

SYDNEY WESTERN CITY PLANNING PANEL

ADDENDUM ASSESSMENT REPORT

TO	Sydney Western City Planning Panel Chair
PANEL REFERENCE	PPSSWC-223
APPLICATION NUMBER	DA-1408/2021
PROPOSED DEVELOPMENT	<p>The proposal seeks consent for the following:</p> <p>Demolition of existing structures and construction of a thirty-four (34) storey mixed use development comprising of the following:</p> <ul style="list-style-type: none"> • Six levels of basement car parking providing a total of 542 car and 29 motorcycle parking spaces; • Ground floor level retail tenancies, commercial and residential lobby entries, loading dock, basement entry, waste and storage collection zones, associated civil, stormwater, and services infrastructure; • Site improvements including establishment of a through-site link along the eastern boundary from the Elizabeth Street frontage to the rear service lane incorporating public domain improvements, landscaping, public art, street trees and paving; • Mezzanine level for end-of-trip facilities (including locker storage and unisex bathrooms); • Level 1 to 4 commercial office spaces with bathroom and amenities, and outdoor terrace. – Communal open space, including seating areas, open lawn areas, multi-purpose decking, swimming pool, outdoor gymnasium, outdoor kitchen / barbecue area, breakout space, and lounge area; and • Level 5 to 33 providing 312 residential apartments (136 x one-bedroom units, 128 x two-bedroom units, and 48 x three-bedroom units); and <p>Sydney Western City Planning Panel has the function of determining the application.</p>
STREET ADDRESS	<p>28 Elizabeth Street Liverpool</p> <p>Lot 1 in Deposited Plan 1261270</p>
OWNER/ APPLICANT	The Trust Company (Australia) Limited/Altis Bulky Retail Pty Ltd
AUTHOR	Patrick Curmi – Team Leader – Development Assessment

On 29 August 2022 the public determination meeting was held for DA-1408/2021 which was attended by representatives of the Applicant and NSW Police (who neighbour the subject site). During the public determination meeting the matters pertaining to the late submission from the NSW Police were discussed. Resultantly, the Panel provided the applicant and the NSW police time to discuss draft conditions prior to deliberating.

The way forward agreed by those present at the meeting was:

- a) *For the Applicant and the Council to meet as soon as practicable and at least by the beginning of next week to discuss the issues of concern to the police and how they could be resolved. Mayor Mannoun (a Panel member) would facilitate those discussions as necessary.*

Two meetings were held online via Microsoft Teams on 5 and 6 September 2022 in which representatives of Council, the applicant, NSW Police and Department of Communities and Justice were all present.

This addendum report advises that from the above discussions the applicant, NSW Police and Department of Communities and Justice agreed upon revised wording for conditions 34 and 126, however were unable to agree on the proposed wording of conditions 17, 18, 22, 55, 17A and 17B.

The following recommended conditions of Development Consent DA-1408/2021 are amended as follows:

Condition 17 – Public Art

Proposed Amendments by NSW Police and Department of Communities and Justice

17. Prior to the issue of the Construction Certificate, the Public Art Strategy and relevant Architectural plans are to be updated to include detailed artwork design (location, extent, type, and materials) to the screens located around the outdoor Communal Space on Level 5, Laneway entry, boundary walls and the Event Ready Laneway Link and Art Journey. The detailed artwork design is to be referred to and agreed to in writing by NSW Police (NSWPF) and the Department of Communities & Justice (DCJ, including Court Services, Corrective Services NSW and the Office of the Sheriff NSW). The documents are to be and approved by Council's Public Arts Officer.

Evidence is to be provided to Council's Public Art Officer that coordination with owners of adjoining Lots 2 & 3 DP1261270 has occurred to design and document a coherent Public Art Strategy for the precinct. It should include engagement of a lead public artist or experienced curator to manage the overall public art delivery and development. In addition, ensure local artists are mentored and remunerated, in the development and delivery of the artworks The proposed shortlist of artists/ curators is to be approved by Council's Public Arts Officer.

