

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Application Number	DA-1786/2012
Proposed Development	COMMUNITY FACILITY CONSISTING OF INDOOR RECREATIONAL CENTRE, PUBLIC LIBRARY, COMMUNITY CENTRE, SKATE PARK, PARKS AND SPORTING FACILITIES, INTERNAL ACCESS ROAD WITH ASSOCIATED CAR PARKING AND LANDSCAPING
Property Description	LOT 20 DP 1139408 250 COWPASTURE ROAD (Corner of COWPASTURE ROAD, KURRAJONG ROAD & MARGARET DAWSON DRIVE), CARNES HILL
Applicant	LIVERPOOL CITY COUNCIL
Land Owner	LIVERPOOL CITY COUNCIL
Date of DA Lodgement	12 November 2012
Cost of Work	\$33,383,352
Recommendation	Approval – subject to conditions



1. EXECUTIVE SUMMARY

1.1 Reasons for the Report

The proposal has a capital investment value of more than \$20 million, consequently under Schedule 4A of the Environmental Planning and Assessment Act, 1979 the Joint Regional Planning Panel (JRPP) retains the role as the determining authority in accordance with the provisions of State Environmental Planning Policy (State and Regional Development) 2011.

The capital investment value of the proposal is \$33,383,352.

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1.2. The proposal

The Development Application seeks consent for a Community Facility comprising a number of components which includes:

- Combined District Library & Community Centre;
- Indoor Recreation Centre;
- Skate park;
- Park and sporting facilities;
- Internal access road and parking; and
- Landscaping

1.3 The Site

The subject site is identified as Lot 20 in DP 1139408. The site is located on the corner of Cowpasture Road and Kurrajong Road, Carnes Hill. The site is also bound to Margaret Dawson Drive to the east, which forms part of the local road network of a recent residential subdivision.

1.4 The issues

The main issues identified in the assessment of the development application are summarised as follows:

- Impact of the development on the road network and any associated traffic related issues;
- Implementation of safer by design principles; and
- Impacts associated with tree removal and vegetation disturbance.

1.5 Advertising of the proposal

In accordance with the Environmental Planning and Assessment Regulation 2000 and Liverpool Development Control Plan 2008 (LDCP 2008) the Development Application was advertised from 23 November 2012 to 28 January 2013.

No formal submissions were received to the Development Application.

As a consequence of amendments to access arrangements to Kurrajong Road and Margaret Dawson Drive, the application was re-advertised for a period of 14 days from 17 April 2013 to 3 May 2013.

No submissions were received during this second exhibition period.

1.6 Conclusion

The application has been assessed having regard to the provisions of Section 79C of the Environmental Planning and Assessment Act 1979 which includes the relevant provisions of both Liverpool Local Environmental Plan 2008 and Liverpool Development Control Plan 2008.

The proposal is considered to provide a well designed and vibrant community facility for the local community that also contains a number of key components such as a district library and recreational areas to meet the needs of a broad range of community members.

The proposal is considered to be in the public interest in that it provides a valuable community

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service that supports the education, cultural and recreational needs of a local and growing community.

Based on a detailed assessment of the proposal and consideration of the issues the proposal is considered to be worthy of support. Accordingly it is recommended that the application be approved subject to the recommended conditions of consent.

2. BACKGROUND

Liverpool City Council has developed a Functional Brief for the project which describes the key vision for the development. The community facility precinct seeks to *“create a vibrant and attractive community and recreation precinct in Carnes Hill which will be centrally located and provide a wide range of facilities for the public to use and enjoy.”*

In determining the type of services and facility that the site is likely to benefit from, consideration was given to the key demographic trends well as the current and potential growth that is likely to occur within the immediate locality and the broader context of the subject site. It was identified that the primary community users of the facility would live or work in the surrounding suburbs, while a secondary group of users would also access the site from the following areas as illustrated in Figure 1 below. Figure 2 provides a table illustrating the 2006 population.

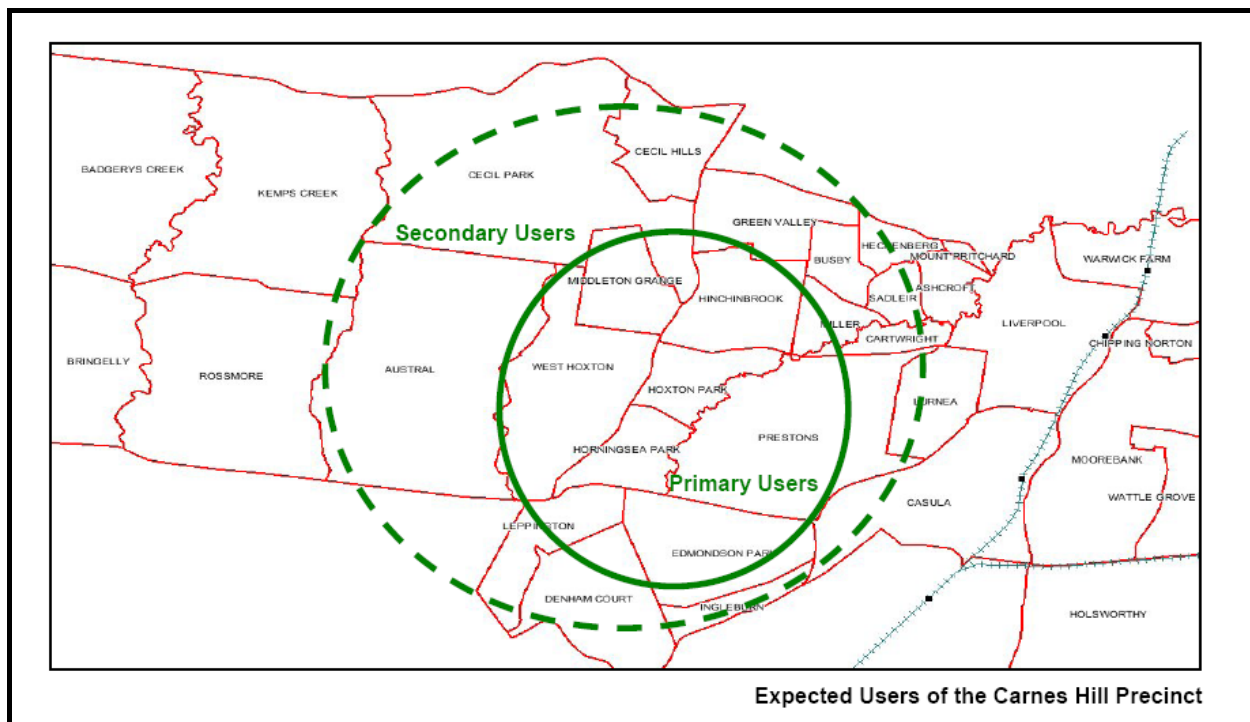


Figure 1: Expected Users, (Extract from Functional Brief)

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PRIMARY USERS		SECONDARY USERS	
<i>Suburb</i>	<i>2006 Population</i>	<i>Suburb</i>	<i>2006 Population</i>
Hoxton Park	3,686	Casula	13,394
Horningsea Park	3,515	Hinchinbrook	10,371
West Hoxton	8,054	Green Valley	11,931
Prestons	12,273	Cecil Hills	6,741
Inghams Development	3,000 (Projected)	South Cecil Hills	2,000 (Projected)
Middleton Grange	9,000 (Projected)	Austral	2,887
Edmondson Park	21,800 (TBC)	Western Rural Suburbs ¹	6,654
Prestons Industrial Area	Additional workers	Aerodrome Industrial Area	Additional workers

Expected Users of Carnes Hill Precinct

Figure 2: Population of Expected users (Extract from Functional Brief)

The above suburbs are characterised by a young population overall, with large portions of young families with young children and an increasing numbers of young people. The population profile in some of the older release areas such as Casula and Green Valley are beginning to stabilise with an increasing range of ages and household characteristics.

In summary, the Functional Brief prepared for the facility identifies the following key demographic trends and characteristics of the above suburbs:

- *An average of 42% increase in population from 1996 to 2001 and a further 10.5% increase from 2001 to 2006;*
- *High proportions of young families with children;*
- *Increasing numbers of young people;*
- *High proportion of residents who speak languages other than English such as Arabic, Vietnamese, Spanish, Hindi, Assyrian and Italian;*
- *Relatively higher household incomes and mortgages than other areas of Liverpool;*
- *High proportion of home purchases;*
- *Lower portion of older people; and*
- *Lower availability of rental accommodation in comparison to other areas of Liverpool.*

In order to understand both the current and future needs of the community in relation to recreation and community facilities the following planning strategies were implemented prior to the lodgement of the Development Application:

- Review of Section 94 Contributions Plan, Social Plan and Recreation Strategy;
- Analysis of demographic trends and characteristics of the local area;
- Mapping of existing recreation and community options and services;
- Targeted meetings with key local stakeholders and relevant Council committees;
- Internal consultations with Council's operating units such as Community Facilities, Community Development and Recreation and Open Space;
- Site visits to other district recreation and community precinct models; and

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- Consultation with key community groups, services and organisations.

Findings from the information gathered from the above identified that:

- The proportion of children and young people aged 5-24 in the catchment area is higher than the proportion in Liverpool, Sydney and NSW;
- There are no youth programs, activities, or services operating in the primary area;
- There is only one youth program in the area of Green Valley which is operating at capacity;
- Less than 0.07sqm of floor space per person is provided for community facilities in the area significantly below the bench mark of 0.184sqm per person.
- There is limited informal and recreational options for young people and children in the catchment;
- Parks are generally under developed and cater primarily for very young children;
- Sportsgrounds are operating at full capacity and there is high demand for soccer fields;
- Almost half of Liverpool's population lives in the release neighbourhood but only 12% of Liverpool sportsgrounds are in this area.

3. SITE DESCRIPTION AND LOCALITY

3.1 The Site

The site is known as Lot 20 in DP 1139408 and is located on the north eastern corner of Cowpasture and Kurrajong Roads, Carnes Hill. The site is also bound to Margaret Dawson Drive to the east, which forms part of the local road network of a recent residential subdivision.

An aerial of the site is illustrated in Figure 3 below.



Figure 3: Aerial map of subject site

The site is currently vacant and is an irregular shaped property with a total area of 7.84 hectares. The site is bounded by Cowpasture Road (111 metres) to the west, Kurrajong Road (290 metres) to the south, and Margaret Dawson Drive (246 metres) to the east. The northern

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and western periphery of the site is traversed by Beard Creek in a diagonal north-easterly direction.

The subject site is located on a major arterial road, being Cowpasture Road which links a number of suburbs in the release areas of Liverpool as well as the Fairfield Local Government Area (LGA) to the north and Camden and Campbelltown LGA to the south.

Council is currently designing the Kurrajong Road extension, which will see the site link to Casula and the Hume Highway to the east once the Kurrajong Road extension is completed.

The topography of the site falls from Kurrajong Road towards Beard Creek and from the north of the site south towards Beard Creek. The highest point of the development site is the Kurrajong Road frontage at 47m AHD and lowest is Beard Creek at 40 metres AHD.

The bulk of the site consists of native and exotic grassland, predominantly Kikuyu with approximately 30 scattered remnant Eucalypt trees. The south western and north eastern portions of the site, bordering the banks of Beard Creek are mapped as containing an endangered ecological community being River-Flat Eucalypt Forest on Coastal Floodplains.

The site is affected by the 1% Annual Exceedance Probability and the Probable Maximum Flood events which are confined to the lower northern diagonal half of the site.

The vast bulk of the property is mapped as '*bushfire prone land*' under the Rural Fire Service 2011 mapping although the vegetation is concentrated around the banks of Beard Creek.

There is currently an existing pedestrian footpath constructed along the outer frontage of the site to Kurrajong Road and a row of relatively semi-mature Claret Ash trees located along the side of the footpath.

Site photographs are provided in Figures 4-7 below.



Figure 4: View of site facing north east from Kurrajong Road.

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Figure 5: View facing west from Margaret Dawson Drive



Figure 6: View facing north towards Margaret Dawson Drive from Kurrajong Road intersection.

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Figure 7: View facing west along Kurrajong Road towards Cowpasture Road

3.2 The Locality

The site is located within the suburb of Carnes Hill, approximately 9 kilometres south west from Liverpool City Centre.

The site is directly adjacent to the Carnes Hill Market Place Shopping Centre to the south. A new residential subdivision under construction is located to the east of the site. To the north of the site is vacant public land that is identified by Council for future recreation purposes, comprising sporting fields.

Established residential areas in proximity to the site include Hoxton Park, Horningsea Park, West Hoxton and Middleton Grange. The site is also in proximity to existing industrial and employment generating land which includes Preston's industrial area and Len Waters Estate.

An aerial locality map is provided in Figure 8 below.



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Figure 9: View of existing Carnes Hill Market Place



Figure 10: View of existing intersection from Kurrajong Road to Carnes Hill Market Place

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Figure 11: View facing from lower north eastern portion of site towards residential properties fronting Margaret Dawson Drive

4. DETAILS OF THE PROPOSAL

The proposed development involves the following key components:

1. Combined District Library & Community Centre;
2. Indoor Recreation Centre;
3. Skate park;
4. Park and sporting facilities;
5. Internal access road and parking; and
6. Landscaping.

Combined Library & Community Centre Building

The library/community centre building is characterised with a linear design facing north. The building has a gross floor area of approximately 2,950sqm and is setback approximately 28.8 metres from Kurrajong Road frontage. It has a height of approximately 9.5 metres and a finished floor level of 43.30 metres AHD.

The building has a single storey frontage to the central plaza at the front of the site and two storey facing the park to the north. It comprises a large overhanging flat roof which creates verandahs around all sides of the building and a series of smaller raised up roofs are located above the main flat roof. A steel portal frame structure is proposed to cover the long spans of the building with a series of steel columns. The building has large spans of glazing opening up to views over the park to the north.

Elevations of the building and photomontage impressions are illustrated in Figures 16-17 and 20-26.

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District Library

The library comprises 2 levels that are connected by internal stairs and lifts. The library is designed to be closed off from the foyer area to allow the community centre to operate outside library opening hours.

The upper level proposes the following facilities:

- Reception and foyer area that can be used for exhibitions and displays
- IT and newspaper area
- Café
- Adult book collection area
- Study area

The lower level proposes the following facilities:

- Adult book collection area.
- Children book collection area
- Teaching, information and language book area
- Several group study areas
- Compactus stack area
- Staff amenities and offices
- Plant rooms

The opening hours of the library are listed below which are the same hours of other district libraries in the Liverpool City Council.

Monday-Friday:	9.30am to 8pm
Saturday:	9.30am to 4pm
Sunday:	12noon to 4pm

Community Centre

The community centre is located on the upper floor of the building. It will contain the following facilities:

- Large function room that will be used for a range of different functions such as presentations, meetings, weddings and birthdays. The room has a seating capacity of around 200. The function room can be reduced in size with removable sliding walls.
- 3 smaller meeting rooms that will be used by the community and community groups to hold their meetings and other activities such as playgroups with a seating capacity of 30-40. These rooms can be divided into smaller rooms by the use of operable walls.
- Administration offices for the community support staff.
- Male and female toilet facilities that are shared with the library facility.
- Kitchen.
- Outdoor sitting area.

The community centre will have the following operating hours which are similar to those of the nearby Greenway Park Community Centre.

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Monday-Thursday: 9am to 11pm
 Friday: 9am to 1am
 Saturday: 8am to 3pm
 Sunday: 4pm to 1am

The community centre building does not incorporate a child care centre but will have the facility for play groups involving parents and their children to use the centre.

Indoor Recreation Building

The indoor recreation building follows a similar design to the library and community centre. It is a square shaped building which comprises large steel portal frames similar to the library building. The building has an upper and lower level with a gross floor area of 3,575sqm and is setback approximately 30.6 metres from Kurrajong Road and 20.4 metres from Margaret Dawson Drive. The building has a maximum height of approximately 10.5 metres and finished floor level of 42.80 metres AHD.

Elevations of the building and photomontage impressions are illustrated in Figures 16-17 and 20-26.

The upper level will contain the following facilities:

- Entry porch and main entry foyer area.
- Offices associated with the operation of the recreation building
- Child minding room
- Male and Female change rooms and amenities
- Multi-function fitness and workout area
- Rooms to be used for specialist classes such as yoga, Pilates and other similar fitness disciplines.
- Future commercial and storage area
- Seating area (Maximum on both levels 265 seats)
- Lift

The lower level will contain the following facilities:

- Two (2) multi-purpose courts that will be used for a wide range of indoor sports.
- Male and Female amenities
- Seating area
- Umpire room
- Lift
- Garbage and storage room
- Future commercial and storage areas.

The Indoor Recreation Centre is proposed to have the following operating hours:

Monday-Thursday 8.30am to 10pm
 Saturday 9.30am to 4pm
 Sunday 12 noon to 4pm

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The indoor recreation building comprises floor area on both levels for ancillary commercial use. The future commercial area will be leased out for an activity associated with the indoor recreation building and will operate in conjunction with the recreational use of the building and not as a separate operation unrelated to the recreational use of the building.

Building Materials

The walls of the buildings are proposed to be constructed using contrasting materials and colour selections consisting of glass reinforced panels and reinforced concrete panels, fibre cement cladding, face brickwork and exposed steel columns and beam structures. The roofs are proposed to be constructed of metal colorbond cladding material and finished in a surfmist colour. The colouring of the walls consists of a combination of grey and red precast concrete panels and glass reinforced panels along with grey fibre cement walls and exposed charcoal grey columns and beams. Extensive glazing is also proposed through the buildings.

Given the subject site is located on bushfire prone land, a Bushfire Assessment Report was submitted with the Development application advising that the proposal constitutes a Special Fire Protection Purpose. The report recommends that all elevations of the proposed buildings are required to be constructed to a minimum Bal 12.5 construction standard (AS 3959-2009).

Skate Park

The skate park is located in the south western corner of the site adjacent to Kurrajong Road. The park will be approximately 7000sqm and consist of a number of concrete ramps and half pipes that can be used by skate boards, roller blades and scooters.

The skate park is setback 6.5m at the closest point from Kurrajong Road and will be visible from Kurrajong Road given low height landscaping is proposed up to a maximum height of 1 metre. The row of existing Claret Ash trees are proposed to be retained along the frontage of the site to Kurrajong Road. The trees have a mature height of 10 metres and canopy height of approximately 3 metres.

Park and Sporting Facilities

The following facilities are proposed to be established around the site:

- 2 half basketball courts
- 2 wetland detention basins
- Central plaza
- Amenities
- Picnic area
- Multi purpose courts
- Several shade structures
- Children's Bicycle park
- Path/cycleway
- Children's playground
- Associated landscaping and park furniture.

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Access and Parking

The development proposes a total of 3 access points to the site. One is from Kurrajong Road and two are from Margaret Dawson Drive. The Kurrajong Road access point consists of a left in/left out access arrangement with a triangular traffic island and provision of 30 metre long deceleration and acceleration lanes.

The primary access point from Margaret Dawson Drive is located approximately 30 metres north of the existing roundabout on Kurrajong Road and allows ingress and egress via a 10 metre wide driveway. A recessed internal roundabout is also located on the site directly adjacent to the driveway. An additional secondary access point has been incorporated into the design following input from Council's Traffic Section. The access point permits egress only and is located at the north eastern frontage of the site to Margaret Dawson Drive.

Access through the site is obtained via a variable 6-7metre wide two way link road that extends from Kurrajong Road to Margaret Dawson Drive and has car parking provision off to the sides. The road and car park are proposed to be constructed of asphalt. The road is proposed to be gated at each end from sunset to sunrise for security reasons. No access will be available to the lower northern parts of the site given its limited surveillance opportunities however access will still be available to the indoor recreational centre and library/community centre when the gates are closed.

A 'shared way' is proposed across the frontage of the site to Kurrajong Road between the library and central park. The shared way will be constructed of decorative pavers over a concrete base to distinguish its shared and low speed purpose. The shared way allows drop offs to the frontage of the library/ community centre building and indoor recreation centre.

The development provides the following parking on site which is provided throughout the site in various locations.

- 168 parking spaces including 4 accessible spaces
- 8 Motorcycle parking spaces
- 20 bicycle parking

The proposal has no provision for on-site bus/coach parking or loading/unloading bay. An indented future bus stop is identified in the Kurrajong Road reserve at the frontage of the central plaza.

Stormwater/Buffer

The proposal incorporates water sensitive urban design (WSUD) measures, including provision of two gross pollutant traps, bio-retention swales for treatment of road runoff, and construction of wetlands with natural overflow to Beard Creek.

A 10 metre wide buffer is proposed to the south of Beard Creek, consisting of a 5 metre wide core riparian corridor zone and an outer 5 metre wide riparian buffer. A future buffer is proposed to be established on the northern side of Beard Creek when the sporting fields are established.

