

JRPP Number	2011SYW060
Application Number	DA-946/2011
Proposed Development	Construction of a mixed commercial/residential development comprising two residential tower buildings containing 188 residential apartments, seven non-residential tenancies, three levels of basement car parking and associated landscaping and service facilities
Property Description	No. 2 Browne Parade, 1-3 Bigge St and 26-32 Hume Highway, Warwick Farm NSW 2170
Applicant	B.DE C.ENVIRONMENTAL PTY LTD
Land Owner	ESTMANCO PTY LTD
Capital Investment Value	\$39, 700, 000
Recommendation	Approval with Conditions

1. EXECUTIVE SUMMARY

1.1 Reasons for the Report

Pursuant to the requirements of the State Environmental Planning Policy (Major Development) 2005, this application is referred to the Joint Regional Planning Panel for determination as the Capital Investment Value (CIV) of the development exceeds \$10,000,000. The application submitted to Council indicates a CIV of \$39,700,000.

1.2. The proposal

The development application seeks consent for the construction of a residential flat building comprising of two residential towers providing a total of 188 residential units. Seven non-residential tenancies are proposed on the ground floor (with use and fit-out subject to a separate development application). The proposal provides for three levels of basement car parking with associated landscaping and service facilities.

It is noted that the proposal has been amended to address concerns raised by both Council and the Liverpool Design Review Panel in the preliminary assessment of the development application. This has resulted in the overall height and floor space ratio of the development being reduced which consequently has reduced the overall number of residential units.

1.3 The site

The subject site is identified as Lots 18, 19, 20, 21, 22, 23 and 36 in DP 35236 being 1-3 Bigge Street, 2 Browne Parade and 26-32 Hume Highway, Warwick Farm.

1.4 The issues

The main issues which were identified in the assessment of the development application included:

- Ensuring the development application still maintains attributes and design qualities which enabled the proposal to be awarded design excellence by the Design Jury;
- Future usage of the seven tenancies on the ground floor;
- Floor space ration controls and how the proposal responds to both the current and future character of the northern portion of the Liverpool City Centre;
- Street setbacks and impacts of road widening; and

- Non-compliance with the car parking controls prescribed by Liverpool Local Environmental Plan 2008 and Liverpool Development Control Plan 2008.

1.5 Exhibition of the proposal

The development application was advertised for twenty one (21) days from 13 April 2011 to 6 May 2011. A total of six objections were received. The issues raised in the submissions include:

- Inadequate provision for visitor car parking;
- Inadequate provision for resident parking;
- Inadequate vehicular access;
- overshadowing;
- Traffic;
- Noise;
- Inadequate Recreational space for occupants;
- Amenity (in general);
- Overdevelopment of the site and the impact of a large development in the Liverpool City Centre; and
- Excessive cars parked in Bigge Street as a result of the development; and
- Potential for increase in crime.

The issues raised in submission are canvassed in more detail further in this report.

1.6 Conclusion

Following detailed assessment of the proposal and consideration of the issues raised in the submissions, it is considered that the proposal is an appropriate development for the subject site which will result in a high quality modern architectural development. The proposal has been designed to maximise future occupant's amenity whilst providing a high density residential development that will assist in activating new development along the periphery of the Liverpool City Centre, particularly within this northern precinct.

While it is noted that the proposal represents a higher density than the existing built form within the immediate locality, it is considered that the development is consistent with the future desired character of this northern precinct.

In this regard, the proposal is considered to be worthy of support. On this basis, it is recommended that the application be approved in accordance with the recommended conditions of consent.

2. SITE DESCRIPTION AND LOCALITY

2.1 The Site

The subject site is identified as Lots 18, 19, 20, 21, 22, 23 and 36 in DP 35236 being 1-3 Bigge Street, 2 Browne Parade and 26-32 Hume Highway, Warwick Farm.

The subject site is illustrated in Figure 1 below.

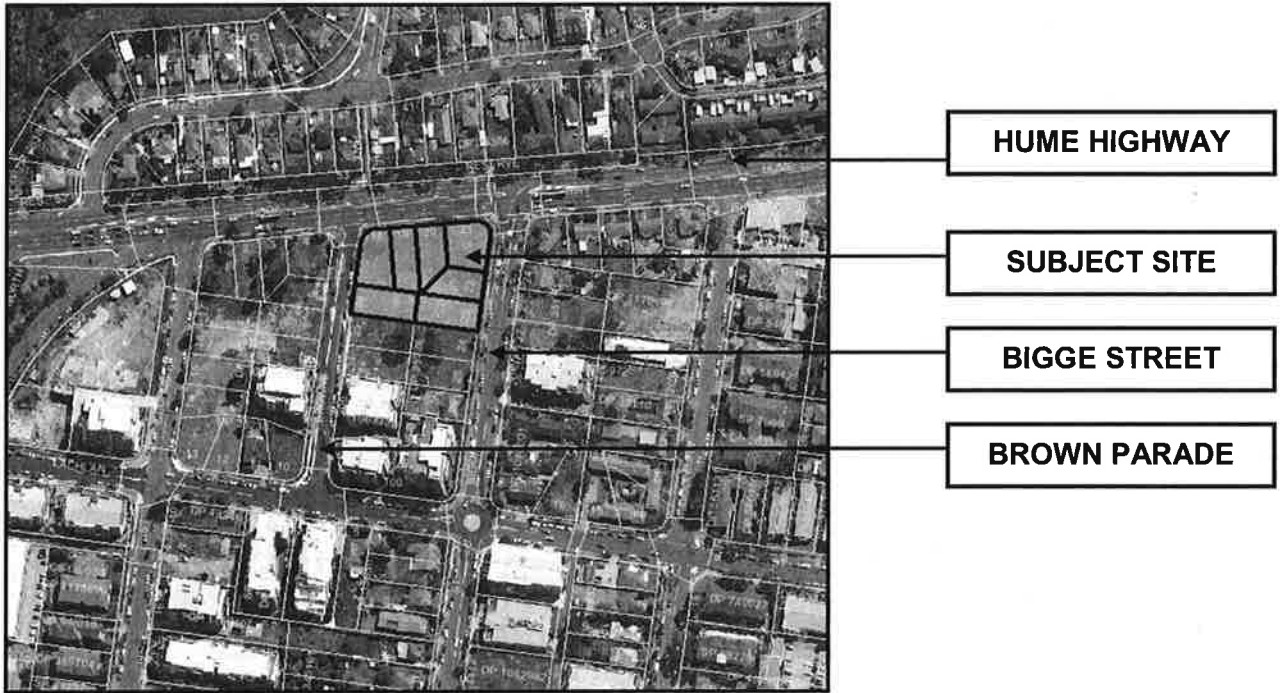


Figure 1: Aerial photograph of Site

The site is bounded by the Hume Highway to the north, Bigge Street to the east and Browne Parade to the west and has a combined site area of 4179.6m². The site is currently vacant and has a grass surface. The site does not contain any physical constraints which would impede development.



Figure 2: View of subject site from Browne Parade

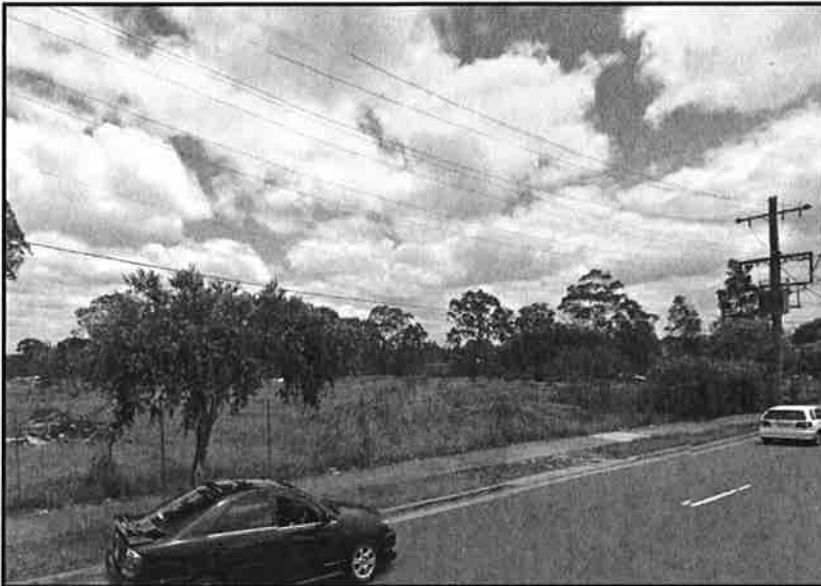


Figure 3: View of subject site from Bigge Street

The immediate context comprises a mix of development types ranging from existing older single dwellings to residential flat buildings. This northern precinct of the Liverpool City Centre is currently under going transition, hence the variations in built form and development types. It is also noted that there are a number of vacant sites within proximity to the subject site which will be subject to future development applications.

The site is bounded to north by the Hume Highway which is a major arterial road servicing the Liverpool City Centre and providing a valuable connection to other suburbs within the LGA and other major travel routes. Existing development along the southern portion of the Hume Highway is characterised by older single storey dwellings and vacant properties. The northern portion of Hume Highway contains an existing acoustic wall providing acoustic attenuation for existing residential flat buildings and single dwellings. This is illustrated in Figure 4 below.



Figure 4: View of Hume Highway

The site is bounded to the east by Bigge Street. Bigge Street is a local road servicing the Liverpool City Centre. This portion of Bigge Street in proximity to the subject site contains a mix of vacant properties as well as recent residential flat buildings which is illustrated in Figure 5 below. To the south of Bigge Street contains Bigge Street Park (Heritage Item) as well as start of medical precinct which contains Liverpool Hospital, South West Private Hospital as well as a number of professional medical suites.



Figure 5: View to the south of Bigge Street

The site is bounded by Browne Parade to the west of the site. The portion of Bigge Street within proximity of the site contains a mix of single dwellings as well as residential flat buildings. It is noted that there are a number of vacant site in proximity to the subject site.



Figure 6: Southern view of Browne Parade

Within 800m walking distance of the site is the commercial core of the Liverpool City Centre as well as educational facilities including Liverpool TAFE. Public transport facilities are also within walking distance of the site.

3. BACKGROUND

Pursuant to clause 7.5(4) of LLEP 2008 the subject site is identified as a "Key Site" on the Key Site Map as illustrated in Figure 7 below. Given that the subject site is identified as a Key Site and that the CIV for the development exceeds \$10,000,000 an architectural design competition was required to be held in relation to the proposed development.



Figure 7: Extract of Key Sites Map from LLEP 2008

On 4 March 2011 the Design Jury were satisfied that the scheme prepared by ARC Architects demonstrated design excellence and awarded ARC Architects the winner of the architectural design competition. A copy of the Design Jury minutes is attached in Attachment 9.3.

It is noted from the minutes of the Design Jury that a number of issues were identified to be resolved should the scheme proceed to development application stage. These issues included:

- *The relationship between the vertical elements and the building base could be improved through design resolution;*
- *Concern is raised over the large opening of the car park;*
- *A communal meeting room in the complex given the size of the development would be a useful addition;*
- *The southern elevation of the Bigge Street tower at the lower levels has little glazing and is bland. Landscaping could also improve this façade.*

4. DETAILS OF THE PROPOSAL

The development application seeks consent for the construction of a residential flat building comprising of two residential towers providing a total of 188 residential units. Seven ground floor tenancies are proposed on the ground floor (with use and fit-out subject to a separate development application). The proposal provides for three levels of basement car parking with associated landscaping and service facilities.

Specific components of the proposal are outlined in detail below:

- The development proposes the construction of two residential over a landscape podium and common basement car park.

- The development proposes a total of one hundred and eighty eight residential units. The apartment mix is 64 x 1 bedroom units, 98 x 2 bedroom units and 26 x 3 bedroom units. There will be two adaptable units located on the ground floor. The units vary in size from 50 square metres to 99 square metres.
- All units will contain a ground level courtyard or balcony. The size of the principal private open space areas in the form of a garden varies from 23.3 square metres to 56.2 square metres. All balconies are a minimum of 2000mm deep with most being 2400mm.
- One residential tower is proposed to the west of the site which has a frontage to both the Hume Highway and Browne Parade. This tower is proposed to be fifteen storeys in height and consist of a total of 72 residential units.
- One residential tower is proposed to the east of the site which has a frontage to both the Hume Highway and Bigge Street. This tower is proposed to be sixteen storeys in height. A total of 116 units are provided in this eastern tower as well as seven tenancies on the ground floor which are orientated towards Bigge Street.
- The seven residential tenancies range in size between 52m² and 74m².
- Individual pedestrian access is provided for each of the tenancies directly from Bigge Street.
- Three levels of car parking are provided for the development including the provision of two levels of basement car parking.
- A total of 216 car parking spaces are provided for the entire development. Additional loading bays are provided for the development as well as a designated bicycle parking area on the ground floor.
- A security gate with intercom system will be provided at the entrance to the basement car parking areas and residential apartments.
- Provision has been made on the ground floor for the storage of waste, with separate compartments for the residential component and the future tenancies. Services such as the fire pump room and plant areas are also made within the ground floor area of the development.
- Communal areas are provided within the centre of the development. This consists of a designated area of communal open space which is adjacent to the common meeting room located on level 1 of the development. Additional common areas are provided for the development comprising the landscaped podium.
- Pedestrian access to the residential towers is provided from both Bigge Street and Browne Parade, where a direct access to the lobby areas of both residential towers is provided.
- Each building will contain one two lifts from the lower basement level to the upper levels. All common areas (excluding the landscape podium) are accessible.
- Materials are a mixture of conventional solid materials on the base elements of the development, whilst the upper levels are clad in lighter materials, with more glass, metal panelling, and sliding sunscreens.

