

<b>JRPP No.</b>	<b>Item 1 (2010SYW004)</b>
<b>DA No.</b>	<b>DA-385/2010/A</b>
<b>PROPOSED DEVELOPMENT:</b>	<p><b>Section 96(1A) Modification to Notice of Determination 385/2010 issued for Housing for Seniors or people with a disability: forty-five (45) self contained dwellings, internal loop road, two-storey community centre with basement car parking and children's playground with associated shade sail to be constructed over four stages, as follows:</b></p> <ul style="list-style-type: none"> <li>• <b>Modification to the siting of independent living units in Stage 2, along the northern boundary</b></li> <li>• <b>Increase in the building footprint of the Community Centre building, internal modifications and provision of an additional two car parking spaces</b></li> <li>• <b>Amendment to Condition 38 regarding the requirement for Sydney Water's Notice of Requirements</b></li> <li>• <b>Deletion of Condition 45(b) regarding the provision of access for persons in a wheelchair across all driveways</b></li> <li>• <b>Replacement of the colorbond fencing with lapped and capped timber fencing along all boundaries</b></li> </ul>
<b>LOCATION:</b>	<b>LOT 100 DP 1148191, 9-37 JUDD AVENUE, HAMMONDVILLE</b>
<b>OWNER:</b>	<b>HAMMONDCARE</b>
<b>APPLICANT:</b>	<b>DANIEL MCNAMARA PLANNING SOLUTIONS</b>
<b>AUTHOR:</b>	<b>LIVERPOOL CITY COUNCIL</b>
<b>ATTACHMENT:</b>	<b>JOINT REGIONAL PLANNING PANEL REPORT REFERRED TO MEETING OF 10 DECEMBER 2010</b>

## **Assessment Report and Recommendation**

### **EXECUTIVE SUMMARY**

Council is in receipt of a Section 96(1A) application proposing to modify Notice of Determination 385/2010 issued for the construction of forty five (45) single storey dwellings to provide housing for seniors and/or people with a disability within the Hammond Village.

The application was determined by the Joint Regional Planning Panel – Sydney West Region at its meeting on 10 December 2009.

The proposed modifications involve:

- Modification to the siting of independent living units in Stage 2, along the northern boundary
- Increase in the building footprint of the community centre building, internal modifications and provision of an additional two car parking spaces
- Amendment to Condition 38 regarding the requirement for Sydney Water's Notice of Requirements

- Deletion of Condition 45(b) regarding the provision of access for persons in a wheelchair across all driveways
- Replacement of the colorbond fencing with lapped and capped timber fencing along all boundaries

The modifications are considered to have a minimal environmental impact, and the development is substantially the same development as the development for which the consent was originally granted.

The proposed development is defined as seniors housing under Liverpool Local Environmental Plan 2008. Seniors housing is prohibited in the prevailing R2 Low Density Residential zone, however as the proposal is submitted under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, the use is permitted on the site with consent.

The proposed development was notified for fourteen (14) days in accordance with Liverpool Development Control Plan 2008. During the notification period Council received four submissions from residents of adjoining properties. The main issues pertain to the material of the proposed fencing.

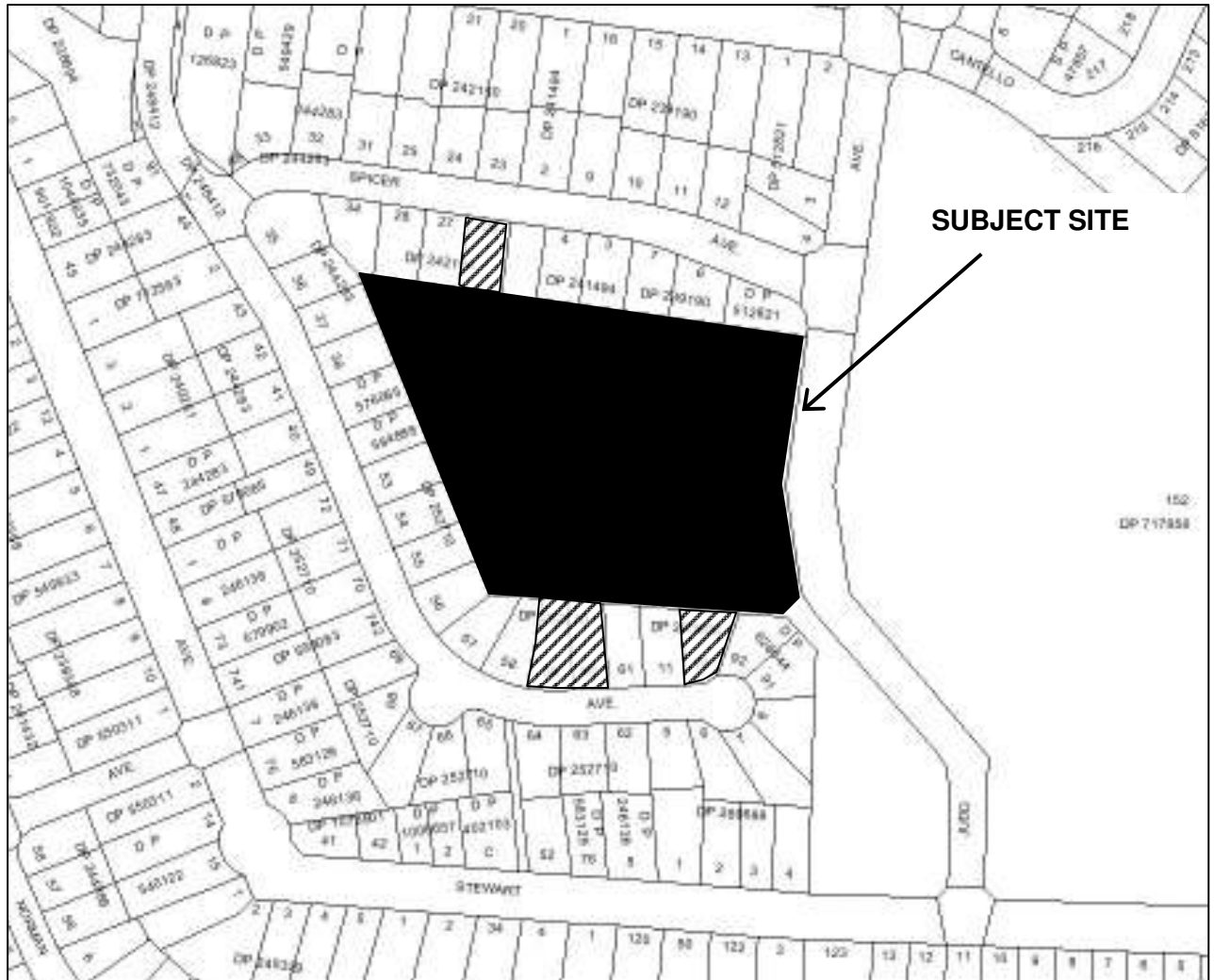
The application is referred to the Joint Regional Planning Panel to determination pursuant to clause 13F (a) of State Environmental Planning Policy (Major Development) 2005 as the development consent was previously granted by the Joint Regional Planning Panel.

## **RECOMMENDATION**

That:

1. The Joint Regional Planning Panel approves Section 96(1A) Application 385/2010/A proposing modifications to the approved housing for seniors or people with a disability development at Lot 100 DP 1148191, 9-37 Judd Avenue Hammondville, subject to the attached conditions of consent.
2. The persons who made a submission with regard to the proposed development be notified in writing of the Joint Regional Planning Panel's decision.

## LOCATION MAP:



Location of objectors' properties

↑  
NORTH

## **SITE DESCRIPTION AND LOCALITY:**

The site is identified as Lot 100 DP 1148191, Nos. 9 – 37 Judd Avenue, Hammondville. The allotment is irregular in shape, has frontage to Stewart Avenue, Judd Avenue and Spicer Avenue, and a total area of 2.578 hectares.

The site and adjoining properties to the east across Judd Avenue are located within the Hammond Village, which is a retirement / senior citizen village, operated by HammondCare.

The original buildings within Hammond Village were constructed in the early 1950's and comprise a mix of self-care units, nursing home and hostel style accommodation.

The southern portion of the site (with frontage to Stewart Avenue and Judd Avenue) is occupied by buildings constructed in accordance with the consent issued to DA-493/2004 (Stage 1).

The northern portion of the site, which is the subject of this development application, is currently vacant. The former building on site was known as 'Sinclair Home' and was recently demolished as part of the consent issued to Stage 2 of DA-493/2004.

Being one of the first integrated aged care housing facilities in Australia, and due to the association of HammondCare with the suburb of Hammondville, the site is identified as a heritage item under Liverpool Local Environmental Plan 2008.

Over 180 trees were located on the subject site prior to works commencing on the previous stages of development associated with the consent issued to DA-493/2004. Of these trees, approximately two thirds have been cleared to permit the development of this site.

A small portion of the site (south western corner) is affected by potential inundation from the probable maximum flood (PMF) event.

The built form of existing development in the immediate vicinity is generally low scale, primarily comprising a mix of single and two storey detached dwelling, with limited medium density developments in a range of architectural styles and building materials.

## **HISTORY:**

On 14 April 2004, Liverpool City Council determined a Development Application (DA-493/2004) on the subject site for the staged construction of forty two (42) two (2) bedroom and fourteen (14) three (3) bedroom multiple dwellings and associated internal road works, landscaping and car parking.

Stage 1 of the works identified in the consent has been completed and comprises of nine (9) dwellings (7 x 2 bedroom and 2 x 3 bedroom villas) on the southern portion of the site. Stage 2 includes construction of thirty five (35) dwellings (23 x 2 bedroom villas and 12 x 3 bedroom villas) and community facilities on the northern portion of the site.

Development of Stage 2 commenced in 2009 with demolition of the existing structures on the site and removal of trees.

Construction, however, has not commenced and in 2009, a Development Application (DA-385/2010) was submitted to Council for forty five (45) attached dwellings and a community centre building on the unbuilt portion of the site. This application was approved by the Joint Regional Planning Panel on 10 December 2009, and as a condition of consent, Notice of Determination 493/2004 must be surrendered.

The current approval involves:

- A two storey community centre comprising:
  - siting/dining room (also to be used for functions/events and activities organised by HammondCare for its residents), a Chapel, pool, gymnasium, kitchen, café, office spaces, hairdressing salon and amenities
  - a children's playground, with associated shade sail and fencing
- A basement car park for 35 spaces under the community centre building
- Forty five (45) single storey self-contained dwellings (independent living units), comprising:
  - 10 x 1 bedroom plus study,
  - 21 x 2 bedroom, and
  - 14 x 2 bedroom plus study units
  - Each dwelling is provided with a single garage
- An internal two way loop (private) road with a width of 5.4m, and fourteen (14) 'on-street' parking bays.

Construction has been approved over four stages.

## DETAILS OF THE APPLICATION

The Section 96(1A) application involves the following modifications:

### **(1) Minor change to the siting of independent living units along the northern boundary**

The fourteen dwellings adjacent to the northern boundary were previously grouped into two buildings, each comprising seven attached dwellings. A 3 metre wide separation was provided between the two buildings. The modified proposal provides the break between the dwellings moved to the west, primarily for drainage reasons. In this regard, the proposal now comprises of nine attached dwellings in one building, and five attached dwellings in the second building along the northern boundary. The building setbacks, height, etc of these buildings remains unchanged.

### **(2) Increase in the footprint of the community centre building, internal modification to the ground floor and provision of an additional two car parking spaces within the basement car park**

The building form of the community centre has been amended to provide additional articulation. This involves a slight increase in the floor area of the building. The facilities provided within the community centre remain unchanged, however the internal layout has been revised to provide more functional use of the community space. The rationalisation of plant and equipment within the basement, has resulting in two additional stacked car parking spaces being provided.

**(3) Amendment to the wording of Condition 38 in relation to Sydney Water's Notice of Requirements**

The wording of Condition 38 was slightly ambiguous in whether a Section 73 Compliance Certificate or Sydney Water's Notice of Requirements is required prior to issue of a Construction Certificate. A request for the re-wording of Condition 38 was made.

**(4) Deletion of the requirements for wheelchair access to be provided across each driveway of the development**

Condition 45(b) requires provision of crossings for persons in a wheelchair to be provided via the driveways.

Whilst having no lips in driveway crossings would be desirable for access, achieving disabled access is not possible at all driveways, particularly in the north western portion of the site.

Even in other locations on the site, where accessibility could be achieved, to design each driveway crossing as though it was an accessible lay-back or accessible kerb ramp will also mean a reworking of levels across the site to avoid the paths having an 'up and down' alignment. This would require kerb heights reduced to approximately 60mm or the kerb ramps at each driveway will extend across the paths and make the cross falls of these unworkable. Adjustment of levels in this way is not possible in all areas, and difficult in many others.

As a number of footpaths are only 0.5m behind the kerb line, there is not sufficient distance to allow for the majority of driveways to have access without a standard 25mm lip. A 25mm lip will not allow for wheelchair access, as *Australian Standard 1428-2001 Design for access and mobility* requires a lip no greater than 5mm.

Although each driveway cannot be made wheelchair accessible, it is intended to provide kerb ramps (in compliance with *AS.1428-2001 Design for access and mobility*) to facilitate wheelchair crossing of the internal access roadway at six (6) locations. These will be at approximate mid-way positions along each of the northern, western and southern portions of the internal access road.

**(5) Replacement of all boundary fencing with lapped and capped timber fencing**

Condition 138 stipulates that all boundary fencing is to consist of 1.8m high colorbond fencing. However the modified proposal involves the provision of 1.8m high lapped and capped timber fencing to the boundaries for the following reasons:

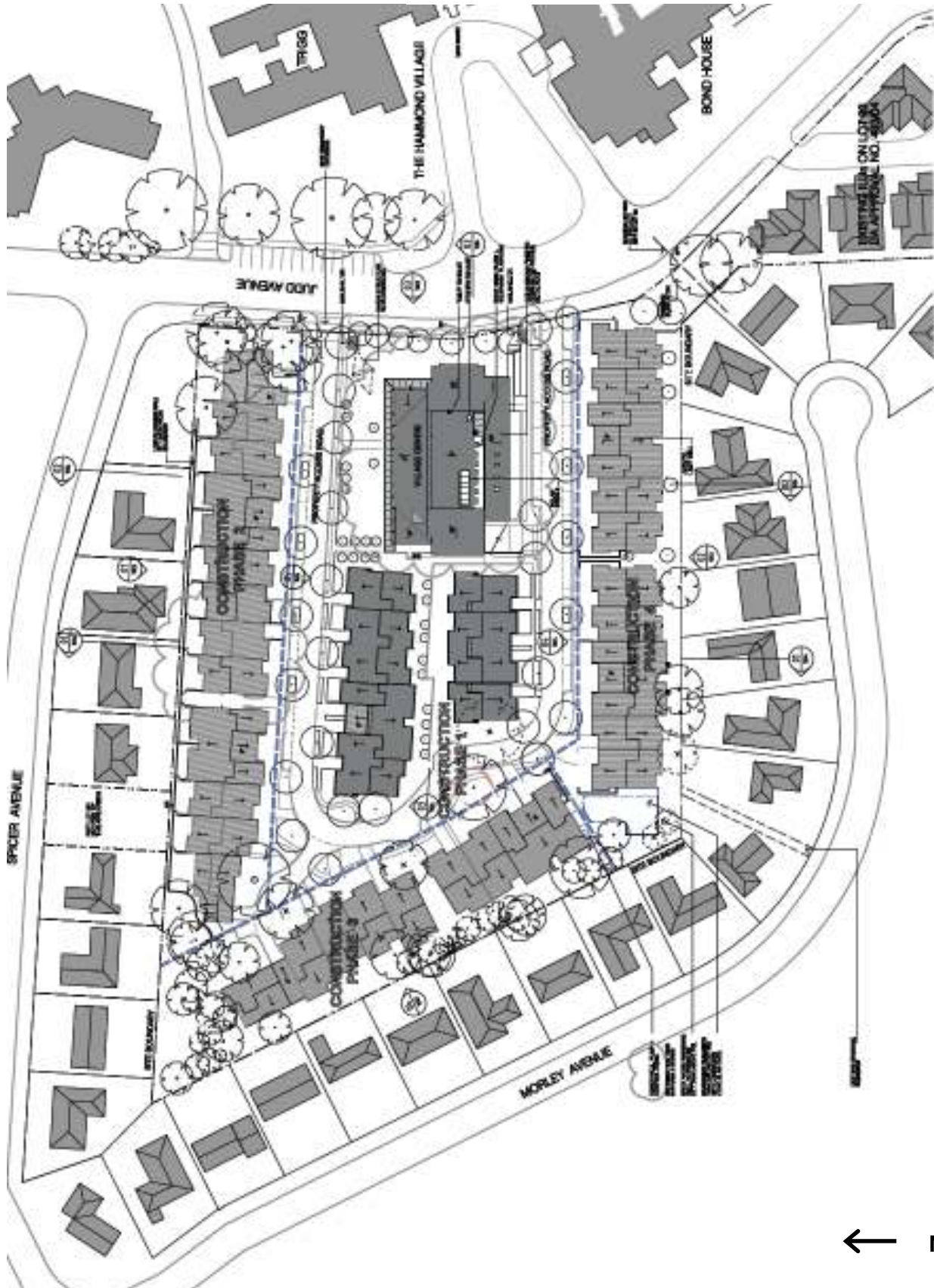
- (a) Timber fencing provides better aesthetics than colorbond fencing
- (b) Timber fencing offers a greater colour choice (if painted)
- (c) Timber is a renewable and more sustainable material

In addition, the following negative aspects of colorbond fencing, which make its use undesirable in the development, were also raised:

- (a) Colorbond fencing can rust and also get bent
- (b) Colorbond fencing absorbs and then radiates summer heat
- (c) Colorbond fencing can be very hot to touch

## PLANS

### SITE PLAN

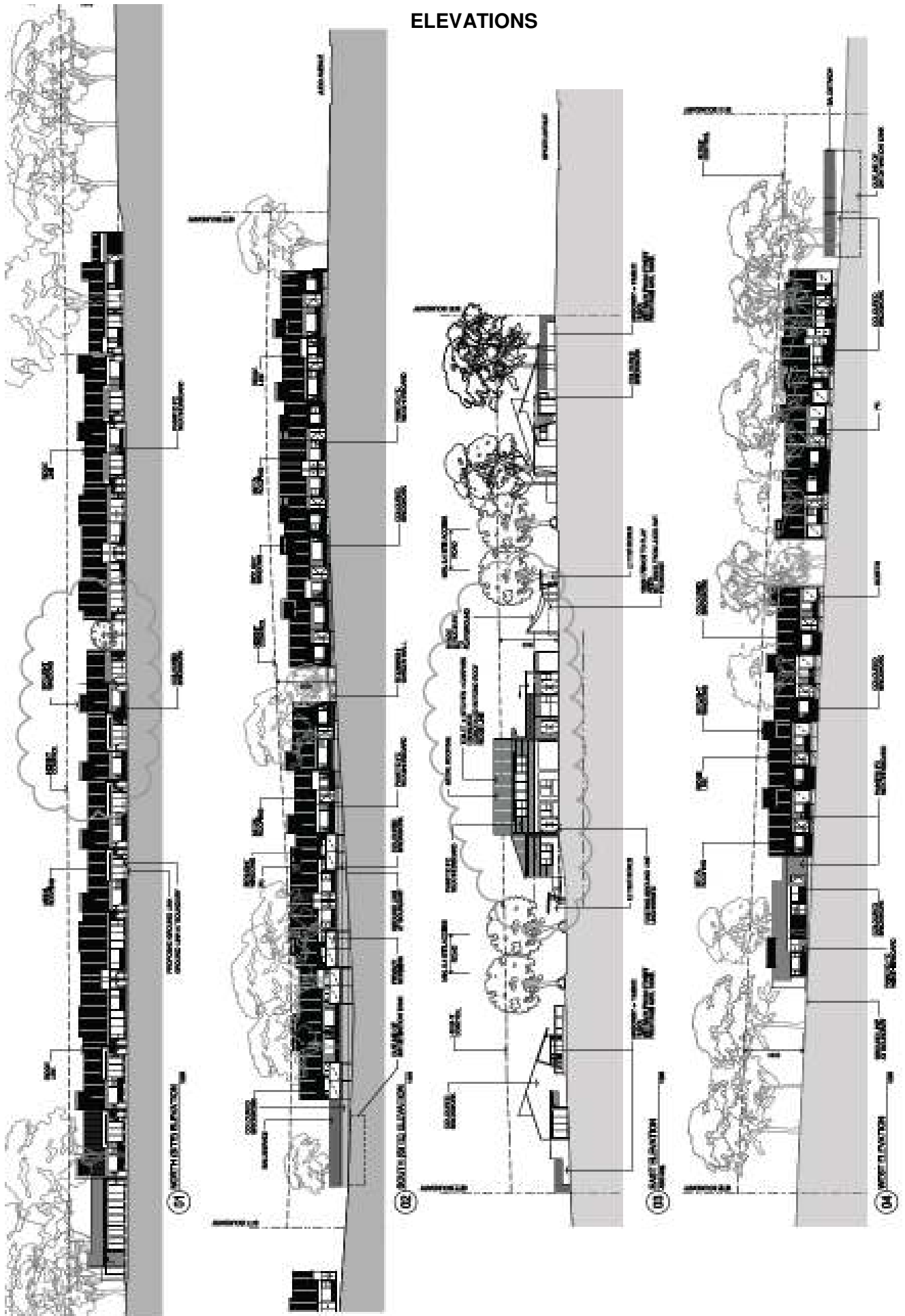


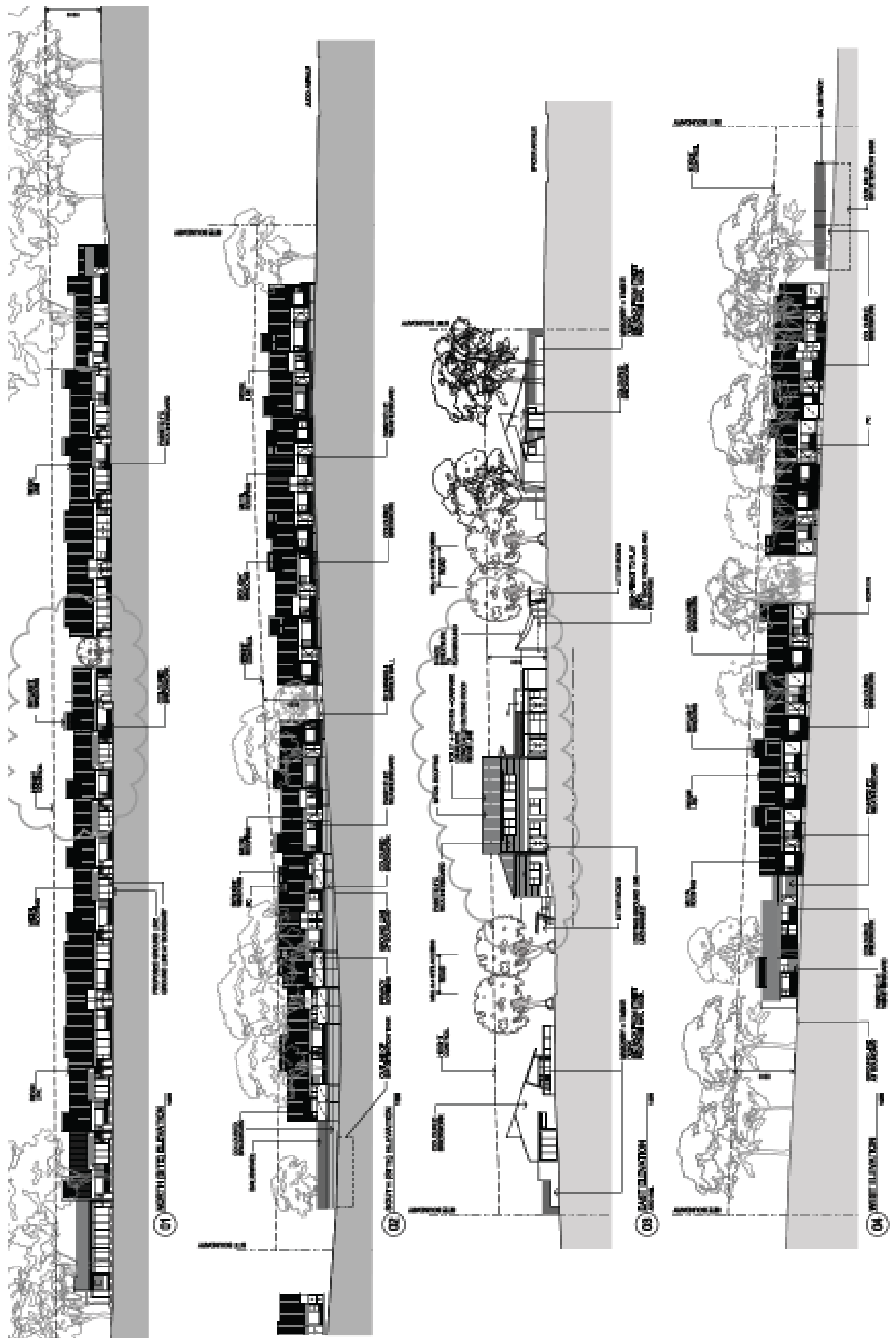
← NORTH

# OVERLL FLOOR PLAN



# ELEVATIONS







JRPP (Sydney West Region) Business Paper – 18 March 2010 – Item No. 1

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## PLANNING CONTROLS

The planning controls that relate to the proposed development are:

1. Environmental Planning and Assessment Act 1979
2. State Environmental Planning Policy (Major Development) 2005
3. State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
4. Liverpool Local Environmental Plan 2008
5. Liverpool Development Control Plan 2008

An assessment of the proposed development under the planning controls is provided below:

### **1. Environmental Planning and Assessment Act 1979**

In order to have the ability to modify a development consent under Section 96(1A) of the Environmental Planning and Assessment Act 1979 (EP&A Act), Council must be satisfied that the development as modified would be substantially the same as the development for which the development consent was originally granted.