A future creek crossing is also proposed across Beard Creek to future sporting fields.

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Tree & Vegetation Removal

The proposal necessitates removal of 6 scattered mature Eucalypt trees which are either located where buildings or hardstand parking areas are proposed. One of the trees is a hollow bearing tree. An Arborist Report submitted with the Development Application advises that the particular hollow bearing tree is in a poor health condition.

A group of 7 smaller immature Claret Ash trees located where the driveway to Kurrajong Road is proposed are also identified to be removed.

The application also proposes disturbance of 0.76 hectares of an Endangered Ecological Community known as River-Flat Eucalypt Forest on Coastal Floodplains vegetation. A detailed Flora and Fauna Report has been submitted with the Development Application addressing the disturbance to the EEC which is addressed further in this report.

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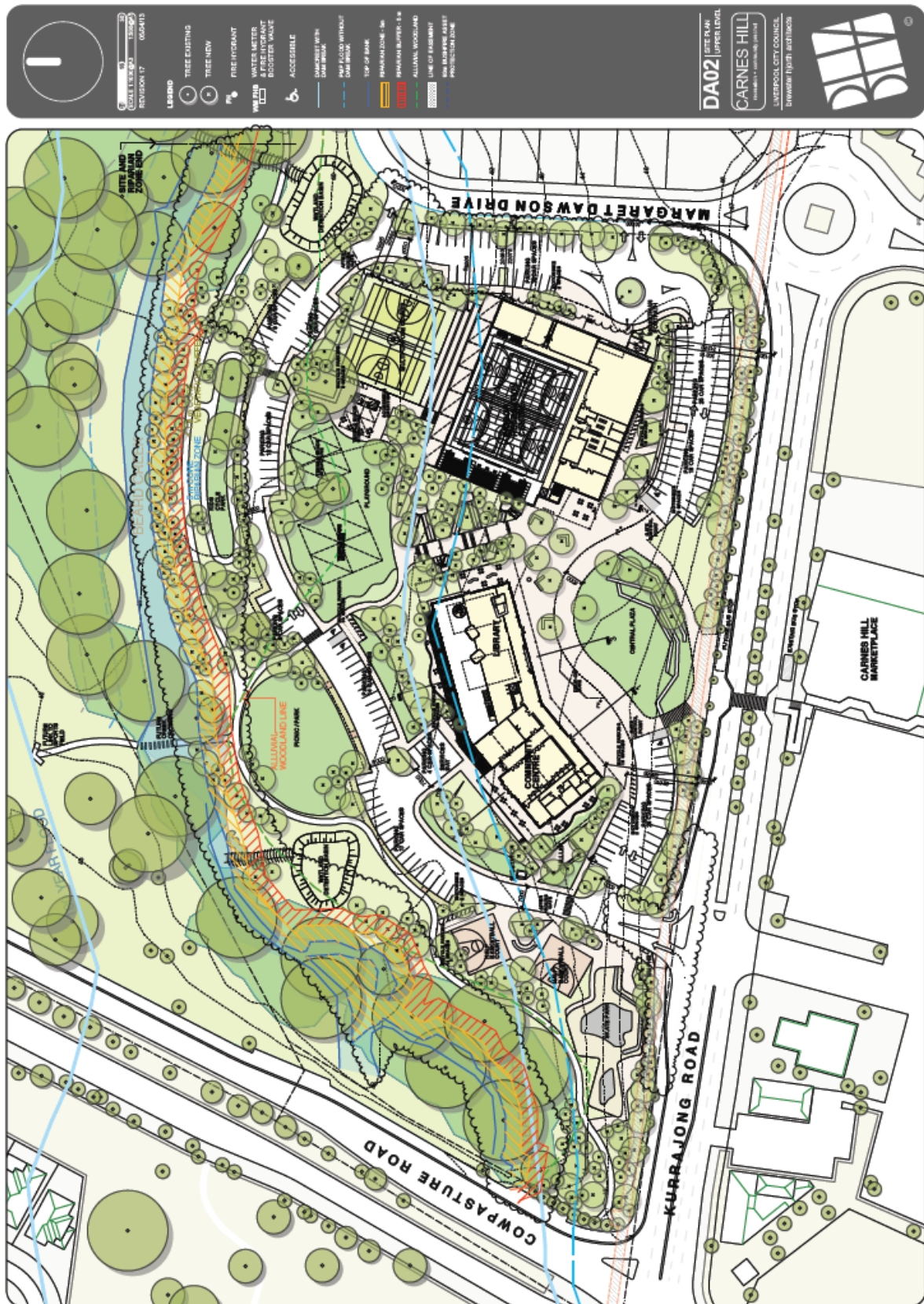


Figure 12 Site Plan-Upper Level

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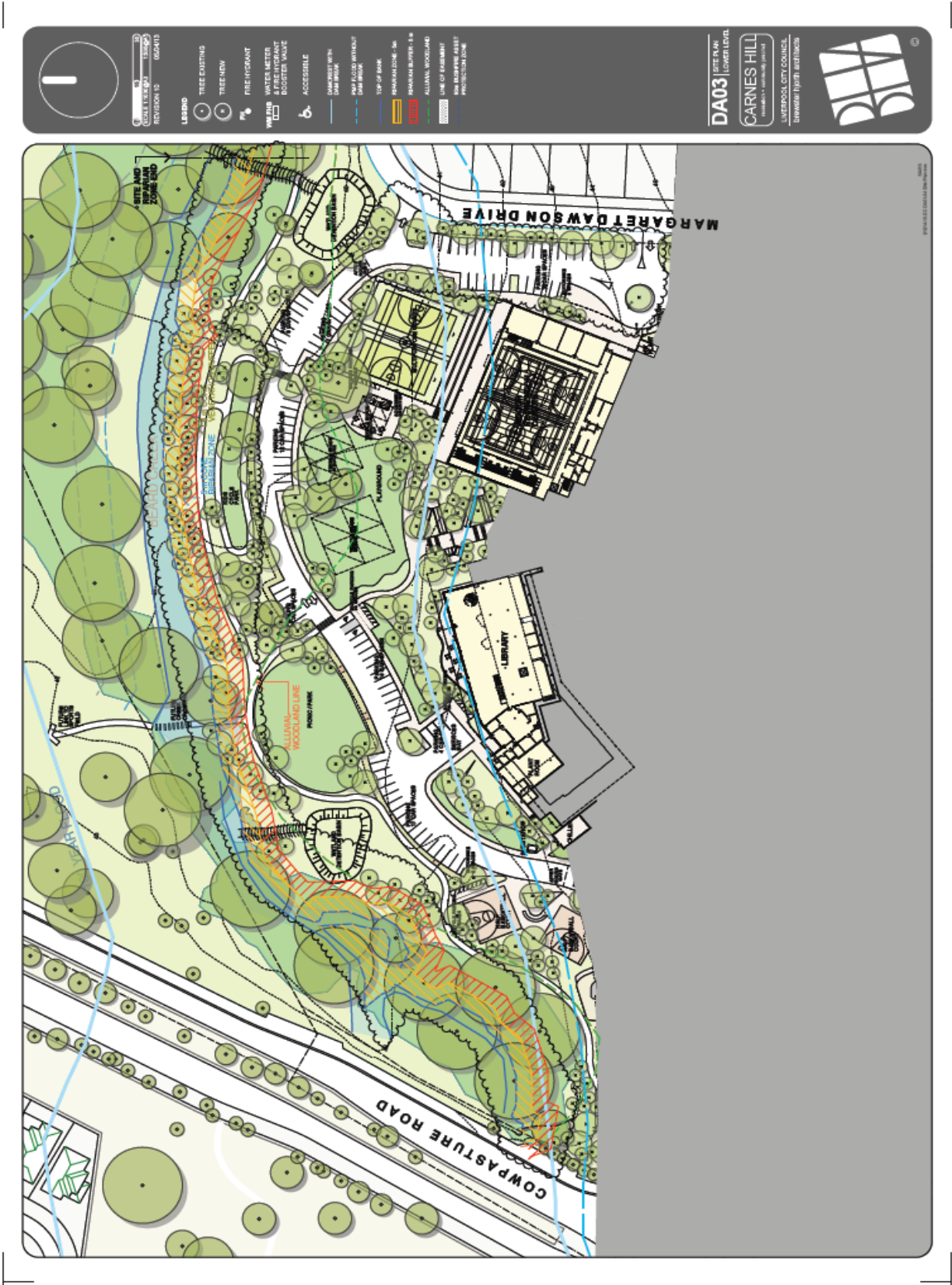


Figure 13 Site Plan-Lower Level

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Figure 14 Landscape Plan

Figure 15 Tree Removal & Retention Plan

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Figure 16 Elevations-Library/Community Centre Building

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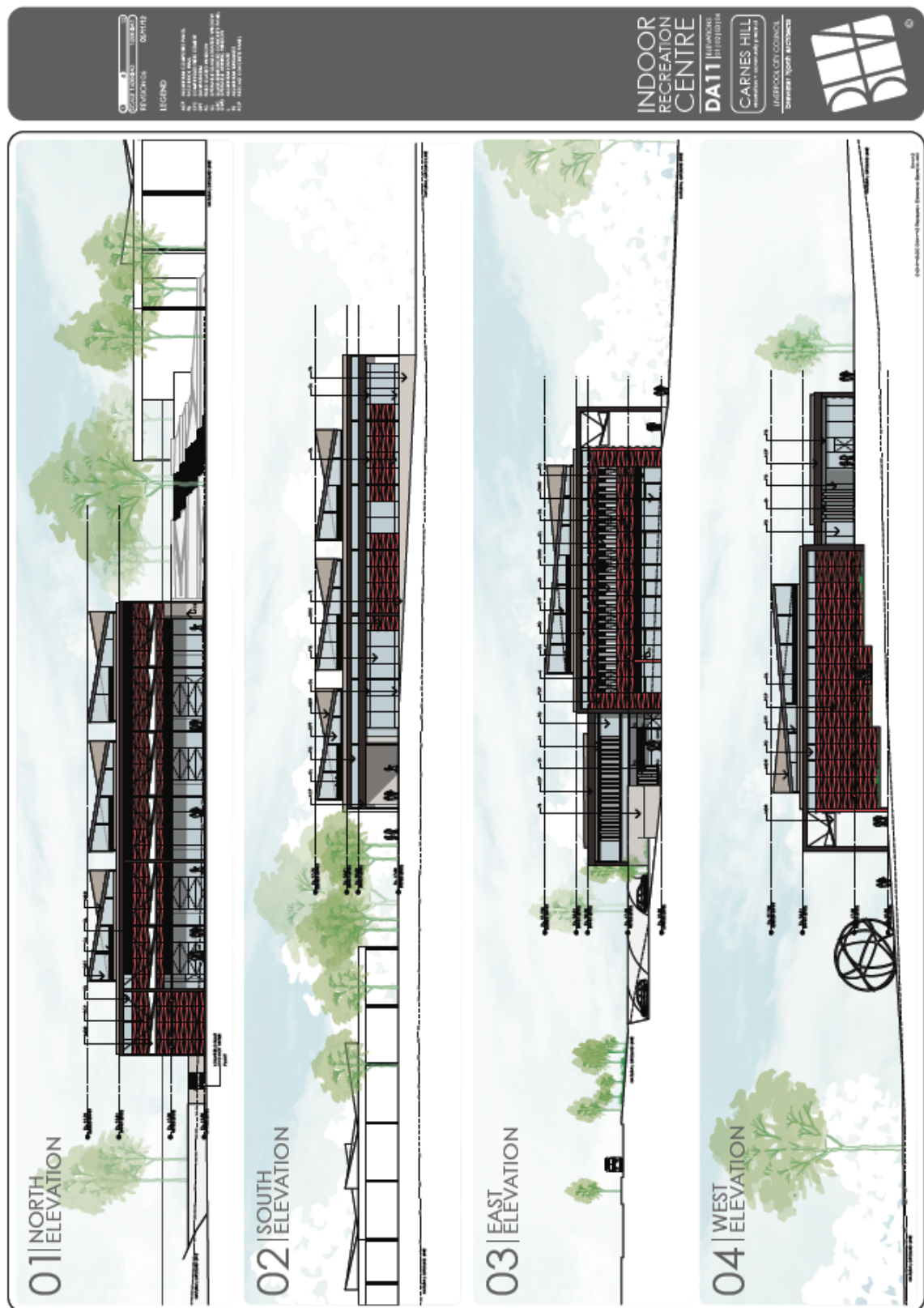


Figure 17 Elevations-Indoor Recreation Centre

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Figure 18 Library Sections

01 | SECTION A-A

02 | SECTION B-B

LEGEND

ALU - ALUMINIUM CLADDING PANELS
 BR - BRICKWORK
 CL - CLADDING
 CR - CORRUGATED IRON ROOF
 DS - DOWNSTAIRS
 ES - UPSTAIRS
 GL - GLASS
 GR - GRASS
 H - HATCH
 L - LAMINATE
 P - POLYURETHANE INSULATION
 R - RADIANT HEATING
 S - SLAB
 T - TERRACE
 V - VENTILATION
 W - WALL
 Y - YIELD

INDOOR RECREATION CENTRE
CARNES HILL
 DA12 ARCHITECTS
 LIVERPOOL CITY COUNCIL
 PRELIMINARY DESIGN

Figure 19 Indoor Recreation Centre

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Figure 20-Photomontage view of Indoor Recreation Centre from Margaret Dawson Drive



Figure 21-Photomontage view of main central stair adjacent to Park Area

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Figure 22-Photomontage view of Main Central Plaza from Kurrajong Road



Figure 23-Photomontage view of Skate Park from Kurrajong Road with Option of retaining existing trees.

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Figure 24-Photomontage view to Central Plaza from Kurrajong Road with Option of retaining existing street trees



Figure 25-Photomontage view of Skate Park from kurrajong Road without Existing trees

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Figure 26-Photomontage view to Central Plaza from Kurrajong Road without existing trees

Development Application Documentation

A number of specialist reports were submitted as part of the Development Application, namely the following key reports:

- Architectural Design Report
- Terrestrial and Aquatic Flora & Fauna Assessment Report
- Acoustic Report;
- Arborist Report;
- Environmental Site Assessment and Geotechnical Investigation Report
- Landscape Architect Report;
- Traffic and Parking Report;
- Accessibility Report
- Crime Prevention Assessment
- Aboriginal Archaeology Assessment report.
- BCA Compliance Report
- Infrastructure Design Report
- Bushfire Assessment Report
- Sustainability and ESD Report

Amendments

In response to issues raised by Council, the applicant has made some amendments to the application and amended plans were submitted to Council on 8 April 2012, as identified below:

- Configuration of Kurrajong Road intersection amended to left in/left out arrangement with provision of triangular traffic island and 30m length deceleration and acceleration lanes

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incorporated to frontage of Kurrajong Road. Previously through access to the Carnes Hill Shopping Centre permitted.

- Provision of internal roundabout opposite Margaret Dawson Drive intersection driveway, deletion of loading/unloading bay, creation of 3 additional spaces (168 total)
- Creation of additional egress driveway to Margaret Dawson Drive
- Minor shifting of pedestrian path/cycleways away from Beard Creek

Design Review Panel

The Design Review Panel has considered the proposal and believes it represents a good urban design outcome with merit. The Panel were however concerned about establishing a connection between the existing Carnes Hill Market Place Shopping Centre and the proposed development and for this reason recommended immediate construction of a broad pedestrian crossing across Kurrajong Road that is protected by kerb-blisters.

On the matter of the recommended Kurrajong Road crossing, Council's Manager - Transport and Traffic has advised that Council cannot grant consent for the establishment of the crossing as part of the current Development Application given the facility would not meet the warrant for a marked pedestrian crossing. Alternatively, a crossing facility should be provided as a pedestrian refuge with appropriate signage and an opening in the existing median island.

5. STATUTORY CONSIDERATIONS**STATE**

- *Environmental Planning and Assessment Act 1979;*
- *State Environmental Planning Policy No.55 – Remediation of Land;*
- *Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment;*
- *State Environmental Planning Policy (Infrastructure) 2007;*
- *State Environmental Planning Policy No. 19 – Bushland in Urban Areas.*
- *State Environmental Planning Policy 64 Advertising and Signage*
- *State Environmental Planning Policy (State and Regional Development) 2011*

LOCAL

- *Liverpool Local Environmental Plan 2008; and*
- *Liverpool Development Control Plan 2008 (Parts 1.1, 1.2 and 2.3).*

5.1. Zoning

The property is zoned part SP2 Infrastructure (Community Facilities), SP2 Infrastructure (Drainage) and RE 1 (Private Recreation) under Liverpool Local Environmental Plan 2008. An extract of the LLEP 2008 zoning map is provided in Figure 27. The development comprises 3 planning uses, 'Community Facility', 'Recreation Facility (Indoor)', 'Recreation Area' which are all permissible on the site with consent pursuant to Liverpool Local Environmental Plan 2008 (LLEP2008). A detailed assessment of the proposal with the provisions of LLEP 2008 is provided in Section 5.1(e).

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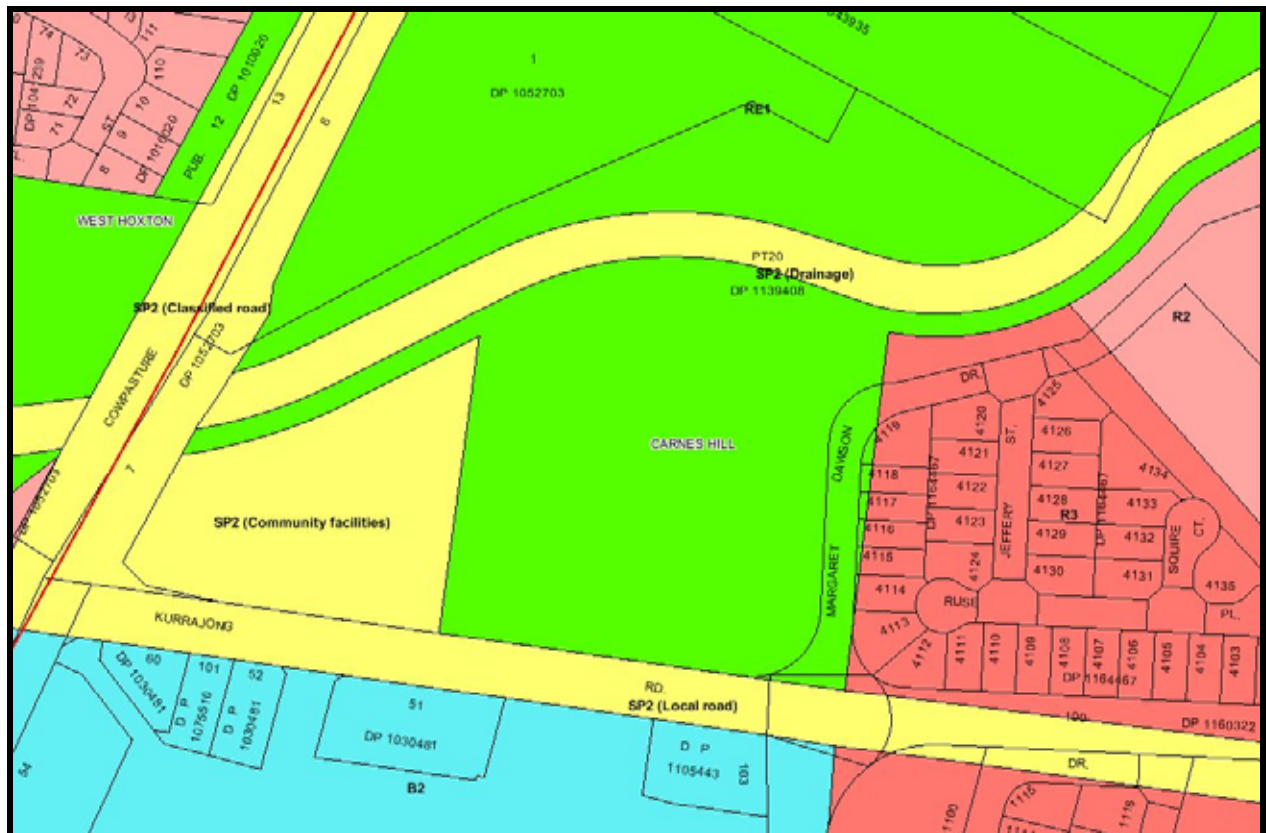


Figure 27 - Extract of LLEP 2008 Zoning Map

5.2. Relevant matters for consideration

The relevant environmental planning instruments and development control plans which are relevant to the proposed development pursuant to Section 79C of the Environmental Planning and Assessment Act 1979 are as follows:

- State Environmental Planning Policy No.55 – Remediation of Land.
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment.
- State Environmental Planning Policy (Infrastructure) 2007.
- State Environmental Planning Policy No. 19 – Bushland in Urban Areas
- Liverpool Local Environmental Plan 2008.
- Liverpool Development Control Plan 2008.
 - Part 1.1 - General Controls for all Development.
 - Part 1.2 - Additional General Controls for Development; and
 - Part 2.2 –Hoxton Park, Carnes Hill & Prestons Residential Release Areas

6. ASSESSMENT

The development application has been assessed in accordance with the relevant matters of consideration prescribed by Section 79C of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation as follows:

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6.1. Section 79C(1)(a)(1) – Any Environmental Planning Instrument**(a) State Environmental Planning Policy (State and Regional Development) 2011**

The aim of the policy is to

- (a) to identify development that is State significant development,*
- (b) to identify development that is State significant infrastructure and critical State significant infrastructure,*
- (c) to confer functions on joint regional planning panels to determine development applications*

Comment:

The proposed development involving an infrastructure facility with a CIV of greater than \$5 million is to be determined by the Joint Regional Planning Panel.

