

# JOINT REGIONAL PLANNING PANEL

## (Sydney West)

JRPP No	2015SYW173
DA Number	DA 962/2015
Local Government Area	Liverpool City Council
Proposed Development	Revitalisation of Bigge Park including demolition and provision of paths, lighting and retaining walls, removal of trees, renovation of the Rotary Clock, installation of water play area and irrigation works, provision of park furniture and landscape works.
Street Address	124 Bigge Street, Liverpool, Lot 701 and 702 in DP 1056246 and Lot 394 in DP 752060
Applicant/Owner	Liverpool Council/State Government – Crown Land
Number of Submissions	2
Regional Development Criteria (Schedule 4A of the Act)	Council application with a value of works in excess of \$5 million.
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> <li>• <i>List all of the relevant environmental planning instruments: s79C(1)(a)(i)</i> <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy No.55 – Remediation of Land.</li> <li>○ Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment.</li> <li>○ Liverpool Local Environmental Plan 2008.</li> </ul> </li> <li>• <i>List any 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> <ul style="list-style-type: none"> <li>○ No draft Environmental Planning Instruments apply to the site.</li> </ul> </li> <li>• <i>List any relevant development control plan: s79C(1)(a)(iii)</i> <ul style="list-style-type: none"> <li>○ Liverpool Development Control Plan 2008. <ul style="list-style-type: none"> <li>- Part 1 – General Controls for all Development.</li> <li>- Part 4 – Development in the Liverpool City Centre.</li> </ul> </li> </ul> </li> <li>• <i>List any 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> <ul style="list-style-type: none"> <li>○ No planning agreement relates to the site or proposed development.</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>• <i>List any coastal zone management plan: s79C(1)(a)(v)</i> <ul style="list-style-type: none"> <li>○ The subject site is not within any coastal zone management plan.</li> </ul> </li> <li>• List any relevant regulations: s79C(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288 <ul style="list-style-type: none"> <li>○ Consideration of the provisions of the Building Code of Australia.</li> </ul> </li> </ul>
List all documents submitted with this report for the panel's consideration	<ul style="list-style-type: none"> <li>• Architectural Plans, prepared by Urbis</li> <li>• Statement of Environmental Effects, prepared by Urban City Planning</li> <li>• Heritage Impact Statement, prepared by OCP Architects</li> <li>• Draft Conservation Management Plan, prepared by Musecape</li> <li>• Arboricultural Impact Assessment, prepared by Turf Design Studio</li> </ul>
Recommendation	Approval subject to conditions
Report by	Kerry Gordon – Kerry Gordon Planning Services
Report date	29 February 2016

## 1. EXECUTIVE SUMMARY

### 1.1 Reasons for the report

Sydney West Joint Regional Planning Panel is the determining body as the Capital Investment Value of the development is over \$5 million where the application is a Council application, pursuant to Schedule 4A of the Environmental Planning and Assessment Act 1979. It is noted that the provisions of Divisions 4 and 5 of State Environmental Planning Policy (Infrastructure) permitting the development as exempt or complying development do not apply as the application involves removal of trees that would require a permit or development consent.

### 1.2 The proposal

The proposal involves revitalisation of Bigge Park including demolition and provision of paths, lighting and retaining walls, removal of trees, renovation of the Rotary Clock, installation of water play area and irrigation works, provision of park furniture and landscape works.

### 1.3 The site

The subject site is identified as 124 Bigge Street, Liverpool, being Bigge Park. The site is irregular in shape and occupies an entire street block, being bound by Bigge Street, Elizabeth Street, College Street and Moore Street. The site is currently developed for recreation purposes, with the majority of the site being a park used for informal, passive recreation purposes.

## **1.4 The issues**

The following key issues have been raised by the assessment of the proposal and are addressed following.

- Need to ensure all historic plaques are relocated within the park
- Need to ensure significant trees are protected and retained
- Need to ensure accessibility measures satisfy relevant Australian Standards
- More information required in relation to recording/interpretation of history
- The suitability of the proposed works to the rotary clock, garden and paths considering the heritage significance of the site and the significance attached to this structure in the Bigge Park Plan of Management.

## **1.5 Exhibition of the proposal**

The development application was advertised for a period of 14 days between 21 October and 5 November 2015 in accordance with Liverpool Development Control Plan 2008 (LDCP 2008). Two submissions were received in response to the notification addressing heritage and design issues. The concerns are addressed in further detail later in this report.

## **1.6 Conclusion**

The proposal involves upgrade works to Bigge Park, which is an identified item of heritage. The majority of the works are considered to be appropriate to the existing and future use of the park and are proposed in a manner that is respectful to the heritage significance of the site and will provide improved accessibility and facilities within the park. The exception to this is the works proposed to the rotary clock, garden and “wheel” paving surrounding the clock. Accordingly, the application is recommended for approval subject to conditions, including removing any reference to works on the rotary clock, garden and path surrounding the clock. Any works on this structure, garden and path are to be authorised via a separate development application once the issues identified in the heritage referral have been satisfactorily addressed.

## **2. SITE DESCRIPTION AND LOCALITY**

### **2.1 The site**

The subject site is identified as Lots 701 and 702 in DP 1056246 and Lot 394 in DP 752060, and is located at No. 124 Bigge Street, Liverpool, being Bigge Park. An aerial photograph of the subject site is provided on the following page.

The site is irregular in shape and occupies an entire street block, being bound by Bigge Street, Elizabeth Street, College Street and Moore Street. The site is currently developed for recreation purposes, with the majority of the site being a park used for informal, passive recreation purposes.

The southern portion of the park is currently, or was until recently, used as a community centre, bowling club and greens, tennis courts and cafeteria and child play area, providing for active recreation. The north-eastern portion of the park contained a music shell and currently contains the pump house café.

Throughout the park are a series of memorials and a significant number of paths, garden beds and mature and semi-mature trees. Of particular note are the Rotary Clock Tower located roughly at the centre of the park and the entry structure off Bigge Street.

Some structures have already been demolished, including the music bowl and bowling club.



**Figure 1: Aerial photograph of the Site**

## **2.2 The locality**

The subject site is surrounded by a mix of commercial, residential, medical and educational uses, with Liverpool Hospital located to the north-east of the site in Elizabeth Street and the TAFE to the east of the site in College Street.

## **2.3 Site affectations**

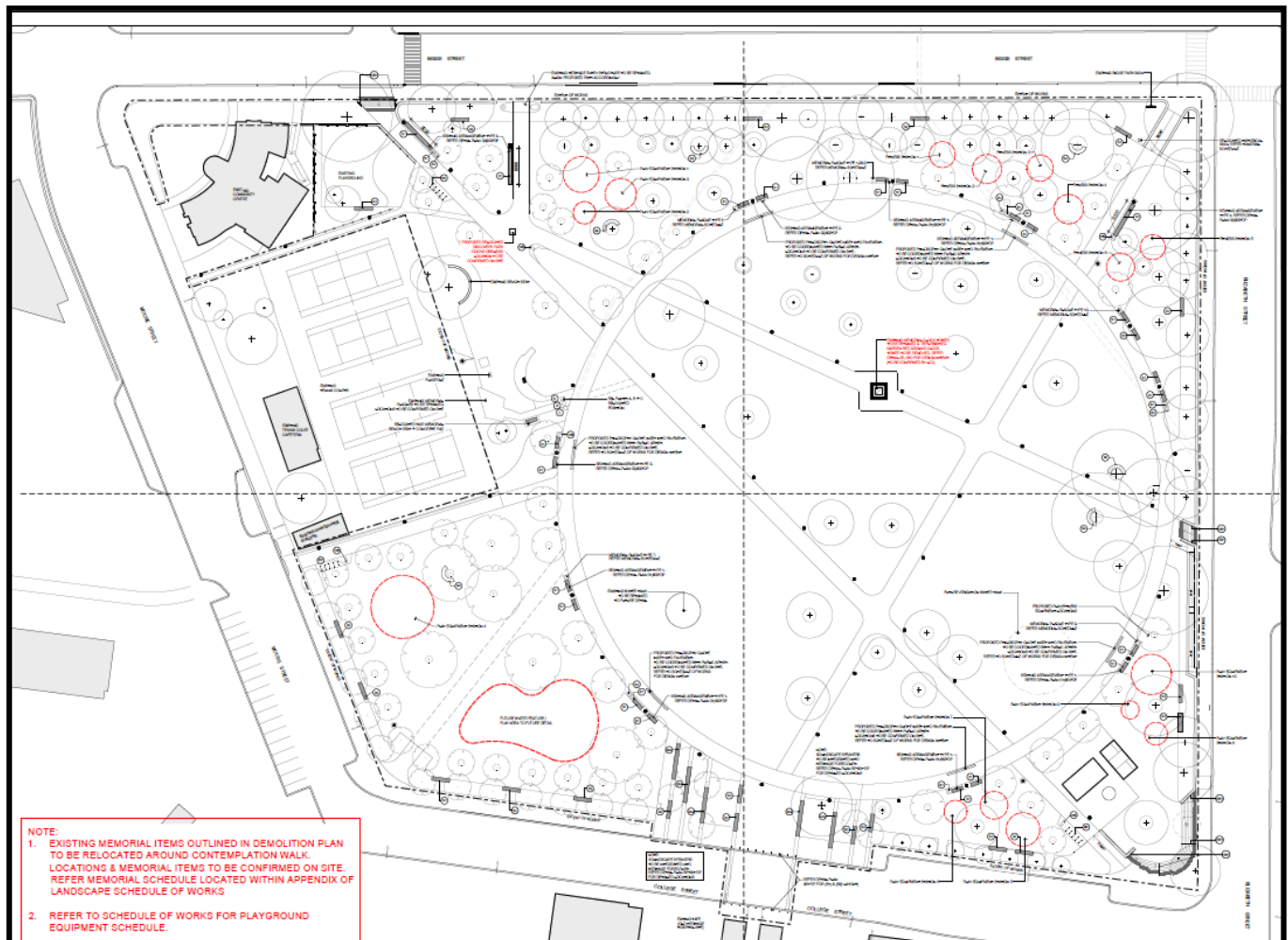
The subject site is not constrained by bushfire, flooding or acid sulphate soils.

