

MATTERS FOR LIVERPOOL LOCAL PLANNING PANEL DETERMINATION

Monday 26th August 2019

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

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

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

Should you wish to address the Panel, please advise Danielle Hijazi, Panel Support Officer on 8711 7627 or 1300 36 2170, by 4pm, Friday, 23 August 2019.

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

ITEM No.	SUBJECT	PAGE No.
1	Development Application DA-49/2019 Demolition of existing structures and construction of a five storey residential flat building containing 24 units above 2 levels of basement car park and consolidation of two lots into one lot. LOT 607 and LOT 608 DP 242697 2 Kalimna Street And 86 Nuwarra Road, Moorebank	2-83

ITEM No.	SUBJECT	PAGE No.
2	Development Application DA-228/2019 The demolition of existing structures and the construction of a multi storey dwelling housing development consisting of 4 by two storey dwellings and 4 lot Strata Title subdivision. LOT 48, DP 237237 14 Dredge Avenue, Moorebank	84-142

ITEM No.	SUBJECT	PAGE No.
3	Development Application DA-498/2018 Demolition of existing structures and the construction of a two storey child care facility (60 children) with 30 car parking spaces within two basement levels. Lot 1312 DP 867081 5 Whiteley Close, Casula	143-205

ITEM No.	SUBJECT	PAGE No.
4	Development Application DA-612/2018 Demolition of existing structures and construction of a two storey boarding house with eleven (11) boarding rooms and basement parking pursuant to the State Environmental Planning Policy (Affordable Rental Housing) 2009. Lot 81 DP 224165 23 Templeton Crescent, Moorebank	206-339

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Item no:	1
Application Number:	DA-49/2019
Proposed Development:	Demolition of existing structures and construction of a five storey residential flat building containing 24 units above 2 levels of basement car park and consolidation of two lots into one lot.
Property Address	2 Kalimna Street And 86 Nuwarra Road, Moorebank
Legal Description:	LOT 607 and LOT 608 DP 242697
Applicant:	Kennedy Associates Architects
Land Owner:	Mr Seok Gun Jin and Ms Hae Im Choi
Cost of Works:	\$8,955,258.00
Recommendation:	Approval subject to conditions of consent
Assessing Officer:	Kevin Kim

1. EXECUTIVE SUMMARY

Council has received a Development Application seeking consent for the demolition of existing structures and construction of a 5-storey residential flat building containing 24 residential apartments over 2 levels of basement car parking, and associated landscaping and consolidation of two lots into one lot, at 2 Kalimna Street and 86 Nuwarra Road, Moorebank.

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

The development application was notified in accordance with Liverpool Development Control Plan (LDCP) 2008 from 7 February 2019 to 22 February 2019. Four (4) submissions were received as a result of the notification process. The submissions raise concerns in respect to DCP compliance, amenity impacts, existing character of the area, traffic and on-street parking congestion and unrelated issues regarding the responsibilities of Council as the consent authority.

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

The application is referred to the Liverpool Local Planning Panel (LLPP) in accordance with its referral criteria and procedural requirements, as the development constitutes a *sensitive development* in that it is a development to which *State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development* applies and is 4 or more storeys in height.

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

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2. SITE DESCRIPTION AND LOCALITY

2.1 The site

The subject site is identified as Lots 607 and 608 in DP 242697, known as 2 Kalimna Street and 86 Nuwarra Road, Moorebank, respectively. An aerial photograph of the subject site is provided in **Figure 1** below.



Figure 1: Aerial photograph of the subject site (Source: Council's GeoCortex)

The site is located on the south eastern corner of the intersection of Nuwarra Road and Kalimna Street and has its primary frontage to Nuwarra Road of 37.6m to the west and secondary frontage to Kalimna Street of 16m to the north with a corner arc of 12m between the two frontages. The site has a total site area of 1,343.7m². The site is an east-west orientated allotment and is generally flat across the site.

Currently located on the site are two detached residential dwelling houses with associated outbuildings and medium-large sized trees (Casuarina and Melaleuca) trees on the north western corner of the site.

Adjoining the site to the east and south are lots of similar size containing detached dwellings and to the south west is an approved development for a multi dwelling housing development approved by Council under DA-491/2016, for which work is near completion at the time of writing this report. The proposed development would result in the isolation of the north-eastern adjoining property at 4 Kalimna Street between the proposed RFB and the multi-dwelling housing development being constructed at 66-70 Ikara Crescent. However, the isolated eastern adjoining property, due to its size, width and depth is capable of re-development independently, though not to the same scale as the proposal. It shall be noted that this eastern adjoining site has its primary relationship (in terms of orientation and cadastral pattern) with the adjoining sites fronting Ikara Crescent, which is to the eastern side of the subject site. Accordingly, it is capable of re-development to similar intensity and scale as the multi-dwelling housing development to its immediate south.

The site has been identified as being located within the Moorebank key site and additional permitted use in R4 under the LLEP 2008.

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2.2 The locality

The area is characterised by a mix of existing low density residential dwellings and both older multiple dwellings and approvals for newer medium-high density residential development.

The locality is undergoing a transition to increasing higher density residential development as a result of the R4 High Density zoning and desired future character of the area.

An aerial photograph of the locality is provided in **Figure 2** below:



Figure 2: Aerial Photograph of the Locality (Source: Councils GeoCortex)

3. BACKGROUND/HISTORY

- The subject Development Application was lodged with Council on 30 January 2019.
- The initial request to attend the Design Excellence Panel (DEP) meeting of 11 April 2019 was deferred by the property owner.
- A DEP meeting was held with Council on 13 June 2019.
- Issues raised by DEP pertaining to a dual use OSD tank that has provision for both retention and detention, use of photovoltaic technology for electricity for all public area uses as a minimum, type of materials used, increased drought tolerant and low maintenance landscape required, and several minor design elements.
- The proposal has sought to address the minor design issues raised by the DEP panel by way of conditions of consent given the minor nature of design changes recommended.

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4. DETAILS OF THE PROPOSAL

The proposal seeks consent for demolition of existing structures and construction of a 5-storey residential flat building containing 24 residential apartments over 2 levels of basement car parking, and associated landscaping and consolidation of two lots into one lot, at 2 Kalimna Street and 86 Nuwarra Road, Moorebank.

Details of the proposed development can be summarised as follows:

Basement Level 2

- 21 car spaces, 2 motorcycle spaces, and 14 storage areas are provided. This level is accessible for vehicles through a driveway ramp located to the eastern side, and for residents a central lift core and fire stairs;

Basement Level 1

- 16 car spaces, including 3 accessible (with a shared zone), 6 visitor spaces and 8 bicycle spaces. This level is accessible for vehicles through a driveway ramp located to the eastern side, and for residents a central lift core and fire stairs;
- Bin storage and general storage areas are located to the south-west corner.

Ground Floor

- 4 units are located on the ground floor in the following distribution:
 - 2 x 1 bedroom units (sizes 51.5 m² and 62.4 m² with a study)
 - 2 x 2 bedroom unit (sizes 75.5 m² and 78.3 m²)
- Each unit is allocated Private Open Space (POS) and have direct ground floor access from a pathway that circulates the development to their respective courtyard/terrace.
- Pedestrian access to the site is provided both from Nuwarra Road and Kalimna Street.
- A central lift core in the lobby provides access to all floors of the building. One set of fire stairs are accessible from the ground floor, which is centrally located and provides access to upper levels. Other two sets of fire stairs provide access from the basement to ground floor and ground floor to upper levels.
- Two communal open space areas are provided at the ground floor level, oriented to the north-west and east. These spaces include deep soil, landscaped area, communal BBQ area with a timber deck, and seating areas
- The vehicular access is via a double width driveway crossing and passing bay Kalimna Street.

First to Fourth Floor (identical floor plans)

- 20 units are located on upper levels in the following distribution:
 - 12 x 1 bedroom units (sizes 50 m² and 62.4 m² with a study)
 - 8 x 2 bedroom unit (sizes 75.1 m² and 77 m²)
- Each unit is provided with private open space in the form of a balcony.
- A central lift with large lobby and stairs allow access to other floors within the development.

Roof level

- The lift overrun for the proposed building and A/C unit are located on the roof level.

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Extracts of the proposed site analysis, ground floor plan and elevations are shown in **Figures 3, 4, 5, 6, 7 and 8** below.

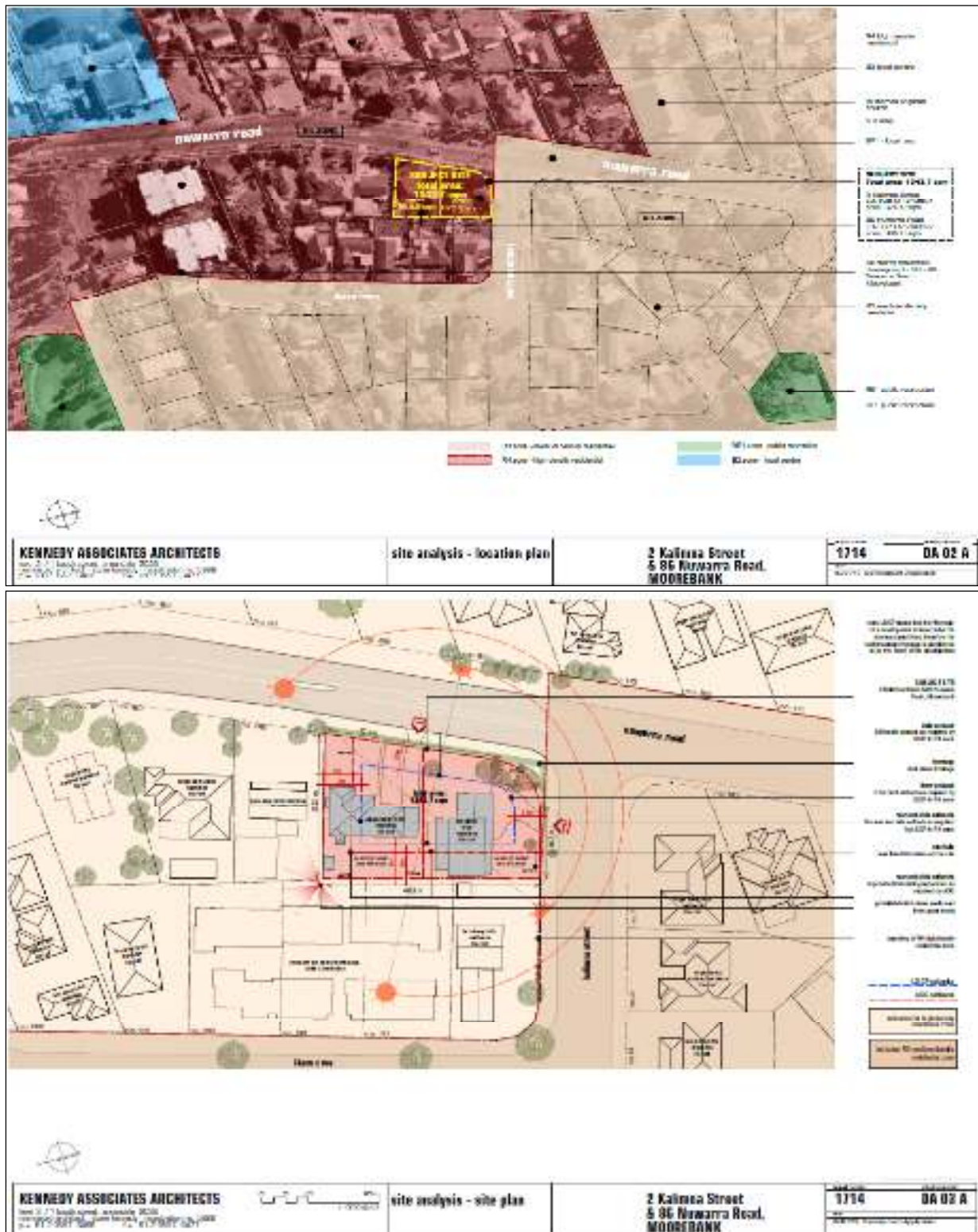


Figure 3: Site Analysis Plans (source: DA02 & 03-A prepared by Kennedy Associates Architects).

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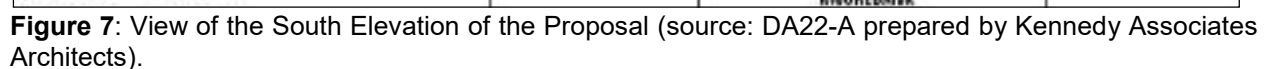
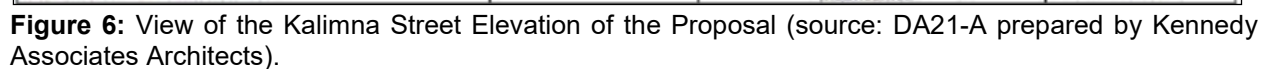


Figure 4: Proposed Ground Floor Plan (source: DA11-A prepared by Kennedy Associates Architects).



Figure 5: View of the Nuwarra Road Elevation of the Proposal (source: DA20-A prepared by Kennedy Associates Architects).

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Figure 8: View of the East Elevation of the Proposal (source: DA23-A prepared by Kennedy Associates Architects).

5. STATUTORY CONSIDERATIONS

5.1 Relevant matters for consideration

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

- State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development and associated Apartment Design Guide (ADG);
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (now deemed SEPP);
- Liverpool Local Environmental Plan (LLEP) 2008;
- Liverpool Development Control Plan (LDCP) 2008;
 - Part 1: General Controls for All Development; and
 - Part 3.7: Residential Flat Buildings in the R4 zone
- Liverpool Contributions Plan 2009 applies to all development pursuant to Section 7.11 of the EP&A Act.

6. ASSESSMENT

The development application has been assessed in accordance with the relevant matters of

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consideration as prescribed by Section 4.15 of the EP&A Act 1979 and the Environmental Planning and Assessment Regulation 2000 as follows:

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

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

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

The nine (9) key design quality principles that must be considered are listed below. The application demonstrates consistency with the principles and is acceptable

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

Assessment of the application against the principles of SEPP 65 and the guidelines of the ADG, together with advice from Council's independent DEP has concluded that the proposal is generally satisfactory with respect to the provisions of SEPP 65 and the ADG.

The panel made the following recommendations:

Principle (Built Form + Scale)

- *The panel recommends including window hoods around all west-facing windows to create depth in the façade (shadow against the light) which further articulates the western building façade, and some solar attenuation and privacy.*

Principle (Density)

- *The panel considered the design appropriate with minimal impact on the amenity of the public domain and adjacent properties.*

Principle (Sustainability)

- *Recommendation 1 – On-site detention (OSD) water tank has been provided, however, the panel recommends exploring opportunities to collect and re-use rainwater on-site (ie: a OSD tank that has provision for both detention and retention).*
- *Recommendation 2 – The panel recommends using photovoltaic technology to generate power for lighting and electricity at a minimum for all public area uses. This includes (if not implemented during initial building construction), future proofing the building to later incorporate photovoltaic*

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panels and a location for batteries (e.g. space for integrating panels onto the rooftop and batteries at the required location).

- **Recommendation 3 –**

The panel recommends the planting schedule within the landscape plans includes drought tolerant and low maintenance species.

Principle (Landscape)

- **Recommendation 1 –**

The panel recommends moving the bin enclosure area to the boundary edge, creating an edge wall to the public domain, which the building name and number could be placed on. This wall need not be any higher than is required for the bins. This will allow for the landscape area between the building and bin enclosure area to increase from one metre, to two metres creating a more generous green buffer between apartment and bin enclosure.

- **Recommendation 2 –**

The plans show a planter box return, located on the south-eastern ground floor void (i.e. outside Unit 1 bedroom). The panel recommends relocating the planter box to outside the Unit 4 bedroom window, to provide a privacy buffer between pedestrian pathway and the Unit 4 bedroom window. Include shade tolerant plants that are suitable for this location (e.g. palms/ferns)

- **Recommendation 3 –**

The panel recommends retaining the existing Casuarina and Melaleuca trees located along Nuwarra Road (near the corner).

Principle (Amenity)

- **Recommendation 1 –**

The panel recommends relocating the fire pump room to the area north-west of the elevator (i.e. adjacent to the elevator), to allow more northern light into Unit 2.

- **Recommendation 2 –**

The panel notes that balcony balustrades are solid, therefore concealing air conditioning units from the external façade. However, the panel recommends investigating enclosures (designed by a mechanical engineer - efficient operation is important for AC units) to conceal the air conditioning units from the view of internal apartments.

Principle (Aesthetics)

- **Recommendation 1 –**

The panel recommends substituting the aluminium composite panels for zinalume / powder-coated / colourbond steel sheet or textured fibre cement boards cladding.

Council's comment on adoption of design Changes:

The proposal has appropriately been conditioned in response to the issues raised by the DEP, requiring the following amendments in response:

1. Installation of window hoods around all west-facing windows to create depth in the façade (design change as part of a C.C);

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2. Alternative OSD system to be incorporated in the stormwater system for the submission of a C.C;
3. Installation of solar panels for the use of electricity within the common areas of the building (design change as part of a C.C);
4. Revised planting schedule for drought tolerant and low maintenance species, landscape treatment around the bin enclosure, planter box for Unit 1 and retention of the existing Casuarina and Melaleuca trees located along Nuwarra Road (near the corner);
5. Relocation of the fire pump room to the area north-west of the elevator (i.e. adjacent to the elevator) as part of a design change condition for C.C;
6. Enclosures to conceal the air conditioning units from the view of internal apartments; and
7. Replacement of the Aluminium composite panels for Zinaclume / powder-coated / colourbond steel sheet or textured fibre cement boards cladding as part of a revised finishes schedule for C.C.

As demonstrated in Attachment 2 of the report, it is considered that the recommendations of the DEP can readily be conditioned and the proposal is capable of achieving the recommended conditions detailed above. As such the proposal is considered to be consistent with the 9 design quality principles of SEPP 65 - Design Quality of Residential Apartment Development.

Apartment Design Guide

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

As shown in Attachment 2 of this report, and specifically within the ADG compliance table, the proposed development achieves compliance with the majority of the relevant requirements of the ADG. The variations to the minimum separation and minimum depth required for balconies for Unit 3 and 4 are discussed in Attachment 2 of this report.

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

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

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

The applicant has submitted in their Statement of Environmental Effects that the site has been historically used for residential purposes and is therefore highly unlikely to be affected by contamination sources. Further, a search of Council's available records suggest that the site appears to have been used for residential purposes since the existing dwellings were constructed. This is based on aerial imagery showing no development or contaminating use on-site, and no physical alteration. On this basis, it is unlikely that the site is contaminated and it is considered that no further investigation, such as, the submission of any further contamination reports is necessary, subject to standard conditions of consent regarding waste disposal and importation of any fill.

The objectives of SEPP 55 are:

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

Clause 7 - Contamination and remediation to be considered in determining development application	Comment
(1) A consent authority must not consent to the carrying out of any development on land unless:	
(a) it has considered whether the land is contaminated, and	It is unlikely the land is contaminated as it is an existing residentially zoned allotment.
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and	The land is suitable for the proposed works and as it is unlikely that the land is contaminated, based on Council records
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.	The land does not require remediation.

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

(c) State Environmental Planning Policy (BASIX) 2004

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

A BASIX Certificate has been submitted for the proposed development. The proposal is considered to be satisfactory with regard to water and energy efficiency and thermal comfort.

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

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

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

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

As demonstrated in the assessment table, the proposal satisfies the provisions of the GMREP

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No. 2 subject to appropriate sedimentation and erosion controls being implemented during construction.

(e) Liverpool Local Environmental Plan 2008

(i) Zoning

The subject site is zoned R4 – High Density Residential pursuant to LLEP 2008.

Zoning Map



Figure 9: Zoning Extract Map (source: Geocortex)

(ii) Permissibility

The proposed development is appropriately defined by the standard instrument as “residential flat building” which means *a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing*.

Residential Flat Building is identified as a permitted land use with consent within the R4 High Density Residential Zone under Liverpool Local Environment Plan 2008.

(iii) Objectives of zone

Objectives of the R4 High Density Residential Zone are;

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

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

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

(iv) Principal Development Standards and Provisions

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

Clause	Provision	Comment
Part 4 Principal Development Standards		
2.7 Demolition	The demolition of a building or work may be carried out only with development consent	Complies Development consent is sought for the demolition of the existing buildings on the development site.
Clause 4.1 Minimum Subdivision Lot Size	Minimum lot size of 1,000m ²	Complies The existing 2 lots will be consolidated into 1 lot with a total site area of 1,343.7m ² .
4.3 Height of Buildings (as per HOB Map)	Maximum height 18m	Complies The proposal provides for a maximum building height of 17.1m to the rooftop lift overrun (RL44.34).
4.4 Floor Space Ratio (as per FSR Map)	Maximum FSR of 1.2:1 Therefore, maximum floor area is: 1,612.44m ² (1.2:1)	Complies The proposed floor area is: 1,584.4m ² (1.18:1) See discussion below (1)
7.14 Minimum Building Street Frontage	Minimum building street frontage of 24m	Complies The site has a frontage to Nuwarra Road of 37.6m to the west and secondary frontage to Kalimna Street of 16m to the north with a corner arc of 12m between the two frontages. Overall the site has an average site width of 24m for both street frontages and hence the objectives of this clause of the LLEP 2008 are achieved.

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(1) Clause 4.4 – Floor Space Ratio

In designing the development, the applicant relied upon the decision of the Land and Environment Court of New South Wales in *GGD Danks Street P/L and CR Danks Street P/L v Council of the City of Sydney [2015] NSWLEC 1521 (15 December 2015)*.

In that decision, the Court found that a corridor which is open constituted a breezeway and did not form part of Gross Floor Area (GFA) and thereby FSR. The rationale rests on an interpretation of the definition of Gross Floor Area in the LEP which states:

“Gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor...”

Because the corridors are open, the argument used in the Danks judgement relies on the internal walls of the corridor becoming external (i.e. exposed to weather).

Figure 10 below details the corridor area of exclusion from GFA located at Levels 1-4 of the building.

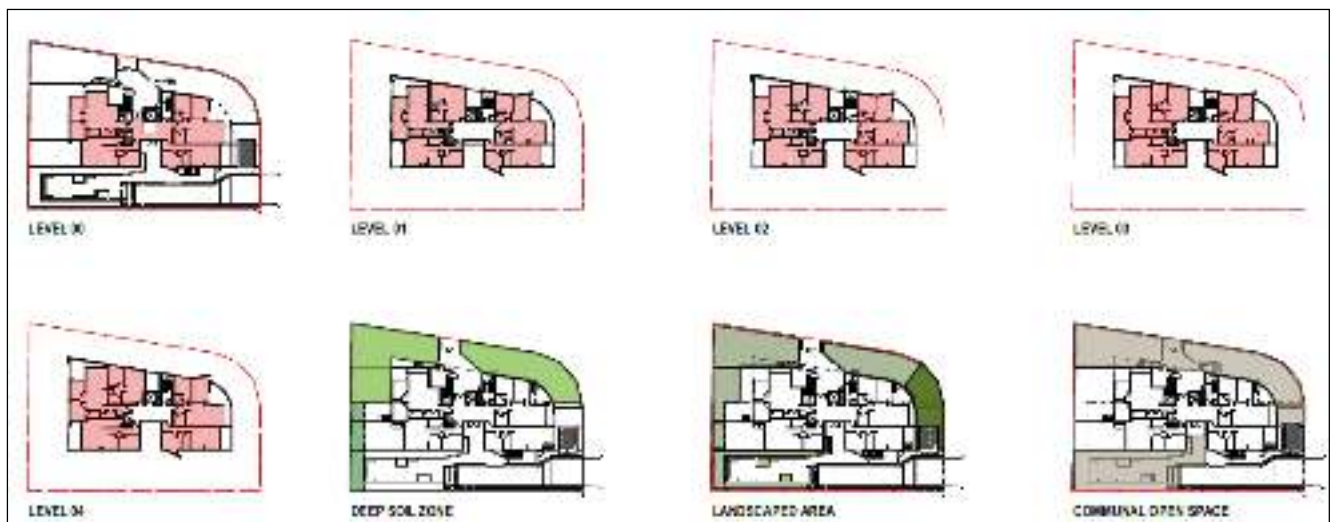


Figure 10: Typical floor plan showing the corridor lobby area excluded in the GFA calculation (in red circle). The shaded areas indicate GFA at residential floor levels 1-4. (Source: DA27-A prepared by Kennedy Associates Architects)

In the more recent Court case of *Landmark Group Australia Pty Ltd v Sutherland Shire Council [2016] NSWLEC 1577 (2 December 2016)*, the matter of what constitutes a breezeway (and therefore contributes towards GFA) was also challenged.

In that decision, the Court found that the breezeway/corridors that are within the internal face of the external walls of the building contribute towards GFA.

The implication of these decisions by the court on the subject development is that the design excludes the ‘open’ corridor at residential floor levels 1-4 as GFA because they are interpreted as external walls.

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Additionally, Council considers it reasonable to exclude the openable corridor areas within the proposed development (Level 1-4) towards GFA for the following reasons.

- The enclosed ground floor lift lobby has been included as GFA whereas the openable corridor on Level 1-4 have been excluded from GFA of the building as they are exposed to weather with no extended roof over the slot/recess within the secondary pedestrian access on the eastern side of the building.
- These openable corridor areas include the provision of a planter box at level 1 and openable glass louvres at levels 2-4.
- These openable corridors look no different to the street fronting balconies on the Nuwarra Road frontage and are of similar wall construction which is exposed to weather.

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

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

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

(a) Liverpool Development Control Plan (LDCP) 2008

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

Overall, the proposal is considered to be consistent with the key controls outlined in the LDCP 2008, as detailed within the compliance table in Attachment 4 of this report.

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

There are no Planning Agreements which apply to the development.

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

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

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

Natural and Built Environment

The existing Casuarina and Melaleuca trees located along Nuwarra Road (near the corner) are to be retained with this application and the design of the development has incorporated sufficient buffer for tree protection. The proposed development is unlikely to create a detrimental impact on the natural environment surrounding the subject site, subject to the imposition of appropriate conditions of consent.

The proposed development is unlikely to create any adverse impacts on the surrounding built environment. The proposed development is considered to be of an appropriate scale and is unlikely to create any detrimental impacts on the adjoining properties or the locality as a whole. The proposal will facilitate for high quality residential development which is consistent with the desired future character of the locality.

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

Social Impacts and Economic Impacts

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

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

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

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

(a) Internal Referrals

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

Department	Comments
Development Engineer	Approval subject to conditions of consent
Landscape Officer	Approval. No conditions imposed.
Traffic Engineer	Approval subject to conditions of consent
Waste Management	Approval subject to compliance with the LDCP 2008 (conditioned to require a detailed waste management plan at C.C stage)
Building	Approval subject to conditions of consent
City Design & Public Domain	Approval subject to conditions of consent (compliance with DEP advice and submission of a detailed landscape plan at C.C stage)

(b) External Referrals

No external referrals were required for this application.

(c) Design Excellence Panel

The application was considered by Council's Design Excellence Panel on 13 June 2019. As articulated earlier in the report, the design issues raised by the DEP have been resolved by proposed conditions of consent.

(d) Community Consultation

The development application was notified in accordance with Liverpool Development Control Plan 2008 from 7 February 2019 to 22 February 2019. Four (4) submissions were received as a result of the notification. The issues raised in the submissions are discussed below:

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Issues	Comment
DCP Compliance	
<ul style="list-style-type: none"> Concern was raised, questioning compliance with the 24m minimum frontage along Kalimna Street. The objector referred to the WMP which referenced the frontage as 21.72m. Concern was raised as to the no newspaper advertisement in contrast to a DA directly opposite Nuwarra Road which was advertised. 	<ul style="list-style-type: none"> As discussed earlier in the report, the site has a frontage to Nuwarra Road of 37.6m to the west and secondary frontage to Kalimna Street of 16m to the north with a corner arc of 12m between the two frontages. The main entrance of the proposed building is located and oriented towards the Nuwarra Road frontage and hence this side of the site is considered the primary street frontage. Nevertheless the site has an average site width of 24m for both street frontages and hence the development achieves the objectives of the minimum 24m frontage requirement under the LLEP 2008 and LDCP 2008. The subject application for a 5-storey residential flat building was not required to be advertised in accordance with Part 1 Section 18 of the LDCP 2008. This is different to the already approved RFB development (under the provisions of ARH SEPP) at 87-91 Nuwarra Road, located directly opposite the site, which was required to be advertised in the local newspaper for the determination of Sydney Western City Planning Panel (DA-109/2018).
Amenity Impacts	
<ul style="list-style-type: none"> The height of 17.1 metres for this, 5 storeys, proposal will greatly impact on the privacy of residents in their homes, backyards, swimming pools, etc due to overlooking from the 12 balconies to the north, 4 balconies on the north-east corner arc of Kalimna Street and Nuwarra Road, Moorebank and from windows and balconies to the north-east of this proposal. Concern was raised regarding the height of the RFB and resultant overlooking of adjoining land; resulting in privacy; acoustic and visual amenity impacts. Radiating lights and noise from the building entrance on the north, and cars exiting the car park, along the north-east end of the proposal will 	<ul style="list-style-type: none"> The balconies of the proposed building are located at least 8m from the common boundary from the eastern side boundary and 20m from the northern neighbouring properties on the opposite side of Kalimna Street. <p>As such it is considered that the development provides sufficient building separation for visual privacy of the neighbouring properties as illustrated in Figure 11 showing the development in relation to neighbouring properties.</p>

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further impact on the residents' homes directly opposite on Kalimna Street.



Figure 11: Site analysis plan (Source: DA03-A prepared by Kennedy Associates Architects).

- The northern balconies of the proposed building are provided with sliding perforated screens as shown in **Figures 12 and 13** for privacy screening.



Figure 12: Kalimna St / North elevation (Source: DA21-A prepared by Kennedy Associates Architects).

- The development complies with the maximum building height and permissible in the R4 zone and hence the suggestion to provide two storey townhouse development is not considered reasonable.

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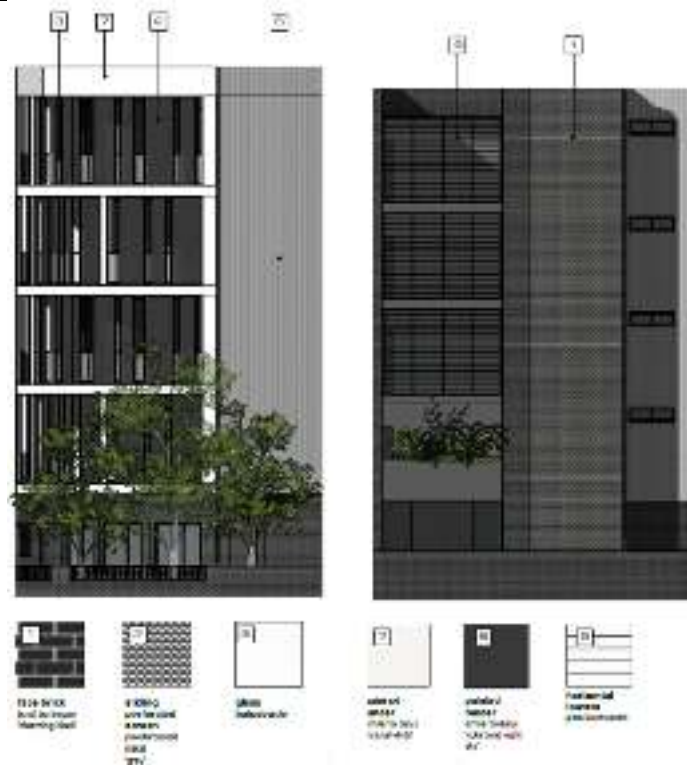


Figure 13: Schedule of finishes (Source: DA26-A prepared by Kennedy Associates Architects).

- General noise associated with the development is not considered to detrimentally impact the neighbouring properties, subject to standard conditions requiring compliance with the Protection of the Environment Operations (Noise Control) Regulation 2000 under the POEO Act.

Inconsistency with the existing character of the area and overburden on infrastructure

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| <ul style="list-style-type: none"> The area to the north, north-west along Nuwarra Road, and most of the area to the north east does not come under the R4 zoning. The only section that is zoned R4 in this area are the properties adjoining the proposal at 4 Kalimna Street and 66-70 Ikara Crescent, Moorebank and those continuing down Ikara Crescent to the end of the road. The opposite side of the road it is not zoned R4. This is a grossly overdeveloped plan for the area with not enough thought, impact and consequences on the people who | <ul style="list-style-type: none"> The land and the locality is zoned R4 – High Density Residential. Residential Flat Buildings are types of development that are encouraged within the R4 Zone. It is noted that the immediate area is currently under transition from low density development to high density development as evidenced by the current construction of flat buildings in the area. Also, it should be noted that the dimensions and area of the subject premises meets the site requirements for residential flat buildings. In considering the proposed development, it is noted that the desired future character of the locality is for greater density residential developments. In this case, essential services such as water and sewage are considered at the strategic planning level to ensure that redevelopment of the locality is viable. |
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<p>live in the area taken into consideration of the site.</p> <ul style="list-style-type: none"> • Water is becoming a problem for the area and there is diminishing flow in the pressure with the increasing density of townhouses and 5 and 6 storey buildings in the area. • Inadequate sewerage for the increase, for not only this application but for the many other developments awaiting approval along Nuwarra Road. • The infrastructure in the area does not support all the 5 to 6 storey units and townhouses. Our roads are inadequate with all the traffic, especially, during peak hours, along Heathcote Road, Newbridge Road, Moorebank Avenue, and especially Nuwarra Road. • Concern was raised regarding the character of the locality whereby 3 lots land that used to accommodate 3 dwellings accommodate 15 townhouses, on Ikara Crescent, 41 units, on Nuwarra Road. With such a drastic impact on the area, two storey townhouses would be better than blocks of units, with less impact on the properties and residents and roads in the estate and area. 	<p>If the application was approved, and prior to development of the site, a standard condition can be imposed on any consent granted that requires the applicant to obtain a certificate from service providers (i.e. Sydney Water) to confirm that there is adequate capacity to accommodate the development; or whether the proponent would be required to upgrade the infrastructure to service the development.</p>
<p><i>Traffic and on-street parking congestion</i></p>	
<ul style="list-style-type: none"> • Further impact on Kalimna Street. This is the only exit and entrance point for the whole estate which is bound by streets to the north and north-east, which include Kalimna Street, 2 x Ikara Crescent, Aruluen Avenue, Elouera Crescent, Ingoola Close and Kalana Close. The estate has approximately 250 dwellings which includes the many homes, townhouses, villas, the car park for the 40 units at 96 – 98 Nuwarra Road. This does not 	<ul style="list-style-type: none"> • The application was referred to Council's Traffic Engineering section for review. Council's Traffic Engineering section considers that the surrounding road network has capacity to accommodate the traffic generation from the development. The following comments have been received in relation to traffic generation impact: <p><i>"The proposed 24 dwellings are expected to result in a potential net vehicular trip generation in the order of ten (10) vehicular trips per hour (vtp) in the peak period (@ 0.4 - 0.5 vtp per unit), based on the RMS Guide to Traffic Generating</i></p>

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<p>include the many DA's approved for townhouses, some of which are in progress within the estate.</p> <ul style="list-style-type: none"> • Inadequate parking within the building, will only cause more spillage on Kalimna Street and the estate from residents and visitors who are unable to park within their own premises due insufficient car spaces especially, if they have two cars per couple. This spillage is not only from the proposed units but also from the many units going up along Nuwarra Road and townhouses within the estate. • Concern's that the area's roads and infrastructure will not cope with the increase in R4 high density and R3 medium density which puts further pressure on our roads that are already congested during peak hours. • Kalimna Street exits onto Nuwarra Road and trying to get out of Kalimna Street and onto Nuwarra Road is very hard especially during, morning and afternoon, peak hours. Traffic going south on Nuwarra Road block the entrance and exit points making it more difficult to enter or exit Kalimna Street. Even though there is a Give Way sign on Nuwarra Road near the corner of Kalimna Street. Motorists do not take heed of the sign and is ignored daily • Kalimna Street entrance has a double line directly facing the proposed site which will enable residents to turn right into the car park • Increase of traffic especially when something goes wrong on the M5 and motorists divert through Moorebank. This makes it more difficult to get in and out of the area. 	<p><i>Developments for a medium density residential building and discounting to the traffic generation of the existing uses.</i></p> <p><i>It is noted the TIA estimated the trip generation rate of the proposal based on the RMS updated TDT 2013/04a survey data for high density residential flat buildings (@ 0.19 and 0.15 peak hour vehicle trips per unit for AM and PM peak respectively). However, the RMS survey data also indicates that these rates were derived from surveys of residential buildings that are greater than six storeys, among other things.</i></p> <p><i>Notwithstanding the above, the expected traffic generation of the proposal (ten vehicular trips an hour in the peak period) is not considered to have significant impact on the surrounding road network".</i></p> <ul style="list-style-type: none"> • In regard to car parking provision of the development, Council's Traffic Engineering section raised no objection for the following reasons: <p><i>"Based on Council's DCP car parking rate, the development requires 35 parking spaces (29 residential and 6 for visitors). At least one of the car parking spaces is to be accessible parking. It is also required to provide service access for removalists and garbage servicing.</i></p> <p><i>The development proposes to provide a total of 37 parking spaces in the basement of the building (31 for residents and six spaces for visitors uses) including three (3) accessible parking spaces. It also provides eight (8) bicycle parking spaces and two (2) spaces for motorcycles.</i></p> <p><i>Hence, the parking provision complies with the DCP requirements".</i></p> <ul style="list-style-type: none"> • In terms of vehicular access and design of the development, Council's Traffic Engineering section supports the development for the following reasons: <p><i>"The Traffic Impact Assessment (TIA) report stated that the geometric design layout of the proposed car parking facilities complies with the relevant requirements specified in the Standards Australia publications AS2890.1 – 2004 and</i></p>
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<ul style="list-style-type: none"> • There's also the, 24 hours a day/7 days a week, Intermodal, which will be up and running in 2020, causing much greater impacts on our roads and the area. • Over the years there has been a greater increase in traffic along Nuwarra Road, with more heavy vehicles during the day, this, and the Intermodal will only further impact the community. • Whether it provides safe pedestrian, especially for children walking to school, cycle and vehicle access on Kalimna Street, especially due to its close proximity to Nuwarra Road from the car park and the entrance on Kalimna Street is in doubt. • Amenities have diminished. Schools are getting over crowded, Holsworthy Station does not have enough parking spaces and Moorebank Village Shopping Centre parking area is always full. • What infrastructure has been developed to cater for increased vehicles and residents that this development and the many others developments have imposed on the Moorebank precinct? What areas have been developed to cater for vehicle parking, school placements, shopping area. Roads in some streets have become so congested with cars that they are barely one way streets. Moorebank shops has become a permanent car park. Once again another inappropriate development for the area. 	<p><i>AS2890.6 – 2009 in respect of parking bay dimensions, ramp gradients and aisle widths.</i></p> <p><i>The proposed entry driveway is 5.5m wide (between kerbs), allowing two cars to pass as demonstrated by the swept turning path diagrams provided. The vehicular access arrangements have been designed to accommodate the swept turning path requirements of the B99 design vehicle as specified in AS2890.1, allowing them to enter and exit the site and to enter and exit the basement levels in a forward direction at all times, as demonstrated by the attached swept turning path diagrams.</i></p> <p><i>It also indicates that the basement car parking facilities have been designed to be fully compliant with the AS2890.1 – 2004.</i></p> <p><i>Therefore, the access and car parking design is considered acceptable.</i></p> <p><i>It is noted that Council has received objections to the proposed development for reasons that include traffic and parking. However, as pointed out above, the development proposes parking provision and driveway access arrangements that meet the requirements of the DCP".</i></p> <ul style="list-style-type: none"> • Nevertheless the site has easy access to public transport, as it is located 400m walking distance from a bus stop that is used by a regular bus service. <p>This bus stop is located on Newbridge Road and is serviced by bus route M90, which is a regular bus service. It is expected that residents of the site will use this bus service when travelling by public transport.</p>
Unrelated Issues	
<ul style="list-style-type: none"> • I have one question for Liverpool Council: do any of you actually live in Moorebank & are witnessing the destruction of the suburb? 	<ul style="list-style-type: none"> • Council as the consent authority has obligation to carry out its duty to assess this application under the NSW legislation and to investigate any misconduct or wrong doings should there be any complaints lodged to Council.

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<ul style="list-style-type: none">I only have 1 question - who is getting paid off to approve these monstrous developments?	However, these concerns fall outside the scope of the DA assessment process and such complaints will be referred to Council's internal ombudsman.
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The issues raised in the submissions are considered to contain varying degrees of relevance and have been considered in the assessment of the application.

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

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

7. DEVELOPMENT CONTRIBUTIONS

A Section 7.11 Development Contributions (established areas – December 2018) is applicable to the proposed development in accordance with Liverpool Contributions Plan 2009 and will be imposed as a condition of consent of any approval for the proposed development. The development attracts a total contribution of **\$121,602.00** (refer to Attachment 6 of this report).

8. CONCLUSION

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

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

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

9. RECOMMENDATION

That Development Application No. DA-49/2019 for the demolition of existing structures and construction of a 5-storey residential flat building containing 24 residential apartments over 2 levels of basement car parking, and associated landscaping and consolidation of two lots into one lot, be approved subject to conditions of consent.

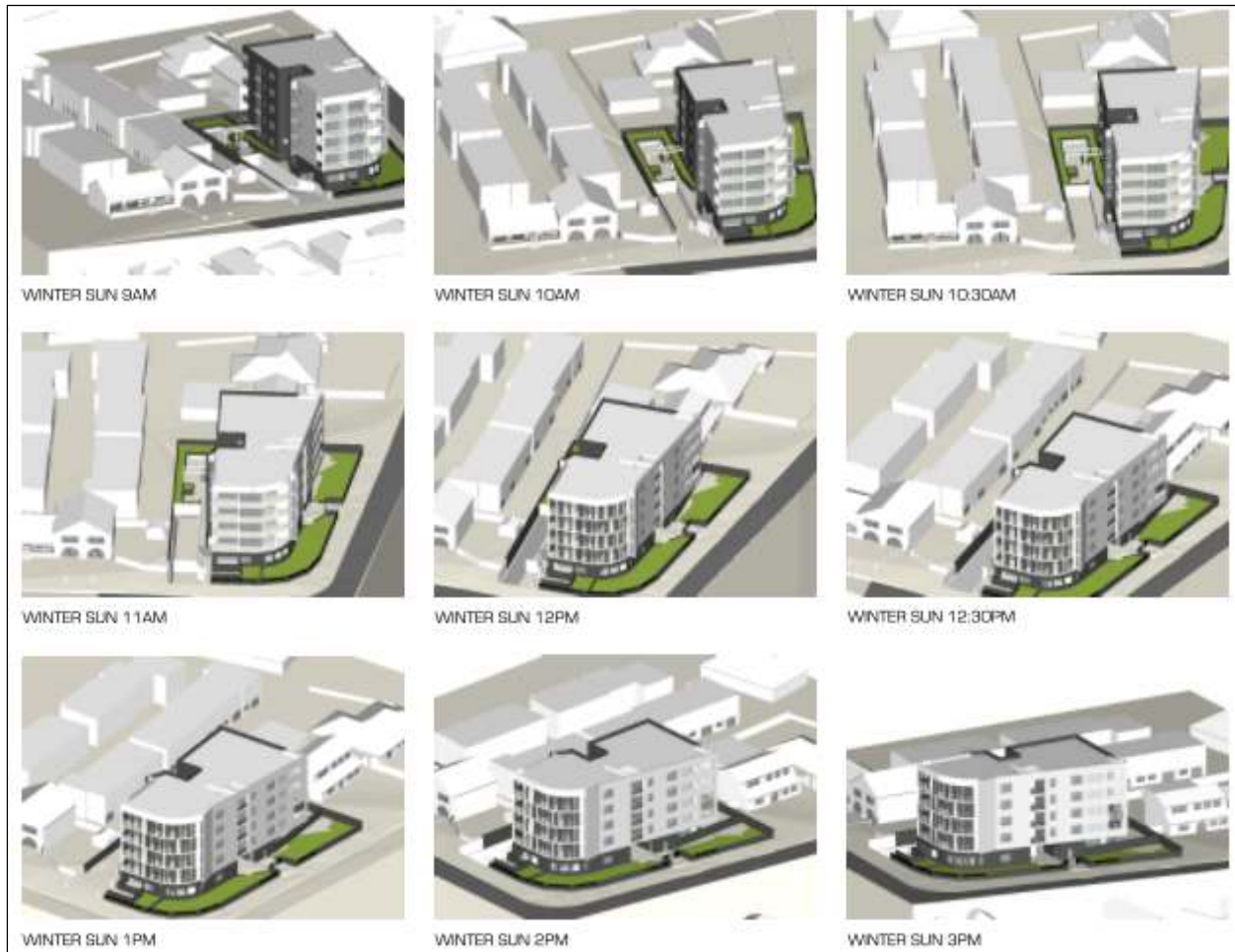
10. ATTACHMENTS

- 1. PERSPECTIVE PLANS OF THE PROPOSAL**
- 2. SEPP 65 & ADG COMPLIANCE TABLE**
- 3. GREATER METROPOLITAN REGIONAL ENVIRONMENTAL PLAN NO. 2 – GEORGES RIVER CATCHMENT (DEEMED SEPP) COMPLIANCE TABLE**
- 4. DCP COMPLIANCE TABLE**
- 5. DRAFT CONDITIONS OF CONSENT**
- 6. SECTION 7.11 CONTRIBUTIONS**

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ATTACHMENT 1: PERSPECTIVE PLANS OF THE PROPOSAL



3D views of the proposal from various angles (source: DA30-A prepared by Kennedy Associates Architects).



ATTACHMENT 2: SEPP 65 AND ADG COMPLIANCE TABLES

SEPP 65 Design Quality Principles table

Principle	How does the development address the principles?
<p>Principle 1: Context and Neighbourhood Character</p> <p>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions. Responding to context involves identifying the desirable elements of an area's existing or future character.</p> <p>Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</p>	<p>Planner's Comment: <i>The subject site sits adjacent to other high density residential zoned land and the proposed residential flat building is therefore considered to reflect the desired future character of the area.</i></p> <p><i>The site benefits from a north-south orientation which allows for maximum northerly aspect and maximises solar access while minimising overshadowing. Further, the architectural design has sought to address this context by ensuring a site responsive design that addresses the entire site.</i></p>
<p>Principle 2: Built Form and Scale</p> <p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings. Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p>Planner's Comment: <i>The built form is considered appropriate to the site, in terms of building alignment, proportion and typology. The proposal provides a contemporary architectural form that is appropriate for the R4 High Density Residential zone and sets the precedent for future surrounding development.</i></p> <p><i>The building has been appropriately modulated and articulated to reduce apparent bulk and express its residential character. The articulation of the facades expresses both the buildings internal function whilst being responsive to the sites orientation and context.</i></p> <p><i>The proposed scheme provides an urban framework that responds to the evolving context of Moorebank while maximising the quality of residential amenity for future occupants.</i></p>
<p>Principle 3: Density</p> <p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context. Appropriate densities are consistent with the area's existing or projected population.</p>	<p>Planner's Comment: <i>The density is appropriate for the site given its accessibility to public transport (closest bus stop is within 200m, being in front of 99 Nuwarra Road that has regular bus services), access to communal open space, the built form context, and the high amenity achieved for every unit by virtue of the spacious apartment sizes and optimal layouts.</i></p> <p><i>The development provides for new residential accommodation in a location earmarked for future higher</i></p>

<p>Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p><i>density residential development.</i></p> <p><i>The development is located within good proximity to transport access, surrounding commercial and industrial land with potential employment opportunities, as well as community facilities, and public open spaces.</i></p>
<p>Principle 4: Sustainability</p> <p>Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials, and deep soil zones for groundwater recharge and vegetation.</p>	<p>Planner's Comment: <i>Sustainability is integral to the design. The building has been designed to achieve a 5.9 star NatHERS Rating. The building design reflects an efficient use of natural resources through effective cross-flow ventilation within 91% of units and ensuring adequate solar access to more than 70% of units. The building will incorporate energy and water efficient devices as detailed in the BASIX report.</i></p> <p><i>The building also maximises thermal comfort and cross ventilation to reduce the reliance on technology.</i></p> <p><i>The scheme allows for re-use and revitalisation of materials and waste, waste management plan indicates the re-use of bricks, existing concrete for temporary driveway, and green waste for landscaping. Deep soil zones are provided throughout the site to provide for groundwater recharge and natural landscaping</i></p>
<p>Principle 5: Landscape</p> <p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood. Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values, and preserving green networks. Good landscape design optimises usability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity, provides for practical establishment and long-term management.</p>	<p>Planner's Comment: <i>The common and private open spaces, will be landscaped for residents' amenity, featuring significant landscaping within the perimeter of the site, including the planting of shrubs at the street frontage and the planting of trees at the rear boundary.</i></p> <p><i>The proposed landscaped areas will aid in reducing the scale of the building and integrate the development with the surrounding environment.</i></p> <p><i>The landscape design maximises privacy between adjoining properties by incorporating the planting of trees along the site boundary where there are no pathways or driveway.</i></p> <p><i>The planting of trees are proposed to be planted in areas where optimum solar access and summer shade is possible. The landscape design has provided open lawn space to increase social interaction.</i></p>
<p>Principle 6: Amenity</p> <p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing. Good amenity combines</p>	<p>Planner's Comment: <i>The design provides amenity through the physical, spatial and environmental quality of the development. Appropriate room dimensions and shapes, access to sunlight, natural ventilation and visual and acoustic privacy have been provided in each dwelling. The provision of storage, indoor and outdoor space, efficient layouts and service areas contribute to the design. Outlook and ease of</i></p>

appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, and ease of access for all age groups and degrees of mobility	<p><i>access for all age groups and degrees of mobility has been considered (provision of a chair lift at the street frontage).</i></p> <p><i>Internal room sizes and layout provide resident amenity and balconies are directly accessible from the internal living and bedrooms enabling a direct link between internal and external recreational areas.</i></p> <p><i>Boundary setbacks enable the rooms to be well ventilated and access to sunlight is available through proportioned window openings placed according to the use of each room.</i></p>
<p>Principle 7: Safety</p> <p>Good design optimises safety and security, within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety. A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p><i>Planner's Comment:</i> <i>The proposal has been designed in such a way that safety and security is ensured for the site and its residents by virtue of casual surveillance of open spaces, with casual surveillance of entrances and exits on the site possible from the street facing units.</i></p> <p><i>Proposed orientation of building and floor layouts provide natural passive surveillance of public domain and common open space.</i></p> <p><i>Appropriate security arrangements are incorporated at pedestrian entry lobbies. All pedestrian areas are designed to provide clear sight lines and minimise potential for 'hiding places'. The main entry, lift lobby and hallways will be well lit for better visibility at night (by conditions).</i></p> <p><i>Fences and gates are of a height and rigidity to provide visual privacy and physical security to common open spaces and private areas.</i></p>
<p>Principle 8: Housing Diversity and Social Interaction</p> <p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people, providing opportunities for social interaction amongst residents.</p>	<p><i>Planner's Comment:</i> <i>The proposal includes a variety of different housing typologies that will be offered in different sizes and layouts which will extend the diversity of residential accommodation available in the area.</i></p> <p><i>Apartment mix:</i></p> <p><i>1 bedroom units: 9 – (37%)</i></p> <p><i>1 bedroom + study units: 5 – (22%)</i></p> <p><i>2 bedroom units: 10 – (41%)</i></p> <p><i>It is noted that all apartment sizes are generously apportioned and exceed the minimum ADG size requirements.</i></p>
<p>Principle 9: Aesthetics</p> <p>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</p> <p>The visual appearance of well-</p>	<p><i>Planner's Comment:</i> <i>An appropriate composition of building elements, materials, textures, and colours has been utilised to reflect the building's layout and structure. As noted by the DEP, a considerable level of design excellence has been achieved both internally and externally, and it is anticipated the development will set a high precedent for future high density residential development within the area.</i></p> <p><i>The design of the development is considered compatible with</i></p>

designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.	<i>the future context of the locality of Moorebank</i>
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Apartment Design Guide (ADG) Compliance Table

Provisions	Comment
PART 2 DEVELOPING THE CONTROLS	
2A Primary Controls	
Sets out the objectives of the provisions and in the developing of the controls in assessing apartment buildings.	The proposed development is considered to be consistent with the primary controls.
2B Building Envelopes	
<p>Sets out the appropriate scale of future development in terms of bulk and height relative to streetscape, public and private open space, and block and lot size.</p> <p>They help to define the three dimensional form of buildings and inform decisions about density, open space and future mass and scale of new development.</p>	The proposed development is considered to be consistent with the building envelope controls.
2C Building Height	
Helps shape the desired future character and defines the relationship between buildings and public and private spaces in terms of physical and visual amenity. It informs the maximum number of storeys especially for residential development.	<p>Complies.</p> <p>The proposal has a maximum height of 17.1m which is well below the maximum 18m height allowed under the LLEP 2008.</p>
2D Floor Space Ratio	
Helps ensure that optimum capacity and desired density for the site and local area is achieved. It also provides opportunities for building articulation within a building envelope.	<p>Complies.</p> <p>Refer to detailed assessment under LLEP 2008.</p>
2E Building Depth	
Use a range of appropriate maximum apartment depths of 12-18m from glass line to glass line when precinct planning and testing development controls. This will ensure that apartments receive adequate daylight and natural ventilation and optimise natural cross ventilation	<p>Complies.</p> <p>The proposal features apartment depths of maximum 12m to 18m.</p>
2F Building Separation	
<p>Minimum separation distances for buildings are:</p> <p>Up to four storeys (approximately 12m):</p> <ul style="list-style-type: none"> • 12m between habitable rooms/balconies • 9m between habitable and non-habitable 	<p>Variation considered acceptable.</p> <p>Proposal is 5 storeys.</p> <p><u>Eastern boundary: 4 Kalimna Street.</u></p> <p>Proposal complies with the minimum 6m</p>

rooms • 6m between non-habitable rooms Five to eight storeys (approximately 25m): • 18m between habitable rooms/balconies • 12m between habitable and non-habitable rooms • 9m between non-habitable rooms Nine storeys and above (over 25m): • 24m between habitable rooms/balconies • 18m between habitable and non-habitable rooms • 12m between non-habitable rooms	required separation for the first 4 storeys with 8m separation but does not comply with the 9m separation for the uppermost level 4. <u>Southern/rear boundary: 88 Nuwarra Road.</u> Proposal complies with the minimum 6m required separation for the first 4 storeys with 8m separation but does not comply with the 9m separation for the uppermost level 4. <u>Northern & Western boundaries: Nuwarra Road and Kalimna Street.</u> The development provides 5.5m setbacks to both street frontages. This is envisaged by the DCP controls and appropriate in this location. See full discussion after this table.
2G Street setbacks	
Sets out the objectives of the front setback in ensuring a coherent threshold between the public and private realms and to promote appropriate entries points and establishing landscaped areas and a passive surveillance and outlook to the street.	The proposed development is consistent with the primary controls with respect to street setback to both street frontages to Nuwarra Road and Kalimna Street.
2H Side and rear setbacks	
Sets out setbacks to boundaries relative to the height of buildings in helping to achieve amenity for development and buildings on adjacent sites, and also providing for open space areas and separation between buildings.	As per building separation requirement. The proposed development is consistent with the primary controls in respect to side and rear setbacks.
PART 3 SITING THE DEVELOPMENT	
3A Site Analysis	
Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context	Complies A detailed site analysis plan has been provided.
3B Orientation	
3B-1. Building types and layouts respond to the streetscape and site while optimising solar access within the development	Complies The development is considered to respond appropriately to both street frontages of Nuwarra Road and Kalimna Street.
3B-2. Overshadowing of neighbouring properties is minimised during mid-winter	The site adjoins open space to the north and east in order to optimise solar access and the development responds to the future character of the up zoned R4. The proposal is not considered to result in unreasonable overshadowing of neighbouring properties, due to the north-south orientation of the site.
3C Public Domain Interface	
3C-1 Transition between private and public	Complies

domain is achieved without compromising safety and security	Living areas and balconies are orientated towards the public domain with defined physical separation elements to ensure a safe and secure transition between the private and public domain.
3C-2 Amenity of the public domain is retained and enhanced	
3D Communal and public open space	
3D-1. An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping	Complies Site = 1,343.7sqm Minimum 335.92m required (25%). The proposal provides an area of 481.3sqm (35%) for communal open space. This is distributed to the north and east. The main north facing area will receive more than 2 hours direct sunlight in mid-winter. The multiple landscape elements provide various spaces for residents to engage and enjoy. Communal garden beds, fixed seating, and a BBQ area are provided to the east within the development. The ground floor communal open space areas are accessible and visible from habitable rooms and private open space areas. Proposal ensures that direct, equitable access in line with relevant Australian Standard is provided to communal open space areas from common circulation areas, entries and lobbies
1. Communal open space has a minimum area equal to 25% of the site	
2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)	
3D-2. Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting	
3D-3. Communal open space is designed to maximise safety	
3D-4. Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood	
3E Deep soil zones	
Site Area <1500m ² Min. Dimensions 3m Deep soil zone (% of site area) - 7%	Complies Minimum 94.05m required (7%) required. The proposal provides 305.1sqm (22%) deep soil landscaping adjacent to the front and eastern side boundaries. The deep soil areas are a minimum of 3m in dimensions (outside the basement footprint).
3F Visual Privacy	
Requirement: Building Height Habitable Rooms and Balconies Non Habitable Rooms 6m 3m	Variation considered acceptable. Proposal is 5 storeys. <u>Eastern boundary: 4 Kalimna Street.</u> Proposal complies with the minimum 6m required separation for the first 4 storeys with 8m separation but does not comply with the 9m separation for the uppermost level 4. <u>Southern/rear boundary: 88 Nuwarra Road.</u> Proposal complies with the minimum 6m required separation for the first 4 storeys with 8m separation but does not comply with the 9m separation for the uppermost level 4. <u>Northern & Western boundaries: Nuwarra Road and Kalimna Street.</u> The development provides 5.5m setbacks to both

	street frontages. This is envisaged by the DCP controls and appropriate in this location. See full discussion after this table.
3G Pedestrian access and entries	
3G-1. Building entries and pedestrian access connects to and addresses the public domain	Complies Building access areas, entries and pathways are clearly visible from the public domain. The entries to the ground floor lobby is easily identifiable and distinguishable. Entries and pathways from the front of the building and to the communal open areas are accessible.
3G-2. Access, entries and pathways are accessible and easy to identify	
3G-3. Large sites provide pedestrian links for access to streets and connection to destinations	
3H Vehicle Access	
Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes	Complies The driveway and basement design allows vehicles to enter and exit in a forward direction. The driveway ramp is separated from the main pedestrian access with landscaped area. The driveway crossing is located along the eastern side boundary of the site and contributes to separation from the common boundary. Despite the increased driveway crossing width from the existing, the driveway is not considered to be a dominant feature upon the streetscape.
3J Bicycle and Car Parking	
3J-1. Minimum car parking requirement for residents and visitors to comply with Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.	Complies Car parking has been provided as per the requirements of the LDCP 2008. 8 x Bicycle parking spaces are provided within the basement level 1, which are secure and easily accessible. 2 x Motorcycle parking spaces are provided within the basement level 2, which are are secure and easily accessible. The vehicle entrance to the underground car parking area is considered acceptable.
3J-2. Parking and facilities are provided for other modes of transport	
3J-3. Car park design and access is safe and secure	
3J-4. Visual and environmental impacts of underground car parking are minimised	
3J-5. Visual and environmental impacts of on-grade car parking are minimised	
3J-6. Visual and environmental impacts of above ground enclosed car parking are minimised	
PART 4 DESIGNING THE BUILDING	
4A Solar and Daylight Access	
1. Living rooms and private open spaces of at	Complies

least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter.	More than 70% of units achieve the required 2 hours of solar access at mid- winter.
2. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.	0% of apartments receive no direct solar access on June 21 between 9am and 3pm (as shown on the submitted plans).
4A-2 Daylight access is maximised where sunlight is limited	Complies The site provides sufficient daylight access to apartments given the orientation of the site.
Objective 4A-3 Design incorporates shading and glare control, particularly for warmer months	
4B Natural Ventilation	
4B-1 All habitable rooms are naturally ventilated to create healthy indoor living environments. 1. At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed. 2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	Complies A total of 91% of apartments will receive natural cross ventilation. Overall apartment depths do not exceed 12-18m.
4B-2 The layout and design of single aspect apartments maximises natural ventilation	
4B-3 The number of apartments with natural cross ventilation is maximised	
4C Ceiling Heights	
4C-1 Ceiling height achieves sufficient natural ventilation and daylight access. Measured from finished floor level to finished ceiling level, minimum ceiling heights are: Minimum ceiling height for apartment and mixed use buildings Habitable Rooms 2.7m Non-Habitable 2.4m If located in mixed use areas 3.3m for ground and first floor	Complies All floors achieve a minimum floor-to-ceiling height of 2.8m.
4C-2 Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms.	All residential apartments have a minimum ceiling height of 2.8m in habitable rooms and apartment layouts have been designed to provide spacious, well-proportioned rooms.
4C-3 Ceiling heights contribute to the flexibility of building use over the life of the building	The floor to ceiling heights at ground floor and above is consistent with the buildings residential use.
4D Apartment Size and Layout	
4D-1 The layout of rooms within an apartment is functional, well organised and provides a	Complies All units exceed the required minimum areas. Unit

<p>high standard of amenity</p> <p>1. Apartments are required to have the following minimum internal areas:</p> <ul style="list-style-type: none"> • Studio 35m² • 1 bedroom 50m² • 2 bedroom 70m² • 3 bedroom 90m² <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.</p> <p>2. Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms</p>	<p>sizes are distributed as follows:</p> <p>Ground floor 2 x 1 -bedroom units (51.5m² to 62.4m² with a study)</p> <p>2 x 2-bedroom units (75.5m² to 78.3m²)</p> <p>First and Fourth floor 12 x 1 -bedroom units (50m² to 62.4m² with a study)</p> <p>8 x 2-bedroom units (75.1m² to 77m²)</p> <p>All habitable rooms have a window to an external wall with a total minimum glass area greater than 10% of the floor area of the room.</p>
<p>4D-2 Environmental performance of the apartment is maximised.</p> <p>1. Habitable room depths are limited to a maximum of 2.5 x the ceiling height. Based on ceiling heights of 2.7m, habitable room depths are required to be limited to 6.75m.</p> <p>2. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.</p>	<p>Complies The scheme complies with this requirement, noting that the proposal incorporates open plan layouts.</p> <p>No open plan layout has a habitable room depth more than 8m from a window.</p>
<p>4D-3 Apartment layouts are designed to accommodate a variety of household activities and needs</p> <p>1. Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space)</p> <p>2. Bedrooms have a minimum dimension of 3m (excluding wardrobe space)</p> <p>3. Living rooms or combined living/dining rooms have a minimum width of:</p> <ul style="list-style-type: none"> • 3.6m for studio and 1 bedroom apartments • 4m for 2 and 3 bedroom apartments <p>4. The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts</p>	<p>Complies All master bedrooms and other bedrooms achieve the required areas and the minimum dimensions.</p> <p>All apartments achieve the minimum dimension requirements to living/dining rooms.</p> <p>Cross through apartments are more than 4m in width</p>
<p>4E Private Open Space and Balconies</p>	

<p>4E-1 Apartments provide appropriately sized private open space and balconies to enhance residential amenity</p> <p>1. All apartments are required to have primary balconies as follows:</p> <table><tr><td>Dwelling type</td><td>Minimum Area</td><td>Min. Depth</td></tr><tr><td>Studio</td><td>4m²</td><td></td></tr><tr><td>1 bedroom</td><td>8m²</td><td>2m</td></tr><tr><td>2 bedroom</td><td>10m²</td><td>2m</td></tr><tr><td>3+ bedroom</td><td>12m²</td><td>2.4m</td></tr></table> <p>2. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m.</p>	Dwelling type	Minimum Area	Min. Depth	Studio	4m ²		1 bedroom	8m ²	2m	2 bedroom	10m ²	2m	3+ bedroom	12m ²	2.4m	<p>Variation considered acceptable.</p> <p>All apartments comply with the minimum numeric requirements for the area and depth of primary balconies and POS, except for the minimum depth for POS (balconies) due to the irregular shape of the balconies for Unit 03 and 04.</p> <p>Private open space is directly accessible from the living area of each dwelling.</p> <p>The balconies are integrated into the overall design of the development and form part of the detail of the building.</p> <p>Balustrades height to comply with BCA requirements.</p> <p>See full discussion after this table.</p>
Dwelling type	Minimum Area	Min. Depth														
Studio	4m ²															
1 bedroom	8m ²	2m														
2 bedroom	10m ²	2m														
3+ bedroom	12m ²	2.4m														
<p>4E-2 Primary private open space and balconies are appropriately located to enhance liveability for residents</p>																
<p>4E-3 Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building</p>																
<p>4E-4 Private open space and balcony design maximises safety</p>																
<p>4F Common circulation and spaces</p>																
<p>4F-1 Common circulation spaces achieve good amenity and properly service the number of apartments.</p> <p>1. The maximum number of apartments off a circulation core on a single level is eight.</p> <p>2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40</p>	<p>Complies</p> <p>One circulation area is proposed, with a maximum of 4 units serviced on Ground Level and 5 units serviced on Levels 1 - 4.</p> <p>The building is less than 10 storeys height.</p>															
<p>4F-2 Common circulation spaces promote safety and provide for social interaction between residents</p>	<p>The proposal incorporates a common foyer/lobby area.</p>															
<p>4G Storage</p>																
<p>4G-1 Adequate, well designed storage is provided in each apartment. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p> <table><tr><td>Dwelling Type</td><td>Storage volume</td></tr><tr><td>Studio</td><td>4m³</td></tr><tr><td>1 bedroom</td><td>6m³</td></tr><tr><td>2 bedroom</td><td>8m³</td></tr><tr><td>3+ bedroom</td><td>10m³</td></tr></table> <p>At least 50% of the required storage is to be located within the apartment</p>	Dwelling Type	Storage volume	Studio	4m ³	1 bedroom	6m ³	2 bedroom	8m ³	3+ bedroom	10m ³	<p>Complies</p> <p>The proposal provides for storage within each apartment and on the basement levels. These areas comply with the minimum volume specified in the ADG.</p>					
Dwelling Type	Storage volume															
Studio	4m ³															
1 bedroom	6m ³															
2 bedroom	8m ³															
3+ bedroom	10m ³															
<p>4G-2 Additional storage is conveniently</p>	<p>Complies</p>															

located, accessible and nominated for individual apartments	Storage is provided within each apartment, and there are 24 spaces allocated for storage within the basement.
4H Acoustic Privacy	
4H-1 Noise transfer is minimised through the siting of buildings and building layout	Complies Noise transfer has been minimised through the siting of the building and adequate setbacks.
4H-2 Noise impacts are mitigated within apartments through layout and acoustic treatments	The apartments have been configured so as to mitigate noise impacts.
4J Noise Pollution	
4J-1 In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings	Complies The bedrooms of all apartments are located from the first floor up and do not directly adjoin active communal open spaces and circulation areas (vegetation buffer provided). All upper level bedrooms windows from Level 1 and above are distanced at least 3m vertically from active communal open space, driveway and pedestrian circulation areas at the ground floor.
4J-2 Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission	
4K Apartment Mix	
4K-1 A range of apartment types and sizes is provided to cater for different household types now and into the future.	Complies The development proposes a mix of one, one + study and two bedroom apartments. Given the range of land uses in the local area, it is considered that the development has the capacity to accommodate numerous residents who have opportunities to live and work within the same district. Further to this, the apartments proposed will offer a different housing type and affordability to that of detached housing which is generally seen throughout the Liverpool LGA.
4K-2 The apartment mix is distributed to suitable locations within the building	
4L Ground Floor Apartments	
4L-1 Street frontage activity is maximised where ground floor apartments are located	Complies Ground floor apartments are provided with direct access to the street. Where appropriate windows and balconies have been provided to front the street.
4L-2 Design of ground floor apartments delivers amenity and safety for residents	
4M Facades	
4M-1 Building facades provide visual interest along the street while respecting the character of the local area	Complies Building façades are articulated and modulated through the use of balconies, varying windows, and recessed elements. Ground floor building entries are clearly defined.
4M-2 Building functions are expressed by the facade	
4N Roof Design	
4N-1 Roof treatments are integrated into the building design and positively respond to the street	Complies As demonstrated in the elevation drawings and perspectives a flat roof treatment is proposed, which assists in mitigating building bulk and overshadowing.
4N-2 Opportunities to use roof space for residential accommodation and open space	

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

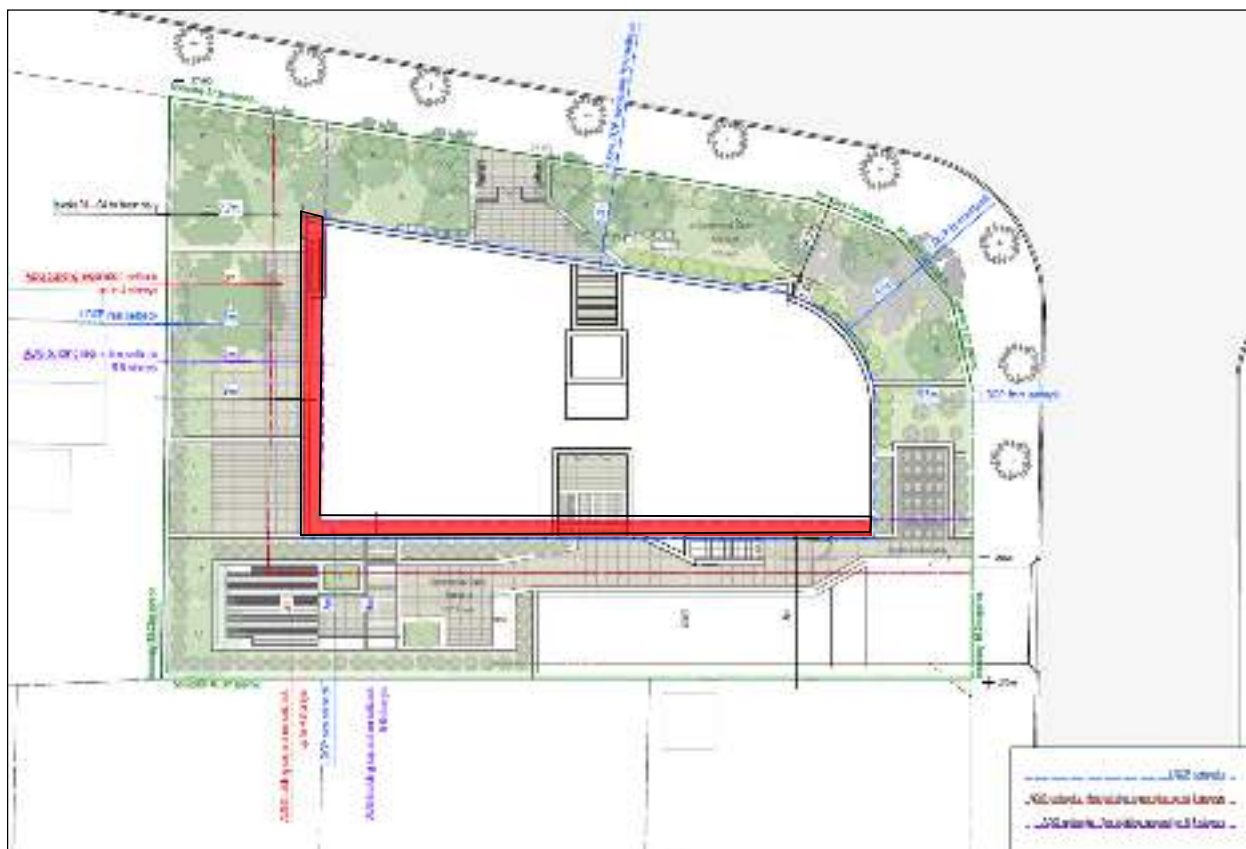
4V-3 Flood management systems are integrated into site design	development achieves compliance with water efficiency requirements. Stormwater will be treated on site, prior to being discharged into Council's stormwater system.
4W Waste Management	
4W-1 Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.	Complies The residential waste facilities are incorporated into the design of development and are not readily visible from the public domain. A separate residential waste room is provided in the basement.
4W-2 Domestic waste is minimised by providing safe and convenient source separation and recycling	
4X Building Maintenance	
4X-1 Building design detail provides protection from weathering	Complies The proposal incorporates overhangs to protect walls and openings. The proposed external walls are constructed of robust and durable materials.