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

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

The proposal involves a change in the use of the land, which was historically used for rural activities and consequently under the SEPP 55 guidelines is considered to be a site that could potentially be contaminated. Accordingly, Council is required to undertake a merit assessment of the proposed development.

The development application is accompanied by an Environmental Site Assessment and Geotechnical Investigation prepared by Consulting Earth Scientists which has assessed the contamination issues at the site that have arisen from past and or present activities undertaken on or adjacent to the site. The report findings and site investigations has concluded that the site in its present condition is suitable for the proposed land uses.

Council's Environmental Health Officer has reviewed the Contamination Report and advised that the development is suitable subject to conditions of consent.

In consideration of all of the above, it is considered that the relevant heads of consideration required by SEPP 55 have been made and that with appropriate conditions the site is suitable for the proposed development.

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

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

When a consent authority determines a development application, planning principles are to be applied (Clause 7(2)). Accordingly, a table summarising the matters for consideration in

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determining a development application (Clause 8 and Clause 9), and compliance with such is provided below.

Clause 8 General Principles	Comment
When this Part applies the following must be taken into account:	Planning principles are to be applied when a consent authority determines a development application.
(a) the aims, objectives and planning principles of this plan,	The plan aims generally to maintain and improve the water quality and river flows of the Georges River and its tributaries.
(b) the likely effect of the proposed plan, development or activity on adjacent or downstream local government areas,	A Concept Stormwater Drainage and Flood Study has been submitted with the application. The site is partially inundated by the 1 in 100yr flood event and the Probable Maximum Flood (PMF) flood event. Erosion and sediment control measures will be required during construction and the drainage concept includes Gross pollutant Traps, bio-retention swales and wetlands.
(c) the cumulative impact of the proposed development or activity on the Georges River or its tributaries,	The proposal provides a stormwater management system that will connect to the existing system.
(d) any relevant plans of management including any River and Water Management Plans approved by the Minister for Environment and the Minister for Land and Water Conservation and best practice guidelines approved by the Department of Urban Affairs and Planning (all of which are available from the respective offices of those Departments),	The site is located within an area covered by the Liverpool District Stormwater Management Plan, as outlined within Liverpool City Council Water Strategy 2004.
(e) the <i>Georges River Catchment Regional Planning Strategy</i> (prepared by, and available from the offices of, the Department of Urban Affairs and Planning),	The proposal includes a Stormwater Concept plan. There is no evidence that with imposition of mitigation measures, the proposed development would affect the diversity of the catchment.
(f) all relevant State Government policies, manuals and guidelines of which the council, consent authority, public authority or person has notice,	Exemption under Water Management Act issued by the NSW Office of Water.
(g) whether there are any feasible alternatives to the development or other proposal concerned.	The site is located in an area nominated as being generally suitable for the proposed use.

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Clause 9 Specific Principles	Comment
(1) Acid sulfate soils	The land is not identified as containing acid sulphate soils on LEP 2008 Acid Sulphate Soil mapping.
(2) Bank disturbance	<p>Appropriate bank stabilisation and rehabilitation measures are proposed to protect the banks of Beard Creek in the form of a riparian buffer.</p> <p>The Office of Water has advised that the proposal is exempt from consideration under the Water Management Act.</p> <p>The proposal has been designed to comply with the Office of Water Guidelines for Riparian corridors on waterfront land.</p>
(3) Flooding	The site contains flood affected land. Building floor levels located 500mm above 1% AEP flood level. No filling in 1% AEP flood area.
(4) Industrial discharges	All discharges will be appropriately treated utilising WSUB measures.
(5) Land degradation	An erosion and sediment control plan will be required during construction to manage salinity and minimise erosion and sediment loss. The site is mapped as having a moderate salinity (acid sulphate) potential on the DIPNR map (2003). Accordingly appropriate salinity management will need to be incorporated.
(6) On-site sewage management	Not applicable.
(7) River-related uses	The proposal does not prevent access to the foreshore area by the public.
(8) Sewer overflows	Not applicable.
(9) Urban/stormwater runoff	A Stormwater Concept Plan has been prepared utilising WSUD measures. The design includes the necessary Gross Pollutant Traps, bio-retention swales and wetland features.

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(10) Urban development areas	<p>The site is not identified as being located within the South West Growth Centre within the Metropolitan Strategy.</p> <p>The site is not identified as being an Urban Release Area under LEP 2008.</p>
(11) Vegetated buffer areas	<p>The site is located within a Vegetated Buffer Area as defined within GREP No. 2 (<i>Development on land within the Catchment that adjoins, and is within 100 metres of, a drainage line, creek, wetland or river foreshore area within the Catchment</i>).</p>
(12) Water quality and river flows	<p>A Stormwater Concept Plan has been prepared. The design includes the necessary Gross Pollutant Traps, bioretention swales, wetland features.</p>
(13) Wetlands	<p>Wetland features proposed.</p>

It is considered that the proposal satisfies the provisions of the GMREP No.2 subject to site remediation and appropriate sedimentation and erosion controls during construction, the development will have minimal impact on the Georges River Catchment.

(d) State Environmental Planning Policy (Infrastructure) 2007

The proposed development is subject to the provisions of State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP). The following summarises consideration of the relevant provisions during the assessment of the development application:

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CLAUSE	PROVISIONS	COMMENT
<p>Subdivision 12 Parks & Other Public Reserves</p> <p>Clauses 64, 65 & 66</p>	<p>64 Definition</p> <p><i>In this Division:</i></p> <p>public reserve has the same meaning as it has in the <u>Local Government Act 1993</u>, but does not include a Crown reserve that is dedicated or reserved for a public cemetery.</p> <p>65 Development permitted without consent</p> <p>(1) Development for any purpose may be carried out without consent:</p> <p>(a) on land reserved under the National Parks and Wildlife Act 1974, if the development is for a use authorised under that Act, or</p> <p>(b) on land declared under the Marine Parks Act 1997 to be a marine park if the development is for a use authorised under that Act, or</p> <p>(c) on land declared under the Fisheries Management Act 1994 to be an aquatic reserve if the development is for a use authorised under that Act.</p> <p>(2) Development for any purpose may be carried out without consent:</p> <p>(a) on Trust lands within the meaning of the Centennial Park and Moore Park Trust Act 1983, by or on behalf of the Centennial Park and Moore Park Trust, or</p> <p>(b) on trust lands within the meaning of the Parramatta Park Trust Act 2001, by or on behalf of the Parramatta Park Trust, or</p> <p>(c) (Repealed)</p>	<p>The recreation facilities such as the courts and car parking and access pathways on the RE1 zone land are permitted without consent under this clause as they would be considered as (b) <i>outdoor recreational facilities, including playing fields, but not including grandstands as well as roads and car parks.</i></p> <p>The applicant has advised that the facilities have been included in the current application to simplify the process rather than being considered under part V of the EPA Act.</p>

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	<p><i>(d) in the case of land that is a reserve within the meaning of Part 5 of the Crown Lands Act 1989, by or on behalf of the Director-General of the Department of Lands, a trustee of the reserve or (if appointed under that Act to manage the reserve) the Ministerial Corporation constituted under that Act or an administrator,</i></p> <p><i>if the development is for the purposes of implementing a plan of management adopted for the land under the Act referred to above in relation to the land.</i></p> <p><i>(3) Development for any of the following purposes may be carried out by or on behalf of a council without consent on a public reserve under the control of or vested in the council:</i></p> <p><i>(a) roads, cycleways, single storey car parks, ticketing facilities and viewing platforms,</i></p> <p><i>(b) outdoor recreational facilities, including playing fields, but not including grandstands,</i></p> <p><i>(c) information facilities such as visitors' centres and information boards,</i></p> <p><i>(d) lighting, if light spill and artificial sky glow is minimised in accordance with AS/NZS 1158: 2007, Lighting for Roads and Public Spaces,</i></p> <p><i>(e) landscaping, including irrigation schemes (whether they use recycled or other water),</i></p> <p><i>(f) amenity facilities,</i></p> <p><i>(g) maintenance depots,</i></p> <p><i>(h) environmental management works.</i></p> <p>66 Exempt development</p> <p><i>(1) Development for any of the following purposes is exempt development if it is carried out by or on behalf of a public authority in connection with a public reserve or</i></p>	
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	<p>on land referred to in clause 65 (1), and if it complies with clause 20:</p> <p>(a) construction, maintenance and repair of:</p> <p>(i) walking tracks, boardwalks and raised walking paths, ramps, minor pedestrian bridges, stairways, gates, seats, barbecues, shelters and shade structures,</p> <p>(ii) viewing platforms with an area not exceeding 100m², or</p> <p>(iii) sporting facilities, including goal posts, sight screens and fences, if the visual impact of the development on surrounding land uses is minimal, or</p> <p>(iv) play equipment where adequate safety provisions (including soft landing surfaces) are provided, but only if any structure is at least 1.2m away from any fence,</p> <p>(b) routine maintenance (including earthworks associated with playing field regarding or landscaping and maintenance of existing access roads).</p> <p>(2) Development of a kind referred to in subclause (1) is exempt development if it is carried out on land referred to in clause 65 (2) by or on behalf of the person specified in respect of that land in that subclause, if the development:</p> <p>(a) complies with clause 20, and</p> <p>(b) involves no greater disturbance of native vegetation than necessary, and</p> <p>(c) does not result in an increase in stormwater run-off or erosion, and</p> <p>(d) for the purposes of implementing a plan of management adopted for the land under the Act referred to in clause 65 (2) in relation to the land.</p>	
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<p>Clause 101 - Development with frontage to classified road</p>	<p>(1) <i>The objectives of this clause are:</i></p> <ul style="list-style-type: none"> (a) <i>to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and</i> (b) <i>to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.</i> <p>(2) <i>The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:</i></p> <ul style="list-style-type: none"> (a) <i>where practicable, vehicular access to the land is provided by a road other than the classified road, and</i> (b) <i>the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:</i> <ul style="list-style-type: none"> (i) <i>the design of the vehicular access to the land, or</i> (ii) <i>the emission of smoke or dust from the development, or</i> (iii) <i>the nature, volume or frequency of vehicles using the classified road to gain access to the land, and</i> (c) <i>the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.</i> 	<p>Although the site does have frontage to Cowpasture Road which there is no direct access to Cowpasture Road and the development will not directly impact upon the operation or function of this Road.</p> <p>Kurrajong Road is identified as a future 'local' standard Road and not a classified road.</p> <p>It is considered that the development will not compromise the effective and ongoing operation and function of classified roads, and will not be adversely impacted by traffic noise and vehicle emissions.</p>
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Clause 102 – Impact of road noise or vibration on non-road development	<p><i>This clause applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the RTA) and that the consent authority considers is likely to be adversely affected by road noise or vibration:</i></p>	<p>The development is not of a residential nature and will not be adversely impacted by road noise or vibration.</p>
Clause 104 Traffic-generating development	<p>The SEPP requires the consent authority to consider:</p> <ul style="list-style-type: none"> <i>(ii) the accessibility of the site concerned, including:</i> <ul style="list-style-type: none"> <i>(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and</i> <i>(B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and</i> <i>(iii) any potential traffic safety, road congestion or parking implications of the development.</i> 	<p>The development proposes more than 50 car parking spaces and therefore constitutes a proposal specified within Column 3 of Schedule 3. As the development proposes an access point within 90 metres of Cowpasture Road which is a classified road, the application was referred to the Roads and Maritime Services for comment.</p> <p>The matters raised by the RMS have been taken into consideration and relevant matters have been included as conditions of consent.</p> <p>Traffic related matters, including the above items, are addressed within this report. It is considered that this assessment has considered the provisions of this subclause.</p>

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(e) State Environmental Planning Policy No. 19 – Bushland in Urban Areas

The general aims of State Environmental Planning Policy No. 19 – Bushland in Urban Areas are:

- (1) *to protect and preserve bushland within the urban areas*
 - (a) *its value to the community as part of the natural heritage,*
 - (b) *its aesthetic value, and*
 - (c) *its value as a recreational, educational and scientific resource.*

Bushland is defined as '*land on which there is vegetation which is either a remainder of the natural vegetation of the land or, if altered, is still representative of the structure and floristics of the natural vegetation.*

Clause 4(2) states: *A reference in this Policy to bushland zoned or reserved for public open space purposes is a reference to bushland within an area or zone identified by an environmental planning instrument as open space (other than for private recreation).*

Pursuant to clause 6 (Consent to disturb bushland zoned or reserved for public open space), works within bushland zoned or reserved for public open space purposes requires the consent of the Council. Subclause 6(4) provides that Council shall not consent to work unless:

- (a) *it has made an assessment of the need to protect and preserve the bushland having regard to the aims of this Policy,*
- (b) *it is satisfied that the disturbance of the bushland is essential for a purpose in the public interest and no reasonable alternative is available to the disturbance of that bushland, and*
- (c) *it is satisfied that the amount of bushland proposed to be disturbed is as little as possible and, where bushland is disturbed to allow construction work to be carried out, the bushland will be reinstated upon completion of that work as far as is possible.*

Comment

A Terrestrial and Aquatic Flora and Fauna Assessment Report undertaken by BIOSIS Research addressing the impacts of the proposal has been submitted with the Development Application. Although the assessment does not specifically address the provisions of SEPP 19, it does make an assessment of the impacts of the proposal under the Threatened Species Conservation Act and addresses the impacts of vegetation removal caused by the development.

The Biosis Research Flora & Fauna Assessment Report notes that the site contains an endangered ecological community known as the River-Flat Eucalypt Forest on Coastal Floodplains, as listed on the TSC Act, and also incorporates Alluvial Woodland along Beard Creek. A Seven Part Test was prepared and determined that the development will disturb approximately 0.76 ha of River-Flat Eucalypt Forest on Coastal Floodplains vegetation. Biosis Research advise that the clearing is primarily confined to the groundcover stratum, and constitutes 0.186% of the community estimated in the locality. Biosis Research advise that the development is not considered to adversely affect the extent or composition of River-Flat Eucalypt Forest on Coastal Floodplains for it to become locally extinct.

Despite the clearing, it is noteworthy that the development has been designed to minimise impacts upon the EEC via an extensive setback in the south western portion of the site where the bulk of the EEC is mapped. The clearing has also been offset with provisions for rehabilitation offsetting in the

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south western portion of the site. It is also noteworthy that clearing of the vegetation is proposed to be offset on the northern side of Beard Creek. The offsetting is illustrated in Figure 28 below:

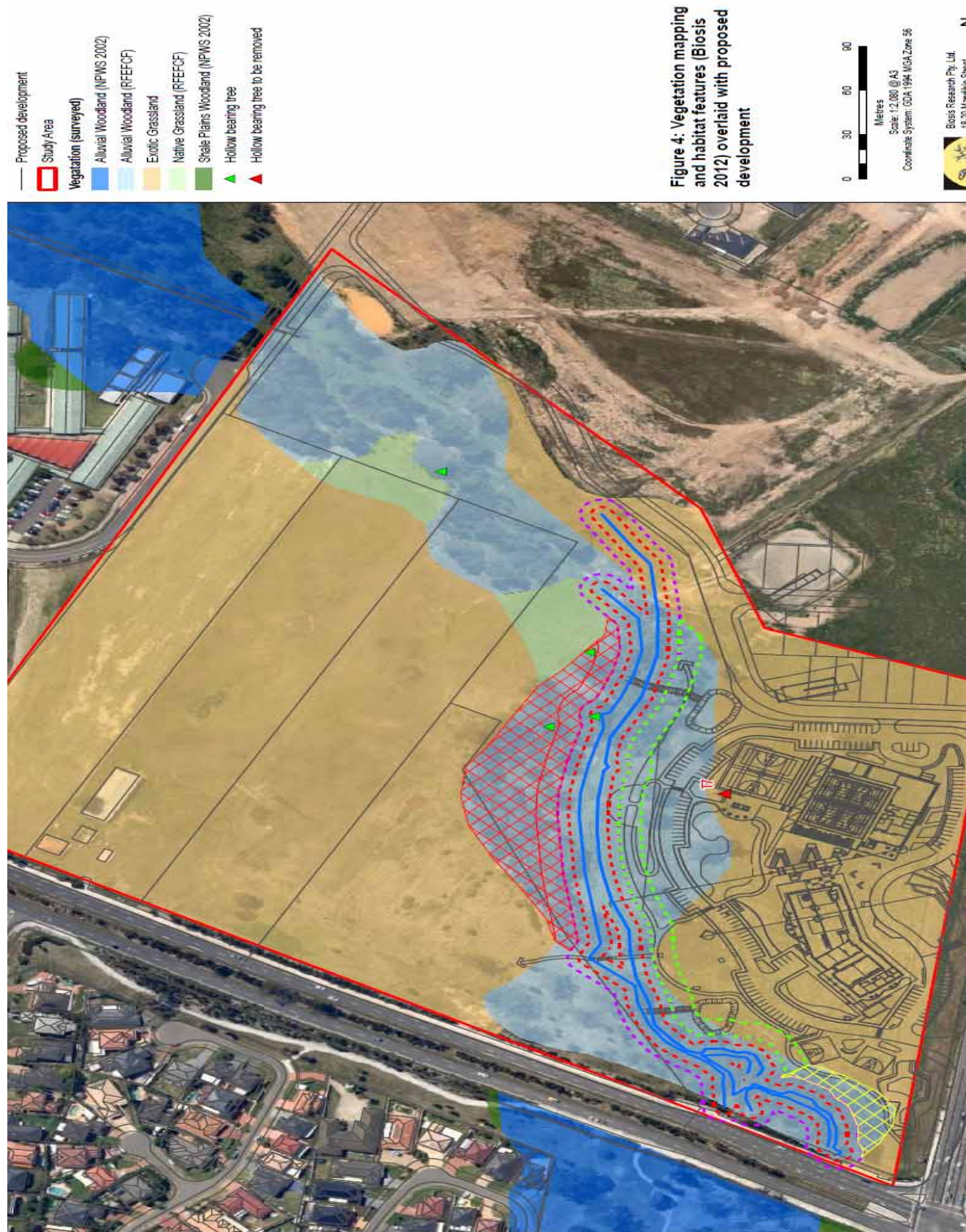


Figure 28 - Proposed Vegetation Offsetting-Figure 4 Biosis Research F & F Report

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The assessment report makes a number of recommendations to ensure any potential impacts on flora are minimised. The proposed development maintains the bulk of the existing bushland area on the site adjacent to Beard Creek and will improve the area with additional plantings and rehabilitation works.

Council's Natural Resource Officer has considered the Flora and Fauna Report prepared by Biosis Research and has no objection to approval of the development subject to conditions.

(f) Liverpool Local Environmental Plan 2008

As stated previously, the site is zoned part SP 2 Infrastructure (Community Facilities), SP 2 Infrastructure (Drainage) and RE 1 (Private Recreation) under Liverpool Local Environmental Plan 2008. An extract of the LLEP 2008 zoning map is provided in Figure 27.

The proposed development is defined as the following uses under Liverpool LEP 2008

Community Centre and Library

community facility means 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.

Indoor Recreation Building

recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

Skate Park and Recreation Facilities

These facilities could fit into either *Community Facility* or *Recreation Area*

recreation area means a place used for outdoor recreation that is normally open to the public, and includes:

(a) a children's playground, or
(b) an area used for community sporting activities, or
(c) a public park, reserve or garden or the like, and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

Land Use Table**SP2 Infrastructure (Community Facilities) & (Drainage)****1 Objectives of zone**

- To provide for infrastructure and related uses.

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

2 Permitted without consent

Nil

3 Permitted with consent

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; Environmental protection works; Roads

4 Prohibited

Any other development not specified in item 2 or 3

Comment:

The components of the developments as shown on the site plan in the SP2 Infrastructure (Community facilities) zone are:

- Skate Park
- Portion of the community/library building
- Basketball courts
- Car parking and pedestrian/cycle path.