## **3. DETAILS OF THE PROPOSAL**

Development consent is sought for the revitalisation of Bigge Park including:

- Replacement and minor realignment of internal pathways;
- Replacement and realignment of internal park lighting with upgrade to meet Australian Standards;
- Removal of approximately twelve trees which have been identified as being in poor condition and under stress;
- Replacement of existing concrete key stone retaining wall along Elizabeth and Bigge Street with a sandstone retaining wall;
- Demolition of the bowling greens (noting that the bowling club and music bowl were granted separated development consent for removal);
- Upgrade to provide accessibility to and throughout the park;

- Renovation of rotary clock;
- Installation of water play area;
- Installation of play and fitness stations;
- Installation of soundscape speakers to the College Street side of the park;
- Provision of philosophy quote inserts into the circular pathway;
- Relocation of Discovery Park “Cook’s Obelisks”;
- Planting of new trees and landscaping, irrigation works and earthworks; and
- Installation of park furniture.



**Figure 2 - Plan of proposed works**

## **4. STATUTORY CONSIDERATIONS**

### **4.1 Relevant matters for consideration**

The following Environmental Planning Instruments, Development Control Plans and Codes or Policies are relevant to this application:

#### Environmental Planning Instruments (EPI's)

- State Environmental Planning Policy No.55 – Remediation of Land.
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment.
- Liverpool Local Environmental Plan 2008.



## Draft Environmental Planning Instruments

- No draft Environmental Planning Instruments apply to the site.

## Other Plans and Policies

- *Plan of Management – Bigge Park June 2008*

## Development Control Plans

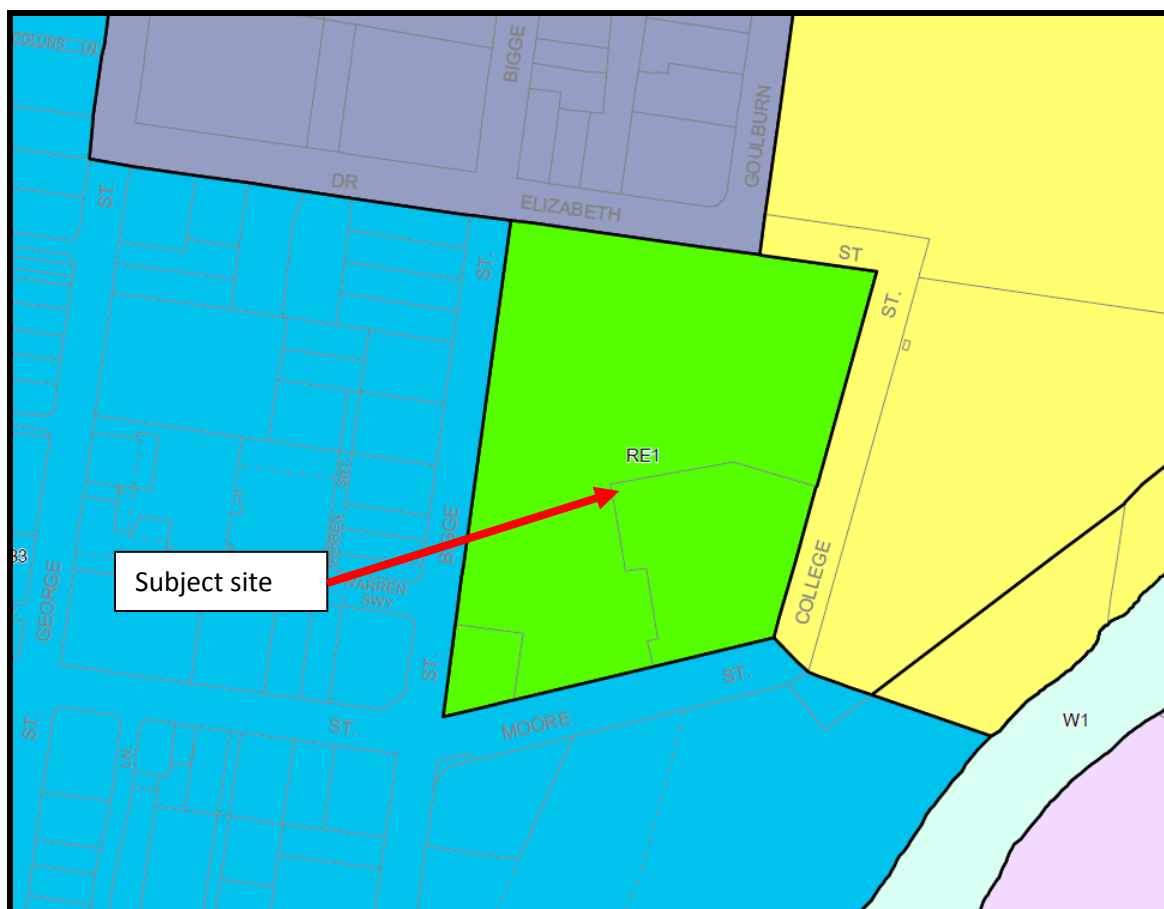
- *Liverpool Development Control Plan 2008*
  - Part 1 – Controls applying to all development
  - Part 4 - Development in the Liverpool City Centre

## Contributions Plans

- Liverpool Contributions Plan 2007 applies to development within the Liverpool City Centre, however the subject works are identified as a project within this plan. Accordingly a contribution for the proposal would be inappropriate.

## **4.2 Zoning**

The site is zoned RE1 Public Recreation pursuant to LLEP 2008 as depicted in Figure 2. The proposed development would be defined as a “Recreation Area”, which is permissible within the RE1 Public Recreation zoning.



**Figure 3 - Extract of LLEP 2008 zoning map**

## 5. ASSESSMENT

The development application has been assessed in accordance with the relevant matters of consideration prescribed by Section 79C of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000 as follows:

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

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

The objectives of SEPP 55 are:

- *to provide for a state wide planning approach to the remediation of contaminated land.*
- *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.*

Pursuant to the above SEPP, Council must consider:

- whether the land is contaminated.
- if the land is contaminated, whether it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the proposed use.

Clause 7 of SEPP 55 states:

- (1) *A consent authority must not consent to the carrying out of any development on land unless:*
- (a) *it has considered whether the land is contaminated, and*
  - (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
  - (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

For the purposes of this Clause, the “land concerned” is:

- (a) *land that is within an investigation area,*
- (b) *land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
- (c) *to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:*
  - (i) *in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
  - (ii) *on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

Bigge Park is not land within an investigation area. In addition, a search of Council’s property records reveals no known activities likely to cause contamination have been undertaken on the site.

