



## **Statement of Environmental Effects**

### **Commercial Tower and Commercial Hotel Redevelopment**

277 Bigge Street, 11 Scott Street, 13-15 Scott Street, 17 Scott Street, 19 Scott Street, 21 Scott Street and 23 Scott Street

Lot 15 DP979379, Lot 16 DP979379, Lot 17 DP1050799, Lot 18 DP979379, Lot B DP350234, Lot 2 DP102307, Lot 1 DP77180, Lot B DP358314, Lot 24 DP700728 and Lot 23 DP700728

Prepared by Willowtree Planning Pty Ltd on behalf of Mackycorp

June 2018

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Commercial Tower and Commercial Hotel Redevelopment – 277 Bigge Street, 11 Scott Street, 13-15 Scott Street, 17 Scott Street, 19 Scott Street, 21 Scott Street and 23 Scott Street, Liverpool WTJ17-350

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### Document Control Table

<b>Document Reference:</b>	Ref: WTJ17-350		
<b>Date</b>	<b>Version</b>	<b>Author</b>	<b>Checked By</b>
25 June 2018	Draft for internal review	J. Miller	A. Cowan
27 June 2018	Draft for client review	J. Miller	J. Miller
29 June 2018	Final for DA submission	J. Miller	J. Miller

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### **PART A      PRELIMINARY**

#### **1.1      INTRODUCTION**

Willowtree Planning Pty Ltd (Willowtree) has prepared this Statement of Environmental Effects (SEE) on behalf of Mackycorp to support a Development Application (DA) for the proposed development, to be submitted to Liverpool City Council under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The proposed development has a Capital Investment Value of \$106.6M. As such, it is classified Regionally Significant Development under Schedule 7 of *State Environmental Planning Policy (State and Regional Development) 2011*. It will therefore require final determination by the Sydney Western City Planning Panel after initial assessment by Liverpool City Council.

This DA seeks consent for the redevelopment of the site to support a 23 storey commercial tower, with supporting conservation management works of the local heritage listed Commercial Hotel. The proposed Tower would comprise a landmark building of manifestly outstanding design. A new 1,200m<sup>2</sup> high quality plaza-style civic space would be included as the heart of the site. This would provide through-site links in a north-south and east-west orientation, with these highly activated edges bringing diversity and 24 hour quality to the site. The proposed conservation management and adaptive reuse of the Commercial Hotel at the site would provide significant value for this local heritage listed item. Overall, the proposed development would create significant uplift for this portion of the Scott Street Key Site within the Bigge Park Conservation Area.

The proposed development is considered to be key in meeting the demand for new Commercial Premises and Office Premises floorspace within the Liverpool CBD, providing around 24,232.8m<sup>2</sup> of Net Lettable Office Premises floorspace. It therefore assists in meeting the rising demand for office floorspace outside of the traditional office centres throughout Greater Sydney, as recognised by the Greater Sydney Commission. This is furthermore consistent with the NSW Government's Decentralisation Program, whereby public sector jobs will be relocated from the Harbour CBD into other parts of Greater Sydney with a particular focus on Western Sydney. Indeed, Liverpool is one of the cities targeted for relocation of some of the 3,000 NSW Public Sector jobs which would fall under this scheme. The proposed development has the potential to contribute toward this Public Sector program, and has been designed to be suitable for a range of commercial tenants, including public sector tenants should that need arise. By contributing toward the growth of higher order jobs, the proposed development would also allow Liverpool to deliver metropolitan functions as a cluster centre of the Western Parkland City as recognised by the Greater Sydney Commission.

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## PART B SITE ANALYSIS

### 2.1 THE SITE

The site is situated in the centre of Liverpool's CBD, around 40km south-west of the Sydney CBD. Its location on the corner of Scott Street and Bigge Street creates significant exposure to the entrance points to Liverpool via road and rail. It is located around 80m from Liverpool Station and around 140m from the Liverpool-Parramatta Transitway.

The site is shown in **Figure 1** and **Figure 2**. The site comprises several lots with a combined site area of 2,780m<sup>2</sup> as follows:

- 277 Bigge Street:
  - Lot 15 in DP979379;
  - Lot 16 in DP979379;
  - Lot 17 in DP1050799; and
  - Lot 18 in DP979379;
- 11 Scott Street:
  - Lot B in DP350234;
- 13-15 Scott Street:
  - Lot 2 in DP102307;
- 17 Scott Street:
  - Lot 1 in DP77180;
- 19 Scott Street:
  - Lot B in DP358314;
- 21 Scott Street:
  - Lot 24 in DP700728; and
- 23 Scott Street:
  - Lot 23 DP700728.

The site is bound by Bigge Street to the east, Scott Street to the south, commercial development and the Railway Serviceway to the north (269 Bigge Street), and an approved commercial tower development to the west (at 25, 29 and 33 Scott Street). Access to the site is currently provided directly from Scott Street and the Railway Serviceway. Bigge Street, Scott Street and the Railway Serviceway are all local roads under the control of Liverpool City Council.

Existing land uses currently at the site include:

- New Commercial Hotel/Ground Zero Hotel;
- Le's Vietnamese Roll;
- Fiji Curry Hut;
- Stylez Barbershop Liverpool;
- Liverpool Sweets;
- TAB Liverpool; and
- A Restricted Premise.

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Figure 1 The Site – Cadastral View (SIXMaps, 2017)



Figure 2 The Site – Aerial View (SIXMaps, 2018)

The site as seen from across Bigge Street and from Newbridge Road (to the east) is shown in **Figure 3** and **Figure 4**. Portions of the site as seen from down Bigge Street (to the west) are shown in the left of **Figure 5**.

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Figure 3 Eastern View of the Site (From Across Bigge Street)



Figure 4 Eastern View of the Site (From Across Newbridge Road)

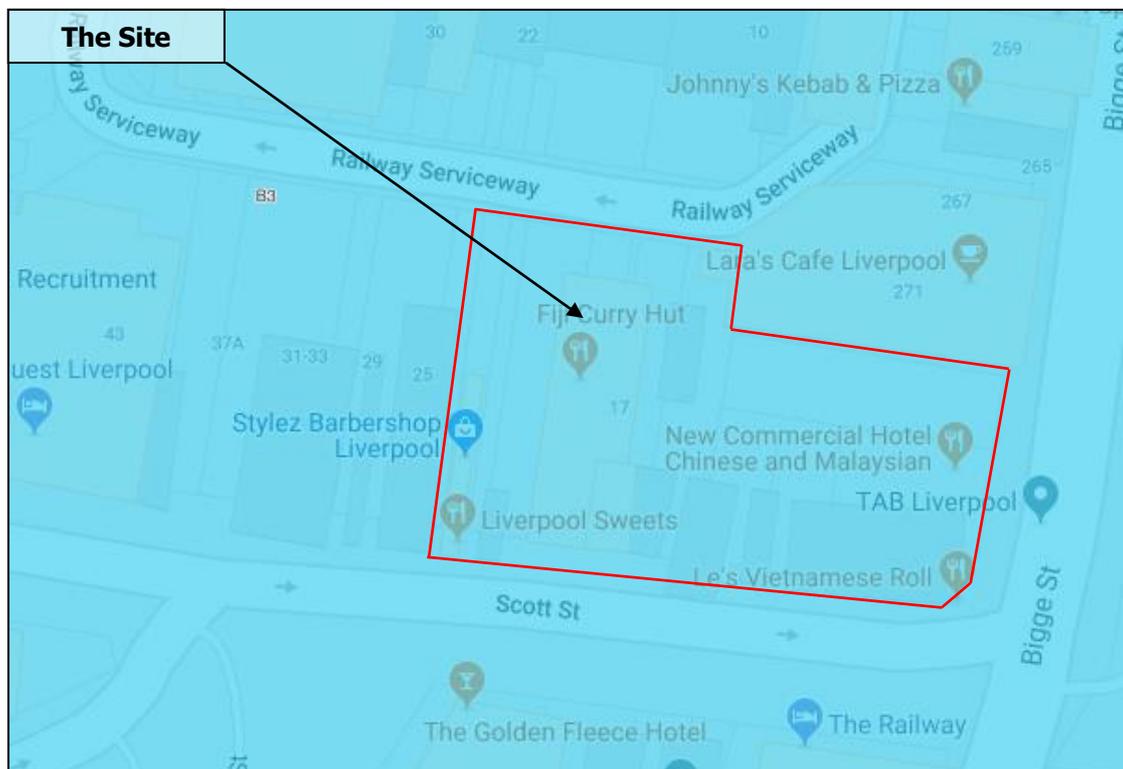
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**Figure 5 Western View of the Site (Along Scott Street with the Site Featured to the Left)**

As shown in **Figure 6**, the site is zoned B3 Commercial Core under the *Liverpool Local Environmental Plan 2008* (LLEP 2008). The site is also mapped under the LLEP 2008 as containing Class 5 Acid Sulphate Soils.



**Figure 6 Zoning of the Site (NSW Planning Portal, 2018)**

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### 2.1.1 Heritage

The site contains the following locally listed heritage items:

- The locally listed heritage item Commercial Hotel (LLEP 2008 Schedule 5 Item No. 74); and
- Portions of the locally listed Bigge Park Heritage Conservation Area (LLEP 2008 Schedule 5 Item No. 72).

The adjoining and nearby curtilages of Scott Street, Bigge Street, Railway Street and George Street form part of the locally listed heritage item (LLEP 2008 Schedule 5 Item No. 89) Plan of Town of Liverpool (early town centre street layout – Hoddle 1827). The following locally listed heritage items are also located to the south of the site on the opposite side of Scott Street:

- Commercial Building (LLEP 2008 Schedule 5 Item No. 101);
- Commercial Building (former outbuilding to form Golden Fleece Hotel and form Eugene's Laundry) (LLP 2008 Schedule 5 Item No. 102); and
- Golden Fleece Hotel (LLEP 2008 Schedule 5 Item No. 103).

The closest State listed heritage item to the site is the Liverpool Courthouse (former) and Potential Archaeological Site at 251 Bigge Street, which is located around 175m north of the site. There are no Commonwealth listed heritage items in the vicinity of the site.

Heritage buildings at and in the vicinity of the site are generally two storeys in height and with a masonry construction. The Commercial Hotel is three storeys. It is situated on the key corner of Bigge Street and Scott Street and addresses the Bigge Street streetscape in particular.

The heritage context of the site and its surrounds is shown in **Figure 7**.

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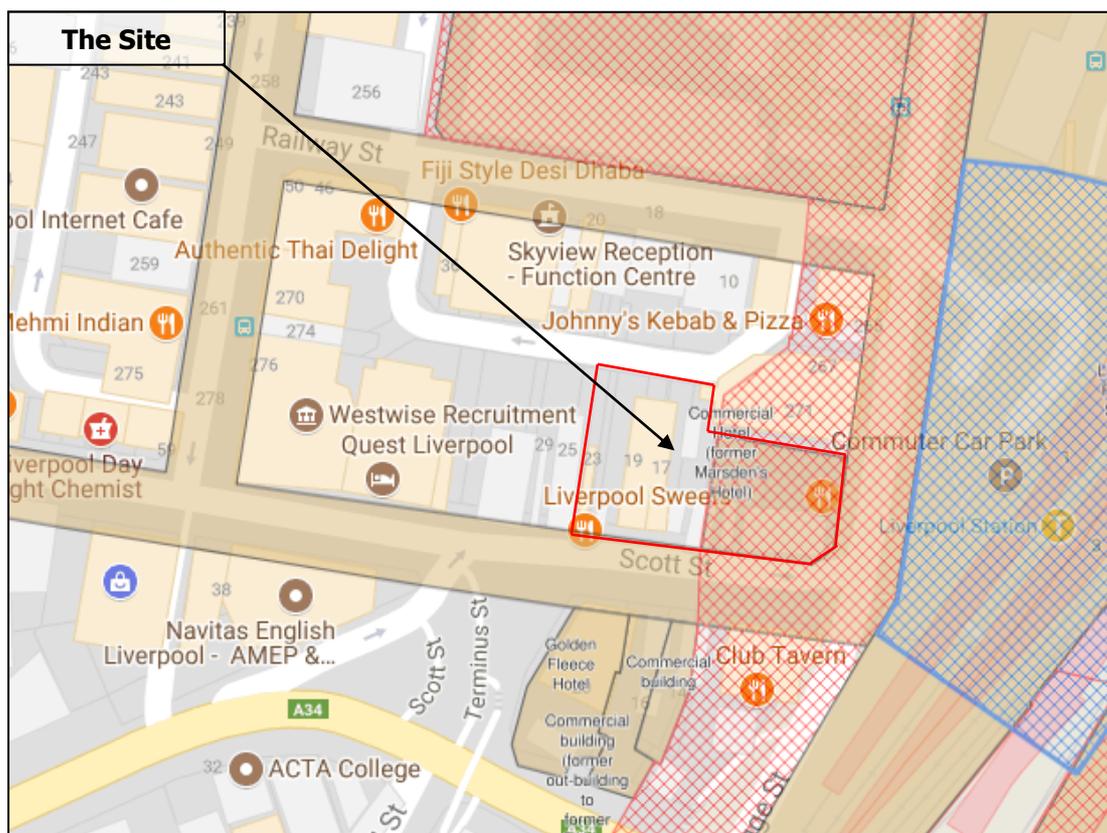


Figure 7 Heritage Context of the Site (NSW Planning Portal, 2018)

The NSW Heritage Register contains the following Statement of Heritage Significance for the Commercial Hotel:

*The former Commercial Hotel demonstrates an aspect of the commercial development of Liverpool in the late 19th and early 20th century. The site, as an example of a late Victorian style building, indicates a level of technical achievement in its design and construction. It is now a rare site type in Liverpool. The hotel also forms a component of a cluster of early 19th century buildings in the environs of the city centre. It is a prominently located and aesthetically pleasing building within the broader cityscape.*

The NSW Heritage Register also contains the following Statement of Heritage Significance for the Bigge Park Conservation Area:

*Bigge Park CA, as part of the original early 19th century plan for the Town of Liverpool, demonstrates the history of early urban planning and land use in the Colony. Remaining features are representative of Governor Macquarie's early urban plans in the Colony. As part of the original survey of Liverpool it demonstrates the history of the early settlement of the city and is a physical link to the character of the early township. It indicates a level of technical achievement in its original design by key Colonial figures Governor Macquarie and Surveyor Meehan. It is a rare intact example of a modern urban centre that retains features of the original early 19th century town plan. The CA is aesthetically pleasing within the modern city centre. There is the potential to gain more information on the group from further architectural, archaeological and documentary research.*

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### 2.1.2 Key Sites

The site is mapped under the LLEP 2008 as forming part of the Scott Street Key Site (refer to **Figure 8**). Part 4 of the *Liverpool Development Control Plan 2008* (LDCP 2008) – Development in Liverpool City Centre describes the Scott Street Key Site as follows:

*This key site terminates the vista up Macquarie Street and has potential to provide the "anchor" that the southern end of the Macquarie Street strip vitally requires. The site is also located on one of the City Centre's highpoints and therefore any future development will be highly visible from surrounding areas. Under these conditions, the development of this site must exhibit the very best in design quality as it will not only be a catalyst for regeneration of the southern end of the commercial area, but will also be a highly visible demonstration of the form, appearance and quality of development that is expected within the City Centre. Key outcomes include:*

1. *Development of the site must incorporate significant floorspace and critical mass to enable the creation of an anchor for the southern end of Macquarie Street.*
2. *Development should consist of a podium of public uses (commercial, retail, community etc) and 1-2 tower elements that may be residential and/or commercial in use.*
3. *A public plaza is to be provided and located on the Memorial Avenue frontage and Macquarie Street axis. The plaza is to be publicly accessible at all hours and should be a minimum of 800sqm in area.*
4. *All frontages of the plaza and Memorial Avenue are to be addressed by active development.*
5. *Development should consider the setting of the heritage listed Memorial School of the Arts building.*
6. *Active uses are to address at least 50% of the Terminus Street frontage.*
7. *Vehicular access to the site will be provided from one point either at Terminus Street and Memorial Avenue or the lane at the eastern end of the site.*

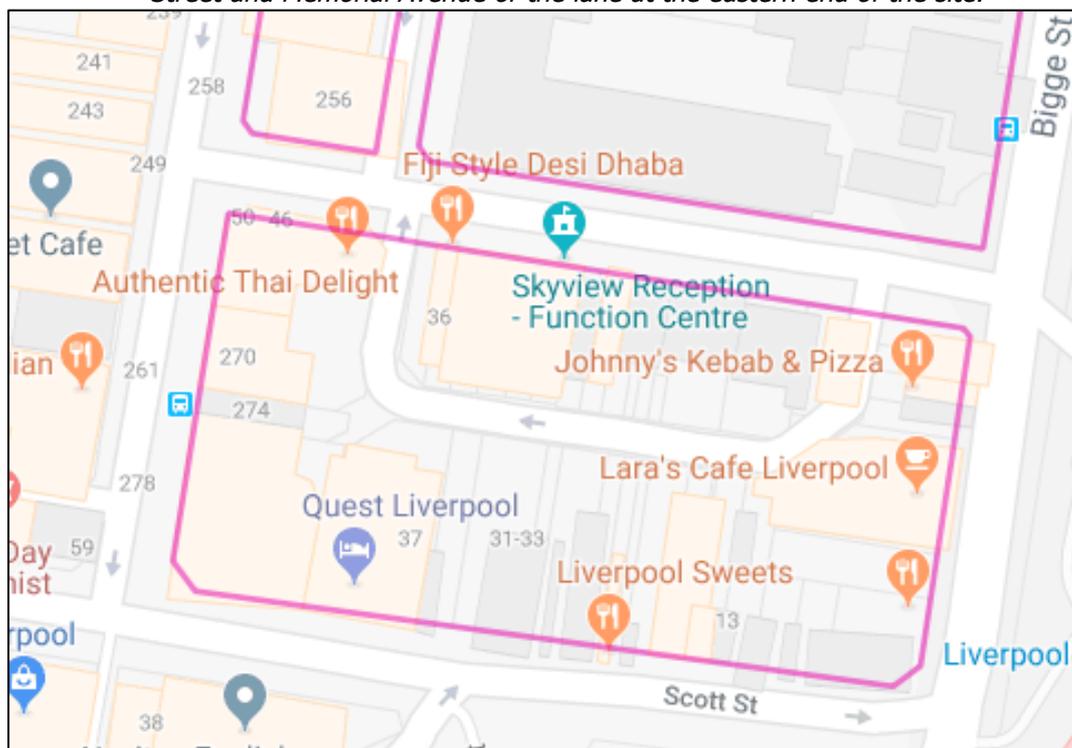


Figure 8 Key Sites Mapping (NSW Planning Portal, 2018)

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### PART C PROJECT SUMMARY

#### 3.1 PROPOSED DEVELOPMENT OBJECTIVES

The objectives of the proposed development are:

- Create significant uplift for the locality, particularly given the site's strategic location with the Scott Street Key Site and the Bigge Park Conservation Area;
- Activate the streetscapes along Bigge Street and Scott Street;
- Provide suitable funding opportunities and compatible reuse of the heritage listed Commercial Hotel;
- Drive increased commercial interest in renting or purchasing Office Premises Floorspace within the Liverpool CBD, thereby meeting some of the new demand for Office Premises floorspace within the Western Parkland City as identified by the Greater Sydney Commission;
- Meet key outcomes for Transit Oriented Development due to the site's strategic location within 80m of Liverpool Station as well as the further creation of through-site linkages connecting to surrounding street blocks;
- Make use of a site which is highly walkable in terms of access to the remainder of the Liverpool CBD, including other government, business, commercial and educational land users;
- Create employment supporting floorspace near to where a range of new residential land release areas are located, thereby supporting the Greater Sydney's Commission's ideal of the 30-Minute City; and
- Encourage the Liverpool CBD to face the Georges River foreshore, thereby contributing to the beautification of the Liverpool CBD overall.

The proposed development is considered to be the best means of achieving these objectives.

#### 3.2 DESCRIPTION OF THE PROPOSED DEVELOPMENT

The intention of the proposed development is to develop the site for the purpose of a 23 storey commercial tower with associated redevelopment of the locally heritage listed Commercial Hotel. These land uses are most appropriately characterised as being for Commercial Premises. Overall, the proposed development would create around 24,232.8m<sup>2</sup> of Office Premises floorspace. A range of other suitable land uses are currently permitted in the B3 Commercial Core land zone (refer to **Table 5** in **Section 5.2**) which could support alternative uses of commercial floorspace within the finished tower should potential tenants desire to be located at the site. Such suitable land uses as are currently permitted in the B3 Commercial Core land zone under the LLEP 2008 include:

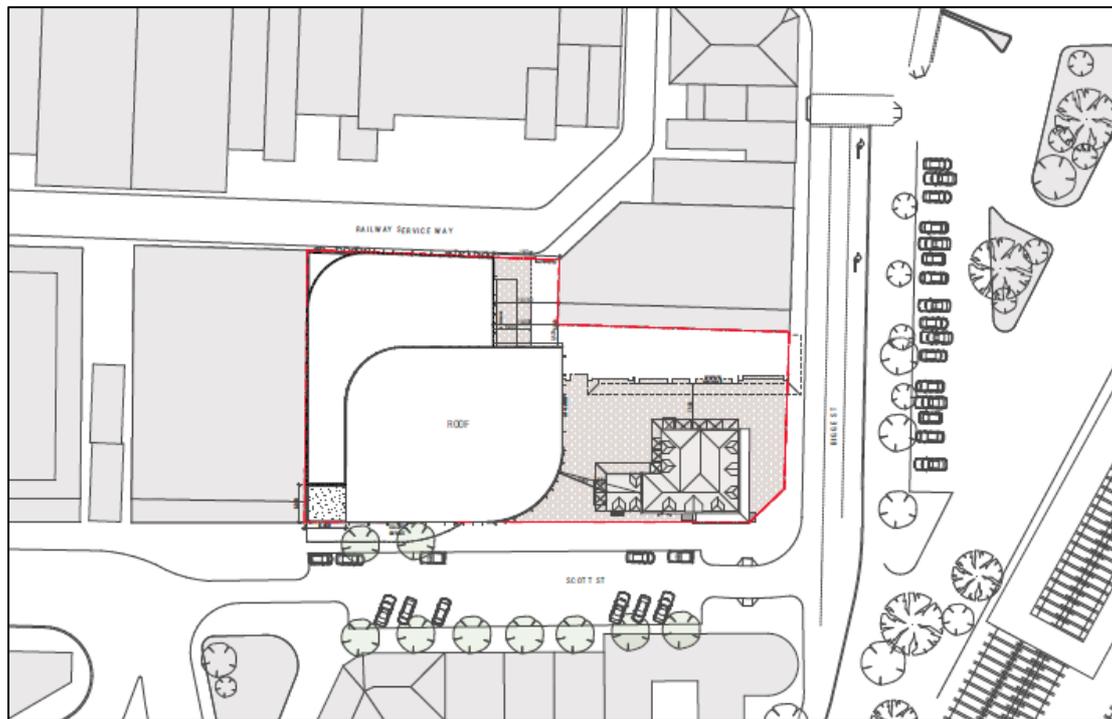
- Commercial premises;
- Community facilities;
- Educational establishments;
- Entertainment facilities;
- Function centres;
- Medical centres; and
- Public administration buildings.

It is envisaged that the site would primarily cater to Office Premises type land uses, and this is indeed the key strategic land use driver off the proposed development. However, this DA does not seek consent for any specific tenancy fit-out and use of the site. It is understood that in the future, DAs or Code Complying Development Certificates would be sought to facilitate more specific commercial land uses at the site.

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A site plan of the proposed development is provided in **Figure 9**.



**Figure 9 Proposed Site Plan (FK Architects, 2018)**

### 3.2.1 Demolition Works

Existing buildings and structures at the site would be demolished to facilitate the proposed development, apart from the heritage components of the Commercial Hotel.

### 3.2.2 Commercial Tower

The proposed Tower would comprise a landmark building of manifestly outstanding design. The architectural plans for the proposed development are contained in **Appendix 1**. Elements of the proposed development are summarised in **Table 1**. The proposed tower would have 23 above-ground storeys and two basement levels for plant, servicing and car parking.

As shown on **Figure 10**, the ground floor of the Podium would include the car parking and loading dock entry from the Railway Serviceway, as well as areas for security, high voltage switchroom, waste bin storage, loading docks and courier loading areas, as well as the general lobby with a supporting commercial/retail area and access to the elevator lobby.