The land use table permits the above purposes shown on the land use map which fit within the definition of *Community Facility* under Liverpool LEP 2008.

The car parking and access road is ancillary to the community facility. As a result the uses proposed on the SP2 zoned land are permitted with consent and also consistent with the zone objectives.

RE 1 Public Recreation

1 Objectives of zone

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

2 Permitted without consent

Environmental protection works; Home occupations

3 Permitted with consent

Boat sheds; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Child care centres; Community facilities; Entertainment facilities; Environmental facilities; Flood mitigation works; Information and education facilities; Kiosks; Marinas; Mooring pens; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Roads; Water recreation structures

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4 Prohibited

Any development not specified in item 2 or 3

Comment:

The components of the development as shown on the site plan in this zone are:

- Portion of the Community/Library building
- Indoor recreation building
- Multipurpose courts
- Car parking and pedestrian/cycle path.
- Shade structures
- Playground area

The land use table permits a range of specific land uses. The proposed uses as defined as either:

- *Community Facilities*
- *Recreation Facilities (indoor)*
- *Recreation Areas*

All the uses are permissible with consent in the zone and consistent with zone objectives.

Relevant LEP Provisions

The following provisions require consideration under Liverpool LEP 2008:

CLAUSE	REQUIRED	PROPOSED	COMPLIANCE
Clause 4.3 Height of buildings	LEP maps indicate site is within area without a height restriction.	Community Centre/library-9.5m Indoor Recreation Centre-10.5m	N/A
Clause 4.4 Maximum floor space ratio	LEP maps identify site within an area without a Floor space ratio restriction.		N/A
Clause 5.2 Classification & Re-classification of public land	Classification of Community or Operational land	The subject land is classified as 'Community Land' and the proposed uses are consistent with the community land classification.	Yes

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Clause 5.9 Preservation of trees or vegetation	Preserve the amenity of the area through the preservation of trees and other vegetation.	<p>The development requires removal of seven scattered trees and EEC bushland. The seven trees are located where either buildings or car parking is proposed.</p> <p>An Arborist report has been prepared by Earthscape Horticultural Services which assesses the health of the trees on the site and the potential impact of the development on the trees. The report has made recommendations to design and construction aspects.</p>	Yes with conditions
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<p>Clause 5.10 Heritage conservation</p>	<p>Requirement for consent Development consent is required for any of the following: demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance): a heritage item, an Aboriginal object, a building, work, relic or tree within a heritage conservation area, altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item, disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed, disturbing or excavating an Aboriginal place of heritage significance, erecting a building on land: on which a heritage item is located or that is within a heritage conservation area, or on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,</p>	<p>The site is not a listed heritage item or near a heritage item.</p> <p>An Aboriginal Cultural Heritage Assessment Report was prepared by BIOSIS Research for the site. The report provides an investigation of the site to locate any Aboriginal archaeological sites or areas of sensitivity that may be within the development site.</p> <p>The report advises that no Aboriginal sites, places or relics were located however the report makes a number of recommendations based on the assessment undertaken. The report has indicated that the site has a lack of research value and considered no further archaeological investigations could contribute any significant scientific information. It is noteworthy that Recommendation 2 of the report requires that an Application for an Aboriginal Heritage Impact Permit be sought which the applicant has already applied to the Department of Environment & Heritage for. An AHIP can be issued upon issue of consent.</p> <p>Council's Heritage Officer has no objections to approving the proposal subject to recommendations of report being fulfilled which has been conditioned.</p>	<p>Yes with conditions</p>
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Clause 6.5 Public Utility Infrastructure	Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.	The development can be appropriately serviced with utilities.	Yes
Clause 7.6 Environmentall y Significant Land	Applies to development on environmentally significant land.	The land is not mapped as containing 'environmentally significant land'	Yes
Clause 7.7 Acid Sulfate Soils	Applies to land nominated on acid sulfate soils mapping.	An assessment of acid sulfate soil risk was undertaken in the Environmental Site Assessment and Geotechnical Investigation prepared by Consulting Earth Scientists. The assessment found that there was no evidence of acid sulfate soils in or around the site area.	Yes

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<p>Clause 7.8 Flood Planning</p>	<p>Development consent must not be granted to development on flood prone land (other than development for the purposes of residential accommodation) unless the consent authority is satisfied that the development:</p> <p>will not adversely affect flood behaviour and increase the potential for flooding to detrimentally affect other development or properties, and</p> <p>will not significantly alter flow distributions and velocities to the detriment of other properties or the environment, and</p> <p>will enable the safe occupation and evacuation of the land,</p> <p>will not have a significant detrimental affect on the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of any riverbank or watercourse, and</p> <p>will not be likely to result in unsustainable social and economic costs to the flood affected community or general community as a consequence of flooding, and</p> <p>if located in the floodway, will be compatible with the flow of flood waters and with any flood hazard on that floodway.</p>	<p>The applicant has submitted an Infrastructure Design Report with the Development Application which investigates the 1:100 year flood level for the site and the proposed floor levels of both buildings above the adopted the 1:100 year level plus a 500mm free board.</p> <p>Council's Flooding Section have advised that two prescribed basins, Basin 10A and Basin 10B are located upstream of the proposed development site. The proposed building sites are located outside the flood extent of dam break event. The sites of the buildings are not affected by 1% Annual Exceedance Probability (AEP) flooding. However, the proposed Road No. 2 and northern car parking sites are affected by 1% Annual Exceedance Probability (AEP) flood event. The Development Application has addressed the flooding issues and it is supported subject to fulfilling flood related development controls.</p>	<p>Yes</p>
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Clause 7.31 Earthworks	Consider impacts of earthworks	The development involves earthworks which as part of the development application. The earth works are restricted to the non-sensitive areas on the site.	Yes
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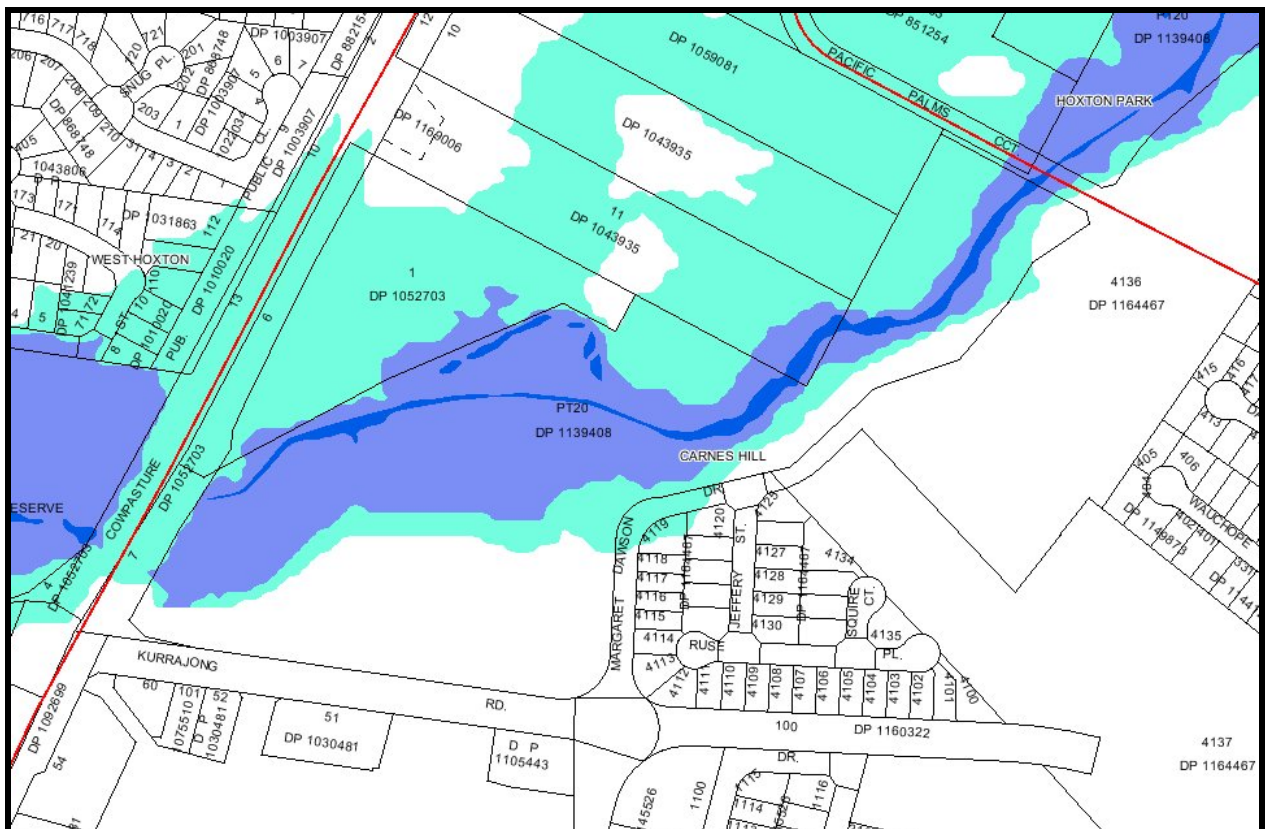


Figure 29: Extract of land identified to be subject to Council's Flood Policy

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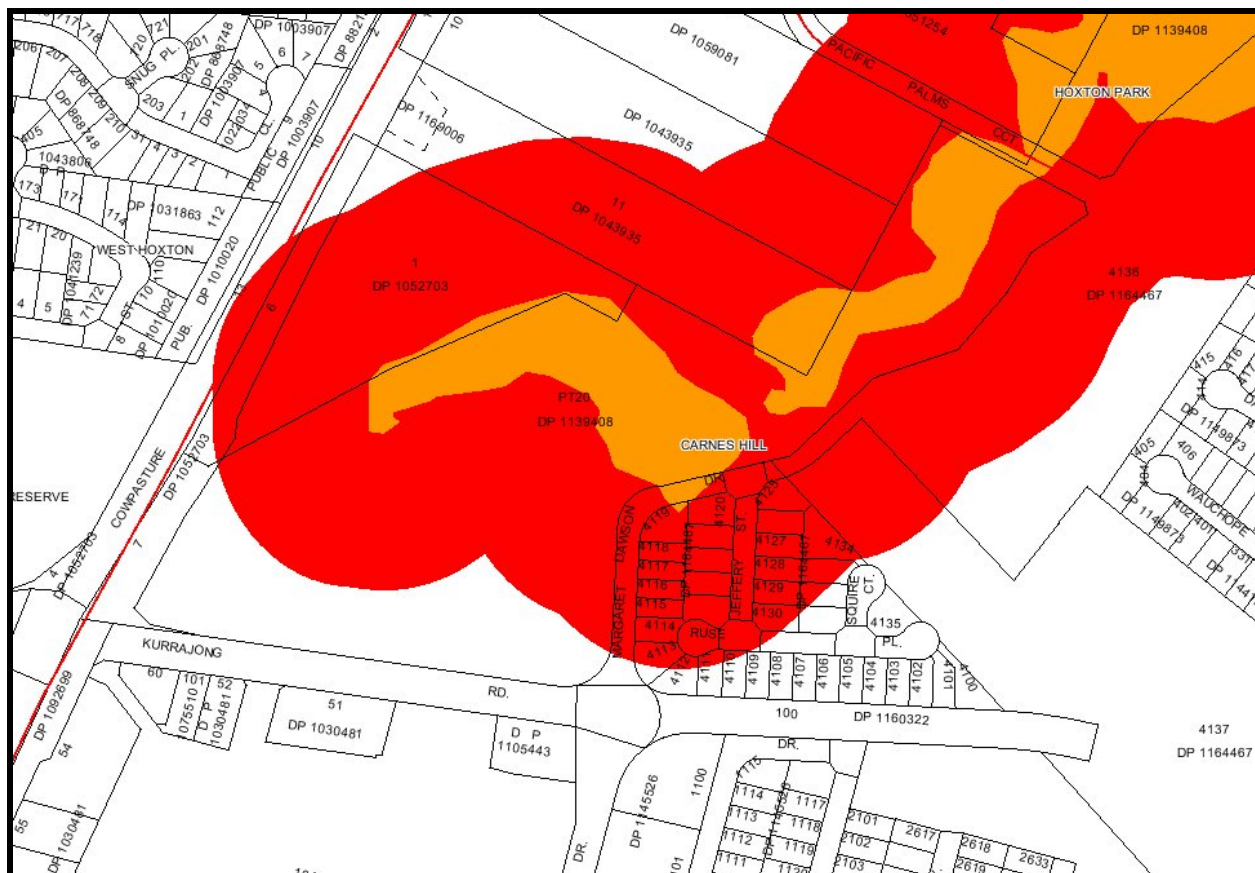


Figure 30: Extract of land identified to be Bushfire Prone

(g) Disability (Access to Premises – Buildings) Standards 2010

The application was accompanied by an Accessibility Report that addresses the performance of the development against the Access to Premises Standard (2010).

The application was referred to Council's Access Committee, who raised no objections to the development however made the following recommendations for community centre/library and recreational centre:-

1. Ensure accessible parking spaces are the correct width as per standards. Would be beneficial to have an additional space in front of both the library and community centre.
2. Community centre /Library
 - Ensure Accessible toilet has adequate circulation space.
 - A sliding door is required on the Accessible toilet
 - Main entry door – automatic sliding door is preferred as wide glass doors are hard to open for people with a disability.
 - Ensure lift size is suitable for adequate circulation
 - Positioning of lift controls (so that access from both sides should the circulation not allow for 'turn around' of person in a wheelchair)
 - Where possible, all doors should be sliding for ease of access
3. Library lower level
 - Hallway to Accessible toilet on lower level needs to be correct width

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- Entry door to this area needs to be wider
 - Sliding door required to accessible toilet
 - Lower level exit from lift – is this wall or partition in front? will this allow for exit and turning circle for lift
4. Recreation Centre
- Doorways into change rooms need to be wider
 - Accessible shower in change room to allow for athletes with a disability
 - Ensure doorways into all rooms are wide enough
 - Ensure lift size is suitable for adequate circulation
 - Positioning of lift controls (so that access from both sides should the circulation not allow for 'turn around' of person in a wheelchair)

The design recommendations of the report along with the recommendations of Access Committee are applied to the proposed development as conditions of consent to ensure the application and resultant built form reflects these intentions.

6.2. Section 79C(1)(a)(ii) - Any Draft Environmental Planning Instrument

No draft Environmental Planning Instruments apply to the site.

6.3. Section 79C(1)(a)(iii) - Provisions of any Development Control Plan

Part 1.1- General Controls for all Development and Part 1.2 - Additional General Controls for Development.

Part 2.2 – Carnes Hill, Hoxton Park and Prestons Residential Release Areas applies primarily to subdivision and residential development and consequently does not contain any provisions relevant to the subject application.

The following compliance table outlines compliance with Parts 1.1 & 1.2 controls.

PART 1.1 – GENERAL CONTROLS FOR ALL DEVELOPMENT			
Standard	Requirement	Proposed	Complies?
Clause 3 Landscaping and Incorporation of Existing Trees	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 does necessitate removal of 7 scattered on site, one of which is a hollow bearing tree of poor health. The proposal does also incorporate the retention of existing trees and includes a landscape plan with appropriate plant species to establish a suitable visual buffer to the development.	Yes
Clause 4 Bushland and Fauna Habitat Preservation	Applies generally to specific zones.	Site contains bushland which will be impacted as addressed previously in the report.	Yes

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Clause 5 Bush Fire Risk	Applies generally to bushfire prone land and land that requires bushfire hazard reduction.	Bushfire Assessment Report submitted given site classified as bush fire prone land. RFS issued recommended conditions of approval	Yes
Clause 6 Water Cycle Management	Stormwater Drainage Concept Plan required to be submitted.	Stormwater plan provided. Proposal satisfactory with WSUD measures including gross pollutant traps, bio-retention swales and wetland features	Yes, Conditions imposed
Clause 7 Development near Creeks and Rivers	Applies to land that may impact upon a watercourse or the removal of riparian vegetation.	Riparian buffer to Beard Creek proposed and meets with Guidelines for Riparian corridors.	Yes, conditions imposed
Clause 8 Erosion and Sediment Control	Soil and Water Management Plan or Erosion and Sediment Control Plan required to be submitted.	Erosion and Sediment Control Plan provided and conditioned.	Yes
Clause 9 Flooding Risk	Applies to flood prone land.	The site is flood affected. Building floor area above 1% AEP and Council's Flood Section satisfied.	Yes
Clause 10 Contaminated Land Risk	Applies to potential or actual contaminated land or has past or current specific land uses.	Site is not contaminated. Conditions imposed.	Yes
Clause 11 Salinity Risk	Salinity Management Plan required for high risk activities in salinity affected areas.	The proposal is not considered a high risk activity and a Salinity Management Plan was not required.	Yes
Clause 12 Acid Sulfate Soils Risk	Applies to land with potential acid sulfate soil.	Site not identified as having acid sulfate soil potential.	Yes
Clause 13 Weeds	Weed Management Strategy required to be submitted if site contains native weeds.	Conditions imposed.	Yes
Clause 14 Demolition of Existing Developments	Demolition to comply with AS 2601-1991.	No demolition works.	Yes
Clause 15 On-site Sewage Disposal	Applies to land with no access to reticulated sewer system.	Site has access to reticulated sewer system.	N/A
Clause 16 and	Applies to heritage items or	Detailed Aboriginal	Yes with

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17 Heritage	land in the vicinity of a heritage item, land in a heritage conservation area or archaeological site.	Archaeology Report prepared demonstrating that the site generally contains items of low significance. Conditions of Report imposed. Applicant has applied for AHIP with Department of Environment & Heritage.	conditions
Clause 18 Advertising	Development to be advertised.	The application was advertised on two occasions as addressed in report. No formal submissions received.	Yes

PART 1.2 – ADDITIONAL GENERAL CONTROLS FOR DEVELOPMENT

CONTROLS	PROVIDED	COMPLIES
1.Preliminary	Applies to proposed development.	Yes.
2.Car Parking: <u>Indoor Recreation Centre</u> 1space/22sqm of LFA for Gymnasiums & fitness centres. Other sports subject to traffic report Service access for a small rigid vehicle <u>Library/Community Centre</u> Calculated based on Office 1 space/40sqm Based on an assessment of the various components of the development, a total of 228 car parking are required. A traffic and car parking report will be required.	A total of 168 spaces provided , including 4 disabled spaces. A variation of 60 car parking spaces is required. A traffic and car parking report has been submitted demonstrating that there will be cross utilisation of car parking by various uses on site at peak times and that a variation to the required car parking provision required under the DCP is reasonable. The justification has been supported by Council's Traffic Section as detailed at the bottom of this table.	No.
An outdoor car park with 20 or more car parking spaces must include at least 1 tree per 10 car parking spaces.	Trees are proposed to be located within and surrounding the car parking areas that is considered satisfactory.	Yes.
Disabled parking: 2 per 100 spaces Community, Recreation,	4 disabled spaces proposed.	Yes.

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PART 1.2 – ADDITIONAL GENERAL CONTROLS FOR DEVELOPMENT

Accommodation or Education		
Loading and unloading	<p>The library has provision for a service bay and satisfies the requirement.</p> <p>The indoor recreation component originally had provision for a loading/unloading bay at the entry to the development from Margaret Dawson Drive however this has been deleted in the amended plans.</p> <p>This can be conditioned to be provided.</p>	Yes, with condition.
3.Subdivision Of Land And Buildings	Not proposed.	Not Applicable.
4.Water Conservation	<p>The Stormwater Drainage and Flood Report indicates site drainage is divided into four catchments with Catchments A, B and C draining to Creek A and Catchment D draining to Hoxton Park Road.</p> <p>A 50,000L rainwater tank proposed. Rainwater tank to provide irrigation to outdoor recreation areas. Excess irrigated water will enter system through sub-surface drainage and vegetated swales prior to discharge to Hoxton Park Road.</p>	Yes.
5.Energy Conservation Non-residential: To comply with the Building Code of Australia energy efficiency provisions, natural light, passive solar design etc.	ESD Report submitted with DA and BCA Report. Application can comply with the BCA.	Yes.
6.Landfill	Suitable conditions of consent have been included to ensure that any fill material imported onto the site is properly compacted and clean.	Yes.
7.Waste Disposal And Re-Use Facilities	A Waste Management Plan has been provided. A suitable condition of consent has been included for the submission of an updated WMP to address quantity of materials and works.	Yes.
8.Outdoor Advertising And Signage	No signage is proposed. A separate application will be required for any signs.	Not Applicable.

