



SYDNEY CENTRAL CITY PLANNING PANEL

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSCC-288
DA Number	DA/873/2021
LGA	City of Parramatta Council
Proposed Development	Demolition, tree removal and construction of a 160 bed Residential Care Facility pursuant to the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. The proposal is Integrated Development pursuant to the Roads Act 1993. The application will be determined by the Sydney Central City Planning Panel.
Street Address	235-237 Marsden Road, Carlingford
Applicant/Owner	Principal Healthcare Pty Limited
Date of DA lodgement	20 September 2021
Number of Submissions	Five unique submissions
Recommendation	Deferred commencement approval
Regional Development Criteria (Schedule 4A of the EP&A Act)	General Development Over \$30 Million Cost of Construction proposed = \$45,243,219.00
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none">• Environmental Planning and Assessment Act and Regulations• Roads Act 1993.• State Environmental Planning Policy (Resilience and Hazards) 2021.• State Environmental Planning Policy (Biodiversity and Conservation) 2021.• State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.• State Environmental Planning Policy (Transport and Infrastructure).• State Environmental Planning Policy (Planning Systems) 2021.• Parramatta Local Environmental Plan 2011.
Report prepared by	Sohini Sen, Senior Development Assessment Officer
Report date	9 November 2022

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

Yes

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

Yes

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)?

Not Applicable

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Yes

Have draft conditions been provided to the applicant for comment?

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

EXECUTIVE SUMMARY

Council provided the original assessment report to the Sydney Central City Planning Panel, which was considered at a determination meeting on 8 September 2022.

The application proposed demolition, tree removal and construction of a 160 bed Residential Care Facility with ancillary landscape works. Council recommended approval, subject to deferred commencement conditions. The Panel deferred the application in a determination made on 15 September 2022 subject to further review and assessment of a number of matters including legal advice submitted by the applicant, accessibility, social planning review, and civil and drainage matters.

A briefing was held on 20 October 2022 during which an update on each of the deferral matters was provided to the panel.

Below is a supplementary report which assesses the proposal against the above requirements and includes draft conditions of consent as requested by the Panel.

PROPOSED DEVELOPMENT

A detailed summary of the proposal is provided in the original assessment report.

Following the SCCPP panel meeting held on 8 September and additional briefing held on 20 October, the applicant has provided the following plans and documents on 18 October, 27 October and on 4 November to address the recommended deferred commencement conditions:

- Service Utility Information Plan.
- Stormwater Long Section.
- Catchment Plan
- CCTV investigations of pipe sections within the downstream easement.
- Copy of Section 88B instrument for downstream properties.
- Resubmission of previous legal advice.
- Response to Council's summary of legal advice.

ASSESSMENT OF DEFERRED MATTERS

Council to seek advice on the legal correspondence put forward by the applicant, and address this in an updated addendum assessment report to be provided to the Panel.

Council has sought legal advice from its legal team in response to the legal advice provided by the applicant. It is noted that the applicant's legal advice does not confirm that the applicant's legal discharge point is within their site as they have continued to affirm. Legal advice was issued to Council and submitted to the panel ahead of the briefing meeting in

October 2022. Council has not issued the legal advice to the applicant to ensure that legal privilege is maintained however a summary of the advice is as follows:

- The applicant's legal advice refers to *David v. Hornsby Shire Council [2017], NSWLEC 1025* as caselaw and states that "*It is notable that the NSW Land and Environment Court declined to impose a requirement for an easement of this type ... The Court in that case recognised that requiring a downstream easement to establish an acceptable point of discharge was not appropriate*".
- Upon further review of *David v. Hornsby Shire Council [2017], NSWLEC 1025*, the case refers to a joint report prepared by the expert witnesses which concludes the following:

Stormwater Practice

5 The experts agree that:

a. *It is normal stormwater engineering practice for any development to have a 'legal point of discharge' for stormwater disposal. This term i.e. 'legal point of discharge' is a stormwater engineering term and it refers to:*

i. *an appropriate public drainage system under Council's control; or*

ii. *a natural watercourse; or*

iii. *an appropriate private drainage system over which the Applicant has obtained a legal right, and which in turn drains to either (i) or (ii).*

b. *Items (i) and (iii) are not currently available to the site and the Application has relied upon (ii) being present.*

- The proposal relies on connecting to a stormwater pit located on the site that connects to an existing stormwater pipeline, traversing over the downstream properties and discharging into a Council Infrastructure located on Mulyan Avenue, Carlingford.
- In this case, item (iii) is available to the site and drains to (i) however the applicant has not obtained a legal right to drain through the downstream property easement as the site is not identified as a beneficiary of this easement under the Section 88B instrument for the downstream properties.
- As such, the legal point of discharge can be considered to be located where the applicant connects into the easement only when the applicant has demonstrated that they have a legal right to discharge into this easement.
- Therefore, the recommended deferred commencement conditions requiring the applicant to create an easement over the downstream properties in order to formally benefit the site is in line with common law principle and stormwater practice, is necessary and is reasonable in order to ensure that the applicant has a legal right to drain through a system that connects to Council's infrastructure.
- The relevant planning controls allow Council to address management of stormwater from the site via deferred commencement conditions. Clause 36 of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP) states that "*The proposed development should control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters*". The wording of this clause does not specify that this matter must be satisfied prior to Council granting consent. As such, Council has used its discretion to ensure satisfaction of this clause through recommended deferred commencement conditions of consent.

The applicant submitted a further response to Council's summary of legal advice but the contents of this response does not change Council's position on the matter.

Council to review the deferred commencement conditions currently recommended in relation to whether these are:

Necessary and workable.

Best placed as deferred commencement conditions or if they are able to be imposed as operational.

Council's Development Engineer has reviewed the deferred commencement conditions with reference to whether they are:

- (a) necessary and workable, and
- (b) whether they can be considered as operational conditions.

In addition, further comments have been sought from Transport for NSW (TfNSW). Council maintains that some of the conditions cannot be placed as operational conditions and are necessary. A summary of these conditions is provided below with Council's reasoning as to why they are necessary and why they cannot be operational conditions. Conditions that have been modified are also noted below.

Condition 1:

In order to facilitate the relocation of the existing Transport for NSW (TfNSW) easement for drainage within the site and connection of stormwater drainage to the relocated easement, approval from TfNSW is to be obtained. The following information is required to be prepared and submitted to TfNSW prior to the issue of an operative consent:

- *Site survey (topographic and utilities) to establish the feasibility of the proposed relocation.*
- *If the relocation is feasible based on the survey a new easement must be created on the title along the new alignment. The new easement will have to have enough width (at least 3m wide) to allow for access of a maintenance vehicle. A turning circle may be required depending on the site geometry to allow the maintenance vehicle to reverse.*
- *No structures from the development are permitted along the new easement.*
- *The new easement may be created in favour of TfNSW or council depending on the portion of district drainage and in consultation with Council and TfNSW.*
- *A hydraulic assessment to be undertaken to establish the required sizing for the new drainage system. Following the hydraulic assessment, a new stormwater line and access pits have to be designed and constructed along the new easement in accordance with the stormwater drainage specifications of TfNSW. TfNSW may review the design and arrange surveillance on the construction to ensure it meets the required specifications.*
- *The new system has to be handed over either to TfNSW or council following the TfNSW acceptance process.*
- *The cost of all the above activities has to be covered by the developer.*
- *The existing easement can only be extinguished after all the above steps have been completed to the satisfaction of TfNSW.*

Reason: *To comply with TfNSW requirements.*

Council comment:

Council has obtained further comments from TfNSW regarding this condition and whether the matters can be addressed as operational conditions of consent. TfNSW has advised that the deferred commencement condition can be deleted subject to a number of additional conditions being imposed to address their requirements. These conditions are provided below and are included as general conditions within the revised draft conditions of consent. It is noted that Condition No. 3 has been updated to include a copy of the TfNSW endorsed plans to be submitted to Council for record purposes (addition in bold).