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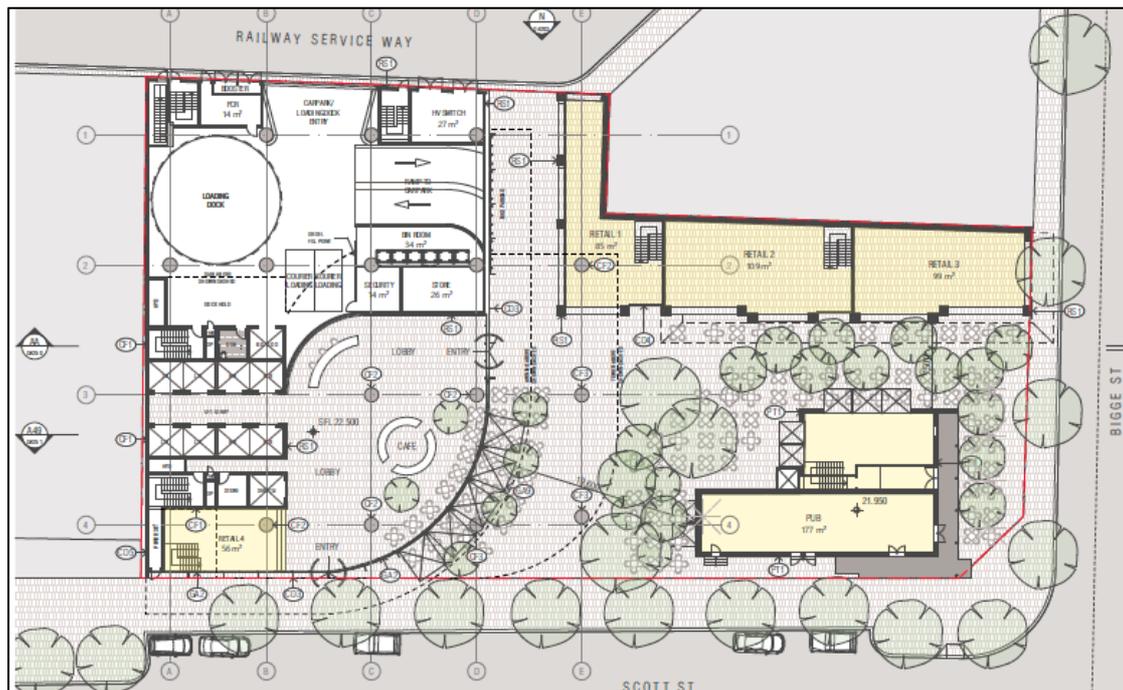


Figure 10 Proposed Ground Floor Plan (FK Architects, 2018)

As shown on **Figure 11**, level one of the Podium would comprise the back of house area, including switchroom, substation, hot water, mechanical and electrical and communications. Convenient servicing and maintenance access would be provided via the Railway Serviceway. Level one would also include a small retail component, creating active edges to the new civic space. The podium façade would reference the base materiality of the adjacent heritage buildings with diverse and warm colouration. This would comprise the contemporary interpretation of these heritage brick buildings with terracotta scaled brick rainscreen and timber vertical fin details.

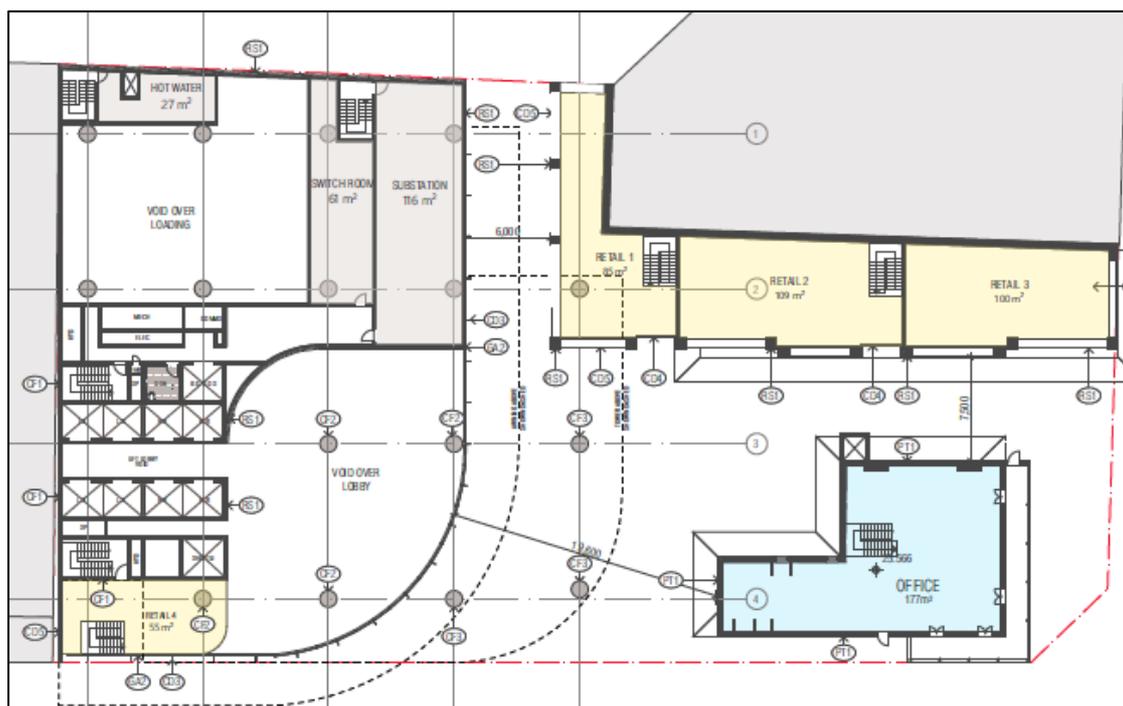
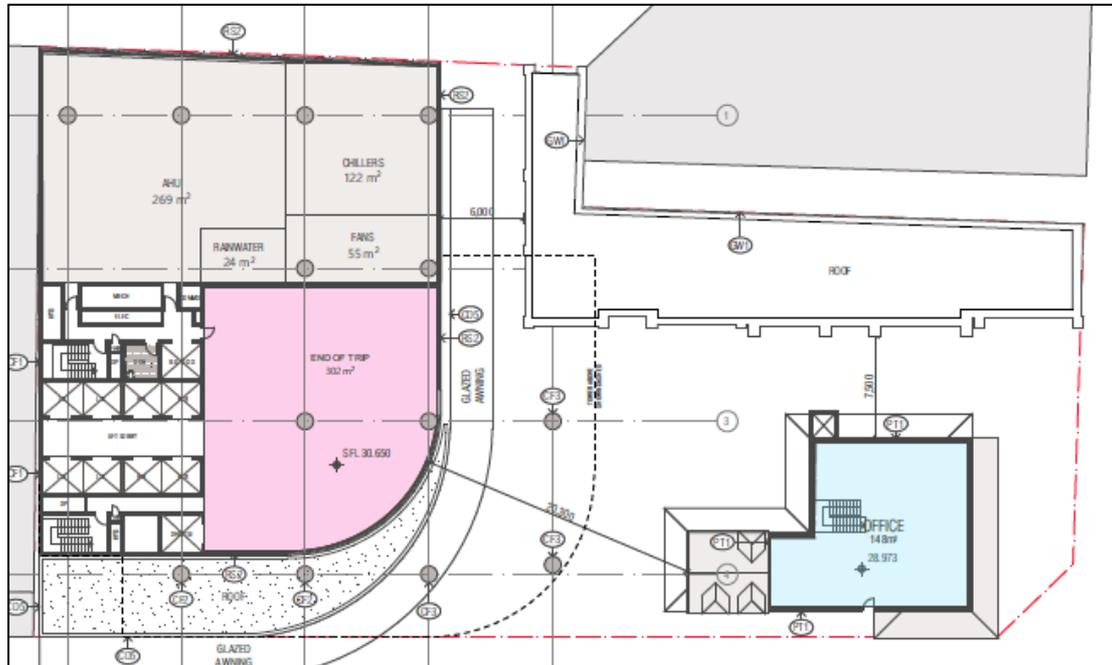


Figure 11 Proposed Level One (Back of House) Plan (FK Architects, 2018)

## Statement of Environmental Effects

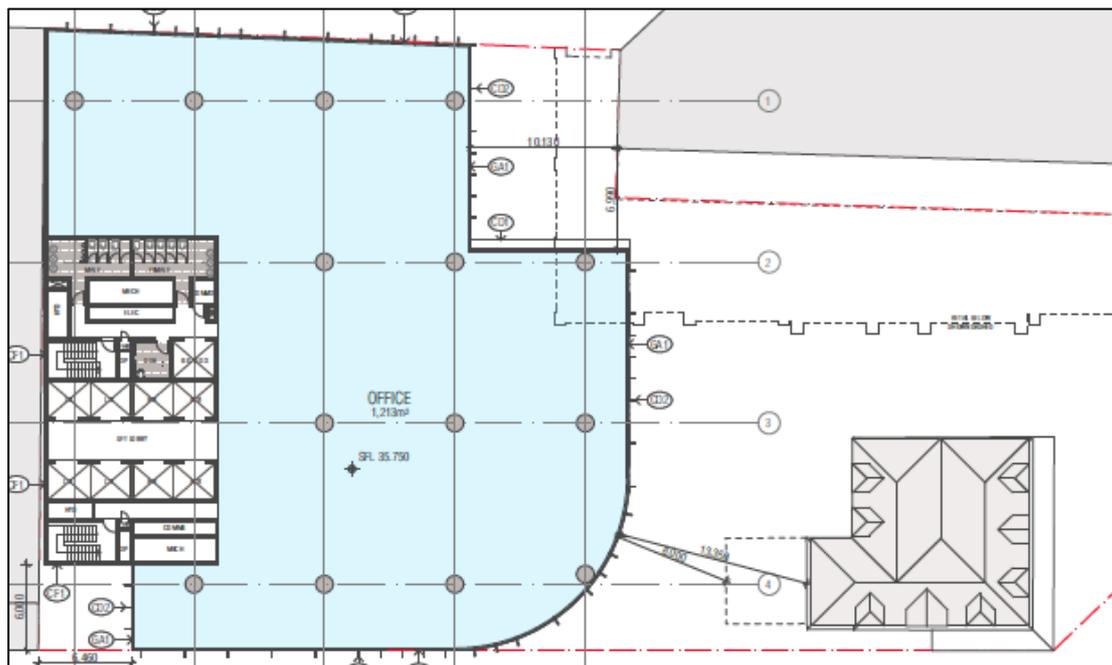
Commercial Tower and Commercial Hotel Redevelopment – 277 Bigge Street, 11 Scott Street, 13-15 Scott Street, 17 Scott Street, 19 Scott Street, 21 Scott Street and 23 Scott Street, Liverpool WTJ17-350

As shown on **Figure 12**, level two of the Podium would include the lobby roof and awning, with the majority of this level's floorspace providing for the End of Trip washroom facilities, chillers, and air handling unit, as well as mechanical, electrical and communications services.



**Figure 12 Proposed Level Two (Plant) Plan (FK Architects, 2018)**

As shown on **Figure 13**, levels three to 10 would comprise the low-rise component of the proposed Tower. Each of these levels would provide around 1,213m<sup>2</sup> of Office Premises floorspace. Here, the core has been designed to provide natural daylight and access to views throughout, articulating the western façade. Horizontal louvres would be located to the northern facades with vertical louvres to the east and west, shading the building.

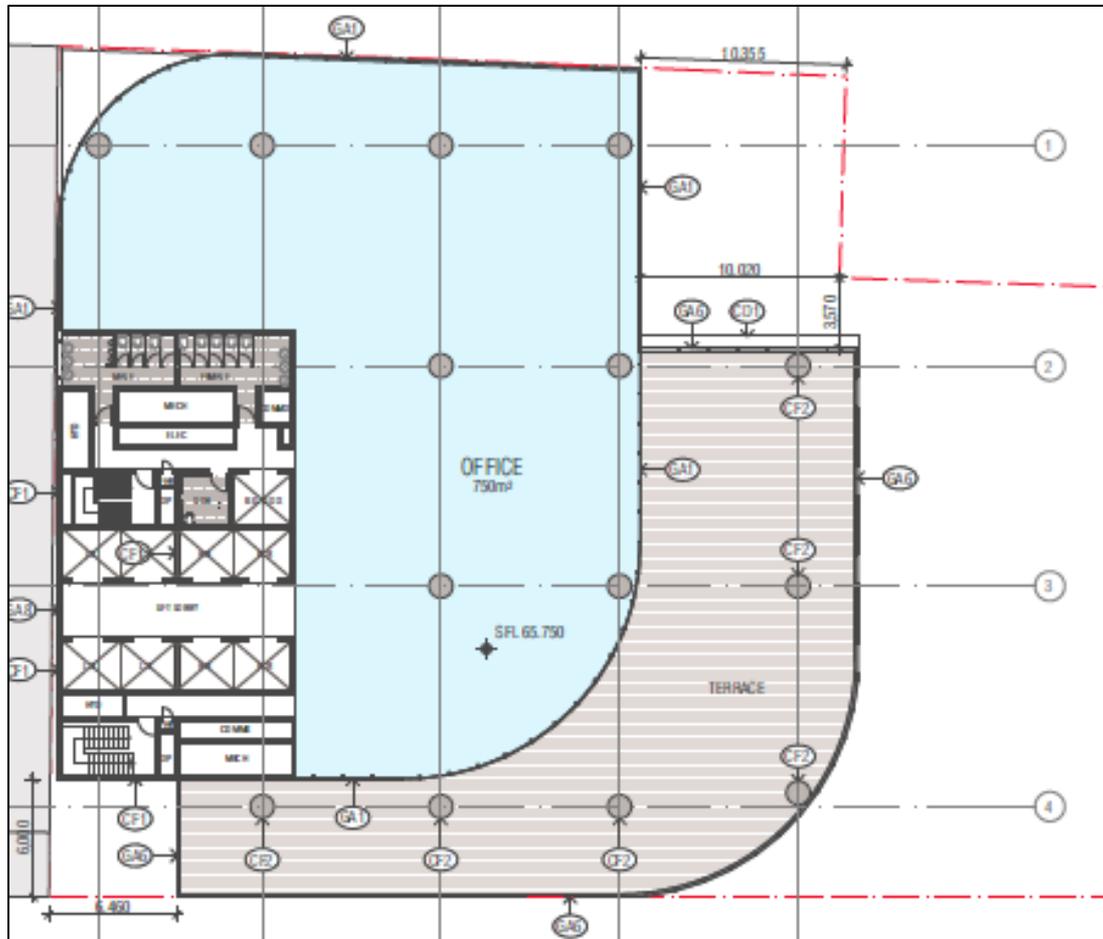


**Figure 13 Levels Three to 10 – Typical Low Rise (FK Architects, 2018)**

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As shown on **Figure 14**, level 11 would provide around 750m<sup>2</sup> of Office Premises floorspace and a significant area of private open balcony floorspace (the Oasis). This Oasis level would create a break between the low rise and high rise components of the proposed Tower. It would be recessed to provide an external terrace allowing tenants to enjoy the experience of being elevated looking out to the city and Georges River.



**Figure 14 Level 11 – Oasis (FK Architects, 2018)**

As shown on **Figure 15** and **Figure 16**, levels 12-13 would form the mid-rise component of the proposed Tower. The mid-rise would accommodate the lift overrun and motor room. Each floor would provide around 1,195m<sup>2</sup> of Office Premises floorspace. Within the mid-rise, the core has been designed to provide natural daylight and access to views throughout, including an articulated western façade. Horizontal louvres on the northern façade and vertical louvres to the east and west would help shade the proposed Tower at this point.

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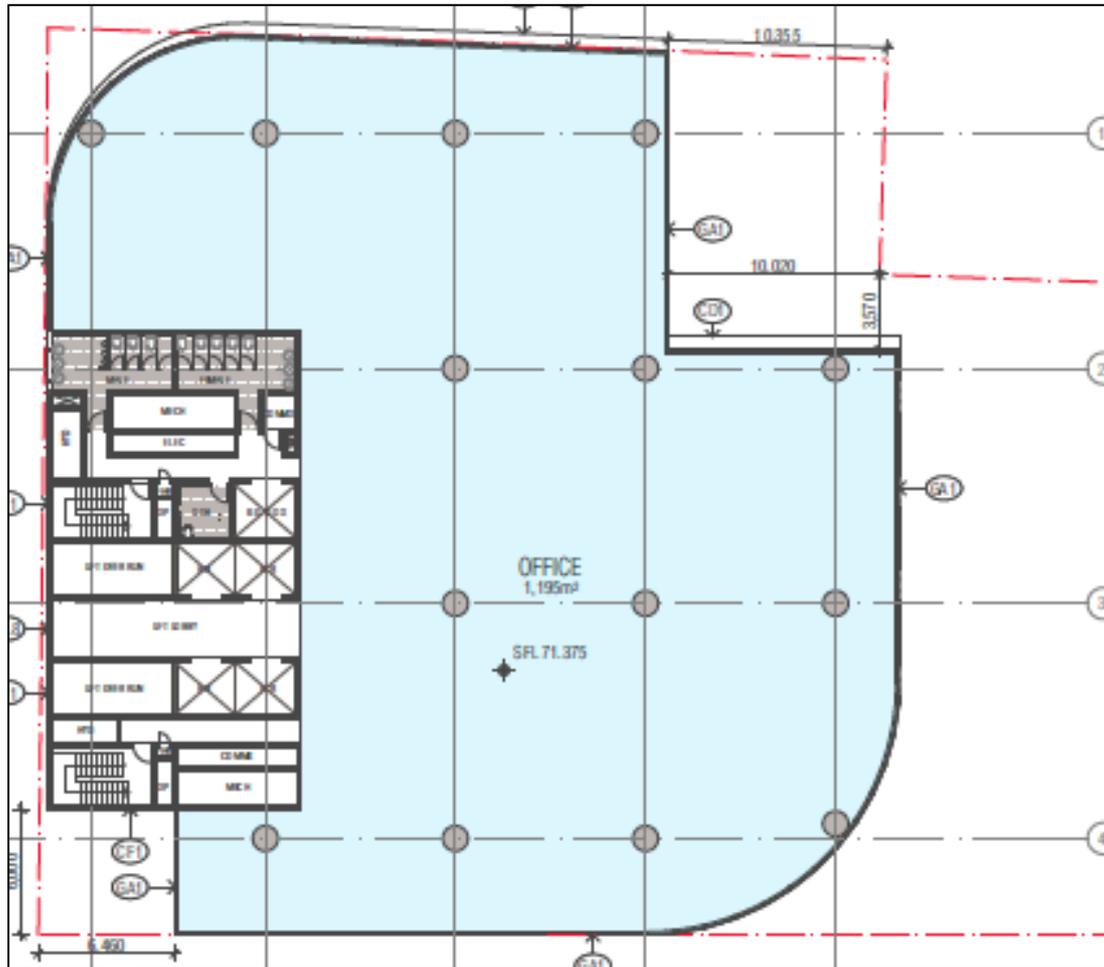


Figure 15 Level 12 - Mid Rise Lift Overrun (FK Architects, 2018)

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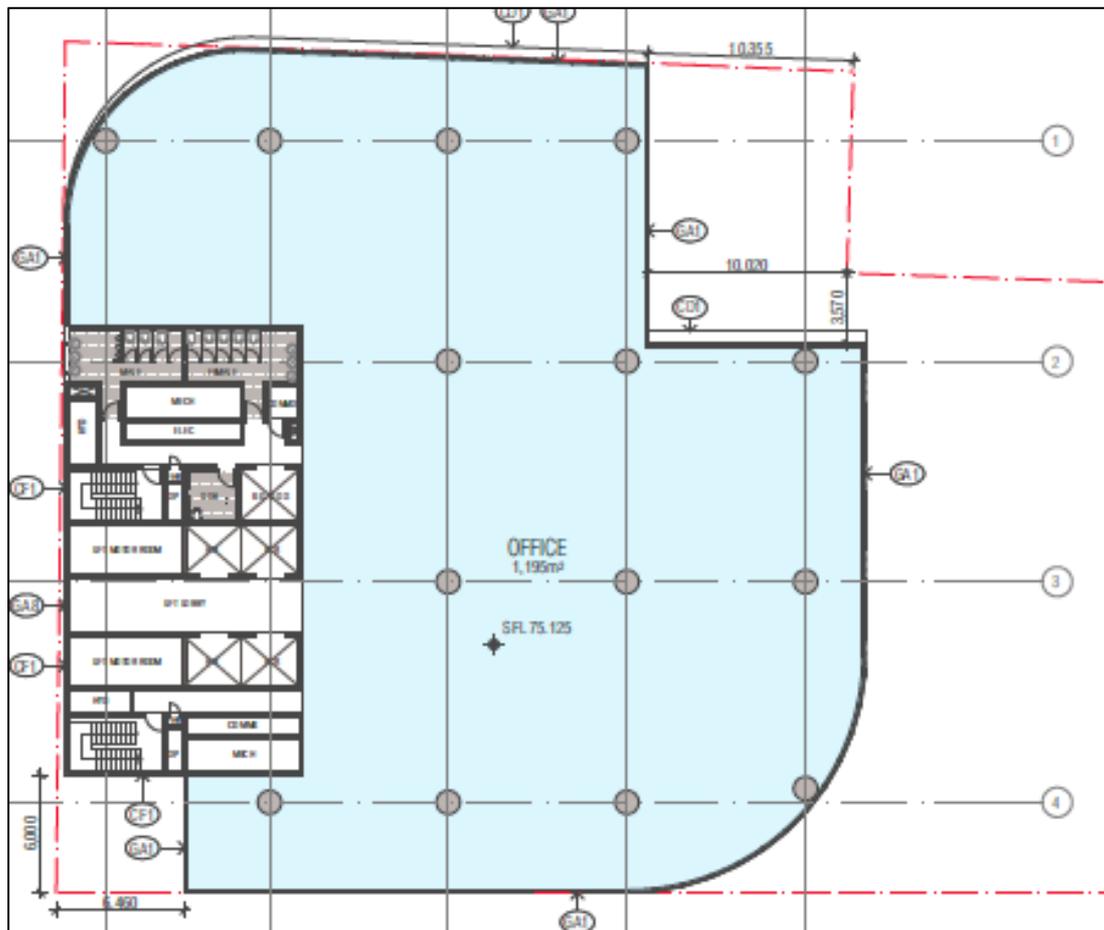
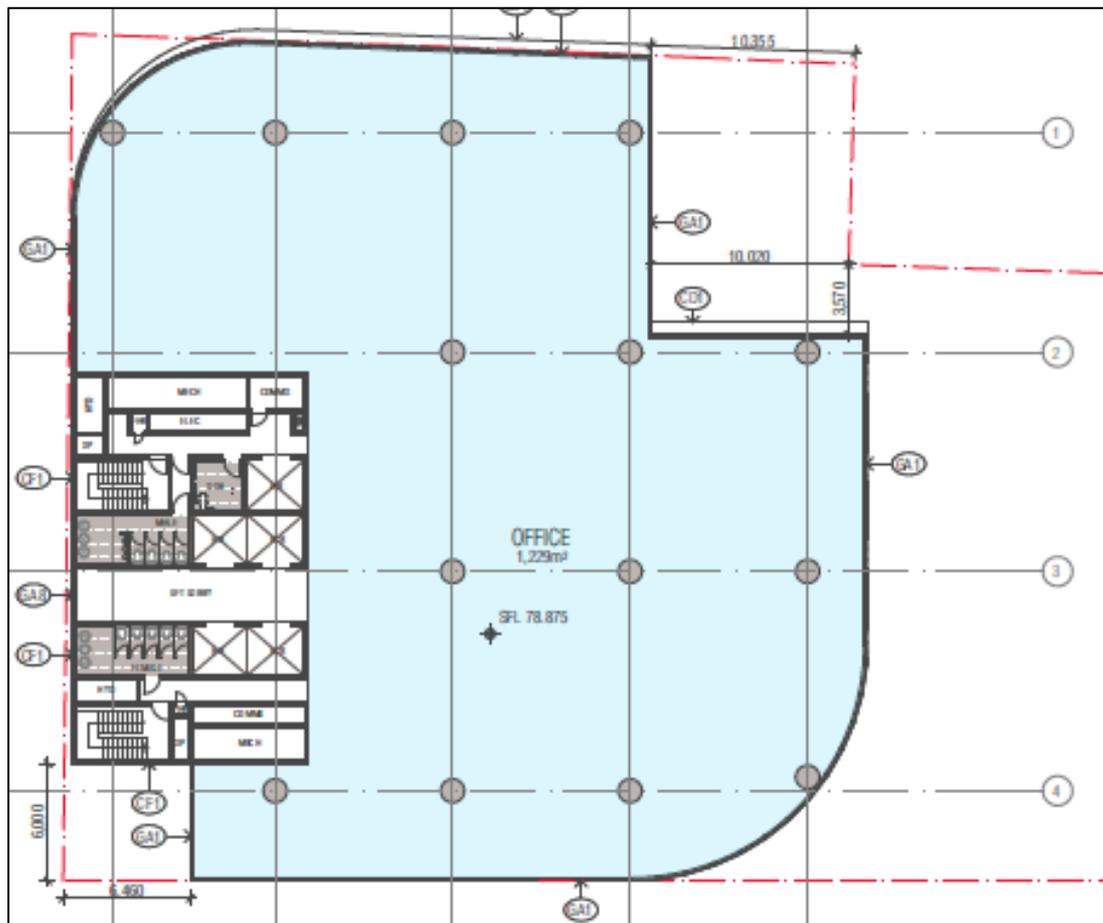


Figure 16 Level 13 – Mid Rise – Lift Motor Room (FK Architects, 2018)

As shown on **Figure 17**, levels 14-22 would form the high-rise component of the proposed Tower. Each floor would provide around 1,229m<sup>2</sup> of Office Premises floorspace. Within the mid-rise, the core has been designed to provide natural daylight and access to views throughout, including an articulated western façade.