The application must be substantially, or “essentially or materially”, the same as the development originally approved by Council, both in qualitative and quantitative terms.

In light of the above, the Section 96 proposal is substantially the same as the approved development that was initially approved by Council. The comparison of the physical features of the proposal are canvassed in this report. However in terms of comparing the qualitative and quantitative comparative aspects of the development, the development proposes an additional:

- 2 car spaces within the basement car park (total 37 spaces), representing a 5% increase;
- Increase in the floor area of the community centre building by 155 sq.m, representing a 5% increase

In addition to the minor increases, the characteristics of the development when taking into the consideration the qualitative aspects are considered essentially the same. The reason for this is that the current proposal:

- Does not increase the number of dwellings,
- Does not increase the height of the development;
- Does not alter the function of operation of the development; and
- Setbacks as approved by the initial development are maintained.

In consideration of the above, it is concluded that the proposal is substantially the same development that was approved by Council initially, and therefore satisfies the ‘substantially the same development test’ under Section 96 of the EP&A Act.

## **2. State Environmental Planning Policy (Major Development) 2005**

The provisions of SEPP 2005 apply to the Section 96 Application, as the previous determination was issued by the Joint Regional Planning Panel.

In this regard, Clause 13F of SEPP 2005 requires that the submitted application be referred to the Joint Regional Planning Panel for determination.

## **3. State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004**

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 applies to housing for seniors and people with a disability in the form of either a residential care facility, hostel or self contained dwellings.

In accordance with Clause 15 of the SEPP, Seniors Housing is permitted on land zoned primarily for urban purposes despite the provisions of any other environmental planning instrument if the development is carried out in accordance with the SEPP.

The original development proposal has been assessed against the SEPP and the development complies with relevant provisions of the SEPP. The minor amendments made to the proposed development do not affect compliance with the SEPP.

## **4. Liverpool Local Environmental Plan 2008**

### **4.1 Permissibility**

The subject site is zoned R2 Low Density Residential under the provisions of Liverpool Local Environmental Plan 2008 (LLEP). As canvassed in the previous JRPP report, State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 allows seniors housing with consent on land zoned primarily for urban purposes, where dwelling houses, residential flat buildings and/or hospitals are permitted.

Dwelling houses are permitted in the R2 zone, therefore seniors housing is permitted pursuant to the provisions of State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004.

The community centre, and ancillary hairdressing salon, is also permissible in the R2 zone, as Hammondcare is a non-profit community organisation.

### **4.2 Objectives**

The objectives of the R2 Low Density Residential zone are as follows:

- (a) To provide for the housing needs of the community within a low density residential environment.
- (b) To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- (c) To provide a suitable low scale residential character commensurate with a low dwelling density.
- (d) To ensure that a high level of residential amenity is achieved and maintained

The assessment of the original application revealed that the proposal will not adversely impact on the amenity of the surrounding locality and is consistent with the objectives of

the R2 Low Density Residential zone. The amended proposal also satisfies the above objectives.

#### **4.3 Clause 4.3 Height of Buildings**

The main objective of Clause 4.3 is to establish the maximum height limit in which buildings can be designed to encourage high quality urban form, and ensure buildings and public areas continue to receive satisfactory exposure to the sky and sunlight.

The maximum height for a building in this location is 8.5 metres. The building height is measured from existing ground level to the highest point of any building. The height of the amended proposal is unchanged. The residential buildings are single storey and are less than 8m in height to the ridgeline. The community centre building is 8.5m, thereby complying with this requirement.

#### **4.4 Clause 4.4 Floor Space Ratio**

This clause restricts the maximum floor space ratio (FSR) for buildings on the site to 0.5:1. Given that the community centre building has been slightly increased by 155 sq.m., the overall floor space ratio is increased by 0.01. In this regard the proposal satisfies the requirements of this clause having an FSR of approximately 0.32:1, which is well below the maximum FSR permitted.

#### **4.5 Clause 5.9 Preservation of Trees or Vegetation**

Clause 6.5 stipulates that a person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by development consent, or a permit granted by the Council.

A Flora and Fauna Report and Tree Report have been submitted with the original development application, and the recommendations of these reports were canvassed in the previous JRPP report. The amended proposal does not have any additional impacts on any trees or vegetation.

#### **4.6 Clause 5.10 Heritage Conservation**

Clause 5.10 states that development consent is required for erecting a building that is within a heritage conservation area and a Heritage Impact Statement may be required. A Heritage Impact Statement was submitted with the original development application. It was found that generally the proposed development would not have an adverse impact on the significance of the heritage listed Hammondville Home for Senior Citizens. The minor amendments to the siting of units and community centre building do not result in any additional heritage impacts.

#### **4.7 Clause 7.7 Acid Sulfate Soils**

Clause 7.7 states that Council shall not grant consent to development on land affected by acid sulfate soils unless appropriate assessment has been undertaken. The subject site is identified as Class 5 Land on the Acid Sulfate Soils Map. As such, for any works within 500m of adjacent Class 1, 2, 3, or 4 land that is below 5 metres AHD by which the water table will be lowered, an Acid Sulfate Soils Management Plan will be required.

A preliminary assessment of acid sulfate soils was submitted with the original development application and revealed limited risk in relation to acid sulfate soils.

## 5. Liverpool Development Control Plan 2008:

An assessment of the proposal against Liverpool Development Control Plan 2008 was provided in the previous JRPP report (copy attached). It was found that the development generally satisfied the requirements of Liverpool Development Control Plan 2008.

The amended proposal comprises the same general layout, building form and setbacks. In this regard, the amended proposal maintains compliance with DCP 2008.

A merit assessment of the proposed amendments is outlined below:

### (1) Minor change to the siting of independent living units along the northern boundary

As canvassed earlier in this report, the fourteen dwellings adjacent to the northern boundary were previously grouped into two buildings, each comprising seven attached dwellings. A 3 metre wide separation was provided between the two buildings, between Units 8 and 41.

The modified proposal involves two buildings, one comprising nine attached dwellings and the other comprising five attached dwellings. A 3 metre wide separation is still provided between the two buildings, however the location of this separation has been relocated approximately 15 metres to the west, between Units 12 and 14.

The building setbacks, height, etc of these buildings remains unchanged, and the modification is worthy of support.

### (2) Increase in the footprint of the community centre building, internal modification to the ground floor and provision of an additional two car parking spaces within the basement car park

The building form of the community centre has been amended to provide additional articulation. This involves a slight increase in the floor area of the building. The internal layout has been revised to provide more functional use of the community space. An additional two stacked car parking spaces are also proposed within the basement car park.

The modifications are considered to improve the appearance of the community centre building, through the provision of further articulation which reduces the bulk of the building. The provision of an additional two spaces is also supported.

### (3) Amendment to the wording of Condition 38 in relation to Sydney Water's Notice of Requirements

It is acknowledge that the wording of Condition 38 was slightly ambiguous in whether a Section 73 Compliance Certificate or Sydney Water's Notice of Requirements is required prior to issue of a Construction Certificate. It is recommended that the condition be amended as follows:

*"A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained **prior to issue of an Occupation Certificate**. To do so, 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](http://www.sydneywater.com.au), or telephone 13 20 92.*

*Following 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. The **Notice of Requirements** must be submitted to the PCA **prior to issue of a Construction Certificate**”.*

**(4) Deletion of the requirements for wheelchair access to be provided across each driveway of the development**

As canvassed earlier in this report, each driveway cannot be made wheelchair accessible due to kerb heights required for drainage, and the limited setback between the kerb and the footpath.

However, it is intended to provide kerb ramps (in compliance with *AS.1428-2001 Design for access and mobility*) to facilitate wheelchair crossing of the internal access roadway at six (6) locations. These will be at approximate mid-way positions along each of the northern, western and southern portions of the internal access road.

It is considered that the provision of six (6) crossing points is sufficient for the forty five units. Furthermore it is considered safer to provide crossings in central locations rather than having vehicle and pedestrian conflict at all driveway locations. In this regard, the modification is supported.

**(5) Replacement of all boundary fencing with lapped and capped timber fencing**

Council generally does not specify the material for fencing for new developments, as either colorbond or lapped and capped timber is generally acceptable for side and rear boundaries (behind the building line).

However, due to objections received in relation to the proposed lapped and capped timber fence, the JRPP imposed a condition for all boundary fencing to be colorbond.

The Dividing Fences Act 1991 outlines the circumstances to be considered by the Local Land Board in any fencing disputes. The following is to be considered when determining the standard for a sufficient dividing fence for the purposes of the Dividing Fences Act:

- (a) the existing dividing fence (if any)
- (b) the purposes for which the adjoining lands are used or intended to be used
- (c) the privacy or other concerns of the adjoining land owners
- (d) the kind of dividing fence usual in the locality
- (e) any policy or code relating to dividing fences adopted by the council of the local government area in which the adjoining lands are situated
- (f) any relevant environmental planning instrument relating to the adjoining lands or to the locality in which they are situated
- (g) in the case of a dividing fence affecting land the subject of a lease under the [Western Lands Act 1901](#), any order in force under section 18A of that Act

In relation to consideration (d) above, it is noted that the most common form of fencing in the locality is colorbond.

However, as Council, nor the JRPP, is the authority to regulate dividing fences, it is recommended that the imposed condition be amended to allow either lapped and capped timber or colorbond fencing. It is also recommended that the condition require consultation with affected property owners prior to installation of the fencing.

## DEPARTMENTAL COMMENTS (Summary of Comments)

INTERNAL REFERRALS:	
<b>Building</b>	<b>Referral – Yes</b>
No objection subject to conditions of consent.	
<b>Engineer</b>	<b>Referral – Yes</b>
No objection subject to conditions of consent.	
<b>Community Planning (Accessibility)</b>	<b>Referral – Yes</b>
No objection subject to conditions of consent.	

### **Community Planning**

The application was referred to Council's Community Planning Section for comments on the proposed modification.

As canvassed earlier in this report, the development is unable to comply with the Access Committee's previous requirement for wheelchair crossing to be provided at each driveway. However, the applicant has been able to provide wheelchair access, in accordance with *AS.1428-2001 Design for access and mobility*, at six (6) locations along the internal access road. Further to compliance with AS. 1428-2001, it is recommended that each of these crossings have no lip. In addition, any disabled or less mobile residents should be able to live in units which are located in close proximity to a crossing. Crossings should be marked with appropriate visible signage to aid mobility. On this basis, the wheelchair access provision is considered adequate.

The recommendations of Community Planning have been incorporated in the draft modified conditions.

## PUBLIC PARTICIPATION:

**Notification/Advertising:** In accordance with Liverpool Development Control Plan 2008, the Section 96 application was notified for fourteen (14) days from 27 January 2010 to 10 February 2010. During the advertising period Council received four (4) written submissions.

## NATURE OF SUBMISSIONS

The range of issues which were raised in the submissions, and a response to each, are summarised below:

**ISSUE 1:      Objection to Timber Fencing**

- A lapped and capped timber fence may attract termites
- Over time the need for, and cost of, maintenance of a lapped and capped timber fence would be greater than a colorbond fence
- The fencing should be uniform, and many properties already have colorbond fences, a timber fence would be out of character with the current side boundary fencing of most properties

**Comment:** The original development applicant proposed lapped and capped timber fencing along all side/rear property boundaries. However, as a result of representations made by objectors at the JRPP meeting on 10 December 2009, the JRPP resolved that all boundary fencing is to consist of 1.8m high colorbond fencing.

This Section 96 application seeks to amend the condition to allow 1.8m high lapped and capped timber fencing for the following reasons:

- (a) Timber fencing provides better aesthetics than colorbond fencing;
- (b) Timber fencing offers a greater colour choice (if painted); and
- (c) Timber is a renewable and more sustainable material.

The applicant also submits that colorbond fencing:

- (a) can rust and also get bent;
- (b) absorbs and then radiates summer heat; and
- (c) can be very hot to touch.

Lapped and capped timber fencing is made from treated timber, and can also be painted which gives the fence greater weather resistance, and also reduces the risk of termites.

Council generally does not specify specific fencing materials for developments, as the material of the fence has no bearing on the fence's primary function being to protect privacy and provide a solid barrier between properties. The choice of material is a personal preference.

Where fencing disputes arise they are handled by the Local Land Board who gives consideration to the needs and preferences of both parties.

As Council, nor the JRPP, is the authority to regulate dividing fences, it is recommended that the imposed condition be amended to allow either lapped and capped timber or colorbond fencing.

**ISSUE 2: EXISTING FENCING / HEDGES**

- The privet hedges which are entwined in the existing wire fence should be completely removed (from the root) before any development takes place.

**Comment:** Council's Weeds and Waterways Officer and Landscape Officer have advised that privet is a weed. In this regard, it is recommended that a condition be imposed requiring the removal of all privet prior to new fencing being erected in accordance with Condition 138.

**SECTION 79C CONSIDERATIONS:**

The following summarises the assessment of the proposal in terms of the heads of consideration in Section 79C of the Environmental Planning and Assessment Act 1979.

**(a) The provisions of:**

**(i) Any Environmental Planning Instrument**

The proposed development is defined as seniors housing under Liverpool Local Environmental Plan 2008. Such a use is permitted with the consent of Council on the subject site pursuant to the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. The proposed development complies with all relevant clauses of LLEP 2008 and SEPP 2004. Furthermore, assessment of the proposal has revealed that residential amenity of the surrounding area will be maintained and that the proposal is consistent with the objectives of the R2 Low Density Residential Zone.

**(ii) Any Draft Environmental Planning Instrument**

No draft environmental planning instruments relate to the site.

**(iii) Any Development Control Plan**

Parts 1.1, 1.2 and 3.8 of Liverpool Development Control Plan 2008 apply to the application.

The proposed development has demonstrated general compliance with the requirements of LDCP 2008.

**(iiia) Any Planning Agreement**

No planning agreement relates to the site or proposed development.

**(iv) The Regulations**

There are no matters prescribed by the Regulations that apply to this development.

**(b) The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality**

The scale, density and built form and operation of the proposal is considered to be satisfactory. In addition, the proposal is sympathetic to the heritage listing of the site, and has been designed in character with the area. The proposed development makes a positive contribution to the built environment. It is considered that the proposal is unlikely to adversely affect the amenity of the locality, nor neighbouring properties.

**(c) The suitability of the site for the development**

It is considered that the site is suitable for the proposed seniors housing development. Consideration has been given to impacts of the proposal on surrounding residences and there are no known constraints which would render the site unsuitable for the proposed development.

The site is within Hammond Village and has historically been used for the provision of aged care facilities and services. It is also noteworthy that a previous approval was issued for seniors housing, and site suitability was assessed as part of that development application.

**(d) Any submissions made**

Detailed previously within the report.

**(e) The public interest**

The public interest is taken to include the provision of a facility for future and existing residents of the Liverpool local government area.

The issues raised in the objections made to this proposal have been adequately addressed throughout this report. It is considered that the proposed development is in the public interest, and is worthy of support.

## **CONCLUSION**

As canvassed in the previous JRPP report, the development is considered an appropriate use of the site. The implementation of appropriate measures during operation, as outlined in the report, will ensure that there will be minimal impacts on the surrounding locality.

The proposed modifications are minor in nature, and overall the proposed development is substantially the same development as that originally approved. The application has been assessed on its merits and is considered satisfactory. The impacts of the proposal can be appropriately mitigated to ensure that the amenity of adjoining properties is maintained. Accordingly it is recommended that the application is approved subject to conditions of consent.

## RECOMMENDATION

That:

1. The Joint Regional Planning Panel approves Section 96(1A) Application DA-385/2010/A proposing modifications to approved housing for seniors or people with a disability: 45 self contained dwellings, internal loop road with associated two-storey community centre with basement car parking at Lot 100 DP 1148191, 9-37 Judd Avenue Hammondville, subject to the attached conditions of consent.
2. The persons who made a submission with regard to the proposed development be notified in writing of the Joint Regional Planning Panel's decision.

## CONDITIONS:

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

### **A. The modification of the following conditions of development consent 385/2010 determined on 10 December 2009 as follows:**

Condition 1 is modified to read:

1. Development must be carried out generally in accordance with Development Application received 24 September 2009, **Section 96 application received 22 December 2009** and accompanying plans/reports:
  - a. Architectural Plans prepared by Allen Jack + Cottier (Project Number 08050):
    - i. **Drawing No. DA 1001, Site and Roof Plan, Issue 07 dated 17.12.09**
    - ii. **Drawing No. DA 1002, Site Plan, Issue 09 dated 17.12.09**
    - iii. **Drawing No. DA 1003, Site Elevations, Issue 08 dated 17.12.09**
    - iv. **Drawing No. DA 1004, Elevations and Sections, Issue 07 dated 17.12.09**
    - v. **Drawing No. DA 2101, Village Centre Plans and Elevations, Issue 07 dated 17.12.09**
    - vi. **Drawing No. 5101, Type A and B Typical Floor Plans, Issue 07, dated 17.12.09**
    - vii. **Drawing No. 5102, Type C and D Typical Floor Plans, Issue 07, dated 17.12.09**
    - viii. Drawing No. 5103, Type E and F Typical Floor Plans, Issue 06, dated 17.09.09
    - ix. Drawing No. 5104, Type G and H Typical Floor Plans, Issue 06, dated 17.09.09
  - b. Engineering plans prepared by Cardno Low and Hooke (Job No. LH9017)
    - i. Drawing No. DA-C1, Civil Construction Notes, Issue 1 dated 22.09.09
    - ii. Drawing No. DA-C2, Stormwater Drainage Plan, Issue 2 dated 22.09.09
    - iii. Drawing No. DA-C3, Drainage Plan, Drainage and Detention Tank Details, Issue 2 dated 22.09.09
    - iv. Drawing No. DA-C4, Erosion and Sediment Control Plan and Details, Issue 1 dated 22.09.09
  - c. Landscape Plans prepared by Taylor Brammer (Job No. 09-029s)
    - i. Drawing No. LA01, Concept Landscape Plan, Issue B dated 17.09.09
    - ii. Drawing No. LA02, Concept Landscape Plan – Typical Garden Detail, Issue B dated 17.09.09
    - iii. Drawing No. LA03, Concept Landscape Plan – Typical Details, Issue B dated 17.09.09
  - d. BASIX Certificate No. 270515M dated 22 September 2009

- e. Preliminary Salinity Investigation and Management Strategy prepared by Environmental Investigation Services (Report No. E0.045KBrpt2) dated September 2009
- f. Noise Emission Assessment prepared by Acoustic Logic Consultancy (Report No. 2009704/0904A/R2/TT) dated 4 September 2009
- g. Access Report prepared by Allen Jack and Cottier (Job No. 08.085) dated 17 September 2009
- h. Geotechnical Investigation prepared by Environmental Investigation Services (Report No. 23278LBrpt) dated September 2009
- i. Environmental Site Assessment prepared by Environmental Investigation Services (Report No. E23278KBrpt) dated September 2009
- j. Tree Report prepared by Treescan dated September 2009
- k. Terrestrial Flora and Fauna Assessment prepared by Biosis Research (Project No. s5599) dated September 2009
- l. External Finishes prepared by Allen Jack and Cottier
- m. Waste Management Plan prepared by Morgan Moore and Associates dated 7 September 2009

marked DA-385/10 **and DA-385/10/A**, except where modified by the undermentioned conditions.

Condition 38 is modified to read:

38. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained **prior to issue of an Occupation Certificate**. To do so, 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](http://www.sydneywater.com.au), or telephone 13 20 92.

Following 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. The **Notice of Requirements** must be submitted to the PCA **prior to issue of a Construction Certificate**.