1. *The proposed access on Marsden Road should be restricted to left in/left out vehicle movement only. Please refer Attachment B for reference noting the footpath on Marsden Road should not be obstructed.*
2. *The redundant driveways on Marsden Road to be removed and replaced with kerb and gutter to match existing. The design and construction of the proposed access and kerb and gutter crossing on Marsden Road to be in accordance with TfNSW requirements. Details of these requirements can be requested via email to developerworks.sydney@transport.nsw.gov.au. Also, please submit detailed design plans of the proposed access and kerb and gutter crossing to TfNSW for approval via development.sydney@transport.nsw.gov.au, prior to the issue of a Construction Certificate and commencement of any road works.*

Please note a plan checking fee and lodgement of a performance bond is required prior to release of the approved road design plans by TfNSW.

3. *The proposed easement relocation works to be designed to meet TfNSW requirements and drawn by a suitably qualified person and endorsed by a suitably qualified practitioner. The certified copies of the civil design plans including proposed stormwater design and hydraulic calculations to be submitted to TfNSW for consideration and approval via development.sydney@transport.nsw.gov.au, prior to the release of a Construction Certificate and commencement of works.*

TfNSW fees for administration, plan checking, civil works inspections and project management to be incurred by the developer prior to the commencement of works. Also, please note the developer will be required to enter into a Works Authorisation Deed (WAD) for the proposed works.

A copy of the plans and documentation endorsed by TfNSW is to be submitted to Council.

4. *Documentary evidence demonstrating the registration of the easement (to the favour of TfNSW) with Land and Registry Services to be submitted to the satisfaction of TfNSW. The existing easement can only be extinguished after this has been completed, to the satisfaction of TfNSW.*
5. *All costs associated with the easement relocation be incurred by the developer.*
6. *The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2012/001. Please submit all documentation via development.sydney@transport.nsw.gov.au, at least six (6) weeks prior to commencement of construction and incur the full cost of the assessment.*

If excavation below the level of the base footings of the adjoining roadways is required, the person acting on the consent is to ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings and, include complete details of the work.

7. *The developer to be responsible for all public utility adjustment/relocation works, necessitated by the above works and as required by the various public utility authorities and/or their agents.*
8. *Please note the developer is to contact Greater Sydney Roads asset team via greatersydneyroads@transport.nsw.gov.au, relevant to the relocation works.*

9. *A Construction Traffic Management Plan (CTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval, prior to the issue of a Construction Certificate.*
10. *A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre (TMC) via <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>, for any works that may impact on Marsden Road traffic flows during construction activities.*
11. *All demolition and construction vehicles are to be fully contained within the site and vehicles must enter the site before stopping noting, a construction zone will not be permitted on Marsden Road.*
12. *All vehicles are to enter and exit the site in a forward direction. Provision for vehicles to turn around must be provided within the property boundary.*
13. *Any proposed fencing should be installed fully within the site, and all construction and maintenance activity at no cost to TfNSW.*
14. *Any proposed gate at the access, should remain open during business hours. Vehicles should not be obstructed when entering the site, in turn causing queuing onto Marsden Road.*
15. *The layout of the proposed car parking areas associated with the proposal (including, driveways, grades, turn paths, sight distance requirements, aisle widths and lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004 and AS 2890.2-2002 for heavy vehicle usage.*
16. *The swept path of the longest vehicle entering and exiting the subject site, in addition to manoeuvrability through the site, to be in accordance with AUSTROADS – a plan indicating such to be submitted to Council for approval.*
17. *No structures from the development are permitted along the new easement.*

The conditions above have been accepted by the applicant.

