

DA 767-2016 - Revised SEE - 64 Bathurst St, Liverpool



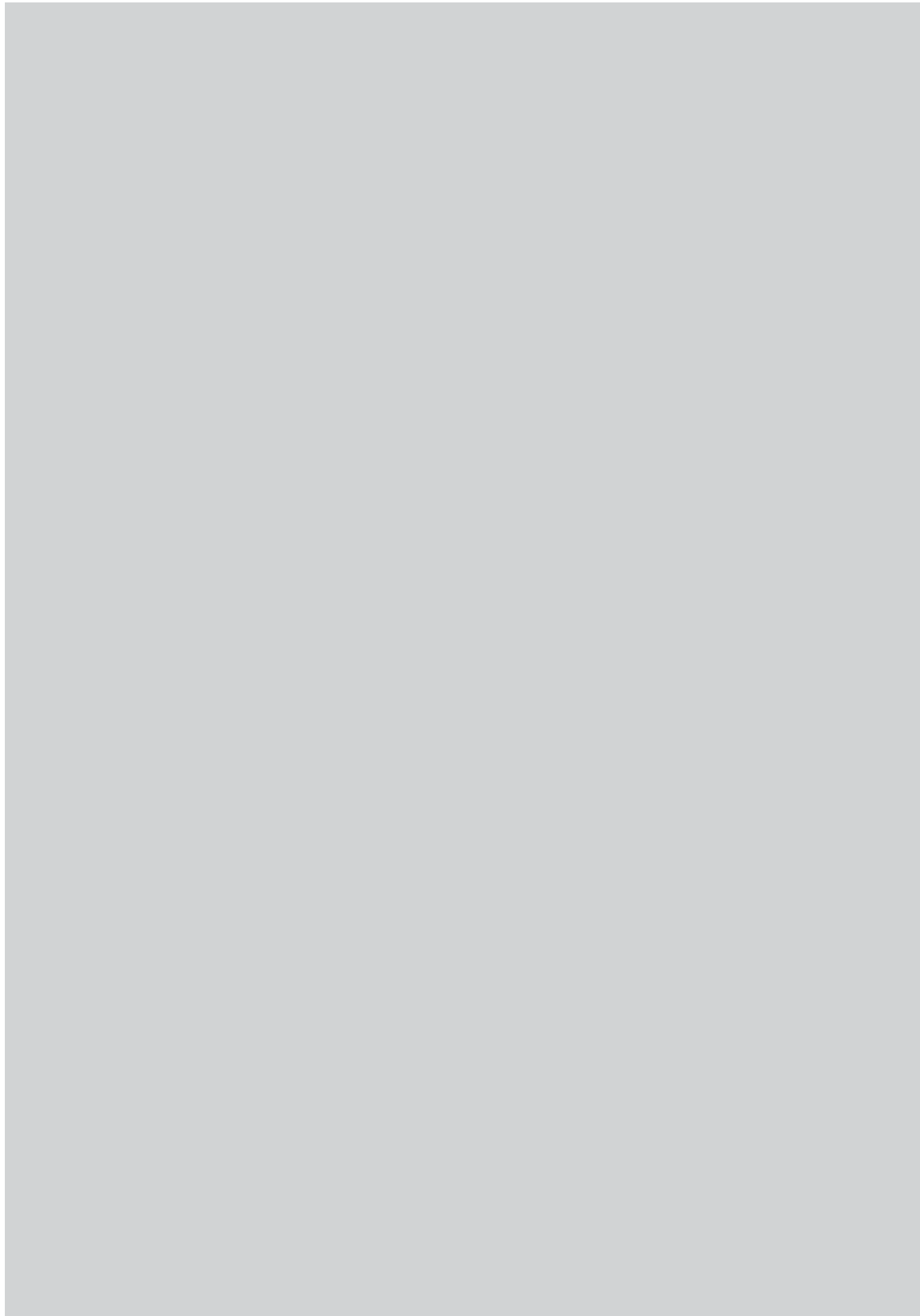
Proposed Mixed Use Development

Client: Scenic NSW Pty. Ltd.

Date: 21 December 2018

A Veris Company





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Executive Summary

This Statement of Environmental Effects (SEE) has been prepared to accompany a revised development application (DA) No. 767-2016 to Liverpool City (Council) on behalf of Scenic NSW Propriety Limited (Scenic).

This DA has a long and complicated history. It has been:

- » Subject of several Design Review Panel (DRP) meetings
- » Supported by legal advice
- » Changes in Council assessment officers and architects
- » Subject of amendments to the Liverpool Local Environmental Plan (LEP) and Liverpool Development Control Plan (DCP)
- » Subject to feedback and several meetings and discussions with Council and comments from Council
- » Present to the Joint Regional Planning Panel (JRPP)
- » Supported by technical advice.

This has led to the design of the building being revised several times and being refined for final DA submission.

This revised DA seeks consent to demolish the existing car park and construct a 21-storey mixed use development at 64 Bathurst Street, Liverpool comprising:

- » Five basement levels for storage, plant and parking
- » Four retail tenancies on the ground floor facing Bathurst Street
- » Four storey podium comprising two commercial tenancies with a courtyard, a mezzanine and communal open space for residents
- » A tower (17 storeys) with 66 residential units.

The estimated capital investment value is \$25,090,000 excluding GST. The proposal will be assessed by Council and determined by the Liverpool Local Planning Panel.

This SEE demonstrates that:

- » The proposal is generally consistent with the controls in the relevant SEPPs, the Liverpool LEP and DCP and intended use of the site.
- » Any adverse impacts can be appropriately managed. The supporting technical studies which accompany the DA establish that the environmental impacts of the proposed development are minor and where appropriate, make recommendations for the detailed design phase of the project which will provide certainty and clarity to guide the development.
- » The proposed development is in the public interest and will have a range of positive social and economic benefits, namely:
 - > Act as a catalyst for renewal stimulating development by attracting investment in the area contributing to the revitalisation of the Liverpool City Centre
 - > Increase the availability and choice of dwellings, retail and commercial spaces in the area
 - > Contribute to housing diversity through the mix of dwellings
 - > Increase population thereby supporting existing businesses and facilities within the town centre that will contribute to a more active and vibrant city centre

- > Provide additional housing where people have quality access to public transport, employment, education, medical, recreational and community facilities, goods and services, entertainment
- > Encourage healthy lifestyles and physical activity, by activating the street frontages, improving the permeability of the area via through site links connecting to the wider street network
- > Provide employment and contributing to the local economy during the construction phase
- > Deliver high quality development with good solar access, ventilation and communal open space.

Having considered all the relevant matters, we conclude that the proposal represents a sound development outcome that upholds Council's Vision and intended use of the site and is therefore recommended for approval.

Photomontage of proposed development



Abbreviations

Abbreviation	Description
ADG	Apartment Design Guide
BCA	Building Code of Australia
CBD	Central Business District
Cu.m	Cubic metres
DA	Development Application
DCP	Development Control Plan
DEP	Liverpool Design Excellence Panel
DPE	NSW Department of Planning and Environment
DtS	Deemed To Satisfy
EPI	Environmental Planning Instrument
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Reg	<i>Environmental Planning and Assessment Regulation 2000</i>
GST	Good and Services Tax
GFA	Gross Floor Area
ISEP	State Environmental Planning Policy (Infrastructure) 2007
Km	Kilometres
LEP	Local Environmental Plan
LGA	Local Government Area
NCC	National Construction Code
NSW	New South Wales
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy
Sqm/m ²	Square Metres
SREP	Sydney Regional Environmental Plan (deemed SEPP)
RMS	Roads and Maritime Services
VPA	Voluntary Planning Agreement
WMP	Waste Management Plan

1 Introduction

This revised Statement of Environmental Effects (SEE) has been prepared to accompany development application (DA) No. 767-2016 to Liverpool City (Council) on behalf of Scenic NSW Propriety Limited (Scenic).

The DA has been revised in response to Liverpool Council's Design Excellence Panel feedback (DEP) and ongoing discussions with Council since the original DA was lodged in August 2016.

The DA seeks consent to demolish the existing car park and construct a 21-storey mixed use development at 64 Bathurst Street, Liverpool comprising:

- » Five basement levels for storage, plant and parking
- » Four retail tenancies on the ground floor facing Bathurst Street
- » Four storey podium comprising two commercial tenancies with a courtyard, a mezzanine and communal open space for residents
- » A tower (17 storeys) with 66 residential units.

The SEE has been prepared in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the *Environmental Planning and Assessment Regulation 2000* (EP&A Reg) as well as the requirements of Council. It includes information about the background of the project, a detailed description of the site and the proposal, and an assessment of the proposal.

The SEE is based on and to be read in conjunction with the accompanying documentation for approval (i.e. DA documentation) listed in Error! Reference source not found..

Table 1 Accompanying documentation

Documentation	Prepared By	Date
Revised Documentation		
Plans		
Architectural Drawings	Saunders Global	December 2018
BASIX Stamped Plans	SLR Consulting	December 2018
Engineering Plans	Xavier Knight	November 2018
Landscape Plan	Habit8	November 2018
Reports		
Accessibility Design Review	ABE Consulting	December 2018
BASIX Certificate	SLR Consulting	December 2018
Design Verification Statement and Apartment Design Code Compliance Assessment	Saunders Global	December 2018
Geotechnical Report	EI Australia	December 2018
National Construction Code of Australia Deemed To Satisfy Assessment Report	Essential Certifiers	December 2018
National Construction Code of Australia – Section J Report	SLR Consulting	December 2018

Documentation	Prepared By	Date
Preliminary Site Investigation	Environmental Consulting Services	December 2018
Quantity Survey Report	Newton Fisher Group	December 2018
Structural and Civil Concept Design Report	Xavier Knight	December 2018
Substation Design Advice	AA Power Engineering	December 2018
Traffic Impact Assessment	Traffix	December 2018
Waste Management Plan	Elephants Foot	December 2018
Documentation originally submitted which has not been revised		
Legal Advice regarding permissibility and FSR	Addisons	03/08/2015
Legal Advice regarding permissibility of the development	Mills Oakley	04/07/2016
Legal Advice regarding setback controls	Mills Oakley	29/06/2017
Social Impact Comment	George Porter	17/05/2017
Survey	Lean Lackenby and Hayward	02/09/2014
Urban Design Analysis	E8Urban	20/06/2017

It is noted that a revised Acoustic Report was unable to be completed in time for December 2018 lodgement and will be provided in mid-January 2019.

2 Site analysis

2.1 Liverpool City Centre

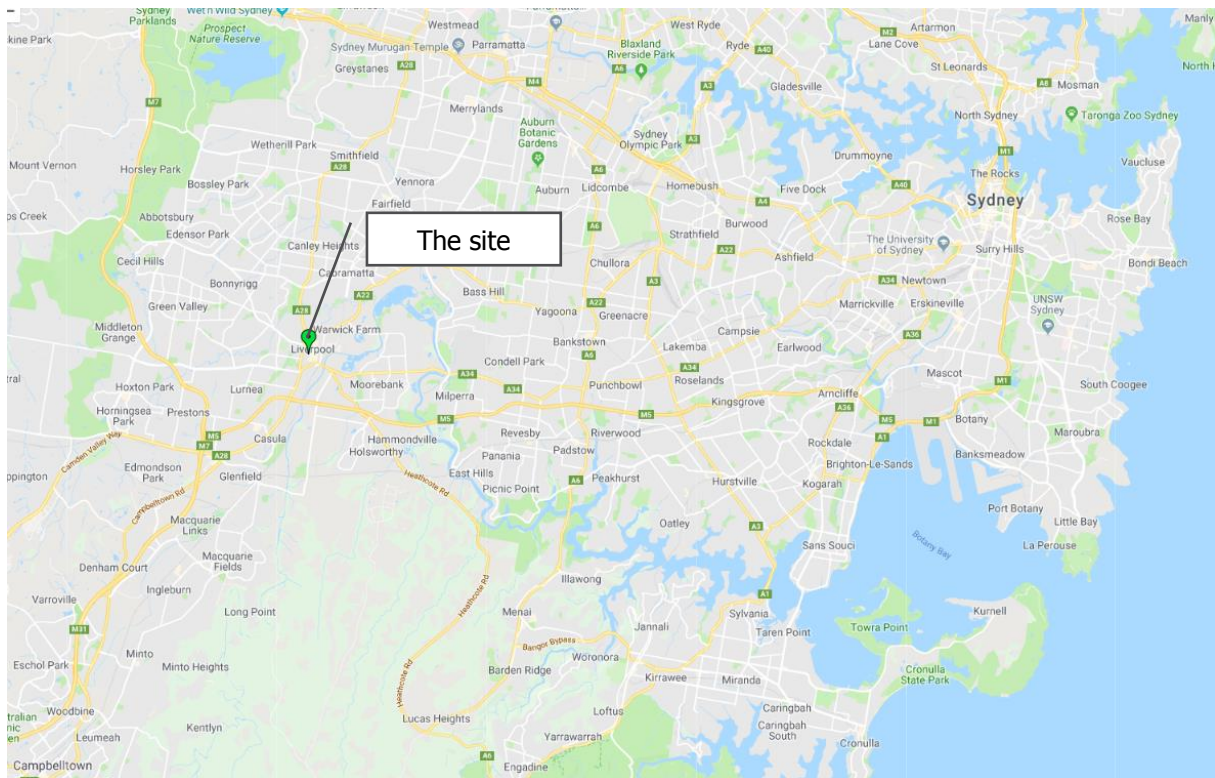
The site is located at the south western corner of Liverpool City Centre. Liverpool City Centre is located approximately 32 kilometres south west of the Sydney Central Business District, between the Georges River and the Hume Highway.

The city centre is home to one of Sydney's major medical precincts based around Liverpool Hospital which services Sydney's south west. The city centre plays a major retail role in the local area. It is also home to the Liverpool TAFE and the Liverpool Courthouse.

Liverpool City Centre can be accessed by public transport through Liverpool train station or one of many bus routes that stop at the Liverpool bus interchange.

A map showing the context of the site is provided below in **Figure 1**.

Figure 1 Site Context



Source: Nearmap 2018

Figure 2 Local Context



Source: Nearmap 2018

2.2 Site description

The site comprises one parcel of land legally described as Lot 10 DP 816556 with a total site area of 2,924 square metres (sqm). Huckstepp Serviceway dissects the site in a north-south direction, creating in two distinct and separate portions of land, as described and shown in table and figure below.

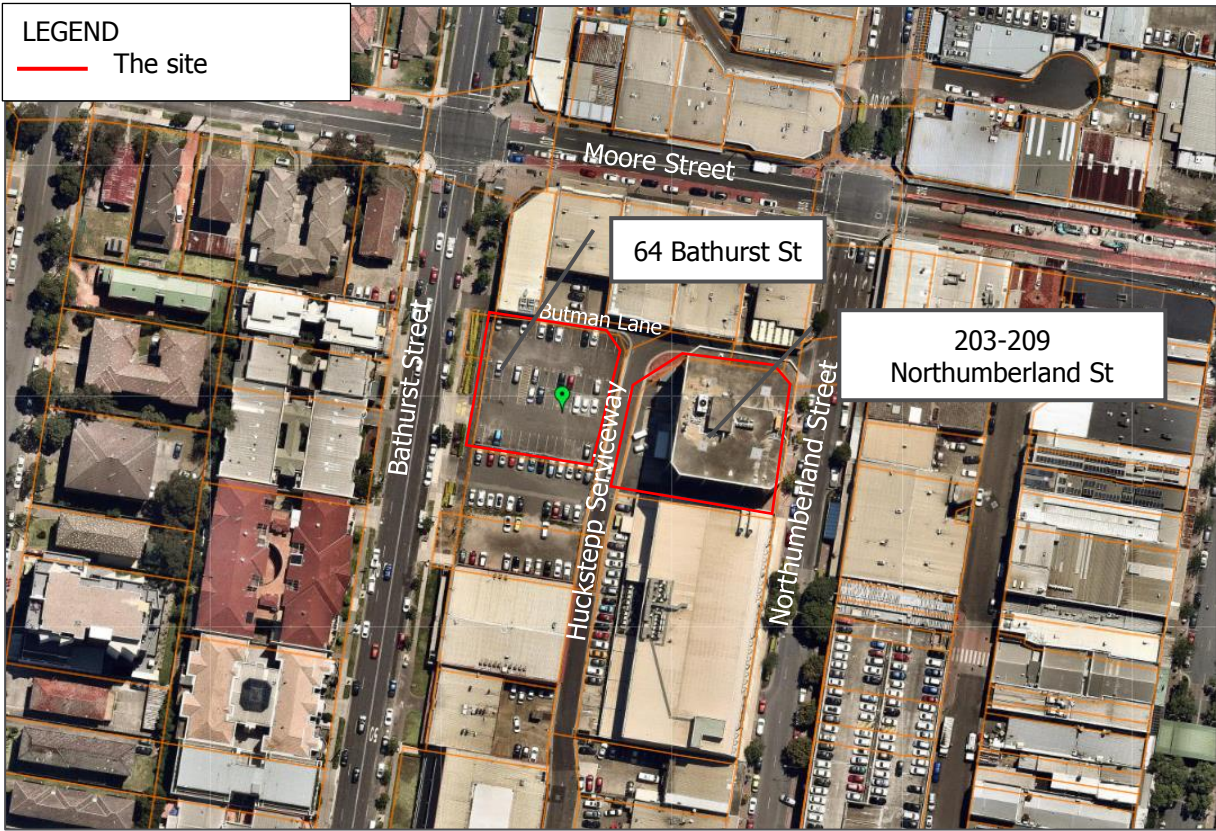
Table 2 Site details

Address	Description	Site Area (sqm)	Existing development
64 Bathurst Street	Western portion of site	1,331	At-grade bitumen car park with 55 car spaces. Access is via Bathurst and Huckstepp Serviceway. A sewer pipe runs along the site from the north-east corner to the south-east corner of the site.
203-209 Northumberland Street	Eastern portion of site	1,593	Eight storey commercial building with eight half levels of basement carpark with 147 spaces. Vehicle access is via Huckstepp Serviceway.

The proposed mixed use building is to be constructed on the eastern portion of the site known as 64 Bathurst Street and is referred to as 'the site' (from herein).

Refer to accompanying Survey for further detail.

Figure 3 Aerial view of the site



Source: Nearmap 2018

Site features

A summary of the key features of the site is provided in the Error! Reference source not found. below. The key planning and design opportunities and challenges for the site are described below.

Table 3 Key site features

Feature	Description
Biophysical environment	The subject site is cleared of vegetation. There are a number of street trees located outside of the site boundary along Bathurst Street and Northumberland Street which will be retained.
Contamination	The site is not expected to be significantly contaminated. Refer Section 5.3.4.
Flood	Pursuant to the Liverpool LEP 2008, the site is not identified flood prone.
Heritage	The site is bordered by 'Northumberland Street' and 'Bathurst Street' which are listed as a local heritage item known as item no. 89 Plan of Town of Liverpool (early town centre street layout–Hoddle 1827) within the Liverpool LEP 2008. Refer Section 5.3.8.
Soils	The soil characteristics and the layering of the soil is detailed in the accompanying Geotechnical Report.

Feature	Description
Topography	203-209 Northumberland Street is at a slightly higher elevation than 64 Bathurst Street, Liverpool. Both properties are located on relatively flat land.
Traffic, transport and access	The site is located on Bathurst and Northumberland Street intersecting with Moore Street which connects to the Hume Highway. Huckstepp Serviceway can be accessed via carpark a Bathurst Street or via Northumberland Street. Liverpool Train Station which is served by the T2 Inner West and Leppington Line, T3 Bankstown Line and T5 Cumberland Line is within 800m of the site. It is also situated within 400m of bus stops which are serviced by an extensive number of bus routes operating in the surrounding region.

2.3 Surrounding development

Current uses on surrounding land is detailed in the table below and illustrated in the figures below.

Table 4 Summary of surrounding land uses

Direction	Description
North	A diverse style of two-storey commercial buildings. Butman Lane extends along the rear of these commercial buildings with the exception of the commercial building at 112 Moore Street which is located at the boundary. Further north includes Moore Street (two lane) with single and double storey developments and six storey mixed use building along Bathurst Street.
East	Huckstepp Serviceway, a two-lane asphaltic-concrete laneway, followed by the eastern portion of the site (203-209 Northumberland Street), an eight-storey reinforced concrete commercial building with eight half levels (four levels total) of basement carpark with 147 spaces. The building has a setback of about 11m from the eastern site boundary of 64 Bathurst Street. Further east is two – four storey commercial buildings and car parking.
South	An asphaltic-concrete paved carpark, observed to be in poor condition, with large cracking is located to the south of the site. Further south is two storey older style commercial developments.
West	Bathurst Street, a four-lane asphaltic-concrete road followed by four storey residential apartment buildings. The nearest building is set back approximately 28m from the western site boundary.

Figure 4 Bathurst Street – Western Elevation – The site



Figure 5 Bathurst Street – Western Elevation



Figure 6 Pedestrian accessway – western boundary of the site



Figure 7 South-west corner of site



Figure 8 Adjacent car park along Bathurst Street



Figure 9 Bathurst Street – south west



Figure 10 Mixed use development along Bathurst Street – south



Figure 11 Mixed use development along Bathurst Street – north



Figure 12 Bathurst Street – Western Elevation – The site



Source: Nearmap © Google 2018

Figure 13 Huckstepp Serviceway – South



Source: Nearmap © Google 2018

Figure 14 Butman Lane



Source: Nearmap © Google 2018

Figure 15 Northumberland Street – North



Source: Nearmap © Google 2018

3 Background

This section of the report provides background to what has led to the revised submission of this DA.

3.1 Overview

The DA for this site has a complex history. The key issues associated with this history relate to the following:

- » Calculation of the site area and floor space ratio (FSR) given that Lot 10 DP 816556 is dissected by public road known as Huckstepp Serviceway
- » Permissibility under the B3 Commercial Core Zoning and use of Clause 5.3 Development near zone boundaries to permit shop top housing
- » Timing of the public exhibition of Draft Local Environmental Plan (LEP) Amendment No. 52 (which, amongst other matters proposed to rezone the site to B4 Mixed Use Development permitting shop top housing) and the Draft Development Control Plan (DCP) – City Centre DCP to support Amendment No. 52
- » Council Assessment Officer changes throughout the assessment of the DA and confusion/inconsistent views between Council departments about how to progress a DA for the site.

The first DA No. 365-2015 for the site was lodged in May 2015 by the applicant Mosca Psara Architects. This DA was subsequently withdrawn in response to a letter from Council advising that it did not support the DA in its current form and recommended it be withdrawn. This followed public exhibition of the DA, a Design Review Panel Meeting (July 2015), request for information from Council.

Following several meetings with Manager of Assessments and Strategic Planning about how to progress the DA, Council agreed that a revised DA could be lodged under the existing controls relating to the site. This was subject to a minimum of 30% of the gross floor area (GFA) being for commercial purposes and the remaining 70% GFA for residential. Consideration of Draft LEP Amendment No. 52 which had recently been exhibited was also required pursuant to the provisions of EP&A Act. As detailed in **Section 3.2** below a new DA was submitted in October 2016.

3.2 DA 767-2016 submission October 2016

In October 2016, Mosca Pserra Architects (now the former applicant) lodged a DA on behalf of Bradfield Building Group (the former development group coordinating the DA) seeking approval to:

- » Demolish the existing car park
- » Construct a 26-storey mixed use development at Lot 10 DP 816556 in the Liverpool City Centre comprising:
 - > Three commercial/retail tenancies on the ground floor (two facing Bathurst Street and one facing Huckstepp Serviceway)
 - > Parking facilities for residential units on three basement levels
 - > Five storey podium with parking facilities and five commercial tenancies
 - > Tower (21 storey) above with communal open space and a mix of serviced apartments and residential units
 - > Café and outdoor dining at the rear of the commercial building at 203-209 Northumberland Street.

Supporting documentation was limited to the following: Architectural Plans, Traffic Impact Assessment, BASIX Report, Disability Access Report, Landscape Plans, Legal advice of Addisons dated 03/08/2015 and Mills Oakley dated 04/07/2016, State Environmental Planning Policy (SEPP) No. 65 Design Statement and compliance table, Sediment and Erosion Control Management, Stormwater Drainage and Site Catchment Plan, Quantity Surveyors Report and Waste Management Plan (Council's Template).

It is noted that no pre-DA was held for resubmission of this new DA as it was agreed with Council that the issues could be resolved throughout the assessment process. This was based on a request from the applicant.

Throughout the DA process Elton Consulting on behalf of applicant submitted a number of additional reports in response to Council's request for information. This included a Social Impact Comment, Geotechnical Report, Acoustic Report and Contamination Report.

Following submission of the DA a number of DEP meetings were held in respect of the DA as detailed in **Section 3.3** below. Pursuant to the provisions of the Liverpool LEP 2008, sign off was required by the DEP before the DA could progress.

Further it is noted since the DA submission in October 2018, Amendment No. 52 has been published on the NSW Legislation Website and become law. This is addressed in **Section 5.1** and **Appendix A**.

3.3 Design Excellence Panel Meetings

A summary of the issues raised at the DEP meetings and how the design of the building has evolved is provided below. A detailed consideration of the minutes is provided in **Appendix A**.

3.3.1 October 2016 - DEP Meeting No. 2

A meeting was held with the DEP in October 2016 (No.2) for the proposal at which the DEP advised that:

- » The design had not changed to respond to their comments of the previous panel meeting in July 2015 (No.1) in respect of the DA No. 365-2015
- » The proposal cannot be supported by the Panel as there is a major non-compliance with the Apartment Design Guide (ADG) with the proposed the side set-backs.

3.3.2 July 2017 - DEP Meeting No. 3

A further meeting was held with the DEP in July 2017 (No. 3) at which the architect prepared a detailed assessment of the adjoining site's development potential and illustrated how the proposed setbacks at the site would not limit the neighbouring properties development potential.

The following documentation was submitted to the Council and the Panel in preparation for the meeting:

- » Independent Urban Design Analysis by E8Urban 20 June 2017
- » Legal advice from Mills Oakley dated 29 June 2017 about weight given to the compliance of setback controls in the ADG
- » Evidence of the client's efforts to purchase land from the property owner of 68 and 70 Bathurst Street on numerous occasions

The DEP recognised the complexity of the planning controls and raised the following concerns:

- » Proposal diminishes opportunities for the adjoining sites to the north and south to be similarly re-developed – would require the adjoining sites to provide greater setbacks from the shared side boundaries so as to meet the building separation standards of the ADG
- » Bulk and scale of the development at the site being out of context with the surrounding sites, even if they were to be redeveloped in accordance with Council's LEP.

The Panel noted while they were not satisfied that the built form of the tower component of the development is the most suitable for the site. Ideally, the site should be combined with one or both of the adjoining sites, which could allow ADG compliant setbacks and a viable residential floor plate.

Importantly the panel advised if this cannot be achieved, **an alternative approach may be to locate the southern face of the tower on the southern boundary ("party wall" or zero lot line configuration, which the ADG contemplates in high density zones)** and provide a 12m side setback from the northern boundary. The Panel also noted that this configuration may not meet certain LEP provisions and would only consider such an arrangement if:

- » The scale and appearance of the party wall were managed by locating corner balconies at both the eastern and western ends of the wall on each floor
- » The provision of a deep vertical slot at its centre
- » The width of each of the two resultant blank walls on the boundary would then be limited to about 8m and they would need to be constructed of high-quality materials with an appropriate finish

- » It was satisfied that viable redevelopment of the adjoining site would result in an acceptable overall outcome in terms of bulk and scale when both sites are redeveloped. The applicant would need to show how the adjoining site could be redeveloped to achieve this outcome.

The DEP also suggested that the pedestrian walkway be relocated along northern boundary. This would enable the laneway to be extended to provide vehicular access from Huckstepp Lane to Bathurst Street if the adjoining site to the north were to be re-developed in the future.

The panel advised that the proposal was not acceptable in its current form and must be referred to the DEP.

3.3.3 28 September 2017 – DEP Meeting No. 4

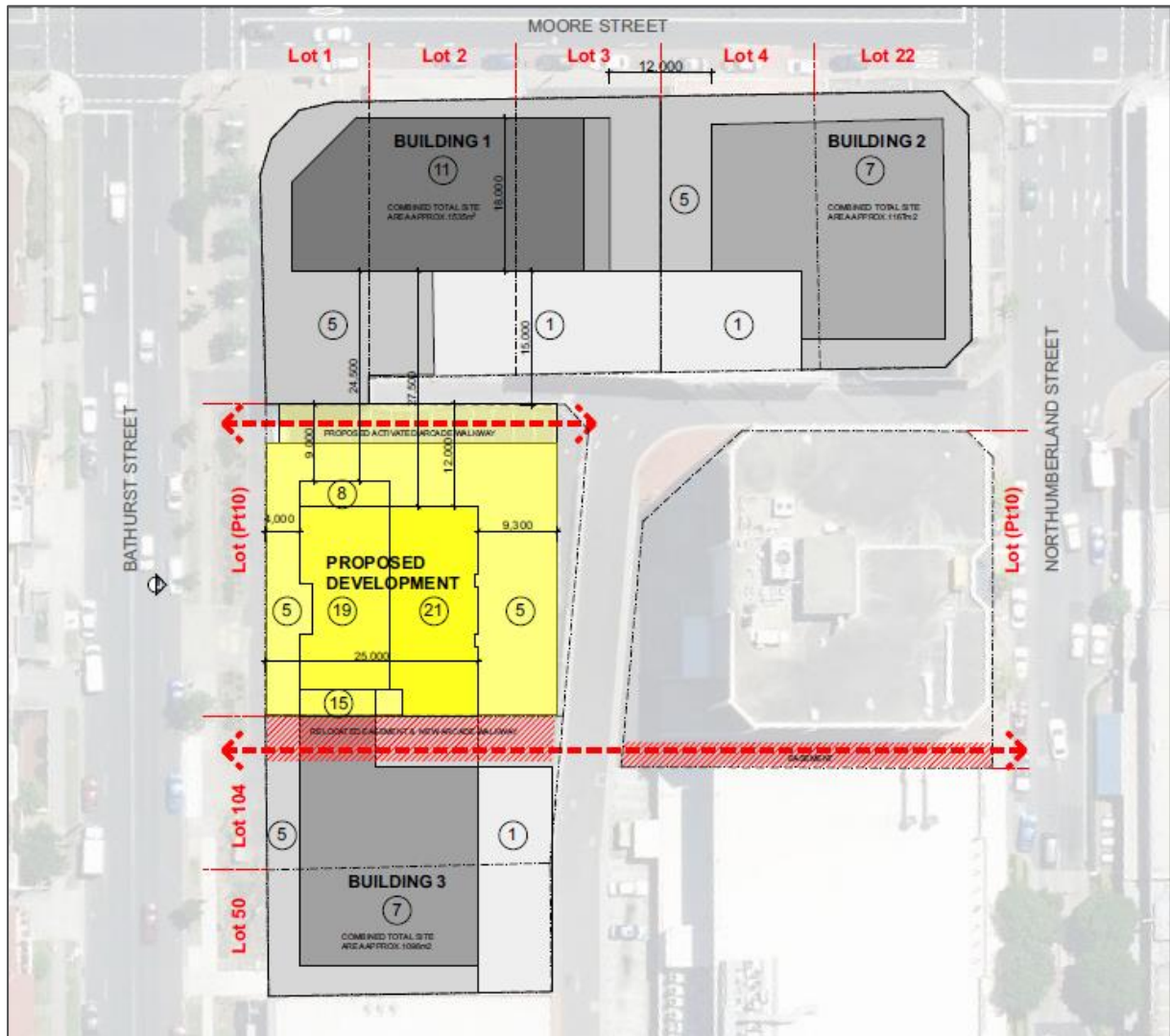
In response the DEP meeting in July 2017 (No.4) the applicant Mosca Pserra's presented an alternative design solution summarised as follows:

- » Provision of a 9m and 12m setback to the northern boundary
- » 3m setback along the northern boundary to facilitate a pedestrian walkway/ extension of the laneway
- » Reduction in the height to 21 storeys for the western portion of the building and 24 storeys to the eastern portion.
- » Building envelopes shown for neighbouring properties
- » Zero lot line on the southern boundary with a deep vertical slot.

Following this meeting a revised Building Envelope Plan (Refer Error! Reference source not found.6) and Internal Building Envelope Plan was submitted to enable the DEP to finalise their minutes.

The DEP advised that proposal was acceptable subject to the incorporation of the above advice given and will not need to be reviewed by the panel again. Refer to **Appendix A** for consideration of the DEP's advice.

Figure 16 Agreed building Envelope Plan



Source: Mosca Pserra's Architects SP05 September 2017 -SP05 Revision D

3.3.4 May 2018 – DEP Meeting No. 5

December 2017 Meeting with Council

The project team met with Council staff in December 2017 (No. 5) to discuss the proposal moving forward.

The key objective of the meeting was to introduce the new architects Saunders Global and discuss the revised floor plan layouts, as well as other changes. At that meeting:

- » Council advised that the DEP had approved the building envelope and floor layouts submitted by Mosca Pserras Architects. It was noted by the project team that a copy of meeting minutes had not yet been provided.
- » The project team requested that Council organise a DEP meeting to present a revised floor layout, details around the materials and finishes to the building and other minor changes to the design of the building
- » Council advised that the proposal progress based on the envelope agreed at the panel meeting in September 2017, with minimal changes to the (in particular, maintaining 30% commercial and 70% residential mix), otherwise a new DA would need to be lodged.

February 2018 DEP Meeting

In February 2018, a revised architectural package was submitted for the DEP Meeting (No. 5). The proposal maintained the mix of 30% commercial and 70% residential, and generally complied with the envelope agreed, with some minor changes as follows:

- » Four storey podium instead of five
- » A two-floor extension to the portion of the building facing Bathurst Street, from 19 to 21 storeys
- » Parking in five levels of basement instead of three basement levels and two podium levels

The package also included further detail regarding the laneway design and treatments of the facades.

May 2018 DEP Meeting

A meeting was held with the DEP in on the 17 May 2018 (No.5) for the proposal to present the revised design scheme and introduce the new architects Global Saunders.

The Panel:

- » Thanked the proponent for bringing the scheme back to the Panel for its consideration
- » Appreciated that the scheme has responded to some of the Panel's previous issues including the provision of greater setback to the northern boundary above the podium level and that the laneway has been relocated to the northern boundary of the site
- » Noted that the presentation and rendering presented at the meeting illustrate a significant improvement from the previous scheme
- » Commented that the proposed 12m setback from the northern boundary above the podium level is supported by the Panel as it complies with the ADG building separation requirements
- » Advised that the previous DEP minutes identified a maximum 8m blank wall to the southern boundary as illustrated by drawings submitted to the DEP at the meeting which showed one length of building on the southern boundary. It was assumed in this meeting that this wall would have no openings. The extent of the building now proposed on the southern boundary substantially exceeds this figure. The notes from previous meetings regarding the amount of building to the boundary must be applied without impinging on the rights of the neighbouring site to build along the boundary, or to result in inadequate light and air to the apartments within the proposal should that occur. Therefore, it is likely that the amount of building to be placed on the

boundary will be limited to one instance of 8 metres unless apartments can be replanned to achieve a reasonable amenity with a neighbouring (commercial) building in place at the boundary

- » The amended scheme proposes glass curtain walls along the southern boundary and windows to habitable rooms setback 3m from the southern boundary. Habitable rooms setback only 3 metres from the boundary does not comply with the requirements of the ADG in terms of building separation. The scheme would prejudice the residential development potential of the southern adjoining sites if/when they are re-developed in that it forces the southern adjoining sites to provide all the required ADG building separation. The proposal must be amended to comply with ADG separation requirements
- » The applicant presented drawings showing that the southern adjoining sites, if they were re-developed, would only be capable of accommodating smaller buildings as they would be entitled to much lower FSR than the subject site. The Panel does not accept this argument, as the scheme would require the southern adjoining sites to absorb all the required ADG spatial separation between buildings. Neither the Panel nor the proponents can know what future lot amalgamation might be undertaken
- » The relocation of the laneway to the northern boundary of the site is supported in principle by the Panel but needs to be designed as an orderly extension of Butman and Huckstepp lanes not a pedestrian only laneway
- » The number of 3-bedroom apartments should be increased to a minimum of 10% of the total apartments proposed
- » The communal open space on level 4 should be supported by suitable landscaping design details

The Panel concluded that:

Not all the issues raised in the previous DEP Minutes have been satisfactorily addressed by the amended proposal which has generated additional matters of concern. The site is highly constrained and not all the issues raised can be resolved by the Panel in terms of providing an orderly development for the site.

In the event that amended plans are submitted to Council to address the concerns of the Design Excellence Panel the amended plans should be considered by Council and if it is shown that all matters are addressed to the satisfaction of the Liverpool City Council planners then the project is not required to return to the Design Excellence Panel.

Should the proponents wish to submit an alternative proposal not in accordance with the recommendations of this letter the DEP would ask that the proposal return to the Design Excellence Panel.

Since the DEP Meeting, the project team has sought advice from Council in respect of the:

- » The laneway design
- » The floor layouts of the southern units and treatment of the façade with a number of floor layouts provided
- » Technical documentation to be submitted with the DA including that to be updated and additional documentation required to support the revised design scheme
- » Process for lodging revised DA documentation and process once lodged
- » Provision of 3-bedroom units.

It is noted that Council agreed that the following was acceptable:

- » The provision of 9% for 3-bedroom apartments
- » Laneway Design.

Council noted that any non-compliances with the ADG (if required) need to be justified and ensure any proposal can meet relevant provisions of the Building Code of Australia (BCA) National Construction Code (NCC) 2016.

On the 9 September 2018, Elton Consulting sent a letter to Council detailing how we have responded to the DEP minutes (28 September 2017 and 17 May 2018) and subsequent discussions with Council. Attached to this letter was the Laneway Design and Façade Study laneway design Refer **Appendix B**.

We consider that the design issues have been adequately addressed. Refer to **Section 4** and **5.3.2** for details of the proposed design of southern façade.

4 The proposal

4.1 Overview of the proposal

This DA seeks to construct a 21-storey mixed use development at 64 Bathurst Street comprising:

- » Five basement levels for storage, plant and parking
- » Four retail tenancies on the ground floor facing Bathurst Street
- » Four storey podium comprising two commercial tenancies with a courtyard, a mezzanine and communal open space for residents
- » A tower (17 storeys) with 66 residential units.

A description of the key features of the proposed development is provided in the tables below.

Table 5 Features of development proposal

Feature	Numerical description
Site Area Total	2,924m ²
63 Bathurst Street	1,331m ²
203-209 Northumberland Street	1593m ²
Gross Floor Area (GFA) Total	15,412m ²
GFA Existing commercial building at 203-209 Northumberland Street	7,000m ²
GFA proposed development at 64 Bathurst Street	8,412m ²
Commercial/residential GFA at 64 Bathurst Street	2,510m ² (30%) /5,902m ² (70%)
Floor Space Ratio (FSR)	5.2:1
Building Height	75.3m at the Bathurst Street
(Existing ground level to top of architectural feature above plant)	75.9 At Huckstepp Serviceway
Setbacks	
Western (Front)	Podium: 0m
	Tower: ranges from 4m to 5.150m
Eastern (Rear)	Podium: ranges from 7.025m to 9.960m on ground level and level 1 mezzanine and 3.375m (levels 2 - 4)
	Tower: ranges from 9.94m SE corner to approximately 12m in the NE corner

Feature	Numerical description
Northern (side)	Podium: 3.150m Tower levels 5-8: 9m and 12m Tower levels 9-21: 12m.
Southern (side)	Podium: 0m Tower Level 5-15: 0m with 3m for void and 1.2m unit walls to the east and west. Tower Level 16-21: Ranges 0m, 1.2m on the eastern boundary and 3m on the western balcony.
Parking	
Basement parking	90 car spaces + 1 car wash 4 motorcycle spaces 44 bicycle spaces 2 spaces for service vehicles
Ground level	A loading bay
Communal open space and deep soil	
Deep Soil	Not provided
Communal open space – Level 4 residential	884 m ²
Communal open space – Level 3 commercial	127 m ²

Table 6 Description of each level of the building

Level	Description
Basement Level 5	» 78 storage units (6m³) for residential and 2 loading bays » Plant rooms and car park mechanical exhaust » Residential lobby, 2 x lifts and fire stairs
Basement Level 4	» 26 residential car spaces » 1 motorcycle space » 8 bicycle spaces » Plant rooms » Residential lobby, 2 x lifts and fire stairs
Basement Level 3	» 26 residential car spaces » 1 motorcycle space

Level	Description
	» 8 bicycle spaces » Plant rooms » Residential lobby, 2 x lifts and fire stairs
Basement Level 2	» 15 residential car spaces (including 7 disabled spaces and 8 visitor spaces) » Car wash bay » 1 motorcycle space » 14 bicycle spaces » Plant rooms » Sprinkler pump room » Residential lobby, 2 x lifts and fire stairs
Basement Level 1	» 18 commercial car spaces (including 1 disabled spaces and 2 visitor spaces) » 1 motorcycle space » 14 bicycle spaces » Plant rooms » Sprinkler storage chamber and hydrant sprinkler storage chamber » Residential and commercial lobbies, 3 x lifts and fire stairs » Rainwater tank 12m² » Void
Podium Ground	» Loading dock » 4 retail tenancies and Fire Control Centre with frontage to Bathurst Street » Commercial and residential waste rooms » Bathroom facilities – 2 x water closets (WC) and 1 x disabled WC » Residential including 2 x lifts and commercial lobbies including a lift » Fire stairs and egress corridors » Substation kiosk » Switch room and hot water plant » Car park entry/exit
Podium Level 1 (Mezzanine)	» Commercial tenancy 221m² » Bathroom facilities – 2 x unisex disabled WC » Fire stairs and lifts with commercial lift accessing this floor only » Void
Podium Level 2	» Commercial tenancy 967 m²

Level	Description
	» Bathroom facilities – 1 x unisex disabled toilet WC and 1 x women's and male WC » Fire stairs and lifts with commercial lift accessing this floor only » Services room.
Level 3	» Commercial tenancy 859m² » Communal open space 127m² » Bathroom facilities – 1 x unisex disabled toilet WC and 1 x women's and male WC » Fire stairs and lifts with commercial lift accessing this floor only » Services room.
Level 4 Podium	» Communal open space 884m² » Void to lower communal open space » Meeting room » Bathroom facilities – 1 x unisex disabled toilet WC and 1 x unisex WC » Fire stairs and lifts » Services room.
Tower Levels 5 - 8	» 2 x 2 Bedroom units » 1 x 3 Bedroom » 1 x 1 Bedroom unit » Waste, electrical and communications rooms » Lobby, fire stairs and lifts
Tower Level 9	» 3 x 2 Bedroom units » 1 x 1 Bedroom unit » Waste, electrical and communications rooms » Lobby, fire stairs and lifts
Tower Level 10-15	» 3 x 2 Bedroom units » 1 x 1 Bedroom unit » Waste, electrical and communications rooms » Lobby, fire stairs and lifts
Tower Level 16	» 3 x 2 Bedroom units » 1 x 1 Bedroom unit » Waste, electrical and communications rooms » Lobby, fire stairs and lifts
Tower Levels 17-19	» 3 x 2 Bedroom units

Level	Description
	» 1 x 1 Bedroom unit
	» Waste, electrical and communications rooms
	» Lobby, fire stairs and lifts
Tower Levels 20-21	» 3 x 2 Bedroom units
	» 1 x 3 Bedroom unit
	» Waste, electrical and communications rooms
	» Lobby, fire stairs and lifts
Roof	» Plant including lift overrun.

