Site Investigation requested, by Council's Environmental Health section. The applicant refused to provide one, citing previous residential use. Council's Environmental Health section reviewed this response and will not support the application until the PSI is provided.	Does Not Comply
20. Car Parking and Access	<u>Car Parking Controls</u> 1 Space Per Staff Member 1 space per 10 children	30 Children and 7 staff are proposed. 10 Car spaces are required.	Does Not Comply

	<p>Additionally access for a delivery van is required.</p> <p><u>Bike Parking Controls</u> 1 per 10 staff and 2 per centre</p>	<p>The proposal provides 9, including one disabled space.</p> <p>The applicant has argued that the delivery van can deliver to the street.</p> <p>None provided.</p> <p>The proposal was reviewed by Council's Traffic and Transport section who advised that all the car and bicycle parking must be provided on site, and the Plan of Management updated to ensure deliveries to the street are only made outside of peak hour.</p>	
25. Waste Disposal	<p>A Waste Management Plan (WMP) shall be submitted with a Development Application for any relevant activities generating waste.</p>	<p>The submitted waste management plan includes construction and ongoing use phases. If consent were granted, a condition would be imposed requiring a demolition phase be added prior to CC. Additionally, Council's Environmental Health section reviewed the proposal and raised issues regarding waste management which are still outstanding.</p>	Does Comply Not
29. Security and Safety	<p>Application of CPTED principles.</p>	<p>Council's Urban Design and Public Domain section requires a window be added in the kitchen opening to the street to enhance surveillance.</p>	Does Comply not

Part 3.8 of the LDCP 2008 is applicable to the proposal in addressing matters relevant to child care centres within residential zones.

Part 3.8 Non-Residential Development in Residential Zones (Childcare Centres)			
Control	Requirement	Proposed	Comment
2.3 Site Planning - Site Location	<p>Child Care Centres shall not be permitted:</p> <ul style="list-style-type: none"> - adjacent to industrial activities. - Within 300m of an existing Child Care Centre. - On classified roads. - Adjacent to railway lines. - On streets with a carriageway width of 6.5m or less. - On streets, which are cul-de-sacs. - On lots adjacent to a roundabout (including a proposed roundabout) - In areas where aircraft noise levels exceed 25 Australian Noise Exposure Forecast (ANEF). 	<p>Childcare centre is not adjacent to industrial activities, on a classified road, adjacent to rail lines, on a cul-de-sac, on a lot adjacent to a roundabout, or in an area where aircraft noise levels exceed 25 ANEF.</p> <p>Council's Environmental Health Section requested a Preliminary Site Investigation to address potential contamination concerns. The applicant did not provide this report, citing the historic residential use.</p> <p>The proposal is within the ANEF buffer zone. Council's Environmental Health section requested the Acoustic Report include compliance with ANEF provisions. The applicant did not provide this, citing his own ANEF mapping.</p> <p>Council's Environmental Health section reviewed the applicant's response and will not support the application until the PSI and ANEF compliance is provided.</p>	Does Comply Not
2.3 Site Planning - Site Planning	The site layout should enhance the streetscape through the use of landscaping and built form.	The landscape plan was reviewed by Council's Urban Design and Public Domain section who were not supportive of the turf grid parking area being included in the landscape area calculations.	Does Comply not

	<p>The site layout should ensure that the external play area is maximised and enjoys solar access</p>	<p>Shadow diagrams requested, but not provided. There is a two storey town house immediately to the north of the play area, and a single storey building to the east and west of the play area. The play area is surrounded by a 2.1m solid timber fence with a 2.4m-4m high angled transparent return. Insufficient information has been provided to satisfy Council that solar access will be provided to the play area.</p>	<p>Insufficient Information Provided</p>
	<p>The site layout should contribute to personal safety and to the protection of property by permitting casual surveillance of adequately lit outdoor spaces from windows and entries.</p>	<p>The location of the toilets limits surveillance of the northwest section of the play area from the Pre School room.</p>	<p>Does Not Comply</p>
	<p>In areas exposed to significant levels of off-site noise, the site layout and building forms should assist in minimising noise entry.</p>	<p>The site is within the ANEF buffer. Compliance was requested by Council's Environmental Health section, however the applicant refused, citing his own mapping.</p>	<p>Does Not Comply</p>
	<p>Stormwater from the site must be able to be drained satisfactorily. Where the site falls away from the street, it may be necessary to obtain an easement over adjoining property to drain water satisfactorily to a Council stormwater system. Where stormwater drains directly to the street, there may also be a need to incorporate on-site detention of stormwater where street drainage is inadequate. Refer to Water cycle management in Part 1.</p>	<p>The application was referred to Council's Land Development Engineering section who reviewed stormwater management and drainage associated with the proposal and are not satisfied with the proposed Stormwater Management arrangement.</p>	<p>Does Not Comply</p>

2.5 Landscaped Area and Open Space - Landscaped Area	A minimum of 25% of the site area shall consist of Landscaped Area, this may include lawn, deep rooted trees, garden beds and mulched areas.	Lot area 835sqm Total landscaped area 50.54sqm = 6% landscaped	Does Comply	Not
	There must be an unencumbered area of 5 x 6m in the rear setback for the opportunity to accommodate the planting of deep rooted trees.	No unencumbered area for deep rooted planting. The rear is dominated by artificial turf and play equipment.	Does Comply	Not
	A minimum of 50% of the front setback area shall be landscaped area.	Front setback area 280sqm. Front landscaped area 19.65sqm. = 7%	Does Comply	Not
2.6 Building Form, Style and Streetscape - Security	Blank walls addressing the street frontage and other public places must be avoided.	External surface of the kitchen east wall is proposed to be covered with a mural. Mural details not provided. Council's Urban Design and Public Domain section advises that a window should go there instead to assist with street surveillance.	Does Comply	Not
2.7 Landscaping and Fencing - Landscaping	Trees adjacent to/or within the play area, are to provide shade and allow winter sun entry. Trees adjacent to private open space areas and living rooms should provide summer shade and allow winter sun entry.	A single evergreen tree is proposed in the play area will provide some shade and still allow enough winter sun, mostly due to its limited coverage. However, this tree is within the acoustic fence angled return.	Does Comply	not
	The setback areas of development are to be utilised for canopy tree planting. The landscape design for all development must include canopy trees that will achieve a minimum 8m height at maturity within front and rear setback areas. Any tree with a mature height over 8m should be planted a minimum distance of 3m from the building or utility	One 8m canopy tree each is proposed for both front and rear setbacks. As mentioned above, the tree in the rear conflicts with the fence angle back.	Does Comply	not

	services.		
	Tree and shrub planting alongside and rear boundaries should assist in providing effective screening to adjoining properties. The height of screening plants to be provided is 2.5 to 3m at maturity.	Landscaping includes a mix of planting types, however Council's Urban Design and Public Domain section have raised concerns about whether this is appropriate (enough) given the extensive amount of artificial surfaces, and have requested more natural environment be included. Planting that achieves a height of 2.5 to 3m is only proposed for 2/3rds of the length of the rear boundary, and not any of the side boundary. It is unclear how this planting will work with the acoustic fence angled return.	Does not Comply
2.7 Landscaping and Fencing - Fencing	Side (behind the building setback) and rear fencing shall be 1.8m in height.	Proposed side fencing behind the front building line along the north boundary is a 2.1m high acoustic barrier made of lapped and capped timber. 6.8m behind the building line a 1m wide, 0.3m high angle back made of polycarbonate sheeting or 'transparent acrylic glass' fixed to a timber frame. This 2.4m (total) high angle back continues to the rear building line, where the fold back width increase to 3m, and height to 1.9m (4m in total). This continues until the rear boundary. Along the rear boundary the height returns to 2.4m (total). This continues around along the southern boundary for 6.6m, and then drops to 1.8m without an angle back. The fence remains 1.8m along the southern boundary until	Does not Comply

		<p>about half way into the parking lot where it stops. A 1.8m acoustic fence also runs from the front building line along the north boundary to the middle of the car park. See figures 7 & 8 above.</p> <p>The 4m high section of the fence would effectively double the height of the existing fence. <u>The applicant has advised that the acoustic requirements cannot be achieved with a lower fence.</u></p>	
	<p>Fences shall be constructed of materials compatible with the proposed building.</p>	<p>The transparent angle back material would not be compatible with the proposed building.</p>	<p>Does not Comply</p>
<p>2.7 Landscaping and Fencing – Primary Frontage</p>	<p>The front fence must be 30% transparent.</p>	<p>Front fence is not 30% transparent.</p>	<p>Does not Comply</p>
<p>2.8 Car Parking and Access - Location</p>	<p>To provide adequate vehicle access and on-site car parking facilities for residents and visitors.</p> <p>To minimise reliance on on-street parking.</p> <p>To provide safe and easy access to and from the site for pedestrians and motorists.</p> <p>To provide adequate turning areas for manoeuvring into and out of car parking spaces and/or garages.</p> <p>To minimise the impact of driveways and parking areas on existing landscaping, landform and streetscape.</p> <p>To ensure pavement or driveway materials are sympathetic to the streetscape and surrounding landscape character.</p>	<p>The parking section of LDCP 2008 Part 1 requires 10 parking spaces, 9 are provided.</p> <p>Council's Traffic and Transport section have reviewed the proposal and are not supportive, in part due to the above parking noncompliance.</p> <p>Additionally, Council's City Design and Public Domain section have reviewed the proposal and are not satisfied adequate landscaping has been provided within the front setback to minimise the impact of parking and driveways on the existing streetscape and surrounding landscape character.</p>	<p>Does not Comply</p>

2.9 Amenity and Environmental Impact - Noise	Development for childcare centres shall not be permitted in areas where aircraft noise levels exceed 25 Australian Noise Exposure Forecast (ANEF).	The childcare centre would not be located in an area where aircraft noise levels exceed 25 ANEF. However, as it is in the ANEF buffer zone, Councils Environmental Health officer requested compliance with ANEF provisions, which the applicant refused to do, citing his own mapping.	Does Comply Not
2.9 Amenity and Environmental Impact - Contaminants	All buildings whether to be built, extended, renovated or converted shall not contain any material or substance that will cause lead or asbestos or other contamination or poisoning.	The proposal was referred to Council's Environmental Health department. Council's Environmental Health officer who requested a preliminary site investigation which the applicant refused to provide.	Does Comply Not
2.9 Amenity and Environmental Impact - Overshadowing	Adjoining properties must receive a minimum of three hours of sunlight between 9am and 3pm on 21 June to at least: - one living, rumpus room or the like and/or - 50% of the private open space.	CC. Shadow diagrams were requested but the applicant refused to provide them, citing the single storey building height as reason. DD. EE. The acoustic fences are oversized. Even though they are made of some transparent materials, shadow diagrams are required to assess overshadowing impacts.	Insufficient Information
	Building siting, window location, balconies and fencing must consider the importance of the privacy of on-site and adjoining buildings and private open spaces.	The intensification of use may cause overlooking issues to the south through the existing windows and the proposed veranda at the rear.	Does Comply Not
	Landscaping should be used where possible to increase visual privacy between dwellings and adjoining properties.	Landscape screening is only used along a limited portion of the side and rear boundaries and is unlikely to increase visual privacy due to the angled back fence.	Does Comply Not
2.9 Amenity and Environmental Impact - Acoustic Privacy	Noise attenuation measures should be incorporated into building design to ensure acoustic	The proposal was referred to Council's Environmental Health department. Council's Environmental Health officer	Insufficient Information

	<p>privacy between on-site and adjoining buildings.</p>	<p>has reviewed the supplied acoustic report and is not supportive of the proposal, noting the ANEF requirements requested were not provided.</p> <p>A detailed Noise Management Plan was also not provided.</p>	
	<p>The proposed buildings must comply with the Department of Environment and Climate Change criteria and the current relevant Australian Standards for noise and vibration and quality assurance.</p>	<p>If approved, a condition of consent would be imposed ensuring compliance with the relevant criteria and standards.</p>	<p>Could be Conditioned if Consent were Granted</p>
<p>2.10 Site Services - Waste Management</p>	<p>Waste disposal facilities shall be provided for development. These shall be located adjacent to the driveway entrance to the site.</p> <p>Any structure involving waste disposal facilities shall be located as follows:</p> <ul style="list-style-type: none"> - Setback 1m from the front boundary to the street. - Landscaped between the structure and the front boundary and adjoining areas to minimise the impact on the streetscape. - Not be located adjacent to an adjoining residential property. <p>Details of the design of waste disposal facilities are shown in Part 1 of the DCP.</p>	<p>An external bin storage cupboard is provided in the southwest corner of the development, facing an adjoining residential property.</p> <p>Council's Environmental Health section reviewed the application and is not supportive of the waste storage proposed.</p>	<p>Does not Comply</p>

As detailed in the tables above, the proposal is inconsistent with the Liverpool Development Control Plan 2008.

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

There are no draft planning agreements or planning agreements that apply to the site.

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

The *Environmental Planning and Assessment Regulation 2021* includes provisions in which the consent authority is able to request additional information under Clause 36.