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Car Parking Variation

Council's Traffic Section has advised that DCP 2008 provides the parking requirements for some of the components of the proposed recreation centre. The applicant's traffic report identifies that over all components of the development, the total parking requirement is 228 parking spaces. This includes 13 parking spaces for a future office development that is not part of the current application.

The total was derived using parking rates in the DCP and elsewhere. Council's Traffic Section has advised that the rates and parking assessment are satisfactory, and is a fair estimation of the total parking provision for the development

Council's Traffic Section has advised that the development comprises a range of indoor and outdoor activities that will experience peak parking demand at different times of the day and week. The applicant's traffic report considers different activity scenarios based on time of day. The conclusion in the report is that parking demand for the components will peak at different times and that peak parking demand will be less than 228 spaces. Parking demand was considered to be a maximum on weekday evenings when parking demand will be a maximum of 162 spaces. While some of the assumptions regarding maximum parking demand are not based on observation but on first principles assessment, the overall demand of 162 spaces is considered reasonable. If the demand is at any time greater than the assumed maximum, there is the option to park on- street near to the recreation centre.

On this basis the variation is supported. However a condition has been imposed requiring the applicant to identify overflow parking areas on site that can be used for major events.

Section 79C(1)(a)(iiia) - Any Planning Agreement or any Draft Planning Agreement

No planning agreement relates to the site or proposed development.

6.4. Section 79C(1)(a)(iv) – The Regulations

The EP&A Regulations 2000 requires the consent authority to consider the provisions of the Building Code of Australia. If approved appropriate conditions of consent will be imposed requiring compliance with the BCA.

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6.5. Section 79C(1)(b) – The Likely Impacts of the Development**Safer-By-Design**

The applicant has provided a Crime Prevention assessment of the proposal however NSW Police has expressed concerns that the proposal is inadequate in respect to Safer-By-Design considerations. A copy of the correspondence from NSW Police is contained in the booklet 1 attachment.

NSW Police correspondence dated 18 February 2013 advises that the development has a crime risk rating of 'medium' and raise the following main concerns with the proposal:

- Lighting not being installed to external areas of the site. Areas of concern being footpaths, car park, skate park, children's playground and push bike racks
- Concern the type of vegetation being planted around and near the footpaths and bike path will block surveillance opportunities
- The lack of visibility of the skate park due to larger trees remaining along Kurrajong Road and choice of vegetation being planted around the skate park area. The current vegetation provides concealment for the commission of an offence at the skate park. The natural surveillance mentioned within the development application will not be possible with the current trees remaining in place.
- No security cameras are to be installed except within the 2 separate building entry points. It is highly recommended to install a number of cameras around the car park and skate park to deter offenders.
- The proposed car park entry and flow of traffic will see a major issue occurring once the centre is operational and Kurrajong Road is opened from Bernera Road to Cowpasture Road.
- Appropriate bus parking not bus stop, has not been established. This will become a major concern if projected activities are to take place.
- It is recommended that an alcohol free zone be established within the entire site from 8.00pm - 12.00pm (midday to prevent alcohol fuelled offences occurring and people attending the site after hours to drink alcohol.

The following provides a more detailed list of comments provided by NSW Police:

Landscaping

The specific sites of the different species of vegetation to be present throughout the precinct have not been clarified. There are strong concerns about the types surrounding play areas and paths. Recommend understory species should be matched with situational hazards. Low garden shrubs (<600mm) for example, are effective when used at the perimeter of a children's play area or carpark.

It is recommended that 3-5 meters of cleared space be located either side of residential pathways and bicycle routes. A safety convention for surrounding vegetation is that lower tree limbs should be above average head height, and shrubs should not provide easy concealment.

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Fencing

There is no fencing mentioned within the D.A however it may be necessary to install a small fence surrounding the bins etc. It is highly recommended to consider the installation of a fence around the play ground site. This will deter the opportunistic criminal who loiters around children's playgrounds.

NSW Police recommend that fences should be installed around the perimeter to clearly define the property boundaries and restrict access to the property. Optically permeable (open design) should be considered to increase surveillance and reduce concealment opportunities.

Lighting

Within the DA it states that lighting if required will be installed at the Basketball courts, multi-purpose courts, 6 separate locations through the car park and the kid's cycle park. These lights would be on a 6 meter pole utilising LED technology. All lights if installed would be controlled from the recreation building with automated override systems installed.

The applicant has subsequently advised that it is only the frontage of the buildings that will have lighting provision for surveillance purposes.

NSW Police raise concern that the proposed skate board facility is not proposed to be lit as part of this development application. The current intention is to restrict the use of the skate park from sunrise to sunset. The only external lighting intended will be to the parking area located between the buildings and Kurrajong road. Currently no lighting is proposed for the loop road within the passive open space behind buildings.

There is no mention of how the proposed restriction of the skate park is to be implemented and the lack of any security lighting for any pedestrians or user who may be finishing at dusk.

NSW Police recommend that lighting should be installed throughout all pathways, car park and recreational facilities including the skate park. The emphasis should be on installing low glare light uniformity lighting levels over all areas.

Intruder Alarm System

It is highly recommended that consideration be given to the installation of intruder alarms within both buildings and the following recommendations considered.

NSW Police recommend provision of Intruder Alarm System (IAS) which complies with the Australian Standard Systems Installed within Clients Premises, AS:2201.

Closed Circuit television system

There is no mention within the D.A about installation of CCTV cameras. This raises concerns due to the type of facility this site is intended to be used for and the secluded location of a number of the facilities. Strong consideration is to be given to installing CCTV cameras not only within the two buildings but throughout a number of locations at the site, in particular the skate park, pathways and playground area.

General Security / comments

Recommend implementation of an Alcohol free zone from 8.00pm - 12.00pm (midday) to deter alcohol fuelled violence or disorderly conduct from occurring during the main operating hours.

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One Way Road

Recommend one way road to prevent major traffic jams occurring on Kurrajong Road, which already faces large amounts of traffic.

A copy of the comments provided by NSW Police are included in Booklet 1 attachment.

Applicant Response to NSW Police comments

The issues raised by the NSW Police were forwarded to the applicant for comment on two occasions. The applicant provided the following response comments direct to NSW Police via letter dated 22 April 2013. A copy of the letter is attached in booklet 1.

'Lighting is only provided for the parking area between the buildings and Kurrajong Road, as this area will be the main focus for parking after sunset. No lighting internally to the park is proposed as experience has shown that well lit recreation spaces become a beacon for misbehaviour and tend to attract the wrong type of persons into the park after sunset.

In relation to the skate board facility, Council is mindful of the impact to the community of such a facility and for this reason it has been located on the corner of Cowpasture and Kurrajong Roads, the intent not to provide lighting in this area is in itself a means of controlling after hour usage.

As part of the management of this site, Council proposes closure of the internal loop road and the remainder of the park to the general public from sunset to sunrise; patrols by Council's security contractor are incorporated in the management of this site. Council will however be providing floodlighting attached to the northern side of the parapet of the building to provide security lighting to the rear of the site whilst the facility is in use. The lighting will be managed by Council according to the use of the site after sunset.

The existing vegetation along the Cowpasture Road frontage of the site (an extensive stand of Casuarina trees) and along either side of Beard Creek is unable to be removed due to environmental restrictions that have been placed on the site. A detailed flora and fauna study has been undertaken identifying that tree species act as significant wildlife corridor as well as stabilisation of the creek embankment.

Council understands the need to provide good site lines for the safety of patrons utilising the site for a variety of recreational needs, Council has ensured that the vantage points from the Kurrajong Road frontage have been maintained by means a sympathetic landscape design as well as good visibility from the Northern elevations of all buildings. As previously mentioned, security cameras will be provided internally to both the library and the indoor recreation centre, however at this time Council is not proposing to provide CCTV to the remainder of the site.

Council has amended the entry and exit arrangements to this site through the incorporation of a slip lane to the entry and exit point from Kurrajong Road, and provided an additional exit point onto Margret Dawson drive to address traffic movements. Parking provided at the northern end of the site is capable of being utilised by buses and the internal road is suitable to accommodate emergency vehicles such as fire brigade

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appliances.

Council is happy to establish an alcohol free zone to the outdoor areas from 8:00pm to 12:00 noon the following day. This will not apply to the hiring of the community centre for functions. Council has been mindful of the cost to develop this site and has applied for a number of State and Federal grants to assist with the delivery of this project. Should Council be successful in obtaining grant funding, Council will be in a position to incorporate a number of recommendations made by NSW Police.

In the interim, should the opportunity arise, Council will consider incorporating measures such as:

- Incorporate conservative lighting around the car parking bays to be used on an as needs basis such as functions.*
- Council can manage misbehaviour through its Compliance Division and engage external security services to patrol the premises.*
- Install CCTV externally to both the library and recreational centre buildings for better surveillance of the entry points and car parking areas.'*

Comment:

A condition of consent has been imposed requiring the development to conform with the safer-by-design recommendations of the NSW Police dated 18 February 2013, with the exception of the following:

- Tree Removal-Removing the row of existing Claret Ash trees along the site's frontage to Kurrajong Road is not supported given the trees will ultimately have a mature height of 10m and canopy height of 3 metres which will enable satisfactory surveillance opportunities of the development.
- Lighting-With respect to the issue of lighting, it is considered that the proposed gating of the internal loop road at each end of the road as shown on the site plan from sunrise to sunset limits access potential to the rear of the site and minimises potential for anti-social behaviour. The applicant's response that experience has shown that well lit lighting to recreational areas can '*become a beacon for misbehaviour and tend to attract the wrong type of persons into the park after sunset*' is supported. As an alternative, the provision of 'conservative lighting around the car parking bays to be used on an as needs basis such as functions' is supported.
- CCTV-NSW Police request for provision of CCTV Cameras external to the two proposed buildings is considered an onerous request and for reasons provided by the applicant is not imposed as a condition of consent. CCTV Cameras are provided in each of the two buildings.
- One Way Road-The request to establish a 1 way road has been submitted on the basis of restricting through movements to the Carnes Hill Market Place. Council's Traffic Section has advised that provision of a triangular traffic island at the Kurrajong Road intersection will limit the ability for through movements to and from Carnes Hill Market Place and address the issue of road safety. On this basis the provision of a one way road is not supported.

(a) Natural and Built Environment

An assessment of the development's likely impacts in respect of the following matters is provided below:

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- Scale, Bulk, Design, Height
- Traffic Impacts, access arrangements and car parking;
- Vegetation Removal
- Privacy
- Noise
- Flooding and stormwater
- Riparian Corridor Impacts

Scale, Bulk, Design, Height and Landscaping

It is considered that the development incorporates an integrated landscape design and overall the scale and bulk of the buildings is considered acceptable having regard to the use of the property and its intended function.

It is considered that the buildings respond appropriately to the surrounding area with generous setbacks given their park setting allowing for selective landscaping together with active and passive open space areas.

The proposed buildings are linear rectangular and square forms with large verandahs. The buildings present as single storey elevations to the southern central plaza fronting Kurrajong Road and as two storey elevations to the north over the park.

The Architectural Statement advises that external facades have been designed with large glazed walls, punctuated by solid glass reinforced concrete panels with triangular sculptural forms. The buildings are finished in a red colour to create a strong public face to the precinct. The building also includes provision of steel materials which in a dark grey colour accentuates the linear forms of the buildings.

Traffic Impacts, Access arrangements & Car Parking

The following comments were received by Council's Traffic Section in respect to the proposed development (as amended) and following the submission of additional information from the applicant in support of the application:

Traffic Generation and Impact

The development contains a range of activities that will have normally their peak activity at different times of the day. The applicant's traffic report took that into account when assessing traffic impact and determined that the traffic impact would not be significant. The identified peak periods are weekdays, evenings, and Saturday midday. The Saturday midday traffic will have the greatest impact on other traffic movements at Carnes Hill, which also peaks at midday Saturday.

Intersection analysis provided by the applicant indicates that the recreation centre will have some impact on adjacent intersections (particularly the Cowpasture Road/Kurrajong Road/Greenway Drive intersection) marginally increasing delay and queue lengths. It will however have little effect on Level of Service (LoS) indicating that the intersections will continue to perform satisfactorily with the recreation centre.

Access Arrangement of Kurrajong Road

The revised access arrangement off Kurrajong Road now includes a left in/left out driveway

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opposite the existing driveway into the Carnes Hill Marketplace. The driveway includes a 30m metre deceleration lane for the left turn in and 30 metre acceleration for the left turn out. The driveway also includes a triangular island along the kerb line of the northern section of Kurrajong Road, to enforce the left in/left out configuration.

This arrangement would prevent cross traffic from the proposed development to the shopping centre and vice versa.

I note the applicant's traffic consultant has raised concern about pedestrian safety across the proposed driveway. To address this concern, the proposed access driveway should be designed taking into account the road safety of all road users, particularly pedestrians in crossing the proposed driveway. The design with gap in a triangular island should highlight the pedestrian path across the driveway.

To ensure appropriate road safety is achieved, the detailed design of the access arrangement is to be subject to a stage 2 road safety audit.

This arrangement is to be imposed as a consent condition, should the development be approved.

Access Arrangement of Margaret Dawson Drive

The revised access arrangement now shows a driveway approximately 30 m north of the existing Kurrajong Road/Margaret Dawson Drive roundabout and a second exit driveway to the north of the development site as previously recommended.

The proposed northern driveway is to permit egress traffic movements only.

To accommodate efficient traffic movements in and out of the development parking is to be restricted, with No Parking signs, along the section of Margaret Dawson Drive fronting the development site.

The revised driveway also includes a mini roundabout within the development site. This arrangement is also supported. However, the layout and the closeness of the roundabout to Margaret Dawson Drive are likely to result in traffic conflict at this driveway.

A signs and line marking drawing is to be submitted to Council's LTC for its approval and for the approved signs and line marking to be installed prior to occupation.

Proposed Pedestrian Facility across Kurrajong Road

The revised development layout shows a marked pedestrian crossing on the western side of the existing bus stop. As previously advised, this facility would not meet the warrant for a marked pedestrian crossing and should be removed for the DA drawing. A crossing facility should be provided as a pedestrian refuge with appropriate signage and an opening in the existing median island.

Prior to the issue of a construction certificate, a design layout showing the recommended pedestrian refuge is to be provided to Council's Local Traffic Committee (LTC) for approval. The LTC's approval should be obtained prior to the facility being constructed.

Recommended Consent Conditions

Should the development be approved the following consent conditions are recommended.

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1. *Prior to the issue of a Construction Certificate, a detailed drawing showing the road layout, along with the recommendations of a road safety audit and signs and line marking for the following works are to be provided to Council's LTC for approval of associated regulatory line marking and signage:*
 - i. *The proposed left in/left out driveway off Kurrajong Road, with a triangular island to enforce the left in/left out configuration and the 30 metre deceleration and acceleration point;*
 - ii. *A pedestrian refuge island west of the existing bus stop;*
 - iii. *A layout showing the bus stop on the northern side of Kurrajong Road, almost opposite the existing bus stop.*
 - iv. *A bus shelter on the proposed bus stop;*
 - v. *The proposed driveways off Margaret Dawson Drive, approximately. 30 m and 80 m north of the roundabout;*
 - vi. *Appropriate signage within the development site to manage traffic flow; and*
 - vii. *Appropriate treatment to reduce the impact of head lights should be discussed and agreed to for the proposed lots 41 and 45 (opposite the development site).*

The applicant is to be advised that where regulatory signs are to be installed within the site, including the proposed pedestrian crossing, appropriate LTC approval is required prior to installation.
2. *The above facilities are to be constructed prior to the issue of an occupation certificate for the development.*
3. *The development is include appropriate provision for loading and unloading facilities with the development site.*
4. *Please refer to the other comments and conditions outlined in the previous traffic comments on the proposed development.*

Car parking assessment

The DCP provides the parking requirements for some of the components of the proposed recreation centre. The applicant's traffic report identifies that over all components of the development, the total parking requirement is 228 parking spaces. This includes 13 parking spaces for a future office development that is not part of the current application. The total was derived using parking rates in the DCP and elsewhere. The rates and parking assessment are satisfactory, and is a fair estimation of the total parking provision for the development

The Centre contains a range of indoor and outdoor activities that will experience peak parking demand at different times of the day and week. The applicant's traffic report considers different activity scenarios based on time of day. The conclusion in the report is that parking demand for the components will peak at different times and that peak parking demand will be less than 228 spaces. Parking demand was considered to be a maximum at on weekday evenings when parking demand will be a maximum of 162 spaces. While some of the assumptions regarding maximum parking

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demand are not based on observation but on first principles assessment, the overall demand of 162 spaces is considered reasonable. If the demand is at any time greater than the assumed maximum, there is the option to park on- street near to the recreation centre.

Referral to RMS

Due to the nature, scale and size of the proposed development and access within 90 metres of Cowpasture Road, the application required RMS advisory comments prior to determination.

The RMS has no objection to the development being approved subject to the following advisory conditions:

1. The proposed left in/left out only driveway on Kurrajong Road shall be self enforcing by constructing a raised channelised central median island in the driveway, which shall be designed and constructed in accordance with Austroads.
2. The proposed marked foot crossing on Kurrajong road should be removed as it reduces Kurrajong Road to one lane in each direction.
3. RMS supports Council's request for a road safety audit be undertaken for the proposed access arrangements to the subject site prior to the first Construction Certificate being released.
4. RMS reiterates the comments provided in the previous RMS letter attached with the exception of point 1.

On the basis of comments provided by Council's Traffic Section and RMS, the proposal is considered to have acceptable traffic and parking impacts subject to imposition of conditions.

Vegetation Removal

A Terrestrial and Aquatic Flora and Fauna Assessment Report undertaken by BIOSIS Research addressing the impacts of the proposal has been submitted with the Development Application. The Biosis Research Flora & Fauna Assessment Report notes that the site contains an endangered ecological community known as the River-Flat Eucalypt Forest on Coastal Floodplains, as listed on the TSC Act, and also incorporates Alluvial Woodland along Beard Creek. A Seven Part Test was prepared and determined that the development will disturb approximately 0.76 ha of River-Flat Eucalypt Forest on Coastal Floodplains vegetation. Biosis Research advise that the clearing is primarily confined to the groundcover stratum, and constitutes 0.186% of the community estimated in the locality. Biosis Research advise that the development is not considered to adversely affect the extent or composition of River-Flat Eucalypt Forest on Coastal Floodplains for it to become locally extinct.

