

LIVERPOOL CITY COUNCIL

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Page 1 of 80

JRPP No.	2015SYX107
DA No.	DA-1709/2012/A
Local Government Area	Liverpool City Council
Proposed Development	<p><u>Original Proposal:</u> Construction of a ten (10) storey hotel development and alterations to the existing hotel building. (Note: proposal is identified as Integrated Development pursuant to s.100b of the Rural Fires Act 1997 (Rural Fire Service).</p> <p>(Note: Liverpool City Council is the consent authority and the Sydney West Joint Regional Planning Panel has the function of the determining authority.)</p> <p><u>Modification Proposed:</u> Modification pursuant to Section 96(2) of Environmental Planning and Assessment Act 1979. The proposed amendments include:</p> <ol style="list-style-type: none"> 1) Change of use to the space on the ground floor shown as newsagent, internet café and travel shop to office space. 2) Conversion of some plant room spaces on the second floor and roof level to additional usable floor areas. Additional floor space on the roof level is to be maisonette rooms, internally connected to the rooms below. 3) Modifications and reconfiguration of the ground floor, first floor, second floor and levels 3-5. 4) Adjustments to external detailing of building design. <p>(Note: Liverpool City Council is the consent authority and the Sydney West Joint Regional Planning Panel has the function of the determining authority).</p>
Property	424-458 HOXTON PARK ROAD, PRESTONS NSW 2170 LOT 1 DP 1077341
Applicant	WOOD AND DAY PARTNERSHIP P/L
Owner	LIVERPOOL CATHOLIC CLUB LTD
Number of Submissions	None
Regional Development Criteria (Schedule 4A of the Act)	The proposal is a Section 96 (2) modification to an approved regional development, the Joint Regional Planning Panel is therefore the determining authority.
All Relevant s79C(1)(a) Matters	<p><i>Relevant environmental planning instruments: s79C(1)(a)(i)</i></p> <ul style="list-style-type: none"> • State Environmental Planning Policy No.55 – Remediation of Land. • State Environmental Planning Policy (Infrastructure) 2007. • Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment.

LIVERPOOL CITY COUNCIL

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Page 2 of 80

	<ul style="list-style-type: none"> • Liverpool Local Environmental Plan 2008. <p><i>Proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: s79C(1)(a)(ii)</i></p> <ul style="list-style-type: none"> • Draft Liverpool Local Environmental Plan 2008 Amendment No. 52 <p><i>Relevant development control plan: s79C(1)(a)(iii)</i></p> <ul style="list-style-type: none"> • Liverpool Development Control Plan 2008. <ul style="list-style-type: none"> ○ Part 1 – General Controls for all Development. <p><i>Relevant planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F: s79C(1)(a)(iv)</i></p> <ul style="list-style-type: none"> • No planning agreement relates to the site or proposed development. <p><i>Coastal zone management plan: s79C(1)(a)(v)</i></p> <ul style="list-style-type: none"> • The subject site is not within any coastal zone management plan. <p><i>Relevant regulations: s79C(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288</i></p> <ul style="list-style-type: none"> • Consideration of the provisions of the Building Code of Australia.
Documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Site & Location Plan, prepared by Wood + Day • Ground Floor Plan, prepared by Wood + Day • First Floor Plan, prepared by Wood + Day • Second Floor Plan, prepared by Wood + Day • Third Floor Plan, prepared by Wood + Day • Tenth Floor Plan, prepared by Wood + Day • Upper Tenth/Serv. Plan, prepared by Wood + Day • Roof Plan, prepared by Wood + Day • Elevations 1, prepared by Wood + Day • Elevations 2, prepared by Wood + Day • Sections, prepared by Wood + Day • Staging Plan, prepared by Wood + Day • Building Height Letter, James Lovell and Associates • Letter of design amendments, prepared by Wood + Day • Letter describing the proposal, James Lovell and Associates
Recommendation	Approval (subject to conditions)
Report by	George Dojas
Report date	2 November 2015

1. EXECUTIVE SUMMARY

1.1 Reason for the Report

An application has been received to modify an approved development consent issued for the expansion of an existing hotel, known as the Mercure Liverpool, on the site owned and associated with the Liverpool Catholic Club.

The original development was approved by the Sydney West Joint Regional Planning Panel (JRPP) and as such, the proposed modifications are referred back to the JRPP for determination in accordance with the State Environmental Planning Policy (State and Regional Development) 2011.

1.2. The proposal

The application proposes modifications under Section 96(2) of the Environmental Planning and Assessment Act 1979 (EP&A Act). The proposed modifications include:

- A change of use of floor space at ground level from retail to office;
- Conversion of the roof top plant area and services floor (located on the second level) to useable floor space, resulting in an additional 591sqm of gross floor area;
- Adjustment to the internal layout and configuration of rooms, along with associated changes to the external detailing of the building.
- Northern guest rooms on floors 3 to 5 are to be modified to allow for integration with the Stage 2 works.

The proposed amendments relate to Stage 1 of the approved development being construction of the ten storey tower. The application does not include and/or authorise any changes to Stage 2, for construction of the five storey (north wing) extension. The proposal does not involve any changes to the maximum height, bulk or footprint of the approved development. The proposed modification does not change the number of approved 121 accommodation rooms.

1.3 The site

The subject site is identified as Lot 1 in DP 1077341 at 424-458 Hoxton Park Road, Prestons. The property is owned by the Liverpool Catholic Club and a full range of sport, recreation and entertainment facilities are currently available.

Current operations include a fully licensed recreational facility including gaming, food and entertainment, a sports centre, gymnasium, ice rink, outdoor sporting facilities and an existing six (6) storey hotel containing 104 guest rooms and a function/conference centre able to accommodate up to 1400 patrons.

The allotment is slightly irregular in shape and expansive in size, with a total area of around 17.05 hectares. It is situated at the intersection of Hoxton Park Road, Joadja Road and Jedda Road, with frontages of approximately 313m, 525m and 322m respectively. The site also has frontage to the western end of Dampier Place.

1.4 The issues

The key issue in relation to the proposed modifications is height as a substantial variation to the building height standard was previously approved by the Joint Regional Planning Panel. This is

addressed within the assessment component of the report.

1.5 Exhibition

The application was advertised between 1 July 2015 and 16 July 2015, in accordance with the Environmental Planning and Assessment Regulation 2000 and the Liverpool Development Control Plan 2008. No submissions were received in relation to the proposed modifications.

1.6 Conclusion

The proposed amendments are considered to be generally acceptable and the development is substantially the same as approved and therefore meets the relevant tests under Section 96(2) of the Environmental Planning and Assessment Act 1979.

1.7 Joint Regional Planning Panel

A briefing note was considered by the JRPP on 2 July 2015, outlining the proposed amendments. The feedback provided by the Panel was generally that the development appeared to be substantially the same with no significant changes to the appearance, scale and general arrangement of the building. It was suggested that the application be referred back for determination by way of an electronic meeting, provided no submissions are received and/or no significant issues are raised.

The JRPP suggested that the Assessment Officer discuss changes with Council's City Architect to determine whether or not the application needs to be referred back to the Design Excellence Panel (DEP). Considerations in this regard relate to the design excellence of the building and whether or not the changes will result in a less desirable design outcome. This is considered to be particularly important given that it is a prominent building and as such, needs to be well presented.

Accordingly, a meeting with the City Architect was organised to discuss the design changes and, no objections to the proposed changes were raised. Further, it was agreed that due to the minor nature of the changes, a referral back to the DEP is not warranted.

2. APPLICATION OVERVIEW

2.1 The Proposal

The proposed modifications involve:

- A change of use of floor space at ground level from retail to office;
- Conversion of the roof top plant area and services floor (located on the second level) to useable floor space, to be used as hotel rooms, and meeting rooms;
- Adjustment to the internal layout and configuration of rooms, along with associated changes to the external detailing of the building.
- Northern guest rooms on floors 3 to 5 are to be modified to allow for integration with the Stage 2 works.
- The proposed modification does not change the number of approved 121 accommodation rooms.

The design changes relate to Stage 1 of the approved development which involves construction of the ground floor, first floor and guest room block incorporating floors 3 to 10. The application

does not propose any changes to Stage 2 of the development which involves construction of the north wing extension.

The proposed modifications do not involve any changes to the maximum building height, bulk or footprint of the approved development. The following information was submitted on 11 September 2015 to accompany the application and outlines the changes in detail:

- Submission prepared by James Lovell and Associates Town Planners and Development Consultants, dated 9 September 2015;
- Submission prepared by Wood and Day Partnership Architects and Interior Designers, dated 8 September 2015.

2.2 The Site

The subject site is located on the southern side of Hoxton Park Road, Prestons and is irregular in shape with a total site area of approximately 17.05 hectares. Vehicular access to the development is available from Joadja Road, directly south of the recently constructed multi-storey car park (DA-355/2012).

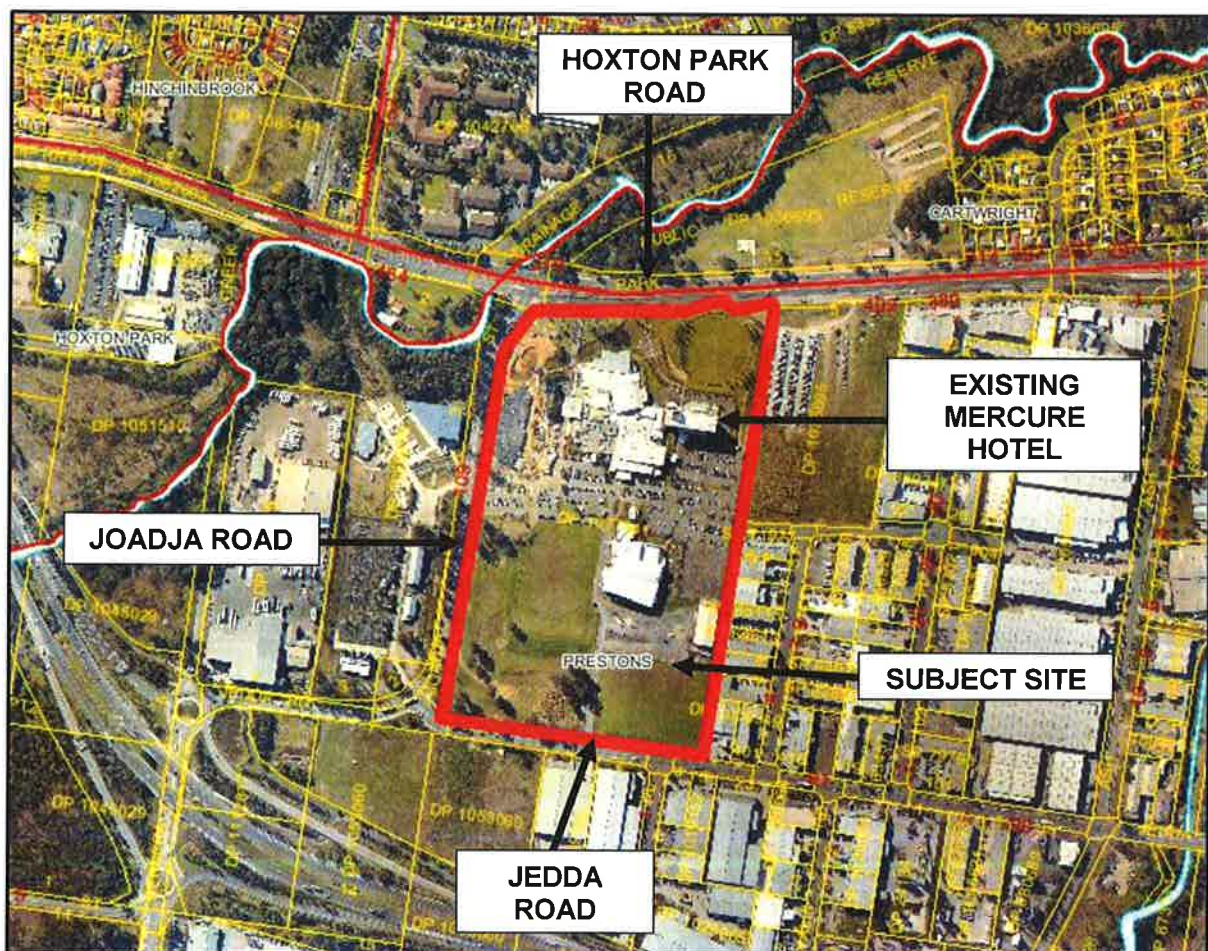


Figure 1: Aerial photograph of the site (Source: Liverpool City Council)

Current operations include a fully licensed recreational facility including gaming, food and entertainment, a sports centre, gymnasium, ice rink, outdoor sporting facilities and an existing

six (6) storey hotel containing 104 guest rooms and a function/conference centre able to accommodate up to 1400 patrons.

2.2 The Locality

The site is located within the Prestons Industrial Precinct and is surrounded by existing industrial development, predominately warehouse and distribution facilities. Cabramatta Creek is situated to the north-west and can be seen on the aerial photo provided above.

The adjacent site to the west on the opposite side of Joadja Road contains an electrical substation for Endeavour Energy. The adjacent site to the north east is currently vacant and being used for car parking.

2.3 Background

- Development consent (DA1130/2007) was granted on 18 July 2007 for the construction of a hotel on the subject site owned and associated with the Liverpool Catholic Club. This approval was for a six (6) storey building with approximately 100 guest rooms.
- Development approval (DA355/2012) was issued on 9 May 2012 for the construction of a new freestanding three (3) storey car park, associated with the Club itself and accessed off Joadja Road.
- Development consent (DA1709/2012) was issued on 4 April 2014 for a significant expansion of the hotel to be undertaken in 2 stages. Stage 1 included construction of a ten (10) storey tower and Stage 2 involved construction of a five storey (north-wing) extension.

2.4 Consultation

The application has been referred both internally and externally internally for specialist comment as outlined in the tables below. The following comments have now been received.

2.4.1 Internal Consultation

Internal Department	Status and Comments
Building	The Officer raises no objection to the proposal, subject to conditions of consent.
Land Development Engineering	The Officer raises no objection to the proposal.
Traffic Engineering	The Officer raises no objection to the proposal.
Environmental Health	The Officer raises no objection to the proposal.
Flooding and Drainage	The Officer raises no objection to the proposal.
Strategic Planning - City Architect	A meeting with Council's City Architect was organised to discuss the design changes and as a result, no objections to the proposed changes have been raised and it was agreed that due to the minor nature of the changes, referral back to the DEP is not warranted.

2.4.2 External Consultation

External Authority	Status and Comments
NSW Rural Fire Service <i>(Original proposal was Integrated Development)</i>	The Authority raises no objection to the proposal.
Roads and Maritime Services <i>(Original proposal was Integrated Development)</i>	The Authority raises no objection to the proposal.
Endeavour Energy	The Authority raises no objection to the proposal.
NSW Police	No response was received from the Authority.

3. ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The application has been lodged pursuant to Section 96(2) of the Environmental Planning and Assessment Act 1979 (EPA & Act), which provides:

(2) Other modifications

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*

Comment: Despite the amendments proposed under the Section 96, the development is considered to remain substantially the same development as that to which Council originally granted approval. The proposal will remain a ten (10) storey hotel development and does not seek any changes to the height, bulk or building envelope.

Further, the applicant has provided justification to state the proposal is substantially the same development that was approved initially, which is considered acceptable.

- (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*

Comment: The subject Section 96 Application was referred to NSW Rural Fire Service, NSW Roads and Maritime Services, and NSW Police. The Authorities raise no objection to the proposed modifications, subject to the general terms of approval granted with the original Development Application (DA-1709/2012).

- (c) it has notified the application in accordance with:*

- (i) *the regulations, if the regulations so require, or*
- (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*

Comment: The Section 96 Application was advertised between 1 July 2015 and 16 July 2015. No submissions were received during this period.

- (d) *it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

Comment: The application was notified, no submissions were received.

The proposed modification is considered to be substantially the same development as the development for which the consent was originally granted. Therefore the modification application can be considered for approval.

3.1 Assessment

A detailed assessment of the application has been undertaken against relevant considerations outlined within Section 79C of the EP& Act and the *Environmental Planning and Assessment Regulation 2000* as follows:

3.2 Section 79C(1)(a)(i) – any environmental planning instrument

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

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

The proposed modifications essentially involve internal design changes to the building itself as well as some minor alterations to the external detailing of the building. As such, the works will not impact upon the water quality of the Georges River. The planning principles contained within Clauses 8 and 9 of the SEPP have been taken into consideration and the proposed development is considered to satisfy the provisions of the afore-mentioned SEPP having minimal impact on the Georges River Catchment.

State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No.55 – Remediation of Land (SEPP 55) aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

The issue of contamination has previously been considered in relation to this particular site and was addressed during the assessment of the original development application. There are no new issues and/or information that would warrant the site unsuitable for the development as proposed.

State Environmental Planning Policy (Infrastructure) 2007

Clause 101 of the above SEPP states that consent must not be granted to development on land that has frontage to a classified road unless it is satisfied that where practicable, vehicular access can be provided by another road.

Existing vehicular access to and from the site is via Joadja Road. The proposed modifications do not involve any changes to the approved access arrangements. Notwithstanding this, the current Section 96(2) application was referred back to Roads and Maritime Services (RMS), who raise no objection to the proposed development.

Liverpool Local Environmental Plan 2008 (LLEP 2008)**Permissibility**

The subject site is zoned Private Recreation RE2 pursuant to the LLEP 2008.

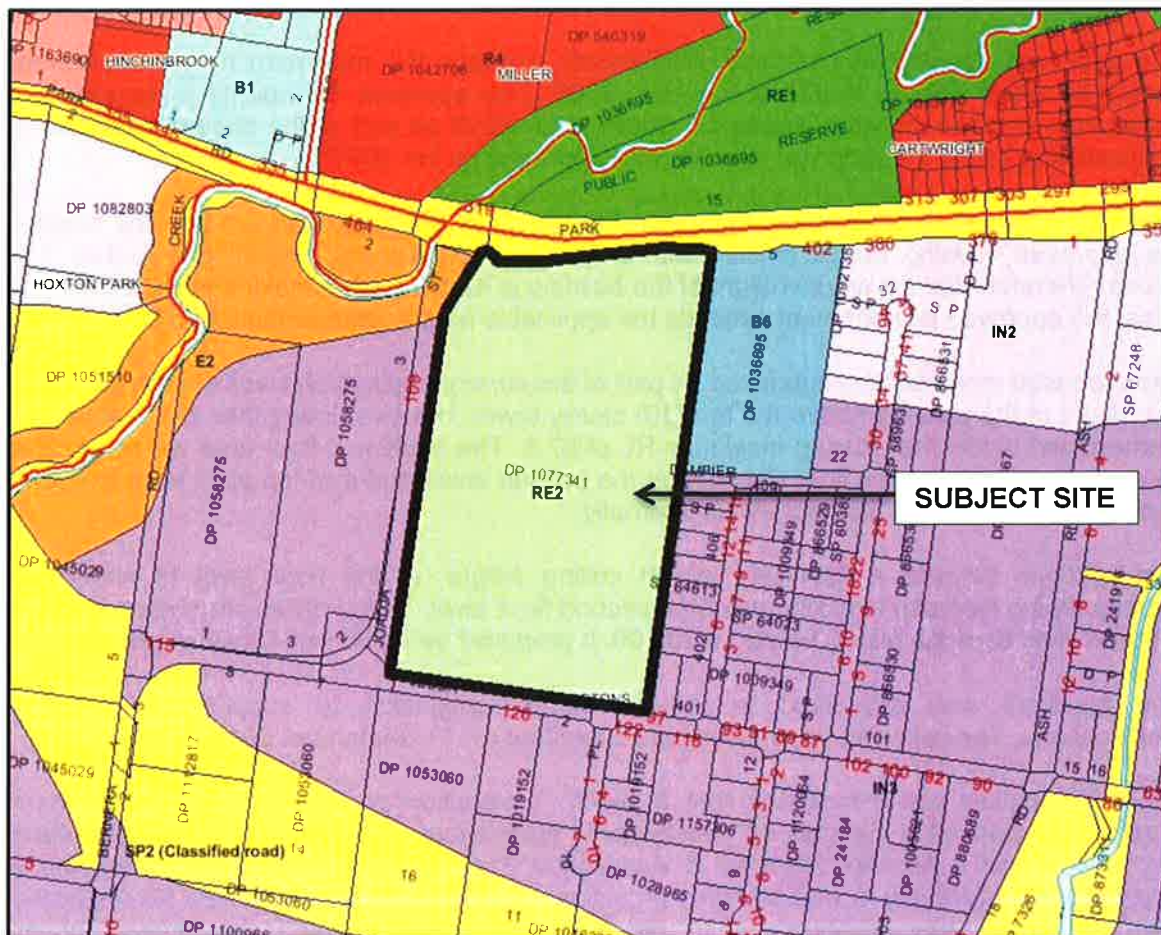


Figure 2: Zoning map (Source: Liverpool City Council)

The proposed development is suitably defined as a 'hotel' and as such, the proposed modifications to the approved hotel are permissible within the zone.

Zone Objectives

The objectives of the zones are outlined as follows:

Zone RE2 Private Recreation

- *To enable land to be used for private open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To enable land uses that are compatible with, and complimentary to, recreational uses.*

The proposal is considered to remain consistent with the relevant objectives of the zone.

Principal Development Standards

The following standards apply to the proposed development as follows:

Clause 4.3 - Height of buildings

The approved development already substantially exceeds the maximum height requirement contained within Clause 4.3(2) of the LEP 2008. The applicant did submit a request for a variation in accordance with Clause 4.6 of the LEP 2008 as part of the original development application to justify the proposal and this was approved by the JRPP.

The maximum height requirement shown on the Height of Buildings Map is 18m. The height of the approved building height is 39m with a feature roof element extending a further 3.6m above. Therefore the maximum height of the building is 42.6m (with a maximum RL of 67.5). As such, the approved development exceeds the applicable height requirements by 24.6m.

The proposed modifications submitted as part of the current application involve a 1m increase in the height of the parapet above the ten (10) storey tower, however lower than the featured roof element and below the existing maximum RL of 67.5. The additional floor area will be achieved by converting the services floor (located on the second level) and roof top plant area to useable floor area and adjusting the floor levels internally.

The sections indicate a reduction in the ceiling height at first floor level to allow for a corresponding increase in ceiling height at second floor level. These areas are shown clearly on the approved sections plan (Drawing no da.09. b prepared by Wood and Day Partnership).

The applicant was requested to provide some justification to support the proposed modifications. The following information was submitted on 11 September 2015.

There is caselaw which indicates that a SEPP 1 objection or Clause 4.6 variation is not required as part of a Section 96 modification application. The relevant judgement (*North Sydney Council v Michael Standley & Associates Pty Ltd 1998*) stated that a Section 96 Application is effectively 'a free standing provision' which means that a Section 96 Application itself authorises the development to be approved notwithstanding the breach of any development standards. An excerpt from the caselaw is listed below for further reference:

"a modification application may be approved notwithstanding the development would be in breach of an applicable development standard were it the subject of an original development application"

A Section 96 Application is subject to its own stand-alone tests such as the 'substantially the

same' test and requires the consideration of all relevant matters under section 79C as confirmed in the case of *Gann v Sutherland Shire Council 2008*.

The objectives contained within Clause 4.3 of the LLEP 2008 in relation to height are listed as follows:

- (a) to establish the maximum height limit in which buildings can be designed and floor space can be achieved,*
- (b) to permit building heights that encourage high quality urban form,*
- (c) to ensure buildings and public areas continue to receive satisfactory exposure to the sky and sunlight,*
- (d) to nominate heights that will provide an appropriate transition in built form and land use intensity.*

The proposed 1m increase in the height of the parapet on the roof level is not inconsistent with any of the afore-mentioned objectives and given the size of the site as well as the location and proximity of adjoining development, the proposed increase in height will not change the approved maximum building height or affect any other properties. It will have minimal impact on the existing development located on the site itself.

The proposed parapet will not be perceptible given the scale and context of the development when viewed from the street or at ground level on the subject site. Council's City Architect has reviewed the proposal and considers the design quality of the building is still achieved in the modified design.

Clause 4.4 - Floor space ratio

Clause 4.4(2) - Floor space ratio states the following:

- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.*

The maximum floor space ratio applicable to the site is 0.25:1.

The subject site has a total area of 17 hectares. The proposed modifications, specifically the conversion of surplus plant/storage/equipment areas to useable floor space effectively increases the FSR by 616 sqm as these areas are now included in the calculation of gross floor area as defined. As such, the proposed amendments increase the total FSR from 0.19:1 to approximately 0.194:1 which is still well below the maximum permitted on site.

Clause 7.8 - Flood Planning

The subject site is affected by low, medium and high risk flooding.

A flood impact assessment of the proposed development was provided as part of the original proposal and the development was considered to be acceptable, subject to conditions to ensure that flood related impacts associated with the construction and use of the proposed development are consistent with the requirements of the LLEP 2008. The proposed modifications will not increase the flood risk and as such, there are no concerns in relation to flood risk.

Draft LEP 2008 amendment No. 52 is a Council initiated planning proposal seeking to review the development standards of the Liverpool City Centre with the purpose of facilitating an urban form that responds to the character of the specific precinct and is able to incorporate different building typologies and offers a range of economic opportunities. The planning proposal is intended to act as a facilitator to mixed-use growth in Liverpool City Centre and does not relate to any specific development. The adequacy of infrastructure for any specific development proposed pursuant to this planning proposal would be assessed as part of a development application.

With regards to the subject modification, it maintains an existing urban form that relates to the use of the site and offers economic stimulus to the area. The subject site is located outside the city centre, as such the proposed modification does not specifically relate to or contravene the Draft LLEP 2008 amendment No.52.

LIVERPOOL CITY COUNCIL

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Page 13 of 80

3.4 Section 79C(1)(a)(iii) - Any Development Control Plan

3.4.1 Liverpool Development Control Plan 2008

The Liverpool DCP 2008 applies to the proposed amendments. Part 1 of the DCP provides general controls for all developments. The proposed modifications satisfy relevant controls and compliance is outlined in the table below.

CONTROLS	COMMENT	COMPLIES
PART 1- GENERAL CONTROLS FOR ALL DEVELOPMENT		
Tree Preservation	No change in relation to tree preservation/removal.	N/A
Landscaping and Incorporation of Existing Trees	No change to the approved landscaping.	N/A
Bushland and Fauna Habitat Preservation	No change proposed.	N/A
Bush Fire Risk	The NSW Rural Fire Service raised no objections.	Yes
Water Cycle Management	No change to the approved stormwater system.	N/A
Development Near a Watercourse	No excavation, as such no additional impacts.	N/A
Erosion And Sediment Control	No additional impacts.	N/A
Flooding Risk	No additional impacts from the proposed modification.	N/A
Contaminated Land Risk	Refer to comments made regarding SEPP 55.	Yes
Salinity Risk	No excavation, as such no additional impacts.	N/A
Acid Sulfate Soils Risk	No additional impacts as part of this modification.	Yes
Weeds	Existing vegetation on the subject development site will be maintained as part of the proposed development.	Yes
Demolition Of Existing Developments	Not applicable, only minor demolition proposed to internal structures.	Yes
Aboriginal Archaeology	There are no indigenous or non-indigenous heritage or archaeological sites located on the subject development site.	Yes
Heritage and Archaeological Sites	There are no archaeological or heritage values in existence on the site.	Yes
Notification Of Applications	The proposal was placed on public exhibition. This matter is canvassed later in this report.	Yes
Car Parking and Access	The proposed amendments are not considered to increase the parking requirements for the site. Council's Traffic and Transport Department reviewed the proposal in accordance with Australian Standards, Roads and Maritime Services guidelines, LLEP 2008, and DCP 2008. The Department found the traffic generation, car parking requirement and design to be unchanged, no objection was raised in regards to the proposal. N.B. The approved Development Application included 221 parking spaces (including five disabled spaces) designated for the sole use of the hotel patrons.	Yes
Water and Energy Conservation	The development will maintain an efficient use of water and energy, and a sensitive approach to passive Environmentally Sensitive Design principles.	Yes

LIVERPOOL CITY COUNCIL

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Page 14 of 80

Landfill	The modification does not propose any cut and fill of the site.	Yes
Waste Disposal and re-use facilities	Waste management was address as part of the previous application.	Yes
Outdoor Advertising and Signage	No advertising structures are proposed as part of the subject application.	N/A

3.5 Section 79C(1)(a)(iv) – the Regulations

Relevant provisions within the Environmental Planning and Assessment Regulation 2000 have been considered and carried out where applicable.

3.6 Section 79C(1)(a)(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

The likely impacts of the development were addressed as part of the previous Development Application in detail. The Application addressed the likely impacts of flooding, traffic, parking and vehicle access, urban design, environment, social and economic impacts. The proposed modifications do not change the assessment of these impacts on the area.

3.7 Section 79C(1)(a)(b)(c) the suitability of the site for the development.

The land is zoned RE2 Private Recreation under Liverpool Local Environmental Plan 2008. The proposed modifications are in keeping with existing development on the subject development site.

The development has considered the existing built and environmental form on the subject site, and the modifications complement the urban form of the site.

The modification does not alter the visual impact of the existing development from the public domain. The visual impact of the proposed modifications are minor and will not impact the locality in a detrimental manner.

It is considered that the proposed development is suitable for the site.

3.8 Section 79C(1)(a)(b)(d) any submissions made in accordance with this Act or the regulations.

In accordance with Liverpool Development Control Plan 2008, the subject application was advertised between 1 July 2015 and 16 July 2015.

No submissions were received in relation to the proposed development.

3.9 Section 79C(1)(a)(b)(e) the public interest.

The proposed development is consistent with the zoning of the land and reinforces the existing development onsite being a hotel associated with the Liverpool Catholic Club. The development provides additional short stay accommodation within an area designated for the subject use.

The proposed modification is considered to be in the public interest.

LIVERPOOL CITY COUNCIL
SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Page 15 of 80

4. CONCLUSION

In conclusion, the following is noted:

- The subject Development Application has been assessed having regard to the matters of consideration pursuant to Section 96 & 79C of the Environmental Planning and Assessment Act 1979 and is considered satisfactory.
- The application was referred to a number of external authorities including the Roads and Maritime Services, NSW Office of Water and NSW Rural Fire Service of which no objection was raised, subject to conditions. The application was placed on public exhibition, of which no submissions were received in response to the proposed development.

