

SYDNEY WESTERN CITY PLANNING PANEL

ADDENDUM ASSESSMENT REPORT

TO	Sydney Western City Planning Panel Chair
PANEL REFERENCE	PPSSWC-224
APPLICATION NUMBER	DA-50/2021
PROPOSED DEVELOPMENT	Demolition of existing dwellings and the construction of an eight storey residential flat building consisting of 23 apartments to be used for affordable housing.
STREET ADDRESS	23 & 25 Charles Street, Liverpool NSW 2170 Lot 1 & 2 DP 500066
APPLICANT/OWNER	Stimson Urban & Regional Planning: Hume Community Housing Association Company Ltd
AUTHOR	Patrick Curmi – Team Leader – Development Assessment

On 05 September 2022 the public determination meeting was held for DA-50/2021. After the public determination meeting, comments were received from the applicant relating to the draft conditions of consent. Resultantly, the Panel provided the applicant and the Council time to discuss the draft conditions prior to deliberating.

Discussions were held between Council and the Applicants relevant technical officers to discuss conditions of consent. Subsequently a phone call occurred between the applicant and the Council on 16 September 2022 in which both parties came to an agreement. This addendum report advises that from the above discussions the applicant and Council agreed upon the below:

Condition	Applicant Comment	Council Comment	Outcome
1(a)	Should be updated to reflect latest plan revision being considered.	Agreed.	Condition 1A has been updated.
1(d)	1(d) BCA Report reference should refer to 2020 only.	Agreed.	Condition 1D has been updated.
2. All conditions issued by Endeavour Energy, shall be complied with in accordance with their correspondence dated 19 April 2021. A copy of the correspondence is	2 Condition should be revised to reflect a new offer issued by Endeavour Energy issued on 18/8/22.	No updated commentary provided by Endeavour Energy in the NSW Planning Portal.	Condition to remain as proposed.

attached to this decision notice (Attachment 3).			
<p>13. The applicant/developer shall upgrade the street lighting system for entire frontage of the development including any side streets. Any street light poles shall be multi-function poles including all necessary accessories. The specification and accessories details are to be obtained from the Infrastructure and Environment Group of Council. The applicant/developer shall engage services of Endeavour Energy accredited ASP Level 3 service provider to prepare electrical design and obtain certification from Endeavour Energy. The electrical design shall include undergrounding of existing aerial power lines and communication cables for entire frontage of the development including frontage to side streets. The approved design shall be submitted to Council for review and approval prior to any construction works</p>	<p>Condition is requested to be removed. This requirement is considered overly onerous on a development such as this affordable housing project.</p>	<p>The request was referred to Councils Transport Engineer who has considered the request made by the applicant and provided the following comment:</p> <p><i>The applicant needs to engage an accredited street lighting consultant to assess the adequacy of the existing street light fronting the development site and upgrade the lighting (bulb only) if required.</i></p> <p>Subsequently Council has agreed to modify the wording of condition 13.</p>	<p>Condition 13 modified as follows:</p> <p><i>Street lighting is to be reviewed by an accredited street lighting consultant to assess the adequacy of the existing streetlight fronting the development site and if required upgraded (bulb only if required) to Council's specifications.</i></p>
<p>21. Prior to the issue of a Construction Certificate the Principal Certifier shall ensure that an application under S68 of the Local Government Act, including the payment of application and</p>	<p>The wording of the condition assumes there is a pipe in the easement but there is no pipe. The language of the condition should be</p>	<p>Discussions have occurred between the Applicant and Councils Land Development Engineer. Councils Land Development Engineer made the following comment:</p>	<p>Condition 21 to remain as proposed.</p>

<p><i>inspection fees, has been lodged with, and approved by Liverpool City Council for the required stormwater drainage easement pipe relocation and connection into the public system. An easement to drain water is to be shown along the southern and eastern side of the property boundary with the pipe located in the middle of it. The following is also to be addressed:</i></p> <p><i>i. A 150mm minimum high concrete kerb is required along the western property boundary.</i></p> <p><i>ii. The Hydrant Booster & M.C.W Meter are to be relocated outside the new drainage easement area.</i></p> <p><i>Engineering plans are to be prepared in accordance with the development consent, Liverpool City Council's Design Guidelines and Construction Specification for Civil Works and best engineering</i></p>	<p>amended. Our client is not against the easement, rather we need it relocated to the southern edge of the subject site.</p>	<p><i>The comment indicates that there is no pipe in the easement, however there is, and it's shown on the stormwater drawings. The condition is in relation to the new easement & pipe being relocated to the southern & eastern edge of the site.</i></p> <p>Therefore, the condition remains.</p>	
<p><i>26. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the stormwater drainage system for the basement car park has been designed in accordance with the requirements for pumped systems in AS3500.3:2003 and</i></p>	<p>There is no basement car park as part of this proposal. The condition is requested to be removed.</p>	<p>Agreed.</p>	<p>Proposed condition deleted from consent.</p>