5. STATUTORY CONSIDERATIONS

5.1 Zoning

The subject site is located within the R4 – High Density Residential Zone under the provisions of Liverpool Local Environmental Plan 2008 (LLEP 2008). The proposed development is identified as a *Residential Flat Building* which is a permissible land use within the zone. An extract of the zoning map is provided in Figure 8 below.

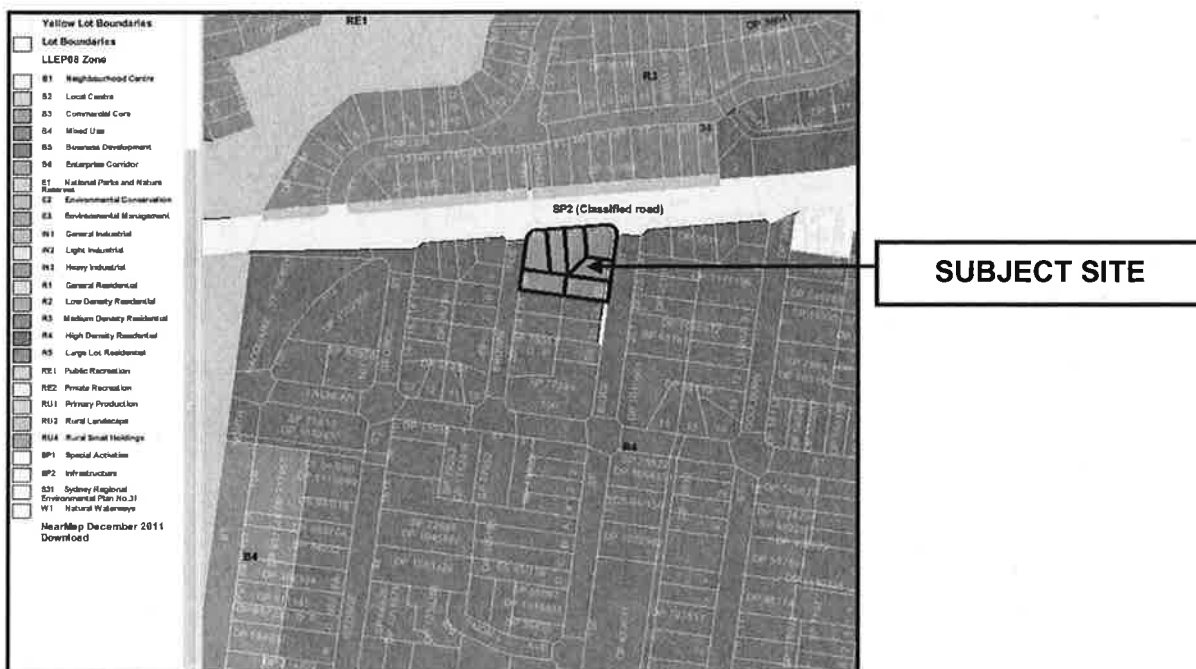


Figure 8: Extract of LLEP 2008 zoning map

As identified earlier, the proposal incorporates seven tenancies on the ground floor which are orientated towards Bigge Street. Each individual tenancy is subject to a future development application for usage and any associated fit-out.

Permissible uses of these tenancies within the R4 – High Residential zone includes:

- Neighbourhood shops;
- Kiosks; and
- Health service facilities.

The applicant has identified in their addendum to the Statement of Environmental Effects that *“the tenancies are to provide for a future land uses which will meet the day to day needs of residents....While occupancy of the proposed ground floor tenancies included in this proposal has not been confirmed, it is likely that one or more of the ground floor tenancies could be used as a neighbour shop.”*

A copy of the addendum to the Statement of Environmental Effects prepared by B. de C. Environmental Planning Pty Ltd is contained within attachment 1.

As identified in Figure 7 a portion of the site is zoned SP2 – Infrastructure and has been identified as future road widening. The proposed residential flat building development does not encroach upon this part of the land.

5.2 Relevant matters for consideration

The following Environmental Planning Instruments (EPI's), Development Control Plan and Codes or Policies are relevant to this application:

- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment;
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55);
- State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65) and Residential Flat Design Code;
- State Environmental Planning Policy (BASIX) 2004;
- Liverpool Local Environmental Plan 2008 (LLEP 2008)
- Liverpool Development Control Plan 2008 (LDCP 2008), specifically:

- Part 1.1 – General Controls for all development
- Part 1.2 – Controls for all development;
- Part 4 – Development in the Liverpool City Centre
- Liverpool Contributions Plan 2009.

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:

6.1 Section 79C(1)(a)(1) – Any Environmental Planning Instrument

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

The proposed development is not in conflict with the objectives of the Plan which seeks to promote the protection of the Georges River Catchment. It is considered appropriate conditions of consent have been provided relating to erosion and sediment control and stormwater runoff mitigation.

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

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 Statement of Environment Effects accompanying the application outlines that site investigations suggest that there is unlikely to be any contamination currently on the site that might pose any risk or impediment to future residential uses.

Council's Environmental Health Officer reviewed the application and concurs that the potential risk of contamination is considered to be low. Notwithstanding it is recommended that in the assessment and determination of the subject application that the precautionary principle be adopted and that a Phase 2 Contamination Assessment be completed.

Based on the history of the site, it is considered that the proposed development is not in conflict with the aims and objectives of the Policy. The site is therefore considered to be suitable for development subject to the completion of a Phase 2 Contamination Assessment and any required remediation works. These requirements have formed part of the recommended conditions of consent.

(c) State Environmental Planning Policy 65 – Design Quality of Residential Flat Design Development (SEPP 65)

This Policy aims to improve the design quality of residential flat development through the promotion of high quality design. The Policy recognises the significance of residential flat development and aims to improve the built form and sustainability of development and to satisfy the demand for appropriate development in the social and built form context.

As identified earlier the site is identified as a key site and as such an architectural design competition was undertaken to ensure design excellence for a proposal on this site was achieved. Following ARC Architects being awarded the winner of the architectural design competition, the proponent proceeded to lodge the subject application for the site.

It is noted from the minutes of the Design Jury that a number of minor issues were to be resolved at development application stage. On this basis and to ensure that the proposal accompanying the development application still maintains the qualities and attributes on why it was awarded design excellence, the proposal was presented to the Liverpool Design Review Panel (DRP) for further consideration. It is noted that the Panel chair for this item was also Council's representative on the Design Jury for the architectural design competition. This was to ensure consistency from the architectural design competition to development application stage.

The Liverpool DRP commented on the proposal with respect to the Design Jury comments. While the DRP were satisfied that the proposal adequately responds to the design principles prescribed by the SEPP, some minor amendments were recommended to further resolve the issues raised by the Design Jury. A summary is provided below with regards to their recommendations and comments:

"It is noted that a number of the issues raised by the Design Jury have not been adequately resolved and addressed in the proposal. These include:

- The south elevation of Bigge Street tower remains unresolved, in regards to the relationship between the vertical elements and the building base.*
- The proposal retains the large opening over the car park. It is noted that this was a major concern of the Design Jury. The Panel concur with the Design Jury comments in that this is a deficiency in the proposal. The proposal needs to be amended to incorporate screening in the southern component to reduce the extent of the large opening over the car park. This could include a communal facility or a landscaped treatment as previously identified by the Design Jury.*
- For a proposal with the amount of residential units, communal facilities need to be provided to ensure the future amenity of occupants/residents.*
- While primarily an issue for Council and the assessment officer, the Panel are of the opinion that the proposal should comply with the maximum FSR permitted including the 10% bonus.*
- The scheme would benefit from the north and south-western corner be tapered.*
- The proposal needs to be further developed to address Jury members concerns with the top of the building – roof elements/plant areas. It is noted that the top levels still need to be resolved and that the built form needs to provide for increased definition of the top element of the scheme.*
- The development does not provide for adequate natural light into the northern portion of the development, as identified previously by the Design Jury. The proposal will need to be amended to provide adequate natural light into the northern end of the corridor into the higher building.*

In response to the concerns raised by the Liverpool DRP the application was amended to incorporate and respond to the issues raised by the DRP. The amendments to the proposal incorporated the elements to alleviate the Panels concerns:

- The height and floor space ratio (FSR) of the development was reduced so to comply with the prescribed height and FSR controls prescribed by LLEP 2008 (including the 10% bonus). This has seen a reduction in height from of the eastern residential tower and has consequently reduced the number of overall residential units. It is noted that the original proposal provided for a total of 195 residential units with the amendments to the proposal reducing the unit yield for the development to 188.
- The proposal was amended to incorporate a communal open room on level 1 to provide for increased amenity to future residents of the development. The common meeting room is expected to be utilised by residents for social interactions, birthday parties etc. The common room has an area of 30m² and is located adjacent the southern boundary. The common room is located adjacent the southern boundary of the development and is situated on the first level adjacent to the landscaped podium of the development.

- The proposal was amended to provide for a pergola structure over the large void area located on the top of the basement car park. This amendment increases the potential of the use of this area on level 1 as it provides for an extension of the common meeting room which can be utilised by all future residents of the development. The incorporation of the pergola structure also improves the connection to the landscaped podium by ensuring that the area can be utilised as additional common open space.
- Amendments to the proposal have improved the definition of the corner element which has resulted in the south-western corner of the residential units located on level 7-15 being tapered in accordance with the Design Jury and DRP recommendation.
- The proposal has been amended to incorporate light weight cladding panels to the roof to screen the plant areas of the development which also increases the definition of the top of the building.
- The proposal improves the provision of natural light to the northern portion of the development. This has been created by providing an opening to the corridor to the northern tapered wall and the inclusion of a projecting balcony.

Summary in relation to SEPP 65

The amended plans lodged with Council have incorporated and responded to the recommendations of the DRP which has further refined the overall design of the development and is consistent with the design principles prescribed by SEPP 65.

It is noted that the development has undergone a vigorous design process as a result of the architectural design competition and results in a development that is considered to achieve design excellence for the Liverpool City Centre. The amendments to the proposal appropriately responds to the recommendations made by the Liverpool DRP and resolves the issues noted by the Design Jury when the scheme was awarded the winner of the architectural competition.

It is considered that the proposal will assist in activating development within this northern precinct of the Liverpool City Centre as well as positively contribution to the streetscape by activating the street frontage adjacent Bigge Street. Activating the street level of the Bigge Street elevation is considered appropriate given the sites prominent position on the Hume Highway and that the overall character of Bigge Street is mixed given the dominance of medical suites and health services facilities on Bigge Street.

In contrast the Browne Parade frontage has a distinct residential character. As opposed to the ground floor tenancies on Bigge Street, the ground level of the Browne Parade frontage provides for residential garden terraces which provide opportunity for casual surveillance of the street as well as providing for a variety of housing types within the development.

A key element of the proposal is the landscape podium which is accessible for all residents which provides additional area for future residents to utilise as communal open space. The landscape podium also provides for effective separation between the two residential towers which comprise the application as well as providing opportunity for the development to provide a landscaped buffer to the Hume Highway interface. The landscape podium also provides for a sound covering over the car parking areas of the development.

Despite the overall scale of the development, the proposal provides a street wall of pedestrian scale to both the Bigge Street and Browne Parade frontages. The proposal provides for a street frontage height of 4-7 stories which is consistent with the controls prescribed within LDCP 2008 – Part 4. This street wall along both street frontages contributes a strong definition to the street and the public domain and also ensures that the development maintains an adequate street scale for pedestrians. The effect of this street wall is further reinforced through the residential towers being set back from the street alignment.

In consideration of all of the above, the proposal is considered to satisfy the design principles and overall objectives of SEPP 65.

Residential Flat Design Code

Clause 30(2) of SEPP 65 requires residential flat development to be designed in accordance with the Department of Planning's publication *Residential Flat Design Code*. The following table outlines compliance with the code where numerical requirements ("controls") are specified.

