

ATTACHMENT BOOKLET

LOCAL PLANNING PANEL MEETING
25 NOVEMBER 2024

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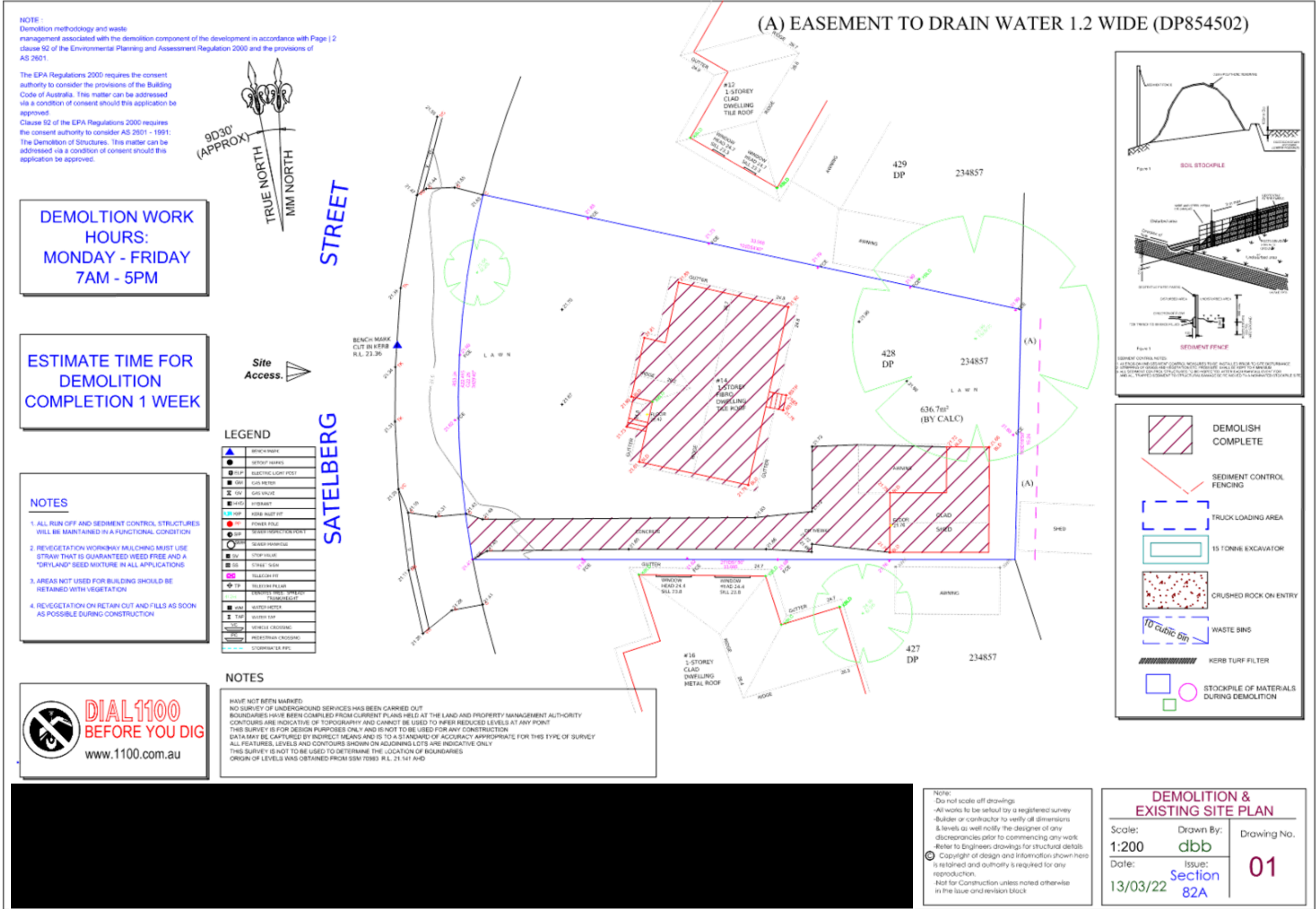
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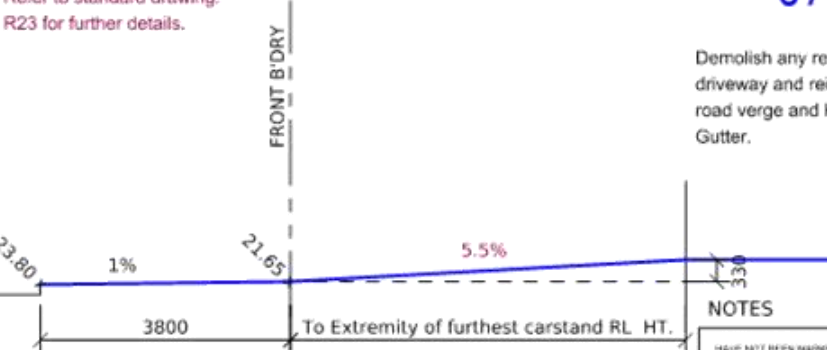


DELIVERIES

15. In reference to section 20 car parking and access, table 11, off-street car parking provision requirements also include provisions for pick up and set down of children are leading to centre opening hours and centres closing hours. All service facilities for a van has instructions to deliver Deliveries, and goods or waste collection between 10:00am and 2:00pm.

DRIVEWAY PATH & CROSSING

e) Footpath Width of the footpath shall be 1.5m with a cross fall (slope) between 1.0% - 3.0%. Council reserves the right to vary its specification(s) on a case-by-case scenario in specific or priority areas. Refer to standard drawing: R23 for further details.



NEW DRIVEWAY - PROFILE

NOTES

HAVE NOT BEEN MARKED
NO SURVEY OF UNDERGROUND SERVICES HAS BEEN CARRIED OUT
BOUNDARIES HAVE BEEN COMPILED FROM CURRENT PLANS HELD AT THE LAND AND PROPERTY MANAGEMENT AUTHORITY
CONTOURS ARE INDICATIVE OF TOPOGRAPHY AND CANNOT BE USED TO INFER REDUCED LEVELS AT ANY POINT
THIS SURVEY IS FOR DESIGN PURPOSES ONLY AND IS NOT TO BE USED FOR ANY CONSTRUCTION
DATA MAY BE CAPTURED BY INDIRECT MEANS AND IS TO A STANDARD OF ACCURACY APPROPRIATE FOR THIS TYPE OF SURVEY
ALL FEATURES, LEVELS AND CONTOURS SHOWN ON ADJOINING LOTS ARE INDICATIVE ONLY
THIS SURVEY IS NOT TO BE USED TO DETERMINE THE LOCATION OF BOUNDARIES
ORIGIN OF LEVELS WAS OBTAINED FROM 5500 TMSB, RL 21.141 AND

(A) EASEMENT TO DRAIN WATER 1.2 WIDE (DP854502)

Dulux Tuscan Terracotta - Matt Emulsion
(Colored distinguishable Pathway)
BFC - Broom Finish Concrete

LEGEND

- DEMOLISH COMPLETE
- SEDIMENT CONTROL FENCING

LEGEND

- BLIND MARK
- SETOUT MARKS
- EXISTING GATE POST
- GAS METER
- GAS VALVE
- WIDENING
- HEAD INLET KIT
- POWER POLE
- SEWER INSPECTION POINT
- UNDER MASONRY
- 1" TOP GROUT
- 1" TEST SOIL
- TELECOM PIT
- TELECOM PILLAR
- CONCRETE PIER SPREAD
- FOUNDATION
- WATER TAP
- WATER TAP CROSSING
- FLOOD RISK CROSSING
- STORMWATER PIP

STREET
SATELBERG

New Driveway Opening
REFER TO LIVERPOOL
CITY COUNCIL
Standard light duty
Vehicular Footway
Crossing [VFC]
BENCH MARK
CUT IN KERB
RL 23.36
Site
Access.

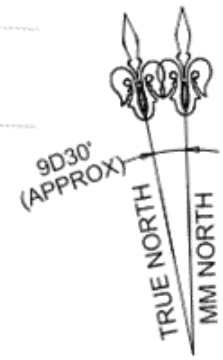
Demolish any redundant
driveway and reinstate
road verge and Kerb &
Gutter.

CARSTAND HIGHEST RL
ADJACENT TO CENTRE ENTRANCE
FFL RL 21.98

PROPOSED
1-STOUREY
CENTRE BASED
DAY CARE
FFL RL 22.050

GARAGE
LOUNGE
VER
DINING
KITCH
L'DRY
BATH
BED
BED
BED

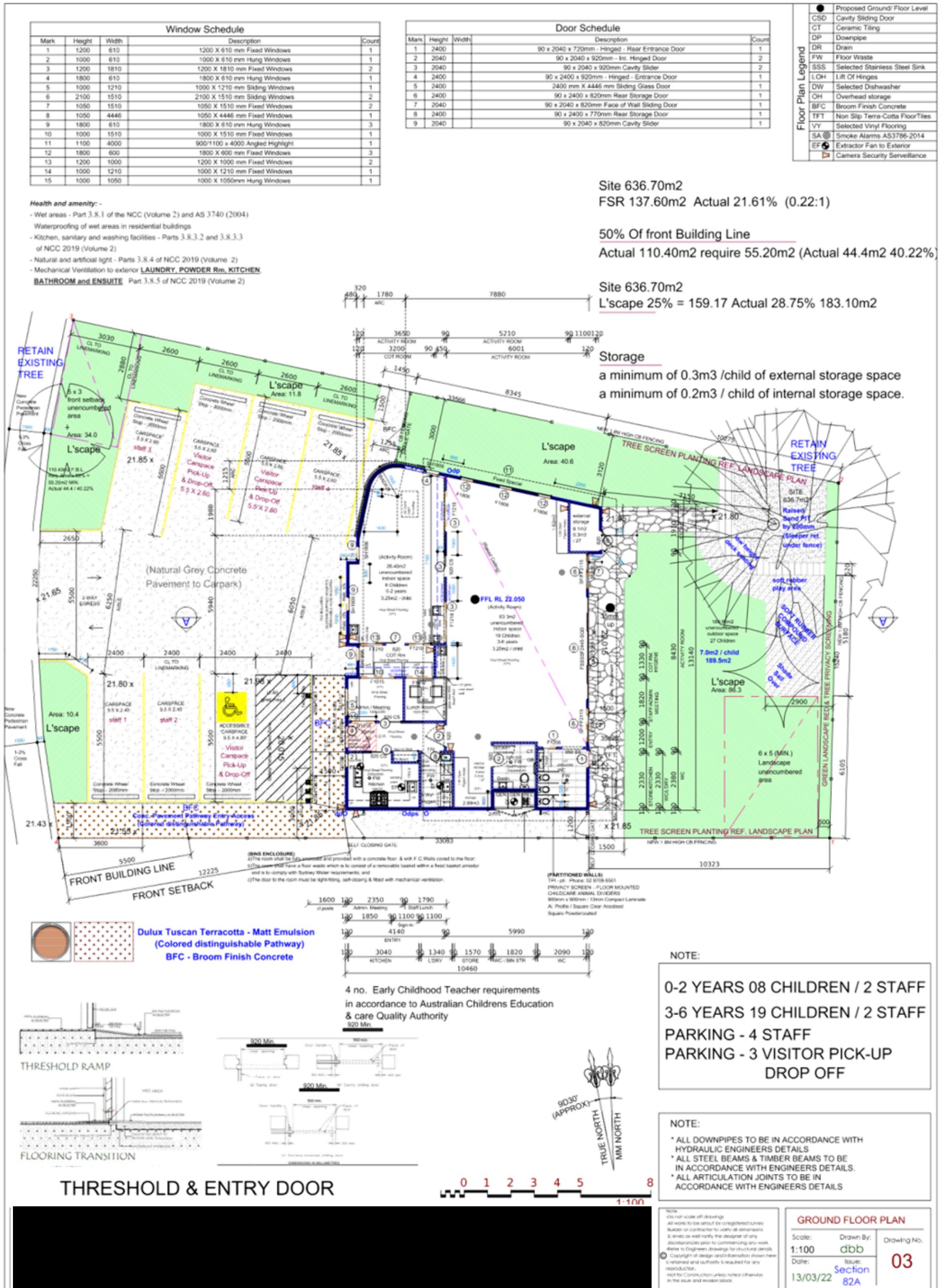
50% Of front Building Line
Actual 110.40m2 require 55.20m2 (Actual 44.4m2 40.22%)
Site 636.70m2
Lscape 25% = 159.17 Actual 29.15% 185.60m2
Site 636.70m2
FSR 137.60m2 Actual 21.61% (0.22:1)

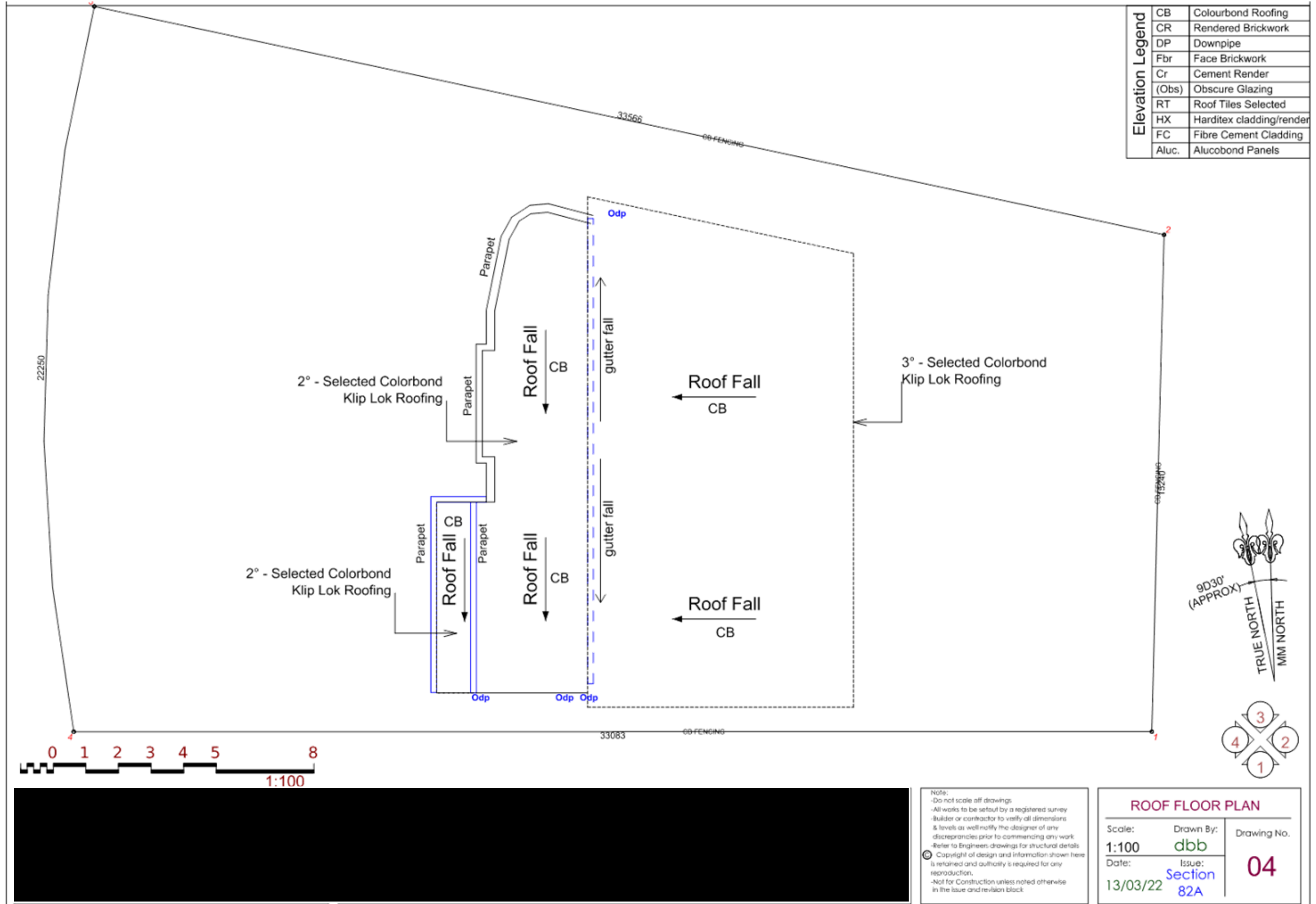


Note:
-Do not scale off drawings
-All works to be setout by a registered survey
-Builder or contractor to verify all dimensions
& levels as well notify the designer of any
discrepancies prior to commencing any work
-Refer to Engineers drawings for structural details
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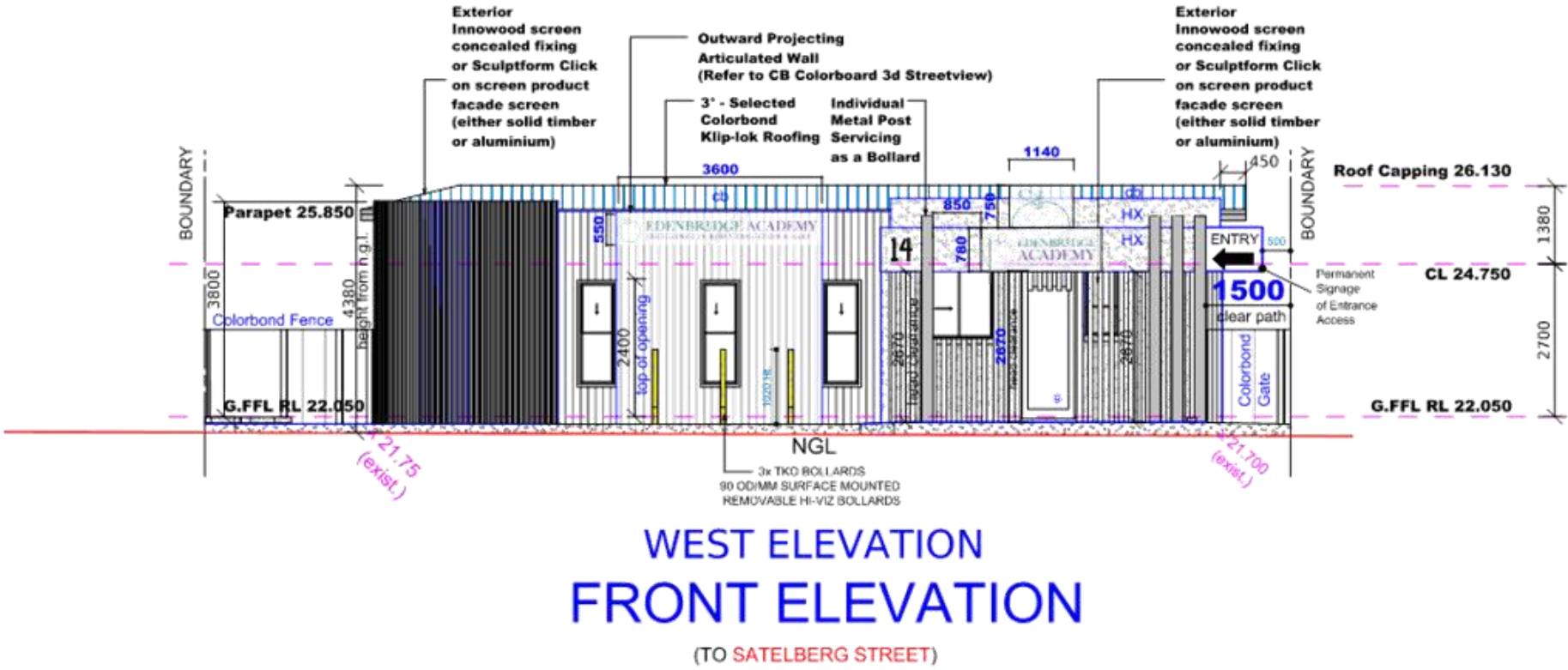
PROPOSED SITE PLAN

Scale: 1:200	Drawn By: dbb	Drawing No. 02
Date: 13/03/22	Issue: Section 82A	



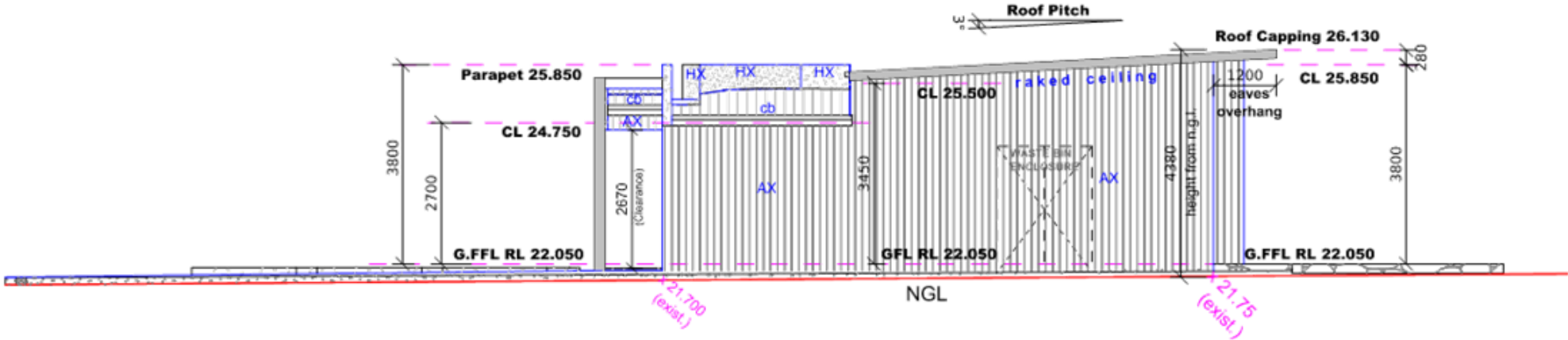


Elevation Legend	CB	Colourbond Roofing
	HX	Harditex cladding/render
	(Obs)	Obscure Glazing
	Ax	Axon vertical cladding
	Apol.	Apolic Cladding



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FRONT ELEVATION		
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Date: 13/03/22	Issue: Section 82A	



SOUTH ELEVATION



NORTH ELEVATION



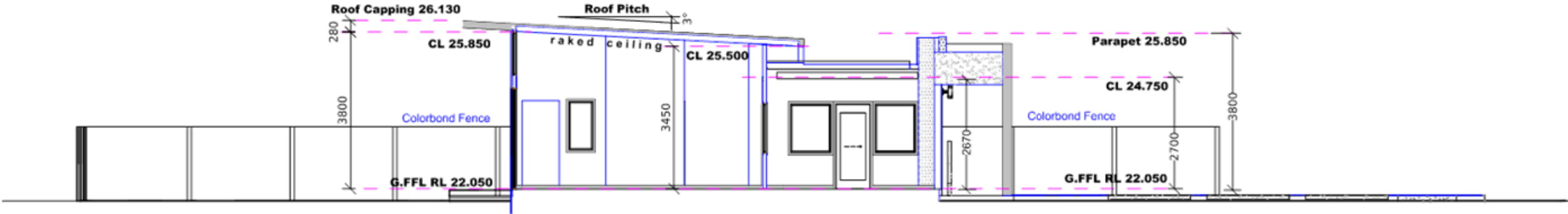
Elevation Legend	
CB	Colourbond Roofing
CR	Rendered Brickwork
Cr	Cement Render
Ax	Axon vertical cladding
Apol.	Apolite Cladding
(Obs)	Obscure Glazing
HX	Harditex cladding/render

Note:
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ELEVATIONS		
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EAST ELEVATION

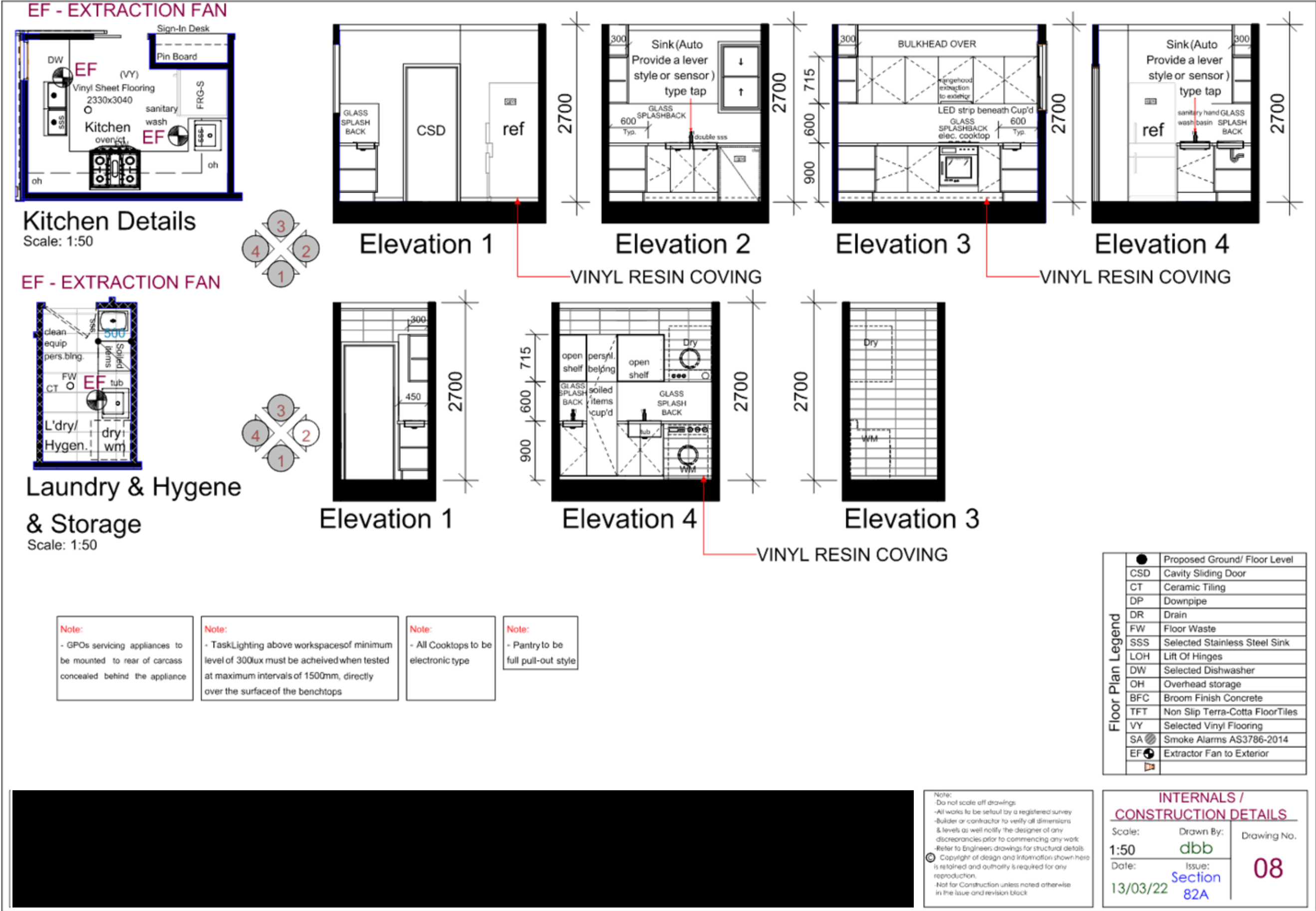


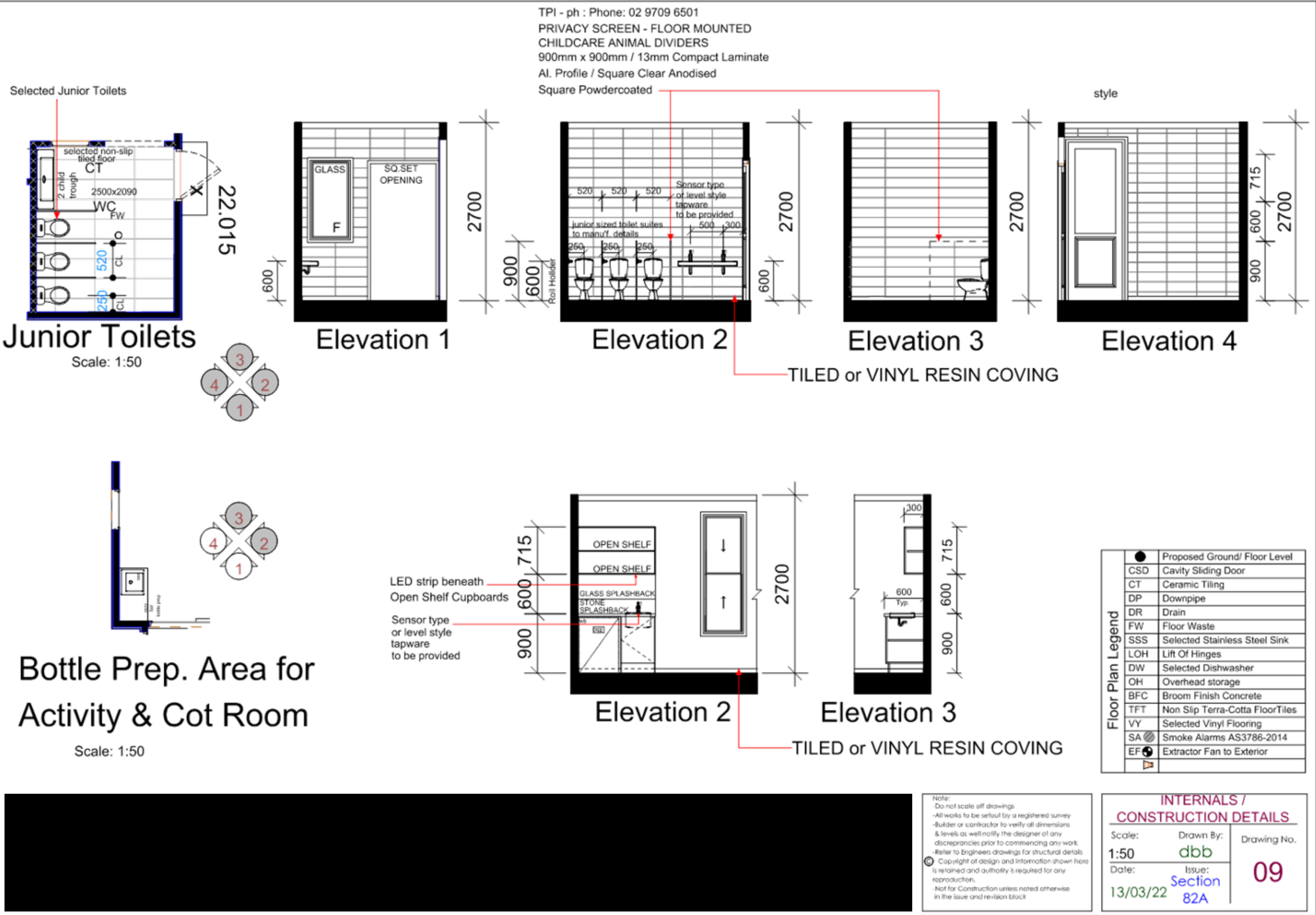
SECTION A - A

Elevation Legend	CB	Colourbond Roofing
	CR	Rendered Brickwork
	Cr	Cement Render
	Ax	Axon vertical cladding
	Apol.	Apolite Cladding
	(Obs)	Obscure Glazing
	HX	Harditex cladding/render

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REAR ELEVATION / SECTION		
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Date: 13/03/22	Issue: Section 82A	





FITTING AND FIXTURES SCHEDULE - KITCHEN

PRODUCT SAMPLE IMAGE	PRODUCT MANUFACTURER/SPECIFICATIONS
	Fisher & Paykel CE804 CBX2 60cm Ceramic Cooktop
	Technika HE85FLSS-3 60cm Side Opening Oven - 2X telescopic rails
	DD 60 SCX9 Fisher and Paykel 7 Place Settings DishDrawer Single Dishwasher
	Memo Sia Sensor Gooseneck Sink Mixer Tap Dual Function Left Hand Lever Matte Black (4 Star)

KITCHEN / LAUNDRY SPECIFICATIONS

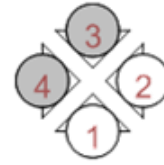
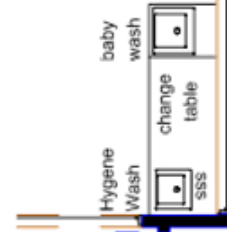
- 1 - A KITCHEN SHALL BE PROVIDED WITH THE FOLLOWING MINIMUM FIXTURES: A FIXED COOKTOP (WITH A RANGEHOOD), AN IN-BUILT OVEN, A SINK (WITH TAP) AND A DISHWASHER.
- 2 - AT LEAST 1500MM CLEARANCE SHALL BE PROVIDED IN FRONT OF FIXED BENCHES AND APPLIANCES (BEING THE LEADING EDGE OF THE OUTERMOST BENCH AND NOT FROM THE FACE OF CUPBOARDS OR THE KICKPLATE AND EXCLUDING HANDLES).
- WHERE THE APPLIANCES ARE NOT INSTALLED THE RECESSED AREA PROVISION FOR AN APPLIANCE SHALL BE A MINIMUM OF 700MM IN DEPTH.
- 3 - TASK LIGHTING SHALL BE PROVIDED ABOVE WORKSPACES. A MINIMUM LEVEL OF 300 LUX SHALL BE ACHIEVED WHEN TESTED AT MAXIMUM INTERVALS OF 1500MM, DIRECTLY OVER THE SURFACE OF THE BENCHTOPS.
- 4 - A WALL OVEN SHALL BE PROVIDED WITH FEATURES AS NOTED BELOW:
SIDE HINGED DOOR WITH LATCH SIDE OF DOOR
AT LEAST A PART OF THE OPERABLE PART OF OVEN DOOR HANDLE SHALL BE LOCATED BETWEEN 600MM AND 1100MM ABOVE THE FFL. AT LEAST ONE SHELF ON TELESCOPIC RAILS WITHIN THE OVEN.
- 5 - TYPES OF APPROPRIATE MECHANISMS FOR OPERATION OF KITCHEN CABINETRY SHALL BE ONE OR MORE OF THE OPTIONS AS NOTED BELOW:
O PULL CUPBOARD HANDLES LOCATED TOWARDS THE TOP OF BELOW-BENCH CUPBOARDS; U PULL CUPBOARD HANDLES LOCATED TOWARDS THE BOTTOM OF OVERHEAD CUPBOARDS; OVERHANGING LIP OF MINIMUM 20MM FOR OVERHEAD CUPBOARDS; PUSH TO RELEASE MECHANISMS FOR BOTH OVER-HEAD AND B BELOW-BENCH CUPBOARDS.
- 6 - A COOKTOP SHALL BE PROVIDED WITH FEATURES AS NOTED BELOW:
EITHER ELECTRIC OR INDUCTION SHALL BE LOCATED AT LEAST 300MM FROM ANY INTERNAL CORNER OR WALL, EXCLUDING THE SPLASHBACK.
- 7 - THE COOKTOP CONTROLS SHALL BE ON THE SIDE OF THE ACCESSIBLE BENCHTOP OR NEAR THE FRONT EDGE OF THE BENCHTOP.
- 8 - LEVER OR SENSOR TYPE TAPWARE SHALL BE PROVIDED TO SINK TO COMPLY WITH AS1428.1 AND SHALL BE LOCATED SUCH THAT THE OPERABLE PARTS OF THE LEVER TAP AND WATER SOURCE IS NOT MORE THAN 300MM FROM THE EDGE OF BENCHTOP.
- 9 - DRAWER STYLE DISHWASHER SHALL BE PROVIDED.
- 10 - A PANTRY SHALL BE PROVIDED.
- 11 - SLIP RESISTANCE OF ALL KITCHEN FLOORING SHALL BE MINIMUM OF P3 OR R10.
- 12 - A LAUNDRY SHALL BE PROVIDED WITH THE FOLLOWING MINIMUM FIXTURES: A SINK OR TUB (WITH TAPS).
- 13 - AT LEAST 1500MM CLEARANCE SHALL BE PROVIDED IN FRONT OF FIXED BENCHES AND APPLIANCES (BEING THE LEADING EDGE OF THE OUTERMOST BENCH AND NOT FROM THE FACE OF CUPBOARDS OR THE KICKPLATE AND EXCLUDING HANDLES).
- 14 - BASINS, SINKS AND TUBS SHALL BE PROVIDED WITH SENSOR TYPE OR LEVER STYLE TAP. THE TAP SHALL BE LOCATED SUCH THAT THE OPERABLE PARTS OF THE LEVER TAP AND WATER SOURCE IS NOT MORE THAN 300MM FROM THE EDGE OF BENCHTOP / LAUNDRY TUB THROUGH / BENCH.
- 15 - SLIP RESISTANCE OF ALL LAUNDRY FLOORING SHALL BE A MINIMUM OF P3 OR R10.

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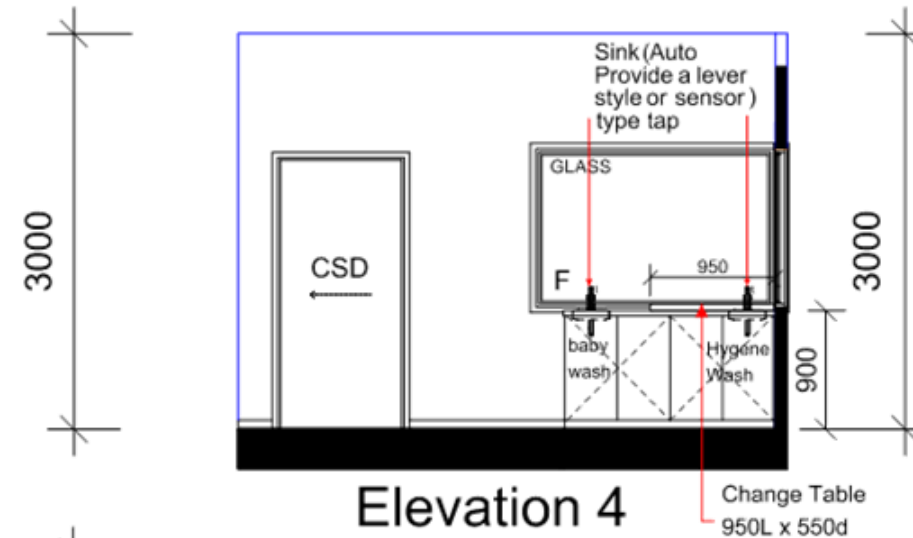
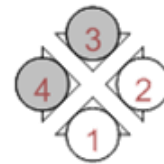
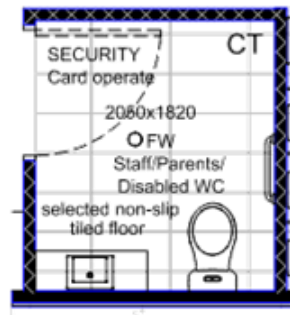
Fixtures

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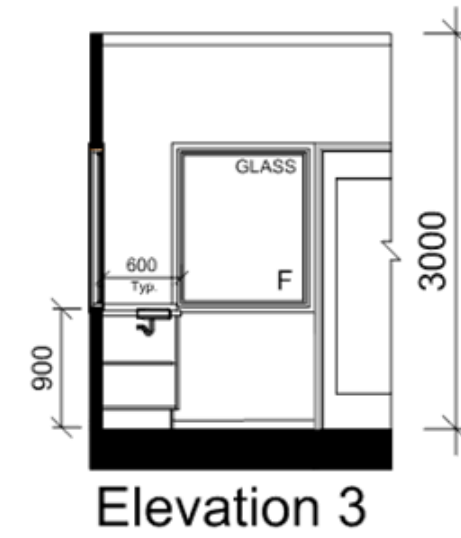
Change Table
Adjacent to
Cot Rm
Scale: 1:50



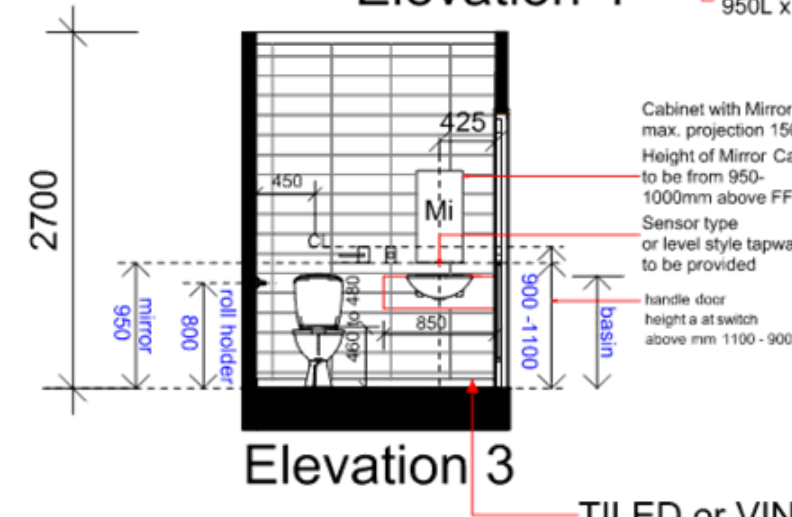
Staff/Parents
Toilet Wet Area
Scale: 1:50



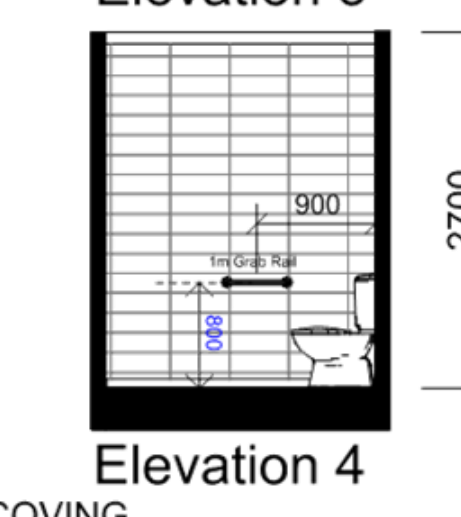
Elevation 4



Elevation 3



Elevation 3

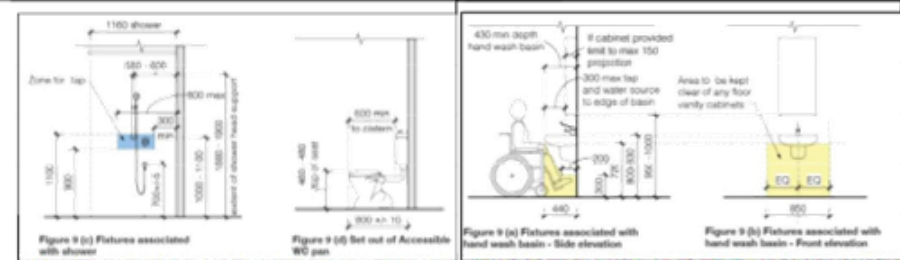


Elevation 4

TILED or VINYL RESIN COVING

Accessible Toilets

- The accessible toilet to be constructed as per requirements of AS 1428.1-2009
- Setout of pan to be 800+10mm from the rear wall and the c/l of pan is to be 450-460mm from side wall
- Top of seat of WC pan is to be 460-480mm above FFL
- Seat to be full round, take 150kg weight and provide 30% luminance contrast to the background
- Flushing control to be proud of surface and located between 600-1100mm above FFL at back or side wall, clear of grab rail area
- Door to the accessible toilet requires AS 1428.1 compliant door circulation spaces
- When door swings next to the washbasin a clear 300mm is required between the door swing and the washbasin



BATHROOM SPECIFICATIONS

- 7.12 - THE REQUIRED WC PAN, SHOWER AND HAND WASH BASIN REFERRED TO IN CLAUSE 7.11 SHALL BE PROVIDED WITHIN THE SAME BATHROOM.
- 7.13 - AT LEAST ONE WC PAN ON THE ENTRY LEVEL OR A LEVEL SERVED BY A LIFT SHALL BE ADHERENT COMPLIANT WITH PERFORMANCES FOR UNASSISTED TOILET AND NOT AS PERFORMANCES FOR TOILET AND WC PAN SHALL BE LOCATED WITHIN 1.0M OF WC PAN AT 450MM - 460MM TO SIDE WALL, 800MM - 1000MM FROM FRONT EDGE OF WC PAN FROM BACK WALL, MINIMUM 800MM CLEAR OF DISTANCE FROM FRONT EDGE OF WC PAN, MINIMUM CIRCULATION SPACE OF 1200MM AS REQUIRED BY ACCESSIBLE TOILET
- 7.14 - FLUSHING CONTROLS SHALL BE PROUD OF THE SURFACE, LOCATED 600-1100MM ABOVE FFL, HAND WASH BASIN END OF CLOSET ZONE.
- 7.15 - AT LEAST ONE SHOWER ON THE ENTRY LEVEL, OR A LEVEL SERVED BY A LIFT, SHALL BE PROVIDED IN A CORNER OF THE ROOM WITH THE FOLLOWING PROVISIONS:
 - THE SHOWER SIZE SHALL BE A MINIMUM OF 1000MM X 1000MM AND PROVIDED WITH ONE OF THE TWO CIRCULATION SPACES FOR SHOWER AS REQUIRED BY ACCESSIBLE TOILET REQUIREMENTS (LAND AND SIDE)
 - SHOWER CURTAIN RAIL SHALL BE PROVIDED OUTSIDE THE SHOWER SPACE
 - ONLY VERTICAL SUPPORT ORNAMENT SHALL BE PROVIDED TO THE SHOWER, WITH PROVISION OF HEIGHT ADJUSTABLE SHOWER HEAD AND NOSE AS PER AS 1428.1
 - LEVER STYLE SHOWER TAP SHALL BE PROVIDED AND LOCATED IN A ZONE BETWEEN 600MM TO 1100MM ABOVE FFL AND BETWEEN 400MM AND 800MM FROM THE INTERNAL CORNER
 - SHOWER FLOOR GRAB RAIL SHALL BE PROVIDED AS PER AS 1428.1
- 7.16 - AT LEAST ONE HAND WASH BASIN ON THE ENTRY LEVEL OR A LEVEL SERVED BY A LIFT SHALL BE PROVIDED COMPLIANT AND SHALL BE PROVIDED WITH:
 - A MINIMUM CIRCULATION SPACE OF 1200MM
 - MINIMUM CIRCULATION SPACE AS REQUIRED BY ACCESSIBLE TOILET REQUIREMENTS (LAND AND SIDE)
 - MINIMUM WIDTH OF BASIN, COUNTER ON THE BASIN
 - SENSOR TYPE OR LEVER STYLE TAPWARE SHALL BE PROVIDED TO COMPLY WITH ACCESSIBLE AND LOCATED SUCH THAT THE OPERABLE PART OF LEVER TAP HANDLE AND WATER SOURCE ARE WITHIN 300MM FROM EDGE OF HAND WASH BASIN
- 7.17 - SLIP RESISTANCE OF ALL FLOORS TO SANITARY FACILITIES SHALL BE MINIMUM OF P5 OR P10
- 7.18 - EXCEPT FOR WALLS CONSTRUCTED OF MASONRY OR CONCRETE, THE INTERNAL SIDE OF THE FULL SANITARY ROOM WITH THE REQUIRED WC PAN, SHOWER, HAND WASH BASIN AND FLOOR BATHING (IF PROVIDED) SHALL HAVE WALL REINFORCEMENT OF MINIMUM 10MM THICK SHEETING FROM FFL AND EXTENDING TO A HEIGHT OF MINIMUM 1700MM FROM FFL
- 7.19 - THE WC PAN SHALL HAVE AN ADJACENT SIDE WALL, ON AT LEAST ONE SIDE OF THE WC PAN WITH A MINIMUM MINIMUM LENGTH OF WALL REINFORCEMENT, FORWARD OF THE WC PAN
- 7.20 - IN DESIGN WHERE THE NEARBY WALL ADJACENT TO THE WC PAN INCLUDES A CORNER, THE WALL MUST BE AVAILABLE ON THE OTHER SIDE OF THE WC PAN WITH A MINIMUM LENGTH REINFORCED WALL SHALL BE CLEAR OF THE DOOR FRAME
- 7.21 - ALL INTERNAL FLOORING INCLUDING SET AREAS SHALL BE FIRM, EVEN AND FEATURE A LEVEL TRANSITION BETWEEN ADJUTING SURFACES OF A MINIMUM VERTICAL TOLERANCE OF 2MM OR 5MM PROVIDED THE LIFT IS ROUNDED OR BEVELLED

Note:
- Shower areas
'hobless shower'

Note:
- Floor Waste to be provided in shower and to be between 1 in 60 to 1 in 80

Note:
- Toilet Flushing controls shall be proud of the surface

Note:
- Floor Waste to be provided in WC and to be between 1 in 80 to 1 in 100

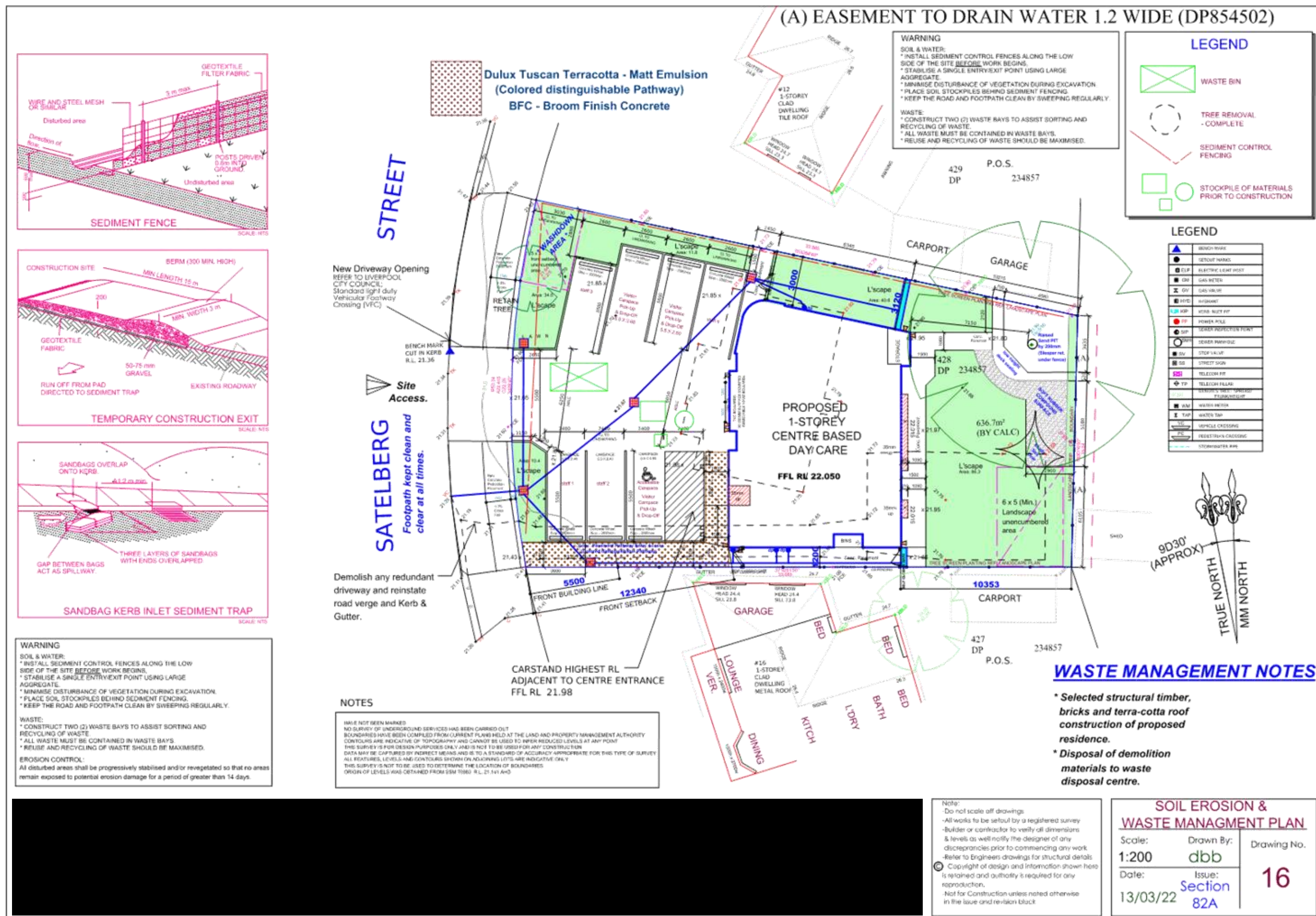
Note:
- Shower Curtain Rail to be provided to all showers

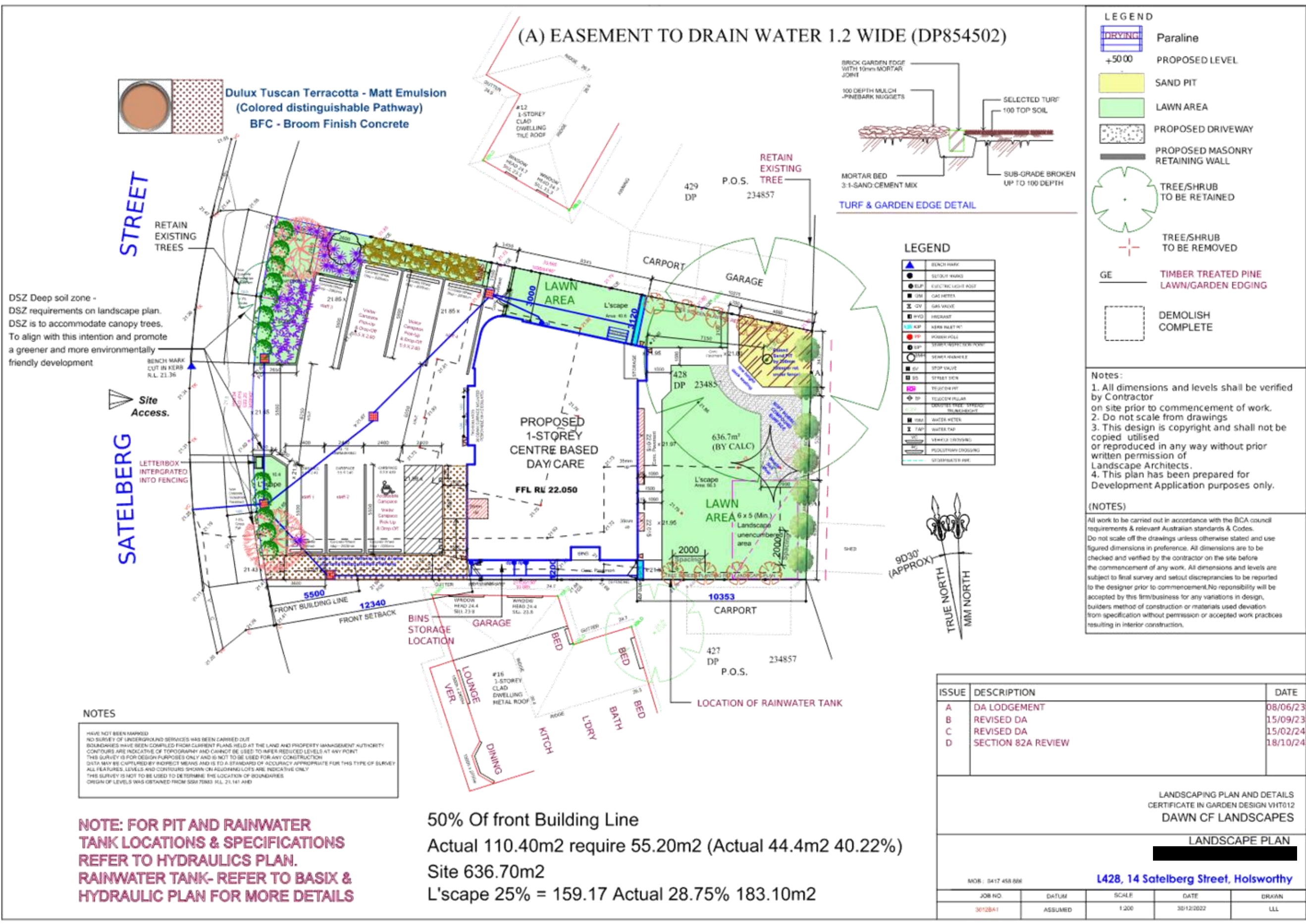
Note:
- Fixtures, Fittings and appliances are to comply with Clause 15 of AS 1428.1-2009
- Accessible bathroom details 01 & 02 - Refer to Sheet No. CDC11

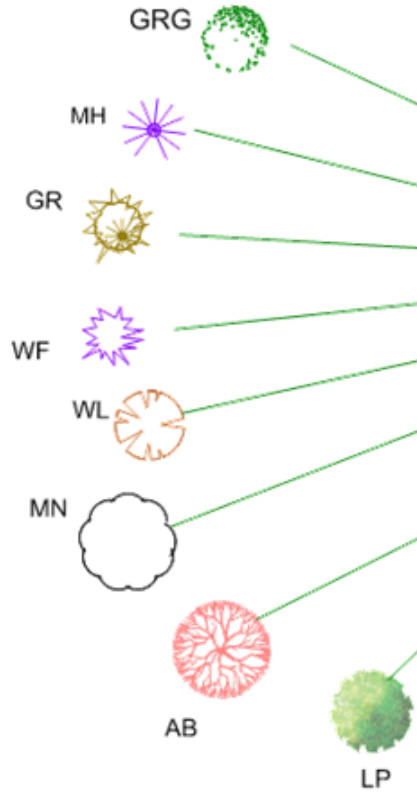
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INTERNALS /
CONSTRUCTION DETAILS

Scale:	Drawn By:	Drawing No. 11
1:50	dbb	
Date:	Issue:	
13/03/22	Section 82A	







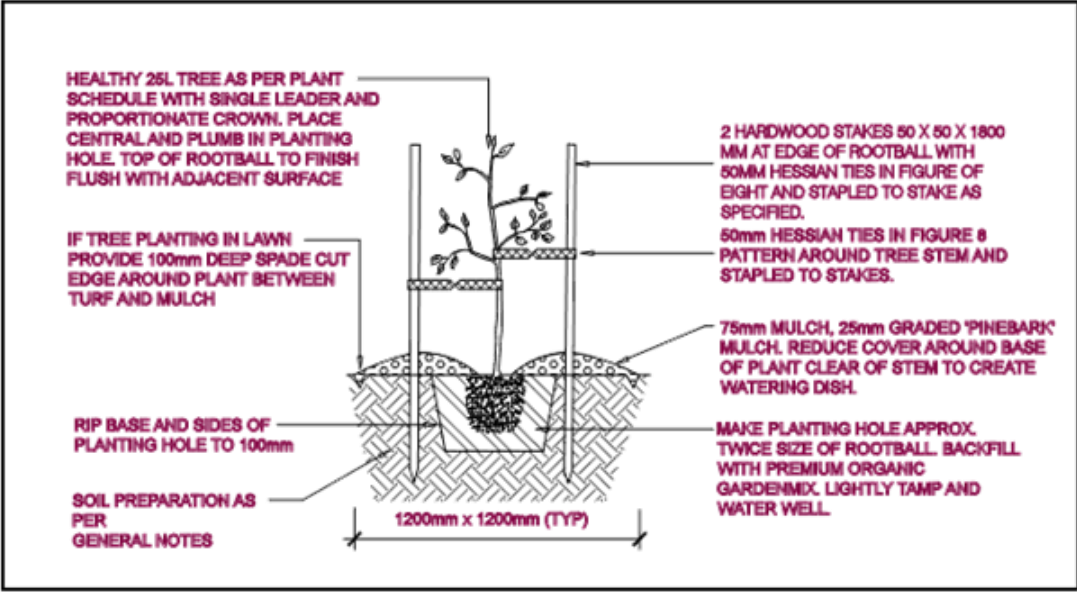
PLANT SCHEDULE

NUMBER	SYMBOL		BOTANIC NAME	COMMON NAME	WIDTH (m)	HEIGHT (m)	POT SIZE (mm)	COLOUR
13	GRG	HEDGE SHRUBS	Babingtonia virgata Dwarf (Front)	Dwarf Heath Myrtle	1.1m	1.0m	200mm	WHITE/ GREEN
16	MH	SMALL SHRUBS	Callistemon Little John (Front)	Little John Bottlebrush	0.7m	1.5m	200mm	RED/ GREEN
19	GR		Boronia megastigma (Front)	Brown Boronia	1.0m	1.0m	200mm	RED
12	WF		Bauera rubioides Tassie Princess (Front)	Tassie Princess	1.0m	1.0m	200mm	PINK/ GREEN
9	WL	LARGE SHRUBS	Robinia pseudoacacia (Rear Side)	Mop Top Robinia-Locust	2.0m	3.0-4.0m	27L	White/ yellow
1	MN		Melaleuca nesophyla	Melaleuca nesophyla	1.5	3.0	200mm	PINK
2	AB		Acacia baileyana (Front)	Cootamundra Wattle	4.0	5-8	75L	Green/ Yellow
10	LP	TREES	Lilly Pili Syzygium Big Red (Rear)	Lilly Pili Screen & Privacy	2.0m	3.0-4.0m	27L	Green/ Red

GE - TIMBER TREATED PINE LAWN/GARDEN EDGING

TURF - SELECTED BUFFALO GRASS

LANDSCAPE DETAILS



1 TREE PLANTING ON GRADE
SCALE 1:20

LANDSCAPING NOTES AND SPECIFICATIONS

EXCAVATIONS

Any services drawn on the plan have been indicatively located. Further services may be present prior to any construction or excavation on site the relevant authorities should be contacted for possible location of of further underground services and detailed of all services.