Additional information was requested from the Applicant on 8 February 2024, with a follow up letter sent 5 March 2024. Council received a partial response from the Applicant, with the outstanding information relating to the request for:

- Shadow diagrams.
- Stage 1 – Preliminary Site Investigation.
- Construction details specific to food preparation areas in a childcare facility.
- Mechanical Ventilation details.
- Noise Management Plan.
- Acoustic Report to include ANEF compliance.
- Toilet and Hygiene facilities for all age groups.

Council provided ample opportunities for the outstanding information to be provided by the Applicant, however insufficient information has been provided. Therefore, a recommendation was made using the information available.

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

Head of Consideration	Comment
Built	The built form proposes significant impacts through 4m high acoustic fencing which is not consistent with the residential character. Additional concerns include minimal landscaping, lack of parking, overshadowing, and overlooking which constitutes an overdevelopment.
Natural Environment	The applicant has not demonstrated the proposed development would not create a detrimental impact on the natural environment, primarily through water quality and quantity requirements within the catchment.
Social Impacts	Mixed social impacts are expected from this development as it promotes additional services to the local community, but also intensifies the overlooking of one neighbouring property and creates inappropriately and incompletely addressed noise issues

	for all of them. If approved, the detrimental material impacts on adjoining land would set an undesirable precedent and would likely undermine the intent of zone objectives in maintaining residential amenity.
Economic Impacts	The economic impact in the locality is likely to be positive through the capital investment value of the development, the employment of childcare professionals, and by service provision enabling parents to re-enter the workforce.

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

The proposal is a permissible form of development in the zone, however, due to the non-compliances with the relevant environmental planning instruments, as detailed in this report, the site is not considered to be suitable for the development proposal.

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

(a) Community Consultation

The Development Application was required to be notified in accordance with the Liverpool Community Participation Plan 2022. The proposal was notified from 22 August 2023 to 6 September 2023. Ten (10) unique submissions were received objecting to the proposal and one (1) unique submission was received in support. Additionally, a petition with 31 signatories was also received. The issues of concern raised in the submissions can be summarised as follows:

- Noise generated during operational hours;
- Noise generated before 7am and after 6.30pm. Including drop offs and pickups outside of operating hours;
- Noise of rain upon the fence angle back;
- Angled fence return not visually permeable, too high, and unsightly;
- Stormwater run off from the angled fence runs into neighbouring properties;
- Overshadowing;
- Overshadowing combined with drainage issues causing mould;
- Overlooking of neighbours Private Open Space;
- Traffic impacts in the locality;
- Parking impacts in the locality;
- Pedestrian safety and illegal traffic manoeuvres;
- Waste causing odours;
- Insufficient demand for childcare in the area with existing childcare centres;
- Local fruit bats and stray cats cause health concerns for the children; and
- Street frontage and lot size don't meet LCC minimums.

Issue raised	Comments
Issue 1: Noise generated during operational hours.	An acoustic fence is proposed along the side and rear boundaries ranging from 1.8m to 4m in height. A Noise Management Plan was not submitted with the proposal, as such the proposal is not supported with regard to acoustic impacts at this stage.
Issue 2: Noise generated before 7am and after 6.30pm. Including drop offs and pickups outside of operating hours.	A Plan of Management was submitted limiting hours between 7am to 6pm Monday to Friday. Children are expected to arrive by 10:30am and to be picked up by 5:45pm. Compliance with the Plan of Management would be enforceable through a condition of consent, if consent were granted.
Issue 3: Noise of rain upon the fence angle back.	The horizontal/angled area of the acoustic fence is substantial at 66sqm. Council's Environmental Health Officers have reviewed the proposal with regard to acoustics, and note that the Acoustic Report is incomplete, and a detailed Noise Management Plan was not provided. As such the cumulative acoustic impacts cannot be assessed and the proposal is not supported at this stage.
Issue 4: Angled fence return not visually permeable, too high, and unsightly.	Plans have been updated to make the angled return area transparent. The existing fence along the northern boundary sits atop a small retaining wall, so it is already over 2.3m high. The vertical part of the proposed fence is not transparent but will only be 2.1m high. However the angled return raises the height of the fence to 4m in some places, which is not an expected, appropriate, or compatible built form in a low-density residential environment. As such the proposal is not supported with regard to fence height at this stage.
Issue 5: Stormwater run off from the angled fence runs into neighbouring properties.	Elevations of the acoustic fence include a gutter, but this is not connected on the concept Stormwater plans. Council's Land Development Engineers are not supportive of the stormwater plan at this stage.
Issue 6: Overshadowing.	As discussed above, the non-transparent part of the fence along the northern border will be shorter than the existing 1.8m fence that sits on top of a 50cm retaining wall. However, Shadow Diagrams were requested to show (among other impacts) the impact of the angled back fence height, however they were not provided. As such the proposal is not supported with regard to overshadowing at this stage.
Issue 7: Overshadowing combined with drainage issues causing mould.	As noted above, stormwater drainage details were submitted with the application. The proposal was reviewed by Council's Land Development Engineers who were not supportive of the proposal. Additionally, shadow diagrams were not provided, as such the proposal is not supported with regard to overshadowing or stormwater drainage at this stage.
Issue 8: Overlooking of neighbours Private Open Space.	Windows facing the south boundary are existing. A 1.8m high acoustic barrier is proposed along the southern boundary where the windows are located, replacing the existing 1.8m fence. The proposed intensification of use would likely result in increased overlooking both through the existing windows and with the

	addition of a veranda at the rear at the same floor level. As such the proposal is not supported with regard to overlooking.
Issue 9: Traffic impacts in the locality.	A Traffic Impact Assessment was submitted with the application, detailing the impact of the development upon traffic in the locality. Council's Traffic Management Team have reviewed the report and advise that there is no significant increase in traffic as a result of the proposal.
Issue 10: Parking impacts in the locality.	Council's Traffic Management Team have reviewed the application and found the proposed parking to be insufficient (by 1 space) to satisfy the requirements of Council's Development Control Plan. As such the proposal is not supported with regard to parking at this stage.
Issue 11: Pedestrian safety and illegal traffic manoeuvres.	Subject to the above, it is reasonable to expect that any on-street parking associated with the development is unlikely to obstruct access to any dwelling in the locality where road users adhere to road rules. Noncompliance with road rules is a matter for NSW Police. Furthermore, the proposed development is highly unlikely to promote any disregard of traffic laws, which may compromise the safety of drivers within the locality.
Issue 12: Waste causing odours.	Council's Environmental Health Officers have reviewed the proposal and are unsupportive, in part because waste management issues remain outstanding. As such the proposal is not supported with regard to waste management at this stage.
Issue 13: Insufficient demand for childcare in the area with existing childcare centres.	Clauses 3.26 & 3.27 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 prevent Council from enforcing more onerous controls with regard to demonstrated need for childcare or proximity to another facility. <i>Specifically 3.26(2)(a) location—the development may be located at any distance from an existing or proposed early education and care facility, and 3.27(1)(b) demonstrated need or demand for child care services.</i> Council's Community Planning section reviewed the application and are supportive of its location. The submission received in support noted a demand for childcare.
Issue 14: Local fruit bats and stray cats cause health concerns for the children.	The site is not identified as animal habitat. Stray animals are not an environmental planning consideration. Council's Environmental Health section reviewed the proposal and did not raise this as an issue.
Issue 15: Street frontage and lot size don't meet LCC minimums.	The Growth Centres Precincts Development Control Plan is cited by the submitter, which is not applicable to the subject site. In any case clauses 3.26 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 prevents Council from enforcing more onerous controls with regard to minimum lot size and frontage. Specifically 3.26(2)(c) site area and site

	<i>dimensions—the development may be located on a site of any size and have any length of street frontage or any allotment depth</i>
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(b) Internal Referrals

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

DEPARTMENT	COMMENTS
Traffic and Transport	Deferred, with the following issues outstanding: <ul style="list-style-type: none"> - Car parking required is 10 spaces, only 9 are provided. - Parking spaces required for 3 bicycles, 0 are provided. - No delivery space provided. The Plan of Management must limit deliveries to outside peak hours if a dedicated space is not going to be provided onsite.
Environmental Health	Deferred, with the following issues outstanding: <ul style="list-style-type: none"> - Stage 1 – Preliminary Site Investigation. - Construction details specific to food preparation areas in a childcare facility. - Waste Storage details. - Mechanical Ventilation details. - Noise Management Plan. - Acoustic Report to include ANEF compliance.
Flooding	Supportive, subject to conditions.
Urban Design and Public Domain	Deferred, with the following issues outstanding: <ul style="list-style-type: none"> - Street tree pot of insufficient size. - Discrepancies in area calculations and plan labelling. - Insufficient landscaped area within the front setback and across the site. - Permeable parking paving area not to be included in landscape calculations. - No despoil zones to accommodate canopy tree planning due to abundance of artificial turf. - Shadow diagrams not provided. - Insufficient ramping in the rear and limited clearance. - A window is required in the kitchen opening onto the street. - Northern veranda lacks safety screens. - Toilet and Hygiene facilities are only provided for one age group. - Landscape design for outdoor play area does not include enough natural lawns, trees and vegetation. - Use conflict between the angled acoustic fence and the sole proposed tree near the rear boundary.

Community Planning	Supportive. Noting that the subject site is potentially a good location for a childcare, being close to a public school, community centre, and local park.
Land Development Engineering	Deferred, as the Stormwater Plan is insufficient and lacks key details.
Building and Compliance	Supportive, subject to conditions.
Landscape	Supportive, subject to conditions.
Fire Safety	Supportive, subject to conditions.

(c) External Referrals

Nil.

Note: a referral to the Department of Education was generated because of area and ratio triggers, however the applicant revised down the number of children to render this concurrence unnecessary.

7.9 Section 4.15(1)(e) –The Public Interest

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

8. DEVELOPER CONTRIBUTIONS

Section 7.11 Development Contributions are applicable to the proposed development in accordance with Liverpool Contributions Plan 2018 – Established Areas.

If the application were recommended for approval, appropriate conditions of consent would be imposed to ensure payment.

9. 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, LLEP 2008, LDGP 2008, and the relevant codes and policies of the Council.

As the key issues with the proposal relating to noise management, stormwater management, waste management, overlooking & overshadowing, fence height, accessibility, landscaping, parking, internal layout, and contamination potential remain unresolved, the proposal is unacceptable in this form.

Based on the assessment of the application, it is recommended that the application be refused.

10. RECOMMENDATION

That Development Application DA-377/2023 be **refused**.

ATTACHMENTS

1. Childcare Planning Guideline Compliance Tables
2. DCP Compliance Tables
3. Architecture Plans
4. Reasons for Refusal

Report Attachment 1: Child Care Planning Guideline 2021

Child Care Planning Guideline 2021 - Part 3. Matters for consideration			
Objectives	Considerations	Assessment	Comment
3.1 Site Selection and location			
C1 <i>Proposed developments in or adjacent to a residential zone must consider:</i>	The acoustic and privacy impacts of the proposed development on the residential properties;	An Acoustical Report has been submitted and acoustic treatments have been recommended to mitigate potential noise emission. However the 4m tall acoustic fence is not supported and the applicant has advised that acoustic requirements cannot be met without the proposed treatments. Council's Environmental Health section have reviewed the proposal and are not supportive, noting that a detailed Noise Management Plan was not provided.	Does not Comply
	The setbacks and siting of buildings within the residential context; and	The setbacks and siting of the development is suitable within the residential context.	Complies
	Visual amenity impacts (e.g. additional building bulk and overshadowing, local character)	The proposed building changes are an appropriate built form for the locality as the bulk is not significantly changed. Shadow Diagrams were not provided. Insufficient landscaping in the front setback to soften the visual impact of the parking.	Complies Insufficient Information Does not Comply
	Traffic and parking impacts of the proposal on residential amenity.	The proposed development provides 9 car parking spaces, including 1 disabled	Does not Comply

		<p>space in the front setback.</p> <p>10 car parking spaces, parking for 3 bicycles plus a space for delivery vehicle on-site are required in accordance with the LDCP 2008.</p> <p>Council's Traffic and Transport section have reviewed the proposal and have raised no issues with the traffic generation but they are not supportive of the parking arrangement.</p>	
<p>C2</p> <p><i>To ensure that the site selected for a proposed child care facility is suitable for the use.</i></p>	<p>The location and surrounding uses are compatible with the proposed development or use.</p>	<p>Council's Community Planning section reviewed the proposal and advised that The selected site is suitable for the centre-based child care as it is located near a school and is surrounded by residential development.</p> <p>However the intensity of proposal (number of children) may not be compatible with the surrounding residential due to the amount of noise generated, noting the 2.6-4m oversized acoustic barriers required are not compatible with a low density residential built form.</p>	<p>Insufficient Information</p>