It is for these reasons that the proposed development is considered to be satisfactory, the subject application is therefore recommended for approval, subject to revised conditions of consent.

5. ATTACHMENTS

5.1 Minutes of the JRPP Briefing Meeting, 2 July 2015

5.2 Plans of Proposal

5.3 Approved Plans of DA-1709/2012

5.4 Revised Conditions of Consent

LIVERPOOL CITY COUNCIL
SYDNEY WEST JOINT REGIONAL PLANNING PANEL

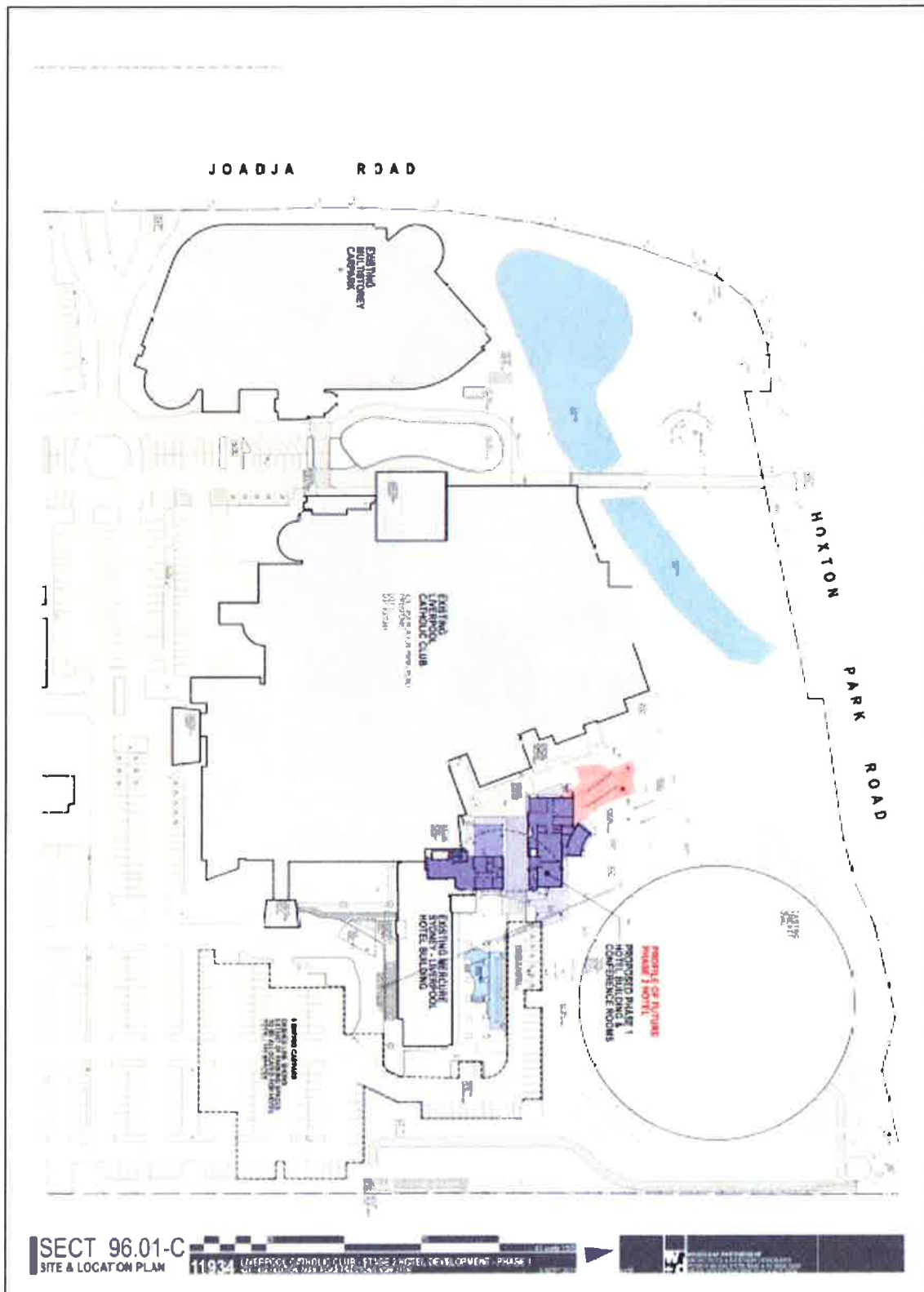
Page 16 of 80

Attachment 5.1 Minutes of the JRPP Briefing Meeting, 2 July 2015

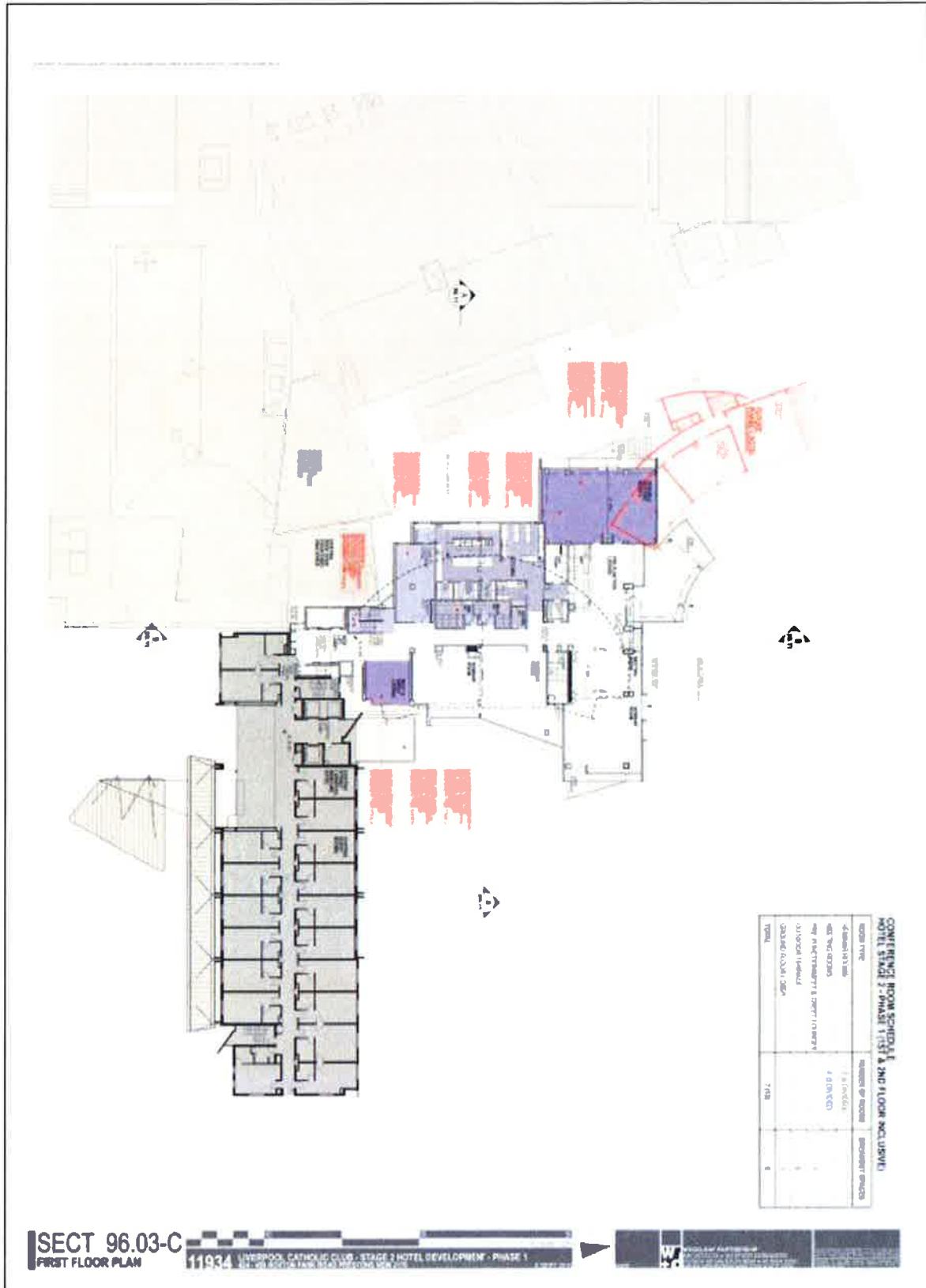
The comments from the Joint Regional Planning Panel are as follows:

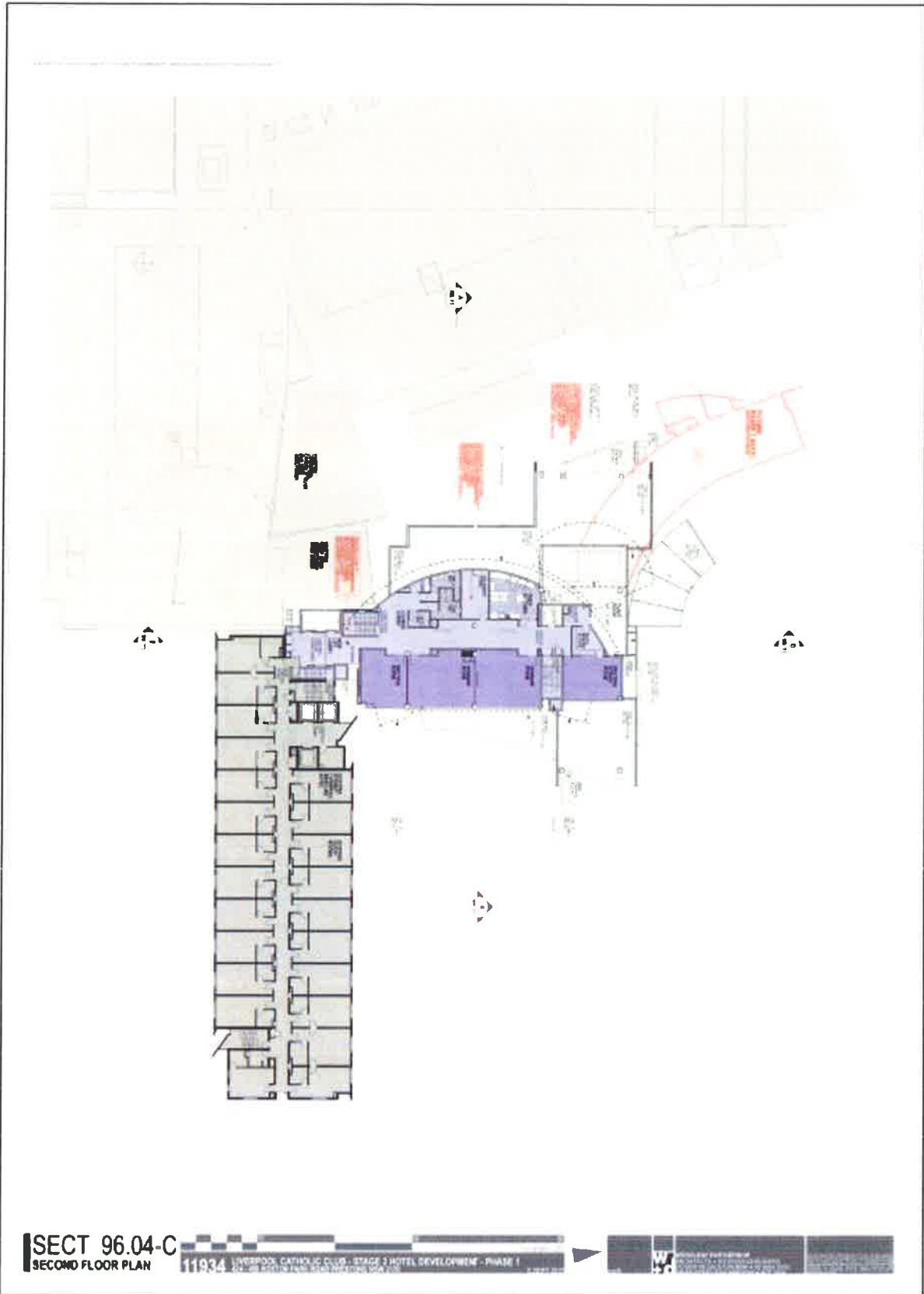
- Appears to be substantially the same development, no significant changes to the impacts, scale and general arrangement of building appears to be the same.
- Electronic meeting can be scheduled if no submissions are received or significant issues raised.
- The Planning Officer to discuss changes with the City Architect and decide whether application needs to be referred back to the Design Excellence Panel.
- Main considerations of the proposed modifications are:
 - The Planning Officer is to confirm the design excellence referral, will changes result in a less superior design outcome, and it should be noted that the building needs to be presented well.
- Rural Fire Services referral is outstanding.

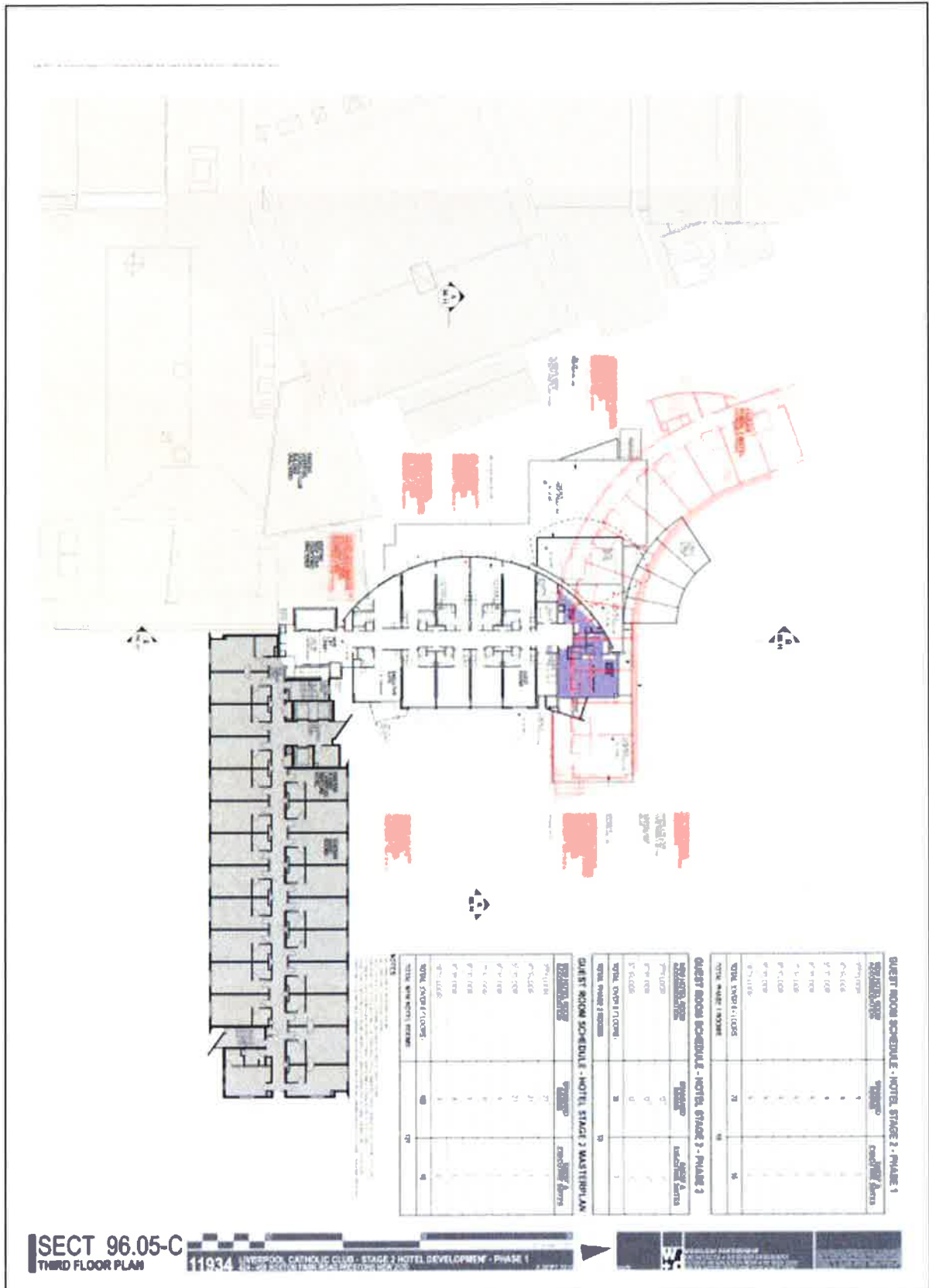
Attachment 5.2 Plans of the Proposal

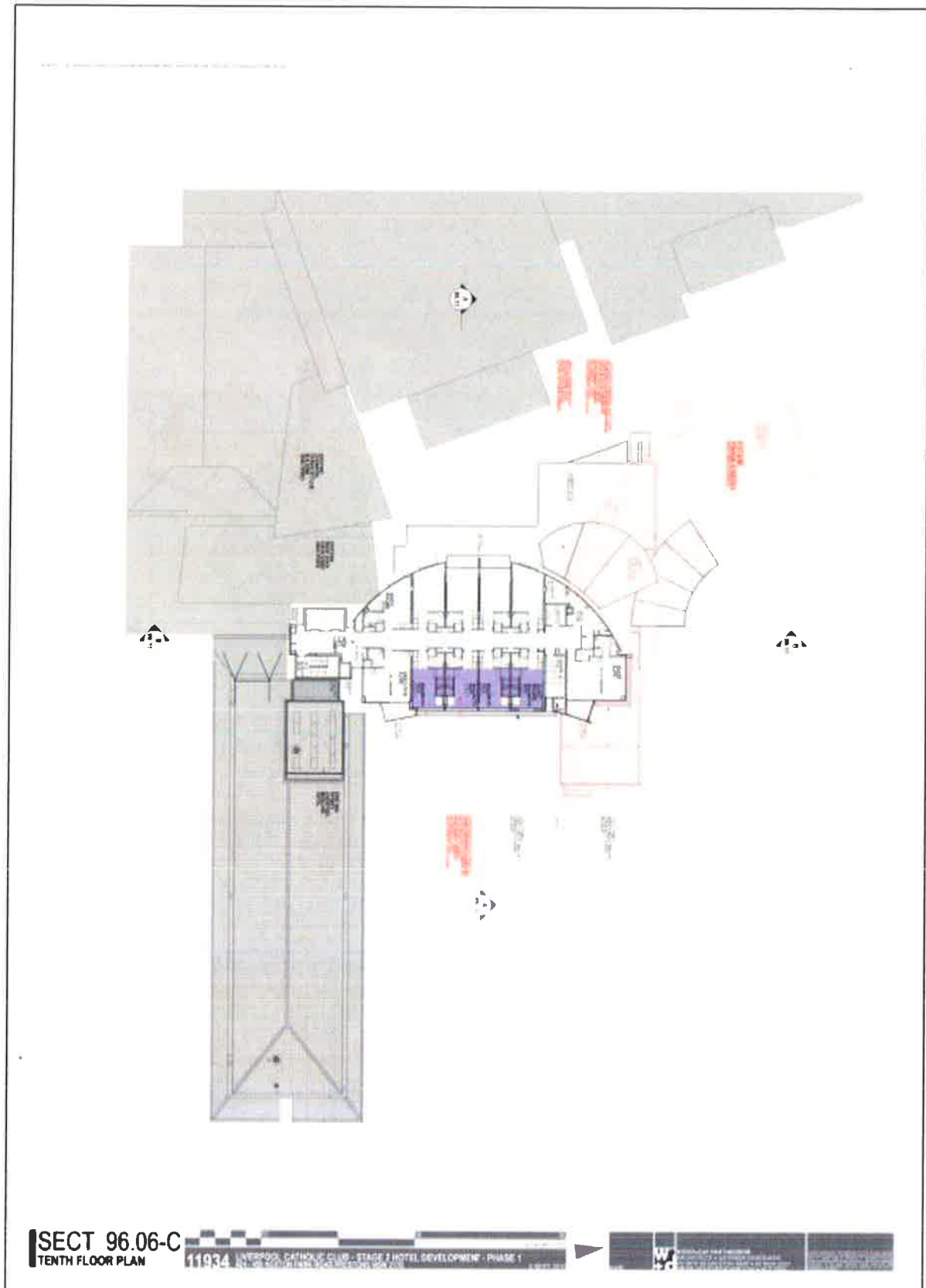




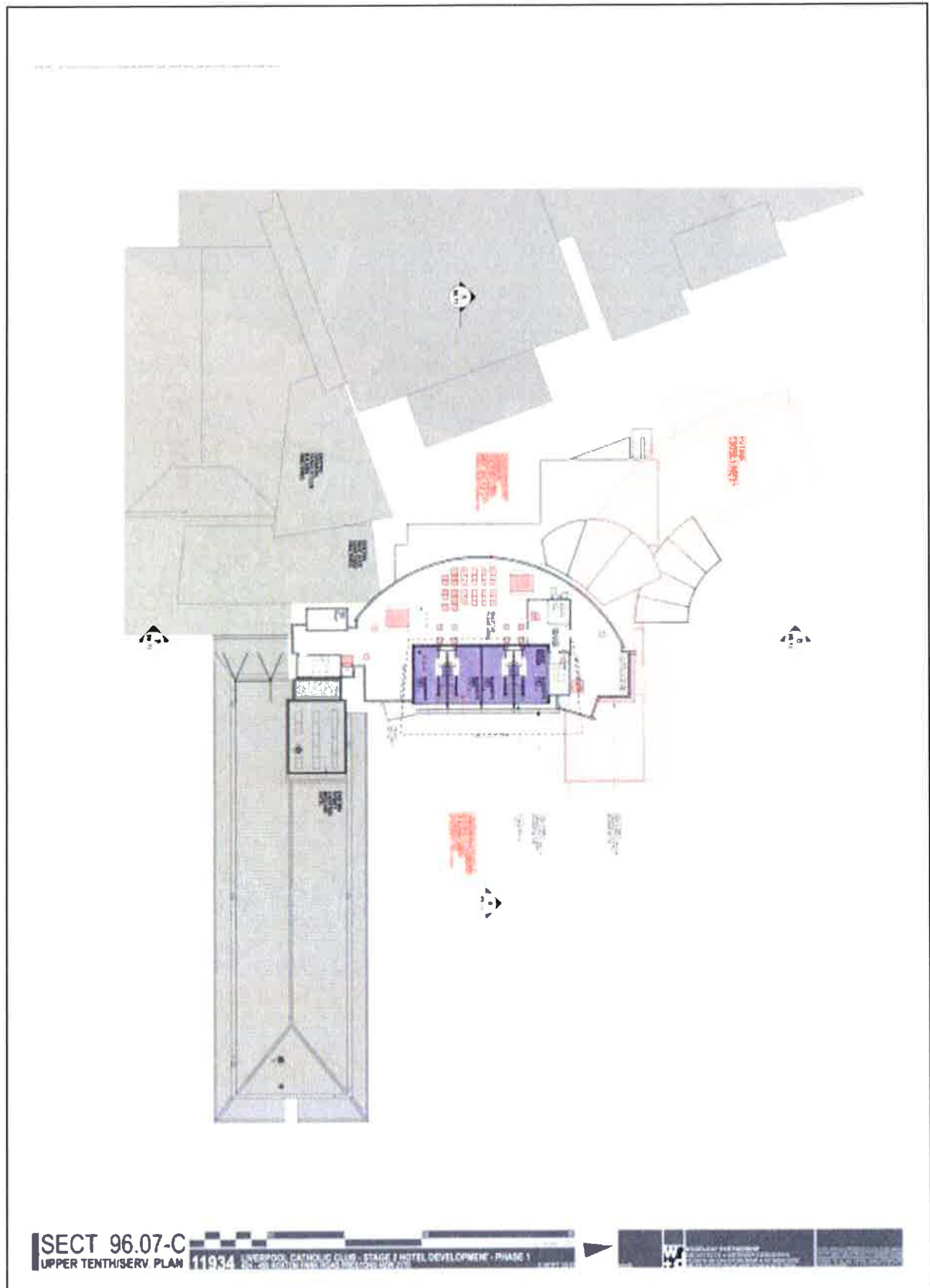








Page 23 of 80



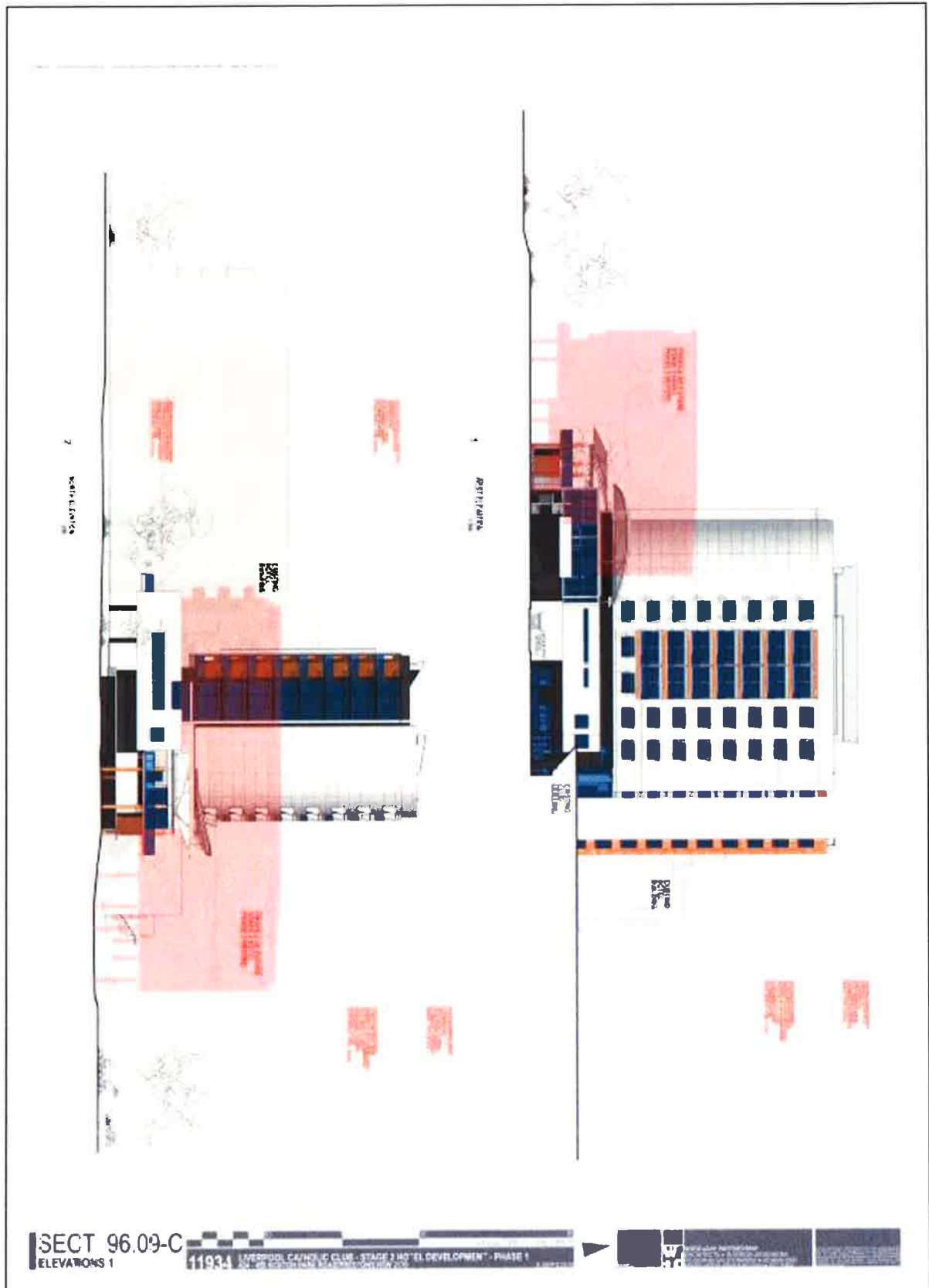
SYDNEY WEST JOINT REGIONAL PLANNING PANEL

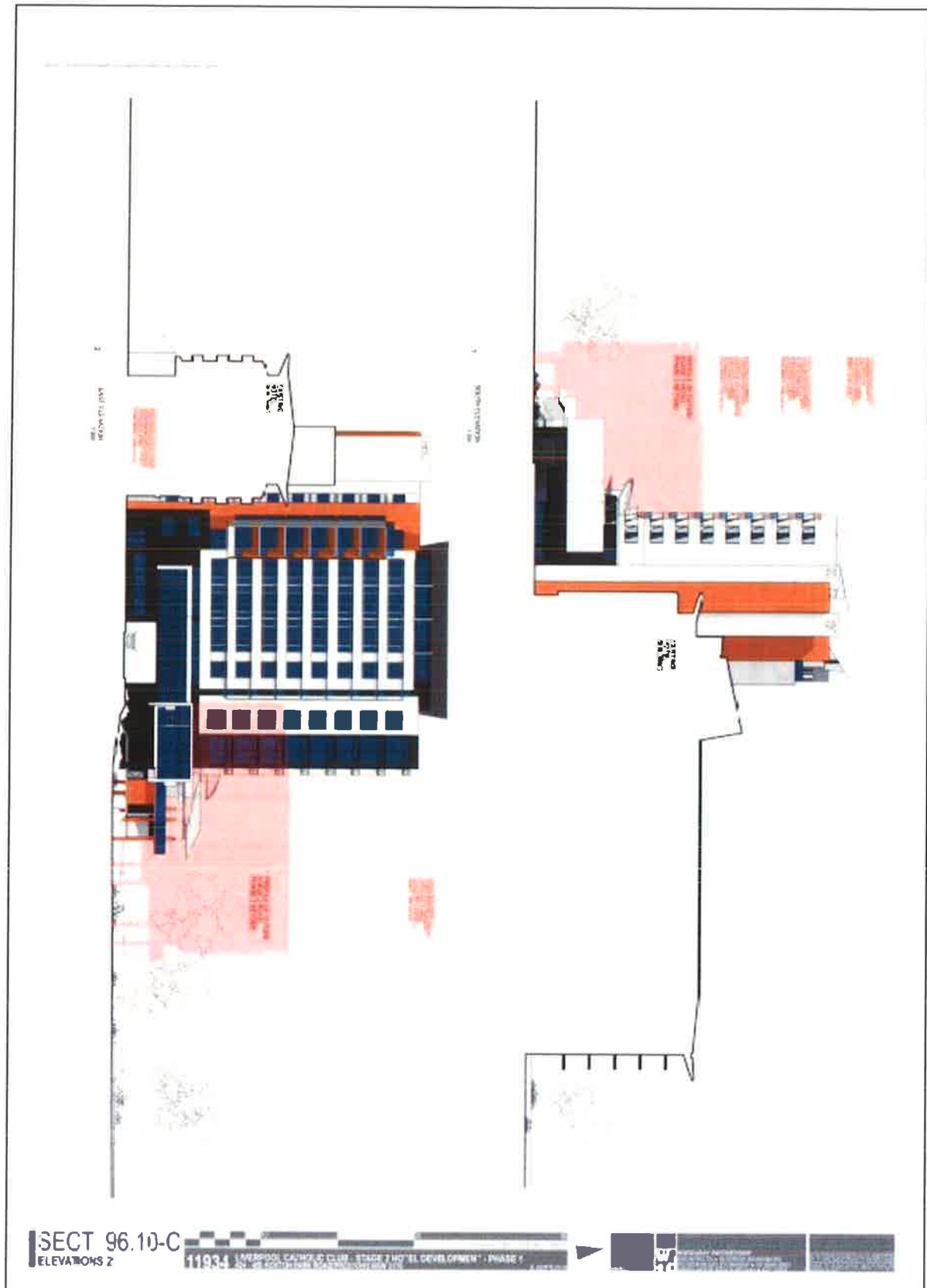
Architectural drawing of the roof plan for the Liverpool Catholic Club, Stage 1 Hotel Development - Phase 1. The plan shows a complex layout with various rooms, corridors, and structural elements. Key areas include a large central hall, several smaller rooms, and a curved section on the right. The drawing is oriented with North at the top. A scale bar at the bottom indicates dimensions in feet and inches. The drawing is labeled "SECT 96.08-C" and "ROOF PLAN".