Bigge Park was originally Bigge Square and was established as a town common at the formation of the Liverpool Township in 1810. Bigge Park has been used continuously for public recreation purposes and as such the site is very unlikely to contain any contaminated land as it has only been used for recreation purposes and not a land use identified in Table 1

of the Contaminated Land Planning Guidelines. . It is therefore considered that no further investigation is required and that the site is suitable for ongoing use as a recreation facility.

In addition, a condition of consent has been imposed requiring 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). Additionally, all fill introduced to the site must undergo a contaminated site assessment.

A condition of consent has also been imposed as follows:

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

Given the above, SEPP 55 considerations have been addressed and the land is considered suitable for its continued use as a recreational reserve.

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

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

When a consent authority determines a development application planning principles are to be applied (Clause 7(2)). Accordingly, a table summarising the matters for consideration in determining development application (Clause 8 and Clause 9), and compliance with such is provided below.

<b>Clause 8 General Principles</b>	<b>Comment</b>
When this Part applies the following must be taken into account:	
(a) the aims, objectives and planning principles of this plan,	The proposal is consistent with the objectives and planning principles.
(b) the likely effect of the proposed plan, development or activity on adjacent or downstream local government areas,	The works are relatively minor and, subject to appropriate soil and sedimentation devices being used during construction, will not result in detrimental impacts on adjacent or downstream local government areas.
(c) the cumulative impact of the proposed development or activity on the Georges River or its tributaries,	The proposal will not result in any detrimental cumulative impact.
d) any relevant plans of management including any River and Water Management Plans approved by the Minister for Environment and the Minister for Land and Water Conservation and best practice guidelines approved by the Department of Urban Affairs and Planning (all of	The proposal is not inconsistent with any relevant plan.



which are available from the respective offices of those Departments),	
(e) the <i>Georges River Catchment Regional Planning Strategy</i> (prepared by, and available from the offices of, the Department of Urban Affairs and Planning),	The proposal is not inconsistent with the Strategy.
(f) all relevant State Government policies, manuals and guidelines of which the council, consent authority, public authority or person has notice,	The proposal is not inconsistent with any relevant policies, manuals or guidelines.
(g) whether there are any feasible alternatives to the development or other proposal concerned.	As the proposal has no detrimental impacts, no alternative proposal consideration is necessary.
<b>Clause 9 Specific Principles</b>	<b>Comment</b>
(1) Acid sulfate soils	Addressed in relation to LEP 2008 and found to be satisfactory.
(2) Bank disturbance	N/A
(3) Flooding	N/A
(4) Industrial discharges	N/A
(5) Land degradation	N/A
(6) On-site sewage management	N/A
(7) River-related uses	N/A
(8) Sewer overflows	N/A
(9) Urban/stormwater runoff	To existing stormwater system.
(10) Urban development areas	N/A
(11) Vegetated buffer areas	N/A
(12) Water quality and river flows	No impact upon water quality and river flows subject to soil and sedimentation devices during construction.
(13) Wetlands	N/A

It is considered that the proposal satisfies the provisions of the GMREP No.2 and subject to appropriate sedimentation and erosion controls during construction, the development will have minimal impact on the Georges River Catchment.

### **Liverpool Local Environmental Plan 2008**

As stated previously, the site is zoned RE1 Public Recreation pursuant to LLEP 2008. The proposed development would be defined as a 'Recreation Area', which is permissible within the RE1 Public Recreation zoning.

### **Zone Objectives**

The objectives of the RE 1 Public Recreation zone are addressed below:

- *To enable land to be used for public open space or recreational purposes.*

The upgrade works to Bigge Park allow for its continued use as public open space, providing for a variety of recreational experiences.

- *To provide a range of recreational settings and activities and compatible land uses.*

The upgrade of Bigge Park will result in a range of settings and activities compatible to its use as public open space, including passive recreation such as the unstructured landscaped areas and pathways and more active recreation such as the water play area, play and fitness stations.

- *To protect and enhance the natural environment for recreational purposes.*

Bigge Park is a cultural rather than natural landscape and as there is no opportunity to enhance the natural environment.

- *To provide sufficient and equitable distribution of public open space to meet the needs of residents.*

The upgrade of the park does not alter the distribution of public open space in the area, but does increase the choice of uses on the site. Further, the upgrade will ensure equity of access throughout the park.

- *To ensure the suitable preservation and maintenance of environmentally significant or environmentally sensitive land.*

The site does not contain any environmentally significant or environmentally sensitive land.

### ***Principal Development Standards***

No principal development standards are applicable to the proposal.

### ***Preservation of Trees or Vegetation***

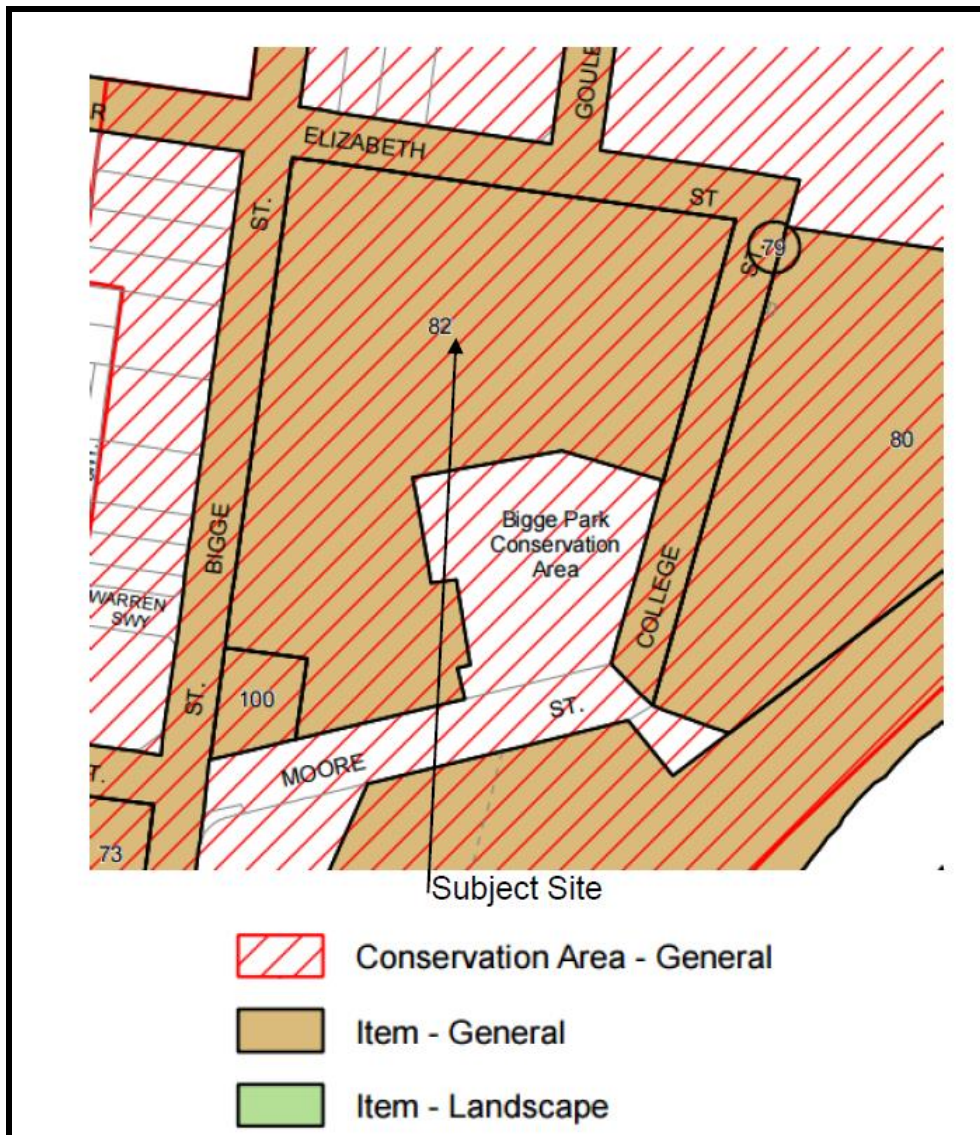
Clause 5.9 is applicable to the application as it involves the removal of a number of trees. Council's Tree Department has reviewed the proposal and raises no objection to the removal of the identified trees subject to a condition requiring the removal of one additional tree which is damaging the pump house. A condition to this effect is recommended.