STANDARD	OBJECTIVE	PROVIDED	COMPLIANCE
PART 1 – LOCAL CONTEXT			
BUILDING HEIGHT	To ensure that the proposed development responds to the desired scale and character of the street and local area and to allow reasonable access to all development and the public domain.	<p>The height of the proposal is in keeping with the height controls contained within Clause 4.3 of LLEP 2008. Clause 4.3 of LLEP 2008 prescribes a maximum building height of 45m.</p> <p>As the subject site is a key a site, the application was subject to a Design Excellence Competition, as per the requirements of Clause 7.5 "Design Excellence in Liverpool City Centre" of Liverpool LEP 2008.</p> <p>A scheme prepared by ARC Architects was considered by Design jury, and was identified as having design excellence. Pursuant to Clause 7.5, the consent authority may grant consent to the erection or alteration of a building that is a result of an architectural design competition in the Liverpool city centre that has a height of up to 10% greater than that allowed by clause 4.3.</p> <p>In this regard, the maximum building height permitted on the site (including the "bonus" 10% addition) is 49.5m.</p> <p>The proposal complies with the maximum building height provisions for the site, as an overall building height of 49.5 metres is proposed.</p>	Yes

BUILDING DEPTH	In general, apartment depth should be between 10-18m.	<p>The residential apartments have varying depths comprising the following:</p> <p>Ground level and First Floor Level: A maximum apartment depth of 12 metres is provided;</p> <p>Level 2-4: A maximum apartment depth of 10 metres is provided;</p> <p>Level 5 and 6: A maximum apartment depth of 9 metres is provided; and</p> <p>Level 7-15: A maximum apartment depth of 10 metres is provided.</p>	Yes
BUILDING SEPERATION	As the building increases in height, differing separation distances between habitable rooms/balconies are required.	Controls are provided within LDCP 2008 – Part 4: Development in Liverpool City Centre.	See assessment under LDCP 2008 Part 4.
STREET SETBACKS	To establish desired spatial proportions of the street and define the street edge. To relate setbacks to the areas and street hierarchy.	Controls are provided within LDCP 2008 – Part 4: Development in Liverpool City Centre.	See assessment under LDCP 2008 Part 4.
SIDE & REAR SETBACKS	To minimise the impact of development on light, air, sun, privacy, views and outlook for neighbouring properties including the future buildings.	Controls are provided within LDCP 2008 – Part 4: Development in Liverpool City Centre.	See assessment under LDCP 2008 Part 4.
FLOOR SPACE RATIO	To ensure that the development is in keeping with the optimum capacity of the site and the local area. FSR is not specified in the code.	Clause 4.4 of Liverpool Local Environmental Plan 2008 prescribes a maximum FSR of 3.5 for the site. Pursuant to Clause 7.5, the consent authority may grant consent to the erection or alteration of a building that is a result of an architectural design competition in the Liverpool city centre that has a floor space ratio of up to 10% greater than that allowed by clause 4.4.	Yes

		<p>The maximum FSR permitted for the site including the “bonus” is 3.85:1.</p> <p>The overall site area is 4179.6 square metres and the total floor area proposed is 16,091 square metres. In this regard, an FSR of 3.849:1 is provided which complies with the maximum FSR controls applicable to the site under the provisions of Liverpool LEP 2008.</p>		
PART 2 – SITE DESIGN				
DEEP ZONES	SOIL	<p>A minimum of 25% of the open space area of the site should be deep soil zone, more is desirable.</p>	<p>Deep soil zone planting is less than 25% of the site.</p> <p>The proposed development provides a deep soil zone of approximately 15.3% (647m²) which does not comply with the minimum requirements of SEPP 65. However, this complies with the minimum deep soil zone requirements stipulated within Council’s DCP.</p>	No but is considered acceptable
OPEN SPACE		<p>Communal open space may be accommodated on a podium or a roof in a mixed use building providing it has adequate amenity.</p>	<p>Communal open space is provided on the first floor in the form of a landscape podium, which has an overall area of approximately 180 square metres. In addition to this, a common area in the form of a meeting room with a floor area of 30 square metres is also provided on level 1.</p>	Yes
ORIENTATION		<p>To protect the amenity of existing development and to optimize solar access to residential apartments within the development and adjacent to the development.</p>	<p>The orientation of units and private open space will allow for reasonable solar access and cross flow ventilation. The proposal will not result in unreasonable solar impacts to any future adjoining development.</p>	Yes
PLANTING ON STRUCTURES		<p>To contribute to the quality and amenity communal open space on rooftops, podiums etc.</p>	<p>Landscaping is provided within the landscape podium communal open space area located on level 1.</p>	Yes

VISUAL PRIVACY	To provide visual privacy externally and internally, during the day and at night. Relates to separation distances.	The proposed design seeks to ensure visual privacy is maintained for both future occupants and existing developments.	Yes
PEDESTRIAN ACCESS	Identify access requirements from the street and parking areas to the residential apartments and ensure access is accessible.	Acceptable access is provided from Bigge Street and Brown Parade and parking areas.	Yes
VEHICLE ACCESS	Limit width of driveways to 6 metres and locate vehicle entries on the secondary frontage.	Driveway is 6m in width.	Yes
PART 3 – BUILDING DESIGN			
APARTMENT LAYOUT	Single aspect apartments should be limited to a depth to 8m from a window. The back of a kitchen should be no more than 8 metres from a window.	The layouts of the apartments are efficient in terms of circulation areas. The apartment layouts provide for optimal amenity. There are no single aspect apartments, and the back wall to kitchen window is less than 8m.	Yes
APARTMENT MIX	To provide a diversity of apartment types which cater for different household requirements now and in the future.	A total of 188 residential units are provided. A mix of apartment types are provided as follows: - 64 x 1 bedroom (37%) - 98 x 2 bedroom (52.1%) - 26 x 3 bedroom (13.8%) 2 units (Numbers 1 and 2) are nominated as adaptable units.	Yes
BALCONIES	Primary balconies to be a minimum of 2m in depth.	Primary balconies are all a minimum of 2m in depth, with most balconies providing a depth of 2400mm.	Yes
CEILING HEIGHTS	3.3m ceiling for ground floor and 2.7m for residential levels.	2.7m is provided for all residential levels. A 3.1m ceiling height is provided for the ground floor tenancies.	No but is considered acceptable

STORAGE	To provide adequate storage for every day household items within easy access of the apartment and to provide storage for sporting, leisure, fitness and hobby equipment. At least 50% of the required storage should be within each apartment.	Adequate storage within each unit is provided. It is recommended that should the development be approved that a condition be imposed to ensure that the development is provided with storage areas (minimum of 8m3) are provided for each unit within the basement levels. This has been provided in the recommended conditions of consent.	Yes
DAYLIGHT ACCESS	Limit the number of singly aspect apartments with a southerly aspect to a maximum of 10 percent the total units proposed.	Units have an east-west orientation.	Yes
NATURAL VENTILATION	60% of residential units should be naturally cross ventilated.	100% of the units are naturally cross ventilated.	Yes
WASTE MANAGEMENT	Supply waste management plan in conjunction with the DA.	A waste management plan accompanies the development application. Appropriate conditions have been imposed in the recommended conditions of consent in relation to waste generated during the construction phase of the development as well as the waste generated by the development once the development is operational.	Yes

Non-Compliances

Deep soil zones

Deep soil zones are areas of natural ground retained within a development which promote the growth of large trees with large canopies. The proposal accommodates the majority of the deep soil zone planting along the Hume Highway boundary of the site where large trees with large canopies can be accommodated.

While the proposed development does not provide for the percentage of deep soil zones required under the Code, the proposal is consistent with controls for deep soil zones prescribed by LDCP 2008 – Part 4. On this basis, the minor non compliance is considered to be acceptable.

Ceiling Height

The proposed development presents a minor non-compliance in ceiling height for the ground floor of both towers. The minimum floor to ceiling height of the ground floor is required to be 3.3 metres. The proposed development provides for a floor to ceiling height of 3.1 metres on the ground floor. It is considered that this minor variation is able to be supported as it is not likely to neither result in an adverse impact upon the amenity of future occupants nor restrict the usability of non-residential uses proposed within the seven tenancies to Bigge Street. It should be noted that a suggestion made by the Design Jury was to slightly reduce the floor to ceiling height of components of the development to ensure conformity with the maximum building height requirements applying to the site.

(d) State Environmental Planning Policy (BASIX)

The proposal is accompanied by a BASIX Certificate which is consistent with the aims and intent of the SEPP BASIX Policy.

(e) Liverpool Local Environmental Plan 2008 (LLEP 2008)

The subject site is zoned R4 – High Density Residential pursuant to Liverpool Local Environmental Plan 2008 (LLEP 2008).

The proposed development is considered to satisfy the definition of a “residential flat building” as prescribed by LLEP 2008. A “residential flat building” is defined as “a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing”.

LLEP 2008 prescribed the following zone objectives of the R4 – High Density Residential zone:

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provides facilities or services to meet the day to day needs of residents.*
- *To provide for a high concentration of housing with good access to transport, services and facilities.*
- *To minimise the fragmentation of land that would prevent the achievement of high density residential development*

The development is consistent with the objectives of the R4 High Density Residential Zone for the following reasons:

- The development provides for high quality architecture and design which ensures a high visual quality in the public domain.
- The development provides housing within a high density residential environment to provide for the housing needs of the community.
- The proposal provides for a range of unit types and sizes which assist in promoting housing choice, flexibility and affordability.
- The proposal provides a high density development with access to local transport and neighbouring facilities.
- By consolidating the separate lots which form part of this development application, the development does not result in any fragmentation of land.

It is noted that the proposal provides for future non-residential uses along the ground floor frontage to Bigge Street. The floor plan for the development illustrates that seven non-residential tenancies are located on the ground floor which range in area between 52 and 74sqm.

LLEP 2008 permits the following non-residential uses within the R4 – High density residential zone:

- *Neighbourhood Shops*; and
- *Kiosk*

It is noted that both of the above permitted uses are subject to maximum floor area controls to ensure that the non-residential uses do not compromise or reduce the function of the Liverpool City Centre commercial core.

In addition to the above, it is noted that Health Service Facilities are a permissible land use within the R4 – High Density Residential zone as prescribed by State Environmental Planning Policy (Infrastructure) 2007.

While there are not uses proposed for the seven non-residential tenancies on the ground floor as part of this application, the flexibility provided by the floor plan is supported as it will provide opportunity for the developer to canvass appropriate permissible land uses which will support the needs of both current and future residents within this northern precinct of the Liverpool City Centre. As outlined earlier, the site is located within proximity to the established medical precinct of Liverpool. Council recognises the importance of this medical precinct to both the Liverpool City Centre and the wider LGA and on this basis future uses which compliment and strengthen this precinct are well supported.

Based on all of the above, it is considered that the proposal satisfies the relevant objectives of the R4 – High Residential zone and provides for a permissible form of development.

Clause 4.3 Height of buildings

The height of the proposal is in keeping with the height controls contained within Clause 4.3 of LLEP 2008.

Clause 4.3 of LLEP 2008 prescribes a maximum building height of 45m.

As the subject site is a key site, the application was subject to a Design Excellence Competition, as per the requirements of Clause 7.5 “*Design Excellence in Liverpool City Centre*” of Liverpool LEP 2008.

A scheme prepared by ARC Architects was considered by Design jury, and was identified as having design excellence. Pursuant to Clause 7.5, the consent authority may grant consent to the erection or alteration of a building that is a result of an architectural design competition in the Liverpool city centre that has a height of up to 10% greater than that allowed by clause 4.3.

In this regard, the maximum building height permitted on the site (including the “bonus” 10% addition) is 49.5m. The proposal complies with the maximum building height provisions for the site, as an overall building height of 49.5 metres is proposed.

Clause 4.4 Floor space ratio

Clause 4.4 of Liverpool Local Environmental Plan 2008 prescribes a maximum FSR of 3.5 for the site. Pursuant to Clause 7.5, the consent authority may grant consent to the erection or alteration of a building that is a result of an architectural design competition in the Liverpool city centre that has a floor space ratio of up to 10% greater than that allowed by clause 4.4.

The maximum FSR permitted for the site including the “bonus” is 3.85:1.

The application as originally submitted to Council exceeded the permitted FSR including the 10 bonus. This was raised as a significant concern by Council and was also raised as an issue by the Liverpool DRP. In response the applicant amended the proposal which reduced the number of levels of one of the residential towers and also reduced the overall number of residential units provided within the development.

The amended proposal provides for a total floor of 16,091 square metres. This resulted in an FSR of 3.849:1 is provided which complies with the maximum FSR controls applicable to the site under the provisions of Liverpool LEP 2008.

Clause 7.5 Design Excellence in Liverpool City Centre

Clause 7.5 of Liverpool Local Environmental Plan 2008 prescribes that development consent must not be granted to development involving the construction of a new building or external alterations to an existing building located on a key site within the Liverpool city centre unless the consent authority considers that the development exhibits design excellence. As such, the application was subject to an Architectural Design Competition and was awarded by the Design Jury as having design excellence. A copy of the Design Jury minutes are attached.

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

No draft environmental planning instruments apply to the site or the development.