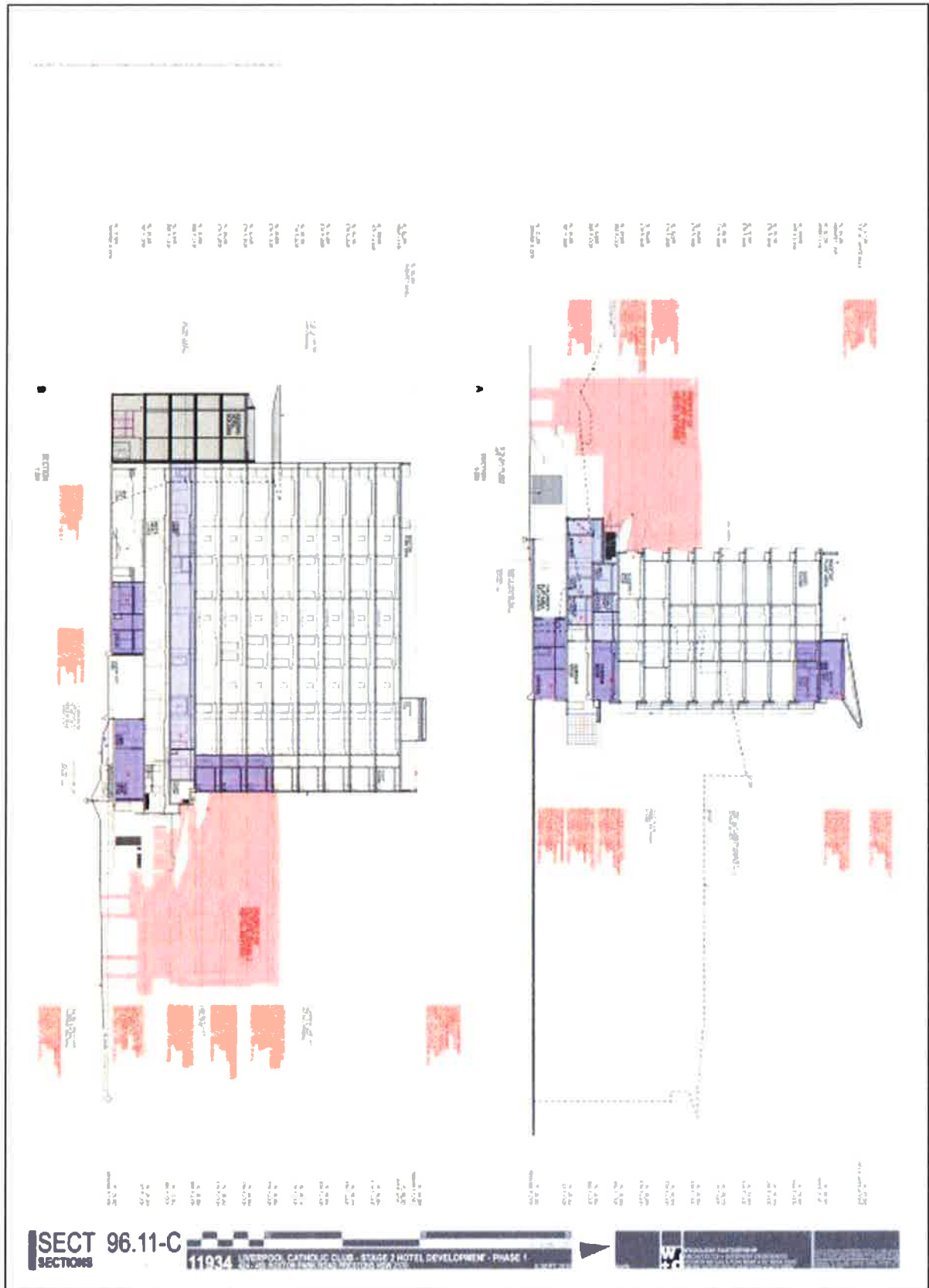
LIVERPOOL CITY COUNCIL

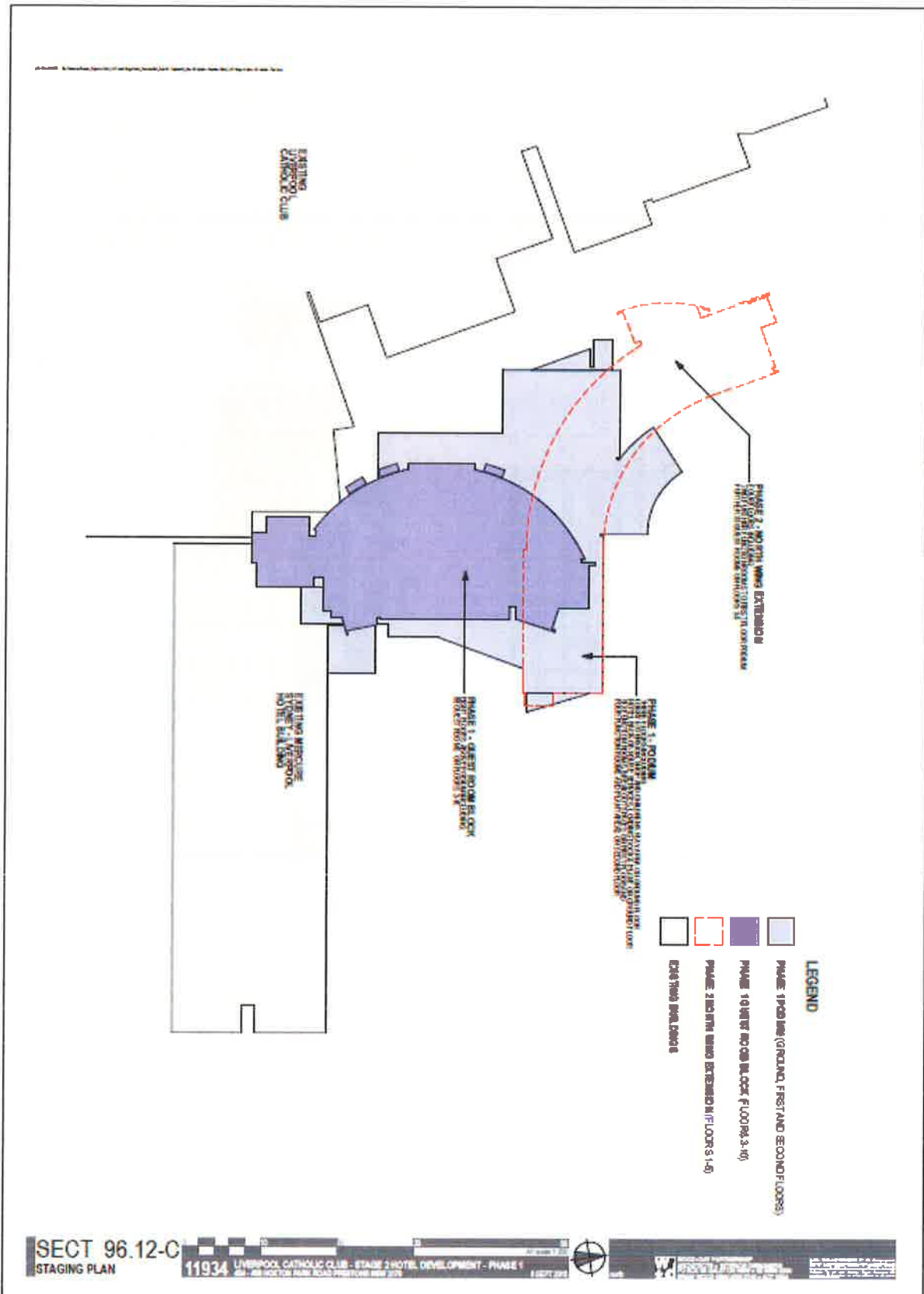
SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Page 25 of 80

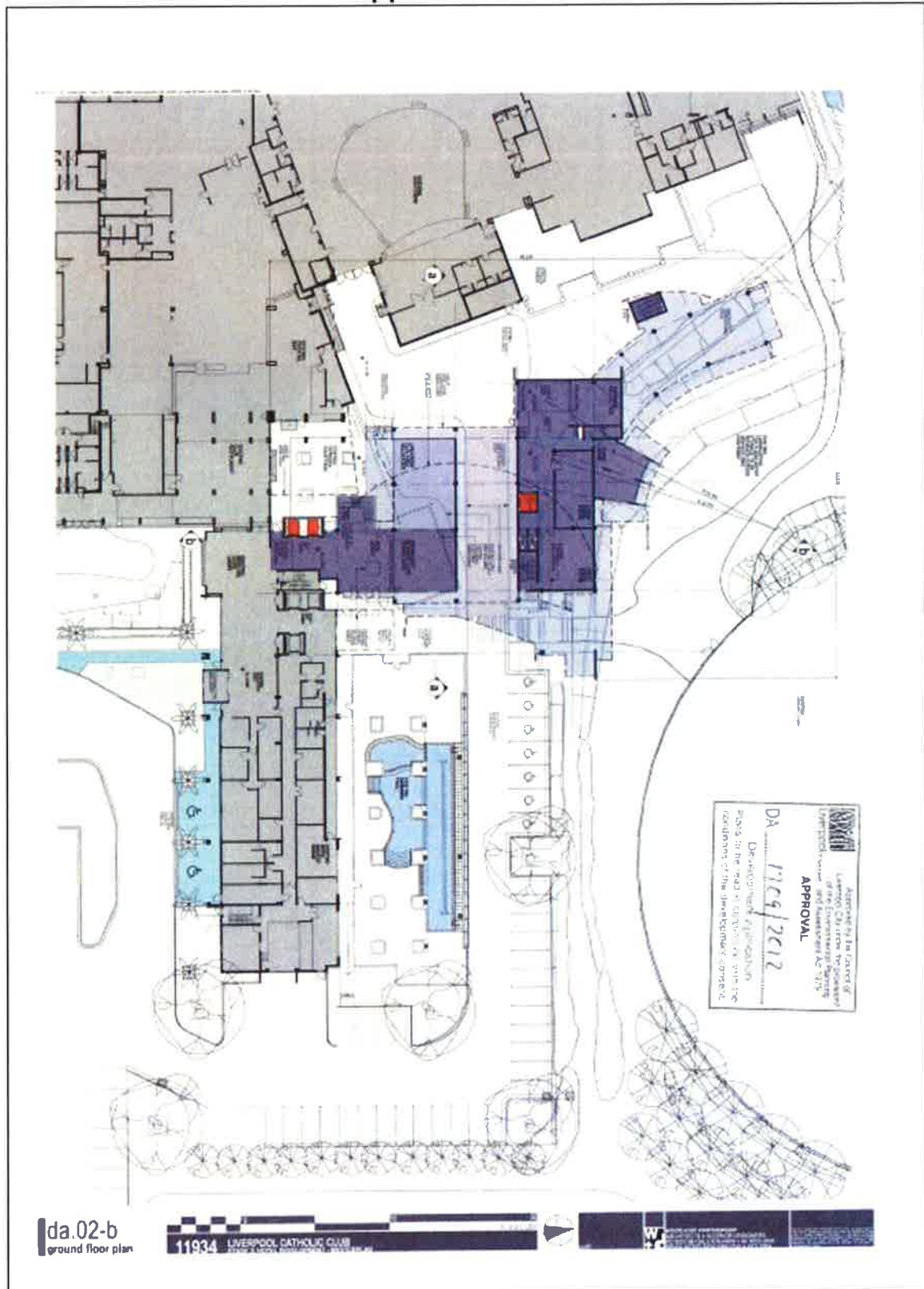


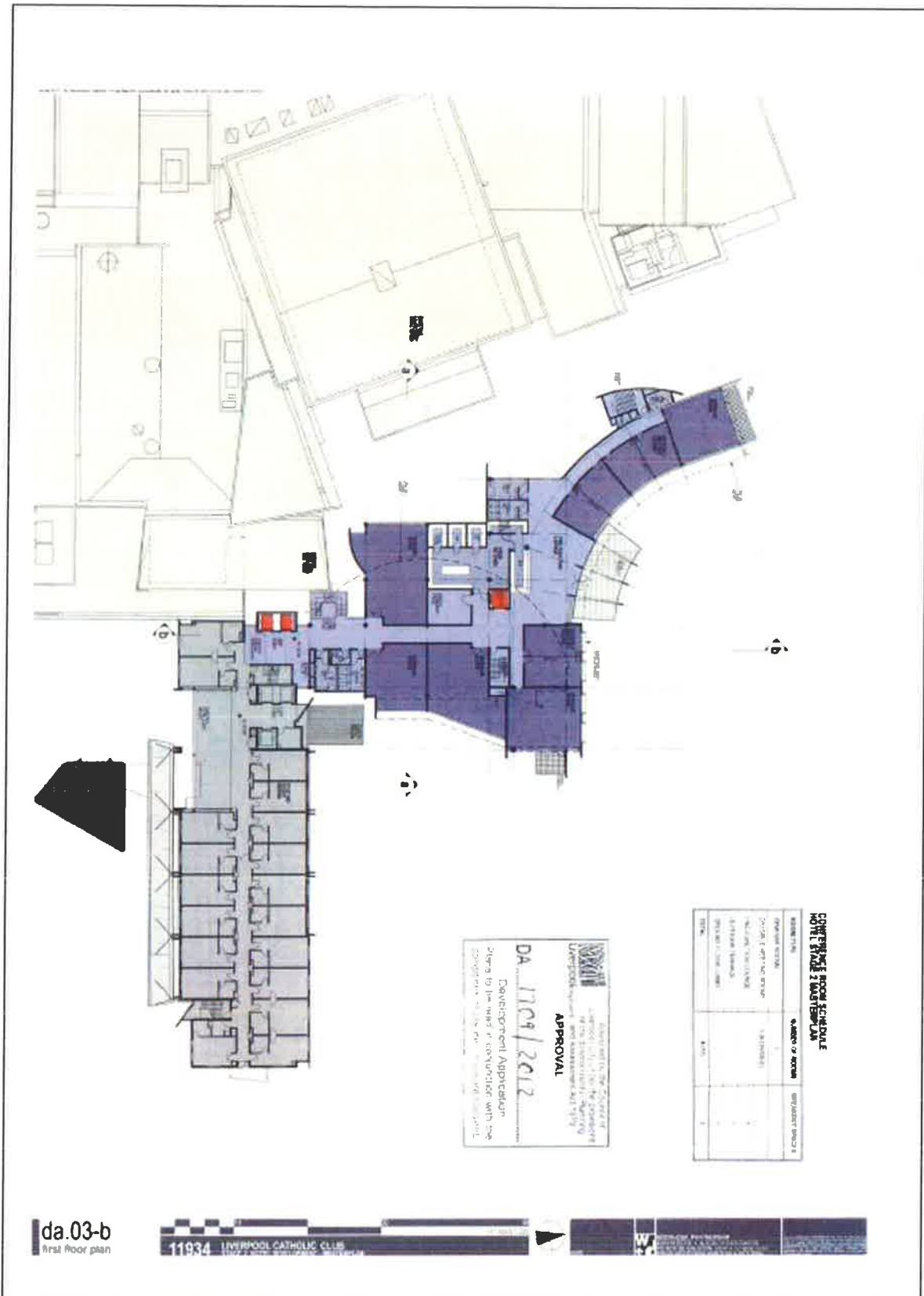


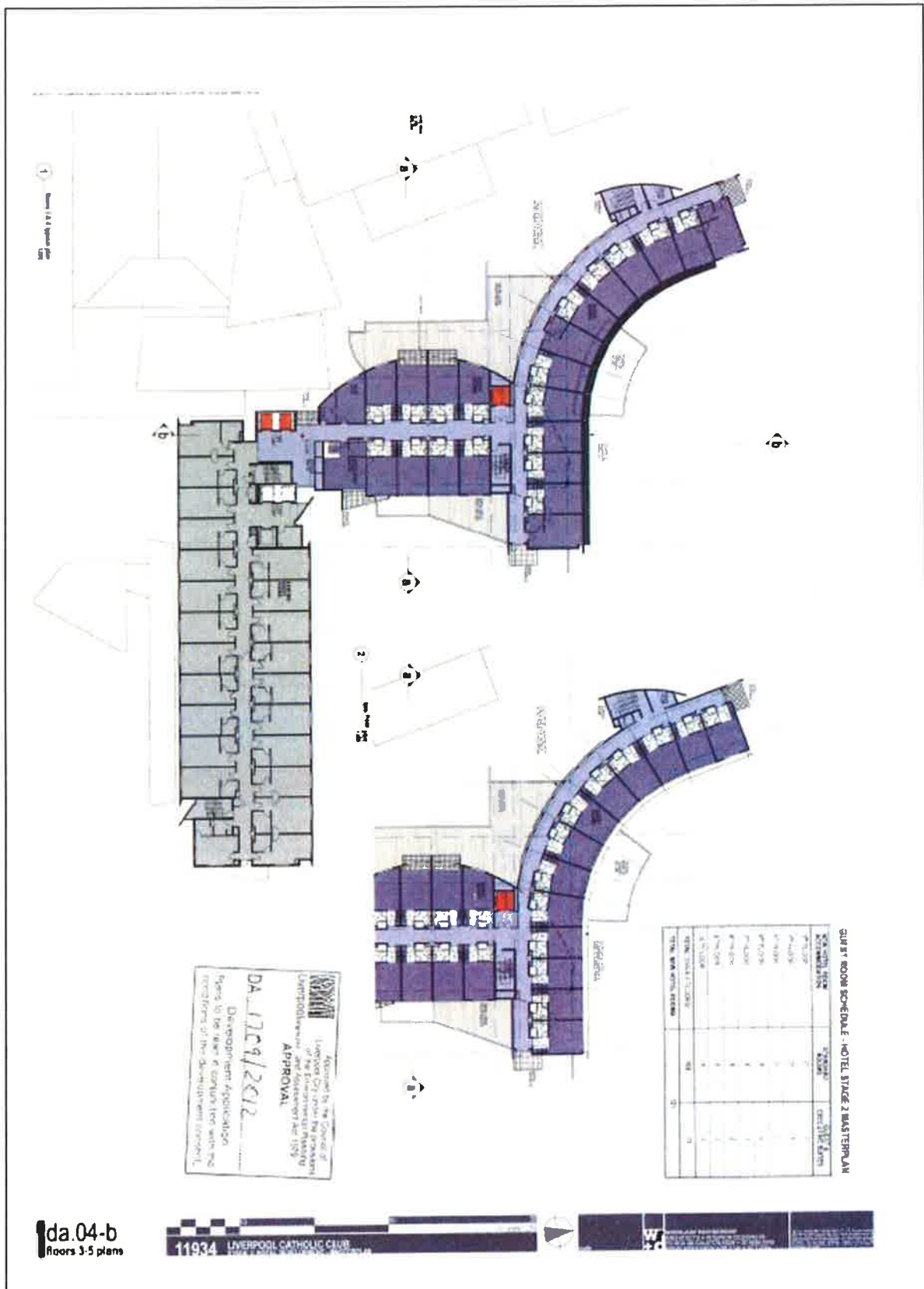


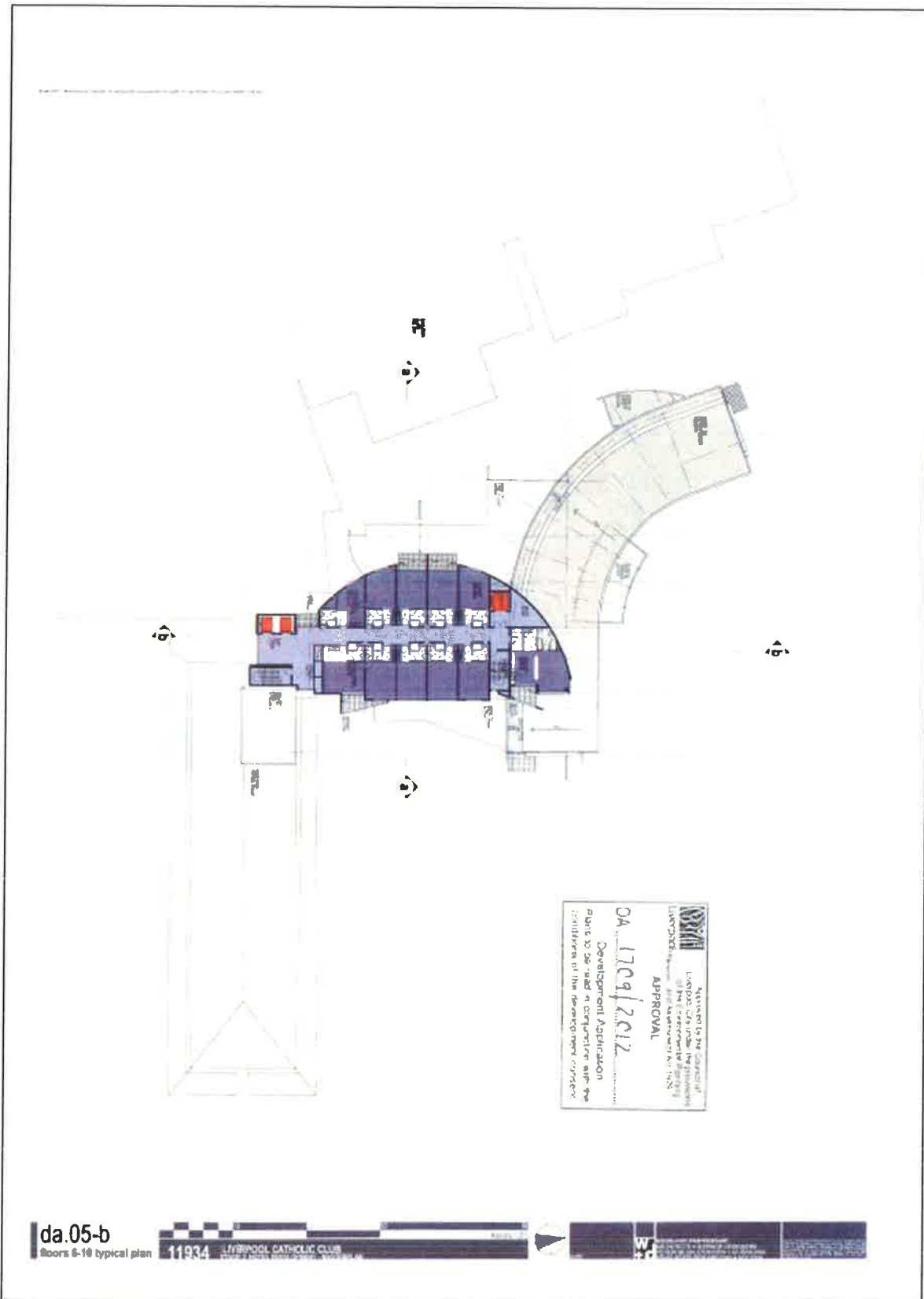


Attachment 5.3 Approved Plans of DA/1709/2012









SYDNEY WEST JOINT REGIONAL PLANNING PANEL

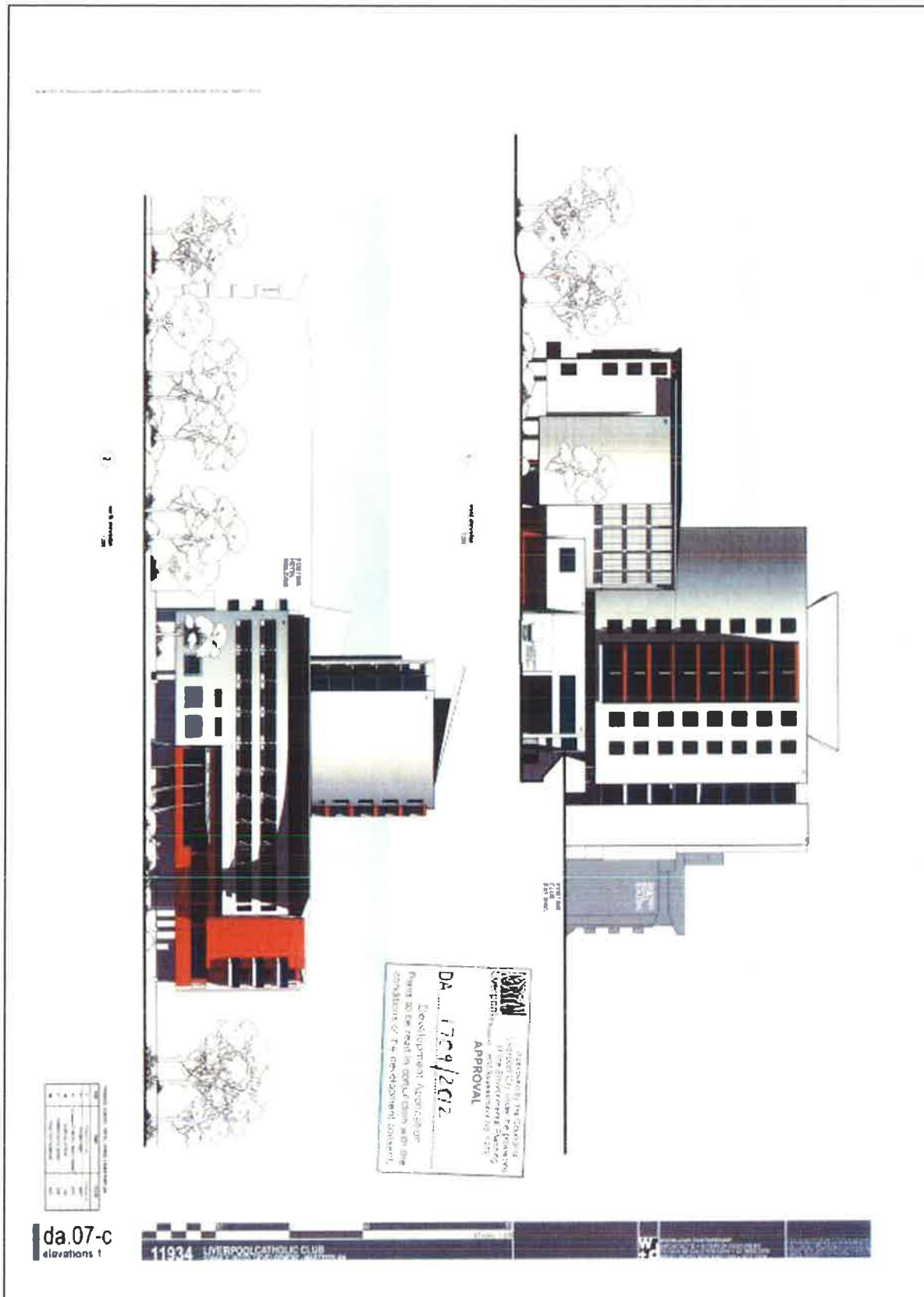
Approved by the Council of
Liverpool City on 15th May 2012
Development Application
APPROVAL

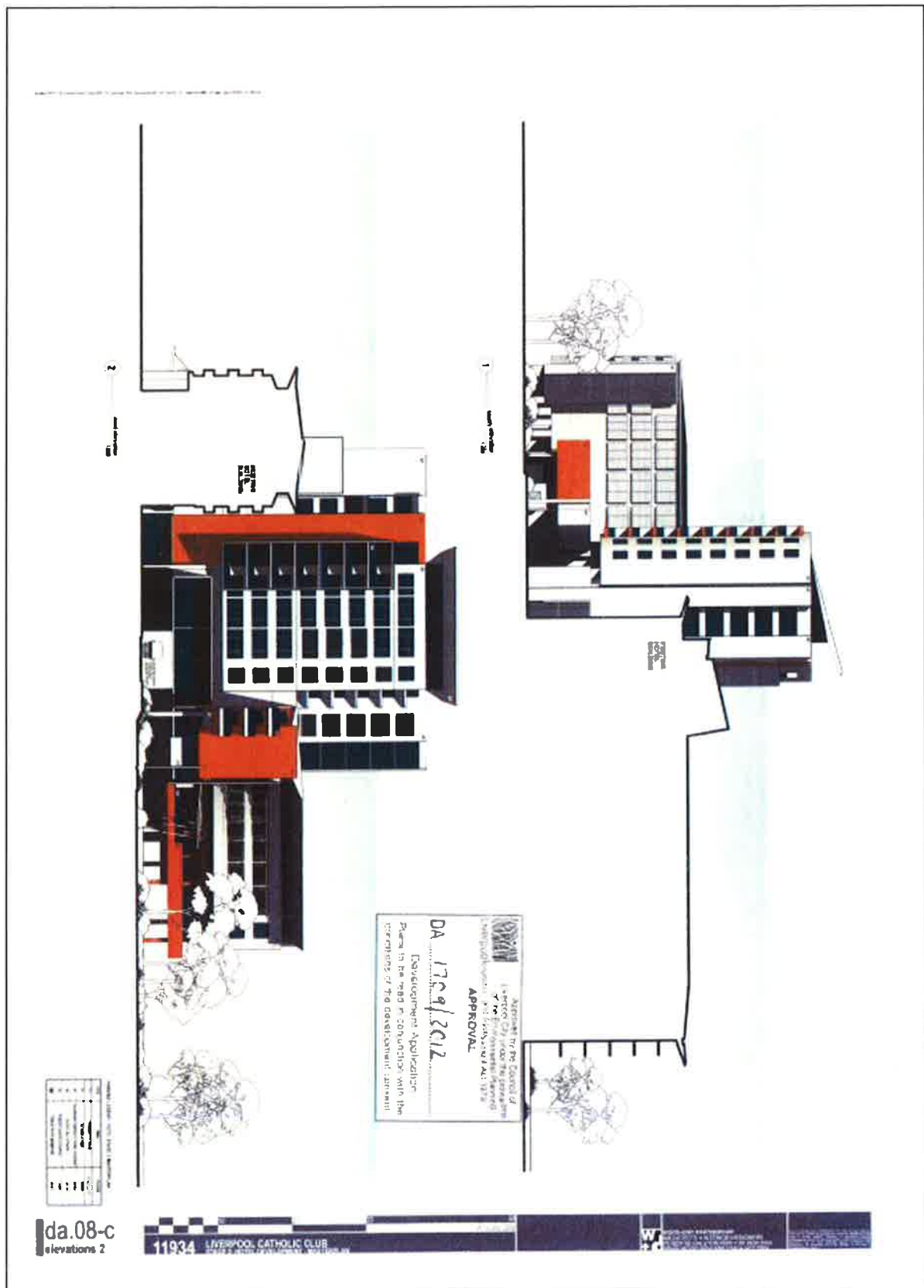
DA 1709/2012
Plans to be read in conjunction with the
conditions of the development consent.