Reason: The NSW Police Force (NSWPF) and the Department of Communities & Justice (DCJ) have raised concern that there is the potential for the proposed public artwork to present a public safety and security risk for the adjoining Police and Court operations, depending on the location, design and materials used in its construction (e.g. if the artwork can be climbed on etc). It is considered that the above proposed

rewording of the condition will ensure that the design, construction and materials of the proposed public artwork will not result in a public safety and/or security risk for the adjoining court and police services. The proposed rewording of the condition can provide adequate certainty to the NSWPF, DCJ (including Court Services, Corrective Services NSW and the Office of the Sheriff of NSW), the applicant, and the consent authority that any potential security concerns in relation to the construction of the public artwork can be resolved to the satisfaction of all parties. The proposed rewording of this condition does not prejudice the outcome of the DA determination.

Proposed Amendments by the Applicant

*Prior to the issue of the **relevant** Construction Certificate, the Public Art Strategy and relevant Architectural plans are to be updated to include detailed artwork design (location, extent, type, ~~and materials~~) to the screens located around the ~~outdoor Communal Space on Level 5, Laneway entry, boundary walls and the Event Ready Laneway Link and Art Journey~~. The detailed artwork design **that is adjacent to the NSW Police Station boundary**, is to be referred to and agreed to in writing by NSW Police (NSWPF) and the Department of Communities & Justice (DCJ), ~~including Court Services, Corrective Services NSW and the Office of the Sheriff NSW~~. The documents are to be and approved by Council's Public Arts Officer. Evidence is to be provided to Council's Public Art Officer that coordination with owners of adjoining Lots 2 & 3 DP1261270 has occurred to design and document a coherent Public Art Strategy for the precinct. It should include engagement of a lead public artist or experienced curator to manage the overall public art delivery and development. In addition, ensure local artists are mentored and remunerated, in the development and delivery of the artworks The proposed shortlist of artists/ curators is to be approved by Council's Public Arts Officer.*

Reason: The proposed refinements clarify that: (i) the NSWPF will be consultant regarding the aspects of the art strategy relevant to the common boundary between the sites, (ii) that reference to the 'relevant' CC is provided to facilitate staged approvals, (iii) references consultation with DCJ as the single coordination point for the Court Services, Corrective Services and Office of the Sheriff, and (iv) deletes specific reference to the provision of public art at Level 05 which was previously agreed to by Council.

Council Comment: Council agrees with the proposed amendments by NSW Police and Department of Communities and Justice, however, suggests the condition should be amended to reflect the relevant construction certificate and that only the detailed artwork design that is adjacent to the NSW Police Station boundary is to be referred to all the relevant stakeholders of NSW Police (NSWPF) and the Department of Communities & Justice. The proposed condition as follows:

*Prior to the issue of the **relevant** Construction Certificate, the Public Art Strategy and relevant Architectural plans are to be updated to include detailed artwork design (location, extent, type, **and materials**) to the screens located around the outdoor Communal Space on Level 5, Laneway entry, boundary walls and the Event Ready Laneway Link and Art Journey. **The detailed artwork design that is adjacent to the NSW Police Station Boundary is to be referred to and agreed to in writing by NSW Police (NSWPF) and the Department of Communities & Justice (DCJ), including Court***

Services, Corrective Services NSW and the Office of the Sheriff NSW). The documents are to be and approved by Council's Public Arts Officer.

Evidence is to be provided to Council's Public Art Officer that coordination with owners of adjoining Lots 2 & 3 DP1261270 has occurred to design and document a coherent Public Art Strategy for the precinct. It should include engagement of a lead public artist or experienced curator to manage the overall public art delivery and development. In addition, ensure local artists are mentored and remunerated, in the development and delivery of the artworks The proposed shortlist of artists/ curators is to be approved by Council's Public Arts Officer.

Condition 18 – Traffic Investigation

Proposed Amendments by NSW Police and Department of Communities and Justice

18. 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, NSW Police (NSWPF), the Department of Communities & Justice (DCJ, including Court Services, Corrective Services NSW and the Office of the Sheriff NSW) and TfNSW for review.