A detailed description of the key features of the proposed development is provided in the tables below.

4.2 Access

Provision for access incorporated into the design of the building is summarised as follows;

- » Bathurst Street is the primary street frontage of the new mixed-use building. Access to the building will be via two lobbies located at this frontage.
- » Each retail tenancy at the ground floor has separate entries to the street with a secondary entry to back of house areas. A separate lobby and entrance are provided for the tower and podium components of the building.
- » Fire stairs to the basement levels is provided outside these entry points.
- » A 3m setback is provided along the northern boundary of the site to facilitate a potential extension of Butman Lane to extend to Bathurst Street and facilitate vehicle access to the property on the corner to the north should it be redeveloped.
- » Vehicle access to the basement levels is via the entrance located at the south-eastern boundary of the site, off Huckstepp Serviceway.
- » The column free loading dock for waste and servicing is provided at the rear of the building fronting Huckstepp Serviceway.

4.3 Apartment mix

The proposed building will comprise 66 apartments, with the mix detailed in Error! Reference source not found..

Of these, seven units (3 x 1-bedroom and 4 x 2-bedroom apartments) are capable of being adapted for disabled or elderly residents representing 10.6%.

Table 7 Proposed dwelling mix

Apartment size	Number	Percentage of Apartments (%)
1 bedroom	15	23
2 bedroom	45	68
3 bedroom	6	9

Refer to accompanying Architectural Plans, Adaptable Unit Layouts and Disability Access Report for more information.

4.4 Built form, design and massing

The design of the building has been prepared in response to the following:

- » Planning controls that applies to the site at the time the DA was originally lodged including being zoned B3 Commercial Core and reliance of Clause 5.3 Development near zone boundaries which led to the residential component being retained to 25m from western boundary
- » Site constraints and opportunities with key to ensuring that the proposed built form at the site does not prevent neighbouring sites redevelopment opportunities
- » Comments from the DEP – as detailed in **Section 3.3** and **Appendix A**.
- » Advice from Engineers (Hydraulic, Civil, Structural, Electrical and Water Serving Coordinator)

In summary:

The development comprises a four-storey podium to relate to the heights of neighbouring buildings with a residential tower setback with over 17 storeys.

The building envelope was generally agreed to by the DEP at their meeting (**Section 3.3.4**) subject to a number of matters being addressed. The details of the floor layouts and facade treatments have been refined in consultation with Council and technical advice from consultants.

Design of southern units

The design of the southern units is complex due to the various legislation, guidelines and DEP requirements to be considered and as such is worth highlighting.

The key features of the design of the southern boundary façade and unit layouts is summarised below:

- » The provision of a deep vertical slot (3 x3m) is provided in the centre of the façade of the southern boundary up to Level 16 – this will improve the amenity of these south facing units
- » Solid blank walls of no more than 8m along will be provided along the southern boundary. This is achieved through:
 - > Provision of 1.2m setback to create a staggered effect for units on the lower levels (Levels 5-15) and upper levels of the eastern portion of the building

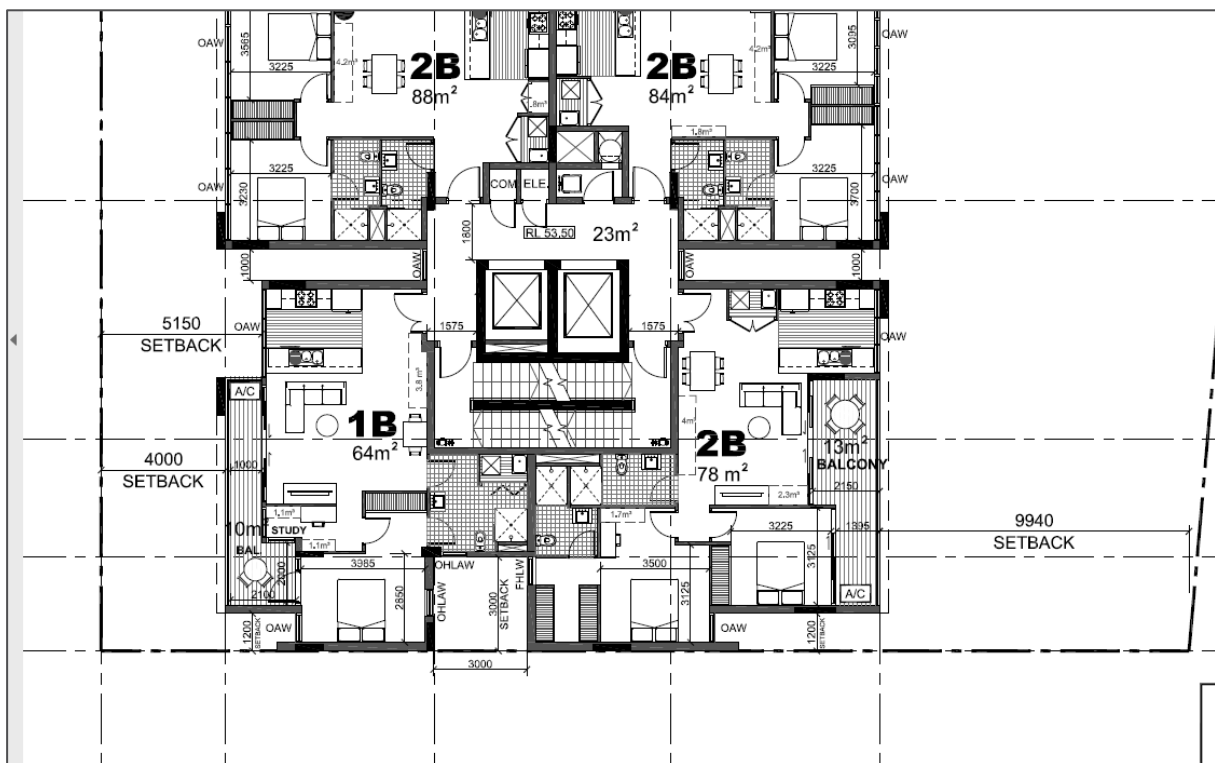
- > Utilising opaque glazing panels to the balconies of the units in the south-west portion of the site at the upper levels (Levels 16-21)

The above will ensure the requirement for a maximum 8m blank facade is met while also ensuring reasonable levels of external and internal visual privacy can be achieved and protecting the development rights of the neighbouring property to the south should they redevelop

- » South facing highlight windows are provided to non-habitable rooms including water closets. They will be opaque glazing panels to achieve adequate daylight access and visual privacy of the residents
- » The deep vertical slot has been designed to take into account privacy issues and ensure a good level of amenity solar access and ventilation can be achieved for these units. As shown in the **figures** below:
 - > An operable high-level window will be provided to the WC which faces directly to the southern boundary (non-habitable room)
 - > An operable high-level window will be provided to the south-west bedroom unit
 - > A full height louvered window will be provided to the walk-in wardrobe area of south-east units (non-habitable room)
 - > The windows east and west unit are offset from one another to ensure visual and acoustic privacy.

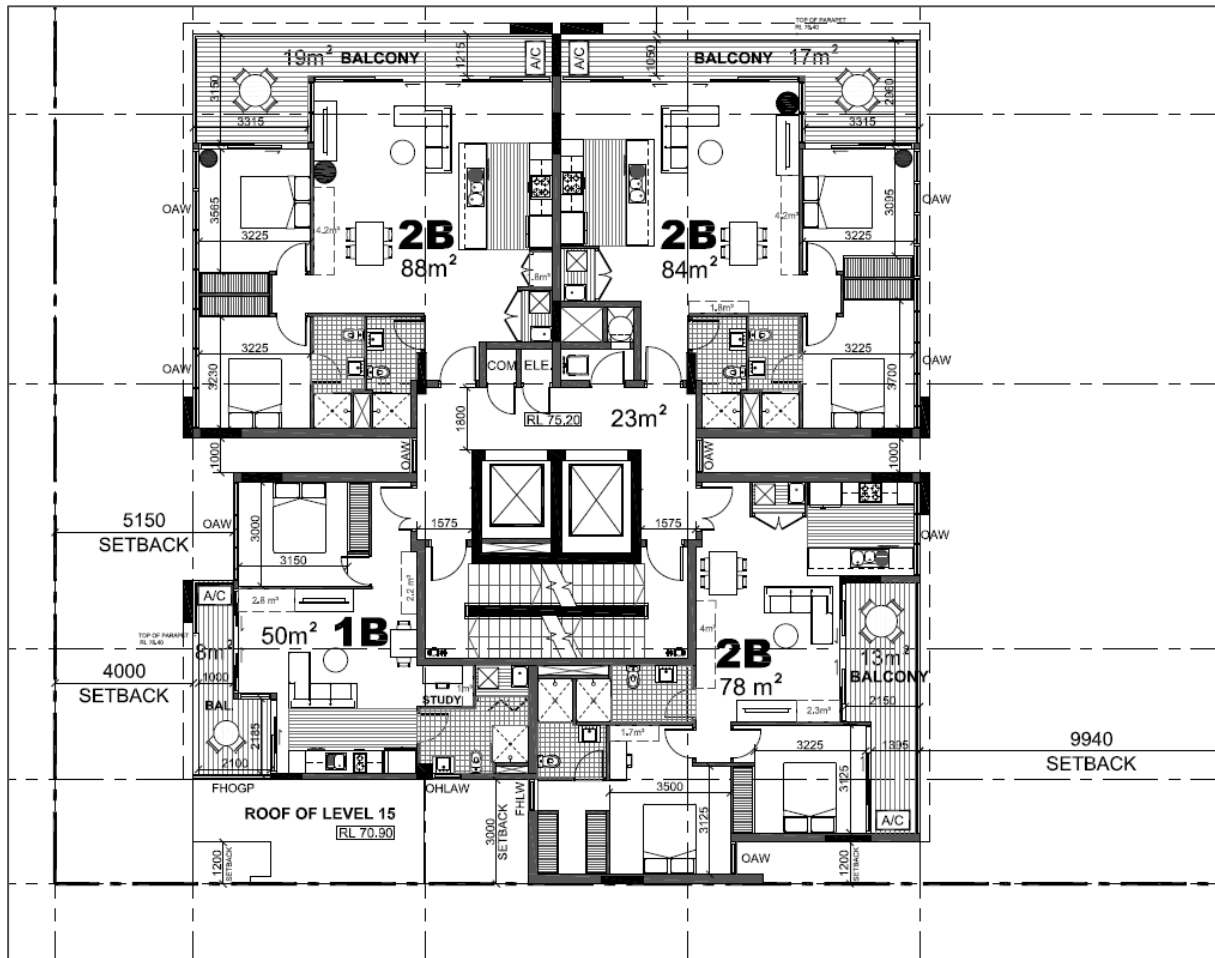
Refer to **Section 5.3.2** for consideration of the impacts of the setback.

Figure 17 Floor layout southern units Levels 10-15



Source: Saunders Global 2018

Figure 18 Floor layout southern units Level 17-19



Source: Saunders Global 2018

Articulation elements and materials

The façade elements along each elevation are varied. The key elements used to achieve articulation of the building include:

- » Division of façades separated by indentations and different design features
- » Balconies and shade awnings that project forward of the walls
- » A mixture of enclosed and closed balconies including recessed and wrap around balconies at corners of the building at the northern boundary
- » A mixture of solid and glass balustrades
- » High performance glazing panels
- » Brick finishes to the base of the building
- » A mix of materials with varying colours and tones including cladding, glass, concrete slabs, glazing, and upstands painted to articulate surfaces
- » Aluminium framed windows and doors
- » Steel frame awnings
- » Recessed entrances and use of timber screens to highlight main lobbies
- » Column-free long-cantilevered structure over the eastern wing of the building with undercroft for service loading dock
- » Texture concrete walls on southern boundary to add visual interest
- » Flat roof form with an architectural feature to shield the lift overrun and plant.

These elements will:

- » Enhance the visual quality of the proposed development
- » Add richness to the façade
- » Reduce the potential appearance of adverse bulk or scale
- » Provide a positive contribution to the emerging character of Liverpool CBD
- » Contribute to a visually interesting skyline.

Refer to accompanying Architectural Plans which includes Elevations, and Materials and Finishes Schedule.

4.5 Floor space ratio and gross floor area

The permitted FSR is based on the total site area being 2,923m² on the one parcel of land described as Lot 10 DP 816556. Refer to accompanying Legal Advice from Mills Oakley dated 4 July 2016 and Addisons Lawyers dated 3 August 2018, which confirms that the site is one parcel of land despite being dissected by a Huckstepp Serviceway. FSR has been calculated accordingly.

Further at a meeting in January 2016 Council's Manager of Assessments confirmed that Council agreed that the site comprises both part lots and as such be used in the calculation of site area and GFA.

4.6 Land use mix

Due to its B3 zoning and reliance on Clause 5.3 Development near zone boundaries of the Liverpool LEP 2008 to permit the proposal, Council were of the view that the development must have an adequate mix of commercial versus residential uses.

At a meeting on the 22 May 2016, it was agreed with the Manager of Assessments and Strategic Planning that the proposed development was required to have a minimum of 30% commercial uses with the remaining being residential.

Accordingly, proposal provides 2,510m² (30%) GFA commercial/retail and 5,902m² (70%) GFA residential.

4.7 Open space and landscaping

Key aspects of the landscaping and open space design are outlined in the **Error! Reference source not found.** below.

Table 8 Proposed open space

Open space	Description
Private open space	» Private open space will be provided in the form of balconies directly accessible from the living area
Communal open space Level 4	» Includes meeting room, toilet facilities, seating and planter boxes with seating edges » Landscaping consists of planter boxes, large pots with a mix of native and non-native plants including: > Trees such Tree ferns, Frangipani, Giant Bird of Paradise > Shrubs such as Agave, Yuccas, Greveilla and Gynea Lily > Flowering ground covers such as Pigs face, Native Violet and Jasmine
Courtyard for commercial tenancies	» Palm planting in pebbles species include Bangalow Palms and Cabbage Tree Palms
Street frontages	» Integration of the existing garden bed, street trees and landscaping in Bathurst Street.

Refer to accompanying Landscape and Architectural plans for more detail.

4.8 Parking provision

Vehicle, bicycle and motorcycle parking will be provided within the five levels of basement. A description of the parking to be provided is summarised in the Error! Reference source not found. below.

The layout of the basement is illustrated in the Architectural Plans. All ramp grades, transitions, widths and height clearances are in accordance with relevant Australian Standards. Refer to **Section 5.3.10** and accompanying Traffic Impact Assessment.

Table 9 Parking provision

Use/type	No. of spaces and location
Commercial	» 17 commercial spaces including 1 accessible space and 2 visitor spaces.
Residential	» 73 residential car spaces in basement levels 1-4 (includes 7 accessible spaces and 8 visitor spaces.
Motorcycle	» 4 spaces one on 1-4 basement levels
Bicycle	» 44 spaces over basement levels 1-4
Service vehicle parking	» An under croft loading bay accessed from the Huckstepp Serviceway, which can accommodate at any time: > A 9.5m waste collection vehicle > A 6.4m Small Rigid Vehicle » Two loading spaces on Basement Level 5 (adjacent to storage areas) which can accommodate a large van (based on a B99 design vehicle) » One car wash bay situated on Basement Level 2.

4.9 Site preparation and excavation

Earthworks will be required to excavate for the five levels of basement parking.

Bulk excavations of 15.3m below existing site ground surface levels, from RL19.90 (existing ground level) to RL4.60. Refer to Elevations in the accompanying Architectural Drawings.

Section 5.3.8 and the accompanying Geotechnical outlines monitoring and support systems to be implemented during excavation is accompanies this SEE.

4.10 Structural design

The Structural and Civil Design Report details the structural system proposed for the development.

The vehicular accessibility to the building mandated the use a deep transfer structure over the ramp area at Level 2, and of column-free long-cantilevered structure over the eastern wing of the building at levels 2 to 4.

The column layout at the basement was selected to suit the functional requirements of the car-parking levels. The same column layout was adopted for the commercial spaces. However, this column layout had to be changed at Level 4 to suit the architectural configuration of the residential levels. The change in the structural layout mandated the use of a transfer at Level 5 floor slab. This is illustrated in the part east-west section of the building shown in the Podium Section (Plan No. DA31) in the accompanying Architectural Drawings.

The Structural and Civil Design Report concluded that the following will be the most appropriate and cost-effective flooring system:

- » Post-tensioned (P/T) flat plate slabs for the typical floors and the transfer floors (Levels 3 and above). This will also assist the control of deflection of the large cantilevers over the loading dock area at levels 2 to 4
- » Conventional reinforced concrete flat slabs for the basement slabs and the mezzanine floor area, due to the complexities imposed by the edge restraints – Level 2 and below

4.11 Stormwater and soil management

Stormwater

The accompanying Hydraulic Plans detail the proposed stormwater management and sediment controls measures for the proposed development.

The proposed stormwater management strategy includes a combination of systems that work in tandem to manage stormwater and has been informed by detailed water quality analysis using MUSIC modelling.

In summary the strategy includes:

- » **Combined rainwater harvesting and treatment tank south of the Substation Kiosk near Huckstepp Service way:** Rainwater will be collected from the ground, roof and the communal spaces on Levels 3 and 4 into the tank. Roof water will be discharged into the rainwater tank while runoff from the other areas will be directed into the stormwater filtration system. Harvested water in the tank will be pumped-out for reuse purposes (e.g. irrigation) and any excess water from the tank overflows into the filtration chamber.
- » **Basement Sump:** The car parking aisles of all basement levels have been graded towards rainwater outlets or grated surface inlet pits. Strip drains are provided along the outside of the basement walls that connect into the perimeter drains along the inside of the walls. A system of horizontal and vertical downpipes conveys the flows down into the sump located in Basement 5. The sump has the minimum required volume of 3m³ (AS3500.3) and will be provided with 2 submersible pumps. In case of pump or power failure, an above-ground storage is available on Basement 5 which is approximately 4m³. Water collected in the sump will be pumped-out and discharged into the stormwater filtration system near Huckstepp Serviceway.
- » **Outlet Pipe:** A 225 mm diameter outlet pipe from the stormwater filtration system is proposed to run along the western edge of Huckstepp Serviceway and connect to the existing kerb inlet pit just south of the site.

It is noted that Liverpool Council advised that no on-site detention (OSD) system is required if the proposed development does not result in the increase of the site's imperviousness. Since the existing site is a fully-paved car parking area (i.e. 100% impervious), an OSD is not required for the proposed development.

Refer to Structural and Civil Design Report for further detail.

Soil management

The contractor is to implement drainage, soil and sediment control measures in accordance with notes detailed in the plans. Key features of the plan include:

- » Sediment fences
- » Temporary catch drain and stormwater pipe
- » Shaker grid
- » Sand bags
- » Stockpile
- » Sediment pond.

Refer to Hydraulic Plan which provides details regarding erosion and sediment controls.

4.12 Waste management

Ongoing waste management

A Waste Management Plan (WMP) accompanies this SEE and details the operational management of waste generated by the development. It identifies the different waste streams likely to be generated during the operational phase of the development. Associated information includes: how the waste will be handled and disposed of, details of bin sizes/quantities and waste rooms, descriptions of the proposed waste management equipment used and information on waste collection points and frequencies.

Council's Fact Sheet for Waste Management Services for Residential Flat Buildings and Multi Dwelling Housing has been referenced to calculate the total number of bins required for the residential units.

The *Better Practice Guide for Waste Management and Recycling* has been referenced to calculate the total number of bins required for the retail and commercial areas.

Key features of the waste management proposed is detailed below.

Residential

A garbage chute system and separate 240L recycling bin will be located within a waste room on each level in the tower component. The garbage chute discharges into 660L bulk bins on a linear track system located within the waste management room on the ground level. A bulky goods storage area is also located in the waste management room for the storage of discarded residential bulky items.

The lobbies, amenities and circulation areas will be supplied with suitably branded waste and recycling bins where considered appropriate. These areas generate minimal waste, however garbage and recycling receptacles should be provided and located in convenient locations.

Garbage and recycling bins will be collected directly from the waste room by Council.

Commercial

The commercial waste room provides for 8 x 1100ML bins (two recycling and six garbage) as per recommended by the WMP.

Waste generated by the retail and commercial units will be collected by a private contractor to an agreed schedule (this report assumes three times weekly collections for the retail and commercial premises).

Waste for both the residential and commercial will be collected at the waste collection bay also located at loading dock on the ground level at Huckstepp Serviceway.

Refer to accompanying Waste Management Plan for an estimate of the types and volumes of waste and recyclables to be generated and Architectural Plans showing storage areas and the vehicle access to these areas.

Management of construction waste

Details of the estimated volumes, proposed recycling and/or reuse and size and location of waste storage areas for demolition and construction waste can be provided in Construction Management Plan. This addressed by way of a condition of consent and provided prior to construction of the development.

5 Assessment of the proposal

5.1 Statutory legislation and plans

An assessment of the proposal's consistency and compliance with the relevant legislation and plans is detailed in **Table 10** below.

Table 10 Summary of consistency with relevant statutory plans

Plan	Assessment
NSW State legislation	
<i>Environmental Planning and Assessment Act 1979 (EP&A Act)</i>	The EP&A Act is the prevailing state legislation for planning in NSW. This proposal is Part submitted under 4 of the EP&A Act. An assessment of the proposal against the relevant matters for consideration in determining a DA pursuant to Section 4.15 of the EP&A Act is addressed in this section of the report. This application does not require any referrals and/or concurrences with other state agencies and departments under the EP&A Act or other EPIs.
<i>Environmental Planning & Assessment Regulation (EP&A Reg)</i>	The relevant matters under the EP&A Reg that relate to the proposed development are contained within Part 6 (procedures relating to DAs). Council is required to undertake assessment of the proposed development in accordance with this section of the EP&A Regulation. Clause 98 of EP&A Reg notes that all proposed new building works are required to routinely comply with the National Construction Code of Australia (NCC) Building Code of Australia 2016 (BCA). An NCC Report was undertaken by Essential Certifiers and accompanies this SEE. The report provides a preliminary compliance assessment of the proposed development. The report provides details on any discernible Deemed to Satisfy (DTS) non-compliances with sections C, D, E, F of the NCC and identifies items to be addressed at the detailed design stage. Refer Section 5.3.2 and accompanying report. ABE Consulting undertook an Accessibility Design Review of the proposal. The report addresses the provisions of the DTS provision of the BCA, the Disability (Access to Premises Standards) 2010 and adaptable housing provisions in the DCP. Refer Section 5.3.1 and accompanying Accessibility Design Review Report.
Environmental Planning Instruments	
State Environmental Planning Polices (including drafts)	
SEPP 55 - Remediation of Land and draft amendment	Complies A Phase I Preliminary Site Investigation was prepared for the site and demonstrates the site is suitable for the proposed development. Refer Section 5.3.5 and accompanying Phase I Preliminary Site Investigation.

Plan	Assessment
SEPP No. 65—Design Quality of Residential Apartment Development	Partial variation The proposal complies with the suite of controls in SEPP 65 and the ADG, except with the respect setbacks on the southern boundary. Refer to SEPP 65 Design Verification Statement and compliance assessment against the ADG which accompanies this SEE. For a summary of the key design features of the development (Section 4.4) and for consideration of impacts at Section 5.3 of this report.
SEPP (Infrastructure) 2007	Complies » Clause 102 Impact of road noise or vibration on non-road development does not strictly apply to the proposal Bathurst or Northumberland Streets as carriageways carrying more than 20,000 vehicles. However due to the site's proximity to the Hume Highway (240m west) and proposed residential use noise impacts have been measured against the criteria of this clause. Refer Section 5.3.2 and accompanying Acoustic Assessment. » The proposed development is not defined as traffic-generating development under Clause 104 and Schedule 3 of the ISEPP and as such does not require referral to RMS - The site does not have access to classified road or to road that connects to classified road (if access within 90m of connection, measured along alignment of connecting road).
SEPP – Building Sustainability Index (BASIX) Scheme	Complies All new dwellings must comply with the BASIX scheme, in order to encourage sustainable residential development across NSW. A BASIX Certificate has been submitted which confirms the development achieves compliance. For further details see the BASIX Certificate.
Greater Metropolitan Regional Environmental Plan No 2-Georges River Catchment	Complies The site is located within the Georges River Catchment. The likely impact of the proposal on the water table, natural flows in the Georges River and its tributaries and on other downstream water users in the Catchment has been considered. Refer Section 4.10, 5.3.7 and 5.3.11 the Structural and Civil Concept Design and Geotechnical Reports.
Local Environmental Plan (including drafts)	
Liverpool Local LEP 2008 (at the time of lodgement)	The proposal is consistent with the objectives and controls of the Liverpool LEP 2008. It is noted that the at the time of lodgement the site was zoned B3 Commercial Core and bordered by B4 Mixed Use Zoning to the east. The proposal seeks approval for a mixed use development comprising shop top housing, and commercial premises). Commercial premises (includes business, office and retail uses) are permissible with consent in the B3 zone. Shop top housing is prohibited within the B3 zone. As such Clause 5.3 Development near zone boundaries will be relied on to permit residential component of the development. A detailed assessment of the proposal against the Liverpool LEP 2008 is provided at Appendix C-1.

Plan	Assessment
Draft Liverpool LEP Amendment No. 52 – Liverpool City Centre LEP Review (as exhibited)	Draft Liverpool LEP 2008 (Amendment No. 52) was placed on public exhibition from 18 November 2015 to 29 January 2016. At the time the DA was originally lodged Amendment 52 was in draft form. With regard to the site, the proposed amendments involved: » Rezone the site to B4 Mixed Use » Reducing the maximum building height at the site from 100 metres to 28 metres » Amending the FSR controls to 3:1 » Identifying the site within Area 8 on the FSR Map as a 'Mid Rise Opportunity Site' making the clause "7.5B Opportunity Sites" of the LEP applicable to the site (allowing additional floor space up to 10:1 and height on the site, subject to being able to achieve certain site and development requirements) » Requiring that the site's frontages along Northumberland Street, Bathurst Street, Huckstepp Service Way and Butman Lane to include active uses at street level when developed » Changes to the provision of car parking due to the new "7.5B Opportunity Sites" A detailed assessment of the proposal against the Amendment 52 is provided at Appendix C-2.
Liverpool Local LEP 2008 (as at 19 December 2018)	On the 5 September 2018, Amendment 52 to the Liverpool LEP 2008 was published on the NSW Legislation Website and became law. The amendment: » Rezones the site to B4 Mixed Use » Identifies the site as a Mid Rise Opportunity Site As these new controls were adopted post lodgement of the subject DA, they do not strictly apply to the development. Notwithstanding, an assessment has been undertaken for completeness. Refer Appendix C-3.
Development control plans	
Liverpool DCP	The proposal is generally consistent with the objectives and controls of the Liverpool DCP. A detailed assessment of the proposal against the relevant controls contained in the DCP is provided at Appendix D. Minor variations are identified and justified.
Draft Liverpool DCP Amendment 52	Draft Liverpool DCP Amendment 52 was on exhibition from 5 October 2016 to 5 December 2016. The controls of the draft DCP have not been considered as Draft DCPs are not a matter for consideration section 4.15 of the EP&A Act and the LEP Amendment 52 requires site specific development controls to be prepared for sites subject utilising the opportunity clause.

5.2 Planning agreements

There are no local or state planning agreements that apply to the site at the time of writing this report.

5.3 Assessment of impacts

The impacts of proposed development have been investigated thoroughly. A summary of the key impacts/ planning considerations and mitigation measures are detailed below.

5.3.1 Accessibility

An Accessibility Design Review has been undertaken in the context of the following:

This report provides an Accessibility Design Review of the relevant project architectural documentation in the context of the following –

- » Part D3, Clause F2.4 and Clause E3.6 'deemed-to-satisfy' (DtS) requirements of the Building Code of Australia 2016 (BCA)
- » The Disability (Access to Premises - Buildings) Standards 2010
- » The relevant adaptable housing provisions of the Local Council DCP being – Liverpool Council DCP 2008 – Part 4 Liverpool City Centre – Cl. 6.1 Housing Choice & Mix
- » Architectural design documentation prepared by Saunders Global, Project No. 002.001.

The report identifies the following matters of being Capable of Complying (CoC) (Spatial allowance has been made to accommodate compliance where the specification provided has been satisfied)

- » General building access requirements
- » Parts of buildings to be accessible
- » Accessible car parking
- » Ramps
- » Accessible sanitary facilities
- » Adaptable unit design.

Identifies the following matters to be dealt with at the detailed design phase:

- » Signage
- » Tactile indicators
- » Glazing on an accessway
- » Passenger lifts
- » Ambulant Facilities
- » Facilities and services required within the adaptable units.

ABE Consulting report concludes that the following the adaptation of the recommendations/ Performance Solutions proposed, are able to confirm that at the DA Phase of design, the development can readily achieve compliance with the BCA and DCP adaptable housing provisions.

5.3.2 Built form and urban design

The proposed site layout and built form are conducive to maximising the environmental design attributes of the development. The proposed development:

- » Preserves the existing street layout and reinforces the street character through setback of the residential tower and podium, landscaping and façade treatment
- » Improves the quality of the streetscape providing ground floor commercial tenancies and landscaping that will activate the street
- » Is designed to minimise the loss of solar access to existing development in the vicinity.

Key built form features of proposed mixed use development are detailed below:

- » Provides a contemporary design that complements and contributes positively to the desired future character of the area
- » Respects the heritage significance of Bathurst Street
- » Built form is appropriate to its commercial context. The height, bulk and scale will be similar to the future character within the area. The layout of the proposed building ensures that the proposal is well located to align with future built form in the immediate vicinity. Highlighting elements on the façade coupled with landscaping provide a character to the development and precinct
- » The external building elevations are well articulated in terms of modelling and variety of façade treatment
- » Building materials and colours complement the commercial context of this site, are appropriately detailed and of a high quality
- » Delivers a diverse range of housing (one, two and three bedroom apartments including adaptable units) and opportunities for business and retail uses that will service future residents, local and wider community
- » Ground floor uses will activate the street frontage encouraging an interesting and safe pedestrian environment.

Amenity

The internal amenity of the apartments has been assessed against SEPP 65 to ensure residents have adequate levels of amenity through features such as visual and acoustic privacy, ventilation and solar access.

All the apartments have appropriate storage and effective floor plan layouts with private open space in the form of a balcony. Windows to living areas have been maximised to add further to a very spacious feel and maximise daylight access.

The building is designed to provide sufficient acoustic attention to external noise sources.

Communal areas including open space and community room provide areas for active and passive recreation that contributes to the health and well-being of residents and employees. The communal open space areas will achieve adequate solar access (4 hours), shade, and wind protection.

Southern boundary setbacks

An excerpt of Objective 3F-1 Visual Privacy of the ADG is provided in the figure below.

There is a minor non-compliance for the 1-bedroom units in the south-west portion from Level 5 to Level 16 as an operable high-level opaque window has been provided within the vertical slot. This aids in providing better amenity to this south facing bedroom unit in terms of cross ventilation and solar access. This noncompliance is considered justifiable as the window faces windows of non-habitable rooms which are also offset.

As noted in the NCC report all new openings in an external wall that is less than 3m from a side or rear allotment boundary must be protected in accordance with 3.4 and if wall wetting sprinklers are used, they are located externally on fixed or automatic closing windows/doors. Alternatively, a fire engineered Alternative Solution address and DTS non-compliances with 3.2.

As detailed in the ADG no separation is required between blank walls therefore the walls along the southern boundary comply with the ADG. As such the proposed design provides for the equitable sharing of separation distances.

Figure 19 Excerpt ADG Privacy Controls

Objective 3F-1 Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy		
Design criteria		
1. Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:		
Building height	Habitable rooms and balconies	Non-habitable rooms
up to 12m (4 storeys)	6m	3m
up to 25m (5-8 storeys)	9m	4.5m
over 25m (9+ storeys)	12m	6m
Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room (see figure 3F.2) Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties		
Design guidance		
Generally one step in the built form as the height increases due to building separations is desirable. Additional steps should be careful not to cause a 'ziggurat' appearance		
For residential buildings next to commercial buildings, separation distances should be measured as follows: - for retail, office spaces and commercial balconies use the habitable room distances - for service and plant areas use the non-habitable room distances		
New development should be located and oriented to maximise visual privacy between buildings on site and for neighbouring buildings. Design solutions include: - site layout and building orientation to minimise privacy impacts (see also section 3B Orientation) - on sloping sites, apartments on different levels have appropriate visual separation distances (see figure 3F.4)		
Apartment buildings should have an increased separation distance of 3m (in addition to the requirements set out in design criteria 1) when adjacent to a different zone that permits lower density residential development to provide for a transition in scale and increased landscaping (figure 3F.5)		
Direct lines of sight should be avoided for windows and balconies across corners		
No separation is required between blank walls		

Source: NSW Government 2015

NCC Deemed to Satisfy Provisions

The NCC Report identifies a number of design issues that need to be resolved as part of the detailed design phase of the development. This include:

- » C2.6 Vertical separation
- » C2.9 Separation of classifications
- » C3.2-3.4 Protection of openings
- » Table 3 Type A Constriction requirements
- » D1.7 Travel via Fire Isolated stairs
- » D2.24 Protection bedroom windows
- » Part D Access for people with disabilities
- » E.1.3 Hydrants
- » E.1.5 Sprinklers
- » E.1.8 Fire control centres
- » E.2.2 Smoke Hazard management including stair pressurization
- » F2.3 Facilities Class 5 and 6
- » F2.4 Disabled WC Facilities
- » NSW G1.101 Provision of Window Cleaning
- » Pt J Energy Efficiency BASIX for Residential and PJ Commercial Parts.

For more information, refer to accompanying SEPP 65 Design Verification Statement and accompanying NCC Report.

5.3.3 Construction management

Potential impacts during the construction period include vibration, dust, noise, traffic and waste.

A Construction Management Plan (CMP) will be prepared and submitted to Council for approval prior to construction. The requirement for this can be included as a condition of development consent.

The Plan will detail appropriated measures to minimise the impacts of construction activities on:

- » Nearby residents and businesses and users of public footpaths and roads
- » Parking in the vicinity of the site and surrounding streets used to access the site.

It may also address matters such as:

- » Number of construction vehicles accessing the site, sizes and types of vehicles that will be used and routes that will be taken
- » Materials and plant to be stored within the development site at all times during construction
- » Hours of construction are likely to be conditioned in the development consent or otherwise specified in the plan
- » Installation and maintenance of sediment and erosion control devices – refer to **Section 4.11** and Engineering Drawings for Erosion and Sediment Control Plan
- » Maintenance of dust control until final completion of works
- » Water proof covering of stockpiling
- » Waste disposal.

5.3.4 Contamination

A Preliminary Environmental Site Investigation has been undertaken by Environmental Consulting Services and accompanies this SEE. The purpose of this assessment was to evaluate the potential for contamination resulting from past Site activities and draw conclusions regarding the suitability of the site for the proposed development. The scope of work undertaken to meet this objective included the review readily available records relating to the history of the site and a site inspection.

The key findings of the report were as follows:

- » The history of the site indicates that the land appears to have been used for car parking and residential purposes in the recent past. There is no indication of industrial activities on the site or neighbouring properties that could result in land contamination
- » There is the potential for minor fill resulting from the demolition of the former houses to be encountered beneath the existing pavements. However, the proposed development will require excavation for a five-level basement. Such excavation will remove any remnant demolition material
- » The use of the site for car parking is not considered to be a source of consistent, ongoing contamination. There is the potential for minor leaks from vehicles which are likely to be washed into stormwater drains around the site. Notwithstanding the very low likelihood for contamination from car parking, excavation for the basement will remove surface material to approximately 8m depth, across the Site.

Based on the above, the report concluded that the site is considered suitable for the proposed development. There is no indication of activities that could result in contamination that requires remediation.

Excavation for the proposed basement will remove the existing site pavement and surface soils to approximately 8m depth. The excavated material should be classified and disposed of in accordance with EPA regulations and guidelines.

5.3.5 Crime prevention and safety

The following design features will ensure the safety of the residents in the proposed development:

- » All entrances are located in prominent positions and well defined
- » Secure key-card access for residents and staff
- » There is access from the car parking areas to the lobby for residents and visitors to the site
- » Internal and external spaces are well defined. The main entrance to the development is from a prominent position off Bathurst Street, all frontages will benefit from overlooking from balconies, and from the common open space
- » Communal open space has generous proportions, benefits from clear sight lines, ample sunlight and is not accessible to the general public. It will also include seating, entertainment and BBQ facilities. This area provides a safe socialising space for residents and their guests and will encourage passive surveillance of the area
- » The facades of the building are proposed to be well articulated in terms of modelling and variety of materials and treatments. Blank walls on the southern and northern and eastern elevation are to be treated with anti-graffiti paint, landscaping or public art. These design features will help deter people from vandalising the building
- » Maintenance and repairs of the built environment (e.g. remove graffiti promptly to maintain a 'cared for' image) and reporting of any damage or repair needs will be carried out promptly. It is understood that common activities and maintenance around will be administered and managed

by a Strata Management Committee. Maintenance issues to be addressed after occupation should include:

- > Ensure light fixtures are maintained and replaced if burnt out or broken; &
- > If graffiti/vandalism occur, graffiti removal is to occur immediately by contracted specialist cleaners or coordinated by Building Management.
- » Details of security hardware are not known at this stage and will be confirmed at detailed design (Construction Certificate) stage. However, it is recommended that robust and durable hardware and fixtures are used to prevent illegitimate entry and ensure security. The following recommendations are noted:
 - » Use sturdy, non-corrosive catches, bolts and locks (e.g. bike racks located in basement)
 - » Use flush-mounted meter boxes or service points within a secure building/enclosure for protection
 - » Use non-corrosive security locks and bolts
 - » Communal / street furniture should be made of hardwearing vandal resistant materials and secured by sturdy anchor points or removed after hours
 - » Specify appropriate heavy-duty hardware, such as dead-bolt locks for all storage areas adjacent to pedestrian routes
 - » Use transparent, unbreakable materials in parts of doors and walls at major entry points
 - » Provide monitored alarm systems
 - » Security alarms and fixtures should be installed to best practice specifications.
- » Lighting details are unknown at this stage. However, a range of recommendations for the selection, location and maintenance of lighting are outlined below:
 - > All external public domain areas are required to be well lit through the installation of street lighting and/or external building lighting
 - > Building entry points shall be lit to a higher lux level than surrounding streets
 - > All street lighting shall preferably be pole-mounted lights, and spaced at regular intervals along key thoroughfares to encourage pedestrian activity
 - > Adequate internal lighting (in the building entries and lobbies) as well as light-throw from street lights should ensure the pathways are well lit in the day and night
 - > All external lighting and lighting in semi-private areas shall be compliant with Australian Standards and Design Guides for Lux Levels.

5.3.6 Economic and social benefits

The proposed development is not expected to create any adverse social or economic impacts but has the potential to have a positive impact on the area.

The proposed development will provide a range of economic and community benefits including:

- » Act as a catalyst for renewal stimulating development by attracting investment in the area contributing to the revitalisation of the Liverpool City Centre
- » Increasing the availability and choice of dwellings, retail and commercial spaces in the area
- » Contributing to housing diversity through the mix of dwellings
- » Increasing population thereby supporting existing businesses and facilities within the town centre that will contribute to a more active and vibrant city centre
- » Providing additional housing where people have quality access to public transport, employment, education, medical, recreational and community facilities, goods and services, entertainment
- » Encouraging healthy lifestyles and physical activity, by activating the street frontages, improving the permeability of the area via through site links connecting to the wider street network
- » Providing employment and contributing to the local economy during the construction phase
- » Deliver high quality development with good solar access, ventilation and communal open space.

5.3.7 Geology

A Geotechnical Report has been completed by EI Australia to support the proposed development.

The report assessed the existing site surface and subsurface conditions at three borehole locations, and provides geotechnical advice and recommendations.

The report identified the following to be the main geotechnical issues for the proposed development:

- » Basement excavation and retention to limit lateral deflections and ground loss as a result of excavations, resulting in damage to nearby structures and services;
- » Rock excavation
- » Potential Vibration Risk
- » Groundwater considerations
- » Foundation design for building loads.

The report recommended that the following additional work is carried out post approval:

- » The completion of at least an additional 2 cored boreholes if higher bearing pressures are to be adopted to assess the quality of the bedrock across the site
- » Spoon testing on 50% of the footings if an allowable bearing capacity of 6000kPa is adopted
- » A groundwater monitoring event and a pump-out test within the installed monitoring well
- » Seepage analysis using computer software such as Seep/W
- » Dilapidation surveys
- » Design of working platforms (if required) for construction plant by an experienced and qualified geotechnical engineer
- » Classification of all excavated material transported off site
- » Witnessing installation and proof-testing of anchors

- » Geotechnical inspections of excavated cut faces at 1.5m intervals
- » Geotechnical inspections of all footings
- » Ongoing monitoring of groundwater inflows into the bulk excavation.

It was also recommended that a meeting be held:

- » After initial structural design has been completed to confirm that our recommendations have been correctly interpreted
- » At the commencement of construction to discuss the primary geotechnical issues and inspection requirements.

Refer to accompanying Geotechnical Report for further information.

5.3.8 Heritage

The proposed development is not located on a site of local or state heritage significance, or within a heritage conservation area as recognised under Schedule 5 of the LEP. However, the site is bordered 'Bathurst Street' and in proximity to 'Northumberland Street' which are local heritage items (item no. 89).

Most streets in Liverpool City Centre are heritage listed as local heritage items under item name: Plan of Town of Liverpool (early town centre street layout–Hoddle 1827).

The following design measures have been implemented that ensure the proposal respects the heritage significance of Bathurst Street:

- » Podium with residential tower setback
- » Integration of exiting landscaping along the street frontage of Bathurst street
- » Glazed facades of ground floor residential tenancies
- » Offers a well-designed building in a commercial setting that improves public amenity.

5.3.9 Transport, parking and access

A Traffic Impact Assessment has been completed by Traffix and accompanies this SEE.

The report documents existing site and traffic conditions at the site and assesses the parking requirements, traffic impacts and access and internal design aspects associated with the proposed development.

