

4 August 2015

Nabila Samadie  
A/Team Leader - Residential  
Liverpool City Council

By email: N.Samadie@liverpool.nsw.gov.au

Dear Nabila,

**Re: Letter of response to the Request for Information issued by Liverpool City Council In relation to DA-1010/2014**

This letter of response refers to the Requests for Information and modification issued by Liverpool City Council at the meeting with the applicant on Monday 13 July 2015, in relation to DA-1010/2014 and subsequent written requests on the 13<sup>th</sup> and 14<sup>th</sup> July 2015. This response should be read in conjunction with the previous information supplied to Council by Architectus on 9 April 2015 and Mecone on 28 May 2015 and 10 July 2015.

This response addresses the following issues raised by Council:

1. Modifications requested by Council to the building alignment and connection to the River at its meeting with the applicant on 13 July 2015;
2. Comments from Council's Heritage Advisor dated 16 July 2015;
3. Further modifications requested by Council particularly in relation to SEPP 65 and the Foreshore Building Line in its further correspondence dated 13 July 2015; and
4. A request to respond to NSW Fisheries further queries dated 14 July 2015.
5. A request to respond to NSW DPI (Water) further queries dated 24 July 2015.

This response provides an outline of the proposed changes to the scheme to address Council's feedback. Where changes are not proposed, they are further justified against the relevant local and state planning controls.

The response is also supported by updated documentation and expert consultant reports, including:

- Amended architectural drawings prepared by Woods Bagot (**Appendix 1**);
- Amended landscape plans and updated deep soil and communal open space percentage calculations prepared by Aspect (**Appendix 2**);
- Supporting documentation prepared by ACS Environmental to address NSW Fisheries and DPI (Water) queries with respect to the Riparian Corridor, the Foreshore Building Line and Fisheries Management (**Appendix 3**);
- A Clause 4.6 Variation to address the increase in FSR from 2.5:1 to 2.56:1 as a result of changes requested by Council to the building layout and an amended Clause 4.6 Variation to address the height non-compliance in light of the future masterplanning exercise for the precinct (**Appendix 4**);

- Amended architectural drawings of the Heritage Mill Building including an indicative floor plan showing the potential for adaptive reuse and update southern façade elevation by TKD Architects **(Appendix 5)**;
- An amended BASIX Report and Certificate for the development prepared by Wood & Grieve Engineers **(Appendix 6)**;
- A response has been prepared by Kerime Danis of City Plan in response to Council's heritage comments dated 16 July 2015 **(Appendix 7)**; and
- An amended Schedule of Conservation Works for the Heritage Mill Building has been prepared by City Plan **(Appendix 8)**.

## **1. Modifications requested by Council to the building alignment and connection to the River at its meeting with the applicant on 13 July 2015.**

At the meeting between Council officers and the applicant on 13 July 2015, a number of modifications to the scheme were agreed to provide an improved relationship and access to the riverfront through the site and to improve the design of the tower elements. In response to that meeting (and subsequent correspondence from Council), the following amendments have been made to the scheme (as provided in the drawings in Appendix 1):

- The edge of Building B has been treated to align with the Building A edge to provide a clear view corridor to the water (refer to drawings A2012, A2013 and A2104 prepared by Woods Bagot);
- The tower form on Building A has been 'pulled in';
- GF thru Level 02: Updates to Building B north façade;
- Level 09: The glazing line of Building A has been amended to be consistent with the levels above and below;
- Level 09: Sheet A2110 named as typical for Level 10;
- Levels 11-15: Studio and 1B apartments added to north east corner of Tower A; windows of east facade adjusted in elevation to suit;
- A2111: Renamed as Levels 11-15;
- A2112: Not relevant, sheet omitted;
- Apartment numbers shown in plans; and
- GFA increased in order to provide improved relationship of Building B to connection through site to Georges River.

The modifications result in a slight increase in FSR above the 2.5:1 control to 2.56:1. Accordingly, a request to vary the FSR development standard under Clause 4.6 of the LEP has been prepared in Appendix 4.

