

ATTACHMENT A

CONDITIONS OF CONSENT TO CONCEPT DEVELOPMENT APPLICATION

A. GENERAL CONDITIONS

Approved Plans / Documents

1. Development the subject of this determination notice must be carried out strictly in accordance with the following approved plans / reports marked as follows, except where modified by the undermentioned conditions.

Plan Name	Plan Number	Date	Prepared By
Basement Envelope Plan	MP-002	2/05/2020	FJMT
Envelope Plan	MP-001	2/05/2020	FJMT
Envelope Section A	MP-005	2/05/2020	FJMT
Envelope Section B & C	MP-006	2/05/2020	FJMT
Envelope Perspective North	MP-003	2/05/2020	FJMT
Envelope Perspective South	MP-004	2/05/2020	FJMT
Envelope Perspective East	MP-007	2/05/2020	FJMT

Environmental Planning and Assessment Act 1979

2. In accordance with section 4.22(4) of the EP&A Act all development under the Concept Proposal must be subject of future application(s). This consent does not permit the carrying out of any works.

Land uses

3. This consent does not approve any residential land uses on the subject site.

Public Domain and Landscaping – Design Excellence

4. A Public Domain Design Panel is to be convened and a Public Domain Plan prepared:
 - a) Prior to the determination of any Detailed DA subject to this Concept Approval, a detailed Public Domain and Landscape Plan must be prepared by a suitably qualified AILA Registered Landscape Architect or Urban Designer, in accordance with the requirements of this condition.
 - b) A design review process is to be undertaken for the Public Domain and Landscape Plan with the purpose of achieving design excellence of the public domain in accordance with Clause 7.5 of Liverpool Local Environmental Plan 2008.

- c) As part of the design review process, a *Public Domain Design Panel* is to be convened, that is to be chaired by the nominated chair of Council's Design Excellence Panel or his or her nominee, and whose other members are to include (at least):
- A representative of -or person nominated by Government Architect NSW;
 - A suitably qualified landscape architect and urban designer;
 - A representative of Liverpool City Council's City Design and Public Domain team.
- d) At least two public domain design workshops are to be convened for attendance by members of the Public Domain Design Panel, the Applicant, and other relevant technical officers of Liverpool City Council which may include officers responsible for Heritage, Traffic, Public Art, Community Planning, Indigenous Culture and Heritage, and Community Development.
- e) At the conclusion of the public domain design workshops, the *Public Domain Design Panel* is to record its recommendations.
- f) The recommendations of the *Public Domain Design Panel* are to be incorporated into a Public Domain and Landscape Plan to be prepared by the Applicant.
- g) The Public Domain and Landscape Plan is to be endorsed by the Chair of the Public Domain Design Panel as satisfactorily responding to the outcome of the public domain workshops, prior to the determination of any future Detailed DA under this Concept Approval.

5. The Public Domain and Landscape Plan is to:

- a) Identify any landscape constraints, including (but not limited to) setbacks, existing street trees, landscape features, screening / buffer requirements
- b) Include public domain design guidelines that are to be implemented across the subject site
- c) Identify the location of public domain areas within the site, providing detail on their role, character and extent
- d) Set aspirations and principles for each public domain area in order to achieve Design Excellence in accordance with Clause 7.5 of Liverpool Local Environmental Plan 2008
- e) Identify the location of trees, planters, water sensitive urban design treatments, deep soil and direct sunlight to public domain areas
- f) Detail design principles for roof terraces, including (but not limited to) how planting, deep soil, access and shade would be implemented
- g) Identify any intended design elements such as green roofs and walls, water sensitive landscape design treatments and sustainability targets
- h) Demonstrate consistency with the relevant landscape provisions of the Liverpool Development Control Plan 2008 and Liverpool City Centre Public Domain Master Plan
- i) Demonstrate how the public domain areas will relate to proposed future built form within site, including consideration of pedestrian movements to and between buildings within the site

6. All future detailed Development Applications subject to this Concept approval will need to demonstrate to the consent authority consistency with the endorsed Public Domain and

Landscape Plan.

Traffic and Access

7. Prior to the determination of a Detailed DA, a Local Area Traffic Management Plan is to be submitted to Council's Traffic and Transport Section and to the Liverpool Pedestrian Active Transport and Traffic Committee for endorsement. The Local Area Traffic Management Plan is to identify traffic infrastructure improvements including changes to the adjoining traffic signals, signs, line markings and timed parking restrictions.