Key findings of the assessment are detailed below:

- » The site is located within the Liverpool City Centre and is in close proximity to Liverpool Railway Station and excellent public transport. Frontages are provided at Bathurst Street and The Huckstepp Serviceway, the latter road allowing for dispersed traffic movements to and from the site.
- » The proposed development requires in the order of 70-92 parking spaces to comply with the relevant parking rates as permissible under SEPP No 65 and Council's planning controls. In response, provision for 90 parking spaces is made and is compliant. It is also noted that the quantum for individual land use components are also compliant.
- » The proposal will provide four spaces for motorcycles, this is one less than what is required under the DCP controls. This shortfall is considered acceptable given that the proposal provides more parking than what is required under the SEPP 65 and the DCP and motorcycle riders may alternatively park in a car space.
- » The proposal seeks to provide 44 bicycle parking spaces, one above what is required by the DCP. These spaces are provided in the form of rails and comply with the space dimensions under AS2890.3 (2015).
- » Service vehicle parking are expected to accommodate all service demands including waste collection, removalists as well as medium term parking for contractors (e.g. trade, utes and vans).
- » The proposed development has been assessed to generate 51 vehicle trips per hour during both the AM and PM peak periods. Software modelling using SIDRA Intersection 8 has demonstrated that the performance of signalised intersections on Northumberland Street (at Moore Street and Memorial Street) will operate with negligible increases in delays even based on the worst case scenario as modelled which ignores the existing site generation. As such, the traffic impacts of the proposed development are minimal and have no adverse impacts.
- » The design of the basement car park and loading areas comply with AS2890.1 (2004), AS2890.2 (2002) and AS2890.6 (2009), with a swept path analysis demonstrating satisfactory geometry for critical vehicular movements.

The assessment concluded that the proposed development is supportable on transport planning grounds and will operate satisfactorily.

Refer to Traffic Impact Assessment for further information.

5.3.10 Waste management

A WMP has been prepared by Elephants Foot and accompanies this DA.

The WMP demonstrates that adequate provision has been made on site for commercial and retail waste and its collection.

Refer to accompanying WMP for an estimate of the types and volumes of waste and recyclables to be generated and Architectural Plans showing storage areas and the vehicle access to these areas.

As detailed in **Section 4.12 and Section 5.3.3** Construction Waste is proposed be addressed by way of a Construction Management Plan post approval.

5.3.11 Water cycle management

The proposed Stormwater Strategy for the site is detailed in **Section 0** of this report and the accompanying Structural and Civil Concept Design Report prepared by Xavier Knight.

A detailed water quality analysis using MUSIC modelling has been undertaken to develop the WSUD strategy for the proposed residential development with site-specific opportunities and constraints identified to allow the development of the site while achieving and meeting the water quality targets specified by Liverpool Council.

The stormwater management strategy proposed for the development:

- » utilises the latest technology for water quality management
- » is functional
- » delivers the required technical performance
- » avoids environmental degradation and pressure on downstream ecosystems and infrastructure
- » provides for a sustainable solution for stormwater management within the site.

The Stormwater Quality Management Strategy proposed for the development, as represented by the MUSIC model below, will consist of the following elements:

- » Rainwater harvesting and reuse tank
- » Pit inserts or baskets for the ground stormwater inlet pits
- » Stormwater filtration cartridges.

The results of the modelling illustrated in **Figure 20**, the combination of a rainwater tank, pit inserts and filtration cartridges, as elements of the Stormwater Quality Management Strategy for the proposed development, will

exceed the pollution reduction targets for Total Phosphorus (TP) and Total Nitrogen (TN) specified in the Liverpool Council 2012 DCP.

Figure 20 Estimated mean annual pollutant loads and reductions

Criteria	Pollutant			
	Gross Pollutants	TSS	TP	TN
Total Pollutant Loads (kg/yr)	33	157	0.377	33
Total Reduction Required (%)	Not specified	80%	45%	45%
Total Reduction Required (kg/yr)	Not specified	125.6	0.170	14.85
Total Reduction Modelled (kg/yr)	32.2	129.7	0.287	1.71
Total Reduction Modelled (%)	98%	82.7%	76.1%	53.7%

Source: Xavier Knight 2018

5.3.12 Wind

Environmental Wind Tuning Testing has been completed by SLR Consulting to assess the wind environment around the proposed development once completed.

The study has involved the testing of two “scenarios”: the “Baseline” scenario reflecting the existing built environment (as of October 2018) and the “Future” scenario, with the addition of the proposed development.

The key findings of this assessment are summarised in Error! Reference source not found.. Details of the testing locations are illustrated in **Figure 21**.

Table 11 Key findings of Wind Tunnel Testing

Future wind environment	Description
Pedestrian Footpath Areas along Bathurst Street	Locations along Bathurst Street will either experience minimal change with the addition of the proposed development or modest increases in wind speed, mainly for north-easterly and southerly winds. For the “Future” scenario, Location 17 has the potential to just exceed the 16 m/s walking comfort criterion, but is well below the 23 m/s safety criterion. It is noted that the wind tunnel testing did not include the vegetation and trees along the footpath areas of interest. These would have an ameliorating (i.e. sheltering) effect on local wind speeds throughout the year, provided they are evergreen species.
Ground Level Areas to the North, East and South of the Site	Locations to the south and east of the site have the potential to experience increases in wind speed for northeast and southerly wind directions. Locations 8 and 10 have the potential to just exceed the 16 m/s walking comfort criterion (they remain well below the 23 m/s safety criterion). Location 16 has the potential to exceed the criterion that would apply to an outdoor Café setting - an annual exceedance between 10 m/s and 13 m/s – the indicated annual exceedance at this location is 16 m/s. Location 8 lies within the carpark area bordering the southern perimeter of the site. As such, it is not a “formal” pedestrian walkway, but rather is used

Future wind environment	Description
	by carpark patrons accessing their vehicles. In the future, the carpark area south of the site may be developed with a building which would eliminate the open area completely. Location 10 lies along Huckstepp Serviceway bordering the eastern perimeter of the site. The serviceway is not a commonly used pedestrian thoroughfare. In fact, no footpath exists along the serviceway on its western side. The predicted annual peak wind is 16.5 m/s, a minor exceedance of the 16 m/s walking comfort criterion at this location: this is therefore deemed acceptable given its usage.
Podium Areas	The proposed development's Podium has the potential to generate elevated wind conditions, in some cases exceeding the 16 m/s walking comfort criterion, as windflow accelerates around the building's upper levels and is directed downwards as downwash and accelerated shear flow, particularly for wind directions with only low-rise buildings upstream. The highest wind speeds throughout the Podium area (predicted annual peak wind of 22 m/s) were found close to the northwest corner.

Source: SLR Consulting 2018

Figure 21 Wind Tunnel Testing Locations



Source: SLR Consulting 2018

Mitigation measures

The assessment detailed already planned wind mitigation measures and recommended additional measures that have largely been incorporated into the design of the development.

A summary of these measures is detailed below:

Already Planned Wind Mitigation

The proposed development contains the following elements all of which will have an ameliorating impact on local wind speeds:

- » Landscaping along Bathurst Street (both low cover vegetation and several trees);
- » Two steel-framed, glazed cantilevered canopies running along the Bathurst Street façade of the proposed development and along the northern perimeter of the building close to the northwest corner (both at Level 2)
- » Landscaping planned for the Podium.

Incorporated Wind Mitigated Measures

The following measures have been incorporated into the design following advice from SLR:

- » Podium 4: A full perimeter 1.7 m high balustrade is recommended for the Podium – this could be enabled through any combination of parapet wall plus planting, glazing, etc.

Additional Wind Mitigation Recommendations

The following additional measures were recommended by SLR:

- » The development's proponent liaises with Council with a view to providing additional larger trees to the south of the site in the vicinity of Test Location 17), to add to the existing trees in the vicinity of this location. These should be of evergreen variety.
- » The already planned west and north façade Level 2 awnings be extended to connect with each other at the northwest corner of the proposed development to provide the maximum possible protection to the potential outdoor Café eating area and adjacent laneway.
- » Podium 4: Horizontal protection should also be provided for any areas designated for outdoor seating; this could be enabled through canopies, pergolas, shade cloth, awnings. This should also include areas where the seating is either wholly or partially located beneath the envelope of the building above.
- » Podium 3: Horizontal protection is recommended for the communal area which may experience both elevated winds and wind-generated noise. Ideally, the protection would be in the form of adjustable louvres (at Level 4 elevation), enabling the benefit of natural ventilation during mild wind conditions, but preventing impact during less frequent strong wind conditions. Alternatives need not be completely solid, but could be in the form of a canopy (at Level 4 elevation), pergola, or shade cloth.
- » Upper Level Balconies and Roof Level Terrace Areas:
 - > It is likely that some Residential-component balconies, especially those at upper levels and near building corners, as well as any Roof Level public access areas, will experience adverse wind conditions requiring wind treatment beyond standard height (ie code-compliant) balustrades. This would especially apply to balconies and terraces exposed to stronger southerly and westerly winds.
 - > Such treatments might include increased balustrade height or partial screening via moveable louvres, to take advantage of the beneficial effects of cooler, milder winds during summer, while providing the capacity to limit the impact of colder and potentially much stronger winds during winter. Public access areas on the Roof Level (not currently anticipated) might

also require horizontal screening to ensure all-year-round amenity, especially areas exposed to southerly and westerly winds.

- » Further detailed modelling is carried out (via CFD simulation) to confirm zones of the building, by height and by plan view location (e.g. building corners), where wind mitigation is indicated (i.e. beyond the standard balustrade height). The preference here is for CFD modelling rather than additional wind tunnel testing, given the difficulties in reproducing accurate balcony wind profiles at 1:400 or similar scale.

It is considered that the above recommendations can be addressed as part of the detailed design of the DA.

The report concluded that the proposed development will comply with the adopted wind acceptability criteria at all pedestrian and public access locations within and around the development.

Refer to accompanying Environmental Wind Tunnel Testing Report for further information.

5.4 Suitability of the site and public interest

The site is considered to be an appropriate location for a mixed use development and in the public interest for the following reasons:

- » Consistent with the intended purpose of the site, which has been identified as a key site for future redevelopment
- » Has undergone a rigorous design process and has sign off from the DEP
- » Technical investigations demonstrate the site is suitable for the proposed development and any adverse impacts can be managed
- » Generally consistent with the aims and objectives of the Liverpool LEP 2008, Liverpool City Centre DCP and the Vision for the Liverpool City Centre and desired future character of the area
- » Strategically located within the commercial core of Liverpool, a regional city centre in one of the fastest growing regions in Sydney
- » Increases housing and job supply
- » Serviced by physical and social infrastructure. In particular, the site serviced by public transport (road, rail and bus) and within close proximity to existing, social, community and medical facilities and retail and commercial uses as well as employment, leisure and other opportunities
- » Provides a modern building that positively contributes to the streetscape and reflects the desired future character of the area.

5.5 Submissions

It is understood that the DA will likely be renotified and placed on public exhibition in accordance with the EP&A Act and Regulation as well as Council's DCP. Any submission made to Council will be considered as part of the assessment process. The following stakeholders are likely to be notified:

- » Council departments – strategic, traffic, social, health, engineers etc
- » Adjacent property owners
- » NSW Police
- » Sydney Metro Airports.

It is noted that the original DA Submission was publicly exhibited from 8 September to 23 September 2016 and then renotified to the 14 October 2016 as the site was incorrectly identified.

A total of 10 submissions were received. This included an agency submission by Sydney Metro Airports and nine objections. It is noted that one of the submissions in support of the application also raised a number of issues associated with the proposal. Further many submissions raised the same issues and it appears that a proforma submission was organised by a submitter(s).

A summary of key issues raised in the submissions and our proposed response is provided in **Appendix E**.

The issues raised in the public submissions relate primarily to impacts on neighbouring properties and/or on the surrounding area. We believe that many of these issues have adequately been addressed in the DA documentation or can be managed through conditions of consent.

In particular, it is noted that the design has been scaled back from 26 storeys as originally proposed to 21 storeys in response to concerns raised about the height and scale is out of character with existing neighbourhood.

6 Conclusion

The redevelopment of the site will make a key contribution towards revitalisation of Liverpool City Centre.

The DA seeks consent to demolish the existing car park and construct a 21-storey mixed use development at 64 Bathurst Street, Liverpool comprising:

- » Five basement levels for storage, plant and parking
- » Four retail tenancies on the ground floor facing Bathurst Street
- » Four storey podium comprising two commercial tenancies with a courtyard, a mezzanine and communal open space for residents
- » A tower (17 storeys) with 66 residential units.

The proposed development has undergone a rigorous design process and been refined in response to feedback from Council, the DEP, submissions as well as technical advice.

This SEE demonstrates that:

- » The proposal is generally consistent with the controls in the relevant SEPPs, the Liverpool LEP and DCP and intended use of the site
- » Any adverse impacts can be appropriately managed. The supporting technical studies which accompany the DA establish that the environmental impacts of the proposed development and where appropriate, make recommendations for the detailed design phase of the project which will provide certainty and clarity to guide the development
- » The proposed development is in the public interest and will have a range of positive social and economic benefits, namely:
 - > Act as a catalyst for renewal stimulating development by attracting investment in the area contributing to the revitalisation of the Liverpool City Centre
 - > Increase the availability and choice of dwellings, retail and commercial spaces in the area
 - > Contribute to housing diversity through the mix of dwellings
 - > Increase population thereby supporting existing businesses and facilities within the town centre that will contribute to a more active and vibrant city centre
 - > Provide additional housing where people have quality access to public transport, employment, education, medical, recreational and community facilities, goods and services, entertainment
 - > Encourage healthy lifestyles and physical activity, by activating the street frontages, improving the permeability of the area via through site links connecting to the wider street network
 - > Provide employment and contributing to the local economy during the construction phase
 - > Deliver high quality development with good solar access, ventilation and communal open space.

Having considered all the relevant matters, we conclude that the proposal represents a sound development outcome that upholds Council's Vision and intended use of the site and therefore should be recommended for approval.

A Responses DEP Meeting Minutes

Table 1 below summarises the key issues raised by the DEP over the course of this DA.

In summary, the applicant has responded to all matters raised by Council and/or provided justification where no appropriate variation to the scheme has been made.

Table 1 Response to Council and DEP Feedback

DEP Comments	Response
17 May 2018 DEP Meeting No. 5 Minutes	
Design principles	
The Panel thanks the proponent for bringing the scheme back to the Panel for its consideration. The presentation helped the Panel to better understand the evolution of the scheme.	Noted.
The Panel appreciates that the scheme has responded to some of the Panel's previous issues including the provision of greater setback to the northern boundary above the podium level and that the laneway has been relocated to the northern boundary of the site.	Noted.
The presentation and rendering presented at the meeting illustrate a significant improvement from the previous scheme.	Noted.
The proposed 12m setback from the northern boundary above the podium level is supported by the Panel as it complies with the ADG building separation requirements.	Noted.
The previous DEP minutes identified a maximum 8m blank wall to the southern boundary as illustrated by drawings submitted to the DEP at the meeting which showed one length of building on the southern boundary. It was assumed in this meeting that this wall would have no openings. The extent of the building now proposed on the southern boundary substantially exceeds this figure. The notes from previous meetings regarding the amount of building to the boundary must be applied without impinging on the rights of the neighbouring site to build along the boundary, or to result in inadequate light and air to the apartments within the proposal should that occur. Therefore, it is likely that the amount of building to be placed on the boundary will be limited to one instance of 8 metres unless apartments can be replanned to achieve a reasonable amenity with a neighbouring (commercial) building in place at the boundary.	The proposal has been updated to provide solid blank walls of no more than 8m along the southern boundary. A component of the upper level southern façade (Levels 16-21) on the western side will be partly solid opaque glazing panels (to the balconies) and solid wall panels. This ensure the requirement for 8m is met while also ensuring reasonable levels of external and internal visual privacy can be achieved. Balconies and units on the lower levels (Levels 5-15) and upper levels of the eastern portion of the building have been stepped to achieve the requirement for a maximum of 8m of solid wall. South facing highlight windows are provided to non-habitable rooms including water closets. They will be opaque glazing panels to achieve adequate daylight access and visual privacy of the residents. Our BCA consultant has confirmed that the use of opaque glazing panels no closer than 3m from the site boundary complies will comply with the BCA.

DEP Comments	Response
	Refer to Section 4.4 and 5.3.3 and accompanying Architectural Plans and NCC Report.
The amended scheme proposes glass curtain walls along the southern boundary and windows to habitable rooms setback 3m from the southern boundary. Habitable rooms setback only 3 metres from the boundary does not comply with the requirements of the ADG in terms of building separation. The scheme would prejudice the residential development potential of the southern adjoining sites if/when they are re-developed in that it forces the southern adjoining sites to provide all the required ADG building separation. The proposal must be amended to comply with ADG separation requirements. The proponent stated that they understand that any glazing on the boundary could be lost by the redevelopment of the neighbouring site and therefore the apartment layouts must not rely on these facades for compliance with the ventilation, solar access or other ADG requirements.	As detailed above, the scheme has been revised to accommodate solid wall along the southern boundary as agreed at the Panel meeting of the 20 September 2017. Glass curtain walls have been removed from this façade. Refer to Section 4.4 and 5.3.3 and accompanying Architectural Plans.
The applicant presented drawings showing that the southern adjoining sites, if they were re-developed, would only be capable of accommodating smaller buildings as they would be entitled to much lower FSR than the subject site. The Panel does not accept this argument, as the scheme would require the southern adjoining sites to absorb all the required ADG spatial separation between buildings. Neither the Panel nor the proponents can know what future lot amalgamation might be undertaken.	Noted. It is noted that a detailed Urban Design Analysis of the future development potential of the adjoining sites to the south has been undertaken by E8 Urban and Mosca Pserras Architect (former architects) and was addressed as part of our submission to the Panel in July 2018. This documentation also demonstrated the constraints of the adjoining site as well as the client's efforts to buy these properties.
The relocation of the laneway to the northern boundary of the site is supported in principle by the Panel. However, the laneway has not been designed as an orderly extension of Buttman and Huckstepp lanes. Rather, it has been designed as an outdoor dining area for the development and is only accessible to pedestrians. While it is accepted that the design of the laneway provides direct pedestrian access between Northumberland Street and Bathurst Street via Huckstepp lane, it does not facilitate an orderly development of the northern portion of the block bounded by Northumberland Street, Bathurst Street, Moore Street and Memorial Avenue. As indicated in the Panel's previous minutes, the Panel recommends that the proposed laneway be amended to facilitate an orderly extension of Huckstepp lane and Buttman lane such that should the northern adjoining sites be redeveloped in the future, they would be able to utilize Huckstepp lane for access and services.	The laneway design has been amended to cater for vehicle access rather than a pedestrianised laneway. Council advised that the revised design is satisfactory in July 2018. Refer to Architectural Drawings.

DEP Comments	Response
The number of 3-bedroom apartments should be increased to a minimum of 10% of the total apartments proposed.	Due to agreed tower setbacks, we are proposing 6 x 3-bedroom apartment units representing 9.1% of the total apartment units proposed. Council representative has advised that that this will be sufficient as per our discussion on the 30 August 2018 (confirmed by email).
The communal open space on level 4 should be supported by suitable landscaping design details. The Panel recommends the engagement of landscape architect to design the space as a meaningful and functional space that would contribute to the overall amenity of residents.	A Landscape Plan will be submitted with the revised documentation DA documentation. Refer Section 4.7 and accompanying Landscape Plan.
General Note: All SEPP 65 apartment buildings must be designed by an architect and their registration number is to be on all drawings. The architect is to attend the DEP presentations.	Eric Pui Tong Leung, Senior Architect - BArch (RAIA Reg: 8713, CPPM 41038) is the registered architect for the project. Eric attended the DEP presentation and his details will be provided on all plans.
Quality of construction and Material Selection Consideration must be given by the applicant to the quality of materials and finishes. All apartment buildings are to be made of robust, low maintenance materials and be detailed to avoid staining weathering and failure of applied finishes. Render is discouraged.	Noted. Robust, low maintenance materials will be utilised. A schedule of external material and finishes is included in the accompanying Architectural Package.
Floor-to-floor height The panel recommends a minimum 3050 to 3100mm floor-to- floor height for the residential component of the development so as to comfortably achieve the minimum 2700mm floor-to ceiling height as required by the ADG.	The design proposes Floor-to-floor height of 3100mm for the residential component to achieve the minimum 2700mm floor-to ceiling height as required by the ADG.
Sectional Drawings Sectional drawings at a scale of 1:20 of wall section through with all materials, brickwork, edging details to be submitted.	Sectional drawings with details of materials proposed to be utilised are included in the accompanying Architectural Package.
CLOSE Not all the issues raised in the previous DEP Minutes have been satisfactorily addressed by the amended proposal which has generated additional matters of concern. The site is highly constrained and not all the issues raised can be resolved by the Panel in terms of providing an orderly development for the site. In the event that amended plans are submitted to Council to address the concerns of the Design Excellence Panel the amended plans should be	The proposal has been amended to address the DEP concerns.

DEP Comments	Response
considered by Council and if it is shown that all matters are addressed to the satisfaction of the Liverpool City Council planners then the project is not required to return to the Design Excellence Panel. Should the proponents wish to submit an alternative proposal not in accordance with the recommendations of this letter the DEP would ask that the proposal return to the Design Excellence Panel.	
28 September 2017 DEP Meeting No. 4 Minutes	
Design principles	
This is the fourth time that the application has come before the Panel. At the last DEP meeting, significant issues were identified that required re-design of the proposal to ensure that any development for the subject site, despite the unusual circumstances surrounding it, would not prejudice the development potential of any neighbouring sites.	Noted.
The Panel notes that the built form of the building has been re- planned and the building has been re-positioned with part of the building at the southern boundary. In doing so, the separation distances to the northern boundary has been increased to between 9 and 12 metres.	Noted. Setback to the northern boundary is 9m up to level 8 and 12m from level 8 -21 as required under the ADG.
The amended L-shaped built form with 9-12m setbacks from the northern boundary does not comply with the ADG building separation distances. As shown on the building envelope drawings, the northern adjoining sites would require to provide greater separation distances than the proposal in order to achieve the required 24 metres separation between buildings taller than 8 storeys in height, as articulated in the ADG. This is unacceptable and not supported by the Panel.	Noted. As above.
The panel supports the required building separation distance of the ADG on the northern boundary which must be complied with. Given the scale and height of the building a minimum of 12 metres spatial separation shall be provided from the northern boundary of the site, to ensure that the proposal does not adversely diminish the development potential of the northern adjoining sites.	As above.
The panel is supportive of having zero setback to the southern boundary as suggested in its previous minutes, and further to the amended proposal presented. The length of those zero setback walls should be restricted to 8 metres at each instance.	Zero setback walls are provided to the southern boundary with walls no greater than 8m. See response above which details the design approach undertaken.

DEP Comments	Response
	Refer to Section 4.4 and 5.3.3 and accompanying Architectural Plans.
The internal building envelope presented by the applicant for the residential component of the development, consisting of 6 apartments per level, is not an unreasonable floor plate in terms of cross-ventilation and solar access.	The floor layout plans with 6 apartments was provided by the former architects Mosca Pserras. The revised floor layout plans provide for four apartments per level. Refer to accompanying Architectural Plans.
The Panel commends the applicant in relocating the proposed laneway to the northern boundary, as having a laneway on the northern boundary of the site would facilitate an orderly extension of Huckstepp Serviceway and Butman lane.	Noted.
The Panel is satisfied that other issues raised in its previous minutes have been reasonably addressed by the applicant.	Noted.
General Note: All SEPP 65 apartment buildings must be designed by an architect and his/her registration number is to be on all drawings. The architect is to attend the DEP presentations. With proposals that are complex in terms of planning and site context issues the DEP recommends a minimum of two DEP presentations are made, the first being concerned only with massing, setbacks, context and other planning issues. Once approval has been gained from the DEP on these issues further details such as apartment layouts and ADG compliance can be assessed and discussed.	Eric Pui Tong Leung, Senior Architect - BArch (RAIA Reg: 8713, CPPM 41038) is the registered architect for the project. His details will be provided on all plans.
Quality of construction and Material Selection Consideration must be given by the applicant to the quality of materials and finishes. All apartment buildings are to be made of robust, low maintenance materials and be detailed to avoid staining weathering and failure of applied finishes. Render is discouraged.	Noted. Robust, low maintenance materials will be utilised. A materials schedule will be submitted with the revised documentation DA documentation.
Floor-to-floor height The panel recommends a minimum 3050 to 3100mm floor-to- floor height so as to comfortably achieve the minimum 2700mm floor-to-ceiling height as required by the ADG	The design proposes Floor-to-floor height of 3100mm for the residential component to achieve the minimum 2700mm floor-to ceiling height as required by the ADG.
6. CLOSE The proposal is acceptable subject to the incorporation of the above advice given from the panel and will not need to be seen by the panel again.	Noted. It was decided to go back to Panel to introduce the new architects Global Saunders to your team and discuss the revised floor plan layouts, and the following key changes: » Four storey podium instead of five

DEP Comments	Response
In the event that amended plans are submitted to Council to address the concerns of the Design Excellence Panel the amended plans should be considered by Council.	» A two-floor extension to the portion of the building facing Bathurst Street, from 19 to 21 storeys » Parking in five levels of basement instead of three basement levels and two podium levels.
20 July 2017 Design Excellence Panel Meeting No. 3 Minutes	
1. This is the third time that the Panel has reviewed a proposal for this site. The Panel understands that the difficulty of arriving at an acceptable proposal for the site is due primarily to two factors: a. the unusual configuration of the subject lot, which is divided into two parts by Huckstepp laneway and where redevelopment is proposed only on the western half ("the site", fronting Bathurst Street), unused FSR on the eastern half of the lot (fronting Northumberland Street) being "transferred" to the western half. It is understood that the applicant proposes this approach on the basis that under the current zoning and LEP provisions, residential use is permitted within 25m of Bathurst Street, even though the B3 zone does not permit residential use. (It is further noted that Council has initiated a zoning change to B4 which would allow residential development on both parts of the lot. In this event, residential use would be permitted on both halves of the lot and a very different built form outcome would likely arise). b. the complexity of the applicable zoning controls.	NOTED We appreciate the DEPs recognition around the complexity of the planning controls relevant to the site. We note that existing eight storey commercial building (former Inghams office) on the eastern lot is not proposed to be redeveloped and is currently being renovated within its existing façade boundaries/ configuration.
2. Notwithstanding the above, the Panel notes that in certain key respects its previous minutes in relation to the proposal have not been satisfactory addressed by the amended scheme	NOTED See responses below.
3. Most significantly, the proposed built form of the development does not comply with the requirements of the Apartment Design Guide with respect to building separation distances.	NOTED Justification for variations to building separation distances to the side boundaries was provided in supplementary documentation submitted to Council on the 22 June 2017. The Independent Urban Design Analysis prepared by eUrban presented a number of development schemes for the adjacent sites. This demonstrated that the proposed development would not unduly impact the ability of the surrounding sites to re-develop, or the amenity of the local public domain despite compliance with the minimum setbacks required under the ADG. Refer Section 4.4 and 5.3.3 and accompanying ADG and Design Verification Statement.

DEP Comments	Response
4. The Panel is concerned that the ADG non-compliance will result in the proposal diminishing opportunities for the adjoining sites to the north and south to be similarly re-developed. The proposal, in its current form, would require the adjoining sites to provide greater setbacks from the shared side boundaries so as to meet the building separation standards of the ADG.	NOTED However, Independent Urban Design Analysis prepared by eUrban presented a number of development schemes for the adjacent sites. This demonstrated that the proposed development would not unduly impact the ability of the surrounding sites to re-develop, or the amenity of the local public domain despite compliance with the minimum setbacks required under the ADG.
5. The scale of the proposal is considered to be out of context with the surrounding sites, even if they were to be redeveloped in accordance with Council's LEP. As noted above, unusual circumstances are understood to be at the root of this problem -- the allocation to the site of unused floor area from the eastern half of the lot (across the laneway) and the limitation of residential use to within 25m of Bathurst Street are creating a mass and scale of building that the site may not be able to accommodate without adversely impacting on the future development potential of adjoining sites.	NOTED Regardless of the 25m zone boundary limitation the floor plate is considered the most efficient design response to maximise solar access and natural ventilation to both the apartments as well as the common circulation spaces. The design the building has been has been revised in response to further feedback by DEP and Council. See above and Refer Section 4.4 and 5.3.3 and accompanying ADG and Design Verification Statement.
6. The Panel is not satisfied that the built form of the tower component of the development is the most suitable for the site. Ideally, the site should be combined with one or both of the adjoining sites, which could allow ADG compliant setbacks and a viable residential floor plate. If this cannot be achieved, an alternative approach may be to locate the southern face of the tower on the southern boundary ("party wall" or zero lot line configuration, which the ADG contemplates in high density zones) and provide a 12m side setback from the northern boundary. It is estimated that this would result in a tower width of approximately 25m and floor plate of about 400m² Gross Floor Area. However, the Panel notes that this configuration may not meet certain LEP provisions and it would only consider such an arrangement if the scale and appearance of the party wall were managed by locating corner balconies at both the eastern and western ends of the wall on each floor and the provision of a deep vertical slot at its centre. The width of each of the two resultant blank walls on the boundary would then be limited to about 8m and they would need to be constructed of high quality materials with an appropriate finish. These conditions are considered essential to ensuring an acceptable visual outcome from Bathurst Street. The Panel would also only consider this approach if it was satisfied that viable redevelopment of the adjoining site would result in an acceptable overall	As detailed above, the client has sought to purchase land from the property owner of 68 and 70 Bathurst Street on numerous occasions in the past. The owner of these lots has reiterated that he is not willing to sell his land and has no objection to the proposed development at our site or that proposed on his land – Client to provide shortly. The design the building has been has been revised in response to further feedback by DEP and Council. See above and Refer Section 4.4 and 5.3.3 and accompanying ADG and Design Verification Statement.

DEP Comments	Response
outcome in terms of bulk and scale when both sites are redeveloped. The applicant would need to show how the adjoining site could be redeveloped to achieve this outcome.	
7. It is noted that the ground floor plan shows a covered pedestrian walkway along the southern boundary. This would be more usefully located along the northern boundary, aligning with the laneway to the east which connects to Northumberland Street. Consideration should be given to locating the link to Bathurst Street along the northern boundary and widening Butman Lane by setting the podium back from the northern boundary. If the adjoining site to the north were to be re-developed in the future, the laneway could be extended across that site to provide vehicular access from Huckstepp Lane to Bathurst Street.	NOTED A setback of 3m has been provided to the northern boundary to facilitate a potential extension of Butman Lane.
General 8. Note: All SEPP 65 apartment buildings must be designed by an architect and his/her registration number is to be on all drawings. The architect is to attend the DEP presentations.	NOTED Eric Pui Tong Leung, Senior Architect - BArch (RAIA Reg: 8713, CPPM 41038) is the registered architect for the project. His details will be provided on all plans.
Quality of construction and Material Selection 9. Consideration must be given by the applicant to the quality of materials and finishes. All apartment buildings are to be made of robust, low maintenance materials and be detailed to avoid staining weathering and failure of applied finishes. Render is discouraged.	NOTED Robust low maintenance materials will be utilised proposed in the original application. Refer to Schedule of materials submitted with the original proposal.
Floor-to-floor height 10. The panel recommends a minimum 3050 to 3100mm floor-to-floor height so as to comfortably achieve the minimum 2700mm floor-to-ceiling height as required by the ADG.	NOTED A floor to floor height of 3100mm has been adopted as recommended.
Note: The proposal is not acceptable in its current form and must be referred to the Design Excellence Panel again.	NOTED
20 October 2016 Design Excellence Panel Meeting No. 2 Minutes	
That the planning issues regarding the 25m extension of the B4 zone and the permissibility of the calculation of FSR and floor space on one site divided by a public street, are statutory planning matters that must be resolved with Council planning staff	Refer to consolidated planning and legal advice prepared by Mills and Oakley dated 4 July 2016 and Letter to Council from Elton Consulting with attached legal advice from Addisons' Lawyers dated 3 August 2015.

DEP Comments	Response
The proposal cannot be supported by the Panel as there is a major non-compliance with the ADG in the side set-backs	Setbacks have been increased offsetting the building to provide a design that is more consistent with the objectives of the ADG in response to further meetings with DEP. See above and Refer Section 4.4 and 5.3.3 and accompanying ADG and Design Verification Statement.
The comments from the previous Panel meeting, to which no response has been made, are still applicable and they are attached.	See below.
23 July 2015 Design Excellence Panel Meeting No. 1 Minutes	
Scale and Form The key issue is the non-compliance with setbacks as per SEPP 65. The side boundary for the proposed tower should be 12 metres from side boundary. The Panel commented on: The fact that the SEPP 65 set backs were now mandatory standards The impact that this development would have on the potential of neighbouring sites to develop The implications for privacy The implications for solar access on the sites to the south.	See responses above in respect of setbacks. It is noted that the ADG supplements the provisions of State Environmental Planning Policy (SEPP) No. 65 and is a guideline (non-statutory instrument).
The Panel commented that the amount of above ground car parking could not be supported unless it was screened from view by active uses on the primary street frontages and at least architectural screening on the secondary frontages.	All above ground car parking has been concealed with commercial uses to both street frontages.
The Panel requested that the applicant explore and document alternative massing (tower) configurations on the site and test the best and worst scenarios for development of the adjacent sites to demonstrate the compatibility of the proposed development with the future development feasibility of the neighbouring sites.	See attached See accompanying Architectural Sketch. The result is an inefficient floor plate with a poor urban form and scale. The proposal is considered a best-case scenario for both the subject site and adjoining properties.
The Panel said that the development cannot be supported in its current form.	NOTED Consider proposed design changes as detailed above.

DEP Comments	Response
Huckstepp Service Way This frontage has only car parking /garbage collection and service access. This is contrary to the Vision for Liverpool in the adopted Report that went to Council on 29th April. This DA should be required to have some of the frontage designed so that other uses can be incorporated over time.	Retail/commercial is proposed on the ground level at Bathurst and part of Butman Lane consistent with more recent advice from Council and DEP.
Lift on Bathurst Street The lift on Bathurst Street frontage terminates in front of a unit. This is not acceptable	This comment related to a previous design and no longer applies.
Live Work Units The live I work units on Levels 1-4 that are 'sleeving' the car parking are two bed apartments. This does not constitute a mixed use building.	Live work units are no longer proposed.

B Letter to Council Sep 18

14 September 2018

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George Nehme
Acting Coordinator – Development Assessment
Liverpool City Council
NehmeG@liverpool.nsw.gov.au



Dear George

RE: 64 Bathurst Street, Liverpool (DA No. 767-2016)

I refer to meetings with Liverpool City Council's Design Excellence Panel (DEP) (28 September 2017 and 17 May 2018) and our subsequent discussions with you, in respect of the above referenced DA.

As you are aware, the objective of the May meeting was to introduce the new architects Global Saunders and discuss the amended proposal. A key outcome of the meeting was for our team to move forward with the application based on the envelope agreed with the DEP in September 201, with minimal other changes.

The DEP advised that they appreciated that some of the issues raised in the previous minutes had been satisfactorily addressed by the amended proposal. However, the proposal generated additional matters of concern, namely the treatment of the building to the southern facade as a blank wall. There was also some confusion by both, the panel members and the project team in respect of the outcome of the laneway – whether that would be an activated pedestrianised laneway or vehicular access to the lot to the north of the site (112 Moore Street, Liverpool), of which it can be confirmed it was the latter.

The plans have now been updated to respond to DEP minutes of September 2017 and May 2018, specifically addressing the matters aforementioned. The table below provides a summary of issues raised by DEP and our response to these matters. Based on the current design the proposal comprises:

- » Four storey podium with ground floor retail and commercial tenancies above (Levels 2-4) and communal open space
- » Residential tower (Levels 5 -21) with 66 apartments (23 x 1 bedroom), 68 x 2 bedroom (48%) and 6 x 3-bedroom (9%).

Further, the proposal complies with the requirement for 30% commercial uses and 70% residential, as originally agreed with Council.

We believe we have now adequately addressed all the Panel's concerns and are now working towards finalising the documentation for lodgement. We thank you for the opportunity to provide this revised documentation and look forward to continuing to work collaboratively with Council to finalise this DA.

Please contact me should you have any further questions or require additional information.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Vasiliki Andrews'.

Vasiliki Andrews
Project Manager - Urban and Regional Planning
vas.andrews@elton.com.au

Enclosed

- » Response to DEP Minutes 28 September 2017 and 17 May 2018
- » Laneway Design
- » Façade Study.



DEP Minutes

DEP Comments	Response
17 May 2018 DEP Meeting Minutes	
Design principles	
The Panel thanks the proponent for bringing the scheme back to the Panel for its consideration. The presentation helped the Panel to better understand the evolution of the scheme.	Noted.
The Panel appreciates that the scheme has responded to some of the Panel's previous issues including the provision of greater setback to the northern boundary above the podium level and that the laneway has been relocated to the northern boundary of the site.	Noted.
The presentation and rendering presented at the meeting illustrate a significant improvement from the previous scheme.	Noted.
The proposed 12m setback from the northern boundary above the podium level is supported by the Panel as it complies with the ADG building separation requirements.	Noted.
The previous DEP minutes identified a maximum 8m blank wall to the southern boundary as illustrated by drawings submitted to the DEP at the meeting which showed one length of building on the southern boundary. It was assumed in this meeting that this wall would have no openings. The extent of the building now proposed on the southern boundary substantially exceeds this figure. The notes from previous meetings regarding the amount of building to the boundary must be applied without impinging on the rights of the neighbouring site to build along the boundary, or to result in inadequate light and air to the apartments within the proposal should that occur. Therefore, it is likely that the amount of building to be placed on the boundary will be limited to one instance of 8 metres unless apartments can be replanned to achieve a reasonable amenity with a neighbouring (commercial) building in place at the boundary.	The proposal has been updated to provide solid blank walls of no more than 8m along the southern boundary. A component of the upper level southern façade (Levels 16-21) on the western side will be partly opaque glazing panels (to the balconies) and solid wall panels. This ensure the requirement for 8m is met while also ensuring reasonable levels of external and internal visual privacy can be achieved. Balconies and units on the lower levels (Levels 5-15) and upper levels of the eastern portion of the building have been stepped to achieve the requirement for a maximum of 8m of solid wall. South facing highlight windows are provided to non-habitable rooms including water closets. They will be opaque glazing panels to achieve adequate daylight access and visual privacy of the residents. Our BCA consultant has confirmed that the use of opaque glazing panels no closer than 3m from the site boundary complies will comply with the BCA. Refer to accompanying Façade Study.



DEP Comments	Response
The amended scheme proposes glass curtain walls along the southern boundary and windows to habitable rooms setback 3m from the southern boundary. Habitable rooms setback only 3 metres from the boundary does not comply with the requirements of the ADG in terms of building separation. The scheme would prejudice the residential development potential of the southern adjoining sites if/when they are re-developed in that it forces the southern adjoining sites to provide all the required ADG building separation. The proposal must be amended to comply with ADG separation requirements. The proponent stated that they understand that any glazing on the boundary could be lost by the redevelopment of the neighbouring site and therefore the apartment layouts must not rely on these facades for compliance with the ventilation, solar access or other ADG requirements.	As above.
The applicant presented drawings showing that the southern adjoining sites, if they were re-developed, would only be capable of accommodating smaller buildings as they would be entitled to much lower FSR than the subject site. The Panel does not accept this argument, as the scheme would require the southern adjoining sites to absorb all the required ADG spatial separation between buildings. Neither the Panel nor the proponents can know what future lot amalgamation might be undertaken.	Noted. It is noted that a detailed Urban Design Analysis of the future development potential of the adjoining sites to the south has been undertaken by E8 Urban and Mosca Pserras Architect (former architects) and was addressed as part of our submission to the Panel in July 2018. This documentation also demonstrated the constraints of the adjoining site as well as the client's efforts to buy these properties.
The relocation of the laneway to the northern boundary of the site is supported in principle by the Panel. However, the laneway has not been designed as an orderly extension of Buttman and Huckstepp lanes. Rather, it has been designed as an outdoor dining area for the development and is only accessible to pedestrians. While it is accepted that the design of the laneway provides direct pedestrian access between Northumberland Street and Bathurst Street via Huckstepp lane, it does not facilitate an orderly development of the northern portion of the block bounded by Northumberland Street, Bathurst Street, Moore Street and Memorial Avenue. As indicated in the Panel's previous minutes, the Panel recommends that the proposed laneway be amended to facilitate an orderly extension of Huckstepp lane and Buttman lane such that should the northern adjoining sites be redeveloped in the future, they would be able to utilize Huckstepp lane for access and services.	The laneway design has been amended to cater for vehicle access rather than a pedestrianised laneway. You have advised that the revised design is satisfactory as per your email of 27 July 2018. Refer to accompanying Laneway Design as sent to you on 6 July 2018.
The number of 3-bedroom apartments should be increased to a minimum of 10% of the total apartments proposed.	Due to agreed tower setbacks, we are proposing 6 x 3 bedroom apartment units representing 9.1% of the total apartment units proposed. You have advised that that this will be sufficient as per our discussion on the 30 August 2018 (confirmed by email).



DEP Comments	Response
The communal open space on level 4 should be supported by suitable landscaping design details. The Panel recommends the engagement of landscape architect to design the space as a meaningful and functional space that would contribute to the overall amenity of residents.	A Landscape Plan will be submitted with the revised documentation DA documentation.
General	
Note: All SEPP 65 apartment buildings must be designed by an architect and their registration number is to be on all drawings. The architect is to attend the DEP presentations.	Eric Pui Tong Leung, Senior Architect - BArch (RAIA Reg: 8713, CPPM 41038) is the registered architect for the project. Eric attended the DEP presentation and his details will be provided on all plans.
Quality of construction and Material Selection	
Consideration must be given by the applicant to the quality of materials and finishes. All apartment buildings are to be made of robust, low maintenance materials and be detailed to avoid staining weathering and failure of applied finishes. Render is discouraged.	Noted. Robust, low maintenance materials will be utilised. A schedule of external material and finishes will be submitted with the revised documentation DA documentation.
Floor-to-floor height	
The panel recommends a minimum 3050 to 3100mm floor-to-floor height for the residential component of the development so as to comfortably achieve the minimum 2700mm floor-to ceiling height as required by the ADG.	The design proposes Floor-to-floor height of 3100mm for the residential component to achieve the minimum 2700mm floor-to ceiling height as required by the ADG.
Sectional Drawings	
Sectional drawings at a scale of 1:20 of wall section through with all materials, brickwork, edging details to be submitted.	Sectional drawings will be submitted with the revised documentation DA documentation.
CLOSE	
Not all the issues raised in the previous DEP Minutes have been satisfactorily addressed by the amended proposal which has generated additional matters of concern. The site is highly constrained and not all the issues raised can be resolved by the Panel in terms of providing an orderly development for the site. In the event that amended plans are submitted to Council to address the concerns of the Design Excellence Panel the amended plans should be considered by Council and if it is shown that all matters are addressed to the satisfaction of the Liverpool City Council planners then the project is not required to return to the Design Excellence Panel. Should the proponents wish to submit an alternative proposal not in accordance with the recommendations of this letter the DEP would ask that the proposal return to the Design Excellence Panel.	The proposal has been amended to address the DEP concerns.