<i>Council's Stormwater Drainage Design Specifications for pump out systems for basement car parks.</i>			
<i>34. Written clearance from Endeavour Energy, stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development must be submitted to the PCA.</i>	Condition should be deleted as it is a 'double up' of Condition 2. Condition 2 could otherwise be deleted.	Agreed.	Proposed condition deleted from consent.
<i>38. Submit to Council detailed design drawings of the proposed car parking and access arrangements, including driveways, and circulating roadway (including a turning facility at the northern end of the aisle), prepared in accordance with the requirements of Council and Australian Standards. The design plan needs to clearly show the dimensions and be supported by swept path diagrams with clear legends to enable following the tracks made by the tyres, body of the test vehicle and the buffer provided.</i>	The requirement for a turntable has never been discussed by Council to date and is considered an unreasonable and onerous imposition. The condition is requested to be removed. Please refer to the accompanying advice from our traffic engineer.	The request was referred to Council's Transport Engineer who has considered the request made by the applicant and provided the following comment: <i>We can delete the requirement for a turning facility based on the submitted additional advice</i> Therefore, the proposed condition has been amended.	Proposed condition amended as follows (Now condition 36): <i>Submit to Council detailed design drawings of the proposed car parking and access arrangements, including driveways, and circulating roadway, prepared in accordance with the requirements of Council and Australian Standards. The design plan needs to clearly show the dimensions and be supported by swept path diagrams with clear legends to enable following the tracks made by the tyres, body of the test vehicle and the buffer provided.</i>
<i>81. The Pad-mount Electrical Substation location and any</i>	Condition can be removed as no pad mount	Further investigation by Endeavour Energy required to	Condition amended as follows (Now condition 79):

associated fire separation walls must comply with Endeavour Energy Substation Design Instruction Document No SDI 104 (Current Version)	electrical substation is required.	determine if substation required. Condition wording amended.	If a Pad-mount Electrical Substation is required, the Pad-mount Electrical Substation location and any associated fire separation walls must comply with Endeavour Energy Substation Design Instruction Document No SDI 104 (Current Version).
137. Provide a turning facility (including a mechanical turntable) within the northern end of the parking aisle so that drivers will not have to reverse the full length of the isle (about 20m).	The requirement for a turntable has never been discussed by Council to date and is considered an unreasonable and onerous imposition. The condition is requested to be removed.	The request was referred to Councils Transport Engineer who has considered the request made by the applicant and provided the following comment: <i>We can delete the requirement for a turning facility based on the submitted additional advice</i> Therefore, the proposed condition has been deleted from the consent.	Proposed condition deleted from consent.
154. Prior to the issue of an Occupation Certificate, if onsite waste and recycling collection is required the following restriction as to user must be registered on the title of the property: • The owner/applicant of any property requiring on site collection of waste and recycling is to enter into a legally binding	Condition is not applicable and should be removed.	Agreed.	Proposed condition deleted from consent.

<p><i>indemnity with Council to control the access and operation of the waste and recycling service. This shall be inclusive on successive owners in perpetuity. All costs involved are to be borne by the applicant.</i></p> <p>• A <i>'restriction as to user' is to be placed on the title of the property at the applicant's expense, which may not be altered or removed without Council's consent, stating:</i></p> <p><i>'The removal and disposal of all green (garden) waste from the property and the lawful disposal of same, is to be carried out by private waste contractors engaged by the strata proprietors. Liverpool Council does not supply green bins or green waste services to this property.'</i></p>			
<p><i>163. An Easement for Drainage of Water is to be created in favour of Liverpool City Council over the relocated drainage easement pipe (shown as 450 dia.) and burdening the affected lot. The Easement width is to be minimum 1.83m wide and is not to be extinguished or altered except with the consent of Liverpool City Council. Documents relative to the creation</i></p>	<p>We request the wording of this condition be amended. The condition currently requires an increase in the size of the easement. We are of the view that such a request is unfair and that it is inappropriate to enforce a condition that</p>	<p>The request was referred to Councils Land Development Engineer who has considered the request made by the applicant and provided the following comment:</p> <p><i>The width in the condition matches that shown on the submitted stormwater drainage drawing and</i></p>	<p>Condition to remain (Now condition 159).</p>