		A detailed Noise Management Plan was not provided. Councils Environmental Health section reviewed the proposal and was not supportive.	
	The site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards.	The site is prone to flooding however Council's Flood Engineers are supportive, subject to conditions.	Could be Conditioned if Consent were Granted
	There are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed.	A Stage 1 preliminary site investigation was requested by Council's Environmental Health section. The applicant refused to provide one citing the previous site use as residential. Council's Environmental Health Officers reviewed this response and are unsupportive of the proposal without the PSI. Historical aerial photography shows that the site use was changed from agricultural to residential sometime between 1983 and 1991.	Does not Comply
	The characteristics of the site are suitable for the scale and type of development proposed having regard to: <ul style="list-style-type: none"> • size of street frontage, lot configuration, dimensions and overall size • number of shared boundaries with residential properties 	The number of children proposed for the child care on the site is inappropriate for both the size of the site number of shared boundaries with residential properties. As detailed elsewhere in this report, in order to	Does not Comply

		mitigate the noise impact of so many children, a variable 2.6m-4m tall acoustic fence is proposed with an angle back, which limits the viability of landscaping along the boundary, and is not supported by submissions from the neighbours. There is also insufficient parking provided for the number of staff and children proposed. The parking that is proposed comes at the expense of landscaped area within the front setback which is substantially below DCP requirements.	
	The development will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas	The surrounding areas are not sensitive environmental or cultural areas, but the application is not supported by a Noise Management Plan so impacts cannot be assessed.	Insufficient Information
	Where the proposal is to occupy or retrofit an existing premises, the interior and exterior spaces are suitable for the proposed use. Where the proposal relates to any heritage item, the development should retain its historic character and conserve significant fabric, setting or layout of the item.	Changes proposed will assist in ensuring the premises is suitable. Not a heritage site.	Complies
	There are suitable drop off and pick up areas, and off and on street parking.	There is insufficient off street parking proposed. Council's Traffic and Transport section are not supportive of the proposal.	Does not comply
	The characteristics of the fronting road or roads (for example its operating speed, road classification, traffic	The adjoining road is considered safe for the proposed use. It's	Complies

	volume, heavy vehicle volumes, presence of parking lanes) is appropriate and safe for the proposed use.	located within a school zone.	
	The site avoids direct access to roads with high traffic volumes, high operating speeds, or with high heavy vehicle volumes, especially where there are limited pedestrian crossing facilities	Site avoids direct access to high traffic roads. It's located within a school zone and near a pedestrian crossing.	Complies
	It is not located closely to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises.	The site is not in the vicinity of restricted premises and the like.	Complies
C3 <i>To ensure that sites for child care facilities are appropriately located.</i>	Near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship.	The site is located across the road from a public school, with public open space (Homestead Park) accessible at the end of the street.	Complies
	Near or within employment areas, town centres, business centres, shops.	The site is located 800m from Market Plaza Shopping Mall and Coles Chipping Norton.	Complies
	With access to public transport including rail, buses, ferries.	The site is located on the 903 bus route.	Complies
	In areas with pedestrian connectivity to the local community, businesses, shops, services and the like.	Pedestrian connectivity is considered to be suitable with footpaths to bus stops and shops provided in nearby streets.	Complies
C4 <i>To ensure that sites for child care facilities do</i>	Heavy or hazardous industry, waste transfer depots or landfill sites.	The site is not located close to heavy or hazardous industries.	Complies

<i>not incur risks from environmental, health or safety hazards.</i>	LPG tanks or service stations	The site is not located close to service stations or LPG tanks.	Complies
	Water cooling and water warming systems.	The site is not located close to water cooling systems.	Complies
	Odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses.	The site is not located close to odour polluting or noise generating sites.	Complies
	Extractive industries, intensive agriculture, agricultural spraying activities.	The site is located within a residential area.	Complies
	Any other identified environmental hazard or risk relevant to the site and/ or existing buildings within the site.	The site is located within a residential area.	Complies
3.2 Local Character, streetscape and the public domain interface			
C5 <i>To ensure that the child care facility is compatible with the local character and surrounding streetscape.</i>	<p>Contribute to the local area by being designed in character with the locality and existing streetscape.</p> <p>Build on the valued characteristics of the neighbourhood and draw from the physical surrounds, history and culture of place.</p> <p>Reflect the predominant form of surrounding land uses, particularly in low density residential areas.</p> <p>Recognise predominant streetscape qualities, such as building form, scale, materials and colours.</p> <p>Include design and architectural treatments that</p>	The proposed alterations and additions to the building are consistent with the design and character of the existing building and streetscape, being similar in shape and design to a single storey dwelling, the predominant form of surrounding land use.	Complies

	respond to and integrate with the existing streetscape.		
	Use landscaping to positively contribute to the streetscape and neighbouring amenity. Integrate car parking into the building and site landscaping design in residential areas.	Minor landscaping treatments have been incorporated along the front boundary to soften the visual impact of the car parking in the front setback, however the total front setback landscaping area is significantly lower than the DCP requirements to provide space for parking which is also insufficient to meet DCP requirements. Council's city Design and Public Domain section reviewed the proposal and are unsupportive.	Does not Comply
C6, C7 and C8 <i>To ensure clear delineation between the child care facility and public spaces</i>	Fencing to ensure safety for children entering and leaving the facility.	Fencing has been proposed to ensure safety for children entering and exiting the centre.	Complies
	Windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community	Some windows are proposed facing towards Central Avenue which will allow passive surveillance to the street. However Council's City Design and Public Domain section have review the proposal and require the black wall in front of the kitchen to include a window to add to passive street surveillance.	Does not Comply
	Integrating existing and proposed landscaping with fencing.	Though not shown on the demolition or survey plans, we can infer that all existing landscaping (a series of small to medium trees along the side and rear boundaries) is likely to be removed, as none of it is shown on	Does not Comply

		the proposed landscape plans. Council's City Design and Public Domain section reviewed the proposal and identified a conflict between the proposed landscaping along the fence line and the angled back fence.	
	On sites with multiple buildings and/or entries, pedestrian entries and spaces associated with the child care facility should be differentiated to improve legibility for visitors and children by changes in materials, plant species and colours.	Single building with a clear entry.	Complies
	Where development adjoins public parks, open space or bushland, the facility should provide an appealing streetscape frontage by adopting some of the following design solutions: <ul style="list-style-type: none"> • clearly defined street access, pedestrian paths and building entries • low fences and planting which delineate communal/private open space from adjoining public open space • minimal use of blank walls and high fences. 	Does not adjoin parks, open space or bushland.	Not Applicable
C9 and C10 <i>To ensure that front fences and retaining walls respond to and complement the context and character of the area and do not</i>	Front fences and walls within the front setback should be constructed of visually permeable materials and treatments. Where the site is listed as a heritage item, adjacent to a heritage item or within a conservation area front fencing should be designed in accordance with local heritage provisions.	The site is not listed as a heritage item. 1.2m fencing has been proposed along the front boundary, with changes in materials, which is generally consistent with the streetscape. As such it is unlikely to have an impact on the heritage school across the road.	Complies

<i>dominate the public domain.</i>	High solid acoustic fencing may be used when shielding the facility from noise on classified roads. The walls should be setback from the property boundary with screen landscaping of a similar height between the wall and the boundary.	No Acoustic fencing proposed for the front fence. Not a classified road.	Not Applicable
3.3 Building orientation, envelope, building design and accessibility			
C11 <i>To respond to the streetscape and site, mitigate impacts on neighbours, while optimising solar access and opportunities for shade.</i>	Orient a development on a site and design the building layout to: Ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by: <ul style="list-style-type: none"> • Facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties. • Placing play equipment away from common boundaries with residential properties • Locating outdoor play areas away from residential dwellings and other sensitive uses. 	Outdoor play areas and equipment are near the residential boundaries. A 1.8m-4m high acoustic fence is proposed to mitigate noise impacts, however this is not supported by submissions from the neighbours. A detailed Noise Management Plan was not provided. Windows facing south boundary are existing. The proposed intensification of use would likely result in increased overlooking both through the existing windows and with the addition of a veranda at the rear at the same floor level.	Does Not Comply
	Optimise solar access to internal and external play areas.	Shadow diagrams were requested but not provided.	Insufficient Information
	Avoid overshadowing of adjoining residential properties.	The proposed development is mostly within the footprint of an existing single storey building. Additional overshadowing of neighbours is unlikely.	Complies
	Minimise cut and fill.	No/minimal cut and fill required.	Complies

	Ensure buildings along the street frontage define the street by facing it.	The proposed building has been designed so that it addresses the street frontages.	Complies
	Ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climatic conditions.	The outdoor play area at ground level is shielded from adverse weather conditions through fencing and landscape design. Shading is also provided to shield children from UV rays.	Complies
C12 <i>To ensure that the scale of the child care facility is compatible with adjoining development and the impact on adjoining buildings is minimised.</i>	Building height should be consistent with other buildings in the locality. Building height should respond to the scale and character of the street.	Single storey proposal is lower than the neighbouring two storey dwellings to the north and is well within the maximum heights for the area.	Complies
	Setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility.	Side and rear setbacks are consistent with the requirements of the LDCP 2008.	Complies
	Setbacks should provide adequate access for building maintenance.	Side and rear setbacks are consistent with the requirements of the LDCP 2008.	Complies
	Setbacks to the street should be consistent with the existing character.	The setbacks and siting of the development is suitable within the residential context and are consistent with the requirements of the LDCP.	Complies
C13 and C14 <i>To ensure that setbacks from the boundary of a child care facility are consistent with the predominant development within the</i>	Where there are no prevailing setback controls minimum setback To a classified road should be 10 metres. On other road frontages where there are existing buildings within 50 metres, the setback should be the average of the two closest buildings. Where there are no buildings within 50 metres, the same setback is required for	The subject site is zoned R2 Medium Density Residential. Setbacks have been applied in accordance with controls within Part 3.8 Non-Residential Development in Residential Zones: (Childcare Centres), in which the proposed development complies.	Not Applicable

<i>immediate context</i>	the predominant adjoining land use.		
	On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.	The subject site is zoned R2 Medium Density Residential. Setbacks have been applied in accordance with controls within Part 3.8 Non-Residential Development in Residential Zones: (Childcare Centres), in which the proposed development complies.	Not Applicable
C15 <i>To ensure that buildings are designed to create safe environments for all users.</i>	Located to allow ease of access, particularly for pedestrians.	The proposed child care centre provides one main entrance point for pedestrians, which is supplied along with a pedestrian path to access it via a ramp.	Complies
	Directly accessible from the street where possible.	Entry is directly accessible from the street.	Complies
	Directly visible from the street frontage.	Entry is directly visible from the street.	Complies
	Easily monitored through natural or camera surveillance.	Entry to the facility is easily monitored through natural surveillance of windows.	Complies
	Not accessed through an outdoor play area.	Entrance is not accessed through outdoor play area.	Complies
	In a mixed-use development, clearly defined and separate from entrances to other uses in the building.	Not within a mixed-use development.	Not Applicable
C16 <i>To ensure that child care facilities are designed to be accessible by all potential users.</i>	Providing accessibility to and within the building in accordance with all relevant legislation	Ramps are provided in the front and rear setbacks to access the building. Council's City Design and Public Doman section reviewed the proposal and are unsupportive of a single rear ramp providing access only to the toddlers room, and not the pre school	Does not Comply

		room. Further concerns were raised about the placement and limited clearance leading to the entry at the rear.	
	Linking all key areas of the site by level or ramped pathways that are accessible to prams and wheelchairs, including between all car parking areas and the main building entry.	Ramps are provided in the front and rear setbacks to access the building, as noted above, the pre school room – a key area – is not accessible from the rear by ramp.	Does not Comply
	Providing a continuous path of travel to and within the building, including access between the street entry and car parking and main building entrance. Platform lifts should be avoided where possible.	There is a continuous path of travel from the building entrance to the carpark and the street.	Complies
	Minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath.	Design requires limited ramping as the building is existing and is required to sit above ground level due to flooding potential.	Complies
3.4 Landscaping			
C17 and C18 Landscaping <i>To provide landscape design that contributes to the streetscape and amenity.</i>	Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space.	Grasses are provided along some of the southern boundary 0.6-0.8m max height. Two thirds of the western boundary is bordered by a 3m max height hedge and a 10m max height tree, though it's unclear how this will work with the acoustic fence that angles 1m back into the from a 2.1m height. Council's City Design and Public Domain section have reviewed the proposal and are unsupportive.	Does not Comply
	Use the existing landscape where feasible to provide a high quality landscaped area by: <ul style="list-style-type: none"> Reflecting and reinforcing the local context 	Little of the existing landscaping is represented on the Survey or Demolition Plans. None of the existing landscaping is	Does not Comply

	<ul style="list-style-type: none"> Incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping. 	<p>shown on the proposed Landscape plans.</p> <p>Proposed landscaping along the front boundary is designed to provide minor screening to extensive car parking.</p> <p>Landscaping area within the front setback does not achieve DCP requirements.</p> <p>Council's City Design and Public Domain section have reviewed the proposal and are unsupportive.</p>	
	<p>Incorporate car parking into the landscape design of the site by:</p> <ul style="list-style-type: none"> Planting shade trees in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings Taking into account streetscape, local character and context when siting car parking areas within the front setback Using low level landscaping to soften and screen parking areas. 	<p>A mix of native and exotic species are proposed along the front boundary which may assist in softening the impact of the carpark in the front setback, however the landscaping area within the front setback does not achieve DCP requirements.</p> <p>Council's City Design and Public Domain section have reviewed the proposal and are unsupportive.</p>	Does not Comply
3.5 Visual and acoustic privacy			
C19 and 20 <i>To protect the privacy and security of children</i>	Open balconies in mixed use developments should not overlook facilities nor overhang outdoor play spaces.	Not a mixed use development.	Not Applicable