DEP Comments	Response
20 September 2017 DEP Meeting Minutes	
Design principles	
This is the fourth time that the application has come before the Panel. At the last DEP meeting, significant issues were identified that required re-design of the proposal to ensure that any development for the subject site, despite the unusual circumstances surrounding it, would not prejudice the development potential of any neighbouring sites.	Noted.
The Panel notes that the built form of the building has been re-planned and the building has been re-positioned with part of the building at the southern boundary. In doing so, the separation distances to the northern boundary has been increased to between 9 and 12 metres.	Noted. Setback to the northern boundary is 12m.
The amended L-shaped built form with 9-12m setbacks from the northern boundary does not comply with the ADG building separation distances. As shown on the building envelope drawings, the northern adjoining sites would require to provide greater separation distances than the proposal in order to achieve the required 24 metres separation between buildings taller than 8 storeys in height, as articulated in the ADG. This is unacceptable and not supported by the Panel.	As above.
The panel supports the required building separation distance of the ADG on the northern boundary which must be complied with. Given the scale and height of the building a minimum of 12 metres spatial separation shall be provided from the northern boundary of the site, to ensure that the proposal does not adversely diminish the development potential of the northern adjoining sites.	As above.
The panel is supportive of having zero setback to the southern boundary as suggested in its previous minutes, and further to the amended proposal presented. The length of those zero setback walls should be restricted to 8 metres at each instance.	Zero setback walls are provided to the southern boundary with walls no greater than 8m. See response above which details the design approach undertaken. Refer to accompanying Concept Plans.
The internal building envelope presented by the applicant for the residential component of the development, consisting of 6 apartments per level, is not an unreasonable floor plate in terms of cross-ventilation and solar access.	The revised floor layout plans attached provide for four apartments per level. Refer to accompanying Concept Plans.
The Panel commends the applicant in relocating the proposed laneway to the northern boundary, as having a laneway on the northern boundary of the site would facilitate an orderly extension of Huckstepp Service way and Butman lane.	Noted.
The Panel is satisfied that other issues raised in its previous minutes have been reasonably addressed by the applicant.	Noted.



DEP Comments	Response
General	
Note: All SEPP 65 apartment buildings must be designed by an architect and his/her registration number is to be on all drawings. The architect is to attend the DEP presentations. With proposals that are complex in terms of planning and site context issues the DEP recommends a minimum of two DEP presentations are made, the first being concerned only with massing, setbacks, context and other planning issues. Once approval has been gained from the DEP on these issues further details such as apartment layouts and ADG compliance can be assessed and discussed.	Eric Pui Tong Leung, Senior Architect - BArch (RAIA Reg: 8713, CPPM 41038) is the registered architect for the project. His details will be provided on all plans.
Quality of construction and Material Selection	
Consideration must be given by the applicant to the quality of materials and finishes. All apartment buildings are to be made of robust, low maintenance materials and be detailed to avoid staining weathering and failure of applied finishes. Render is discouraged.	Noted. Robust, low maintenance materials will be utilised. A materials schedule will be submitted with the revised documentation DA documentation.
Floor-to-floor height	
The panel recommends a minimum 3050 to 3100mm floor-to-floor height so as to comfortably achieve the minimum 2700mm floor-to-ceiling height as required by the ADG	The design proposes Floor-to-floor height of 3100mm for the residential component to achieve the minimum 2700mm floor-to-ceiling height as required by the ADG.
6. CLOSE	
The proposal is acceptable subject to the incorporation of the above advice given from the panel and will not need to be seen by the panel again. In the event that amended plans are submitted to Council to address the concerns of the Design Excellence Panel the amended plans should be considered by Council.	Noted. It was decided to go back to Panel to introduce the new architects Global Saunders to your team and discuss the revised floor plan layouts, and the following key changes: » Four storey podium instead of five » A two-floor extension to the portion of the building facing Bathurst Street, from 19 to 21 storeys » Parking in five levels of basement instead of three basement levels and two podium levels.

64 BATHURST STREET

Proposed Mixed Used Development

LANEWAY VISION

19.07.2018



saunders global

Sydney

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Australia
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"Creating profitable people places"

Please note: The Merchandising Intention information is a guide only and does not constitute an offer or contract, changes may be made during the DA and development process. Areas, fittings, fixtures and specification are subject to change without notice.

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LANEWAY VISION

PERSPECTIVE VIEW 1



LANEWAY VISION

PERSPECTIVE VIEW 2



LANEWAY VISION

PERSPECTIVE VIEW 3



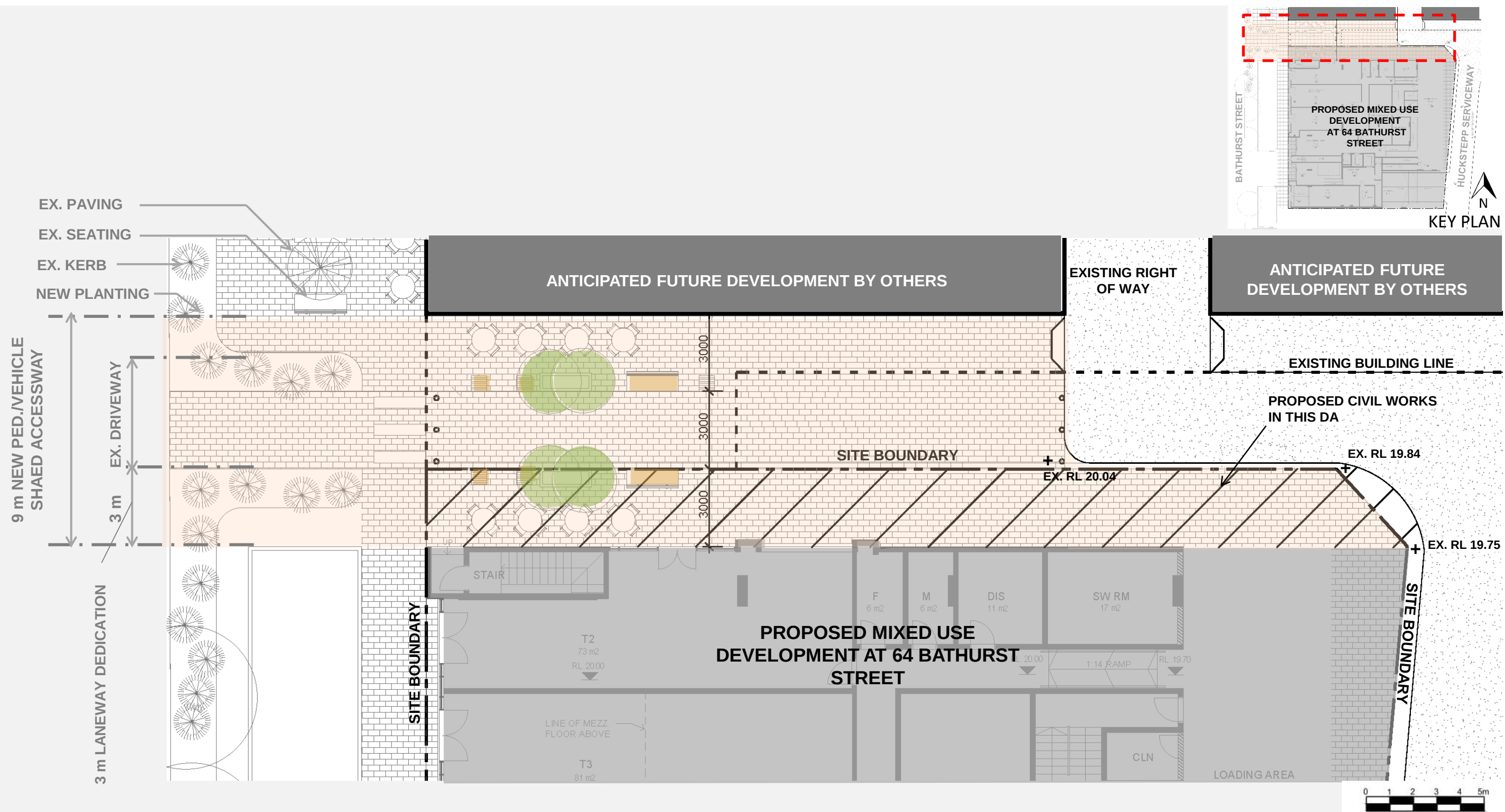
LANEWAY VISION

PERSPECTIVE VIEW 4



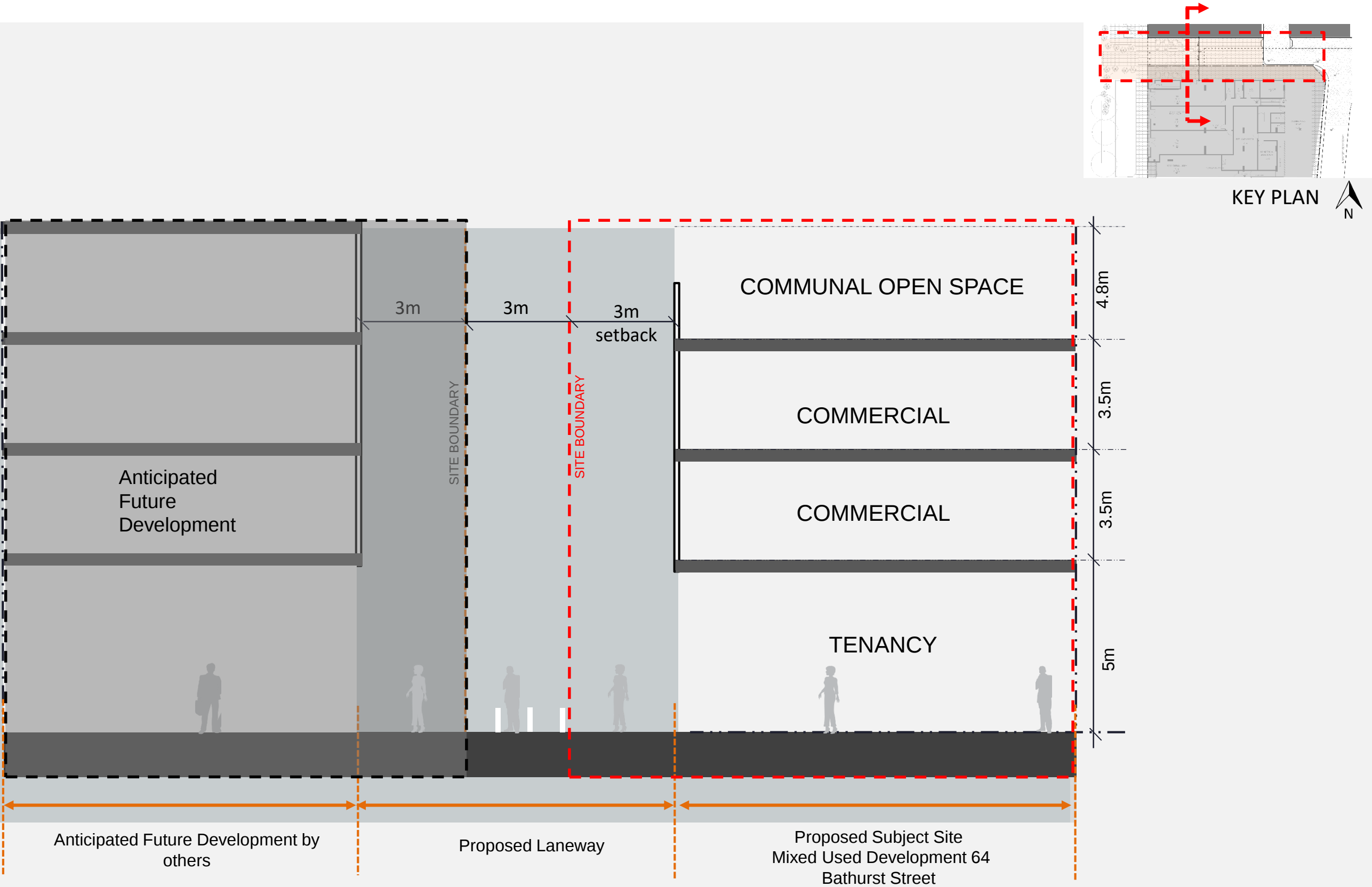
LANEWAY VISION

64 BATHURST STREET, LANEWAY MASTERPLAN



LANEWAY VISION

64 BATHURST STREET, SECTION THROUGH LANEWAY



THANK YOU



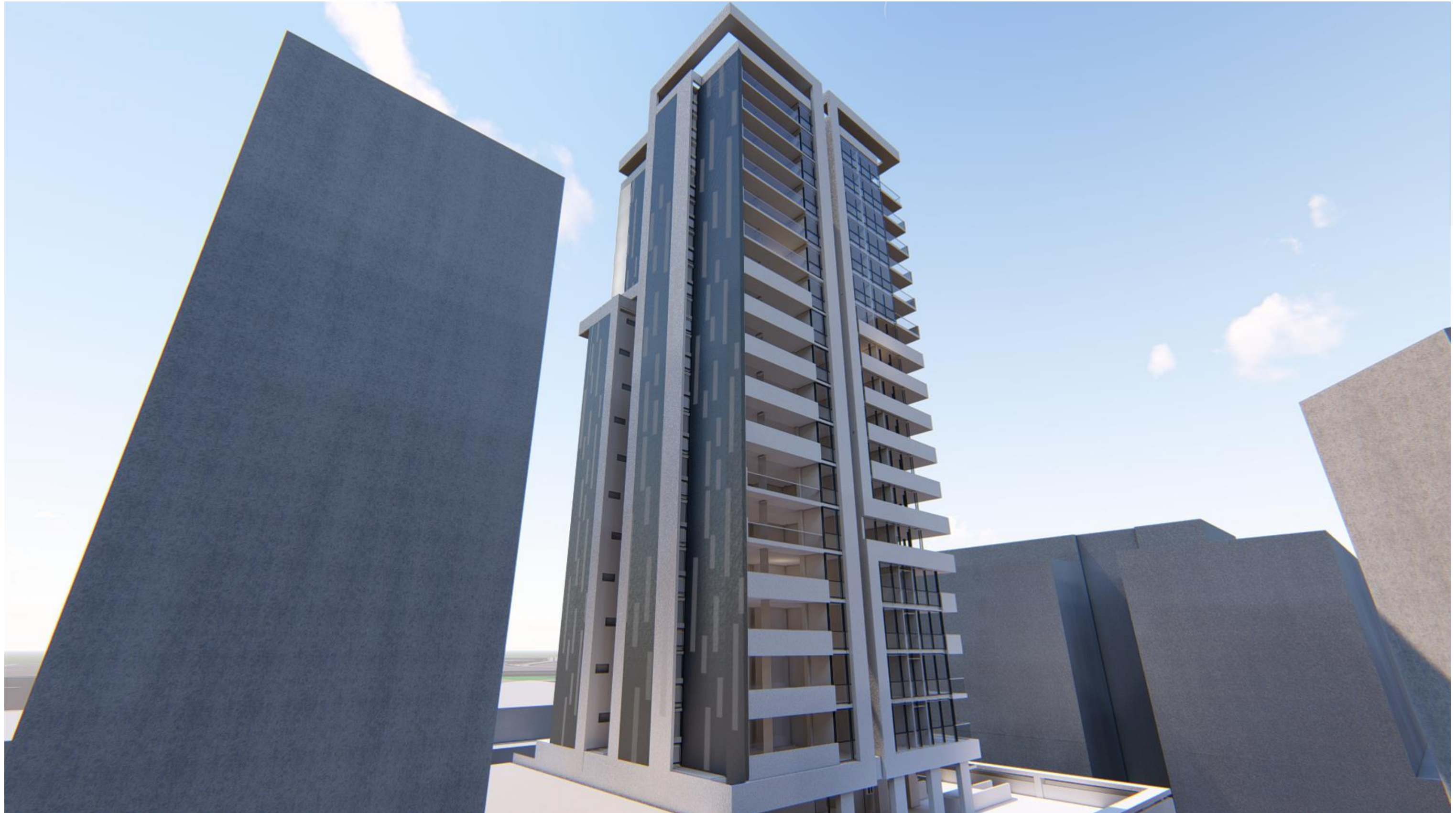
64 BATHURST STREET

PERSPECTIVE VIEW 1 SOUTH-WEST CORNER



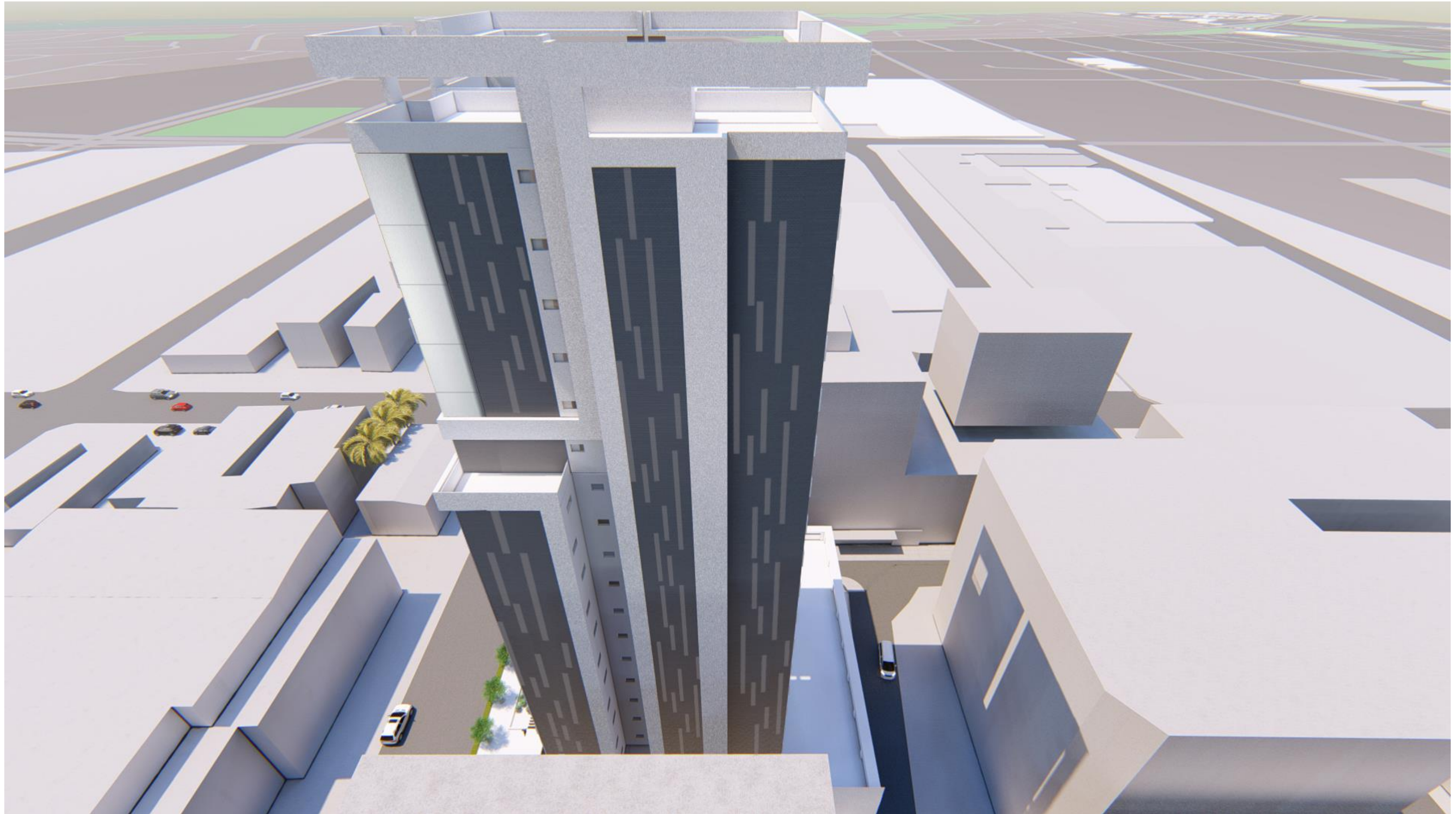
64 BATHURST STREET

PERSPECTIVE VIEW 2



64 BATHURST STREET

PERSPECTIVE VIEW 3



64 BATHURST STREET

PERSPECTIVE VIEW 4



C Liverpool LEP Assessment

A Liverpool LEP 2008

An assessment of the proposal against the following is detailed in this section:

- » A1 - Liverpool LEP 2008 at the date the DA was originally prepared
- » A2 - Draft LEP Amendment 52 as exhibited (at the time the original DA was prepared)
- » A3 - Liverpool LEP 2008 at the time of writing this report which now includes the controls (despite these controls not strictly applying to the site).

A-1 Liverpool LEP 2008 (August 2016)

An assessment of the proposal against the Liverpool LEP 2008 (Historical version for 12 August 2016 to 18 May 2017) at the time of lodgement of the DA in August 2016 is detailed below.

Table 1 Compliance with Liverpool LEP 2008

LEP clause/ control	Assessment
Part 1 Preliminary	
1.2 Aims and objectives	
(1) This Plan aims to make local environmental planning provisions for land in Liverpool in accordance with the relevant standard environmental planning instrument under section 33A of the Act.	Consistent The proposal is consistent with the aims of the LEP as it: » Provides a range of housing as well as employment opportunities in close proximity to public transport and social, community, recreational, leisure, commercial, medical and other opportunities » Achieves design excellence, responding well to the existing and desired future character » Respects and activates surrounding heritage streetscapes » Supports recreational and social pursuits through the provision of communal areas for both commercial and residential and new site link » Increases housing and commercial supply, strengthening the regional position of the city centre » Achieves BASIX requirements and provides WSUD features.
(2) The particular aims of this Plan are as follows:	
(a) to encourage a range of housing, employment, recreation and services to meet the needs of existing and future residents of Liverpool,	
(b) to foster economic, environmental and social well-being so that Liverpool continues to develop as a sustainable and prosperous place to live, work and visit,	
(c) to provide community and recreation facilities, maintain suitable amenity and offer a variety of quality lifestyle opportunities to a diverse population,	
(d) to strengthen the regional position of the Liverpool city centre as the service and employment centre for Sydney's south west region,	
(e) to concentrate intensive land uses and trip-generating activities in locations most accessible to transport and centres,	
(f) to promote the efficient and equitable provision of public services, infrastructure and amenities,	
(g) to conserve, protect and enhance the environmental and cultural heritage of Liverpool,	

LEP clause/ control	Assessment
(h) to protect and enhance the natural environment in Liverpool, incorporating ecologically sustainable development,	
(i) to minimise risk to the community in areas subject to environmental hazards, particularly flooding and bush fires,	
(j) to promote a high standard of urban design that responds appropriately to the existing or desired future character of areas.	

1.3 Land to which Plan applies

This Plan applies to the land identified on the Land Application Map.	The LEP applies to the site.
---	------------------------------

Part 2 Permitted or prohibited development

2.1 Land use zones

B3 Commercial Core

1 Objectives of zone

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To strengthen the role of Liverpool city centre as the regional business, retail and cultural centre of south western Sydney.
- To ensure that, for key land in the Liverpool city centre, opportunities for retail, business and office uses exist in the longer term.
- To facilitate a high standard of urban design and exceptional public amenity.

2 Permitted without consent

Nil

3 Permitted with consent

Building identification signs; Business identification signs; Child care centres; **Commercial premises;** Community facilities; Educational establishments; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Group homes; Helipads; Heliports; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs;

The site is located on land zoned currently zoned B3 Commercial Core and bordered by B4 Mixed Use Zoning to the east (Figure 15). The proposal seeks approval for a mixed-use development comprising shop top housing and commercial premises. Commercial premises (includes business, office and retail uses) are permissible with consent in the B3 zone. Shop top housing is prohibited within the B3 zone. Notwithstanding this, Clause 5.3 Development near zone boundaries will be relied on to permit these uses as addressed below.

LEP clause/ control	Assessment
Respite day care centres; Restricted premises; Roads; Veterinary hospitals; Water recreation structures 4 Prohibited Any development not specified in item 2 or 3	
2.7 Demolition requires development consent	
The demolition of a building or work may be carried out only with development consent.	Consent is sought to demolish the existing car park.
Part 4 Principal development standards	
4.3 Height of buildings	
4.3 Height of buildings (1) The objectives of this clause are as follows: (a) to establish the maximum height limit in which buildings can be designed and floor space can be achieved, (b) to permit building heights that encourage high quality urban form, (c) to ensure buildings and public areas continue to receive satisfactory exposure to the sky and sunlight, (d) to nominate heights that will provide an appropriate transition in built form and land use intensity. (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. Note. Clauses 5.6, 7.2 and 7.5 provide for circumstances under which a building in the	Complies The maximum height limit permissible under the clause is <u>100 metres</u>. Inclusive of the lift overrun of the proposed development, the elevations demonstrate that the building height is <u>76m metres</u>. The height of the proposed development is consistent with the desired future character of the area and has been designed to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development in the vicinity.
4.4 Floor space ratio	
(1) The objectives of this clause are as follows: (a) to establish standards for the maximum development density and intensity of land use, taking into account the availability of infrastructure and the generation of vehicle and pedestrian traffic, (b) to control building density and bulk in relation to the site area in order to achieve the desired future character for different locations, (c) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain, (d) to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing, and are not likely to undergo, a	Complies - see below The existing commercial building has an FSR of 2.3:1. The proposed development including the existing commercial building has an <u>FSR of 5.2:1</u>. The maximum permissible FSR is 5:1. However, an FSR bonus can be applied to the site as per the clauses below if: » It is located within Liverpool City Centre and zoned B3 » Has a maximum building height of 100m » Site area exceeds 2,500sqm (combined across the whole site) In accordance with the formula set out in subclause (2C) a <u>maximum FSR of 8:1</u> can be achieved on the site.

LEP clause/ control	Assessment						
substantial transformation, (e) to provide an appropriate correlation between the size of a site and the extent of any development on that site, (f) to facilitate design excellence in the Liverpool city centre by ensuring the extent of floor space in building envelopes leaves generous space for the articulation and modulation of design. (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.							
(2B) Despite subclause (2), the maximum floor space ratio of a building in the Liverpool city centre that is: (a) on a site area greater than 1,000 square metres, and (b) on land in a zone specified in the Table to this clause, and (c) on land for which the maximum building height shown on the Height of Buildings Map is as specified in Column 1 of the Table under the heading for that zone, is the amount specified opposite that height in: (d) Column 2 of the Table, if the site area for the building is greater than 1,000 square metres but less than 2,500 square metres, or (e) Column 3 of the Table, if the site area for the development is equal to, or greater than 2,500 square metres. (2C) For the purposes of Column 2 of the Table to this clause, X is to be calculated in accordance with the following formula: Zone B3 Commercial Core <table><tr><th>Column 1</th><th>Column 2</th><th>Column 3</th></tr><tr><td>100m</td><td>(5 + 3X):1</td><td>8:1</td></tr></table>	Column 1	Column 2	Column 3	100m	(5 + 3X):1	8:1	Complies The site: » Is located within Liverpool City Centre and zoned B3 » Has a maximum building height of 100m » Site area exceeds 2,500sqm (combined across the whole site).
Column 1	Column 2	Column 3					
100m	(5 + 3X):1	8:1					
4.5 Calculation of floor space ratio and site area							
1) Objectives The objectives of this clause are as follows: (a) to define floor space ratio, (b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to: (i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and (ii) prevent the inclusion in the site area of an area that has already been included as part of a site	Complies The FSR and site area is calculated in accordance with this clause. The site is legally described as Lot 10 DP 816556 with a total site area of 2,924 square metres (sqm) despite being dissected by Huckstepp Serviceway. Refer to Section 4.5.						

LEP clause/ control	Assessment
area to maximise floor space area in another building, and (iii) require community land and public places to be dealt with separately. (2) Definition of “floor space ratio” The floor space ratio of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area. (3) Site area In determining the site area of proposed development for the purpose of applying a floor space ratio, the site area is taken to be: (a) if the proposed development is to be carried out on only one lot, the area of that lot, or (b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out. In addition, subclauses (4)–(7) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development. (4) Exclusions from site area The following land must be excluded from the site area: (a) land on which the proposed development is prohibited, whether under this Plan or any other law, (b) community land or a public place (except as provided by subclause (7)).	

Part 5 Miscellaneous Provisions

5.3 Development near zone boundaries

Clause 5.3 Development near zone boundaries provides flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.

Complies

Clause 5.3 (4) enables development consent to be granted for a use that is permitted in the adjacent Zone B4 Mixed Use within 25 metres of the boundary between the site but only if the consent authority is satisfied that:

- » The development is not inconsistent with the objectives for development in both zones, and
- » The carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.

‘Shop top housing’ is permissible with consent in the B4 Mixed Use Zone. The zoning and the 25-metre boundary existing within the subject land (Refer Section 4.4). The residential units are

LEP clause/ control	Assessment
	proposed to be located within the 25-metre boundary including all private open space (balconies/terraces). The proposal is consistent with the provisions of this clause. A detailed assessment of is below A-1-1. Refer to accompanying Legal Advice for more information regarding the permissibility of the proposal under this Clause 5.3.

5.10 Heritage conservation

(1) Objectives The objectives of this clause are as follows: (a) to conserve the environmental heritage of Liverpool, (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, (c) to conserve archaeological sites, (d) to conserve Aboriginal objects and Aboriginal places of heritage significance. (4) Effect of proposed development on heritage significance a) The consent authority must, before granting consent under this clause in respect of a heritage b) item or heritage conservation area, consider the effect of the proposed development on the c) heritage significance of the item or area concerned. This subclause applies regardless of whether d) a heritage management document is prepared under subclause (5) or a heritage conservation e) management plan is submitted under subclause (6).	The site is does not contain any items of local or state heritage significance, and is not within a heritage conservation area as recognised under Schedule 5 of the LEP. The site however is bordered 'Bathurst Street' and is in proximity to 'Northumberland Street' which are local heritage items (item no. 89). The design of the building has taken into the impact to these items. Refer Section 5.3.9.
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Part 7 Additional local provisions

Division 1 Liverpool city centre provisions	The site is located within the Liverpool City Centre as shown in the Key Sites Map. Therefore, the provisions in this section are applicable to the proposal.
--	--

7.1 Objectives for development in Liverpool city centre

Before granting consent for development on land in the Liverpool city centre, the consent authority must be satisfied that the proposed development is consistent with such of the following objectives for the redevelopment of the city centre as are relevant to that development: (a) to preserve the existing street layout and reinforce the street character through consistent	Consistent The proposed development is consistent with the objectives of this clause as: » Preserves the existing street layout and reinforces the street character through setback of the residential tower and podium, landscaping and façade treatment
--	--

LEP clause/ control	Assessment
building alignments, (b) to allow sunlight to reach buildings and areas of high pedestrian activity, (c) to reduce the potential for pedestrian and traffic conflicts on the Hume Highway, (d) to improve the quality of public spaces in the city centre, (e) to reinforce Liverpool railway station and interchange as a major passenger transport facility, including by the visual enhancement of the surrounding environment and the development of a public plaza at the station entry, (f) to enhance the natural river foreshore and places of heritage significance, (g) to provide direct, convenient and safe pedestrian links between the city centre (west of the rail line) and the Georges River foreshore.	» Improves the quality of the streetscape providing ground floor commercial tenancies and landscaping that that will activate the street » Has been designed to minimise the loss of solar access to existing development in the vicinity » Provide new development in proximity to the station within 800m.

7.3 Car parking in Liverpool city centre

(1) The objective of this clause is to ensure that adequate car parking is provided for new or extended buildings on land in the Liverpool city centre that is commensurate with the traffic likely to be generated by the development and is appropriate for the road network capacity and proposed mix of transport modes for the city centre.

(2) Development consent must not be granted to development on land in the Liverpool city centre that is in Zone B3 Commercial Core or B4 Mixed Use that involves the erection of a new building or an alteration to an existing building that increases the gross floor area of the building unless:

(a) at least one car parking space is provided for every 200 square metres of any new gross floor area that is on the ground floor level of the building, and

(b) in respect of any other part of the building:

(i) at least one car parking space is provided for every 100 square metres of any new gross floor area that is to be used for the purposes of retail premises, and

(ii) at least one car parking space is provided for every 150 square metres of any new gross floor area that is to be used for any other purpose.

(3) Despite subclause (2), development consent may be granted to a development with less or no on site car parking if the consent authority is satisfied that the provision of car parking on site is not feasible.

(4) In this clause, the following are to be included as part of a building's gross floor area:

Commercial parking has been provided in accord with this clause.

Residential parking has been provided in accordance with the Liverpool DCP and SEPP 65.

Refer to accompanying Traffic Impact Assessment.

LEP clause/ control	Assessment
(a) any area of the building that is used for car parking and is at or above ground level (existing), except to the extent permitted by a development control plan made by the Council, (b) any area of the building that is used for car parking below ground level (existing), except where the car parking is provided as required by this clause. (5) Council owned public car parking and parts of a building used for residential purposes must not be included as part of a building's gross floor area for the purposes of this clause.	

7.4 Building separation in Liverpool city centre

(1) The objective of this clause is to ensure minimum sufficient separation of buildings for reasons of visual appearance, privacy and solar access. (2) Development consent must not be granted to development for the purposes of a building on land in Liverpool city centre unless the separation distance from neighbouring buildings and between separate towers, or other separate raised parts, of the same building is at least: (a) 9 metres for parts of buildings between 12 metres and 25 metres above ground level (finished) on land in Zone R4 High Density Residential, and (b) 12 metres for parts of buildings between 25 metres and 35 metres above ground level (finished) on land in Zone R4 High Density Residential, and (c) 18 metres for parts of buildings above 35 metres on land in Zone R4 High Density Residential and (d) 12 metres for parts of buildings between 25 metres and 45 metres above ground level (finished) on land in Zone B3 Commercial Core or B4 Mixed Use, and (e) 28 metres for parts of buildings 45 metres or more above ground level (finished) on land in Zone B3 Commercial Core or B4 Mixed Use.	The clause requires a separation distance from neighbouring buildings and between separate towers (or other separate raised parts) of the same building must be at least: » 12 metres for parts of buildings between 25 metres and 45 metres above ground level (finished) on land in Zone B3 Commercial Core » 28 metres for parts of buildings 45 metres or more above ground level (finished) on land in Zone B3 Commercial Core This control applies to the northern, southern and eastern elevations of the site as the western is bordered by the B4 Mixed Use Zone. Notwithstanding this the building would be is approximately 30m from the existing mixed-use development across Bathurst Street. There are no buildings to the north (NSW Trustee and Guardian Building) and south (vacant car park) over 25 metres. The proposed development at the eastern elevation to the existing 8 storey commercial building (203-209 Northumberland Street) complies at over 20 metres.
--	--

7.5 Design excellence in Liverpool city centre

(1) The objective of this clause is to deliver the highest standard of architectural and urban design. (2) Development consent must not be granted to development involving the construction of a new building or external alterations to an existing building in the Liverpool city centre unless the	The proposed development is considered to exhibit design excellence having regard to the matters prescribed (Refer assessment below A-1-2). The design has undergone a rigorous design process with several meetings with the DEP. Refer to assessment of subclause 3 below.
--	--

LEP clause/ control	Assessment
consent authority considers that the development exhibits design excellence.	Refer to Section 4 and 5.3.3 for accompanying SEPP 65 Design Verification Statement and compliance assessment against the ADG.
Division 2 Other provisions	
7.31 Earthworks	
The objective of this clause is to ensure that earthworks (which include excavation and filling) will not have a detrimental impact on the environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	The proposed development involves the excavation of the car park for basement car park. Appropriate stormwater management and sediment controls measures will be implemented to mitigate impacts of the development during excavation. A detailed assessment against the provisions of this clause is outlined below (A1-1-3).
7.17 Airspace operations	
(1) The objective of this clause is to protect airspace around airports. (2) The consent authority must not grant development consent to development that is a controlled activity within the meaning of Division 4 of Part 12 of the Airports Act 1996 of the Commonwealth unless the applicant has obtained approval for the controlled activity under regulations made for the purposes of that Division.	Comments were received from Sydney Metro Airports on the original DA confirmed that the proposed building at an overall height of 107.7 m above Australian Height Datum (AHD) would not penetrate the Obstacle Limitation Surfaces (OLS) for the Bankstown Aerodrome. The height of the building has since been reduced to 76m. A separate assessment may be required for a crane in future.

A-1-1 Clause 5.3 Development near zone boundaries

Clause 5.3 Development near zone boundaries states:

(1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.

(2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 10 metres from any zone boundary shared with Zone IN3 Heavy Industrial and **25 metres from any other zone boundary**.

(3) This clause does not apply to:

(a) land in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone W1 Natural Waterways, or

(b) land within the coastal zone, or

(c) land proposed to be developed for the purpose of sex services or restricted premises.

(4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:

(a) the development is not inconsistent with the objectives for development in both zones, and

(b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.

(5) This clause does not prescribe a development standard that may be varied under this Plan.

Assessment

The proposed development provides opportunity for a transition between the adjacent B4 Mixed Use zone and the B3 Commercial Core. A mix of three to four storey residential apartment buildings is located on the western side of Bathurst Street, directly opposite the subject land. The proposed development would allow a transition across Bathurst Street in the form of a mixed-use development (comprising retail uses at ground level, with mixed use (commercial, and residential units) above.

The development provides opportunity for additional population residing within the city centre in a location that is directly accessible with good pedestrian linkages to key facilities and services, including Macquarie Mall, the City "Eat Street" and Bigge Park. Each of these localities is identified for enhancement as part of the revitalisation of the city centre. Additionally, the Westfield Shopping Centre is located to the north of the site.

The development will provide a substantial contribution toward the revitalisation of the city centre through:

- » Delivery of a high-quality development in a central location with a range of housing options (one, two- and three-bedroom apartments)
- » Provision of commercial/retail tenancies will provide ongoing employment and promote Liverpool's role as a strategic and regional centre
- » Increase the vibrancy of the city centre through the introduction of additional population who will make use the city centre within and outside standard business hours, including evenings and weekends.

There is substantial demand for new housing within the Liverpool LGA. This demand has been identified within the Liverpool Economic Profile 2013, prepared by AEC in 2013. Key findings of the economic profile included the following:

- » The total population for Liverpool was estimated at over 188,000 in 2011, making the LGA the 7th largest in NSW. Between 2006 and 2011, Liverpool's population expanded at 2.0 percent per annum, equating to growth well above the Sydney SD and NSW averages (1.1 percent and 0.9 percent).

- » Liverpool is projected to record population growth of almost 140,000 during the next 25 years (totalling 327,500 in 2036), equating to average annual growth of 2.2 percent or approximately 5,600 per year.

While a substantial portion of the above growth reflects the major growth planned for the South West Growth Centre, it is anticipated that additional growth is to be accommodated in areas that are well serviced by existing infrastructure, such as the city centre. This is reinforced through the Liverpool City Centre Vision, which among other matters, aims to provide high quality mixed-use developments to provide housing for key working groups in the city centre.

The proposal is consistent with the Liverpool City Centre Vision, as demonstrated within the table below.

Table 2 Compliance with Liverpool City Centre Vision

Aims	Assessment of compliance
Encourage a diversity of precincts within the City Centre including thriving retail and medical precincts;	The proposal will clearly provide diversity through the introduction of mixed-use development within the commercial core.
To provide high-quality mixed-use developments to provide housing for key working groups in the city centre;	The development will provide housing options of key workers and other demographics within the city centre through the provision of 66 residential apartments.
Improve transportation links to and from the City Centre to ensure access to the greater Sydney area is achieved as well as access to the surrounding suburbs of Liverpool	The proposed development will not impact on existing transportation links, but the site is well placed to ensure future occupants and residents are able to readily access public transport infrastructure and major road corridors.
Create new jobs in the City Centre, close to public transport	The proposed development provides opportunities for employment through the provision of 8 new commercial tenancies and 20 serviced apartments. This equates to approximately 30 percent of the site.
Become a city that is pedestrian and cyclist friendly, with active street fronts to create a more liveable city and;	Pedestrian linkages will be provided from Bathurst Street through Huckstepp Serviceway connecting to the existing pedestrian link to Northumberland Street. The commercial tenancies on the ground floor will also provide opportunity for an active street frontage. This creates a more permeable environment that will encourage walking, cycling and use of public transport, social interaction and safe pedestrian environment.
To improve the quality of the natural environment.	The proposed development will not impact on the natural environment as it is currently utilised as a public car park and has no environmental qualities. Solar access and energy and water efficiency measures will promote environmental efficiency reducing the impact of the proposed development on the surrounding natural environment. In addition, landscaping along Bathurst Street and communal areas with generous nous landscaping will assist in improve the sustainability performance of the building as well as making a positive contribution to urban amenity.

Based on the above, it is considered that development is both a logical and appropriate form of development in this locality and is compatible with the planning objectives and land uses for both the B3 Commercial Core and the adjoining B4 Mixed-use zone.

Compliance is demonstrated through the range of compatible land uses proposed within the site. These uses include commercial/retail tenancies on the ground floor and within the podium and residential units within the tower above. With a 30% commercial versus 70% residential mix.

Each of these land uses serves the needs of the local and wider community through increased population and employment as well as making use of local facilities and services. All of which will contribute toward the economic development and vibrancy of the city core, strengthening its role as a strategic and regional centre.

The design will allow for a landmark development to be established on the site. Its design is of a high quality, providing a positive contribution to public amenity. The central location of the development, activation of the street frontages and new pedestrian linkages will assist in maximising public transport patronage, encouraging walking and cycling and promoting social interaction and safety.

In addition, has since been rezoned to B4 Mixed Use that now permits shop top housing. Therefore, the proposed development is reflective of future permitted uses envisaged for the site and desirable in terms of strategic planning context.

Refer to accompanying Legal Advice by Mills Oakley dated 4 July 2017 for further information.

A-1-2 **Clause 7.5 Design excellence in the Liverpool City Centre**

The proposed development is considered to exhibit design excellence having regard to the following matters in accordance with Clause 7.5 (3) of the LEP.