Transport for NSW Conditions

8. Future Detailed DAs subject to this Concept Approval shall comply with all conditions provided by Transport for NSW dated 12 August 2020. A copy of the conditions is attached to this decision notice (Attachment 1). Note: the conditions do not constitute a Section 138 concurrence under the Roads Act 1993.

B. CONDITIONS TO BE SATISFIED PRIOR TO THE SUBMISSION OF FUTURE DEVELOPMENT APPLICATIONS

Pre-Development Application Meeting

9. Prior to the submission of a development application which seeks approval for any detailed design of a building under this Concept Approval, a Pre-Development Application meeting is to be convened with representatives of Liverpool City Council. Advice of the subject Pre-Development application meeting is to accompany the development application when lodged.

Amended Plans

10. Prior to the lodgement of any Detailed DA subject to this Concept Approval, the plans outlined in Condition 1 must be amended to reflect the following:
 - a. The extent of the building envelope titled 'Masterplan Envelope – Information & Education Facility' must be reduced to a maximum of 4 metres from the eastern edge of Lot 201 in DP 1224084, also known as 306-310 Macquarie Street (excluding any decorative architectural features above ground level). Evidence is to be provided to Liverpool City Council's Manager Development Assessment that satisfactorily demonstrates the plans have been amended to reflect this condition.

C. CONDITIONS TO BE SATISFIED IN FUTURE DEVELOPMENT APPLICATIONS

Building Envelopes

11. Built form proposed in any future Detailed DA subject to this Concept Approval is not permitted to extend beyond the building envelopes approved under DA-585/2019.
12. Any built form proposed within the building envelope titled 'Masterplan Envelope – Information & Education Facility' must incorporate the following requirements:
 - a. Floors facing the north western façade of the existing mixed-use building at 300 Macquarie Street, Liverpool, are to incorporate design features that limits overlooking into existing residential areas.

Public Domain and Landscaping – Design Excellence

13. All future detailed Development Applications subject to this Concept Approval are to demonstrate consistency with an endorsed Public Domain Plan, detailed in Conditions 4 and 5.

Stormwater Management

14. A concept stormwater drainage system must be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties.
15. Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified engineer and shall accompany the application for a Construction Certificate.
16. The stormwater drainage system for the basement car park is to be designed in accordance with the requirements for pumped systems in AS3500.3:2003 and Council's Stormwater Drainage Design Specifications for pump out systems in basement car parks.
17. A stormwater pre-treatment system shall be incorporated on the proposed stormwater plans and that the design meets pollutant retention criteria in accordance with Council's Development Control Plan.
18. On site water quality treatment facilities 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 downstream. 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.
19. The below pollutant reduction targets are to be satisfied:

45% reduction in the baseline annual pollutant load of total nitrogen (TN);
65% reduction in the baseline annual pollutant load of total phosphorous (TP);
85% reduction in the baseline annual pollutant load of total suspended solids TSS); and
90% reduction in the baseline annual pollutant load of litter and vegetation larger than 5mm (gross pollutants).

Planting Schedule

20. A full planting schedule details and specifications are to be provided including planting details and specifications, maintenance, planting pits, pots and structural elements to be certified by an appropriately qualified person where appropriate.

Social Impact Assessment

21. A comprehensive social impact assessment (CSIA) is to be submitted in accordance with Liverpool City Council's *Development Control Plan 2008* and Social Impact Assessment Policy.

Heritage Considerations

22. The Lachlan Macquarie Statue on the corner of Scott Street and Macquarie Street is to be retained at its existing location.

Traffic and Access

23. Revised Traffic Impact Assessment (TIA) reports are to accompany future Detailed DAs for the site. The revised TIAs are to include the following:
- Updated SIDRA analysis using traffic generation rates in the TfNSW Guide (1.6 and 1.2 vehicular trips per hour per 100m² GFA during the morning and afternoon peak period, respectively) for the 'Developer Buildings' component, at the minimum, to understand the traffic impact of the development under an alternative scenario.
 - Endorsed vehicular access arrangements – The revised reports are to outline and provide details of the endorsed left in/left out access arrangement off Terminus Street addressing all the requirements contained in the letter from TfNSW to Council in Attachment 1 of this consent.
 - Allocation of car parking spaces - information regarding the allocation of car parking spaces to the various land uses, including adequate provisions for bicycle and motorcycle parking in the revised TIA.
24. Car parking provision – future Detailed DAs are to provide car parking provisions in accordance with the car parking rates set out in the Liverpool LEP 2008 and Liverpool DCP 2008 as well as provide for the replacement of the existing public car parking spaces at the site as outlined in the TIA, as prepared by PTC, dated 22 April 2020.
25. Detailed design drawings of the driveways, ramps, aisles, loading bays and parking spaces, as well as for swept path analysis, footpath paving, street lighting, sign and line marking scheme, demonstrating that the design has been carried out in accordance with RMS Guidelines, DCP and AS: 2890 is to be submitted to Council with the detailed development applications.
26. The drawings must be certified by a qualified traffic engineer and are to comply with the requirements of the DCP and Australian Standards in relation to the Terminus Street access.
27. A Travel Plan that contains specific measures to promote the use of more sustainable modes of travel including walking, cycling, public transport and car sharing are to be submitted as part of any future Detailed DA.