GARDEN BED/PEBBLES GROUND COVER

The topsoil to all garden bed areas shall be 1 part site topsoil and two parts organic compost thoroughly mixed together prior to placing into position. Where site topsoil is not suitable imported topsoil meeting the requirements of AS4419-1998 shall be used. Topsoil depth to all garden bed areas to be garden mix 300mm deep.

Mulch consisting of pine bark is to be spread over all planter beds to a depth of 100 mm. Reduce depth of mulch around base of plants to form "watering dish" to facilitate watering

GARDEN EDGING

All garden edging as denoted by GE on the plan is to be constructed using either insitu concrete or brick laid over 100mm layer mortar. extruded bricks shall not

PLANT MATERIAL

All plants to be healthy and well developed without being root bound and disease free.

PROPOSED TREES

All tree planting holes are to be excavated 200mm wider and at least 200mm deeper than the rootball size. All trees are to be double staked and secured with hessian ties in figure eight arrangement.

Apply 150mm layer of topsoil to all turfed areas laid over deep soil. Prior to laying turf, contractor to ensure all topsoiled areas are smoothly graded with no surface depressions or other irregularities, large stones or building debris. turf used for this site shall be cultivated kikuyu. Unless specified otherwise, turf shall be laid flush with adjacent finished surface levels.

EXISTING TREES

Unless specified otherwise existing trees which are to be retained are to be protected for the duration of the construction period. Install a 1.5 m high temporary protective fence at a distance of 3.0 m around the base of the tree or group of trees. The protective fencing shall be constructed using panawebbing. The area to be protected is to be mulched with a 100mm layer of organic mulch such as pine bark or similar. Attach sign on fence to advise contractors. Do not store or otherwise place any harmful materials under or near such trees. Where it is absolutely necessary to cut tree roots firstly obtain Council approval. Do not carry out any tree work until all council approvals have been obtained in In order to minimise root damage, any excavation work occurring near an existing tree is to be retained shall be carried out under the supervision of a qualified Prior to the occupation of the dwellings all existing trees to be retained are dead or dying limbs, carried out (only with council approval) to ensure safety of future occupants.

PAVING

All pavement areas including driveways and pathways are to have a stenciled concrete finish. All pavement surfaces to comply with the requirements of AS/NZ 3661.1 1993 Slip resistance of pedestrian surfaces.

STANDARDS

All materials and standards of workmanship used on this project is to comply with the latest revision of the relevant Australian Standards.

DISCREPANCIES

Should there be any discrepancies on the drawings and or on site, landscape contractor to notify the superintendent for resolution prior to the commencement of the works. Where the situation is not readily resolved onsite, the superintendent is to notify the landscape planner immediately for correction.

IRRIGATION

Provide one housecock in the front and rear yard. or the installation of automatic/manual water system as owner choice

ISSUE	DESCRIPTION	DATE
A	DA LODGEMENT	08/06/23
B	REVISED DA	15/09/23
C	REVISED DA	15/02/24
D	SECTION 82A REVIEW	18/10/24

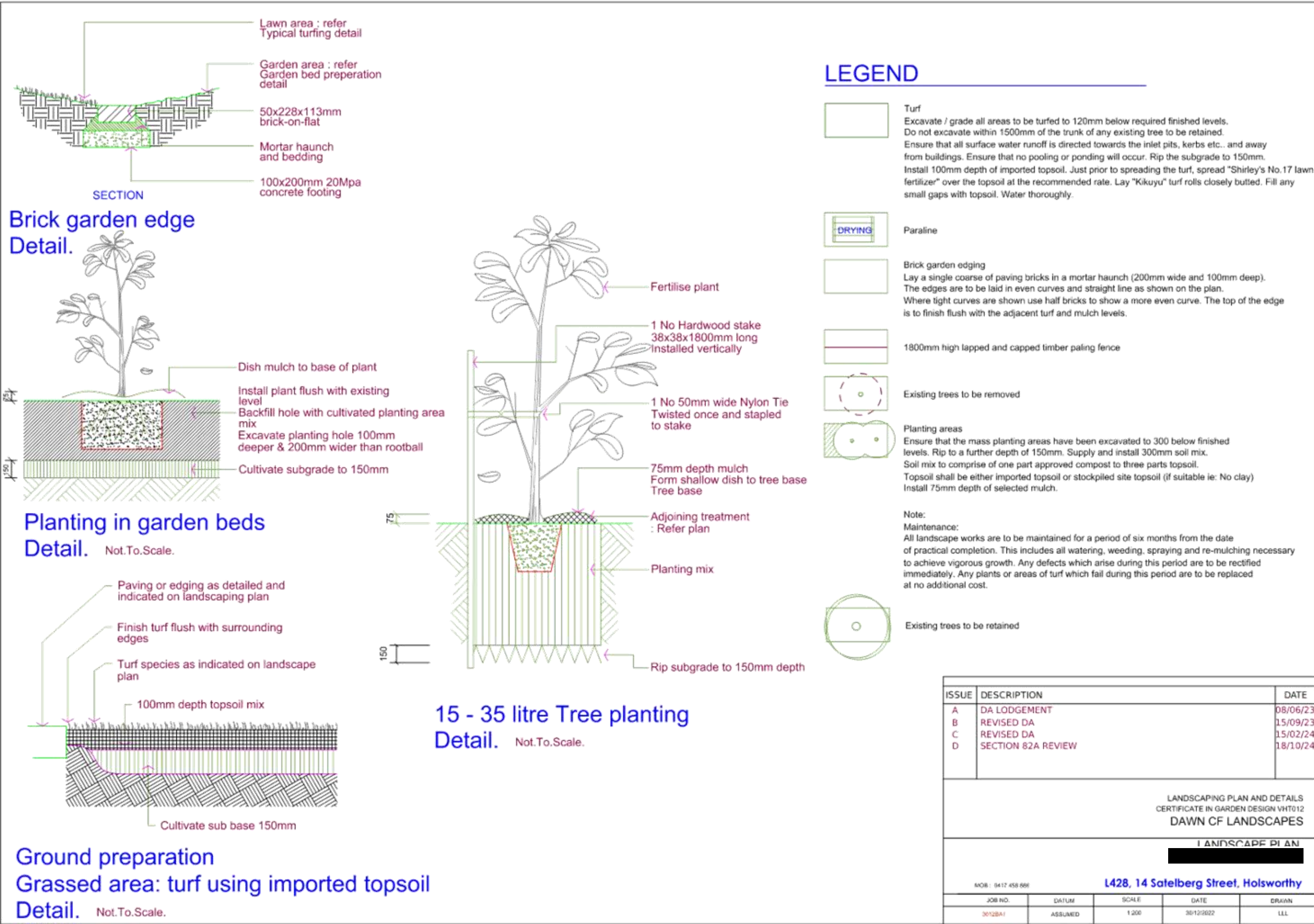
LANDSCAPING PLAN AND DETAILS
CERTIFICATE IN GARDEN DESIGN VHT012
DAWN CF LANDSCAPES

LANDSCAPE PLAN

MOB : 0417 458 886

L428, 14 Satelberg Street, Holsworthy

JOB NO.	DATUM	SCALE	DATE	DRAWN
3012BA1	ASSUMED	1:200	30/12/2022	LLL





Notes:
- All work to be set out by a registered surveyor or contractor to verify all dimensions & levels to well notify the designer of any discrepancies prior to commencing any work.
- Refer to Engineer's drawings for structural details.
- Copyright of design and information shown here is retained and authority is reserved for any reproduction.
- Not for Construction unless noted otherwise in the issue and revision book.

COLORBOARD

Scale:	Drawn By:	Drawing No.
NTS	dbb	CB
Date:	Issue:	
13/03/22	Section 82A	

**ACOUSTIC NOISE & VIBRATION SOLUTIONS P/L**

Suite 9, No. 438 Forest Rd, Hurstville, NSW 2220

ABN: 37 169 392 456

Phone: (02) 9793 1393

Email: info@acousticsolutions.com.au

Acoustic Report

For Proposed Childcare Centre at

No. 14 Satelberg Street, Holsworthy

Prepared by Domeniki Tsagaris (M.I.E Aust), B.E. (UNSW)

Australian Acoustical Society (Sub).

Approved by Moussa Zaioor M.I.E. Aust, CPENG

Australian Acoustical Society (Member).

Date: October 18th, 2024

Reference No.: 2024-030



**Australian
Acoustical
Society**

#1032

Membership Type
Member

Member Since
19 May, 2008



Traffic Impact Assessment

14 Satelberg Street, Holsworthy NSW 2173

October 2024, Issue 3





PRELIMINARY SITE INVESTIGATION

N6542

PROPOSED DEVELOPMENT AT:

14 Satelberg Street,

Holsworthy NSW 2173

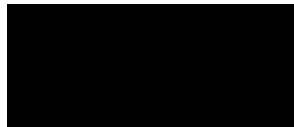
Monday, 15th May 2023

NEO CONSULTING



Old Maple Pty Ltd
ABN 649 144 883
PO Box 6047
COFFS HARBOUR NSW 2450

17 May 2023



**Certified Environmental Practitioner Site Contamination review of
Preliminary Site Investigation- 14 Satelberg Street, Holsworthy, NSW 2173**

1. INTRODUCTION AND BACKGROUND

NEO Consulting Pty Ltd (NEO) engaged William Lines, a **Certified Environmental Practitioner – Site Contamination Specialist** (CEnvP SC) under the Environmental Institute of Australia New Zealand (EIANZ) scheme, who is employed by Old Maple Pty Ltd to review the following report:

- **Preliminary Site Investigation {PSI}** - 14 Satelberg Street, Holsworthy, NSW 2173. Reference: N6542 dated 15 May 2023.

The proposed development includes:

- Demolition of existing structures (dwelling & garage) onsite; and
- Construction of a childcare centre consisting of:
 - 7 bay carpark;
 - Single storey childcare centre (approximately 159m²); and
 - Landscaped outdoor play area (approximately 91.5m²).

2. SCOPE OF WORK

This CEnvP SC review has assessed the **PSI** in relation to the requirements of the:

- *National Environment Protection (Assessment of Site Contamination) Measure* (NEPC 2009, amended 2013).
- *Guidelines for Consultants Reporting on Contaminated Land* (NSW EPA, 2020).
- *Contaminated Sites – Sampling Design – Part 1 – Application* (NSW EPA 2022).

This review does not constitute a Site Audit Report or Site Audit Statement. Old Maple Pty Ltd were not involved in completion of any field work or laboratory analysis. This review is a third party, independent review of the **PSI** listed above. This review is subject to the attached CEnvP SC Standard Limitations.

The Department of Planning and Environment (DPE) and Environment Protection Authority (EPA) *Contaminated Land Planning Guidelines – Draft* (2018) state the following relating to review of reports in section 1.0 Introduction – Role of Certified Contaminated Land Consultants:

‘A certified contaminated land consultant (in the context of the investigation, assessment, remediation, and validation of contaminated land) is a contaminated land consultant, whose qualifications and experience



Detailed Site Investigation

14 Satelberg Street, Holsworthy NSW

E26316.E02_Rev0
22 March 2024

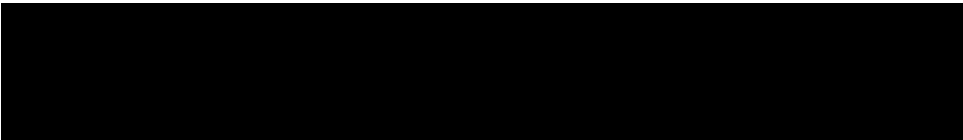
Detailed Site Investigation
Report Number: E26316.E02_Rev0 | 22 March 2024

Document Control

Report Title: Detailed Site Investigation; 14 Satelberg Street, Holsworthy NSW
Report No: E26316.E02_Rev0

Copies	Recipient
Soft Copy (PDF – Secured, issued by email)	
Original (Saved to Digital Archives)	EI Australia Pty Ltd Suite 6.01, 55 Miller Street, Pyrmont NSW 2009

Author	Project Manager	Technical Reviewer
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Chiho Lee Environmental Engineer	Sergio Raposeira Project Manager	Pedro Balbachevsky Principal Environmental Engineer SC-CEnvP Cert. No: SCC41198	
Revision	Details	Date	Amended By
0	Original	22 March 2024	-
1	Revised by a SC-CEnvP	23 May 2024	PB



design-basix-build
0417458886

WASTE AND RECYCLING SERVICES

Waste Management Plan Demolition, Subdivision, Construction and Ongoing Use of Premises

Privacy Statement

The information requested by Council on this form may constitute personal information under the *Privacy and Personal Information Protection Act 1998*. Council is allowed to collect the information from you to consider this matter. Supplying this information is voluntary. However if you cannot or do not wish to provide the information, we may not be able to consider the matter. If you need further details, please contact the Privacy Officer, Campbelltown City Council, cnr Queen and Broughton Streets, Campbelltown.

To facilitate waste and recycling management and waste minimisation, Campbelltown City Council requires on-site sorting and storage of waste products pending re-use or collection.

All relevant sections as outlined in the table below must be completed and submitted as an attachment with the Development Application or as required by conditions of development consent.

Development Type	Part A	Part B	Part C	Part D	Part E
Dwelling houses (incl. garden flats and domestic outbuildings)	✓	✓	✗	✗	✓
Narrow lot dwellings	✓	✓	✗	✗	✓
Multi dwellings	✓	✓	✓	✗	✗
Residential apartment buildings	✓	✓	✓	✗	✗
Mixed use development	✓	✓	✓	✓	✗
Building fit out	✓	✓	✓	✓	✗
Commercial development	✓	✓	✓	✓	✗
Industrial development	✓	✓	✓	✓	✗

Completing this document will assist in identifying the type and volume of waste generated on the subject property at different stages of the development and how these materials will be re-used, recycled or disposed. The information provided in this document (and on the plans) will be assessed against the design requirements of the Campbelltown (Sustainable City) Development Control Plan 2007.

If the space provided in this document is insufficient please provide attachments.

Outline of Proposal

Site Address: 14 Satelberg Street Holsworthy

Applicant Details: design-basix-build

Applicant Address: [REDACTED]

Brief Description of the Proposal: 1 storey centre base childcare and landscaping

The details provided in this document are the intentions for managing waste relating to this Proposal.

Signature of Applicant: [REDACTED]

Date: 22/07/24



Plan of Management

Plan of Management
PMGO Enterprise Pty Ltd
Edenbridge Academy
14 Satelberg St, Holsworthy NSW 2173
NSW Government Education
Provider Approval No. PR-40026289



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Plan of Management
 PMGO Enterprise Pty Ltd
 Edenbridge Academy
 14 Satelberg St, Holsworthy NSW 2173
 NSW Government Education
 Provider Approval No. PR-40026289

Introduction

This Plan of Management provides guidelines and controls for the operation and management of the proposed childcare centre at 14 Satelberg St, Holsworthy. It has been prepared to ensure children in attendance receive the highest quality of care in a safe environment, while minimising impact on neighbours. The Centre has been designed to be attractive and sympathetic to the streetscape while maintaining the sense of place, identity and character of the area. This management plan has been compiled in compliance with Australian Children's Education & Care Quality Authority (ACECQA)

- Education & Care Services National Regulations
- Education & Care Services National Law
- National Quality Framework (NQF)

In addition to Liverpool City Council codes, regulations and requirements.

Mission Statement

Edenbridge Academy is committed to providing the highest quality care and education to meet the needs of growing children. We will provide a safe, clean and nurturing environment for children to play, rest and learn, whilst aiming to provide a niche service built on early childhood development excellence; through strategies based on the latest research focusing on the 'whole' child approach.

Quality and safety pervade everything we do and is evidenced by:

- Generously designed indoor and outdoor educational environments with abundance of natural light and fresh air evading all play spaces.
- Indoor and outdoor areas have been designed with a consideration of both active and passive activities.
- Clear lines-of-sight afforded to educators throughout the Centre.
- Cot room enabling children in attendance to have a designated cot.
- Ready access between the indoor and outdoor play spaces, the toilets and nappy change areas.
- Connected and uninterrupted outdoor play spaces.
- High quality natural children's resources, internally and externally.
- Designed staff amenities.

Strategy

The Centre recognises that educators are the key to high quality education and care programs. The Centre will employ appropriately qualified and experienced educators in sufficient numbers to meet the staffing requirements detailed in the Education and Care Services National Regulations. Our goal is to ensure a diverse and inclusive employment approach, primarily focussed on an in-LGA recruitment; thus affording employment opportunities for those in the immediate vicinity. This strategy will work to reduce the carbon footprint of long employee travel, maintain work life balance in reduced travel time; capitalise and develop the knowledge within the locality and work to increase staff retention.

In addition to in-LGA recruitment, we seek to provide competitive and generous employment benefits and entitlements, in order to garner staff retention and quality teaching & learning. We envisage:

- Pay rates above award.
- Additional 12 weeks paid maternity leave on top of Government Benefits
- Maternity Leave Scheme.
- In house scholarship programs, to encourage further training and higher qualification.
- Paid study leave.

Demographic Studies of Locality:

An extensive demographic study, incorporating both qualitative and quantitative data has proffered that for every three children in the Holsworthy Vicinity, there are currently only one available childcare positions. This rationalised the very real need for a new childcare service within the locality. The childcare centre will offer a service greatly needed by the local community. It will cater for children from 0-6 years of age. The silent majority of families desperately need quality long day childcare in Holsworthy, especially in the 0-2 age bracket. Figures sourced from the Department of Education show one of the hardest places to find childcare in Sydney is Holsworthy where centers report having two vacancies or less each day while waiting lists for the most sought after centers run up to three years.

The childcare will also cater to those who travel through or work in Holsworthy. The proposal will provide a high-quality childcare centre, while ensuring an acceptable level of amenity is maintained to surrounding residential properties through the implementation of a Plan of Management.

There are 11 long day care centres (LDC) in Holsworthy - Wattle Grove, supplying a total of 543 licensed places to a market of 1,464 children aged under 5 (+ 319 children aged 5). This represents a ratio of 2.7 children under 5 per LDC place. Data current as at 1/2/24. Source: Qikmaps

This Plan of Management will set out preliminary controls for:

- **Hours of operation, Staff and Children numbers**
- **Educational Program**
- **Daily Routine and Activities**
- **Noise control**
- **Car parking and Traffic**
- **Delivery of goods and services**
- **Collection of garbage and recycling**
- **Cleaning and maintenance of the centre**
- **Complaints procedure**
- **Evacuation and Emergency procedure**
- **Annual review of Plan of Management**

All staff at the centre will be familiar and inducted with the Plan of Management and will conduct their work within the guidelines.

Hours of operation, Staff and Children Numbers

AIM OF POLICY

To ensure the childcare centre is run correctly and without issue, meeting Accreditation and Registration (A&R) in line with governing regulatory authority ACECQA.

IMPLEMENTATION

1. The hours of operation of the childcare centre are:

Monday – Friday: 7.00 am – 6.00 pm (52 weeks of the year, excluding public holidays)

Saturday/Sunday: Closed

Public Holidays: Closed

Saturday: Site maintenance, gardening, and cleaning – 8:00am to 12:00pm midday.

No staff or deliveries on site prior to 7.00am

Deliveries, and goods or waste collection between 10:00am and 2:00pm.

****All deliveries and any additional staff for example food preparation staff occurs outside of pick up and drop off times.***

All doors and windows closed from 6.00pm.

Cleaners 6.30pm to 8.00pm (windows and doors must be closed)

Staff Meetings must be finished by 9pm (no children post 6pm)

The childcare centre is only to be used during the aforementioned approved hours of operation.

2. The proposed number of children for the childcare centre are:

0-2 years: 8 (eight) Children 2 Staff

3-6 years: 19 (Twenty) Children 2 Staff

Total: 27 (twenty-seven) Children

(Based on Regulation 123, ACECQA NSW specific control Part 7.3)

Maximum of twenty-seven (27) children permitted on site at any one time

3. The Proposed Number of Staff at the Centre:

Full Time Teaching Staff: 4

Total: 4

*** In line with Regulation 272 – as the centre will offer care for 25-29 children, of these 4 staff members one of them will be an Early Childhood Teacher. This will ensure quality teaching and learning.**

Maximum of four (4) employees on site at any one time.

4. Arrivals and Departures:

There will be a system in place for recording the arrival and departure of all children, staff and visitors to the centre as per Regulation 158 & 159. Additionally, a documented Arrival and Departure Policy and Procedure will be in place as required by the Education and Care Services National Regulations.

All deliveries and any additional staff for example food preparation staff occurs outside of pickup and drop off times.

4.1 Staff

Staff will be inducted, oriented and organised to arrive and depart using the following guidelines:

- Staff will be encouraged to utilise the public transport in close proximity to the premises in travelling to and from the premises.
- The staff members that arrive on site, that are not using public transport, are to park in the designated staff spots only in the car park. Please see, Traffic Impact Assessment Report. Staff spots will be easily identifiable with signage and identified during staff induction.
- A Green Travel Plan (Refer to Green Travel Plan) will also incentivise carpooling and the use of public transport. This will be explained during all staff inductions.
- A minimum of 2 staff members will be on the premises at any time children are in attendance.
- The correct number and qualifications of staff will be present and supervising children as required by the Education and Care Services National Regulations (Regulation 271, 271)
- A roster will be organised so that staff arrive at staggered times between 7.00am and 10.00am and leave at staggered times between 2.45pm and 6.00pm – This will work as a mitigation strategy to reduce congestion, noise pollution and traffic pressures.
- The staggered arrival and departure times will be organised to coincide with the different arrival and departure times of children to ensure the correct number of staff are present and on duty at all times.
- All staff will sign an attendance register upon arrival and when leaving the premises this is in line with National Regulations 145 and will ensure accountability and access to information for ensuring safety.

4.3 Visitors

The Centre Director using the following guidelines will monitor visitors to the centre: (regulation 158)

- Visitors to the centre will include maintenance personnel and any other person not employed by the centre (excluding the parent of a child enrolled at the centre).
- All visitors must sign in and out on a centre visitor's register with the arrival and departure time recorded.
- Visitors must be supervised at all times by a staff member.
- Valid WWCC sighted and verified, for those that are identified by the OCG as requiring one. Such as volunteers.
- All visitors to occur outside of pick up and drop off times

Educational Program

Our program is developed to support and guide children in all areas of development in ways that take into account each child's interests' strengths, experiences and needs. We hold to account Howard Gardner's Theory of Multiple Intelligences (1993) in conjunction with the National Quality Framework to develop, implement and constantly monitor and evaluate the curriculum decision making ensuring it contributes to a program that enhances each child's learning and development in relation to their identity, connection with community (local and broader), confidence as learners and a deep sense of Being, Becoming and Belonging.

The program at the Centre will provide a range of planned and spontaneous learning experiences for children which will stimulate them with engaging activities as they learn through exploration and play.

The Centre will provide for:

- Indoor and outdoor activities
- Active and passive activities
- Individual, small and large group experiences. (Individual, Collaborative, Interpersonal, Intrapersonal)

Each child's progress will be closely observed, monitored and documented by staff. Parents/Guardians are welcome to view and discuss their child's development, and/or portfolio with staff and we encourage making an appointment. Parent-teacher consultations will also be held to provide opportunities to discuss each child's individual development. This is in line with Quality Area 6 and Regulation 74.

Provider Approval has been granted under Section 15, Children (Education and Care Services) National Law (NSW) to PMGO Enterprise Pty Ltd on 08 October 2021. This approval authorises Edenbridge Academy to deliver education and care services. For Provider Approval details see Appendix A.

Food Services at Edenbridge Academy

Edenbridge Academy will offer meals to children as part of the service provided at the educational and care facility. However, this will be outsourced to a qualified and registered company, and the meals will be delivered daily. The centre has appropriate onsite facilities for food handling, storage and preparation. Outsourcing the food preparation of meals, will forfeit the need for an on-premises cook to prepare the food. In meeting the Food Standards Code 3.2.2A which will come into effect 8 December 2024, the Centre will ensure a staff member is trained to be recognised as Food Safety Supervisor (FSS). A copy of the FSS certificate will be displayed on the premises. The kitchen has appropriate food storage facilities for the delivery of the prepared meals by a qualified external childcare caterer. Additionally, the meals will be delivered during low peak times. This decision is rationalised on a variety of reasons, such as reducing burden on, on site staff, ensuring compliance in child nutrition and lastly, reducing the burden on the car park. All deliveries and any additional food preparation staff occurs outside of pick up and drop off times.

One of the companies being considered for outsourcing the daily food preparation is:

<https://www.kidsgourmetfood.com.au/>

Daily Routine and Activities* (sample – this is ever evolving as per children interests)**0-2 Years Nursery Program**

7.00am	Edenbridge Academy Centre opens for the day
7.00am-8.30am	Quiet indoor play (mitigation strategy for early noise pollution)
8.30am-9.00am	Nappy change
9.00am	Progressive morning tea
9.30am-10.00am	Bottles/sleep time based on individual needs
10.00am	Morning group time/welcome song and story time
10.15-10.45am	Sunscreen hats and outdoor play
10.45am	Nappy change
11.00am	Progressive Lunch
11.30-12.15pm	Bottles/sleep time based on individual needs (Sleep & Rest Policy embedded)
12.15pm	Quiet indoor activities/arts/crafts/manipulatives

1.30pm-2.00pm	Nappy change
2.00pm-2.30pm	Progressive afternoon tea
2.30pm-3.00pm	Bottles/sleep time based on individual needs
3.00pm-4.00pm	Sunscreen/hats/outdoor play
4.30pm	Nappy change
4.30pm-4.45pm	Late snack
5.00pm	Indoor play
6.00pm	Edenbridge Academy Centre closes for the day

NOTE: All indoor and outdoor activities are supervised by the regulated number of qualified educators, and have been embedded in appropriate time slots for surrounding neighbours, seasonal and sunlight/UV statistical patterns.

3-6 Years Preschool Program

7.00 am	Edenbridge Academy Centre opens for the day
7.00am-8.00am	Combined inside play/individual breakfasts
8.30am-9.30am	Sunscreen/hats/outside learning experiences
9.30 am-9.40 am	Transition to Indoor School Readiness Program weather permitting.
9.40 am	Progressive morning tea
10.00am-10.20am	Intentional teaching inside learning experiences
10.20am-11.00am	Inside play based learning experiences and crafts
11.00am-11.20am	Show-and-tell
11.20am-11.45am	Music
11.45am-12.30pm	Progressive lunch
12.30am-1.30pm	Quiet resting and down time for individual needs quiet activities provided after 30 minutes

1.30pm-2.15pm	School readiness
2.15pm-2.45pm	Inside learning experiences
2.45pm-3.30pm	Progressive afternoon tea
3.30pm-4.00pm	Group experiences (music dance movement drama and games)
4.00pm-5.00pm	Outdoor play learning experiences
5.00pm	Combined late snack
5.30pm-6.00pm	Indoor learning experiences
6.00pm	Edenbridge Academy Centre closes for the day

NOTE: All indoor and outdoor activities are supervised by the regulated number of qualified educators and have been embedded in appropriate time slots for surrounding neighbours, seasonal and sunlight/UV statistical patterns.

In line with the acoustic report the above schedules reflect no more than a total of 4 hours of outdoor play.

Noise Control

AIM OF POLICY

To implement strategies to limit noise emitted from the operation of the childcare centre.

The Noise Control policy strategies incorporated in this policy are consistent with the Association of Australian Acoustical Consultants Guideline for Child Care Centre Acoustic Assessment October 2013. Moreover, they are in line with the Acoustic Report prepared by The Australian Acoustical Society for 14 Satelberg st, Holsworthy. Additionally, as per the daily routine, a staggered outdoor play routine to limit the amount of children outdoors at any given time.

IMPLEMENTATION

1. The children's outdoor play area shall be managed and designed in accordance with the recommendations of the Acoustic Report. In particular:
 - Kids using the outdoors areas are to be taken outside for a maximum of 4 hours/day. In addition to the above, children are to be in the outdoor play areas during daytime hours only (7:00am –6:00pm). Children are not permitted to be in the outdoor play areas during the early morning hours (6:00am – 7:00am).
 - Fixed play equipment should be plastic. If metal fixed play equipment is used, then hollow metal sections shall be filled with expanding foam or sand.
 - Children are to be separated into groups during outdoor play time so as to not allow a large number of them to congregate in a single area at any one time.
 - Music is not recommended to be played outdoors. If it is, then sound system volume controls should always be used to control the level of noise in the outdoor play area.

Adult supervision of children in outdoor play areas is a key factor to minimise noise emissions. The Centre will carry out regular assessment of our supervision practices to increase educator's awareness of their duty of care and to continually improve supervision to ensure compliance with acceptable noise levels. (As per recommendation 7.8 Acoustic Report)

Educators will always properly supervise children in outdoor play areas to limit noise emission.

Educator-to-child ratios will be always maintained in outdoor play areas in accordance with the Education and Care Services National Regulations NSW to ensure children are adequately supervised at all times in order to protect neighbours from excessive noise.

Designated areas for outdoor play will enable adequate supervision of children through clear and unobstructed lines of sight to minimise noise emission.

The behaviour of children playing outdoors will be monitored and modified as required to reduce noise emissions.

2. Passive Learning Activities:

- **Literature/Poetry**
- **Arts & Craft**
- **Science and Biology lessons**
- **Environmental and exploring lessons**
- **Dining**
- **Interactive Garden**
- **Role play**
- **Creative movement**

3. Active Uses:

- **Sports Program**
- **General Outdoor Play**

4. Acoustic treatments to various surfaces as shown in the Acoustic Report and on the approved plans are to be installed.

5. Fences are to be installed as specified in 7.5 Acoustic Report.

6. Air-conditioning units be installed and managed as per 7.3 of Acoustic Report.
7. Landscape Buffer Zone will not only protect neighbours acoustically, but also visually.
Maintaining local amenity, enhancing landscaped environment, flora and fauna
8. Management is to ensure children are always supervised while playing in outdoor play areas to minimise noise generated by the children.
9. Where feasible, crying children in outdoor play areas will be taken inside the Centre and comforted.
10. Where feasible, closing windows and doors of the indoor playrooms during noise- generating activities when children and educators are indoors.
11. Carers will be educated to control level of their voice while in outdoor play areas.
12. A contact phone number shall be installed at the front of the childcare centre so that any complaints regarding centre operation can be made. A complaint handling policy and procedure will be implemented and published. If a noise complaint is received the complaint should be recorded on a Complaint Form and be responded to as per procedure and policy. All complaints received shall be reported to management with initial action/investigation commencing within 7 days. The complainant should also be notified of the results and actions arising from the investigation.
13. Property maintenance shall be undertaken at times and in a manner to not cause an “offensive noise” as defined by the Protection of the Environment Operations Act 1997. Maintenance activities shall also satisfy relevant provisions of the Protection of the Environment Operations (Noise Control) Regulation 2008 at all times.

Car Parking and Traffic

AIM OF POLICY

To minimise impacts of traffic movements and car parking associated with the childcare centre on the surrounding neighbourhood and road network.

IMPLEMENTATION

1. Seven (7) car parking spaces have been provided on site.
2. Car parking spaces are to be allocated for use by staff and parents as outlined in the development consent and the approved plans. An outside specialist Traffic engineer has developed a Traffic Impact Assessment Report – please refer to for details.
3. Parents are to be advised upon enrolment that parking in defined spaces only is permitted.
4. When conducting tours of the centre prior to and at the time of enrolment parents or carers will be shown the appropriate parking areas and the etiquette and care required when dropping off and picking up children from the centre.
5. A copy of the Operational Traffic Management Plan will be distributed to parents and carers of enrolled children; and to childcare staff.
6. Public Transport: The site has direct access to public transport and is in close proximity to a bus stop in addition to Holsworthy Station. It is fair and reasonable to expect some parents and or staff would utilize public transport provision, especially due to their proximity. Edenbridge Academy has set out a Green Travel Plan, which encourages carpooling and public transport. Please refer to the Green Travel Plan for details.

Delivery of Goods and Services

AIM OF POLICY

To minimise impact of delivery vehicles on the surrounding neighbourhood and to ensure deliveries are received with ease ensuring safety. The policy has been considered in line with the Traffic Impact Assessment Issue No. 3.

IMPLEMENTATION

1. The delivery of goods and services will occur in normal business hours whilst staff are present at the centre to accept delivery, between 10.00am. and 2.00pm.
2. Delivery vehicles will park in parent parking spaces. Delivery drivers will then report to the reception desk for further instruction from relevant staff members.

3. Site servicing will be carried out by a van (or an equivalent sized vehicle), outside the morning drop off and afternoon pick up periods. The vehicle will use parent car parking spaces.

Collection of Garbage and Recycling

AIM OF POLICY

To ensure the childcare centre is adequately serviced and high health and hygiene levels are maintained.

IMPLEMENTATION

1. The childcare centre will attempt to minimise waste wherever possible and will encourage the use of recyclable products and recycling.

2. Expected on-going waste to be generated will be of household type general waste.

Green waste: e.g. Grass cutting, green waste & branches.

General waste: kitchen scraps, packaging, food scraps and the like.

Recyclables: cans, bottle plastics, paper, cardboard and the like.

3. Bins to be provided will be separated for general waste and recycling

Proposed bins:

2 x general waste

1 x recycling

4. Waste generated by the Centre will be stored in approved bins housed in a fully enclosed structure as designated on the architectural plans.

5. Waste will be removed from all occupied spaces of the childcare centre every day to the bins provided.

6. The bins will be stored properly out of direct sunlight, in a well- ventilated and shady location in a fully enclosed structure until removed to minimise nuisance and transfer of odour to adjoining properties.

7. Bins will not be overfilled, and bin lids will be closed completely until bins are collected to minimise transfer of odour.

8. Bins will be rinsed with a mild detergent or vinegar and water solution as required to minimise transfer of odour.

9. Disposable nappies/wipes /gloves

Disposal procedure: Place nappy/wipes/gloves in an odour reducing bag. Tie off the odour reduction bag securely to prevent smells. Place the bag in the nappy bin provided.

10. Nappy bins will be emptied at the end of each day into the - lined general waste bins outside which will be collected twice a week.

11. The childcare centre will utilise a private garbage collection service, which will only collect waste from the premises, between 10.00am. and 2.00pm. Monday to Friday.

Cleaning and Maintenance of the Centre**AIM OF POLICY**

To implement policies that allow the childcare centre to be maintained to a high standard.

IMPLEMENTATION

1. Daily cleaning of the childcare centre will be conducted in-house during the operating hours of the centre. End of day cleaning will commence within 60 mins from the closing time of the centre.

2. Occasional extra cleaning may occur as required on a Saturday between 8.00am. and 10.00am. Windows and doors must be closed.

3. Maintenance of the grounds including lawn mowing, gardening and other general outdoor maintenance will occur within daylight hours as required to ensure safe and visually acceptable operation of the childcare centre. This will not occur on Sunday, usually on a weekday. However, if required on the weekend, only between the hours of 8.00am and 12:00pm on Saturdays.

Complaints Procedure

AIM OF POLICY

To ensure there are adequate systems in place to handle and respond to complaints.

IMPLEMENTATION

- 1. The childcare centre will install a complaints phone number which is to be manned during open hours and will be capable of receiving and recording complaints at all other times.**
 - 2. All valid complaints shall be investigated and resolved to the best of the childcare centre's abilities within a reasonable timeframe.**
 - 3. The owner/operator must maintain a "Complaints Book" recording details of any incident that occurs including the time of the incident, a description of the incident and any actions taken by the management of the Centre in response to the incident. All complaints must include the details of the person reporting the incident including a contact phone number so that management may follow up any complaint. The option will be given to a Complainant as to whether a complaint is confidential or non-confidential. Records are held for 24 months.**
- An "Incident" includes:**
- Any breach of this Plan the National Regulations, The National Law, EYLF; or
 - Any complaint by any person about the operation of the childcare Centre.
- 4. The Complaints Book must be updated within 24 hours of any incident. The owner/operator must review and initial and date all entries made in the Complaints Book in his absence whenever he/she is next on the premises.**
 - 5. The Complaints Book must be made available to Council officers for inspection upon request.**
 - 6. Complaints must remain in the Complaints Book for a minimum period of two years from the date of reporting.**
 - 7. The owner/operator will investigate any incident within 5 working days and the Complainant will receive a response within 10 working days detailing what action has been taken (if any action is deemed required) addressing the complaint or concern.**
 - 8. If an incident relates to noise, the owner/operator must:**
 - Take all reasonable steps to stop or reduce the source of the noise to prevent future occurrences.
 - Attempt to rectify the situation immediately.
 - Contact the individual who reported the incident to verify that the problem has been addressed.

9. The owner/operator must review the Complaints Book regularly and where appropriate amend this Plan to eliminate the possibility of the incident recurring or to minimise the impacts of the incident should it recur.

10. Contact Details for the registering of complaints are as follows: TBA upon operational state.

Annual Review of Plan of Management

AIM OF POLICY

To ensure the Plan of Management is comprehensive and up to date.

IMPLEMENTATION

1. It is a centre policy and a requirement under the National Quality Standards for all policies and procedures of the centre to be reviewed on an annual basis. Management undertakes to ensure that the Plan of Management is reviewed on an annual basis in consideration of feedback from all interested parties.

2. Further, we invite the Council, the Department of Education, the Department of Health and all other interested neighbours to put any concerns or issues or suggested improvements to policy or procedure in writing and we will endeavor to consider all feedback provided in developing and implementing centre policies practices and procedures which impact on the surrounding properties and explain our decision in implementing or not any suggestions in the case of neighbours suggestions.

References

- Education and Care Services National Regulations 2011 <http://files.acecqa.gov.au/files/National-Quality-Framework-Resources-Kit/NQF-Resource-02-Guide-to-ECS-Law-Regs.pdf>
- The Education and Care Services National Law
- National Quality Standard Assessment and Rating Instrument http://files.acecqa.gov.au/files/Assessment%20and%20Rating/1-NQS_Assessment%20and%20Rating%20Instrument_120522_%20FINAL-1.pdf
- Traffic Impact Assessment Issue 3. Fernway Engineering October 2024
- The Australian Acoustical Society Acoustic Report for proposed Childcare Centre at No. 14 Satelberg Street, Holsworthy
- Food Authority NSW Guidelines: https://www.foodauthority.nsw.gov.au/sites/default/files/2023-11/Food_safety_requirements_for_children%27s_services_guideline_FINAL.pdf
- NSW Government Education Provider Approval PR-40008417, Section 15, Children (Education and Care Services) National Law (NSW) Senior Approvals Officer, Date Approval Granted 08 October 2021
- ACECQA, Opening a New Service http://www.acecqa.gov.au/educators-and-providers1/opening-new-service_1

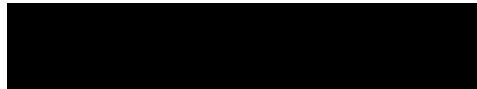
Plan of Management
PMGO Enterprise Pty Ltd
Edenbridge Academy
14 Satelberg St, Holsworthy NSW 2173
NSW Government Education
Provider Approval No. PR-40026289

**PROVIDER APPROVAL****Section 15, Children (Education and Care Services) National Law (NSW)**

This approval authorises the provider named below to deliver education and care services.

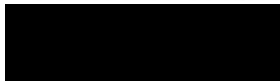
Approval number PR-40026289

Provider details

**Conditions**

This approval is subject to:

The conditions are set out or referred to in section 19 of the Children (Education and Care Services) National Law (NSW), which include any conditions prescribed in the Education and Care Services National Regulations

Granted under delegation by:

David Nguyen
Senior Assessment and Risk Officer
Early Childhood Education
Delegate of the Secretary, Department of Education
Issue Date: 08 October 2021

Date Approval Granted: 08 October 2021

Plan of Management
PMGO Enterprise Pty Ltd
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14 Satelberg St, Holsworthy NSW 2173
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Report Attachment 2 – Liverpool Development Control Plan Tables

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

Part 1 General Controls for all Development			
Control	Requirement	Proposed	Comment
2. Tree Preservation	Consider impact of development on existing vegetation	No tree removal proposed.	Complies
3. Landscaping and Incorporation of Existing Trees	Incorporation of existing trees into development where appropriate.	Large trees in front and rear to be retained. Additional trees and plants have been proposed in a landscape plan.	Complies
4. Bushland and Habitat Preservation	Consider impact of development on bushland and habitats	Site does not contain bushland or native habitats.	Not Applicable
5. Bushfire Risk	Land on or adjacent to bushfire prone land to comply with RFS requirements	The subject site is not classified as Bushfire prone land.	Not Applicable
6. Water Cycle Management	Consideration of stormwater and drainage	The original application was referred to Council's Land Development Engineering section who reviewed stormwater management and drainage associated with the proposal and were supportive, subject to conditions of consent. Stormwater changes were proposed for the review, as such there was no need to refer the proposal again to Land Development Engineering and it is assumed that the stormwater and drainage is acceptable, subject to conditions.	Complies by Condition
7. Development Near a Watercourse	Consideration of impact to riparian corridors.	The subject site is located more than 40m from a water course.	Not Applicable

8. Erosion and Sediment Control	Sediment Control Plan or Soil and Water Management Plan required	Sediment and erosion control details submitted and are conditioned.	Complies by Condition
9. Flooding	Flood affection of property to considered	Site is not flood affected.	Not Applicable
10. Contaminated Land Risk	Previous use to be considered in assessing risk	A Preliminary Site Investigation (PSI) and Detailed Site Investigation (DSI) were requested from the applicant for DA-347/2023. Council's Environmental Health section reviewed the reports and raises no objections regarding contamination, subject to conditions of consent.	Complies by Condition
11. Salinity Risk	Salinity Management response required for affected properties	Site is mapped as having moderate salinity potential. Standard conditions of consent would be imposed to manage salinity if consent were granted.	Complies by Condition
12. Acid Sulfate Soils Risk	Affected properties to consider impact of development on soils	The site is mapped as being affected by Category 5 Acid Sulfate Soils. The application involves minimal earthworks to enable the construction of the proposed child care centre. No cut is proposed. And there are no proposed works below 5m AHD. Therefore, no further assessment is required in this regard.	Complies
13. Weeds	Noxious weeds to be removed as part of development where applicable	No noxious weeds present.	Not Applicable
14. Demolition of Existing Developments	Appropriate demolition measures must be implemented	A demolition plan was submitted with the application. A condition of consent will be imposed to	Complies by Condition

		ensure demolition complies with Australian Standards.	
15. Onsite Sewage Disposal	S68 Application required where connection to sewer not available	Property is connected to sewer.	Not Applicable
16. Aboriginal Archaeology	AHIA required where items of aboriginal archaeology exist	The site is not identified as containing Aboriginal archaeology.	Not Applicable
17. Heritage and Archaeology	Consideration of the impact on the heritage significance on any heritage buildings, sites, streetscapes, or areas.	The subject site is not identified as containing, or being proximate to, anything of heritage significance.	Not Applicable
20. Car Parking and Access	<u>Car Parking Controls</u> 1 Space Per Staff Member 1 space per 10 children Additionally access for a delivery van is required. <u>Bike Parking Controls</u> 1 per 10 staff and 2 per centre	27 Children and 4 staff are proposed. 7 Car spaces are required. The proposal provides 7, including one disabled space. No van access provided, however the Plan of Management restricts deliveries and chef/admin staff to outside pick up and drop off hours. The proposal was accompanied by a Traffic Impact Assessment that recommended bicycle parking be imposed as a condition of consent. Amended plans will be required prior to CC, specifying location. The proposal was reviewed by Council's Traffic and Transport section who were supportive, subject to conditions of consent.	Complies by Condition
21. Subdivision of Land and Buildings	Subdivision of land shall meet the minimum lot	Subdivision is not proposed.	Not Applicable

	width requirements as set out in Table 18.		
24. Landfill	All fill applied should be Virgin Excavated Natural Material.	Minimal fill may be required. Standard Conditions of Consent to ensure compliance will be imposed.	Complies by Condition
25. Waste Disposal	A Waste Management Plan (WMP) shall be submitted with a Development Application for any relevant activities generating waste.	The submitted waste management plan proposes using a residential waste bin service. Council does not provide waste services to commercial uses, such as child care centres. A condition of consent will be imposed requiring an updated waste management plan prior to CC.	Complies by Condition
26. Outdoor advertising and signage	Applicable signage controls: <u>General Controls</u> 1. Signage design, materials, colours, and placement should be visually compatible with the building, nearby signage, and the surrounding locality <u>Signage Controls by Type – Flush Wall Signs</u>	Proposed signage is best described as three flush wall signs on the front facade. Sign 1 is a business identification sign on the façade: 1.98sqm. Sign 2 is also a business identification sign on the projecting articulation element: 2.78sqm Sign 3 is wayfinding ("Entry") and is also on the projecting element: 0.86m Signage is excessive and not visually compatible with the surrounding residential development. Sign 2 projects above the articulation element 3 signs proposed, total area: 5.62sqm (750% noncompliance).	Does not Comply. No Consent Granted for Signage.

	1. Not to project above, horizontally or below the wall to which it is attached <u>Signage Controls by [zone] – Residential Zones</u> 1. One sign with a maximum area of 0.75sqm is permitted per business operation or activity.	Also see SEPP I&E consideration of signage in section 6.1(a) of this report above. A condition will be imposed noting no consent is granted for any signage.	
27. Social Impact Assessment	Social Impact Comment required for Childcare centres with more than 20 places.	A Social Impact Assessment (SIA) was submitted with the original application. Council's Community Planning section reviewed the SIA and had no objections to the original proposal, and revisions made to the proposal for the review of determination reduced the impacts of the proposal and were not significant enough to require further SIA changes or referral.	Complies
28. Shopping Trolleys	Applies to any development that will provide shopping trolleys.	No trolleys proposed.	Not Applicable
29. Security and Safety	Application of CPTED principles.	Numerous windows face the street, enabling surveillance.	Complies
30.4 Additional Uses (Within Business Zones) - Child Care Centres	Additional requirements for child care centre development: Approvals: - Planning Consent from Council - Provider and service approval to operate from Dept Ed. Design: - In character with the surrounding area - Employs passive solar and energy saving techniques - Front entrance visible from the street	Proposal is not in a business Zone.	Not Applicable

	Landscaping: - Grass limited to play areas (other landscaping to be planted) - Trees to provide summer shade and winter sun. - No hazardous plants. - 8m canopy trees required in the front and rear setbacks. - Landscaping to be native where possible. - Tree and shrub planting along rear boundaries should assist in providing effective screening to adjoining properties. 2.5 to 3m. - Access for disabled parking including ramps. Amenity: - Noise must not significantly impact adjoining properties. - Not constructed on sites that are contaminated. - Buildings not contain asbestos or other contamination/poisoning.		
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Part 3.8 of the LDCP 2008 is applicable to the proposal in addressing matters relevant to Centre-Based Childcare within residential zones.