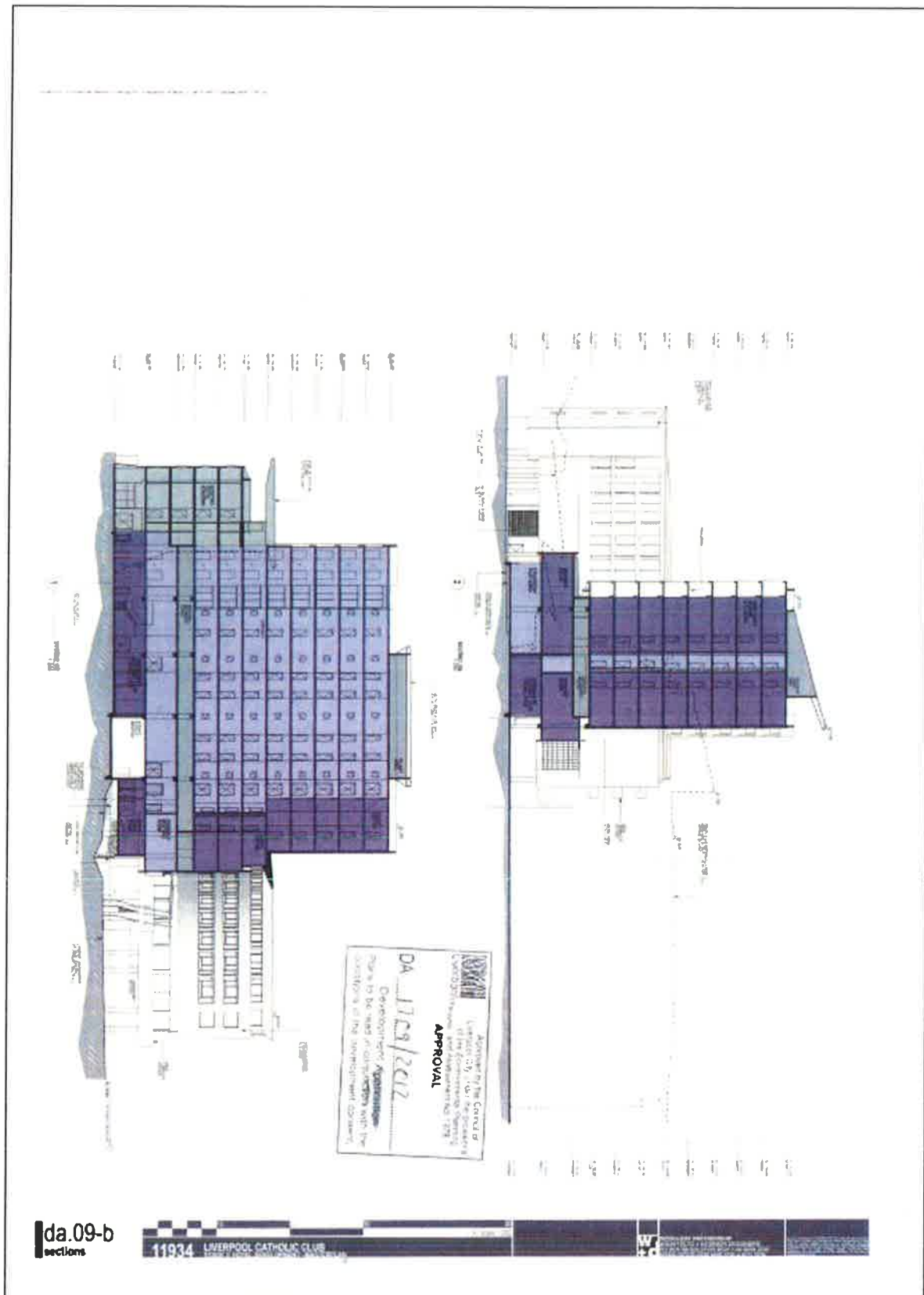
11934 LIVERPOOL CATHOLIC CLUB

da.06-b
roof plan

11934 LIVERPOOL CATHOLIC CLUB 21.08.72







LIVERPOOL CITY COUNCIL
SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Page 37 of 80

Attachment 5.4 Revised Conditions of Consent

Modified conditions are highlighted in bold and italics

STAGED APPROVAL

This approval is for a staged consent with the stages being identified as follows:

STAGE	DEVELOPMENT WORKS	CONDITION REFERENCE
1	Construction of the ground floor, first floor and guest room block (floors 3-10) including required earthworks and landscaping.	Conditions relevant to all stages.
2	Construction of the north wing extension (floors 1-5).	Conditions relevant to all stages.

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.

The Section 96 DA-1709/2012/A included amendments to Phase 1 only, the original approved plans included details of the two phases, as such the duplicated plans (highlighted in bold and italic) are included below to address the modification applicable to Phase 1.

(a) Architectural plans:

Drawing Title	Drawing No.	Issue	Prepared by	Date
Site Plan	da.01	D	Wood + Day Partnership	Undated
<i>Site & Location Plan, applicable to Phase 1</i>	<i>96.01-C</i>	<i>N/A</i>	<i>Wood + Day Partnership</i>	<i>8 September 2015</i>
Ground floor plan	da.02	B	Wood + Day Partnership	Undated
<i>Ground Floor Plan, applicable to Phase 1</i>	<i>96.02-C</i>	<i>N/A</i>	<i>Wood + Day Partnership</i>	<i>8 September 2015</i>
First floor plan	da.03	B	Wood + Day Partnership	Undated
<i>First Floor Plan, applicable to Phase 1</i>	<i>96.03-C</i>	<i>N/A</i>	<i>Wood + Day Partnership</i>	<i>8 September 2015</i>

LIVERPOOL CITY COUNCIL

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Page 38 of 80

Second Floor Plan, applicable to Phase 1	96.04-C	N/A	Wood + Day Partnership	8 September 2015
Floors 3-5 floor plan	da.04	B	Wood + Day Partnership	Undated
Third Floor Plan, applicable to Phase 1	96.05-C	N/A	Wood + Day Partnership	8 September 2015
Floor 6-10 floor plan	da.05	B	Wood + Day Partnership	Undated
Tenth Floor Plan, applicable to Phase 1	96.06-C	N/A	Wood + Day Partnership	8 September 2015
Roof Plan	da.06	B	Wood + Day Partnership	Undated
Upper Tenth/Serv. Plan, applicable to Phase 1	96.07-C	N/A	Wood + Day Partnership	8 September 2015
Roof Plan, applicable to Phase 1	96.08-C	N/A	Wood + Day Partnership	8 September 2015
Elevations Plan 1	da.07	C	Wood + Day Partnership	Undated
Elevations 1, applicable to Phase 1	96.09-C	N/A	Wood + Day Partnership	8 September 2015
Elevations Plan 2	da.08	C	Wood + Day Partnership	Undated
Elevations 2, applicable to Phase 1	96.10-C	N/A	Wood + Day Partnership	8 September 2015
Sections Plan	da.09	B	Wood + Day Partnership	Undated
Sections, applicable to Phase 1	96.11-C	N/A	Wood + Day Partnership	8 September 2015
Cut and Fill Volumes	da.10	A	Wood + Day Partnership	Undated
Staging Plan	S96.12-C	N/A	Wood + Day Partnership	8 September 2015
Stormwater Services Site Plan	SW-01	A	Sparks and Partners	6 September 2012
Stormwater Services Ground Floor Plan	SW-02	A	Sparks and Partners	6 September 2012
Stormwater Services First Floor Plan	SW-03	A	Sparks and Partners	6 September 2012
Stormwater Services Levels 2-4 Floor Plan	SW-04	A	Sparks and Partners	6 September 2012
Stormwater Services Levels 5-9 Floor Plan	SW-05	A	Sparks and Partners	6 September 2012
Stormwater Services Roof Plan and Details	SW-06	A	Sparks and Partners	6 September 2012

LIVERPOOL CITY COUNCIL

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Page 39 of 80

- (b) Traffic and Parking Assessment prepared by John Coady Consulting Pty Ltd, Reference No. 12035, dated 15 October 2012 (including further letter prepared by John Coady Consulting Pty Ltd Reference No. 12035 dated 1 March 2013);
- (c) Flood Impact Assessment (Revised) prepared by Bewsher Consulting Pty Ltd, Reference No. J1975L_5, dated 18 October 2012;
- (d) Noise Impact Assessment, prepared by Benbow Environmental, Report NO. 131061_Rep_Rev1, 19 July 2013; and
- (e) NSW Police Green Valley Local Area Command CPTED comments, dated 4 February 2013.

except where modified by the undermentioned conditions.

Condition modified as per Section 96 (DA-1709/2012/A)

General Terms of Approval

2. All General Terms of Approval/comments issued, shall be complied with prior, during, and at the completion of construction as per the following:

(a) Rural Fire Service – *Rural Fires Act 1997, dated 7 December 2012; and*

Correspondence is attached to this decision notice.

RMS Concurrence

3. NSW Transport RMS comments issued, shall be complied with prior, during, and at the completion of construction as per the following:

(a) NSW Transport Roads and Maritime Services, dated 20 March 2013 (Reference No. SYD13/00168).

Correspondence is attached to this decision notice.

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:

4. **SECTION 94 PAYMENT (Liverpool Contributions Plan 2009)**

As a consequence of this development, Council has identified an increased demand for public amenities and public services. The following payment is imposed in accordance with Liverpool Contributions Plan 2009 as amended.

The total contribution is **\$ 33,907**

5. **Waste Management Plan**

A waste management plan detailing the demolition phase, construction phase and

ongoing use of the approved development, shall be submitted to the satisfaction of the PCA prior to the release of any Construction Certificate.

Provision of Services

6. 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.

7. 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.
8. 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

9. 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.
10. All aspects of construction shall comply with the applicable Performance Requirements of the National Construction Code. Compliance with the Performance Requirements can only be achieved by:
 - (a) *Complying with the Deemed to Satisfy Provisions; or*
 - (b) *Formulating an Alternative Solution, which complies with the Performance Requirements or is shown to be at least equivalent to the Deemed to Satisfy Provision, or a combination of (a) and (b).*

11. A BCA Compliance report (Fire Safety) is to be prepared by a Building Professionals Board Category A1 - Accredited certifier - building surveying grade 1 with a copy submitted to Council.

Notification

12. 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.

Fee Payments

13. 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.

14. 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.

Crime Prevention through Environmental Design

15. Crime Prevention through Environmental Design (CPTED) principles shall be incorporated into the development as per the recommendations outlined in correspondence from Liverpool Local Area Command dated 4 February 2013.

Correspondence is attached to this decision notice.

16. 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.
17. An Erosion and Sediment Control Plan (ESCP) is to be submitted with the CC. The ESCP is to be designed in accordance with the Managing Urban Stormwater Soils and Construction, also known as the Blue Book (current edition) produced by the NSW Department of Housing. Diversions structure or sediment basin should be provided to control runoff and sedimentation during the construction phase on site of the development

Recommendations of Acoustic Report

18. 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.

Fire Safety Measures

19. A schedule specifying all of the essential fire safety services, both existing and proposed, which are required for the building, shall be attached to the CC and submitted to Council, in compliance with the provisions of the EP&A Regulation.
20. The schedule must distinguish between the measures that are currently implemented in the building premises; and
 - (a) The measures that are to be proposed to be implemented in the building premises; and
 - (b) The minimum standard of performance for each measure.

Dilapidation Report

21. 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.
22. 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.
23. 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

Flooding

24. All floor levels shall be no less than the 1% AEP flood plus half a metre freeboard (i.e. $24.5\text{m} + 0.5\text{m} = 25.0\text{m}$ Australian Height Datum).
25. The approved development shall be constructed from flood compatible building components below the 1% AEP flood plus half a metre freeboard (i.e. $24.5\text{m} + 0.5\text{m} = 25.0\text{m}$ Australian Height Datum).
26. An engineers report is required to be submitted to the satisfaction of the PCA prior to the issue of any Construction Certificate, to certify that the structure can withstand the forces of floodwater including debris and buoyancy up to and including a 1% AEP flood plus half

a metre freeboard (i.e. 24.5m + 0.5m = 25.0m Australian Height Datum).

27. There shall be no net loss of floodplain storage volume below the 1% AEP flood. The flood storage compensatory works shall be carried out as indicated in the flood impact assessment by Bewsher Consulting Pty Ltd (Ref: J1975L_5, dated 18 October 2012) and Drawing no. da.10-a, Cut & Fill Volumes by Wood-Day Partnership. The flood storage area shall be designed to provide effective drainage during and after a flood event.
28. Reliable access for pedestrians or vehicles shall be provided from the lowest habitable floor level to a location above the Probable Maximum Flood at all times.
29. The development shall be consistent with any relevant flood evacuation strategy or similar plan.
30. Devices are to be installed on all main stormwater discharge lines, for the emergency containment of pollutants that may discharge from and to the site. The design of such devices are to be carried out by suitably experienced persons with due regard to the likely/probable pollution for the usage specified in the application. The design of the works are to be certified to the satisfaction of the PCA. The construction of the designed devices are to be inspected and certified by a suitable experienced person referencing the approved design and development consent conditions to the satisfaction of the PCA prior to issue of the OC.

C. PRIOR TO WORKS COMMENCING

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

Construction Certificates

31. Detailed Civil engineering plans and specifications relating to the work shall be endorsed with a CC, in accordance with Section 81A of the Act, and a copy registered with Council.
32. 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.
33. 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.
34. 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.

Notification/Principal Certifying Authority

35. 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.

36. 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.
37. 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.
38. 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.
39. 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.
40. 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.*
41. 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

42. 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*.

Demolition

43. Prior to any 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

44. 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

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

Notification of Service Providers

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

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

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

or telephone 13 20 92.

47. 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.

Waste Classification

48. 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).

Hoarding

49. A construction hoarding of class **A** 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.

Reports

50. 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.

Food Premises – Restaurant/Take-Away/Bakery

51. Plans and specifications demonstrating compliance with the nominated standards and requirements for the following aspects of the development shall be submitted and approved by the PCA:
- (a) all proposed, altered and required mechanical ventilation systems (Building Code of Australia & Australian Standard 1668 Part 1 & 2)
 - (b) the commercial garbage and recycling storage room (Liverpool DCP 2008)
 - (c) the layout, disposition and method of installation of fixtures and fittings, together with wall, floor, and ceiling finishes to all preparation, storage areas and cool rooms (AS4674, the Food Act 2003 and Regulations thereunder).

Environmental Management

52. 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.

53. 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.

D. DURING CONSTRUCTION

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

54. In the case of a class 5, 6, 7, 8 or 9 building, critical stage inspections must be carried out by the appropriate person in accordance with EP&A Regulation, with Compliance Certificates issued for each inspection. The last critical stage inspection must be carried out by the PCA. The following components of construction are relevant:

- (a) *after excavation for, and before the placement of, any footings, and*
- (b) *prior to covering any stormwater drainage connections; and*
- (c) *after the building work has been completed and prior to any occupation certificate being issued in relation to the building.*

Note: These certificates or documentary evidence must be submitted to Council with any OC issued for the development.

55. 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

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

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

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

Hours of Construction Work and Deliveries

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

Security Fence

58. 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.

Demolition Work

59. All demolition work is to be carried out in accordance with the requirements of AS 2601. Demolition is to be carried out strictly in accordance with the approved procedures and work plan.

Disabled Access

60. Access, parking and facilities for persons with disabilities to be provided in accordance with the provisions of the National Construction Code.

General Site Works

61. 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.
62. All roofwater is to be connected to the existing stormwater system.
63. All dangerous and/or hazardous material shall be removed by a suitably qualified and experienced contractor, licensed by WorkCover NSW. The removal of such material shall be carried out in accordance with the requirements of WorkCover NSW. The material shall be transported and disposed of in accordance with DECCW (EPA) requirements.

Car Parking Areas

64. 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 maneuvering 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.

65. Directional signage indicating location of hotel parking is to be provided from each external club access in accordance with the approved plans.

Traffic Management

66. All works within the road reserve are to be at the applicants 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.
67. 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.
68. Notice must be given to Council's Transport Planning section of any interruption to pedestrian or vehicular traffic within the road reserve, caused by the construction of this development. A Traffic Control Plan, prepared by an accredited practitioner must be submitted for approval, 48 hours prior to implementation. This includes temporary closures for delivery of materials, concrete pours etc.

Waste Management Plan

69. 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.

Graffiti

70. 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.

Acid Sulfate Soils

71. The excavation and treatment of all potential and actual acid sulfate soils shall be carried out in strict accordance with the provisions of the approved Acid Sulfate Soils Management Plan prepared for the site.
72. 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).

Erosion Control

73. 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.
74. Sediment and erosion control measures are to be adequately maintained during the works until the establishment of grass.
75. 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

76. 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.

Air Quality

77. Dust screens shall be erected and maintained in good repair around the perimeter of the subject land during land clearing, demolition, and construction works.
78. 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.
79. 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.
80. 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.

Ventilation

81. The premises shall be ventilated in accordance with the requirements of the BCA (if using deemed to satisfy provisions: AS 1668, Parts 1 & 2)

82. The design, construction, installation and commissioning of the mechanical ventilation systems(s) serving the premises shall be carried out in accordance with Australian Standard 1668 Parts 1 & 2.

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

83. 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.*

84. 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.

85. 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.

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

General Site Works

87. 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.
88. Existing hydrological regimes shall be maintained so as not to negatively impact vegetation to be retained on site and downslope/downstream of the site.
89. Any runoff entering the areas of vegetation to be retained shall be of an equivalent or better quality, and of a similar rate of flow to present levels.
90. The development, including construction, shall not result in any increase in sediment deposition into any water body, wetland, bushland or environmentally significant land.
91. The site surface levels are to be designed so that site surface stormwater is deflected away from buildings and neighbours boundary fences and does not cause nuisance or flooding of those areas for storm events less than a 1% AEP.

Pollution Control

92. 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.

Food Premises – Restaurant/Take-Away/Bakery

93. The construction, fitout and finishes of the premises shall comply with the AS 4674, Food Act 2003 and Regulations thereunder, and the requirements of **Attachment No. B**.

E. PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

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

Certificates

94. The premises must not be utilised until an Occupation Certificate 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.
95. 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.
96. All required Compliance 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.
97. 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.
98. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the PCA.
99. Should the construction of the development (bulkheads etc) reveal that the smoke alarms cannot operate effectively, additional smoke alarms may be required to be installed in order that the alarms effectively protect the occupants of the building in accordance with the provisions of National Construction Code Part 3.7.2.

Recommendations of Acoustic Report

100. 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.

101. A Hygiene Management Plan prepared by the proprietor shall be submitted to Council for assessment prior to the commencement of any trading activities. Once approved, the standards of this Hygiene Management Plan must be followed at all times.

Smoke Alarms

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

General Terms of Approval

103. Any applicable requirements stipulated in the General Terms of Approval issued for the application are to be addressed and confirmed to the relevant authority.

RMS

104. Any applicable requirements stipulated in the correspondence (as per condition No. 3) issued for the application by the NSW Transport RMS are to be addressed and confirmed to the relevant authority.
105. Confirmation from an accredited bushfire consultant confirming the development is consistent with Planning for Bushfire Protection 2006.
106. ***Condition deleted as per Section 96 (DA-1709/2012/A)***

Flooding

107. There shall be no storage of materials below the 1% AEP flood plus half a metre (i.e. 24.5m + 0.5m = 25.0m Australian Height Datum) which may cause pollution or be potentially hazardous during any flood.
108. Certificates of design compliance and system performance for the proposed mechanical ventilation system shall be provided to the PCA, certifying the design, and upon commissioning of the mechanical ventilation system(s), certifying performance. The certificate of performance shall be issued to the certifying authority and be accompanied by details of the test carried out in respect of: -
- (a) Ventilation
 - (b) Acoustics
109. Prior to the commencement of food handling operations, the food business proprietor shall notify the NSW Food Authority of the following information including:
- (a) Contact details for the food business including the name of the food business and the name and address of the proprietor of the business;
 - (b) The nature of the food business; and
 - (c) The location of all food premises of the food business within the jurisdiction of NSW Food Authority.

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

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

Traffic

110. The Club is to provide a plan for approval by the Traffic and Transport Team showing the location and signage of all parking, including the location of directional signage to the hotel car park.

The plan is to also designate the access to, and location of, the tourist coach loading and unloading space.

Showers

111. To ensure appropriate accessibility, no hobs are to be installed in the showers.

Food Premises – Restaurant

112. Council's Health & Building section shall be notified in writing that the premises will be used for the preparation, manufacture or storage of food for sale. The premises will be registered on Council's database.
113. Trading shall not commence until an OC has been issued by the PCA.
114. A Trade Waste application shall be submitted and approved by the Sydney Water Corporation regarding the installation of proposed pre treatment equipment, eg basket and grease arrestors. A copy of the plumber's certificate of compliance for the installation of pre-treatment equipment, and of the Trade Waste Agreement, shall be furnished to the PCA.

Flooding

115. Prior to the issue of any Occupation Certificate, a flood evacuation plan shall be developed and maintained, including suitable warning systems, signage and exits, to ensure the safe evacuation of people during floods up to and including the Probable Maximum Flood.

G. CONDITIONS RELATING TO USE

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

Car Parking/Loading

116. A total of **221 designated hotel** off street car parking spaces must be provided in accordance with Council's relevant development control plan. **Five (5)** of the spaces must be designed and signposted/marked for the specific use of persons with a disability.
117. All parking areas shown on the approved plans must be used solely for this purpose.

Goods in Building

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

Graffiti

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

Waste

120. All solid and liquid waste is to be removed from the site by a registered waste contractor.
121. All waste materials generated as a result of the development are to be disposed at a facility licensed to receive such waste.
122. All solid waste stored on site is to be covered at all times.

Waste Storage Area

123. Waste bins must be stored in designated garbage/ trade refuse areas, which must be kept tidy at all times. Bins must not be stored or allowed to overflow in parking or landscaping areas, must not obstruct the exit of the building, and must not leave the site onto neighbouring public or private properties.

Advertising

124. A separate Development Application shall be lodged for any signage in association with the development.

Hours of Operation

125. The approved development may operate 24 hours, 7 days a week.

The premise is permitted to operate on Public Holidays.

Noise

126. Any alarm installed on the site is to be "silent back to base" type.
127. The use of the premises including music and other activities shall not give rise to any one or more of the following:
- (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.
 - (b) An indoor sound pressure level in any place of different occupancy (and/ or public place) greater than 3dB(A) above the L90 background level or greater than 5db(A) at the boundary of any affected property in any octave band from 31.5Hz to 8,000 Hz centre frequencies inclusive between the hours of 7.00am to midnight daily and 0dB(A) above the L90 background between 12 midnight and 7.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are

equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this subclause does not apply to any such frequencies.

- (c) During the period of 12 midnight to 7.00a.m. The use shall be inaudible in any habitable room of any residential premises.
- (d) The emission of an "offensive noise" as defined under the POEO Act.

The method of measurement of vibration in (a) and sound levels in (b), (c) and (d) shall be carried out in accordance with AS 2973 for vibration measurements, AS 1055 for outdoor sound level measurements, and AS 2107 for indoor sound level measurements.

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

129. Annual Fire Safety Statements

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

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

- (a) in respect of each essential fire safety measure, such measure has been assessed by a properly qualified person and was found, when it was assessed, to be capable of performing:

- (i) in the case of an essential fire safety measure applicable by virtue of a fire safety schedule, to a standard no less than that specified in the schedule, or

- (ii) in the case of an essential fire safety measure applicable otherwise than by virtue of a fire safety schedule, to a standard no less than that to which the measure was originally designed and implemented, and

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

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

130. Noise associated with the use of the premises, including mechanical plant and equipment, shall not give rise to any one or more of the following:

- (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.
- (b) An indoor sound pressure level in any place of different occupancy (and/ or public place) greater than 3dB(A) above the L90 background level or greater than 5db(A) at the boundary of any affected property in any octave band from 31.5Hz to 8,000 Hz centre frequencies inclusive between the hours of 7.00a.m to 10.00p.m daily and

0dB(A) above the L90 background between 10.00pm and 7.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this subclause does not apply to any such frequencies.

- (c) The emission of an "offensive noise" as defined under the POEO Act.

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

Food Premises – Restaurant/Take-Away/Bakery

131. The use of charcoal for the purposes of heating, cooking or smoking food on the premises is strictly prohibited.
132. The use of the premises shall not give rise to the emission into the surrounding environment of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.

Swimming Pool Register

133. Land owners are to be aware of their responsibility under the **Swimming Pools (Amendment) Act 2012** which requires swimming pools to be registered at www.swimmingpoolregister.nsw.gov.au

The register will be available from 29 April 2013. There is no fee for the land owner to register their pool online.

From 29 October 2013, authorised officers *may* fine pool owners if their pool is not registered on the NSW Swimming Pool Register. The fine is \$220.00. In the event that an inspector refers the matter to court, a fine of up to a maximum of \$2,200 may be imposed.

Reason for condition imposition:

In 2012, a comprehensive review of the Swimming Pools Act 1992 was finalised. This review identified a number of amendments designed to enhance the safety of children under the age of five years around ('backyard') swimming pools in NSW. This condition is imposed to ensure that land owners are aware of their obligations under the Amendment Act.

Flooding

134. There shall be no storage of materials below the 1% AEP flood plus half a metre (i.e. 24.5m + 0.5m = 25.0m Australian Height Datum) which may cause pollution or be potentially hazardous during any flood.

LIVERPOOL CITY COUNCIL
SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Page 58 of 80

ATTACHMENT (A)

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

Liverpool Contribution Plan 2009

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 December 2013 quarter and will be adjusted at the time of payment in accordance with the conditions of consent.

APPLICATION NO: DA-1709/2012

APPLICANT: WOOD AND DAY PARTNERSHIP P/L

PROPERTY: LIVERPOOL CATHOLIC CLUB, 424-458 HOXTON PARK ROAD
PRESTONS, NSW 2170

PROPOSAL: CONSTRUCTION OF A TEN STOREY HOTEL AND
ALTERATIONS TO THE EXISTING HOTEL BUILDING.