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

Liverpool Development Control Plan Parts 1.1, 1.2 and 4 apply to the development. Parts 1.1 and 1.2 prescribe general controls for all development (other than dwelling houses). Part 4 prescribes standards and criteria for Development in Liverpool City Centre. The main requirements are summarised in the following table:

Standard	Requirement	Proposed	Complies
Part 1.1 – General Controls for all Development			
Clause 2 Tree Preservation	Applies to the protection of trees that contribute to the Liverpool LGA and the protection of significant vegetation.	The subject site does not contain significant vegetation.	Yes
Clause 3 Landscaping and incorporation of existing trees	Landscaping planting shall be principally comprised of native species. Provide an integrated streetscape appearance with an appropriate mix of canopy trees, shrubs and ground cover in appropriate locations having regard to safe ingress and egress of pedestrians and vehicles.	<p>The proposed development is accompanied by a detailed landscape plan prepared by KWC Capital Partners, which illustrates that adequate soft landscaping is provided to the development which comprises a mixture of shrubs and trees.</p> <p>The landscape plan also details proposed landscaping within the communal open space area.</p> <p>The landscape plan is supported by Council's Landscape officer, subject to conditions of consent requiring further details with respect to plant species, quantities and</p>	Yes

		potting sizes.	
Clause 4 Bushland and Fauna Habitat Preservation	Applies generally to specific zones.	Not applicable to this site.	N/A
Clause 5 Bush Fire Risk	Applies generally to bushfire prone land and land that requires bushfire hazard reduction.	The subject site is not identified as being bushfire prone land.	N/A
Clause 6 Water Cycle Management	Stormwater drainage concept plan required to be submitted.	A stormwater concept plan and details has been submitted by Hyder Consulting and is considered to be satisfactory by Council's Development Engineer.	Yes
Clause 7 Development near Creeks and Rivers	Applies to land that may impact upon a watercourse or the removal of riparian vegetation.	The subject site is not located in proximity to any watercourse.	N/A
Clause 8 Erosion and Sediment Control	Soil and water management plan or erosion and sediment control plan required to be submitted.	An erosion and sediment plan has been submitted. Appropriate conditions have been imposed regarding the implementation of erosion and sediment control during construction works.	Yes
Clause 9 Flooding Risk	Applies to flood prone land.	The subject site is not identified as flood prone land.	N/A
Clause 10 Contamination Land Risk	Applies to potential or actual contamination or known past or current specific land uses.	Council's Health Officer has reviewed the application and has recommended conditions to be included within the draft conditions of consent requiring the submission of a validation report, confirming the sites suitability for residential development. The condition will also require remediation works to be undertaken on the basis that the findings of the report suggest that the site is not suitable for residential development in its current form.	Yes
Clause 11 Salinity Risk	Salinity management plan required for high risk activities in salinity affected areas.	Appropriate salinity management conditions have been incorporated into draft conditions of consent.	Yes
Clause 12 Acid Sulphate Soils	Applies to land with potential acid sulphate soils.	The site is not identified as being affected by acid sulphate soils.	N/A

Clause 13 Weeds	Weed management strategy required to be submitted if site contains native weeds.	The site does not contain weeds.	N/A
Clause 14 Demolition of Existing Developments	Demolition to comply with AS2601-1991.	The proposal does not involve demolition as the site is currently vacant.	N/A
Clause 15 On-site sewerage disposal	Applies to land with no access to reticulated sewer system.	The subject site has access to sewer services.	N/A
Clause 16 Aboriginal Archaeology	Applies to land identified as having known or potential Aboriginal archaeological significance.	The site is not identified as having any Aboriginal archaeological significance.	N/A
Clause 17 Heritage	Applies to heritage items of land in the vicinity of a heritage site, conservation area or archaeological site.	<p>Bigge Street forms part of the street pattern identified as the "Hoddle Grid Street Pattern" which is listed as a heritage item of local significance under Liverpool LEP 2008.</p> <p>Council's Heritage Advisor has reviewed the application and raises no objection to the proposal subject to conditions of consent, which will ensure that appropriate measures are undertaken if significant archaeological deposits are located on the site; particularly given that significant excavation will be undertaken in order to facilitate for the basement car park.</p> <p>The above recommendation is contained within the recommended conditions of consent.</p>	Yes
Clause 18 Advertising	Development to be notified / advertised.	The development application was advertised in accordance with the DCP. Submissions are addressed in detail further within this report.	Yes

Part 1.2 – Additional Controls for Development			
Clause 2 Car Parking and Access	<p>Car parking to be provided in accordance with the following; and also to comply with Australian Standards for design and access.</p> <p>Residential component requires:</p> <ul style="list-style-type: none"> • 1 space per 1 bedroom unit • 1 spaces 2 bedroom unit • 1.5 spaces per 3 or more bedroom unit. <p>TOTAL REQUIRED FOR RESIDENTIAL UNITS:</p> <p>Visitor component:</p> <ul style="list-style-type: none"> • 1 visitor car space for every 10 dwellings or part thereof <p>TOTAL VISITOR SPACES</p> <p>Non-residential component</p> <ul style="list-style-type: none"> • All other development . 1 space per 100 square metres of floor area. <p>TOTAL NON-RESIDENTIAL COMPONENT</p> <p>TOTAL CAR PARKING REQUIRED</p> <p>TOTAL CAR PARKING PROVIDED</p> <p>Access for removalists and garbage servicing.</p>	<ul style="list-style-type: none"> • 64 x 1 bedroom = 64 spaces • 98 x 2 bedroom = 98 spaces • 26 x 3 bedroom = 39 spaces <p>201 RESIDENTIAL SPACES</p> <ul style="list-style-type: none"> • 18 visitor spaces required. <p>18 SPACES</p> <ul style="list-style-type: none"> • Total floor area of non-residential tenancies is 452 square metres. Therefore 5 spaces are required for the non-residential component of the development. <p>5 SPACES</p> <p>224 SPACES REQUIRED</p> <p>216 PROVIDED</p> <p>Adequate access for removalists and garbage servicing is provided. Service access is incorporated into the development.</p>	<p>No, but considered acceptable</p> <p>Yes</p>

	Compliance with Australian Standard 2890.1	The development proposes one combined access (entry/exit) from the frontage to Browne Parade. The car parking design shall comply with Australian Standard 2890.1:2004.	Yes
Clause 4 Water Conservation	All fixtures and appliances to be 3 stars under the WELS system or better rated.	Water Conservation shall be implemented via the BASIX Certificate, which includes measures such as water tanks and efficient fixtures/appliances.	Yes
Clause 5 Energy Conservation	Comply with the Energy Efficiency provisions within the BCA. Maximise natural light in buildings.	Energy Conservation shall be implemented via the BASIX Certificate, which includes measures such as energy efficient fixtures/appliances. The proposal will also comply with the BCA to maximise natural light.	Yes
Clause 6 Landfill	Requirements for any cutting or filling of land.	Minimal filling and cutting of land will be required. Appropriate conditions of consent will be imposed to ensure any cut or fill of land is carried out in accordance with Council requirements.	Yes
Clause 7 Waste Disposal and re-use facilities	Waste Management Plan required for all developments.	Waste Management Plan provided. Appropriate conditions of consent will be imposed to ensure compliance with the Waste Management Plan.	Yes
Clause 8 Outdoor Advertising and Signage	Controls for any signage for all development.	No signage has been proposed as part of the development application.	N/A

Part 4 – Development in the Liverpool City Centre

1.1 Building Form

Building to street alignment and setbacks	<p>Street building alignment and street setbacks are to comply with Figure 3 which requires:</p> <ul style="list-style-type: none"> • Bigge Street:: 4-4.5m • Browne Parade:4-4.5m • Hume Highway:8m 	<p>The proposal adopts the following street building setbacks:</p> <ul style="list-style-type: none"> • Bigge Street: 4.6-5m • Browne Parade: 4.2m • Hume Highway: 8m 	<p>No, but considered acceptable Yes</p> <p>Yes</p>
Street frontage height	<p>The street frontage height of buildings must comply with the minimum and maximum heights above ground level as shown in Figure 5. Figure 5 requires a street frontage setback between 15-25m or 5-7 storeys.</p>	<p>6 storeys – Bigge Street frontage (Bigge Street tower) 5 storeys – Browne Parade frontage (Browne Parade tower) 6 storeys – Hume Highway frontage (both towers)</p>	<p>Yes</p>
Building depth and bulk	<p>The maximum floor plate sizes and depth of buildings are to comply with figure 6 – maximum GFA per floor is 500sqm and maximum building depth is 18m. (Floor plate sizes and depths apply above street frontage height).</p>	<p>The maximum floor plate on levels 7 to 15 is 566 square metres for the Bigge Street tower.</p> <p>The maximum floor plate on levels 7 to 14 is 432 square metres for the Browne Parade tower.</p> <p>The depth of the floor plates do not exceed 18m for both towers.</p>	<p>No, but variation is considered acceptable</p> <p>Yes</p> <p>Yes</p>
Boundary setbacks and building depth and bulk	<p>The component of the building above the street frontage height is not to have a building length in excess of 45m.</p> <p>The minimum building side setbacks are to comply with the following:</p> <p>Residential uses up to 12m in height:</p> <ul style="list-style-type: none"> • 3m for non-habitable rooms • 6m for habitable rooms 	<p>The length above street frontage height for both towers is less than 45 metres.</p> <ul style="list-style-type: none"> • 1.2m-Non-habitable rooms • 1.2m-Habitable rooms 	<p>Yes</p> <p>No but considered acceptable</p>

	Residential uses between 12-25m in height: <ul style="list-style-type: none"> 4.5m side setback for non-habitable rooms 9m for habitable rooms Residential uses between 25-45m height: <ul style="list-style-type: none"> 6m side setback for non habitable rooms. 12m side setbacks for habitable rooms. Residential uses between 35-45m height: <ul style="list-style-type: none"> 6m side setback for non habitable rooms. 14m side setbacks for habitable rooms. 	<ul style="list-style-type: none"> 9m-Non-habitable rooms: 9m-Habitable rooms: <ul style="list-style-type: none"> 9m-Non-habitable rooms: 9m-Habitable rooms: <ul style="list-style-type: none"> 9m-Non-habitable rooms: 9m-Habitable rooms: 	Yes Yes Yes No, but is considered acceptable Yes No, but is considered acceptable
2.3 Site cover and deep soil zones			
Site coverage	The maximum site coverage for the residential component of the development is 50%	Site coverage for the residential component of the development is 65.1%	No, but is considered acceptable
Deep soil zones	Deep soil zone planting is 15%.	Deep soil zone planting provided is approximately 15.3%.	Yes

Non compliances

Car parking

It is noted that the proposal provides for a shortfall of eight car parking spaces for the development. While the proposal accommodates the required car parking spaces for the residential units, there is a minor shortfall of car parking spaces for the visitor component of the development.

The applicant has requested Council vary the car parking controls on the basis that the car parking layout has been designed to offer shared car parking facilities for the visitor component of the residential development and the customer car parking for the non-residential tenancies.

This variation to the car parking controls is supported from Council given that the future uses of the non-residential tenancies are to provide services for the day to day needs of the local residential community and on this basis is unlikely to generate a high volume of traffic.

This non-compliance with the car parking has been assessed by Council's traffic engineer's who have supported the variation to the car parking controls given the sites location and proximity to public transport services.

It is considered that this non compliance to the DCP is supported and that shortfall of eight spaces does not warrant the refusal of the application.

Site coverage

Controls within LDCP 2008 requires maximum site coverage within residential zones of 50%. The site coverage of the development is 65.1% which represents a departure from the controls of 5.1%.

It is noted that the objectives of the site coverage controls is to limit site cover to ensure adequate separation is provided between buildings. In addition, limiting the site coverage improves amenity by providing daylight access, visual privacy and provides for increased opportunity for recreation and social activities.

Despite the variation to the site coverage controls, the proposal and the minor non-compliance is considered acceptable given that an integral component of the development is the landscaped podium which provides adequate separation between the two residential towers which form part of this development. The landscaped podium is located within the centre of the development and has a northern orientation. Amenity to the landscaped podium is protected by the proposed landscaped buffer to the Hume Highway which also ensures that this space is clearly defined and separated from the public domain. The proposal also incorporates a common room which can also be utilised for recreation and social activities by future residents of the development. This landscaped podium and common room is accessible to all residents from the central lift lobby of both residential towers.

Based on the above, it is considered that the departure from the site coverage controls is acceptable and will not compromise future amenity of residents of the development.

Street Frontage Heights

LDCP 2008 requires a street frontage height of 4-4.5 metres along the Bigge Street frontage. The proposed development provides for a street frontage height ranging between 4.6-5 metres along the frontage to Bigge Street.

It is noted that the DCP through establishing street frontage height controls tries to establish a strong definition along the street which positively contributes to the public domain. This will ensure new development responds to the existing lower scale nature of Liverpool City Centre and maintains an appropriate pedestrian scale.

The proposal seeks a departure from the controls by 500mm which is considered to be minor and that the overall scale of the street frontage height despite the non compliance will not result in a development which is contrary to the objectives and the intent of this control. On this basis, this minor non-compliance is supported.

Maximum floor plate sizes

The maximum floor plate provided on levels 7 to 15 (above street frontage height) is 566 square metres for the Bigge Street tower. This provides a departure of 66 square metres for each of these storeys.

Through establishing maximum floor plates above the street frontage height the controls within LDCP 2008 try to control and limit the size of the upper level floor plates to ensure adequate internal amenity for new developments is provided, particularly in relation to natural light and ventilation. The floor plate controls also assist in mitigating any potential adverse impacts with regards to overshadowing that is often associated with tall buildings.

In view of the overall planning of the development and the internal layout of each residential unit, it is considered that the internal amenity of each unit in regards to solar access and natural ventilation is not sacrificed as a consequence of the non compliance with the floor plate controls.

In addition, the proposal provides adequate solar access and natural ventilation to the residential units and overall the proposal is considered to have design excellence and promote the sustainable design of buildings through ensuring that the units maximise the east-western aspect of the units.

On this basis, the proposal is considered to be worthy of support and this non-compliance does not warrant refusal of this application.

Side setbacks

It is noted that the proposal does not comply with the setback controls prescribed by LDGP 2008. The component of the development that does not comply with the setbacks is the southern portion of the residential tower that is orientated towards Bigge Street.

This portion of the development is setback 1.2m from the southern boundary from the ground to level 6, with the side setback increasing to 9m for the upper 8 levels. While this represents a variation to the controls, this variation is considered acceptable for the following reasons:

- The proposed setback will not reduce the amenity of the future residents of the proposed residential flat development. The residential units which are setback 1.2m from the southern boundary adopt a east-west orientation and the internal unit configuration ensures that active areas such as living areas and balconies are either orientated to overlook Bigge Street or communal open space within the centre of the development. This ensures that despite the reduced setback of 1.2m no adverse amenity impacts arise given the limited opportunity for overlooking or reduction in visual privacy. In addition, by having a floor plan which has active areas orientated to the street or communal open space, there is a reduced need to have windows located on the southern elevation which reduces the potential for overlooking or cross viewing between units.
- The upper levels between the 7th and 15th floor adopt a 9m setback from the southern boundary. Again the floor plans of each individual unit ensures that active areas of each unit are orientated towards Bigge Street or communal open space. Rooms located against the southern elevation predominantly include en-suites and bedrooms which have relatively small openings.
- The site adjacent the southern boundary is currently vacant. While it is expected that this site will be developed in the future, the reduced setbacks to the southern boundary will not restrict development on the adjacent site nor restrict the development potential on the adjacent property.