Table 3 Assessment against Clause 7.5 Design Excellence

Matters for consideration	Assessment of compliance
<i>(3) In considering whether development exhibits design excellence, the consent authority must have regard to the following matters:</i>	
<i>(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,</i>	Complies The proposed development has been designed in accordance with the principles and design objectives of SEPP 65 and associated ADG. A range of high-quality materials will be used to articulate the facades of modern contemporary design that will enhance the amenity of Liverpool City Centre and integrate the building within its commercial /mixed use setting.. Refer to attached Architectural Plans.
<i>(b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,</i>	Complies The podium and tower style development with a range of setbacks and articulation of the facades, will contribute to enhancing the amenity of the public domain by providing visual interest, activation of the street frontages and minimise overshadowing.
<i>(c) whether the proposed development detrimentally impacts on view corridors,</i>	Complies The proposal is not considered to adversely impact on any existing view corridors in the area but will enhance district views to surrounding areas.
<i>(d) whether the proposed development detrimentally overshadows Bigge Park, Liverpool Pioneers" Memorial Park, Apex Park, St Luke's Church Grounds and Macquarie Street Mall (between Elizabeth Street and Memorial Avenue),</i>	Complies The proposal does not overshadow any of these areas

Matters for consideration	Assessment of compliance
<i>(e) any relevant requirements of applicable development control plans,</i>	Generally, complies Refer Section 5.1 and Appendix D for an assessment against the DCP.
<i>(f) how the proposed development addresses the following matters:</i> <i>(i) the suitability of the site for development,</i> <i>(ii) existing and proposed uses and use mix,</i> <i>(iii) heritage issues and streetscape constraints,</i> <i>(iv) the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,</i> <i>(v) bulk, massing and modulation of buildings,</i> <i>(vi) street frontage heights,</i> <i>(vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,</i> <i>(viii) the achievement of the principles of ecologically sustainable development,</i> <i>(ix) pedestrian, cycle, vehicular and service access, circulation and requirements,</i> <i>(x) the impact on, and any proposed improvements to, the public domain.</i>	Complies Key built form features of proposed mixed use development are detailed below. » The proposal provides a contemporary design that: > Complements and contributes positively to the desired future character of the area > Respects the heritage significance of Bathurst Street » Built form is appropriate to its context. The height, bulk and scale will be similar to the future character within the area. The layout of the proposed building ensures that the proposal is well located to align with future built form in the immediate vicinity. Highlighting elements on the façade provide interest and character to the development and precinct. » The external building elevations are well articulated in terms of modelling and variety of façade treatment. » Building materials and colours complement the commercial and mixed use context of this site, are appropriately detailed and of a high quality. » Solar access and energy and water efficiency measures promote environmental efficiency. » Delivers a diverse range of housing (1, 2- and 3-bedroom apartments including adaptable units) and opportunities for business and retail uses on the ground floor that will service future residents, local and wider community. » Ground floor uses will activate the street frontage encouraging an interesting and safe pedestrian environment.

A-1-3 Clause 7.31 Earthworks

The purpose of this clause is to ensure that earthworks will not have a detrimental impact on the environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. The table below provided a detailed assessment of the proposed development against the provisions of this clause.

Table 4 Assessment Clause 7.31 Earthworks

Clause 7.31	Assessment
<i>(3) Before granting development consent for earthworks, the consent authority must consider the following matters:</i>	
<i>a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</i>	Hydraulic plans have been prepared detailing the proposed stormwater management and sediment controls measures that would be implemented in order to minimise the potential for environmental impact to occur as a result of carrying out the proposed development.
<i>(b) the effect of the proposed development on the likely future use or redevelopment of the land,</i>	The excavation work is required for the construction of basement car-parking.
<i>(c) the quality of the fill or the soil to be excavated, or both,</i>	The fill/soil proposed to be excavated from the site is not expected to be contaminated. Refer Section 5.3.5 .
<i>(d) the effect of the proposed development on the existing and likely amenity of adjoining properties</i>	The potential effects of the proposed development on the surrounding environment have been considered and assessed as part of the environmental assessment. Refer to Section 5.3 of this report. A Construction Management Plan will be required as a condition of consent.
<i>(e) the source of any fill material and the destination of any excavated material,</i>	No fill material is proposed to be imported to the site as part of the proposed development. The destination of excavated fill from the site would be to an appropriate (approved) waste management facility that is licensed or accredited to receive the fill.
<i>(f) the likelihood of disturbing relics,</i>	Given the significantly developed status of the site, it is unlikely that any aboriginal objects or artefacts would be present on the site. However, if any significant artefacts or objects are identified during excavation, the Construction Management Plan will provide guidance on the management of these finds.
<i>(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</i>	The measures detailed in the Stormwater Strategy Soil and Sediment Control Plan, Geotechnical Report and Structural and Civil Concept Design Report will ensure impacts are managed. Refer Section 5.3 and accompanying reports.

A-2 Draft LEP Amendment 52

An assessment of the proposal against the relevant provisions of draft LEP Amendment 52 as exhibited relevant is provided in the tables below.

In summary, the proposed amendments to the LEP No. 52 included:

- » Rezoning of certain properties within the city centre from B3 Commercial Core to B4 Mixed Use
- » Amending development standards pertaining to Height of Building and Floor Space Ratio in certain sites in the city centre
- » Establishing three planning precincts in Liverpool City Centre, being the Fine Grain precinct, the Mid-Rise precinct and the Long-Term Civic Sites precinct
- » Permitting the development of larger sites (over 1500sqm) located in the Mid-Rise precinct as Opportunity Sites, which would allow tower development and increased FSR, based on access, increased amenity and public benefit
- » Adding a new 'Active Street Frontage' Map, which identifies streets on which new developments must have active street frontages
- » Removing the requirements for an architectural design competition.

The objectives of the proposed amendments are to:

- » Encourage residential development in the Liverpool City Centre promoting improved retail, commercial and other opportunities in the city centre core area and support continued growth in local businesses.
- » Promote better quality, well designed built form outcomes for all forms of development in the city centre
- » Facilitate a legible, walkable, mixed use 18-hour city centre with defined precincts, supported by good quality public domain outcomes
- » Improve access to and connectivity within the Liverpool City Centre.

Table 5 Assessment of compliance with Liverpool LEP Amendment No. 52

LEP clause/ control Assessment - Assessment of compliance	
Part 2 Permitted or prohibited development	
2.1 Land Use	The site is proposed to be zoned B4 Mixed Use (Figure 16). All uses proposed: commercial premises (includes office, business and retail premises) and shop top housing are permitted with consent. A-1-1 outlines how the proposal meets the objectives of the B4 Mixed Use Zone.
Part 4 Principal development standards	
4.3 Height of buildings	The maximum height limit permissible height is <u>28 metres</u>. Notwithstanding this, the height can be exceeded in accordance with the provisions with clause 7.5B (see below). Inclusive of the lift overrun of the proposed development, the elevations demonstrate that the building height is <u>76 metres</u>. This variation in height is permitted under Clause 7.5B (see below).
4.4 Floor space ratio	The maximum permissible FSR <u>as shown on the FSR map is 3:1</u> (Figure 18). However, this can be exceeded to 5:1 so long as the site is developed in accordance with clause 4.4(c) <i>"if the consent authority is satisfied that the</i>

LEP clause/ control - Assessment of compliance	Assessment
	<i>development will be of perimeter block typology and compatible with the desired future character of the Mid Rise Precinct in terms of building form and appropriate uses."</i> In addition, an <u>FSR bonus</u> can be applied to the site identified as Mid Rise Opportunity up to 10:1 in accordance with the provisions with <u>clause 7.5B</u> (see below). The existing commercial building has an FSR of 2.3:1. The proposed development including the existing commercial building has an <u>FSR of 5.2:1</u>.

Local Provisions	
Clause 7.4A Active street frontages	Minor variation The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages in Zone B4 Mixed Use areas in Liverpool City Centre. This clause applies to the street frontages of Bathurst, Huckstepp Serviceway and Butman Lane. The proposal provides ground floor commercial and retail uses to activate the street frontages along Bathurst Street and part of future extension of Butman Lane consistent with DEP advice. Active uses are not proposed along Huckstepp Serviceway as this are will be used for service and back of house areas.
Clause 7.5 Design excellence in Liverpool City Centre	The draft amendments require that that certain developments within the Liverpool City Centre are reviewed by the Liverpool Design Excellence Panel. This includes any sites identified as an opportunity site pursuant to clause 7.5B. The current proposal relies on 7.5B (as set out below). The Liverpool DEP has reviewed the proposal and has determined that the site demonstrates design excellence subject to certain requirements. Refer A-2-1.
Clause 7.5B Opportunity Sites	The objective of this clause is to provide for Opportunity Sites in Liverpool City Centre that can accommodate tower development. The proposed development generally complies with the provisions of this clause. See Section 5.3.4 for a detailed assessment.

A-2-1 Clause 7.5B Opportunity sites

The objective of Clause 7.5B is to provide opportunity sites in the Liverpool City Centre that can accommodate mixed use and commercial tower development. The table below provides a detailed assessment of the site against the provisions of Clause 7.5B.

Table 6 Assessment against Clause 7.5B Opportunity Sites

7.5B Opportunity Sites	Assessment of compliance
<i>(2) Despite clause 4.4(2), the maximum floor space of a building on a lot in "Area 8" identified on the Floor Space Ratio Map may exceed 3.0:1 if the lot size exceeds 1500 square metres and:</i>	Complies The site has a total area of 2,924 square metres.
<i>(a) The site has multiple street or laneway/serviceway frontages</i>	Complies Street frontages include Bathurst Street, Butman Lane and Huckstepp Service Way.

7.5B Opportunity Sites	Assessment of compliance
<i>(b) The site can accommodate tower floorspace of up to 700 square metres gross floor area for residential uses or 1000 square metres gross floor area for commercial uses</i>	Complies On average the lower podium plates are approximately 920sqm and the tower floor plate is typically 368sqm, aside from the top 3 floors which are 319sqm.
<i>(c) The site can accommodate tall buildings without significant impact on the adjacent public domain, heritage items or neighbouring sites, and</i>	Complies The proposal will not overshadow any public open space or neighbouring properties for significant periods of time. Refer to accompanying Shadow Diagrams. While majority of the streets within Liverpool City centre are heritage items including Bathurst Street. The proposal is not considered to have an adverse impact on the heritage significance of the streets but rather encourage activity along these and contribute to enhancing the amenity of the area. There are no other heritage items within close proximity that will be adversely affected by the proposal.
<i>(d) The applicant agrees to provide a public benefit, to the satisfaction of Council, which may include the following:</i>	Generally, complies Client is prepared to enter into negotiations with Council about the provision of public parking and public benefits. It is noted a link will be provided along the northern boundary to facilitate a future extension of Butman Lane connecting Bathurst Street through to Huckstepp Serviceway and Northumberland Street.
<i>(e) The proposal includes additional car parking located in key locations in the Liverpool City Centre to be dedicated at no cost</i>	
<i>(f) The proposal will, extend lanes and/or provide through site links; or</i>	
<i>(g) Any public benefit</i>	
<i>(3) Despite clause 4.4(2), the maximum floor space on a building zoned B3 – Commercial Core may exceed that shown on the Floor Space Ratio Map if the lot size exceeds 1500 square metres and the site satisfies the requirements of 2(a) –(g) above.</i>	N/A The site will be zoned B4 Mixed Use.
<i>(3) Development Applications submitted pursuant to this clause must be submitted in association with an approved masterplan for the site.</i>	Generally, complies The proposed design and distribution of land uses was developed in collaboration with Council's Planning Director, and representatives from the strategic and development assessment team.
<i>(4) The maximum <u>floor space</u> of a building given development consent pursuant to this clause is to be derived from the building envelope as determined by the masterplan. Maximum floorspace will be calculated at 80% of the building envelope for commercial purposes and 75% of the building envelope for residential purposes. The Floor Space Ratio of the site shall not exceed 10:1.</i>	Generally, complies The proposal is at FSR 6.8:1. A master plan has not been prepared for the site however an agreed building envelope for the site has been developed in collaboration with Council and the DEP. Refer Section 3.3.
<i>(5) Despite clause 4.3(2), the maximum height of a building on a lot in "Area 8" identified on the Floor Space Ratio Map may exceed 28 metres if the lot size</i>	Generally, complies The proposed building height is at 76m. See responses to (a)-(e) above.

7.5B Opportunity Sites	Assessment of compliance
<i>exceeds 1500 square metres and the site meets the characteristics defined in (2) (a) – (e) above.</i>	
<i>(6) Despite clause 4.3(2), the maximum height of a building on land zoned B3 – Commercial Core may exceed the height shown on the Height of Buildings Map if the lot size exceeds 1500 square metres and the site meets the characteristics defined in (2) (a) – (e) above.</i>	N/A The site will be zoned B4 Mixed Use.

A-3 Liverpool LEP 2008 (as at December 2018)

An assessment of the proposal against the provisions of Liverpool LEP 2008 as at December is provided in the Table below.

Table 7 Assessment of Liverpool LEP 2008

LEP clause/ control	Assessment
Part 1 Preliminary	
1.2 Aims of Plan	No change. See response at Table 1.
1.3 Land to which Plan applies	No change. See response at Table 1.
Part 2 Permitted or prohibited development	
2.1 Land use zones	
Zone B4 Mixed Use 1 Objectives of zone • To provide a mixture of compatible land uses. • To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling. • To allow for residential and other accommodation in the Liverpool city centre, while maintaining active retail, business or other non-residential uses at street level. • To facilitate a high standard of urban design, convenient urban living and exceptional public amenity. 2 Permitted without consent Home-based child care; Home occupations 3 Permitted with consent Boarding houses; Building identification signs; Business identification signs; Car parks; Centrebased child care facilities; Commercial premises; Community facilities; Depots; Educational establishments; Entertainment facilities; Environmental facilities; Environmental	Complies The site is zoned B4 Mixed Use. The proposed land uses shop top housing and commercial premises are permitted with consent. Refer to Response in A-1 for consistency with zoned objectives.

LEP clause/ control	Assessment
protection works; Flood mitigation works; Function centres; Helipads; Home businesses; Home industries; Hostels; Hotel or motel accommodation; Information and education facilities; Medical centres; Multi dwelling housing; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Seniors housing; Service stations; Shop top housing; Tourist and visitor accommodation; Vehicle repair stations; Veterinary hospitals; Water recreation structures 4 Prohibited Any development not specified in item 2 or 3	
2.7 Demolition requires development consent	No change. Development consent is sought to demolish the existing car park.
Part 4 Principal development standards	
4.3 Height of buildings	
(1) The objectives of this clause are as follows: (a) to establish the maximum height limit in which buildings can be designed and floor space can be achieved, (b) to permit building heights that encourage high quality urban form, (c) to ensure buildings and public areas continue to receive satisfactory exposure to the sky and sunlight, (d) to nominate heights that will provide an appropriate transition in built form and land use intensity. (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. Note. Clauses 5.6, 7.2 and 7.5 provide for circumstances under which a building in the Liverpool city centre may exceed the maximum height shown for the land on the Height of Buildings Map.	The maximum building height shown on the Building heights map Sheet 011 is 28m. The building height at the site can be exceed in accordance with
4.4 Floor space ratio	
(1) The objectives of this clause are as follows: (a) to establish standards for the maximum development density and intensity of land use, taking into account the availability of infrastructure and the generation of vehicle and pedestrian traffic, (b) to control building density and bulk in relation to the site area in order to achieve the desired future character for different locations,	The maximum FSR for the site is 3:1 on the FSR Map Sheet 011 and is identified as Area 8.

LEP clause/ control	Assessment
(c) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain, (d) to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing, and are not likely to undergo, a substantial transformation, (e) to provide an appropriate correlation between the size of a site and the extent of any development on that site, (f) to facilitate design excellence in the Liverpool city centre by ensuring the extent of floor space in building envelopes leaves generous space for the articulation and modulation of design. (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.	
4.5 Calculation of floor space ratio and site area	No change. See response at Table 1.
Part 5 Miscellaneous provisions	
5.10 Heritage conservation	No change. See response at Table 1.
Part 6 Urban release areas	
6.1 Aims of Part	
This Part aims: (a) to allow for future urban development and the conservation of ecological and riparian corridors and areas of visual significance on land in urban release areas, and (b) to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of such land to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes, and (c) to ensure that development on such land occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan including specific controls has been prepared for the land.	
6.2 Relationship between Part and remainder of Plan	
A provision of this Part prevails over any other provision of this Plan to the extent of any inconsistency.	Noted
6.3 Application of Part	

LEP clause/ control	Assessment
This Part applies to land in an urban release area or intensive urban development area, but does not apply to any such land if the whole or any part of it is in a special contributions area (as defined by section 93C of the Act).	The site has been identified as an intensive urban development area.
6.4A Arrangements for designated State public infrastructure in intensive urban development areas	
(1) The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the development of land wholly or partly for residential purposes, to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes. (2) Despite all other provisions of this Plan, development consent must not be granted for development for the purposes of residential accommodation (whether as part of a mixed use development or otherwise) in an intensive urban development area that results in an increase in the number of dwellings in that area, unless the Secretary has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to the land on which the development is to be carried out. (3) This clause does not apply to a development application to carry out development on land in an intensive urban development area if all or any part of the land to which the application applies is a special contributions area (as defined by section 7.1 of the Act). (4) In this Part: intensive urban development area means the area of land identified as "Area 7", "Area 8", "Area 9" or "Area 10" on the Floor Space Ratio Map.	Noted. The site is identified as Area 8 on the FSR map. We do not consider that this clause strictly applies given this is a revised DA. Further this clause was not included in the exhibited Draft LEP Amendment 52 and would be onerous to apply this to the development at this stage given the where we are currently in the process, the length of time taken to get to this stage and the costs involved.
6.6 Development control plan	
(1) Development consent must not be granted for development on land in an urban release area or intensive urban development area unless a development control plan that provides for the matters specified in subclause (2) has been prepared for the land. (2) The development control plan must provide for all of the following: (a) a staging plan for the timely and efficient release of urban land making provision for necessary infrastructure and sequencing, (b) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe	Generally, complies Site specific development controls have not been developed for this site, however the project has undergone a vigorous design process with input from Council, DEP and technical consultants. We do not consider that this clause strictly applies given this is a revised DA. Further this clause was not included in the exhibited Draft LEP Amendment 52 and would be onerous to apply this to the development at this stage given the where we are currently in the process, the length of time taken to get to this stage and the costs involved.

LEP clause/ control	Assessment
movement system for private vehicles, public transport, pedestrians and cyclists, (c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain, (d) a network of passive and active recreational areas, (e) stormwater and water quality management controls, (f) amelioration of natural and environmental hazards, including bushfire, flooding and site contamination, (g) detailed urban design controls for significant development sites, (h) measures to encourage higher density living around transport, open space and service nodes, (i) measures to accommodate and control appropriate neighbourhood commercial and retail uses, (j) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.	
Part 7 Additional local provisions	
Division 1 Liverpool city centre provisions	
7.1 Objectives for development in Liverpool city centre	No change. See response at Table 1.
7.2 Sun access in Liverpool city centre	Not applicable. The site is not located on land detailed in the Table to this Clause.
7.3 Car parking in Liverpool city centre	No change. See response at Table 1.
7.4 Building separation in Liverpool city centre	
(1) The objective of this clause is to ensure minimum sufficient separation of buildings for reasons of visual appearance, privacy and solar access. (2) Development consent must not be granted to development for the purposes of a building on land in Liverpool city centre unless the separation distance from neighbouring buildings and between separate towers, or other separate raised parts, of the same building is at least: (a) 9 metres for parts of buildings between 12 metres and 25 metres above ground level (finished) on land in Zone R4 High Density Residential, and (b) 12 metres for parts of buildings between 25 metres and 35 metres above ground level (finished) on land in Zone R4 High Density Residential, and	Complies The clause requires a separation distance from neighbouring buildings and between separate towers (or other separate raised parts) of the same building must be at least: » 12 metres for parts of buildings between 25 metres and 45 metres above ground level (finished) on land in Zone B4 » 28 metres for parts of buildings 45 metres or more above ground level (finished) on land in Zone B4 The building would be approximately 30m from the existing mixed-use development across Bathurst Street. There are no buildings to the north (NSW Trustee and Guardian Building) and south (vacant car park) over 25 metres. The proposed

LEP clause/ control	Assessment
(c) 18 metres for parts of buildings above 35 metres on land in Zone R4 High Density Residential and	development at the eastern elevation to the existing 8 storey commercial building (203-209 Northumberland Street) complies at over 20 metres.
(d) 12 metres for parts of buildings between 25 metres and 45 metres above ground level (finished) on land in Zone B3 Commercial Core or B4 Mixed Use, and	
(e) 28 metres for parts of buildings 45 metres or more above ground level (finished) on land in Zone B3 Commercial Core or B4 Mixed Use.	

7.5 Design excellence in Liverpool city centre

(1) The objective of this clause is to deliver the highest standard of architectural and urban design.

(2) Development consent must not be granted to development involving the construction of a new building or external alterations to an existing building in the Liverpool city centre unless the consent authority considers that the development exhibits design excellence.

(3) In considering whether development exhibits design excellence, the consent authority must have regard to the following matters:

(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,

(b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,

(c) whether the proposed development detrimentally impacts on view corridors,

(d) whether the proposed development detrimentally overshadows Bigge Park, Liverpool Pioneers' Memorial Park, Apex Park, St Luke's Church Grounds and Macquarie Street Mall (between Elizabeth Street and Memorial Avenue),

(e) any relevant requirements of applicable development control plans,

(f) how the proposed development addresses the following matters:

(i) the suitability of the site for development,

(ii) existing and proposed uses and use mix,

(iii) heritage issues and streetscape constraints,

(iv) the location of any tower proposed, having regard to the need to achieve an acceptable

relationship with other towers (existing or proposed) on the same site or on

neighbouring sites in terms of separation, setbacks, amenity and urban form,

(v) bulk, massing and modulation of buildings,

Complies

The proposed development is considered to exhibit design excellence having regard to the matters prescribed.

The design has undergone a rigorous design process with several meetings with the DEP. Refer to **Section 3** below.

Refer to Section 4 and 5.3.3 for accompanying SEPP 65 Design Verification Statement and compliance assessment against the ADG.

LEP clause/ control	Assessment
(vi) street frontage heights, (vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity, (viii) the achievement of the principles of ecologically sustainable development, (ix) pedestrian, cycle, vehicular and service access, circulation and requirements, (x) the impact on, and any proposed improvements to, the public domain. (4)–(8) (Repealed)	

7.5A Additional provisions relating to certain land at Liverpool city centre

(1) This clause applies to land development on land that:

- (a) is identified as "Area 8", "Area 9" or "Area 10" on the Floor Space Ratio Map, and
- (b) has a lot size exceeding 1500m², and
- (c) has 2 or more street frontages.

(2) Despite clauses 4.3 and 4.4, if at least 20% of the gross floor area of a building is used for the purposes of business premises, centre-based child care facilities, community facilities, educational establishments, entertainment facilities, food and drink premises, functions centres, information and education facilities, medical centres, public administration buildings or retail premises:

- (a) the height of the building may exceed the maximum height shown for the land on the Height of Buildings Map, and
- (b) the maximum floor space ratio of the building may exceed the maximum floor space ratio shown for the land on the Floor Space Ratio Map but must not exceed:
 - (i) in relation to a building on land identified as "Area 8" or "Area 10" on the map—10:1,
 - or
 - (ii) in relation to a building on land identified as "Area 9" on the map—7:1.

(3) Development consent must not be granted under this clause unless:

- (a) a development control plan that provides for the matters specified in subclause (4) has been prepared for the land, and
- (b) the site on which the building is located also includes recreation areas, recreation facilities (indoor), community facilities, information and education facilities, through site links or public car parks.

Generally, complies

The site:

- » Is identified as Area 8
- » Has a lot size of 2,924m²
- » Has three street frontages Butman Lane, Bathurst Street and Huuckstep Servcieway

The proposal provides 2,510m² (30%) GFA commercial/retail and 5,902m² (70%) GFA residential. Based on this the height 28m and FSR of 3:1 can be exceeded.

The proposal seeks a height of 76m and FSR of 5.2:1 and therefore complies.

Site specific development controls have not been developed for this site however the project has undergone a vigorous design process with input from Council, DEP and technical consultants and addresses the matters listed below.

Further this clause we do not consider that this clause strictly applies given this is a revised DA. Further this clause was not included in the exhibited Draft LEP Amendment 52 and would be onerous to apply this to the development at this stage given the where we are currently in the process, the length of time taken to get to this stage and the costs involved.

LEP clause/ control	Assessment
(4) The development control plan must include provision for how proposed development is to address the following matters: (a) the suitability of the land for development, (b) the existing and proposed uses and use mix, (c) any heritage issues and streetscape constraints, (d) the impact on any conservation area, (e) the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form, (f) the bulk, massing and modulation of buildings, (g) street frontage heights, (h) environmental impacts, such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity, (i) the achievement of the principles of ecologically sustainable development, (j) encouraging sustainable transport, including increased use of public transport, walking and cycling, road access and the circulation network and car parking provision, including integrated options to reduce car use, (k) the impact on, and any proposed improvements to, the public domain, (l) achieving appropriate interface at ground level between buildings and the public domain, (m) the excellence and integration of landscape design.	
7.16 Ground floor development in Zones B1, B2 and B4	
(1) The objective of this clause is to ensure active uses are provided at the street level to encourage the presence and movement of people. (2) This clause applies to land in Zone B1 Neighbourhood Centre, B2 Local Centre or B4 Mixed Use. (3) This clause does not apply to land at Edmondson Park. (4) Development consent must not be granted for development for the purposes of a building on land to which this clause applies unless the consent authority is satisfied that the ground floor of the building: (a) will not be used for the purposes of residential accommodation, and	Complies Retail tenancies will be provided on the ground floor.

LEP clause/ control	Assessment
(b) will have at least one entrance and at least one other door or window on the front of the building facing a street other than a service lane.	
7.17 Airspace operations	No change. See response at Table 1.
7.17A Hospital helicopter airspace	
(1) The objective of this clause is to protect hospital helicopter airspace. (2) Development consent must not be granted to development under, or that intrudes into, hospital helicopter airspace unless the consent authority: (a) refers the application for development consent to the chief executive of the relevant local health district, and (b) considers any submission to the consent authority by the chief executive made within 21 days of the referral, and (c) is satisfied the development does not present a hazard to helicopters using hospital helicopter airspace. (3) In this clause: hospital helicopter airspace means the airspace above the Helicopter OIS Contours shown for the land hatched red on the Key Sites Map. relevant local health district means the local health district constituted in respect of the area above which hospital helicopter airspace is located. Note. See sections 17 and 18 of, and Schedule 1 to, the Health Services Act 1997.	The building is in the vicinity of the Liverpool Hospital Helicopter Landing Sites (HLS). It is understood Council will seek input from helicopter operators who use the Liverpool Hospital HLS including Careflight and Air Ambulance.
7.31 Earthworks	No change. See response at Table 1.

D Liverpool DCP Assessment

Table 1 Assessment Liverpool DCP 2008 – PART 1

Liverpool Development Control Plan 2008	Assessment of compliance
Part 1 – General Controls for all development	
<u>Applies to</u> This plan applies to all land in Liverpool Local Government Area (LGA). The plan is known as Liverpool Development Control Plan 2008.	NOTED
1.0 Preliminary	
1.1 The Vision of Liverpool Development Control Plan 2008	
The Vision Liverpool – A highly connected and vibrant City, with a strong City Centre supported by a hierarchy of neighbourhood and local centres. Identified as one of five Regional Cities for Sydney, Liverpool will experience rapid population and employment growth. Liverpool Development Control Plan 2008 will guide this growth to ensure high quality and sympathetic urban development outcomes are achieved, significant environmental land is protected, appropriate open space is provided and the rural character outside the Growth Centres will be maintained and enhanced.	CONSISTENT

1. The future 2. There will be new suburbs in Liverpool. These will have leading urban design outcomes for both individual developments and public areas that will be created. 3. Some existing localities, particularly Liverpool City Centre, will experience significant change through substantial redevelopment, although largely within the existing street pattern. There will be increased development that will result in a different but improved urban design outcome for the locality, which enhances the local amenity. It will also create opportunities for improved public spaces. 4. Other suburbs will experience more gradual redevelopment. New development will have an urban outcome that will be compatible with existing development. 5. Liverpool City Centre will be the Regional Centre for employment, health, education, recreation and cultural life. 6. High quality medium and high density infill development will occur in a targeted manner along public transport routes near shops, which will provide greater choice for all people as to what type of housing that they want, and enable greater access to public transportation. 7. There will be a concentration of activities such as shops, community, health, high density housing around local centres in new and existing suburbs. Local centres will be enhanced with shop-top housing, which are apartments above these shops. 8. Local centres in new and existing suburbs will have active and attractive street frontages, including out of hours. 9. Centres in new suburbs will be designed to be public transport user friendly. Centres in existing suburbs will become more public transport user friendly as they redevelop. 10. New suburbs will have attractive landscaped streetscapes while existing areas will have improved streetscapes as development takes place. 11. New suburbs and redevelopment in existing suburbs will be compatible with adjoining creeks, parkland and major transport corridors. 12. There will less development that is subject to risks such as flooding, salinity etc. 13. Development in new and existing suburbs will assist in making creeks and rivers attractive and clean. 14. Development in new and existing suburbs will preserve attractive natural areas. 15. Development in new and existing suburbs will contribute to a clean and sustainable environment. 16. Development in new suburbs will provide attractive and easily accessible open space. 17. There will continue to be open space linked along creek networks.	COMPLIES The proposed development meets the DCP Vision as it: » is identified as a key site for future redevelopment » consistent with the desired future character of the area » delivers high quality contemporary design » increases housing and commercial supply » provides additional housing choice for the local community » serviced by physical and social infrastructure » within close proximity to existing, social, community and medical facilities and retail and commercial uses as well as employment employment, leisure and other opportunities.
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Liverpool Development Control Plan 2008	Assessment of compliance
18. New development near the Georges River will allow access to the foreshore. 19. Development in new suburbs will have attractive and efficient transport corridors. Redevelopment in existing suburbs will improve the attractiveness and efficiency of existing transport corridors. 20. Development in new and existing suburbs will allow for good safe access to cycle and pedestrian ways. 21. There will be a sense of community. 22. Conflict between land uses will be minimised. 23. New industrial areas will be attractive. Redevelopment in existing industrial areas will improve the amenity of these areas. 24. Industrial/Employment areas will provide employment and provide sufficient space for local and start-up industry with some ancillary land uses to service the local workforce. 25. New industrial areas will be easily serviced and accessible. Redevelopment in existing industrial areas will improve the serviceability and accessibility of these areas. 26. Rural areas will keep a high level of rural amenity, with new development sympathetic and appropriate to the locality.	
1.2 The Objectives of Liverpool Development Control Plan 2008	

Liverpool Development Control Plan 2008	Assessment of compliance
The objectives of this DCP are: a) To provide more detailed provisions for regulating the carrying out of development. b) To protect and improve the natural environment in the City of Liverpool. c) To protect and improve the amenity of the City of Liverpool. d) To protect personal safety and to minimise the risk of damage to areas subject to environmental hazards, particularly flooding. e) To promote a high standard of urban and environmental design. f) To conserve, protect and enhance the environmental heritage of the City of Liverpool. g) To encourage a diversity of housing to meet the needs of the residents of the City of Liverpool. h) To facilitate development that is environmentally sustainable.	COMPLIES The proposed site layout and built form are conducive to maximising the environmental design attributes of the development. The proposed development: » Preserves the existing street layout and reinforces the street character through setback of the residential tower and podium, landscaping and façade treatment » Improves the quality of the streetscape providing ground floor commercial tenancies and landscaping that will activate the street » Is designed to minimise the loss of solar access to existing development in the vicinity.
2.0 Tree Preservation	
This section applies to applications to remove trees with or without a development application for a development and involves: 1. Any perennial plant that has a: – Height greater than 3.5m and/or – Canopy spread of greater than 4m and/or – Primary trunk diameter greater than 400mm when measured 1m above the existing ground level of the tree. 2. Any tree that forms part of a heritage item or is situated within a heritage conservation area. This section does not apply to: a) Any species, populations or communities listed under the provisions of the <i>Threatened Species Conservation Act (TSC) 1995</i>; or their habitats. b) Any plant that is on the Noxious Weeds Register for Liverpool City Council or listed in Appendix 3. (These plants must be removed, and destroyed in a way to ensure that they do not spread. It can be an offence to leave a noxious weed on a site.)	NOT APPLICABLE There are no trees on the site.
3.0 Landscaping and incorporation of Existing Trees	

Liverpool Development Control Plan 2008	Assessment of compliance
Applies to This section applies to land, which will need to provide landscaping or retain existing trees as part of a development.	NOTED
Objectives a) Promote landscape planning and design as part of a fully integrated approach to site development. b) Assist in improving the climate of the local environment. c) Retain as many existing trees as possible. d) To provide habitat for locally indigenous plants and animals and contribute to biodiversity. e) To encourage landscaping that is appropriate to the natural, cultural, built and heritage characteristics of its locality. f) Improve the amenity of developments and adjoining areas by ensuring proposals adequately complement the proposed building forms and surrounding streetscape. g) Ensure that the proposed landscape designs provide functional attributes such as privacy, shade and wind protection, while discouraging the opportunity for crime and vandalism.	CONSISTENT Landscaping has been integrated with the site. The location and design of the landscaping takes into account the principles of Crime Prevention through Environmental Design (CPTED) to ensure the enjoyment and safety of residents and visitors. For e.g. consideration has been given to the location and height of plants as well as the structures. A mix of plant species including indigenous species will be used to contribute to biodiversity. Refer to accompanying Landscape and Architectural Plans.
3.1 Retention of existing on site trees	NOT APPLICABLE There are no trees on the site.
3.2 Retention of existing street trees	
Controls a) Prior to the commencement of the design of a development existing street trees should be identified. The design of a development should consider options to retain existing street trees. b) The design and location of access driveways should wherever possible be located to avoid removal of any existing street trees.	COMPLIES The existing garden bed, street trees and landscaping along the Bathurst Street will be retained and integrated into the proposed development.
3.3 Protection of existing trees during construction	

Liverpool Development Control Plan 2008	Assessment of compliance
Controls a) Trees nominated for protection must be enclosed within a 1.8m high protection fence that is installed to conform to a Tree Protection Zone (TPZ) that is consistent with current Arboriculture industry standards. b) A report which outlines the condition, dimensions and species of existing trees contained within a development site is to be included as part of any development application documents and is to be accompanied by a Tree Retention Management Plan which shows the dimension of any proposed TPZs and outlines any other protection/enhancement methods that are appropriate to encourage the viable retention of trees. c) All reports pertaining to trees on development sites are to be prepared by a suitably qualified person.	COMPLIES There are no trees on the site. However existing street trees will be protected as required.
3.4 Landscape Specifications	

Controls	COMPLIES
d) Landscape planting should be principally comprised of native species to provide an integrated streetscape appearance. Species selected in environmentally sensitive areas should be indigenous to the locality. However, Council will consider the use of deciduous trees in small private open space areas such as courtyards for control of local microclimate and to improve solar access. Environmental and noxious weeds in Liverpool shall not be used in the landscape design e) The landscaping shall contain an appropriate mix of canopy trees, shrubs and groundcovers. Avoid medium height shrubs (0.6 – 1.8m) especially along paths and close to windows and doors. f) Landscaping in the vicinity of a driveway entrance must not obstruct visibility for the safe ingress and egress of vehicles and pedestrians. g) Trees, which are planted around high use facilities such as car parking areas, children's, play areas and walkways should have clean trunks to a height of 1.8m. h) All topsoil used shall be sourced from a recognized commercial topsoil supplier. Site topsoil will only be considered suitable where the material has a high organic content. The consultant shall inspect and approve all top soiling prior to commencement of planting and application of mulch. An imported light and free draining topsoil mix is to be used in all planters. i) The following minimum topsoil and mulch depths are to apply: – Garden beds 300mm – Turfed areas 100mm – Planters on structure 750mm – Mulch over garden beds 75mm j) Trees shall be planted well clear of underground services or overhead wires. Trees shall be planted in general accordance with the following minimum distances from buildings: – Small trees less than 6m mature height 2m – Medium trees 6 – 15m mature height 3m – Large trees more than 15m mature height 4m – Refer to Appendix 2 for the Preferred Species. k) To maintain tree health, all trees in lawn areas are to have a 75mm deep x 1m diameter layer of mulch around its base. The mulch layer is to be reduced in depth directly around the base of the stem to form a shallow watering dish. The tree is to be staked well clear of the root ball and tied using Hessian ties as required. l) All approved landscaping must be maintained at all times to the satisfaction of Council. m) All trees are to be planted at not less than 45 litre pot size. n) Use low water/low maintenance plant selection by selecting drought tolerant species.	COMPLIES A mix of species will be used including locally indigenous and indigenous as well as exotic species. Landscape design and choice of species takes into account the principles of CPTED and the height of the proposed building. Proposed landscaping includes: » Includes planter boxes with a mix of large strappy plants, medium-small shrubs, small trees and flowering ground covers and plants » Retention of the existing garden bed, street trees and landscaping along the Bathurst Street. Refer to attached Landscape Plans.

Liverpool Development Control Plan 2008	Assessment of compliance
o) Applicants need to demonstrate that plant selection is suitable for the particular soil type of the site and comply with any site constraints such as Bushfire Prone Land. p) Where possible, all landscaping designs should incorporate permeable paving options. Permeable paving includes the use of porous paving units, ornamental gravel and paving on a compacted sand bed. Permeable paving ensures that air and water is made available to tree roots while providing a safe and stable pedestrian surface and around trees. Benefits include: q) Ensuring that air and water are available to tree roots to ensure healthy and secure growth. r) Assisting in the protection of established trees where the root system extends beyond the drip line. s) Reducing the amount of surface water runoff entering the stormwater system. t) Maintaining the existing natural drainage patterns. u) All landscaping should consider soil salinity. Sites identified as having moderate to high levels of salinity shall incorporate the following measures in the landscape plan: v) Selection of salt tolerant plant species (generally natives). w) Use mulch in all gardens beds. x) Minimise large areas of lawn, as this requires large quantities of irrigation. y) Use "water-wise" garden and landscape design. z) Plant large native trees and shrubs.	
4. Bushland and Fauna Habitat Preservation	
This section applies to: a) All land, which contains or is adjacent to bushland. b) All land that contains known or potential habitat for threatened species, populations or communities. c) Any Land zoned: – W1 – Natural Waterways – SP1 – Drainage – Land shown on the Environmental Significant Land Maps of the Liverpool LEP 2008. – E2 – Environmental Conservation – E3 – Environmental Management – Any land under the definition of a waterbody in the Liverpool LEP 2008. d) Development that has potential to directly or indirectly destroy or adversely affect bushland.	NOT APPLICABLE The site is not on land near or adjacent to Bushland, or zoned W1, SP1, E2, E3, or on land identified as a waterbody.

Liverpool Development Control Plan 2008	Assessment of compliance
5. Bush Fire Risk	
Applies to This section applies to: » Land identified as being Bushfire Prone Land or designated as Bushfire Prone Lands Buffer Zones on Liverpool City Council Bushfire Prone Land Maps. » All land that requires bushfire hazard reduction (burning).	NOT APPLICABLE
6. Water Cycle Management	
Applies to » This section applies to all developments, which involve additional buildings or hard surface areas. » It does not involve on site disposal of sewage. Refer to Section 15 – On Site Sewage Disposal.	NOTED
Objectives To ensure that there is no adverse impact from stormwater runoff on downstream properties as a result of development in the catchment for all storm events up to and including a 100-year ARI event. a) To collect and use rainwater from roof tops to reduce town water consumption. b) To ensure adequate drainage is provided for developments. c) To protect properties from localised flooding. d) To prevent contaminated run-off from entering watercourses. e) To minimise erosion and reduce the volume of waste water entering waterways. f) To minimise sedimentation and pollution in waterways and drainage systems. g) To maintain and enhance the quality of natural water bodies such as creeks, rivers and groundwater.	COMPLIES Refer to Section 4.11 and 5.3.12 and accompanying Engineering Plans and Structural and Civil Design Report.
6.1 Gravity Drainage to Council's drainage system	
Applies to This sub-section applies to development, which drains to a drainage system constructed by or on behalf of Council. This includes drainage to the pipe system, constructed drains, detention basins and constructed swales.	NOTED

Liverpool Development Control Plan 2008	Assessment of compliance
Controls Stormwater runoff shall be connected to Council's drainage system by gravity means. Mechanical means (i.e. pump) for disposal of stormwater runoff will not be permitted except for basement car parks. Charged systems will not be permitted. Easements to drain stormwater 1. The acquisition of drainage easements over downstream properties will be required where direct access is not possible to Council's drainage system (i.e. street kerb and gutter, piped system or open channels and watercourses). 2. All costs associated with the value of land and easement creation are to be borne by the developer. 3. Written consent for the piping and acquisition of an easement is to be obtained from adjoining owners and provided to Council at the time of lodging the Development Application. Inability to provide a gravity stormwater drainage system and easement to drain water in favour of the development site will prevent the granting of Development Consent. Creation of easement(s) shall be completed prior to the issue of the Construction Certificate. 4. Where negotiations between a developer and a downstream property owner have failed to obtain an easement, an easement may be granted via the Land and Environment Court. 5. Exception to acquiring an easement may be given for sites that do not drain to the street, only where extensions to an existing residential building or replacement of an existing house or dual occupancy is proposed, and genuine attempts at acquiring a downstream easement have failed. Written documentation of these attempts, including reasonable financial consideration, must be included for any application for exemption. If an exception is granted an alternative drainage system may be considered by Council.	COMPLIES Hydraulic plans have been prepared detailing the proposed stormwater management and sediment controls measures for the proposed development. Refer to Section 4.11 and 5.3.12 and accompanying Engineering Plans and Structural and Civil Design Report.
Stormwater Drainage Concept Plan (SDCP) For developments that require construction of stormwater drainage, a SDCP shall be submitted with the Development Application demonstrating the feasibility of the proposed drainage system within the site and connection to Council's system. Early consultation between engineers and architects is required to reduce possible conflicts in the final plan.	COMPLIES Stormwater Drainage Concept Plan accompanies this report.
Visual impact All drainage structures and storage areas are to be designed to be visually unobtrusive and sympathetic with the environment. This requirement is necessary to help ensure that future occupants do not adjust or remove facilities for aesthetic reasons without understanding the functional impact of such actions.	COMPLIES All drainage and storage areas are located within the confines of the building.