<u>Facilities</u>	<u>Amount (\$)</u>	<u>Job No.</u>
Liverpool Contributions Plan 2009		
District Transport - Land	\$1,733	GL.10000001865.10055
District Transport - Works	\$4,883	GL.10000001865.10055
Local Transport		
East of M7 - Works	\$1,456	GL.10000001865.10077
East of M7 - Land	\$0	GL.10000001865.10077
District Drainage - Land	\$9,039	GL.10000001866.10076
District Drainage - Works	\$2,684	GL.10000001866.10076
Local Drainage		
East of M7 - Land	\$1,965	GL.10000001866.10075
East of M7 - Works	\$9,629	GL.10000001866.10075
Landscape Buffer - Land	\$1,139	GL.10000001869.10078
Landscape Buffer - Works	\$121	GL.10000001869.10078
Administration	\$409	GL.10000001872.10081
Professional Fees	\$849	GL.10000001872.10080
<u>TOTAL</u>	<u>\$33,907</u>	

LIVERPOOL CITY COUNCIL
SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Page 59 of 80

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

RECORD OF PAYMENT

TOTAL AMOUNT PAID: _____

DATE: _____

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

ATTACHMENT (B)

Food Premises – Restaurant/Take-Away/Bakery

1. All walls (including partition walls) within the kitchen, food preparation, storage and display areas shall be of solid construction (eg., bricks, cement or other approved material). These walls are to be finished with glazed tiles, stainless steel or other approved material adhered directly to the wall to a height of 2 metres above floor level.
2. Walls within the kitchen, food preparation, storage and display areas which are not of solid construction (eg., stud walls) shall be finished in tiles or other approved material from the floor level to the underside of the ceiling.
3. The floors within the kitchen, food preparation, storage and display areas shall be constructed of a suitable material which is non-slip, durable, resistant to corrosion, non-toxic, non-absorbent and impervious to moisture. The floor is to be graded and drain to an appropriate floor waste fitted with a basket arrestor.
4. If the floor in the food preparation and storage areas is constructed of tiles, the joints between the tiles shall be of a material that is non-absorbent and impervious to moisture.
5. The intersection of walls with floors and exposed plinths in the kitchen, food preparation, storage and display areas are to be coved to a minimum radius of 25mm.
6. All plinths are to be constructed of a material which is of solid construction and impervious to moisture. The plinths shall be:
 - (a) at least 75mm high;
 - (b) finished level to a smooth even surface;
 - (c) recessed under fittings to provide a toe space of not more than 50mm;
 - (d) rounded at exposed edges; and
 - (e) coved at the intersection of the floor and wall to a minimum radius of 25mm.
7. The ceiling is to be constructed of a material that is rigid, smooth faced and impervious to moisture. The ceiling over the food preparation, storage and display areas shall be painted with a washable paint of a light colour. The surface finish is to be free of open joints, cracks, crevices or openings (drop ceiling panel is not permitted). The intersections of walls and the ceiling are to be tight jointed, sealed and dust-proof.
8. The drop-in panel ceiling in the food preparation and storage areas shall be replaced with an approved rigid, smooth faced and impervious material which is free of open joints, cracks, crevices or openings. The ceiling is to be painted with a light coloured washable paint.
9. All service pipes and electrical conduits shall be either:
 - (a) concealed in floors, walls, ceiling or concrete plinths, or

- (b) fixed with brackets so as to provide at least
 - i) 25mm clearance between the wall and the pipe/conduit; &
 - ii) 100mm between the floor and the pipe/conduit
 - (c) pipes so installed are not to run underneath fittings.
10. All architraves, skirting boards, picture rails and the like are not permitted within the kitchen, food preparation and storage areas.
 11. All openings in the walls, floors and ceilings through which service pipes and electrical conduits pass through are to be designed and constructed so as to prevent the access of vermin.
 12. The internal and external surfaces, including exposed edges to all benches, counters and shelving in the food preparation, storage, display and serving areas are to be finished with a rigid, smooth faced and non-absorbent material (eg laminate, stainless steel or other approved material) that is capable of being easily cleaned.
 13. All shelving shall be located at least 25mm off the wall or alternatively, the intersection of the shelf and the wall is to be completely sealed. NOTE: The lowest shelf shall be a minimum of at least 150mm above the floor level.
 14. The hot water service unit shall be positioned a minimum of 75mm clear of the adjacent wall surface and mounted a minimum of 150mm above the floor level on a stand of non-corrosive metal construction.
 15. A free standing, hands free hand wash basin shall be provided in a convenient position within the food preparation and serving areas. The hand wash basin shall be provided with hot and cold water supplied through a single outlet and fitted with an approved mixing device to enable hands to be washed under hot running water at a temperature of at least 40C.
 16. Cavities, false bottoms and similar hollow spaces capable of providing access and harbourage of vermin are not permitted to be formed in the construction of the premises or in the installation of fixtures, fittings and equipment.
 17. A double bowl sink or two-compartment tub shall be provided with hot and cold water supplied through a single spout in the kitchen/food preparation area. Double bowl sink or tubs shall be supplied with water of at least:
 - (a) 45C in one bowl for washing purposes; and
 - (b) 77C in the other bowl for rinsing purposes, together with a thermometer accurate to 10C.

General Terms of Approval

Roads and Maritime Services

Our Reference: SYD13/00168
Your Reference: DA-1709/2012
Contact: Hans Pilly Mootanah
Telephone: 8849 2076



Transport
Roads & Maritime
Services

General Manager
Liverpool City Council
Locked Bag 7064
LIVERPOOL BC NSW 1871

Attention: Lina Kakish

LIVERPOOL CATHOLIC CLUB HOTEL EXPANSION 424-458 HOXTON PARK ROAD, PRESTONS

Dear Sir/Madam,

I refer to your letter dated 10 January 2013 (Council's Reference DA-1709/2012) with regard to the abovementioned development proposal, which was referred to the Roads and Maritime Services (RMS) for comment.

RMS has reviewed the application and does not object to the development subject to the following conditions being included in the Determination of the application:

1. The subject property is affected by road proposal as shown by grey colour on the attached plan.

There are no other approved proposals which would require any part of the subject property for road purposes.

Therefore there are no objections to the development proposal on property grounds, provided any buildings or structures erected are clear of the land required for road.

2. The proposed construction of the hotel expansion shall be delayed until such time that the multi level car park on site is completed and ready for operation.
3. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) are to be in accordance with AS 2890.1- 2004 and AS 2890.2 – 2002 for heavy vehicle usage.

In addition, RMS provides the following advisory comments to Council for its consideration in the determination of the development application:

Roads and Maritime Services

100/111-113 ARMYLIE STREET, PARKMARTTA NSW 2100
PO BOX 1111 PARKMARTTA NSW 2100
www.rms.nsw.gov.au 1 800 22 11

LIVERPOOL CITY COUNCIL

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Page 63 of 80

4. Council should ensure that post-development storm water discharge from the subject site into the RMS drainage system does not exceed the pre-development discharge.

Should there be changes to the RMS's drainage system then detailed design plans and hydraulic calculations of the stormwater drainage system are to be submitted to the RMS for approval, prior to the commencement of any works.

Details should be forwarded to:

The Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124.

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

5. The proposed development should be designed such that road traffic noise from Hoxton Park Road is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102 subdivision 3 of State Environmental Planning Policy (Infrastructure) 2007.
6. All demolition and construction vehicles are to be contained wholly within the site.
7. The swept path of the longest vehicle (including garbage trucks) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.
8. Clear sight lines shall be provided at the property boundary line to ensure adequate visibility between vehicles leaving the car park and pedestrians along the frontage road footpath in accordance with Figure 3.3 of AS 2890.1 - 2004 for light vehicles and AS 2890.2 - 2002 for heavy vehicles.
9. All works / regulatory signage associated with the proposed development are to be at no cost to RMS.

Any further inquiries in relation to this matter should be forwarded to the nominated Assistant Planning & Assessment Officer nominated at the top of this letter.

Yours sincerely,



Gordon Trotter
A/Land Use Planning & Assessment Manager
Transport Planning, Sydney Region

20 March 2013

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

This aerial map shows the Hoxton Park area in NSW, Australia. The Liverpool Parramatta Transitway runs horizontally across the middle of the image. To the north of the transitway is Hoxton Park Road, with several properties labeled, including 152 Banks Road Miller, 3 1042706, 740 540319, 16 1036695, 15 1036695, and 317 Hoxton Park Road Cartwright. To the south of the transitway is Hoxton Park Road, with properties labeled 464 Hoxton Park Road Hoxton Park, 2 1042706, 1058275, 107721, 1058275, 6 1058275, 6 1053060, and 5 1036695. The map also shows Jojoja Road, Damper Pl, and Wed St. A large circular structure, possibly a stadium or arena, is visible in the center-right. A yellow box in the bottom left corner contains text about the map's accuracy and disclaimer.

LIVERPOOL CITY COUNCIL
SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Page 65 of 80

NSW Rural Fire Service

All communications to be addressed to:

Headquarters
15 Carter Street
Lidcombe NSW 2141

Headquarters
Locked Bag 17
Granville NSW 2142

Telephone: 1300 NSW RFS
e-mail: csc@rfs.nsw.gov.au

Facsimile: 8741 5433



The General Manager
Liverpool City Council
Locked Bag 7064
LIVERPOOL BC NSW 1871

Your Ref: DA-1709/2012
Our Ref: D12/2589
DA12111985546 MA

ATTENTION: Lina Kakish

7 December 2012

Dear Sir / Madam

Integrated Development for 1//1077341 424-458 Hoxton Park Road Prestons

I refer to your letter dated 14 November 2012 seeking general terms of approval for the above Integrated Development in accordance with Section 91 of the 'Environmental Planning and Assessment Act 1979'.

This response is to be deemed a bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997' and is issued subject to the following numbered conditions:

Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

1. Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

LIVERPOOL CITY COUNCIL
SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Page 66 of 80

For any queries regarding this correspondence please contact Matthew Apps on 1300 NSW RFS.

Yours sincerely



Michelle Streater
Acting Team Leader Development Assessment

The RFS has made getting information easier. For general information on 'Planning for Bush Fire Protection, 2006', visit the RFS web page at www.rfs.nsw.gov.au and search under 'Planning for Bush Fire Protection, 2006'.

LIVERPOOL CITY COUNCIL
SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Page 67 of 80

NSW Police



Lina KAKISH
Senior Development Planner
Liverpool City Council
Level 2, 33 Moore Street,
Liverpool NSW 2170

RE: Development Application DA-1709/2012 – Proposed ten storey hotel building on the existing Liverpool Catholic Club site, 424 Hoxton Park Road, Hoxton Park.

1. Introduction

On Friday the 1st of February 2013 a Crime Risk Assessment (CRA) was conducted by Constable Lisa O'Meley, Green Valley Local Area Command on a proposed ten storey hotel development to be situated at 424 Hoxton Park Road, Hoxton Park. In conducting this Crime Risk Assessment we need to take into account a number of factors, socio economic issues, local crime overview, which gives an overall risk rating for the proposed development.

The proposed development relates to the construction of a ten storey hotel building adjacent the Liverpool Catholic Club and the Mecure Hotel. This additional hotel building will increase the accommodation potential of the site by providing 121 new guest rooms and suites, 8-11 meeting rooms (3 rooms divisible) and attendant service areas.

The new building will adjoin to the north of the existing Mecure Sydney-Liverpool Hotel, and will connect with the existing ground floor lobby, and also the corridors of the upper guest room floors. The base of the new building will straddle the existing service driveway, maintaining vehicular access to the rear of the auditorium in the existing club building, and new ground floor service areas will be suspended over the existing landscaped earth bank to avoid disturbance on flood-water overland flow and reduction in catchment volume.

The proposed development is made up of the following elements:

- 121 new guest rooms in a new reinforced concrete hotel building, including 3 levels of accommodation in a wider format building, below a taller section of building with a smaller floor plate consisting of 8 levels of accommodation,
- New functions facilities at first floor level including 8 small meeting rooms, with pre-function lounge areas, bar, snacks preparation kitchen, food & beverage storage and chair & equipment storage,

- Ground floor ancillary services area,
- The demolition of the existing hotel atrium to make way for a small extension to the existing lobby to provide 2 new lifts, and stair access to the new meeting rooms on the first floor, as well as a small kiosk and internet café at ground floor level,
- The relocation of the existing children's playground and modifications to the balustrade of the existing bistro dining terrace,
- Minor changes to the kerbs of the existing access driveway to the rear of the club auditorium and
- The adaptation of the existing landscape With equal volumes of cut and fill to minimize the impact of the new building during site flooding events.

The total gross floor area of the new hotel development will be 8,023 sq. metre, including 8 floors of guest rooms, 1 floor of meeting rooms and facilities, and 1 floor of services, including a kiosk and extension to the existing hotel entry lobby. (*Information from Statement of Environmental Effects*).

This assessment process is based upon **International Standard - Risk Management Standard ISO:31000**. It is a contextually flexible, transparent process that identifies and quantifies crime hazards and location risk. Assessment measures include crime likelihood (statistical probability), consequence (crime outcome), distributions of reported crime (hotspot analysis), socio-economic conditions (relative disadvantage), situational hazards and crime opportunity.

There is a recognized correlation between high levels of social disadvantage and crime (National Crime Prevention, 1999, NSW BOSCAR, 2001). Information from the Australian Bureau of Statistics indicates that the proposed development area has *low* levels of disadvantage.

Reported crime statistics have been used to help identify 'crime likelihood'. In NSW, crime statistics are gathered and analysed in geographical areas referred to as Police Local Area Commands (LACs).

After conducting a Crime Risk Assessment for the proposed development the crime risk rating has been identified as **MODERATE**. This is on a sliding scale of low, moderate, high, extreme.

The proposed development has the potential to introduce new victims, crime opportunities and offenders to the development site and its surroundings. With this in mind Crime Prevention Through Environmental Design (CPTED) treatment options need to be considered for the proposed development in order to reduce opportunities for crime.

2. Crime Prevention through Environmental Design

Crime Prevention through Environmental Design (CPTED) is a crime prevention strategy that focuses on the planning, design and structure of cities and neighbourhoods. It reduces opportunities for crime by using design and place management principles that reduce the likelihood of essential crime ingredients from intersecting in time and space.

Predatory offenders often make cost-benefit assessments of potential victims and locations before committing crime. CPTED aims to create the reality (or perception) that the costs of committing crime are greater than the likely benefits. This is achieved by creating social and environmental conditions that:

- Maximise risk to offenders (increasing the likelihood of detection, challenge and apprehension)
- Maximise the effort required to commit crime (increasing the time, energy and resources required to commit crime)
- Minimise the actual and perceived benefits of crime (removing, minimising or concealing crime attractors and rewards), and
- Minimise excuse-making opportunities (removing conditions that encourage/facilitate rationalisation of inappropriate behaviour).

CPTED employs a number of key strategies, surveillance, access control, territorial re-enforcement, space & activity management to reduce opportunities for criminal and anti-social behaviour.

Surveillance

Surveillance is achieved when normal space users can see and be seen by others. It highlights the importance of building layout, orientation and location; the strategic use of street design; landscaping and lighting. Surveillance should be a by-product of well-planned, well-designed and well-used space.

Formal, or Organised Surveillance (FS), is achieved through the tactical positioning of on-site guardians. An example would be the placement of an estate supervisor's office next to a communal area. *Technical Surveillance (TS)* is achieved through mechanical/electronic measures such as CCTV, help-phones and mirrored building panels. Technical surveillance is commonly used as a "patch" to supervise isolated, higher-risk locations.

Lighting - There is a proven correlation between poor street lighting, fear of crime, the avoidance of public places and crime opportunity (Painter, 1997). With this in mind the **Australia and New Zealand Standards - Lighting** now requires lighting engineers and designers to factor-in crime risk and fear when choosing luminaires/lighting levels. The lighting levels within the development should be commensurate with the crime risk identified within the Assessment.

Access Control

Access control measures should restrict, channel and encourage people and motor vehicles into, out of and around targeted sites. Way finding, desire-lines and formal/informal routes are important crime prevention considerations.

Access control is used to increase the time and effort required to commit crime and to increase the risk to criminals. *Natural Access Control (NAC)* measures include the tactical use of landform and waterways, design measures including building configuration, formal

and informal pathways, landscaping, fencing and gardens. *Mechanical/Electronic Access Control (MEAC)* measures include security hardware and *Formal or Organised Access Control (FAC)* measures include on-site guardians such as employed security personnel.

Territorial Reinforcement

Criminals are more likely to be deterred by the presence of people who are connected with and protective of a place than by people who are just passing through it. *Territorial Reinforcement (TR)* employs actual and symbolic boundary markers, spatial legibility and environmental cues to 'connect' people with space, to encourage communal responsibility for public areas and facilities, and to communicate to people where they should and should not be, and what activities are appropriate.

Space and Activity Management

Space management involves the formal supervision, control and care of the public domain. All space, even well planned and well-designed areas need to be effectively used and maintained to maximise community safety. Places that are infrequently used are commonly abused. Space and activity management strategies are an important means of developing and maintaining *natural* community control.

3. Treatment Options

The following treatment options have been recommended to reduce opportunities for crime for the proposed development;

3.1. Business Identification

As this development is to be constructed adjacent the Liverpool Catholic Club and also the existing Mecure Hotel it is important that the premises be identified to assist emergency services and visitors to the development. The size of the building also makes it important to be able to identify individual locations within this proposed development.

Recommendations:

1. The street number must be prominently displayed at the front of your business to comply with the Local Government Act, 1993 Section 124 (8).
2. Failure to comply with any such order is an offence under Section 628 of the Act.
3. Offences committed under Section 628 of the Act attract a maximum penalty of 50 penalty units (currently \$5500) for an individual and 100 penalty units (currently \$11000) for a corporation.
4. The number should be in contrasting colours to building materials and be a minimum height of 120 mm.
5. The business name should also be prominently displayed at the front of the business to assist in the identification of the premises.
6. Each level of the development must be clearly marked to assist users of the space.

7. Individual units within the development must also be marked to assist emergency services and users of the space.

3.2. Signage

The size of the development is such that it will be difficult for users to identify locations. This can lead unauthorised people using this as an excuse making opportunity to access certain areas that they should not be in.

Recommendations:

1. Directional signage should be posted at decision making points (eg. Entry/egress points) to provide guidance to visitors. This can also assist in access control and reduce excuse making opportunities by intruders.
2. Warning signs should be strategically posted around the business to warn intruders of what security treatments have been implemented to reduce opportunities for crime.
3. Warning, trespasser will be prosecuted. Warning, No large amounts of money kept on premises. Warning, These premises are under electronic surveillance.
4. Height markers should be posted on entry/egress doors to assist in the assessing the height of offenders.

3.3. Landscaping

While landscaping can enhance the appearance of a development it is important to remember that it can also reduce surveillance opportunities and provide concealment opportunities for offenders.

Recommendations:

1. Trees & shrubs should be trimmed to reduce concealment opportunities and increase visibility to and from the business.
2. Vegetation adjacent to path ways should be limited in height so as not to restrict surveillance opportunities and provide concealment to intruders.
3. Landscaping needs to be maintained on a regular basis to reduce concealment opportunities.
4. Remove obstacles & rubbish from property boundaries, footpaths, driveways, car parks & buildings to restrict concealment & prevent offenders scaling your building.

3.4. Lighting

Lighting which complies with the Australian Standards ~ Lighting must be installed in and around the development. Lighting around pathways needs to be commensurate with moderate crime risk.

Recommendations:

1. Lighting which complies with the **Australian Standard - Lighting** should be installed in and around the business to increase surveillance opportunities during the hours of darkness.
2. The emphasis should be on installing low glare/high uniformity lighting levels over all areas.
3. The objective of lighting is to deny criminals the advantage of being able to operate unobserved however, if an area cannot be overlooked or viewed AT NIGHT, then lighting will only help a criminal see what they are doing, not deter them.
4. The luminaires (light covers) should be designed to reduce opportunities for malicious damage (vandalism).
5. Lighting needs to be checked on a regular basis to ensure that it is operating effectively.
6. Lighting sources should be compatible with requirements of any surveillance system installed.
7. A limited amount of internal lighting should be left on at night to enable patrolling police, security guards or passing people to monitor activities within the business.

3.5. Design

The development needs to be designed to increase surveillance opportunities, control access and display clear ownership in order to reduce opportunities for crime. Information suggests that balconies are to be installed on certain levels of the development. Past and recent history of some accommodation facilities have experience incidents where people have been injured or died as a result of fall from these balconies. With this in mind it is important that the balustrades around these balconies be of a height to restrict unauthorised scaling. Equally important is to control access to restricted areas to comply with the Work, Health & Safety Act.

Recommendations:

1. The building should be of solid construction and designed to clearly define the boundaries and control access to and from the business.
2. The building should also be designed to maximise surveillance opportunities to and from the business and street.
3. Limit the number of entry/egress points to the building.
4. The balustrades around these balconies be of a height to restrict unauthorised scaling.
5. Plant room areas need to be secured to control un-authorised access and tampering with equipment and comply with the **Work, Health & Safety Act, 2011**.
6. The power board should be housed within a cupboard or metal cabinet and secured with an approved electricity authority lock to restrict un-authorised tampering with the power supply.

3.6. Doors

The doors to the development need to be secured to control access the development and individual areas within the development.

Recommendations:

1. The doors and door-frames to the development should be of solid construction.
2. These doors should be fitted with locks with comply with the **Australian Standard – Mechanical Locksets for doors in buildings - AS:4145**.
<http://www.standards.org.au> to restrict unauthorised access and the **National Construction Code of Australia** (fire regulations).
3. This standard specifies the general design criteria, performance requirements, and procedures for testing mechanical lock sets and latch sets for their resistance to forced entry and efficiency under conditions of light to heavy usage.
4. The standard covers lock sets for typical doorways, such a wooden, glass or metal hinged swinging doors or sliding doors in residential and business premises, including public buildings, warehouses and factories.
5. Requirements for both the lock and associated furniture are included. Certain areas may require higher level of locking devices not referred to in this standard. (e.g. locking bars, electronic locking devices, detection devices, alarms).
6. There are some doors within the premises which are designated as (fire) exits and must comply with the Building Code of Australia.
7. This means that they provide egress to a road or open space, an internal or external stairway, a ramp, a fire isolated passageway, a doorway opening to a road or open space. In a required exit or path of travel to an exit, the unobstructed height throughout must not be less than 2m, except the unobstructed height of any doorway may be reduced to not less than 1980mm and the unobstructed width of each exit or path of travel to an exit, except for doorways must not be less than, 1m. (The width of the fire exit door dictates the width of egress path leading to it).
8. The door in the required exit must be readily open-able without a key from the side that faces the person seeking egress, by a single hand downward action or pushing action on a single device which is located between 900mm and 1.2mm from the floor.

3.7. Windows

The windows to the development need to be secured to control access the development. Windows which can be opened need to be re-enforced with additional security to control access via these areas and also provide safety.

Recommendations:

1. The windows and window-frames to these premises should be of solid construction.
2. These windows should be fitted with locks with comply with the **Australian Standard – Mechanical Locksets for windows in buildings – AS:4145**.
<http://www.standards.org.au> to restrict unauthorised access.
3. This standard specifies the general design criteria, performance requirements, and procedures for testing mechanical lock sets and latch sets for their resistance to forced entry and efficiency under conditions of light to heavy usage.
4. The standard covers lock sets for typical windows, such a wooden, glass or metal hinged swinging windows or sliding windows in residential and business premises, including public buildings, warehouses and factories.

5. Requirements for both the lock and associated furniture are included. Certain areas may require higher level of locking devices not referred to in this standard. (e.g. locking bars, electronic locking devices, detection devices, alarms).
6. Glass within windows can be reinforced by either having a shatter-resistant film adhered internally to the existing glass, or by replacing the existing glass with laminated glass, or by having quality metal security grilles or shutters installed to restrict access.

3.8. Property Identification

It is important that the property which is owned by the development be clearly identified should it be reported lost or stolen. Police often experience difficulty in identifying property when it is located.

Recommendations:

1. Ensure that you have adequate building and contents insurance to protect your property.
2. Record descriptions, model and serial numbers of business equipment for easy identification.
3. Your property list, photographs and other documentation should be adequately secured, e.g. safe, safety deposit box. Mark, engrave or etch your property with a traceable number, e.g. ABN (Australian Business Number) for identification.
4. Photograph and record the details of unique items to aid in their recovery if stolen.
5. For items that cannot be engraved, it is suggested that you mark them with an ultra-violet pen.
6. This marking is only visible under an ultra-violet (black) light.
7. When you sell your property, place a neat line through your engraving to show that it is no longer valid.
8. It is also a good idea to give the person a receipt to prove the sale of the item.

3.9. Telephone

It is also important that staff and visitors to the development be aware of how they can contact emergency services in the event of an emergency or life threatening situation.

Recommendations:

1. Telephones should be pre-programmed with the emergency number '000' and local Police number 131 444 for quick reference by occupants.
2. Telephone lines for businesses are being targeted by intruders to prevent the intruder alarm system contacting the security monitoring company or to interfere with the operation of the EPTOS systems. With this in mind telephone lines and boxes should be secured to restrict unlawful tampering with the systems.

3.10. Key & Valuable Control

It is also important to maintain a register for keys for the development to restrict unauthorised access.

Recommendations:

1. A key control system and register should be established within your business.
2. Keys should be tagged simply with a number rather than identifying the location of the lock for which the key operates.
3. Duplicate keys should be stored within either a key cabinet or safe to restrict unauthorised access and tampering with keys.
4. A Confidential Key Holder form should be provided to local police in order that they can access after hours emergency contacts.

3.11. Intruder Alarm System

The size and design of the development makes it difficult for management and staff to monitor all areas. With this in mind a monitored intruder alarm system which complies with the Australian Standard be installed. This system can be designed to detect unauthorised entry via doors or into restricted areas such as plant areas.

Recommendations:

1. A Intruder Alarm System (IAS) which complies with the **Australian Standard – Systems Installed within Clients Premises - AS:2201** <http://www.standards.org.au> should be installed within the premises to enhance the physical security and detect unauthorised entry to the premises.
2. This standard specifies the minimum requirements for intruder alarm equipment and installed systems.
3. It shall apply to intruder alarm systems in private premises, commercial premises and special installations.
4. The Intruder Alarm System (IAS) should be either monitored by a security company.
5. Duress facility should be incorporated into the system to enable staff to activate the system manually in the event of an emergency, such as a robbery. **NB Duress devices should only be used when it is safe to do so.**
6. The light emitting diodes (LEDs red lights) within the detectors should be deactivated, to avoid offenders being able to test the range of the system.
7. The system should be checked and tested on a regular (at least monthly) basis to ensure that it is operating effectively.
8. Staff should be trained in the correct use of the system.
9. As a number of business premises have had telephone lines cut to prevent alarms being reported to the security monitoring company, a supplementary system such as Global Satellite Mobile (GSM) or Radio Frequency (RF) systems should be used to transmit alarm signal by either mobile telephone or radio frequency.

3.12. Closed Circuit Television System (CCTV)

The size and design of the development makes it difficult for management and staff to monitor all areas. With this in mind a Closed Circuit Television System (CCTV) which complies with the Australian Standard be installed. This system can be designed to monitor entry/egress points and plant areas.

Recommendations:

1. A Closed Circuit Television System (CCTV) which complies with **Australian Standard – Closed Circuit Television System (CCTV) AS:4806.1.2.3.4.** <http://www.standards.org.au> should be installed within these premises to receive, hold or process data for the identification of people involved in anti-social or criminal behaviour.
2. The system is obliged to conform with Federal, State or Territory Privacy and Surveillance Legislation.
3. Digital or analogue technology should be used to receive, store and process data.
4. This system should consist of surveillance cameras strategically located in and around the premises to provide maximum surveillance coverage of the area, particularly areas which are difficult to supervise.
5. A minimum of two cameras should be strategically mounted outside the development to monitor activity around these areas. These cameras should be positioned to watch one another to protect them from tampering.
6. One or more cameras should be strategically mounted at entry/egress points to monitor activities around these areas.

3.13. Work, Health and Safety (Act, 2011)

As a **Person Conducting a Business or Undertaking (PCBU)** must ensure, so far as is reasonably practicable, the health and safety (**Work, Health & Safety, Act, 2011**) of people within the workplace. Failure to comply with these requirements can result in financial penalties.

Recommendations

1. A **Person Conducting a Business or Undertaking (PCBU)** must ensure, so far as is reasonably practicable:
2. the provision and maintenance of a work environment without risks to health and safety, and
3. the provision and maintenance of safe plant and structures, and
4. the provision and maintenance of safe systems of work, and
5. the safe use, handling, and storage of plant, structures and substances, and
6. the provision of adequate facilities for the welfare at work of workers in carrying out work for the business or undertaking, including ensuring access to those facilities, and
7. the provision of any information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking, and

8. that the health of workers and the conditions at the workplace are monitored for the purpose of preventing illness or injury of workers arising from the conduct of the business or undertaking.

3.14. Business Fire Safety

As the owner of the building you are obligated under the NSW Environmental Planning and Assessment Act to ensure safety of people and property against fire.

Recommendations:

1. As the owner of the building you must ensure that an annual fire safety assessment of essential fire safety measures for your building is carried out each year.
2. As the owner of the building you must ensure that a Fire Safety Schedule listing essential fire safety measures for your building is displayed near the entrance to your building to comply with the **Environmental Planning and Assessment Act, 1993**.
3. As the owner of the building you must ensure that a Fire Statement is displayed near the entrance to your building to comply with the **Environmental Planning and Assessment Act, 1993**.
4. As the owner of the building you must ensure that a copy of the Fire Safety Schedule and Fire Safety Statement is provided to your local Council and the Commissioner for Fire & Rescue NSW to comply with the **Environmental Planning and Assessment Act, 1993**.
5. Failure to comply with these requirements can result in financial penalties against your building.

3.15. Emergency Planning

As the **Person Conducting a Business or Undertaking (PCBU)** you must ensure an emergency plan is prepared, maintained and implemented for the workplace by the person conducting a business or undertaking (PCBU – the new term that includes employers).

Recommendations.

1. The emergency plan must provide:
 - a. emergency procedures including:
 - b. an effective response to an emergency,
 - c. evacuation procedures,
 - d. notifying emergency service organisations promptly,
 - e. medical treatment and assistance,
 - f. effective communication between the authorised person who coordinates the emergency response and all persons at the workplace.
2. testing of the emergency procedures, including the frequency of testing.
3. information, training and instruction to relevant workers in relation to implementing the emergency procedures.
4. **Australian Standard - Planning for emergencies in facilities, AS:3745**, should be developed and implemented by your organisation.

LIVERPOOL CITY COUNCIL
SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Page 78 of 80

NSW Police Force

Crime Risk Assessment

5. This Standard outlines the minimum requirements for the establishment, validation and implementation of an emergency plan for a facility to provide for the safety of occupants of that facility and its visitors leading up to, and during an evacuation.
6. It includes the following:
 - (a) The formation, purpose, responsibility and training of the emergency planning committee.
 - (b) Emergency identification.
 - (c) The development of an emergency plan.
 - (d) The development of emergency response procedures.
 - (e) The establishment, authority and training of an emergency control organization.
 - (f) The testing and validation of emergency response procedures.
 - (g) Emergency related training.

7. This Standard does not cover facility operational incidents, community disaster management, business continuity, security management or major environmental impacts beyond the facility.

NOTES:

- 1 Guidance on planning and response for fire and smoke emergencies is given in Appendix A.
- 2 Guidance on planning and response for bomb threat is given in Appendix B.
- 3 Guidance on planning and response for civil disorder and illegal occupancy is given in Appendix C.
- 4 The information and guidance in Appendices A, B and C is not comprehensive enough to adequately plan for fire and smoke emergencies, bomb threat, and civil disorder and illegal occupancy.
8. This Standard applies to buildings, structures or workplaces occupied by people, with the exception of Class 1a buildings as defined in the Building Code of Australia, unless that dwelling is also used as a workplace.
9. This Standard does not attempt to over-ride legislative obligations in providing for the safety of occupants and visitors in facilities.
10. It does, however, provide guidance for the planning and implementation of effective emergency planning committee (EPC) and emergency control organization (ECO) procedures, covering emergency situations up until the appropriate Emergency Service arrives to manage the situation, at which time, the ECO shall work in conjunction with that service.
11. The emergencies referred to in this Standard do not exclusively represent the likely range of emergencies that may occur in a facility. The range of specific emergencies shall be identified for each facility.
12. Further information in relation to planning for emergencies can be obtain from Emergency NSW <http://www.emergency.nsw.gov.au> or Emergency Management Australia (EMA).
13. **Factors to consider when preparing an emergency plan**
14. When preparing and maintaining an emergency plan, the PCBU must consider all relevant matters including:
 - a. the nature of the work being carried out at the workplace,
 - b. the nature of the hazards at the workplace,
 - c. the size and location of the workplace,
 - d. the number and composition of the workers and other persons at the workplace.
15. The code of practice Managing the work environment and facilities provides more information about preparing and maintaining an emergency plan.