In consideration of all of the above, it is considered that the proposed development despite this non compliance with the side setbacks are worthy of support.

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 (BCA). Conditions of consent have been imposed requiring compliance with the BCA.

6.5 Section 79C(1)(b) – The Likely Impacts of the Development

(a) Natural and Built Environment

The scale, density, and built form is considered appropriate with respect of the context of the site and the desired future character of the area. The development presents as a high quality architectural built form and does not result in any adverse impacts to the built environment as demonstrated in this report.

The development is not considered to result in unreasonable amenity impacts to surrounding lands, taking into account both existing and possible future development. The development will provide a positive contribution to the streetscape of all street frontages, whilst maintaining a sympathetic approach to existing residential development. The proposal is thus considered satisfactory with respect of the natural and built environment.

(b) Social and Economic Impacts

The proposed development will have a positive social and economic impact through the provision of housing choice within the locality and a high quality living environment which will positively contribute to the area.

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

These matters have been considered in the assessment of the development application. The site is not known to be affected by any site constraints or other natural hazards likely to have a significant adverse impact on the proposed development. The proposal is suitable as it will provide a high density residential development that is cognisant of the desired future character of the area.

Accordingly, the site is considered suitable to accommodate the proposed development, being for construction of a new residential flat building to a site located within the R4 High Density Residential zone, in the context of the site and locality.

6.7 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:

DEPARTMENT	COMMENTS
Landscape	Satisfactory, with recommended conditions.
Traffic Engineers	Satisfactory, with recommended conditions.
Health	Satisfactory, with recommended conditions.
Development Engineers	Satisfactory, with recommended conditions.
Heritage	Satisfactory, with recommended conditions.
Waste Services	Satisfactory, with recommended conditions.
Building	Satisfactory, with recommended conditions.

(b) External Referrals

The following comments have been received from External Authorities:

DEPARTMENT	COMMENTS
Roads and Maritime Services NSW (RMS)	Satisfactory, with recommended conditions.

(c) Community Consultation

The development application has been advertised in accordance with Liverpool DCP 2008, Part 1.1. This included a notice placed on site and an advertisement in the local paper.

The development application was advertised for twenty one (21) days from 13 April 2011 to 6 May 2011. A total of six objections were received. The issues raised in the submissions include:

- inadequate provision for visitor parking;
- inadequate provision for resident parking;
- inadequate vehicular access;
- overshadowing;
- traffic;
- noise;
- inadequate Recreational space for occupants;
- amenity (in general);
- overdevelopment of the site;
- impact of large development; and,
- large building and excessive cars parked in Bigge St as a result of the development will create an increase in crime.

The following comments are made in relation to the issues raised in the submissions:

ISSUE 1: Inadequate provision for visitor car parking.

Comment:

The proposed development provides parking in accordance with the controls prescribed by LDCP 2008 for the residential component of the development. However, it is acknowledged that the proposal provides for a shortfall of visitor car parking spaces for the visitor component of the development.

The applicant has outlined that it is their intention to share the visitor car parking component of the development with the customer/client car parking spaces of the non-residential tenancies. This variation to the controls is supported by Council's traffic engineers.

In regards to the non-compliance with the car parking controls for visitor car parking, the variation is supported as the size of the non-residential tenancies and the future use is unlikely to generate a high demand for visitor/customer car parking. In addition, the future uses of the tenancies are predominately to service the day to day needs of residents and on this basis customers to the tenancies are likely to be within proximity to the proposed development.

It is recommended to ensure that the future operation of the development ensure that adequate car parking is dispersed amongst both residential and non-residential components of the development. In this regard, it is recommended that a condition be imposed requiring the applicant to provide a parking management plan to discuss the allocation of parking spaces to residents, commercial tenants and visitors; and the ongoing management of parking for the non-residential component of the development.

ISSUE 2: Inadequate provision for resident parking.

Comment:

The proposed development provides adequate residential car parking in accordance with the LDCP 2008.

ISSUE 3: Inadequate vehicular access

Comment:

Council's Traffic Engineer has reviewed the application and is satisfied that vehicle manoeuvring and access requirements within the car park generally conform to the requirements of AS 2890.1

Some amendments to the basement car park are required to ensure that car park provides full compliances with Australian Standards. However, as the design changes required are minor, condition of consent requiring amended plans to address these concerns prior to the release of the Construction Certificate will be included in the draft conditions.

The changes to the basement car park that are required to be made via conditions of consent include a variation in the grade of the internal ramps. In this regard, the applicant is required to submit revised plans showing an altered ramp profile that complies with the AS 2890.1 requirement.

ISSUE 4: Overshadowing

Comment:

The orientation of the units and private open space areas will allow for reasonable solar access and cross flow ventilation to the subject site. The submitted shadow diagrams illustrate that the proposal will not result in unreasonable solar impacts to current or future adjoining development.

It is noted that development to the east of the site will receive a minimum of three hours sunlight from 9am to 12pm on the winter solstice, and development to the west of the site will receive a minimum of three hours sunlight from 12pm to 3pm on the winter solstice.

ISSUE 5: Traffic

The proposed development has been assessed with respect to the potential for adverse traffic impacts, and it is considered that the nature of the proposed development is suitable for the site and will not produce a high flow of traffic that will result in adverse impacts to the amenity of the area.

Council's Traffic Engineer has reviewed the application and raises no objection to the proposal subject to conditions.

Given the site's proximity to the Hume Highway, a referral to the NSW Roads and Maritime Services in accordance with the SEPP (Infrastructure) 2007 was undertaken. The RMS have reviewed the application. In this regard the proposal is not considered to affect the functioning of the Hume Highway in relation to traffic generation and the location of the driveway entry/exit points. The recommendations provided by the RMS have been incorporated into the recommended conditions of consent.

ISSUE 6: Noise

Comment:

The potential noise impacts created by additional traffic generated by the proposed development have been assessed and are not considered to result in undue impacts upon the acoustic amenity of neighbouring development.

Council's Health Officer has also reviewed the proposed development including the Noise Assessment Report submitted with the application, and raises no objection to the proposed development subject to conditions of consent which have been recommended to ensure the acoustic amenity of the occupants of the residential units within the proposed development, given its vicinity to a classified road.

ISSUE 7: Inadequate recreational space for occupants

Comment:

Each residential unit is provided with private open in the form of a private terrace area for ground floor units and a balcony for each of the upper levels. In addition to the private open space provided for each residential unit, the development provides a landscaped podium within the centre of the site. This landscaped podium provides an area of approximately 180sqm which can be utilised by the future residents of the development.

During the assessment of the development application, it was recommended by the Liverpool DRP that a development of this size should provide for a communal room adjacent to the communal open space which can provide an additional space for residents. This can assist in providing an additional area for recreation activities for the residents due to its connecting to the communal open space.

In consideration of all of the above, it is considered that the development provides for adequate area for recreational use for future residents and occupants of the development.

ISSUE 8: Amenity

Comment:

The application has been assessed having regard to the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979, and the relevant Environmental Planning Instruments including the applicable State Environmental Planning Policies, Liverpool Local Environment Plan 2008, Liverpool Development Control Plan 2008, and the relevant codes and policies of Council.

The proposed development is well within the context of the area which is characterised by a mixture of development, including higher density residential development. The high quality architectural design is appropriate for the subject site and takes into consideration the amenity of existing adjoining land uses and future expected occupants.

ISSUE 9: Overdevelopment of the site

Comment:

It is acknowledged that the development represents a significant larger building to existing single dwellings and some of the existing residential flat buildings within the immediate locality. However it is recognised that this northern precinct along with other areas of the Liverpool City Centre is planned to accommodate a much higher residential density and urban growth which is consistent with Liverpool's regional city status.

It is noted that at strategic planning stage, one of the key aims for the Liverpool City Centre was to accommodate a higher residential density, particularly along the periphery of the city centre such as this northern precinct. This northern precinct is considered to offer future residents high levels of amenity due to the proximity of this area to the medical and educational precincts of Liverpool located east of the city centre and along the more southern portion of Bigge Street.

It is noted that the original design submitted initially with the development application represented a FSR which exceeded Council's FSR controls for this area of the City Centre. This was also a concern raised by the Liverpool DRP. In response, the application has been amended to provide for a development which is consistent with the maximum FSR permitted for the site (including the 10% FSR bonus).

It is considered that the overall design of the development incorporates a number of features to ensure that the bulk and scale of the development is minimised. This includes by providing two residential towers which are orientated towards Bigge Street and Browne Parade. This enables the two towers to be appropriately separated by a landscape podium which not only provides communal open space for the development but incorporates a responsive landscape design to reduce to bulk of the development. The proposal also provides for appropriate street frontage height which will ensure that an adequate pedestrian scale is maintained.

ISSUE 11: Vehicles parked in Bigge St as a result of the development will create an increase in crime.

Comment:

The proposal has been designed to provide for car parking within the ground floor and over two levels basement levels. This includes the provision of controlled entry and exit points which form part of this development application.

While the proposal represents a shortfall of eight car parking spaces, it is unlikely that the proposed development will generate additional demand for on-site car parking along Bigge Street that would increase the likelihood of crime or anti-social activity.

It is noted that the proposed development does provide for seven non-residential tenancies on the ground floor which are orientated towards Bigge Street and that the likely use of these units are identified to be either neighbourhood shops, kiosk or health service facilities. These uses generally have a higher turn over of customers/clients and in this regard by providing these uses on the ground floor and which are orientated towards Bigge Street the development will assist in activating this portion of the development as well as providing opportunity for casual surveillance.

6.8 Section 79C(1)(e) – The Public Interest

The provision of high density residential units will contribute to the diversity of housing within the locality. The development will not result in any unacceptable amenity impacts to the surrounding properties. The proposed development seeks to provide a contemporary building of high quality that will address the surrounding public spaces and achieve a satisfactory form as presented to the immediate and wider locality.

The development satisfactorily addresses the relevant planning objectives under all the applicable legislations, State Environmental Planning Policies, and Local Environmental Planning Controls. It is therefore considered that the proposal serves the broader public interest.

7. Liverpool Contributions Plan 2007 (Liverpool City Centre)

The application is subject to Section 94 Contributions as detailed in the Liverpool Contributions Plan 2007 (Liverpool City Centre). In the event the application is approved, a condition of consent will be imposed requiring the applicant to pay to Council a levy equal to 1% of the proposed cost of carrying out development, as the site is located within the R4 High Density Residential zone.

8. CONCLUSION

The application has been assessed having regard to the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979, and the relevant Environmental Planning Instruments including the applicable State Environmental Planning Policies, Liverpool Local Environment Plan 2008, Liverpool Development Control Plan 2008, and the relevant codes and policies of Council.

The proposed development is generally consistent with the standards contained within LLEP 2008 as well as the intention and objectives of the design principles contained within the Residential Flat Design Code in accordance with SEPP 65.

The proposal is also generally consistent with the controls contained within Liverpool DCP 2008, except for several departures relating to side building form, car parking and site coverage which have been assessed on their merits and found to be acceptable. Furthermore, the proposal has been awarded "Design Excellence" and considered satisfactory by the Design Review Panel (DRP).

The proposed development for a residential flat building is well within the context of an area earmarked for higher density residential development. The high quality architectural design is appropriate for the subject site and takes into consideration the amenity of existing adjoining land uses and future expected occupants.

Following detailed assessment of the proposal and consideration of the issues raised in the submissions, the development application has been assessed on its merits and is considered satisfactory. Accordingly, it is recommended that the development application be approved subject to conditions of consent.

9. RECOMMENDATION

That Joint Regional Planning Panel Sydney West Region (JRPP) approve Development Application 946/2011 for the construction of a mixed commercial/residential development comprising two residential tower buildings containing 188 residential apartments, seven ground floor tenancies, three levels of basement car parking and associated landscaping and service facilities at, 2 Browne Parade, 1-3 Bigge St and 26-32 Hume Highway, Warwick Farm NSW 2170, subject to the attached conditions.