Clause 2F – Building Separation and Clause 3F – Visual Privacy

The building separation requirements are the same as those prescribed by the Design Criteria under Clause 3F of the ADG although their objective differs in that the minimum separation distances suggested under Clause 2F are to establish acceptable urban form and amenity whereas Clause 3F specifically addresses visual privacy.

The development provides increased building separation of 8m for the first 4 storeys from the minimum 6m required, however the same building separation has been provided for the uppermost level 4 which has continued wall construction (instead of a wedding cake design to comply with the 9m separation).

Figure 14 below illustrates the ADG separation compliance lines (in red) at a typical floor level from common boundaries with adjoining properties.



The applicant (Kennedy Associates Architects) has provided the justification for the reduced building separation for the uppermost level 4 of the building:

- the proposed 5th storey setback (8m) is only 1m, or 12%, less than the required setback (9m)
- the proposed development complies with all building envelope controls of Liverpool LEP 2008 & Liverpool DCP 2008, including height, floor space ratio and setbacks
- the proposed variation is for one storey only
- the proposed 8m setback provides a high level of privacy that is substantially the same as would be achieved with a 9m setback
- the proposed setback variation does not result in any negative impacts on neighbouring properties
- the proposed development has been carefully designed to ensure adequate privacy, measures include: balcony and living room orientation, screening and opening size.

Comment: Albeit the reduced visual privacy separation for the building, the proposal on its merit is considered acceptable and is recommended to be supported on the following basis:

- As noted earlier, the southern and eastern elevations of the building do not include any windows or doors that directly overlook into the neighbouring properties. The windows for the uppermost level 4 are either off set or are not windows for high-use rooms (such as bedrooms).
- The building elements within the required building separation are considered to be design features that mainly serve the purpose of providing reasonable internal layout in

response to the context; articulating each elevation of the proposed building by: expressing the location of individual units and balconies within the building; contrasting materials and colour scheme and fenestration treatments to create varied elevations of the proposed building and achieve visual interest (detail and relief); and producing a continuous appearance with other building elements such as balcony balustrades and wall finishes. The area of the encroachment over the 9m visual separation of the building complies with the maximum 18m building height and hence no adverse overshadowing impact is envisaged as a result of the reduced building separation.

Clause 4E – Balconies (Private Open Space)

The variations sought with this proposal are only for the depth of the private open space for the ground floor unit 3 and the private open space for the ground floor unit 4 being located within the front setback area. The applicant (Kennedy Associates Architects) has provided the justification for these variations to the private open space requirement under the ADG:

The proposed variation to the private open space provision for unit 03 is considered acceptable as:

- *The numerical criteria for open space provision (15m²) is achieved and exceeded, the proposed variation is for the depth of the open space only;*
- *A large, usable area with a minimum dimension of 3.1m (but not square) and area of 11.6m² is provided. This area complies with the required open space area for 2 bedroom apartments on upper levels;*
- *The remaining open space has a minimum dimension of at least 1m, as required by the ADG;*
- *The private open space is useable and furnishable as outlined on DA 11; and*
- *The total open space provision for the unit will provide a good level amenity for residents*

The proposed variation to the private open space provision for unit 04 is considered acceptable as:

- *The proposed open space area for the unit complies with both the area (15m²) and depth (3m) requirements of the ADG;*
- *The proposed variation is related to a portion of the open space being located within the front setback area of the development;*
- *The area is screened from the street by 1.5m high walls (around the bin enclosure) and landscaping; and*
- *In this instance, private use of this space is considered more appropriate than communal or general landscaped area as:*
 1. *it disconnected from the main portion of front landscaping;*
 2. *it would be difficult to access for communal use and / or maintenance; and*
 3. *communal use of the area would compromise the privacy of the future residents of unit 04.*
- *The resulting open space provision for unit 04 is high amenity, containing both hard paved and landscaped areas*

Comment: In addition to the above justification, the minor variations to private open spaces for the ground floor units 3 and 4 are considered acceptable and are recommended to be supported for the following reasons:

- POS for the ground floor units 3 and 4 are oriented north, has direct access from the main living area of each unit and are integrated into the building design as required by ADG.
- Sufficient screen planting has been provided for these POS of units 3 and 4 for privacy and security, especially from the bin enclosure in front of Unit 4.

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

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

ATTACHMENT 4 – LIVERPOOL DCP 2008 COMPLIANCE TABLE

LDCP 2008 - Part 1 General Controls for All Development

Development Control	Proposal	Comment
PART 1 – General Controls For All Development		
2. Tree Preservation	2 x medium-large sized trees (Casuarina and Melaleuca) trees on the north western corner of the site are to be retained with this application	Complies
3. Landscaping	The Landscape Plans show the location and design of these areas by a qualified landscape architect. A condition of consent will require that these areas are appropriately planted and maintained.	Complies
4. Bushland And Fauna Habitat Preservation	The site does not include any significant native vegetation.	N/A
5. Bush Fire Risk	The site is not identified as bush fire prone.	N/A
6. Water Cycle Management	Stormwater runoff shall be connected to Council's drainage system via an on-site detention system. A stormwater drainage concept plan has been submitted and referred to Council's Land and Development Engineers who raised no objections subject to the imposition of condition.	Complies
7. Development Near A Watercourse	The subject site is not within 40m of a watercourse.	N/A
8. Erosion And Sediment Control	Soil and erosion measures reviewed by Council Engineers and conditions of consent imposed.	Complies
9. Flooding Risk	The site is not affected by flood planning area.	N/A
10. Contamination Land Risk	The site is unlikely to be contaminated and thus no remediation is required for the proposed works.	Complies
11. Salinity Risk	The site is identified as containing a moderate potential for saline soils. Conditions relating to erosion and sediment control measures will be implemented to prevent further spread of potentially saline soils.	Complies
12. Acid Sulfate Soils	Site is not identified as affected by Acid Sulfate Soils	N/A
13. Weeds	Site is not affected by Weeds	N/A
14. Demolition Of Existing Development	Demolition of existing structures is to comply with the relevant standards.	Complies
15. On-Site Sewerage Disposal	Not proposed.	N/A
16. Aboriginal Archaeological Sites	The proposal does not impact on any known aboriginal heritage.	N/A
17. Heritage And Archaeological Sites	Not identified as a heritage listed site and not in the vicinity of a heritage item.	N/A
18. Notification Of Applications	The application was notified in accordance with the LDCP 2008 from 7 February 2019 to 22 February 2019. Four (4) submissions were received and discussed in this report.	Complies
20. Car-parking And Access	Refer to assessment under Part 3.7 of the LDCP 2008.	Complies
21. Subdivision Of Land And Buildings	None Proposed. The development site is required to be consolidated as proposed.	N/A
22. Water Conservation	To comply with BCA requirements and BASIX	Complies
23. Energy Conservation	To comply with BCA requirements and BASIX	Complies
24. Landfill	None Proposed	N/A
25. Waste Disposal And Re-Use	Management during construction and on-going waste. During Construction: A waste management plan (WMP) has been submitted.	Complies

	Conditions of consent will be imposed to ensure that compliance with the WMP is achieved during construction.	
	On-going Waste Management is dealt with in Part 3.7 of the LDCP 2008.	
26.Outdoor Advertising	No signage proposed	N/A
27. Social Impact Assessment	A Social Impact Assessment was not required to be reviewed by Council's Community Planner.	N/A

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

Development Control	Provision	Comment
Frontage and Site Area		
	Minimum frontage of 24m	Complies The site has a frontage to Nuwarra Road of 37.6m to the west and secondary frontage to Kalimna Street of 16m to the north with a corner arc of 12m between the two frontages. Overall the site has an average site width of 24m for both street frontages and hence the site achieves the objectives of this DCP requirement.
Site Planning		
	The building should relate to the site's topography with minimal earthworks, except for basement car parking.	Complies Minimal earthworks are proposed.
	Siting of buildings should provide usable and efficient spaces, with consideration given to energy efficiency in the building design	Complies Where possible, ground level private open space, balconies and windows have been orientated to the north to maximise solar access and improve energy efficiency of the building.
	Site layout should provide safe pedestrian, cycle and vehicle access to and from the street.	Complies Where possible proposed units have been orientated to address both street frontages to Kalimna Street and Nuwarra Road providing opportunities for casual surveillance of pedestrian pathways, the driveway and the street.
	Siting of buildings should be sympathetic to surrounding development, taking specific account of the streetscape in terms of scale, bulk, setbacks, materials and visual amenity.	Complies The development is in accordance with the objectives of the R4 high density residential zone and provides for an appropriate built form and scale.
	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	Complies This aspect has been reviewed by Council's Land and Development Engineer officers, who have recommended approval subject to conditions.

Development Control	Provision	Comment
	drainage is inadequate	
	The development will need to satisfy the requirements of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development.	Complies As demonstrated within this report, the development generally demonstrates compliance with SEPP 65 and the Apartment Design Guidelines (ADG).
Setbacks		
Front Setback	Front building setback of 5.5m is required. Verandahs, eaves and other sun control devices may encroach on the front and secondary setback by up to 1m.	Complies The building is setback 5.5m from all street frontages to Kalimna Street and Nuwarra Road. Pop-out windows of upper level units do not encroach more than 1m over the 5.5m setback area.
Side Setback	Boundary to land in R4 zone: 3m building setback required for a building height up to 10m (i.e. ground floor, Level 1, Level 2 and Level 3)	Acceptable. The side and rear setbacks of the development have been designed to achieve full compliance with the DCP controls. However ADG associated with SEPP 65 takes precedence over the LDCP 2008 and hence the proposal results in a minor variation for the uppermost level of the building.
	Boundary to land in R4 zone: 8m building setback required for a building height greater than 10m	
Rear Setback	Boundary to land in R4 zone: 8m building setback required for all building heights	As demonstrated within this report, the development achieves the objectives of building separation of SEPP 65 and the Apartment Design Guidelines (ADG).
Landscaped Area and Private Open Space		
Landscaped Area	A minimum of 25% of the site area shall be landscaped area.	Complies The proposal provides 305.1sqm (22%) deep soil landscaping adjacent to the front and rear boundaries. The deep soil areas are a minimum of 3m in dimensions (outside the basement footprint) in accordance with the ADG associated with SEPP 65 which takes precedence over the LDCP 2008.
	A minimum of 50% of the front setback area shall be landscaped area	Acceptable. Greater than 50% of the front setback area to both Kalimna Street and Nuwarra Road frontages are to be landscaped in the form of garden beds, planter boxes and lawn area.
	Optimise the provision of consolidated landscaped area within a site by: - The design of basement and sub-basement car parking, so as not to fully cover the site. - The use of front and side setbacks. - Optimise the extent of landscaped area beyond the site boundaries by locating them contiguous with the landscaped area of adjacent properties.	Complies Landscaped areas are generally consolidated within the front, side and rear setback areas.

Development Control	Provision	Comment
	Promote landscape health by supporting for a rich variety of vegetation type and size	Complies (by condition). A variety of native plant species are provided.
Open Space	Provide communal open space, which is appropriate and relevant to the context and the building's setting.	Complies. Communal open space areas are provided along the front setback and the eastern boundary.
	Where communal open space is provided, facilitate its use for the desired range of activities by: <ul style="list-style-type: none"> - Locating it in relation to buildings to optimise solar access to dwellings. - Consolidating open space on the site into recognisable areas with reasonable space, facilities and landscape. - Designing its size and dimensions to allow for the range of uses it will contain. - Minimising overshadowing. - Carefully locating ventilation duct outlets from basement car parking. 	Complies. The ground floor communal open space areas will receive sufficient solar access and will allow for a range of activities.
	Locate open space to increase the potential for residential amenity.	Complies. The communal open space increases residential amenity.
	Private open space shall be provided as follows: <ul style="list-style-type: none"> - 10m² for a dwelling size less than 65m² - 12m² for a dwelling size over 65m² 	Complies. Private open space requirements are provided in accordance with the requirements of the ADG.
Private Open Space	Private open space may be provided as a courtyard for ground floor dwellings or as balconies for dwellings above the ground floor.	Complies. Private terrace/courtyards are provided for units on the ground floor and balconies are provided for units above the ground floor.
	Private open space areas should be an extension of indoor living areas and be functional in size to accommodate seating and the like.	Complies. The private open space areas are designed as an extension of the internal living rooms.
	Private open space should be clearly defined for private use.	Complies. Private open space areas are clearly defined.
Building Design, Style and Streetscape		
Building Appearance and Streetscape	Objectives of the controls are as follows: <ul style="list-style-type: none"> a) To ensure an attractive streetscape that is consistent with the environment of residential flat buildings. b) To promote high architectural quality in residential flat buildings. 	Complies. The composition of building elements, materials, textures and colours is likely to complement the future character of the area in terms of height, bulk, scale, built form and roof design. The proposed building is highly articulated and designed to suit the site and address the streetscape.

Development Control	Provision	Comment
	c) To ensure that new developments have facades which define and enhance the public domain and desired street character. d) To ensure that building elements are integrated into the overall building form and facade design.	
Roof Design	Objectives of the controls are: a) To provide quality roof designs, which contribute to the overall design and performance of residential flat buildings; b) To integrate the design of the roof into the overall facade, building composition and desired contextual response; c) To increase the longevity of the building through weather protection.	Complies. The proposed roof design contributes positively to the design of the building and keeps the overall building height under the maximum building height allowed.
Building Entry	Objectives of the controls are: a) To create entrances which provide a desirable residential identity for the development. b) To orient the visitor. c) To contribute positively to the streetscape and building facade design.	Complies. Entries are located to relate to the streetscape and provide an attractive and safe appearance to residents and visitors.
Balconies	Objectives of the controls are: a) To ensure that balconies contribute positively to the façade of a building. b) To ensure balconies are functional and responsive to the environment thereby promoting the enjoyment of outdoor living for dwelling residents. c) To ensure that balconies are integrated into the overall architectural form and detail of residential flat buildings. d) To contribute to the safety and liveliness of the street by allowing for casual overlooking and address.	Complies. Proposed balconies are integrated into the architectural form of the development and will complement the façade and also provide for casual surveillance.
Daylight Access	Objectives of the controls area: a) To ensure that daylight access is provided to all habitable rooms and encouraged in all other areas of residential flat development. b) To provide adequate ambient lighting and minimise the need for artificial lighting during daylight hours.	Complies. The majority of the units and the communal open space will receive adequate solar access.

Development Control	Provision	Comment
	c) To provide residents with the ability to adjust the quantity of daylight to suit their needs.	
Internal Design	Objectives of the controls are: a) To ensure that the internal design of buildings provide a pleasant environment for the occupants and residents of adjoining properties.	Complies. The building is designed with optimal amenity for future occupants, providing pleasant living spaces, solar access, and natural ventilation.
Ground Floor Dwellings	Objectives of the controls are: a) To contribute to the desired streetscape of an area and to create active safe streets. b) To increase the housing and lifestyle choices available in dwelling buildings.	Complies. The ground floor units will complement the streetscape and provide safe access.
Security	Objectives of the controls are: a) To ensure that buildings are orientated to allow surveillance from the street and adjoining buildings. b) To ensure that entrances to buildings are clearly visible and easy to locate in order to minimise the opportunities for intruders. c) To ensure buildings are safe and secure for residents and visitors. d) To contribute to the safety of the public domain.	Complies. The entrance to the building is clearly defined, casual surveillance opportunities are included, and the development provides a safe and secure building for future occupants and visitors.
Natural Ventilation	Objectives of the controls are: a) To ensure that dwellings are designed to provide all habitable rooms with direct access to fresh air and to assist in promoting thermal comfort for occupants. b) To provide natural ventilation in non-habitable rooms, where possible. c) To reduce energy consumption by minimising the use of mechanical ventilation, particularly air conditioning.	Complies. All units have direct access to natural ventilation.
Building Layout	Objectives of the controls are: a) To provide variety in appearance. b) To provide increasing privacy between dwellings within the building. c) To assist with flow through ventilation. d) To improve solar access.	Complies. The proposed building layout is optimised for natural light and ventilation, whilst presenting an articulated presentation.

Development Control	Provision	Comment
Storage Areas	A secure storage space is to be provided for each dwelling with a minimum volume of 8m ³ (minimum dimension 1m ²). This must be set aside exclusively for storage as part of the basement or garage.	Complies. Storage spaces are provided both within units and within the basement level.
	Storage areas must be adequately lit and secure. Particular attention must be given to security of basement and garage storage areas.	Complies. Storage areas within the apartment are adequately lit.
Landscaping and Fencing		
Landscaping	<p>Objectives of the controls are:</p> <p>a) To ensure that the development uses 'soft landscaping' treatments to soften the appearance of the buildings and complement the streetscape.</p> <p>b) To ensure that the relation of landscape design is appropriate to the desired proportions and character of the streetscape.</p> <p>c) To ensure that the use of planting and landscape elements are appropriate to the scale of the development.</p> <p>a) To retain existing mature trees within the site in a way which ensures their ongoing health and vitality.</p> <p>b) To provide privacy, summer shade and allow winter sun.</p> <p>c) To encourage landscaping that is appropriate to the natural, cultural and heritage characteristics of its locality.</p> <p>d) To add value to residents' quality of life within the development in the forms of privacy, outlook and views.</p>	Complies. The use of landscaping elements is appropriate to the scale of the development and provides a variety of native species in varying heights to complement the development.
Planting on Structures	<p>a) To contribute to the quality and amenity of communal open space on podiums and internal courtyards.</p> <p>b) To encourage the establishment and healthy growth of trees in urban areas.</p>	Not applicable as there are no plantings on structures proposed.
Fencing	Maximum height of front fence is 1.2m. The front fence may be built to a maximum height of 1.5m if the fence is setback 1m from the front boundary with suitable landscaping in front of the proposed fence.	<p>Complies. Proposed front fence to both Kalimna Street and Nuwarra Road ranges from 1.2m to 1.5m and is set back at intervals with landscaping as a buffer.</p> <p>The proposed fence is acceptable in this instance as it contributes to privacy for future ground floor</p>

Development Control	Provision	Comment
	Fences should not prevent surveillance by the dwelling's occupants of the street or communal areas.	level occupants whilst still maintaining visual interest.
	The front fence must be 30% transparent.	Overall the fence design is appropriate and will complement the building design.
	Front fences shall be constructed in masonry, timber, metal pickets and/or vegetation and must be compatible with the proposed design of the dwelling.	
	The maximum height of side boundary fencing within the setback to the street is 1.2m.	Complies , via condition.
	Boundary fences shall be lapped and capped timber or metal sheeting.	Complies , via condition.
Car Parking and Access		
Car Parking	Visitor car parking shall be clearly identified and may not be stacked car parking.	Parking spaces have been provided in accordance with LDCP 2008 as follows:
	Visitor car parking shall be located between any roller shutter door and the front boundary.	1 per 1 bedroom unit (1x 14 units) = 14 1.5 per 2 bedroom units (1.5 x 10 units) = 15 1 visitor space per 4 units = 6 Therefore total of 35 spaces required.
	Pedestrian and driveways shall be separated.	Complies. Proposal includes 37 spaces which exceeds the requirements above.
	Driveways shall be designed to accommodate removalist vehicles.	Complies. Pedestrian access and driveways are separated.
	Where possible vehicular entrances to the basement car parking shall be from the side of the building. As an alternative a curved driveway to an entrance at the front of the building may be considered if the entrance is not readily visible from the street.	Acceptable. Passing bay within the driveway is available for removalist vehicles.
	Give preference to underground parking	Complies. Side vehicular entrance is proposed.
Pedestrian Access	Objectives of the controls are: a) To promote residential flat development that is well connected to the street and contributes to the accessibility of the public domain. b) To ensure that residents, including users of strollers and wheelchairs and people with	Complies. Pedestrian entries are clearly defined and accessible.

Development Control	Provision	Comment
	bicycles, are able to reach and enter their dwelling and use communal areas via minimum grade ramps, paths, access ways or lifts.	
Amenity and Environmental Impact		
Over-shadowing	Adjoining properties must receive a minimum of three hours of sunlight between 9am and 5pm on 21 June to at least: - One living, rumpus room or the like; and - 50% of the private open space.	Complies. Shadow diagrams of the proposed development have been prepared for 21 st June (winter solstice). The shadow diagrams demonstrate that a reasonable amount of solar access will be afforded to the immediate sites to the east and west, between the hours of 9am to 3pm.
Privacy	Objectives of the controls are: a) To locate and design buildings to meet projected user requirements for visual and acoustic privacy and to protect privacy of nearby residents. b) To avoid any external impacts of a development, such as overlooking of adjoining sites. c) To provide reasonable levels of visual privacy externally and internally, during the day and at night. d) To maximise outlook and views from principal rooms and private open space.	Acceptable (by condition). The building has been designed to generally comply with the building separation distances of the ADG and DCP, which will ensure that a reasonable amount of privacy is afforded to future development.
Acoustic Impact	Objectives of the controls are: a) To ensure a high level of amenity by protecting the privacy of residents within residential flat buildings.	As discussed previously within this report, the development is able to achieve a high level of amenity, subject to the implementation of noise attenuation measures.
Site Services		
	Objectives of the controls are: a) To ensure that the required services are provided. b) To ensure that the services provided are easily protected or maintained.	Complies. All required site services will be provided to the site and maintained.

ATTACHMENT 5: DRAFT CONDITIONS OF APPROVAL**CONDITIONS:**

The following conditions have been imposed to achieve the objectives of the relevant planning instruments and policies.

A. THE DEVELOPMENT**Approved Plans**

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

Plan Name	Plan Number	Date	Revision	Prepared By
Location Plan	DA01	09/01/19	A	Kennedy Associates Architects
Site Analysis – Location Plan	DA02	09/01/19	A	Kennedy Associates Architects
Site Analysis – Site Plan	DA03	09/01/19	A	Kennedy Associates Architects
Site Analysis – Site Photos	DA04	09/01/19	A	Kennedy Associates Architects
Design Analysis	DA05	09/01/19	A	Kennedy Associates Architects
Demolition Plan	DA06	09/01/19	A	Kennedy Associates Architects
Site Plan – Level 00	DA07	09/01/19	A	Kennedy Associates Architects
Site Plan – Levels 01-04	DA08	09/01/19	A	Kennedy Associates Architects
Proposed Basement Level -02 and -01	DA09-10	09/01/19	A	Kennedy Associates Architects
Proposed Level 00-04	DA11-15	09/01/19	A	Kennedy Associates Architects
Proposed Roof	DA16	09/01/19	A	Kennedy Associates Architects
Level 00 – Dimensions	DA17	09/01/19	A	Kennedy Associates Architects
Level 01-03 – Dimensions	DA18	09/01/19	A	Kennedy Associates Architects
Level 04 – Dimensions	DA19	09/01/19	A	Kennedy Associates Architects
Nuwarra Road (West) Elevation	DA20	09/01/19	A	Kennedy Associates Architects
Kalimna Street (North) Elevation	DA21	09/01/19	A	Kennedy Associates Architects
South Elevation	DA22	09/01/19	A	Kennedy Associates Architects
East Elevation	DA23	09/01/19	A	Kennedy Associates Architects
Section AA and BB	DA24-25	09/01/19	A	Kennedy Associates Architects
Finishes	DA26	09/01/19	A	Kennedy Associates Architects

Summary of Area Counts	DA27	09/01/19	A	Kennedy Associates Architects
Summary of ADG Cross Ventilation	DA28	09/01/19	A	Kennedy Associates Architects
ADG Solar Access & Daylight Analysis	DA29	09/01/19	A	Kennedy Associates Architects
Solar Access to Neighbouring Town Houses	DA30	09/01/19	A	Kennedy Associates Architects
Adaptable Unit Layouts	DA31	09/01/19	A	Kennedy Associates Architects
Shadow Analysis Plans	DA32	09/01/19	A	Kennedy Associates Architects
Pergola Details	DA40	09/01/19	A	Kennedy Associates Architects
Waste Bin Storage Details	DA41	09/01/19	A	Kennedy Associates Architects
Waste Management Plan & Demolition Statement	--	09/01/19	--	Kennedy Associates Architects
Stormwater Drainage Plan	2017/1240	22/03/18	A	LP Consulting

Report Name	Date	Reference	Prepared By
Survey Plan	22/08/17	SUR_AAM-001-A	AAM Group Survey
Landscape DA Package (Tree Retention & Removal Plan, Landscape Plan and Details)	20/03/18	00-03 Rev P1	Taylor Brammer Landscape Architects Pty Ltd
Social Impact Statement	09/01/19	--	Kennedy Associates Architects
SEPP 65 Design Statement	09/01/19	--	Kennedy Associates Architects
Arboricultural Development Impact Assessment Report	06/03/18	B	Birds Tree Consultancy
Traffic and Parking Assessment Report	18/12/18	--	Varga Traffic Planning Pty Ltd

Required Design and Waste Management Amendments

2. Prior to the issue of a Construction Certificate, amended plans and details reflecting the required amendments (as detailed below), shall be submitted to and approved by Liverpool Council's Manager of Development Assessment. These include the following:
 - (a) An amended Operational Waste Management Plan shall provide details for a once a week collection to service the development, and the provision within the bin holding room for eight (8) 660 litre mobile garbage bins (4 x 660L general waste bins and 4 x 660L recycling bins).

The 240L bins in the waste compartments on each floor level are designated as waste transfer bins only and will not be tipped to the waste truck or count towards the overall waste capacity. A bin lifter must be provided to tip the full 240L transfer bins into the 660L bins. The 240L transfer bins will not be provided by Council, these bins are the responsibility of the developer/strata to supply and maintain. Similarly, if bin hitches are required to facilitate the movement of the

660L bins, these hitches are the responsibility of the developer/strata to supply, install and maintain.

Confirm the provision of a bin lifter to decant the 240L transfer bins into the 660L plus confirm the path by which the loaded bins will be transferred to the bin presentation area. If this is via the driveway ramp, a suitable bin tug or tractor must be used every time those bins are to be moved up or down the ramp.

Confirm that the waste compartments on each residential level will have durable, washable wall and floor surfaces, adequate ventilation and lighting and signage supporting correct waste separation and disposal in each compartment. Confirm that these bins will be checked and emptied with a frequency that will ensure that the residents will have enough space to put their waste materials.

Confirm that the strata and its representatives will maintain the cleanliness of the various waste aggregation and storage areas within the development. Confirm that the bulky waste storage area and any contents will be regularly checked, and ensure that residents are making required bookings for household waste removal and putting their materials out for collection the evening before the due date.

Details are to be provided for how the bins are to be managed and how waste is to be collected from the loading / unloading area in the Basement, to avoid impacts of garbage collection on the street kerb, and the footpath immediately in front of the site.

- (b) The front fence is limited to a maximum 1.3m in height.

This is required to ensure compliance with the principles of the transition from public to the private domain as enshrined in the controls of the Liverpool Development Control Plan.

- (c) Detailed design plans of the proposed driveway and car parking including swept path analysis demonstrating that the design complies with AS2890 is to be submitted to Council's Traffic and Transport section for review. The swept path analysis should also include demonstration of parking and un-loading manoeuvres for representative parking spaces.

- (d) All west-facing windows of the building shall be installed with window hoods to create depth in the façade (shadow against the light) which further articulates the western building façade, and some solar attenuation and privacy.

- (e) An amended landscape plan shall be prepared indicating:

* The retention of the existing Casuarina and Melaleuca trees located along Nuwarra Road (near the corner).

An AQF Level 5 Arborist is also to be engaged to monitor the trees throughout the development process and ensure compliance with the tree protection measures. Council is to be notified, in writing, of the name, contact details and qualifications of the Project Arborist appointed to the site. Should these details change during the course of works, or the appointed Project Arborist alter, Council is to be notified, in writing, within seven working days.;

* Planting schedule to include drought tolerant and low maintenance species; and

* Installation of a planter box return located on the south-eastern ground floor void (i.e. outside Unit 1 bedroom). Relocate the planter box to outside the Unit 4 bedroom window, to provide a privacy buffer between pedestrian pathway and the Unit 4 bedroom window. Include shade tolerant plants that are suitable for this location (e.g. palms/ferns).

- (f) All relevant architectural plans shall be amended to indicate the relocation of the fire pump room to the area north-west of the elevator (i.e. adjacent to the elevator), to allow more northern light into Unit 2.
- (g) All relevant architectural plans shall be amended to include the provision of enclosures (designed by a mechanical engineer - efficient operation is important for AC units) to conceal the air conditioning units from the view of internal apartments.
- (h) Amended architectural plans shall be prepared indicating the replacement of aluminium composite panels for zinaclume / powder-coated / colourbond steel sheet or textured fibre cement boards cladding.
- (i) Amended architectural plans shall be prepared indicating the relocation of the bin enclosure area to the boundary edge (towards Kalimna Street), creating an edge wall to the public domain, which the building name and number could be placed on.

This wall need not be any higher than is required for the bins. This will allow for the landscape area between the building and bin enclosure area to increase from one (1) metre, to two (2) metres creating a more generous green buffer between apartment and bin enclosure.

- (j) Amended architectural plans shall be prepared indicating the provision of an On-Site Detention (OSD) tank that has dual functions (provision for both detention and retention) and the use of photovoltaic technology to generate power for lighting and electricity at a minimum for all public area uses. This includes (if not implemented during initial building construction), future proofing the building to later incorporate photovoltaic panels and a location for batteries (e.g. space for integrating panels onto the rooftop and batteries at the required location).
- (k) All utility services on the street frontage of the building are to be shown on the Construction Certificate plans and are to be adequately screened from view.

Works at no Cost to Council

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

B. PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

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

Fee Payments

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

These fees are reviewed annually and will be calculated accordingly

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

Section 7.11 Payment (Liverpool Contributions Plan 2018)

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

The total contribution is **\$121,602.00**

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

<https://www.liverpool.nsw.gov.au/development/liverpools-planning-controls/contribution-plans>

Site Development Work

6. Site development work in the form of excavation, underpinning or shoring works must not take place, until such time as a Construction Certificate has been issued.
7. In accordance with Section 4.16(11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, it is a *prescribed condition* that all building work must be carried out in accordance with the applicable Performance Requirements of the National Construction Code. Compliance with the Performance Requirements can only be achieved by:
- (a) Complying with the Deemed to Satisfy Provisions; or
 - (b) Formulating an Alternative Solution, which complies with the Performance Requirements or is shown to be at least equivalent to the Deemed to Satisfy Provision, or a combination of (a) and (b).

8. Building work shall not commence prior to the issue of a Construction Certificate. Building work as defined under Section 1.4 of the EP&A Act means any physical activity involved in the erection of a building and includes but is not limited to, the placement of any site shed/s or builders facilities, site grading, retaining walls, excavation, cutting trenches, installing formwork and steel reinforcement or, placing of plumbing lines.
9. Access must be provided to the building for people with a disability in accordance with the relevant requirements of the Building Code of Australia, Disability (access to Premises – Buildings) Standard 2010 and Australian Standard – AS1428.1 (2009), Design for Access and Mobility – General requirements for new building work, to the satisfaction of the Certifying Authority.

Cladding

10. Cladding - Prior to issue of a construction certificate the certifier must be satisfied that all proposed attachments, cladding material and systems forming part of external walls comply with the NCC BCA and relevant Australian Standards. The certifier must be able to demonstrate compliance with evidence of suitability as per clause A2.2 of the BCA for all products/systems proposed.

Notification

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

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

Design Verification Statement

12. In accordance with the EP&A Regulation and State Environmental Planning Policy (SEPP) 65 “Design Quality of Residential Apartment Development”, the subject development must be undertaken or directed by a ‘qualified designer’ (i.e., a registered architect under the Architects Act). In this regard, a design verification statement shall be submitted to the PCA. The PCA shall ensure that the statement prepared by the qualified designer provides the following:
 - (a) A valid and current chartered architect’s certificate number (as issued by the Board of Architects of NSW);
 - (b) That the qualified designer has designed or directed the design of the subject development; and
 - (c) That the plans and specifications lodged with the CC achieve or improve the design quality of the development for which the subject development consent was granted, having regard to the design principles set out in Part 2 of SEPP 65.

Note: The design verification statement must provide an explanation of the design in terms of the design quality principles set out in Part 2 of SEPP 65.

Crime Prevention Through Environmental Design

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

Security Access to car park

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

S138 Roads Act – Minor Works in the public road

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

All works shall be carried out in accordance with the Roads Act approval, the development consent including the stamped approved plans, and Liverpool City Council's specifications.

Note: Approvals may also be required from the Roads and Maritime Service (RMS) for classified roads.

S138 Roads Act – Roadworks requiring approval of civil drawings

16. Prior to the issue of a Construction Certificate for building or subdivision works the Certifying Authority shall ensure that a S138 Roads Act application, including the payment of application and inspection fees, has been lodged with Liverpool City Council (being the Roads Authority under the Roads Act), for all works associated with the development in Hoxton Park Road.

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

Works, Austroad Guidelines and best engineering practice.

Note:

1. Where Liverpool City Council is the Certifying Authority for the development the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.
2. Approvals may also be required from the Roads and Maritime Service (RMS) for classified roads.

Retaining Walls on Boundary

17. All retaining walls shall be of masonry construction and must be wholly within the property boundary, including footings and agricultural drainage lines. Construction of retaining walls or associated drainage works along common boundaries shall not compromise the structural integrity of any existing structures.

Where a retaining wall exceeds 600mm in height, the wall shall be designed by a practicing structural engineer and a construction certificate must be obtained prior to commencement of works on the retaining wall.

Dilapidation Report Private Property (Excavations)

18. A full dilapidation survey and report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the required excavations must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The zone of influence is to be defined as the horizontal distance from the edge of the excavation face to twice the excavation depth.

The dilapidation report and survey is to be prepared by a consulting structural/geotechnical engineer agreed to by both the applicant and the owner of any affected adjoining property.

All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent.

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant MUST DEMONSTRATE, in writing, to the satisfaction of Council that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. Written concurrence must be obtained from Council in such circumstances.

Note: This documentation is for record keeping purposes only, and may be used by the developer or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and detailed as possible.

S68 Local Government Act – Stormwater drainage works

19. Prior to the issue of a Construction Certificate the Principal Certifying Authority and/ or Certifying Authority shall ensure that an application under S68 of the Local Government Act, including the payment of application and inspection fees, has been lodged with, and approved by Liverpool City Council for new pit and pipe connection to Charles Street.

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

Stormwater Concept Plan

20. A stormwater drainage system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by LP Consulting, reference number 2017/1240, revision A and dated 22/03/18.
- (a) The proposed development and stormwater drainage system shall be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties.
 - (b) Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified engineer and shall accompany the application for a Construction Certificate. The plan shall indicate the method of disposal of all stormwater and must include rainwater tanks, existing ground levels, finish surface levels and sizes of all pipes.
 - (c) Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the stormwater drainage system has been designed in accordance with Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.
 - (d) Additional access grates shall be provided to the OSD tank for maintenance purposes.

Stormwater Discharge – Basement Car Parks

21. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the stormwater drainage system for the basement car park has been designed in accordance with the requirements for pumped systems in AS3500.3:2003 and Council's Stormwater Drainage Design Specifications for pump out systems for basement car parks.

Dilapidation Report

22. Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in Nuwarra Road and Kalimna Street is to be submitted to Liverpool City Council. The report is to include, but not limited to, the road pavement, kerb and gutter, footpath, services and street trees and is to extend 10m either side of the development.

No loading on easements

23. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the foundations of proposed structures adjoining the drainage and/ or services easement have been designed clear of the zone of influence.

Water Quality

24. Prior to the issue of a Construction Certificate the PCA shall ensure that details of a stormwater pre-treatment system have been provided on the stormwater plans and that the design meets pollutant retention criteria in accordance with the LDGP 2008. The CC must be supported by:

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

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

Access and Manoeuvring

25. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Liverpool City Council's Development Control Plan.

Detailed design plans indicating line markings and sign posting are to be submitted to Council's Traffic and Transport Section for review.

26. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that:
- a) Off street access and parking complies with AS2890.1.
 - b) Sight Distance at the street frontage has been provided in accordance with AS 2890.1.
 - c) All cars can enter and exit the site in a forward direction

Construction Traffic Management Plan

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

Balcony Balustrades and privacy screen design

28. All glass balustrades must be 1.2m in height and must be translucent, obscured, frosted or sandblasted glazing in design.

Reason: To mitigate inadvertent privacy impacts from a seated position within the units of the building to adjoining properties and to ensure any items stored within the balconies are appropriately screened from the public, and to restrict direct views from the public domain into the living areas of the units.

Any privacy screens shown on the approved plans are to be designed to extend to a height of 1.5m from their immediate floor level, and are to be designed with fixed 45 degree upward angled louvres.

Balcony and courtyard window and door design

29. The openings for windows and doors to balconies/courtyards are to be full height so that they extend from the floor to the underside of the slab above. This is to:
- enable the openings to read as 'panels' of glazing rather than 'hole in the wall' openings
 - assist in the proportioning of elevations
 - ensure maximum light to the interior of the dwellings

- create a seamless relationship between the balcony / courtyard and the interior

Glazing is to extend full height within the opening. If for some reasons it is not possible to extend the glazing then an opaque material can be introduced into the overall frame so that it still reads as a full height panel.

Provision of Services

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

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

31. Written clearance from Endeavour Energy, stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development must be submitted to the PCA.
32. Should the Electrical Substation be located outside the building envelope, the location and any associated fire separation walls must comply with Integral Energy Substation Design Instruction Document No SDI 104 (Current Version). The colours and materials used in the construction of any wall of structure are to match those of the approved development.
33. Prior to the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the requirements of the Telecommunications Act 1997:
- For a fibre ready facility, the NBN Co’s standard specifications current at the time of installation; and
 - For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connection of optic fibre technology telecommunications.

34. The applicant is to arrange with the appropriate service provider for any above ground service riser or access point to be constructed clear of any proposed or existing pedestrian footways, and if possible, located in recessed unobtrusive locations. Should any service provider require and/or insist the applicant/developer build a service riser that would create an obstruction and pose a potential safety hazard, then the applicant/developer should refer the request to Council for negotiation directly with the Service Network Authority.

C. PRIOR TO WORKS COMMENCING

The following conditions shall be complied with prior to works commencing on the subject site:

Building/Compliance

35. Building work shall not commence prior to the issue of a Construction Certificate. Building work as defined under Section 4 of the EP&A Act means any physical activity involved in the erection of a building and includes but is not limited to, the placement of any site shed/s or builders facilities, site grading, retaining walls, excavation, cutting trenches, installing formwork and steel reinforcement or, placing of plumbing lines.
36. Prior to the commencement of any building works, the following requirements must be complied with:
- (a) Construction Certificate must be obtained from the Council or an accredited certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*.
 - (b) Where a Construction Certificate is obtained from an Accredited Certifier, the applicant shall advise Council of the name, address and contact number of the Accredited Certifier, in accordance with Section 81A (4) of the Act.
 - (c) A copy of the Construction Certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.
 - (d) A Principal Certifying Authority (PCA) must be appointed to carry out the necessary building inspections and to issue an occupation certificate; and
 - (e) The PCA must advise Council of the intended date to commence work which is the subject of this consent by completing a notice of commencement of building works or subdivision works form, available from Council's Customer Service Centre. A minimum period of two (2) working days' notice must be given.

Residential Building Work

37. Building work that involves residential building work (within the meaning of the *Home Building Act 1989*) must not be commenced unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the name and licence number of the principal contractor; and the name of the insurer by which the work is insured under Part 6 of that Act.
38. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the PCA for the development to which the work relates (not being the Council) has given the council written notice of the updated information.

Notification/Principal Certifying Authority

39. Written notice of intention shall be given to the owners or the adjoining allotments of land, outlining the particulars of the work, which involves:
- a) Any excavation below the base of the footings of a building on an adjoining allotment of land.
 - b) The notice shall be given seven (7) days prior to the commencement of work.

40. In the event the development involves excavation that extends below the level of the base of the footings of a building on adjoining land, the following is to be undertaken at full cost to the developer;
- (a) Protect and support the adjoining premises from possible damage from the excavation, and
 - (b) Where necessary, underpin the adjoining premises to prevent any such damage.
 - (c) Retaining walls or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated subsoil drainage and surface stormwater drainage measures, shall be designed strictly in accordance with the manufacturers details or by a practising structural engineer.

Site Notice Board

41. A sign must be erected in a prominent position on the premises on which work is to be carried out. The sign is to be maintained during work, and removed at the completion of work. The sign must state:
- (a) The name, address and telephone number of the principal certifying authority for the work;
 - (b) The name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
 - (c) Unauthorised entry to the premises is prohibited.

Sediment and Erosion Control Measures

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

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

Demolition Works

43. Demolition works shall be carried out in accordance with the following:
- (a) Prior to the commencement of any works on the land, a detailed demolition work plan designed in accordance with the Australian Standard AS 2601-2001 – The Demolition of Structures, prepared by a suitably qualified person with suitable expertise or experience, shall be submitted to and approved by Council and shall include the identification of any hazardous materials, method of demolition, precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
 - (b) Prior to commencement of any works on the land, the demolition Contractor(s) licence details must be provided to Council.
 - (c) The handling or removal of any asbestos product from the building/site must be carried out by a NSW Work Cover licensed contractor irrespective of the size or nature of the works. Under no circumstances shall any asbestos on site be handled

or removed by a non-licensed person. The licensed contractor shall carry out all works in accordance with NSW Work Cover requirements.

Demolition Inspections

44. The following inspections are required to be undertaken by Council in relation to approved demolition works:
- (a) Immediately prior to the commencement of the demolition or handling of any building structure that contains asbestos. The applicant shall also notify the occupants of the adjoining premises and Workcover NSW prior to the commencement of any works. Please note that demolition works are not permitted to commence on site until such time as a satisfactory inspection result is obtained from Council.
 - (b) Immediately following completion of the demolition. Please note that proof of appropriate disposal of demolition materials (including asbestos) may be required at this time in accordance with the approved Waste Management Plan.

To book an inspection with Council, please call 1300 362 170.

Waste Classification

45. Prior to the exportation of waste (including fill or soil) from the site, the material shall be classified in accordance with the provisions of the POEO Act and NSW DECCW, (EPA) 'Environmental Guidelines: Assessment, Classification and Management of Non-Liquid Wastes'. The classification of the material is essential to determine where the waste may be legally taken. The POEO Act provides for the commission of an offence for both the waste owner and transporters if waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid and non-liquid waste advice should be sought from the DECCW (EPA).

Traffic Management Plan

46. No work or craning shall be undertaken within the adjoining public lands without the prior written consent of Council. In this regard Council may require a Traffic Management Plan to be submitted before giving its approval.
47. The developer shall seek road occupancy, road opening permits, and works zone approval from Council if required prior to undertaking any works within public road reserve. The application forms are available on Council's website or can requested from the Council's Customer Services.

Traffic Control Plan

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

Worksites" and certified by an appropriately accredited Roads and Traffic Authority Traffic Controller.

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

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

Site Facilities

49. Toilet facilities must be available or provided at the work site and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must:
 - (a) be a standard flushing toilet connected to a public sewer, or
 - (b) have an on-site effluent disposal system approved under the Local Government Act 1993, or
 - (c) be a temporary chemical closet approved under the Local Government Act 1993.
50. Adequate refuse disposal methods and builders storage facilities shall be installed on the site. Builders' wastes, materials or sheds are not to be placed on any property other than that which this approval relates to.
51. All Liverpool City Council domestic waste bins that have been issued to the existing residential dwellings at 2 Kalimna Street and 86 Nuwarra Road Moorebank, must be returned prior to any work, including demolition or site clearing, commencing. Please call Council on 1300 36 2170 to advise that the bins are ready to collect and so their removal can be noted.

Notification of Service Providers

52. The approved development must be approved through the 'Sydney Water Tap In' service to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easement, and if any requirements need to be met. A receipt must be provided to Council.

Please refer to the website www.sydneywater.com.au for more information.

D. DURING CONSTRUCTION

The following conditions shall be complied with during construction:

Building Inspections

53. The building works must be inspected by the Principal Certifying Authority, in accordance with sections 109E (3) of the Environmental Planning & Assessment Act 1979 and clause 162A of the Environmental Planning & Assessment Regulation 2000, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.

54. The Principal Certifying Authority must specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the Principal Certifying Authority, prior to proceedings to the subsequent stages of construction or finalisation of the works (as applicable).

Identification Survey Report

55. The building and external walls are not to proceed past ground floor/reinforcing steel level until such time as the PCA has been supplied with an identification survey report prepared by a registered surveyor certifying that the floor levels and external wall locations to be constructed, comply with the approved plans, finished floor levels and setbacks to boundary/boundaries. The slab shall not be poured, nor works continue, until the PCA has advised the builder/developer that the floor level and external wall setback details shown on the submitted survey are satisfactory.

In the event that Council is not the PCA, a copy of the survey shall be provided to Council within three (3) working days.

On placement of the concrete, works again shall not continue until the PCA has issued a certificate stating that the condition of the approval has been complied with and that the slab has been poured at the approved levels.

Construction Requirements

56. In the event the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the following is to be undertaken at full cost to the developer:
- (a) Protect and support the building, structure or work from possible damage from the excavation, and
 - (b) where necessary, underpin the building, structure or work to prevent any such damage.
 - (c) a and b above does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.
 - (d) Retaining walls or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated subsoil drainage and surface stormwater drainage measures, shall be designed strictly in accordance with the manufacturers details or by a practising structural engineer.
57. If the work is likely to cause pedestrian or vehicular traffic in a public area to be obstructed or rendered inconvenient; or if craning of materials is to occur across a public area or road reserve area a construction hoarding must be erected to prevent any substance from, or in connection with the construction site, falling onto a public area as follows:

Such hoarding or barrier must be designed and erected in accordance with Council's guidelines on hoarding construction. Relevant application under the Roads Act approval must be completed and fees paid prior to the construction of a hoarding on Council road reserve area.

58. Lifting or craning materials over a public footway or roadway is not permitted unless a "B" class construction hoarding has been installed in compliance with work cover authority requirements.

- 59. The applicant/ builder shall be responsible to report to the Council any damage to Council's footpath and road carriageway as a consequence of demolition or excavation or building activities or delivery/ departure of materials associated with this site. The damage shall be reported to Council as soon as the damage becomes apparent to the builder/ site manager. Arrangements to the satisfaction of Council are to be made for making safe by temporary repairs to the public way until permanent restoration and repair can be organised with Council.
- 60. Adequate refuse disposal methods and builders storage facilities shall be installed on the site. Builders' wastes, materials or sheds are not to be placed on any property other than that which this approval relates to.
- 61. Retaining walls or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated subsoil drainage and surface stormwater drainage measures, shall be designed strictly in accordance with the manufacturers details or by a practising structural engineer. Retaining walls on any boundary are to be of masonry construction.

Security Fence

- 62. A temporary security fence to WorkCover Authority requirements is to be provided to the property during the course of construction.

Note: Fencing is not to be located on Council's reserve area.

Hours of Construction Work

- 63. Construction work/civil work/demolition work, including the delivery of materials, is only permitted on the site between the hours of 7:00am to 6:00pm Monday to Friday and 8:00am to 1:00pm on Saturday. No work will be permitted on Sundays or Public Holidays, unless otherwise approved by Council

Drainage Connection

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

Major Earthworks

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

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

Construction Noise

- 66. Construction noise shall not exceed the management levels defined within the Interim Construction Noise Guideline published by the NSW Department of Environment and Climate Change dated July 2009.

67. Construction activities, including operation of vehicles, shall be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like. In the event of a noise or vibration problem arising at the time, the person in charge of the premises shall when instructed by Council, cause to be carried out, an acoustic investigation by an appropriate acoustical consultant and submit the results to Council. If required by Council, the person in charge of the premises shall implement any or all of the recommendations of the consultant and any additional requirements of Council to Council's satisfaction.

General Site Works

68. Building operations such as brick cutting, mixing mortar and the washing of tools, paint brushes, form-work, concrete trucks and the like shall not be performed on the public footway or any other locations which may lead to the discharge of materials into Council's stormwater drainage system.
69. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.
70. Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.
71. All topsoil, sand, aggregate, spoil or any other material shall be stored clear of any drainage line, easement, water body, stormwater drain, footpath, kerb or road surface and there shall be measures in place in accordance with the approved erosion and sediment control plan.
72. Where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, dust is to be suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Where wind velocity exceeds five knots the PCA may direct that such work is not to proceed.
73. All vehicles involved in the delivery, demolition or construction process departing from the property shall have their loads fully covered before entering the public roadway.
74. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.
75. All earthworks shall be undertaken in accordance with AS 3798 and Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.
76. All dangerous and/or hazardous material shall be removed by a suitably qualified and experienced contractor, licensed by WorkCover NSW. The removal of such material shall be carried out in accordance with the requirements of WorkCover NSW. The material shall be transported and disposed of in accordance with DECCW (EPA) requirements.
77. All demolition and construction waste must be separated as it is generated and kept in separate bays, builder's site bins and/or skips.

78. All lightweight or granular excavation or construction wastes such as wrapping, packaging materials, bags, insulation, sand, soil etc. must be kept fully enclosed to prevent them from becoming wind-blown litter in strong wind conditions or from washing into drains, sewers or waterways or onto neighbouring properties or public land in wet weather.

Waste Management Plan

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

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

Contamination

80. The development, including all civil works and demolition, must comply with the requirements of the Contaminated Land Management Act, 1997, State Environmental Planning Policy No. 55 – Remediation of Land, and Managing Land Contamination – Planning Guidelines (Planning NSW/EPA 1998).
81. All fill introduced to the site must undergo a contaminated site assessment. This assessment may consist of either:
- (a) a full site history of the source of the fill (if known) examining previous land uses or geotechnical reports associated with the source site to determine potential contamination as per the NSW DECCW 'Waste Classification Guidelines' April 2008; or
 - (b) clearly indicate the legal property description of the fill material source site;
 - (c) provide a classification of the fill material to be imported to the site in accordance with the 'NSW DECCW 'Waste Classification Guidelines' April 2008.
 - (d) a chemical analysis of the fill where the site history or a preliminary contamination assessment indicates potential contamination or contamination of fill material; and
 - (e) must provide Council with copies of validation certificate verifying the material to be used is free of contaminants and fit for purpose re use in residential, commercial or industrial use.
82. Records of the following must be submitted to the principal certifying authority monthly and at the completion of earth works:
- (a) The course (including the address and owner of the source site), nature and quantity of all incoming loads including the date, the name of the carrier, and the vehicle registration;
 - (b) The results of a preliminary contamination assessment carried out on any fill material used in the development.
 - (c) The results of any chemical testing of fill material.
83. Any new information which comes to light during demolition or construction works which has the potential to alter previous conclusions about site contamination must be notified to Council and the accredited certifier immediately after discovery. A Section 96 Application under the EP&A Act shall be made for any proposed works outside the scope of the approved development consent.

Traffic Management

84. All works within the road reserve are to be at the applicant cost and all signage is to be in accordance with the RMS's Traffic Control at Worksites Manual and the RMS's Interim Guide to Signs and Markings.
85. If a works zone is required, an application must be made to Council's Transport Planning section. The application is to indicate the exact location required and the applicable fee is to be included. If parking restrictions are in place, an application to have the restrictions moved, will need to be made.

Notice must be given to Council's Transport Planning section of any interruption to pedestrian or vehicular traffic within the road reserve, caused by the construction of this development. A Traffic Control Plan, prepared by an accredited practitioner must be submitted for approval, 48 hours to prior to implementation. This includes temporary closures for delivery of materials, concrete pours etc.

86. Applications must be made to Council's Transport Planning section for any road closures. The applicant is to include a Traffic Control Plan, prepared by a suitably qualified person, which is to include the date and times of closures and any other relevant information.
87. The endorsed Construction Traffic Management Plan (CTMP) is to be implemented during the construction.

Car Parking Areas

88. Car parking spaces and driveways must be constructed of a minimum of two coat finish seal or better. The spaces must be clear of obstructions and columns, permanently line marked and provided with adequate manoeuvring facilities. The design of these spaces must comply with Council's DCP 2008, and Australian Standard 2890.1 Parking Facilities – Off Street Car Parking.

Termite Protection

89. To protect the buildings from subterranean termite, termite barriers must be installed in accordance with AS 3660.1 to the underside and penetrations of the concrete slab floor. In addition a durable notice must be permanently fixed inside the metre box indicating:
- (a) The method of protection;
 - (b) The date of installation of the system;
 - (c) Where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label;
 - (d) The need to maintain and inspect the system on a regular basis

Certification from a licensed pest controller shall be submitted to the PCA certifying that the termite protection system installed complies with AS3660.1.

Ventilation

90. The premises shall be ventilated in accordance with the requirements of the BCA (if using deemed to satisfy provisions: AS 1668, Parts 1 & 2)

External

91. Switchboards for utilities shall not be attached to the street and/or road elevations of the development.
92. The mailboxes are to be consistent with the design and colours and materials for the development.
93. Any external lighting is to incorporate full cut-off shielding and is to be mounted so as to not cause any glare or spill over light nuisance within the development, neighbouring properties or road users.
94. The reflectivity index of glass used in the external facade of the building is not to exceed 20%.
95. The windows of all bathrooms, W.C. and ensuites shall be fitted with translucent obscure glazing to the satisfaction of the PCA.

Graffiti

96. A graffiti resistant coating shall be applied to any fences or structures that have frontage to a public area, for example a roadway, public reserve etc.

Front fence and boundary fencing

97. Any front fence and returns must not exceed 1.3m in height, and shall be constructed in masonry to be compatible with the design of the building and any gates associated with a front fence shall swing inwards into the property. Boundary fences shall be lapped and capped timber or metal sheeting.

Display of Street Numbers

98. Street/address number must be prominently displayed at the front of the development in a contrasting colour to the building materials and at the front of each individual unit.

Security and Safety

99. Adequate lighting is required at the entrances and main foyers or the building, basement carpark, and mailbox area.
100. Surveillance cameras are required to be installed covering the entrance and exit and main areas of the car park.
101. The underground car park is required to be locked with access to be provided to residents only.
102. All openable windows that are located two metres or more above the ground level and have a sill height less than 1.7m above the internal floor level shall be fitted with devices that lock the window opening at less than 12.5m.

Vegetation and Landscaping

103. No known environmental or noxious weeds or known invasive plant species shall be included in the landscaping/revegetation.
104. Mulch generated from exotic trees or other weed species cleared shall not be used on site. It shall be removed from the site and disposed of appropriately and in accordance with legislative requirements.
105. Any imported soil and/or mulch shall be free of contaminants, seed and propagules of weeds and undesirable species. Mulch shall not be used on flood liable land.
106. Premium quality organic garden soil shall be incorporated into all planting areas in sufficient quantity to achieve optimum plant growing conditions.
107. All garden/planting areas shall be mulched to a depth of not less than 75mm using weed free leaf mulch, wood chip or similar, not pine bark.

Waste Storage Area

108. Any bin bays must be:
 - (a) Provided with mechanical ventilation;
 - (b) Provided with a hose cock for hosing the garbage bin bay and a sewerage drainage point in or adjacent to the bin storage area. The drainage point should have a fine grade drain cover sufficient to prevent coarse pollutants from entering the sewer. If the hose cock is located inside the bin storage bay, it is not to protrude into the space indicated for the placement of bins;
 - (c) Provided with sufficient light to permit usage at night;
 - (d) Allocated with sufficient space within the bin bay to allow for access to all required bins by residents and waste collectors, as well as manoeuvring of bins within the bay and for the removal and return of bins by the waste collector;
 - (e) Provided with signage to be prominently displayed in each bin bay, or waste service room, as appropriate indicating that:
 - (i) Garbage is to be placed wholly within the garbage bins provided;
 - (ii) Only recyclable materials accepted by Council are to be placed within the recycling bins;
 - (iii) The area is to be kept tidy;
 - (iv) A phone number to be displayed for arranging disposal of bulky items;
 - (v) 50% of all messages are to be displayed using graphic illustrative content;
 - (vi) Bin bay signs are available from Council;
 - (vii) Signage on how to use any garbage chutes is to be located prominently next to the chute;
 - (viii) Operation, maintenance and cleaning of the garbage compactor and associated equipment is the responsibility of the strata management or body corporate, and not of Council;
 - (ix) Maximum compaction ratio is 2:1;
 - (x) Operation, maintenance and cleaning of the garbage chutes and associated waste cupboards, rooms, or equipment is the responsibility of the strata management or body corporate, and not of Council.

E. PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

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

Building/Compliance

- 109. An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.
- 110. Details of critical stage inspections carried out by the principal certifying authority together with any other certification relied upon must be provided to Council with the occupation certificate.
- 111. The premises must not be utilised until an Occupation Certificate is issued by the PCA. Copies of all documents relied upon for the issue of the Occupation Certificate must be attached to the Occupation Certificate and registered with Council.

Cladding

- 112. Prior to issuing an occupation certificate the Principal Certifying Authority must be satisfied that suitable evidence has been provided to demonstrate that the external wall cladding material and system is consistent with the consent documentation, NCC and relevant Australian Standards.

Fire Safety Certificate

- 113. A single and complete *Fire Safety Certificate*, certifying the installation and operation of all of the fire safety measures within the building must be submitted to Council with the *Occupation Certificate*.

Access Report

- 114. A Compliance Certificate or other documentation deemed suitable to the PCA is to be submitted to the PCA prior to the issue of an Occupation Certificate, detailing compliance with the following:
 - (a) Certification is to be obtained from a qualified access consultant certifying that the building has been constructed to meet the access criteria in accordance with the approved access report and that all recommendations have been adopted.

Lot Consolidation/Registration

- 115. All separate lots shall be consolidated. The applicant shall provide evidence that the linen plan for the required lot consolidation, endorsed by Council, has been registered with the Land Titles Office. This shall be provided to Council prior to the issue of an Occupation Certificate.

Design Verification Statement

116. In accordance with the Environmental Planning and Assessment Regulation 2000 and State Environmental Planning Policy (SEPP) 65 “Design Quality of Residential Apartment Development”, the subject development must be undertaken or directed by a ‘qualified designer’ (i.e., a registered architect under the Architects Act). In this regard, a design verification statement shall be submitted to the PCA assessing the development, upon completion of all works subject of this consent and its accompanying CC. The PCA shall ensure that the statement prepared by the qualified designer provides the following:
- (a) A valid and current chartered architect’s certificate number (as issued by the Board of Architects of NSW);
 - (b) That the completed development achieves the design quality of the development as shown in the plans and specifications submitted and approved with the CC, having regard to the design principles set out in Part 2 of SEPP 65.

BASIX

117. Supporting documentation issued by a suitable qualified person who has installed or carried out the works associated with the BASIX commitments shall be submitted to Council.

Landscaping

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

Liverpool City Council clearance – Roads Act/ Local Government Act

119. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that all works associated with a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Liverpool City Council.

Works as Executed

120. Prior to the issue of an Occupation Certificate, works-as-executed drawings and compliance documentation shall be submitted to the PCA in accordance with Council’s Design Guidelines and Construction Specification for Civil Works.

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

Structural Engineer Certificate

121. A Structural Engineer’s construction certification of all structures is to be issued to the PCA prior to the issue of the Occupation Certificate.

Stormwater Compliance

122. Prior to the issue of an Occupation Certificate the PCA shall ensure that the:

- (a) On-site detention system/s; and
- (b) Basement carpark pump-out system.

Details of the approved and constructed system shall be provided as part of the Works-As-Executed drawings.

Restriction as to User and Positive Covenant

123. Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the on-site detention system/s and basement carpark pump-out system shall be registered on the title of the property.

The restriction as to user and positive covenant shall be in Liverpool City Council's standard wording as detailed in Council's Design and Construction Guidelines and Construction Specification for Civil Works.

124. Prior to the issue of an Occupation Certificate, the following restriction as to user must be registered on the title of the property:

The hanging of washing, including any clothing, towels, bedding or other article of a similar type on any balcony is not to be visible from any street.

The restriction as to user may not be extinguished or altered except with the consent of Liverpool City Council.

125. Prior to the Issue of an Occupation Certificate, if no provision is to be made in the waste storage area for green waste bins to store garden waste from the property, then the following restriction as to user shall be placed on the title of the property at the applicant's expense, and this restriction cannot be altered or removed without Council's consent:

Liverpool City Council will not supply green (garden) waste removal services to this property, nor any waste bins associated with the removal of garden waste.

Basement Pump-out System

126. Stormwater runoff from the proposed driveway to the underground garage shall be via a pump-out system subject to the following conditions:

- (a) The pump-out system shall be independent of any gravity drainage lines except at the site property boundary inspection pit where a surface grated inlet pit shall be constructed, from which a connection may be permitted to the gravity stormwater system.
- (b) Engineering details and manufacturer's specifications for pumps and switching system shall be submitted for approval prior to issue of construction certificate.
- (c) An 88B positive covenant shall be placed on the property title. This requires the property owner to be responsible for the proper maintenance and repair of the abovementioned pumps, pipes and pit system. Council is the Authority benefited and the property owner is burdened by this restriction. Evidence of the creation of the positive covenant shall be forwarded to Council prior to the

issue of an OC.

Roadworks

127. All roadworks and signposting is to be completed to Liverpool Council requirements, at no expense to Liverpool Council or Roads and Maritime Services.

Footpaths

128. Construction of 1.5m wide by 100mm thick (with one layer of SL72 reinforcing mesh) concrete path paving on one side of all residential access roads and both sides of all collector and distributor roads. Path paving will not be required in minor cul-de-sac with less than fifteen lots.

Rectification of Damage

129. Prior to the issue of an Occupation Certificate any damage to Council infrastructure not identified in the dilapidation report, as a result of the development shall be rectified at no cost to Council.

Any rectification works within Nuwarra Road and Kalimna Street will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing.

Service Providers

130. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the PCA prior to issue of Occupation Certificate.
131. Notification of arrangement for the development from Endeavour Energy shall be submitted to Council.
132. Prior to the issue of an occupation certificate, written certification from all relevant service providers that the telecommunications infrastructure is installed in accordance with:
- (a) The requirements of the Telecommunications Act 1997;
 - (b) For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
 - (c) For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connection of optic fibre technology telecommunications.

Garbage Services

133. The developer/owner of the site is to contact Liverpool Council- Waste Management Section to determine the required number of waste and recycle bins for the residential component of the development as well as servicing requirements. These waste and recycle bins are to be kept at all times within the residential waste storage rooms except before and after collection days. Waste and Recycle bins are to be returned to the storage rooms within 24 hours of collection.

Waste

134. All waste products associated with the use of the residential flat building are to be placed in containers and stored within the building.
135. A 'restriction as to user' is to be placed on the title of the property at the Applicant's expense, which may not be altered or removed without Council's consent, which states:
- 'Liverpool City Council is not responsible for the provision of any green waste services or green waste bins to this property.'*
136. All waste management facilities, equipment (except waste bins), features and permanent signage will be installed and operational prior to the issue of an Occupation Certificate

Dilapidation Report

137. The construction of concrete footpath paving and associated works along the frontage of the site. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall in accordance with Council's specifications.

F. GENERAL CONDITIONS

The following general conditions shall be complied with at all times:

Car Parking / Loading

138. A total of 37 off street residential and 6 visitor car parking spaces must be provided. 3 of the spaces must be designed and signposted/marked for the specific use of persons with a disability.
139. All parking areas shown on the approved plans must be used solely for this purpose.
140. The operator of the development must not permit the reversing of vehicles onto or away from the road reserve, including any garbage and recycling collection vehicles. All vehicles must be driven forward onto and away from the development and adequate space must be provided and maintained on the land to permit all vehicles to turn in accordance with AS 2890.1 Parking Facilities – Off Street Car Parking.
141. All line marking and sign posting is to be maintained in good condition at all times, to the satisfaction of Council.
142. Council's on-street assets should be protected at all times. Any damages should be rectified to Council satisfaction.

Landscaping

143. Landscaping shall be maintained in accordance with the approved plan, in a healthy state and in perpetuity by the existing or future owners and occupiers of the development. If any of the vegetation comprising the landscaping dies or is removed, it is to be replaced with vegetation of the same species, and similar maturity as the vegetation which has died or was removed.

Mail-boxes

- 144. The mailboxes must not be accessed by universal keys and must each have their own keys for private access.
- 145. Vegetation must not cover or obstruct natural surveillance to the mailboxes.

Noise and Environmental Emissions

- 146. The intruder alarm/s associated with the development shall only be permitted to operate in accordance with the requirements of Clause 53 of the Protection of the Environment Operations (Noise Control) Regulation 2000 under the POEO Act.

Waste Management

- 147. After the issue of the occupation certificate, but before occupants start to move in, Council must be contacted to arrange the delivery of the waste bins for the development. Please call Council on 1300 36 2170 to arrange for the delivery of the bins.

Waste bins must be presented to the kerbside at Kalimna Street by agents of the strata no earlier than the evening before collection day. The bins must be brought back into the waste storage room as soon as possible and no more than 24 hours after collection.

The cleaning and maintenance routine of the bin storage area as detailed in the approved waste management plan must be adhered to in the ongoing use of the building.

- 148. Waste must be adequately secured and contained within designated waste areas and must not leave the site onto neighbouring public or private properties.
- 149. Waste bins must be stored in designated garbage areas, which must be kept tidy at all times. Bins must not be stored or allowed to overflow in parking or landscaping areas, must not obstruct the exit of the building, and must not leave the site onto neighbouring public or private properties.
- 150. Bins must be moved from the waste room to the loading / unloading areas in the basement for collection by agents of the body corporate or strata management, or individual owners. The bins shall be collected from the loading / unloading area and returned as soon as possible after collection by the same persons.
- 151. Sufficient space shall be provided within each dwelling for the storage of a minimum of one day's waste and recycling.
- 152. The development is required to be serviced by a waste collection contractor, once in any one week.

Waste Storage Area

- 153. Any bin bays must be:
 - (a) Allocated with sufficient space within the bin bay to allow for access to all required bins by residents and waste collectors, as well as manoeuvring of bins within the bay and for the removal and return of bins by the waste collector;
 - (b) Provided with signage to be prominently displayed in each bin bay, or waste service

room, as appropriate indicating that:

- (i) Only recyclable materials accepted by Council are to be placed within the recycling bins;
- (ii) A phone number to be displayed for arranging disposal of bulky items; and
- (iii) Maximum compaction ratio is 2:1.

Washing on Balconies

154. The hanging of washing, including any clothing, towels, bedding or other article of a similar type on any balcony shall not be visible from any street.

G. ADVISORY

- a) Sections 8.2, 8.3, 8.4 & 8.5 of the Environmental Planning and Assessment Act 1979 allow Council to reconsider your proposal. Should you wish to have the matter reconsidered you should make an application under that section with the appropriate fee.
- b) Under Sections 8.7 & 8.10 of the of the Environmental Planning and Assessment Act 1979 applicants who are dissatisfied with the outcome of a consent authority have a right of appeal to the Land and Environment Court. This right must be exercised within six (6) months from the date of this notice. The Court's Office is situated at Level 1, 225 Macquarie Street, Sydney (Telephone 9228 8388), and the appropriate form of appeal is available from the Clerk of your Local Court.
- c) In accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979, unless otherwise stated by a condition of this consent, this consent will lapse unless the development is commenced within five years of the date of this notice.
- d) To confirm the date upon which this consent becomes effective, refer to Section 4.20 of the Environmental Planning and Assessment Act 1979. Generally the consent becomes effective from the determination date shown on the front of this notice. However if unsure applicants should rely on their own enquiries.
- e) To confirm the likelihood of consent lapsing, refer to Section 4.53 of the Environmental Planning and Assessment Act 1979. Generally consent lapses if the development is not commenced within five years of the date of approval. However if a lesser period is stated in the conditions of consent, the lesser period applies. If unsure applicants should rely on their own enquiries.
- f) In accordance with Sections 8.8 and 8.10 of the Environmental Planning and Assessment Act 1979, an objector who is dissatisfied with the determination of a consent authority to grant consent to a development application for designated development (including designated development that is integrated development), may, within 28 days after the date on which the application is taken to have been determined, appeal to the Land and Environment Court.
- g) The approval of this application does not imply or infer compliance with the Disability Discrimination Act and that the developer should investigate their liability under the Act.
- h) The requirements of all authorities including the Environmental Protection Authority and the Work Cover Authority shall be met in regards to the operation of the building.
- i) "DIAL BEFORE YOU DIG"

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

j) TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

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

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

ATTACHMENT 6: SECTION 7.11 CONTRIBUTIONS

**CONTRIBUTIONS PURSUANT TO SECTION 7.11 OF THE ENVIRONMENTAL
PLANNING & ASSESSMENT ACT, 1979****Liverpool Contribution Plan 2018 (Established Areas)****APPLICANT:** Kennedy Associates Architects**LAND:** 2 Kalimna Street and 86 Nuwarra Road, MOOREBANK**PROPOSED DEVELOPMENT:** Demolition of existing structures and construction of a 5-storey residential flat building containing 24 units above 2 levels of basement car park and consolidation of two lots into one lot.

<u>Facilities</u>	<u>Amount (\$)</u>	<u>Job No.</u>
Liverpool Contributions Plan 2018 Established Areas		
Community Facilities - works		
Eastern	\$9,373	GL.10000001870.10098
District Sporting Fields - works		
Eastern	\$32,032	GL.10000001869.10212
District Passive Open Space - works		
Eastern	\$16,611	GL.10000001869.10092
Local Passive Open Space - works		
Moorebank	\$45,076	GL.10000001869.10100
Transport - Bikeways - works		
Eastern	\$3,198	GL.10000001865.10208
Transport - Traffic management - works		
Eastern	\$9,113	GL.10000001865.10214
Drainage - works		
Eastern	\$4,401	GL.10000001866.10210
Administration	\$1,797	GL.10000001872.10104
<u>TOTAL</u>	<u>\$121,602</u>	

Item no:	2
Application Number:	DA-228/2019
Proposed Development:	The demolition of existing structures and the construction of a multi storey dwelling housing development consisting of 4 by two storey dwellings and 4 lot Strata Title subdivision.
Property Address	14 Dredge Avenue, Moorebank
Legal Description:	Lot 48, DP 237237
Applicant:	CAMPBELL HILL GROUP
Land Owner:	Mr Nader Mannoun
Cost of Works:	\$880,000
Recommendation:	Approved subject to conditions of consent
Assessing Officer:	Mark Raikhman (APP Corporation Pty Ltd)

2. EXECUTIVE SUMMARY

Council has received a Development Application (DA-228/2019) seeking consent for the proposed demolition of existing structures and construction of a multi storey dwelling housing development including four (4) by two storey dwellings with strata subdivision at Lot 48, DP 237237, No. 14 Dredge Avenue, Moorebank.