Condition 45 is modified to read:

45. The following accessibility requirements are to be addressed in the construction certificate plans:
- a. No roll top kerbs
  - b. **Provision of crossing for persons in a wheelchair, with no lip, to be provided at a minimum of six locations along the internal road. Crossings shall generally located in accordance with the plan marked up by Allen Jack + Cottier Architects submitted to Council on 3/3/10, an be marked with appropriate visible signage to aid mobility**

- c. Showers are to be have no hobs
- d. No steps at the front entry door of each dwelling
- e. Consistent design for internal appliances and amenities

Condition 123 is modified to read:

- 123. A total of **thirty seven (37)** off street car parking spaces must be provided within the basement car park for the Community Centre. Two (2) of the spaces must be designed and signposted/marked for the specific use of disabled drivers only in accordance with Australian Standard 1428.1.

Condition 138 is modified to read:

- 138. **1.8m high lapped and capped timber or colorbond fencing** is to be provided to all side/rear property boundaries ie. the north, south and western boundaries, at the full cost of the developer. All boundary fencing is to be completed to the satisfaction of Liverpool City Council prior to the issue of the Occupation Certificate for Stage 1 of the development.

**B. The imposition of the following additional conditions to the conditions of development consent 385/2010 determined on 10 December 2009 as follows:**

Condition 3A is inserted:

- 3A. ***Disabled and/or less mobile residents shall, whenever possible, be offered residency in units which are located in close proximity to a crossing, as required by Condition 45(b) of this consent.***

Condition 138A is inserted:

- 138A. ***All privet is to be removed, at full cost to the developer, prior to new boundary fencing being erected in accordance with Condition 138.***

**ATTACHMENT: JOINT REGIONAL PLANNING PANEL REPORT REFERRED TO MEETING  
OF 10 DECEMBER 2010**

<b>JRPP No.</b>	<b>Item 1 (2009SYW 015)</b>
<b>DA No.</b>	<b>DA-385/2010</b>
<b>PROPOSED DEVELOPMENT:</b>	<p><b>HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY: FORTY-FIVE (45) SELF CONTAINED DWELLINGS, INTERNAL LOOP ROAD, TWO-STOREY COMMUNITY CENTRE WITH BASEMENT CAR PARKING AND CHILDRENS PLAYGROUND WITH ASSOCIATED SHADE SAIL TO BE CONSTRUCTED OVER FOUR STAGES:</b></p> <p><b>STAGE 1: CONSTRUCTION OF TEN (10) DWELLINGS, COMMUNITY CENTRE WITH ASSOCIATED BASEMENT CAR PARKING, INTERNAL ROADS, LANDSCAPING, DRAINAGE AND FENCING</b></p> <p><b>STAGE 2: CONSTRUCTION OF FOURTEEN (14) DWELLINGS, LANDSCAPING AND DRAINAGE</b></p> <p><b>STAGE 3: CONSTRUCTION OF NINE (9) DWELLINGS, LANDSCAPING AND DRAINAGE</b></p> <p><b>STAGE 4: CONSTRUCTION OF TWELVE (12) DWELLINGS, STORMWATER LANDSCAPING AND DRAINAGE</b></p>
<b>LOCATION:</b>	<b>LOT 931 DP 11002273, 11-37 JUDD AVENUE, HAMMONDVILLE</b>
<b>OWNER:</b>	<b>HAMMONDCARE</b>
<b>APPLICANT:</b>	<b>HAMMONDCARE</b>
<b>AUTHOR:</b>	<b>LIVERPOOL CITY COUNCIL</b>

### **Assessment Report and Recommendation**

#### **EXECUTIVE SUMMARY**

Council is in receipt of a development application proposing the construction of forty five (45) single storey dwellings to provide housing for seniors and/or people with a disability within the Hammond Village. The proposal also involves a community centre building in the centre of the site, which will cater for both existing and new residents within Hammond Village. The development is proposed to be constructed over four stages.

The proposed development is defined as seniors housing under Liverpool Local Environmental Plan 2008. Seniors housing is prohibited in the prevailing R2 Low Density Residential zone, however as the proposal is submitted under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, the use is permitted on the site with consent.

The proposed development was advertised for fourteen (14) days in accordance with Liverpool Development Control Plan 2008. During the advertising period Council received three submissions from residents of four adjoining properties. The main issues pertain to privacy, the condition of the existing fencing and the ability of the existing fence to mitigate impacts during construction.

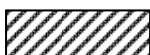
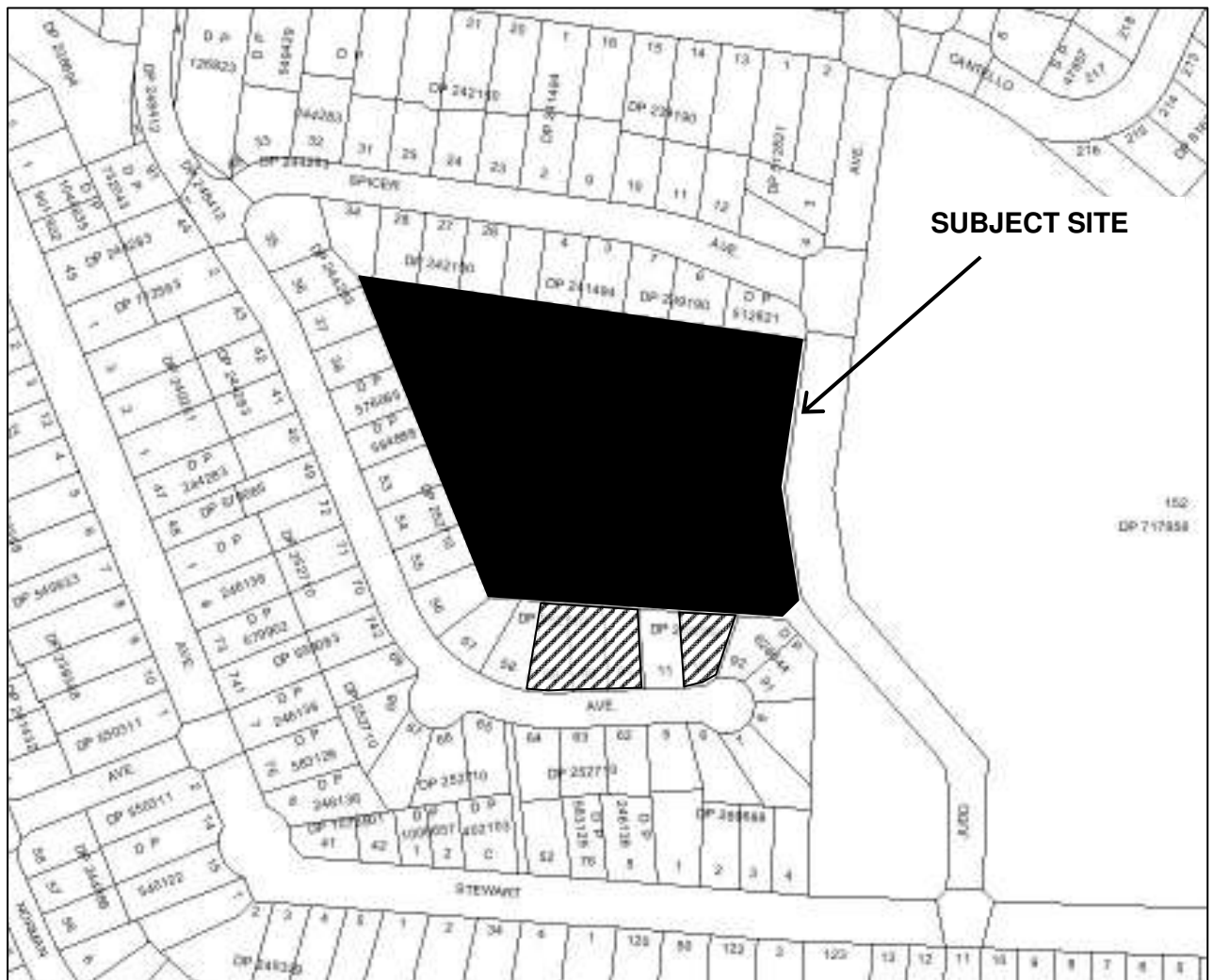
The application is referred to the Joint Regional Planning Panel to determination pursuant to clause 13B (1)(a) of State Environmental Planning Policy (Major Development) 2005 as the development has a capital investment value in excess of \$10 million.

## RECOMMENDATION

That:

3. The Joint Regional Planning Panel approves Development Application DA-385/2010 proposing housing for seniors or people with a disability: 45 self contained dwellings, internal loop road with associated two-storey community centre with basement car parking at Lot 931 DP 11002273, 11-37 Judd Avenue Hammondville, subject to the attached conditions of consent.
4. The persons who made a submission with regard to the proposed development be notified in writing of the Joint Regional Planning Panel's decision.

## LOCATION MAP:



Location of objectors' properties

↑  
NORTH

## **SITE DESCRIPTION AND LOCALITY:**

The site is identified as Lot 931 DP 1102275, Nos. 11 – 37 Judd Avenue, Hammondville. The allotment is irregular in shape, has frontage to Stewart Avenue, Judd Avenue and Spicer Avenue, and a total area of 2.528 hectares.

The site and adjoining properties to the east across Judd Avenue are located within the Hammond Village, which is a retirement / senior citizen village, operated by HammondCare.

The original buildings within Hammond Village were constructed in the early 1950's and comprise a mix of self-care units, nursing home and hostel style accommodation.

The southern portion of the site (with frontage to Stewart Avenue and Judd Avenue) is occupied by buildings constructed in accordance with the consent issued to DA-493/2004 (Stage 1).

The northern portion of the site, which is the subject of this development application, is currently vacant. The former building on site (as shown on the aerial photograph) was known as 'Sinclair Home' and was recently demolished as part of the consent issued to Stage 2 of DA-493/2004.

Being one of the first integrated aged care housing facilities in Australia, and due to the association of HammondCare with the suburb of Hammondville, the site is identified as a heritage item under Liverpool Local Environmental Plan 2008.

Over 180 trees were located on the subject site prior to works commencing on the previous stages of development associated with the consent issued to DA-493/2004. Of these trees, approximately two thirds have been cleared to permit the development of this site.

A small portion of the site (south western corner) is affected by potential inundation from the probable maximum flood (PMF) event.

The built form of existing development in the immediate vicinity is generally low scale, primarily comprising a mix of single and two storey detached dwelling, with limited medium density developments in a range of architectural styles and building materials.

## **HISTORY:**

On 14 April 2004, Liverpool City Council determined a Development Application (DA-493/2004) on the subject site for the staged construction of forty two (42) two (2) bedroom and fourteen (14) three (3) bedroom multiple dwellings and associated internal road works, landscaping and car parking.

Stage 1 of the works identified in the consent has been completed and comprises of nine (9) dwellings (7 x 2 bedroom and 2 x 3 bedroom villas) on the southern portion of the site. Stage 2 includes construction of thirty five (35) dwellings (23 x 2 bedroom villas and 12 x 3 bedroom villas) on the northern portion of the site.

Development of Stage 2 commenced in 2009 with demolition of the existing structures on the site and removal of trees. Construction, however, has not commenced, and this application

has been lodged with Council to supersede the approved issued by Development Consent 493/2004.

In this regard, this application which proposes forty five (45) dwellings and a community centre is intended to 'supersede' this Stage 2 of the previously approved development.

The previously approved development on the site comprised of thirty five (35) detached single storey dwellings, with community facilities adjacent to Judd Avenue in a similar location to the current proposal. The dwellings were predominantly setback only 1m from the common boundaries with adjoining residential properties.

The current proposal involves groups of attached dwellings to make more efficient use of the land to provide an additional ten (10) dwellings. In addition the setbacks to adjoining properties are increased to a minimum of four (4) metres. This proposal also involves a larger community centre with more extensive facilities for residents.

## **DETAILS OF THE APPLICATION**

The development proposal involves:

- A two storey community centre comprising:
  - siting/dining room (also to be used for functions/events and activities organised by HammondCare for its residents), a Chapel, pool, gymnasium, kitchen, café, office spaces, hairdressing salon and amenities
  - a children's playground, with associated shade sail and fencing
- A basement car park for 35 spaces under the community centre building
- Forty five (45) single storey self-contained dwellings (independent living units), comprising:
  - 10 x 1 bedroom plus study,
  - 21 x 2 bedroom, and
  - 14 x 2 bedroom plus study units
  - Each dwelling is provided with a single garage
- An internal two way loop (private) road with a width of 5.4m, and fourteen (14) 'on-street' parking bays.

The development comprises of nine (9) buildings. Two buildings comprising of seven units each are proposed adjacent to the northern boundary. Two buildings comprising of four and five units are proposed adjacent to the western boundary. Two buildings comprising six units each are proposed adjacent to the southern boundary. The community facility is proposed in the centre of the site adjacent to the Judd Avenue frontage and a further two residential buildings with four and six units are proposed in the centre of the site.

All dwellings are single storey with a maximum height of 8 metres. The community centre building is 8.5 metres in height.

The building facades comprise a combination of face brick, weatherboard, fibre cement sheeting and render. Windows will be powder-coat finished aluminium and roofs will be colorbond, with matching materials utilised for the gutters and downpipes. The variety in materials and finishes used will break up the larger building forms to minimise visual impact.

Construction is proposed over four stages, as outlined in the following table:

Stage	Proposed Works
One	<ul style="list-style-type: none"> <li>• Construction of 10 dwellings</li> <li>• Construction of community centre and basement car park</li> <li>• Construction of internal road</li> <li>• Construction of children's play ground with associated shade sail and fencing</li> <li>• Landscaping, boundary fencing and drainage</li> </ul>
Two	<ul style="list-style-type: none"> <li>• Construction of 14 dwellings</li> <li>• Landscaping, internal fencing and drainage</li> </ul>
Three	<ul style="list-style-type: none"> <li>• Construction of 9 dwellings</li> <li>• Landscaping, internal fencing and drainage</li> </ul>
Four	<ul style="list-style-type: none"> <li>• Construction of 12 dwellings</li> <li>• Landscaping, internal fencing and drainage</li> </ul>

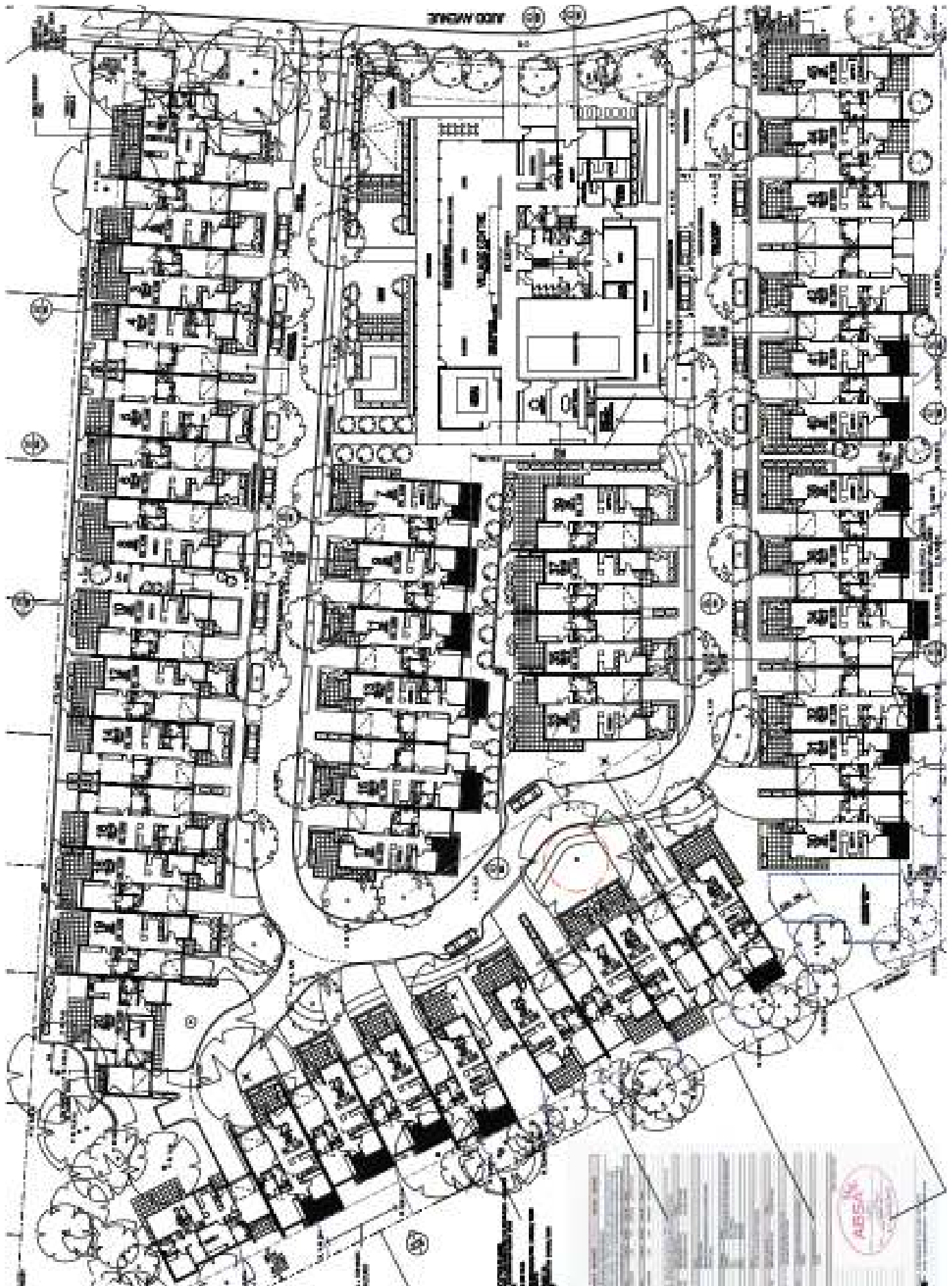
The proposed development is accompanied by the following reports:

- n. Heritage Impact Statement prepared by NBRS & Partners
- o. Architectural Statement prepared by Allen Jack and Cottier
- p. Noise Emission Assessment prepared by Acoustic Logic Consultancy
- q. Access Report prepared by Allen Jack and Cottier
- r. Geotechnical Investigation prepared by Environmental Investigation Services
- s. Environmental Site Assessment prepared by Environmental Investigation Services
- t. Preliminary Acid Sulfate Soil Assessment prepared by Environmental Investigation Services
- u. Preliminary Salinity Investigation and Management Strategy prepared by Environmental Investigation Services
- v. Tree Report prepared by Treescan
- w. Terrestrial Flora and Fauna Assessment prepared by Biosis Research
- x. Traffic Statement prepared by Transport and Traffic Planning Associates