<i>attending the facility</i>	Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through: Appropriate site and building layout	The building has been adequately setback from the street in accordance with LDCP 2008.	Complies
	Suitably locating pathways, windows and doors	Pathways, windows, and doors are located in appropriate areas.	Complies
	Permanent screening and landscape design.	There is insufficient landscaping proposed to screen the children from adjoining properties. Proposed acoustic fence foldbacks are transparent and conflict with the minimal proposed planting. Windows on the first floor of the neighbouring townhouse overlook the external play area.	Does not Comply
C21 <i>To minimise impacts on privacy of adjoining properties.</i>	Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through: Appropriate site and building layout	Windows facing south boundary are existing. A 1.8m high acoustic barrier is proposed along the southern boundary, replacing the existing 1.8m high fence. The proposed intensification of use would likely result in increased overlooking both through the existing windows and with the addition of a veranda at the rear at the same floor level.	Does not Comply
	Suitable location of pathways, windows and doors	Pathways, windows and doors are located in appropriate areas.	Complies
	Landscape design and screening.	Landscape screening is only along part of the rear boundary and is unlikely to grow higher than the acoustic fence foldback. Council's City Design and Public Domain section have	Does not Comply

		reviewed the proposal and are not supportive.	
C22 and 23 <i>To minimise the impact of child care facilities on the acoustic privacy of neighbouring residential developments.</i>	A new development, or development that includes alterations to more than 50 per cent of the existing floor area, and is located adjacent to residential accommodation should: Provide an acoustic fence along any boundary where the adjoining property contains a residential use.	Acoustic fencing is proposed along the side and rear boundaries adjacent to dwellings.	Complies
	Ensure that mechanical plant or equipment is screened by solid, gap free material and constructed to reduce noise levels e.g. Acoustic fence, building, or enclosure.	Mechanical Plant and equipment is not proposed.	Not Applicable
	A suitably qualified acoustic professional should prepare an acoustic report which will cover the following matters: <ul style="list-style-type: none"> • Identify an appropriate noise level for a child care facility located in residential and other zones • Determine an appropriate background noise level for outdoor play areas during times they are proposed to be in use • Determine the appropriate height of any acoustic fence to enable the noise criteria to be met. 	An Acoustical Report has been submitted. A Noise Management Plan was not. Council's Environmental Health section reviewed the proposal and are not supportive.	Does not Comply
3.6 Noise and air pollution			
C24 and 25 <i>To ensure that outside noise levels on the facility are minimised to</i>	Adopt design solutions to minimise the impacts of noise, such as: Creating physical separation between buildings and the noise source.	An Acoustical Report has been submitted and acoustic treatments have been recommended to mitigate potential noise emission, including a 2.6-4m fence.	Complies
	Orienting the facility perpendicular to the noise	Noise would be buffered by	Complies

<i>acceptable levels.</i>	source and where possible buffered by other uses.	landscaping and acoustic fencing.	
	Using landscaping to reduce the perception of noise	Landscaping within the outdoor area proposed, however this is minimal across the site and conflicts with the fence fold back in the rear.	Does not Comply
	Limiting the number and size of openings facing noise sources	Openings are required for cross ventilation, but they can be closed.	Complies
	Using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens)	Glazing is proposed in the acoustic report.	Complies
	Using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits	Proposal relies mostly on the acoustic fence.	Does not Comply
	Locating cot rooms, sleeping areas and play areas away from external noise sources.	Sleeping rooms and play areas are located away from noise sources such as car parking area.	Complies
	An acoustic report should identify appropriate noise levels for sleeping areas and other non-play areas and examine impacts and noise attenuation measures where a child care facility is proposed in any of the following locations: <ul style="list-style-type: none"> • On industrial zoned land • Where the ANEF contour is between 20 and 25, consistent with AS 2021 – 2000 • Along a railway or mass transit corridor, as defined by State Environmental Planning Policy (Infrastructure) 2007 • On a major or busy road 	Council's Environmental Health section reviewed the proposal and requested ANEF compliance be included in the Acoustic report due to the site's location within the ANEF buffer. This was not provided, consequently the proposal is not supported.	Does not Comply

	<ul style="list-style-type: none"> Other land that is impacted by substantial external noise 		
C26 and 27 <i>To ensure air quality is acceptable where child care facilities are proposed close to external sources of air pollution such as major roads and industrial development.</i>	Locate child care facilities on sites which avoid or minimise the potential impact of external sources of air pollution such as major roads and industrial development.	The area is for predominantly residential housing and a school. The site is not located adjacent to major roads or industrial development. Therefore, no air quality assessment report is required	Not Applicable
	A suitably qualified air quality professional should prepare an air quality assessment report to demonstrate that proposed child care facilities close to major roads or industrial developments can meet air quality standards in accordance with relevant legislation and guidelines.	The area is for predominantly residential housing and a school. The site is not located adjacent to major roads or industrial development. Therefore, no air quality assessment report is required	Not Applicable
	The air quality assessment report should evaluate design considerations to minimise air pollution such as: <ul style="list-style-type: none"> creating an appropriate separation distance between the facility and the pollution source. The location of play areas, sleeping areas and outdoor areas should be as far as practicable from the major source of air pollution using landscaping to act as a filter for air pollution generated by traffic and industry. Landscaping has the added benefit of improving aesthetics and minimising visual intrusion from an adjacent roadway incorporating ventilation design into the design of the facility. 	The area is for predominantly residential housing and a school. The site is not located adjacent to major roads or industrial development. Therefore, no air quality assessment report is required	Not Applicable
3.7 Hours of operation			
C28 and C29	Hours of operation within areas where the predominant land	The site is surrounded on three sides by	Complies

<i>To minimise the impact of the child care facility on the amenity of neighbouring residential developments.</i>	use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays. The hours of operation of the proposed child care facility may be extended if it adjoins or is adjacent to non-residential land uses	residential. The proposed hours of operation are Monday to Friday: 7:00am to 6:00pm.	
	Within mixed use areas or predominantly commercial areas, the hours of operation for each child care facility should be assessed with respect to its compatibility with adjoining and co-located land uses.	The site is surrounded on three sides by residential.	Not Applicable
3.8 Traffic, parking and pedestrian circulation			
C30, C31 and C32 <i>To provide parking that satisfies the needs of users and the demand generated by the centre and to minimise conflicts between pedestrians and vehicles.</i>	Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land.	The proposed development provides 9 car parking spaces, including one disabled space. 10 are required in accordance with the LDCP 2008.	Does Not Comply
	In commercial or industrial zones and mixed use developments, on street parking may only be considered where there are no conflicts with adjoining uses, that is, no high levels of vehicle movement or potential conflicts with trucks and large vehicles.	Site is not within mixed-use or commercial areas.	Not Applicable
	A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised. The study should also address any proposed variations to parking rates and demonstrate that: <ul style="list-style-type: none"> The amenity of the surrounding area will not be affected 	Council's Traffic and Transport section reviewed the submitted traffic report and are not supportive of the proposal due to insufficient number of parking spaces provided.	Does not Comply

	<ul style="list-style-type: none"> There will be no impacts on the safe operation of the surrounding road network 		
C33 and C34 <i>To provide vehicle access from the street in a safe environment that does not disrupt traffic flows.</i>	A classified road	Site is not fronting a classified road.	Not Applicable
	Roads which carry freight traffic or transport dangerous goods or hazardous materials.	Site is not fronting a heavy usage or hazardous road.	Not Applicable
	The alternate access must have regard to: <ul style="list-style-type: none"> The prevailing traffic conditions Pedestrian and vehicle safety including bicycle movement The likely impact of the development on traffic 	Alternate access is not required.	Not Applicable
	Child care facilities proposed within cul-de-sacs or via narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the wider locality in times of emergency.	Site is not located within cul-de-sac or narrow road. Safe access to and from the site is provided.	Complies
C35, C36 and C37 <i>To provide a safe and connected environment for pedestrians both on and around the site.</i>	Separate pedestrian access from the car park to the facility.	Pedestrian access would be separate from the car park to the facility.	Complies
	Defined pedestrian crossings included within large car parking areas.	Car park is not large enough to necessitate pedestrian crossings.	Not Applicable
	Separate pedestrian and vehicle entries from the street for parents, children and visitors.	Vehicle and pedestrian access to the child care centre would be separate.	Complies
	Pedestrian paths that enable two prams to pass each other.	Pedestrian's paths are able to accommodate two prams passing one another.	Complies
	Delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities	Space for one delivery vehicle is required by the DCP. No delivery or loading areas are proposed. Council's Traffic and Transport section are not supportive of street deliveries unless the	Does not Comply

		Plan of Management is updated to limit them to off peak.	
	Minimise the number of locations where pedestrians and vehicles cross each other	Vehicle and pedestrian access to the child care centre would be separate from the street.	Complies
	In commercial or industrial zones and mixed-use developments, the path of travel from the car parking to the centre entrance physically separated from any truck circulation or parking areas	Site is not within mixed-use or commercial areas.	Not Applicable
	Vehicles can enter and leave the site in a forward direction.	Vehicles can enter and leave the site in a forward direction.	Complies
	Clear sightlines are maintained for drivers to child pedestrians, particularly at crossing locations.	Clear sightlines are maintained.	Complies
	Mixed use developments should include: <ul style="list-style-type: none"> • driveway access, manoeuvring areas and parking areas for the facility that are separate to parking and manoeuvring areas used by trucks • drop off and pick up zones that are exclusively available for use during the facility's operating hours with spaces clearly marked accordingly, close to the main entrance and preferably at the same floor level. Alternatively, direct access should avoid crossing driveways or manoeuvring areas used by vehicles accessing other parts of the site • parking that is separate from other uses, located and grouped together and conveniently located near the 	Site is not within mixed-use areas.	Not Applicable

	<p>entrance or access point to the facility.</p>		
	<p>Car parking design should:</p> <ul style="list-style-type: none"> • Include a child safe fence to separate car parking areas from the building entrance and play areas • Provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards • Include wheelchair and pram accessible parking. 	<p>No fencing proposed separating parking from the building entrance access path along the north boundary.</p> <p>One accessible parking space is closest to the entrance.</p> <p>No pram accessible parking.</p>	<p>Does Not Comply</p> <p>Complies</p> <p>Does Not Comply</p>

Report Attachment 2: DCP Compliance Tables

Part 1 General Controls for all Development			
Control	Requirement	Proposed	Comment
2. Tree Preservation	Consider impact of development on existing vegetation	Three non-native trees are proposed for removal from the front setback. Council's landscape officer is supportive, subject to conditions.	Could be Conditioned if Consent were Granted
3. Landscaping and Incorporation of Existing Trees	Incorporation of existing trees into development where appropriate.	Three non-native trees are proposed for removal from the front setback to enable parking. Council's landscape officer is supportive, subject to conditions. Additional trees and plants have been proposed in a landscape plan.	Could be Conditioned if Consent were Granted
4. Bushland and Habitat Preservation	Consider impact of development on bushland and habitats	Site does not contain bushland or native habitats.	Not Applicable
5. Bushfire Risk	Land on or adjacent to bushfire prone land to comply with RFS requirements	The subject site is not classified as Bushfire prone land.	Not Applicable
6. Water Cycle Management	Consideration of stormwater and drainage	The application was referred to Council's Land Development Engineering section who reviewed stormwater management and drainage associated with the proposal. The applicant provided additional stormwater details in response to a request for additional information, however the Land Development Engineering section found these to still be insufficient and are not	Does Not Comply

		supportive of the proposal.	
7. Development Near a Watercourse	Consideration of impact to riparian corridors.	The subject site is located more than 40m from a water course.	Not Applicable
8. Erosion and Sediment Control	Sediment Control Plan or Soil and Water Management Plan required	Sediment and erosion control details submitted with DA-377/2023 and would be conditioned if consent were granted.	Could be Conditioned if Consent were Granted
9. Flooding	Flood affection of property to considered	Site is identified as Low Flood Risk Category, Special Flood Consideration Area, and Flood Planning Area. Council's Flood Engineers are supportive, subject to conditions.	Could be Conditioned if Consent were Granted
10. Contaminated Land Risk	Previous use to be considered in assessing risk	A Stage 1 - Preliminary Site Investigation requested, by Council's Environmental Health section. The applicant refused to provide one, citing previous residential use. Council's Environmental Health section reviewed this response and will not support the application until the PSI is provided.	Does Not Comply
11. Salinity Risk	Salinity Management response required for affected properties	Conditions of consent could be included if consent were granted.	Complies
12. Acid Sulfate Soils Risk	Affected properties to consider impact of development on soils	The subject site is not mapped as containing acid sulfate soils.	Not Applicable
13. Weeds	Noxious weeds to be removed as part of development where applicable	No noxious weeds present.	Not Applicable