The site is zoned R3 Medium Density Residential pursuant to Liverpool Local Environmental Plan 2008 and the proposed development is permissible with consent.

The development application was notified for a period of 14 days from 16 April 2019 to 3 May 2019 in accordance with Liverpool Development Control Plan 2008. Two (2) submissions were received during the public consultation period objecting to the proposal. The issues of concern raised in the submissions can be summarised as follows:

- Insufficient on-site parking provision.
- Overdevelopment of the site.
- Visual privacy impacts to internal areas and private open space associated with neighbouring properties.
- Height of the rear boundary fence insufficient to provide adequate screening of the proposed development.

The key issues associated with the proposal relate to:

- Unit 2 and 3 internal amenity; and
- Townhouse and villa development on small blocks:
 - Parking arrangement of Units 2 and 3; and
 - First floor rear setback.
- Side setbacks;
- Orientation;
- First floor GFA; and
- Landscape.

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

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

2. SITE DESCRIPTION AND LOCALITY

2.1 The locality

The area is characterised by low density residential development with single or double storey dwellings constructed of fibro, weatherboard and brick veneer with private open space located to the rear of each property. The site is located within 350 metres of the Moorebank Shopping Centre.

Although the locality is currently characterised by single and double storey dwellings, land north of Dredge Avenue (including the site) is zoned R3 Medium Density Residential and land south of Dredge Avenue is zoned R4 High Density Residential. Built form transition is underway in both of these zones.



Figure 1: Locality Surrounding 14 Dredge Avenue, Moorebank (Source: Nearmap)

The adjoining properties to the development site are detailed in the following table.

South (front)	11 Dredge Avenue, Moorebank (southern side of Dredge Avenue)
North (rear)	13 Lucas Avenue, Moorebank
East (side)	16 Dredge Avenue, Moorebank
West (side)	12 Dredge Avenue, Moorebank

Each of these sites is occupied by a single detached dwelling house.

2.2 The site

The subject site is legally identified as Lot 48 in DP 237237, 14 Dredge Avenue, Moorebank. It has a 21.16 metre frontage to Dredge Avenue and a depth of 36.575 metres, with a total area of 701.9m². Currently, the subject site contains a single storey brick and clad house with a tiled roof, carport and a shed.



Figure 2: Aerial view of the site (*Source: Nearmap*)

3. BACKGROUND/HISTORY

- No pre-DA was held for the site.
- 4 April 2019: the application is lodged with Council.
- 13 May 2019: the application is referred to APP Corporation Pty Ltd for assessment due to pecuniary interests identified in the development application form.
- 22 May 2019: Council requests additional information from the Applicant regarding waste and landscape issues raised by Council's officers, infrastructure issues raised by Endeavour Energy and issues raised during the public notification period.
- 19 June 2019: On behalf of Council, APP Corporation Pty Ltd requests further additional information relating to internal amenity, appearance of the development, dwelling size and landscaping. It was requested that an FSR calculation diagram be attached to the amended architectural set.
- 27 June 2019: Amended architectural plans and additional information received to APP. Whilst the amended plans resolved dwelling size issues, the internal amenity issues are resolved only in part.
- 1 July 2019: APP requests further amendments to internal layouts.
- 2 July 2019: Amended architectural plans which adequately respond to internal amenity issues are received. These are referred to Council's waste and landscape officers. The amended plans form the basis of this assessment.

4. DETAILS OF THE PROPOSAL

The development application seeks approval for the demolition of existing structures and construction of a multi storey dwelling housing development including four (4) by two storey dwellings with strata subdivision. The proposal involves the following:

Demolition:

The proposal seeks approval for demolition of the following:

- A single storey brick and clad detached dwelling house;
- A carport between the western elevation of the dwelling house and the western boundary;
- A shed in the north-western corner of the site;
- A single tree within the rear private open space of the existing dwelling house; and
- A single tree within the verge to Dredge Avenue.

Multi Dwelling Housing Development:

The proposal seeks approval for development of four (4) units, each with:

- Ground floor: single car garage and pedestrian entry from Dredge Avenue, open plan living/dining and kitchen orientated to the private open space at the rear of the dwelling, laundry and W/C and a stairway to the first floor.
- First floor:
 - Unit 1 and 4: master bedroom and ensuite, two additional bedrooms, shared bathroom and a balcony orientated towards Dredge Avenue.
 - Unit 2 and 3: master bedroom and ensuite, one additional bedroom, shared bathroom and a balcony orientated towards Dredge Avenue.

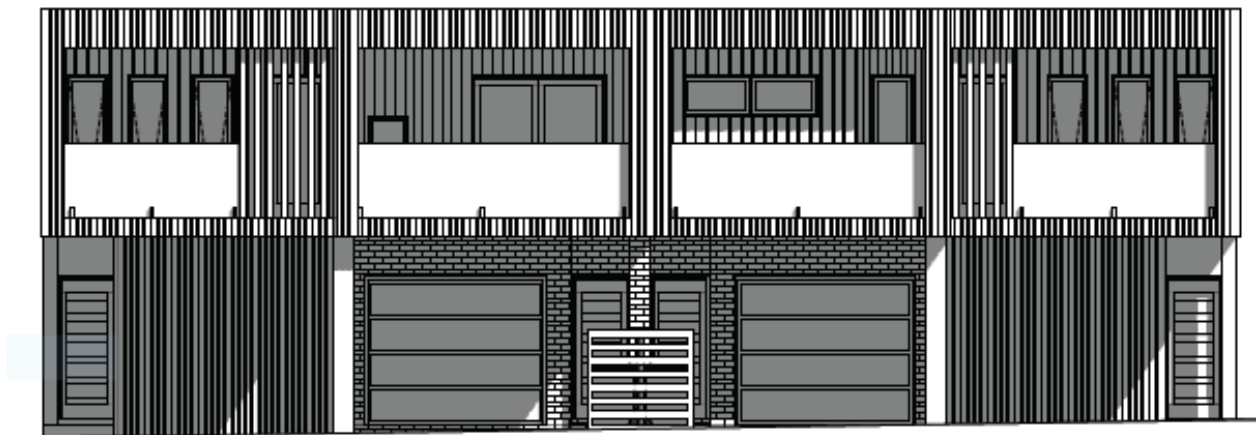


Figure 2: Streetscape elevation (14 Dredge Avenue, Moorebank – *Streetscape*)

5. STATUTORY CONSIDERATIONS

5.1 Relevant matters for consideration

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

- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (now deemed SEPP);
- Liverpool Local Environmental Plan (LLEP) 2008;
- Liverpool Development Control Plan (LDCP) 2008;
 - Part 1: General Controls for All Development; and
 - Part 3.6: Multi Dwelling Housing (Terraces, Townhouses and Villas) in the R3 and R4 Zones.

Contributions Plans

- Liverpool Contributions Plan 2018 Established Areas applies to the site subject of this development application pursuant to Section 7.11 of the EPA & Act.

6. ASSESSMENT

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

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

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

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

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

The objectives of SEPP 55 are:

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

Clause 7 - Contamination and remediation to be considered in determining development application	Comment
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(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 that the land is contaminated given that it has been used for residential purposes since original subdivision of Moorebank in the late 1960s-1970s.
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and	The land is suitable for the proposed works and as it is unlikely that the land is contaminated.
(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 above.

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

(b) State Environmental Planning Policy (BASIX) 2004

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

A BASIX Certificate has been submitted for the proposed development. A condition of consent will be imposed requiring the applicant to provide an updated BASIX Certificate prior to the release of any Construction Certificate.

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

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

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

The Development Application was referred to Council's Land Development Engineers who reviewed the stormwater management and drainage associated with the proposal. They were supportive of the proposed development, subject to conditions of consent. Accordingly, the proposed development is considered to meet the objectives of the SEPP and is unlikely to have a negative impact on the environmental quality of the Georges River Catchment.

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

(f) **Liverpool Local Environmental Plan 2008**

(i) **Zoning**

The subject site is zoned R3 Medium Density Residential pursuant to the LLEP 2008. An extract of the zoning map is provided in Figure 3 below.



Figure 3: Zoning Map (Source: ePlanning Spatial Viewer)

(ii) **Permissibility**

The proposed development is best described as multi dwelling housing and identified as a permitted land use with consent within the R3 Medium Density Residential Zone under Liverpool Local Environment Plan 2008. Multi dwelling housing is defined as:

multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

(iii) **Objectives of the zone**

The objectives of the R3 Medium Density Residential zone are as follows:

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide for a concentration of housing with access to services and facilities.
- To provide for a suitable visual transition between high density residential areas and lower density areas.
- To ensure that a high level of residential amenity is achieved and maintained.

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

- The proposal replaces an existing detached dwelling house with multi dwelling housing containing four dwellings:
 - Improving housing supply and diversity within Moorebank; and
 - Providing for a concentration of housing within 350 metres of Moorebank Shopping Centre and 450 metres of bus services on Newbridge Road.
- The proposal is consistent with the desired future character for a medium density residential environment, transitioning to higher residential densities on the southern side of Dredge Avenue; and
- Retains a high degree of amenity to neighbouring properties:
 - Solar access to private open space and habitable rooms in neighbouring development retained in accordance with DCP requirements; and
 - Visual and acoustic privacy impacts to neighbouring development adequately managed through:
 - The provision of 1.8 metre-high fencing to screen ground floor windows;
 - First floor windows comprising obscured glass blocks;
 - All proposed balconies are orientated towards the street, without creating opportunities for oblique views to neighbouring properties; and
 - Provision of landscaped treatment along the entire length of the rear boundary imposed through a condition of consent.

(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	Comment
Part 4 Principal Development Standards		
2.7 Demolition	The demolition of a building or work may be carried out only with development consent	Demolition of existing dwellings and ancillary structures is proposed as part of this application. Conditions of consent to be imposed.
4.1 Minimum subdivision lot size	250m ²	Strata subdivision is proposed. No minimum lot size applies to the registration of a strata plan or strata plan of subdivision under Clause 4.1(4)(a) of LLEP 2008.
4.3 Height of Buildings	8.5 metres	The proposal has a maximum height of 6.7 metres, compliant with the maximum permitted height.
4.4 Floor Space Ratio	0.5:1 per Clause 4.4(2) of LLEP 2008; PLUS 0.05:1 per Clause 4.4(2A) TOTAL = 0.55:1	The proposal has a FSR of 0.54:1, compliant with the maximum permitted FSR.
6.5 Public Utility Infrastructure	Public utility infrastructure must be available	The site has access to existing public utility infrastructure.

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

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

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

6.3 Section 4.15(1)(a)(iii) - Any Development Control Plan**(a) Liverpool Development Control Plan (LDCP) 2008**

The application has also been assessed against the relevant controls of the LDCP 2008, particularly *Part 1 General Controls for all Development and Part 3.6 Multi Dwelling Housing (Terraces, Townhouses and Villas) in the R3 and R4 Zones*.

The development generally complies with the provisions of the LDCP 2008 except in relation to rear and side setbacks and first floor GFA controls as detailed within the tables below.

Overall, the proposal is considered to be consistent with the key controls outlined in the LDCP 2008.

LDCP 2008 Part 1 – General Controls for all Development			
Control	Required	Proposal	Compliance
Section 2 – Tree Preservation	Consider impact of development on existing vegetation	The existing tree in the rear private open space and in the Dredge Avenue verge are proposed to be removed. A comprehensive landscape plan is made a condition of consent. The comprehensive landscape plan will ensure that there is a net increase in vegetation across the site, as well as mitigate privacy impacts to neighbouring development.	Conditions to be imposed
Section 3 – Landscaping and Incorporation of Existing Trees	Incorporation of existing trees into development where appropriate	The existing trees on site are proposed to be removed.	Conditions to be imposed
Section 4 – Bushland and Habitat Preservation	Consider impact of development on bushland and habitats	The site is located within an established urban area, containing one existing tree. It is not mapped as comprising environmentally sensitive land under LLEP 2008. As the site is located over 700 metres from the nearest riparian corridor associated with the Chipping Norton Lakes, the proposed development is unlikely to impact any intact bushland or habitats.	N/A
Section 5 – Bushfire Risk	Land on or adjacent to bushfire prone land to	Site is not classified as bushfire prone land.	N/A

	comply with RFS requirements		
Section 6 – Water Cycle Management	Consideration of stormwater and drainage	Stormwater will be collected through the proposed downpipes and discharged to the existing drainage easement along the rear boundary of the site.	Complies
Section 7 – Development Near a Watercourse	Consideration of impact to riparian corridors	The site is located over 700 metres from the nearest riparian corridor associated with the Chipping Norton Lakes. It is not mapped as comprising environmentally sensitive land under LLEP 2008.	N/A
Section 8 – Erosion and Sediment Control	Sediment Control Plan or Soil and Water Management Plan required	Sediment control details have been submitted as part of this application. A condition is imposed to ensure adequate sediment erosion controls undertaken at the site during construction and works.	Complies
Section 9 – Flooding Risk	Flood affection of property to considered	The site is not located within flood prone land.	Complies
Section 10 – Contaminated Land Risk	Previous use to be considered in assessing risk	The site has been occupied by residential uses since its original subdivision and development. There is nothing to suggest that there are any sources of contamination within the site.	N/A
Section 11 – Salinity Risk	Salinity Management response required for affected properties	The site is not affected by salinity.	N/A
Section 12 – Acid Sulfate Soils Risk	Affected properties to consider impact of development on soils	The site is not affected by Acid Sulfate Soils.	N/A
Section 13 – Weeds	Noxious weeds to be removed as part of development where applicable	The submitted site analysis does not identify any noxious weeds on site.	N/A
Section 14 – Demolition of Existing Development	Must comply with AS 2601-2001	The existing dwelling and ancillary structures are proposed to be demolished. Conditions of consent are imposed.	Complies Condition of consent imposed
Section 15 – Onsite Sewage Disposal	S68 Application required where connection to sewer not available	The site is connected to sewer.	N/A

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Section 16 – Aboriginal Archaeology	AHIA required where items of aboriginal archaeology exist	No known items of aboriginal archaeology are present on the subject property.	N/A
Section 17 – Heritage and Archaeology	Consideration of the impact on the heritage significance on any heritage buildings, sites, streetscapes or areas.	The site is not associated with any heritage items.	N/A
Section 18 – Notification of Application	Multi dwellings are to be notified to adjoining properties which are located up to 75m from the subject land.	The proposal was notified to adjoining properties from 16 April to 3 May 2019. Two (2) submissions have been received during the notification period which raise objections to the proposal. These submissions have been taken into consideration during the assessment process and are discussed within this report.	Complies
Section 19 – Used Clothing Bins	Applies to any charity bins located on either private or Council land.	No charity bins located on site.	N/A
Section 20 – Car Parking and Access	<p>1 space per small dwelling (< 65sqm) or 1 bedroom</p> <p>1.5 spaces per medium dwelling (65 - 110sqm) or 2 bedrooms</p> <p>2 spaces per large dwelling (> 110sqm) or 3 or more bedrooms</p> <p>1 visitor car space for every 4 dwellings or part thereof</p>	<p>Based on Council DCP, the required parking spaces are:</p> <ul style="list-style-type: none"> • 2 x 3 bedroom dwellings @ 2 spaces per dwelling = 4 spaces • 2 x 2 bedroom dwellings @ 1.5 spaces per dwelling = 3 spaces • Visitor parking @ 1 space per 4 dwellings = 1 space <p>Total = 8 spaces</p> <p>The development provides a single garage and a hard stand space in front of the garage for each unit, accommodating a total of 8 parking spaces. The proposed parking provision is therefore compliant with the DCP requirement.</p>	Complies

LDCP 2008 Part 3.6 – Multi Dwelling Hosing (Terraces, Townhouses and Villas) in the R3 and R4 Zones

Control	Required	Proposal	Comment
Subdivision,	The minimum lot size	Development pursuant to section 4 of LDCP	Complies

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Frontage and Lot Size	for multi dwelling housing is 1,000m ² . Where development pursuant to section 4 is proposed, the minimum lot size shall be 650sqm.	2008 is proposed, requiring a minimum lot size of 650m ² . The existing lot area of 701.9m ² is retained.	
	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.	Development pursuant to section 4 of LDCP 2008 is proposed, requiring a minimum street frontage of 18 metres. The site has a 21.16 metre frontage to Dredge Avenue.	Complies
Site Planning	Site layout should consider, and as far as possible minimise overshadowing, acoustic and visual intrusion on neighbouring and on site dwellings.	The proposed development will result in acceptable overshadowing impacts to neighbouring dwellings: <ul style="list-style-type: none"> • 12 Dredge Avenue: 2 hour loss of solar access to east-facing windows between 9 and 11am. • 16 Dredge Avenue: 1 hour loss of solar access to west-facing windows between 2 and 3pm. The visual and acoustic privacy of adjoining properties is ensured: <ul style="list-style-type: none"> • All east and west-facing ground floor windows being obscured by 1.8 metre-high fence along the common boundary; • All east and west-facing windows comprising obscure glass blocks; and • First floor balconies being orientated towards the street, away from neighbouring properties. 	Complies
	There must be a direct link from at least one living area to the principal private open space.	All units have direct access from the living/dining room to the associated private open spaces.	Complies
	The siting of windows of habitable rooms on the first floor shall minimise overlooking to the principal private open space of neighbouring properties.	All first floor east and west-facing windows in the proposed development are either obscured glass blocks (corridor windows) or high sill windows (bedrooms).	Complies
	Stormwater from the site must be able to be drained satisfactorily. Where the site falls	Stormwater is to be collected through the proposed downpipes and discharged to the existing drainage easement running along the rear boundary of the site.	Complies

	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 siting of dwellings shall be orientated to maximise solar access to both external courtyards and internal living areas.	<p>The proposed private open space and living/dining rooms in each of the dwellings achieve a high degree of solar access due to north-facing windows and skylights (Units 1 and 4 only).</p> <p>At the first floor:</p> <ul style="list-style-type: none"> Units 1 and 4 achieve acceptable solar access through north-facing windows to the master bedroom and east (Unit 1) and west-facing windows (Unit 4) from the corridor and bedrooms. Units 2 and 3 have limited solar access (one north-facing window in Bedroom 2 in both units). This is an acceptable outcome as the first floors of both units are primarily dedicated to bedrooms which are unlikely to be occupied during the day. 	Considered Acceptable
	Where possible all existing substantial vegetation on site shall be retained.	The existing tree in the rear private open space and in the Dredge Avenue verge are proposed to be removed. A comprehensive landscape plan is required as a condition of consent. The comprehensive landscape plan will ensure that there is a net increase in vegetation across the site and will mitigate privacy impacts to neighbouring development.	Conditions to be imposed
	Multi Dwelling Housing is not permitted on cul-de-sac heads or streets with a carriageway width of less than 6.5m.	The proposed multi dwelling development is not situated on a cul-de-sac or street with a carriageway width less than 6.5m.	Complies
Townhouse and Villa	At least two dwellings must have a maximum	The gross floor area of Units 2 and 3 does not exceed 80m ² .	Considered Acceptable

Development on an 18m frontage block	<p>floor space of 80sqm.</p> <ul style="list-style-type: none"> – These dwelling must have a maximum of two bedrooms. – These dwellings must have a carport, rather than a garage. This control applies over Section 7 – Car Parking and Access. 	Both Units 2 and 3 provide a garage, as opposed to a carport. This is considered acceptable as it is consistent with Units 1 and 4, ensuring that the development has a unified appearance when viewed from the street.	
	<p>Dwellings at the rear of the property must not be more than 1 storey high. An attic is permitted.</p> <ul style="list-style-type: none"> – The rear of the property for Section 4 means all land 15m from the rear property boundary. 	<p>Units 2 and 3 in the proposed development have compliant first floor rear setbacks. Lesser setbacks are provided to Units 1 (8.91 metres) and 4 (10.03 metres).</p> <p>This is deemed acceptable as it as a consequence of the provision of an additional bedroom at the rear of Units 1 and 4 which:</p> <ul style="list-style-type: none"> • Provides for housing mix within the development and in the broader Moorebank area; • Are located at the rear of the development, ensuring that there is no streetscape impact; • Has acceptable overshadowing impacts; • Incorporates high sill windows, ensuring that privacy impacts to neighbouring development is minimised; and • Includes setbacks which provide adequate separation to neighbouring development to the north. Additional screening is provided by the imposition of a condition of consent requiring the provision of a comprehensive landscape plan, including planting along the northern boundary. 	Considered Acceptable
	At least one dwelling should face and address the street.	All units in the proposed development are orientated towards Dredge Avenue.	Complies
	All dwellings built must conform to the Controls listed within this Part.	Any non-compliances with the controls in Part 3.6 of LDCP 2008 are considered acceptable on a merit basis.	Considered Acceptable
Front Setback	A front setback of 4.5m is required for both the ground floor and the first floor.	The proposed development is setback a minimum of 5.85 metres from Dredge Avenue.	Complies

Garage Setback	<p>A garage setback of 5.5m is required for the development.</p> <p>The garage is to be set 1m behind the main building line.</p>	Garages are setback a minimum of 6.85 metres from Dredge Avenue, including a 1 metre setback behind the front building line.	Complies																		
Side Setback	<p>Ground floor without windows to habitable rooms – 0.9m.</p> <p>A ground floor with windows to habitable rooms – 4m.</p> <p>First floor without windows to habitable rooms – 1.2m.</p> <p>First floor windows to habitable rooms and neighbouring private open space – 4m.</p>	<p>Units 1 and 4 include both habitable and non-habitable windows facing neighbouring development. As detailed in the table below:</p> <ul style="list-style-type: none"> Ground floor and first floor non-habitable room windows are compliant with setback requirements. Ground floor and first floor habitable room windows are non-compliant with setback requirements. <p>Ground floor habitable room window setbacks are acceptable as these will be screened by a 1.8 metre high fence along the common boundary with neighbouring development.</p> <p>First floor habitable room window setbacks are acceptable as these are high sill windows from the bedrooms which are unlikely to be used during day time.</p> <table border="1"> <thead> <tr> <th></th><th></th><th>Required setbacks (m):</th><th>Proposed setbacks (m):</th></tr> </thead> <tbody> <tr> <td rowspan="2">GF:</td><td>2 x non-habitable</td><td>0.9</td><td>1.2</td></tr> <tr> <td>2 x habitable</td><td>4</td><td>1.2</td></tr> <tr> <td rowspan="2">FF:</td><td>2 x non-habitable</td><td>1.2</td><td>1.2</td></tr> <tr> <td>2 x habitable</td><td>4</td><td>1.2</td></tr> </tbody> </table>			Required setbacks (m):	Proposed setbacks (m):	GF:	2 x non-habitable	0.9	1.2	2 x habitable	4	1.2	FF:	2 x non-habitable	1.2	1.2	2 x habitable	4	1.2	Considered Acceptable
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	2 x habitable	4	1.2																		
Secondary Setback	A secondary setback of 2.5m is required.	The site is not a corner allotment and has no secondary setback.	N/A																		
Rear Setback	<p>Ground floor without windows to habitable rooms – 4m</p> <p>Ground floor with windows to habitable rooms – 4m</p> <p>First floor without windows to habitable rooms – 4.5m</p>	<p>The proposed development has minimum rear setback as follows:</p> <ul style="list-style-type: none"> Ground floor: 8.89 metres. First floor: 8.91 metres. 	Complies																		

	First floor with windows to habitable rooms and neighbouring private open space – 6m																	
Landscaped Area	A minimum of 20% of the site area shall consist of a Landscape Area, this may include lawn, deep rooted trees, garden beds and mulched areas.	The proposed development includes 267.07m ² (38.05%) of landscaped area.	Complies															
	A minimum unencumbered area of 4 x 5m shall be provided in rear setback to accommodate deep rooted trees.	Each unit in the proposed development includes a 4 x 5 metre unencumbered area within the rear setback.	Complies															
Private Open Space	Dwelling size of <65sqm – 30sqm Dwelling size of 65-100sqm – 40sqm Dwelling size of >100sqm – 50sqm	As detailed in the table below, the proposed development is compliant with the minimum private open space requirements. <table><tr><td></td><td>Required POS (m²):</td><td>Proposed POS (m²):</td></tr><tr><td>Unit 1 (108.16m²):</td><td>50</td><td>50.19</td></tr><tr><td>Unit 2 (79.02m²):</td><td>40</td><td>48.44</td></tr><tr><td>Unit 3 (79.06m²):</td><td>40</td><td>49.36</td></tr><tr><td>Unit 4 (112.22m²):</td><td>50</td><td>55.52</td></tr></table>		Required POS (m ²):	Proposed POS (m ²):	Unit 1 (108.16m ²):	50	50.19	Unit 2 (79.02m ²):	40	48.44	Unit 3 (79.06m ²):	40	49.36	Unit 4 (112.22m ²):	50	55.52	Complies
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	A minimum of 50% of the Private Open Space area must receive 3 hours of sunlight between 9:00am and 5:00pm on 21 June.	More than 50% of the private open space at the rear of each of the units in the proposed development receives more than 3 hours of sunlight between 9am and 5pm on 21 June.	Complies															
Cut and Fill	The maximum cut on site cannot exceed 500mm. The maximum fill on site cannot exceed 1m.	The maximum proposed cut does not exceed 500mm. The maximum proposed fill does not exceed 1m.	Complies															
Building Design and Appearance	Unit/s with a street frontage shall orientate the main entrance and where possible at least	All of the units in the proposed development are orientated towards Dredge Avenue. Living areas orientated towards the rear to maximise northern aspect and solar access.	Considered Acceptable															

	one living area towards the street.																											
	Entry points shall be enhanced/emphasised to all dwellings especially those facing the street.	All pedestrian and vehicular entry points are directly visible from the street.	Complies																									
	The first floor of the townhouse developments must be no greater than two thirds of the ground floor area.	<p>As detailed in the table below, all units in the development have non-compliant first floor living areas. The non-compliances of Units 2 (1.22m²) and 3 (1.26m²) are considered marginal and are therefore acceptable.</p> <p>Non-compliances in Unit 1 (20.21m²) and 4 (20.92m²) are more significant. These are considered acceptable as they are as a consequence of an additional bedroom at the rear of both units which:</p> <ul style="list-style-type: none">• Provides for housing mix within the development and in the broader Moorebank area;• Are located at the rear of the development, ensuring that there is no streetscape impact;• Has acceptable overshadowing impacts;• Incorporate high sill windows, ensuring that privacy impacts to neighbouring development are minimised;• Have adequate separation from the rear boundary (8.91 metres at Unit 1 and 10.03 metres at Unit 4), with additional screening to be provided as part of a comprehensive landscape plan, made a condition of consent. <table><tr><td></td><td>Unit 1 (m²):</td><td>Unit 2 (m²):</td><td>Unit 3 (m²):</td><td>Unit 4 (m²):</td></tr><tr><td>GF (including garage)"</td><td>63.64</td><td>57.55</td><td>57.55</td><td>65.65</td></tr><tr><td>Maximum FF:</td><td>42.43</td><td>38.37</td><td>38.37</td><td>43.77</td></tr><tr><td>Proposed FF:</td><td>62.64</td><td>39.59</td><td>39.63</td><td>64.69</td></tr><tr><td>Non-compliance:</td><td>20.21</td><td>1.22</td><td>1.26</td><td>20.92</td></tr></table>		Unit 1 (m ²):	Unit 2 (m ²):	Unit 3 (m ²):	Unit 4 (m ²):	GF (including garage)"	63.64	57.55	57.55	65.65	Maximum FF:	42.43	38.37	38.37	43.77	Proposed FF:	62.64	39.59	39.63	64.69	Non-compliance:	20.21	1.22	1.26	20.92	Considered Acceptable
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	Building facades shall be articulated and roof form is to be varied to provide visual variety.	Each unit in the proposed development is adequately defined through built form articulation.	Complies																									

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	Walls shall be a mix of masonry, rendered and or bagged, and painted, lightweight clad and painted and/or flush face brick. Justification will be required for 100% face brick facades or 100% rendered and painted brick and will be assessed on merit.	The proposed development comprises a mix of materials including exposed brick, timber cladding, aluminium cladding and glazing.	Complies
	Facades can be articulated by: - The use of different materials and detailing and / or Liverpool Development Control Plan 2008 Cut and Fill, Building Design, Streetscape and Layout Part 3.6 16 - The inclusion of balconies, varandahs, pergolas and landscaped beds.	The proposed facades of all units are articulated through the building design, changes in colours and finishes, architectural articulation and roof form.	Complies
	A sidewall must be articulated if the wall has a continuous length of over 10 m.	The proposed sidewalls have a continuous length which exceeds 10m. The proposed design of the sidewalls is however articulated through windows and material and finishes.	Complies
	The entrance of each dwelling shall be emphasised.	All pedestrian and vehicular entry points are directly visible from the street.	Complies
	Units built at the rear of the allotment must take into consideration privacy of neighbouring properties. The use of windows with high sill heights should be used to avoid potential privacy issues.	The proposed development does not include any units at the rear of the site.	N/A
	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 proposed driveways narrow towards Dredge Avenue.	Considered Acceptable
	Attic floor space may	The proposed development does not include	N/A

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	be used when it is contained wholly within the roof pitch and will not be counted as a storey provided that the attic space is part of the dwelling unit.	an attic.	
	Space used for car parking shall be included as a storey if the ceiling of the car parking level exceeds more than 1m above the natural ground level.	The proposed development does not include basement parking.	N/A
	Townhouses built on steep or sloping blocks should be built of split-level construction.	The subject site is relatively flat. Split level construction is not required.	N/A
	Balconies are not permitted on the first floor of the side and / or rear portion of the dwelling. Balconies may be considered if they address public open space, communal open space and/or private driveways.	Each of the units in the proposed development include first floor balconies orientated towards Dredge Avenue.	Complies
	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.	No proposed blank walls which address the street frontage are proposed.	Complies
Internal Design	Multi Dwelling Housing located on street boundaries shall have habitable rooms located to the front of the dwelling for security and	No habitable rooms face the street at the ground floor level. This is deemed acceptable on the following grounds: <ul style="list-style-type: none"> The ground floor street elevation is entirely occupied by vehicular and pedestrian entry due to the constrained width of the site; and 	Considered Acceptable

	surveillance to the street.	<ul style="list-style-type: none"> First floor bedrooms and balconies create opportunities for casual surveillance over Dredge Avenue and achieve the intended outcome of the control in this particular instance. 	
	Living rooms should take advantage of northern aspects where possible.	All of the units in the proposed development are orientated to the north to maximise solar access.	Complies
	Access to private open space must be from at least one living room.	Each of the units in the proposed development include a rear private open space directly accessible from a living/dining room.	Complies
	The internal layout of the dwelling must incorporate cross ventilation.	Cross-ventilation is enabled through the provision of windows in all elevations.	Complies
	Bathrooms, ensuites, laundries and walk in wardrobes should be located to the side and the rear of the development.	All bathrooms, ensuites and laundries are located internally within the development.	Complies
	Locate active use rooms or habitable rooms with windows overlooking communal/public areas (e.g. playgrounds, gardens).	The subject site does not overlook communal or public areas.	N/A
Car Parking and Access	Internal Driveway and Car Parking Layout	Each unit in the proposed development provides two car parking spaces, including one garaged space and one space within the driveway. The application has been referred to Council Traffic Engineers who have raised no objection to the proposal and have provided conditions of consent.	Complies
	Refer to Part 1 for requirements for minimum widths for Internal Driveways.		
	The extent of paved area for driveways shall be kept to a minimum. Driveways abutting dwellings shall be kept to a minimum.	The extent of the paved area for the driveway is considered to be minimal, with proposed areas of landscaping included throughout the driveway length.	Complies
	Avoid large expanses of driveways, including concentrating double garages adjacent to each other.	As above.	Complies
	Land that is unlikely to be used for manoeuvring shall be	The proposed driveways are separated by landscaped area.	Complies

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	used for landscaping.		
	Access Driveways Driveways to the street shall be kept to a minimum.	Four driveways are provided to service each of the four units (each having one garage parking space and one hardstand space) in the proposed development.	Complies
	Driveways may be permitted to individual dwellings provided that the streetscape is not adversely affected and the application complies elsewhere with the DCP.	Individual driveways proposed as they will not have an adverse visual impact on the streetscape and have been supported by Council's Traffic Engineer.	Complies
	Kerbs shall be provided along the edge of all internal driveways. All traffic must be able to enter and exit the site in a forward direction.	No kerbs are provided along the edge of the internal driveways due to each driveway being intended to provide parking for no more than two (2) vehicles.	Considered Acceptable
Landscaping	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.	The landscape plan submitted as part of this application is not approved as part of this determination. The provision of a comprehensive landscape plan prepared by a qualified landscape architect to the satisfaction of Council's landscape officer has been included as a condition of consent. The comprehensive landscape plan is to be compliant with the DCP landscaping controls.	Conditions to be imposed
	Landscape planting should be principally comprised of native species to maintain the character of Liverpool and provide an integrated streetscape appearance. Species selected in environmentally sensitive areas should be indigenous to the locality. However, Council will consider the use of deciduous trees in small private open space areas such as courtyards for control of local	As above.	Conditions to be imposed

	microclimate and to improve solar access.		
	The landscaping shall contain an appropriate mix of canopy trees, shrubs and groundcovers. Avoid medium height shrubs (600 – 1800mm) especially along paths and close to windows and doors.	As above.	Conditions to be imposed
	Landscaping in the vicinity of a driveway entrance should not obstruct visibility for the safe ingress and egress of vehicles and pedestrians.	As above.	Conditions to be imposed
	Tree and shrub planting alongside and rear boundaries should assist in providing effective screening to adjoining properties. The minimum height of screening to be provided is 2.5 to 3m at maturity.	As above.	Conditions to be imposed
	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 habitable areas of dwellings or elsewhere as appropriate for gardener access in other forms of development.	No podium level planting is proposed.	N/A
	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	The driveways to Units 1 and 4 are separated from the common boundary with neighbouring development by over 2 metres.	Complies

	appearance of the internal driveway.		
	Landscaping shall be provided along the side and rear boundaries to provide privacy for adjoining residents.	The landscape plan submitted as part of this application is not approved as part of this determination. The provision of a comprehensive landscape plan prepared by a qualified landscape architect to the satisfaction of Council's landscape officer has been made a condition of consent. The comprehensive landscape plan is to be compliant with the DCP landscaping controls.	Conditions to be imposed
	A maximum of 30% of the front setback is to be paved or sealed, unless the area is used for direct access to a garage, carport or dwelling entry.	All areas within the front setback not dedicated to vehicular or pedestrian entry are provided as landscaped area.	Complies
	Trees adjacent to private open space areas and living rooms should provide summer shade and allow winter sun entry.	The landscape plan submitted as part of this application is not approved as part of this determination. The provision of a comprehensive landscape plan prepared by a qualified landscape architect to the satisfaction of Council's landscape officer has been made a condition of consent. The comprehensive landscape plan is to be compliant with the DCP landscaping controls.	Conditions to be imposed
	Any tree with a mature height over 8m should be planted a minimum distance of 3m from the building or utility services.	As above.	Conditions to be imposed
	Areas between a driveway and the windows of a dwelling shall be landscaped to provide privacy for the dwelling.	The proposed development does not include any units with ground floor windows orientated towards the driveway.	N/A
Overshadowing	Adjoining properties must receive a minimum of three hours of sunlight between 9am and 5pm on 21 June to at least; - One living, rumpus room or the like; and - 50% of the private open space.	Three (3) hours of solar access to adjoining properties is retained between 9am and 5pm on 21 June.	Complies
Privacy	Building siting, window location, balconies and fencing should take account of the	<ul style="list-style-type: none"> All east and west-facing ground floor windows are screened by a 1.8 metre-high fence along the common boundary; and 	Complies

	importance of the privacy of on site and adjoining buildings and outdoor spaces.	<ul style="list-style-type: none"> All east and west-facing first floor windows comprise obscure glass blocks (corridor) or high sill windows (bedrooms). 	
	Windows to habitable rooms should be located so they do not overlook such windows in adjoining properties, other dwellings within the development or areas of private open space.	As above.	Considered Acceptable.
	Landscaping should be used where possible to increase visual privacy between dwellings and adjoining properties.	The landscape plan submitted as part of this application is not approved as part of this determination. The provision of a comprehensive landscape plan prepared by a qualified landscape architect to the satisfaction of Council's landscape officer has been made a condition of consent. The comprehensive landscape plan is to be compliant with the DCP landscaping controls.	Conditions to be imposed

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

There are no Planning Agreements which apply to the development.

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

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

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

Natural and Built Environment

The proposed development is located within an established urban area, separated from the nearest riparian corridor associated with Chipping Norton Lakes by over 700 metres. Appropriate conditions of consent are imposed to ensure that stormwater is adequately managed during and post construction.

The proposed development has bulk and scale consistent with the desired future character for the R3 Medium Density Residential zone, providing built form transition to future high density residential development in the R4 High Density Residential zone on the southern side of Dredge Avenue. The above is achieved without significant impact on neighbouring development, including:

- Solar access to private open space and habitable rooms in neighbouring development retained in accordance with DCP requirements;
- Visual and acoustic privacy impacts to neighbouring development adequately managed through:
 - The provision of 1.8 metre-high fencing to screen ground floor windows;

- First floor windows constructed of obscured glass blocks (corridors) and high sill windows (bedrooms);
- All proposed balconies being street-facing, without creating opportunities for oblique views to neighbouring properties; and
- Landscaped treatment along property boundaries to be provided as part of the comprehensive landscape plan, the provision of which is made a condition of consent as part of this determination.

Social Impacts and Economic Impacts

The economic impacts of the proposed development are expected to be positive. The construction of the development will generate trade jobs in the short term and provide additional population in close proximity to the Moorebank Shopping Centre to support its longer term viability.

The proposal will have acceptable social impacts, providing two x 2-bedroom apartments and 2 x 3-bedroom units in place of the existing single storey detached dwelling house, providing increased housing supply and diversity within a transitioning medium density residential environment. Council's traffic engineer has confirmed that traffic generated by the proposed development is capable of being accommodated within the surrounding road network. Amenity impacts to neighbouring dwellings are deemed acceptable and are capable of being controlled through conditions of consent, as discussed in the above assessment.

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

The site is considered suitable for the development. It is located within an R3 Medium Density Residential zone where.. multi dwelling housing development is permitted with consent.

The site provides for landscaped areas and private open space in accordance with Section 6 of Part 3.6 of the DCP. Non-compliances with setback controls set out in Section 5 of Part 3.6 of the DCP are deemed acceptable on the grounds that solar access and privacy and amenity impacts are minimised in accordance with Section 10 of Part 3.6 of the DCP.

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

(a) Internal Referrals

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

DEPARTMENT	COMMENTS
Building Officer	Approval subject to conditions of consent.
Development Engineer	Approval subject to conditions of consent.
Landscape Officer	Comprehensive landscape plan prepared by a qualified landscape architect to be made a condition of consent.
Traffic Engineer	Approval subject to conditions of consent.
Waste Officer	Approval subject to conditions of consent.

(b) External Referrals

The following comments have been received from external Agencies:

DEPARTMENT	COMMENTS
Endeavour Energy	Approval subject to conditions of consent.
Sydney Water	Approval subject to conditions of consent.

(c) Community Consultation

The proposal was notified for a period of 14 days from 16 April to 3 May 2019 in accordance with LDCP 2008. Two (2) submissions were received in response to the public consultation process.

The following comments are provided in respect to the concerns raised by surrounding residents:

ISSUE 1: *Insufficient on site parking provision*

Comment: The proposed development has been reviewed by Council's traffic engineer who provided the following comment:

Based on Council DCP, the required parking spaces are:

- 2 x 3 bedroom dwellings @ 2 spaces per dwelling = 4 spaces
- 2 x 2 bedroom dwellings @ 1.5 spaces per dwelling = 3 spaces
- Visitor parking @ 1 space per 4 dwellings = 1 space

Total = 8 spaces

The development proposes to provide a single garage and a hard stand behind the garage for each unit which comes to a total of 8 parking spaces.

Therefore, the proposed parking provision complies with the DCP requirement.

ISSUE 2: *Overdevelopment of the site*

Comment: The proposed development has bulk and scale consistent with the desired future character for the R3 Medium Density Residential zone, providing built form transition to future high density residential development in the R4 High Density Residential zone on the southern side of Dredge Avenue. Multi dwelling housing development is permitted with consent in the R3 zone. Development of multi dwelling housing on lots with an area of 650m² (the development site having an area of 701.9m²) and frontage of 18 metres (the development site having a frontage of 21.16 metres) is permitted under Section 4 of Part 3.6 of the DCP.

ISSUE 3: *Visual privacy impacts to internal areas and private open space associated with neighbouring properties.*

Comment: The proposed development will have acceptable amenity impacts to neighbouring properties:

- Solar access to private open space and habitable rooms in neighbouring development retained in accordance with DCP requirements;
- Visual and acoustic privacy impacts to neighbouring development adequately managed through:
 - The provision of 1.8 metre-high fencing to screen ground floor windows;

- First floor windows constructed of obscured glass blocks (corridors) and high sill windows (bedrooms);
- All proposed balconies being street-facing, without creating opportunities for oblique views to neighbouring properties; and
- Landscaped treatment along property boundaries to be provided as part of the comprehensive landscape plan, the provision of which is made a condition of consent as part of this determination.

ISSUE 4: *Height of the rear boundary fence insufficient to provide adequate screening of the proposed development.*

Comment: The 1.8 metre boundary fence proposed along the rear boundary is considered appropriate. Further screening is to be provided as part of the comprehensive landscape plan, the provision of which is included as a condition of consent.

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

The proposed development is in the public interest as it is:

- Consistent with the objectives of the R3 Medium Density Residential zone:
 - Replaces an existing detached dwelling house with multi dwelling housing containing four dwellings:
 - Improving housing supply and diversity within Moorebank; and
 - Providing for a concentration of housing within 350 metres of Moorebank Shopping Centre and 450 metres of Newbridge Road.
 - Consistent with the desired future character for a medium density residential environment, transitioning to higher residential densities on the southern side of Dredge Avenue.
- Largely compliant with the relevant controls in the LDCP and fully compliant with the standards under the LLEP. Where non-compliances have been identified to DCP controls, these have been adequately mitigated through design management.

7. DEVELOPMENT CONTRIBUTIONS

A Section 7.11 Development Contributions is applicable to the proposed development in accordance with Liverpool Contributions Plan 2018 Established Areas and will be imposed as a condition of consent. The development generates a total contribution of **\$15,460**.

8. CONCLUSION

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

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

9. RECOMMENDATION

That Development Application DA No 228/2019 be approved subject to conditions of consent.

- 10. ATTACHMENTS**
 - 1. PLANS OF THE PROPOSAL**
 - 2. CONDITIONS OF APPROVAL**

LEGEND

- PROPOSED DEVELOPMENT
- EXISTING DEVELOPMENT
- EXISTING PARKING
- EXISTING ROADWAY
- EXISTING UTILITIES
- EXISTING LANDSCAPE
- EXISTING BUILDINGS
- EXISTING FENCES
- EXISTING SIGNAGE
- EXISTING LIGHTING
- EXISTING TREES
- EXISTING SHRUBS
- EXISTING GRASS
- EXISTING SOIL
- EXISTING WATER
- EXISTING AIR
- EXISTING CLIMATE
- EXISTING ECOSYSTEM
- EXISTING CULTURE
- EXISTING HISTORY
- EXISTING ARTS
- EXISTING RECREATION
- EXISTING EDUCATION
- EXISTING HEALTHCARE
- EXISTING SOCIAL SERVICES
- EXISTING COMMUNITY
- EXISTING GOVERNANCE
- EXISTING ECONOMY
- EXISTING INFRASTRUCTURE
- EXISTING TRANSPORTATION
- EXISTING ENERGY
- EXISTING ENVIRONMENT
- EXISTING SCIENCE
- EXISTING TECHNOLOGY
- EXISTING INNOVATION
- EXISTING LEADERSHIP
- EXISTING VISION
- EXISTING MISSION
- EXISTING VALUES
- EXISTING BELIEFS
- EXISTING ETHICS
- EXISTING MORALS
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- EXISTING BEST PRACTICES
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- EXISTING OPPORTUNITIES
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- EXISTING LOVE
- EXISTING LIFE
- EXISTING DEATH
- EXISTING AFTERLIFE
- EXISTING SPIRITUALITY
- EXISTING RELIGION

PROPOSED DEVELOPMENT

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12750 Highway 103

12750 Highway 104

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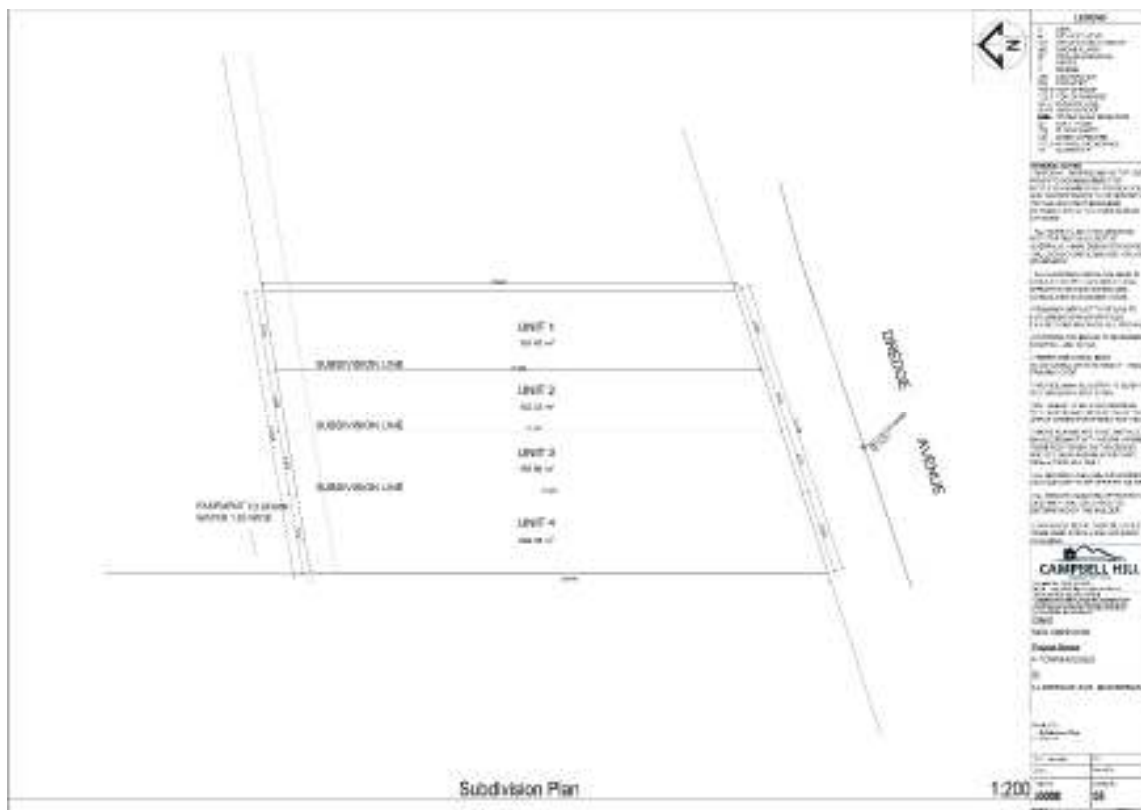
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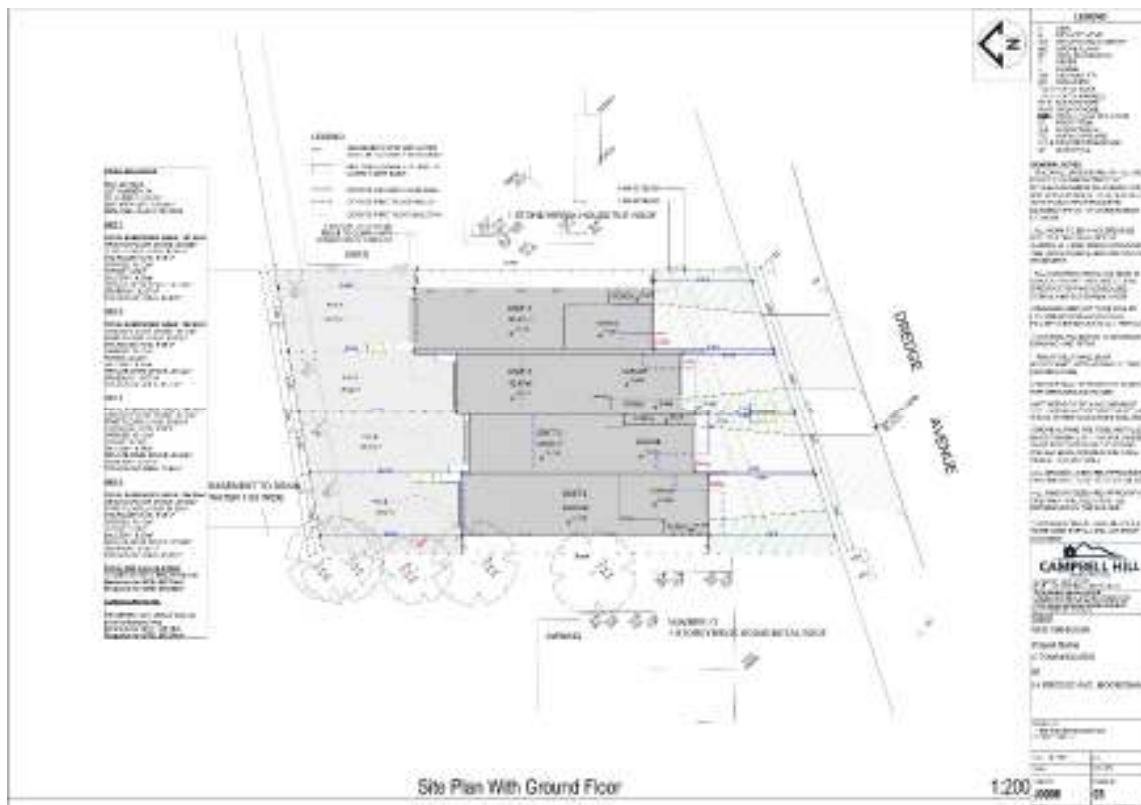
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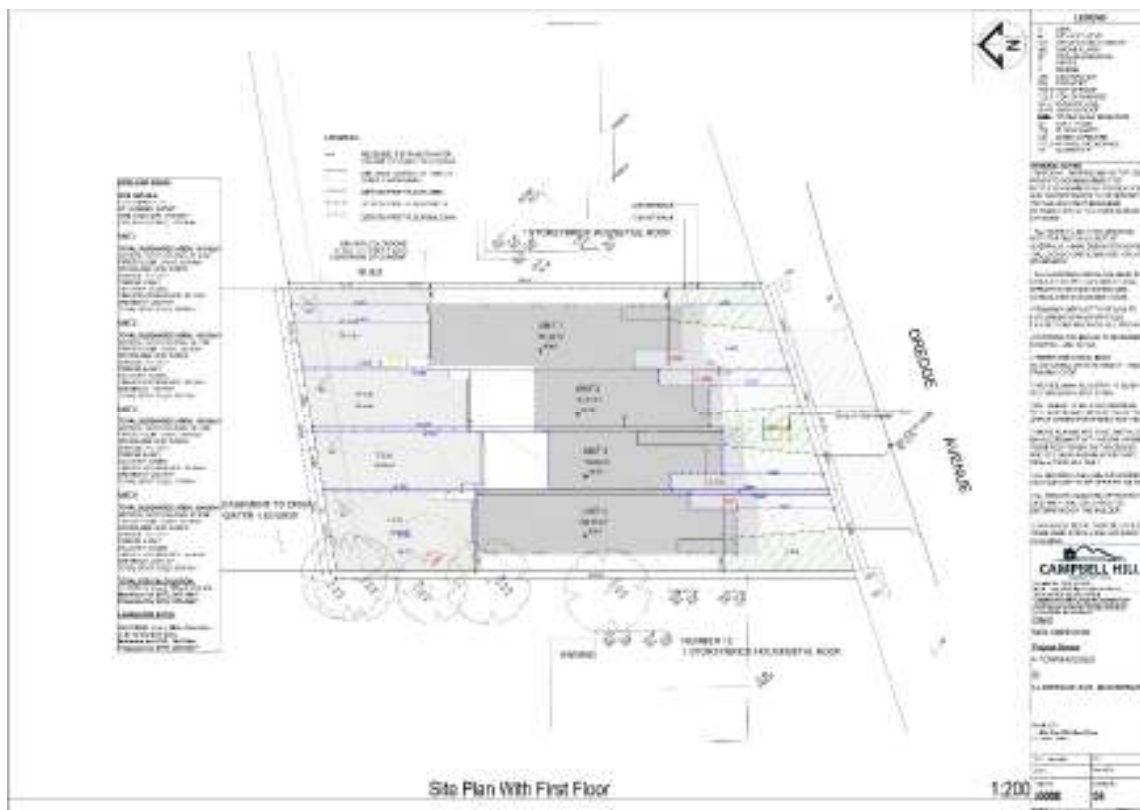
Demolition Plan



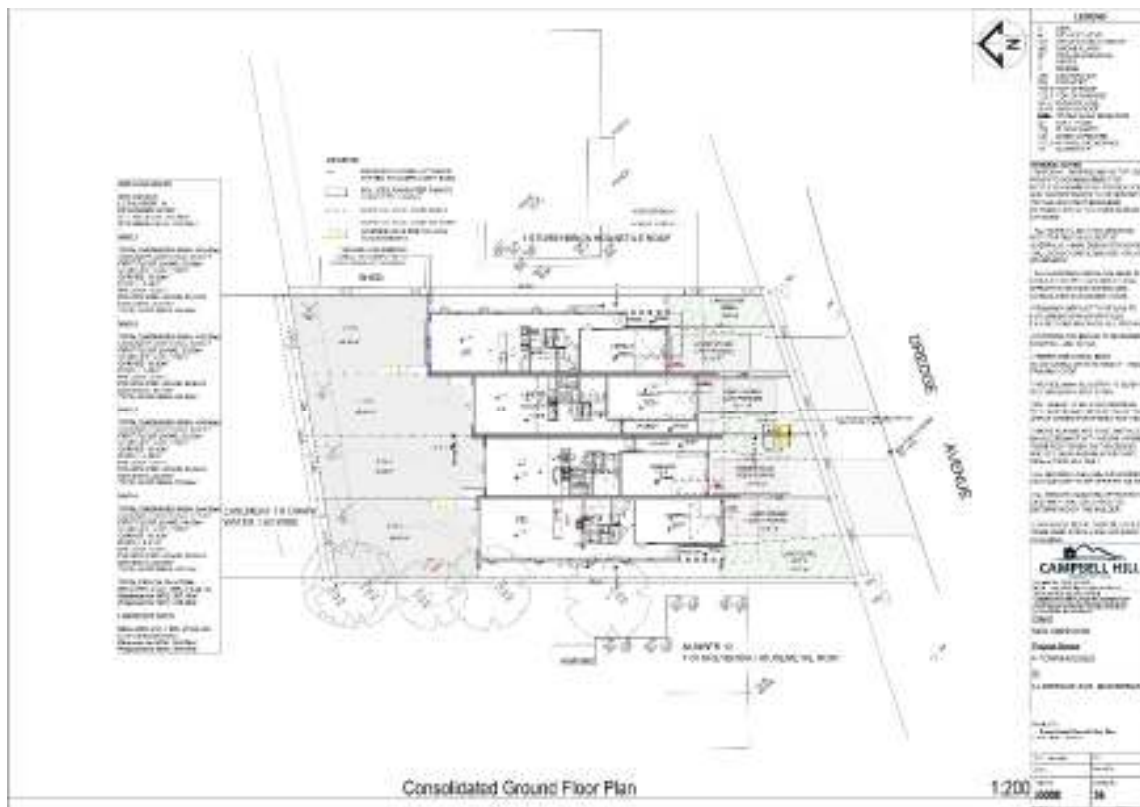
Subdivision Plan



Site Plan with Ground Floor



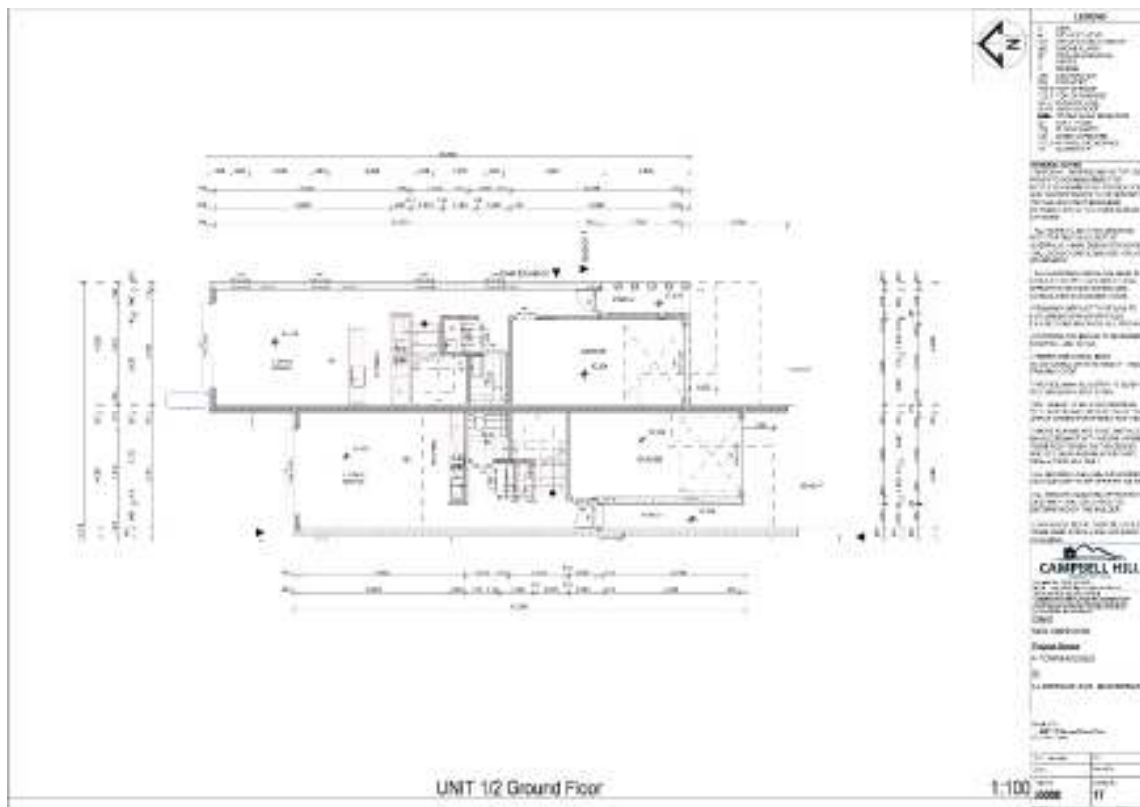
Site Plan with First Floor



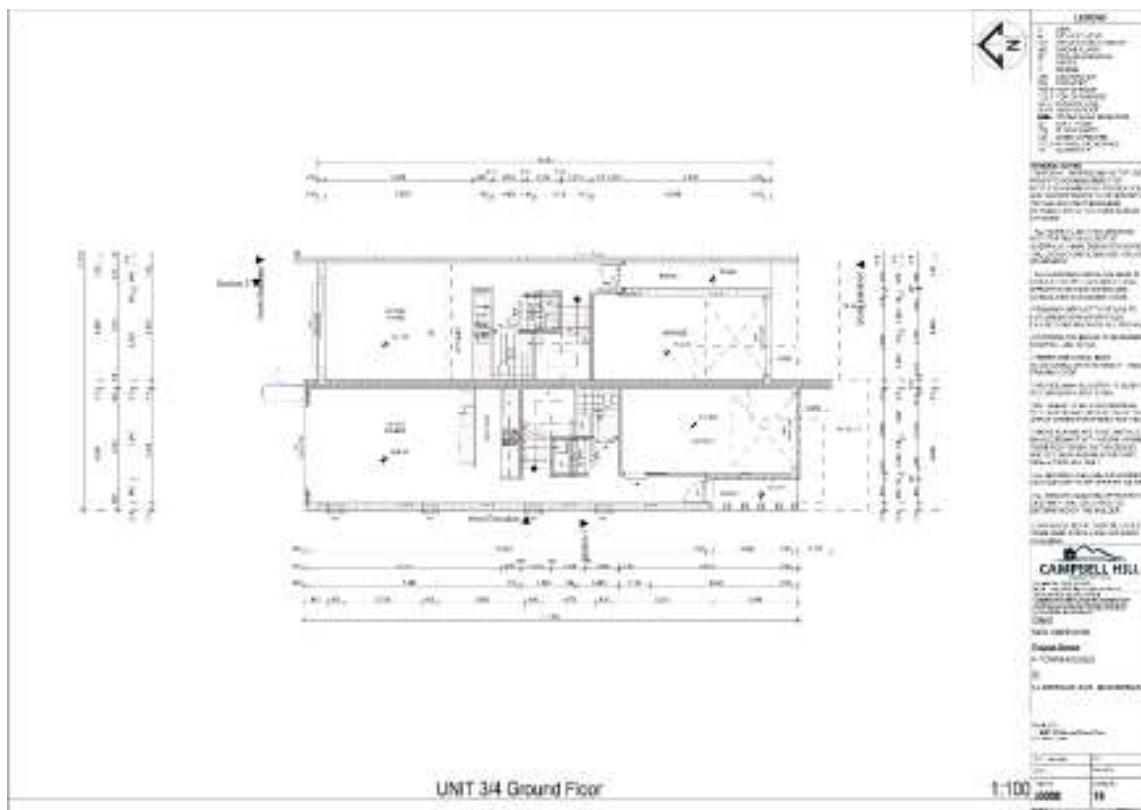
Consolidated Ground Floor Plan



Consolidated First Floor Plan



Ground Floor – Units 1 & 2



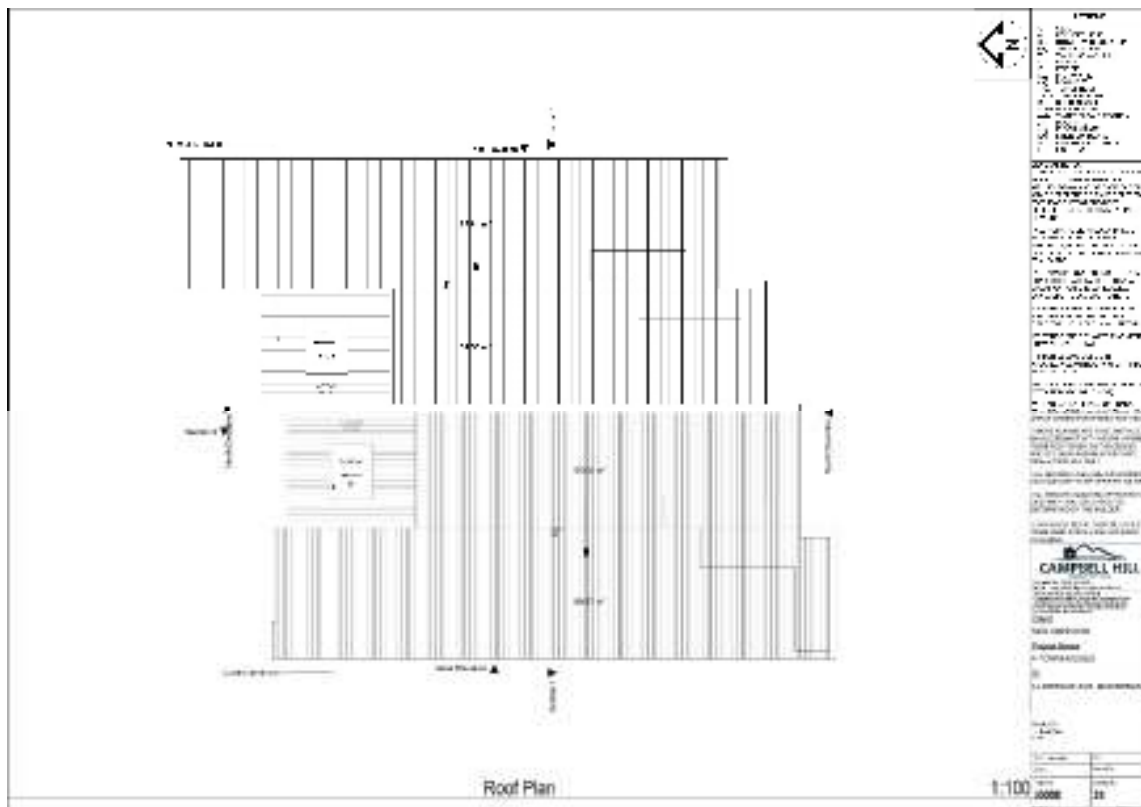
Ground Floor – Units 3 & 4



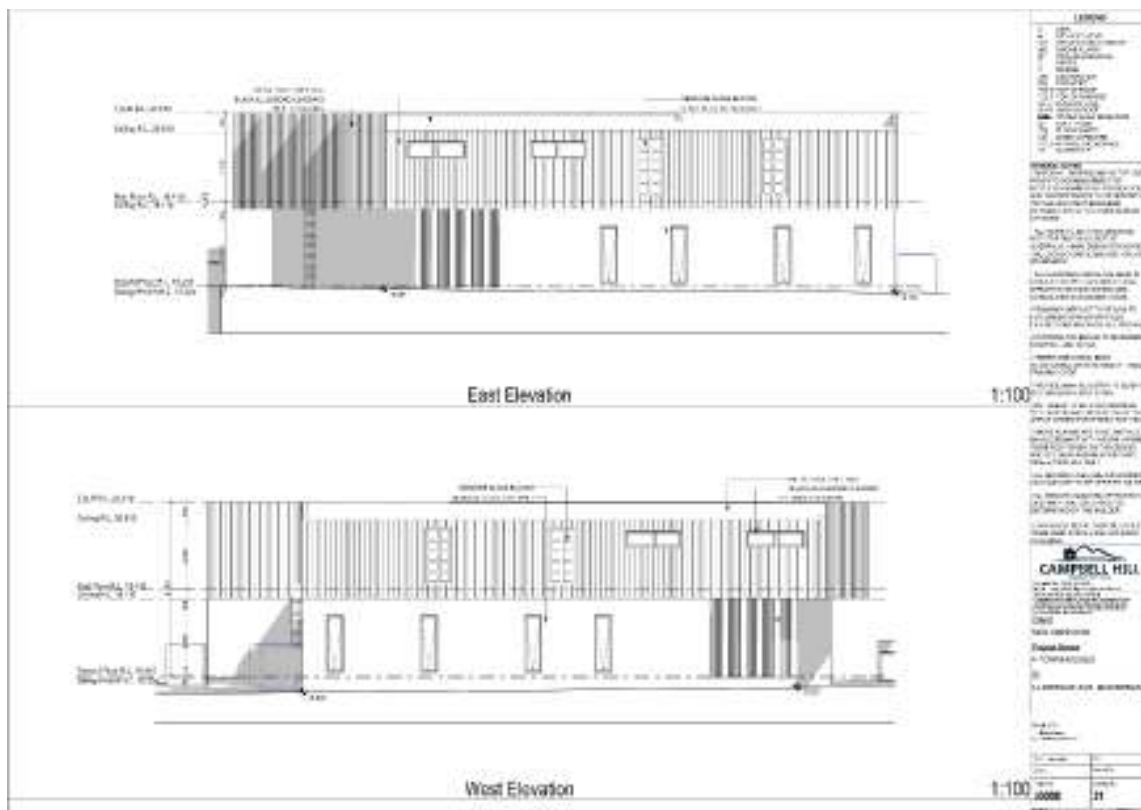
First Floor – Units 1 & 2



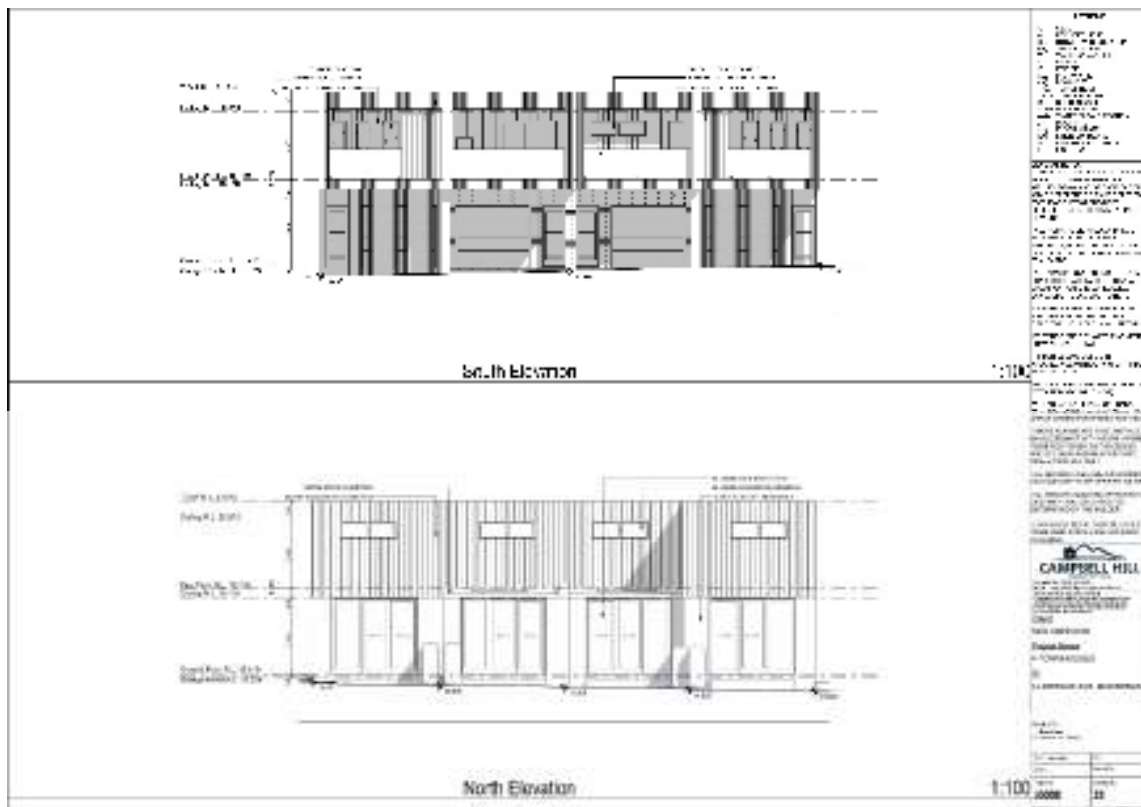
First Floor – Units 3 & 4



Roof Plan



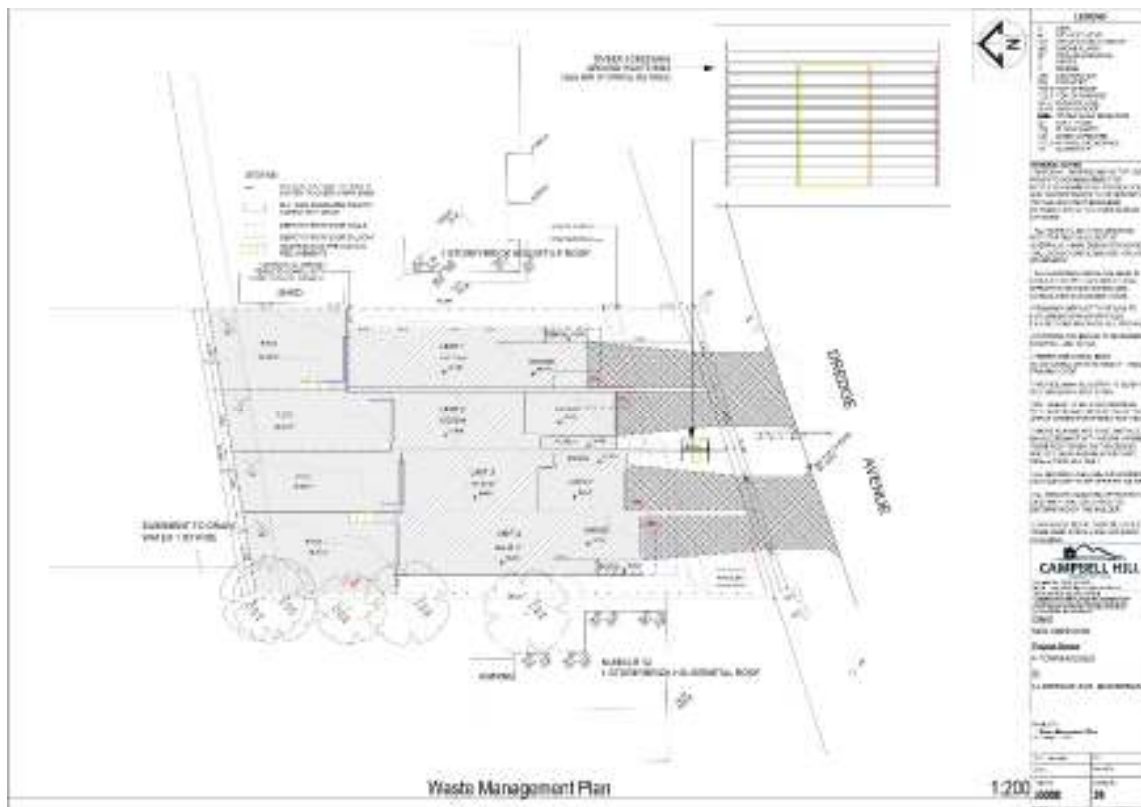
East & West Elevations



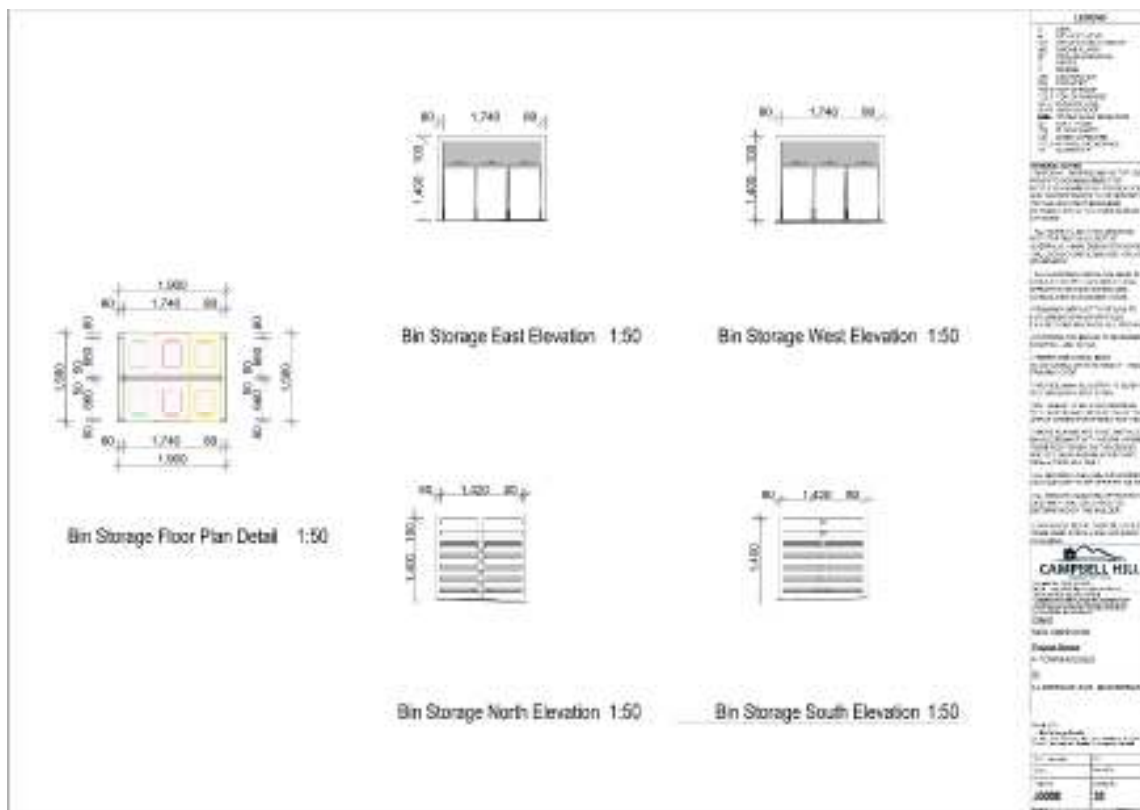
South & North Elevations



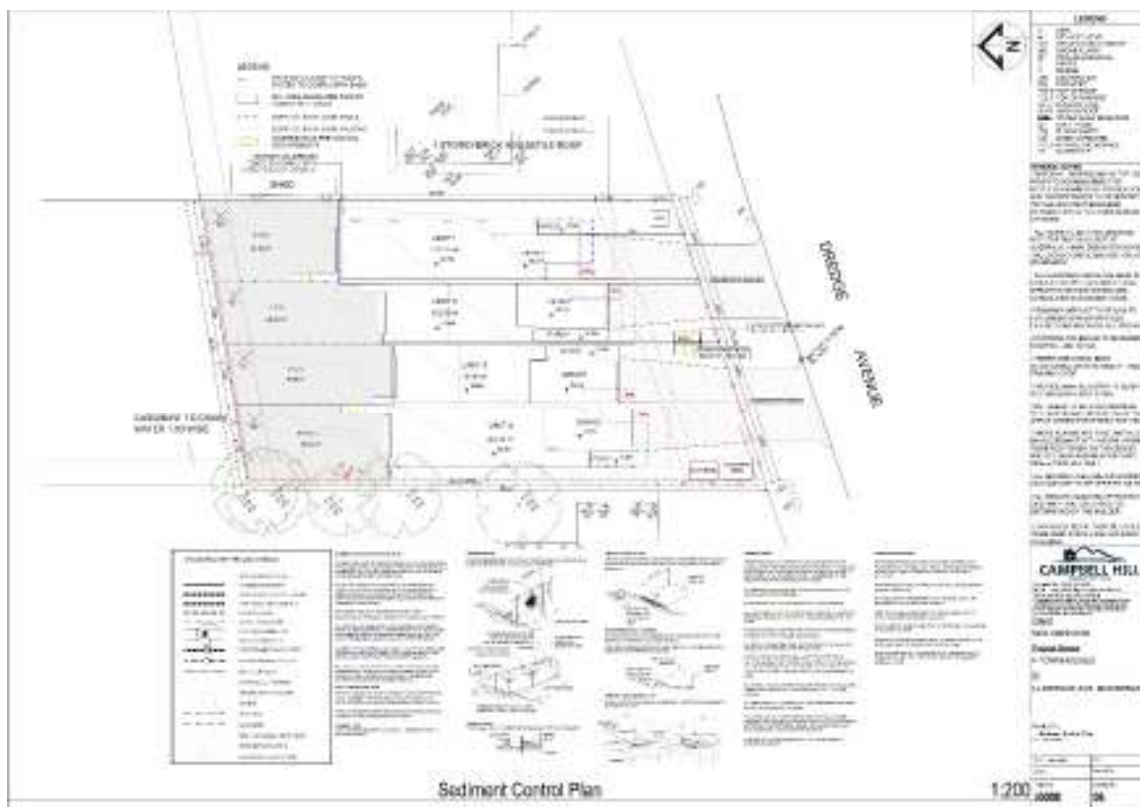
Section 1 & Section 2



Waste Management Plan



Bin Storage Details



Sediment Control Plan

ATTACHMENT 2 – CONDITIONS OF APPROVAL

Council has imposed the following conditions under the relevant planning instruments and policies.