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**Figure 17 Levels 14 to 22 – Typical High-Rise (FK Architects, 2018)**

As shown on **Figure 18**, level 23 would provide a plant level dedicated to servicing the proposed Tower, including air handling units, cooling towers and generators.

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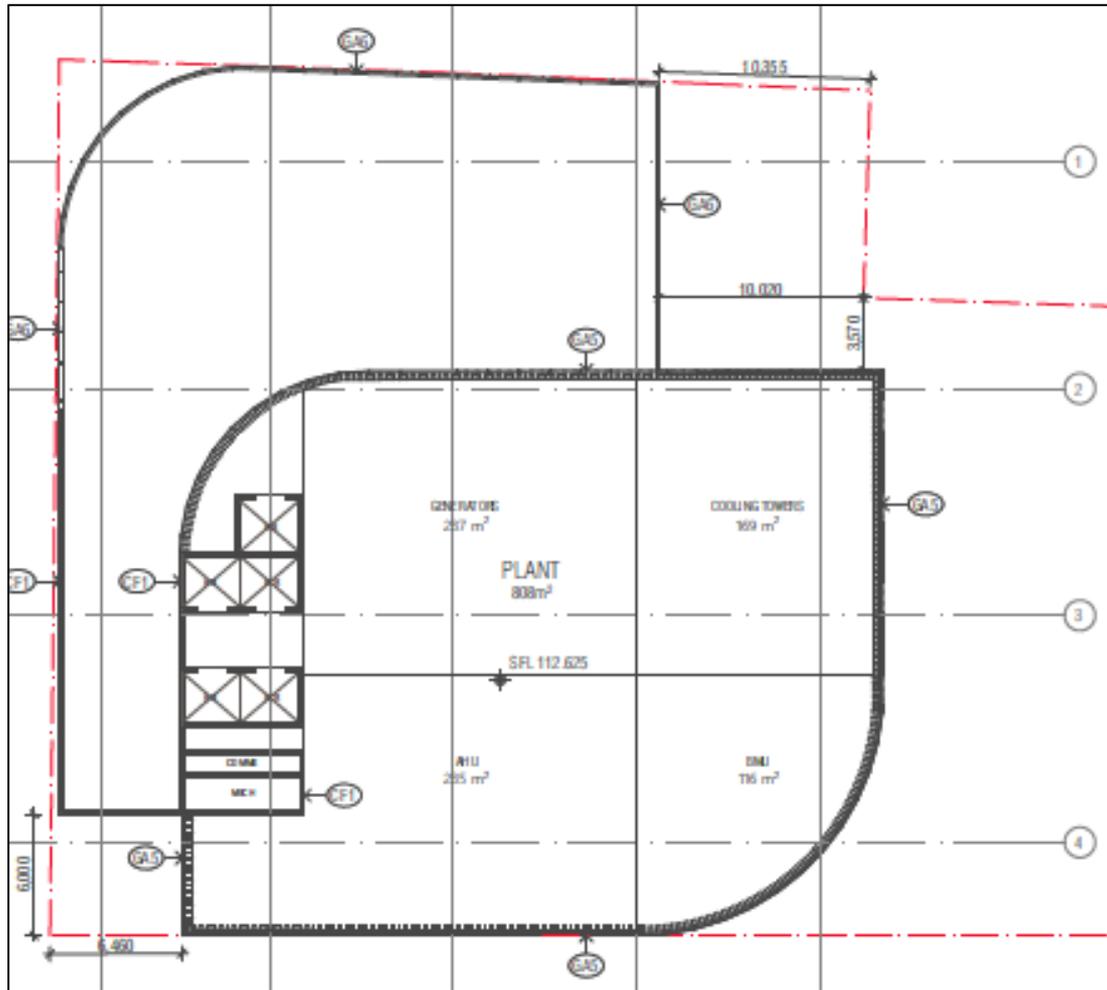


Figure 18 Level 23 – Plant (FK Architects, 2018)

The roof plan of the proposed Tower is shown in **Figure 19** below.

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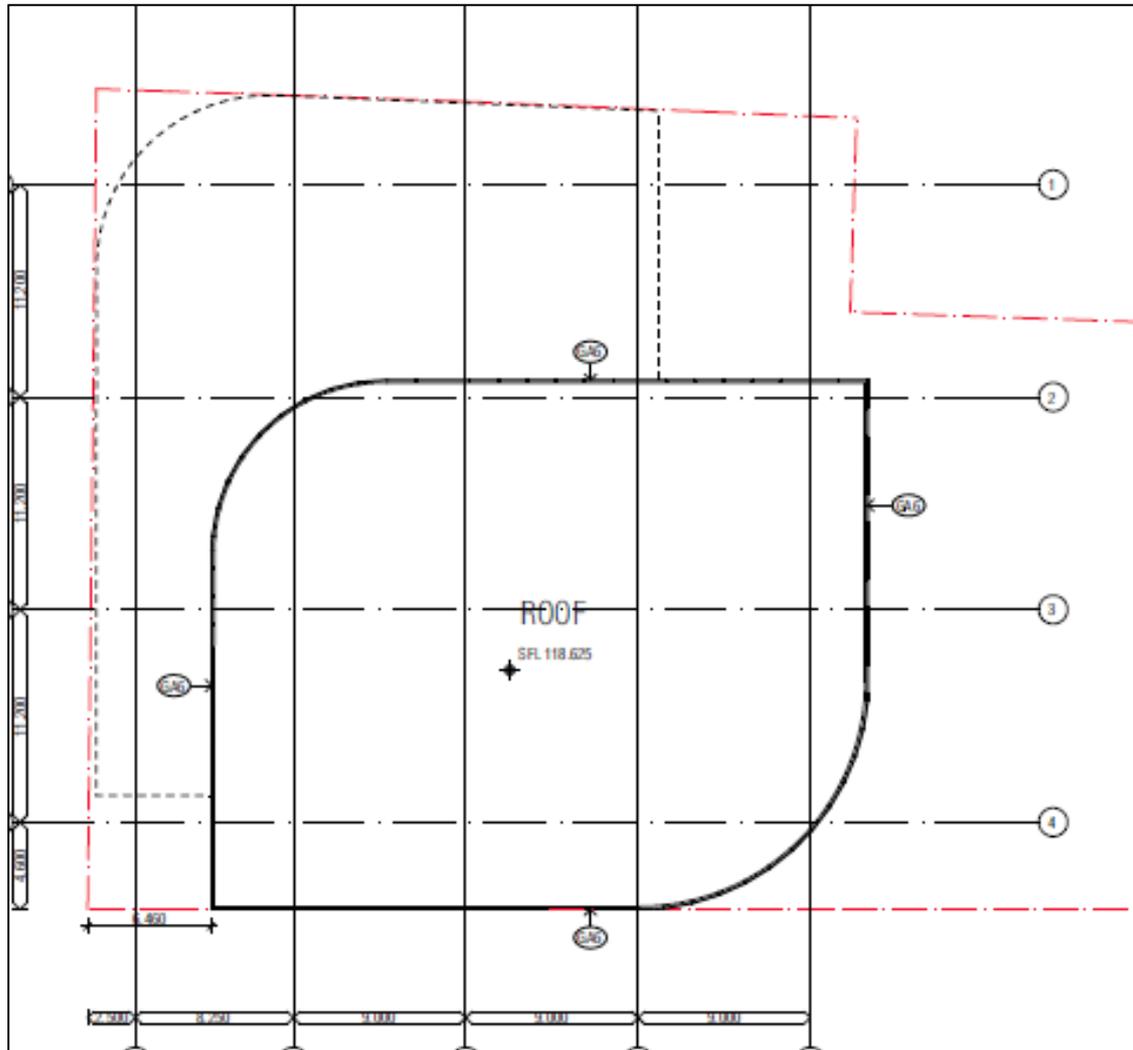


Figure 19 Roof Plan (FK Architects, 2018)

The proposed Tower would have a curved shape along its eastern facade to respond to the local heritage listed Commercial Hotel (refer to **Figure 20** below).

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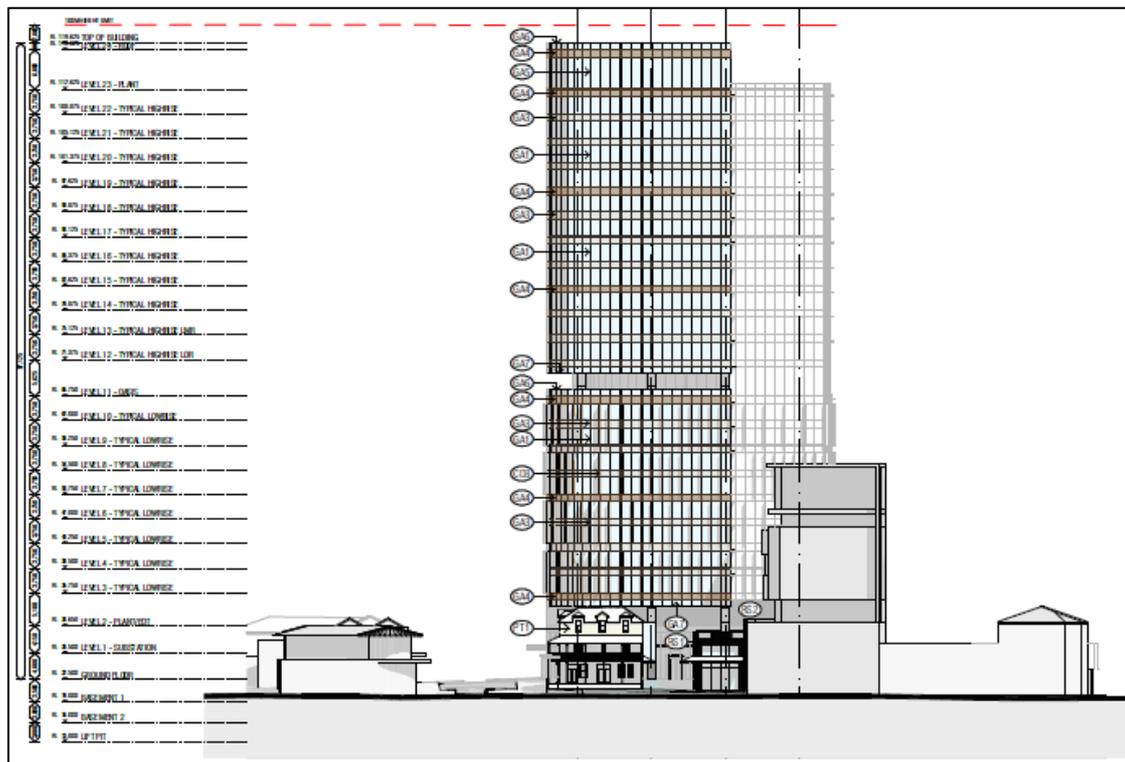


Figure 20 Eastern Elevation (FK Architects, 2018)

This curvature would further address the Scott Street/Bigge Street corner whilst reducing the proposed Tower's weight and appearance. It would also allow sunlight into the southern side of the street. Setbacks to the northern existing tower have been provided for to allow a comfortable relationship between these two items whilst also allowing north western sun into the new civic space (refer to **Figure 21** and **Section 3.2.5** below).

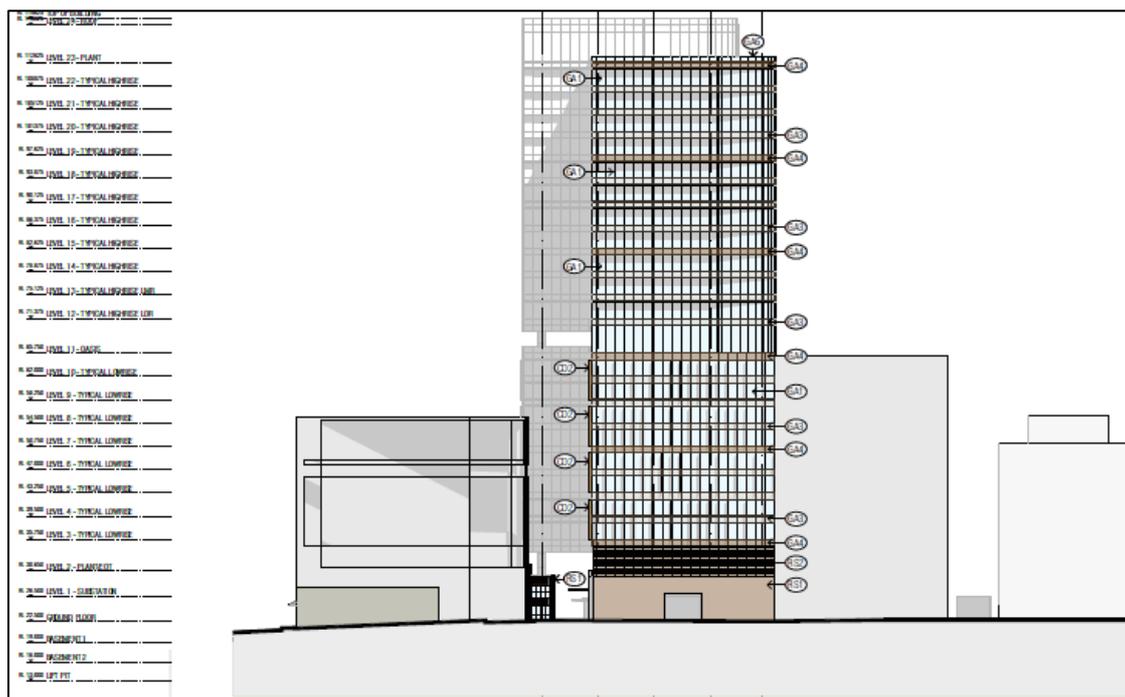


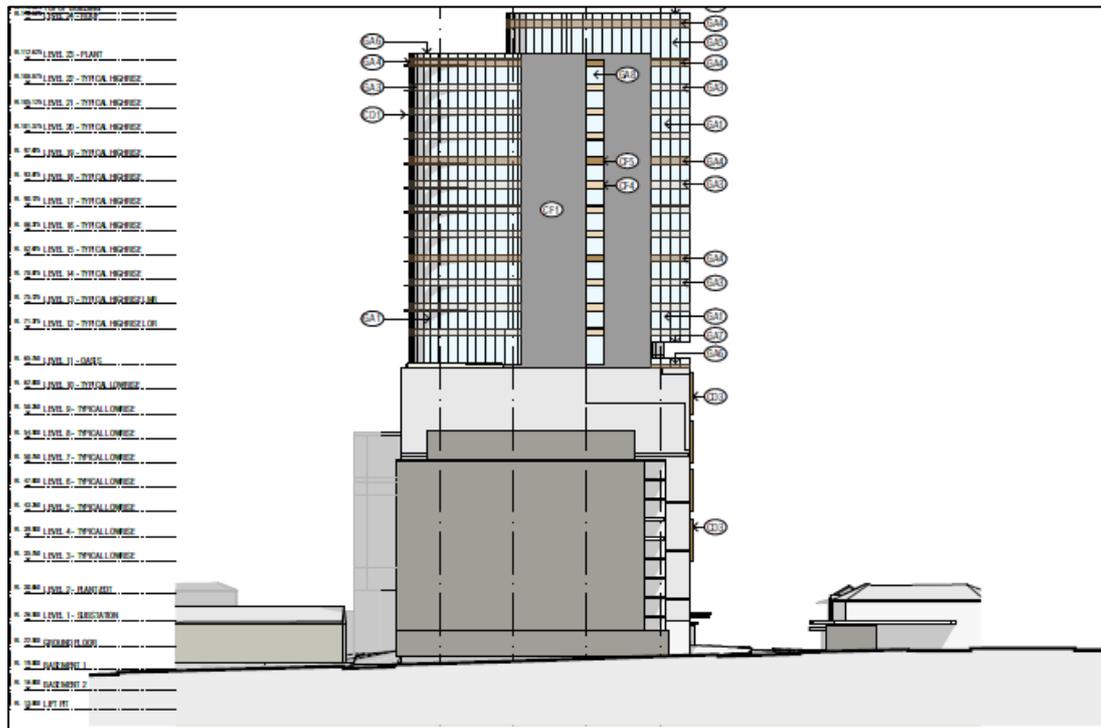
Figure 21 Northern Elevation (FK Architects, 2018)

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It would address the arrival of residents entering the Liverpool CBD by road or rail. The Tower's curved glass form would articulate the skyline and the proposed development in total would provide a prominent, quality aesthetic to vistas visible throughout view corridors from Liverpool Station, Light Horse Bridge, Scott Street, Bigge Street and the Railway Serviceway.

The Tower would be articulated to provide a high level of activation from its western boundary, including with a glass façade (refer to **Figure 22** below).

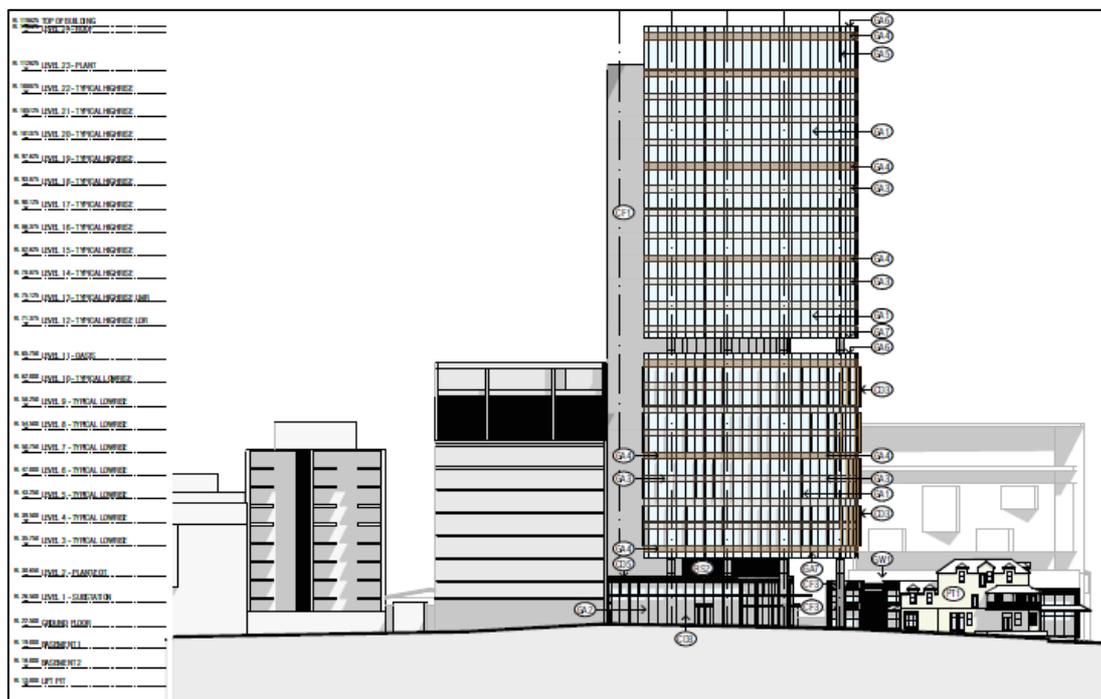


**Figure 22 Western Elevation (FK Architect, 2018)**

The Tower's core has also been designed to be as slender as practicably possible, and is further articulated with windows to the lift lobbies and bathrooms to reduce the non-activated surfaces. With reference to the adjoining commercial tower on Scott Street, the proposed Tower would complete the street wall. The separation between these two towers would help to distinguish the proposed development with a slender and elegant tower. Further reference to the neighbouring Scott Street tower would be achieved through the proposed Tower's waistline corresponding to the height of this neighbouring tower to the west (refer to **Figure 23** below).

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**Figure 23 Southern Elevation (FK Architect, 2018)**

This waistline would create a quasi streetwall whilst articulating the proposed Tower form. The waistline would further create the opportunity for external terrace space on level 11, giving the building scale and balance. The relatively short building setback to the west is preferred to avoid the creation of a quasi through-site link which would be lacking in ground-level activation (as such activation was not incorporated into the neighbouring Scott Street DA).

The low rise components of the proposed Tower would have a stronger materiality when compared to the high rise component. This would further descale the proposed Tower whilst creating a richer street wall in a point tower configuration.

The location of the core and positioning of the floor plate were key factors in determining the final design of the proposed Tower. The best configuration of the site's floor plates is considered to be with the north-east of the Tower over-looking Georges River and the Liverpool CBD. It would also shade the floor plate from low summer sun in the west. This solid corner core would furthermore allow for a high degree of daylight penetration to the floor plate from all directions. This continuous floor plate would create a dynamic arrival experience for those travelling to the site, connecting the proposed Tower to the Liverpool CBD and Georges River simultaneously.

Table 1 Summary of the Proposed Development						
Level	Zone	Use	Height (m)	Gross Building Area (m <sup>2</sup> )	Gross Floor Area (m <sup>2</sup> )	
-Two	Basement	Carparking	3	2,084.9	46.3 +36 car parks + 46m <sup>2</sup> EoT facility with provision for 48 bicycles	
-One	Basement	Carparking and End of Trip Facilities	3	2,084.9	95.8 + 33 car parks	

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<b>Table 1 Summary of the Proposed Development</b>					
<b>Level</b>	<b>Zone</b>	<b>Use</b>	<b>Height (m)</b>	<b>Gross Building Area (m<sup>2</sup>)</b>	<b>Gross Floor Area (m<sup>2</sup>)</b>
					+ 96m <sup>2</sup> EoT facility with provision for 81 bicycles
Ground	Podium	Lobby	5.75	1,452.5	887.8
One	Podium	Back of House	3.75	1,452.5	534.6
Two	Podium	Plant/EoT	3.75	1,186.9	506.2
Three	Tower	Commercial Low Rise	3.75	1,467.7	1,298.3
Four	Tower	Commercial Low Rise		1,467.7	1,298.3
Five	Tower	Commercial Low Rise		1,467.7	1,298.3
Six	Tower	Commercial Low Rise		1,467.7	1,298.3
Seven	Tower	Commercial Low Rise		1,467.7	1,298.3
Eight	Tower	Commercial Low Rise		1,467.7	1,298.3
Nine	Tower	Commercial Low Rise		1,467.7	1,298.3
10	Tower	Commercial Low Rise		1,467.7	1,298.3
11	Tower	Commercial Low Rise - Oasis		5.625	1,467.7
12	Tower	Commercial Mid Rise	3.75	1,449.3	1,279.9
13	Tower	Commercial Mid Rise		1,449.3	1,279.9
14	Tower	Commercial High Rise		1,449.3	1,307.9
15	Tower	Commercial High Rise		1,449.3	1,307.9
16	Tower	Commercial High Rise		1,449.3	1,307.9
17	Tower	Commercial High Rise		1,449.3	1,307.9
18	Tower	Commercial High Rise		1,449.3	1,307.9
19	Tower	Commercial High Rise		1,449.3	1,307.9
20	Tower	Commercial High Rise		1,449.3	1,307.9
21	Tower	Commercial High Rise		1,449.3	1,307.9
22	Tower	Commercial High Rise		1,449.3	1,307.9
23	Tower	Plant	6	898.4	NA
<b>Total</b>			<b>97.125m</b>	<b>38,311.7m<sup>2</sup></b>	<b>27,628.8m<sup>2</sup> + 69 car parking spaces</b>

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<b>Table 1 Summary of the Proposed Development</b>					
<b>Level</b>	<b>Zone</b>	<b>Use</b>	<b>Height (m)</b>	<b>Gross Building Area (m<sup>2</sup>)</b>	<b>Gross Floor Area (m<sup>2</sup>)</b>
					<b>+ 142m<sup>2</sup> EoT (129 bicycle spaces)</b>

The proposed tower would have a height of 97.125m. Based on the above, the proposed development would exhibit an FSR of 9.94:1, which equates to an exceedance of the current maximum FSR available at the site under the LLEP 2008 by 12.95%.