### ***Heritage Conservation***

Clause 5.10 is applicable to the application as the site is listed as a heritage item under LEP 2008 and is located within a conservation area and within the immediate vicinity of a number of heritage items.

The subject site:

- **is** listed as a heritage item in the Liverpool LEP 2008 (Item No. 82);
- **is** located within the immediate vicinity of heritage items, including:
  - Liverpool Railway Station Group (Item No. 72);
  - Former Liverpool Court House (Item No. 73);
  - Cast-iron Letterbox (Item No. 79);
  - Liverpool TAFE College (Item No. 80);
  - All Saints Roman Catholic Church (Item No. 85);
  - Plan of Town of Liverpool (Item No. 89); and
  - Dr James Pirie Child Welfare Centre Building (Item No. 100).
- **is** located in a heritage conservation area (Bigge Park Conservation Area); and
- **is not** identified as having archaeological potential in Liverpool Archaeological Zoning and Management Plan.



**Figure 4 – Heritage extract from LLEP**

Council's heritage advisor has reviewed the development application and has provided the following comments:

- The removal of intrusive elements, particularly the demolition of the bowling greens and club house are considered positive conservation actions. The social significance of these elements should be explored in an interpretation strategy;
- Revitalisation of the landscape elements is supported and will hopefully bring new users to appreciate the park and allow significant connections between the park and other heritage items in the vicinity, especially the Liverpool TAFE College, to be reinstated;
- Whilst the removal of mature vegetation is generally not supported I understand that some trees are sick and/ or dying, or having an impact on structures within the park. On balance the tree removal is considered acceptable in this instance;
- The proposed waterpark does not appear to respond to the significance of the park. However, it also does not rely on any significant structures for support and would be reversible in the future;

- The rockeries in the front of the Dr Pirie Centre are not original and so their removal is acceptable. These should be captured as part of the Photographic Archival Recording;
- The relocation of the Captain Cook Obelisk from Discovery Park back to Bigge Park is considered a positive conservation action. Extensive assessment occurred and specialist advice has been obtained in the past which should be considered and implemented as part of the relocation of this significant element. The monument is deteriorated and must be repaired, reconstructed and conserved prior to relocation;
- The current plans are to remove the “cog” paving and the garden beds around the clock tower and clad the tower in sandstone. This element is considered to be of high local significance (Draft Bigge Park CMP 2015) and is a “...good example of 1950s municipal architecture...” The proposal would dramatically alter this element and its significance and should be revised. As per the options paper prepared by Kate Higgins (15 June 2015), ideally the facebrick clock tower, surrounding garden beds and “cog” paving should be retained and conserved. If this is not feasible then the clock tower should be retained as a facebrick element and conserved with a new sandstone plinth. Salvageable fabric from the garden beds and “cog” paving should be retained and stored by Council should a new plan for the park be considered where the reinstatement of the original elements is feasible. The clock tower should not be clad in sandstone;
- Detailed information about the proposed exercise equipment, seating, signage and soundscape/ philosophy walk has not been provided. Any additions to a listed place should respect the significance and character of the place. Appropriate colours and materials should be employed to reduce adverse heritage impacts;
- The materials and colours used in the park should be consistent with the significance of the place and be sympathetic to the Bigge Park Conservation Area and the significant buildings surrounding it. No clear information was submitted although a ‘Schedule of Landscape Works’ is referred to in the plans. This information is required so a thorough assessment and recommendations can be made. Amends may need to be made to remove the “ruby” concrete depending on the detail. This can be provided prior to the issue of a construction certificate;
- The use of sandstone in the park is supported as it blends with the use of sandstone within the Bigge Park Conservation Area and is considered appropriate aesthetically. This excludes the Clock tower;
- All memorials should be retained within the park;
- Extant sandstone garden bed edging should be reused on site. The photographic archival recording should note these sandstone blocks in situ and their new location noted for future reference.

### Conclusion and recommendations

As per the above assessment some elements of the proposal are considered positive and are supported whilst other elements would have a negative heritage impact. Mitigating measures should be employed to reduce adverse impacts. It is recommended that the proposal should be approved subject to the following amendments and conditions:

- A Photographic Archival Recording is to be undertaken across the whole site prior to the commencement of works. Special attention is to be paid to those elements that will be removed or significantly altered, e.g. the bowling club and greens, the clock

tower, memorials and trees. The Photographic Archival Recording is to be undertaken in accordance with pertinent Office of Environment and Heritage guidelines. Two hard copies are to be submitted to Council for archiving and inclusion in the Liverpool Heritage Library prior to the issue of a construction certificate.

- Should any Aboriginal 'objects' be discovered in any areas of the site then all excavation or disturbance to the area is to stop immediately and the NSW Office of Environment and Heritage is to be informed in accordance with the *National Parks and Wildlife Act 1974* (as amended). Aboriginal 'objects' must be managed in accordance with the *National Parks and Wildlife Act 1974*. Subject to an assessment of the extent, integrity and significance of any exposed 'objects', applications under the *National Parks and Wildlife Act 1974* may be required before work resumes.
- Should any historical relics be unexpectedly discovered in any areas of the site then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW is to be informed in accordance with Section 146 of the *Heritage Act 1977*.
- The relocation, conservation and reconstruction of the Obelisk and milestone (also known as the Captain Cook Obelisk) is to be undertaken in accordance with specialist advice included in the *Captain Cook Memorial Obelisk, Liverpool: Stonework Condition Report* (Jasper Swann, September 2013) obtained by Liverpool City Council (refer to Trim 253843.2013);
- Prior to the issue of a construction certificate, a comprehensive interpretation strategy is to be submitted to Council for the approval of Council's Heritage Officer and DA Assessment Manager. The approved interpretation strategy must be implemented prior to the issue of a practical completion certificate.
- Prior to the issue of a construction certificate an Aboriginal archaeological assessment should be undertaken and the recommendations of this report, including any approvals, implemented;
- A condition assessment of all memorials is to be undertaken prior to the removal of memorials to be relocated. The memorials to be relocated should then be carefully removed and safely stored off site during construction. Prior to reinstatement a follow up condition assessment should be undertaken and any damage made good and any required conservation works undertaken prior to reinstatement in the proposed location. All relocations are to be undertaken prior to the issue of a practical completion certificate;
- Any architectural elements or memorials to be retained in situ and/ or conserved are to be protected from damage during construction by fencing and an appropriate buffer. This includes, but is not limited to: mature vegetation, Rotary Clock Tower, memorials, Dr Pirie Centre central lamp post; TG Scott Memorial entrance;
- An unexpected finds procedure (for historic and Aboriginal archaeological deposits) is to be determined prior to the issue of a construction certificate and explained as part of the site induction;
- A component of the site induction is to discuss the heritage significance and listing of the site and the implications for works, with special attention paid to the significant elements to be conserved in situ and how these are to be protected, as well as the unexpected finds procedure. The project manager's log showing the delivery of

heritage site induction is to be submitted for approval prior to the issue of a practical completion certificate.

- The plans should be amended to retain the Rotary clock tower as a facebrick element within the park. The sandstone cladding is not supported. Should the surrounding garden beds and “cog” paving have to be removed, where possible this fabric should be salvage and stored for potential reinstatement in the future. It is recommended that works on the clock and surrounding paving and garden bed will be the subject to a separate application.
- The materials and colours should be consistent with the significance of the place and be sympathetic to the Bigge Park Conservation Area and the significant buildings surrounding it. Prior to the issue of a construction certificate further information, including the Schedule of Landscape Works, is to be submitted for review and approval by Council’s Heritage Officer. Amendments may need to be made depending on how well the proposed colours, and materials blend with the park and are sympathetic to the conservation area, (e.g. the “ruby” concrete).
- Any new infrastructure (e.g. exercise equipment, seating, signage and soundscape/ philosophy walk) should respect the significance and character of the place. Appropriate colours and materials should be employed to reduce adverse heritage impacts. Further detail is to be provided to the satisfaction of Council’s Heritage Officer prior to the issue of a construction certificate.
- The sandstone blocks located at the edge of the old bowling club greens are to be removed prior to commencement of works and reused within the project.

