

## JOINT REGIONAL PLANNING PANEL (Sydney West)

JRPP No	2016SYW022
DA Number	DA-1010/2014/A
Local Government Area	Liverpool City Council
Proposed Development	<p>Modification of Development Consent DA-1010/2014 pursuant to Section 96(2) of the Environmental Planning and Assessment Act 1979.</p> <p><b><u>Approved Application DA-1010/2014</u></b></p> <p>Partial demolition of the existing heritage building known as the 'former Challenge Woollen Mills'; removal of existing car park; tree removal; site remediation; the construction of two residential flat buildings ranging from 5 to 16 storeys and containing a total of 250 residential apartments (5 X studios, 69 X 1 bedroom, 160 X 2 bedrooms and 16 X 3 bedrooms, inclusive of 25 adaptable units), two levels of basement parking; landscaping and associated site works.</p> <p><b><u>Proposed Modification DA-1010/2014/A</u></b></p> <p>Section 96(2) modification to DA-1010/2014 (JRPP 2014SYW163), which approved the above residential development.</p> <p>Modification seeks to:</p> <ul style="list-style-type: none"> <li>• Realign the basement and provide an extra level (no change to number of parking spaces); and</li> <li>• Modify ground level of Building A with respect to car park entries, which results in minor changes to unit location (no change to unit size or mix).</li> </ul> <p>The basement realignment is proposed in order to:</p> <ul style="list-style-type: none"> <li>• Reduce the basement's proximity to the waterfront; Ensure adequate structural services and design for the overall development; and</li> <li>• Provide for increased deep soil area to 9% of the site area.</li> </ul>
Street Address	20 Shepherd Street, Liverpool
Applicant/Owner	<p>Applicant - Coronation Property Group</p> <p>Owner – Shepherd Street Developments Pty Ltd</p>
Number of Submissions	Nil
Regional Development Criteria (Schedule 4A of the Act)	The proposal has a CIV of over \$20 million, and the Section 96 (2) modification application is required to be determined by Joint Regional Planning Panel in accordance with State Environmental Planning Policy (State and Regional Development) 2011.

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>• Contaminated Land Management Act 1997.</li> <li>• Water Management Act 2000.</li> <li>• State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development.</li> <li>• State Environmental Planning Policy No.55 – Remediation of Land.</li> <li>• State Environmental Planning Policy (State and Regional Development) 2011.</li> <li>• State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.</li> <li>• State Environmental Planning Policy (Infrastructure) 2007.</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>• Draft Liverpool Local Environmental Plan 2008 Amendment No. 52</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> <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 Woods Bagot</li> <li>• Landscape Plans, prepared by Aspect</li> <li>• BCA Report</li> <li>• Geotechnical Report</li> <li>• Design Verification Statement</li> <li>• BASIX Report</li> <li>• Waste letter</li> </ul>

	<ul style="list-style-type: none"> <li>• Traffic letter</li> <li>• Heritage letter</li> </ul>
Recommendation	Approval
Report by	Nabila Samadie
Report date	28 January 2016

## **1. EXECUTIVE SUMMARY**

### **1.1 Reasons for the report**

Sydney West Joint Regional Planning Panel (JRPP) is the determining authority as the proposal has a CIV of over \$20 million and the Section 96 (2) modification application is required to be determined by the Joint Regional Planning Panel in accordance with State Environmental Planning Policy (State and Regional Development) 2011.

### **1.2 The proposed modification**

The Section 96(2) modification application seeks to amend DA-1010/2014 to realign the basement and provide an extra level of basement with no change to number of parking spaces. It also modifies the ground level of Building A with respect to car park entries with no change to unit size or mix.

The basement realignment is proposed in order to reduce the basement's proximity to the waterfront and ensure adequate structural services and design for the overall development.

### **1.3 The site**

The subject site is known as Lot 1 in DP 247485, 20 Shepherd Street, Liverpool and is located on the south-eastern corner of the intersection of Shepherd Street and Atkinson Street.