14. Demolition of Existing Developments	Appropriate demolition measures must be implemented	A demolition plan was submitted with the application. If approved, a condition of consent would be imposed to ensure demolition complies with Australian Standards.	Could be Conditioned if Consent were Granted
15. Onsite Sewage Disposal	S68 Application required where connection to sewer not available	Property is connected to sewer.	Not Applicable
16. Aboriginal Archaeology	AHIA required where items of aboriginal archaeology exist	The site is not identified as containing Aboriginal archaeology	Not Applicable
17. Heritage and Archaeology	Consideration of the impact on the heritage significance on any heritage buildings, sites, streetscapes, or areas.	The subject site is located opposite local heritage item #18 – Chipping Norton Public School however it is unlikely to have an impact on heritage values as the proposal does not visually differ substantially from the existing development the site or in the street in terms of bulk or form.	Complies
20. Car Parking and Access	<u>Car Parking Controls</u> 1 Space Per Staff Member 1 space per 10 children Additionally access for a delivery van is required.	30 Children and 7 staff are proposed. 10 Car spaces are required. The proposal provides 9, including one disabled space. The applicant has argued that the delivery van can deliver to the street.	Does Not Comply

		None provided.	
	<p><u>Bike Parking Controls</u></p> <p>1 per 10 staff and 2 per centre</p>	<p>The proposal was reviewed by Council's Traffic and Transport section who advised that all the car and bicycle parking must be provided on site, and the Plan of Management updated to ensure deliveries to the street are only made outside of peak hour.</p>	
21. Subdivision of Land and Buildings	Subdivision of land shall meet the minimum lot width requirements as set out in Table 18.	Subdivision is not proposed.	Not Applicable
24. Landfill	All fill applied should be Virgin Excavated Natural Material.	Landfill is not proposed.	Not Applicable
25. Waste Disposal	A Waste Management Plan (WMP) shall be submitted with a Development Application for any relevant activities generating waste.	<p>The submitted waste management plan includes construction and ongoing use phases. If consent were granted, a condition would be imposed requiring a demolition phase be added prior to CC.</p> <p>Additionally, Council's Environmental Health section reviewed the proposal and raised issues regarding waste management which are still outstanding.</p>	Does not Comply

26. Outdoor advertising and signage	Applicable signage controls for development in Residential Zones	No signage proposed.	Not Applicable
27. Social Impact Assessment	Social Impact Comment required for Childcare centres with more than 20 places.	A Social Impact Assessment (SIA) was submitted with the application. Council's Community Planning section reviewed the SIA and advised that the requirement is only partly addressed, however they do not object to the proposal.	Complies
28. Shopping Trolleys	Applies to any development that will provide shopping trolleys.	No trolleys proposed.	Not Applicable
29. Security and Safety	Application of CPTED principles.	Council's Urban Design and Public Domain section requires a window be added in the kitchen opening to the street to enhance surveillance.	Does not Comply
30.4 Additional Uses (Within Business Zones) - Child Care Centres	Additional requirements for child care centre development: Approvals: - Planning Consent from Council - Provider and service approval to operate from Dept Ed. Design: - In character with the surrounding area - Employs passive solar and energy saving techniques - Front entrance visible from the street Landscaping: - Grass limited to play areas (other landscaping to be planted) - Trees to provide summer shade and winter sun. - No hazardous plants.	Proposal is not in a business Zone.	Not Applicable

	<ul style="list-style-type: none"> - 8m canopy trees required in the front and rear setbacks. - Landscaping to be native where possible. - Tree and shrub planting along rear boundaries should assist in providing effective screening to adjoining properties. 2.5 to 3m. - Access for disabled parking including ramps. <p>Amenity:</p> <ul style="list-style-type: none"> - Noise must not significantly impact adjoining properties. - Not constructed on sites that are contaminated. - Buildings not contain asbestos or other contamination/poisoning. 		
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Part 3.8 Non-Residential Development in Residential Zones (Childcare Centres)			
Control	Requirement	Proposed	Comment
2.1 Licence Requirements	Development consent from Council under the Environmental Planning and Assessment Act 1979.	Development application lodged with council.	Noted
	A licence to operate from the NSW Department of Community Services (DOCS) under the Children and Young Persons (Care and Protection) Act 1998 and the Children's Services Regulation 2004.	Children Services Regulation 2004 compliance will be imposed as a condition of consent.	Could be Conditioned if Consent were Granted

2.2 Lot Sizes	The maximum number of children in any centre cannot exceed 45 for 0-5 year olds, however Council may consider a maximum number of 60 children per centre of which 30% must be aged between 0-2.	Not applicable pursuant to SEPP. However, the proposed development would incorporate a maximum of 30 children	Not Applicable
	The proposed child care centre must comply with open space requirements as set out in the Children Services Regulation 2004.	.Not applicable pursuant to SEPP. Childcare Complies with SEPP requirements in regards to indoor and outdoor space.	Not Applicable
2.3 Site Planning - Site Location	<p>Child Care Centres should be located:</p> <ul style="list-style-type: none"> - In the general vicinity of primary schools, major employment areas and recreation areas. - Within the grounds of community facilities, educational facilities or churches. - Near services such as shops, medical facilities and public transport. - On streets with widths that permit adequate safe manoeuvrability of vehicles & lines of sight for pedestrians, cyclists and vehicles; and on approach streets within the road hierarchy such as on collector streets. - Where traffic control devices do not impede vehicular access to sites. - Where the children will not be adversely affected by lead contamination, offensive noise and air pollution. - Child Care Centres must be located and designed so as not to pose health or 	<p>Child care centre located in an appropriate area, opposite Chipping Norton Public School.</p> <p>The proposal was referred to Council's Community Planning section who advised that the subject site is potentially a good location for a childcare being close to a public school, community centre and local park.</p> <p>The site is on a street with adequate width for manoeuvrability, and not near any traffic control device.</p>	Complies

	<p>safety risk to children using the centre</p>		
	<p>.Child Care Centres shall not be permitted:</p> <ul style="list-style-type: none"> - adjacent to industrial activities. - Within 300m of an existing Child Care Centre. - On classified roads. - Adjacent to railway lines. - On streets with a carriageway width of 6.5m or less. - On streets, which are cul-de-sacs. - On lots adjacent to a roundabout (including a proposed roundabout) - In areas where aircraft noise levels exceed 25 Australian Noise Exposure Forecast (ANEF). 	<p>Childcare centre is not adjacent to industrial activities, on a classified road, adjacent to rail lines, on a cul-de-sac, on a lot adjacent to a roundabout, or in an area where aircraft noise levels exceed 25 ANEF.</p> <p>Council's Environmental Health Section requested a Preliminary Site Investigation to address potential contamination concerns. The applicant did not provide this report, citing the historic residential use.</p> <p>The proposal is within the ANEF buffer zone. Council's Environmental Health section requested the Acoustic Report include compliance with ANEF provisions. The applicant did not provide this, citing his own ANEF mapping.</p> <p>Council's Environmental Health section reviewed the applicant's response and will not support the application until the PSI and ANEF compliance is provided.</p>	<p>Does Not Comply</p>

2.3 Site Planning - Site Planning	Site planning should be sensitive to site attributes such as; streetscape character; natural landform; existing vegetation; views and land capability.	The proposed childcare centre is sensitive to existing streetscape character.	Complies
	The site layout should enhance the streetscape through the use of landscaping and built form.	The Landscaping was reviewed by Council's Urban Design and Public Domain section who were not supportive of the turf grid parking area being included in the landscape area calculations.	Does not Comply
	Site planning should enable buildings to address streets and public open spaces.	The proposed childcare centre would address the street.	Complies
	The site layout should ensure that the external play area is maximised and enjoys solar access	Shadow diagrams requested, but not provided. There is a two storey town house immediately to the north of the play area, and a single storey building to the east and west of the play area. The play area is surrounded by a 2.1m solid timber fence with a 2.4m-4m high angled transparent return. Insufficient information has been provided to satisfy Council that solar access will be provided to the play area.	Insufficient Information Provided
	The site layout should contribute to personal safety and to the protection of property by permitting casual surveillance of adequately	The location of the toilets limits surveillance of the northwest section of the play area from the Pre School room.	Does Not Comply

	lit outdoor spaces from windows and entries.		
	In areas exposed to significant levels of off-site noise, the site layout and building forms should assist in minimising noise entry.	The site is within the ANEF buffer. Compliance was requested by Council's Environmental Health section, however the applicant refused, citing his own mapping.	Does Not Comply
	The site layout should ensure that the front entrance to the Child Care Centre is easily located and accessible.	The front entrance would be easily accessible and is appropriately located.	Complies
	The layout must be designed around the site attributes such as slope; existing vegetation; land capability and/or solar access.	The site layout is generally considered appropriate being designed around site attributes and the existing dwelling.	Complies
	The siting of windows of habitable rooms on the first floor shall minimise overlooking to the principal private open space of neighbouring properties	Single storey proposed.	Not Applicable
	Stormwater from the site must be able to be drained satisfactorily. Where the site falls away from the street, it may be necessary to obtain an easement over adjoining property to drain water satisfactorily to a Council stormwater system. Where stormwater drains directly to the street, there may also be a need to incorporate on-site detention of stormwater where street drainage is inadequate. Refer to Water cycle management in Part 1.	The application was referred to Council's Land Development Engineering section who reviewed stormwater management and drainage associated with the proposal. The applicant was provided ample opportunity to address drainage concerns, however Council's Land Development Engineers are not satisfied with the proposed Stormwater Management.	Does Not Comply

2.4 Setbacks	<u>Front Setbacks</u> Front Setback: 5.5m Secondary Setback: 4.0m	Front setback = Ground floor: 14.99m No Secondary Street.	Complies
	Verandahs, balconies, eaves and other sun control devices may encroach on the minimum front and secondary setback by up to 1m	No setback intrusion due to large front setback.	Complies
	<u>Side Setbacks</u> Single storey buildings: 1.2m Second storey component of buildings: 1.2m Access doors from children's internal space: 4m	1.2m to the north boundary. 1.48m to the south boundary. Single storey. Access door to children's internal space is 4.7m	Complies Complies
	<u>Rear Setbacks</u> Single storey buildings: 4m Second storey component of buildings: 8m Access doors from children's internal space: 4m	Ground Floor: 10.85m	Complies
2.5 Landscaped Area and Open Space -	A minimum of 25% of the site area shall consist of Landscaped Area, this may include lawn, deep	Lot area 835sqm Total landscaped area 50.54sqm	Does Not Comply

Landscaped Area	rooted trees, garden beds and mulched areas.	= 6% landscaped	
	There must be an unencumbered area of 5 x 6m in the rear setback for the opportunity to accommodate the planting of deep rooted trees.	No unencumbered area for deep rooted planting. The rear is dominated by artificial turf and play equipment.	Does Not Comply
	A minimum of 50% of the front setback area shall be landscaped area.	Front setback area 280sqm. Front landscaped area 19.65sqm. = 7%	Does Not Comply
	There must be an unencumbered area of 3 x 5m in the front setback for the opportunity to accommodate deep rooted trees.	Provided, including a tree.	Complies
2.5 Landscaped Area and Open Space - Open Space	A proposed Child Care Centre must comply with open space requirements as set out in the Children Services Regulation 2004	Children Services Regulation 2004 compliance would be imposed as a condition of consent if the application was approved.	Could be Conditioned if Consent were Granted
	Outdoor open space is to be located behind the childcare centre i.e. away from roads/streets.	The proposed outdoor open space is located behind the building.	Complies
2.6 Building Form, Style and Streetscape - Building Appearance	Where large glass areas cannot be avoided appropriate shade devices shall be incorporated into the design.	Eaves provided.	Complies
	The roof design shall be compatible with surrounding properties with respect to height,	The proposed roof form and building design is compatible with surrounding properties in	Complies

	<p>pitch, building materials and colour.</p> <p>The building shall be designed so that it is in character with the surrounding residential area in terms of bulk, scale, size and height.</p>	<p>terms of pitch and architectural design.</p>	
	<p>The front pedestrian entrance must be visible from the street.</p>	<p>The front pedestrian entrance would be visible from the street.</p>	Complies
	<p>The front building facades shall be articulated. This articulation may include front porches, entries, wall indents, changes in finishes, balconies and/or verandahs.</p>	<p>The front façade is adequately articulated.</p>	Complies
	<p>For two storey developments, the side walls shall be articulated if the wall has a continuous length of over 10m.</p>	<p>Single Storey.</p>	Not Applicable
	<p>Buildings that face two street frontages or a street and public space must address both frontages by the use of verandahs, balconies, windows or similar modulating elements.</p>	<p>Single Frontage.</p>	Not Applicable
2.6 Building Form, Style and Streetscape – Security	<p>Entrances to buildings should be orientated towards the front of the site facing the street.</p>	<p>The front entrance is orientated to the street.</p>	Complies
	<p>Blank walls addressing the street frontage and other public places must be avoided.</p>	<p>External surface of the kitchen east wall is proposed to be covered with a mural. Mural details not provided. Council's Urban Design and Public Domain section advises that a window should go there instead to assist with street surveillance.</p>	Does Not Comply