Part 3.8 Non-Residential Development in Residential Zones (Childcare Centres)			
Control	Requirement	Proposed	Comment

2.1 Licence Requirements	Development consent from Council under the Environmental Planning and Assessment Act 1979.	Development application lodged with council.	Noted
	A licence to operate from the NSW Department of Community Services (DOCS) under the Children and Young Persons (Care and Protection) Act 1998 and the Children's Services Regulation 2004.	Children Services Regulation 2004 compliance (or its successive legislation) will be imposed as a condition of consent.	Complies by Condition
2.2 Lot Sizes	The maximum number of children in any centre cannot exceed 45 for 0-5 year olds, however Council may consider a maximum number of 60 children per centre of which 30% must be aged between 0-2.	Not applicable pursuant to SEPP (Transport and Infrastructure). However, the proposed development would allow a maximum of 27 children.	Not Applicable
	The proposed child care centre must comply with open space requirements as set out in the Children Services Regulation 2004.	Not applicable pursuant to SEPP (Transport & Infrastructure). Childcare Complies with SEPP requirements regarding indoor and outdoor space.	Not Applicable
2.3 Site Planning - Site Location	Child Care Centres should be located: - In the general vicinity of primary schools, major employment areas and recreation areas. - Within the grounds of community facilities, educational facilities or churches. - Near services such as shops, medical facilities and public transport. - On streets with widths that permit adequate safe manoeuvrability of vehicles & lines of sight for pedestrians, cyclists and vehicles; and on approach streets within the road hierarchy such as	Much of this section is not applicable. Pursuant to SEPP (Transport & Infrastructure), the Child Care Guideline supersedes these controls. Regardless, the site is well located, with access to nearby transport, recreation space, and a local centre. The site is not adjacent to industrial activities, on a classified road, adjacent to rail lines, on a cul-de-sac, on a lot adjacent to a roundabout, or in an area where aircraft noise levels exceed 25 ANEF.	Complies

	on collector streets. - Where traffic control devices do not impede vehicular access to sites. - Where the children will not be adversely affected by lead contamination, offensive noise and air pollution. - Child Care Centres must be located and designed so as not to pose health or safety risk to children using the centre .Child Care Centres shall not be permitted: - adjacent to industrial activities. - Within 300m of an existing Child Care Centre. - On classified roads. - Adjacent to railway lines. - On streets with a carriageway width of 6.5m or less. - On streets, which are cul-de-sacs. - On lots adjacent to a roundabout (including a proposed roundabout) - In areas where aircraft noise levels exceed 25 Australian Noise Exposure Forecast (ANEF).	Council's Environmental Health Section reviewed the stage 1 & 2 contamination reports and is satisfied, subject to conditions. Council's traffic engineers have reviewed the proposal and are supportive, subject to conditions of consent.	
2.3 Site Planning - Site Planning	Site planning should be sensitive to site attributes such as; streetscape character; natural landform; existing vegetation; views and land capability.	The proposed childcare centre is sensitive to existing streetscape character through landscaping, setbacks, and with a single storey built form. The existing tree in the rear setback, is visible from the street and will be retained.	Complies
	The site layout should enhance the streetscape through the use of	Landscaping involving a variety of native trees, bushes and shrubs along	Complies

	landscaping and built form.	the front boundary enhances the streetscape and helps soften the impact of the car park. The generous setback helps reduce the impact of the built form.	
	Site planning should enable buildings to address streets and public open spaces.	The proposed childcare centre would address the street.	Complies
	The site layout should ensure that the external play area is maximised and enjoys solar access	The external play area is at the rear, is maximised given the parking constraints, and shadow diagrams were provided showing it receives adequate solar access.	Complies
	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 location of windows provides plenty of opportunity for casual surveillance of the north, front, and rear setbacks and the street.	Complies
	In areas exposed to significant levels of off-site noise, the site layout and building forms should assist in minimising noise entry.	The site is not exposed to significant levels of off-site noise.	Not Applicable
	The site layout should ensure that the front entrance to the Child Care Centre is easily located and accessible.	The front entrance is easily accessible and is appropriately located.	Complies
	The layout must be designed around the site attributes such as slope; existing vegetation; land capability and/or solar access.	The site layout is generally considered appropriate being designed around site attributes and the existing tree.	Complies
	The siting of windows of habitable rooms on the	Single storey proposed.	Not Applicable

	first floor shall minimise overlooking to the principal private open space of neighbouring properties		
	Stormwater from the site must be able to be drained satisfactorily. Where the site falls away from the street, it may be necessary to obtain an easement over adjoining property to drain water satisfactorily to a Council stormwater system. Where stormwater drains directly to the street, there may also be a need to incorporate on-site detention of stormwater where street drainage is inadequate. Refer to Water cycle management in Part 1.	DA-347/2023 was referred to Council's Land Development Engineering section who reviewed stormwater management and drainage associated with the proposal. Council's Land Development Engineers were satisfied with the proposed Stormwater Management, subject to conditions of consent. The proposal has not changed significantly enough to require rereferral or updated concept drainage plans.	Complies by Condition
2.4 Setbacks	<u>Front Setbacks</u> Front Setback: 5.5m Secondary Setback: 4.0m	Front setback = Ground floor: 12.54m No Secondary Street.	Complies
	Verandahs, balconies, eaves and other sun control devices may encroach on the minimum front and secondary setback by up to 1m	No setback intrusion due to large front setback.	Complies
	<u>Side Setbacks</u> Single storey buildings: 1.2m Second storey component of buildings: 1.2m Access doors from children's	1.2m to the south boundary. 3m to the north boundary. Single storey. Access door to children's internal space do not face any nearby boundary.	Complies

	internal space: 4m		
	<u>Rear Setbacks</u> Single storey buildings: 4m	Ground Floor: 10.56m	Complies
2.5 Landscaped Area and Open Space - Landscaped Area	A minimum of 25% of the site area shall consist of Landscaped Area, this may include lawn, deep rooted trees, garden beds and mulched areas.	Lot area 636.7sqm Total landscaped area 184.08sqm = 29% landscaped	Complies
	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.	An unencumbered area is provided. Also a significantly large tree is retained.	Complies
	A minimum of 50% of the front setback area shall be landscaped area.	Front setback area 277.82sqm. Front landscaped area 50.54sqm. = 18% Opportunities within the front setback for landscaping conflict with required parking. An area to allow vegetation to mature is provided along the front boundary. It includes a variety of plantings that enhance the existing streetscape and soften the visual appearance of the carpark and building. Additionally, the proposal exceeds the landscaped area requirement across the entirety of the site, assisting with reducing stormwater runoff, while retaining a very large mature tree in the rear.	Acceptable on Merit

		More screening is proposed along the side and rear boundary fences, as such the area deficiency is acceptable on merit because the cumulative landscaping is sufficient for a proposal of this scale.	
	There must be an unencumbered area of 3 x 5m in the front setback for the opportunity to accommodate deep rooted trees.	Provided, including a tree.	Complies
2.5 Landscaped Area and Open Space - Open Space	A proposed Child Care Centre must comply with open space requirements as set out in the Children Services Regulation 2004	Children Services Regulation 2004 was repealed in 2012 and replaced with Children (Education and Care Services) Supplementary Provisions Act 2011 No 70. Section 17 aligns the State act with the Children (Education and Care Services National Law Application) Act 2010. The national regulations regarding open space requirements are assessed in section 6.1(e) of this report and the proposal is compliant.	Complies
	Outdoor open space is to be located behind the childcare centre i.e. away from roads/streets.	The proposed outdoor open space is located behind the building.	Complies
2.6 Building Form, Style and Streetscape – Building Appearance	Where large glass areas cannot be avoided appropriate shade devices shall be incorporated into the design.	The modern design doesn't include eaves. However, the roof has significant overhang over only the façade that is mostly comprised of window.	Complies
	The roof design shall be compatible with surrounding properties with respect to height,	The proposed roof form and building design is not compatible with surrounding properties in terms of pitch and architectural design; a	Complies

	pitch, building materials and colour. The building shall be designed so that it is in character with the surrounding residential area in terms of bulk, scale, size and height.	modern skillion design is proposed. However, the proposal is only a single storey, is set back generously from the street, and is softened by landscaping along most of the front, side and rear boundary. In terms of bulk, scale, size, and height, the building is compatible with the surrounding residential area and the desired future character of the two storey R3 – Medium Density area.	
	The front pedestrian entrance must be visible from the street.	The front pedestrian entrance would be visible from the street.	Complies
	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 façade is adequately articulated.	Complies
	For two storey developments, the side walls shall be articulated if the wall has a continuous length of over 10m.	Single Storey.	Not Applicable
	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.	Single Frontage.	Not Applicable
2.6 Building Form, Style and Streetscape – Security	Entrances to buildings should be orientated towards the front of the site facing the street.	The front entrance is orientated to the street.	Complies
	Blank walls addressing the street frontage and other public places must be avoided.	There are no blank walls facing the street frontage.	Complies

2.7 Landscaping and Fencing - Landscaping	A landscape plan must be submitted to Council with the development application. Refer to Part 1 of the DCP.	A concept landscape plan was submitted for the proposed development.	Complies
	Areas of grass are to be limited to play areas. Other landscaped areas are to be planted.	Areas of grass are limited to play areas.	Complies
	Trees adjacent to/or within the play area, are to provide shade and allow winter sun entry. Trees adjacent to private open space areas and living rooms should provide summer shade and allow winter sun entry.	Aerial photography indicates the large tree in the rear setback is deciduous.	Complies
	Landscaping species must be appropriate to prevent injury to children. No toxic, spiky or other hazardous plant species.	If approved, a condition of consent would be imposed requiring the private certifier be satisfied the plantings are not harmful to children.	Complies by Condition
	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.	Canopy tree planting in the front setback area is proposed. A large tree in the rear setback will be retained.	Complies
	Landscape planting should principally comprise of native species to maintain the character of Liverpool and provide an integrated streetscape appearance. Council will consider the use of deciduous trees in small private open space areas such as courtyards for	Proposed landscape planting is principally comprised of native species and will assist with an integrated streetscaped appearance.	Complies

	control of local microclimate and to improve solar access.		
	The landscaping shall contain an appropriate mix of canopy trees, shrubs and groundcovers. Avoid medium height shrubs (0.6 – 1.8m) especially along paths and close to windows and doors.	The proposed landscaping contains an appropriate mix of canopy trees, shrubs and groundcovers	Complies
	Tree and shrub planting alongside and rear boundaries should assist in providing effective screening to adjoining properties. The height of screening plants to be provided is 2.5 to 3m at maturity.	Landscape screening is proposed along the side and rear boundary fences to assist with privacy and to provide varied natural elements. In addition to the retention of the existing tree, the cumulative effect of hedging along the top of the side boundaries and the entire height of the rear fence, is adequate for a proposal of this scale. A condition of consent will be imposed ensuring the hedging provides enough screening along the entirety of all three fence lines in the rear, and is of a minimum pot size.	Complies by Condition
	Landscaping on any podium level or planter box shall be appropriately designed and irrigated. Landscaping on podium levels and planter boxes should be accessible from internal rooms as appropriate for gardener access.	No podium or planter box proposed.	Not Applicable

2.7 Landscaping and Fencing - Fencing	Side (behind the building setback) and rear fencing shall be 1.8m in height.	1.8m Colourbond Fencing is proposed on the plans, but the Acoustic Report reviewed and endorsed by Council's Environmental Health Officer recommends a 2m high acoustic fence. As the recommendations of the report are imposed as a condition of consent, the fence will be 2m tall. Pursuant to CI 3.27 (1)(d) of SEPP (Transport & Infrastructure) the Childcare Planning Guideline supersedes Council's DCP with some exceptions. Fencing is not an exception. Consideration C23 of the Childcare Planning Guideline provides for an acoustic report to determine the height of acoustic fencing.	Superseded
	Fences shall be constructed of materials compatible with the proposed building.	Colourbond fencing is standard for residential areas and will be compatible with the proposed building.	Complies
	Where a fence adjoins a park it shall be of a high-grade material consistent in quality with the building and the context of the park, and shall be designed to address the park.	Does not adjoin a park.	Not Applicable
	Fencing shall be designed to minimise opportunities for graffiti.	No front boundary fencing proposed.	Not Applicable
	Gates shall be the same height as the fence, self-closing and be secure and fitted with a childproof lock.	A condition would be imposed ensuring the gates are the same height as the fence and are self-closing, secure, and fitted with a child proof lock.	Complies by Condition

	Wall finishes must have low reflectivity.	No front wall proposed.	Not Applicable
	Front fences are to be light coloured and low in height or open form. Fences should not prevent surveillance by the building's occupants of the main open or communal areas within the property or the street frontage. Where noise insulation is required, consider the installation of double-glazing or other noise attenuation measures at the front of the building rather than construction of a high solid form fence.	No front boundary fencing proposed. The Acoustic Report reviewed and endorsed by Council's Environmental Health Officer recommends a 2m high acoustic fence along the side boundaries within the front setback. This is required as the recommendations of the report are imposed as a condition of consent. Pursuant to CI 3.27 (1)(d) of SEPP (Transport & Infrastructure) the Childcare Planning Guideline supersedes Council's DCP with some exceptions. Fencing is not an exception. Consideration C23 of the Childcare Planning Guideline provides for an acoustic report to determine the height of acoustic fencing.	Superseded
2.7 Landscaping and Fencing – Primary Frontage	Front fences shall have a maximum height of 1.2m, and constructed of masonry, timber and/or vegetation.	No front fencing Proposed	Not Applicable
	The front fence must be 30% transparent.	No front fencing Proposed	Not Applicable
	The front wall may exceed 1.2m (to a maximum of 1.8m) only if: - The fence is articulated by 1m and has landscaping in front of the fence, and - The fence does not impede safe sight lines from the street and from	No front fencing Proposed	Not Applicable

	vehicles entering and exiting the site, and - Front fences are to be constructed of materials compatible with the proposed design of the dwelling.		
2.7 Landscaping and Fencing – Secondary Frontage	For side walls or fences along the secondary frontage, a maximum height of 1.2m is required for the first 9m measured from the front boundary, the remaining fence/wall may then be stepped up to a maximum of 1.8m	Site has a single frontage.	Not Applicable
2.8 Car Parking and Access - Site Access	All vehicles shall enter and leave the site in a forward direction. Dead end streets or cul-de-sacs present traffic movement and parking problems and are inappropriate locations for Child Care Centres or facilities.	Swept path diagrams were provided showing vehicles enter and exit in a forward direction and the site is not located on a dead end street or cul-de-sac. Council's Traffic and Transport section have reviewed the proposal and are supportive, subject to conditions of consent.	Complies
2.8 Car Parking and Access - Location	To provide adequate vehicle access and on-site car parking facilities for residents and visitors. To minimise reliance on on-street parking. To provide safe and easy access to and from the site for pedestrians and motorists. To provide adequate turning areas for manoeuvring into and out of car parking spaces and/or garages. To minimise the impact of driveways and parking areas on existing	The parking section of LDCP 2008 Part 1 requires 7 parking spaces and 7 are provided. Council's Traffic and Transport section have reviewed the proposal and are supportive, subject to conditions of consent. Child proof fencing separating the car park from the pedestrian access way will also be imposed as a condition of consent.	Complies by Condition

	landscaping, landform and streetscape. To ensure pavement or driveway materials are sympathetic to the streetscape and surrounding landscape character.		
2.9 Amenity and Environmental Impact - Noise	Development for childcare centres shall not be permitted in areas where aircraft noise levels exceed 25 Australian Noise Exposure Forecast (ANEF).	The childcare centre is not located in an area where aircraft noise levels exceed 25 ANEF.	Complies
2.9 Amenity and Environmental Impact - Contaminants	All buildings whether to be built, extended, renovated or converted shall not contain any material or substance that will cause lead or asbestos or other contamination or poisoning.	A Stage 2 Detailed Site Inspection was submitted with the original application and was accepted by Council's Environmental Health Officer. The proposal was referred to Council's EHO for the review of determination and contamination was not raised as an issue.	Complies
2.9 Amenity and Environmental Impact - Site Operation	In residential zones the days/hours of operation shall be limited to 7.00 am - 7.00 pm: Monday – Saturday. No operation on Sundays or public holidays.	The Plan of Management details hours of operation 7am – 6pm Monday to Friday only. A condition of consent will be imposed limiting hours of operation.	Complies by Condition
	Child Care Centres or facilities shall be no closer than 50m to mobile phone towers or antennas or transmission line easements or other similar electromagnetic radiation sources.	The proposed childcare centre would not be located closer than 50m to mobile phone towers or antennas or transmission line easements or other similar electromagnetic radiation sources.	Complies
2.9 Amenity and Environmental Impact - Overshadowing	Adjoining properties must receive a minimum of three hours of sunlight between 9am and 3pm on 21 June to at least:	Shadow diagrams were provided showing the neighbours will receive adequate sunlight. The proposal is for a single storey building that will replace an existing single	Complies

	- one living, rumpus room or the like and/or - 50% of the private open space.	storey building. An increase in overshadowing is unlikely to be significant.	
2.9 Amenity and Environmental Impact - Privacy	Habitable room windows facing side boundaries are to be offset by at least 1m from any habitable room windows in an adjoining dwelling.	Windows are appropriately offset, and privacy is assisted by a 2m high acoustic fence and landscaping.	Complies
	Habitable room windows on the first floor that face the side boundary are to avoid unreasonable overlooking by having a minimum sill height of 1.5m, except where they face a street or public open space.	Single Storey building.	Not Applicable
	Building siting, window location, balconies and fencing must consider the importance of the privacy of on-site and adjoining buildings and private open spaces.	Building siting, window location, and fencing have considered the importance of the privacy of on-site and adjoining buildings and private open spaces. Privacy will be assisted by boundary landscaping.	Complies
	Landscaping should be used where possible to increase visual privacy between dwellings and adjoining properties.	Landscape screening is proposed along the side and rear boundary fences to assist with privacy and to provide varied natural elements. In addition to the retention of the existing tree, the cumulative effect of hedging along the top of the side boundaries and the entire height of the rear fence, is adequate for a proposal of this scale. A condition of consent will be imposed ensuring the hedging provides enough screening along the entirety of all three fence lines in the	Complies by Condition

		rear, and is of a minimum pot size.	
2.9 Amenity and Environmental Impact - Acoustic Privacy	Noise attenuation measures should be incorporated into building design to ensure acoustic privacy between on-site and adjoining buildings.	The proposal was referred to Council's Environmental Health department. Council's Environmental Health officer has reviewed the acoustic report and is satisfied the noise emission levels will be controlled, subject to conditions of consent.	Complies by Condition
	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.	Site is not in an area adversely impacted upon by rail or traffic related noises.	Not Applicable
	The proposed buildings must comply with the Department of Environment and Climate Change criteria and the current relevant Australian Standards for noise and vibration and quality assurance.	A condition of consent will be imposed ensuring compliance with the relevant criteria and standards.	Complies by Condition
2.10 Site Services - Waste Management	Waste disposal facilities shall be provided for development. These shall be located adjacent to the driveway entrance to the site.	An external bin storage cupboard is provided recessed on the west side of the building, accessible to the driveway entrance via pathway and gate.	Complies by Condition
	Any structure involving waste disposal facilities shall be located as follows:	Council's Environmental Health section reviewed the proposal, and conditions of consent will be imposed to ensure the proposed waste storage complies with	

	- Setback 1m from the front boundary to the street. - Landscaped between the structure and the front boundary and adjoining areas to minimise the impact on the streetscape. - Not be located adjacent to an adjoining residential property. Details of the design of waste disposal facilities are shown in Part 1 of the DCP.	relevant legislative requirements and the waste provisions of Part 1 of LDCP so as to not cause nuisance to the adjoining neighbour.	
2.10 Site Services - Letterboxes and Numbering	Letterboxes shall be located along the front boundary and be clearly visible and accessible from the street. The street number of a site must be visible from the street and made of a reflective material to allow visitors and emergency vehicles to easily identify the site.	The proposed letterbox is shown in an appropriate place on the plans. Conditions will be imposed to ensure compliance.	Complies by Condition
2.10 Site Services - Frontage works and damage to Council assets	Where a footpath, road shoulder or new or enlarged access driveway is required to be provided this shall be provided at no cost to Council. Council must be notified of any works that may threaten Council assets. Council must give approval for any works involving Council infrastructure. 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	Standard conditions of consent will be imposed ensuring council's assets are protected and works are provided at no cost to council. Provision of a street tree will also be required by condition.	Complies by Condition

	street trees are provided in the footpath area immediately in front of the site.		
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Report Attachment 3 – Child Care Planning Guideline Tables

An assessment against Parts 2 & 3 of the Guideline is provided in the tables below:

Part 2 - Design quality principles
Principle 1 – Context Good design responds and contributes to its context, including 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. Well-designed child care facilities respond to and enhance the qualities and identity of the area including adjacent sites, streetscapes and neighbourhood. Well-designed child care facilities take advantage of its context by optimising nearby transport, public facilities and centres, respecting local heritage, and being responsive to the demographic, cultural and socio-economic makeup of the facility users and surrounding communities.
Comment: The proposal is located among a primarily low density residential precinct with the single storey development responding building being considered consistent with this scale of development. The area is well serviced by bus links and services. The location is populated by families so would service the local community. In this regard it is considered that the proposal is in line with the context principles set out above. This is further evidenced by the compliance with the objectives and considerations of section 3 of the Child Care Planning Guidelines below.
Principle 2 – Built Form Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the surrounding area. Good design 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. Good design also uses a variety of materials, colours and textures. 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. Contemporary facility design can be distinctive and unique to support innovative approaches to teaching and learning, while still achieving a visual appearance that is aesthetically pleasing, complements the surrounding areas, and contributes positively to the public realm.
Comment: It is considered that by its single storey proposal, that the bulk and scale of the built form is consistent with the envisaged single and double storey dwellings that are permitted in the surrounding vicinity. The building is considered to consist of the appropriate level of articulation and materiality to be compatible and contribute to the public domain. The building's interior is generally open plan in nature with many outlook opportunities to landscape areas of the site. In this respect it would assist in providing an environment suitable for innovative approaches to teaching and learning. In this regard it is considered that the design is consistent with the built form principles outlined above. This is further evidenced by the compliance with the objectives and considerations of Section 3 of the Child Care Planning Guidelines below.
Principle 3 - Adaptive learning spaces Good facility design delivers high quality learning spaces and achieves a high level of amenity for children and staff, resulting in buildings and associated infrastructure that are fit-for-purpose, enjoyable and easy to use. This is achieved through site layout, building design, and learning spaces fit-out. Good design achieves a mix of inclusive learning spaces to cater for all students and different modes of learning. This includes appropriately designed physical spaces offering a variety of settings, technology and opportunities for interaction.
Comment: The development is oriented with windows to the learning spaces facing east, north and west which ensures a high-level natural light throughout the year which makes them more enjoyable spaces. The design provides a range of room sizes and layouts are open space rooms that can be readily reconfigured for different modes of learning and the provision of a variety of settings and technology

and opportunity for interactions. In this regard it is considered that the design is consistent with the adaptive learning spaces principles outlined above. This is further evidenced by the compliance with the objectives and considerations of section 3 of the Child Care Planning Guidelines below.
Principle 4- Sustainability Sustainable design combines positive environmental, social and economic outcomes. This includes use of natural cross ventilation, sunlight and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and re-use of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation. Well-designed facilities are durable and embed resource efficiency into building and site design, resulting in less energy and water consumption, less generation of waste and air emissions and reduced operational costs.
Comment: The design includes windows to the perimeter of the building which would facilitate both natural ventilation and sunlight to reduce heating and ventilation costs. The landscaping provides appropriate quantities of deep soil zones. Additionally, the building would be constructed to NCC standards which would ensure that materials and mechanical technology would achieve appropriate resource efficiency. In this regard it is considered that the design is consistent with the sustainability principles outlined above. This is further evidenced by the compliance with the objectives and considerations of section 3 of the Child Care Planning Guidelines below.
Principle 5 – Landscape Landscape and buildings should operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood. Well-designed landscapes make outdoor spaces assets for learning. This includes designing for diversity in function and use, age-appropriateness and amenity. Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, coordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.
Comment: Landscaping is provided across the site, including along the front boundary line, and within the playground area at the eastern side of the site which includes an existing 15m high tree and structures to permit all year use. Compliance with the principles of this section is further evidenced by compliance with the objectives and considerations of section 3 of the Child Care Planning Guidelines below.
Principle 6 - Amenity Good design positively influences internal and external amenity for children, staff and neighbours. Achieving good amenity contributes to positive learning environments and the well-being of students and staff. Good amenity combines appropriate and efficient indoor and outdoor learning spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, service areas and ease of access for all age groups and degrees of mobility. Well-designed child care facilities provide comfortable, diverse and attractive spaces to learn, play and socialise.
Comment: It is considered that the design achieves a high level of amenity by providing the appropriate levels of indoor and outdoor space for the 27-place childcare centre, providing a well-designed and located outdoor landscaped environment with a high level of access to sunlight and natural ventilation for the open plan indoor rooms. The acoustic report recommends a 2m high fence which may be lapped/capped, metal or brick, which is typical in the locality and reduces visual and acoustic impacts to any adjoining dwellings. Being a single-storey development, the design is considered appropriately a high level of ease of access for all age groups and degrees of mobility. In this regard it is considered that the design is consistent with the amenity principles outlined above. This is further evidenced by the compliance with the objectives and considerations of section 3 of the Child Care Planning Guidelines below.

Principle 7 - Safety Well-designed child care facilities optimise the use of the built and natural environment for learning and play, while utilising equipment, vegetation and landscaping that has a low health and safety risk and can be checked and maintained efficiently and appropriately. Good child care facility design balances safety and security with the need to create a welcoming and accessible environment. It provides for quality public and private spaces that are inviting, clearly defined and allow controlled access for members of the community. Well-designed child care facilities incorporate passive surveillance and Crime Prevention Through Environmental Design (CPTED).
Comment: The design of the centre has only one point of regular access within the site which would provide a high level of security for the children attending the centre in a well-controlled manner. The entry of the centre is provided with sufficient passive surveillance, and the proposal includes CCTV. Landscaping will be conditioned to be child friendly, and native so as to be easily maintained, providing a welcoming, safe environment. This is further evidenced by the compliance with the objectives and considerations of section 3 of the Child Care Planning Guidelines below.

Child Care Planning Guideline 2021 - Part 3. Matters for consideration			
Objectives	Considerations	Assessment	Comment
3.1 Site Selection and location			
C1 <i>Proposed developments in or adjacent to a residential zone must consider:</i>	The acoustic and privacy impacts of the proposed development on the residential properties;	An acoustic report has been provided. Council's Environmental Health Officer. Recommendations and requirements of the report will be imposed as a condition of consent. The proposal is 1 storey, surrounded by a minimum 2m acoustic fence, with additional planting along and above the fence line to provide visual screening.	Complies by Condition
	The setbacks and siting of buildings within the residential context; and	The setbacks and siting of the development is suitable within the residential context.	Complies
	Visual amenity impacts (e.g. additional building bulk and overshadowing, local character)	The proposed single storey building doesn't cause significantly more overshadowing, landscaping softens the carparking within the front setback, and while the materials and design have a contemporary look, the proposal is generally in line with the neighbourhood character in terms of bulk and scale.	Complies

	Traffic and parking impacts of the proposal on residential amenity.	Council's Traffic and Transport section has reviewed the proposal and is supportive, subject to conditions of consent. The proposed landscaping along the front boundary line will soften the visual impact of the carpark.	Complies
C2 <i>To ensure that the site selected for a proposed child care facility is suitable for the use.</i>	The location and surrounding uses are compatible with the proposed development or use.	The site is suitable for the centre-based childcare as it is compatible with the residential zoning and the future desired character of the area. Council's Community Planning section reviewed the proposal for DA-347/2023 and was not opposed to the location.	Complies
	The site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards.	The site is does not have affectations.	Complies
	There are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed.	A Preliminary Site Investigation and Detailed Site Investigation were submitted with the proposal and reviewed by Council's Environmental Health Officer who raised no objections regarding contamination, subject to conditions of consent.	Complies by Condition
	The characteristics of the site are suitable for the scale and type of development proposed having regard to: - size of street frontage, lot configuration, dimensions and overall size - number of shared boundaries with residential properties	The site is of a suitable size and dimensions to accommodate the development. The number of shared boundaries with residential properties is three which is a typical residential site.	Complies
	The development will not have adverse environmental impacts on the surrounding area,	The surrounding areas are not sensitive environmental or cultural areas,	Complies

	particularly in sensitive environmental or cultural areas		
	Where the proposal is to occupy or retrofit an existing premises, the interior and exterior spaces are suitable for the proposed use. Where the proposal relates to any heritage item, the development should retain its historic character and conserve significant fabric, setting or layout of the item.	Existing structures not to be retained. Not a heritage site.	Not Applicable
	There are suitable drop off and pick up areas, and off and on street parking.	Visitor parking has been provided in accordance with the Liverpool DCP, and Council's Traffic and Transport section have reviewed the proposal and are supportive, subject to conditions of consent.	Complies by Condition
	The characteristics of the fronting road or roads (for example its operating speed, road classification, traffic volume, heavy vehicle volumes, presence of parking lanes) is appropriate and safe for the proposed use.	As has been pointed out by public submissions, the proposal fronts a narrow, curved street. Council's Traffic and Transport section have reviewed the proposal and are supportive, subject to conditions of consent imposed to address safety concerns.	Complies by Condition
	The site avoids direct access to roads with high traffic volumes, high operating speeds, or with high heavy vehicle volumes, especially where there are limited pedestrian crossing facilities	Site avoids direct access to high traffic roads. It's in a residential area with a low speed limit.	Complies
	It is not located closely to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises.	The site is not in the vicinity of restricted premises and the like.	Complies
C3 <i>To ensure that sites for child</i>	Near compatible social uses such as schools and other educational establishments, parks and other public open	The site is located less than 20m from a park.	Complies

<i>care facilities are appropriately located.</i>	space, community facilities, places of public worship.		
	Near or within employment areas, town centres, business centres, shops.	The site is located 700m from the Wattle Grove town Centre.	Complies
	With access to public transport including rail, buses, ferries.	The site is 600m from Holsworthy Train Station and 180m away from the nearest bus stop on Bardia Parade.	Complies
	In areas with pedestrian connectivity to the local community, businesses, shops, services and the like.	Pedestrian connectivity is considered to be suitable with footpaths to bus stops, Holsworthy Station and shops provided in nearby streets.	Complies
C4 <i>To ensure that sites for child care facilities do not incur risks from environmental, health or safety hazards.</i>	Heavy or hazardous industry, waste transfer depots or landfill sites.	The site is not located close to heavy or hazardous industries.	Complies
	LPG tanks or service stations	The site is not located close to service stations or LPG tanks.	Complies
	Water cooling and water warming systems.	The site is not located close to water cooling systems.	Complies
	Odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses.	The site is not located close to odour polluting or noise generating sites.	Complies
	Extractive industries, intensive agriculture, agricultural spraying activities.	The site is located within a residential area.	Complies
	Any other identified environmental hazard or risk relevant to the site and/ or existing buildings within the site.	The site is located within a residential area.	Complies
3.2 Local Character, streetscape and the public domain interface			
C5 <i>To ensure that the child care facility is compatible with the local</i>	Contribute to the local area by being designed in character with the locality and existing streetscape. Build on the valued characteristics of the	The proposed roof form and building design is not compatible with surrounding properties in terms of pitch and architectural design. A modern skillion design is proposed.	Complies

<i>character and surrounding streetscape.</i>	neighbourhood and draw from the physical surrounds, history and culture of place. Reflect the predominant form of surrounding land uses, particularly in low density residential areas. Recognise predominant streetscape qualities, such as building form, scale, materials and colours. Include design and architectural treatments that respond to and integrate with the existing streetscape.	However, the proposal is only a single storey, is set back generously from the street, and is softened by landscaping along most of the front, side and rear boundary. In terms of bulk, scale, size, and height, the building is compatible with the surrounding residential area and the desired future character of the two storey R3 – Medium Density area. A schedule of colours, materials, and finishes was submitted with the proposal and the front façade is predominantly brown, grey and white: colours that are common for residential properties and feature in the existing streetscape.	
	Use landscaping to positively contribute to the streetscape and neighbouring amenity. Integrate car parking into the building and site landscaping design in residential areas.	Landscaping treatments have been incorporated along the front boundary to soften the visual impact of the building and the car parking in the front setback.	Complies
C6, C7 and C8 <i>To ensure clear delineation between the child care facility and public spaces</i>	Fencing to ensure safety for children entering and leaving the facility.	Fencing has been proposed to ensure safety for children entering and exiting the centre.	Complies
	Windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community	Windows provided along the front façade facing the street.	Complies
	Integrating existing and proposed landscaping with fencing.	No fencing proposed along the front boundary, however hedging will provide a clear delineation between the facility and the public domain.	Complies
	On sites with multiple buildings and/or entries, pedestrian entries and spaces associated with the child care facility should be differentiated to	Single building with a clear entry.	Complies

	improve legibility for visitors and children by changes in materials, plant species and colours.		
	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: • clearly defined street access, pedestrian paths and building entries • low fences and planting which delineate communal/private open space from adjoining public open space • minimal use of blank walls and high fences.	Does not adjoin parks, open space or bushland.	Not Applicable
C9 and C10 <i>To ensure that front fences and retaining walls respond to and complement the context and character of the area and do not dominate the public domain.</i>	Front fences and walls within the front setback should be constructed of visually permeable materials and treatments. Where the site is listed as a heritage item, adjacent to a heritage item or within a conservation area front fencing should be designed in accordance with local heritage provisions.	No fencing proposed along the front boundary, however hedging will provide a clear delineation between the facility and the public domain. The site is not listed as a heritage item.	Complies
	High solid acoustic fencing may be used when shielding the facility from noise on classified roads. The walls should be setback from the property boundary with screen landscaping of a similar height between the wall and the boundary.	No Acoustic fencing proposed for the front fence. Not a classified road.	Not Applicable
3.3 Building orientation, envelope, building design and accessibility			
C11 <i>To respond to the streetscape and site, mitigate</i>	Orient a development on a site and design the building layout to: Ensure visual privacy and minimise potential noise and	The design of the centre ensures that visual privacy is maintained and would minimise any significant adverse noise	Complies by Condition

<i>impacts on neighbours, while optimising solar access and opportunities for shade.</i>	overlooking impacts on neighbours by: - 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.	and overlooking impacts on adjoining properties. The external play area is proposed at the rear and north boundary and is screened from surrounding residential dwellings and other sensitive uses. The submitted acoustic assessment has taken into consideration the noise impacts and contains recommendations, which will be conditioned.	
	Optimise solar access to internal and external play areas.	Shadow diagrams were provided. Solar access to internal and external play areas is adequate.	Complies
	Avoid overshadowing of adjoining residential properties.	The proposed development is a single storey building. Additional overshadowing of neighbours is unlikely. Submitted shadow diagrams show adequate sunlight reaches adjoining properties.	Complies
	Minimise cut and fill.	No/minimal cut and fill required.	Complies
	Ensure buildings along the street frontage define the street by facing it.	The proposed building has been designed so that it addresses the street frontage.	Complies
	Ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climatic conditions.	The outdoor play area at ground level is shielded from adverse weather conditions through fencing and landscape design. Natural shading is also provided in summer by the existing tree to shield children from UV rays.	Complies
C12 <i>To ensure that the scale of the child care facility is compatible with adjoining development and the impact on adjoining buildings is minimised.</i>	Building height should be consistent with other buildings in the locality.	Single storey proposal is consistent with the predominant single storey typology in the street.	Complies
	Building height should respond to the scale and character of the street.		
	Setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility.	Side and rear setbacks are consistent with, or exceed, the requirements of the LDCP 2008.	Complies

	Setbacks should provide adequate access for building maintenance.	Side and rear setbacks are consistent with, or exceed, the requirements of the LDCP 2008.	Complies
	Setbacks to the street should be consistent with the existing character.	The setbacks and siting of the development is suitable within the residential context and are consistent with the requirements of the LDCP. A greater than usual setback is required to accommodate parking, however this is balanced by landscaping along the front boundary line.	Complies
C13 and C14 <i>To ensure that setbacks from the boundary of a child care facility are consistent with the predominant development within the immediate context</i>	Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres. On other road frontages where there are existing buildings within 50 metres, the setback should be the average of the two closest buildings. Where there are no buildings within 50 metres, the same setback is required for the predominant adjoining land use.	The subject site is zoned R3 Medium Density Residential. Setbacks have been applied in accordance with controls within Part 3.8 Non-Residential Development in Residential Zones: (Childcare Centres), in which the proposed development complies.	Not Applicable
	On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.	The subject site is zoned R3 Medium Density Residential. Setbacks have been applied in accordance with controls within Part 3.8 Non-Residential Development in Residential Zones: (Childcare Centres), in which the proposed development complies.	Not Applicable
C15 <i>To ensure that buildings are designed to create safe environments for all users.</i>	Entry located to allow ease of access, particularly for pedestrians.	The proposed childcare centre provides one main entrance point for pedestrians, which is supplied along with a pedestrian path separated from the carpark.	Complies
	Directly accessible from the street where possible.	Entry is directly accessible from the street.	Complies
	Directly visible from the street frontage.	Entry is directly visible from the street.	Complies
	Easily monitored through natural or camera surveillance.	Entry to the facility is easily monitored through natural surveillance of windows.	Complies

	Not accessed through an outdoor play area.	Entrance is not accessed through outdoor play area.	Complies
	In a mixed-use development, clearly defined and separate from entrances to other uses in the building.	Not within a mixed-use development.	Not Applicable
C16 <i>To ensure that child care facilities are designed to be accessible by all potential users.</i>	Providing accessibility to and within the building in accordance with all relevant legislation	Accessibility is provided to and within the building.	Complies
	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.	The site is at grade. Ramps are not needed.	Complies
	Providing a continuous path of travel to and within the building, including access between the street entry and car parking and main building entrance. Platform lifts should be avoided where possible.	There is a continuous path of travel within and from the building entrance to the carpark and the street.	Complies
	Minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath.	No ramping required.	Complies
3.4 Landscaping			
C17 and C18 Landscaping <i>To provide landscape design that contributes to the streetscape and amenity.</i>	Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space.	Landscape screening is proposed along the side and rear boundary fences to assist with privacy and to provide varied natural elements. The gapless hedging along the rear grows continuously from root to leaf along the rear and is not included in the unencumbered outdoor space. The trees along the side boundaries at the rear are to be spaced apart so as to allow movement/play between them, allowing inclusion in the unencumbered outdoor space calculations while providing a	Complies by Condition

		continuous hedge at/above the fence line. In addition to the retention of the existing tree, the cumulative effect of hedging along the top of the side boundaries and the entire height of the rear fence, is appropriate for a proposal of this scale. A condition of consent will be imposed ensuring the hedging provides enough screening along the entirety of all three fence lines in the rear and is of a minimum pot size to be effective at the time of issue of OC.	
	Use the existing landscape where feasible to provide a high-quality landscaped area by: • Reflecting and reinforcing the local context • Incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping.	Trees in the front and rear setback are retained. Substantial additional planting is also proposed.	Complies
	Incorporate car parking into the landscape design of the site by: • Planting shade trees in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings • Taking into account streetscape, local character and context when siting car parking areas within the front setback • Using low level landscaping to soften and screen parking areas.	An appropriate amount of landscape screening and shading is provided along the front boundary and along the side fence within the front setback considering the car park size and the site constraints.	Complies

3.5 Visual and acoustic privacy			
C19 and 20 <i>To protect the privacy and security of children attending the facility</i>	Open balconies in mixed use developments should not overlook facilities nor overhang outdoor play spaces.	Not a mixed use development.	Not Applicable
	Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through: Appropriate site and building layout	The building has been adequately setback from the street in accordance with LDGP 2008.	Complies
	Suitably locating pathways, windows and doors	Pathways, windows, and doors are located in appropriate areas.	Complies
	Permanent screening and landscape design.	Sufficient planting and screening within the front setback and along the side and rear boundaries around the outdoor play area.	Complies
C21 <i>To minimise impacts on privacy of adjoining properties.</i>	Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through: Appropriate site and building layout	Proposal is single storey and unlikely to directly overlook internal living areas and private open spaces of adjoining developments. Active room windows have an increased setback from the neighbouring boundary. Additional boundary screening landscape is will be conditioned between the building and the north side boundary.	Complies by Condition
	Suitable location of pathways, windows and doors	Pathways, windows and doors are located in appropriate areas.	Complies
	Landscape design and screening.	Landscape screening is proposed along most of the boundary fence and will grow taller than the fence.	Complies
C22 and 23 <i>To minimise the impact of child care facilities on the acoustic privacy of neighbouring</i>	A new development, or development that includes alterations to more than 50 per cent of the existing floor area, and is located adjacent to residential accommodation should:	Acoustic fencing is recommended by the acoustic report along the side and rear boundaries. Council's Environmental Health Officer has reviewed the acoustic report and its recommendations and requirements will be imposed as a condition of consent.	Complies by Condition

<i>residential developments.</i>	Provide an acoustic fence along any boundary where the adjoining property contains a residential use.		
	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.	The acoustic report reviewed by council's environmental health officer recommends acoustic assessment and treatments for mechanical plant be undertaken after mechanical services plans have been prepared. Recommendations of the acoustic report will be imposed as a condition of consent.	Complies by Condition
	A suitably qualified acoustic professional should prepare an acoustic report which will cover the following matters: - Identify an appropriate noise level for a child care facility located in residential and other zones - Determine an appropriate background noise level for outdoor play areas during times they are proposed to be in use - Determine the appropriate height of any acoustic fence to enable the noise criteria to be met.	Acoustic fencing is recommended by the acoustic report along the side and rear boundaries. Council's Environmental Health Officer has reviewed the acoustic report and its recommendations and requirements will be imposed as a condition of consent.	Complies by Condition
3.6 Noise and air pollution			
C24 and 25 <i>To ensure that outside noise levels on the facility are minimised to acceptable levels.</i>	Adopt design solutions to minimise the impacts of noise, such as: Creating physical separation between buildings and the noise source.	Proposal is in a residential area, with few offsite noise sources. Council's Environmental Health Officer has reviewed the acoustic report and its recommendations and requirements will be imposed as a condition of consent.	Complies by Condition
	Orienting the facility perpendicular to the noise source and where possible buffered by other uses.	Proposal is in a residential area, with few offsite noise sources. Noise would be buffered by landscaping and the significant setback from the street.	Complies

	Using landscaping to reduce the perception of noise	Landscaping is proposed along most of the front side and rear boundary.	Complies
	Limiting the number and size of openings facing noise sources	Openings are required for cross ventilation, but they can be closed.	Complies
	Using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens)	Specific treatments and materials are proposed in the acoustic report, which has been reviewed by Council's Environmental Health Officer and will be imposed as a condition of consent.	Complies by Condition
	Using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits	Specific treatments and materials are proposed in the acoustic report, which has been reviewed by Council's Environmental Health Officer and will be imposed as a condition of consent.	Complies by Condition
	Locating cot rooms, sleeping areas and play areas away from external noise sources.	Cot room fronts the car park. However most vehicle movements will occur at drop off and pickup times when the room is not in use.	Complies
	An acoustic report should identify appropriate noise levels for sleeping areas and other non-play areas and examine impacts and noise attenuation measures where a child care facility is proposed in any of the following locations: • On industrial zoned land • Where the ANEF contour is between 20 and 25, consistent with AS 2021 – 2000 • Along a railway or mass transit corridor, as defined by State Environmental Planning Policy (Infrastructure) 2007 • On a major or busy road	The proposal is in a quiet residential area.	Not Applicable

	Other land that is impacted by substantial external noise		
C26 and 27 <i>To ensure air quality is acceptable where child care facilities are proposed close to external sources of air pollution such as major roads and industrial development.</i>	Locate child care facilities on sites which avoid or minimise the potential impact of external sources of air pollution such as major roads and industrial development.	The area is occupied predominantly by residential housing. The site is not located adjacent to major roads or industrial development. Therefore, no air quality assessment report is required	Not Applicable
	A suitably qualified air quality professional should prepare an air quality assessment report to demonstrate that proposed child care facilities close to major roads or industrial developments can meet air quality standards in accordance with relevant legislation and guidelines.	The area is occupied predominantly by residential housing. The site is not located adjacent to major roads or industrial development. Therefore, no air quality assessment report is required	Not Applicable
	The air quality assessment report should evaluate design considerations to minimise air pollution such as: - creating an appropriate separation distance between the facility and the pollution source. The location of play areas, sleeping areas and outdoor areas should be as far as practicable from the major source of air pollution - using landscaping to act as a filter for air pollution generated by traffic and industry. Landscaping has the added benefit of improving aesthetics and minimising visual intrusion from an adjacent roadway - incorporating ventilation design into the design of the facility.	The area is occupied predominantly by residential housing. The site is not located adjacent to major roads or industrial development. Therefore, no air quality assessment report is required	Not Applicable
3.7 Hours of operation			
C28 and C29 <i>To minimise the impact of the</i>	Hours of operation within areas where the predominant land use is residential should be confined to the core hours of	The site is surrounded on three sides by residential. The proposed hours of operation are Monday to	Complies by Condition

<i>child care facility on the amenity of neighbouring residential developments.</i>	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	Friday: 7:00am to 6:00pm. Conditions of consent will be imposed limiting operation to these house.	
	Within mixed use areas or predominantly commercial areas, the hours of operation for each child care facility should be assessed with respect to its compatibility with adjoining and co-located land uses.	The site is surrounded on three sides by residential.	Not Applicable
3.8 Traffic, parking and pedestrian circulation			
C30, C31 and C32 <i>To provide parking that satisfies the needs of users and the demand generated by the centre and to minimise conflicts between pedestrians and vehicles.</i>	Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land.	Off street parking is provided in accordance with the Liverpool Development Control Plan. The proposal has been reviewed by Council's Traffic and Transport Section who are supportive, subject to conditions.	Complies by Condition
	In commercial or industrial zones and mixed use developments, on street parking may only be considered where there are no conflicts with adjoining uses, that is, no high levels of vehicle movement or potential conflicts with trucks and large vehicles.	Site is not within mixed-use or commercial areas.	Not Applicable
	A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised. The study should also address any proposed variations to parking rates and demonstrate that: - The amenity of the surrounding area will not be affected - There will be no impacts on the safe operation of the surrounding road network	Council's Traffic and Transport section reviewed the submitted traffic report and are supportive of the proposal, subject to the imposition of conditions of consent.	Complies by Condition

C33 and C34 <i>To provide vehicle access from the street in a safe environment that does not disrupt traffic flows.</i>	Alternate vehicular access should be provided where child care facilities are on sites fronting: • A classified road • Roads which carry freight traffic or transport dangerous goods or hazardous materials.	Site is not fronting a classified road. Site is not fronting a heavy usage or hazardous road.	Not Applicable
	The alternate access must have regard to: • The prevailing traffic conditions • Pedestrian and vehicle safety including bicycle movement • The likely impact of the development on traffic	Alternate access is not required.	Not Applicable
	Child care facilities proposed within cul-de-sacs or via narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the wider locality in times of emergency.	The proposal is on a narrow curved road. Council's Traffic and Transport Section have reviewed the proposal and the submitted Traffic Impact Assessment and are supportive, subject to conditions.	Complies by Condition
C35, C36 and C37 <i>To provide a safe and connected environment for pedestrians both on and around the site.</i>	Separate pedestrian access from the car park to the facility.	Pedestrian access would be separate from the car park to the facility. A condition of consent will be imposed ensuring the pedestrian access is separated by a fence.	Complies by Condition
	Defined pedestrian crossings included within large car parking areas.	Car park is not large enough to necessitate pedestrian crossings.	Not Applicable
	Separate pedestrian and vehicle entries from the street for parents, children and visitors.	Vehicle and pedestrian access to the child care centre would be separate.	Complies
	Pedestrian paths that enable two prams to pass each other.	Pedestrian's paths are sufficiently wide.	Complies
	Delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities	Space for one delivery vehicle is required by the LDCP. No delivery or loading areas are proposed. The plan of management constrains hours for deliveries when the car park	Complies by Condition

		is otherwise empty of guest cars. Council's Traffic and Transport Section have reviewed the proposal and are supportive, subject to conditions.	
	Minimise the number of locations where pedestrians and vehicles cross each other	Vehicle and pedestrian access to the child care centre would be separate from the street.	Complies
	In commercial or industrial zones and mixed-use developments, the path of travel from the car parking to the centre entrance physically separated from any truck circulation or parking areas	Site is not within mixed-use or commercial areas.	Not Applicable
	Vehicles can enter and leave the site in a forward direction.	Swept path diagrams were provided showing vehicles can enter and leave the site in a forward direction. These were reviewed by council's traffic and transport section who are supportive, subject to conditions.	Complies by Condition
	Clear sightlines are maintained for drivers to child pedestrians, particularly at crossing locations.	A condition of consent will be imposed ensuring clear sightlines are maintained where the car park crosses over into the street, without compromising the landscaping along the front boundary.	Complies by Condition
	Mixed use developments should include: • driveway access, manoeuvring areas and parking areas for the facility that are separate to parking and manoeuvring areas used by trucks • drop off and pick up zones that are exclusively available for use during the facility's operating hours with spaces clearly marked accordingly, close to the main entrance and preferably at the same floor level. Alternatively, direct access should avoid crossing driveways or manoeuvring	Site is not within mixed-use areas.	Not Applicable

	areas used by vehicles accessing other parts of the site • parking that is separate from other uses, located and grouped together and conveniently located near the entrance or access point to the facility.		
	Car parking design should: • Include a child safe fence to separate car parking areas from the building entrance and play areas • Provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards • Include wheelchair and pram accessible parking.	Conditions of consent will be imposed ensuring a child safe fence with an appropriate gate is provided separating the building and access pathway from the carpark. One accessible parking space is closest to the entrance. No pram accessible parking, however the car park is not large enough to require it.	Complies by Condition Complies Not Applicable



NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application number	RD-38/2024 PAN-454978
Applicant	MR P FESTA [REDACTED]
Description of development	Demolition of existing buildings, construction of a single story Centre-based Child Care, signage-advertising and related landscaping
Property	14 SATELBERG STREET HOLSWORTHY NSW 2173 LOT 428 DP 234857
Determination:	Consent Authority -
Date of determination	4/11/2024
Date from which the consent operates	4/11/2024
Date on which the consent lapses	4/11/2029

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

Reasons for approval

Right of appeal / review of determination

If you are dissatisfied with this determination:

Request a review

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

Rights to appeal

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

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

Peer review (Authorising Officer) sign-off is incomplete

sign-off is incomplete

Person on behalf of the consent authority

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

Terms and Reasons for Conditions

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

General Conditions

1. (A950) No Consent for Proposed Signage				
No consent is granted for any proposed signage.				
Condition reason: To ensure fairness, transparency and probity.				
2. (A002) Approved plans and supporting documentation				
Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.				
Approved plans				
Plan number	Revision number	Plan title	Drawn by	Date of plan
01	E	Demolition & Existing Site Plan	Design Basix Build	18/10/2024
02	E	Proposed Site Plan	Design Basix Build	18/10/2024
03	E	Ground Floor Plan	Design Basix Build	18/10/2024
04	E	Roof Floor Plan	Design Basix Build	18/10/2024
05	E	Front Elevation	Design Basix Build	18/10/2024
06	E	Elevations	Design Basix Build	18/10/2024
07	E	Rear Elevation/Section	Design Basix Build	18/10/2024
08	E	Internals/Construction Details	Design Basix Build	18/10/2024
09	E	Internals/Construction Details	Design Basix Build	18/10/2024
10	E	Fixtures	Design Basix Build	18/10/2024
11	E	Internals/Construction Details	Design Basix Build	18/10/2024
16	E	Soil Erosion & Waste Management Plan	Design Basix Build	18/10/2024
-	D	Landscape Plan	Dawn of Landscapes	18/10/2024
-	D	Landscape Plan (Plant Schedule)	Dawn of Landscapes	18/10/2024
-	D	Landscape Plan (Legend)	Dawn of Landscapes	18/10/2024
CB	E	Colorboard	Design Basix Build	18/10/2024
Approved documents				
Document title	Version number	Prepared by	Date of document	

Acoustic Report	2024-030	Acoustic Noise & Vibration Solutions	18 October 2024
Traffic Impact Assessment	Issue 3	Fernway Engineering	October 2024
Preliminary Site Investigation	N6543	NEO Consulting	15 May 2023
Detailed Site Investigation	E26316.E02_Rev1	EI Australia	23 May 2024
Waste Management Plan		Design Basix Build	22 July 2024
Plan of Management	-	Edenbridge Academy	-

In the event of any inconsistency between the approved plans and documents, the approved plans prevail.

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

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

3. **(A015) Requirements of External Agencies**

All requirements issued by Sydney Water shall be complied with prior, during, and at the completion of construction, as required in accordance with the letter of requirements dated 24 July 2023.

All requirements issued by APA, shall be complied with prior, during, and at the completion of construction, as required in accordance with the letter of requirements dated 28 July 2023.

Copies of the requirements are attached to this decision notice.

Condition reason: To ensure General Terms of Approvals are fulfilled in accordance with the relevant agency requirements.

4. **(A025) Comply with EP&A Act**

The requirements and provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2021, must be fully complied with at all times.

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

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

5. **(A032) Shoring and adequacy of adjoining property**

1. This section applies to a development consent for development that involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor.
2. It is a condition of the development consent that the person having the benefit of the development consent must, at the person's own expense—
 1. protect and support the building, structure or work on adjoining land from possible damage from the excavation, and
 2. if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.
3. This section does not apply if—
 1. the person having the benefit of the development consent owns the adjoining land, or
 2. the owner of the adjoining land gives written consent to the condition not applying.

Condition reason: Prescribed condition under section 74 of the Environmental Planning and Assessment Regulation 2021.

6. **(A040) Compliance with the Building Code of Australia**

1.	It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the <i>Building Code of Australia</i> .
2.	It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the <i>Home Building Act 1989</i> , Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences.
3.	It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the <i>Building Code of Australia</i> .
4.	In subsection (1), a reference to the <i>Building Code of Australia</i> is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made.
5.	In subsection (3), a reference to the <i>Building Code of Australia</i> is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made.
6.	This section does not apply— - to the extent to which an exemption from a provision of the <i>Building Code of Australia</i> or a fire safety standard is in force under the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i>, or - to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.
Condition reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.	
7.	(A050) Works at no cost to Council
All roadworks, drainage works and dedications, required to effect the consented development shall be undertaken at no cost to Liverpool City Council.	
Condition reason: To ensure fairness, transparency and probity.	
8.	(A060) Erection of signs
1.	This section applies to a development consent for development involving building work, subdivision work or demolition work.
2.	It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out— - showing the name, address and telephone number of the principal certifier for the work, and - showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and - stating that unauthorised entry to the work site is prohibited.
3.	The sign must be— - maintained while the building work, subdivision work or demolition work is being carried out, and - removed when the work has been completed.
4.	This section does not apply in relation to— - building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or - Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.
Condition reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.	

Building Work Before Issue of a Construction Certificate

9.	(B006) Payment of Development Contributions
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Payment of section 7.12 contributions

Before the issue of a construction certificate, the applicant must pay a total contribution of \$6,050 as calculated at the date of this consent to Council under section 7.12 of the EP&A Act in accordance with the Liverpool Contributions Plan 2018 - Established Areas

The applicant must pay the following contributions to council for:

Facilities	Amount	Reference
Liverpool Contributions Plan 2018 Established Areas		
Transport - Bikeways - works	\$454	GL.10000001865.10208
Transport - Traffic management - works	\$3,025	GL.10000001865.10214
Transport - Bus shelters - works	\$151	GL.10000001865.10216
Drainage - works	\$2,420	GL.10000001866.10210
TOTAL	\$6,050	

The cost (and consequently the levy amount) must be indexed between the date of DA determination and the date of payment in accordance with the following formula:

$$\text{Indexed development cost (\$)} = (\$Co \times \text{Current PPI}) / \text{Base PPI}$$

Where:

\$Co	is the original development cost estimate assessed at the time of the issue of the development consent
Current PPI	is the Producer Price Index (Building Construction New South Wales) ABS Catalogue No. 6427.30 as published by the Australian Bureau of Statistics at the quarter immediately prior to the date of payment
Base PPI	is the Consumer Price Index (Building Construction New South Wales) ABS Catalogue No. 6427.30 as published by the Australian Bureau of Statistics at the quarter ending immediately prior to the date of imposition of the condition requiring payment of a contribution

Payment of section 7.12 contributions must be made directly to Liverpool City Council.

Contact Liverpool City Council for the current amount payable (contributions are indexed quarterly) on the day of payment.

Contributions can be paid on any date after the issue of this notice of determination, prior to the mandatory timing.

A copy of the development contributions plan is available on Council's website.

Condition reason: To ensure development contributions are paid to address increased demand for public amenities and services or to address increased demand for regional infrastructure or to ensure any planning agreement is finalised at the specified time.

10. **(B008) Housing and Productivity Contribution**

Before the issue of a relevant construction certificate, the applicant is to make a Housing and Productivity Contribution payment through the NSW Planning Portal.

Condition reason: To ensure fairness, transparency and probity.

11. **(B010) Design amendments**

Prior to the issue of a construction certificate, the following plans:

1. Proposed Site Plan, Drawing Number 02, Issue E, Dated 18/10/2024, Prepared by Design Basix Build;
2. Ground Floor Plan, Drawing Number 03, Issue E, Dated 18/10/2024, Prepared by Design Basix Build;
3. Front Elevation, Drawing Number 05, Issue E, Dated 18/10/2024, Prepared by Design Basix Build;
4. Elevations, Drawing Number 06, Issue E, Dated 18/10/2024, Prepared by Design Basix Build;
5. Rear Elevation/Section, Drawing Number 07, Issue E, Dated 18/10/2024, Prepared by Design Basix Build;
6. Landscape Plan, Issue D, Dated 18/10/2024, Prepared by Dawn of Landscapes;
7. Rear Elevation/Section, Drawing Number 07, Issue E, Dated 18/10/2024, Prepared by Design Basix Build;
8. Landscape Plan, Issue D, Dated 18/10/2024, Prepared by Dawn of Landscapes;

Must be amended and incorporated into the construction certificate plans to the satisfaction of the principal certifier showing the following:

1. Native Australian canopy tree(s) must be planted within the grassed verge of the Council footpath strip. Trees shall be healthy, well formed, and fully established (not pot bound) in minimum 45 litre pots. Trees shall be positioned 900mm from the kerb and spaced at 10 metre centres. Trees shall not be planted within 2000mm from a driveway, 1000mm from underground services or 6000mm from an intersecting side street. Trees shall be staked, tied and mulched to meet the requirements of the Liverpool DCP to the satisfaction of the PCA. It is the contractor's responsibility to establish the location of underground services before digging.
2. Bicycle parking for three (3) bikes to meet the requirements of the LDCP must be provided on the concrete pathway between the north west corner of the building and the north boundary.
3. The tree screen planting proposed along part of the north boundary in the rear must be continued at maximum 2m intervals along the north boundary to the north west gate.
4. The lower branches of the screening planting along the north and south boundaries in the rear outdoor play area must be trimmed back so as to allow a 5 year old child to freely move around between the trunks without ducking.
5. All landscape screening along the north, south, and east boundaries surrounding the outdoor play area must be from minimum 75 litre pots.
6. All landscape species must be appropriate to prevent injury to children. No toxic, spikey, or other hazardous plant species.
7. Landscaping along the front boundary must allow clear sightlines for vehicles entering and exiting the car park while maintaining maximum achievable screening.
8. Child proof fencing must be provided separating the parking from the pedestrian access to the front entry, with car park gate access where the pathway terminates north of the entry door.
9. All gates must be the same height as the fence, self-closing, and be secure and fitted with a childproof lock.
10. The street number of a site must be visible from the street and made of a reflective material to allow visitors and emergency vehicles to easily identify the site.
11. Cavity sliding doors between the the junior water closet and the rear play area, and for the external storage room.