Liverpool Development Control Plan 2008	Assessment of compliance
Surface flow Paths 1. Surface flow paths, including the provision of an emergency overflow to cater for blockage of the system or flows in excess of the 100-year ARI storm flow must be provided. 2. The flow route must be capable of carrying the flows generated by a 100-year ARI storm with a freeboard of 300mm to the adjacent habitable floor levels of the development site and adjoining properties. 3. Development must not cause any adverse impact on adjoining or any other properties. This includes maintaining surface flow paths and not increasing water levels in these flow paths. Diverting flows from one catchment to another will not be permitted.	COMPLIES
Runoff from adjacent properties Surface runoff from upstream properties shall not be allowed to enter OSD systems. On Site Detention systems must not be located in overland flow paths, which convey catchment flows through the site.	NOTED
Floor and Ground Levels All habitable floor levels are to be a minimum of 300mm and garage/non habitable floor levels to be a minimum of 150mm above the maximum design storage water surface level and flow path levels.	COMPLIES

Liverpool Development Control Plan 2008	Assessment of compliance
On-Site Stormwater Detention - On-Site Detention (OSD) systems provide temporary storage of stormwater runoff from developments and restrict discharge from the site at a rate which council's existing drainage system is capable of accommodating. - OSD may only be used where: - The existing or proposed stormwater pipe system that is unable to cater for the increase in discharge due to development. - The development will involve an increase in impervious area on the site. - It is intended to connect stormwater directly to the street kerb and gutter only and the discharge exceeds 20 litres per second for the 10-year ARI. - OSD will not be required where: - The increased discharge for all storms up to and including a 100-year ARI can be accommodated by the existing stormwater pipe system. - A building addition or internal alteration is within the footprint (plan area) of the existing building. - The additional impervious surfaces (e.g. roof, driveway, paving) total is less than 30sqm in plan area. (NOTE: the designer is advised to confirm with council engineer first to ensure the cumulative total of previous and future additions still remain less than 30sqm, otherwise OSD will apply). - The sub-division of an existing development does not change the buildings or the impervious areas of the site. - Sites substantially inundated by flooding. - The development contributes funds to a major basin strategy that mitigates the impact of the increased impervious area and there are no other local drainage issues requiring OSD. - Calculations shall account for the total development site area. Refer to Council's <i>On Site Stormwater Detention Policy and Design Specification</i>.	NOT APPLICABLE OSD not required. Refer to Section 4.11 and 5.3.12 and [LR1] accompanying Engineering Plans and Structural and Civil Design Report.
6.2 Gravity drainage to a creek system	
<u>Applies to</u> This sub-section applies to development, which drains to a natural creek or river. It does not apply to development, which drains to a constructed swale or other similar drainage work.	NOT APPLICABLE Proposed development will not drain into a creek.
6.3 Gross Pollutant Traps	

Liverpool Development Control Plan 2008	Assessment of compliance
<u>Applies:</u> This sub-section applies to: a) Development on land within a Business or Industrial zone. b) Development on private land that includes the construction of car parks or other significant impervious areas where there is a potential for the generation of gross pollutants. c) Locations where gross pollutant traps are required by Part 2 of the DCP	NOTED The site is located in a business zone.
Objectives a) To prevent the transportation of gross pollutants and sediment from a site by stormwater runoff during the operational stages of a development. b) To install gross pollutant traps or utilise equivalent water sensitive urban design treatment train prior to discharge of stormwater from a site. c) To require developments to capture or prevent the generation of gross pollutants and sediment on site and at their own cost. d) Ensure that any gross pollutant traps on Council land are installed in accordance with a master plan or water cycle management plan to the satisfaction of Council.	COMPLIES Water sensitive urban design treatment is included as part of the on-site stormwater management system. Refer to Section 4.11 and 5.3.12 and accompanying Engineering Plans and Structural and Civil Design Report.
Controls 1. A minimum of one gross pollutant trap shall be required between the last downstream stormwater pit or pollution source and prior to discharge from the site. 2. Gross pollutant traps shall not be located within the banks of watercourses or within riparian zones. 3. Where a valve is required to isolate a site during a pollution spill, consideration shall be given to the location of the valve in relation to gross pollutant traps. 4. The design of the gross pollutant trap shall comply with Council's drainage design specifications. 5. Details of the proposed gross pollutant trapping system, performance and compliance with Council's drainage design specifications shall be included in the Stormwater Drainage Concept Plan. Note: The impact of the device and cleaning activities on adjacent areas shall be considered.	As above.
6.4 Stormwater Runoff Quality	
Objectives a) To ensure that stormwater runoff is of suitable quality to protect the aquatic ecosystems of waterbodies within Liverpool and downstream receiving catchments. To protect the aquatic environment of the Georges River catchment and the Hawkesbury Nepean River catchment. To maintain and enhance freshwater and estuarine ecosystems, including biodiversity, relative abundance and ecological processes.	CONSISTENT

Liverpool Development Control Plan 2008	Assessment of compliance
Controls 1. The post development water quality shall be reduced to the following targets when compared to pre development water quality: - 45% reduction in the mean annual load of total nitrogen. - 45% reduction in the mean annual load of total phosphorus. - 80% reduction in the mean annual load of total suspended solids. 2. In the case of areas where council has adopted a master plan or in Part 2 specifying water quality targets. The requirements of those documents shall be utilised in preference to the targets listed above. 3. In the case of green field developments where Council has not adopted a master plan or is not included in Part 2 of the DCP specifying water quality targets the above targets shall be utilised by comparing post development water quality with that of a conventional stormwater drainage design without water quality treatment for an urbanised development.	COMPLIES Refer to Section 4.11 and 5.3.12 and accompanying Engineering Plans and Structural and Civil Design Report.
6.5 Environmental Flows	
Applies to This sub-section applies to all development except for development applications for dwelling houses, semi-detached dwellings, attached dwellings and dual occupancy housing.	NOTED
Objectives a) To ensure that development does not adversely impact on flow patterns from that of a natural undeveloped catchment. b) Prevent bed and bank erosion and instability of waterways. c) Provide sufficient environmental flows to support aquatic environments and ecological processes.	CONSISTENT
Controls 1. The peak runoff for the 1-year ARI post development does not exceed that of an undeveloped catchment. 2. The peak runoff for the 1-year ARI post development is not less than 50% from that of an undeveloped catchment.	COMPLIES Refer to Section 4.11 and 5.3.12 and accompanying Engineering Plans and Structural and Civil Design Report.
7. Development near a watercourse	NOT APPLICABLE
8. Erosion and sediment control	
Applies to: This section applies to all development, which may involve: » Clearing, levelling, shaping, excavation of the existing soil surface and or vegetation on any site or the placement of any material stockpiles on that site; » Placement of any fill upon a site; and » Changes in the rate and or volume or course of runoff entering a waterbody, or overland flow.	APPLIES Proposal involves the excavation of the site for basement associated with the proposal.

Liverpool Development Control Plan 2008	Assessment of compliance
Objectives a) To avoid soil erosion through the use of effective erosion and sediment control measures both during and following any works. b) To reduce pollution by avoiding land degradation and disturbance of vegetation on site, hence reducing pollution impact to downstream areas and receiving waters and their ecosystem. c) To minimise costs involved in unblocking drains and water bodies, cleaning of roads and compensating for the loss of topsoil through improved sedimentation and erosion control. d) To improve water quality by reducing sedimentation.	COMPLIES The contractor will implement soil and sediment control measures prior and during the commencement of works in accordance with the notes on the attached Soil and Sediment Control Plan. Other measures may be implemented as detail in the accompanying Geotechnical or Structural Reports.

Controls

1. The development application shall be accompanied by either a Soil and Water Management Plan (SWMP) or an Erosion and Sediment Control Plan (ESCP) as shown in Table 1.

Table 1 Plans for stormwater soils management

Plan Required	Area of Disturbance
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ESCP	Up to 2,500sqm
SWMP	Greater than 2,500sqm and/or where development consent is required.

2. These plans shall be prepared in accordance with Managing Urban Stormwater Soils and Construction, also known as the Blue Book (current edition) produced by the NSW Department of Housing. The plans should form part of the engineering design drawings and be documented in the construction plans.
3. The SWMP and ESCP are to include the following:
 - A set of plans drawn to scale which show the layout of appropriate sedimentation and erosion control in accordance with the requirements of this DCP;
 - Outline of appropriate sedimentation and erosion control measures;
 - Proposed control of erosion and sedimentation shall be prepared by referencing and incorporating the requirements of Council's Specification for Control of Erosion and Sedimentation.
4. The matters to be considered in the preparation of SWMP and ESCP are detailed in the "Blue Book". These include but are not limited to:
 - Slope and soil characteristics.
 - Conservation of topsoil and consideration of ecologically sustainable principles and measures.
 - Location and details of proposed control measures.
 - Control of stockpiles and re-use of material on site.
 - All weather access to the site.
 - Location of existing vegetation and vegetation to be removed.
 - Proposed method of protection of vegetation.
 - Water bodies, dams and other drainage structures.
 - Soil and water implications.
 - Re-stabilisation/revegetation details.
 - Construction site location/disturbed area boundaries.
 - Clean up of downstream sedimentation resulting from breach of erosion and sedimentation controls.

COMPLIES

Refer and accompanying Engineering Plans which include Sediment Control Erosion Plan.

Liverpool Development Control Plan 2008	Assessment of compliance
– Order of works based upon construction and stabilisation of all culverts and surface drainage works at the earliest practical stage. – Proposed time schedules for construction of structures and implementation of control measures and details of proposed maintenance, inspection and corrective action. – Where practical, all runoff from areas up slope is to be diverted away from the disturbed areas. Diverted stormwater should be discharged onto stable areas and should not be diverted into neighbouring properties unless written permission is obtained from the land owner(s). Avoid directing stormwater towards the site's access and egress.	
8.1 Sediment Basins	
Applies to This sub-section applies to development, which involves the provision of a sediment basin.	
9. Flooding Risk	
Applies to This section applies to land identified as at or below the flood planning level.	NOT APPLICABLE The site is not identified as flood prone land in the Liverpool LEP 2008.
10. Contaminated Land Risk	
Applies to This section applies to: a) Land that is identified as being potentially or actually contaminated in accordance with the relevant guidelines. Land which has past or current land use of the following: Agricultural/ horticultural activities, Airports, Asbestos production/disposal, Batteries manufacture and recycling, Chemicals such as use or manufacture of acid/alkali products, adhesives/ resins, dyes, explosives, fertiliser, flocculants, foam production, fungicides, herbicides, paints, pesticides, pharmaceuticals, Service stations and fuel storage facilities, Defence work, Drum reconditioning, Dry cleaning, Electrical, Engine works such as mechanics and air conditioning repairers, Foundries, Gas works, Iron and steel works, Landfill Sites, Marinas, Metal treatments, Mining and extractive, industries, Photography, rubber, manufacture and solvents, Power stations, Printing shops, Railway yards, Scrap yards, Sheep and cattle dips, Smelting and refineries, Tanning and associated, trades, Water and sewage treatment plants, Wood preservation	NOTED See below.

Liverpool Development Control Plan 2008	Assessment of compliance
Objectives a) To identify the presence of contamination at an early stage of the development process and to manage the issues of land contamination to ensure protection of the environment and that of human health is maintained. b) Ensure that proposed developments or changes of land use will not increase the risk to human health or the environment; c) Avoid inappropriate restrictions on land use; d) Ensure that all stakeholders are aware of their responsibilities for the ongoing management of contaminated land.	CONSISTENT
Controls Preliminary Contamination Investigation If the initial evaluation by Council finds insufficient information available, or sufficient information is available, which indicates that contamination is an issue for the site, a Preliminary Contamination Investigation (Stage 1) shall be undertaken.	COMPLIES A preliminary site investigation has been completed. Refer Section 5.3.5 and accompanying report.
11. Salinity	
<u>Applies to</u> This section applies to all development, which: a) Is located in an area coloured yellow, orange or red on State Government issued salinity potential maps or Is in existing or proposed urban areas that may affect the processes of salinization, or Involves lands affected by groundwater salinity.	NOTED The site is located on land identified as having moderate salinity potential on the Salinity Potential in Western Sydney map 2002.
Objectives a) To prevent further spread of urban salinity and remedy, where possible, existing areas of salinity. b) To minimise disturbance to natural hydrological systems as a result of development and appropriately manage land uses affecting land salinisation and/or those affected by salinity. c) To ensure that land is used and developed in a manner that does not significantly increase water infiltration to groundwater systems and does not significantly increase salt loads in waterways, wetlands drainage lines, or soils. d) To control the impact of a development on prevailing and potential soil or groundwater salinity in the urban environment as well as ensure that soil or groundwater salinity does not impact on the structural integrity of a development. e) To ensure that consideration is given to any physical limitations of land, including soil salinity and the impacts of that salinity, to minimise the potential for future adverse economic impacts arising from development.	CONSISTENT Refer to Section 5.3.8 and accompanying Geotechnical Report for consideration of salinity.

Controls

1. The following flowchart shall be used to determine an appropriate course of action for salinity investigation and management for single or multi-lot developments.

Note: *Where it is difficult to decide between colours it should be assumed that the salinity potential is denoted by the colour for the higher salinity potential.

Note: **Salinity risk activities are those activities which are considered to have a greater risk associated with them in area of salinity potential, based on level of ground disturbance, water-use, and the potential to alter hydrological conditions and/or salt concentrations. This may include, but is not limited to: quarrying, intensive agriculture, activities involving high levels of irrigation, large scale artificial waterbodies, infiltration into the soil or groundwater, waste water re-use or treatment systems or major landscape reshaping

2. If a Level 1 or 2 Salinity Management Response is required the applicant shall use the Salinity Management Response Checklists to determine appropriate measures to prevent salinity. These measures shall be detailed in the Statement of Environmental Effects or equivalent. These measures shall be approved by Council prior to the issuing of Development Consent.
3. Level 3 Salinity Management Response shall be:
 - » Approved by Council prior to the issuing of Development Consent.
 - » Integrated into a Total Water-cycle Management Plan for the site for developments where such a plan is required.
4. The Salinity Management Response shall be based on site conditions and the proposed development. It shall include controls to protect buildings and also strategies to protect infrastructure, including roads and underground services and to manage the water cycle. A Response shall assume worst-case scenario for salinity on the site.
5. Salinity investigations shall be undertaken by an appropriately qualified professional with experience in salinity investigations and management.
6. Management strategies for salinity shall be developed in accordance with the approved Guidelines. This includes general management strategies for all sites and salinity processes and strategies including, but not limited to, the following:
 - »> Building requirements
 - »> Vegetation and landscaping
 - »> Roads and pavements
 - »> Soil landscapes with a shale geology
 - »> Localised concentrations of salinity
 - »> Deeply weathered soils
 - »> Salinity in groundwater.
7. To ensure appropriate measures or management strategies are employed Council may require monitoring reports to be submitted.
8. For developments involving the construction or removal of dams, artificial wetlands or stormwater retention ponds a Level 3 Salinity Management Response is required.

NOTED

See response above.

Liverpool Development Control Plan 2008	Assessment of compliance
9. For developments involving the construction or removal of dams, artificial wetlands or stormwater retention ponds, water sensitive urban design (WSUD) principles shall be applied. 10. Development shall have minimal impact on the water table. 11. For areas with a moderate to high salinity potential development shall demonstrate no net increase in hydrologic load or water inputs and shall maintain the natural water balance.	
12. Acid Sulfate Soils Risk	
<u>Applies to</u> This section applies to » Any development that is located in an area identified as having an acid sulfate soil potential within the Liverpool LEP 2008. » Any development involving drainage or excavation, which has the potential to result in the formation of acid sulfate soils.	NOT APPLICABLE The subject land is identified as being affected by Acid Sulfate Soils in the Liverpool LEP 2008.
13. Weeds	
<u>Applies to</u> This section applies to land where noxious weeds are found.	NOT APPLICABLE There are no noxious weeds located on the site.
14. Demolition of Existing Developments	
<u>Applies to</u> This section applies to development, which involves the demolition of an existing building.	NOT APPLICABLE The proposal does not involved demolition of any existing buildings.
15. On Site Sewerage Disposal	
<u>Applies to</u> This section applies to: » Development of land that does not have access to a reticulated sewerage system. » All existing and proposed On-site Sewage Management Systems and Greywater reuse systems.	NOT APPLICABLE
16. Aboriginal Archaeology	
<u>Applies to</u> This section applies to land: 1. In which Aboriginal sites, places or relics have been previously identified. 2. Within an identified cultural landscape. 3. That has not been cleared.	NOT APPLICABLE Aboriginal sites, places or relics have not been previously recorded at the site and the site is not located within an identified cultural landscape.

Liverpool Development Control Plan 2008	Assessment of compliance
17. Heritage and Archaeological Sites	
<u>Applies to</u> This section applies to development affecting a heritage item, land in a heritage conservation area or an archaeological site as identified in the Liverpool Local Environmental Plan 2008, as well as land in the vicinity of a heritage item.	NOTED The site is bordered by 'Northumberland Street' and 'Bathurst Street' which are local heritage items (item no. 89).
Objectives a) to conserve the heritage significance of heritage items and heritage conservation areas of Liverpool including associated fabric, setting, curtilage and views; b) to conserve archaeological sites; c) to facilitate the implementation of the objectives and provisions relating to heritage conservation contained in the Liverpool LEP 2008; d) to promote and encourage heritage conservation and the consideration of the heritage context in development; e) to encourage the retention and appropriate development of significant items; f) to encourage a high standard of contemporary design in the heritage context; g) to encourage the preservation of culturally significant vegetation; h) to enhance the amenity and heritage values of the Liverpool local government area; i) to enable appropriate and expert consideration of proposed development to be made by applicants and the Council; and j) to encourage and promote public awareness, appreciation and knowledge of heritage conservation.	COMPLIES The proposed development provides a design that complements and contributes positively to the desired future character of the area and will not detrimentally impact on the heritage character of the surrounding locality. Building materials and colours complement the commercial context of this site, are appropriately detailed and of a high quality.

Liverpool Development Control Plan 2008	Assessment of compliance
Controls Development in the vicinity of a heritage item 12. Development in the vicinity of a heritage item shall be designed to respect and complement the heritage item in terms of: » Scale; » Materials, colours and finishes; » Building and street alignment; » Landscaping and fencing. 13. Development in the vicinity of heritage items is to minimise the impact on the setting of the heritage item by: » Retaining and respecting significant views to and from the heritage item; » Retaining original or significant landscaping (especially plantings associated with the heritage item); » Providing an adequate area around the place to allow interpretation of the heritage item.	COMPLIES Refer Section 5.3.9.
18. Notification of Applications	
<u>Applies to</u> This section applies to development identified in Tables 10 and 11.	NOTED Council will notify the DA in accordance with the requirements of this section.
<u>Objectives</u> a) To provide the opportunity for the community to view and have input into the assessment process prior to Council or its delegate, making a decision to determine the application. b) To provide a reasonable time for inspection of plans and the preparation of submissions on applications, while recognising the obligations of the Council to determine applications within the prescribed periods as set by the relevant legislation. c) To match notification and exhibition standards to the complexity of the application and development risk.	CONSISTENT
19. Used Clothing Bins	
<u>Applies to</u> This section applies to charity bins located on either private or Council land.	NOT APPLICABLE Charity bins are not expected to be provided on the site.
20. Car Parking and Access	
<u>Applies to</u> This section applies to development, which generates the need to provide car parking and loading facilities, generates vehicle and pedestrian movement and potentially generates the need for public transport.	NOTED

Liverpool Development Control Plan 2008	Assessment of compliance
Objectives a) To ensure that adequate car parking space and service facilities are conveniently located on site to satisfy the reasonable demand created by the development. b) To ensure that access is designed to accommodate the size and volume of vehicles likely to visit the site. c) To ensure that loading facilities are provided for vehicles likely to service the site. d) To ensure where appropriate that car parking and the manoeuvring of commercial vehicles are separated in the interest of safety and amenity. e) To ensure that adequate landscaping/tree planting is provided to improve amenity and reduce visual impact of car parking and loading areas. f) To ensure that car parking does not interfere unreasonably with the amenity of the neighbourhood. g) To ensure the provision of the appropriate car parking depending on location. h) To ensure that where a development generates the need to augment the local transport network that the development contributes to that work.	COMPLIES Refer to Section 5.3.10 and accompanying Traffic Impact Statement.
20.1 Overall Design Considerations	
The layout of a car parking area shall consider the entire facility, including car parking modules, landscaping, circulation aisles and roadways, access driveways and, if necessary, frontage road access as an integrated coordinated design. The management of traffic within a car parking facility should take into account: » The need for traffic to move to and from the frontage road with minimum disruption to passing traffic and maximum pedestrian safety. » Provision of adequate capacity in circulation roadways and aisles to handle peak hour movements without congestion. » Avoid as far as practicable conflicts between intersecting streams of circulating traffic. » Minimum length travel paths between entry/exit points and car parking spaces. » Safe treatment of points of conflict with pedestrians and other road users.	NOTED
20.2 Car Parking Provision and Service Facilities by Land Use	
1. Tables 12 and 13 outline the number of car parking spaces and any other facilities required for the accommodation of vehicles on site for each land use type. In proposals where calculations of car parking requirements result in fractions of spaces being required, the fraction will be rounded up to the nearest whole space. Where developments comprise separately defined facilities, for example a hotel with a restaurant; the relevant requirements of each facility must be satisfied.	NOTED Uses in Table 12 are not relevant to this proposal.

Liverpool Development Control Plan 2008	Assessment of compliance								
2. For Development Applications that propose composite developments such as shopping malls, retail plazas (and the like) the common or shared areas (e.g. toilets, corridors) are excluded from the LFA.	NOTED								
Disabled Off-Street Car Parking Disabled car parking shall be provided in accordance with Table 1 for car parking areas over 20 spaces: Table 11 Disabled Car Parking Provision <table border="1"> <thead> <tr> <th>No of spaces</th><th>Land Use</th></tr> </thead> <tbody> <tr> <td>1 per 100 spaces</td><td>Retail, Commercial, Industry or Transport</td></tr> <tr> <td>2 per 100 spaces</td><td>Community, Recreation, Accommodation or Education</td></tr> <tr> <td>3 per 100 spaces</td><td>Entertainment or Health</td></tr> </tbody> </table>	No of spaces	Land Use	1 per 100 spaces	Retail, Commercial, Industry or Transport	2 per 100 spaces	Community, Recreation, Accommodation or Education	3 per 100 spaces	Entertainment or Health	COMPLIES Refer to Section 5.3.10 and accompanying Traffic Impact Statement.
No of spaces	Land Use								
1 per 100 spaces	Retail, Commercial, Industry or Transport								
2 per 100 spaces	Community, Recreation, Accommodation or Education								
3 per 100 spaces	Entertainment or Health								
Car Parking in Liverpool City Centre Car parking shall be provided in Liverpool City Centre in accordance with the following: Residential Development » 1 space per two studio apartments » 1 space per one bedroom or two bedroom apartments » 1.5 spaces per three or more bedroom units » 1 space per 10 units or part thereof, for visitors » 1 space per 40 units for service vehicle (including removalist vans (and car washing bays, up to a maximum of 4 spaces per building)). All other development » 1 space per 100sqm of floor area » Sufficient service and delivery vehicle parking adequate to provide for the needs of the development. Motorcycle parking for all development Provision is to be made for motorcycle parking at the rate of 1 motorcycle space per 20 car spaces Minimum Car parking requirements for people with disabilities Provide 2% of the total demand generated by a development, for parking spaces accessible, designed and appropriately signposted for use by persons with disabilities. Bicycle parking for all development 1 bicycle space per 200sqm of leasable floor area. 15% of this requirement is to be accessible to visitors. Off-Street -Car Parking Provision other than Liverpool City Centre Off street car parking provision and service and loading provision shall be provided in accordance with Table 13.	PARTIAL VARIATION Proposal complies with the exception of motor cycle parking. The proposal will provide four spaces for motorcycles, this is one less than what is required under the DCP. This shortfall is considered acceptable given that the proposal provides more parking than what is required under the SEPP 65 and the DCP and motorcycle riders may alternatively park in a car space Refer to Section 5.3.10 and accompanying Traffic Impact Statement.								
20.3 Car Parking Design									

Liverpool Development Control Plan 2008					Assessment of compliance
Car Space Dimensions Table 13 Dimensions of Off-Street Car parking for bays at 90°					COMPLIES Refer to Section 5.3.10 and accompanying Traffic Impact Statement.
Land use types	Width	Length 1	Length 2	Aisle Width	
Tenant, employee and commuter car parking, universities (generally all day car parking)	2.4m	5.4m	4.8m	6.2m	
Long-term city and town centre car parking, sport facilities, entertainment centres, hotels, motels, airport visitors (generally medium term car parking)	2.5m	5.4m	4.8m	5.8m	
Short-term city and town centre car parking, shopping centres, department stores, supermarkets, hospitals and medical centres (generally short term car parking and where children and goods can be expected to be loaded into vehicles)	2.6m	5.4m	4.8m	5.8m	
Car parking for people with disabilities (see next section)	3.2m	5.4m	4.8m	5.8m	
1. Length 1 - Where car parking is to a wall to high kerb not allowing any overhang. 2. Length 2 - Where car parking is controlled by wheel-stops or a kerb no higher than 100mm, which allows 600mm overhang. 3. Refer to <i>AS 2890.1: 2004</i> for more details. 4. <i>Adjacent Obstruction</i> - If the side boundary of a space is a wall or fence, or if there are obstructions such as columns placed so as to restrict door opening, 300mm shall be added to width required for the space. 5. <i>Blind Aisles</i> - The end spaces shall be made 1m wider than the remaining spaces. In car parks open to the public, the maximum length of a blind aisle shall be equal to the width of six, 90-degree spaces unless provision is made for cars to turn around at the end and drive out forwards.					
Landscaping within car parking areas An outdoor car park with 20 or more car parking spaces must include at least 1 tree per 10 car parking spaces to the following specifications:					
1. A tree must be a single trunk species to allow a minimum visibility clearance of 1.5m measured above natural ground level; and 2. A tree must be planted in an island bed that is a minimum 2m in width and 4m in length.					
20.4 Internal Driveways					

Liverpool Development Control Plan 2008				Assessment of compliance	
Gradient 1. Driveways are to be in accordance with the relevant Australian Standard. The maximum change in gradient is to be as shown in the “Maximum Gradients of Internal Driveway” diagram (See Figure 16). 2. Measured parallel to the angle of car parking 1 in 20 (5%); and 3. Measured at 90° to the angle of car parking – 1 in 16 (6.25%).				COMPLIES Very flexible access two-way ramp and aisle circulation system will be provided through the carpark levels. The aisles, ramps, parking bays and manoeuvring areas have been designed to accord with the Australian Standards AS 2890.1 & 6. The layout of the basement and upper level parking is illustrated in Architectural Plans. Refer to Section 5.3.10 and accompanying Traffic Impact Statement.	
Widths 1. For internal driveways between the access driveway and the car parking area the minimum carriageway width depends on the number of car parking spaces and service bays served. 2. Consideration should be given to increase these widths where high levels of heavy vehicles usage are anticipated. 3. By definition circulation driveways should not have car parking on them. 4. The minimum internal driveway widths are to be provided in accordance with Table 4.				COMPLIES Refer to Section 5.3.10 and accompanying Traffic Impact Statement.	
Table 14 Internal driveway widths					
Number of Car Parking Spaces / Service Bays					
1 - 15 spaces and length not exceeding 40m		15 - 40 spaces		Over 40 spaces	
Width		3.5m	5m	6 - 6.5m	

Liverpool Development Control Plan 2008	Assessment of compliance
Design 1. Locate and design car-parking areas so they can be observed by adjoining uses. 2. Minimise the number of pedestrian and vehicular entry and exit points, and ensure they are in close proximity to each other and to nearby active uses. 3. Staff car parking areas should be separated and secured. 4. Provide surveillance measures such as security cameras or devices and security guards where possible. 5. Underground car parking areas should provide security grilles in the roofs or upper walls to allow some street surveillance. 6. Lighting must comply with relevant Australian Standards, with brighter lighting located at entrances and pedestrian path or accessways. Lighting should be placed to sufficiently illuminate car parking bays as well as the driveways. Light fittings should be vandal resistant and easily maintained to ensure continued compliance with the Australian Standard. 7. Clear directional signs must be provided to stairs, lifts, and exits to shops or businesses, as well as signs to advise users of security measures in place. 8. Pedestrian pathways should be integrated into the design and allow for maximum safety, especially for people with a disability and people using prams. Pathways should be clearly marked and well lit. 9. Internal driveway should be designed for a low speed environment.	COMPLIES 1. NOTED. The proposed accesses will comply with the AS 2890.1 design criteria. 2. There are 2 vehicular access points with two access ramps off Huckstepp Serviceway and an exit ramp for the above ground parking at Bathurst Street. 3. NOTED. Commercial car parking is separated from resident parking. 4. CCTV will be provided in car parking areas and other common areas where appropriate. 5. Perforated mesh screens are provided at the upper levels of the car parking areas. 6. 7-9. NOTED.
Loading Facilities 1. Adequate facilities for servicing developments shall be provided on-site to ensure loading/unloading activities do not occur on street and compromise the safety, amenity and capacity of the public road system. 2. Provision for loading facilities shall be provided for development in accordance with <i>AS 2890.2 – 2002</i>. 3. Service facilities shall be conveniently located close to service entrances (or other building entrances) to discourage loading/unloading in other than the designated areas. 4. Areas where heavy vehicles are manoeuvring shall be separated from areas of car parking or pedestrian movement with safety being the over-riding consideration.	COMPLIES 1-4. Loading facilities comply with AS 2890.2 – 2002. Garbage collection and loading bay is provided at HUCKstepp SErvicway at the ground floor. Refer to Section 5.3.10 and accompanying Traffic Impact Statement.
20.5 Driveway Crossings	

Liverpool Development Control Plan 2008	Assessment of compliance
Location of Driveway Crossings 1. Driveway Crossings shall be located a minimum distance from the following items: – 0.5m from all drainage structures on the kerb and gutter; – 1.0m from side property boundaries; – 6m from a kerb tangent point of a street corner. 2. Driveway Crossings should where possible avoid the need to remove existing street trees. 3. Driveway Crossings should where possible avoid changes to existing public utility infrastructure including drainage and any relocation of such shall be the development's expense. 4. Where a development site has frontage to a Classified Road, the Driveway Crossings should be located on an alternative street. 5. Where a Driveway Crossing is proposed directly from a Classified Road, a deceleration lane may be required. 6. Locate the entrance at the first Driveway Crossing from the adjacent kerbside lane. 7. Avoid a driveway layout, which may result in on-street queuing. 8. All vehicles must enter and leave the property in a forward direction (except in the case of dwelling houses and Attached dwellings and Semi detached dwellings). 9. Locate each Driveway Crossing so that it is clear of all obstructions, e.g. poles, trees, which may prevent drivers from having a timely view of pedestrians.	COMPLIES 1-3. NOTED. Refer to accompanying Architectural Plans which detail the layout and location of driveway crossings at Huckstepp Serviceway and Bathurst Street. No street trees are proposed to be removed. 4-5. NOT APPLICABLE. The proposed development does not front a classified road. 6-9. NOTED. Driveway crossings are appropriately located. All vehicles enter and leave in a forward direction.
Design of Driveway Crossings 1. Design each Driveway Crossing so that it is relatively level within 6m of the site boundary or any pedestrian way, the recommended maximum gradient is 5%. 2. Signpost each Driveway Crossing with appropriate entry, exit and keep left signs. 3. Decorative Driveway Crossings over the footpath area will only be permitted if it is compatible with the amenity of the locality. 4. In business zones any Driveway Crossing shall be compatible with the existing and future paving pattern.	COMPLIES Refer to Section 5.3.10 and accompanying Traffic Impact Statement.

Liverpool Development Control Plan 2008							Assessment of compliance	
Width of Driveway Crossings 1. Driveway crossing widths shall be in accordance with tables 5 and 6.							COMPLIES Refer to Section 5.3.10 and accompanying Traffic Impact Statement.	
Table 15 Car Parking Spaces served by the Driveway Type								
Street Frontage			Number of Car Parking Spaces served by the Driveway Type					
Less than 25	25-100	101-300	301-600		More than 600	Heavy Vehicles		
Major	1-2	2-3	3-4	4	5	7		
Minor	1	1-2	2-3	3-4	4	6		
2. Major Street Frontage includes Classified Roads and Sub Arterial Roads under Council's Road Hierarchy.								
- Maximum for residential: 6m.								
Table 16 Driveway crossing widths								
Type	Entry Width		Exit Width	Minimum separation of driveways		Splay at kerb line		
W		W		S		R		
1	3 – m		Combined	NA		0.5m	-	
2	6 – 9m		Combined	NA		1m	-	
3	6m		4 – 6 m	1 - 3m		1m	2 – 9m	
4	6 – 8m		6 – 8 m	1 - 3m		1m	2 – 9m	
5				Direct feed from a controlled intersection via a public street				
6	8 – 10m		8 –10m	3m		1m	2 – 9m	
7	10 – 12m		10 –12m	3m		1m	2 – 9m	
Cost of Driveway Crossing Works The cost of any adjustment to a public road, including kerb and gutter, road shoulder and deceleration lane shall be borne by the development.								
20.6 Pavement requirements								

Liverpool Development Control Plan 2008	Assessment of compliance
Access driveways, internal driveways and car parking spaces are to be paved to a standard to carry the anticipated loadings, unless otherwise specified elsewhere in the DCP. Porous paving materials will be considered, provided that sufficient detail is provided to show that such paving is sustainable. Driveway material must not be allowed to spill or be carried onto road pavement.	NOTED To be addressed at CC stage.
20.7 Transport Impact	
Transport Management Plan For major developments a Transport Management Plan shall be submitted with the development application. The Transport Management Plan shall address the following: 1. The existing traffic environment. 2. Traffic generation anticipated from the proposed development. 3. The cumulative impact of traffic in the locality. 4. The need for traffic improvements in the locality. 5. The need for public transport works on site and in the locality. 6. Proposed traffic egress/ingress to Classified/Sub Arterial Roads. 7. Sight distance and other safety issues.	NOTED The proposal is not considered to be a major development as it is not identified as a traffic generating development in the Infrastructure SEPP. Refer to Section 5.3.10 and accompanying Traffic Impact Statement.
Construction Transport Plan A Construction Transport Plan may also be required where it is likely that the construction phase of a development will have a significant impact on traffic movement in the locality. A Construction Transport Plan shall address the following: 1. The existing traffic environment. 2. Traffic generation anticipated from the construction of the proposed development. 3. The impact on traffic in the locality. 4. Proposed heavy vehicle routes. 5. The need for transport management and hours of operation and access in the locality. 6. Sight distance and other safety issues. Cost of Transport Impact Works The cost of any works directly attributable to the development, including dedication and or construction of road works, traffic management facilities or any public transport facilities either on site or off site shall be borne by the development.	NOTED To be addressed post approval.
21. Subdivision of Land and Buildings	
<u>Applies to</u> This section applies to development, which involves subdivision of land or buildings.	NOT APPLICABLE Subdivision is not proposed.
22. Water Conservation	
<u>Applies to</u> This section applies to all development involving the use of water.	

Liverpool Development Control Plan 2008	Assessment of compliance
Objectives a) To reduce per-capita mains consumption of potable water. b) To harvest rainwater and urban stormwater runoff for use. c) To reduce wastewater discharge. d) To capture, treat and reuse wastewater where appropriate. e) To safeguard the environment by improving the quality of water run-off. f) f) To ensure infrastructure design is complementary to current and future water use.	CONSISTENT
Controls Residential New dwellings, including a residential component within a mixed-use building and serviced apartments intended or capable of being strata titled, are to demonstrate compliance with State Environmental Planning Policy – Building Sustainability Index (BASIX).	COMPLIES Refer Section 5.1 and accompanying BASIX Certificate.

Non-Residential 1. Development or redevelopment under the \$1 million threshold of control 2 shall: – Installed water fixtures (shower heads, taps, toilets, urinals, etc.) are to be 3 stars under the WELS system or better rated. – Installed appliances (dishwashers, clothes washers etc.) are to be 3 stars under the WELS system or better rated with respect to water use efficiency. Demonstrate, if necessary, how these requirements will be achieved for replacement appliances, appliances not installed at construction, or bought in by occupants following construction. 2. A comprehensive Water Management Plan is to be submitted with all non-residential development to address the following criteria, for any development above \$1 million: – Stormwater runoff control, capture and reuse, including water quality management in accordance with Council guidelines. – Select water efficient plants and/or, indigenous vegetation for landscape in accordance with Council's recommendations. – Use non-potable water for watering gardens and landscape features. – For development of more than \$1 million construction cost, consideration of separate pipe-work for the utilisation of recycled stormwater for non-potable purposes should be considered. – Operating details for swimming pools and water features including filling, draining and maintenance activities. 3. Covers are to be included in the design and operational aspects of swimming pool installations. 4. Alternatives to the above water savings methods can be presented to Council and they will be assessed on merit. 5. Any development that contains a rainwater tank is to satisfy the following criteria: – Rainwater is to be sourced only from roof structures via a tank storage system. – The tank capacity, or combined tank capacity, is to be at least 5,000L (10,000L preferred). – Tanks may be connected to toilets and garden/outdoor taps (the common tanks in residential flat buildings are to be connected to common outdoor taps only). – Tanks may be connected to laundry taps with suitable filters. – The system is to be fitted with an effective first flush device for removing roof surface contamination. – The system is to contain a facility for periodic de-sludging. – Tanks are to be connected to main water to top them up during times of low rainfall	NOTED Non-residential development is under \$1 million dollars. Water efficient fixtures and appliances will be installed. This will be addressed at the CC stage or as part of future DAs for use of the commercial tenancies. Rainwater is proposed to be utilised for toilet flushing for non- residential uses.
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Liverpool Development Control Plan 2008	Assessment of compliance
with supplemental inflow not taking places until the tank is 80% empty.	
23. Energy Conservation	
<u>Applies to</u> This section applies to development involving the use of energy.	NOTED
Objectives a) To reduce the necessity for mechanical heating and cooling. b) To minimise greenhouse gas emissions. c) To provide thermal comfort by minimising temperature variations within buildings.	CONSISTENT
Controls Residential Dwellings, including multi-unit development within a mixed use building and serviced apartments intended or capable of being strata titled, are to demonstrate compliance with State Environmental Planning Policy – Building Sustainability Index (BASIX). A complying BASIX report is to be submitted with all development applications containing residential activities.	COMPLIES Refer Section 5.1 and accompanying BASIX Certificate.
Non-Residential 1. All Class 5 to 9 non-residential developments are to comply with the Building Code of Australia energy efficiency provisions. 2. Improve the control of mechanical space heating and cooling by designing heating/ cooling systems to target only those spaces which require heating or cooling, not the whole building. 3. Encourage passive solar designed dwellings. 4. Improve the efficiency of hot water systems by: a) Insulating hot water systems. b) Installing water saving devices, such as flow regulators, 3 stars rated shower heads, c) dual flush toilets and tap aerators. 5. Maximise natural light to reduce reliance on artificial lighting and utilise energy efficient lamps, reflectors and fittings to reduce requirements for artificial lighting.	COMPLIES Commercial and retail tenancies comply with BCA energy efficiency provisions. Natural light is provided to ground floor tenancies and to upper levels via courtyard.
24. Landfill	
<u>Applies to</u> This section applies to development, which involves cutting and or filling of land. It does not involve land cut and filling in conjunction with a development application for a building(s).	NOT APPLICABLE
25. Waste Disposal and Reuse Facilities	

Liverpool Development Control Plan 2008	Assessment of compliance
Applies to This section applies to all applications that propose: 1. Subdivision and excavation of land. 2. Demolition of an existing building. 3. Construction of any development including alterations and additions. 4. Any development that requires a waste bay or the like.	
Objectives a) To minimise waste produced during demolition and construction of new development and maximise resource recovery. b) To ensure waste management for the end use of the development is designed to provide satisfactory amenity for occupants and provide appropriately designed collection systems. c) To minimise ongoing waste to landfill and maximise recycling of ongoing waste.	CONSISTENT
Controls 1. A Waste Management Plan (WMP) shall be submitted with a Development Application for any relevant activities generating waste. The WMP is provided in three sections: » Demolition » Construction » On-going waste management. 2. The WMP shall show: » Estimated volumes of waste generated according to type » Information about reuse, recycling and disposal options for all types of waste produced on site during demolition, construction or ongoing waste generation activities. 3. The WMP must then be implemented on site throughout the development process, demolition, construction and use of the development. During demolition and construction the WMP together with proof of lawful disposal for all waste that is disposed of or otherwise recycled from the site must be retained onsite in a Waste Data File. Proof is to include a log book with associated receipt/invoices, waste classification and site validation certificate. 4. All entries in the Waste Data File must include: » Time and Date » Description and size of waste » Waste facility used » Vehicle registrations and Company name 5. The Waste Data File must be made available for inspection by any authorised Council Officer at any time during site works and at the conclusion of site works should be retained by the person responsible and made available for inspection by authorised Council Officers.	GENERALLY, COMPLIES An ongoing Waste Management Plan has accompanies this DA. A construction waste management plan can be conditioned on thewith any consent.

Liverpool Development Control Plan 2008	Assessment of compliance
	COMPLIES The residential component incorporates a garbage chute system with a waste room located on each level with a bin for collection of recyclables. This waste chute connects to the waste management room on the ground level. A commercial garbage room is provided on the ground level. Waste for both the residential and commercial will be collected at the loading bay. Refer to accompanying Waste Management Plan for an estimate of the types and volumes of waste and recyclables to be generated and Architectural Plans showing storage areas and the vehicle access to these areas.
Waste Management Facilities	
1. Waste management facilities shall be provided for in all new buildings (except dwelling houses, Attached dwellings, Semi-Detached Dwellings and Dual Occupancy). These shall be designed to ensure that the storage and collection of waste and recyclables is user friendly for both the occupant and the waste collection contractor.	COMPLIES Refer to Architectural Plans and accompanying Waste Management Plan.

Liverpool Development Control Plan 2008	Assessment of compliance
2. Where a communal Waste Management Facility for Multi dwelling housing and Residential flat buildings is required, on site storage details are to be submitted on the plans and set out as below: – Location of space within the dwelling for the separation and temporary storage of waste, recyclables and compost with sufficient capacity for a minimum of one days waste or recycling – Location and design of the Waste Storage and Recycling Area (Bin bay) on the premises. This must be readily accessible for both residents and waste and recycling contractors. – Where applicable design details of any Volume Reduction Equipment. The use of volume reduction equipment (to compact waste materials) may be appropriate where space is a problem. In normal circumstances there will not be a reduction in area requirements where such equipment is proposed, to accommodate future variations to development management and waste disposal options. Volume reduction equipment should not be used on recyclables; removing contaminants from compacted recyclables is almost impossible and compacted contaminated loads will be rejected by end markets. – For buildings more than three (3) storeys, or where elevator access is required for dwellings on the upper levels a waste service room, or compartment must be provided on each floor of the building for the intermediate storage of garbage and/or recycling. Sufficient space must be allocated for access by residents, storage of bins, and easy manoeuvring of bins. – The area must be suitably located on premises in terms of accessibility for both the occupants and the waste and recycling contractor. The system for waste management must be compatible with available collection services – collection occurs at the front of the land. – Measures for protecting bins and any associated waste equipment from theft or damage are to be indicated within the WMP.	COMPLIES Refer to Architectural Plans and accompanying Waste Management Plan.