### **1.4 Exhibition of the proposal**

The development application did not require notification in accordance with Liverpool Development Control Plan 2008 (LDCP 2008).

### **1.5 Conclusion**

In accordance with Section 96(2) of the EP&A Act, Council is satisfied that the development as modified is substantially the same as the development as originally approved. It is considered that the proposed modified development is appropriate for the site and for the locality and will have minimal impact on the surrounding environment. Based on an assessment of the application, it is recommended that the application be approved subject to conditions as outlined at the end of this report.

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

### **2.1 The site**

The subject site is identified as Lot 1 in DP 247485, known as 20 Shepherd Street, Liverpool. An aerial photograph of the subject site is provided below.





Figure 1: Aerial photograph of the site and surroundings – Source: Eview



Figure 2: Aerial photograph of the site – Source: Eview

The site is irregular in shape with a total area of 9873m<sup>2</sup>. The site has two street frontages, with the primary frontage being to Shepherd Street (measuring 68 metres), and a secondary frontage to Atkinson Street (measuring 72 metres).



The NSW Heritage database describes the site as ‘McGrath Services Centre’ and states ‘The item demonstrates the history of the development of local industry in the Liverpool area from as early as 1865. It particularly demonstrates the history of the Woollen industry, one of the most important local industries and largest employers in the area from the early to mid-20th century.’

## 2.2 Background - Application History

DA-1010/2014 was approved by the JRPP on 28 October 2015 for a partial demolition of the existing heritage building known as the 'former Challenge Woollen Mills'; removal of existing car park; tree removal; site remediation; the construction of two residential flat buildings ranging from 5 to 16 storeys and containing a total of 250 residential apartments (5 X studios, 69 X 1 bedroom, 160 X 2 bedrooms and 16 X 3 bedrooms, inclusive of 25 adaptable units), two levels of basement parking; landscaping and associated site works.

The JRPP approval required that the proposed development be amended to reduce the gross floor area to ensure compliance with the clause 4.4 of LLEP 2008 (Floor Space Ratio) development standard is achieved. This was to be done by way of a condition of consent to delete one floor from proposed Building A. Consequently, condition 47A was inserted requesting to delete one floor of the proposed Building A.

On 18 November 2015, the applicant submitted amended plans which included the deletion of one floor from proposed Building A, hence, satisfying condition 47A of the consent. This resulted in the development having a total FSR of 2:48:1 and a total of 241 apartments with slight changes to the apartment mix of the development and parking numbers as a result of the reduced apartments.

Council approved the amended plans on 19 November 2015. Below is extract of the approved elevation plan, deleting an entire floor of Building A:



**Figure 3: Extract of approved plan satisfying condition 47A of development consent (source: Woods Bagot)**

### 3. PROPOSED DEVELOPMENT

The proposed modifications include the following:

- Realign the basement and provide an extra level (no change to number of parking spaces); and
- Modify ground level of Building A with respect to car park entries, which results in minor changes to unit location (no change to unit size or mix).

The basement realignment is proposed in order to:

- Reduce the basement's proximity to the waterfront; and
- Ensure adequate structural services and design for the overall development;

The realignment results in a reduction in the basement's footprint, which results in the addition of a level of parking in order to maintain the approved number of parking spaces.

The ground floor modifications are proposed for structural reasons resulting from the realignment of the basement.

#### 3.1 Planning Assessment

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 the JRPP originally granted approval. The proposal will remain as residential units. Despite the changes to the basement layout, the overall foot print, form, shape and height of the building is generally the same as initially approved. Furthermore, the proposal is still proposed as a residential flat building.

Further, the applicant has provided comprehensive 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:** Consultation under Division 5 is not required for this application

(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*

The section 96 application did not require notification in accordance with Liverpool Development Control Plan 2008.

(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:**

No submissions have been made to the proposed modification application.

As a result of the above assessment, the proposed modification application is appropriate as a Section 96(2) Modification Application and is considered satisfactory.

#### **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.65 – Design Quality of Residential Flat Development.
- State Environmental Planning Policy No.55 – Remediation of Land.
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.
- State Environmental Planning Policy (Infrastructure) 2007;
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment;
- Liverpool Local Environmental Plan 2008;
- Liverpool Development Control Plan 2008.