The certifier must ensure that design changes made to construction certificate plans and specifications to accommodate this or any other condition of this consent must not:

1. Reduce the minimum unencumbered indoor and outdoor space needed to meet the requirements of Education and Care Services National Regulations 2011: Indoor: 87.75sqm, Outdoor: 189sqm.
2. Reduce the number of parking spaces below 7.
3. Reduce any of the landscape screening along any shared residential boundary.

	Condition reason: To require minor amendments to the plans endorsed by the consent authority following assessment of the development.
12.	(B020) Equal access to the premises
	Before the issue of a construction certificate, plans which demonstrate that adequate access to the premises will be provided for persons with disabilities in accordance with the Commonwealth Disability (Access to Premises – Buildings) Standards 2010. These plans must be submitted to the certifier.
	Condition reason: To ensure safe and easy access to the premises for people with a disability
13.	(B024) Preparation of construction and fit out plans for child care premises
	Before the issue of a construction certificate, detailed plans of all food and beverage preparation, serving and storage areas (including for perishable stock, waste, chemicals and personal belongings), all nappy change areas, all bottle preparation areas and all toilets must be prepared by a suitably qualified person. The detailed plans must be prepared in accordance with the following editions in force on the date of determination and provided to the principal certifier:
	1. Food Standards Code (Food Safety Standard 3.2.3 – Food Premises and Equipment) 2. Food Act 2003 and Food Regulation 2015 3. Australian Standard 4674:2004: Design, Construction and Fit-out of Food Premises 4. Plumbing Code of Australia and Australian Standard/New Zealand Standard AS/NZS 3500 series on Plumbing and Drainage 5. Sydney Water commercial trade wastewater requirements for food premises 6. any relevant Water Services Association of Australia codes of practice, guidelines, policies and requirements 7. Education and Care Services National Regulation 2011 8. Building Code of Australia 9. Department of Planning, Industry and Environment Child Care Planning Guideline 2021
	Condition reason: To ensure detailed construction and fit out plans are submitted which comply with the relevant standards
14.	(B038) Utilities and services
	Before the issue of a Construction Certificate, written evidence of the following service provider requirements must be provided to the certifier:
	1. a letter from Endeavour Energy demonstrating that satisfactory arrangements can be made for the installation and supply of electricity; 2. a response from Sydney Water as to whether the plans accompanying the application for a Construction Certificate would affect any Sydney Water infrastructure, and whether further requirements need to be met; 3. other relevant utilities or services - that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, the changes that are required to make the development satisfactory to them.
	Condition reason: To ensure relevant utility and service providers requirements are provided to the certifier.
15.	(B048) A - Provision of Services - Street Lighting

	Street Lighting - Street Lighting Upgrade The applicant/developer shall engage the services of an Endeavour Energy accredited ASP Level 3 service provider. The consultant is to lodge Endorsement of Public Lighting Design Application Form. The application is available on Council website and can be lodged online. This form is to be used to seek Council requirements for upgrading or installing new street lights at all frontages. Consult Council's Traffic Management Section for streetlight upgrade requirement for infill developments in the existing established areas. The upgrade shall include undergrounding of existing aerial power lines, communication cables and replacement of existing street light poles with Endeavour Energy approved Macarthur Poles as specified by Council in the public lighting design brief. Condition reason: To ensure adequate street lighting is provided for the development.
16.	(B054) Retaining Walls on Boundary 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. Condition reason: To ensure fairness, transparency and probity.
17.	(B055) S138 Roads Act - roadworks requiring approval of civil drawings Prior to the issue of a Construction Certificate 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 removal of redundant driveway and reinstatement of road verge as per council's standard and construction of 1.5m wide footpath and kerb & gutter in the site frontage. 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. Condition reason: To ensure fairness, transparency and probity.
18.	(B075) Fee Payments 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. 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. (c) Long Service Levy – based on 0.25% of the cost of building work where the costing of the CC is \$250,000 or more. These fees are reviewed annually and will be calculated accordingly. Condition reason: To ensure statutory or associated fees are paid prior to construction commencing.
19.	(B081) Site Development Work

	Site development work in the form of excavation, underpinning or shoring works must not take place, until such time as a CC has been issued. Condition reason: To prevent unauthorised commencement of building works.
20.	(B112) Notification In the event that Council is not the Principal Certifier (PC), the PC 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. Condition reason: To advise Council of the details of licensed contractors or owner-builder for the approved development.
21.	(B120) 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 BCA and relevant Australian Standards. The certifier must be able to demonstrate compliance with evidence of suitability as per clause A2G2 of BCA Volume 1 for all products/systems proposed. Condition reason: To ensure that the external cladding installed on a building is compliant.
22.	(B135) Provision of Services - Sydney Water Prior to the issue of a Construction Certificate, an application to obtain a Section 73 Compliance Certificate under the Sydney Water Act 1994, is to 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, prior to the issue of a Subdivision Works Certificate. Condition reason: To ensure fairness, transparency and probity.
23.	(B136) Provision of Services - Endeavour Energy Prior to the issue of a Construction Certificate, a 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 Principal Certifier. Condition reason: To ensure fairness, transparency and probity.
24.	(B137) Provision of Services - Telecommunications Prior to the issue of a Construction Certificate, the Principal Certifier shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following 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. Condition reason: To ensure fairness, transparency and probity.
25.	(B149) S138 Roads Act - Minor Works in the public road

	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: - Vehicular crossings (including kerb reinstatement of redundant vehicular crossings), - Road opening for utilities and stormwater (including stormwater connection to Council infrastructure), or - 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 Transport for NSW for classified roads. Condition reason: To ensure fairness, transparency and probity.
26.	(B156) Waste Storage Room Prior to the issuing of a construction certificate, the principal certifier shall be satisfied that the designated garbage/waste storage area shall comply with the following requirements: - The room shall be fully enclosed and provided with a concrete floor, and with concrete or cement rendered walls coved to the floor; - The room shall have a floor waste which is to consist of a removable basket within a fixed basket arrestor and is to comply with Sydney Water requirements; and - The door to the room must be tight-fitting, self-closing and fitted with mechanical ventilation. Please refer to AS4674-2004 – Design, construction and fit-out of food premises and Liverpool Development Control Plan 2008 for further information regarding the construction standards for waste storage areas. Condition reason: To ensure compliance with construction requirements and to mitigate risks to human health and the environment.
27.	(B162) Recommendations of Acoustic Report Before the issue of a construction certificate, the certifier must be satisfied that the recommendations provided in the approved acoustic report are implemented and incorporated into the design and construction of the development, and shown on plans accompanying the construction certificate application. The construction methodology and plans accompanying the construction certificate application must be assessed and certified in writing by a suitably qualified acoustic consultant to verify conformance with the requirements of the aforementioned acoustic report. The written certification from the suitably qualified acoustic consultant must be submitted to and approved by the certifier before issue of the construction certificate. Note: The 'suitably qualified acoustic consultant' must be a member of the Australian Acoustical Society or employed by an Association of Australasian Acoustical Consultants (AAAC) member firm. Condition reason: To mitigate potential intrusive noise and amenity impacts.
28.	(B355) Child Care Centre - Construction Before the issue of a construction certificate, the certifier must be satisfied the relevant construction certificate plans demonstrate that the fit-out and construction of the premises complies with the following requirements: - Building Code of Australia - AS4674-2004 – Design, construction and fit-out of food premises - Australia New Zealand Food Standards Code, and - Australian Standard 1668 (Part 1 & 2) - Sydney Water commercial trade wastewater requirements - Education and Care Services National Regulation 2011 - Department of Planning, Industry and Environment Child Care Planning Guideline 2021 Condition reason: To mitigate public health risks and ensure compliance with relevant legislative requirements.
29.	(B360) Construction Environmental Management Plan (CEMP)

Prior to issue of a construction certificate, a Construction Environmental Management Plan (CEMP) for the development must be provided to the Principal Certifying Authority for approval. The environmental site management measures must remain in place and be maintained throughout the period of the development. The CEMP must address all environmental aspects of the development's construction phases, and include (where relevant), but not be limited to, the following: 1. Asbestos Management Plan; 2. Project Contact Information; 3. Site Security Details; 4. Timing and Sequencing Information; 5. Site Soil and Water Management Plan; 6. Noise and Vibration Control Plan; 7. Dust Control Plan; 8. Air Monitoring; 9. Odour Control Plan; 10. Health and Safety Plan; 11. Waste Management Plan; 12. Incident management Contingency; and 13. Unexpected Finds Protocol. The CEMP must be kept on site for the duration of the works and must be made available to Council Officers upon request Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.
30. (B361) Construction Site Management Plan Before the issue of a construction certificate, a construction site management plan must be prepared, and provided to. The plan must include the following matters: 1. The location and materials for protective fencing and hoardings on the perimeter of the site; 2. Provisions for public safety; 3. Pedestrian and vehicular site access points and construction activity zones; 4. Details of construction traffic management including: • Proposed truck movements to and from the site; • Estimated frequency of truck movements; and • Measures to ensure pedestrian safety near the site; 5. Details of bulk earthworks to be carried out; 6. The location of site storage areas and sheds; 7. The equipment used to carry out works; 8. The location of a garbage container with a tight-fitting lid; 9. Dust, noise and vibration control measures; 10. The location of temporary toilets; 11. The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with: • AS 4970 – Protection of trees on development sites; • An applicable Development Control Plan; • An arborist's report approved as part of this consent A copy of the construction site management plan must be kept on-site at all times while work is being carried out. Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.
31. (B380) Mechanical Plant and Equipment Before the issue of a construction certificate, the certifier must be satisfied that mechanical plant and equipment were selected in consultation with a suitably qualified acoustic consultant in accordance with the recommendations of the approved acoustic report. Note: The 'suitably qualified acoustic consultant' must be a member of the Australian Acoustical Society or employed by an Association of Australasian Acoustical Consultants (AAAC) member firm. Condition reason: To mitigate potential intrusive noise and amenity impacts.

32.	(B404) Road Safety Audit
	A Stage 3 (detailed design) Road Safety Audit (RSA) shall be undertaken on the proposed roadworks by an accredited auditor who is independent of the design consultant. A copy of the RSA shall accompany the design plans submitted with the Construction Certificate or Roads Act application.
	Prior to the issue of the Construction Certificate or Roads Act approval, the Certifying Authority shall ensure that the recommendations of the RSA have been addressed in the final design.
	Condition reason: To ensure fairness, transparency and probity.
33.	(B408) Access, Car Parking and Manoeuvring - General
	The Certifying Authority shall ensure and certify that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development have been designed and are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Council's Development Control Plan.
	Condition reason: To ensure that the design of the facilities is in accordance with the required specifications.
34.	(B410) Access, Car Parking and Manoeuvring - Detail
	The Certifying Authority shall ensure and certify that:
	1. Off street access and parking complies with AS2890.1, 2. Vehicular access and internal manoeuvring have been designed for the longest vehicle expected to service the development site, in accordance with AS2890.2, 3. Sight distance at the street frontage has been provided in accordance with AS 2890.1, 4. All vehicles can enter and exit the site in a forward direction, and 5. Requirements of the Disability Discrimination Act 2002, Disability Standards for Accessible Public Transport and the Guidelines for assessing compliance of bus stops with the Disability Standards for Accessible Public Transport 2002.
	Condition reason: To ensure that the design of the access arrangement, car parking and maneuvering are in accordance with the required specifications including AS2890.
35.	(B453) No Loading on Easements
	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.
	Condition reason: To ensure fairness, transparency and probity.
36.	(B456) On-Site Detention

On-Site Detention shall be provided generally in accordance with the concept plan/s lodged for development approval:

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The following is also to be addressed:

1. 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.
2. The outlet pipe across the public footpath area shall be RHS galvanised steel box-section pipe and have minimum downgrade of 1%.
3. A stainless-steel orifice plate is to be utilised.
4. The outlet pipe from the DCP shall be sized to convey 2 times the PSD of the orifice outlet, and the orifice plate shall be centrally located over the outlet pipe. Discharge to an adjoining overflow pit with SL at least matching the TWL of the basin can be utilised.
5. Arrangement of no access of Children to be provided for the basin area.
6. Basin is not be constructed adjacent or near to kids play area.

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.

Condition reason: To ensure fairness, transparency and probity.

37. **(B462) 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: - 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 Liverpool City Council with notification of the Construction Certificate issue. Condition reason: To ensure fairness, transparency and probity.
38.	(B532) Waste Management Plan requirements Before the issue of a Construction Certificate, the waste management plan for the development must be amended and provided to the principal certifier. The plan must be prepared in accordance with: - The Environment Protection Authority's Waste Classification Guidelines as in force from time to time; and - A development control plan that provides for waste management that applies to the land on which the work or the clearing of vegetation is carried out; and - Include the following information— - The contact details of the person removing waste; - Estimated volumes or weights for all material types being generated from the various stages of the building process. - Details of which waste materials will be re-used, which will be recycled, and which landfilled, as well as the licensed waste facility (or shortlist of possible facilities) to which the materials will be taken. - Details of how asbestos will be safely managed on site, and transported, including what safe-work standards will be applied and what legislation and regulations will be complied with. - Confirm that the proprietors of the childcare centre will engage, and keep engaged at all times while the centre is in operation, a licensing private waste management company, that will supply all required waste bins and waste removal services. Council will not be responsible for any aspect of waste services for the facility. - Show the required calculations as regards the waste generation rates of the facility based on recognised industry averages. - Confirm that if the waste generated by the childcare facility exceeds the capacity of the waste bins present on site, that extra waste collections will be booked by the centre management. - The Operational Management Plan to be developed for the centre is to state that staff will be trained and provided with the necessary resources to correctly separate and dispose of waste materials in the correct bins. - Permanent waste signage, to assist staff with correct waste separation and disposal must be provided in the bin storage area. - If the centre's waste bins are to be presented to the street kerbside for emptying, they must not be presented in an overloaded condition, all bin lids must be completely closed. A copy of the waste management plan must be kept on-site at all times while work approved under the development consent is being carried out. Condition reason: To ensure resource recovery is promoted and local amenity protected during construction.
39.	(B560) Road Works Works within the public road reserve shall not commence until the design drawings including the associated signs and line marking scheme have been approved by Council's Traffic Management Section. Condition reason: To ensure that works on the public road reserve are approved prior to commencement of works.

40. (B590) Public Domain Works – Street Lighting
The approved street lighting designs are to be implemented along all new and existing streets within the proposed development in accordance with Liverpool City Council standards and to the satisfaction of Council.
All street lighting must comply with the service provider Street Lighting Policy and illumination requirements and Council's Street Lighting policy.
All cost associated with the installation of street lighting shall be borne by the developer.
Condition reason: To ensure adequate street lighting is provided for the development.

Before Building Work Commences

41. (C005) 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 Certifier (PC) must be appointed to carry out the necessary building inspections and to issue an occupation certificate, and
(e) The PC 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.
Condition reason: To require approval to proceed with building work.
42. (C010) Construction Certificates
Any Construction Certificate 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.
Condition reason: To ensure details and plans for CC are consistent with the approved DA.
43. (C012) Commencement of building works
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.
Condition reason: To require approval to proceed with building work.
44. (C039) 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 or if treated timber is used, all vertical support members (soldiers) shall be of galvanised steel.
Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.
45. (C055) Site Facilities

	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. Condition reason: To ensure the required site management measures are implemented before the commencement of building work.
46.	(C065) Sydney Water Development plans must be processed and approved by Sydney Water. Condition reason: To require Sydney Water approval to proceed with building work.
47.	(C070) "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. Condition reason: To ensure building works do not impact local underground assets.
48.	(C095) Tree protection measures Before any site work commences, the principal certifier, must be satisfied the measures for tree protection detailed in the construction site management plan are in place. Condition reason: To protect and retain trees.
49.	(C101) Vegetation - Existing Vegetation All existing trees and areas of native vegetation not identified for removal on approved plans of the proposed development shall be protected from damage during site works. This protection shall consist of 1800mm high protective fencing, securely installed beneath the outer canopy of any tree to be retained. Trees may be fenced off in clusters where it is not practical to fence off individual trees. There shall be no storing materials, washing machinery or changes to existing soil levels within the fenced areas. Condition reason: To minimise impacts to adjacent vegetation and habitat.
50.	(C117) Erosion and sediment controls in place Before any site work commences the principal certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time). Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.
51.	(C149) Driveway Crossing Application In accordance with S138 Roads Act an 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: (a) Vehicular crossings (including kerb reinstatement of redundant vehicular crossings) (b) Road opening for utilities and stormwater (including stormwater connection to Council infrastructure) (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.

	Condition reason: To ensure that all construction work is undertaken to an approved standard and related approvals.
52. (C155) Work Zone	A Works Zone application is required if on-street parking is affected with commuter parking and there is insufficient off-street parking space. A Works Zone Application Form is available on Council website and can be lodged online by attaching all required documents indicated on the application form. Condition reason: To ensure that road occupancy is approved by council to minimise traffic impacts on the road.
53. (C158) Construction Traffic Management Plan (CTMP)	A construction traffic management plan (CTMP) prepared by a suitably qualified person is to be submitted to and endorsed by Council's Transport Management Section. The CTMP is to be submitted using Assessment of Construction Traffic Management Plan application form. The application is available on Council website and can be lodged online. Comments on the CTMP will be provided and the updated CTMP are to be implemented during construction. A copy of the endorsed CTMP and traffic control plans are to be available on the works site for inspection by authorised Council officers. Construction shall not commence until the assessed construction traffic management plan has been endorsed. The endorsed CTMP is to be implemented during construction. Condition reason: To ensure that the impact of construction traffic associated with the development on the surrounding road network is minimized.
54. (C201) Road Occupancy Permit	Road occupancy and road opening approvals will be required from Council to undertake works within the existing road reserve. The following applications are available on Council's website and can be lodged online attaching all required documents indicated on the application form. • Road Occupancy Application Form • Road Opening Application Form Condition reason: To ensure that road occupancy is approved by council to minimise traffic impacts on the road.
55. (C205) 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. Condition reason: To ensure fairness, transparency and probity.
56. (C250) Notification	Notification to surrounding residents is to be undertaken within a 100 metre radius from the site. A letter box drop in the form of an informative pamphlet or the like is to be carried out at least 5 days prior to the event to local residents informing them of the event details and including contact details of the site supervisor for the event. Condition reason: To advise neighbours of the commencement of building works.
57. (C466) Dilapidation report	

Before any site work commences, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works and public land, to the satisfaction of the principal certifier. Where access has not been granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the principal certifier, that all reasonable steps were taken to obtain access to the adjoining properties. No less than seven (7) days before any site work commences, adjoining building owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to Council (where Council is not the principal certifier) at the same time. Condition reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report.

During Building Work

58.	(D005) Building Work The building works must be inspected by the Principal Certifier (PC), in accordance with Sections 6.5 of the Environmental Planning & Assessment Act 1979, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate. Condition reason: To require stage inspection and approval by the PC in accordance with EP & A Regulation clause 162A.
59.	(D010) Building Work The Principal Certifier (PC) must specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the PC, prior to proceeding to the subsequent stages of construction or finalisation of the works. Condition reason: To require approval to proceed with building work following each critical stage inspection.
60.	(D015) Surveys by a registered surveyor While building work is being carried out, the positions of the following must be measured and marked by a registered surveyor and provided to the principal certifier: 1. All footings / foundations in relation to the site boundaries and any registered and proposed easements 2. At other stages of construction – any marks that are required by the principal certifier. Condition reason: To ensure buildings are sited and positioned in the approved location.
61.	(D020) Identification Survey Report The building and external walls are not to proceed past ground floor/reinforcing steel level until such time as the Principal Certifier 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 Principal Certifier 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 Principal Certifier, a copy of the survey shall be provided to Council within three (3) working days. Condition reason: To ensure that the development is carried out in accordance with the conditions of consent and the approved plans.
62.	(D025) Identification Survey Report On placement of the concrete, works again shall not continue until the Principal Certifier has issued a letter stating that the condition of the approval has been complied with and that the slab has been poured at the approved levels.

	Condition reason: To ensure that the development is carried out in accordance with the conditions of consent and the approved plans.
63.	(D028) Responsibility for changes to public infrastructure While site work is being carried out, any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area) must be paid as directed by the consent authority. Condition reason: To ensure payment of approved changes to public infrastructure.
64.	(D038) 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. Condition reason: To ensure the required site management measures are implemented during construction.
65.	(D042) Procedure for critical stage inspections While building work is being carried out, the work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate. Condition reason: To require approval to proceed with building work following each critical stage inspection.
66.	(D045) Hours of work Site work must only be carried out between the following times – From 7am to 6pm on Monday to Friday From 8am to 1pm on Saturday Site work is not to be carried out outside of these times or on public holidays except where there is an emergency, or for urgent work directed by a police officer or a public authority. Condition reason: To protect the amenity of the surrounding area.
67.	(D049) 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. Condition reason: To ensure the required site management measures are implemented during construction.
68.	(D055) 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. Condition reason: To ensure the required site management measures are implemented during construction.
69.	(D063) Craning and Hoardings 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.

	Condition reason: To ensure the required traffic management measures are implemented during construction.
70.	(D070) Notification of Damage The applicant/ builder shall be responsible to report to the Council of 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 and maintained the area until completion of the construction activities. Arrangements to the satisfaction of Council are to be made for making safe by temporary repairs to Council's footpath and road carriageway until permanent restoration and repair can be organised with Council at the applicant's cost. Condition reason: To ensure any damage to public infrastructure is rectified.
71.	(D096) Disabled Access Access, parking and facilities for persons with disabilities to be provided in accordance with the provisions of the National Construction Code (NCC/BCA). Condition reason: To require any new building, part of a building and the affected part of the existing building to comply with the Premises Standards, National Construction Code (NCC/BCA) and Australian Standard.
72.	(D100) 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. Condition reason: To protect the amenity of the neighbourhood.
73.	(D105) General Site Works All roofwater is to be connected to an approved stormwater system. Condition reason: To ensure environmental impacts and impacts to neighbouring properties are minimised.
74.	(D110) General Site Works Stormwater pipeline connections to the street kerb shall be constructed in the following manner: (a) the kerb shall be sawcut 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. (c) the kerb shall be reinstated to its original profile using a cement mortar containing an epoxy additive for adherence to the existing kerb. Condition reason: To ensure any alteration to Council infrastructure is to a suitable standard.
75.	(D115) General Site Works - Existing Hydrology Existing hydrological regimes shall be maintained so as not to negatively impact vegetation to be retained on site and downslope/downstream of the site. Condition reason: To minimise impacts to adjacent vegetation and habitat.
76.	(D120) General Site Works - Runoff Any runoff entering the areas of vegetation to be retained shall be of an equivalent or better quality, and of a similar rate of flow to present levels. Condition reason: To minimise impacts to adjacent vegetation and habitat.
77.	(D125) 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. Condition reason: To minimise impacts to adjacent vegetation and habitat.
78.	(D130) Removal of dangerous and/or hazardous waste

	All dangerous and/or hazardous material must be removed by a suitably qualified and experienced contractor licensed by SafeWork NSW. The removal of such material must be carried out in accordance with the requirements of SafeWork NSW and the material must be transported and disposed of in accordance with NSW Environment Protection Authority requirements. Condition reason: To ensure safe removal and disposal of dangerous and/or hazardous material.
79.	(D140) Car Parking Areas Car parking spaces and driveways must be constructed of a minimum two coat finish seal or better. All parking 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 are to be appropriately line marked and sign posted in accordance with the Council approved stamped 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. Condition reason: To ensure the facilities are constructed appropriately to comply with the DCP and AS2890.
80.	(D146) Directional Signage Directional signage indicating the location of customer parking, "in" and "out", crossings and directional arrows are to be provided in accordance with the Council approved stamped plans. Condition reason: To ensure that appropriate signs are installed.
81.	(D170) Council On Street Assets Council's on-street assets and local road network are to be protected and kept in a serviceable state at all times. At the direction of Council, the applicant/project manager shall undertake remediation works, at no cost to Council and to Council's satisfaction. Condition reason: To ensure that the development covers all required costs associated with the development.
82.	(D180) Waste management While site work is being carried out: - all waste management must be undertaken in accordance with the waste management plan; and - upon disposal of waste, records of the disposal must be compiled and provided to the principal certifier detailing the following: - The contact details of the person(s) who removed the waste; - The waste carrier vehicle registration; - The date and time of waste collection; - A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill; - The address of the disposal location(s) where the waste was taken; - The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste. If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the principal certifier and Council. Condition reason: To require records to be provided, during site work, documenting the lawful disposal of waste.

83.	(D190) Discovery of relics and Aboriginal objects While site work is being carried out, if a person reasonably suspects a relic of Aboriginal object is discovered: (a) the work in the area of the discovery must cease immediately; (b) the following must be notified i. for a relic – the Heritage Council; or ii. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85. Site work may recommence at a time confirmed in writing by: (a) for a relic – the Heritage Council; or (b) for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85. Condition reason: To ensure the protection of objects of potential significance during works.
84.	(D195) Tree protection during work While site work is being carried out, all required tree protection measures must be maintained in good condition in accordance with: 1. the construction site management plan required under this consent; 2. the relevant requirements of AS 4970 Protection of trees on development sites; 3. Part 1 of Council's relevant development control plan (in force as at the date of determination of this consent); and This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones. Condition reason: To protect trees during the carrying out of site work.
85.	(D200) Vegetation - Tree Removal No trees are to be removed without the prior approval of Council. Condition reason: To help promote the retention of healthy established trees.
86.	(D205) Vegetation - Existing Vegetation All existing trees and areas of native vegetation not identified for removal on approved plans of the proposed development shall be protected from damage during site works. This protection shall consist of 1800mm high protective fencing, securely installed beneath the outer canopy of any tree to be retained. Trees may be fenced off in clusters where it is not practical to fence off individual trees. There shall be no storing materials, washing machinery or changes to existing soil levels within the fenced areas. Condition reason: To minimise impacts to adjacent vegetation and habitat.
87.	(D241) Footpaths Construction of 1.5m wide by 100mm thick (with one layer of SL72 reinforcing mesh) concrete path paving on both sides of all residential streets, unless where varied by other conditions in this consent. Condition reason: To ensure fairness, transparency and probity.
88.	(D255) Vegetation - Imported Soil or Mulch 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. Condition reason: To limit the spread of weeds.
89.	(D335) External Lighting 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.

	Condition reason: To protect the amenity of the neighbourhood.
90.	(D426) Soil management While site work is being carried out the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements: 1. All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier. 2. All fill material imported to the site must be: • Virgin Excavated Natural Material as defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i>; or • a material identified as being subject to a resource recovery exemption by the NSW EPA; or • a combination of Virgin Excavated Natural Material as defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i> and a material identified as being subject to a resource recovery exemption by the NSW EPA. Condition reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants.
91.	(D430) Unidentified Contamination Any new information which arises during remediation, demolition or construction works that has the potential to alter previous conclusions about site contamination and remediation must be immediately notified in writing to the certifier and Liverpool City Council. A section 4.55 Application under the Environmental Planning and Assessment Act 1979 must be made for any proposed works outside the scope of the approved development consent. Condition reason: To ensure the suitability of land for the development.
92.	(D445) Air Quality Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works. Condition reason: To ensure fairness, transparency and probity.
93.	(D450) Air Quality During construction where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, the consent holder is to ensure dust is 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 Certifier may direct that work is not to proceed. Condition reason: To ensure site works are managed appropriately and do not result in air pollution.
94.	(D455) Dropped Edge Beam The proposed concrete slab construction must incorporate drop edge beams to ensure any fill is adequately retained within the envelope of the building. The external masonry wall shall extend from the concrete beam at natural ground level. Condition reason: To ensure that all construction work is undertaken to an approved standard and relevant controls.
95.	(D460) Salinity The development shall be carried out in accordance with 'Appendix B' of the Liverpool Growth Precincts Development Control Plan 2013. The development shall be carried out in accordance with Part 1, Section 11 'Salinity Risk' of the Liverpool Development Control Plan 2008. Condition reason: To ensure that all construction work is undertaken to an approved standard.
96.	(D475) Imported Fill Material

	During construction the consent holder is to ensure fill imported on to the site is be compatible with the existing soil characteristic for site drainage purposes.
	Condition reason: To ensure soils introduced onsite do not result in drainage issues.
97.	(D552) Implementation of the site management plans
	While site work is being carried out:
	1. the measures required by the construction site management plan and the erosion and sediment control plan (plans) must be implemented at all times; and
	2. a copy of these plans must be kept on site at all times and made available to Council officers upon request.
	Condition reason: To ensure site management measures are implemented during the carrying out of site work.
98.	(D553) Erosion & Sediment Control
	Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised. All disturbed areas shall be progressively stabilised and/or revegetated so that no areas remain exposed to potential erosion damage for a period of greater than 14 days.
	Condition reason: To ensure fairness, transparency and probity.
99.	(D554) Erosion & Sediment Control
	The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.
	Condition reason: To ensure fairness, transparency and probity.
100.	(D555) Erosion Control - Maintenance
	Sediment and erosion control measures are to be adequately maintained during the works until the establishment of grass.
	Condition reason: To ensure the required site management measures are implemented during construction.
101.	(D560) Erosion Control
	Vehicular access to the site shall be controlled through the installation of wash down bays or shaker ramps to prevent tracking of sediment or dirt onto adjoining roadways. Where any sediment is deposited on adjoining roadways is shall be removed by means other than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner which will prevent its mobilisation.
	Condition reason: To ensure the required site management measures are implemented during construction.
102.	(D565) Water Quality
	During construction the consent holder is to ensure all topsoil, sand, aggregate, spoil or any other material that can be moved by water is stored clear of any drainage line, easement, water body, stormwater drain, footpath, kerb or road surface.
	Condition reason: To ensure site works are managed appropriately and do not result in water pollution.
103.	(D570) Pollution Control - Site Operations
	During construction, building operations including but not limited to brick cutting, mixing mortar and the washing of tools, paint brushes, form-work, concrete trucks and the like must 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.
	Condition reason: To mitigate potential risks to the environment during construction and facilitate compliance with legislative requirements.
104.	(D574) Pollution Control - Truck Movements

	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. Condition reason: To mitigate potential risks to the environment during construction and facilitate compliance with legislative requirements.
105.	(D581) Historic Archaeology Should any relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the <i>Heritage Act 1977</i> Condition reason: To ensure fairness, transparency and probity.
106.	(D583) Aboriginal Cultural Heritage - Unexpected Finds The National Parks and Wildlife Act 1974 protects all Aboriginal Cultural Heritage in New South Wales. Where a proposal has the potential to impact on Aboriginal Cultural Heritage objects and places, whether the presence is known or not, a permit is to be sought from Heritage NSW. In the event that Aboriginal Cultural Heritage objects or places are encountered/discovered, works must cease immediately and Council and Heritage NSW notified. The finds are to be investigated by an experienced archaeologist and no works are to recommence onsite until approved by Heritage NSW and Liverpool City Council. Condition reason: To ensure fairness, transparency and probity.
107.	(D584) Skeletal Remains In the event that skeletal remains are uncovered, work must cease immediately in that area and the area secured. NSW Police must be contacted and no further action taken until written advice has been provided by the NSW Police. If the remains are determined to be of Aboriginal origin, the Office of Environment and Heritage must be notified by ringing the Enviroline 131 555 and a management plan prior to works re-commencing must be developed in consultation with relevant Aboriginal stakeholders. Condition reason: To ensure fairness, transparency and probity.
108.	(D590) Public Domain Works - Street Lighting Street lights are to be installed in accordance with the Endeavour Energy certified plans to their satisfaction. Condition reason: To ensure that the development covers all required costs associated with the development.
109.	(D600) Correct waste separation and removal All demolition, excavation and construction wastes must be separated as they are generated and kept in separate spoil piles, bays, builder's skips and/or site bins. No wastes other than those noted on the approved waste management plan as being re-used on site, are to be left on site after the completion of the works. Condition reason: To ensure that separation of waste by type is undertaken in an ongoing basis throughout the building process, and that the wastes are kept separate and not mixed, to facilitate waste management and recycling.
110.	(D605) Containment of site wastes during building All demolition, excavation or construction wastes, e.g. wrapping, packaging materials, bags, insulation, sand, soil etc., must be kept fully enclosed at all times to prevent them from becoming displaced in strong wind conditions or from washing into sewers, storm drains or creeks, or onto adjacent properties or public land during wet weather. Condition reason: To ensure that waste materials from the demolition, excavation or construction are kept appropriately contained on site, irrespective of weather conditions, and do not make their way into the environment as pollutants.

111.	(D655) Noise and Vibration requirements
	While site work is being carried out, noise generated from the site must not exceed an LAeq (15 min) of >5dB(A) above background noise, when measured at a lot boundary of the site.
	Condition reason: To protect the amenity of the neighbourhood during construction.
112.	(D664) 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 (Resilience and Hazards) 2021, Chapter 4, and Managing Land Contamination – Planning Guidelines (Planning NSW/EPA 1998).
	Condition reason: To ensure fairness, transparency and probity.
113.	(D666) 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:
	1. 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; 2. The results of a preliminary contamination assessment carried out on any fill material used in the development. 3. The results of any chemical testing of fill material.
	Condition reason: To ensure fairness, transparency and probity.
114.	(D829) Child Care Centre - Construction
	The construction, fit-out and finishes of the premises must comply with the Food Act 2003, Australia New Zealand Food Standards Code and Australian Standard AS 4674-2004 Design, construction and fit-out of food premises, AS/NZS 1668.1 and AS 1668.2, Building Code of Australia, Education and Care Services National Regulation 2011 and Sydney Water Corporation - Trade Waste Section. The construction must include, but not be limited to the following:
	(a) All walls (including partition walls) within the kitchen, food preparation, storage and display areas must be of solid construction (eg., bricks, cement or other approved material). These walls are to be finished with glazed tiles, stainless steel or other approved material adhered directly to the wall to a height of 2 metres above floor level; (b) Walls within the kitchen, food preparation, storage and display areas which are not of solid construction (e.g. stud walls) must be finished in tiles or other approved material from the floor level to the underside of the ceiling; (c) The floors within the kitchen, food preparation, storage and display areas must be constructed of a suitable material which is non-slip, durable, resistant to corrosion, non-toxic, non-absorbent and impervious to moisture. The floor is to be graded and drain to an appropriate floor waste fitted with a basket arrestor; (d) If the floor in the food preparation and storage areas is constructed of tiles, the joints between the tiles must be of a material that is non-absorbent and impervious to moisture; (e) The intersection of walls with floors and exposed plinths in the kitchen, food preparation, storage and display areas are to be coved to a minimum radius of 25mm; (f) All plinths are to be constructed of a material which is of solid construction and impervious to moisture. The plinths must be: (i) at least 75mm high; (ii) finished level to a smooth even surface; (iii) recessed under fittings to provide a toe space of not more than 50mm; (iv) rounded at exposed edges; and (v) coved at the intersection of the floor and wall to a minimum radius of 25mm. (g) The ceiling is to be constructed of a material that is rigid, smooth faced and impervious to moisture. The ceiling over the food preparation, storage and display areas must be painted with a washable paint of a light colour. The surface finish is to be free of open joints, cracks, crevices or openings (drop ceiling panel is not permitted). The intersections of walls and the

- ceiling are to be tight jointed, sealed and dust-proof;
- (h) The drop-in panel ceiling in the food preparation and storage areas must be replaced with an approved rigid, smooth faced and impervious material which is free of open joints, cracks, crevices or openings. The ceiling is to be painted with a light coloured washable paint;
 - (i) All service pipes and electrical conduits must be either:
 - (i) concealed in floors, walls, ceiling or concrete plinths, or
 - (ii) fixed with brackets so as to provide at least:
 - 25mm clearance between the wall and the pipe/conduit; &
 - 100mm between the floor and the pipe/conduit
 - pipes so installed are not to run underneath fittings.
 - (j) All architraves, skirting boards, picture rails and the like are not permitted within the kitchen, food preparation and storage areas;
 - (k) All openings in the walls, floors and ceilings through which service pipes and electrical conduits pass through are to be designed and constructed so as to prevent the access of vermin;
 - (l) The internal and external surfaces, including exposed edges to all benches, counters and shelving in the food preparation, storage, display and serving areas are to be finished with a rigid, smooth faced and non-absorbent material (e.g. laminate, stainless steel or other approved material) that is capable of being easily cleaned;
 - (m) All shelving must be located at least 25mm off the wall or alternatively, the intersection of the shelf and the wall is to be completely sealed. NOTE: The lowest shelf must be a minimum of at least 150mm above the floor level;
 - (n) The hot water service unit must be positioned a minimum of 75mm clear of the adjacent wall surface and mounted a minimum of 150mm above the floor level on a stand of non-corrosive metal construction;
 - (o) Cavities, false bottoms and similar hollow spaces capable of providing access and harbourage of vermin are not permitted to be formed in the construction of the premises or in the installation of fixtures, fittings and equipment;
 - (p) A free standing, hands free hand wash basin must be provided in a convenient position within the food preparation and serving areas. The hand wash basin must be provided with hot and cold water supplied through a single outlet and fitted with an approved mixing device to enable hands to be washed under hot running water at a temperature of at least 40°C;
 - (q) A double bowl sink or two-compartment tub must be provided with hot and cold water supplied through a single spout in the kitchen/food preparation area. Double bowl sink or tubs must be supplied with water of at least: 45°C in one bowl for washing purposes; and 77°C in the other bowl for rinsing purposes;
 - (r) A commercial dishwasher adequately ventilated in accordance with requirements of AS/NZS 1668.1 and AS 1668.2;
 - (s) A designated food preparation sink;
 - (t) A cleaners sink/sluice must be provided in a cleaner's room or laundry. The sink is NOT to be within an area where open food is handled;
 - (u) A designated toilet with appropriate hand washing facilities for the use of staff who handle food;
 - (v) Adequate storage facilities for cleaning equipment and staff personal belongings outside of any area where food is stored or prepared;
 - (w) A designated hand washing facility fitted with a single spout capable of delivering a supply of warm running water via a hands free mechanism, preparation/rinse sink and dishwasher to each bottle preparation area. This shall be in addition to any craft sinks;
 - (x) A designated hand washing facility fitted with a single spout capable of delivering a supply of warm running water via a hands free mechanism provided within the immediate vicinity of each nappy changing area and a bench type baby bath within one metre from the nappy change bench;
 - (y) Discharge of commercial trade wastewater is to be approved by Sydney Water. Before selecting or installing trade wastewater pre-treatment devices at a retail food business, refer to Plumbing for retail food businesses produced by Sydney Water;

(z) The grease trap is NOT to be located within an area where food is being handled.

Condition reason: To mitigate potential risks to human health and facilitate compliance with legislative requirements.

Before Issue of an Occupation Certificate

115.	(E003) Works-as-executed plans and any other documentary evidence Before the issue of an Occupation Certificate, works-as-executed plans, any compliance certificates and any other evidence confirming the following completed works must be submitted to the satisfaction of the principal certifier: 1. All stormwater drainage systems and storage systems; and 2. A copy of the plans must be provided to Council with the Occupation Certificate. Condition reason: To confirm the location of works once constructed that will become council assets.
116.	(E005) Occupation Certificates The premises must not be occupied until an Occupation Certificate (OC) is issued by the certifier. Copies of all documents relied upon for the issue of the OC must be attached to the OC and registered with Council. Condition reason: To ensure the development is in accordance with the approval and the use meets health, safety and amenity provisions.
117.	(E010) Certificates All required documentary evidence for the critical stage inspections carried out prior, during and at the completion of construction, must be submitted to Council together with the required registration fee payment. Condition reason: To ensure the use meets health, safety and amenity provisions.
118.	(E020) Acoustic Report Confirmation in writing that the recommended measures were incorporated as required by the report. Condition reason: To ensure the use meets health and amenity provisions to occupants and/or neighbouring properties.
119.	(E026) Removal of Waste Upon Completion Before the issue of an Occupation Certificate: 1. all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the approved waste management plan; and 2. written evidence of the waste removal must be provided to the satisfaction of the principal certifier. Condition reason: To ensure waste material is appropriately disposed or satisfactorily stored.
120.	(E030) Section 73 Sydney Water Certificate A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained and submitted to the Principal Certifier prior to issue of Occupation Certificate. Condition reason: To ensure relevant utility and service providers requirements are provided to the certifier.
121.	(E033) 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, BCA and relevant Australian Standards. Condition reason: To ensure that the external cladding installed on a building is compliant.
122.	(E035) Completion of public utility services

	Before the issue of the relevant occupation certificate, confirmation must be obtained from the relevant authority that any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, have been completed and this confirmation must be provided to the principal certifier. Condition reason: To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation.
123.	(E037) 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 a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Liverpool City Council. Condition reason: To ensure fairness, transparency and probity.
124.	(E050) 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. Condition reason: To ensure street number of the site is displayed in accordance with the Local Government Act.
125.	(E060) 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 the Principal Certifier. Condition reason: To ensure the development meets energy and water conservation requirements.
126.	(E064) Completion of landscape and tree works Before the issue of an Occupation Certificate, the principal certifier must be satisfied all landscape and tree-works have been completed in accordance with approved plans and documents and any relevant conditions of this consent. Condition reason: To ensure the approved landscaping works have been completed in accordance with the approved landscaping plan(s).
127.	(E075) 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 standard driveway with standard integral kerb and gutter shall be subject of a driveway application to Council and works supervised by that driveway inspection process. Condition reason: To protect and maintain Council infrastructure to an appropriate standard.
128.	(E106) Recommendations of Acoustic Report Upon completion of works and before the issue of any occupation certificate, written certification prepared by a suitably qualified acoustic consultant must be submitted to and approved by the certifier. The written certification prepared by the suitably qualified acoustic consultant must confirm that the development complies with all requirements and recommendations detailed within the approved acoustic report titled "Acoustic Report for Proposed Childcare Centre at No.14 Satelberg Street, Holsworthy" (Ref: 2024-030) prepared by Domeniki Tsagaris and reviewed by Moussa Zaioor for Acoustic Noise & Vibration Solutions Pty Ltd dated 18th October 2024. The acoustic consultant must confirm that the development or use is capable of operating in accordance with the design criteria. Note: The 'suitably qualified acoustic consultant' must be a member of the Australian Acoustical Society or employed by an Association of Australasian Acoustical Consultants (AAAC) member firm. Condition reason: To mitigate potential acoustic impacts by ensuring that the development or use complies with the specified design criteria.
129.	(E156) Waste Storage Room

	Prior to the issuing of an occupation certificate, the principal certifier shall be satisfied that the designated garbage/waste storage area shall comply with the following requirements: 1. The room shall be fully enclosed and provided with a concrete floor, and with concrete or cement rendered walls coved to the floor; 2. The room shall have a floor waste which is to consist of a removable basket within a fixed basket arrestor and is to comply with Sydney Water requirements; and 3. The door to the room must be tight-fitting, self-closing and fitted with mechanical ventilation. Please refer to AS4674-2004 – Design, construction and fit-out of food premises and Liverpool Development Control Plan 2008 for further information regarding the construction standards for waste storage areas. Condition reason: To ensure compliance with construction requirements and to mitigate risks to human health and the environment.
130.	(E250) Mechanical Ventilation Certification Upon completion of works and before the issue of any occupation certificate, a Mechanical Ventilation Certificate of Completion and Performance prepared by a professional engineer or other suitably qualified person must be submitted to certifier for their review and approval. The certification must be accompanied by details of the tests carried out in relation to ventilation and acoustics and confirm that the systems comply with the approved plans, specifications, Building Code of Australia and Australian Standard AS 1668 Parts 1 and 2. Condition reason: To facilitate compliance with legislative requirements.
131.	(E255) Notice of food business Before the issue of an occupation certificate, council and any other appropriate enforcement agency must be notified of the food business in accordance with the NSW <i>Food Act 2003</i> and the Australia New Zealand Food Standards Code – 3.2.2 – Food Safety Practices and General Requirements. Condition reason: To enable council to ensure compliance with the consent when the business is operating
132.	(E400) Stormwater Compliance Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that the: (a) On-site detention system/s Details of the approved and constructed system/s shall be provided as part of the Works-As-Executed drawings. Condition reason: To ensure fairness, transparency and probity.
133.	(E404) 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 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. Condition reason: To ensure fairness, transparency and probity.
134.	(E408) 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 Satelberg Street will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing. Condition reason: To ensure fairness, transparency and probity.
135.	(E424) Directional Signage

	Prior to the issue of an Occupation Certificate, directional signage and linemarking shall be installed indicating directional movements and the location of customer parking to the satisfaction of the Principal Certifying Authority. Condition reason: To ensure fairness, transparency and probity.
136.	(E432) 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. Condition reason: To ensure fairness, transparency and probity.
137.	(E436) Dilapidation Report Any rectification works required by Council regarding the condition of Council infrastructure shall be undertaken, at full cost to the developer. Condition reason: To ensure fairness, transparency and probity.
138.	(E590) Street Lighting The approved street lighting designs are to be implemented along all new and existing streets within the proposed development in accordance with Liverpool City Council standards and to the satisfaction of Council. Endeavour Energy pole numbers and the date poles were energised are to be submitted to Council's Traffic Management Section prior to submitting OC or SC application. All cost associated with the installation of street lighting shall be borne by the developer. Condition reason: To ensure adequate street lighting is provided for the development.
139.	(E592) Operational Plan of Management The plan of management shall be amended addressing the Site Servicing Arrangements, particularly that service vans are to attend the site outside the peak drop-off/pick-up hours. The plans shall also ensure parents use the on-site parking provisions when attending the site. A 3-strike policy for those noted as using on-street parking spaces will need to be in place and enforced. A copy of the plan shall be submitted to and endorsed by Council's Transport Management Team prior to the issue of any occupation Certificate. Condition reason: To ensure fairness, transparency and probity.
140.	(E950) Special Engineering Conditions

1. Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that all works and/or requirements associated with the existing Telecom Pits in the site frontage and the new driveway have been signed off by the relevant Authority. 2. At completion of works a survey and report must be undertaken and submitted to the Principal Certifier and affected adjoining property owner/s, commenting on the risk of latent damage (if any) to the existing building caused by the excavation and construction activities. The report and survey is to be prepared by a consulting structural/geotechnical engineer agreed to by both the applicant and the owner/s of any affected adjoining property. A copy is also to be provided to the affected adjoining property owner/s. All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent. If access for undertaking the survey is denied by an adjoining owner, the applicant must: • Undertake as much as possible the survey from the development site, public areas and/or adjoining private property. • Demonstrate in writing to the satisfaction of the Principal Certifier 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. 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. Condition reason: To ensure fairness, transparency and probity.

Occupation and Ongoing use

141.	(G004) Plan of Management The approved Plan of Management must be complied with at all times. A copy of the Plan of Management must be kept on-site at all times and be provided to Council officers on request. Condition reason: To ensure fairness, transparency and probity.
142.	(G065) Unreasonable Noise and Vibration The use of the premises and/or machinery equipment installed must not give rise to offensive noise so as to interfere with the amenity of the neighbouring properties. Should an offensive noise complaint be received by Liverpool City Council, an acoustic assessment must be undertaken by a suitably qualified acoustic consultant and an acoustic report must be submitted to Liverpool City Council for review as required. Any noise attenuation recommendations approved by Liverpool City Council must be implemented and then certified by a suitably qualified acoustic consultant. Note: The 'suitably qualified acoustic consultant' must be a member of the Australian Acoustical Society or employed by an Association of Australasian Acoustical Consultants (AAAC) member firm. Condition reason: To mitigate potential offensive noise and amenity impacts.
143.	(G095) Location of mechanical ventilation During occupation and ongoing use of the building, all mechanical ventilation system(s) or other plant and equipment that generates noise must be located on the site (including in a soundproofed area where necessary) to ensure the noise generated does not exceed >5dBa above the ambient background noise at the boundary adjacent to any habitable room of adjoining residential premises. Condition reason: To protect the residential amenity of neighbouring properties.
144.	(G100) Waste Collection and Management

	Waste and recyclable material must be managed in a satisfactory manner, covered at all times and not give rise to offensive odour or encourage pest activity. All solid and liquid waste must be removed regularly from the site by a registered waste contractor. Waste must not be permitted to accumulate near the waste storage bins. Condition reason: To mitigate potential risks to human health and the environment.
145.	(G130) Waste Storage Area Waste bins must be stored in designated garbage/ trade refuse areas, which must be kept tidy at all times. Bins must not be stored or allowed to overflow in parking or landscaping areas, must not obstruct the exit of the building, and must not leave the site onto neighbouring public or private properties. Condition reason: To mitigate potential risks to human health and the environment.
146.	(G190) Parking Spaces - Assessment Planner The following parking spaces should be used solely for the purpose it has been provided: 1. Staff Parking 2. Visitor car parking 3. Accessible car parking 4. Cycle parking Visitor parking spaces must not be allocated, sold or leased to an owner, occupier or any other person or entity. Condition reason: To ensure that adequate parking and loading are provided.
147.	(G210) Car Parking Management All parking areas shown on the approved plans must be used solely for this purpose. Condition reason: To ensure that adequate parking and loading are provided.
148.	(G230) Vehicle Access Vehicles entering or leaving the development site should be in forward direction, if practicable. Condition reason: To ensure safety.
149.	(G250) Operating hours During ongoing use of the premises, the hours of operation of the childcare centre are restricted to: • 7am - 6pm Monday to Friday • The premises is not to operate on Saturdays, Sundays or Public Holidays. Condition reason: To protect the amenity of the local area
150.	(G260) Deliveries and waste collection times for food and drink and mixed use developments During ongoing use of the childcare centre, all deliveries, waste and recycling collection carried out by heavy vehicle/vehicles: 1. are undertaken only on Monday - Friday between 9am and 3pm. 2. do not occur on the street; 3. do not obstruct other operations; 4. minimise disruption to adjoining properties and public spaces; 5. maintain a clear service vehicle dock, car parking spaces and access driveways at all times; and 6. all vehicles must enter and leave in a forward direction. Condition reason: To ensure deliveries to the premises are carried out safely and protect the amenity of the local area
151.	(G310) Childcare Centres Approval is granted for a maximum of 27 children to be on the premises at one time, in accordance with the following groupings: (a) (8 children) 0 – 2 years; (b) (19 children) 3 years and over.

	Condition reason: To ensure that childcare centres maintain the maximum number of places in each age group approved with this consent.
152.	(G320) Childcare Centres A maximum number of 4 permanent staff members are permitted to work at the childcare centre at any given time. Condition reason: To ensure that childcare centres maintain the maximum number of permanent staff approved with this consent.
153.	(G340) Noise Complaints register The operator must 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 Applicant 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 industry must be operated in accordance with the approved Noise Management Plan and Complaints Handling Procedure at all times. Condition reason: To mitigate potential impacts associated with the development and establish a procedure for responding to enquiries.
154.	(G345) Lighting Illumination of the site must be arranged in accordance with the requirements and specifications of AS 4282:2019 - Control of obtrusive effects of outdoor lighting so as not to impact upon the amenity of the occupants of adjoining and nearby premises. Condition reason: To mitigate potential lighting impacts and protect the amenity of the surrounding area.
155.	(G360) Noise - Silent Building Intruder Alarm System Any building intruder alarm installed at the site must be a "silent back to base" type. Condition reason: To mitigate potential acoustic impacts and protect the amenity of the surrounding area.
156.	(G390) Noise - General

	Noise associated with the use of the premises, including mechanical plant and equipment, must not give rise to any one or more of the following: (a) The use of the premises including the cumulative operation of any mechanical plant, equipment, internal public address system or other internal amplified sound equipment must not give rise to the emission of 'offensive noise' as defined by the Protection of the Environment Operations Act 1997. (b) The operation of any mechanical plant, equipment, public address system or other amplified sound equipment installed on the premises must not cause: i. The emission of noise as measured over a 15 minute period (LAeq (15 minute)) that exceeds the LA90 (15 minute) background noise level by more than 5 dB(A) when measured at the most affected residential boundary. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the NSW Environment Protection Authority's 'Noise Policy for Industry' (2017); ii. An internal noise level in any adjoining occupancy that exceeds the recommended design sound levels specified in Australian/New Zealand Standard AS/NZS 2107:2016 Acoustics – Recommended design sound levels and reverberation times for building interiors; iii. 'offensive noise' as defined by the Protection of the Environment Operations Act 1997; and iv. Transmission of vibration to any place of different occupancy greater than specified in AS 2670.
	Condition reason: To mitigate potential intrusive noise and amenity impacts.
157.	(G392) Noise Management Plan The approved Noise Management Plan must be complied with at all times. Condition reason: To mitigate potential acoustic impacts and protect the amenity of the surrounding area.
158.	(G393) Acoustic Report An acoustic report prepared by a suitably qualified acoustic consultant must be submitted to Liverpool City Council for its assessment and approval within three (3) months of occupation/completion of the development. The report must include but not be limited to the following information: (a) Noise measurements taken during a time of peak occupation at the most affected noise sensitive locations as indicated in the approved acoustic report titled "Acoustic Report for Proposed Childcare Centre at No.14 Satelberg Street, Holsworthy" (Ref: 2024-030) prepared by Domeniki Tsagaris and reviewed by Moussa Zaioor for Acoustic Noise & Vibration Solutions Pty Ltd dated 18th October 2024; (b) Verification that noise levels at the most affected receivers comply with all relevant assessment criteria detailed in the abovementioned report; (c) All complaints received from local residents in relation to the operation of the premises/development; and (d) Where noise measurements required under point a) above indicate that the relevant assessment criteria are exceeded, recommendations must be provided in relation to how noise emissions can be satisfactorily reduced to comply with the assessment criteria. Following written approval from Liverpool City Council, recommendations provided under point d) above must be implemented fully. Note: The 'suitably qualified acoustic consultant' must be a member of the Australian Acoustical Society or employed by an Association of Australasian Acoustical Consultants (AAAC) member firm. Condition reason: To mitigate potential acoustic impacts and protect the amenity of the surrounding area.
159.	(G395) Managing noise

	During ongoing use of the premises, the premises must be operated in accordance with the acoustic report approved under this consent. Condition reason: To protect the amenity of the local area
160.	(G400) Environment The use of the premises must not give rise to the emission into the surrounding environment of gases, vapours, dusts or other impurities that are a nuisance, injurious or prejudicial to health. Condition reason: To mitigate potential risks to human health and the environment.
161.	(G402) Air Handling System Any liquid discharge from the air handling system resulting from the operation, maintenance and/or cleaning operations are to be disposed of into the sewer system. Discharge into the stormwater disposal system is not permitted. Condition reason: To ensure no substance other than rainwater enters the stormwater system and waterways.
162.	(G410) Landscaping 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. Condition reason: To require records to be provided, after occupation, documenting that landscaping is appropriately maintained.
163.	(G468) Smoke-free Requirements The requirements of the Smoke-free Environment Act 2000 and Smoke-free Environment Regulation 2016 must be complied with at all times. Condition reason: To mitigate potential risks to human health and facilitate compliance with legislative requirements and relevant standards.
164.	(G470) Food Premises - Use of Charcoal The use of charcoal for the purposes of heating, cooking or smoking food on the premises is strictly prohibited. Condition reason: To mitigate potential risks to human health and the environment.
165.	(G566) No Amplified Sound Equipment or Music Outside Music and other amplified sound played on the premises must not give rise to 'offensive noise' as defined by the Protection of the Environment Operations Act 1997. The sound pressure level as measured over a 15 minute period (LAeq (15 minute)) must not exceed 5 dB(A) above the ambient background noise level (LA90 (15 minute)) at the boundary of the premises. Sound amplification equipment and music are not permitted in any of the outdoor areas associated with the premises. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises. Condition reason: To mitigate potential acoustic impacts associated with the development.
166.	(G666) Child Care Centre - Music The doors and windows of the child care centre must be closed at all times when used for noise generating activities including but not limited to singing, musical instruments and amplified sound equipment. Condition reason: To mitigate potential intrusive noise and amenity impacts.