## **2. Comments from Council's Heritage Advisor dated 16 July 2015;**

In response to the comments from Council's Heritage Advisor dated 16 July 2015, Kerime Danis of City Plan has prepared a detailed response, which is included as Appendix 7 to this report. This response is also accompanied by an amended schedule of conservation works provided in Appendix 8. Appendix 5 provides amended architectural drawings of the Heritage Mill Building including an indicative floor plan showing the potential for adaptive reuse and update southern façade elevation by TKD Architects

### 3. Further modifications requested by Council particularly in relation to SEPP 65 in its further correspondence dated 13 July 2015.

An outline of the feedback provided by Council and the applicant's response is provided in Tables 1 and 2 below.

Table 1. Response to feedback from Council dated 13 July 2015

Feedback	Response
<p><b>a) Building separation</b></p> <p><i>The amended building separation between the proposed buildings is still inconsistent with the building separation requirements of the RFDC. The building separation currently proposed does not meet the objectives of the control and would result in potential for adverse overlooking impacts into adjoining units.</i></p> <p><i>The building separation is not envisaged to provide adequate level of privacy to the within proposed development, due to close proximity of balconies off living areas and balconies over Block A overlooking the private open space areas of Block B.</i></p> <p><i>The building separation also reduces the connection of the Georges River from the Public domain. As such, compliance with this control shall be achieved to improve the connection between the Georges River and the Public domain. (refer to Jan's comments provided to you previously).</i></p>	<p>In response to Council's advice and meeting on 13<sup>th</sup> July 2015, the designed has been modified for the first four floors, resulting in the average distance between Buildings A and B being 15m, which exceeds the 12m required separation. The shortest distance is 9.655m and the greatest distance is 19.725m.</p> <p>Above five storeys, tower form of Building A has been 'pulled in' to improve the tower design and provide improved privacy for future occupants. As a result, the average distance between Buildings A and B above 5 storeys is 16.95m. The shortest distance is 9m and the greatest distance is 22.4m. Although these distances are slightly less than the recommended 18m building separation, the design ensures that views into Building B are controlled through the use of solid full height walls on the balconies of Building B.</p> <p>The design, as modified, meets the objectives of the Building Separation 'Rules of Thumb' as:</p> <ul style="list-style-type: none"> <li>• The development has been scaled to support the desired future character of the area with appropriate massing and spaces between buildings;</li> <li>• The development ensures appropriate visual and acoustic privacy through building separation and design techniques such as screening and location of balconies and living areas;</li> <li>• The development minimizes overshadowing to adjacent properties and private and communal open space;</li> <li>• The development achieves an excellent amount of open space, particularly adjacent the River and Heritage Building, which is of an appropriate size and proportion for recreational activities; and</li> <li>• The development provides deep soil zones for stormwater management and tree planting.</li> </ul>