Urban Design Considerations

28. Provide a footpath design that ensures pedestrian priority along Scott Street. The pavement design at driveway locations must include:
- a. The design of the driveway must be delivered with Granite pavement in 100x100mm sets (refer to Figure 6.254, page 268, Liverpool City Centre Master Plan)
 - b. The driveway is to be designed flush with the pedestrian pavement along Scott Street and only demarcated by the change in pavement
 - c. The pedestrians have priority over vehicle movements. And the space must be demarcated as such
29. Weather protection is required to be provided along Scott Street (east of the driveway access) to allow pedestrian movements along the street in all-weather situations. Street trees must be provided and designed into the street awning.
30. Include sun-shading and façade treatments are functional in reducing heat-gain from sun exposure.

Wind Study

31. Any future development application is to be accompanied by a wind report prepared by a suitably qualified consultant. Wind tunnel testing and mitigation measures are to be provided as part of the wind study, with consideration of wind impacts on public areas and roof gardens.

Acoustic Report

32. Any future development application is to be accompanied by an acoustic report prepared by a suitably qualified acoustic consultant that demonstrates compliance with the relevant provisions of the State Environmental Planning Policy (Infrastructure) 2007, as well as consideration of impacts on surrounding sensitive receivers.

Contamination

33. The Preliminary Site Investigation prepared by Douglas Partners, dated April 2019, submitted with the application has identified asbestos contamination on the site. Any future Detailed DA subject to this Concept Approval that proposes excavation requires a Stage 2 – Detailed Site Investigation to fully delineate the contamination issues prior to the preparation of a Remediation Action Plan. The relevant assessments are to be undertaken by a suitably qualified and experienced contaminated land consultant with regard to the potential effects of any contaminants on public health, the environment and building structures and shall meet the sampling density outlined in the NSW EPA Contaminated Sites Sampling Design Guidelines (1995).

Sydney Water

34. Future Detailed DAs subject to this Concept Approval shall comply with the advice provided by Sydney Water dated 26 June 2020. A copy of the advice is attached to this decision notice (Attachment 2).

ATTACHMENT 1 – Transport for NSW conditions



12 August 2020

TfNSW Reference: SYD19/00516/09
Council Reference: DA-585/2019

The General Manager
Liverpool City Council
Locked Bag 7064
LIVERPOOL NSW 1871

Attention: Boris Santana

Dear Sir/Madam

CONCEPT FOR PROPOSED MIXED-USE DEVELOPMENT KNOWN AS LIVERPOOL CIVIC PLACE – 52 SCOTT STREET, LIVERPOOL

Reference is made to Council's correspondence dated 10 August 2020, regarding the abovementioned application which was referred to Transport for NSW (TfNSW) for comment.

TfNSW has reviewed the submitted application and in principle raises no objection to the abovementioned concept plan. It should be noted this is not a Section 138 concurrence under the *Roads Act 1993*. Concurrence would be provided following review and approval of detailed design plans received in subsequent applications. Any concurrence provided would be subject to the following conditions:

1. Access from Terminus Street will be limited to a maximum of 202 spaces and segregated from the total underground parking.
2. Access from Terminus Street is to be a left in / left out movement. A median is to be installed along Terminus Street to physically restrict right turn movements into and out of the driveway. The median is to cover the full length of the driveway.
3. The proposed road works (median and lane widths) along Terminus Street shall be designed and constructed to meet TfNSW requirements, and endorsed by a suitably qualified practitioner. The design requirements will be in accordance with AUSTROADS and other Australian Codes of Practice. The certified copies of the civil design plans shall be submitted to TfNSW for consideration and approval prior to the release of the Construction Certificate by the Principal Certifying Authority and commencement of road works.
4. Redundant driveways along Terminus Street shall be removed and replaced with kerb and gutter to match existing. The design and construction of the kerb and gutter shall be in accordance with TfNSW requirements.