The proposed Tower would exceed the following LDCP 2008 planning controls:

- Street frontage heights of 16-26m (four-six storeys) along the southern Scott Street boundary, northern Railway Serviceway boundary, and the eastern Bigge Street boundary. This is consistent with the eleven storey Commercial Tower which was approved under the adjoining DA-1070/2015 at 25 Scott Street;
- Maximum building depths above the street frontage height of 30m.
- The maximum GFA per floor of 1,200m<sup>2</sup> above the street frontage height. The GFA of the floorplates has been designed to achieve maximum efficiency in the proposed Commercial Premises/Office Premises floorspace whilst also designing a building which is of manifestly outstanding design, capable of being adequately serviced, and responding to other existing constraints at the site;
- 6m street setback along the north and south boundary between the street frontage height and 45m;
- 6m street setback along the north and south boundary above 45m; and
- 14m side setback along the western and north-eastern boundary above 45m.

It is considered that strict compliance with these LDCP 2008 planning controls would result in a building design at the site with reduced urban design quality and a wedding cake style façade which is out of step with the surrounding streetscape. Boundary setbacks would also effectively sterilise a significant portion of the site, whilst reducing the area available to setback from the local heritage listed Commercial Hotel and preventing the new 1,200m<sup>2</sup> civic space from being realised at the site.

### 3.2.3 New Stables

The proposed development would include the construction of a new two-storey 'Stables' building in the north of the site. The Stables building would provide for ground floor activating land uses such as Food and Drinks Premises and/or Retail land uses. The second storey of the Stables may also provide for Retail land uses or other forms of Commercial Premises.

The Stables building would:

- Be shaped along its northern façade to align with the adjoining building to the north. It would also wrap around the nearby Commercial Hotel at a two-storey scale;
- Be of a similar scale as the local heritage listed Commercial Hotel and the proposed Podium, thereby responding to both of those co-located built-form elements at the site;
- Activate the existing three storey blank wall of, and create space around, the nearby local heritage listed Commercial Hotel;
- Articulate the local heritage listed Commercial Hotel;
- Connect the new civic space to the Bigge Street streetscape; and
- Comprise finishings that are of a similar scale and materiality to the local heritage listed Commercial Hotel whilst maintaining a contemporary quality.

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### 3.2.4 Car Parking and Access

Vehicular access to the site for regular car parking as well as for service and loading vehicles would be via one entry/exit driveway to be constructed off the Railway Serviceway. The proposed development would incorporate two levels of basement car parking with a total of 69 car parking spaces (including four accessible spaces), as well as combined End of Trip Facilities with provision for 129 bicycles (refer to **Figure 24** and **Figure 25**). A separate End of Trip washroom area would be provided within level two of the proposed Podium.

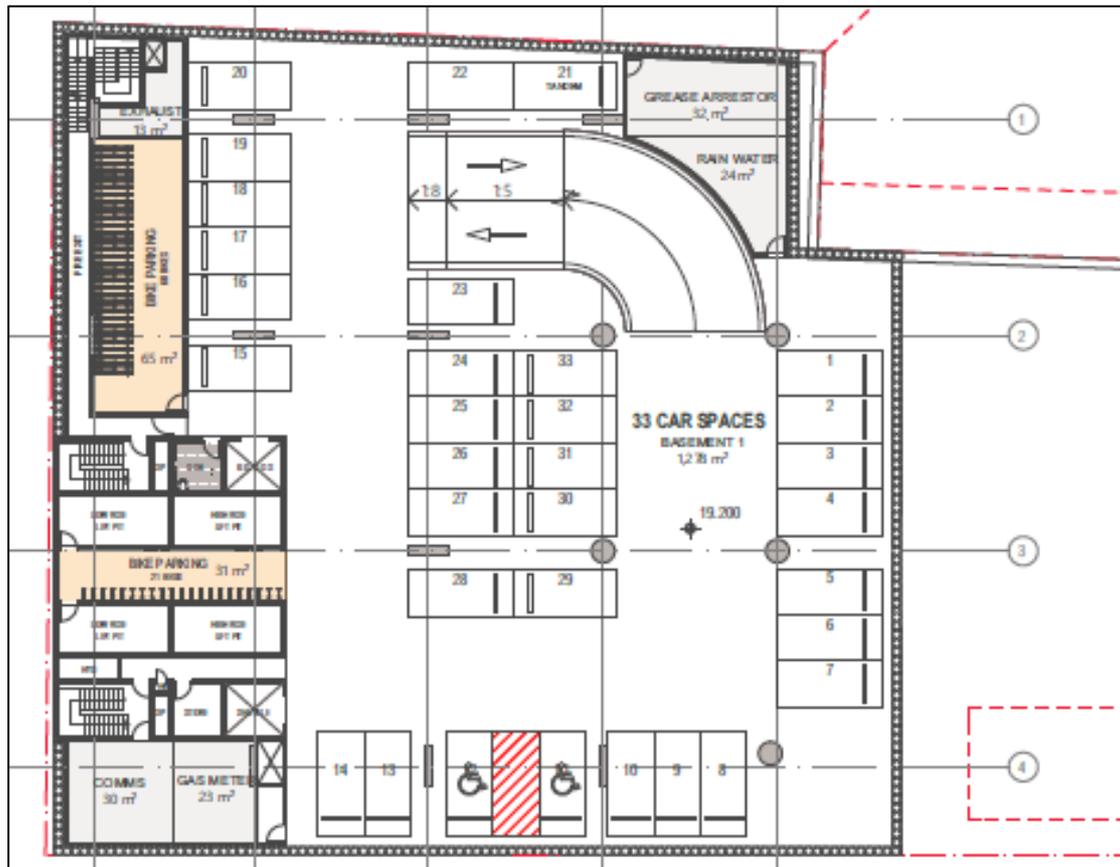
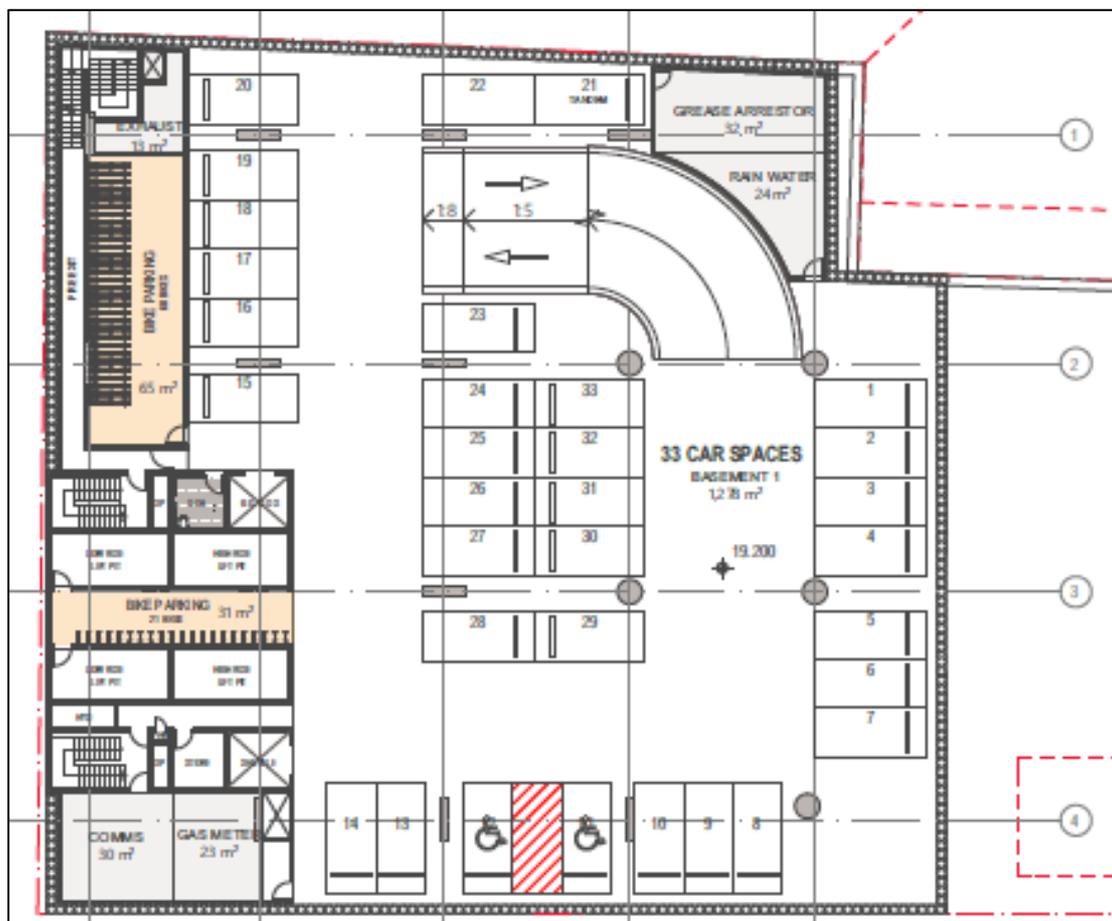


Figure 24 Proposed Basement Level -Two (FK Architects)

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**Figure 25 Proposed Basement Level -One (FK Architects)**

Four of the 69 car parking spaces to be provided at the site would be designed as accessible car parking spaces. This equates to around 5.8% of the total car parking spaces provided, and complies with the requirements of the LDCP 2018.

Given the site's strategic location within 80m of Liverpool Station and 140m within the Liverpool-Paramatta Transitway, it is likely that the majority of patrons to the site would access the proposed development by walking from either of those key public transport nodes.

Under Clause 7.3 of the LLEP 2008, the proposed development is required to provide a minimum of 189 car parking spaces (refer to **Table 5** in **Section 5.2**). However, Mackycorp posits that the requirement to provide 189 car parking spaces at the site is unreasonable and should be waived under Subclause 7.3(3), given that:

- Above-ground car parking was previously considered as an option for the site. However, this received negative feedback from the Urban Design Panel and Liverpool City Council;
- Compliant carparking rates would necessitate additional levels of basement car parking. However, the underlying geological conditions of the site are not favourable for an additional level of basement carparking. From a cost perspective, it is therefore not feasible to deliver the proposed development with additional levels of underground car parking at significant expense due to those geological constraints as such unnecessary costs would be borne by the eventual tenants of the site;
- The proposed development would meet key outcomes for Transit Oriented Development due to its strategic location within 80m of Liverpool Station as well as the

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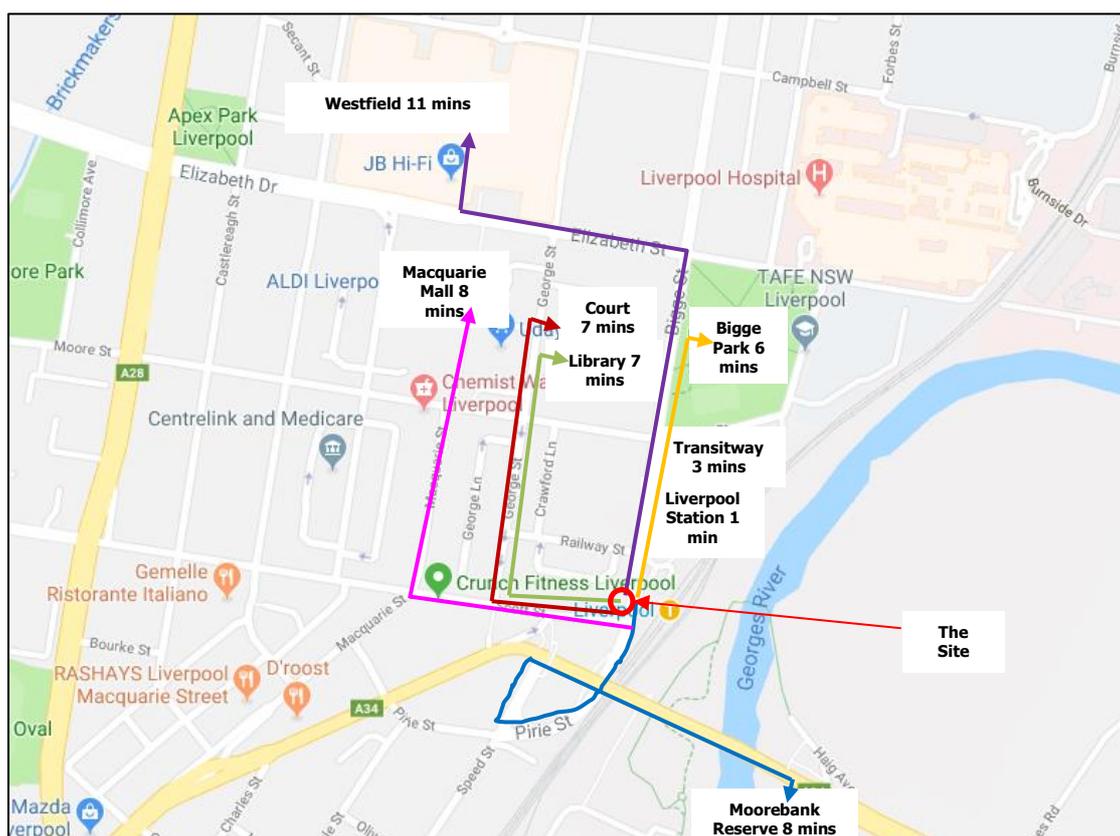
- further creation of through-site linkages connecting to surrounding street blocks. This would reduce the dependency on car travel to access to the site;
- The proposed development would provide End of Trip Facilities, further encouraging other modes of transport to and from the site. Liverpool Station (around 80m from the site) also provides secure bike locking facilities;
  - The nearby Liverpool Station has four platforms meaning that it can serve the:
    - T2 line with services to Central, the City Circle via Granville and Leppington;
    - T5 line with services to Schofields, Richmond and Leppington; and
    - T3 terminating services returning to the City Circle via Bankstown;
  - The site is around 140m from the Liverpool-Parramatta Transitway, which provides significant bus connections throughout the Liverpool and Parramatta CBDs as well as further afield throughout Greater Sydney. Specifically, the Liverpool-Parramatta Transitway provides direct connections to:
    - 801 to Badgerys Creek;
    - 802 to Parramatta via Green Valley;
    - 803 to Miller;
    - 804 to Parramatta via Hinchinbrook;
    - 805 to Cabramatta via Bonnyrigg Heights;
    - 806 to Parramatta via Abbotsbury;
    - 808 to Fairfield via Abbotsbury;
    - 819 to Prairiewood;
    - 823 to Warwick Farm;
    - 827 to Carnes Hill Marketplace via Bonnyrigg Heights;
    - 851 to Carnes Hill Marketplace via Cowpasture Road;
    - 852 to Carnes Hill Marketplace via Greenway Drive and Cowpasture Road;
    - 853 to Carnes Hill via Hoxton Park Road;
    - 854 to Carnes Hill via Greenway Drive and Hoxton Park Road;
    - 855 to Rutleigh Park via Austral and Leppington Station;
    - 856 to Bringelly;
    - 857 to Narellan;
    - 865 to Casula via Lurnea Shops;
    - 866 to Casula;
    - 869 to Ingleburn via Edmondson Park and Prestons;
    - 870 to Campbelltown;
    - 871 to Campbelltown via Glenfield;
    - 872 to Campbelltown via Macquarie Fields;
    - 901 to Holsworthy via Wattle Grove;
    - 902 Holsworthy via Moorebank;
    - 903 Chipping Norton;
    - 904 to Fairfield;
    - M90 to Burwood;
    - N30 from Macarthur to City Town Hall;
    - N50 to City Hall;
    - 1043 Webster Road and Hoxton Park Road to Unity Grammar College; and
    - T80 to Parramatta via T-way;
  - Mackycorp prefers to encourage patrons to access the site by walking from Liverpool Station and/or the Liverpool-Parramatta Transitway as this allows the significant views of the site including the heritage listed Commercial Hotel to be appreciated from the Bigge Street frontage (rather than vehicle access via the Railway Serviceway). It also encourages those accessing the site to patron the ground floor retail land uses which are proposed at the site. It also encourages those accessing the site for work or services to further explore the Liverpool CBD, which is a compact and highly walkable CBD centred around a grid-type pattern. In this manner, patrons of the site can access the Westfield centre within 11 minutes of walking from the site, Bigge Park within 6 minutes of walking from the site, the Liverpool Library within 7 minutes of walking from

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the site, Liverpool Court House within 7 minutes of walking from the site, the pedestrianised Macquarie Mall within 8 minutes of walking from the site, and the Georges River foreshore (Moorebank Reserve) within 8 minutes of walking from the site (refer to **Figure 26**); and

- The site is easily accessible from a range of residential suburbs, including new residential release areas, thereby delivering on the Greater Sydney Commission’s strategic aim of the 30-minute city.



**Figure 26 Walking Catchment of the Site (Google Maps, 2018)**

A Clause 4.6 Variation has also been prepared in support of the proposed development and is included in **Appendix 7**.

### 3.2.5 New Civic Space

The proposed development would create around 1,200m<sup>2</sup> of high quality new plaza-style civic space which relates to both the site’s existing heritage context and the proposed Tower. This civic space would be generously sized. It therefore has the potential to be used for a variety of future events and other such temporary land uses as the need arises (potentially encompassing both public and private events).

On a day-to-day basis, it would provide through-site links in both a north-south and east-west orientation by widening footpaths and improving circulation. Overall, this new civic space coupled with improved site permeability would extend the existing public domain into the site.

The new civic space has been designed as the heart of this new precinct on the site. It would encourage community activation, pedestrian permeability and local amenity, and would also strengthen the existing urban connections. Its highly activated edges would bring a diversity and 24 hour quality to this important site. The proposed Tower Lobby, the new Stables and

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local heritage listed Commercial Hotel would enjoy an outlook and an active relationship with this new civic space, as well as a dynamic relationship with the adjacent streetscapes.

### 3.2.6 Through-Site Linkages

The proposed development would provide through-site links connected to the new civic space (refer to **Section 3.2.5**) in both a north-south and east-west orientation with a minimum width of around 9.5m. These through-site linkages would be largely active along their frontages, and would be open air with public access. Through-site linkages at the site would be visually prominent and well-lit with good accessibility to natural light during daylight hours. They would encompass natural surveillance through community activation, pedestrian permeability, local amenity and strong urban connections.

These through-site links would assist the proposed development in encapsulating Transit Oriented Development principles through its strategic location within 80m of Liverpool Station and 140m of the Liverpool-Parramatta Transitway.

The site is highly walkable in terms of access to the remainder of the Liverpool CBD, including other government, business, commercial and educational land users. Patrons of the site can access various key sites in the Liverpool CBD within 10 minutes of walking (refer to **Figure 26** in **Section 3.2.4**).

### 3.2.7 Earthworks

Enabling earthworks would be undertaken at the site to facilitate the proposed Tower foundations, as well as the two proposed levels of basement carparking. Given that the site is within adjacent Class 1 acid sulfate soils land, acid sulfate soils are likely to be encountered and an acid sulfate soils management plan would therefore be prepared. Excavated materials which are deemed unsuitable for reuse as onsite fill would be transported to an offsite waste facility licensed to deal with that type of waste.

Standard construction management measures are considered adequate to manage potential environmental impacts resulting from these works.

### 3.2.8 Heritage Conservation Works

The proposed development would include the conservation and adaptive reuse of the local heritage listed Commercial Hotel.

### 3.2.9 Signage

This DA also seeks consent for Business Identification Signage at the site.

## 3.3 CONSULTATION

A Pre-Lodgement Meeting was held with Liverpool City Council on 16 May 2018. Relevant matters discussed at this meeting are outlined in **Table 2**.

Table 2 Pre-Lodgement Consultation Matters	
Matter	Response
<b>Planning</b>	
Building Height	Refer to <b>Table 5</b> in <b>Section 5.2</b> .

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<b>Table 2 Pre-Lodgement Consultation Matters</b>	
<b>Matter</b>	<b>Response</b>
Floor Space Ratio	Refer to <b>Table 5</b> in <b>Section 5.2</b> .
Heritage Conservation	Refer to <b>Section 6.1</b> and <b>Table 5</b> in <b>Section 5.2</b> .
Building Separation	Refer to <b>Table 5</b> in <b>Section 5.2</b> and <b>Appendix 7</b> .
Car Parking	Refer to <b>Section 6.15</b> and <b>Table 5</b> in <b>Section 5.2</b> .
Design Excellence in Liverpool City Centre	Refer to <b>Table 5</b> in <b>Section 5.2</b> .
Liverpool Development Control Plan Part 4	Refer to <b>Appendix 5</b> .
Sydney Western City Planning Panel	Refer to <b>Table 4</b> in <b>Section 5.1</b> .
Design Review Panel	Refer to <b>Table 2</b> below in this <b>Section 3.3</b> .
<b>Heritage</b>	
The subject development appears in conflict with current best practice for heritage management and particular advice and guidance provided by the Australian Institute of Architects which states that a development should be in keeping with the bulk, scale and materiality of the heritage context it sits within.	Refer to <b>Section 6.1</b> and <b>Appendix 3</b> .
Concern is raised with the visual impact of significant height and bulk behind the heritage item, which is not a significantly large building within its own right. It is possible that this could be mitigated through the choice of materials and articulation within the built form, but there is always a limit as to what this can achieve.	Refer to <b>Table 5</b> in <b>Section 5.2</b> .
The inclusion within the design of clear breakages at points throughout the building could contribute to reducing the bulk of the proposal and provide a transition between materials which could further reduce the mass of the building. This could be used to provide three distinct forms, thereby limiting the impact of the building if seen as a whole.	Refer to <b>Table 5</b> in <b>Section 5.2</b> .
Separation is going to be critical for this proposal. It is not considered that the proposed 4 metre separation from the heritage item at the rear is going to be sufficient.	Refer to <b>Appendix 1</b> .
Concern is raised of the potential impact of the adjacent “the stables retail” which, in combination with the tower, will start to encircle the heritage item. Consideration may be given to potentially pulling the element back to be in-line with or behind the heritage item, and the height should not be greater than that of the heritage item. The materiality and form of this building is going to be critical, and while the tower may draw of contemporary materials such as reflective glass, this form to the side should draw its material and design inspiration from the heritage item. This would enable the building to sit comfortably behind the item without any major conflicts in design.	Refer to <b>Table 5</b> in <b>Section 5.2</b> .
The conservation of the item needs to form a critical component of this application. The item is in need of serious conservation work and as such the details of this should be included in the	Refer to <b>Section 6.1</b> and <b>Appendix 3</b> .

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<b>Table 2 Pre-Lodgement Consultation Matters</b>	
<b>Matter</b>	<b>Response</b>
<p>development application. This would include the provision of the following:</p> <ul style="list-style-type: none"> <li>▪ Conservation management plan</li> <li>▪ Schedule of conservation works</li> <li>▪ Costed cyclical maintenance plan</li> <li>▪ A statement of heritage impact.</li> </ul> <p>The Conservation Management Plan and Statement of Heritage Impact should also consider the archaeological potential of the site as the surrounding buildings would have had limit sub-surface disturbance.</p>	
<p>The final design, including the conservation and adaptive reuse of the heritage building should be based on the analysis and policies contained within a conservation management plan prepared by an experienced heritage consultant in accordance with the NSW Heritage Division CMP Checklist and the Burra Charter.</p>	<p>Refer to <b>Section 6.1</b> and <b>Appendix 3</b>.</p>
<p>The Conservation Management Plan should consider the potential archaeological significance of the site. As the buildings on the site would have had minimal foundations, there is a potential for evidence relating to previous uses.</p>	<p>Refer to <b>Appendix 3</b>.</p>
<p>The development application is to be accompanied by a finalised conservation management plan, costed schedule of conservation works, costed cyclic 20 year maintenance plan and a heritage interpretation plan.</p>	<p>Refer to <b>Section 6.1</b> and <b>Appendix 3</b>.</p>
<p>A statement of heritage impact should be completed and submitted with the application assessing the impacts of the proposal against the assessed values. The statement of heritage impact should be prepared in accordance with the relevant guidelines of the NSW Heritage Division.</p>	<p>Refer to <b>Section 6.1</b> and <b>Appendix 3</b>.</p>
<p>A schedule of finishes and materials should be submitted to Council. The schedule for the main tower should reflect a recessive and simple style which provides a light form and appearance that sites comfortably behind the heritage item. For the stables building, the materiality should reflect the style of the heritage item with the use of simple and natural materials, as well as brick and glass to create a contemporary structure with a relationship to the old setting.</p>	<p>Refer to <b>Appendix 1</b>.</p>
<p>The proposed design for the tower should provide a series of clear and present breaks in the built form to reduce the bulk of the building. This could be through a combination of vertical and horizontal elements that can visually break the structure of the building into distinct elements, which can be further enhanced through the use of materials.</p>	<p>Refer to <b>Section 3.2.2</b> and <b>Table 5</b> in <b>Section 5.2</b>.</p>
<p>A greater separation than the proposed 4 metres should be considered. A separation of 5 and 10 metres should be considered to ensure a clear visual separation between the new development and the unique structure of the item.</p>	<p>Refer to <b>Appendix 1</b>.</p>
<p>The side stables should be in line with or setback from the front wall of the heritage item. A transition to the adjacent tower development could be provided through landscaping. The new</p>	<p>Refer to <b>Table 5</b> in <b>Section 5.2</b>.</p>

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<b>Table 2 Pre-Lodgement Consultation Matters</b>	
<b>Matter</b>	<b>Response</b>
stables should be of similar scale and bulk to the heritage item and not seek to overpower or dominant.	
<b>Stormwater</b>	
Stormwater drainage for the site must be in accordance with Council's Development Control Plan.	Refer to <b>Section 6.3</b> .
A stormwater concept plan shall be submitted with the application. The stormwater concept plan shall be accompanied by a supporting report and calculations.	
On-site detention is required to be provided for the site.	
The on-site detention system must be within common property and accessible from the street without going through dwellings or private courtyards.	
A water quality treatment device shall be provided in accordance with Council's Development Control Plan.	
<b>Traffic and Access</b>	
The application must demonstrate that access, car parking and manoeuvring details comply with AS2890 Parts 1,2 & 6 and Council's Development Control Plan.	Refer to <b>Section 6.15</b> .
The application shall be supported by turning paths in accordance with AS2890 clearly demonstrating satisfactory manoeuvring on-site and forward entry and exit to and from the public road.	
A comprehensive traffic impact assessment and a parking study, prepared by a qualified traffic engineer.	
<b>Earthworks</b>	
No retaining walls or filling is permitted for this development which will impede, divert or concentrate stormwater runoff passing through the site.	Noted.
Earthworks and retaining walls must comply with Council's Development Control Plan.	Noted.
Proposed fill material must comply with Council's Development Control Plan.	Noted.

