



22 April 2016

Mohammed Ismail  
Water Regulation Officer  
NSW Dept. of Primary Industries – Water (DPI Water)  
By email: mohammed.ismail@dpi.nsw.gov.au

**Re: Proposed Development / Controlled Activity Approval – 28 Shepherd Street  
Liverpool**

I write on behalf of the applicant for the development application DA2015/612 for construction of two residential flat buildings and underground car parking at 28 Shepherd Street, Liverpool. I refer to your recent correspondence dated 6 April 2016 in response to the additional information provided by the applicant on 10 February 2016.

Mecone, acting on behalf of the applicant, has prepared a response to DPI Water's 'areas of concern' outlined and requests further clarification as to the required technical information to address these concerns.

The applicant is happy to provide additional information to address DPI Water's technical concerns with respect to the Controlled Activity Approval (CAA) under the Water Management Act 2000. However, we need further information from DPI Water as to the required information, as they have not outlined this in their letter.

With respect to the request to defer the determination of the application until the completion of the Georges River Precinct Plan – DPI Water does not have this statutory power under either the Planning Act or Water Management Act 2000 and the applicant strongly objects to any attempt by DPI Water to raise this issue.

A response to each item (labeled as per the original correspondence) is provided below:

1. The applicant is happy to provide documentation outlining how the 'offset' of the outer 50% of the VRZ can be provided elsewhere. However, we note that this information has not actually been requested. This approach was previously done for the development application at 20 Shepherd Street Liverpool and does not require the finalization of any possible future Georges River Moorebank Precinct Plan.  
**Request: Please clarify whether DPI Water is requesting that the applicant document how the 'offset' area is to be presented elsewhere.**
2. The Correspondence from DPI Water does not appear to reference a key document that was provided by the applicant. A surveyed cross-section (SK101) was prepared by Woods Bagot and was based on a surveyed cross-section of the riverbank. Most importantly, the surveyed cross-section does not show the top of the bank as the waterline and was supported by a detailed justification prepared by ACS Environmental Consultants, which outlined the methodology of selecting the top of

the riverbank location. The cross-section establishes a riparian buffer zone of 40 metres in accordance with DPI Water's controlled activity guidelines.

**Request: Please clarify whether DPI Water have reviewed the surveyed cross-section SK101 and whether further information is required. The applicant has provided the survey documentation to Council, which can be provided to DPI Water if needed.**

3. See discussion above in point 2.
4. See discussion above in point 1.
5. As discussed earlier, DPI Water, as an approval body, has no statutory power under either the Planning Act or Water Management Act to recommend this. This request is beyond the office's approval authority powers.
6. See discussion under point 5.
7. The applicant is happy to provide this information to address any technical concerns related to the application. However, we note that this information has not actually been requested.

**Request: Please clarify what additional technical information is required from the applicant to address this concern.**

8. See discussion under points 5 and 6. DPI Water has no power to recommend this. It is noted that the applicant, through a submitted Planning Proposal, has proposed use of the public foreshore for public access and a cycle path and is supportive of this approach. However, we were previously advised by DPI Water (dated 19 August 2015) that *"DPI Water will not support the construction of the proposed path walk/cycle way on the bank of the river due to the impact on bank stabilization and the vegetation restoration of the riparian area."*
9. The applicant is happy to provide this information to address any technical concerns related to the application. However, we note that this information has not actually been requested.

**Request: Please clarify what additional technical information is required from the applicant to address this concern.**

10. This is not a relevant request with respect to DPI Water's approval body requirements with respect to CAA under the Water Management Act. However, we can review this request in consultation with our arborist.

**Request: Please clarify what additional technical information is required from the applicant to address this concern.**

The applicant for the subject development application at 28 Shepherd Street has been working collaboratively with Council and DPI Water to realise a quality new residential development that complies with the relevant planning and environmental controls.

The most recent correspondence from DPI Water proposes an indefinite delay of a generally compliant development application without outlining any legitimate failures of the proposal against the requirements of the Water Management Act, with respect to its objects, principles and controls. Further, this approach prevents Council from determining the application, which is contrary to state government directives that Councils determine development applications in a timely manner.

As discussed above, the applicant is happy to provide additional information to address any concerns that DPI Water may have with respect to vegetation offsets, land degradation, erosion, bank disturbance or erosion.

***We request an urgent meeting with Council and DPI Water to reach an immediate resolution of the subject application.***

***We request that DPI Water clarify any required additional technical information that should be provided by the applicant, as discussed above.***

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

Yours sincerely



Kate Bartlett

25 November 2016

Nabila Samadie  
Liverpool City Council

By Email: [n.samadie@liverpool.nsw.gov.au](mailto:n.samadie@liverpool.nsw.gov.au)

Dear Nabila,

**Revised documentation for DA-612/2015 (28 Shepherd Street, Liverpool) in response to DPI Water concurrence**

This letter has been prepared in accordance with Cl. 55 of the Environmental Planning and Assessment Regulation 2000, to accompany the provision of amended plans and documentation for the proposed residential flat building development at 28 Shepherd Street, Liverpool.

As you are aware, there have been ongoing discussions with DPI Water relating to the proposed development. In order to satisfy DPI Water's concerns and allow for general terms of approval (GTA) to be issued, the following design amendments have been incorporated:

- The river-fronting façade of Building C1 has been stepped back towards Shepherd Street, to ensure no elements are within the Inner Vegetated Riparian Zone. This set back is gradually reduced in the upper levels, resulting in a cantilevered building element.
- A resulting reduction in apartment numbers to a total of 140, with alterations and reconfiguration of the apartments in Building C1 fronting the Georges River.
- A reduction in total gross floor area to 11,968m<sup>2</sup>, representative of a floor space ratio (FSR) of 2.03:1.
- A revised apartment mix of:
  - 38% x 1 bedroom
  - 56% x 2 bedroom
  - 5% x 3 bedroom
  - 1% studio
- Basements 1 and 2 have been set back 20m from the highest bank measurement, whilst Basement 3 has been set back 40m from the highest bank measurement. This results in a revised car parking provision of 161 spaces.

This letter is accompanied by:

1. Revised architectural plans, prepared by Woods Bagot
2. SEPP 65 Design Verification Statement, prepared by Woods Bagot
3. Revised Apartment Design Guide Assessment, prepared by Mecone
4. Updated BASIX Certification
5. Updated Stormwater Plans, prepared by Wood & Grieve

We trust this submission of amended plans satisfies the issues with DPI Water and allows the DA to progress to a determination. Should you wish to discuss this letter or any matter of the application further, do not hesitate to contact me on (02) 8667 8668.

Regards

A handwritten signature in black ink, appearing to read 'JBell', written in a cursive style.

Joseph Bell

25 November 2016

Nabila Samadie  
Liverpool City Council

By Email: [n.samadie@liverpool.nsw.gov.au](mailto:n.samadie@liverpool.nsw.gov.au)

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