Table 1. Response to feedback from Council dated 13 July 2015

Feedback	Response
<p><b>b) Building depth</b></p> <p><i>Generally, building depth should be between 10-18 metres to ensure the objectives of the building depth control are achieved. However, the proposed development still fails to comply with the building depth requirement. Please note, the proposed terraces and balconies are not calculated as part of the building depth control.</i></p> <p><i>The proposed building depths do not demonstrate compliance with the objectives of the building depth control, the amended plans also do not adequately address this issue.</i></p>	<p>The building depths only exceed the 'Rules of Thumb' by a small proportion, with building depths ranging from:</p> <ul style="list-style-type: none"> <li>• 18.45m to 19.97m for the Building A Podium;</li> <li>• 18.73m for the Building A tower; and</li> <li>• 19.4m for Building B.</li> </ul> <p>Although the depths slightly exceed the 'Rules of Thumb', the units all comply with the recommendations for apartment layout and configuration, including:</p> <ul style="list-style-type: none"> <li>• all bedrooms are a minimum width of 3m;</li> <li>• the greatest depth of windows to the back of kitchens is 8m; and</li> <li>• only bathrooms and studies are located furthest from windows.</li> </ul> <p>The proposed development meets the Objectives of the Building Depth provisions as:</p> <ul style="list-style-type: none"> <li>• The bulk of the development has been amended to present a more slender form that is in scale with the desired future character of the area. This includes recent changes to the tower form of Building A;</li> <li>• The layout of apartments ensures adequate amenity to future occupants including through access to daylight and natural ventilation; and</li> <li>• The design provides for dual aspect apartments in a number of locations.</li> </ul>
<p><b>c) Open space (communal open space)</b></p> <p><i>It is required that 25% - 30% of site area shall be provided as to communal open space. As proposed, the amended total communal open space is 1848m<sup>2</sup> or 18.7%, which still fails with this requirement. As such, the communal open space area is required to be amended to comply.</i></p>	<p>An amended landscape package has been prepared and is within Appendix 2. The amended landscape package demonstrates that 24.5% of the site is communal open space in the form of both ground-floor communal open space and roof terraces. The package also shows that the site has 6% (570sqm) remaining as deep soil, with a further 13% (or 1162sqm) of the site has soil at a depth greater than 1m to permit mature planting and trees. These outcomes provide substantial increases to both landscaping and communal open space when the former industrial land use is considered.</p>

Table 1. Response to feedback from Council dated 13 July 2015

Feedback	Response
<p><b>d) Orientation</b></p> <p><i>The proposed 16 storey RFB will still overshadow the proposed 6 storey RFB on the subject site. Also the single aspect (south facing) apartments shall be no more than 10% of the development</i></p>	<p>Addendums 10-13 and 36 submitted to Council on 9 April 2015 show the overshadowing of the proposed development throughout the year as well as solar access of the apartments. In the design, as amended, only 9 dwellings in Building B are affected by overshadowing from Building A.</p> <p>It should be noted that an alternate scheme was originally developed with Building A without a tower and set at a lower building height of 11 storeys that still achieved the 2.5:1 FSR. The consolidated building form resulted in increased overshadowing to Building B from Building A, between 11am and 1pm.</p> <p>The development proposes 49 (of 250) south-facing, single-aspect apartments, which equates to 20%. Although this exceeds the RFDC 'Rule of Thumb', the variation is considered acceptable as these apartments will achieve high quality amenity as they are oriented to face the Georges River. They will achieve exceptional daylight, outlook and views as a result of facing this key ecosystem. Importantly the orientation of these dwellings ensures they meet the Objectives for Daylight under the RFDC by ensuring adequate daylight access and providing ambient lighting to minimise need for artificial lighting during daylight hours.</p>
<p><b>e) Solar access</b></p> <p><i>The living rooms and private open spaces for at least 70% of apartments should receive a minimum of two hours direct sunlight between 9am and 3pm in mid-winter. The proposed development achieves 58% of solar access to the proposed apartments. This has not been clearly demonstrated through a larger scale shadow diagram to enable whether the balconies allow sunlight into the units.</i></p>	<p>The amended design ensures that 60% of units receive the required 2 hours solar access under the updated Apartment Design Guide. This is shown in drawing A2612 Revision E prepared by Woods Bagot.</p> <p>Addendum 36, which was submitted to Council on 9 April 2015 also provides for three-dimensional views of all apartments receiving solar access. The Addendum shows the views into apartments through balconies and has been designed in grey scale with 'light grey' indicating the unit is achieving solar access and 'dark grey' indicating it is shaded. For total clarity, small areas receiving sunlight in units that are otherwise shaded at a particular point in time are also highlighted in red.</p>