Despite the clearing, it is noteworthy that the development has been designed to minimise impacts upon the EEC via an extensive setback in the south western portion of the site where the bulk of the EEC is mapped. The clearing has also been offset with provisions for rehabilitation offsetting in the south western portion of the site. It is also noteworthy that clearing of the vegetation is proposed to be offset on the northern side of Beard Creek. Biosis Research has made a number of recommendations to reduce the impacts upon the EEC and general environmental impacts and conditions of consent have been imposed requiring the following recommendations to be fully complied with:

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- *Placement of the two proposed pedestrian crossings over Beard Creek should avoid continuous areas of canopy cover where possible;*
 - *All trees occurring in the Exotic Grassland community (e.g. Forest Red Gums) should be retained and protected. Earthworks in the vicinity of retained trees should conform to the Australian Standard Protection of trees on development sites, AS 4970 – 2009 (Standards Australia 2009);*
 - *Where RFEFCF (including Alluvial Woodland and Native Grasslands) will or may be disturbed, temporary exclusion fencing should be installed around vegetation that is to be retained with no access to occur in the fenced areas. Signs should be placed on the fencing that identifies these areas as “no access zones”;*
 - *Civil contractor site supervisors should be provided with a Biodiversity Exclusion map that identifies the extent of the RFEFCF according to Figure 4;*
 - *Any trimming of branches along existing access tracks to accommodate earthworks or construction of the facilities should be carried out by a qualified Arborist. Should large branches with hollows be required to be removed, a suitably qualified ecologist should be on site during clearing to ensure no resident fauna are harmed and are salvaged and managed appropriately. Cleared branches should be placed in adjoining vegetation, as they will provide habitat for fauna;*
 - *Nest boxes (particularly targeting micro-bats) should be installed in retained vegetation to offset the loss of tree hollows;*
 - *Look for fauna and nests when tree felling and avoid injury to fauna. In the event of injured fauna call WIRES;*
 - *Pre-clearing fauna surveys should be carried out by a qualified ecologist targeting Cumberland Plain Land Snail in areas of potential habitat. Cumberland Plain Land Snails need to be relocated into nearby areas that will not be disturbed;*
 - *Areas of leaf litter, bark accumulations at the base of mature trees, and fallen logs should be retained where possible and protected during construction;*
 - *To prevent the dispersal of weed seed or soil born pathogens into regrowth or remnant native vegetation hygiene protocols should be implemented for vehicles, heavy plant and machinery used for earthworks. This equipment should be washed down prior to entering the construction site;*
 - *Vehicles and heavy plant movements and parking should be restricted to designated access and storage/parking areas in areas mapped as Exotic Grassland during and post construction;*
 - *Installation of sediment and erosion controls as required. This is particularly important to limit the further degradation of the creek line through smothering by siltation;*

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- *The construction project managers and site supervisors should consult with a suitably qualified ecologist should flora and fauna issues arise during the construction phase;*
 - *A Vegetation Management Plan (VMP) focusing on the RFEFCF and addressing weed control, natural and assisted regeneration, and fauna habitat and aquatic environs improvements should be prepared and integrated with landscaping plans. This VMP should outline the management of the riparian corridor offset to be maintained by LCC (NSW Office of Water 2012);*
 - *The vegetated riparian zone (VRZ) should be maintained as per the Guidelines for riparian corridors on waterfront land (NSW Office of Water 2012). Where there is encroachment on the outer 50% of this VRZ, riparian vegetation along Beard Creek within the study area proportional to that being disturbed should be protected and enhanced;*
 - *Once construction has been completed, the creek line within the immediate construction footprint should be remediated to pre-construction or improved conditions (e.g. height, substrate and presence of large woody debris);*
 - *Undertake revegetation of cleared and disturbed areas using a range of native species of local provenance for the purpose of managing weeds, controlling soil erosion, and maintaining fauna habitat. The flora species inventory of Appendix 1 forms the basis of a list of native plant species that should be used for any revegetation works carried out in rehabilitation;*
 - *Bush regeneration works in the RFEFCF carried out by a suitably qualified contractor are recommended as this approach will lead to an improvement in the condition of native vegetation communities, and reduce the requirement for weed control in the long term;*
 - *Establish densely planted buffers of locally occurring native plant species such as *Bursaria spinosa* ssp *spinosa* Blackthorn along the edges of RFEFCF to create a natural barrier in order to limit impacts of informal access;*
 - *Installation of artificial lighting should be minimised and directed away from the alluvial woodlands where possible to avoid disrupting nocturnal fauna foraging activities;*
 - *Prior to construction a water quality monitoring program should be implemented. Ideally the water quality monitoring program will include at least three monitoring locations; one at the upstream reach at Lake Francis, as a control and a minimum of two locations downstream of the study area along Beard Creek. An upstream monitoring location is important to detect any changes in turbidity or nutrients recorded immediately downstream of the study area; and,*
 - *During construction, if large woody debris are found within the creek line they should be stockpiled for later re-integration into the remediated creek line.*

Council's Natural Resource Officer has considered the Flora & Fauna Report and advised that it is satisfactory provided the recommendations of the report are complied with. On this basis it is concluded that vegetation will be impacted however the development is consistent with relevant

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considerations under the Threatened Species Conservation Act.

The hollow bearing tree No.7 has been considered in the Flora and Fauna Report and also Arborist Report prepared by Earthscape Horticultural Services. It was recommended that the tree is considered to have poor branch structure with high foliar insect Infestation apparent. The tree is considered to be in poor health with a useful life of approximately 5 years. Given the tree is centrally located where the development is proposed and poses a safety hazard removal of the tree is supported.

Noise

The development application is accompanied by a Noise Impact Assessment Report prepared by Acoustic Logic Consultancy Pty Ltd. The Acoustic Report has addressed the Potential noise impacts on nearby residential properties from the development based on the requirements of NSW EPA Industrial Noise Policy.

The report concludes that Noise impacts on the Library and Community Centre will comply with the requirements of AS2107:2000 provided the recommendations outlined in Section 4 are followed. The report recommends that noise impacts on nearby residential properties will comply with the requirements of EPA Industrial Noise Policy provided the recommendations outlined in Section 7 are followed. Conditions have been imposed requiring full compliance with the recommendations of the Acoustic Report. The key recommendations of the acoustic report to minimise impacts are :

Buildings

- *Minimum glazing thickness 6mm thick glass thickness*
- *Roof: all the penetrations and junctions shall be acoustically sealed*
- *External walls of concrete or masonry construction are acoustically acceptable and will not require any more acoustic treatment. There should not be vents on the internal skin of external walls. All penetrations in the internal skin of external walls should be acoustically sealed. □ External walls composed of concrete or masonry elements will not require acoustic treatment.*

General Hire Fitness and Multifunction Workout Room

- *Tamper proof sound level limiting devices should be installed for general hire fitness room and multifunction workout room, set to limit the sound pressure level 90 dB(A) in the rooms from amplified music sources. Individual sound limiting devices should be provided for each area within the premises.*
- *The external doors shall be constructed by 6mm thick toughened glass or 40mm thick solid core door with Raven RP 10 on top and sides, Raven RP38 at bottom.*
- *External walls composed of concrete or masonry elements will not require acoustic treatment.*

Outdoor Multi Sports Court

- *Outdoor multi sports courts are only permitted to be in use between the hours of 7am and 10pm inclusive.*
- *□ Outdoor courts and skate park areas shall be managed to ensure that noise emissions comply with the criteria in Section 4 of this report.*

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- *All windows and doors on the all facades of Indoor Recreation Centre shall remain closed except when people use doors to enter or exit the centre.*
- *Louvres shall be only be open between the hours of 7am and 10pm daily during the operation of Indoor Recreation Centre.*
- *Louvres shall be closed between the hours of 10pm till 7am daily during operation of Indoor Recreation Centre.*
- *Management controls should be utilised to manage people departure particularly at night and at closing times to ensure they are leaving the site in a prompt and orderly manner.*

Mechanical Plant

The Acoustic Report advises that mechanical plant selections have not been made meaning an acoustic assessment of noise emissions from the particular mechanical plant is not possible at this time.

Given the equipment which would be typically required for a project of this type and size, it is expected that noise emissions from mechanical plant and equipment is capable of complying with the project acoustic goals as presented in section 5.2.

Some acoustic treatments such as barriers/screens, internally lined ductwork, acoustic attenuators etc, may be required and the particular treatments would need to be determined at CC stage, once the plant selections have been finalised.

Comment:

Council's Environment & Health Section has advised that the Acoustic Report is satisfactory with respect to requirements and considerations under the NSW EPA Industrial Noise Policy and conditions have been imposed to ensure compliance with the NSW EPA Industrial Noise Policy.

Privacy

The proposed development comprises two proposed driveways from Margaret Dawson Drive that face directly towards newly created residential allotments to the immediate east. Potential exists for adverse visual privacy impacts upon future dwellings, either via privacy intrusion through front windows or from car light glare.

As a means of minimising impacts a condition has been imposed requiring the proponent to consult with the owners of lots 4114 and 4119, Margaret Dawson Drive in the preparation of a screening strategy comprising landscaping and fencing to minimise impact upon those properties. Subject to the establishment of suitable screening measures as a condition of consent, it is considered that an appropriate level of privacy and reduced impact of car light glare can be afforded to future adjacent residential properties.

Riparian Corridor Impacts

Despite the proposed development being exempt under the Water Management Act, Council is required to give consideration to the development under the NSW Office of Water *Guidelines for riparian corridors on waterfront land* (2012).

In applying the NSW Office of Water *Guidelines for Riparian Corridors on Waterfront Lands* (2012), Beard Creek is a first order waterway which requires a 10m Vegetated Riparian Zone

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(VRZ) in which no development is permitted within the 5m core riparian zone. Any development proposed within the outer 50% of this VRZ should be offset in accordance with these guidelines. Cycle paths do not require offsetting however are limited to a maximum disturbance footprint of a 4m width.

The original proposal submitted with the Development Application proposed marginal intrusion of the pathway/cycleway into the riparian corridor. Following a meeting with the applicant and applicant's Flora & Fauna Consultant, the landscape plans for the recreational facilities have been amended to exceed the recommendations. All development activities including the installation of cycle paths have been relocated to beyond the 10m VRZ for Beard Creek. The Concept Plan designs incorporate endemic native plantings throughout the landscaping and include rehabilitation of existing degraded riparian vegetation along the southern bank of Beard Creek. Apart from cycle paths, no development is proposed to occur within the VRZ, however an area of 0.25 ha occurring within 20m of the top of bank is proposed to be impacted to provide passive recreation areas. An offset area of 0.41 ha is proposed to the north of Beard Creek beyond the VRZ. This commitment is in excess of the averaging rule outlined within the NSW Office of Water (2012) *Guidelines for riparian corridors on waterfront land* to further promote the permanent protection and rehabilitation of the existing riparian vegetation and the RFEFCF community present within the study area.

On the basis of the landscape amendments, it is considered the proposal will not have any adverse impacts upon the Beard Creek Riparian corridor and is in accordance with the NSW Office of Water *Guidelines for riparian corridors on waterfront land* (2012).

Flooding and DrainageStormwater

The development application is accompanied by both a Design assessment report prepared by Warren Smith & Partners Pty Ltd and concept stormwater plan which proposes a stormwater drainage system discharging into Beard Creek. The proposed stormwater drainage system incorporates water sensitive urban design measures, including two GPTs, two wetland detention ponds and bio-retention swales to control stormwater runoff and pollution prior to discharge into the creek. The storm water drainage plan and calculations shows that the proposed drainage system has been designed to ensure that there are no downstream adverse impacts.

Appropriate sediment and erosion control plan measures have been submitted and the design incorporates suitable controls during the pre and post construction stage to protect the existing sensitive areas on the site during construction.

On the basis of proposed SUD measures and soil & erosion controls, the proposed development will not have adverse impacts upon the Beard Creek stormwater system.

Flooding

The site is affected by the 1% Annual Exceedance Probability and the Probable Maximum Flood events which are confined to the lower northern diagonal half of the site. The Design Assessment Report prepared by Warren Smith & Partners Pty Ltd recommends that the lower level of the library building is required to be constructed to 43.30m AHD and the lower level of the Recreational Centre is required to be constructed to 42.80m AHD.

Council's Flooding Section has advised that there are two prescribed basins, (Basin 10A and Basin

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10B) which are located upstream of the proposed development site however the proposed building sites are located outside the flood extent of dam break event. The sites of the buildings are not affected by 1% Annual Exceedance Probability (AEP) flooding. However, the proposed Road No. 2 and northern car parking sites are affected by 1% Annual Exceedance Probability (AEP) flood event. Council's Flooding Section has advised that the Development Application Design Report prepared by Warren Smith and Partners has addressed the flooding issues. Council's Flooding Section supports the development subject to fulfilling flood related development controls.

(b) Social Impacts and Economic Impacts

Social Impacts

The development will provide a valuable service and facility to the surrounding population and can operate in a manner which does not result in any adverse social impacts within the locality subject to condition to protect the amenity of surrounding residential properties.

Economic Impacts

The proposed development is identified within Liverpool Section 94 Contributions Plan and will largely be constructed utilising Section 94 Contribution monies.

Section 79C(1)(c) – The Suitability of the Site for the Development

The proposed development is permitted in the zone and the physical form of the development is considered acceptable. As stated in the report the impacts of the proposal are considered reasonable and can be appropriately conditioned to minimise impacts.

It is considered that the assessment demonstrates that the proposal is suitable for the site.

6.6. Section 79C(1)(d) – Any submissions made in relation to the Development

(a) Internal Referrals

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

INTERNAL REFERRALS:	
Engineer	No objection. Conditions to be imposed.
Summary of Conclusion: A drainage concept plan has been submitted proposing stormwater drainage system to be discharged into Beard Creek. The storm water drainage plan and calculation shows that the proposed drainage system has been designed to ensure that there are no downstream adverse impacts. The proposed stormwater drainage system will incorporate two GPT and wetland detention ponds to control stormwater runoff, soil erosion and pollution prior to discharge into the creek. The proposed development site has a direct vehicular access from Kurrajong Road and Margaret Dawson Drive. The internal vehicle access road and parking areas provided as part of the development are in accordance with Council's specifications. The location and details of access points to the proposed development are to be provided with Construction Certificate. Considering that the proposed development is closed to creek the adequate sediment and erosion control plan has been submitted. The plan has been designed to incorporate suitable controls during the pre and post construction stage to protect the existing sensitive areas on	

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the site during construction.	
Building	No objection. Conditions to be imposed.
Summary of Conclusion: BCA Report considered and no objection is raised to the proposed development subject to conditions of development consent.	
Flooding	No objection. Conditions to be imposed.
Summary of Conclusion: Two prescribed basins, Basin 10A and Basin 10B are located upstream of the proposed development site. The proposed building sites are located outside the flood extent of dam break event. The sites of the buildings are not affected by 1% Annual Exceedance Probability (AEP) flooding. However, the proposed Road No. 2 and northern car parking sites are affected by 1% Annual Exceedance Probability (AEP) flood event. Development Application Design Report prepared by Warren Smith and Partners has addressed the flooding issues. The proposal is supported subject to fulfilling flood related development controls.	
Environment & Health	No objection. Conditions to be imposed.
Summary of Conclusion: Council's Environment & Health Section have provided the following comments: Contamination <i>The last paragraph of Section 9 of the report - Discussion & Recommendations - states "The soil results reported no contaminants present at concentrations exceeding the SAC (recreational open spaces including playing fields) with the exception of Arsenic in CH_BH1 at 1 m bgl. However the result of 32 mg/kg at this location while about the SAC based on NEHF 1998: Ecological Investigation Level of 20 mg/kg is below the threshold based on NEHF 1998: Health Investigation Levels of 200 mg/kg (Class 'E' Parks, recreational open spaces and playing fields) and is also within the expected background levels of 1 – 50 mg/kg (NEHF 1998: Background Ranges). The location of the exceedance is not in the area of the site proposed for parkland (the proposed development concept can be viewed in Appendix E).</i> <i>Based on the findings of the site investigations (including a review of background information, site observations and the sampling and analysis programme), and the results of the soil sampling programme, CES conclude that the site in its present condition satisfies the relevant SAC and the site is suitable for the proposed conceptual land use which includes parks and recreational open spaces including playing fields."</i> Noise Assessment <i>Section 8 of the Environmental Noise Impact Assessment states that:</i> <i>"Potential noise impacts on nearby residential properties from the proposed Carnes Hill Recreation and Community Centre have been assessed based on the requirements of NSW EPA Industrial Noise Policy.</i> <i>Noise impacts on the Library and Community Centre will comply with the requirements of AS2107:2000 provided the recommendations outlined in Section 4 are followed.</i> <i>Noise impacts on nearby residential properties will comply with the requirements of EPA</i>	

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Industrial Noise Policy provided the recommendations outlined in Section 7 are followed".

It is recommended that recommendations as contained in the report be incorporated in the approval.

Traffic	No objection. Conditions to be imposed.
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Summary of Conclusion:

Council's Traffic Section has had detailed input into the design of access arrangements servicing the proposal from pre-lodgment to assessment of the current Development Application. A number of referrals have been received from Council's Traffic Section since lodgment resulting in amendments to access arrangements. The following is a summary of the latest comments provided by the Traffic Section dated 2 May 2013 and also comments in respect to Traffic generation and car parking provision dated 22 January 2013.

Traffic Section Memorandum 2 May 2013

Access Arrangement of Kurrajong Road

The revised access arrangement off Kurrajong Road now includes a left in/left out driveway opposite the existing driveway into the Carnes Hill Marketplace. The driveway includes a 30m metre deceleration lane for the left turn in and 30 metre acceleration for the left turn out. The driveway also includes a triangular island along the kerb line of the northern section of Kurrajong Road, to enforce the left in/left out configuration.

This arrangement would prevent cross traffic from the proposed development to the shopping centre and vice versa.

I note the applicant's traffic consultant has raised concern about pedestrian safety across the proposed driveway. To address this concern, the proposed access driveway should be designed taking into account the road safety of all road users, particularly pedestrians in crossing the proposed driveway. The design with gap in a triangular island should highlight the pedestrian path across the driveway.

To ensure appropriate road safety is achieved, the detailed design of the access arrangement is to be subject to a stage 2 road safety audit.

This arrangement is to be imposed as a consent condition, should the development be approved.

Access Arrangement of Margaret Dawson Drive

The revised access arrangement now shows a driveway approximately 30 m north of the existing Kurrajong Road/Margaret Dawson Drive roundabout and a second exit driveway to the north of the development site as previously recommended.

The proposed northern driveway is to permit all turning movements with the exception of right turn into the development site.

The affected property opposite the proposed driveways are to be consulted.

To accommodate efficient traffic movements in and out of the development parking is to be

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restricted, with No Parking signs, along the section of Margaret Dawson Drive fronting the development site.

The revised driveway also includes a mini roundabout within the development site. This arrangement is also supported. However, the layout and the closeness of the roundabout to Margaret Dawson Drive are likely to result in traffic conflict at this driveway.

A signs and line marking drawing is to be submitted to Council's LTC for its approval and for the approved signs and line marking to be installed prior to occupation.

Proposed Pedestrian Facility across Kurrajong Road

The revised development layout shows a marked pedestrian crossing on the western side of the existing bus stop. As previously advised, this facility would not meet the warrant for a marked pedestrian crossing and should be removed for the DA drawing. A crossing facility should be provided as a pedestrian refuge with appropriate signage and an opening in the existing median island.

Prior to the issue of a construction certificate, a design layout showing the recommended pedestrian refuge is to be provided to Council's Local Traffic Committee (LTC) for approval. The LTC's approval should be obtained prior to the facility being constructed.

Consultation with the developer of the residential area opposite the proposed development site along Margaret Dawson Drive

As previously discussed, the recommended driveway configurations are to be discussed with the developer of the residential property opposite the development site. Appropriate treatment to reduce the impact of head lights should be discussed and agreed to and implemented to minimise the impact on the proposed lots 41 and 45 (opposite the development site).

Recommended Consent Conditions

Should the development be approved the following consent conditions are recommended.

- 5. Prior to the issue of a Construction Certificate, a detailed drawing showing the road layout, along with the recommendations of a road safety audit and signs and line marking for the following works are to be provided to Council's LTC for approval of associated regulatory line marking and signage:*
 - i. The proposed left in/left out driveway off Kurrajong Road, with a triangular island to enforce the left in/left out configuration and the 30 metre deceleration and acceleration point;*
 - ii. A pedestrian refuge island west of the existing bus stop;*
 - iii. A layout showing the bus stop on the northern side of Kurrajong Road, almost opposite the existing bus stop.*
 - iv. A bus shelter on the proposed bus stop;*
 - v. The proposed driveways off Margaret Dawson Drive, approximately. 30 m and 80*

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m north of the roundabout;

- vi. Appropriate signage within the development site to manage traffic flow; and*
- vii. Appropriate treatment to reduce the impact of head lights should be discussed and agreed to for the proposed lots 41 and 45 (opposite the development site).*

The applicant is to be advised that where regulatory signs are to be installed within the site, including the proposed pedestrian crossing, appropriate LTC approval is required prior to installation.

- 6. The above facilities are to be constructed prior to the issue of an occupation certificate for the development.*
- 7. The development is include appropriate provision for loading and unloading facilities with the development site.*
- 8. Please refer to the other comments and conditions outlined in the previous traffic comments on the proposed development.*

Traffic Section Memorandum dated 22 January 2013

Traffic Generation and Impact

The development contains a range of activities that will have normally their peak activity at different times of the day. The applicant's traffic report took that into account when assessing traffic impact and determined that the traffic impact would not be significant. The identified peak periods are weekdays, evenings, and Saturday midday. The Saturday midday traffic will have the greatest impact on other traffic movements at Carnes Hill, which also peaks at midday Saturday.

Intersection analysis provided by the applicant indicates that the recreation centre will have some impact on adjacent intersections (particularly the Cowpasture Road/Kurrajong Road/Greenway Drive intersection) marginally increasing delay and queue lengths. It will however have little effect on Level of Service (LoS) indicating that the intersections will continue to perform satisfactorily with the recreation centre.

Car parking assessment

The DCP provides the parking requirements for some of the components of the proposed recreation centre. The applicant's traffic report identifies that over all components of the development, the total parking requirement is 228 parking spaces. This includes 13 parking spaces for a future office development that is not part of the current application. The total was derived using parking rates in the DCP and elsewhere. The rates and parking assessment are satisfactory, and is a fair estimation of the total parking provision for the development

The Centre contains a range of indoor and outdoor activities that will experience peak parking demand at different times of the day and week. The applicant's traffic report considers different activity scenarios based on time of day. The conclusion in the report is that parking demand for the components will peak at different times and that peak parking demand will be less than 228 spaces. Parking demand was considered to be a maximum at on weekday evenings

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when parking demand will be a maximum of 162 spaces. While some of the assumptions regarding maximum parking demand are not based on observation but on first principles assessment, the overall demand of 162 spaces is considered reasonable. If the demand is at any time greater than the assumed maximum, there is the option to park on- street near to the recreation centre.