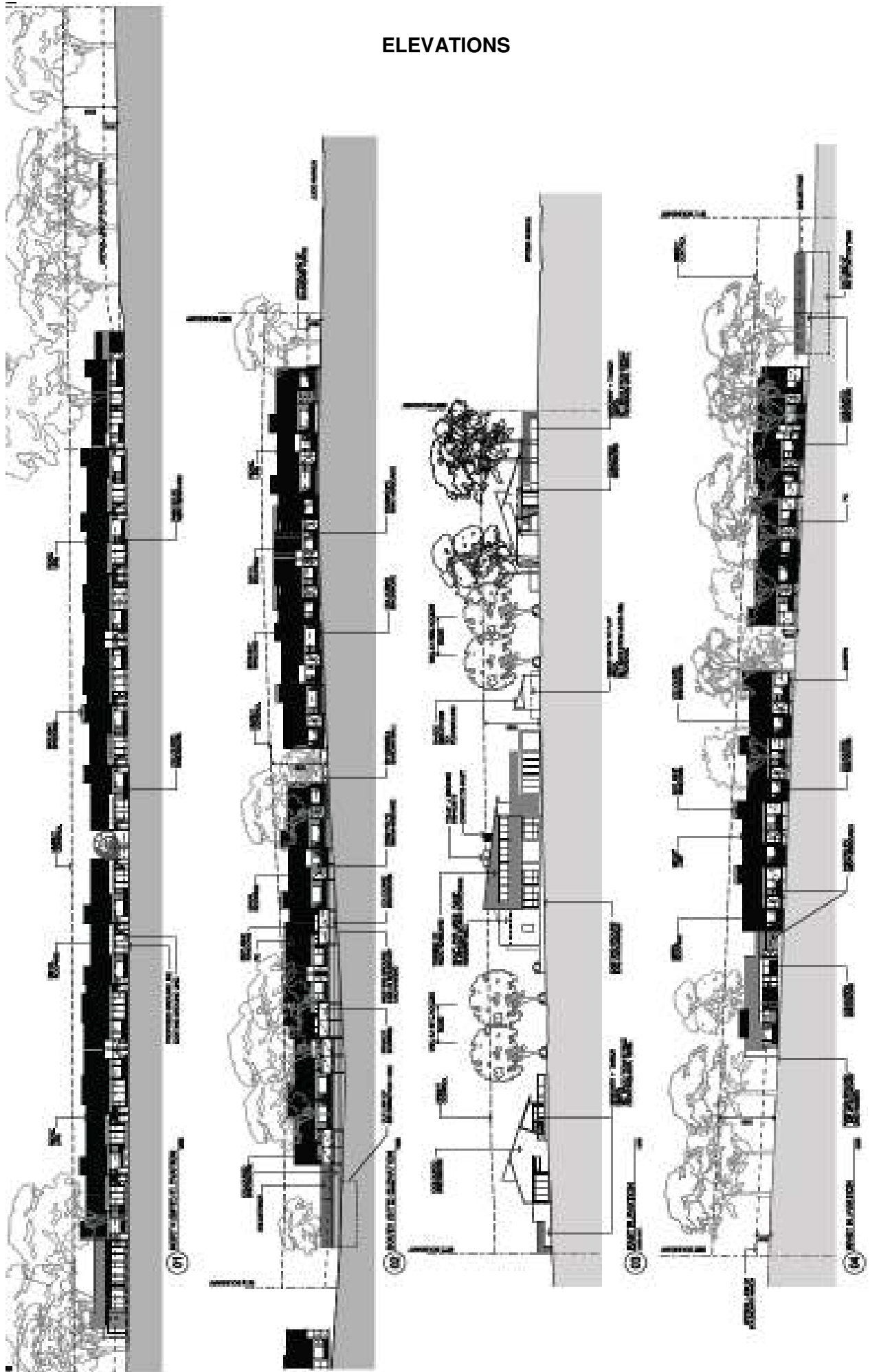
## PLANS



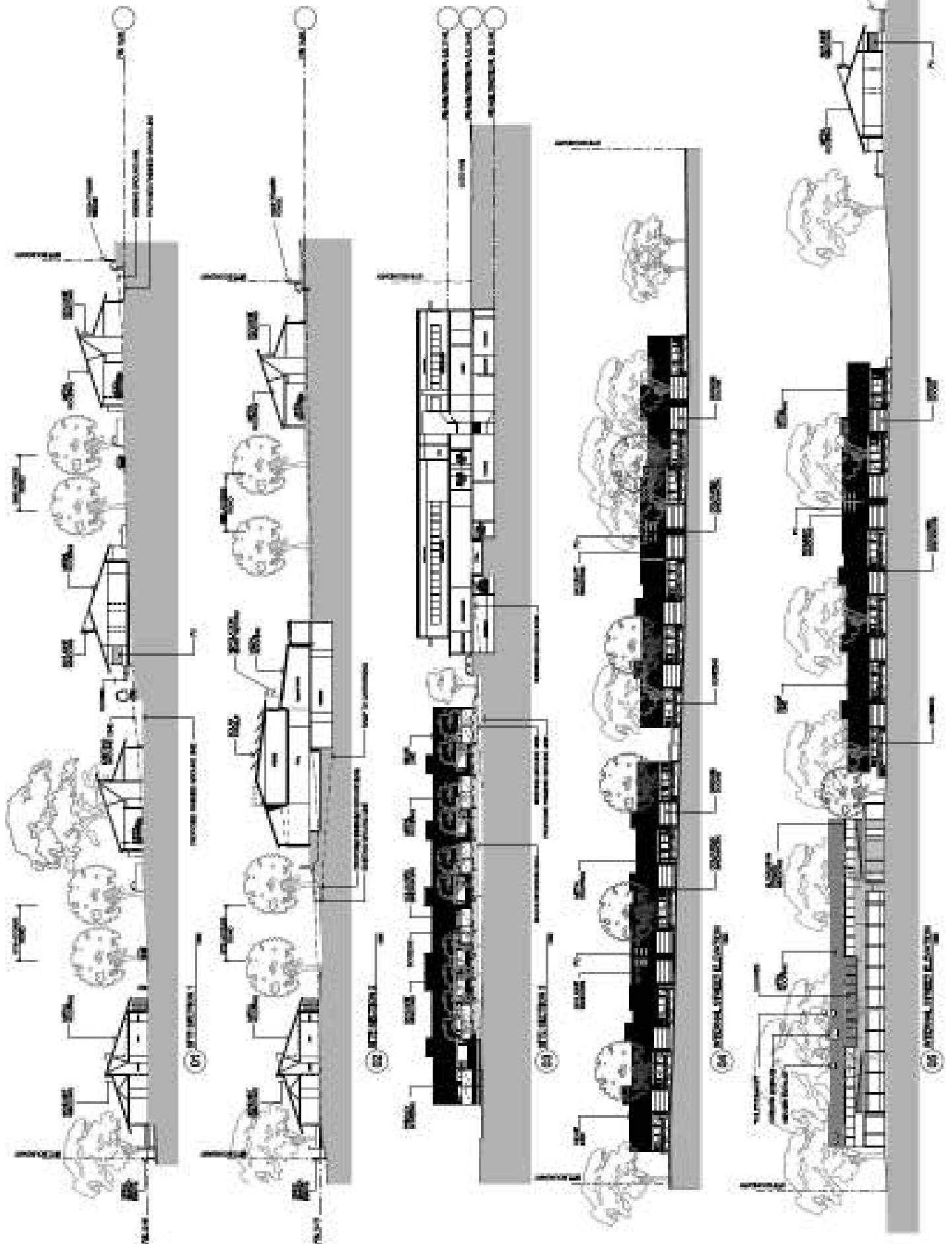
## OVERLL FLOOR PLAN



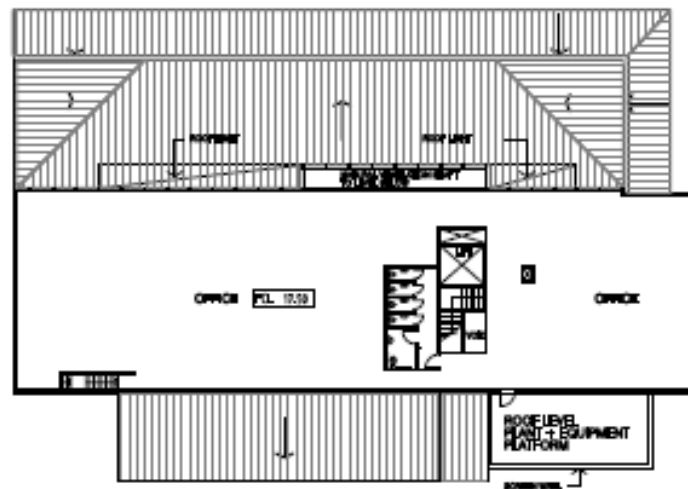
## ELEVATIONS



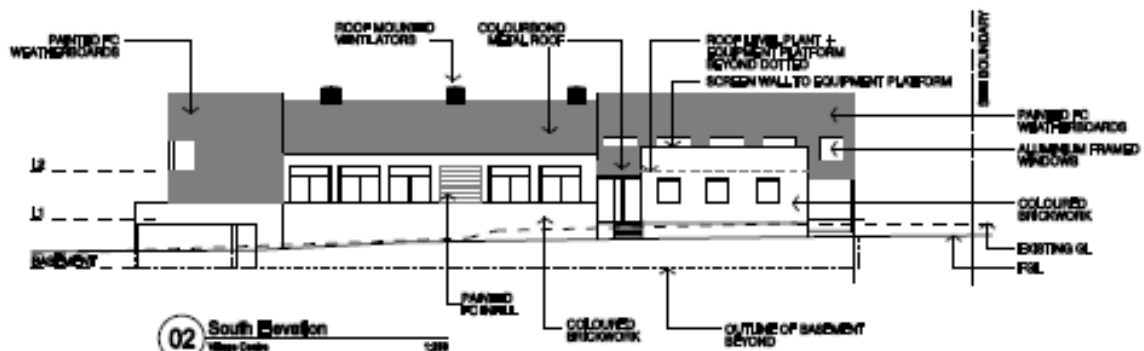
## SECTIONS



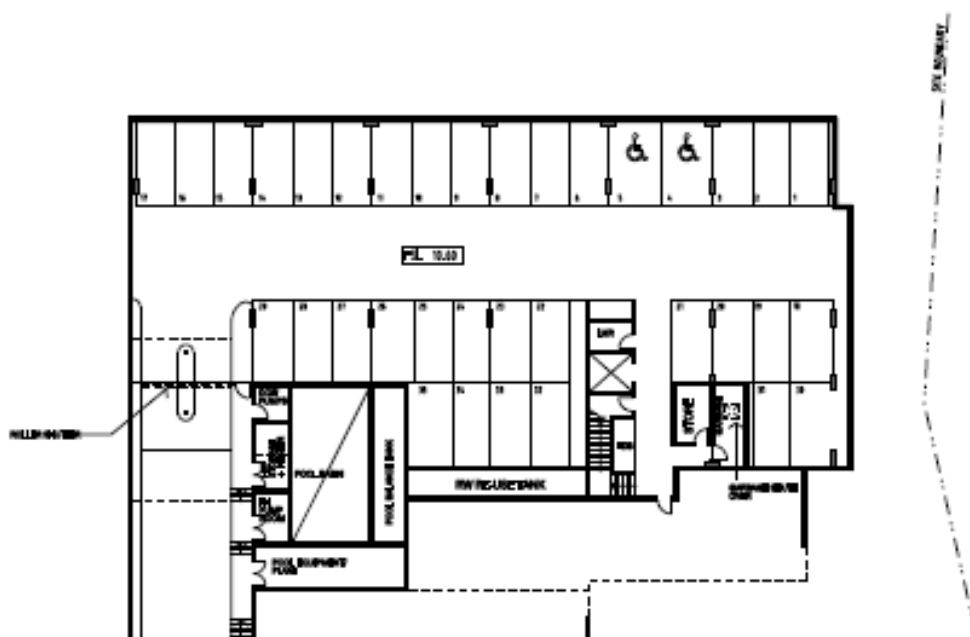
# COMMUNITY CENTRE PLANS



03 Plan  
Village Centre Land 2 1:200



02 South Elevation  
Village Centre 1:200



01 Plan  
Village Centre Carport 1:200

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## PLANNING CONTROLS

The planning controls that relate to the proposed development are:

6. State Environmental Planning Policy (Major Development) 2005
7. State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
8. State Environmental Planning Policy (Building Sustainability Index BASIX) 2004
9. State Environmental Planning Policy No. 55 – Remediation of Land
10. Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment
11. Liverpool Local Environmental Plan 2008
12. Liverpool Development Control Plan 2008

An assessment of the proposed development under the planning controls is provided below:

### 1. State Environmental Planning Policy (Major Development) 2005

The provisions of SEPP 2005 apply to the proposed development as the capital investment value is in excess of \$10 million. In accordance with the requirements of Clause 13B (1)(a) the submitted application is classified as 'regional development' with the determining authority for the application being the Joint Regional Planning Panel (Western Region). The submitted application is referred to the Joint Regional Planning Panel for determination in accordance with the applicable provisions of SEPP (Major Development).

### 2. State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 applies to housing for seniors and people with a disability in the form of either a residential care facility, hostel or self contained dwellings.

In accordance with Clause 15 of the SEPP, Seniors Housing is permitted on land zoned primarily for urban purposes despite the provisions of any other environmental planning instrument if the development is carried out in accordance with the SEPP.

An assessment against the SEPP has been undertaken and the development complies with relevant provisions of the SEPP.

Standard	Requirement	Proposed	Complies?
<b>Clause 18 Restrictions on occupation of seniors housing</b>	A condition it to be imposed that only seniors or people who have a disability, or people who live in the same household with seniors or people who have a disability, or staff employed to assist in	Conditions will be imposed on any consent.	Yes

	the administration of an provision of services to seniors or people who have a disability. A restriction as to user is to be registered on the title		
<b>Clause 26 Location and access to facilities</b>	Access shall be available to shops, banks and other retail and other commercial services, community services and recreation facilities and a medical centre. The site must be within 400m of these services, or within 400m of a public transport service that will take resident to these services	The site is located approximately 700m walking from the Hammondville local shops, however a bus stop is located just outside the development on Judd Avenue. The bus can take residents to and from the shops at least twice per day in accordance with the SEPP.	Yes
<b>Clause 28 Water and Sewer</b>	The development must have access to reticulated water and adequate facilities for the removal of sewage	The site is serviced by Sydney Water for water and sewer. A condition requiring a Section 73 Compliance Certificate will be imposed on any consent.	Yes
<b>Clause 29 matters for consideration</b>	<p>The consent authority must consider:</p> <ul style="list-style-type: none"> <li>• The natural environment and existing uses and approved uses in the vicinity of the proposed development</li> <li>• Services and infrastructure that are available for the development</li> <li>• The impact that the bulk, scale, built form and character of the proposed development is likely to have on the locality</li> </ul>	<p>There are no known environmental constraints that render the site unsuitable for the development</p> <p>The development is part of an established seniors housing development and well serviced</p> <p>The scale, bulk and character of the development is sympathetic to the heritage significance of the site and the surrounding residential development.</p>	Yes
<b>Clause 30 Site Analysis</b>	A site analysis must be submitted with any application	A site analysis plan has been submitted.	Yes
<b>Clause 31 Design of infill self care housing</b>	The development shall comply with the Seniors Living Policy: Urban Design Guideline for Infill Development	The applicant has demonstrated compliance in the Statement of Environmental Effects	Yes
<b>Clause 33 Neighbourhood amenity and streetscape</b>	<p>The proposed development shall:</p> <ul style="list-style-type: none"> <li>• Recognise the desirable elements of the character of the locality and ensure new buildings contribute to the quality and identity</li> </ul>	The proposed development is consistent with the established character of the locality. The development is modest in scale and design and is sympathetic to the heritage significance of the	Yes

	<p>of the area</p> <ul style="list-style-type: none"> <li>• Retain, complement and sensitively harmonise with any heritage conservation areas or items</li> <li>• Maintain reasonable neighbourhood amenity</li> <li>• Building setbacks to reduce bulk and overshadowing</li> <li>• Use building form and siting that relates to the land form</li> <li>• Adopt building heights that are compatible with adjacent development</li> <li>• The setback shall be compatible with existing building setbacks</li> <li>• Retain existing trees and maintain the character of the area with vegetation</li> </ul>	<p>site. Buildings are single storey and setback at least 4 metres from side and rear property boundaries to minimise privacy and overshadowing impacts.</p>	
<b>Clause 34 Visual and Acoustic Privacy</b>	<p>Windows and balconies shall be located to maximise privacy</p> <p>Screening devices and landscaping shall be used to enhance privacy</p> <p>Bedrooms should be located away from driveways, parking areas and paths</p>	<p>Where the site is higher than adjoining properties, bedroom windows are located to the rear of dwellings to reduce privacy impacts to neighbouring properties.</p> <p>Screens are proposed to some rear decks, and it is recommended that 1.5 metre screens be provided to all decks which have a finished floor level of 500mm above the ground level at the boundary.</p>	Yes
<b>Clause 35 Solar access and design for climate</b>	<p>Adequate access to daylight to the main living areas within the development and on adjoining properties</p> <p>Adequate solar access to areas of private open space</p> <p>Design shall minimise energy use and makes use of natural ventilation solar heating and lighting by locating windows of living and dining areas in a northerly direction</p>	<p>All dwellings have north facing living areas which allow natural light into the dwelling.</p> <p>Each dwelling has either a front or rear north facing courtyard.</p>	Yes
<b>Clause 36 Stormwater</b>	<p>Hard paved areas shall be minimised</p>	<p>Hard paved areas are minimised and restricted to</p>	Yes

	Where practical, on site detention or re-use of water shall be provided	the internal road, driveways, footpaths and patios/decks.  On-Site Detention is provided.	
<b>Clause 37 Crime Prevention</b>	Dwelling shall overlook public areas, driveways and streets  Dwellings should be designed to allow residents to see who approaches with out having to open their door	The proposed dwellings overlook the proposed internal road, with approximately half of the dwellings having living rooms facing the street. Residents will be able to see who approaches before they open the door.	Yes
<b>Clause 38 Accessibility</b>	Obvious and save pedestrian links shall be provided from the site to public transport  Convenient access and parking for residents and visitors	Footpaths are proposed on both sides of the proposed internal road. Furthermore, a pedestrian refuge shall be provided in Judd Avenue to provide a safe crossing point to the bus stop.  Resident and visitor car parking is conveniently located on the site.	Yes
<b>Clause 39 Waste Management</b>	Waste facilities shall maximise recycling	Waste and recyclable materials will be collected by a contractor. Provision is made for storage of bins within the garage or private courtyard.	Yes
<b>Clause 40 Minimum sizes and building height</b>	Minimum allotment size: 1000 sq.m.  Minimum frontage: 20m  Maximum height: 8m  Buildings located in the rear 25% of the site shall be single storey	The site has an area over 2.5 hectares.  The frontage exceeds 100m  The proposed dwellings do not exceed 8m. The community centre building is 8.5m which complies with LLEP 2008.  All dwellings are single storey.	Yes
<b>Clause 41 Accessibility and usability</b>	Development must comply with Schedule 3 of the SEPP	The applicant has demonstrated compliance with Schedule 3 in the Statement of Environmental Effects.	Yes
<b>Clause 50 Standards which cannot be used to refuse</b>	Building Height: 8 metres  Floor space ratio 0.5:1	All dwellings are less than 8m.  The floor space ratio is	Yes

<b>consent</b>	<p>Landscaped Area: A minimum of 30% of the site is to be landscaped.</p> <p>Deep soils zones: minimum 15% of the site</p> <p>Solar access: at least 70% of dwellings receive 3 hours of sunlight to living rooms</p> <p>Private open space: minimum 15m<sup>2</sup> for each dwelling. Minimum area of 3m x 3m.</p> <p>Parking: 0.5 spaces per bedroom</p>	<p>0.31:1</p> <p>46% of the site is landscaped.</p> <p>20% of the site consists of deep soil zones.</p> <p>At least 80% of dwellings will receive at least 3 hours of solar access to living rooms.</p> <p>An average of 40-50m<sup>2</sup> of private open space is provided for each dwelling</p> <p>1 garage is provided for each dwelling, in addition for room in the driveway for a second vehicle.</p>	
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### **3. State Environmental Planning Policy (Building Sustainability Index BASIX) 2004**

A BASIX Certificate has been submitted with the development application. A condition has been included in the draft determination notice requiring compliance with all BASIX Certificate requirements within the Construction Certificate designs, during construction and prior to issue of an Occupation Certificate for the development.

### **4. State Environmental Planning Policy No. 55 – Remediation of Land**

Clause 7 of State Environmental Planning Policy 55 (SEPP 55) outlines that the Consent Authority, when determining any development application, is to take into consideration whether the land is contaminated.

A Preliminary Contamination Assessment has been submitted with the application. The Assessment did not find any elevated levels of contaminants on the site. However, a vertical steel pipe with a screw-on cap and concrete pad/paver was encountered on site. The Contamination Assessment therefore revealed that there may be potential for an underground storage tank to be located beneath the section of concrete and the steel pipe.

The Contamination Assessment recommends that this area be further inspected by an appropriately qualified and experienced environmental consultant during site preparation and excavation. If an underground storage tank is found, additional testing should be undertaken in the vicinity of the tank to assess soil and groundwater conditions. A remediation plan should be prepared for the removal of the underground storage tank prior to construction work commencing.

These recommendations have been included as conditions on the draft determination notice. Provided that the above recommendations are implemented, the Contamination Assessment found that the site can be made suitable for the proposed development and will not pose a significant risk of hazard to human health or the environment.

## **5. Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (GMREP No.2)**

It is considered that the proposal satisfies the provisions of the GMREP No.2. Subject to appropriate sedimentation and erosion controls during construction, the development will have minimal impact on the Georges River Catchment. As such, the operation of the proposed development is unlikely to have any adverse impacts on stormwater runoff and water quality.

## **6. Liverpool Local Environmental Plan 2008**

### **6.1 Permissibility**

The subject site is zoned R2 Low Density Residential under the provisions of Liverpool Local Environmental Plan 2008 (LLEP).

The proposed development is defined as “seniors housing” under LLEP which provides as follows:

*“residential accommodation that consists of:*

- (a) a residential care facility, or*
- (b) a hostel, or*
- (c) a group of self-contained dwellings, or*
- (d) a combination of these,*

*and that is, or is intended to be, used permanently for:*

- (e) seniors or people who have a disability, or*
- (f) people who live in the same household with seniors or people who have a disability, or*
- (g) staff employed to assist in the administration of the residential accommodation or in the provision of services to persons living in the accommodation, but does not include a hospital”.*

Seniors housing is not permitted in the R2 zone.

Despite the provisions of LLEP, State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 allows seniors housing with consent on land zoned primarily for urban purposes, where dwelling houses, residential flat buildings and/or hospitals are permitted.

Dwelling houses are permitted in the R2 zone, therefore seniors housing is permitted pursuant to the provisions of State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004.

The proposed development also involves the construction and operation of a community centre for residents of Hammond Village. The community centre component of the development is defined as a “community facility” under LLEP which provides as follows:

*“a building or place:*

- (a) owned or controlled by a public authority or non-profit community organisation, and*
  - (b) used for the physical, social, cultural or intellectual development or welfare of the community,*
- but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation”.*

Community facilities are permitted in the R2 zone. Hammondcare is a non-profit community organisation. The community centre also contains a proposed hairdressing

salon, which would ordinarily be defined as a business premises which is prohibited in the R2 zone. However, as the hairdressing salon is proposed within the community centre and will only offer services to residents of Hammond Village, it can be considered ancillary to the community facility and seniors housing development, which is permissible on the site.

## **6.2 Objectives**

The objectives of the R2 Low Density Residential zone are as follows:

- (e) To provide for the housing needs of the community within a low density residential environment.
- (f) To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- (g) To provide a suitable low scale residential character commensurate with a low dwelling density.
- (h) To ensure that a high level of residential amenity is achieved and maintained

The proposed development would meet and satisfy the above stated objectives. In relation to objective (d), residential amenity is considered in terms of:

- (a) scale, bulk, design, height, siting and landscaping;
- (b) operation;
- (c) traffic generation,
- (d) car parking;
- (e) noise, dust, light and odour nuisance;
- (f) privacy;
- (g) overshadowing; and
- (h) stormwater drainage.

### ***Scale, bulk, design, height, siting and landscaping***

The proposed development comprises of forty five (45) single storey attached dwellings and a two-storey community centre building. The proposed community centre is located in the centre of the site, where it is accessible to future residents. This also minimises any potential impacts of the use of the community centre on the surrounding residential area. The dwellings are located around the periphery of the site, and have a height and setback compatible with surrounding residential development.

The building facades comprise a combination of face brick, weatherboard, fibre cement sheeting and render. The variety in materials and finishes assist in breaking up the larger building forms to minimise bulk and scale of the development.

The provision of front courtyards to each dwelling provides a community feel within the development and minimises use of rear courtyards. Therefore visual and acoustic privacy of adjoining properties to the north, south and west of the development site should be maintained.

The front, side and rear setbacks and internal road are provided with generous landscaping to soften the appearance of the development, and enhance residential amenity to both the development itself and adjoining residential properties.

### ***Operation***

Seniors housing is a compatible form of development within a residential area. The development will be maintained to a high standard by Hammondcare. There are no expected impacts from the proposed dwellings.

The community centre contains a sitting / dining room which may be used for functions, events and activities organised by Hammondcare for its residents. The centre also includes a Chapel, swimming pool, gymnasium, kitchen, café, offices and amenities.

As the community centre is located in the centre of the site, the nearest affected residential properties will be within the development. Adjoining residential properties are located approximately 44 metres from the proposed community centre. A Noise Emission Assessment has been undertaken which recommends that the community centre not be used after midnight. Other recommendations of the Noise Assessment are canvassed later in this report.

It is considered that the operation of the development will be compatible with the locality, and can be controlled so that residential amenity to both Hammond Village residents and other residents in Hammondville can be maintained.

### ***Traffic generation and car parking***

A Traffic Statement has been prepared by Transport and Traffic Planning Associates, which considered the vehicle access and circulation arrangements for the development.

Judd Avenue is a local road, which joins with Walder Road to the north and Stewart Avenue to the south. Judd Avenue serves the existing Hammond Village and three other residents, and attracts minimal through traffic. In this regard the traffic conditions within Judd Avenue are very low.

The Roads and Traffic Authority document 'Guide to Traffic Generating Developments' recommends that seniors housing generates approximately 1-2 daily vehicle trips per dwelling, with only 0.1-0.2 trips per dwelling in the evening peak hour. It is considered that the additional 45-90 daily vehicle trips generated by the proposed development can be accommodated in the local road network with negligible impacts.