Table 1. Response to feedback from Council dated 13 July 2015

Feedback	Response
<p><b>2. a) Foreshore building line – LLEP 2008</b></p> <p><i>The objective of Clause 7.9 is to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area. Part of the proposed building B, encroaches within the foreshore building line. It is suggested to realign building B to be clear of the building foreshore line, which will also assist in a better building alignment with the Heritage building.</i></p> <p><i>Should any encroachments occur within the foreshore building line, then a clause 4.6 variation is required to be submitted for this non-compliance, however, compliance with this control is recommended.</i></p>	<p>Clause 7.9(3) outlines the requirements that a development must satisfy with respect to the foreshore building line in order for the consent authority to grant consent for the purposes of a building on land in the foreshore area.</p> <p>The development has been sensitively designed to minimise any encroachment of the built form into the Foreshore Building Line. As shown in drawing A2102 Revision N, the final scheme results in only a portion of Building B protruding into the Foreshore Building Line. This enables a generous rear site setback of at least 6m, which complies with Council's control.</p> <p>Clause 7.9 of the LEP permits the consent authority to allow a building on land in the foreshore area if:</p> <ul style="list-style-type: none"> <li>• The levels, depth or other exceptional features of the site make it appropriate to do so;</li> <li>• It will contribute to achieving the objectives for development in the zone in which it is to be carried out;</li> <li>• will be compatible in its appearance with the surrounding area, as viewed from both the waterway concerned and the adjacent foreshore areas, and</li> <li>• will not cause environmental harm, such as: <ul style="list-style-type: none"> <li>○ pollution or siltation of the waterway, or</li> <li>○ an adverse effect on surrounding uses, marine habitat, wetland areas, flora or fauna habitats, or</li> <li>○ an adverse effect on drainage patterns, and</li> </ul> </li> <li>• will not cause congestion of, or generate conflicts between, people using open space areas or the waterway, and</li> <li>• will not compromise opportunities for the provision of continuous public access along the foreshore and to the waterway, and</li> <li>• will maintain any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land.</li> </ul>

Table 1. Response to feedback from Council dated 13 July 2015

Feedback	Response
<p><b>2. a) Foreshore building line – LLEP 2008 (cont)</b></p>	<p>As the standard does not have a numeric value allocated to it to vary, a request under Clause 4.6 of the LEP is not required. Rather, the proposal must demonstrate that it meets of requirements above for the consent authority grant consent in accordance with Clause 7.9(3). The proposed development meets the objective and requirements of Clause 7.9 for the reasons outlined in Table 2 below, and therefore the consent authority can grant consent to the proposal when considered against this Clause.</p>
<p><b>3. Development Details</b></p> <p><b>a) Unit and Building numbers</b></p> <p><i>The amended plans submitted do not indicate the proposed unit numbers, nor do they clearly identify the building references.</i></p> <p><b>b) Future proposal of the heritage building (Paper Mill)</b></p> <p><i>An indicative layout of the future building of the Paper Mill shall be provided to demonstrate how the building will be utilised in the future.</i></p>	<p>The revised plans now show all the unit numbers (refer Appendix 1).</p> <p>The amended TKD drawings provide an indicative layout of the future Heritage Mill building demonstrating how the building will be utilized (refer Appendix 5).</p>



Table 2. Compliance with Clause 7.9 of LLEP2008 – Foreshore Building Line

Control	Assessment
The levels, depth or other exceptional features of the site make it appropriate to do so.	<p>The site is adjacent to the Georges River along its eastern edge. The Georges River bank creates a steep slope from the subject site. As discussed below and in the Report prepared by ACS Environmental (Appendix 3), significant measures have been taken to protect the Riparian Corridor adjacent the river in accordance with Office of Water Requirements.</p> <p>The development has been set significantly off the rear boundary by a minimum of 6m, which meets Council's requirements (an exceeds for Building A). This results in a slight encroachment of the Building B into the Foreshore Building Line in addition to some of the below ground basement.</p> <p>The site is heavily constrained due to the significant Heritage Mill Building and other site coverage requirements. To implement the Foreshore Building Line control in full would be more excessive than the Riparian Corridor controls, which it is based on, and would effectively render the site undevelopable.</p>
It will contribute to achieving the objectives for development in the zone in which it is to be carried out;	<p>Redevelopment of the site for residential dwellings and local retail uses contributes to achieving the zone objectives for the R4 zone and implementing Council's vision for the Liverpool City Centre. The development will provide high quality residential development and contribute towards Liverpool Council's housing targets. The development will also provide local business services and employment opportunities through the adaptive reuse of the Heritage Mill Building.</p>
It will be compatible in its appearance with the surrounding area, as viewed from both the waterway concerned and the adjacent foreshore areas, and	<p>The subject area is undergoing transition from low-density industrial to high-density residential. Although not strictly compatible with the existing surrounding area, it will be compatible in appearance with the surrounding area once developed, including the proposed development at 28 Shepherd Street, which is currently being assessed. Importantly, the proposed development is compatible with the current zoning, which is for high-density residential.</p>

