

Memo -

Date created:	23 June 2021
Application Number:	DA-836/2020 (Your reference PPSSWC-114)
Author:	Architectus
То:	Planning Panel Secretariat

Comments:	Upon finalisation of Attachment 1 – <i>Draft Conditions of Consent</i> , Council received a submission from the applicant on 22 June 2021 responding to the draft conditions of consent. The applicant's submission requested the amendment or deletion of certain recommended conditions. Refer to table overleaf for overview of subject conditions, applicant's suggestion, Architectus' response and details of any proposed changes. The response also includes additional conditions relating to construction traffic as well as wayfinding and amendments to other existing conditions. Attached to this Memo is a revised Attachment 1 – <i>Draft Conditions of Consent</i> which includes the changes detailed in the table overleaf.
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Subject Condition	Applicant's response	Architectus response	Proposed condition
Conditions that require works prior to the issue of a or any Construction Certificate.	The draft consent does not contemplate Staged CC's. Notwithstanding this, to enable a seamless transition from the early works to the main works without delay on site, Built are proposing the following staged CC's (more specific detail on each stage provided in Attachment A to this Memo): CC1: Foundations, In-Ground Services and Structure Basement 4 to Basement 1 CC2: Structure Lower Ground to Roof (both buildings) CC3: Services and Fitout CC4: Façade CC5: External Works To allow this, Built are seeking to amend all draft consent references from 'a Construction Certificate' to 'the relevant Construction Certificate'. Built reiterates that this is critical to the current construction program to enable Liverpool City Council's scheduled relocation to the site in March 2023. Ethos Urban has previously enabled staged CC's at the draft consent stage. Relevant Sydney Planning Panel consents can be provided for reference, upon request.	No objection to amend all references in the draft consent from 'a Construction Certificate' and 'any Construction Certificate' to 'any relevant Construction Certificate' except as follows: Conditions 2, 3, 4, 5 and 6 — • These conditions require design modification/s and may also have design implications to the overall scheme. This should be understood and approved by Council in the first instance (i.e. prior to the first CC). Condition 13 — Design Integrity Panel • Modified so that the design review is to be convened at the discretion of Council's Manager of Development Assessment for each construction stage. See discussion below. Condition 14 — Early Works • The Early Works DA is to be completed prior to the first CC. Condition 15 -Section 7.12 Payment • Contributions to be paid prior to the first CC. Condition 20 — road opening permit • Payment of fees associated with a road opening permit for the connection, extension or amplication of services to be paid prior to first CC. Conditions 25 and 26 — environmental management plans • These plans are required to be prepared for the whole development with the first	Amendments made to conditions. Refer to Attachment 1 – Draft Conditions of Consent.



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			CC and to be updated at each stage/phase of construction.	
			Condition 27 - LATPM	
			The purpose of the LATPM is to identify changes to the surrounding street environment that will form part of the scope of the overall development. This should be approved by Council and the Local Traffic Committee in the first instance (i.e. prior to the first CC).	
			Conditions 35, 36, 39 – civil related conditions	
			The stormwater concept is to be resolved prior to the first CC.	
A. G	eneral Conditions			
2.	Amended details and documentation must be submitted to and approved by Council's Planning Manager prior to the issue of a Construction Certificate. These documents must include: a) Amended civil and stormwater design details that are consistent with the final layout inclusive of the following amendments as requested by Council's Development Engineers: i. In addition to the installation of the proposed butterfly grate in Scott Street, an additional grated gully pit must be provided clear of the new driveway with a	Amended Condition 2(b) Request It is requested that this condition is amended to clarify which façade system this condition relates to. It is noted that this condition reflects correspondence from the DEP dated 1 December 2020, as such it is considered that it relates to the library façade, however the condition should be amended to clarify this.	Amended Condition 2(b) Request Council's Public Domain and City Design team agrees to tmodify the condition to clarify its intent. Amend Condition 2(c)i Request: Council's Public Domain and City Design team agrees to the changes requested by the applicant. Request to delete Condition 2(c)v: Council's Public Domain and City Design	Amended details and documentation must be submitted to and approved by Council's Planning Manager of Development Assessment prior to the issue of a the first Construction Certificate. These documents must include: a) Amended civil and stormwater design details that are consistent with the final layout inclusive of the following amendments as requested by Council's Development Engineers: i. In addition to the installation of the proposed butterfly grate in Scott Street,
	ii. Full details of how the basement levels are to be drained must be included in the application for a Construction Certificate. Plans must include details of pump out pits, subsoil drainage pipes and pits and	Amend Condition 2(c)i Request: It is noted that Condition 1 requires consistency with the Pedestrian Wind Environment	team agrees to the deletion of this Condition as requested by the applicant. Request to delete Condition 2(c)xii: Council's Public Domain and City Design team does not agree to delete this condition. The test fit scenarios would ensure that the detailed design of the public domain is able	an additional grated gully pit must be provided clear of the new driveway with a minimum 1.8m EKI. ii. Full details of how the basement levels are to be drained must be included in the application for a Construction