The internal access road is a minimum of 5.4m in width, with fourteen (14) indented 'on street' parking bays. Concrete footpaths are provided along both sides of the internal road. Each dwelling is provided with a single garage, which are 3.9m in width which meets the minimum requirements for disabled parking whilst allowing for extra room for opening doors. Visitor parking is accommodated for in the driveways and within the on-street parking bays. Thirty five (35) car parking spaces are provided for the community centre building, which equates to approximately 1 space per 35 sq.m. The car parking provision for the community centre is considered acceptable particularly given the centre will only be used by residents (and visitors) of Hammond Village.

Overall, it is considered that the additional traffic generated by the proposed development will have minimal impact on the amenity of the surrounding residential area.

### ***Noise, dust, light and odour nuisance***

Noise generated by the development could potentially arise from use of the proposed community centre.

The development application is accompanied by a Noise Assessment Report prepared by Acoustic Logic Consultancy. The Noise Impact Assessment was based on the operation of the community centre building including use of the dining/function area, chapel, pool and gym. As part of the noise assessment noise monitoring of the site was conducted over eleven (11) days between 25 November and 6 December 2005 to determine the existing background noise levels in the vicinity of the site.

The Noise Impact Assessment found that the noise emanating from the operation of the community centre can be controlled by various noise attenuation measures described within the report including:

- The community centre is not to be used after midnight;
- The community centre is not to be used for loud amplified music (over 80 dB(A))
- If used before 7:00am or after 10:00pm, the windows to the chapel, swimming pool and gym shall be kept closed
- Details of all air conditioning units and other mechanical plant should be provided with a Construction Certificate to ensure compliance with the Department of Environment, Climate Change and Water Industrial Noise Policy

The implementation of these recommendations will ensure that any noise generated from any activities within the community centre will have minimal impact on future residents within the development and adjoining residences. In this regard, the above recommendations have been imposed as a condition of consent on the draft determination notice. In particular, the hours of operation for the community centre shall be restricted to between 7:00am and 12:00 midnight, 7 days.

Conditions of consent will be imposed on any consent issued in respect of the proposal to control dust during construction works. Furthermore any lighting provided on the site must be positioned and designed to ensure it does not cause nuisance to neighbouring properties. No odour impacts are expected.

#### ***Stormwater drainage***

The proposed development is accompanied by a stormwater drainage concept plan which has been assessed and is considered satisfactory by Council's Engineers.

#### ***Overshadowing***

The proposed dwellings are single storey, and therefore overshadowing impacts will be minimal. The proposed development is accompanied by shadow diagrams which demonstrate that the proposal has minimal overshadowing impacts on adjoining properties.

Based on all of the above, it is considered that the proposal will not adversely impact on the amenity of the surrounding locality and is consistent with the objectives of the R2 Low Density Residential zone.

### **6.3 Clause 4.3 Height of Buildings**

The main objective of Clause 4.3 is to establish the maximum height limit in which buildings can be designed to encourage high quality urban form, and ensure buildings and public areas continue to receive satisfactory exposure to the sky and sunlight.

The maximum height for a building in this location is 8.5 metres. The building height is measured from existing ground level to the highest point of any building. The residential buildings are single storey and are less than 8m in height to the ridgeline. The community centre building is 8.5m, thereby complying with this requirement.

### **6.4 Clause 4.4 Floor Space Ratio**

This clause restricts the maximum floor space ratio (FSR) for buildings on the site to 0.6:1. The proposal satisfies the requirements of this clause having an FSR of approximately 0.31:1, which is well below the maximum FSR permitted.

## **6.5 Clause 5.9 Preservation of Trees or Vegetation**

Clause 6.5 stipulates that a person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by development consent, or a permit granted by the Council.

A Flora and Fauna Report and Tree Report have been submitted with the development application. The site has been largely cleared however does contain some Cumberland Plain Woodland which is listed as an Endangered Ecological Community. A flora and fauna assessment did not find any threatened plant or animal species.

The tree report made recommendations on trees to be retained and removed. Of the 57 trees on the site, only three trees have been recommended for removal. All other trees are to be retained and protected during construction works.

## **6.6 Clause 5.10 Heritage Conservation**

Clause 5.10 states that development consent is required for erecting a building that is within a heritage conservation area and Heritage Impact Statement may be required. A Heritage Impact Statement has been submitted and referred to Council's Heritage Officer for comment. Refer to discussion further in this report.

## **6.7 Clause 7.7 Acid Sulfate Soils**

Clause 7.7 states that Council shall not grant consent to development on land affected by acid sulfate soils unless appropriate assessment has been undertaken. The subject site is identified as Class 5 Land on the Acid Sulfate Soils Map. As such, for any works within 500m of adjacent Class 1, 2, 3, or 4 land that is below 5 metres AHD by which the water table will be lowered, an Acid Sulfate Soils Management Plan will be required.

A preliminary assessment of acid sulfate soils has been submitted and revealed limited risk in relation to acid sulfate soils. Fourteen testing samples to a depth of 4-6m on site did not encounter the water table, and the assessment revealed no indicators of acid sulfate soils. In this regard, an acid sulphate soil management plan is not required for the development.

## **7. Liverpool Development Control Plan 2008:**

<b>PART 1.1 – GENERAL CONTROLS FOR ALL DEVELOPMENT</b>			
<b>Standard</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Complies?</b>
<b>Clause 3 Landscaping and Incorporation of Existing Trees</b>	Landscape planting shall be principally comprised of native species. Provide an integrated streetscape appearance with an appropriate mix of canopy trees, shrubs and groundcover in appropriate locations having regard to visibility for the safe ingress and egress of pedestrians and vehicles development	The proposal includes a landscape plan with appropriate plant species to ensure compliance. A Tree Report was submitted with the development application which made recommendations on trees to be retained and removed. These recommendations are reflected in the draft determination notice.	Yes

<b>Clause 4 Bushland and Fauna Habitat Preservation</b>	Applies generally to specific zones or where a site has native vegetation or habitat for threatened flora and fauna	The site has been largely cleared however does contain some Cumberland Plain Woodland which is listed as an Endangered Ecological Community. A flora and fauna assessment has been undertaken which did not find any threatened plant or animal species. Recommendations were made for the protection of remaining vegetation on the site.	Yes
<b>Clause 5 Bush Fire Risk</b>	Applies generally to bushfire prone land and land that requires bushfire hazard reduction	The site is not bushfire prone.	N/A
<b>Clause 6 Water Cycle Management</b>	Stormwater Drainage Concept Plan required to be submitted	Stormwater concept plan provided	Yes
<b>Clause 7 Development near Creeks and Rivers</b>	Applies to land that may impact upon a watercourse or the removal of riparian vegetation	Site is not within close proximity to a watercourse	N/A
<b>Clause 8 Erosion and Sediment Control</b>	Soil and Water Management Plan or Erosion and Sediment Control Plan required to be submitted	Erosion and Sediment Control Plan provided	Yes
<b>Clause 9 Flooding Risk</b>	Applies to flood prone land	The site is affected by the probable maximum flood. Finished floor levels will be above the PMF.	Yes
<b>Clause 10 Contaminated Land Risk</b>	Applies to potential or actual contaminated land or has past or current specific land uses	A preliminary contamination assessment has been submitted which has recommended further investigation in relation to contamination. Conditions have been included in the draft determination notice for additional investigation and remediation as required.	Yes
<b>Clause 11 Salinity Risk</b>	Salinity Management Plan required for high risk activities in salinity affected areas	A Salinity Management Response has been submitted	Yes
<b>Clause 12 Acid Sulfate Soils Risk</b>	Applies to land with potential acid sulfate soils	A Preliminary assessment has been submitted which has revealed no evidence of acid sulfate soils on the property	Yes
<b>Clause 13 Weeds</b>	Weed Management Strategy required to be submitted if site	Site does not contain native weeds	N/A

	contains native weeds		
<b>Clause 14 Demolition of Existing Developments</b>	Demolition to comply with AS 2601-1991	Demolition details have been submitted	Yes
<b>Clause 15 On-site Sewage Disposal</b>	Applies to land with no access to reticulated sewer system	Site has access to reticulated sewer system	N/A
<b>Clause 16 and 17 Heritage</b>	Applies to heritage items or land in the vicinity of a heritage item, land in a heritage conservation area or archaeological site	The site is identified as a heritage item and a Heritage Impact Statement has been submitted. The development is sympathetic to the heritage significance of the site.	Yes
<b>Clause 18 Advertising</b>	Development to be advertised	The application was advertised for 14 days	Yes
<b>PART 1.2 – ADDITIONAL GENERAL CONTROLS FOR DEVELOPMENT</b>			
<b>Clause 2 Car parking and Access</b>	1 space is required per 1 bedroom dwelling, 1.5 spaces per 2 bedroom dwellings and 2 spaces per 3 bedroom dwellings 1 visitor space is required per 4 dwellings 1 space per 35 sq.m. is required for the office	2 spaces are provided per dwelling, and 14 visitor car parking spaces are provided. 35 car parking spaces are provided for the community centre	Yes
<b>Clause 4 Water Conservation</b>	All water fixtures and appliances to be 3 stars under the WELS system or better rated	This matter can be a condition on any consent issued in respect of the proposal	Yes
<b>Clause 5 Energy Conservation</b>	Comply with the Energy Efficiency provisions of the BCA Maximise natural light in buildings	The proposal will comply with the BCA. Conditions to be imposed. Access to natural light is provided within dwellings.	Yes
<b>Clause 6 Landfill</b>	Requirements for any cutting or filling of land	Some cut and fill will be required for the dwelling. Conditions have been imposed for all retaining walls to be masonry and all fill will be retained by drop edge beam construction.	Yes
<b>Clause 7 Waste Disposal and re-use facilities</b>	Waste Management Plan required for all developments	Waste Management provided	Yes
<b>Clause 8 Outdoor Advertising and Signage</b>	Controls for any signage for all development. Signage to be limited to one sign 0.75 sq.m. in area	No signage is proposed	N/A
<b>PART 3.6 – MULTI DWELLING HOUSING</b>			
<b>Clause 2</b>	The minimum lot size for multi	The site has an area of	Yes

<b>Subdivision, Frontage and Lot Size</b>	dwelling housing is 1,000m <sup>2</sup> . The minimum lot width for multi-dwelling housing is 22 metres,	2.528 hectares The site has a frontage to Judd Avenue in excess of 100 metres.	Yes
<b>Clause 3 Site Planning</b>	Site planning should ensure that multi dwelling housing is sensitive to site attributes, such as streetscape character, natural landform, drainage, existing vegetation, land capability, slope, solar access and is relevant, heritage items.	The proposed development will cause minimal overshadowing, acoustic and visual intrusion on neighbouring dwellings.  There is a direct link from all living areas to the private open space areas of each dwelling and all dwellings have been sited to maximise solar access to these areas  The site will be suitably drained.	Yes
<b>Clause 5 Setbacks</b>	<b>Front Setback:</b> 4.5 metres and 7 metres from the secondary setback. <b>Side and Rear Setbacks:</b> Ground floor without windows to habitable rooms: 0.9 metre side setback and 4 metre rear setback. Ground floor with windows to habitable rooms: 4 metre side setback and 4 metre rear setback. Building encroachments may only occur if it is seen as beneficial for open space, solar access and the internal layout of the dwelling. <b>Setbacks across internal driveways</b> Buildings shall be setback a minimum 8 metres from other buildings across a driveway.	Minimum 5 metre setback proposed.  Most dwellings are attached however the setback between buildings containing dwellings is at least 3m.  All buildings have a minimum 4 metre rear setback.  The setbacks across internal roads exceed the minimum of 8m.	Yes  Yes  Yes  Yes
<b>Clause 6 Landscaped Area and Private Open Space</b>	<b>Landscaped Area</b> A minimum of 20% of the site area shall consist of landscaped area (this may include lawn, deep rooted trees, garden beds and mulched areas).  A minimum unencumbered area of 4 x 5 metres shall be	46% of the site area will be landscaped. Significant trees are retained on site.  This clause is not applicable as only 15m <sup>2</sup> of open space	Yes  N/A

	<p>provided in rear setback to accommodate deep rooted trees.</p> <p><b>Private Open Space</b> Each dwelling shall provide a minimum private open space area, which is not covered by a roof: Small Dwelling (&lt;65m2): 30m2; Medium Dwelling (65 – 100m2): 40m2 Large Dwelling (&gt;100m2): 50m2 Areas must be more than 1.5 metres in width.</p> <p>A minimum of 50% of the private open space area must receive 3 hours of sunlight between 9:00am and 5:00pm on June 21.</p>	<p>is required pursuant to the Seniors Housing SEPP. Therefore a 4m x 5m area cannot be provided. Notwithstanding this, the majority of dwellings are provided with larger courtyard which includes an unencumbered area of 4m x 5m in the rear setback.</p> <p>Approximately 40-50m2 of private open space is provided for each dwelling. The proposal complies with the provisions of the SEPP for seniors housing in relation to private open space, which only require 15m2 of open space per dwelling.</p> <p>As the dwellings are single storey, all areas of private open space will receive at least 3 hrs sunlight.</p>	<p>Yes</p> <p>Yes</p>
<p><b>Clause 7</b> <b>Cut and Fill,</b> <b>Building</b> <b>Design,</b> <b>Streetscape and</b> <b>Layout</b></p>	<p><b>Cut and Fill of Land</b> The maximum cut on a site must not exceed 500mm.</p> <p>All retaining wall structures should be of masonry construction, be wholly contained within the site and be designed by a suitably qualified person.</p> <p>All slab constructions for dwellings above natural ground level are to be constructed using dropped edge beams to retain fill.</p> <p><b>Building Design and</b></p>	<p>Fill shall be retained by drop edge beam.</p> <p>Able to comply. Included as a condition of consent</p> <p>Able to comply.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

	<p><b>Appearance</b> Units with a street frontage shall orientate the main entrance and where possible at least one living area towards the street.</p> <p>Building facades shall be articulated and roof form is to be varied to provide visual variety. Maximum roof pitch of 36 degrees.</p> <p><b>Internal Design</b> Multi dwelling housing located on street boundaries shall have habitable rooms located to the front of the dwelling for security and surveillance to the street. Living rooms should take advantage of northern aspects where possible. Each dwelling must provide a minimum storage area of 8m<sup>2</sup>.</p>	<p>The units with street frontage are not oriented toward the street.</p> <p>Building facades are articulated.</p> <p>The roof pitch is less than 36 degrees (approx 70 degrees)</p> <p>Living rooms are located at the street frontage, which also gives half of the dwellings north facing living rooms.</p> <p>Storage is provided in the garage, linen cupboard and built in robes.</p>	<p><b>No</b></p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<b>Clause 8 Car Parking and Access</b>	<p><b>Internal Driveway and Car Parking Layout</b> Refer to Part 1.2 for requirements for minimum widths for internal driveways.</p> <p>The extent of paved area for driveways shall be kept to a minimum.</p>	<p>A single garage is provided for each dwelling, as well as room to park in the driveway. In addition 14 'on street' parking bays are proposed on the internal road.</p> <p>Paved areas and hard surfaces are kept to a minimum.</p>	<p>Yes</p> <p>Yes</p>
<b>Clause 9 Landscaping and Fencing</b>	<p>The landscape design for all development must include canopy trees that will achieve a minimum of 8 metre height at maturity within front and rear setback areas.</p> <p>Landscape planting should be principally native species to maintain the character of Liverpool and provide an integrated streetscape appearance.</p>	<p>A landscape plan has been submitted which demonstrates compliance.</p> <p>The landscape plan includes native species</p>	<p>Yes</p> <p>Yes</p>

	<p>Landscaping shall be provided along the side and rear boundaries to provide privacy for adjoining residents.</p> <p>A maximum of 30% of the front setback is to be paved or sealed, unless the area is used for direct access to a garage, carport or dwelling entry.</p> <p>Any tree with a mature height over 8 metres should be planted a minimum distance of 3 metres from the building or utility services.</p> <p>Areas between a driveway and windows of a dwelling shall be landscaped to provide privacy for the dwelling.</p>	<p>Landscaping is provided along the side and rear setbacks to provide privacy for adjoining residents.</p> <p>Over 30% of the front setback to Judd Avenue is landscaped.</p> <p>Trees over 8m in height are greater than 3 metres from dwellings</p> <p>Sufficient landscaping is provided between internal roads and driveways and dwellings</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p><b>Clause 10 Amenity and Environmental Impact</b></p>	<p><b>Overshadowing</b> Adjoining properties must receive a minimum of three hours of sunlight between 9am and 5pm on 21 June to at least:</p> <p>One living, rumpus room or the like; and 50% of the private open space.</p> <p><b>Privacy</b> Building siting, window location and fencing should take account of the important of the privacy of on site and adjoining buildings and outdoor spaces.</p> <p>Windows to habitable rooms should be located so they do not overlook such windows in adjoining properties, other dwellings within the development or areas of private open space.</p> <p>Landscaping should be used where possible to increase visual privacy between dwellings and adjoining</p>	<p>All proposed dwellings are single storey and will achieve compliance with this control.</p> <p>The majority of dwellings are attached. Where there is a gap in the buildings, no habitable windows overlooking adjoining properties are proposed.</p> <p>Windows to habitable rooms do not overlook windows in adjoining properties or adjoining private open space.</p> <p>Landscaping is proposed along boundaries to provide further privacy.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

	<p>properties.</p> <p><b>Acoustic Impact</b> Noise attenuation measures should be incorporated into building design to ensure acoustic privacy between on-site and adjoining buildings.</p> <p>Where party 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.</p> <p>The proposed buildings must comply with the Environment Protection Authority criteria and the current relevant Australian Standards for noise and vibration and quality assurance.</p>	<p>An acoustic report has been submitted in relation to use of the proposed community centre. The recommendations of the acoustic report will be imposed as conditions of consent.</p> <p>Able to comply. Conditions of consent requiring compliance with BCA</p> <p>Able to comply. Conditions of consent to be imposed requiring compliance with Protection of the Environment Operations Act and Australian Standards.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<b>Clause 11 Site Services</b>	<p><b>Letterboxes</b> 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.</p> <p><b>Waste Management</b> Waste disposal facilities shall be provided for development. Details of the design of waste disposal facilities are shown in Part 1.2 of the DCP.</p> <p><b>Frontage works and damage to Council infrastructure</b> Council must give approval for any works involving Council infrastructure.</p> <p><b>Electricity Sub Station</b> In some cases it may be necessary to provide an electricity sub station at the front of the development adjacent to the street frontage.</p>	<p>Able to comply. Advisory note attached to any consent.</p> <p>Waste bins will be stored in respective courtyards/ garages and a commercial waste contractor will be used to collect waste.</p> <p>Condition to be imposed</p> <p>It is not anticipated that an upgrade to the existing electricity supply will be required.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

As demonstrated by the compliance table above, the development generally satisfies the requirements of Liverpool Development Control Plan 2008.

The proposal does not satisfy one aspect of Development Control Plan Parts 3.6 with regard to orientation / street address. This non-compliance is discussed below:

### **Orientation / Street address**

Clause 7 within Council's DCP 2008 Part 3.6 requires units with a street frontage to have the main entrance and where possible at least one living area oriented towards the street. Proposed dwellings 1 and 45 have frontage to Judd Avenue, but are oriented toward the proposed internal road. The setback to Judd Avenue will be landscaped and also partially used for a private courtyard for those dwellings. Although the units do not have a entrance or living area oriented towards Judd Avenue, it should be noted that the community centre is oriented toward the street which provides a focal point for the development. Every dwelling has the main entrance and living areas overlooking the proposed internal road.

### **DEPARTMENTAL COMMENTS (Summary of Comments)**

<b>INTERNAL REFERRALS:</b>	
<b>Building</b>	<b>Referral – Yes</b>
No objection subject to conditions of consent.	
<b>Engineer</b>	<b>Referral – Yes</b>
No objection subject to conditions of consent.	
<b>Traffic</b>	<b>Referral – Yes</b>
No objection subject to conditions of consent.	
<b>Landscaping</b>	<b>Referral – Yes</b>
No objection subject to conditions of consent.	
<b>Health</b>	<b>Referral – Yes</b>
No objection subject to conditions of consent.	
<b>Heritage</b>	<b>Referral – Yes</b>
No objection subject to conditions of consent.	
<b>Access Committee</b>	<b>Referral – Yes</b>
No objection subject to conditions of consent.	
<b>EXTERNAL REFERRALS:</b>	
<b>NSW Police</b>	<b>Referral – Yes</b>
No response received.	

### **Heritage Officer**

Council's Heritage Officer provided the following comments on the application:

- Generally the proposed development would not have an adverse impact on the significance of the heritage listed Hammondville Home for Senior Citizens.
- Notwithstanding, the setback of the development to Judd Avenue could potentially have an adverse impact on the aesthetic significance of the place. Consideration should be given to a greater setback from this boundary to mitigate any adverse impact on the historic, leafy character of the Hammond Village.
- Further, the colour scheme selected for the development should consider the heritage context and blend with the existing development.

Further to these comments, it is considered that the provision of a 5.5 metre minimum setback, which increases to up to 10 metres in front of the community centre building, with dense landscaping will assist in maintaining the leafy character of the area. In addition, the

existing development to the south of the site has a similar design, setback and use of colours and materials to the proposed development. The proposed development is modern in its architectural design and does not mimic the historic buildings on the site. The design is supported on heritage grounds as it low scale and sympathetic to the existing buildings within the Village and it is considered that the development will contribute to the historical evolution of the site.

### ***Access Committee***

The Liverpool Access Committee considered the proposed development and raised no objections subject to the following conditions:

- No roll top kerbs
- Provision of crossing for persons in a wheelchair to be provided via the driveways. In this regard, no driveways shall have any lips
- Internal widths of footpaths to be a minimum of 1.2m wide
- Showers are to be have no hobs
- No steps at the front entry door of each dwelling
- Universal design for internal appliances and amenities

These matters are included as conditions on the draft determination notice.

The Access Committee also recommended that at least 25% if the dwellings should cater for persons for a disability upfront, rather than relying upon conversion in the future. It was also recommended that the bus shelter in Judd Avenue should be upgraded to comply with current standards for accessibility. It is recommended that the applicant give consideration to these matters and accommodate particular details in the Construction Certificate designs.

### ***Safer by Design***

Although comments were not received from the NSW Police, the proposed development satisfies Crime Prevention Through Environmental Design “Safer by Design” principles in the following respects:

- Definition of public, semi public and private spaces
- Windows, doors and courtyards provide natural surveillance of semi public and public areas
- Defined entries to community centre and dwellings
- Provision of high branching trees and low shrubs to allow surveillance into and out of the site
- Provision of lighting along the proposed internal road
- Use of signage to reinforce territorial boundaries

## **PUBLIC PARTICIPATION:**

**Notification/Advertising:** In accordance with Liverpool Development Control Plan 2008, the application was advertised for fourteen (14) days from 7 October to 21 October 2009. During the advertising period Council received three (3) written submissions from four (4) properties.