##### Draft Environmental Planning Instruments

- No draft Environmental Planning Instruments apply to the site.

##### Other Plans and Policies

- Metropolitan Plan for Sydney 2031;

##### Development Control Plans

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

## Contributions Plans

- Liverpool Contributions Plan 2007 applies to all development within the Liverpool City Centre, and requires the payment of contributions equal to 2% of the cost of the development pursuant to Section 94A of the EPA & Act.

## 4.2 Zoning

The site is zoned R4 High Density Residential pursuant to LLEP 2008 as depicted in the figure below.

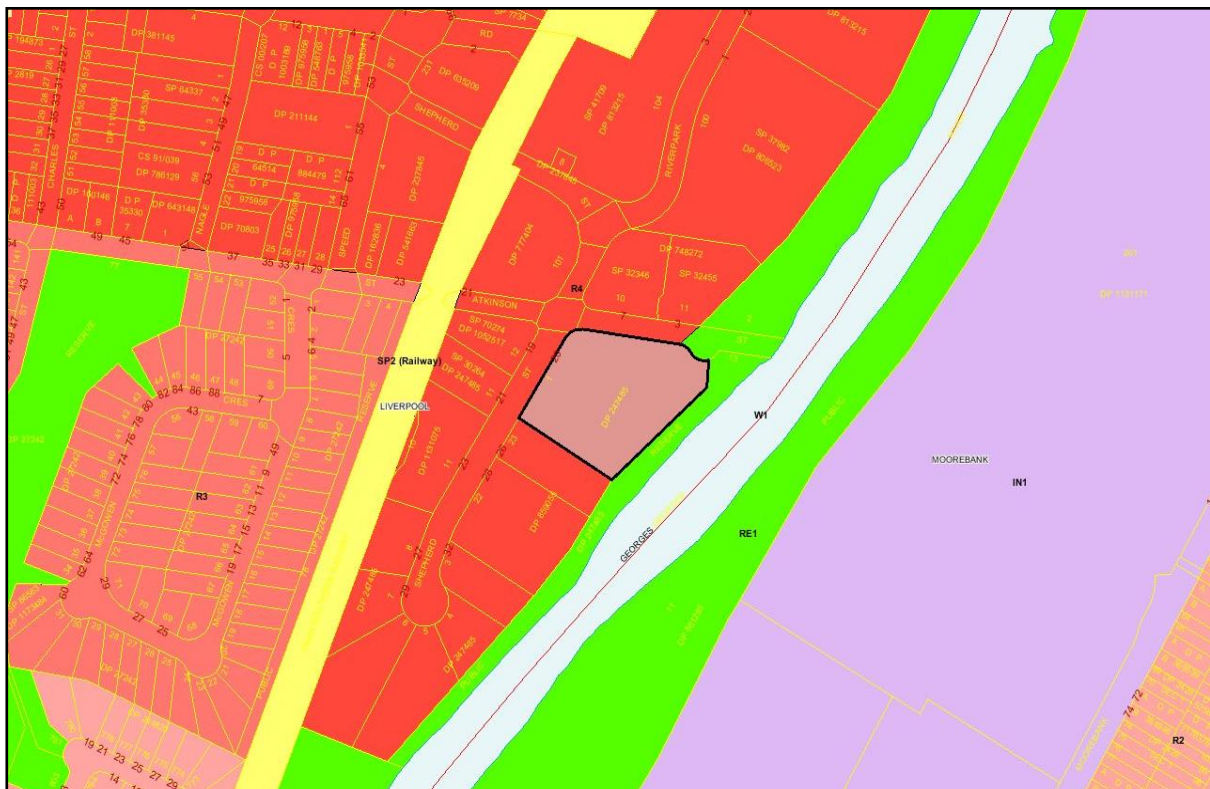


Figure 4: Extract of LLEP 2008 zoning map – Source: Eview

## 4.3 Zoning

The proposed development is defined as a ‘Residential flat building’, which is permissible within the R4 High Density Residential zoning.