### **Acid Sulfate Soils**

The site is located within Class 5 under the Acid Sulfate Soils mapping. As the works do not involve works within 500m of Class 1-4 land that is below 5m AHD which would lower the water table below 1m AHD, no further assessment is required.

### **5.2 Section 79C(1)(a)(ii) - Any Draft Environmental Planning Instrument**

No relevant draft Environmental Planning Instruments apply to the site.

### **5.3 Section 79C(1)(a)(iii) - Provisions of any Development Control Plan**

#### **Liverpool Development Control Plan 2008**

Part 1 - General Controls for all Development and Part 4 - Development in The Liverpool City Centre of the Development Control Plan apply to the proposed development and prescribe standards and criteria relevant to the proposal.

The following compliance table outlines compliance with these controls.

<b>PART 1 – GENERAL CONTROLS FOR ALL DEVELOPMENT</b>		
<b>CONTROLS</b>	<b>PROVIDED</b>	<b>COMPLIES</b>
TREE PRESERVATION	The proposed tree removal has been assessed by Council’s Tree Section as satisfactory subject to the removal of one additional tree which is damaging the pump house.	Yes
LANDSCAPING	The proposal retains existing trees where appropriate and proposed planting of replacement trees where removal is	Yes



	appropriate.	
WATER CYCLE MANAGEMENT	The majority of the park is unpaved and allows for infiltration of water. Paved areas will be drained to the existing stormwater system.	Yes
EROSION AND SEDIMENT CONTROL	Appropriate soil and sedimentation measures during construction will be conditioned.	Yes
CONTAMINATION LAND RISK	The site has only been used as a recreation space and as such has very low likelihood of land contamination.	Yes
SALINITY RISK	The proposed works are unlikely to raise any salinity risk concerns.	Yes
ACID SULFATE SOILS RISK	The site is on Class 5 land and the works proposed do not pose any risk of impacting acid sulfate soils.	Yes
WEEDS	The site does not contain any significant level of weeds.	Yes
DEMOLITION OF EXISTING DEVELOPMENT	Approval is sought for demolition of minor structures, which is appropriate for the development.	Yes
ABORIGINAL ARCHAEOLOGY	The site has a very low likelihood of Aboriginal Archaeology and as such no further investigation is required.	Yes
HERITAGE AND ARCHAEOLOGICAL SITES	Council's Heritage Advisor has reviewed the application and supports the proposal with the exception of works to the clock tower and surrounds subject to conditions of consent.	Yes
NOTIFICATION OF APPLICATIONS	The application was notified and the report addressed the issues raised in the submissions.	Yes
<b>PART 4 –DEVELOPMENT IN THE LIVERPOOL CITY CENTRE</b>		
AMENITY	The proposal provides for appropriate pedestrian permeability through the site and will provide appropriate accessibility.	Yes
CONTROLS FOR SPECIAL AREAS	A conservation management plan is required to be submitted for consideration with any development application for Bigge Park and this has been complied with. Council's Heritage Advisor is satisfied with the application subject to conditions of consent which have been included in the recommendation.	Yes

### **Plan of Management – Bigge Park June 2008**

The Plan of Management (POM) applies to the portion of Bigge Park not occupied by the sports fields and community centre and the portion of park covered by the POM is categorised as an Area of Cultural Significance and Park. The POM contains an Action Plan, point 1.1 of which addresses heritage sustainability and seeks to improve historical plaques, memorials and commemorative artefacts. Section 4 of the POM identifies the plaques,

memorials and artefacts considered to be important and each is addressed following:

- T G Scott Memorial Gateway – erected in 1956 and identified as a design which exhibits considerable technical ingenuity and bravado.

The proposal seeks to retain the gateway and to align a path to travel below the gateway which is an appropriate design response. It is appropriate that a condition of consent requiring this gateway to be protected during demolition and construction works be included.

- Rotary Commemorative Clock Tower – erected in 1955 to commemorate the 50<sup>th</sup> anniversary of Rotary and comprised of the clock tower of brick construction and partially faced with ornamental sandstone tablets on its four sides and clock faces, surrounding circular terraces of plantings and surrounding paving in the stylised form of the rotary ‘wheel’ – see photograph below.



**Figure 5: Photograph of existing Rotary Commemorative Clock Tower**

The heritage impact statement identifies the clock tower as having high heritage significance on a local scale. The proposal seeks the removal of the circular garden around the clock tower to facilitate the routine inspection of the structure for signs of deterioration and to prepare an asset management plan for the towers ongoing maintenance. The garden surround will be replaced with an elevated concrete plinth and steps will lead up to the plinth. A realigned pathway cuts through the clock tower and as a result, the pavement will wrap around the clock tower representing the “rotary cog”. The material of the new path is coloured concrete and completely surrounds the clock tower to provide pedestrian access around the tower. The existing red textured brickwork of the tower will be clad with a composite sandstone cladding for the full height of the tower and existing sandstone ledges cleaned.

Council’s Heritage Advisor has confirmed that It is considered inappropriate to reclad the existing rotary clock entirely in sandstone and to remove the garden beds and in particular the Rotary ‘wheel’ paving given the clock tower commemorates the Rotary organisation. The

application is therefore recommended for approval subject to conditions, including removing any reference to works on the rotary clock, garden and 'cog' path surrounding the clock. Any works on this structure, garden and path are to be authorised via a separate development application once the issues identified by Council's Heritage Advisor have been satisfactorily addressed.

- Alex Grimson Memorial Music Shell – erected in 1974 to commemorate a former Mayor

The music shell has been demolished. The applicant has advised that the plaque has been retained and is to be replaced in the park at the completion of works. A condition of consent is recommended to reflect this.

- Liverpool Township Monument – erected in 1960 to commemorate the 150 year anniversary of the founding of the township of Liverpool

The proposal shows the monument being relocated to an unspecified location along the contemplative walk. No concern is raised with the relocation of the monument. A condition of consent is recommended requiring the removal and appropriate storage of the monument during the works and for its replacement at the completion of the works.

- Basalt Rock with Plaque – erected in 1980 to commemorate Heritage Day and the founding and naming of Liverpool

The plans are unclear in relation to the impact upon this monument. A condition of consent is recommended requiring the storage of the plaque and its relocation after completion of the works.

- Thomas Moore Monument – former drinking fountain erected in 1956 commemorating the original landowner Thomas Moore.

The plans are unclear in relation to the impact upon this monument. A condition of consent is recommended requiring the storage of the plaque and its relocation after completion of the works.

#### **5.4 Section 79C(1)(a)(iia) - Any Planning Agreement or any Draft Planning Agreement**

The application is not subject to any planning agreement or draft planning agreement.

#### **5.5 Section 79C(1)(a)(iv) – The Regulations**

The proposal is consistent with any relevant regulations or will be subject to recommended conditions.

#### **5.6 Section 79C(1)(a) (v) – Any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates**

The site is not located within a coastal zone.

#### **5.7 Section 79C(1)(b) – The Likely Impacts of the Development**

The potential impacts of the development include loss of trees, soil erosion and impact upon the heritage significance of the listed items and conservation area. These potential impacts have been considered throughout the report and found to be satisfactory subject to recommended conditions except for the proposed works to the rotary clock, path and garden which are not to be altered through this consent.

## **(a) Natural and Built Environment**

### ***Built Environment***

The proposal has an acceptable impact upon the built environment, having no detrimental impact upon the significance of the items of heritage or conservation area except the clock tower, subject to recommended conditions of consent.

### ***Natural Environment***

The proposal has limited impact upon the natural environment and the impacts will be appropriately ameliorated by the additional tree planting proposed and the soil and sedimentation controls required by the proposed conditions of consent.

## **(b) Social Impacts and Economic Impacts**

The proposed upgrade of Bigge Park will have positive social impacts, resulting in improved facilities for the residents, workers and visitors to Liverpool. The proposal will have no detrimental social impacts.

### **Liverpool Contributions Plan**

Liverpool Contributions Plan 2007 applies to development within the Liverpool City Centre, however the subject works are identified as a project within this plan. Accordingly a contribution for the proposal would be inappropriate

## **6.8 Section 79C(1)(c) – The Suitability of the Site for the Development**

The site has been used for public recreation since Liverpool was declared a township in 1810 and the upgrade works will appropriately improve the recreational opportunities on the site in line with its historic use.

## **6.9 Section 79C(1)(d) – Any submissions made in relation to the Development**

Two submissions were received in response to the notification. The issues raised in the submissions are addressed following.