Reason: The NSW Police Force (NSWPF) and the Department of Communities & Justice (DCJ) wish for an opportunity participate in this process and provide constructive feedback. The proposed rewording of this condition does not prejudice the outcome of the DA determination.

Proposed Amendments by the Applicant

*Prior to the issue of the **relevant** 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, NSW Police (NSWPF), the Department of Communities & Justice (DCJ) , ~~including Court Services, Corrective Services NSW and the Office of the Sheriff NSW~~ and TfNSW for review*

Reason: The proposed refinements clarify that: (i) that reference to the 'relevant' CC is provided to facilitate staged approvals, and (ii) references consultation with DCJ as the single coordination point for the Court Services, Corrective Services and Office of the Sheriff.

Council Comment: Council agrees with the proposed amendments by NSW Police and Department of Communities and Justice, however, suggests the condition should be amended to reflect the relevant construction certificate. The proposed condition as follows:

*Prior to the issue of a **relevant** 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, *NSW Police (NSWPF), the Department of Communities & Justice (DCJ), including Court Services, Corrective Services NSW and the Office of the Sheriff NSW* and TfNSW for review.

Condition 22 – Construction Traffic Management Plan (CTMP)

Proposed Amendments by NSW Police and Department of Communities and Justice

22. *Prior to the issue of the Construction Certificate, a 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.*

The CTMP is to be referred to and agreed to in writing by NSW Police (NSWPF) and the Department of Communities & Justice (DCJ, including Court Services, Corrective Services NSW and the Office of the Sheriff NSW) prior to Council's endorsement. The CTMP is to ensure that there will be no impact on street police car parking or on access to the driveway within the adjoining shared NSWPF and DCJ site. Relevant mitigating traffic management measures should be included to ensure that the adjoining Police and Court operations and services can continue to operate without interruption or closure at any time.

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

Reason: The NSW Police Force (NSWPF) and the Department of Communities & Justice (DCJ) have raised concern that there is the potential for the proposed development to impact the adjoining Police and Court operations which may lead to increase safety and security risks, particularly during the construction phase. It is considered that the above proposed rewording of the condition will ensure that a CTMP is prepared to appropriately manage traffic movement and mitigating measures during construction. The proposed rewording of the condition can provide adequate certainty to the NSWPF, DCJ (including Court Services, Corrective Services NSW and the Office of the Sheriff of NSW), the applicant, and the consent authority that any potential safety and security concerns in relation to the construction of the development can be resolved to the satisfaction of all parties. The proposed rewording of this condition does not prejudice the outcome of the DA determination.

Proposed Amendments by the Applicant

*Prior to the issue of the **relevant** Construction Certificate, 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. ~~The CTMP is to be referred to and agreed to in writing by NSW Police (NSWPF) and the Department of Communities & Justice (DCJ) including Court Services, Corrective Services NSW and the Office of the Sheriff NSW) prior to Council's endorsement.~~*

The CTMP is to ensure that there will be no impact on street police car parking or on access to the driveway within the adjoining shared NSWPF and DCJ site. Relevant mitigating traffic management measures should be included to ensure that the adjoining Police and Court operations and services can continue to operate without interruption or closure at any time.

Reason: The proposed refinements clarify that: (i) that reference to the 'relevant' CC is provided to facilitate staged approvals, (ii) deletes unnecessary reference to 'agreed to in writing', and (iii) references consultation with DCJ as the single coordination point for the Court Services, Corrective Services and Office of the Sheriff.

Council Comment: Council agrees with the proposed amendments by NSW Police and Department of Communities and Justice, however, suggests the condition should be amended to reflect the relevant construction certificate. The proposed condition as follows:

Prior to the issue of the relevant Construction Certificate, a 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.

The CTMP is to be referred to and agreed to in writing by NSW Police (NSWPF) and the Department of Communities & Justice (DCJ), including Court Services, Corrective Services NSW and the Office of the Sheriff NSW prior to Council's endorsement. The CTMP is to ensure that there will be no impact on street police car parking or on access to the driveway within the adjoining shared NSWPF and DCJ site. Relevant mitigating traffic management measures should be included to ensure that the adjoining Police and Court operations and services can continue to operate without interruption or closure at any time.

