

To: SWCPP
From: Emmanuel Torres,
Senior Development Planner,
Development Assessment
Date: 28 August 2022
Subject: Submission from NSW Police
Reference: DA-1408/2021 : PPSSWC-223

On 26 August 2022, submission from NSW Police force was received by the assessing officer via email from Angela Snedden, Senior Lawyer, Commercial & Administrative Law Office of the General Counsel.

1. Background

The NSW Police Force occupies the Liverpool Police Station (Liverpool PS) located at 150 George Street, Liverpool (Lot 1 DP 198602) adjacent to the proposed development on 28 Elizabeth Street (Lot 1 DP 126120).

The application that was lodged with Council on 13 December 2021. Notification and Advertisement followed between 11 January 2022 to 26 January 2022 and again on 8 to 23 February (with additional information provided on overshadowing) in accordance with Liverpool Community Participation Plan 2019.

2. Issues

DURING CONSTRUCTION

2.1. Access

The only point of ingress/egress to the Liverpool PS is adjacent to the proposed development site (as highlighted in green above) (NSWPF Access). The NSWPF Access is used by Correction Services NSW buses 2- 3 times daily, police vehicles and the vehicles of staff and visitors to the Liverpool Police Station and the Liverpool Courthouse. It is essential that vehicular access to Liverpool PS is not impacted by construction traffic. Any interference with access poses more than mere inconvenience. It is both a security risk and a risk to the ability of NSWPF vehicles to urgently respond to critical incidents. It is unclear how access will be maintained based on the current material presented by the developer/owner. Further detail and planning is required.

2.2. Parking

The police currently have 4 dedicated parking spaces for police vehicles located on George Street adjacent to the development site (indicated with "X" on plan below). These spaces remain essential to NSWPF operations and any detrimental impact is

unacceptable to the NSWPF (whether that be interference with use (eg by construction traffic) or temporary/permanent removal).

Council Comment

Issues 2.1 Access and 2.2 Parking above can be addressed by the following draft condition is already imposed:

Prior to Issue of CC**Construction Traffic Management Plan (CTMP)**

22. A construction traffic management plan (CTMP) prepared by a traffic engineer/project manager is to be lodged with Council for endorsement. The CTMP is to be lodged online via Council's portal. A copy of the endorsed CTMP and traffic control plans are to be available on the works site for inspection at any time by an authorised Council officer.

Construction shall not commence until the construction traffic management plan has been endorsed. The endorsed CTMP is to be implemented during construction.

2.3. Congestion

The NSWPF have significant concerns that the increased volume of vehicles in the immediate vicinity of the construction site will impede the NSWPF Access.

Council Comment

The applicant submitted a Traffic Impact Assessment assessed against the various traffic, parking and access requirements for the site and its proposed development. This was reviewed by Council's Traffic officer who noted minimal increase in the poor performance of the intersection of Elizabeth Street and Bigge Street in the AM Peak Period is expected to cause increased delays to traffic at the intersection and the road network surrounding the development, although not entirely caused by the proposed development.

The application was also referred to TfNSW that raises concerns on the increased queue lengths on the western approach at the Elizabeth Street/ Bigge Street intersection, which can potentially impact the signals at the Elizabeth Street/ George Street and Macquarie street/ George Street signals.

TFNSW recommended a condition of consent be imposed for applicant to investigate and identify improvement measures that can mitigate the forecast poor performance of the intersection of Bigge Street and Elizabeth Street. In response, the following draft condition is already imposed:

Traffic Investigation

19. Prior to the issue of a Construction Certificate the PCA must provide Council the results and recommendations of a Traffic Investigate Report to identify improvement measures that can mitigate the forecast poor performance of the intersection of Bigge Street and Elizabeth Street. The assessment, solution and possible design layout is to be presented to Council and TfNSW for review.

2.4. Fuel Tank

A decommissioned underground petroleum storage system (UPSS) is located near the boundary of the Liverpool PS and the proposed development site (as highlighted on the plan above). Any construction methods employed by the developer/owner must factor in the environmental risk posed by the UPSS.

Council Comment

The applicant will remediate the site in accordance with the submitted Remediation Action Plan (RAP) which is covered in the following condition of consent already provided below.