LIVERPOOL CITY COUNCIL
SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Page 79 of 80

NSW Police Force

Crime Risk Assessment

16. Call Workcover NSW 13 10 50 or check out Workcover NSW website:
www.workcover.nsw.gov.au for more information about emergency plans.

4. Conclusion

In conclusion the New South Wales Police Force has a vital interest in ensuring the safety of the members of the community and the security of their property. By using the recommendations contained in this assessment, any person acknowledges that;

- It is not possible to make areas assessed by the NSWPF absolutely safe for members of the community or the security of their property.
- It is based upon information provided to the NSWPF at the time the assessment was undertaken.
- This assessment is a confidential document and is for the use by the organisation referred to on page one only.
- The contents of this assessment are not to be copied or circulated otherwise than for the purposes of the organisation referred to on page one.

The NSW Police Force hopes that by using the treatments recommended in this assessment, criminal activity will be reduced and the safety of members of the community and the security of their property increased. However it does not guarantee that all risks have been identified, or that the area assessed will be free from criminal activity if its treatments are followed.

Should you have any questions in relation to this report contact Constable Lisa O'Meley, Crime Prevention Officer, Green Valley Local Area Command, Phone 9607 1799.

Yours in crime prevention,



Constable Lisa O'MELEY
Crime Prevention Officer
Green Valley Local Area Command
4th February 2013

LIVERPOOL CITY COUNCIL
SYDNEY WEST JOINT REGIONAL PLANNING PANEL

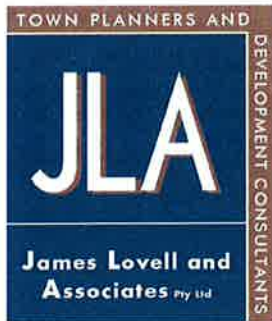
Page 80 of 80

NSW Police Force

Crime Risk Assessment

5. References

- International Standard – Risk Management - AS/NZS/ISO: 31000.
- Australian Standard – Mechanical Locksets for doors in Buildings - AS: 4145.
- National Construction Code of Australia.
- Australian Standard – Mechanical Locksets for windows in Buildings – AS: 4145.
- Australian Standard – Systems Installed within Clients Premises - AS: 2201.
- Australian Standard – Closed Circuit Television System (CCTV) - AS: 4806.1.2.3.4
- Environmental Planning and Assessment Act, 1993.
- Australian Standard - Guard and patrol security services - AS/NZS: 4421.
- Work, Health & Safety, Act, 2011.
- Managing the work environment and facilities publication - Workcover NSW.
- Australian Standard - Planning for emergencies in facilities -AS:3745.



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23 April 2015

The General Manager
Liverpool City Council
Locked Bag 7064
LIVERPOOL BC NSW 1871

Dear Sir,

**DEVELOPMENT APPLICATION No. 1709/2012
424 – 458 HOXTON PARK ROAD, PRESTONS**

Introduction

This submission has been prepared to accompany an Application to amend Development Consent No. 1709/2012 pursuant to Section 96(2) of the Environmental Planning and Assessment Act 1979. The Consent relates to an expansion of the existing (*Mercure Sydney Liverpool*) hotel associated with the *Liverpool Catholic Club* located at No's 424 – 458 Hoxton Park Road, Prestons.

The subject site formally comprises Lot 1 in Deposited Plan 1077341. The site is located on the southern side of Hoxton Park Road, at the junction with Joadja Road.

The site encompasses a total area approximately 17.88 hectares, with frontages of approximately 313 metres to Hoxton Park Road, 525 metres to Joadja Road, and 322 metres to Jedda Road. The site also has a frontage to the western end of Dampier Place.

Background

The *Liverpool Catholic Club* was established on the site in 1979, and since then has been providing an important service in terms of the recreation and social needs of the local community, as well as catering for the needs of its financial members.

The existing facilities on the site generally include a sports centre, gymnasium, ice rink, outdoor sporting facilities, and a full range of Club related recreational, food, drink and entertainment facilities.

On 18 July 2007, Council granted Development Consent (DA1130/2007) for the *"Erection of a Six - Storey Hotel (100 Rooms), Integrated with Existing Club Facilities"*. On 28 July 2008, the approved development was amended pursuant to Section 96 of the Environmental Planning and Assessment Act 1979 to provide an additional two (2) accommodation rooms. The hotel is now operating as the *Mercure Sydney Liverpool*.

The existing hotel comprises a 6-storey building, abutting the main Club building to the east. The hotel provides 104 accommodation rooms, and function/conference facilities. Off-street car parking for 40 vehicles was approved to service the hotel, with the car parking spaces generally located to the north and east of the hotel building.

On 9 May 2012, Development Consent (DA 355/2012) was granted for the construction of a 3-storey car parking structure along the Joadja Road frontage of the site. The car parking structure has been completed.

Approved Development

On 4 April 2014, Development Consent (DA1709/2012) was granted for alterations and additions to the existing hotel, including expansion of the hotel to provide an additional 121 accommodation rooms, 8 – 11 meeting rooms (3 divisible rooms) and associated services.

Condition 116 of the Consent specifies an off-street car parking requirement of *"221 designated hotel off-street car parking spaces"*, including five (5) spaces designated and signposted/marked for the specific use of persons with a disability.

The additional facilities will be accommodated within a 10-storey component to the north-east of the existing hotel, and a 5-storey component further to the north-east. The expanded building form was carefully designed to visually and functionally integrate the existing and approved facilities.

The Development Consent is a *"staged consent"* and provides for the construction of the approved works in two (2) stages. The first stage comprises the *"Construction of the ground floor, first floor and guest room block (floors 3 – 10) including required earthworks and landscaping"*. The second stage comprises the *"Construction of the north wing extension (floors 1 – 5)"*.

Proposed Amendments

The proposed amendments relate to Stage 1 of the approved development, and are identified in the Architectural Plans prepared by *Wood + Day Partnership*, with the individual amendments identified by red text (in conjunction with the accompanying letter).

The Applicant has carried out a detailed review of the approved development as part of the preparation of construction documentation for the Stage 1 component. The review has

identified a number of aspects of the approved design which could be further approved without materially changing the nature or form of the approved development.

In particular, a portion of the equipment/services floor space at the second floor level has been deemed unnecessary, as has the plant room below the roof element at the upper level.

To that end, the primary amendments comprise an internal lowering of a portion of the floor level between Level 1 and 2 to facilitate the conversion of surplus equipment/services floor space to useable floor space.

Further, the surplus plant room below the roof element at the upper level has been converted to useable floor space, internally connected to the hotel accommodation rooms at the level below.

The conversion of the surplus equipment/services and plant room floor space to useable floor space notionally increases the overall gross floor area of the approved hotel by approximately 591m². Irrespective, no changes are required to the height or design of the roof element, the overall building height, or the boundary setbacks/building footprint.

Further, the proposed amendments include a series of relatively minor adjustments to the approved layout and configuration of rooms, including the internal conversion of the "newsagent, internet café, travel shop" at the ground floor level to hotel related office space.

Finally, a series of associated adjustments are proposed to the external detailing of the building to reflect the changes to the internal layout and configuration of rooms.

Legislative Context

Section 96(2) of the Environmental Planning and Assessment Act 1979 specifies that:

- (2) *A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:*
 - (a) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
 - (b) *it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
 - (c) *it has notified the application in accordance with:*
 - (i) *the regulations, if the regulations so require, or*

- (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) *it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

Further, Section 96(2)(3) specifies that in determining an application for modification of a consent, the consent authority shall take into consideration such of the matters referred to in Section 79C(1) as are of relevance to the development the subject of the application.

Substantially the Same Development

In *Tipalea Watson Pty Ltd v Ku-ring-gai Council* NSWLEC 253, it was held that substantially the same development maintains the “essential characteristics” of the approved development. Further, in *Moto Projects (No. 2) Pty Ltd v North Sydney Council* [1991] 106 LGERA 298, Bignold J said (at 309 [56]):

The requisite factual finding requires a comparison between the development as currently approved and the development as proposed to be modified. The result of the comparison must be a finding that the modified development is essentially or materially the same as the currently approved development. The comparative task does not merely involve a comparison of the physical features or components of the development as currently approved and modified where the comparative exercise is undertaken in some type of sterile vacuum. Rather, the comparison involves an appreciation, qualitative, as well as quantitative, of the developments being prepared in their proper contexts.

The reference of Bignold J to “essentially” and “materially” the same is derived from Stein J in *Vacik Pty Ltd v Penrith City Council* (unreported), Land and Environment Court NSW, 24 February 1992, where his Honour said in reference to Section 102 of the Environmental Planning and Assessment Act 1979 (the predecessor to Section 96) that “*Substantially when used in the Section means essentially or materially or having the same essence*”.

In terms of a qualitative assessment, the proposed amendments do not materially change the overall use of the approved building, or its physical or visual relationship with surrounding land.

Further, the proposed amendments are effectively accommodated within the overall building envelope, and no changes are proposed to the overall building height, or the boundary setbacks/building footprint.

In terms of a quantitative assessment, the conversion of the surplus equipment/services and plant room floor space to useable floor space notionally increases the overall gross floor area of the approved hotel by approximately 591m², representing less than 7.4% of the approved floor space, and less than 1.75% of the overall floor space on the site.

Further, no changes are required to the height or design of the roof element, the overall building height, or the boundary setbacks/building footprint.

The existing hotel provides 102 accommodation rooms, and the approved development provides an additional 121 accommodation rooms, 8 – 11 meeting rooms (3 divisible rooms) and associated facilities.

The proposed amendments provide an additional four (4) meeting rooms (through the conversion of the surplus equipment/services at the second floor level to useable floor space), and no additional accommodation rooms are proposed (the surplus plant room at the roof level being converted to useable floor space provides maisonette rooms internally connected to the 4 accommodation rooms below).

Finally, in *Stavrides v Canada Bay City Council [2007] NSWLEC 248*, the Court identified a number of matters of relevance to determining whether an amended development remains substantially the same as the approved development. A number of those matters are relevant to the proposed amendments including:

- the approved use of the building as a hotel, incorporating associated facilities, remains unchanged;
- the external building envelope and volume remains substantially unchanged; and
- the physical and visual relationship with surrounding land remains substantially unchanged.

In the circumstances, the amended development maintains the essential features and characteristics of the approved development, and the use, operation and function of the site remain substantially unchanged. On that basis, the amended development remains substantially the same as the approved development.

Consultation and Notification

The approved development was formally exhibited in accordance with the relevant legislative requirements, and the Council did not receive any submissions in response to the public notification process.

The Council remains responsible for any formal exhibition of the proposed amendments, however the amended development remains substantially the same as the approved development, and the proposed amendments do not materially change the use, operation or function of the site, or the physical or visual relationship with surrounding land.

Section 79C Assessment

The heads of consideration incorporated in Section 79C of the Environmental Planning and Assessment Act 1979 comprise:

- any environmental planning instrument;
- any proposed environmental planning instrument that is or has been the subject of public consultation and that has been notified to the consent authority;
- any development control plan;
- any planning agreement;
- any matters prescribed by the Regulation;
- the likely impacts of the development, including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality;
- the suitability of the site for the development;
- any submissions made in accordance with the Act or the Regulations; and
- the public interest.

Environmental Planning Instrument

State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy (SEPP) No. 55 specifies that a consent authority must not consent to the carrying out of development on land unless it has considered whether the land is, or is likely to be contaminated, and if the land is, or is likely to be contaminated, whether the land requires remediation before the land is developed for the proposed use.

The proposed amendments do not change the approved level of ground disturbance, and the use, function and operation of the site remains substantially unchanged. In the circumstances, the proposed amendments remains consistent with the aims and objectives of the Policy, and no further assessment is required.

State Environmental Planning Policy (Infrastructure) 2007

Clause 101 of State Environmental Planning Policy (SEPP) (Infrastructure) 2007 relates to development with frontage to a classified road, which includes Hoxton Park Road. Clause 101 of the Policy generally aims to maintain the effective and ongoing operation and function of classified roads, and prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.

The proposed amendments do not alter the approved vehicular access arrangements, and the use, operation and function of the site remain substantially unchanged.

Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment

Part 2 of Greater Metropolitan Regional Environmental Plan (REP) No. 2 – Georges River Catchment provides planning principles to be applied when a consent authority determines a development application.

The planning principles generally relate to maintaining and improving the water qualities and river flows of the Georges River and its tributaries. In the regard, the proposed amendments

do not change the approved level of ground disturbance, or the erosion and water quality controls to be implemented during the construction phase of the proposed development.

Liverpool Local Environmental Plan 2008

The site is zoned RE2 – Private Recreation pursuant to the Liverpool Local Environmental Plan (LEP) 2008, and the proposed amendments (defined as “*hotel or motel accommodation*”) are permissible in the zone with the consent of Council.

Clause 2.3(2) of the LEP requires the consent authority to have regard to the objectives of the zone, and the proposed amendments do not alter the consistency of the approved development with the relevant zone objectives.

Clause 4.3 of the LEP specifies a maximum building height of 18 metres, and the proposed amendments do not alter the approved building height of 39 metres, with the feature roof element extending a further 3.6 metres above.

Clause 4.4 of the LEP specifies a maximum floor space ratio (FSR) of 0.25:1. The approved development provides a total FSR on the site of 0.19:1, and the proposed amendments provide a total FSR of 0.193:1.

Clause 7.8 of the LEP relates to flood planning, and Clause 7.31 relates to earthworks. The proposed amendments do not alter the approved level of ground disturbance, or the approved building footprint and finished floor/ground levels.

The LEP does not incorporate any further controls of specific relevance to the proposed development.

Proposed Environmental Planning Instruments

There are no proposed environmental planning instruments of specific relevance to the proposed amendments.

Development Control Plans

The Liverpool Development Control Plan (DCP) 2008 generally aims to supplement the provisions of the Liverpool LEP 2008, and provide more detailed objectives and controls to guide development. Part 1 of the DCP provides general controls for all development.

The proposed amendments do not materially change the use, operation or function of the site, or the physical or visual relationship with surrounding land. Further, the proposed amendments do not alter the approved level of ground disturbance, or the approved building footprint and finished floor/ground levels.

In the circumstances, the relevant provisions of the DCP are limited to the objectives and controls relating to car parking incorporated in Section 20.

In that regard, Condition 115 of the Consent specifies an off-street car parking provision of 221 spaces as follows:

A total of 221 designated hotel off street car parking spaces must be provided in accordance with Council's relevant development control plan. Five (5) of the spaces must be designated and signposted/marked for the specific use of persons with a disability.

The proposed amendments provide an additional four (4) meeting rooms, and no additional accommodation rooms are proposed. The additional meeting rooms are unlikely to be used regularly at the same time as the other approved meetings rooms, circumstances in which the demand for off-street car parking is unlikely to change.

Irrespective, the recent construction of the 3-storey car parking structure along the Joadja Road frontage of the site provides sufficient off-street car parking to facilitate a further allocation of car parking to the expanded hotel if required.

Impacts of the Development

The proposed amendments do not materially change the use, operation or function of the site, or the physical or visual relationship with surrounding land. Further, the proposed amendments do not alter the approved level of ground disturbance, or the approved building footprint and finished floor/ground levels.

The approved building is setback approximately 63.4 metres from Hoxton Park Road to the north, 170 metres from Joadja Road to the west, 420 metres to Jedda Road to the south, and 119.2 metres from the eastern boundary. Further, there is no land in the immediate vicinity of the site zoned or used for residential purposes.

The proposed amendments will maintain the design quality of the approved building, and maintain the visual and functional integration between the existing and expanded hotel. Further, no changes are proposed to the approved building height, or the design, form and level of the architectural roof feature.

Finally, the proposed amendments do not alter the approved external palette of materials and finishes, and the adjustments to the external detailing of the building (to reflect the changes to the internal layout and configuration of rooms) will maintain the architectural integrity of the building, and will not materially change its visual appearance when viewed from either the public domain or the surrounding properties.

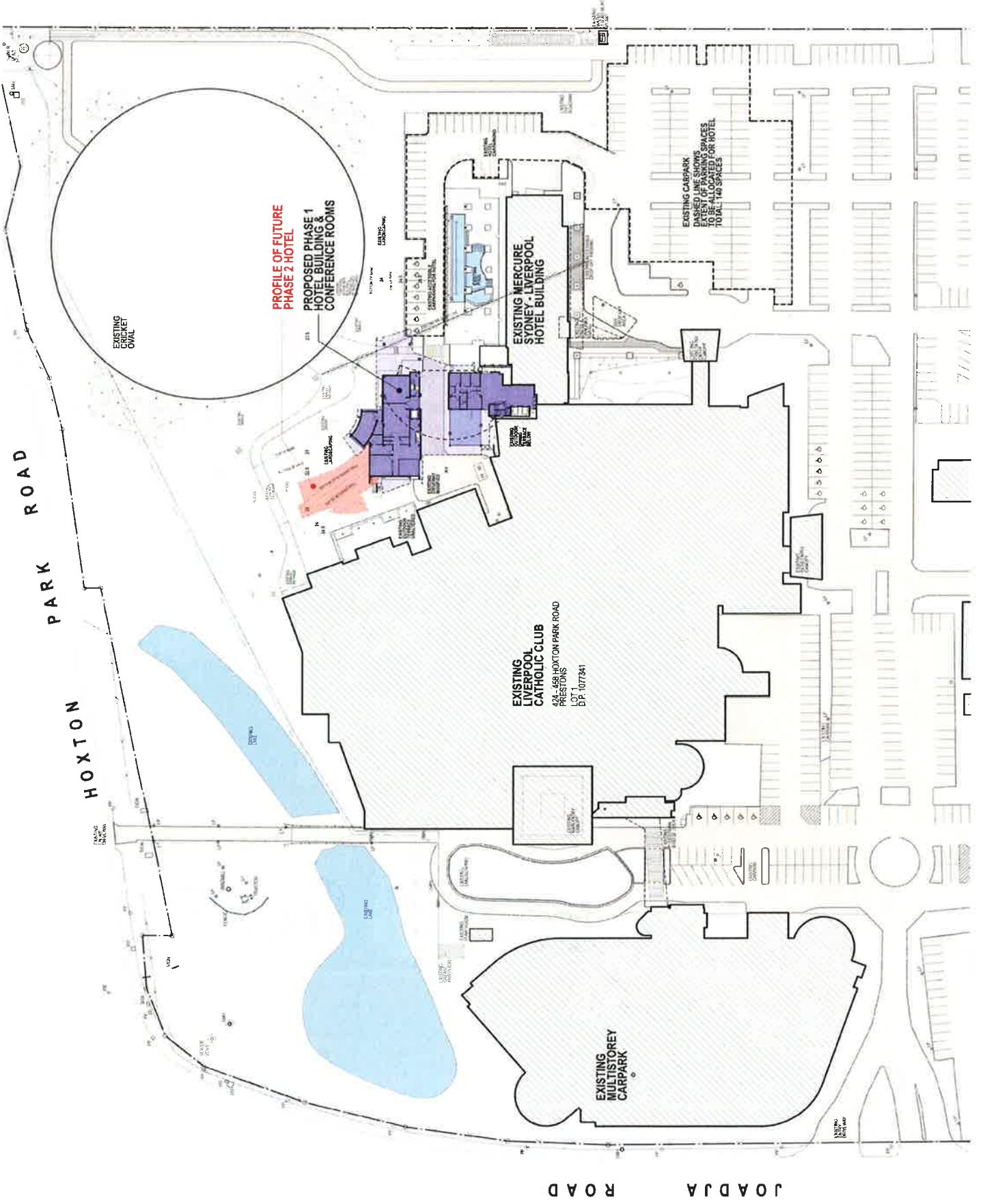
Conclusion

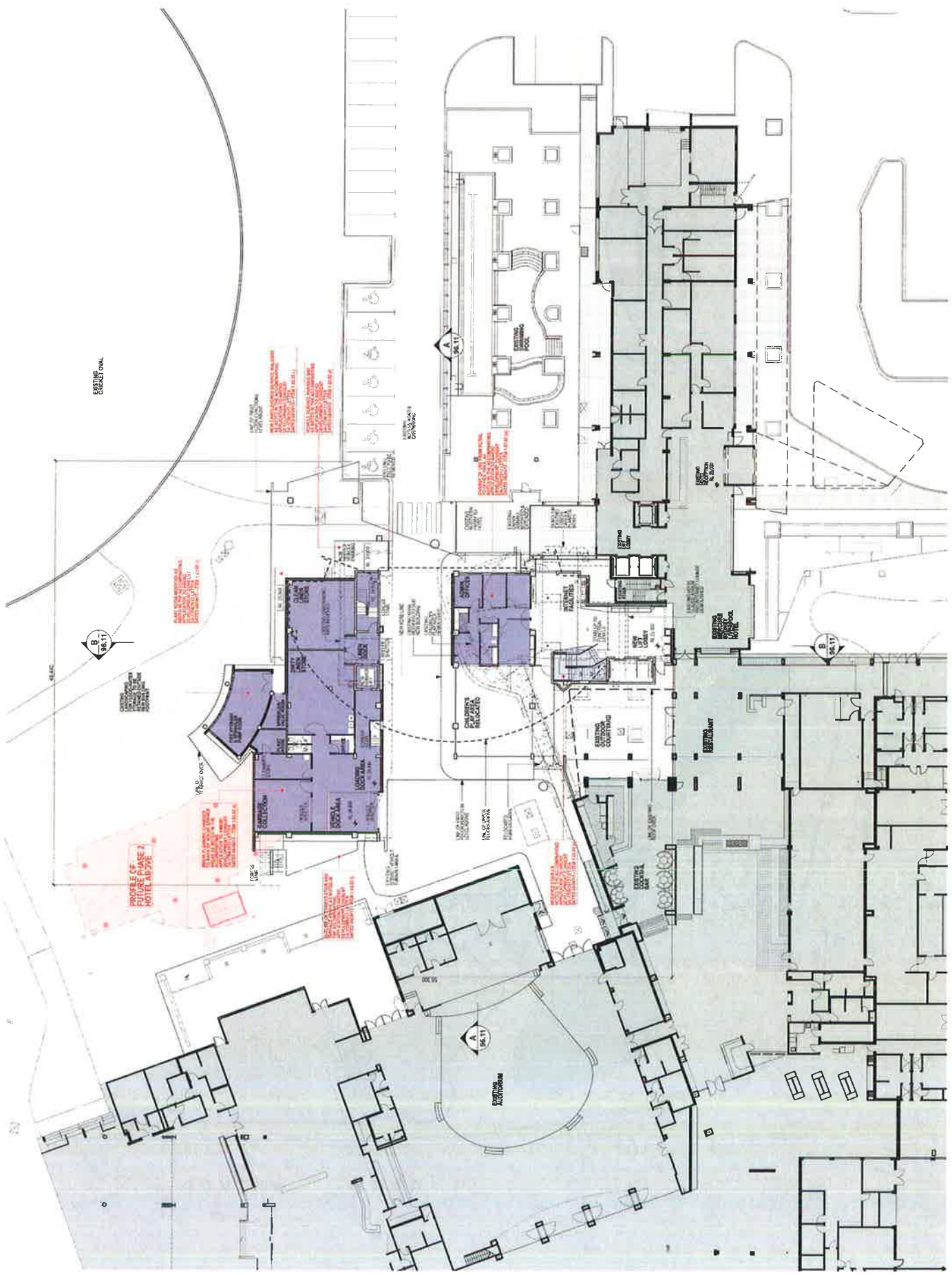
I trust this submission is satisfactory for your purposes, however should you require any further information or clarification please do not hesitate to contact the writer.

Yours Sincerely,

James Lovell

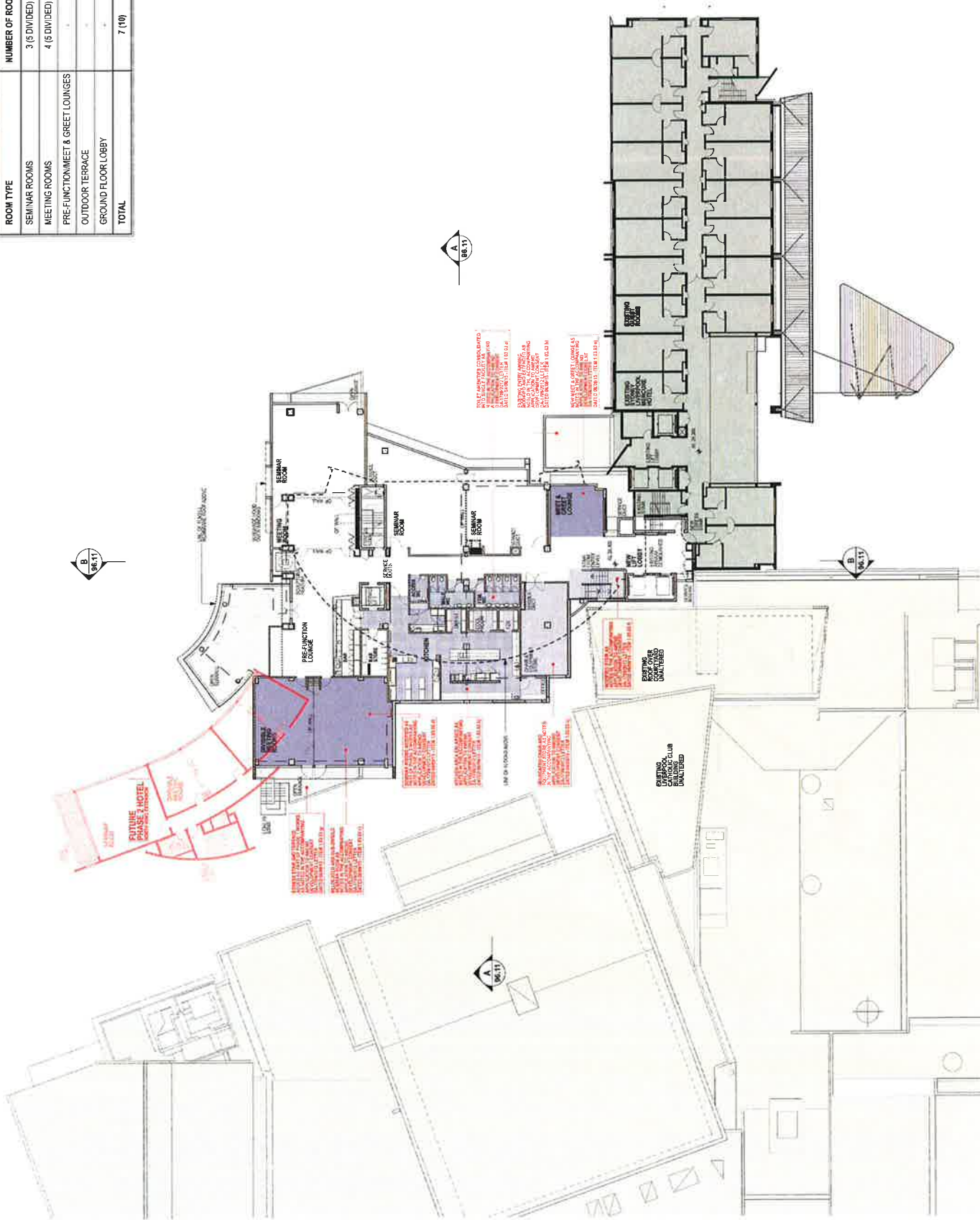
James Lovell
Director
James Lovell and Associates Pty Ltd

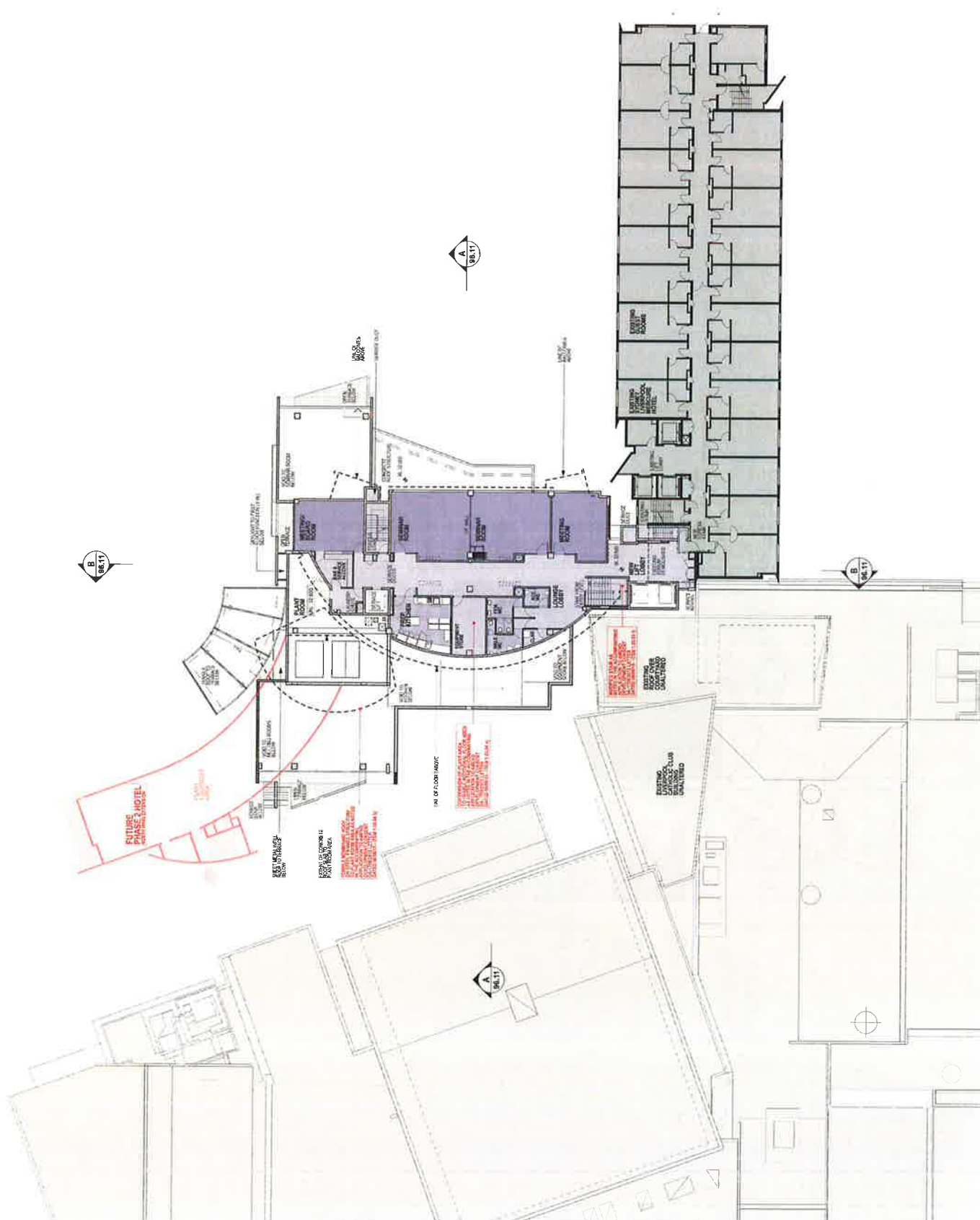




CONFERENCE ROOM SCHEDULE
HOTEL STAGE 2 - PHASE 1 (1ST & 2ND FLOOR INCLUSIVE)