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b	grate details for driveways and other entry points. The applicant shall develop a prototype of the façade system and prepare 1:1 scale VMU (visual mock ups).	Study. In addition, the public domain and landscape design has been endorsed by the Public Domain and Landscape Design Panel. As such, this amendment is considered necessary to resolve the	to cater to the different functional requirements arising from multiple use of the space. It would also help Council to understand the operational flexibility that the space has to offer.	Certificate. Plans must include details of pump out pits, subsoil drainage pipes and pits and grate details for driveways and other entry points. b) The applicant shall develop a prototype of the façade system for the proposed library
c)	c) Amended architectural and landscape design that incorporate the following amendments requested by Council's Public Domain and City Design Team:	current inconsistency. Amended condition proposed as follows:		building and prepare 1:1 scale VMU (visual mock ups) to demonstrate the functioning of the façade system.
	 The minimum clear trunk height for tree planting is to be 4m within the public domain. 	"The minimum clear trunk height for tree planting is to be 4m within the public domain, except where trees are required to		c) Amended architectural and landscape design that incorporate the following amendments requested by Council's Public Domain and City Design Team:
	ii. Provide low planting at the back of kerb along Scott Street, where there are no pedestrian or vehicle crossing or entry points, in accordance with Liverpool Council Public Domain Master Plan.	mitigate wind impacts, in accordance with the recommendations contained in the Pedestrian Wind Environment Study		i. The minimum clear trunk height for tree planting is to be 4m within the public domain, except where the trees are required to mitigate wind impacts, in accordance with the recommendations contained in the
	iii. Appropriate treatments to the paths where they cross with vehicle entry/exit points is to be provided along Terminus Street to promote pedestrian priority.	prepared by Windtech dated 24 September 2020".		Pedestrian Wind Environment Study prepared by Windtech dated 24 September 2020.
	iv. A clear solution around cyclist movements is required, and should consider the various uses on the site and anticipated hours of usage for the various buildings.	Request to delete Condition 2(c)v: The façade designs were developed by FJMT and		ii. Provide low planting at the back of kerb along Scott Street, where there are no pedestrian or vehicle crossing or entry points, in accordance with Liverpool Council Public Domain Master Plan.
	v. Include sun-shading and façade treatments are functional in reducing heat-gain from sun exposure.	submitted for assessment with the DA in October 2020. The façade designs were informed by environmentally sustainable design analysis, as reflected in		iii. Appropriate treatments to the paths where they cross with vehicle entry/exit points is to be provided along Terminus Street to promote pedestrian priority.
	vi. Details around tree planting, including location, heights, canopy spread, and species.	the Environmentally Sustainable Design Report prepared by Stantec dated 22 September 2020. The façade design was also subject to		iv. A clear solution around cyclist movements is required, and should consider the various uses on the site



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	ails on material selections nominated the public domain and landscaped as.	further review from Council and the DEP throughout the development assessment, where the final plans clearly			and anticipated hours of usage for the various buildings. Include sun-shading and façade
publ	vide evidence that access through the lic domain is compliant and adequately nned and sized.	illustrate the solid to glazed façade ratios. In this regard, we request that this condition is deleted, given the façades have		Ψ. Vi.	treatments are functional in reducing heat-gain from sun exposure. Details around tree planting, including
alon	nings are required to be incorporated ng the Terminus Street frontage to vide weather protection to pedestrians.	already been subject to rigorous development assessment. Through a			location, heights, canopy spread, and species.
	dence that tree locations are optimal will not provide any safety risks.	development assessment process, it is reasonable that a proponent should be able to commence the façade		vii.	Details on material selections nominated for the public domain and landscaped areas.
acce activ	ail the proposed paths of travel, ess points to buildings, rest areas, and vation zones within the public domain as, and also the connections to the	procurement process immediately following development consent.		viii.	Provide evidence that access through the public domain is compliant and adequately planned and sized.
exis	et network and contribution to the sting public domain. vide various functional overlays for the	Request to delete Condition 2(c)xii: The Landscape and Public		ix.	Awnings are required to be incorporated along the Terminus Street frontage to provide weather protection to pedestrians.
publ scer the	lic domain areas, such as event narios and test-fits. This is to ensure design for the public domain spaces	Domain Design was developed through an extraordinary design excellence process where a Public Domain and Landscape		X.	Evidence that tree locations are optimal and will not provide any safety risks.
аррі	fit for purpose, and provide propriate flexibility from a functional and vicing perspective.	Design Excellence Panel was formed, as a requirement of the Concept Development Consent.		xi.	Detail the proposed paths of travel, access points to buildings, rest areas, and activation zones within the public
	vide detail on materials and finishes to dings.	As confirmed in the letter from the Chair of the Panel dated 28 May 2021, the Panel has determined that the public			domain areas, and also the connections to the street network and contribution to the existing public domain.
		domain and landscape design has achieved design excellence. In this regard, it is unnecessary and unreasonable		xii.	Provide various functional overlays for the public domain areas, such as event scenarios and test-fits. This is to ensure the design for the public domain spaces
		for a condition to require 'functional overlays' or event test fit outs following			are fit for purpose, and provide appropriate flexibility from a functional and servicing perspective.