3. Provision of ongoing waste management facilities shall include: » In the case of multi dwelling housing of 8 or fewer dwellings individual 240L waste bins are to be provided and stored within the courtyard of each dwelling. If such storage is not possible an easily accessible garbage bin bay is to be provided. » In the case of multi dwelling housing of 9 or more dwellings and residential flat buildings one or more garbage and recycling enclosures (bin bays) are to be provided within the site. » Bin bays are to be well ventilated and screened to a minimum height of 1.5m by a structure and landscaping. Construction materials are to be compatible with the proposed development and adjoining development. » Bin bays or waste service rooms are to be sufficiently open and well lit to allow safe use after dark » A hose cock for hosing the garbage bin bay and a sewerage drainage point are to be provided in or adjacent to the bin storage area. The drainage point should have a fine grade drain cover sufficient to prevent coarse pollutants from entering the sewer. If the hose cock is located inside the bin storage bay it is not to protrude into the space indicated for the placement of bins. Responsibility for cleaning of all waste storage areas should be determined when designing the system and clearly stated in the waste management plan. Frequency of cleaning to eliminate odour and pests should also be indicated on the WMP. » Sufficient space must be allocated within the bin bays to allow for access to all required bins by residents and waste collectors, as well as manoeuvring of bins within the bay and for the removal and return of bins by the waste collector. » The agreed numbers of bins that will require storage are given as a consent condition. » In the case of secure developments where garbage and recycling bins are stored within the secure area, the WMP needs to indicate: » Arrangements for supervised access by Council Contractors to collect waste must be shown to the satisfaction of Council; or » Arrangements for delivery of bins to kerbside and removal when emptied to within the development must be shown. » Council waste and recycling contractors are not to be provided with keys, pass keys, or other mechanical or electronic means of entry to secure developments. » In the case of multi dwelling housing of 9 or more dwellings and residential flat buildings one or more garbage and recycling enclosures (bin bays) are to be provided within the site. » Bin bays are to be well ventilated and screened to a minimum height of 1.5m by a structure and landscaping. Construction materials are to be compatible with the proposed development and adjoining development. » Bin bays or waste service rooms are to be sufficiently open and well-lit to allow safe use after dark	COMPLIES Refer to Architectural Plans and accompanying Waste Management Plan.
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Liverpool Development Control Plan 2008	Assessment of compliance
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Liverpool Development Control Plan 2008	Assessment of compliance
Access to waste and recycling storage 1. Bin bays are to be adjacent to a street frontage, or if not possible then at a designated point adjacent to the common access driveway provided sufficient level areas (<5% grade) is available for bin collection to be carried out, away from vehicle ramps and steps. The bin bay is to be located so that distance from bin bay to the nearest waste collection point accessible by the collection vehicle is no further than 15m. The bin bay shall be positioned so as to minimise noise impacts on residents from the usage of bins and waste or recycling collection. 2. The access routes should be highlighted on the plan. Access must be made available by wheelchair for occupants. Bin bays should allow for bins to be wheeled by to the street kerb over flat or ramped surfaces with a maximum grade of 7% and not over steps, gutters, or landscape edging. The need for manual handling by collection staff should be kept to a minimum. 3. Residents should not be required to carry waste or recyclables more than 30m to a waste storage area such as a bin bay, or in the case of a residential flat building greater than three storeys, a waste service room for interim storage of waste and/or recyclables. Recycling bins are not to be stored in isolation, but in close proximity to garbage bins or chutes. 4. Waste service rooms or compartments where provided, shall be enclosed and of design compatible with the proposed development. Adequate ventilation shall be provided for the room or compartment. Suitable arrangements for transfer of any interim storage to the main bin bay are to be indicated in the WMP. 5. Waste and recycling collection vehicles should be able to service the development efficiently and effectively and with no need to reverse. Current collection vehicles are fitted with a left side lifter for handling MGBs, with a minimum height clearance of 3.6 m when lifting and 4.7m width when lifting. 6. Council and waste collection contractor vehicles will not enter private property including driveways to collect waste or recycling.	COMPLIES As above.

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Other Waste Considerations 1. In the case of multi dwelling housing or residential flat buildings of more than 25 dwellings, a designated space reflecting the number of dwellings shall be provided for temporary storage of disposed bulky items awaiting Council clean up or contracted removal. The minimum allocated space must be 6sqm, with a minimum height of 2m. The space shall be signed as to its purpose. 2. No waste incineration devices are permitted. 3. Council will consider applications for buildings more than three (3) storeys or where elevator access is required for dwellings on the upper levels that utilise garbage chutes as a means of transferring waste from each level to a centralised garbage room, with the following criteria: – Garbage chute access can only be located within a waste service room or compartment. – Recycling chutes are not permitted. Recycling bins for interim storage are to be proved in each waste service room. – Garbage chutes are not to be situated adjacent to habitable rooms – Applications must state the material the chute is to be made from, how the chute is to be cleaned, how often the chute will be cleaned, how any blockages will be removed and any fire protection measures to be used. – The waste collection system that the chute feeds into must be stated (compactor, carousel, open bin) and suitable for the number of dwellings in the development. 4. Signage should be in English, and consideration given to other languages reflective of the most recent demographics of Liverpool LGA. Illustrative graphics will form a minimum 50% of the area of the signage. Council can provide appropriate bin bay usage signs if required. Signage is to be prominently posted in each bin bay, or waste service room indicating that: – Garbage is to be placed wholly within the garbage bins provided. – Only recyclable materials accepted by Council shall be placed within the recycling bins. – The area is to be kept tidy. – A telephone number for arranging the disposal of bulky items. – Should garbage chutes be incorporated, signage on how to use the chutes is to be located prominently next to the chute itself.	COMPLIES Bulk storage area of 8m³ provided.
26. Outdoor Advertising and Signage	
Applies to This section applies to applications for Outdoor Advertising and Signage.	NOT APPLICABLE A separate DA will be submitted for the use of the commercial tenancies.
27. Social Impact Assessment	

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Applies to This section applies to applications for the types of development listed in Table 1, and any other types of development if notified in writing by Council. This section does not apply to development that is otherwise permitted without consent.	NOTED
Objectives a) To ensure distributional equity of positive and negative social impacts of development, to help build healthier communities where people want to live and work; b) To apply a precautionary approach to, and encourage effective community engagement and participation in, planning and development decisions that may have significant impact; c) To ensure social impact assessments are undertaken in a consistent and transparent manner, by an appropriately trained person, and contain the information required to enable objective evaluation of potential impacts by Council.	CONSISTENT
Controls 1. A social impact assessment shall be submitted with a development application for all types of development listed in Table 21. The social impact assessment shall take the form of a Social Impact Comment or a Comprehensive Social Impact Assessment, as specified in Table 21. 2. Council may, at its discretion, alter the requirements for social impact assessment at any stage of the development assessment process, if it deems a proposal to foreseeably generate or contribute to social impacts that are substantially less or more significant than envisaged in Table 21. This discretion rests with the Executive Management Team, with consideration of recommendations made by Council staff. 3. A social impact assessment shall be submitted for any types of development not listed in Table 21 if, at any stage of the development assessment process, Council deems the proposal to foreseeably generate or contribute to significant social impacts. The social impact assessment shall take the form of a Social Impact Comment or a Comprehensive Social Impact Assessment. 4. Any social impact assessment shall be prepared in accordance with Council's Social Impact Assessment Policy. <i>Note: Applicants are advised to consult with Council before lodging a development assessment, to discuss Council's specific requirements relating to social impact assessment. Council will notify applicants in writing of any changes to requirements for social impact assessment.</i>	COMPLIES Refer to Section 5.3.7 and accompanying Social Impact Comment.

Table 2 Assessment Liverpool DCP 2008 – Part 4

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Part 4 – Development in Liverpool City Centre	
1. Preliminary	
Applies to 1. This Part applies to the area shown in Figure 1. 2. Part 1 also applies to the area shown in Figure 1.	Part 4 applies to the site.
Commercial and retail core Employment growth in commercial and retail areas in the city centre is expected to reach a total of 30,000 jobs by 2031. The majority of commercial development will be concentrated around the public transport interchange and in areas already containing a focus of commercial development. This strategy will assist in creating vitality and ensuring a high level of public transport accessibility. Consolidation at the southern end of the city centre will also assist in redressing the degradation of activity occurring here. Commercial development and the majority of the tall buildings will be focused within a core area centred between the railway station, Bathurst Street, Memorial Avenue and Elizabeth Street. Residential development will be avoided within this core commercial area, however mixed use development incorporating other uses at lower levels is acceptable. Additional cultural and entertainment facilities will be established within the area around Bigge, Railway and Moore Streets. Retail development will continue to be focused around the Macquarie Street Mall and Westfield shopping centre, though retail uses will also be permitted throughout the mixed use and commercial precincts. The Mall presently functions well in a retail and activity sense, though would benefit from a better integration with Westfields and an improved sense of arrival. The active street frontages along Macquarie Street and throughout the City Centre are an asset that should be maintained and expanded. The existing lane and through-site link system will be maintained and enhanced to provide pedestrian connectivity within the core and across the city centre.	NOTED The subject site is identified in the commercial area – Refer Figure 2 Character Areas. The proposal is for a large mixed use development located off Bathurst Street, an established commercial area.
2. Controls and Building Form	
2.1 Built form	

Objectives	CONSISTENT
a) Establish the scale, dimensions, form and separation of buildings appropriate for the setting in the city centre. b) Achieve an attractive and sustainable Liverpool city form within the city centre context. c) Provide a strong definition of the public domain. d) Achieve active street frontages with good physical and visual connections between buildings and the street. e) Ensure there is consistency in the main street frontages of buildings having a common alignment. f) Provide for pedestrian comfort and protection from weather conditions. g) Define the public street to provide spaces that are clear in terms of public accessibility and safety, and are easy to maintain. h) Ensure building depth and bulk is appropriate to the environmental setting and landform by providing for view sharing and good internal building amenity. i) Ensure building separation is adequate to protect amenity, daylight penetration and privacy between adjoining developments. j) Encourage mixed use development with residential components that achieve active street fronts and maintain good residential amenity. k) Achieve an articulation and finish of building exteriors that contribute to a high quality of design excellence. l) Provide for high quality landscape to contribute to the amenity of the city centre and a sustainable urban environment. m) Contribute to the legibility of the city. n) Ensure that new buildings are responsive to the character and heritage values of Liverpool city centre.	Key built form features of proposed mixed use development are detailed below. Provides a contemporary design that: » Complements and contributes positively to the desired future character of the area » Respects the heritage significance of Bathurst Street » Built form is appropriate to its commercial context. The height, bulk and scale will be similar to the future character within the area. The layout of the proposed building ensures that the proposal is well located to align \ with future built form in the immediate vicinity. Highlighting elements on the façade coupled with landscaping provide a character to the development and precinct. » The external building elevations are well articulated in terms of modelling and variety of façade treatment. » Building materials and colours complement the commercial context of this site, are appropriately detailed and of a high quality » The external building elevations are of high-quality thoughtful consistent facade treatments that articulates a coherent "tower" built form of varying agreed setbacks. » Delivers a diverse range of housing (1, 2, 3 bedroom apartments and adaptable units) and opportunities for business and retail uses on the ground floor that will service future residents, local and wider community. » Ground floor uses will activate the street frontage encouraging

Liverpool Development Control Plan 2008	Assessment of compliance
	an interesting and safe pedestrian environment.
Building to Street Alignment and Street Setbacks	
a) To achieve a strong and consistent definition of the public domain. b) To align external facades of buildings with the streets that they front. c) To provide front setbacks appropriate to building function and character. d) To establish the desired spatial proportions of the street and define the street edge. e) To create a transition between public and private space. f) To locate active uses, such as shopfronts, closer to pedestrian activity areas. g) To allow an outlook to, and surveillance of, the street. h) To allow for street landscape character, where appropriate. i) To maintain sun access to the public domain	CONSISTENT Street wall heights and been carefully considered, relating to human scale, address the street wall alignment façade with the residential tower setback further from the street wall alignment. The location of the retail tenancies and live/work apartments will provide active usage and allow outlook to and surveillance of the street.
1. Street building alignment and street setbacks are to comply with Figure 3.	COMPLIES 0m setback to street is provided at the podium to Bathurst Street.
2. The external facades of buildings are to be aligned with the streets that they front.	COMPLIES
3. Notwithstanding the setback controls, where development must be built to the street alignment (as identified in Figure 3), it must also be built to the side boundaries (0m setback) where fronting the street. The minimum height of development built to the side boundary is to comply with the minimum street frontage height requirement.	COMPLIES Side (northern boundary) – 3m setback to allow for the provision of a future laneway as agreed by DEP. 0m (south) setback.
4. Balconies may project up to 1.2m into front building setbacks in the High Density Residential zone and up to 600mm in all other zones, provided the cumulative width of all balconies at that particular level totals no more than 50% of the horizontal width of the building façade, measured at that level.	NOT APPLICABLE
5. Minor projections into front building lines and setbacks for sun shading devices, entry awnings and cornices are permissible (see also Section 3.8 Building Exteriors)	NOTED
Street Frontage Heights	

Liverpool Development Control Plan 2008	Assessment of compliance
Objectives a) Provide a strong, consistent and appropriate definition of the public domain. b) To achieve comfortable street environments for pedestrians in terms of daylight, scale, sense of enclosure and wind mitigation as well as a healthy environment for street trees. c) To protect solar access to key streets and public spaces.	CONSISTENT The proposed built form will comprise tower and podium style to respect and provide definition and amenity to the public domain.
Controls	
1. The street frontage height of buildings must comply with the minimum and maximum heights above mean ground level on the street front as shown in Figure 5 – Street frontage height of 16-26m required (4-6 storeys)	COMPLIES A podium of 4 storeys is provided. Refer to accompanying Architectural Plans.
2. Notwithstanding the above, the street front height of any new building is to be consistent with the controls in Section 2.6 Solar Access.	NOTED
3. Notwithstanding the controls in Figure 5, the street frontage height controls of any new building adjacent to Heritage Items is to be appropriately scaled (refer to Section 7.1 Heritage Items and Special Heritage Areas).	COMPIES The podium is appropriately scaled.
4. 'Fake' building street walls (frames with the building line recessed behind) will not be permitted up to street frontage height level.	NOTED
Building Depth and Bulk	
Objectives a) To promote the design and development of sustainable buildings. b) To achieve the development of living and working environments with good internal amenity and minimise the need for artificial heating, cooling and lighting. c) To provide viable and useable commercial floor space. d) To achieve useable and pleasant streets and public domain at ground level by controlling the size of upper level floor plates of buildings. e) To reduce the apparent bulk and scale of buildings by breaking up expanses of building wall with building separation, modulation of form and articulation of facades.	CONSISTENT The proposed site layout and built form are conducive to maximising the environmental design attributes of the development. Viable and useable commercial floor space is provided on the ground floor and within the podium. Bulk and scale is reduced by the 4 storey podium and setback of the residential tower, which aims to reduce the bulk and scale variety of façade treatment along each elevation.
Controls	

Liverpool Development Control Plan 2008					Assessment of compliance																								
1. The maximum floor plate sizes and depth of buildings are specified and illustrated in Figure 6 and Table 1 below. Table 1 Maximum Floorplate Size <table><tr><th>Land use zone</th><th>Building use</th><th>Condition</th><th>Maximum GFA per floor</th><th>Maximum building depth (excludes balconies)</th></tr><tr><td>Commercial Core:</td><td>Commercial and retail uses</td><td>Above street frontage height</td><td>1,200sqm</td><td>30m</td></tr><tr><td rowspan="2">Mixed Use:</td><td>Commercial / retail uses</td><td>Above street frontage height</td><td>900sqm</td><td>24m</td></tr><tr><td>Residential uses</td><td>Above street frontage height</td><td>700sqm</td><td>24m</td></tr><tr><td>Residential & all other zones</td><td>All residential uses</td><td>Above 25m in height. The gross floor area permitted above this height is 20% of the total gross floor area of the development, up to the maximum permissible height shown on the Height of Buildings map in the Liverpool LEP 2008.</td><td>500sqm</td><td>18m</td></tr></table>					Land use zone	Building use	Condition	Maximum GFA per floor	Maximum building depth (excludes balconies)	Commercial Core:	Commercial and retail uses	Above street frontage height	1,200sqm	30m	Mixed Use:	Commercial / retail uses	Above street frontage height	900sqm	24m	Residential uses	Above street frontage height	700sqm	24m	Residential & all other zones	All residential uses	Above 25m in height. The gross floor area permitted above this height is 20% of the total gross floor area of the development, up to the maximum permissible height shown on the Height of Buildings map in the Liverpool LEP 2008.	500sqm	18m	COMPLIES
Land use zone	Building use	Condition	Maximum GFA per floor	Maximum building depth (excludes balconies)																									
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2. Notwithstanding the above, the component of a building above the maximum specified street frontage is not to have a building length in excess of 45m.					COMPLIES																								
3. Maximum floor plate sizes only apply above street frontage height levels.					NOTED																								
4. All points on an office floor should be no more than 10m from a source of daylight (eg. window, atria, or light wells) in buildings less than 25m in height, and no more than 12.5m from a window in buildings over 25m in height.					COMPLIES The size of the floor layout enables commercial space to be within 10m of a window.																								
Boundary Setbacks and Building Depth and Bulk																													
Objectives a) To ensure an appropriate level of amenity for building occupants in terms of daylight, outlook, view sharing, ventilation, wind mitigation, and privacy. b) To achieve usable and pleasant streets and public domain areas in terms of wind mitigation and daylight access.					CONSISTENT The buildings comply with the height limit and will have a similar scale to future development in the vicinity. Street wall heights and been carefully considered, relating to human scale, address the street wall alignment façade with the residential tower setback further from the street wall alignment.																								
Controls																													

Liverpool Development Control Plan 2008	Assessment of compliance																																																																																																																																																			
1. The minimum building setbacks from the front, side and rear property boundaries are specified in Table 2 and illustrated generically in Figure 7. Table 2 Minimum setback distance from property boundary <table><tr><th>Zone</th><th>Building height & uses</th><th>Front (upper level) setback</th><th>Side setback</th><th>Rear setback</th></tr><tr><td>Commercial</td><td>Up to permissible SFH level</td><td>Street setback†</td><td>0m</td><td>0m</td></tr><tr><td rowspan="2">Core</td><td>Between SFH level and 45m</td><td>6m*</td><td>6m</td><td>6m</td></tr><tr><td>Above 45m</td><td>6m*</td><td>14m</td><td>14m</td></tr><tr><td>Enterprise</td><td>Commercial uses;</td><td></td><td></td><td></td></tr><tr><td>Corridor,</td><td>– up to permissible SFH level</td><td>Street setback†</td><td>0m</td><td>6m</td></tr><tr><td rowspan="2">Mixed Use</td><td>– between SFH level and 45m</td><td>6m*</td><td>6m</td><td>6m</td></tr><tr><td>– above 45m</td><td>6m*</td><td>14m</td><td>14m</td></tr><tr><td></td><td>Residential uses up to 12m height:</td><td>Street setback†</td><td>0 m#</td><td>6m</td></tr><tr><td></td><td>Residential uses between 12 – 25m height:</td><td></td><td></td><td></td></tr><tr><td></td><td>– non-habitable rooms</td><td>6m*</td><td>4.5 m#</td><td>6m</td></tr><tr><td></td><td>– habitable rooms</td><td>6m*</td><td>9 m#</td><td>9m</td></tr><tr><td></td><td>Residential uses between 25 – 45m height:</td><td></td><td></td><td></td></tr><tr><td></td><td>– non-habitable rooms</td><td>6m*</td><td>6 m#</td><td>6m</td></tr><tr><td></td><td>– habitable rooms</td><td>6m*</td><td>12 m#</td><td>12m</td></tr><tr><td></td><td>Residential uses between over 45m height:</td><td></td><td></td><td></td></tr><tr><td></td><td>– non-habitable rooms</td><td>6m*</td><td>12m</td><td>9m</td></tr><tr><td></td><td>– habitable rooms</td><td>6m*</td><td>16m</td><td>16m</td></tr><tr><td>High Density</td><td>All uses up to 12m height:</td><td></td><td></td><td></td></tr><tr><td rowspan="2">Residential</td><td>– non-habitable rooms</td><td>Street setback†</td><td>3 m</td><td>6m</td></tr><tr><td>– habitable rooms</td><td>Street setback†</td><td>6m</td><td>6m</td></tr><tr><td></td><td>All uses between 12 – 25m height:</td><td></td><td></td><td></td></tr><tr><td></td><td>– non-habitable rooms</td><td>n/a</td><td>4.5m</td><td>6m</td></tr><tr><td></td><td>– habitable rooms</td><td>n/a</td><td>9m</td><td>9m</td></tr><tr><td></td><td>All uses between 25 – 35m height:</td><td></td><td></td><td></td></tr><tr><td></td><td>– non-habitable rooms</td><td>see Figure 6</td><td>6m</td><td>6m</td></tr><tr><td></td><td>– habitable rooms</td><td>see Figure 6</td><td>12m</td><td>12m</td></tr><tr><td></td><td>All uses between 35 – 45m height:</td><td></td><td></td><td></td></tr><tr><td></td><td>– non-habitable rooms</td><td>see Figure 6</td><td>6m</td><td>9m</td></tr><tr><td></td><td>– habitable rooms</td><td>see Figure 6</td><td>14m</td><td>14m</td></tr></table> SFH: Street Frontage Height * Setback occurs at street frontage height (i.e. only one setback allowable) # Notwithstanding the setback controls, where development must be built to the street alignment (as identified in Figure 3), it must also be built to the side boundaries (0m setback) where fronting the street. The minimum height of development built to the side boundary is to comply with the minimum street frontage height requirement. † refer to Figure 3 Specific Street Alignment and Street Setbacks.	Zone	Building height & uses	Front (upper level) setback	Side setback	Rear setback	Commercial	Up to permissible SFH level	Street setback†	0m	0m	Core	Between SFH level and 45m	6m*	6m	6m	Above 45m	6m*	14m	14m	Enterprise	Commercial uses;				Corridor,	– up to permissible SFH level	Street setback†	0m	6m	Mixed Use	– between SFH level and 45m	6m*	6m	6m	– above 45m	6m*	14m	14m		Residential uses up to 12m height:	Street setback†	0 m#	6m		Residential uses between 12 – 25m height:					– non-habitable rooms	6m*	4.5 m#	6m		– habitable rooms	6m*	9 m#	9m		Residential uses between 25 – 45m height:					– non-habitable rooms	6m*	6 m#	6m		– habitable rooms	6m*	12 m#	12m		Residential uses between over 45m height:					– non-habitable rooms	6m*	12m	9m		– habitable rooms	6m*	16m	16m	High Density	All uses up to 12m height:				Residential	– non-habitable rooms	Street setback†	3 m	6m	– habitable rooms	Street setback†	6m	6m		All uses between 12 – 25m height:					– non-habitable rooms	n/a	4.5m	6m		– habitable rooms	n/a	9m	9m		All uses between 25 – 35m height:					– non-habitable rooms	see Figure 6	6m	6m		– habitable rooms	see Figure 6	12m	12m		All uses between 35 – 45m height:					– non-habitable rooms	see Figure 6	6m	9m		– habitable rooms	see Figure 6	14m	14m	PARTIAL VARIATION The building envelope and setbacks have been agreed by the DEP. Proposal complies with SFH setbacks. Upper levels comply with the setbacks as per the ADG with the exception of setbacks to the southern boundary. Refer Section 4 and 5.3.3 and accompanying ADG and Design Verification Statement.
Zone	Building height & uses	Front (upper level) setback	Side setback	Rear setback																																																																																																																																																
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	– non-habitable rooms	6m*	6 m#	6m																																																																																																																																																
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	– non-habitable rooms	6m*	12m	9m																																																																																																																																																
	– habitable rooms	6m*	16m	16m																																																																																																																																																
High Density	All uses up to 12m height:																																																																																																																																																			
Residential	– non-habitable rooms	Street setback†	3 m	6m																																																																																																																																																
	– habitable rooms	Street setback†	6m	6m																																																																																																																																																
	All uses between 12 – 25m height:																																																																																																																																																			
	– non-habitable rooms	n/a	4.5m	6m																																																																																																																																																
	– habitable rooms	n/a	9m	9m																																																																																																																																																
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	– non-habitable rooms	see Figure 6	6m	6m																																																																																																																																																
	– habitable rooms	see Figure 6	12m	12m																																																																																																																																																
	All uses between 35 – 45m height:																																																																																																																																																			
	– non-habitable rooms	see Figure 6	6m	9m																																																																																																																																																
	– habitable rooms	see Figure 6	14m	14m																																																																																																																																																
2. In mixed use buildings, setbacks for the residential component are to be the distances specified in the table below for residential development in the specified zone.	NOTED																																																																																																																																																			
3. If the specified setback distances cannot be achieved when an existing building is being refurbished or converted to another use, appropriate visual privacy levels are to be achieved through other means. These will be assessed on merit by the consent authority.	NOTED																																																																																																																																																			
4. Buildings with a boundary to the Hume Highway are to be a setback a minimum of 8m.	NOT APPLICABLE																																																																																																																																																			
5. The front setback for buildings on the southern side of Elizabeth Street between Macquarie Street Mall and George Street (Lot 2 DP 90210) must be 3m for the ground floor. Any awning / roof structure above the 3m setback area shall not restrict solar access to the footpath area.	NOT APPLICABLE																																																																																																																																																			
6. Buildings with a rear or side boundary to the rail corridor are to be setback a minimum of 12m with a landscaped area.	NOT APPLICABLE																																																																																																																																																			

Liverpool Development Control Plan 2008	Assessment of compliance
7. In exceptional circumstances where the required setback distances are not possible, the portion of a building over 45m in height may be considered on merit by the consent authority so long as the following minimum separation distances between tall buildings, or potential future tall buildings are adhered to: – 20m applies between commercial uses and – 28m between residential uses.	NOTED The building envelope and setbacks have been agreed by the DEP. Refer Section 3.
2.2 Mixed Use Buildings	
Objectives a) To encourage a variety of mixed-use developments in the city centre. b) To create lively streets and public spaces in the city centre. c) To increase the diversity and range of shopping and recreational activities for workers, residents and visitors. d) To enhance public safety by increasing activity in the public domain on week nights and on weekends. e) To minimise potential conflicts and achieve compatibility between different uses. f) To minimise conflicts between permitted land use and heritage buildings. g) To ensure that the design of mixed-use buildings addresses residential amenity. h) To create separate, legible and safe access and circulation in mixed use buildings. i) To ensure that mixed use buildings address the public domain and the street.	CONSISTENT The proposed mixed used development: » Delivers a diverse range of housing (1, 2, 3 bedroom apartments) in a convenient location, easily accessed by road and transport links (bus and rail) so as to maximise public transport and encourage walking and cycling. » Provides opportunities for business and retail uses on the ground floor that will service future residents, local and wider community. These uses will activate the street frontage encouraging an interesting and safe pedestrian environment » Offers a well-designed building in a commercial setting that improves public amenity » Addresses and respects heritage listed Bathurst Street.
Controls	
1. The ground floor component of a mixed-use building is to be used for a permitted non-residential use.	COMPLIES

Liverpool Development Control Plan 2008	Assessment of compliance
2. Ground floor of all mixed-use buildings is to have a minimum floor to ceiling height of 3.6m in order to provide for flexibility of future use. Above ground level, minimum floor to ceiling heights are 3.3m for commercial office, 3.6m for active public uses, such as retail and restaurants, and 2.7m for residential.	PARTIALLY COMPLIES The proposal complies with the exception of the mezzanine level which is at 3m and part of the rear tenancies to Huckstepp Service way. The lower ceiling heights are a result of the structural engineering requiring a thicker slab at the rear. It is considered that these compliances are acceptable given the structural limitations and the proposal still achieves the objectives as detailed above.
3. Provide flexible building layouts which allow variable tenancies or uses on the first floor of a building above the ground floor in the Mixed Use zone.	NOTED
4. Separate commercial service requirements, such as loading docks, from residential access, servicing needs and primary outlook.	COMPLIES
5. Locate clearly demarcated residential entries directly from the public street	COMPLIES
6. Clearly separate and distinguish commercial and residential entries and vertical circulation.	COMPLIES
7. Provide security access controls to all entrances into private areas, including car parks and internal courtyards.	NOTED To be addressed at CC.
8. Provide safe pedestrian routes through the site, where required.	COMPLIES
9. Front buildings onto the public domain with active uses	COMPLIES
10. Avoid the use of blank building walls at the ground level.	PARTIALLY COMPLIES Blank wall is provided to the southern setback to enable future development of the adjacent site. This area will be treated with anti-graffiti paint until such time this site redevelops.
Site Cover and Deep Soil Zones	

Liverpool Development Control Plan 2008	Assessment of compliance															
a) To provide an area on sites that enables soft landscaping and deep soil planting, permitting the retention and/or planting of trees that will grow to a large or medium size. b) To limit building bulk on a site and improve the amenity of developments, allowing for good daylight access, ventilation, and improved visual privacy. c) To provide passive and active recreational opportunities.	CONSISTENT Landscaped areas are provided within the communal areas on level 3 and 4 of the building. Visual and physical links between these spaces are integrated with the view corridors and vistas. Refer accompanying Landscaping Plan and Architectural plans.															
Controls																
1. The maximum site cover for development is specified in the following table: <table><tr><th colspan="3">Zone Commercial Residential & Mixed Use</th></tr><tr><th>Zone</th><th>Commercial & Mixed Use</th><th>Residential</th></tr><tr><td>Commercial Core</td><td>100%</td><td>n/a</td></tr><tr><td>Mixed Use, Enterprise Corridor & Infrastructure</td><td>75%</td><td>50%</td></tr><tr><td>All other zones</td><td>60%</td><td>50%</td></tr></table>	Zone Commercial Residential & Mixed Use			Zone	Commercial & Mixed Use	Residential	Commercial Core	100%	n/a	Mixed Use, Enterprise Corridor & Infrastructure	75%	50%	All other zones	60%	50%	COMPLIES
Zone Commercial Residential & Mixed Use																
Zone	Commercial & Mixed Use	Residential														
Commercial Core	100%	n/a														
Mixed Use, Enterprise Corridor & Infrastructure	75%	50%														
All other zones	60%	50%														
2. Developments with a residential component in all zones, except the Commercial Core, must include a deep soil zone.	COMPLIES															
3. The deep soil zone shall comprise no less than 15% of the total site area (or proportionate to the percentage of residential uses in a mixed-use development). It is to be provided preferably in one continuous block but otherwise with no dimension (width or length) less than 6m.	NOT APPLICABLE Deep soil is not required.															
4. Where non-residential development results in full site coverage and there is no capacity for water infiltration, the deep soil component must be provided on structure, in accordance with the provisions of Section 2.5. In such cases, compensatory stormwater management measures must be integrated within the development to minimise stormwater runoff.	NOT APPLICABLE															
5. Where deep soil zones are provided, they must accommodate existing mature trees as well as allowing for the planting of trees/ shrubs that will grow to be mature plants.	NOT APPLICABLE															
6. No structures, works or excavations that may restrict vegetation growth are permitted in this zone (including but not limited to car parking, hard paving, patios, decks and drying areas).	NOT APPLICABLE As above.															
2.4 Landscape Design																

Liverpool Development Control Plan 2008	Assessment of compliance
Objectives a) To add value and quality of life for residents and occupants within a development in terms of privacy, outlook, views and recreational opportunities. b) To ensure that the use of potable water for landscaping irrigation is minimised. c) To ensure landscaping is integrated into the design of development. d) To improve stormwater quality and control run-off. e) To improve the microclimate and solar performance within the development. f) To improve urban air quality and contribute to biodiversity.	CONSISTENT Landscaping has been integrated with the site. The location and design of the landscaping takes into account the principles of Crime Prevention through Environmental Design (CPTED) to ensure the enjoyment and safety of residents and visitors. For e.g. consideration has been given to the location and height of plants as well as the structures. Refer to accompanying Landscape and Architectural plans.
Controls	
1. Landscaped areas are to be irrigated with recycled water.	COMPLIES Landscaped areas will be irrigated with rainwater.
2. Landscape species are to be selected in accordance with Council's schedule of Preferred Landscape Species.	COMPLIES A mix of species will be used including locally indigenous and indigenous as well as exotic species. Species have been selected that a low maintenance and suited to podium conditions. See attached Landscape Plans.
3. Commercial and retail developments are to incorporate planting into accessible outdoor spaces.	COMPLIES Landscaping is provided for commercial tenancies on Level 3.
4. Remnant vegetation must be maintained throughout the site wherever practicable.	NOT APPLICABLE
5. A long-term landscape concept plan must be provided for all landscaped areas, in particular the deep soil landscape zone. The plan must outline how landscaped areas are to be maintained for the life of the development.	NOTED To be addressed post approval.

Liverpool Development Control Plan 2008	Assessment of compliance
6. Any new public spaces are to be designed so that at least 50% of the open space provided has a minimum of 3 hours of sunlight between 10am and 3pm on 21st June (Winter Solstice).	COMPLIES Proposed Communal Open Space Level 4 receives a continuous 4 hours of solar access for at least 50% of its total area on 21 June mid-winter (i.e. 12pm, 1pm, 2pm and 3pm). Refer drawing DA13 Shadow Analysis of proposed communal open space.
2.5 Planting on Structures	
a) To contribute to the quality and amenity of open space on roof tops and internal courtyards. b) To encourage the establishment and healthy growth of trees in urban areas. c) To minimise the use of potable water for irrigating planting on structures.	CONSISTENT
1. Areas with planting on structures are to be irrigated with recycled water.	COMPLIES Landscaping will be irrigated with rainwater.
2. Design for optimum conditions for plant growth by: – providing soil depth, soil volume and soil area appropriate to the size of the plants to be established, – providing appropriate soil conditions and irrigation methods, and – providing appropriate drainage. – Design planters to support the appropriate soil depth and plant selection by: 3. ensuring planter proportions accommodate the largest volume of soil possible and soil depths to ensure tree growth, and providing square or rectangular planting areas rather than narrow linear areas.	COMPLIES Soil depths and volumes are suited to plant species proposed. Refer accompanying Architectural and Landscape Plans.
4. Increase minimum soil depths in accordance with: – the mix of plants in a planter for example where trees are planted in association with shrubs, groundcovers and grass, – the level of landscape management, particularly the frequency of irrigation, – anchorage requirements of large and medium trees, and soil type and quality.	COMPLIES As above.

Liverpool Development Control Plan 2008	Assessment of compliance
5. Provide sufficient soil depth and area to allow for plant establishment and growth. The following minimum standards are recommended: a) Large trees (over 8m high) minimum soil depth 1.3m, minimum soil volume 150m³ b) Medium trees (2 – 8m high), minimum soil depth 1m, minimum soil volume 35m³ c) Small trees (up to 2m high), minimum soil depth 0.8m, minimum soil volume 9m³ d) Shrubs and ground cover, minimum soil depth 0.5m, no minimum soil volume.	COMPLIES As above.
3.0 Amenity	
3.1 Pedestrian Permeability	
a) To improve access in the city centre by providing through site links as redevelopment occurs. b) To retain and enhance existing through site links as redevelopment occurs. c) To encourage active streets fronts along the length of through site links where possible. d) To provide for pedestrian amenity and safety. e) To encourage removal of vehicular entries from primary street frontages.	CONSISTENT A 3m setback is provided to the northern boundary to facilitate a future laneway. The proposal provides opportunities for business and retail uses on the ground floor that will service future residents, local and wider community. These uses will activate the street frontage encouraging an interesting and safe pedestrian environment. Vehicular entry and exit will be provided at Huckstepp Serviceway.
Controls	
1. Through site links are to be provided as shown in Figure 11.	NOTED The land to the south of the site is identified. A 3m setback is provided to the northern boundary to facilitate a future laneway in accordance with DEP recommendations.
2. Where possible, links are to be open to the air, rather than enclosed or internal (refer to Figure 12).	COMPLIES
3. Where possible, existing dead end lanes are to be extended through to the next street as redevelopment occurs.	NOTED

Liverpool Development Control Plan 2008	Assessment of compliance
4. New through site links should be connected with existing and proposed through block lanes, shared zones, arcades and pedestrian ways and opposite other through site links.	COMPLIES
5. Existing publicly and privately owned links are to be retained.	COMPLIES
6. Through block connections are to: – be a minimum width of 5m clear of all obstructions, – have active street frontages and/or a street address along its length, – be clear and direct throughways for pedestrians, – be open to the air and publicly accessible at all times, – have signage at street entries indicating public accessibility and the street – to which the through site link connects, and – demonstrate the application of „safer-by-design“ principles.	COMPLIES
7. Arcades are to: – to be a minimum width of 5m clear of all obstructions (including columns, stairs, escalators), – have active street frontages along its length, – be clear and direct throughways for pedestrians, – provide public access at all business trading times, – where practical, have access to natural light for at least 50% of their length, – where air conditioned, have clear glazed entry doors comprising at least – 50% of the entrance, and – have signage at street entries indicating public accessibility and the street – to which the through site link connects.	NOT APPLICABLE
3.2 Active Street Frontages and Address	
Objectives a) To promote pedestrian activity and safety in the public domain. b) To maximise active street fronts in Liverpool city centre. c) To define areas where active streets are required or are desirable.	CONSISTENT Ground floor commercial will service future residents, local and wider community. These uses will activate the street frontage encouraging an interesting and safe pedestrian environment.
Controls	

Liverpool Development Control Plan 2008	Assessment of compliance
1. Active frontage uses are defined as one of a combination of the following at street level: – entrance to retail, – shop front, – glazed entries to commercial and residential lobbies occupying less than 50% of the street frontage, to a maximum of 12m frontage, – café or restaurant if accompanied by an entry from the street, – active office uses, such as reception, if visible from the street, and – public building if accompanied by an entry.	NOTED Active street frontage is provided along Bathurst Street.
2. Active street fronts are required on ground level of all areas identified in Figure 11, including adjacent through block connections.	NOT RELEVANT The site is not identified.
3. In the commercial core, mixed use and enterprise corridor zones, active street fronts are required in the form of non-residential uses on ground level. In addition to the ground level, non-residential active uses are also required at first floor level when facing onto the busy vehicular roads along Memorial Avenue, Scott Street and from the southern boundary of the DCP area from the Hume Highway to the junction with Macquarie Street and along Terminus Street to Newbridge Road.	COMPLIES
4. Active ground floor uses are to be at the same general level as the footpath and be accessible directly from the street.	COMPLIES Refer to Architectural Plans.
5. Restaurants, cafes and the like are to consider providing openable shop fronts. Only open grill or transparent security (at least 50% visually transparent) shutters are permitted to retail frontages.	NOTED
Street Address	
1. Street address is defined as: – a building that is not raised more than an weighted average of 700mm above street level, up to a maximum of 1.1m (refer to Section 3.3 Front Fences), and – contains entries, lobbies, and habitable rooms with clear glazing overlooking the street, and excludes car parking areas.	NOTED
2. Street address is required on ground level of all areas identified in Figure 14.	COMPLIES Street address, entrance and lobbies are located at Bathurst Street.

Liverpool Development Control Plan 2008	Assessment of compliance
3. Residential developments are to provide a clear street address and direct pedestrian access off the primary street front, and allow for residents to overlook all surrounding streets.	COMPLIES As above.
4. Provide multiple entrances for large developments including an entrance on each street frontage.	NOTED
5. Provide direct „front door“ access to ground floor residential units.	NOT APPLICABLE No ground floor units are provided.
6. Residential buildings are to provide not less than 65% of the lot width as street address	COMPLIES
3.3 Front Fences	NOT APPLICABLE
3.4 Safety and Security	
a) To ensure developments are safe and secure for pedestrians. b) Reduce opportunities for crime through environmental design. c) To contribute to the safety of the public domain. d) Encourage a sense of ownership over public and communal open spaces.	CONSISTENT CPTED principles have been considered in the design of the proposed development.