9. ATTACHMENTS

9.1 Plans of the proposal

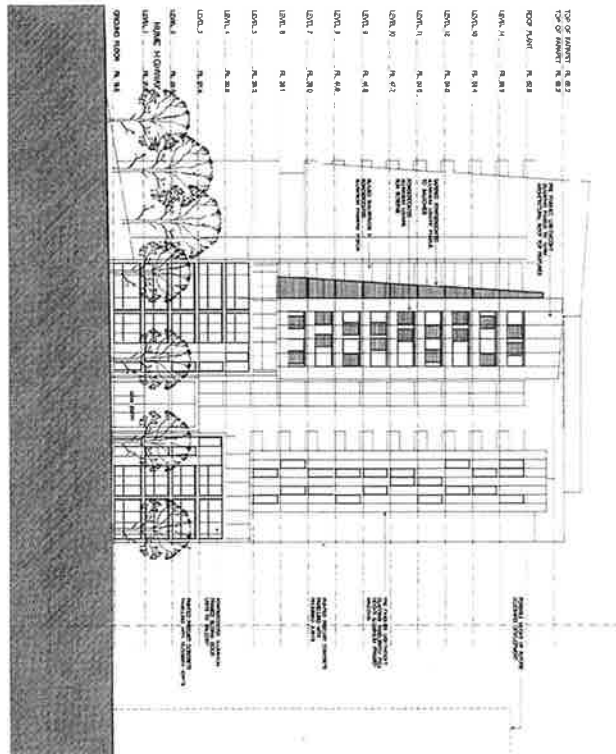
9.2 Design Jury – Winner of Design Excellence

9.3 Addendum to Statement of Environmental Effects

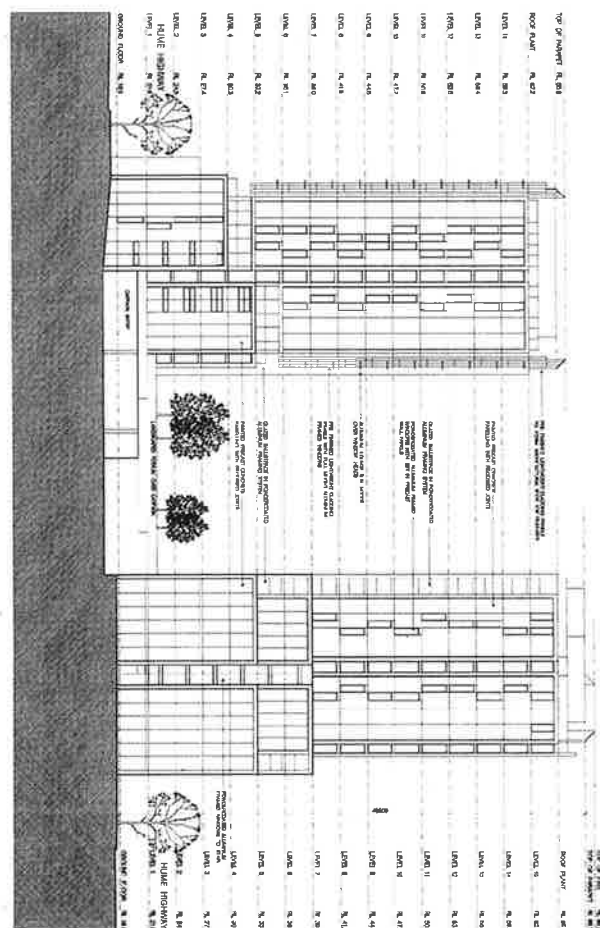
9.4 Recommended Conditions of Consent

9.1 Plans of the proposal

BROWNE PARADE ELEVATION



SOUTH ELEVATION



RESIDENTIAL DEVELOPMENT
NO.1 BIGGE STREET LIVERPOOL.

ELEVATIONS SOUTH & WEST
DRAWING NO. DA-21A
SCALE 1:200 (BY 1:500 MAX) DATE 4/2/2017
PROJECTING: LIAISON DESIGN PARTNERS
PROJECTING: LIAISON DESIGN PARTNERS
PROJECTING: LIAISON DESIGN PARTNERS



Elevations South and West (Browne Parade)

[illegible]

9.2 Design Jury – Winner of Design Excellence

JURY REPORT

Proposed residential apartment development:

Lots 18-23 and Lot 36, DP 35236

Key site – Bounded by Bigge St, Brown Pde and Hume Hwy, Liverpool

Meeting at the Department of Planning, Bridge Street, Sydney on Friday 4 March 2011

ATTENDANCE

Jury

Chris Johnson (chair for the Proponent)

Margaret Petrykowski (DoP)

Roger Hedstrom (for Council)

Architects

Mark Armstrong

Paul Rudolph

Proponent

David Tanevski (on behalf of the proponent)

Lap Truong (Estmanco Pty. Ltd, landowner and proponent)

Observer

Michael Simons (DoP)

BACKGROUND

The Jury has previously met to have presentations from 3 architects for the site and at that time selected PTW architects as the winner subject to the incorporation of a number of changes. The Jury then met to review the changes and supported the PTW scheme as having achieved design excellence. At that meeting the proponent also raised the need for a greater GFA to make the project feasible. In later discussion it was agreed that the site should include the land to be allocated for road widening in the calculation of GFA. Coincidentally ARC architects have included the additional land in their calculation of the allowable GFA and have designed the scheme accordingly.

A week after the second Jury meeting with the PTW the proponent informed the Jury that his negotiations with, PTW, had broken down and that the proponent would prefer to now deal with the second team in the competition, ARC Architects. As the Jury was also impressed by the ARC scheme initially they agreed to review the scheme particularly in light of the Jury comments about potential improvements. If the Jury is satisfied that the ARC scheme can achieve design excellence then it should be able to utilise a bonus FSR and height of 10%.

JURY COMMENTS ON THE ARC SCHEME

1. The Jury was very positive about the scheme presented and believed it had demonstrated significant design excellence. The removal of the glass curtain wall system from the previous scheme has improved the elevations particularly through breaking the building form up with slimmer vertical elements.

2. Some relationships between these vertical elements and the building base could be improved through design resolution (particularly the south elevation of the Bigge Street tower).
3. Concern was expressed about the large opening over the car park. A pergola with vines or similar treatment that still allowed air movement would improve the view from apartments above.
4. A communal meeting room in the complex would be a useful addition.
5. The south elevation of the Bigge Street tower at the lower levels has little glazing and is very bland. If the fire stair was set back some glazing could be added. Landscaping could also improve this facade.
6. It appears that bin collection will be on the street which will be visually unattractive for a complex of almost 200 apartments. The Jury believes a better solution needs to be found for this.
7. The proponent (David Tanevski) suggested a change to the unit mix to increase the number of 2 bedroom units. This will lead to a redesign of the floor plans and a potential increase in GFA.
8. The north east corner of the Bigge Street tower could have a wrap around shop window and awning to add visual interest to this corner.
9. The Jury supported the strengthening of the street edge podium to Bigge Street by extending it up to 1.5 meters from the southern boundary. This results in increased overall GFA. From a design perspective the Jury supported this extra GFA.
10. The scheme as presented is slightly over the maximum allowable height for the Bigge Street tower. The Jury supported the concept of having two towers of differing height (17 and 15 floors) rather than having two towers of equal height. The design however should be reviewed to ensure that the height limit of 49.5m is not exceeded even if this means a slight reduction in ceiling heights.
11. The 17 storey building to be tapered in at the south-western corner.
12. The top storey to both buildings to be further refined to provide increased definition of a top.
13. Provision of natural light to the northern end of the corridor to the 17 storey building.
14. The project as presented is over the allowable GFA by about 1,000 square meters. The Jury believes that the stronger street wall indicated in 9 above could justify some of this increase.

GENERAL COMMENTS

The Jury was concerned that the original winning architects, PTW, were now no longer involved. It is understood that they have been paid a fee for their work to date and their scheme will not be proceeded with. It is understood that this was through a breakdown in negotiations with the proponent over fees for the project.

The Jury is concerned that for limited competitions for key sites in regional cities that architectural fees should be clearly agreed to by the developer before a Jury selects a winner. The Jury also believes that it is important that the winning architect of a competition be retained throughout the project if possible to ensure that architectural quality is maintained into the completed building.

With the Liverpool site the Jury is satisfied that the design by ARC Architects is a worthy competition winner and that it demonstrates design excellence. The Jury would support the continuing use of ARC throughout the project.

Chris Johnson
Margaret Petrykowski
Roger Hedstrom

9.3 Addendum to Statement of Environmental Effects

B. de C.

Environmental Pty. Ltd

Gilbert B. de Chalain MPlA, CPP
B. de C. Environmental Pty. Ltd
ABN: 60 081 668 733

17 Banjo Place
SPRINGWOOD NSW 2777

Phone: 02 4570 1528
0417 253 416
Email: g.dechalain@uws.edu.au

Addendum to Statement of Environmental Effects

**Proposed residential apartment
building incorporating ground floor
shops**

Lots 18-23 and Lot 36, DP 35236

**Key site – Bounded by Bigge St, Browne Pde
& Hume Highway,
LIVERPOOL**

Prepared for: Estmanco Pty. Ltd.

February 2012

KWC
CAPITAL PARTNERS

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Executive Summary

This addendum to the Statement of Environmental Effects has been prepared by B. de C Environmental dated March 2011 as part of a development application to Liverpool City Council seeking consent for the development of the subject site to support residential apartments and ground floor neighbourhood shops in response to recent advice from Council regarding the interpretation of the neighbourhood shop definition and floor space controls contained in the *Liverpool Local Environmental Plan 2008*.

This proposal involves the development of the site for residential apartments contained within two (2) tower blocks over a landscaped podium. The tower blocks differ in height and the podium has been designed to provide a street wall containing ground floor non-residential uses with residential uses above.

The subject site is located within the R4 High Density Residential zone which permits land uses other than residential uses with consent. This proposal provides the potential for the inclusion of such uses. While ground floor uses have not been confirmed, it is suggested that these ground floor tenancies would suite uses including convenience shopping, café, and health services facilities.

Council has sought clarification of the non-residential uses proposed at ground level to ensure that such uses are permissible when applying Council's interpretation of neighbourhood shop and floor space controls contained in the *Liverpool Local Environmental Plan 2008*. Further detail on this matter is provided within the addendum.

Notwithstanding the above it is argued that the proposed development satisfies all the objectives of the R4 - High Density Residential Zone. That is, the proposal:

- will provide for the housing needs of the community within a high density residential environment;
- will contribute to the provision of a variety of housing types within a high density residential environment;
- includes other land uses that provide facilities or services to meet the day to day needs of residents.
- is located to contribute to the provision of a high concentration of housing with good access to transport, services and facilities;
- amalgamates a number of single lots into a sizable development site without isolating or otherwise limiting development potential of other land to achieve high density residential development.

The proposal will ensure the efficient and sustainable use of land. That is, the subject site is currently vacant and is located such that careful development is required to deliver an acceptable living environment within an urban context. It is argued that this development has considered the environmental challenges presented by the development site and will result in the creation of a pleasant living environment within an urban context.

Gilbert B. de Chalain. MPA, CPP

B. de C. Environmental Pty. Ltd

1.0 Non-residential land uses

This development proposal aims to provide high quality residential apartments over a "key site". The design has considered the importance and need to define the northern gateway to the Liverpool Town Centre.

This proposal seeks the consent of Council to construct:

- 188 residential apartments contained within two tower buildings of sixteen (16) and fifteen (15) storeys;
- seven (7) ground floor non-residential tenancies along the Bigge Street frontage;
- basement car parking to meet resident and business needs; and,
- associated landscaping and site servicing.

The Zone R4 High Density Residential includes the objective

To enable other land uses that provide facilities and services to meet the day to day needs of residents.

Land uses that are considered to meet this zone objective and listed as permitted with consent in the *Liverpool Local Environmental Plan 2008* include, but not limited to:

- Kiosks; and,
- Neighbourhood shops

LLEP 2008 defines **neighbourhood shop** as:

premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include restricted premises.

LLEP 2008 defines **kiosk** as

premises that are used for the purposes of selling food, light refreshments and other small convenience items such as newspapers, films and the like.

While occupancy of the proposed ground floor tenancies included in this proposal have not been confirmed, it is likely that one or more ground floor tenancies could be used as neighbourhood shops.

It is noted that neighbourhood shops and kiosks are limited in floor area. The **retail** floor area of a neighbourhood shop must not exceed 100 square metres. In this regard, should neighbourhood shops occupy one or more of the ground floor tenancies, the total retail floor area must not exceed 100 square metres. The **gross** floor area of a kiosk must not exceed 30 square metres. In this regard, should a kiosk occupy one or more of the ground floor tenancies, the gross floor area must not exceed 30 square metres. Furthermore, this would require internal alteration of ground floor tenancy layout which would necessitate the consent of the Council.

State Environmental Planning Policy (Infrastructure) 2007 makes **health services facilities** permissible with consent within the R4 High Density Residential Zone. State Environmental Planning Policy (Infrastructure) 2007 defines a health services facility as:

a facility used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes the following:

- (a) day surgeries and medical centres,
- (b) community health service facilities,
- (c) health consulting rooms,
- (d) facilities for the transport of patients, including helipads and ambulance facilities,
- (e) hospitals.

As this proposal is located within close proximity to Liverpool Hospital it is most likely that health services facilities (as defined within State Environmental Planning Policy (Infrastructure) 2007) will be seek to locate

within the proposed ground floor tenancies, contributing to the hospital precinct.

Therefore, it is likely that the proposed ground floor tenancies will be occupied by a combination of:

- neighbourhood shop with a retail floor area not exceeding 100sqm;
- kiosk with a gross floor area not exceeding 30sqm; and
- health services facilities.

2.0 Other matters for clarification

Council has requested further clarification on vehicle entry and exit control and security access to the residential components of this proposal. The following information is provided for clarification purposes.

2.1 Vehicular Access

Access to the site will be controlled by a security boom-gate which will be located within the development site to ensure that there is sufficient space on the approach side of the gate for vehicle storage thereby minimising the potential for car queuing to extend onto the street. Reference should be made to the submitted drawings for location of security boom gate.

Further details of the system to be installed will be included in the application for construction certificate.

2.2 Security Access to residential areas

To ensure only permitted persons have access to the residential portions of this development, a security access system will be installed at all points of entry. This will most likely comprise of a security keypad, intercom and self closing door system.

Further details of the system to be installed will be included in the application for construction certificate.

3.0 Suitability and merit

The proposed development is considered to be suitable for the subject site as it represents a response to the site and context that demonstrates design excellence. The development is consistent with the future character for the area and will not give rise to unacceptable impact on local amenity.

The proposal is consistent with the zone objectives and the objectives of the town centre controls. In particular, this proposal represents a development that will in the future be seen as a land mark development that marks the northern gateway into Liverpool Town Centre.