## 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.65 – Design Quality of Residential Flat Development.**

State Environmental Planning Policy No. 65 applies to the proposal, as the application involves a residential flat building. Clause 30(2) of SEPP 65 requires residential flat development to be designed in accordance with the design quality principles contained in Part 2 of SEPP 65.



The design quality principles do not change from the original development application, which concluded that the proposed buildings have been designed with the aim of creating an excellent contextual fit with the river, the heritage building and streetscape. The principles of the SEPP 65 have been closely adhered to and the proposed design achieves design excellence and will be an exemplary benchmark development for the city of Liverpool.

Note: As the subject development application was lodged prior to 17 July 2015, SEPP 65 (prior to being amended) along with the Apartment Design Guidelines are not applicable to the proposal.

Further to the above design quality principles, Clause 30(2) of SEPP 65 also requires residential flat development to be designed in accordance with the Department of Planning's publication entitled Residential Flat Design Code (RFDC). The following relevant controls have been impacted by the proposed modification:

STANDARD	OBJECTIVE	PROVIDED	COMPLIANCE
<b>PART 2 – SITE DESIGN</b>			
<b>DEEP SOIL ZONES</b>	<p>A minimum of 25% of the open space area of a site should be a deep soil zone, more is desirable. Exceptions may be made in urban areas where sites are built out.</p> <p>Total open space area proposed 4904m<sup>2</sup> including the POS.</p> <p>Deep soil required is 1226m<sup>2</sup>.</p>	<p>The total open space required is between 2468m<sup>2</sup> to 2961m<sup>2</sup>.</p> <p>Deep soil zone proposed 912m<sup>2</sup> or 18.6% of the open space.</p>	The deep soil provision does change from the previously approved development
<b>CAR PARKING</b>	<p>Determine appropriate car parking spaces in relation to proximity to public transport, the density of the development.</p> <p>Preference to underground car parking</p> <p>Provision of bicycle parking</p>	Provided	Yes

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

Based on the assessment of the original DA, the subject site is suitable for the proposed development subject to remediation works being undertaken where required and in accordance with the approved RAP.

#### **State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.**

A BASIX certificate and report has been submitted with the development application.

#### **State Environmental Planning Policy (Infrastructure) 2007**

The application original application was referred to the Roads and Maritime Services (RMS) for comment (Note: a referral is however not required pursuant to Clause 104 of the SEPP, as the development is not identified as *traffic generating development*).

An acoustic report was submitted with the original application and was considered to be satisfactory.

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

It is considered that the proposal satisfies the provisions of the GMREP No.2 subject to site remediation and 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 subject site is zoned R4 High Density Residential under Liverpool Local Environmental Plan 2008 (LLEP 2008). The proposed development is defined as a *residential flat building* with Council consent in the R4 High Density Residential zone.

**Zone Objectives**

The objectives of the R4 – High Density Residential zone are identified as follows:

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

The proposed development would meet and satisfy the above stated objectives. Specifically, the building will provide a total of 241 dwellings (with a mix of studio, 1, 2, 3 bedrooms and a number of adaptable units).

The site is located in an area identified for urban renewal and transformation, in close proximity to both Liverpool Railway Station and retail and commercial facilities. The redevelopment will not result in the fragmentation of land.

## ***Principal Development Standards***

The following addresses the principal development standards of the LLEP 2008 relevant to the subject proposal:

<b>CLAUSE</b>	<b>REQUIRED</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<b>General Provisions</b>			
Clause 7.6 Environmentally significant land	Consider impacts of development on environmentally significant land, bed and banks of waterbody, water quality and public access to foreshore.	<p>The site contains a small portion of environmentally significant land identified on mapping as fronting the Georges River.</p> <p>The stability of the bed and banks of any waterbody and the effect water quality, stream flow and the functions of aquatic ecosystems have been considered by amended the Geotechnical report and the previously submitted Riparian Management report.</p>	Yes
Clause 7.7 Acid Sulfate Soils	<p>The subject site is identified as Class 5 Land on the Acid Sulfate Soils Map.</p> <p>Works within 500m of adjacent Class 1, 2, 3, or 4 land that is below 5 metres AHD by which the water table will be lowered an Acid Sulfate Soils Management Plan is required.</p>	<p>The amendment to the basement car parking requires further excavation.</p> <p>An amended Geotechnical report has been submitted addressing the Acid Sulfate Soils Management.</p>	Yes - to be conditioned
Clause 7.9 Foreshore Building Line	The objective of this clause is to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area.	The proposed modification does not impact the foreshore area.	Yes
Clause 7.31 Earthworks	To ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land	A Geotechnical report has been submitted addressing the earthworks. The original application has taken into consideration the contamination of the site.	Yes

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

The following draft Environmental Planning Instruments applies to the site.

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

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, which do not change from the original application.

PART 4 – DEVELOPMENT IN THE LIVERPOOL CITY CENTRE		
CONTROLS	PROVIDED	COMPLIES
<b>TRAFFIC AND ACCESS</b>		
<p>ON SITE PARKING Car Parking For Residential Development:</p> <ul style="list-style-type: none"> <li>- 1 space per 2 studio apartments;</li> <li>- 1 space per 1 or 2 bedroom apartments;</li> <li>- 1.5 spaces per 3 bedroom;</li> <li>- 1 space per 10 units for visitors</li> <li>- 1 space per 40 units for service vehicle</li> <li>- 1 space per 100 sqm of retail floor area</li> </ul>	<p>A total of 241 apartments is proposed:</p> <ul style="list-style-type: none"> <li>• 4 Studio apartments (2 spaces required)</li> <li>• 68 one bedroom and 153 two bedroom (221 spaces required).</li> <li>• 16 three bedroom proposed (24 spaces required)</li> <li>• 24 spaces required for visitors.</li> <li>• 6 spaces required for service vehicles (car wash not identified on plan)</li> <li>• 17 spaces for retail space</li> </ul> <p>Total Required: 294 spaces</p> <p>It is proposed to provide 288 car parking spaces within two basement levels, as follows:</p> <ul style="list-style-type: none"> <li>• 25 accessible parking spaces (included in the 288 car parking spaces);</li> <li>• 1 car wash bay; and</li> <li>• 1 van bay for small trade vehicles.</li> <li>• <u>17 spaces are also provided for future retail within Woollen Mill.</u></li> </ul> <p>The proposed parking meets the minimum required spaces for residential as well as the future retail.</p>	<p>Satisfactory</p> <p>The original DA-1010/2014 was approved with 3 service vehicle spaces and this number is not proposed to be changed as part of the Section 96</p> <p>A condition will be imposed requiring the car wash bay to be re-identified on the basement plans and to provide an additional service bay on B1.</p>
<p>1 motorcycle space per 20 car spaces (14 required)</p> <p>1 bicycle space per 200m<sup>2</sup> (24,682m<sup>2</sup> GFA) = 123 spaces</p>	<p>14 motorcycle parking spaces;</p> <p>Bicycle storage proposed in secure storage areas. Total 123 spaces.</p>	<p>Yes</p> <p>Yes</p>
<b>CONTROLS FOR RESIDENTIAL DEVELOPMENT</b>		
6.1 Housing Mix		



<b>PART 4 – DEVELOPMENT IN THE LIVERPOOL CITY CENTRE</b>		
<p>To achieve a mix of living styles, sizes and layouts within each residential development, comply with the following mix and size:</p> <ul style="list-style-type: none"> <li>- studio and one bedroom units must not be less than 10% of the total mix of units within each development, - three or more bedroom units must not to be less than 10% of the total mix of units within each development, and</li> </ul> <p>10% of all dwellings (or at least one dwelling – whichever is greater) must be designed to be capable of adaptation for disabled or elderly residents.</p>	<p>241 apartments proposed.</p> <p>4 x studio = 2%</p> <p>68 x 1 bed and 1 bed + = 28%</p> <p>153 x 2 bed and 2 bed + = 63%</p> <p>16 x 3 bed + = 7%</p> <p>10% of apartments are proposed to be adaptable.</p> <p>25 disabled parking spaces will be provided and access paths to the communal space will be suitable for disabled access.</p> <p>There are 25 proposed adaptable units with an access report provided.</p>	<p>Yes</p> <p>No, 3 bedroom units being less than 10%. Refer to discussion below</p> <p>Yes</p>