A Design Excellence meeting was held with the Design Excellence Panel on 14 June 2018. Relevant discussed at this meeting are outlined in **Table 3**.

<b>Table 3 Design Excellence Panel Meeting</b>	
<b>Matter</b>	<b>Response</b>
Car parking	Refer to <b>Section 3.2.4</b> and the Clause 4.6 Variation in <b>Appendix 7</b> .
Heritage values	Refer to <b>Section 6.1</b> .
Floor Space Ratio	Refer to the Clause 4.6 Variation in <b>Appendix 7</b>
Design Excellence	Refer to <b>Table 5</b> in <b>Section 5.2</b> .
Solar access	Refer to <b>Section 6.6</b> .

As set out below in **Table 5**, Mackycorp has sought an exemption from the Design Competition requirements in consultation with the NSW Government Architect under Subclause 7.5(5) of the LLEP 2008.

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## PART D JUSTIFICATION

### 4.1 JUSTIFICATION AND ALTERNATIVES

The intention of the proposed development is to provide a new landmark building of manifestly outstanding design, driving Commercial Premises land uses within the Liverpool CBD. The proposed development is justified on the basis that it would:

- Provide around 24,232.8m<sup>2</sup> of Net Lettable Office Premises floorspace, thereby responding to the rising demand for office floorspace outside the traditional office centres throughout Greater Sydney, as recognised by the Greater Sydney Commission;
- Potentially contribute to the NSW Government's Decentralisation Program, whereby public sector jobs will be relocated from the Harbour CBD into other parts of Greater Sydney with a particular focus on Western Sydney;
- Constitute Transit Oriented Development, reinforcing the legibility and walkability of the Liverpool CBD whilst delivering on the Greater Sydney Commission's promise of the 30-minute city;
- Constitute a landmark building of manifestly outstanding design, thereby creating significant uplift of the Scott Street Key Site and Bigge Park Conservation Area
- Constitute suitable, adaptive reuse and conservation management of the local heritage listed Commercial Hotel;
- Create a new, high quality plaza-style civic space and through-site linkages;
- Make use of a brownfield site for orderly, economically beneficial development;
- Ensure the site is compatible with the desired future local context and character;
- Have no unacceptable economic, environmental or social impacts; and
- Meet the principles of ecologically sustainable development.

Alternative options which were considered and subsequently dismissed are outlined below.

#### ***(a) 'Do Nothing' Scenario***

This option was dismissed as the proposed development objectives, including the objectives of creating significant uplift for the locality, providing suitable funding opportunities and compatible reuse of the heritage listed Commercial Hotel, and resolving the locality's CPTED issues would not be met.

#### ***(b) Development on an Alternative Site***

Developing an alternative site was not considered to be a feasible alternative. The location of the site was chosen based on various strategic factors, including its location within Scott Street Key Site, the Liverpool CBD and Liverpool Train Station, as well as its co-location with the heritage listed Commercial Hotel. The location creates further opportunities for through-site linkages and Transit Oriented Development outcomes. The location of the site is also near to a range of new residential land release areas, thereby supporting the Greater Sydney Commission's ideal of the 30-Minute City.

The relationship between the proposed Tower and the local heritage listed Commercial Hotel is not something that can be replicated at an alternative site. Indeed, this built-form relationship creates a unique opportunity to create a character destination, further encouraging potential commercial tenants into the Liverpool CBD.

#### ***(c) Different Site Configuration***

The configuration of the proposed development was chosen based on a range of factors, taking into account the following site constraints:

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- The site contains the locally listed heritage item Commercial Hotel (LEP Schedule 5 Item No. 74 – refer to **Figure 7** in **Section 2.1.1**);
- The site contains portions of the locally listed Bigge Park Heritage Conservation Area (LEP Schedule 5 Item No. 72 – refer to **Figure 7** in **Section 2.1.1**);
- The site borders onto another approved commercial tower development (43.3m in height) to the west which has been approved to be constructed with a zero setback along its eastern boundary (at 25, 29 and 33 Scott Street);
- The combined lots at the site function as a 'corner lot' within the Liverpool CDB, around 80m from Liverpool Station, and with primary frontage along both Bigge Street and Scott Street. The site is highly visible from a range of viewpoints. It is therefore important that both the Bigge Street and Scott Street frontages are well articulated with continued focus on the Commercial Hotel; and
- The area in general is subject to some CPTED issues for which Council desires resolution.

Furthermore, this is not the first design which was considered as an option for the site. Indeed, a previous concept design for the proposed development was submitted for the Design Excellence Panel's consideration in September 2017. This 2017 Design Option would have primarily addressed the Scott Street frontage. This design was considered to not adequately address the Bigge Street frontage, and to create an activated ground floor open space. It was also not considered to establish a suitable relationship with the local heritage listed Commercial Hotel.

FK Architects has further considered numerous options for the site in order to best make use of the developable portion of the site whilst respecting the heritage values of the Commercial Hotel. A sample of these options considered by FK Architects is demonstrated in **Figure 27** and **Figure 28** below. This study of various proposed designs for the site led to the following conclusions about the proposed development:

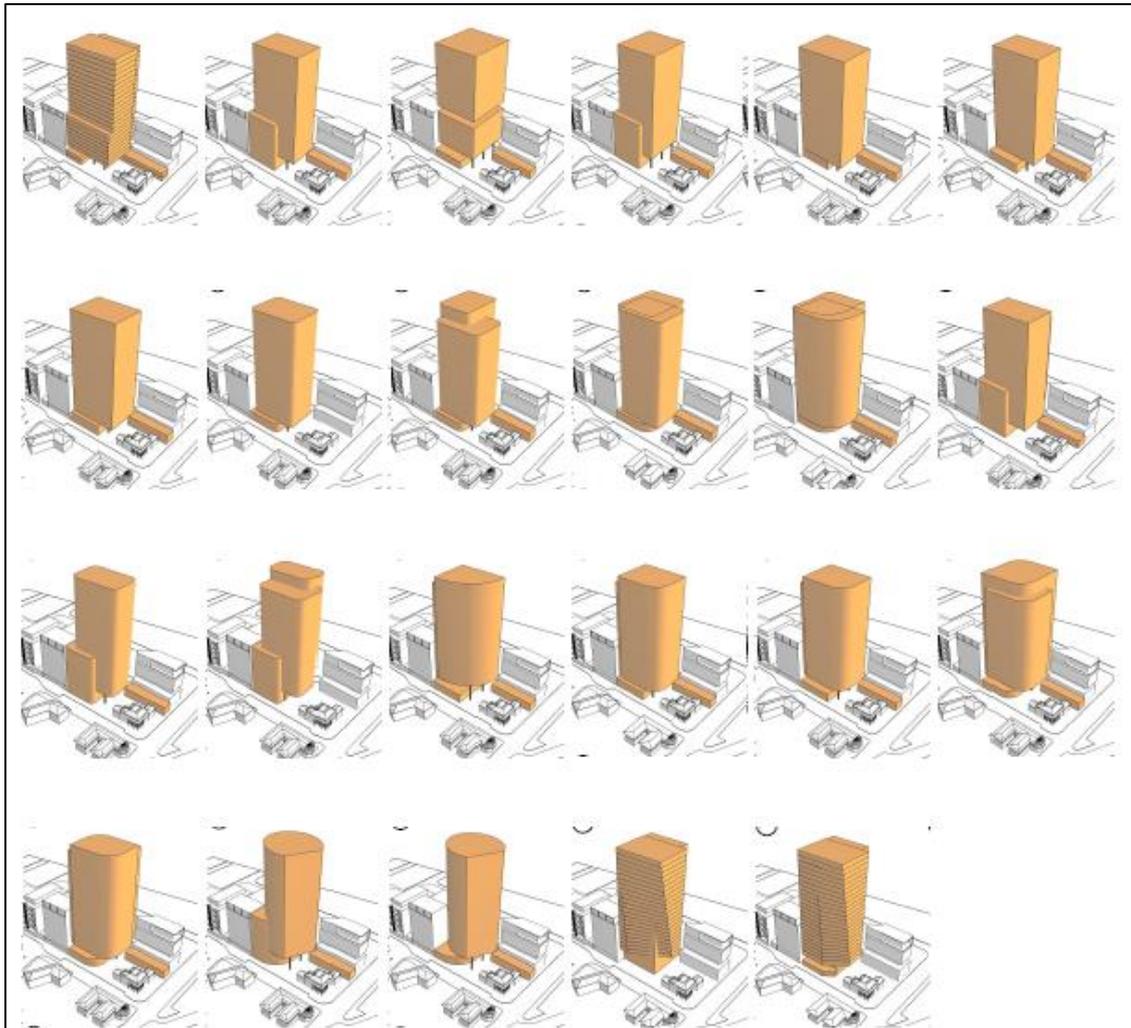
- It would need to act as a regional marker;
- It would be required to terminate the street wall;
- It would need to respond to the local heritage listed Commercial Hotel; and
- It would need to achieve an elegant proportion.

The chosen design for the proposed development was decided based on its contextual urban fit and response to the local heritage listed Commercial Hotel and adjoining heritage cluster across Scott Street to the south. The final design of the proposed Tower has benefited from the following design changes in particular:

- Decreasing the angular building form and softening the proposed Tower to better respond to the proposed Tower's surroundings, including the Scott Street/Bigge Street corner and the intersection of the site with the Railway Serviceway to the north;
- Providing a maximum setback of 13.5m between the proposed Tower's eastern façade and the local heritage listed Commercial Hotel;
- Establishing a 'cornice' setback to the site's northern neighbour to create a comfortable fit whilst also allowing north-western sun into the new civic space;
- Elevating the proposed Podium to respond to the existing height of the local heritage listed Commercial Hotel;
- Creating a break between the street wall and the adjacent commercial tower on Scott Street with a 'book end' to establish a slender and elegant tower; and
- Referencing the height of the adjacent commercial tower on Scott Street with a waistline represent that building's height whilst further extending the existing street wall.

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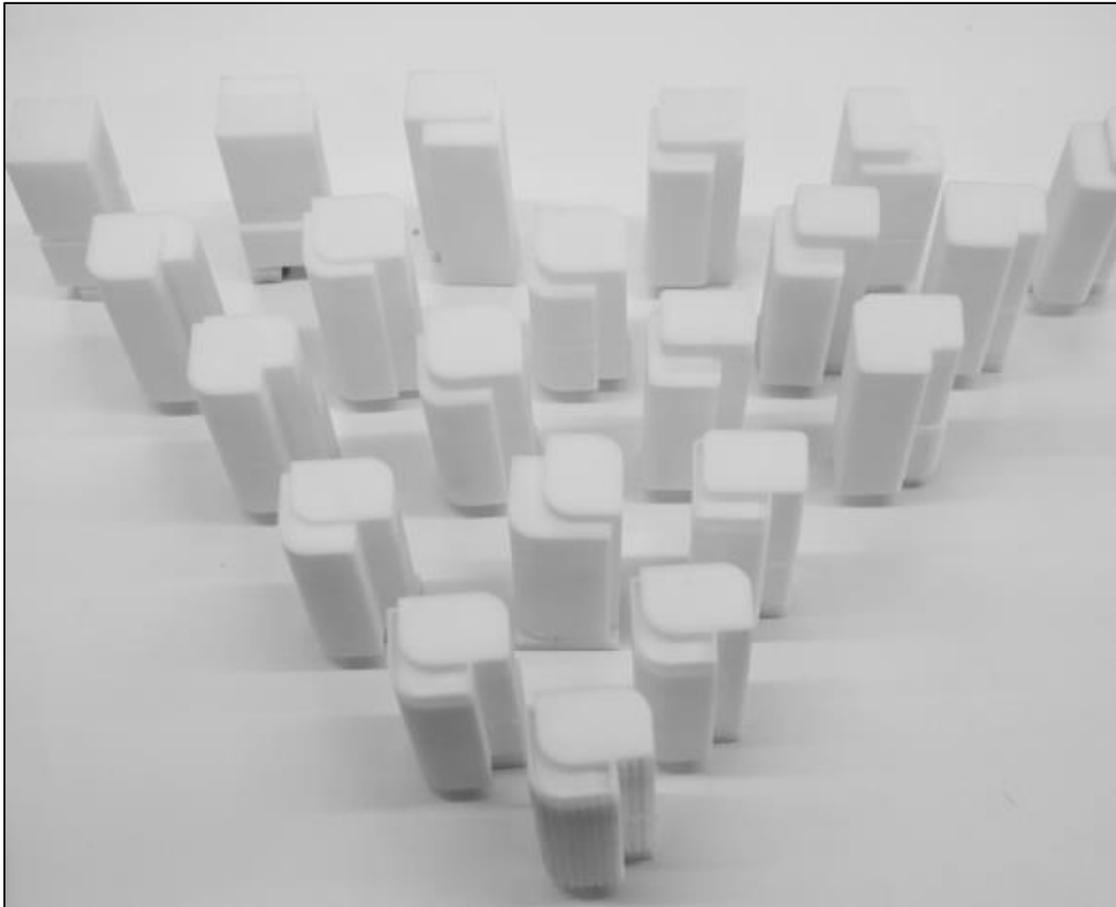
**Figure 27 Urban Fit Analysis (FK Architects, 2018)**

The Tower's core has also been designed to be as slender as practicably possible, and is further articulated with windows to the lift lobbies and bathrooms to reduce the non-activated surfaces. The location of the core and positioning of the floor plate were also key factors in determining the final design of the proposed Tower. The best configuration of the site's floor plates is considered to be with the north-east of the Tower over-looking Georges River and the Liverpool CBD. It would also shade the floor plate from low summer sun in the west. This solid corner core would also allow for a high degree of daylight penetration to the floor plate from all directions. The continuous floor plate would create a dynamic arrival experience for those travelling to the site, connecting the proposed Tower to the Liverpool CBD and Georges River simultaneously.

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**Figure 28 Photo Series of 3D Printed Iteration Models (FK Architects, 2018)**

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## PART E LEGISLATIVE AND POLICY FRAMEWORK

### 5.1 ENVIRONMENT AND PLANNING LAW FRAMEWORK

**Table 4** outlines the current environmental and planning law requirements applying to the proposed development.

<b>Table 4 Environment and Planning Legislation</b>	
<b>Instrument</b>	<b>Application to Proposed Development</b>
<i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act)	The site does not lie in the near vicinity of, and the proposed development does not relate to, any matters of National Environmental Significance protected under the EPBC Act.
<i>Environmental Planning and Assessment Act 1979</i> (EP&A Act)	<p>The default pathway for assessment developments in NSW is under Part 4 of the EP&amp;A Act with the relevant local council (in this instance Liverpool City Council) acting as the consent authority.</p> <p>Development with a Capital Investment Value greater than \$30M automatically falls to be determined by the relevant Planning Panel (in this case the Sydney Western City Planning Panel). Given that the proposed development has a CIV of \$106.6M, the proposed development would ultimately be determined by the Sydney Western City Planning Panel.</p> <p>The proposed development does not meet any of the criteria for assessment as State Significant Development under the EP&amp;A Act.</p> <p>Section 4.15(1) of the EP&amp;A Act requires that, in determining a DA, a consent authority is to consider the following matters as relevant:</p> <ul style="list-style-type: none"> <li>▪ Current or proposed environmental planning instruments, development control plans, planning agreements, the EP&amp;A Regulations, and any coastal zone management plan;</li> <li>▪ The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality;</li> <li>▪ The suitability of the site for the development;</li> <li>▪ Any submissions made in accordance with this Act or the regulations; and</li> <li>▪ The public interest.</li> </ul> <p>The matters listed in the first point above are considered in <b>Table 4</b>, <b>Appendix 5</b> and <b>Appendix 6</b>. The remainder of the matters are dealt with in <b>Part F</b> and <b>Part G</b> of this SEE.</p> <p>Section 4.46 of the EP&amp;A Act provides that development requiring approval under any of the following is integrated development:</p> <ul style="list-style-type: none"> <li>▪ <i>Coal Mine Subsidence Compensation Act 2017</i>;</li> <li>▪ <i>Fisheries Management Act</i>;</li> <li>▪ <i>Heritage Act 1977</i>;</li> <li>▪ <i>Mining Act 199</i>;</li> <li>▪ <i>National Parks and Wildlife Act 1974</i>;</li> </ul>

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<b>Table 4 Environment and Planning Legislation</b>	
<b>Instrument</b>	<b>Application to Proposed Development</b>
	<ul style="list-style-type: none"> <li>▪ <i>Petroleum (Onshore) Act 1991;</i></li> <li>▪ <i>Protection of the Environment Operations Act 1997;</i></li> <li>▪ <i>Roads Act 1993;</i></li> <li>▪ <i>Rural Fires Act 1997;</i> or</li> <li>▪ <i>Water Management Act 2000.</i></li> </ul> <p>As outlined below in this <b>Table 4</b>, the proposed development would not require any approvals under these pieces of legislation. The proposed development is therefore not integrated development</p>
<i>Environmental Planning and Assessment Regulation 2000</i> (EP&A Regulation)	The proposed development does not meet any of the criteria for assessment as Designated Development or Integrated Development under the EP&A Regulation.
<i>Protection of the Environment Operations Act 1997</i> (POEO Act)	<p>Excavated materials which are deemed unsuitable for reuse as onsite fill would be transported to an offsite waste facility licensed to deal with that type of waste.</p> <p>The proposed development would not trigger an Environment Protection Licence.</p>
<i>National Parks and Wildlife Act 1974</i> (NP&W Act)	Given the scale of historical land uses which have taken place at the site, the potential for Aboriginal heritage items to be located at the site is low. Therefore, no further assessment of Aboriginal cultural heritage is required to support the proposed development, and no Aboriginal Heritage Impact Permits are required under section 90 of the NP&W Act (refer to <b>Section 6.13</b> ). This matter would be reassessed in the event that an unexpected find occurs during the proposed development.

## 5.2 LOCAL ENVIRONMENTAL PLANNING FRAMEWORK

**Table 5** outlines the local planning controls which apply to the proposed development.

<b>Table 5 Local Environmental Planning</b>	
<b>Requirement</b>	<b>Application to Proposed Development</b>
<b><i>Liverpool Local Environmental Plan 2010 (LLEP 2008)</i></b>	
<b>B3 Commercial Core</b>	
1. Zone Objectives	<ul style="list-style-type: none"> <li>▪ 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.</li> <li>▪ To encourage appropriate employment opportunities in accessible locations.</li> <li>▪ To maximise public transport patronage and encourage walking and cycling.</li> <li>▪ To strengthen the role of Liverpool city centre as the regional business, retail and cultural centre of south western Sydney.</li> <li>▪ To ensure that, for key land in the Liverpool city centre, opportunities for retail, business and office uses exist in the longer term.</li> <li>▪ To facilitate a high standard of urban design and exceptional public amenity.</li> </ul>

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Table 5 Local Environmental Planning	
Requirement	Application to Proposed Development
	<p>The proposed development would provide significant business, retail, office and entertainment land uses. Specifically, it would create a significant amount of long-term employment floorspace within the Liverpool CBD close to burgeoning residential land release areas. It would meet key outcomes for Transit Oriented Development due to its strategic location within 80m of Liverpool Station as well as the further creation of through-site linkages connecting to surrounding street blocks, and would also be located on a site which is highly walkable in terms of access to the remainder of the Liverpool CBD, including other government, business, commercial and educational land users.</p> <p>Through ground floor streetscape activation and the creation of a new plaza-style space with public access, the proposed development would resolve some of the locality's CPTED issues whilst provide suitable funding opportunities and compatible reuse of the heritage listed Commercial Hotel.</p> <p>The proposed development comprises an outstanding architectural design and would be delivered with quality materials and finishes, further exemplifying quality development and garnering the status of a new landmark building for the Liverpool CBD.</p> <p>Overall, the proposed development would create significant uplift for the Liverpool CBD and is considered to exemplify the objectives of the B3 Commercial Core zone.</p>
2. Permitted without Consent	Nil.
3. Permitted with Consent	<p>Building identification signs; <b>Business identification signs;</b> Centre-based child care facilities; <b>Commercial premises;</b> <b>Community facilities;</b> <b>Educational establishments;</b> <b>Entertainment facilities;</b> Environmental facilities; Environmental protection works; Flood mitigation works; <b>Function centres;</b> Group homes; Helipads; Heliports; Hotel or motel accommodation; Information and education facilities; <b>Medical centres;</b> Passenger transport facilities; Places of public worship; <b>Public administration buildings;</b> Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Veterinary hospitals; Water recreation structures.</p> <p>The proposed development comprises development for a 23 storey commercial tower with associated reuse of the heritage listed Commercial Hotel. These land uses are most appropriately characterised as being for Commercial Premises. A range of other suitable land uses are currently permitted in the B3 Commercial Core land zone which could support alternative uses of commercial floorspace within the finished tower should potential tenants desire to be located at the site.</p>
4. Prohibited	Any development not specified in item 2 or 3.
Clause 2.7 - Demolition Requires	Clause 2.7 provides that demolition of a building or work may only be carried out with development consent. There are existing buildings on the site which would require demolition to facilitate the

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Table 5 Local Environmental Planning	
Requirement	Application to Proposed Development
Development Consent	proposed development. This DA therefore seeks consent for such demolition works.
Clause 4.1 – Minimum Subdivision Lot Size	The proposed development would not involve subdivision of land.
Clause 4.3 – Height of Buildings	The proposed development would be 97.125m in height. This is within the maximum allowable height of 100m under Clause 4.3 of the LLEP 2008.
Clause 4.4 – Floor Space Ratio	<p>The site is mapped under the LLEP 2008 as being subject to a base FSR of 5:1. However, Clause 4.4(2B) of the LLEP 2008 allows the site to achieve an FSR of 8:1 as the site meets the following criteria:</p> <ul style="list-style-type: none"> <li>- Zoned B3 Commercial Core;</li> <li>- Subject to maximum height of 100m; and</li> <li>- Comprising a site area greater than 2,500m<sup>2</sup>.</li> </ul> <p>Clause 7.5 of the LLEP 2008 allows for a further additional 10% of the site's height or FSR or both if design competition requirements are met. This would equate to an overall permissible FSR at the site of 8.8:1. As set out below in this <b>Table 5</b>, Mackycorp has sought an exemption from the Design Competition requirements in consultation with the NSW Government Architect under Subclause 7.5(5) of the LLEP 2008.</p> <p>The site has an area of 2,780m<sup>2</sup> and the proposed development would have a GFA of 27,628.8m<sup>2</sup>. <u>The proposed development would therefore exhibit an FSR of 9.94:1, which equates to an exceedance of the 8:1 FSR control by 24.25%, and of the 8.8:1 Design Competition bonus by 12.95%.</u></p> <p>It is noted that, under Amendment 52 to the LLEP 2008, the site will be subject to a maximum FSR of 10:1 (refer to <b>Appendix 6</b>).</p> <p>These matters are discussed further in the Clause 4.6 Variation which has been prepared in support of the proposed development (refer to <b>Appendix 7</b>).</p>
Clause 4.6 – Exceptions to Development Standards	<p>The proposed development would not comply with the following controls in the LLEP 2008:</p> <ul style="list-style-type: none"> <li>▪ Clause 4.4 Floor Space Ratio;</li> <li>▪ Clause 7.3(2) Car Parking; and</li> <li>▪ Clause 7.4 Building Separation in Liverpool City Centre.</li> </ul> <p>A Clause 4.6 Variation outlining the rationale for these exceedances is contained in <b>Appendix 7</b>.</p>
Clause 5.1 – Relevant Acquisition Authority	The site is not being considered for owner-initiated under the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> .
Clause 5.1A – Development on Land Intended to be Acquired for a Public Purpose	The site is not mapped under the LLEP 2008 as being identified for future public acquisition.
Clause 5.2 – Classification and	The site is not public land.