- Supports the design of the paths
- Disappointed about the loss of trees but with the new trees will look beautiful in time
- Supports the sandstone retaining walls
- Supports the Rotary Clock works
- Supports the heritage forecourt
- Supports the accessibility improvements
- Supports the contemplation walk
- The pump house is well located for park visitors and those using the hospital and TAFE.
- Questions if any additional parking will be provided
- Questions if a new plaque will be provided to commemorate Alex Grimson on the contemplation walk
- Questions whether artwork built into the paving will tell the story of Liverpool's history
- Suggests should consider 'historical tourism' to Liverpool

### **Officer Comments**

The above submission points are noted. The removal of trees is supported by Council's Tree Department. Additional parking will be provided by way of rear to kerb parking in the location of the bowling club but is not part of this application. Council is also currently considering

additional parking on the TAFE side of College Street however it is not related to the application.

The existing plaque is to be retained and incorporated into the upgraded park. The detailed design of the artwork has not been finally determined due to the need for communication with local key heritage groups and the Aboriginal community.

The historical tourism comment has been passed onto the applicant. The proposal will not detrimentally impact this potential.

Other points raised in submissions are addressed below:

- Clarification is sought as to the origin of the large stone work along the edge of the bowling club, whether it is convict hewn

Investigation into the origin of the sandstone blocks has occurred however it could not be identified where they originated. The sandstone blocks will be incorporated into the park design around the proposed water play area as informal seating.

- The entire perimeter of the park will be occupied with workout stations, play stations, café, tennis courts and the Pirie Centre and there will be no unimpeded view of the park from outside. The ambience of the park will be destroyed by crowding it with the stations

The play and workout stations are low and relatively small structures that will not significantly impede views into or out of the park. The remaining structures are existing.

- The Pirie Centre could have been moved and the pump house is ugly and should not remain

These two buildings are proposed to be retained and as such it is beyond the scope of the assessment of this application to contemplate their demolition.

- Clarification is required of who will decide on the philosophical quotes used for the contemplative walk, it should be the people of Liverpool not artists or planners

The quotes have not been determined and may simply be the word "Welcome" in a number of nationalities to represent cultural diversity in Liverpool.

- Is there any seating along the contemplative walk?

The plans show seating placed at regular intervals along the contemplative walk pathway.

- Apart from the re-positioning of the poor quality 1950's memorials and monuments and the relocation of Cook's Monument will there be any educational information about the history of the park, its original purpose and use as a place of punishment (hangings, stocks and flogging), its use by asylum patients and the historic cricket matches and football played there?

Interpretive signage does not form part of this application but is intended to be provided after due consultation with local heritage groups and Aboriginal communities.

**(a) Internal Referrals**

The following comments have been received from Council's Internal Departments:

Internal Department	Status and Comments
Tree Department	No objection subject to removal of one additional tree which is damaging the pump house.
Environmental Health	No objection, subject to conditions
Land Development Engineering	No objection, subject to conditions
Heritage Advisor	Issues have been raised, specifically relating to the works to the rotary clock, wheel paving and garden bed surrounding the clock. It is recommended that these works not be approved under this development application, but rather a separate DA once the issues identified by Council's Heritage Advisor have been satisfactorily addressed. Otherwise, subject to recommended conditions of consent, the proposal is considered satisfactory.
Property	No objection

**(b) External Referrals**

The following comments have been received from External agencies:

External Department	Status and Comments
NSW Police	No objection

**(c) Community Consultation**

The development application was advertised for a period of 14 days between 21 October and 5 November 2015 in accordance with Liverpool Development Control Plan 2008 (LDCP 2008). Two submissions were received in response to the notification which have been addressed previously within this report.

**6.7 Section 79C(1)(e) – The Public Interest**

The upgrade of Bigge Park is considered to be in the public interest, resulting in improved and updated recreational facilities for the residents, workers and visitors to Liverpool.



## **7 CONCLUSION**

In conclusion, the following is noted:

- The proposal will improve the facilities available to the residents, workers and visitors to Liverpool;
- The tree removal proposed is acceptable and is ameliorated by replacement tree planting.
- The proposed works do not detrimentally impact the heritage significance of the item and items in the vicinity or the conservation area subject to recommended conditions of consent.

Accordingly, the application is recommended for approval subject to recommended conditions of consent.

## **8 ATTACHMENTS**

1. Recommended Conditions of Consent

## **9 DOCUMENTATION PROVIDED ELECTRONICALLY TO THE PANEL**

1. Redevelopment Plans and Demolition Plans
2. Arboriculture Impact Assessment
3. Heritage Impact Statement
4. Bigge Park Plan of Management

# ATTACHMENT 1: RECOMMENDED CONDITIONS OF CONSENT

## DEFINITIONS

AEP	Annual Exceedance Probability
NCC	National Construction Code (formerly Building Code of Australia)
Council	Liverpool City Council
DCP	Liverpool Development Control Plan 2008
DECC	Department of Environment and Climate Change and Water
CC	Construction Certificate
1% AEP Flood	The 1 in 100 year flood
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
LPI Service	Land and Property Information Service
OC	Occupation Certificate
PCA	Principal Certifying Authority
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
RMS	Roads and Maritime Services

## A. THE DEVELOPMENT

### Approved Plans

1. Development the subject of this determination notice must be carried out strictly in accordance with the following plans/reports marked as follows:

#### (a) Development Plans

DWG NO.	DRAWING NAME	SCALE	SIZE	ISSUE
BP-000-CS	COVER SHEET & DRAWING REGISTER	NTS	A1	D
BP-001-CS	COVER SHEET: LEGENDS	NTS	A1	D
BP-002-CS	COVER SHEET: PROJECT HOLD POINTS	NTS	A1	D
BP-150-DE	DEMOLITION PLAN COVER SHEET	1:400	A1	D
BP-151-DE	DEMOLITION PLAN	1:200	A1	D
BP-152-DE	DEMOLITION PLAN	1:200	A1	D
BP-153-DE	DEMOLITION PLAN	1:200	A1	D
BP-154-DE	DEMOLITION PLAN	1:200	A1	D
BP-200-FI	FINISHES PLAN COVER SHEET	1:400	A1	D
BP-201-FI	FINISHES PLAN	1:200	A1	D
BP-202-FI	FINISHES PLAN	1:200	A1	D
BP-203-FI	FINISHES PLAN	1:200	A1	D
BP-204-FI	FINISHES PLAN	1:200	A1	D
BP-250-JO	JOINTING PLAN COVER SHEET	1:400	A1	B
BP-251-JO	JOINTING PLAN	1:200	A1	B
BP-252-JO	JOINTING PLAN	1:200	A1	B
BP-253-JO	JOINTING PLAN	1:200	A1	B
BP-254-JO	JOINTING PLAN	1:200	A1	B
BP-300-SO	SET-OUT PLAN COVER SHEET	1:400	A1	B
BP-301-SO	SET-OUT PLAN	1:200	A1	B
BP-302-SO	SET-OUT PLAN	1:200	A1	B
BP-303-SO	SET-OUT PLAN	1:200	A1	B
BP-304-SO	SET-OUT PLAN	1:200	A1	B
BP-305-SO	DETAILED SET-OUT PLAN	1:100	A1	A
BP-400-GR	GRADING + DRAINAGE COVER SHEET	1:400	A1	E
BP-401-GR	GRADING + DRAINAGE PLAN	1:200	A1	D
BP-402-GR	GRADING + DRAINAGE PLAN	1:200	A1	D
BP-403-GR	GRADING + DRAINAGE PLAN	1:200	A1	D
BP-404-GR	GRADING + DRAINAGE PLAN	1:200	A1	D
BP-500-PP	PLANTING COVER SHEET	1:400	A1	D
BP-501-PP	PLANTING PLAN	1:200	A1	D
BP-502-PP	PLANTING PLAN	1:200	A1	D
BP-503-PP	PLANTING PLAN	1:200	A1	D
BP-504-PP	PLANTING PLAN	1:200	A1	D