167.	(G668) Car Park Signage Prominent notices must be installed at the entry and exit to the car park and the entry and exit to the building informing people to enter and leave the car park quietly. Condition reason: To mitigate potential intrusive noise and amenity impacts.
168.	(G809) Food Business Notification Requirements - Food Business All retail food businesses must notify Liverpool City Council of their food activity details. The food business notification must be completed in the approved form and comprise all information specified in the Food Safety Standards. The completed registration form/s must be submitted to Council prior to the commencement of the business. Condition reason: To address legislative requirements.
169.	(G817) Food Safety Supervisor - Food Business A Food Safety Supervisor must be appointed to the food premises. A copy of the Food Safety Supervisor certificate must be kept onsite and presented to Council's Authorised Officer upon request. Further information can be obtained in the "Guideline to Food Safety Supervisor Requirements" published by the NSW Food Authority. Condition reason: To mitigate potential risks to human health.
170.	(G824) Appliances and Cool Rooms Appliances used to store potentially hazardous food must have a capacity to keep foods hotter than 60 degrees Celsius, refrigerated foods below 5 degrees Celsius and frozen foods below 18 degrees Celsius and are to be provided with a digital thermometer accurate to 1 degree Celsius that can be easily observed from outside the appliance. Condition reason: To address legislative requirements.
171.	(G950) Special Environmental Health Conditions Linen and mattresses The provision and management of linen must comply with the following: 1. The premises operator must ensure provision of clean linen for the use of each child; 2. All mattresses must be fitted with washable waterproof mattress protectors. 3. Evidence of a commercial contract to launder linen must be provided to Council upon request. Alternatively, a commercial washing machine capable of washing at a temperature of not less than 70 degrees Celsius must be installed on the premises and provided with hot water at all times. 4. Should linen be laundered onsite, an appropriate clothes dryer is to be made available for the drying of linen and towels. Staff Facilities Adequate staff facilities shall be provided including but not limited to: 1. Adequate storage for staff personal items 2. Adequate break room facilities to enable staff to store and prepare food and drinks (in addition to the main kitchen). Condition reason: To ensure fairness, transparency and probity.
172.	(G951) Ongoing Requirements 1. The operator must maintain a licence to operate a centre based childcare service in line with current NSW and federal requirements. 2. The operator must ensure that the indoor spaces used by children at the education and care service premises are maintained at a temperature that ensures the safety and wellbeing of children. 3. The operator must ensure that any outdoor space used by children at the education and care service premises is enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it. Condition reason: To ensure fairness, transparency and probity.

Demolition Work Before Demolition Work Commences

173.	(C004) Asbestos removal signage Before demolition work commences involving the removal of asbestos, a standard commercially manufactured sign containing the words 'DANGER: Asbestos removal in progress' (measuring not less than 400mm x 300mm) must be erected in a prominent position at the entry point/s of the site and maintained for the entire duration of the removal of the asbestos. Condition reason: To alert the public to any danger arising from the removal of asbestos
174.	(C040) 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. (c) The handling or removal of any asbestos product from the building/site must be carried out by a SafeWork NSW 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 SafeWork NSW requirements. Condition reason: To ensure that the demolition of buildings is carried out without impacting on public and environmental safety.
175.	(C042) Disconnection of services before demolition work Before demolition work commences, all services, such as water, telecommunications, gas, electricity and sewerage, must be disconnected in accordance with the relevant authority's requirements. Condition reason: To protect life, infrastructure and services
176.	(C055) Site Facilities 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. Condition reason: To ensure the required site management measures are implemented before the commencement of building work.
177.	(C095) Tree protection measures Before any site work commences, the principal certifier, must be satisfied the measures for tree protection detailed in the construction site management plan are in place. Condition reason: To protect and retain trees.
178.	(C101) Vegetation - Existing Vegetation All existing trees and areas of native vegetation not identified for removal on approved plans of the proposed development shall be protected from damage during site works. This protection shall consist of 1800mm high protective fencing, securely installed beneath the outer canopy of any tree to be retained. Trees may be fenced off in clusters where it is not practical to fence off individual trees. There shall be no storing materials, washing machinery or changes to existing soil levels within the fenced areas. Condition reason: To minimise impacts to adjacent vegetation and habitat.
179.	(C117) Erosion and sediment controls in place

	Before any site work commences the principal certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time). Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.
180.	(C250) Notification Notification to surrounding residents is to be undertaken within a 100 metre radius from the site. A letter box drop in the form of an informative pamphlet or the like is to be carried out at least 5 days prior to the event to local residents informing them of the event details and including contact details of the site supervisor for the event. Condition reason: To advise neighbours of the commencement of building works.
181.	(C361) Construction Site Management Plan Before site work commences, a construction site management plan must be prepared, and provided to the certifier. The plan must include the following matters: 1. The location and materials for protective fencing and hoardings on the perimeter of the site; 2. Provisions for public safety; 3. Pedestrian and vehicular site access points and construction activity zones; 4. Details of construction traffic management including: 1. Proposed truck movements to and from the site; 2. Estimated frequency of truck movements; and 3. Measures to ensure pedestrian safety near the site; 5. Details of bulk earthworks to be carried out; 6. The location of site storage areas and sheds; 7. The equipment used to carry out works; 8. The location of a garbage container with a tight-fitting lid; 9. Dust, noise and vibration control measures; 10. The location of temporary toilets; 11. The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with: 1. AS 4970 – Protection of trees on development sites; 2. An applicable Development Control Plan; A copy of the construction site management plan must be kept on-site at all times while work is being carried out. Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.
182.	(C466) Dilapidation report

	Before any site work commences, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works and public land, to the satisfaction of the principal certifier. Where access has not been granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the principal certifier, that all reasonable steps were taken to obtain access to the adjoining properties. No less than seven (7) days before any site work commences, adjoining building owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to Council (where Council is not the principal certifier) at the same time.
	Condition reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report.
183.	(C501) Return of existing bins Prior to commencing demolition or site clearing works, any existing domestic waste bins that have been issued to 14 Satelberg Street Holsworthy, must be returned to Liverpool City Council. Please ring Council on 1300 36 2170 to advise that the bins are empty and ready to be removed, so their removal can be noted on Council's rates system. Condition reason: To protect against Council-issued residential waste bins being used and potentially damaged by builders using them as site waste bins for waste building materials.

During Demolition Work

184.	(D028) Responsibility for changes to public infrastructure While site work is being carried out, any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area) must be paid as directed by the consent authority. Condition reason: To ensure payment of approved changes to public infrastructure.
185.	(D045) Hours of work Site work must only be carried out between the following times – From 7am to 6pm on Monday to Friday From 8am to 1pm on Saturday Site work is not to be carried out outside of these times or on public holidays except where there is an emergency, or for urgent work directed by a police officer or a public authority. Condition reason: To protect the amenity of the surrounding area.
186.	(D049) 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. Condition reason: To ensure the required site management measures are implemented during construction.
187.	(D055) 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. Condition reason: To ensure the required site management measures are implemented during construction.
188.	(D070) Notification of Damage

	The applicant/ builder shall be responsible to report to the Council of 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 and maintained the area until completion of the construction activities. Arrangements to the satisfaction of Council are to be made for making safe by temporary repairs to Council's footpath and road carriageway until permanent restoration and repair can be organised with Council at the applicant's cost. Condition reason: To ensure any damage to public infrastructure is rectified.
189.	(D075) 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 work, 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. Condition reason: To require approval to proceed with demolition work following each stage inspection.
190.	(D076) Handling of asbestos during demolition While demolition work is being carried out, any work involving the removal of asbestos must comply with the following requirements: 1. Only an asbestos removal contractor who holds the required class of Asbestos Licence issued by SafeWork NSW must carry out the removal, handling and disposal of any asbestos material; 2. Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW Environment Protection Authority to accept asbestos waste; and 3. Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m² or more of asbestos sheeting must be registered with the EPA on-line reporting tool WasteLocate. Condition reason: To ensure that the removal of asbestos is undertaken safely and professionally
191.	(D130) Removal of dangerous and/or hazardous waste All dangerous and/or hazardous material must be removed by a suitably qualified and experienced contractor licensed by SafeWork NSW. The removal of such material must be carried out in accordance with the requirements of SafeWork NSW and the material must be transported and disposed of in accordance with NSW Environment Protection Authority requirements. Condition reason: To ensure safe removal and disposal of dangerous and/or hazardous material.
192.	(D180) Waste management

	While site work is being carried out: - all waste management must be undertaken in accordance with the waste management plan; and - upon disposal of waste, records of the disposal must be compiled and provided to the principal certifier detailing the following: - The contact details of the person(s) who removed the waste; - The waste carrier vehicle registration; - The date and time of waste collection; - A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill; - The address of the disposal location(s) where the waste was taken; - The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste. If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the principal certifier and Council. Condition reason: To require records to be provided, during site work, documenting the lawful disposal of waste.
193.	(D190) Discovery of relics and Aboriginal objects While site work is being carried out, if a person reasonably suspects a relic of Aboriginal object is discovered: - the work in the area of the discovery must cease immediately; - the following must be notified - for a relic – the Heritage Council; or - for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85. Site work may recommence at a time confirmed in writing by: - for a relic – the Heritage Council; or - for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85. Condition reason: To ensure the protection of objects of potential significance during works.
194.	(D195) Tree protection during work While site work is being carried out, all required tree protection measures must be maintained in good condition in accordance with: - the construction site management plan required under this consent; - the relevant requirements of AS 4970 Protection of trees on development sites; - Part 1 of Council's relevant development control plan (in force as at the date of determination of this consent); and This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones. Condition reason: To protect trees during the carrying out of site work.
195.	(D200) Vegetation - Tree Removal No trees are to be removed without the prior approval of Council. Condition reason: To help promote the retention of healthy established trees.
196.	(D205) Vegetation - Existing Vegetation

	All existing trees and areas of native vegetation not identified for removal on approved plans of the proposed development shall be protected from damage during site works. This protection shall consist of 1800mm high protective fencing, securely installed beneath the outer canopy of any tree to be retained. Trees may be fenced off in clusters where it is not practical to fence off individual trees. There shall be no storing materials, washing machinery or changes to existing soil levels within the fenced areas. Condition reason: To minimise impacts to adjacent vegetation and habitat.
197.	(D335) External Lighting 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. Condition reason: To protect the amenity of the neighbourhood.
198.	(D426) Soil management While site work is being carried out the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements: 1. All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier. 2. All fill material imported to the site must be: • Virgin Excavated Natural Material as defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i>; or • a material identified as being subject to a resource recovery exemption by the NSW EPA; or • a combination of Virgin Excavated Natural Material as defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i> and a material identified as being subject to a resource recovery exemption by the NSW EPA. Condition reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants.
199.	(D430) Unidentified Contamination Any new information which arises during remediation, demolition or construction works that has the potential to alter previous conclusions about site contamination and remediation must be immediately notified in writing to the certifier and Liverpool City Council. A section 4.55 Application under the Environmental Planning and Assessment Act 1979 must be made for any proposed works outside the scope of the approved development consent. Condition reason: To ensure the suitability of land for the development.
200.	(D450) Air Quality During construction where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, the consent holder is to ensure dust is 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 Certifier may direct that work is not to proceed. Condition reason: To ensure site works are managed appropriately and do not result in air pollution.
201.	(D552) Implementation of the site management plans While site work is being carried out: 1. the measures required by the construction site management plan and the erosion and sediment control plan (plans) must be implemented at all times; and 2. a copy of these plans must be kept on site at all times and made available to Council officers upon request. Condition reason: To ensure site management measures are implemented during the carrying out of site work.
202.	(D555) Erosion Control - Maintenance

	Sediment and erosion control measures are to be adequately maintained during the works until the establishment of grass. Condition reason: To ensure the required site management measures are implemented during construction.
203.	(D560) Erosion Control Vehicular access to the site shall be controlled through the installation of wash down bays or shaker ramps to prevent tracking of sediment or dirt onto adjoining roadways. Where any sediment is deposited on adjoining roadways is shall be removed by means other than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner which will prevent its mobilisation. Condition reason: To ensure the required site management measures are implemented during construction.
204.	(D565) Water Quality During construction the consent holder is to ensure all topsoil, sand, aggregate, spoil or any other material that can be moved by water is stored clear of any drainage line, easement, water body, stormwater drain, footpath, kerb or road surface. Condition reason: To ensure site works are managed appropriately and do not result in water pollution.
205.	(D574) Pollution Control - Truck Movements 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. Condition reason: To mitigate potential risks to the environment during construction and facilitate compliance with legislative requirements.
206.	(D584) Skeletal Remains In the event that skeletal remains are uncovered, work must cease immediately in that area and the area secured. NSW Police must be contacted and no further action taken until written advice has been provided by the NSW Police. If the remains are determined to be of Aboriginal origin, the Office of Environment and Heritage must be notified by ringing the Enviroline 131 555 and a management plan prior to works re-commencing must be developed in consultation with relevant Aboriginal stakeholders. Condition reason: To ensure fairness, transparency and probity.
207.	(D600) Correct waste separation and removal All demolition, excavation and construction wastes must be separated as they are generated and kept in separate spoil piles, bays, builder's skips and/or site bins. No wastes other than those noted on the approved waste management plan as being re-used on site, are to be left on site after the completion of the works. Condition reason: To ensure that separation of waste by type is undertaken in an ongoing basis throughout the building process, and that the wastes are kept separate and not mixed, to facilitate waste management and recycling.
208.	(D605) Containment of site wastes during building All demolition, excavation or construction wastes, e.g. wrapping, packaging materials, bags, insulation, sand, soil etc., must be kept fully enclosed at all times to prevent them from becoming displaced in strong wind conditions or from washing into sewers, storm drains or creeks, or onto adjacent properties or public land during wet weather. Condition reason: To ensure that waste materials from the demolition, excavation or construction are kept appropriately contained on site, irrespective of weather conditions, and do not make their way into the environment as pollutants.
209.	(D655) Noise and Vibration requirements

While site work is being carried out, noise generated from the site must not exceed an LAeq (15 min) of >5dB(A) above background noise, when measured at a lot boundary of the site.

Condition reason: To protect the amenity of the neighbourhood during construction.

General advisory notes

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

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

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

Dictionary

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

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

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

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

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

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

Council means LIVERPOOL CITY COUNCIL.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

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

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

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

Local planning panel means LIVERPOOL LOCAL PLANNING PANEL.

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

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

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

Stormwater drainage system means all works and facilities relating to:

- the collection of stormwater,
- the reuse of stormwater,
- the detention of stormwater,
- the controlled release of stormwater, and
- connections to easements and public stormwater systems.

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

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

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

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

Without prejudice draft conditions
General Conditions

1. (A950) Compliance with BCA

The applicant must comply with all provisions of Volume 1 of the current BCA (Building Code of Australia).

Condition reason: To ensure fairness, transparency and probity.

2. (A002) Approved plans and supporting documentation

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

Approved plans				
Plan number	Revision number	Plan title	Drawn by	Date of plan
A101	C	Site Plan	Cad Draft P/L	11-4-24
A102	C	Floor Plans	Cad Draft P/L	11-4-24
A103	C	South & North Elevations	Cad Draft P/L	11-4-24
A105	C	Sections 1 & 2	Cad Draft P/L	11-4-24

Approved documents			
Document title	Version number	Prepared by	Date of document
BCA Report	1032-2024	Robert Noakes Building Regulation Consultancy	9 September 2024
Operational Waste Management Plan	---	TTM Consulting Pty Ltd	23/09/2024

In the event of any inconsistency between the approved plans and documents, the approved Documents prevail.

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

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

3. (A025) Comply with EP&A Act

The requirements and provisions of the Environmental Planning & Assessment Act 1979 and Environmental Planning & Assessment Regulation 2021, must be fully complied with at all times.

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

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

4. (A040) Compliance with the Building Code of Australia

1.

It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the *Building Code of Australia*.

2.

It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the *Home Building Act 1989*, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences.

3.

It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the *Building Code of Australia*.

4.

In subsection (1), a reference to the *Building Code of Australia* is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made.

5.

In subsection (3), a reference to the *Building Code of Australia* is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made.

Without prejudice draft conditions

6.	This section does not apply— - to the extent to which an exemption from a provision of the <i>Building Code of Australia</i> or a fire safety standard is in force under the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i>, or - to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.
	Condition reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.
5.	(A060) Erection of signs - This section applies to a development consent for development involving building work, subdivision work or demolition work. - It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out— - showing the name, address and telephone number of the principal certifier for the work, and - showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and - stating that unauthorised entry to the work site is prohibited. - The sign must be— - maintained while the building work, subdivision work or demolition work is being carried out, and - removed when the work has been completed. - This section does not apply in relation to— - building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or - Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.
	Condition reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.

Building Work Before Issue of an Occupation Certificate

6.	(E007) Obtain occupation certificate for change of use The premises must not be utilised until an Occupation Certificate is issued by the Principal Certifier. A single and complete Fire Safety Certificate certifying the operation of all of the fire safety measures within the building must be submitted to Council with the Occupation Certificate. Condition reason: To ensure an Occupation Certificate is obtained when a change of use (no works) is proposed, and fire safety upgrade works are required under Clause 62 of the Environmental Planning and Assessment Regulation.
7.	(E008) Clause 62 Upgrade works In accordance with clause 62 of the Environmental Planning and Assessment Regulation 2021, the levels of fire and safety within the existing building are to be upgraded and the following measures are to be implemented prior to issuing an occupation certificate for the new building or part: - Provide emergency lighting system to the building in accordance with clause E4D2 & E4D4 of the BCA Volume 1, - Provide exit signs to the building in accordance with clause E4D5 & E4D8 of the BCA Volume 1, - Provide a fire hydrant system to the building in accordance with E1D2 of the BCA Volume 1, - A swinging door in a required exit or forming part of a required exit must be in accordance with D3D25 of the BCA Volume 1, - A door in a required exit, forming part of a required exit or in the path of travel to a required exit must be in accordance with D3D26 of the BCA Volume 1, Alternatively, the above fire safety upgrade works may be addressed with a performance-based solution

Without prejudice draft conditions

to the satisfaction of the appointed Principal Certifier.

Condition reason: To enable Council to require fire safety upgrade works in accordance with Clause 62 of the Environmental Planning and Assessment Regulation.

Occupation and Ongoing use

8.	(G100) Waste Collection and Management																											
	Waste and recyclable material must be managed in a satisfactory manner, covered at all times and not give rise to offensive odour or encourage pest activity. All solid and liquid waste must be removed regularly from the site by a registered waste contractor. Waste must not be permitted to accumulate near the waste storage bins.																											
	Condition reason: To mitigate potential risks to human health and the environment.																											
9.	(G210) Car Parking Management																											
	All parking areas shown on the approved plans must be used solely for this purpose.																											
	Condition reason: To ensure that adequate parking and loading are provided.																											
10.	(G250) Operating hours																											
	During ongoing use of the premises, the hours of operation of the vehicle sales or hire premises are restricted to:																											
	<table><tr><td></td><td>From</td><td>To</td></tr><tr><td>Monday</td><td>8:00am</td><td>5:00pm</td></tr><tr><td>Tuesday</td><td>8:00am</td><td>5:00pm</td></tr><tr><td>Wednesday</td><td>8:00am</td><td>5:00pm</td></tr><tr><td>Thursday</td><td>8:00am</td><td>5:00pm</td></tr><tr><td>Friday</td><td>8:00am</td><td>5:00pm</td></tr><tr><td>Saturday</td><td>8:00am</td><td>2:00pm</td></tr><tr><td>Sunday</td><td>N/A</td><td>N/A</td></tr><tr><td>Public Holidays</td><td>N/A</td><td>N/A</td></tr></table>		From	To	Monday	8:00am	5:00pm	Tuesday	8:00am	5:00pm	Wednesday	8:00am	5:00pm	Thursday	8:00am	5:00pm	Friday	8:00am	5:00pm	Saturday	8:00am	2:00pm	Sunday	N/A	N/A	Public Holidays	N/A	N/A
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Sunday	N/A	N/A																										
Public Holidays	N/A	N/A																										
	Condition reason: To protect the amenity of the local area																											

Change of use Before Issue of a Construction Certificate

11.	(B950) Accessibility Report
	The applicant must provide a complete building accessibility report from an accessibility consultant before issuing the Construction Certificate (CC). The Construction Certificate must comply with the requirements and recommendations outlined in the submitted accessibility report.
	Condition reason: To ensure fairness, transparency and probity.

Before Work Commences

12.	(C007) Appoint principal certifier for change of use only
	In accordance with provisions of the Environmental Planning & Assessment Act 1979, prior to commencement of the change in building use, a Principal Certifier must be appointed, to issue an occupation certificate.
	Condition reason: To ensure a Principal Certifier is appointed when a change of use (no works) is proposed and fire safety upgrade works are required under Clause 62 of the Environmental Planning and Assessment Regulation.
13.	(C008) Clause 62 Obtain construction certificate
	In accordance with provisions of the Environmental Planning & Assessment Act 1979, a Construction Certificate must be obtained from an Accredited Certifier prior to commencement of the change in building use and prior to any building works that are required to be carried out to satisfy relevant

Without prejudice draft conditions

building and fire safety requirements.

Condition reason: To ensure a Construction Certificate is obtained when a change of use (no works) is proposed and fire safety upgrade works are required under Clause 62 of the Environmental Planning and Assessment Regulation.

Before Issue of an Occupation Certificate

14. (E950) Accessibility Report

The applicant must provide a complete building accessibility report from an accessibility consultant before issuing the Occupation Certificate (OC).

Condition reason: To ensure fairness, transparency and probity.

Without prejudice draft conditions

General advisory notes

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

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

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

Without prejudice draft conditions

Dictionary

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

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

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

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

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

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

Council means LIVERPOOL CITY COUNCIL.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

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

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

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

Local planning panel means LIVERPOOL LOCAL PLANNING PANEL.

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

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

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

Stormwater drainage system means all works and facilities relating to:
the collection of stormwater,

the reuse of stormwater,

the detention of stormwater,

the controlled release of stormwater, and

connections to easements and public stormwater systems.

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

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

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

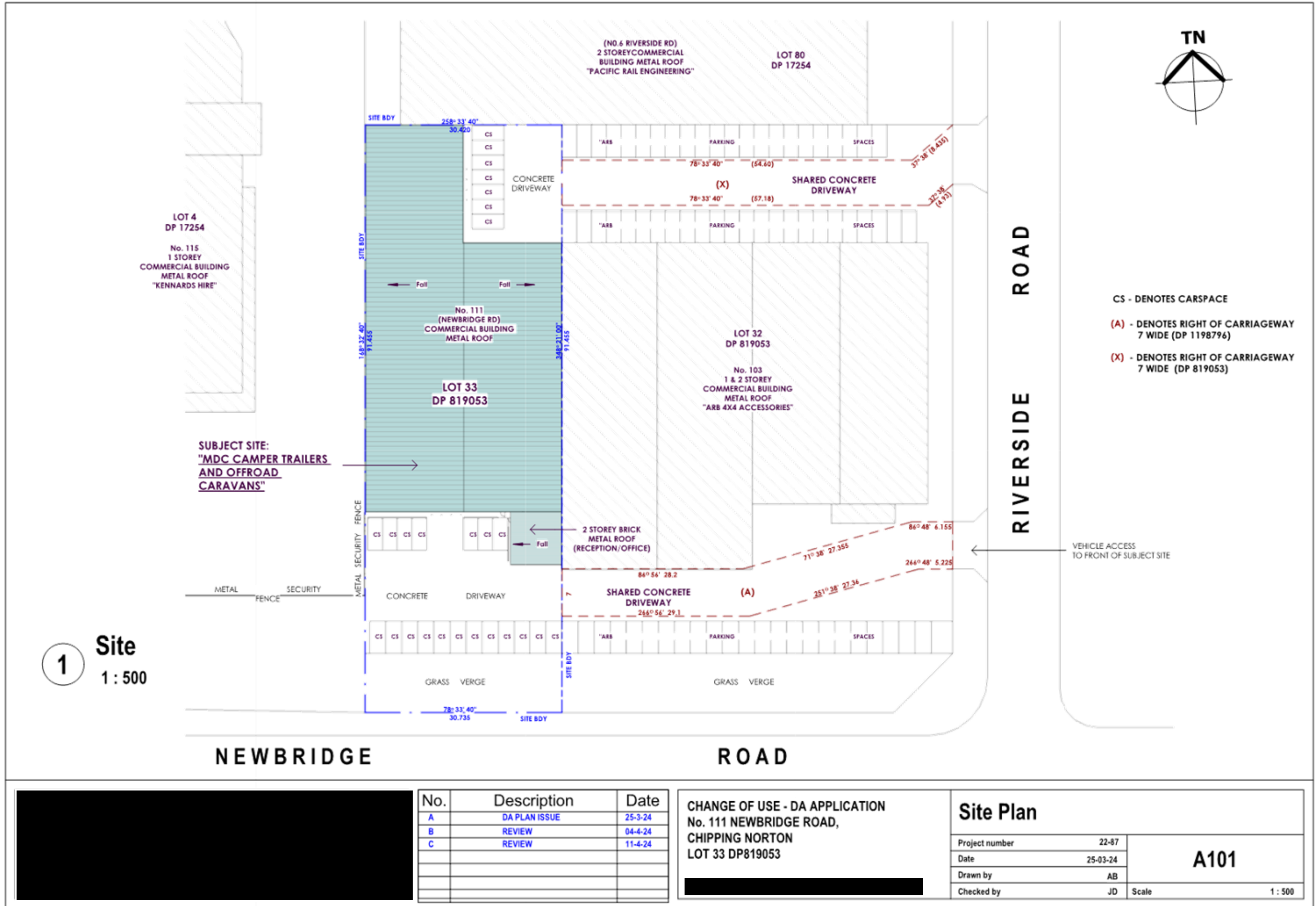
Sydney district or regional planning panel means SYDNEY WESTERN CITY PLANNING PANEL.

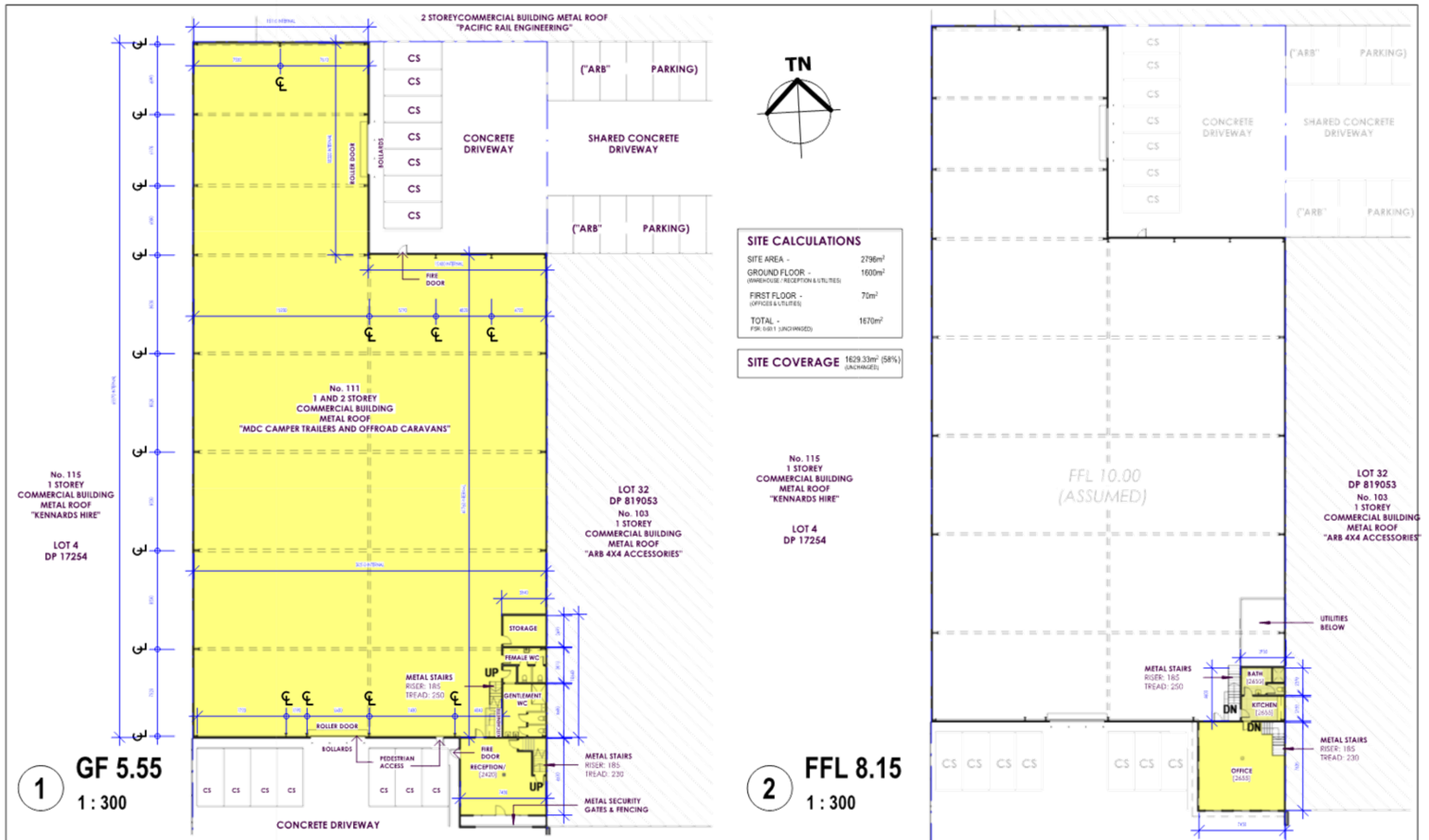
LDCP 2008 Compliance Tables – DA-318/2024

Part 1 General Controls for all Development			
Control	Requirement	Comment	Compliance
Section 2 – Tree Preservation	Consider impact of development on existing vegetation	No changes to existing vegetation	Not Applicable
Section 3 – Landscaping and Incorporation of Existing Trees	Incorporation of existing trees into development where appropriate.	No changes to existing vegetation	Not Applicable
Section 4 – Bushland and Habitat Preservation	Consider impact of development on bushland and habitats	Not in proximity to bushland or habitat	Not Applicable
Section 5 – Bushfire Risk	Land on or adjacent to bushfire prone land to comply with RFS requirements	Not affected by bushfire	Not Applicable
Section 6 – Water Cycle Management	Consideration of stormwater and drainage	No changes to stormwater/drainage	Not Applicable
Section 7 – Development Near a Watercourse	Consideration of impact to riparian corridors	Not in proximity to watercourse	Not Applicable
Section 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).	No works proposed – ESCP not required	Not Applicable
Section 9 – Flooding Risk	Flood affectation of property to be considered	Referred to and supported by Council's Flooding section	Complies
Section 10 – Contaminated Land Risk	Previous use to be considered in assessing risk	Previously used as factory, however contamination would not impact the proposed use.	Complies
Section 11 – Salinity Risk	Salinity Management Response required for affected properties.	No works proposed – not required	Not Applicable
Section 12 – Acid Sulfate Soils Risk	Affected properties to consider impact of development on soils.	No works proposed – not required	Not Applicable
Section 13 – Weeds	Noxious weeds to be removed as part of the	No noxious weeds present on site	Not Applicable

	development where applicable		
Section 14 – Demolition of Existing Developments	Must comply with AS 2601-2001	No demolition proposed	Not Applicable
Section 15 – Onsite Sewage Disposal	S68 Application required where connection to sewer not available	Connected to sewer and no works proposed	Not Applicable
Section 16 – Aboriginal Archaeology	AHIA required where items of Aboriginal archaeology exist	No works proposed	Not Applicable
Section 17 – Heritage and Archaeology	Consideration of the impact on the heritage significance of any heritage buildings, sites, streetscapes and areas	Not a heritage item or in proximity to heritage item/area	Not Applicable
Section 19 – Used Clothing Bins	Applies to any charity bins located on either private or Council land.	Not proposed	Not Applicable
Section 20 – Car Parking and Access	Vehicle showroom parking – 1 space per 130sqm	Total site area 2810.87sqm. 21.62 (22) parking spaces required. 26 provided.	Complies
Section 21 – Subdivision of Land and Buildings	Controls for subdivision	No subdivision proposed	Not Applicable
Section 22 – Energy Conservation	Must comply with NCC energy efficiency provisions.	Condition of consent to be imposed	Complies by condition
Section 23 – Reflectivity	Façade must be comprised of low-reflectivity materials.	No changes to façade	Not Applicable
Section 24 – Landfill	Cut and fill of land should minimise impacts on environment	No work proposed	Not Applicable
Section 25 – Waste Disposal & re-use Facilities	Development should minimise waste production during all phases of development.	Operational waste management plan provided	Complies
Section 26 – Outdoor Advertising and Signage	Controls around advertising and signage.	No signage proposed under this application	Not Applicable
Section 27 – Social Impact Assessment	Applications for particular development require a social impact comment or comprehensive social impact assessment.	Not a relevant development type	Not Applicable
Section 28 – Shopping Trolleys	Controls to prevent abandonment of shopping trolleys	Development does not involve providing shopping trolleys to customers	Not Applicable

Section 29 – Safety and Security	CPTED assessment required for new retail and commercial development.	No changes to existing building	Not Applicable
Section 30 – Additional Uses	Controls for particular uses	Not Applicable	Not Applicable
Part 7 – Development in Industrial Areas			
Section 11 – Change of Use of Existing Buildings			
Control	Requirement	Comment	Compliance
Building Appearance, Streetscape and Layout	Buildings to be upgraded to comply with BCA relevant to proposed use; where this impacts the exterior, must comply with DCP requirements.	BCA upgrades do not involve any exterior works. Condition of consent to be imposed requiring upgrade works to be undertaken.	Complies by condition
Car Parking and Access	Where the new use requires more car parking than is currently provided, it shall where possible increase the car parking and loading provisions to meet the requirements of the DCP, subject to compliance with other provisions	Sufficient parking is already provided on site.	Complies
	Where a new use results in additional traffic generation it may be necessary to adjust the access driveways to suit the traffic generation.	New use would not require any changes to access arrangements.	Not Applicable
Landscaping and Fencing	Where existing landscaping is below the standard identified in the DCP, the existing area of landscaping shall where possible be upgraded to the standard specified in the DCP	Landscaping consists of mature trees and grassed area. This does not strictly comply with the DCP but is consistent with the character of the area and is considered more appropriate in the circumstances.	Considered acceptable on merit
Amenity and Environmental Impact	Any extension of hours outside the existing hours of operation or outside the hours of 6am to 6pm shall require consent from Council	Hours to be 8am to 5pm	Complies
	The new use shall not compromise the amenity of the locality in any greater, different or additional way than the existing use	New use would not compromise amenity of locality.	Complies
Site Services	Any adjustments required to any Council infrastructure in conjunction with the change of use shall be at no cost to Council.	Condition of consent to be imposed.	Complies by condition



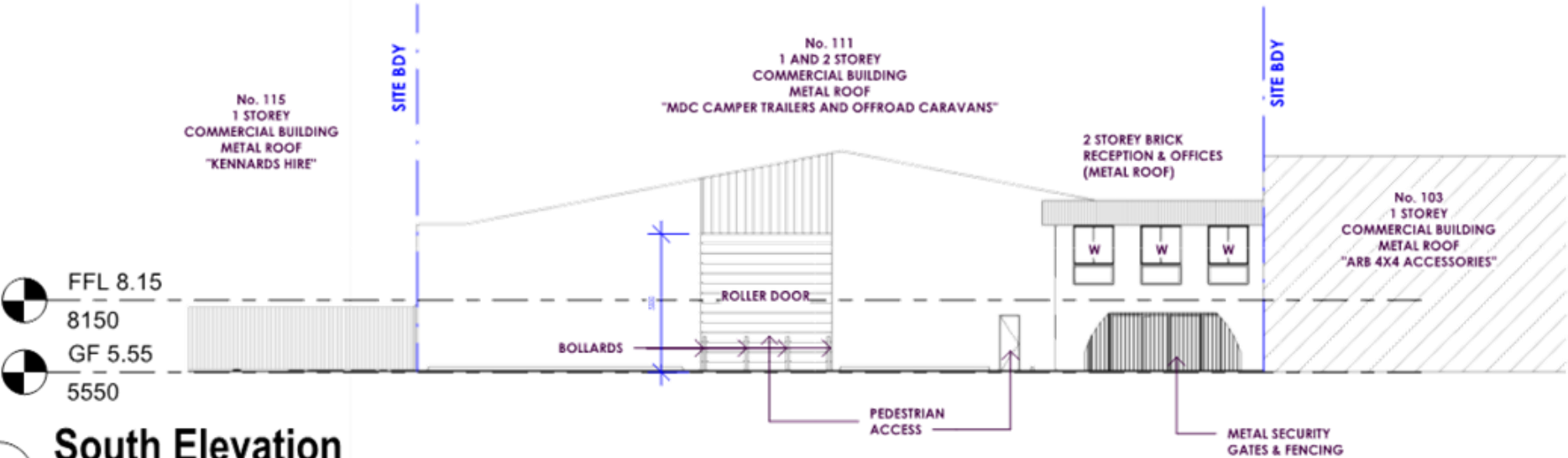


No.	Description	Date
A	DA PLAN ISSUE	25-3-24
B	REVIEW	04-4-24
C	REVIEW	11-4-24

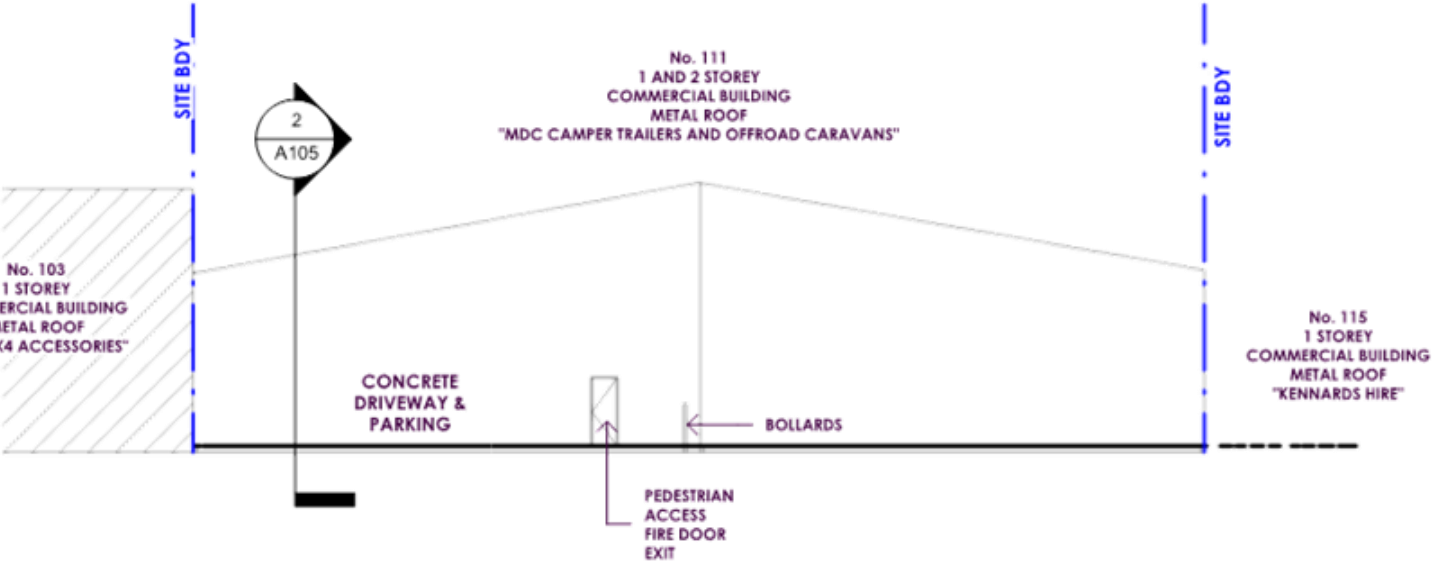
CHANGE OF USE - DA APPLICATION
No. 111 NEWBRIDGE ROAD,
CHIPPING NORTON
LOT 33 DP819053

Floor Plans

Project number	22-87	A102
Date	25-03-24	
Drawn by	AB	
Checked by	JD	
		Scale 1 : 300



1 South Elevation
1 : 200



2 North Elevation
1 : 200



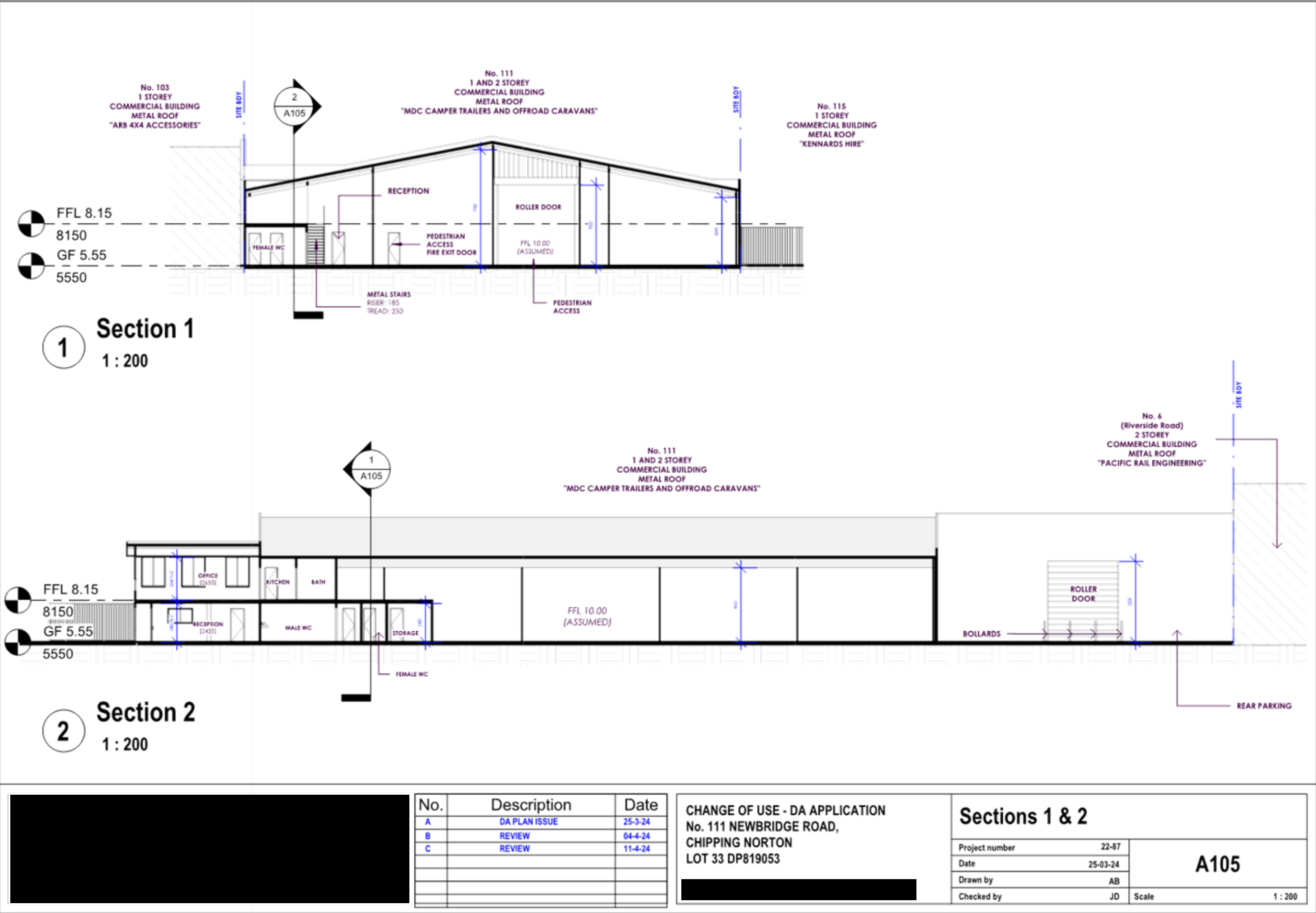
No.	Description	Date
A	DA PLAN ISSUE	25-3-24
B	REVIEW	04-4-24
C	REVIEW	11-4-24

CHANGE OF USE - DA APPLICATION
No. 111 NEWBRIDGE ROAD,
CHIPPING NORTON
LOT 33 DP819053



South & North Elevations

Project number	22-87	A103
Date	25-03-24	
Drawn by	AB	
Checked by	JD	Scale 1 : 200





TownPlanning
A L L I A N C E

SECTION 4.6 VARIATION REQUEST

111 NEWBRIDGE ROAD, CHIPPING NORTON

VEHICLE SALES OR HIRE PREMISES

OUR REFERENCE: N240104

111 Newbridge Road, Chipping Norton



PROJECT DETAILS

CLIENT: [REDACTED]
PROJECT ADDRESS: 111 Newbridge Road, Chipping Norton
PROJECT NUMBER: N240104
TPA PROJECT CONTACT: [REDACTED]

TOWN PLANNING ALLIANCE CONTACT DETAILS

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DOCUMENT CONTROL

Document Control

VERSION	DATE	AUTHOR	VERSION DESCRIPTION	REVIEWED BY
1	29/08/2024	AN	Draft	JR
2	01/10/2024	AN	Final	JR

Distribution

NO OF COPIES	VERSION NO	DESTINATION
1	2	Town Planning Alliance (NSW) Pty Ltd
1	2	Liverpool City Council
1	2	Market Direct Group Pty Ltd

111 Newbridge Road, Chipping Norton



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111 Newbridge Road, Chipping Norton



1. INTRODUCTION

This Section 4.6 Variation Request has been prepared in support of the development application for proposed change of use of the site from *Warehousing and wholesaling of furniture and general merchandise* (as approved) to *Vehicle Sales or Hire Premises* at 111 Newbridge Road, Chipping Norton.

The request seeks a variation to Section 7.41(4) for Certain developments in zones E4 and E5 – Vehicle Sales or Hire Premises of the *Liverpool Local Environmental Plan 2008* and has been prepared in accordance with Section 4.6 of *Liverpool Local Environmental Plan 2008*.

2. RELEVANT ASSESSMENT FRAMEWORK

2.1 Section 4.6 of the Liverpool Local Environmental Plan 2008

Section 4.6 of the *Liverpool Local Environmental Plan (LLEP) 2008* outlines circumstances where exceptions to the development standards may be granted. The Objectives of Section 4.6 area:

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

In accordance with Section 4.6(2), *“Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause”.*

Furthermore, Section 4.6(3) sets out that:

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

2.2 Five Part Test Established by the Land & Environment Court

The Land and Environment Court judgement in *Wehbe v. Pittwater Council [2007] NSWLEC 827* established the common ways that an Applicant might demonstrate that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case. These common ways are known as the ‘five part test’ and include:

-  **Test 1:** *The objectives of the standard are achieved notwithstanding non-compliance with the standard;*

111 Newbridge Road, Chipping Norton



- **Test 2:** *The underlying object or purpose of the standard is not relevant to the development and compliance is unnecessary;*
- **Test 3:** *The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*
- **Test 4:** *The development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*
- **Test 5:** *The compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.*

Whilst acknowledging it as the most common pathway, *Initial Action Ltd v Woollahra Municipal Council [2018] NSWLEC 118* at [22] found that the 'five-part test' is not an exhaustive way of demonstrating that compliance with a development standard is unreasonable or unnecessary, whilst also setting the legal requirements under Section 4.6.

3. PROPOSED VARIATION

3.1 Section 7.41 – Certain developments in Zones E4 and E5

Section 7.41 of *LLEP 2008* sets additional parameters to certain development within the E4 General Industrial and E5 Heavy Industrial zones.

The types of development affected by this section include:

- (1) Depots in Zones E4
- (2) Transport depots
- (3) Warehouse or distribution centres
- (4) Vehicle sales or hire premises.

In respect of this proposal, Section 7.41(4) is the subject of this Section 4.6 variation request and reads as follows:

7.41 Certain developments in Zones E4 and E5

(4) Vehicle sales or hire premises *If development for the purpose of vehicle sales or hire premises is permitted under this plan in Zone E4 General Industrial or E5 Heavy Industrial, the floor area used for hard stand space must not exceed 500 square metres.*

3.2 Extent of Variation

Section 7.41(4) denotes a maximum hard stand space for vehicle sales or hire premises permitted in the E4 or E5 Zone as being 500 square metres. It is prudent to note that 'hard stand space' has not been defined in the *LLEP 2008*, relevant NSW Case Law nor any Australian Standards.

111 Newbridge Road, Chipping Norton



As such, the LEP Practice Note on definitions [PN 11-003 – Preparing LEPs using the Standard Instrument: definitions] is called upon, and states that where a term has not been separately defined in the LEP Dictionary, the ordinary meaning of the word is to be used, generally via the Macquarie Dictionary.

A search of Macquarie Dictionary online on the 6th September 2024 provides the following definition for 'hard stand':

Hard stand noun - an area of ground, levelled, compacted and often sealed to enable it to support heavy vehicles or machinery.

In the RFI issued by Council on the 26th of August 2024, 'hard stand space' was contextualised by Council to include "vehicle manoeuvring, parking, display or storage as part of the vehicle sales or hire premises."

A search of Macquarie Dictionary online on the 9th September 2024 provides the following definition for 'vehicle':

Vehicle noun. 1. Any receptacle, or means of transport, in which something is carried or conveyed, or travels.

As trailers are a form with which something can be carried or conveyed, they can be constituted as a type of vehicle.

As such, approximately 1,459m² of floor area within the existing building is proposed to be used for the hard stand purposes of vehicle manoeuvring, parking, display or storage as part of the vehicle sales or hire premises.

This represents a variation to the development standard of 959m² or 191.8%.

4. ASSESSMENT CONSIDERATIONS

4.1 Section 4.6(3)(a) – Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

The most common way of demonstrating compliance with the development standard is unreasonable or unnecessary is by justifying the proposed variation against one of more of the instances that are commonly referred to as the 'five-part test', as established in *Wehbe v. Pittwater Council [2007] NSWLEC 827*.

In response to the tests, it is acknowledged that Section 7.41(a) of *LLEP 20085* does not contain any noted objectives; the underlying purpose is relevant to the development; the underlying objective is not defeated or thwarted; the development standard has not been abandoned or destroyed; and the zoning of the site is not called into question in this instance. As such, none of the tests established in *Wehbe v. Pittwater Council [2007]* can be relied upon to demonstrate compliance with the development standard is unreasonable or unnecessary.

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Initial Action Ltd v Woollahra Municipal Council [2018] NSWLEC 118 at [22] found that the ‘five-part test’ is not an exhaustive way of demonstrating compliance. Further, a review of the *Guide to Varying Development Standards*, prepared by NSW Department of Planning and Environment and dated November 2023, provides instruction on how to respond in the absence of any objections pertaining to the development standard to be varied.

Section 3.2.4 ‘Development standards without objectives’ of the *Guide to Varying Development Standards* provides the following:

If a development standard does not have an objective, the written request must establish, through research and an understanding of the background to the standard, the environmental planning outcome the standard is seeking to achieve.

As the standard is read as part of the whole environmental planning instrument, reference to how the instrument addresses similar provisions in other zones, or the zone objectives in which the development is proposed, may be necessary.

These matters have been addressed, with arguments justifying strict compliance with the development standard as unreasonable or unnecessary provided below.

Intended environmental planning outcome

In accordance with the above, a review of amendments to the *LLEP 2008* and addendums to Council meetings has been undertaken in order to ascertain the underlying environmental planning outcome sought by Section 7.41(4) of *LLEP 2008*.

The review of amendments to the *LLEP 2008* provided that Section 7.41(4) was incorporated into the EPI as part of Amendment No. 82, published on 26 March 2021, and reads as follows:

[49] Part 7 Additional local provisions

Insert at the end of Division 2, with appropriate clause numbering—

Certain developments in Zone IN2 and industrial zones

(1) Depots in Zone IN2

If development for the purposes of a depot is permitted under this Plan in the IN2 Light Industrial Zone, the total site area must not exceed 2,000 square metres.

(2) Transport depots

If development for the purposes of a transport depots is permitted under this Plan in the IN2 Light Industrial Zone, the total site area must not exceed 2,000 square metres.

(3) Warehouse or distribution centres

If development for the purpose of a warehouse or distribution centre is permitted under this Plan in the IN2 Light Industrial Zone, the gross floor area must not exceed 2,000 square metres.

(4) Vehicle sales or hire premises

If development for the purpose of vehicle sales or hire premises is permitted under this plan in an industrial zone, the floor area used for hard stand space must not exceed 500 square metres.

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Amendment No. 82 came into effect prior to the reclassification of existing business and industrial zones, referred to as the Employment Zones Reform. In December 2021, the Employment Zones Reform was finalised. As part of the reform, the IN2 Light Industrial zone was repealed and the E4 General Industrial and E5 Heavy Industrial zones introduced.

In accordance with the Employment Zone Reform, the zones referenced in the introduced section, as well as the subject site's zoning, were updated to reflect the employment zones. Thus, the subject site, now zoned E4 General Industrial zone, is pursuant to Section 7.41 of LLEP 2008.

A review of Council meetings held prior to the introduction of Amendment No. 82 identified the inclusion of the development standard to the LLEP 2008 was raised as part of a Planning Proposal presented to Council at their regular meeting held on 26 August 2020. A review of the agenda for the planning proposal provided the intended environmental planning outcome for the development standard.

The planning proposal outlined that incorporation of a maximum floor area for hard stand space for vehicle sales and hire premises was not proposed in an effort *"to eliminate existing industrial or business zones or reduce the total potential floor space for employment uses in business or industrial zones"* but rather to *"provide additional flexibility within industrial precincts while ensuring that these particular uses remain ancillary to protect the sustainable growth and operation of industries in the IN1, IN2 and IN3 zone."*

The intended environmental outcome is to provide additional permitted uses within the zone without detracting from, or sacrificing opportunities for, the primary uses the zone permits, being general industrial.