The applicant should also identify overflow parking areas on site that could brought into use for major events.

From the DCP, disabled parking should be provided at the rate of two spaces per 100 general parking spaces. For 165 spaces, a total of four disabled spaces are required. This is equal to the number of disabled spaces to be provided.

The motorbike parking requirement under the DCP is one space per 20 car parking spaces, equivalent to eight spaces and equal to the number provided.

Bicycle parking is required at the rate of one bicycle space per 200 sqm of leasable floor area. On this basis a minimum of 25 bicycle spaces are required for the library and recreation buildings. The actual provision is 78 spaces, allowing for bicycle parking for outdoor activity sites.

Natural Resources Planner

No Objection subject to conditions

Summary of Conclusion

Council's Natural Resource Officer initially raised inadequacies with the Flora & Fauna Report that was submitted with the Development Application and also requested minor amendments to the Architectural site plan and landscape plan. All works and activities to be located outside of the inner 50% of the riparian corridor (Core Riparian Corridor) via memorandum dated 6 December 2012.

An amended Draft Flora & Fauna Report and Landscape plan were later submitted to Council on 27 March 2013. Council's Natural Resource Officer pursuant to memorandum dated 3 April 2013 is now satisfied that the revised Flora and Fauna Report and amended plan are acceptable subject to the development complying with the NSW Office of Water, *Guidelines for Riparian Corridors on Waterfront Land 2012*.

Landscape Officer

No objection

Summary of Conclusion

The Development Impact Assessment Report (Arborist Report) submitted by Earthscape Horticultural Services appears to have been adequately planned and developed. The Landscape Concept Plan by Context appears appropriate for the site.

Heritage Officer

No Objection subject to conditions

Summary of Conclusion

As per the above assessment, whilst no heritage places are identified in the Liverpool LEP 2008 the subject site certainly contains objects of Aboriginal cultural heritage and the development must consider the impact on the Aboriginal cultural significance of the place and implement appropriate mitigating measures.

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The ACHAR report has set out 10 recommendations which are largely supported by Aboriginal stakeholders and are also supported from a heritage perspective.

I recommend approval of the proposal, subject to the recommendation contained within the Biosis Research Carnes Hill Recreation and Community Precinct: Aboriginal Cultural Heritage Assessment Report.

In addition, I recommend that in order to fulfil Recommendation 3 of the abovementioned report that a comprehensive interpretation strategy for the site be developed, in consultation with appropriate Aboriginal stakeholders.

Access Committee	No Objection
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(b) External Referrals

The following comments from external departments, were received during the assessment of the application. A copy of the comments provided has been included in booklet 1 attachment.

NSW Police (Green Valley Local Area Command)

The NSW Police provided comments dated 18 February 2013 in respect to safer-by-design issues associated with the proposed development. Concerns raised regarding safer-by-design, surveillance opportunities, external lighting, CTV cameras, fencing, etc. which have been addressed earlier in this report. A copy of the submission is attached in booklet 1.

NSW Roads and Maritime Services (RMS)

In accordance with State Environmental Planning Policy (Infrastructure) 2007, the application was referred to the RMS for consideration pursuant to Clause 104. The RMS initially advised by undated letter received by Council on 6 March 2013 that it was concerned with proposed access arrangements from Kurrajong Road to the development. A later meeting was conducted with Council's Manager of Traffic and representatives of the RMS on 6 May 2013 to discuss access arrangements to the proposal. Agreement was reached that the proposed access arrangements are satisfactory subject to submission of a road safety audit by the applicant prior to issue of a Construction Certificate. Conditions of the RMS have been imposed as conditions of consent.

NSW Office of Water (Primary Industries)

The NSW Office of Water advised by letter dated 11 January 2013 that the proposed activity is exempt from consideration under the Water Management Act. In particular, section 91E (1) of the Water Management Act in relation to controlled activities specified in clause 39 of Subdivision 4, and Part 2 of Schedule 5 of the Water Management (General) Regulation 2011 that are carried out in, on or under waterfront land. A public authority is exempt from section 91E (1) of the Act in relation to all controlled activities that it carries out in, on or under waterfront land.

NSW Rural Fire Service

The subject land is mapped 'Bushfire Prone Land' and the Development Application was forwarded to the NSW Rural Fire Service for comment.

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The NSW RFS via correspondence dated 12 December 2012 provided recommended conditions relating to Asset Protection Zones, Water & Utilities, Access, Evacuation & Emergency Management, Design & Construction, and Landscaping. A condition has been imposed requiring the development to comply with the conditions recommended by RFS letter dated 12 December 2012. It is considered that the development can achieve the recommended conditions. A copy of the correspondence is attached within booklet 1.

(c) Community Consultation

In accordance with Liverpool Development Control Plan 2008 the development application was publicly advertised on two occasions. The proposal was originally publicly advertised from 23 November 2012 to 28 January 2013 however no formal submissions were received. Amended plans and documentation were publicly advertised from 17 April 2013 until 3 May 2013 and no submissions were received.

An email was received by a Councillor from the Carnes Hill Market Place Shopping Centre Management dated 6 February 2013, raising issues in respect to existing traffic congestion along Kurrajong Road between the Cowpasture Roads intersection and entry to the shopping centre. The email raised concern regarding additional impacts generated by the development and suggested the possibility of installation of traffic lights on Cowpasture Road and Main Street where McDonalds are located.

The request for traffic lights on Cowpasture & Main Street was considered unrelated to the current development proposal. Nonetheless, the matter was addressed at the time by Council's Director of City Planning via correspondence dated 23 February 2013. The following response was provided:

'The potential traffic impacts of the development on the existing, and future, road network has been taken into consideration as part of the design. Two entry/exit points are provided to assist in the flow and movement of traffic into and from the development. The assessment of the proposal will take into consideration comments from the Roads and Maritime Service (RMS) in regards to the traffic efficiency, and the Police for safety and design issues. From the preliminary assessment, it is extremely unlikely that the proposal will warrant upgrade works to existing signalised intersections or the installation of additional signalised intersections.'

'The provision of a signalised intersection at Cowpasture Road and Main Street would directly assist the traffic management of the Carnes Hill Shopping Centre. It is therefore recommended that this matter be consider separate to the Carnes Hill Community and Recreation Precinct. If the Shopping Centre Management which to pursue the installation of the signalised intersection, at their cost, a submission needs to be made to the Liverpool Local Traffic Committee for their consideration. However, given that the ultimate approval lies with the RMS, it is recommended that the Shopping Centre Management approaches the RMS for their initial consideration of the proposal. Council officers would be more an happy to facilitate in any discussions to assist in this matter.'

6.7. Section 79C(1)(e) – The Public Interest

The proposal is consistent with identified use of the site and will provide a valuable service and facility to the surrounding population. The proposal is in the public interest.

7. CONCLUSION

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The application seeks approval for a community facility consisting of indoor recreation/leisure centre, public library, community centre and open space with associated car parking and landscaping.

The proposed uses are permissible under the provisions of Liverpool Local Environmental Plan 2008 and are also generally consistent with the relevant controls contained in Liverpool Development Control Plan 2008, with the exception to a variation of on-site car parking provision.

The application has identified a number of impacts which have been satisfactorily addressed via supporting reports submitted with the application, amended plans and conditions of consent.

The development application has been assessed with regard to the relevant considerations prescribed by Section 79C of the Environmental Planning and Assessment Act 1979 and is deemed satisfactory.

In consideration of all of the key issues identified as part of the development assessment process the development application is considered to be worthy of support subject to conditions.

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Attachment: Conditions of Consent

A. THE DEVELOPMENT**Approved Plans**

1. Development the subject of this determination notice must be carried out strictly in accordance with the following plans/reports marked DA 1786/2012 as follows:

ARCHITECTURAL Plans prepared by Brewster Hjorth Architects			
DRAWING NO:	DRAWING/DOCUMENT TITLE:	REVISION:	Latest Date
DA00	Cover Sheet	1	05/11/12
DA01	Site Analysis	0	23/10/12
DA02	Site Plan Upper Level	17	05/04/13
DA03	Site Plan Lower Level	10	05/04/13
DA04	Roof Plan	10	05/04/13
DA05	Library Floor Plans[Upper Level]	07	05/11/12
DA06	Library Floor Plans[Lower Level]	07	05/11/12
DA07	Library Elevations	08	24/10/12
DA08	Library Sections	06	03/10/12
DA09	Rec Centre Floor Plan(UL)	05	24/10/12
DA10	Rec Centre Floor Plan(LL)	05	24/10/12
DA11	Recreation Elevation	06	05/11/12
DA12	Recreation Section	06	05/11/12
LANDSCAPE Plans prepared by Context			
DRAWING NO:	DRAWING/DOCUMENT TITLE:	REVISION:	Latest Date
12505_L_1001	Landscape Cover Sheet	D	24/10/12
12505_L_2001	Tree Removal & Retention Plan	E	04/04/13
12505_L_3001	Landscape Plan	E	04/04/13
12505_L_4001	Landscape Sections	C	24/10/12
12505_L_5001	Planting Palette + Indicative Plant Schedule	C	24/10/12
12505_L_6001	Landscape Character Images	C	24/10/12
CIVIL PLANs prepared by Warren Smith & Partners			
DRAWING NO:	DRAWING/DOCUMENT TITLE:	REVISION:	Latest Date
C-03	Site Levels And Flood Levels Plan	C	26/10/12
C-04	General Road Layout Plan	C	26/10/12
C-07	Bulk Earthworks Plan	C	26/10/12
C-08	Site Stormwater Drainage	C	26/10/12

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	Plan		
C-09	Site Stormwater Catchment Plan	C	26/10/12
C-10	Water Sensitive Urban Design Details Sheet 1 Of 2	C	26/10/12
C-11	Water Sensitive Urban Design Details Sheet 2 Of 2	C	26/10/12
C-12	Erosion And Sediment Control Plan	C	26/10/12

except where modified by the undermentioned conditions.

Aboriginal Archaeology

- The development shall fully comply with the recommendations of the Aboriginal Cultural Heritage Assessment Report prepared by Biosis Research dated September 2012 (Ref: Project No:14174).

Flora & Fauna

- The development shall fully comply with the recommendations of the Terrestrial and Aquatic Flora & Fauna Report prepared by Biosis Research dated 21 March 2013 (Ref: Project No: 14176/16028)

Contamination & Geotechnical

- The development shall fully comply with the recommendations of the Environmental Site Assessment & Geotechnical Investigation Report prepared by Consulting Earth Scientists dated 29 August 2012 (Ref: CES 120205-LCC-AF).

Acoustic Assessment

- The development shall fully comply with the recommendations of the Environmental Noise Impact Assessment Report prepared by Acoustic Logic dated 26 November 2012 (Ref: 20121044.1)

Development Impact Assessment Report (Arborist)

- The development shall fully comply with the recommendations of the Development Impact Assessment Report (Arborist) prepared by Earthscape Horticultural Services dated October 2012.

Bushfire Assessment Report

- The development shall fully comply with the recommendations of the Bushfire Assessment Report prepared by Bushfire Safety Solutions dated October 2012 (Ref: 2012/110A). Where conflict occurs with the conditions of consent recommended by the NSW Rural Fire Service correspondence dated 12 December 2012, the RFS conditions shall prevail.

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8. Building Code of Australia Compliance Assessment Report

The development shall fully comply with the recommendations of the Building Code of Australia Compliance Assessment Report prepared by City Plan Services dated 30 January 2013 (Ref: 122065.0).

Sustainability and ESD Report

9. The development shall fully comply with the recommendations of the Sustainability & ESD Report prepared by Cundall dated 23 October 2012 (Ref: 1005583, Rev B).

Accessibility & DDA Report

10. The development shall fully comply with the recommendations of the Accessibility and DDA Report prepared One Group ID, dated 25 October 2012 and recommendation of the Access Committee.

Private Certifier Authority Compliance

11. The Principal Certifying Authority is to ensure that the applicable recommendations of the reports referred to Condition No's 2-16 are fully comply with prior of the issue of a Construction Certificate.

NSW Rural Fire Services

12. The proposal shall be undertaken in accordance with the conditions imposed by NSW Rural Fire Service correspondence dated 12 December 2012.

NSW Roads & Maritime Services

13. The proposed left in/left out only driveway on Kurrajong Road shall be self enforcing by constructing a raised channelised central median island in the driveway, which shall be designed and constructed in accordance with Austroads.
14. The proposed marked foot crossing on Kurrajong Road should be removed as it reduces Kurrajong Road to one lane in each direction.
15. All construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Cowpasture Road.
16. If not already in place, full time "No Stopping" restrictions are to be implemented along the full Cowpasture Road frontage of the development site. This restriction should be implemented prior to the commencement of any excavation and construction works relating to the proposed development. Prior to the installation of the parking restrictions the applicant is to contact RMS Traffic Management Services on phone: (02) 8849 2294 for a works instruction.
17. Any proposed temporary/partial road closures will require the applicant to apply for a Road Occupancy Licence (Form C & D) by contacting the Transport Management Centre's Planned Incidents Unit on (02) 8396 1513 during office hours (8am-4pm) or 131 700 after hours.

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The applicant will be required to submit the Road Occupancy Licence forms/traffic management plan at least 10 working days prior to the start of works. Plans should be forwarded to Rohit Autar, Supervisor Planned Incidents Unit, Transport Operations, Transport Management Centre or on facsimile (02) 8396 1530.

In due course the applicant may need to obtain a Road Opening Licence. Details can be obtained from RMS Sydney Project Services on 8849 2496.

18. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
19. Disabled car parking spaces are to be provided in accordance with Council's requirement and are to conform to Australian Standard 2890.6:2009.
20. All new pedestrian accesses are to comply with AS 1428.1:2001 Design for Access and Mobility.
21. The swept path of the longest vehicle (including garbage trucks) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.
22. Consideration should also be given to providing bicycle parking facilities either within the development or close to it, as well as end trip facilities such as showers, changing rooms, etc. to encourage bicycle use for travelling to and from the development.
23. All vehicles are to enter and leave the site in a forward direction.
24. Sight distances at the access driveways are to comply with AS 2890.1-2004, to ensure safe pedestrian and vehicle movements.
25. The proposed turning areas are to be kept clear of any obstacles, including parked cars, at all times.
26. Australian Standards require the provision of an additional 1 metre adjacent to the blind aisle to assist in manoeuvrability.
27. All traffic control during construction must be carried out by accredited RMS approved traffic controllers.
28. All works/regulatory signposting associated with the proposed development are to be at no cost to RMS.

B. PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

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

Permit to Carry out Works

29. A separate application for a permit to carry out works must be issued by Council for –

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- (a) A Permit to carry out works in Council's road reserve, pursuant to Section 138 of the Roads Act, 1993. The work(s) in the existing road reserve requiring a Council Section 138 permit is Kurrajong Road & Margaret Dawson Drive.

Provision of Services

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

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

31. Written clearance from 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.
32. 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.
33. 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.

Mechanical Plant Items/Acoustics

34. A detailed assessment of all external mechanical plant equipment should be undertaken at the construction stage. A revised acoustic report shall be submitted to Council addressing all noise factors associated with the plant operation.

Dilapidation Report

35. A dilapidation report is to be undertaken. This shall include clear photos and descriptions of all existing Council infrastructure adjacent to the subject site. A copy of the dilapidation report shall be submitted to Council.

Site Development Work

36. Site development work in the form of excavation, underpinning or shoring works must not take place, until such time as a CC has been issued.

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37. All aspects of construction shall comply with the applicable Performance Requirements of the National Construction Code. Compliance with the Performance Requirements can only be achieved by:
- (a) *Complying with the Deemed to Satisfy Provisions; or*
 - (b) *Formulating an Alternative Solution, which complies with the Performance Requirements or is shown to be at least equivalent to the Deemed to Satisfy Provision, or a combination of (a) and (b).*

Notification

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

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

Fire Safety Measures

39. 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 CC and submitted to Council, in compliance with the provisions of the EP&A Regulation.

Driveway/Services

40. All driveways are to be graded in such a manner as to provide continuous surface drainage flow paths to appropriate points of discharge. In this context, these are to be into roads or swales, as appropriate, connecting into the major trunk drainage system.
41. Driveways entry points must be located clear of all utility services. It is recommended that discussion be held with the relevant authorities before construction works commence. Council does not accept any responsibility towards these services.
42. Driveways are to conform to Council standard requirements for vehicle crossings as detailed in Council's Design and Construction Specifications for Subdivisions (as amended) and as per the requirements in Council's DCP.
43. The applicant is to arrange with the appropriate service provider for any above ground service riser or access point to be constructed clear of any proposed or existing pedestrian footways, and if possible, located in recessed unobtrusive locations. Should any service provider require and/or insist the applicant/developer build a service riser that would create an obstruction and pose a potential safety hazard, then the applicant/developer should refer the request to Council for negotiation directly with the Service Network Authority.

Design of Access Arrangements, Car Parking And Driveways

44. Prior to the issue of a Construction Certificate, a detailed drawing showing the road layout, along with the recommendations of a road safety audit and signs and line marking for the

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following works are to be provided to Council's Liverpool Traffic Committee for approval of associated regulatory line marking and signage:

- (a) The proposed left in/left out driveway off Kurrajong Road, with a triangular island to enforce the left in/left out configuration and the 30 metre deceleration and acceleration point.
- (b) A pedestrian refuge island west of the existing bus stop;
- (c) A layout showing the bus stop on the northern side of Kurrajong Road, almost opposite the existing bus stop;
- (d) A bus shelter on the proposed bus stop;
- (e) The proposed driveways off Margaret Dawson Drive, approximately. 30 m and 80 m north of the roundabout;
- (f) Appropriate signage within the development site to manage traffic flow; and
- (g) Appropriate treatment to reduce the impact of head lights should be discussed and agreed to for the proposed lots 41 and 45 (opposite the development site).
- (h) The applicant is to be advised that where regulatory signs are to be installed within the site, including the proposed pedestrian crossing, appropriate LTC approval is required prior to installation.
- (i) The above facilities are to be constructed prior to the issue of an occupation certificate for the development.
- (j) The development is to include appropriate provision for loading and unloading facilities with the development site.

Stormwater

- 45. 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 approved plans.
- 46. A stormwater drainage plan, including hydraulic calculations based on a 1 in 5 year storm (ARI), is required. The plan must show how the stormwater generated by this site, and other inter-allotment 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.

- 47. Erosion and sediment control measures shall be designed in accordance with the requirements of Liverpool DCP and Council specifications, and to the satisfaction of the PCA. 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 PCA.
- 48. Stormwater quality treatment devices incorporating water sensitive urban design principles shall be provided for the development. The devices shall not be endorsed by Council or the accredited certifier unless all devices are approved for use in the Liverpool City Council Area.

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49. A Council approved Gross Pollutant Trap shall be designed and provided prior to discharge the stormwater from site to the channel (to an approved drainage system). The details shall be shown on the plans prior to issue of a construction certificate.
50. 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 Trunk Drainage Scheme(s),
- iii. Council's Development Control Plans,
- iv. All proposed road and drainage works must adequately match existing infrastructure

(b) These plans must incorporate the following:

- i. A geotechnical report forming the basis of a road pavement design

Driveway/utility services

51. The proposed access driveways must be located clear of all utilities services to the distances recommended in the Council specifications and standard drawings.
52. Detailed design plan of the proposed access driveways are to be submitted to Council for approval prior to issue of any Construction Certificate.

Filling

53. Where site filling is necessary, it must be carried out in accordance with Council's Construction Specification (as amended) and AS3798-2007 Guidelines for Earthworks for Commercial and Residential Development (as amended) and approved drawings by the accredited certifiers or Council.

Flooding

54. There shall be no net loss of floodplain storage volume below the 1% AEP flood. This includes but is not limited to a balanced cut and fill below the 1% Annual Exceedance Probability flood.

The earthwork for the development of Road No. 2 and the car park within 1% AEP flood extent shall not involve any loss of floodplain storage volume. In this regard, the developer shall submit the calculation of cut and filling volume to Council prior to issue of Construction Certificate.

55. The level of the car parking shall be no lower than the 5% AEP flood.
56. The car park (within 1% AEP flood extent) shall have a suitable warning system, signage and exits to ensure safe evacuation during flooding.

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57. Barriers shall be provided to the car parking site (within 1% AEP flood extent) to prevent floating vehicles from leaving the site during a 1% AEP flood.

Visual Privacy

58. A screening plan shall be prepared and submitted to Council for approval providing measures to screen future residential dwellings upon adjacent residential lots 4114 and 4119 and minimise visual privacy and light glare impacts from cars exiting the development from Margaret Dawson driveways.