ROOM TYPE	NUMBER OF ROOMS	BREAKOUT SPACES
SEMINAR ROOMS	3 (5 DIVIDED)	-
MEETING ROOMS	4 (5 DIVIDED)	-
PRE-FUNCTION/MEET & GREET LOUNGES	-	1
OUTDOOR TERRACE	-	4
GROUND FLOOR LOBBY	-	1
TOTAL	7 (10)	6





GUEST ROOM SCHEDULE - HOTEL STAGE 2 - PHASE 1

NEW HOTEL ROOM ACCOMMODATION	STANDARD ROOMS	GUEST & EXECUTIVE SUITES
3 rd FLOOR	9*	2
4 th FLOOR	9*	2
5 th FLOOR	9	2
6 th FLOOR	9	2
7 th FLOOR	9	2
8 th FLOOR	9	2
9 th FLOOR	9	2
10 th FLOOR	9	2
TOTAL (OVER 6 FLOORS)	72	16
TOTAL PHASE 1 ROOMS	88	

GUEST ROOM SCHEDULE - HOTEL STAGE 2 - PHASE 2

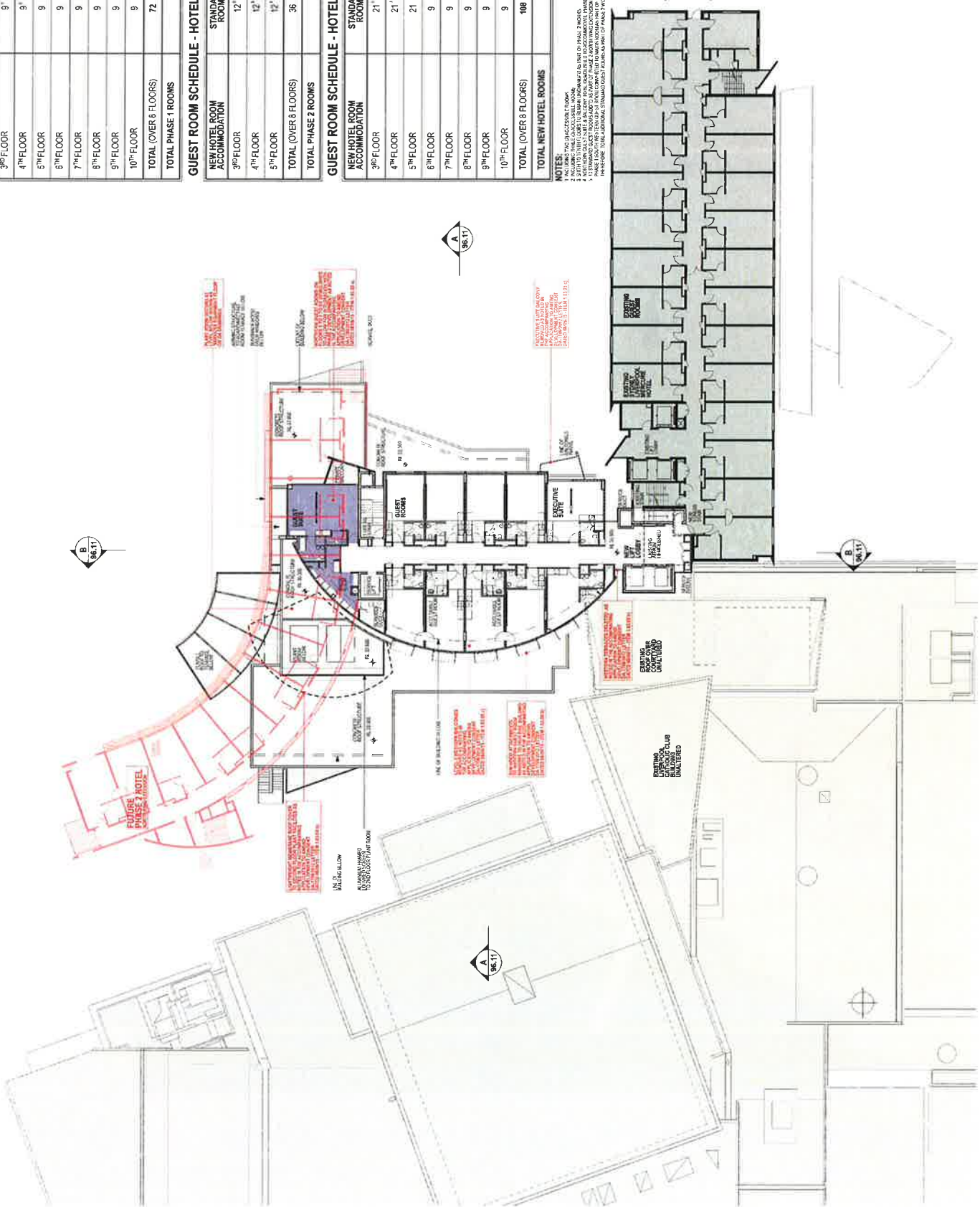
NEW HOTEL ROOM ACCOMMODATION	STANDARD ROOMS	GUEST 4 EXECUTIVE SUITES
3 RD FLOOR	12*	-1*
4 TH FLOOR	12*	-1*
5 TH FLOOR	12*	-1*
TOTAL (OVER 8 FLOORS)	36	-3
TOTAL PHASE 2 ROOMS	33	

GUEST ROOM SCHEDULE - HOTEL STAGE 2 MASTERPLAN

NEW HOTEL ROOM ACCOMMODATION	STANDARD ROOMS	GUEST & EXECUTIVE SUITES
3 RD FLOOR	21 ⁺	1
4 TH FLOOR	21 ⁺	1
5 TH FLOOR	21	1
6 TH FLOOR	9	2
7 TH FLOOR	9	2
8 TH FLOOR	9	2
9 TH FLOOR	9	2
10 TH FLOOR	9	2
TOTAL (OVER 8 FLOORS)	108	16
TOTAL NEW HOTEL ROOMS	121	

NOTES:

- 1 INCLUDING TWO JUNGLESS CROOKS
2 INCLUDING THREE JACQUES-SELLE WOMEN
3 SIXTY TO FIFTY FLOORS USUALLY INCORPORATED AS PART OF PHASE 2 WORKS
4 NORTH OR SOUTH SUITE & BOUTIQUE TOWN, EXACTLY NOT IN DEDICATED PHASE 3 WORKS ON AND 4 THAND WITH FLOORS
5 3 STANDARD GUEST ROOMS AND 20 AS PART OF PHASE 2 NORTH WING EXTENSION (BUT TO 5TH FLOORS)
6 PHASE 3 NORTH WESTERN GUEST ROOMS COMPLETED TO MATCH MODERN PART OF PHASE 2 WORKS (BUT TO 5TH FLOORS)
7 THEREFORE TOTAL ADDED STANDARD GUEST ROOMS AS PART OF PHASE 2 WORKS (BUT TO 5TH FLOORS) 12 ROOMS PER FLOOR



SECT 96.06-C
TENTH FLOOR PLAN

TENTH FLOOR PLAN

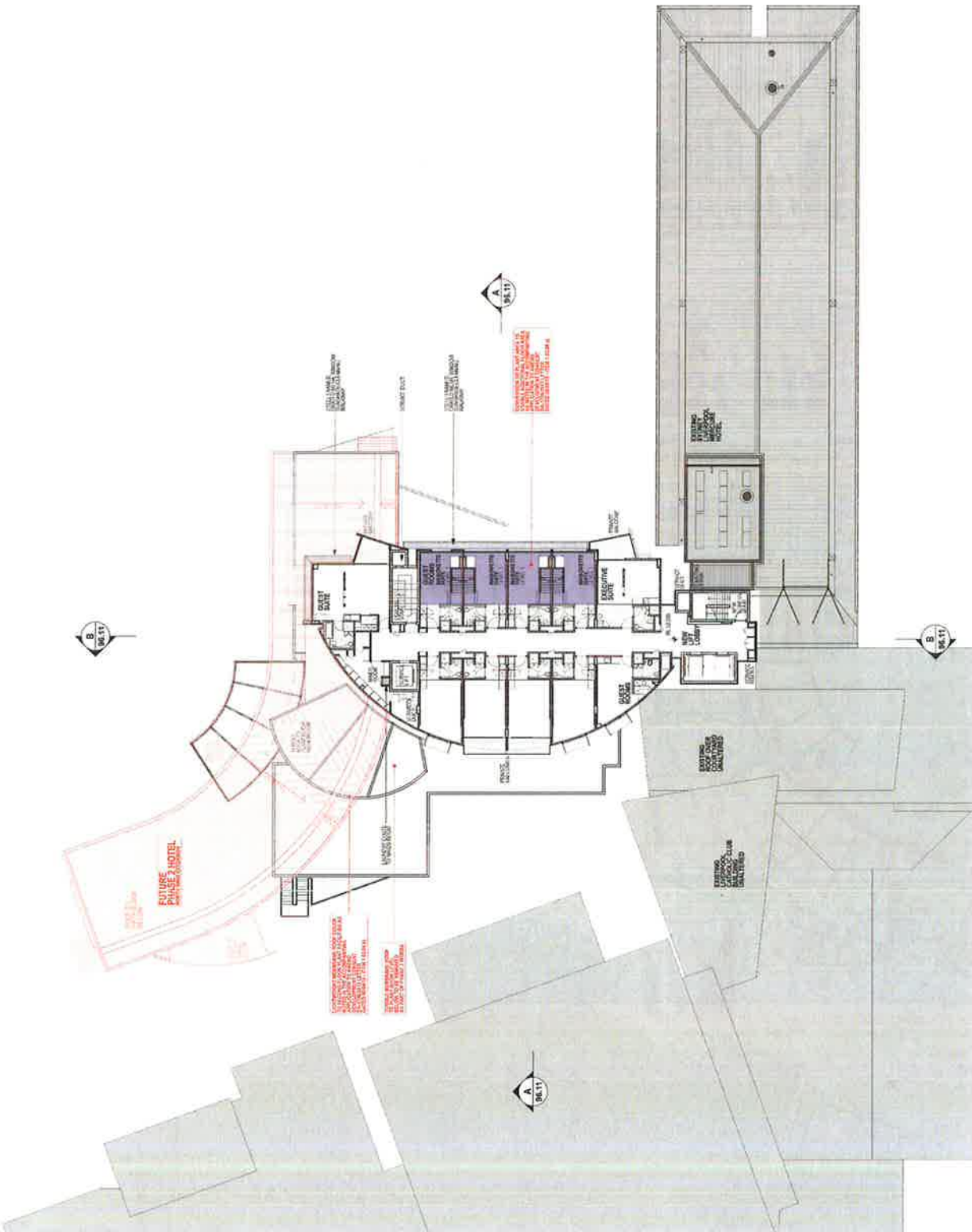
11934

LIVERPOOL CATHOLIC CLUB - STAGE 2 HOTEL DEVELOPMENT - PHASE 1
424 - 459 HOXTON PARK ROAD PRESTONS NSW 2170

Stouffer, 1989]

1-800-368-7735 • 24 HOURS A DAY
 1-800-368-7735 • 24 HOURS A DAY
 1-800-368-7735 • 24 HOURS A DAY

250



SECT 96.08-C

ROOF PLAN

11934

LIVERPOOL CATHOLIC CLUB - STAGE 2 HOTEL DEVELOPMENT - PHASE 1

424 - 458 HOXTON PARK ROAD PRESTONS NSW 2170

11 SEPT 2019

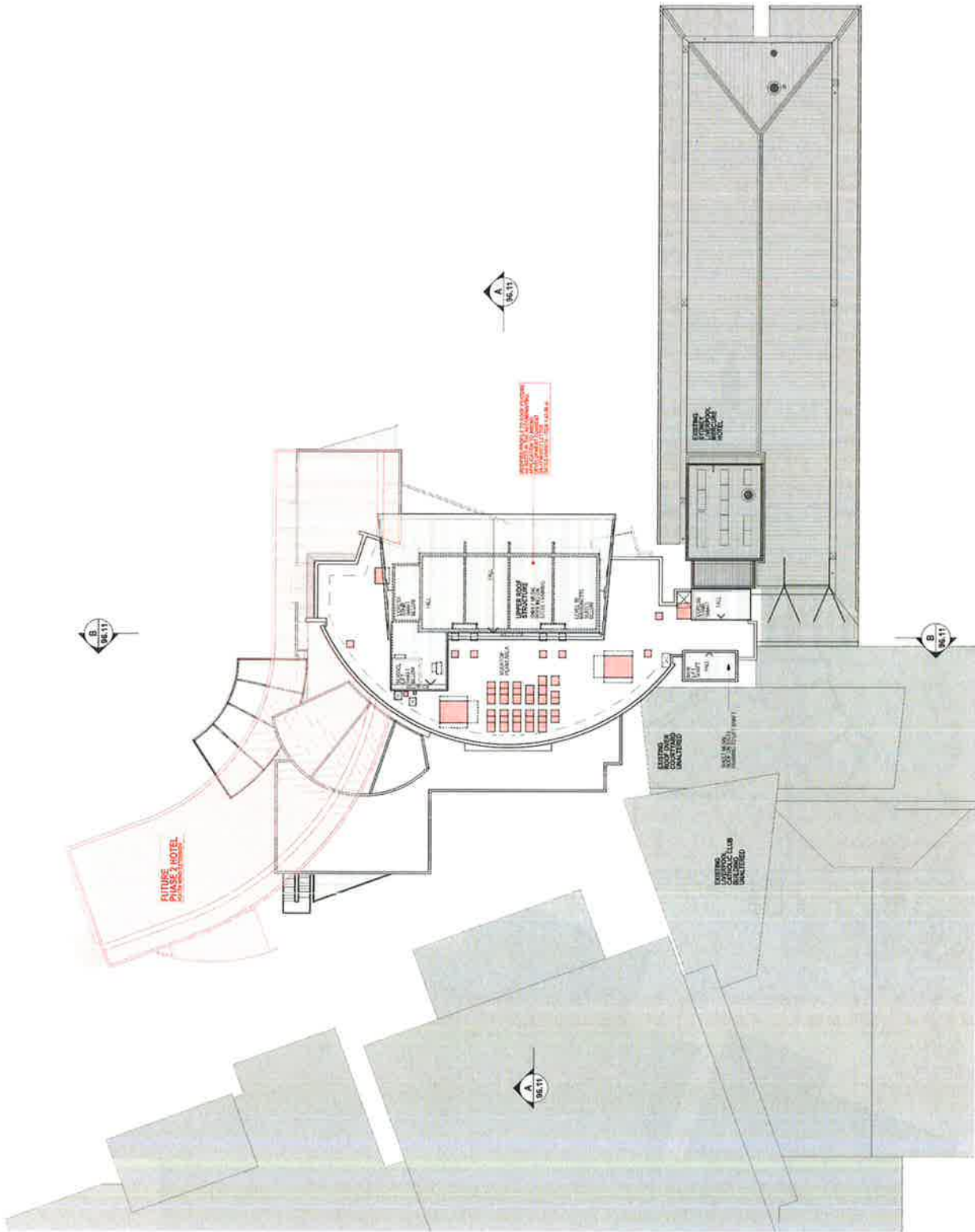
At Scale 1:200

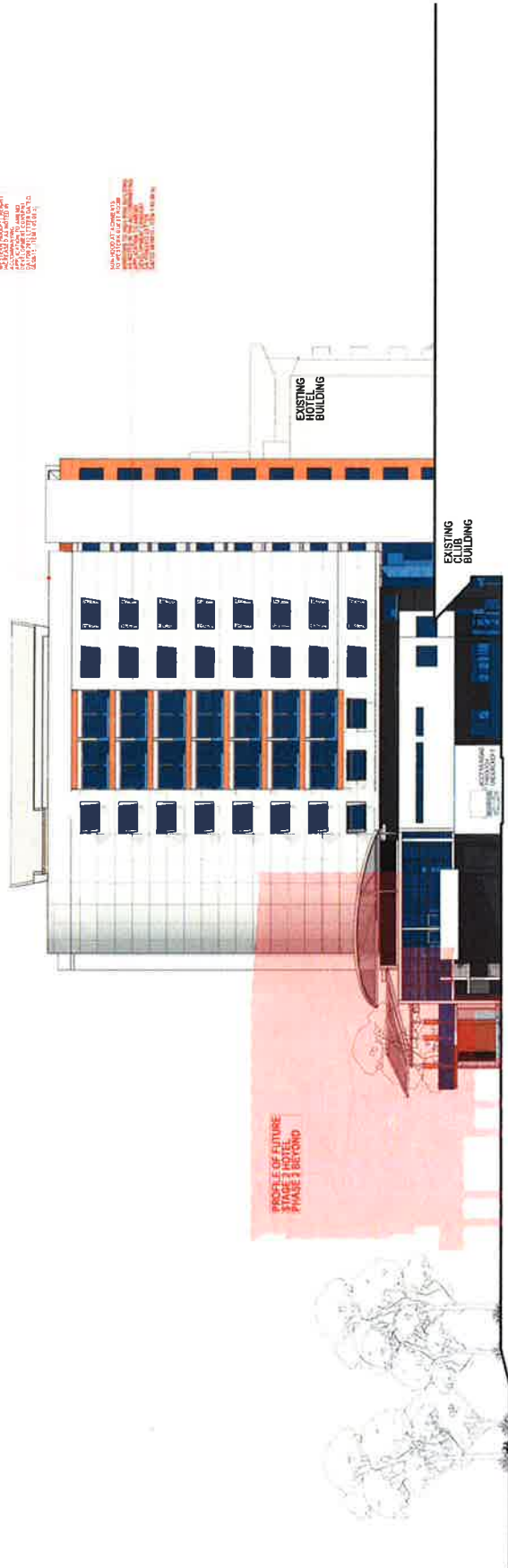


WOODROW PARTNERSHIP
ARCHITECTS • INTERIOR DESIGNERS
10/100 COLLEGE AVENUE • 2150
02/9511 4400 • 02/9511 4401

WOODROW PARTNERSHIP
ARCHITECTS • INTERIOR DESIGNERS
10/100 COLLEGE AVENUE • 2150
02/9511 4400 • 02/9511 4401

WOODROW PARTNERSHIP
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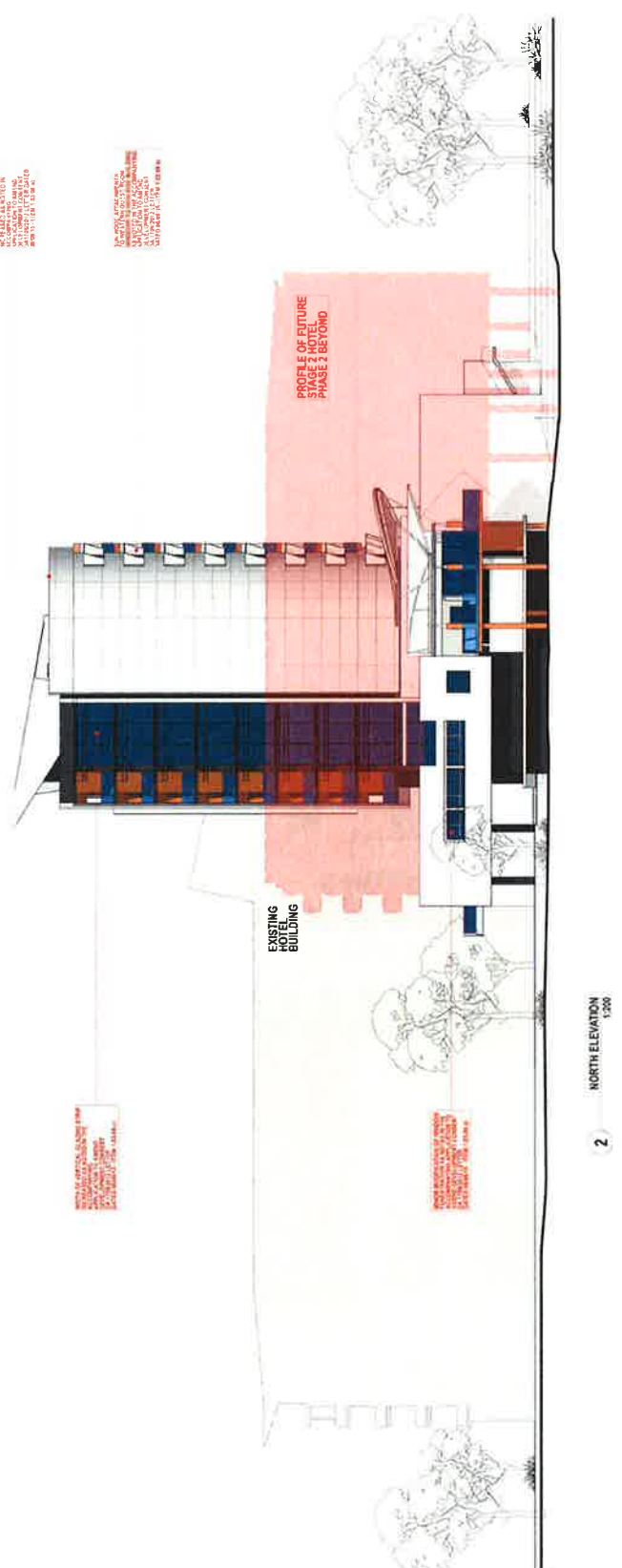


PROFILE OF FUTURE STAGE 2 HOTEL PHASE 2 BEYOND

STATION MARQUETTE HEIGHTS
2. GRADE 6 AS NOTED IN
COMPARING
CATIONS TO ANG MD
ELLIPSE COMPRI
1/10/2012 LETTER DATED
2/11/2012

THE HOO AT A ONE MTS.

1 WEST ELEVATION 1:250



PROFILE OF FUTURE STAGE 2 HOTEL PHASE 2 BEYOND

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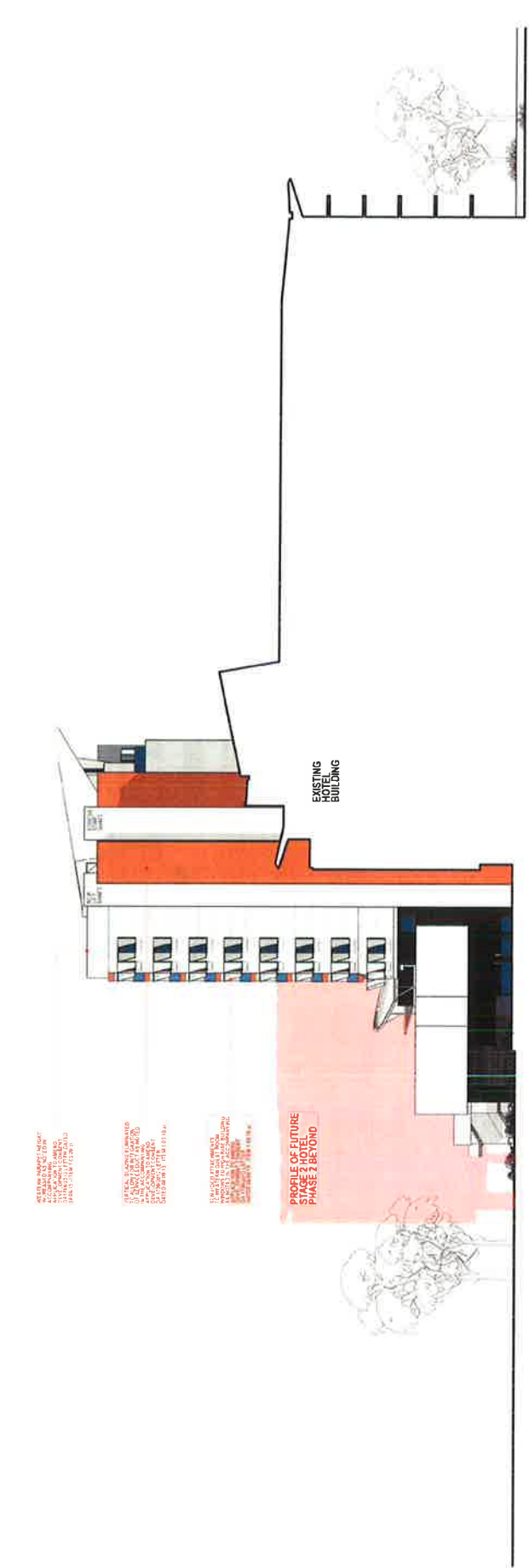
2 NORTH ELEVATION 1:200

SECT 96.10-C ELEVATIONS 2

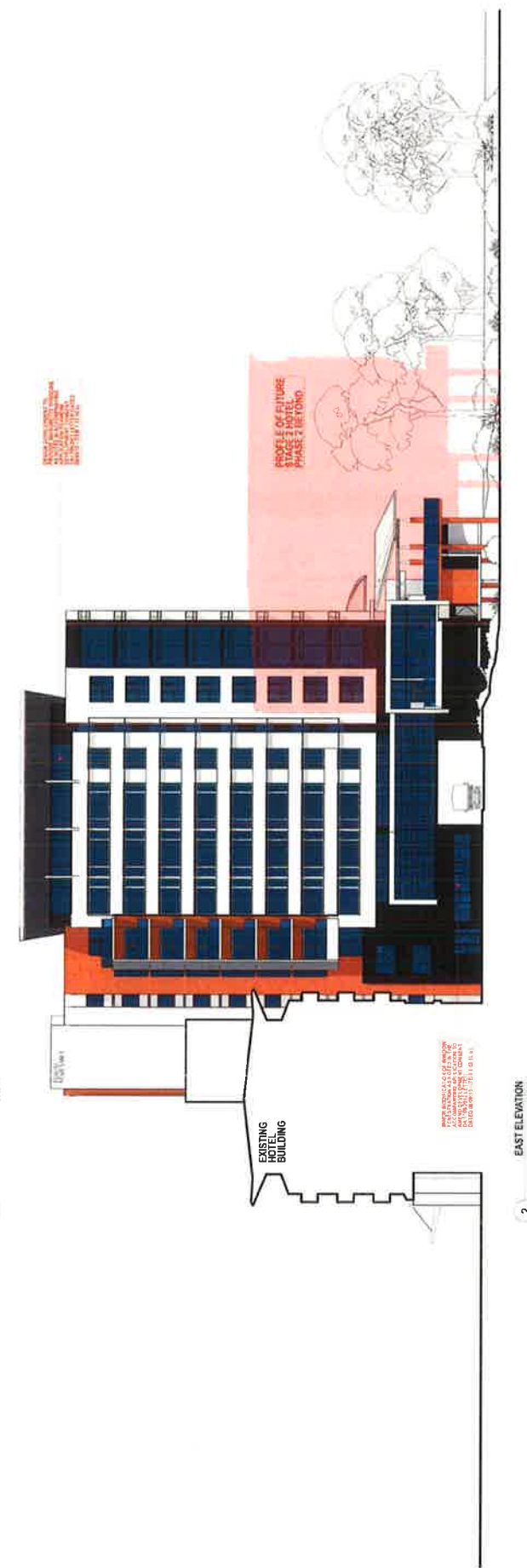
11934 LIVERPOOL CATHOLIC CLUB, STAGE 2 HOTEL DEVELOPMENT - PHASE 1
424, 426 HOXTON PARK ROAD PRESTONS NSW 2170
9 SEPT 2015
AT SCALE 1:200 1/4"=1'-0"

WOOD-LAY PARTNERSHIP
ARCHITECTS & INTERIOR DESIGNERS
PO BOX 65 GAITHER NSW 2114
02 9638 1111
www.wood-lay.com.au

11934 LIVERPOOL CATHOLIC CLUB, STAGE 2 HOTEL DEVELOPMENT - PHASE 1
424, 426 HOXTON PARK ROAD PRESTONS NSW 2170
9 SEPT 2015
AT SCALE 1:200 1/4"=1'-0"