2.7 Landscaping and Fencing - Landscaping	A landscape plan must be submitted to Council with the development application. Refer to Part 1 of the DCP.	A concept landscape plan was submitted for the proposed development.	Complies
	Areas of grass are to be limited to play areas. Other landscaped areas are to be planted.	No grass proposed. Artificial turf and rubber softfall proposed for play areas.	Complies
	Trees adjacent to/or within the play area, are to provide shade and allow winter sun entry. Trees adjacent to private open space areas and living rooms should provide summer shade and allow winter sun entry.	A single evergreen tree is proposed in the play area will provide some shade and still allow enough winter sun, mostly due to its limited coverage. However, this tree is within the acoustic fence angled return.	Does not Comply
	Landscaping species must be appropriate to prevent injury to children. No toxic, spiky or other hazardous plant species.	If approved, a condition of consent would be imposed requiring the private certifier be satisfied the plantings are not harmful to children.	Could be Conditioned if Consent were Granted
	The setback areas of development are to be utilised for canopy tree planting. The landscape design for all development must include canopy trees that will achieve a minimum 8m height at maturity within front and rear setback areas. Any tree with a mature height over 8m should be planted a minimum distance of 3m from the building or utility services.	One 8m canopy tree each is proposed for both front and rear setbacks. As mentioned above, the tree in the rear conflicts with the fence angle back.	Does not Comply
	Landscape planting should principally comprise of native species to maintain the character of Liverpool and provide an integrated streetscape appearance. Council will consider the use of	If approved a condition would be imposed ensuring any tree had minimum clearance is achieved from the building, and utilities.	Could be Conditioned if Consent were Granted

	deciduous trees in small private open space areas such as courtyards for control of local microclimate and to improve solar access.		
	The landscaping shall contain an appropriate mix of canopy trees, shrubs and groundcovers. Avoid medium height shrubs (0.6 – 1.8m) especially along paths and close to windows and doors.	Landscape plantings are principally natives.	Complies
	Tree and shrub planting alongside and rear boundaries should assist in providing effective screening to adjoining properties. The height of screening plants to be provided is 2.5 to 3m at maturity.	Landscaping includes a mix of planting types, however Council's Urban Design and Public Domain section have raised concerns about whether this is appropriate (enough) given the extensive amount of artificial surfaces, and have requested more natural environment be included. Planting that achieves a height of 2.5 to 3m is only proposed for 2/3rds of the length of the rear boundary, and not any of the side boundary. It is unclear how this planting will work with the acoustic fence angled return.	Does not Comply
	Landscaping on any podium level or planter box shall be appropriately designed and irrigated. Landscaping on podium levels and planter boxes should be accessible from internal rooms as appropriate for gardener access.	Proposed planters are easily accessible.	Complies

<p>2.7 Landscaping and Fencing - Fencing</p>	<p>Side (behind the building setback) and rear fencing shall be 1.8m in height.</p>	<p>Proposed side fencing behind the front building line along the north boundary is a 2.1m high acoustic barrier made of lapped and capped timber. 6.8m behind the building line a 1m wide, 0.3m high angle back made of polycarbonate sheeting or 'transparent acrylic glass' fixed to a timber frame. This 2.4m (total) high angle back continues to the rear building line, where the fold back width increase to 3m, and height to 1.9m (4m in total). This continues until the rear boundary. Along the rear boundary the height returns to 2.4m (total). This continues around along the southern boundary for 6.6m, and then drops to 1.8m without an angle back. The fence remains 1.8m along the southern boundary until about half way into the parking lot where it stops. A 1.8m acoustic fence also runs from the front building line along the north boundary to the middle of the car park. See figures 7 & 8 above.</p> <p>The 4m high section of the fence would effectively double the height of the existing fence. <u>The applicant has advised that the acoustic requirements cannot be achieved with a lower fence.</u></p>	<p>Does not Comply</p>
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	Fences shall be constructed of materials compatible with the proposed building.	The transparent angle back material would not be compatible with the proposed building.	Does not Comply
	Where a fence adjoins a park it shall be of a high-grade material consistent in quality with the building and the context of the park, and shall be designed to address the park.	Does not adjoin a park.	Not Applicable
	Fencing shall be designed to minimise opportunities for graffiti.	Front fencing is corrugated to minimise opportunities for graffiti.	Complies
	Gates shall be the same height as the fence, self-closing and be secure and fitted with a childproof lock.	Gates are same height as the fence. If approved, a condition would be imposed ensuring the gates are self closing, secure, and fitted with a child proof lock.	Could be Conditioned if Consent were Granted
	Wall finishes must have low reflectivity.	The proposed front wall is light to mid grey and has low reflectivity.	Complies
	Front fences are to be light coloured and low in height or open form.	Front fencing is 1.2m high and light in colour.	Complies
	Fences should not prevent surveillance by the building's occupants of the main open or communal areas within the property or the street frontage.	Front fencing height does not prevent surveillance.	Complies
	Where noise insulation is required, consider the installation of double-glazing or other noise attenuation measures at the front of the building rather than construction of a high solid form fence.	No, high solid acoustic fence proposed along front boundary.	Not Applicable
2.7 Landscaping and Fencing –	Front fences shall have a maximum height of 1.2m, and constructed of	The proposed front fence is a maximum height of 1.2m.	Complies

Primary Frontage	masonry, timber and/or vegetation.		
	The front fence must be 30% transparent.	Front fence is not 30% transparent.	Does not Comply
	The front wall may exceed 1.2m (to a maximum of 1.8m) only if: - The fence is articulated by 1m and has landscaping in front of the fence, and - The fence does not impede safe sight lines from the street and from vehicles entering and exiting the site, and - Front fences are to be constructed of materials compatible with the proposed design of the dwelling.	Front Wall does not exceed 1.2m	Not Applicable
2.7 Landscaping and Fencing – Secondary Frontage	For side walls or fences along the secondary frontage, a maximum height of 1.2m is required for the first 9m measured from the front boundary, the remaining fence/wall may then be stepped up to a maximum of 1.8m	Site has a single frontage.	Not Applicable
2.8 Car Parking and Access - Site Access	All vehicles shall enter and leave the site in a forward direction. Dead end streets or cul-de-sacs present traffic movement and parking problems and are inappropriate locations for Child Care Centres or facilities.	Vehicles would enter and exit in a forward direction and the site is not located on a dead end street or cul-de-sac.	Complies
2.8 Car Parking and Access - Location	To provide adequate vehicle access and on-site car parking facilities for residents and visitors.	The parking section of LDCP 2008 Part 1 requires 10 parking spaces, 9 are provided.	Does not Comply

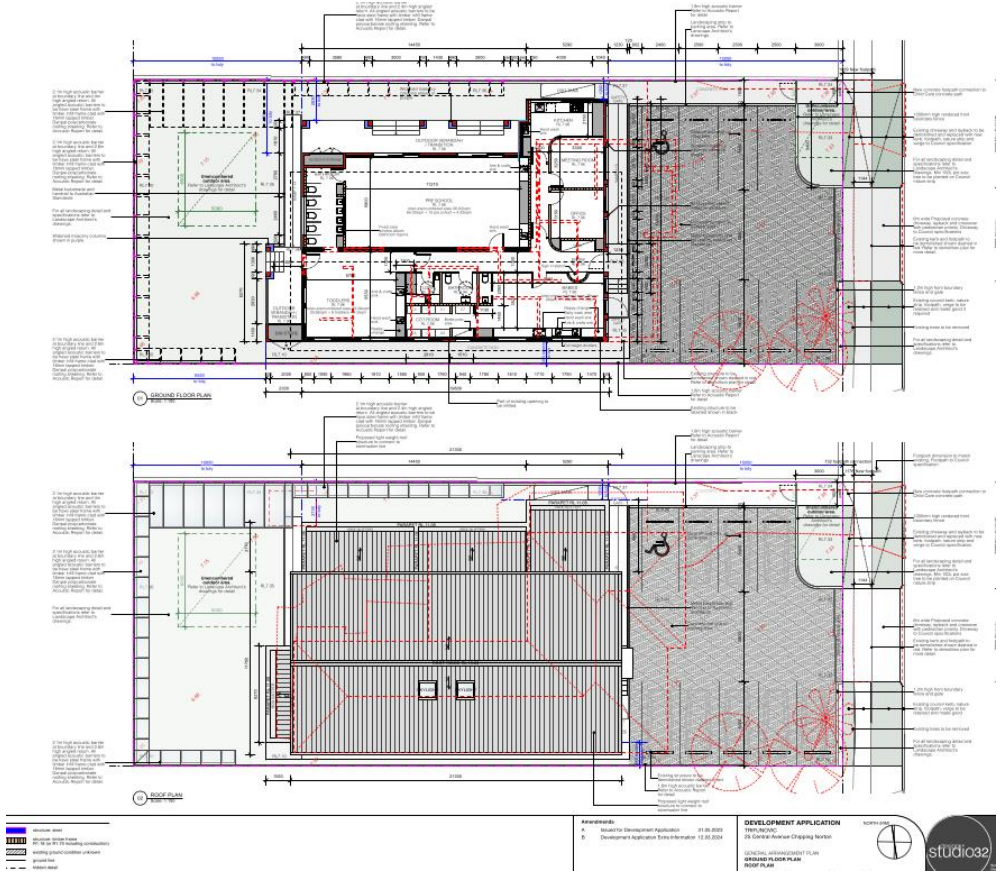
	<p>To minimise reliance on on-street parking.</p> <p>To provide safe and easy access to and from the site for pedestrians and motorists.</p> <p>To provide adequate turning areas for manoeuvring into and out of car parking spaces and/or garages.</p> <p>To minimise the impact of driveways and parking areas on existing landscaping, landform and streetscape.</p> <p>To ensure pavement or driveway materials are sympathetic to the streetscape and surrounding landscape character.</p>	<p>Council's Traffic and Transport section have reviewed the proposal and are not supportive, in part due to the above parking noncompliance.</p> <p>Additionally, Council's City Design and Public Domain section have reviewed the proposal and are not satisfied adequate landscaping has been provided within the front setback to minimised the impact of parking and driveways on the existing streetscape and surrounding landscape character.</p>	
2.9 Amenity and Environmental Impact - Noise	Development for childcare centres shall not be permitted in areas where aircraft noise levels exceed 25 Australian Noise Exposure Forecast (ANEF).	The childcare centre would not be located in an area where aircraft noise levels exceed 25 ANEF. However, as it is in the ANEF buffer zone, Council's Environmental Health officer requested compliance with ANEF provisions, which the applicant refused to do, citing his own mapping.	Does Not Comply
2.9 Amenity and Environmental Impact - Contaminants	All buildings whether to be built, extended, renovated or converted shall not contain any material or substance that will cause lead or asbestos or other contamination or poisoning.	The proposal was referred to Council's Environmental Health department. Council's Environmental Health officer who requested a preliminary site investigation which the applicant refused to provide.	Does Not Comply
2.9 Amenity and Environmental	In residential zones the days/hours of operation	The Plan of Management details	Could be Conditioned if

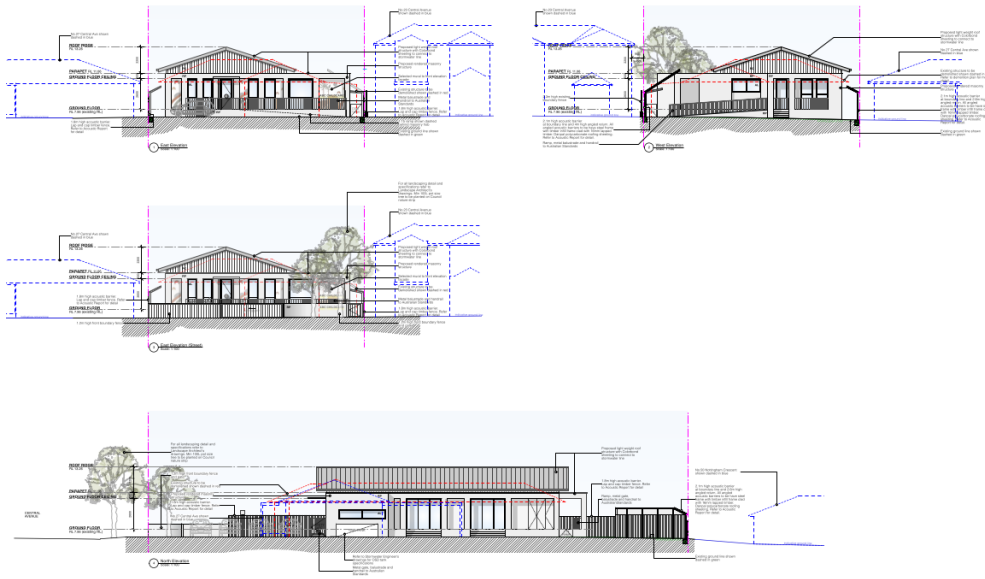
Impact - Site Operation	shall be limited to 7.00 am - 7.00 pm: Monday – Saturday. No operation on Sundays or public holidays.	hours of operation 7am – 6pm Monday to Friday only. If approved, a condition of consent would be imposed controlling hours of operation.	Consent were Granted
	Child Care Centres or facilities shall be no closer than 50m to mobile phone towers or antennas or transmission line easements or other similar electromagnetic radiation sources.	The proposed childcare centre would not be located closer than 50m to mobile phone towers or antennas or transmission line easements or other similar electromagnetic radiation sources.	Complies
2.9 Amenity and Environmental Impact - Overshadowing	Adjoining properties must receive a minimum of three hours of sunlight between 9am and 3pm on 21 June to at least: - one living, rumpus room or the like and/or - 50% of the private open space.	Shadow diagrams were requested but the applicant refused to provide them, citing the single storey building height as reason. The acoustic fences are oversized. Even though they are made of some transparent materials, shadow diagrams are required to assess overshadowing impacts.	Insufficient Information
2.9 Amenity and Environmental Impact - Privacy	Habitable room windows facing side boundaries are to be offset by at least 1m from any habitable room windows in an adjoining dwelling.	Windows facing south are existing. The transparent sliding doors proposed on the north elevation face a fence sitting atop a retaining wall.	Complies
	Habitable room windows on the first floor that face the side boundary are to avoid unreasonable overlooking by having a minimum sill height of 1.5m, except where they face a street or public open space.	Single Storey building.	Not Applicable
	Building siting, window location, balconies and	The intensification of use may cause overlooking	Does Not Comply