Condition 2:

Pursuant to the provisions of Section 80(3) of the Environmental Planning and Assessment Act, 1979, the development application be granted a Deferred Commencement Consent subject to the completion of the following:

Submission to Council of suitable documentary evidence issued by the Land Registry Services of NSW confirming the creation of an easement to drain water 3 metres wide over a downstream property or properties benefiting the subject lot 2 & 3, DP 5982 known as 235 & 237 Marsden Road, Carlingford and burdening the downstream properties until the drainage line meets Council's stormwater infrastructure in Mulyan Avenue has been registered with the Land Registry Services of NSW.

A Copy of the Registered Dealings from the Land Registry Services of NSW shall accompany that evidence

The above requirement(s) must be satisfied within 24 months of this determination or the consent will lapse.

Advisory Note: *Easements through Council properties (or Crown land managed by Council) can take up to 12 months to finalise.*

Upon compliance with the above requirements, a full Consent will be issued subject to the following conditions:

Council comment:

The applicant has not provided any evidence demonstrating that they are beneficiaries of the existing downstream easement. They will need to obtain the legal right to drain over downstream properties to a point of legal discharge. The case law that is referenced in the applicant's legal advice does not recognise that a site does not need an easement to drain over downstream properties and states that:

“a. It is normal stormwater engineering practice for any development to have a 'legal point of discharge' for stormwater disposal. This term i.e. 'legal point of discharge' is a stormwater engineering term and it refers to:

- i. an appropriate public drainage system under Council's control; or*
- ii. a natural watercourse; or*
- iii. an appropriate private drainage system over which the Applicant has obtained a legal right, and which in turn drains to either (i) or (ii)”.*

The proposed development does not have the ability to drain to a natural watercourse, therefore is required to discharge into i) or iii) above. Council's Engineering Guidelines require developments to drain to legal point of discharge as per Section 1 part 2.0, 2.1, 2.2, 4.0 & 4.1.

The subject site is not listed as being a beneficiary of the downstream property easement under the Section 88B instrument and the applicant has not contacted downstream property owners to obtain in principle agreement to allow them to drain to that easement. In this case, the applicant has not obtained a legal right to drain into the existing downstream easement (which is a private easement connecting to Council's infrastructure in Mulyan Avenue).

Council maintains that this condition is necessary and cannot be operational as Council needs to ensure that the applicant has a legal right to drain into Council's drainage infrastructure by creating a new easement through the downstream properties that will benefit the site. This needs to be demonstrated prior to an operational consent and Council's standard practice has been to have conditions of this nature as deferred commencement conditions.

Condition 3:

Non-standard conditions – Deferred Commencement

Submission to Council of suitable documentary evidence and revised plans that demonstrate the following:

- The pipe within the existing easement has the capacity to convey the following: all runoff from the development site, emergency overflows of the OSD system in all storms up to and including the 100-year ARI storm event, additional flows from sites that are currently directed into the easement.*
- CCTV footage and subsequent report by a qualified person, of the existing pipe within the downstream easement shall demonstrate the design functionality and is of good condition. Any structural cracking shall be repaired and certified for 50 years.*

Reason: *To demonstrate the site can drain to a legal discharge point.*

Council comment:

Additional information was submitted by the applicant and has been reviewed by Council's Development Engineer. Council's engineer has advised that this deferred commencement condition can be deleted subject to the inclusion of a new operational condition which have been updated in the draft recommended conditions of consent.

Condition 4:

Non-standard conditions – Deferred Commencement

Submission to Council of suitable documentary evidence and revised plans that demonstrate the following:

- *All plans are revised to demonstrate that all areas of the site drain to the legal discharge point, in particular the southeast portion of the site.*
- *Revised OSD calculations with correct storage volumes. Due to the ~~downstream flood~~ tailwater levels at 110.4, the provided OSD storage is insufficient. An equivalent flow to the (Stormwater Filter) SF chamber outflow shall be reduced from the Permissible Site Discharge (PSD) in the OSD calculations, and the orifice size shall be adjusted to account for the flow through the SF chamber.*
- *Revised Music Model for the entire site including Bypass area that demonstrates compliance with the Water Management controls listed in section 3 of Councils DCP.*

Reason: *To demonstrate the site can drain to a legal discharge point*

Council comment:

Additional information was submitted by the applicant and has been reviewed by Council's Development Engineer. Council's engineer has advised that this deferred commencement condition can be deleted subject to the inclusion of a number of operational conditions which have been updated in the draft recommended conditions of consent.