Transport for NSW

27 Argyle Street, Parramatta NSW 2150 | Locked Bag 5085, Parramatta NSW 2124
P (02) 8849 2666 | W transport.nsw.gov.au | ABN 18 804 239 602

5. The developer will be required to enter into a Works Authorisation Deed for the abovementioned works.
6. The largest vehicle to use this site shall be no bigger than 9.9m.
7. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to TfNSW for approval, prior to the commencement of any works. Documents should be submitted to Development.Sydney@rms.nsw.gov.au.
8. TfNSW has previously vested a strip of land as road along the Terminus Street frontage of the subject property, as shown by grey colour on the attached Aerial - "X"

The subject property is affected by a Road Widening Order under Section 25 of the Roads Act, 1993 as published in Government Gazette No. 22 of 5 February 1960; Folio 353, as shown by pink colour on the attached Aerial- "X" and DP 446163.

The subject property is also affected by an additional road proposal as shown by pink colour on the attached Aerial - "Y"

Any new buildings or structures, together with any improvements integral to the future use of the site, are erected clear of Terminus Street boundary, land reserved for road widening and land required for road (unlimited in height or depth).

In addition, the subject property is also within a broader investigation area to look at options to upgrade Macquarie and Terminus Streets at this location. The investigations have not yet advanced to the stage where options have been defined and accordingly it is not possible at this date to identify if any part of the subject property would be required to accommodate this proposal however it is likely that the frontage of the site may be impacted.

If you have any further questions, Sandra Grimes, Development Assessment Officer, would be pleased to take your call on (02) 9563 8651 or please email development.sydney@rms.nsw.gov.au. I hope this has been of assistance.

Yours sincerely



Pahee Rathan
Senior Land Use Assessment Coordinator





ATTACHMENT 2 – Sydney Water advice



26 June 2020

Our Ref: 181695

Ian Stendara
Exec Strategic Officer
Liverpool City Council
stendarai@liverpool.nsw.gov.au

RE: Liverpool Civic Place – 40-46 Scott Street, Liverpool – DA-585/2019.

Dear Mr Stendara,

Thank you for providing Sydney Water additional information for Concept DA 585/2019, a new mixed-use precinct known as Liverpool Civic Place.

Sydney Water wrote to Liverpool Council in December 2019 to advise Council that water servicing is **available**, however the developer will be required to amplify the existing reticulation system to meet the Sydney Water guideline based on development type and building height.

Sydney Water also advised in December 2019 that the development is within the catchment of a potential **future sewer lead in main** (to be situated along Macquarie Street) and we advised that there would be a significant timeframe (around 18months) involved to finalise the design and construction of this main once approved.

We also noted the potential risk to existing Sydney Water assets within the area and requirements to protect these. A copy of this letter is attached for reference.

We have now reviewed the additional staging and flow information from Liverpool Council and provide the following further advice:

- Flows from the proposed development exceed the capacity of the existing wastewater main, therefore the current wastewater network is unable to service the proposed development. The second main is required to service the development and enable connections.
- The Design for the second main is complete however, funding approval is required to progress the project. Funding approval is based on the **confirmed need** for new infrastructure and also the **anticipated timescale** for delivery.
- SWC will only progress with the second main when Council provide **confidence** that the proposed project will occur. Continued discussion will be required to ensure that as the Council's planning progresses, Sydney Water are given as much notice as possible with regards to project status updates, any changes to yields OR anticipated timescales, to ensure as much synergy as possible with our internal approval and construction timescales.
- **Therefore, in support of the above, we advocate that a Feasibility application is lodged with Sydney Water to ensure we fully assess the development requirements and understand Council's timescales for when water and wastewater will be required. This will also start the process for the protections of SW assets in the vicinity.**



This advice is not a formal approval of our servicing requirements. The developer will need to engage a Water Servicing Coordinator (WSC) to lodge a Feasibility application.

Sydney Water are keen to collaborate with Council to ensure the best servicing outcomes are identified as early as possible and to align delivery to meet development timescales. If you require any further information, please contact the Growth Planning Team on urbangrowth@sydneywater.com.au or your account manager, Sean Pracey via email: Sean.Pracey@sydneywater.com.au

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Kristine Leitch".

Kristine Leitch
Growth Intelligence Manager

CC: Boris Santana email: santanab@liverpool.nsw.gov.au