Site Remediation Works

94. The site must be remediated in accordance with;

- a) Remediation Action Plan 28 Elizabeth Street, Liverpool NSW Altis Bulky Retail Pty Ltd as Trustee for Altis Aret Sub Trust 20 ("Altis") (Report No.: E24175.E06_Rev0) prepared by EI Australia Pty Ltd dated 27th October 2021;
- b) *State Environmental Planning Policy (Resilience and Hazards) 2021*;
- c) National Environment Protection (Assessment of Site Contamination) Measure (ASC NEPM, 1999 as amended 2013); and
- d) The guidelines in force under the *Contaminated Land Management Act 1997*.

The applicant must engage an appropriately qualified and experienced environmental consultant to supervise all aspects of site remediation and validation works in accordance with the approved Remedial Action Plan (RAP).

Council must be informed in writing of any proposed variation to the remediation works. Council must approve these variations in writing prior to commencement/ recommencement of works.

Removal/ Decommissioning of Underground Petroleum Storage System

106. Decommissioning of the unused underground storage tanks shall be undertaken in accordance with the following:

- *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019*
- AS 4976-2008 (R2016) - The removal and disposal of underground petroleum storage tanks; and
- UPSS Technical note: Decommissioning, Abandonment and removal of UPSS by NSW Department of Planning, Industry and Environment

A Validation Assessment of the soils upon removal of the UPSS must be prepared or reviewed and approved by a suitably qualified and certified contamination consultant

and a report submitted to Liverpool City Council to confirm that the site is suitable for the proposed use.

Note: 'Suitably qualified and experienced contaminated land consultant' means someone who is certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) Scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) Scheme.

2.5. Noise & Vibration

Whilst we understand the NSWPF Department of Communities and Justice may make their own submission, it is our understanding that Liverpool Court utilizes highly sensitive technology for the purposes of digital recording and transcript production. Further investigation is required as to the noise and vibration tolerance of this equipment. The developer should be required to monitor and provide weekly reporting for:

- (a) Acoustics;*
- (b) Vibration; and*
- (c) Subsidence*

Pre and post construction dilapidation reports are also requested.

Council Comment

Standard conditions of consent have already been imposed on both the Acoustic and Vibration issue as well as the Dilapidation & Subsidence as outlined in the following:

Noise

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

- (a) The use of the premises including the use of the loading dock and the cumulative operation of any mechanical plant shall not give rise to the emission of 'offensive noise' as defined by the Protection of the Environment Operations Act 1997.
- (b) The operation of any mechanical plant, equipment and/or use of the loading dock on the premises shall not cause:
 - i. The emission of noise as measured over a 15 minute period (LAeq (15 minute)) that exceeds the LA90 (15 minute) background noise level by more than 5 dB(A) when measured at the most affected residential boundary. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the NSW Environment Protection Authority's 'Noise Policy for Industry' (2017);
 - ii. An internal noise level in any adjoining occupancy that exceeds the recommended design sound levels specified in Australian/New Zealand

- Standard AS/NZS 2107:2016 Acoustics – Recommended design sound levels and reverberation times for building interiors;
- iii. 'offensive noise' as defined by the Protection of the Environment Operations Act 1997; and
- iv. Transmission of vibration to any place of different occupancy greater than specified in AS 2670.

Should an offensive noise complaint be received and verified by Council an acoustic assessment is to be undertaken (by a suitably qualified acoustic consultant), and an acoustic report is to be submitted to Liverpool City Council for review. Any noise attenuation recommendations approved by Council must be implemented.

Construction Noise and Vibration Management Plan (CNVMP)

34. A Construction Noise and Vibration Management Plan is to be prepared by a suitably qualified acoustic consultant in accordance with relevant planning policies, guidelines and standards (whether that be Australian, British or German) and is to include, but not be limited to, the following:

- (a) Site description
- (b) Nature of the development
- (c) Staging of construction
- (d) Hours of construction
- (e) A quantitative assessment of the airborne and ground-borne noise generated by the work for the proposed development and its impact on nearby receivers
- (f) A quantitative vibration assessment and the impact to surrounding structures and on nearby receivers
- (g) Proposed methods to mitigate the noise and vibration impact during the construction works
- (h) Complaints handling and community liaison procedures. This is to include but not be limited to a complaints register with complainant details, date and time of complaint, nature of complaint and how the complaint was resolved or handled.

Once the noise and vibration impact on the surrounding community and structures is adequately assessed, all necessary action is to be taken to eliminate such impacts as recommended and suggested by the suitably qualified acoustic consultant.

