

Response to Draft Condition Markups following SWCPP Meeting on 16 October 2023

Condition	Applicant Comments	Council Comments
<p>Staged Approval condition to be included.</p>		<p>There is a standard Staging Condition which is included in all Staged Applications and has been included in the Council review of then draft NOD. The Condition is input at the beginning prior to Condition 1 and is named "Staged Apporval" and is not numbered. Refer to amended NOD.</p>
<p>Condition 6 as follows:</p> <p>Section 7.12 Payment (Liverpool Contributions Plan 2018 – Established Areas)</p> <p>As a consequence of this development, Council has identified an increased demand for public amenities and public services. The following payment represents 1% of the cost of the development and is imposed in accordance with Section 7.12 of <i>Liverpool Contributions Plan 2018 – Established Areas</i>.</p> <p>The total contribution is \$500,639 and will be adjusted at the time of payment in accordance with the contribution plan.</p> <p>A breakdown of the contributions payable is provided in the attached payment form. The Contributions Plan may be inspected online at www.liverpool.nsw.gov.au</p>		<p>7.12 Contributions condition is required to be amended to reflect the staging. The fee will be split for warehouse and warehouse as proposed to be staged. Refer to draft consent for details.</p> <p>In addition, contributions condition is split over the two stages to allow for OC to be issued for each stage without restriction. Therefore condition 7 is included for stage 2 contributions as per the draft amended NOD.</p>

<p><i>Flood Management Requirements</i></p> <p><i>17. On-site water quality treatment devices shall be provided to ensure that stormwater runoffs leaving the site comply with Council's water quality standards. The treatment facilities shall capture all gross pollutants and liquid contaminants from the stormwater before discharging it to council's stormwater network. Water quality treatment works shall be designed using MUSIC modelling software and the water quality treatment system performance shall be verified using Council's MUSIC link</i></p>	<p>The proposed Condition has a conflict as Council's Water quality standards in the <i>Liverpool Development Control Plan 2008</i> (Liverpool DCP) requires only 90% not "all gross pollutants". The Liverpool DCP should be applied here.</p>	<p>The proposed amended to the condition is accepted</p>
<p><i>Recommendations of Acoustic Report</i></p> <p><i>28. The recommendations provided in the approved acoustic report titled 24-40 ALFRED STREET, CHIPPING NORTON Development Application Noise and Vibration Impact Assessment, report reference (SLR Ref: 610.30693-R01 Revision v1.0) prepared by Adam Sirianni and reviewed by Antony Williams of SLR Consulting Australia Pty Ltd dated June 2022 shall be implemented and incorporated into the design and construction of the development and be shown on plans accompanying the Construction Certificate application.</i></p> <p><i>The construction methodology and plans accompanying the Construction Certificate application shall be assessed and certified in writing by a suitably qualified acoustic consultant to verify</i></p>	<p>The proposed Condition does not include the details of the acoustic consultant. This detail has been inserted in bold.</p>	<p>The proposed amended to the condition is accepted.</p>

<p>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 Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.</p> <p>Note: 'Suitably qualified acoustic consultant' means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustical Society or employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.</p>		
<p><i>Sydney Water</i></p> <p>61. Development plans must be processed and approved by Sydney Water.</p>	<p>This condition is vague and isn't in accordance with Condition 7. Recommend deletion.</p>	<p>Deletion of the condition accepted. Sydney Water will review the plans under the S73 application.</p>
<p><i>Identification Survey Report</i></p> <p>70. The building and external walls are not to proceed past ground floor/reinforcing steel level until such time as the PCA has been supplied with an identification survey report prepared by a registered surveyor certifying that the floor levels and external wall locations to be constructed, comply with the approved plans, finished floor levels and setbacks to boundary/boundaries. The slab shall not be poured, nor works continue, until the PCA has advised the</p>	<p>The construction of the proposed buildings will be done by constructing the steel frame, roofing and cladding prior to the slab being poured.</p> <p>As such, the proposed Conditions are requested to be deleted.</p> <p>The wording of the proposed Condition contradicts how the building will be constructed with steel portal, roofing and cladding to be installed prior to slab being poured.</p>	<p>Condition must remain.</p> <p>Condition 70 & 71 have nothing to do with construction techniques or material used. It is to ensure that an Identification survey is undertaken before the building and external walls proceed past ground level.</p> <p>Identification surveys are required to ensure that the buildings are built as per the approved plans and do not encroach on easements and covenants which is especially critical for this site and development considering the size of the buildings and their proximity to the drainage channel. This also protects the</p>

<p><i>builder/developer that the floor level and external wall setback details shown on the submitted survey are satisfactory.</i></p> <p><i>In the event that Council is not the principal certifier, a copy of the survey shall be provided to Council within three (3) working days.</i></p>		<p>developer and site owner against potential future disputes.</p> <p>It is paramount both condition 70 & 71 remain.</p>
<p><i>Identification Survey Report</i></p> <p>71. <i>On placement of the concrete, works again shall not continue until the PCA has issued a certificate stating that the condition of the approval has been complied with and that the slab has been poured at the approved levels.</i></p>		<p>Condition must remain.</p> <p>As above</p>
<p><i>Construction Noise, Vibration Assessment and Management Plan</i></p> <p>82. <i>The approved site-specific Construction Noise, Vibration Assessment and Management Plan prepared in accordance with condition (B162) shall be implemented, adhered to and maintained at all times during the construction period.</i></p>	<p>Condition B162 referenced in Condition 82 doesn't exist.</p>	<p>Should refer to Condition 28 <i>Recommendations of Acoustic Report. Reference B162 to be amended to 28.</i></p>
<p><i>Sign Notice Board</i></p> <p>87. <i>A sign must be erected and maintained in a prominent position on the site, which contains the following details:</i></p> <p>(a) <i>The name, address and telephone number of the principal certifying authority for the work; and</i></p> <p>(b) <i>The name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and</i></p> <p>(c) <i>Unauthorised entry to the premises is prohibited.</i></p>	<p>This condition is a duplication of condition 52 and should be consolidated.</p>	<p>Can be deleted.</p>