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

Condition 34 – Construction Noise and Vibration Management Plan (CNVMP)

Proposed Amendments by NSW Police and Department of Communities and Justice

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. In*

particular, the impact on the adjoining Police and Court operations (and their associated technical and AVL equipment) is to be assessed.

(f) A quantitative vibration assessment and the impact to surrounding structures and on nearby receivers. In particular, the impact on the adjoining Police and Court operations (and their associated technical and AVL equipment) is to be assessed.

(g) Proposed methods to mitigate the noise and vibration impact during the construction works. Mitigation measures to ensure that the adjoining Police and Court operations and services can continue to operate without interruption or closure at any time during construction must be included and implemented.

(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.

(i) The applicant is to liaise regularly with the relevant divisions of the NSWPF and DCJ before and during the construction phase to ensure that the adjoining Police and Court operations and services can continue to operate without interruption or closure at any time during construction.

Reason: The NSW Police Force (NSWPF) and the Department of Communities & Justice (DCJ) have raised concern that there is the high likelihood that Police and Court operations will be severely impacted (and will potentially need to close/relocate as has occurred recently at Central Local Court) due to noise and vibration impacts during the construction phase. It is considered that the above proposed rewording of the condition will ensure that the adjoining Police and Court operations and services can continue to operate without interruption or closure at any time during construction. The proposed rewording of the condition can provide adequate certainty to the NSWPF, DCJ (including Court Services, Corrective Services NSW and the Office of the Sheriff of NSW), the applicant, and the consent authority that any potential noise and vibration during the construction phase can be appropriately managed and can be resolved to the satisfaction of all parties. The proposed rewording of this condition does not prejudice the outcome of the DA determination.

Proposed Amendments by the Applicant

No refinements to the suggested condition are proposed.

Council Comment: Council is supportive of the amendment to condition 34.

Condition 55 – Dilapidation Report Private Property (Excavations)

Proposed Amendments by NSW Police and Department of Communities and Justice

55. A full dilapidation survey and report including a FULL photographic dilapidation record 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 **in writing** by both the applicant and the owner of any affected adjoining property, **particularly NSW Police (NSWPF) and the Department of Communities & Justice (DCJ), including Court Services, Corrective Services NSW and the Office of the Sheriff NSW.***

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.

Reason: The NSW Police Force (NSWPF) and the Department of Communities & Justice (DCJ) have raised concern that the construction of the proposed development may impact the structural integrity of the existing NSWPF and DCJ buildings on the adjoining site. It is considered that the above proposed rewording of the condition will ensure that the NSWPF and DCJ buildings are closely monitored throughout the construction phase to ensure the structural integrity of all existing buildings is maintained. The proposed rewording of the condition can provide adequate certainty to the NSWPF, DCJ (including Court Services, Corrective Services NSW and the Office of the Sheriff of NSW), the applicant, and the consent authority that any potential dilapidation that may occur during the construction phase can be appropriately managed and can be resolved to the satisfaction of all parties. The proposed rewording of this condition does not prejudice the outcome of the DA determination.

Proposed Amendments by the Applicant

*A full dilapidation survey and report including a **FULL** photographic dilapidation record 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 **in writing** by both the applicant and the owner of any affected adjoining property, particularly NSW Police (NSWPF) and the Department of Communities & Justice (DCJ), ~~including Court Services, Corrective Services NSW and the Office of the Sheriff NSW~~. 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.

Reason: The proposed refinements clarify that: (i) consultation with DCJ as the single coordination point for the Court Services, Corrective Services and Office of the Sheriff.

Council Comment: Council agrees and is supportive of the proposed amendments by NSW Police and Department of Communities and Justice.