Lighting

59. A Light Management Plan shall be submitted to Council for approval. The plan shall address lighting for surveillance opportunities around the site.
60. A lighting plan that provides for conservative lighting around car parking bays, to be used on an as needs basis for functions, is to be provided to Council for approval.
61. External lighting is to be provided and positioned to avoid light spill onto adjacent residential properties fronting Margaret Dawson Drive.
62. Any external lighting is to incorporate full cut-off shielding and is to be mounted so as to not cause any glare or spill over light nuisance within the development or to neighbouring properties or road users.
63. Conservative lighting shall be provided around footpath areas, car parking areas and the skate park.

Salinity Management Plan

64. A Salinity Management Plan shall be prepared and submitted to the PCA for approval prior to issue of a Construction Certificate.

Landscaping

65. A detailed landscape plan providing plant species and mature heights shall be submitted to Council for approval that addresses Landscaping comments raised by NSW Police correspondence dated 18 February 2013, with the exception of removing the existing Claret Ash Trees fronting Kurrajong Road.

C. PRIOR TO WORKS COMMENCING

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

Construction Certificates

66. Detailed Civil engineering plans and specifications relating to the work shall be endorsed with a CC, in accordance with Section 81A of the Act, and a copy registered with Council.

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67. Detailed engineering plans and specifications relating to the work shall be endorsed with a CC, in accordance with Section 81A of the EP&A Act, and a copy submitted to Council, with payment of any relevant fees.
68. Any CC that may be issued in association with this development consent must ensure that any certified plans and designs are generally consistent (in terms of site layout, site levels, building location, size, external configuration and appearance) with the approved Development Application plans.
69. Where this consent requires both engineering and building works to be undertaken, a separate construction certificate shall be issued for each category of works ie., a separate Civil Engineering CC and a separate Building CC.

Notification/Principal Certifying Authority

70. 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.
71. The PCA must advise Council of the intended date to commence work which is the subject of this consent by completing a notice of commencement of building works or subdivision works form, available from Council's Customer Service Centre. A minimum period of two (2) working days notice must be given.

Facilities

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

Each toilet must:

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

Construction Requirements

73. 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.
74. Retaining walls or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated subsoil drainage and surface stormwater drainage measures, shall be designed strictly in accordance with the manufacturers details or by a practising structural engineer. Retaining walls on any boundary are to be of masonry construction.

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75. Structural supporting elements or bracing of the building must be designed and certified by a qualified chartered structural engineer having regards to supporting ground conditions.

Site Facilities

76. 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.

Site Notice Board

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

Notification of Service Providers

78. *The approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easement, and if any requirements need to be met. Plans will be appropriately stamped.*

Please refer to the web site www.sydneywater.com.au for:

- *Quick check agents details – see Building and Developing then Quick Check and*
- *Guidelines for Building Over/Adjacent to Sydney Water Assets – see Building and Developing then Building and Renovating*

or telephone 13 20 92.

Reports

79. No work or craning shall be undertaken within the adjoining public lands without the prior written consent of Council. In this regard Council may require a Traffic Management Plan to be submitted before giving its approval.

Vegetation

80. A Vegetation Management Plan shall be developed for the areas identified as bushland on the approved plans in accordance with the NSW State Government Guidelines (Department of Natural Resources) 'How to Prepare a Vegetation Management Plan' – Version 4, and submitted to Council for approval. The Vegetation Management Plan shall be prepared and implemented by person or persons with appropriate knowledge, qualifications and experience in current best practices of indigenous vegetation rehabilitation and management.

Council's Manager Sustainable Environment shall give approval to the Vegetation

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Management Plan prior to the commencement of works on site.

Food Premises – Restaurant/Take-Away/Bakery

81. 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 PCA:
- (a) all proposed, altered and required mechanical ventilation systems (Building Code of Australia & Australian Standard 1668 Part 1 & 2)
 - (b) the commercial garbage and recycling storage room (Liverpool DCP 2008)
 - (c) 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 (AS4674, the Food Act 2003 and Regulations thereunder).

Waste Classification

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

Fencing

83. A plan showing proposed fencing of the development, including location, materials and height shall be provided for approval prior to commencement of construction.

Environmental Management

84. An Environmental Management Plan (EMP) shall be developed and submitted to the Principal Certifying Authority for approval. The EMP shall provide a comprehensive and complete action and implementation plan to ensure that the anthropological and natural environment is not unacceptably impacted upon by the proposal. The EMP shall include but not be necessarily limited to the following measures:
- (a) Measures to control noise emissions from the site;
 - (b) Measures to suppress odours and dust emissions;
 - (c) Selection of traffic routes to minimise residential noise intrusions;
 - (d) Soil and sediment control measures;
 - (e) Measures to identify hazardous and industrial wastes and the procedures for removal and disposal including asbestos; and
 - (f) Community consultation.
85. Adequate soil and sediment control measures shall be installed and maintained. Furthermore, suitable site practices shall be adopted to ensure that only clean and unpolluted waters are permitted to enter Council's stormwater drainage system during construction/demolition. Measures must include, as a minimum:

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- (a) Siltation fencing;
 - (b) Protection of the public stormwater system; and
 - (c) Site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place.

D. DURING CONSTRUCTION

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

86. In the case of a class 5, 6, 7, 8 or 9 building, critical stage inspections must be carried out by the appropriate person in accordance with 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 before the placement of, any footings, and*
- (b) *prior to covering any stormwater drainage connections; and*
- (c) *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 OC issued for the development

Identification Survey Report

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

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

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

Hours of Construction Work and Deliveries

88. Construction work/civil work/demolition work, including the delivery of materials, is only permitted on the site between the hours of 7:00am to 5:00pm Monday to Saturday. No work will be permitted on Sundays or Public Holidays, unless otherwise approved by Council.

Security Fence

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

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

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General Site Works

90. Alterations to the natural surface contours must not impede or divert natural surface water runoff, so as to cause a nuisance to adjoining property owners.
91. Existing hydrological regimes shall be maintained so as not to negatively impact vegetation to be retained on site and downslope/downstream of the site.
92. Any runoff entering the areas of vegetation to be retained shall be of an equivalent or better quality, and of a similar rate of flow to present levels.
93. The development, including construction, shall not result in any increase in sediment deposition into any water body, wetland, bushland or environmentally significant land.

Car Parking Areas

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

All car parking areas to be appropriately line marked and sign posted in accordance with the approved plans. All customer/visitor/staff parking areas are to be clearly signposted limiting car parking for customers/visitors/staff only. The applicant is to cover the costs of installation and maintenance of the signage.

The on-site parking spaces shown in the approved plans must be identified in accordance with A.S.2890.1 Parking Facilities – Off-Street Car Parking.

95. Directional signage indicating the location of customer parking, “in” and “out” crossings and directional arrows are to be provided in accordance with the approved plans.

Traffic Management

96. 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.
97. 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.
98. 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.
99. 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.

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Vegetation

100. All existing trees and areas of native vegetation not identified for removal on approved plans of the proposed development shall be protected from damage during site works. This protection shall consist of 1800mm high protective fencing, securely installed beneath the outer canopy of any tree to be retained. Trees may be fenced off in clusters where it is not practical to fence off individual trees. There shall be no storing materials, washing machinery or changes to existing soil levels within the fenced areas.
101. Any works or activities shall adhere to the recommendations outlined in the approved Flora and Fauna Report prepared for the site.
102. A monitoring report on the progress of the Vegetation Management Plan's implementation shall be prepared and submitted to Council upon completion of the primary planting and then at six monthly intervals until the end of the two year maintenance period. A final report shall also be submitted upon completion of the maintenance period.
103. Clearing of bushland in addition to any clearing approved for this development application, whether it be removal of trees, groundcover or understorey, requires development consent.
104. No known environmental or noxious weeds or known invasive plant species shall be included in the landscaping/revegetation.
105. Cleared (weed free) native vegetation (timber, small branches and leaf litter) shall be reserved and stockpiled for re-use in rehabilitation works, such as mulching.
106. Mulch generated from exotic trees or other weed species cleared shall not be used on site. It shall be removed from the site and disposed of appropriately and in accordance with legislative requirements.
107. Any imported soil and/or mulch shall be free of contaminants, seed and propagules of weeds and undesirable species. Mulch shall not be used on flood liable land.

Contamination

108. The development, including all civil works and demolition, must comply with the requirements of the Contaminated Land Management Act, 1997, State Environmental Planning Policy No. 55 – Remediation of Land, and Managing Land Contamination – Planning Guidelines (Planning NSW/EPA 1998).
109. All fill introduced to the site must undergo a contaminated site assessment. This assessment may consist of either:
 - (a) a full site history of the source of the fill (if known) examining previous land uses or geotechnical reports associated with the source site to determine potential contamination as per the NSW DECCW 'Waste Classification Guidelines' April 2008; or
 - (b) clearly indicate the legal property description of the fill material source site;
 - (c) provide a classification of the fill material to be imported to the site in accordance with the 'NSW DECCW 'Waste Classification Guidelines' April 2008.
 - (d) a chemical analysis of the fill where the site history or a preliminary contamination assessment indicates potential contamination or contamination of fill material; and
 - (e) *must provide Council with copies of validation certificate verifying the material to be*

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used is free of contaminants and fit for purpose re use in residential, commercial or industrial use.

Air Quality

- 110. Where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, dust is to be suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Where wind velocity exceeds five knots the PCA may direct that such work is not to proceed.
- 111. All vehicles involved in the delivery, demolition or construction process departing from the property shall have their loads fully covered before entering the public roadway.
- 112. The site surface levels are to be designed so that site surface stormwater is deflected away from buildings and neighbours boundary fences and does not cause nuisance or flooding of those areas for storm events less than a 1% AEP.

Erosion Control

- 113. 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.
- 114. Sediment and erosion control measures are to be adequately maintained during the works until the establishment of grass.
- 115. 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

- 116. All topsoil, sand, aggregate, spoil or any other material shall be stored clear of any drainage line, easement, water body, stormwater drain, footpath, kerb or road surface and there shall be measures in place in accordance with the approved erosion and sediment control plan.

Filling

- 117. Where site filling is necessary, it must be carried out in accordance with Council's Construction Specification (as amended) and AS3798-2007 Guidelines for Earthworks for Commercial and Residential Development (as amended) and approved drawings by the accredited certifiers or Council.

Pollution Control

- 118. Building operations such as brick cutting, mixing mortar and the washing of tools, paint brushes, form-work, concrete trucks and the like shall not be performed on the public footway or any other locations which may lead to the discharge of materials into Council's stormwater drainage system.

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119. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated “spoil” material.
120. 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.

The mechanical exhaust discharge point shall be designed and installed by an appropriately qualified person, and shall be positioned to comply with Section 3.7 of Australian Standard 1668 Part 2 – 1991.

Food Premises – Restaurant/Take-Away/Bakery

121. The construction, fitout and finishes of the premises shall comply with the AS 4674, Food Act 2003 and Regulations.

E. PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

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

Certificates

122. The premises must not be utilised until an OC is issued by the PCA. Copies of all documents relied upon for the issue of the OC must be attached to the OC and registered with Council.
123. The Principal Certifying Authority (Building) and/or the Accredited Certifier (Subdivision) shall ensure that all compliance certificates required by this development consent are referenced to the condition consent number. The Compliance Certificate is to state that the works as constructed comply fully with the required condition of consent being acted on by the certifier.
124. All required Compliances Certificates for the critical stage inspections carried out prior, during and at the completion of construction, must be submitted to Council together with the required registration fee payment.
125. A final fire or interim safety certificate is to be attached to any OC, 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.
126. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the PCA.

Private Certifier Authority-Conditions 2-16

127. The Principal Certifying Authority is to ensure that the applicable recommendations of the reports referred to Condition No's 2-16 are to fully complied with prior of the issue of an Occupation Certificate.

Display of Street Numbers

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

Smoke Alarms

129. Should the construction of the development (bulkheads etc) reveal that the smoke detectors cannot operate effectively, additional smoke detectors may be required to be installed in order that the detectors effectively protect the occupants of the building in accordance with the provisions of National Construction Code Part 3.7.2.

Certificates

130. Two copies, both marked up in red, of 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 Drainage and/or On-site Detention systems. 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 and driveways
 - (e) Verification that trash screens and/or GPT's have been installed
 - (f) Locations and levels of any overland flow paths
 - (g) The work-as-executed plan information should be shown on a (h) stamped copy of the approved civil works drawings.

Crossing Application

131. A concrete vehicular footpath crossing 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 commercial vehicular footpath crossing. The section of the vehicular crossing that traverses the road reserve shall be constructed of plain concrete, i.e., no stencil, pattern, coloured concrete etc. A crossing application must be made at Council's customer service counter together with payment of the standard fee. Conditions apply, including requirement for inspection prior to consent to pour by Council's driveway inspector.

Overflow Traffic

132. The applicant is to identify areas on site that could be used for overflow parking for major events. A plan showing which areas will be utilised shall be submitted to Council for approval.

Fencing/Bollards

133. All necessary fencing and/or bollards must be provided to the wetland detention ponds and other drainage areas prior to the issue of any Occupation Certificate.

Works-As-Executed

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134. Two copies, both marked up in red, of a "Works As Executed Plan" prepared by a registered surveyor must be submitted to and approved by PCA clearly showing all aspects of the constructed drainage and earthworks.

Rectification Works

135. Any rectification works required by Council regarding the condition of Council infrastructure shall be undertaken to the satisfaction of Council, at full cost to the developer.

Food Premises – Restaurant/Take-Away/Bakery

136. Council's Health & Building section shall be notified in writing that the premises will be used for the preparation, manufacture or storage of food for sale. The premises will be registered on Council's database.
137. Trading shall not commence until an OC has been issued by the PCA.
138. 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 PCA.
139. Certificates of design compliance and system performance for the proposed mechanical ventilation system shall be provided to the PCA, 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: -
- (a) Ventilation
 - (b) Acoustics
140. Prior to the commencement of food handling operations, the food business proprietor shall notify the NSW Food Authority 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 Food Authority.

You may notify the NSW Food Authority via the Internet on www.foodnotify.nsw.gov.au or mail the required notification form.

Failure to notify the NSW Food Authority may result in the issuing of a penalty infringement notice of up to \$880.00.

G. CONDITIONS RELATING TO USE

The following conditions relate to the ongoing use of the premises:

Separate Application for Use

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141. Separate Development Applications shall be submitted to Council for the usage of the café and other commercial uses associated with the development.

Goods in Building

142. All materials and goods associated with the use shall be contained within the building at all times.

Hours of Operation

143. The hours of operation of the premises are limited to:

Library

Monday-Friday-9.30am to 8pm
Saturday-9.30am to 4pm
Sunday-12noon to 4pm

Community Centre

Monday-Thursday 9am to 11pm
Friday-9am to 1am
Saturday & Sunday-8am to 3pm 4pm to 1am

Indoor Recreation Centre

Monday-Thursday 8.30am to 10pm
Saturday 9.30am to 4pm
Sunday 12 noon to 4pm

Outdoor sports courts & skate park

Outdoor multi sports courts and skate park are only permitted to be in use between the hours of 7am and 10pm inclusive.

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Environment

144. 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.

Landscaping

145. Landscaping shall be maintained in accordance with the approved plan, in a healthy state and in perpetuity by the existing or future owners and occupiers of the development.

If any of the vegetation comprising the landscaping dies or is removed, it is to be replaced with vegetation of the same species, and similar maturity as the vegetation which has died or was removed.

An annual report shall be submitted to Council, for the 3 years following issue of the OC, certifying that the landscaping works have been satisfactorily maintained.

Car Parking/Loading

146. A minimum of 165 of off street car parking spaces must be provided in accordance with Council's relevant development control plan. Four (4) of the spaces must be designed and signposted/marked for the specific use of persons with a disability.
147. All parking areas shown on the approved plans must be used solely for this purpose.

Noise levels

148. Noise levels emitted from the mechanical exhaust system or any outdoor air conditioning unit must not exceed 5dB(A) above the background noise level when measured at any point of the site.

Annual Fire Safety Statement

149. Annual Fire Safety Statement - The owner of the building must issue an annual fire safety statement in respect of each essential fire safety measure in the building premises and cause a copy of that certificate to be given to Council within 14 days of its receipt by the owner.

The annual fire safety statement must be to the effect that:

- (a) in respect of each essential fire safety measure, such measure has been assessed by a properly qualified person and was found, when it was assessed, to be capable of performing:
 - (i) in the case of an essential fire safety measure applicable by virtue of a fire safety schedule, to a standard no less than that specified in the schedule, or
 - (ii) in the case of an essential fire safety measure applicable otherwise than by virtue of a fire safety schedule, to a standard no less than that to which the measure was originally designed and implemented, and

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- (b) the building has been inspected by a properly qualified person and was found when it was inspected to be in a condition that did not disclose any grounds for a prosecution under Part2, Division 7 of the Environmental Planning and Assessment Regulation, 2000.

The owner of the building must also cause a copy of the statement (together with a copy of the current fire safety schedule) to be given to the Fire Commissioner and as well cause a further copy of the statement (together with a copy of the current fire safety schedule) to be prominently displayed in the building,

Loading & Un-loading

150. All loading and unloading must take place from a designated loading dock/bay to be approved by Council. This area is to be clearly marked/signposted for use by delivery vehicles only.

Vehicle Movements

151. The operator of the development must not permit the reversing of vehicles onto or away from the road reserve, with the exception of garbage and recycling collection vehicles. All vehicles must be driven forward onto and away from the development and adequate space must be provided and maintained on the land to permit all vehicles to turn in accordance with AS 2890.1 Parking Facilities – Off Street Car Parking.

Alcohol Free Zone

152. An alcohol free zone shall be established within the entire site from 8.00pm - 12.00pm, with the exception of functions contained within the Community Centre.

Security Gate

153. The proposed road shall be security gated and locked from sunset to sunrise as shown on Architectural Plans prepared by Brewsher Hjorth Architects marked DA-04.

Noise

154. The use of the premises including music and other activities shall not give rise to any one or more of the following:
- (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.
 - (b) An indoor sound pressure level in any place of different occupancy (and/ or public place) greater than 3dB(A) above the L90 background level or greater than 5db(A) at the boundary of any affected property in any octave band from 31.5Hz to 8,000 Hz centre frequencies inclusive between the hours of 7.00am to midnight daily and 0dB(A) above the L90 background between 12 midnight and 7.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this subclause does not apply to any such frequencies.
 - (c) During the period of 12 midnight to 7.00a.m. the use shall be inaudible in any habitable room of any residential premises.
 - (d) The emission of an "offensive noise" as defined under the POEO Act.

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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.

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

The method of measurement of vibration in (a) and sound levels in (b) and (c) shall be carried out in accordance with AS 2973 for vibration measurements, AS1055 for outdoor sound level measurements, and AS 2107 for indoor sound level measurements.

Food Premises – Restaurant/Take-Away/Bakery

156. The use of charcoal for the purposes of heating, cooking or smoking food on the premises is strictly prohibited.
157. 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.

H. ADVISORY

- a) 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 6 months after the date on which the application is taken to have been determined.
- b) 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 6 months after the date on which the application is taken to have been determined.
- c) In accordance with Section 95 of the Environmental Planning and Assessment Act 1979, unless otherwise stated by a condition of this consent, this consent will lapse unless the development is commenced within two (2) years of the date of this notice.
- d) 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.

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- e) 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.
- f) 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).
- g) The applicant is required to consult with:
 - (a) Sydney Water Corporation Limited
 - (b) Integral Energy
 - (c) Natural Gas Company
 - (d) A local telecommunications carrier

Regarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, whether on site or on the adjacent public road(s).

- h) Information regarding the location of underground services may be obtained from Sydney One Call Service (SOCS), telephone (02) 9806 0800, Fax (02) 9806 0777. Inquirers should provide SOCS with the street / road name and number, side of street / road and the nearest cross street / road.
- i) Your attention is drawn to the requirement to obtain Council's separate approval for any ancillary activities not approved by this consent.
 - (a) the removal of any trees not indicated on the approved plan and tree/trees located greater than (3) metres from the building perimeter.
 - (b) any proposed advertising signs. Signs are to be erected in accordance with Council's advertising Code.
 - (c) any fencing, located forward of the building line and exceeding 1.2 metres in height.
 - (d) The installation of a vehicular footway crossing servicing the development.
- j) Driveway entry points must be located clear of all utility services. It is recommended that discussion be held with the relevant authorities before construction works commence. Council does not accept any responsibility towards these services.
- k) Where common drainage lines exist it will be necessary to install slope junctions for connection of the dwelling to the drainage.
- l) The developer shall apply to Council for a Section 138 permit pursuant to the Roads Act, 1993 as well as the utility company for any utility connection work which may cross an existing road reserve. All trench restorations shall be undertaken in accordance with Liverpool City Council's

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restoration backfill specification, and fees, and charges. This information is available from Council's Customer Service counter.