<p><i>Recommendations of Acoustic Report & Aircraft Noise Intrusion</i></p> <p>114. <i>The development is located within the Australian Noise Exposure Forecast (ANEF) 20 or greater contour and may be impacted by aircraft noise. Upon completion of works and prior to the issue of an Interim or Final Occupation Certificate, written certification prepared by a suitably qualified acoustic consultant shall be submitted to and approved by the Principal Certifying Authority (PCA) prior to issue of an Interim or Final Occupation Certificate. The written certification prepared by the suitably qualified acoustic consultant shall confirm that the development meets the relevant provisions of Australian Standard AS 2021:2015 Acoustics – Aircraft noise intrusion – Building siting and construction with respect to interior noise levels.</i></p> <p><i>Furthermore, the certification prepared by the suitably qualified acoustic consultant shall confirm that the development complies with all requirements and recommendations detailed within the approved acoustic report titled “24-40 ALFRED STREET, CHIPPING NORTON Development Application Noise and Vibration Impact Assessment”, report reference (SLR Ref: 610.30693-R01</i></p>	<p>The site is not located in the 20+ ANEF as identified on Sheet 14 of the Airport Noise Map under the <i>Liverpool Local Environmental Plan 2008</i>.</p> <p>As such, it is recommended that this Condition is deleted.</p>	<p>The Site is located directly under the Flight path. If the site is not impacted by the ANEF 20 to greater contour for aircraft noise the Applicant's Consulting Acoustic expert is to advise of this. The condition can be addressed by the Acoustic Expert advising of this on company letter head. If it is impacted, then the relevant Noise attenuation measures are to be incorporated into the development. Condition must remain as it was implemented by Council's Environmental health officer.</p>
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<p><i>Revision v1.0) prepared by Adam Sirianni and reviewed by Antony Williams of SLR Consulting Australia Pty Ltd dated June 2022</i></p> <p><i>Note: ‘Suitably qualified acoustic consultant’ means a consultant who possesses Australian Acoustical Society membership or is employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.</i></p>		
<p><i>Environmental Health</i></p> <p><i>116. Prior to the occupation or tenancy of any industrial unit spaces within the development, a separate development application is to be submitted to and approved by Liverpool City Council to use each industrial unit space once the proposed specific use is known. Each industrial warehouse space may be a source of offensive noise and potentially impact upon human health and amenity. Each individual development application shall include (but not be limited to) an acoustic report prepared by a suitably qualified acoustic consultant in accordance with the NSW Environment Protection Authority’s ‘Noise Policy for Industry’ (2017). The cumulative effect of noise must be considered when assessing the impact upon receivers. Where necessary, the report shall assess potential sleep disturbance and road traffic noise impacts in accordance with the NSW Environment Protection</i></p>	<p>The draft Conditions of Consent state that the development includes “<i>use of the site for warehouse and distribution centres and light industries, with 24 hour operation</i>”.</p> <p>Therefore, Clause 5.1 of Part 5 of <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> would apply and future fit-out of the tenancies would be complying development. If, as the draft condition states, a future tenant emitted offensive noise, it would not meet the definition of “light industry” and therefore not meet the criteria for a CDC.</p> <p>A separate DA application for each new tenant is not practical in a facility with up to 11 tenancies and should not be required. The condition should be removed or amended to require an acoustic report prior to issue of a CDC for a light industrial use.</p>	<p>Proposed wording amendment is supported</p>

<p><i>Authority's 'Noise Policy for Industry' (2017) and 'NSW Road Noise Policy' prepared by the Department of Environment, Climate Change and Water NSW (DECCW NSW) dated March 2011. The project noise trigger levels for the proposed development shall be selected according to the most stringent intrusive or amenity criteria. If required, recommendations and noise control measures shall be specified to achieve compliance with the assessment criteria. The assessment shall be representative of all noise generating activities on-site including but not limited to mechanical plant, patrons, deliveries and motor vehicle movements.</i></p> <p><i>When assessing noise levels at commercial or industrial premises, the noise level shall be determined at the most affected point on or within the property boundary. Alternatively, when gauging noise levels at residences, the noise level shall be assessed at the most affected point on or within the residential property boundary. Where necessary, sound levels shall be adjusted in accordance with NSW Environment Protection Authority's guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content.</i></p> <p><i>Note: 'Suitably qualified acoustic consultant' means consultant who possesses Australian Acoustical Society membership or are employed by an Association of</i></p>		
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<p>Australasian Acoustical Consultants (AAAC) member firm.</p> <p><i>The report's cover or title page must confirm membership details or include a watermark for the relevant certification body. Council is unable to recommend specific consultants or auditors</i></p>		
<p>Delivery hours and vehicles</p> <p>127. Delivery and service vehicles generated by the development are limited to:</p> <p>a. Monday to Friday: 6:00am to 6:00pm</p> <p>b. Saturday 7:00am to 12:00pm.</p>	<p>The proposed Conditions are to be updated to reflect the proposed operation hours of 24 hours, 7 days as per the submitted DA package and Condition 5 and 126.</p>	<p>Condition has been imposed due to the sites proximity to residential receivers and that large vehicles will move through these areas. Any individual future tenancies that require delivery outside these times will be required to submit a DA with an acoustic assessment in support and it will be assessed on merit.</p>