Table 2. Compliance with Clause 7.9 of LLEP2008 – Foreshore Building Line

Control	Assessment
It will not cause environmental harm, such as pollution or siltation of the waterway, or an adverse effect on surrounding uses, marine habitat, wetland areas, flora or fauna habitats, or an adverse effect on drainage patterns, and	<p>The development has been sensitively designed and is accompanied by a number of specialist environmental reports including stormwater management, flora and fauna and Riparian corridors to ensure it will not cause environmental harm. This is discussed in further detail in the ACS Environmental Report in Appendix 3.</p> <p>As discussed in the ACS Report, the vegetation comprising the current foreshore is comprised of mainly noxious and environmentally invasive weeds and vines. The redevelopment of the site will allow the riparian component of the riverbank to undergo best-practice bush regeneration and rehabilitation, which will improve the health of the ecosystem and surrounding vegetated areas. This will improve the environmental outcomes of the existing area.</p>
It will not cause congestion of, or generate conflicts between, people using open space areas or the waterway, and	The subject site is separated from the waterway by a steep bank. The development will not cause congestion or generate conflicts between people using open space areas or the waterway.
It will not compromise opportunities for the provision of continuous public access along the foreshore and to the waterway, and	The development improves opportunities for public access along the foreshore and to the waterway by providing a public pedestrian access to the foreshore.
It will maintain any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land.	The proposal has been assessed both in terms of European and aboriginal heritage and is found to be acceptable. This has been discussed in detail in previous (and amended) Heritage Reports submitted to Council in support of the application.

#### 4. **A request to respond to NSW Fisheries further queries dated 14 July 2015.**

Table 3 below provides an overview of the applicant's response to NSW Fisheries request for additional information.

Table 3. Response to feedback from NSW Fisheries dated 14 July 2015

Feedback	Response
<i>1) Information on the width of the riparian zone (in metres), from the toe of the riverbank to the building line has not been provided in the original development application or additional requested information. It is therefore difficult for Fisheries NSW to assess how this proposal complies with the Department's foreshore buffer zone guidelines.</i>	Refer to the ACS Environmental Report prepared in Appendix 3, which provides information on the width of the riparian zone.
<i>2) The ground floor plan for The Paper Mills Proposal (Drawing No. A2101 Revision M) depicts a 'Foreshore Line'. The width of this line from the river has not been shown on this plan. It is noted that one of the proposed apartment buildings encroaches into this foreshore line. No reasoning for such encroachment has been provided with this application. Considering that the Georges River is a main river that can meander and be susceptible to erosion over time, the proximity of this building to the river appears to be 'close'.</i>	<p>Drawing A2102 Revision P has been updated in the Woods Bagot package in Appendix 1 to show the width of this line.</p> <p>The Riparian Report prepared by ACS shows the distance of the Riparian Corridor and Foreshore Building Line as 30m from the top of the regular river embankment (See Appendix 3).</p> <p>A detailed justification for the encroachment into the Foreshore Building Line against the objectives and requirements of Clause 7.9 of the LLEP2008 is provided earlier in this response. It is also noted that compliant with Clause 7.9 of the LLEP2008 is a matter for Council as the consent authority.</p>