## NATURE OF SUBMISSIONS

The range of issues which were raised in the submissions, and a response to each, are summarised below:

### **ISSUE 1: Privacy**

- Concern was raised regarding loss of privacy due to the subject site being higher than the adjoining properties in Morley Avenue.
- Concern regarding the setback of some of the paved patio areas being only 1.8m from the boundary. The use of the patio would impact on privacy

**Comment:** The site is relatively flat with a fall of six metres across the site from the north western corner to the south-western corner.

It is noted that some properties in Morley Avenue, particularly No. 32 and 34 are 0.5 -1 metre lower than the subject site. The proposed floor level of the dwellings in this location will be 0.5 – 1 metres higher than the floor level of the adjoining dwellings. However, the fence will also be located at the higher level therefore reducing potential overlooking.

Privacy screens have been provided to some dwellings where the finished floor level of the dwelling and associated deck is raised above the level at the boundary. In addition to the screens proposed, it is recommended that where the finished floor level of a deck exceeds 500mm above the ground level at the boundary, that deck be provided with a 1.5m high privacy screen.

The provision of front courtyards to all dwellings allows residents the option of sitting out the front of their dwelling or at the rear. The applicant has indicated that the rear courtyards and deck areas will predominantly be used for clothes drying rather than entertaining. It is not anticipated that the use of the rear courtyards would adversely impact on the privacy of adjoining residents, nor future occupants.

### **ISSUE 2: Flooding**

- Concern that fill to elevate the dwellings will result in flooding into the properties in Morley Avenue.

**Comment:** Council requires that all fill be contained within drop edge beams. A condition has been included in the draft determination notice to this effect.

The site is largely flood free, with only the south west corner of the site being below the probable maximum flood (PMF) which is 10.3m AHD. The finished floor level of all dwellings is at least 500mm above the PMF level which meets Council's flood planning controls. The small amount of fill within the PMF will not alter flooding in the locality. Furthermore the On-Site Stormwater Drainage has been designed to limit the post-developed discharge to the pre-developed conditions for storm events up to and including the 1 in 100 year storm.

### **ISSUE 3: Overshadowing**

- Concern regarding overshadowing

**Comment:** The proposed buildings are single storey and will not result in significant overshadowing of neighbouring properties. Shadow diagrams have been submitted which demonstrate that all adjoining properties courtyards receive full solar access for the majority of the day.

**ISSUE 4: Fencing**

- Concern regarding the type of boundary fence proposed, suggestion that a timber fence is not satisfactory
- Concern over the height of the fence, suggestion that 1.8m is not sufficient to protect privacy
- Concern regarding the timing of the fencing. Currently many houses between the subject site and Morley Avenue have chainwire fencing and concern was raised that the residents would be 'looking at a construction site' over years to come as the development is staged

**Comment:** The applicant has advised that the proposed boundary fencing will consist of 1.8m high lapped and capped timber fencing. As the average persons eye level is approximately 1.5m above ground level, a fence of 1.8m in height will screen most overlooking.

As mentioned previously, it is recommended that where the finished floor level of a deck exceeds 500mm above the ground level at the boundary, that deck be provided with a 1.5m high privacy screen.

The applicant has indicated that boundary fencing will be undertaken prior to issue of an Occupation Certificate for the respective stage of the development. However, in order to minimise impacts during construction it is recommended that the entire boundary of the site be fenced with 1.8m high lapped and capped timber fencing as part of the first stage of the development. Given that the buildings are setback at least 4 metres from the boundaries, there should be limited risk of damage during construction activities. A condition to this effect has been included in the draft determination notice.

**ISSUE 5: Landscaping**

- Concern over the timing of planting of the proposed boundary screening shrubs

**Comment:** Landscaping will be undertaken prior to issue of an Occupation Certificate for the respective stage of the development. The applicant has advised that landscaping will not be undertaken any earlier, due to the risk of damage during construction works. Council officers concur with this approach.

**ISSUE 6: Traffic**

- Concern with additional traffic generated by the development
- Concern regarding the right turn from Walder Road into Heathcote Road

**Comment:** As canvassed earlier in this report, the additional traffic generated by the proposed development would be in order of only 45-90 vehicle trips per day. This traffic can be accommodated in the local road network.

The intersection of Walder Road and Heathcote Road is controlled by traffic signals which allows movements onto Heathcote Road and Bardia Parade. Given that only 5-9 trips (ie. 0.1-0.2 trips per dwelling) are expected to occur during the peak hours, the impact on traffic at the intersection of Walder Road and Heathcote Road will be negligible.

## **SECTION 79C CONSIDERATIONS:**

The following summarises the assessment of the proposal in terms of the heads of consideration in Section 79C of the Environmental Planning and Assessment Act 1979.

**(a) The provisions of:**

**(i) Any Environmental Planning Instrument**

The proposed development is defined as seniors housing under Liverpool Local Environmental Plan 2008. Such a use is permitted with the consent of Council on the subject site pursuant to the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. The proposed development complies with all relevant clauses of LLEP 2008 and SEPP 2004. Furthermore, assessment of the proposal has revealed that residential amenity of the surrounding area will be maintained and that the proposal is consistent with the objectives of the R2 Low Density Residential Zone.

**(ii) Any Draft Environmental Planning Instrument**

No draft environmental planning instruments relate to the site.

**(iv) Any Development Control Plan**

Parts 1.1, 1.2 and 3.8 of Liverpool Development Control Plan 2008 apply to the application.

The proposed development has demonstrated general compliance with the requirements of LDCP 2008.

**(iiia) Any Planning Agreement**

No planning agreement relates to the site or proposed development.

**(iv) The Regulations**

There are no matters prescribed by the Regulations that apply to this development.

**(b) The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality**

The scale, density and built form and operation of the proposal is considered to be satisfactory. In addition, the proposal is sympathetic to the heritage listing of the site, and has been designed in character with the area. The proposed development makes a positive contribution to the built environment. It is considered that the proposal is unlikely to adversely affect the amenity of the locality, nor neighbouring properties.

**(c) The suitability of the site for the development**

As canvassed within the report, it is considered that the site is suitable for the proposed seniors housing development. Consideration has been given to impacts of the proposal

on surrounding residences and there are no known constraints which would render the site unsuitable for the proposed development.

The site is within Hammond Village and has historically been used for the provision of aged care facilities and services. It is also noteworthy that a previous approval was issued for seniors housing, and the site suitability was assessed as part of that development application.

**(d) Any submissions made**

Detailed previously within the report.

**(e) The public interest**

The public interest is taken to include the provision of a facility for future and existing residents of the Liverpool local government area.

The issues raised in the objections made to this proposal have been adequately addressed throughout this report. It is considered that the proposed development is in the public interest, and is worthy of support.

## **CONCLUSION**

The proposed development is considered an appropriate use of the site. The implementation of appropriate measures during operation, as outlined in this report, will ensure that there will be minimal impacts on the surrounding locality.

The application has been assessed on its merits and is considered satisfactory. The impacts of the proposal can be appropriately mitigated to ensure that the amenity of adjoining properties is maintained. Accordingly it is recommended that the application is approved subject to conditions of consent.

## **RECOMMENDATION**

That:

1. The Joint Regional Planning Panel approves Development Application DA-385/2010 proposing housing for seniors or people with a disability: 45 self contained dwellings, internal loop road with associated two-storey community centre with basement car parking at Lot 931 DP 11002273, 11-37 Judd Avenue Hammondville, subject to the attached conditions of consent.
2. The persons who made a submission with regard to the proposed development be notified in writing of the Joint Regional Planning Panel's decision.

**CONDITIONS:**

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

STAGE	DEVELOPMENT WORKS	PART REFERENCE	CONDITION REFERENCE
1	<ul style="list-style-type: none"> <li>• Construction of 10 dwellings</li> <li>• Construction of community centre and basement car park</li> <li>• Construction of internal road</li> <li>• Construction of children's play ground with associated shade sail and fencing</li> <li>• Landscaping, boundary fencing and drainage</li> </ul>	Part One and Part Two	1-119
2	<ul style="list-style-type: none"> <li>• Construction of 14 dwellings</li> <li>• Landscaping, internal fencing and drainage</li> </ul>	Part One and Part Three	120-143
3	<ul style="list-style-type: none"> <li>• Construction of 9 dwellings</li> <li>• Landscaping, internal fencing and drainage</li> </ul>	Part One and Part Four	144-149
4	<ul style="list-style-type: none"> <li>• Construction of 12 dwellings</li> <li>• Landscaping, internal fencing and drainage</li> </ul>	Part One and Part Five	150-153

**PART ONE:**

**The following conditions (Conditions 1 to 119) pertain to all stages of the development:**

**A. THE DEVELOPMENT**

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

**GENERAL**

2. Development must be carried out generally in accordance with Development Application received 24 September 2009 and accompanying plans/reports:
  - a. Architectural Plans prepared by Allen Jack + Cottier (Project Number 08050):
    - i. Drawing No. DA 1001, Site and Roof Plan, Issue 06 dated 17.09.09
    - ii. Drawing No. DA 1002, Site Plan, Issue 08 dated 06.11.09
    - iii. Drawing No. DA 1003, Site Elevations, Issue 07 dated 06.11.09
    - iv. Drawing No. DA 1004, Elevations and Sections, Issue 06 dated 06.11.09
    - v. Drawing No. DA 2101, Village Centre Plans and Elevations, Issue 06 dated 06.11.09
    - vi. Drawing No. 5101, Type A and B Typical Floor Plans, Issue 06, dated 17.09.09
    - vii. Drawing No. 5102, Type C and D Typical Floor Plans, Issue 06, dated 17.09.09
    - viii. Drawing No. 5103, Type E and F Typical Floor Plans, Issue 06, dated 17.09.09
    - ix. Drawing No. 5104, Type G and H Typical Floor Plans, Issue 06, dated 17.09.09

- b. Engineering plans prepared by Cardno Low and Hooke (Job No. LH9017)
  - i. Drawing No. DA-C1, Civil Construction Notes, Issue 1 dated 22.09.09
  - ii. Drawing No. DA-C2, Stormwater Drainage Plan, Issue 2 dated 22.09.09
  - iii. Drawing No. DA-C3, Drainage Plan, Drainage and Detention Tank Details, Issue 2 dated 22.09.09
  - iv. Drawing No. DA-C4, Erosion and Sediment Control Plan and Details, Issue 1 dated 22.09.09
- c. Landscape Plans prepared by Taylor Brammer (Job No. 09-029s)
  - i. Drawing No. LA01, Concept Landscape Plan, Issue B dated 17.09.09
  - ii. Drawing No. LA02, Concept Landscape Plan – Typical Garden Detail, Issue B dated 17.09.09
  - iii. Drawing No. LA03, Concept Landscape Plan – Typical Details, Issue B dated 17.09.09
- d. BASIX Certificate No. 270515M dated 22 September 2009
- e. Preliminary Salinity Investigation and Management Strategy prepared by Environmental Investigation Services (Report No. E0.045KBrpt2) dated September 2009
- f. Noise Emission Assessment prepared by Acoustic Logic Consultancy (Report No. 2009704/0904A/R2/TT) dated 4 September 2009
- g. Access Report prepared by Allen Jack and Cottier (Job No. 08.085) dated 17 September 2009
- h. Geotechnical Investigation prepared by Environmental Investigation Services (Report No. 23278LBrpt) dated September 2009
- i. Environmental Site Assessment prepared by Environmental Investigation Services (Report No. E23278KBrpt) dated September 2009
- j. Tree Report prepared by Treescan dated September 2009
- k. Terrestrial Flora and Fauna Assessment prepared by Biosis Research (Project No. s5599) dated September 2009
- l. External Finishes prepared by Allen Jack and Cottier
- m. Waste Management Plan prepared by Morgan Moore and Associates dated 7 September 2009

marked DA-385/10, except where modified by the undermentioned conditions.

3. A separate development application shall be submitted for the fit out of the hairdressing salon. The hairdressing salon shall only be available for residents of Hammond Village. At no time shall services be offered to the general public.

## **B. OPERATIONAL MATTERS**

**These conditions pertain to the use of the site and have been imposed to ensure that the development and its operations do not interfere with the amenity of the surrounding area.**

### **RESTRICTIONS ON OCCUPATION**

4. Residents of the development must be:
  - a. seniors or people who have a disability, or
  - b. people who live within the same household with seniors or people who have a disability, or
  - c. staff employed to assist in the administration of and provision of services to housing provided under this Policy.

### **LANDSCAPING**

5. All landscaping shall be maintained in accordance with the approved plan and in a healthy state in perpetuity by the existing or future owners and occupiers of the property. Should any of the landscaping comprising that landscaping dies, it is to be replaced with vegetation of the same species and to the greatest extent practicable, the same maturity, as the vegetation which died or was removed.

### **SITE MANAGEMENT/ OPERATION TIMES**

6. Advertising matter must not be erected, painted or displayed without the prior approval of Council. For further information, please obtain a copy of Liverpool Development Control Plan No 2008 Part 1.1.
7. The use of the Community Centre must not interfere with the amenity of adjacent residential properties.
8. The hours of operation for the community centre are limited to 7:00 am until 12:00 midnight, 7 days a week.
9. No loud amplified music, over 80 dB(A)L10, shall be played within the Community Centre at any time.
10. If the chapel, swimming pool or gymnasium are used between 10:00am and 12:00 midnight on any evening, the doors and windows shall be kept closed to minimise disruption to residents.
11. Driveways and car parking spaces must not be used for manufacture, storage or display of goods, materials or equipment. The spaces must be available at all times for all cars associated with the development.
12. The loading and/or unloading of all goods and materials used in conjunction with the development must take place only on the land subject of the application.
13. Any alarm installed on the premises shall be a silent 'back to base' type system.
14. All required off street car parking spaces shall be maintained in a satisfactory and usable manner.

## **GRAFFITI**

15. The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repared, within 48 hours of it occurring, at the full cost to the owners of the site.

## **WASTE MANAGEMENT**

16. The Waste Management Plan submitted to and approved by Council must be adhered to at all times throughout all stages of the development. The applicant is required to keep supporting documentation (receipts/dockets) of waste/recycling/disposal methods carried out, which must be produced upon the request of Council or any other authorised officer. Note: Any non-compliance with this requirement will result in penalties being issued.
17. All solid and liquid waste must be removed from the site by a registered waste contractor.
18. All solid waste stored on site must be covered at all times.
19. All waste materials generated as a result of the development must be disposed at a facility licensed to receive such waste.
20. Residential waste and recycling bins must be stored within the garage or private courtyards of the dwellings.
21. Waste and recycling bins for the Community Centre must be stored within the designated garbage compartment rooms within the basement car park. Compartment rooms are to be kept tidy at all times. Waste, bins etc are not be stored outside these rooms.
22. Waste/garbage compartment rooms are to be in accordance with the following:
  - (a) Provided with mechanical ventilation;
  - (b) Provided with a hose cock for hosing the garbage bin bay and a sewerred drainage point in or adjacent to the bin storage area. The drainage point should have a fine drain cover sufficient to prevent coarse pollutants from entering the sewer. If the hose cock is located within the bin bay and waste storage area, it is not to protrude into the space indicated for the placement of bins.
  - (c) Provided with sufficient light to permit usage at night;
  - (d) Allocated with sufficient space within the bin bay to allow for access to all required waste collectors, as well as maneuvering of bins within the bay as well as the removal and return of all bins by the waste collector;
  - (e) Provided with adequate signage to be predominantly displayed within the waste storage area or bin bays as appropriate indicating that:
    - i. garbage is to be placed wholly within the garbage bins provided;
    - ii. the area is to be kept tidy;
    - iii. a phone number for arranging disposal of bulky items;
    - iv. only recyclable materials are to be placed within the recycling bins;
    - v. graphic illustrative context to be 50%.
  - (f) Bay bin signs are available from Council;

- (g) Should garbage chutes be incorporated into the design of the building, signage on how to use chutes is to be located prominently next to the chute;
- (h) Operation, maintenance and cleaning of the garbage compactor and associated equipment is the responsibility of the strata management or body corporate and not of Liverpool City Council; and
- (i) Maximum compaction ratio is 2:1.

## **COMPLIANCE WITH OTHER ACTS**

23. Use and occupation of the premises must be carried out all times without nuisance and in particular so as not to breach the provisions of the Protection of the Environment Operations Act 1997. The operation and use of any machinery, plant and/or equipment within, on or in connection with the operation and use of the premises is to be carried out so as not cause:

- (a) Transmission of vibration to any place of different occupancy; or
- (b) An indoor sound pressure level in any place of different occupancy (and/ or public place) greater than 3dB(A) above the L90 background level or greater than 5db(A) at the boundary of any affected property in any octave band from 31.5Hz to 8,000 Hz centre frequencies inclusive between the hours of 7.00am to midnight daily and 0dB(A) above the L90 background between 12 midnight and 7.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this subclause does not apply to any such frequencies; or
- (c) During the period of 12 midnight to 7.00a.m. the use shall be inaudible in any habitable room of any residential premises; or
- (d) An Offensive Noise, as defined in the protection of the Environment Operations Act 1997.

The method of measurement of vibration in (a) and sound levels in (b), (c) and (d) shall be carried out in accordance with AS 2973 for vibration measurements. AS 1055 for outdoor sound level measurements, and AS 2107 for indoor sound level measurements.

## **AIR EMISSIONS**

- 24. The use of the premises shall not give rise to the emission into the surrounding environment of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.
- 25. The use of charcoal for the purposes of heating, cooking or smoking food on the premises is strictly prohibited.

## **EXTERNAL LIGHTING**

- 26. The reflectivity index of glass used in the external facade of the building is not to exceed 20%.
- 27. External lighting is to be provided and positioned to avoid light spill onto adjoining properties, 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 or to neighbouring properties or road users.

## **C. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Construction Certificate relating to the approved development, whether by Council or an appropriately accredited certifier. In many cases the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Construction Certificate:

### **DEVELOPMENT DETAILS**

28. A separate application for a permit to carry out works in Council's road reserve pursuant to Section 138 of the Roads Act, 1993 must be issued by Council for:
  - a. Connection to stormwater pit in Morley Avenue,
  - b. Construction of pedestrian refuge in Judd Avenue
  - c. Any required upgrade to the bus shelter in Judd Avenue
29. Engineering plans will be required defining all physical works necessary on the site and adjacent to it. These plans are to be certified by Council or an accredited certifier.
  - (a) These plans must satisfy the following requirements:
    - i. Council's current Design and Construction specification for subdivisions (as amended), and supplementary code;
    - ii. Council's Development Control Plans; and
    - iii. All proposed road and drainage works must adequately match existing infrastructure.
  - (b) These plans must incorporate the following:
    - i. A drainage study identifying the location and design required of any drainage channel, or detention basin.
30. All On Site Detention shall be checked and certified by an accredited stormwater drainage designer prior to Issue of the Construction Certificate for Building Works.
31. Prior to the issue of a Construction Certificate, the capacity of the 600mm diameter pipe to be constructed downstream of the proposed on-site detention system shall be designed not to exceed the capacity of the 375mm diameter pipe which it is replacing.

### **SECURITY FOR COST OF DAMAGE AND COMPLETION OF PUBLIC WORK**

32. Prior to issue of a Construction Certificate and carrying out any work in accordance with this development consent, the applicant must provide security to the Council for the payment of the cost of the following:
  - a. making good any damage caused to any property of the Council as a consequence of the doing of anything to which the consent relates,
  - b. completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with the consent,
  - c. remedying any defects in any such public work that arise within 6 months after the work is completed.

The security is to be for an amount that is the greater of \$5000 or 5% of the estimated cost of carrying out the development and may be provided by way of:

- a. cash deposit with the Council, or
- b. an unconditional bank guarantee in favour of the Council.

The security may be used to meet any costs referred above and on application being made to the Council by the person who provided the security, any balance remaining is to be refunded to, or at the direction of, that person. If no application is made to the Council for a refund of any balance remaining of the security within 6 years of the date of issue of the subdivision certificate for the development the Council may pay the balance to the Chief Commissioner of State Revenue under the Unclaimed Money Act 1995.

## **OWNER'S AGREEMENT**

33. Prior to the issue of a construction certificate an agreement in writing from the owners of Lot 57 DP 252710, 22 Morley Avenue stating that approval is given for the construction of any drainage works on their property and if needed, the widening of the easement shall be submitted to Council.

## **STORMWATER**

The following conditions have been imposed to ensure that the drainage collected on and/ or passing through the site is conveyed through a controlled system to minimise any impact on the subject land, downstream properties or the environment.

34. Stormwater is to be collected within the site and conveyed in a pipeline to the appropriate point of discharge as directed by Council and as detailed on the plans approved as part of this development application.
35. A stormwater drainage plan, including hydraulic calculations based on a 1 in 10 year storm (ARI), is required, indicating the drainage infrastructure required for each stage of the development. The plan must show how the stormwater generated by this site, and other interallotment overland flow water entering onto this site, is to be collected within the site and conveyed in a suitable pipeline to the most appropriate point of discharge as advised by Council.

This plan shall also show existing and proposed surface contours within the site and along its boundaries with immediately adjacent properties, and shall define overland flow paths for storms which exceed the capacity of the underground pipe system.

The applicant is to contact Council to determine maximum allowable discharge from site. (Council engineers to nominate maximum discharge flow from site). If drainage investigations reveal that downstream drainage pipes are not capable of catering for the discharge, then Council requires the design and construction of an on-site detention system. This is to be designed in accordance with Council's On-Site Detention Policy.

36. Common drainage lines are required to be designed for stormwater disposal, where land falls to the rear.

## **EROSION & SEDIMENT CONTROL**

37. Erosion and sediment control measures shall be designed in accordance with the requirements of the Department of Housing 1998 manual "Managing Urban Stormwater – Soils & Construction" and Council specifications, and to the satisfaction of the Principal Certifying Authority. Approved measures shall be implemented prior to commencement and maintained during construction and until all disturbed areas have been revegetated and established to the satisfaction of the Principal Certifying Authority.

## **PUBLIC SAFETY**

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

## **PROVISION OF SERVICES**

39. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. To do so, 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](http://www.sydneywater.com.au), or telephone 13 20 92.

Following 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. The notice must be submitted to the PCA.

40. Written clearance from Integral Energy, stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development must be submitted to the PCA.
41. Certification from an approved telecommunications carrier shall be submitted to Council confirming that satisfactory arrangements have been made to ensure the provision of underground telephone services to the approved development.

## **RETAINING WALLS / FILLING / EXCAVATION**

42. Retaining walls or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated subsoil drainage and surface stormwater drainage measures, shall be designed strictly in accordance with the manufacturers details or by a practising Structural Engineer.
43. All filling/ excavation is to be drained and retained within the confines of the allotment and for this purpose.
  - (a) Where the amount of fill is 600mm or greater any remaining portion of fill is to be retained by a dropped edge beam. The extent of cut and fill is to be generally in equal proportions. The fill platform is to be drained and retained at a maximum height of 600mm at the side boundary.