A. THE DEVELOPMENT

1. Approved Plans

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

a) Architectural Plans Prepared By: Campbell Hill Group Pty Ltd, Job No: J0008, Dated: April 2019:

- i. Site Plan, Drawing No: 02;
- ii. Site Plan With Ground Floor, Drawing No: 03;
- iii. Site Plan With First Floor, Drawing No: 04;
- iv. Subdivision Plan, Drawing No: 05;
- v. Sediment Control Plan, Drawing No: 06;
- vi. Streetscape, Drawing No: 07;
- vii. Site Analysis Plan, Drawing No: 15;
- viii. Demolition Plan, Drawing No: 16
- ix. Unit 1/2 Ground Floor Plan, Drawing No: 17;
- x. Unit 1/2 First Floor Plan, Drawing No: 18;
- xi. Unit 2/3 Ground Floor Plan, Drawing No: 19;
- xii. Unit 2/3 First Floor Plan, Drawing No: 20;
- xiii. Elevations, Drawing No: 21;
- xiv. Elevations, Drawing No: 22;
- xv. Sections, Drawing No: 23;
- xvi. Roof Plan, Drawing No: 24;
- xvii. Waste Bin Location Plan, Drawing No: 29;
- xviii. Bin Storage Details, Drawing No: 30.

The Landscape Plan Prepared By: Eco Design Solutions, Dated: 26/06/2019 submitted with DA-228/2019 is not approved as part of this determination.

2. Amended Plans

- a) The Landscape Plan Prepared By: Eco Design Solutions, Dated: 26/06/2019 submitted with DA-228/2019 is not approved as part of this determination. Prior to the issue of CC, a comprehensive landscape plan prepared by a qualified landscape architect is to be prepared. The landscape plan must:
- i. Provide tree planting along the rear boundary to provide adequate screening to development to the north. Plantings are to achieve a height of 6-8 metres at maturity.
 - ii. Indicate all fencing along the property boundaries. Proposed fencing must be compliant with Section 9 of Part 3.6 of LDCP 2008.
 - iii. Provide for a direct pedestrian pathway to each dwelling from Dredge Avenue.

- iv. Provide for a pedestrian pathway from the front of Unit 1 to the private open space at the rear of Unit 1 via the side setback. If any gates are to be provided, these are to be shown on the plans.
- v. Provide for a pedestrian pathway from the front of Unit 4 to the private open space at the rear of Unit 4 via the side setback. If any gates are to be provided, these are to be shown on the plans.
- vi. Provide low shrubs within the front and side setbacks in any areas not occupied by pedestrian or vehicular access.
- vii. Specify landscape selection from Appendix 2 of Part 1 of LDCP 2008.

This shall be done to the satisfaction of the PCA

3. Works at no cost to Council

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

B. PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

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

4. Section 7.11 Payment (Liverpool Contributions Plan 2009)

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

The total contribution is **\$22,153** and will be adjusted at the time of payment in accordance with the contribution plan.

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

Estimated Land Acquisition Cost per square metre published by the Council at the time of granting the development consent.

The Contributions Plan may be inspected online at www.liverpool.nsw.gov.au

Payment must be accompanied by the attached form.

5. Comply with EP&A Act

The requirements and provisions of the *Environmental Planning & Assessment Act 1979* and *Environmental Planning & Assessment Regulation 2000*, must be fully complied with at all times.

Failure to comply with these legislative requirements is an offence and may result in the commencement of legal proceedings, issuing of 'on-the-spot' penalty infringements or service of a notice and order by Council.

6. Fee Payments – Land Development

Unless otherwise prescribed by this consent, all relevant fees or charges must be paid. Where Council does not collect these payments, copies of receipts must be provided. For the calculation of payments such as Long Service Levy, the payment must be based on the value specified with the Development Application/Construction Certificate.

The following fees are applicable and payable:

- a) Damage Inspection Fee – relevant where the cost of building work is \$20,000 or more, or a swimming pool is to be excavated by machinery,
- b) Fee associated with Application for Permit to Carry Out Work Within a Road, Park and Drainage Reserve, and
- c) Long Service Levy payment is applicable on building work having a value of \$25,000 or more, at the rate of 0.35% of the cost of the works. The required Long Service Levy payment, under the Building and Construction Industry Long Service Payments Act 1986, is to be forwarded to the Long Service Levy Corporation or the Council, prior to the issuing of a Construction Certificate, in accordance with Section 6.8 of the Environmental Planning & Assessment Act 1979.

These fees are reviewed annually and will be calculated accordingly.

7. National Construction Code

All aspects of construction shall comply with the applicable Performance Requirements of the National Construction Code. Compliance with the Performance Requirements can only be achieved by:

- (a) Complying with the Deemed to Satisfy Provisions; or
- (b) Formulating an Alternative Solution, which complies with the Performance Requirements or is shown to be at least equivalent to the Deemed to Satisfy Provision, or a combination of (a) and (b).

8. Notification

The certifying authority must advise Council, in writing of:

- a) The name and contractor licence number of the licensee who has contracted to do or intends to do the work, or
- b) The name and permit of the owner-builder who intends to do the work.

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

9. S138 Roads Act – roadworks requiring approval of civil drawings

Prior to the issue of a Construction Certificate for building or subdivision works the Certifying Authority shall ensure that a S138 Roads Act application, including the payment of application and inspection fees, has been lodged with Liverpool City Council (being the Roads Authority under the Roads Act), for provision of vehicular crossing and stormwater connection to existing drainage system in Craig Avenue.

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

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

10. Water Quality

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

The Construction Certificate must be supported by:

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

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

11. Dilapidation Report

A dilapidation report of all infrastructure fronting the development in Craig Avenue is to be submitted to Liverpool City Council. The report is to include, but not limited to, the road pavement, kerb and gutter, footpath, services and street trees and is to extend 20m either side of the development.

12. Cladding

Prior to issue of a construction certificate the certifier must be satisfied that all proposed attachments, cladding material and systems forming part of external walls comply with the NCC BCA and relevant Australian Standards. The certifier must be able to demonstrate compliance with evidence of suitability as per clause A2.2 of the BCA for all products/systems proposed.

13. Driveway/Services – Location

Driveways entry points must be located clear of all utility services. It is recommended that discussion be held with the relevant authorities before construction works commence. Council does not accept any responsibility towards these services.

14. Driveway/Services – Design

Driveways are to conform to Council standard requirements for vehicle crossings as detailed in Council's Design and Construction Specifications for Subdivisions

(as amended) and as per the requirements in Council's DCP.

15. Driveway/Services – Service Network

The applicant is to arrange with the appropriate service provider for any above ground service riser or access point to be constructed clear of any proposed or existing pedestrian footways, and if possible, located in recessed unobtrusive locations. Should any service provider require and/or insist the applicant/developer build a service riser that would create an obstruction and pose a potential safety hazard, then the applicant/developer should refer the request to Council for negotiation directly with the Service Network Authority.

16. Garbage Services

The developer/owner of the site is to contact Liverpool Council's Waste Management Section to determine the required number of waste and recycle bins for the residential component of the development as well as servicing requirements. These waste and recycle bins are to be kept at all times within the residential waste storage rooms except before and after collection days. Waste and Recycle bins are to be returned to the storage rooms within 24 hours of collection.

17. BASIX

Prior to the release of any Construction Certificate, the applicant is to provide an updated BASIX Certificate to the satisfaction of the PCA.

18. Access Car Parking and Manoeuvring – General

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Liverpool City Council's Development Control Plan.

19. Provision of Services – Sydney Water

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

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

20. Provision of Services – Endeavour Energy

Written clearance from Endeavour Energy, stating that electrical services have

been made available to the development or that arrangements have been entered into for the provision of services to the development must be submitted to the PCA.

21. Provision of Services – Telecommunications

Prior to the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following requirements of the Telecommunications Act 1997:

- a) For a fibre ready facility, the NBN Co's standard specifications current at the time of installation, and
- b) For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connection of optic fibre technology telecommunications.

22. Access

Access must be provided to the building for people with a disability in accordance with the relevant requirements of the Building Code of Australia, Disability (Access to Premises – Buildings) Standard 2010 and Australian Standard – AS1428.1 (2009), Design for Access and Mobility – General requirements for new building work, to the satisfaction of the Certifying Authority.

C. PRIOR TO WORKS COMMENCING

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

23. Construction Certificates

Any CC that may be issued in association with this development consent must ensure that any certified plans and designs are generally consistent (in terms of site layout, site levels, building location, size, external configuration and appearance) with the approved Development Application plans.

24. Construction Certificates

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

- a) Construction Certificate must be obtained from the Council or an Accredited Certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*,
- b) Where a Construction Certificate is obtained from an Accredited Certifier, the applicant shall advise Council of the name, address and contact

number of the Accredited Certifier, in accordance with Section 4.19, 6.6, 6.7, 6.12, 6.13, 6.14 of the Act,

- c) A copy of the Construction Certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment,
- d) A Principal Certifying Authority (PCA) must be appointed to carry out the necessary building inspections and to issue an occupation certificate, and

The PCA must advise Council of the intended date to commence work which is the subject of this consent by completing a notice of commencement of building works or subdivision works form, available from Council's Customer Service Centre. A minimum period of two (2) working days' notice must be given.

25. Notification

Written notice of intention shall be given to the owner of the adjoining allotments of land, outlining the particulars of the proposed work, which involves:

- a) Any excavation, below the base of the footings of a building on an adjoining allotment of land, and
- b) The notice shall be given seven (7) days prior to the commencement of work.

26. Demolition Works

Demolition works shall be carried out in accordance with the following:

- a) Prior to the commencement of any works on the land, a detailed demolition work plan designed in accordance with the Australian Standard AS 2601-2001 – The Demolition of Structures, prepared by a suitably qualified person with suitable expertise or experience, shall be submitted to and approved by Council and shall include the identification of any hazardous materials, method of demolition, precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials,
- b) Prior to commencement of any works on the land, the demolition Contractor(s) licence details must be provided to Council, and
- c) The handling or removal of any asbestos product from the building/site must be carried out by a NSW Work Cover licensed contractor irrespective of the size or nature of the works. Under no circumstances shall any asbestos on site be handled or removed by a non-licensed person. The licensed contractor shall carry out all works in accordance with NSW Work Cover requirements.

27. Excavation

In the event the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the following is to be undertaken at full cost to the developer:

- Protect and support the adjoining premises from possible damage from the excavation, and
- Where necessary, underpin the adjoining premises to prevent any such damage.

28. Construction Requirements

Retaining walls or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated subsoil drainage and surface stormwater drainage measures, shall be designed strictly in accordance with the manufacturers details or by a practising structural engineer. Retaining walls on any boundary are to be of masonry construction.

29. “DIAL BEFORE YOU DIG”

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

30. Site Facilities

Adequate refuse disposal methods and builder's storage facilities shall be installed on the site. Builders' wastes, materials or sheds are not to be placed on any property other than that which this approval relates to.

31. Residential Building Work

Building work that involves residential building work (within the meaning of the *Home Building Act 1989*) must not be commenced unless the principal certifier for the development to which the work relates (not being the council) has given the council written notice of the name and licence number of the principal contractor; and the name of the insurer by which the work is insured under Part 6 of that Act.

32. Sydney Water

Development plans must be processed and approved by Sydney Water.

33. Waste Classification and Disposal of Contaminated Soil and Material

All soils and material(s), liquid and solid, to be removed from the site must be analysed and classified by an appropriately qualified and certified consultant, in accordance with the *Protection of the Environment (Waste) Regulation 2014* and related guidelines, in particular the *NSW EPA Waste Classification Guidelines*,

prior to off-site disposal.

All Waste material(s) must be disposed of at an appropriately licensed waste facility for the specific waste. Receipts for the disposal of the waste must be submitted to the Principal Certifying Authority with 30 days of the waste being disposed.

All waste must be transported by a contractor licenced to transport the specific waste, and in vehicles capable of carting the waste without spillage, and meeting relevant requirements and standards. All loads must be covered prior to vehicles leaving the site.

34. Sediment and Erosion Control

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

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

35. Traffic Control Plan

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

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

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

D. DURING CONSTRUCTION

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

36. Building Work

The building works must be inspected by the Principal Certifying Authority, in accordance with Sections 6.5 (3) of the *Environmental Planning & Assessment Act 1979* and Clause 162A of the *Environmental Planning & Assessment Regulation 2000*, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.

37. Building Work

The *Principal Certifying Authority* (PCA) must specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the PCA, prior to proceeding to the subsequent stages of construction or finalisation of the works.

38. Excavation

In the event the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

1. protect and support the adjoining premises from possible damage from the excavation,
2. where necessary, underpin the adjoining premises to prevent any such damage, and
3. a and b above does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

Retaining walls or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated subsoil drainage and surface stormwater drainage measures, shall be designed strictly in accordance with the manufacturers details or by a practising structural engineer.

39. Refuse Disposal

Adequate refuse disposal methods and builders storage facilities shall be installed on the site. Builders' wastes, materials or sheds are not to be placed on any property other than that which this approval relates to.

40. Notification of Damage

The applicant/builder shall be responsible to report to the Council any damage to Council's footpath and road carriageway as a consequence of demolition or excavation or building activities or delivery/ departure of materials associated with this site. The damage shall be reported to Council as soon as the damage becomes apparent to the builder/ site manager. Arrangements to the satisfaction of Council are to be made for making safe by temporary repairs to the public way until permanent restoration and repair can be organised with Council.

41. Aboriginal Relics/Artefacts

If any Aboriginal relics/artefacts are uncovered during the course of any construction works including demolition, work is to cease immediately. Government agencies shall be contacted and no further work shall be undertaken until relevant assessments/approvals/ salvage excavation has been undertaken and permission is given by the relevant authorities to re commence works.

42. Unidentified Contamination

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination and remediation must be immediately notified to Council and the Principal Certifying Authority in writing.

A Section 4.55 Application under the EP&A Act shall be made for any proposed works outside the scope of the approved development consent.

43. Waste Management Plan

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

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

44. Air Quality – Dust Screens

Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.

45. Air Quality – Vehicle Movement

All vehicles involved in the delivery, demolition or construction process departing from the property shall have their loads fully covered before entering the public roadway.

46. Termite Protection

To protect the buildings from subterranean termite, termite barriers must be installed in accordance with AS 3660.1 to the underside and penetrations of the concrete slab floor. In addition a durable notice must be permanently fixed inside the metre box indicating:

1. the method of protection,
2. the date of installation of the system,
3. where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label, and
4. the need to maintain and inspect the system on a regular basis.

Certification from a licensed pest controller shall be submitted to the PCA certifying that the termite protection system installed complies with AS3660.1.

47. Erosion Control – Measures

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

48. Drainage Connection

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

49. Toilet Facilities

Toilet facilities must be available or provided at the work site and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must:

- a) be a standard flushing toilet connected to a public sewer, or
- b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
- c) be a temporary chemical closet approved under the *Local Government Act 1993*.

50. Site Notice Board

A sign must be erected in a prominent position on the premises on which work is to be carried out. The sign is to be maintained during work, and removed at the completion of work. The sign must state:

- a) the name, address and telephone number of the principal certifying authority for the work,
- b) the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c) unauthorised entry to the premises is prohibited.

51. Building Work

The building and external walls are not to proceed past ground floor/reinforcing steel level until such time as the PCA has been supplied with an identification survey report prepared by a registered surveyor certifying that the floor levels and external wall locations to be constructed, comply with the approved plans, finished floor levels and setbacks to boundary/boundaries. The slab shall not be poured, nor do works continue, until the PCA has advised the builder/developer that the floor level and external wall setback details shown on the submitted survey are satisfactory.

- a) In the event that Council is not the PCA, a copy of the survey shall be provided to Council within three (3) working days.

52. Demolition Inspections

The following inspections are required to be undertaken by Council in relation to approved demolition works:

- a) immediately prior to the commencement of the demolition or handling of any building or structure that contains asbestos. The applicant shall also notify the occupants of the adjoining premises and Workcover NSW prior to the commencement of any works,

Please note that demolition works are not permitted to commence on site until such time as a satisfactory inspection result is obtained from Council, and

- b) immediately following completion of the demolition. Please note that proof of appropriate disposal of demolition materials (including asbestos) may be required at this time in accordance with the approved Waste Management Plan.

To book an inspection with Council, please call 1300 362 170.

53. Removal of Dangerous and/or Hazardous Waste

All dangerous and/or hazardous material shall be removed by a suitably qualified and experienced contractor, licensed by SafeWork NSW. The removal of such material shall be carried out in accordance with the requirements of SafeWork NSW. The material shall be transported and disposed of in accordance with NSW Environment Protection Authority requirements.

54. Identification Survey Report

The building and external walls are not to proceed past ground floor/reinforcing steel level until such time as the PCA has been supplied with an identification survey report prepared by a registered surveyor certifying that the floor levels and external wall locations to be constructed, comply with the approved plans, finished floor levels and setbacks to boundary/boundaries. The slab shall not be poured, nor do works continue, until the PCA has advised the builder/developer that the floor level and external wall setback details shown on the submitted survey are satisfactory.

In the event that Council is not the PCA, a copy of the survey shall be provided to Council within three (3) working days.

55. Security Fence

A temporary security fence to WorkCover Authority requirements is to be provided to the property during the course of construction.

Note. Fencing is not to be located on Council's reserve area.

56. Hours of Construction, Work and Deliveries

Construction work/civil work/demolition work, including the delivery of materials, is only permitted on the site between the hours of 7:00am to 6:00pm Monday to Friday and 8:00am to 1:00pm Saturday. No work will be permitted on Sundays or Public Holidays, unless otherwise approved by Council.

57. Traffic Management

Construction activities affecting adjoining road reserves require submission of a road occupancy application to Council along with traffic control plan and public liability insurance. The traffic control plan must be prepared by a qualified professional and to be in accordance with the *RMS Traffic Control at Worksites Manual*, the *Austroads Guide to Traffic Management*, the *RMS Supplements for Austroads Guide to Traffic Management* and *Australian Standard 1742*.

If a Works Zone is required, an application is to be made to Council's Traffic & Transport Section for approval. The application form can be found at <http://www.liverpool.nsw.gov.au/council/Fees-Forms-Policies-and-Enforcement/forms>

58. General Site Works – Surface Contours

Alterations to the natural surface contours must not impede or divert natural surface water runoff, so as to cause a nuisance to adjoining property owners.

59. General Site Works – Roofwater

All roofwater is to be connected to the existing stormwater system.

60. General Site Works – Stormwater Connection

Stormwater pipeline connections to the street kerb shall be constructed in the following manner:

- a) the kerb shall be saw cut on both sides of the proposed pipe outlet,
- b) an approved rectangular kerb adaptor shall be installed with the base matching the invert level of the gutter, and
- c) The kerb shall be reinstated to its original profile using a cement mortar containing an epoxy additive for adherence to the existing kerb.

61. General Site Works – Sediment

The development, including construction, shall not result in any increase in sediment deposition into any water body, wetland, bushland or environmentally significant land.

62. Contamination

The development, including all civil works and demolition, must comply with the requirements of the *Contaminated Land Management Act, 1997*, *State Environmental Planning Policy No. 55 – Remediation of Land*, and *Managing Land Contamination – Planning Guidelines (Planning NSW/EPA 1998)*.

63. Imported Fill Material

Filling material must be limited to the following:

- a) Virgin excavated natural material (VENM)
- b) Excavated natural material (ENM) certified as such in accordance with Protection of the Environment (Waste) Regulation 2014; and/or

- c) Material subject to a Waste Exemption under Clause 91 and 92 Protection of the Environment Operations (Waste) Regulation 2014 and recognised by the NSW Environment Protection Authority as being “fit for purpose” with respect to the development subject of this application.

Certificates proving that the material imported is ENM or VENM must be provided to the Principal Certifying Authority prior to filling. Certificates are to be provided to Council officers if and when requested.

Fill imported on to the site must be compatible with the existing soil characteristic for site drainage purposes.

64. Record Keeping of Imported Fill

Records of the following must be submitted to the principal certifying authority monthly and at the completion of earth works:

- a) the course (including the address and owner of the source site), nature and quantity of all incoming loads including the date, the name of the carrier, and the vehicle registration,
- b) the results of a preliminary contamination assessment carried out on any fill material used in the development, and
- c) the results of any chemical testing of fill material.

E. PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

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

65. Occupation Certificate

The premises must not be utilised until an Occupation Certificate is issued by the principal certifier.

66. Liverpool City Council Clearance – Roads Act/Local Government Act

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that all works associated with S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Liverpool City Council.

67. Works as Executed – General

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

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

Certifying Authority.

68. Stormwater Compliance

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that the:

- a) On-site detention system/s,
- b) Stormwater pre-treatment system/s,

Details of the approved and constructed system/s shall be provided as part of the Works-As-Executed drawings.

69. Rectification of Damage

Prior to the issue of an Occupation Certificate, any damage to Council infrastructure not identified in the dilapidation report, as a result of the development shall be rectified at no cost to Liverpool City Council.

Any rectification works within Craig Avenue will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing.

70. Restriction as to User and Positive Covenant

Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the following shall be registered on the title of the property:

- a) On-site detention system/s,
- b) Stormwater pre-treatment system/s,

The restriction as to user and positive covenant shall be in Liverpool City Council's standard wording as detailed in Liverpool City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

71. Footpaths

Construction of 1.5m wide by 100mm thick (with one layer of SL72 reinforcing mesh) concrete path paving on one side of all residential access roads and both sides of all collector and distributor roads. Path paving will not be required in minor cul-de-sac with less than fifteen lots.

72. Display of Street Numbers

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

81. Certificates

A single and complete Fire Safety Certificate, certifying the installation and operation of all of the fire safety measures within the building must be submitted to Council with the Occupation Certificate.

82. Certificates

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

83. Landscape

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

84. Liverpool City Council Clearance – Roads Act/Local Government Act

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that all works associated with S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Liverpool City Council.

85. Works as Executed - General

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

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

86. Section 73 Sydney Water Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained for submission to the PCA prior to issue of Occupation certificate.

87. BASIX

Supporting documentation issued by a suitable qualified person who has installed or carried out the works associated with the BASIX commitments shall be submitted to Council.

88. Road Works

All redundant vehicular crossings shall be removed and replaced with Council's standard kerb and gutter at no cost to Council. The removal and replacement of

a driveway with standard integral kerb and gutter shall be the subject of a driveway application to Council and works supervised by that driveway inspection process.

89. Cladding

Prior to issuing an occupation certificate the principal certifier must be satisfied that suitable evidence has been provided to demonstrate that the external wall cladding material and system is consistent with the consent documentation, NCC and relevant Australian Standards.

F. PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

The following conditions are to be complied with or addressed prior to issue of a Subdivision Certificate by Council:

90. Completion of Subdivision Works

Prior to the issue of a Subdivision Certificate, the Principal Certifying Authority shall ensure that all subdivision works required by this consent have been satisfactorily completed or that suitable arrangements have been made with Liverpool City Council for any outstanding works.

91. Linen Plans and 88B Instruments

In order to enable a Subdivision Certificate to be issued for submission to the LPI Service, the applicant is required to lodge a separate application along with one (1) original and ten (10) copies of the proposed plan of subdivision and one (1) original and two (2) copies of the proposed 88b instrument (where proposed).

92. Linen Plans and 88B Instruments

The applicant shall pay the standard fee for purpose of subdivision certificate administration of plan checking and release.

93. Linen Plans and 88B Instruments

The final plan of subdivision must be supported by an 88B instrument to the approval of Council. The 88B instrument shall properly reflect the requirements of the conditions of development consent, the plans forming part of the consent, and Council's standards, codes and policy's. Part 2 of the 88B instrument shall contain a provision that any easements, right of ways or covenants shall not be extinguished or altered without the written consent of Council.

94. Service Providers

The following documentation is to be provided prior to the release of the subdivision certificate:

- a) Written evidence of suitable arrangements with Sydney Water (Section 73 Compliance Certificate) for the supply of water and sewerage services

to the development is to be submitted to the PCA prior to the issue of a Subdivision Certificate.

Council will not issue a Subdivision Certificate unless the method of sewerage disposal is by gravity reticulation mains to either Sydney Water branch and trunk sewers or Sydney Water point of treatment. Council will not accept any temporary facilities to service the site, including pump-out wet-wells.

- b) Notification of arrangement for the development from Endeavour Energy shall be submitted to Council.
- c) Written certification from the relevant service providers that the telecommunications infrastructure is installed in accordance with:
 - i. The requirements of the Telecommunications Act 1997;
 - ii. For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
 - iii. For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connections of optic fibre technology telecommunications.

G. ADVISORY

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

the date of approval. However if a lesser period is stated in the conditions of consent, the lesser period applies. If unsure applicants should rely on their own enquiries.

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

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

- j) TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

- k) The Liverpool City Council Local Government area soils and ground water may be subject to varying levels of Salinity. Whilst Council may require applicants to obtain Salinity reports relating to some developments, no assessment may be made by Council in that regard. Soil and ground water salinity levels can change over time due to varying factors. It is recommended that all applicants make their own independent inquiries as to appropriate protection against the current and future potential affect of Salinity to ensure the ongoing structural integrity of any work undertaken. Liverpool City Council will not accept any liability for damage occurring to any construction of any type affected by soil and or ground water Salinity.

- l) Care shall be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or applicant's agents may be liable to pay compensation to any adjoining owner if, due to construction works, damage is caused to such an adjoining property.
- m) Letter boxes must be provided in accordance with the requirements of Australia Post. In this regard, the developer is required to obtain approval from Australia Post for address numbering, and letter box positioning and dimensions.
- n) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.

ATTACHMENT 2 – SECTION 7.11 PAYMENT FORM**CONTRIBUTIONS PURSUANT TO SECTION 7.11 OF THE ENVIRONMENTAL
PLANNING & ASSESSMENT ACT, 1979****Liverpool Contribution Plan 2009****Note to the applicant:**

When remitting payment as specified in the Conditions of Consent to the approval, this Form must be submitted with your payment.

These figures have been calculated to the current June 2019 CPI quarter and will be adjusted at the time of payment in accordance with the conditions of consent.

APPLICATION NO.:**DA-228/2019****APPLICANT:****CAMPBELL HILL GROUP P/L****PROPERTY:****14 DREDGE AVENUE, MOOREBANK NSW 2170****Lot 48, DP 237237****PROPOSAL:**

Proposed demolition of existing dwelling and proposed medium density development approval including four (4) dwellings and strata subdivision

195.	<u>Amount (\$)</u>	<u>Job No.</u>
Liverpool Contributions Plan 2009		
Whitlam Centre Extensions		
Central Library Extensions		
Powerhouse		
 District Community Facilities		
Eastern		
District Recreation		
Eastern		
Local Recreation		
Moorebank		
Administration		

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

Item no:	3
Application Number:	DA-498/2018
Proposed Development:	Demolition of existing structures and the construction of a two storey child care centre (60 children) with 30 car parking spaces within two basement levels.
Property Address	5 Whiteley Close, Casula
Legal Description:	Lot 1312 DP 867081
Applicant:	GEN One Group Pty Ltd
Land Owner:	Ms Lila Hau Yak Chan
Cost of Works:	\$4,692,357.00
Recommendation:	Refusal
Assessing Officer:	Peter Oriehov

1. EXECUTIVE SUMMARY

Council has received a Development Application for the demolition of existing structures and the construction of a two storey child care centre (60 children) with 30 car parking spaces within two basement levels at 5 Whiteley Close, Casula.

The subject site is zoned R2 Low Density Residential under Liverpool Local Environmental Plan (LLEP) 2008, and the proposed development is permissible with consent.

The development application was notified to adjoining properties in accordance with the Liverpool Development Control Plan Part 1, Clause 18, from 3 July 2018 to 18 July 2018. 18 submissions and one (1) petition (with six signatures) were received during the notification period.

The submissions raise concerns in relation to DCP compliance, impacts on the built environment, character of the site, traffic congestion and car parking access, site isolation, and exceedance in height.

The application is referred to the Liverpool Local Planning Panel (LLPP) in accordance with its referral criteria and procedural requirements, as the development constitutes a contentious development in that more than 10 unique submissions by way of objection have been received to the proposed development.

The application has been assessed pursuant to the provisions of the Environmental Planning and Assessment (EP&A) Act 1979, State Environmental Planning Policy (Educational Establishments and Child Care Facilities) and Liverpool Local Environmental Plan 2008 (LLEP 2008). 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 5 Whiteley Close, Casula (Lot 1312 DP 867081). It is an irregularly shaped battle-axed allotment with a 5.5m wide access handle to Whiteley Close (which has a pavement width of 6m), with an area of 1774m². The site is relatively flat but is affected by a significant fall in the north east portion of the site.

Currently located on the site is a double storey residential dwelling, hardstand turning area, and landscaped area including trees.

The site is surrounded by 9 allotments on which are predominantly large modern two storey residential dwellings in a low density residential environment. To the west of the site are double storey residential dwellings, being 7, 9 and 11 Whiteley Close, Casula. To the north of the site is a double storey residential dwelling located in a battle-axed allotment, being 13 Whiteley Close, Casula. Adjoining sites to the east are double storey residential dwellings identified as 29, 31 and 36 Tucker Road, Casula. Adjoining to the south are double storey residential dwellings identified as 3 Whiteley Close, and 80 Glenfield Road, Casula.

The site is identified as being a bushfire prone land, and the site is accessed via an access handle to Whiteley Close which provides local access function to residential dwellings. Whiteley Close is accessed via Glenfield Road which is an east-west road servicing connectivity between Cambridge Road and Campbelltown Road.



Figure 1: Aerial view of site. Source from Geocortex

2.2 Locality Description

The area is characterised by a mix of existing low density residential dwellings and the site is located approximately 2.1km south west of Casula Railway Station. In proximity to the proposed development to the east of the site includes a combination of double storey dwellings and townhouse development. To the north and west of the site is a public reserve (zoned RE1 Public Recreation). To the south of the site are new residential developments within the Campbelltown LGA located on the opposite of Glenfield Road.



Figure 2: Location of site. Source from Geocortex

2.3 Site Constraints

Constraints	Comments
<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 • 88B instrument 	<ul style="list-style-type: none"> • The site is a bushfire prone land and is integrated development pursuant to Section 4.46 of the Environmental Planning & Assessment Act 1979.

3. Background

3.1 Background and DA History

A description of the current DA history is provided below:

- The subject DA was lodged with Council on 26 June 2018;
- On 3rd July 2018 all properties within 75m of the subject site were notified of the proposal via notification letters advising of the proposed development, including residences located in Campbelltown Local Government Area.
- On 10th July 2018 the application was referred to NSW Rural Fire Service for comment, who have subsequently supported the proposed use subject to compliance with General Terms of Approval.

- On 3rd October 2018, a deferral of the DA was sent by email to the applicant requesting further information to address Environmental Health and Development Engineering issues.
- On 18th October 2018, the applicant responded to the deferral letter and requested that Council *hold off on the additional information request by Council until the meeting outcome is known*; thereby effectively asking that Council to prepare a report for determination by the Liverpool Local Planning Panel based upon the information submitted to date.
- On 9th May 2019, a deferral via email was sent to the applicant requesting further information to address the previously requested Environmental Health, Development Engineering and subsequently assessed Planning issues.
- On 16 May 2019, a follow up letter sent to applicant which recommended that the application be withdrawn and re-submitted once the issues pertaining to Environment and Health, Development Engineering and Planning have been resolved.
- On 5 June 2019, a further follow up letter sent to the applicant which recommended that the application be withdrawn and re-submitted once the issues pertaining to Environment and Health, Development Engineering and Planning have been resolved.
- On 5 June 2019, the applicant provided a response and advised Council the applicant *cannot get a hold of the client as he is not willing to undergo the additional information request*. As such, Council has forwarded the application to Liverpool Local Planning Panel based upon the information so far submitted, as the applicant has been afforded more than sufficient time to respond to the issues of concern to Council.

4. Details of the Proposed Development

The proposed development is for demolition of existing structures and the construction of a two storey child care centre (60 children) with 30 car parking spaces within two basement levels.

The proposal consists of:

Demolition

Demolition of the existing dwelling, and where appropriate materials to be recycled such as bricks and concrete.

The proposal also relies on the removal of landscaping within the access handle to ensure sufficient width for two way movement.

Construction

Ground Floor

- 331.77m² of unencumbered indoor play area in designated play rooms for each age group (excluding kitchen/office/staff rooms);
- 681.12m² of unencumbered external/outdoor play area with sandpit and shade pergola;
- Foyer/reception area and internal hallways;
- Sleeping room;
- Child bathrooms and nappy room; and
- Four (4) playrooms located around a central outdoor play area:
 - 0-1 years room – 55.14m²;
 - 1-2 years room – 65.21m²;
 - 2-3 years room – 67.10m²; and

- 3-4 years room – 65.95m².

First Floor

- Administrative/consultation room includes archive room;
- Staff room with kitchenette;
- Bathroom;
- Kitchen with Cool room and pantry;
- Laundry and internal hallways.

Lower Basement Level

- 16 x staff car parking spaces including an accessible car parking space;
- Service and storage rooms;
- Lift core and stairwells;

Upper Basement Level

- 14 x visitor car parking space including 2 x accessible car parking space;
- Pedestrian pathways; and
- Lift core and stairwells.

Operational Details

- The child care centre shall accommodate a maximum of sixty (60) children comprising of:
 - 15 children between the ages of 0 to 2 years;
 - 15 children between the ages of 2-3; and
 - 30 children between the ages of 3-5;
- The child care centre shall accommodate a maximum of eleven (11) staff comprising of:
 - 9 educators;
 - On-site manager; and
 - Administrative assistant
- The proposed hours of operation are 7:00am to 6:00pm, Monday to Friday. The child care centre will be closed Sundays and Public Holidays.

Access and Parking

- Vehicular access will be provided from Whiteley Close via a combined entry and exit driveway.
- The 5.5m wide access handle provides the minimum for two-way vehicular movement but this is accommodated by the removal of landscaping within the access handle normally required by Council's design specifications for residential battle-axe allotments.
- Off-street parking for the child care centre will be provided in a double basement structure, with the lower basement level to accommodate 16 staff car parking spaces and the upper basement level to accommodate 14 guest car parking spaces.

Landscaping

- The proposed includes landscaped outdoor play area and includes approximately 512.35m² of deep soil within the outdoor play area.



Figure 3: Site Analysis Plan (north to right)

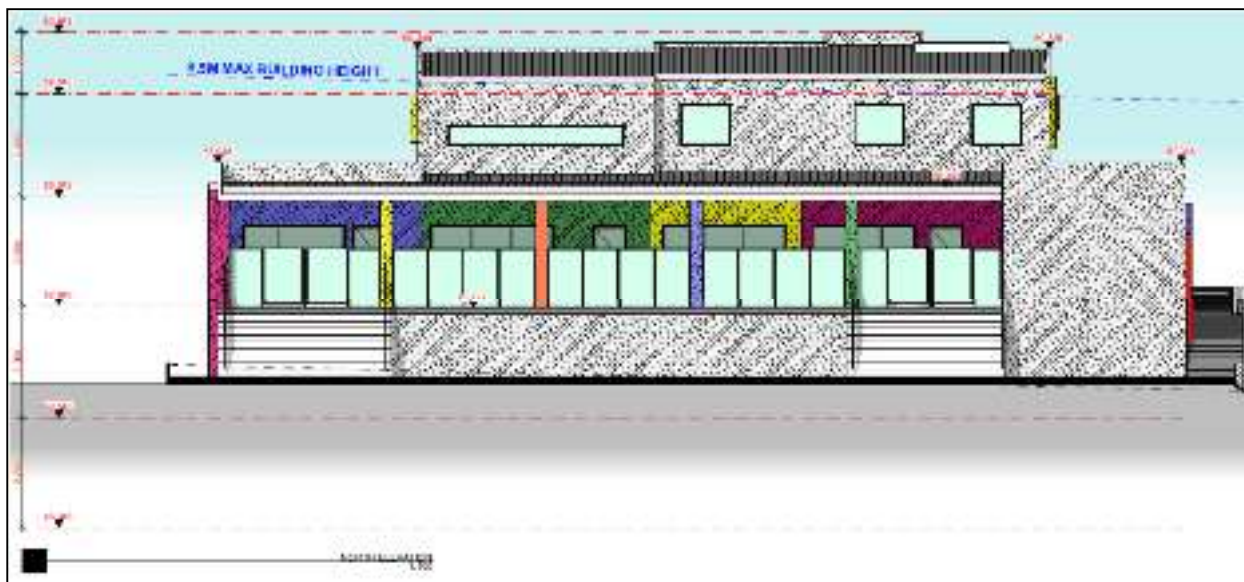


Figure 4: Northern Elevation of the building.



Figure 5: Southern Elevation of the building.

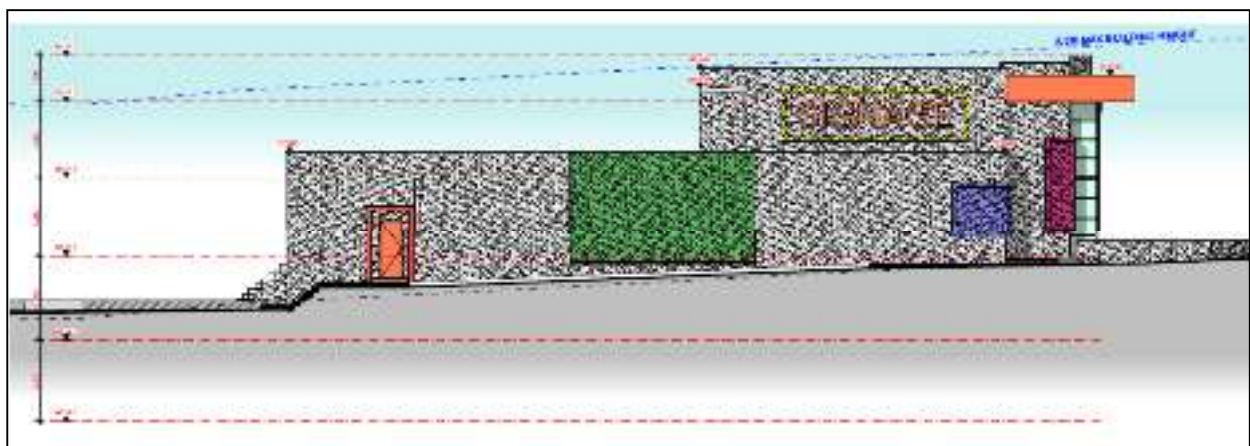


Figure 6: Western Elevation of the building

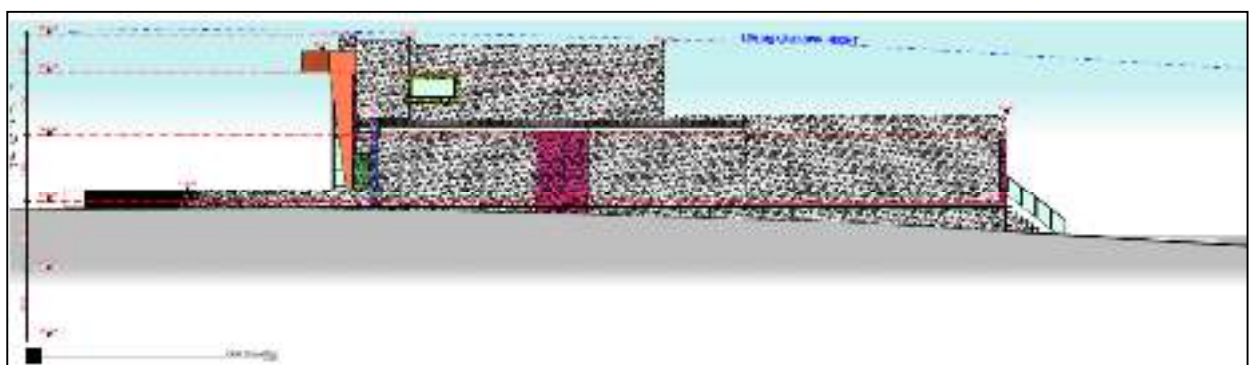


Figure 7: Eastern Elevation of the building

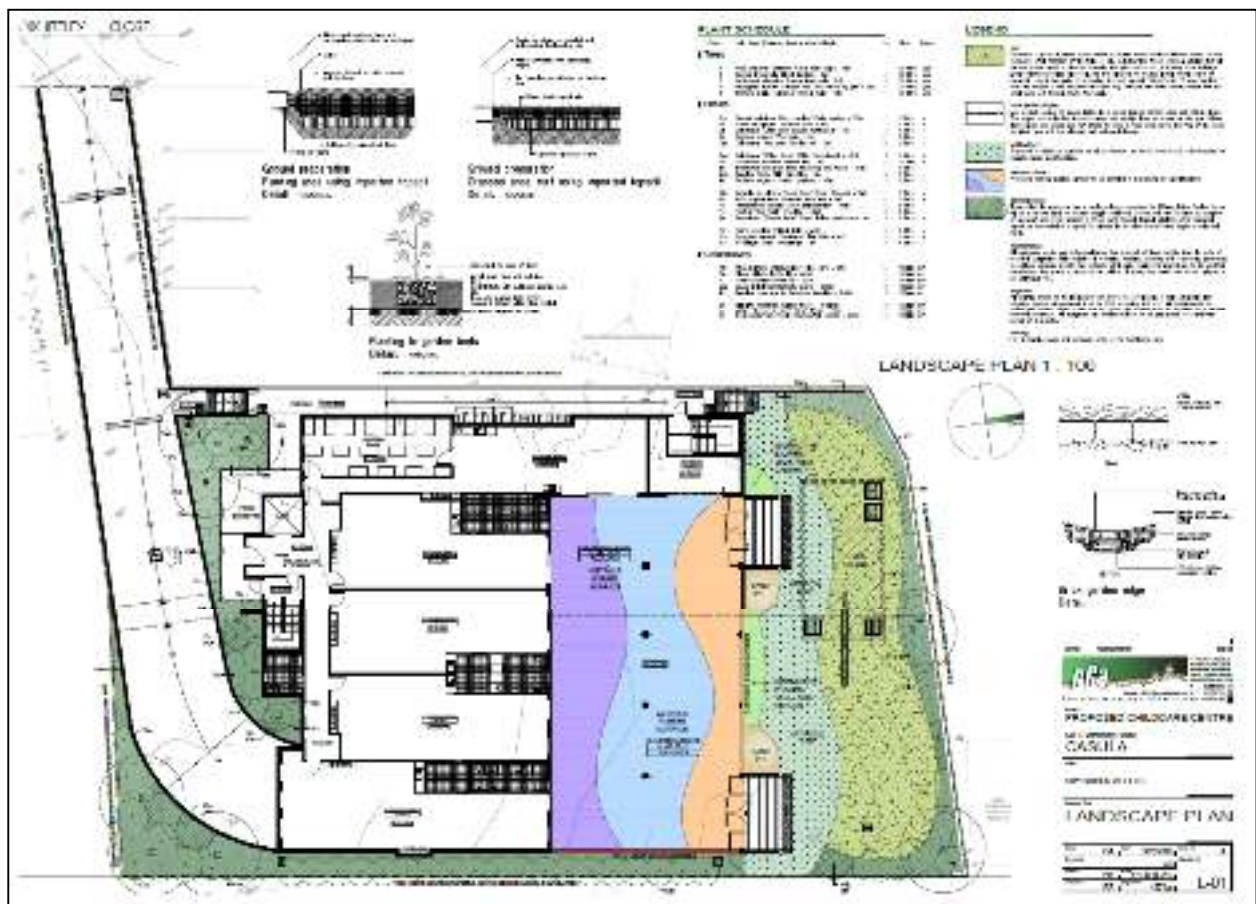


Figure 8: Landscape Plan

5. STATUTORY CONSIDERATIONS

Relevant matters for consideration

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

The following planning instruments have been considered in the planning assessment of the subject Development Application: -

- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (Deemed SEPP);
- State Environmental Planning Policy 55 – Remediation of Land;
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017;
- Liverpool Local Environmental Plan (LLEP) 2008;
- Liverpool Development Control plan (LDCP) 2008;
 - Part 1: General Controls for all development; and
 - Part 3.8: Non Residential development in Residential zones.

6. ASSESSMENT

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

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

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

The GMREP is a deemed SEPP that applies to all of Liverpool LGA, as the LGA forms the region that is part of the Georges River catchment. The general aims of the GMREP are to maintain and improve the water quality and river flows of Georges River and its tributaries.

It is considered that the proposal does not satisfy the provisions of the Sydney Metropolitan Regional Environmental Plan No.2 – Georges River Catchment, namely the applicant has failed to demonstrate satisfactory disposal of stormwater from the development as assessed by Council's Land Development Engineers. The lack of information regarding compliant stormwater disposal is a reason for refusal.

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

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

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

The applicant has submitted a preliminary contamination assessment, prepared by Idealgeotech, (job number: 33527A), dated June 2018 and have concluded that *the results of the preliminary contamination assessment of the site indicates that the site is suitable for the proposed childcare centre.*

The objectives of SEPP 55 are:

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

Clause 7 - Contamination and remediation to be considered in determining development application	Comment
(1) A consent authority must not consent to the carrying out of any development on land unless:	
(a) it has considered whether the land is contaminated, and	A preliminary contamination assessment was undertaken and confirms that the site is suitable for the proposed child care centre.

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

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

(c) State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 was gazetted on 1 September 2017.

The aim of this Policy is to facilitate the effective delivery of educational establishments and early education and care facilities.

The subject application was submitted on 26 June 2018 and the provisions of the SEPP apply to the development.

Following an assessment of the proposal in accordance with Part 3 of Early education and care facilities—specific development controls (Attachment 2), it is considered that the proposal does not satisfy the provisions of the State Environmental Planning Policy (Educational Establishments and Child Care Facilities), and this non-compliance is considered a reason for refusal.

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

The proposed development includes the erection of one (1) sign, with dimension of 7.43 x 2.08m and provides details of the name of the centre. See Figure below.

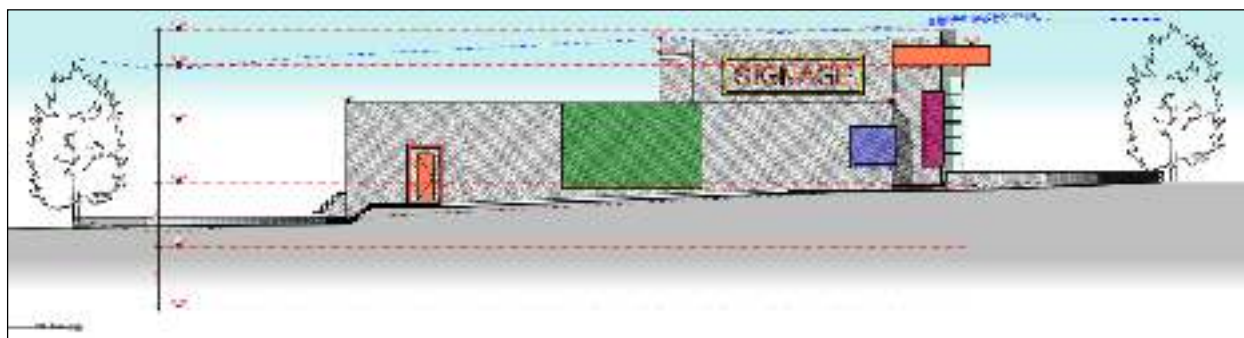


Figure 9: *Elevation of proposed child care centre illustrate proposed location of signage.*

State Environmental Planning Policy No. 64 Advertising and Signage (SEPP 64) applies to the site however the proposal is inconsistent with the intent of the controls as the signage would not be visible from a public area and will directly overlook adjoining rear yard from an elevated location.

Pursuant to Clause 8 of SEPP 64 the proposed signage must be consistent with the objectives of Clause 3 (1) (a) of SEPP 64.

The objectives of SEPP 64 are as follows:

“(a) to ensure that signage (including advertising):

- (i) is compatible with the desired amenity and visual character of an area, and*
- (ii) provides effective communication in suitable locations, and*
- (iii) is of high quality design and finish,”*

The proposed signage is incompatible within the residential area and impacts negatively on the visual character of the low density zone and onto adjoining residential lots. The proposed sign does not comply as it cannot be seen from the street and is therefore not in a suitable location. In this regard, the proposed signage is inconsistent with the objectives of SEPP 64.

Compliance with the assessment criteria of Schedule 1 is outlined in the table below.

SEPP 64 Assessment Criteria	Comment
Character of the area Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? Is the proposal consistent with a particular theme for outdoor advertising in the area of locality?	Does not comply The signage is not visible from the public domain and such elevated signage overlooking the rear yard is not compatible.
Special Areas Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	Not applicable Not relevant due to above.
Views and Vistas Does the proposal obscure or compromise important views? Does the proposal dominate the skyline and reduce the quality of vistas? Does the proposal respect the viewing rights of other advertisers?	Not applicable Not relevant due to above.
Streetscape, Setting or Landscape Does the proposal contribute to the visual interest of the streetscape, setting or landscape? Does the proposal reduce clutter by rationalising and simplifying existing advertising? Does the proposal screen unsightliness? Does the proposal protrude above buildings, structures or tree canopies in the area or locality? Does the proposal require ongoing vegetation management?	Not applicable Not relevant due to above.
Site and Building Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? Does the proposal respect important features of the site or building, or both? Does the proposal show innovation and imagination in its relationship to the site or building, or both?	Not applicable Not relevant due to above.
Associated devices and logos with advertisements and advertising structures Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it to be displayed?	N/A
Illumination	N/A

Would illumination result in unacceptable glare? Would illumination affect safety for pedestrians, vehicles or aircraft? Would illumination detract from the amenity of any residence or other form of accommodation? Can the intensity of the illumination be adjusted, if necessary? Is the illumination subject to a curfew?	
Safety Would the proposal reduce the safety for any public road? Would the proposal reduce the safety for pedestrians or bicyclists? Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	Not applicable Not relevant due to above.

(e) Liverpool Local Environmental Plan 2008 (LLEP 2008)

(i) Zoning

The site is zoned R2 – Low Density Residential pursuant to LLEP 2008.

Zoning Map

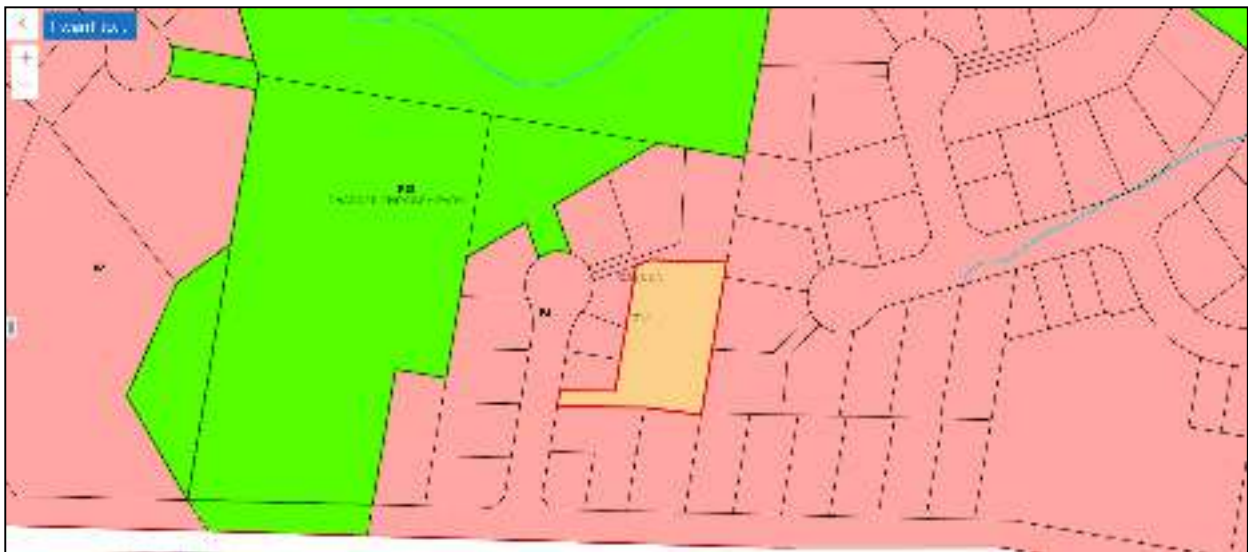


Figure 10: Land use zone map of the subject site.

(ii) Permissibility

The proposed development is defined by the LLEP 2008 as “centre-based child care facility”. A centre-based child care facility is identified as a permitted land use with consent within the R2 Low Density Residential Zone under Liverpool Local Environment Plan 2008.

“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

(b) an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW)),

Note. An approved family day care venue is a place, other than a residence, where an approved family day care service (within the meaning of the Children (Education and Care Services) National Law (NSW)) is provided.

but does not include:

(c) a building or place used for home-based child care or school-based child care, or

(d) an office of a family day care service (within the meanings of the Children (Education and Care Services) National Law (NSW)), or

(e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or

(f) a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or

(g) a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or

(h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility."

(iii) Objectives of the zone

The objectives of the R2 Low 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.

The general scale of the development proposed is not considered to be in accordance with the zone objectives. The proposed child care does not ensure *that a high level of residential amenity is achieved and maintained* as the site is a battle-axed lot without appropriate access to the street. Being a battle-axed lot, the site has numerous shared boundaries with other residential properties and the potential of continued impact on the amenity of adjoining properties is increased when compared to a site that has a street frontage and is therefore preferable for the type of development proposed.

Furthermore, the access handle would need to be widened to accommodate two way vehicular

movement, which would result in eliminating of landscaping on either side of the handle, thereby removing a key design requirement for the previously approved access handle which provides streetscape visual amenity for the low density residential zone.

It is considered that the proposal is not consistent with these zone objectives.

(iv) Principal Development Standards and Provisions

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

Development Provision	Requirement	Proposed	Comment
4.3 Height of Buildings	Max Height 8.5m	10.4m	Does not comply The proposed height at the Northern Elevation does not comply with Clause 4.3 of Liverpool LEP 2008. A 4.6 variation has not been submitted with the application and the variation cannot be supported.
4.4 Floor Space Ratio	Max 0.5:1	FSR of 0.4:1	Complies
6.5 Public Utility Infrastructure	Public utility infrastructure must be available	Existing educational establishment with residential zones surrounding the area.	Complies
7.31 Earthworks	Council to consider matters listed (a)-(g)	A referral to Council's Development Engineers was made and did not support the proposed development.	Complies

Having regard to the above, the proposal is permitted in the zone and is not consistent with the objectives of the zones and relevant development standards in LLEP 2008.

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

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

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

(a) Liverpool Development Control Plan (LDCP) 2008

The Liverpool Development Control Plan 2008 is applicable to the proposed development.

Following an assessment of the proposal in accordance with the relevant parts of the DCP (Attachment 3), it is considered that the proposal does not satisfy the provisions, and the non-compliances are considered reasons for refusal.

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

There are no Planning Agreements which apply to the development.

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

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

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

Natural and Built Environment

It is considered that the proposed development is unlikely to impact on the natural environment but would result in an impact on surrounding built environment due to excessive height which is considered unnecessary and undesirable. Notwithstanding this, documentation submitted with the proposal does not address or satisfy the key planning controls for the site as detailed above. These issues include traffic and access, stormwater engineering and noise impacts.

Traffic and Access

Although parking provisions for the proposed child care centre might be accommodated on site, the proposal is likely to generate additional traffic in Whiteley Close which is situated in a cul-de-sac with a road pavement of 6 metres and on-street parking.

The site is located in a battle-axed allotment and the access handle needs to be widened to ensure the driveway is capable of accommodating two way movement.

However, the widening of the access handle eliminates the landscape on either side, which would result in a development not being compatible with the local character and surrounding streetscape, in accordance with objective C5 of Section 3.2 of the Child care Planning Guidelines. In accordance with the LDCP 2008, landscaping is required to be provided on either side of the access handle (shown in Figure 10).

In addition to the above, the potential traffic and parking impacts of the proposal on residential amenity is heightened as the site is a battle-axed lot, which is accessed from a cul-de-sac. Concerns are raised in regards to ensuring that safe access can be provided to and from the site, and to and from the wider locality in times of an emergency, specifically as the site is identified as a bushfire prone land.

Noise

Environment and Health have reviewed the *Noise Impact Assessment Proposed Child Care Centre 5 Whitley Close, Casula* (Report No. 180089R1) (referred to as the report hereon) prepared by Rodney Stevens Acoustics Pty Ltd dated 18 April 2018 and raised concerns with respect to the following issues, which the applicant did not provide a response to, rendering the assessment of the required criteria, unachievable.

- *Section 4.3.4 Project Specific Trigger Noise of the report notes that the processed results of the attended noise monitoring have been used to determine project specific project trigger noise level. No details have been provided regarding attended noise monitoring. Please provide relevant details regarding the 15 minute attended noise readings, including but not limited to date, time, location etc. Furthermore, details as to why the unattended noise monitoring results recorded were not utilised as the measures for determining the project trigger noise levels;*
- *The outdoor play areas are approximately 2 meters above ground level (calculated using the submitted plans). With the 1.8 metre solid balustrade on the northern side of the outdoor play area (on the balcony), the noise over spill above the balustrade is what will be the dominant noise source from the children playing, this will be at a height of approximately 3.8 meters from ground level;*
- *A number of the affected neighbouring residents are two storey. This includes 3, 7, 9, 11 and 15 Whiteley Close, as well as, 80 Glenfield Road and 29, 31 and 36 Tucker Road. The assessment on how the nearest receivers will be affected is based on the receivers being at a height of 1.5 meters on ground level. The assessment is required to include the impact on the second storey of the dwellings surrounding the site. It is appropriate to calculate the predicted noise levels at the second storey windows of the receivers' dwellings taking into consideration the height of the outdoor play areas on the balcony;*
- *Furthermore, Figure 5-1 Receiver Locations on page 14 of the report identifies 4 affected receivers. Based on the most affected boundary heights. There are an additional 7 affected receivers that have not been considered in the assessment. In accordance with Section 3.3 Predicting noise levels and determining impacts in the NPfI, part of the parameters includes all receivers potentially affected by the development are clearly identified, and thus are to be included in the assessment. Nos 11 and 13 Whiteley Close, as well as 29 Tucker Road will be impacted by the outdoor play areas and should be considered. Furthermore, 3 and 7 Whiteley Close, including 80 Glenfield Road will be impacted by traffic noise entering and leaving the premises. All of these sites should be considered as part of the assessment;*
- *Section 5.3.3 Carpark Emission calculates noise levels from the activities carried out within the carpark. Table 5-5 Calculated carpark noise levels indicates that the 4 residential receivers (as identified in Figure 5-1 Receiver Locations) will not be affected by the predicted noise level from the carpark. However, this assessment does not include the movement of traffic into and out of the sites carpark. Those residential receivers affected by such noise have not been included in the assessment. This will need to be considered by the acoustic consultant given the Traffic and Parking Impact Statement prepared by Thompson Stanbury Associates dated 6 April 2018 predicts 108 car movements in and out of the site a day.*

Stormwater

Council's Land Development Engineers do not support the proposed stormwater drainage systems and have requested additional information such as:

- *Details of basement stormwater drainage system, catchment plan for both pre and post development scenarios, submission of detailed print outs of all input and output with a copy of the data files for review and to provide driveway dimensions and longitudinal grades.*

The applicant did not provide a response to the requested detail, rendering the assessment of the development impact, unachievable.

Social Impacts and Economic Impacts

It is considered that the documentation submitted with the proposal is insufficient in order to make an assessment regarding the social and economic impacts of the development on surrounding development and the locality.

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

Following a detailed review of the development application, including recommendations from internal Council officers, and considerations of the numerous submissions, it is considered that the application is unacceptable and not suitable for the site. These issues include, exceedance of building height in a low density residential zone, lack of details with respect to noise impact on surrounding dwellings, site location with respect to vehicular access and egress including impacts on the immediate street network, and lack of details with respect to the proposed stormwater drainage system.

The site location is not near compatible social uses such as schools and other educational establishments, community facilities, places of public worship or near or within employment areas, shops with access to public transport or in an area with pedestrian connectivity to the local community, businesses, services and the like.

Due to the non-compliances with Council's planning requirements and that insufficient information has been submitted to allow for a full and proper assessment of the application, it is considered that the applicant has failed to demonstrate that the proposed development is suitable for the site.

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

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

Department	Comment
Environment and Health	Does not support the proposal. The Health section is unable to support the proposed development as the submitted acoustic report demonstrates that the proposed development is likely to cause a noise impact on surrounding residences.
Traffic Engineering	No objection subject to conditions of consent. Traffic Engineers have requested the following prior to the issue

	<p>of Construction Certificate:</p> <ul style="list-style-type: none"> • The Operational Traffic & Pedestrian Management Plan (OTPMP) be submitted as a separate document to Council's Traffic and Transport Unit for comments. • The provision of a service vehicle should be considered within the proposed development. • The access driveway and car parking spaces in accordance with the DCP, RMS <i>Delineation Guidelines</i> and Australian Standards, AS:2890. • Linemarking and signposting in the carparks are to be submitted to Council for endorsement. • Construction Traffic Management Plan prepared by a qualified traffic engineer and is submitted to Council for review and endorsement.
Development Engineering	<p>Does not support the proposal. Council's Development Engineers have concerns with respect to the following engineering matters:</p> <ul style="list-style-type: none"> • Council does not support the proposed stormwater drainage system. Stormwater design should utilise existing stormwater drainage easement burdening Lot 1308 of DP 873911 and benefitting Lot 1312 of DP 873911 (A Title search should be completed to confirm status of easements). Revised stormwater drainage design is to be submitted for review. • Provide details of basement stormwater drainage system. • Provide catchment plan for both pre and post development scenarios. Clearly show impervious, pervious area calculations. • Submission of detailed print outs of all input and output with a copy of the data files for review. • Minimum 5.5m driveway width to facilitate 2 way vehicular movements. • Provide driveway dimensions and longitudinal grades.
Natural Environmental	Supports the proposed development subject to conditions.

(b) External Referrals

The following comments have been received from External Departments:

DEPARTMENT	COMMENTS
NSW Rural Fire Service	A referral was made to NSW Rural Fire Service and issued General Terms of Approval.

(c) Community Consultation

The proposal was notified to adjoining properties in accordance with the Liverpool Development Control Plan Part 1, Clause 18, from 3 July 2018 to 18 July 2018. 18 submissions and one (1) petition (with six signatures) were received during this period.