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Table 5 Local Environmental Planning	
Requirement	Application to Proposed Development
Reclassification of Public Land	
Clause 5.3 – Development Near Zone Boundaries	The site is not located near to a zone boundary.
Clause 5.4 – Controls Relating to Miscellaneous Permissible Uses	The proposed development does not involve any miscellaneous permissible land uses.
Clause 5.6 – Architectural Roof Features	The proposed development (at 97.125m in height) would not exceed the mapped height limit of 100m.
Clause 5.7 – Development Below Mean High Water Mark	The site is not covered by tidal waters.
Clause 5.8 – Conversion of Fire Alarms	The proposed development would not include the conversion of any fire alarms.
Clause 5.10 Heritage Conservation	<p>The site contains the following locally listed heritage items:</p> <ul style="list-style-type: none"> <li>▪ The locally listed heritage item Commercial Hotel (LLEP 2008 Schedule 5 Item No. 74);</li> <li>▪ Portions of the locally listed Bigge Park Heritage Conservation Area (LLEP 2008 Schedule 5 Item No. 72); and</li> </ul> <p>There are several other locally listed heritage items in the near vicinity of the site (refer to <b>Section 2.1.1</b>).</p> <p><b>Section 6.1</b> and <b>Appendix 3</b> outline how the proposed development would not significantly impact on the significance of these heritage items. Rather, the proposed development presents an opportunity to significantly improve the siting of, and to fund the conservation of, the local heritage listed Commercial Hotel. The proposed development would also create significant uplift for the site as it forms a key part of the Bigge Park Heritage Conservation Area.</p> <p>It is proposed to remove the non-heritage listed wings to the Commercial Hotel, and provide a new 'Stables' building with a suitable materials and finishes palette to complement the Commercial Hotel.</p> <p>The proposed development would include various scaled features which would increase focus onto the Commercial Hotel as part of views and vistas to and from the site. These design elements would include:</p> <ul style="list-style-type: none"> <li>▪ Constructing a two storey ground floor Podium responding to the height of the co-located Commercial Hotel;</li> <li>▪ Elevating the height of the proposed Tower above its Podium to create a volume of air space around the co-located Commercial Hotel;</li> <li>▪ Creating space around the Commercial Hotel and connecting the new civic space to Bigge Street and Scott Street;</li> </ul>

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Table 5 Local Environmental Planning	
Requirement	Application to Proposed Development
	<ul style="list-style-type: none"> <li>▪ Removal of the non-original Commercial Hotel wings;</li> <li>▪ Construction of a new two storey 'Stables' building co-located with the Commercial Hotel and the Tower to complete the relationship between the Commercial Hotel, the Heritage Conservation Area, and the proposed Commercial Tower;</li> <li>▪ Shaping the eastern edge of the 'Stables' building to wrap around the nearby Commercial Hotel;</li> <li>▪ Creating around 1,200m<sup>2</sup> of civic space within the Conservation Area and immediately surrounding the Commercial Hotel, highlighting groundfloor space around the Commercial Hotel (being separated from the Podium by around 25m); and</li> <li>▪ Elevating the height of the proposed Tower above its Podium to create a volume of air space around the Commercial Hotel.</li> </ul> <p>The proposed development would see the conservation and continued use of the Commercial Hotel. The most likely reuse for the Commercial Hotel is for Food and Drinks Premises, and potentially also for Office Premises or similar suitable Commercial premises.</p> <p>Further matters with respect to impacts on non-Aboriginal heritage items are discussed in <b>Section 6.1</b>.</p> <p>The site does not contain any Aboriginal heritage items that would be impacted on by the proposed development (refer to <b>Section 6.13</b>).</p>
Clause 5.11 – Bush Fire Hazard Reduction	The proposed development would not require any bushfire hazard reduction.
Clause 5.12 – Infrastructure Development and Use of Existing Buildings of the Crown	The proposed development is not carried out by or on behalf of a public authority.
Clause 7.1 – Objectives for Development in Liverpool City Centre	<p>Clause 7.1 requires the consent authority to be satisfied that a development in the Liverpool city centre is consistent with the relevant objectives for city centre redevelopment as follows:</p> <ul style="list-style-type: none"> <li>▪ The proposed development would not alter the existing Scott Street/Bigge Street/Railway Serviceway layout, and it would be consistent with existing building alignments along these streetscapes;</li> <li>▪ An assessment of the proposed development against sunlight access provisions is provided in <b>Section 6.6</b>;</li> <li>▪ The proposed development would not be undertaken in the vicinity of, and would not impact on the safety performance of, Copeland Street (i.e. the Hume Highway);</li> <li>▪ The proposed development would create around 1,200m<sup>2</sup> of high quality new civic space which relates to both the site's existing heritage context and the proposed Tower. It would provide through-site links in both a north-south and east-west orientation by widening footpaths and improving</li> </ul>

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Table 5 Local Environmental Planning	
Requirement	Application to Proposed Development
	<p>circulation. This new civic space coupled with improved site permeability would extend the existing public domain into the site. Indeed, the proposed Tower's architectural form and materiality would suggest that the public domain is continuous and the continuation of tree plantings along Scott Street would make a natural progression into the site. Overall, the proposed development would also create significant uplift and improved value within the Bigge Park Heritage Conservation Area more generally;</p> <ul style="list-style-type: none"> <li>▪ The proposed development would constitute a landmark building within the Liverpool CBD, addressing the arrival of residents entering Liverpool by road or rail. The Tower's curved glass form would articulate the skyline and the proposed development in total would provide a prominent, quality aesthetic to vistas visible throughout view corridors from Liverpool Station, Light Horse Bridge, Scott Street, Bigge Street and the Railway Serviceway;</li> <li>▪ The proposed development would provide a prominent, quality aesthetic to vistas visible through view corridors from Light Horse Bridge over Georges River; and</li> <li>▪ The proposed development would encapsulate Transit Oriented Development principles through its strategic location within 80m of Liverpool Station as well as the further creation of through-site linkages connecting to surrounding street blocks, and would also be located on a site which is highly walkable in terms of access to the remainder of the Liverpool CBD, including other government, business, commercial and educational land users. This would encourage pedestrian movement towards the Georges River foreshore for leisure and other purposes.</li> </ul> <p>Overall, the proposed development is considered to be consistent with the objectives for development in the Liverpool City Centre.</p>
Clause 7.2 – Sun Access in Liverpool City Centre	These matters are dealt with in <b>Section 6.6</b> .
Clause 7.3 – Car Parking in Liverpool City Centre	<p>For consent to be granted for new GFA on B3 Commercial Core zoned land in the Liverpool City Centre, Subclause 7.3(2) provides that the consent authority must be satisfied that:</p> <ul style="list-style-type: none"> <li>▪ At least one car parking space is provided for every 200m<sup>2</sup> of new ground floor GFA; and</li> <li>▪ At least one car parking space is provided for every 100m<sup>2</sup> of new retail premises GFA; and</li> <li>▪ At least one car parking space is provided for every 150m<sup>2</sup> of new GFA to be used for any other purpose.</li> </ul> <p>However, Subclause 7.3(3) provides the consent authority may waive this requirement where the provision of car parking at the site is not feasible.</p> <p>Clause 7.3(4) provides that existing above-ground and below-ground car parking areas are to be included in a building's GFA for the</p>

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Requirement	Application to Proposed Development
	<p>purposes of determining its car parking requirement under Subclause 7.3(4). For the purposes of calculating the site's car parking requirement under Subclause 7.3(2), the site's standard GFA is the correct GFA to take into consideration.</p> <p>Based on a GFA of 27,628.8m<sup>2</sup>, including a combined ground floor area of 887.8m<sup>2</sup>, the site would be required to provide at least 189 car parking spaces in order to be compliant with Subclause 7.3(2). However, it is proposed to provide 69 car parking spaces at the site along with a combined 142m<sup>2</sup> End of Trip Facility with provision for 129 bicycle spaces.</p> <p>Mackycorp posits that the requirement to provide 69 car parking spaces at the site is unreasonable and should therefore be waived under Subclause 7.3(3).</p> <p>These matters are further discussed in <b>Section 3.2.4</b> and in the Clause 4.6 Variation which has been prepared in support of the proposed development (refer to <b>Appendix 7</b>).</p>
Clause 7.4 – Building Separation in Liverpool City Centre	<p>The proposed development would not achieve the building separation required under Subclause 7.4(2)(d) and (e). Separation distances to be achieved at the site would be as follows:</p> <ul style="list-style-type: none"> <li>▪ Along its western boundary, the proposed Tower would have a zero boundary setback, which would equate to a building separation with the neighbouring commercial tower of less than 200mm (at 25, 29 and 35 Scott Street). This equates to a variation at the 25-45m building height level of around 98.33% and at the 45m and up building height level of around 99.3%;</li> <li>▪ To the east, the proposed Podium would achieve a building separation of around 13.35m to the local heritage listed Commercial Hotel. However, given that the Commercial Hotel is less than 25m in height, Clause 7.4 does not apply to the building separation between it and the proposed Tower;</li> <li>▪ To the north, the proposed Stables building would have a zero boundary setback which would equate to a building separation with the neighbouring commercial tower of less than 500mm (273-259 Bigge Street). However, given that the Stables would have a height of less than 25m, Clause 7.4 does not apply to the building separation between it and the 273-259 Bigge Street neighbour; and</li> <li>▪ To the north, the proposed Tower would achieve a building separation of around 10.46m from the neighboring commercial tower (273-259 Bigge Street). This equates to a variation at the 25-45m building height level of around 12.83% and at the 45m and up building height level of around 62.64%.</li> </ul> <p>These matters are discussed further in <b>Appendix 7</b>.</p>

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Requirement	Application to Proposed Development
<p>Clause 7.5 – Design Excellence in Liverpool City Centre</p>	<p>Clause 7.5(2) of the LLEP 2008 requires that the consent authority consider how the proposed development exhibits design excellence. As response to these matters is provided as follows:</p> <ul style="list-style-type: none"> <li>▪ The proposed development would comprise a manifestly outstanding built form design, including quality materials and finishes to complement the site’s heritage context whilst providing general site uplift;</li> <li>▪ The proposed development would create around 1,200m<sup>2</sup> of high quality new civic space which relates to both the site’s existing heritage context and the proposed Tower;</li> <li>▪ The proposed development would open up views to the local heritage listed Commercial Hotel;</li> <li>▪ The proposed development would constitute a landmark building within the Liverpool CBD, addressing the arrival of residents entering Liverpool by road or rail. The Tower’s curved glass form would articulate the skyline and the proposed development in total would provide a prominent, quality aesthetic to vistas visible throughout view corridors from Liverpool Station, Light Horse Bridge, Scott Street, Bigge Street and the Railway Serviceway;</li> <li>▪ The proposed development would not cause overshadowing for Bigge Park, Liverpool Pioneers’ Memorial Park, Apex Park, St Luke’s Church Grounds and Macquarie Street Mall;</li> <li>▪ The proposed development is generally consistent with the relevant provisions of LDCP2008. <b>Appendix 5</b> considers these development controls in more detail. <b>Appendix 6</b> considers the proposed development against Amendment 52;</li> <li>▪ The suitability of the site for the proposed development is summarised in <b>Section 7.1</b>;</li> <li>▪ Existing and proposed land uses at the site are outlined in <b>Sections 2.1</b> and <b>3.2</b>;</li> <li>▪ The proposed development responds to heritage constraints at the site as outlined above in this <b>Table 4</b> in response to Clause 5.10 Heritage Conservation;</li> <li>▪ The Tower would be articulated to provide a high level of activation from its western boundary, including with a glass façade. The Tower’s core has also been designed to be as slender as practicably possible, and is further articulated with windows to the lift lobbies and bathrooms to reduce the non-activated surfaces. With reference to the adjoining commercial tower on Scott Street, the proposed Tower would complete the street wall. The separation between these two towers would help to distinguish the proposed development with a slender and elegant tower. Further reference to the neighbouring Scott Street tower would be achieved through the proposed Tower’s waistline corresponding to the height of this neighbouring tower to the west. The relatively short building setback is preferred to avoid the creation of a quasi through-site link which would be lacking in ground-level activation (as such activation was not incorporated into the neighbouring Scott Street DA);</li> </ul>

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Requirement	Application to Proposed Development
	<ul style="list-style-type: none"> <li>▪ The Tower would have a curved shape along its eastern facade to respond to the local heritage listed Commercial Hotel. This curvature further addresses the Scott Street/Bigge Street corner whilst reducing the Tower's weight and appearance. It would also allow sunlight into the southern side of the street;</li> <li>▪ <b>Section 3.2</b> contains a discussion of proposed street frontage heights at the site;</li> <li>▪ <b>Part F</b> sets out how the proposed development responds to matters of sustainable design, overshadowing, wind and reflectivity;</li> <li>▪ <b>Section 7.2</b> explains how the proposed development meets the principles of ecologically sustainable development;</li> <li>▪ The proposed development would establish new through-site linkages to promote pedestrian permeability and legibility throughout the site and within the Liverpool CBD more generally. The proposed development would include a combined 142m<sup>2</sup> End of Trip facility with provision for 129 bicycles to encourage cyclist patronage of the site. Level one of the Podium would include back of house areas adjacent to the Railway Serviceway allowing convenient access for servicing and maintenance. This would include provision for electrical, mechanical, gas and water, switch room and substation. The Tower ground floor would include car parking and loading dock entry off the Railway Serviceway, as well as areas for security, HV, waste bin storage, loading docks and courier loading areas, as well as the general lobby with a supporting commercial/retail area and access to the elevator lobby; and</li> <li>▪ The proposed development would create around 1,200m<sup>2</sup> of high quality new plaza-style civic space which would create significant uplift for the locality. The proposed development would there significantly improve the public domain.</li> </ul> <p>Under Subclause 7.5(2), consent may not be granted for a new building construction in the Liverpool city centre unless the consent authority considers that the development exhibits design excellence. The proposed development is considered to exhibit design excellence on the basis that:</p> <ul style="list-style-type: none"> <li>▪ The chosen architect, Fender Katsalidis Architects, has an outstanding track record of designing unique and quality commercial tower developments;</li> <li>▪ The proposed development as designed by FK Architects would constitute a manifestly outstanding building at the site;</li> <li>▪ The proposed development would achieve design excellence due to the proposed high quality of the building's layout and finishes; and</li> <li>▪ A comprehensive Heritage Conservation Management Plan has been prepared by Heritage21 to guide the ongoing maintenance of the Commercial Hotel, as well as its</li> </ul>

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<b>Requirement</b>	<b>Application to Proposed Development</b>
	<p>integration into the proposed development (refer to <b>Appendix 3</b>).</p> <p>Mackycorp has therefore sought an exemption from the NSW Government Architect from having to undertake the formal Design Competition requirements under Clause 7.5(4) of the LLEP 2008.</p>
Clause 7.6 – Environmentally Significant Land	The site is not mapped as containing environmentally significant land under Clause 7.6 of the LLEP 2008.
Clause 7.7 – Acid Sulfate Soils	<p>The site is mapped as containing Class 5 acid sulfate soils. Under Clause 7.7 of the LLEP 2008, consent is required for development on Class 5 acid sulfate soils where those works are:</p> <ul style="list-style-type: none"> <li>▪ Within 500m of adjacent Class 1, 2, 3, or 4 land; and</li> <li>▪ On land 5m below AHD; and</li> <li>▪ Where the watertable is likely to be lowered below 1m AHD on that adjacent Class 1, 2, 3 or 4 land.</li> </ul> <p>Given that the site is within adjacent Class 1 acid sulfate soils land, acid sulfate soils are likely to be encountered and an acid sulfate soils management plan would therefore be prepared.</p>
Clause 7.8 – Flood Planning	The site is not mapped by Liverpool City Council as being floodprone.
Clause 7.8A – Floodplain Risk Management	The site is not mapped by Liverpool City Council as being floodprone.
Clause 7.9 – Foreshore Building Line	The site is not mapped as containing any foreshore building line.
Clause 7.14 Minimum Building Street Frontage	Clause 7.14 provides that consent may not be granted to development for any building on land zoned B3 Commercial Core unless the site has at least one street frontage to a public street (excluding service lanes) of at least 24m. The proposed development has a street frontage along Scott Street of around 70m, which meets this requirement.
Clause 7.17 Airspace Operations	The site is understood to be subject to a PANS-OPS height limitation of 102m. The proposed development would involve a building height of 97.125m.
Clause 7.18 – Development in Areas Subject to Potential Airport Noise	These matters are dealt with in <b>Section 6.4</b> .
Clause 7.20 – Council Infrastructure Development	Clause 7.20 does not apply to the proposed development as it has a CIV greater than \$1M.
Clause 7.31 – Earthworks	<p>Clause 7.31 sets out considerations for the consent authority prior to granting consent for earthworks. These matters are responded to as follows:</p> <ul style="list-style-type: none"> <li>▪ The proposed development would not have a detrimental effect on drainage patterns and soil stability in the locality</li> </ul>

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	<p>which would prevent future developments from being undertaken in the Liverpool city centre;</p> <ul style="list-style-type: none"> <li>▪ As outlined in <b>Table 6</b> in <b>Section 5.3</b> and in <b>Section 6.2</b>, potential matters of contamination would be dealt with at the site as part of future investigations;</li> <li>▪ Excavated materials which are deemed unsuitable for reuse as onsite fill would be transported to an offsite waste facility licensed to deal with that type of waste. The balance of any fill materials required to be brought onsite to facilitate the proposed development would comprise clean fill only;</li> <li>▪ As outlined in <b>Table 5</b> in <b>Section 5.2</b> and in <b>Section 6.1</b>, the proposed development would not negatively impact on the local heritage listed Commercial Hotel and Bigge Park Conservation Area at the site, and would also not cause significant impacts for other local heritage listed items in the vicinity of the site;</li> <li>▪ As outlined in <b>Section 6.13</b>, the proposed development is unlikely to impact on items of Aboriginal heritage; and</li> <li>▪ The site is more than 150m from the nearest watercourse (Georges River). The site is physically separated from Georges River by streets and the Main South Railway Line. The proposed development would therefore not impact on the quality or function of Georges River or any of its tributaries. The site is also located in the near vicinity of any environmentally sensitive areas; and</li> <li>▪ Standard construction management measures would mitigate any temporary impacts to surrounding receivers as a result of earthworks undertaken to facilitate the proposed development.</li> </ul> <p>Overall, the proposed development is considered consistent with Clause 7.31.</p>
Schedule 1 – Additional Permitted Uses	There are no additional permitted uses under Schedule 1 to the LLEP2008 which would apply to the site or the proposed development.
Schedule 2 – Exempt Development	There are no forms of exempt development specified in Schedule 2 of the LLEP2008 which apply to the site or the proposed development.
Schedule 3 – Complying Development	There are no forms of complying development specified in Schedule 3 of the LLEP2008 which apply to the site or the proposed development.
Schedule 4 – Classification and Reclassification of Public Land	The site is not recognized under Schedule 4 of the LLEP2008 as being operational or community land.
Schedule 5 – Environmental Heritage	<p>The site contains the following locally listed heritage items:</p> <ul style="list-style-type: none"> <li>▪ The locally listed heritage item Commercial Hotel (LLEP 2008 Schedule 5 Item No. 74); and</li> <li>▪ Portions of the locally listed Bigge Park Heritage Conservation Area (LLEP 2008 Schedule 5 Item No. 72).</li> </ul>

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	There are several other locally listed heritage items in the near vicinity of the site (refer to <b>Section 2.1.1</b> ).
Schedule 6 – Exempt Trees	Vegetation to be used for landscaping at the site would not comprise any exempt trees listed in Schedule 6 of the LLEP 2008.
Liverpool Development Control Plan 2008 (LDCP2008)	
Part 1 – General Controls for all Development	The proposed development is generally consistent with the general provisions of LDCP2008. <b>Appendix 5</b> considers the relevant development controls in more detail.
Part 4 – Development in City Centre	The proposed development is generally consistent with the specific provisions of LDCP2008 which relate to development in the City Centre. <b>Appendix 5</b> considers the relevant development controls in more detail.

### 5.3 ENVIRONMENTAL PLANNING POLICY FRAMEWORK

**Table 6** outlines the State Environmental Planning Policies and Regional Environmental Plans which apply to the proposed development.

Table 6 State Environmental Planning Policies and Regional Environmental Plans	
Instrument	Application to Proposed Development
<i>State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)</i>	Schedule 7 of SRD SEPP sets out those types of development which are considered to be Regionally Significant and therefore fall to be ultimately determined by the relevant Planning Panel (in this case the Sydney Western City Planning Panel). Item 2 of Schedule 7 relates to general development with a CIV greater than \$30M. As the proposed development has a CIV of \$106.6M, it therefore meets the classification of Regionally Significant Development and would be ultimately determined by the Sydney Western City Planning Panel.
<i>State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)</i>	The Phase One Contamination Investigation undertaken for the site (refer to <b>Section 6.2</b> and <b>Appendix 4</b> ) indicates that the site has the potential to contain some contaminants. A Phase Two Contamination Investigation would therefore be undertaken to support the proposed development.
<i>State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)</i>	The proposed development would create around 27,628.8m <sup>2</sup> of commercial GFA. The proposed development is therefore over the 10,000m <sup>2</sup> commercial premises trigger for Traffic Generating Development under Schedule 3 of ISEPP. This DA would therefore require a referral to be made to the RMS.
<i>Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment (Georges River REP)</i>	The site is located in the Georges River Catchment, and is therefore subject to the Georges River REP. Clause 7 of the Georges River REP requires a consent authority determining a development application to consider the General Principles and the Specific Planning Principles. The Principles are responded to as follows: <ul style="list-style-type: none"> <li>▪ The site is more than 150m from the nearest watercourse (Georges River). The site is physically separated from Georges River by streets and the Main South Railway Line. The proposed development would therefore not impact on the quality or function of Georges River or any of its tributaries;</li> </ul>

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Table 6 State Environmental Planning Policies and Regional Environmental Plans	
Instrument	Application to Proposed Development
	<ul style="list-style-type: none"> <li>▪ The proposed development would not contribute to any cumulative activities impacting on the Georges River or its tributaries;</li> <li>▪ Given the type and location of the proposed development, there is no need to further consider any River or Water Management Plans or the Georges River Catchment Regional Planning Strategy;</li> <li>▪ The proposed development has been assessed against all relevant State Government policies, manuals and guidelines throughout this SEE and its Appendices;</li> <li>▪ <b>Section 4.1</b> of this SEE sets out the reasons why alternative options for the proposed development were assessed and ultimately dismissed;</li> <li>▪ <b>Section 6.14</b> of this SEE deals with potential acid sulfate soils matters;</li> <li>▪ The proposed development would not involve any bank disturbances;</li> <li>▪ The site is not mapped by Liverpool City Council as being floodprone;</li> <li>▪ The proposed development would not involve any industrial discharges;</li> <li>▪ <b>Section 6.14</b> of this SEE sets out appropriate ways of managing erosion and sediment impacts which may otherwise result from the construction of the proposed development;</li> <li>▪ The proposed development would not involve any:               <ul style="list-style-type: none"> <li>○ On-site sewage management;</li> <li>○ River-related land uses; or</li> <li>○ Sewer overflows;</li> </ul> </li> <li>▪ The stormwater management system proposed for the site would not lead to contaminated runoff leaving the site and entering the Georges River; and</li> <li>▪ The site is not located in the vicinity of any wetlands.</li> </ul> <p>Overall, the proposed development is considered consistent with the Georges River REP.</p>
<i>State Environmental Planning Policy (Coastal Management) (Coastal SEPP)</i>	Under Coastal SEPP, the site is mapped as being around 93m from the nearest Coastal Environmental Area. As such, no further consideration of Coastal SEPP is required.

## 5.4 STRATEGIC PLANNING FRAMEWORK

This **Section 5.4** outlines the strategic planning context of the site.