- (b) The maximum depth of cut at any portion of any allotment is 900mm and the extent of excavation cannot extend any closer than 450mm from the side boundary. The wall of the dwelling on the excavated side is to be 1.5m minimum from the side boundary if the excavation exceeds 600mm in depth.
- (c) The extent of any cut or fill is limited to a maximum 2.0m around the perimeter of the building. Cut or fill beyond this is subject to separate application and approval by Council and will be determined on an individual merit basis.
- (d) Unless otherwise certified by the designed Structural Engineer, an undisturbed fill platform of 1.0m minimum is to be provided between the wall of the dwelling and the closet portion of the retaining wall/drainage, in order to satisfy the requirements of AS 2870.0-1998 Residential Slabs and Footings part 1 – Construction – Clause 6.1.3 (c)(iii).

## **BUILDING CODE OF AUSTRALIA**

44. All aspects of construction shall comply with the applicable Performance Requirements of the Building Code of Australia. Compliance with the Performance Requirements can only be achieved by:
- (a) Complying with the Deemed to Satisfy Provisions; or
  - (b) Formulating an Alternative Solution, which complies with the Performance Requirements or is shown to be at least equivalent to the Deemed to Satisfy Provision, or a combination of (a) and (b).
  - (c) Should an “Alternative Solution” under the BCA be proposed, Council’s building surveyor shall be involved in the preparation of the Fire Engineered Design Brief (FEDB).
  - (d) Any alternative solution concerning fire safety shall be reviewed by the NSW Fire Brigade (Fire Safety Division). Their comments are to be forwarded to Council prior to the issue of a construction certificate.

## **DISABLED ACCESS**

The following condition has been imposed to ensure adequate provision is made for disabled access associated with the development:

- 45. Access, parking and facilities for persons with disabilities to be provided in accordance with the provisions of Building Code of Australia as amended and Australian Standard 1428.1.
- 46. The following accessibility requirements are to be addressed in the construction certificate plans:
  - a. No roll top kerbs
  - b. Provision of crossing for persons in a wheelchair to be provided via the driveways. In this regard, no driveways shall have any lips
  - c. Internal widths of footpaths to be a minimum of 1.2m wide
  - d. Showers are to be have no hobs

- e. No steps at the front entry door of each dwelling
  - f. Universal design for internal appliances and amenities
47. Consideration shall be given to providing a least 25% of the dwellings to cater for persons for a disability upfront, rather than relying upon conversion in the future.
48. An assessment of the existing bus shelter in Judd Avenue shall be undertaken by a suitably qualified person and submitted to Council prior to issue of a Construction Certificate. If the bus shelter does not comply with current standards for accessibility, detailed plans/designs for any required upgrade of the shelter shall be submitted to Council for approval. Any works required shall be included in the application for a permit to undertake works within the road reserve.

## **FEE PAYMENTS**

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

The following fees are applicable and payable:

- (a) Damage Inspection Fee – relevant where the cost of building work is \$20,000 or more, or a swimming pool is to be excavated by machinery.
- (b) Fee associated with Application for Permit to Carry Out Work Within a Road, Park and Drainage Reserve.
- (c) Long Service Levy – based on 0.35% of the cost of building work where the costing of the CC is \$25,000 or more.

These fees are reviewed annually and will be calculated accordingly.

50. All fees associated with a road opening permit required for the connection, extension or amplification of any services within Council's road reserve must be paid to Council and receipts provided to the PCA. A separate form must be submitted in conjunction with payment of the fees. The fees include the standard road opening permit fee and any restoration fees that may be required as a result of the works.

## **FLOODING**

51. The floor level shall be no less than the Probable Maximum Flood (i.e. 10.3m Australian Height Datum).
52. The structure shall be constructed from flood compatible building components below the Probable Maximum Flood (i.e. 10.3m Australian Height Datum).
53. An engineers report shall be required to certify that the structure can withstand the forces of floodwater including debris and buoyancy up to and including the Probable Maximum Flood (i.e. 10.3m Australian Height Datum).

## **MECHANICAL PLANT**

54. Details of mechanical plant shall be provided to Council prior to issue of a Construction Certificate. All plant and equipment generating noise emissions must be

housed within the confines of a purpose built structure with noise suppression measures.

55. Documentation shall be submitted to the PCA demonstrating that noise associated with mechanical plant and equipment will not give rise to any one or more of the following:
- a. Transmission of vibration to any place of different occupancy greater than specified in AS 2670.
  - b. An indoor sound pressure level in any place of different occupancy (and/ or public place) greater than 3dB(A) above the L90 background level or greater than 5db(A) at the boundary of any affected property in any octave band from 31.5Hz to 8,000 Hz centre frequencies inclusive between the hours of 7.00a.m to 10.00p.m daily and 0dB(A) above the L90 background between 10.00pm and 7.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this subclause does not apply to any such frequencies.
  - c. The emission of an "offensive noise" as defined under the Protection of the Environment Operations Act 1997.

The method of measurement of vibration in (a) and sound levels in (b) and (c) shall be carried out in accordance with AS 2973 for vibration measurements, AS 1055 for outdoor sound level measurements, and AS 2107 for indoor sound level measurements.

## **CONTAMINATION**

56. The area around the vertical steel pipe with a screw-on cap and concrete pad/paver was encountered shall be further investigated prior to issue of a Construction Certificate. In this regard an appropriately qualified and experienced environmental consultant shall supervise the exploration of this area to determine if any underground storage tank is located in this area. Documentary evidence shall be submitted to Council, including results of exploration, and whether or not a storage tank is encountered. If a tank is found, a remediation plan shall be prepared for its removal and additional testing shall be undertaken around the underground storage tank to assess soil and ground water conditions.
57. Any required remediation required on the site shall be undertaken and a validation report is to be submitted to the principle certifying authority, confirming the suitability of the site for the development, prior to issue of a Construction Certificate. This Report shall be prepared with reference to the EPA guidelines and must:
- a) describe and document all works performed;
  - b) include results of validation testing and monitoring;
  - c) include validation results of any fill imported on to the site;
  - d) outline how all agreed clean-up criteria and relevant regulations have been complied with; and
  - e) include clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.

## **D. PRIOR TO ANY WORK COMMENCING ON THE SITE**

The following conditions are to be complied with prior to any work commencing on the site.

### **CONSTRUCTION CERTIFICATES**

58. Detailed Civil engineering plans and specifications relating to the work shall be endorsed with a Construction Certificate, in accordance with Section 81A of the Act, and a copy registered with Council.
59. Detailed engineering plans and specifications relating to the work shall be endorsed with a Construction Certificate, in accordance with Section 81A of the Act, and a copy submitted to Council, with payment of any relevant fees. The fees will include damaged deposit, road opening, damaged inspection fee and any required Section 94 payment or bond. You are required to contact Council's Customer Service Centre to confirm the current amounts.
60. 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.

### **NOTIFICATION**

61. The applicant shall advise Council of the name, address and contact number of the Accredited Certifier, in accordance with Section 81A (4) of the Act.
62. The applicant shall advise Council, of the date it is intended to commence the work which is the subject of this consent by completing a "Notice of Commencement of Building Work" form available from Council's front counter. A minimum period of two (2) working days, notification shall be given.
63. Building work that involves residential building work (within the meaning of the *Home Building Act 1989*) must not be commenced unless the principal certifying authority for the development to which the work relates:

(a) In the case of work to be done by a licensee under that Act:

- i. Has been informed in writing of the licensee's name and contractor licence number; and
- ii. Is satisfied that the licensee has complied with the requirements of Part 6 of the Act; or

(b) in the case of work to be done by any other person:

Has been informed in writing of the person's name and owner-builder permit number, or has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definitions of owner-builder work in Section 29 of the Act and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any

information or declaration previously given under either of those paragraphs.

Note: A certificate supporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this condition sufficient evidence that the person has complied with the requirements of that Part.

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

## **TREES**

65. Permission is hereby granted for the removal of Trees numbered 5, 6 and 7 within the Tree Report prepared by Treescan dated September 2009.
66. All existing trees not referred to in condition 64 shall be protected from damage during site works. This protection is to consist of a temporary fence (1.8m high chain wire fencing or similar), being erected either:
- a. beyond the drip line of the trees or
  - b. a minimum of three (3) metres from the main trunk of each tree
- whichever is the greater.

Trees may be fenced off in clusters where it is not practical to fence individual trees.

## **SITE FACILITIES**

67. 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.
68. Access to the site is to be provided only via an all-weather driveway on the property and is not to be provided from any other site, or location. (Refer to Council's Sediment & Erosion Control Policy).

## **SITE NOTICE BOARD**

69. A sign must be erected in a prominent position on the premises on which work is to be carried out. The sign must state:
- (a) Unauthorised entry to the premises is prohibited, and
  - (b) The name of the builder or other person in control of the premises and a telephone number at which the builder or other person may be contacted outside working hours.

## **NOTIFICATION OF SERVICE PROVIDERS**

70. Construction Certificate plans as submitted to Council are to be approved by Sydney Water, to verify that the development meets its requirements concerning the relationship of the development to any water mains, sewers or stormwater channels.

## **PLANS/ REPORTS**

71. A dilapidation report is to be undertaken prior to commencement of works. This shall include clear photos and descriptions of all existing Council infrastructure adjacent to the subject site. A copy of this report is to be provided to Council.
72. No service works are to be carried out within the existing road reserve, including Gas, Electricity, Sewer, Water or Communications until a road opening permit is received and all restoration fees and/or bonds are paid to Council and receipted.

## **E. DURING CONSTRUCTION/ WORKS**

**The following conditions are to be complied with whilst works occurring on the site:**

### **BUILDING WORK**

73. The following critical stage inspections must be carried out by the appropriate person in accordance with the EP&A Regulation, with Compliance Certificates issued for each inspection. The last critical stage inspection must be carried out by the PCA. The following components of construction are relevant:
- a. after excavation for, and prior to the placement of, any footings; and
  - b. prior to pouring any in-situ reinforced concrete building element; and
  - c. prior to covering of the framework for any floor, wall, roof or other building element, and
  - d. prior to covering waterproofing in any wet areas, and
  - e. prior to covering any stormwater drainage connections; and
  - f. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

Note: These certificates or documentary evidence must be submitted to Council with any Occupation Certificate issued for the development.

### **LANDFILL**

74. Where site filling is necessary, it must be carried out in accordance with Council's Construction Specification (as amended), AS3798 Guidelines for Earthworks for commercial and Residential Development (as amended) and approved drawings by the accredited certifiers or Council. A minimum of 95% standard compaction must be achieved and certified by a suitably qualified geotechnical engineering consultant. Testing is to be in accordance with Council specifications for "Construction of Subdivisional Roads and Drainage Works."
75. Landfill materials must satisfy the following requirements:

- Be non-putrescible solid waste;
  - Be free of slag, hazardous, contaminated, toxic or radioactive matter; and
  - Be free of industrial waste and building debris
76. Trucks transporting fill are to have their loads covered.
77. Where the land is to be filled, graded or roadworks constructed, it will be necessary that regular watering down of operations be carried out. Where the creation of dust during earthworks is a problem, Council may direct that such work is not to proceed when the wind velocity exceeds five knots.

## **SURVEY REPORTS**

78. Prior to the construction proceeding above the floor level, and on completion of the development, a Survey Report shall be done and submitted to the Principal Certifying Authority to verify the correct position of the structure in relation to the boundary allotments, and approval finished floor levels. The required floor level is 10.3m (AHD) to ensure compliance with Council's Flood Plan Management Policy

## **HOURS OF OPERATION**

79. Construction/ civil work is only permitted on the site between the hours of 7am to 6pm Monday to Friday and, 8am to 1pm on Saturday. No work will be permitted on Sundays or Public Holidays, unless otherwise approved by Council.
80. Deliveries shall occur only between the hours of 7am and 7pm, Monday to Friday and, between 7am and 7pm on Saturday, and shall not occur at any time on Sundays or Public Holidays.

## **TRAFFIC MANAGEMENT**

81. All works within the road reserve are to be at the applicant cost and all signage is to be in accordance with the RTA's Traffic Control at Worksites Manual and the RTA's Interim Guide to Signs and Markings.
82. A traffic management plan is to be submitted to Liverpool City Council's Traffic Committee for approval. Works within the road reserve shall not commence until the Traffic Management Plan has been approved.
83. If a works zone is required, an application must be made to Council's Transport Planning section. The application is to indicate the exact location required and the applicable fee is to be included. If parking restrictions are in place, an application to have the restrictions moved, will need to be made.
84. Notice must be given to Council's Transport Planning section of any interruption to pedestrian or vehicular traffic within the road reserve, caused by the construction of this development. A Traffic Control Plan, prepared by an accredited practitioner must be submitted for approval, 48 hours prior to implementation. This includes temporary closures for delivery of materials, concrete pours etc.
85. Applications must be made to Council's Transport Planning section for any road closures. The applicant is to include a Traffic Control Plan, prepared by a suitably

qualified person, which is to include the date and times of closures and any other relevant information.

## **SITE CONTAMINATION**

86. All fill introduced to the site must undergo a contaminated site assessment. This assessment may consist of either:
- (a) A full site history of the source of the fill (if known) examining previous land uses or geotechnical reports associated with the source site to determine potential contamination; or
  - (b) A chemical analysis of the fill where the site history or a preliminary contamination assessment indicates potential contamination or contamination of fill material; and
  - (c) Must provide Council with copies of validation certificate verifying the material to be used is free of contaminants and fit for purpose re use in residential, commercial or industrial use.
87. Records of the following must be submitted to the principal certifying authority monthly and at the completion of earth works:
- (a) The course (including the address and owner of the source site), nature and quantity of all incoming loads including the date, the name of the carrier, and the vehicle registration;
  - (b) The results of a preliminary contamination assessment carried out on any fill material used in the development.
  - (c) The results of any chemical testing of fill material.
88. The applicant shall undertake a Site Contamination Assessment to confirm the presence of pollutants or other contaminants that represent or potentially represent a direct or indirect threat to public health and safety. The Site Contamination Assessment shall be carried out by a suitably qualified and accredited consultant or Site Auditor as defined under the provision of the Contaminated Land Management Act 1997. The works shall be in conformance to the EPA Guidelines for Consultants Reporting on Contaminated Sites and Australian Standard AS 4482.1 – 1997 Guide to the sampling and investigation of potentially contaminated soil Part 1: Non volatile and semi volatile compounds. The Report detailing the findings of the site assessment and any recommendations including remediation works shall be submitted to The Principal Certifying Authority prior to issue of construction certificate.

## **AIR QUALITY AND EROSION CONTROL**

89. Dust screens are to be erected around the perimeter of the subject land during land clearing, excavation and construction and until such time as the soil is stabilised.
90. Where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, dust is to be suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Where wind velocity exceeds five knots the Principal Certifying Authority may direct that such work is not to proceed.

91. 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.
92. 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.

## **WATER QUALITY**

93. All topsoil, sand, aggregate, spoil or any other material shall be stored clear of any drainage line, easement, water body, stormwater drain, footpath, kerb or road surface and there shall be measures in place in accordance with the approved Soil and Water Management Plan and or Erosion and Sediment Control Policy.
94. Sediment and erosion control measures are to be adequately maintained during the works until the establishment of grassing.

## **POLLUTION CONTROL**

95. Waste water from the washing of concrete forms or trucks shall not enter the stormwater drainage system to ensure compliance with the Protection of the Environment Operations Act.
96. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated “spoil” material to ensure compliance with the Protection of the Environment Operations Act.

## **INTERNAL ROAD AND CAR PARKING AREAS**

97. Internal roads and ‘on-street’ car parking spaces must be constructed of a minimum of two coat finish seal or better. The spaces must be clear of obstructions and columns, permanently line marked and provided with adequate manoeuvring facilities. The design of these spaces must comply with Council’s DCP 2008, and Australian Standard 2890.1 Parking Facilities – Off Street Car Parking.
98. Directional signage indicating the location of visitor parking, “in” and “out” crossings and directional arrows are to be provided on site.

## **VEGETATION**

99. Temporary fencing to protect existing trees is to be effectively maintained for the duration of construction works. There is to be no storing of materials or parking or washing machinery, or changing of the existing soil levels within these fenced areas.
100. Weed removal and suppression strategies shall be undertaken, in particular in the north west and south west corners of the site. Machinery, vehicles and construction workers shall arrive on site in a weed free condition.

## **GENERAL SITE WORKS**

101. The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.
102. The property must be surrounded by a security fence, and the gate must be locked outside the operating hours to prevent unauthorised tipping at the property.
103. Care shall be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or the applicant's agents may be liable to pay compensation to any adjoining owner if, due to construction works, damage is caused to such an adjoining property.
104. Alterations to the natural surface contours must not impede or divert natural surface water runoff in such a way that it causes a nuisance to adjoining property owners.
105. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately after discovery. A Section 96 Application under the EP&A Act shall be made for any proposed works outside the scope of the approved development consent.

## **F. PRIOR TO OCCUPATION OF THE BUILDING/ PREMISES**

**The following conditions are to be complied with prior to the occupation of the building:**

### **GENERAL**

106. The premises must not be occupied until an occupation certificate is issued by the Principal Certifying Authority (PCA). Copies of all documents relied upon for the issue at the occupation certificate must be attached to the occupation certificate and registered with Council. These documents shall include surveyor reports and compliance certificate.
107. Prior to the issue of an occupation certificate a "Work As Executed Plan", prepared by a registered surveyor, must be submitted to and approved by Council clearly showing all aspects of the constructed On-site Detention system. The plan must include:
  - a. Sufficient levels and dimensions to verify the constructed storage volumes.
  - b. Location and surface levels of all pits.
  - c. Invert levels of the internal drainage line, orifice plates fitted and levels within the outlet control pit.
  - d. Finished floor levels of all structures.
  - e. Verification that trash screen have been installed.
  - f. Locations and levels of any overland flow paths.

The work-as-executed plan information should be shown on a copy of the approved civil works drawings. The constructed OSD system must be certified as complying with the approved detention design by an appropriate accredited professional engineer.

## **SECTION 88B RESTRICTIONS**

108. Prior to the issue of an occupation certificate, a restriction on the use of land and positive covenant over the On-Site Detention system must be created in accordance with Liverpool City Council's On-Site Detention Policy.
109. A restriction as to user shall be registered against the title of the property, in accordance with Section 88E of the Conveyancing Act 1919, limiting the use of the accommodation to:
  - a. seniors or people who have a disability,
  - b. people who live within the same household with seniors or people who have a disability,
  - c. staff employed to assist in the administration of and provision of services to housing provided under this Policy.

## **GENERAL**

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

## **LANDSCAPING**

111. Upon completion of all works associated with the development and prior to the issue of an Occupation Certificate, an Implementation Report is to be submitted to the Principal Certifying Authority attesting to the satisfactory completion of the landscaping works for the respective stage of the development.

## **CERTIFICATES**

112. Certification is to be provided by a suitably qualified environmental consultant which demonstrates that the recommendations and appropriate measures as outlined in the Salinity Management Strategy prepared by Environmental Investigation Services have been implemented and adhered to in the construction of the development.
113. Certification is to be provided by a suitably qualified geotechnical engineer which demonstrates that the recommendations and appropriate measures as outlined in the Geotechnical Investigation prepared by Environmental Investigation Services have been implemented and adhered to in the construction of the development.
114. Prior to the issue of the Occupation Certificate, an access consultant is to certify that the development as constructed complies with the relevant accessibility requirements in the Building Code of Australia, State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 and Australian Standards 1428.1-2001, 1735.12-1999, 2891.1-1993 and 4299-1995.

## **BASIX**

115. Prior to the issue of any Occupation Certificate all BASIX commitments and specifications are to be satisfied in accordance with the BASIX Certificate submitted to Council as part of the development application.

## **ENERGY AND WATER EFFICIENCY**

116. All water fixtures and appliances installed within the building are to be rated 3 stars, or better, under the Water Efficiency Labelling and Standards (WELS) system.

## **AIR CONDITIONERS**

117. Where an air handling, evaporative cooling hot water, humidifying, warm water or water cooling system installed the following is to be undertaken.

- (a) A Compliance Certificate is to be obtained certifying that the system has been installed in accordance with the provisions of the Public Health Act 1991, the Regulations thereunder and Australian Standard 3666.
- (b) All relevant information as required by Clause 78 of the Regulation under the Public Health Act 1991 shall be submitted to Council on completion of the building.
- (c) The occupier of the premises is to be given both an operation and maintenance manual. The system shall be maintained monthly and shut down on a seasonal basis for cleaning and any necessary maintenance. All inspection results are to be kept on site for 7 years. A copy of each seasonal report is to be submitted to Council immediately after the service is carried out.

## **TERMITE PROTECTION**

118. To protect the buildings from subterranean termite, termite barriers must be installed in accordance with AS 3660.1-1995 to the underside and penetrations of the concrete slab floor.

119. In addition a durable notice must be permanently fixed inside the metre box indicating:

- (a) The method of protection;
- (b) The date of installation of the system;
- (c) Where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label;
- (d) The need to maintain and inspect the system on a regular basis

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

## PART TWO:

The following conditions (Conditions 120 to 143) pertain to Stage 1 of the development:

### A. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Construction Certificate relating to the approved development, whether by Council or an appropriately accredited certifier. In many cases the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Construction Certificate:

#### SECTION 94 CONTRIBUTION

121. As a consequence of this development, Council has identified an increased demand for public amenities and public services. The following payment is imposed in accordance with Liverpool Contributions Plan 2001 as amended.

The total contribution is **\$27,125.00** and is payable prior to the release of the construction certificate (for a building) or subdivision certificate, whichever comes first.

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

#### **Whitlam Centre extensions and Liverpool Central Library**

Contributions, with the exception of those for the Whitlam Centre extensions and Liverpool Central Library will be adjusted at the time of payment.

#### **Capital Works, Administration, Professional and Legal Fees Components**

Capital works, Administration, Professional and Legal Fees components will be adjusted quarterly in line with the Consumer Price Index (all groups index number for Sydney) using the following formula:

$$\text{Contribution At Time Of Payment} = \frac{C \times \text{CPI}_2}{\text{CPI}_1}$$

Where:

<b>C</b>	=	Original contributions as shown on the consent
<b>CPI<sub>1</sub></b>	=	Latest "Consumer Price Index: All Groups Index Number" for Sydney Available from the Australian Bureau of Statistics
<b>CPI<sub>2</sub></b>	=	"Consumer Price Index: All Groups Index Number" for Sydney available at the time of calculating C, ie the amounts shown on the development consent

#### ***Land Component***

The value of the land component will be adjusted quarterly in line with the latest average land value estimate published by Council. The average land value estimate will be reviewed on a quarterly basis and determined by averaging residential land values per square metres with the relevant catchment, over the previous quarter.

$$\text{Contribution At Time Of Payment} = \frac{L \times L_2}{L_1}$$

Where:

- L** = The Original contributions as shown on the consent
- L<sub>2</sub>** = Average estimated land value per square metre for the catchment at the time of payment
- L<sub>1</sub>** = Average estimated land value per square metre for the catchment at the time of development consent

Where a developer undertakes to transfer land, or provide a material public benefit, which is included in the Contributions Plan, the appropriate payments may be reduced accordingly.