A summary and assessment of the issues raised in the submission, is detailed in the following table below:

Resident concerns	Comment
Safety Considerations <i>The proposed development is located in a battleaxe allotment and the street is a cul-de-sac. The safety of residents/home owners in the surrounding properties will be at a higher risk when trying to leave and enter their driveways due to increase street parking.</i>	<p>Council concurs with the issue of safety as there is no operational management plan submitted to address issues raised by residents.</p> <p>The likely increase in vehicular movements in peak times would result in a likely significant impact on local street safety compared to what is reasonably expected in a cul-de-sac of only 6m pavement width.</p>
Site Isolation <i>The site is 2.4KM from Woolworths, 3.5km from Casula Mall. 2.1Km from Glenfield station, 2.1km from Casula High School and Hurlstone Agricultural High School will no longer be at its current location and being re-zoned (however for good measure it was also 2.1Km away). I believe this is purposefully made misleading to create the impression the location is not located on a quiet Cul-de-sac.</i>	<p>Council concurs that the site is isolated as child care centres should be located near compatible social uses such as schools and other educational establishments.</p> <p>The location of the site is considered to be isolated and therefore contrary to the objectives C3 of Section 3.1 of the CCPG,</p> <p>The proposal is not located near compatible social uses such as schools and other educational establishments, community facilities, places of public worship or near or within employment areas, shops with access to public transport or in an area with pedestrian connectivity to the local community, businesses, shops, services and the like.</p> <p>The lack of easy accessibility is likely to add to vehicular movements and thereby increase impact on the adjoining residential allotments.</p>
Exceedance in Height <i>Our house will lose a significant amount of sunlight, particularly in the winter months. It will shadow our house and lower the temperature. The ground level of 5 Whiteley Cl is already higher than my property therefore worsening the current situation.</i>	<p>Council concurs with the residents' concerns in regards to excessive height. Submitted elevation plans reveal the highest point of the building at the northern elevation exceeds the 8.5m height control, being 10.4m in height.</p> <p>The applicant did not submit a 4.6 variation to justify the non-compliance with the height control.</p>
Car Parking <i>The school is providing 30 car spaces onsite and they can have up to 60 students. All staff and visitors are supposed to park on site not in the streets.</i> <i>The childcare will need at least 10 staff members to care for the quota of children they expect. With 10 cars alone for the carers, what about the administration staff cars? What about maintenance staff cars? Staff employed to prepare food? These additional cars are not taken into account with the available parking the site would have available.</i>	<p>Parking provisions for the proposed child care centre is adequate.</p> <p>Off-street parking for the child care centre will be provided in a double basement structure, with the lower basement level to accommodate 16 staff car parking spaces and the upper basement level to accommodate 14 guest car parking spaces.</p> <ul style="list-style-type: none"> • Total number of staff are 11, therefore 11 car parking spaces are required for staff. • For 60 children, 6 car parking spaces are required <p>Total car park requirement = 17 spaces Proposed = 30 spaces inclusive of 3 disabled</p>

	<p>space</p> <p>A delivery turning bay is provided.</p>
<p>Access</p> <p><i>The street is too narrow and with cars parked on one side, it is difficult for cars to pass. It is a cul-de-sac and will be too busy for cars to be able to drop children at the proposed development.</i></p> <p><i>The driveway as it is, cannot support two cars traveling in opposite directions in and out of the property. With the added footpath along that same driveway into the proposed development, traffic will bank up on Whiteley Cl, with vehicles needing to wait for cars to exit the property before they can enter.</i></p> <p><i>The access to the proposed development is just a single lane between the existing houses and will cause congestion on the street.</i></p> <p><i>The question is raised that in a cul-de-sac with local residents and the pre-school all trying to evacuate the area at the same time a fire engine is trying to access the property with only one access and exit route may be problematic.</i></p>	<p>Council concurs that there are issues with access with respect to what is reasonably expected of a child-care centre use. The site is in a battle-axed allotment and the roadway described as Whiteley Close is within a cul-de-sac.</p> <p>The proposed development does not comply with Part 3.8 – Non-residential development in Residential zones, Section 2 – Child Care Centres, 2.3 Site Planning. Child Care Centres shall not be permitted on streets with a carriageway width of 6.5m or less or on streets, which are cul-de-sacs.</p> <p>Whiteley Close includes a cul-de-sac and has a road width of only 6m. The applicant has not provided written justification for the non-compliance.</p>
<p>Traffic</p> <p><i>There is more traffic entering your cull de sac and all in peak hour times when the local residents are also likely to be trying to get in and out of the one way cul de sac. So effectively the traffic flow has increased by maybe an extra 100 cars accessing the cull de sac both morning and night.</i></p> <p><i>There is more traffic entering the cull de sac. It is a cul de sac and will be too busy for cars to be able to drop children at the proposed development.</i></p> <p><i>There is not enough drop off areas, children would be dropped in Whiteley Close causing traffic chaos.</i></p>	<p>Council's Traffic engineers reviewed the submitted Traffic and Parking Impact Statement, prepared by TSA, dated 6 April 2018 and raised no concern with the technical requirements of the proposal with respect to minimum requirements in accordance with standards.</p> <p>Even so, when applying the entirety of the site specific planning controls required for such uses, and their expected impacts, it is considered the likely traffic generation is unreasonable with respect to the inherent site constraints.</p> <p>The fact that landscaping must be diminished to accommodate the two-way movement in the access handle is not supported.</p>
<p>Noise impact to surrounding residents</p> <p><i>The development will generate excessive noise during the development phase and thereafter from the children, parents and carers. This will far exceed the amount of noise that would occur for a normal house being detrimental to us as well as our pets and children</i></p> <p><i>Noise invasion from the playground areas. 60 children make a lot of noise arriving, departing at breaks. The noise will impact on people's</i></p>	<p>Council concurs with the potential noise impact on surrounding residents, and comments that Council's concerns have not been appropriately addressed by the applicant.</p> <p>A referral was made to Environment and Health and assessed the acoustic report prepared by Rodney Stevens Acoustics (Dated 18 April 2018) ref no: 180089R1- Revision 0). Environment and Health is unable to support the acoustic assessment because the submitted acoustic report demonstrates that the proposed development is likely to cause a noise impact on</p>

<p><i>health. There would be noise all day as some children would be half a day, some all-day some long day. As the proposed dwelling is on a hill the noise would flow down to all the houses below.</i></p> <p><i>The large number of cars using the child care centre will be very noisy. There will be 60 cars (120 traffic movements per hour) during pick up, and drop off, travelling within 1.5m of our back fence. This is far more traffic noise than would occur for a normal house and is a significant disturbance.</i></p>	<p>surrounding residences.</p>
<p>Loss in property value</p> <p><i>This proposed fence will be a shared fence, yet we haven't been able to see what this fence is expected to look like. There is a risk that it could decrease the value of our property in terms of quality and design etc.</i></p> <p><i>The value of homes will drop from the increased traffic</i></p>	<p>There is no sufficient evidence that the proposed development would impact on the property value of surrounding properties, however, proposed signage overlooking an adjoining rear yard would reduce visual amenity not reasonably expected in a low density residential zone.</p>
<p>Privacy and overshadow</p> <p><i>There will be shadowing as the proposed dwelling is on a hill and will completely dwarf other homes. The building will create privacy issues, children and teachers will be able to see into other homes and backyards.</i></p> <p><i>The 1.5m proximity to my property coupled with the significantly higher proposed childcare centre will impinge on our privacy. Even with a 1.8m fence, I don't imagine this is high enough when compared to the proposed building.</i></p>	<p>Shadow diagrams were submitted show that adjacent residential dwellings would not be subject to overshadowing. Residents to the East, West and South continue to receive adequate solar and the chance that balconies and windows will result in overlooking of living areas of adjoining residences are minimal.</p>
<p>Evacuation in the event of a bushfire.</p> <p><i>It is bush fire prone, recent fires in Holsworthy could come across the guillies in Glen regent estate Access is via a front lane no back access.</i></p>	<p>A referral was made to NSW Rural Fire Service, who has no objection to the proposal and issued its General Terms of Approval. However, despite the above, Council concurs with residents in regards to ensuring that safe access can be provided to and from the site, and to and from the wider locality in times of emergency, specifically as the site is identified as bushfire prone land and is located on a battle-axe lot within a cul-de-sac.</p>

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

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

7. DEVELOPMENT CONTRIBUTIONS

Contributions are not applicable to the subject application which seeks consent for the proposed child care centre.

8. CONCLUSION

Following an assessment of the development application and consideration of the numerous submissions received to the application, as well as the potential adverse impacts upon neighbouring properties, the proposed development is considered to be unacceptable.

In addition, the assessment of the application has identified significant non-compliances with Council's planning controls, including exceedance of the allowable building height limit, traffic impacts and vehicular access, stormwater disposal and potential noise impacts to the surrounding environment. Despite more than sufficient time granted for the applicant to respond to these issues, the deficiencies of the application remain unresolved.

Notwithstanding the lack of response from the applicant in respect to Council's request for information letters, it is considered that the proposed development would not promote the orderly use and development of land that is consistent with the existing character of the locality, and therefore, the application is not considered to be in the public interest.

Accordingly, the application is considered to lack planning merit and is not worthy of support.

9. RECOMMENDATION

That pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act, 1979, Development Application DA-498/2018 for demolition of existing structures and the construction of a two storey child care facility (60 children) with 30 car parking spaces within two basement levels be refused for the following reasons:

1. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with the relevant environmental planning instruments in terms of the following:
 - a) The proposed development does not satisfactorily demonstrate compliance with the provisions of the Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (Deemed SEPP) – Clause 8: General Principles and Clause 9: Specific Principles.
 - b) The proposed development does not demonstrate compliance with the provisions of Clauses 23, 25 & 26 of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 in that insufficient evidence has been submitted demonstrating that the proposal complies with the provisions of the *Child Care Planning Guidelines*.
 - c) The proposed development does not comply with the objectives for signage under State Environmental Planning Policy No.64 – Advertising and Signage, as the proposed sign is not compatible with the desired amenity and visual character of the area and is proposed in an unsuitable location.
 - d) The proposed development does not comply with Clause 4.3 Height of Building of the Liverpool Local Environmental Plan 2008 in that the proposed development exceeds the maximum permitted building height of 8.5m.
2. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with the following sections of Liverpool Development Control Plan 2008:

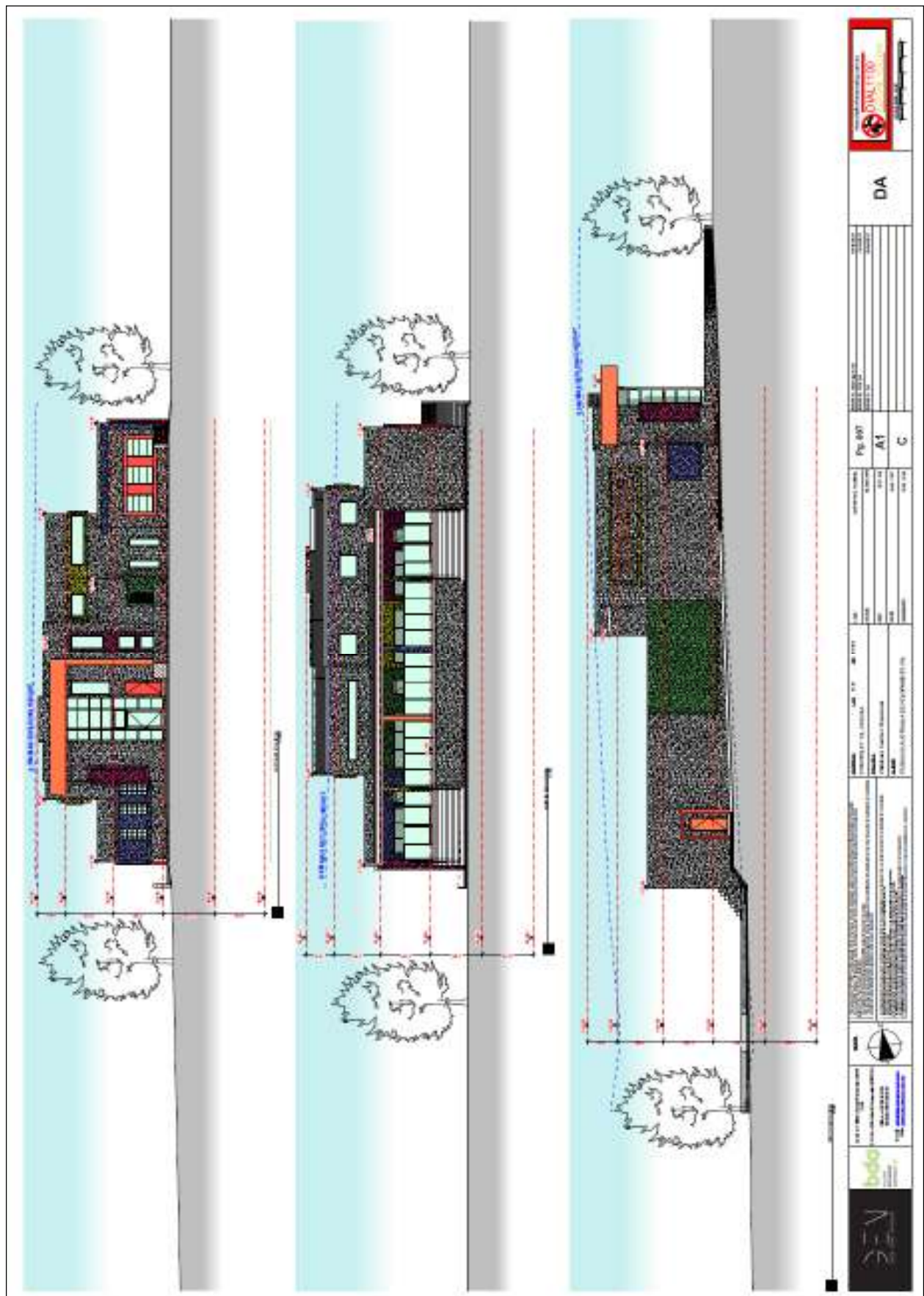
- a) The proposed development does not comply with the objectives and controls of Liverpool Development Control Plan 2008 - Part 1: General Controls for all Development, Section 2 – Tree Preservation, as an arborist report has not been provided to ascertain whether existing trees are required to be removed to accommodate the proposed development.
- b) The proposed development does not comply with the objectives and controls of Liverpool Development Control Plan 2008 - Part 1: General Controls for all Development, Section 3 – Landscaping and Incorporation of Existing Trees, as an arborist report has not been provided to ascertain whether existing trees are required to be removed to accommodate the proposed development, and as landscaped area is required to be removed, diminishing the landscape requirements of battle-axed lots in residential zones.
- c) The proposed development does not comply with the objectives and controls of Liverpool Development Control Plan 2008 - Part 1: General Controls for all Development, Section 6 – Water Cycle Management, as the proposal has not demonstrated consistency with Council's stormwater and drainage requirements.
- d) The proposed development does not comply with the objectives and controls of Liverpool Development Control Plan 2008 - Part 3.8: Non-Residential Development in Residential Zones in that it:
 - i) provides a deficiency in the required mix of children cohort;
 - ii) is accessed by a road of insufficient width;
 - iii) is located in a cul-de-sac with limited vehicular movement capacity;
 - iv) does not comply with Site Planning requirements and is not located near compatible social uses;
 - v) is not consistent with the existing low density character of the locality with respect to height and scale;
 - vi) does not provide easy access to the site for pedestrians;
 - vii) does not demonstrate that noise emission impacts generated by its use on the surrounding residential sites, is acceptable;
- 3. 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 on the built environment, in particular with respect to the increased impact on surrounding residential sites due to traffic generation in the immediate limited street network, noise emission impact, visual amenity impact, and likely stormwater discharge impact.
- 4. Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the proposed development has not adequately demonstrated the suitability of the site for the development. In particular the proposed development is unsatisfactory due to the exceedance in height in a low density residential zone, lack of details with respect to noise impact on surrounding dwellings, site location with respect to vehicular access and egress including impacts on the immediate street network, and lack of details with respect to the proposed stormwater drainage system.

Additionally, the site location is not near compatible social uses such as schools and other educational establishments, community facilities, places of public worship or near or within employment areas, shops with access to public transport or in an area with pedestrian connectivity to the local community, businesses, services and the like.

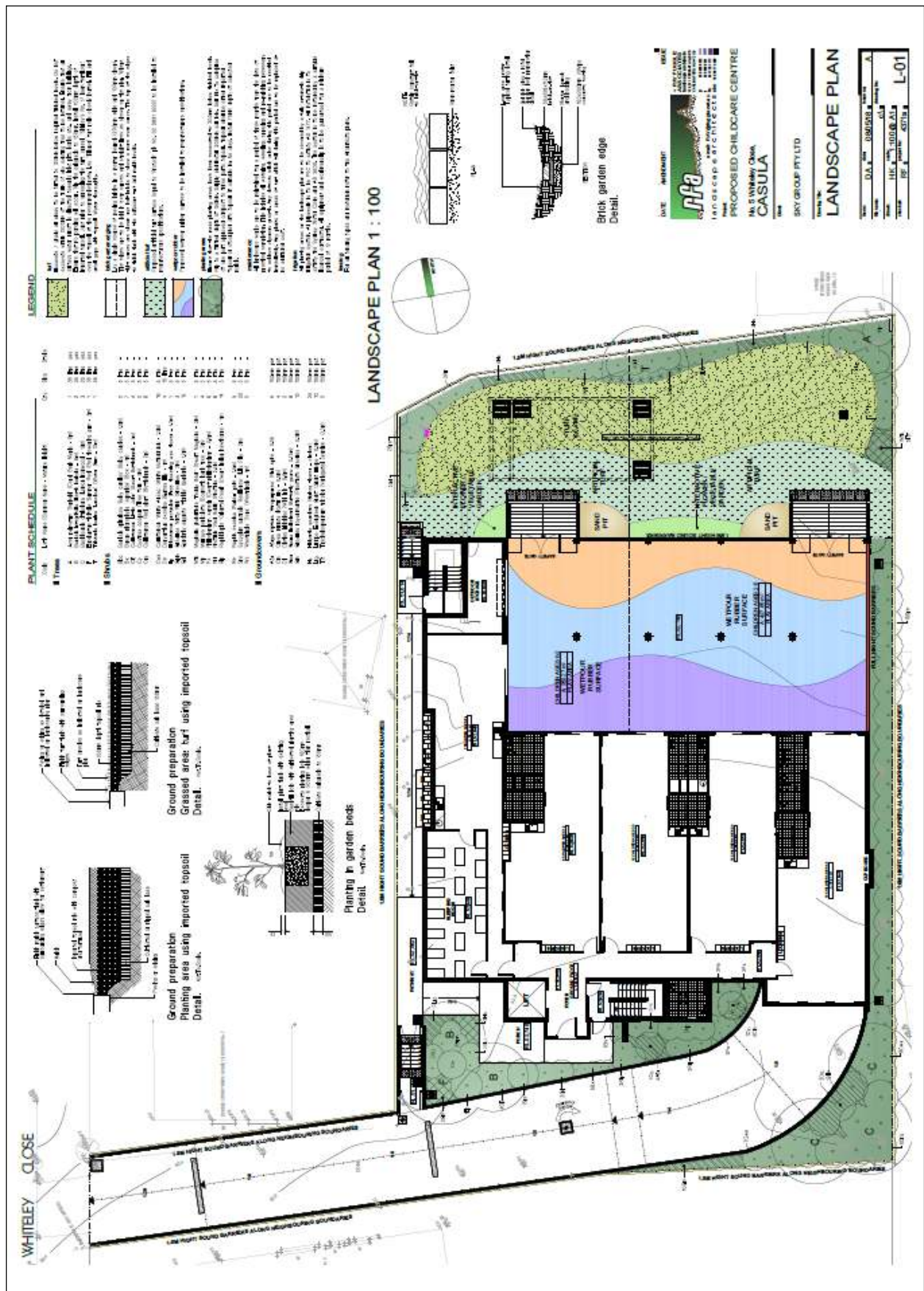
5. Insufficient information has been submitted to allow Council to carry out a full assessment of the application. In this regard, no response has been received to Council's request for additional information (Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979).
6. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, in the circumstances of the case and for the reasons stated above, approval of the development would set an undesirable precedent for similar inappropriate development is therefore not in the public interest.

10. ATTACHMENTS

1. **PLANS OF THE PROPOSAL**
2. **SEPP (EDUCATIONAL ESTABLISHMENTS AND CHILD CARE FACILITIES) 2017**
3. **DCP COMPLIANCE TABLE**







ATTACHMENT 2: SEPP (EDUCATIONAL ESTABLISHMENTS AND CHILD CARE FACILITIES) 2017

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 Checklist			
Part 3 Early education and care facilities – specific development controls			
Clause	Requirements	Proposed	Comment
Section 22 Centre-based child care facility—concurrence of Regulatory Authority required for certain development, if the proposal does not comply with the requirements (1 - 6)	This clause applies to development for the purpose of a centre-based child care facility if: <ul style="list-style-type: none"> (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, or</i> (b) The outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements) of those regulations. <ul style="list-style-type: none"> • Indoor - 3.25m² per child • Outdoor - 7.0m² per child 	<u>Required</u> Indoor - (60 x 3.25) 195m ² Outdoor - (60 x 7) 420m ² <u>Proposed</u> Indoor – 331.77m ² Outdoor – 681.12m ²	Complies The proposal complies with Clauses 107 and 108 of the Educational and Care Services Regulation.
Section 23 Centre-based child care facility—matters for consideration by consent authorities	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	The assessment of the proposed is in accordance with Child Care Planning Guidelines (dated August 2017).	Does not comply. Based on the assessment the proposed child care centre does not comply with Child Care Planning Guidelines, namely shortfall of educators. Total number of educators is nine (9) Based on 60 children, 10 educators are required. As a result, there is a shortfall of one (1) educator.
Section 24 Centre-based child care facility in Zone IN1 or	To minimise land use conflicts with existing industrial development	The site is in R2 – Low Density Residential zone and is not located in	Complies

LIVERPOOL CITY COUNCIL

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IN2—additional matters for consideration by consent authorities		proximity to industrial development.	
Section 25 Centre-based child care facility—non-discretionary development standards	To identify development standards for particular matters relating to a centre-based child care facility that, if complied with.	It is noted that these non-discretionary development standards override the relevant controls stipulated within the Liverpool Development Control Plan 2008 – Part 3.8: Non-residential development in residential zones.	Complies
	a) location in relation to distance from any other child care facilities	No child care centre within 500m of the site	Does not comply. The nearest child care centre is located approximately 336m east to the subject site.
	b) indoor and outdoor space complies with regulation 107 and 108 of the Education and Care Services National Regulations.	Indoor – (60 x 3.25) = 195m ² Outdoor – (60 x 7) = 420m ²	Complies Proposed indoor – 331.77m ² Proposed outdoor – 681.12m ²
	c) The development may be located on a site of any size and have any length of street frontage or any allotment depth,	Site area is 1774m ² and is located in a battle axe allotment with no street frontage.	Complies
	d) The development may be of any colour of building materials or shade structures if it is not listed as heritage listed	The site is not listed as local heritage or state heritage	Complies
Section 26 Centre-based child care facility—development control plans	1) A provision of a development control plan that specifies a requirement, standard or control does not apply in relation to a) Operational or management plans or arrangements (including hours of operation)	No Plan of Management submitted	Does not comply Lack of Information
	b) Demonstrated need or demand for child care services	Social Impact Assessment is submitted and identified a high percentage of families living in the locality.	Complies

	c) Proximity of facility to other early education and care facilities	Nearest child care is located approximately 366m to the east of the subject site.	Does not comply
	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><u>Requirements</u></p> <p>Height – 8.5m</p> <p>Setbacks Side-1.2m Rear-4m</p> <p>Car parking- 30</p> <p><u>Proposed</u></p> <p>Height- 11.3m</p> <p>Side setbacks – western side – 1.66m</p> <p>Eastern side – 1.2</p> <p>Rear Setback- greater than 4m.</p> <p>Car parking - 30</p>	<p>Does not comply</p> <p>The proposed height at the Northern Elevation does not comply with Clause 4.3 of Liverpool LEP 2008.</p> <p>A 4.6 variation has not been submitted with the application, to support the variation of the development standard.</p>

National Quality Framework Assessment Checklist		
Regulation	Proposed	Comment
<p>104 Fencing or barrier that encloses outdoor spaces</p> <p>Outdoor space that will be used by children will be 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.</p>	<p>Fencing has been provided around outdoor spaces used by children. The fencing will comprise the following:</p> <p>A solid 1.8m high solid acoustic wall is proposed along the perimeter of the outdoor play area.</p> <p>1.2m and 1.8m high front fence shall be provided to ensure security of the child care centre.</p>	<p>Complies</p>

<p>106 Laundry and hygiene facilities</p> <p>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</p>	<p>Laundry and Hygiene facilities provided and located away from children's play areas.</p>	<p>Complies</p>
<p>107 Unencumbered indoor space</p> <p>The proposed development includes at least 3.25 square metres of unencumbered indoor space for each child.</p> <p>Refer to regulation 107 of the Education and Care Services National Regulation for further information on calculating indoor space.</p>	<p>A total of 60 children are proposed at the child care centre. A total of 195m² of indoor space is required.</p> <p>Four (4) indoor play areas proposed and consist of:</p> <ul style="list-style-type: none"> • Ages 0-1 years (55.14m²); • Ages 1-2 years (65.21m²); • Ages 2-3 years (67.10m²); • Ages 3-4 years (65.95m²). <p>Unencumbered indoor play proposed is 253.4m²</p>	<p>Complies</p>
<p>108 Unencumbered outdoor space</p> <p>The proposed development includes at least 7.0 square metres of unencumbered outdoor space for each child.</p> <p>Refer to regulation 108 of the Education and Care Services National Regulation for further information on calculating outdoor space, and for different requirements for out-of-school-hours care services.</p>	<p>A total of 60 children are proposed at the child care centre. Therefore 60 children x 7m² equates to 420m²</p> <p>A total of 681.12m² of outdoor space is provided.</p>	<p>Complies</p>
<p>109 Toilet and hygiene facilities</p> <p>The proposed development includes adequate, developmentally and age appropriate toilet, washing and drying facilities for use by children being educated and cared for by the service. The location and design of the toilet, washing and drying facilities enable safe and convenient use</p>	<p>The proposed development provides for toilets and hygiene facilities that is located in between each play room. There is also a nappy room located adjacent to playrooms for ages 0-5.</p>	<p>Complies</p>

by the children.		
110 Ventilation and natural light The proposed development includes indoor spaces to be used by children that — <ul style="list-style-type: none"> • will be well ventilated; and • will have adequate natural light; and • can be maintained at a temperature that ensures the safety and well-being of children. 	The proposed child care centre will have access to adequate natural light using windows facing different orientations. Natural cross ventilation will also be available to all play rooms through windows openings and mechanical ventilation.	Complies
111 Administrative space The proposed development includes an adequate area or areas for the purposes of conducting the administrative functions of the service; and consulting with parents of children; and conducting private conversations.	Administrative areas have been provided to facilitate conducting the administrative functions of the service, consulting with parents of children and conducting private conversations. Submitted floor plans illustrate proposed meeting rooms, staff room and reception to carry out administrative tasks.	Complies
112 Nappy change facilities (To be completed only if the proposed development is for a service that will care for children who wear nappies)	Nappy change facilities have been provided for children who wear nappies, including hygienic facilities for nappy changing and bathing. The nappy change room is located adjacent to playroom for ages 0-2.	Complies
113 Outdoor space – natural environment The proposed development includes outdoor spaces that will allow children to explore and experience the natural environment.	The centre proposes an outdoor play area. The proposal incorporates high quality designed outdoor areas to enable a safe learning environment for children. The design complies with the minimum requirement for outdoor play space to also encourage the children to fully experience the landscaped areas.	Complies
114 Outdoor space – shade The proposed development includes adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.	Submitted landscape plan illustrate shade pergola structure located in the outdoor play area.	Complies

115 Premises designed to facilitate supervision The proposed development (including toilets and nappy change facilities) are designed in a way that facilitates supervision of children at all times, having regard to the need to maintain the rights and dignity of the children.	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. Toilets and nappy change facilities are located between the rooms and accessible.	Complies
123 Educator to child ratios—centre-based services The minimum number of educators required to educate and care for children at a centre-based service as follows; 1) Children age between 0 to 24 months- 1 educator to 4 children;	<ul style="list-style-type: none"> The child care centre shall accommodate a maximum of eleven (11) staff comprising of: <ul style="list-style-type: none"> 9 educators; On-site manager; and Administrative assistant 15 children and 4 educators proposed equating 1 to 4 children.	Does not comply Total number of educators is nine (9). Based on 60 children, 10 educators are required. As a result, there is a shortfall of one (1) educator.
2) Children age between 24 months to 36 months - 1 educator to 5 children;	15 children and 3 educators proposed equating 1 to 5 children.	See above A shortfall of one (1) educator.
3) Children age between 36 months and over - 1 educator to 11 children; and	30 children and 3 educators proposed equating 1 to 11 children	See above A shortfall of one (1) educator.
4) Children over preschool age- 1 educator to 15 children.	None proposed	N/A

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 (CCPG), in relation to the proposed development.

Compliance with the provisions of Part 4 of the (CCPG) are discussed with respect to the proposal as follows: -

Child Care Planning Guideline 2017		
3.1 Site Selection and Location		
Objective	Considerations	Comment
To ensure that appropriate zone considerations are assessed when selecting a site.	For proposed developments in or adjacent to a residential zone, consider: <ul style="list-style-type: none"> the acoustic and privacy impacts of the proposed development on the residential properties 	Does not Comply. Lack of Information Environmental Noise Assessment report prepared by Rodney Stevens Acoustics, (document reference no: 180089R1) dated 18 th April 2018 was referred to Environment and Health for

		comment whom have requested additional information. A 14 day letter and 7 day letter were sent to the applicant, however, no response was provided.
	<ul style="list-style-type: none"> the setbacks and siting of buildings within the residential context 	Complies. Setbacks and siting of the development is suitable.
	<ul style="list-style-type: none"> traffic and parking impacts of the proposal on residential amenity 	Complies by condition Traffic impact assessment prepared by TSA (ref no: 18-019) dated 6 th April 2018 of the proposal has been carried out and reviewed by Council's traffic section. Traffic section has no objection and recommended conditions.
	<p>For proposed developments on school, TAFE or university sites in Special Purpose zones, consider:</p> <ul style="list-style-type: none"> the compatibility of the proposal with the operation of the institution and its users the proximity of the proposed facility to other uses on the site, including premises licensed for alcohol or gambling proximity to sources of noise, such as places of entertainment or mechanical workshops proximity to odours, particularly at agricultural institutions previous uses of a premises such as scientific, medical or chemical laboratories, storage areas and the like. 	<p>Complies.</p> <p>The proposed development is located in a R2 Low Density zone and is occupied by an educational establishment.</p> <p>The proposed development is surrounded by residential and business zones and is not located in proximity to restricted premises such as licensed venues for service of alcohol and gambling.</p> <p>The site is not located in proximity to agricultural institutions or areas where previous uses that include medical or chemical laboratories.</p>
<i>To ensure that the site selected for a proposed child care facility is suitable for the use.</i>	<p>When selecting a site, ensure that:</p> <ul style="list-style-type: none"> the location and surrounding uses are compatible with the proposed development or use 	Complies. The site is zoned R2 and child care centres are permitted in the zone with consent.
	<ul style="list-style-type: none"> the site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards 	<p>Complies by Condition</p> <p>The site is not located in a flood prone land and is not located within a land slip or coastal area.</p> <p>The site is located in bushfire prone land and was referred to NSW Rural Fire Service who have issued General</p>

		Terms of Approval (dated 18 August 2018).
	<ul style="list-style-type: none"> there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed 	Complies A stage 2 detailed site investigation prepared by ideal geotech (report no: 33527A) dated June 2018 was submitted to Council. The report concludes that the site is suitable for the proposed redevelopment works.
	<ul style="list-style-type: none"> 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 development will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas 	Does not comply The site is a battle-axe allotment and has nine (9) residential lots immediately adjoining the site. As such, the potential impact on the amenity of adjoining properties is increased when compared to a site that has a regular street frontage. Environment and health provided comment on the acoustic assessment and raised concern with the adjoining lot identified as 3 and 7 Whiteley Close, likely to be impacted by traffic noise with vehicles entering and exiting the premises. Furthermore, the adjoining sites identified as 11, 13 Whiteley Close and 29 Tucker Road will be impacted by the outdoor play areas.
	<ul style="list-style-type: none"> where the proposal is to occupy or retrofit an existing premises, the interior and exterior spaces are suitable for the proposed use 	Not Applicable
	<ul style="list-style-type: none"> there are suitable drop off and pick up areas, and off and on street parking • the type of adjoining road (for example classified, arterial, local road, cul-de-sac) is appropriate and safe for the proposed use 	Does not comply 30 car parking spaces are provided on site and considered suitable for drop off and pick up. However, the road is unable to accommodate two way traffic with cars parked at the kerb; and it is considered unreasonable and unsafe for pedestrian movements to occur along an activated 5.5m wide driveway access handle. As such street parking is not feasible.
	<ul style="list-style-type: none"> 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 	Complies The site is not in a close vicinity to restricted premises and the like.

	premises and sex services premises	
<i>To ensure that sites for child care facilities are appropriately located.</i>	<p>A child care facility should be located:</p> <ul style="list-style-type: none"> near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship 	<p>Does not Comply</p> <p>The site is considered to be isolated with no compatible social uses within the vicinity of the site. The nearest education establishment identified as Hurlstone Park Agriculture school is located 1 km away.</p>
	<ul style="list-style-type: none"> near or within employment areas, town centres, business centres, shops 	<p>Does not Comply</p> <p>The site is considered to be isolated from businesses, shops and services. The nearest employment areas and shopping areas are located approximately 1 km east to Campbelltown Road.</p>
	<ul style="list-style-type: none"> with access to public transport including rail, buses, ferries 	<p>Complies</p> <p>Public buses operate on Glenfield Road and the site can be accessed via public transport.</p>
	<ul style="list-style-type: none"> In areas with pedestrian connectivity to the local community, businesses, shops, services and the like. 	<p>Does not comply</p> <p>The site is considered to be isolated from businesses, shops and services.</p>
<i>To ensure that sites for child care facilities do not incur risks from environmental, health or safety hazards</i>	<p>A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from:</p> <ul style="list-style-type: none"> proximity to: <ul style="list-style-type: none"> heavy or hazardous industry, waste transfer depots or landfill sites LPG tanks or service stations water cooling and water warming systems - 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 	<p>Complies</p> <p>The site is not located in close proximity to heavy or hazardous industries, service stations, LPG tanks or water cooling systems.</p>
3.2 Local character, streetscape and the public domain interface		
<i>To ensure that the child care facility is compatible with the local character and surrounding</i>	<p>The proposed development should:</p> <ul style="list-style-type: none"> contribute to the local area by being designed in 	<p>Does not comply</p> <p>The double storey building design exceeds height controls considered appropriate for the locality character,</p>

<i>streetscape.</i>	character with the locality and existing streetscape	and a 4.6 variation has not been included in the assessment to support the non-compliance.
	<ul style="list-style-type: none"> reflect the predominant form of surrounding land uses, particularly in low density residential areas 	Complies The proposed child care centre is designed to complement the surrounding land uses.
	<ul style="list-style-type: none"> recognise predominant streetscape qualities, such as building form, scale, materials and colours 	Complies The outer materials includes timber, and brick to integrate with the existing streetscape.
	<ul style="list-style-type: none"> include design and architectural treatments that respond to and integrate with the existing streetscape 	Not Applicable Site is not visible from the street.
	<ul style="list-style-type: none"> use landscaping to positively contribute to the streetscape and neighbouring amenity 	Does not Comply The existing driveway needs to be widened to ensure two way movement. However, widening of the access handle would eliminate the landscape on either side of the driveway, which would result in a development not being compatible with the local character and surrounding streetscape, nor with the controls required for access handles in residential zones.
	<ul style="list-style-type: none"> Integrate car parking into the building and site landscaping design in residential areas. 	Complies Two (2) levels of basement car parking provided onsite.
<i>To ensure clear delineation between the child care facility and public spaces.</i>	Create a threshold with a clear transition between public and private realms, including: <ul style="list-style-type: none"> fencing to ensure safety for children entering and leaving the facility 	Complies The overall design includes landscaping and fencing. The proposed building will have entries from the basement car park. It is considered to be a clear delineation between the child care facility and public domain.
	<ul style="list-style-type: none"> 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 	Not Applicable The development is located in a battleaxe allotment and cannot be seen from the street.
	<ul style="list-style-type: none"> Integrating existing and proposed landscaping with fencing. 	Complies Landscape plan submitted and illustrate integration of landscape and fencing.

	<ul style="list-style-type: none"> 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. 	<p>Complies</p> <p>The proposed child care provides two way access into the basement level car park. Pedestrian paths are also provided and do not impede on vehicle access.</p>
	<p>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:</p> <ul style="list-style-type: none"> Clearly defined street access, pedestrian paths and building entries. 	<p>Complies</p> <p>The proposed child care provides a driveway to the car park. Pedestrian paths are also provided and do not impede on vehicle access.</p>
	<ul style="list-style-type: none"> Low fences and planting which delineate communal/private open space from adjoining public open space 	<p>Complies</p> <p>Landscape plan submitted and include a variety of trees, shrubs and groundcovers. A solid 1.8m high solid acoustic wall is proposed along the perimeter of the outdoor play area.</p>
	<ul style="list-style-type: none"> Minimal use of blank walls and high fences. 	<p>Complies</p> <p>There are minimal blank walls and high fences are proposed in the outdoor area.</p>
<p><i>To ensure that front fences and retaining walls respond to and complement the context and character of the area and do not dominate the public domain.</i></p>	<p>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.</p> <p>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.</p>	<p>Complies.</p> <p>The site is not listed as a heritage item in Schedule 5 of Liverpool LEP 2008.</p> <p>Acoustic fence is proposed to install. 1.8m high solid wall to be constructed along the western boundary of level one outdoor play area.</p> <p>The proposed fencing will not dominate to public domain.</p>
3.3 Building orientation, envelope and design		

<i>To respond to the streetscape and site, while optimising solar access and opportunities for shade.</i>	<p>Orient a development on a site and design the building layout to:</p> <ul style="list-style-type: none"> 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 	<p>Complies</p> <p>The rear yard / play area is orientated towards the north.</p> <p>The external play area is proposed at the rear and is adjacent to residential sites. The outdoor play area is surrounded by a 1.8m fence to delineate noise emissions to sensitive receptors.</p>
	<ul style="list-style-type: none"> optimise solar access to internal and external play areas 	<p>Complies</p> <p>The building is designed to have solar access to the internal and external play area which is orientated to the North.</p>
	<ul style="list-style-type: none"> avoid overshadowing of adjoining residential properties 	<p>Complies</p> <p>Shadow diagrams were submitted and indicate the resident to the east of the site will experience some shadowing at 3:00pm. There is no shadow to the south of site at 9:00am and 12:00pm respectively.</p>
	<ul style="list-style-type: none"> minimise cut and fill 	<p>Complies by condition</p>
	<ul style="list-style-type: none"> ensure buildings along the street frontage define the street by facing it 	<p>Not Applicable</p> <p>The development is located in a battle-axe allotment and therefore does not address the street frontage.</p>
	<ul style="list-style-type: none"> Ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climatic conditions. 	<p>Complies</p> <p>The outdoor play area is shielded from adverse weather conditions through fencing and landscape design. Shading is also provided to shield UV rays from children.</p>
<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>	<p>The following matters may be considered to minimise the impacts of the proposal on local character:</p> <ul style="list-style-type: none"> building height should be consistent with other buildings in the locality 	<p>Does not comply</p> <p>The height at the northern end of the building exceeds the height control as indicated in the LLEP 2008 assessment.</p> <p>Following methods are considered:</p>

		1)The building height of 10.4m exceeds the 8.5m requirement with no proposed variation of the development standard.
	<ul style="list-style-type: none"> building height should respond to the scale and character of the street 	Does not comply The building height exceeds the height control of 8.5m but cannot be seen from the street.
	<ul style="list-style-type: none"> setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility 	Complies The proposed child care centre provides appropriate setbacks from surrounding residential areas.
	<ul style="list-style-type: none"> setbacks should provide adequate access for building maintenance 	Does not comply This is currently unknown as there is no plan of management submitted with the application.
	<ul style="list-style-type: none"> Setbacks to the street should be consistent with the existing character. 	Complies Setbacks to boundaries comply and are consistent with the existing character of the site.
<i>To ensure that setbacks from the boundary of a child care facility are consistent with the predominant development within the immediate context.</i>	<p>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 predominant adjoining land use.</p> <p>On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.</p>	Complies The subject site is zoned R2 – Low Density Residential The site is located in a battle-axe allotment and the setbacks are considered to be adequate.
<i>To ensure that the built form, articulation and scale of development relates to its context and buildings are well designed to contribute to an area's character.</i>	<p>The built form of the development should contribute to the character of the local area, including how it:</p> <ul style="list-style-type: none"> respects and responds to its physical context such as adjacent built form, neighbourhood character, streetscape quality and heritage 	Does not comply The built form of the development is not considered to be satisfactory. The height of the child care centre exceeds the height control and the site is located in a battleaxe allotment and does not respond to the neighbourhood character.
	<ul style="list-style-type: none"> contributes to the identity of the place 	Does not comply

		The proposed child care centre does not contribute to the identity of the place as it will not be visible from the public domain.
	<ul style="list-style-type: none"> retains and reinforces existing built form and vegetation where significant 	Complies by condition Landscape plan provided illustrate proposed species of trees
	<ul style="list-style-type: none"> considers heritage within the local neighbourhood including identified heritage items and conservation areas 	Not applicable No known heritage items and/or conservations areas within the site.
	<ul style="list-style-type: none"> responds to its natural environment including local landscape setting and climate 	Complies Landscape plan shows variety of species that complement the local landscape setting and climate.
<i>To ensure that buildings are designed to create safe environments for all users.</i>	Entry to the facility should be limited to one secure point which is: <ul style="list-style-type: none"> located to allow ease of access, particularly for pedestrians 	Complies Car parks are proposed in the basement level of the building. There is direct access from the basement car park to the ground and first floor.
	<ul style="list-style-type: none"> directly accessible from the street where possible 	Not applicable There is no direct access from the street to the entrance of the child care centre as the site is located in a battleaxe lot.
	<ul style="list-style-type: none"> directly visible from the street frontage 	Not applicable Proposed child care centre located in battleaxe allotment is not directly visible to the street frontage.
	<ul style="list-style-type: none"> easily monitored through natural or camera surveillance 	Complies by condition There will be adequate surveillance to children.
	<ul style="list-style-type: none"> not accessed through an outdoor play area. 	Complies No entrance is provided at the rear outdoor play area.
	<ul style="list-style-type: none"> In a mixed-use development, clearly defined and separate from entrances to other uses in the building. 	Not applicable
<i>To ensure that the child care facilities are designed to be accessible by all potential users.</i>	Accessible design can be achieved by: <ul style="list-style-type: none"> providing accessibility to and within the building in accordance with all relevant legislation 	Complies The proposed site is accessible for all users. <ul style="list-style-type: none"> Public buses run through Glenfield Road.

		<ul style="list-style-type: none"> The area is rapidly developing for resident use with new local roads. Access for disabled and prams is provided via a platform lift.
	<ul style="list-style-type: none"> 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 	Complies Accessible ramps are proposed and connect the carpark and entrance to the main building entry of the child care centre. Lifts are provided for access.
	<ul style="list-style-type: none"> 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 	Complies There is a continuous path of travel from the building entrance to the carpark.
	<ul style="list-style-type: none"> Minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath. 	Complies Ramps are not proposed as part of the development.
3.4 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. Use the existing landscape where feasible to provide a high quality landscaped area by:	Complies Landscape design contributes to the streetscape and surrounding amenities with followings: <ul style="list-style-type: none"> Various native species have been proposed within the landscaped area. 6 trees with maximum 8m in height in the front yards as shown on the landscape plans. Vegetation screening along the side and rear boundaries as shown on the landscape plans. The whole area of the front setback is landscaped with a variety of tree species.
	<ul style="list-style-type: none"> reflecting and reinforcing the local context 	Complies The proposed child care centre is design so that it is within the local context.
	<ul style="list-style-type: none"> incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping. 	Complies Landscape plan submitted show a variety of tree species located within the front and rear setback of the site.

	<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 	<p>Complies</p> <p>Proposed carpark is located in basement level. Vegetation screening proposed along the side and rear boundary as shown on the landscape plan.</p>
	<ul style="list-style-type: none"> taking into account streetscape, local character and context when siting car parking areas within the front setback 	<p>Complies</p> <p>Car park is proposed to be the basement level and not located within the front setback.</p>
	<ul style="list-style-type: none"> using low level landscaping to soften and screen parking areas. 	<p>Complies</p> <p>A variety of low level landscaping proposed to screen parking areas.</p>
3.5 Visual and acoustic privacy		
<i>To protect the privacy and security of children attending the facility.</i>	<p>Open balconies in mixed use developments should not overlook facilities nor overhang outdoor play spaces.</p> <p>Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through:</p> <ul style="list-style-type: none"> appropriate site and building layout 	<p>Complies</p> <p>The design of the building, landscaping and fencing maximise privacy to the subject site and adjoining properties, subject to conditions of consent.</p>
	<ul style="list-style-type: none"> suitably locating pathways, windows and doors 	<p>Complies</p> <p>Pathways, windows and doors are located in appropriate areas.</p>
	<ul style="list-style-type: none"> Permanent screening and landscape design. 	<p>Complies</p> <p>There are sufficient screening between the indoor and outdoor play areas.</p>
<i>To minimise the impacts on privacy of adjoining properties.</i>	<p>Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:</p> <ul style="list-style-type: none"> appropriate site and building layout 	<p>Complies</p>
	<ul style="list-style-type: none"> suitable location of pathways, windows and doors 	<p>Complies</p>
	<ul style="list-style-type: none"> Landscape design and screening. 	<p>Complies</p>
<i>To minimise the impact of child care facilities on the acoustic privacy of neighbouring residential</i>	<p>A new development, or development that includes alterations to more than 50 per cent of the existing floor area,</p>	<p>Complies</p> <p>The proposed 1.8m high acoustic fence to the rear boundary will minimise the</p>

<i>developments.</i>	and is located adjacent to residential accommodation should: <ul style="list-style-type: none"> • Provide an acoustic fence along any boundary where the adjoining property contains a residential use. (An acoustic fence is one that is a solid, gap free fence). 	impact of childcare facilities of neighbouring residential developments.
	<ul style="list-style-type: none"> • 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. 	Complies Mechanical Plant and equipment are located in the basement and are enclosed.
	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 	Does not comply Lack of Information Council's Senior Environmental Health Officer have assessed the submitted acoustic report prepared by Rodney Stevens Acoustics (Dated 18 April 2018) ref no: 180089R1. Environment and Health is unable to support the acoustic assessment because the submitted acoustic report demonstrates that the proposed development is likely to cause a noise impact on surrounding residences;
	<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 	Does not comply A review of the acoustic assessment revealed noise monitoring had not been undertaken in accordance with Noise Policy for Industry. A deferral letter was issued to the applicant, however, a response was not provided within the timeframe.
	<ul style="list-style-type: none"> • determine the appropriate height of any acoustic fence to enable the noise criteria to be met. 	Does not comply See above
3.6 Noise and air pollution		

<i>To ensure that outside noise levels on the facility are minimised to acceptable levels.</i>	<p>Adopt design solutions to minimise the impacts of noise, such as:</p> <ul style="list-style-type: none"> creating physical separation between buildings and the noise source 	<p>Does not comply</p> <p>Council's Senior Environmental Health Officer have assessed the submitted acoustic report prepared by Rodney Stevens Acoustics (Dated 18 April 2018) ref no: 180089R1. Environment and Health is unable to support the acoustic assessment because the submitted acoustic report demonstrates that the proposed development is likely to cause a noise impact on surrounding residences;</p>
	<ul style="list-style-type: none"> orienting the facility perpendicular to the noise source and where possible buffered by other uses 	<p>Does not comply</p> <p>A minimum 1.8-metre high solid wall is to be constructed along the western boundary of the level one outdoor play area. However, the acoustic assessment was referred to Environment and Health and found to be inadequate. Further information was required from the applicant who did not provide a response.</p>
	<ul style="list-style-type: none"> using landscaping to reduce the perception of noise 	<p>Complies</p> <p>Landscape within the outdoor area proposed.</p>
	<ul style="list-style-type: none"> limiting the number and size of openings facing noise sources 	<p>Complies</p> <p>Noise sources such as mechanical plant and equipment are located in basement level carpark and are away from openings.</p>
	<ul style="list-style-type: none"> using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens) 	<p>Does not Comply</p> <p>Acoustic report recommends acoustic treatment such as glazing. However, the acoustic assessment was referred to Environment and Health and found to be inadequate. Further information was required from the applicant who did not provide a response.</p>
	<ul style="list-style-type: none"> using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits 	<p>Does not comply</p> <p>See above.</p>
	<ul style="list-style-type: none"> Locating cot rooms, sleeping areas and play areas away from external noise sources. 	<p>Complies</p> <p>Sleeping rooms are located away from noise sources such as car parking area</p>

		and mechanical plant and equipment. The room is also located away from the street frontage.
	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 	Not applicable Proposed child care centre is not located on industrial zoned land.
	<ul style="list-style-type: none"> where the ANEF contour is between 20 and 25, consistent with AS 2021 – 2000 	Not applicable Proposed child care centre is not located under a flight path.
	<ul style="list-style-type: none"> along a railway or mass transit corridor, as defined by State Environmental Planning Policy (Infrastructure) 2007 	Not applicable Proposed child care centre is not located adjacent to a railway or mass transit corridor.
	<ul style="list-style-type: none"> on a major or busy road other land that is impacted by substantial external noise 	Not applicable Proposed child care centre is not located adjacent to a major or busy road.
<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>	<p>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.</p> <p>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 air quality assessment report should evaluate design considerations to minimise air pollution such as:</p> <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 	Not applicable The proposed child care centre is not located adjacent to major roads or industrial development. Therefore, no air quality assessment report is required.

	<ul style="list-style-type: none"> 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 	Complies Landscape plan submitted.
	<ul style="list-style-type: none"> Incorporating ventilation design into the design of the facility. 	Complies Natural cross ventilation to the child care centre is provided.
3.7 Hours of operation		
<i>To minimise the impact of the child care facility on the amenity of neighbouring residential developments.</i>	<p>Hours of operation within areas where the predominant land 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.</p> <p>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.</p>	Complies The proposed hours are Monday to Saturday, 7:00am to 6:00pm. No operation on Sundays and Public holidays.
3.8 Traffic, parking and pedestrian circulation		
<i>To provide parking that satisfies the needs of users and demand generated by the centre.</i>	<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>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. 	Complies by condition This DA is accompanied by Traffic Assessment Report, which has been reviewed by Council's Traffic section. Council's Traffic section has supported the proposal with conditions.

<p><i>To provide vehicle access from the street in a safe environment that does not disrupt traffic flows.</i></p>	<p>Alternate vehicular access should be provided where child care facilities are on sites fronting a classified road.</p> <ul style="list-style-type: none"> Roads which carry freight traffic or transport dangerous goods or hazardous materials. <p>The alternate access must have regard to:</p> <ul style="list-style-type: none"> the prevailing traffic conditions pedestrian and vehicle safety including bicycle movements The likely impact of the development on traffic. <p>Child care facilities proposed within cul-de-sacs or 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.</p>	<p>Does not comply</p> <p>The site is in a battle axe allotment and the roadway described as Whitely Close is within a cul-de-sac.</p> <p>The carriage way is 5.5m wide with no passing bay, and may be impeded if vehicles are parked in the street.</p> <p>Opposing vehicles may be required to give way to each other either by waiting on approach to the narrow section or pulling over into a vacant area in front of a driveway. This is likely to exacerbate the perceived issues.</p> <p>The development is unable to demonstrate safe access can be provided to and from the site, and to and from the wider locality in times of emergency, specifically as the site is identified as bushfire prone land and is located on a battle-axe lot within a cul-de-sac.</p>
<p><i>To provide a safe and connected environment for pedestrians both on and around the site.</i></p>	<p>The following design solutions may be incorporated into a development to help provide a safe pedestrian environment:</p> <ul style="list-style-type: none"> separate pedestrian access from the car park to the facility 	<p>Complies</p> <p>Pedestrian access is marked in the basement car park.</p>
	<ul style="list-style-type: none"> defined pedestrian crossings included within large car parking areas 	<p>Complies</p> <p>Pedestrian pathways are provided in the car park areas.</p>
	<ul style="list-style-type: none"> separate pedestrian and vehicle entries from the street for parents, children and visitors 	<p>Complies</p> <p>Vehicle and pedestrian access to the child care centre are separate.</p>
	<ul style="list-style-type: none"> pedestrian paths that enable two prams to pass each other 	<p>Does not comply</p> <p>Pedestrian's paths are 1.0m wide and unable to accommodate two prams to pass each other.</p>
	<ul style="list-style-type: none"> delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities 	<p>Does not comply</p> <p>Delivery and loading areas have not been proposed as part of this application as the site is unable to accommodate additional spaces.</p>

	<ul style="list-style-type: none"> 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 	<p>Not applicable</p> <p>The proposed child care centre is not located in a commercial or industrial zoned land.</p>
	<ul style="list-style-type: none"> Vehicles can enter and leave the site in a forward direction. 	<p>Complies</p> <p>Vehicles can enter and leave the site in a forward direction.</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 	<p>Complies</p> <p>Proposed car park is located in basement level and is separate to the building entrance and play areas. Fences are proposed between car park and building entrance.</p>
	<ul style="list-style-type: none"> provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards 	<p>Complies</p> <p>Carpark located at basement level. Pedestrian pathways are proposed to allow pedestrians to safely access building entrances from car park spaces.</p>
	<ul style="list-style-type: none"> Include wheelchair and pram accessible parking. 	<p>Complies</p> <p>On Basement Level 1 disability space proposed and in proximity to building entrance.</p> <p>Basement level 2 provides 2 spaces allocated for disability, however, is located away from lifts.</p>

ATTACHMENT 3 – LIVERPOOL DCP 2008 COMPLIANCE TABLE

Part 1.1 General Controls for all Development			
Control	Requirement	Proposed	Comment
Section 2 – Tree Preservation	Consider impact of development on existing vegetation	Trees proposed to be removed. However, arborist report have not been submitted	Does not comply
Section 3 – Landscaping and Incorporation of Existing Trees	Incorporation of existing trees into development where appropriate	Trees proposed to be removed. However, arborist report have not been submitted. Further, compliance with landscaped area within the access handle is proposed to be removed to accommodate complying vehicular access	Does not comply Refer to below the table for design of landscaped battle-axe lots.
Section 4 – Bushland and Habitat Preservation	Consider impact of development on bushland and habitats	Site does not contain any ESL.	N/A
Section 5 – Bushfire Risk	Land on or adjacent to bushfire prone land to comply with RFS requirements	Site is located in bushfire prone land. A referral to NSW Rural fire service was made and GTAs were issued.	Complies by condition
Section 6 – Water Cycle Management	Consideration of stormwater and drainage	Stormwater plans reviewed by Council's Land Development Engineers and requested additional information. Deferral letter sent to applicant and no response was provided.	Does not Comply
Section 7 – Development Near a Watercourse	Consideration of impact to riparian corridors	The site is not near a watercourse or river	N/A
Section 8 – Erosion and Sediment Control	Sediment Control Plan or Soil and Water Management Plan required	Sediment control details on plans	Complies
Section 9 – Flooding Risk	Flood affection of property to considered	Site is not identified as flood prone land.	N/A
Section 10 – Contaminated Land Risk	Previous use to be considered in assessing risk	Site is considered suitable for the proposed development.	Complies
Section 11 – Salinity Risk	Salinity Management response required for affected properties	To comply with BCA requirements	Complies

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Section 12 – Acid Sulfate Soils Risk	Affected properties to consider impact of development on soils	Site not identified as containing acid sulfate soils.	N/A
Section 13 - Weeds	Noxious weeds to be removed as part of development where applicable	N/A	N/A
Section 14 – Demolition of Existing Developme nt	Appropriate measures proposed	Demolition plan submitted.	N/A
Section 15 – Onsite Sewage Disposal	S68 Application required where connection to sewer not available	N/A	N/A
Section 16 – Aboriginal Archaeolog y	AHIA required where items of aboriginal archaeology exist	N/A	N/A
Section 18 – Notification of Application s	Applications to be notified in accordance with Table 10.	The proposal was notified to adjoining properties in accordance with the Liverpool Development Control Plan Part 1, Clause 18, from 3 July 2018 to 18 July 2018. Twenty two (22) submissions were received during this period.	Complies
Section 20 – Car Parking and Access	<u>Car Parking Controls</u> 1 Space Per Staff Member 1 space per 10 children Service facilities for a van	<ul style="list-style-type: none"> • Total number of staff are 11, therefore 11 car parking spaces are required for staff. • For 60 children, 6 car parking spaces are required <p>Total car park requirement = 17 spaces</p> <p>Proposed = 30 spaces inclusive of 3 disabled space</p> <p>A delivery turning bay is provided.</p>	Complies
Section 25 – Waste Manageme nt	Waste Management Plan shall be submitted for demolition, construction and on-going waste management.	A waste management plan has been submitted, which outlines procedures for, construction and ongoing waste management of the	Complies

	In the case of multi dwelling housing of 9 or more dwellings and residential flat buildings one or more garbage and recycling enclosures (bin bays) are to be provided within the site.	premises.	
Section 26 – Outdoor advertising and signage	Applicable signage controls for development in Residential Zones	One sign is proposed. The proposed signage is compatible with the locality of the site which consists of educational activities and uses.	Complies
Part 3.8 Non-Residential Development in Residential Zones			
Control	Requirement	Proposed	Comment
Child Care Centres – Lot sizes	The maximum number of children in any centre cannot exceed 45 for 0 – 5 years old; however Council may consider a maximum number of 60 children per centre of which 30% must be aged between 0-2.	60 children proposed. 15 children between the ages of 0 to 2 years; 15 children between the ages of 2-3; and 30 children between the ages of 3-5 Based on the above, 25% of children are aged between 0-2.	Does not Comply Deficient by 5% of the required.
Site Location	1. Child care centres should be located: • In the general vicinity of primary schools, major employment areas and recreation areas;	There are no primary schools or recreation areas located in proximity to the proposed development.	Complies
	• Within the grounds of community facilities, educational facilities or churches;	N/A	N/A
	• Near services such as shops, medical facilities and public transport;	Site is in close proximity to shops, bus stops and medical facilities.	Complies
	• On streets with widths that permit adequate safe manoeuvrability of vehicles and lines of sight for pedestrians, cyclists and vehicles; and on approach streets within the road hierarchy such as on collector streets;	Whiteley Close is located within a cul-de-sac and has a carriageway of less than 5.5m. The proposal does not appropriately meet the expected site and locality for such a large scale child care centre, with respect to site access and egress especially in the event of an emergency; and particularly as the site is also located in bushfire prone land.	Does not comply

	<ul style="list-style-type: none"> Where traffic control devices do not impede vehicular access to sites; 	The proposed development generates additional traffic and additional vehicular movements along the handle than reasonably expected for a low density residential environment and will impact on the amenity of residents within the cul-de-sac due to potential traffic congestion in peak periods at the intersection of Glenfield Road and Whiteley Close.	Does not Comply
	<ul style="list-style-type: none"> Where the children will not be adversely affected by lead contamination, offensive noise and air pollution. 	SEPP 55 adequately addressed. The site is not subject to offensive noise and air pollution	Complies
	<ul style="list-style-type: none"> Child care centres must be located and designed so as not to pose health or safety risk to children using the centre. 	The proposed design and architectural treatments are suitable.	Complies
	2. Child Care Centres shall not be permitted: <ul style="list-style-type: none"> Adjacent to industrial activities; 	Child care centre is not located adjacent to industrial zones.	Complies
	<ul style="list-style-type: none"> Within 300m of an existing child care centre; 	Nearest child care centre is 366m away	Complies
	<ul style="list-style-type: none"> On classified roads; 	Not adjacent to classified road	Complies
	<ul style="list-style-type: none"> Adjacent to railway lines; 	Not adjacent to railway lines	Complies
	<ul style="list-style-type: none"> On streets with a carriageway width of 6.5m or less; 	Whiteley Close has a width less than 6.5m	Does not Comply
	<ul style="list-style-type: none"> On streets, which are cul-de-sacs; 	Whiteley Close is located in a cul-de-sac	Does not Comply
	<ul style="list-style-type: none"> On lots adjacent to a roundabout (including a proposed roundabout); 	No roundabouts in close proximity to the site.	Complies
	<ul style="list-style-type: none"> In areas where aircraft noise levels exceed 25 <i>Australian Noise Exposure Forecast (ANEF)</i>; 	Not located in an aircraft flight path.	Complies
Site Planning	1. Site planning should be sensitive to site attributes such as: streetscape character; natural landform; existing vegetation; views and land capability;	The building design is considered as residential style finishes and is in character to the streetscape and natural landform.	Complies
	2. The site layout should enhance the streetscape through the use of landscaping and built form;	The existing driveway needs to be widened to ensure two way movement. However, widening of the access handle would eliminate the landscape on either side of the driveway, which would result in a development not being compatible with the local character and	Does not comply.

		surrounding streetscape.	
	3. Site planning should enable buildings to address streets and public open spaces;	The site is a battle-axe lot. Being a battle-axe lot, the site has numerous shared boundaries with other residential properties. As such, the potential impact on the amenity of adjoining properties is increased when compared to a site that has a street frontage.	Does not Comply
	4. The site layout should ensure that the external play area is maximised and enjoys solar access;	The design is orientated towards the north. The positioning of the site is east to west. The external play area is proposed at the rear and is adjacent to residential sites.	Complies
	5. 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;	The site is a battleaxe lot and does not permit casual surveillance to the street.	N/A
	6. In areas exposed to significant levels of off-site noise, the site layout and building forms should assist in minimising noise entry;	Site is not adjacent to noise generating premises.	Complies
	7. The site layout should ensure that the front entrance to the Child Care Centre is easily located and accessible;	Front entrance to the site is considered to be suitable in the location proposed.	Complies
	8. The layout must be designed around the site attributes such as slope; existing vegetation; land capability and/or solar access;	The building design is considered as residential style finishes and is in character to the streetscape and natural landform.	Complies
	9. The siting of windows of habitable rooms on the first floor shall minimise overlooking to the principal private open space of neighbouring properties;	There are no habitable rooms proposed on the first floor of the proposed development. All child care based activities are located on the ground floor.	Complies
	10. Stormwater from the site must be able to be drained satisfactorily.	Stormwater plans reviewed by Council's Land Development Engineers and do not support the current stormwater proposal.	Does not Comply Inadequate information provided
Setbacks	<u>Front and Secondary setbacks:</u> 1. Child Care Centres shall be setback in accordance with the following table: Front setback: 5.5m Secondary setback: 4m	The site is a battleaxe allotment.	N/A

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	2. Verandahs, balconies, eaves and other sun control devices may encroach on the minimum front and secondary setback by up to 1m;	N/A	N/A
	3. The secondary setback is the longest length boundary;	N/A	N/A
	<u>Side and Rear setbacks</u> 4. Buildings shall be setback from the side and rear boundaries in accordance with: <u>Single storey buildings:</u> Side setback: 1.2 m Rear setback: 4m	Side setback to the west: 1.2m Side setback to the east: 1.66m Rear setback: 10m	Complies
	<u>Second storey component of buildings:</u> Side setback: 1.2m Rear setback: 8m	First Floor to the west: 7.3m First Floor to the east: 5.6m Rear setback: 29.8m	N/A
Landscape Area and Open Space	1. 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;	28% of landscape proposed. Predominantly in the outdoor play area.	Complies
	2. 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;	Landscape proposed at the rear with 5m x 6m unencumbered area proposed.	Complies
	3. A minimum of 50% of the front setback area shall be landscaped area;	<50% landscape proposed. Landscape removed from the driveway to provide two way traffic movement.	Complies on merit
	4. There must be an unencumbered area of 3 x 5m in the front setback for the opportunity to accommodate deep rooted trees	Unencumbered area of 3m x 5m provided at the front of the child care centre with deep soil planting provided.	Complies
Open space	1. A proposed child care centre must comply with open space requirements as set out in the <i>Children Services Regulation 2004</i> .	Children Services Regulation 2004 repealed	N/A
	2. Outdoor open space is to be located behind the childcare centre i.e away from road and streets.	Outdoor space located at the rear	Complies
Building Form, Style and Streetscap	<u>Building Appearance</u> 1. Where large grass areas cannot be avoided appropriate shade	Roof plan submitted illustrate the proposed outdoor play area is covered.	Complies

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e	devices shall be incorporated into the design;		
	2. The roof design shall be compatible with surrounding properties with respect to height, pitch, building materials and colour;	The proposed development exceeds height controls at the northern façade of the building. A 4.6 variation have not been submitted to justify the variation.	Does not Comply
	3. The building shall be designed so that it is in character with the surrounding residential area in terms of bulk, scale, size and height;	The building is compliant with setback controls, however, do not comply with height controls.	Does not Comply.
	4. The front pedestrian entrance must be visible from the street;	Front pedestrian entrance is not visible from the street due to site being located in a battleaxe allotment.	N/A
	5. The front building facades shall be articulated. This articulation may include front porches, entries, wall indents, changes in finishes, balconies and/or verandahs;	The front building façade is articulated and provides a variety of colours of finishes.	Complies
	6. For two storey developments, the side walls shall be articulated if the wall has a continuous length of over 10m;	Side walls provide articulation.	Complies
	7. 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.	Proposed development located in battle-axe allotment.	N/A
	<u>Security</u> 1. Entrances to buildings should be orientated towards the front of the site facing the street;	Proposed development located in battle-axe allotment and entrance does not front towards a street.	N/A
	2. Blank walls addressing the street frontage and other public places must be avoided;	Blank walls not proposed.	Complies
Landscaping and Fencing	<u>Landscaping</u> 1. A landscape plan must be submitted to Council with the development application;	Landscape plan submitted	Complies
	2. Areas of grass are to be limited to play areas. Other landscaped areas are to be planted;	Outdoor play area proposed with garden and tree planting beds proposed.	Complies
	3. 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;	Vegetation screening proposed along the side and front boundary as shown on landscape plan. The building design is designed to have solar access to the external play area.	Complies

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	4. Landscaping species must be appropriate to prevent injury to children. No toxic, spiky or other hazardous plant species;	Landscape species are not toxic, spiky or hazardous.	Complies
	5. 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;	Mature height trees over 8m are setback away from structures.	Complies
	6. Landscape planting should principally comprise of native species to maintain the character of Liverpool and provide an integrated streetscape appearance.	Variety of native species proposed.	Complies
	7. The landscaping shall contain an appropriate mix of canopy trees, shrubs and groundcovers;	Landscape plan shows variety of trees proposed.	Complies
	8. Tree and shrub planting alongside and rear boundaries should assist in providing effective screening to adjoining properties;	Tree and shrubs proposed in front setback to screen car park. Trees also proposed at the rear.	Complies.
	9. Landscaping on any podium level or planter box shall be appropriately designed and irrigated.	Planter box are not proposed.	N/A
	<u>Fencing</u> 1. Side (behind the building setback) and rear fencing shall be 1.8m in height;	N/A	N/A
	2. 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;	N/A	N/A
	3. Fences shall be constructed of materials compatible with the proposed building;	N/A	N/A
	4. Fencing shall be designed to minimise opportunities for graffiti;	N/A	N/A
	5. Gates shall be the same height as the fence, self-closing and be secure and fitted with a childproof lock;	N/A	N/A
	6. Wall finishes must have low reflectively;	N/A	N/A

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	7. Front fences are to be light coloured and low in height or open form;	N/A	N/A
	8. Fences should not prevent surveillance by the building's occupants of the main open or communal areas within the property or the street frontage;	N/A	N/A
	9. 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;	N/A	N/A
	<u>Primary Frontage</u> 1. Front fences shall have a maximum height of 1.2m, and constructed of masonry. Timber and/or vegetation;	N/A	N/A
	2. The front fence must be 30% transparent;	N/A	N/A
	3. The front wall may exceed 1.2m (to a maximum of 1.8m).	N/A	N/A
Car Parking and Access	<u>Site access</u> 1. All vehicles shall enter and leave the site in a forward direction;	Vehicles can enter and leave the site in a forward direction	Complies
	2. Dead end streets or cul-de-sacs present traffic movement and parking problems are inappropriate locations for child care centres or facilities.	Whiteley Close is located in a cul-de-sac, with a road carriageway of less than 5.5m and is unable to accommodate two way traffic movements if vehicles are parked at the kerb and gutter. The traffic and parking impacts of the proposal on residential amenity is heightened as the site is located in a battle axe lot, which is accessed from a cul-de-sac, which is accessed from a classified road.	Does not comply
	<u>Location</u> 1. To provide adequate vehicle access and on-site car parking facilities for residents and visitors;	Concern is raised in regards to ensuring that safe access can be provided to and from the site in times of an emergency, specifically as the site is identified as bushfire prone land. The access handle needs to be widened to ensure two way movement. However, the widening of the access handle would eliminate the landscaping on either side, which would result in development not being compatible with the local character and surrounding streetscape.	Does not comply

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	2. To minimise reliance on on-street parking;	As above.	Does not Comply
	3. To provide safe and easy access to and from the site for pedestrians and motorists.	As above	Does not comply
	4. To provide adequate turning areas for manoeuvring into and out of car parking spaces and/or garages;	The development provides double basement carpark and Vehicles are able to manoeuvre into and out of car parking spaces.	Complies
	5. To minimise the impact of driveways and parking areas on existing landscaping, landform and streetscape;	Double basement car park is provided.	Complies
	6. To ensure pavement or driveway materials are sympathetic to the streetscape and surrounding landscape character;	External finishes schedule submitted	Complies
Amenity and Environmental Impact	<u>Noise</u> Development for childcare centres shall not be permitted in areas where aircraft noise levels exceed 25 Australian Noise Exposure Forecast (ANEF).	Proposed child care is not located in areas subject to Australian Noise Exposure Forecast.	N/A
	<u>Contaminants</u> 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.	A preliminary contamination assessment was submitted with the application prepared by idealgeotech (job no: 33527A) dated June 2018. The assessment concludes that the site does not present a risk to human health or the environment and is considered suitable for the proposed child care centre.	Complies
	<u>Site Operation</u> 1. In residential zones the days/hours operation shall be limited 7:00am – 7:00pm: Monday – Saturday. No operation on Sundays or public holidays.	The proposed hours are Monday to Saturday, 7:00am to 6:00pm. No operation on Sundays and Public holidays.	Complies
	2. 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	Proposed child care centre is not located within 50m to mobile phone towers, transmission line easements or other electromagnetic radiation sources.	Complies
	<u>Overshadowing</u> Adjoining properties must receive a minimum of three hours of sunlight between 9 am and 3pm on 21 June to at least: <ul style="list-style-type: none">One living, rumpus room or the like and/or50% of the private open space;	Shadow diagrams were submitted and indicate the residence to the south of the site will experience some shadowing at 9:00am on June 21. At 12:00pm the site to the south is partially shadowed and at 3:00pm there is no shadow	Complies

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	<u>Privacy</u> 1. Habitable room windows facing side boundaries are to be offset by at least 1m from any habitable room windows in an adjoining dwelling;	There are no habitable windows located at the side of the child care centre.	N/A
	2. Habitable rooms 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;	As above	N/A
	3. Building siting, window location, balconies and fencing must consider the importance of the privacy of on-site and adjoining buildings and private open spaces;	As above	N/A
	4. Landscaping should be used where possible to increase visual privacy between dwellings and adjoining properties.	Vegetation screening along the side and rear boundaries as shown on the landscape plans.	N/A
	<u>Acoustic Privacy</u> 1. Noise attenuation measures should be incorporated into building design to ensure acoustic privacy between on-site and adjoining buildings;	Council's Environment and Health Section have reviewed acoustic impact assessment prepared by Rodney Steven Acoustics (Report 180089R1) dated 18 April 2018 and recommended deferral as the acoustic report was inadequate. The applicant was issued with deferral letters, however, did not respond within the given timeframe.	Does not comply Lack of information
	2. 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;	Proposed child care centre is not located adjacent to road or rail corridors.	N/A
	3. 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.	See point 1 above (acoustic privacy).	Does not comply
Site Services	<u>Waste Management</u> 1. Waste disposal facilities shall be provided for development. These shall be located adjacent to the driveway entrance to the site;	Waste bins located west of the site within the side setback.	Complies
	2. Any structure involving waste disposal facilities shall be located minimum 1m from the front boundary to the street.	Waste bins located more than 1m from the front boundary.	Complies

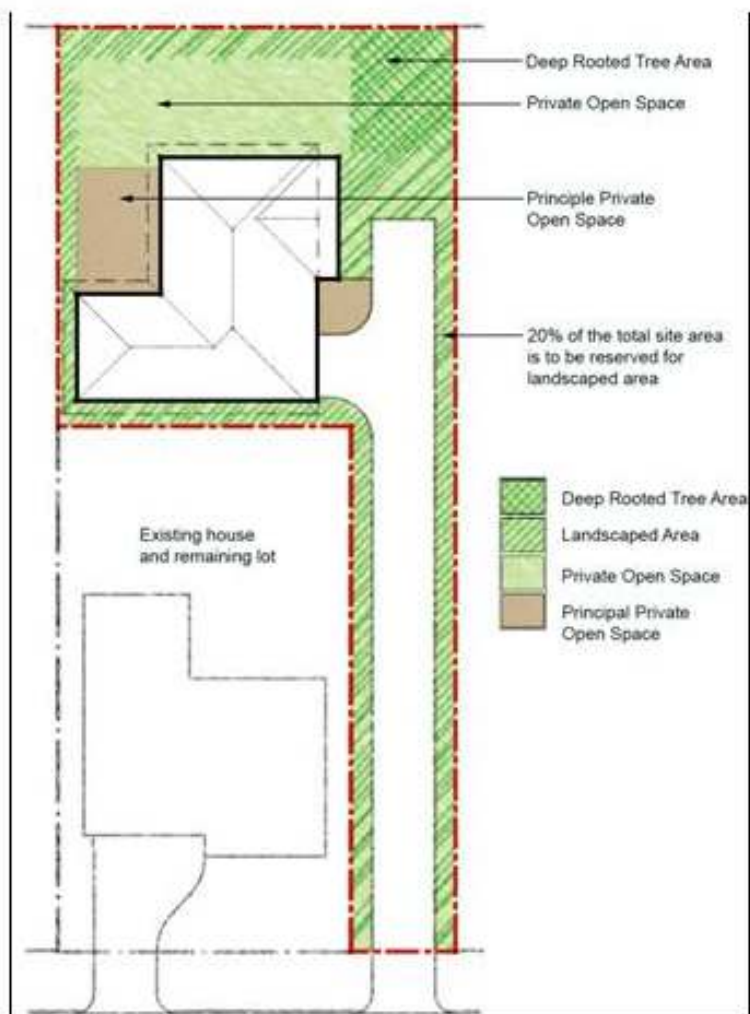
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	3. Details of the design of waste disposal facilities are shown in part 1 of the DCP;	N/A	N/A
	<u>Letterbox and Numbering</u> 1. Letterboxes shall be located along the front boundary and be clearly visible and accessible from the street;	N/A	N/A
	<u>Frontage works and damage to Council assets</u> 1. 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;	N/A	N/A
	2. Council must be notified of any works that may threaten Council assets. Council must give approval for any works involving Council infrastructure;	N/A	N/A
	3. 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.	N/A	N/A

Figure 5 An example of Landscaped Area and Private Open Space.