### **Apartment mix**

Despite that 7% of the units are 3 bedrooms, the proposal still offers apartments with a mix of studio, one, two and three bedrooms, which appeals to a wide range of household types and budgets. This apartment mix is generally in accordance with the RFDC and SEPP 55. The proposal still achieves 25 of the apartments to be dedicated for adaptable use for people with disabilities and are distributed throughout the buildings.

On this basis, it is considered that the proposal can be supported in this particular instance.

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

No planning agreement relates to the site or proposed development.

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

The Environmental Planning and Assessment Regulations 2000 requires the consent authority to consider the provisions of the Building Code of Australia. If approved appropriate conditions of consent will be imposed requiring compliance with the BCA.

### **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**

There are no or there are Coastal Zones applicable to the subject site.

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

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

### ***Built Environment***

The proposed development as amended is considered consistent with the long term future character of the locality.

The design creates an activated common area adjoining the Georges River and a Crime Prevention Through Environmental Design (CPTED). The design allows for active and passive overlooking of the adjoining foreshore and public areas providing opportunities for surveillance throughout the site.

### ***Natural Environment***

The impacts of the development will be those associated with the construction of residential flat buildings. Measures have been proposed and will be implemented to reduce any impact on the natural and built environment.

The amended proposal was referred to the Office of Water for comments, no additional comments were provided to the amended plans. The previous conditions remain applicable.

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

The proposal is considered acceptable as is in accordance with the type of development envisaged for the site under LLEP 2008. The development will have positive social and economic benefits in terms of creating additional resident population to support local businesses and services and will provide greater housing choice within the Liverpool local government area. The proposal does not result in any unreasonable environmental impacts and provides for a high quality architectural and urban design outcome.

### **Liverpool Contributions Plan 2007 (Liverpool City Centre)**

The contributions for the development remain applicable under the Liverpool Contributions Plan 2007. The contributions previously were calculated at **\$1,423,003.00**, which has been paid by the applicant.

Due to the increased cost of works the contributions will be **\$1,497,022.00**, therefore the difference will need to be paid by the applicant being **\$74,021**.

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

The site and locality are identified for future high density urban development. This section of Shepherd Street whilst currently industrial will eventually undergo urban renewal. The site has heritage considerations and due to the past industrial activities the site has known contamination issues which can be remediated to a level that allows for residential development.

The proposal is generally compliant with the provisions of LEP 2008 and DCP 2008 as outlined in the report. The identified variations have been considered and are supported as they do not result in any long term adverse impacts. Overall the development is considered to satisfy the relevant controls for site selection.

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

#### **(a) Internal Referrals**

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

Internal Department	Status and Comments
Land Development Engineering	No objection to the proposed application. Apart from the new references to both plans and geo tech report, no changes to existing or additional engineering conditions are required as part of this modification.
Flooding	The flooding conditions of DA-1010/2014 will remain unchanged and no additional condition is required.
Flora/Fauna (Natural Environment)	No objection, subject to conditions and comments from Office of Water and NSW Fisheries
Heritage	No comments received, however the proposed modifications does not impact on the façade, bulk & scale or alignment of the proposed buildings nor does it impact on the heritage significance of the Woollen Mill. As such, additional conditions/comments are not considered necessary from Council's Heritage Section.

**(b) External Referrals**

The following comments have been received from External agencies:

External Department	Status and Comments
NSW Office of Water	No additional comments were provided to the amended plans. The previous conditions remain applicable

**(c) Community Consultation**

In accordance with Liverpool Development Control Plan 2008, the application did not require notification/adverting.