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		development consent as this exercise will not alter the endorsed design.		xiii. Provide detail on materials and finishes to buildings.
13.	A Design Integrity Panel is to be convened at the expense of the applicant to undertake a design review of the proposed development: a) A design review is to be convened at the each of the following stages to ensure that the proposed development achieves the design intent of the DA approved plans in a manner consistent with the advice of the Design Excellence Panel and Public Domain Design Panel: i. Prior to the determination of any Section 4.55 which modifies the design intent, ii. Prior to the issue of any Construction Certificate, and iii. Prior to the issue of any Occupation Certificate. b) As part of each design review, a Design Integrity Panel is to be convened, made up of at least three (3) members of Council's Design Excellence Panel. The Panel is to be chaired by the nominated chair of Council's Design Excellence Panel or his or her nominee. c) At the conclusion of the review, the Design Integrity Panel is to record the outcome of its review and any recommendations within a report or minutes. d) Any recommendations made by the Design Integrity Panel are to be incorporated by the	Request to Amend Through the Concept DA and Detailed DA process, the joint Proponent, Liverpool City Council and Built, have demonstrated a meaningful commitment to achieve design excellence, reflected in the extensive consultation with the Design Excellence Panel and Public Domain and Landscape Design Excellence Panel. This commitment extends to the construction phase of the development, where FJMT are retained as the project Architect and Built are engaged as the contractor to deliver Council's assets. We are seeking to amend the design integrity condition to be less onerous from a process and timeframe perspective. Specifically, we are proposing a condition consistent with the Department of Planning, Industry and Environment's standard design integrity condition for State Significant Development.	Council's Public Domain and City Design team does not agree to delete this condition. The proposal is a highly significant development within Liverpool and the development consent will impose multiple conditions prior to CC stage (i.e. preparation of a public art strategy, heritage intepretation strategy, etc.). These conditions might recommend some design changes and hence they need to be reviewed by the Design Integrity Panel at every stage. Condition has been modified to enable the design review to be convened at the discretion of Council.	A Design Integrity Panel is to be convened at the expense of the applicant to undertake a design review of the proposed development: a) A design review is to be convened at the discretion of Council's Manager of Development Assessment at each of the following stages to ensure that the proposed development achieves the design intent of the DA approved plans in a manner consistent with the advice of the Design Excellence Panel and Public Domain Design Panel: i. Prior to the determination of any Section 4.55 which modifies the design intent, ii. Prior to the issue of any relevant Construction Certificate, and iii. Prior to the issue of any relevant Occupation Certificate. b) As part of each design review, a Design Integrity Panel is to be convened, made up of at least three (3) members of Council's Design Excellence Panel. The Panel is to be chaired by the nominated chair of Council's Design Excellence Panel or his or her nominee. c) At the conclusion of the review, the Design Integrity Panel is to record the outcome of its