Condition 126 – Crime Prevention

Proposed Amendments by NSW Police and Department of Communities and Justice

Crime Prevention

126. Crime prevention measures shall be employed during construction so as to prevent the following:

- (a) Theft of the construction equipment & hot water systems during construction stages;*
- (b) Trespassers into construction areas after hours; and*
- (c) Any increased security risk to the neighbouring properties occupied by NSWPF and DCJ.*

Reason: The NSW Police Force (NSWPF) and the Department of Communities & Justice (DCJ) wish to ensure there is no heightened security risks to their respective sites. The proposed rewording of the condition can provide adequate certainty to the NSWPF, DCJ (including Court Services, Corrective Services NSW and the Office of the Sheriff of NSW), no increased safety and security risks will occur during the construction phase can be appropriately managed and can be resolved to the satisfaction of all parties. The proposed rewording of this condition does not prejudice the outcome of the DA determination.

Proposed Amendments by the Applicant

No refinements to the suggested condition are proposed.

Council Comment: Council is supportive of the amendment to condition 126.

The following recommended conditions of Development Consent DA-1408/2021 are inserted as follows:

Condition 17A- Security

Proposed Condition by NSW Police and Department of Communities and Justice

xx. Prior to the issue of the ~~relevant~~ Construction Certificate, the applicant is to coordinate with DCJ (including Court Services, Liverpool PS – Corrective Services NSW and the Office of the Sheriff of NSW) and NSWPF to introduce an agreed security measure(s) at the boundary wall interface between the land to which the development application relates (28 Elizabeth Street) and the adjoining DCJ/NSW Police Force site.

The relevant Architectural and Landscape plans are to be updated to include a detailed plan for the treatment of the boundary fence (location, height, extent, type, materials and plantings) along the common boundary as it relates to the development site (28 Elizabeth Street) and the adjoining DCJ/NSW Police Force site. The detailed artwork design is to be referred to and agreed to in writing by NSW Police (NSWPF) and the Department of Communities & Justice (DCJ, including Court Services, Corrective Services NSW and the Office of the Sheriff NSW).

The Applicant must enter into a formal agreement with NSWPF and DCJ (on terms reasonably acceptable to the NSWPF and DCJ) for the provision of appropriate security measures (at the cost of the Applicant) on the NSWPF/DCJ site. The appropriate design solution must ensure the privacy, safety and security requirements of the NSWPF/DCJ site are maintained. The appropriate design solution may include the construction of an enclosed covered structure along the NSWPF/DCJ access way located adjacent to the southern boundary of the subject site. The Applicant must work with the NSWPF and DCJ to ensure an appropriate solution (on terms acceptable to the NSWPF and DCJ) is achieved as soon as reasonably practicable.

Reason: The NSW Police Force (NSWPF) and the Department of Communities & Justice (DCJ) have raised concern that, depending on the design, height and treatment of the fence along the common boundary, there is possibility that safety and security could be threatened/breached (e.g. opportunities to climb the fence using footholds, obstruction of sightlines/surveillance, opportunities to hide weapons in vegetation or throw objects into the adjoining site and/or present opportunities for unauthorised photography). NSWPF and DCJ have also raised concerns that the height of the proposed development and the provision of balconies across the southern elevation will provide opportunities for breaches of privacy (photography offences) and security (weapons/objects being thrown into the open areas of the site), thereby placing staff, offenders and the public at risk. The covering and enclosure of the NSWPF/DCJ driveway will alleviate these concerns, mitigate risks and alleviate the areas of concern. The proposed rewording of the condition can provide adequate certainty to the NSWPF, DCJ (including Court Services, Corrective Services NSW and the Office of the Sheriff of NSW), the applicant, and the consent authority that any potential security and safety concerns in relation to the boundary treatments and interface between the development site and the adjoining DCJ/NSW Police Force site can be resolved to the satisfaction of all parties. The proposed rewording of this condition does not prejudice the outcome of the DA determination.