DWG NO.	DRAWING NAME	SCALE	SIZE	ISSUE
BP-600-FU	FURNITURE & PLAYGROUND PLAN COVER SHEET	1:400	A1	D
BP-601-FU	FURNITURE & PLAYGROUND PLAN	1:200	A1	D
BP-602-FU	FURNITURE & PLAYGROUND PLAN	1:200	A1	D
BP-603-FU	FURNITURE & PLAYGROUND PLAN	1:200	A1	D
BP-604-FU	FURNITURE & PLAYGROUND PLAN	1:200	A1	D
BP-700-LI	LIGHTING PLAN COVER SHEET	1:400	A1	D
BP-701-LI	LIGHTING PLAN	1:200	A1	D
BP-702-LI	LIGHTING PLAN	1:200	A1	D
BP-703-LI	LIGHTING PLAN	1:200	A1	D
BP-704-LI	LIGHTING PLAN	1:200	A1	D
BP-800-SE	SECTIONS	AS SHOWN	A1	B
BP-801-SE	SECTIONS	AS SHOWN	A1	B
BP-802-SE	ELEVATIONS	AS SHOWN	A1	B
BP-900-DT	CAFE DETAIL PLAN	1:100	A1	D
BP-901-DT	HERITAGE COURTYARD DETAIL PLAN	1:100	A1	D
BP-902-DT	ACCESS RAMP & STAIR DETAIL PLANS	AS SHOWN	A1	D
BP-903-DT	FURNITURE ARRANGEMENT DETAIL PLANS	AS SHOWN	A1	D
BP-904-DT	CLOCK TOWER DETAIL PLAN	AS SHOWN	A1	B
BP-905-DT	HARDWORKS DETAILS	AS SHOWN	A1	D
BP-906-DT	HARDWORKS DETAILS	AS SHOWN	A1	D
BP-907-DT	HARDWORKS DETAILS	AS SHOWN	A1	D
BP-908-DT	HARDWORKS DETAILS	AS SHOWN	A1	D
BP-909-DT	HARDWORKS DETAILS	AS SHOWN	A1	D
BP-910-DT	HARDWORKS DETAILS	AS SHOWN	A1	D
BP-911-DT	HARDWORKS DETAILS	AS SHOWN	A1	B
BP-915-DT	SOFTWARES DETAILS	AS SHOWN	A1	D

(b) Aboricultural Impact Assessment prepared by Scott Ibbotson dated September 2015

(c) Heritage Impact Statement prepared by OCP Architects, reference number 15043, Issue B, dated August 2015.

except where modified by the undermentioned conditions.

### **Amended Plans**

2. Amended plans are to be prepared for approval by the Manager Development Assessment Liverpool City Council with the Construction Certificate showing no works to the rotary clock, the garden beds surrounding the clock and the Rotary 'wheel' paving.
3. No approval is granted to works on the rotary clock, the rotary 'wheel' paving and the garden bed surrounding the clock. A separate DA is required for these works.

### **Tree Removal**

4. In addition to the trees identified for removal in the Arboricultural report, one additional tree is to be removed located directly behind the pump house café next to the concrete water tank.

Reason: This tree is damaging the building and water infrastructure.

## **B. PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE**

### **Fee Payments**

5. 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 may be 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.

6. 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).

### **Notification**

7. 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 contact is entered into for the work to be done by a different licensee, Council must be immediately informed.

8. All retaining walls shall be of masonry construction and must be wholly within the property boundary, including footings and agricultural drainage lines. Construction of retaining walls or associated drainage works along common boundaries shall not compromise the structural integrity of any existing structures. Where a retaining wall exceeds 600mm in height, the wall shall be designed by a practicing structural engineer and a construction certificate must be obtained prior to commencement of works on the retaining wall.
9. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that all works are in accordance with Council's DCP and design and construction specifications.

### **Heritage**

10. Prior to the issue of a construction certificate, a comprehensive interpretation strategy is to be submitted to Council for the approval of Council's Heritage Officer and Manager Development Assessment. The approved interpretation strategy must be implemented prior to the issue of a practical completion certificate.
11. Prior to the issue of a construction certificate an Aboriginal archaeological assessment should be undertaken and the recommendations of this report, including any approvals, implemented.
12. An unexpected finds procedure (for historic and Aboriginal archaeological deposits) is to be determined prior to the issue of a construction certificate and explained as part of the site induction.
13. The materials and colours should be consistent with the significance of the place and be sympathetic to the Bigge Park Conservation Area and the significant buildings surrounding it. Prior to the issue of a construction certificate, further information, including the Schedule of Landscape Works, is to be submitted for review and approval by Council's Heritage Officer. Amendments may need to be made depending on how well the proposed colours, and materials blend with the park and are sympathetic to the conservation area, (e.g. the "ruby" concrete).
14. Any new infrastructure (e.g. exercise equipment, seating, signage and soundscape/philosophy walk) should respect the significance and character of the place. Appropriate colours and materials should be employed to reduce adverse heritage impacts. Further detail is to be provided to the satisfaction of Council's Heritage Officer prior to the issue of a construction certificate.

## **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**

15. 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.

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

### **Notification/Principal Certifying Authority**

17. 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.
18. 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.

### **Facilities**

19. 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*.
20. Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in Moore Street, College Street, Elizabeth Street and Bigge Street is to be submitted to Liverpool City Council. The report is to include, but not limited to, the road pavement, kerb and gutter, footpath, services and street trees and is to extend 10m either side of the development.
21. 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.

### **Demolition**

22. Demolition works shall be carried out in accordance with the following:
- (a) Prior to the commencement of any works on the land, a detailed demolition work plan designed in accordance with the Australian Standard AS 2601-2001- The Demolition of Structures, prepared by a suitably qualified person with suitable expertise or experience, shall be submitted to and approved by Council and shall include the identification of any hazardous materials, method of demolition, precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
  - (b) Prior to commencement of any works on the land, the demolition Contractor(s) licence details must be provided to Council.
  - (c) The handling or removal of any asbestos product from the building/site must be carried out by a NSW Work Cover licensed contractor irrespective of the size or nature of the works. Under no circumstances shall any asbestos on site be handled or removed by a non-licensed person. The licensed contractor shall carry out all works in accordance with NSW Work Cover requirements.



## **Site Facilities**

23. 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**

24. 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**

25. The approved development must be approved through the 'Sydney Water Tap in' service to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easements, and if any requirements need to be met. A receipt must be provided to Council.

Please refer to the website [www.sydneywater.com.au](http://www.sydneywater.com.au) for more information.

## **Environmental Management**

26. 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.

## **Heritage**

27. Prior to commencement of any works an inventory is to be undertaken of all plaques located within the park. The plaques are to be removed for storage and replaced at the completion of the works. The sandstone blocks located at the edge of the old bowling club greens are to be removed prior to commencement of works and reused within the project.
28. A Photographic Archival Recording is to be undertaken across the whole site prior to the commencement of works. Special attention is to be paid to those elements that will be removed or significantly altered, e.g. the bowling club and greens, the clock tower, memorials and trees. The Photographic Archival Recording is to be undertaken in accordance with pertinent Office of Environment and Heritage guidelines. Two hard copies are to be submitted to Council for archiving and inclusion in the Liverpool Heritage Library prior to the issue of a construction certificate.
29. Should any Aboriginal 'objects' be discovered in any areas of the site then all excavation or disturbance to the area is to stop immediately and the NSW Office of
-

Environment and Heritage is to be informed in accordance with the *National Parks and Wildlife Act 1974* (as amended). Aboriginal 'objects' must be managed in accordance with the National Parks and Wildlife Act 1974. Subject to an assessment of the extent, integrity and significance of any exposed 'objects', applications under the *National Parks and Wildlife Act 1974* may be required before work resumes.