Council's Accessibility Advisor to review and provide advice on the proposal (including conditions if required), with particular attention to the accessibility of external public space areas for residents.

Council's Accessibility Officer has reviewed the proposal with regard to the accessibility of external public space areas for residents and has made the following comments:

Different wings of the building are accessible to different areas of communal open space which are designed specifically for that category of resident (e.g., a separate area is dedicated to memory care patients that may require additional supervision). Not all the communal areas are directly accessible or easily accessible for all occupants as the areas are dispersed throughout the site and are not all connected due to the slope of the site. The buildings need to be connected via accessible paths of travel including access to all the communal areas. The use of lifts within the buildings may help, however the reality is they need to do more work on it and not just use stairs as the first point of call. A person should be able to visit all the common areas of the proposal.

Following receipt of these comments, the applicant has submitted a written statement to address accessibility matters. The statement includes additional details relating to threshold levels and additional clarification regarding the abilities of the intended residents and use of outdoor communal areas, as well as confirmation that stairs are not relied upon to move throughout the development. It is noted that lift access is available to all wings of the building and connecting communal outdoor areas however certain areas (such as the Magnolia Garden designed for memory support residents) have been designed for specific residents where supervision is required.

Council's social planner to review and provide advice on the proposal (including conditions if required), with particular attention to the type of resident anticipated in the facility, and their needs, including the need for bus access to community, retail and related facilities (in addition to bus access for 'outings').

Council's Social Outcomes Officer has reviewed the proposal and has made the following comments:

This proposal seeks approval for the demolition of all existing structures and construction of a two-storey residential care facility (seniors housing) comprising a total of 160 beds, with 46 at-grade car parking spaces, at 235-237 Marsden Road, Carlingford.

It is noted that the applicant has not submitted a Social Impact Assessment, a Plan of Management (Appendix 20 Operation Plan of Management is a letter detailing intended compliance with regulations) or emergency evacuation procedures for the site.

The potential positive impacts of the development include the increased availability of residential aged care, which will allow older Carlingford residents to age in place within their local community. The development will also generate employment opportunities in the residential care facility and on-site facilities.

The potential negative social impacts of the development include:

- **Site accessibility:** *the proposed site is not located within an accessible distance of public transport, shops, community services and infrastructure, and medical facilities.*
- **Accessibility of development design:** *none of the rooms are identified to be accessible and it is unclear whether the development will support residents with mobility impairments and wheelchair users.*
- **Lack of consideration of design requirements for 'high care' patients:** *in particular, ensuring accessibility across the site for all residents and adopting dementia-friendly design principles.*
- **Lack of emergency evacuation procedures:** *this requires particular attention given the facility has a capacity of 160 'high care' residents across four levels (lower ground, ground, level 1, level 2).*

If this development application proceeds, City Strategy (Social/Cultural) provides the following recommendations:

- *That the applicant identifies and implements measures to mitigate the site's poor access. For example, providing a regular bus service to connect residents to Carlingford Court, Carlingford Branch Library, and transport hubs.*
- *That the applicant develops a Plan of Management, including details such as staffing numbers, resident care needs (physical and intellectual) and services provided (catering and recreational programs).*
- *That the applicant develops an Emergency Evacuation Plan, with serious consideration given to the logistics of evacuating 160 'high care' residents in the case of an emergency.*
- *That the applicant incorporates best practice approaches to designing a dementia-friendly environment.*
- *That the matter of zero accessible units in the facility be referred to Council's Universal Design & Access Project Officer.*

It is noted that further discussions were undertaken with Council's Social Outcomes Officer following receipt of their comments and the proposed shuttle bus was confirmed as a means of managing accessibility. This is supported subject to the draft shuttle bus condition included in the draft conditions of consent.