Proposed Amendments by the Applicant

*Prior to the issue of the **relevant** Construction Certificate, the applicant is to coordinate with DCJ (including Court Services, Liverpool PS – Corrective Services NSW and the Office of the Sheriff of NSW) and NSWPF to introduce an agreed security measure(s) at the boundary wall interface between the land to which the development application relates (28 Elizabeth Street) and the adjoining DCJ/NSW Police Force site. The relevant Architectural and Landscape plans are to be updated to include a detailed plan for the treatment of the boundary fence (location, height, extent, type, materials and plantings) along the common boundary as it relates to the development site (28 Elizabeth Street) and the adjoining DCJ/NSW Police Force site. ~~The detailed artwork design is to be referred to and agreed to in writing by NSW Police (NSWPF) and the Department of Communities & Justice (DCJ, including Court Services, Corrective Services NSW and the Office of the Sheriff NSW).~~ The Applicant must enter into a formal agreement with NSWPF and DCJ (on terms reasonably acceptable to the NSWPF and DCJ) for the provision of appropriate security measures (at the cost of the Applicant) on the NSWPF/DCJ site. The appropriate design solution must ensure the privacy, safety and security requirements of the NSWPF/DCJ site are maintained. ~~The appropriate design solution may include the construction of an enclosed covered structure along the NSWPF/DCJ access way located adjacent to the southern boundary of the subject site. The Applicant must work with the NSWPF and DCJ to ensure an appropriate solution (on terms acceptable to the NSWPF and DCJ) is achieved as soon as reasonably practicable.~~ **The Applicant must use best endeavours to work with the NSWPF and DCJ to ensure an appropriate solution, in terms acceptable to the applicant and NSW Police and DCJ, to the extent relevant to this development application.***

Reason: The proposed refinements clarify that: (i) that reference to the 'relevant' CC is provided to facilitate staged approvals, and (ii) references consultation with DCJ as the single coordination point for the Court Services, Corrective Services and Office of the Sheriff, (iii) deletes references to agreement to public art work which is already addressed in Condition 17, (iv) deletes reference to a specific design solution (ie an enclosed covered structure) which pre-empts the design consultation process to be carried out, (v) requires 'best endeavours' to achieve an outcome acceptable to the applicant and the NSWPF and DCJ, and (vi) limits the extent of any agreed outcome to relate only to the physical boundaries of the applicants site (ie separate arrangements are required with adjoining neighbours for potential design treatments adjacent to their properties).

Council Comment: Council partially agrees with the proposed amendments by NSW Police and Department of Communities and Justice, however, agrees with the applicant that the public artwork consideration is covered by condition 17 and not to incorporate an example of a singular potential design solution on adjoining land. The condition should also be amended to reflect the relevant construction certificate. The proposed condition as follows:

xx. Prior to the issue of the **relevant** Construction Certificate, the applicant is to coordinate with **DCJ (including Court Services, Liverpool PS – Corrective Services NSW and the Office of the Sheriff of NSW)** and NSWPF to introduce an **agreed** security measure(s) at the boundary interface between the land to which the development

application relates (28 Elizabeth Street) and the adjoining DCJ/NSW Police Force site.

The relevant Architectural and Landscape plans are to be updated to include a detailed plan for the treatment of the boundary fence (location, height, extent, type, materials and plantings) along the common boundary as it relates to the development site (28 Elizabeth Street) and the adjoining DCJ/NSW Police Force site.

The Applicant must enter into a formal agreement with NSWPF and DCJ (on terms reasonably acceptable to the NSWPF and DCJ) for the provision of appropriate security measures (at the cost of the Applicant) on the NSWPF/DCJ site. The appropriate design solution must ensure the privacy, safety and security requirements of the NSWPF/DCJ site are maintained. The Applicant must work with the NSWPF and DCJ to ensure an appropriate solution (on terms acceptable to the NSWPF and DCJ) is achieved as soon as reasonably practicable.

Condition 17B – Interference with emergency communications and AVL/security equipment

Proposed Amendments by NSW Police and Department of Communities and Justice

*Prior to the issue of the **relevant** Construction Certificate, the applicant shall assess the potential impacts of the proposed development at the subject site (28 Elizabeth Street) on the NSW Police Force radio network **and DCJ's Liverpool Courthouse AVL and security equipment** (and other relevant communications equipment). The applicant shall coordinate with the NSW Police Force **and DCJ (including Court Services, Corrective Services NSW and the Office of the Sheriff NSW)** to mitigate any potential impacts (to the extent reasonable) to the satisfaction of the NSW Police Force (NSWPF) and the Department of Communities & Justice (DCJ, including Corrective Services NSW and the Office of the Sheriff NSW). Mitigation measures are to ensure that the adjoining Police and Court operations and services can continue to operate without interruption or closure at any time and are to be agreed to in writing between all parties.*