Extract of battle-axe lot landscaped design requirements (DCP Part 3.3)

Item no:	4
Application Number:	DA-612/2018
Proposed Development:	Demolition of existing structures and construction of a two storey boarding house with eleven (11) boarding rooms and basement parking pursuant to the State Environmental Planning Policy (Affordable Rental Housing) 2009.
Property Address	23 Templeton Crescent, Moorebank
Legal Description:	Lot 81 DP 224165
Applicant:	Cornerstone Design
Land Owner:	Templecon Pty Ltd
Cost of Works:	\$920,000
Recommendation:	Approval, subject to conditions
Assessing Officer:	Robert Micallef

1. Executive Summary

Council has received a Development Application (DA-612/2018) seeking consent for the demolition of existing structures and construction of a two storey boarding house with eleven (11) boarding rooms and basement parking pursuant to the State Environmental Planning Policy (Affordable Rental Housing) 2009 at 23 Templeton Crescent, Moorebank.

The site is zoned R3 – Medium Density Residential pursuant to Liverpool Local Environmental Plan 2008 and the proposed boarding house is permissible with consent.

The development application was notified and advertised for a period of 14 days from 29 August to 13 September 2018 in accordance with Liverpool Development Control Plan (LDCP) 2008. Twenty-three (23) submissions were received during the public consultation period, of which twenty-two (22) raised objections and one (1) submission was in support of this application. The objections relate to parking, traffic and basement concerns, noise, safety and security, privacy and overshadowing, character of the development, amenity of boarding house tenants, waste management, access to public transport, public utilities and community facilities, and lack of information submitted within the application. These matters have been taken into consideration during the assessment process and are not considered to warrant the refusal of the DA in this case. This is discussed in more detail further in this report.

The application has resolved the key issues associated with stormwater disposal, privacy matters, operational matters and the character of the proposed boarding house. The proposed development is now considered an acceptable form of development and is worthy of support, subject to conditions.

The application is referred to the Liverpool Local Planning Panel (LLPP) in accordance with its referral criteria and procedural requirements in that the development falls into the category of contentious development as the application received 10 or more unique submissions by way of objection to the proposal.

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

2. Site Description and Locality

2.1 The site

The site is identified as Lot 81 in DP 224165 and is known as 23 Templeton Crescent, Moorebank. The site has a frontage of 16.215m to Templeton Crescent, an eastern rear boundary of 18.545m and side boundaries of 41.123m to the north and 44.161m to the south. The site has a total area of 777.8m² and is relatively flat with a slight downslope from the south-western corner to the north-eastern corner of the site.

The site is located within an existing established area and currently has a single dwelling house and detached garage. The site adjoins residential dwelling houses and has 4 existing trees in the rear yard, of which 3 are to be retained, as well as a large street tree. There is also a drainage easement located along the rear boundary of the site, of which the proposed development will be connecting to.



Figure 1: Aerial image of the site (outlined in red) (Source: Geocortex)

2.2 The Locality

The area is currently characterised by low density residential development, however the surrounding area is undergoing a transition into medium density style developments and high density developments located along Nuwarra Road. The area is scattered with predominantly one and two storey dwellings, with a number of semi-detached dwellings and subdivisions with two detached dwellings built on smaller lots. To the north-east of the site, Moorebank Shopping Centre is located 290m away and Nuwarra Public School is 400m. To the west, the locality is bounded by Anzac Creek, which is a tributary of the Georges River, and Ernie Smith Reserve is approximately 200m from the site, which act as a buffer between the industrial area to the west and the residential area to the east.



Figure 2: Locality of the site (Source: Geocortex)

3. Background

- The application was lodged with Council on 8 August 2018;
- The DA was notified and advertised from 29 August to 13 September 2018;
- A meeting was held with the applicant on 21 November 2018, in which the design of the boarding house, community concerns and plan of management were discussed;
- Amended building design, architectural plans, plan of management and response to submissions were submitted on 29 November 2018;
- Council adopted Part 3.9 – Boarding House Development into the Liverpool Development Control Plan 2008 on 12 December 2018;
- Amended stormwater design deemed to be satisfactory by Council's Land Development Engineers submitted on 13 June 2019;
- Application to be referred to the Liverpool Local Planning Panel on 26 August 2019 for determination.

4. Proposed Development

The development application seeks approval for the construction of a boarding house pursuant to the SEPP (Affordable Rental Housing) 2009. The proposal will consist of the following:

- Demolition of the existing single storey dwelling and detached garage;
- Two-storey boarding house, with basement parking, providing for 11 self-contained boarding rooms, all of which are accessed internally. Each room contains a living space, kitchenette, laundry facilities and ensuite;
 - Basement Floor: Parking for seven (7) vehicles, three (3) motorcycles, three (3) bicycles, storeroom, plant and garbage bin room;

- Ground Floor: Five (5) boarding rooms which include one (1) accessible room with associated terraces, indoor common room, outdoor common area, outdoor clothes drying facilities and associated landscaping in the rear and front yards;
- First Floor: Six (6) boarding rooms which include (1) accessible room and one (1) managers room (manager's room has a balcony);
- All floors and rooms have internal access through either the lift or internal stairs.
- The building has been designed with the intent of appearing as a two-storey dwelling, fronting Templeton Crescent. There is a pedestrian access path to the building in the middle of the front yard and the driveway to the basement is adjacent to the southern boundary;
- There are two stairways linking the proposed basement to the ground floor: one internal to the building and the other which goes to the common outdoor area.
- A Plan of Management has been submitted with the development providing details of the house rules, management and maintenance.

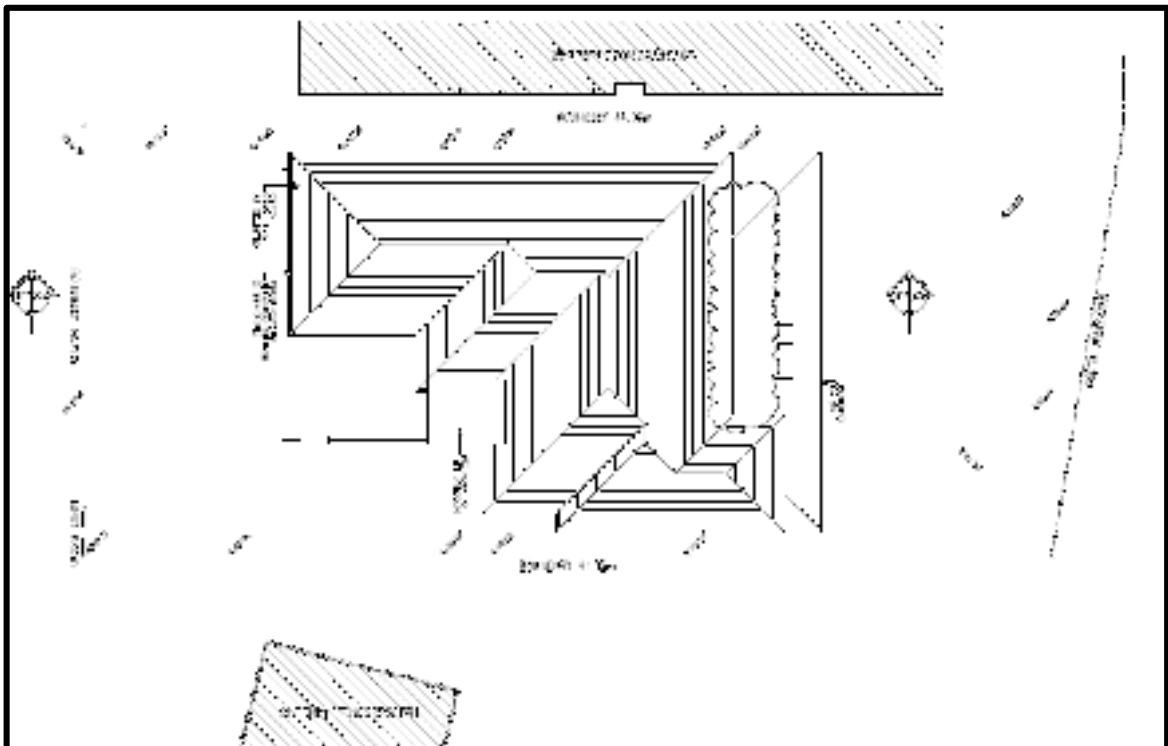


Figure 3: Proposed Site Plan



Figure 4: Proposed Photomontage

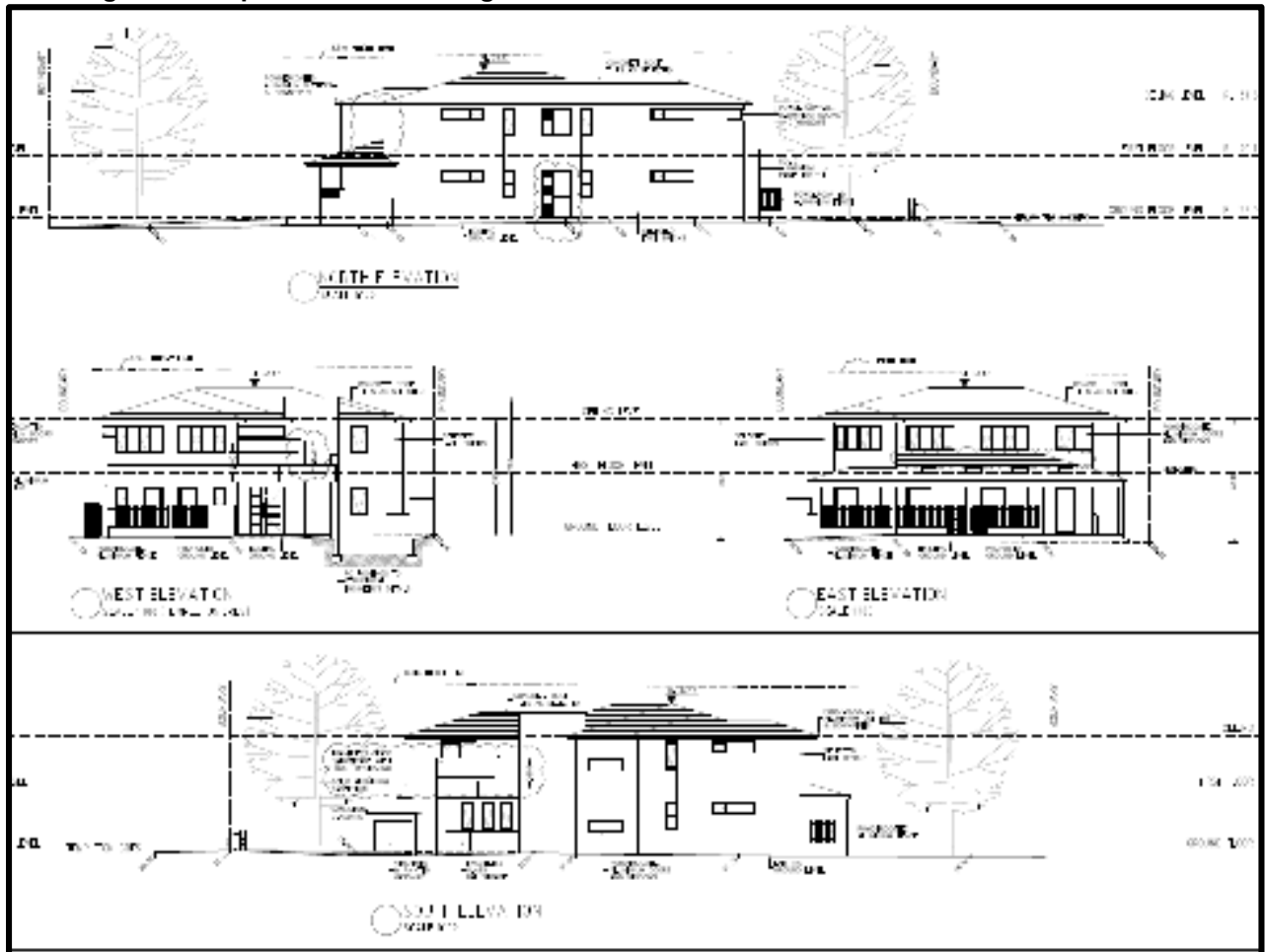


Figure 5: Proposed Elevations

5. Planning Assessment

The following planning instruments have been considered in the planning assessment of the subject Development Application:

- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment;
- State Environmental Planning Policy (SEPP) No.55 – Remediation of Land;
- State Environmental Planning Policy (SEPP) BASIX 2004;
- State Environmental Planning Policy (SEPP) Affordable Rental Housing 2009;
- Liverpool Local Environmental Plan 2008 (LLEP 2008); and
- Liverpool Development Control Plan 2008 (LDCP 2008).
 - Part 1 – General Controls for all Development
 - Part 3.9 – Boarding House Development

The development has been assessed in accordance with the matters for consideration under Section 4.15 of the EP&A Act as follows:

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

The subject land is located within the Georges River Catchments and as such The Greater Metropolitan Regional Environmental Plan No. 2 – Georges River applies to the application. The Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment generally aims to maintain and improve the water quality and river flows of the Georges River and its tributaries. The DA was referred to Council's Land Development Engineering section who reviewed stormwater management and drainage associated with the proposal. They were supportive of the proposed development, subject to conditions. Accordingly, the proposed development is considered to meet the objectives of the SEPP and is unlikely to have a negative impact on the environmental quality of the Georges River Catchment.

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

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

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

Clause 7 - Contamination and remediation to be considered in determining development application	Comment
(1) A consent authority must not consent to the carrying out of any development on land unless:	
(a) it has considered whether the land is contaminated, and	It is unlikely the land is contaminated as it is an existing residentially zoned allotment and the existing dwelling has been on the site since at least 1991 based on historic aerial imagery.
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and	The land is suitable for the proposed works and as it is unlikely that the land is contaminated, based on Council records.
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.	The land does not require remediation.

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

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

The proposal is accompanied by a BASIX Certificate which is consistent with the aims and intent of the Plan. It is recommended that appropriate conditions are imposed to ensure compliance with the BASIX commitments.

(d) Liverpool Local Environmental Plan 2008 (LLEP 2008)

(i) Permissibility

The subject site is zoned R3 – Medium Density Residential in accordance with the Liverpool Local Environmental Plan (LLEP 2008). The proposed development is best described as a

'boarding house' and is a permissible form of development with consent.

A boarding house is defined as follows:

Boarding house means a building that:

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

The proposed development is consistent with the definition of a boarding house.

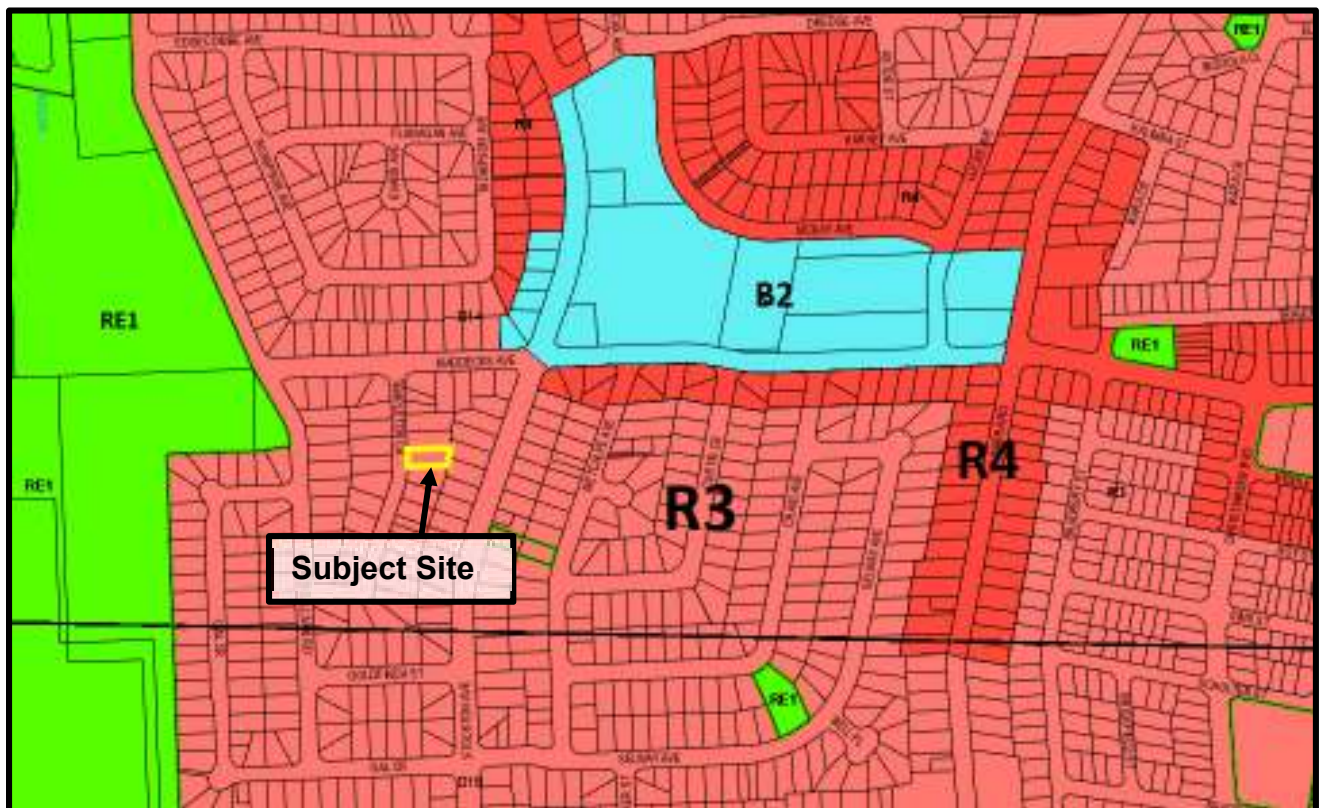


Figure 6: Zoning map of the locality surrounding the subject site (Source: Geocortex)

(ii) Objectives of the zone

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide for a concentration of housing with access to services and facilities.
- To provide for a suitable visual transition between high density residential areas and lower density areas.

- To ensure that a high level of residential amenity is achieved and maintained.

It is considered that the proposal is consistent with these zone objectives. The boarding house adds to the variety of housing types in the medium density environment and is able to meet the housing needs of the community, while having the visual appearance of a two-storey dwelling. The boarding house is within walking distance to local facilities including parkland, a school, shopping centre and bus stops in Stockton Avenue and Maddecks Avenue. The applicant was required to amend the original design of the boarding house, which has resulted in the amended proposal that is considered to provide a higher level of residential amenity and increased privacy to adjoining properties.

(iii) Principal Development Standards

Development Provision	Requirement	Proposal	Compliance
4.3 Height of Buildings	Maximum height permitted: 8.5m	The proposed height of the boarding house is 7.73m.	Complies
4.4 Floor Space Ratio (FSR)	Maximum FSR permitted: 0.5	The proposed FSR is 0.499:1. (388.1sqm/777.8sqm).	Complies
5.10 Heritage Conservation	Protect and conserve the heritage significance in Liverpool	The site is not listed as containing or within proximity of a heritage item or within a heritage conservation area.	Complies
6.5 Public Utility Infrastructure	Public utility infrastructure must be available	The site has access to existing public utility infrastructure.	Complies
7.7 Acid sulfate soils	Class 1 2, 3 4 or 5	The site is not affected by acid sulfate soils.	N/A
7.8 Flood Planning	Provisions for protecting life and property in flood areas	The site is not mapped as being within a flood prone area.	N/A
7.27 Development in certain land in Moorebank	Provisions for land within the Moorebank South Industrial Precinct	The land is not mapped within the Moorebank South Industrial Precinct on the Key Sites Map.	N/A
7.31 Earthworks	Council to consider matters listed (a)-(g)	Excavation for basement will be occurring and is unlikely to adversely impact on the amenity of adjoining properties, drainage patterns and soil stability, subject to the imposition of conditions of consent. Sediment control details have also been provided.	Complies subject to conditions

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

The SEPP (Affordable Rental Housing) 2009 is the applicable Environmental Planning Instrument as it contains specific provisions in relation to boarding house development. Assessment of the application against the relevant development standards within the SEPP is provided below:

Provision		Comment
Part 2 New Affordable Rental Housing		
Division 3 Boarding Houses		
Clause 26: Land to which this division applies		
<p><i>This Division applies to land within any of the following land use zones or within a land use zone that is equivalent to any of those zones:</i></p> <p>(a) Zone R1 General Residential, (b) Zone R2 Low Density Residential, (c) Zone R3 Medium Density Residential, (d) Zone R4 High Density Residential, (e) Zone B1 Neighbourhood Centre, (f) Zone B2 Local Centre, (g) Zone B4 Mixed Use</p>		<p>Complies</p> <p>The site is located in an R3 – Medium Density Residential Zone as per the LLEP 2008.</p>
Clause 27: Development to which Division Applies		
<p>(1) <i>This Division applies to development, on land to which this Division applies, for the purposes of boarding houses.</i></p> <p>(2) <i>Despite subclause (1), clauses 29, 30 and 30A do not apply to development on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone in the Sydney region unless the land is within an accessible area.</i></p> <p><i>Pursuant to Clause 4 of the SEPP, 'accessible area' means land that is within:</i></p> <p>(a) ... (b) ... (c) <i>400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.</i></p>		<p>Complies</p> <p>The site is located 350m (Maddecks Avenue) & 385m (Stockton Avenue) walking distance from a bus stop that is used by the 902 a bus service. The stops are serviced at 30 minute intervals during the morning and afternoon peak times, however does not meet accessible standards, with services almost every hour between 9am and 3pm and from 7-9pm on weekdays. There is a discrepancy between the end of peak time and the start of hourly operations, where the wait time for the bus is 71 minutes in the morning and 66 minutes in the evening and then every hour thereafter on weekdays between the specified times going towards Holsworthy Station. Coming from Holsworthy Station, the bus stop is serviced in accordance with the accessible criteria until 6:43pm, where the next and final bus of the night stops at 8:13pm. Notwithstanding, the site is zoned R3 - Medium Density Residential and not R2 - Low Density Residential in which the accessible area criteria applies.</p> <p>Accordingly, this Division applies to this development.</p>
Clause 28: Development may be carried out with consent		
<p><i>Development to which this division applies may be carried out with consent.</i></p>		<p>Complies</p> <p>Development consent is sought for the proposed boarding house.</p>
Clause 29 Standards that cannot be used to refuse consent		
(1) A consent authority must	(a) the existing maximum floor space ratio for any form of	<p>Complies</p> <p>The maximum FSR control is 0.5:1. The</p>

not refuse consent to development to which this Division applies on the grounds of density or scale if the density and scale of the buildings when expressed as a floor space ratio are not more than:	residential accommodation permitted on the land, or	proposed boarding house has an FSR of 0:499:1.
	(b) if the development is on land within a zone in which no residential accommodation is permitted—the existing maximum floor space ratio for any form of development permitted on the land, or	Not Applicable Residential accommodation is permissible within the zone.
	(c) if the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register—the existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus: (i) 0.5:1, if the existing maximum FSR is 2.5:1 or less, or (ii) 20% of the existing maximum FSR, if the maximum FSR is greater than 2.5:1.	Not applicable Residential flat buildings are not permissible within the R3 Medium Density Residential zoning.
(2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:	(a) building height: if the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land,	Complies The maximum building height control is 8.5m. The proposed boarding house has a building height of 7.73m.
	(b) landscaped area: if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located,	Complies The proposed landscape area for the site is considered to be compatible with the streetscape.
	(c) solar access: where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,	Complies The proposed communal living room on the ground floor is orientated to the north and is able to achieve the minimum requirement for solar access.
	(d) private open space: if at least the following private	Complies The proposed boarding house provides 39.4sqm of private open space in the form of the covered

	<p><i>open space areas are provided (other than the front setback area):</i></p> <p>(i) <i>one area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers,</i></p> <p>(ii) <i>if accommodation is provided on site for a boarding house manager—one area of at least 8 square metres with a minimum dimension of 2.5 metres is provided adjacent to that accommodation,</i></p>	<p>communal open space. This area has a minimum dimension of 3.6m and is located with direct access to the internal common area. Further, the entire rear yard is accessible for the occupants of the boarding house to be used as outdoor open space.</p> <p>Complies Accommodation for an onsite boarding house manager is required for this application. The manager's room has a private open space area in the form of a balcony which is 8.78sqm with a minimum dimension of 2.9m.</p>
	<p>(e) <i>parking if:</i></p> <p>(i) ...</p> <p>(ii) ...</p> <p>(iia) <i>in the case of development not carried out by or on behalf of a social housing provider – at least 0.5 parking spaces are provided for each boarding room, and</i></p> <p>(iii) <i>in the case of any development – not more than 1 parking space is provided for each person employed in connection to the development and who is resident on site</i></p>	<p>Complies In the case that the development is not carried out by or on behalf of a social housing provider, the parking rate is 0.5 parking spaces for each room. The development proposes to have 11 rooms, resulting in a requirement of six (6) parking spaces. One (1) space is also provided for the manager who is a resident on the site.</p> <p>Thus, the proposed development provides seven (7) car parking spaces, including one (1) accessible space, as well as three (3) motorbike parking spaces and three (3) bicycle spaces.</p>
	<p>(f) <i>accommodation size:</i></p> <p><i>if each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least:</i></p> <p>(i) <i>12 square metres in the case of a boarding room intended to be used by a single lodger, or</i></p> <p>(ii) <i>16 square metres in any other case.</i></p>	<p>Complies The proposed boarding rooms (excluding kitchen and bathroom areas) have a minimum size of 16sqm for double lodgers. The boarding room sizes are as follows: Rooms G.01, G.02, 1.01, 1.02 & 1.03: 16.23sqm. Room G.03 & 1.04: 24sqm (accessible units). Rooms G.04, G.05, 1.05 & 1.06: 16.43sqm.</p>
(3) <i>A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room.</i>		Complies Each room contains its own bathroom, kitchenette, as well as laundry facilities.
(4) <i>A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2).</i>		Noted.
Clause 30: Standards for Boarding Houses		
1) <i>A consent authority must not consent to development to</i>	(a) <i>if a boarding house has 5 or more boarding rooms, at least one communal living room will be provided,</i>	<p>Complies The proposed boarding house has eleven (11) rooms and proposes a communal living room located on the ground floor.</p>

<i>which this Division applies unless it is satisfied of each of the following:</i>	<i>(b) no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 square metres,</i>	Complies All of the boarding rooms are under 25sqm (excluding bathroom and kitchenette facilities).
	<i>(c) no boarding room will be occupied by more than 2 adult lodgers,</i>	Complies None of the boarding rooms are proposed for more than two (2) lodgers.
	<i>(d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,</i>	Complies Each boarding room proposes its own bathroom and kitchenette facilities.
	<i>(e) if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager,</i>	Complies As the boarding house has the ability to house 22 lodgers, an on-site manager will be present on the site and a manager's room is provided on the first floor.
	<i>(f) (Repealed)</i>	Noted.
	<i>(g) if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use,</i>	Not applicable. The site is zoned R3 – Medium Density Residential.
	<i>h) at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.</i>	Complies Three (3) of each type is required as there are 11 rooms. The proposed development provides three (3) motorbike parking spaces and three (3) bicycle parking spaces within the basement.
Clause 30A: Character of local area		
<i>A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.</i>	<p>The proposed development is considered to be compatible with the character of the local area. The site is within a medium density residential zone with a mix of one and two storey dwellings as well as a rising number of contemporary style semi-detached developments. These developments provide larger, usually two storey houses, on smaller allotments with open space at a minimum. The site is within close proximity to local shops, schools and is has access to public transport options, however cannot be deemed to be as within an accessible area in accordance with the meaning of a regular bus service within the Passenger Transport Act 1990.</p> <p>The proposed boarding house has been designed to reflect a two-storey dwelling with a single main entry door to the street frontage with the inclusion of modern finishes and building design elements. The development provides setbacks that exceed those required for a dwelling, a generous amount of landscaping and articulated walls, reducing the perceived bulk and scale from the streetscape. Although a basement carpark is not usually found in the area directly surrounding this development, the benefits associated with the inclusion of the basement are significant in terms of having no at-grade</p>	

	<p>car-parking on the site, resulting in limited unsightliness from parking within the front setback, which preserves the design characteristics of the area by maintaining a front setback with increased deep soil and landscaped area.</p> <p>Originally, the development included a side access door and balconies for the boarding rooms at the rear of the first floor. As these features are not part of the design character of the local area and could potentially cause increased noise and privacy concerns for adjoining properties, these have since been removed from the proposal.</p> <p>The proposed windows to the southern and northern elevations, which have adjoining properties, are not considered to create any adverse privacy concerns as they are either high sill windows or obscured glass. The manager's balcony will also be setback 6.56m from the nearest side boundary and have a higher obscured glass balustrade facing the southern neighbour. The properties to the north and south are single storey dwellings, further reducing any direct looking into the adjoining dwellings at the first storey. The windows on the first storey at the rear of the property are setback a minimum of 12.115m from the rear boundary and there are existing trees in the rear yard as well as proposed boundary screening trees, which will assist in screening and privacy concerns to the rear properties.</p> <p>Although there are currently no boarding houses in the wider locality, the development is considered to fit in with the existing and desired future context of the zone and meets the objectives of the R3 zoning. Further, there are residential flat buildings in Nuwarra Road and higher density development forms are slowly increasing within the surrounding neighbourhood. Additionally, multi dwelling housing developments and other forms of medium density housing styles will soon be able to be approved under complying development, thus taking out the requirement for Council to be the consent authority. It is anticipated that other sites in the locality will be developed and consist of permissible medium density development typologies in the near future.</p>
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As per the above compliance table, the proposed development is considered acceptable with regards to the State Environmental Planning Policy (Affordable Rental Housing) 2009.

Section 4.15(1)(a)(ii) – Any Draft Environmental Planning Instruments

No draft Environmental Planning Instruments.

Section 4.15(1)(a)(iii) – Any Development Control Plan

Liverpool Development Control Plan 2008

LDCP 2008 Part 1 – General Controls for all Development			
Control	Required	Proposal	Compliance
Section 2 – Tree Preservation	Consider impact of development on existing vegetation	One existing tree is proposed to be removed on the site as it is in poor condition. 3 trees in the rear yard will remain as well as the street tree along Templeton Crescent.	Complies
Section 3 – Landscaping	Incorporation of existing trees into	One existing tree will be removed, however the other 4 trees on the	Complies

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and Incorporation of Existing Trees	development where appropriate	site will be incorporated into the landscape design of the development.	
Section 4 – Bushland and Habitat Preservation	Consider impact of development on bushland and habitats	Minimal to no impact on bushland and habitats considering the location of the development.	N/A
Section 5 – Bushfire Risk	Land on or adjacent to bushfire prone land to comply with RFS requirements	Site is not identified as Bushfire prone land.	N/A
Section 6 – Water Cycle Management	Consideration of stormwater and drainage	Stormwater will be collected through the proposed downpipes into the rainwater tank/OSD system and then disposed into the drainage easement at the rear of the site. The stormwater design is deemed to be satisfactory subject to conditions by Council's land development engineering section.	Complies by condition
Section 7 – Development Near a Watercourse	Consideration of impact to riparian corridors	Development is located more than 400m from a watercourse.	N/A
Section 8 – Erosion and Sediment Control	Sediment Control Plan or Soil and Water Management Plan required	Sediment control details were submitted with the application.	Complies
Section 9 – Flooding Risk	Flood affection of property to considered	The site is not affected by flood risk.	N/A
Section 10 – Contaminated Land Risk	Previous use to be considered in assessing risk	Site inspection and historic uses on the site suggest that there is no requirement for a land contamination assessment and the site is considered acceptable for this proposal.	Complies
Section 11 – Salinity Risk	Salinity Management response required for affected properties	Site is not known to be affected by salinity. Advisory condition to be applied.	Complies by condition
Section 12 – Acid Sulfate Soils Risk	Affected properties to consider impact of development on soils	Site is not affected by sulfate soils.	N/A
Section 13 – Weeds	Noxious weeds to be removed as part of development where applicable	No noxious weeds have been identified on site.	N/A
Section 14 – Demolition of	Must comply with AS 2601-2001	Demolition of the existing structures will be occurring as part	Complies by condition

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Existing Development		of this proposal. Appropriate conditions of consent for demolition will be included.	
Section 15 – Onsite Sewage Disposal	S68 Application required where connection to sewer not available	Site is connected to sewer.	Complies
Section 16 – Aboriginal Archaeology	AHIA required where items of aboriginal archaeology exist	No known items of aboriginal archaeology are present on the subject property.	N/A
Section 17 – Heritage and Archaeology	Consideration of the impact on the heritage significance on any heritage buildings, sites, streetscapes or areas.	The site is not listed as containing or within proximity of a heritage item or within a heritage conservation area.	N/A
Section 18 – Notification of Application	Boarding Houses are to be advertised and notified to properties within 100m of the site.	The development application was notified and advertised for a period of 14 days from 29 August to 13 September 2018 in accordance with Liverpool Development Control Plan 2008. Twenty-one (21) individual submissions and two (2) petitions were received during the public consultation period.	Complies
Section 19 – Used Clothing Bins	Applies to any charity bins located on either private or Council land.	No charity bins located on site.	N/A
Section 20 – Car Parking and Access	1 space per 2 bedrooms or 2 space per 3 beds, whichever is the greater	The proposed development provides seven (7) car parking spaces, three (3) motorbike parking spaces and three (3) bicycle spaces as per the controls of the SEPP (Affordable Rental Housing) 2009.	Complies with SEPP requirements
Section 22 & 23 – Water & Energy Conservation	New dwellings, are to demonstrate compliance with State Environmental Planning Policy – Building Sustainability Index (BASIX).	A compliant BASIX Certificate has been provided which outlines water and energy conservation commitments. Conditions of consent will apply to ensure compliance and implementation of the BASIX criteria within the boarding house.	Complies by condition
Section 25 – Waste Disposal & Re-Use Facilities	Provisions relating to waste management during construction and on-going waste.	A waste management plan (WMP) has been submitted and details of ongoing waste management has been provided in the operational plan of management. Conditions of consent will be imposed to ensure that compliance with the WMP and	Complies by condition

		plan of management is achieved during construction and the on-going use of the premises.	
Section 27 – Social Impact Assessment	The DCP requires a Social Impact Comment for affordable housing, within the meaning of SEPP (Affordable Rental Housing) 2009.	A social impact comment was provided in accordance with this section of the DCP. This aspect has been reviewed by Council's Community Planning section and their concerns raised regarding community facilities and accessibility has been addressed through the imposition of development contributions, the provision of accessible services in the building and the development being within an area with access to shops, schools, open space and public transport. Further, through design modifications, compliance with the relevant legislation and an appropriate operational plan of management, matters raised by the public have been addressed.	Complies by condition

Liverpool Development Control Plan 2008

Part 3.9 Boarding House Development

The SEPP (Affordable Rental Housing) 2009 was introduced on 31 July 2009 to increase the supply of affordable rental housing in NSW. Particularly, controls are required to regulate the development of boarding houses, and this part of the DCP ensures that boarding houses are sympathetic to the desired character of their surroundings.

This part of the DCP, implemented on 12 December 2018, is to be considered in conjunction with the SEPP (Affordable Rental Housing) 2009. Where there are inconsistencies between the SEPP and this DCP, the SEPP prevails. The controls listed in the following subsection of this part of the DCP are to be used when addressing Clause 30A of the SEPP (Affordable Rental Housing) 2009.

LDCP 2008 Part 3.9 Boarding House Development			
Control	Required	Proposal	Compliance
Building Character	A Character Statement is to be submitted with all applications for boarding house development. At a minimum the statement is to address the criteria listed under Appendix 1 of this DCP.	The applicant has not submitted a character statement as part of the DA, however, has provided a character assessment as part of the submitted statement of environmental effects. As detailed within the character assessment within Clause 30A and the development standards set out by the SEPP (Affordable Rental Housing) 2009, the proposed boarding house is	Considered acceptable

	<p>Note: Character statements are to be prepared by a suitably qualified person and must include 3D perspective drawings showing how the building appears when situated amongst other buildings within a 100m radius.</p>	<p>considered acceptable in terms of building specifications, height, FSR, scale and form of buildings, frontage treatment and streetscape setting, front setbacks, treatment of side and rear setbacks, style of existing buildings, materials, finishes and views, vistas and skylines.</p> <p>It should be noted that Part 3.9 Boarding House Development of the LDGP 2008 came into effect in December 2018. The application was submitted into Council in August 2018. In this instance it is considered acceptable that the applicant has addressed the points in Appendix 1 of the DCP and that no perspectives within a 100m radius were provided. A photomontage of the building was provided with the application and can be seen in Figure 4.</p>	
	<p>Boarding houses located in the vicinity of a Heritage Item or within a Heritage Conservation Area must be designed sympathetically to the significance of the Heritage Conservation Area/Item.</p>	<p>The site is not considered to be located in the vicinity of a Heritage Item or within a Heritage Conservation Area.</p>	Complies
Site Planning	<p>All boarding houses must be located in an accessible area as defined in the SEPP ARH. Note: Boarding houses in the R2 zone are subject to additional locational criteria as required under the SEPP ARH.</p>	<p>The proposed boarding house is located in a R3 zone and is allowable onsite as per the Clause 27 of the ARH SEPP 2009. Accordingly, the development is permitted regardless of whether it is in an accessible area or not.</p> <p>It should be noted that the Part 3.9 of the LDGP 2008, came in effect in December 2018, five months after the subject DA was lodged. Accordingly, it is not considered appropriate in this case that the applicant must demonstrate that the boarding house is in an accessible area</p>	Considered acceptable

		defined under the SEPP. As discussed in the locality description above, the subject site is located in proximity to a range of commercial and community services and is located 350m walking distance from bus stops in Maddecks Avenue and 385m walking distance from a bus stops on Stockton Avenue.	
	Boarding houses must not be located on cul-de-sacs streets and battle-axe allotments.	The proposed boarding house is not located on a cul-de-sac or battle-axe allotment.	Complies
	Boarding houses must have a separate pedestrian access to a street.	The proposed boarding house has a pedestrian access path along the frontage to Templeton Crescent.	Complies
	Boarding houses must be located to minimise the extent of cut and fill.	The proposed boarding house proposes to have a basement car parking area and thus will result in a cut of 3.1m to accommodate the basement. There will also be approximately 390mm of fill in the rear to facilitate the level difference between the slab of the communal outdoor space and the yard. Although there is considerable excavation occurring on site, the location of the parking and waste areas within the basement assist in achieving a development that is designed to be compatible with the local character. Further, deep soil areas will still be maintained with this development and a generous amount of landscaping is provided on the site. Council encourages medium density developments to provide basements in the circumstances where a higher rate of parking is required for a development. As such, this is considered acceptable in this instance subject to conditions relating to dilapidation and geotechnical reporting.	Considered acceptable, subject to conditions

External Building Design	All boarding rooms must only be accessed from within the building.	All boarding rooms are accessible from within the internal confines of the building. Units G.01, G.02 & G.03 are able to be accessed through their associated rear terraces, however this is only accessible through the communal outdoor space and this area is restricted at night times.	Complies by condition
	Main entrances shall not be located along rear and side boundaries where they face adjoining properties.	The main entrance is located at the front of the building with access to Templeton Crescent.	Complies
Internal Building Design	Boarding houses shall be limited to a maximum number of bedrooms using the formula in LDCP Part 3.9, Clause 6. Any floor space ratio (FSR) over 1:1 shall be rounded down to 1:1:	<p>The proposed development has 11 rooms that can accommodate for 22 lodgers at any one time. According to the formula, 9 rooms would be the limit for the development.</p> <p>Provisions in the ARH SEPP 2009 outline that the consent authority cannot refuse consent on the basis of FSR if the development of the boarding house results in the provision of an FSR that complies with the existing maximum floor space ratio for any form of residential accommodation permitted on the land.</p> <p>The proposal has an FSR of 0.499:1 and as such is compliant with the maximum allowable FSR for the site.</p>	Considered acceptable
	Communal living rooms and kitchens shall be the focal point of the building (e.g. near lobby, laundry, mail area etc.) and be provided with access to the communal open space area.	The communal living room is designed to be a focal point of the ground floor and has direct access to the communal open space area.	Considered acceptable
	An indoor communal living room must be provided at a rate of 15sqm for the first 5 lodgers (or part	<p>The proposed boarding house provides a communal living room of approximately 24.6sqm.</p> <p>The proposed development is</p>	Considered Acceptable

	<p>thereof) and 1sqm for each additional lodger.</p> <p>Note: Required floor area for the communal living room may be split across multiple parts of the building if it is seen as beneficial for the internal layout of the building.</p>	<p>able to accommodate 22 lodgers at any one time. Accordingly, 32sqm of indoor communal area is required onsite.</p> <p>It should be noted that the Part 3.9 of the LDCP 2008, came in effect in December 2018, five months after the subject DA was lodged. Accordingly, it is considered unreasonable to ensure the proposal is consistent with this requirement.</p> <p>This is especially pertinent where the ARH SEPP 2009 requires the provision of a communal area but specifies no minimum area requirements. Accordingly, the development is considered consistent with the SEPP and acceptable with regards to the provision of indoor communal areas.</p> <p>It should also be noted that the indoor communal area combined with the covered communal outdoor area is 64sqm. This is considered to sufficiently service the 22 lodgers that may reside at the site at any one time and sufficiently covers the 32sqm required by the DCP.</p>	
	No boarding rooms shall open directly on to communal living, dining and kitchen areas.	None of the proposed rooms open directly into the communal living room.	Complies
	At least 10% of the rooms shall be adaptable in accordance with the relevant Australian Standards (AS) for Adaptable Housing (AS 4299 - 1995) as amended.	Two rooms of eleven are proposed to be accessible/adaptable units. This equates to 18% of the development. A condition of consent will be imposed to ensure these units meet the standards for adaptable housing.	Complies by condition
	Boarding houses shall be designed to comply with the minimum access requirements contained within the	An accessibility report has been provided with the application demonstrating that the building can achieve compliance with the access provisions in the BCA	Complies by condition

	BCA and Australian Standard 1428 – Design for Access and Mobility (as amended).	and Australian Standards. A condition will be imposed to ensure the building complies with these provisions.	
	At least 70% of the rooms shall receive a minimum of 3 hours direct sunlight between 9am and 3pm on 21 June.	<p>The boarding house has been designed to include windows along all façades that take advantage of the morning and afternoon sun. Accordingly, all rooms are considered to have direct sunlight during the winter solstice.</p> <p>This control is also inconsistent with the ARH SEPP 2009 in which solar access to the development is only required for the communal living rooms to receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid- winter.</p>	Considered acceptable
	Where self-contained boarding rooms are proposed they shall be provided with the following facilities (at a minimum) in accordance with the below: Bathroom – 2.1sqm Showering in bathroom – 0.8sqm Laundry – 1.1sqm Kitchenette – 2sqm	The proposed boarding room has eleven (11) self-contained rooms each with their own bathroom and shower, washing machine and kitchenette.	Complies
	Where shared facilities are proposed, they must be provided at a rate of 1 per 10 occupants (or part thereof) in accordance with Table 2: - 1 washing machine and 1 washing sink - 1 electric clothes dryer or 30m of external clothes line - 1 bathroom - 1 toilet and wash basin (separate from bathroom)	The proposed boarding house has self-contained rooms and shared facilities are not proposed.	Complies
	A communal kitchen is to be provided on each	The proposed boarding house has self-contained rooms with	Complies

	<p>floor (if more than 2 storeys) with a minimum area of 8sqm or 1.2sqm for each resident without a kitchenette (whichever is the greater).</p> <p>Note: The kitchen is to comply with food safety standards adopted under the NSW Food Act 2003 and the National Code for the Construction and Fitout of Food Premises.</p>	kitchenettes.	
	<p>If management or reception offices (apart from a manager's room) are to be provided, they are to be located at a central, visible point which is convenient to occupants and visitors of the boarding house.</p>	No management or reception office is proposed as part of this development, apart from the manager's room.	Not applicable
	<p>Boarding houses in the B1, B2 or B4 zones shall not be provided with any rooms on the ground floor.</p>	The site is zoned R3 – Medium Density Residential.	Not applicable
Communal Open Space	<p>The communal open space must receive 3hrs of sunlight to 50% of its area between 9am and 5pm on 21 June, and must:</p> <ul style="list-style-type: none"> - be provided at ground level in a courtyard or terrace area, wherever possible; - provide partial cover from weather; - incorporate soft/porous surfaces for 50% of the area; - be connected to communal indoor spaces, such as kitchens or living areas; 	<p>The proposed communal open space is orientated at the rear of the property and takes advantage of the northern and eastern aspects of the site. The area includes the outdoor terrace area as well as the rear yard, incorporating approximately 175sqm of usable outdoor space plus landscaped garden beds.</p> <p>The communal open space achieves the minimum requirement for direct sunlight and has a covered terrace area. The rear yard has over 50% of soft/porous surface and this entire area can be accessed from the communal indoor living area.</p> <p>The communal open space</p>	Complies

	<ul style="list-style-type: none"> - contain communal facilities such as barbecues, seating and pergolas where appropriate; and - be screened from adjoining properties and the public domain with plantings or similar 	includes a BBQ area and seating for residents. The area also provides appropriate plantings along boundaries to assist in screening the development and reduce the privacy concerns for adjoining dwellings.	
Car Parking and Access	<p>A traffic and parking impact statement is required for all boarding house developments demonstrating that the use of the premises will not result in adverse traffic, parking and road safety impacts. The assessment is to include the following (but not being limited to):</p> <ul style="list-style-type: none"> i. Identification of prevailing traffic conditions; ii. the likely impact of the proposed development the road network; iii. pedestrian and traffic safety measures; and iv. justification for any variations of on-site parking requirements 	A traffic impact statement has been submitted with the DA and reviewed by Council's Traffic Engineering section. They are supportive of the findings of the report, subject to conditions. The development meets the required parking allocations as specified under the ARH SEPP 2009.	Considered Acceptable subject to conditions
	The path to any building entrance(s) shall be designed in a manner which provides direct and convenient access from the nearest public footpath.	The entry path into the building off Templeton Crescent is clearly defined providing direct and convenient pedestrian access from the street into the building.	Complies
Amenity	An acoustic report prepared by a suitably qualified person shall be submitted and is to include:	<p>An acoustic report has been provided as part of this application for DA- 612/2018.</p> <p>The DA was referred to Council's Environmental Health section</p>	Complies by condition

	i. Identification of sensitive noise receivers potentially impacted by the proposal; ii. Measure (in db) and describe the existing acoustic environment; iii. Details of the acoustic mitigation measures to be implemented in the proposal; iv. Identification of noise likely to be generated by the proposal based on full occupation; and v. Certification that the proposal is capable of operating without causing nuisance, including a statement of mitigation measures required to ensure this.	along with the acoustic report and plan of management submitted by the applicant. Council's Environmental Health section has deemed the design of the proposal and plan of management acceptable with regards to acoustic amenity based on the submitted acoustic assessment. Compliance with the recommendations of the acoustic report are recommended to be imposed as conditions of consent.	
	A 'Plan of Management' is to be submitted with each development application for a boarding house, including criteria as outlined in Appendix 2.	The proposed development provides a Plan of Management which will be enforced as a condition of consent for this application.	Complies by condition

Section 4.15(1)(a)(iia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and

There are no draft planning agreements that apply to the site.

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

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

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

Heads of Consideration	Comment
Built Environment	<p>The proposed development, as amended, is unlikely to create any adverse impacts on the surrounding built environment. The proposed development is considered to be of an appropriate scale and is unlikely to create any detrimental impacts on the adjoining properties or the locality as a whole. The proposal will facilitate residential development which is not considered an over-development and is consistent with the desired future built character of the locality.</p> <p>A condition will apply to the consent to remove the internal door and associated walls of the internal communal open area, to provide unrestricted access to this area. This will open up the communal living area and provide a heightened sense of belonging for residents. Additionally, the Plan of Management is to be amended to allow unrestricted access to 12am into the communal living room.</p> <p>It is considered that the proposed development has been designed with sufficient regard to surrounding properties to ensure that any adverse amenity impact is minimised, particularly in terms of visual and acoustic privacy, overshadowing and structural stability.</p>
Natural Environment	The development will retain 4 mature trees over the site which are in good condition. The proposed development is unlikely to create a detrimental impact on the natural environment surrounding the subject site subject to the imposition of appropriate conditions of consent.
Social Impacts	The application is unlikely to cause detrimental social impacts, being consistent with the future desired medium density character of the area. The applicant has provided a plan of management with the proposal to ensure that occupants of the site limit their potential to disturb the amenity of the residential area. Further, the development will provide an affordable housing option in the locality for singles or couples who may be under housing stress.
Economic Impacts	The proposal is likely to result in a positive economic impact in the locality through the capital investment of the development, renting of the rooms and the ongoing employment of the site manager.

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

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

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
Development Engineer	Approval subject to conditions of consent
Landscape Officer	Approval subject to conditions of consent
Traffic Engineer	Approval subject to conditions of consent
Environmental Health	Approval subject to conditions of consent
Waste Management	Approval subject to conditions of consent

Community Planning	Matters raised by community planning have been addressed by the applicant and through conditions of consent.
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(b) Community Consultation

The development was notified and advertised in accordance with Part 1 of the LDCP 2008 for a period of 14 days from 29 August to 13 September 2018. A total of twenty-three (23) submissions made up of twenty-one (21) individual submissions, in which twenty (20) objections and one (1) submission in support of the application were received, and two (2) petitions objecting to the application were received during the public consultation period and have been summarised and addressed below:

Issue 1: Parking, Traffic and Basement Concerns

Templeton Crescent is a narrow street; parking shortage in the development; increased traffic in the area choking the road network; swept path analysis and turning circles; access for motorcycles and bicycles to house; space for people with disabilities; safety in and out of the basement carpark; excavation for basement.

Comment

The proposed development has been designed to incorporate car parking, motorcycle and bicycle parking in compliance with the Boarding House parking provisions under the SEPP ARH 2009. In accordance with this State level planning policy a consent authority is not able to refuse an application for a Boarding House where it complies with these parking requirements.

It should also be noted that the SEPP does not require the provision of any visitor car parking spaces for Boarding Houses. Hence the applicant has not nominated any as part of this proposal. It is likely that visitors to the site will be temporary in nature and would rely on any on-street parking in the vicinity of the development, which is permitted on a public roadway. It is considered highly unlikely that access to surrounding properties for emergency or waste collection vehicles in the locality would be obstructed by occupants or visitors of the development, where road users follow road rules.

Further to this, despite the potential of an increase in temporary on-street visitor parking associated with the development it is considered unreasonable for the proposal to address any disregard for traffic laws that may compromise the safety of pedestrians and school aged children in the locality, as part of this application. This is considered to be policing matter and outside of the scope of this application.

The siting and layout of the basement parking area, including turning paths and provision of a space for people with disabilities has been designed to be in accordance with the relevant Australian Standards and appropriate conditions of consent have been recommended to ensure this is provided at the construction stages.

The motorcycle and bicycle users have direct access to the stairs and lift without the need to walk through the carpark.

Conditions relating to dilapidation and geotechnical reporting are recommended to be imposed for the development to ensure the structural stability of the excavation works for the building and basement, and in order to reduce impacts on adjoining properties during construction.

Council policies nor the ARH SEPP 2009 has any provisions that require Boarding Houses to be located on roadways with a certain carriage width. Accordingly, the width of Templeton Crescent is not considered to be a reason to refuse the application.

In addition to the above, the proposed development and the associated traffic and parking impact report and swept path diagrams have been reviewed by Council's internal Traffic Engineers who have raised no objections regarding the proposed parking provision onsite or traffic impacts associated with the development, subject to conditions of consent.

As such, the proposal is considered acceptable with regards to its associated traffic and parking impacts, subject to conditions. As such, the objection matters raised with regards to traffic and parking impacts would not warrant the refusal of the DA in this instance.

Issue 2: Noise

Excessive noise caused by the boarding house residents and through gates and doors; inclusion of fencing and landscaping for noise mitigation; no acoustic report submitted.

Comment

The proposed development has been amended so that the building is only accessed through the front door or through the basement stairways or lift. The door in the middle of the northern facade has been removed to ensure that noise can be mitigated to the adjoining dwelling to the north. The landscaping plan proposes to have side fences and landscaping along the side boundaries to assist in noise attenuation. Also, the use of common outdoor areas have been restricted in the plan of management and will not be used after 10pm.

An acoustic report has been submitted with the application, dated 21 February 2019, and has been assessed and deemed to be satisfactory by Council's Environmental Health section, subject to conditions. Combined with the imposition of consent conditions related to noise and compliance with the revised Plan of Management, the noise generated from this development is unlikely to exceed the noise levels anticipated for this form of development within a medium density residential setting. Accordingly, acoustic impacts associated with the proposal are considered acceptable in this case and would not warrant the refusal of the application.

Issue 3: Safety and Security

Turnaround of lodgers every 3 months in neighbourhood with long term residents; safety of both current residents and properties; disruptive behaviour from residents; other places for these people to stay in; types and character of residents; community safety especially with children in neighbourhood; role of the manager; number of residents not specified.

Comment

The applicant has stated that:

"New generation boarding houses offer an opportunity to develop housing stock for a wide spectrum of society including students, single parents, young professionals and couples. It is considered unreasonable that future occupants will contribute to any adverse social impacts because they are living in a particular type of housing. Additionally, there is growing evidence that the vast majority of boarding house residents have stable employment, often key workers who are looking for accommodation close to the Place where they work. On this note, the

proposed boarding house is located only 2.8 kilometres from the Liverpool City Centre which is currently being identified as Sydney's third emerging CBD."

Further to this, a boarding house requires, by definition, that residents are provided with a principal place of residence for a minimum of three (3) months, and an occupancy agreement will be prepared in accordance with the Boarding House Act 2012 (which also makes provision for the evacuation of tenants if they do not adhere to the occupancy terms of agreement). This minimum period of residence is considered to allow an individual/individuals residing in such an establishment to form an association with the local area.

With regards to site management, the trigger under the provisions of the ARH SEPP 2009 for the requirement of an onsite manager is 20 lodgers. In this regard, the proposal which is capable of catering to a maximum of twenty-two (22) lodgers makes provision for a permanent manager to reside on site. This manager will continually ensure that the terms of each boarder's occupancy agreement are continually met.

The proposed development includes a Plan of Management, which will be enforced to all occupants of the boarding house and covers codes of conduct/house rules for tenants. Further, an on-site manager will be residing at the premises and will be able to mitigate any unruly behaviour and enforce the plan of management and house rules within the boarding house. On this basis, Council considers there to be sufficient measures to mitigate quick turn overs for lodgers and any negative or 'anti-social' behavioural tendencies of future occupants.

Issue 4: Privacy and Overshadowing

Solar access to adjoining properties being cut off; solar access to 25 Templeton Crescent not demonstrated; privacy concerns and overlooking to adjoining neighbours; balconies along rear façade.

Comment

The proposed development is not considered to cast any unreasonable level of shadow over neighbouring properties as identified upon review of the shadowing analysis accompanying the originally submitted DA application. The adjoining dwellings are able to achieve solar access to their private open space and a living space for a minimum of 3 hours during the winter solstice in accordance with Council's DCP. 25 Templeton Crescent is located directly north of the property and as the sun casts shadows in a southerly direction, it is highly unlikely that this development at 23 Templeton Crescent would cast a shadow on this property.

The extent and type of glazing proposed along the building elevations is appropriately offset incorporating high sills and obscured glazing reducing the ability for direct overlooking into neighbouring properties. Furthermore, the first floor rear balconies initially provided to rooms 1.01, 1.02 and 1.03 have since been deleted further reducing the potential for overlooking into neighbouring properties. It is considered that the amended design of the Boarding House has acceptably reduced the amount of potential visual privacy impacts to adjoining properties and visual privacy associated with the development would not warrant its refusal.

Issue 5: Character of the Development

Development not fitting in with the character of the area; development boom changing the area is unacceptable; over intensification of the zone; increased population in area.

Comment

As demonstrated in the photomontage of the development (Figure 4), the proposed development adopts an architectural form and language, with an overall silhouette, height, scale and form that is considered generally consistent and compatible with a large dwelling house. This is considered to be consistent with both the established and emerging pattern of development and housing typologies identified within the locality. The design of the building is considered to reflect that of a two storey dwelling and has been designed to be generally compliant with the relevant planning controls for the use. The proposal is also considered to respond to the character of the local area and is consistent with the “Character of the Local Area” requirements as contained in Clause 30A of the ARH SEPP 2009.

The site is zoned R3- Medium Density Residential Zone where Boarding Houses are a permissible form of development with consent. In relation to over intensification, the notion that the proposal, which has been designed to conform to all the relevant design standards for this type of use and of which is located within a zone that specifically encourages this form of development, cannot be substantiated in this instance.

Issue 6: Amenity of Boarding House Tenants

Small communal areas size; room facility sizes; manager’s balcony not up to minimum standard; access to outdoors and recreation facilities; fire safety/emergencies.

Comment

The proposal provides a 24.6sqm common room that extends onto a communal terrace and further into the rear yard, in which approximately 175sqm of usable outdoor space plus landscaped garden beds is present. The designated areas are adequate in size and are considered to have been sited to ensure high levels of amenity for future boarders. The tenants also have the option to walk to nearby Ernie Smith Reserve if they wished to use the recreation facilities in the park. The kitchen and bathroom facilities are sized appropriately and provide cooking and sanitary services for each room. Evacuation and fire safety requirements are to be implemented in accordance with the BCA and class of building and conditions of consent will be imposed to enforce compliance with these requirements.

Issue 7: Waste Management

Not enough bins provided; bins along the frontage causing safety matters; rubbish in the streets; unsightly with bins across frontage.

Comment

The proposed waste area in the basement has been resized to ensure that the required number of bins specified by Council’s waste management team is provided for the development. Waste is required to be picked up by a private contractor and is to be carried out on the site. Tenants are to be educated about waste management on the site and rooms will be provided with appropriate waste storage. The Boarding House manager will provide guidance and education to the residents about waste management. The Plan of Management as well as the waste management plan indicates measures for waste management procedures and cleaning of the boarding house.

Issue 8: Access to Public Transport, Public Utilities and Community Facilities

Limited and full public transport facilities; no footpaths and need to walk on road; lack of parking at nearby train stations and shopping centre; lack of shops and schools; strain on existing utility infrastructure (water, sewer, communications, energy).

Comment

The proposal is located in close proximity to a number of bus stop services that are accessed from both Stockton and Maddecks Avenues. The development is also located 290m away from the Moorebank Shopping Centre village where it is provided with a range of facilities and services, with a public school located further to the east and within walking distance from the site. Development contributions will be applicable to this development and will assist in the provision of local and district community facilities.

The notion that this development will have an adverse impact on the areas water pressure or infrastructure cannot be substantiated at this stage. If approved, and prior to development of the site, a standard condition is recommended to be imposed on any consent granted that requires the applicant to obtain a certificate from Sydney Water to confirm that there is adequate capacity in their system to accommodate the development

The apparent lack of parking spaces at the nearby shops and stations and the capacity of transport services is considered to be beyond the scope of this application. A condition of consent has been imposed, which requires the applicant to provide a footpath out the front of the development.

Issue 9: Lack of Information

No acoustic report; notification not done in a timely manner and people not being notified; deep soil on site; no floor plans; frontage size in accordance with Clause 7.14 of LEP.

Comment

An acoustic report was submitted with the application, dated 21 February 2019, and has been deemed satisfactory by Council's Environmental Health Section.

The application was notified and advertised at the same time in accordance with the provisions in Part 18 of the DCP. Due to timing with advertising and newspaper agencies, the application, which was lodged on 8 August was advertised on the 29 August.

Further, the community have access to development applications through the Planning Alerts website. Floor plans are not published on the ePlanning website for privacy reasons.

Deep soil on the site is deemed to be sufficient and is consistent with Council's development controls and the provisions of the ARH SEPP 2009.

It should be noted that Clause 7.14 of the LEP regarding the minimum street frontage for buildings in certain zones or residential flat buildings does not apply to the subject development as the R3 – Medium Density Residential zoning is not subject to the provisions of this Clause.

Section 4.15(1)(e) – The Public Interest

The proposal is generally compliant with the relevant planning controls and is generally considered to be in the public interest.

6. Developer Contributions

A Section 7.11 Development Contributions is applicable to the proposed development in

accordance with Liverpool Contributions Plan 2009 and will be imposed as a condition of consent of any approval for the proposed development. The development attracts a total contribution of **\$15,687** (subject to indexation).

7. Conclusion

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

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

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

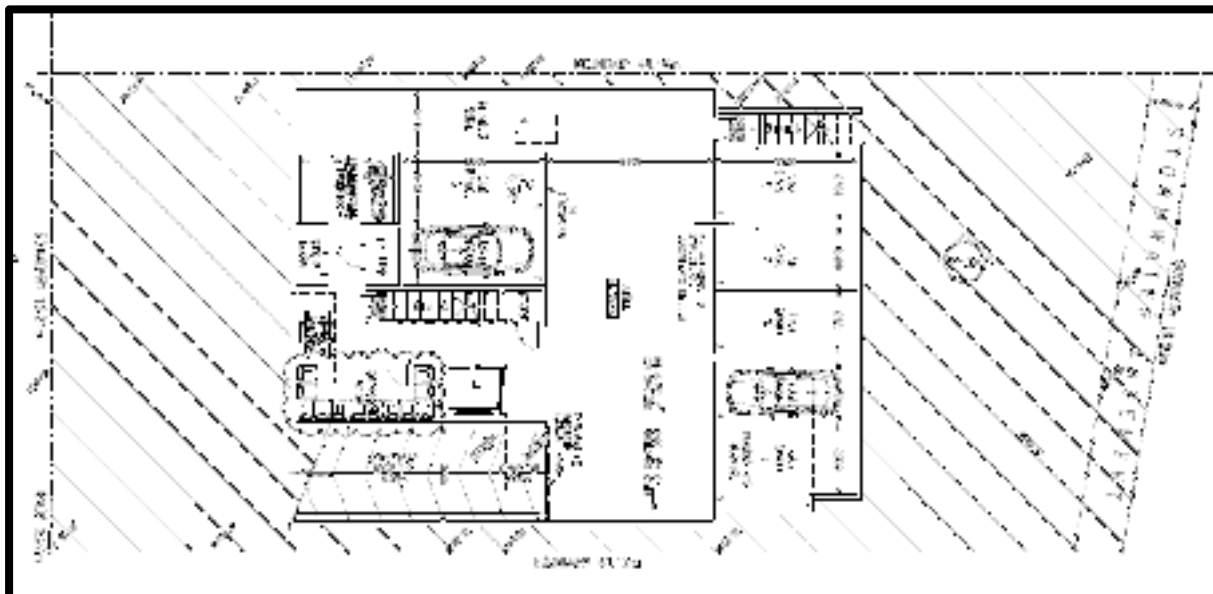
8. Recommendation

That Development Application DA-612/2018 be approved subject to conditions of consent.