The Contributions Plan may be inspected at Council's Administration Centre, 1 Hoxton Park Road, Liverpool.

Please Note: Payment must be accompanied by the attached form.

## **LIGHTING**

122. The applicant is to provide a road lighting design plan for the internal road prior to issue of a Construction Certificate. Lighting shall comply with Australian Standard AS/NZS 1158 – Road Lighting.

## **CAR PARKING AND DRIVEWAYS**

The following conditions have been imposed to ensure that the development makes adequate provision for car parking, vehicular manoeuvring and loading/unloading facilities.

123. A total of thirty nine (39) off street car parking spaces must be provided within the basement car park for the Community Centre. Two (2) of the spaces must be designed and signposted/marked for the specific use of disabled drivers only in accordance with Australian Standard 1428.1.

## **LOCAL TRAFFIC COMMITTEE**

124. Prior to the issue of any Construction Certificate the following detailed plans, prepared by or in consultation with a suitably qualified Traffic Consultant, shall be submitted to the Liverpool Local Traffic Committee for consideration and approval:
  - a. Detailed designs for a pedestrian refuge midway within Judd Avenue to provided access between the development and Hammond Village. The pedestrian refuge is to be designed to Council's specifications and suitable for upgrading to a future marked foot crossing.

## **LANDSCAPING**

125. A Landscape Plan is to be prepared by a qualified Landscape Architect indicating the landscaping to be undertaken as part of Stage 1 of the development. The landscaping is to be consistent with the approved Landscape plans prepared by Taylor Brammer (Job No. 09-029s) and is to be submitted to the PCA prior to issue of a Construction Certificate. The landscape plan is to include planting in the following locations:

- a. Within the Judd Avenue setback to the community centre building,
- b. Around the community centre building,
- c. Along the internal road, and
- d. Within the front and rear courtyards of Dwellings 7, 9, 11, 13, 15, 17, 33, 35, 37 and 39.

## **CHILDREN'S PLAYGROUND**

- 126. Details on all play equipment are to be submitted to and approved by Council prior to issue of a Construction Certificate. All play equipment is to comply with Australian Standard AS 4685: 2004 (Part 1-6) "Playground safety".
- 127. The play ground area must be provided with an impact-absorbing surface, i.e. soft fall, and comply with Australian Standard AS 4422:1996 "Playground surfacing - Specifications, requirements and test materials".
- 128. All gates to the children's play area are to be self closing and fitted with child proof locks.
- 129. Seating shall be provided within the children's play area to allow adult supervision of children.

## **FIRE SAFETY MEASURES**

The following conditions have been imposed to ensure that adequate fire safety measures are provided for the community centre building.

- 130. A schedule specifying all of the essential fire safety services, both existing and proposed, which are required for the building, shall be attached to the construction certificate and submitted to Council, in compliance with the provisions of the Environmental Planning and Assessment Act (Regulations) 2000.

## **FOOD PREMISES**

- 131. Prior to issue of a Construction Certificate plans and/or documentation is to be submitted to the principle certifying authority demonstrating compliance with the following requirements:
  - a. The premises shall be ventilated in accordance with the requirements of the Building Code of Australia (If using deemed to satisfy provisions: AS 1668, Parts 1 & 2)
  - b. The construction, fitout and finishes of the premises shall comply with the Food Act 2003 and regulations thereunder and Council's Food Premises Code.
  - c. The design, construction, installation and commissioning of the mechanical ventilation systems(s) serving the premises shall be carried out in accordance with Australian Standard 1668 Parts 1 & 2.
  - d. The mechanical exhaust discharge point shall be positioned to comply with Section 3.7 of Australian Standard 1668 Part 2 – 1991.

- e. Certificates of design compliance and system performance for the proposed mechanical ventilation system shall be provided to the certifying authority, certifying the design and upon commissioning of the mechanical ventilation system(s) certifying performance. The certificate of performance shall be issued to the certifying authority and be accompanied by details of the test carried out in respect of: -
  - i. Ventilation
  - ii. Acoustics
- f. Plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted and approved by the certifying authority prior to the commencement of work:
  - i. all proposed, altered and required mechanical ventilation systems (Building Code of Australia & Australian Standard 1668 Part 1 & 2)
  - ii. the commercial garbage and recycling storage room
  - iii. the layout, disposition and method of installation of fixtures and fittings, together with wall, floor, and ceiling finishes to all preparation, storage areas and cool rooms (Council's Food Premises Code, the Food Act 2003 & regulations thereunder).
- g. All walls (including partition walls) within the kitchen, food preparation, storage and display areas shall 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.
- h. Walls within kitchen, food preparation, storage and display areas which are not of solid construction (eg stud walls) shall be finished in tiles or other approved material from the floor level to the underside of the ceiling.
- i. The floors within the kitchen, food preparation, storage and display areas shall 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.
- j. If the floor in the food preparation and storage areas are constructed of tiles, the joints between the tiles shall be of a material that is non-absorbent and impervious to moisture.
- k. 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.
- l. All plinths are to be constructed of a material which is of solid construction and impervious to moisture. The plinths shall 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.

- m. 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 shall 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 PANEL CEILING NOT PERMITTED). The intersection of walls and ceiling is to be tight jointed, sealed and dust-proof.
- n. The drop-in panel ceiling in the food preparation and storage areas shall 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.
- o. All service pipes and electrical conduits shall 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; and
    - 100mm between the floor and the pipe/conduit.
  - iii. Pipes so installed are not to run underneath fittings.
- p. All architraves, skirting boards, picture rails and the like are not permitted within the kitchen, food preparation and storage areas.
- q. 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.
- r. 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 (eg laminate, stainless steel or other approved material) that is capable of being easily cleaned.
- s. All shelving shall 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 shall be a minimum of at least 150mm above the floor level.
- t. The hot water service unit shall 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.
- u. A free standing, hands free hand wash basin, shall be provided in a convenient position within the food preparation and serving areas. The hand wash basin shall 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 40C.
- v. 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.
- w. A double bowl sink or two-compartment tub shall be provided with hot and cold water supplied through a single spout in the kitchen/food preparation area. Double bowl sink or tubs shall be supplied with water of at least:

- i. 45C in one bowl for washing purposes; and
- ii. 77C in the other bowl for rinsing purposes, together with a thermometer accurate to 10C.

## **B. PRIOR TO ANY WORK COMMENCING ON THE SITE**

**The following conditions are to be complied with prior to any work commencing on the site.**

- 132. Concrete vehicular footpath crossings must be provided at the entrance to the property over Council's footpath/ pedestrian way. This crossing must be constructed in accordance with Council's standard requirements for Medium Density Crossings. A CROSSING APPLICATION MUST BE MADE AT Council's customer service counter together with payment of the standard fee. Conditions apply, including the requirement for inspection prior to consent to pour, by Council's driveway inspector. The payment of crossing application fees must occur prior to construction work commencing.

## **C. PRIOR TO OCCUPATION OF THE BUILDING/ PREMISES**

**The following conditions are to be complied with prior to the occupation of the building:**

### **ACCESS**

- 133. Suitable concrete vehicular footpath crossings must be provided at the entrance to and exit from the property. These crossings must be constructed in accordance with Council's standard requirements for Medium Density crossings.
- 134. All redundant vehicular crossings shall be removed and replaced with Council's standard kerb and gutter at no cost to Council prior to issue of an Occupation Certificate. The removal and replacement of a driveway with standard integral kerb and gutter shall be the subject of a driveway application to Council and works supervised by that driveway inspection process.
- 135. The entire internal road and 'on-street' visitor car parking spaces shall be constructed in accordance with the approved plans prior to issue of an Occupation Certificate for Stage 1 of the development. The road and car parking spaces shall be linemarked to ensure pedestrian and traffic safety.
- 136. A pedestrian refuge shall be provide in Judd Avenue, in accordance with the plans/details approved by the Liverpool Local Traffic Committee, prior to issue of an Occupation Certificate.

### **LIGHTING**

- 137. Lighting shall be provided along the internal road in accordance with the approved plans/details prior to issue of an Occupation Certificate.

### **FENCING**

- 138. 1.8m high lapped and capped timber fencing is to be provided to all side/rear property boundaries ie. the north, south and western boundaries, at the full cost of

the developer. All boundary fencing is to be completed to the satisfaction of Liverpool City Council prior to the issue of the Occupation Certificate for Stage 1 of the development.

## **CERTIFICATES**

139. A qualified acoustic engineer is to certify that all the recommendation contained in the Noise Emission Assessment prepared by Acoustic Logic Consultancy, Report No. 2009704/0904A/R2/TT dated 4 September 2009, have been implemented prior to the issue of any Occupation Certificate.
140. A final fire or interim safety certificate is to be attached to any Occupation Certificate, except in the case of a Class 1a or Class 10 building(s). This must include all the “essential fire services” installed in the building.

## **FOOD PREMISES**

141. Council's Sustainable Environment & Health Section shall be notified in writing that the premises will be used for the preparation, manufacture or storage of food for sale prior to the issue of an Occupation Certificate. The premises will be registered on Council's database.
142. Trading shall not commence until an Occupation Certificate has been issued by the nominated certifying authority.
143. A Trade Waste application shall be submitted and approved by the Sydney Water Corporation regarding the installation of proposed pre treatment equipment, eg basket and grease arrestors. A copy of the plumber's certificate of compliance for the installation of pre-treatment equipment and of the Trade Waste Agreement shall be furnished to the certifying authority.
144. Prior to the commencement of food handling operations, the food business proprietor shall notify the NSW Health Department of the following information including:
  - a. Contact details for the food business including the name of the food business and the name and address of the proprietor of the business;
  - b. The nature of the food business; and
  - c. The location of all food premises of the food business within the jurisdiction of NSW Health.

You may notify the NSW Health Department at [www.foodnotify.nsw.gov.au](http://www.foodnotify.nsw.gov.au). Failure to notify the NSW Health Department may result in a penalty not exceeding \$2750.

## PART THREE:

The following conditions (Conditions 144 to 145) pertain to Stage 2 of the development:

### A. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Construction Certificate relating to the approved development, whether by Council or an appropriately accredited certifier. In many cases the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Construction Certificate:

#### SECTION 94 CONTRIBUTION

145. As a consequence of this development, Council has identified an increased demand for public amenities and public services. The following payment is imposed in accordance with Liverpool Contributions Plan 2001 as amended.

The total contribution is **\$36,253.00** and is payable prior to the release of the construction certificate (for a building) or subdivision certificate, whichever comes first.

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

#### **Whitlam Centre extensions and Liverpool Central Library**

Contributions, with the exception of those for the Whitlam Centre extensions and Liverpool Central Library will be adjusted at the time of payment.

#### **Capital Works, Administration, Professional and Legal Fees Components**

Capital works, Administration, Professional and Legal Fees components will be adjusted quarterly in line with the Consumer Price Index (all groups index number for Sydney) using the following formula:

$$\text{Contribution At Time Of Payment} = \frac{C \times CPI_2}{CPI_1}$$

Where:

<b>C</b>	=	Original contributions as shown on the consent
<b>CPI<sub>1</sub></b>	=	Latest "Consumer Price Index: All Groups Index Number" for Sydney Available from the Australian Bureau of Statistics
<b>CPI<sub>2</sub></b>	=	"Consumer Price Index: All Groups Index Number" for Sydney available at the time of calculating C, ie the amounts shown on the development consent

#### ***Land Component***

The value of the land component will be adjusted quarterly in line with the latest average land value estimate published by Council. The average land value estimate will be reviewed on a quarterly basis and determined by averaging residential land values per square metres with the relevant catchment, over the previous quarter.

$$\text{Contribution At Time Of Payment} = \frac{L \times L_2}{L_1}$$

Where:

- $L$  = The Original contributions as shown on the consent
- $L_2$  = Average estimated land value per square metre for the catchment at the time of payment
- $L_1$  = Average estimated land value per square metre for the catchment at the time of development consent

Where a developer undertakes to transfer land, or provide a material public benefit, which is included in the Contributions Plan, the appropriate payments may be reduced accordingly.

The Contributions Plan may be inspected at Council's Administration Centre, 1 Hoxton Park Road, Liverpool.

Please Note: Payment must be accompanied by the attached form.

## LANDSCAPING

146. A Landscape Plan is to be prepared by a qualified Landscape Architect indicating the landscaping to be undertaken as part of Stage 2 of the development. The landscaping is to be consistent with the approved Landscape plans prepared by Taylor Brammer (Job No. 09-029s) and is to be submitted to the PCA prior to issue of a Construction Certificate. The landscape plan is to include planting in the following locations:
  - a. Within the Judd Avenue setback to Dwelling 1,
  - b. Along the northern side of the internal road, and
  - c. Within the front and rear courtyards of Dwellings 1, 2, 3, 4, 5, 6 8, 10, 12, 14, 16, 18, 19 and 20.

## PART FOUR:

The following conditions (Conditions 146 to 149) pertain to Stage 3 of the development:

### A. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Construction Certificate relating to the approved development, whether by Council or an appropriately accredited certifier. In many cases the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Construction Certificate:

#### SECTION 94 CONTRIBUTION

147. As a consequence of this development, Council has identified an increased demand for public amenities and public services. The following payment is imposed in accordance with Liverpool Contributions Plan 2001 as amended.

The total contribution is **\$26,994.00** and is payable prior to the release of the construction certificate (for a building) or subdivision certificate, whichever comes first.

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

#### **Whitlam Centre extensions and Liverpool Central Library**

Contributions, with the exception of those for the Whitlam Centre extensions and Liverpool Central Library will be adjusted at the time of payment.

#### **Capital Works, Administration, Professional and Legal Fees Components**

Capital works, Administration, Professional and Legal Fees components will be adjusted quarterly in line with the Consumer Price Index (all groups index number for Sydney) using the following formula:

$$\text{Contribution At Time Of Payment} = \frac{C \times CPI_2}{CPI_1}$$

Where:

<b>C</b>	=	Original contributions as shown on the consent
<b>CPI<sub>2</sub></b>	=	Latest "Consumer Price Index: All Groups Index Number" for Sydney Available from the Australian Bureau of Statistics
<b>CPI<sub>1</sub></b>	=	"Consumer Price Index: All Groups Index Number" for Sydney available at the time of calculating C, ie the amounts shown on the development consent

#### ***Land Component***

The value of the land component will be adjusted quarterly in line with the latest average land value estimate published by Council. The average land value estimate will be reviewed on a quarterly basis and determined by averaging residential land values per square metres with the relevant catchment, over the previous quarter.

$$\text{Contribution At Time Of Payment} = \frac{L \times L_2}{L_1}$$

Where:

- L** = The Original contributions as shown on the consent
- L<sub>2</sub>** = Average estimated land value per square metre for the catchment at the time of payment
- L<sub>1</sub>** = Average estimated land value per square metre for the catchment at the time of development consent

Where a developer undertakes to transfer land, or provide a material public benefit, which is included in the Contributions Plan, the appropriate payments may be reduced accordingly.

The Contributions Plan may be inspected at Council's Administration Centre, 1 Hoxton Park Road, Liverpool.

Please Note: Payment must be accompanied by the attached form.

## **LANDSCAPING**

148. A Landscape Plan is to be prepared by a qualified Landscape Architect indicating the landscaping to be undertaken as part of Stage 3 of the development. The landscaping is to be consistent with the approved Landscape plans prepared by Taylor Brammer (Job No. 09-029s) and is to be submitted to the PCA prior to issue of a Construction Certificate. The landscape plan is to include planting in the following locations:
- a. Along the western side of the internal road, and
  - b. Within the front and rear courtyards of Dwellings 21, 22, 23, 24, 25, 26, 27, 28 and 29.

## **PRIVACY SCREENS**

149. Privacy screens are to be provided to all decks or patios which have a finished floor level which is greater than 500mm above the finished ground level at the boundary. Details on all required privacy screen are to be submitted to and approved by Council prior to issue of a Construction Certificate.

## **B. PRIOR TO OCCUPATION OF THE BUILDING/ PREMISES**

**The following conditions are to be complied with prior to the occupation of the building:**

### **PRIVACY SCREENS**

150. Privacy screens are to be provided to all decks or patios which have a finished floor level which is greater than 500mm above the finished ground level at the boundary prior to issue of an Occupation Certificate.

## **PART FIVE:**

**The following conditions (Conditions 150 to 153) pertain to Stage 4 of the development:**

### **A. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Construction Certificate relating to the approved development, whether by Council or an appropriately accredited certifier. In many cases the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Construction Certificate:

#### **SECTION 94 CONTRIBUTION**

151. As a consequence of this development, Council has identified an increased demand for public amenities and public services. The following payment is imposed in accordance with Liverpool Contributions Plan 2001 as amended.

The total contribution is **\$26,081.00** and is payable prior to the release of the construction certificate (for a building) or subdivision certificate, whichever comes first.

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

#### **Whitlam Centre extensions and Liverpool Central Library**

Contributions, with the exception of those for the Whitlam Centre extensions and Liverpool Central Library will be adjusted at the time of payment.

#### **Capital Works, Administration, Professional and Legal Fees Components**

Capital works, Administration, Professional and Legal Fees components will be adjusted quarterly in line with the Consumer Price Index (all groups index number for Sydney) using the following formula:

$$\text{Contribution At Time Of Payment} = \frac{C \times CPI_2}{CPI_1}$$

Where:

<b>C</b>	=	Original contributions as shown on the consent
<b>CPI<sub>1</sub></b>	=	Latest "Consumer Price Index: All Groups Index Number" for Sydney Available from the Australian Bureau of Statistics
<b>CPI<sub>2</sub></b>	=	"Consumer Price Index: All Groups Index Number" for Sydney available at the time of calculating C, ie the amounts shown on the development consent

#### ***Land Component***

The value of the land component will be adjusted quarterly in line with the latest average land value estimate published by Council. The average land value estimate will be reviewed on a quarterly basis and determined by averaging residential land values per square metres with the relevant catchment, over the previous quarter.

$$\text{Contribution At Time Of Payment} = \frac{L \times L_2}{L_1}$$

Where:

- L** = The Original contributions as shown on the consent
- L<sub>2</sub>** = Average estimated land value per square metre for the catchment at the time of payment
- L<sub>1</sub>** = Average estimated land value per square metre for the catchment at the time of development consent

Where a developer undertakes to transfer land, or provide a material public benefit, which is included in the Contributions Plan, the appropriate payments may be reduced accordingly.

The Contributions Plan may be inspected at Council's Administration Centre, 1 Hoxton Park Road, Liverpool.

Please Note: Payment must be accompanied by the attached form.

## **LANDSCAPING**

152. A Landscape Plan is to be prepared by a qualified Landscape Architect indicating the landscaping to be undertaken as part of Stage 4 of the development. The landscaping is to be consistent with the approved Landscape plans prepared by Taylor Brammer (Job No. 09-029s) and is to be submitted to the PCA prior to issue of a Construction Certificate. The landscape plan is to include planting in the following locations:
- a. Within the Judd Avenue setback to Dwelling 45,
  - b. Along the southern side of the internal road, and
  - c. Within the front and rear courtyards of Dwellings 30, 31, 32, 34, 36, 38, 40, 41, 42, 43, 44 and 45.

## **PRIVACY SCREENS**

153. Privacy screens are to be provided to all decks or patios which have a finished floor level which is greater than 500mm above the finished ground level at the boundary. Details on all required privacy screen are to be submitted to and approved by Council prior to issue of a Construction Certificate.

## **B. PRIOR TO OCCUPATION OF THE BUILDING/ PREMISES**

The following conditions are to be complied with prior to the occupation of the building:

### **PRIVACY SCREENS**

154. Privacy screens are to be provided to all decks or patios which have a finished floor level which is greater than 500mm above the finished ground level at the boundary prior to issue of an Occupation Certificate.

## ADVICE

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

- (i) If you are dissatisfied with this notice of determination or the conditions contained within this notice of determination, Section 82A of the Environmental Planning and Assessment Act 1979 gives you the right to request a review of the determination within 12 months after the date of the determination.
- (ii) If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.
- (iii) In accordance with Section 95 of the Act, unless otherwise stated by a condition of this consent, this consent will lapse unless the development is commenced within two (2) years of the date of this notice. The applicant may apply to Council for an extension of one (1) year.
- (iv) The conditions are imposed taking into account the matters for consideration in determining a Development Application under Section 79C of the Environmental Planning and Assessment Act 1979.
- (v) Section 125 of the Act provides that any person who contravenes or causes or permits to be contravened the conditions of this consent or the Tree Preservation Order shall be guilty of an offence.
- (vi) The approval of this application does not imply or infer compliance with the Disability Discrimination Act and that the developer should investigate their liability under the Act. For assistance, you are directed to parts 2, 3 and 3 of the Australian Standards 1428 – Design for access and Mobility (Part 1 is mandatory in the Building Code of Australia).
- (vii) The land is subject to flooding and further details (as to the accuracy of which Council gives no warranty) may be obtained from Council or the Department of Public Works. Council expressly absolves itself from responsibility for any damage or injury sustained as a result of, or in any way connected with, flooding of the subject land.
- (viii) The applicant is required to consult with:
  - (a) Sydney Water Corporation Limited;
  - (b) Integral Energy;
  - (c) Natural Gas Company; and
  - (d) A local telecommunications carrier.
- (ix) Information regarding the location of underground services may be obtained from Sydney One Call Service (SOCS), telephone (02) 9806 0800, Fax (02) 9806 0777. Enquirers should provide SOCS with the street/ road name and number, side of street/ road and the nearest cross street/ road.
- (x) Letterboxes must be provided in accordance with the requirements of Australia Post as set out in the brochure titled “Requirements for the positioning and dimensions of mailboxes in new commercial and residential developments”. A copy of the brochure may be obtained from Australia Post.

- (xi) You are advised that the placement of a concrete path around your home may render your home vulnerable to termite attack. To minimise the possibility of any damage, ensure that a minimum of 75mm clearance is provided between the base of the weephole and the level of the path.
- (xii) Driveway entry points must be located clear of all utility services, including, but not limited to:
  - i. Pedestrian Crossings;
  - ii. Power/Light Poles;
  - iii. Stormwater Pits;
  - iv. Electrical and Telephone connection boxes;
  - v. Round-a-bouts; and
  - vi. Traffic control devices.

It is recommended that discussion be held with the relevant authorities before construction works commence. Council does not accept any responsibility towards these services.