The proposal is considered suitable for the subject site and is an appropriate planning and design response to the prevailing site conditions and regulatory environment.

3.1 Public Submissions

Submissions received by Council in response to this proposal have been considered and an applicant response was forwarded to Council on 24 November.

3.2 The Public Interest

The proposal is considered to be in the public interest as it is an appropriate use of land, will provide much needed residential development for the locality and will provide further employment opportunities. The proposal has been designed to ensure the environment and local amenity is suitably protected.

4.0 Conclusion

The proposed development is considered to be appropriate in this location as it:

- meets the objectives of the zone and is considered to be in general compliance with the development controls that apply to the site;
- will not adversely impact on the natural, built and social environments;
- will not give rise to unacceptable increases in traffic;
- is located and designed so as not to adversely impact on local amenity;
- introduces much needed high quality apartment style living to Liverpool; and,
- demonstrates design excellence.

The proposal is considered to have merit, will have no adverse impact on adjoining premises. This proposal will contribute positively to the streetscape and local area.

Land uses proposed, including non-residential land uses are permitted within the R4 zone and it is recommended that Council support the approval of this application and refer this matter to the Joint Regionally Planning Panel for determination.

9.4 Recommended 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 as follows:
 - (a) Architectural plans (Drawings No. DA-01A, DA-04B-DA-10B, DA-11A, DA-12A, DA-21-DA-23A, DA-25 prepared by ARC, Revision A, dated 22 November 2011.
 - (b) Landscape concept plan (Prepared by Context, drawing no. LSK-101, Issue A dated 14 March 2011).
 - (c) Site Works and Stormwater details (Prepared by Hyder Consulting Pty Ltd, drawing no. C110, Issue 02, dated, 11 July 2011).
 - (d) Erosion and Sediment Control Plan (prepared by Hyder Consulting Pty Ltd, drawing no.C101-C102, Revision 01, dated 16 March 2011).
 - (e) Stormwater Management and Utilities Report (Prepared by Hyder Consulting Pty Ltd, report No. DN00285, dated 16 March 2011).
 - (f) Acoustic Assessment (Prepared by Renzo Tonin & Associates, dated 16 March 2011)
 - (g) Waste management plan (prepared by B.dec.Environmental, dated 19/3/2011)
 - (h) Building Finishes (Prepared by ARC, March 2011).

except where modified by the undermentioned conditions.

2. A future development application is required to be lodged for the use (and any associated fit-out) for the non-residential tenancies that are created as part of this development.

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:

SECTION 94A PAYMENT (Liverpool Contributions Plan 2007 Liverpool City Centre)

3. As a consequence of this development, Council has identified an increased demand for public amenities and public services. The following payment represents 1% of the cost of the development and is imposed in accordance with Liverpool Contributions Plan 2007 Liverpool City Centre.

The total contribution is \$762,500.00

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

Contributions will be adjusted at the time of payment in line with the Consumer Price Index (all groups index number for Sydney) using the following formula:

$$\text{Contribution at the time of payment} = \frac{C \times \text{CPI}_2}{\text{CPI}_1}$$

Where:

C = Original contributions as shown on the consent

CPI₂ = Latest "Consumer Price Index: All Groups Index Number" for Sydney available from the Australian Bureau of Statistics at the time that the contribution is to be paid

CPI₁ = Latest "Consumer Price Index: All Groups Index Number" for Sydney available from the Australian Bureau of Statistics as at the time of granting the development consent

The Contributions Plan may be inspected at Council's Administration Centre, Level 2, 33 Moore Street, Liverpool or at www.liverpool.nsw.gov.au.

Please note. Payment must be accompanied by the attached payment form.

Fee Payments

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

The following fees are applicable and payable:

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

These fees are reviewed annually and will be calculated accordingly.

5. 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.

Security for Cost of Damage and Completion of Public Work

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

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

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

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

NSW Roads and Maritime Services

7. The following details and documentation is to be provided to the NSW Roads and Maritime Services (RMS) for consideration and approval:

- (a) A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangement and traffic control should be submitted to Council prior to the issue of a construction certificate.
- (b) Detailed design plan and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to the RTA for approval, prior to the commencement of any works.

A plan checking fee will be payable and a performance bond maybe required before the RTA's approval is issued. With regard to the Civil Works requirement please contact the RTA's Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

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.

Details should be forwarded to:

The Sydney Asset Management
Roads and Traffic Authority
PO Box 973 Parramatta CBD 2124.

- (c) The developer is to submit detailed design drawings and geotechnical reports relating to the excavation of the site and support structures to the RTA for assessment. The developer is to meet the full cost of the assessment by the RTA.

This report would need to address the following key issues:

- a. The impact of excavation/rock anchors on the stability of Hume Highway and detailing how the carriageway would be monitored for settlement.
- b. The impact of the excavation on the structural stability of Hume Highway.

The report and any enquiries should be forwarded to:

Project Engineer, External Works - Sydney Asset Management
PO Box 973 Parramatta CBD 2174.
Telephone 8848 7114 Fax8849 7766

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner of the roadway is given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work

Dilapidation Report

8. 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.

Provision of Services

9. 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.

10. 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.
11. 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.

Site Development Work

12. 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.
13. All aspects of construction shall comply with the applicable Performance Requirements of the BCA. 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

14. 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

- 15. A schedule specifying all of the essential fire safety services, 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.

Design Verification Statement

- 16. In accordance with the EP&A Regulation and State Environmental Planning Policy (SEPP) 65 "Design Quality of Residential Flat Development", the subject development must be undertaken or directed by a 'qualified designer' (i.e., a registered architect under the Architects Act). In this regard, a design verification statement shall be submitted to the PCA. The PCA shall ensure that the statement prepared by the qualified designer provides the following:

- (a) A valid and current chartered architect's certificate number (as issued by the Board of Architects of NSW);
- (b) That the qualified designer has designed or directed the design of the subject development; and
- (c) That the plans and specifications lodged with the CC achieve or improve the design quality of the development for which the subject development consent was granted, having regard to the design principles set out in Part 2 of SEPP 65.

Note: The design verification statement must provide an explanation of the design in terms of the design quality principles set out in Part 2 of SEPP 65.

Crime Prevention Through Environmental Design

- 17. It is recommended that the following Crime Prevention Through Environmental Design (CPTED) principles be incorporated into the building. Where necessary, plans shall be amended to reflect incorporation of the principles and/or details of such to be submitted to the PCA.

- (a) Back to base alarm systems shall be considered;
- (b) Basement parking areas shall be painted a light colour;
- (c) CCTV for the ground level, entry/exit points, car parks, lifts and the exterior of the building shall be considered;
- (d) 'Way finding' signage should be utilised at all major interchanges such as lifts and stair wells;

- (e) Lighting is required to be designed in accordance with the Australian and New Zealand Lighting Standard AS 1158. A lighting maintenance policy should be established. Security lighting should be installed in and around the building, and such shall not impact on any adjoining premises. The lighting should be vandal resistant, especially external lighting;
- (f) Corrugated ramps should be considered to prevent skate boarding activities;
- (g) Glazed tiling, patterned, porous and non solid surfaces reduce the reward for graffiti offenders;
- (h) Any external approved palisade or pool style fencing shall be black in colour, unless otherwise noted on the approved plans/details;
- (i) Access to the basement parking levels relating to the residential component of the building shall be controlled via a security controlled device.

Driveway/Services

- 18. 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.
- 19. 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.
- 20. 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.

Paving

- 21. Periphery Type/ Core Type paving is to be installed along the entire **street front of Bigge Street, Browne Parade and the Hume Highway** frontage/s, as part of this development, in accordance with the Liverpool CBD Street Tree and Landscape Strategy and, The Liverpool CBD Streetscape and Paving Guidelines.

Detailed plans are required to be submitted to and approved by Council showing the proposed tree locations, species and planting sizes, paving location and layout, including references to the relevant details and specifications as contained in the abovementioned documents.

To ensure that the street tree planting size, quantity and quality is maintained throughout the Liverpool CBD, please contact Council's Senior Development Engineer on 1300 36 2170 for further information.

Permit to Carry out Works

- 22. A separate application for a permit to carry out works must be issued by Council for –
 - (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 are Bigge Street, Browne Parade and the Hume Highway.

Drainage

- 23. All on site detention shall be checked and certified by an accredited stormwater drainage designer.

Stormwater

24. 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.
25. 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

Public Road Design/Construction Within Road Reserve Areas

26. 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.
26. A detailed plan showing the proposed footpath construction to all street frontages must be submitted to Council for approval. The plan must be in accordance with Council's relevant CBD streetscape and paving guidelines. This plan must be approved under Section 138 of the Act prior to the issue of any Construction Certificate.
27. Onsite detention must be designed in accordance with Council Onsite Detention policy and Construction Specifications.

Archaeological Assessment

28. Prior to the issue of a construction certificate, the applicant must undertake an archaeological assessment to ascertain the likelihood of significant archaeological deposits. The assessment needs to be prepared by a suitably qualified historical archaeologist; should the potential for significant archaeological deposits be found, the Applicant, or another party acting upon the consent, must satisfy any requirements of the NSW Heritage Act 1977, and must ensure that the development programme proposed for the site complies with any conditions and requirements of the Heritage Council of NSW.

Landscape Plan

29. A detailed landscape plan prepared by a suitably qualified person is to be submitted to the PCA prior to the issue of any CC. The detailed landscape plan is to incorporate the following:

- (a) Plant species, quantities and planting pot sizes which confirm to the requirements of the Liverpool consolidated DCP 2008 and planting descriptions as shown on the Landscape Concept Plan, which has been approved by Council.

Basement Car Park

- 30. The applicant is required to submit revised basement car parking plans to the PCA, prior to the issue of a Construction Certificate showing:
 - (a) Revised grades for the internal car park ramps to conform to AS 2890.1;
 - (b) Five (5) accessible parking spaces conforming to AS 2890.6;
 - (c) The location of motorcycle parking; and
 - (d) 8m³ of storage area allocated to each residential unit.
- 31. The applicant is to submit a parking management plan detailing how parking spaces are to be allocated, and the ongoing management of the shared use parking spaces. The plan will also include the management of access to the loading bays at the end of the entry ramp.

Traffic

- 32. A traffic management plan is to be submitted to Liverpool City Council's Traffic Committee for approval. Works within the road reserve shall not commence until the traffic management plan has been approved.
 - (a) The traffic management plan is to be prepared by an accredited designer and submitted to and stamp approved by Council via a standard Section 138 Roads Act Permit application available at Council's customer service counter. The stamped approved Roads Act Permit is to be obtained by the PCA. A copy of the stamped approved Roads Act Permit and traffic management plan is to be available on the works site for inspection at any time by an authorised Council officer.

Recommendations of Acoustic Report

- 33. The recommendations provided in the approved acoustic report shall be implemented and incorporated into the design and construction of the development and shall be shown on plans accompanying the CC application.

Reports

- 34. 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.

BASIX

- 35. An amended BASIX Certificate is required to be submitted to Council prior to the release of a Construction Certificate. The certificate is to be accompanied by amended plans that show all the relevant requirements of the BASIX Certificate.

PERGOLA STRUCTURE

- 36. Plans showing dimensions, details of materials, elevations and sections of the proposed pergola (located over the basement car park void on the ground floor), are to be submitted

to Council, prior to the release of a Construction Certificate.

D. 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

37. 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.

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

38. 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.

Notification/Principal Certifying Authority

39. 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.
40. 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.
41. Written notice of intention shall be given to the owner of the adjoining allotments of land, outlining the particulars of the proposed work, which involves:
- (a) Any excavation, below the base of the footings of a building on an adjoining allotment of land.
 - (b) The notice shall be given seven (7) days prior to the commencement of work.
42. In the event the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the following is to be undertaken at full cost to the developer:
- (a) Protect and support the adjoining premises from possible damage from the excavation, and
 - (b) where necessary, underpin the adjoining premises to prevent any such damage.

Facilities

43. 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

- 44. Lifting or craning materials over a public footway or roadway is not permitted unless a "B" class construction hoarding has been installed in compliance with work cover authority requirements.
- 45. 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.
- 46. 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.
- 47. 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.

Demolition

- 48. Prior to demolition the existing building(s) on the land must be investigated for the presence of asbestos. All asbestos must be removed and disposed of in accordance with all regulatory requirements, including those of WorkCover NSW and the Environment Protection Authority.

Site Facilities

- 49. 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

- 50. 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.

Hoarding

51. A construction hoarding of class B must be erected to prevent any substance from, or in connection with the construction site, falling onto a public area:

This applies, as follows:

- (a) If the work is likely to cause pedestrian or vehicular traffic in a public area to be obstructed or rendered inconvenient; or
- (b) If craning of materials is to occur across a public area or road reserve area.

Such hoarding or barrier must be designed and erected in accordance with Council's guidelines on hoarding construction. Relevant application under the Roads Act approval must be completed and fees paid prior to the construction of a hoarding on Council road reserve area.

Notification of Service Providers

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

Waste Classification

53. 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).

Environmental Management

54. 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.

55. 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:

- (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.

Contamination

58. 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).

59. Where this consent requires both engineering and building works to be undertaken, a separate construction certificate shall be issued for each category of works i.e. a separate Civil Engineering CC and a separate Building CC.

Reports

60. No work or craning shall be undertaken within the adjoining public lands without the prior written consent of Council.

Residential Building Work

61. Building work that involves residential building work (within the meaning of the *Home Building Act 1989*), must not be commenced until such time as a contract of insurance is in force in accordance with Part 6 of that Act.