	fencing must consider the importance of the privacy of on-site and adjoining buildings and private open spaces.	issues to the south through the existing windows and the proposed veranda at the rear.	
	Landscaping should be used where possible to increase visual privacy between dwellings and adjoining properties.	Landscape screening is only used along a limited portion of the side and rear boundaries and is unlikely to increase visual privacy due to the angled back fence.	Does Not Comply
2.9 Amenity and Environmental Impact - Acoustic Privacy	Noise attenuation measures should be incorporated into building design to ensure acoustic privacy between on-site and adjoining buildings.	The proposal was referred to Council's Environmental Health department. Council's Environmental Health officer has reviewed the supplied acoustic report and is not supportive of the proposal, noting the ANEF requirements requested were not provided. A detailed Noise Management Plan was also not provided.	Insufficient Information
	Developments in areas adversely impacted upon by rail or traffic related noises must incorporate the appropriate noise and vibration mitigation measures into the design in terms of the site layout, building materials and design, orientation of the buildings and location of sleeping and recreation areas.	Sit is not in an area adversely impacted upon by rail or traffic related noises.	Not Applicable
	The proposed buildings must comply with the Department of Environment and Climate Change criteria and the current relevant Australian Standards for noise and	If approved, a condition of consent would be imposed ensuring compliance with the relevant criteria and standards.	Could be Conditioned if Consent were Granted

		vibration and quality assurance.		
2.10 Site Services - Waste Management	Waste disposal facilities shall be provided for development. These shall be located adjacent to the driveway entrance to the site. Any structure involving waste disposal facilities shall be located as follows: - Setback 1m from the front boundary to the street. - Landscaped between the structure and the front boundary and adjoining areas to minimise the impact on the streetscape. - Not be located adjacent to an adjoining residential property. Details of the design of waste disposal facilities are shown in Part 1 of the DCP.	An external bin storage cupboard is provided in the southwest corner of the development, facing an adjoining residential property. Council's Environmental Health section reviewed the application and is not supportive of the waste storage proposed.	Does not Comply	
2.10 Site Services - Letterboxes and Numbering	Letterboxes shall be located along the front boundary and be clearly visible and accessible from the street. The street number of a site must be visible from the street and made of a reflective material to allow visitors and emergency vehicles to easily identify the site.	Appropriate conditions would be imposed if consent were granted.	Could be Conditioned if Consent were Granted	
2.10 Site Services - Frontage works	Where a footpath, road shoulder or new or enlarged access driveway is required to be provided	Appropriate conditions could be imposed if consent were granted.	Could be Conditioned if Consent were Granted	

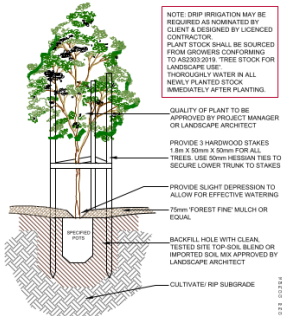
and damage to Council assets	<p>this shall be provided at no cost to Council.</p> <p>Council must be notified of any works that may threaten Council assets. Council must give approval for any works involving Council infrastructure.</p> <p>Where there are no existing street trees in front of the site and contributions have not been collected for street tree planting, it may be a condition of consent that street trees are provided in the footpath area immediately in front of the site.</p>		
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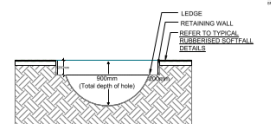
LEGEND	NOTES	DEVELOPMENT APPLICATION
<ul style="list-style-type: none">EXISTING WALLSNEW WALLSEXISTING ROOFNEW ROOFEXISTING FLOORNEW FLOOREXISTING GLASSNEW GLASSEXISTING FINISHESNEW FINISHESEXISTING LEVELSNEW LEVELSEXISTING PLANTNEW PLANT	<ul style="list-style-type: none">1. All dimensions are in millimeters unless otherwise stated.2. All levels are in meters above sea level unless otherwise stated.3. All materials and finishes are to be as specified in the schedule of materials.4. All work is to be in accordance with the Australian Standards and relevant codes of practice.5. All work is to be completed within the specified time frame.6. All work is to be completed in accordance with the relevant local council requirements.	<p>DA-377/2023 25 CENTRAL AVE CHIPPING NORTON NSW 2170 10/01/2023 10/01/2023 10/01/2023</p>

studio2



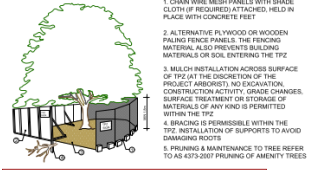
DETAIL 1: TREE PLANTING DETAIL
SCALE: N.T.S.

ONLY APPLICABLE FOR PLANTING AREA OUTSIDE TREE PROTECTION ZONE OF TREES TO BE RETAINED. NO CHANGES ARE TO OCCUR TO EXISTING LEVELS, INCLUDING RIPPING/CULTIVATING OF THE SOIL WITHIN THE TPZ OF TREES TO BE RETAINED ON SITE.



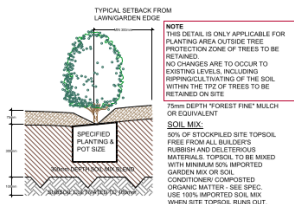
DETAIL 5: ROUND CAPITAL IN-GROUND TRAMPOLINE
SCALE: 1:20

Refer to <https://www.capitalplay.co.uk/products/488-capital-in-ground-trampoline-48>



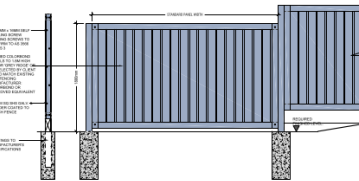
DETAIL 2: TREE PROTECTION ZONE
N.T.S.

PROVIDE FENCING AS DETAILED TO ALL TREES PROPOSED TO BE RETAINED ON THE SUBJECT SITE. FENCING TO BE LOCATED TO THE DRIP LINE OF TREES OR AS INDICATED ON PLANS OR DIRECTED ON SITE BY ARBORIST. NO STOCKPILING WITHIN FENCE PERIMETERS.



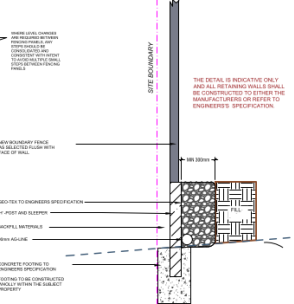
DETAIL 3: TYPICAL GARDEN PREPARATION
SCALE: 1:10

THE DETAIL IS INDICATIVE ONLY AND ALL RETAINING WALLS SHALL BE CONSTRUCTED TO MEET THE MANUFACTURER'S OR REFER TO ENGINEER'S SPECIFICATION.



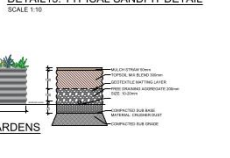
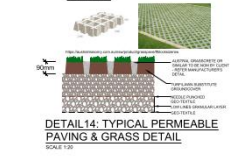
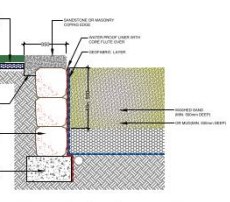
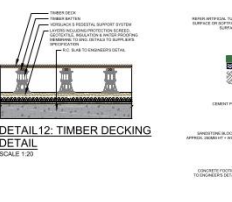
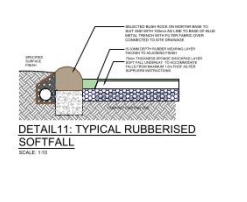
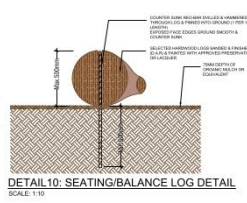
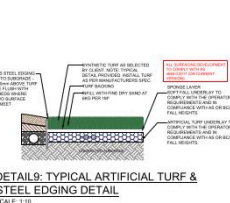
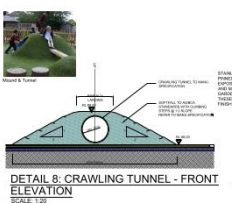
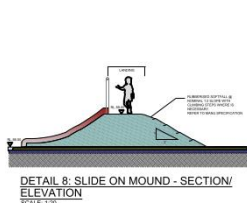
DETAIL 4: 1.8m BOUNDARY COLORBOND FENCING ON BRICK RETAINING
SCALE: 1:20

STAGGERED PLANTING TO SPECIFIED DENSITIES AS SHOWN
PLANTS AS PER SCHEDULE

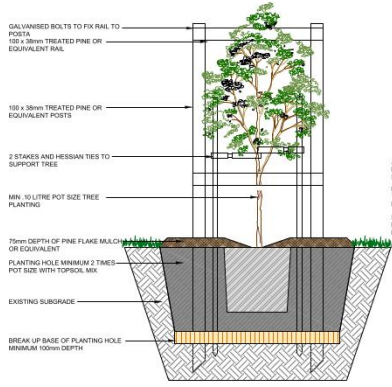


DETAIL 7: TYPICAL INDICATIVE FILL RETAINING WALL DETAIL
SCALE: N.T.S.

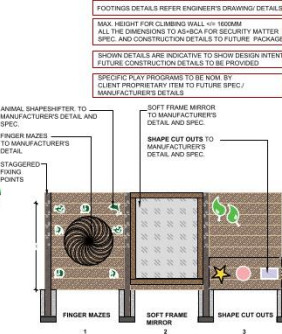
<p>General Notes:</p> <p>1. All drawings are to be read in conjunction with the contract documents and specifications. In the event of any conflict, the contract documents shall prevail.</p> <p>2. The Contractor shall be responsible for obtaining all necessary permits and approvals from the relevant authorities.</p> <p>3. The Contractor shall ensure that all work is completed in accordance with the contract documents and specifications.</p> <p>4. The Contractor shall ensure that all work is completed in accordance with the contract documents and specifications.</p> <p>5. The Contractor shall ensure that all work is completed in accordance with the contract documents and specifications.</p>	<p>REV. DATE. NOTIFICATION/REVISION</p> <p>A. 17.03.2023. FOR REVIEW</p> <p>B. 11.03.2023. COORDINATED WITH RELATED ARCHITECTURAL DRAWINGS</p>	<p>PROJECT: LIVERPOOL</p> <p>CLIENT: Dragoslav Sekulic</p> <p>DESIGNER: DESIGN STUDIO 32</p>	<p>DATE: 17.03.2023</p> <p>SCALE: AS SHOWN</p> <p>PROJECT: PROPOSED CHILDCARE CENTRE</p> <p>ADDRESS: 25 CENTRAL AVENUE, CHIPPING NORTON</p>	<p>DATE: 17.03.2023</p> <p>SCALE: AS SHOWN</p> <p>PROJECT: PROPOSED CHILDCARE CENTRE</p> <p>ADDRESS: 25 CENTRAL AVENUE, CHIPPING NORTON</p>
	<p>ALL DRAWINGS TO BE CONFORMED TO THE REQUIREMENTS OF THE NATIONAL BUILDING REGULATIONS 2011 (AS AMENDED) AND THE NATIONAL FIRE BRANCH REGULATIONS 2011 (AS AMENDED).</p> <p>ALL DRAWINGS TO BE CONFORMED TO THE REQUIREMENTS OF THE NATIONAL BUILDING REGULATIONS 2011 (AS AMENDED) AND THE NATIONAL FIRE BRANCH REGULATIONS 2011 (AS AMENDED).</p> <p>ALL DRAWINGS TO BE CONFORMED TO THE REQUIREMENTS OF THE NATIONAL BUILDING REGULATIONS 2011 (AS AMENDED) AND THE NATIONAL FIRE BRANCH REGULATIONS 2011 (AS AMENDED).</p>	<p>ALL DRAWINGS TO BE CONFORMED TO THE REQUIREMENTS OF THE NATIONAL BUILDING REGULATIONS 2011 (AS AMENDED) AND THE NATIONAL FIRE BRANCH REGULATIONS 2011 (AS AMENDED).</p> <p>ALL DRAWINGS TO BE CONFORMED TO THE REQUIREMENTS OF THE NATIONAL BUILDING REGULATIONS 2011 (AS AMENDED) AND THE NATIONAL FIRE BRANCH REGULATIONS 2011 (AS AMENDED).</p> <p>ALL DRAWINGS TO BE CONFORMED TO THE REQUIREMENTS OF THE NATIONAL BUILDING REGULATIONS 2011 (AS AMENDED) AND THE NATIONAL FIRE BRANCH REGULATIONS 2011 (AS AMENDED).</p>	<p>ALL DRAWINGS TO BE CONFORMED TO THE REQUIREMENTS OF THE NATIONAL BUILDING REGULATIONS 2011 (AS AMENDED) AND THE NATIONAL FIRE BRANCH REGULATIONS 2011 (AS AMENDED).</p> <p>ALL DRAWINGS TO BE CONFORMED TO THE REQUIREMENTS OF THE NATIONAL BUILDING REGULATIONS 2011 (AS AMENDED) AND THE NATIONAL FIRE BRANCH REGULATIONS 2011 (AS AMENDED).</p> <p>ALL DRAWINGS TO BE CONFORMED TO THE REQUIREMENTS OF THE NATIONAL BUILDING REGULATIONS 2011 (AS AMENDED) AND THE NATIONAL FIRE BRANCH REGULATIONS 2011 (AS AMENDED).</p>	<p>ALL DRAWINGS TO BE CONFORMED TO THE REQUIREMENTS OF THE NATIONAL BUILDING REGULATIONS 2011 (AS AMENDED) AND THE NATIONAL FIRE BRANCH REGULATIONS 2011 (AS AMENDED).</p> <p>ALL DRAWINGS TO BE CONFORMED TO THE REQUIREMENTS OF THE NATIONAL BUILDING REGULATIONS 2011 (AS AMENDED) AND THE NATIONAL FIRE BRANCH REGULATIONS 2011 (AS AMENDED).</p> <p>ALL DRAWINGS TO BE CONFORMED TO THE REQUIREMENTS OF THE NATIONAL BUILDING REGULATIONS 2011 (AS AMENDED) AND THE NATIONAL FIRE BRANCH REGULATIONS 2011 (AS AMENDED).</p>