Reason: The NSW Police Force (NSWPF) and the Department of Communities & Justice (DCJ) have raised concern that there is the high likelihood that Police and Court operations will be severely impacted due to potential interference with emergency communications and AVL/security equipment. It is considered that the above proposed rewording of the condition will ensure that the adjoining Police and Court operations and services can continue to operate without interruption or closure at any time. The proposed rewording of the condition can provide adequate certainty to the NSWPF, DCJ (including Court Services, Corrective Services NSW and the Office of the Sheriff of NSW), the applicant, and the consent authority that any potential interference with emergency communications and AVL/security equipment can be appropriately managed and can be resolved to the satisfaction of all parties. The proposed rewording of this condition does not prejudice the outcome of the DA determination.

Proposed Amendments by the Applicant

*Prior to the issue of the **relevant** Construction Certificate, the applicant shall assess the potential impacts of the proposed development at the subject site (28 Elizabeth*

Street) on the NSW Police Force radio network and DCJ's Liverpool Courthouse AVL and security equipment (and other relevant communications equipment). The applicant shall coordinate with the NSW Police Force and DCJ (including Court Services, Corrective Services NSW and the Office of the Sheriff NSW) to mitigate any potential impacts (to the extent reasonable) to the satisfaction of the NSW Police Force (NSWPF) and the Department of Communities & Justice (DCJ) ~~including Corrective Services NSW and the Office of the Sheriff NSW). Mitigation measures are to ensure that the adjoining Police and Court operations and services can continue to operate without interruption or closure at any time and are to be agreed to in writing between all parties.~~

Reason: The proposed refinements clarify that: (i) that reference to the 'relevant' CC is provided to facilitate staged approvals, (ii) references consultation with DCJ as the single coordination point for the Court Services, Corrective Services and Office of the Sheriff and (iii) deletes unnecessary reference in the final sentence to mitigation treatment which is already in the previous sentence.

Council Comment: Council agrees with the proposed amendments by NSW Police and Department of Communities and Justice, however, suggests the condition should be amended to reflect the relevant construction certificate. The proposed condition as follows:

*Prior to the issue of the **relevant** Construction Certificate, the applicant shall assess the potential impacts of the proposed development at the subject site (28 Elizabeth Street) on the NSW Police Force radio network **and DCJ's Liverpool Courthouse AVL and security equipment** (and other relevant communications equipment). The applicant shall coordinate with the NSW Police Force **and DCJ (including Court Services, Corrective Services NSW and the Office of the Sheriff NSW)** to mitigate any potential impacts (to the extent reasonable) to the satisfaction of the NSW Police Force (NSWPF) and the Department of Communities & Justice (DCJ, **including Corrective Services NSW and the Office of the Sheriff NSW).***

Furthermore, during the public determination meeting the matters pertaining to the outstanding referral comments from the Department of Infrastructure, Transport, Cities and Regional Development were discussed. Resultantly, the way forward agreed by the panel was as follows:

5. Impact of the construction on air traffic

It was noted that the Federal approval was still outstanding, but that it did not need to hold up development consent, as the grant of development consent did not remove the need for Commonwealth approval. The Panel anticipated that the building would be regulated in a similar way to the building recently approved for the adjoining site.

To date, Council has not received comment from the Department of Infrastructure, Transport, Cities and Regional Development. Based on the abovementioned the following recommended condition of Development Consent DA-1408/2021 is deleted as follows:

~~Requirements of the Department of Infrastructure, Transport, Cities and Regional Development~~

- ~~5. The comments provided by the Department of Infrastructure, Transport, Cities and Regional Development in regards to the construction of the building and crane operation, shall be complied with prior, during and at the completion of construction, as required in accordance with their correspondence dated xx xx 2022. A copy of the correspondence is found as Attachment 6 in this decision notice.~~

Updated recommended conditions of consent have been provided to reflect the abovementioned changes.