Table 3. Response to feedback from NSW Fisheries dated 14 July 2015

Feedback	Response
<p>3) <i>The Georges River is important Class 1 key fish habitat within South West Sydney. Usually for Class 1 waterways (such as the Georges River) Fisheries NSW recommends a 100m wide riparian buffer zone. However, in urban areas this recommendation is generally reduced to 40m. Riparian zones can function as important filter strips that contribute to the ecological functioning of the aquatic environment and offer some protection from bank erosion. From the information submitted with this application, it is not known if this proposal satisfies this buffer zone width guideline. The concern is that along with the construction of terraces, retaining walls, and pathways within the seemingly narrow riparian zone adjacent to the apartment block the potential ecological function of the riparian zone in this area will be reduced.</i></p>	<p>Refer to the ACS Environmental Report prepared in Appendix 3, which provides a detailed assessment of the proposal against the Office of Water Requirements for Riparian Zones.</p>
<p>4) <i>It is recommended that any public pathway constructed alongside this proposal is constructed outside the banks of the river. This will reduce any erosion associated with piered structures during times of flood. Although the foreshore zone works are not considered as part of this development application, it is recommended that this development application is not considered in isolation of the foreshore works. Especially considering the width of the riparian zone adjacent to this site, the intended future public access along the foreshore zone and associated impacts of associated infrastructure on the riparian zone and natural foreshore processes.</i></p>	<p>The originally proposed public boardwalk has been removed from the development application. Feedback from NSW Fisheries with respect to any future boardwalk will be considered as part of a future Planning Proposal for the larger precinct.</p>

Table 3. Response to feedback from NSW Fisheries dated 14 July 2015

Feedback	Response
5) Fisheries NSW questions whether this proposal, and the impact of adjoining foreshore works within a narrow riparian buffer zone, satisfies the Foreshore Building Line provisions within the Liverpool LEP 2008.	A detailed justification for the encroachment into the Foreshore Building Line against the objectives and requirements of Clause 7.9 of the LLEP2008 is provided earlier in this response Table 3). It is also noted that compliance with Clause 7.9 of the LLEP2008 is a matter for Council as the consent authority.
6) Best practice erosion and sediment control measures are recommended during any future demolition and construction works at this site.	This can be accommodated. A concept Erosion and sediment control plan has been prepared by Northrop Engineers as part of this DA submission and will be implemented as part of the demolition and construction stages of the development.
Council should note that future planning of works along the foreshore zone of the Georges River should be referred to Fisheries for comment and assessment of potential impact to the aquatic environment prior to finalisation. Such works may trigger the need for formal notification or a permit under the Fisheries Management Act. It is important that where there is potential, adequate buffer zone widths are established along the Georges River. Also to protect against riverbank erosion and provide overhanging shady habitat for fish, it is important that deep rooted trees and plants are planted in the riparian and riverbank zone.	<p>Noted.</p> <p>It should also be noted that the subject development application is not Integrated Development under Sections 144, 201, 205 or 219 of the Fisheries Management Act 1994 as the development does not:</p> <ul style="list-style-type: none"> <li>• Require an aquaculture permit;</li> <li>• Propose dredging or reclamation work;</li> <li>• Propose modifications to marine vegetation; or</li> <li>• Propose to block the passage of fish.</li> </ul> <p>Accordingly, Terms of Approval are not required from NSW Fisheries for the development to proceed. However, in order to ensure the development is consistent with Parts 7 and 7A of the Fisheries Management Act 1994, ACS Environmental have provided an assessment of the proposal in their Report, which is provided in Appendix 3.</p>

## 5. A request to respond to NSW DPI (Water) further queries dated 24 July 2015.

Table 4 below provides a response to NSW DPI (Water) further request for information dated 24 July 2015.