Additional conditions of consent relating to an Emergency Evacuation Plan are recommended and are included within the draft conditions of consent.

Given that the facility will be managed by Opal Aged Care staff and the type of residents anticipated for the development, the requirement for accessibility units is not considered to be applicable as staff will be supervising and assisting residents.

Council and the applicant to work together to achieve resolution regarding the legal and technical civil engineering and drainage matters.

Council has held a meeting with the applicant to try and resolve the engineering and drainage matters. The fundamental issue remains the legal point of drainage and lack of documentation

that demonstrates that the applicant has a legal right to drain into the existing downstream easement.

Since the briefing held in October 2022, Council has reviewed additional information submitted by the applicant and has amended conditions where applicable to reduce the number of deferred commencement conditions. Council still maintains that the deferred commencement condition relating to registration of a downstream easement is necessary, and it is not unreasonable to expect this to be addressed prior to an operational consent being issued as Council needs assurance that the applicant not only has a legal right to drain over adjoining properties. In this respect, Council does not support deletion of this condition and has retained it in the draft recommended conditions of consent.

CONCLUSION

The application has been amended to address the Panel's resolution of 15 September 2022.

Based on the contents of this report, the matters for deferral raised by the Panel during the meeting of 8 September 2022 have been satisfactorily addressed except for the issue of establishing a formal right to drain through the downstream easement and pipe. As such, Council has amended the draft conditions of consent as outlined in this report however has retained the conditions relating to the easement to be included as deferred commencement conditions.

Council considers that the proposed deferred commencement condition is necessary and reasonable to impose.

As such, it is recommended that the Sydney Central City Planning Panel (SCCPP) approve the application subject to the attached conditions of consent.

The reasons for approval are:

1. The development is permissible in the R2 zone and satisfies the requirements of all the applicable planning controls with one exception being non-compliance with Clause 26 – Location and Access to Facilities of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.
2. A written request to vary the location and access requirements has been received. The variation sought is minor and will not have any significant adverse impacts. As such, compliance with the standard is unnecessary. Accordingly, Council believes that there are sufficient environmental planning grounds to justify the variation and finds that the application is satisfactory. Council is therefore satisfied that the Applicant's Clause 4.6 variation request has adequately addressed the matters required to be demonstrated in Clause 4.6(3) of Parramatta LEP 2011 and that the proposed development will be in the public interest because it is consistent with the objectives of the location and access to facilities control and the objectives for development within the R2 zone in which the development is proposed to be carried out.
3. The development will not have significant adverse impacts to any adjoining heritage items.
4. The development will be compatible with the emerging and planned future character of the area.
5. For the reasons above, approval of the application is in the public interest.

Recommendation

- a) **That** the Sydney Central City Planning Panel support a variation to Clause 26 – Location and Access to Facilities of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 for the following reasons:

1. A written request to vary the locational requirements for the development has been received and is well drafted.
 2. The applicant has provided sufficient environmental planning grounds to warrant departure of the development standard in the circumstances of this case.
- a) That** the Sydney Central City Planning Panel as the consent authority grant deferred commencement consent to Development Application No. DA/873/2021 for Demolition, tree removal and construction of a 160 bed Residential Care Facility, at 235-237 Marsden Road, Carlingford for a period of five (5) years for physical commencement to occur from the date on the Notice of Determination subject to the conditions in Attachment 1 of this addendum report. The reasons for the conditions imposed on this application are as follows:
- i. To facilitate the orderly implementation of the objectives of the Environmental Planning and Assessment Act 1979 and the aims and objectives of the relevant Council Planning Instruments.
 - ii. To ensure that local amenity is maintained and is not adversely affected and that adequate safeguards are incorporated into the development.
 - iii. To ensure that the development does not hinder the proper and orderly development of the subject land and its surrounds.
 - iv. To ensure that the relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979 are maintained.
- b) That** the submitter is advised of the decision.