Objectives of the E4 General Industrial zone

The LLEP 2008 provides the following objectives for the E4 General Industrial zone:

1 Objectives of zone

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

Compliance with the development standard is unreasonable or unnecessary

Strict compliance with Section 7.41(4) of LLEP 2008 is considered unreasonable in this instance as, whether the 500 square metre maximum for hard stand space within the floor area is enforced or not, the vehicle sales and hire premises will:

- Occur solely within the boundaries of the subject site;
- Utilise the existing building on the site;
- Be ancillary to industry and surrounding industrial land uses;

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- Continue to be accessed via the Right of Carriageway (DP1198796) extending from Riverside Road to the east;
- Utilise existing onsite parking arrangements;
- Not impact upon the viability of the site for industrial uses in the future;
- Not impact upon the continued or future operation of industrial uses on adjoining, adjacent and surrounding land; and
- Not have any impact on the ability for the proposed hard stand space, or land use, to generally meet the objectives of the E4 General Industrial zone.

A review of adjoining, adjacent and surrounding uses shows land within the zone is generally used for solely industrial purposes. Therefore, irrespective of the amount of hard stand space *within the existing building* proposed to be utilised, use of the site itself for vehicle sales or hire premises is ancillary to the surrounding E4 zone as it is one of the only non-industrial uses.

Strict compliance with the development standard is also considered unnecessary in this instance for the following reasons:

- Use of approximately 1,459 square metres of floor area for hard stand space will not alter the form, function or fundamental character and intention of the site, the zone or the surrounding industrial area;
- Deviation from the development standard will not impact the ongoing growth or operation of industry on surrounding lots or on the subject site in the future;
- The proposed variation does not conflict with the objectives of the E4 General Industrial zone in so far as it:
 - o provides opportunities for employment through the hiring of staff to undertake the day-to-day operation of the land use;
 - o provides an appropriate land use buffer between industrial uses;
 - o has no bearing on the impact of industrial uses on the proposed use or other land uses within the zone;
 - o does not detract from the efficient and viable use of surrounding land for industrial uses; and
 - o does not detract from the efficient and viable use of the subject site for future industrial uses.

Based on the above, compliance with the development standard is unreasonable and unnecessary in the circumstances of the case as the underlying planning outcome sought by the development standard is retained; the objectives of the zone are generally complied with and, despite the proposed variation to the amount of floor area used for hard stand space, the ability for the site and the existing building to be used for industrial uses in the future has not been prejudiced by the proposed use or the variation.

4.2 Section 4.6(3)(b) –There are sufficient environmental planning grounds to justify contravening the development standard

There are sufficient environmental planning grounds to justify the contravening of the development standard, because:

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-  Use of more than 500 square metres of hard stand space within the existing building on the subject site does not detract from the environmental planning outcome of the development standard, as the proposed land use will remain ancillary to industrial uses within the zone.
-  Use of more than 500 square metres of hard stand space within the existing building on the subject site does not conflict with the objectives of the E4 General Industrial zone.
-  Use of more than 500 square metres of hard stand space within the existing building on the subject site has no adverse impacts on the viability of the site to be used for general industrial purposes in the future.
-  Use of more than 500 square metres of hard stand space within the existing building on the subject site does not alter existing access to the site nor the existing car parking arrangements within the boundaries of the site.
-  Use of more than 500 square metres of hard stand space within the existing building on the subject site does not impact on the presentation of the land use to Newbridge Road.
-  Use of more than 500 square metres of hard stand space within the existing building on the subject site does not impact upon the orderly and economic use of the land as proposed by the change of use.

REPORT ATTACHMENT 1 – APARTMENT DESIGN GUIDE COMPLIANCE TABLE

Required	Proposed	Compliance
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	A detailed site analysis plan has been provided.	Complies
3B Orientation		
Building types and layouts respond to the streetscape and site while optimising solar access within the development Overshadowing of neighbouring properties is minimised during mid-winter. Solar Access to living rooms, balconies and private open spaces of neighbours should be considered. If the proposal will significantly reduce the solar access of neighbours, building separation should be increased beyond the minimums contained in section 3F Visual Privacy Overshadowing should be minimised to the south or downhill by increased upper level setbacks. A minimum of 4 hours of solar access should be retained to solar collectors on neighbouring buildings.	The building type is appropriate for the streetscape. The shadow diagrams submitted do not include the properties to the south to illustrate if shadows affect the dwellings to the south. While it is unlikely the impact would be unreasonable, sun-eye diagrams that include the properties to the south have been requested by Council's Urban Design & Public Domain team to assess the impact.	Insufficient Information
3C Public Domain Interface		
Transition between private and public domain is achieved without compromising safety and security. Amenity of the public domain is retained and, enhanced.	The architectural plans and landscape plans are inconsistent with the treatment of the front setback. The architectural plans indicate direct path connections to each of the four dwellings fronting Pearce Street. The landscape plans indicate indirect access to two units via pavers stemming from the two building entry paths. Similarly, fencing is not stated on the architectural plans and 1.5m high palisade fencing is stated on the landscape plans at a point 1m within the property boundary.	Insufficient Information

Required	Proposed	Compliance												
	While either design is in principle a supportable treatment to the public domain, it is not clear which outcome is sought and the follow-on consequences to private open space design and amenity. Council's Urban Design & Public Domain team have also requested a Public Domain Plan to assess the front setback and verge design. Insufficient information is presented in the current documents to assess this.													
3D Communal and public open space														
Communal open space has a minimum area equal to 25% of the site 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) Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting. Communal open space should be co-located with deep soil areas. Where communal open space cannot be provided at ground level, it should be provided on a podium or roof	Refer to comments within the body of the report.	No												
3E Deep soil zones														
Deep soil zones are to meet the following minimum requirements: <table border="1"> <thead> <tr> <th>Site Area</th><th>Minimum Dimension</th><th>Deep Soil Zone (% site area)</th></tr> </thead> <tbody> <tr> <td>Less than 650m²</td><td>-</td><td rowspan="4">7%</td></tr> <tr> <td>650m² to 1500m²</td><td>3m</td></tr> <tr> <td>Greater than 1500m²</td><td>6m</td></tr> <tr> <td>Greater than 1500m² with significant tree cover</td><td>6m</td></tr> </tbody> </table>	Site Area	Minimum Dimension	Deep Soil Zone (% site area)	Less than 650m ²	-	7%	650m ² to 1500m ²	3m	Greater than 1500m ²	6m	Greater than 1500m ² with significant tree cover	6m	The applicant's calculation plan identifies 950.36m² of deep soil as proposed meeting a 3m dimension, totalling 34.56% of the site area. Approximately 680m² (24.7%). achieves a 6m dimension.	Complies
Site Area	Minimum Dimension	Deep Soil Zone (% site area)												
Less than 650m ²	-	7%												
650m ² to 1500m ²	3m													
Greater than 1500m ²	6m													
Greater than 1500m ² with significant tree cover	6m													

Required			Proposed	Compliance
3F Visual Privacy				
Minimum separation distances from buildings to the side and rear boundaries are as follows:			Refer to comments within the body of the report.	No
Building Height	Habitable Rooms and Balconies	Non Habitable Rooms		
Up to 12m (4 storeys)	6m	3m		
12m to 25m (5-8 storeys)	9m	4.5m		
3G Pedestrian Access and Entries				
Building entries and pedestrian access connects to and addresses the public domain			The building entries and pedestrian access are clear on the front façade and address the public domain.	Complies
Access, entries and pathways are accessible and easy to identify				
Large sites provide pedestrian links for access to streets and connection to destinations				
3H Vehicle Access				
Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes			Vehicle access is centralised on the site frontage.	Complies
3J Bicycle and Car Parking				
For development in the following locations:			Car parking is determined by SEPP (Housing) 2021 due to the proposal for in-fill affordable housing.	No
- on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or			Bicycle parking is determined by the LDGP 2008 and is assessed in a separate table below.	
- on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre			For the at-grade car park design, refer to comments within the body of the report.	
The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments (GTTGD), or the car parking requirement prescribed by the relevant council, whichever is less. The car parking needs for a development must be provided off street				
Parking and facilities are provided for other modes of transport				
Car park design and access is safe and secure				
Visual and environmental impacts of underground car parking are minimised				

Required	Proposed	Compliance
Visual and environmental impacts of on-grade car parking are minimised		
Visual and environmental impacts of above ground enclosed car parking are minimised		
4A Solar and Daylight Access		
Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas	A total of 32 of 44 units (72.7%) receive at least 2 hours of solar access between 9am and 3pm on June 21.	Complies
A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter	Only 4 of 44 units (9%) receive no solar access, being Units 106, 107, 206 and 207.	Complies
Courtyards, skylights and high-level windows (with sills of 1,500mm or greater) are used only as a secondary light source in habitable rooms	Noted	Noted
4B Natural Ventilation		
All habitable rooms are naturally ventilated	A total of 28 of 44 units (63.7%) achieve natural cross-ventilation.	Complies
The layout and design of single aspect apartments maximises natural ventilation		
At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed		
Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line		
4C Ceiling Heights		
Measured from finished floor level to finished ceiling level, minimum ceiling heights are:	3.1m floor to floor heights are proposed which may allow for the minimum 2.7m floor to ceiling height to be achieved as well as space for services between floors.	Complies
Minimum ceiling height		
Habitable rooms	2.7m	
Non-habitable	2.4m	
For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area	
Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope	
		Recent NCC amendments have necessitated higher floor to floor heights (3.15m and 3.2m). Should this design also require an increase in floor-to-floor heights, the proposal would still comply with the maximum height permitted.

Required		Proposed	Compliance								
If located in mixed use areas	3.3m from ground and first floor to promote future flexibility of use										
Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms											
Ceiling heights contribute to the flexibility of building use over the life of the building											
4D Apartment Size and Layout											
Apartments are required to have the following minimum internal areas:		All units meet their minimum internal area requirements.	Complies								
<table><tr><th>Apartment Type</th><th>Minimum Internal Area</th></tr><tr><td>Studio</td><td>35m²</td></tr><tr><td>1 bedroom</td><td>50m²</td></tr><tr><td>2 bedroom</td><td>70m²</td></tr><tr><td>3 bedroom</td><td>90m²</td></tr></table>				Apartment Type	Minimum Internal Area	Studio	35m ²	1 bedroom	50m ²	2 bedroom	70m ²
Apartment Type	Minimum Internal Area										
Studio	35m ²										
1 bedroom	50m ²										
2 bedroom	70m ²										
3 bedroom	90m ²										
The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m ² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m ² each											
Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms		Habitable rooms are provided with windows of sufficient glass areas.	Complies								
Habitable room depths are limited to a maximum of 2.5 x the ceiling height		Habitable rooms are generally limited to 2.5 x the ceiling height.	Complies								
In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window		Kitchens of all units are less than 8m from a window.	Complies								
Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space)		All bedrooms are of sufficient size.	Complies								
Bedrooms have a minimum dimension of 3m (excluding wardrobe space)		Bedrooms of all units have a minimum dimension of 3m.	Complies								
Living rooms or combined living/dining rooms have a minimum width of: - 3.6m for studio and 1 bedroom apartments - 4m for 2 and 3 bedroom apartments		Sufficient widths are provided to living rooms/dining rooms.	Complies								
4E Private Open Space and Balconies											
All apartments are required to have primary balconies as follows:		All Level 1-4 apartments provide the minimum required balcony areas and depths.	Complies								
Dwelling Type	Minimum Area			Minimum Depth							
Studio	4m ²	-									

Required			Proposed	Compliance
1 bedroom	8m ²	2m		
2 bedroom	10m ²	2m		
3 bedroom	12m ²	2.4m		
The minimum balcony depth to be counted as contributing to the balcony area is 1m				
For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m ² and a minimum depth of 3m			The design of the ground floor courtyards differs substantially between the architectural and landscape plans. It is not clear if these courtyards provide for a size of 15m ² with a 3m dimension. The documentation must align to confirm the level of POS proposed.	Insufficient Information
4F Common Circulation and Spaces				
The maximum number of apartments off a circulation core on a single level is eight			Both buildings propose a maximum 6 units per floor.	Complies
For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40			Not applicable.	N/A
Daylight and natural ventilation should be provided to all common circulation spaces that are above ground. Windows should be provided in common circulation spaces and should be adjacent to the stair or lift core or at the ends of corridors			The lift lobby area has louvred openings in external walls for natural light and ventilation.	Complies
4G Storage				
In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:			The application identifies on its cover sheet that between 4m ³ and 4.53m ³ of storage is proposed within each unit. However, no additional storage is proposed to then achieve the remaining up to 50% of the storage required.	No
Dwelling Type	Storage Size Volume			
Studio	4m ³			
1 bedroom	6m ³			
2 bedroom	8m ³			
3 bedroom	10m ³			
At least 50% of the required storage is to be located within the apartment.				
4H Acoustic Privacy				
Noise transfer is minimised through the siting of buildings and building layout			The unit layouts have generally aligned like for like uses to ensure acoustic privacy. The proximity of Bed 2 to the driveway and parking area (2m) raises concern over acoustic (and visual) privacy. The application does not include sufficient detail, including an elevation of this	Insufficient Information
Noise impacts are mitigated within apartments through layout and acoustic treatments				

Required	Proposed	Compliance
	interface, to assess the interface and impact.	
4K Apartment Mix		
A range of apartment types and sizes is provided to cater for different household types now and into the future	The proposed development is for 44 x 2-bedroom units. There is no range of apartment types and not much deviation in unit sizes, with most on the minimum 75m ² and below 76m ² .	No
The apartment mix is distributed to suitable locations within the building		
4L Ground Floor Apartments		
Street frontage activity is maximised where ground floor apartments are located	The architectural and landscape plans are inconsistent with the ground floor apartment access design. The amenity and appropriateness cannot be fully assessed in view of this.	Insufficient Information
Design of ground floor apartments delivers amenity and safety for residents		
4M Facades		
Building facades provide visual interest along the street while respecting the character of the local area	Refer to comments in the body of the report.	No
Building functions are expressed by the facade		
4N Roof Design		
Roof treatments are integrated into the building design and positively respond to the street	The rooftop is integrated with the building and is designed to positively respond to the streetscape. The roof for the development is an acceptable design and photovoltaic panels are provided.	Complies
Opportunities to use roof space for residential accommodation and open space are maximised		
Roof design incorporates sustainability features		
4O Landscape Design		
Landscape design is viable and sustainable	A generally suitable landscaping outcome is proposed based on the landscape plan. However, Council's Urban Design & Public Domain Section has stated the ground level COS should be further embellished to encourage more activities and social interaction. Additionally, the landscaping outcome is inconsistent between documents, the tree retention or removal is unclear, and the level of landscaping in the limited side setbacks of the car parking area is insufficient to visually screen the development from adjoining properties.	No
Landscape design contributes to the streetscape and amenity		

Required	Proposed	Compliance
4P Planting on Structures		
Appropriate soil profiles are provided	Planting on structures or in planter boxes where proposed is considered acceptable.	Complies
Plant growth is optimised with appropriate selection and maintenance		
Planting on structures contributes to the quality and amenity of communal and public open spaces		
4Q Universal Design		
Universal design features are included in apartment design to promote flexible housing for all community members	The development provides 9 units (20%) as liveable units. Five (5) of these are adaptable units.	Complies
A variety of apartments with adaptable designs are provided		
Apartment layouts are flexible and accommodate a range of lifestyle needs		
4R Adaptive Reuse		
New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place	The DA is for a new building and not the adaptive reuse of an existing building.	N/A
Adapted buildings provide residential amenity while not precluding future adaptive reuse		
4S Mixed Use		
Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement	The DA does not propose a mixed - use development.	N/A
Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents		
4T Awnings and Signage		
Awnings are well located and complement and integrate with the building design	None proposed.	Complies
Signage responds to the context and desired streetscape character	Building address signage could be integrated into the building design.	
4U Energy Efficiency		
Development incorporates passive environmental design.	The proposal is accompanied by a BASIX Certificate. Additionally, photovoltaic panels are indicated to be provided on the rooftop.	Complies
Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer		
Adequate natural ventilation minimises the need for mechanical ventilation		
4V Water Management and Conservation		
Potable water use is minimised	The BASIX Certificate states there is a central rainwater tank for irrigation purposes. It is not located on any plans. Council's Land Development and Flooding Engineers have requested	Insufficient Information
Urban stormwater is treated on site before being discharged to receiving waters		
Flood management systems are integrated into site design		

Required	Proposed	Compliance
	additional information to enable support of the proposed stormwater design and overland flow management.	
4W Waste Management		
Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents	Waste storage facilities are provided and will be maintained by the caretaker / building manager.	Complies with conditions
Domestic waste is minimized by providing safe and convenient source separation and recycling	The application was referred to Council's Waste Management Section who have indicated that the waste management of the development is satisfactory subject to conditions of consent.	
4X Building Maintenance		
Building design detail provides protection from weathering	The development is in accordance with these objectives.	Complies
Systems and access enable ease of maintenance		
Material selection reduces ongoing maintenance costs		

REPORT ATTACHMENT 2 – LIVERPOOL DEVELOPMENT CONTROL PLAN 2008 COMPLIANCE TABLES

LDCP 2008 - Part 1 General Controls for all Development

References to 'complies by conditions' are taken to mean that an application recommended for approval would condition these to ensure compliance.

Development Control	Provision	Comment	Complies
Section 2. Tree Preservation	Controls relating to the preservation of trees	Refer to the SEPP (Biodiversity and Conservation) 2021 section of the report.	Insufficient Information
Section 3. Landscaping and Incorporation of Existing Trees	Controls relating to landscaping and the incorporation of existing trees.	A landscape plan was submitted with the application demonstrating the landscape design for the site. The landscape plans are inconsistent with the architectural plans and arborist report for tree removal and retention and front setback design.	Insufficient Information
Section 4 Bushland and Fauna Habitat Preservation	Controls relating to bushland and fauna habitat preservation	The site is not mapped as containing significant bushland or habitat.	N/A
Section 5. Bush Fire Risk	Controls relating to development on bushfire prone land.	The site is not mapped as bushfire prone land.	N/A
Section 6. Water Cycle Management	Stormwater runoff shall be connected to Council's drainage system by gravity means. A stormwater drainage concept plan is to be submitted.	This aspect has been reviewed by Council's Land Development Engineer, who has not supported the application without further information.	Insufficient Information
Section 7. Development Near a Watercourse	If any works are proposed near a water course, the Water Management Act 2000 may apply, and you may be required to seek controlled activity approval from the NSW Office of Water.	DPE - Water has stated that, for the purposes of the Water Management (WMA) Act 2000, a CAA is not required as the works are greater than 40m from top of bank of the watercourse. Further clarification is being sought as the addresses referenced did not specify Nos. 99-101 Rose Street. DPE – Water have advised a CAA is needed. Amended referral comments have been sought	Complies (Further clarification sought from DPE-Water)
Section 8. Erosion and	Erosion and sediment control plan to be submitted.	An erosion and sediment control plan (ESCP) were submitted. In the event of any	Complies with conditions

Development Control	Provision	Comment	Complies
Sediment Control		approval, the plan would be conditioned.	
Section 9. Flooding Risk	Provisions relating to development on flood prone land.	The site is overland flow affected. Council's Flooding Engineer has requested further information to enable support of the proposal.	Insufficient Information
Section 10. Contaminated Land Risk	Provisions relating to development on contaminated land.	As per SEPP (Resilience and Hazards) 2021, the site has been deemed suitable for the future use of the land. The works on Council land, however, require a contamination assessment.	Insufficient Information
Section 11. Salinity Risk	Provisions relating to development on saline land.	Salinity aspects would be required to comply with the provisions of the Building Code of Australia (BCA).	Complies with conditions
Section 12. Acid Sulphate Soils	Provisions relating to development on acid sulphate soils	The development site is not identified as containing acid sulphate soils.	N/A
Section 13. Weeds	Provisions relating to sites containing noxious weeds.	The site is not identified as containing noxious weeds.	N/A
Section 14. Demolition of Existing Development	Provisions relating to demolition works	Development consent is sought for the demolition of the existing structures on site. A demolition plan has been submitted and conditions would apply for demolition works.	Complies by conditions
Section 15. On Site Sewage Disposal	Provisions relating to OSMS.	On-site sewage management (OSMS) is not proposed. Site is sewered.	N/A
Section 16. Aboriginal Archaeology	An initial investigation must be carried out to determine if the proposed development or activity occurs on land potentially containing an item of aboriginal archaeology.	The development site is not mapped as a potential area containing aboriginal archaeology.	Complies
Section 17. Heritage and Archaeology	Provisions relating to heritage sites.	The development site is not identified as a heritage item or located within proximity to a heritage item.	Complies
Section 20. Car Parking and Access	<u>Car Parking Controls Residential & Business Zones</u> 1 space per small dwelling (<65sqm) or 1 bedroom 1.5 spaces per medium dwelling (65-110sqm) or 2 bedrooms	Car parking is assessed under SEPP (Housing) 2021. Bicycle parking is required under LDCP 2008. Required: 22 resident spaces and 4 visitors.	No

Development Control	Provision	Comment	Complies
	2 car spaces per large dwelling (>110sqm) or 3 or more bedrooms 1 visitor car space for every 4 dwellings or part thereof. <u>Bicycles – Residential Flat Buildings</u> Residents: 1 per 2 units, or 1 for every 4 bedrooms (whichever is greater) Visitors: 1 per 10 units	Proposed: 16 total There is no justification submitted for the shortfall in bicycle parking. Given the generous car parking rates under SEPP (Housing) 2021, there is no merit in supporting a shortfall in bicycle parking which would benefit the residents of the development.	
Section 21. Subdivision of Land and Buildings	Provisions relating to the subdivision of land.	No subdivision is proposed.	N/A
Section 22 and Section 23. Water Conservation and Energy Conservation	New dwellings, are to demonstrate compliance with State Environmental Planning Policy – Building Sustainability Index (BASIX).	The application has been accompanied by a BASIX Certificate.	Complies with conditions
Section 25. Waste Disposal and Re-use Facilities	Provisions relating to waste management during construction and on-going waste.	Waste storage facilities are provided, and Council's Waste Management Section has reviewed the WMP and conditions of consent were provided. It is, however, noted that a demolition and construction management plan was not submitted. This is a requirement of Council's DA checklist.	Insufficient Information
Section 26. Outdoor Advertising and Signage	Provisions relating to signage.	No signage proposed.	N/A
Section 27. Social Impact Assessment	Provisions relating to social impact.	A social impact comment has been provided for the development. The comment was reviewed by Council's Community Planning Section and was considered satisfactory.	Complies

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

Development Control	Provision	Comment
2. Frontage and Site Area	The minimum lot width is 24m	Complies The site has a frontage of 74.905m
3. Site Planning	The building should relate to the site's topography with minimal earthworks, except for basement car parking.	Complies The building has been designed to address the topography of the site, inclusive of the flood level for the buildings.
	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, upper-level 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 Safe access is provided to the building and parking from 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.	Generally, Complies The surrounding development is largely low-density housing however the land is zoned R4 High Density Residential with a prescribed 15m height of buildings development standard (and up to 19.5m under SEPP (Housing) 2021). Consequently, the development will deviate from the immediate neighbours. The building envelope is generally compliant with the relevant controls. Other aspects of the design have led to the recommendation for refusal, including (as relevant for the siting of the development) insufficient setbacks to the at-grade car park to allow canopy trees to screen it from adjoining properties. The matter of character and visual amenity has also been discussed by the DEP.
	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	Insufficient Information Council's Land Development Engineer has requested additional information relating to the drainage system proposed. No easement is required. However, the proposed drainage works within Pearce Street requires further detail.

Development Control	Provision	Comment
	stormwater where street drainage is inadequate.	
	The development will need to satisfy the requirements of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development.	No Refer to assessment of ADG earlier in the report.
4. Setbacks	Front and Secondary setback: 5.5m	Complies Front setback of the main building line is 5.5m, with modest (permitted) encroachments of less than 1m for architectural elements.
	Side and rear setback: < 10m – Side 3m; Rear 8m > 10m – Side 8m; Rear 8m	N/A Side and rear setbacks are determined by ADG building separation under 3F Visual Privacy. Refer to comments earlier in the report.
5. Landscaped Area and Private Open Space	A minimum of 25% of the site area shall be landscaped area.	Complies The development complies with the minimum provisions for landscaping under SEPP (Housing) 2021.
	A minimum of 50% of the front setback area shall be landscaped area.	Complies While the architectural plans and landscape plans differ in their front setback design, both options would achieve compliance.
	Optimise the provision of consolidated landscaped area within a site by: - Design of basement and sub-basement car parking, so as not to fully cover the site. - 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. Promote landscape health by supporting for a rich variety of vegetation type and size. Increase the permeability of paved areas by limiting the area of paving and/or using pervious paving materials.	No The landscape design is generally acceptable in principle from the location of canopy trees, species proposed and overall paved/permeable area balance. However, as mentioned throughout this report, the following concerns are raised in the current documentation that require resolution before support would be given: • Inconsistencies between tree removal and retention. • Inconsistencies between front setback design. • Limited landscaping screening to the at-grade car parking from the (at the minimum) 1m setback. • Embellishment of the rear setback COS.
	Provide communal open space, which is appropriate and relevant to the context and the building's setting.	Insufficient Information While ground level COS is supported in principle, the application has not demonstrated that there will be solar access available long-term. Sun-eyes incorporating future built form on lots to the north are required for assessment.

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		The Level 4 COS areas receive no meaningful solar access on June 21.
	Where communal open space is provided, facilitate its use for the desired range of activities by: - Locating it in relation to buildings to optimise solar access to dwellings. - Consolidating open space on the site into recognisable areas with reasonable space, facilities and landscape. - Designing its size and dimensions to allow for the range of uses it will contain. - Minimising overshadowing. - Carefully locating ventilation duct outlets from basement car parking.	No As above, there is insufficient information to confirm if there will be solar access available in the long-term to the ground level COS. The design of the COS has been questioned by Council's Urban Design & Public Domain team who have requested further embellishment of the ground level space for a greater variety of activities. The present area accommodates a few seats and a modest 'kickabout' area. The Level 4 COS areas offer BBQs. However, these result in compromised amenity for the Level 4 units.
	Locate open space to increase the potential for residential amenity.	No The access arrangements of the ground level COS and the acoustic privacy and internal amenity issues arising from the Level 4 COS design result in COS that has not increased residential amenity.
	Private open space shall be provided for each dwelling. Private open space may be provided as a courtyard for ground floor dwellings or as balconies for dwellings 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. Private open space should be clearly defined for private use	N/A ADG prevails over these controls. Refer to assessment earlier in this report.
6. Building Design, Streetscape and Layout	Building Height: 15m	Complies SEPP (Housing) 2021 increases the height up to 19.5m. The proposed approximately 17.8m maximum height would comply.
Building Appearance and Streetscape	Residential Flat Buildings shall comply with State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development, and should consider the Residential Flat Design Code.	No The proposal has been assessed under the ADG earlier in the report and is not supported for the reasons outlined in that assessment.

Development Control	Provision	Comment
	Building facades shall be articulated and roof form is to be varied to provide visual variety.	Insufficient Information The front, side and rear elevations to the street and adjoining properties generally appear to provide a suitable level of articulation and visual variety. However, the absence of internal elevations is critical due to the blank walls and visibility of the gap between buildings from Pearce Street. A complete assessment is not possible of the façade design without these.
	The pedestrian entrance to the building shall be emphasised.	Complies Entry points to the building are visible and emphasised.
	A sidewall must be articulated if the wall has a continuous length of over 14m.	Complies Side walls are all articulated.
	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	Insufficient Information While for at-grade parking and not a basement, there is, in principle, no objection raised to the central driveway location in this instance subject to the resolution of other design concerns raised throughout this report, including the potential for a cover over the driveway to reduce its prominence from the streetscape and amenity to Bed 2 of Unit G03.
	Driveway walls adjacent to the entrance of a basement car park are to be treated so that their appearance is consistent with the basement or podium walls. Sensitive design of basement car parking areas can assist in ensuring that podiums and vehicle entry areas do not dominate the overall design of the building or the streetscape and optimise areas for deep soil planting.	N/A No basement car park proposed.
	The integration of podium design should be an integral part of the design of the development, and as far as possible should not visibly encroach beyond the building footprint.	Complies
	A master antenna shall be provided for any development of more than three dwellings and be located so that it is not visible from the street or any public open space.	Complies with conditions

Development Control	Provision	Comment
	Consider the relationship between the whole building form and the facade and / or building elements. The number and distribution of elements across a façade determine simplicity or complexity. Columns, beams, floor slabs, balconies, window openings and fenestrations, doors, balustrades, roof forms and parapets are elements, which can be revealed or concealed and organised into simple or complex patterns. Compose facades with an appropriate scale, rhythm and proportion, which respond to the building's use and the desired contextual character. This may include but are not limited to: - Defining a base, middle and top related to the overall proportion of the building. - Expressing key datum lines in the context using cornices, a change in materials or building set back. - Expressing the internal layout of the building, for example, vertical bays or its structure, such as party wall-divisions. - Expressing the variation in floor-to-floor height, particularly at the lower levels. - Articulating building entries with awnings, porticos, recesses, blade walls and projecting bays. - Selecting balcony types which respond to the street context, building orientation and residential amenity. - Cantilevered, partially recessed, wholly recessed, or Juliet balconies will all create different facade profiles. - Detailing balustrades to reflect the type and location of the balcony and its relationship to the façade detail and materials Design facades to reflect the orientation of the site using elements such as sun shading, light shelves and bay windows as environmental controls,	Insufficient Information Due to the items raised within this assessment report including those of the DEP, the building design aspects have not been satisfactorily resolved.

Development Control	Provision	Comment
	depending on the facade orientation. Express important corners by giving visual prominence to parts of the facade, for example, a change in building articulation, material or colour, roof expression or increased height. Co-ordinate and integrate building services, such as drainage pipes, with overall facade and balcony design. Co-ordinate security grills/screens, ventilation louvres and car park entry doors with the overall facade design	
Roof Design	Relate roof design to the desired built form. This may include: - Articulating the roof, or breaking down its massing on large buildings, to minimise the apparent bulk or to relate to a context of smaller building forms. - Using a similar roof pitch or material to adjacent buildings, particularly in existing special character areas or heritage conservation areas. - Minimising the expression of roof forms gives prominence to a strong horizontal datum in the adjacent context, such as an existing parapet line. - Using special roof features, which relate to the desired character of an area, to express important corners. Design the roof to relate to the size and scale of the building, the building elevations and three-dimensional building form. This includes the design of any parapet or terminating elements and the selection of roof materials. Design roofs to respond to the orientation of the site, for example, by using eaves and skillion roofs to respond to sun access. Minimise the visual intrusiveness of service elements by integrating them into the design of the roof. These elements include lift over-	Complies The roof is flat and incorporates photovoltaic panels.

Development Control	Provision	Comment
	runs, service plants, chimneys, vent stacks, telecommunication infrastructures, gutters, downpipes and signage.	
	Where habitable space is provided within the roof optimise residential amenity in the form of attics or penthouse dwellings.	
Building Entry	Improve the presentation of the development to the street by: - Locating entries so that they relate to the existing street and subdivision pattern, street tree planting and pedestrian access network. - Designing the entry as a clearly identifiable element of the building in the street. - Utilising multiple entries-main entry plus private ground floor dwelling entries-where it is desirable to activate the street edge or reinforce a rhythm of entries along a street.	Complies All entrances are accessible and in a clearly identifiable location on the front façade, with direct street access proposed.
	Provide as direct a physical and visual connection as possible between the street and the entry	
	Achieve clear lines of transition between the public street, the shared private, circulation spaces and the dwelling unit.	
	Ensure equal access for all	Complies A ramp is proposed to manage the flood planning level and equitable access.
	Provide safe and secure access by: - Avoiding ambiguous and publicly accessible small spaces in entry areas. - Providing a clear line of sight between one circulation space and the next. - Providing sheltered well-lit and highly visible spaces to enter the building, meet and collect mail.	Complies The access arrangements are direct with clear line of sight.
	Generally provide separate entries from the street for: - Pedestrians and cars. - Different uses, for example, for residential and commercial users in a mixed-use development.	Complies The proposal provides separate vehicle and pedestrian access points.

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	- Ground floor dwellings, where applicable.	
	Provide and design letterboxes to be convenient for residents and not to clutter the appearance of the development from the street by: - Locating them adjacent to the major entrance and integrated into a wall, where possible. - Setting them at 90 degrees to the street, rather than along the front boundary.	Insufficient Information The location of letterboxes was not nominated on the plans.
Balconies	Balconies may project up to 1m from the façade of a building.	Complies All balconies are contained within the building façade and do not project.
	Balustrades must be compatible with the façade of the building.	Complies Balustrades compatible with the façade of the building.
	Ensure balconies are not so deep that they prevent sunlight entering the dwelling below.	Complies Balconies are of a suitable depth to allow solar access.
	Design balustrades to allow views and casual surveillance of the street.	Complies Balconies provide views and surveillance to the street.
	Balustrades on balconies at lower levels shall be of solid construction. Solid or semi solid louvres are permitted.	Complies by Condition A metal palisade balustrade design is proposed on ground level to Level 3. In the event of an approval, the lower levels could be conditioned to provide solid balustrading for privacy.
	Noise attenuation measures on balconies facing a Classified Road should be considered.	Not applicable Site does not front a classified road. The acoustic assessment undertaken by the applicant included a road noise assessment.
	Balconies should be located on the street frontage, boundaries with views and onto a substantial communal open space.	Complies Balconies are oriented to the front and rear, toward the street and COS.
	Primary balconies should be: - Located adjacent to the main living areas, such as living room, dining room or kitchen to extend the dwelling living space; - Sufficiently large and well proportioned to be functional and promote indoor/outdoor living. A dining table and two chairs (smaller dwelling) and four chairs (larger dwelling) should fit on the majority of balconies in any development.	Complies Balconies are located off main living spaces and are of compliant size and dimensions to be fit for purpose in accordance with the ADG.

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	Consider secondary balconies, including Juliet balconies or operable walls with balustrades, for additional amenity and choice in larger dwellings, adjacent to bedrooms or for clothes drying, site balconies off laundries or bathrooms.	N/A.
	Design and detail balconies in response to the local climate and context thereby increasing the usefulness of balconies. This may be achieved by: - Locating balconies facing predominantly north, east or west to provide solar access. - Utilising sunscreens, pergolas, shutters and operable walls to control sunlight and wind. - Providing balconies with operable screens, Juliet balconies or operable walls/sliding doors with a balustrade in special locations where noise or high winds prohibit other solutions - along rail corridors, on busy roads or in tower buildings - choose cantilevered balconies, partially cantilevered balconies and/or recessed balconies in response to daylight, wind, acoustic privacy and visual privacy.	Complies Balconies designed in accordance with climate and context requirements.
	Provide primary balconies for all dwellings with a minimum depth of 2m.	Complies All main balconies have minimum width of 2m.
	Ensuring balconies are not so deep that they prevent sunlight entering the dwelling below.	Complies All balconies allow for adequate solar access.
	Design balustrades to allow views and casual surveillance of the street while providing for safety and visual privacy. Design considerations may include: - Detailing balustrades using a proportion of solid to transparent materials to address site lines from the street, public domain or adjacent development. Full glass balustrades do not provide privacy for the balcony or the dwelling's interior, especially at night.	Complies Southern facing balconies provide views and surveillance to the street.

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	- Detailing balustrades and providing screening from the public, for example, for a person seated looking at a view, clothes drying areas, bicycle storage or air conditioning units	
	Operable screens increase the usefulness of balconies by providing weather protection, daylight control and privacy screening.	Complies Balconies are consistent with the ADG requirements.
Daylight Access	Plan the site so that new residential flat development is oriented to optimise northern aspect.	Complies The building maximises the northern aspect where possible.
	Ensure direct daylight access to communal open space between March and September and provide appropriate shading in summer.	Insufficient Information It is unclear how much solar access the COS will have long-term once adjoining properties redevelop.
	Optimise the number of dwellings receiving daylight access to habitable rooms and principal windows. Ensure daylight access to habitable rooms and private open space, particularly in winter - use skylights, clerestory windows and fanlights to supplement daylight access.	Complies Main rooms and windows receive daylight in accordance with the ADG requirements.
	Promote two-storey and mezzanine, ground floor dwellings or locations where daylight is limited to facilitate daylight access to living rooms and private open spaces.	N/A
	Ensure single aspect, single-storey dwellings have a northerly or easterly aspect - locate living areas to the north and service areas to the south and west of the development. Avoid south facing dwellings.	Complies The number of units receiving no direct solar access is in accordance with the ADG requirements.
	Design for shading and glare control, particularly in summer: - Using shading devices, such as eaves, awnings, colonnades, balconies, pergolas, external louvres and planting. - Optimising the number of north-facing living spaces.	Complies with conditions Balconies are covered by the roof and balcony structure above it allows for some shading. Conditions will apply for rain and sun hoods to be incorporated into all external windows

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	- Providing external horizontal shading to north-facing windows. - Providing vertical shading to east or west windows.	
	Consider higher ceilings and higher window heads to allow deeper sunlight penetration.	Complies Ceilings are in line with the minimum requirements of the ADG.
	On west facing windows, vertical louvre panels or sliding screens protect from glare and low afternoon sun.	Complies Architectural design and louvres assist on the west facing windows.
	On north facing windows, projecting horizontal louvres admit winter sun while shading summer sun.	Complies Solar access requirements have been met.
Internal Design	Minimise the length of common walls between dwellings.	Complies Common walls are minimised through the development.
	Basement car parking shall be located beneath the building footprint.	N/A At-grade car parking is proposed. The parking is largely underneath the cantilever of the building above. Concerns are raised with the visual impact from adjoining properties.
	Design building layouts to minimise direct overlooking of rooms and private open spaces adjacent to dwellings	Insufficient Information The Level 4 design uses the roof of the floors below as balcony space. It is likely that no visual privacy impacts are created to the current adjoining properties due to the presence of perimeter landscaping. However, for equivalent levels on future developments – or internally, between Units 402 and 403, which has less separation than required on the lower levels – there is insufficient information on how visual privacy is secured.
	Minimise the location of noise sensitive rooms such as bedrooms adjoining noisier rooms such as bathrooms or kitchens or common corridors and stairwells.	Complies Noise generating rooms are clustered where possible.
	Where a site has frontage to a Classified Road, locate bedrooms away from the front of the site.	Not applicable
	Where common walls are provided they must be carried to the underside of the roof and be constructed in accordance with Part F5 of the Building Code of Australia.	Complies by condition
	Locate active use rooms or habitable rooms with windows	Complies

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	overlooking communal/public areas.	Habitable rooms overlook open space where possible.
Ground Floor Dwellings	Design front gardens or terraces, which contribute to the spatial and visual structure of the street while maintaining adequate privacy for dwelling occupants. This can be achieved by animating the street edge, for example, by promoting individual entries for ground floor dwellings.	No The landscape plan and the architectural plans differ in their presentation of the front setback. While either design is likely to achieve a suitable outcome, the application would need to confirm which design is being sought.
	Create more pedestrian activity along the street and articulate the street edge by: - Balancing privacy requirements and pedestrian accessibility. - Providing appropriate fencing, lighting and/ or landscaping to meet privacy and safety requirements of occupants while contributing to a pleasant streetscape. - Utilising a change in level from the street to the private garden or terrace to minimise site lines from the streets into the dwelling for some dwellings. - Increasing street surveillance with doors and windows facing onto the street.	Insufficient Information In the absence of consistent documentation and requested Public Domain Plan by Council's Urban Design & Public Domain referral, the ground level treatment is unclear.

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	Ground floor dwellings are special because they offer the potential for direct access from the street and on-grade private landscape areas. They also provide opportunities for the dwelling building and its landscape to respond to the streetscape and the public domain at the pedestrian scale. Ground floor dwellings also support housing choice by providing accessibility to the elderly and/or disabled and support families with small children. Optimise the number of ground floor dwellings with separate entries and consider requiring an appropriate percentage of accessible units. This relates to the desired streetscape and topography of the site. Provide ground floor dwellings with access to private open space, preferably as a courtyard.	No Ground floor apartments are designed to be consistent with the provisions of the ADG, except with inconsistencies in the front setback (and therefore, POS) are present.
Security	Entrances to buildings should be orientated towards the front of the site and facing the street. The main entrance to dwellings or other premises should not be from rear lanes and should be designed with clear directions and signage.	Complies The entrance to the street is oriented appropriately and designed to be clear and visible.
	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.	Complies No blank walls are proposed on the street frontage elevation.
	Minimise the number of entry points to buildings.	Complies One main entry point to each building is proposed from the street. A second access point is proposed from within the at-grade parking.
	Reinforce the development boundary to strengthen the distinction between public and private space by: - Employing a level change at the site and/or building threshold	No A level change occurs due to the flood planning level. Further, fencing (though not defined on the plans, it would appear to be palisade fencing) is proposed 1m within the site coupled with landscaping to

Development Control	Provision	Comment
	(subject to accessibility requirements). - Signage. - Entry awnings. - Fences, walls and gates. - Change of material in paving between the street and the development	distinguish the public and private domains. The lack of consistent plans does preclude a complete assessment.
	Optimise the visibility, functionality and safety of building entrances by: - Orienting entrances towards the public street. - Providing clear lines of sight between entrances, foyers and the street. - Providing direct entry to ground level dwellings from the street rather than through a common foyer. - Direct and well-lit access between car parks and dwellings, between car parks and lift lobbies and to all unit entrances.	Complies Entrances are noticeable and the access ways are prominent to the streets.
	Improve the opportunities for casual surveillance by: - Orienting living areas with views over public or communal open spaces, where possible. - Using bay windows and balconies, which protrude beyond the main facade and enable a wider angle of vision to the street. - Using corner windows, which provide oblique views of the street. - Providing casual views of common internal areas, such as lobbies and foyers, hallways, recreation areas and car parks.	Complies The upper floor balconies and habitable rooms will provide for casual surveillance.
	Minimise opportunities for concealment by: - Avoiding blind or dark alcoves near lifts and stairwells, at the entrance and within indoor car parks, along corridors and walkways. - Providing well-lit routes throughout the development. - Providing appropriate levels of illumination for all common areas. - Providing graded illumination to car parks and illuminating	Complies with conditions The access points are well laid out and are to be well lit, and do not provide opportunities for concealment.

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	entrances higher than the minimum acceptable standard.	
	Control access to the development by: - Making dwellings inaccessible from the balconies, roofs and windows of neighbouring buildings. - Separating the residential component of a development's car parking from any other building use and controlling car park access from public and common areas. - Providing direct access from car parks to dwelling lobbies for residents.	Insufficient Information The development largely appears to have considered secure access. However, it is not clear what gate/security measure is proposed for the driveway.
Natural Ventilation	Utilise the building layout and section to increase the potential for natural ventilation. Design solutions may include: - Facilitating cross ventilation by designing narrow building depths and providing dual aspect dwellings, for example, cross through dwellings and corner dwellings. - Facilitating convective currents by designing units, which draw cool air in at lower levels and allow warm air to escape at higher levels, for example, maisonette and two-storey dwellings.	Complies Cross ventilation and natural ventilation are in accordance with the ADG requirements.
	Provide narrow building depths to support cross ventilation.	Complies Building depths are appropriate. Cross-ventilation is compliant with ADG.
	Avoid single-aspect dwellings with a southerly aspect.	Complies The number of south facing units with no solar access is compliant with ADG.
Building Layout	The layout of dwellings within a residential flat building should minimise the extent of common walls.	Complies Common walls are minimised through the development.
Storage Areas	A secure storage space is to be provided for each dwelling with a minimum volume 8 m ³ (minimum dimension 1m ²). This must be set aside exclusively for storage as part of the basement or garage. Storage areas must be adequately lit and secure. Particular attention must be given to security of	No Units are proposed with only 4m ³ to 4.53m ³ storage.

Development Control	Provision	Comment
	basement and garage storage areas.	
7. Landscaping and Fencing	The setback areas are to be utilised for canopy tree planting. The landscape design for all development must include canopy trees that will achieve a minimum 8 m height at maturity within front and rear setback areas.	No Canopy trees are proposed in the front and rear setbacks. However, where it is expected that canopy trees may be planted in the side setbacks, the at-grade parking area is setback as little as 1m and does not allow for this type of planting.
	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	Complies The landscape plan is made up of predominantly native species.
	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.	Complies A mixture of plant types and sizes are proposed.
	Landscaping in the vicinity of a driveway entrance should not obstruct visibility for the safe ingress and egress of vehicles and pedestrians.	Complies Low level landscaping is proposed in the vicinity of the driveway.
	Tree and shrub planting along side and rear boundaries should assist in providing effective screening to adjoining properties.	No The level of planting in the rear setback is acceptable. The planting within the 1m setback of the at-grade parking is not adequate to screen the car park from adjoining properties.
	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	Complies Landscaping with planter boxes have been appropriately designed.

Development Control	Provision	Comment
	appropriate for gardener access in other forms of development.	
	The development must be designed around significant vegetation on the site. It is important to retain significant vegetation to maintain an existing streetscape and enhance the visual appearance of new dwellings.	No The application is inconsistent on the level of tree removal. The arborist indicates all trees are to be removed, but the landscape plan identifies trees for retention.
	Trees adjacent to private open space areas and living rooms should provide summer shade and allow winter sun entry.	Complies Canopy trees will provide shade.
	Where landscaping is used to control overlooking, species selected are to be a kind able to achieve privacy within 3 years.	Not applicable
	Any tree with a mature height over 8m should be planted a minimum distance of 3m from the building or utility services.	Complies Trees are largely over 3m from the building.
	Contribute to streetscape character and the amenity of the public domain by: - Relating landscape design to the desired proportions and character of the streetscape. - Using planting and landscape elements appropriate to the scale of the development. - Mediating between and visually softening the bulk of large development for the person on the street. Planting design solutions include: - Trees for shading low-angle sun on the eastern and western sides of a dwelling. - Trees that do not cast a shadow over solar collectors at any time of the year. - Deciduous trees for shading of windows and open space areas in summer. methods. - Providing appropriate drainage. - Design planters to support the appropriate soil depth and plant selection by: - Ensuring planter proportions accommodate the largest volume	No The treatment of the front setback is inconsistent between plans. The outcome of the landscape plan is generally acceptable. However, the lack of consistency between documentation (and thus a confirmed proposal) is one reason for refusal.

Development Control	Provision	Comment
	of soil possible. Minimum soil depths will vary depending on the size of the plant. However, soil depths greater than 1.5 m are unlikely to have any benefits for tree growth. - Providing square or rectangular planting areas rather than long narrow linear areas.	
	Design landscape which contributes to the site's particular and positive characteristics, for example by: - Enhancing habitat and ecology. - Retaining and incorporating trees, shrubs and ground covers endemic to the area, where appropriate. - Retaining and incorporating changes of level, visual markers, views and any significant site elements Design for optimum conditions for plant growth by: - Providing soil depth, soil volume and soil area appropriate to the size of the plants to be established. - Providing appropriate soil conditions and irrigation	Complies With the caveat identified above included, the landscape plan offers as a generally suitable outcome.
Fencing	The maximum height of a front fence is 1.2m. The maximum height of side boundary fencing within the setback to the street is 1.2m.	Insufficient Information The landscape plan identifies a 1.5m high palisade fence set 1m within the property. The architectural plans do not specify, and differ in the front setback design. The higher fence may be supportable subject to clarification on the overall front setback design.
	Fences should not prevent surveillance by the dwelling's occupants of the street or communal areas, be 30% transparent and shall be constructed in masonry, timber, metal pickets and/or vegetation and must be compatible with the proposed design of the dwelling.	As above.
	The front fence may be built to a maximum of 1.8m only if: • The primary frontage is situated on a Classified Road	As above.

Development Control	Provision	Comment
	- The fence is articulated by 1m for 50% of its length and have landscaping in front of the articulated portion. - The fence does not impede safe sight lines from the street and from vehicles entering and exiting the site	
8. Car parking and access	Visitor car parking shall be clearly identified and may not be stacked car parking. Visitor car parking shall be located between any roller shutter door and the front boundary.	N/A No visitor car parking is required under SEPP (Housing) 2021. Council's Traffic Engineer is supportive of the current quantum of car parking.
	Pedestrian and driveways shall be separated.	Complies Separate access points are provided.
	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.	Considered Acceptable Vehicle access is centrally on the site frontage. The location suits the two-building design and is supported in principle subject to resolution of other issues.
	Give preference to underground parking, whenever possible by: - Retaining and optimising the consolidated areas of deep soil zones. - Facilitating natural ventilation to basement and sub-basement car parking areas, where possible. - Integrating ventilation grills or screening devices of car park openings into the facade design and landscape design. - Providing safe and secure access for building users, including direct access to residential dwellings, where possible. - Providing a logical and efficient structural grid. There may be a larger floor area for basement car parking than for upper floors above ground. Upper floors, particularly in slender residential buildings, do not have to replicate basement car parking widths.	No At-grade parking is proposed. Refer to comments below.

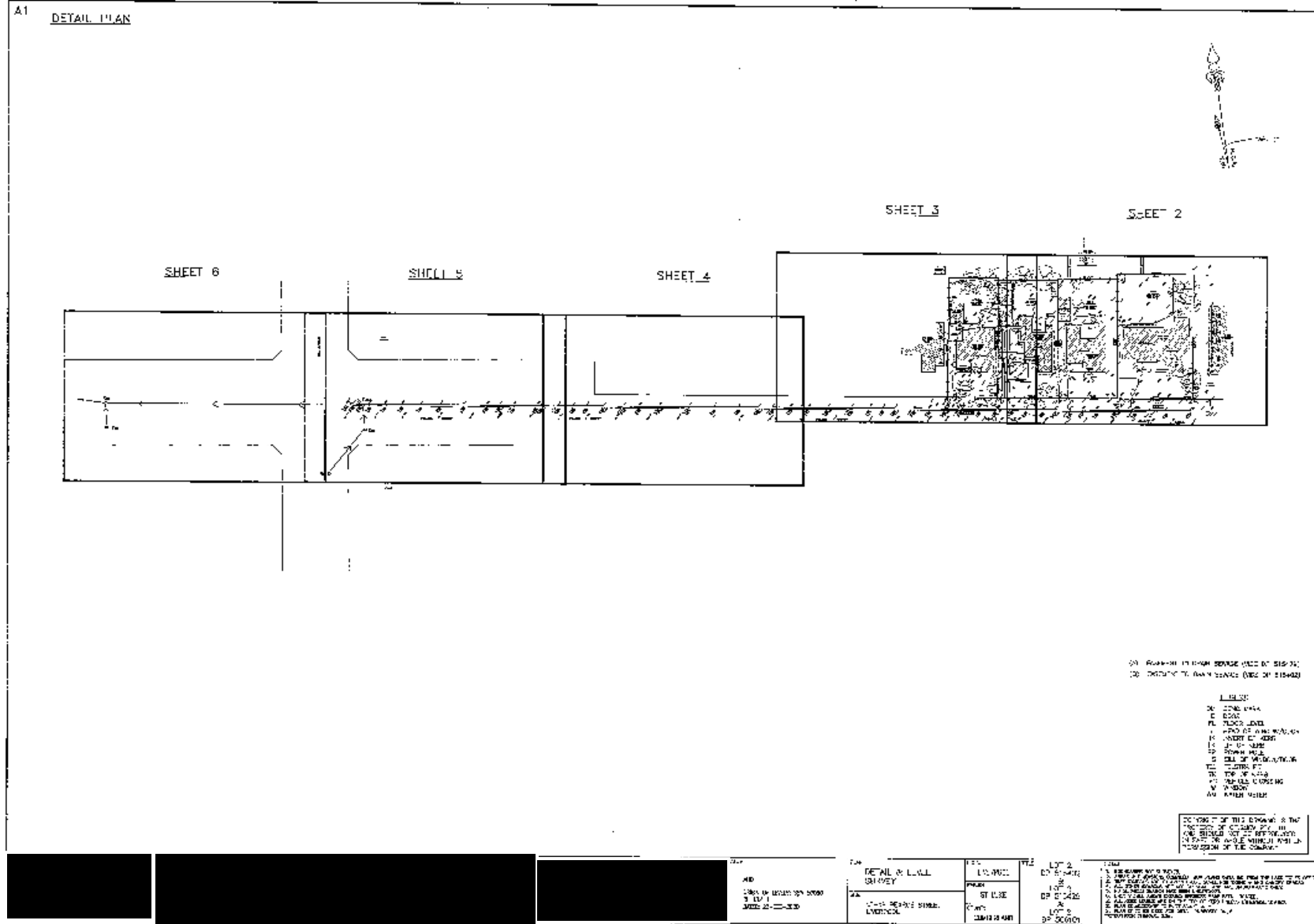
Development Control	Provision	Comment
	Where above ground enclosed parking cannot be avoided, ensure the design of the development mitigates any negative impact on streetscape and street amenity by: - Avoid exposed parking on the street frontage. - Hiding car parking behind the building facade. Where wall openings (windows, fenestrations) occur, ensure they are integrated into the overall facade scale, proportions and detail.	No The at-grade parking is located behind the front building line and will be somewhat obscured from the street by landscaping. However, the parking does extend close to side boundaries which removes the opportunity to screen the parking from adjoining properties, and it is not clear how the central driveway will be screened (e.g. gate, cover over entry).
	Promote equity by: - Ensuring the main building entrance is accessible for all from the street and from car parking areas. - Integrating ramps into the overall building and landscape design. - Design ground floor dwellings to be accessible from the street, where applicable, and to their associated private open space.	Complies Ramp provided to access building.
	Maximise the number of accessible and adaptable dwellings in a building by: - Providing more than one accessible entrance where a development contains clusters of buildings. - Separating and clearly distinguish between pedestrian accessways and vehicle accessways. - Locating vehicle entries away from main pedestrian entries and on secondary frontages.	Complies Adaptable units are proposed as Units 106, 107, 206, 207, and 306. Both buildings have accessible entries and access to the at-grade parking by a split-level lift design.
9. Amenity and Environmental Impact	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.	Insufficient Information The rear elevations of adjoining dwellings (Nos. 13 and 23 Pearce Street) receive 3 hours of solar access. It is not clear what the impact is on dwellings on the southern side of Pearce Street, noting it is a lower density zone. Detail of this has been requested by Council's Urban Design & Public Domain team to enable an assessment of the impact.