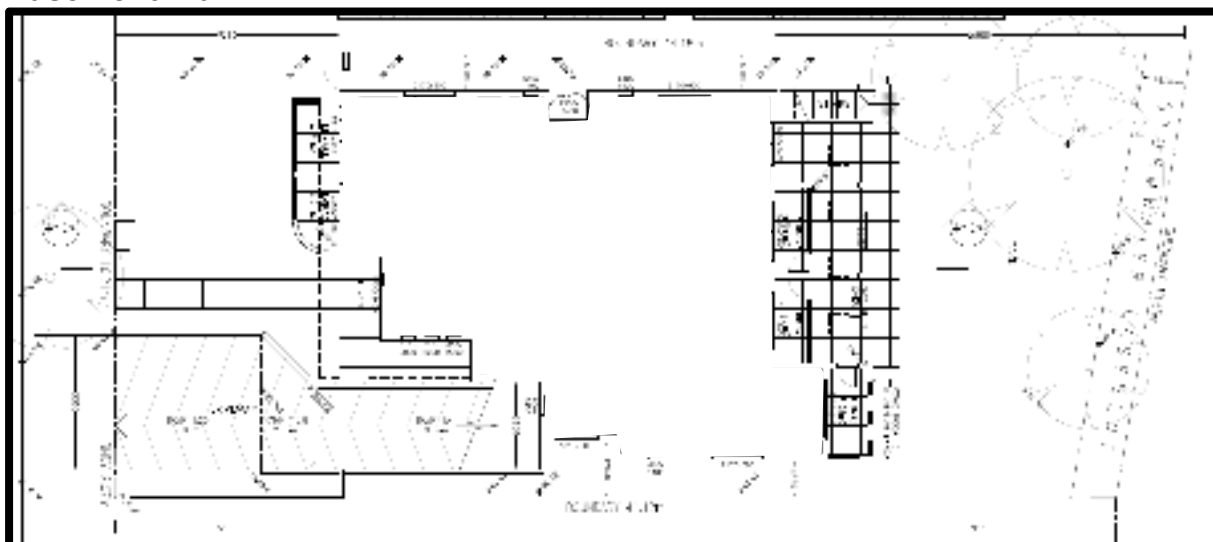
9. Attachments

- 1. Plans of the Proposal**
- 2. Draft Conditions of Consent**
- 3. Statement of Environmental Effects**
- 4. Plan of Management**

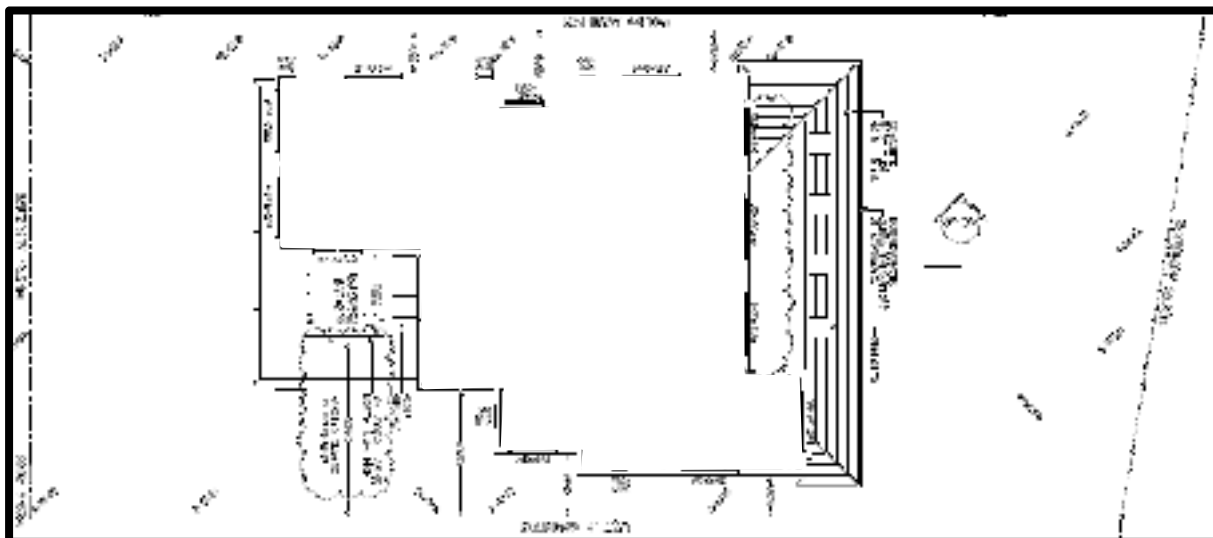
ATTACHMENT 1: PLANS OF THE PROPOSAL



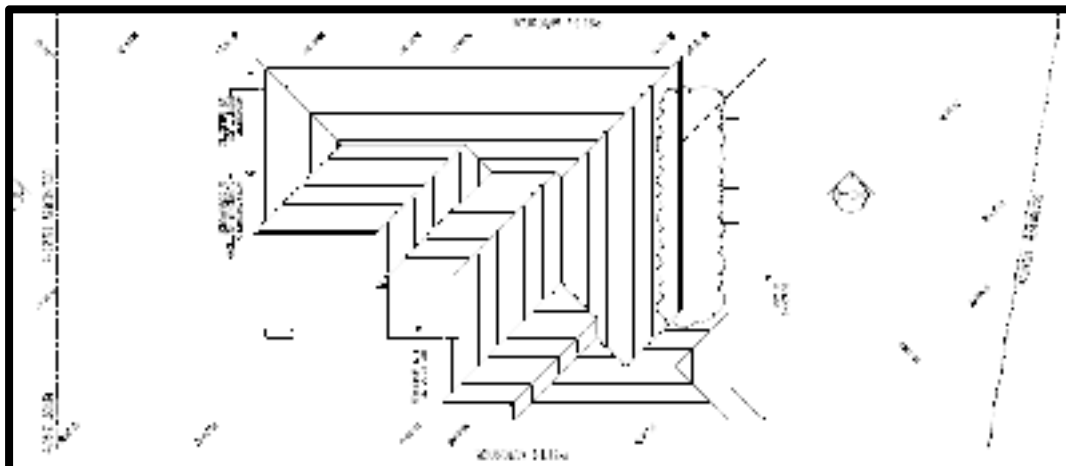
Basement Plan



Ground Floor



First Floor



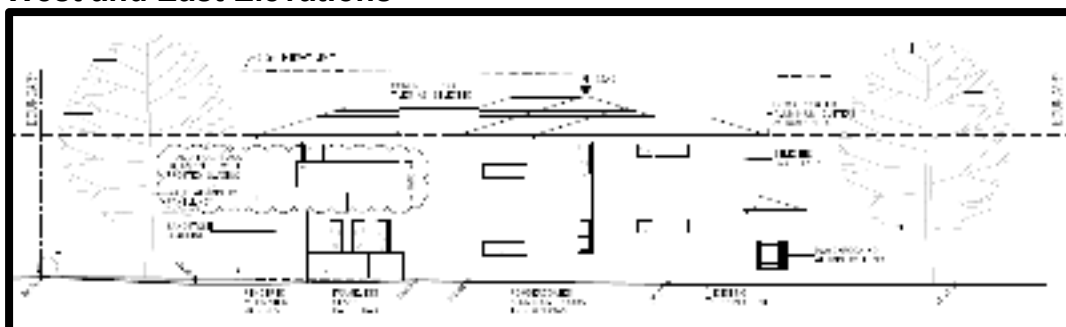
Roof Plan



North Elevation



West and East Elevations



South Elevation



Streetscape Elevation

ATTACHMENT 2: DRAFT CONDITIONS OF CONSENT**DRAFT CONDITIONS: ATTACHMENT 1 – CONDITIONS OF APPROVAL**

Council has imposed the following conditions under the relevant planning instruments and policies.

A. THE DEVELOPMENT**Approved Plans**

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

(a) Architectural plans prepared by Cornerstone Design;

Plan Name	Project No.	Drawing No.	Revision	Date
Basement Plan & Site/Ground Floor Plan	CD 1436	DA 02	B	21/11/18
First Floor Plan & Roof Plan	CD 1436	DA 03	B	21/11/18
Elevations	CD 1436	DA 04	B	21/11/18
Section, Streetscape & Driveway Profile	CD 1436	DA 05	C	28/05/19

(b) Landscaping Plans prepared by Zenith Landscape Designs Pty Ltd;

Plan Name	Drawing No.	Sheet	Revision	Date
Landscape Plan	18-3765LO1	1 of 2	B	26.07.19
Landscape Plan	18-3765LO2	2 of 2	B	26.07.19

(c) Engineering Plans prepared by Leading Engineers;

Title	Job No./Drawing No.	Revision	Date
Basement Stormwater Drainage Plan	2172-C04-B	B	04/04/19
Stormwater Drainage Plan	2172-C05-C	C	12/06/19
Stormwater Drainage Details	2172-C06-B	B	04/04/19

(d) Schedule of Finishes; submitted to Council with DA-612/2018 on 8 August 2018;

(e) BASIX Certificate; 23 Templeton Cres, Moorebank; Certificate number 941252M; prepared by Greenworld Architectural Drafting; dated 06 July

2018.

- (f) Operational Plan of Management; prepared by BMA Urban; submitted to Council 29 July 2019.
- (g) Waste Management Plan – Amend A; Boarding House, 23 Templeton Crescent Moorebank; submitted to Council on 13 June 2019.
- (h) Acoustic Assessment, Proposed Boarding House Development 23 Templeton Crescent, Moorebank NSW; prepared by NG Childs & Associates; dated 21 February 2019;
- (i) Statement of Compliance Access for People with a Disability; Proposed Boarding House Development 23 Templeton Cres, Moorebank; prepared by Accessible Building Solutions; Job No. 218195; dated 03-07-2018;
- (j) Traffic Impact Assessment of a Proposed Boarding House Development; prepared by Motion Traffic Engineers Pty Ltd; dated July 2018; and
- (k) Carpark, Ramp and Driveway Certification of a Proposed Boarding House Development; prepared by Motion Traffic Engineers Pty Ltd; Job No. N1815843A; dated July 2018.

Works at no cost to Council

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

Amendments

- 3. Prior to the issue of a Construction Certificate, the internal door and walls either side of the door to the internal common area are to be removed.
- 4. Prior to the issue of a Construction Certificate, the Plan of Management is to be amended to restrict the use of the internal common room between the hours of 12am and 7am.

Plan of Management

- 5. Where there are any inconsistencies with the approved plan of management and any conditions of this consent, the conditions of consent will prevail.

If the approved plan of management is required to be changed by the manager or operator of the premises this must be done by way of a Section 4.55 Modification Application to be approved by Liverpool City Council.

B. PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

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

Section 7.11 Payment (Liverpool Contributions Plan 2009)

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

The total contribution is **\$15,687** and will be adjusted at the time of payment in accordance with the contribution plan.

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

The Contributions Plan may be inspected online at www.liverpool.nsw.gov.au

Payment must be accompanied by the attached form.

Fee Payments

7. Unless otherwise prescribed by this consent, all relevant fees or charges must be paid. Where Council does not collect these payments, copies of receipts must be provided. For the calculation of payments such as Long Service Levy, the payment must be based on the value specified with the Development Application/Construction Certificate.

The following fees are applicable and payable:

- (a) Damage Inspection Fee – relevant where the cost of building work is \$20,000 or more, or a swimming pool is to be excavated by machinery,
- (b) Fee associated with Application for Permit to Carry Out Work Within a Road, Park and Drainage Reserve, and
- (c) Long Service Levy payment is applicable on building work having a value of \$25,000 or more, at the rate of 0.35% of the cost of the works. The required Long Service Levy payment, under the Building and Construction Industry Long Service Payments Act 1986, is to be forwarded to the Long Service Levy Corporation or the Council, prior to the issuing of a Construction Certificate, in accordance with Section 6.8 of the Environmental Planning & Assessment Act 1979.

These fees are reviewed annually and will be calculated accordingly.

Provision of Services – Section 73 Compliance Certificate

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

Following receipt of the application, a ‘Notice of Requirements’ will detail water and sewer extensions to be built and charges to be paid. Please make early

contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. A copy of the 'Notice of Requirements' must be submitted to the PCA.

Provision of Services – Endeavour Energy

9. Written clearance from Endeavour Energy, stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development must be submitted to the PCA.

Provision of Services – Telecommunications

10. Prior to the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following requirements of the Telecommunications Act 1997:
 - c) For a fibre ready facility, the NBN Co's standard specifications current at the time of installation, and
 - d) For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connection of optic fibre technology telecommunications.

Retaining Walls on Boundary

11. All retaining walls shall be of masonry construction and must be wholly within the property boundary, including footings and agricultural drainage lines. Construction of retaining walls or associated drainage works along common boundaries shall not compromise the structural integrity of any existing structures.

Where a retaining wall exceeds 600mm in height, the wall shall be designed by a practicing structural engineer and a construction certificate must be obtained prior to commencement of works on the retaining wall.

National Construction Code

12. All aspects of construction shall comply with the applicable Performance Requirements of the National Construction Code. Compliance with the Performance Requirements can only be achieved by:
 - (a) Complying with the Deemed to Satisfy Provisions; or

- (b) Formulating an Alternative Solution, which complies with the Performance Requirements or is shown to be at least equivalent to the Deemed to Satisfy Provision, or a combination of (a) and (b).

Fire Safety

- 13. Prior to issue of a construction certificate the certifier must be satisfied that all proposed attachments, cladding material and systems forming part of external walls comply with the NCC BCA and relevant Australian Standards. The certifier must be able to demonstrate compliance with evidence of suitability as per clause A2.2 of the BCA for all products/systems proposed.
- 14. A schedule specifying all of the essential Fire safety services proposed, which are required for the building, shall be attached to the CC and submitted to Council, in compliance with the provisions of the EP&A Regulation.

The schedule must include the measures that are proposed to be implemented in the building premises and the minimum standard of performance for each measure.

Recommendations of Acoustic Report

- 15. The recommendations provided in the approved acoustic report shall be implemented and incorporated into the design and construction of the development and shall be shown on plans accompanying the Construction Certificate application. The recommendations are as follows:
 - (a) **External Glazing - Windows:** Glass with a minimum acoustic rating equivalent to 6.38mm laminated glass is used in all external window and door systems. A higher acoustically rated glass, such as thicker laminated glass, may also be used if required for other purposes.
 - (b) **External Glazing – Acoustic Sealing:** External window and door frames should be sealed into façade openings using a polyurethane sealant such as “Bostik Fireban One”, or equivalent, and acoustic seals (such as Schlegel Q-Lon or equivalent) should be used.
 - (c) **Internal Walls:** Internal walls, including inter tenancy walls, should be constructed and installed in accordance with the summary details included in this report, and in accordance with relevant BCA acoustic guidelines. Inter-tenancy walls are required by relevant BCA guidelines to have an $R_w + C_{tr}$ rating of at least 50 R_w dBA, and structural materials offering an $R_w + C_{tr}$ greater than 50 R_w are recommended.
 - (d) **Floors:** Floor slab construction to be of minimum 200 mm reinforced concrete with density greater than 2200 kg/m³ with suspended plasterboard ceiling below, to achieve an $R_w + C_{tr}$ in excess of 50. The use of resilient hung ceilings is recommended where hard floor finishes are proposed above the slab. For carpet floor coverings within all living spaces and bedrooms, the use of standard carpet underlay is expected to meet floor impact isolation requirements. Hard floor coverings are proposed for wet areas such as kitchens, bathrooms and laundries. It is recommended that any ceramic tiles

included in the development are laid on top of 10 mm thick “Embelton ImpactaMat” acoustic underlay (or equivalent), in order to ensure that the required floor impact isolation requirements are achieved.

- (e) **Services:** Internal services should be fitted with acoustic insulation as detailed in this report, and in accordance with relevant BCA requirements.
- (f) **Roof/Ceiling Insulation:** Roof or ceiling insulation should be installed between the roof and the upper level residential units below to provide acoustic protection from any future indirect or reflected sound waves generated by possible future traffic growth in the area, and from any other external sources. Typically, minimum rated insulation materials used for thermal insulation purposes are likely to include R 3.5 insulation between the building roof and the boarding rooms on Level 1 below, together with a foil layer and possibly an R 1.0 blanket, and materials suitable for thermal insulation purposes will also be suitable for the relatively minor level of acoustic insulation required.
- (g) **BCA Requirements:** Standard BCA and other internal acoustic design and construction considerations, including but not limited to those summarised in Section 5.5.7 and Appendix A of this report, are applied to all aspects of the construction of the various residential units within the proposed development;
- (h) **Plant & Equipment:** Any mechanical plant and equipment required for the development will be specified and/or designed and installed such that acoustic noise emissions are consistent with the internal acoustic environments required, and that any penetrations from ductwork and/or pipework will not reduce the acoustic performance of other building design features;
- (i) **Acoustic Certification:** Appropriate certification and validation of the acoustic performance of any plant and equipment associated with the proposed development is provided prior to construction, and prior to occupation, as reasonably required;
- (j) **Noise Management Plan – Demolition & Construction:** A noise management and control plan will need to be developed and applied to the demolition and construction phases of the proposed development, in accordance with established procedures and practices; and

Notification

16. The certifying authority must advise Council, in writing of:

- (a) The name and contractor licence number of the licensee who has contracted to do or intends to do the work, or
- (b) The name and permit of the owner-builder who intends to do the work.

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

S68 Local Government Act – Stormwater drainage works

17. Prior to the issue of a Construction Certificate, the Principal Certifying Authority and/ or Certifying Authority shall ensure that an application under Section 68 of the *Local Government Act*, including the payment of application and inspection fees, has been lodged with, and approved by Liverpool City Council for direct connection to Council's trunk drainage system within private property.

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

18. Prior to the stormwater connection to Council's drainage easement, the applicant shall provide CCTV evidence that the pipe within the existing drainage easement on the applicants land, Lot 81 DP224165, can drain and be unimpeded as originally indented. Any issues such as damage pipes or blockages within the existing easement pipe shall be rectified prior to the proposed stormwater connection.

Stormwater

19. A 55mm diameter pipe outlet shall be provided in lieu of an orifice for the proposed rainwater/onsite detention tank, located 0.40m from base. Prior to the issue of a construction certificate, the stormwater drainage details plan shall be amended to show a 55mm orifice.

S138 Roads Act – Minor Works in the Public Road

20. Prior to the issue of a Construction Certificate, a Section 138 Roads Act application/s, including payment of fees, shall be lodged with Liverpool City Council, as the Roads Authority for any works required in a public road. These works may include but are not limited to:
- (a) Vehicular crossings (including kerb reinstatement of redundant vehicular crossings),
 - (b) Road opening for utilities and stormwater (including stormwater connection to Council infrastructure), or
 - (c) Road occupancy or road closures.

All works shall be carried out in accordance with the Roads Act approval, the development consent including the stamped approved plans, and Liverpool City Council's specifications.

Note: Approvals may also be required from the Roads and Maritime Service (RMS) for classified roads.

Construction Traffic Management Plan

21. A construction traffic management plan (CTMP) is to be submitted to Liverpool City Council's Traffic & Transport Section for review and endorsement. The CTMP is to be prepared by a qualified project manager/engineer. The construction activities are not to commence prior to Council endorsing the CTMP.

All construction vehicles must enter and exit in forward direction, and no construction materials are to be stored on affected road and footpath reserves.

The construction sites must install shakers to prevent mud spilling from the construction sites being transported onto the road network. Any spillage on the public road network must be cleaned as soon as possible.

Access

22. Access must be provided to the building for people with a disability in accordance with the relevant requirements of the Building Code of Australia, Disability (Access to Premises – Buildings) Standard 2010 and Australian Standard – AS1428.1 (2009), Design for Access and Mobility – General requirements for new building work, to the satisfaction of the Certifying Authority.

Access, Car Parking and Manoeuvring – General

23. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Liverpool City Council's Development Control Plan.

Waste Storage Area

24. Any bin bays must be:
- (a) Provided with mechanical ventilation;
 - (b) Provided with a hose cock for hosing the garbage bin bay and a sewered drainage point in or adjacent to the bin storage area. The drainage point should have a fine grade drain cover sufficient to prevent coarse pollutants from entering the sewer. If the hose cock is located inside the bin storage bay, it is not to protrude into the space indicated for the placement of bins;
 - (c) Provided with sufficient light to permit usage at night;
 - (d) Allocated with sufficient space within the bin bay to allow for access to all required bins by residents and waste collectors, as well as manoeuvring of bins within the bay and for the removal and return of bins by the waste collector;
 - (e) Provided with signage to be prominently displayed in each bin bay, or waste service room, as appropriate indicating that:

- (xi) Garbage is to be placed wholly within the garbage bins provided;
- (xii) Only recyclable materials accepted by Council are to be placed within the recycling bins;
- (xiii) The area is to be kept tidy;
- (xiv) A phone number to be displayed for arranging disposal of bulky items;
- (xv) 50% of all messages are to be displayed using graphic illustrative content;
- (xvi) Bin bay signs are available from Council;
- (xvii) Operation, maintenance and cleaning of the garbage compactor and associated equipment is the responsibility of the strata management or body corporate, and not of Council;

On-Site Detention

25. On-Site Detention shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by: Leading Engineers, reference number: 2172-C05-C, revision: C, dated: 12/06/19.

The proposed development and stormwater drainage system shall be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties.

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

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

Stormwater Discharge - Basement Car Parks

26. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the stormwater drainage system for the basement car park has been designed in accordance with the requirements for pumped systems in AS3500.3:2003 and Council's Stormwater Drainage Design Specifications for pump out systems for basement car parks.

No Loading on Easements

27. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the foundations of proposed structures adjoining the drainage and/ or services easement have been designed clear of the zone of influence.

Dilapidation Report

28. A dilapidation report of all infrastructure fronting the development in Templeton Crescent is to be submitted to Liverpool City Council. The report is to include, but not limited to, the road pavement, kerb and gutter, footpath, services and street trees and is to extent of 10m either side of the development.

Dilapidation Report Private Property (Excavations)

29. A full dilapidation survey and report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the required excavations must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The zone of influence is to be defined as the horizontal distance from the edge of the excavation face to twice the excavation depth.

The dilapidation report and survey is to be prepared by a consulting structural/geotechnical engineer agreed to by both the applicant and the owner of any affected adjoining property.

All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent.

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant MUST DEMONSTRATE, in writing, to the satisfaction of Council that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. Written concurrence must be obtained from Council in such circumstances.

Note: This documentation is for record keeping purposes only, and may be used by the developer or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and detailed as possible.

Demolition Assessment

30. Prior to issue of a Construction Certificate, the existing dwelling and all outbuildings to be demolished must be assessed by a qualified and experienced building professional for the presence of asbestos building materials (ABMs). If more than 10m² of bonded ABMs are present on site, a suitably licensed asbestos contractor must be engaged to undertake the removal, wrapping and disposal of those materials. If an asbestos contractor is required, both Council and the PCA must be informed of the contractor's name, address and asbestos license details and the name and address of the facility to which the bonded ABMs will be taken. All records regarding the transport and disposal of any ABMs must be retained on site and be capable of being inspected by a Council Officer or the PCA.

Driveways & Parking Area

31. The proposed driveway shall be a minimum of 0.5 metres clear from the existing telecommunications pit and 1 metre from the street tree.
32. A detailed design of access driveway and car parking including gradient, sign posting, line markings and swept path analysis in accordance with AS 2890.1 and AS 2890.6 is to be submitted to Council for review prior to determination.
33. The applicant is to provide convex mirrors at both ends of the basement car park ramps.

Crime Prevention through Environmental Design and Safety Mechanisms

34. The following Crime Prevention through Environmental Design (CPTED) principles and safety mechanisms are to be incorporated into the building:
 - (a) Back to base alarm systems;
 - (b) CCTV for the ground level, entry/exit points, car parks, lifts and the exterior of the building;
 - (c) Lighting is required to be designed in accordance with the Australian and New Zealand Lighting Standard AS 1158. A lighting maintenance policy should be established. Security lighting should be installed in and around the building, and such shall not impact on any adjoining premises. The lighting should be vandal resistant, especially external lighting;
 - (d) Corrugated ramps to prevent skate boarding activities;
 - (e) Glazed tiling, patterned, porous and non-solid surfaces reduce the reward for graffiti offenders;
 - (f) Any external approved palisade or pool style fencing shall be black in colour, unless otherwise noted on the approved plans/details;
 - (g) Access to the basement parking shall be controlled via a security controlled device;
 - (h) Installing 'anti-theft' type mail boxes or mailboxes that cannot be accessed by universal keys to prevent mail/ identity theft (Australian standards AS/NZS 4253:1994);
 - (i) Mailboxes to be locked when not in use;
 - (j) Vegetation to not cover/ obstruct natural surveillance of the entrance, mail box areas and public open space;
 - (k) Display unit/ building numbers and address at the front of the building and each unit at the recommended size to assist in identifying the building;
 - (l) Display signage reminding users to remove valuables, lock and secure their vehicles;
 - (m) Install smoke alarms to meet with NSW legislation (Australian Standards AS3786);
 - (n) Windows above ground level to be fitted with devices to be locked at 12.5cm when it is engaged to prevent children from falling from windows; and

- (o) If building and floors is only accessible by swipe card, supply Liverpool police with a master key for access into the building during an emergency. Contact Senior Constable HA at ha1ton@police.nsw.gov.au to arrange this.

Where necessary, plans shall be amended to reflect incorporation of the principles and/or details of such to be submitted to the PCA.

C. PRIOR TO WORKS COMMENCING

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

Construction Certificates

- 35. Prior to the commencement of any building works, the following requirements must be complied with:
 - e) Construction Certificate must be obtained from the Council or an Accredited Certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*,
 - f) Where a Construction Certificate is obtained from an Accredited Certifier, the applicant shall advise Council of the name, address and contact number of the Accredited Certifier, in accordance with Section 4.19, 6.6, 6.7, 6.12, 6.13, 6.14 of the Act,
 - g) A copy of the Construction Certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment,
 - h) A Principal Certifying Authority (PCA) must be appointed to carry out the necessary building inspections and to issue an occupation certificate, and
 - i) The PCA must advise Council of the intended date to commence work which is the subject of this consent by completing a notice of commencement of building works or subdivision works form, available from Council's Customer Service Centre. A minimum period of two (2) working days' notice must be given.

Construction Certificates

- 36. Any CC that may be issued in association with this development consent must ensure that any certified plans and designs are generally consistent (in terms of site layout, site levels, building location, size, external configuration and appearance) with the approved Development Application plans.

Commencement of Building Works

- 37. Building work shall not commence prior to the issue of a Construction Certificate. Building work as defined under Section 1.4 of the *Environmental Planning and Assessment Act 1979* means any physical activity involved in the erection of a building and includes but is not limited to, the placement of any site shed/s or

builders facilities, site grading, retaining walls, excavation, cutting trenches, installing formwork and steel reinforcement or, placing of plumbing lines.

Residential Building Work

38. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the PCA for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

Notification

39. Written notice of intention shall be given to the owner of the adjoining allotments of land, outlining the particulars of the proposed work, which involves:
- (a) Any excavation, below the base of the footings of a building on an adjoining allotment of land, and
 - (b) The notice shall be given seven (7) days prior to the commencement of work.

Demolition Works

40. Demolition works shall be carried out in accordance with the following:
- (a) Prior to the commencement of any works on the land, a detailed demolition work plan designed in accordance with the Australian Standard AS 2601-2001 – The Demolition of Structures, prepared by a suitably qualified person with suitable expertise or experience, shall be submitted to and approved by Council and shall include the identification of any hazardous materials, method of demolition, precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials,
 - (b) Prior to commencement of any works on the land, the demolition Contractor(s) licence details must be provided to Council, and
 - (c) The handling or removal of any asbestos product from the building/site must be carried out by a NSW Work Cover licensed contractor irrespective of the size or nature of the works. Under no circumstances shall any asbestos on site be handled or removed by a non-licensed person. The licensed contractor shall carry out all works in accordance with NSW Work Cover requirements.

Excavation

41. In the event the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the following is to be undertaken at full cost to the developer:
- (a) Protect and support the adjoining premises from possible damage from the excavation, and

- (b) Where necessary, underpin the adjoining premises to prevent any such damage.

Construction Requirements

42. Retaining walls or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated subsoil drainage and surface stormwater drainage measures, shall be designed strictly in accordance with the manufacturers details or by a practising structural engineer. Retaining walls on any boundary are to be of masonry construction.
43. Structural supporting elements or bracing of the building must be designed and certified by a qualified chartered structural engineer having regards to supporting ground conditions.

Site Facilities

44. Adequate refuse disposal methods and builder's storage facilities shall be installed on the site. Builders' wastes, materials or sheds are not to be placed on any property other than that which this approval relates to.

Sydney Water

45. Development plans must be processed and approved by Sydney Water.

“DIAL BEFORE YOU DIG”

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

Sediment and Erosion Control

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

The erosion and sediment control measures shall remain in place and be

maintained until all disturbed areas have been rehabilitated and stabilised.

Traffic Management Plan

48. No work or craning shall be undertaken within the adjoining public lands without the prior written consent of Council. In this regard Council may require a Traffic Management Plan to be submitted before giving its approval.

Waste Classification and Disposal of Contaminated Soil and Material

49. All soils and material(s), liquid and solid, to be removed from the site must be analysed and classified by an appropriately qualified and certified consultant, in accordance with the Protection of the Environment Operations (Waste) Regulation 2014 and related guidelines, in particular the NSW EPA Waste Classification Guidelines, prior to off-site disposal.

All Waste material(s) must be disposed of at an appropriately licensed waste facility for the specific waste. Receipts for the disposal of the waste must be submitted to the Principal Certifying Authority within 30 days of the waste being disposed of.

All waste must be transported by a contractor licenced to transport the specific waste, and in vehicles capable of carting the waste without spillage, and meeting relevant requirements and standards. All loads must be covered prior to vehicles leaving the site.

Return of waste bins

50. Prior to any demolition or site clearing works commencing, all existing domestic waste bins that have been issued to the current residential dwelling, 23 Templeton Crescent, Moorebank, must be returned to Liverpool City Council. Please ring Council on 1300 36 2170 to advise that the bins are ready to be removed and so their removal can be noted.

D. DURING CONSTRUCTION

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

Building Work

51. The building works must be inspected by the Principal Certifying Authority, in accordance with Sections 6.5 (3) of the *Environmental Planning & Assessment Act 1979* and Clause 162A of the *Environmental Planning & Assessment Regulation 2000*, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.
52. The Principal Certifying Authority (PCA) must specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to

the satisfaction of the PCA, prior to proceeding to the subsequent stages of construction or finalisation of the works.

Identification Survey Report

53. The building and external walls are not to proceed past ground floor/reinforcing steel level until such time as the PCA has been supplied with an identification survey report prepared by a registered surveyor certifying that the floor levels and external wall locations to be constructed, comply with the approved plans, finished floor levels and setbacks to boundary/boundaries. The slab shall not be poured, nor do works continue, until the PCA has advised the builder/developer that the floor level and external wall setback details shown on the submitted survey are satisfactory.

In the event that Council is not the PCA, a copy of the survey shall be provided to Council within three (3) working days.

Identification Survey Report

54. On placement of the concrete, works again shall not continue until the PCA has issued a certificate stating that the condition of the approval has been complied with and that the slab has been poured at the approved levels.

Excavation

55. In the event the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the following is to be undertaken at full cost to the developer:
- (a) protect and support the adjoining premises from possible damage from the excavation,
 - (b) where necessary, underpin the adjoining premises to prevent any such damage,
 - (c) a and b above does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying, and
 - (d) retaining walls or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated subsoil drainage and surface stormwater drainage measures, shall be designed strictly in accordance with the manufacturers details or by a practising structural engineer.

Toilet Facilities

56. Toilet facilities must be available or provided at the work site and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must:
- (a) be a standard flushing toilet connected to a public sewer, or

- (b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
- (c) be a temporary chemical closet approved under the *Local Government Act 1993*.

Hours of Construction, Work and Deliveries

- 57. Construction work/civil work/demolition work, including the delivery of materials, is only permitted on the site between the hours of 7:00am to 6:00pm Monday to Friday and 8:00am to 1:00pm Saturday. No work will be permitted on Sundays or Public Holidays, unless otherwise approved by Council.

Security Fence

- 58. A temporary security fence to WorkCover Authority requirements is to be provided to the property during the course of construction.

Note. Fencing is not to be located on Council's reserve area.

Refuse Disposal

- 59. Adequate refuse disposal methods and builders storage facilities shall be installed on the site. Builders' wastes, materials or sheds are not to be placed on any property other than that which this approval relates to.

Waste Management

- 60. All construction waste must be separated as it is generated and kept separate bays, builder's site bins and/or skips prior to recycling or disposal.
- 61. All lightweight or granular excavation or construction wastes such as wrapping, packaging materials, bags, insulation, sand, soil etc. must be kept fully enclosed to prevent them from becoming wind-blown litter in strong wind conditions or from washing away in wet weather.

Waste Management Plan

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

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

Site Notice Board

63. A sign must be erected in a prominent position on the premises on which work is to be carried out. The sign is to be maintained during work, and removed at the completion of work. The sign must state:
- (a) the name, address and telephone number of the principal certifying authority for the work,
 - (b) the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) unauthorised entry to the premises is prohibited.

Notification of Damage

64. The applicant/builder shall be responsible to report to the Council any damage to Council's footpath and road carriageway as a consequence of demolition or excavation or building activities or delivery/ departure of materials associated with this site. The damage shall be reported to Council as soon as the damage becomes apparent to the builder/ site manager. Arrangements to the satisfaction of Council are to be made for making safe by temporary repairs to the public way until permanent restoration and repair can be organised with Council.

Craning and Hoardings

65. Lifting or craning materials over a public footway or roadway is not permitted unless a "B" class construction hoarding has been installed in compliance with work cover authority requirements.
66. If the work is likely to cause pedestrian or vehicular traffic in a public area to be obstructed or rendered inconvenient; or if craning of materials is to occur across a public or road reserve area, a separate Road Occupancy Certificate and/or Hoarding approval must be obtained from Liverpool City Council prior to undertaking the works.

Demolition Inspections

67. The following inspections are required to be undertaken by Council in relation to approved demolition works:
- (a) immediately prior to the commencement of the demolition or handling of any building or structure that contains asbestos. The applicant shall also notify the occupants of the adjoining premises and Workcover NSW prior to the commencement of any works,

Please note that demolition works are not permitted to commence on site until such time as a satisfactory inspection result is obtained from Council, and

- (b) immediately following completion of the demolition. Please note that proof of appropriate disposal of demolition materials (including asbestos) may be required at this time in accordance with the approved Waste Management Plan.

To book an inspection with Council, please call 1300 362 170.

Removal of Dangerous and/or Hazardous Waste

- 68. All dangerous and/or hazardous material shall be removed by a suitably qualified and experienced contractor, licensed by SafeWork NSW. The removal of such material shall be carried out in accordance with the requirements of SafeWork NSW. The material shall be transported and disposed of in accordance with NSW Environment Protection Authority requirements.

General Site Works – Surface Contours

- 69. Alterations to the natural surface contours must not impede or divert natural surface water runoff, so as to cause a nuisance to adjoining property owners.

Traffic Management

- 70. Construction activities affecting adjoining road reserves require submission of a road occupancy application to Council along with traffic control plan/s and public liability insurance. The traffic control plan/s must be prepared by a qualified professional and to be in accordance with the *RMS Traffic Control at Worksites Manual*, the *Austroads Guide to Traffic Management*, the *RMS Supplements for Austroads Guide to Traffic Management* and *Australian Standard 1742*.
- 71. All works within the road reserve are to be at the applicant cost and all signage is to be in accordance with the RTA's Traffic Control at Worksites Manual and the RTA's Interim Guide to Signs and Markings.
- 72. Applications must be made to Council's Traffic & Transport Section for temporary road closures. Applications prepared by a suitably qualified person, are to specify the date and times of proposed closures, traffic control plans, insurances and any other relevant information. This activity may require a seven (7) days advance notice to be installed near the site and/or advertisement in local newspapers and websites to Council's satisfaction.
- 73. If a Works Zone is required, an application is to be made to Council's Traffic & Transport Section for approval. The application form can be found at <https://www.liverpool.nsw.gov.au/council/Fees-Forms-Policies-and-Enforcement/forms>

Car Parking Areas

74. Car parking spaces and driveways must be constructed of a minimum of two coat finish seal or better. The spaces must be clear of obstructions and columns, permanently line marked and provided with adequate manoeuvring facilities. The design of these spaces must comply with Council's DCP 2008, and Australian Standard 2890.1 Parking Facilities – Off Street Car Parking.

All car parking areas to be appropriately line marked and sign posted in accordance with the approved plans. All customer/visitor/staff parking areas are to be clearly signposted limiting car parking for customers/visitors/staff only. The applicant is to cover the costs of installation and maintenance of the signage.

The on-site parking spaces shown in the approved plans must be identified in accordance with A.S.2890.1 Parking Facilities – Off-Street Car Parking.

75. During construction, the approved signs and linemarking plan is to be implemented prior to the issue of the occupation certificate.

Aboriginal Relics/Artefacts

76. If any Aboriginal relics/artefacts are uncovered during the course of any construction works including demolition, work is to cease immediately. Government agencies shall be contacted and no further work shall be undertaken until relevant assessments/approvals/ salvage excavation has been undertaken and permission is given by the relevant authorities to re commence works.

Vegetation – Tree Removal

77. No trees are to be removed without the prior approval of Council.

Vegetation Protection

78. All trees retained onsite shall be appropriately protected during works. Tree protection shall be provided in consultation with a suitably qualified arborist.

Vegetation – Mulch

79. Mulch generated from exotic trees or other weed species cleared shall not be used on site. It shall be removed from the site and disposed of appropriately and in accordance with legislative requirements.
80. Any imported soil and/or mulch shall be free of contaminants, seed and propagules of weeds and undesirable species. Mulch shall not be used on flood liable land.

81. Premium quality organic garden soil shall be incorporated into all planting areas to achieve optimum plant growing conditions.
82. All garden/planting areas shall be mulched to a depth of not less than 75mm using weed free leaf mulch, wood chip or similar, not pine bark.
83. Edging shall be installed to separate all mass planted areas from turf areas. Edging shall consist of brick on a concrete/mortar bed or sawn treated timber to finish level with adjacent turf areas.

Pollution Control

84. Building operations such as brick cutting, mixing mortar and the washing of tools, paint brushes, form-work, concrete trucks and the like shall not be performed on the public footway or any other locations which may lead to the discharge of materials into Council's stormwater drainage system.

The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.

Air Quality – Dust Screens

85. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.

Air Quality – Stabilisation

86. Where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, dust is to be suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Where wind velocity exceeds five knots the Principal Certifying Authority may direct that such work is not to proceed.

Pollution Control – Truck Movements

87. The loading and unloading of all vehicles associated with the development must be undertaken within the property boundary of the premises subject to this consent.

Measures must be implemented to prevent tracking of sediment by vehicles onto roads.

Vehicle loads must be covered when entering and exiting the site with material.

Erosion and Sediment Control

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

Fencing

- 89. Any gate associated with a front fence shall swing inwards from the property boundary
- 90. A graffiti resistant coating shall be applied to any fences or structures that have frontage to a public area, for example a roadway, public reserve etc.

Switchboards

- 91. Switchboards for utilities shall not be attached to the street and/or road elevations of the development

External Lighting

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

Window Glazing

- 93. The windows of all first floor bathrooms, W.C. and ensuites shall be fitted with translucent obscure glazing to the satisfaction of the PCA.
- 94. The kitchenette window of Room 1.04 (as specified on the approved plans) is to be fitted with translucent obscure glazing to the satisfaction of the PCA.

Contamination

- 95. The development, including all civil works, must comply with the requirements of the *Contaminated Land Management Act, 1997*, *State Environmental Planning Policy No. 55 – Remediation of Land*, and *Managing Land Contamination – Planning Guidelines (Planning NSW/EPA 1998)*.

Fill Material

- 96. All fill introduced to the site must undergo a contaminated site assessment. This assessment may consist of either:
 - (a) a full site history of the source of the fill (if known) examining previous land uses or geotechnical reports associated with the source site to determine potential contamination as per the NSW DECCW 'Waste Classification Guidelines' April 2008; or
 - (b) clearly indicate the legal property description of the fill material source site;
 - (c) provide a classification of the fill material to be imported to the site in accordance with the 'NSW DECCW 'Waste Classification Guidelines' April 2008.
 - (d) a chemical analysis of the fill where the site history or a preliminary contamination assessment indicates potential contamination or contamination of fill material; and

- (e) must provide Council with copies of validation certificate verifying the material to be used is free of contaminants and fit for purpose re use in residential, commercial or industrial use.

Record Keeping of Fill

- 97. Records of the following must be submitted to the principal certifying authority monthly and at the completion of earth works:
 - (a) The course (including the address and owner of the source site), nature and quantity of all incoming loads including the date, the name of the carrier, and the vehicle registration;
 - (b) The results of a preliminary contamination assessment carried out on any fill material used in the development.
 - (c) The results of any chemical testing of fill material.

Unidentified Contamination

- 98. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination and remediation must be immediately notified to Council and the Principal Certifying Authority in writing.

A Section 4.55 Application under the EP&A Act shall be made for any proposed works outside the scope of the approved development consent.

E. PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

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

Occupation Certificates

- 99. The premises must not be utilised until an Occupation Certificate (OC) is issued by the principal certifier.

Certificates

- 100. Details of critical stage inspections carried out by the principal certifying authority together with any other certification relied upon must be provided to Council with the occupation certificate.
- 101. The Principal Certifying Authority shall ensure that all compliance certificates required by this development consent are referenced to the condition consent number. The Compliance Certificate is to state that the works as constructed comply fully with the required condition of consent being acted on by the certifier.

102. A single and complete Fire Safety Certificate, certifying the installation and operation of all of the fire safety measures within the building must be submitted to Council with the Occupation Certificate.

Section 73 Sydney Water Certificate

103. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained for submission to the PCA prior to issue of Occupation certificate.

Certificates – Telecommunications

104. Prior to the issue of an Occupation Certificate or Subdivision Certificate, written certification from all relevant service providers that the telecommunications infrastructure is installed in accordance with the requirements of the *Telecommunications Act 1997*:

- (a) For a fibre ready facility, the NBN Co's standard specifications current at the time of installation, and
- (b) For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connection of optic fibre technology telecommunications

BASIX

105. Supporting documentation issued by a suitable qualified person who has installed or carried out the works associated with the BASIX commitments shall be submitted to Council.

Cladding

106. Prior to issuing an occupation certificate the principal certifier must be satisfied that suitable evidence has been provided to demonstrate that the external wall cladding material and system is consistent with the consent documentation, NCC and relevant Australian Standards.

Recommendations of Acoustic Report

107. A Compliance Certificate or other documentation deemed suitable demonstrating compliance with the following is to be submitted to the Principal Certifying Authority:
- (a) The building has been constructed to meet the relevant noise criteria's in accordance with the approved acoustic report; and

- (b) All recommendations within the approved acoustic report have been adopted.

Liverpool City Council – Roads Act/Local Government Act

- 108. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that all works associated with S138 Roads Act approval and/or S68 Local Government Act approval have been inspected and signed off by Liverpool City Council.

Works as Executed – General

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

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

Rectification of Damage

- 110. Prior to the issue of an Occupation Certificate, any damage to Council infrastructure not identified in the dilapidation report, as a result of the development shall be rectified at no cost to Liverpool City Council.

Any rectification works within Templeton Crescent will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing.

Dilapidation Report

- 111. Any rectification works required by Council regarding the condition of Council infrastructure shall be undertaken, at full cost to the developer.

Stormwater Compliance

- 112. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that the:

- (a) On-site detention system/s,
- (b) Basement Carpark pump-out system.
 - i. Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent,
 - ii. Have met the design intent with regard to any construction variations to the approved design, and

- iii. Any remedial works required to be undertaken have been satisfactorily completed,

Details of the approved and constructed system/s shall be provided as part of the Works-As-Executed drawings.

Restriction as to User and Positive Covenant

113. Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the following shall be registered on the title of the property:

- (a) On-site detention system/s,
- (b) Basement carpark pump-out system.

The restriction as to user and positive covenant shall be in Liverpool City Council's standard wording as detailed in Liverpool City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

Restriction as to User

114. The following 'restriction as to user' is to be placed upon the title of the property at the Applicant's expense, which cannot be removed or altered without the permission of Council:

"All waste services to this property are to be supplied by a private waste contractor engaged by the proprietors. Liverpool Council will not supply any waste bins or services to the property."

Waste Management

115. All facilities, equipment (except the waste bins to be supplied by the private waste contractor) and permanent signage necessary for correct waste separation and disposal by the occupants of the premises, must be in place and operable prior to the issue of the Occupation Certificate.

Waste Store Room Signage

116. Permanent signage for the bin storage room and bulky household waste storage room must be installed on the outer face of the relevant rooms, stating:

- (a) That the bin storage room is to be kept tidy and free of litter;
- (b) That all waste materials are to be separated correctly and placed in the waste bins provided;
- (c) That residents should contact building management to arrange for the storage of household waste items in the room provided, prior to disposal.

Signage with at least 50% content of illustrative images, showing what waste items can be recycled (loose and unbagged), through the selected private

recycling service must be prominently and permanently fixed to the internal walls of the bin storage room.

Display of Street Numbers

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

Road Works

118. All redundant vehicular crossings shall be removed and replaced with Council's standard kerb and gutter at no cost to Council. The removal and replacement of a driveway with standard integral kerb and gutter shall be the subject of a driveway application to Council and works supervised by that driveway inspection process.

Footpaths

119. Prior to the issue of an Occupation Certificate, the construction of a 1.5m wide by 100mm thick (with one layer of SL72 reinforcing mesh) concrete path paving is to be provided in front of the proposed development.

Landscaping

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

Boarding House Manager Contact

121. The certifying authority must advise Council, in writing of the name and contact details of the boarding house managing agent who manages the premises.

The contact details on the managing agent shall be displayed on signage at the front of the property and shall be provided to properties neighbouring the site.

Crime Prevention through Environmental Design and Safety Mechanisms

122. Prior to the issue of an Occupation Certificate, Crime Prevention through Environmental Design (CPTED) principles and safety mechanisms, as mentioned through a previous condition of this consent, are to be adopted and/or installed.

Boarding House

123. Prior to the issue of an Occupation Certificate, the proposed boarding house shall be registered in accordance with the provisions of the Boarding Houses Act 2012.

F. CONDITIONS RELATING TO USE

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

Car and Motorcycle Parking

124. A total of seven (7) off street car parking spaces must be provided onsite at all times. One (1) of the spaces must be designed and signposted/marked for the specific use of persons with a disability.

A total of three (3) off street motorcycle parking spaces must be provided onsite at all times.

125. All parking areas shown on the approved plans must be used solely for this purpose.

Vehicular Access

126. The operator of the development must not permit the reversing of vehicles onto or away from the road reserve, with the exception of garbage and recycling collection vehicles. All vehicles must be driven forward onto and away from the development and adequate space must be provided and maintained on the land to permit all vehicles to turn in accordance with *AS 2890.1 Parking Facilities – Off Street Car Parking*.

Advertising

127. Advertising matter not approved in conjunction with this decision notice, must not be erected, painted or displayed without the prior approval of Council.

Boarding House Manager

128. If the boarding house managing agent changes at any time Council must be immediately informed and provided with the updated boarding house managing agent's contact details.

Plan of Management

129. The approved plan of management and associated house rules shall be carried out and adhered to at all times during the operation boarding house.

Maximum number of lodgers

130. The number of persons lodging within the boarding house shall not exceed twenty-two (22) persons at any one time.

Terms of occupancy

131. The minimum period of residence for lodgers is three (3) months, unless the managing agent deems it necessary to evict lodgers based on a breach of the boarding house rules or the occupancy agreement.

Boarding House

132. The boarding house is to be registered in accordance with the provisions of the Boarding Houses Act 2012.
133. The use of the premises shall comply with the following legislative requirements:-
- (a) Boarding Houses Act 2012
 - (b) Public Health Regulation 2012 – (Section 46 – Sleeping accommodation)
 - (c) Local Government (General) Regulation 2005 – Schedule 2, Part 1 – Standards for Places of Shared Accommodation

Noise Complaints Register

134. The boarding house manager shall keep a legible record of all complaints received in an up-to date Complaints Register. The Complaints Register must record, but not necessarily be limited to:
- (a) the date and time, where relevant, of the complaint;
 - (b) the means by which the complaint was made (telephone, mail or email);
 - (c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
 - (d) the nature of the complaint;
 - (e) any action(s) taken by the boarding house manager in relation to the complaint, including any follow-up contact with the complainant; and if no action was taken by the Applicant in relation to the complaint, the reason(s) why no action was taken.
 - (f) allocate an individual “complaint number” to each complaint received.

The Complaints Register must be made available for inspection when requested by Liverpool City Council.

The premises shall be operated in accordance with the approved Noise Management Plan and Complaints Handling Procedure at all times.

Noise

135. The use of the premises including music and other activities shall not give rise to any one or more of the following:

- (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670;
- (b) An indoor sound pressure level in any place of different occupancy (and/ or public place) greater than 3dB(A) above the L90 background level or greater than 5db(A) at the boundary of any affected property in any octave band from 31.5Hz to 8,000 Hz centre frequencies inclusive between the hours of 7.00am to midnight daily and 0dB(A) above the L90 background between 12 midnight and 7.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this subclause does not apply to any such frequencies;
- (c) During the period of 12 midnight to 7.00a.m. the use shall be inaudible in any habitable room of any residential premises; and
- (d) The emission of an "offensive noise" as defined under the POEO Act.

The method of measurement of vibration in (a) and sound levels in (b), (c) and (d) shall be carried out in accordance with AS 2973 for vibration measurements, AS 1055 for outdoor sound level measurements, and AS 2107 for indoor sound level measurements.

136. The outdoor communal space and the stairs from the basement to the outdoor communal space are not to be used between the hours of 7am and 10pm Monday to Saturday and between 8am and 10pm Sundays and Public Holidays, unless otherwise required in emergency situations.

137. Any alarm installed on the site is to be "silent back to base" type.

138. The intruder alarm/s associated with the development shall only be permitted to operate in accordance with the requirements of Clause 42 of the Protection of the Environment Operations (Noise Control) Regulation 2017.

139. Noise associated with the use of the premises, including mechanical plant and equipment, shall not give rise to any one or more of the following:

- (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670;
- (b) An indoor sound pressure level in any place of different occupancy (and/ or public place) greater than 3dB(A) above the L90 background level or greater than 5db(A) at the boundary of any affected property in any octave band from 31.5Hz to 8,000 Hz centre frequencies inclusive between the hours of 7.00a.m to 10.00p.m daily and 0dB(A) above the L90 background between 10.00pm and 7.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the

threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this subclause does not apply to any such frequencies; and
(c) The emission of an "offensive noise" as defined under the *POEO Act*.

The method of measurement of vibration in (a) and sound levels in (b) and (c) shall be carried out in accordance with AS 2973 for vibration measurements, AS1055 for outdoor sound level measurements, and AS 2107 for indoor sound level measurements.

Lighting

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

Environment

141. The use of the premises shall not give rise to the emission of gases, vapours, dusts or other impurities that are a nuisance, injurious or prejudicial to health.
142. The use of the premises shall be conducted in such a manner as not to cause air pollution (including odour), offensive noise or pollution of land and/or water as defined under the *Protection of the Environment Operations Act 1997*. Failure to comply may result in on-the-spot penalties.

Landscaping

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

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

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

Waste Management and Handling

144. After the issue of an Occupation Certificate but prior to residents first moving in, all the required waste bins supplied by the private contractor engaged by the proprietors must be in place on site and ready for the resident's use.
145. No waste of any kind from the property is to be presented to or collected from the public land in front of the property. All waste collection must take place internally within the site boundaries.

146. The management of the boarding house facility must continue to exercise oversight and actively manage and guide the waste disposal practices of residents to ensure correct waste disposal.
147. All solid waste stored on site is to be covered at all times. Furthermore, all solid and liquid waste is to be removed from the site by a registered waste contractor.
148. All waste materials generated as a result of the development are to be disposed at a facility licensed to receive such waste.

Waste Collection

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

Signage is to be prominently displayed in the bin waste storage area, indicating that:

- i. Garbage is to be placed wholly within the garbage bins provided,
- ii. Only recyclable materials accepted by Council are to be placed within the recycling bins,
- iii. The area it to be kept tidy,
- iv. A phone number for arranging disposal of bulky items, and
- v. Graphic illustrative content to be 50%.

Waste Storage in Rooms

150. Sufficient space shall be provided within each room for the storage of a minimum of one day's waste and recycling.

Adaptable Rooms

151. Rooms G.03 & 1.04 (as specified in the approved plans) within the boarding house are to be maintained as adaptable rooms.

G. ADVISORY

- n) Sections 8.2, 8.3, 8.4 & 8.5 of the Environmental Planning and Assessment Act 1979 allow Council to reconsider your proposal. Should you wish to have the matter reconsidered you should make an application under that section with the appropriate fee.
- o) Under Sections 8.7 & 8.10 of the of the Environmental Planning and Assessment Act 1979 applicants who are dissatisfied with the outcome of a consent authority have a right of appeal to the Land and Environment Court. This right must be

exercised within six (6) months from the date of this notice. The Court's Office is situated at Level 1, 225 Macquarie Street, Sydney (Telephone 9228 8388), and the appropriate form of appeal is available from the Clerk of your Local Court.

- p) In accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979, unless otherwise stated by a condition of this consent, this consent will lapse unless the development is commenced within five years of the date of this notice.
- q) To confirm the date upon which this consent becomes effective, refer to Section 4.20 of the Environmental Planning and Assessment Act 1979. Generally the consent becomes effective from the determination date shown on the front of this notice. However if unsure applicants should rely on their own enquiries.
- r) To confirm the likelihood of consent lapsing, refer to Section 4.53 of the Environmental Planning and Assessment Act 1979. Generally consent lapses if the development is not commenced within five years of the date of approval. However if a lesser period is stated in the conditions of consent, the lesser period applies. If unsure applicants should rely on their own enquiries.
- s) The approval of this application does not imply or infer compliance with the Disability Discrimination Act and that the developer should investigate their liability under the Act.
- t) The requirements of all authorities including the Environmental Protection Authority and the Work Cover Authority shall be met in regards to the operation of the building.
- u) "DIAL BEFORE YOU DIG"

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

- v) TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

Furthermore, damage to Telstra's infrastructure may result in interruption to the

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

- w) The Liverpool City Council Local Government area soils and ground water may be subject to varying levels of Salinity. Whilst Council may require applicants to obtain Salinity reports relating to some developments, no assessment may be made by Council in that regard. Soil and ground water salinity levels can change over time due to varying factors. It is recommended that all applicants make their own independent inquiries as to appropriate protection against the current and future potential effect of Salinity to ensure the ongoing structural integrity of any work undertaken. Liverpool City Council will not accept any liability for damage occurring to any construction of any type affected by soil and or ground water Salinity.
- x) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.
- y) Care shall be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or applicant's agents may be liable to pay compensation to any adjoining owner if, due to construction works, damage is caused to such an adjoining property.

ATTACHMENT 2 – SECTION 7.11 PAYMENT FORM

CONTRIBUTIONS PURSUANT TO SECTION 7.11 OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

Liverpool Contribution Plan 2009

Note to the applicant:

When remitting payment as specified in the Conditions of Consent to the approval, this Form must be submitted with your payment.

These figures have been calculated to the current August 2019 CPI quarter and will be adjusted at the time of payment in accordance with the conditions of consent.

APPLICATION NO.:

DA-612/2018

APPLICANT:

CORNERSTONE DESIGN

PROPERTY:

23 TEMPLETON CRESCENT, MOOREBANK

Lot 81 DP 224165

PROPOSAL:

Demolition of existing structures and construction of a two storey boarding house with eleven (11) rooms and basement parking pursuant to the State Environmental Planning Policy (Affordable Rental Housing) 2009.

Facilities

Liverpool Contributions Plan 2009

Whitlam Centre Extensions

\$767

GL.10000001869.10110

Central Library Extensions

\$520

GL.10000001870.10112

LIVERPOOL CITY COUNCIL

LOCAL PLANNING PANEL REPORT

26 August 2019

Powerhouse	\$446	GL.10000001870.10114
District Community Facilities		
Eastern	\$704	GL.10000001870.10098
District Recreation		
Eastern	\$2,612	GL.10000001869.10092
Local Recreation		
Moorebank	\$10,448	GL.10000001869.10100
Administration	\$189	GL.10000001872.10104
<u>TOTAL</u>	<u>\$15,687</u>	

----- OFFICE USE ONLY -----

RECORD OF PAYMENT

Total Amount paid: _____

Date: _____

Receipt No.: _____ *Cashier*

Attachment 3: Statement of Environmental Effects



STATEMENT OF ENVIRONMENTAL EFFECTS

Demolition of the existing dwelling and ancillary structures and the construction of a new eleven (11) room boarding house development.

Address: 23 Templeton Crescent, Moorebank


Prepared for: Bass Developments Pty Ltd

Date: 4 July 2018



CONTACT			
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This document has been prepared by:



Bernard Moroz

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VERSION NO.	DATE OF ISSUE	REVISION BY	APPROVED BY
1	18.7.18	PN	BM

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1. Introduction

This Statement of Environmental Effects (SEE) has been prepared for Bass Developments Pty Ltd by Bernard Moroz & Associates Pty Ltd – (hereafter referred to as BMA Urban).

This report is to accompany a development application to Liverpool Council seeking consent for the demolition of the existing dwelling and ancillary structures and the construction of a two-storey boarding house containing eleven (11) boarding rooms, one (1) common room and basement parking for seven (7) vehicles and three (3) motorcycles at 23 Templeton Street, Moorebank.

The boarding house will be a registrable general boarding house under the Boarding Houses Act 2012.

So that it is clear to neighbours and Council, the proposal does not include any regulated assisted boarding house component. It will not be seeking licencing to service age related frailty; a mental illness and/or any intellectual, psychiatric, sensory or physical disability, or need to support or supervise daily tasks or provide personal care such as showering, preparing meals or managing medication. There will be provision for accessible units but occupants will not be offered or provided with any formal assistance.

Note: In accordance with section 5(3) of the Boarding House Act 2012 a general boarding house does not include an of the following:

- (a) a regulated assisted boarding house,
- (b) premises that are used as a hotel, motel or bed and breakfast accommodation,
- (c) premises that are used as a backpackers hostel,
- (d) a serviced apartment (being a building or part of a building that is used to provide self-contained tourist or visitor accommodation that is regularly cleaned by or on behalf of the proprietor or manager),
- (e) premises that are used to provide accommodation for workers or employees in connection with their work or employment,
- (f) a government school or registered non-government school within the meaning of the **Education Act 1990** or any other premises that are used by an educational body to provide accommodation for its students,
- (g) a private health facility licensed under the **Private Health Facilities Act 2007**,
- (h) a nursing home within the meaning of the **Public Health Act 2010**,
- (i) a mental health facility within the meaning of the **Mental Health Act 2007**,
- (j) a public hospital within the meaning of the **Health Services Act 1997**.

(k) a residential care facility under the **Aged Care Act 1997** of the Commonwealth operated by an approved provider under that Act,

(l) a retirement village under the **Retirement Villages Act 1999**,

(m) premises that are the subject of a residential tenancy agreement to which the **Residential Parks Act 1998** applies,

(n) premises that are the subject of an occupation agreement to which the **Holiday Parks (Long-term Casual Occupation) Act 2002** applies,

(o) social housing premises within the meaning of Part 7 of the **Residential Tenancies Act 2010**,

(p) premises used for refuge or crisis accommodation, or accommodation for persons with additional needs, that is provided by a public authority, council or any other body or organisation and that is wholly or partly funded by the Commonwealth or the State (or an agency of the Commonwealth or the State),

(q) premises (or premises of a kind) prescribed by the regulations.

In our opinion, the proposed development satisfies the relevant objectives of the R3 Medium Density Zone, complies with the relevant development standards outlined in the AHSEPP and is consistent with the local planning controls.

As important, the proposal is unlikely to result in adverse impacts on surrounding development.

This document is divided into six sections. Section 2 contains a site analysis, Section 3 provides details of the proposal, Section 4 and 5 contains the detailed assessment of the application in accordance with Section 4.15 (1) of the Environmental Planning and Assessment (EP&A) Act 1979, and Section 6 concludes the report.

This application also includes an Operational Plan of Management (PoM) which aims to ensure that the boarding house will be operated in a manner that ensures the safety of residents, provides a comfortable and harmonious environment for residents, will not result in unacceptable impacts to neighbouring residents, and ensure that the building and site will be properly maintained.

The PoM confirms, amongst other matters, that the use of all outdoor communal areas will be restricted to between 8:00am and 10:00pm daily, that residents must not generate significant noise affecting surrounding residents (with expectations of reduced noise levels after 10:00pm), that the Manager, will ensure that the boarding house is properly managed (including enforcing house rules, cleaning common areas, attending to resident complaints, etc.), that all residents will be required to sign an occupancy agreement, and that all residents will be advised that they may be evicted if they breach the resident obligations.

The following documentation is relied upon for the preparation of this Statement.

The Statement of Environmental Effects has been prepared having regard to the following plans, reports and documents that accompany the Development Application:

Document:	Prepared by:	Dated:
Architectural Plans	Cornerstone Design	11 July 2018
Landscape Plans	Zenith landscape Design	9 July 2018
Hydraulic Plans	Leading Engineers	6 July 2018
Traffic Report	Motion Traffic Engineers	July 2018
Access Report	Accessible Building Solutions	3 July 2018

This Statement has been divided into five sections. The remaining sections include a locality and site analysis; a description of the proposal; an environmental planning assessment; and a conclusion.

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2. Site Analysis and Context

This section contains a description of the following: The Locality; Site Description; Existing Built Form and Landscaping and Existing Character and Context.

2.1 The Locality

The subject site is located within the Local Government Area (LGA) of Liverpool. The subject site is located in close proximity to Moorebank Shopping Centre (350m) and Westfield Liverpool (3.3km) and in reasonable proximity to Sydney CBD (28.6km) and Kingsford Smith Airport (24.5km).



Figure 1: Location Plan
Source: Six Maps

Subject site 

2.2 Site Description

The subject site is legally described as Lot 81 in DP 224165 and is identified as No.23 Templeton Crescent, Moorebank. The site is situated on the eastern side of Templeton Crescent and comprises of a total site area of 779.7m² (by survey). The allotment is regular in shape apart from a rear skewed boundary where a 1.83m wide drainage easement traverses the site along the length of the boundary. The site has a 16.21m frontage to Templeton Crescent and boundary lengths of 44.16m (north) and 41.12m (south). The site is relatively level and is vegetated along the rear boundary. The location of the site is identified in Figure 1 above where it is outlined in red in the aerial image provided.

A detailed Land Survey has been submitted with the development application that indicates

boundary lengths, site area and the location of existing structures on the allotment.

2.3 Existing Built Form and Landscaping

The site currently accommodates a single storey dwelling with detached garage and shed. There are four (4) trees currently on the site all of which are located within the rear of the site.

A street tree is located on Council's verge adjacent to the site.



Figure 2: The subject site as viewed from Templeton Crescent

2.4 Site Surrounds

Development in the vicinity of the site is predominately characterised by a mixture of one and two storey residential dwellings and dual occupancy development. It appears as though many of these sites are yet to reach their development potential in view of the applicable zoning, being R3 – Medium Density Residential.

Immediately adjoining the site to the north is No.25 Templeton Crescent which currently accommodates a single storey brick dwelling.



Figure 3: The existing dwelling of No.25 Templeton Crescent

Adjoining the site to the south is No.21 Templeton Crescent which also accommodates a single storey brick dwelling.



Figure 4: The existing dwelling of No.21 Templeton Crescent

Immediately opposite the subject site, on the western side Templeton Crescent are No's 14 and 16 Templeton Crescent respectively presenting both a single storey dwelling and a one/two-storey dwelling.



Figure 5: The existing dwelling of No.14 Templeton Crescent



Figure 6: The existing dwelling of No.16 Templeton Crescent

Further to the south of the site along Templeton Crescent, more modern developments are identified as evidenced at No's 8 and 15 Templeton Crescent.



Figure 7: The existing dwelling of No.8 Templeton Crescent



Figure 8: The existing dwellings of No.15 Templeton Crescent

3. The Proposal

3.1 Description

This development application seeks Council's consent to demolish the existing dwelling and ancillary structures and the construction of a two-storey boarding house containing eleven (11) rooms.

The proposed development is further described as follows:

Demolition

- Demolition of the existing dwelling, ancillary garage and shed structures.

Basement Floor Plan

- Basement parking for seven (7) vehicles, three (3) motorcycles, three (3) bicycles and storeroom;
- Vehicular access via a graded driveway located adjacent to the southern side boundary.

Ground Floor Plan

- The provision of five (5) boarding rooms which will include one (1) accessible room and one (1) common room;
- A communal terrace area;
- Landscaping works which will include an array of plantings and the provision of a new boundary fence along the street edge.

First Floor Plan

- The provision of six (6) rooms which will include a manager's room

The application does not seek consent for the removal of any trees on the site. The existing street tree at the front of the site is proposed to be protected and retained.

The proposal is most accurately portrayed in the submitted architectural plans prepared by Cornerstone Design dated 11 July 2018.

3.2 Demolition and Earthworks

The subject Development Application seeks consent for demolition of all existing structures on the site. The proposed development does not involve any significant earthworks.

3.3 The Built Form

3.3.1. Gross Floor Area and Floor Space Ratio

The proposal results in a floor space ratio of 0.5:1 or 388.86m².

The floor space ratio and gross floor area of the proposed development have been measured according to the definitions of those terms prescribed in the LEP dictionary.

3.3.2. Building Height

The proposed development is a maximum of two (2) residential storeys in height, with a maximum building height of 8.1m.

3.3.3. Building Setbacks

Front Setback

The proposed development incorporates a minimum setback to Templeton Crescent of 9.18m measured to the external face of the building on the ground and first floors.

Side/Rear setbacks

The proposed development observes a setback range of 1.6m to 2.65 along the northern side and 1.57m to 6.56m along the southern side. The proposed development observes a minimum setback of 9.715m to the rear boundary measured to the external face of the terrace area located off boarding room G.03.

3.3.4 Photomontage



Figure 9: Photomontage

3.3.5. Dwelling Types

The proposal contains a total eleven (11) boarding rooms all of which have been nominated as double rooms. Each boarding room is provided with an open plan kitchen, bathroom and laundry facilities

3.3.6. Pedestrian Access

The primary pedestrian access to the site is from along Templeton Crescent.

3.3.7. Vehicular Access and Parking

Vehicular access to the site is proposed to be provided off Templeton Crescent. A total of seven (7) car parking spaces and three (3) motorbike parking spaces are provided which includes one (1) accessible vehicular parking space.

3.3.8. Waste Management

Bin storage facilities are provided within the basement adjacent to the lift and bicycle parking area.

3.3.9. Landscaping and Deep Soil

The proposed development provides landscaped areas around the site, predominately within the front and rear setback areas. The extent of landscaping proposed across the site is 281.48m² or 36.1% of the site area.

4. Planning Controls

The following planning instruments are applicable to the proposed development:

- State Environmental Planning Policy No. 55 - Remediation of Land;
- State Environmental Planning Policy (BASIX) 2004;
- State Environmental Planning Policy – Affordable Rental Housing
- State Environmental Planning Policy (Vegetation in Non-Rural Areas);
- Deemed State Environmental Planning Policy – Georges River Catchment;
- Liverpool Local Environmental Plan 2008; and
- Liverpool Development Control Plan 2008.

The relevant provisions and controls of the above instruments and Plans are summarised in the following sections of this SEE.

5. S4.15 Evaluation of the EP&A Act, 1979

(i) Section 4.15(1)(a)(i)

The provisions of any Environmental Planning Instrument

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

The purpose of State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55) is to ensure that land which is contaminated is identified and appropriately remediated so as to be suitable for the proposed development.

Clause 7 of SEPP 55 states:

- (1) *A consent authority must not consent to the carrying out of any development on land unless:*
- (a) *it has considered whether the land is contaminated, and*
 - (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
 - (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose."*

The site has long standing residential use and there are no known records of contaminating activity being conducted on the site. In view of the above and having regard to the provisions of SEPP No 55, the site is considered suitable for the proposed development.

State Environmental Planning Policy (BASIX) 2004

In accordance with the provisions of the State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, a BASIX Certificate has been provided. The proposed development satisfies the requirements of the Certificate in terms of water, thermal comfort and energy efficiency.

It is worth noting that the requirements for the provision of a Basix certificate for this form of development is only recent. Refer to SHMH Properties Australia Pty Ltd v City of Sydney Council [2018] NSWLEC 66.

State Environmental Planning Policy (Affordable Rental Housing) 2009

The ARHSEPP came into force on 31 July 2009 and, in accordance with Clauses 25-28, the SEPP applies to the proposed development and the subject site. It contains a number of standards that apply to boarding houses, as well as matters that - if complied with - cannot be used as reasons for refusal. It is noted that the ARHSEPP relies on Standard Instrument template zonings and that the R3-Medium Density Residential is a general residential zoning where boarding houses are a permissible form of development with consent.

Clause 27 of the SEPP confirms that Division 3 of the SEPP relates to boarding houses. Boarding houses are defined within the SEPP by reference to the definition under the Standard Instrument (LEP) Order 2006 which is as follows:

boarding house means a building that:

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

The proposed development falls within this definition and as such the SEPP applies to the proposed development.

Clause 29 of the SEPP contains standards that cannot be used to refuse consent for 'boarding house' development. The performance of the proposal against these provisions are detailed in the table below.

SEPP Provisions		Complies/Comments ✓/X
CL29 – STANDARDS THAT CANNOT BE USED TO REFUSE CONSENT		
Floor Space Ratio	(a) the existing maximum floor space ratio for any form of residential	<div style="text-align: center;">✓</div> Proposal has FSR of 0.5:1 or 388.86m².

	<p>accommodation permitted on the land.</p> <p>The maximum floor space ratio permitted on the subject site is 0.5:1 or 389.85m²</p>	
Building Height	<p>(a) If the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land.</p> <p>The maximum building height under Liverpool LEP 2008 is 8.5m.</p>	<p>✓</p> <p>Proposal has height of 8.1m and complies with the height limit.</p>
Landscape Area	<p>(b) If the landscape treatment of the front setback area is compatible with the streetscape in which the building is located,</p>	<p>✓</p> <p>The front setback is appropriately landscaped consistent with the emerging streetscape character of Templeton Crescent providing a suitable balance between built and landscaped elements along this frontage.</p>
Solar Access	<p>(c) Where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,</p>	<p>✓</p> <p>North facing common area receives more than 3 hours direct sunlight</p>
Private Open Space	<p>(d) If at least the following private open space areas are provided (other than the front setback area):</p> <p>(i) One area of at least 20 square metres with a minimum dimension of 3</p>	<p>✓</p> <p>Private open space will be available and accessed directly off the common room. A 39.32m² communal terrace with a minimum dimension of 3m is provided.</p>

	metres is provided for the use of the lodgers.	
Parking (site within accessible area)	(e) if not more than: (i) in the case of development in an accessible area—at least 0.5 parking spaces are provided for each boarding room, and	✓ The subject site is located in an accessible area and provides seven (7) spaces (including 1 accessible space for the proposed 11 boarding rooms.
Accommodation Size	(f) If each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least: (i) 12 square metres in the case of a boarding room intended to be used by a single lodger, or: (ii) 16 square metres in any other case.	✓ All double rooms have a minimum area (excl. kitchen and ensuite) ranging from of 16m ² to 18.07m ² .
CL.30 - STANDARDS FOR BOARDING HOUSES		
Internal Communal Area	(a) If more than 5 rooms, provide an internal communal area	✓ The proposal provides for an internal communal room of 5.96m ² that adjoins a 39.32m ² communal terrace.
Room Size	(b) Maximum room size (excl. kitchen and bathroom) of 25m ²	✓ The largest boarding room (excluding bathroom and kitchen) is 18.07m ² .
Number of Lodgers	(c) No more than 2 lodgers per room	✓ No more than 2 lodgers are proposed for any room.
Adequate bathroom and kitchen facilities	(d) Adequate bathroom and kitchen facilities to be provided	✓ Each boarding room is provided with its own private kitchenette and bathroom.
Manager	(e) If more than 20 lodgers, provide	✓

	manager's room on site	A managers room has been provided on the first floor.
	(f) (Repealed)	N/A
	(g) if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor that fronts a street will be used for residential purposes	N/A
Parking	(h) at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms	✓ Proposal provides for 3 motorcycle and 3 bicycle spaces
CI.30A – CHARACTER OF LOCAL AREA		
The design of the development is compatible with the character of the local area		✓ The proposed boarding house is situated within a medium density residential zone and presents as a residential building of a bulk and scale reflective of what is expected with the redevelopment of the site (see further discussion below this table)
CI 52 – NO SUBDIVISION OF BOARDING HOUSES		
A consent authority must not grant consent to the strata subdivision or community title subdivision of a boarding house.		✓ Neither Strata nor Community Title Subdivision have been sought as part of this application

Table 1: Affordable Rental Housing SEPP Standards

Clause 30A – Character of Local Area Assessment

"A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area."

There is no doubt neighbours will object, as is the case for most affordable housing proposals. There is a general public fear, or an assumption, that undesirable people will occupy such developments and ruin the "character" or "amenity" of the area.

There must be a careful consideration of "character". "Character" in the context of Clause 30A of *State Environmental Planning Policy (Affordable Rental Housing) 2009* deals specifically with built form character.

Unlike Clause 15 of *State Environmental Planning Policy (Affordable Rental Housing) 2009* which requires the consideration of the provisions of the *Seniors Living Policy: Urban Design Guidelines for Infill Development* published by the Department of Infrastructure, Planning and Natural Resources in March 2004, Part 2 Division 3, does not require the boarding house design, to be consistent with this Policy.

Nevertheless, applying the same principles:

The subject site is located within a medium density residential zone and the locality consists of a mix of single dwellings, a number of more contemporary two storey homes and dual occupancy developments. The Moorebank commercial and retail precinct is located 290m walking distance from the site to its north-east.

The scale of the proposed boarding house is consistent with the planned character of the area, which does allow for 8.5m high developments of a two storey scale. The proposal complies with the permissible LEP building height and ARHSEPP FSR controls while the bulk and scale of the building is comparable to that permissible under the LEP and is considered suitable for the area.

The proposed boarding house is provided with generous setbacks, allowing for an ample amount of deep soil planting to be provided along the perimeters. This in addition to a combination of appropriate building materials, colours and articulated external walls reduces the perceived bulk and scale of the building where it will appropriately respond to the emerging streetscape character of the locality.