### 5.4.1 A Plan for Growing Sydney

*A Plan for Growing Sydney* (The Plan) identifies Liverpool as one of Sydney's Strategic Centres within the Southwest Subregion. The Plan recognises residents in Western Sydney as being more dependent on cars for transport than other parts of the city, with the average vehicle km travelled by Campbelltown and Liverpool residents being twice that of inner city/eastern suburbs residents. The proposed development would encapsulate the principles of Transit

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Oriented Development by being linked to the nearby Liverpool Station and Liverpool-Parramatta Transitway. It would also create a significant amount of long-term employment floorspace within the Liverpool CBD close to burgeoning residential land release areas. The proposed development would therefore reduce over-reliance on car travel for those accessing the site for employment and other purposes.

The Plan explains how Western Sydney's knowledge economy is growing, and that delivering new office markets within Western Sydney's strategic centres is required through coordinated planning and public transport initiatives. This is particularly important as demand for office space has overflowed from the CBD during the last decade. Furthermore a good supply of commercial office space and retail spaces in vibrant centres are recognised to increase job opportunities and encourage a productive economy.

Action 1.7.4 of The Plan refers to the continued growth of Penrith, Liverpool and Campbelltown-Macarthur as regional city centres supporting their surrounding communities. As the North West and South West Growth Centres continue to be a focus for greenfield development, new communities in these areas will need to access a broad range of services. Penrith will play an important role in servicing communities in the North West Growth Centre, and Liverpool and Campbelltown.

In understanding the keys to success for Western Sydney, The Plan recognises how it is important to foster economic development in strategic centres and transport gateways in Western Sydney. Liverpool itself is identified as a major focus for jobs and services for jobs and services for those outer suburban communities.

The proposed development would assist with the Liverpool strategic centre growing to its full potential.

Specific aims for Liverpool under The Plan include:

- Work with council to retain a commercial core in Liverpool, as required, for long-term employment growth;
- Work with council to provide capacity for additional mixed-use development in Liverpool including offices, retail, services and housing;
- Work with council to investigate potential future uses of land located east of Georges River and north of Newbridge Road;
- Support health-related land uses, infrastructure and conference facilities around Liverpool Hospital and Bigge Park;
- Work with council to improve walking and cycling connections to Liverpool train station from east of the train line; and
- Work with council to improve walking and cycling connections between Liverpool and the Georges River.

The proposed development directly responds to the first two aims listed above by strengthening Liverpool's commercial core for long-term employment growth and providing significant new commercial office floorspace within the Liverpool CBD. The proposed development would also create new through-site linkages connecting the site to the surrounding street blocks and increasing access to the remainder of the Liverpool CBD, including other government, business, commercial and educational land users.

A more general aim under The Plan is to grow strategic centres by providing more jobs closer to home. Ways of meeting this aim under The Plan include:

- Investing in strategic centres across Sydney to grow jobs and housing and create vibrant hubs of activity; and

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- Continuing to grow Penrith, Liverpool and Campbelltown-Macarthur as regional city centres supporting their surrounding communities.

The proposed development directly responds to this requirement for creating jobs closer to where people live.

### 5.4.2 NSW 2021

The proposed development is consistent with the five key strategies of:

- Rebuilding the economy;
- Returning quality services;
- Renovating infrastructure;
- Strengthening our local environment and communities; and
- Restoring accountability to government.

The Chapter on Rebuilding the Economy is most relevant to the proposed development as it provides objectives for achieving growth and prosperity. The plan makes a commitment that supports large and small businesses and describes the importance of the private sector's role in maintaining and creating highly productive jobs underpinning the State's ability to realise higher standards of living for all people.

The proposed development would positively contribute to the economy and support the continued viability of office-based and other supporting commercial land uses in NSW through creating significant new floorspace for those land uses to take place near to where people live.

### 5.4.3 A Metropolis of Three Cities

A Metropolis of Three Cities identifies Liverpool as part of the new Western Parkland City, which will include the four clustered centres of Liverpool, Greater Penrith, Campbelltown-Macarthur and the new Western Sydney Airport. The Metropolis Plan states how the commercial, health and education assets of these cluster centres will support their growing communities. Their importance in providing a focus for commercial activities and population services as the Western Parkland City develops over the next 20 years cannot be overstated. There is an opportunity to substantially enhance the city's economic growth through development of these cluster centres as a ring of university towns, building on the existing tertiary facilities in each.

The Metropolis Plan specifically identifies how, as Greater Sydney's population grows over the next 20 years, there will be a need for over 5M m<sup>2</sup> of additional retail floor space and stand-alone office developments to accommodate a significant increase in office jobs. For Greater Sydney to remain competitive, the market needs to be able to deliver this floor space in an efficient and timely manner. Furthermore, the majority of Greater Sydney's standalone office market is located in the nine centres of:

- Harbour CBD and North Sydney;
- St Leonards;
- Chatswood;
- Macquarie Park;
- Norwest;
- Parramatta CBD;
- Sydney Olympic Park;
- Rhodes; and
- Green Square – Mascot.

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However, an overflow of office space remains due to a range of planning, economic and market factors. The Metropolis Plan therefore recognises the retention and growth of existing and new commercial office precincts as essential to grow jobs and Greater Sydney's global competitiveness into the future. Indeed, the Metropolis Plan states that the importance of the cluster centres in providing a focus for commercial activities and population services as the Western Parkland City develops over the next 20 years cannot be overstated.

This is furthermore in line with the NSW Government's Decentralisation Program, whereby public sector jobs will be relocated from the Harbour CBD into other parts of Greater Sydney with a particular focus on Western Sydney. Liverpool is one of the cities targeted for relocation of some of the 3,000 NSW Public Sector jobs which would fall under this scheme. The aim of this Decentralisation Program is to stimulate economic growth, long-term job generation and provide jobs closer to where people live.

The proposed development is therefore wholly aligned with the Greater Sydney Commission's vision and the NSW Government's aim of establishing new commercial office premises within the Liverpool CBD. In fact, the proposed development is of such a scale so as to make it crucial to the delivery of this vision on behalf of the State Government and the Greater Sydney Commission.

The Metropolis Plan further recognises how Liverpool will become even better connected to the existing rail network, which will leverage associated benefits to drive its education and commercial sector strengths. The proposed development, as Transit Oriented Development, would further encourage patronage of this existing public transport network.

Given its appropriate reuse of the local heritage listed Commercial Hotel, as well as its appropriate design response to the surrounding local heritage context including the Bigge Park Conservation Area, the proposed development would also deliver Objective 13 of the Metropolis Plan by identifying, conserving and enhancing environmental heritage.

### **5.4.4 Western City District Plan**

The Western City District Plan describes the population of the Western Parkland City being projected to grow from 740,000 in 2016 to 1.1M by 2036, and to well over 1.5M by 2056. This city will be established on the strength of the new Western Sydney Airport as a polycentric city capitalising on the established centres of Liverpool, Greater Penrith and Campbelltown-Macarthur. This makes Liverpool one of the four clustered centres which will deliver the metropolitan functions of providing concentrations of higher order jobs and a wide range of goods and services for the Western Parkland City.

The proposed development is considered to be critical component in the delivery of new higher order jobs and related services to support the burgeoning Western Parkland City, as it would provide around 24,232.8m<sup>2</sup> of Net Lettable Office Premises floorspace within the Liverpool CBD.

Given the Liverpool CBD's location in the vicinity of existing residential areas and new urban release areas, the proposed development would assist in delivering the Greater Sydney Commission's strategic aim of the 30-minute city by increasing commercial employment floorspace within the metropolitan clusters, including the Liverpool CBD.

### **5.4.5 Future Transport Strategy 2056**

Future Transport Strategy 2056 identifies the importance of transport interchanges as places which will have a high level of accessibility as service frequencies and travel times are improved. There will be potential for interchanges to deliver mixed-use, walkable, cycle-friendly centres and neighbourhoods. The proposed development would encourage patronage of the Liverpool-

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Parramatta Transitway which is around 140m away and provides significant bus linkages throughout the Liverpool and Parramatta CBDs as well as further afield throughout Greater Sydney. It is also around 80m from Liverpool Station on the Main South Line with rail connections throughout Greater Sydney and beyond.

Further Greater Sydney initiatives for investigation within Liverpool include:

- Infrastructure to support Rapid Bus Connections and Improved Bus Connections between Western Sydney Airport – Badgerys Creek Aerotropolis and Penrith, Liverpool, Blacktown and Campbelltown – Macarthur;
- Safe cycleway network within 10km of Greater Penrith, Liverpool, Campbelltown-Macarthur and Western Sydney Airport Aerotropolis Corridor protection for higher speed connections;
- Sydney Metro City and Southwest Extension to Liverpool; and
- M5 motorway extension from Liverpool to Outer Sydney Orbital.

The proposed development would benefit from these abovementioned initiatives.

### **5.4.6 Western City Deal**

The proposed development would benefit from the Western City Deal, agreed between the Commonwealth and State Governments, as well as the eight Western City Local Councils. The Western City Deal aims to establish the Western Sydney Investment Attraction Office in Liverpool to attract domestic and international investment. This is based on the premise that the Australian Governments \$5.3B investment in Western Sydney Airport will create opportunities for Western Sydney businesses and communities.

Under the Western City Deal, the proposed development would also benefit from the NSW Government's proposed rapid bus services from the metropolitan areas of Penrith, Liverpool and Campbelltown to Western Sydney Airport, and to the Aerotropolis.

### **5.4.7 Liverpool Civic Place**

The proposed development would benefit from its strategic location around 147m east of the proposed Liverpool Civic Place at 52 Scott Street. Liverpool Civic Place aims to anchor and activate the southern end of the Liverpool CBD. This is envisaged to include:

- New Council offices and Chambers;
- A new Liverpool City Centre Library
- South Western Sydney Campus for University of Wollongong;
- Council and public parking;
- A new and exciting Civic Plaza;
- Residential apartments in two towers;
- Student accommodation providing approximately 140 rooms; and
- A hotel with approximately 140 rooms.

The Council facilities and University of Wollongong campus are set for completion in 2019.

The strategic location of the site would mean that the proposed development would benefit from easy access to this new, significant public and private investment for the Liverpool CBD.

## **5.5 PLANNING AGREEMENTS FRAMEWORK**

There are no planning agreements which currently apply to the site.

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### **5.6 DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS**

A current Council-led Planning Proposal is being assessed (*Liverpool Local Environmental Plan 2008* (Amendment No 52) – Proposed rezoning of Liverpool City Centre Commercial Core from B3 Commercial Core to B4 Mixed Use). An accompanying *Draft Liverpool Development Control Plan 2008 Part 4 Development in Liverpool City Centre* is also currently available for public viewing. The proposed development is generally consistent with the general provisions of Amendment 52 and its accompanying Draft DCP. **Appendix 6** considers the relevant development controls in more detail.

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## PART F ENVIRONMENTAL ASSESSMENT

### 6.1 HERITAGE

A Preliminary Heritage Impact Assessment has been prepared in support of the proposed development and is included in **Appendix 3**.

With respect to the local heritage listed Commercial Hotel, the Preliminary Heritage Impact Assessment makes the following findings:

- The proposed development does not intend to alter the historic setback of this heritage item from Bigge Street and Scott Street;
- The majority of the proposed development would modify later additions which detract from the main three-storey section and would result in a more sympathetic street frontage and relationship with the new development to the original c. 1880s hotel;
- The proposed development has the potential to reinstate elements of the original Late Victorian façade after removal of the emergency staircase and reinstating original windows and secondary access door along the Scott Street façade;
- The proposed development intends to conserve and maintain the original fabric of the building;
- The proposed development intends to upgrade the Building Code of Australia, Fire Safety and access to the Commercial Hotel and to this ensure that it is easily accessible and safer for use under the current provisions for building standards;
- The proposed development intends to improve the amenity within the Commercial Hotel and provide improved public use within the greater precinct;
- The proposed development intends to continue the historic use of the Commercial Hotel on the ground floor, thus ensuring its ongoing role in Liverpool's historic district and part of the trio of the pub cluster along Scott Street;
- The proposed development intends to introduce a new use to the Commercial Hotel on upper floors to fit with the future development opportunities associated with the location of the site;
- By demolishing the northern wing, the proposed development would improve the public thoroughfare from Bigge Street and the site's approach from the Liverpool Railway Station;
- With the public plaza and outdoor seating around the heritage item, the proposed development also intends to improve the access and relationship of the item at the rear of the site which is currently blocked from view. Additionally, it proposes to install awnings around the rear periphery of the site, making it aesthetically pleasing after demolition works are complete; and
- The proposed development also intends to install a lift at the rear of the periphery of the subject item, improving the accessibility of the upper levels of the Commercial Hotel.

With respect to the proposed Tower and Stables building, the Preliminary Heritage Impact Assessment makes the following findings:

- The proposed Tower would be configured in the western extent of the site, ensuring a setback from the heritage item which is further enhanced by elevating the bulk of the built form above the height of the Commercial Hotel;
- The ground plane offers an extension to the public domain by enhancing the permeability through the site and contributes to the hierarchy of spaces within the precinct;
- Creating an urban space between the heritage item and the two-storey podium of the new development ensures that the edges of the site are activated and create a public

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space that encourages community activation, pedestrian permeability, local amenity and strengthens urban connections;

- The eastern façade of the proposed Tower has been pushed away from the heritage items to achieve a maximum setback. Additionally, setbacks along the northern façade allow higher penetration levels of sunlight. The interlocking form of the proposed Tower further accentuates the setbacks required from the heritage items and the improved circulation from Bigge Street, Scott Street and Railway Lane;
- The new Stables building along the northern edge of the site would utilise the existing setback of the Commercial Hotel to improve the visibility of that heritage item as the site is approached from Liverpool Station;
- The materiality of the proposed Podium and Stables building intends to emulate the traditional built form and materiality of Liverpool's heritage characteristic. The context informs the palette, thus strengthening the dialogue between the environment, surroundings and the proposed development;
- By locating the core along the western edge of the site, the proposed development ensures that the amenities of the site are retained. Similarly, by locating the parking areas below ground, the proposed development further ensures that it does not reduce the air quality on ground and thus improves the usability of the public plaza created at the heart of the development; and
- While height of the proposed Tower would rise well above surrounding buildings, it must be noted that the proposed development fulfils and complies to the future development controls associated with the site as per forthcoming changes to the LDCP 2008 under Amendment 52 to the LLEP 2008.

With respect to the proposed civic space and through-site linkages, the Preliminary Heritage Impact Assessment makes the following findings:

- With the demolition of later additions, detracting alterations and modifications around the curtilage of the Commercial Hotel, the proposed development improves the visibility of the Commercial Hotel;
- By proposing the new civic space and improving the site's permeability and pedestrian access to the site, the proposed development would drastically improve the urban connections and streetscape of the surrounding area; and
- With activation of the new civic space and improving access to the Commercial Hotel, the proposed development would ensure increased public activity and connection to the heritage precinct.

In its current form, it is considered that the proposed development would result in a significant level of impact to the identified heritage values and fabric at the site, the nearby heritage items, and the Bigge Park Heritage Conservation Area, as well as significant heritage views in the locality.

## 6.2 CONTAMINATION

A Phase One Contamination Investigation has been prepared for the site and is included in **Appendix 4**. Historical site records and a site walkover inspection were conducted to inform this Phase One Investigation.

The site walkover inspection identified the following areas of environmental concern:

- Potential for pesticide use across the site;
- Potential for fill material of unknown origin to be present across the site;
- Potential for hazardous building material buried at the site;
- Potential for spills or leaks from potential historical fuel and chemical use, and utilise onsite; and

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- Localised impacts from vehicles use at the site.

Potential contamination sources at the site and their assessed risks are outlined in **Table 7**.

<b>Table 7 Assessment of Contamination Risk from Potential Sources</b>	
<b>Potential Contamination Source</b>	<b>Assessed Risk</b>
Presence of residues derived from organochlorine pesticides used for termite control	Low
Presence of contaminated fill which was imported onto the site	Medium
Presence of asbestos in soils as a result of burial of previously demolished residential structures	Medium
Long-term commercial/light industrial use of the site, including a fireworks retailer	Medium
Presence of localised hydrocarbon fuel and lubricant spillages derived from road transport and site vehicles	Low
Presence of localised hydrocarbon fuel and oil leakages	Low
Electrical Substation	Low to medium
Migration of contamination onto the site from adjoining lands	Medium
Hazardous building materials within existing site structures	Medium

Importantly, no records or other evidence were identified to indicate the previous or present handling or storage of hazardous materials on the site. The historical searches indicate that commercial and residential operations have been previously undertaken at the site. As observed in the site walkover inspection, a small volume of stored chemicals associated with cleaning is present in the hotel store rooms. However, this was observed to be in good condition with no leakages noted during the site inspection.

No toxic materials were observed on the site during the site inspection. The risk of significant spillage or product release onsite is therefore considered to be low.

After review, the chemicals of potential concern at the site were considered to be:

- Soil – heavy metals, total recoverable hydrocarbons, the monocyclic aromatic hydrocarbons: benzene, toluene, ethyl-benzene and xylenes (BTEX), volatile organic compounds, polycyclic aromatic hydrocarbons, organochlorine and organophosphorus pesticides, polychlorinated biphenyls, amines, anilines, and asbestos; and
- Groundwater – heavy metals, total recoverable hydrocarbons, benzene, toluene, ethyl-benzene and xylenes, polycyclic aromatic hydrocarbons, volatile organic compounds including chlorinated volatile organic compounds.

A conceptual site model (CSM) and subsequent qualitative risk assessment was derived for the site. The CSM identified potential contaminating sources that may occur at the site and evaluated the likelihood for relevant exposure pathways to be completed during and after the proposed development. The risk assessment was conducted with respect to the proposed development, which includes sensitive land uses. This qualitative risk assessment identified a general medium risk contamination to be present at the site.

Based on the findings of the Phase One Contamination Investigation, it is considered that there is potential for contamination to be present at the site. Given the nature of the proposed development, a Phase Two Contamination Investigation, as well as a hazardous materials survey are warranted to quantify any potential contamination, and assist with the selection and implementation of remedial and risk mitigations measures (if required) to enable the site to be suitable for the proposed development.

Overall the Phase One Contamination Investigation makes the following recommendations:

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- Prior to site demolition, carry out a Hazardous Materials Survey on existing site structures to identify potentially hazardous building products that may be released to the environment during demolition. This survey is necessitated by the legislative requirements of protecting site personnel from potential exposure risks; and
- Undertake a Phase Two Contamination Investigation following the demolition of site structures due to restricted access and operating businesses, comprising an intrusive site investigation, including a programme of soil and groundwater. The Phase Two Contamination Investigation would be utilised to characterise any potential site contamination, and to ascertain any requirements for remediation or management should contamination be identified.

These matters of potential contamination concern would be further dealt with at the site to ensure the site is suitable for the proposed development as per SEPP 55.

### 6.3 CIVIL WORKS

Civil Plans to support the proposed development are included in **Appendix 2**. This includes the proposed location of:

- Grated drains;
- Stormwater lines;
- Stormwater pipes;
- Rainwater outlets;
- Stormwater junction pits; and
- The permanent site retention basin.

A Stormwater Concept Plan is also included in **Appendix 2**, demonstrating how the required pollutant load reductions can be achieved through MUSIC Modelling. The site is not mapped by Liverpool City Council as lying within the floodplain. Overland flows would travel off of the site in an easterly direction. The stormwater system at the site would be designed so as to not have any significant impacts on water runoff quality or quantity.

**Appendix 2** also includes an Erosion and Sediment Control Plan to support the construction of the proposed development. This includes:

- The locations of existing stormwater pits to be protected by sandbags;
- Catch drains to divert stormwater runoff to sedimentation treatment tanks;
- Indicative stockpile locations;
- A sediment basin to provide for storage of site rainfall runoff and separation of soil and water. Clean water would be pumped out of the basin and discharged to the existing stormwater network once the level of water quality is acceptable;
- Existing stormwater pits to collect water discharged by the proposed sediment basin;
- Shaker grid and vehicle wash down facility to be located at site access; and
- Location of sediment fence to be erected so as to contain loose sediment within the area of disturbance.

**Appendix 2** furthermore contains a statement verifying that the structural design for the proposed development would be undertaken in accordance with standard engineering practice, and would meet the structural requirements of the Building Code of Australia. In particular, the design of the proposed development can achieve compliance with the following relevant Australian Standards:

- *AS/NZS 1170.0 – 2002 Structural designs actions General principles;*

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- *AS/NZS 1170.1 – 2002 Structural design actions Permanent, imposed and other actions;*
- *AS/NZS 1170.2 – 2011 Structural design actions Wind actions;*
- *AS/NZS 1170.4 – 2007 Structural design actions Part 4: Earthquake actions in Australia;*
- *AS3600 – 2009 Concrete structures;*
- *AS3700 – 2011 Masonry structures; and*
- *AS4100 – 1998 Steel structures.*

### 6.4 NOISE AND VIBRATION

The proposed development would be designed so as to not cause any significant noise or vibration impacts.

### 6.5 WIND

An Environmental Wind Assessment has been prepared in support of the proposed development and is included in **Appendix 8**. This Environmental Wind Assessment has qualitatively considered the impacts of the proposed development on surrounding pedestrians.

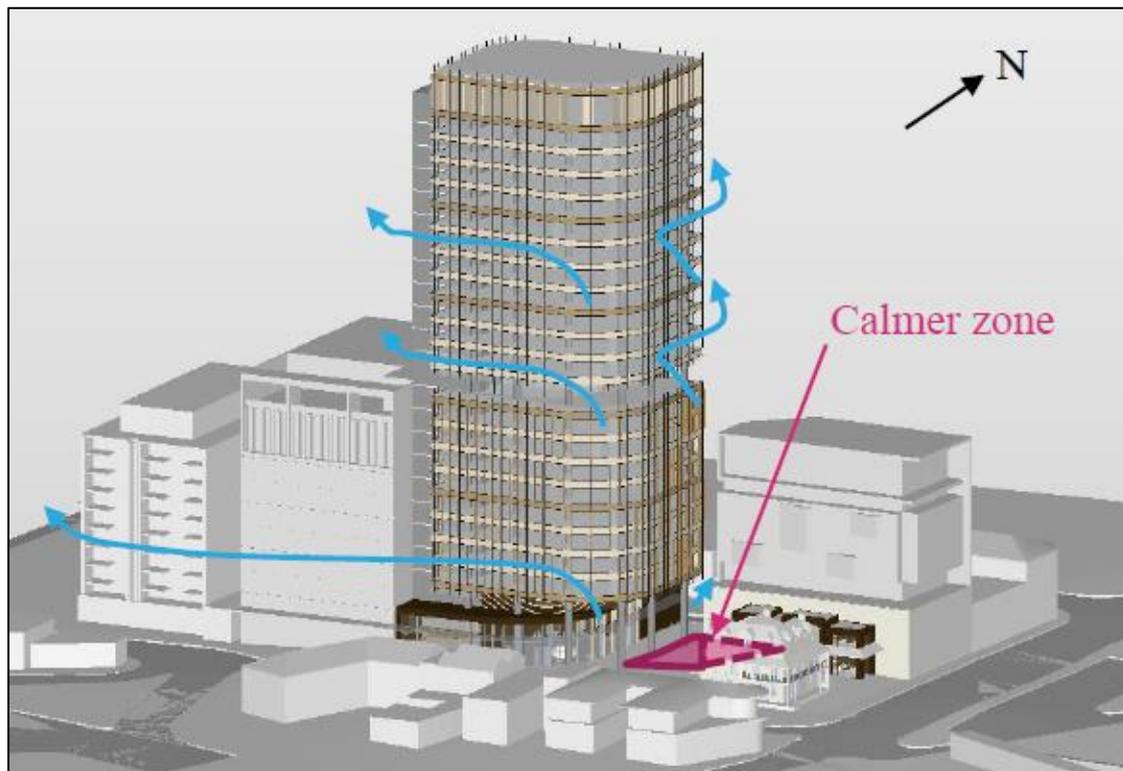
The site is generally surrounded by low-rise buildings in all directions, with some medium-rise buildings to the immediate north and west. From a wind perspective, the nearby topography is essentially flat. As the site is located in close proximity to Liverpool Station and the Liverpool-Parramatta Transitway, pedestrian traffic along Scott Street and Bigge Street is expected to be relatively high, with a lower volume of pedestrian traffic crossing the site.

Given that the massing of the proposed development is significant and would be larger than surrounding buildings, the proposed development would impact on local wind conditions. At some locations, the proposed development would improve wind conditions for certain directions whilst increasing wind speeds at others. Benefits of the proposed development from a wind perspective include the rounded south-east and north-west corners, as well as the proposed development's proximity to neighbouring buildings.