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DETAIL 17: STREET TREE GUARD AND PLANTING DETAILS
SCALE: 1:10
(Refer to Landscape Development Control Plan 2020 Part 3 Final 198 - Figure 17)



DETAIL 18: ACTIVITY WALL WITH MIRRORS, SHAPE CUT OUTS, FINGER MAZES AND AN ANIMAL SHAPESHIFTER
SCALE: 1:20

FOOTINGS DETAILS REFER ENGINEERS DRAWING/ DETAILS
MAX. HEIGHT FOR CLIMBER WALL TO BE 2000MM
ALL THE DIMENSIONS TO AS-4684 FOR SECURITY MATTER SPEC. AND CONSTRUCTION DETAILS TO FUTURE PACKAGES
SHOWN DETAILS ARE NEGATIVE TO SHOW DESIGN INTENT FUTURE CONSTRUCTION DETAILS TO BE PROVIDED
SPECIFIC PLAY PROGRAMS TO BE NOM BY CLIENT PROPRIETARY ITEM TO FUTURE SPEC/ MANUFACTURER'S DETAILS

CHILDCARE / PLAYGROUND SAFETYFALL ZONES
AS PER REQUIREMENTS BY NCC/RELEVANT

- Proposed equipment for recreation should be installed on a level surface of level 100mm and 100mm.
- The maximum height of play equipment should not exceed 1000mm.
- The maximum height of play equipment should not exceed 1000mm.
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- The maximum height of play equipment should not exceed 1000mm.

CHILDCARE / PLAYGROUND SAFETYFALL ZONES
SCALE: 1:20

<p>General Notes</p> <p>1. All dimensions are in millimetres unless otherwise stated.</p> <p>2. All dimensions are to be taken to the centre of the element unless otherwise stated.</p> <p>3. All dimensions are to be taken to the face of the element unless otherwise stated.</p> <p>4. All dimensions are to be taken to the face of the element unless otherwise stated.</p> <p>5. All dimensions are to be taken to the face of the element unless otherwise stated.</p> <p>6. All dimensions are to be taken to the face of the element unless otherwise stated.</p> <p>7. All dimensions are to be taken to the face of the element unless otherwise stated.</p> <p>8. All dimensions are to be taken to the face of the element unless otherwise stated.</p> <p>9. All dimensions are to be taken to the face of the element unless otherwise stated.</p> <p>10. All dimensions are to be taken to the face of the element unless otherwise stated.</p>	<p>REV. DATE NOTATION/REVISION</p> <p>1. 10/10/2023 For design</p> <p>2. 10/10/2023 Conditions not updated without design</p>	<p>PROJECT: LIVERPOOL</p> <p>DESIGNER: Dragoslav Sakuljica</p> <p>DESIGN STUDIO: 32</p>	<p>DATE: 10/10/2023</p> <p>PROJECT: PROPOSED CHILDCARE CENTRE</p> <p>ADDRESS: 25 CENTRAL AVENUE, CHIPPING NORTON</p>	<p>DATE: 10/10/2023</p> <p>PROJECT: LIVERPOOL</p> <p>DESIGNER: Dragoslav Sakuljica</p> <p>DESIGN STUDIO: 32</p>
	<p>CONCEPT: 32</p> <p>DESIGNER: Dragoslav Sakuljica</p> <p>DESIGN STUDIO: 32</p>	<p>DATE: 10/10/2023</p> <p>PROJECT: PROPOSED CHILDCARE CENTRE</p> <p>ADDRESS: 25 CENTRAL AVENUE, CHIPPING NORTON</p>	<p>DATE: 10/10/2023</p> <p>PROJECT: LIVERPOOL</p> <p>DESIGNER: Dragoslav Sakuljica</p> <p>DESIGN STUDIO: 32</p>	<p>DATE: 10/10/2023</p> <p>PROJECT: LIVERPOOL</p> <p>DESIGNER: Dragoslav Sakuljica</p> <p>DESIGN STUDIO: 32</p>

Report Attachment 4: Reasons for Refusal

Our Ref: DA-377/2023
Contact: Jason Marshall
Ph: 02 8711 7787
Date: 29 April 2024

M ROMIC
21 KEMBLA ST
WAKELEY NSW 2176

**NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

(In accordance with the provisions under Section 4.16 of the *EP&A Act 1979*)

Pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979*, Council has refused Development Application DA-377/2023, described as follows:

APPLICANT:	M ROMIC
LAND:	25 CENTRAL AVENUE, CHIPPING NORTON NSW 2170 LOT 101 DP 603767
PROPOSED DEVELOPMENT:	Alterations And Additions To An Existing Dwelling House For The Purpose Of A Centre Based Child Care Use
DETERMINATION:	Refused by Liverpool Local Planning Panel
DATE OF DETERMINATION:	29 April 2024
ATTACHMENTS:	Reasons for Refusal

REASONS FOR REFUSAL

1. The proposal does not effectively demonstrate how the stormwater drainage impacts will be managed on site. Consequently, the proposal fails to meet the relevant provisions of Chapter 6 – Water Catchments of the State Environmental Planning Policy (Biodiversity and Conservation) 2021, pursuant to Sections 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the EP & A Act 1979.
2. The proposed development is inconsistent with the provisions of Chapter 4 Remediation of Land of State Environmental Planning Policy (Resilience and Hazards) 2021 in that insufficient evidence has been submitted to satisfy the consent authority the land is free from contamination as the site is required to undergo a Stage 1 - Preliminary Site Investigation to ensure it will be suitable for the proposed use, pursuant

to Sections 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.

3. The proposed development does not demonstrate compliance with the specific development controls expressed in Chapter 3 of the State Environmental Planning Policy (Transport and Infrastructure) 2021, pursuant to Section 4.15(1)(a)(iii), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, in terms of the following including:
 - i) 3.23: Provisions of *Part 3 Matters for Consideration of the Child Care Planning Guideline*, being:
 - 3.1 Site Selection and Location:
 - o C1 & C2.
 - 3.2 Local Character, Streetscape and Public Domain Interface:
 - o C5, C6, C7, & C8.
 - 3.3 Building Orientation, Envelope and Design:
 - o C11 & C16.
 - 3.4 Landscaping
 - o C17 & C18.
 - 3.5 Visual and Acoustic Privacy
 - o C19, C20, C21, C22, & C23.
 - 3.6 Noise and Air Pollution
 - o C24 & C25.
 - 3.8 Traffic, Parking, and Pedestrian Circulation
 - o C30, C31, C32, C35, C36, & C37.
 - ii) 3.23: Provisions of *Part 4 Applying the National Requirements to development proposals* of the Childcare Planning Guideline, being:
 - Regulation 97 – Emergency and Evacuation Procedures
 - Regulation 109 – Toilet and Hygiene Facilities
 - Regulation 110 – Ventilation and Natural Light
 - Regulation 113 – Outdoor Space – Natural Environment
 - Regulation 115 – Premises Designed to Facilitate Supervision
4. The proposed development is inconsistent with the objectives of the R2 – Low Density Residential zone as per Liverpool Local Environmental Plan 2008, as it does not provide a suitable low scale residential character commensurate with a low dwelling density, nor ensure that a high level of residential amenity is achieved and maintained pursuant to Section 1.3(a), 1.3(b), 1.3(c), and Section 4.15(1)(a)(i), 4.15(1)(b), and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
5. The proposed development does not achieve satisfactory compliance with the controls stipulated in the Liverpool Development Control Plan 2008, Part 1 – General Controls for all Development, pursuant to Section 4.15(1)(a)(iii), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, in terms of the following sections:
 - i. Section 6 – Water Cycle Management
 - ii. Section 10 – Contaminated Land Risk
 - iii. Section 20 – Car Parking and Access
 - iv. Section 25 – Waste Disposal
 - v. Section 29 – Security and Safety

6. The proposed development does not achieve satisfactory compliance with the controls stipulated in the Liverpool Development Control Plan 2008, Part 3.8 – Non-Residential Development in Residential Zones pursuant to Section 4.15(1)(a)(iii), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, in terms of the following sections:
 - i. Section 2.3 – Site Planning
 - ii. Section 2.5 – Landscaped Area and Open Space
 - iii. Section 2.6 – Building Form, Style, and Streetscape
 - iv. Section 2.7 – Landscaping and Fencing
 - v. Section 2.8 – Car Parking and Access
 - vi. Section 2.9 – Amenity and Environmental Impact
 - vii. Section 2.10 – Site Services
7. Insufficient information has been submitted to allow Council to carry out a full assessment of the application. In this regard, an inadequate response has been received to Council's requests for additional information pursuant to Section 4.15(1)(a)(iv), 4.15(1)(b) and 4.15(1)(d) of the Environmental Planning and Assessment Act 1979.
8. Pursuant to Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*, the proposed development has not adequately demonstrated the likely impacts of the development, and otherwise, based on the information submitted, is likely to have an adverse impact in terms of the following:
 - a) Natural Environment - the applicant has not demonstrated the proposed development would not create a detrimental impact on the natural environment, primarily through water quality and quantity requirements within the catchment.
 - b) Built Environment - the proposed development is undesirable in character, in the existing low density residential environment would likely result in significant adverse impacts on the residential amenity of adjoining private land through amenity and privacy. Parking and landscaping issues would likely result in adverse impacts on the locality.
 - c) Social Impact - the proposal intensifies the overlooking of one neighbouring property and creates inappropriately and incompletely addressed noise issues for all of them. If approved, the detrimental material impacts on adjoining land would set an undesirable precedent and would likely undermine the intent of zone objectives in maintaining residential amenity.
9. The proposed development is not considered to have demonstrated that the site is suitable for the proposed development, pursuant to Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*.
10. The proposed development is not considered to be acceptable having regard to the concerns raised from internal referrals within Council, pursuant to the provisions of Clause 4.15(1)(d) of the Environmental Planning and Assessment Act 1979.
11. The proposed development is not considered to be acceptable having regard to the concerns raised from community submissions, pursuant to the provisions of Clause 4.15(1)(d) of the Environmental Planning and Assessment Act 1979.

12. It is considered that in the circumstances of the case, approval of the development would set an undesirable precedent for similar inappropriate development is therefore not in the public interest, pursuant to provisions of Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979.

ADVISORY NOTES

- a) Section 8.2 of the EP&A Act provides that an applicant may request, within six (6) months of the date of the determination of the Development Application, that Council review its determination (this does not relate to designated development or Crown development).

An application under Section 8.2 of the EP&A Act cannot be reviewed/determined after 6 months of the date of determination. Therefore, the submission of a Section 8.2 Application must allow sufficient time for Council to complete its review within the prescribed timeframe, including the statutory requirement for public notification.

- b) Section 8.7 and 8.10 of the EP&A Act provides that an applicant who is dissatisfied with the determination of a Development Application, may appeal to the Land and Environment Court within six (6) months of the date of determination, or as otherwise prescribed by the EP&A Act.