<i>of the easement to be lodged with the Land Registry Service NSW, and registration to be effected prior to the issue of any Occupation Certificate. All costs associated with piping, relocation and creation of easements are to be borne by the applicant and a copy of the registered documents are to be provided to Council.</i>	encumbers the land beyond the already agreed easement width.	<i>matches the existing Easement to Drain Water width within the site.</i> Therefore, the condition remains.	
167. <i>All occupants of both residential flat buildings shall have access to the rooftop communal open space area.</i>	Remove reference to 'both residential flat buildings' as there is only one building.	Agreed.	Condition amended as follows (Now Condition 165): <i>All occupants of the residential flat building shall have access to the rooftop communal open space area.</i>
168. <i>Parking spaces shall be allocated as follows:</i> <i>(a) 11 car parking spaces for residents (including 2 accessible spaces) are to be provided.</i> <i>(b) Parking spaces must not be allocated, sold or leased to an owner, occupier or any other person or entity. In any strata subdivision, visitor parking spaces must be retained within the common property.</i>	Condition to reflect the 10 spaces proposed, not 11.	Agreed. Also see discussion below relating to further amendment of Condition 166 based off Panel Comments.	Condition amended as follows (Now Condition 166): <i>Parking spaces shall be allocated as follows:</i> <i>(a) 10 car parking spaces for residents (including 2 accessible spaces and 1 car share space) are to be provided.</i>
182. <i>Waste bins must be stored in designated garbage/ trade refuse areas, which must be kept tidy at all times.</i>	Condition to be revised as no garbage compactor is proposed.	Agreed. Condition modified to remove garage compactor requirement.	Condition amended as follows (Now condition 179):

<p><i>Bins must not be stored or allowed to overflow in parking or landscaping areas, must not obstruct the exit of the building, and must not leave the site onto neighbouring public or private properties.</i></p> <p><i>Operation, maintenance and cleaning of the garbage compactor and associated equipment is the responsibility of the strata management or body corporate. Maximum compaction ratio is 2:1.</i></p> <p><i>Operation, maintenance and cleaning of the garbage chutes and associated waste cupboards, rooms, or equipment is the responsibility of the strata management or body corporate.</i></p>			<p><i>Waste bins must be stored in designated garbage/ trade refuse areas, which must be kept tidy at all times. Bins must not be stored or allowed to overflow in parking or landscaping areas, must not obstruct the exit of the building, and must not leave the site onto neighbouring public or private properties.</i></p> <p><i>Operation, maintenance and cleaning of the garbage chutes and associated waste cupboards, rooms, or equipment is the responsibility of the strata management or body corporate.</i></p>
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At the public determination meeting discussion also occurred around imposing conditions of consent for the installation of solar panels and the provision of a car share space. On 19 September 2022 the panel requested the following:

The Panel would also appreciate receipt of the additional requested conditions of consent requiring:

- a. *Installation of the proposed solar panels identified on the plans prior to an Occupation Certificate; and*
- b. *Provision of a car share space and installation of the necessary facilities for the charging of electric vehicles.*

Based upon the above, the following conditions of consent have been added to DA-50/2021:

Solar Photovoltaic System

162. *Prior to the issue of an Occupation Certificate the solar photovoltaic system identified on the Roof Plan, prepared by IDRAFT, drawing no. 1011, Revision D, dated 24/08/2022, must be installed to the satisfaction of the PCA.*

Electric Vehicle Facilities

163. *Prior to issue of an Occupation Certificate the installation of the necessary facilities for the charging of electric vehicles must be provided on the Ground Floor parking area to the satisfaction of the PCA.*

Based upon the above, the following condition of consent has been modified:

Parking Requirements

166. *Parking spaces shall be allocated as follows:*

(a) *10 car parking spaces for residents (including 2 accessible spaces and 1 car share space) are to be provided.*

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