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	applicant to the satisfaction of the Design Integrity Panel. e) Written confirmation that the proposed development achieves design intent of the DA approved plans in a manner consistent with the advice of the Design Excellence Panel and Public Domain Design Panel is to be obtained from Design Integrity Panel: i. Prior to the issue of any Construction Certificate for construction certificate plans, and ii. Prior to the issue of any Occupation Certificate for the completed building works. The Principal Certifying Authority (PCA) will not issue either of these certificates unless they have been provided with a copy of this written confirmation from the Design Integrity Panel.			review and any recommendations within a report or minutes. d) Any recommendations made by the Design Integrity Panel are to be incorporated by the applicant to the satisfaction of the Design Integrity Panel. e) Written confirmation that the proposed development achieves the design intent of the DA approved plans in a manner consistent with the advice of the Design Excellence Panel and Public Domain Design Panel is to be obtained from Design Integrity Panel: i. Prior to the issue of any relevant Construction Certificate for construction certificate plans, and ii. Prior to the issue of any relevant Occupation Certificate for the completed building works. The Principal Certifying Authority (PCA) will not issue either of these certificates unless they have been provided with a copy of this written confirmation from the Design Integrity Panel.
B. Co	onditions to be complied with or addressed prior to i	ssue of a Construction Certificat	e	
21.	For all Buildings of Type A and B construction having finishes or claddings other than concrete or masonry, a fire safety report prepared by an accredited C10 fire engineer, must be submitted to the Principal Certifying Authority prior to issue of a construction certificate, demonstrating that the proposed external wall cladding material and system for the building complies with the NCC and relevant Australian Standards. The fire safety report	Request to Amend ELAB Fire Engineers have reviewed this comment and have advised that the current drafting of this condition suggests that any material that is not concrete or masonry does not comply with the	Council's Fire Safety officer agrees to the Condition as amended by the applicant. Council's Fire Sfaety officer has also advised that the term C10 fire engineer should be replaced with the term 'Certifier – Fire Safety (previously C10 accreditation)'	For all Buildings of Type A and B construction having finishes or claddings other than concrete or masonry that is not compliant with the DtS provisions of the NCC, a fire safety report prepared by an accredited C-10 fire engineercertifier – Fire Safety (previously C10 accreditation), must be submitted to the Principal Certifying Authority prior to issue of a the relevant construction certificate,



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	is to include evidence of suitability of all proposed external wall cladding materials as per clause A2.2 of the NCC.	relevant standards, which is not the case. It is suggested that this condition be reworded as set out below (additions in bold and deletions in beld strikethrough): • For all Buildings of Type A and B construction having finishes or claddings other than concrete or masonry that is not compliant with the DtS provisions of the NCC, a fire safety report prepared by an accredited C10 fire engineer, must be submitted to the Principal Certifying Authority prior to issue of a the relevant construction certificate, demonstrating that the proposed external wall cladding material and system for the building complies with the NCC and relevant Australian Standards. The fire safety report is to include evidence of suitability of all proposed external wall cladding materials as per clause A2.2 of the NCC.		demonstrating that the proposed external wall cladding material and system for the building complies with the NCC and relevant Australian Standards. The fire safety report is to include evidence of suitability of all proposed external wall cladding materials as per clause A2.2 of the NCC.
24.	The recommendations provided in the approved acoustic report titled Liverpool Civic Place Phase A Noise Impact Assessment Stage 2 Development Application (Ref: 43144-2) prepared by Stantec Australia Pty Ltd dated 6 October 2020 are to be implemented and incorporated into the design and construction of the development and be shown on	Request to Amend The proponent requests that the condition be amended as follows (additions in bold and deletions in bold strikethrough):	The applicants request was referred to Council's Environmental Health Branch who have not supported to the applicants request to amend Condition 24. Council's Environmental Health Branch has advised that "Council initially had wording similar to the amendment requested however had	N/A – no change proposed to subject condition aside from changes as a result of staged CC request.



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plans accompanying the Construction Certificate application. The construction methodology and plans accompanying the Construction Certificate application and mechanical plant/s and equipment shall be assessed and certified in writing by a suitably qualified acoustic consultant to verify conformance with the requirements of the aforementioned acoustic report. The written certification from the suitably qualified acoustic consultant shall be submitted to and approved by the PCA prior to the Construction Certificate being issued. Note: 'Suitably qualified acoustic consultant' means a consultant who possesses Australian Acoustical Society membership or are employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.	The recommendations provided in the approved acoustic report titled Liverpool Civic Place Phase A Noise Impact Assessment Stage 2 Development Application (Ref: 43144-2) prepared by Stantec Australia Pty Ltd dated 6 October 2020 are to be implemented and incorporated into the design and construction of the development and be shown on plans accompanying the Construction Certificate application. The construction methodology and plans accompanying the Construction Certificate application and mechanical plant/s and equipment shall be assessed and certified in writing by a suitably qualified acoustic consultant to verify conformance with the requirements of the aforementioned acoustic report. The written certification from the suitably qualified acoustic consultant shall be submitted to and approved by the PCA prior to the relevant	issues in the past with consultants trying to demonstrate they meet the eligibility criteria for the scheme/ association/ firm. Council is not privy to what deems a consultant eligible and thus the wording was amended to ensure the consultants were members or a part of the relevant scheme/ association etc."	