62. Building work that involves residential building work (within the meaning of the *Home Building Act 1989*) must not be commenced unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

- (a) In the case of work for which a principal contractor is required to be appointed:
 - i. The name and licence number of the principal contractor; and
 - ii. The name of the insurer by which the work is insured under Part 6 of that Act,
- (b) in the case of work to be done by an owner-builder:
 - i. the name of the owner-builder, and
 - ii. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit,

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

63. If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the PCA for the development to which the work relates (not being the Council) has given the council written notice of the updated information.

E. DURING CONSTRUCTION

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

Archaeological Assessment

64. Should any historical relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW is to be informed in accordance with Section 146 of the Heritage Act 1977; and

Should any Aboriginal objects be discovered in any areas of the site then all excavation or disturbance to the area is to stop immediately and the Environment Protection Authority is to be informed in accordance with the National Parks and Wildlife Act 1974. Subject to an assessment of the extent, integrity and significance of any exposed objects, applications under the National Parks and Wildlife Act 1974 may be required before work resumes.

Building Work

65. In the case of a class 2, 3 or 4 building, critical stage inspections must be carried out by the appropriate person in accordance with the EP&A Regulation, with Compliance Certificates issued for each inspection. The last critical stage inspection must be carried out by the PCA. The following components of construction are relevant:

- (a) after excavation for, and before the placement of, any footings, and
- (b) prior to covering of waterproofing in any wet areas for a minimum of 10% of rooms with wet areas within a building, and
- (c) prior to covering any stormwater drainage connections; and
- (d) 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

66. 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, Noise, and Deliveries

67. 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. All construction activities are to comply with the noise criteria given in the DECCW Interim Construction Noise Guideline 2009.

Security Fence

68. 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.

Disabled Access

69. Access, parking and facilities for persons with disabilities to be provided in accordance with the provisions of the BCA.

General Site Works

70. 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.
71. All roofwater is to be connected to the existing stormwater system.
72. Stormwater pipeline connections to the street kerb shall be constructed in the following manner:
- (a) the kerb shall be sawcut on both sides of the proposed pipe outlet.
 - (b) an approved rectangular kerb adaptor shall be installed with the base matching the invert level of the gutter.
 - (c) The kerb shall be reinstated to its original profile using a cement mortar containing an epoxy additive for adherence to the existing kerb.
73. Existing hydrological regimes shall be maintained so as not to negatively impact vegetation to be retained on site and downslope/downstream of the site.
74. 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

75. 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.

76. 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.

Waste Management Plan

77. The Waste Management Plan submitted to and approved by Council must be adhered to at all times throughout all stages of the development. Supporting documentation (receipts/dockets) of waste/recycling/disposal methods carried out, is to be kept and must be produced upon the request of Council or any other authorised officer.

Note: Any non-compliance with this requirement will result in penalties being issued.

Vegetation

78. No trees are to be removed without the prior approval of Council.
79. 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.

Landscaping Works

80. Premium quality organic garden soil shall be incorporated into all planting areas in sufficient quantity to achieve optimum plant growing conditions.
81. All garden/planting areas shall be mulched to a depth of not less than 75mm using weed free leaf mulch, wood chip or similar, not pine bark.
82. Edging shall be installed to separate all mass planted areas from turf areas. Edging shall consist of brick on a concrete/mortar bed or sawn treated timber to finish level with adjacent turf areas.

83. Street Trees and Footpath Paving within the Liverpool CBD shall be installed in accordance with the requirements outlined in the Liverpool Street Tree & Landscaping Strategy and The Liverpool CBD Paving Guidelines. These booklets can be purchased from the Council Administration Building at Level 2, 33 Moore Street, Liverpool.

External

84. Switchboards for utilities shall not be attached to the street and/or road elevations of the development.
85. Any external lighting is to incorporate full cut-off shielding and is to be mounted so as to not cause any glare or spill over light nuisance within the development, neighbouring properties or road users.
86. The reflectivity index of glass used in the external facade of the building is not to exceed 20%.

Graffiti

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

Contamination

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

Site Remediation Works

89. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately after discovery. A Section 96 Application under the EP&A Act shall be made for any proposed works outside the scope of the approved development consent.

Air Quality

90. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.
91. 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.
92. 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.

Erosion Control

93. 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.
94. Sediment and erosion control measures are to be adequately maintained during the works until the establishment of grass.
95. 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

96. 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.

Pollution Control

97. 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.
98. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.

Street Trees

99. Street Trees and Footpath Paving within the Liverpool CBD shall be installed in accordance with the requirements outlined in the Liverpool Street Tree & Landscaping Strategy and The Liverpool CBD Paving Guidelines. These booklets can be purchased from the Council Administration Building at 1 Hoxton Park Road Liverpool.

Car Parking Areas

100. 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.

101. 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

102. 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.
103. 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.
104. 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 to prior to implementation. This includes temporary closures for delivery of materials, concrete pours etc.
105. 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.

F. 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

106. 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.

107. 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.
108. 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.
109. 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.
110. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the PCA.
111. Any rectification works required by council regarding the condition of Council infrastructure shall be undertaken, at full cost to the developer.
112. 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.
113. A maintenance bond in the form of a bank guarantee or cash bond (\$TBA), shall be lodged with Council. The bond shall cover maintenance and any damage to roads, drainage lines, public reserves or other council property or works required as a result of work not in accordance with Council's standards, and /or development consent conditions. The bond will be held by Council for a minimum period of 6 months from the date of Council's acceptance of final works.
116. Work As executed plan must be submitted for the completed works within the footpath reserve, prior to the issue of an Occupation Certificate.

Landscaping

118. Upon completion of the approved landscape works associated with the development and prior to the issue of any OC, an Implementation Report is to be submitted to the PCA attesting to the satisfactory completion of the landscape works in accordance with the approved landscape plan. The report is to be prepared by a suitably qualified person.

Display of Street Numbers

119. 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.

Road Works

120. Suitable concrete vehicular footpath crossings must be provided at the entrance to and exit from the property. These crossings must be constructed in accordance with Council's standard requirements for commercial crossings. 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.
121. All redundant vehicular crossings shall be removed and replaced with Council's standard kerb and gutter at no cost to Council. The removal and replacement of a driveway with standard integral kerb and gutter shall be the subject of a driveway application to Council and works supervised by that driveway inspection process.

Design Verification Statement

122. In accordance with the Environmental Planning and Assessment Regulation 2000 and State Environmental Planning Policy (SEPP) 65 "Design Quality of Residential Flat Development", the subject development must be undertaken or directed by a 'qualified designer' (i.e., a registered architect under the Architects Act). In this regard, a design verification statement shall be submitted to the PCA assessing the development, upon completion of all works subject of this consent and its accompanying CC. The PCA shall ensure that the statement prepared by the qualified designer provides the following:
- (a) A valid and current chartered architect's certificate number (as issued by the Board of Architects of NSW);
 - (b) That the completed development achieves the design quality of the development as shown in the plans and specifications submitted and approved with the CC, having regard to the design principles set out in Part 2 of SEPP 65.

Lot Registration/Dedication

123. All separate lots must be consolidated. The OC cannot be issued until the plan of consolidation has been registered as a deposited plan by the LPI Service.

Certificates

124. 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

125. 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 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.

Garbage Services

126. The owner/developer of the site is to contact Liverpool City Council – Sustainable Environment section to determine the required number of waste/garbage bins for the residential component of the development as well as serving requirements. These waste/garbage bins are to be kept at all times within the residential waste/garbage compartment rooms except before and after collection days. Waste/garbage bins are to be returned to the compartment room as soon as practical after waste has been collected.

Recommendations of Acoustic Report

127. A Compliance Certificate or other documentation deemed suitable to the PCA is to be submitted to the PCA, detailing compliance with the following:
- (a) Certification is to be obtained from a qualified acoustic consultant certifying that the building has been constructed to meet the noise criteria in accordance with the approved acoustic report and that all recommendations have been adopted.

G. CONDITIONS RELATING TO USE

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

Separate Application for Use

128. Each separate retail/commercial occupancy shall be subject to submission (and approval by Council), of a separate Development Application for its use. Maximum floor area restrictions apply to some uses as follows:
- (a) **Neighbourhood Shops** –resulting in a maximum overall floor area of 100 square metres for the entire development
 - (b) **Kiosk** –resulting in a maximum overall floor area of 30 square metres for the entire development
 - (c) **Health Services Facility** – as per the provisions of State Environmental Planning Policy (Infrastructure) 2007.

Car Parking/Loading

129. A total of 226 off street parking spaces must be provided in accordance with Council's requirements. The parking spaces shall be allocated as follows:
- 5 spaces relating to the commercial component; marked for visitor parking outside work hours;
 - 64 spaces relating to the 1 bedroom units;
 - 98 spaces relating to the 2 bedroom units;
 - 39 spaces relating to the 3 bedroom units; and
 - 10 for marked for motorcycle parking
130. All loading and unloading must take place from the designated loading dock. This area is to be clearly marked/signposted for use by delivery vehicles only.
131. All parking areas shown on the approved plans must be used solely for this purpose.
132. 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.

Graffiti

133. Any graffiti carried out on the property shall be removed, within 48 hours, at full cost to the owner/occupier of the site.

Alarms

134. The intruder alarm/s associated with the development shall only be permitted to operate in accordance with the requirements of Clause 53 of the Protection of the Environment Operations (Noise Control) Regulation 2000 under the POEO Act.

Landscaping

135. 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.

Waste Management

136. Both recycling and waste bins shall be serviced three times a week. It will be the responsibility of the caretaker to present bins to the kerbside for collection the night before and return bins to within the property boundary within 5 hours of collection.

50% of bins are to be presented to Browne St and 50% to Bigge St to decrease negative visual amenity of excess bins on streets.

Note: Bins will be collected prior to 7am as the building is within the CBD.

Contact details of the care taker should be provided to Council's waste section as, Council would like to maintain a relationship with the caretaker to provide educational material to reduce contamination of bins and to organise large collections of bulky waste.

Landscaping

137. 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.

Noise

138. 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.

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 12 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 12 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 five (5) years of the date of this notice.
- d) In accordance with Section 98 of the Environmental Planning and Assessment Act 1979, an objector who is dissatisfied with the determination of a consent authority to grant consent to a development application for designated development (including designated development that is integrated development), may, within 28 days after the date on which the application is taken to have been determined, appeal to the Land and Environment Court.
- e) The Planning Assessment Commission has not conducted a review of the application.
- f) These conditions are imposed to control development, having regard to 79C of the Environmental Planning and Assessment Act 1979.
- g) 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.
- h) The requirements of all authorities including the Environmental Protection Authority and the Work Cover Authority shall be met in regards to the operation of the building.
- i) "DIAL BEFORE YOU DIG" DIAL 1100
Before any excavation work starts, contractors and others should phone "Dial Before You Dig" service to access plans/information for underground pipes and cables.
www.dialbeforeyoudig.com.au
- j) Letter boxes must be provided in accordance with the requirements of Australia Post. In this regard, the developer is required to obtain approval from Australia Post for address numbering, and letter box positioning and dimensions.
- k) The Liverpool City Council Local Government area soils and ground water may be subject to varying levels of Salinity. Whilst Council may require applicants to obtain Salinity reports relating to some developments, no assessment may be made by Council in that regard. Soil and ground water salinity levels can change over time due to varying factors. It is recommended that all applicants make their own independent inquiries as to appropriate protection against the current and future potential affect of Salinity to ensure the ongoing structural integrity of any work undertaken. Liverpool City Council will not accept any liability for damage occurring to any construction of any type affected by soil and or ground water Salinity.

- l) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.
- m) Care shall be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or the applicant's agents may be liable to pay compensation to any adjoining owner if, due to construction works, damage is caused to such an adjoining property.

ATTACHMENT (A) – Section 94 Contribution Form

CONTRIBUTIONS PURSUANT TO SECTION 94 OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

Liverpool Contribution Plan 2007 (Liverpool City Centre)

Note to the applicant: When remitting payment as specified in the Conditions of Consent to the approval, this Form must be submitted with your payment.

These figures have been calculated to the CPI December Quarter 2011 and will be adjusted at the time of payment in accordance with the conditions of consent.

APPLICATION NO.: DA-946/2011
APPLICANT: B.DE C.ENVIRONMENTAL PTY LTD
PROPERTY: 2 Browne Parade, 1-3 Bigge St and 26-32 Hume Highway, Warwick Farm NSW 2170
PROPOSAL: Construction of a mixed commercial/residential development comprising two residential tower buildings containing 188 residential apartments, seven ground floor tenancies, basement car parking and associated landscaping and service facilities

<u>Facilities</u>	<u>Amount (\$)</u>	<u>Job No.</u>
Central Library Extensions	\$14,651	GL.10000001870.10112
Whitlam Centre Extensions	\$10,821	GL.10000001869.10110
District Community Facility upgrade (Central area)	\$13,968	GL.10000001870.10099
Woodward and Collimore Parks	\$65,733	GL.10000001869.10093
Georges River Foreshore	\$460,129	GL.10000001869.10105
Bigge Park	\$98,599	GL.10000001869.10105
Pioneer Park	\$98,599	GL.10000001869.10105
Access – car parks, bridge link, bus priority	\$0	GL.10000001868.10108
<u>TOTAL</u>	<u>\$762,500</u>	

----- OFFICE USE ONLY -----

RECORD OF PAYMENT

Total Amount paid: _____

Date: _____

Receipt No.: _____ **Cashier:** _____