## 6. CONCLUSION

In conclusion, the following is noted:

- The subject Section 96 modification application has been assessed having regard to the matters of consideration pursuant to Section 79C of the Environmental Planning and Assessment Act 1979 and is considered satisfactory.
- The proposed modification is considered to be substantially the same development as originally approved by the JRPP and is considered satisfactory with respect to Section 96(2) of the Environmental Planning and Assessment Act 1979.
- The proposed modifications do not result in any adverse impacts environmental, built or social impacts.

It is for these reasons that the proposed modification application is considered to be satisfactory and is recommended for approval, subject to conditions.

## 7. RECOMMENDATION

The Section 96(2) application for modification of Development Consent DA-1010/2014 be approved as follows:

## CONDITIONS OF CONSENT

Condition No. 1 and No.5 of Development Consent DA-1010/2014 are amended to read as follows:

### A. THE DEVELOPMENT

#### Approved Plans

1. Development the subject of this determination notice must be carried out strictly in accordance with the following plans/reports marked as follows:
  - (a) Architectural plans prepared by Woods Bagot Architects, namely:
    - Site plan, drawing No.A1001, Revision G, dated 28 July 2015
    - Site Analysis, drawing No.A1002, Revision G, dated 28 July 2015
    - Demolition Ground floor plan, drawing No.A2000, Revision A, dated 28 July 2015
    - Demolition Roof plan, drawing No.A2001, Revision A, dated 28 July 2015
    - **Basement Level 3, drawing No.A2099, Revision A, dated 4 November 2015**
    - **Basement Level 2, drawing No.A2100, Revision K, dated 4 November 2015**
    - **Basement Level 1, drawing No.A2101, Revision M, dated 4 November 2015**
    - **Ground Floor plan, drawing No.A2102, Revision R, dated 4 November 2015**
    - **Level 01, drawing No.A2103, Revision K, dated 4 November 2015**
    - Level 02, drawing No.A2104,Revision I, dated 28 July 2015
    - Level 03, drawing No.A2105,Revision I, dated 28 July 2015
    - Level 04, drawing No.A2106,Revision I, dated 28 July 2015
    - Level 05, drawing No.A2107,Revision J, dated 28 July 2015
    - Level 06, drawing No.A2108,Revision J, dated 28 July 2015
    - Level 07 and Level 08, drawing No.A2109,Revision K, dated 28 July 2015
    - Level 09 and Level 10, drawing No.A2110,Revision K, dated 28 July 2015
    - Level 11 to Level 15, drawing No.A2111,Revision J, dated 28 July 2015
    - Roof plan, drawing No.A2113,Revision E, dated 28 July 2015
    - Building A Elevations (North), A3101,Revision G, dated 28 July 2015
    - Building A Elevations (South/West/East), A3102, Revision G, dated 28 July 2015
    - Building B Elevations (NE/West/SW), A3201,Revision E, dated 28 July 2015
    - **Section plan - Building A (AA/BB), drawing No.A3401, Revision F, dated 4 November 2015**
    - **Section plan - Building B (CC/DD), drawing No.A3405, Revision D, dated 4 November 2015**
    - Materials and finishes, drawing No.A9000, Revision C, dated 28 July 2015
  - (b) Landscape plans prepared by Aspect Studios, Drawing Nos. 14048- LA\_1 to 14048- LA\_9, Revision C, dated July 2015;
  - (c) Riparian Issues, Assessment and Management report, prepared by ACS Environmental Pty Ltd, dated July 2015;
  - (d) Arboricultural Report, prepared by Naturally Trees Arboricultural Consulting, dated 12 November 2012;