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		Construction Certificate being issued.		
		Note: 'Suitably qualified acoustic consultant' means a consultant who is eligible for possesses Australian Acoustical Society membership or are employed by an Association of Australasian Acoustical Consultants (AAAC) member firm. The proposed amendment to this note accords with standard expectations and requirements set by State legislation and does not reduce the intent or importance of the condition, nor does it change the outcome.		
D. Du	ring Construction			
68	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 4.55 Application under the EP&A Act shall be made for any proposed works outside the scope of the approved development consent.	-	Condition is to be amended to replace 'A Section 4.55 Application' with 'A separate application'.	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 separate application under the EP&A Act shall be made for any proposed works outside the scope of the approved development consent.
-	-	-	Additional condition to be imposed requiring the approved CTMP to be implemented, adhered to and maintained during construction. This condition is numbered 103.	The site-specific CTMP approved by Council shall be implemented, adhered to and maintained at all times during the construction period.
E. Pri	or to Occupation Certificate			



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-	-	-	Additional condition to be imposed to ensure that works in the endorsed wayfinding strategy are completed prior to the issue of any Occupation Certificate. This is numbered as Condition 122.	Prior to the issue of any Occupation Certificate, all works proposed in the endorsed wayfinding strategy required by Condition 6, shall be completed to the satisfaction of Council.
F. Co	nditions relating to use			
142.	Off street car parking spaces must be provided in accordance with the following; a) 156 public car spaces inclusive of 3 disabled car spaces. b) 188 private spaces inclusive of 4 disabled car spaces. c) 3 truck bays within the basement for use up to a medium rigid vehicle (MRV). d) 8 public motorcycle spaces and 10 private motorcycle spaces. e) 111 secure bicycle parking spaces and 30 visitor bicycle parking spaces, including secure lockers and shower facilities.	Request to Amend Clarification is sought if this is condition is referring to the waste collection area, the MRV space and the courier space?	This condition is referring to the waste collection area, the MRV space and the courier space. The condition will be amended to reflect this arrangement. Also, the condition is now numbered as Condition 144.	Off street car parking spaces must be provided in accordance with the following; a) 156 public car spaces inclusive of 3 disabled car spaces. b) 188 private spaces inclusive of 4 disabled car spaces. c) 3 service bays within the basement for use as follows: i. 1 service bay for a medium rigid vehicle (MRV); ii. 1 service bay for a courier van; and iii. 1 service bay for a Council refuse vehicle. d) 8 public motorcycle spaces and 10 private motorcycle spaces. e) 111 secure bicycle parking spaces and 30 visitor bicycle parking spaces, including
	Within six months of commencement of operation,		This condition is proposed to be amended to	secure lockers and shower facilities. Within six months of the final Occupation
158	Green Star certification must be obtained demonstrating the development achieves a minimum 5 star Green Star Design & As Built rating. If required to be obtained, evidence of the certification must be provided to the Certifier and the Council.	-	replace 'commencement of operation' with 'the final Occupation Certificate'. Also the numbering of the condition has changed to Condition 160.	Certificate, Green Star certification must be obtained demonstrating the development achieves a minimum 5 star Green Star Design & As Built rating. If required to be obtained, evidence of the certification must be provided to the Certifier and the Council.



ATTACHMENT A – Summary of stages/phase of construction

CC1: Foundations, In-Ground Services and Structure Basement 4 to Basement 1

- · Provision of footings and core bases;
- Provision of in-ground services, namely stormwater and sewer provisions;
- · Installation of in-ground services, namely stormwater and sewer provisions and earthing rods
- FRP of new footings
- FRP of new core bases, slabs, columns, stairs, beams, walls etc from Basement 4 to Basement 1 inclusive

CC2: Structure Lower Ground to Roof (both buildings)

· FRP of new, slabs, columns, stairs, beams, walls etc from Lower Ground to Roof Level

CC3: Services + Fitout

- · Rough-in, installation and fit-off of new building services being;
 - Mechanical Services:
 - o Hydraulic Services;
 - o Fire Services;
 - o Electrical (power, lighting, data, security, AV, DAS, etc) Services;
 - o Vertical Transportation.
- · Installation of all internal fitout elements;
 - o Partitions, doors, ceilings;
 - o Floor finishes, wall linings and surface treatment;
 - Fixed and loose joinery/furniture;

CC4: Façade

Installation of any and all façade elements to both buildings

CC5: External Works

- Installation of any works external to the Commercial and Library Buildings being;
 - Soft + hard landscaping;
 - Public Domain;
 - Signage
 - o External Lighting