Construction Environmental Management Plan (CEMP)

35. Prior to issue of a construction certificate, a Construction Environmental Management Plan (CEMP) for the development must be provided to the Principal Certifying Authority for approval. The environmental site management measures must remain in place and be maintained throughout the period of the development. The CEMP must address all environmental aspects of the development's construction phases, and include (where relevant), but not be limited to, the following:

- a) Asbestos Management Plan;
- b) Project Contact Information;

- c) Site Security Details;
- d) Timing and Sequencing Information;
- e) Site Soil and Water Management Plan;
- f) Noise and Vibration Control Plan;
- g) Dust Control Plan;
- h) Air Monitoring;
- i) Odour Control Plan;
- j) Health and Safety Plan;
- k) Waste Management Plan;
- l) Incident management Contingency; and
- m) Unexpected Finds Protocol.

The recommendations provided in the approved report titled 28 Elizabeth Street, Liverpool Construction Noise & Vibration Management Plan Altis Bulky Retail Pty Ltd as trustee for Altis ARET Sub Trust 20 (Doc reference: TL868-02F02 Construction Noise Assessment (r1)) prepared by Renzo Tonin & Associates dated 1st November 2021 shall be incorporated into the Noise and Vibration Control Plan.

The CEMP must be kept on-site for the duration of the works and must be made available to Council Officers upon request.

Construction Noise, Vibration Assessment and Management Plan

- 104 The approved site-specific Construction Noise, Vibration Assessment and Management Plan shall be implemented, adhered to and maintained at all times during the construction period.

Construction Noise and Vibration

- 105 Noise and vibration associated with excavation, demolition and construction activities shall comply with the management levels detailed within the 'Interim Construction Noise Guideline' published by the Department of Environment and Climate Change NSW (DECC 2009/265) dated July 2009 and acceptable vibration values prescribed within the Environmental Noise Management Assessing Vibration: A Technical Guideline (Department of Environment and Conservation, 2006).

All feasible and reasonable noise and vibration mitigation measures shall be implemented and any activities which may exceed the construction noise management levels and vibration criteria shall be identified and managed in accordance with the approved Construction Noise, Vibration Assessment and Management Plan.

Noise and Environmental Emissions

171. The intruder alarm/s associated with the development shall only be permitted to operate in accordance with the requirements of Clause 53 of the Protection of the Environment Operations (Noise Control) Regulation 2000 under the POEO Act.
172. The use of the dwellings including music, mechanical plant and equipment and the like shall not give rise to the emission of "offensive noise" as defined under the Protection of the Environment Act 1997.
173. The use of the site shall not give rise to the emission into the surrounding environment of gases, vapours, dusts, odours or other impurities which are a nuisance, injurious or prejudicial to health.
174. All waters discharged from the onsite water detention basins are not to cause water pollution.

Dilapidation Report

54. Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the development in Elizabeth Street and George 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.

Dilapidation Report Private Property (Excavations)

55. A full dilapidation survey and report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the required excavations must be submitted to the Certifying Authority for approval prior to the issue of any Construction Certificate. The zone of influence is to be defined as the horizontal distance from the edge of the excavation face to twice the excavation depth.

The dilapidation report and survey is to be prepared by a consulting structural/geotechnical engineer agreed to by both the applicant and the owner of any affected adjoining property.

All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this Consent.

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant **MUST DEMONSTRATE**, in writing, to the satisfaction of Council that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. Written concurrence must be obtained from Council in such circumstances.

Note: This documentation is for record keeping purposes only, and may be used by the developer or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from the works. It is in the applicant's and adjoining owner's interest for it to be as full and detailed as possible

recommencement of works.

Dilapidation Report

157 Any rectification works required by Council regarding the condition of Council infrastructure shall be undertaken, at full cost to the developer.

2.6. WHS

The NSWPF Access is utilized as both a vehicular and pedestrian access point. As such, the risks to NSWPF personnel during the construction period are significant. We request that the developer/owner be required to provide B Class Hoardings to the NSWPF Access area for the duration of the construction. It should also be noted that NSWPF vehicles require the full width of the NSWPF Access area. Accordingly, the footprint of the hoardings must be located on 28 Elizabeth Street. Necessary height dimensions can also be supplied.

Council Comment

Standard conditions of consent have already been imposed specifically on hoarding:

Hoardings

84. If the work is likely to cause pedestrian or vehicular traffic in a public area to be obstructed or rendered inconvenient; or if craning of materials is to occur across a public area or road reserve area a construction hoarding must be erected to prevent any substance from, or in connection with the construction site, falling onto a public area:

Such hoarding or barrier must be designed and erected in accordance with Council's guidelines on hoarding construction. Relevant application under the Roads Act approval must be completed and fees paid prior to the construction of a hoarding on Council road reserve area.