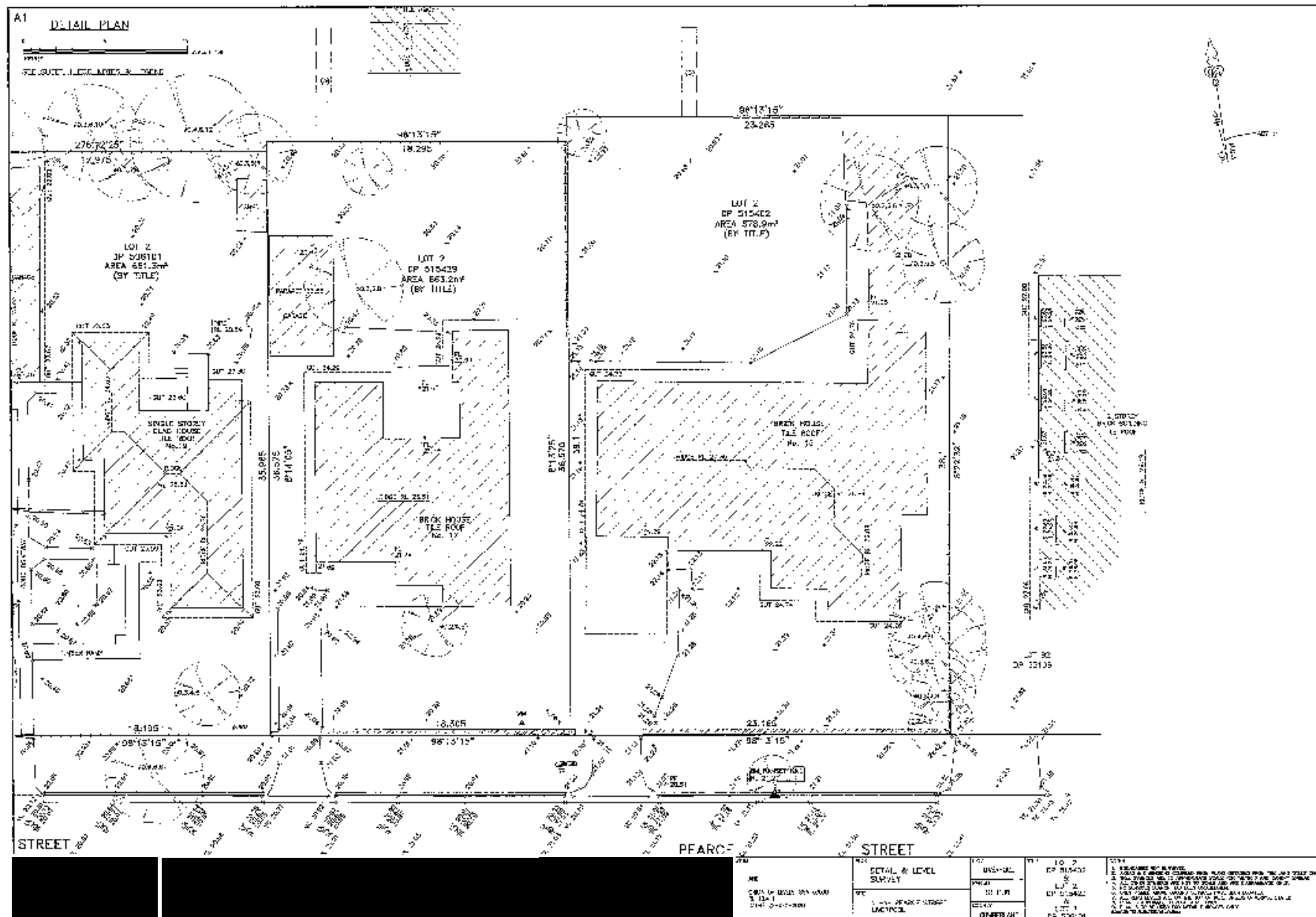
Development Control	Provision	Comment
	Building siting, window location, balconies and fencing should take account of the importance of the privacy of on site and adjoining buildings and outdoor spaces. Windows to habitable rooms should be located so they do not overlook such windows in adjoining properties, other dwellings within the development or areas of private open space.	Insufficient Information The visual privacy concerns raised on Level 4 under the ADG separation discussion require resolution.
	Landscaping should be used where possible to increase visual privacy between dwellings and adjoining properties.	Complies Landscaping has generally been proposed appropriately to serve its portion of addressing visual privacy.
	Design building layouts to minimise direct overlooking of rooms and private open spaces adjacent to dwellings by: - Balconies to screen other balconies and any ground level private open space. - Separating communal open space, common areas and access routes through the development from the windows of rooms, particularly habitable rooms. - Changing the level between ground floor dwellings with their associated private open space, and the public domain or communal open space. Use detailed site and building design elements to increase privacy without compromising access to light and air by: - Offsetting windows of dwellings in new development and adjacent development windows. - Recessed balconies and/or vertical fins between adjacent balconies. - Solid or semi-solid balustrades to balconies - louvres or screen panels to windows and/or balconies.	Insufficient Information The visual privacy concerns raised on Level 4 under the ADG separation discussion require resolution.

Development Control	Provision	Comment
	- Fencing. - Vegetation as a screen between spaces. - Incorporating planter boxes into walls or balustrades to increase the visual separation between areas. - Utilising pergolas or shading devices to limit overlooking of lower dwellings or private open space.	
	Noise attenuation measures should be incorporated into building design to ensure acoustic privacy between on-site and adjoining buildings.	Complies An acoustic assessment has been provided which recommends how the proposed development can be designed and managed to assist in mitigating acoustic issues for the proposal. The acoustic report was reviewed by Councils Environmental Health department and raised no objection to the acoustic report, subject to conditions.
	Buildings having frontage to a Classified Road or a railway and 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.	Complies An acoustic report was submitted which accounted for road noise from Hoxton Park Road.
	The proposed buildings must comply with the Environment Protection Authority criteria and the current relevant Australian Standards for noise and vibration and quality assurance.	Complies with conditions
	Arrange dwellings within a development to minimise noise transition between dwellings by: - Locating busy, noisy areas next to each other and quieter areas next to other quiet areas, for example, living rooms with living rooms, bedrooms with bedrooms - Using storage or circulation zones within an dwelling to buffer noise from adjacent dwellings, mechanical services or corridors and lobby areas	Complies with conditions An acoustic assessment has been provided which recommends how the proposed development can be designed and managed to assist in mitigating acoustic issues for the proposal. The acoustic report was reviewed by Councils Environmental Health department and raised no objection to the acoustic report, subject to conditions.

Development Control	Provision	Comment
	- Minimising the amount of common walls with other dwellings. - Design the internal dwelling layout to separate noisier spaces from quieter spaces by grouping uses within a dwelling - bedrooms with bedrooms and service areas like kitchen, bathroom, and laundry together.	
10. Site Services	Letterboxes shall be provided for each dwelling on site, easily accessible from the street, able to be securely locked and provided in accordance with Australia Post's requirements.	Insufficient Information Letterbox locations are not shown on the plans.
	Residential numbering should be attached to the letterbox so that it is clearly visible from the street frontage. Numbers should be 75mm in height, reflective and in contrast to the backing material.	Complies by condition
	Waste disposal facilities shall be provided for development. These shall be located adjacent to the driveway entrance to the site.	Complies Waste storage facilities are provided and will be maintained by the caretaker. Council's Waste Management officer has reviewed the waste management plan and conditions of consent have been provided.
	Any structure involving waste disposal facilities shall be located as follows: Setback 1 m from the front boundary to the street. Landscaped between the structure and the front boundary and adjoining areas to minimise the impact on the streetscape. Not be located adjacent to an adjoining residential property.	
	Where a footpath, road shoulder or new or enlarged access driveway is required to be provided this shall be provided at no cost to Council.	
	Council must be notified of any works that may threaten Council assets. Council must give approval for any works involving Council infrastructure.	Complies with condition
	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	Insufficient Information Council's Urban Design & Public Domain have requested a Public Domain Plan be prepared inclusive of footpaths and any new street trees.

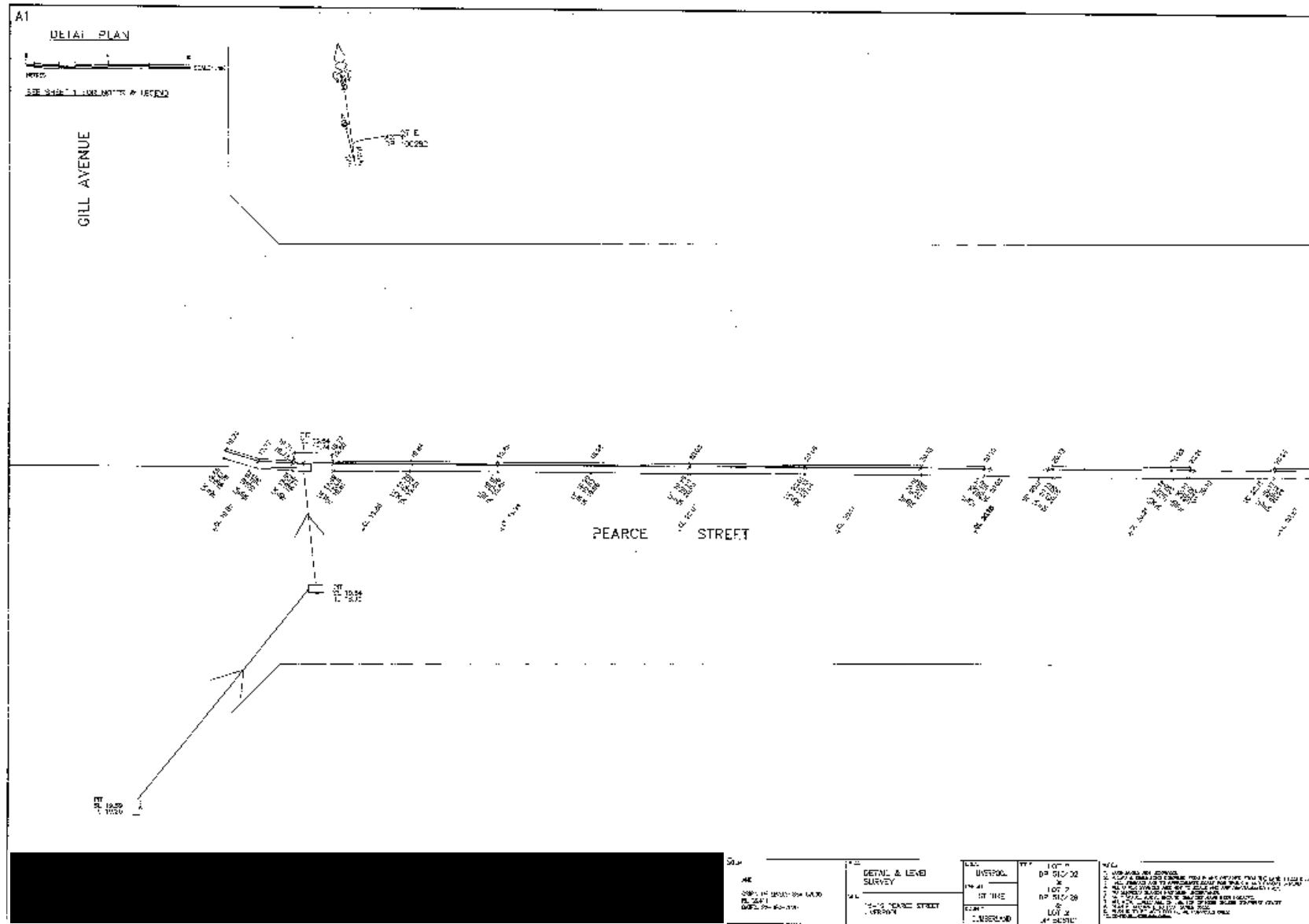
Development Control	Provision	Comment
	street trees be provided in the footpath area immediately in front of the site.	
	In some cases it may be necessary to provide an electricity substation at the front of the development adjacent to the street frontage. This will involve dedication of the area as a public road to allow access by the electricity provider. The front boundary treatment used elsewhere on the street frontage.	Insufficient Information Endeavour Energy has flagged that augmentation or extension of the existing electricity network is likely required. The proposal has not identified a substation, which must be considered as part of the development to ensure a high-quality streetscape and front setback outcome.

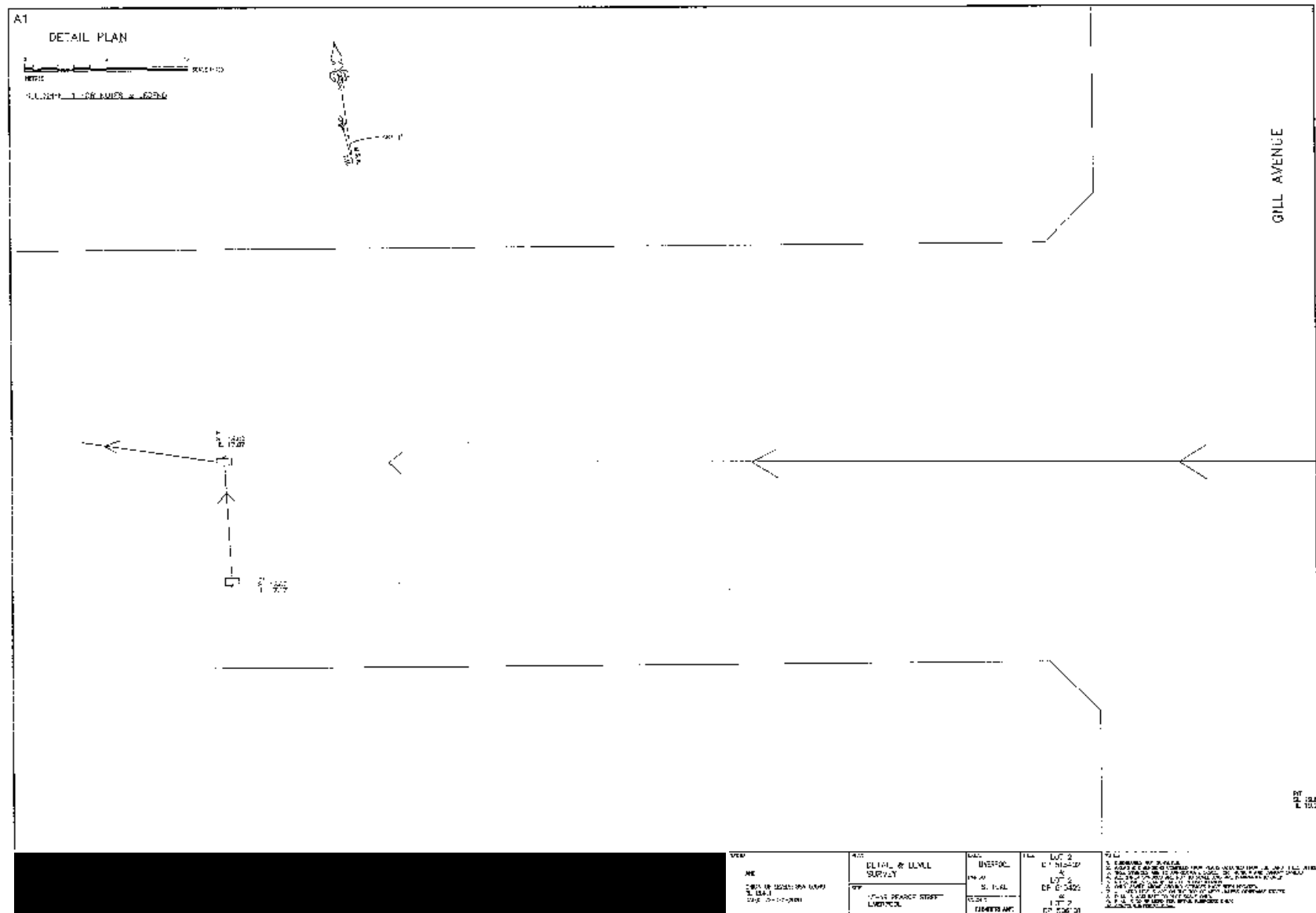












905/2024 - 15-21 Pearce St 15-21, Liverpool NSW 2170 - DA-310/2024 - 15-21 - Plans of Proposal

DEVELOPMENT APPLICATION

15-21 Pearce St Liverpool NSW 2170



UNIT BREAKDOWN

UNIT No.	BEDROOMS	AREA (m2)	POS (AREA m2)	UNIT STORE (m3)	UNIT No.	BEDROOMS	AREA (m2)	POS (AREA m2)	UNIT STORE (m3)
GROUND FLOOR					SECOND FLOOR				
UG01	2 BED	75.06	138.21	4.18	U201 (S)	2 BED	75.63	10.00	4.18
UG02 (S)	2 BED	75.45	77.16	4.53	U202	2 BED	77.89	10.00	4.03
UG03 (S)	2 BED	75.45	66.21	4.53	U203	2 BED	75.00	10.00	4.00
UG04	2 BED	75.06	136.03	4.18	U204	2 BED	75.00	10.00	4.00
FIRST FLOOR					U205	2 BED	75.00	10.00	4.03
U101	2 BED	75.63	10.00	4.18	U206 (A/S)	2 BED	75.39	10.00	4.21
U102	2 BED	77.89	10.00	4.03	U207 (A/S)	2 BED	75.39	10.00	4.21
U103	2 BED	75.00	10.00	4.00	U208	2 BED	75.00	10.00	4.03
U104	2 BED	75.00	10.00	4.00	U209	2 BED	75.00	10.00	4.00
U105	2 BED	75.00	10.00	4.03	U210	2 BED	75.00	10.00	4.00
U106 (A/S)	2 BED	75.39	10.00	4.21	U211	2 BED	77.89	10.00	4.03
U107 (A/S)	2 BED	75.39	10.00	4.21	U212	2 BED	75.63	10.00	4.18
U108	2 BED	75.00	10.00	4.03	THIRD FLOOR				
U109	2 BED	75.00	10.00	4.00	U301	2 BED	75.63	10.00	4.18
U110	2 BED	75.00	10.00	4.00	U302	2 BED	77.89	10.00	4.03
U111	2 BED	77.89	10.00	4.03	U303	2 BED	75.00	10.00	4.00
U112	2 BED	75.63	10.00	4.18	U304	2 BED	75.00	10.00	4.00

DRAWING SCHEDULE		
DRAWING NAME	ISSUE	SCALE
A0000 GENERAL INFORMATION		
A0001 COVERPAGE	A	
A0002 SITE ANALYSIS	A	1:100
A0003 SITE ANALYSIS P2	A	1:100
A0004 SITE PLAN	A	1:300
A0005 DEMOLITION PLAN	A	1:200
A1000 GENERAL ARRANGEMENT PLAN		
A1001 GROUND FLOOR PLAN	A	1:200
A1002 FIRST FLOOR PLAN	A	1:200
A1003 SECOND FLOOR PLAN	A	1:200
A1004 THIRD FLOOR PLAN	A	1:200
A1005 FOURTH FLOOR PLAN	A	1:200
A1006 ROOF PLAN	A	1:200
A2000 ELEVATIONS		
A2001 NORTH & EAST ELEVATIONS	A	1:200 1:250
A2002 SOUTH & WEST ELEVATIONS	A	1:250 1:200
A2003 STREETSCAPE ELEVATION	A	1:300
A2100 SECTIONS		
A2101 SECTIONS	A	1:250
A3000 ADDITIONAL INFO		
A3001 GFA CALCULATIONS	A	1:700
A3002 LANDSCAPE CALCULATIONS	A	1:400
A3003 COMMUNAL OPEN SPACE	A	1:400
A3004 DEEP SOIL CALCULATIONS	A	1:300
A3005 BUILDING HEIGHT PLANE	A	
A3006 CROSS-VENTILATION	A	1:700
A3007 SILVER LIVEABLE	A	1:100
A3008 PHE - POST ADAPTABLE	A	1:100
A3009 SAMPLE BOARD	A	
A4000 SOLAR ACCESS		
A4001 SOLAR ACCESS 9AM-12PM	A	
A4002 SOLAR ACCESS 1PM-3PM	A	
A4003 SOLAR ACCESS ANALYSIS	A	
A4100 SHADOW DIAGRAMS		
A4101 SHADOW DIAGRAM 9AM	A	1:500
A4102 SHADOW DIAGRAM 12PM	A	1:500
A4103 SHADOW DIAGRAM 3PM	A	1:500

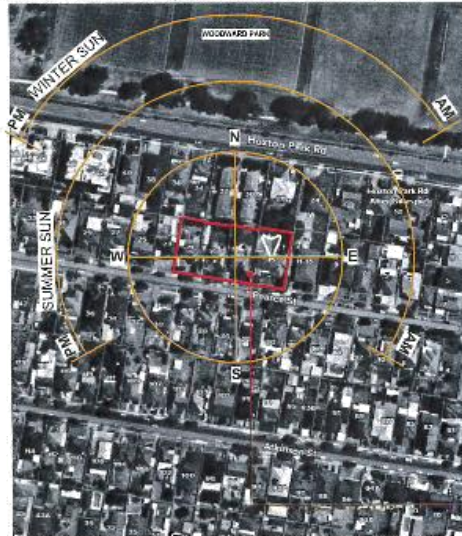
UNIT No.	BEDROOMS	AREA (m2)	POS (AREA m2)	UNIT STORE (m3)
U305	2 BED	75.00	10.00	4.03
U306 (A/S)	2 BED	75.39	10.00	4.21
U307 (S)	2 BED	75.39	10.00	4.21
U308	2 BED	75.00	10.00	4.03
U309	2 BED	75.00	10.00	4.00
U310	2 BED	75.00	10.00	4.00
U311	2 BED	77.89	10.00	4.03
U312	2 BED	75.63	10.00	4.18
FOURTH FLOOR				
U401	2 BED	87.93	70.94	4.70
U402	2 BED	80.72	78.97	4.20
U403	2 BED	80.72	78.97	4.20
U404	2 BED	87.93	70.94	4.70

@A3
15-21 Pearce St Liverpool NSW 2170

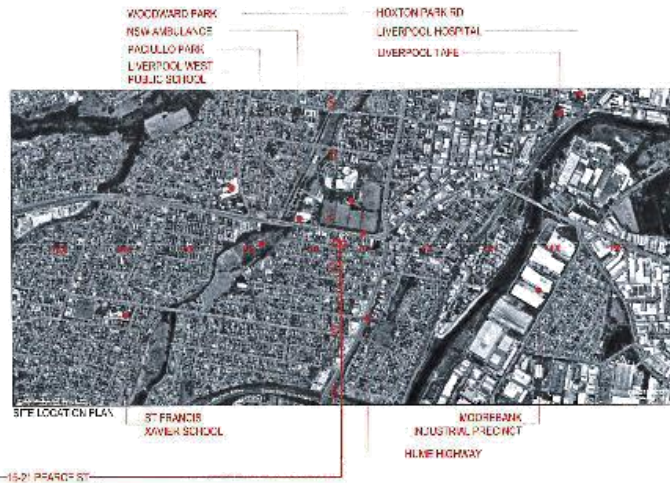
NO.	REVISION	BY	DATE
A	DA APPLICATION	MM	2024.06.03

MULTI-RESIDENTIAL DEVELOPMENT		COVERPAGE	
15-21 Pearce St Liverpool NSW 2170		A0001 A	

15-21 Pearce St - 15-21 Pearce St - 15-21 Pearce St - 15-21 Pearce St - 15-21 Pearce St



SITE ANALYSIS



15-21 PEARCE ST



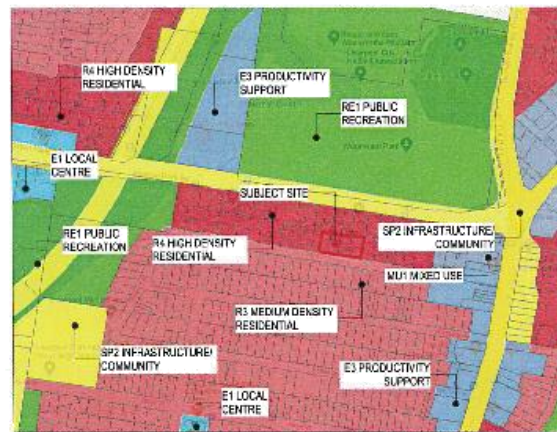
LIVERPOOL LEP ZONING MAP



PAGE 1: PEARCE ST PERSPECTIVE LOOKING WEST TOWARDS THE SITE



PAGE 2: HOXTON PARK RD PERSPECTIVE LOOKING SOUTH TOWARDS THE SITE



LIVERPOOL LEP ZONING MAP



PAGE 4: PEARCE ST PERSPECTIVE LOOKING EAST TOWARDS THE SITE

NO.	REVISION	BY	DATE
1	DA APPLICATION	M.M.	2024/06/23

MULTI RESIDENTIAL DEVELOPMENT		SITE ANALYSIS	
15-21 Pearce St Liverpool NSW 2170		A0002	
PROJECT NO. 15419		A	

DA-310/2024 - 15-21 PEARCE STREET, LIVERPOOL NSW 2170 - Plans of Proposal

SITE LOCATION & DEVELOPMENT CONTROL

This proposed development is for 15-21 Pearce St, Liverpool, a 2749.8 sqm lot with a street frontage of 74.9m to Pearce St.

Applicable Planning Controls
Liverpool LEP 2008 Map Tile 010
Acid Sulphate Soils: N/A
Height of Building: 15m
FSR: 1:1
Land Zoning: R4 High Density Residential

SURROUNDING BUILDINGS

This site is located on 15-21 Pearce St and oriented facing South.

This site is situated between equally zoned R4 lots on the East, West and North side and R3 - Medium Density Residential opposing on Pearce St to the South. 11-13 Pearce St on the eastern side is a 2 storey residential brick building. 23 Pearce St on the western side is a single storey residential house. Pearce St runs 650m parallel to Hoxton Park Rd and joins Gill Ave to Alkinson St then terminates at Gillespie St.

Liverpool is approximately 27 kilometres South-West of Sydney CBD and approximately a 36-minute, 39 kilometre drive along the M5 Motorway. The Bus stop on Hoxton Park Rd is 300 m East, a 4-minute walk, or alternatively the Bus stop on Hoxton Park Rd opp Gill Ave is 400 m West, at a 5-minute walk. Many parks and local shops are within walking distance from 15-21 Pearce St, including Wundawong park containing many facilities such as the Whittam Leisure Centre.

TRAFFIC ANALYSIS

Pearce St, Liverpool is a local road, and traffic on the road is moderate to low with primarily local traffic, due to the nature of the street terminating to the East and resulting in a no-through road.

The road is a two way street, and is relatively quiet with surrounding streets possessing little traffic, making it a safe area to live in. The road runs parallel to Hoxton Park Rd and the speed limit is 50 km/h and the intersections are clear of visual obstructions, creating a safe environment for pedestrians and cyclists.

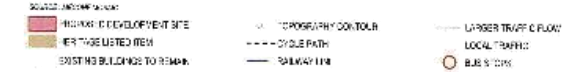
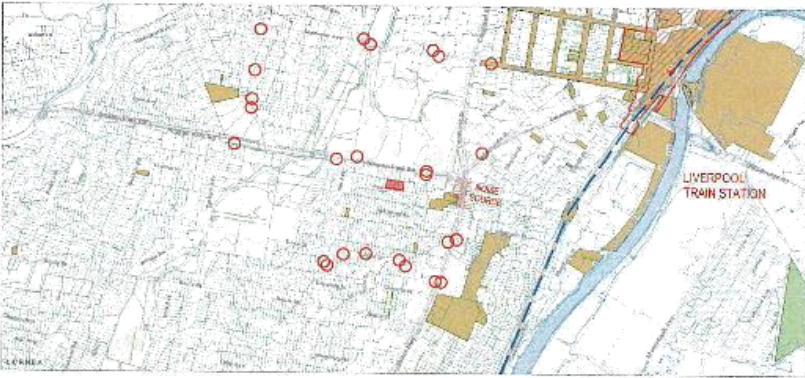
The site's close proximity to Hoxton Park Rd and Hume Hwy, both major arterial roads. These together create a very accessible road network for residents to commute. Hume Hwy connects the area to the M5 Motorway, (leading to the CBD) and Southern Sydney. Hoxton Park Rd connects to the M7/M2 Motorway.

ENVIRONMENTAL FACTORS

The area within Liverpool has a temperate climate, with warm to hot summers and mild winters. The area experiences no extreme temperature variations. Near the property lies two bodies of water, being Georges river to the East of the site and Brickmakers creek to the West.

VIEWS

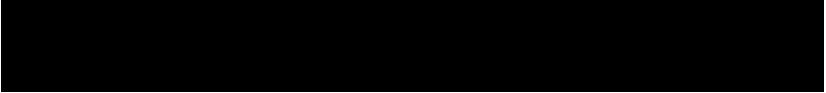
As the topography suggests, the site is relatively flat, varying approx. 500mm from East to West of the site and similar from South to North. The site is not prominently visible currently from Hoxton Park Rd, however with development to multiple storeys, the development may be somewhat visible from Hoxton Park Rd.



WIDER CONTEXT PLAN



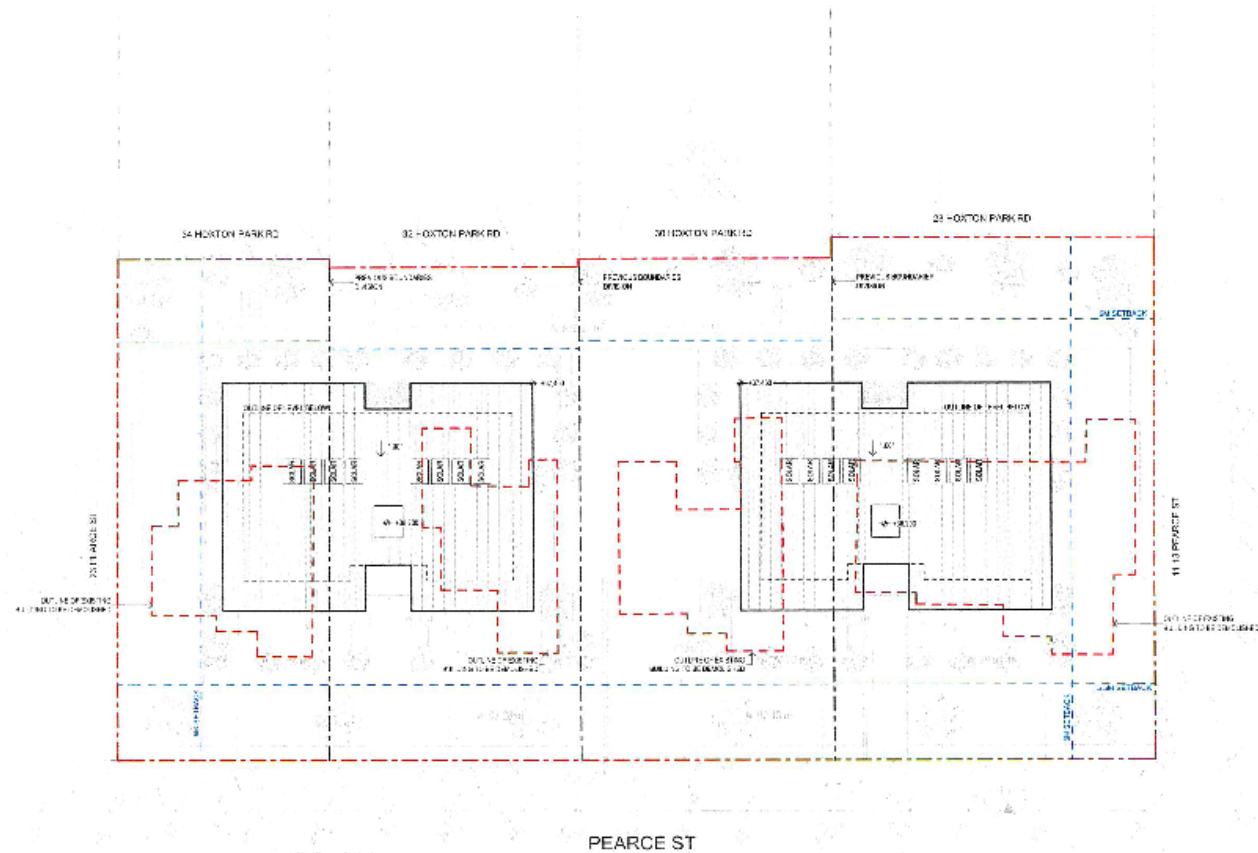
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15-21 Pearce St Liverpool NSW 2170
SITE ANALYSIS P2 A
FOR DA APPLICATION



REVISION		BY		DATE	
A	DA APPLICATION			N.M	27/01/2024

MULTI RESIDENTIAL DEVELOPMENT		SITE ANALYSIS P2	
15-21 Pearce St Liverpool NSW 2170		PROJECT NO	
PROJECT NO 1519		DRAWING NO	
		A0003	
		PAGE	
		A	

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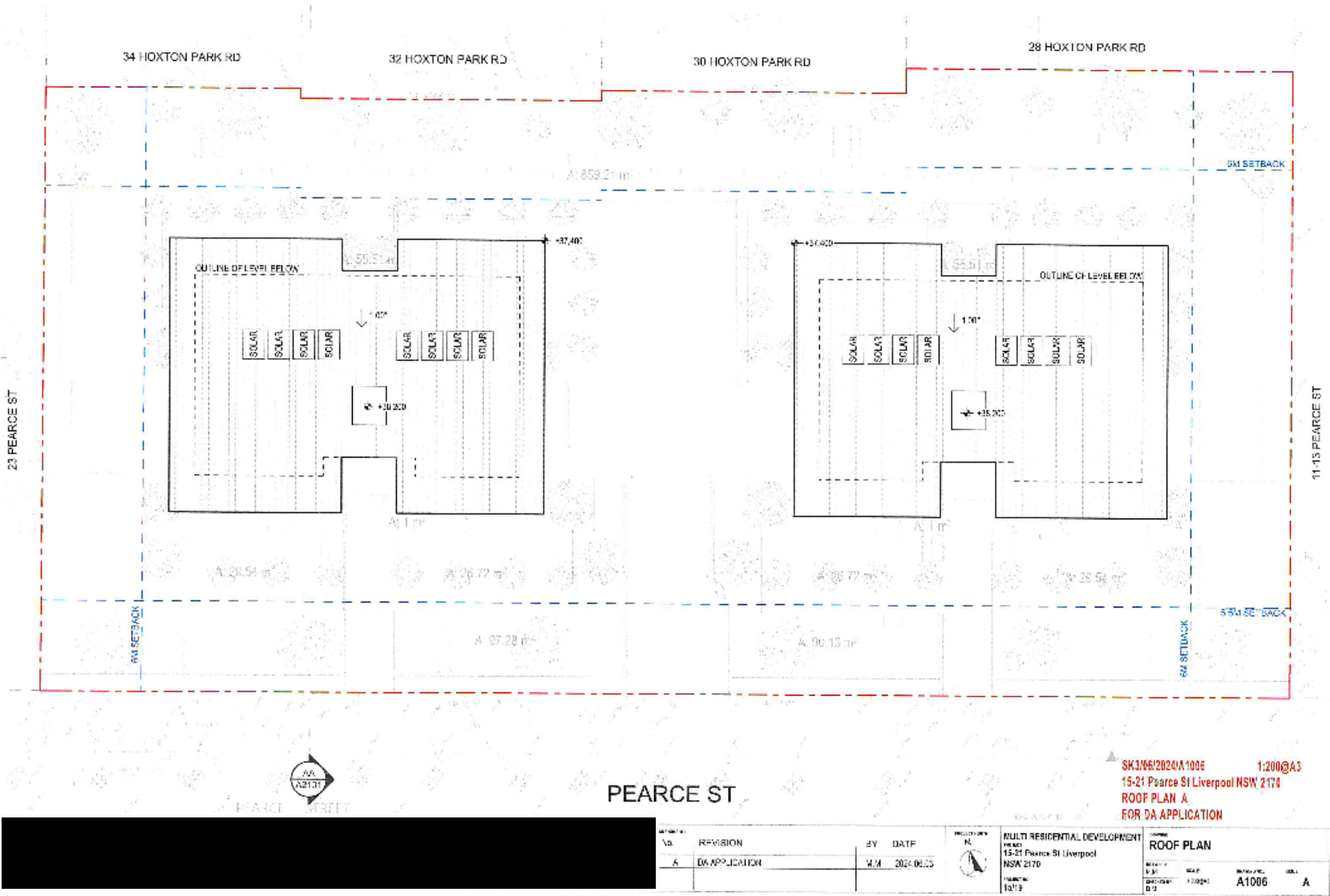


SK3/06/2024/A0004 1:300@A3
15-21 Pearce St Liverpool NSW 2170
SITE PLAN A
FOR DA APPLICATION

No.					REVISION	BY	DATE		MULTIRESIDENTIAL DEVELOPMENT 15-21 Paces St Liverpool NSW 2170 PROJECT NO: 2100	FORM SITE PLAN			
A		DEVELOPMENT		WJA	2024-06-03	SHEET NO. 1 OF 1	TOTAL 1 OF 1			CONVEYANCE A0004	DATE A		



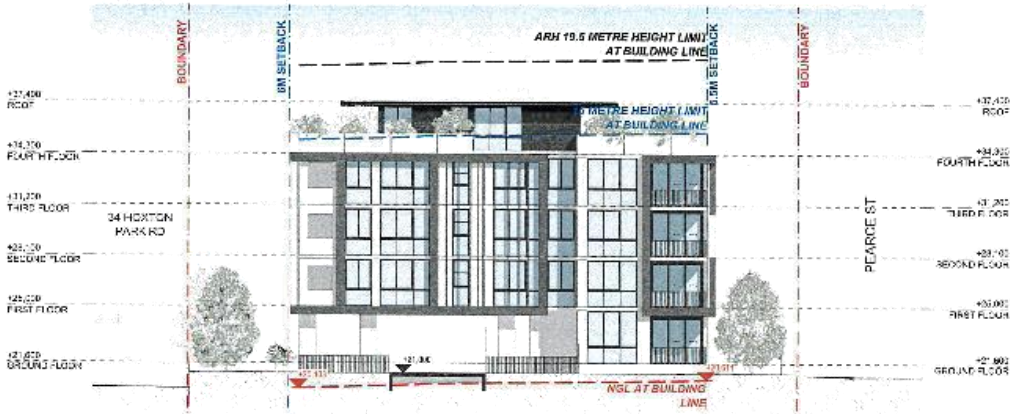
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DA-310/2024 - 15-21 Pearce St Liverpool NSW 2170 - Pearce St (S21), Liverpool



SOUTH ELEVATION

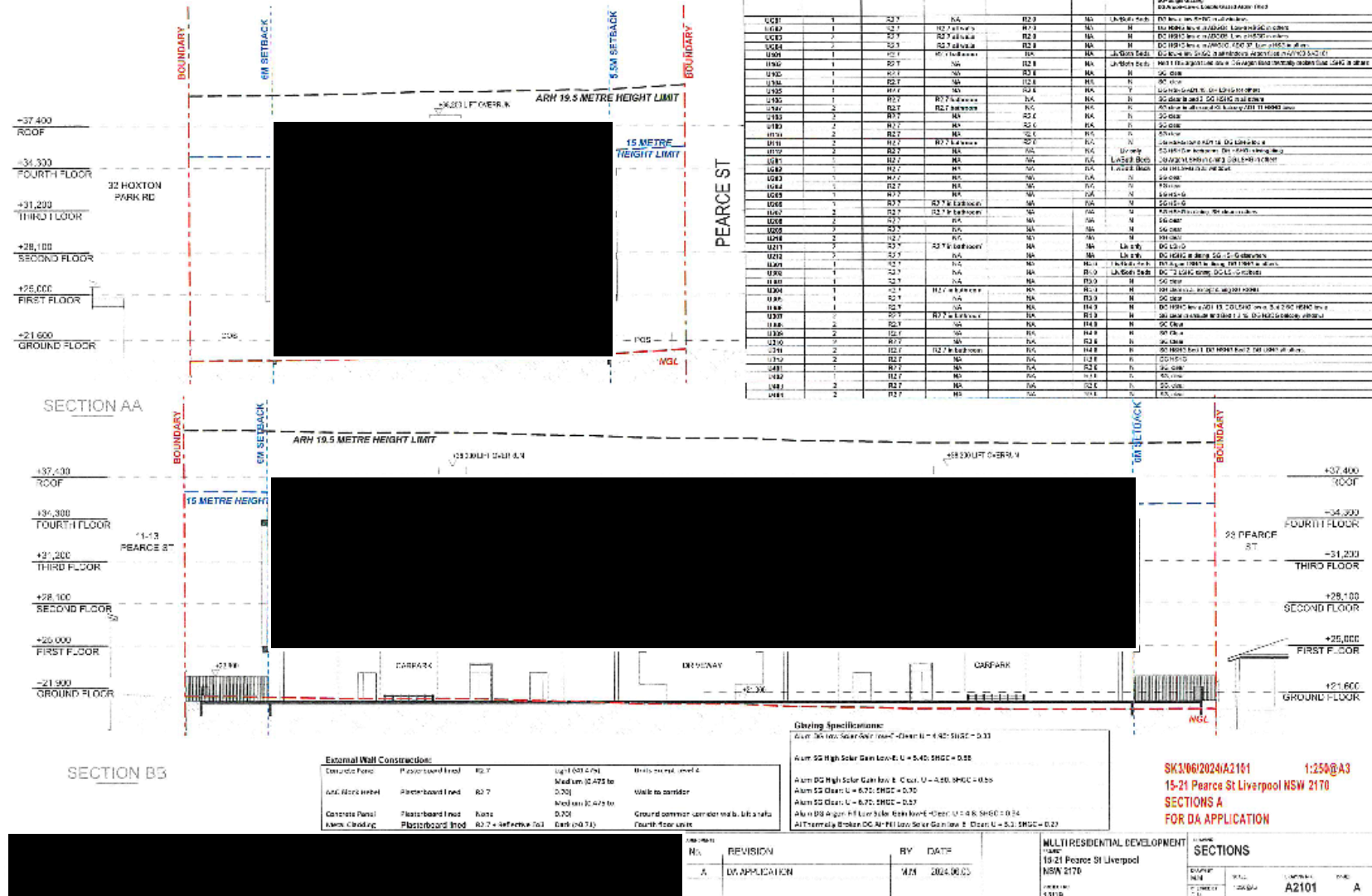


WEST ELEVATION

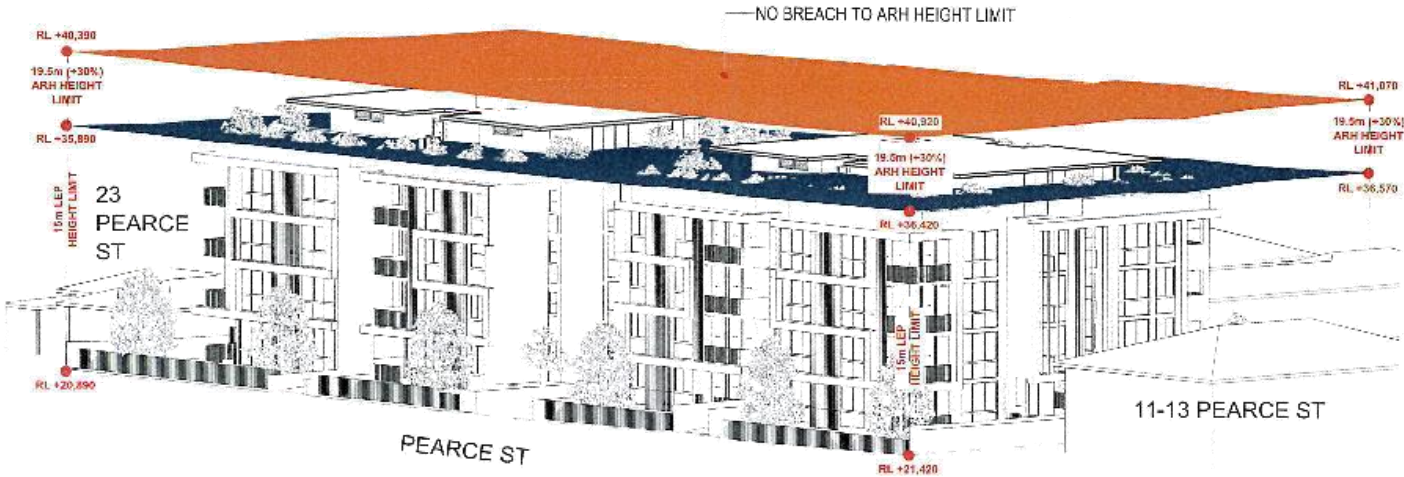
SK3/06/2024/A2002 1:250, 1:200@A3
15-21 Pearce St Liverpool NSW 2170
SOUTH & WEST ELEVATIONS A
FOR DA APPLICATION

REVISION				DATE		MULTI RESIDENTIAL DEVELOPMENT 15-21 Pearce St Liverpool NSW 2170 12/19	SOUTH & WEST ELEVATIONS			
NO.	REVISION	BY	DATE	DATE	DATE		SCALE	SCALE	SCALE	SCALE
A	DA APPLICATION	MM	2024.09.03				1:250	1:200	A2002	A

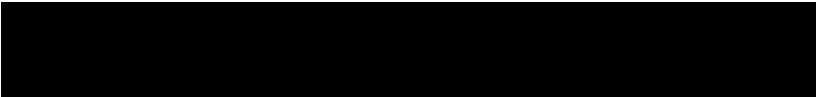
2024/2024 POC of 15-21 Pearce St, Liverpool NSW 2170 - 15-21 Pearce St, Liverpool NSW 2170



31/05/2024 P:\SAP Plans\40000 31-5-24, Liverpool\pearce\004 0021 - Pearce St 15-21, Liverpool.dgn

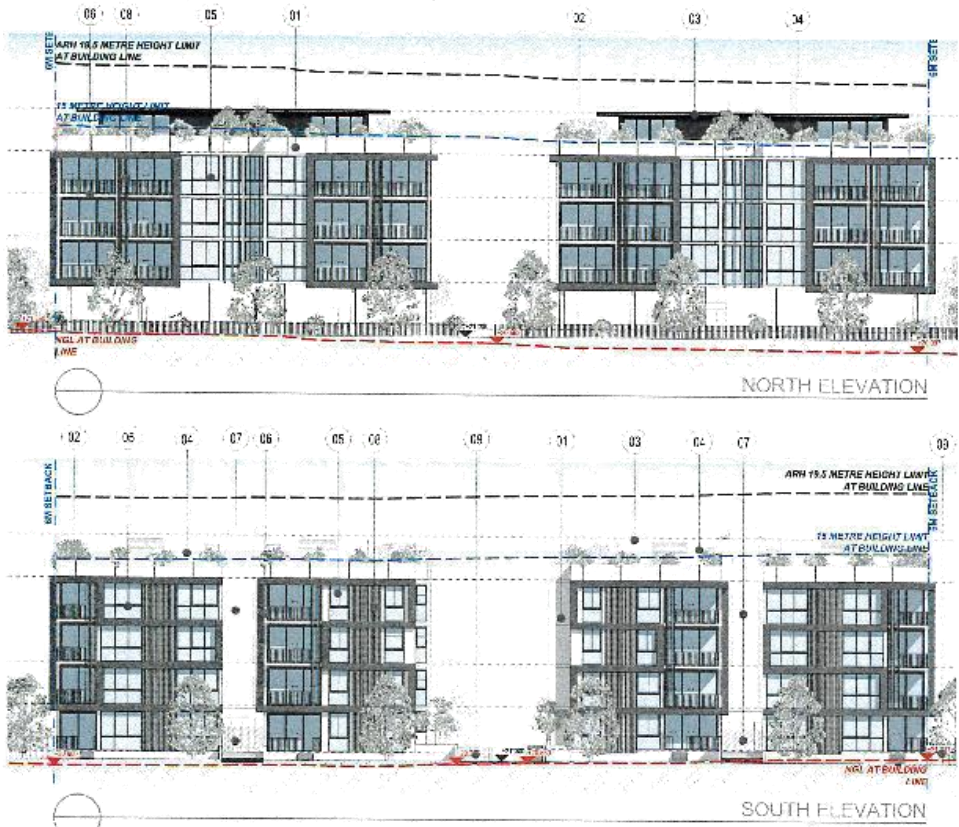


SK3006/2024/A3005 @A3
15-21 Pearce St Liverpool NSW 2170
BUILDING HEIGHT PLANE A
FOR DA APPLICATION



REVISION		BY		MULTIRESIDENTIAL DEVELOPMENT 15-21 Pearce St Liverpool NSW 2170 PROJECT NO 10/19	BUILDING HEIGHT PLANE			
No.	REVISION		DATE		REVISION	DATE	BY	APPROVED
1	DA APPLICATION		2024.06.03		1	2024.06.03	A3005	A

9/06/2024 7/06/2024 15-21 Pearce St Liverpool NSW 2170 - DA-310/2024 - 15-21 Pearce St Liverpool NSW 2170



1. Light Grey and white Concrete Panels



2. Textured Aluminium Cladding - Colour equal to Anthracite Grey



3. Dark Grey and white Concrete Panels



4. Dark Grey and white Concrete Panels



5. Dark Grey and white Concrete Panels



6. Dark Grey and white Concrete Panels



7. Dark Grey and white Concrete Panels



8. Dark Grey and white Concrete Panels



9. Dark Grey and white Concrete Panels



10. Dark Grey and white Concrete Panels

SK3106/2024/A3008
15-21 Pearce St Liverpool NSW 2170
SAMPLE BOARD A
FOR DA APPLICATION



REVISION	BY	DATE
DA APPLICATION	MM	2024.06.03

MULTI-RESIDENTIAL DEVELOPMENT	DA-310/2024
15-21 Pearce St Liverpool NSW 2170	15-21 Pearce St Liverpool NSW 2170
15/19	15/19

SAMPLE BOARD	DA-310/2024
15-21 Pearce St Liverpool NSW 2170	15-21 Pearce St Liverpool NSW 2170
15/19	15/19

1009/1024 P-Cell Files (Pages 9:15-21, Lysenko (signature) 2004 [5:21 - 7:16-21, Hospital p.1)



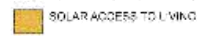
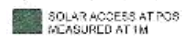
9AM 21 JUNE



10AM 21 JUNE



11AM 21 JUNE



12PM 21 JUNE

**SOLAR ACCESS 9AM-12PM A
FOR DA APPLICATION**

NO. REVISION BY DATE A (APPLICATION) MMS 2024.06.03			MULTIRESIDENTIAL DEVELOPMENT 15-21 Pearce St Liverpool KSN 2176 PROJECT NO. 1513		PROJECT SOLAR ACCESS 9AM-12PM REVIEWED BY: A4001 DATE: A	
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5092004 P0001 PEARCE ST 15-21 - Liverpool NSW 2170 - 15-21 - Pearce St 15-21, Liverpool



SOLAR ACCESS AT POS MEASURED AT 1M SOLAR ACCESS TO LIVING

SK3106/2024/A4002 @A3
15-21 Pearce St Liverpool NSW 2170
SOLAR ACCESS 1PM-3PM A
FOR DA APPLICATION

DA APPLICATION	
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NO.	REVISION	BY	DATE
A	DA APPLICATION	KIM	2024/06/03

MULTI-RESIDENTIAL DEVELOPMENT		SOLAR ACCESS 1PM-3PM	
15-21 Pearce St Liverpool NSW 2170		A4002	

Site Plan of 15-21 Pearce Street, Liverpool NSW 2170 - Access 3, 15-21, Liverpool

INTERNAL SOLAR LIVING ANALYSIS							ACCESS SOLAR LIVING
	9 - 10	10 - 11	11-12	12-1	1-2	2-3	
G01							3
G02							0
G03							0
G04							1
101							3
102							0
103							5
104							5
105							5
106							0
107							0
108							5
109							5
110							5
111							5
112							1
201							3
202							5
203							5
204							5
205							5
206							0
207							0
208							5
209							5
210							5
211							5
212							1
301							3
302							5
303							5
304							5
305							5
306							2
307							1
308							5
309							5
310							5
311							5
312							1
401							5
402							5
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404							5

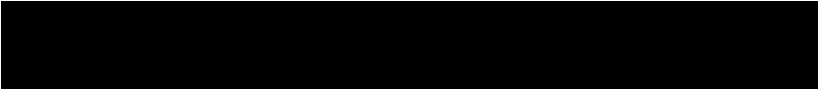
LIVING SOLAR ACCESS CALCULATIONS	
TOTAL NUMBER OF UNITS	44
SEPP REQUIRED UNITS WITH 3+ HOURS OF SOLAR ACCESS TO LIVING AREAS %	70 %
SEPP REQUIRED UNITS WITH 3+ HOURS OF SOLAR ACCESS TO LIVING AREAS	31
ADG MAX NUMBERS OF UNITS WITH NO SOLAR ACCESS %	15 %
ADG MAX NUMBERS OF UNITS WITH NO SOLAR ACCESS	7
PROPOSED UNITS WITH 3+ HOURS OF SOLAR ACCESS TO LIVING AREAS %	73%
PROPOSED UNITS WITH 3+ HOURS OF SOLAR ACCESS TO LIVING AREAS	32
PROPOSED NUMBERS OF UNITS WITH NO SOLAR ACCESS %	13.6%
PROPOSED NUMBERS OF UNITS WITH NO SOLAR ACCESS	6

POS SOLAR ACCESS CALCULATIONS	
TOTAL NUMBER OF UNITS	44
SEPP REQUIRED UNITS WITH 3+ HOURS OF SOLAR ACCESS TO POS AREAS %	70 %
SEPP REQUIRED UNITS WITH 3+ HOURS OF SOLAR ACCESS TO POS AREAS	31
ADG MAX NUMBERS OF UNITS WITH NO SOLAR ACCESS %	15 %
ADG MAX NUMBERS OF UNITS WITH NO SOLAR ACCESS	7
PROPOSED UNITS WITH 3+ HOURS OF SOLAR ACCESS TO POS AREAS %	75%
PROPOSED UNITS WITH 3+ HOURS OF SOLAR ACCESS TO POS AREAS	33
PROPOSED NUMBERS OF UNITS WITH NO SOLAR ACCESS %	13.6%
PROPOSED NUMBERS OF UNITS WITH NO SOLAR ACCESS	6

INTERNAL SOLAR LIVING ANALYSIS							ACCESS SOLAR LIVING
	9 - 10	10 - 11	11-12	12-1	1-2	2-3	
G01							5
G02							1
G03							1
G04							3
101							3
102							5
103							5
104							5
105							5
106							0
107							0
108							5
109							5
110							5
111							5
112							1
201							3
202							5
203							5
204							5
205							5
206							0
207							0
208							5
209							5
210							5
211							5
212							1
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303							5
304							5
305							5
306							0
307							0
308							5
309							5
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312							1
401							5
402							5
403							5
404							5