Winds from the south-east would impact on the curved corner of the proposed Tower, which would promote horizontal flow around the Tower rather than induce downwash (refer to **Figure 29**). The increased massing along Scott Street would direct more horizontal flow along the street. The relatively small gap between the proposed Tower and the existing medium-rise tower to the immediate north would be expected to create calmer conditions in the new civic space to the east. As the flow area reduces, the wind speed would accelerate between these buildings producing stronger albeit relatively steady wind conditions through the narrowest section. As the flow area expands to the north, these wind speed would decrease. Further reducing the narrowest section would localise the wind conditions, whilst not increasing the magnitude of the wind.

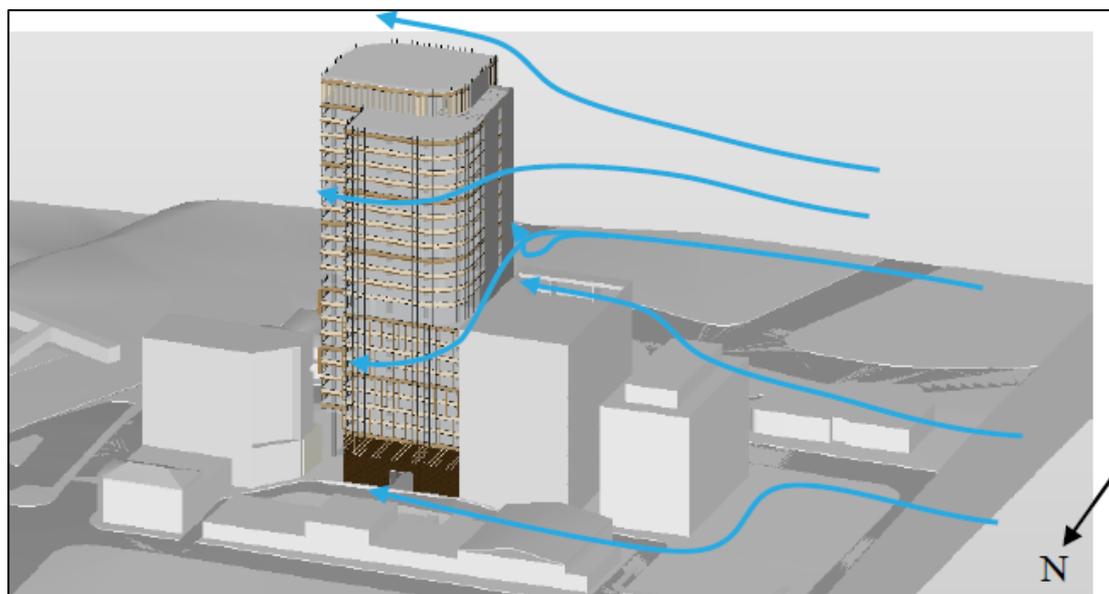
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**Figure 29 Flow Patterns Around the Proposed Development for Winds from the South-East**

Upon reaching the site, winds from the west would already be influenced by the building to the west causing channelled flow along Scott Street and the laneway to the north of the site. It is expected that the flow impinging on the exposed western section of the proposed Tower would induce downwash to be redirected by the roof of the neighbouring medium-rise building rather than reaching ground level (refer to **Figure 30**). As the flow direction is more from the north-west, the flow would impinge on the curved north-west corner of the proposed Tower, which would induce horizontal flow around the tower. Stronger winds can be expected through the gap to the east of the development, but would be expected to be lower than for winds from the south-east.

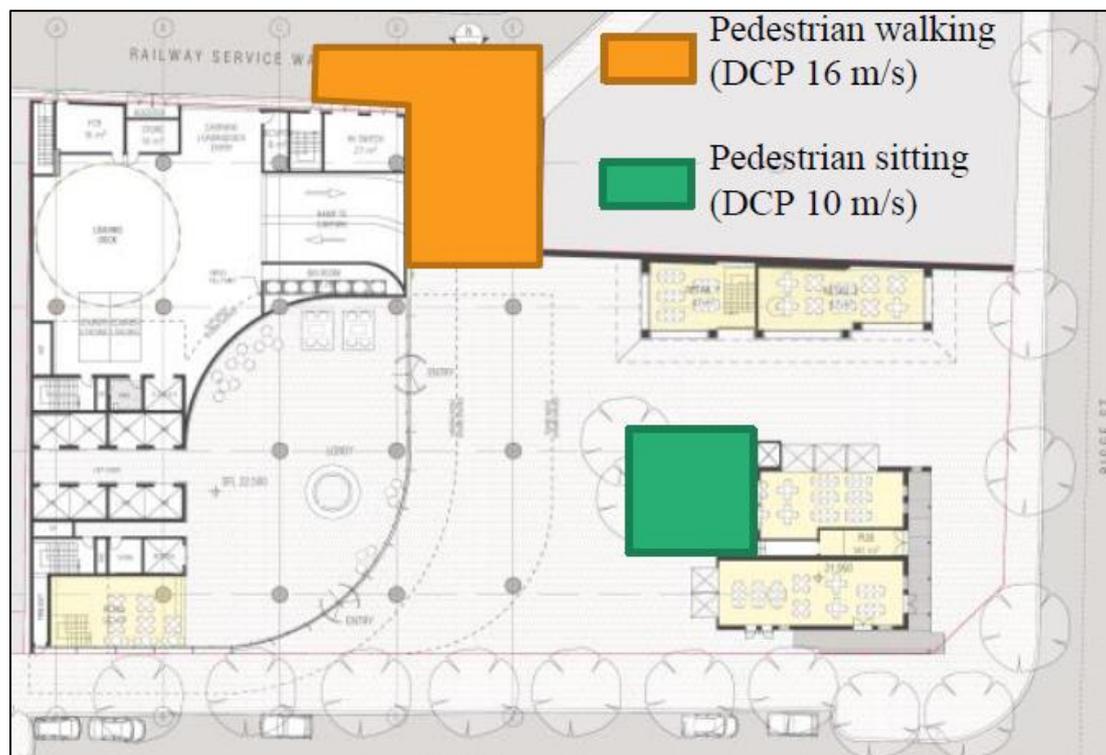


**Figure 30 Flow Patterns Around the Proposed Development for Winds from the West**

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Integrating the expected directional wind conditions around the site qualitatively with the existing wind climate, it is considered that wind conditions at the majority of locations around the site would be suitable for pedestrian standing (13m/s) or short-term stationary activities (refer to **Figure 31**). Local windier conditions are expected through the laneway to the east, and calmer conditions in the eastern civic space.



**Figure 31 Predicted Wind Conditions around the Site**

It is therefore concluded that all locations within the proposed development would meet the relevant wind safety criterion. From a wind comfort perspective, the majority of the surrounding areas are expected to meet the requirements for their intended use.

It is proposed to further progress the Environmental Wind Assessment contained in **Appendix 8** with quantitative wind modelling results. This process is ideally conducted during the detailed design stage.

### 6.6 SOLAR ACCESS

The proposed development would be designed so as to be generally consistent with the solar access criteria set out in the LLEP 2008 and the LDCP 2008.

### 6.7 REFLECTIVITY

A Reflectivity Statement has been prepared in support of the proposed development and is included in **Appendix 11**. This Reflectivity Statement assessed the geometry, orientation, material and context of the proposed Tower at a high level to determine the potential impacts pedestrians and motorists and makes preliminary findings on the same. This included preliminary calculations of maximum equivalent veiling luminance for the principal Tower elevation orientations and travel directions of traffic on nearby main roads. It is acknowledged that a detailed reflectivity assessment may be required during the detailed design stage to further consider reflectivity risks to oncoming traffic at specific locations.

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The proposed Tower would be significantly higher than the existing surrounding context. Its façade would comprise full height glazing in vision and spandrel zones. The north-west and south-east corners would be convex curved with faceted glazing.

Reflection impacts on traffic and pedestrians potentially exceeding 500Cd/m<sup>2</sup> equivalent veiling luminance, and therefore causing glare, would likely be limited to Memorial Avenue/Scott Street while travelling east during the evening, and along Newbridge Road heading north-west during the early morning. This is due to the fact that glare from reflections off vertical facades usually only occurs at low sun angles, when they reach viewers at angles close to their plane of vision. As the proposed Tower would be taller than its surrounding context, such reflections may be visible for long stretches along these roads.

Reflections from corner facets may be cast in a number of directions and be visible from other roads at times of low sun angles. However, their intensity would be limited at distance where the single panel width of facets would appear smaller than the angular diameter of the reflected sun disk.

Solar shading devices such as vertical or horizontal louvres have the potential to reduce the impact of reflections. However, where reflections occur at close to normal angle of incidence, this shading effect of the devices may be limited.

Other nearby main traffic routes such as Bigge Street and the Main South Railway Line are unlikely to experience reflectivity impacts as a result of the proposed development. Reflections cast into the directions of traffic on these routes from the main facades would originate from sun positions higher in the sky, and thus either further away from the direction of view with much reduced glare potential, or beyond typical car window cut-off.

The potential reflectivity issues on Memorial Avenue/Scott Street and Newbridge Road would be subject to further assessment. Impacts would be mitigated with the following as required:

- Selecting low reflectivity glass: the reflectivity of the glass may be reduced below the general LDCP 2008 limit of 20%. Preliminary high level calculations suggest that selecting low reflectivity glass within feasible parameters for typical façade glazing products (reflectivity >8-10%) may be sufficient to limit reflection intensity to acceptable levels; and
- Shading devices: although not as effective as reducing the reflectivity of the glass for reflections close to normal, sunshades positioned correctly can help reduce the potential of unacceptable reflections.

From the perspective of pedestrians moving along roadways, the incidence of reflections from glass materials is generally similar to the examined road traffic locations. Glare from reflections would therefore be expected in similar locations. However, pedestrian observers are easily able to adjust their view and thus reduce the glare impact of reflections. They move at a rate significantly slower than that of a vehicle. For this reason it can be assumed that it would be safe for pedestrians to divert their vision in order to avoid glare.

Solar reflections off the facade may reach surrounding buildings in the area. This may occur for limited time periods throughout the day, i.e. during the morning sun may be reflected off the east facades towards buildings further to the east, and afternoon sun may be reflected towards buildings further west. In general, reflections from facades with external reflectance below 20% are much less likely to cause discomfort to occupants of surrounding buildings than facades with strongly reflective glazing. The proposed Tower would target a glass reflectance below 20% in accordance with the LDCP 2008. This would serve to reduce potential glare reflections that may occasionally be produced towards other buildings.

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### 6.8 EFFICIENCY

An Energy Efficiency Report would be provided from a suitably qualified consultant to demonstrate how the proposed development can achieve 4 stars under the Australian Building Greenhouse Rating Scheme.

### 6.9 BUILDING CODE OF AUSTRALIA

A Building Code of Australia Statement has been prepared in support of the proposed development and is included in **Appendix 9**. The proposed development would comprise building classifications 5 (Office), 7a (Carpark), and Class 6 (Retail and Food and Drinks Premises).

It is considered that compliance with the Building Code of Australia would be able to be achieved through a combination of compliance with the deemed-to-satisfy provisions and the documentation of alternative solutions in accordance with Clause A0.5 of the Building Code of Australia, suitably prepared by the Accredited Fire Safety Engineer (refer to **Appendix 10**).

According to the Fire Engineering Statement (refer to **Appendix 10**), the fire safety design of the proposed development would generally satisfy the performance requirements of the Building Code of Australia by complying with the Deemed-to-Satisfy Provisions. However, there are some aspects of the proposed development that would be developed using performance based fire engineering to achieve compliance with the Building Code of Australia performance requirements. These key matters for consideration are as follows:

- The proposed Tower would have two fire stairs serving the office floors. The fire stairs would be located to maximise the open floor plates and as such there may be extended travel distances to a point of choice and to the exits, particularly after a tenancy fit out. This would be accommodated using performance based fire engineering with earlier smoke detection from an enhanced smoke detection system;
- The proposed Tower would be adjacent to the neighbouring western tower. The risk of fire spread between the two buildings would be mitigated to the degree necessary through the use of fire rated walls or external wall-wetting sprinkler protection, with assessment being undertaken to demonstrate the acceptability of any non-compliant solution for window protection at higher levels. This would be further developed during the design development of the proposed development;
- The location of fire fighting elements including hydrant boosters and the fire control room would be subject to fire engineering performance solutions and discussions with Fire and Rescue NSW. It is noted that the proposed location of these services would enable a consolidated location from which Fire and Rescue NSW could stage fire-fighting operations; and
- It is likely that the local heritage listed Commercial Hotel refurbishment would feature elements of performance-based fire engineering, particularly having due regard to the Heritage fabric of the building.

At this stage, it is considered that other fire safety aspects of the proposed development appear to comply, or are capable of complying, with the deemed to satisfy provisions of the Building Code of Australia. While other non-compliances with the Deemed to Satisfy Provisions of the Building Code of Australia may also arise as the design progresses, it is considered that there are no issues which would affect the proposed Tower's layout in terms of fire safety.

### 6.10 ACCESS

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The proposed development would be designed so as to be generally consistent with the *Disability Discrimination Act 1992*.

### 6.11 CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The principles of Crime Prevention Through Environmental Design (CPTED) have been considered in the design of the proposed development.

The CPTED guidelines were prepared by the NSW Police in conjunction with the Department of Planning. CPTED provides a clear approach to crime prevention and focuses on the 'planning, design and structure of cities and neighbourhoods'. The main aim of the policy is to:

- Limit opportunities for crime;
- Manage space to create a safe environment through common ownership and encouraging the general public to become active guardians; and
- Increase the perceived risk involved in committing crime.

The guidelines provide four key principles to limit crime, including. These are:

- Surveillance;
- Access control;
- Territorial re-enforcement; and
- Space/activity management.

#### Principle 1 - Surveillance:

The attractiveness of crime targets can be reduced by providing opportunities for effective surveillance, both natural and technical. The proposed development would include the following surveillance principles and methods:

- The proposed development would include a new civic space and through-site links which are designed to be between 6-9.5m in width. The civic space and through-site linkages would also be largely active along their frontages, would be open air, and would also be publically accessible. These design elements would invite casual surveillance of those moving through the site;
- The civic space and through-site linkages would be visually prominent with clear sightlines, and well-lit with good accessibility to natural light during daylight hours; and
- Landscaping at the site would enforce both the site's informal boundaries whilst integrating it into the surrounding public domain. Landscaping at the site would create open spaces, rather than potential pockets of entrapment.

Overall, the civic space and through-site linkages at the site would therefore encompass natural surveillance through community activation, pedestrian permeability, local amenity and strong urban connections to increase the visibility of those accessing the site.

#### Principle 2 – Access Control

Access Control can be defined as physical and symbolic barriers that are used to 'attract, channel or restrict the movement of people.' The proposed development would include the following access control principles and methods:

- Use of a central lift lobby which will clearly indicate which floors are occupied by what business, also potentially security provisions to certain levels;

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- Some target hardening techniques such as access controlled car parking and access to certain floors of the proposed Tower would be installed where appropriate to ensure a safe environment for users of the site;
- Signage (including security system signage where required) would be used to control activities and movements throughout the site; and
- The civic space and through-site linkages would be visually prominent with clear sightlines, and well-lit with good accessibility to natural light during daylight hours.

Overall, both informal and formal access controls at the site would prevent and deter anti-social and criminal behaviours at the site.

### Principle 3 - Territorial Reinforcement

Territorial reinforcement prevents anti-social and criminal behaviour through informal means. The proposed development would include the following territorial reinforcement principles and methods:

- The design of the new civic space and through-site linkages would encourage people to gather in this new plaza-type area, further discouraging anti-social behavior at the site by communicating an alert and active presence at the site;
- The quality of the site's design would informally indicate the use of the site for Commercial Premises, Retail and Food and Drinks Premises land uses, as well as for sanctioned entertainment purposes. These style markers at the site would discourage persons from accessing the site with anti-social or criminal intentions;
- Signage (including security system signage where required) would be used to control activities and movements throughout the site;
- Some target hardening techniques such as access controlled car parking and access to certain floors of the proposed Tower would be installed where appropriate to ensure a safe environment for users of the site; and
- Well maintained planters, gardens and pavers would indicate the proposed development is well-used and cared for to reduce criminal activity at the site.

Overall, the territory of the site would be reinforced as a new, quality precinct which does not tolerate anti-social or criminal behaviours.

### Principle 4 - Space Management

Space management can reduce opportunities for anti-social and criminal behaviour. The proposed development would incorporate the following space management principles and methods:

- On the ground level, pathways and planters would be well maintained by a landscape contractor. Continued repairs and maintenance would discourage anti-social behaviour, including vandalism, as well as ensuring that the site retains its nature as a quality space for those visiting it to access offices, services or leisure opportunities;
- High quality materials, varied façade treatments and landscaping along boundaries would assist in discouraging vandalism and graffiti;
- Vandalism or graffiti would be managed promptly;
- The site has been designed so as to avoid potential pockets of entrapment. The proposed through-site linkages would be wide and open air, integrating into the surrounding streetscape and further strengthening opportunities for casual surveillance; and
- Some target hardening techniques such as access controlled car parking and access to certain floors of the proposed Tower would be installed where appropriate to ensure a safe environment for users of the site.

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Overall, the open nature of the new civic space and through-site linkages would provide little opportunity for anti-social behaviour or criminal activities to take place at the site.

### **6.12 LANDSCAPING**

Landscaping at the site would be designed so as to generally meet the requirements of the LDCP 2008.

### **6.13 ABORIGINAL HERITAGE**

Given the scale of historical land uses which have taken place at the site, the potential for Aboriginal heritage items to be located at the site is low. Therefore, no further assessment of Aboriginal cultural heritage is required to support the proposed development, and no Aboriginal Heritage Impact Permits are required under section 90 of the NP&W Act. This matter would be reassessed in the event that an unexpected find occurs during the proposed development.

### **6.14 SOILS AND GEOTECHNICAL REQUIREMENTS**

A geotechnical report would be prepared to demonstrate how the proposed development can be suitably constructed at the site given the underlying geotechnical conditions.

### **6.15 TRAFFIC AND TRANSPORT**

Traffic and transport matters at the site would generally be designed so as to meet the requirements of the LDCP 2008.

### **6.16 WASTE MANAGEMENT**

Waste management at the site would be generally designed so as to meet the requirements of the LDCP 2008.

### **6.17 SOCIO-ECONOMIC IMPACTS**

The proposed development is considered to be key in meeting the demand for new Commercial Premises and Office Premises floorspace within the Liverpool CBD by providing around 24,232.8m<sup>2</sup> of Net Lettable Office Premises floorspace. It therefore assists in meeting the rising demand for office floorspace outside of the traditional office floorspace centres throughout Greater Sydney, as recognised by the Greater Sydney Commission. This is furthermore with the NSW Government's Decentralisation Program, whereby public sector jobs will be relocated from the Harbour CBD into other parts of Greater Sydney with a particular focus on Western Sydney. Indeed, Liverpool is one of the cities targeted for relocation of some of the 3,000 NSW Public Sector jobs which would fall under this scheme. The aim of this Decentralisation Program is to stimulate economic growth, long-term job generation and provide jobs closer to where people live. The proposed development has the potential to contribute toward this Public Sector program, and has been designed to be suitable for a range of commercial tenants, including public sector tenants should that need arise.

The site is furthermore easily accessible from a range of residential suburbs, including new residential release areas. Providing commercial employment floorspace near to where people live would thereby deliver on the Greater Sydney Commission's strategic aim of the 30-minute city.

The proposed development has been designed to provide a new civic space connected with new through-site linkages to increase the permeability, walkability and legibility of the Liverpool

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CBD. The proposed development furthermore meets the key outcomes for Transit Oriented Development due to its strategic location within 80m of Liverpool Station and 140m from the Liverpool-Parramatta Transitway.

Overall, the proposed development would create significant uplift for the locality and would resolve the locality's existing CPTED issues for which Council desires resolution. It is therefore wholly justifiable on socio-economic grounds.

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## PART G CONCLUSION

### 7.1 SUITABILITY OF THE SITE

The suitability of the site to support the proposed development is based on the following:

- The proposed development is permitted with consent at the site;
- The site is mapped under the LLEP 2008 as forming part of the Scott Street Key Site (refer to **Section 2.1.2**), which is described by Liverpool City Council as requiring:
  - Significant floorspace and critical mass to anchor the southern end of Macquarie Street; and
  - A podium of public uses with one-two tower elements;
- The location of the site allows the proposed development to encapsulate the principles of Transit Oriented Development;
- The location of the Commercial Hotel at the site allows the proposed development to create a landmark design responding to and benefiting from this significant local heritage listed item;
- The site in its current state is not meeting its full planning potential and requires urban renewal to create significant uplift for the Scott Street Key Site and the Bigge Park Conservation Area generally; and
- The site is within the Liverpool CBD which has been identified by the Greater Sydney Commission as one of the four clustered centres which will deliver metropolitan functions as well as concentrations of higher order jobs and a wide range of goods and services for the Western Parkland City.

### 7.2 ECOLOGICALLY SUSTAINABLE DEVELOPMENT

The proposed development has been assessed against the principles of ecologically sustainable development as set out in the *Protection of the Environment Operations (General) Regulation 2009*.

#### 7.1.1 Precautionary Principle

The precautionary principle requires that public and private decisions be guided by:

- Careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment; and
- An assessment of the risk-weighted consequences of various options.

The proposed development would not create the risk of serious or irreversible damage to the environment. **Section 4.1** explains how various alternative options were assessed in determining the desired scope of the proposed development.

Ultimately, the proposed development would not create any threats of serious or irreversible environmental damage which would require further scientific study to fully ascertain.

#### 7.1.2 Inter-Generational Equity

The proposed development would be designed to achieve a 4 star rating under the Australian Building Greenhouse Rating Scheme. The proposed development would create significant commercial employment floorspace near to where a range of new residential land release areas are located, thereby supporting the Greater Sydney's Commission's ideal of the 30-Minute City. This would improve the work-travel conditions for future residents of the Western Parkland City. By encapsulating the principles of Transit Oriented Development and including an End of Trip facility, the proposed development would also encourage more efficient transport modes

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for patrons accessing the site and a corresponding drop in excess greenhouse gas emissions which would otherwise be generated through inefficient transport modes.

The proposed development would therefore maintain the health, diversity and productivity of the environment for the benefit of future generations.

### **7.1.3 Conservation of Biological Diversity and Ecological Integrity**

The proposed development would take place on a brownfield site. It would not cause any impacts to the nearest sensitive environmental receiver, Georges River, which is located around 150m from the site and physically separated from the site by roads and the Main South Railway Line.

The proposed development would therefore not impact on the conservation of biological diversity or the ecological integrity of the locality.

### **7.1.4 Improved Valuation, Pricing and Incentive Mechanisms**

The proposed development would not require any Environment Protection Licence or other mechanism to compensate for any pollution generating activities at the site.

## **7.2 PROPOSAL JUSTIFICATION**

The proposed development is considered to be in the public interest as it would be crucial to the Liverpool CBD meeting the demand for new Commercial Premises and Office Premises floorspace within the Western Parkland City. The environmental impacts of the proposed development can be mitigated to an appropriate level. The proposed development is furthermore:

- Permissible with development consent; and
- A model of transit oriented development for the burgeoning Liverpool CBD.

Public exhibition of the DA for the proposed development would be required under the EP&A Act. Comments raised during the exhibition process would be reviewed by Willowtree and Mackycorp, and a response prepared for Council's consideration.

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## **APPENDIX 1 ARCHITECTURAL PLANS**

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**APPENDIX 2 CIVIL PLANS**

## **Statement of Environmental Effects**

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## **APPENDIX 3 HERITAGE ASSESSMENT**

## **Statement of Environmental Effects**

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## **APPENDIX 4 PHASE ONE CONTAMINATION INVESTIGATION**

**Statement of Environmental Effects**

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**APPENDIX 5 LIVERPOOL DCP 2008 ASSESSMENT**

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**APPENDIX 6 DRAFT PLANNING CONTROLS ASSESSMENT**

## **Statement of Environmental Effects**

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### **APPENDIX 7 CLAUSE 4.6 VARIATION**

## **Statement of Environmental Effects**

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## **APPENDIX 8 ENVIRONMENTAL WIND ASSESSMENT**

## **Statement of Environmental Effects**

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## **APPENDIX 9 BCA STATEMENT**

## **Statement of Environmental Effects**

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## **APPENDIX 10 FIRE ENGINEERING STATEMENT**

## **Statement of Environmental Effects**

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## **APPENDIX 11 REFLECTIVITY STATEMENT**

## **Statement of Environmental Effects**

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## **APPENDIX 12 URBAN DESIGN STATEMENT**

**Statement of Environmental Effects**

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**APPENDIX 13 QS STATEMENT**