

DA 1825/04  
Peter Flynn 9821 9284  
29 April 2005

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T Gabarra & Associates  
DX 29810  
St Marys

Dear Sir,

**ENVIRONMENT PLANNING AND ASSESSMENT ACT 1979  
NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION**

Being the applicant in respect of Development Application No. 1825/04 and pursuant to Section 81 (1) (a) of the Act, Notice is hereby given of the determination by Liverpool City Council as Consent Authority of the above described Development Application relating to:

<b>OWNER:</b>	<b>Mr V &amp; Mrs C Pace</b>
<b>LAND:</b>	<b>Lot 1 DP 172187 No. 395 Devonshire Road Kemps Creek</b>
<b>PROPOSED DEVELOPMENT:</b>	<b>Two lot subdivision</b>
<b>DETERMINATION:</b>	<b>Consent granted subject to conditions described below</b>
<b>CONSENT TO OPERATE FROM:</b>	<b>29 April 2005</b>
<b>CONSENT TO LAPSE ON:</b>	<b>29 April 2007 (unless physically commenced)</b>

Before commencing the development please read the Development Consent carefully and make sure that you understand all the conditions that have been imposed. Please contact Peter Flynn regarding any enquiry you have in respect of the following conditions.

**CONDITIONS:**

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

## A. THE DEVELOPMENT

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

### GENERAL

1. Development must be carried out generally in accordance with Development Application received 16 March 2004 and accompanying plans marked DA 1825/04, except where modified by the undermentioned conditions.
2. Consent is not granted nor implied to any future subdivision of the land.
3. 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).
4. The driveway entry point for the proposed temporary right of carriageway must be located clear of all utility services. It is recommended that discussion be held with the relevant authorities before any construction works commence. Council does not accept any responsibility towards these services.
5. Any existing septic tank, absorption trenches or fields servicing the existing house on proposed lot 11 are to be wholly contained within the proposed lot.

## B. OPERATIONAL MATTERS

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

### THE ENVIRONMENT

6. The development shall not result in any increase in sediment deposition into any water body, wetland, bushland or Environmentally Significant Land.

### VEGETATION

The following conditions have been imposed to ensure adequate provision is made for the protection of existing vegetation;

7. No trees are to be removed without the prior approval of Council.

### DEVELOPMENT DETAILS

8. A separate application for a permit to carry out works must be issued by Council for –
  - (a) The removal or relocation of any existing septic tank or absorption trenches / fields, if they are not wholly contained within proposed lot 11 pursuant to Section 68 of the Local Government Act, 1993.

- (b) A Permit to carry out any works in Council's road reserve, pursuant to Section 138 of the Roads Act, 1993.

#### GENERAL SITE WORKS

9. The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.

#### D. PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

The following conditions are to be complied with prior to the issue of a subdivision certificate;

#### GENERAL

##### Section 94 Condition

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

The total contribution is **\$934.00** and is payable prior to the release of the subdivision certificate.

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

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

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

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

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

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

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

##### Land Component

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

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

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

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

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

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

### LINEN PLANS AND 88B INSTRUMENTS

11. In order to enable a Subdivision Certificate to be issued, the applicant is required to submit a linen plan of subdivision, together with fifteen (15) copies for approval prior to submission at the Land Titles Office.
12. The applicant shall pay the standard fee for purpose of subdivision certificate administration of linen checking and release.
13. The final plan of subdivision must be supported by an 88B instrument to the approval of Council. The 88B instrument shall properly reflect the requirements of the conditions of development consent, the plans forming part of the consent, and Councils standards, codes and policy's. Part 2 of the 88B instrument shall contain a provision that any easements, right of ways or covenants shall not be extinguished or altered without the written consent of Council.

### SERVICE PROVIDERS

The following documentary evidence is to be obtained by the P.C.A. prior to the issue of any Construction Certificate.

14. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon or telephone 13 20 92.

Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. The notice must be submitted to the Principal Certifying Authority prior to the Subdivision Certificate being issued.

15. Prior to the issue of the construction certificate, 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 Principal certifying Authority.

16. Compliance Certificate for the development from an approved local telecommunications carrier shall be submitted to Council

#### ADVICE

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

- (i) If you are dissatisfied with this notice of determination or the conditions contained within this notice of determination, Section 82A of the Environmental Planning and Assessment Act 1979 gives you the right to request a review of the determination within 12 months days after the date of the determination.
- (ii) If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.
- (iii) In accordance with Section 95 of the Act, unless otherwise stated by a condition of this consent, this consent will lapse unless the development is commenced within two (2) years of the date of this notice. The applicant may apply to Council within two (2) years of the date of this notice for an extension of one (1) year.
- (iv) The conditions are imposed taking into account the matters for consideration in determining a Development Application under Section 79C of the Environmental Planning and Assessment Act 1979.
- (v) Section 125 of the Act provides that any person who contravenes or causes or permits to be contravened the conditions of this consent or the Tree Preservation Order shall be guilty of an offence.
- (vi) The approval of this application does not imply or infer compliance with the Disability Discrimination Act and that the developer should investigate their liability under the Act. For assistance, you are directed to parts 2, 3 and 3 of the Australian Standards 1428 – Design for access and Mobility (Part 1 is mandatory in the Building Code of Australia).
- (vii) The land is subject to flooding and further details (as to the accuracy of which Council gives no warranty) may be obtained from Council or the Department of Public Works. Council expressly absolves itself from responsibility for any damage or injury sustained as a result of or in any way connected with flooding of the subject land.
- (viii) The applicant is required to consult with:
  - (a) Sydney Water Corporation Limited
  - (b) Integral Energy
  - (c) Natural Gas Company
  - (a) A local telecommunications carrier
- (ix) The applicant shall consult with the National Parks & Wildlife Services (NPWS) in relation to the protection of any Aboriginal artefacts that may be discovered on the land.
- (x) 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 plans

- (b) The installation of a vehicular footway crossing servicing the development.
- (xi) Letter boxes must be provided in accordance with the requirements of Australia Post as set out in the brochure titled "Requirements for the positioning and dimensions of mail boxes in new commercial and residential developments". A copy of the brochure may be obtained from Australia Post.
  - (xii) 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.
  - (xiii) Where common drainage lines exist it will be necessary to install slope junctions for connection of the dwelling to the drainage.
  - (xiv) 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 restoration backfill specification, and fees, and charges. This information is available from Council's Customer Service counter.



Peter Flynn  
Senior Development Planner

Encl

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<u>Facilities</u>	<u>Amount (\$)</u>	<u>Job No.</u>
<b>Liverpool Contributions Plan 2001</b>		
Central Library Extensions	\$163	76174
Museum	\$52	76175
Powerhouse	\$65	76176
Indoor Entertainment Complex	\$294	76171
Whitlam Centre Extensions	\$120	76172
Georges River Parklands	\$228	76173
Administration	\$11	76177
<b><u>TOTAL</u></b>	<b><u>\$934</u></b>	