SOLAR ACCESS ANALYSIS A
FOR DA APPLICATION

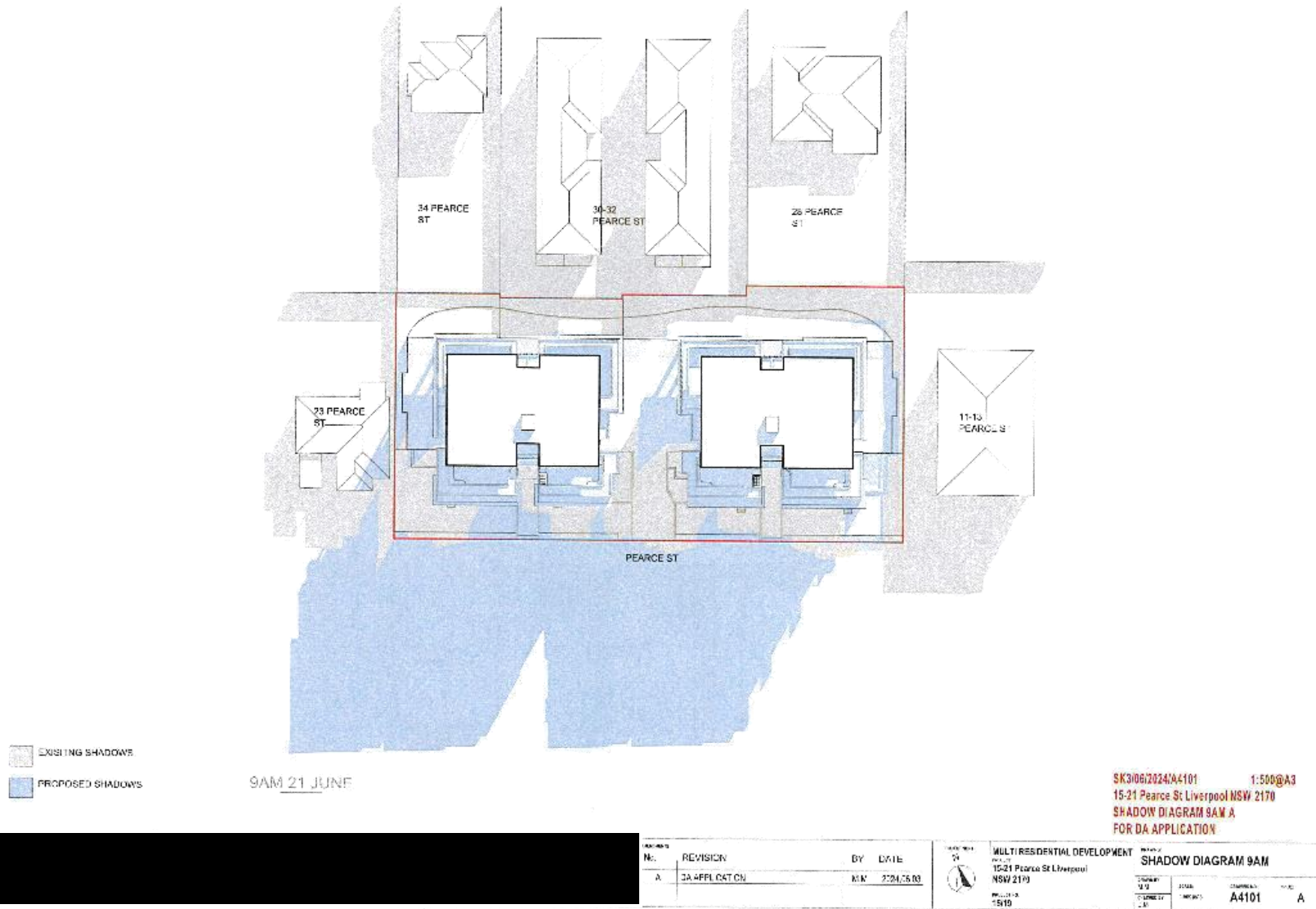
@A3
W 2170



REVISION	RY	DATE
A	DA APPLICATION	2024.08.02

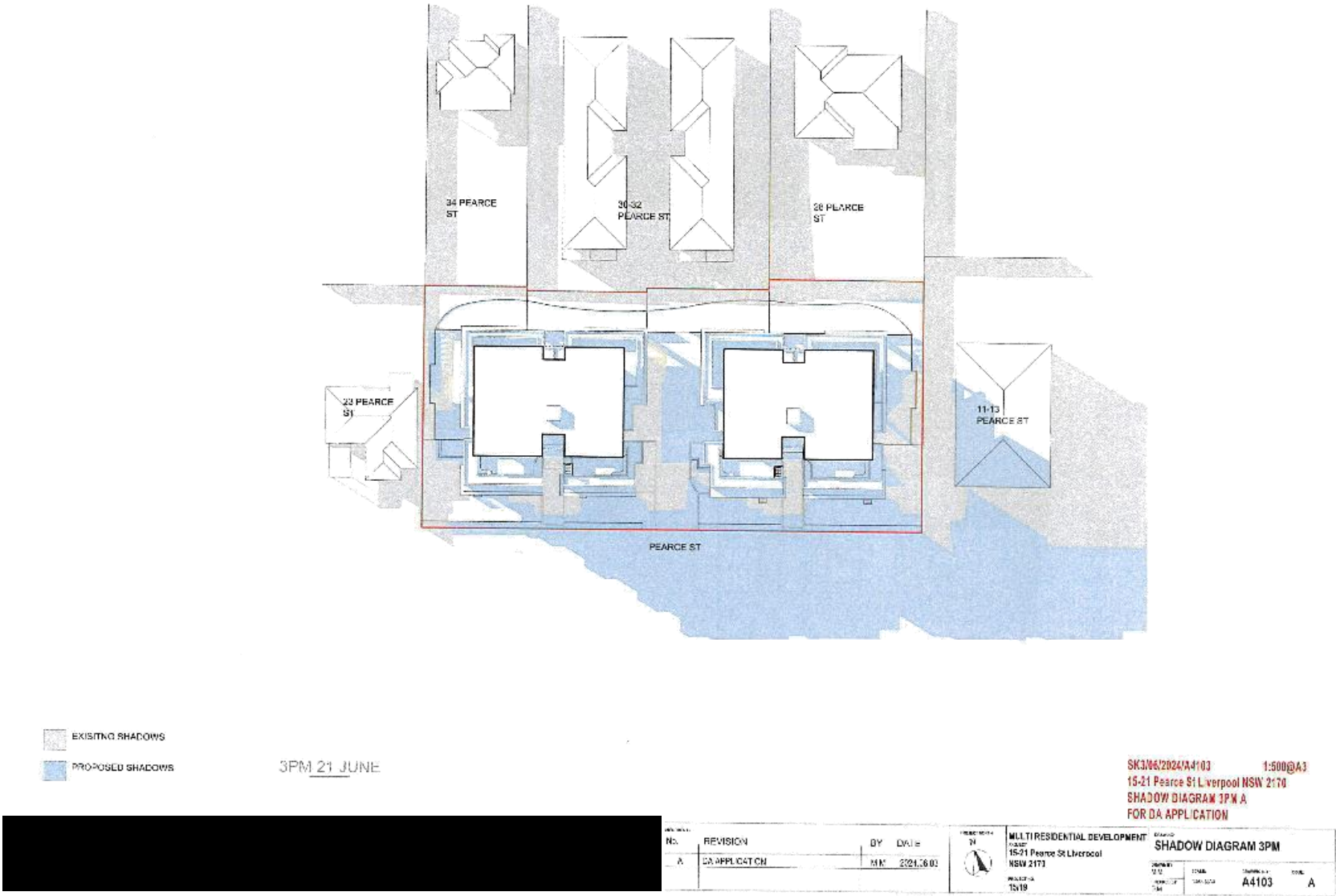
MULTI-RESIDENTIAL DEVELOPMENT		SOLAR ACCESS ANALYSIS	
DA-310	15-21 Pearce St Liverpool NSW 2170	REVISION	DATE
15713		A4003	A

50822024 F&G Int Hist Parale 81, 15-21, Liverpoolarrinaction/2024-03-21 - Deane S. 15-21, Liverpool, n

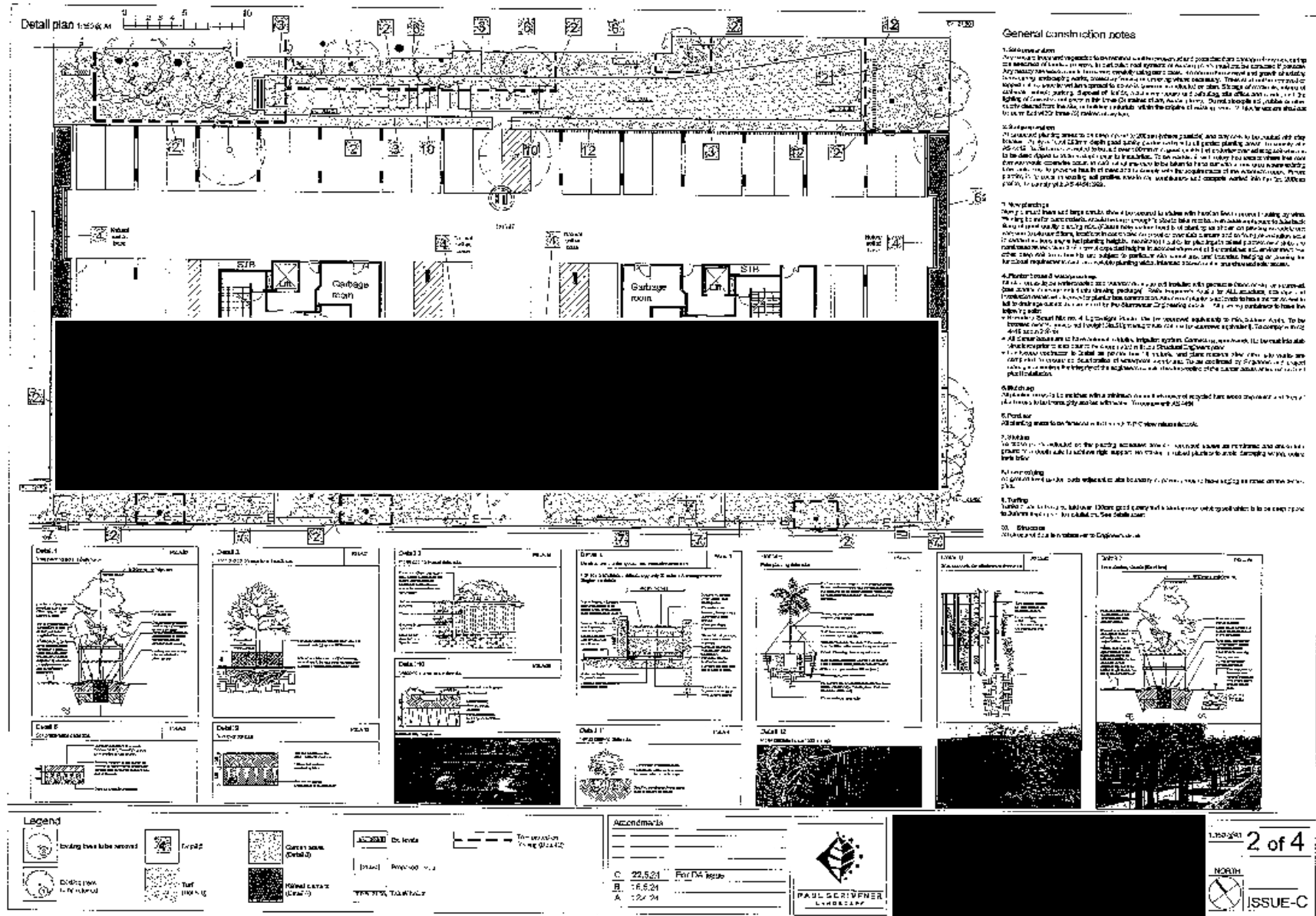


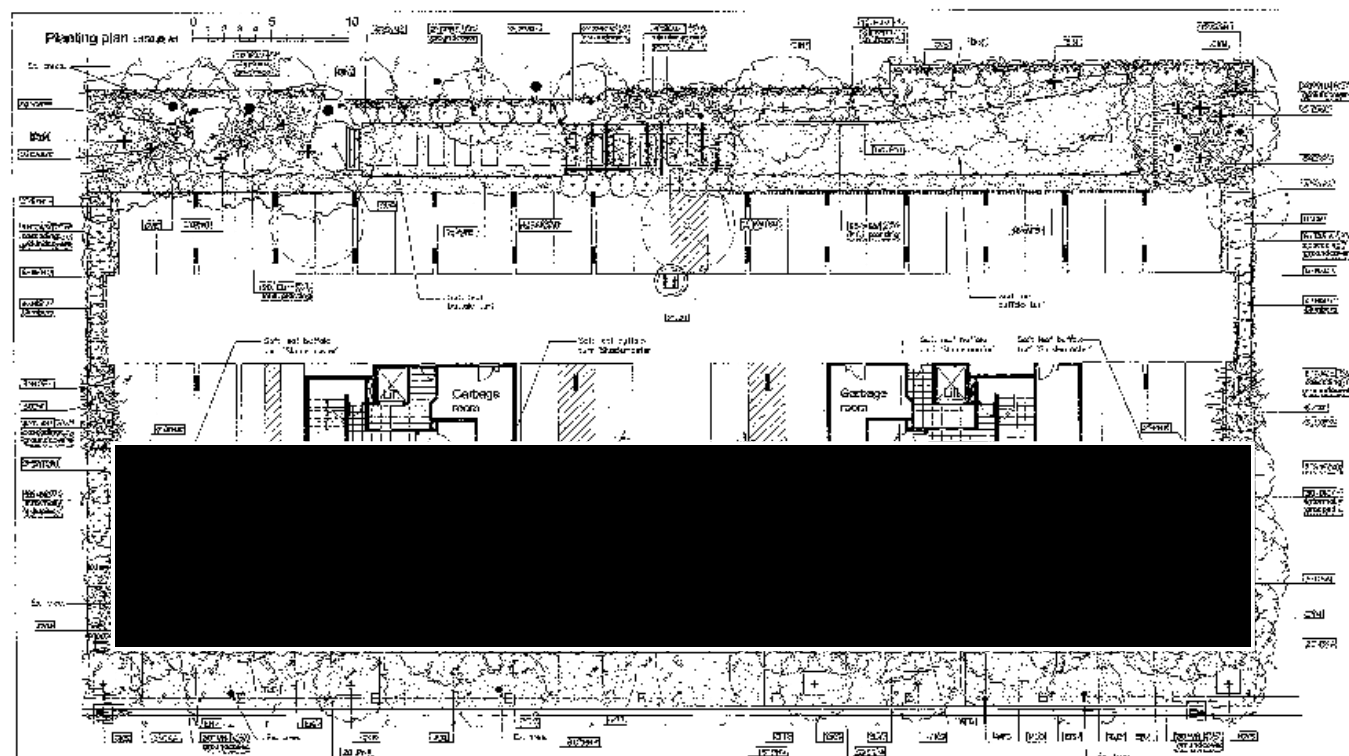


SK3106/2024 Plan Pearce St 15-21 Liverpool NSW 2170 - Plans of Proposal









Planting schedule

[illegible]

Maintenance schedule

[illegible]

Any version of the code should be comparable to the original and (K) 3.400-073
 ability of the participant in applying the course shall include the following:

- [illegible]

Irregularities noted:

Automatic data flow ensuring system to be selected. To convert to A_{∞} position once again relied on the deep and shallow base areas, see Fig. 10. Instead of initial placement between two slots, (all have) water to be available. Fish supply the demands on. Instead no CO range drawings (to be considered with respect to 80 actual degree of freedom). Original way symmetricity to be incorporated.

Fabrication by the project manager and prior Turbulence Committee approval by the Engineering-Advisory Committee are required steps to reach the following milestones.

[illegible]

Streams, and contact is provided for streams and a portion of the surrounding area.

Classical and modern British classical rhetoric may inhibit classical language there is a history aspect but an important critique against for any classical rhetorical analysis is different

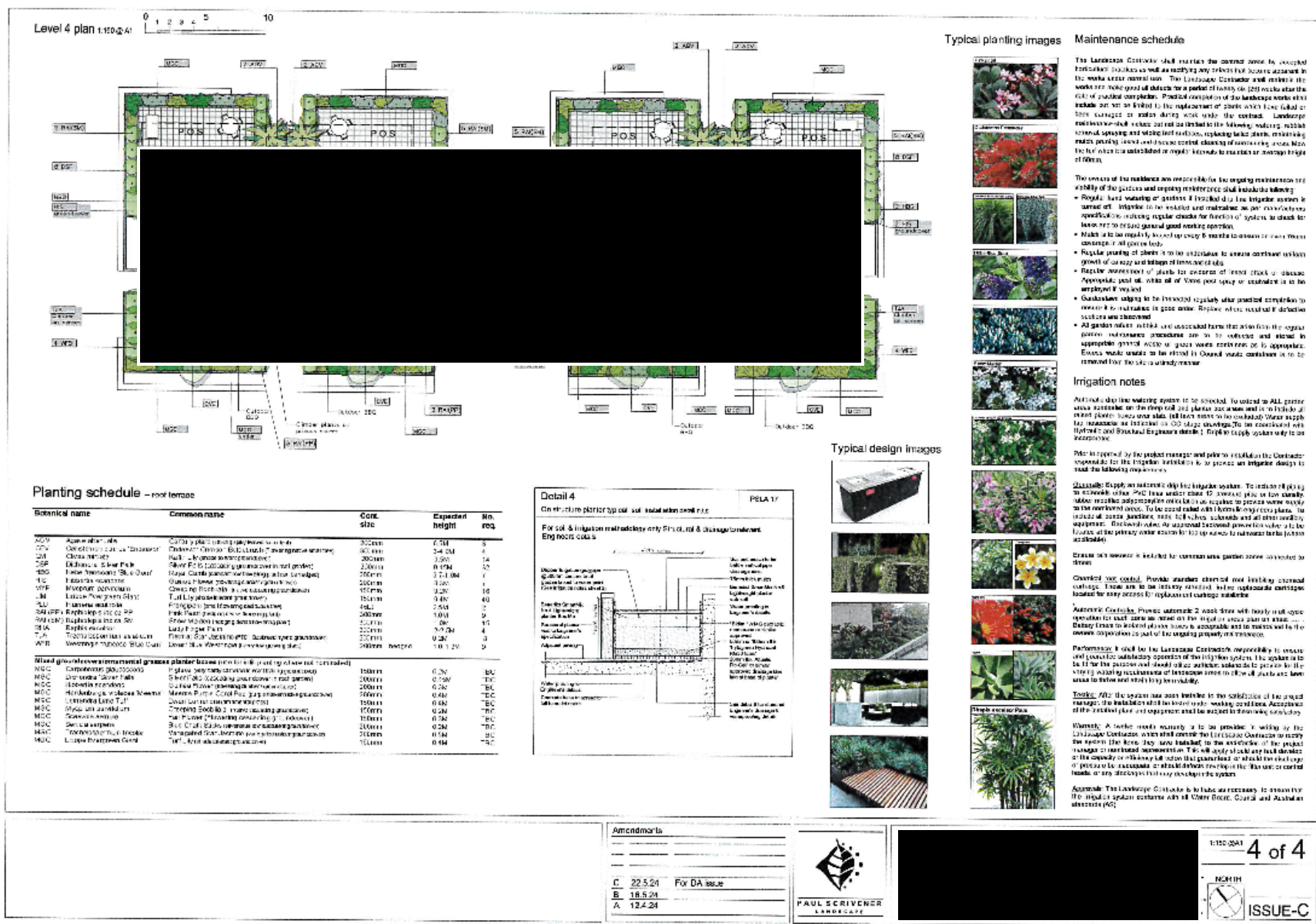
Autogenic Conditioning: Provides awareness of each team's split, a wide conditioning program for each zone as defined on the Interpretation plus on sheet Early focus on behind plunger boots to improve and to be maintained by the owners, corporation or out of the ongoing priority maintenance.

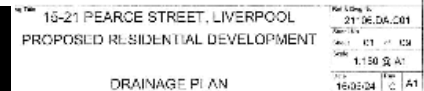
Furthermore, it itself, as the Language Circuits, is responsible to control and guarantee satisfactory operation of the linguistic system. This involves, in fact, for the purposes we should utilize and it is mainly to provide on the way, making requirements of knowledge and a different type of information source to develop and satisfy long-term goals.

Twisting: After how system has been installed in the combination of the project manager, the contractor will be bound under working conditions. The system of the installed plant and equipment will be subject to their using authority.

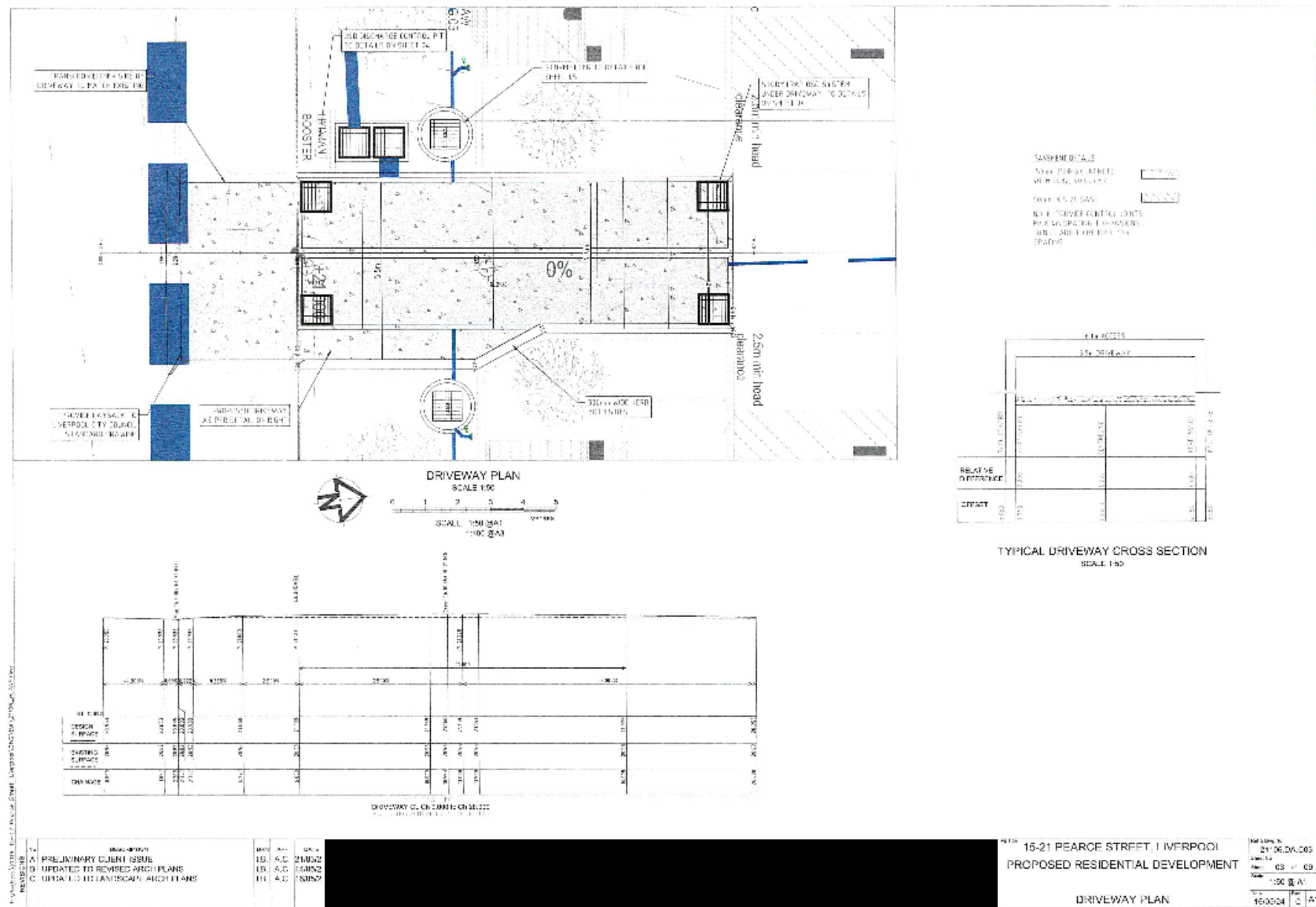
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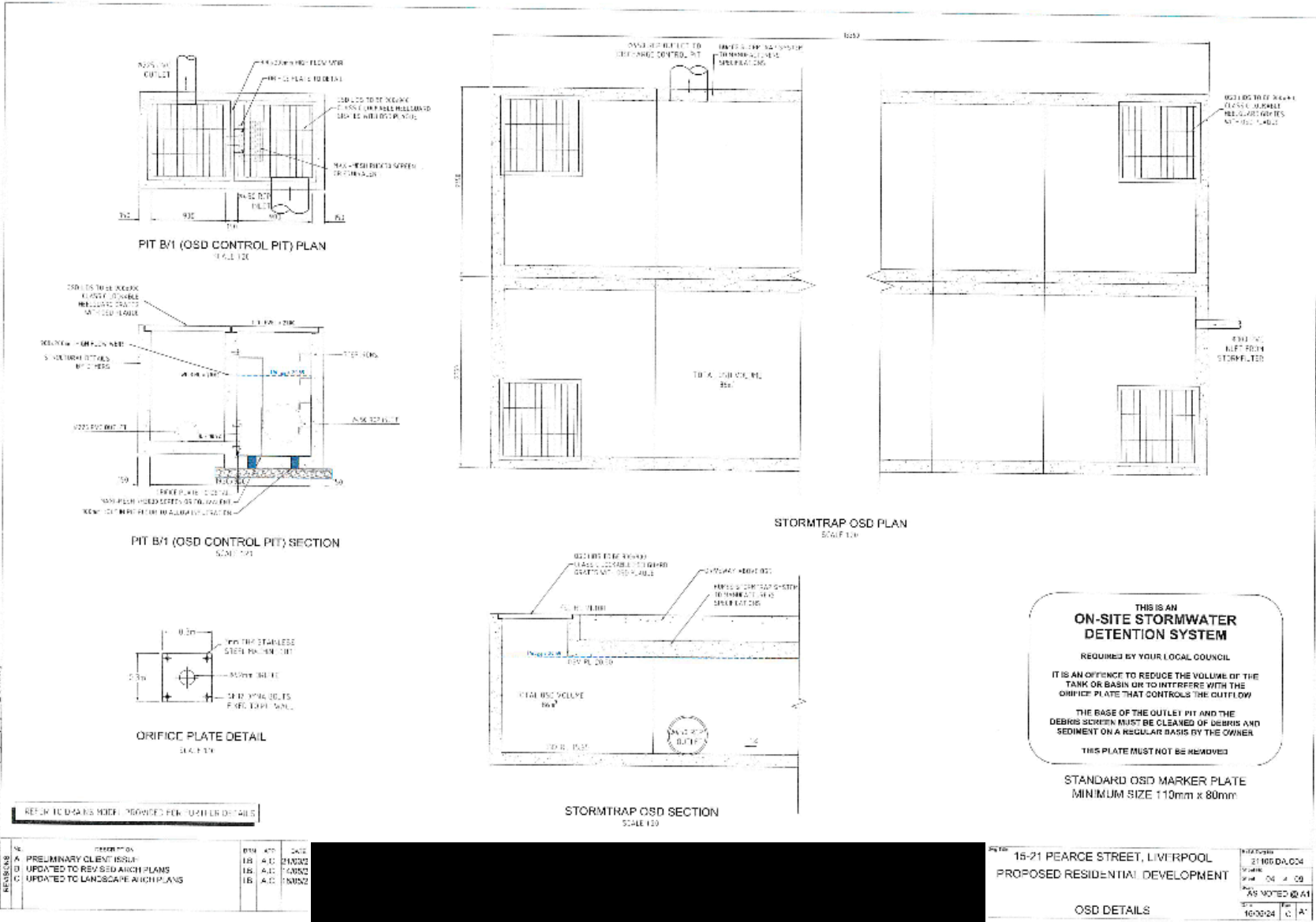
Access: The Landscape Coordinator is to have, or necessary, full access to the Tripples system in line with all Water Board, Council and Australia Water staff (40).



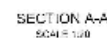
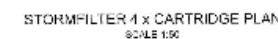
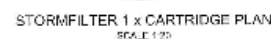








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Key Attribute ID	Key Attribute Name	Category A Metrics										Category B Metrics										Category C Metrics									
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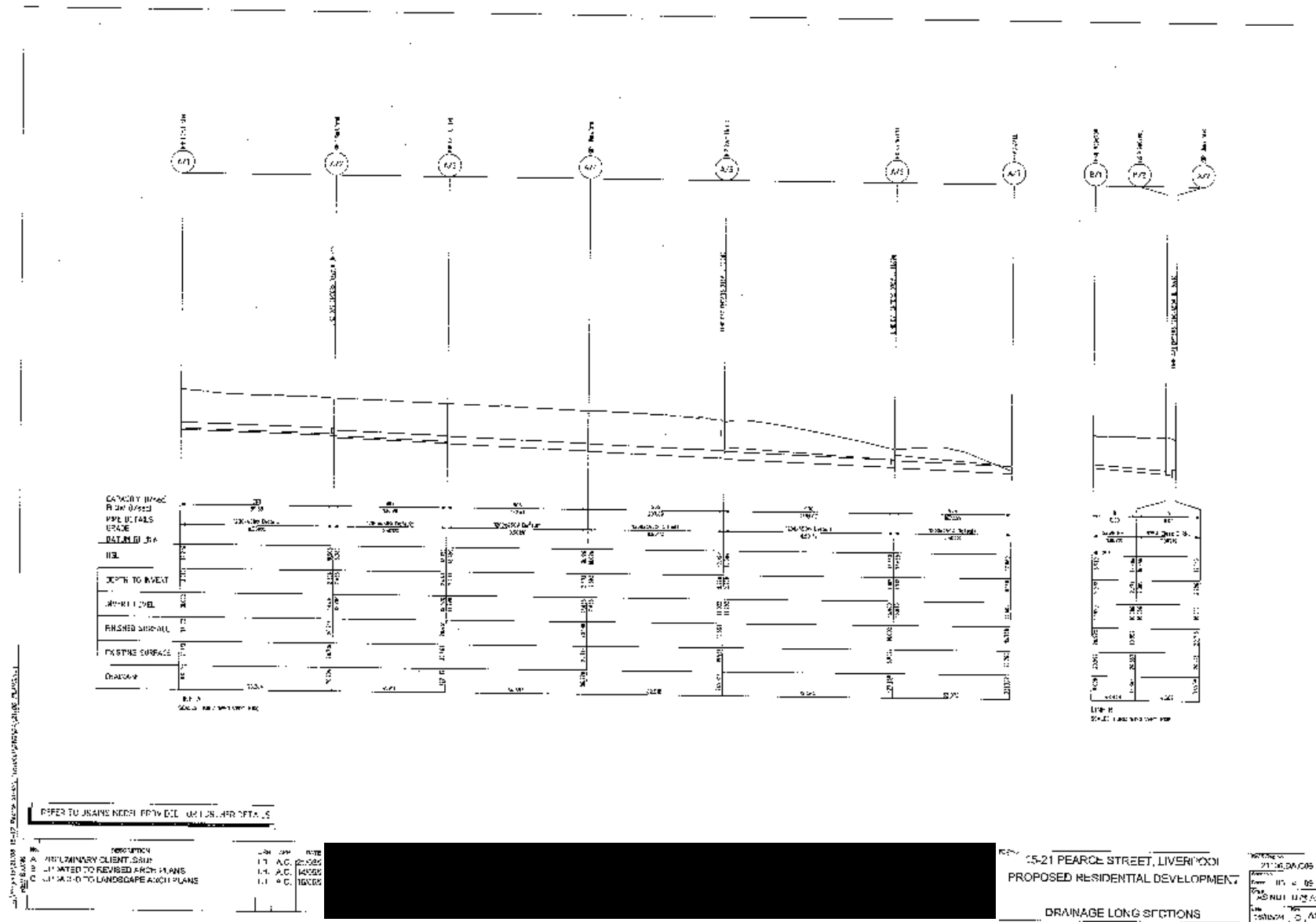
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177	Ref. Type	Ref. Author	Ref. Results	Ref. Literature	First Name	First Name	Ref. Results
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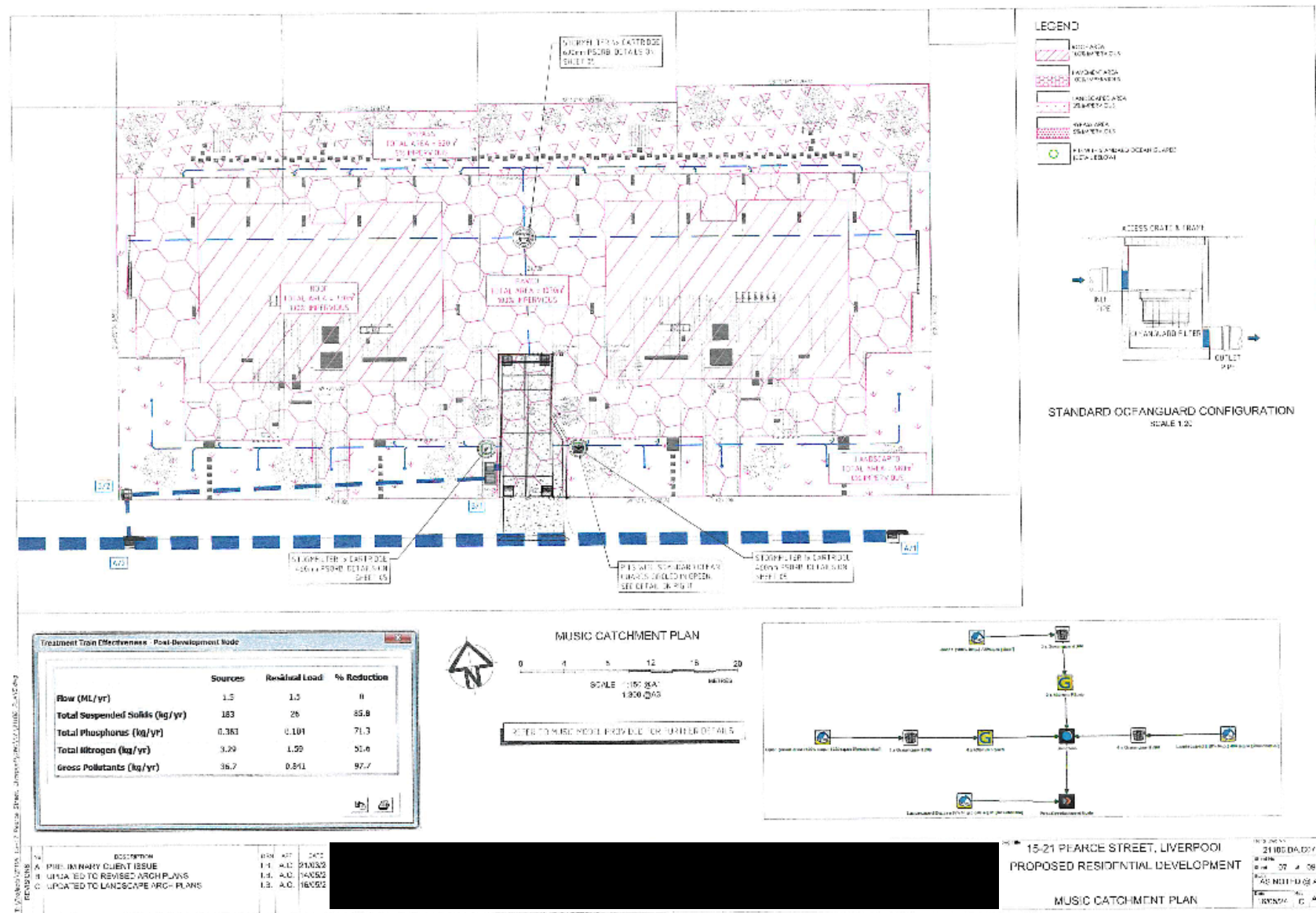
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15	FLOOR SLAB THICKNESS: 120
20	FLOOR SLAB FINISH: SMOOTH
25	FLOOR SLAB AREA: 1000
30	FLOOR SLAB PERIMETER: 100
35	FLOOR SLAB VOLUME: 120

8. 40-16-12 DRAWS NOT PROVIDED FOR FURTHER DETAILS

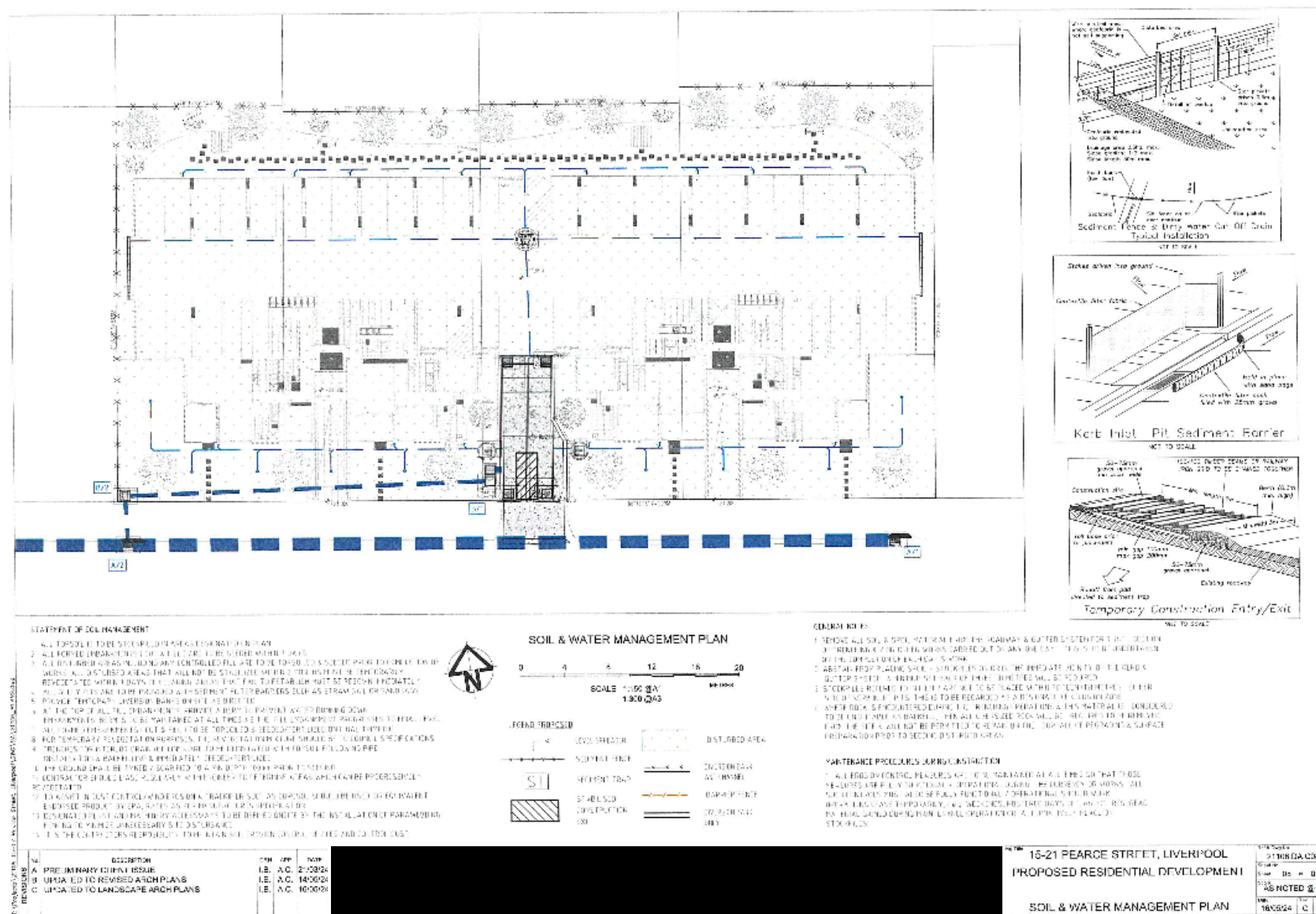
DRAINAGE DETAILS

2109.DA.005
Identified
Qtd C5 ✓ C9
Notes
AS NOTED (C5 A)
Site
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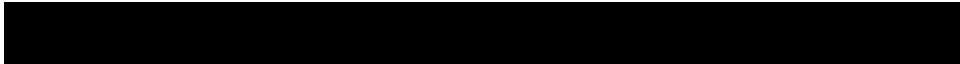
Minutes

MINUTES OF DESIGN EXCELLENCE PANEL MEETING Thursday, 10 October 2024

DEP PANEL MEMBERS PRESENT:

Shaun Carter	Chairperson	Carter Williamson Architects
David Moir	Panel Member	Moir Landscape Architecture
Michael Mandl	Panel Member	Mandl Consults Pty Ltd

APPLICANT REPRESENTATIVES:



OBSERVERS:

Amanda Merchant	Panel Support Officer	Liverpool City Council
Melissa Riley	Convenor/Sen. Urban Design Advisor	Liverpool City Council
Robert Micallef	Sen. Development Assessment Planner	Liverpool City Council
Darren Laybutt	Town Planner	GAT & Associates

ITEM DETAILS:

Item Number: 2

Application Reference Number: DA-310/2024

Property Address: 15 Pearce Street, Liverpool, 17 Pearce Street, Liverpool, 19 Pearce Street, Liverpool, 21 Pearce Street, Liverpool & 99-101 Rose Street, Liverpool.

Council's Planning Officer: Robert Micallef

Applicant: Mackenzie Architects International

Proposal: The development proposal is for the demolition of the existing dwellings on the subject site, and construction of a five storey in-fill affordable residential flat building development with at-grade carparking. The proposal has been designed across two buildings, and contains a total of 44 x two bedroom units, including 14 x affordable rental units.

Associated stormwater drainage works are also proposed along Pearce Street and through a public reserve.



Minutes

The proposed development is identified as Nominated Integrated Development pursuant to the Water Management Act 2000 requiring approval from the Department of Planning, Industry and Environment – Water.

The application is subject to a deemed refusal appeal to the Land & Environment Court.

Meeting Venue: Microsoft Teams Meeting

1.0 WELCOME, ATTENDANCE, APOLOGIES AND OPENING

The Chairperson introduced the Panel and Council staff to the Applicant Representatives. Attendees signed the Attendance Registration Sheet.

The Liverpool Design Excellence Panel's (the Panel), comments are to assist Liverpool City Council in its consideration of the Development Application.

The absence of a comment under any of the principles does not necessarily imply that the Panel considers the particular matter has been satisfactorily addressed, as it may be that changes suggested under other principles will generate a desirable change.

All nine design principles must be considered and discussed. Recommendations are to be made for each of the nine principles, unless they do not apply to the project. If repetition of recommendations occur, these may be grouped together but must be acknowledged.

2.0 DECLARATIONS OF INTEREST

The Panel Chair, Shaun Carter notes he is representing a client at the Land & Environment Court in a Byron Bay matter, which is designed by the Architect. This matter is going to a hearing later this year, however the aspects of the matter Shaun are involved in seem largely resolved.

3.0 PRESENTATION

The applicant presented their proposal for 15 Pearce Street, Liverpool, 17 Pearce Street, Liverpool, 19 Pearce Street, Liverpool, 21 Pearce Street, Liverpool & 99-101 Rose Street, Liverpool NSW 2170

4.0 DEP PANEL RECOMMENDATIONS

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

Car Park

1. The Panel highlights that basement car parking is typical of a residential flat building, because it enables the ground floor plane to have adequate landscaping, quality communal space, sufficient separation and landscape buffer to neighbouring properties.



Minutes

The applicant provided justification for why at-ground parking is being proposed for this project, and the design strategies incorporate to mitigate negative impacts. The Panel is supportive of the initial strategies such as the apartments at ground concealing parking from the street frontage, however much more work is needed to further mitigate the impacts and achieve a good and supportable design outcome, including for neighbouring residents, as outlined in further detail through the recommendations in these Minutes.

2. The Panel notes there is a growing trend across the industry and other Council's throughout Sydney for more flexibility and a reduction of car parking requirements for residential buildings, due to the cost savings, improvements to design, amenity and space given over to landscaping. The Panel encourages this be discussed between the Applicant and Council and recognises this is a complex and broader issue involving multiple stakeholders and may not be resolved for this project.
3. Currently due to the expanse of above ground parking, a resident will be overlooking cars and concrete/bitumen hard surfaces, where a resident normally would look onto landscaping and usable communal space. These areas, instead of being a green environment will emit noise, heat, harsh reflected light and will be a very poor visual outcome. At night, car park movement and security lighting will be similarly disruptive to residential amenity.
4. While basement parking is preferred, if it is not to be further explored, the Panel advises the extent of car parking should be reduced, whether through design efficiency or reduced numbers, so that the parking is completely under the building above, and the landscape and usable space is increased.
5. Building setbacks form part of the controls as there is an expectation that this zone acts as a filter between uses, providing a landscaped buffer to mitigate noise, enhance privacy and ensure that good amenity is maintained between sites and buildings. Car parking above ground and within the side setbacks creates noise day and night, is not consistent with setback controls and should be removed.
6. Based on the current drawings, it appears that about 6-8 car spaces need to be deleted, to enable the car parking to be within the building footprint. The Panel recommends a reduction in the apartments to address some of the car park impact issues. Some suggestions on how this could be achieved include adjusting the mix to support less cars and combining the four top floor apartments into two penthouses. Design efficiencies such as reviewing the column spacing, reducing ground floor apartments sizes, consolidation of the waste rooms can be explored.
7. The Panel recommends a landscaped deck be introduced above the car park in between the buildings at level 1, to completely cover the car park and driveway entry. Generous landscaping should be provided at this level providing a landscaped outlook, mitigating the poor visual impact of the car parking from above and providing weather protectivity to the cars. In addition, exploration of turning this area into Private Open Space for the adjacent apartments or Communal Open Space is recommended, noting this would require some amendments to the apartment layouts to provide access. Removal of the COS from the upper levels could be considered, if provided in this area.



Minutes

8. There are benefits of above ground parking that are not available in basement parking. This includes the opportunity to create a higher quality arrival experience. The Panel advises that visual connection to landscaping and light is explored, such as generous planting along the perimeter, incorporation of skylights in the 'landscape deck' described in the previous point, quality and permeable screening (where screening is needed), consideration of solar access, and good quality artificial lighting as opposed to standard fluorescent lighting.
9. The above ground parking also creates a unique opportunity to create flexible space for the residents. The Panel recommends investigation of the variety of ways this space can be adapted, utilised, and considered into the design. Activities could include holding residential community events, gatherings, play area for kids and ball sports on occasions.
10. The treatment of the perimeter of the car park and interface with the communal space needs further consideration. The Panel suggests the east and west sides are screened to improve amenity to the neighbours. Screening such as patterned breeze blocks, or battens should be explored. The Panel suggests the appropriate treatment along the north perimeter is guided by the activities anticipated in response to the previous recommendation above. For example if it is more desirable for areas of the car park to extend into the Communal Open Space at the rear when events are held then leaving these areas open could be a better functional outcome.
11. The Panel encourages the incorporation of car stackers to reduce the extent of car parking area (and to help car park numbers) and notes while this would require a higher ground level floor to floor dimension, the project is well within the height controls. This is subject to confirmation with Council's Planning Officer.

Landscape and Climate Resilience

12. The Panel recommends generous landscaping is provided along each boundary as a buffer between neighbouring buildings and to improve privacy and amenity.
13. There appears to be inconsistency between the architectural and landscape plans, and it is unclear whether the planter boxes in the street frontage are within the Private Open Space (POS) or part of the public areas, therefore strata managed. Planter boxes require ongoing maintenance, and if not maintained properly these could risk impacting the visual appearance, particularly when in the street frontage. The Panel recommends that, where planters and proposed planting form an integral part of the aesthetic of the building and its contribution to the streetscape, it needs to be demonstrated that these can be managed by the strata and not be the responsibility of the occupier to maintain.
14. Further to the above, the architectural drawings illustrate direct access from the ground floor apartments to the street, which is not shown on the landscape drawings. Drawings are to be revised and coordinated, noting direct access to the street is preferred.
15. The Panel recommends further development of the landscape design and incorporation of Connecting with Country particularly throughout the Communal Open Spaces. Strategies to Care for Country, resilient species selection, Country narratives, attracting flora and fauna should all be considered.



Minutes

16. The Panel emphasises climate resilience is fundamental in Western Sydney, where temperatures reach hotter levels in summer and colder in winter than other parts of Sydney, and the LGA is subject to severe Urban Heat Island Effect. The landscape design and Caring for Country approach has a crucial role in improving climate resilience for this project and an overall more comfortable environment throughout the development, improving amenity for residents.
17. The Panel recommends, as part of the Connecting with Country and ESD approach, that photovoltaic panels are incorporated on the rooftop to power all the communal lighting and EV Charge points, rainwater collection tanks are incorporated to collect a minimum of 20 000L to water gardens, and heat loads and losses throughout the building are minimised.
18. As part of the Connecting with Country and ESD approach and to minimise water run-off, the Panel recommends that absorptive, permeable surfaces to the car park be explored, instead of the typical bitumen or concrete treatment.

Planning and Amenity

19. The pedestrian amenity from the apartments to the Communal Open Space at ground level is poor, with lift lobby doors opening directly into the car aisle, residents having to cross the car park aisle and then walk along the aisle and then through an accessible car space's shared zone to gain access to the open space. This creates conflicts between residents, and vehicles with consequential safety issues and is not supported. The ground floor arrangement must be revised to create a more direct, dedicated and generous, safe access and circulation with pedestrians prioritised over vehicles.
20. The Panel requests the applicant address the visual and acoustic privacy concerns between the apartments facing each other in the space between the two buildings within the development, through amendments to the window design, positioning, orientation and screening.
21. The Panel recommends analysis of the development's surrounding existing and potential future development, such as where eventually developed built form is likely to be sited on the northern neighbouring site, and to then demonstrate how overshadowing and privacy impacts to this development's apartments and communal open space have been addressed.
22. The Panel notes that the Apartment Design Guidelines (ADG) should be adhered to as they provide adequate acoustic and visual privacy and notes dimensions on the top floor plan have not been provided. This floor should have 9 metres setback from the side and rear boundaries to habitable rooms and balconies. Revised drawings should be provided demonstrated consistency with the ADG.
23. The Proposed Communal Open Space is currently on the south side of the building receiving poor solar access. The Panel recommends the roof top Private Open Space to the north and Communal Open Space to the south is flipped, and recognises this will involve amendments to these apartments. An alternative location for the COS should be



Minutes

part of this review. The interaction with the current COS and the apartment bedrooms is not acceptable.

24. Research that informed the draft Amendment to the Liverpool DCP 2008 identified the growing need for apartments for families, and proposes for 25% 3-4 bedrooms apartments in the Liverpool City Centre and other high-density areas in the LGA. The Panel encourages 3-4 bedroom apartments are incorporated into the development for improved housing diversity and respond to the future need of the community. In the process this will create the added benefit of reducing the number of parking required for the development.
25. The Panel recommends all floor-to-floor heights be increased to 3.2m in response to the requirements of the Design & Building Practitioners Act.
26. The Panel recommends further design resolution and refinement of the ground floor lobbies and removal of the air lock, noting these should have a strong arrival experience.

Aesthetics

27. The Panel requests substations, fire hydrants and other large format services are illustrated on the drawings demonstrating how they are integrated with the built form, screened and have minimal visual impact to the streetscape. Further the Panel requires the location and the treatment of all mechanical plant including air-conditioning plant to be shown.
28. The Panel recommends the materials proposed are robust and low maintenance, such as face brick, concrete, and aluminium for windows and doors.
29. The Liverpool LGA experiences severe Urban Heat Island Effect, which is of particular concern for the development and its context experiencing significant density, and material colour has a significant role in absorbing and radiating heat. The Panel recommends a lighter colour palette is proposed.

5.0 OUTCOME

The panel have determined the outcome of the DEP review and have provided final direction to the applicant as follows:

The proposal is not supported by the DEP and must return to the panel, with all feedback incorporated or addressed.

REPORT ATTACHMENT 5 – DRAFT REASONS FOR REFUSAL

Reasons for Refusal

1. The proposed development has not provided written consent of the owner of 99-101 Rose Street, Liverpool, for the drainage works sought on the land as required by Section 23(1)(b) of the Environmental Planning and Assessment Regulation 2021, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.
2. The proposed development has not been submitted with details of the registered community housing provider who will manage the affordable housing component as required by Section 26(1)(a) of the Environmental Planning and Assessment Regulation 2021, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.
3. The proposed development has not provided sufficient information to allow Council to be satisfied that the site of the stormwater drainage works is not contaminated and that, if contaminated, the land is suitable for the works or can be remediated, as required by Section 4.6 of State Environmental Planning Policy (Resilience and Hazards) 2021, pursuant to Sections 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
4. The proposed development has not provided sufficient and consistent information to allow for the assessment of tree removal and drainage in accordance with Chapter 2 Vegetation in non-rural areas and Chapter 6 Water Catchments of State Environmental Planning Policy (Biodiversity and Conservation) 2021, pursuant to Sections 4.15(1)(a)(i) and 4.15(1)(b) of the Environmental Planning and Assessment Act 1979.
5. Insufficient information has been submitted to confirm if a substation is required for the development as identified in the Endeavour Energy referral per Section 2.48 of State Environmental Planning Policy (Transport and Infrastructure) 2021, pursuant to Sections 4.15(1)(a)(i) and Section 4.15(1)(d) of the Environmental Planning and Assessment Act 1979.
6. The proposed development does not provide sufficient information to enable a full assessment of or achieve satisfactory compliance with Schedule 9 - Design principles for residential apartment development, as required by Section 147(1)(a) of State Environmental Planning Policy (Housing) 2021 pursuant to Sections 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
7. The proposed development does not provide sufficient information to enable a full assessment of or achieve satisfactory compliance with the objectives of the Apartment Design Guide as required by Section 147(1)(b) of State Environmental Planning Policy (Housing) 2021, including:
 - a. 3B Orientation
 - b. 3C Public Domain Interface
 - c. 3D Communal Open Space
 - d. 3F Visual Privacy
 - e. 3J Bicycle and Car Parking
 - f. 4E Private Open Space and Balconies
 - g. 4G Storage

- h. 4H Acoustic Privacy
- i. 4K Apartment Mix
- j. 4L Ground Floor Apartments
- k. 4M Façades
- l. 4O Landscape Design
- m. 4V Water Management and Conservation

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

8. The proposed development does not provide sufficient information to respond to the advice reviewed from the design review panel, as required by Section 147(1)(c) of State Environmental Planning Policy (Housing) 2021 pursuant to Sections 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
9. The proposed development contravenes the bonus FSR permitted under Section 16 of the State Environmental Planning Policy (Housing) 2021 and is not supported by a written request under Clause 4.6 of the LLEP 2008 to vary the development standard, pursuant to Sections 4.15(1)(a)(i) and 4.15(1)(b) of the Environmental Planning and Assessment Act 1979.
10. Insufficient information has been submitted to allow Council to carry out a full and proper assessment of the application. The application's flood study has not provided sufficient information for Council to support the application in its current form under Clause 5.21 Flood Planning of the LLEP 2008 pursuant to Sections 4.15(1)(a)(i), 4.15(1)(a)(iv), 4.15(1)(b), 4.15(1)(c) and 4.15(1)(d) of the Environmental Planning and Assessment Act 1979.
11. The proposed development is not consistent with the objectives of the R4 High Density Residential zone under the Liverpool Local Environmental Plan 2008 as the proposed development does not demonstrate satisfactory compliance with ensuring a *variety of housing types within a high density residential environment*, pursuant to Sections 4.15(1)(a)(i) and 4.15(1)(b) of the Environmental Planning and Assessment Act 1979.
12. The proposed development does not provide sufficient information to enable a full assessment of or achieve satisfactory compliance with the controls stipulated in the Liverpool Development Control Plan 2008, including:
 - a. Part 1: General Controls for all Development
 - i. Section 2 – Tree Preservation
 - ii. Section 3 – Landscaping and Incorporation of Existing Trees
 - iii. Section 6 – Water Cycle Management
 - iv. Section 9 – Flooding Risk
 - v. Section 10 – Contaminated Land Risk
 - vi. Section 20 – Car Parking
 - vii. Section 25 – Waste Disposal and Re-use Facilities
 - b. Part 3.7: Residential Flat Buildings in the R4 zone
 - i. Section 3 – Site Planning
 - ii. Section 5 – Landscaped Area and Private Open Space
 - iii. Section 6 – Building Design, Streetscape and Layout
 - iv. Section 7 – Landscaping and Fencing
 - v. Section 8 – Car Parking and Access
 - vi. Section 9 – Amenity and Environmental Impact
 - vii. Section 10 – Site Services

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

13. Insufficient information has been provided to demonstrate that the proposed development would not have an adverse impact on the natural and built environment, or have a negative social impact, pursuant to Sections 4.15(1)(a)(iv), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
14. Insufficient information has been provided to demonstrate that the site would be suitable for the proposed development, pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
15. The proposed development is not considered to be acceptable having regard to the concerns raised from internal referrals within Council, pursuant to the provisions of Clause 4.15(1)(d) of the Environmental Planning and Assessment Act 1979.
16. The proposed development is not considered to be acceptable having regard to the concerns raised from community submissions, pursuant to the provisions of Clause 4.15(1)(d) of the Environmental Planning and Assessment Act 1979.
17. Due to the above reasons, approval of the development would not be in the public interest, pursuant to provisions of Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979.

ADVICE

The following matters are included as advice relative to this application:

- (i) *If you are dissatisfied with this notice of determination or the conditions contained within this notice of determination, Section 8.2, 8.3, 8.4 & 8.5 of the Environmental Planning and Assessment Act 1979 gives you the right to request a review of the determination within 6 months after the date of this determination.*
- (ii) *If you are dissatisfied with this decision, Section 8.7 & 8.10 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within 6 months*