Liverpool Development Control Plan 2008	Assessment of compliance
1. Address 'Safer-by-Design' principles to the design of public and private domain, and in all developments (including the NSW Police „Safer by Design“ crime prevention through environmental design (CPTED) principles). 2. Ensure that the building design allows for passive surveillance of public and communal spaces, accessways, entries and driveways. 3. Avoid creating blind corners and dark alcoves that provide concealment opportunities in pathways, stairwells, hallways and car parks. 4. Maximise the number of residential 'front door' entries at ground level. 5. Provide entrances which are in visually prominent positions and which are easily identifiable, with visible numbering. 6. Clearly define the development boundary to strengthen the transition between public, semi-private and private space. This can be actual or symbolic and can include landscaping, fences, change in paving material, etc. 7. Provide adequate lighting of all pedestrian access ways, parking areas and building entries. 8. Provide clear lines of sight and well-lit routes throughout the development. 9. Where a pedestrian pathway is provided from the street, allow for casual surveillance of the pathway. For large scale retail and commercial development with a gross floor area of 5000 sqm over, provide a „safety by design“ assessment in accordance with the CPTED principles from a qualified consultant.	COMPLIES Refer Section 5.3.6.
3.5 Awnings	
Objectives a) To provide shelter for public streets where most pedestrian activity occurs. b) To address the streetscape by providing a consistent street frontage in the city centre.	CONSISTENT

Liverpool Development Control Plan 2008	Assessment of compliance
Controls 1. Street frontage awnings are to be provided for all new developments as indicated in Figure 16. 2. Awning dimensions should generally be: – horizontal in form, – minimum 2.4m deep (dependent on footpath width), – minimum soffit height of 3.2m and maximum of 4m, – steps for design articulation or to accommodate sloping streets are to be integral with the building design and should not exceed 700mm, low profile, with slim vertical fascias or eaves (generally not to exceed 300mm height), and – 1.2m setback from kerb to allow for clearance of street furniture, trees, and other public amenity elements. – In consideration of growth pattern of mature trees 3. Awning design must match building facades, be complementary to those of adjoining buildings and maintain continuity. 4. Wrap awnings around corners for a minimum 6m from where a building is sited on a street corner. 5. Vertical canvas drop blinds may be used along the outer edge of awnings along north-south streets. These blinds must not carry advertising or signage. 6. Provide under awning lighting to facilitate night use and to improve public safety recessed into the soffit of the awning or wall mounted onto the building. 7. Any under awning sign is to maintain a minimum clearance of 2.8m from the level of the pavement. 8. All residential buildings are to be provided with awnings or other weather protection at their main entrance area.	COMPLIES The proposed development provides shelter along the western facade where majority pedestrian activity is expected to occur. The accompanying Architectural Plans detail the proposed awnings along the frontages of the building.
3.6 Vehicle Footpath Crossings	
Objectives a) To make vehicle access to buildings more compatible with pedestrian movements. b) Reduce the impact of vehicular access on the public domain.	CONSISTENT Vehicular access has been designed to reduce impact on public domain and be compatible with pedestrian movements. Design of driveways and vehicle access is to be in accordance with the provisions of Section 4.2
Controls	

Liverpool Development Control Plan 2008	Assessment of compliance
Location of Vehicle Access 1. No additional vehicle entry points will be permitted into the parking or service areas of development along those streets identified in Figure 18 (edged in blue) – includes Bathurst 2. In all other areas, one vehicle access point only (including the access for service vehicles and parking for non-residential uses within mixed use developments) will be generally permitted. 3. Where practicable, vehicle access is to be from lanes and minor streets rather than primary street fronts or streets with high pedestrian priority routes identified in Figure 18 (marked yellow). 4. Where practicable, adjoining buildings are to share or amalgamate vehicle access points. Internal on-site signal equipment is to be used to allow shared access. Where appropriate, new buildings should provide vehicle access points so that they are capable of shared access at a later date. 5. Vehicle access may not be required or may be denied to some heritage buildings.	COMPLIES Vehicle entry will be provided from Huckstepp Serviceway.
Design of Vehicle Access 1. Wherever practicable, vehicle access is to be a single lane crossing with a maximum width of 2.7m over the footpath, and perpendicular to the kerb alignment. In exceptional circumstances, a double lane crossing with a maximum width of 6m may be permitted for safety reasons (refer to Figure 18). 2. Vehicle access ramps parallel to the street frontage will not be permitted. 3. Ensure vehicle entry points are integrated into building design. 4. Doors to vehicle access points are to be roller shutters or tilting doors set back from the building facade. 5. Vehicle entries are to have high quality finishes to walls and ceilings as well as high standard detailing. No service ducts or pipes are to be visible from the street.	COMPLIES 6m double vehicle lane proposed from Huckstepp Service Way. Vehicle access is integrated with the building design.
Porte Cocheres	NOT APPLICABLE
3.7 Pedestrian Overpasses and Underpasses	NOT APPLICABLE
3.8 Building Exteriors	

Liverpool Development Control Plan 2008	Assessment of compliance
Objectives a) contribute positively to the streetscape and public domain by means of high quality architecture and robust selection of materials and finishes, b) provide richness of detail and architectural interest especially at visually prominent parts of buildings such as lower levels and roof tops, c) present appropriate design responses to nearby development that complement the streetscape, d) clearly define the adjoining streets, street corners and public spaces and avoid ambiguous external spaces with poor pedestrian amenity and security, e) maintain a pedestrian scale in the articulation and detailing of the lower levels of the building, and f) contribute to a visually interesting skyline.	CONSISTENT As shown in the attached Architectural Plans the external building elevations are well articulated in terms of modelling and variety of façade treatment. These elements will: » Enhance the visual quality of the proposed development » Add richness to the façade » Reduce the potential appearance of adverse bulk or scale » Provide a positive response to the character of surrounding areas » Maintain pedestrian scale.
Controls	

1. Adjoining buildings (particularly heritage buildings) are to be considered in the design of new buildings in terms of: – appropriate alignment and street frontage heights, – setbacks above street frontage heights, – appropriate materials and finishes selection, – facade proportions including horizontal or vertical emphasis, and – the provision of enclosed corners at street intersections.	COMPLIES The proposed development provides a design that complements and contributes positively to the desired future character of the area. The height, bulk and scale will be similar to the desired future character within the area. The layout of the proposed building ensures that the proposal is well located to align with future built form in the immediate vicinity. Highlighting elements on the façade coupled with landscaping provide a character to the development and precinct. Building materials and colours complement the commercial context of this site, are appropriately detailed and of a high quality. The proposal respects the heritage significance of Bathurst Street through the following design measures: » Podium with residential tower setback » Integration of exiting landscaping along the street frontage of Bathurst street » Glazed facades of ground floor residential tenancies » Offers a well-designed building in a commercial setting that improves public amenity. The proposed podium scale is a responsive design to the existing streetscape of Bathurst Street. The proposed 4 storey podium is a subtle architectural expression in response to the progressively changing dynamics of this Liverpool CBD urban precinct. It is an appropriately scaled street frontage and facades that can contribute to the existing and future streetscape character, maintaining an acceptable human scaled urban environment.
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Liverpool Development Control Plan 2008	Assessment of compliance
2. Balconies and terraces should be provided, particularly where buildings overlook public spaces. Gardens on the top of setback areas of buildings are encouraged.	COMPLIES Balconies overlook Bathurst, Huckstepp Service way and proposed laneway (northern boundary).
3. Articulate façades so that they address the street and add visual interest. Buildings are to be articulated to differentiate between the base (street frontage height), middle and top in design.	COMPLIES The façade elements along each elevation are varied. Refer to Section 4.4 and accompanying Architectural Plans.
4. Blank walls in general that address street frontages or public open space are discouraged. Where they are unavoidable building elements or landscaping must be used to break up large expanses of walls. In some cases an anti-graffiti coating will need to be applied to the wall to a height of 2 metres.	COMPLIES Blank walls at southern elevation (as required by DEP) will be of a pre- finished decorative nature, which will be visually appealing until the neighbouring site is developed and treated with anti-graffiti paint (if required).
5. Finishes with high maintenance costs, those susceptible to degradation due to a corrosive environment or finishes that result in unacceptable amenity impacts, such as reflective glass, are to be avoided.	COMPLIES High quality materials will be used.
6. To assist articulation and visual interest, expanses of any single material is to be avoided.	COMPLIES The façade elements and building materials are varied along each elevation. Refer to Section 4.4 and accompanying Architectural Plans.
7. Limit sections of opaque or blank walls greater than 4m in length along the ground floor to a maximum of 30% of the building frontage.	COMPLIES See response to 4 above.
8. Maximise glazing for retail uses, but break glazing into sections to avoid large expanses of glass	COMPLIES Glazing is provided for retail uses (windows are varied).
9. Highly reflective finishes and curtain wall glazing are not permitted above ground floor level (refer to Section 5.3).	GENERALLY, COMPLIES Non-reflective building façade materials are used Curtain wall glazing panels are either tinted or of low glare reflectivity index.

Liverpool Development Control Plan 2008	Assessment of compliance
10. A materials sample board and schedule is required to be submitted with applications for development over \$1million or for that part of any development built to the street edge.	GENERALLY, COMPLIES A materials schedule is included in the accompanying Architectural Plans drawing DA50. A sample board can be provided post approval on request.
11. Minor projections up to 450mm from building walls in accordance with those permitted by the Building Code of Australia may extend into the public space providing it does not fall within the definition of gross floor area and there is a public benefit, such as: – expressed cornice lines that assist in enhancing the streetscape, – projections such as entry canopies that add visual interest and amenity.	NOTED
12. Communication towers such as mobile phone towers and the like, but excluding satellite dishes, are not to be located on residential buildings or mixed use buildings with a residential component.	NOTED There are no communication towers or the like proposed.
13. Roof top structures, such as air conditioning, lift motor rooms, and the like are to be incorporated into the architectural design of the building.	COMPLIES Refer drawing DA36.
3.9 Corner Treatments	
Objectives a) To contribute to the legibility of a city. b) To encourage the use of architectural techniques to place emphasis on corner buildings. c) To recognise the high visibility and contribution of particular corner sites to overall city streetscape and „gateway“ design. d) To address heritage buildings on corner sites.	CONSISTENT The proposed development contributes to the legibility the city and respects the heritage significance of Bathurst Street.
Controls	
1. Buildings identified in Figures 20 and 21 are to address corner sites through architectural emphasis and use of distinguishing architectural features and materials to adjacent buildings, and an additional storey may be permitted onto the specified street frontage height range (refer to Figure 20 and Figure 6 Street Frontage Heights) below,	NOT APPLICABLE The site is not identified.

Liverpool Development Control Plan 2008	Assessment of compliance
2. Notwithstanding the above, new corner buildings opposite or adjacent to Heritage Items are to respond to the Heritage Items in terms of height, scale and proportion.	COMPLIES The proposed development respects and responds to the heritage significance of Bathurst Street through the following design measures: » Podium with residential tower setback » Existing landscaping in street at primary street frontage Bathurst street softens the development » Glazed facades of ground floor residential tenancies » Offers a well-designed building in a commercial setting that improves public amenity.
3. Notwithstanding the above, new corner buildings opposite or adjacent to public open space are to comply with the sun access controls as set out in Liverpool LEP 2008.	NOT APPLICABLE
3.10 Public Artworks	
Objectives a) To contribute to Liverpool City's physical attractiveness and the quality of life that it offers visitors and residents. b) To provide the opportunity to interpret and express Liverpool's historical and cultural themes. c) To increase the amount of public artworks in Liverpool.	NOTED
Controls 1. Public art is to respond to the particular site of the development as well as the city as a whole. 2. Provide well designed and visually interesting public art made by artists or organisations that are competent in the selected field. 3. Construct public art of materials that are hard-wearing, resistant to vandalism and constructed to ensure minimal maintenance.	COMPLIES The provision of public art will be investigated following approval.
4.0 Traffic and Access	

Liverpool Development Control Plan 2008	Assessment of compliance
Objectives a) To provide safe and easy access to buildings to enable better use and enjoyment by people regardless of age and physical condition, whilst also contributing to the vitality and vibrancy of the public domain. b) To ensure buildings and places are accessible to people with a disability. c) To provide a safe and accessible public domain.	CONSISTENT The proposed development provides safe and easy access to people of all levels of ability. Refer to attached Disability Access Report.
Controls	
1. Main building entry points should be clearly visible from primary street frontages and enhanced as appropriate with awnings, building signage or high quality architectural features that improve clarity of building address and contribute to visitor and occupant amenity.	COMPLIES
2. The design of facilities (including car parking requirements) for disabled persons must comply with the relevant Australian Standard (AS 1428 Pt 1 and 2, or as amended) and the Disability Discrimination Act 1992 (as amended).	COMPLIES Refer to accompanying Architectural Plans and Accessibility Revise Report.
3. Barrier free access is to be provided to not less than 20% of dwellings in each development and associated common areas.	COMPLIES Barrier free access is provided to all residential floor levels. 10% of residential units can be converted to as adaptable units. Refer to accompanying Architectural Plans and Accessibility Revise Report.
4. The development must provide at least one main pedestrian entrance with convenient barrier free access in all developments to at least the ground floor.	COMPLIES Refer to accompanying Architectural Plans and Accessibility Revise Report.
5. The development must provide accessible internal access, linking to public stress and building entry points.	COMPLIES Refer to accompanying Architectural Plans and Accessibility Revise Report.
6. Pedestrian access ways, entry paths and lobbies must use durable materials commensurate with the standard of the adjoining public domain (street) with appropriate slip resistant materials, tactile surfaces and contrasting colours.	NOTED To be addressed a CC Stage. Refer to accompanying Architectural Plans and Accessibility Revise Report.
4.2 Vehicular Driveways and Manoeuvring Areas	

Liverpool Development Control Plan 2008	Assessment of compliance
Objectives a) To minimise the impact of vehicle access points on the quality of the public domain. b) To minimise impact of driveway crossovers on pedestrian safety and streetscape amenity. c) Minimise stormwater runoff from uncovered driveways and parking areas.	CONSISTENT
Controls	
1. Driveways should be: – provided from lanes and secondary streets rather than the primary street, wherever practical, – located taking into account any services within the road reserve, such as power poles, drainage inlet pits and existing street trees, – located a minimum of 10m from the perpendicular of any intersection of any two roads, and – Located to minimise noise and amenity impacts on adjacent residential development.	COMPLIES Main vehicular access is provided at Huckstepp Serviceway.
2. Vehicle access is to be integrated into the building design so as to be visually recessive.	COMPLIES Vehicle access points are setback and located at the rear of the site so as to be visually recessive.
3. All vehicles must be able to enter and leave the site in a forward direction without the need to make more than a three-point turn.	COMPLIES
4. Design of driveway crossings must be in accordance with Council's standard Vehicle Entrance Designs, with any works within the footpath and road reserve subject to a Section 138 Roads Act approval.	NOTED
5. Driveway widths must comply with the relevant Australian Standards.	COMPLIES Refer Section 5.3.10 and accompanying Architectural Plans and Traffic Impact Assessment Report.
6. Car space dimensions must comply with <i>Australian Standard 2890.1</i>.	As above.
7. Driveway grades, vehicular ramp width/ grades and passing bays must be in accordance with the relevant Australian Standard, (<i>AS 2890.1</i>).	As above.

Liverpool Development Control Plan 2008	Assessment of compliance
8. Access ways to underground parking should be sited to minimise noise impacts on adjacent habitable rooms, particularly bedrooms.	As above.
4.3 On Site Parking	
Objectives a) To facilitate an appropriate level of on-site parking provision in the city centre to cater for a mix of development types b) To minimise the visual impact of onsite parking c) To provide for adequate space for parking and manoeuvring of vehicles including service vehicles and bicycles. d) To encourage economic growth within the City Centre e) To enable the conversion of above ground parking to other future uses f) To recognise the complementary use and benefit of public transportation and non-motorised modes of transport such as bicycles and walking.	COMPLIES Refer Section 5.3.10 and accompanying Architectural Plans and Traffic Impact Assessment Report.
Controls	
General (All Development) 1. Except as separately provided for in the <i>Liverpool LEP 2008</i>, on site vehicle and bicycle parking is to be provided in accordance with Table 3. Table 3 Car parking Car Parking For Residential Development - 1 Space per two studio apartments - 1 space per one bedroom or two bedroom apartments - 1.5 spaces per three of more bedroom units - 1 space per 10 units or part thereof, for visitors - 1 space per 40 units for service vehicle (including removalist vans (and car washing bays, up to a maximum of 4 spaces per building. Car parking for all other development - 1 space per 100 sqm of floor area - Sufficient service and delivery vehicle parking adequate to provide for the needs of the development. Motorcycle parking for all development - Provision is to be made for motorcycle parking at the rate of 1 motorcycle space per 20 car spaces Minimum Car parking requirements for people with disabilities - Provide 2% of the total demand generated by a development, for parking spaces accessible, designed and appropriately signposted for use by persons with disabilities. Bicycle parking for all development - 1 bicycle space per 200 sqm of gross floor area. 15% of this requirement is to be accessible to visitors. Notes: • Required car parking should be provided on site with the balance of any required car parking spaces subject to a contribution under an adopted Contributions Plan, or as set out by the terms of a Voluntary Planning Agreement. • Required parking for service and delivery vehicles must be provided onsite unless Council is satisfied that adequate dedicated on-street 'loading zones' space(s) are available in the vicinity. • Where a proposed use is, in the opinion of Council, unusual and not appropriately dealt with by the parking rates, the RTA guidelines to Parking rates may be used to guide the required parking rate.	COMPLIES As above.

Liverpool Development Control Plan 2008	Assessment of compliance
2. Car parking and associated internal manoeuvring areas provided over and beyond that required by this Part is to be calculated towards gross floor area.	NOTED
3. Car parking above ground level is to have a minimum floor to ceiling height of 2.8m so it can be adapted to another use in the future.	NOT APPLICABLE Above ground parking is not provided.
4. Onsite parking must meet the relevant Australian Standard (<i>AS 2890.1 2004</i>) – Parking Facilities or as amended.	COMPLIES Refer Section 5.3.10 and accompanying Architectural Plans and Traffic Impact Assessment Report.
5. To accommodate people with disabilities provide a minimum of 2% of the required parking spaces, or minimum 1 space per development (whichever is the greater) as an appropriately designated and signed disabled parking space.	COMPLIES Refer Section 5.3.10 and accompanying Architectural Plans and Traffic Impact Assessment Report.
6. Bicycle parking is to be in secure and accessible locations with weather protection.	COMPLIES Bicycle car parking is located in the basement.
7. Required parking for service and delivery vehicles must be provided on site unless Council is satisfied that adequate dedicated on street 'loading zone' space(s) are available in the vicinity.	COMPLIES Service vehicle parking has been provided. Refer Section 5.3.10 and accompanying Architectural Plans and Traffic Impact Assessment Report.
Developments within the Commercial and Mixed Use Zones 8. Onsite parking is to be accommodated in basement parking, except to the extent provided below; – Up to 25% of the required parking can be provided above ground where it is fully integrated into the building design in accordance with Figure 23 without counting towards gross floor area. – Any parking above the 25% will count towards gross floor area for the purposes of calculating Floor Space Ratio. – Exposed but screened natural parking ventilation may be permitted fronting onto the nominated sections of service lanes as illustrated in Figure 24	COMPLIES Parking is provided in the basement levels.
Developments in all other zones	NOT APPLICABLE
Bicycle Lockers and shower facilities	

Liverpool Development Control Plan 2008	Assessment of compliance
12. For commercial and retail development providing employment for 20 persons or more, provide adequate change and shower facilities for cyclists. Facilities should be located conveniently close to bike storage areas	COMPLIES Bathroom facilities are provided in the commercial tenancies.
5. Environmental Management	
Objectives a) To reduce the necessity for mechanical heating and cooling. b) To minimise greenhouse gas emissions. c) To provide thermal comfort by minimising temperature variations within buildings.	CONSISTENT Quality built form with amenity features adds to the character of the modern built form. Solar access and energy efficiency measures promote environmental efficiency.
Controls	
Residential 1. New dwellings, including dwellings within a mixed use building and serviced apartments intended or capable of being strata titled, are to demonstrate compliance with <i>State Environmental Planning Policy – Building Sustainability Index (BASIX)</i> . A complying BASIX report is to be submitted with all development applications containing residential activities.	COMPLIES Refer Section 5.1 and accompanying BASIX.
Non-Residential For all non-residential development 2. All Class 5 to 9 non-residential development is to comply with the Building Code of Australia energy efficiency provisions. 3. Improve the control of mechanical space heating and cooling by designing heating/ cooling systems to target only those spaces which require heating or cooling, not the whole building. 4. Improve the efficiency of hot water systems by: – insulating hot water systems, and – installing water saving devices, such as flow regulators, 3 stars rated shower heads, dual flush toilets and tap aerators. 5. Reduce reliance on artificial lighting and designing lighting systems to target only those spaces which require lighting at any particular „off-peak“ time, not the whole building.	COMPLIES The following energy efficient measures have been incorporated into the non-residential components: » Double glazing along the façades » Installation of energy saving devices.

Liverpool Development Control Plan 2008	Assessment of compliance
For all commercial office development over \$5 million 6. Provide an Energy Efficiency Report from a suitably qualified consultant to accompany any development application for new commercial office development. The report is to demonstrate that the building can achieve no less than 4 stars under the Australian Building Greenhouse Rating Scheme.	NOT APPLICABLE
5.2 Water Conservation	
Objectives a) To reduce per-capita mains consumption of potable water. b) To harvest rainwater and urban stormwater runoff for use. c) To reduce wastewater discharge. d) To capture, treat and reuse wastewater where appropriate. e) To safeguard the environment by improving the quality of water run-off. f) To ensure infrastructure design is complementary to current and future water use.	CONSISTENT
Controls	
Residential a) New dwellings, including a residential component within a mixed use building and serviced apartments intended or capable of being strata titled, are to demonstrate compliance with State Environmental Planning Policy – Building Sustainability Index (BASIX).	COMPLIES Refer Section 5.1 and accompanying BASIX.

Liverpool Development Control Plan 2008	Assessment of compliance
Non-residential b) A comprehensive Water Management Plan is to be submitted with all non-residential development to address the following criteria: c) Installed appliances (dishwashers, clothes washers etc) are to be Wells 3 Star or better rated with respect to water use efficiency. Demonstrate, if necessary, how these requirements will be achieved for replacement appliances, appliances not installed at construction, or bought in by occupants following construction. d) Stormwater runoff control, capture and reuse, including water quality management in accordance with Council guidelines. e) Select water efficient plants and/or, indigenous vegetation for landscape in accordance with Councils recommendations. f) Use non-potable water for watering gardens and landscape features. g) For development of more than \$1 million construction cost, consideration of separate pipe-work for the utilisation of recycled stormwater for non-potable purposes should be considered. h) Operating details for swimming pools and water features including filling, draining and maintenance activities. Covers are to be included in the design and operational aspects of swimming pool installations. i) Alternatives to the above water savings methods can be presented to Council and they will be assessed on merit. j) Any development that contains a rainwater tank is to satisfy the following criteria: – rainwater is to be sourced only from roof structures via a tank storage system, the tank capacity, or combined tank capacity, is to be at least 5,000L (10,000L preferred), – tanks may be connected to toilets and garden/outdoor taps (the common tanks in residential flat buildings are to be connected to common outdoor taps only), – tanks may be connected to laundry taps with suitable filters, – the system is to be fitted with an effective first flush device for removing roof surface contamination, the system is to contain a facility for periodic de-sludging, and – tanks are to be connected to main water to top them up during times of low rainfall with supplemental inflow not taking places until the tank is 80% empty.	COMPLIES The following water efficient measures have been incorporated into the non-residential components: » Installation of water saving devices » Use of rainwater for toilet flushing. Water management is detailed within the accompanying Architectural plans and Stormwater Concept Plans.
5.3 Reflectivity	

Liverpool Development Control Plan 2008	Assessment of compliance
Objectives a) To restrict the reflection of sunlight from buildings to surrounding areas and buildings.	NOTED
Controls 1. New buildings and facades should not result in glare that causes discomfort or threatens safety of pedestrians or drivers. 2. Visible light reflectivity from building materials used on the facades of new buildings should not exceed 20%. 3. Subject to the extent and nature of glazing and reflective materials used, a Reflectivity Report that analyses potential solar glare from the proposed development on pedestrians or motorists may be required.	COMPLIES As shown in Architectural Plans the external building elevations are well articulated in terms of modelling and variety of façade treatment. The mix of materials and treatments are not expected to exceed visible light reflectivity of 20%. Non-reflective building façade materials are used. Curtain wall glazing panels are either tinted or of low glare reflectivity index. Refer drawing DA50.
5.4 Wind Mitigation	
Objectives a) To ensure that new developments satisfy nominated wind standards and maintain comfortable conditions for pedestrians. b) To ensure that the moderate breezes are able to penetrate the streets of Liverpool City Centre.	CONSISTENT

Liverpool Development Control Plan 2008	Assessment of compliance
Controls 1) To ensure public safety and comfort, the following maximum wind criteria are to be met by new buildings: – 10m/second in retail streets, – 13m/second along major pedestrian streets, parks and public places, and – 16m/second in all other streets. 2) Site design for tall buildings (towers) should: – set tower buildings back from lower structures built at the street frontage to protect pedestrians from strong wind downdrafts at the base of the tower, – ensure that tower buildings are well spaced from each other to allow breezes to penetrate city centre, – consider the shape, location and height of buildings to satisfy wind criteria for public safety and comfort at ground level, and – ensure useability of open terraces and balconies. 3) A Wind Effects Report is to be submitted with the DA for all buildings greater than 35m in height. 4) For buildings over 48m in height, results of a wind tunnel test are to be included in the report	COMPLIES Refer Section 5.3.13 and accompanying Wind Tunnel Assessment.
5.5 Noise	
Objectives a) Achieve appropriate amenity in noise affected locations.	CONSISTENT
Controls	
1. An acoustic report is required for all noise affected locations, as identified in Figure 25. This report is to demonstrate that appropriate noise attenuation and barrier planning is to be implemented.	COMPLIES While the site is not identified in Figure 25. Based on advice from Council an acoustic report was completed due to the site's proximity major roads. Refer Section 5.3.2 and accompanying Acoustic Assessment.

Liverpool Development Control Plan 2008	Assessment of compliance
2. Sites adjacent to noise sources identified in Figure 25 are to be designed in a manner that any residential development is shielded from the noise source by virtue of the location and orientation of built form on the site. Depending on the type and scale of development, acoustic assessment may be required for sites outside the noise source 3 areas. Fig. 5.1	COMPLIES The building will be designed to provide sufficient acoustic attention to external noise sources in accordance with the Liverpool DCP and the Australian Standard. Refer Section 5.3.2 and accompanying Acoustic Assessment.
3. An 8m setback is to be provided to any residential component of development located fronting onto Terminus Street.	NOT APPLICABLE
4. An 8m setback is to be provided to any habitable building located adjacent to the Hume Highway	NOT APPLICABLE
5.6 Waste	
Objectives a) To minimise waste generation and disposal to landfill with careful source separation, reuse and recycling. b) To avoid the generation of waste through design, material selection and building practices. c) To plan for the types, amount and disposal of waste to be generated during demolition, excavation and construction of the development. d) To ensure efficient storage and collection of waste and quality design of facilities	CONSISTENT Details of the estimated volumes, proposed recycling and/or reuse and size and location of waste storage areas for demolition and construction waste are provided in the accompanying Waste Management Plan.
Controls	

Liverpool Development Control Plan 2008	Assessment of compliance															
Non-residential development 1. Development applications for all non-residential development must be accompanied by a waste management plan that addresses: – best practice recycling and reuse of construction and demolition materials, – use of sustainable building materials that can be reused or recycled at the end of their life, – handling methods and location of waste storage areas, such that handling and storage has no negative impact on the streetscape, building presentation or amenity of occupants and pedestrians, and – procedures for the on-going sustainable management of green and putrescible waste, garbage, glass, containers and paper, including estimated volumes, required bin capacity and on-site storage requirements. 2. The waste management plan is to be prepared by a specialist waste consultant and is subject to approval by Council	COMPLIES Refer Sections 4.12 and 5.3.11 and accompanying Waste Management Plan.															
Residential development																
 3. Provision must be made for the following waste generation <table><tr><th colspan="3">Table 4 Waste</th></tr><tr><th>Type of Waste</th><th>Residential Flats</th><th>Multi-dwelling Housing</th></tr><tr><td>General Waste</td><td>80 litres/week/dwelling</td><td>120 litres/week/dwelling</td></tr><tr><td>Recycling</td><td>80 litres/week/dwelling</td><td>120 litres/week/dwelling</td></tr><tr><td>Green Waste</td><td>A communal waste bin of sufficient capacity to accept waste from landscaped areas.</td><td>120 litres/fortnight/dwelling</td></tr></table>	Table 4 Waste			Type of Waste	Residential Flats	Multi-dwelling Housing	General Waste	80 litres/week/dwelling	120 litres/week/dwelling	Recycling	80 litres/week/dwelling	120 litres/week/dwelling	Green Waste	A communal waste bin of sufficient capacity to accept waste from landscaped areas.	120 litres/fortnight/dwelling	COMPLIES The residential component incorporates a garbage chute system with a waste room located on each level. This connects to the waste management room on the ground level. Refer accompanying Waste Management Plan.
Table 4 Waste																
Type of Waste	Residential Flats	Multi-dwelling Housing														
General Waste	80 litres/week/dwelling	120 litres/week/dwelling														
Recycling	80 litres/week/dwelling	120 litres/week/dwelling														
Green Waste	A communal waste bin of sufficient capacity to accept waste from landscaped areas.	120 litres/fortnight/dwelling														
4. In dwellings not exceeding six (6) dwellings, individual waste storage facilities may be permitted.	NOT APPLICABLE															

Liverpool Development Control Plan 2008	Assessment of compliance						
5. In a development of more than six dwellings or where the topography, or distance to the street makes access difficult for individual occupants, a collection and storage area is required. The storage area must be located in a position which is: – Not visible from the street – Easily accessible to dwelling occupants – Accessible by collection vehicles (or adequately managed by the body corporate to permit relocation of bins to an approved collection point), – Has water and drainage facilities for cleaning and maintenance; and – Does not immediately adjoin private open space, windows or clothes drying areas	COMPLIES A commercial garbage room is provided on the ground level. Waste for both the residential and commercial will be collected at the loading bay at ground level at Huckstepp Serviceway. Refer to accompanying Waste Management Plan for an estimate of the types and volumes of waste and recyclables to be generated and Architectural Plans showing storage areas and the vehicle access to these areas.						
6. Wherever a rear lane is present and waste removal is available, the rear lane is to be utilised for the removal of waste.	COMPLIES As above.						
7. Subject to Council collection policy, common garbage storage areas must be sized to either accommodate the number of individual bins required or to accommodate sufficient larger bins with the following minimum dimensions: Table 5 Bin Size <table border="1" data-bbox="169 1193 724 1346"> <thead> <tr> <th>Bin Size</th><th>Dimensions</th></tr> </thead> <tbody> <tr> <td>660 Litres</td><td>1070 x 910 x 635mm</td></tr> <tr> <td>240 Litres</td><td>1180 x 740 x 570mm</td></tr> </tbody> </table>	Bin Size	Dimensions	660 Litres	1070 x 910 x 635mm	240 Litres	1180 x 740 x 570mm	COMPLIES Refer Sections 4.12 and 5.3.11 and accompanying Waste Management Plan.
Bin Size	Dimensions						
660 Litres	1070 x 910 x 635mm						
240 Litres	1180 x 740 x 570mm						
8. The size and number of the waste bins shall be determined having regard to the need for either on-site access by collection vehicles or the requirement for bins to be wheeled to the street for collection by a contractor. If transferred to the street for collection, the body corporate or a caretaker must be responsible for the movement of bins to their collection point.	COMPLIES Refer Sections 4.12 and 5.3.11 and accompanying Waste Management Plan.						
5.7 Floodplain and Water Cycle Management	NOT APPLICABLE						
5.8 Sewage Treatment Plant	NOT APPLICABLE						
5.9 Business where Trolleys are required	NOT APPLICABLE						
6 Controls for Residential Development							
6.1 Housing Choice and Mix							

Liverpool Development Control Plan 2008	Assessment of compliance
Objectives a) Ensure that residential development provides a mix of dwelling types and sizes to cater for a range of household types. b) Ensure that dwelling layout is sufficiently flexible for residents' changing needs over time. c) Ensure a sufficient proportion of dwellings include accessible layouts and features to accommodate changing requirements of residents. d) Ensure the provision of housing that will, in its adaptable features, meet the access and mobility needs of any occupant.	CONSISTENT The proposed development provides a mix of housing that » contributes to housing and social diversity » consistent with the vision for development in this area » meets the market needs of the area
Controls	
In addition to the provisions for apartment mix as per Part 3 of the Residential Flat Design Code, the following additional controls apply. 1. To achieve a mix of living styles, sizes and layouts within each residential development, comply with the following mix and size: – studio and one bedroom units must not be less than 10% of the total mix of units within each development, – three or more bedroom units must not to be less than 10% of the total mix of units within each development, and	PARTIAL VARIATION The proposal includes a range of apartment types ranging from 1 bed to 3-bedroom units. The proposed mix reflects 23% 1 Bed, 68% 2 Bed and 9% 3 Bed. Refer drawing DA61 Compliance Matrix. This variation is considered to justifiable as it is minor 1% and development is consistent with the zone objectives. Refer Section 4.6 and accompanying Architectural Plans.
2. For smaller developments (less than six dwellings) achieve a mix appropriate to the locality.	NOTED
3. For development built by (or on behalf of) the Department of Housing, an alternative mix of unit types may be approved, subject to housing needs being demonstrated by the Department	NOT APPLICABLE
4. For residential flat buildings and multi-unit housing, 10% of all dwellings (or at least one dwelling – whichever is greater) must be designed to be capable of adaptation for disabled or elderly residents. Dwellings must be designed in accordance with the Australian Adaptable Housing Standard (AS 4299-1995), which includes "pre-adaptation" design details to ensure visitability is achieved.	COMPLIES Refer to accompanying Architectural Plans and accompanying Accessibility Design Review Report.

Liverpool Development Control Plan 2008	Assessment of compliance
5. Where possible, adaptable dwellings shall be located on the ground floor, for ease of access. Dwellings located above the ground level of a building may only be provided as adaptable dwellings where lift access is available within the building. The lift access must provide access from the basement to allow access for people with disabilities.	COMPLIES Lift access is available for all adaptable dwelling units from the basement.
6. The development application must be accompanied by certification from an accredited Access Consultant confirming that the adaptable dwellings are capable of being modified, when required by the occupant, to comply with the Australian Adaptable Housing Standard (AS 4299-1995).	COMPLIES Refer to accompanying Architectural Plans and accompanying Accessibility Design Review Report.
7. Car parking and garages allocated to adaptable dwellings must comply with the requirements of the relevant Australian Standard for disabled parking spaces	COMPLIES Car parking complies with relevant Australian Standard for disabled parking spaces. Refer to accompanying Traffic Impact Statement, Architectural Plans and accompanying Accessibility Design Review Report.
6.2 Multi Dwelling Housing	NOT APPLICABLE
7.0 Controls for Special areas	
7.1 Heritage Items and conservation areas	NOT APPLICABLE
7.2 Controls for Restricted Premises	NOT APPLICABLE
7.3 Key Sites	
Objectives a) Encourage and foster the appropriate development of each site in a manner that provides demonstration and catalyst value for the city centre. b) Provide a mechanism for securing site responsive and high quality design in the city centre c) Ensure that all nominated key sites and certain major developments within the City Centre are well resolved with respect to their relative opportunities and constraints. d) Ensure that new development is coordinated and integrated with the development of the City Centre. e) Encourage development on a combination of lots within a key site.	CONSISTENT

Liverpool Development Control Plan 2008	Assessment of compliance
Controls 1. Development applications for a lot or combination of lots within Key Sites are to demonstrate design excellence. 2. Development of individual proposals on a Key Site and Special Precinct Areas is to be coordinated with adjacent and neighbouring properties. 3. Development applications within Key Sites are to demonstrate compatibility with the general development principles outlined in this DCP for each site.	COMPLIES The proposal has been prepared in collaboration with DEP and Council. Refer Section 3.3, 4 and 4.4.
Key sites	
Car Park – Bathurst Street, Elizabeth Drive and Northumberland Streets This site is located in close proximity to the retail core and in its present form given its strategic location, is underutilised. The site offers substantial catalyst and demonstration project potential. Key outcomes include: » A mix of uses with lower level retail/ commercial and commercial/residential on upper floors. » Provision of public parking is an appropriate development outcome for the site. » Development should provide an address and elevations exhibiting visual interest to all street frontages. » Public forecourt area on the corner of Northumberland and Elizabeth Streets. » Vehicle access is to be from the rear lane, Northumberland or Bathurst Streets only. » Development should not result in additional overshadowing of St Lukes Church and grounds between 9:00am and 3:00pm in mid-winter	COMPLIES The proposed development provides for: » A mix of retail uses at ground floor and in the podium » Appropriate parking is provided » Address is Bathurst Street and elevations are varied and provide interest » Vehicle access is from Huckstepp Serviceway.
7.4 Design Excellence	
Objectives To ensure a high standard of design quality, development subject to the design guidelines provisions or as identified on the Key Sites Map of Liverpool LEP 2008 are subject to a design competition in accordance with the provisions below.	CONSISTENT The proposal has been prepared in collaboration with DEP and Council. Refer Section 3.3, 4 and 4.4.
7.5 Non Business Uses	

Liverpool Development Control Plan 2008	Assessment of compliance
Objectives a) To ensure that the Non Business developments are compatible with the Business environment. b) To ensure that the Non Business developments do not unnecessarily restrict the operation of Business and related uses in Business areas. c) To ensure that Non Business developments are designed to operate without adverse impact from Business developments.	CONSISTENT
Controls The following controls are in addition to those in Sections 1 – 9. Site Planning Site planning for a Non Business development shall give consideration to how minimise the impact of uses on the site and how to ensure that a proposed use would not unduly impose restrictions on existing or future nearby business uses. Building Appearance, Streetscape and Layout All developments in a business area shall present a shop front to the street. Closing in of windows or painting over windows shall not be permitted. Amenity and Environmental Impact Where the hours of operation are after sunset, the car parking areas and any other public areas shall be provided with lighting to provide a safe environment for users of the premises after hours. A Noise Impact Assessment Statement prepared by a qualified Acoustics Engineer may be required to be submitted with the application depending on the scale and location of the proposed use to show that the use can operate satisfactorily in the business area.	COMPLIES The commercial space on the ground floor will activate the street frontage encouraging interesting and safe pedestrian environment. The proposed development will provide a number of safety measures including secure key card access, suitable street and ground level and internal lighting.
7.6 Restaurants/Outdoor Cafes	NOT APPLICABLE Applications will be lodged for use of the retail tenancies.
7.7 Child Care Centres	NOT APPLICABLE
7.8 Fencing	NOT APPLICABLE

E Submissions Assessment

A summary of key issues raised in the submissions and our proposed response is provided in the tables below.

The issues raised in the public submissions relate primarily to impacts on neighbouring properties and/or on the surrounding area. We believe that many of these issues have adequately been addressed in the DA documentation or can be managed through conditions of consent. There are no design changes proposed as a result of any of the submissions. The numbers in Table 2 (Public submissions) correspond to the number of submissions received in which that issue was raised.

Table 1 Summary of issues raised by Sydney Metro Airports

Description of key issue	Proposed response
Obstacle Limitation Surfaces » Confirmed that proposed building at an overall height of 107.7 m above Australian Height Datum (AHD) would not penetrate the Obstacle Limitation Surfaces (OLS) for the Bankstown Aerodrome. » This assessment has not considered crane activity required during construction. Any such crane activity that exceeds the height of 107.7 m AHD will require a separate assessment » Any future addition to the building's height may impact the OLS (including the installation of additional antennas) and will require a separate assessment.	The proposal's height has been reduced to 76m and is not expected to penetrate the Obstacle Limitation Surfaces (OLS) for the Bankstown Aerodrome. Details relating to crane activity will be provided at the construction stage and require separate assessment.
Liverpool Hospital Helicopter Landing Sites (HLS) » The building is in the vicinity of the Liverpool Hospital Helicopter Landing Sites (HLS). The proponent should seek input from helicopter operators who use the Liverpool Hospital HLS. » Obstacle lighting should be provided to indicate the presence of the proposed building at night If any concerns are raised from helicopter operators. To ensure consistency and avoid any confusion to pilots, the obstacle lighting is to conform to the standards specified in the section 9.4 of the Civil Aviation Safety Authority, Manual of Standards Part 139 Aerodromes.	Council has sought comments from Careflight and Air Ambulance and understand they are yet to receive feedback.

Table 2 Summary of issues raised in public submissions

Description of key issue	No.	Proposed response
Solar access (Overshadowing) Considers that building will overshadow and block out sunlight to apartments especially those facing Bathurst Street between Moore Street and Memorial Avenue. Especially in the cooler months from March until late August.	7	The proposed solar access impacts are considered acceptable. Adjacent properties are not considered to be unreasonably overshadowed. The Shadow Diagrams at winter solstice (21 June) submitted with the DA demonstrate that adjacent properties will be overshadowed for three-hour intervals. This is not considered significant as the properties will receive three hours or more direct sunlight, achieving compliance with the Design Criteria set out in the ADG. In the case of residential flat buildings facing Bathurst Street these properties will be overshadowed between 9am until 12pm and receive sunlight for the remainder of the day.
Traffic and parking impacts Considers that Bathurst Street does not have the capacity to cater for traffic generated by this development as it is a narrow thoroughfare. Concerns were also raised about impacts of the proposal on street parking.	7	A Traffic Impact Assessment supports the proposal and demonstrates the surrounding network can accommodate the development. Refer Section 5.3.10 and accompanying Traffic Impact Assessment.
Property values Considers that the proposed development will negatively impact on the value of existing properties in the area.	6	This is not a planning matter for consideration under Section 79(C) of the EP&A Act 1979.
Character, scale and height Height and scale is out of character with existing neighbourhood and will have negative impacts on the area and residents quality of life. Concerns that the proposed development will dwarf other buildings in Bathurst Street (low to medium density area).	7	The proposal is considered to be well designed, is consistent with desired future character of the area and complies with development controls (height and FSR). The proposed number of storey has been reduce from 26 storeys to 21 storeys. The following architectural features contribute to integrating the building with the surrounding area: » Podium/tower setback assists in providing a transition from adjacent 3-4 storey development » The mass of the tower apartment form has been articulated in parts to help break down the appearance of the built mass and relate back to the street wall » Certain architectural elements are repeated throughout to unify the development as a whole across various scales » Street wall heights of the development have been carefully considered and relate to human scale. They also directly address the street frontage with the residential tower setback further from the street wall alignment façade

Description of key issue	No.	Proposed response
		» Alternating balcony treatments and material patterning will create patterns of light and shadow to enhance the facade and reduce the perceived bulk of the building mass » Scale of built form reduces along the southern and northern boundary to be consistent with future context and to contribute to the character of the area » Treatment of both the East and Western Facades are sympathetic in scale and create visual points of interest to assist in future laneway activation and enhance the amenity of the streetscape.
Breeze (wind) The building will block out the much needed breezes especially cool summer breezes adversely affected the health and wellbeing of existing residents	6	It is not considered that the proposed building would unreasonably restrict breezes and wind from reaching surrounding properties. Cooling summer breezes from the north-east will circulate around the building and streets of the Liverpool City Centre as well as through cross ventilated apartments to surrounding areas.
Safety, social and waste problems Considers that the proposed development will create safety, social and waste management problems	5	Waste will be managed appropriately through an Operational Waste Management Plan that will be required as a condition of consent prior to the issuing of an Occupational Certificate. The proposed design complies with CPTED principles. In particular retail and pedestrian links will create active frontages and will contribute to creating a vibrant 18-hour city. For more information about design features that will ensure the safety of the residents and visitor's in the proposed development refer to Section 5.3.6 and Assessment against SEPP 65 Design Principles submitted with the DA.
Serviced apartments Considers that serviced apartments are not an appropriate development in a relatively quiet residential area especially at night.	4	Serviced apartments are no longer proposed.
View loss and visual impact Concerns raised about view loss and visual impact of the building for the occupiers of residential unit blocks that line Bathurst Street between Moore Street and Memorial Avenue.	4	The proposed building will not disrupt views to any significant landmarks or areas. A high quality modern and contemporary design is proposed which aims to contribute positively to the surrounding context.
Traffic noise Concerns are raised about traffic noise from Bathurst Street echoing to Bathurst Street residential flat buildings. Notes that their building currently does not have any special acoustic treatment as it was constructed prior to the zoning and planning changes.	3	Appropriate acoustic treatments for the building will be investigated through an Acoustic Assessment to mitigate any impacts to neighbouring properties. Based on Council feedback an Acoustic Assessment is also required to address Section 102 of the Infrastructure SEPP to demonstrate compliance

Description of key issue	No.	Proposed response
		with the internal noise levels stipulated for residential premises.
Incorrect address Liverpool council's planning website did not display address of site correctly – lot to which the proposal relates is incorrectly identified.	1	Noted. It is our understanding that the application was renotified as a result of this issue.
Summer heat Concerns raised about the heat in the summer time and its effect on elderly residents and those with health issues. Considers that residents will need to rely on artificial cooling and heating and therefore their energy bills will be increased.	1	The following design features will assist in reflecting sunlight and absorbing less heat: » All corner and cross through apartments are naturally ventilated » A range of projections and internal blinds will enable shading » Proposed landscaping and use reflective materials and of lighter-coloured surfaces on facades of the building. This will also help reduce any heat build-up in the area.
Design, style, size and nature of the building Quality of environment Concerned that the design, style, size and nature of the building does not have appropriate regard to the health and wellbeing of local residents. Considers that their quality of the environment will be reduced, thereby impacting on quality of life of their own and local residents.	1	The development provides numerous benefits for residents and the local community: » Additional mix of housing for growing population » Walkways through to Huckstepp Driveway will improve linkages to surrounding areas and encouraging walking and cycling » Communal open space area including toilet facilities, pool, barbeque facilities, outdoor dining and seating and day beds – provide opportunities for recreational pursuits and socialising » Opportunities for new business, services and employment through additional retail, commercial and serviced apartments » Activate street frontages by providing new retail that will provide a place for people to socialise – bringing the city to life » Provide natural surveillance of the public domain thereby improving safety in and around the local area.
Construction impacts Concerns raised about construction impacts including noise, dust and traffic.	1	Measures will be in place to ensure impacts are appropriately managed through conditions of consent including the requirement for the preparation of Construction Management Plan prior to the issuing of a construction certificate.