85. Lifting or craning materials over a public footway or roadway is not permitted unless a "B" class construction hoarding has been installed in compliance with Work Cover authority requirements.
recommencement of works.

2.7. Security

See comments at point 11. below. During the construction period, a suitable privacy "screen" is required. It may be that the B Class Hoardings provide sufficient protection for this purpose.

Council Comment

Standard conditions of consent have already been imposed specifically on security fence

Security Fence

86. 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.

2.8. Construction Methodology

It appears that the developer/owner has made certain assumptions regarding access/use of the Liverpool PS station land. For reasons including security, workplace health and safety, and environmental considerations, the NSWPF is unable to grant access rights to the developer/owner.

Council Comment

Any person/company cannot undertake works outside the site without adjoining owners consent. Standard conditions of consent have already been imposed specifically to access adjoining property.

Excavation Works

83. In the event the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the persons own expense:

- (a) Protect and support the building, structure or work from possible damage from the excavation, and
- (b) where necessary, underpin the building, structure or work to prevent any such damage.
- (c) a and b above does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.
- (d) 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.

POST CONSTRUCTION

2.9. Access

Both the inbound and outbound traffic flows (as shown in Figures 16 & 17 of the Transport Impact Assessment, ptc., dated 3 November 2021 (TIA)) will negatively impact on the ingress/egress to the Liverpool PS. This is the only access to Liverpool PS and it essential to have a free flow of entry/egress at all times.

2.10. Congestion

Table 14: Development Trip Generation Summary (per TIA) indicates as follows: Whilst we have not had an opportunity to consider the accuracy of these projections, even assuming these above volumes to be accurate, this will significantly impact on NSWPF and Corrective Services NSW to access the Liverpool PS. Any delays pose an increased security concern.

Council Comment

Both 2.9 Access and 2.10 Congestion issues have been responded above in 2.1,2.2 & 2.3

2.11. Security

Once complete, the proposed development will create security vulnerabilities for Liverpool PS. The following issues are of particular concern:

(a) Lines of Sight – it is likely that occupants of the new development will have lines of sight into operational areas posing a significant risk to the NSWPF and Corrective Services NSW. We would request the owner/developer of 28 Elizabeth Street, Liverpool be responsible for the costs of installation of appropriate security measures by the NSWPF. These may include the erection of sails, security screens or other measures (subject to formal security assessment) to ensure privacy in restricted areas.

(b) Interference with Vehicular and/or pedestrian access to Liverpool PS – Corrective Services NSW and NSWPF vehicles can not be left vulnerable due to delays in obtaining access to the NSWPF Access. This would also pose a risk to the general public.

Council Comment

A condition of consent can be imposed prior to CC for the developer to coordinate with Liverpool PS – Corrective Services NSW and NSWPF to improve security of operational areas of the police facility.

2.12. Overshadowing

Clause 7.2.5 of the Urbis Statement of Environment Effects states the following:

“To the south, the Liverpool Police Station and other civic buildings along George Street are impacted by overshadowing between 10:00 and 12:00 midday. However, the majority of this shadow is soon passed and these uses are not affected by 1:00pm onwards, receiving solar access throughout the afternoon.” Based on Figure 19 (below) the combined effect of the proposed development, and the neighbouring development, appears to actually be a full day of overshadowing detrimentally affecting the Liverpool PS.

Council Comment

The ADG CI 4A Solar and Daylight Access requirement is for Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter. This is achieved by the proposed development.

2.13. Interference with emergency communications

The impact of the proposed development on the efficacy of the NSWPF radio network (and other communications equipment) needs a full technical review. Any upgrades or changes necessitated by the development must be to the account of the owner/developer.

Council Comment

This has not been assessed. A condition of consent can be imposed to require the applicant to undertake a study prior to CC and any mitigations measures recommended in the report be adopted in the construction.

2.14. Impacts on Health Services

Consider the impact of cranes on medivac helicopter services. Consider the impact on increased traffic flow / congestion on ambulance access to Liverpool Hospital.

Council Comment

The application was referred to the South Western Sydney Local Health District and no objection was raised. Referral was also sent to the Sydney Metro Airports (operators of Bankstown Airport). Air Services Australia are currently assessing the application before being forwarded to the Department of Infrastructure, Regional Development, Communication and Arts (DIRDCA) for final assessment.