1 SOUTH ELEVATION 1:200

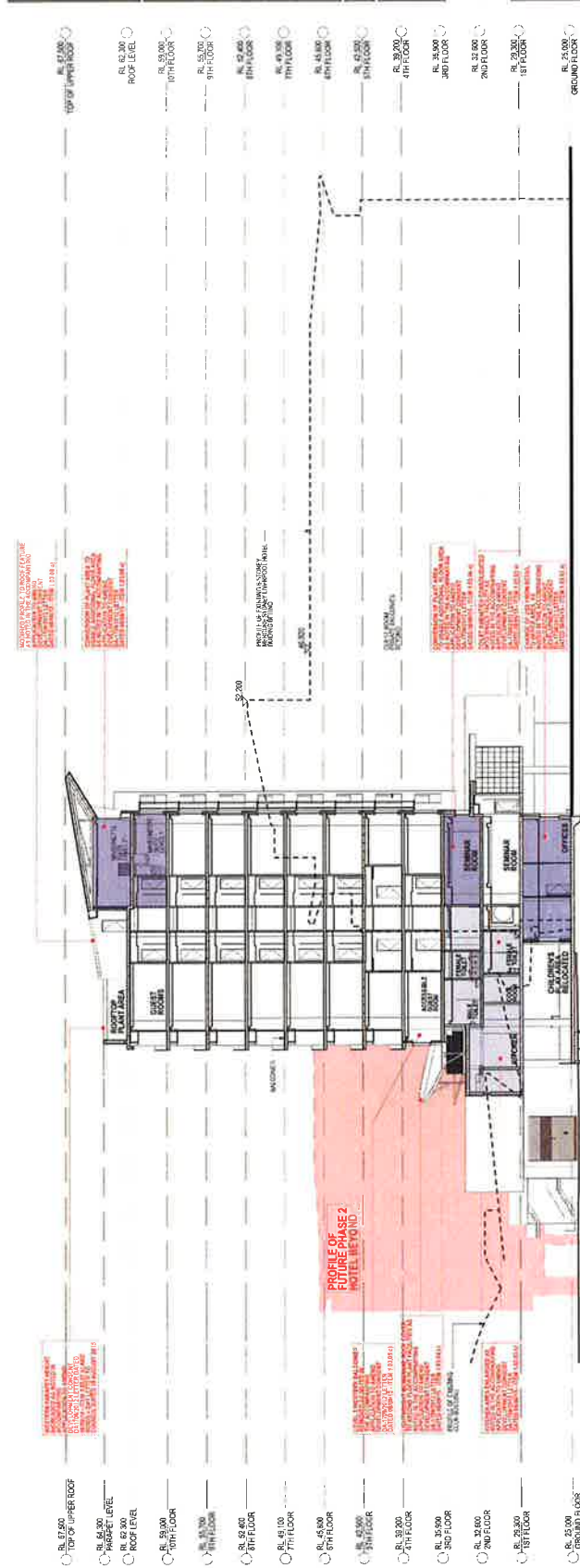


2 EAST ELEVATION 1:200

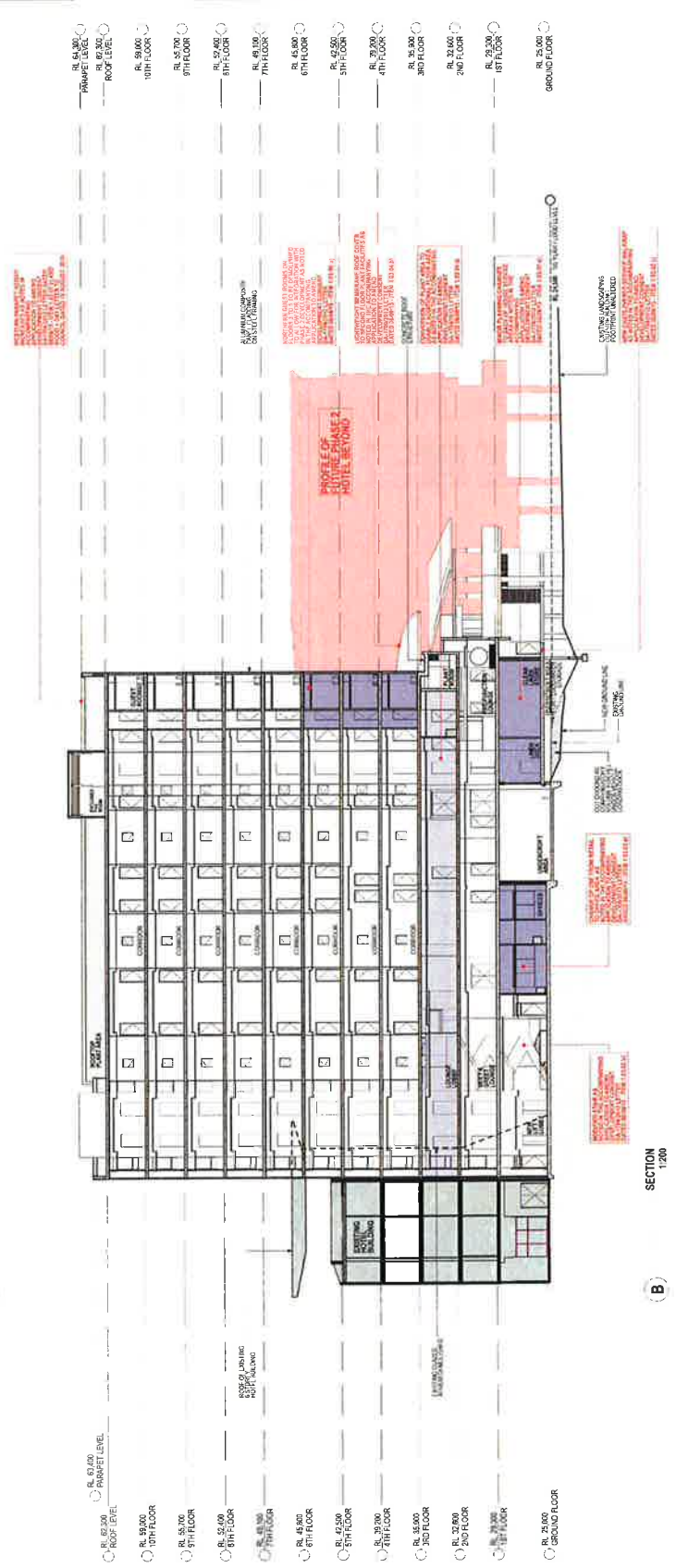
SECTIONS

SECT 96.11-C

11934 LIVERPOOL CATHOLIC CLUB - STAGE 2 HOTEL DEVELOPMENT - PHASE 1
421-458 HOXTON PARK ROAD PRESTONS NSW 2170
8 SEPT 2014
A1 SCALE 1:200



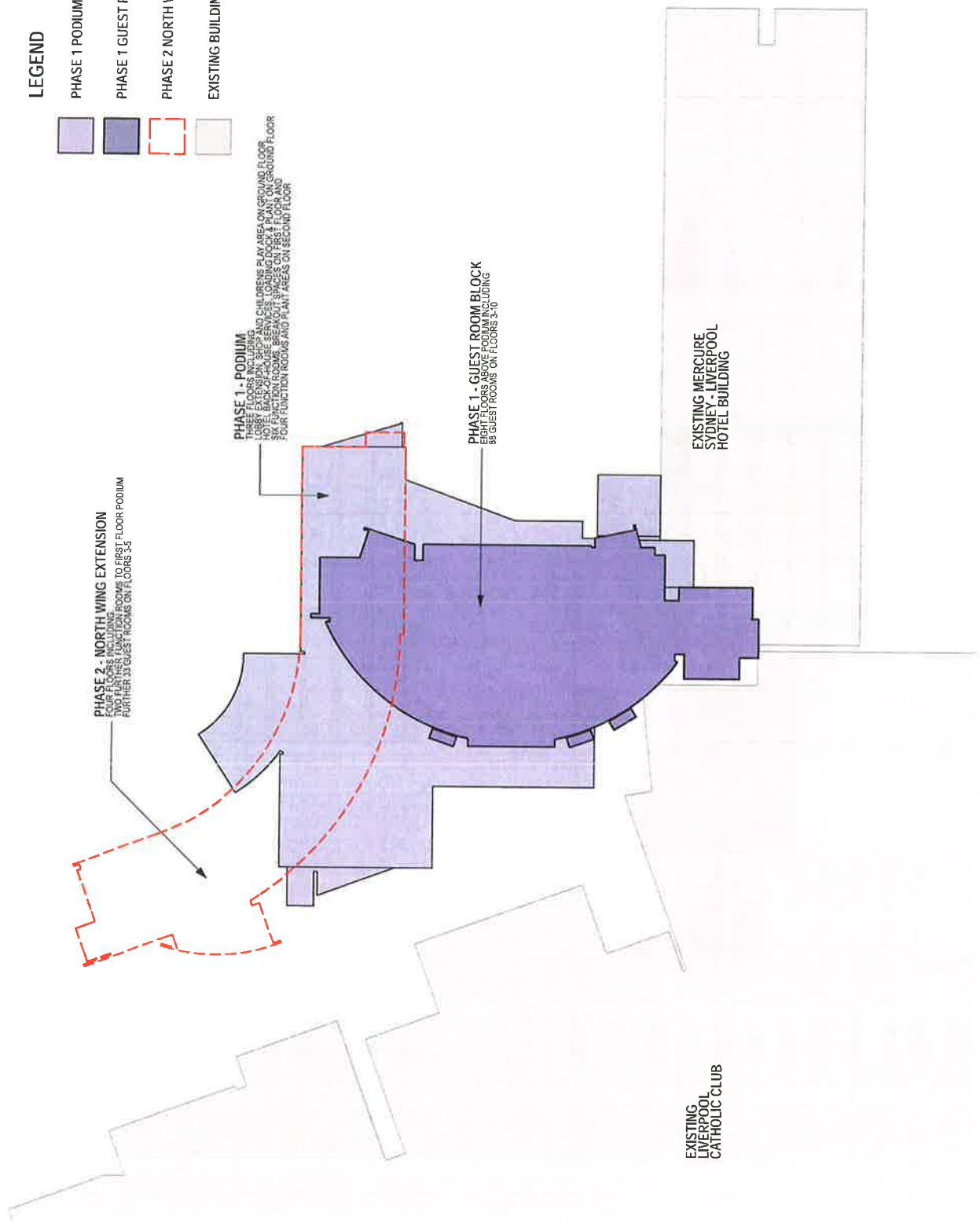
SECTION A 1:200



SECTION B 1:200

LEGEND

- PHASE 1 PODIUM (GROUND, FIRST AND SECOND FLOORS)
- PHASE 1 GUEST ROOM BLOCK (FLOORS 3-10)
- PHASE 2 NORTH WING EXTENSION (FLOORS 1-5)
- EXISTING BUILDINGS



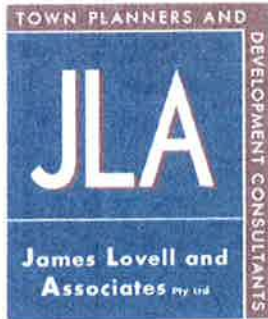
PHASE 2 - NORTH WING EXTENSION
FOUR FLOORS INCLUDING
FOUR FLOORS INCLUDING
FURTHER 27 GUEST ROOMS ON FLOORS 3-5

PHASE 1 - PODIUM
THREE FLOORS INCLUDING
HOTEL BACK-OF-HOUSE AND CHILDREN'S PLAY AREA ON GROUND FLOOR
HOTEL BACK-OF-HOUSE SEANOUT SPACES ON FIRST FLOOR AND
FOUR FUNCTION ROOMS AND PLANT AREAS ON SECOND FLOOR

PHASE 1 - GUEST ROOM BLOCK
EIGHT FLOORS ABOVE PODIUM INCLUDING
88 GUEST ROOMS ON FLOORS 3-10

EXISTING MERCURE
SYDNEY - LIVERPOOL
HOTEL BUILDING

EXISTING
LIVERPOOL
CATHOLIC CLUB



Ph: (02) 9986 3362 Fax: (02) 9986 3364

Suite 1, 9 Narabang Way, Belrose 2085

PO Box 716, Turramurra 2074

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9 September 2015

The General Manager
Liverpool City Council
Locked Bag 7064
LIVERPOOL BC NSW 1871
Attention: Kristy Moulds

Dear Madam,

**DEVELOPMENT APPLICATION NO. 1709/2012
424 – 458 HOXTON PARK ROAD, PRESTONS**

Introduction

I refer to the abovementioned matter, and in particular, to the Application submitted to Council seeking to amend the approved development pursuant to Section 96(2) of the Environmental Planning and Assessment Act 1979.

As you are aware, the Development Consent (DA 1709/2012) relates to the expansion of the existing (*Mercure Sydney Liverpool*) hotel associated with the *Liverpool Catholic Club* located at No's 424 – 458 Hoxton Park Road, Prestons.

I note that you have recently contacted the Applicant in relation to the nature and extent of the proposed amendments, and the provisions of Clause 4.3 of the Liverpool Local Environmental Plan (LEP) 2008.

I am instructed that the Project Architect (Mr Brian Wood of *Wood + Day Partnership*) has recently provided an updated Schedule of Amendments, and supplemented the Architectural Plans to reflect the updated Schedule.

Purpose

In the circumstances, the purpose of this submission is to provide additional assessment against the provisions of Clause 4.3 of the Liverpool LEP 2008. In that regard, Clause 4.3 of the LEP specifies a maximum building height of 18 metres. The approved development

extends to a maximum height of 42.6 metres, measured to the top of the feature roof element (RL67.50).

The approved development was the subject of a "written request" to vary the building height control pursuant to Clause 4.6 of the LEP. The Council and the Joint Regional Planning Panel (JRPP) supported the variation to the building height control on the basis of the "written request".

The proposed amendments do not alter the maximum building height of 42.6 metres (measured to the feature roof element), and no changes are proposed to the height of the feature roof element (RL67.50). Irrespective, an upturn parapet has been added to the western edge of the roof surface.

The upturn parapet is required to conceal the roof mounted air-conditioning equipment, and the upturn parapet (RL64.30) extends 1.0 metre above the approved parapet (RL63.30). The level of the roof slab (RL62.30) remains unchanged.

Finally, I note that you have recently advised the Applicant that a "written request" to vary the building height control pursuant to Clause 4.6 of the LEP is not required for a Section 96 Application (see for example *Gann & Anor v Sutherland Shire Council [2008] NSWLEC 157* and *Haralambis Management Pty Ltd v Council of the City of Sydney [2013] NSWLEC 1176*).

Assessment

Again, the approved development was the subject of a "written request" to vary the building height control pursuant to Clause 4.6 of the LEP. The "written request" argued that the variation to the building height control was reasonable and appropriate on the basis that:

- the subject site is relatively large and the proposed building is substantially separated from any land zoned or used for residential purposes;
- the proposed development will not impose any adverse impacts on the amenity of surrounding land;
- the proposed development will achieve a good level of internal amenity in terms of both the existing and new buildings on the site;
- the proposed variation to the building height control is not accompanied by a variation to the FSR control;
- the proposed development will maintain and enhance the existing mix of uses on the site in accordance with the objectives of the RE2 - Private Recreation zone;
- the proposed development has been designed to physically and visually integrate with the existing buildings on the site;
- the proposed development will enhance the capacity of the Liverpool Catholic Club to service the recreational and social needs of the local community, as well as catering for the needs of its financial members;
- the proposed development will meet the burgeoning commercial demand identified since the existing hotel commenced operations;

- the existing hotel building includes a variation to the building height control and has made a positive and appropriate contribution to the public domain;
- the proposed building has been designed to provide a high quality urban form as an attractive backdrop element when viewed from the public domain;
- strict compliance with the building height control would diminish the design quality of the building, and unnecessarily increase the building footprint and horizontal massing;
- relatively large portions of the site are affected by potential flooding during a 1 in 100 year flood event, circumstances in which retaining a smaller building footprint reduces the potential impacts on active flows while maintaining the volume of flood storage;
- the surrounding sites are generally subject to a 30 metre height control, circumstances in which the proposed development is generally consistent with the broader objective of maintaining a transition in built form;
- the proposed development includes the use of smaller interconnected elements to assist in establishing a stronger building base to reflect the form of existing buildings, and reduce the footprint of the taller element;
- the curved portion of the building has been designed to follow the alignment of the existing flood-water swale and the edge of the sports ground;
- the proposed building is setback approximately 63.4 metres from Hoxton Park Road to the north, 170 metres from Joadja Road to the west, 420 metres from Jedda Road to the south, and 119.2 metres from the eastern boundary; and
- the proposed development is generally consistent with, or not antipathetic to, the objectives of the building height control, notwithstanding the numerical variation.

The addition of the upturn parapet on the western edge of the roof surface will not change any of the circumstances described above.

The Assessment Report prepared for the purposes of the approved development includes the following comments in relation to the "written request" variation to the building height control:

It is considered that the proposed variation to the building height is worthy of support as the development exhibits high quality urban design, will enhance the existing urban form on the subject site, does not contravene another development standard and is consistent with the objectives of Clause 4.3 Height of Buildings of LLEP 2008.

On this basis, it is considered that compliance with this development standard is considered to be unreasonable and unnecessary in this circumstance as there are sufficient planning grounds to justify the proposed variation.

The Assessment Report also included the following comments of relevance to the building height:

The proposed development will result in a high quality design that will enhance the urban form of the subject site. The design of the hotel will be well integrated with the existing

hotel building and has considered other improvements existing on the site such as the sporting oval, which has inspired the curved shape of the proposed building.

The subject development site is bound by existing industrial development and vacant land adjoining the site is zoned for industrial purposes. The closest public area located with respect to the subject site is a public reserve located on the opposite side of Hoxton Park Road.

Despite the significant variation to the maximum building height requirement, the significant setbacks provided from each property boundary will ensure that adjoining buildings and public area will continue to receive satisfactory exposure to the sky and sunlight. The shortest setbacks to the proposed development will be provided from the eastern side boundary being, 119.2 metres and the front setback to Hoxton Park Road, being 63.4 metres.

Again, the addition of the upturn parapet on the western edge of the roof surface will not change any of the circumstances described above.

The upturn parapet will have a very minor visual impact having regard to the height of the approved building, and the substantial setbacks from the property boundaries. Further, the upturn parapet (RL64.30) remains well (3.2 metres) below the height of the approved feature roof element (RL67.50).

Conclusion

The proposed amendments do not alter the maximum building height of 42.6 metres measured to the feature roof element. Further, the upturn parapet (RL64.30) remains well (3.2 metres) below the height of the approved feature roof element (RL67.50).

The subject site is relatively large, and the approved building is substantially separated from any land zoned or used for residential purposes. Similarly, the approved building is centrally located on the site, and the setbacks to the surrounding road carriageways are substantial. In the circumstances, the upturn parapet will have a very minor visual impact, and will not materially change the appearance of the approved building, or its physical relationship with surrounding land.

I trust this submission is satisfactory for your purposes, however should you require any further information or clarification please do not hesitate to contact the writer.

Yours Sincerely,



James Lovell
Director/James Lovell and Associates Pty Ltd



WOOD+DAY PARTNERSHIP
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08 September 2015

Liverpool City Council
Locked Bag 7064
Liverpool BC
NSW 1871

attention The General Manager

Dear Sir,

re **Hotel Development**
Liverpool Catholic Club, 424-458 Hoxton Park Road, LIVERPOOL WEST, NSW 2170

Section 96(2)
Application to amend Development Consent: DA-1709/2012

We refer to the above DA Consent issued by Liverpool City Council on 4 April 2014, together with Wood+Day letters dated 24 March 2015 and 19 August 2015.

This letter now seeks to further clarify and provide a summary of previous information contained within the abovementioned correspondence, as well as address more recent email and verbal discussions with Council Town Planning Officer, Kristy Moulds.

On behalf of the Liverpool Catholic Club we now seek Council's approval to design amendments made to the approved DA design and as now shown on revised drawings scheduled in the left hand column below (the drawings numbered in the right hand column are the equivalent original DA drawing numbers):

current S96 drawing numbers

11934/ SECT 96.01-C - Site and location plan
11934/ SECT 96.02-C - Ground floor plan
11934/ SECT 96.03-C - First floor plan
11934/ SECT 96.04-C - Second floor plan
11934/ SECT 96.05-C - Third floor plan
11934/ SECT 96.06-C - Tenth floor plan
11934/ SECT 96.07-C - Upper tenth/service floor plan
11934/ SECT 96.08-C - Roof plan
11934/ SECT 96.09-C - Elevations 1
11934/ SECT 96.10-C - Elevations 2
11934/ SECT 96.11-C - Sections
(no changes required to 11934/ da.10-a)
11934/ SECT 96.12-C - Staging plan

reference to equivalent DA application drawing numbers

11934/ da.01-d - Site plan
11934/ da.02-d - ground floor plan
11934/ da.03-d - first floor plan
(no equivalent DA drawing)
11934/ da.04-d - floors 3-5 plans
11934/ da.05-d - floors 6-10 typical plan
(no equivalent DA drawing)
11934/ da.06-d - roof plan
11934/ da.07-c - elevations 1
11934/ da.08-c - elevations 2
11934/ da.09-b - sections
11934/ da.10-a - cut & fill volumes
11934/ da.11-a - staging plan

Note that no new drawings have been issued relative to floors 4-9 inclusive, as there are no proposed planning amendments or other changes of any town planning significance required on these floor levels.

1.01 The drawings attached to this application are colour formatted as follows:

- The floor plan areas on plan that are proposed to be amended are highlighted in solid purple tone
- Walls shown in black linework indicate the first phase of the development as shown on the approved DA staging plan 11934/da.11-a
- Walls shown in light red lines indicate the future phase 2 of the work necessary to achieve the completed master plan extent of the development (refer again to the DA staging plan 11934/da.11-a)
- The areas of the existing building that not subject of this S96 (or the original DA) application are shown with a grey coloured tone - they are indicated for locational reference purposes only.

1.02 The primary amendments proposed to the approved DA that are subject of this S96 application relate to:

- a change of use to the space shown on the ground floor as 'NEWSAGENT/ INTERNET CAFÉ/ TRAVEL SHOP' to now become OFFICE SPACE, with a slight increase in floor area (25sqm). The new office space will be of ancillary administration use related to the proposed new Function and Meeting rooms located at the first floor,
- the conversion of some plant room spaces that are now superfluous to functional needs and shown on the original drawings at second floor level (*noted as SERVICES on sections 'aa' and 'bb' on drawing 11934/da.09-b*) and at roof level (*noted as ROOFTOP PLANT AREA on section 'aa' on drawing 11934/da.09-b*), to now become usable additional guest room floor areas that will add an additional 485 square metres and 106 square metres respectively to the usable floor areas shown on the approved drawings, and
- other minor amendments to internal planning that have caused no discernable overall adjustment required to approved floor areas (except as noted), resulted in insignificant minor changes to the overall external appearance of the building and that are of no significance to town planning issues. These are included in the schedule below.

1.03 Further details of these proposed amendments are as follows:

1.03.01 Drawing 11934/ SECT 96.01-C - Site and location plan

- a) This drawing has been updated purely to reflect the modifications to the ground floor layout as noted in paragraph 1.03.02 below. No other changes have been made to this plan.

1.03.02 Drawing 11934/ SECT 96.02-C - Ground floor plan

- a) Ground floor change of space use from RETAIL to OFFICE resulting in a slight gain of 25sqm in overall floor area – this change has resulted from the operational requirements of the Liverpool Catholic Club.
- b) the open STAIR to the north the NEW LIFT LOBBY has been redesigned in shape for functional and site constraint reasons
- c) the PLANT ROOM below the first floor suspended outdoor terrace is slightly modified in plan shape to properly accommodate the essential services pump and control equipment and a cantilevered service walkway has been added to provide access to the plant and equipment.
- d) a service vehicle parking bay has been added at the north-east corner of the building

- e) general minor planning changes have been made to the back-of-house SERVICE ROOMS and dock area on the northern side of the access road for purely functional reasons
- f) the outline of an EGRESS STAIR and adjacent terrace serving the first floor level during phase 1 only has been shown to the western end of the building (it is intended that this will be demolished during the phase 2 development works). Refer also to item 1.03.03 g) below.

1.03.03 Drawing 11934/ SECT 96.03-C - First floor plan

- a) the two TOILET amenity areas shown on the drawing are now consolidated into a single facility and are now more centrally located
- b) the KITCHEN area is enlarged in response to functional needs
- c) the SEMINAR ROOM shown at the s-w corner of the plan is now relocated to the n-w corner and has been subdivided by an operable wall. The space vacated by the seminar room now accommodates the extended kitchen area and a relocated CHAIR and EQUIPMENT STORE. The latter modification has resulted in a minor change in external profile to the plan.
- d) the SEMINAR ROOM (subject of item c) above) will be modified during phase 2 works to partly become circulation access space to the additional phase 2 Seminar and Meeting rooms and partly as an extension of the Pre-Function Lounge
- e) a new MEET and GREET LOUNGE has been located where a toilet amenities block was previously shown
- f) the open STAIR to the north the NEW LIFT LOBBY has been redesigned as per the ground floor modification
- g) as per item 1.03.02 f) above, for reasons of BCA egress compliance an EGRESS STAIR and adjacent terrace serving the first floor level during phase 1 only, has been added to the western end of the building
- h) the space between the new hotel building and the existing entry awning to the northern door to the existing hotel building has now been infilled for fire safety reasons and existing cladding will be replaced.

1.03.04 Drawing 11934/ SECT 96.04-C - Second floor plan

- a) A portion of the second floor SERVICES level has proven during the design development process to be in excess of actual needs and is now proposed to be converted to provide an additional four seminar and meeting rooms, plus additional service rooms ancillary to the usage of the meeting rooms. This conversion of previous plant room area has added an additional usable floor area of 485 square meters to the development. The conversion has also required the downwards adjustment of the second floor slab level at the expense of the first floor level, but without the need to adjust the overall approved height of the building, which remains at RL 67.500 as shown on drawing 11934/da.09-b. The only other impact to the design is the introduction of a row of recessed highlight windows to the eastern elevation above the first floor cantilevered meeting room element. This zone was previously a small recessed portion of solid wall.
- b) the phase 1 roof mounted plant room facilities at this level have been provided with a lightweight membrane roof cover for reasons of visual screening and waterproofing but which will be removed again during phase 2 of the development when not required.

1.03.05 Drawing 11934/ SECT 96.05-C - Third floor plan

- a) the northern-most guest suites on floors 3 to 5 will be later demolished to allow for integration with the phase 2 works
- b) the small open western terraces adjacent to the new lift lobby have been deleted and replaced with small window openings for BCA code compliance reasons

- c) the small balcony projections to the executive suite adjacent the lift lobby has been removed for functional reasons and to the two centrally located western facing rooms (all located on floor 3) have been removed to the improved benefit of the function of the accessible rooms.
- 1.03.06 Drawing 11934/ SECT 96.06-C - Tenth floor plan**
- a) the volume of space below the over-sailing sloping PLANT ROOM roof element shown on the approved drawings as the roof enclosure to building services equipment, has also proven to be in excess of services equipment housing needs and is now proposed to be partly converted to provide a usable upper floor level the four eastern-most guest rooms on the tenth floor, thereby converting the four existing single-storey rooms into four 2-storey maisonette units. This conversion of previous plant room area has added an additional usable floor area of 106 square meters to the development.
- 1.03.07 Drawing 11934/ SECT 96.07-C - Upper tenth/service floor plan**
- a) this drawing is now included to show the plan extent of the additional upper level to the maisonette suites infill below the approved sloping roof level, as referenced in item 1.03.06 a), above.
 - b) The western parapet level has been increased in height by 1 metre. Details of this modification have been previously dealt with in some detail in Wood+Day letter to Council dated 19 August 2015 (copy attached).
- 1.03.08 Drawing 11934/ SECT 96.08-C - Roof plan**
- a) this drawing is now included to show the slightly modified plan extent of the approved sloping roof level roof feature. The rear lower portion of the roof has now been reduced in extent to accommodate the air-flow requirements of the roof mounted air conditioning equipment plant. This minor reduction in the area of the roof occurs at the lowest level of its slope. The visual impact of this reduction will not be seen at street level from any direction around the building and hence has no impact on the external appearance of the building.
- 1.03.09 Drawing 11934/ SECT 96.09-C - Elevations 1**
- a) the western parapet height has been increased by 1 metre as noted in item 1.03.07 b) above.
 - b) projecting sun-hood attachments have now been incorporated to all western-facing windows on the high-rise component of the building. These are required to assist in reducing the amount of sky glare into the guest rooms on the western side of the building and from a design point of view will add positively to the play of light and shadow on the western façade.
 - c) the width of the vertical strip of wall glazing extending full height on the northern elevation has increased - for functionally desirable reasons relating to the interior of the guest rooms and also to the benefit of a slight reduction in the extent of blank wall to the north-west presentation of the building.
 - d) the window fenestration at the first floor level (eastern end) of the northern elevation has been slightly modified, to relate more functionally to the planning of the rooms behind.
- 1.03.10 Drawing 11934/ SECT 96.10-C - Elevations 2**
- a) the south elevation now shows the sun awnings added to the high-rise component of the building and an elimination of the vertical window strip caused by the necessity to incorporate a full-height vertical services duct at that location.
 - b) the changes to the east elevation are confined to minor fenestration modifications at ground and first floor levels and a design development of the roof element, required to provide windows to the top floor level of the new 2-level maisonette suites.

1.03.11 **Drawing 11934/ SECT 96.11-C – Sections**

- a) The revisions to the sections through the building are principally by way of notes that refer to modifications already set out above and as they appear relevant to the location taken of each section. The principal point to note with the sections however, is the demonstration that there is no proposed change to the overall approved maximum height of the building of 67.500 metres to the top of the sloping roof element.

1.03.12 **Drawing 11934/ SECT 96.12-C – Staging plan**

- a) A new copy of the Staging plan is submitted simply to reflect the minor changes in the profile of the building that occurred as a result of the modifications set out above.

Summary of impacts on design resulting from the proposed modifications:

1. The main modifications that are the primary subject of this application are set out in paragraph 1.02.01 and 1.02.02 above.
2. We submit that the items referred to in paragraph 1.02.03 and scheduled more comprehensively in section 1.03 above, are more minor in nature and have occurred during a further detailed development of the design or have resulted from other practical, functional and code compliance reasons that have arisen since the submission of the original DA. The impact of these items on the external presentation of the building are minimal and are of no town planning significance in terms of the current DA approval.
3. The aggregate overall gain in usable floor space from the above modifications is 616 square metres.
4. The overall approved height of the building remains unchanged from the DA approved drawings at RL 67.500 (as shown on *drawing 11934/da.09-b*).
5. A number of minor internal planning changes at the first floor of the building have been made for functional reasons and do not result in any net gain or loss of floor area.
6. The change of use at ground floor level from retail to office is of negligible impact to the development and has been made for functional reasons relating to the day-to-day operation of the hotel.

The above design modifications to the approved DA documents have occurred as a result of a design development process that has been carried since the date of the original approval. We submit that the proposed design changes do not contravene existing planning instruments or are contrary to the approved design principles enshrined within the current DA approval conditions. The changes further, will cause no adverse impact upon the amenity of neighbouring properties and will in fact add the design quality of the external streetscape presentation of the building.

We now seek approval to the above modifications and minor changes.

Yours sincerely



Brian Wood
Director