30. Should any historical relics be unexpectedly discovered in any areas of the site then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW is to be informed in accordance with Section 146 of the *Heritage Act 1977*.
31. The relocation, conservation and reconstruction of the Obelisk and milestone (also known as the Captain Cook Obelisk) is to be undertaken in accordance with specialist advice included in the *Captain Cook Memorial Obelisk, Liverpool: Stonework Condition Report* (Jasper Swann, September 2013) obtained by Liverpool City Council (refer to Trim 253843.2013).
32. A condition assessment of all memorials is to be undertaken prior to the removal of memorials to be relocated. The memorials to be relocated should then be carefully removed and safely stored off site during construction. Prior to reinstatement a follow up condition assessment should be undertaken and any damage made good and any required conservation works undertaken prior to reinstatement in the proposed location. All relocations are to be undertaken prior to the issue of a practical completion certificate.
33. Any architectural elements or memorials to be retained in situ and/ or conserved are to be protected from damage during construction by fencing and an appropriate buffer. This includes, but is not limited to: mature vegetation, Rotary Clock Tower, memorials, Dr Pirie Centre central lamp post; TG Scott Memorial entrance.
34. A component of the site induction is to discuss the heritage significance and listing of the site and the implications for works, with special attention paid to the significant elements to be conserved in situ and how these are to be protected, as well as the unexpected finds procedure. The project manager's log showing the delivery of heritage site induction is to be submitted for approval prior to the issue of a practical completion certificate.
35. The sandstone blocks located at the edge of the old bowling club greens are to be removed prior to commencement of works and reused within the project.
36. The Liverpool Township Monument is to be removal and placed in appropriate storage during the works and for it to be reinstated at the completion of the works.
37. The TG Scott Memorial Gateway is to be retained and protected during works.
38. The Alex Grimson Memorial Music Shell plaque is to be reinstated at the completion of works.
39. The Basalt Rock with Plaque is to be stored in appropriate storage during the works and is to be reinstated following the completion of the works.
40. The Thomas Moore Monument former drinking fountain is to be stored in appropriate storage during the works and is to be reinstated following the completion of the works.
41. Prior to the commencement of works protection fencing shall be erected around the outside of the Rotary 'wheel' paving which surrounds the Rotary Clock to ensure the paving, garden beds and clock are protected during demolition and construction works.

## **Traffic**

42. Prior to commencement of works a Traffic Control Plan including details for pedestrian management, shall be prepared in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Traffic Authority's publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Traffic Authority Traffic Controller.

Traffic control measures shall be implemented during the construction phase of the development in accordance with the certified plan. A copy of the plan shall be available on site at all times.

Note:

A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Liverpool City Council.

## **D. DURING CONSTRUCTION**

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

### **Building Work**

43. 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 prior to the placement of, any footings; and
  - (b) prior to pouring any in-situ reinforced concrete building element; and
  - (c) prior to covering of the framework for any floor, wall, roof or other building element, and
  - (d) prior to covering waterproofing in any wet areas, and
  - (e) prior to covering any stormwater drainage connections; and
  - (f) 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.

### **Hours of Construction Work and Deliveries**

44. Construction work/civil work/demolition work, including the delivery of materials, is only permitted on the site between the hours of 7:00am to 6:00pm Monday to Friday and 8:00am to 1:00pm Saturday. No work will be permitted on Sundays or Public Holidays, unless otherwise approved by Council.

### **Security Fence**

45. 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 Inspections**

46. The following inspections are required to be undertaken by Council in relation to approved demolition works:
- (a) Immediately prior to the commencement of the demolition or handling of any building or structure that contains asbestos. The applicant shall also notify the occupants of the adjoining premises and Workcover NSW prior to the commencement of any works.
  - (b) Please note that demolition works are not permitted to commence on site until such time as a satisfactory inspection result is obtained from Council.
  - (c) Immediately following completion of the demolition. Please note that proof of appropriate disposal of demolition materials (including asbestos) may be required at this time in accordance with the approved Waste Management Plan.

To book an inspection with Council, please call 1300 362 170.

## **Disabled Access**

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

## **General Site Works**

48. 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.
49. The development, including construction, shall not result in any increase in sediment deposition into any water body, wetland, bushland or environmentally significant land.
50. 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 the Protection of the Environment Operation (Waste) Regulation 2014.

## **Traffic Management**

51. 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.
52. 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.
53. Applications must be made to Council's Transport Planning section for any road closures. The applicant is to include a Traffic Control Plan, prepared by a suitably qualified person, which is to include the date and times of closures and any other relevant information.

## **Waste Management Plan**

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

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

## **Vegetation**

55. All existing trees and areas of native vegetation not identified for removal on approved plans of the proposed development shall be protected from damage during site works. This protection shall consist of 1800mm high protective fencing, securely installed beneath the outer canopy of any tree to be retained. Trees may be fenced off in clusters where it is not practical to fence off individual trees. There shall be no storing materials, washing machinery or changes to existing soil levels within the fenced areas.
56. Any imported soil and/or mulch shall be free of contaminants, seed and propagules of weeds and undesirable species. Mulch shall not be used on flood liable land.

## **Contamination**

57. 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).
58. 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 EPA Waste Classification Guidelines (dated November 2014), 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 EPA Waste Classification Guidelines (dated November 2014).
  - (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.
59. Records of the following must be submitted to the principal certifying authority monthly and at the completion of earth works:
- (a) The course (including the address and owner of the source site), nature and quantity of all incoming loads including the date, the name of the carrier, and the vehicle registration;
  - (b) The results of a preliminary contamination assessment carried out on any fill material used in the development.
  - (c) The results of any chemical testing of fill material.

## **Site Remediation Works**

60. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site

contamination and remediation must be notified to Council and the accredited certifier immediately after discovery. A Section 96 Application under the EP&A Act shall be made for any proposed works outside the scope of the approved development consent.

#### **Air Quality**

61. 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.
62. All vehicles involved in the delivery, demolition or construction process departing from the property shall have their loads fully covered before entering the public roadway.

#### **Erosion Control**

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

#### **Water Quality**

64. All topsoil, sand, aggregate, spoil or any other material shall be stored clear of any drainage line, easement, water body, stormwater drain, footpath, kerb or road surface and there shall be measures in place in accordance with the approved erosion and sediment control plan.

#### **Pollution Control**

65. 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.
66. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.

### **E. PRIOR TO ISSUE OF A PRACTICAL COMPLETION 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**

67. Prior to the issue of a Practical Completion Certificate, works-as-executed drawings and compliance documentation shall be submitted to the Principal Certifying Authority in accordance with Liverpool City Council's Design Guidelines and Construction Specification for Civil Works.

An original set of works-as-executed drawings and copies of compliance documentation shall also be submitted to Liverpool City Council with notification of the issue of the Occupation Certificate where Council is not the Principal Certifying Authority.

68. Any damage to Council infrastructure not identified in the dilapidation report, as a result of the development shall be rectified at no cost to Liverpool City Council.



Any rectification works within Moore Street, College Street, Elizabeth Street and Bigge Street will require a Roads Act application. The application is to be submitted and approved by Liverpool City Council prior to such works commencing.

### **Landscaping**

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

### **Heritage**

70. The comprehensive interpretation which is to be submitted to Council for the approval of Council's Heritage Officer and Manager Development Assessment prior to the issue of a construction certificate must be implemented prior to the issue of a practical completion certificate.

## **F. ADVISORY**

- a) If you are dissatisfied with this notice of determination or the conditions contained within this notice of determination, Section 82A of the Environmental Planning and Assessment Act 1979 gives you the right to request a review of the determination within six months after the date on which the application is taken to have been determined.
- b) If you are dissatisfied with this decision, Section 97AA of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within six months after the date on which the application is taken to have been determined.
- c) In accordance with Section 95 of the Environmental Planning and Assessment Act 1979, unless otherwise stated by a condition of this consent, this consent will lapse unless the development is commenced within five (5) years of the date of this notice.
- d) The Planning Assessment Commission has not conducted a review of the application.
- e) These conditions are imposed to control development, having regard to 79C of the Environmental Planning and Assessment Act 1979.
- f) The approval of this application does not imply or infer compliance with the Disability Discrimination Act and that the developer should investigate their liability under the Act.
- g) "DIAL BEFORE YOU DIG" DIAL 1100

Underground assets may exist in the area that is subject to your application. In the interest of health and safety and in order to protect damage to third party assets please contact Dial before you dig at [www.1100.com.au](http://www.1100.com.au) or telephone 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contact the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

h) TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution.

Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800 810 443.

- i) The Liverpool City Council Local Government area soils and ground water may be subject to varying levels of Salinity. Whilst Council may require applicants to obtain Salinity reports relating to some developments, no assessment may be made by Council in that regard. Soil and ground water salinity levels can change over time due to varying factors. It is recommended that all applicants make their own independent inquiries as to appropriate protection against the current and future potential affect of Salinity to ensure the ongoing structural integrity of any work undertaken. Liverpool City Council will not accept any liability for damage occurring to any construction of any type affected by soil and or ground water Salinity.
- j) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.
- k) Care shall be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or the applicant's agents may be liable to pay compensation to any adjoining owner if, due to construction works, damage is caused to such an adjoining property.