In *Project Venture Developments v Pittwater Council [2005] NSWLEC 191* the Land and Environment Court specifically set out a relevant planning principle:

"There are many dictionary definitions of compatible. The most apposite meaning in an urban design context is capable of existing together in harmony. Compatibility is thus different from sameness. It is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, though as the difference in these attributes increases, harmony is harder to achieve."

The application of the character consideration in clause 30A of *State Environmental Planning Policy (Affordable Rental Housing) 2009* requires the assessing officer to consider, but not give sole determinative weight to, character in proper acknowledgement that affordable housing will not be the same as single dwellings, dual occupancy or even villa town house development.

Consideration has therefore been given to the two key questions identified in the L&E Court Planning Principles:

(a) Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.

The impacts of the proposed development have been considered later in the report, primarily in the assessment against LLEP 2008, LDCP 2008 and Section 4.15(1)(b) of the EP&A Act. The proposal has been found to have minimal impacts on the amenity of surrounding properties and the locality. In addition, the proposal will not constrain the development potential of adjoining sites.

(b) Is the proposal's appearance in harmony with the buildings around it and the character of the street?

The proposal adopts traditional building materials that are characteristic of historical development in the area. In regards to architectural form, pitched roof elements have been introduced to the design that promote consistency with surrounding development when viewed from the public domain.

The landscape setting to the street frontage again is not dissimilar to what can be found in the surrounding area. The provision of basement parking allows for the provision of substantial amounts of deep soil to be provided within the front yard area of the development while the low height street wall is considered as compatible with that found along Templeton Crescent.

The development fits within the context of the zone and it is anticipated that the remaining properties in this zone will be redeveloped to a scale generally consistent with that proposed for this site.

In this instance, while the development is not entirely the same as the neighbouring single and two storey single dwelling houses and dual occupancies, seeking to make it identical or close to identical, would thwart the social planning objectives of the State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP ARH) in the provision of affordable housing.

Having regard to the above discussion it is considered that on balance, the proposal satisfactorily complements the character of the surrounding area.

State Environmental Planning Policy (Vegetation in Non Rural Areas)

The Vegetation SEPP regulates clearing of native vegetation on urban land and land zoned for environmental conservation/management that does not require development consent.

The Vegetation SEPP applies to clearing of:

1. Native vegetation above the Biodiversity Offset Scheme (BOS) threshold where a proponent will require an approval from the Native Vegetation Panel established under the *Local Land Services Amendment Act 2016*; and
2. Vegetation below the BOS threshold where a proponent will require a permit from Council if that vegetation is identified in the council's development control plan (DCP).

The Vegetation SEPP repeals clause 5.9 and 5.9AA of the *Standard Instrument - Principal Local Environmental Plan* with regulation of the clearing of vegetation (including native vegetation) below the BOS threshold through any applicable DCP.

The proposed development does not seek consent for the removal of any trees on the site.

Deemed State Environmental Planning Policy – Georges River Catchment

The stormwater runoff from the site is capable of being suitably treated. The proposal would satisfy the relevant provisions of Deemed State Environmental Planning Policy – Georges River Catchment and would not affect the water quality of Georges River.

Liverpool Local Environmental Plan 2008

The Liverpool Local Environmental Plan 2008 (LLEP 2008) applies to the subject site which is identified as being within Zone R3 - Medium Density Residential. The proposed development is best characterised as "boarding house" which is permissible with the consent of Council in the R3 zone.



Figure 10: Zoning Map

Subject site 

 R3 Medium Density Residential

The objectives of the R3 Zone are as follows:

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

- To provide for a concentration of housing with access to services and facilities.
- To provide for a suitable visual transition between high density residential areas and lower density areas.
- To ensure that a high level of residential amenity is achieved and maintained.

The proposed development is consistent with the objectives of the zone in that it will provide for the housing needs of the community through the provision of additional accommodation in a boarding house building format. This "housing type" provides a variation to what would generally be considered a "typical" building format which is consistent with the objectives of the zoning provisions.

A summary of our assessment of the proposed development against the LEP provisions is detailed below. Some clauses with the LEP have been deliberately omitted because they are not applicable to the proposed development.

Liverpool Local Environmental Plan 2008			
CL	Requirement	Proposed	✓/x
Part 2 - Permitted or Prohibited development			
2.3	Zone objectives and Land Use Table.	The proposed development is a permissible form of development in the zone. The proposal aligns with the applicable objectives of the R3 – Medium Density Residential zone in that it will provide for the housing needs of the community within a medium density residential environment. Other land uses are not being proposed as the proposal is exclusively residential accommodation.	✓
2.5	Additional permitted uses for particular land	The site is not afforded with additional permitted uses in Schedule 1 of the LEP.	✓
2.6	Subdivision – consent requirements	The application does not seek consent for any subdivision.	✓
2.7	Demolition requires development consent	This application proposes to demolish the existing dwelling and ancillary structures.	✓
Part 4 – Principal Development Standards			
4.3	Height of Buildings The associated "Height of Buildings" Map.	The proposal will comprise of a maximum height of approximately 8.1m complying with the building height development standard.	✓

Liverpool Local Environmental Plan 2008			
CL	Requirement	Proposed	✓/x
	limits the height of buildings to 8.5m.		
4.4	Floor Space Ratio Clause 4.4 permits a maximum FSR of 0.5:1 for the subject site. 2. Clause 4.4(2A)(c) does not permit an additional 0.05:1 bonus given the development type proposed.	The proposal results in a floor space ratio of 0.50:1 equating to 388.86m ² which complies with the maximum allowable FSR of 0.50:1.	✓
4.5	Calculation of floor space ratio and site area	The floor space ratio and site area have been calculated according to the provisions of this clause.	✓
Part 5 – Miscellaneous Provisions			
5.1	Relevant acquisition authority	The site is not identified as being reserved for acquisition on the Land Reserved for Acquisition Map.	✓
5.3	Development near zone boundaries	The proposed development does not rely on the provisions of this Clause.	✓
5.4	Controls relating to miscellaneous permissible uses	The proposed development is not for any of the development types listed in this Clause.	✓
5.6	Architectural roof features	The application does not seek consent for architectural roof features above the maximum permitted building height.	✓
5.10	Heritage Conservation	The site is not identified as a heritage item, is not located within the vicinity of any heritage items and is not located within a Heritage Conservation Area.	✓

Liverpool Local Environmental Plan 2008			
CL	Requirement	Proposed	✓/x
Part 7 – Additional Local Provisions			
7.6	Environmentally significant land	The site does not constitute environmentally significant land.	✓
7.7	Acid sulfate soils	The site is not mapped as being potentially affected by acid sulfate soils on the Acid Sulfate Soils Map.	✓
7.8	Flood Planning	The subject site has not been identified as being affected by flooding.	✓
7.11	Minimum dwelling density	The site is not subject to the provisions of this clause.	✓
7.13	Minimum lot width in Zones R1, R2, R3 and R4.	The provisions of this clause are not applicable because the application does not seek consent for subdivision.	✓
7.27	Development of Certain Land in Moorebank	The site is not subject to the provisions of this clause.	✓
7.31	Earthworks	The required earthworks proposed to facilitate the development are not anticipated to result in any adverse impacts to surrounding properties, drainage patterns or soil stability.	✓

Table 2: Liverpool Local Environmental Plan 2008 Compliance Table

(ii) Section 4.15(1)(a)(ii)

The Provisions of any exhibited Draft Environmental Planning InstrumentsDraft Environment SEPP

The Draft Environment SEPP was exhibited from 31 October 2017 to 31 January 2018.

This consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property.

Changes proposed include consolidating the following seven existing SEPPs:

- State Environmental Planning Policy No. 19 – Bushland in Urban Areas
- State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011
- State Environmental Planning Policy No. 50 – Canal Estate Development
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2-1997)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

- Willandra Lakes Regional Environmental Plan No. 1 – World Heritage Property.

The proposal is not inconsistent with the provisions of this Draft Instrument.

(iii) Section 4.15(1)(a)(iii)

The Provisions of any Development Control Plan

An assessment of the proposal against the relevant provisions of the Liverpool Development Control Plan 2008 (LDCP 2008) Part 1 is provided below. Given that the DCP does not contain any specific controls for this form of development, the only applicable controls are found in Part 1 of this DCP.

Liverpool Development Control Plan 2008				
Ref	Design Solution	Requirements	Proposed	✓/X
Part 1 - General Controls for all development				
2	Tree Preservation	This section applies to applications to remove trees with or without a development application for a development and involves trees greater than 3.5m in height and/or canopy spread of greater than 4m and/or a primary trunk diameter greater than 400mm.	The proposed development does not involve the removal of any trees from the site.	✓
3	Landscaping	This section applies to land, which will need to provide landscaping or retain existing trees as part of a development.	There is an existing street tree at the front of the site which adds streetscape amenity. As such, this tree is proposed to be protected and retained as part of the development. Suitable conditions of consent are anticipated in respect of the protection of this tree during the construction phase. In view of the above, the application satisfies Part 3.2 concerning the retention of existing street trees.	✓

Liverpool Development Control Plan 2008				
Ref	Design Solution	Requirements	Proposed	✓/x
4	Bushland and Fauna Habitat Preservation	This section contains objectives and controls to protect and manage natural assets, biodiversity and ecology in Liverpool.	The provisions of this Part 4 are not applicable because the site is not located adjacent to bushland. There are no known or potential habitat for threatened species, populations of communities.	✓
5	Bush Fire Risk	This section applies to land identified as being Bushfire Prone Land or designated as Bushfire Prone Lands Buffer Zones on Liverpool City Council Bushfire Prone Land Maps.	The subject site is not identified as bushfire prone land.	✓
6	Water Cycle Management	This chapter includes a number of objectives and controls relating to stormwater and flood management.	A stormwater plan accompanies this application. On-site stormwater is capable of being treated in accordance with Council's water management requirements.	✓
7	Development near a Watercourse	This chapter includes objectives and controls to protect, restore and maintain ecological processes, natural systems and biodiversity in wetlands and waterfront areas.	The subject site is not within 40m of a watercourse, creek or river.	✓
8	Erosion and Sediment Control	The development application shall be accompanied by either a Soil and Water Management Plan (SWMP) or an Erosion and Sediment Control Plan (ESCP).	The application is accompanied by an Erosion and Sediment Control Plan in accordance with the requirement of this part of the DCP.	✓
9	Flooding Risk	This chapter applies to land identified as at or below the flood planning level.	The subject site is not identified as being affected by flooding.	✓
10	Contaminated Land Risk	This chapter applies to land identified as being	The subject site is unlikely to be affected by contamination.	✓

Liverpool Development Control Plan 2008				
Ref	Design Solution	Requirements	Proposed	✓/X
		potentially or actually contaminated.	Refer to previous SEPP 55 discussion.	
11	Salinity Risk	This chapter applies to land that is potentially affected by salinity.	These controls are not applicable to the proposed development.	✓
12	Acid Sulfate Soils Risk	This chapter applies to land identified as having an acid sulfate soil potential within the Liverpool LEP 2008.	The subject site is not identified as being affected by acid sulfate soils.	✓
13	Weeds	This chapter identifies measures to remove noxious weeds in conjunction with the development of land.	These controls are not applicable to the proposed development.	✓
14	Demolition of Existing Developments	This chapter identifies various controls and measures to ensure that the demolition of buildings minimises adverse environmental impacts and is undertaken in accordance with the applicable regulatory requirements.	The proposed development seeks consent for demolition works. A condition of consent is anticipated to ensure that those works comply with the Australian Standard AS2601 - 1991, The Demolition of Structures.	✓
15	On-site Sewage Management Systems		These chapters are not applicable to the assessment of the proposed development.	✓
16	Aboriginal Archaeology			
17	Heritage and Archaeological Sites			
18	Notification of Applications	This chapter identified the requirements for the notification of development applications.	It is anticipated that the application will be notified to adjoining properties in accordance with the provision in this part of the DCP. The applicant would welcome the opportunity to respond to, and address	✓

Liverpool Development Control Plan 2008				
Ref	Design Solution	Requirements	Proposed	✓/X
			any concerns raised by adjoining properties.	
20	Car Parking and Access	1 space per, 2 bedrooms or 1 space per 3 beds, whichever is the greater	Car and motorcycle parking has been provided within a single level basement with access provided off Templeton Crescent. Parking numbers are provided in accordance with the requirements of the ARHSEPP.	✓
21	Subdivision of Land and Buildings	This chapter applies to development which involves subdivision of land or buildings.	This chapter is not applicable as the application does not propose any subdivision.	✓
22	Water Conservation	These chapters state that development applications are required to demonstrate compliance with BASIX, where applicable.	The application is accompanied by a compliant BASIX Certificate.	✓
23	Energy Conservation			
24	Landfill	This chapter contains controls that seek to minimise land cut and filling.	Excavation works are proposed for the provision of a basement parking area. The extent of excavation is not inconsistent with that anticipated for a basement parking level of this size and catering for the number of vehicles and motorcycles as proposed.	✓
25	Waste Disposal and Re-use Facilities	A Waste Management Plan (WMP) shall be submitted with a Development Application for any relevant activities generating waste.	A Waste Management Plan (WMP) has been submitted with the development application to satisfy this chapter of LDCP 2008.	✓

Liverpool Development Control Plan 2008				
Ref	Design Solution	Requirements	Proposed	✓/X
27	Social Impact Assessment	A social impact assessment (comment) is required to be submitted for certain types of development. This is applicable to "boarding houses" being proposed under the (Affordable Rental Housing) 2009 – SEPP	See discussion below table	✓

Table 3: Liverpool Development Control Plan 2008 Compliance Table

Social Impact Comment Initial Assessment

1. Population Change

Will the development result in significant change/s to the local area's population (either permanently and/or temporarily)?

Explanation: Changes to the size, structure and capacity of the population can have significant implications for the provision and adequacy of community facilities, services, community cohesion and/or social sustainability

If yes, briefly describe the impacts below

The proposal will increase housing stock within Liverpool by an additional 11 residential boarding rooms catering for a maximum of 22 persons. The increase in population will be catered for in terms of services given the sites location and proximity to both local retail facilities and public transport. The proposal is consistent with the vision for medium density development by Council by virtue of the site's R3 zoning and the density achieved on the site being consistent with that envisaged by the planning controls.

Describe your proposed mitigations of negative impacts or enhancements of positive impacts below:

The proposal has been designed to comply with the allowable density controls. This design outcome will ensure that planned development densities will be maintained. Additionally, the boarding rooms will contribute to the much needed supply of accessible housing. Although there will be an increase in population on the subject site, future residents are unlikely to place additional strain on existing community infrastructure and services given that most will already be residing within the Liverpool LGA and using the existing services.

2. Housing

Will the proposal increase or reduce the quantity, quality, mix, accessibility and/or affordability of housing?

Explanation: A mix of housing types, sizes and costs is necessary for social diversity (in terms of age, family life cycles, income, cultural background) and social inclusiveness. Retention or expansion of affordable housing is necessary for social equity and to avoid displacement of individuals and families on lower incomes

If yes, briefly describe the impacts below

Yes. The proposal will increase the amount of housing available on site. The development will result in the provision of eleven (11) boarding rooms. As there is a current wait time of 5-10 years for one bedroom self contained housing in the Liverpool LGA, the proposed development will assist in meeting these demands.

Describe your proposed mitigations of negative impacts or enhancements of positive impacts below:

The proposed development will provide and increase in affordable housing stock that will assist in alleviating the current housing demand pressures.

3. Accessibility

Will the development improve or reduce physical access to and from places, spaces and transport?

Explanation: 'Access for all' is an essential component of a fair and equitable society. Accessible developments encourage inclusive communities, improve affordability of goods and services, maximise access to public transport, pedestrian and cycle networks and provide convenient and continuous paths of travel (thereby promoting healthy, sustainable lifestyles). Consideration must also be given to accessibility for people with a disability. Refer to Council's Disability Strategy 2012-2017 available for download from Council's website

If yes, briefly describe the impacts below

The proposal will have a beneficial impact in terms of the accessibility of the site and the local area for any future residents. The proposal will provide an increased number of accessible and affordable boarding rooms which are provided with convenient access to services and facilities.

Describe your proposed mitigations of negative impacts or enhancements of positive impacts below:

The proposed development has been designed with the provision of two adaptable rooms which can be adapted to accommodate a person with a disability should the need arise while the common areas within the development are wheel chair accessible. This is confirmed within the Statement of Compliance prepared by accessible building solutions accompanying this application. Access from the site is available to public transport located on Stockton and Maddecks Avenue.

4. Community and Recreation Services/Facilities

Will the development increase, decrease or change the demand or need for community, cultural and recreation services and facilities?

Explanation: Access to diverse and adequate community and recreation services and facilities is necessary for physical and mental health, well-being, personal productivity, social cohesion and social sustainability. Examples of facilities include community centres, leisure centres, recreation centres, sports fields and playgrounds

If yes, briefly describe the impacts below

The proposal is result in a minor increase in demand for community, cultural and recreation services and facilities. In this regard, given that it is anticipated that the majority of residents who may reside in these rooms are already likely to be utilising these services within the Liverpool LGA, the increase can be considered negligible.

Describe your proposed mitigations of negative impacts or enhancements of positive impacts below:

A number of community services and facilities are located in proximity to the site. Moorebank Centre which contains a number of services including a shopping centre, chemist, coffee shops, fitness centre, hotel and bank is located 290m walk or 4 minutes away from the site. With regards to public open space, Ernie Smith reserve is located 120m away from the subject site conveniently accessed off Jack O'Sullivan Road. Moorebank Liverpool District Hockey Club is also located within this reserve.

5. Cultural and Community Significance

Will the development impact on any items or places of cultural or community significance?

There may be certain places, items or qualities that are culturally valuable or significant to the community. They provide significant meanings and reference points for individuals and groups. This may include specific sites of Aboriginal significance. The acknowledgement and protection of these places, items or qualities is a key element in building strong and resilient communities. For information about Liverpool's cultural and linguistically diverse communities, refer to Council's LEAPS Multicultural Plan available for download from Council's website.

If yes, briefly describe the impacts below

There will be a negligible impact as a result of this development. The subject site does not contain any identified elements of either cultural or community significance.

Describe your proposed mitigations of negative impacts or enhancements of positive impacts below:

Not applicable.

5. Community Identity and the Sense of Belonging

Will the development strengthen or threaten opportunities for social cohesion and integration within and between communities?

Social cohesion and integration requires places and spaces for informal and safe social interaction. Developments can increase or decrease these interaction opportunities through

their provision (or otherwise) of safe and connected pathways and linkages and attractive gathering places (town centres, parks, squares / plazas, civic spaces and streets)

Consideration should be given to incorporating principles of good urban design into the development proposal. Refer to the Creating Places for People: An Urban Design Protocol for Australian Cities, available for download from the Federal government's [Urban Design website](#)

If yes, briefly describe the impacts below

The proposed development will strengthen opportunities of social cohesion and integration within and between communities. The development will provide communal spaces for informal and safe social interaction between future residents.

Describe your proposed mitigations of negative impacts or enhancements of positive impacts below:

The proposal includes accessible landscaped common open space areas that provide opportunities for social cohesion and integration as well as relaxation and entertaining purposes.

7. Health and Well-being

Will the development strengthen or threaten opportunities for healthy lifestyles, healthy pursuits, physical activity and other forms of leisure activity?

Developments can increase or decrease opportunities for healthy lifestyles through improving or reducing the liveability of places (due to things such as safety, noise, dust, aesthetics) or increasing or decreasing opportunities for:

- Walking, cycling, play and other physical activity
- Healthy food choices
- Drinking, gambling and smoking

Consideration should be given to incorporating healthy urban design principles into the development proposal. Refer to the Healthy Urban Development Checklist, available for download from the [NSW Health website](#)

If yes, briefly describe the impacts below

The proposal will strengthen opportunities for healthy lifestyles, healthy pursuits, physical activity and other forms of leisure activity by providing modern high quality residential accommodation that is accessible to recreation facilities and health services locally or by public transport.

Describe your proposed mitigations of negative impacts or enhancements of positive impacts below:

- The installation of a lift and the provision of wheelchair accessible pathways will combine to enable an accessible path of travel throughout the development.

- The proposal has provided secure bike storage for boarders within the basement to increase opportunities physical activity through cycling.
- Fencing at the boundaries of the site will promote safety through providing territorial reinforcement and appropriate level of safety and security. A secure lobby prior to entry to the boarding rooms will ensure security and sense of safety for individual units.
- All future residents will have direct access to an accessible common open space that increases the overall level of liveability within the development.

8. Crime and Safety

Will the development increase or reduce public safety and opportunities for crime (perceived or actual crime)?

Developments can increase or decrease perceived and actual safety. For example, through generating increased traffic, providing venues that may attract unruly behaviour. This can diminish social cohesion and integration however impacts can be mitigated by appropriate design, traffic controls and management.

Safer by Design principles should be considered in the development proposal. Refer to Council's Community Safety and Crime Prevention Strategy available for download on Council's website. The Crime Prevention Through Environmental Design (CPTED) Guidelines are available for download on the [NSW Police website](#)

If yes, briefly describe the impacts below

The development will increase public safety and reduce opportunities for crime (perceived or actual crime) through good site planning and proposed building design in accordance with CPTED principles.

Describe your proposed mitigations of negative impacts or enhancements of positive impacts below:

- Fencing will be constructed along all site boundaries, and along boundaries of proposed ground floor dwelling private open space areas to provide an appropriate level of safety and security to proposed residents.
- A secure lobby prior to entry to the boarding rooms will ensure security and sense of safety for individual rooms.
- The design of the proposed development will allow for casual surveillance.
- The on-site manager will ensure that all activities within the development are monitored.

9. Local Economy and Employment Opportunities

Will the development increase or reduce the quantity and/or diversity of local employment opportunities (temporary or permanent)?

Unemployment and low income are associated with poor health and reduced social

inclusiveness and resilience. Accessible and diverse local jobs (suited to the capacities of local populations) reduce the risk of unemployment (and the associated poorer health and social sustainability outcomes)

If yes, briefly describe the impacts below

The development will increase the quantity and/or diversity of local employment opportunities (temporary or permanent).

Describe your proposed mitigations of negative impacts or enhancements of positive impacts below:

The proposal will increase local employment opportunities through local sourcing of tradesmen and other construction-related professionals. The construction and ongoing maintenance of the development will therefore assist to stimulate local economic activity.

10. Needs of Specific Population Groups

Will the development increase or decrease inclusive opportunities (social, cultural, recreational, employment, governance) for groups in the community with special needs?

Council has a Social Justice Policy, which promotes access to life opportunities (e.g. jobs, education, full participation in the cultural life of the community) and inclusiveness for all (including those with special needs – young people, aged population, CALD communities, Aboriginal community, people with a disability, children and women). Developments can increase inclusiveness through the provision of culturally appropriate facility design and programs, and the avoidance of communication barriers.

Refer to Council's Community Strategic Plan, Growing Liverpool 2023, Social Justice Policy, LEAPS Multicultural Plan, Youth Strategy and Disability Strategy available for download on Council's website.

If yes, briefly describe the impacts below

The development will increase inclusive social opportunities.

Describe your proposed mitigations of negative impacts or enhancements of positive impacts below:

The provision of communal areas will also increase opportunities for residents to meet one and other and interact through regular social activities. This will assist residents in establishing future relationships.

5.1 (iv) S4.15(1)(a)(iii): Any Planning Agreement

There are no known Planning Agreements entered into under Section 93F and no draft Planning Agreements are proposed to be entered into under Section 93F for this proposed development.

5.1 (v) S4.15(1)(a)(iv): Any matters prescribed by the Regulations**Clause 92(1)(b): Demolition**

Clause 92(1)(b) of the Environmental Planning and Assessment Regulation, 2000 (the Regulations) prescribes that the provisions of Australian Standard AS2601:2001 - The Demolition of Structures are to be taken into consideration, pursuant to Section 4.15(1A)(iv) of the Act, in the case of a development application for the demolition of a building. The application seeks consent for the demolition of all existing structures from the site. Council may impose suitable conditions on any consent granted for the proposal to ensure compliance with the provisions of Australian Standard AS2601:2001 - The Demolition of Structures.

5.1 (vi) S4.15(1)(a)(v): Any Coastal Management Plan

There is no Coastal Zone Management Plan applicable to the site.

5.2 S4.15(1)(b) of the EP&A ACT 1979: The Likely Impacts of the Development5.1.1 Topography & Scenic Impacts

The proposal is not likely to have an adverse topographic or scenic impact on the locality. The proposal will require the removal of some vegetation within the site while adequate areas for deep soil planting are provided. Additional landscaping will be provided in accordance with the submitted landscape plan prepared by Zenith Landscape Design.

5.1.2 Micro-Climate Impacts

The proposed development is unlikely to result in any adverse effects to the micro- climate in the locality.

5.1.3 Water & Air Quality Impacts

The proposed development is considered unlikely to result in any adverse effects on the locality in terms of water and air quality. Appropriate measures are to be undertaken in respect of the stormwater and runoff and accordingly, the proposal is considered acceptable in this regard.

5.1.4 Impact on the Area's Character

The proposal is consistent with the objectives of the LEP, and the R3 – Medium Density Residential Zone. The proposal is considered to be acceptable in terms of compatibility with both the existing and desired future character of the area. The built form of the proposed development is considered to be appropriate in the context of the locality.

5.1.5 Aural and Visual Privacy Impact

The proposal is not likely to result in any adverse visual or acoustic privacy impacts outside of what would be generally anticipated from a development of this nature and scale within a residential setting.

5.1.6 Impact on Sunlight Access

Details regarding impact on sunlight access were considered earlier in this statement.

5.3 S4.15(1)(c) of the EP&A ACT 1979: Suitability of the Site

This section will consider the proximity of the site to services and infrastructure; traffic, parking and access issues; the internal circulation and parking geometry; and hazards.

5.2.1 Proximity to Services and Infrastructure

The site is located within close proximity to a number of services. As the site is within an established area, electricity, telephone, water and sewerage are also readily available.

5.2.2 Traffic, Parking and Access

The proposal provides parking for seven (7) vehicles and three (3) motorcycles. Vehicular access will be provided via a crossover and driveway located along Templeton Crescent. The dimensions of the car parking spaces, the aisle width and the manoeuvring areas are compliant with the Australian Standards and appropriate in this instance.

5.2.3 Hazard

The site is not in an area identified by Council as being subject to flooding.

In summary, it is considered that the proposed development is of a scale and design that is suitable for the site having regard to its size and shape, its topography, vegetation and relationship to adjoining developments. The subject site has ready access to public transport, and is in close proximity to a range of services. The site lies within an established urban area and services such as electricity, telephone, water and sewerage are readily available. The site is therefore considered suitable for this form of development and satisfies an assessment of those matters under S4.15 (1)(c) of the Environmental Planning and Assessment Act 1979.

5.4 S4.15(1)(d) of the EP&A ACT 1979: Any Submissions

The consideration of submissions cannot be made at the time of preparing this Statement.

5.5 S4.15(1)(e) of the EP&A ACT 1979: The Public Interest

The proposed development is of a scale and character that does not present any conflict with the public interest nor does it present an unacceptable precedent for development in the locality. This well serviced location is suited to this form of development where it is not

anticipated to result in any significant adverse impact on adjoining properties. Accordingly, an assessment of those matters under S4.15 (1)(e) of the Environmental Planning and Assessment Act 1979 considered the proposal to be in the public interest.

6 Conclusion

The proposed development has been assessed in accordance with Section 4.15 of the EP & A Act 1979 and Council's planning instruments. The proposal is identified as a permissible development pursuant to the zoning of the site as R3-Medium Density Residential under the Liverpool LEP 2008.

An assessment of the proposal against the objectives of the zone has been undertaken and it is considered that the proposal is consistent with the objectives of the LEP, DCP and ARHSEPP.

As discussed throughout the SEE, the proposal achieves the desired character of the locality by maintaining its relationship with surrounding development through consistency in scale, form, setbacks and materials and is compatible with the emerging character of both the immediate and local context. This design approach ensures that the new development will enhance the streetscape character of the locality. No significant adverse amenity impacts to adjoining property owners in terms of privacy or views are anticipated and, on this basis, it is considered that the development is an acceptable built form, scale and density and can be supported.

Attachment 4: Plan of Management

BOARDING HOUSE PLAN OF MANAGEMENT

23 Templeton Crescent, Moorebank

17 July 2018

1. Introduction

This plan of management is for the operation of the boarding house at 23 Templeton Crescent, Moorebank. The boarding house contains eleven (11) rooms with seven (7) parking spaces including an accessible space, motor cycle and bicycle parking. The boarding house shall operate in accordance with the terms of this plan and all conditions of the development consent.

2. Accommodation

The boarding house has the capacity to accommodate up to 22 people – within 11 double rooms. All rooms contain internal kitchens, bathroom and laundry facilities.

The boarding house includes a communal area opening onto the common terrace.

The boarding house includes 2 x accessible rooms and an accessible parking space located within the basement.

3. Parking

The boarding house has seven (7) vehicular parking spaces and three (3) motorcycle spaces which includes an accessible parking space. Lodgers must only park their vehicles/motorcycles in the place allocated to them. It is the responsibility of bicycle owners to secure their bicycle. The lodgers wishing to use the seven (7) car parking spaces and three (3) motor cycle parking spaces must receive pre-approval from the manager.

4. Management

All boarders are to take responsibility for the cleanliness, fire safety and daily operation of the premises. The owners of the boarding house shall appoint commercial services to clean and maintain common interior and exterior spaces. The on-site manager will be responsible for lodger selection and administration relating to the building and its operation and maintenance.

The contact details of the owner or the owner's representative will be displayed at the front of the building. Adjoining neighbours will be given a copy of these details. This will ensure ongoing communication with adjacent property owners and lodgers aimed at identifying and addressing matters of concerns. A notice board located in the ground floor lobby will notify lodgers of revisions to the House Rules, any matters of concern with neighbours, garbage &

recycling collection and scheduled maintenance. All occupants will be given the owner's (or nominated agent's) contact details.

The responsibilities of the Boarding House Manager are:

- I. Selection of tenants, assessment of tenant eligibility and administration of the tenancy agreements.
- II. A hard copy of this plan is to be provided to each new boarder upon arrival. Failure to adhere may result in cessation of occupation.
- III. An accommodation register will be maintained by the manager providing details of all occupants, length of stay and payment details.
- IV. Each boarder is to sign an Occupancy Agreement and House Rules Agreement and the minimum term is 3 months.
- V. Upon arrival boarders are to be issued with an information sheet. The information sheet will provide information about the premises as well as a note that there is residential development adjoining the property and that boarders need to take the neighbours' interests into account when leaving and entering.
- VI. Ensure the maximum number of lodgers in each room/boarding house is not exceeded – 2 person/double room.
- VII. Administration and distribution of the house rules.
- VIII. Ensure the house rules are fixed in each room and the communal room.
- IX. Ensure all lodgers are familiar with fire safety procedures including the location of fire extinguishers, evacuation procedures and assembly areas.
- X. Ensure fire safety inspections are undertaken annually and that the fire safety equipment is working.
- XI. Manage the cleaning of the common areas and rooms.
- XII. Manage waste collection including the provision of waste bins in each room and collection of waste from the waste storage area in the basement car park.
- XIII. Manage a Complaint's Register and Incident Report Register. The Manager is responsible for recording any complaints into either register which is to be available to surrounding neighbours and Council upon request. The Complaints Register shall detail how and when any complaints are dealt with. The Complaints Register will contain;
 - a. Complaint date and time;
 - b. Name of person/police/council making the complaint;
 - c. Contact details;

- d. Nature of the complaint;
- e. Action taken (by whom and when); and
- f. Outcome and/or further action required.
- g. Action will be taken by the manager within 24 hours of notification. The Complaints Register is to be made available to Police and Council upon request.

- XIV. The Manager will be contactable during business hours 9.00am to 6.00pm, Monday to Saturday, to deal with any complaints as to the operation and management of the premises. An after-hours phone number is to be provided, with such phone number being publicly available.

5. Boarder Identification

The Manager requires photo ID (eg: typically either passport or driver's licence) from each boarder.

Use of Boarding Rooms

The boarding rooms shall be used for residential purposes only. The following management provisions apply to the rooms:

- I. No visitors are permitted on the premises after 10pm or before 7am. No keys are to be provided to visitors without permission of management.
- II. Lodgers shall not contribute to excessive noise or unruly behaviour. Unruly behaviour may result in termination of the occupancy agreement.
- III. Rooms and the common areas shall be kept clean and hygienic at all times. The bins are to be emptied by the lodgers within the provided garbage room area as required.
- IV. Illegal substances are not permitted on the premises. Any lodger found to be supplying or in the possession of illegal substance will have their occupancy agreement terminated.
- V. No pets are permitted on the premises or boarding rooms without written approval of management.
- VI. Rooms will be made available for inspection upon notice from the managing agent.

6. Room Furnishing

Rooms will be furnished with the following items:

- I. The rooms have been sized to accommodate either a sofa bed or separate beds.
- II. A lockable cupboard for each lodger with a minimum volume of 1 cubic metre per person.
- III. Mirror.
- IV. A desk (900mm x 600mm) and lamp for each lodger.
- V. Waste container.
- VI. Blinds or curtains on each window for privacy.
- VII. Telephone line and telephone.

Kitchenette facilities will include:

- I. A sink with running hot and cold water.
- II. 1 microwave.
- III. 1 refrigerator.
- IV. Overhead cupboards and below bench cupboards.
- V. Bench top space.

Bathrooms will include:

- I. Shower with running hot and cold running water.
- II. Washbasin with hot and cold running water.
- III. Mirror.
- IV. Toilet.

Common room facilities will include:

- I. Couch and coffee table.
- II. TV and DVD facilities.

7. Use of Communal Areas

The common room and laundry are to be kept clean and tidy at all times. The hanging of clothes, towels or any other personal item in the common areas will not be permitted. The use of the common room for social gatherings will require approval from the Manager. The use of these areas is permitted only between the hours of 8:00am and 10:00pm.

8. Safety and Security

Lodgers are responsible for ensuring the access from Templeton Crescent is locked at all times. A key/swipe card will be issued to all boarders with no additional keys/cards to be issued to visitors without approval from the manager.

9. Waste Management

Each room shall contain a waste bin. The lodger is responsible to ensure the bin is emptied in the waste storage area located adjacent to the parking area.

The waste storage area will include waste and recycling bins and the lodger is responsible for the separation of the waste and recycling materials.

The waste and recycling materials will be stored in 240 litre bins located within the basement. The lodgers are responsible for taking the bins to and from the street on collection day.

10. Maintenance and Cleaning

Pest control by a professional contractor shall be carried out at least once a year. The rooms, common areas, communal room and communal courtyard are to be professionally cleaned by a contractor at least once per week.

11. Damage

Any damage to or the breakdown of any facility, fixture or equipment is to be reported to the managing agent.

12. Fire Safety/Certification

A copy of the annual fire safety compliance statement shall be displayed in a prominent location. Essential fire safety measures are to comply with the Environmental Planning and Assessment Regulation 2000

Mattresses, curtains and furniture will be of materials that resist the spread of fire, and limit the generation of smoke and heat.

An evacuation plan must be clearly displayed in each boarding room and common room. A floor plan must be permanently fixed to the inside of the door of each boarding room to indicate the available emergency egress routes from the respective sleeping room.

The Manager's contact phone number must be clearly displayed at the entrance of the premises and in each boarding room. Other emergency contact details (police, fire ambulance) as well as utility information (gas, electricity, plumbing) are to also be clearly visible in each boarding room.

Annual certification of Fire Safety Equipment and preparation of the Form 15a is carried out by a fire safety consultant. Annual certification required of any of the equipment is to be overseen by the owner.

13. Tenancy Agreements

All tenants must enter into a residential agreement in accordance with the Rental Tenancies Act 2010. The boarding house manager will be responsible for the administration of the agreements. The minimum lease period will be three (3) months.

Liverpool City Council
Shop R1, 33 Moore St
Liverpool NSW 2170

26 February 2019

Re: 23 Templeton Crescent Moorebank (DA-612/2018)

Attention: Mr Robert Micallef

Hi Robert,

I hope this email finds you well.

With regards to your email dated 21 December 2018, please find attached the outstanding documentation related to the engineering and waste comments.

With regards to Chapter 3.9 of LDCP 2008, I have provided a summary below as to how the proposed development responds to the DCP objectives.

3. Building Character.

As detailed within the Clause 30A Character Assessment of the SEE submitted with this application, the proposed boarding house is not incongruous with the built form and scale of development identified within the sites immediate and local context. The proposal has been designed to ensure that the visual scale of the building is in keeping with the surrounds while also ensuring that the amenity of neighbouring properties is not adversely affected.

Furthermore, the proposal is not located in any notable proximity to a heritage item.

4. Site Planning

It is noted that the ARHSEPP relies on Standard Instrument template zonings and that the R3-Medium Density Residential is a general residential zoning where boarding houses are a permissible form of development with consent. Templeton Crescent is neither a cul-de-sac nor a battle-axe allotment. The boarding house has been designed with a clearly definable entrance to the street and while it does necessitate the need for a considerable amount of excavation work so as to provide parking and waste facilities within the basement, the extent of excavation will have no adverse bearing on the amount of deep soil and landscaping area capable of being provided throughout the site.

It is evident that the proposed boarding house is capable of being supported on the proposed lot which is not burdened by any adverse environmental constraints and is located within close proximity to the Moorebank shopping centre, public areas of open space and numerous bus stops located along both Maddecks and Stockton Avenues.

5. External Building Design

All boarding rooms are capable of being accessed from within the building while the primary entrance to the building is located along Templeton Crescent being the front street boundary.

6. Internal Building Design

(1) While the proposal results in the provision of 11 rooms in excess of the DCP controls limiting the maximum number of bedrooms to 8.6 say 9, Clause 29 of the ARHSEPP contains standards that cannot be used to refuse consent for 'boarding house' development.

With regards to FSR, The ARHSEPP provisions specifically outline that the consent authority cannot refuse consent on the basis of FSR if the development of the boarding house results in the provision of an FSR that complies with the existing maximum floor space ratio for any form of residential accommodation permitted on the land. In this regard, limiting the amount of bedrooms provided would unduly reduce the level of FSR capable of being provided compromising on the development potential of the land. This is inconsistent with the intent of Clause 29 of the ARHSEPP, particularly given that the proposal complies with the FSR requirements available for the site.

Reference is then made to Part 1. Preliminary of Council's DCP which under the subheading Link to SEPP ARH, states that where there is an inconsistency between the DCP and the ARHSEPP SEPP the ARHSEPP prevails. The underlying intent of Part 6. Control (1) of the DCP is to limit the FSR on the site which is further confirmed by Objective (b) of this control which aims to limit the potential overdevelopment of various sites in Liverpool. In this regard, there is an inconsistency between the DCP and the ARHSEPP in terms of site density. In this regard, the ARHSEPP prevails and the 11 rooms provided as part of this proposal are deemed acceptable.

Further to this, the provision of 11 rooms with a compliant site FSR still ensures that objectives (a) and (c) of this control are met in that the proposed boarding house has been designed to provide a sufficient level of communal facility in terms of indoor and outdoor areas to the occupants all of which will be provided with a reasonable level of overall amenity.

In terms of addressing controls 2 through to 12 of this control, each will be addressed individually below.

2. The common room has been located on the ground floor of the building accessed directly off the entry hallway where it opens onto an outdoor terrace and yard area.

3. The common room comprises of an area of 24.7m² in excess of the 21m² required upon application of the relevant control being *"An indoor communal living room must be provided at a rate of 15sqm for the first 5 lodgers (or part thereof) and 1sqm for each additional lodger"*.

4. No boarding rooms open up directly onto the common room.

5. Two accessible rooms have been provided equating to 18% of the site in excess of the 10% requirement noted in the DCP.

6. The access report prepared by Accessible Building Solutions confirms that the boarding house has been designed to comply with the minimum access requirements contained within the BCA and Australian Standard 1428 –Design for Access and Mobility (as amended).

7. 82% of the rooms receive a minimum of 3 hours direct sunlight in excess of the 70% required by the DCP. Again, this control is at odds with that detailed in the ARHSEPP requiring that a development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.

Notwithstanding, the proposal still complies with both the ARHSEPP and DCP requirements.

8. All rooms are provided with the nominated facilities and comprise of overall areas that are consistent with or in excess of the DCP requirements.

7. Communal Open Space

An outdoor terrace (ground level) inclusive of a landscaped yard area are provided receiving an ample amount of direct sunlight while incorporating numerous facilities serving to benefit the amenity of the future occupants.

8. Parking and Access

A traffic assessment has been undertaken by Motion Traffic Engineers. The proposal provides an adequate amount of parking in line with the ARHSEPP provisions. The entry path into the building of Templeton Crescent is clearly defined providing direct and convenient access from the footpath into the building.

9. Amenity

An acoustic report prepared by NG Child and Associates has been prepared to address this DCP provision. This report concludes that the premises is capable of being operated in a manner where it would not result in any adverse acoustic impacts to neighbouring properties subject to the recommendations detailed within this report be implemented. Council may impose consent conditions in this regard.

An amended Plan of Management has already been sent through responding to the criteria outlined in Appendix 2.

I hope this email provides you with clarification as to how the proposal complies with the recently adopted controls applicable to boarding house development.

If you require any further clarification on the information I have provided above, please do not hesitate to contact me directly.

Regards,

William Karavelas



PLANNING | URBAN DESIGN | BUILDING

OPERATIONAL PLAN OF MANAGEMENT

This Plan of Management supersedes that originally submitted with Development Application No DA-612/2018 relating to a proposed boarding house development at 23 Templeton Crescent, Moorebank. This development provides eleven (11) self-contained double rooms (one of which is dedicated to the on-site manager), communal facilities and on-site parking for seven (7) cars, three (3) motorcycles and three (3) bicycles.

The owner/operator of the boarding house is to implement and comply with the requirements of the Plan of Management, as well as all conditions of development consent that may be issued for the boarding house by Liverpool Council.

The Objectives of the Operational Plan of Management are:

- a) To detail the nature of the operation and to ensure compliance with all conditions of development consent issued by Liverpool Council.*
- b) To ensure safety of all residents of the boarding house.*
- c) To provide a comfortable and harmonious residential environment for residents.*
- d) To ensure that the premises is properly maintained and operates in a manner which maintains a high level of amenity.*
- e) To ensure that there are no adverse impacts arising from the premises on any adjoining property or the neighbourhood.*

The Plan:

- a) Identifies the everyday operation of the premises.*
- b) Establishes a monitoring system that ensures the objectives of this plan are met.*
- c) Establishes "House Rules" for all persons who stay within the premises.*
- d) Ensures procedures are in place to facilitate ongoing communication with the neighbours, Police, Liverpool Council and Management of the premises, to resolve any operational issues that may arise.*

This Plan of Management is divided into three sections. These are as follows:

Section I: Operational Matters.

Section II: Monitoring / Complaints.

Section III: House Rules.

Attachments:

Attachment A: Standard Occupancy Agreement

Attachment B: Accommodation Register

Attachment C: Complaints Register

Section I: OPERATIONAL MATTERS

PART 1 - General Parameters for the Boarding House:

1. The premises is to operate as a registrable boarding house for the purposes of the NSW *Boarding Houses Act 2012* and the operation of the boarding house is to be in compliance with the Act at all times.
2. The premises is not to offer any alternative type of accommodation or be used for any purpose other than as a registrable boarding house.

PART 2 – Boarding House Manager:

1. The boarding house manager is to achieve the objectives set out in the Introduction of this Operational Plan of Management.
2. The particular responsibilities of the Boarding House Manager will include:
 - a. Accepting and assessing applications for residence.
 - b. Enforcing House Rules:
 - The Boarding House Manager has the authority to evict a resident who is refusing to comply with the House Rules set out in Section II. (Refer to Clause 11 of the 'Standard Occupancy Agreement' at Attachment A).
 - Other than in exceptional circumstances (i.e. in order to protect the safety of other residents), prior to eviction, the Boarding House Manager is to issue the resident/s with a Notice of Intent to Evict. A standard wording for the Notice is to be provided by the owner/operator. In preparing the standard wording of the Notice, it is recommended that the owner/operator consults a lawyer to ensure legal correctness. The standard wording is to be altered to reflect the particular circumstances of the case.
 - The Notice of Intent to Evict must provide the resident/s with an opportunity to modify their behaviour so as to avoid eviction. However, if the resident/s does not modify their behaviour in response to the Notice of Intent to Evict, the owner/operator may engage a security firm to implement the eviction.
 - c. Cleaning common areas:
 - The boarding house manager must ensure that the common room is kept in a clean and tidy state, including daily vacuuming/mopping.
 - The common area is to be maintained by manager and is to be cleaned to a professional standard at least once a week.
 - That wastes are properly contained within the bins within the waste area. Bins are to be taken to the street for collection as required by the Manager.
 - That any rubbish left around the site is properly disposed of by the manager. Appropriate signage will be installed around the premises to this effect.

d. Attending to any resident complaints

- If residents, either within the development or from surrounding residents, have complaints of enquiries, the Boarding House Manager will listen to and address those. If required, the manager will liaise between boarders and surrounding residents.

e. Preparation of rooms for new residents

- When a room becomes vacant, the manager is to ensure that the room is cleaned and ensure that the fixtures, fittings and furniture are in good order and if otherwise, replace or repair items as required.

f. General maintenance

- If minor repairs or replacement of items is required, such as replacing light bulbs in common areas and the like, the manager is to attend to these. A small toolkit and general maintenance supplies will be provided and are to be kept in the communal facilities room.

3. With the exception of an initial security deposit (see below for details) the manager is not required to accept payments from residents. Rental payments are to be organised through electronic means and paid directly to the nominated account of the owner/operator of the Boarding House.

4. The Manager must not discriminate against residents on grounds of their race, religious beliefs, ethnicity, gender, sexual orientation or age.

5. The Manager must not use illegal drugs or engage in any illegal activity.

PART 3 – Administration:

1. Any person who is to occupy a room in the boarding house is to sign an Occupancy Agreement. The Occupancy Agreement that will be used on site is based on the Standard Occupancy Agreement for General Boarding Houses under the NSW *Boarding Houses Act 2012* (refer to Attachment A). The owner/operator of the boarding house, or their delegate is also required to sign the Agreement.

2. Prior to entering into an Occupancy Agreement, the Boarding House Manager, is to provide the prospective boarder/s with a copy of the Occupancy Principles within Schedule 1 of the *Boarding Houses Act 2012* (N.B. This is provided at Annexure 1 of the Standard Occupancy Agreement at **Attachment A**).

3. The Manager, is to provide a copy of this Operational Plan of Management to all new residents at the time that they sign an Occupancy Agreement. The manager is to advise the new resident/s that they must read and understand the resident obligations that are set out in the Operational Plan of Management. The new resident/s must sign a statement to the effect that they understand and will abide by those resident obligations.

4. Prior to entering into an Occupancy Agreement, prospective residents are to be advised that they may potentially be evicted if they breach the resident obligations.

5. Prior to entering into an Occupancy Agreement, all prospective residents are to provide photographic identification ("ID") (typically a driver's license or a passport) to confirm their identity. The Boarding House Manager is to enter the particulars of the ID (for example, the driver's license number or Passport number) in the Boarding House Accommodation Register (**Attachment B**).

6. Prior to entering into an Occupancy Agreement, all prospective residents are to provide the Boarding House Manager with next of kin details for emergency purposes. Next of kin details are to be kept by the Boarding House Manager for the entire duration of the lodgers stay.

7. Prior to entering into an Occupancy Agreement, the Boarding House Manager is to confirm with a prospective resident that they are obligated to reside within the boarding room for a period of no less than three months.

8. Prior to entering into an Occupancy Agreement, the Boarding Manager is to advise prospective residents of the fees, including any applicable utility charges, prior to entering into any occupancy agreements.

9. Upon entering into an Occupancy Agreement, the Boarding House Manager is to accept a security deposit, amounting to two weeks of the occupancy fees and is to provide a receipt for that amount to the new resident/s.

10. Upon execution of an Occupancy Agreement, the Boarding House Manager is to enter the details of the new resident/s into the Boarding House Register (**Attachment B**), is to provide the resident/s with a copy of the signed Occupancy Agreement and is also to keep a copy of the signed Occupancy Agreement in a secure location.

11. Upon a resident ceasing to occupy a boarding room, the security deposit, less any deductions authorised by the *Boarding Houses Act 2012*, is to be paid to the resident within 14 days of the date upon which the resident ceases to occupy the boarding room.

PART 4 – Signage:

The following signage must be conspicuously installed and maintained at the premises:

1. The name and 24 hour contact number of the Boarding House Manager must be displayed externally at the front of the premises, as well as in the in the ground floor lobby area.
2. 'No Smoking' or 'Smoke Free Premises' signage is to be displayed in all common areas of the premises.
3. The House Rules shall be displayed in the common area of the premises.
4. The minimum length of stay of any guest shall be displayed in public view outside the premises.
5. A schedule showing the numerical designation of each boarding room and the maximum number of persons permitted to be accommodated in each room must be displayed in the reception area.

PART 5 - Noise Management Measures:

1. The use of the outdoor communal area should be limited to a maximum of 22 people at any one time or as otherwise stipulated by Liverpool Council as a condition of consent.
2. Access to the outdoor communal area should be restricted to no later than 10pm.
3. Amplified and/or canned music is not to be played in the outdoor communal areas.
4. When noisy activities are occurring in the indoor communal living areas, doors and windows must be closed the volume of the television or any noise generating device must be kept within reasonable levels.

PART 6 - Off Street Parking:

1. Off street parking is provided for the use of all residents on a 'first-in, first served' basis.
2. Cars, bicycles and motorcycles are to be parked in the allocated areas.
3. No car or motorcycle is to remain in a parking space, without being moved, for a period of longer than 72 hours.

PART 7 - General Cleanliness, Hygiene and Waste Management:

1. The Boarding House Manager is to regularly inspect the premises and organise for daily cleaning of the common areas. All garbage receptacles in common areas are to be emptied daily.
2. Pest control inspections are to be carried out on a yearly basis as a minimum.
3. The waste and recycling bin storage area shall be kept in a clean and tidy manner. This area shall be thoroughly cleaned by the Boarding House Manager on a weekly basis. Receptacles will be provided in each room enabling the disposal of sharps and sanitary napkins. These receptacles will be managed by a specialised contractor in terms of collection and subsequent disposal.
4. A minimum bi-weekly collection of waste and recycling is to be carried out by the nominated waste contractor.
5. A 'No Smoking' Policy inside all boarding rooms and the communal room will be applied on the premises.
6. All boarding rooms accommodate laundry and drying facilities. Residents will be responsible for the cleaning of personal items and clothing. Regular cleaning of linen will be carried out for each boarding room as considered reasonable and appropriate.

PART 8 - Security:

1. Residents must make sure their guests are aware of, and abide by the House rules.
2. The manager must not enter residents' rooms other than as allowed under the Act.
3. Security cameras are permitted to be installed in the common areas.
4. All residents are to be provided with a security key / swipe card (or similar) upon arrival. The security key / swipe card must provide 24 hours access into the premises, to each respective level and entry to individual residents' rooms.

PART 9 - Door locks and keys:

1. Residents must not tamper with (or change) any locks on the premises, or make copies of or obtain additional security keys / swipe cards without the permission of the Boarding House Manager.

PART 10 – Room Capacities:

1. The capacity of each boarding room shall not exceed the maximum number of residents as imposed by an conditions of consent by Liverpool Council.
2. There is to be no more than 2 residents residing in any one double room at any one time.

Part 12 - Room Furnishing

Rooms will be furnished with the following items:

- I. The rooms have been sized to accommodate either a sofa bed or separate beds.
- II. A lockable cupboard for each lodger with a minimum volume of 1 cubic metre per person.
- III. Mirror.
- IV. A desk (900mm x 600mm) and lamp for each lodger.
- V. Waste container.
- VI. Blinds or curtains on each window for privacy.
- VII. Telephone line and telephone.

Kitchenette facilities will include:

- I. A sink with running hot and cold water.
- II. 1 microwave.
- III. 1 refrigerator.
- IV. Overhead cupboards and below bench cupboards.
- V. Bench top space.

Bathrooms will include:

- I. Shower with running hot and cold running water.
- II. Washbasin with hot and cold running water.
- III. Mirror.
- IV. Toilet.

Common room facilities will include:

- I. Couch and coffee table.
- II. BBQ

PART 11 - Building Services and Fire Safety Procedures:

1. In the instance of an emergency evacuation, residents shall be directed to emergency exits and the emergency assembly point.
2. Smoke Detectors are to be installed in every boarding room, communal room and all internal common areas.
3. In the event of a fire, the fire alarm will sound. An assembly point will be designated for residents.
4. An emergency evacuation plan prepared by a competent person shall be prepared and that emergency evacuation plan shall be displayed in each boarding room and in the common area.
5. All material installed in the fit out and furnishing of the rooms shall be of a type that resists the spread of fire and limits the generation of smoke.
6. An Annual Fire Safety Statement is to be submitted to Council and the Commissioner of the NSW Fire Brigade. A copy of the Annual Fire Safety Statement is to be displayed in the common area. The premises shall at all times comply with the fire safety provisions of the NSW *Environmental Planning and Assessment Regulation 2000*.

7. A list of emergency telephone numbers (plumbers, electricians, police, fire, ambulance) is to be provided within each boarding room.

8. Annual certification of fire safety equipment is to be carried out by a suitably qualified person/persons employed by the owner/operator of the boarding house.

9 All doors to the boarding rooms and the external doors to the boarding house shall be lockable. The doors to the boarding house shall be self - closing and will be locked from the outside but will be openable from within the boarding house without the need for a key. All doors to the boarding rooms shall be self-closing and shall be lockable but shall be openable from the inside without the need for a key.

PART 12 - Review of Plan of Management, Noise Management Procedures or House Rules:

-If, in circumstances where experience shows that it is reasonable or desirable to modify any provision of this Plan for the better management of the premises, subsequent to that modification Liverpool Council shall be provided with a copy of the modified Plan.

Section II: MONITORING/COMPLAINTS

To ensure that all complaints are appropriately recorded and acted upon, a Complaint Monitoring System has been established as part of this Plan.

A copy of the Operational Plan of Management is to be made available for inspection by any person who makes a request to the Boarding House Manager to view the document.

In the case where a lodger/resident or land owner/occupier adjacent to the premises believes that they have cause to make a complaint, it may be made to the Boarding House Manager by one of the following means:

- Telephone
- Mobile Phone
- Email
- Facsimile
- Mail

The Boarding House Manager is to take all necessary and timely action to rectify the matter and is to notify the complainant of the action taken to rectify the problem.

To assist in the investigation of the potential problem, it is suggested the following information be provided to the owner/operator of the operation:

- Exact nature and details of the incident;
- Date and time of the incident; and
- The full name and address of the complainant.

The details are to be recorded once a complaint has been actioned and a record kept on site and made available on request to demonstrate compliance in what is labelled as the "Complaints Register".

A pro forma providing an example of the information required to be kept is provided at **Attachment C**.

The Complaints Register is to be tabled at any internal Management meetings, or when any further action is required to be initiated and/or responsibilities allocated.

In receiving a complaint from a neighbouring resident/land owner, the Boarding House Manager is to adhere to the following guidelines:

1. When taking a telephone call or a personal visit, ensure that you remain polite and the visitor or enquirer is given every reasonable assistance.
2. If the comment/complaint is about a problem that is actionable immediately, appropriate action is to be taken to alleviate the problem immediately and the details are given to Management.
3. If the problem is not actionable immediately, the resident/landowner is to be contacted and informed of the progress and anticipated timeframe for action of their complaint.
4. Once all actions are completed, the matter is recorded and filed in a central Register the held by the Boarding House Manager.
5. If a message is received on a mobile phone, the resident/landowner's call is to be returned as soon as possible and the recording and follow up procedures as outlined above are to be followed.
6. The NSW Police are to be made aware of any complaints of a criminal nature.

Section III: HOUSE RULES

The following house rules apply. The rules consist of behavioural requirements as well as operational issues that need to be managed on site at all times. They are in no particular order of importance.

The House Rules may be amended by the owner/operator and/or the boarding house management in order to resolve issues that arise due to operational matters that come from complaints, including general management changes required as part of the everyday running of the premises.

The House Rules are to be displayed in each room and in all common areas and will form part of the tenant's agreement that are signed by all occupants.

The House Rules are as follows:

PART 1 - Resident and guest behaviour:

1. Only the residents who have signed an Occupancy Agreement shall occupy a boarding house room.
2. All visitors of residents are to leave the premises by 10pm nightly.
3. Residents and their guests must not interfere with the reasonable peace, comfort and privacy of other residents. After 10pm every night, expectations of reduced noise levels are heightened. Accordingly, music, television and the like is to be lowered in volume so that it is not audible from outside the room. If a neighbouring resident/s complains that the noise is audible from their rooms, the noise generating activity is to be ceased.
4. The possession of and/or use of illegal drugs on the premises is prohibited. The possession and/or usage of illegal drugs will lead to eviction and police reporting and prosecution.

5. Residents must act in a responsible and considerate manner at all time. The consumption of alcohol in common areas is not permitted. Drunken behaviour may result in eviction.

6. The premises is Smoke-free and as such, smoking is not permitted inside the rooms or in any communal recreation or common areas and any open space of the building.

7. No parties are permitted on the premises.

8. All activities within the building including music are to be confined so it does not exceed 3dB above the background level between the hours of 10pm to 7am.

9. Anti-social behaviour is unacceptable. This includes threatening or demeaning any person within the building. Residents may not make comments to one another that are of a derogatory nature, on the basis of the other person's appearance, race, gender, sexual orientation, religion or ethnicity. Damage to any property, graffiti, theft of any property, physical or sexual harassment, or loud and rowdy noise can result in eviction and police intervention.

10. Residents are not permitted to walk around the premises in any state of undress and are to be respectful of other cultures.

11. Residents are to contain their general rubbish within a liner within the bins provided. When full or as required, the liners are to be tied and disposed of in the communal waste receptacles. Residents are to contain recycling, including recyclable containers and clean paper, within the communal recycling receptacles provided. For reasons of hygiene, containers should be lightly washed before disposal, as no liners may be used.

PART 2 - Maintenance of rooms:

1. Residents must maintain their rooms in a way that does not interfere with the reasonable comfort of other residents, and in a way that does not create a fire or health hazard. Residents must not intentionally or recklessly damage, destroy or remove any part of their rooms or facility/fixture in their rooms.

2. Residents are to keep their rooms' clean and tidy at all times. Kitchenettes and bathrooms are to be kept in a hygienic condition and floors are to be vacuumed regularly (a minimum of once per fortnight) to avoid an excessive accumulation of dust.

3. Burning of candles/incense is not permitted.

4. In the event any resident or their visitors causes wilful damage to any area, texture, fitting or furniture in the premises, the cost of repair or replacement will be met by that person, including any damage created in common areas.

5. Residents are responsible for the security of their money and other valuables all times and the boarding house manager and owner/operator will not be responsible for any theft of personal property, or for any loss suffered by any resident or visitor.

PART 3 - Common areas:

1. Common areas are to be available to be shared by all residents and their guests at all times. Residents are to ensure that they and their guests leave common areas neat, clean and tidy after using them.
2. Residents are not to store personal items/goods in common areas of the site and must ensure that common areas are maintained in a cleanly state.
3. The use of the outdoor communal area is restricted to between 7am and 10pm Monday to Saturday and between 8am and 10pm Sundays and Public Holidays.
4. Access to the indoor common room is to be restricted from 10pm to 7am to reduce the potential for noise impact to other guests.
5. Any damages or required repairs to common areas must be promptly reported to the Boarding House Manager.
6. The use of external stairs from the basement to the communal outdoor area is only permitted between the hours of 7am to 10pm Monday to Saturday and between 8am and 10pm Sundays and Public Holidays. In the case of an emergency, the aforementioned hours do not apply.
7. The side gate along the northern building façade is only to be utilised as an emergency egress point and for site maintenance purposes. The gate will be provided with a one way lock/handle restricting access to the building from the street.

PART 4 - Animals:

1. No animals or pets are allowed anywhere within the premises.

Attachment A – Standard Occupancy Agreement

STANDARD OCCUPANCY AGREEMENT
For general boarding houses under the *Boarding Houses Act 2012*

Between	
Proprietor	
Resident	
For	
Room	Address
The resident's room is: unfurnished <input type="checkbox"/> furnished <input type="checkbox"/> (If furnished, an inventory can be attached)	
Other areas of the premises which are available for use by the resident	
Kitchen/s <input type="checkbox"/>	Bathroom/s <input type="checkbox"/> Common room <input type="checkbox"/> Laundry <input type="checkbox"/>
Other _____	
Term of Contract	
Commencement Date	Term of agreement (if any)
	Occupancy Fee
	\$ _____ per _____
	week/month/year
To be paid	
Proprietor's Contact Details	

AGREEMENT TERMS**1. Condition of the Premises (refer to occupancy principle 1 – see Annexure 1)**

The proprietor agrees to provide and maintain the premises so that they are in a reasonable state of repair, are reasonably clean and reasonably secure.

2. House Rules (refer to occupancy principle 2)

The resident agrees to comply with the House Rules of the boarding house, which are listed on the attached "Statement of House Rules." House rules may not be inconsistent with the Occupancy Principles stated in Annexure 1, and are not enforceable if they are inconsistent.

3. No Penalties (refer to occupancy principle 3)

The resident is not required to pay a penalty for a breach of this Occupancy Agreement or the House Rules.

4. Quiet Enjoyment (refer to occupancy principle 4)

The proprietor agrees to take all reasonable steps to enable the resident's quiet enjoyment of the premises.

5. Inspections and Access (refer to occupancy principle 5)

The proprietor may inspect boarding house common areas at any reasonable time. Repairs, cleaning and maintenance of common areas can be carried out at reasonable times.

The proprietor may only enter the resident's room, at a reasonable time, with reasonable notice and on reasonable grounds. Agreed access and notice periods are set out below. If the third column is left blank, the suggested notice periods set out in the second column will apply.

Reason For Access	Suggested Notice Period <i>examples of reasonable notice periods - this notice period applies if the first column is left blank</i>	Notice to be given under this occupancy agreement <i>(if different)</i>
In an emergency, or to carry out emergency repairs or inspections	immediate access	immediate access*
To clean the premises	24 hours	
To carry out repairs	24 hours	
To show the room to a prospective resident	24 hours	
To carry out inspections	48 hours	

* Immediate access is likely to be necessary in this situation for safety reasons.

6. Notice of Fee Increase (refer to occupancy principle 6)

The resident is entitled to 4 weeks written notice of any increase in the occupancy fee.

7. Utility Charges (refer to occupancy principle 7)

The proprietor may charge an additional amount for utilities if the resident is made aware of this on signing this agreement. Details of the charge, including how the charge will be calculated, are included in Annexure 2, and Annexure 2 must signed and dated by the resident and the proprietor.

Charges for utilities must be based on the cost to the proprietor of providing the utility and a reasonable measure or estimate of the resident's use of that utility.

8. Security Deposit (refer to occupancy principle 8)

A security deposit of \$_____ is payable to the proprietor, this amount being no more than the sum of two (2) weeks occupancy fee. The security deposit is payable on the day the agreement is signed or on the following day. The security deposit will be repaid to the resident within 14 after the end of this agreement, less any amount necessary to cover:

- a) the reasonable cost of repairs to the boarding house or goods that come with it, as a result of damage (other than fair wear or tear) caused by the resident and their guest;
- b) any occupancy fee or other charges owing and payable under this Agreement or the Boarding Houses Act 2012;
- c) the reasonable cost of cleaning any part of the premises occupied by the resident and not left reasonably clean by the resident, having regard to the condition of the premises at the commencement of the occupancy; and
- d) the reasonable cost of replacing locks or other security devices altered, removed or added by the resident without the consent of the proprietor.

9. Dispute Resolution (refer to occupancy principle 11)

The proprietor and the resident agree to use their best endeavours to informally resolve any disputes between them that arise from this agreement. Either party may apply to the Consumer Trader and Tenancy Tribunal to resolve a dispute about the Occupancy Principles (see Annexure 1).

10. Written Receipts (refer to occupancy principle 12)

The proprietor agrees to provide the resident with a written receipt for all money paid to the proprietor, including money paid for occupancy fees, a security deposit and for any utility charges. The receipt should be provided within a reasonable time period after the payment is received.

11. Termination (refer to occupancy principles 9 and 10)

The resident is entitled to know why and how this Occupancy Agreement may be terminated, and how much notice will be given before termination. The resident may not be evicted without reasonable written notice from the proprietor.

This Agreement can also be terminated by the resident by written notice given to the proprietor. Agreed reasons for termination and notice periods are set out below. If the third column is left blank, the suggested notice periods set out in the second column will apply.

Reason for Termination by Proprietor	Suggested Notice Period <i>examples of reasonable notice periods - this notice period applies if the next column is left blank</i>	Notice to be given under this occupancy agreement <i>(if different)</i>
Violence or threats of violence towards anyone living, working or visiting the premises	immediate	immediate*
Wilfully causing damage to the premises, or using the premises for an illegal purpose	1 day	
Continued and serious breach of this Agreement or the house rules, following a written warning	3 days	
Continued minor breach of this Agreement or the house rules, following a written warning	1 week	
Non-payment of the occupation fee	2 weeks	
Any other reason, including vacant possession required and "no grounds" termination	4 weeks	

*Immediate termination is likely to be necessary in this situation in order to protect other residents and employees.

Reason for Termination by Resident	Suggested Notice Period <i>examples of reasonable notice periods - this notice period applies if the next column is left blank</i>	Notice to be given under this occupancy agreement <i>(if different)</i>
Serious breach of Agreement by proprietor	1 day	
Minor breach of agreement by proprietor	1 week	
No grounds/Any other reason	1 week	

12. Use of the Premises

The resident agrees not to wilfully or negligently cause damage to the premises or to use the premises for an illegal purpose and to respect other residents' rights to quiet enjoyment of the premises.

NOTE: Any term of this Agreement is not enforceable if it is inconsistent with the Occupancy Principles set out in Schedule 1 of the *Boarding Houses Act 2012*. The Occupancy Principles are attached at Annexure 1.

Signed: _____
(Proprietor)

Signed: _____
(Resident)

Date: _____

Date: _____

OPTIONAL INFORMATION

The resident may provide contact details to be used in an emergency

PERSONAL PHONE No/s: _____

EMERGENCY CONTACT PERSON

NAME: _____ RELATIONSHIP: _____

PHONE and/or ADDRESS: _____

Annexure 1

Occupancy principles

Nil: These principles are contained in Schedule 1 of the *Boarding Houses Act 2012* and apply to residents of NSW boarding houses which are covered by this Act.

1. State of premises

A resident is entitled to live in premises that are:

- (a) reasonably clean, and
- (b) in a reasonable state of repair, and
- (c) reasonably secure.

2. Rules of registrable boarding house

A resident is entitled to know the rules of the registrable boarding house before moving into the boarding house.

3. Penalties for breaches of agreement or house rules prohibited

A resident may not be required to pay a penalty for a breach of the occupancy agreement or the rules of the registrable boarding house.

4. Quiet enjoyment of premises

A resident is entitled to quiet enjoyment of the premises.

5. Inspections and repairs

A proprietor is entitled to enter the premises at a reasonable time on reasonable grounds to carry out inspections or repairs and for other reasonable purposes.

6. Notice of increase of occupancy fee

A resident is entitled to 4 weeks written notice before the proprietor increases the occupancy fee.

7. Utility charges

- (1) The proprietor is entitled to charge a resident an additional amount for the use of a utility if:
 - (a) the resident has been notified before or at the time of entering the occupancy agreement of the use of utilities or respect of which the resident will be charged, and
 - (b) the amount charged is based on the cost to the proprietor of providing the utility and a reasonable measure or estimate of the resident's use of that utility.
- (2) A utility for the purposes of this clause is each of the following:

- (a) the supply of electricity;
- (b) the supply of gas;
- (c) the supply of oil;
- (d) the supply of water;
- (e) the supply of any other service prescribed by the regulations.

8. Payment of security deposits

- (1) The proprietor may require and receive a security deposit from the resident or the resident's authorised representative only if:
 - (a) the amount of the deposit does not exceed 2 weeks of occupancy fee under the occupancy agreement, and
 - (b) the amount is payable on or after the day on which the resident (or the resident's authorised representative) enters the agreement.

- (2) Within 14 days after the end of the occupancy agreement, the proprietor must repay to the resident (or the resident's authorised representative) the amount of the security deposit less the amount necessary to cover

the following:

- (a) the reasonable cost of repairs to, or the restoration of, the registrable boarding house or goods within the premises of the boarding house, as a result of damage (other than fair wear and tear) caused by the resident or an invitee of the resident;
- (b) any occupation fees or other charges owing and payable under the occupancy agreement or this Act;
- (c) the reasonable cost of cleaning any part of the premises occupied by the resident not left reasonably clean by the resident, having regard to the condition of that part of the premises at the commencement of the occupancy;
- (d) the reasonable cost of replacing locks or other security devices altered, removed or added by the resident without the consent of the proprietor;
- (e) any other amounts prescribed by the regulations.

- (3) The proprietor may retain the whole of the security deposit after the end of the occupancy agreement if the costs, fees or charges referred to in subclause (2) (a)-(e) are equal to, or exceed, the amount of the security deposit.

- (4) In this clause:

security deposit means an amount of money (however described) paid or payable by the resident of a registrable boarding house or another person as security agent;

- (a) any failure by the resident to comply with the terms of an occupancy agreement, or
- (b) any damage to the boarding house caused by the resident or an invitee of the resident, or
- (c) any other matter or thing prescribed by the regulations.

9. Information about occupancy termination

A resident is entitled to know why and how the occupancy may be terminated, including how much notice will be given before eviction.

10. Notice of eviction

- (1) A resident must not be evicted without reasonable written notice.

- (2) In determining what is reasonable notice, the proprietor may take into account the safety of other residents, the proprietor and the manager of the registrable boarding house.

- (3) Subclause (2) does not limit the circumstances that are relevant to the determination of what is reasonable notice.

11. Use of alternative dispute resolution

A proprietor and resident should try to resolve disputes using reasonable dispute resolution processes.

12. Provision of written receipts

A resident must be given a written receipt for any money paid to the proprietor or a person on behalf of the proprietor.

Annexure 2

SCHEDULE OF ADDITIONAL CHARGES

ITEM	AMOUNT	WHEN DUE TO BE PAID	HOW CALCULATED

NOTE:

- This schedule is only for use if there are fees or charges in addition to the occupancy fee.
- This schedule forms part of the Occupancy Agreement when signed and dated by both parties.
- A receipt is to be provided to the resident for all payments of additional fees or charges made by the resident, within a reasonable time after the payment is received.
- Charges for utilities must comply with Occupancy Principle 7.

Signed: _____
(Proprietor)Signed: _____
(Resident)

Date: _____

Date: _____

Attachment C: Complaints Register

Complaints Register		
Date:	Time:	Register Form No.:
Nature of Complaint:		
Name, Address and contact number of person / Police / Council reporting complaint:		
Name of staff on Duty:		
Action Taken:		
Outcome / Further Actions:		