Table 4. Response to feedback from NSW DPI (Water) dated 24 July 2015

Feedback	Response
1. <i>The proposal refers to a contaminated land treatment. The DPI water (formally known Office of Water) would like to be advised on the type of treatment of the waterfront land (if applicable) and whether it will have impact on any future implementation of the riparian vegetation.</i>	As per the previous Request for Information (RFI) dated 28 May 2015 and associated drawings, all waterfront land outside the subject site and development on 2-5 Atkinson Street have been removed from the development application.
2. <i>Council to supply the DPI Water with a copy of any public submission to the proposed development application DA 2014/1126 or any related DAs for the proposed site (sec 69 of the EPA Regulation 2000).</i>	To be provided by Liverpool Council
3. <i>Details of any vegetation removal from the waterfront land and the proposed replacement. The applicant needs to address the treatment of the riparian corridor in line with the DPI guidelines and policy</i>	As discussed above, development activities relating to all waterfront land not within the subject site have been removed from the development proposal. Please refer to the report prepared by ACS Environmental (Appendix 3) and landscape diagrams submitted previously with the RFI dated 28 May 2015 with respect to the riparian corridor and landscaping on the subject site.
4. <i>If the proposed development may involves work on a neighbouring property, including Crown Land or Council Land, a written confirmation of Land Owner's Consent for the proposed controlled activity need to be submitted.</i>	As stated in the previous RFI dated 28 May 2015, the proposed development does not involve work on any neighbouring property.

Table 4. Response to feedback from NSW DPI (Water) dated 24 July 2015

Feedback	Response
5. <i>Details of potential works on waterfront land required by Council for matters such as drainage, roads, services, fill etc. need to be submitted.</i>	No works are proposed on waterfront land outside the subject site. A concept erosion and sediment control plan has been provided previously.
6. <i>A Cross sectional survey plan of the waterfront land showing the existing and the proposed work including any filling or excavation and the distance to the top of the highest bank. A Scale bar should be included.</i>  <i>This information was also required by the Department of Fisheries.</i>	No works are proposed on waterfront land outside the subject site. The distance of the development from the highest bank has been provided in drawing A2102 Revision P in the Woods Bagot package in Appendix 1 to show the width of this line.
7. <i>Details of any consultation or advice from other government agencies including other sections of the Department of Primary Industries or the Rural Fires Service etc pertaining to any controlled activity within the banks or bed of a watercourse or foreshore. This is also to give notice to address and request details of any matters the Minister of Primary Industries, under S199 of the FM Act, raised in relation to not supporting the proposed work or activity...The applicant is advised to seek concurrence of the Department of Fisheries for the proposal.</i>	<p>The details of consultation with any other agencies can be provided by Council officers.</p> <p>Section 199 of the FM Act 1994 is not relevant as the development proposal does not include any proposed dredging or reclamation work to be undertaken by a Public Authority.</p> <p>It should also be noted that the subject development application is not Integrated Development under Sections 144, 201, 205 or 219 of the Fisheries Management Act 1994 as the development does not:</p> <ul style="list-style-type: none"> <li>• Require an aquaculture permit;</li> <li>• Propose dredging or reclamation work;</li> <li>• Propose modifications to marine vegetation; or</li> <li>• Propose to block the passage of fish.</li> </ul> <p>Accordingly, Terms of Approval are not required from NSW Fisheries for the development to proceed. However, in order to ensure the development is consistent with Parts 7 and 7A of the Fisheries Management Act 1994, ACS Environmental have provided an assessment of the proposal in their Report, which is provided in Appendix 3.</p>

If you have any questions or would like to discuss the content of this letter further, please don't hesitate to contact me on 8667 8668 or [kbartlett@mecone.com.au](mailto:kbartlett@mecone.com.au)

Yours sincerely



Kate Bartlett  
**Senior Planner**



## Appendix 1 – Amended Architectural Drawings prepared by Woods Bagot

## Appendix 2 – Amended Ground Floor Landscape Plan prepared by Aspect Studios

## Appendix 3 – ACS Environmental Report regarding NSW Fisheries, Foreshore Building Line and Riparian Zone

## Appendix 4 – Request to Vary FSR Development Standard under Clause 4.6 of LLEP2008

## Appendix 5 – Indicative concept floor plan for the adaptive reuse of the Heritage Mill Building by TKD Architects

## Appendix 6 – Amended BASIX Report and Certificate prepared by Wood & Grieve Engineers

## Appendix 7 – Response to Comments by Council Heritage Officer prepared by City Plan Services

## Appendix 8 – Schedule of Amended Conservation Works