- (e) Waste Management Plan, prepared by MPA Consulting Group, dated 7 November 2014;
- (f) **Addendum to Waste Management Plan, prepared by MPA Consulting Group, dated 13 November 2015;**
- (g) Heritage Impact Report, prepared by City Plan Heritage Pty Ltd, dated 25 May 2015;
- (h) **Addendum to Heritage Impact Statement, prepared by City Plan Heritage Pty Ltd, dated 13 November 2015;**
- (i) Traffic Impact Assessment, prepared by Traffix, Reference No.14.303r01v4, dated 11 November 2014;
- (j) **Addendum to Traffic Impact Assessment, prepared by InRoads Group, dated 11 November 2015;**
- (k) Schedule of Conservation Works & Heritage Specifications, prepared by City Plan Heritage Pty Ltd, dated 3 August 2015;
- (l) Aboriginal Cultural Heritage Due Diligence Assessment, prepared by City Plan Heritage Pty Ltd, dated 26 May 2015;
- (m) Revised Conservation Management Strategy, prepared Graham Brooks and Associates, dated November 2014;
- (n) Revised Heritage Interpretation Strategy, prepared Graham Brooks and Associates November 2015;
- (o) Scope of Works and External Finishes, prepared by TKD Architects, dated 15 September 2015;
- (p) Proposed Roof Plan/ Site Plan, Proposed Elevations and Schematic layout, prepared by TKD Architects;
- (q) **BCA Assessment Report, prepared by Certified Building Specialist, Report No.B408112, dated 12 November 2015;**
- (r) Geotechnical Investigation report, prepared by Asset Geotechnical Engineering Pty Ltd, dated 1 August 2014;
- (s) **Addendum to Geotechnical Investigation and Salinity & Acid Sulfate Management Plan, prepared by Asset Geotechnical Engineering Pty Ltd, Ref No: 2602-R2 Rev2, dated 10 November 2015;**
- (t) Bushfire Hazard Assessment, Report No.14/603, prepared by Bushfire Consulting Services Pty Ltd, dated 17 October 2014;
- (u) Access Report, prepared by Accessibility Solutions (NSW) Pty Ltd, dated 12 November 2014;
- (v) Environmental Wind Speed Measurement report, prepared by MEL Consultants Report, dated 5 November 2014;
- (w) **BASIX Assessment report with BASIX Certificate No. 581921M\_02, prepared by Wood and Grieves Engineers, Revision 2, dated 11 November 2015;**

- (x) Acoustic Report (Project No. 27085-SYD-N, Revision 5), prepared by Wood and Grieves Engineers dated 19 March 2015; and
- (y) Remediation Action Plan (EI Report No. E22322 AA) prepared by Environmental Investigations Australia Pty Ltd dated 4 November 2014.

except where modified by the undermentioned conditions.

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

- 5. As a consequence of this development, Council has identified an increased demand for public amenities and public services. The following payment represents **2%** of the cost of the development and is imposed in accordance with Liverpool Contributions Plan 2007 Liverpool City Centre.

The total contribution is **\$1,497,022.00**, as adjusted in accordance with Section 25J of the Environmental Planning and Assessment Regulation 2000. The difference of the previous payment will need to be paid being **\$74,021**.

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

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

$$\text{Contribution at the time of payment} = \frac{C \times CPI_2}{CPI_1}$$

Where:

**C** = Original contributions as shown on the consent

**CPI<sub>2</sub>** = Latest "Consumer Price Index: All Groups Index Number" for Sydney available from the Australian Bureau of Statistics at the time that the contribution is to be paid

**CPI<sub>1</sub>** = Latest "Consumer Price Index: All Groups Index Number" for Sydney available from the Australian Bureau of Statistics as at the time of granting the development consent

The Contributions Plan may be inspected at Council's Administration Centre, 1 Hoxton Park Road, Liverpool or at [www.liverpool.nsw.gov.au](http://www.liverpool.nsw.gov.au).

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

**The following condition is added to Development Consent DA-1010/2014 to read as follows:**

- 36A. The car wash bay shall be identified on the basement plans and an additional service bay on B1 basement level shall be provided.

All other conditions of Development Consent No. DA-1010/2014 remains unchanged.

#### **8. ATTACHMENTS**

- 1. Amended Plans and Landscape plan of the proposal
- 2. BCA Report
- 3. Geotechnical Report
- 4. Design Verification Statement
- 5. BASIX Report
- 6. Waste letter
- 7. Traffic letter
- 8. Heritage letter